TITLE: FEDERAL REGISTER

REEL NO: 3 of 8 PAGES: 7,717 - 11,679

VOLUME: 48 ISSUES: 38 - 54

DATE: February 24 - March 18, 1983

PUBLICATION NO: 2575

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United States
Government
Printing Office
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OF DOCUMENTS
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Federal Register
(ISSN 0097-6326)

Postage and Fees Paid
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SECOND CLASS NEWSPAPER

VOL
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2-24-83
Vol. 48
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Civil Aeronautics Board

Aviation Safety
Federal Aviation Administration

Coal Mining
Surface Mining Reclamation and Enforcement Office

Holding Companies
Federal Reserve System

Housing Standards
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Mortgage Insurance
Federal Housing Commissioner—Office of Assistant Secretary for Housing

Pesticides and Pests
Environmental Protection Agency

Radio Broadcasting
Federal Communications Commission

Securities
Federal Reserve System

Television Broadcasting
Federal Communications Commission

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—

The President

Executive Order 12407 of February 22, 1983

Federal Regional Councils

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to eliminate a mechanism for interagency and intergovernmental coordination which is no longer needed, it is hereby ordered that Executive Order No. 12314, establishing the Federal Regional Councils, is revoked.

Ronald Reagan

THE WHITE HOUSE,
February 22, 1983.

[FR Doc. 83-4884
Filed 2-23-83; 10:33 am]
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 557]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 25–March 3, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on February 22, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. § 907.867 is added as follows:

§ 907.867 Navel orange regulation 557.

The quantities of navel oranges grown in California and Arizona which may be handled during the period February 25, 1983 through March 3, 1983, are established as follows:

(a) District 1: 1,300,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 22, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–4956 Filed 2–23–83; 1:03 pm]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R–0456]

Regulation Y; Bank Holding Companies; Futures, Forward and Options Contracts on U.S. Government and Agency Securities and Money Market Instruments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Amended policy statement.

SUMMARY: On August 21, 1980, the Board of Governors adopted a policy statement with respect to the use by bank holding companies of futures, forward and standby contracts on U.S. government and agency securities. The policy statement is being amended at this time, principally to request that bank holding companies furnish written notification to their District Federal Reserve Bank if such contract activities are undertaken by a parent bank holding company or a nonbank subsidiary. In addition, the policy statement is amended to clarify that it encompasses futures and options contracts on money market instruments, as well as U.S. government and agency securities, and exchange traded options contracts, as well as "standby" contracts.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert S. Plotkin, Assistant Director, or Michael J. Schoenfeld, Senior Securities Regulation Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2781).

SUPPLEMENTARY INFORMATION: In March, 1980, the three federal bank regulatory agencies adopted revised guidelines for banks engaging in futures,

forward and standby contracts on U.S. government and agency securities.[1] After questions arose concerning the application of the joint bank policy statements to bank holding companies contemplating similar practices, the Board adopted a statement setting forth its policy with respect to bank holding company participation in forward placement or delayed delivery contracts and interest rate futures contracts (collectively referred to as "financial contracts"), pursuant to sections 5(b) and 8 of the Bank Holding Company Act (12 U.S.C. 1844 and 1847) and section 8(b) of the Financial Institutions Supervisory Act (12 U.S.C. 1818(b)).[2] Subsequent to the commencement of futures trading specifying delivery of domestic bank certificates of deposit, the Board issued a final interpretation to clarify that the financial contracts policy statement also applies to newer interest rate futures contracts which specify delivery of money market instruments, as well as government or agency securities.[3] Hence, this amended policy statement includes money market instruments in its title, and also reflects the fact that since the issuance of the policy statement, exchange trading has begun in options specifying delivery of debt securities, money market instruments, or futures contracts specifying delivery of debt securities.

The principal purpose of this amendment to the policy statement is to incorporate a revised paragraph (f), Federal Reserve Bank Notification. Revised paragraph (f) requests that bank holding company management notify the appropriate District Reserve Bank when the parent bank holding company or a nonbank subsidiary has begun to engage in financial contract transactions. Holding company systems already engaged in financial contract transactions are requested to notify the appropriate Federal Reserve Bank of the activity by March 31, 1983.

This notification is intended to aid District Reserve Banks in monitoring such activities. Since the federal bank regulatory agencies will begin to receive Supplemental Call Report data with respect to financial contract activities as of June 30, 1983, specific notification by State member banks does not appear necessary at this time.

[1] See 45 FR 16116 (March 20, 1980); 45 FR 16120 (March 20, 1980); Comptroller of the Currency, Banking Circular 79 (2nd Rev.).

[2] See 45 FR 61386 (September 17, 1980); 12 CFR 225.142.

[3] See 46 FR 46380 (September 18, 1981).

List of Subjects in 12 CFR Part 225

Banks, banking, Holding companies, Securities, Reporting and recordkeeping requirements.

PART 225—[AMENDED]

Accordingly, pursuant to sections 5(b) and 8 of the Bank Holding Company Act (12 U.S.C. 1844 and 1847) and section 8(b) of the Financial Institutions Supervisory Act (12 U.S.C. 1818(b)) the Board hereby amends its policy statement at 12 CFR § 225.142 to read in its entirety as follows:

§ 225.142 Statement of policy concerning bank holding companies engaging in futures, forward and options contracts on U.S. government and agency securities and money market instruments.

(a) *Purpose of Financial Contract Positions.* In supervising the activities of bank holding companies, the Board has adopted and continues to follow the principle that bank holding companies should serve as a source of strength for their subsidiary banks. Accordingly, the Board believes that any positions that bank holding companies or their nonbank subsidiaries take in financial contracts should reduce risk exposure, that is, not be speculative.

(b) *Establishment of Prudent Written Policies, Appropriate Limitations and Internal Controls and Audit Programs.* If the parent organization or nonbank subsidiary is taking or intends to take positions in financial contracts, that company's board of directors should approve prudent written policies and establish appropriate limitations to insure that financial contract activities are performed in a safe and sound manner with levels of activity reasonably related to the organization's business needs and capacity to fulfill obligations. In addition, internal controls and internal audit programs to monitor such activity should be established. The board of directors, a duly authorized committee thereof or the internal auditors should review periodically (at least monthly) all financial contract positions to insure conformity with such policies and limits. In order to determine the company's exposure, all open positions should be reviewed and market values determined at least monthly, or more often, depending on volume and magnitude of positions.

(c) *Formulating Policies and Recording Financial Contracts.* In formulating its policies and procedures, the parent holding company may consider the interest rate exposure of its nonbank subsidiaries, but not that of its bank subsidiaries. As a matter of policy, the Board believes that any financial contracts executed to reduce the interest rate exposure of a bank affiliate of a holding company should be reflected on the books and records of the bank affiliate (to the extent required by the bank policy statements), rather than on the books and records of the parent company. If a bank has an interest rate exposure that management believes requires hedging with financial contracts, the bank should be the direct beneficiary of any effort to reduce that exposure. The Board also believes that final responsibility for financial contract transactions for the account of each affiliated bank should reside with the management of that bank.

(d) *Accounting.* The joint bank policy statements of March 12, 1980 include accounting guidelines for banks that engage in financial contract activities. Since the Financial Accounting Standards Board is presently considering accounting standards for contract activities, no specific accounting requirements for financial contracts entered into by parent bank holding companies and nonbank subsidiaries are being mandated at this time. The Board expects to review further developments in this area.

(e) *Board to Monitor Bank Holding Company Transactions In Financial Contracts.* The Board intends to monitor closely bank holding company transactions in financial contracts to ensure that any such activity is consistent with maintaining a safe and sound banking system. In any cases where bank holding companies are found to be engaging in speculative practices, the Board is prepared to institute appropriate action under the Financial Institutions Supervisory Act of 1966, as amended.

(f) *Federal Reserve Bank Notification.* Bank holding companies should furnish written notification to their District Federal Reserve Bank within 10 days after financial contract activities are begun by the parent or a nonbank subsidiary. Holding companies in which the parent or a nonbank subsidiary currently engage in financial contract activity should furnish notice by March 31, 1983.

Board of Governors of the Federal Reserve System, February 17, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4673 Filed 2-23-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 19591; Amdt. No. 1 to Special Conditions No. 23-90-SO-3]

Special Conditions; Piper Aircraft Corporation Model PA-42 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: This amendment to Special Conditions No. 23-90-SO-3 permits their application to Piper Aircraft Corporation Model PA-42-1000 airplanes as well as future Model PA-42 derivative airplanes. The FAA has determined that these Special Conditions originally developed for the Piper Model PA-42 airplane (Cheyenne III) are also applicable to other Piper Model PA-42 series airplanes. This amendment will allow future PA-42 derivative airplanes to be added to the type certification without revising the Special Condition document.

EFFECTIVE DATE: March 20, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Olson, Aerospace Engineer, Aircraft Certification Division, Federal Aviation Administration, Room 1656, Federal Office Building, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The certification basis for the Piper PA-42 series airplane is as follows: Part 23 of the Federal Aviation Regulations (FAR), effective February 1, 1965, through Amendment 23-16, effective February 14, 1975; Amendment 23-17 §§ 23.977 and 23.1385, effective February 1, 1977; Amendment 23-18, § 23.1145, effective May 2, 1977, Amendment 23-21 §§ 23.45, 23.49, 23.65, 23.67, 23.77, 23.1145, and 23.1581, effective March 1, 1978; Amendment 23-23, § 23.1545(a); Special Federal Aviation Regulation (SFAR) 23 paragraph 55, effective January 20, 1970; SFAR 27, effective February 1, 1974 through Amendment 27-1; Part 36 of the FAR effective December 1, 1969 through Amendment 36-6; Special Conditions No. 23-90-SO-3, Docket No. 19591, issued September 24, 1978 including Amendment 1; the FAA Southern Region Engineering and Manufacturing Branch letter dated August 7, 1980, showing the equivalent level of safety finding for § 23.201(e) of the FAR.

Background

On November 25, 1981, the Piper Aircraft Corporation, Piper Lakeland Division, Lakeland, Florida 33803, submitted an application to amend Type Certificate A23SO to add a new Model PA-42-1000 airplane in the normal category. The Piper PA-42 series are pressurized, low-wing, T-tail, twin-turbopropeller-engine airplanes with a seating capacity of 10 including two crewmembers. The Piper Model PA-42 airplane for which Special Conditions No. 23-90-SO-3 were developed is powered with two 720 horsepower engines, has a maximum operating altitude of 33,000 feet, and a maximum gross weight of 11,200 pounds. The Piper Model PA-42-1000 airplane will be powered with two 1000-horsepower engines, have a maximum operating altitude of 41,000 feet, and a maximum gross weight of 11,950 pounds.

Because the PA-42 airplane design included turbopropeller engines and the regulations incorporated by reference in the type certification (TC) did not contain adequate or appropriate safety standards, Special Conditions No. 23-90-SO-3 were developed for the Piper Model PA-42 airplane to ensure a level of safety equivalent to that provided by Part 3 of the CAR and Part 23 of the FAR. Special Conditions No. 23-90-SO-3, Docket No. 19591 issued September 24, 1979, for type certification of the Piper Model PA-42 airplane are applicable to the Piper Model PA-42-1000 airplane as well as other new Piper PA-42 Series airplanes for the same novel or unusual design features for which the Special Conditions were developed. Accordingly, this amendment proposes to extend the applicability status of Special Conditions No. 23-90-SO-3 to all Piper PA-42 series airplanes, as appropriate, to Type Certificate A23SO without revising the Special Condition documents. This does not preclude the application of later amendments under the provisions of § 21.101(b)(1) or the issuance of Special Conditions that may be necessary under the provisions of § 21.101(b)(2) for future series of the Piper Model PA-42 airplanes.

The applicant and other interested persons have been given an opportunity to participate in the making of these Special Conditions. Notice No. SC-82-6-CE was published in the **Federal Register** on January 13, 1983, and no comments were received during the comment period.

Under rulemaking procedures, substantive rules are required to be published in the **Federal Register** 30 days before the effective date unless good cause exists for making the rule effective in less than 30 days and such cause is published with the rule. The airplane manufacturer has advised the FAA that its projected date for type certification of the Model PA-42-1000 airplane is March 20, 1983. Any delay beyond that projected date would have a serious impact on the company's production schedule and would delay the recall of employees who have been laid off from its Lakeland, Florida, factory. Accordingly, based on the foregoing, the FAA has determined that good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 21

Aviation safety, Aircraft, Air transportation and Safety.

Special Condition Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Special Condition No. 23-90-SO-3 issued September 24, 1979, to Piper Aircraft Corporation for the type certification of the Piper Model PA-42 airplane under Type Certificate No. A23SO is hereby amended by amending its applicability to read as follows:

"Special Conditions for the type certification of the Piper Model PA-42 series airplanes under Type Certificate A23SO."

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and §§ 11.28 and 11.29(b), Federal Aviation Regulations (14 CFR 11.28 and 11.29(b)).

Issued in Kansas City, Missouri, on February 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4675 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-62-AD; Amdt. 39-4570]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness Directive (AD) which requires inspection and repair, if necessary, of the wing spar terminal fitting. The AD is prompted by numerous reports of fatigue cracks in the wing rear spar terminal fitting. Failure to detect cracks prior to reaching critical length

may severely reduce the load carrying capability of the wing.

DATE: Effective March 31, 1983.

ADDRESSES: The applicable service bulletins may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information also may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Don Gonder, Airframe Branch, ANM,-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring the inspection and repair, as necessary, of the wing rear spar terminal fittings on certain Boeing Model 727 series airplanes was published in the **Federal Register** on September 16, 1982 (47 FR 40808). The comment period for the proposal closed on October 29, 1982.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

The Air Transport Association of America (ATA) commenting on behalf of its member operators requested that the comment period be extended to February 22, 1983. The ATA stated that this would give industry and the FAA time to review the Supplemental Structural Inspection Document (SSID) presently in development. The FAA does not concur. It has been previously established and is well documented that the structural details covered by the SSID include only those details for which there are no known fatigue cracking histories. The fatigue cracking history of the wing rear spar terminal fitting is well established. As such, the inspection of the affected fittings will not be included in the SSID.

One commenter expressed concern about the amount of cold expansion of certain fastener holes in the fittings. Cold expansion, a specialized form of cold working, tends to increase the fatigue resistance of the material around fastener holes. The commenter stated that the amount of cold expansion specified in the Boeing service bulletin may be inadequate to give the necessary fatigue properties. Therefore, the inspection thresholds and intervals may not be appropriate. Further investigation has revealed that the effects of cold expansion were not considered in the manufacturer's structural assessment. The existence of an inadequate amount of cold expansion is, therefore, immaterial when considering the appropriateness of the manufacturer's recommended inspection times. In addition, there have been no reports of fatigue cracks involving the reworked fittings.

Several commenters stated that the compliance time of 3,000 landings after the effective date was too restrictive and would result in considerable unscheduled down time, flight schedule disruption and possible grounding of some affected airplanes; and that the availability of replacement parts is not consistent with the proposed compliance time. The commenters suggested compliance times of 5000 to 6000 landings. Because of the difficulty and expense of gaining access into the inspection area and desirability to accomplish the preventive modification once access is gained, the initial compliance threshold should be compatible with the replacement parts availability. Further, the FAA has determined that an initial compliance threshold of 6000 landings would not have an adverse effect on safety. Therefore, the AD, as adopted, requires compliance within the next 6000 landings or prior to accumulating 30,000 landings, whichever occurs later.

Several commenters expressed concern that the AD required repetitive inspection of fittings, either improved ones installed prior to delivery or ones modified in service, for which there is no adverse fatigue history. The commentors maintain that by previously established guidelines for the development of the SSID, these fittings should be covered by the SSID and not the AD. The FAA concurs. Due to the lack of adverse service data concerning the improved fittings, these fittings do not require AD action and should more appropriately be covered by the SSID. The FAA also concurs that modification in accordance with the manufacturer's service instructions should constitute terminating action for the inspection requirements of this AD because of the lack of adverse service history on modified parts. The AD, as adopted, reflects these changes.

One commenter requested that credit be allowed for inspections completed prior to the effective date. The FAA concurs and the AD as adopted states that compliance is required as indicated, unless already accomplished.

Another commenter requested that an FAA maintenance inspection be allowed to adjust repetitive inspection intervals. Provision for the adjustment of inspection times is already allowed for by paragraph F. of the AD, as an alternate means of compliance. However, any alternate means of compliance must be approved by the Manager, Seattle Aircraft Certification Office.

Approximately 620 airplanes of U.S. registry will be affected by this AD. It is estimated that the inspections will require approximately 336 manhours and that the average labor cost will be $40 per manhour. Based on the figures the total cost impact of this AD is estimated to be $8,332,000 per inspection cycle. For these reasons, the AD is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and public interest require the adoption of the proposed rule with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by adding the following new Airworthiness Directive.

Boeing: Applies to Model 727 series airplanes certificated in all categories listed in Boeing Service Bulletin No. 727-57-103, Revision 3, or later FAA approved revisions.

Compliance is required as indicated, unless already accomplished. To ensure the structural integrity of the wing rear spar terminal fitting accomplish the following:

A. Inspect the wing rear spar terminal fittings for cracks, using x-ray, eddy current and close visual techniques, in accordance with the procedures listed in Table I of the Addendum, Flight Safety Section, Boeing Service Bulletin No. 727-57-103, Rev. 3, or later FAA approved revisions, within the next 6000 landings or prior to accumulating 30,000 landings, whichever occurs later, and thereafter at intervals not to exceed 20,000 landings.

Note.—Terminal fittings listed in the above referenced service bulletin as not requiring modification need not be inspected in accordance with the requirements of this AD.

B. Cracked structure is to be repaired before further flight in accordance with Service Bulletin No. 727-57-103, original issue, or later FAA approved revisions.

C. Repair or modification in accordance with Service Bulletin No. 727-57-103, original issue, or later FAA approved revisions

eliminates the need for the repetitive inspections required by paragraph A., above, and constitutes terminating action for the requirements of this AD.

D. For the purpose of this AD, and when approved by an FAA maintenance inspector, the number of landings may be computed by dividing each airplane's time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

E. Aircraft may be ferried to a maintenance base for repair in accordance with FAR 21.197 and 21.199.

F. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Regions, 9010 East Marginal Way South, Seattle, Washington.

This AD becomes effective March 31, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption, "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington, on February 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-4340 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-1-AD; Amdt. 39-4568]

Airworthiness Directives; DeHavilland Model DHC-3 (U-1A) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to DeHavilland Model DHC-3 (U-1A) airplanes which requires inspection and, if necessary, repair or replacement of the control column lower assembly. Cracks have been reported in the welded assembly at the base of the control column These cracks may result in fracture of the assembly causing loss of primary flight controls. The inspections will detect cracks before fracture occurs.

EFFECTIVE DATE: March 1, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: DeHavilland Service Bulletin (S/B) No. 3/39, Revision "A" dated October 1, 1982, applicable to this AD may be obtained from DeHavilland Aircraft of Canada, Limited, Downsview, Ontario, Canada M3K 1Y5; Telephone (416) 633-7310. A copy of this information is also contained in the Rules Docket, FAA Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Barsamian, Aerospace Engineer, New York Aircraft Certification Office, ANE-170, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; Telephone (516) 791-6220.

SUPPLEMENTARY INFORMATION: DeHavilland has received reports of cracks in the lower welded assembly, P/N C3CF 39-15 or P/N C3CF 39-13, at the base of the control column on its Model DHC-3 (U-1A) airplanes. These cracks appear to occur due to ground gusts acting on elevator surfaces when the airplane is parked.

As a result, DeHavilland has issued Service Bulletin S/B No. 3/39 dated October 1, 1982, which provides for inspection and repair or replacement of the control column lower welded assembly. The Department of Transport (DOT) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Canada has issued Airworthiness Directive CF-82-34 dated December 8, 1982, which makes the actions recommended in S/B No. 3/39 mandatory on airplanes operated in Canada to assure their continued airworthiness. The FAA relies upon the certification of DOT Canada, combined with FAA review of pertinent documentation, in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has also examined the available information related to the issuance of Service Bulletin S/B No. 3/39 and DOT Canada Airworthiness Directive CF-82-34. Based on the foregoing, the FAA has determined that the unsafe condition described herein is likely to exist or develop in other products of the same type design certificated for operation in the United States. Accordingly, an AD is being issued requiring visual inspection and, as necessary, repair or replacement of the control column lower welded assembly on DeHavilland Model DHC-3 (U-1A) airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

DeHavilland: Applies to Model DHC-3 (U-1A) airplanes certificated in any category.

Compliance: As prescribed in the body of the AD.

To prevent loss of primary flight controls due to fracture of the control column lower weld assembly, accomplish the following:

a. Within the next 25 hours time-in-service after the effective date of this AD, unless already accomplished within the last 75 hours, and at each 100 hours time-in-service thereafter, visually inspect the control column lower weld assembly, P/N C3CF 39-15 or C3CF 39-13 for cracks in accordance with the Accomplishment Section of DeHavilland Service Bulletin S/B No. 3/39 dated October 1, 1982.

b. If no cracks are found, return the airplane to service and repeat the inspections required by paragraph a of this AD.

c. If cracks are found in control column lower assembly P/N C3CF 39-13, replace the assembly prior to further flight with a serviceable assembly P/N C3CF 39-15 or P/N C3CF 39-21 (Modification 3/930) as specified in the Replacement Section of said Service Bulletin.

d. If cracks longer than 1 inch are found in control column lower assembly P/N C3CF 39-15, repair or replace the assembly prior to further flight as instructed in the Accomplishment Instructions Section of said Service Bulletin.

e. If cracks 1 inch or less in length are found in control column lower assembly P/N

C3CF 39-15, repair or replacement may be delayed for a period of 150 hours time-in-service provided the inspection prescribed in paragraph a above is accomplished at 25-hour intervals.

f. The repetitive inspections of paragraph a of this AD may be discontinued when control column lower assembly P/N C3CF 39-21 (Modification 3/930) is installed.

g. The airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

h. An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, ANE-170, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; Telephone (516) 791-6660.

This amendment becomes effective on March 1, 1983.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note— The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, MO., on February 14, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4841 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-118-AD; Amdt. 39-4569]

Airworthiness Directives; Fokker VFW B.V. Model F28 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Fokker VFW B.V. Model F28 airplanes which requires a one time inspection and replacement, if necessary of the aileron control cables. One incident of a jammed aileron control has been reported which occurred during flight and resulted in partial loss of lateral control. Loss of lateral control during flight could result in the loss of the airplane.

DATE: Effective March 7, 1983.

ADDRESS: A copy of the telegraphic Netherlands airworthiness directive may be obtained upon request to the Service Manager, Fokker Aircraft, 2361 Jefferson Davis Highway, Arlington, Virginia 22202, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On November 2, 1982, the Netherlands civil air authority (RLD) issued a telegraphic airworthiness directive, BLA No. 82-41-27, applicable to the F28 series airplanes which requires a one time inspection and replacement, if necessary, of aileron control cables. One incident of a jammed aileron control has been reported which occurred shortly after takeoff. The aircraft subsequently returned to the departure point and made a successful landing. Inspection of the aileron control system revealed that on the L.H. wing two identical cables of the control assembly were broken. Cable failure appeared to be caused by severe corrosion of the cables at the point where it passes two rows of cable pulleys in the area between wing stations 3100 and 3600. A loss of lateral control during flight could result in the loss of the airplane.

This airplane model is manufactured in the Netherlands and type certificated in the United States under the provision of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which would require a one time inspection and replacement, if necessary, of aileron control cables.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Fokker-VFW B.V.: Applies to Model F28 airplanes serial number 11003 and on. To prevent loss of aileron control, accomplish the following, unless already accomplished within the last three months prior to the effective date of this AD:

1. Within the next 50 hours time in service or one month, whichever occurs first after the effective date of this AD, perform a one time inspection of the aileron control cables in both the R.H. and L.H. wings for airplanes with more than one year's time from the date of manufacture in accordance with the following instructions:

a. Open the main landing gear doors and flap shroud doors 61j, 61k, 62j, and 62k.

b. Rotate the aileron control wheel in the cockpit to the full left-hand position.

c. With the control wheel in this position, inspect the four aileron input cables at location of cable pulleys between stations 3100 and 3600 (illustrated parts catalog, chapter 27-10-01-05). Inspection must be performed with the aid of mirror and a very strong light, otherwise corrosion may remain undetected.

d. If wires are broken or there are definite signs of corrosion in the cables, accomplish the actions of paragraph 2.

e. Rotate the aileron control wheel in the cockpit to the full righthand position and repeat the inspections described in paragraphs (c) and (d).

2. If corrosion on the cables is evident from the inspection of paragraph 1, above, accomplish the following:

a. Disconnect the cable at the turnbuckle in the wheelwell per the F28 Maintenance Manual, chapter 27-11.

b. Pull out the cable at the cable pulleys between stations 3100 and 3600.

c. Carefully bend the cable one time at the location of the corrosion over a radius of one inch. If any wire breaks while being bent, replace the cable prior to further flight.

d. If no wires failed during the bending test of paragraph 2(c), repeat the test by bending the cable in the opposite direction. If any wire breaks, replace the cable before further flight.

e. If the cable is not rejected by the bending tests of paragraphs 2(c) or 2(d), inspect the cable for interior corrosion in accordance with the F28 Maintenance Manual, chapter 20-30-9.

f. If interior corrosion is found, replace the cable before further flight.

g. Remove any exterior corrosion and treat the cable in accordance with F28 Maintenance Manual, chapter 20-30-9.

h. Reconnect the turnbuckles in the L.H. and R.H. wheelwells and adjust the cable system in accordance with F28 Maintenance Manual, chapter 27–11–00, and check the aileron for free and smooth operation.

3. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

4. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective March 7, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Wash., on February 14, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-4542 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-16]

Revocation of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to revoke the existing designated control zone serving Marion Municipal Airport, Marion, Indiana, due to nonavailability of required weather observations. The intended effect of this action is to return designated airspace to a non-controlled status.

The most recent action involving this control zone, excluding Notices to Airmen, was accomplished in Airspace Docket No. 75–GL–12, issued February 28, 1975.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) [illegible]-7560.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within the perimeter of the area currently described as the Marion control zone will be raised from the surface to 700 feet above the surface. No changes will be required to any existing instrument approach procedures, but the minimum descent altitudes associated with those procedures may no longer be contained within controlled airspace. The control zone information will be removed from aeronautical charts and maps.

History

On page 31702 of the **Federal Register** dated July 22, 1982, the FAA proposed to amend Section 71.171 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone near Marion, Indiana. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

Except for editorial changes, and except as specifically discussed below, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3A dated January 3, 1983.

Discussion of comments: One letter was received from Air Marion, Inc., acknowledging its responsibility for taking hourly sequential reports and special observations at Marion Municipal Airport, but advising that business demands received greater priority than taking weather observations. They indicated on August 10, 1982, that weather observations would receive a first priority basis in the future. However, a recently conducted survey from November 17 to December 15, 1982, disclosed receipt of only 39 such reports out of the required minimum of 160 hourly reports not including any special observations which may have been appropriate. This equates to weather observations being received approximately 24% of the time, which is deemed not sufficient to justify retention of the control zone designation and associated airspace.

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., upon publication, as follows:

Marion, IN [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Ill., on February 14, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-4543 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-ASO-6]

Alteration of Transition Area, Manning, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Manning, South Carolina, transition area by revising the coordinates of the Manning radio beacon which has been relocated to a new on-airport site. In addition, the base of controlled airspace overlying Grayson Airport will be raised from 700 to 1,200 feet above the surface. There is a need for a regulation to properly list the geographical coordinates of the Manning radio beacon and raise the base of controlled airspace over the Grayson Airport so that the description of the transition area will be technically correct. No significant change in airspace is intended by this action.

DATES: Effective 0901 G.m.t., April 14, 1983. Comments must be received on or before April 1, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical adjustments to the transition area and raising the floor of controlled airspace above Grayson Airport and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the geographical coordinates of the Manning radio beacon which has been relocated and to raise the base of controlled airspace overlying the Grayson Airport as there is no existing requirement for a 700-foot transition area over the airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need for a regulation to properly list the geographical coordinates of the Manning radio beacon and raise the base of controlled airspace over the Grayson Airport so that the description of the transition area will be technically correct. Therefore, I find that notice of public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 60 days after its publication in the **Federal Register.**

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., April 14, 1983, as follows:

Manning Clarendon County Airport, SC—Revised

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Clarendon County Airport (Lat. 33°35'13"N., Long. 80°12'32"W.); within 3 miles each side of the 201° bearing from Manning RBN (Lat. 33°35'18"N., Long. 80°12'20"W.), extending from the 6.5-mile radius area to 3.5 miles south of the RBN; within 2 miles each side of Vance VORTAC 061° radial, extending from the 6.5-mile radius area to the VORTAC.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexbility Act.

Issued in East Point, Georgia, on February 10, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-4830 Filed 2-23-83; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects Amendment 45 to Part 93 of the Federal Aviation Regulations published on December 10, 1981, (46 FR 60420) and as corrected on December 31, 1981, (46 FR 63222) by correcting a minor discrepancy in the description of the Abbotsford, BC, Special Airport Traffic Area.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION: Since this action is necessary to prescribe the originally intended regulatory amendments under Amendment 93-45 and since this action is corrective in nature, I find that notice and public procedure regarding the action are impractical and unnecessary. Further, since it would not be in the public interest or consistent with sound regulatory practice to delay making necessary corrections to the Amendment, good cause exists for making it effective in less than 30 days after publication.

List of Subjects in 14 CFR Part 93

Airport traffic areas, Air traffic control, Air traffic patterns, Communications.

Adoption of the Amendment

The following corrections are made in FR Docket No. 81-35289, appearing on page 60420, in the **Federal Register** issue of December 10, 1981, as corrected by FR Docket No. 81-37148 appearing on page 63222 on December 31, 1981:

1. On page 60421, in column 1, "122°28'40"" is corrected to read "122°27'40"".

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1345(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45)

Note.—The FAA has determined that this document involves a minor correction to a regulation which is—(1) Not major under Executive Order 12291; (2) not significant

under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this correction does not substantively affect the Amendment, the FAA certifies that it will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 14, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-4540 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23532; Amdt. No. 1236]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA from document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending Part 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective March 31, 1983*

Thermal, CA—Thermal, VOR-A, Amdt. 2
Thermal, CA—Thermal, VOR/DME Rwy 30/35, Amdt. 2
Iowa City, IA—Iowa City Muni, VOR Rwy 35, Amdt. 9
Cleveland, MS—Cleveland Muni, VOR-A, Amdt. 6
Memphis, TN—Memphis Intl, VOR Rwy 16R, Amdt. 1, cancelled
Memphis, TN—Memphis Intl, VOR Rwy 27, Amdt. 1
Bay City, TX—Bay City Muni, VOR/DME-A, Amdt. 3
Childress, TX—Childress Muni, VOR Rwy 35, Amdt. 8
Fort Stockton, TX—Fort Stockton-Pecos County, VOR Rwy 12, Amdt. 6
Fort Stockton, TX—Fort Stockton-Pecos County, VOR/DME-A, Amdt. 4
Paducah, TX—Dan E. Richards Muni, VOR/DME Rwy 35, Amdt. 1
Pecos City, TX—Pecos Muni, VOR Rwy 13, Amdt. 5
Wink, TX—Winkler County, VOR Rwy 13, Amdt. 9
Beloit, WI—Beloit, VOR-A, Amdt. 3

2. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective March 31, 1983*

Cleveland, MS—Cleveland Muni, NDB Rwy 17, Amdt. 4
Boise City, OK—Boise City, NDB-A, Amdt. 1
Providence, RI—Theodore Francis Green State, NDB Rwy 5R, Amdt. 12

Manning, SC—Clarendon County, NDB Rwy 1, Orig
Manning, SC—Clarendon County, NDB Rwy 1, Amdt. 1, cancelled
Memphis, TN—Memphis Intl, NDB Rwy 9, Amdt. 25
Memphis, TN—Memphis Intl, NDB Rwy 36R, Amdt. 7
Bay City, TX—Bay City Muni, NDB Rwy 13, Amdt. 1
Hondo, TX—Hondo Muni, NDB Rwy 35R, Orig

** * * Effective March 17, 1983*

Washington, DC—Dulles Intl, NDB Rwy 1R, Amdt. 13
Chicago, IL—Chicago Midway, NDB Rwy 4R, Amdt. 11
Chicago, IL—Chicago Midway, NDB Rwy 31L, Amdt. 9
Chicago, IL—Chicago Midway, NDB Rwy 13R, Amdt. 9

** * * Effective February 17, 1983*

Atwood, KS—Atwood-Rawlins County City-County, NBD Rwy 16, Original

3. By amending Part 97.29 ILS–MLS SIAPs identified as follows:

** * * Effective March 31, 1983*

Atlanta, GA—DeKalb-Peachtree, ILS Rwy 20L, Amdt. 1
Savanna, GA—Savannah Muni, ILS Rwy 36, Orig
Providence, RI—Theodore Francis Green State, ILS Rwy 5R, Amdt. 10
Providence, RI—Theodore Francis Green State, ILS Rwy 23L, Amdt. 1
Memphis, TN—Memphis Intl, ILS Rwy 9, Amdt. 23
Memphis, TN—Memphis Intl, ILS Rwy 18L, Amdt. 7
Memphis, TN—Memphis Intl, ILS Rwy 18R, Amdt. 8
Memphis, TN—Memphis Intl, ILS Rwy 27, Amdt. 1
Memphis, TN—Memphis Intl, ILS Rwy 36L, Amdt. 9
Memphis, TN—Memphis Intl, ILS Rwy 36R, Amdt. 8

** * * Effective March 17, 1983*

Washington, DC—Dulles Intl, ILS Rwy 1R, Amdt. 17
Chicago, IL—Chicago Midway, ILS Rwy 4R, Amdt. 8
Chicago, IL—Chicago Midway, ILS Rwy 13R, Amdt. 36
Butler, PA—Butler County, ILS Rwy 8, Original

4. By amending Part 97.31 RADAR SIAPs identified as follows:

** * * Effective March 31, 1983*

Memphis, TN—Memphis Intl, RADAR–1, Amdt. 36

5. By amending Part 97.33 RNAV SIAPs identified as follows:

** * * Effective March 31, 1983*

Iowa City, IA-Iowa City Muni, RNAV Rwy 24, Original
Afton, OK-Shangri-La, RNAV Rwy 17, Orig
Afton, OK-Shangri-La, RNAV Rwy 35, Orig
Lewisburg, TN-Ellington, RNAV Rwy 20, Orig

(Secs. 307, 313(a), 601 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on February 11, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

[FR Doc. 83-4544 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 321

[Reg. PR-259; Amdt. No. 4; Docket 40959]

Unused Authority Procedures

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB requires applicants for dormant authority to include fitness information in their applications. The CAB will revoke the route authority of those carriers that unreasonably delay their fitness investigation or that are found to be unfit. This action is taken at the CAB's initiative to implement the continuing fitness requirement in the Federal Aviation Act and to maintain the quality of the air transport system.

DATES: Adopted: February 8, 1983. Effective: March 26, 1983.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: By PDR–82, 47 FR 40812, September 16, 1982, the Board proposed to require applicants for dormant route authority to include fitness information in their applications. The Board also proposed to revoke the dormant authority of any carrier that unreasonably delayed its fitness investigation or that was found to be unfit.

With the "sunset" of the Board's domestic route authority, it was assumed that persons seeking to start an airline would apply for their certificates under section 401(d)(1) of the Federal Aviation Act of 1958 (Pub. L. 85–726), as amended by the Airline Deregulation Act of 1978 (Pub. L. 95–504). Once a carrier is found fit under this section and has received its certificate, it is able to serve any route in the United States without having to file additional applications every time it wants to expand service.

Some persons have, however, continued to file for route authority under section 401(d)(5) of the Act. This section is known as the dormant authority or unused authority provision. It requires the Board to issue a certificate to the first applicant for a route for which another carrier has authority, but that it is not serving. Persons that receive route authority under this section have to file additional applications every time they wish to serve another route. Although the broader authority available under section 401(d)(1) would appear to encourage applicants to file under that section, some have continued to file under the dormant authority provision because that provision does not contain an explicit fitness requirement.

The Board became concerned that the absence of a fitness requirement in section 401(d)(5) was a loophole that posed a potential danger to the public. PDR–82 was issued to close this loophole. It relied on section 401(r) of the Act (49 U.S.C. 1371(r)), the continuing fitness requirement, which states that regardless of the source of the carrier's route authority, it must continue to be found fit. It authorizes the Board to revoke a carrier's authority if it fails to comply with requirement or to submit any reports that the Board requires. PDR–82 proposed to implement section 401(r) with respect to dormant authority carriers.

Charles Jones of Atlanta, Georgia wrote a letter in support of the Board's proposal. No other comments were filed. For the reasons stated in PDR–82 and summarized above, therefore, the Board is adopting the rule as proposed.

Under this rule, an applicant for dormant authority will have to include fitness information in its application as specified by § 321.11(d) and (e). Although under section 401(d)(5) the requested authority usually must be granted within 15 or 60 days (depending on the number of carriers serving the route), the Board or the Director of the

Bureau of Domestic Aviation will promptly institute a fitness investigation. If the Board concludes that the carrier is not fit or that it is unduly delaying the investigation, its authority will be revoked.

In accordance with 5 U.S.C. § 605(b), as added by the Regulatory Flexibility Act, P.L. 96–354, the Board certifies that this rule will not have a significant economic impact on a substantial number of small entities. Most small entities will apply for certificated route authority under section 401(d)(1), as explained above, and are therefore not affected by this rule. Only rarely will a small carrier seek dormant authority. Nevertheless, this rule is necessary to prevent harm to the public in those few instances where a carrier attempts to use the dormant authority provision to evade the fitness requirement.

List of Subjects in 14 CFR Part 321

Administrative practice and procedure, Air carriers.

PART 321—[AMENDED]

Accordingly, the Board amends 14 CFR Part 321, *Unused Authority Procedures*, as follows:

1. The authority for Part 321 is:

Authority: Secs. 204, 401, 1001, Pub. L. 85–726, as amended, 72 Stat. 743, 754, 788; 49 U.S.C. 1324, 1371, 1481.

2. A new Subpart F is added to the Table of Contents, as follows:

* * * * * *

Subpart F—Continuing Fitness

Sec.
321.50 Order instituting proceeding.
321.51 Answers.
321.52 Revocation of authority.

3. Paragraph (d) and (e) of § 321.11 are revised to read:

§ 321.11 Contents of applications.

Each application shall:

* * * * * *

(d) For applicants not yet found by the Board to be fit, willing, and able to provide any sort of air transportation service, include the material required by § 204.5 of this chapter to support such a finding. The applicant may incorporate by reference material submitted in a prior fitness proceeding before the Board, updated as necessary.

(e) For applicants already found by the Board to be fit, willing, and able to provide air transportation, cite the most recent Board order establishing that finding and—

(1) If the finding pertained to certificated charter air transportation, include the material required by § 204.4 of this chapter;

(2) If the finding pertained to operations as a commuter air carrier, include the material required by § 204.5 of this chapter.

4. A new Subpart F is added to read:

Subpart F—Continuing Fitness

§ 321.50 Order instituting proceeding.

Within 15 days after an application is filed under this part, the Board may issue an order instituting an investigation of the applicant's fitness.

§ 321.51 Answers.

Any person may respond to the Board's order instituting the investigation by filing with the Board a written answer or a petition to intervene under § 302.15 of this chapter, within the time specified in the order.

§ 321.52 Revocation of authority.

(a) The Board may revoke the authority granted under this part in either of the following situations:

(1) The Board finds, after notice and hearing conducted pursuant to the procedures of Part 302 of this chapter, that the carrier is not fit, willing, and able to provide scheduled passenger air transportation.

(2) The Board finds, after notice and hearing, that the carrier has unduly delayed, or has failed to participate fully in, the proceeding to establish its fitness.

(b) The hearing under this section may be conducted by written submissions rather than by an oral evidentiary hearing.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–4678 Filed 2–23–83; 8:45 am]

BILLING CODE 6320–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 3H5373/R135; FAP 3H5373/R136; PH-FRL 2311–1]

Ethyl 3-Methyl-4-(Methylthio)Phenyl (1-Methylethyl)Phosphoramidate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish a food and feed additive regulation to permit the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on certain food and feed commodities under an experimental use permit. These regulations to establish maximum permissible levels for the combined residues of the insecticide in or on the food and feed commodities were requested, pursuant to a petition, by the Mobay Chemical Corporation.

EFFECTIVE DATE: Effective on February 24, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3706, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of December 22, 1982 (47 FR 57129) that announced that the Mobay Chemical Corporation, P.O. Box 4913, Kansas City, MO 64120, had submitted food and feed additive petition 3H5373 proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on certain food and feed commodities as follows:

1. Part 193, FAP 3H5373, raisins at 0.3 part per million (ppm) resulting from applications of the nematocide to grapes.

2. Part 561, FAP 3H5373, grape pomace at 1.0 ppm and raisin waste at 3.0 ppm resulting from applications of the nematocide to grapes.

There were no comments received in response to the notice of filing.

The toxicological data considered in support of these tolerances included a 2-year dog feeding study with a no-observed effect-level (NOEL) of 0.025 mg/kg body weight/day (1.0 ppm); a 2-year rat feeding study with a NOEL of 0.15 mg/kg/day (3.0 ppm); an 18-month mouse oncogenic study with no oncogenic effects observed at 7.50 mg/kg/day (50 ppm); a 3-generation rat reproduction study with a NOEL of 1.5 mg/kg/day (30 ppm); a rat teratology study with a NOEL of 0.5 mg/kg/day; and a rabbit teratology study with a NOEL of 30 mg/kg/day.

Using a 10-fold safety factor and based on the NOEL of 0.025 mg/kg/day in dogs, the acceptable daily intake (ADI) is 0.0025 mg/kg/day and the maximum permissible intake (MPI) is 0.1500 mg/day for a 60-kg person.

Presently established temporary tolerances, toxicologically approved tolerances, and these tolerance result in a maximum theoretical exposure of 0.0054 mg/day for a 60-kg person which represents 3.61 percent of the ADI. Temporary tolerances have previously been established for combined residues of this nematocide and its cholinesterase-inhibiting metabolites in or on pineapple and pineapple bran.

There are no regulatory actions pending against continued registration of the pesticide and there are no other considerations involved in establishing these temporary tolerances. The metabolism of this fungicide and its metabolites is adequately understood, and an adequate analytical method, gas chromatography with scintillation spectrophotometry, is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the additive regulations are sought. It is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the regulations are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: February 11, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR, Chapter I, is amended as follows:

1. In Part 193 by adding a new § 193.463 to read as follows:

§ 193.463 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate.

(a) [Reserved].

(b) A tolerance of 0.3 part per million is established for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolities in raisins resulting from applications of the nematocide in accordance with the provisions of an experimental use permit that expires December 31, 1983.

(1) Residues in raisins not in excess of 0.3 ppm resulting from the use described in paragraph (b) of this section remaining after expiration of the experimental use program will not be considered actionable if the pesticide is legally applied during the terms of, and in accordance with, the provisions of the experimental use permit and the food additive tolerance.

(2) The Mobay Chemical Corporation shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The Corporation shall also keep records of distribution and performance and, on request, make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

PART 561—[AMENDED]

2. In Part 561, § 561.232 is revised to read as follows:

§ 561.232 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate.

(a) [Reserved].

(b) Tolerances are established for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in the following processed feeds when present as a result of applications of this pesticide to the growing crop under an experimental use permit (EUP).

Feeds	Parts per million	Company	EUP expires
Pineapple bran ...	10.0	Pineapple Growers' Association of Hawaii.	Aug. 31, 1985
Grape pomace (dry and wet).	1.0	Mobay Chemical Corp.	Dec. 31, 1985
Raisin waste	3.0	Mobay Chemical Corp.	Do

(1) Residues in the feed not in excess of the tolerance level indicated resulting from the use described in paragraph (b) of this section remaining after expiration of the experimental use program will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the feed additive tolerance.

(2) The Company concerned shall immediately notify the Environmental Protection Agency of any findings from the experimental use that have a bearing on safety. The Company shall also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 83-4674 Filed 2-23-83; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 561

[FAP 8H5181/R130 PH-FRL 2311-2]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule

SUMMARY: This rule establishes a feed additive regulation for residues of the desiccant, defoliant, and herbicide paraquat in spent mint hay resulting from application of the pesticide to the growing crop. This reguation, requested in a petition submitted by the Interregional Research Project No. 4 (IR-4), establishes the maximum permissible level for residues of paraquat in or on spent mint hay at 3.0 parts per million (ppm).

EFFECTIVE DATE: Effective on February 24, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-

767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 29, 1982 (47 FR 42805) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had filed feed additive petition 8H5161 for residues of the pesticide paraquat (1,1'dimethyl4,4'-bipyridinium ion), derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on spent mint hay at 3.0 ppm when present therein as a result of the application to growing peppermint or spearment.

No comments or request for referral to an advisory committee were received by the Agency in response to this notice of filing.

A related document (PP 8E2048/9E2229/0E2345/2E2611/R515) establishing tolerances for residues of paraquat in or on various raw agricultural commodities, including mint hay (40 CFR 180.205), appears elsewhere in this issue of the **Federal Register.**

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking for PP 8E2048 (47 FR 57975, December 29, 1982). The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide maybe safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, 21 CFR 561.289 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register,** file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food or feed additives, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: February 24, 1983.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

List of Subjects in 21 CFR Part 561

Feed additives, Pesticides and pests.

Dated: February 11, 1983.

Edwin L. Johnson

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 516.289 is revised to read as follows:

§ 561.289 Paraquat.

Tolerances are established for residues of the defoliant, desiccant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis(methyl sulfate) or dichloride salt (both calculated as the cation) in the following processed feeds when present therein as a result of application of paraquat to the growing crops:

Feeds	Parts per million
Mint, hay, spent	3.0
Sunflower, seed hulls	9.0

[FR Doc. 83–4679 Filed 2–23–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200 and 203

[Docket No. R–83–1013]

Eligibility of Manufactured Homes for Mortgage Insurance

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Interim rule.

SUMMARY: HUD is extending eligibility for mortgage insurance pursuant to Title II of the National Housing Act to manufactured homes constructed in conformance with the Manufactured Home Construction and Safety Standards when permanently attached to a site-built permanent foundation which meets HUD's Minimum Property Standards. Under existing practice, manufactured homes are not eligible for Title II mortgage insurance when the manufactured home itself does not meet HUD's Minimum Property Standards.

DATES: Effective Date: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver. Further notice of the effective date of this interim rule will be published in the **Federal Register.** Comment Due Date: April 25, 1983.

ADDRESS: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commentor's name and address and must refer to the docket number indicated in the heading of this rule. A copy of each comment will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John J. Coonts, Director, Single Family Development Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9270, Washington, D.C. 20410, (202) 755–6720. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Pursuant to Title VI of the Housing and Community Development Act of 1974 (42 U.S.C. 5401 et seq.), the Department issues Manufactured Home Construction and Safety Standards to improve the quality and durability of manufactured homes. The Standards, which apply to all manufactured homes manufactured after June 15, 1976, take into consideration existing State and local laws but preempt those which are not identical to the Federal standards. The Standards appear at 24 CFR Part 3280.

The Department also facilitates the financing of manufactured home purchases by insuring manufactured home loans made by private lending institutions pursuant to Title I of the

National Housing Act (12 U.S.C. 1703). The Department insures loans for the purchase of a manufactured home pursuant to 24 CFR Part 201, Subpart B, and for the purchase of a manufactured home and lot ("combination loans") pursuant to 24 CFR Part 201, Subpart D. Under Title I loans, the manufactured home is treated as a chattel and, therefore, the loan insured is comparable to a consumer loan. The rate ordinarily is 1 to 2 percentage points higher than a real estate mortgage loan, and the maturities average only about 15 years. The present Title I loan limits are $22,500 for 20 years on single-module units, $35,000 for 20 years on double-module units, and up to $47,500 for 25 years for combination loans.

Loans for the purchase of manufactured homes and sites have not generally been eligible for mortgage insurance pursuant to Title II of the National Housing Act for several reasons. Loans insured pursuant to Title II must be secured by mortgages on real property, so that chattel mortgages are not eligible. Further, properties subject to loans insured pursuant to Title II generally must meet HUD's Minimum Property Standards in all respects. The Manufactured Home Construction and Safety Standards promulgated by HUD are not the same as the Minimum Property Standards, which are compiled in contemplation of site-built "stick" housing.

In time, however, the differences between manufactured homes and site-built homes have become blurred. Improvements in the design and construction of manufactured homes have enhanced their durability and acceptability in residential neighborhoods. Communities and some States have revised their zoning policies which previously relegated manufactured homes to mobile home parks. Permanently placed manufactured homes may now appreciate in value as do comparable site-built houses, rather than being considered to depreciate as they have in the past. This has resulted in jurisdictions reclassifying manufactured homes from chattels to real property status. Manufacturers are beginning to sell their manufactured homes through real estate developers rather than through dealers, and some private lenders offer mortgages on manufactured homes if they are permanently placed on the borrower's lot.

Current housing trends indicate that with certain exceptions, manufactured homes permanently placed on acceptable sites can provide less expensive housing than comparable site-built housing. The inherent economies of production line assembly, relatively immune from delaying weather conditions, make a manufactured home less expensive than a comparable site-built home.

Extension of FHA mortgage insurance to manufactured housing further expands the availability of affordable housing that may fulfill the needs of many households. With a real estate mortgage loan, the prospective buyer of a manufactured home gains the advantages of the lower interest rate on a real property mortgage as compared with a personal property loan and the lower amortization requirements resulting from a longer loan term. A buyer can, in essence, finance a larger amount for the same monthly payment.

The Department previously has recognized the suitability of certain existing (as distinguished from newly constructed) manufactured houses for Title II mortgage insurance. By Notice H-80-85 (August 28, 1980), the Department advised that existing permanently sited double-wide manufactured homes would be treated as any other existing property for insurance eligibility purposes. Subsequently, by Notice H-81-6 (January 12, 1981), the Department further advised concerning the eligibility of proposed construction involving double-wide manufactured homes conforming to Minimum Property Standards requirements for Title II insurance.

The President's Commission on Housing has also taken note of evolutionary development in the manufactured housing industry, stating:

> Manufactured housing is a significant source of affordable housing for American families, particularly first-time homebuyers, the elderly, and low- and moderate-income families. Manufactured homes accounted for almost 36 percent of all single-family homes sold in the United States in 1981, and for the vast majority of those sold for under $50,000.
>
> Manufactured housing has competed effectively in a national housing market characterized by a vast array of Federal credit programs, institutional financing facilities, and regulations that favor conventional housing competitors. However, special limitations on the financing of manufactured housing continue to place serious inhibitions on what could be a valuable and afforable source of housing for millions of Americans. The Commission believes that the disincentives that now characterize the manufactured housing sector should be removed in order to make full use of this resource.

The Commission therefore recommended that:

> Federal and State government and quasi-government agencies provide the regulatory and legal framework necessary to permit permanent mortgage financing of [manufactured homes permanently attached to the land] on the same basis as other real property loans. (The Report of the President's Commission on Housing 85 (1982).)

Committees of Congress also have proposed the expansion of FHA mortgage insurance eligibility for manufactured housing. Both the Housing and Community Development Amendments of 1982 (S. 2607), as reported by the Senate Committee on Banking, Housing and Urban Affairs, and the Housing and Urban-Rural Recovery Act of 1982 (H.R. 6296), as reported by the House Committee on Banking, Finance and Urban Affairs, contain provisions confirming eligibility of manufactured housing conforming to the Manufactured Home Construction and Safety Standards and affixed to a permanent foundation for mortgage insurance under Title II. The Department views such proposals as intended to encourage the extension of mortgage insurance to such properties without indicating a lack of present authority to do so.

The Department, therefore, is extending the eligibility of Title II mortgage insurance to newly constructed manufactured homes which comply with the Manufactured Home Construction and Safety Standards and are attached permanently to a site-built permanent foundation meeting Minimum Property Standards requirements. The site, site improvements, and all other features of the mortgaged property not addressed by the Manufactured Home Construction and Safety Standards must meet or exceed the applicable requirements of the Minimum Property Standards.

In certain limited respects, the Department proposes to impose certain eligibility requirements for mortgage insurance in areas involving the manufactured structure itself which are addressed by the Manufactured Home Construction and Safety Standards. As insurer, the Department is subject to actuarially unknown risks in extending insurance to mortgages on manufactured housing, and therefore the Department is imposing these additional requirements that are believed to be cost-beneficial to

the buyer and will enhance the adequacy of the property as security for mortgages insured under Title II. The additional requirements provide greater structural durability and resale potential as realty, thus assuring that the loans may be economically sound investments and otherwise acceptable risks for homeowners who qualify for insured single family mortgage loans.

The Department also is confirming the eligibility of existing properties involving a manufactured home for mortgage insurance. This eligibility is not limited, as formerly, to double-wide homes but will include any manufactured home constructed in conformance with the Manufactured Home Construction and Safety Standards having a 400 square foot minimum floor area. Consistent with the Department's single-family mortgage insurance programs, an "existing property" is one where the manufactured home has been permanently affixed to the site for more than one year prior to the application for insurance. The expiration of this minimum life on site permits insurance valuation on the basis of the simpler standards applied for eligibility of existing properties.

Section-by-Section Analysis

24 CFR 200.925, which requires generally that all housing constructed under HUD mortgage insurance and low-rent housing programs shall meet or exceed HUD Minimum Property Standards, is proposed to be amended to limit its applicability to manufactured homes only to the extent provided by new § 203.43f, which is proposed to be added to an existing series of provisions in Part 203, Subpart A, establishing requirements for special situation mortgages. Section 203.43f provides that a mortgage covering a one-family manufactured home (as defined in 24 CFR § 3280.2(a)(16)) which meets the requirements of Part 203, Subpart A, except as modified by the further provisions of the section, shall be eligible for insurance pursuant to Subpart A.

Subsection (a) of § 203.43f states the requirement of compliance with the Manufactured Home Construction and Safety Standards as evidenced by the manufacturer's certification label. It also sets an insurance eligibility requirement of 400 square feet minimum floor area for the manufactured home. Amendments adopted in 1980 to the National Manufactured Housing Construction and Safety Standards Act altered the size dimensions contained in the definition of manufactured home so as to include units of 320 or more square feet. However, the conference report on the 1980 amendments directed the Secretary to consider differing, more flexible standards for smaller manufactured homes (such as park models) where square footage is between 320 and 400 square feet. Also, most smaller manufactured homes are designed not for permanent anchoring to a permanent foundation but for frequent transportation. In its recent implementation of the 1980 statutory amendments, the Department noted its intent to address the question of standards for application to smaller units in the near future (47 FR 28091 (June 29, 1982)). In anticipation of this separate treatment of smaller units, the Department believes it appropriate to limit mortgage eligibility to units covered by the full Manufactured Home Construction and Safety Standards.

The Department also notes a related issue regarding what traditionally have been referred to as "modular homes." Prior to enactment of the National Manufactured Housing Construction and Safety Standards Act in 1974, modular housing which satisfied the requirements of HUD's Minimum Property Standards was considered eligible for Title II mortgage insurance. Because more modular homes fell within the definition of "manufactured home" adopted by the statute, the Department, by regulation, exempted from the requirements of the new legislation structures manufactured in accordance with HUD's Minimum Property Standards or, alternatively, with one or another of a specified group of model building codes. The Department's approach was confirmed legislatively by Section 902 of the Housing and Community Development Act of 1977, which added subsection (h) to Section 604 of the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 5403(h)). The amendment authorizes the Secretary to exclude from coverage of the safety and construction standards requirements any structure

> * * *which the manufacturer certified, in a form prescribed by the Secretary, to be:
>
> (1) Designed only for erection or installation on a site-built permanent foundation;
>
> (2) Not designed to be moved once so erected or installed;
>
> (3) Designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing, or with minimum property standards adopted by the Secretary pursuant to title II of the National Housing Act; and
>
> (4) To the manufacturer's knowledge is not intended to be used other than on a site-built permanent foundation. 42 U.S.C. 5403(h).

The exemption provision is implemented at 24 CFR 3282.12. It provides that exemption will be evidenced by the certification label, affixed in a permanent manner, which, among other things, identifies the qualifying code in compliance with which the structure has been manufactured.

The Department continues to regard modular homes not subject to the Manufactured Housing Construction and Safety Standards Act as eligible for Title II insurance if they meet the Minimum Property Standards. As noted, however, compliance with the Minimum Property Standards is only one of a series of alternative bases considered substantially equivalent to each other for exemption from the construction and safety standards. The Department therefore solicits comment on the question of whether manufactured homes meeting the exemption requirements on the basis of compliance with codes other than the Minimum Property Standards should be equally eligible for Title II mortgage insurance.

Subsection (b) of § 203.43f requires that the insured mortgage covering the manufactured home and site constitute a mortgage on real estate and limits the term of the mortgage to not more than 30 years. 24 CFR 203.17(e), which limits mortgage maturities to not in excess of three-fourths of the remaining economic life of the building improvements, is made inapplicable. The statutory basis of this regulatory requirement was repealed in 1980, and the Department intends to revoke this regulation. However, because of uncertainty regarding the useful economic life of manufactured housing (due to the fact that the Manufactured Home Construction and Safety Standards have been in effect only seven years), the Department has determined that a 30-year maximum term is prudent and, accordingly, that the provisions of § 203.17(d) (i) and (ii), permitting maturities of up to 35 years in certain circumstances, will not apply.

Subsection (c) contains the further requirements applicable to a manufactured home which has not been permanently erected on a site for more than one year.

Clause (i) of subsection (c) requires that the manufactured home be permanently attached to a permanent foundation that meets the Minimum Property Standards. The regulation precludes any intent to move the home to another location and is intended to

make the manufactured home on its foundation a structural entity comparable to a stick-built house on its foundation. Clause (i) further requires that the site itself (which includes utilities) and all site improvements, including but not limited to driveways, walks, patios, porches, carports and garages meet the applicable requirements of the Minimum Property Standards for One- and Two- Family Dwellings. The only deviation from the Minimum Property Standards is the requirement that the finish grade level beneath the dwelling be at or above the 100-year return frequency flood elevation instead of the 50-year return frequency flood elevation currently required by § 311–2 of the Minimum Property Standards. The National Flood Insurance Program damage projections indicate that manufactured housing is more susceptible to flood damage than sitebuilt housing because of the materials used. Therefore, this higher elevation is required to minimize a possible risk to the insurance fund.

Clause (ii) of subsection (c) requires a continuous perimeter enclosure constructed of a material that conforms to the Minimum Property Standards requirements for foundations. This enclosure may or may not be the supporting foundation of the manufactured home, depending upon its structural characteristics. If it is the supporting foundation, as set forth in clause (i), it must meet Minimum Property Standards requirements and be able to resist all design loads identified in § 601 of the Minimum Property Standards. If it is not the supporting foundation, it must resist whatever forces to which it may be subject without transmitting adverse forces to the building superstructure.

Clause (iii) of subsection (c) prescribes thermal requirements that are more energy-conservative than those included in the current Manufactured Home Construction and Safety Standards. They are set at a level which will have a projected five-to-seven year payback in energy cost savings for a typical manufactured home and which the Department believes is currently being met by some manufacturers. Zone I covers the same area as in the present Manufactured Home Construction and Safety Standards. The following States have been removed from Zone II and added to Zone III: Montana, Wyoming, North and South Dakota, Minnesota, Wisconsin, Michigan, Maine, New Hampshire and Vermont.

Clause (iv) of subsection (c) results from a study contracted by HUD which concluded that highway shock and vibration adversely affected long-term structural durability, shortening the useful economic life of manufactured housing. Unlike a site-built house, by the time a manufactured home is ready for occupancy, it has already lost a percentage of its useful economic life due to stresses on the structure during transportation to its permanent foundation. Tests conducted in the course of the study indicated that this degradation, which can result in loosened joints, poorly fitting windows and doors and leaky roofs, could be significantly reduced if manufactured homes, particularly double-wide manufactured homes, were properly cross-braced and stiffened during transportation. The Department has determined that this requirement is cost-effective for manufactured homes to be insured under Title II. The transportation period is considered to begin when the manufactured home leaves the manufacturer and to continue until the manufactured home is placed upon its permanent foundation.

Clause (v) merely clarifies that the requirement of approval of a dwelling for insurance prior to construction does not apply to the manufactured unit itself but only to site improvements.

Clause (vi) modifies the standard warranty. The additional requirements are the delivery of the manufacturer's warranty which is required when the Department insures the purchase of a manufactured home under Title I, and provisions warranting that no hidden damage was sustained during transportation. In the case of a double-wide manufactured home, the warranty shall also provide that the sections were properly joined and sealed.

Subsection (d) of § 203.43f contains the further requirements applicable to a manufactured home which has been permanently erected on a site for more than one year and is proposed for mortgage insurance as existing housing. The requirements are based on Notice H–80–95, referred to above. Clause (i) requires that the existing manufactured home be permanently anchored to and supported by permanent footings and have permanently installed utilities protected from freezing, and that the space beneath the home be a properly enclosed crawl space. Clause (ii) requires that all features of the mortgaged property not addressed by the Manufactured Home Construction and Safety Standards comply with the abbreviated minimum property standards applicable to existing properties, except for the same deviation discussed above in connection with Clause (i) of Subsection (c). Requirements for Existing Housing (Handbook 4905.1) only states that the dwelling not be located so as to be subject to damage from flood. For Title II insurance purposes for existing manufactured homes, the finish grade level beneath the manufactured home must also be at or above the 100-year return frequency flood evaluation.

Clause (iii) of subsection (d) states a requirement not contained explicitly in Notice H–80–95. It provides that the manufactured home shall have been occupied only at the location covered by the insured mortgage. The Department believes this requirement to be necessary for acceptability of the insurance risk because of the greater degradation that may be experienced as a result of several transportations and which may not be apparent at the time of appraisal. The Department does not believe that this requirement will result in a significant limitation on the availability of mortgage insurance.

Publication as Interim Rule

The Secretary has determined that delay of the effectiveness of this regulation until after receipt and consideration of public comment is unnecessary and contrary to the public interest. Support for the extension of mortgage insurance to manufactured housing permanently affixed to the land is widespread. The conditions on such eligibility which are stated in the regulation are minimal and, to a significant degree, are based upon existing practice. To the extent that some commentators may believe that even certain of these minimal requirements may be unnecessary, the Department believes that most potentially eligible properties will meet all the requirements and, therefore, that there is no good reason to delay the eligibility of those properties pending refinements that may only further expand eligibility. The Secretary also believes that it will be in the public interest to assure the availability of mortgage insurance for proposed construction involving manufactured homes prior to the Spring 1983 building season. For these reasons, the Secretary has determined that the regulation should be published as an interim rule for early effectiveness, coupled with a solicitation of public comments to be considered in the formulation of a final rule.

Section 7(o) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides that any regulation published by the Department may not become effective prior to expiration of the first period of 30 calendar days of continuous session

of Congress occurring after publication, unless such requirement is waived by the Chairmen and the Ranking Minority Members of the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs. The current Congressional schedule will not permit satisfaction of this requirement until 30 session days after commencement of the 98th Congress in January 1983, which is likely to occur in late February or early March 1983. In view of the consideration stated above, the Secretary has requested the described waivers in order that the regulation may become effective at an earlier date. At the time of publication of this interim rule, it is not known whether or when such waivers will be granted. Under Section 7(o)(5) of the Department of HUD Act, "Congressional inaction on any rule or regulation shall not be deemed an expression of approval of the rule or regulation involved." The foregoing provision refers to inaction on a joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, and the principle that such inaction does not imply Congressional approval applies, *a fortiori*, to a waiver of the nature requested by the Secretary.

In any event, notice of the effectiveness of this interim rule will be published in the **Federal Register**.

Other Findings

Pursuant to the provisions of 5 U.S.C. 605(b) (The Regulatory Flexibility Act), the undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities, since its impact is limited to making mortgage insurance more readily available, on generally more favorable terms, to purchasers of qualifying manufactured homes.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implements Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule was listed as Item H–82–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982, (47 FR 48422, 48445) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The following numbers identify the programs, as listed in the Catalog of Federal Domestic Assistance, affected by the regulation.

Section 203(b)
- 14.117 Mortgage Insurance—Homes
- 14.118 Mortgage Insurance—Homes for Certified Veterans

Section 213
- 14.126 Mortgage Insurance—Management Type Cooperative Projects

Section 220
- 14.122 Mortgage Insurance—Homes in Urban Renewal Areas

Section 221(d)(2)
- 14.120 Mortgage Insurance—Homes for Low and Moderate Income Families

Section 222
- 14.166 Mortgage Insurance—Servicemen

Section 233
- 14.152 Experimental Housing

Section 234
- 14.133 Mortgage Insurance—Purchase of Units in Condominiums (f)

Section 235
- 14.147 Homeownership for Lower Income Families

Section 237
- 14.140 Special Mortgage Insurance for Low and Moderate Income Families

Section 244
- 14.161 Coinsurance

Section 245(a) and Section 245(b)
- 14.159 Section 245 Graduated Payment Mortgage Program

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards.

24 CFR Part 203

Home improvement, Loan programs—housing and community development, Mortgage insurance, Solar energy.

Accordingly, Subchapter A of Title 24 CFR is amended as follows:

PART 200—INTRODUCTION

1. Section 200.925 is revised as follows:

§ 200.925 Applicability of minimum property standards.

All housing constructed under HUD mortgage insurance and low-rent public housing programs shall meet or exceed HUD Minimum Property Standards, except that this requirement shall be applicable to manufactured homes eligible for insurance pursuant to § 203.43f of this Part only to the extent provided therein.

PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

2. Section 203.43f is added, as follows:

§ 203.43f Eligibility of mortgages covering manufactured homes.

A mortgage covering a one-family manufactured home (as defined in 24 CFR 3280.2(a)(16)) that meets the requirements of this subpart, except as modified by this section, shall be eligible for insurance pursuant to this subpart.

(a) The manufactured home, when erected on site, shall have floor space area of not less than four hundred square feet and shall have been constructed in conformance with the National Manufactured Home Construction and Safety Standards as evidenced by a certification label affixed thereto in accordance with 24 CFR 3280.8.

(b) The mortgage shall cover the manufactured home and site, shall constitute a mortgage on a property classified and taxed as real estate, and shall have a term of not more than 30 years from the date of the beginning of amortization. Section 203.17(e) of this subpart shall not be applicable.

(c) In the case of a manufactured home which has not been permanently erected on a site for more than one year prior to the date of the application for mortgage insurance:

(i) The manufactured home shall be erected on a site-built permanent foundation that meets or exceeds applicable requirements of the Minimum Property Standards for One- and Two-Family Dwellings, 4900.1 (see 24 CFR 200.929(b)(1)) (MPS) and shall be

permanently attached thereto by anchoring devices adequate for all loads identified in the MPS. The towing hitch or running gear, which includes axles, brakes, wheels and other parts of the chassis that operate only during transportation, shall have been removed. The finished grade level beneath the manufactured home shall be at or above the 100-year return frequency flood elevation. The site, site improvements, and all other features of the mortgaged property not addressed by the Manufactured Home Construction and Safety Standards shall meet or exceed applicable requirements of the MPS.

(ii) The space beneath the manufactured home shall be enclosed by continuous foundation-type construction designed to resist all forces to which it is subject without transmitting forces to the building superstructure. The enclosure shall be adequately secured to the perimeter of the manufactured home and be constructed of materials that conform to MPS requirements for foundations.

(iii) The manufactured home shall have an overall coefficient of heat transmission ("U_o" value) calculated in accordance with the procedures of NFPA 501 BM–1976 ("Mobile Home Heating, Cooling Load Calculations") that does not exceed the following for all locations within the following climatic zones:

Zone I	.145
Zone II	.099
Zone III [1]	.087

NFPA 501 BM–1976 is incorporated by reference and is issued by and available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

(iv) The manufactured home shall be braced and stiffened before it leaves the factory to resist racking and potential damage during transportation.

(v) The conditions of paragraphs (i) and (ii) of § 203.18(a)(2) of this subpart shall not apply to construction of the manufactured home but shall be applicable to improvement of the site, including construction of the site-built foundation.

(vi) Section 203.14 of this subpart is modified to the extent provided in this paragraph. Applications relating to insurance of mortgages under this paragraph (c) must be accompanied by an agreement in form satisfactory to the Commissioner executed by the seller or builder or such other person as the Commissioner may require agreeing that in the event of any sale or conveyance of the dwelling within a period of one year beginning with the date of initial occupancy, the seller, builder, or such other person will at the time of such sale or conveyance deliver to the purchaser or owner of such property the manufacturer's warranty on a form prescribed by the Commissioner, which shall provide that the manufacturer's warranty is in addition to and not in derogation of all other rights and remedies the purchaser or owner may have, and a warranty in form satisfactory to the Commissioner warranting that the manufactured home, the foundation, positioning and anchoring of the manufactured home to its permanent foundation, and all site improvements are constructed in substantial conformity with the plans and specifications (including amendments thereof or changes and variations therein which have been approved in writing by the Commissioner) on which the Commissioner has based his valuation of the dwelling. The warranty shall also include provisions that the manufactured home sustained no hidden damage during transportation, and if the manufactured home is a double-wide, that the sections were properly joined and sealed. Such agreement must provide that upon the sale or conveyance of the dwelling and delivery of the warranty, the seller, builder or such other person will promptly furnish the Commissioner with a conformed copy of the warranty establishing by the purchaser's receipt thereon that the original warranty has been delivered to the purchaser in accordance with this section.

(d) In the case of a manufactured home which has been permanently erected on a site for more than one year prior to the dae of the application for mortgage insurance:

(i) The manufactured home shall be permanently anchored to and supported by permanent footings and shall have permanently installed utilities that are protected from freezing. The space beneath the manufactured home shall be a properly enclosed crawl space.

(ii) The site, site improvements, and all other features of the mortgaged property not addressed by the Manufactured Home Construction and Safety Standards shall meet or exceed applicable requirements of the Requirements for Existing Housing—One to Four Family Living Units (Handbook 4905.1). The finished grade level beneath the manufactured home shall be at or above the 100-year return frequency flood elevation.

(iii) The manufactured home shall have been occupied only at the location subject to the mortgage sought to be insured.

(Secs. 203, 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Dated: December 16, 1982.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-4415 Filed 2-23-83; 8:45 am]

BILLING CODE 4210-27-M

[1] Zone III includes Alaska, Montana, Wyoming, North and South Dakota, Minnesota, Wisconsin, Michigan, Maine, New Hampshire, and Vermont.

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Commission is correcting several clerical errors and making several interpretative clarifications to its final rule at 28 CFR 2.20, Paroling Policy Guidelines published on December 16, 1982 at 47 FR 56334. These corrections and clarifications were suggested by staff and Commissioners during staff training sessions.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Peter Hoffman, Research Director, United States Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, Tel: (301) 492–5980.

SUPPLEMENTARY INFORMATION:

PART 2—[AMENDED]

1. In FR Doc 82–33881, December 16, 1982, page 56336, second column, 28 CFR 2.20(d) is revised to more accurately reflect as part of the statement of policy the terminology of the new offense severity index as follows:

§ 2.20 Paroling policy guidelines; statement of general policy.

* * * * *

(d) The guidelines contain instructions for the rating of certain offense behaviors. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

* * * * *

2. In 28 CFR 2.20, definition 231(b) on page 56337, third column is clarified by substituting the phrase "sexual

relationship" for the more ambiguous phrase "significant relationship" and by making explicit the relationship addressed in this section is a relationship between victim and offender. The revised definition reads as follows:

231 *Forcible Rape or Forcible Sodomy*

* * * * *

(b) *Exception:* If a prior consensual sexual relationship between victim and offender is present, grade as Category Six.

3. In 28 CFR 2.20, definition 311(a) on page 56338, first column is clarified to explain that the Commission intends this section only to apply to facilities similar to an armory and not facilities such as a retail store. The revised definition reads as follows:

311 *Burglary or Unlawful Entry*

(a) If the conduct involves an armory or similar facility (e.g., a facility where automatic weapons or war materials are stored) for the purpose of theft or destruction of weapons or war materials, grade as Category Six;

* * * * *

4. In 28 CFR 2.20 definition 616 on page 56339, first column is clarified by substituting the phrase "in connection with" for the phrase "while in custody" to remove any possible ambiguity from this section as it applies to failure to appear since the term "while in custody" could be misinterpreted as referring only to confinement status. The revised definition reads as follows:

616 *Escape or Failure To Appear*

If in connection with another Federal offense for which a severity rating can be assessed, grade the underlying offense and apply the rescission guidelines to determine an additional penalty. Otherwise, grade as Category Three.

5. In 28 CFR 2.20 definition 901(e) on page 56339, third column is corrected to remove a clerical error in the cross reference to the definition of "large scale." The corrected definition reads as follows:

901 *Distribution or Possession With Intent To Distribute*

* * * * *

(e) If large scale [see paragraph (d)], and no proprietary or managerial role, grade as Category Five;

* * * * *

6. In 28 CFR 2.20 provision 931(c) on page 56340, second column is corrected to include 200,000 doses in the example of large scale. Through a clerical error the 200,000 dose amount was previously omitted: very large scale included more than 200,000 doses, and large scale included up to 199,999 doses. This modification corrects this error and places 200,000 doses in the less serious of the two categories. The corrected provision reads as follows:

931 *Distribution or Possession With Intent To Distribute*

* * * * *

(c) If large scale (e.g., involving 20,000–200,000 doses), grade as Category Five;

* * * * *

7. In 28 CFR 2.20, provision 931(d) on page 56340, second column is corrected by changing 199,999 to 19,999 doses. This was a printing error and its correction affirms the Commission's previous example of medium scale for drug offenses of this type. Any confusion which this error might have caused for amounts of 20,000 to 200,000 doses would have been resolved by General Note 1 which provides that if an offense behavior can be classified under more than one category, the most serious category is to be used. Under this Note, even prior to correction of this error, 20,000 to 200,000 doses would be rated under the more serious category, i.e., large scale. The corrected provision reads as follows:

931 *Distribution or Possession With Intent To Distribute*

* * * * *

(d) If medium scale (e.g., involving 1,000–19,999 doses), grade as Category Four;

* * * * *

8. In 28 CFR 2.20, Chapter Thirteen, General Notes and Definitions, Subchapter A—General Notes 2 on page 56341, first column is modified to make clear that in cases graded as Category Seven multiple separate offenses are not to be taken account of by increasing the severity level but by a decision above the guidelines. There is a large gap of months between the top of the Category Seven guideline range and the bottom of the Category Eight guideline range. This modification makes clear that multiple separate offenses in cases graded as Category Seven may, where the circumstances warrant, be sanctioned without necessarily continuing the prisoner into the much longer time frames of Category Eight, although this does not preclude a decision above the base of the Category Eight guidelines where the specific aggrevating case circumstances warrant. The revised note reads as follows:

CHAPTER THIRTEEN—GENERAL NOTES AND DEFINITIONS

SUBCHAPTER A—GENERAL NOTES

* * * * *

2. If an offense behavior involved multiple separate offenses, the severity level may be increased. Exception: in cases graded as Category Seven, multiple separate offenses are to be taken into account by consideration of a decision above the guidelines rather than by increasing the severity level.

* * * * *

Dated: February 14, 1983.

Benjamin F. Baer,

Chairman, Parole Commission.

[FR Doc. 83-4690 Filed 2-23-83; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 8E2048/9E2229/0E2345/2E2611/R515; PH-FRL 2311-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Paraquat

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the desiccant, defoliant, and herbicide paraquat in or on a variety of raw agricultural commodities and crop groups. The regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities and crop groups was submitted, pursuant to a petition, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on February 24, 1983.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of December 29, 1982 (47 FR 57975) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted the following pesticide petitions to EPA on behalf of the IR–4 Technical Committee and the named Agricultural Experiment Stations: 0E2345 on behalf of the Agricultural Experiment Stations of Arkansas, California, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Texas, and Washington;

9E2229 and 2E2611 on behalf of the Agricultural Experiment Station of California; and 8E2048 on behalf of the Agricultural Experiment Stations of Idaho, Indiana, Oregon, Washington, and Wisconsin, and the United States Department of Agriculture.

Pesticide petition 0E2345 requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion), resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the following raw agricultural commodities and crop groups: beans (lima, snap) (succulent form), cabbage, carrots, cauliflower, Chinese cabbage, collards, cucurbits (watermelon, cantaloupe/muskmelon, pumpkin, squash, cucumber), fruiting vegetables (eggplants), peas (succulent form), and turnips (top and roots) at 0.05 part per million (ppm); beans (forage) at 0.1 ppm; and peas (forage) at 0.2 ppm. The petition was later amended to include proposed tolerances for beans (hay) at 0.4 ppm and peas (hay) at 0.8 ppm.

Petitions 9E2229 and 2E2611 requested that the Administrator propose the establishment of tolerances for residues of paraquat, resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the raw agricultural commodities kiwifruit (PP 2E2611) and pistachio nuts (9E2229) at 0.05 ppm.

Petition 8E2048 requested that the Administrator propose the establishment of a tolerance for residues of paraquat, resulting from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation), in or on the raw agricultural commodity mint hay at 0.5 ppm.

A related document, [FAP 8H5181/R130], establishing a regulation permitting residues of paraquat in spent mint hay at 3.0 ppm appears elsewhere in this issue of the **Federal Register.**

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register,** file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 11, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.205 is amended by removing the entries melons, peppers, and tomatoes, and adding and alphabetically inserting the proposed raw agricultural commodities and crop groups to read as follows:

§ 180.205 Paraquat; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Beans, forage	0.1
Beans, hay	0.4
Beans, lima (succulent)	0.05
Beans, snap (succulent)	0.05
* * * * *	
Cabbage	0.05
Carrots	0.05
* * * * *	
Cauliflower	0.05
* * * * *	
Chinese cabbage	0.05
* * * * *	
Collards	0.05
* * * * *	
Cucurbits	0.05
* * * * *	
Kiwifruit	0.05
* * * * *	
Melons	[1] 0.05(N)
* * * * *	
Mint, hay	0.5
* * * * *	
Peas (succulent)	0.05
Peas, forage	0.2
Peas, hay	0.8
Peppers	[1] 0.05(N)
* * * * *	
Pistachio nuts	0.05
* * * * *	
Tomatoes	[1] 0.05(N)
Turnips (roots)	0.05
Turnips (tops)	0.05
Vegetables, fruiting	0.05

[1] Removed.

[FR Doc. 83-4676 Filed 2-23-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-623; RM-4159]

FM Broadcast Station in Bakersfield, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a fifth FM channel to Bakersfield, California, in response to a petition filed by Daniel Rushton.

DATE: Effective April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bakersfield, California); BC Docket No. 82-623, RM-4159; Report and Order (Proceeding Terminated).

Adopted: January 26, 1983.

Released: February 11, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making,* 47 FR 40454, published September 14, 1982, proposing the assignment of Channel 221A to Bakersfield, California, as its fifth FM assignment. The *Notice* was issued in response to a petition filed by Daniel Rushton ("petitioner"). Supporting comments were filed by the petitioner and by Dr. Anetha Baxter [1], both stating

[1] Dr. Baxter's comments were filed after the comment period ended. A waiver of §§1.514 and 1.420 of the Rules was requested noting that she was only recently made aware of the proposed assignment. Since the comments merely state an interest in the assignment, we accept Dr. Baxter's late filed comments.

their intent to apply for the channel, if assigned.

2. The channel can be assigned in compliance with the minimum distance separation requirements. After consideration of the proposal and comments in this proceeding, we have concluded that the public interest would be served by assigning a fifth FM channel to Bakersfield.

3. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 12, 1983, the FM Table of Assignments, §73.202(b) of the Commission's Rules, is amended with respect to the community listed below:

City	Channel No.
Bakersfield, Calif.	221A, 231, 243, 268, and 300.

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4892 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-665; RM-4175]

FM Broadcast Station in Payette and Weiser, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes FM Class C Channel 262 for Channel 261A at Payette, Idaho, modifies the Class A license accordingly; and substitutes Channel 257A for Channel 265A at Weiser, Idaho, in response to a petition filed by Blue Mountain Broadcasting Company.

DATE: Effective April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Payette and Weiser, Idaho); BC Docket No. 82–665, RM–4175; Report and Order (Proceeding Terminated).

Adopted: January 21, 1983.

Released: February 11, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 43743, published October 4, 1982, proposing the substitution of Class C Channel 262 for Channel 261A at Payette, Idaho, and the substitution of Channel 257A for Channel 265A at Weiser, Idaho, in response to a petition filed by Blue Mountain Broadcasting Company ("petitioner").[1] The *Notice* also proposed modification of the license for FM Station KWBJ (Channel 261A) to specify operation on Channel 262. Comments were filed by Mountain Land Broadcasting (applicant for Channel 265A at Weiser, Idaho), to which the petitioner responded.[2]

2. Mountain Land comments that it filed an application for Channel 265A on August 19, 1982. Mountain Land adds that it neither supports nor opposes the proposed substitution of channels at Weiser, as either channel would be adequate for the service it proposes. However, Mountain Land argues that the channel change should be conditioned upon the petitioner providing reimbursement for any reasonable and prudent expenses incurred in modifying its pending application to specify Channel 257A rather than Channel 265A. Additionally, it requests that the reimbursement package include further expenses to adapt to a full or partially constructed station to a new frequency, provided that construction has begun on Channel 265A before the rule making is adopted.

3. Petitioner in response states that it is not opposed to Mountain Land's request for reasonable and prudent expenditures in modifying its application or in changing the facility if construction has already begun.

4. After carefully considering the proposal and comments filed in response to the *Notice*, we conclude that the public interest would be served by the adoption of the proposed channel substitution at Payette in order to provide an increase in coverage by petitioner's station. In addition, we have authorized in paragraph 6 a modification of the petitioner's license for Station KWBJ(FM) (Payette, Idaho) to specify operation on Channel 262, since there has been no other expression of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). We shall also substitute Channel 257A for Channel 265A at Weiser to avoid short spacing to the proposed Channel 262 at Payette. With respect to the reimbursement issue, the Commission does not generally require reimbursement for an applicant's expenses. Here, we shall take no position on petitioner's willingness to reimburse Mountain Land for expenses incurred in the changeover. We view that as a private matter between the affected parties.

5. Accordingly, pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 12, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the communities listed below:

City	Channel No.
Payette, Idaho	262
Weiser, Idaho	257A

6. It is further ordered, pursuant to the authority contained in § 316 of the Communications Act of 1934, as amended, that the license of Station KWBJ(FM), Payette, Idaho, is modified to specify operation on Channel 262, subject to the following conditions.

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facility.

(b) Upon grant of the contruction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

7. It is further ordered; That this proceeding is terminated.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

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[1] Blue Mountain Broadcasting Company is the licensee of Station KWBJ (FM), Payette, Idaho.

[2] Petitioner failed to file comments indicating its continued interest in the substitution of channels as requested in the Appendix to the *Notice*. However, we believe it is reasonable to acknowledge the continuing interest by virtue of its statements in the reply comments.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4991 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-350; RM-4080]

FM Broadcast Station in Bay Shore, New York; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule

SUMMARY: Action taken herein denies a request to assign FM Channel 276A to Bay Shore, New York, as that community's first local aural service, in response to a petition filed by Living Communications, Inc. The proposal was denied for failure to comply with the minimum mileage separation requirements of § 73.207(a). Petitioner's request for waiver was not justified for failure to supply a compelling reason.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bay Shore, New York); BC Docket No. 82-350 RM-4080; Report and Order (Proceeding Terminated).

Adopted: January 31, 1983.

Released: February 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 29856, published July 9, 1982, proposing the assignment of Channel 276A to Bay Shore, New York, as its first FM allocation. Comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. Comments were also filed by the following: Doubleday Broadcasting of New York, Inc. ("Doubleday"), licensee of FM Station WAPP (Channel 278), Lake Success, New York; Buckley Broadcasting Corporation of Connecticut ("Buckley"), licensee of Station WDRC-FM (Channel 275), Hartford, Connecticut; and Metromedia, Inc. ("Metromedia"), licensee of Station WNEW-FM (Channel 274), New York. Petitioner and opponents all filed reply comments.

2. In order to accommodate its request, petitioner proposed a transmitter site 3.1 miles east of Bay Shore, in an area which is said to contain numerous suitable antenna sites. However, our staff engineering study revealed that the proposal required a transmitter siting 4 miles south of Bay Shore to avoid short-spacing to Stations WDRC-FM, Hartford, Connecticut, and WNEW, New York, New York. That area is close to the Atlantic Ocean and therefore we questioned whether an on-shore site could be found.

3. Although we generally are not concerned with site availability at the rule making stage of a proceeding, we do inquire whether a non-short-spaced transmitter site is possible. The question was relevant here particularly because this same channel had been deleted from Bay Shore due to the unavailability of suitable sites (*Bay Shore, New York*, 25 F.C.C. 2d 877 (1970)). The restricted location required placing the transmitter on a portion of Fire Island, located within the Fire Island National Seashore. That extremely limited area was the only possible one due to spacing requirements, the close proximity of the Atlantic Ocean, and environmental considerations. Also, in order to provide the required 3.16 mV/m contour over Bay Shore, a 300 foot tower was required.

4. At the time the assignment was originally made, environmental impact was not considered. The National Environmental Policy Act of 1969, 42 U.S.C. 4321-4347, had recently been enacted. That Act directs, *inter alia*, that all agencies of the Federal Government invoke or implement the environmental impact statement process before deciding on legislative or other major agency actions which would have a significant effect on the quality of the human environment. Further, it required that, before making an environmental statement, the initiating agency is responsible for consulting with and obtaining the comments of any other Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

5. Since the available antenna locations would have been located within a national preserve falling within the jurisdiction of the Department of the Interior or the National Park Service, the Department of the Interior filed comments in opposition to the assignment.

6. As a consequence of the opposition, the Commission determined that, although the assignment would have provided Bay Shore residents an opportunity to receive a first local broadcast service, the environmental impact involved outweighed retaining the channel in the Table. Therefore, the Commission rescinded its earlier action and deleted the allocation from the FM Table of Assignments. See *Bay Shore, New York, supra.*

7. In view of this background, we requested in the *Notice* that petitioner provide evidence that a suitable transmitter location could now be found. Further, we requested that petitioner demonstrate in its comments the extent to which it coordinated its proposal with applicable Federal, State and local authorities to obtain approval for use of its site, and a technical showing to demonstrate that such site could place a city-grade signal over all of Bay Shore.

8. In their comments, opponents uniformly expressed the view that petitioner most likely would be unable to secure a transmitter site which would comply with all applicable spacing, zoning and environmental requirements due to the scarcity of available land in the Bay Shore area to accommodate the proposal.

9. Doubleday remarked that in addition to the environmental considerations set forth in the *Notice*, the Bay Shore proposal is also subject to constraints imposed by the National Historic Preservation Act of 1966, 16 U.S.C. 470. Specifically, it claimed that the area in which a transmitter might be located to avoid short-spacing (*i.e.*, approximately 4 miles south of Bay Shore), contains the Fire Island Light Station, on the Robert Moses Causeway, which is listed in the National Register of Historic Places. Thus, a transmitter site near this historic landmark would also require compliance with the provisions of that Act.

10. Further, Doubleday claimed that the instant proposal, if granted, would create interference to its Station WAPP listening audience, as well as inhibit it from ever relocating its transmitter to a site in that direction.

11. Moreover, according to Doubleday's consulting engineer, New York FM Stations WCTO, Smithtown, WALK-FM and WBLI, Patchogue, and WBAB, Babylon, all are within 15 miles of Bay Shore and provide at least 1 mV/m service thereto. Therefore, Doubleday asserted that the requested Bay Shore assignment should not be premised on a need for service.

12. Metromedia asserted that even if other environmental approvals could be obtained, it would be extremely difficult to procure local zoning clearance in the Bay Shore area to accommodate the

required 300-foot tower to provide city-grade service.

13. Additionally, Metromedia claimed that petitioner should have demonstrated initially whether the environmental matters entailed herein had received approval of the pertinent Federal agencies; whether its proposed site conformed to local zoning ordinances; and whether petitioner had reasonable assurance it could utilize such a site.

14. Buckley remarked that while an assignment to Bay Shore may be desirable from an allocations standpoint to provide that community with its first local broadcast station, it would be undesirable to do so at the expense of its own Station WDRC–FM since the proposed station would impair its ability to effectively compete in the marketplace.

15. In response to our request for information in the *Notice*, petitioner commented that in order to obviate short-spacing to Station WDRC in Hartford, Connecticut, it would be necessary to site its transmitter approximately 5.8 miles south of the reference point specified in its petition. However, it notes that area would place the transmitter either in the Great South Bay, or on Fire Island, the latter of which it concedes is unavailable for a transmitter.

16. Consequently, as an alternative solution, petitioner proposes to utilize the existing transmitter site and tower of its Station WLIX(AM), in Islip, New York, which is east of Bay Shore. Petitioner claims such existing tower meets Federal and State regulations as well as local zoning requirements. Further, it advises that the terrain surrounding Islip is relatively flat, whereas the WLIX(AM) tower is 320 feet high. Therefore, it claims the HAAT would be approximately 300 feet, as required for its proposal. Thus, according to petitioner, since no point in Bay Shore is more than four miles from the proposed Islip site, the requisite 70 dBu signal could be placed over the community.

17. However, as petitioner recognizes, the proposed Islip location would be short-spaced to Station WDRC(FM), in Hartford, Connecticut, by 5.8 miles. In an effort to prevent objectionable interference to that station, petitioner advises it would use a directional antenna "with a deep null in the antenna pattern." It claims that because the area south of Bay Shore consists of water, such an antenna system could additionally direct otherwise dissipated energy over Bay Shore. This course of action, it remarks, has occasionally been permitted under similar circumstances along the Florida and Gulf Coast areas.

18. Petitioner alleges that it has "checked" with pertinent governmental bodies regarding its proposed antenna site requirements and "finds" the present WLIX(AM) site meets all their requirements. Additionally, petitioner advises it contacted pertinent Bay Shore City management and was informed that the WLIX site is the only available one in the immediate vicinity. Thus, it claims use of the WLIX site would eliminate the environmental constraints previously imposed on a Bay Shore assignment and questioned here.

19. All three opponents note in their reply comments that § 73.316(c) of the Commission's Rules strictly prohibit use of a directional antenna to reduce mileage separation requirements for FM allocation purposes, citing *Revision of FM Rules*, 23 R.R. 1801, 1833 (1962), *recons. den.* 23 R.R. 1859, 1876 (1963); *Lexington, Kentucky*, 46 R.R. 2d 354–5 (1979); and *Basic Media, Ltd.* v. *F.C.C.*, 559 F. 2d 830 (D.C. Cir. 1977), which upheld the Commission's essential objective to uphold the integrity of the FM Table of Assignments based on required mileage separations.

20. Moreover, Metromedia notes that in BC Docket No. 80–90 *(Modification of FM Broadcast Station Rules To Increase the Availability of Commercial Broadcast Assignments*, 47 R.R. 2d 916 (1980)), the Commission, while setting forth numerous proposals to relax the FM allocation rules, specifically declined to consider directionalized antennas in connection with the rule making proceeding, noting it reserved consideration thereof for the future.

21. Metromedia asserts that rather than address the Commission's longstanding policy against short-spaced directionalized FM facilities, petitioner seems to rest its proposal on § 73.209(c) of the Rules which permit short-spacing in limited situations where an application specifies an antenna site in a designated antenna farm area. Since such is not the case here, Metromedia claims that § 73.209(c) is totally irrelevant to petitioner's proposal.

22. Opponents also assert that petitioner has neglected to present evidence demonstrating that it has a site which could comply with §§ 73.207 and 73.208(a)(4) of the Commission's Rules. This, Buckley maintains, is evidenced by petitioner's proposed use of the WLIX tower in Islip, which petitioner acknowledges would contravene § 73.207 with respect to Station WDRC–FM in Hartford, Connecticut. Likewise, Doubleday claims that if the Islip site is permitted using a directional antenna, it could cause interference to nearly twice as many persons as the Bay Shore transmitter site would generate.

23. Metromedia advises that in addition to the four FM signals received in Bay Shore, clear channel AM Stations WNBC and WCBS, located approximately 29.5 miles therefrom provide 2.0 mV/m service to the community. In light of the broadcast services available to Bay Shore, opponents assert that petitioner has not demonstrated any compelling need to justify its proposed assignment.

24. In reponse to these opposition comments, petitioner does not dispute that a transmitter siting is not possible on Fire Island, but reiterates that its alternate proposal to utilize the WLIX(AM) tower meets all local zoning requirements and eliminates environmental considerations. Petitioner reasserts that by utilizing a modified directional antenna, Station WDRC(FM), Hartford, would be afforded protection from interference equivalent to that which § 73.207 would afford.

25. While recognizing that § 73.209(c) applies to sites within a designated antenna farm, petitioner claims such provisions should apply here since special circumstances exist due to environmental constraints which contribute to a scarcity of available land in the area. Thus, petitioner urges waiver of § 73.207 to enable implementation of its proposal to provide Bay Shore with its first local FM service.

26. Petitioner also disclaims that its proposal would cause interference to the listening audience of Doubleday's Station WAPP in Lake Success, New York, since there would be no overlap of contour and a licensee is not protected beyond its interference-free contours. Further, as to the impact on Doubleday in relocating its transmitter site in the future, r etitioner notes there is no basis for speculating on a potential change in site as a basis for denying a present request for an assignment.

27. At the outset, we note that petitioner failed to supply documented evidence from any Federal, State, or local authority and acknowledged that it cannot satisfy the requirements of § 73.207(a) of our Rules regarding an available site in the Bay Shore vicinity due to environmental constraints.

28. As an alternative, petitioner proposes to utilize its WLIX(AM) tower site in Islip, New York. However, that site would cause short-spacing to Station WDRC–FM in Hardford, Connecticut, since § 73.207 of the Rules requires a separation of 65 miles between a Class B station and a first adjacent Class A, whereas the distance

involved here is 59.2 miles. In an attempt to reduce this interference factor, petitioner not only proposes use of a directional antenna, but urges that we waive the requirements of § 73.207 and apply § 73.209 to its proposal instead. Petitioner claims that by utilizing a directional antenna, it could achieve the same benefit as would § 73.207, *i.e.*, protection from interference.

29. We find that the proposal must fail for several reasons. First, petitioner has argued that despite the short-spacing violation that its proposal entails, no interference would be generated to Station WDRC(FM) in Hartford, Connecticut, if it employs a directional antenna. However, the Commission's standards of protection are not based on interference considerations. See, *Millington, Maryland*, 45 R.R. 2d 1669 (1979), and *Lexington, Kentucky*, 46 R.R. 2d 354 (1979). Moreover, § 73.316 of the Rules does not permit directional antennas to reduce the minimum mileage separation requirements. This is further reinforced by the dismissal of reconsideration in BC Docket No. 80–90 *(Modification of FM Broadcast Station Rules To Increase the Availability of Commercial FM Broadcast Assignments)*, 47 R.R. 2d 916 (1980), wherein we noted that directional antennas have been approved to permit superpowered grandfathered stations to increase power and to encourage the location of transmitters on antenna farms. Beyond this, we declined to address the issue of directionalized antennas in connection with rule making proceedings, stating we reserved consideration thereof for the future.

30. Secondly, while we have occasionally granted requests for waiver of § 73.207, this has only been done in connection with applications for existing channels. The Commission has customarily held that a showing of need for the channel assignment must be compelling before a waiver of § 73.207 could be justified. See, *e.g., Frenchtown, New Jersey*, Mimeo No. 6378, released September 17, 1982; *Toms River, New Jersey*, 43 F.C.C. 2d 414 (1973); *Portland, Tennessee*, 35 F.C.C. 2d 601 (1972); and *Vass, North Carolina*, Mimeo No. 19852, released July 30, 1979. Thus, we do not take waiver requests lightly and consequently, have never granted a short-spaced assignment in a rule making proceeding, as to do so would weaken the very purposes we are attempting to serve. The reason for the heavy onus placed upon those seeking waiver is the emphasis we place on the foundation of the Table of Assignments, the mileage separation between channels. As a result, we recognize the regrettable fact that not every community will be able to obtain local service. See, *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974). Here, petitioner's showing that a first local service could be provided is insufficient to justify a waiver of § 73.207(a). See, *Frenchtown, N.J., supra; Vass, N.C., supra;* and *Millington, Md. supra.* In any event, Bay Shore is not devoid of service since it has been shown that the community is served by a minimum of four FM stations, all of which are within a 15 mile radius.

31. Section 73.209 pertains to grant of an application which specified an antenna in a designated antenna farm, and not of a petition to assign a channel. As has been established, there is no indication of available land to accommodate a suitable transmitter site to comply with §§ 73.207 and 73.208, much less is there evidence of a designated antenna farm in the area. Thus, petitioner's citation of § 73.209 is not pertinent here. See, *Independent Music Broadcasters, Inc.*, 26 R.R. 2d 1539, 1541 (1973); *Frenchtown, New Jersey, supra.*

32. In summation, petitioner has not demonstrated that it can overcome certain environmental constraints inherent in the Bay Shore vicinity in order to satisfy the requirements of § 73.207 of the Commission's Rules. It also has failed to provide a compelling reason to waive § 73.207. Therefore having found no justification for the proposal, the request must be denied. However, petitioner may wish to observe the progress of the proceeding in BC Docket No. 80–90 to ascertain if an FM channel can be made available to Bay Shore in the future consistent with the mileage separation requirements. See, *Modification of Broadcast Station Rules, supra.*

33. In light of the action taken herein, we have not addressed Doubleday's contention that the proposal, if granted, would generate interference to its Station WAPP (FM) in Lake Success, New York, or would affect its ability to relocate its transmitter in the future.

34. Accordingly, in consideration of the above, it is ordered, That, the petition of Living Communications, Inc. to assign Channel 276A to Bay Shore, New York, is denied.

35. It is further ordered, That this proceeding is terminated.

36. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4887 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82–663; RM–4176]

TV Broadcast Station in High Springs, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF commercial television Channel 53 to High Springs, Florida, as requested by American Satellite and Television, Inc. The channel could provide a first local television service to High Springs.

DATE: Effective April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects In 47 CFR Part 73

Television broadcasting.

In the matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (High Springs, Florida); BC Docket No. 82–663, RM–4176.

Report and Order (Proceeding Terminated)

Adopted: January 31, 1983.

Released: February 11, 1983.

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 47 FR 43741, published October 4, 1982, proposing the assignment of UHF commercial television Channel 53 to High Springs, Florida. The *Notice* was adopted in response to a petition filed by American Satellite and Television, Inc. ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intention to apply for the channel, if assigned. No comments in opposition to the proposal were received.

2. High Springs is described as a community of 2,401, [1] persons in Alachua

[1] Population figures are taken from the 1980 U.S. Census.

County (population 151,348), about halfway between Gainesville and Lake City, Florida, "the two major communities in north central Florida." It is located within the Gainesville Standard Metropolitan Statistical Area, which, petitioner states, is one of the fastest growing in the nation. The population is said to have increased by 41.4 percent from 1960 to 1970 and 44.5 percent from 1970 to 1980. It has no local television service.

3. The Commission believes that the public interest would be served by assignment of UHF commercial television Channel 53 to High Springs, Florida. Petitioner has shown that there is an apparent need for a first local television service to the community, and the assignment can be made in compliance with the minimum distance separation requirements.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's rules, it is ordered, That effective April 12, 1983, the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, is amended for the following city:

City	Channel No.
High Springs, Fla	53+

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4599 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-621; RM-4169]

FM Broadcast Station in Fairbanks, Alaska; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class C Channel 251 to Fairbanks Alaska, in response to a petition filed by Borealis Broadcasting, Inc. The assigned channel could provide a fifth local FM service to Fairbanks.

DATE: Effective: April 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Fairbanks, Alaska); BC Docket No. 82–621 RM–4169.

Report and Order (Proceeding Terminated)

Adopted: February 3, 1983.

Released: February 10, 1983.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 40451, proposing the assignment of Class C Channel 251 to Fairbanks, Alaska, as that community's fifth FM assignment [1] in response to a petition filed by Borealis Broadcasting, Inc. ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its intention to apply for the channel if it is assigned.

2. Canadian clearance has been received.

3. The Commission has determined that the public interest would be served by assigning Channel 251 to Fairbanks, Alaska, since it could provide a fifth local FM service to that community.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules, it is ordered, That effective April 11, 1983, § 73.202(b) of the Commission's Rules is amended, with respect to the following community:

City	Channel No.
Fairbanks, Alaska	240A, 251, 266, 273, and 284

5. It is further ordered, that this proceeding is terminated.

6. For further information, contact Mark, N. Lipp, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] In a recent proceeding (BC Docket 82–568) we assigned Channel 240A to Fairbanks (action taken January 13, 1983).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4618 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-595; RM-4168]

FM Broadcast Station in Pine Bluff, Arkansas; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: final rule.

SUMMARY: This action assigns FM Channel 257A to Pine Bluff, Arkansas, in response to a petition filed by Jerome Green. The proposed assignment could provide a third local FM service to Pine Bluff.

DATE: Effective: April 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.

Released: February 10, 1983.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 40452, published September 14, 1982, proposing the assignment of Channel 257A to Pine Bluff, Arkansas, as that community's third FM assignment, in response to a petition filed by Jerome Green ("petitioner"). Supporting comments were filed by petitioner in which he reaffirmed his intention to apply for the channel, if assigned. No oppositions to the proposal were received. The channel can be assigned consistent with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

2. In view of the expressed interest in the proposed channel allocation, we find that public interest considerations warrant the assignment of 257A to Pine Bluff, Arkansas.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, it is ordered, That effective April 11, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with

regard to Pine Bluff, Arkansas, as follows:

City	Channel No.
Pine Bluff, Ark.	222,235, and 257A

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–4615 Filed 2–23–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–520; RM–4173]

FM Broadcast station in Kanab, Utah; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 266 to Kanab, Utah, in response to a petition filed by Jack H. Jensen. The proposal could provide a first FM service to that community.

DATE: Effective: April 11, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 31, 1983.

Released: February 10, 1983.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 47 FR 40459, published September 14, 1982, proposing the assignment of FM Channel 266 to Kanab, Utah, as the community's first FM service. The *Notice* was adopted in response to a petition filed by Jack H. Jensen ("petitioner"). Supporting comments were filed by petitioner in which he reaffirmed his intention to apply for the channel, if assigned. No comments in opposition to the proposal were received.

2. The Commission believes that the public interest would be served by the assignment of FM Channel 266 to Kanab, Utah. Petitioner has shown that there is an apparent need for a first FM service to the community, and the assignment can be made in compliance with the minimum distance separation requirements.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective April 11, 1983, the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, is amended for the following city:

City	Channel No.
Kanab, Utah	266

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–4614 Filed 2–23–83; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 48, No. 38
Thursday, February 24, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1032

Milk in the Southern Illinois Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool plants and still be priced under the order. The proposed suspension would remove the limits on such movements of milk during the months of March thorugh August 1983. The action was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market. A seasonal increase in milk production and a reduction in the fluid milk requirements of pool distributing plants supplied by the cooperative association prompted the request.

DATE: Comments are due not later than March 3, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period if it is found necessary. The initial request for this action was received on February 14, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Southern Illinois marketing area is being considered for the months of March through August 1983:

1. In § 1032.13(b)(2), the language "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

2. In § 1032.13(b)(3), the language "for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section".

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file two copies of such material with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1983 in the suspension period.

The comments that are sent will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would remove the limits on the amount of milk that may be diverted from pool plants to nonpool plants during the months of March through August 1983. The order now provides that during the months of January through April and September through November not more than 8 days' production of a producer may be diverted to nonpool plants that are not other order plants. Such diversions are limited to not more than 12 days' production of a producer during August and December. Diversions to nonpool plants that are also other order plants are limited each month of the year to not more than the number of days of production of a producer that is received at pool plants.

The suspension was requested by a cooperative association that supplies milk to handlers regulated under the order. The cooperative association has received notification that pool distributing plants it supplies will need less fluid milk during March through August 1983 due to a decrease in Class I sales in the Southern Illinois market. In addition, milk production is increasing seasonally in this market. As a result, milk of the cooperative's members will be temporarily in excess of fluid milk needs and will have to be moved to nonpool plants for surplus disposal during March through August.

Outlets for the displaced milk include manufacturing plants located in the production area and distributing plants in the St. Louis area that are regulated under the adjacent St. Louis-Ozarks order. The cooperative contends that suspension of the diversion limitations is necessary so that the milk can be moved to such plants in the most economical manner. Without the suspension, the cooperative contends, costly and inefficient movements of milk would have to be made to continue to pool the milk of dairy farmers who have been regularly associated with the market. Also, without the suspension, some of the milk would become pooled

under the St. Louis-Ozarks order, thereby lowering returns to producers supplying that market. The cooperative contends that St. Louis-Ozarks producers should not have their returns reduced as a result of carrying a reserve supply of milk that has regularly been associated with the Southern Illinois order.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on February 16, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-4691 Filed 2-23-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0455]

Regulations Y; Bank Holding Companies and Change in Bank Control; Nonbanking Activity; Discount Securities Brokerage and Securities Credit Lending

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board of Governors recently approved by order an application by a major bank holding company filed pursuant to section 4(c)(8) of the Bank Holding Company Act to acquire a company engaged in providing certain brokerage and securities credit or "margin" lending services. In response to public notice of that application, several commentators suggested that those nonbanking activities be added to the list of nonbank activities in Regulation Y, 12 CFR 224 *et seq.*, that are generally permissible for bank holding companies. Accordingly, at this time, the Board has decided to consider amending § 225.4(a) of Regulation Y to add these activities to the list of permissible activities for bank holding companies.

DATE: Comments must be received by April 8, 1983.

ADDRESS: Comments, which should refer to Docket No. R-0455, may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in Room B-1112, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Richard M. Ashton, Assistant General Counsel, 202/452-3750, or Richard M. Whiting, Senior Attorney, 202/452-3779, Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: (1) *Proposed Rulemaking.* Section 4(c)(8) of the Bank Holding Company Act, 12 U.S.C. 1843(c)(8), states that bank holding companies lawfully may engage in those activities the Board has "determined (by order or regulation) to be so closely related to banking or managing and controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). Under proposed general guidelines provided in a federal circuit court opinion, a nonbanking activity may be regarded as closely related to banking if it meets one of the following criteria: (a) Banks generally have in fact provided the proposed service; (b) banks generally provide services that are operationaly or functionally so similar to the proposed service as to equip them particularly well to provide the proposed service; or (c) banks generally provide services that are so integrally related to the proposed service as to require their provision in a specialized form. *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F. 2d 1229 (D.C. Cir. 1975). The Board has found such guidelines useful in considering whether or not a proposed nonbanking activity is closely related to banking. In addition, the Board may consider other factors in deciding what activities are closely related to banking. *Alabama Association of Insurance Agents* v. *Board of Governors*, 533 F. 2d 224, 241 (5th Cir. 1976).

As referenced above, effective January 7, 1983, the Board of Governors approved the application filed pursuant to section 4(c)(8) of the Bank Holding Company Act by BankAmerica Corporation, San Francisco, California ("BAC"), a registerd bank holding company, to acquire the Charles Schwab Corporation and thereby engage in certain securities brokerage and margin lending activities pursuant to Regulation T. 69 Federal Reserve Bulletin 105 (1983). In its order approving BAC's application, the Board found that BAC's proposed discount securities brokerage and margin activities were closely related to banking. BAC also sought to engage in certain nonbank activities that it believed were "incidental" to the primary activities of securities brokerage and securities credit lending. Those activities were the provision of custodial services and the provision of investment alternatives for funds awaiting investment in securities. Particularly, these latter services include the offering to securities customers IRAs, sweep arrangements, and the payment of interest on net free balances awaiting investment, particularly through an account that combines payment of interest with customer access to such balances through a debit card and checking account with an unaffiliated bank.

In its order approving the BAC application, the Board relied upon record evidence that banks currently offer certain types of securities brokerage services. For example, banks have offered brokerage services in connection with servicing custodial accounts, dividend reinvestment plans, voluntary investment plans, employee stock purchase plans, automatic investment plans, customer transaction services and bank trust and advisory accounts. The extent and nature of these bank brokerage activities has been recognized and documented by the SEC.[1] In addition, national banks, the Board noted, are expressly authorized by statute (*i.e.*, 12 U.S.C. 27(7)) to purchase and sell securities without recourse and for the account of customers. Moreover, the Board found that the use of sophisticated techniques, resources, and personnel by banks to execute the purchase or sale of securities for the account of customers is so widespread as to justify a finding that banks generally provide securities brokerage services that equip them particularly well to engage in the proposed brokerage activities. Finally, the Board determined that the proposed "incidental" activities were permissible and could legally be conducted by BAC in connection with the proposed securities brokerage and securities credit lending activities.

Several commentators on BAC's application to engage in discount securities brokerage and margin lending activities suggested that these activities be added to the list of nonbank activities generally permissible for all bank holding companies. Accordingly, the Board now solicits comment as to whether the proposed activities of discount securities brokerage and securities credit lending should be added to the list of permissible nonbank activities in § 225.4(a) of Regulation Y. In this context, securities brokerage

[1] Securities and Exchange Commission, Final Report on Bank Securities Activities (1977).

means buying and selling securities solely as agent for the account of customers; it specifically excludes securities underwriting activities and the provision of investment advice or research services. Securities credit or margin lending means extending credit for the purchase or carrying of securities by nonbank subsidiaries of bank holding companies pursuant to the Board's Regulation T, 12 CFR Part 220.

(2) *Submission of Comments.* Interested persons may express their views on the question whether the proposed activities should be added to the list in Regulation Y of nonbanking activities that the Board has determined to be so "closely related to banking or managing or controlling banks as to be a proper incident thereto" within the meaning of section 4(c)(8) of the Bank Holding Company Act and therefore generally permissible nonbanking activities for all bank holding companies. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354); 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that any amendment that might be adopted as a result of action on this matter, will not have significant economic impact on a substantial number of small entities that would be subject to the regulation. The proposed amendment would liberalize the existing regulations and would not have any particular effect on small entities that would be subject thereto.

List of Subjects in 12 CFR Part 225

Banks, banking, Holding companies, Securities, Reporting and recordkeeping requirements.

Authority. Accordingly, pursuant to its authority under section 5(b) of the Bank Holding Company Act, 12 U.S.C. 1844(b), and Sec. 5, 70 Stat. 137; 12 U.S.C. 1844, unless otherwise noted. The Board of Governors of the Federal Reserve System proposes to amend 12 CFR Part 225, as follows:

PART 225—[AMENDED]

1. Section 225.4 is amended by adding paragraph (a)(15) to read as follows:

§ 225.4 Nonbanking activities.

(a) * * *

(15) providing certain securities brokerage services and security credit lending, *provided that* (i) the brokerage services are restricted to buying and selling securities solely as agent for the account of customers and do not include the conduct of securities underwriting or the provision of investment advice or research services, and (ii) the securities credit lending is conducted by nonbank subsidiaries of bank holding companies pursuant to the Board's Regulation T, 12 CFR § 220.

* * * * *

By order of the Board of Governors of the Federal Reserve System, February 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-4667 Filed 2-23-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-25-AD]

Airworthiness Directives; Fairchild (Swearingen) Models SA226-T, SA226-TB, SA226-AT, SA226-TC, SA227-AC, SA227-AT, and SA227-TT Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) that would require a modification to the steering system by installing an improved nose steering manifold valve, a failure indicator light and a nose steering system hydraulic filter on Fairchild (Swearingen) Models SA226-T, SA226-TB, SA226-AT, SA226-TC, SA227-AC, SA227-AT and SA227-TT Airplanes. Nineteen incidents of nose steering malfunctions have occurred since September 1980, 14 of which were contributed to by contamination of the steering servo valve. The modifications required by the proposal will reduce the sensitivity of the system to contamination and prevent these malfunctions.

DATES: Comments must be received on or before April 30, 1983. *Compliance:* On or before July 1, 1983.

EFFECTIVE DATE: The applicable service bulletins may be obtained from: Fairchild Aircraft Corporation, P.O. Box 32486, San Antonio, Texas 78284 or the Rules Docket at the address below.

Send comments on the proposal in duplicate to: Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 82-CE-25-AD, Room 1558, 601 East 12th Street, Kansas City Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mark R. Schilling, Systems Engineer, Airplane Certification Branch, ASW-150, Southwest Regional Office, Fort Worth, Texas 76101, telephone: (817) 624-4911, Extension 516 or FTS 736-0516.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 82-CE-25-AD, Room 1558, 601 East 12th Street, Kansas City Missouri 64106.

Discussion.—The FAA has determined that there have been 19 incidents/accidents as a result of uncontrollable nose steering on Fairchild (Swearingen) SA226/SA227 series airplanes. In at least five incidents there have been substantial damage to airplanes. No injuries or fatalities have occurred as a result of the problem.

The operational restriction contained in the limitations section of the Airplane Flight Manual (AFM) limiting use of the nose wheel steering below 10 kts. ground speed will preclude loss of aircraft control due to nose wheel steering malfunctions. However, the unavailability of nose wheel steering at higher ground speeds may contribute to loss of aircraft control in the event of a dragging brake on takeoff or landing or with attempted takeoff with the prop in

the start lock position. Therefore, the nose steering must be modified to remove the limitation from the AFM so that nose wheel steering is available on the ground at all times. The manufacturer has issued the service bulletins referred to below which modify the steering system by installing an improved nose steering manifold valve, a failure indicator light and a nose steering hydraulic filter on affected Fairchild (Swearingen) SA226/SA227 series airplanes. Incorporation of these modifications permits removal of the operational restrictions from the AFM

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would make compliance with Fairchild Service Bulletins SB32-006, SB32-037 or SB32-039, mandatory on or before July 1, 1983. The proposed AD is applicable to all Fairchild (Swearingen) Models SA226-T, SA226-TB, SA226-AT, SA226-TC, SA227-AC, SA227-AT and SA227-TT airplanes with hydraulic nose wheel steering installed.

Approximately 350 Fairchild (Swearingen) Models SA226-T, SA226-TB and SA226-TC could be affected by the proposal. Estimated costs of $1,000 for parts and $700 for labor are expected to accrue for a total of $1,600 per airplane ($630,000 for the fleet).

Approximately 138 Fairchild (Swearingen) Models SA227-AC, SA227-AT and SA227-TT could be affected by this proposal. Fairchild Aircraft Corporation reports all operators of the SA227 models have received kits for the modification; however, all have not been installed. Approximately 20 aircraft remain to be modified at a cost of $700 for labor per airplane ($14,000 for remaining fleet).

List of Subjects in 14 CFR Part 39

Aircraft, Aviation safety.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Fairchild (Swearingen): Applies to the following models and serial numbers of airplanes certificated in any category:

Model SA226-T (S/N T-249 through T-275, and T-227 through T-291),

Model SA226-TB (S/N T-276 and T-292 through T-417),

Model SA226-AT (S/N AT-025 through AT-069, AT-071 through AT-074),

Model SA226-TC (S/N TC-212 through TC-419),

Any SA226 model and serial number airplane modified in accordance with Service Bulletin SB-32-016.

Model SA227-AC (S/N AC-420 through AC-599) and all models with hydraulic nose wheel steering.

Model SA227-AT (S/N AT-070, AT-423 through AT-596),

Model SA227-TT (S/N TT-421 through TT-597).

Compliance: Required as indicated, unless already accomplished.

To assure reliable operation of the steering system:

(a) On or before July 1, 1983:

(1) Modify the nose wheel steering systems of the affected Serial No. Model SA 226-T, SA226-TB, SA226-AT and SA226-TC airplanes in accordance with Fairchild (Swearingen) Service Bulletin SB 32-037 revised July 15, 1982, or if optional tiller wheel steering is installed, in accordance with SB 32-039 dated September 9, 1982.

(2) Modify the nose wheel steering systems of the affected serial number Model SA227-AC, SA227-AT and SA227-TT airplanes in accordance with Fairchild Service Bulletin SB 32-006 revised July 27, 1982.

(3) When the modifications required by paragraphs a)1) and a)2) of this AD are accomplished, remove the nose wheel steering operational restrictions in the limitations section of the Airplane Flight Manual and placards in the airplane that were incorporated in accordance with Fairchild Swearingen Service Bulletins SB A 32-001 or SB A 32-032 both dated June 3, 1981.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Aircraft Certification Branch, ASW-150, Federal Aviation Administration, Southwest Regional Office, Fort Worth, Texas 76101.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); Sec. 11.85 of the Federal Aviation Regulations (14 CFR 11.85)

Note.—For reasons discussed earlier in the preamble, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under the provisions of Executive Order 12291, (2) is not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3), I certify under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Kansas City, Mo., on February 14, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4639 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-ANE-40]

Airworthiness Directive; General Electric Company CF6-45 Series and CF6-50 Series Model Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt an Airworthiness Directive (AD) which would require a reduction in the life limits of certain high pressure compressor rotor (HPCR) stage 14 disks in CF6-45 and CF6-50 series model engines. This AD is necessary to prevent disk cracking which could result in disk failures.

DATES: Comments on the proposed rule must be received on or before April 25, 1983. Proposed effective date June 24, 1983.

ADDRESSES: Send comments on the proposed rule in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attn: Rules Docket No. 82-ANE-40, 12 New England Executive Park, Burlington, Massachusetts 01803.

The applicable Service Bulletin (CF6-50/-45) 72-724, dated August 11, 1982, may be obtained from the General Electric Company, Neumann Way, Cincinnati, Ohio 45215.

Copies of the Service Bulletin are contained in the Rules Docket at the above FAA address.

FOR FURTHER INFORMATION CONTACT: Arthur W. Nelson, Transport Engine Section, ANE-141, Engine Certification Branch, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Information on the economic, environmental, and energy impact that might result because of adoption of the proposed rule is requested. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before

taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons, and may be examined weekdays, except Federal holidays, between 8:00 a.m. and 4:30 p.m. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Background

Recent studies by the General Electric Company using improved stress analysis techniques show that the crack initiation life for certain CF6–45 and CF6–50 series model engine HPCR stage 14 disks is significantly less than that calculated at certification. This proposed AD reduces the life limit of disks, Part Numbers 9080M34P03 and 9080MP04, from 30,000 cycles to 10,000 cycles, except that disks Part Number 9080M34P04, which since new have been installed in rotors incorporating the revised stage 14 joint bolting arrangement set forth in Service Bulletin 72–724, have revised life limit of 13,000 cycles. This proposed AD is required to prevent disk bolt hole cracks which could result in a noncontained engine failure.

Approximately 1,600 stage 14 HPCR disks are affected by the proposed AD. It is considered that the requirements of the proposed AD can be accomplished during normal HPCR disassembly. The cost impact for replacement disks brought about by the HPCR stage 14 life limit reduction is estimated to be $5,250,000. For this reason, the proposed rule is not considered to be major under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected, since the rule affects only operators of B747, DC10, and A300 aircraft in which the CF6–45, –50 engines are installed, none of which are believed to be small entities.

List of Subjects in 14 CFR Part 39

Engine, Aircraft, and Aviation safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD.

General Electric Company: Applies to the CF6–45 and CF6–50 series model turbofan engines.

Compliance required as indicated.

To prevent disk failures which could result in a noncontained engine failure, accomplish the following:

(a) Remove from service all high pressure compressor rotor (HPCR) stage 14 disks, Part Numbers 9080M34P03 and 9080M34P04, which have not, since new, been installed in rotors incorporating General Electric CF6–50/–45 Service Bulletin 72–724 dated August 11, 1982, or later revision approved by the Manager, Engine Certification Branch, FAA, New England Region, Burlington, Massachusetts 01803, prior to the accumulation of 10,000 cycles in service or 100 cycles after the effective date of this AD, whichever is later.

(b) Remove from service all HPCR stage 14 disks, Part Number 9080M34P04, which since new have been installed in rotors incorporating General Electric CF6–50/–45 Service Bulletin 72–724 dated August 11, 1982, or later revision approved by the Manager, Engine Certification Branch, FAA, New England Region, Burlington, Massachusetts 01803, prior to the accumulation of 13,000 cycles in service.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec 1185 Federal Aviation Regulations (14 CFR 11.85))

Note.–Based upon an assessment of the economic impact of this proposed AD, as discussed more fully in the section entitled "Background," I certify that this action 1) is not a "Major Rule" under Executive Order 12291; 2) is not a "Significant Rule" under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979); and 3) if promulgated, will not not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation for this action is contained in the Regulatory Docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Burlington, Massachusetts, on February 9, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83–4545 Filed 2–23–83; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83–75; RM–4253]

FM Broadcast Stations in Bruce, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes a first FM assignment to Bruce, Mississippi, in response to a petition filed by Bruce Independent TV, Inc.

DATES: Comments must be filed on or before March 28, 1983, and reply comments on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bruce, Mississippi); MM Docket No. 83–75, RM–4253.

Notice of Proposed Rule Making

Adopted: January 26, 1983.
Released: February 11, 1983.

By the Chief, Policy and Rules Division:

1. Bruce Independent TV, Inc. ("petitioner") on November 17, 1982, submitted a petition for rule making seeking the assignment of Channel 296A to Bruce, Mississippi, as that community's first FM assignment. Petitioner stated its intention to apply for the channel, if assigned.

2. We have determined that a Channel 296A assignment at Bruce will require a site restriction of 2.5 miles northwest of the city.[1] Petitioner had indicated that the assignment would meet the minimum distance separation requirements, without a site restriction.

3. In view of the fact that the proposal could provide a first local broadcast service to Bruce, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No	
	Present	Proposed
Bruce, Miss.		296A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] This restriction is necessary to avoid short spacing to Stations WLSM–FM (Channel 296A), Louisville, Mississippi, and WQLT(FM) (Channel 297), Florence, Alabama.

5. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Rodnick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix to attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate or service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

b. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4810 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-74; RM-4260]

FM Broadcast Station in Maljamar, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign a first commercial FM channel to Maljamar, New Mexico, in response to a petition filed by Warren Broadcasting, Inc.

DATES: Comments must be filed on or before March 28, 1983, and reply comments on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Maljamar, New Mexico); MM Docket No. 83-74, RM-4260.

Notice of Proposed Rule Making

Adopted: January 26, 1983.

Released: February 11, 1983.

By the Chief, Policy and Rules Division.

1. Warren Broadcasting, Inc. ("Petitioner"), on November 22, 1982, submitted a petition for rule making which seeks the assignment of Channel 286 to Maljamar, New Mexico, as its first commercial FM channel.[1] Petitioner stated its intention to apply for the channel, if assigned. The channel can be assigned in full compliance with the minimum spacing requirements of Section 73.207 of the Rules.

2. Since Maljamar is within 320 kilometers (199 miles of the U.S.-Mexico border, the proposed assignment requires coordination with the Mexican Government.

3. In view of the fact that the proposed assignment could provide a first commercial FM service to Maljamar, the

[1] The petition was submitted as comments in BC Docket No. 82-606, which proposes the assignment of Channel *254 for noncommercial use.

Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as follows for the community listed below:

City	Channel No.	
	Present	Proposed
Malamar, N. Mex.		[illegible]

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4909 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-73; RM-4261]

FM Broadcasting Station in Key Largo, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 280A to Key Largo, Florida, response to a petition filed by Florida Keys Broadcasting Corporation.

DATE: Comments must be filed on or before March 28, 1983, and reply comments on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations (Key Largo, Florida); MM Docket No. 83–73, RM–4261.

Notice of Proposed Rule Making

Adopted: January 26, 1983.
Released: February 11, 1983.
By the Chief, Policy and Rules Divisions.

1. The Commission herein considers a petition for rule making filed November 22, 1982, by Florida Keys Broadcasting Corporation ("petitioner"), which seeks the assignment of Channel 280A to Key Largo, Florida. Petitioner expressed a desire to apply for the channel, if assigned.

2. In support of the proposal to assign a first FM channel to Key Largo, petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), these issues were eliminated as a requirement to justify a non-conflicting proposal.

3. We have determined that Channel 280A can be assigned to Key Largo in conformity with the minimum distance separation requirements provided the transmitter site is located approximately 0.63 mile south of the city This restriction is necessary to avoid short spacing to Station WHSE(FM) (Channel 278), Fort Lauderdale, Florida.

4. In view of the fact that the proposal could provide a first local broadcast service to Key Largo, the Commission proposes to amend the FM Table of Assignments, §73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Key Largo, Fla.	.....	280A

5. The Commission's authority to institue rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix to attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83–4606 Filed 2–23–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–76; RM–4256]

TV Broadcast Station in Anchorage, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 44 to Anchorage, Alaska, as it fifth commercial television assignment in response to a petition filed by Triangulum Corporation.

DATES: Comments must be filed on or before March 28, 1983, and reply comments must be filed on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Anchorage, Alaska); MM Docket No. 83–76, RM–4256.

Notice of Proposed Rule Making

Adopted: January 26, 1983.

Released: February 11, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed November 24, 1982, by Triangulum Corporation ("petitioner"), seeking the assignment of UHF Television Channel 44 to Anchorage, Alaska, as its first UHF television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria. Petitioner failed to state that it would apply for the channel, if it is assigned. It is expected to do so in its comments.

2. Anchorage (population 173,017) [1], in Anchorage Borough (population 173,017), is located on the south central coast of Alaska. It has five commercial and one noncommercial educational television assignments.

3. Petitioner submitted information in support of its request. The proposed assignment would be the first UHF channel assignment in Anchorage, and the State of Alaska.

4. In view of the fact that Anchorage could receive its fifth commercial television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Anchorage, Alaska, as follows:

City	Channel No.	
	Present	Proposed
Anchorage, Alaska	2–, 4–, *7–, 11, and 13–.	2–, 4–, *7, 11, 13–, and 44.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73. 606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634:6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, Section 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

(See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4607 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR PART 73

[MM Docket No. 83-79; RM-4282]

TV Broadcast Station in Fairbanks, Alaska; Proposed Changes in Table in Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign commercial UHF Television Channel 30 to Fairbanks, Alaska, in response to a request by Triangulum Corporation, as its sixth commercial TV station.

DATES: Comments must be filed on or before March 28, 1983, and reply comments on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 31, 1983.

Released: February 11, 1983.

1. The Commission has under consideration a request by Triangulum Corporation ("Triangulum") for the assignment of UHF commercial television Channel 30 to Fairbanks, Alaska. In support of its request, Triangulum states that Channel 30 would be the first and only full-service UHF television facility in Fairbanks as well as the beginning of a television network from Fairbanks to Anchorage and, later, to other states. Triangulum asserts that Fairbanks is a rapidly growing city with a population in excess of 37,000. Triangulum adds that the proposed assignment would meet all spacing requirements of the Commission's Rules. Triangulum has failed to state that it would apply for the channel, if assigned. It should do so in comments.

2. In view of the above, we conclude that the public interest would be served by our proposing a sixth commercial television assignment at Fairbanks. Concurrence by the Canadian government will be required. We solicit comments on the following proposed amendment of the TV Table of Assignments, § 73.606(b) of the Commission's Rules:

City	Channel No.	
	Present	Proposed
Fairbanks, Alaska	2+, 4+, 7+, *9+, 11+, and 13+.	2+, 4+, 7+, *9+, 11+, 13+, and 30.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Philip Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a

different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4604 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-84; RM-4255]

FM Broadcast Station in Johannesburg, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to Johannesburg, California, in response to a petition filed by Kitchen Productions, Inc. The proposal could provide a first FM service to the community.

DATES: Comments must be filed on or before April 4 1983 and reply comments must be filed on or before April 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.

Released: February 15, 1983.

1. A petition for rule making was filed November 23, 1982, by Kitchen Productions, Inc. ("petitioner"), seeking the assignment of FM Channel 280 A to Johannesburg-Randsburg, California, as a hyphenated community to provide a first FM assignment. However, petitioner failed to set forth a justification to make a hyphenated assignment. Accordingly, since Johannesburg is the larger of the two communities, Johannesburg will be the designated community. Petitioner otherwise submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since Johannesburg is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

3. In view of the fact that the proposed assignment could provide a first FM service to Johannesburg, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Johannesburg, Calif	-	280A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504, and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this affect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the commission to assign a different channel than was requested for any of the Communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be make in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the Comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4900 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-85; RM-4266]

FM Broadcast Station in Silverton, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 257A to Silverton, Colorado, in response to a petition filed by Silverton Christian Broadcasting. The proposal could provide a second FM service to that community.

DATES: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.

Released: February 15, 1983.

1. A petition for rule making was filed December 13, 1982, by Silverton Christian Broadcasting ("petitioner") seeking the assignment of Channel 257A to Silverton, Colorado, as its second FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM service to Silverton, Colorado, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Silverton, Colo	280A	257A, 280A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s), who filed the comment to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in

initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4599 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-86; RM-4225]

FM Broadcast Station in Bonita Springs, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class C FM Channel 241 for Channel 240A at Bonita Springs, Florida, and to modify the Class A license accordingly, in response to a petition filed by Gold Coast Broadcasting Corporation.

DATES: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 3, 1983.

Released: February 15, 1983.

1. Before the Commission is the petition for rule making filed October 19, 1982, by Gold Coast Broadcasting Corporation ("petitioner") [1] which seeks to substitute Class C Channel 241 for Channel 240A at Bonita Springs, Florida, and to modify the license of Station WLEQ (FM) to specify operation on Channel 241.

2. Petitioner filed comments in support of the proposal. It states that there has been significant population growth in the Bonita Springs area between the 1970 and 1980 Census creating the need for wider coverage. Petitioner also states that if Channel 241 is allocated to Bonita Springs, the necessary data will be promptly submitted to the Commission to effectuate an immediate shift over from Channel 240A to Channel 241. The channels can be substituted in compliance with the minimum distance separation requirements.

3. Channel 241 is available at Bonita Springs since the action taken in BC Docket No. 21239 substituted Channel 243 for Channel 242 at Miami, Florida. However, there is presently an interim operation proposed on Channel 242 which would have to be switched to Channel 243 before the assignment for Channel 241 at Bonita Springs could be effectuated.

4. We believe that the petitioner's proposal warrants consideration. In accordance with our established policy, we shall propose to modify the license of Station WLEQ(FM) (Channel 240A) to specify operation on Channel 241. However, if another party should show an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See *Cheynne, Wyoming*, 62 F.C.C. 2d 63 (1976).

5. In view of the apparent need for a wider coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules as pertains to Bonita Srings, Florida, as follows:

City	Channel No.	
	Present	Proposed
Bonita Springs, Fla	240A	241

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

[1] Petitioner is the license of Station WLEQ(FM), Channel 240A, Bonita Springs, Florida.

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be make in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the Comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4588 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-78; RM-4271]

FM Broadcast Station in Ellsworth, Maine; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute Class B Channel 233 for Channel 232A in Ellsworth, Maine, and to modify the Class A permit for Station WKSQ (FM) accordingly, in response to a petition filed by Acadia Broadcasting Company.

DATES: Comments must be filed on or before March 28, 1983, and reply comments must be filed on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 20, 1983.

Released: February 11, 1983.

1. A petition for rule making was filed December 10, 1982, by Acadia Broadcasting Company [1] ("petitioner"), which seeks to substitute Class B Channel 233 and 232A at Ellsworth, Maine, and to modify the construction permit for Station WKSQ (FM) (Channel 232A) to specify operation on Channel 233.

2. Petitioner submitted information in support of the proposal. It noted that the substitution of Class C Channel 233 would enable WKSQ to serve a greater portion of the area.

3. We believe that the petitioner's proposal warrants consideration. The channel can be substituted in compliance with the minimum distance separation requirements. In accordance with our established policy, we shall propose to modify the permit of Station WKSQ (FM) (Channel 232A) to specify operation on Channel 233. However, if another party should indicate an interest in the Class B assignment, then the modification could not be implemented. Instead, an opportunity for the filing of a competing application would be provided. See *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

4. Since the proposed channel substitution in Ellsworth, Maine, is within 320 Kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the apparent need for a second wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as it pertains to Ellsworth, Maine, as follows:

City	Channel No.	
	Present	Proposed
Ellsworth, Maine	232, 232A	233, 232

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures,

[1] Petitioner is the permittee of Station WKSQ (FM) (Channel 232A) at Ellsworth, Maine.

and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504, and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in writtten comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83–4605 Filed 2–23–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–77; RM–4281]

FM Broadcast Station in Chillicothe, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 261A to Chillicothe, Missouri, in response to a petition filed by George Lang. The proposed assignment could provide a second FM service to that community.

DATES: Comments must be filed on or before March 28, 1983, and reply comments must be filed on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 26, 1983.

Released: February 11, 1983.

1. A petition for rule making was filed November 8, 1982, by George Lang ("petitioner") proposing the assignment of Channel 261A to Chillicothe, Missouri, as its second FM assignment. Petitioner submitted information in support of the proposal. The channel can be assigned in compliance with the minimum distance separation requirements. Petitioner failed to state that he would apply for the channel if it is assigned. He is expected to do so in his comments.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Chillicothe, Missouri, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Chillicothe, Mo.	[illegible]A	261A, 280A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 does not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* the following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4609 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-80; RM-4270]

FM Broadcast Station in Denver City, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 296A to Denver City, Texas, in response to a petition filed by Martha Anne Couzens. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before March 28, 1983, and reply comments on or before March 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 31, 1983.

Released: February 11, 1983.

1. A petition for rule making was filed December 10, 1982, by Martha Anne Couzens ("petitioner") proposing the assignment of Channel 252A to Denver City, Texas, as its first FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. The assignment of Channel 252A at Denver City, Texas, would be short-spaced to proposed Channel 254 at

Maljamar, New Mexico.[1] A staff channel search indicates that Channel 296A can be assigned to Denver City. A site restriction of 3.5 miles north of Denver City is required for this assignment.

3. In view of the fact that the proposed assignment could provide a first FM service to Denver City, Texas, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Denver City, Tex.		296A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitites an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4608 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

[1] BC Docket No. 82-608 proposed the assignment of FM Channel *254 to Maljamar, New Mexico, for noncommercial educational use.

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47 CFR Part 73

[MM Docket No. 83-83; RM-4252]

FM Broadcast Station in Spanish Fork, Utah; Proposed Changes in Table Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes substitute Class C FM Channel 293 for 292A at Spanish Fork, Utah, and to modify the license for Station KTMP to specify operation on Class C Channel 293, at the request of Mountain States Broadcasting Corporation.

DATES: Comments must be filed on or before April 4, 1983, and reply comments must be filed on or before April 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:
Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: January 31, 1983.

Released: February 15, 1983.

1. A petition for rule making was filed on November 16, 1982, by Mountain States Broadcasting Corporation ("petitioner")[1], which seeks to substitute Class C Channel 293 for 292A at Spanish Fork, Utah, and to modify the license to Station KTMP(FM) (Channel 292A) to specify operation on Channel 293.

2. Petitioner submitted information in support of the proposal. It noted that the substitution of the channels would enable the station to provide expanded service to the area and to compete more effectively for audience and revenues with other stations in the area. Petitioner also stated that if the substitution is allowed, it would file an application for a construction permit to modify the facilities of the station to meet the necessary requirements for the new Class C channel.

3. We believe the petitioner's proposal warrants consideration. The transmitter site is restricted to 11.2 miles south of Spanish Fork for Channel 293 to avoid short spacing to a new construction permit on Channel 292A in Evanston, Wyoming.

4. In accordance with our established policy, we shall propose to modify the license of Station KTMP(FM) to specify operation on Channel 293. However, of another party should indicate an interest in the Class C assignment, the modification could not be implemented. Instead, an opportunity for the filing of a competing application must be provided. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

5. In view of the need for a wide coverage area FM station, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, as it pertains to Spanish Fork, Utah, as follows:

City	Channel No.	
	Present	Proposed
Spanish Fork, Utah	[illegible]A	[illegible]A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, the *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead to the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comment and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an

[1] Petitioner is the licensee of Station KTMP(FM), Spanish Fork, Utah.

original and four copies of all comments, reply, comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4601 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-81; RM-4263]

TV Broadcast Station in Rock Hill, South Carolina; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to delete the reservation on UHF TV Channel *55 at Rock Hill, South Carolina, making it available for commercial use, and to reserve Channel 30 already used on a noncommercial educational basis, in response to a petition filed by Palmetto Broadcasting System, Inc.

DATES: Comments must be filed on or before March 28, 1983, and reply comments on or before April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 31, 1983.

Released: February 11, 1983.

1. The Commission has before it a petition for rule making filed December 1, 1982, by Palmetto Broadcasting System, Inc. ("petitioner"), licensee of AM Station WAGL, Lancaster, South Carolina. Petitioner proposes to amend the Television Table of Assignments (§73.606(b) of the Rules) by switching the reservation for noncommercial educational use from Channel *55 to Channel 30. The proposal could provide a first commercial service to Rock Hill. Channel 30 is presently licensed for noncommercial educational use by Station WNSC-TV. Petitioner stated its intention to file an application for Channel *55, if designated for commercial use.

2. Rock Hill (population 35,344) [1] in York County (population 106,720), is located in the north central part of South Carolina, approximately 30 kilometers (18 miles) southwest of Charlotte, North Carolina. Rock Hill is currently assigned two TV channels, Channel 30 (WNSC-TV) and Channel *55.

3. In support of the proposal petitioner asserts that Channel 30 is now licensed for noncommercial use and should be reserved to reflect that use. The reservation would free Channel *55 for commercial use since there has been no demand for a second noncommercial station.

4. We believe that the petitioner's proposal warrants consideration. the proposal meets all spacing requirements and could provide for a first local commercial TV station. In view of the above, comments are invited on the proposal to amend the Television Table of Assignments, with regard to the following community:

City	Channel No.	
	Present	Proposed
Rock Hill, South Carolina	30, *55-	*30, 55-

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before March 28, 1983, and reply comments on or before April 12, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to the Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, It is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the

proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-4802 Filed 2-23-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 677

North Pacific Fishery Management Council et al.; Management Proposals for the 1983 Bering Sea/Aleutian Islands King Crab Fishery Off Alaska; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearing.

SUMMARY: The North Pacific Fishery Management Council (Council) and the Alaska Board of Fisheries (Board) will hold a public hearing on proposed regulations for the 1983 Bering Sea/Aleutian Islands King Crab Fishery off Alaska.

DATE: The hearing will be held from 9:00 a.m. to 5:00 p.m. on Tuesday, March 8, 1983.

ADDRESS: The hearing will be held in the auditorium of the Northwest and Alaska Fisheries Center, 2725 Montlake Boulevard East, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, telephone (907) 274-4563.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Joint Statement of Principles for king crab management between the North Pacific Fishery Management Council and the Alaska Board of Fisheries, the Council and Board will hold an annual public hearing in Seattle. At the March 8 hearing Council and Board members will listen to public testimony on regulatory proposals for the 1983 Bering Sea/Aleutian Islands King Crab Fishery. In addition, testimony will be accepted on regulatory proposals for the 1983 Tanner crab fisheries off Alaska. Copies of the proposals may be obtained from the Alaska Board of Fisheries, P.O. Box 3-2000, Juneau, Alaska 99802. The Board plans to review the proposals and take final action on its 1983 State shellfish regulations at its meeting beginning on Monday, March 28, 1983, in Anchorage.

The hearing will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary of the testimony will be prepared to supplement the record.

Dated: February 17, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-4809 Filed 2-23-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 38
Thursday, February 24, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation proposes to execute a Proposal for a Programmatic Memorandum of Agreement pursuant to § 800.8 of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), with the Bonneville Power Administration, U.S. Department of Energy, and the State Historic Preservation Officers of Oregon, Washington, Montana, Idaho, Wyoming, Utah, California and Nevada. This Programmatic Agreement provides means for the identification and evaluation of historic properties and for the design and installation of energy weatherization and conservation measures on such properties in a manner compatible with their historically and architecturally significant qualities, in order to meet the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended.

DATE: Comments due March 28, 1983.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401.

Dated: February 18, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-4658 Filed 2-23-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

February 18, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form numbers(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447-6201.

New

- Statistical Reporting Service On-Farm Grain Stock-Survey

Quarterly
Farms: 119,700 responses; 19,950 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

- Statistical Reporting Service

Annual Mink Survey
Annually
Farms: 1,120 responses; 186 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820.

Extension

- Food and Nutrition Service

WIC Financial Aid Program Report
FNS 498 and SF 269
Monthly, quarterly and annually
State or local governments: 1,153 responses; 19,446 hours; not applicable under 3504(h)
Paula Dervay (703) 756-3710.

- Animal and Plant Health Inspection Service

Importation of Animals and Poultry and Animal/Poultry Products
VS-17-11, 17-20, 17-23, 17-29, 17-32, 17-65A, 17-65C, 17-129
On occasion
Businesses: 17,555 responses; 4,191 hours; not applicable under 3504(h)
Wade Ritchie (301) 436-8172.

- Animals and Plant Health Inspection Service

Certificate for Poultry or Hatching Eggs for Export
VS-17-6
On occasion
Forms, businesses: 16,000 responses; 2,080 hours; not applicable under 3504(h)
N.Q. Faizi (301) 436-8383.

- Animal and Plant Health Inspection Service

Proceeds for Animals Sold for Slaughter
VS 1-24
On occasion
Business: 2,500 responses; 500 hours; not applicable under 3504(h)
Ralph L. Hosker (301) 436-8715.

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83-4618 Filed 2-23-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[83-2-56; Docket 41095]

Application of Air Washington, Inc. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting the Air Washington, Inc. Fitness Investigation, 83-2-56, Docket 41095.

SUMMARY: The Board is instituting an investigation to determine the fitness of Air Washington, Inc. to engage in the interstate and overseas scheduled air transportation.

DATE: Persons wishing to intervene in the *Air Washington Fitness Investigation* shall file their petitions in Docket 41095 by February 28, 1983.

ADDRESS: Petitions to intervene should be filed in Docket 41095, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–2–56 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–2–56 to that address.

By the Bureau of Domestic Aviation: February 16, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–4652 Filed 2–23–83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40511]

North American Airlines, Inc.; Hearing

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on March 14, 1983, at 10:00 a.m. (local time), Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., February 17, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83–4651 Filed 2–23–83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping Investigation; Certain Tapered Journal Roller Bearings and Parts Thereof Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United states Department of Commerce, we are initiating an antidumping investigation to determine whether certain tapered journal roller bearings and parts thereof from the Federal Republic of Germany (FRG) are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of certain tapered journal roller bearings and parts thereof from the FRG are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 14, 1983, and we will make ours on or before July 5, 1983.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Petition

On January 26, 1983 we received a petition from counsel for Brenco Incorporated, filed on behalf of the United States industry producing certain tapered journal roller bearings and parts thereof (roller bearings). In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR Part 353), the petition alleges that imports of roller bearings are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value are supported by comparisons of United States prices (developed from actual bids) on sales of the merchandise in the United States with FRG home market prices (obtained from price quotes from the FRG manufacturer to an import/export agent) on sales made in the FRG.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on roller bearings and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initating an antidumping investigation to determine whether roller bearings from the FRG are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by July 5, 1983.

Scope of Investigation

For purposes of this investigation, the term "certain tapered journal roller bearings and parts thereof" covers two-row tapered roller bearings and parts thereof including cone and cup assemblies in sets, cone assemblies and cups sold separately, and other parts which may or may not be lubricated, sealed at the manufacturer's factory, and/or unitized. This investigation includes only those tapered roller bearings with assembled outside diameters between 4.25 and 7.0 inches, and meeting the specifications established by the Association of American Railroads in Specification M–934–81. Such tapered roller bearings and parts thereof are currently provided for in items 680.3932, 680.3934, 680.3938, and 680.3940 of the *Tariff Schedules of the United States Annotated.*

Notification of the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 14, 1983 whether there is a reasonable indication that imports of roller bearings from the FRG are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: February 15, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–4661 Filed 2–23–83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Certain Tapered Journal Roller Bearings and Parts Thereof From Italy

AGENCY: International Trade Administration Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether certain tapered journal roller bearings and parts thereof from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of certain tapered journal roller bearings and parts thereof from Italy are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 14, 1983, and we will make ours on or before July 5, 1983.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Petition

On January 26, 1983 we received a petition from counsel for Brenco Incorporated, filed on behalf of the United States industry producing certain tapered journal roller bearings and parts thereof (roller bearings). In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR Part 353), the petition alleges that imports of roller bearings are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegatons of sales at less than fair value are supported by comparisons of United States prices (developed from actual bids) on sales of the merchandise in the United States with Italian home market prices (obtained from price quotes from the Italian manufacturer to an import/export agent) on sales made in Italy.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on roller bearings and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether roller bearings from Italy are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by July 5, 1983.

Scope of Investigation

For purposes of this investigation, the term "certain tapered journal roller bearings and parts thereof" covers two-row tapered roller bearings and parts thereof including cone and cup assemblies in sets, cone assemblies and cups sold separately, and other parts which may or may not be lubricated, sealed at the manufacturer's factory, and/or unitized. This investigation includes only those tapered roller bearings with assembled outside diameters between 4.25 and 7.0 inches, and meeting the specifications established by the Association of American Railroads in Specification M–934–81. Such tapered roller bearings and parts thereof are currently provided for in items 680.3932, 680.3934, 680.3936, and 680.3940 of the *Tariff Schedules of the United States Annotated.*

Notification of the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 14, 1983 whether there is a reasonable indication that imports of roller bearings from Italy are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: February 15, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–4880 Filed 2–23–83; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Antidumping Investigation; Certain Tapered Journal Roller Bearings and Parts Thereof From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether certain tapered journal roller bearings and parts thereof from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of certain tapered journal roller bearings and parts thereof from Japan are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 14, 1983, and we will make ours on or before July 5, 1983.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Petition

On January 26, 1983 we received a petition from counsel for Brenco Incorporated, filed on behalf of the United States industry producing certain tapered journal roller bearings and parts thereof (roller bearings). In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR Part 353), the petition alleges that imports of roller bearings are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States

industry. The allegations of sales at less than fair value are supported by comparisons of United States prices (developed from actual bids) on sales of the merchandise in the United States with Japanese home market prices (obtained from price quotes of Japanese trading firms) on sales made in Japan.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on roller bearings and have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether roller bearings from Japan are being, or are likely to be, sold in the United States at less than fair value. If the investigation proceeds normally, we will make our preliminary determination by July 5, 1983.

Scope of Investigation

For purposes of this investigation, the term "certain tapered journal roller bearings and parts thereof" covers two-row tapered roller bearings and parts thereof including cone and cup assemblies in sets, cone assemblies and cups sold separately, and other parts which may or may not be lubricated, sealed at the manufacturer's factory, and/or unitized. This investigation includes only those tapered roller bearings with assembled outside diameters between 4.25 and 7.0 inches, and meeting the specifications established by the Association of American Railroads in Specification M-934-81. Such tapered roller bearings and parts thereof are currently provided for in items 680.3932, 680.3934, 680.3938, and 680.3940 of the *Tariff Schedules of the United States Annotated.*

Notification of the ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 14, 1983 whether there is a reasonable indication that imports of roller bearings from Japan are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will proceed according to statutory procedures.

Dated: February 15, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-4689 Filed 2-23-83; 8:45 am]

BILLING CODE 3510-25-M

Decision on an Application for Duty-Free Entry of Scientific Article; University of California

The following is a decision on application for duty-free entry of a scientific article published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 40 FR 12253).

A copy of the record pertaining to the application in this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00309. Applicant: University of California, Lawrence Berkeley Laboratory, One Cyclotron Road, Berkeley, CA 94720. Instrument: Scattering Chamber with Accessories. Date of Denial Without Prejudice to Resubmission: May 20, 1982.

Decision: Application Denied. Applicant has failed to establish that instruments or apparatus of equivalent scientific value to the foreign article for such purposes as the foreign article is intended to be used are not being manufactured in the United States. Reasons: The application was denied without prejudice to resubmission prior to August 9, 1982. The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in Section 301.8 of the regulations effective at that time. The applicant has failed to resubmit its application within the specified time period. Pursuant to Subsection 301.8, this failure shall result in a denial of the application.

Accordingly, notice of this decision is forwarded to the **Federal Register** for publication.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4692 Filed 2-23-83; 8:45 am]

BILLING CODE 3510-25-M

Withdrawal of Application for Duty-Free Entry of Scientific Articles; Indiana University of Pennsylvania

Indiana University of Pennsylvania has withdrawn Docket Number 82-00266, an application for duty-free entry of Solar Energy Test Equipment. Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4693 Filed 2-23-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-087]

Portable Electric Typewriters From Japan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of antidumping duty order.

SUMMARY: On July 23, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on portable electric typewriters from Japan. The review covers two of the five known exporters of this merchandise to the United States, Tokyo Juki Industrial Co., Ltd. and Towa Sankiden Corporation, and the period January 4, 1980 through April 30, 1981.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. At the request of the petitioner the Department held a hearing on October 4, 1982. After our consideration of the comments received and a mathematical correction, we have changed the margin for Tokyo Juki from 0.60 percent to 0.48 percent. The final results for Towa Sankiden remain unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: F. Patrick Pope or Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 30618–19) an antidumping duty order with respect to portable electric typewriters from Japan. On July 23, 1982, the Department published in the **Federal Register** (47 FR 31913–14) the preliminary results of its last administrative review of the order with respect to two of the five known exporters. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of portable electric typewriters from Japan. The Department defines such merchandise as all typewriters currently classifiable under item 676.0510 of the Tariff Schedules of the United States Annotated ("TSUSA") and some typewriters currently classifiable under TSUSA item 676.0540, depending on the individual characteristics of the typewriter. The characteristics we consider include, but are not limited to, the dimensions, weight, presence of a carrying case, type of market, and method of distribution.

This review covers two of the five known exporters of Japanese portable electric typewriters ("PETs") to the United States, Tokyo Juki Industrial Co., Ltd. ("Tokyo Juki") and Towa Sankiden Corporation, and the period January 4, 1980, the date of suspension of Liquidation, through April 30, 1981.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results. The petitioner, Smith Corona Group, SCM Corporation ("SCM"), requested a hearing which was held on October 4, 1982. SCM, several Japanese respondents, and Olivetti, an importer, submitted comments.

(1) *Comment:* In its preliminary results of review, the Department invited any interested party to comment on whether portable electronic typewriters are within the scope of the order. SCM vigorously protests the Department's consideration, at its own inititative, of "red herrings" which have not been raised by involved interested parties.

Department's Position: Although the parties covered by this review did not specifically raise the issue, other parties to the proceeding previously requested our opinion whether portable electronic typewriters are within the scope of the order. Since the typewriters manufactured and exported by Tokyo Juki are portable electronic typewriters, it is appropriate for the Department to consider the question in this review.

(2) *Comment:* SCM argues that the presence of electronic components in an electrically powered portable typewriter cannot remove the typewriter from the scope of the order. It bases its argument on: (1) The tariff classification and the language of the order, which states that all typewriters classifiable under TSUSA item 676.0510 are within the scope of the order; (2) court and administrative interpretations of tariff provisions, which SCM argues demonstrate that, for Customs purposes, the term "electric" can include the term "electronic", and the term "electronic" can include the term "electric"; (3) the history of the tariff classification covering portable electric typewriters, which only focused on as the key features of "portable electric" whether the machine included an adding machine and whether the machine was operated by a typist; and (4) SCM's production of electronic typewriters by the same people and at the same location as other domestically produced PETs, sale through the same channels of distribution, inclusion in the same ads, incorporation of virtually all the same features, the same size, weight, and the same fundamental utility. Further, SCM points to various agency determinations, all of which have included scope determinations on merchandise which was either not specifically identified in the original investigation or which was not produced at the time of publication of the finding or order. In each case SCM contends the Department (or the Treasury Department) used a standard which focused on use in determining whether the merchandise in question was within the scope of the finding or order. In addition to use, SCM believes we should consider whether the domestic industry or industries which were affected by the finding or order produce the questioned merchandise, and whether the foreign producers of the new merchandise include, or are likely to include, one or more of the foreign producers covered by the original investigation. Based on these standards SCM believes that portable electronic typewriters are within the scope of the antidumping duty order.

Conversely, Tokyo Juki, the Brother group (Brother Industries Ltd. and Brother International Corporation), the Silver group (Silver Seiko Ltd. and Silver Reed America), and Olivetti argue that portable electronic typewriters, by virtue of being electronic, are in a different class or kind of merchandise than typewriters that are electromechanical and, therefore, are not included within the scope of the order.

Citing the Court of International Trade's decision in *Royal Business Machines Inc. v. United States*, 507 F. Supp. 1007 (C.I.T. 1980), these parties argue that, since electronic typewriters were not included in the petition to initiate and were not the subject of any pre-order investigation, the Department cannot now expand the order to include them.

Further, the respondents state that electronic typewriters are the product of a different technology, that they are radically different in physical characteristics, that the additional features such as memory capability cannot be duplicated b a portable electric machine, that both the public and the trade recognize a fundamental distinction between electric and electronic typewriters and that the latter are aimed at a different category of customer. The respondents state that SCM's argument, that all typewriters classified under TSUSA item 676.0510 are within the scope of the order, flies in the face of the *Royal Business Machines* decision, which states that a TSUSA classification is not controlling.

Department's Position: Based on our review of the comments received, the merchandise description in the petition to initiate this case, and the original fair value and injury investigations, portable electronic typewriters are within the scope of the order. In addition to reviewing the investigatory records, the Department's decision here is based on several factors, including: (1) General physical characteristics, (2) the expectations of the ultimate purchaser, (3) the ultimate use of the merchandise in question, and (4) the channels of trade in which the merchandise moves.

Although electronic typewriters generally have different physical characteristics than the portable electric typewriters investigated during the fair value investigation, there is nothing in the merchandise description in the original petition, or in the fair value or injury investigations, which precludes the inclusion of electronic typewriters. The petition defines the merchandise as: "[a]ll portable electric typewriters, whether utilizing typebars or single elements, and whether fully electric with powered carriage return or with manual carriage return, and whether with conventional ribbons or with cartridge

or cassette ribbon". Most electronic typewriters use a daisy wheel print element rather than a typebar or single element; however, all electronic typewriters have a powered carriage return and use a cassette ribbon. The fair value investigation defined the merchandise by its TSUSA item number; we agree that TSUSA alone is not dispositive. In its final report (731–TA–12, USITC Publication 1082, May 1980), the International Trade Commission stated "[a] typewriter is a machine with a manually operated keyboard which produces characters like those of a letterpress as a substitute for handwriting. Typewriters may be portable or standard (office type) units as well as manually or electrically operated. The typewriters which have been sold in the United States at less than fair value and which are the subject of this investigation are electrically operated portable units (customarily sold at retail with a carrying case)." There is no definition on record for "electrically operated" portable typewriters limiting the scope to an electromechanical unit.

Concerning the second characteristic, the expectation of the ultimate purchaser, we believe that the purchasers of portable electronic typewriters are likely to be the same as those that purchase portable electrics. Our examination of advertising and the channels of trade substantiates that portable electronics are aimed at homes and small offices as ultimate purchases.

Concerning the third factor, there is no doubt that portable electronic and portable electric typewriters are used for the same purpose. Finally, as mentioned above, the evidence on hand demonstrates that the channels of distribution are the same for both type of machines.

Therefore, we maintain that portable electronic typewriters are within the class or kind of merchandise covered by this antidumping duty order. We cannot limit the scope of an order only to merchandise being manufactured at the time of an initiation of an investigation.

(3) *Comment:* SCM disputes the Department's use, for both United States price and foreign market value, of the price between Tokyo Juki and EuroImport S.A. ("EuroImport"), a subsidiary of the importer, Olivetti, arguing that Tokyo Juki and Olivetti are related parties within the meaning of section 771 (13) of the Tariff Act of 1930 ("the Tariff Act"). SCM contends that information in the record reveals that Olivetti exercised some level of control over Tokyo Juki, directly or indirectly, namely: (1) Olivetti bore Tokyo Juki's start-up costs, (2) Olivetti negotiated and arranged for imported parts for the typewriters, (3) Tokyo Juki sold the merchandise produced solely to EuroImport, and (4) the price of the merchandise sold by Tokyo Juki fluctuated " 'up or down, depending on costs or usual business competitiveness' ". Accordingly, SCM argues that the Department should use Olivetti's resale prices in Japan and in the United States for comparison purposes.

Department's Position: Olivetti's and Tokyo Juki's relationship does not constitute control as contemplated by section 771(13) of the Tariff Act. Although Olivetti did incur certain start-up costs on behalf of Tokyo Juki, Tokyo Juki also incurred substantial costs for which it either billed Olivetti separately or which are included in Tokyo Juki's cost of production. The imported parts which Olivetti initially arranged for do not constitute a large portion of the value of the typewriters under consideration and the parties did agree that, shortly after production began, Tokyo Juki had the contract right to assume complete control of procurement. Finally, we do not believe that SCM's third and fourth points are persuasive in determining whether or not a manufacturer and its exporter and/or importer are related.

(4) *Comment:* SCM disagrees with the Department's determination not to disregard sales by Tokyo Juki in its home market which were made at prices below the full cost of production. SCM argues that the determination was in error because: (1) Olivetti bore start-up costs for Tokyo Juki, specifically research and development, which were not included in the Department's cost of production calculation; (2) Tokyo Juki's per unit cost of production cannot be disregarded simply because Tokyo Juki was producing below its projected full-capacity rate; and (3) even assuming that Tokyo Juki incurred start-up costs, the Department impermissibly avoided the question whether such costs could reasonably be recovered over an extended period of time by not looking further than the period of review.

Department's Position: The Department's determination not to disregard Tokyo Juki's sales in the home market which were below its cost of production is in accordance with section 773(b) of the Tariff Act, which states that sales will be disregarded when the firm sells in substantial quantities at less than cost over an extended period and when the sales are not at prices which permit recovery of all costs within a reasonable period of time. First, we find that, although Tokyo Juki incurred no extraordinary research and development costs, there is insufficient basis for disregarding the sales below cost. While it is true that the start-up costs incurred by Tokyo Juki and included in the calculation were largely due to workers' unfamiliarity with production equipment, high quality control costs, and the allocation of fixed costs to the small quantities produced during the start-up phase, we maintain that section 773(b) of the Tariff Act provides for recovery of such costs. We did not include in the calculation start-up costs incurred by Olivetti or any allocation of assists separately charged to Olivetti by Tokyo Juki because to include either would require an equal adjustment to foreign market value. Second, Tokyo Juki did not begin production until December 1980, and then it was in minimal quantities. We maintain that Tokyo Juki's subsequent five months of production during the review period do not constitute an extended period of time. Finally, at the time of its initial submission Tokyo Juki did not have all the data necessary to demonstrate that it would recover all costs over an extended period. However, based on our analysis of their available information, we determined that Tokyo Juki would reach its breakeven point shortly after the end of the review period.

(5) *Comment:* SCM contends that, even if the Department concludes that the cost of production data presented by Tokyo Juki were adequate for demonstrating its ability to recover its full cost of production within a reasonable time, further verification of specific cost elements, such as cost of labor and of selling, general, and administrative expenses, is required.

Department's Position: The Department's verification of Tokyo Juki's response was adequate. Tokyo Juki admittedly sold below its cost of production in this review period. Therefore, further verification of allocation methods is unnecessary at this time. We are satisfied that the company sold below its cost of production due to start-up costs and the minimal quantities produced during the period. We will examine the points of concern to SCM and determine if verification for the next review is necessary.

(6) *Comment:* SCM believes the Department should review its practice of allowing adjustments to foreign market value for inland freight, packing, and handling. SCM argues that such allowances are contrary to the letter and spirit of section 773 of the Tarriff Act.

Department's Position: The Department maintains that it must

deduct transportation and handling charges included in foreign market value, since all included transportation charges are deducted from United States price. Section 773 of the Tariff Act does require that foreign market value include the cost of export packing. In accordance with past practice the Department adjusted for packing based on differences in costs between the two markets. (See *Brother Industries Ltd., et al.* v. *United States*, 3 C.I.T. ——, Slip-Op. 82–34 (April 30, 1982)).

(7) *Comment:* Olivetti argues that *de minimis* dumping duties on individual entries should neither be assessed nor collected.

Department's Position: As stated here under *Final Results of Review*, "[t]he Department shall determine, and the U.S. Customs Service shall assess, dumping duties on *all* appropriate entries made with purchase dates during the time period involved." (emphasis added). We do not agree with Olivetti that the benchmark the Department has established for waiver of the cash deposit of estimated antidumping duties must also apply to the assessment process. We maintain that we are required to instruct Customs to collect all actual dumping duties regardless of the amount.

Final Results of Review

Based on our analysis of the comments received, and the correction of a mathematical error incalculating the difference in merchandise adjustments with respect to Tokyo Juki, we determine that the following margins exist for the period January 4, 1980 through April 30, 1981:

Exporter	Margin (percent)
Tokyo Juki Industrial Co., Ltd.	[redacted]
Towa Sankiden Corporation	[redacted]

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time period involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions for each exporter directly to the Customs Service.

Because the margin for Tokyo Juki is less than 0.50 percent, and therefore *de minimis*, and because no margin exists for Towa Sankiden, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of Japanese portable electric typewriters from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. The zero deposit requirement for Towa Sankiden and the waiver for Tokyo Juki shall remain in effect until publication of the final results of the next administrative review for these two firms. For any shipment from a new exporter not covered in this administrative review, a cash deposit of 7.55 percent of the entered value shall be required. The Department intends to conduct the next administrative review with respect to these two firms by the end of May 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 14, 1983.

[FR Doc. 83–4535 Filed 2–23–83; 8:45 am]

BILLING CODE 3510–25–M

[A–475–004]

Spun Acrylic Yarn From Italy; Preliminary Results of Administrative Review of Antidumping Duty Order and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping duty order and tentative determination to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covers the twelve known manufacturers and/or exporters of this merchandise to the United States, generally for the period April 1, 1981 through March 31, 1982. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during their individual period of review. Where company-supplied information was inadequate or no information was received, we used the best information available.

The Department has also tentatively determined to revoke the order with respect to one of the twelve firms, Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investments, Inc. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On February 4, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 5280–2) the final results of its last administrative review of the antidumping duty order on spun acrylic yarn from Italy (45 FR 23684–5, April 8, 1980) and announced its intent to conduct the next administrative review by the end of April 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of spun acrylic plied yarn primarily for machine knitting, currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated.

The review covers the twelve known manufacturers and/or exporters of Italian spun acrylic yarn to the United States and generally the period April 1, 1981 through March 31, 1982.

Four firms did not export Italian spun acrylic yarn to the U.S. during the review period. The estimated antidumping duty cash deposit rates for these firms will be the most recent information for each firm. Five firms, Lanificio Fratelli Morganti S.p.A., Orlandi Filatura S.p.A., Babyfil S.A.S., Cofiar S.p.A., and Viana Manifattura Filati, failed to respond to our questionnaire or provided inadequate responses. For these non-responsive firms we used the best information available to determine the assessment and estimated antidumping duty cash deposit rates. The best information

available is the most recent rate for each firm or the fair value rate.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed delivered price to an unrelated purchaser in the United States. Where applicable, deductions were made for ocean freight, insurance, U.S. and foreign inland freight, brokerage charges, U.S. duty, and commissions to unrelated parties, in accordance with section 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used constructed value, as defined in section 773(e) of the Tariff Act, since there were no sales in the home market or to purchasers in third countries during the periods of review. Constructed values were calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing.

Preliminary Results of Review and Tentative Determination to Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Fantelli S.p.A	4/1/81–3/31/82	[illegible]
Fratelli Razzoli S.p.A	do	[illegible]
Fraver S.p.A	do	[illegible]
Maglificio Vanarini	do	[illegible]
Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investments, Inc.	4/8/81–3/31/82	0
Lanificio Fratelli Morganti S.p.A	5/1/81–3/31/82	48.05
Manifattura Erre-Effe S.p.A	6/1/81–3/31/82	1.87
Orlandi Filatura S.p.A	4/1/81–3/31/82	48.05
Babyfil S.A.S	do	[illegible]
Cofar S.p.A	[illegible]	[illegible]
Viana Manifattura Filati	do	[illegible]
Lanificio DiNervesa Della Battaglia S.p.A./International Fibre Industries Ltd	do	0.66

[1] No shipments during the period.

The Department has also concluded that all sales by Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investimets, Inc. ("Gaston") were made at not less than fair value during the period April 1, 1980 through March 31, 1982. As provided for in § 353.54(e) of the Commerce Regulations, Gaston has agreed in writing to an immediate suspension of liquidation and reinstatement of the order if circumstances develop which indicate that spun acrylic yarn manufactured by Lanificio DiNervesa Della Battaglia S.p.A., and thereafter imported into the United States, is being sold by Gaston at less than fair value.

Therefore, we tentatively determine to revoke the order on spun acrylic yarn from Italy with respect to Lanificio DiNervesa Della Battaglia S.p.A./ Gaston. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries with purchase dates during the periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for the § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Italian spun acrylic yarn from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.
February 16, 1983.

[FR Doc. 83-4536 Filed 2-23-83; 8:45 am]
BILLING CODE 3510-25-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, March 8, 1983 at 10:00 a.m. in the Commission's offices at 708 Jackson Place NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566–1066.

Dated in Washington, D.C., February 15, 1983.

Charles H. Atherton,
Secretary.

[FR Doc. 83-4566 Filed 2-23-83; 8:45 am]
BILLING CODE 6330-01-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Copper Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The MidAmerica Commodity Exchange ("MCE") has applied for designation as a contract market in copper. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in

considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before April 25, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity futures trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MCE copper futures contract.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K street, NW., Washington, D.C., (202) 254–7303.

A copy of the terms and conditions of the MCE proposed copper futures contract will be available for inspection at the Office of the Secretariat. Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. § 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the MCE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by April 25, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on February 18, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-4695 Filed 2-23-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 9, 1983.

The USAF Scientific Advisory Board Advanced Tactical Fighter Technologies meeting published in the **Federal Register** Volume 48, page 3401, Tuesday, January 25, 1983, has been cancelled.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-4563 Filed 2-23-83; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

United States Army Medical Research and Development Advisory Committee, Pharmacology Subcommittee; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Pharmacology

Date of meeting: March 15, 1983.

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830 to 1015 hrs on 15 March for the administrative review and discussion of the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000–1630 hrs for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, associate director for Research Management, Walter Reed Army Institute of Research Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83-4570 Filed 2-23-83; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Military Traffic Management Command, Directorate of Personal Property; International Household Goods Program

AGENCY: Military Traffic Management Command, Office of the Secretary, DOD.

ACTION: Notice of invitation to comment on the over-ocean and currency adjustment policies and procedures of the international through government bill of lading shipment of Department of Defense household goods.

SUMMARY: The current Military Traffic Management Command (MTMC) International Through Government Bill of Lading (ITGBL) Procurement program for the shipment of household goods includes the Over-Ocean and Currency Adjustment Procedures. These procedures, contained in the "Rate Filing Instructions and Procedures", provide upward and downward adjustments to single factor rates submitted by industry participants. These adjustments depend upon upward and downward changes in underlying ocean charges and currency fluctuations. On the basis of recent experience and analysis, MTMC has determined that a review of these procedures is necessary. As a part of the MTMC review, comments from the ITGBL industry participants, as well as any other affected or interested persons or agencies, are being solicited. These comments will be considered by MTMC prior to final determination on the future of these Single Factor Rate Adjustment Procedures. A final determination on ocean adjustment procedures is expected to be made in mid-March 1983. The determination is expected to be included in the MTMC solicitation for Volume 47 rates, scheduled for release to the industry in late-March. The currency adjustment determination may not be made until after Volume 47. Comments are requested on: (a) Continuation of the current procedures without change; (b) continuation of the current procedures with certain modifications; (c) termination of the procedures. MTMC has mailed individual requests for comments to each individual participant registered in this procurement program. This invitation consists of ideas and issues

identified by MTMC or the industry and include some tentative conclusions of MTMC.

DATE: Submit written comments by March 1, 1983.

FOR FURTHER INFORMATION CONTACT: LTC Tommy R. Mason, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041, (202) 756-1164.

ADDRESS COMMENTS TO: Commander, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041 (File: SFRA).

This request for comments and the resulting determinations are being made under the authority of 10 USC 2301-2314 and DOD Directives 4500.9 and 4500.34-R.

Dated: February 18, 1983.

Nathan R. Berkley,

Director of Personal Property.

[FR Doc. 83-4560 Filed 2-23-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

(1) Request for extension of form approval from March 31, 1983 to March 31, 1985.

(2) Contract Pricing Proposal, DD Form 633 (April 1, 1979).

(3) The form is needed to facilitate the submission of cost or pricing data for certain defense contracts.

(4) Respondents will be both prime contractors and subcontractors.

(5) Total annual responses are expected to be about 22,500.

(6) The expected amount of time required to complete the form is one hour.

(7) Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

(8) A copy of the information collection proposal may be obtained from Pete A. Bryan, USDERE (AM), Room 3D1082, Pentagon, Washington, D.C. 20301, telephone (202) 697-6710.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 11, 1983.

[FR Doc. 83-4561 Filed 2-23-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Pre-Award Survey of Offerors, DD Form 1524, Parts I Through V

Pre-Award Survey is conducted only if the Procuring Contracting Officer does not have sufficient information to determine whether a prospective contractor is responsible. The PCO determination provides a reasonable level of confidence that the goods or services will be provided by the contractor in a timely and cost effective manner.

Potential DoD Contractors: 12,000 responses; 15,000 hours

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from D. F. O'Brien, telephone (703) 756-1877.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 11, 1983.

[FR Doc. 83-4562 Filed 2-23-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Westside Highway Project (Westway), New York, N.Y.; Supplemental Environmental Impact Statement

AGENCIES: Army Corps of Engineers, DOD; and Federal Highway Administration, DOT.

ACTION: Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS).

SUMMARY:

1. Description of the Proposed Action—The non-fisheries issues for the proposed Westway Project (commonly known as "Westway") will be prepared by the Federal Highway Administration. The U.S. Army Corps of Engineers will prepare the fisheries issues.

Westway is an Interstate Stystem Highway (I-478) which would extend for 4.2 miles on the West Side of Manhattan in New York City between the Battery and West 42nd Street. For most of its length, the six lane highway wold be a depressed, enclosed and vetilated highway in a proposed landfill in the Hudson River between the existing shoreline and the U.S. Pierhead Line. Approximately 165 acres of fill is proposed to be placed in the Hudson River interpier area.

On March 13, 1981 the Corps of Engineers issued a permit to NYSDOT for the proposed project. On April 14, 1982 the United States District Court ruled that the permit was null and void. NYSDOT has subsequently renewed its application for a Corps of Engineers permit. The Final EIS for Westway was completed and approved by the Federal Highway Administration in 1977. This Final EIS was found inadequate by the court, and as per court order the supplement is being prepared.

This SEIS is being prepared to analyze the impact of the proposed landfill

dredging on the Hudson River fishery resources, including striped bass. It will also discuss current plans for uses of the landfill area for residential and commercial development and parkland, the method of selection of real estate and commercial developers, and financial arrangements with such developers; any substantial new information regarding alternatives, including current cost estimates; and any substantial new information regarding development of the West Side areas whose redevelopment is proposed to be assisted by Westway.

2. Reasonable Alternatives—The alternatives that were discussed in the FEIS (in addition to the Westway proposal) were:

A. Modified Arterial
B. Outboard
C. Arterial
D. Inboard
E. Maintenance
F. Reconstruction
G. Interstate Transfer.

These alternatives will be reviewed and updated, with the exception of (E) Maintenance and (F) Reconstruction. Since the previous West Side Highway structure has been demolished, the maintenance and reconstruction alternatives are no longer applicable and will be replaced with a discussion of the interim Roadway alternative. In addition, the alternatives discussed in the 1981 FEIS Re-evaluation will be reviewed and updated. Alternatives to placement of fill will also be reviewed.

3. Scoping Process—In accordance with Part 1508.9(c)(4) of the Council on Environmental Quality regulations, scoping is not applicable to the preparation of this SEIS. However, there has been and will continue to be ongoing coordination with the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency on this proposed Westway project.

4. Persons to Contact—For additional information concerning the preparation of this SEIS, contact:

Frederic H. Downs, Director, Office of Environmental Programs, Federal Highway Administration, Leo W. O'Brien Federal Bldg., Rm. 729, Albany, New York 12207, Phone: (518) 472–4277

Dennis J. Suszkowski, Ph. D., Chief, Regulatory Branch, New York District Corps of Engineers, 26 Federal Plaza, New York, New York 10278, Phone: (212) 264–3996

5. Estimate date of statement availability is April 1983.

Dated: January 28, 1983.

Samuel P. Tosi,

Acting Chief, Planning Div., U.S. Army Engineers District, New York, 26 Federal Plaza, New York, N.Y. 10278.

Dated: February 10, 1983

Frederick H. Downs,

Director, Office of Environment Programs, Federal Highway Administration, Region One, Leo W. O'Brien Federal Building, Albany, N.Y. 12207.

[FR Doc. 83-4571 Filed 2-23-83; 8:45 am]

BILLING CODE 3710-06-M

DEPARTMENT OF EDUCATION

Institutional Aid Programs, Etc.; Technical Assistance Workshops

In the matter of Institutional Aid Programs, Strengthening Program, Special Needs Program, and Challenge Grant Program; Notice of Technical Assistance Workshops for Fiscal Year 1983 New Awards for the Institutional Aid Programs.

The Department of Education, Division of Institutional Development, will conduct two technical assistance workshops to assist prospective applicants to establish eligibility and to develop applications for new awards for the Fiscal Year 1983 Institutional Aid Programs competitions. The Institutional Aid Programs include the Strengthening, the Special Needs, and the Challenge Grant Programs. A closing date of March 28, 1983, for eligibility and applications for grants was announced in the **Federal Register**, Tuesday, February 8, 1983 at 48 FR 5778–5786.

Each workshop will be two days long. The presentation for the first day will include a review of the requirements: (1) to establish program(s) eligibility for the FY 1983 competitions; (2) to develop institutional long-range plans; (3) to prepare an application for awards under individual programs; and (4) a discussion of allowable costs within a developmental context. In addition, there will be a discussion of the technical review evaluation process. The second day will be reserved for individual questions and answers.

Each workshop will begin with registration at 8:00 a.m. and presentations are scheduled from 8:30 a.m. to 4:30 p.m. There is no registration fee for the workshops.

The scheduled dates and locations are as follows:

March 3–4, 1983—Washington, D.C., GSA Regional Office Building #3, Auditorium (D Street Entrance), 7th & D Streets, SW., Washington, D.C.

Contact Person: Mr. Thomas Keyes, Division of Institutional Development, (202) 245–2384

March 7–8, 1983—Denver, Colorado,[1] Mountain Bell Denver Service Center, Auditorium (A Level), 1005 17th Street, Denver, Colorado 80294

Contact Person: Dr. Norbert K. Baumgart, Department of Education Regional Office, (303) 837–3862

FOR FURTHER INFORMATION CONTACT: For further information contact the Program Development Branch, Division of Institutional Development, U.S. Department of Education (Room 3045, Regional Office Building #3), 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone number: (202) 245–2384.

(20 U.S.C. 1060–1063 and 1060–1060c)

(Catalog of Federal Domestic Assistance Numbers: 84.031A—Strengthening Program; 84.031B—Special Needs Program; and 84.031C—Challenge Grant Program)

Dated: February 22, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-4735 Filed 2-23-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Research Advisory Board; Meeting

This report of the Energy Research Advisory Board to the Department of Energy is submitted for a partially closed meeting held on April 8, 1982.

The subjects discussed during the closed portion of the meeting were advanced isotope separation technologies, aspects of which are classified in the interest of national security. These subjects were determined to be within exemption 10(d) of the Federal Advisory Committee Act and Section 624 of the Department of Energy Organization Act.

An unclassified report of the Energy Research Advisory Board on Advanced Isotope Separations was prepared, based in part on discussions held during the closed portion of the meeting.

The report was filed in accordance with the Federal Advisory Committee Act, Public Law 92–463, and is available for public inspection and use at the Library of Congress, Rare Book Division, Room 256, Washington, D.C., and the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:30 a.m. and 4:00 p.m., Monday

[1] Meeting will terminate at 4:00 p.m.

through Friday, except Federal holidays. Copies of the report are also available on request from the Science and Technology Affairs Staff, ER-6, Room 7B-142, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

Issued at Washington, D.C., on February 18, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-4663 Filed 2-23-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-Cert-001]

Chino Mines Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Chino Mines Company (CHINO), General Office, Hurley, New Mexico 88043, filed an application on January 13, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its copper ore facilities located near the city of Hurley, New Mexico, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CHINO indicates that the volume of natural gas for which it requests certification is approximately 10,000 Mcf per day. This volume is estimated to displace the use of approximately 66,000 gallons (1,571 barrels) of No. 6 fuel oil (less than 2.0 percent sulfur) per day.

The eligible seller is El Paso Hydrocarbons Company, P.O. Box 3986, Odessa, Texas 79760. The gas will be transported by El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CHINO and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on February 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-4554 Filed 2-23-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-Cert-013]

Consolidated Edison Company of New York, Inc.; Application for Blanket Certification of the Use of National Gas To Displace Fuel Oil

Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, New York 10003, filed an application with the Economic Regulatory Administration (ERA) for a one year blanket certification of an eligible use of natural gas to displace fuel oil at six of its steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhattan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Manhattan; and East 60th Street in Manhattan; pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, Room GA-007, RG-43, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Since the start of this fuel-oil displacement program (Order 30 Program), during any given year, Con Edison has submitted numerous applications involving the purchase from many different eligible sellers of natural gas for use at these same facilities to displace fuel oil. Con Edison's pattern of purchases from year to year has been repetitive and consistent. There have been numerous requests for certifications to be made on short notice and for a limited period of time.

Con Edison asserts that in numerous instances, "substantial delays in the commencement of deliveries have taken place, not only because of delays in the issuance of the Certificates of Eligible Use, but also because pipeline companies refused to provide service until they were provided with a copy of the certificate." They also assert that where the transactions were not self-implementing, there were added delays because of the necessity of obtaining the ERA Certificate of Eligible Use before an application for the FERC Certificate of Public Convenience and Necessity could be filed by the transporting pipeline. Con Edison alleges that these delays resulted in the reduced availability of gas to displace fuel oil and, at times, the inability to obtain any gas at all.

Con Edison believes that a more efficient approach, which would satisfy the needs of Con Edison and ERA, meet the requirements of FERC and be consistent with the current ERA and FERC regulations under the Order 30 Program, involves the issuance by ERA of a "blanket" Certificate of Eligible Use for a specified maximum volume of gas to be used at particular facilities for a set period of time, up to one year. This would eliminate the need to obtain a separate certificate for each new purchase of gas to be used at the same facilities. In lieu of a separate certificate for each transaction, Con Edison proposes to file a report with ERA under the blanket certificate each time a contract is entered into notifying ERA of the selling and transporting companies, the amount of the gas proposed to be purchased and the amount of fuel oil that would be displaced. Con Edison believes that this approach would provide ERA with all of the information it normally requires in a request for a certificate, but there would be no delay involved in the consummation of the transportation service.

In its application for a blanket certificate, Con Edison has requested certification for approximately 84.0 billion cubic feet of natural gas for a period of one year to be used at the above facilities. These volumes are estimated to displace the use of approximately 13.326 million barrels of residual fuel oil (0.3 percent sulfur), approximately 139,000 barrels of No. 2 fuel oil (0.2 percent sulfur), and approximately 739,000 barrels of kerosene (0.10 percent sulfur).

The quantities at each location are subject to considerable variation with changes in demand and availability of the various steam and electric generating units, but estimated maximum gas usage and resulting maximum oil displacement volumes are listed below:

Location	Type [1]	Estimated volume (billion cubic feet)	Estimated oil displacement (million barrels) 0.3 percent sulfur residual	0.10 percent sulfur kerosene	0.2 percent sulfur No. 2
Astoria, 20th Avenue and 12th Street, Queens	SE	[illegible]	4.253		
	GT	1.387		.256	
East River, 14th Street and East River, Manhattan.	SE	8.655	1.449		
Narrows, 53rd Street and 1st Avenue, Brooklyn	[illegible]	.781			.139
Ravenswood, 7-18 37th Avenue, Queens	SE	27.140	4.544		
	GT	1.169		.216	
Waterside, 38th to 40th Street and East River, Manhattan.	[illegible]	18.336	3.070		
East 60th Street, 514 East 60th Street, Manhattan.	S	1.448		.267	
Totals		[illegible]	13.328	.739	.139

[1] SE—Steam-Electric; GT—Gas Turbine; S—Steam Station.

The eligible sellers and transporting pipeline companies will be determined at later dates as Con Edison negotiates and executes contracts with them. Con Edison proposes to submit in writing detailed information to ERA regarding each transaction within five (5) days of the commencement of any puchase from an eligible seller. The submittal will contain: (1) The names and addresses of the eligible sellers; (2) the names and addresses of the transporting pipeline companies; (3) the volume of gas to be used in each unit; and (4) the amount of oil which will be displaced, its type and sulfur content. ERA will notify FERC of this information upon its receipt.

At this time, Con Edison has in effect only one other certification by the ERA which authorizes the purchase of approximately 6 billion cubic feet (Bcf) of natural gas for use at the same steam and electric generating stations named in this application for a blanket certificate (ERA Docket No. 82–CERT–016). The volume of natural gas to be certified by the requested blanket certificate includes this 6 Bcf, which would have needed recertification in the event of a renewal of the purchase arrangements by Con Edison. Therefore, renewal of this certification would now be accomplished by simply notifying ERA under this blanket certificate in accodance with the reporting requirements set forth above.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application for a blanket certificate to submit comments in writing to the Economic Regulatory Administration, Room GA–007, RG–43, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application for a blanket certificate may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on February 16, 1983.

James W. Workman,

Director, Office of Fuels Programs.

[FR Doc. 83–4553 Filed 2–23–83; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 83–Cert–002]

Lukens Steel Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Lukens Steel Company (Lukens), 50 South First Avenue, Coatesville, Pennsylvania 19320 filed an application on January 14, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its steel manufacturing facility in Coatesville, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Lukens indicates that the volume of natural gas for which it requests certification is approximately 1,200,000 million cubic feet. This volume is estimated to displace the use of approximately 8,796,000 gallons (209,429 barrels) of No. 2 fuel oil (0.50 percent sulfur) per year.

The eligible seller is Industrial Energy Services Company (Industrial Energy), The Empress House, Station Square, Pittsburgh, Pennsylvania 15219. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; and by Columbia Gas of Pennsylvania, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day oomment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Lukens and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on February 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-4555 Filed 2-23-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-004]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of receipt of proposed electric utility conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received four electric utility conservation plans developed and submitted for DOE approval pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b), DOE hereby gives Notice of Receipt of Proposed Conservation Plans from the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below. The publication of this notice commences a thirty (30) day public comment period during which interested persons are invited to submit written comments concerning the content of any such proposed conservation plan.

The public file for each of the listed electric utility owners or operators containing the proposed conservation plan and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. ERA will approve or non-approve the proposed plan of each electric utility within 120 days of the receipt of each plan. Approval or non-approval of a conservation plan will be based on the entire record of the proceeding, including any comments received during the public comment period provided herein. Notice of Approval or Non-approval of each conservation plan will be published in the **Federal Register**.

DATE: Written comments on any proposed conservation plan identified in the **SUPPLEMENTARY INFORMATION** section of this notice are due on or before March 28, 1983.

ADDRESS: Five copies of written comments shall be submitted to: Case Control Unit, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585. The name of the subject utility and the identifying case number should be printed on the outside of the envelope and on the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 G, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-8162, or

Allan J. Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B-222, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully implemented during the five year period following DOE approval.

DOE will, within 120 days of the receipt of a proposed plan, approve each plan meeting the requirements of 10 CFR 508.8. If a proposed plan, as originally submitted, fails to meet the requirements for approval, DOE will notify the utility submitting the plan by letter, setting forth the reasons therefor, and provide a reasonable time for the submission of a modified conservation plan. If an acceptable modified plan is not submitted within the specified time period, a Notice of Non-approval will by published in the **Federal Register** together with the basis for the determination that the proposed plan fails to meet the requirements of 10 CFR 508.8. The following utilities have submitted proposed conservation plans to DOE for approval. Publication of this notice does not constitute approval of such plans.

Utilities	FC Case No.	Date filed
City of Hearne, Tex	51273-9999-99-49	Dec. 9, 1982.
City of Fairbury, Nebr	50936-9999-99-49	Jan. 19, 1983.
City of Houma, La	51349-9999-99-49	Jan. 24, 1983.
Sierra Pacific Power Co., Reno, Nev.	52858-9999-99-49	Feb. 2, 1983.

Issued in Washington, D.C., February 15, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-4552 Filed 2-23-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER 83-313-000]

The Connecticut Light and Power Co.; Filing

February 17, 1983.

Take notice that on February 7, 1983, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule change with respect to a system exchange agreement dated September 17, 1982 (Amendment) between (1) CL&P and Western Massachusetts Electric Company (WMECO), (together, the NU Companies) and (2) Boston Edison Company (BECO).

CL&P states that the Amendment provides for changes to a system exchange agreement between the same parties dated as of December 1, 1981 (Agreement). The requested changes include (1) modification to the maximum hourly capacity charge rate pursuant to Section 8 of the Agreement, and (2) changes to recognize the merger of The Hartford Electric Light Company into CL&P as of July 1, 1982.

The maximum hourly capacity charge rate is an hourly rate equal to estimated hourly capacity costs of the generating units of the NU Companies that would normally supply exchange power to BECO (less a credit to recognize the value of capacity from the BECO Units) and is determined in accordance with Appendix I of the Amendment. The hourly capacity charge is determined as the product of (i) the appropriate negotiated capacity charge rate ($/kWh), not to exceed the maximum capacity charge rate, and (ii) the total kilowatt-hours of capacity which BECO is entitled to receive in such hour pursuant to the Amendment.

CL&P requests that the Commission waive its standard notice period and permit the Amendment to become effective on September 17, 1982.

CL&P states that copies of this rate schedule have been mailed or delivered to WMECO and BECO.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4577 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-307-000]

Consolidated Edison Company of New York, Inc.; Filing

February 17, 1983.

Take notice that on February 7, 1983, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing as an initial rate schedule an agreement to construct, operate and maintain interconnection facilities at the Kensico Hydroelectric Project of the Power Authority of the State of New York (the "Authority").

Con Edison requests an effective date of February 3, 1983, and therefore requests waiver of the Commission's notice requirements.

A copy of this filing has been served upon the Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4578 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-312-000]

Consolidated Edison Company of New York, Inc.; Filing

February 17, 1983.

Take notice that on February 7, 1983, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing as an initial rate schedule an agreement to provide transmission service to Orange & Rockland Utilities, Inc. (O&R). The rate schedule provides for a transmission charge of 2.3 mills per kilowatthour for interruptible transmission of power and energy purchased by O&R from Pennsylvania Power & Light Company.

Con Edison requests an effective date of November 24, 1982, and therefore requests waiver of the Commission's notice requirements.

Con Edison states that a copy of this filing has been served upon O&R.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protects should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4579 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-308-000]

Dayton Power and Light Co.; Filing

February 17, 1983.

Take notice that on February 7, 1983, Dayton Power and Light Company (DP&L) requested authority to recognize a temporary increase of .25% and a temporary surtax of approximately .25% in the exicse tax on gross receipts imposed by the Ohio Legislature in Amended Substitute Senate Bill No. 530 pursuant to the Tax Adjustment Clauses contained in DP&L's Rate Schedule FERC No. 34 (City of Piqua, Ohio).

DP&L requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Ruies of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4580 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-309-000]

Dayton Power and Light Co.; Filing

February 17, 1983.

Take notice that on February 7, 1983, the Dayton Power and Light Company (DP&L) tendered for filing a proposed revision to its FERC Electric Tariffs, Original Volume No. 1 and Original Volume No. 2. The proposed revision is to recognize a temporary increase of .25% and a temporary surtax of approximately .25% in the excise tax on gross receipts imposed by the Ohio Legislature in Amended Substitute Senate Bill No. 530 pursuant to the Tax Adjustment Clauses contained in DP&L's FERC Electric Tariffs.

DP&L requests an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4881 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-94-000]

Home Federal Savings and Loan Assn.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 17, 1983.

On December 10, 1982, Home Federal Savings and Loan Association (Applicant), 701 Broadway, San Diego, California 92101, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. Supplementary information was filed by the Applicant on January 10, 1983.

The topping cycle cogeneration facility is located in San Diego, California. The facility consists of two gas turbine generators with waste heat recovery equipment supplying exhaust heat to two five-hundred ton chiller/heaters. A third standby gas turbine generator is installed with interface equipment in place to install a third chiller/heater. The total electric power production capacity of the facility is 2,400 kilowatts. The primary energy source to the facility is natural gas. Installation began in September 1981. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4882 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-2757-000, et al.]

Kerr-McGee Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

February 17, 1983.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
G-2757-000, D, Jan. 31, 1983	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	United Gas Pipe Line Company, Ball No. 1 lease, Carthage Field, Panola County, Tex.	(1)	
G-3894-008, D, Nov. 8, 1982	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Tex. [illegible].	Texas Eastern Transmission Corp., Clay West and Tom Lyne Field, Live Oak County, Tex.	(2)	
G-5716-008, D, Jan. 26, 1983	Northern Natural Gas Producing Company, Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northern Natural Gas Company, Hugoton Field, Finney and Grant Counties, Kans.	(3)	
G-6155-000, D, Jan. 17, 1983	The Superior Oil Company, P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipe Line Company, Slick Wilcox Field, DeWitt County, Tex.	(4)	
G-6173-000, D, Jan. 17, 1983	....do	United Gas Pipe Line Company, Slick Wilcox Field, DeWitt County, Tex.	(5)	
G-9901-000, D, Jan. 21, 1983	Amerada Hess Corporation, 1200 Milam, 6th Floor, Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corporation, Leleux Field, Vermilion Parish, La.	(6)	
G-11742-006, D, Jan. 24, 1983	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Northwest Central Pipeline Corp., Hugoton Field, Grant and Kearny Counties, Kans.	(7)	
G-11742-006, D, Jan. 27, 1983	....do	Northwest Central Pipeline Corp., Hugoton Field, Grant and Kearny Counties, Kans.	(8)	
G-17069-000, Jan. 18, 1983	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Company (Division of InterNorth, Inc.), Yoakum County, Tex.	(9)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G–16117–000, D, Jan. 31, 1983	Tenneco Oil Company, Operator and Agent for Tenn Oil Company, P.O. Box 2511, Houston, Tex. 77001.	Michigan Wisconsin Pipeline Company, Mocane-Laverne Field, Harper County, Okla.	(1)	
CI69–745–001, C, Dec. 10, 1982[2]	Conoco, Inc., P.O. Box 2197, Houston, Tex. 77252	Trunkline Gas Company, Vermilion Block 120 Field Area, Offshore La.	(3)	15.025
CI71–808–000, D, Jan. 17, 1983	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Tex. 79173.	Northern Natural Gas Company, Division of InterNorth, Inc., Hemphill County, Tex.	(4)	
CI73–860–000, C, Jan. 31, 1983	Conoco, Inc., P.O. Box 2197, Houston, Tex. 77252	Southern Natural Gas Company, Main Pass Area, Block 144 Field, Blocks 298, 303 and 304, Offshore La.	(5)	15.025
CI75–290–001, D, Jan. 27, 1983	CIG Exploration, Inc., Nine Greenway Plaza, Houston, Tex. 77046.	Colorado Interstate Gas Company, South Big Coulee Field, Stillwater County, Mont.	(6)	
CI83–132–000, A, Jan. 17, 1983	Cities Service Company, P.O. Box 300, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Company, S. Marsh Island, Block 106 (N/2), Offshore La.	(7)	14.73
CI83–134–000, A, Jan. 24, 1983	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Montana-Dakota Utilities Co., Little Beaver Field, Fallon County, Montana and Bowman County, N. Dak.	(8)	15.025
CI83–135–000 (CI77–760), B, Jan. 24, 1983.	Mobil Producing Texas & New Mexico, Inc., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corporation, Van Meter Field, Hardin County, Tex.	(9)	
CI83–136–000, B, Jan. 26, 1983	Tesoro Petroleum Corporation, 8700 Tesoro Drive, San Antonio, Tex. 78286.	United Gas Pipe Line Company, S.W. Ringgold Field, Bienville Parish, La.	(10)	
CI83–137–000, A, Jan. 27, 1983	Zapata Exploration Company, P.O. Box 4240, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, West Cameron Block 536, Offshore La.	(11)	15.025
CI83–138–000, A, Jan. 28, 1983	Koch Industries, Inc., Post Office Box 2256, Wichita, Kans. 67201.	Natural Gas Pipeline Company of America, West Cameron Block 536 "A" Platform (OCS–G 2552 "A" Platform), Offshore La.	(12)	15.025
CI83–139–000 (CI72–677), B, Jan. 28, 1983.	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160	Natural Gas Pipeline Company of America, High Island Block 88 Field, Offshore Tex.	(13)	
CI83–140–000 (CI61–164), B, Jan. 27, 1983.	Energy Reserves Group, Inc., (Operator), *et al.*, P.O. Box 1201, 217 North Water Street, Wichita, Kans. 67201.	Michigan Wisconsin Pipe Line Company, Holly Ridge Field, Tensas Parish, La.	(14)	
CI83–141–000 (CI83–1445), B, Jan. 31, 1983.	do	Florida Gas Transmission Company, Palacios Field, Matagorda County, Tex.	(15)	
CI83–142–000, B, Jan. 31, 1983	Halliburton Oil Producing Company, 300 Cameron Building, Oklahoma City, Okla. 73106.	Petro-Lewis Corporation, Mustang Field, Canadian County, Okla.	(16)	
CI83–143–000 (CI76–736), B, Jan. 31, 1983.	Gulf Oil Corporation, P.O. Box 2100, Houston, Tex. 77252.	El Paso Natural Gas Company, South Corbin (Morrow) Field, Lea County, N. Mex.	(17)	
CI83–144–000, B, Jan. 31, 1983	do	Atlantic Richfield Company, Seminole Gasoline Plant, Seminole County, Okla.	(18)	
CI83–133–000, A, Jan. 20, 1983	Diamond Shamrock Corporation, P.O. Box 631, Amarillo, Tex. 79173.	Texas Gas Transmission Corporation, Edwin L. Cox—Intercoastal Shipyard No. 1 "C" SUA, St. Mary Parish, La.	(19)	15.025

[1] The Bell No. 1 well has depleted and the well is being used as a water injection well.
[2] Deletion of acreage. Applicant no longer holds an interest in the lease involved in this application. Lease had expired and there was no production at time of surrender in September of 1953.
[3] To release gas for irrigation fuel.
[4] Landowner's requested release of acreage.
[5] Gas production has ceased from dedicated acreage and the leases have expired.
[6] Applicant is filing to change delivery point.
[7] Plugging and abandonment of 2 wells—George B. Crawford #1, located on the George B. Crawford lease and Otto (Barby) #1–7, located on the Otto lease, last producing wells on such leases.
[8] Applicant is filing under Gas Sales Agreement dated December 6, 1968, amended by amendment dated September 27, 1982.
[9] Rate filing submitted November 24, 1982 erroneously assigned Docket No. CI69–745–000.
[10] Purchaser has agreed to release such acreage from the subject rate schedule.
[11] Applicant is filing under Gas Purchase Agreement dated May 9, 1973, amended by Supplement Gas Purchase Agreement dated January 26, 1983.
[12] All the wells have ceased to produce and have been plugged and abandoned. All the leases except two that were dedicated under the 1974 contract have expired by their own terms, and have reverted to the mineral owners.
[13] Applicant is filing under Gas Purchase and Sales Agreement dated January 5, 1983 as amended.
[14] Applicant is filing under Gas Purchase Contract dated November 1, 1982.
[15] Last well plugged and abandoned on September 30, 1981 and the lease surrendered and released during July, 1982.
[16] The only well on the lease has been depleted and there has been no production since September 8, 1982. Further, no economically producible reserves remain in the well bore and no additional development is being contemplated.
[17] Applicant is filing under Gas Purchase Contract dated September 1, 1982, as amended January 10, 1983.
[18] Applicant is filing under Gas Purchase Contract dated September 15, 1982.
[19] Texaco lease in SE¼ Block 71, High Island was sold and assigned to Galaxy Energies, Inc. Texaco leases were released in High Island Block 88 Field for Block 72, Block 87 and Block 88 on April 24, 1979, November 9, 1978 and October 27, 1975, respectively.
[20] All acreage covered by Rate Schedule No. 75 has been assigned by Applicant to others.
[21] Contract will expire of its own terms April 1, 1983. All wells on dedicated acreage have been plugged.
[22] Casing leak. Well not capable of producing due to casing leak.
[23] The Morrow formation reserves attributable to the Corbin Federal Well No. 1 have been depleted and deliveries of natural gas to El Paso have ceased. Contract dated February 13, 1978 will expire by its own term on May 14, 1983.
[24] Gulf's interest in the leases covered by the contract have been surrendered. The contract was cancelled March 23, 1977 pursuant to notice given by Gulf. All producing wells have been plugged and abandoned.
[25] Applicant is filing under Gas Purchase Contract dated January 2, 1981.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83–4583 Filed 2–23–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP82–60–003]

Michigan Wisconsin Pipe Line Co.; Petition To Amend

February 17, 1983.

Take notice that on January 19, 1983, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82–60–003, a petition to amend the order of April 29, 1982, in Docket No. CP 82–60–000 issuing a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act so as to authorize Mich Wis to transport and deliver natural gas for Natural Gas Pipeline Company of America (Natural) at a delivery point at Lake Arthur, Cameron Parish, Louisiana, all as more fully set forth in the petition to amend.

By order issued April 29, 1982, Mich Wis was authorized to transport for Natural up to 40,000 Mcf of natural gas per day attributable to the production in Vermillion Area Block 380, offshore Louisiana, and to construct and operate an interconnection between the pipeline systems of Mich Wis and Natural in Beaver County, Oklahoma, necessary for the redelivery of gas to Natural. It is asserted that until the interconnection in Beaver County is placed in service, Mich Wis is authorized to redeliver gas to Natural at an existing interconnection of the pipeline systems of Natural and Mich Wis located near Lake Arthur, Cameron Parish, Louisiana.

Mich Wis and Natural have subsequently amended their transportation agreement to provide that Mich Wis at its discretion may redeliver natural gas to Natural at either or both the proposed interconnection in Beaver County and/or the existing interconnection at Lake Arthur. It is stated that the amendatory agreement was entered into in order to provide Mich Wis with greater operating flexibility since an authorized delivery point would be available on either of Mich Wis' two main transmission systems. Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4584 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-3-000]

New York State Electric and Gas Corp.; Application for Exemption

February 17, 1983.

Take notice that New York State Electric and Gas Corporation (NYSEG) filed an application on December 21, 1982 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58667, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984, information on the costs of providing electric service as specified in § 290.403(d) as it applies to Rate Classes SC-2 (General Service) and SC-6 (Small General Service).

In its application for exemption NYSEG states, in part, that it should not be required to file the specified data for the following reasons:

NYSEG's staff is presently engaged in unforeseen, extensive, one-time load studies required to comply with the requirements of the Public Service Commission of New York, State Case No. 28223. Because of limited personnel and equipment, NYSEG proposes to submit estimated load data for the specified rate classes based upon actual data gathered in 1979.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such persons must also serve a copy of such comments on:

John D. Scott, Vice President, New York State Electric and Gas Corporation, P.O. Box 287, Ithaca, New York 14850
and
Kenneth M. Jasinski, Esq., Huber Lawrence & Abell, 99 Park Avenue, New York, New York 10016

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4585 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-305-000]

Portland General Electric Co.; Filing

February 17, 1983.

Take notice that Portland General Electric Company (Portland) tendered for filing on February 4, 1983, 100 MW Power Sale Agreement and rate schedule under which Portland has agreed to supply energy at the constant rate of 100 MW to the State of California, Department of Water Resources, beginning 1 April 1983. The State of California, Department of Water Resources will pay Portland General Electric Company a fixed monthly charge and a variable charge for this service. The fixed monthly charges are for the following periods and amounts:

April, 1983–March, 1984, $750,000
April, 1984–March, 1985, $750,000
April, 1984–March–1986, $1,500,000

The variable charge will be 21 mills per kilowatt hour beginning on September 30, 1982 and will be subject to an automatic escalation based on increases in the purchase price of coal under Portland's AMAX coantract for coal transportation from Gilette, Wyoming to Portland's coal-fired Boardman plant. The third year of the Agreement is cancellable at the option of either party.

Copies of the filing were served upon the State of California, Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 2, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4586 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-101-000, et al.]

Arkansas Louisiana Gas Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

February 18, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 4, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Jan. 24, 1983	Arkansas Louisiana Gas Company	RP81-101-008	LFUT Report.
Jan. 31, 1983	Kentucky West Virginia Gas Company	TA83-1-46-005	Report.
Do.	Northwest Pipeline Corporation	RP81-127-007	LFUT Report.
Do.	Southern Natural Gas Company	RP80-102-016	Report.
Do.	Texas Gas Transmission Corporation	RP80-101-008	Do.
Do.	Transcontinental Gas Pipe Line Corporation	RP77-108-022	Do.
Feb. 2, 1983	Lawrenceburg Gas Transmission Corporation	RP78-37-009	Do.
Feb. 3, 1983	Algonquin Gas Transmission Company	RP72-110-027	Do.
Feb. 7, 1983	National Fuel Gas Supply Corporation	RP80-95-012	SRO Report.
Feb. 8, 1983	Tennessee Natural Gas Lines, Inc.	RP81-96-002	Report.

[FR Doc. 83-4635 Filed 2-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-302-000]

Arkansas Power & Light Co.; Filing

February 17, 1983.

Take notice that on February 1, 1983, Arkansas Power & Light Company (AP&L) tendered for filing a proposed change to the fuel adjustment formula contained in Rate Schedule W81S for service to AP&L's municipal and rural electric cooperative sales-for-resale customers located in the State of Arkansas (Arkansas customers).

The change to the fuel adjustment formula in Rate Schedule W81S being proposed herein would increase the base cost of fuel and purchased power, expressed as the "B factor" in the fuel adjustment formula by .464 mills per kilowatt-hour, from 12.213 to 12.677 mills per kWh, thereby reducing fuel adjustment revenues from the Arkansas customers. Other than the change in the B factor, no changes are being made to Rate Schedule W81S. The changed B factor would be used in billing the Arkansas customers, subject to refund, pending the outcome of Docket No. ER81-577.

AP&L respectfully requests that the proposed B factor change be made effective as of January 18, 1983, the date of commercial operation of the Independence unit. Therefore, AP&L requests waiver of the Commission's regulations. In the event waiver is denied, AP&L requests an effective date of no more than 60 days from the date of filing.

Copies of this filing were served upon all recipients of the original filing and all parties in Docket No. ER81-577.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4623 Filed 2-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL83-8-000]

Cajun Electric Power Cooperative, Inc. v. Central Louisiana Electric Company, Inc.; Filing

February 18, 1983.

Take notice that on February 2, 1983, Cajun Electric Power Cooperative, Inc. ("Cajun") filed a complaint against Central Louisiana Electric Company, Inc. ("CLECO") and a motion to consolidate pursuant to Sections 205, 206, 306 and 307 of the Federal Power Act and pursuant to Rules 205 and 212 of the Commission's Rules of Practice and Procedure. Cajun alleges that CLECO has overcharged Cajun with regard to CLECO's "excess power" transmission charge.

Cajun requests that the Commission order a hearing and investigation, order CLECO to refund all excess charges made by CLECO with regard to the "excess power" transmission charge, and grant such further relief as the Commission deems appropriate. Cajun further requests consolidation of this proceeding with the proceeding in Docket No. ER82-704-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commisison and are available for public inspeciton.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4636 Filed 2-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 2380-000]

Carolina Power & Light Co.; Exemption From Licensing

February 18, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Marshall Hydroelectric Project, Project No. 2380, was filed on January 19, 1983, by Carolina Power and Light Company. The proposed hydroelectric project would have an installed capacity of 5000 kW and would be located on the French Broad River, at the Redmon Dam, in Madison County, North Carolina.

Pursuant to § 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of February 19, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-4637 Filed 2-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI77-19-002, et al.]

Cities Service Company, et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price [1]

February 18, 1983.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d. 376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 7, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI77-19-002, Feb. 3, 1983	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company	(1)	
CI77-594-001, Feb. 3, 1983	do	Transco Gas Supply Company	(1)	
CI78-310-001, Jan. 27, 1983	do	Southern Natural Gas Company	(1)	
CI78-666-001, Jan. 16, 1983	do	Michigan Wisconsin Pipe Line Company	(1)	
CI78-693-001, Jan. 17, 1983	do	Northern Natural Gas Company	(1)	
CI79-53-001, Feb. 4, 1983	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Transcontinental Gas Pipe Line Corporation	(1)	[2]
CI79-283-001, Nov. 15, 1982	Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001.	Columbia Gas Transmission Corporation	(1)	
CI79-284-001, Nov. 15, 1982	do	do	(1)	
CI79-285-001, Nov. 15, 1982	do	do	(1)	
CI79-286-001, Nov. 15, 1982	do	do	(1)	
CI81-222-001, June 7, 1983	Mitchell Energy Offshore Corporation	Transcontinental Gas Pipe Line Corporation	(1)	

[1] Applicant proposes to amend certificate to establish Applicant's entitlement to collect section 109 price consistent with court order in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F2d. 376.
[2] Applicant's notice of change in rate filing is being construed as a petition to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC* 649 F2d. 376.
Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 83-4936 Filed 2-23-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-168-000]

El Paso Natural Gas Co.; Request Under Blanket Authorization

February 18, 1983.

Take notice that on January 24, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-168-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to construct and operate a sales tap for the delivery of gas to Arizona Public Service Company (APS) for resale to the Goodyear Airport Commercenter (Commercenter) in Maricopa County, Arizona, under the authorization issued in Docket No. CP82-435-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant states that pursuant to a request by APS it proposes to construct and operate a 2-inch O.D. tap and valve assembly on Applicant's existing 8⅝-inch O.D. Avondale pipeline in Maricopa County, Arizona. These facilities would be utilized to deliver an estimated 142,000 Mcf of gas by the third year of operation, it is stated. It is further stated that the $1,893 estimated cost of construction would be financed by internally generated funds.

APS would pay the ABD-Arizona rate as set forth in Sheet No. 3-B of Applicant's FERC Gas Tariff, Original Volume No. 1, it is stated. Applicant claims the requested sales would not increase APS' currently effective entitlements or contract volumes.

It is indicated that the tap would serve the Commercenter with gas for flame stabilization in the manufacture of microchips and for commercial space heating.

Any person or the Commission's staff may file, within 45 days after issuance of the instant notice by the Commission, pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214), a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a

protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4640 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6024-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 18, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Willow Creek Hydro Project No. 6024, has requested that its preliminary permit be terminated. The permit was issued on August 5, 1982, and would have expired on January 31, 1984. The project would have been located on the Willow Creek in Lewis and Clark County, Montana.

The Permittee filed its request on January 31, 1983, and the surrender of the preliminary permit for Project No. 6024 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4641 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6075-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 18, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Alum Creek Project No. 6075, requested by a petition filed January 31, 1983, that its preliminary permit be surrendered. The preliminary permit was issued July 19, 1982, and would have expired on January 31, 1984. The project would have been located on the Alum Creek in Delaware County, Ohio. The Permittee has determined that hydroelectric development will not be economically feasible at this time.

The surrender of the preliminary permit for Project No. 6075 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4642 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6074-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 18, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Delaware Project No. 6074, requested by a petition filed January 31, 1983, that its preliminary permit be surrendered. The preliminary permit was issued July 19, 1982, and would have expired on January 31, 1984. The project would have been located on the Olentangy River in Delaware County, Ohio. The Permittee has determined that hydroelectric development will not be economically feasible at this time.

The surrender of the preliminary permit for Project No. 6074 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4643 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5215-002]

Hyder Hydro Co.; Surrender of Preliminary Permit

February 18, 1983.

Take notice that Hyder Hydro Company (HHC), Permittee for the proposed Fish Creek Project No. 5215, has requested that its preliminary permit be terminated. The Preliminary Permit was issued May 19, 1982, and would have expired on October 31, 1983. The project would have been located on Fish Creek, near Hyder, Alaska.

HHC cites that the project is not feasible for development due to consistent and continuing opposition by relevant fish and wildlife agencies.

HHC filed its request on November 16, 1982, and the surrender of its permit for Project No. 5215 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4644 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-139-001]

Inland Gas Company, Inc.; Amendment

February 18, 1983.

Take notice that on January 31, 1983, The Inland Gas Company, Inc. (Applicant), 340 Seventeenth Street, Ashland, Kentucky 41101, filed in Docket No. CP83-139-001 an amendment to its pending application in Docket No. CP83-139-000 filed pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations so as to reflect a request for waiver of Section 157.204(a) of the Commission's Regulations, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that § 157.204(a) provides that any interstate pipeline which has been issued a certificate, other than a limited-jurisdiction certificate, pursuant to Section 7 of the Natural Gas Act and has had rates accepted by the Commission may apply for a blanket certificate under this subpart. Applicant states that it has been granted certificates by this Commission but currently does not have any rates approved or on file with the Commission. Applicant states it would utilize the requested blanket certificate for construction of facilities to connect either right-of-way customers or customers who receive service pursuant to the requirements of Kentucky Revised Statute (KRS) 278.485.[1]

Any person desiring to be heard or to make any protest with reference to said amendments should on or before March 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore file need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4645 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

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[1] KRS 278.485 requires gas pipeline companies in Kentucky to establish service to property owners who have a producing well or gathering pipeline located on their property or owners whose property and point of desired service is located within one-half air-mile of a producing well or gathering pipeline.

[Docket No. OF83-155-000]

Charles Krivanek; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 18, 1983.

On January 20, 1983, Charles Krivanek (Applicant), P.O. Box 1397, Columbia, New Jersey, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The wind-powered small power production facility is located in White Township, New Jersey. The electric power production capacity of the facility is 10 kilowatts. There are no other wind-powered small power production facilities owned by Applicant located within one mile of the facility. No electric utility, electric utility holding company, or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4647 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-128-001]

Mississippi Power & Light Co.; Compliance Filing

February 18, 1983.

Take notice that on February 10, 1983, Mississippi Power & Light Company submitted for filing revised Rate Schedule MW-16, revised Service Schedule E and a refund report in compliance with the Commission's order dated January 24, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 325 North Capitol Street, NE., Washington, D.C. 20426, on or before March 7, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4647 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-155-000]

Montana-Dakota Utilities Co.; Request Under Blanket Authorization

February 18, 1983.

Take notice that on January 14, 1983, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-155-000 a request as supplemented on January 26, 1983, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that MDU proposes to add a new delivery point for its sale of natural gas for resale to Cody Gas Company (Cody Gas) under the authorization issued in Docket No. CP83-1-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in its request, as supplemented, which is on file with the Commission and open to public inspection.

It is asserted that MDU proposes to add a new delivery point to Cody Gas to be located in Section 24, T58N, R100W, Park County, Wyoming. MDU states that the deliveries would be made pursuant to authorization granted by order issued November 26, 1982, in Docket No. CP82-405-000. Said order authorized MDU to sell Cody Gas up to 6,000 Mcf of gas per day. MDU further states that no additional volumes beyond those previously authorized would be sold or delivered to Cody Gas by means of this new delivery point. It is stated that the new delivery point is intended to add flexibility and ease of operation to MDU's sale-for-sale to Cody Gas in order to assist Cody Gas in serving its existing residential, commerical and some small industrial customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4648 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-153-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

February 18, 1983

Take notice that on January 12, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-153-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove wellhead facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests abandonment authorization for specific wellhead purchase facilities for those wells which have been abandoned or where service has ceased permanently after October 11, 1979, and in addition, blanket abandonment authorization for unspecified wellhead purchaser facilities abandoned prior to October 11, 1979. Applicant states that prior to October 11, 1979, it routinely removed such wellhead facilities that were plugged and abandoned and reused such equipment elsewhere. Applicant asserts that the removal of such facilities was considered to be nonjurisdictional during such time because of their classification as gathering. Applicant states that the facilities proposed to be abandoned were required for measurement and connection of gas purchased by Applicant from various wells in various areas.

Applicant asserts that the facilities proposed to be abandoned are no longer required and would not result in the termination of service or detriment to any of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4649 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3466-001]

Pacific Northwest Generating Company and Tumalo Irrigation District; Surrender of Preliminary Permit

February 18, 1983.

Take notice that Pacific Northwest Generating Company and Tumalo Irrigation District, Permittee for the proposed Columbia Southern Canal Hydroelectric Project No. 3466, has requested that its preliminary permit be terminated. The preliminary permit was issued on March 11, 1981, and would have expired February 28, 1983. The project would have been located on Tumalo Creek in Deschutes County, Oregon.

The Permittee filed its request on January 20, 1983, and the surrender of the preliminary permit for Project No. 3466 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4627 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-9-000]

Pennsylvania Power Co.; Filing

February 17, 1983.

Take notice that on February 2, 1983, the Pennsylvania Boroughs of Ellwood City, Grove City, New Wilmington, Wampum and Zelienople ("Boroughs") filed a complaint against Pennsylvania Power Company ("Penn"). The Boroughs allege that Penn has violated section 205 of the Federal Power Act and §§ 35.1(a), 35.2(b) and 35.13(a) of Part 35 of the Commission's regulations.

The Boroughs request that the Commission order Penn to refund all charges made to the Boroughs during the Docket No. ER77-277 period (September 11, 1977 to January 4, 1982) for rates gauged on costs of capital in excess of the level which the Boroughs state was applied to Penn's transactions with Ohio Edison Company during the same period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4624 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS72-0203-004, et al.]

Petro-Lewis Funds, Inc. (Terra Resources, Inc.), et al.; Applications for "Small Producer" Certificates [1]

February 18, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 7, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS72-0203-004	[1] 1/13/83	Petro-Lewis Funds, Inc. (Terra Resources, Inc.), 717 17th Street, P.O. Box 2250, Denver, Colorado 80201.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS77-0508-001	[1]1/5/83	Kreiter-Meissner-Heckbarth Trust, (William H. Meissner Estate), The First National Bank & Trust Company of Tulsa, Post Office Box One, Tulsa, Oklahoma 74193.
CS80-216-001	[2]1/10/83	Lucie C. McIlvaine (Lucie C. Majorce), 2719 Felton Drive, East Point, George 30344.
CS83-38-000	1/10/83	Pangaea Resources Corporation, 3002, 425-1st St. SW., Calgary, Alberta, Canada.
CS83-39-000	1/18/83	W. W. Martin, Jr. Agency, c/o First National Bank, First National Bank & Trust Co., P.O. Box 1, Tulsa, Oklahoma 74185.
CS83-40-000	1/13/83	Michael Kahn and First National Bank & Trust Co. of Tulsa, Co-Trustees of the George Kahn Living Trust, First National Bank & Trust Co. of Tulsa, P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-41-000	1/18/83	The First National Bank and Trust Co. of Tulsa, and Eleanor W. Reed, Co-Trustees under the Will of Benjamin B. Weatherby, First National Bank & Trust Co. of Tulsa, P.O. Box 1, Tulsa, Oklahoma 74193.
CS83-42-000	1/20/83	Donohue Ansley & Morrill, 137 Newbury Street, Boston, Massachusetts 02116.
CS83-43-000	1/26/83	Enex Oil & Gas Income Program I—Series 4 whose General Partner is Enex Resources Corporation, One Kingwood Place, Suite 202, Kingwood, Texas 77339.
CS83-44-000	1/27/83	Emily Darby Barton, 8229 Brentmoor, Wichita, Kansas 67206.
CS83-45-000	1/31/83	United Western Energy Corporation, 201 N.E. Expressway, Oklahoma City, Oklahoma 73105.
CS83-46-000	2/1/83	Winifred Sweeringen Chumney, 200 Mercantile Bank Building, 40 N.E. Loop 410, San Antonio, Texas 78216
CS83-47-000	2/1/83	W. T. Chumney, Jr., Trustee, 200 Mercantile Bank Building, 40 N.E. Loop 410, San Antonio, Texas 78216.
CS83-48-000	2/1/83	India Brewer Chumney dir Mangny, 200 Mercantile Bank Building, 40 N.E. Loop 410, San Antonio, Texas 78216.
CS83-49-000	2/1/83	B. P. Brewer, III, 200 Mercantile Bank Building 40 N.E. Loop 410, San Antonio, Texas 78216.
CS83-50-000	2/1/83	Betty Brewer Chumney, 200 Mercantile Bank Building, 40 N.E. Loop 410, San Antonio, Texas 78216.
CS83-51-000	2/3/83	Jack M. Myers, 3612 Marquette, Dallas, Texas 75225.
CS83-52-000	2/3/83	Agnes S. Kuntz, 7430 Northwest Highway #7, Dallas, Texas 75225.

[1] Letter received dated January 11, 1983 stating that Petro-Lewis Funds Inc. acquired through a purchase effective April 1, 1982, all of the interest of Terra Resources, Inc.

[2] Letter received dated December 28, 1982 requesting that the Small Producer Certificate issued to William H. Meissner Estate on November 25, 1977 be transferred to the Kreiter-Meissner-Heckbarth Trust.

[3] Letter received dated January 3, 1983 requesting that the Small Producer Certificate issued to Lucie C. Majorce be changed to reflect her new name as Lucie c. McIlvaine.

[FR Doc. 83-4628 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-313-001]

Public Service Company of New Mexico; Refund Report

February 18, 1983.

Take notice that on February 9, 1983, Public Service Company of New Mexico submitted for filing a refund report pursuant to the Commission's opinion and order.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 7, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4629 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-318-000]

Public Service Company of Indiana, Inc.; Filing

February 18, 1983.

Take notice that Public Service Company of Indiana, Inc. (PSC) on February 9, 1983, tendered for filing pursuant to the Interconnection Agreement between PSCI and Indiana Michigan Electric Company, an AEP affiliated operating subsidiary, (Indiana Company) a Modification No. 10 to become effective February 7, 1983.

Said Modification provides for the following additional services and increased rates for Short Term Power:

(1) Schedule Weekly Short Term Power for periods of one or more weeks or "Daily Short Term Power" for periods of one or more days.

(2) Short Term Power provided by PSCI for not less than 100 MW level for not less than 13 consecutive weeks at a minimum load factor of 75% and a minimum hourly schedule of 50% of the reservation or such load factor minimum schedule combination that the parties mutually agree.

(3) Indiana Company's transmission demand rate from a third party for PSCI has been increased from $0.24 to $0.35 per kilowatt per week.

PSCI requests an effective date of February 7, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon American Electric Power Service Corporation, the Michigan Public Service Commission and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 8, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4630 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST83-114-000]

Seagull Shoreline System; Settlement Conference

February 18, 1983.

Take notice that on March 1, 1983, at 10:00 a.m., a settlement conference of all interested parties will be convened

concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all issues in this proceeding. The conference will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4631 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF81-21-001]

Simpson Paper Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 18, 1983.

On February 3, 1983, Simpson Paper Company, P.O. Box 637, Anderson, California 96007, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle congeneration facility is under construction on the premises of the Simpson Paper Company's Shasta Mill in rural Shasta County, California, two miles southeast of the City of Anderson. The energy source to the facility will be natural gas with #2 fuel oil backup. The gas turbine congeneration facility has a rated electric power output of 33 megawatts. Steam will be produced in a waste heat recovery boiler at a rate of 121,000 lbs/hr. An additional 119,000 lbs/hr of steam can be produced by supplemental natural gas firing of the heat recovery steam generator. Installation of the facility began in 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4632 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5704-001]

James H. Stephens; Surrender of Preliminary Permit

February 18, 1983.

Take notice that James H. Stephens, Permittee for the proposed Stephens Project No. 5704, requested by letter filed January 24, 1983, that his preliminary permit be surrendered. The preliminary permit was issued on May 21, 1982, and would have expired on December 31, 1983. The project would have been located on Sweetwater Creek, in Garfield County, Colorado. Mr. Stephens has determined that the project is too far from a three-phase power line for transmission and that costs to complete the project are deemed prohibitive at this time.

The surrender of the preliminary permit for Project No. 5704 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4646 Filed 2-23-83; 8:46 am]

BILLING CODE 6717-01-M

[Docket No. CP83-157-000]

Trunkline Gas Co. and Panhandle Eastern Pipe Line Co.; Application

February 18, 1983.

Take notice that on January 18, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-157-000 a joint application as supplemented January 25, 1983, pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Trunkline and Panhandle to sell natural gas to existing utility customers under a new rate schedule, the Industrial Incentive Rate Schedule, for a term to be effective from March 1, 1983, through February 28, 1985, with eligibility to be automatically renewed every six months during the term thereof, all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

It is stated that the Industrial Incentive Rate Schedule would enable Trunkline and Panhandle to offer an incentive gas rate to their present jurisdictional customers under specified limited conditions which is lower than the rates under their existing rate schedules to aid these customers in regaining industrial load loss of natural gas sales and to avoid further industrial load loss due to price competition from alternate fuels and adverse national economic conditions. The Industrial Incentive Rate Schedule, it is asserted, would only be available to Trunkline's and Panhandle's existing customers for sales within their traditional service areas and within the limits of the annual and daily contract quantities previously authorized by the Commission. Trunkline and Panhandle state that no change in their currently authorized facilities, method or terms of delivery or other terms of sale are proposed.

It is stated that Trunkline's current rates reflect a settlement agreement dated August 26, 1981, which was approved by the Commission's order dated December 18, 1981, in Docket No. RP80-106 which rates went into effect December 1, 1980. Trunkline is proposing herein to include the volumes sold pursuant to this Industrial Incentive Rate Schedule in the sales refund obligation computation prescribed in this settlement agreement to insure that there is no over-recovery by Trunkline of its applicable fixed-costs as a result of the proposed new service.

Further, it is stated that Panhandle's rates are pursuant to its as filed alternate rates in Docket No. RP82-58-000 which went into effect, subject to refund, on October 1, 1982. Thus, Panhandle's current rates are subject to the final outcome of the RP82-58-000 proceeding, it is said.

It is asserted that due to the decline in sales Trunkline is faced with a temporary, but substantial, surplus of natural gas which would result in sizable take-or-pay obligations. Trunkline's projected take-or-pay obligations for the first six months of 1983 is 80,000,000 Mcf or $259 million. For the second half of 1983 the amount is 74,000,000 Mcf or $241 million. The Industrial Incentive Rate Schedule is intended to help avoid these substantial take-or-pay obligations, it is explained.

It is stated that this service would be provided to customers which can certify a specific industrial load loss to alternate fuels. Therefore, it is critical that the selling price of gas under the Industrial Incentive Rate Schedule be competitive with alternate fuels, it is explained. Trunkline proposes a rate of $3.5089 per dekatherm equivalent ($3.5545/Mcf) with Panhandle's proposed rate under the Industrial

Incentive Rate Schedule being $3.5666 per dekatherm equivalent ($3.5545/Mcf).

Any person desiring to be heard or to make any protest with reference to said application should on or before March 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Trunkline and Panhandle to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4833 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-95-000]

United Ethanol Corp. of Delano; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 18, 1983.

On December 10, 1982, United Ethanol Corp. of Delano, 3188-H Airway Avenue, Costa Mesa, California, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules. On January 18, 1982, supplementary information was filed to complete the application.

The topping-cycle cogeneration facility will be located on an abandoned waste water treatment facility owned by the City of Delano, California. The facility will consist of three fluidized bed combuster-boilers, a dual fuel combustion turbine generator set, a waste heat recovery boiler, a condensing steam turbine and a back pressure steam turbine. The primary energy source to the facility will be biomass in the form of woody cotton stalks, barley straw and nut shells. The electric power production capacity of the facility will be 45 megawatts. Exhaust steam will be used in ethanol production and grain drying. Installation of the facility will begin in March 1983. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4834 Filed 2-23-83; 8:45 am]

BILLING CODE 6717-01-M

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[Volume 833] Natural Gas Policy Act of 1978

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
ALABAMA OIL & GAS BOARD									
-ANDERMAN OPERATING COMPANY				RECEIVED:	01/27/83	JA: AL			
8319112	1-20-831PD	0105720298		102-4		EXEMPTION 32-3	NORTH FAYETTE	186.0	TENNESSEE GAS PIP
-BAY CITY MINERALS INC				RECEIVED:	01/27/83	JA: AL			
8319116	1-20-839-PD	0100320050		102-2		ARCCO-MEYER FOUNDATION UNIT 8-2 #1	EAST OYSTER BAY	588.0	AMOCO PRODUCTION
8319115	1-20-838PD	0100320032		102-2		MEYER PROPERTIES 7-7 #1	WEST OYSTER BAY	588.0	AMOCO PRODUCTION
-HUGHES & HUGHES				RECEIVED:	01/27/83	JA: AL			
8319114	1-20-834PD	0107520421		102-2		MURPHY 8-10 #1	LITTLE BELLS CREEK	275.0	
-MOON & BIBBS				RECEIVED:	01/27/83	JA: AL			
8319117	1-20-8310PD	0100320039		102-2		C G CHANCE UNIT 26-10 #1	WEST POINT	360.0	AMOCO PRODUCTION
8319110	12-10-822PD	0100320084		102-4		MAGNOLIA SPRINGS LAND CO 25-6 #1	WEST POINT FIELD	270.0	AMOCO PRODUCTION
8319111	12-10-823PD	0100320097		102-4		THOMPSON 31-4 #1	WEST POINT FIELD	108.0	AMOCO PRODUCTION
-SOUTHLAND ROYALTY CO				RECEIVED:	01/27/83	JA: AL			
8319113	1-20-833PD	0107520094		102-4		CRUMP 35-10 #1	BEAVERTON	100.0	NORTHWEST ALABAMA
ILLINOIS DEPARTMENT OF MINES & MINERALS									
-RICHARD W BERSON OIL PRODUCER INC				RECEIVED:	01/28/83	JA: IL			
8319136		1216524328		102-4		GEORGE BARNES #1	RALEIGH SOUTH	175.0	TEXAS EASTERN TRA
-SCHLUMBERGER DRILLING CORP				RECEIVED:	01/28/83	JA: IL			
8319137		1210128609		102-2		MARTENHOLZ A #1	RUSSELLVILLE	0.0	TEXAS GAS TRANSMI
KANSAS CORPORATION COMMISSION									
-KEADARKO PRODUCTION COMPANY				RECEIVED:	01/10/83	JA: KS			
8319109	K-81-1070	1510900000		108-ZB		SUGHROE A #1		0.0	
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-GRACE PETROLEUM CORPORATION				RECEIVED:	01/28/83	JA: MI			
8319108		2112533128		102-4	103	SCHMIDT 1-27	CLARENCE 27	0.0	BATTLE CREEK GAS
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/28/83	JA: MI			
8319096		2111335490		103		ENTERPRISE UNIT #11-54	ENTERPRISE	3.0	DOW CHEMICAL CO
8319095		2111335340		103		ENTERPRISE UNIT #8-12_	ENTERPRISE	5.0	DOW CHEMICAL CO
8319103		2111335414		103		NORWICH UNIT #2-2	NORWICH	8.0	DOW CHEMICAL CO
8319104		2111335506		103		NORWICH UNIT #4-109	NORWICH	21.0	DOW CHEMICAL CO
8319102		2111335507		103		NORWICH UNIT #4-110	NORWICH	58.0	DOW CHEMICAL CO
8319105		2111335508		103		NORWICH UNIT #4-111	NORWICH	101.0	DOW CHEMICAL CO
8319098		2111335509		103		NORWICH UNIT #4-112	NORWICH	31.0	DOW CHEMICAL CO
8319100		2111335510		103		NORWICH UNIT #4-115	NORWICH	24.0	DOW CHEMICAL CO
8319099		2111335411		103		NORWICH UNIT #4-122	NORWICH	26.0	DOW CHEMICAL CO
8319101		2111335513		103		NORWICH UNIT #4-124	NORWICH	30.0	DOW CHEMICAL CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319097		2114335171		103		ST HELEN UNIT #15-45	ST HELEN	2.0	DOW CHEMICAL CO
8319106		2114335686		103		ST HELEN UNIT #15-51	ST HELEN	4.0	DOW CHEMICAL CO
8319092		2114335441		103		ST HELEN UNIT #24-4	ST HELEN	0.3	DOW CHEMICAL CO
8319091		2114335442		103		ST HELEN UNIT TRACT 1 #8	ST HELEN	2.1	DOW CHEMICAL CO
8319088		2114335362		103		ST HELEN UNIT TRACT 15 #47	ST HELEN	2.5	DOW CHEMICAL CO
8319089		2114335483		103		ST HELEN UNIT TRACT 15 #48	ST HELEN	2.8	DOW CHEMICAL CO
8319090		2114335385		103		ST HELEN UNIT TRACT 15 #50	ST HELEN	3.5	DOW CHEMICAL CO
8319087		2114335647		103		ST HELEN UNIT TRACT 15 #52	ST HELEN	0.6	DOW CHEMICAL CO
8319094		2114335610		103		ST HELEN UNIT TRACT 2 #22	ST HELEN	2.0	DOW CHEMICAL CO
8319093		2114335413		103		ST HELEN UNIT TRACT 3 #2	ST HELEN	0.8	DOW CHEMICAL CO
-TRAVERSE OIL CO				RECEIVED: 01/28/83		JA: MI			
8319107		2105335219		103		DIXON #1-26	GRANT 26-A	86.0	CONSUMERS POWER C
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ESTORIL PRODUCING CORP				RECEIVED: 01/27/83		JA: NM			
8319120		3002526848		103		CURRY STATE #1	ANTELOPE RIDGE (MORRO	292.0	GAS CO OF NEW MEX
-GRACE PETROLEUM CORPORATION				RECEIVED: 01/27/83		JA: NM			
8319123		3002527462		102-A		GRIZZELL DEEP #1	BRUNSON	0.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED: 01/27/83		JA: NM			
8319119		3002500000		103		MCDONALD STATE A/C 2 #33	BLINEBRY OIL & GAS	120.0	GETTY OIL CO
-PERRY R BASS				RECEIVED: 01/27/83		JA: NM			
8319121		3001523164		103		PAINILLO STATE #1	TURKEY TRACK NORTH	550.0	NATURAL GAS PIPEL
-TRANSWESTERN GAS SUPPLY CO				RECEIVED: 01/27/83		JA: NM			
8319122		3000561028		102-2		MACHO STATE #1	WILDCAT-ABO	11.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED: 01/27/83		JA: NM			
8319127		3000561728		102-2	107-TP	ANDREW "UU" #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319131		3000561754		102-2	107-TP	COMANCHE HILL "VZ" STATE #1	WILDCAT ABO	0.0	TRANSWESTERN PIPE
8319130		3000561575		102-3	107-DP	CORBETT "TI" #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319133		3000561764		102-3	107-TP	DERRICK "VR" COM #1	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319132		3000561765		102-3	107-TP	FEDERAL "HT" #5	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319124		3000561738		102-2	107-TP	KERSHAW "UI" #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319125		3000561732		102-2	107-TP	RIVER BRIDGE "UI" STATE #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319128		3000561849		102-3	107-TP	SACRA "SA" #4	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319129		3000561611		102-3	107-TP	SHIRK "SK" ST #3	PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8319126		3000561790		102-2	107-TP	WITZ "VR" STATE #1	UND ABO	0.0	TRANSWESTERN PIPE
UTAH DIVISION OF OIL,GAS, & MINING									
-BURTON/HAWKS INC				RECEIVED: 01/27/83		JA: UT			
8319134	M-153-1	4304330181		102-A		AAGARD #28-1	AAGARD RANCH	150.0	
8319135	M-153-1	4304330198		102-A		AAGARD #28-2	AAGARD RANCH	300.0	
VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
-PHILADELPHIA OIL COMPANY				RECEIVED: 01/27/83		JA: VA			
8319118		8505119830		108		PHILIP E MCCOY - VP-119	ERVINTON	8.6	KENTUCKY WEST VIR
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED: 01/26/83		JA: WV			
8319175		4708703477		107-DV		BLACKWELL #2	WALTON DISTRICT	36.0	BOARING FORK GAS
8319151		4708703477		103		BLACKWELL #2	WALTON DISTRICT	36.0	BOARING FORK GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319174		4708703480		107-DV		J M SHORTGRASS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN

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JD NO	JA ENT	API NO	E	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319174		4708703480		107-DV		I W SHODGRASS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
8319173		4703903805		107-DV		L E SCCOBB #1	UNION DISTRICT	36.0	BOARING FORK GAS
8319150		4703903805		103		L E SCCOBB #1	UNION DISTRICT	36.0	BOARING FORK GAS
-ALLSTATE ENERGY CORP				RECEIVED:	01/28/83	JA: WV			
8319185		4708505180		103		BURNETTE #1 - 368	UNION DISTRICT	7.3	CARNEGIE NATURAL
8319217		4708505011		103		BURNETTE #1-2188	UNION DISTRICT	7.1	CARNEGIE NATURAL
8319184		4708505012		103		BURNETTE #2-51	UNION DISTRICT	2.6	CARNEGIE NATURAL
8319186		4708505360		103		BURNETTE #3-52	UNION DISTRICT	2.9	CARNEGIE NATURAL
8319187		4708505370		103		BURNETTE #4-53	UNION DISTRICT	3.2	CARNEGIE NATURAL
-BKK PROSPECTING LTD				RECEIVED:	01/28/83	JA: WV			
8319164		4707301133		107-DV		BOARD OF EDUCATION #1	WASHINGTON	3.3	COLUMBIA GAS TRAN
8319167		4707301188		107-DV		DCULPH-MORRIS #2	JEFFERSON	5.0	COLUMBIA GAS TRAN
8319166		4707301175		107-DV		ISREAL #1	JEFFERSON	4.0	COLUMBIA GAS TRAN
8319161		4707301394		107-DV		HARVIN WELLS BKK #2	UNION	12.0	COLUMBIA GAS TRAN
8319165		4707301237		107-DV		METZ #1	UNION	5.7	COLUMBIA GAS TRAN
8319169		4707301329		107-DV		ORFI BENNETT BKK 28	UNION	36.0	COLUMBIA GAS TRAN
8319163		4707301241		107-DV		ORIE SOMMERS BKK 16	UNION	1.0	COLUMBIA GAS TRAN
8319172		4707301128		107-DV		R FAILEY #1	UNION	1.3	COLUMBIA GAS TRAN
8319162		4707301129		107-DV		TACKETT BKK 1	UNION	5.0	COLUMBIA GAS TRAN
8319171		4707301307		107-DV		WILMER BARNHART BKK 27	UNION	6.0	COLUMBIA GAS TRAN
8319149		4707301303		103		WILSON BKK 34	UNION	4.0	COLUMBIA GAS TRAN
-BKK PROSPECTING LTD				RECEIVED:	01/28/83	JA: WV			
8319170		4707301281		107-DV		R FAILEY BKK #26	UNION	36.0	COLUMBIA GAS TRAN
-BKK PROSPECTING LTD				RECEIVED:	01/28/83	JA: WV			
8319168		4707301309		107-DV		COX BKK 31	UNION	15.0	COLUMBIA GAS TRAN
8319148		4707301253		107-DV		LEWIS E BREWER BKK #15	UNION	6.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	01/28/83	JA: WV			
8319180		4707901068		103		ABHERST #2	POCATALICO	10.0	TENNESSEE GAS PIP
8319218		4700501360		107-DV		BULL CREEK A-8	PEYTONA	30.0	TENNESSEE GAS PIP
8319181		4700501360		103		BULL CREEK A-8	PEYTONA	30.0	TENNESSEE GAS PIP
8319183		4710900872		103		LOGAN-WYCHING B-2	HUFF CREEK	29.0	COLUMBIA GAS TRAN
8319182		4710900875		103		LOGAN-WYCHING B-7	HUFF CREEK	47.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	01/28/83	JA: WV			
8319178		4700501353		103		LITTLE COAL LAND C-15	WASHINGTON	29.0	TENNESSEE GAS PIP
8319213		4700501353		107-DV		LITTLE COAL LAND C-15	WASHINGTON	29.0	TENNESSEE GAS PIP
8319179		4700501347		103		LITTLE COAL LAND C-5	WASHINGTON	29.0	TENNESSEE GAS PIP
8319205		4700501347		107-DV		LITTLE COAL LAND C-5	WASHINGTON	29.0	TENNESSEE GAS PIP
-CLINT HURT & ASSOCIATES INC				RECEIVED:	01/28/83	JA: WV			
8319188		4703903763		103		SCHOLL-WILCHER #1	CABIN CREEK	15.0	BOARING FORK GAS
-CLINT HURT & ASSOCIATES INC				RECEIVED:	01/28/83	JA: WV			
8319197		4707301395		103		BAYLES #1	MCKIM	24.0	COLUMBIA GAS TRAN
8319177		4707301395		107-DV		BAYLES #1	ST MARYS	24.0	COLUMBIA GAS TRAN
-CLINT HURT & ASSOCIATES INC				RECEIVED:	01/28/83	JA: WV			
8319203		4707301454		107-DV		NICHOLS A-1	ST MARYS	24.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	01/28/83	JA: WV			
8319153		4709722890		103		J-524	UNION	0.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	01/28/83	JA: WV			
8319152		4701703047		103		J-484	GRANT	0.0	COLUMBIA GAS TRAN
8319156		4700101654		103		J-538	PHILIPPI	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/28/83	JA: WV			
8319157		4700121688		103		J-537	PHILIPPI	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/28/83	JA: WV			
8319158		4701722948		103		J-274	NEW MILTON	0.0	CONSOLIDATED GAS

VOLUME 833 PAGE 004

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-J & J ENTERPRISES INC				RECEIVED: 01/20/83		JA: WV			
8319155		4700121653		103		J-518	COVE	0.0	CONSOLIDATED GAS
8319159		4709520935		103		J-529	CENTERVILLE	0.0	CONSOLIDATED GAS
8319158		4700101687		103		J-562	PHILIPPI	0.0	CONSOLIDATED GAS
8319160		4708525299		103		J-573	CLAY	0.0	CONSOLIDATED GAS
-JAMES P SCOTT				RECEIVED: 01/20/83		JA: WV			
8319206		4700101581		107-DV		ISAAC BOOTH S-372	PHILIPPI	30.0	COLUMBIA GAS TRAN
-JOHN L DIAL				RECEIVED: 01/20/83		JA: WV			
8319199		4709921149		108		MYRTLE VICARS #1	BUTLER	0.0	DEVON CORP
8319198		4709921214		108		MYRTLE VICARS #2	SOUTH WEST	0.0	DEVON CORP
-PETRO-LEWIS CORPORATION				RECEIVED: 01/20/83		JA: WV			
8319211		4708503498		108		HODGE #1 ARDEN	UNION DISTRICT	2.0	CONSOLIDATED GAS
8319210		4700700831		108		LICYD #1	OTTER	2.5	CONSOLIDATED GAS
8319209		4700700830		108		SIMONS #1	OTTER DISTRICT	3.0	CONSOLIDATED GAS
8319208		4700700767		108		SINGLETON #1 BOY	SALT LICK DISTRICT	3.7	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED: 01/20/83		JA: WV			
8319201		4709701236		108		KELPPER #1	UNION	1.3	COLUMBIA GAS TRAN
8319202		4709701286		108		NORMAN #2 ELVA	WASHINGTON DISTRICT	8.0	COLUMBIA GAS TRAN
-PETRO-LEWIS CORPORATION				RECEIVED: 01/20/83		JA: WV			
8319200		4700100172		108		LOUK #1	UNION	8.0	COLUMBIA GAS TRAN
8319212		4708701787		108		P P GUNN #1	SPENCER	0.3	CONSOLIDATED GAS
-PETRO-LEWIS CORPORATION				RECEIVED: 01/20/83		JA: WV			
8319207		4709701306		108		CLICHA COTWRIGHT	UNION	1.3	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED: 01/20/83		JA: WV			
8319189		4701502036		103		BRAGG #624	OTTER DISTRICT	23.6	BROOKLYN UNION GA
8319190		4701502037		103		BRAGG #625	OTTER DISTRICT	9.0	BROOKLYN UNION GA
8319192		4701502018		103		MURPHY #559	OTTER DISTRICT	9.0	BROOKLYN UNION GA
-STERLING DRILLING AND PROD CO INC				RECEIVED: 01/20/83		JA: WV			
8319204		4708703512		107-DV		FIELDS #372	WALTON DISTRICT	17.4	BOARING FORK GAS
8319195		4708703513		103		FIELDS #373	WALTON DISTRICT	8.5	BOARING FORK GAS
8319176		4708703513		107-DV		FIELDS #373	WALTON DISTRICT	8.5	BOARING FORK GAS
8319215		4708703533		107-DV		FIELDS #374	WALTON DISTRICT	6.6	BOARING FORK GAS
8319196		4708703533		103		FIELDS #374	WALTON DISTRICT	6.6	BOARING FORK GAS
-STERLING DRILLING AND PROD CO INC				RECEIVED: 01/20/83		JA: WV			
8319193		4701502035		103		BRAGG #623	OTTER DISTRICT	13.1	BROOKLYN UNION GA
-STERLING DRILLING AND PROD CO INC				RECEIVED: 01/20/83		JA: WV			
8319194		4701502047		103		SPINKS #651	OTTER DISTRICT	132.0	BROOKLYN UNION GA
-STERLING DRILLING AND PROD CO INC				RECEIVED: 01/20/83		JA: WV			
8319191		4701502040		103		BRAGG #628	OTTER DISTRICT	8.7	BROOKLYN UNION GA
-TEXAS INTERNATIONAL PET CORP				RECEIVED: 01/20/83		JA: WV			
8319216		4704700756		108		PCCAHONTAS LAND A-51	TWENTY MILE CREEK	13.4	CONSOLIDATED GAS
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-ASSOCIATED PETROLEUM CONSULTANTS IN RECEIVED: 01/20/83						JA: OK 8			
8319145		3511300000		108		OSAGE-OAKLAND #18-4 05-281	CANDY CREEK	5.7	PHILLIPS PETROLEU
8319146		3511300000		108		OSAGE-OAKLAND #2-9	CANDY CREEK	6.7	PHILLIPS PETROLEU
8319147		3511300000		108		OSAGE-OAKLAND 1-9 05-293	CANDY CREEK	7.2	PHILLIPS PETROLEU
-CLASS PETROLEUM CORP				RECEIVED: 01/20/83		JA: OK 8			
8319141		3511300000		103		TATE #10-A	MELOGONEY	0.0	PHILLIPS PETROLEU
8319142		3511300000		103		TATE #17	MELOGONEY	282.7	PHILLIPS PETROLEU
8319143		3511300000		103		TATE #29	MELOGONEY	282.7	PHILLIPS PETROLEU
8319144		3511300000		103		TATE #30	MELOGONEY	282.7	PHILLIPS PETROLEU
-J H GRAVES				RECEIVED: 01/20/83		JA: OK 8			
8319140		3511300000		102-A		LEROY #1		100.0	PHILLIPS PETROLEU
8319138		3511300000		102-A		NCHO #11	W E BLACKLAND	18.0	CITIES SERVICE GA
8319139		3511300000		102-A		NCHO #12	W E BLACKLAND	18.0	CITIES SERVICE GA

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8601.

BILLING CODE 6717-01-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each IGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formulation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–4625 Filed 2–23–83; 8:45 am]

BILLING CODE 6717–01–M

NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.
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SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIO
CONTACT STUART VEISSLE (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SP
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03119138 35113000000 102-4 ECNC 011
03119139 35113000000 102-4 ECNC 012

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 17, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-A H SILBERBERG INC			RECEIVED:	01/27/83		JA: TX			
8319460	F-7B-60476	4236700000	103			TIERCE #2	MINERAL WELLS GEORGIA	18.3	SOUTHWESTERN GAS
-ADJ CO			RECEIVED:	01/27/83		JA: TX			
8319283	F-02-054533	4202500000	108			JOHN B SHAW #8	SAN DOMINGO SOUTH (VI	0.0	HOUSTON PIPE LINE
-ADOBE OIL & GAS CORPORATION			RECEIVED:	01/27/83		JA: TX			
8319363	F-03-057117	4205132269	102-2			GARDNER #1	GIDDINGS (AUSTIN CHAL	96.0	PHILLIPS PETROLEU
-ARK ENERGY INC			RECEIVED:	01/27/83		JA: TX			
8319502	F-7B-61210	4205933178	102-4			JAMES B EISENHOWER #1	WILDCAT	18.0	DELHI GAS PIPELIN
-AMAX PETROLEUM CORPORATION			RECEIVED:	01/27/83		JA: TX			
8319383	F-10-057575	4239330908	102-4			MCMORDIE 1-9	MCMORDIE RANCH (11000	1275.0	WESTAR TRANSMISSI
8319382	F-10-057567	4239330908	103			MCMORDIE 1-9 (11000)	MCMORDIE RANCH (11000	1275.0	WESTAR TRANSMISSI
-AMBER ENERGY INC			RECEIVED:	01/27/83		JA: TX			
8319524	F-08-61588	4213533859	103			EDWARDS #1	WILDCAT	18.2	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO			RECEIVED:	01/27/83		JA: TX			
8319289	F-06-054934	4240131352	103			BILLY NEAL ROBGERS GAS UNIT #2	HENDERSON (RUSK CO) R	600.0	VALERO TRANSMISSI
8319250	F-06-049584	4236531238	103			BURNETT BROTHERS #15	CARTHAGE/TRAVIS PEAK/	500.0	TENNESSEE GAS PIP
8319422	F-03-059397	4219931604	102-4			JOHN H BOWYER #1	SOUR LAKE EAST	110.0	HOUSTON PIPELINE
8319405	F-04-059051	4235500000	107-PR			STATE TRACT 219 #1	ARANSAS & RED FISH BA	88.0	VALERO TRANSMISSI
8319269	F-10-053235	4242130242	103			W H PRICE #2	TEXAS - HUGOTON (CHAS	237.0	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY			RECEIVED:	01/27/83		JA: TX			
8319461	F-08-60490	4200333004	103			UNIVERSITY C #4	FULLERTON SAN ANDRES	5.0	PHILLIPS PETROLEU
-ANDERSON PETROLEUM INC			RECEIVED:	01/27/83		JA: TX			
8319265	F-7C-052263	4243532661	103	107-TP		WILLIAM D KARNES 1-27A	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
8319254	F-7C-050124	4210533740	103	107-TP		WILLIAM P HOOVER #1-12	ANDRICAN (CANYON)	60.0	ANDERSON PIPELINE
-ANDREWS PETROLEUM INC			RECEIVED:	01/27/83		JA: TX			
8319286	F-02-054792	4239131463	102-4			J P WELDER HEIRS	DEVIL'S ROW 6600	0.0	TENNESSEE GAS PIP
8319355	F-02-056945	4239131568	102-4			J WELDER #12	DEVILS ROW 6600	0.0	TENNESSEE GAS PIP
-ARCO OIL AND GAS COMPANY			RECEIVED:	01/27/83		JA: TX			
8319374	F-06-057257	4236531492	102-4	107-TP		A C SOAPE GAS UNIT #4	CARTHAGE (COTTON VALL	400.0	SOUTHERN NATURAL
8319419	F-09-059371	4218100000	108			E I SILLIMAN #2	BIG MINERAL CREEK	7.3	UNION TEXAS PETRO
8319245	F-06-047828	4241930359	103			J S PRICE GAS UNIT #3	JOAQUIN (TRAVIS PEAK)	365.0	SOUTHERN NATURAL
8319299	F-02-055739	4229732640	102-4			PICKETT & JAMES #1	CHARLINE WEST (WILCOX	1.3	HOUSTON PIPELINE
-ARMADA RESOURCES INC			RECEIVED:	01/27/83		JA: TX			
8319240	F-03-046925	4208931015	102-4	103		LENERR A-2	EASTER (YEGUA 5900)	164.3	TENNESSEE GAS PIP
-ARTEC GAS SYSTEMS INC			RECEIVED:	01/27/83		JA: TX			
8319224	F-7C-030757	4210500000	108-NB			SHANNON ESTATE #1	TODD N W (SAN ANDRES)	15.0	EL PASO NATURAL G
-BARNHART CO			RECEIVED:	01/27/83		JA: TX			
8319301	F-03-055773	4215731344	102-2			PARKER MINERALS CO UNIT #2	KATY SOUTH (FIRST WIL	730.0	HOUSTON PIPE LINE
-BEAL OPERATING			RECEIVED:	01/27/83		JA: TX			
8319371	F-7B-057213	4208300000	102-4			POCKETT #1	CHANEY (JENNINGS)	401.0	ODESSA NATURAL CO
8319316	F-7B-056310	4208332938	102-4			STRAWN #A (109995)	CAMP COLORADO S (GUNS	60.0	SOUTHWESTERN GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BEAR CREEK OIL & GAS CO			RECEIVED:	01/27/83		JA: TX			
8319427	F-03-059405	4219931605	102-4			JOHN H BOWYER #2	SOUR LAKE EAST	110.0	HOUSTON PIPELINE
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319264	F-7C-052255	4243532660	103	107-TP		WILLIAM D KARNES 1-27	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319263	F-7C-052247	4243532659	103	107-TP		WILLIAM D KARNES 1-26	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319262	F-7C-052239	4243532658	103	107-TP		WILLIAM D KARNES 1-25	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319261	F-7C-052220	4243532657	103	107-TP		WILLIAM D KARNES 1-24	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319260	F-7C-052212	4243532656	103	107-TP		WILLIAM D KARNES 1-23	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319259	F-7C-052204	4243532655	103	107-TP		WILLIAM D KARNES 1-22	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319258	F-7C-052190	4243532654	103	107-TP		WILLIAM D KARNES 1-21	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319257	F-7C-052182	4243532653	103	107-TP		WILLIAM D KARNES 1-20	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319256	F-7C-052174	4243532652	103	107-TP		WILLIAM D KARNES 1-19	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319255	F-7C-052166	4243532651	103	107-TP		WILLIAM D KARNES 1-18	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319253	F-7C-052158	4243532650	103	107-TP		WILLIAM D KARNES 1-17	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319252	F-7C-052140	4243532649	103	107-TP		WILLIAM D KARNES 1-16	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319251	F-7C-052131	4243532648	103	107-TP		WILLIAM D KARNES 1-15	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319249	F-7C-052123	4243532647	103	107-TP		WILLIAM D KARNES 1-14	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319248	F-7C-052115	4243532646	103	107-TP		WILLIAM D KARNES 1-13	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319247	F-7C-052107	4243532645	103	107-TP		WILLIAM D KARNES 1-12	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319246	F-7C-052093	4243532644	103	107-TP		WILLIAM D KARNES 1-11	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319244	F-7C-052085	4243532643	103	107-TP		WILLIAM D KARNES 1-10	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319243	F-7C-052077	4243532642	103	107-TP		WILLIAM D KARNES 1-9	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319242	F-7C-052069	4243532641	103	107-TP		WILLIAM D KARNES 1-8	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319241	F-7C-052050	4243532640	103	107-TP		WILLIAM D KARNES 1-7	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319240	F-7C-052042	4243532639	103	107-TP		WILLIAM D KARNES 1-6	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319239	F-7C-052034	4243532638	103	107-TP		WILLIAM D KARNES 1-5	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319238	F-7C-052026	4243532637	103	107-TP		WILLIAM D KARNES 1-4	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319237	F-7C-052018	4243532636	103	107-TP		WILLIAM D KARNES 1-3	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319236	F-7C-052000	4243532635	103	107-TP		WILLIAM D KARNES 1-2	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319235	F-7C-051992	4243532634	103	107-TP		WILLIAM D KARNES 1-1	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319234	F-7C-051984	4243532633	103	107-TP		WILLIAM D KARNES 1-28	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319233	F-7C-051976	4243532632	103	107-TP		WILLIAM D KARNES 1-29	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319232	F-7C-051968	4243532631	103	107-TP		WILLIAM D KARNES 1-30	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319231	F-7C-051950	4243532630	103	107-TP		WILLIAM D KARNES 1-31	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319230	F-7C-051942	4243532629	103	107-TP		WILLIAM D KARNES 1-32	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319229	F-7C-051934	4243532628	103	107-TP		WILLIAM D KARNES 1-33	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319228	F-7C-051926	4243532627	103	107-TP		WILLIAM D KARNES 1-34	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319227	F-7C-051918	4243532626	103	107-TP		WILLIAM D KARNES 1-35	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319226	F-7C-051900	4243532625	103	107-TP		WILLIAM D KARNES 1-36	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319225	F-7C-051892	4243532624	103	107-TP		WILLIAM D KARNES 1-37	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319224	F-7C-051884	4243532623	103	107-TP		WILLIAM D KARNES 1-38	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319223	F-7C-051876	4243532622	103	107-TP		WILLIAM D KARNES 1-39	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319222	F-7C-051868	4243532621	103	107-TP		WILLIAM D KARNES 1-40	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319221	F-7C-051850	4243532620	103	107-TP		WILLIAM D KARNES 1-41	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319220	F-7C-051842	4243532619	103	107-TP		WILLIAM D KARNES 1-42	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319219	F-7C-051834	4243532618	103	107-TP		WILLIAM D KARNES 1-43	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319218	F-7C-051826	4243532617	103	107-TP		WILLIAM D KARNES 1-44	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319217	F-7C-051818	4243532616	103	107-TP		WILLIAM D KARNES 1-45	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319216	F-7C-051800	4243532615	103	107-TP		WILLIAM D KARNES 1-46	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319215	F-7C-051792	4243532614	103	107-TP		WILLIAM D KARNES 1-47	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319214	F-7C-051784	4243532613	103	107-TP		WILLIAM D KARNES 1-48	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319213	F-7C-051776	4243532612	103	107-TP		WILLIAM D KARNES 1-49	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319212	F-7C-051768	4243532611	103	107-TP		WILLIAM D KARNES 1-50	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319211	F-7C-051750	4243532610	103	107-TP		WILLIAM D KARNES 1-51	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319210	F-7C-051742	4243532609	103	107-TP		WILLIAM D KARNES 1-52	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319209	F-7C-051734	4243532608	103	107-TP		WILLIAM D KARNES 1-53	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319208	F-7C-051726	4243532607	103	107-TP		WILLIAM D KARNES 1-54	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319207	F-7C-051718	4243532606	103	107-TP		WILLIAM D KARNES 1-55	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319206	F-7C-051700	4243532605	103	107-TP		WILLIAM D KARNES 1-56	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319205	F-7C-051692	4243532604	103	107-TP		WILLIAM D KARNES 1-57	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319204	F-7C-051684	4243532603	103	107-TP		WILLIAM D KARNES 1-58	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319203	F-7C-051676	4243532602	103	107-TP		WILLIAM D KARNES 1-59	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319202	F-7C-051668	4243532601	103	107-TP		WILLIAM D KARNES 1-60	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319201	F-7C-051650	4243532600	103	107-TP		WILLIAM D KARNES 1-61	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319200	F-7C-051642	4243532599	103	107-TP		WILLIAM D KARNES 1-62	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319199	F-7C-051634	4243532598	103	107-TP		WILLIAM D KARNES 1-63	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319198	F-7C-051626	4243532597	103	107-TP		WILLIAM D KARNES 1-64	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319197	F-7C-051618	4243532596	103	107-TP		WILLIAM D KARNES 1-65	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319196	F-7C-051600	4243532595	103	107-TP		WILLIAM D KARNES 1-66	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319195	F-7C-051592	4243532594	103	107-TP		WILLIAM D KARNES 1-67	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319194	F-7C-051584	4243532593	103	107-TP		WILLIAM D KARNES 1-68	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319193	F-7C-051576	4243532592	103	107-TP		WILLIAM D KARNES 1-69	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319192	F-7C-051568	4243532591	103	107-TP		WILLIAM D KARNES 1-70	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319191	F-7C-051550	4243532590	103	107-TP		WILLIAM D KARNES 1-71	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319190	F-7C-051542	4243532589	103	107-TP		WILLIAM D KARNES 1-72	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319189	F-7C-051534	4243532588	103	107-TP		WILLIAM D KARNES 1-73	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319188	F-7C-051526	4243532587	103	107-TP		WILLIAM D KARNES 1-74	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319187	F-7C-051518	4243532586	103	107-TP		WILLIAM D KARNES 1-75	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319186	F-7C-051500	4243532585	103	107-TP		WILLIAM D KARNES 1-76	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319185	F-7C-051492	4243532584	103	107-TP		WILLIAM D KARNES 1-77	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319184	F-7C-051484	4243532583	103	107-TP		WILLIAM D KARNES 1-78	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319183	F-7C-051476	4243532582	103	107-TP		WILLIAM D KARNES 1-79	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319182	F-7C-051468	4243532581	103	107-TP		WILLIAM D KARNES 1-80	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319181	F-7C-051450	4243532580	103	107-TP		WILLIAM D KARNES 1-81	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319180	F-7C-051442	4243532579	103	107-TP		WILLIAM D KARNES 1-82	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319179	F-7C-051434	4243532578	103	107-TP		WILLIAM D KARNES 1-83	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319178	F-7C-051426	4243532577	103	107-TP		WILLIAM D KARNES 1-84	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319177	F-7C-051418	4243532576	103	107-TP		WILLIAM D KARNES 1-85	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319176	F-7C-051400	4243532575	103	107-TP		WILLIAM D KARNES 1-86	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319175	F-7C-051392	4243532574	103	107-TP		WILLIAM D KARNES 1-87	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319174	F-7C-051384	4243532573	103	107-TP		WILLIAM D KARNES 1-88	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319173	F-7C-051376	4243532572	103	107-TP		WILLIAM D KARNES 1-89	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319172	F-7C-051368	4243532571	103	107-TP		WILLIAM D KARNES 1-90	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319171	F-7C-051350	4243532570	103	107-TP		WILLIAM D KARNES 1-91	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319170	F-7C-051342	4243532569	103	107-TP		WILLIAM D KARNES 1-92	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319169	F-7C-051334	4243532568	103	107-TP		WILLIAM D KARNES 1-93	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319168	F-7C-051326	4243532567	103	107-TP		WILLIAM D KARNES 1-94	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319167	F-7C-051318	4243532566	103	107-TP		WILLIAM D KARNES 1-95	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319166	F-7C-051300	4243532565	103	107-TP		WILLIAM D KARNES 1-96	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319165	F-7C-051292	4243532564	103	107-TP		WILLIAM D KARNES 1-97	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319164	F-7C-051284	4243532563	103	107-TP		WILLIAM D KARNES 1-98	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319163	F-7C-051276	4243532562	103	107-TP		WILLIAM D KARNES 1-99	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
-BEARD OIL CO			RECEIVED:	01/27/83		JA: TX			
8319162	F-7C-051268	4243532561	103	107-TP		WIL

JC NO	JA DKT	API NO	D	SPC(1)	SPC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BOB VALLEY PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319258	P-03-050486	4231330346		102-2		CRPSBIK #1	MADISONVILLE (GEORGET	0.0	LONE STAR GAS CO
-CAMBRIDGE E HAIL				RECEIVED:	01/27/83	JA: TX			
8319468	P-10-60575	4248331028		102-4		SCRNIA #1	MRISCOE (MORROW)	0.0	INTER NORTH INC
-CAROLINA GROUP INC				RECEIVED:	01/27/83	JA: TX			
8319221	P-7E-007691	4210300000		103		D BILLS (WILLIAMS)	KIPAN (MARBLE FALLS)	0.0	INTER NORTH INC
-CHAMPLIN EXPLORATION INC				RECEIVED:	01/27/83	JA: TX			
8319375	P-03-057297	4214930955		102-2		K P J #1 (RRC PERMIT # 110617)	GIDDINGS (NAVARRO)	3.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/27/83	JA: TX			
8319467	P-04-60573	4227331167		103		G P WARDNER #131	STRATTON (F-8 M)	166.0	TENNESSEE GAS PIP
8319418	P-04-059294	4235532028		102-4	103	TRION ROYALTY "B" GP #3-U	STRATTON (G-9-9)	325.0	TENNESSEE GAS PIP
-CHAPARRAL MINERALS INC				RECEIVED:	01/27/83	JA: TX			
8319280	P-03-054113	4204130678		102-4	103	ALLEN FOREST UNIT #1 (15056)	BRYAN (WOODBINE)	104.0	FERGUSON CROSSING
8319242	P-03-047103	4204130670		102-4	103	D S & B J CARRABBA #1 (18771)	BRYAN (WOODBINE)	162.0	FERGUSON CROSSING
8319243	P-03-047387	4204136084		102-4	103	TRAILITE UNIT #1 (14943)	BRYAN (WOODBINE)	181.0	FERGUSON CROSSING
8319408	P-03-059126	4204130766		102-4	103	WILLIAM E WASH #1 (15773)	BRYAN (WOODBINE)	165.0	FERGUSON CROSSING
-CLAYTON W WILLIAMS JR				RECEIVED:	01/27/83	JA: TX			
8319229	P-08-036765	4230100000		107-DP		GATAGA GAS UNIT #2-1	MOORE-MCCOPEN (ELLENBU	1300.0	INTRASTA GAS CO
-COASTLINE EXPLORATION INC				RECEIVED:	01/27/83	JA: TX			
8319407	P-04-059101	4224931175		102-4	103	HUIL #1	CHARLES HUIL (3880) (	365.0	TRUNKLINE GAS CO
-CONOCO INC				RECEIVED:	01/27/83	JA: TX			
8319418	P-04-059217	4247933404		102-2	107-IP	BCSA V BENAVIDES "E" #16	CONTRARY (WALKER LOBO	0.0	P I DUPONT DE NEM
8319400	P-04-058967	4242731548		102-4	103	T P SLICK EST B-536 #83	RINCON (VICKSBURG 585	365.0	TENNESSEE GAS PIP
8319360	P-04-057092	4247933344		102-2	107-IP	VAQUILLAS RANCH "A" #25	VAQUILLAS RANCH (GATO	476.0	P I DUPONT DE NEM
-CONSOLIDATED OIL & GAS INC				RECEIVED:	01/27/83	JA: TX			
8319477	P-04-60668	4247900000		103		ZACHRY #17	LAREDO (LOBO)	18.1	DYLNI PIPELINE CO
-CONVEST ENERGY CORP				RECEIVED:	01/27/83	JA: TX			
8319356	P-7C-056952	4243532462		103	107-IP	NANCY DICODWORTH #3	(PENDING)	0.0	EL PASO NATURAL G
-COSTA RESOURCES INC				RECEIVED:	01/27/83	JA: TX			
8319259	P-08-050837	4210332648		102-4	103	TURSTILL & RENAUD #2	COSTA (CLEARFORK LOWE	0.0	PGP GAS PRODUCTS
-COUNTY MANAGEMENT INC				RECEIVED:	01/27/83	JA: TX			
8319256	P-03-050276	4214931163		102-2	103	HITRO UNIT WELL #1	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-CPC EXPLORATION INC				RECEIVED:	01/27/83	JA: TX			
8319528	P-04-61610	4250530959		102-4		P G G RANCHES #1	LAS LOMAS (WILCOX 780	0.0	UNITED TEXAS TRAN
8319366	P-03-057153	4205131950		102-4		J W BIRD #1 RRC LEASE NO 15514	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
8319365	P-03-057152	4205131882		102-4		BENCCRB UNIT RRC LEASE NO 15259	CALDWELL (AUSTIN CHAL	0.0	FERGUSON CROSSING
-CROWN CENTRAL PETROLEUM CORP				RECEIVED:	01/27/83	JA: TX			
8319420	P-06-059391	4231530581		102-4		J F ANTHONY #1	VICKI LYNN	182.0	ESPERANZA TRANSMI
-CROWN PRODUCTION CO				RECEIVED:	01/27/83	JA: TX			
8319305	P-01-055999	4216331918		103		BEAVER #2	PEARSALL (AUSTIN CHAL	186.4	TGP INC
8319348	P-03-056812	4218930447		103		PARKER #1	GIDDINGS (AUSTIN CHAL	237.0	PHILLIPS PETROLEU
-D & B PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319248	P-10-049220	4248330900		103		BICHECK #1	PANHANDLE EAST	0.0	WARREN PETROLEUM
-D J PRODUCTION INC				RECEIVED:	01/27/83	JA: TX			
8319399	P-10-058951	4223300000		103		SANFORD D 3-A	PANHANDLE	36.5	PHILLIPS PIPELINE
-DISCOVERY OPERATING INC				RECEIVED:	01/27/83	JA: TX			
8319500	P-08-61049	4231732543		103		HGF - SMITH #1	ACKERLY (DEAN SAND)	18.0	TEXACO INC
-DON B WILSON				RECEIVED:	01/27/83	JA: TX			
8319471	P-04-60599	4240931670		103		B GIBSON #1 ID NO PENDING	SINTON E (SHALLOW)	293.0	COPONADO TRANSMIS
-DORAN ENERGY CORP				RECEIVED:	01/27/83	JA: TX			
8319389	P-04-058105	4242731673		103		T RODRIGUEZ #5-D	GWEGG WCOB S (750) FI	36.0	VALERO INTERSTATE
-DYCO PETROLEUM CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319279	P-10-054026	4221131368		103		BEELEY #3-32	ERISCO (MORROW)	300.0	WESTAR TRANSMISSI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319452	P-10-60288	4221100000		103		SIMPSON-LEVITT #1-A1
-RADS OPERATING CO				RECEIVED:	01/27/83	JA: TX
8319411	P-04-059200	4242731601		102-A		DCRR M SALINAS #2
8319412	P-04-059203	4242700000		102-A		M I NIRCJOSA #3
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/27/83	JA: TX
8319252	P-10-049731	4208730167		108		AIDOOS J #1
8319244	P-10-047501	4217923702		108-PB		CARNEY #2
8319282	P-10-054499	4217923711		108-PB		HARPER I #1
8319268	P-10-052827	4217923735		108-PB		WAGER #1
8319223	P-10-029850	4208726179		108-PB		MCDOWELL #5
8319458	P-10-60460	4208726180		108-PB		MCDOWELL #6
8319231	P-10-037519	4217923784		108-PB		REEVES #1
8319390	P-10-058237	4217923763		108-PB		TOPS A #1
-RESERVE EXPLORATION INC				RECEIVED:	01/27/83	JA: TX
8319429	P-05-059922	4221330350		103		C W CORLEY "B" #2C
8319295	P-09-055340	4249732812		103		PCINALL T H "B" #2
8319315	P-05-056304	4221330351		103		H W INGRAM #2
8319391	P-05-058267	4221330351		103		H W INGRAM #2C
8319433	P-09-059983	4249732881		103		T C W B UNIT 6 #3
-RESO INC				RECEIVED:	01/27/83	JA: TX
8319509	P-06-61390	4236500000		103	107-TP	CARTHAGE GAS UNIT #86
-EXXON CORPORATION				RECEIVED:	01/27/83	JA: TX
8319456	P-04-60373	4208731104		102-A		ABADO TRAD 7 (ID PENDING)
8319439	P-04-060225	4226130721		102-A		JOHN G KENNEDY JR "C" 20 (ID PEND)
8319320	P-03-056428	4247330370		103		KATY GAS FIELD UNIT #2 WELL 63
8319504	P-04-61284	4208700000		108		KELSEY UNIT R-331-D (067505)
8319474	P-04-60620	4208731206		103		MARIPOSA FIELD GAS UNIT P-18-F
8319473	P-04-60618	4226130729		102-A		MRS S K EAST 138 (ID PENDING)
8319472	P-04-60616	4226130443		102-A		MRS S K EAST 96-F (ID PENDING)
8319444	P-7C-060268	4238332001		103		OLGA KOLLE #5
-FARGO ENERGY CORP				RECEIVED:	01/27/83	JA: TX
8319312	P-03-056266	4205132290		102-2		UBRANOSKY M #1
-FARGO TRADING CO INC				RECEIVED:	01/27/83	JA: TX
8319368	P-04-057136	4208900000		102-A		VICORRIA CATTLE COMPANY #4
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	01/27/83	JA: TX
8319353	P-7C-056871	4243532790		103	107-TP	FLORENCE 39-#1
-FLYNN ENERGY CORP				RECEIVED:	01/27/83	JA: TX
8319394	P-02-058449	4229700000		102-A		BERRING RANCH 67-1 #1
-FUNK EXPLORATION INC				RECEIVED:	01/27/83	JA: TX
8319403	P-10-059029	4229531166		102-A		P S REYNOLDS #3-A
8319404	P-10-059030	4229531030		102-A		REYNOLDS #1-1174
8319402	P-10-059028	4229531078		102-A		REYNOLDS #2
-GENE POWELL INVESTMENTS INC				RECEIVED:	01/27/83	JA: TX
8319475	P-06-060634	4240100000		103	107-TP	GIADNEY GAS UNIT #3
-GENERAL PRODUCTION CORP				RECEIVED:	01/27/83	JA: TX
8319255	P-03-050150	4205100000		102-A	103	JOHNSON-DEAN UNIT 1 #1
-GETTY OIL COMPANY				RECEIVED:	01/27/83	JA: TX
8319267	P-06-052609	4236500000		108-EE		A B CURTIS #1-U DUAL
8319351	P-03-056849	4205100000		102-2		C H BLAHA "B" #1
8319432	P-03-059974	4204100000		102-2		L A WOLFE #1
8319470	P-02-60589	4228500000		102-A		RUTH BAUM #3
8319507	P-03-61317	4204100000		102-2		S BOYCE #1
-GHK ENERGY CORP				RECEIVED:	01/27/83	JA: TX

FIELD NAME	PROD	PURCHASER
BUFFALO WALLOW (GRANI	300.0	WESTAR TRANSMISSI
SALINAS (1800)	65.7	INTRASTATE GATHER
SALINAS (GUERRA B-1)	58.7	INTRASTATE GATHER
PANHANDLE EAST	108.9	EL PASO NATURAL G
PANHANDLE WEST BROWN	28.0	EL PASO NATURAL G
PANHANDLE - WEST	21.1	EL PASO NATURAL G
PANHANDLE WEST BROWN	28.0	EL PASO NATURAL G
PANHANDLE EAST-BROWN	17.0	EL PASO NATURAL G
PANHANDLE EAST	18.6	EL PASO NATURAL G
PANHANDLE WEST	16.0	EL PASO NATURAL G
PANHANDLE - WEST	61.0	EL PASO NATURAL G
OPELIKA	217.0	LONE STAR GAS CO
BOONSVILLE (SCH)	0.0	LONE STAR GAS CO
OPELIKA	0.0	LONE STAR GAS CO
OPELIKA	124.0	LONE STAR GAS CO
BOONSVILLE	240.0	LONE STAR GAS CO
CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
SCOTT & HOPPER (7950)	700.0	TENNESSEE GAS PIP
MIFFLIN (J-02)	146.0	NATURAL GAS PIPEL
KATY S (FIRST WILCOX)	1460.0	ARMCO STEEL CORP
KELSEY (R-2)	7.0	TRUNKLINE GAS CO
MARIPOSA (R-12)	900.0	TENNESSEE GAS PIP
RITA (5-D 6 E II)	300.0	NATURAL GAS PIPEL
RITA (6-C II)	100.0	NATURAL GAS PIPEL
CALVIN (DEAN)	5.0	EL PASO NATURAL G
BIG A TAYLOR	1085.0	PHILLIPS PETROLEU
LA NARA (810A HAWD)	0.0	TENNESSEE GAS PIP
PHYLLIS SONORA	0.0	INTRATEX GAS CO
MARINE EAST (8700)	274.0	UNITED TEXAS TRAN
RICKS UPPER MORROW PI	200.0	HIGH PLAINS NATUR
RICKS UPPER MORROW	300.0	HIGH PLAINS NATUR
RICKS UPPER MORROW PI	250.0	HIGH PLAINS NATUR
OAK HILL (COTTON VALL	360.0	UNITED GAS PIPE L
WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
CARTHAGE (HILL SE)	15.0	TEXAS GAS TRANSMI
GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
BRYAN (WOODBINE)	0.0	FERGUSON CROSSING
WILDCAT	90.0	
BRYAN (WOODBINE)	130.0	FERGUSON CROSSING

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319303	P-04-055938	4250531488		102-A	107-TP	LA PERLA RANCH (YORO
8319304	P-04-055939	4250531489		102-A	107-TP	LA PERLA RANCH (YORO
8319305	P-04-055940	4250531490		102-A	107-TP	LA PERLA RANCH (YORO
8319306	P-04-055941	4250531491		102-A	107-TP	LA PERLA RANCH (YORO
8319307	P-04-055942	4250531492		102-A	107-TP	LA PERLA RANCH (YORO
8319308	P-04-055943	4250531493		102-A	107-TP	LA PERLA RANCH (YORO
8319309	P-04-055944	4250531494		102-A	107-TP	LA PERLA RANCH (YORO
8319310	P-04-055945	4250531495		102-A	107-TP	LA PERLA RANCH (YORO
8319311	P-04-055946	4250531496		102-A	107-TP	LA PERLA RANCH (YORO
-MAGNOLIA PETROLEUM CO				RECEIVED:	01/27/83	JA: TX
8319405	P-10-059031	4229531079		102-A		REYNOLDS #3
-MARATHON OIL COMPANY				RECEIVED:	01/27/83	JA: TX
8319406	P-10-059032	4229531080		102-A		REYNOLDS #4
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319407	P-10-059033	4229531081		102-A		REYNOLDS #5
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319408	P-10-059034	4229531082		102-A		REYNOLDS #6
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319409	P-10-059035	4229531083		102-A		REYNOLDS #7
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319410	P-10-059036	4229531084		102-A		REYNOLDS #8
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319413	P-10-059037	4229531085		102-A		REYNOLDS #9
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319414	P-10-059038	4229531086		102-A		REYNOLDS #10
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319415	P-10-059039	4229531087		102-A		REYNOLDS #11
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319416	P-10-059040	4229531088		102-A		REYNOLDS #12
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319417	P-10-059041	4229531089		102-A		REYNOLDS #13
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319418	P-10-059042	4229531090		102-A		REYNOLDS #14
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319419	P-10-059043	4229531091		102-A		REYNOLDS #15
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319420	P-10-059044	4229531092		102-A		REYNOLDS #16
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319421	P-10-059045	4229531093		102-A		REYNOLDS #17
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319422	P-10-059046	4229531094		102-A		REYNOLDS #18
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319423	P-10-059047	4229531095		102-A		REYNOLDS #19
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319424	P-10-059048	4229531096		102-A		REYNOLDS #20
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319425	P-10-059049	4229531097		102-A		REYNOLDS #21
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319426	P-10-059050	4229531098		102-A		REYNOLDS #22
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319427	P-10-059051	4229531099		102-A		REYNOLDS #23
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX
8319428	P-10-059052	4229531100		102-A		REYNOLDS #24
-MARTIN EXPLORATION MANAGEMENT CO				RECEIVED:	01/27/83	JA: TX

FIELD NAME	PROD	PURCHASER
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI
LA PERLA RANCH (YORO	1200.0	VALERO TRANSMISSI

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319303	P-04-055938	4250531488		102-A	107-TP	LA PERLA #NO	LA PERLA RANCH (LOBO	1200.0	VALPRO TRANSMISSI
8319367	P-04-057161	4247933277		102-A	107-TP	MARES MCLEAN "C" #1	BARNSLEY (LOBO 10,900	800.0	UNITED TEXAS TRAN
8319291	P-04-055090	4250531483		102-A	107-DP	TREVINO #2	FRANCISCO (LOBO 9500)	75.0	VALPRO TRANSMISSI
-GOLDSTON OIL CORP				RECEIVED: 01/27/83 JA: TX					
8319386	P-03-057657	4248132389		103		LAKESIDE IRRIGATION CO UNIT #1	LISSIE (WILCOX 9600)	365.0	TENNESSEE GAS PIP
-GRACE PETROLEUM CORPORATION				RECEIVED: 01/27/83 JA: TX					
8319459	P-05-060474	4216130722		103	107-TP	BANKS #2	TEAGUE TOWNSITE	0.0	LONE STAR GAS CO
-GRAND BANKS ENERGY CO				RECEIVED: 01/27/83 JA: TX					
8319385	P-08-057647	4217331225		103	107-TP	EDWARDSON "A" #2	CONGER SW (PENN)	0.0	INTER NORTH INC
8319490	P-08-60820	4217331330		103	107-TP	EDWARDSON "A" #3	CONGER SW (PENN)	0.0	INTER NORTH INC
-GULF OIL CORPORATION				RECEIVED: 01/27/83 JA: TX					
8319285	P-10-054681	4239310900		103		BYRON BPA "A" #2-37	RED DEER CREEK (GRANI	572.0	TRANSWESTERN PIPE
8319241	P-09-046931	4218130815		102-A		CHARNEY MORRIS #1	SOUTHWAYD W E	7.0	LONE STAR GAS CO
8319416	P-10-059223	4229531167		103		CLEO BARTON #2-502	BRADFORD (TONKAWA)	300.0	DIAMOND SHAMROCK
8319370	P-09-057200	4218130890		102-A		P P DEPTCH C #1	E E SOUTHWAYD	14.0	
8319415	P-10-059222	4239300000		108-PP		JOHN HAGGARD #22	CRINDORO (LOWER ALBAN	0.0	NATURAL GAS PIPEL
8319406	P-10-059098	4221131444		107-DP		L P HUMPHREYS #1-H	MATHERS RANCH	0.0	
-GULFSTREAM PETROLEUM CORP				RECEIVED: 01/27/83 JA: TX					
8319462	P-02-60503	4212331222		102-A		E P COPENHAVER ET AL #1	DRY HOLLOW (11,024')	1957.0	SEAGULL PIPELINE
-H P PINNELL TRUSTEE				RECEIVED: 01/27/83 JA: TX					
8319384	P-04-057570	4248930678		102-A	103	EL SAUZ RANCH NOPAL #5	ARROYO COLORADO NORTH	58.0	NATURAL GAS PIPEL
-RAL FRANKLIN OPERATING				RECEIVED: 01/27/83 JA: TX					
8319317	P-09-056336	4250236072		102-A		RUDLEMAN #3	GRAHAM NORTH (MARBLE	90.0	PYRON EXPLORATION
-HAMILTON BROTHERS OIL CO				RECEIVED: 01/27/83 JA: TX					
8319397	P-02-058657	4212331104		102-A		MARIE DOESER UNIT #1	HENRY E (MIGURA) PROP	23.0	VALPRO TRANSMISSI
-HERITAGE OPERATING CO INC				RECEIVED: 01/27/83 JA: TX					
8319431	P-04-059962	4221531127		102-A		WALT SCHALEBEN #1	SCHALEBEN (6900') SAN	868.0	TENNESSEE GAS PIP
-HILLIARD OIL & GAS INC				RECEIVED: 01/27/83 JA: TX					
8319249	P-06-049812	4231530577		103	107-TP	NICKS UNIT #1	ZWIM (COTTON VALLEY L	1080.0	TEXAS EASTERN TRA
-HINTON PRODUCTION COMPANY				RECEIVED: 01/27/83 JA: TX					
8319305	P-05-056010	4246730525		102-A		CHANDLER #1	MARTINS MILL (WODESSA	500.0	LONE STAR GAS CO
-HOWELL DRILLING INC				RECEIVED: 01/27/83 JA: TX					
8319392	P-02-058385	4212300000		102-A		E B HUTCHISON GAS UNIT #1	ANNA BARRE N	0.0	TEXAS EASTERN TRA
-HUMBLE EXPLORATION CO INC				RECEIVED: 01/27/83 JA: TX					
8319253	P-03-050031	4228731160		102-2	103	ABIGAIL ELAINE #1	GIDDINGS (AUSTIN CHAL	9.0	PHILLIPS PETROLEU
8319225	P-03-034544	4214930840		103		ALICE PAULUS #1	GIDDINGS (BUDA)	0.0	PHILLIPS PETROLEU
-HUNT ENERGY CORPORATION ET AL				RECEIVED: 01/27/83 JA: TX					
8319388	P-10-058055	4248330905		107-DP		MOORE #1-55	STILES RANCH (MORROW)	242.0	
8319234	P-10-041027	4217930780		102-2		STOCKSTILL #1-185	WILDCAT	56.0	CITIES SERVICE GA
-INC EXPLORATION COMPANY				RECEIVED: 01/27/83 JA: TX					
8319435	P-8A-060168	4211531707		103-A		JETER #1	DE ROSE (MISSISSIPPIA	0.0	TEXACO INC
-INDIAN WELLS OIL CO				RECEIVED: 01/27/83 JA: TX					
8319354	P-7C-056907	4241331126		103	107-TP	PAGE RANCH 5-1	PAGE RANCH (CANYON)	0.0	INTERNORTH INC
8319308	P-7C-055948	4241330965		103	107-TP	TAYLOR #1	PAGE (W CANYON)	0.0	INTERNORTH INC
-INTEGRATED ENERGY INC				RECEIVED: 01/27/83 JA: TX					
8319350	P-03-056885	4220131820		103		TINERELLA #4	TOMBALL (MIOCENE 2700	18.3	TENNESSEE GAS PIP
-J M HUBER CORPORATION				RECEIVED: 01/27/83 JA: TX					
8319281	P-03-054312	4219931643		102-2		BOISE SOUTHERN #1	EAST SOUR LAKE (KIRBY	1825.0	HOUSTON PIPE LINE
-JACK B WOLFE				RECEIVED: 01/27/83 JA: TX					
8319487	P-04-60809	4213100000		108		J B WOLFE #1	EL ORO (2160)	18.0	VALLEY GAS TRANSM
-JACKSON EXPLORATION INC				RECEIVED: 01/27/83 JA: TX					
8319272	P-08-053575	4231732496		103		CAVE #1	SULPHUR DRAW (8790 DE	35.0	ADOBE OIL & GAS C
-JOHN H HENDRIX CORP				RECEIVED: 01/27/83 JA: TX					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319505	P-08-61293	4237100000		102-4	103	TAFT #1
				RECEIVED: 01/27/83 JA: TX		
-JOHN L COX						
8319449	P-7C-60275	4238332335		103		AIDWELL #1
8319377	P-08-057367	4231700000		103		FLOYD MARTIN #2 (RRC #21953)
8319378	P-08-057368	4231700000		103		LOIS MADISON D #3 (RRC #21969)
8319447	P-08-60271	4232900000		103		M MCKASKLE #1
8319379	P-7C-057369	4223531961		103		MISS ELA E #4 (RRC #06977)
8319376	P-7C-057364	4246131932		103		POWELL "13" #3 (RRC #09388)
8319446	P-7C-60267	4238332337		103		REAGAN B Q #4-I RRC #05289
8319380	P-7C-057379	4238300000		103		ROCKER B "O" #6-I (RRC #05172)
8319448	P-7C-60272	4238332338		103		ROCKER B Q #8-I RRC #05289
				RECEIVED: 01/27/83 JA: TX		
-K L B OIL & GAS INC						
8319451	P-7B-60282	4208333270		102-4		TABER "A" #103
				RECEIVED: 01/27/83 JA: TX		
-KILLAM & HURD LTD						
8319440	P-04-060237	4247933179		102-4	107-IF	KILLAM & HURD FEE "1569" #4
8319445	P-04-060265	4247933262		102-4	107-IF	KILLAM & HURD FEE 1620 #1X
8319488	P-04-60812	4247933274		102-4		KILLAM & HURD LTD BRUNI-TULE #4
8319485	P-04-60768	4247933286		102-4		KILLAM & HURD LTD BRUNI-TULE #5
				RECEIVED: 01/27/83 JA: TX		
-KIRBY EXPLORATION CO						
8319230	P-03-036840	4270430078		102-4		STATE 60903 340-L RR/401
				RECEIVED: 01/27/83 JA: TX		
-LAJET INC						
8319421	P-7C-059392	4241331159		103	107-IF	T K JONES #1 097598
				RECEIVED: 01/27/83 JA: TX		
-LANKFORD OIL CO						
8319323	P-7C-056457	4210500000		103	107-IF	OZONA TOWNSITE #3
				RECEIVED: 01/27/83 JA: TX		
-LANTANA NATURAL RESOURCES INC						
8319428	P-04-059550	4224931370		102-4	103	HERBERT BIRNSTEDT #1
				RECEIVED: 01/27/83 JA: TX		
-LEL OIL CO RP						
8319262	P-7B-051576	4208332681		103		G B TODD A #1
8319239	P-7B-045168	4208332235		103		JERRY TODD #1
				RECEIVED: 01/27/83 JA: TX		
-LEAR PETROLEUM CORPORATION						
8319228	P-05-036247	4239530226		103	107-IF	LEAR CARL STERN #1
				RECEIVED: 01/27/83 JA: TX		
-LESTER CLARK						
8319482	P-7B-60717	4242933828		103		BLACK "B" #5
				RECEIVED: 01/27/83 JA: TX		
-LOUISIANA CRUDE OIL & GAS CO INC						
8319453	P-7B-60336	4213334128		102-4		CASE-DAY #1
				RECEIVED: 01/27/83 JA: TX		
-MABALO INC						
8319520	P-08-61567	4200333150		103		SOUTHLAND ROYALTY "D" #1
				RECEIVED: 01/27/83 JA: TX		
-MARATHON OIL COMPANY						
8319336	P-7C-056646	4246100000		108		BENEDUM SPRABERRY UNIT #1201
8319339	P-7C-056656	4246100000		108		BENEDUM SPRABERRY UNIT #3105
8319340	P-7C-056658	4246100000		108		BENEDUM SPRABERRY UNIT #3301
8319337	P-7C-056651	4246100000		108		BENEDUM SPRABERRY UNIT #3505
8319341	P-7C-056661	4246100000		108		BENEDUM SPRABERRY UNIT #3702
8319338	P-7C-056655	4246100000		108		BENEDUM SPRABERRY UNIT #4005
8319357	P-03-057022	4232131225		103		OHIO-SUN UNIT #18-F
8319335	P-7B-056645	4243300000		108		P L ANDERSON A/C 1 WELL #8
				RECEIVED: 01/27/83 JA: TX		
-MARSHALL EXPLORATION INC						
8319273	P-06-053719	4240131821		102-4	103	COMPTON #1
8319324	P-06-056459	4236531455		103		MAZIE LYNCH #4
8319322	P-06-056455	4240131871		103		PRIOR #1
8319321	P-06-056454	4240131405		103		RETTIG #1
				RECEIVED: 01/27/83 JA: TX		
-MAYNARD OIL COMPANY						
8319517	P-02-61487	4246931935		103		P P DIENER #2

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FIELD NAME	PROD	PURCHASER
LEHN-APCO S (WICHITA-	85.0	INTRATEX GAS CO
SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
PARKS (DEAN) AND/OR P	10.0	MOBIL PRODUCING T
SPRABERRY (TREND AREA	10.0	INTER NORTH INC
SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
SPRABERRY (M)	10.0	EL PASO NATURAL G
DILLARD (MARBLE FALLS	46.0	EL PASO HYDROCARB
JUANITA (LOBO)	0.0	UNITED TEXAS TRAN
VILLEGAS (LOBO)	0.0	
BETANA WEST (WILCOX 4	0.0	
BETANA W (WILCOX 4850	0.0	
BLOCK 340	1450.0	SOUTHERN NATURAL
ELDORADO (CANYON)	58.4	INTRATEX GAS CO
OZONA NORTHWEST (CANY	90.0	INTRATEX GAS CO
WADE CITY WEST (HENRN	91.0	VALERO TRANSMISSI
COLEMAN COUNTY REGULA	60.0	VOLERO TRANSMISSI
COLEMAN COUNTY REGULA	60.0	VALERO TRANSMISSI
BALD PRAIRIE	146.0	PRODUCERS GAS CO
ELIASVILLE W (CADDO)	200.8	PETROLEUM CORP OF
WILDCAT	22.0	SOUTHWESTERN GAS
DEEP ROCK (PENN)	20.2	PHILLIPS PETROLEU
BENEDUM (SPRABERRY) U	3.6	UNION TEXAS PETRO
BENEDUM SPRABERRY UNI	0.3	UNION TEXAS PETRO
BENEDUM SPRABERRY UNI	2.2	UNION TEXAS PETRO
BENEDUM SPRABERRY UNI	0.0	UNION TEXAS PETRO
BENEDUM SPRABERRY UNI	1.8	UNION TEXAS PETRO
BENEDUM SPRABERRY UNI	0.3	UNION TEXAS PETRO
NORTH MARKHAM-NORTH B	78.5	TRANSCONTINENTAL
FRANKIRK (CANYON REEF	2.1	CITIES SERVICE CO
WINDOW (TRAVIS PEAK-H	220.0	TEXAS UTILITIES F
BELLE BOWER (PALUXY U	110.0	TENNESSEE GAS PIP
PENN-GRIFFITH (TRAVIS	260.0	DELHI GAS PIPELIN
WINDOW (TRAVIS PEAK-H	330.0	TEXAS UTILITIES F
BEYER (6700)	500.0	TENNESSEE GAS TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319516	P-02-61486	4246931934		103		P P DIENER #1
8319518	P-02-61488	4246931936		103		P P DIENER #3
				RECEIVED: 01/27/83 JA: TX		
-MCCLELLAN OIL CORP						
8319514	P-7B-60337	4213334129		103		MCCLELLAN-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MCCOMBS CORPORATION						
8319511	P-7B-60338	4213334130		103		MCCOMBS-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MCCOY EXPLORATION INC						
8319509	P-7B-60339	4213334131		103		MCCOY-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MCMORAN EXPLORATION CO						
8319507	P-7B-60340	4213334132		103		MCMORAN-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEDALLION PETROLEUM INC						
8319504	P-7B-60341	4213334133		103		MEDALLION-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEDCO OIL INC						
8319502	P-7B-60342	4213334134		103		MEDCO-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEDLOCK OIL CO						
8319500	P-7B-60343	4213334135		103		MEDLOCK-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEDUSA CORPORATION						
8319498	P-7B-60344	4213334136		103		MEDUSA-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEGA OIL CORP						
8319496	P-7B-60345	4213334137		103		MEGA-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEGARK OIL CO						
8319494	P-7B-60346	4213334138		103		MEGARK-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEMCO GAS CO						
8319492	P-7B-60347	4213334139		103		MEMCO-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MERIDIAN OIL INC						
8319490	P-7B-60348	4213334140		103		MERIDIAN-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MESA PETROLEUM CO						
8319488	P-7B-60349	4213334141		103		MESA-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-METCALF ENERGY CORP						
8319486	P-7B-60350	4213334142		103		METCALF-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MEWBOURNE OIL CO						
8319484	P-7B-60351	4213334143		103		MEWBOURNE-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MICHIGAN WISCONSIN PIPELINE CO						
8319482	P-7B-60352	4213334144		103		MICHIGAN WISCONSIN-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MIDCON CORP						
8319480	P-7B-60353	4213334145		103		MIDCON-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MIDLAND ENERGY INC						
8319478	P-7B-60354	4213334146		103		MIDLAND ENERGY-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MIDLAND OIL CORP						
8319476	P-7B-60355	4213334147		103		MIDLAND OIL-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MIDWEST OIL CORP						
8319474	P-7B-60356	4213334148		103		MIDWEST OIL-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MILLER & LUX INC						
8319472	P-7B-60357	4213334149		103		MILLER & LUX-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MINERAL RESOURCES INC						
8319470	P-7B-60358	4213334150		103		MINERAL RESOURCES-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MITCHELL ENERGY CORP						
8319468	P-7B-60359	4213334151		103		MITCHELL ENERGY-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MOBIL OIL CORP						
8319466	P-7B-60360	4213334152		103		MOBIL OIL-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MONSANTO CO						
8319464	P-7B-60361	4213334153		103		MONSANTO-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MOORE & MOORE						
8319462	P-7B-60362	4213334154		103		MOORE & MOORE-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MORAN EXPLORATION CO						
8319460	P-7B-60363	4213334155		103		MORAN-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MORRIS & ANDERSON						
8319458	P-7B-60364	4213334156		103		MORRIS & ANDERSON-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MOSBACHER ENERGY CO						
8319456	P-7B-60365	4213334157		103		MOSBACHER-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MOSS OIL CO						
8319454	P-7B-60366	4213334158		103		MOSS-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MOUNTAIN STATES PETROLEUM CORP						
8319452	P-7B-60367	4213334159		103		MOUNTAIN STATES-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MUNGER OIL CORP						
8319450	P-7B-60368	4213334160		103		MUNGER-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MURPHY OIL CORP						
8319448	P-7B-60369	4213334161		103		MURPHY-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-MUSTANG OIL CO						
8319446	P-7B-60370	4213334162		103		MUSTANG-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319444	P-7B-60371	4213334163		103		NATIONAL GAS & OIL-MCCLELLAN #1
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319442	P-7B-60372	4213334164		103		NATIONAL GAS & OIL-MCCLELLAN #2
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319440	P-7B-60373	4213334165		103		NATIONAL GAS & OIL-MCCLELLAN #3
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319438	P-7B-60374	4213334166		103		NATIONAL GAS & OIL-MCCLELLAN #4
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319436	P-7B-60375	4213334167		103		NATIONAL GAS & OIL-MCCLELLAN #5
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319434	P-7B-60376	4213334168		103		NATIONAL GAS & OIL-MCCLELLAN #6
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319432	P-7B-60377	4213334169		103		NATIONAL GAS & OIL-MCCLELLAN #7
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319430	P-7B-60378	4213334170		103		NATIONAL GAS & OIL-MCCLELLAN #8
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319428	P-7B-60379	4213334171		103		NATIONAL GAS & OIL-MCCLELLAN #9
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319426	P-7B-60380	4213334172		103		NATIONAL GAS & OIL-MCCLELLAN #10
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319424	P-7B-60381	4213334173		103		NATIONAL GAS & OIL-MCCLELLAN #11
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319422	P-7B-60382	4213334174		103		NATIONAL GAS & OIL-MCCLELLAN #12
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319420	P-7B-60383	4213334175		103		NATIONAL GAS & OIL-MCCLELLAN #13
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319418	P-7B-60384	4213334176		103		NATIONAL GAS & OIL-MCCLELLAN #14
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319416	P-7B-60385	4213334177		103		NATIONAL GAS & OIL-MCCLELLAN #15
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319414	P-7B-60386	4213334178		103		NATIONAL GAS & OIL-MCCLELLAN #16
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319412	P-7B-60387	4213334179		103		NATIONAL GAS & OIL-MCCLELLAN #17
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319410	P-7B-60388	4213334180		103		NATIONAL GAS & OIL-MCCLELLAN #18
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319408	P-7B-60389	4213334181		103		NATIONAL GAS & OIL-MCCLELLAN #19
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319406	P-7B-60390	4213334182		103		NATIONAL GAS & OIL-MCCLELLAN #20
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319404	P-7B-60391	4213334183		103		NATIONAL GAS & OIL-MCCLELLAN #21
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319402	P-7B-60392	4213334184		103		NATIONAL GAS & OIL-MCCLELLAN #22
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319400	P-7B-60393	4213334185		103		NATIONAL GAS & OIL-MCCLELLAN #23
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319398	P-7B-60394	4213334186		103		NATIONAL GAS & OIL-MCCLELLAN #24
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319396	P-7B-60395	4213334187		103		NATIONAL GAS & OIL-MCCLELLAN #25
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319394	P-7B-60396	4213334188		103		NATIONAL GAS & OIL-MCCLELLAN #26
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319392	P-7B-60397	4213334189		103		NATIONAL GAS & OIL-MCCLELLAN #27
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319390	P-7B-60398	4213334190		103		NATIONAL GAS & OIL-MCCLELLAN #28
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319388	P-7B-60399	4213334191		103		NATIONAL GAS & OIL-MCCLELLAN #29
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319386	P-7B-60400	4213334192		103		NATIONAL GAS & OIL-MCCLELLAN #30
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319384	P-7B-60401	4213334193		103		NATIONAL GAS & OIL-MCCLELLAN #31
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319382	P-7B-60402	4213334194		103		NATIONAL GAS & OIL-MCCLELLAN #32
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319380	P-7B-60403	4213334195		103		NATIONAL GAS & OIL-MCCLELLAN #33
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319378	P-7B-60404	4213334196		103		NATIONAL GAS & OIL-MCCLELLAN #34
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319376	P-7B-60405	4213334197		103		NATIONAL GAS & OIL-MCCLELLAN #35
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319374	P-7B-60406	4213334198		103		NATIONAL GAS & OIL-MCCLELLAN #36
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319372	P-7B-60407	4213334199		103		NATIONAL GAS & OIL-MCCLELLAN #37
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319370	P-7B-60408	4213334200		103		NATIONAL GAS & OIL-MCCLELLAN #38
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319368	P-7B-60409	4213334201		103		NATIONAL GAS & OIL-MCCLELLAN #39
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319366	P-7B-60410	4213334202		103		NATIONAL GAS & OIL-MCCLELLAN #40
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319364	P-7B-60411	4213334203		103		NATIONAL GAS & OIL-MCCLELLAN #41
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319362	P-7B-60412	4213334204		103		NATIONAL GAS & OIL-MCCLELLAN #42
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319360	P-7B-60413	4213334205		103		NATIONAL GAS & OIL-MCCLELLAN #43
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319358	P-7B-60414	4213334206		103		NATIONAL GAS & OIL-MCCLELLAN #44
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319356	P-7B-60415	4213334207		103		NATIONAL GAS & OIL-MCCLELLAN #45
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319354	P-7B-60416	4213334208		103		NATIONAL GAS & OIL-MCCLELLAN #46
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319352	P-7B-60417	4213334209		103		NATIONAL GAS & OIL-MCCLELLAN #47
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319350	P-7B-60418	4213334210		103		NATIONAL GAS & OIL-MCCLELLAN #48
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319348	P-7B-60419	4213334211		103		NATIONAL GAS & OIL-MCCLELLAN #49
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319346	P-7B-60420	4213334212		103		NATIONAL GAS & OIL-MCCLELLAN #50
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319344	P-7B-60421	4213334213		103		NATIONAL GAS & OIL-MCCLELLAN #51
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319342	P-7B-60422	4213334214		103		NATIONAL GAS & OIL-MCCLELLAN #52
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319340	P-7B-60423	4213334215		103		NATIONAL GAS & OIL-MCCLELLAN #53
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319338	P-7B-60424	4213334216		103		NATIONAL GAS & OIL-MCCLELLAN #54
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319336	P-7B-60425	4213334217		103		NATIONAL GAS & OIL-MCCLELLAN #55
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319334	P-7B-60426	4213334218		103		NATIONAL GAS & OIL-MCCLELLAN #56
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319332	P-7B-60427	4213334219		103		NATIONAL GAS & OIL-MCCLELLAN #57
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319330	P-7B-60428	4213334220		103		NATIONAL GAS & OIL-MCCLELLAN #58
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319328	P-7B-60429	4213334221		103		NATIONAL GAS & OIL-MCCLELLAN #59
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319326	P-7B-60430	4213334222		103		NATIONAL GAS & OIL-MCCLELLAN #60
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319324	P-7B-60431	4213334223		103		NATIONAL GAS & OIL-MCCLELLAN #61
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319322	P-7B-60432	4213334224		103		NATIONAL GAS & OIL-MCCLELLAN #62
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319320	P-7B-60433	4213334225		103		NATIONAL GAS & OIL-MCCLELLAN #63
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319318	P-7B-60434	4213334226		103		NATIONAL GAS & OIL-MCCLELLAN #64
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319316	P-7B-60435	4213334227		103		NATIONAL GAS & OIL-MCCLELLAN #65
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319314	P-7B-60436	4213334228		103		NATIONAL GAS & OIL-MCCLELLAN #66
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319312	P-7B-60437	4213334229		103		NATIONAL GAS & OIL-MCCLELLAN #67
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319310	P-7B-60438	4213334230		103		NATIONAL GAS & OIL-MCCLELLAN #68
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319308	P-7B-60439	4213334231		103		NATIONAL GAS & OIL-MCCLELLAN #69
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319306	P-7B-60440	4213334232		103		NATIONAL GAS & OIL-MCCLELLAN #70
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319304	P-7B-60441	4213334233		103		NATIONAL GAS & OIL-MCCLELLAN #71
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319302	P-7B-60442	4213334234		103		NATIONAL GAS & OIL-MCCLELLAN #72
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319300	P-7B-60443	4213334235		103		NATIONAL GAS & OIL-MCCLELLAN #73
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319298	P-7B-60444	4213334236		103		NATIONAL GAS & OIL-MCCLELLAN #74
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319296	P-7B-60445	4213334237		103		NATIONAL GAS & OIL-MCCLELLAN #75
				RECEIVED: 01/27/83 JA: TX		
-NATIONAL GAS & OIL CORP						
8319294	P-7B-60446	4213334238		103		NATIONAL GAS & OIL-MCCLELL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BCCAMM CORP				RECEIVED:	01/27/83	JA: TX			
8319463	P-08-60744	4231732571		103		TCR CORNELL #1	SPRAGBERY (TREND AREA	0.0	PHILLIPS PETROLEU
-BCCORD EXPLORATION				RECEIVED:	01/27/83	JA: TX			
8319288	P-04-054932	4235500000		102-A		MCCORD #1-T C W COOKE B GAS UNIT	DOUGHTY W (PRIO 8860)	275.0	HOUSTON PIPELINE
8319290	P-04-055015	4235500000		102-A		MCCORD #1C-C W COOKE "B" GAS UNIT	DOUGHTY (7450 SD)	275.0	HOUSTON PIPELINE
-BCCRACKEN OIL TRUST				RECEIVED:	01/27/83	JA: TX			
8319319	P-7B-056421	4209330973		102-A		MCRB PIERSON #2 (190511	PIERSON (MARBLE FALLS	53.0	SOUTHWESTERN GAS
-BCROBERT PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319423	P-06-059400	4240131425		102-A	103	WRICH #1 PERMIT #153181	MINDEN	150.0	TEXAS UTILITIES F
-MIDBOURNE OIL COMPANY				RECEIVED:	01/27/83	JA: TX			
8319237	P-10-043398	4235730791		108-EB		DANIEL #1 RRC ID #760H0	NORTHROP (CLEVELAND)	20.0	EL PASO NATURAL G
8319401	P-10-059019	4235731256		103		GRAHAM #2 RRC ID # N/A	GIBSON CREEK (MORROW	255.0	DIAMOND SHAMROCK
8319499	P-10-61048	4235731256		102-A		GRAHAM #2 RRC ID #N/A	GIBSON CREEK (MORROW	255.0	DIAMOND SHAMROCK
-MID-TEXAS PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319261	P-03-051428	4219900000		102-2		BORKHARDT #1A	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-MID-TEX EXPLORATION CORP				RECEIVED:	01/27/83	JA: TX			
8319511	P-7B-61425	4246332733		102-A		KESSLER #1	WILDCAT	161.0	NATURAL GAS PIPEL
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319298	P-09-055716	4249732291		103		BERTHA COLLINS #2	BOONSVILLE (BEND CONG	117.0	
8319218	P-09-004214	4249700000		108-EB		BIRTIE A PEARSON-A-#1 20772	BOONSVILLE BEND CONG	12.0	NATURAL GAS PIPEL
8319491	P-7C-60831	4243532792		103	107-TF	CUSENBARY 39 #5	SAWYER (CANYON)	1350.0	VALERO TRANSMISSI
8319347	P-09-056800	4249732405		103		D E WHITEHEAD #5	BOONSVILLE (BEND CONG	254.0	NATURAL GAS PIPEL
8319219	P-09-004348	4249700000		108-SA		FICID CLAYTON #1	BOONSVILLE BEND CONG	17.4	NATURAL GAS PIPEL
8319333	P-04-056490	4247932613		107-TF		GARNER RANCH #1 #88063	SEGUNDO (OLMOS)	56.0	UNITED TEXAS TRAN
8319479	P-09-60678	4223700000		108		J B BLANTON #1 #16053	CRAFTON W (MARBLE FAL	14.1	CITIES SERVICES C
8319455	P-7B-60377	4236731655		103		J D GILBERT #1 #84683	BRAZOS EAST (STRAWN)	0.0	SOUTHWESTERN GAS
8319480	P-09-60676	4223700000		108		J W LOVING ESTATE #10 #095876	JERMIN WEST (CADDO-MP	4.3	SOUTHWESTERN GAS
8319268	P-7B-052207	4205900000		108-EB		KENNETH M GEORGE #2 #12572	PUTNAM WEST (DUFFER)	8.6	LONE STAR GAS CO
8319478	P-09-60671	4249700000		108		KIRDLE-BULLARD #2 #080950	BOONSVILLE (BEND CONG	12.7	NATURAL GAS PIPEL
8319398	P-09-058746	4249700000		108		LAFANCE #1 #073473	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8319294	P-09-055161	4249730097		108-EB		M GREINES #2	BOONSVILLE BEND CONG	16.8	NATURAL GAS PIPEL
8319308	P-7C-056125	4245130978		102-A	103	MCWHORTER UNIT "C" #1	K W B (STRAWN)	52.5	ESPERANZA PIPELIN
8319372	P-09-057232	4249700000		108		W B STEVENSON #1 #092779	BOONSVILLE (BEND CONG	11.8	SOUTHWESTERN GAS
8319222	P-09-015783	4223700000		108-EB		W T THORETON #2 #0183	BOONSVILLE (BEND CONG	9.0	SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED:	01/27/83	JA: TX			
8319417	P-08-059285	4230130261		107-DP		W D JOHNSON ET AL UNIT #1	SLASH RANCH (ELLENBUR	1533.0	
-MONTERREY PETROLEUM CORP				RECEIVED:	01/27/83	JA: TX			
8319236	P-04-042905	4247932775		107-TF		BIGGER RANCH "A" #7(92658)	GOLD RIVER NORTH (OLM	0.0	DELHI GAS PIPELIN
8319235	P-04-042839	4247932320		107-TF		BISCOE "F" #1-9(86795)	GOLD RIVER NORTH (OLM	0.0	DELHI GAS PIPELIN
-MORROW RESOURCES INC				RECEIVED:	01/27/83	JA: TX			
8319437	P-7C-060196	4245131028		102-2	103	ENCOR "D" #1	K W B (STRAWN)	0.0	LONE STAR GAS CO
-NEWPORT PETROLEUMS INC				RECEIVED:	01/27/83	JA: TX			
8319309	P-08-056129	4238931222		103		CONOCO STATE 20-1 (100961)	NINE MILE DRAW (FUSSE	0.0	DELHI GAS PIPELIN
-NEWTON OIL & GAS CORP				RECEIVED:	01/27/83	JA: TX			
8319277	P-04-053849	4247900000		103	107-TF	GONZALEZ #3	LAS TIENDAS (OLMOS)	33.0	LONE STAR GAS CO
8319275	P-04-053846	4247900000		103	107-TF	GONZALEZ #4	LAS TIENDAS (OLMOS)	200.0	LONE STAR GAS CO
8319276	P-04-053847	4247900000		103	107-TF	GONZALEZ #5	LAS TIENDAS (OLMOS)	50.0	LONE STAR GAS CO
-NIELSON ENTERPRISES INC				RECEIVED:	01/27/83	JA: TX			
8319274	P-06-053757	4220330947		103		CHEY #3-A	WHELAN (TRAVIS PEAK)	25.0	ARKANSAS LOUISIAN
-O & S ENERGY				RECEIVED:	01/27/83	JA: TX			
8319257	P-7B-050405	4208332701		102-2		S B PELLERS #1	PHOLER (MARBLE FALLS)	12.0	LONE STAR GAS CO
-OILWELL OPERATORS INC				RECEIVED:	01/27/83	JA: TX			
8319521	P-10-61576	4217900000		108		J STEPHENS "B" #1 (03586)	PANHANDLE - GRAY	8.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319522	P-10-61577	4217900000		108		J STEPHENS "B" #2 (03586)
8319523	P-10-61578	4217900000		108		L C BAKIN #1 (03382)
				RECEIVED: 01/27/83 JA: TX		
-OMEGA MINERALS INC						
8319395	P-01-058490	4212700000		102-4		PETRO GULF BAKER RANCH WELL #39-13
				RECEIVED: 01/27/83 JA: TX		
-OZARK EXPLORATION INC				102-4	107-TF	BEAN JOE 'B' 1-31
8319512	P-7C-61442	4210534098		102-4	107-TF	BEAN JOE 'C' 2-31
8319518	P-7C-61489	4210534099				
				RECEIVED: 01/27/83 JA: TX		
-PALMER PETROLEUM INC				102-3	107-TF	BEAN #1
8319506	P-06-61302	4240100000		102-2	107-TF	FAIRCLOTH ESTATE #1
8319266	P-06-052268	4240131410				
				RECEIVED: 01/27/83 JA: TX		
-PARKER OPERATING CO INC				103		HALL-PARKS "B" #6
8319247	P-09-048346	4250300000				
				RECEIVED: 01/27/83 JA: TX		
-PATRICK PETROLEUM CORP (NI)				107-DP		WEST DAVIS TRUST #1
8319426	P-03-059502	4237330507				
				RECEIVED: 01/27/83 JA: TX		
-PENN RESOURCES INC				102-2	103	RICHARDSON UNIT #2
8319278	P-03-053878	4247730463				
				RECEIVED: 01/27/83 JA: TX		
-PENNZOIL PRODUCING COMPANY				103	107-TF	ALLISON UNIT #3
8319496	P-06-60923	4236531413		103	107-TF	HULL A 27
8319513	P-06-1451	4236531461		103	107-TF	LILLY UNIT #3
8319497	P-06-60924	4236531480				
				RECEIVED: 01/27/83 JA: TX		
-PENTA ENERGY CORP				102-4		SHANNON MAHONEY #1 - 015954
8319463	P-03-60530	4204130790				
				RECEIVED: 01/27/83 JA: TX		
-PETROLEUM CORP OF DELAWARE				103		PASS 86 #1
8319519	P-08-61512	4230130212				
				RECEIVED: 01/27/83 JA: TX		
-PHILLIPS PETROLEUM COMPANY				108		POSTON #1
8319284	P-10-054601	4242100000				
				RECEIVED: 01/27/83 JA: TX		
-PIONEER PRODUCTION CORPORATION				108-FB		SCHULTZ #1 22974
8319220	P-10-007079	4229500000				
				RECEIVED: 01/27/83 JA: TX		
-POLK & PATTON INC				102-2		BARE-SOMERVILLE UNIT #1
8319466	P-03-60543	4205132325				
				RECEIVED: 01/27/83 JA: TX		
-POST PETROLEUM COMPANY INC				103		KISSINGER #1
8319343	P-08-056669	4247532606				
				RECEIVED: 01/27/83 JA: TX		
-PRODECO EXPLORATION INC				102-2		HOPSPRAYER UNIT 1 #1
8319438	P-03-060215	4204130758		102-2		L C P A #1
8319251	P-03-049662	4214931098				
				RECEIVED: 01/27/83 JA: TX		
-PYRO ENERGY CORP				103		W W JONES #1
8319441	P-04-060238	4224731474				
				RECEIVED: 01/27/83 JA: TX		
-PYRON EXPLORATION & DRILLING CORP				102-4		ALEXANDER #3
8319313	P-09-056289	4250335691		103		BRASHEARS #1
8319314	P-09-056292	4250333575				
				RECEIVED: 01/27/83 JA: TX		
-QUINTANA PETROLEUM CORP				103		MAUDE WILLIAMS ET AL "A" D-119
8319263	P-02-052029	4239131537				
				RECEIVED: 01/27/83 JA: TX		
-R A W ENERGY CORP				102-4		HODGES #1
8319307	P-7B-056088	4236700000		102-4		SHARPE #2
8319413	P-7B-059208	4236732312		102-4		THOMPSON #1
8319469	P-7B-60587	4236332985				
				RECEIVED: 01/27/83 JA: TX		
-RANKIN OIL CO				103		FOREMAN E-1
8319227	P-08-035428	4200332125		103		PEPSWORTH #2
8319226	P-08-035416	4200332293				
				RECEIVED: 01/27/83 JA: TX		
-RETANCO INC				102-4		FLOWERS & WARD "A" #1
8319514	P-01-61452	4250700000				
				RECEIVED: 01/27/83 JA: TX		
-ROBERT E BYERS				102-4		DUPPER #1
8319481	P-7B-60708	4213334138				

FIELD NAME	PROD	PURCHASER
PANHANDLE - GRAY	5.0	PHILLIPS PETROLEU
PANHANDLE - GRAY	15.0	PHILLIPS PETROLEU
BAKER ESCONDIDO (900'	525.0	GUAJILLO PIPELINE
UNIVERSITY 31 (STRAWN	915.0	INTRATEX GAS CO
UNIVERSITY 31 (STRAWN	750.0	INTRATEX GAS CO
HENDERSON NORTH (COTT	650.0	UNITED GAS PIPE L
HENDERSON NORTH (COTT	650.0	UNITED GAS PIPE L
YOUNG COUNTY REGULAR	0.0	NATURAL GAS PIPEL
SUNFLOWER (PROPOSED)	2386.4	
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
CARTHAGE (COTTON VALL	584.0	UNITED GAS PIPE L
CARTHAGE (COTTON VALL	585.0	UNITED GAS PIPE L
CARTHAGE (COTTON VALL	575.0	UNITED GAS PIPE L
KURTEN (BUDA)	165.0	FERGUSON CROSSING
WHEAT	29.2	
TEXAS HUGOTON	0.0	MICHIGAN WISCONSI
NORTH MAMMOTH CREEK	16.1	INTER NORTH INC
GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS COMPAN
WARD SOUTH	0.0	
KURTEN (BUDA)	167.0	FERGUSON CROSSING
GIDDINGS (EDWARDS GAS	330.0	CLAJON GAS CO
JONES (6000) FIELD	165.0	SUN EXPLORATION &
GRAHAM NORTH (MARBLE	70.0	SOUTHWESTERN GAS
GRAHAM NORTH (STRAWN	10.0	SOUTHWESTERN GAS
LAKE PASTURE (H-040 S	32.9	UNITED TEXAS TRAN
POOLVILLE SW(CADDO)	0.0	SOUTHWESTERN GAS
CABBAGE PATCH (BIG SA	200.0	EMPIRE PIPELINE C
KESSLER (3980)	250.0	SOUTHWESTERN GAS
SOUTH WIX	28.0	PHILLIPS PETROLEU
WIX SOUTH	20.0	PHILLIPS PETROLEU
BUCK HILL (ESCONDIDO)	0.0	INTER NORTH INC
ADAMS (DUPPER LOWER)	29.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME

FIELD NAME	PROD	PURCHASER

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JD NO	JA ENT	API NO	E	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RYDER SCOTT OIL CO				RECEIVED: 01/27/83 JA: TX					
8319492	P-3B-60842	4244731992		102-4		DAVIS "G" #15 RRC #089462	THROCKMORTON SW (STOC	268.0	MST GATHERING CO
-S K TUTHILL & B J BARBEE				RECEIVED: 01/27/83 JA: TX					
8319318	P-7C-056357	4223531895		102-4		WESTBROTHAN #1-2 "A"	SUTTES NORTH FIELD	10.0	
-SAGE ENERGY CO				RECEIVED: 01/27/83 JA: TX					
8319349	P-03-056830	4205132261		102-2		BIRCH CREEK "F" #1 RRC #16077	GIDDINGS (AUSTIN CHAL	154.6	PHILLIPS PETROLEU
8319270	P-03-053367	4205132262		102-2		BROCK #A-1 RRC ID#102400	BIG "A" TAYLOR	2088.0	PHILLIPS PETROLEU
8319425	P-03-059898	4214900000		102-2		LEAB #1 RRC #	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED: 01/27/83 JA: TX					
8319346	P-03-056760	4228731241		102-2	103	HAY #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
8319358	P-03-057045	4228700000		103		CHEN #1	GIDDINGS BUDA	36.5	PGP GAS PRODUCTS
-SCANDRILL INC				RECEIVED: 01/27/83 JA: TX					
8319327	P-7B-056466	4244733068		103		ALLEN #10	THROCKMORTON COUNTY R	25.2	THROCKMORTON GAS
8319484	P-09-60753	4223730608		102-4		EDNA FOWLER #1	BERRYPATCH (LOWER COM	54.8	LONE STAR GAS CO
8319332	P-09-056475	4223733423		103		GEORGE HIBDEN #4	JACK COUNTY REGULAR	18.3	TEXAS UTILITIES F
8319361	P-09-057105	4223734514		103		W J RICHARDS "C" #1	W R RICHARDS (MARBLE	138.7	LONE STAR GAS CO
8319330	P-09-056471	4223730328		103		HASE #1	JACK COUNTY REGULAR	36.5	
8319328	P-09-056467	4250335117		103		PEARL KUNK #33	YOUNG COUNTY REGULAR	116.1	SUN GAS TRANSMISS
8319329	P-09-056468	4223734561		102-4	103	PERKERTCH #5	BOBILL (CONGL)	73.0	LONE STAR GAS CO
8319233	P-7B-040781	4244732733		102-2	103	POTBAM "E" #13	RICHARDS RANCH (MISSI	0.0	THROCKMORTON GAS
8319325	P-7B-056464	4244733069		103		RICHARDS "A" #16	THROCKMORTON COUNTY R	87.6	THROCKMORTON GAS
8319331	P-09-056473	4223734462		103		STODDARD #1	BRYSON EAST	36.5	
8319326	P-09-056465	4223734473		102-4	103	W G STAMPER #8	MARTIN (STRAWN)	138.0	LONE STAR GAS CO
-SEAGULL RESOURCES INC				RECEIVED: 01/27/83 JA: TX					
8319359	P-03-057072	4215700000		102-4		G C BENTCH ESTATE #1	ROSENBURG (FRIO 8500)	0.0	CHANNEL INDUSTRIE
-SHANNON OIL & GAS INC				RECEIVED: 01/27/83 JA: TX					
8319292	P-03-055110	4232100000		102-4		SUN FEE #1-C	MARKHAM (FRIO 8739)	180.0	FLORIDA GAS TRANS
8319293	P-03-055111	4232100000		102-4		SUN FEE #1-T	MARKHAM	180.0	FLORIDA GAS TRANS
-SHELL OIL CO				RECEIVED: 01/27/83 JA: TX					
8319430	P-04-059931	4250531535		102-4		A TREVINO "P" #1	EL GRULLO E (FREDERIC	400.0	UNITED TEXAS TRAN
8319434	P-04-060035	4250531480		102-4		CARMELA G DETREVINO #1	EL GRULLO E (FREDERIC	400.0	UNITED TEXAS TRAN
8319508	P-01-61387	4231131751		102-4		L S MCCLAUGHERTY "A" #1	A W P (OLMOS)	50.0	
-SICCO INC				RECEIVED: 01/27/83 JA: TX					
8319376	P-7B-058546	4244132155		102-4		MARY SHARP SMITH #1 (19099)	SHARP (GRAY)	73.0	LONE STAR GAS CO
-SNOW OIL CO				RECEIVED: 01/27/83 JA: TX					
8319510	P-7B-61403	4213332286		102-4		NIXON #1	NEB (MARBLE FALLS)	8.0	LONE STAR GAS CO
-STALLWORTH OIL & GAS INC				RECEIVED: 01/27/83 JA: TX					
8319238	P-06-045025	4242300000		102-4		SHEPHER OIL UNIT (WELL #1) #10502	CHAPEL HILL (TRAVIS P	36.5	UNITED GAS PIPELI
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 01/27/83 JA: TX					
8319287	P-10-054916	4235731251		103		E C LYNN GAS UNIT #2	HANSFORD (MORROW UPPE	0.0	INTER NORTH INC
8319424	P-04-059847	4235532020		102-4		F F LOWDON #8-T	DOUGHTY	58.0	HOUSTON PIPE LINE
8319515	P-7B-61460	4213330070		102-4		S E PRATTON UNIT #1	GAILEY-ALLEN	72.0	SOUTHWESTERN GAS
8319501	P-7B-61177	4242933323		103		VEALE-PARKS (CADDO) UNIT #25	STEPHENS COUNTY REGUL	2.0	WARREN PETROLEUM
8319486	P-8A-60782	4250100000		108		WASSON N CLEARFORK UNIT # 60	WASSON NE (CLEARFORK)	1.0	SHELL OIL CO
8319311	P-06-056239	4236531382		103	107-TF	WILLIAMS WALL GAS UNIT #3	CARTHAGE (COTTON VALL	268.0	DELHI GAS PIPELIN
-SUPERIOR OIL CO				RECEIVED: 01/27/83 JA: TX					
8319339	P-03-056509	4214931351		102-2	103	K F STERNADI #1	GIDDINGS	0.0	
-TADLOCK PRODUCTIONS				RECEIVED: 01/27/83 JA: TX					
8319310	P-10-056148	4223300000		103		LOGAN 9-6	PANHANDLE	0.0	PHILLIPS PETROLEU
-TARTAN OIL & GAS				RECEIVED: 01/27/83 JA: TX					
8319381	P-03-057409	4215700000		102-4		DILLY #1	MOORES ORCHARD (YEGUA	70.0	UNITED TEXAS TRAN
-TENNECO OIL COMPANY				RECEIVED: 01/27/83 JA: TX					
8319450	P-08-60275	4231732498		103		FRANKLIN #1	SPRADBERY (TREND AREA	0.0	INTER NORTH INC

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319297	P-10-055887	4221131483		103		MCPART #5
8319362	P-10-057114	4239330913		103		LEDRICK 3-55
8319246	P-08-048298	4221531187		102-4		WCCDS CHRISTIAN #6
8319344	P-08-056699	4221531238		102-4		WOODS CHRISTIAN #7
				RECEIVED: 01/27/83 JA: TX		
-TEXACO INC						
8319498	P-08-60940	4242731700		103		A P GUERRA SHARE 305-C #26
8319260	P-08-051184	4220731298		102-4		A K EAST #22
8319387	P-08-057793	4242700000		103		GUERRA SHARE 304-C #27
8319493	P-88-60860	4221933581		103		MONTGOMERY ESTATE DAVIES MCT-2 #91
8319457	P-88-60455	4250132063		103		ROBERTS UNIT #2705
8319495	P-88-60684	4250132062		103		ROBERTS UNIT #4510
8319494	P-08-60862	4243131166		103		STERLING "E" FEE #11
				RECEIVED: 01/27/83 JA: TX		
-TEXAS INTERNATIONAL PET CORP						
8319271	P-03-053470	4204100000		102-2		SCHULTZ #1
8319516	P-06-61469	4240130936		103		TATUM CRANE UNIT #21
				RECEIVED: 01/27/83 JA: TX		
-TEXLAND-RECTOR & SCHUMACHER						
8319409	P-88-059147	4244500000		102-4		PAULINE MORGENSTERN #8
				RECEIVED: 01/27/83 JA: TX		
-TRANSCONTINENTAL OIL CORPORATION						
8319369	P-7C-057192	4236531474		107-TF		EUNICE FORBS A-1
8319368	P-06-057169	4236531474		103	107-TF	EUNICE FORBS A-1
				RECEIVED: 01/27/83 JA: TX		
-TRIPLE I OIL CO INC						
8319489	P-02-60813	4246931961		102-4		JOHN KEEHAN #5 (W/A)
				RECEIVED: 01/27/83 JA: TX		
-TSPI INC						
8319476	P-10-60635	4223300000		103		LITTLE JOE
				RECEIVED: 01/27/83 JA: TX		
-TURTLE PRODUCTION CO INC						
8319465	P-7B-60542	4205933171		102-4		HAL MCGLOTHLIN #6
8319464	P-7B-60541	4205933219		102-4		HAL MCGLOTHLIN #7
				RECEIVE: 01/27/83 JA: TX		
-TXO PRODUCTION CORP						
8319342	P-04-056665	4221531262		103		BELL GAS UNIT 2
8319373	P-03-057252	4248132338		103		KNIPLING GAS UNIT 4
8319302	P-05-055833	4216130840		102-4		REED "B" #1
8319385	P-02-056716	4229700000		102-4		SCARB G U A-2
8319393	P-05-058404	4229330613		103	107-TF	SIPCH "E" #2
8319410	P-10-059152	4235731280		102-4		SPICER #1
8319427	P-05-059549	4216130750		103	107-TF	TEAGUE GAS UNIT #2-2
				RECEIVE: 01/27/83 JA: TX		
-U S OPERATING INC						
8319503	P-03-61235	4228731292		102-2		DELTA FARM #1 RRC ID #N/A
				RECEIVED: 01/27/83 JA: TX		
-UNION EXPLORATION						
8319525	P-7B-61601	4243331468		103		BRUESTROM "C" #4
8319526	P-7B-61602	4243331420		103		VANLENKARP 32-C #3
				RECEIVED: 01/27/83 JA: TX		
-VERNON E FAULCONER				103		C T PERRINILL WELL #1 API NO 42-00*
8319232	P-06-039895	4200130968		RECEIVED: 01/27/83 JA: TX		
-W W WEST						
8319300	P-7C-055751	4239531N99		102-4		BROOKSHIER GORDON "A" 1A
8319456	P-7C-60440	4239931317		103		H M BENNETT #1
				RECEIVE: 01/27/83 JA: TX		
-WALTER EXPLORATION INC						
8319352	P-7B-056863	4236332901		103		JOHNSON #1 102610
				RECEIVED: 01/27/83 JA: TX		
-WESTERN CHIEF OIL & GAS CO						
8319296	P-7B-055381	4236731849		102-4		BERLIN UNIT #1 P#069304
8319436	P-09-060177	4223734656		102-4		MCCLURE PLUM THICKET #1
				RECEIVED: 01/27/83 JA: TX		
-WINN EXPLORATION/DULCE CO						
8319527	P-01-61609	4250731549		102-4		PRYOR RANCH
8319442	P-01-060243	4250731720		102-4		PRYOR RANCH NO #1
8319443	P-01-060245	4250731731		102-4		PRYOR RANCH NO #7

FIELD NAME	PROD	PURCHASER
BENPHILL (GRANITE WAS	380.0	WESTAR TRANSMISSI
SOUTH LEDRICK RANCH	90.0	TRANSWESTERN PIPE
GUADALUPE	600.0	TENNESSEE GAS PIP
GUADALUPE	365.0	TENNESSEE GAS PIP
ROMA (ROMA)	25.5	TENNESSEE GAS PIP
BLACK DIAMOND (PETTUS	21.0	VALERO TRANSMISSI
ROMA (ROMA SAND)	33.0	
LEVELLAND	0.0	AMOCO PRODUCTION
WASSON	0.0	SHELL OIL CO
WASSON	0.0	SHELL OIL CO
CONGER (PENN)	0.0	VALERO TRANSMISSI
KURTEN (AUSTIN CHALK)	0.0	PRODUCERS GAS CO
TATUM (LOWER PETTIT)	0.0	UNITED TEXAS TRAN
TERRYON (CLEARFORK UP	1.0	AMOCO PRODUCTION
CARTHAGE (COTTON VALL	225.0	UNITED GAS PIPELI
CARTHAGE (COTTON VALL	225.0	UNITED GAS PIPELI
KEENAN EAST (7140)	292.0	DELMI GAS PIPELIN
EAST PANHANDLE LOWER	200.0	DIAMOND SHAMROCK
WILDCAT	27.0	LONE STAR GAS CO
WILDCAT	28.0	LONE STAR GAS CO
TABASCO (V)	0.0	VALERO INTERSTATE
WHARCO-SHILLING (WILC	0.0	DELMI GAS PIPELIN
BEAR GRASS (TRAVIS PE	0.0	UNITED GAS PIPELI
OAKVILLE (WILCOX 9700	0.0	DELMI GAS PIPELIN
PERSONVILLE N (COTTON	0.0	DELMI GAS PIPELIN
BOOKER N (MORROW UPPE	255.0	DELMI GAS PIPELIN
TEAGUE SOUTH (COTTON	0.0	UNITED GAS PIPELI
GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
CORSICA (BEND CONGLOM	1.0	CITIES SERVICE CO
CORSICA (BEND CONGLOM	7.0	CITIES SERVICE CO
FAIRWAY JAMES LIME	200.0	LONE STAR GAS CO
SAXON	0.0	VALERO TRANSMISSI
PWC NORTH	100.0	ODESSA NATURAL GA
PALO PINTO COUNTY REG	0.0	LONE STAR GAS CO
ERA (STRAWN)	0.0	SOUTHWESTERN GAS
RDN CONGLOMERATE	0.0	TEXAS UTILITIES F
WINN-DULCE	0.0	INTER NORTH INC
WINN-DULCE	0.0	INTER NORTH INC
WINN-DULCE	0.0	INTER NORTH INC

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

UMI 1983 FEB 24 ISS 38 VOL 48

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old BCS lease
Section 107–DP: 15,000 feet or deeper
107–CB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–4626 Filed 2–23–83; 8:45 am]

BILLING CODE 6717–01–M

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Agreements (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following contract:

Contract Number S–EU–752B, to Saunders-Roe Development, Ltd., England, 700,000 curies of tritium, for use in the manufacture of illuminated signs, dials, and meters. U.S. Nuclear Regulatory Commission export license XB001010, amendment number 5, was issued December 22, 1982 permitting the export of this material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 17, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–4551 Filed 2–23–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community (EURATOM)

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following contract:

Contract Number WC–EU–242, with the University of Munich, Federal Republic of Germany, for the return of equipment loaned to the U.S. Department of Energy, which contains 92.3 nanograms of plutonium-242 and 0.3 nanograms of helium-3.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 17, 1983.

For the Department of Energy

George Bradley,

Principal Deputy Assistance Secretary for International Affairs.

[FR Doc. 83–4550 Filed 2–23–83; 8:45 am]

BILLING CODE 6450–01–M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Government of Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Finland Concerning Civil Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/FI(SW)–2, from Sweden to Finland, 243 grams of uranium, in the form of pellets, enriched to an average of 2.9% in U–235, for analytical work to be performed at Statens Tekniska Forskningcentral, Espoo, Finland.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: February 17, 1983.

For the Department of Energy.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–4549 Filed 2–23–83; 8:45 am]

BILLING CODE 6450–01–M

Compliance With the National Environmental Policy Act: Extension of Comment Period for Scoping the Environmental Impact Statement for Long-Term Management of Existing Radioactive Wastes and Residues at the Niagara Falls Storage Site

AGENCY: Department of Energy.

ACTION: Extension of comment period.

SUMMARY: On February 1, 1983, the Department of Energy (DOE) published in the **Federal Register**, a Notice of Intent to prepare an Environmental

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION CONTACT STUART WEISBAR (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

Impact Statement (EIS) relative to the long-term management of radioactive wastes and residues currently stored at the Niagara Falls Storage Site (NFSS) in Lewiston, New York (48 FR 4522). The scoping comment deadline specified in that Notice was February 25, 1983. On February 11, 1983, the New York State Department of Environmental Conservation requested that this deadline be extended until March 11, 1983. DOE has determined that the requested extension is reasonable.

DATES: Written comments or suggestions on the appropriate scope of the NFSS EIS will be accepted by DOE through March 11, 1983. Comments postmarked after March 11, 1983, will be considered to the maximum extent practicable.

Dated at Washington, D.C., this 22 day of February 1983 for the Department of Energy.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 83-4805 Filed 2-23-83; 10:30 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140032; TSH-FRL 2310-7]

ICF Inc. and Research Triangle Institute; Transfer of Data to Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, ICF Inc., of Washington, D.C., and ICF's subcontractor, Research Triangle Institute (RTI), of Research Triangle Park, North Carolina, information which has been or will be submitted to EPA by manufacturers, processors, and importers of asbestos or asbestos products under section 8(a) of the Toxic Substances Control Act (TSCA). ICF and RTI will review this information and use it to perform regulatory impact analyses for any TSCA section 6 regulatory actions on asbestos which the agency may consider. Some of the information may be claimed to be confidential.

DATE: The transfer of confidential data submitted to EPA will occur no sooner than 10 working days after publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: J. P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-511, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 6(c) of TSCA, 15 U.S.C. 2605(c), EPA must estimate the costs and benefits of any regulatory actions it plans to take under section 6(a). The agency has gathered information from the asbestos industry under authority of section 8(a) of TSCA which will be of use in determining the economic impact of possible future regulation under section 6. To assist in its cost-benefit analyses, EPA will require the services of its contractor, ICF Inc. of Washington, D.C., and ICF's subcontractor, Research Triangle Institute of Research Triangle Park, North Carolina. RTI has developed an input-output model centered around the asbestos industry to estimate the impact of possible section 6 regulatory actions. Under the terms of the contract (No. 68-01-6287), EPA will provide ICF and RTI with information submitted by asbestos manufacturers, processors, and importers on production volumes, production processes, product type, worker exposure, and safety measures under the section 8(a) Asbestos Reporting Requirements rule, 47 FR 33198 (July 30, 1982).

In accordance with 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to ICF Inc. and its subcontractor, RTI, since much of the asbestos industry data submitted to the agency under section 8(a) of TSCA may be claimed confidential.

ICF and RTI have been authorized to have access to TSCA confidential business information under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved the ICF and RTI security plans and has conducted the required inspections of the ICF and RTI facilities and found them to be in compliance with the provisions of the manual.

Since ICF and RTI will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of data on asbestos that ICF and RTI will receive confidential business information from EPA. After completing regulatory impact analyses of possible asbestos regulatory actions, ICF and RTI will return all confidential business information to EPA.

The ICF and RTI personnel will be required to sign a nondisclosure agreement before they are permitted access to confidential information. ICF and RTI are required to treat all confidential business information in accordance with the requirements of the TSCA Confidential Business Information Security Manual and the Contractor Requirements manual.

Dated: February 14, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-4810 Filed 2-23-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51448A; BH-FRL 2310-8]

Premanufacture Notices; Certain Chemicals; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN exposure data on a premanufacture notice (PMN) published in the Federal Register on January 7, 1983 (48 FR 863).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: In the Federal Register of January 7, 1983 (48 FR 863), EPA issued a notice of receipt of a PMN.

In the FR Doc. 83-452 appearing at page 863 under "PMN 83-350", first column, the exposure data, "Manufacture and processing: dermal and inhalation, a total of 42,512 workers, up to 8 hrs/da, up to 250 da/yr" is corrected to read "Manufacture, processing and use: dermal and inhalation, a total of 42,512 workers, up to 8 hrs/da, up to 250 da/yr."

Dated: February 16, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-4811 Filed 2-23-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-51, File No. BPCT-820712KM et al.]

William H. Graham, et al. d.b.a. Dona Ana County Television et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 28, 1983.

Released: Feburary 7, 1983.

In re applications of William H. Graham et al. d.b.a. Dona Ana County

Television, Las Cruces, New Mexico, MM Docket No. 83–51, File No. BPCT–820712KM; Adib Eden, Sr. and Lillian Elaine Manfredi, d.b.a. Las Cruces Family Television, Las Cruces, New Mexico, MM Docket No. 83–52, File No. BPCT–820907KJ; Kask Inc., Las Cruces, New Mexico, MM Docket No. 83–53, File No. BPCT–820909KL; for construction permit.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of William H. Graham et al. d/b/a Dona Ana County Television (Dona Ana), Las Cruces Family Television, LTD. (Family) and KASK Incorporated (KASK) for authority to construct a new commercial television station on Channel 48, Las Cruces, New Mexico.

2. The effective radiated visual power, antenna heights above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would be served by each of the proposals. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contours, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether comparative preferences should accrue to one or more of the applicants.

3. Since we have not received a determination from the Federal Aviation Administration that Dona Ana's proposed tower height and location would not constitute a hazard to air navigation, an issue regarding this matter will be specified.

4. Dona Ana failed to submit the contour maps which are required by Item 10, Section V–C, FCC Form 301. Consequently, Dona Ana will be required to submit appropriate maps to the presiding Administrative Law Judge within 30 days of the release of this Order.

5. Section 73.636(a)(1) of the Commission's Rules sets forth a policy against granting a television construction permit to an applicant with principals who, directly or indirectly, own, operate, or control a radio station licensed to a community which is completely encompassed by the predicted Grade A contour of their proposed television station. Note 8 exempts UHF applicants from the blanket prohibition of § 73.636(a)(1) and, instead, requires case-by-case analysis to determine whether common ownership, operation, or control of the station in question would be in the public interest. KASK states that Logan D. Matthews, president and 51% stockholder of the applicant, is also 51% owner of KASK(FM), Las Cruces, New Mexico. Mr. Matthews states that he will terminate all of his interest in KASK(FM) prior to KASK's filing of an application for license. Accordingly, any grant to KASK will be appropriately conditioned.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Dona Ana, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 1.

9. It is further ordered, That within 30 days of the release of this Order, William H. Graham et al. d/b/a Dona Ana County Television shall submit the required contour maps to the presiding Administrative Law Judge.

10. It is further ordered, That, in the event of a grant of KASK Incorporated's application, the construction permit shall contain the following condition: Prior to the commencement of operation, Logan D. Matthews shall certify to the Commission that he has severed all interest in, and connection with, KASK(FM), Las Cruces, New Mexico.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83–4573 Filed 2–23–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 83–58, File No. BPCT–820712KK et. al.]

William H. Graham et al. d.b.a. Lea County Television, Inc., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 28, 1983.

Released: February 4, 1983.

By the Chief, Mass Media Bureau:

In re applications of William H. Graham et al d.b.a. Lea County Television, Inc., Abilene, Texas, MM Docket No. 83–58, File No. BPCT–820712KK; Helen Oman, Abilene, Texas, MM Docket No. 83–59, File No. BPCT–820908KF; TV Tech Systems, Inc., Abilene, Texas, MM Docket No. 83–60, File No. BPCT–820909KH; For construction permit.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of William H. Graham et al d/b/a Lea County Television, Inc. (Lea), Helen Oman, and TV TECH SYSTEMS, INC. (TTS) for authority to construct a new commercial television station on Channel 15, Abilene, Texas.

William H. Graham et al, d.b.a. Lea County Television, Inc.

2. Lea's proposed tower is to be located 1.53 miles from the directional tower of AM station KRBC, Abilene, Texas. Because of the proximity of Lea's proposed tower to KRBC, any grant of a construction permit to Lea will be conditioned to ensure that KRBC's radiation pattern is not adversely affected by the construction of the proposed station.

Helen Oman

3. No determination has been made that the tower height and location proposed by Helen Oman would not constitute a hazard to air navigation.[1] Accordingly, an appropriate issue will be specified.

Conclusion and Order

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Helen Oman, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That any grant of a construction permit to Lea will be subject to the following condition:

Prior to the construction of the TV tower authorized herein, permittee shall notify AM station KRBC so that the AM station may deterime operating power by the indirect method and, if necessary, request temporary authority from the Commission in Washington to operate with parameters at variance in order to maintain monitoring point field strengths within authorized limits. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the AM station. Both prior to construction of the TV tower and subsequent to the installation of all appurtenances thereon, a partial proof of performance, as defined by Section 73.154(a) of the Commission's Rules, shall be conducted to establish that the array of the AM station has not been adversely affected. The results shall be submitted to the Commission and the AM station. Thereafter, the TV station may commence Limited Program Tests.

7. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 1.

8. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-4675 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission is not in receipt of FAA's determination for the tower proposed by Helen Oman.

[MM Docket No. 83-56, File No. BPCT-820719KE; and MM Docket No. 83-57, File No. BPCT-820909KJ]

Edward M. Johnson; and Sue Martin Kimmerly et al. d.b.a. Razorback TV Broadcasting; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 28, 1983.

Released: February 4, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Edward M. Johnson Hot Springs, Arkansas and Sue Martin Kimmerly et al d.b.a. Razorback TV Broadcasting (Razorback) Hot Springs, Arkansas for authority to construct a new commercial television station on Channel 26, Hot Springs, Arkansas.

2. The effective radiated visual power, antenna heights above average terrain and other technical data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would be served by each of the proposals. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contours, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. No determination has been reached that the tower height and location proposed by Razorback [1] would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Razorback, whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard of air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 1.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written

[1] The Commission is not in receipt of FAA's determination for the tower proposed by Razorback.

appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-4574 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-39, File No. BPCT-820707KG]

Sterling Associates, Ltd., et al.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 25, 1983.

Released: February 2, 1983.

In re applications of Sterling Associates, Ltd., Anacortes, Washington, MM Docket No. 83-39, File No. BPCT-820707KG; Vanwash Communications Group, Anacortes, Washington, MM Docket No. 83-40, File No. BPCT-820902KR; Paul M. Crawford, S. Eberhardt, et al., Mt. Vernon, Washington, MM Docket No. 83-41, File No. BPCT-820909KM; Roy W. Mayhugh, Anacortes, Washington, MM Docket No. 83-42, File No. BPCT-820909KN; Mt. Baker Broadcasting Co., Inc., Anacortes, Washington, MM Docket No. 83-43, File No. BPCT-820909KO; for construction permit.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above mutually exclusive applications of Sterling Associates, Ltd. (Sterling), Vanwash Communications Group (Vanwash), Paul M. Crawford, S. Eberhardt, et al. (Crawford), Roy W. Mayhugh (Mayhugh) and Mt. Baker Broadcasting Co., Inc. (Mt. Baker) for a new commercial television station to operate on Channel 24, Anacortes, Washington.

2. Crawford specifies Mt. Vernon as its community of license.[1] All of the other applicants specify Anacortes. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, whether a new station in Mt. Vernon or Anacortes would better provide a fair, efficient and equitable distribution of television service. If the Section 307(b) issue is not determinative (the applicants would serve substantial areas in common), all applicants can be considered under the comparative issue.

3. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Mayhugh indicates that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the areas and populations that the other four applicants propose to serve. Consequently, for the purpose of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B), contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether comparative preferences should accrue to one or more of the applicants.

4. No determination has been reached that the tower heights and locations proposed by Vanwash and Crawford would not constitute a hazard to air navigation.[2] Accordingly, an issue regarding this matter will be specified.

5. All applicants, except Mayhugh, propose to operate from sites located within 250 miles of the Canadian border with maximum visual effective radiated power (ERP) of more than 1000 kilowatts. The proposals pose no interference threat to United States television stations; however, they contravene an agreement between the United States and Canada which limits the maximum visual ERP of United States television stations located within 250 miles of Canada to 1000 kilowatts. *Agreement Effectuated by Exchange of Notes,* T.I.A.S. 2594 (1952). Canadian consent has been issued for Crawford; however, consent for the other applicants (excluding Mayhugh) is still pending. Accordingly, in the event of a grant of any of those applications, the construction permit shall be appropriately conditioned.

Roy W. Mayhugh

6. Section 76.501(a)(2) of the Commission's Rules prohibits direct or indirect ownership of both a cable system and a television broadcast station if the station would place a Grade B contour over any part of the service area of the cable system. Mayhugh owns and operates San Juan Cable TV, located in Friday Harbor, Washington, which lies within the City Grade contour of its proposed television station. Mayhugh has represented to the Commission that he will sell the cable television system, if he is granted a construction permit. Accordingly, any grant of a construction permit to the applicant will be conditioned upon the divestiture of all interest in, and connection with, San Juan Cable TV, Friday Harbor, Washington.

Mt. Baker Communications Co., Inc.

7. Section 73.636 of the Commission's Rules prohibits any party from owning two or more stations in the same service if there would be overlap of the station's Grade B contours. Micheal Parker has eleven per cent ownership interest in Family Broadcasting Company, Inc. (Family), which holds a construction permit for Channel 20, Tacoma, Washington. There would be Grade B contour overlap of the Channel 20 facility and the proposed station. However, Mr. Parker has represented to the Commission that he will divest himself of his interest in Channel 20, Tacoma, Washington, prior to the commencement of operation of the Anacortes television station. Accordingly, any grant of a construction permit to Mt. Baker will be conditioned upon Mr. Parker's divestiture of all interest in, and connection with, Channel 20, Tacoma, Washington.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issue specified below.

9. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Vanwash Communications Group and Paul M. Crawford, S. Eberhardt, et al., whether there is a reasonable possibility that the tower height and locations proposed by each would constitute a hazard to air navigation.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and

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[1] Channel 24 is assigned to Anacortes, Washington. Mt. Vernon is located within 15 miles of Anacortes. Accordingly, pursuant to § 73.607 of the Commission's Rules, Channel 24 is available for use in Mt. Vernon.

[2] We have not received FAA's determination for the applicants.

the availability of other Grade B services to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient and equitable distribution of television service.

4. In the event it is concluded from Issue 3, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which proposal would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which application should be granted.

10. It is further ordered, That the Federal Aviation Administration is made a party respondent to the proceeding with respect to issue 1.

11. It is further ordered, That, in the event of a grant of Sterling Associates, Ltd.'s application, Vanwash Communications Group's application or Mt. Baker Broadcasting Company, Inc.'s application, the construction permit shall be conditioned as follows:

Operation with maximum visual effective radiated power in excess of 1000 kW shall not commence absent Canadian consent.

12. It is further ordered, That, in the event of a grant of Paul M. Crawford, S. Eberhardt, et al's application, the construction permit shall, be conditioned as follows:

Subject to the condition that operation with visual effective radiated power in excess of 1000 kW after December 1, 1984, is subject to a further extension of consent by Canada.

13. It is further ordered, That in the event of a grant of Roy W.Mayhugh's application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, Roy W. Mayhugh shall certify to the Commission that he has divested himself of all interest in, and connection with, San Juan Cable TV, Friday Harbor, Washington.

14. It is further ordered, That, in the event of a grant of Mr. Baker Broadcasting Co., Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commssion that Micheal Parker has divested himself of all interest in, and connection with, Channel 20, Tacoma, Washington.

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall pursuant to § 1.223(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-4872 Filed 2-23-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 15, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirments under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

For Further Information Contact:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551; (202-452-3829), or

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503; (202-395-6880).

Request for Approval To Revise

1. Report title: Report of Transaction Accounts, Other Deposits and Vault Cash Agency form number: FR 2900
Frequency: Weekly, quarterly
Reporters: Depository institutions
SIC Code: 602, 603, 605, 612, 614
Small businesses are affected.
General description of report:
Respondent's obligation to respond is mandatory (12 U.S.C. 248, 461); a pledge of confidentiality is promised (5 U.S.C. 552 (b)(4) and (b)(8)).

As a result of the technical amendment to the Garn-St Germain Depository Institutions Act of 1982 exempting the money market deposit account (MMDA) from the phase-in of reserve requirements under the Monetary Control Act of 1980 for all depository institutions covered by the rules of the Depository Institutions Deregulation Committee (DIDC), it is necessary to add two line items to the FR 2900—MMDA's personal and nonpersonal—in order to facilitate the accurate calculation of required reserves.

Board of Governors of the Federal Reserve System, February 17, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-4548 Filed 2-23-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers For Disease Control

Motivational and Job Design Factors To Control Exposure of Roofers to Carcinogens; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available.

Date: March 8, 1983
Time: 9:00 a.m. to 3:00 p.m.
Place: Robert A. Taft Laboratories Auditorium, 4676 Columbia Parkway, Cincinnati, Ohio 45226
Purpose: To review a project study of work practices and other control techniques used by the roofing industry as they relate to roofing workers' exposures to carcinogens in asphalts and coal tar pitches. A set of control principles for use by roofers will be developed and a sample of workers will be trained in the use of these principles. Of particular interest to NIOSH are biological indicators of exposure.
Additional information may be obtained from: Robert W. Mason, Ph. D., Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: (513) 684–8448

Dated: February 16, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83–4558 Filed 2–23–83; 8:45 am]
BILLING CODE 4160–19–M

Health Resources and Services Administration

Application Announcement for Grants for Nurse Practitioner Programs

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Nurse Practitioner Training grants are being accepted under the authority of Section 822(a) of the Public Health Service Act.

Section 822(a) authorizes the award of grants to public or nonprofit private schools of nursing, medicine, or public health, public or nonprofit private hospitals or other public or nonprofit private entities to meet the costs of projects to: (a) Plan, develop and operate; (b) significantly expand, or (c) maintain existing programs for the training of nurse practitioners.

To receive support, programs must meet the requirements of final regulations published in the **Federal Register** on November 29, 1977, Volume 42, No. 299 and a technical amendment dated June 27, 1978, Volume 43, No. 124.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D–24), Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 4–27, Hyattsville, Maryland 20782, telephone (301) 436–6005.

Requests for programmatic information should be directed to: Nurse Practitioner Program, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 3–50, Hyattsville, Maryland 20782, telephone (301) 436–5070.

Approximately $3.3 million is expected to be available in Fiscal Year 1983 for competitive grants. The deadline dates for receipt of applications are July 1, and November 1, 1983 and March 1, 1984.

This program is listed at 13.298 in the *Catalog of Federal Domestic Assistance.* Applications in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular A–95.

Dated: February 16, 1983.

John H. Kelso,

Acting Administrator.

[FR Doc. 83–2840 Filed 2–23–83; 8:45 am]
BILLING CODE 4110–15–M

Public Health Service

National Center for Health Services Research; Assessment of Medical Technology; Cardiac Pacemakers

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA) annouces that it is coordinating an assessment of what is known of the safety, clinical effectiveness, appropriateness, and medical indications for telephone follow up or cardiac pacemakers—the use of telephone transmitters. Specifically, we are interested in: (1) The medical indications for the use of telephone transmitters to monitor pacemakers, (2) whether all persons with pacemakers should have telephone transmitters, or (3) whether they should be limited to a particular group or class of pacemaker patients, in light of the fact that some rhythm abnormalities may be considered unsuitable for the telephone check.

For the purposes of this announcement, transtelephonic monitoring is defined as the telephone transmission of the electrocardiogram (ECG) to process a patient's ECG that may be to the physician's office, pacemaker clinic, or proprietary service which informs the physician of any abnormality discovered. The telephone ECG transmitter may be equipped with a logic circuit information processor pertinent to assess such parameters as rate, capture and sensing of the demand pulse generator, and detect system malfunction. Transtelephonic monitoring is differentiated from self-contained pacemaker monitors, or indirect pacemaker generator function analyzers.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than May 30, 1983, or approximately 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled studies since 1971 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought.

Written material should be submitted to: Office of Health Technology Assessment, Park Bldg., Room 3–10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20852.

For further information contact: Dr. Rita K. Chow, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: February 10, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83–4630 Filed 2–23–83; 8:45 am]
BILLING CODE 4160–17–M

National Center for Health Services Research; Assessment of Medical Technology Cardiac Pacemaker Monitors

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of self-contained cardiac pacemaker monitors. Specifically, we are interested in: (1) Generically defining a self-contained pacemaker monitor that will permit us to: (a) distinguish between a telephone transmitting device and a self-contained monitor; and (b) permit the patient to acquire sufficient information to enable him or her to make an informed decision as to whether to seek medical intervention; (2) medical indications for the type or types of patient(s) who would benefit from a self-contained pacemaker; and (3) whether the use of a self-contained pacemaker monitor eliminates or reduces the need for transtelephonic monitoring of the patient's pacemaker. If research data for the third query are positive, then appropriate guidelines are needed for screening transtelephonic pacemaker monitoring. Also, frequency guidelines for transtelephonic pacemaker monitoring will need review in the light of the newest research data related to the effectiveness and accuracy of self-contained pacemaker monitors in detecting, e.g., state of the battery, electronic circuitry component failure, electrode displacement, generator-electrode junction failure, and exit block. For the purposes of this announcement, self-contained pacemaker monitors are a type of indirect pacemaker generator function analyzers that are used to identify early signs of possible cardiac pacemaker failure or malfunction.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than May 30, 1983, or approximately 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1979, and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought.

Written material should be submitted to: Office of Health Technology Assessment, Park Bldg., Room 3–10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20852.

For further information contact: Dr. Rita K. Chow, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: February 10, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-4619 Filed 2-23-83; 8:45 am]

BILLING CODE 4160-17-M

National Toxicology Program Board of Scientific Counselors; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Toxicology Program (NTP) Board of Scientific Counselors, U.S. Public Health Service, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina, on March 14 and 15, 1983.

The meeting will be open to the public from 9:00 a.m. to 4:00 p.m., March 14. The preliminary agenda with *approximate* times are as follows:

9:00 a.m.–10:00 a.m. Status Report on NIH/NTP Investigation of Exocrine Pancreas Lesions in Male F344 Rats

10:00 a.m.–10:30 a.m. NIH/NTP Cellular and Genetic Toxicology Program—Concept Review: Evaluation of Human Cells *in Vitro* for Genetic Toxicity Assay

Review of NTP Reproductive and Developmental Toxicology Programs:

11:00 a.m.–12:00 p.m.—I. Overview of Programs

1:00 p.m.–4:00 p.m.—II. Teratology
- a. Conventional Teratology Testing
- b. Short-Term *In Vivo* Reproductive Toxicity Assay
- c. *In Vitro* Teratology Test Development
- d. Collaborative Behavioral Teratology Study

The meeting on March 15 will be open to the public from 8:30 a.m. to 12:30 p.m., and from 3:00 p.m. to adjournment. The preliminary agenda with *approximate* times are as follows:

8:30 a.m.–11:30 a.m.—III. Fertility and Reproductive Toxicity
- a. Evaluation of Sperm Morphology and Vaginal Cytology in Prechronic Toxicity Testing
- b. Fertility Assessment Using Continuous Breeding
- c. Experimental Models of Female Reproductive Toxicity
- d. Experimental Models of Male Reproductive Toxicity
- e. Methods for Fertility Assessment
- f. Postnatal Toxicity

11:30 a.m.–12.30 p.m.—IV. A Proposal To Develop Guidelines for the Detection and Hazard Evaluation of Chemical Carcinogens

3:00 p.m.–5:00 p.m.—Peer Review and Priority Ranking of Chemicals Nominated for NTP Testing. (Sixteen chemical nominations will be reviewed and are listed in the **Federal Register**, Volume 47, No. 197, pp. 44884–44885, October 12, 1982.)

In accordance with the provisions set forth in Section 552b(c)(6) Title 5 U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on March 14 from 4:00 p.m. to adjournment and on March 15 from 1:00 p.m. to 3:00 p.m. for further evaluation of NTP programs in reproductive and developmental toxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The closed meeting will be used also to discuss professional qualifications and select members for an ad hoc scientific panel which will report to the NTP Board with an evaluation and recommendations concerning the proposal to develop quidelines for the detection and hazard evaluation of chemical carcinogens. Disclosure of these discussions would constitute a clearly unwarranted invasion of personal privacy with regard to persons being considered for the panel.

The Executive Secretary, Dr. Larry G. Hart, Office of the Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone (919) 541–3971, FTS 629–3971, will furnish a roster of Board members and expert consultants and other program information prior to the meeting, and summary minutes subsequent to the meeting.

Dated: January 28, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-4734 Filed 2-23-83; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary

Advisory Council on Social Security; Meeting

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services in accordance with Section 706 of the Social Security Act, 42 U.S.C. 907.

DATE/ADDRESS: The meeting will be held on March 13 from 12 noon to 6:00 p.m. and on March 14 from 9:00 a.m. to 4:00 p.m. at the Columbia Club, 121 Monument Circle, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201; telephone (202) 755-8670/71.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Attendance will be limited to the space available. Interested parties may submit written presentations for consideration by Council until March 15, 1983.

Correspondence can be addressed to Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Sign language interpreting services will be provided if requested in advance.

The proposed meeting agenda includes further briefings and discussion on the Medicare program; and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 FR 4048-4049, January 28, 1983.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317-H, HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Philip M. Jos,

Acting Executive Director.

[FR Doc. 83-4670 Filed 2-23-83; 8:45 am]

BILLING CODE 4120-03-M

Advisory Council of Social Security; Public Hearing

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of public hearing.

SUMMARY: The Secretary of Health and Human Services announced on September 16, 1982 the establishment of the Advisory Council on Social Security. The Council is charged to place particular emphasis on a review of the Medicare program, and to prepare and submit reports on its findings and recommendations.

In an effort to obtain the views of interested organizations and individuals, within the constraints of available time, the Council decided to conduct public hearings in designated locations around the country. Notice is hereby given that a 1-day hearing will be held in New Brunswick, New Jersey on March 22, 1983. Similar 1-day hearings were previously announced in 47 FR 56723, December 20, 1982 for San Francisco, California on February 24; in 48 FR 1549, January 13, 1983 for the Chicago area on March 9, and in 48 FR 5312, February 4, 1983 for St. Petersburg, Florida on March 1. All hearings will run from 9:00 a.m. to 5:00 p.m.

ADDRESS: The New Brunswick hearing will be held in the Labor Education Center, Rutgers University, Ryder's Lane and Clifton Avenue, New Brunswick, New Jersey 08903

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Independence Avenue, S.W., Washington, D.C. 20201; telephone (202) 755-8670 or 755-8671.

SUPPLEMENTARY INFORMATION: The hearings are open to the public. Attendance will be limited to the space available. Interested parties are invited to present testimony on Medicare issues; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters should submit, 5 days in advance, 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Oral presentation should summarize the written statement, and will be limited to a maximum of 5 minutes. Other written material can be submitted for the record. Submit written requests to present testimony to the Advisory Council on Social Security, ATTN: Public Hearing, 200 Independence Avenue, S.W., Washington, D.C. 20201, or telephone (202) 755-8670 or 755-8671. The designated Chairperson or the Executive Director reserves the right to determine order of presentation, but will make every effort, within available time, to hear all who wish to be heard.

Sign language interpreting services will be provided if requested in advance.

Records will be kept of all public hearings and will be available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317-H, HHH Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

Philip M. Jos,

Acting Executive Director.

[FR Doc. 83-4671 Filed 2-23-83; 8:45 am]

BILLING CODE 4120-03-M

Social Security Administration

Conformity of Public Assistance Plan of the State of Minnesota With the Social Security Act; Change of Date and Location of Hearing

The date and location of the hearing to reconsider the disapproval of Minnesota's State Plan Submittal No. 82-24 noticed in 48 F.R. 3658, January 26, 1983, have been changed.

The hearing is rescheduled for 10 A.M. on March 10, 1983, in rooms 337-339A of the Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C.

Dated: February 14, 1983.

Alexander G. Teitz,

Presiding Officer.

[FR Doc. 83-4669 Filed 2-23-83; 8:45 am]

BILLING CODE 4190-11-M

1983 Contribution and Benefit Base Under Pre-1977 Amendment Law

AGENCY: Social Security Administration, HHS.

ACTION: Notice of determinaiton of the "Old-Law" Social Security contribution and benefit base.

SUMMARY: The Social Security Amendments of 1977 set the contribution and benefit base at $22,900 for 1979, $25,900 for 1980 and $29,700 for 1981. After 1981, the base increases as average wage levels rise. The contribution and benefit base is the maximum annual amount of earnings that is subject to Social Security taxes and is creditable toward Social Security

benefits. The 1977 amendments also provide for separate annual determinations of the contribution and benefit base that would have been in effect under old law (pre-1977 law). This "old-law" base is used only for certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA) and for computing special minimum Social Security benefits for workers with many years of low earnings. This notice specifies that the amount for 1983 under pre-1977 law is $26,700.

FOR FURTHER INFORMATION CONTACT: Eli Donkar, Office of the Actuary, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone (301) 594–3365.

SUPPLEMENTARY INFORMATION: The Social Security Amendments of 1977 (Pub. L. 95–216) changed the contribution and benefit base, which is the maximum annual amount of earnings on which Social Security taxes are paid and a person's Social Security benefits are figured. Section 230(c) of the Social Security Act specifies the contribution and benefit base for 1979, 1980, and 1981 and a computation formula to use for years after 1981. Using this computation formula, we determined the contribution and benefit base to be $35,700 for 1983. We published this information in the **Federal Register** on November 10, 1982 (47 FR 51003).

"Old-Law" Contribution and Benefit Base

The "old-law" contribution and benefit base is the base that would have been effective in each year after 1977 under the Social Security Act before the enactment of the 1977 amendments. This "old-law" base is used:

(1) For certain purposes under the railroad retirement program and the Employee Retirement Income Security Act of 1974 (ERISA); and

(2) To compute special minimum Social Security benefits for certain workers with many years of low earnings.

The base is computed under section 230 of the Social Security Act as it read prior to the 1977 amendments.

Computation

Under section 230 of the Social Security Act as in effect before the 1977 amendments, we would determine the contribution and benefit base for 1983 by multiplying the "old-law" 1982 base by the ratio of average wages reported for 1981, $13,773.10, to average wages reported for 1980, $12,513.46 or 1.1006628. We previously explained in the **Federal Register** how we computed these average wages (November 10, 1982 at 47 FR 51003).

Multiplying the "old-law" 1982 contribution and benefit base of $24,300 by the above ratio results in the amount of $26,746.11, which must be rounded to the nearest multiple of $300. Therefore, we determine the "old-law" base for 1983 to be $26,700.

Railroad Retirement Uses

The railroad retirement program will use the $26,700 base to determine:

(1) Employee and employer tax liability under sections 3201(a) and 3221(a) of the Internal Revenue Code of 1954;

(2) The portion of the employee representative tax liability under section 3211(a) of the Internal Revenue Code of 1954 which results from the application of the 11.75 percent rate specified in that section; and

(3) Average monthly compensation under section 3(j) of the Railroad Retirement Act of 1974, but not annuity amounts determined under sections 3(a) or 3(f)(3) of that act.

These uses are stated in section 230(c) of the Social Security Act.

Employee Retirement Income Security Act (ERISA) Use

Under section 230(d) of the Social Security Act, ERISA will use the 1983 "old-law" base of $26,700 to determine the maximum pension benefit guaranteed by the Pension Benefit Guaranty Corporation for pension benefit plans terminating in 1983.

Social Security Use

Special minimum Social Security benefits are payable to workers with many years of low earnings. If, in 1983, a worker's earnings amount to at least 25 percent of the "old-law" base of $26,700, we will credit the worker with a "year of coverage" for 1983. Years of coverage are used to compute the special minimum benefit payable under section 215(a) of the Social Security Act.

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security-Retirement Insurance; 57.001, Social Security Insurance for Railroad Workers)

Dated: February 16, 1983.

Thomas R. Donnelly,

Acting Secretary of Health and Human Services.

[FR Doc. 83-4566 Filed 2-23-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Phoenix District, Kingman Resource Area, Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on March 29, 1983.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Review of Allotment Management Plan Program.
2. Report on Grazing Advisory Board Funds and projected use.
3. Status of Range Improvements—FY 1983.

Proposed Range Improvements—FY 1984.

5. Review of Range Program Summary-Cerbat/Black Mountain and Hualapai/Aquarius.
6. Asset Management—Imports on the Range Program.
7. Arrangements for future meeting.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017, at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 14, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-4576 Filed 2-23-83; 8:45 am]

BILLING CODE 4310-84-M

Proposed Land Exchange Between State of Oregon and Bureau of Land Management

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action on proposed land exchange.

SUMMARY: This notice is to advise the public that the State of Oregon Division of State Lands is proposing a land exchange with the Burns District Bureau of Land Management (BLM).

SUPPLEMENTARY INFORMATION: The BLM has determined that the public lands

described below are suitable for exchange from Federal ownership under Section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

Willamette Meridian

T. 27 S., R. 34 E.,
Sec. 36, S½.
T. 28 S., R. 34 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lot 1, SE¼NE¼, S½;
Sec. 3, E½SE¼;
Sec. 10, E½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, E½NE¼, W½NW¼, S½;
Sec. 15, all;
Sec. 21, NE¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 22, all;
Sec. 23, all;
Sec. 24, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 25, W½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 26, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 27, N½NE¼, SE¼NE¼, W½, NW¼SE¼, S½SE¼;
Sec. 28, E½E½, NW¼SE¼;
Sec. 35, N½NE¼.
T. 27 S., R. 35 E.,
Sec. 21, W½SW¼, SE¼SW¼;
Sec. 25, SW¼SW¼;
Sec. 26, SW¼, W½SE¼, SE¼SE¼.
Sec. 27, S½NE¼, W½, SE¼;
Sec. 28, all;
Sec. 30, lots 3, 4;
Sec. 31, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, NW¼NE¼, S½NE¼, W½, SE¼.
T. 28 S, R. 35 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lots 1 thru 4 inclusive, S½N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 3, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 4, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 5, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 6, lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, N½N½, SW¼NW¼, S½;
Sec. 11, NE¼NE¼, SW¼SE¼, S½SW¼;
Sec. 12, N½, NE¼SW¼, N½SE¼;
Sec. 13, W½NE¼, SE¼NE¼, E½NW¼, SW¼NE¼, S½;
Sec. 14, W½NE¼, NW¼, S½;
Sec. 15, all;
Sec. 16, N½;
Sec. 17, NW¼;
Sec. 18, lots 1 thru 4 inclusive, NE¼, E½W½, NW¼SE¼;
Sec. 19, lot 1, E½NW¼;
Sec. 21, NE¼, N½SE¼, SE¼SE¼;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 28, NE¼NE¼, SW¼NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 29, SE¼NE¼, S½S½, NE¼SE¼;
Sec. 30, lot 4, SE¼SW¼, S½SE¼;
Sec. 31, lots 1 thru 3 inclusive, E½, E½W½;
Sec. 32, E½NE¼, SW¼NE¼, SW¼NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 33, all;
Sec. 34, E½NE¼, NW¼NE¼, W½, SE¼;
Sec. 35, all;
Sec. 36, SW¼.
T. 29 S., R. 35 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 3, lots 2, 3, 4, S½N½, S½;
Sec. 4, lots 1 thru 4 inclusive, S½N½; N½S½;
Sec. 5, lots 1 thru 4 inclusive, S½N½, N½SE¼;
Sec. 6, lot 1;
Sec. 10, NE¼, E½NW¼;
Sec. 11, N½, SE¼;
Sec. 12, all;
Sec. 13, N½.
T. 27 S., R. 36 E.,
Sec. 31, lots 2, 3, 4, E½SW¼, S½SE¼, NW¼SE¼.
T. 28 S., R. 36 E.,
Sec. 4, NE¼SW¼, SW¼SE¼;
Sec. 5, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 6, lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SW¼;
Sec. 7, lots 1, 2, N½NE¼, E½NW¼;
Sec. 8, N½NW¼, NE¼SE¼, S½SE¼;
Sec. 9, NE¼, S½;
Sec. 10, W½E½, W½;
Sec. 15, W½NE¼, W½, W½SE¼;
Sec. 17, E½, E½W½, SW¼NW¼, W½SW¼;
Sec. 18, lots 2, 3, 4, E½, SE¼NW¼, E½SW¼;
Sec. 19, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 20, E½, NW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 21, all;
Sec. 22, N½, E½SW¼, SW¼SW¼, SE¼;
Sec. 23, S½NE¼, W½, SE¼;
Sec. 24, S½N½, S½;
Sec. 25, all;
Sec. 26, N½, SW¼;
Sec. 27, all;
Sec. 28, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SW¼SW¼, SE¼;
Sec. 29, all;
Sec. 30, lots 1 thru 4 inclusive, NE¼, E½W½, NW¼SE¼, S½SE¼;
Sec. 31, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 32, N½, SW¼, W½SE¼;
Sec. 33, N½NE¼, SE¼NE¼;
Sec. 34, N½, NE¼SW¼, S½SW¼, SE¼;
Sec. 35, all.
T. 29 S., R. 36 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 3, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 4, lots 1, 4, S½N½, N½S½, SE¼SE¼;
Sec. 5, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 6, lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 8, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 10, N½NW¼, SE¼NW¼, N½SE¼, NE¼, SE¼SE¼;
Sec. 11, all;
Sec. 12, all;
Sec. 13, N½N½.
T. 28 S., R. 37 E.,
Sec. 19, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, W½NE¼, SE¼NE¼, NW¼, S½;
Sec. 21, SW¼NW¼, SW¼, SW¼SE¼;
Sec. 27, W½NW¼, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 31, lots 1, 4, E½, E½NW¼, SW¼SW¼;
Sec. 32, all;
Sec. 33, all;
Sec. 34, W½NW¼.
T. 29 S., R. 37 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lots 1, 2, 4, S½N½, S½;
Sec. 3, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 4, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 5, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 6, lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 thru 4 inclusive, NE¼, E½W½;
Sec. 8, N½, SE¼;
Sec. 9, NE¼NE¼, W½E½, W½;
Sec. 10, NE¼, E½NW¼, NW¼NW¼, SE¼SW¼, SW¼SE¼, E½SE¼;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 22, E½NE¼, NW¼ NE¼, NE¼NW¼;
Sec. 23, N½, N½S½, S½SE¼;
Sec. 24, all;
Sec. 25, NE¼, N½NW¼, SE¼NW¼, NE¼SE¼.
T. 28 S., R. 36 E.,
Sec. 31, lot 4, SE¼SW¼, S½SE¼;
Sec. 32, S½S½;
Sec. 33, SW¼SW¼.
T. 29 S., R. 38 E.,
Sec. 3, SW¼, S½SE¼;
Sec. 4, lots 3, 4, S½N½, S½;
Sec. 5, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 6, lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 thru 4 inclusive, E½W½, E½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 17, all;
Sec. 18, lots 1 thru 4 inclusive, E½W½, E½;
Sec. 19, lots 1 thru 4 inclusive, E½W½, E½;
Sec. 20, all;
Sec. 21, all;
Sec. 22, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 27, NW¼NW¼;
Sec. 28, N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 29, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 30, lots 1 thru 4 inclusive, E½W½, E½;
Sec. 31, N½NE¼, NE¼NW¼;
Sec. 32, NW¼NW¼.
T. 27 S., R. 23 E.,
Sec. 13, E½E½.
T. 28 S., R. 24 E.,
Sec. 25, S½SW¼, SW¼SE¼;
Sec. 35, SE¼NE¼, E½SW¼, SE¼.
T. 27 S., R. 24 E.,
Sec. 1, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 2, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 3, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 7, lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, SW¼SW¼, E½SE¼;
Sec. 9, NE¼, E½NW¼; S½;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;

Sec. 15, all;
Sec. 17, all;
Sec. 18, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 19, lots 1, 2, E½, E½NW¼;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, lots 3, 4, E½, E½W½;
Sec. 31, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, N½, W½SW¼;
Sec. 36, NW¼NE¼, N½NW¼.

T. 28 S., R. 24 E.,
Sec. 1, lots 1, 3, 4, S½NW¼, W½SW¼;
Sec. 2, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 3, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 4, lots 1 thru 4 inclusive, S½N½, S½;
Sec. 9, NE¼, NE¼SE¼;
Sec. 10, NW¼NE¼, W½, SW¼SE¼;
Sec. 11, NW¼SE¼.

T. 25 S., R. 25 E.,
Sec. 35, SE¼SE¼.

T. 26 S., R. 25 E.,
Sec. 1, lots 1, 2, S½NE¼, SE¼;
Sec. 2, lots 1, 2, S½NE¼, SE¼NW¼;
Sec. 10, E½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, E½NW¼, SW¼NW¼, SW¼;
Sec. 17, SE¼SE¼;
Sec. 19, N½SE¼;
Sec. 20, E½, S½NW¼, SW¼;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, E½, NE¼NW¼;
Sec. 30, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 31, lots 1 thru 4 inclusive, E½, E½W½;
Sec. 32, N½NE¼, W½NW¼, SW¼, S½SE¼;
Sec. 33, all;
Sec. 34, all;
Sec. 35, All.

T. 27 S., R. 25 E.,
Sec. 1, Lot 4, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 2, Lots 1 thru 4 inclusive, SW¼NE¼, S½NW¼, SE¼SW¼, S½SE¼;
Sec. 3, Lots 1 thru 4 inclusive, S½NE¼;
Sec. 4, Lots 1 thru 4 inclusive, S½N½, S½;
Sec. 5, Lots 1 thru 4 inclusive, S½N½, S½;
Sec. 6, Lots 1 thru 7 inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, Lots 1 thru 4 inclusive, E½, E½W½;
Sec. 8, All;
Sec. 9, All;
Sec. 10, NE¼, S½NW¼, S½;
Sec. 11, All;
Sec. 12, All;
Sec. 13, All;
Sec. 14, All;
Sec. 15, All;
Sec. 17, All;
Sec. 18, Lots 1 thru 4 inclusive, E½, E½W½;
Sec. 19, Lots 1 thru 4 inclusive, E½, E½W½;
Sec. 20, All;
Sec. 21, All;
Sec. 22, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, All;
Sec. 26, All;
Sec. 27, All;
Sec. 28, All;
Sec. 29, All;
Sec. 30, Lots 1 thru 4 inclusive, E½, E½W½;
Sec. 34, NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 35, All:

Containing 137,369.23 (±) acres of which 110,514.16 (±) acres are in Harney County and 26,855.07 (±) acres are in Malheur County, Oregon.

In exchange for all or some of the land above the United States will acquire all or some of the following described land from the State of Oregon:

Willamette Meridian

T. 18 S., R. 34 E.,
Sec. 30, NE¼NE¼, NW¼NW¼, S½N½, S½.

T. 19 S., R. 31 E.,
Sec. 36, W½.

T. 19 S., R. 33½ E.,
Sec. 30, NE¼NW¼, W½W½.

T. 19 S., R. 34 E.,
Sec. 16, All;
Sec. 36, All.

T. 19 S., R. 35 E.,
Sec. 16, NE¼NE¼, W½SW¼.

T. 19 S., R. 36 E.,
Sec. 36, All.

T. 20 S., R. 33½ E.,
Sec. 36, S½NE¼, NW¼NW¼, S½NW¼, S½.

T. 20 S., R. 34 E.,
Sec. 16, N½, SW¼, S½SE¼;
Sec. 36, SE¼NE¼.

T. 21 S., R. 26 E.,
Sec. 36, N½.

T. 21 S., R. 29 E.,
Sec. 16, All.

T. 21 S., R. 31 E.,
Sec. 16, N½, SW¼, W½SE¼.

T. 21 S., R. 32½ E.,
Sec. 36, SW¼NE¼, SW¼NW¼, NW¼SW¼, NW¼SE¼.

T. 21 S., R. 33 E.,
Sec. 16, N½NE¼, W½, SE¼;
Sec. 28, SW¼;
Sec. 33, NW¼;
Sec. 35, N½NE¼, SE¼NE¼, NE¼SW¼, SE¼.

T. 21 S., R. 34 E.,
Sec. 16, E½E½, E½NW¼, NE¼SW¼, SW¼SW¼.

T. 22 S., R. 24 E.,
Sec. 36, All.

T. 22 S., R. 25 E.,
Sec. 16, All;
Sec. 17, S½SW¼;
Sec. 18, Lots 3, 4, E½SW¼, SE¼;
Sec. 19, Lot 1, N½NE¼, NE¼NW¼;
Sec. 20, N½NW¼.

T. 22 S., R. 27 E.,
Sec. 36, All.

T. 22 S., R. 29 E.,
Sec. 16, All.

T. 22 S., R. 32½ E.,
Sec. 16, N½, SW¼.

T. 22 S., R. 33 E.,
Sec. 14, W½NW¼, N½SW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 16, N½, N½S½, S½SE¼;
Sec. 17, SW¼NE¼, N½SE¼, N½SE¼, SE¼SE¼;
Sec. 30, NW¼;
Sec. 36, All.

T. 22 S., R. E.,
Sec. 15, S½;
Sec. 16, S½NE¼, SW¼SW¼, E½SW¼, SE¼;
Sec. 20, SE¼NE¼, SE¼SW¼, SE¼;
Sec. 21, All;
Sec. 22, W½;
Sec. 27, N½NW¼, SW¼NW¼;
Sec. 28, N½NE¼, SE¼NE¼, SE¼SW¼;
Sec. 29, NW¼NE¼, N½NW¼.

T. 23 S., R. 23 E.,
Sec. 36, All.

T. 23 S., R. 25 E.,
Sec. 29, W½SW¼;
Sec. 32, N½NW¼;
Sec. 36, W½, SE¼.

T. 23 S., R. 26 E.,
Sec. 36, W½SW¼, SE¼SW¼, SW¼SE¼.

T. 23 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.

T. 23 S., R. 29 E.,
Sec. 16, All;
Sec. 36, N½, N½S½, SW¼SW¼, S½SE¼.

T. 23 S., R. 34 E.,
Sec. 6, Lot 7, SE¼ NW¼, E½SW¼;
Sec. 36, All.

T. 23 S., R. 35 E.,
Sec. 16, E½, E½W½, SW¼NW¼, W½SW¼.

T. 23 S., R. 36 E.,
Sec. 36, All.

T. 23 S., R. 37 E.,
Sec. 31, N½, N½S½, SE¼SW¼, S½SE¼.

T. 24 S., R. 24 E.,
Sec. 36, All.

T. 24 S., R. 25 E.,
Sec. 36, All.

T. 24 S., R. 26 E.,
Sec. 16, All;
Sec. 18, Lots 1 thru 4 inclusive, E½, E½W½;
Sec. 36, S½.

T. 24 S., R. 27 E.,
Sec. 36, NE¼NE¼, SW¼NW¼, W½SW¼.

T. 24 S., R. 28 E.,
Sec. 36, All.

T. 24 S., R. 29 E.,
Sec. 36, All.

T. 24 S., R. 36 E.,
Sec. 36, NE¼, E½NW¼.

T. 24 S., R. 37 E.,
Sec. 6, NE¼NE¼.

T. 25 S., R. 24 E.,
Sec. 36, All.

T. 25 S., R. 25 E.,
Sec. 16, All;
Sec. 36, All.

T. 25 S., R. 26 E.,
Sec. 16, All;
Sec. 36, N½, SW¼.

T. 25 S., R. 28 E.,
Sec. 19, Lot 5;
Sec. 20, Lot 1;
Sec. 30, Lots 1, 2, 3.

T. 25 S., R. 30 E.,
Sec. 16, NW¼SE¼.

T. 25 S., R. 34 E.,
Sec. 22, E½.

T. 26 S., R. 23 E.,
Sec. 16, All;
Sec. 36, W½NE¼, NW¼, S½.
T. 26 S., R. 26 E.,
Sec. 3, SW¼SE¼;
Sec. 10, NW¼NE¼, N½NW¼;
Sec. 16, All;
Sec. 36, N½, N½S½.
T. 26 S., R. 27 E.,
Sec. 11, SW¼SE¼;
Sec. 14, N½NW¼;
Sec. 16, N½, SE¼.
T. 26 S., R. 34 E.,
Sec. 21, N½NE¼, SW¼NE¼, NW¼, NW¼SE¼.
T. 26 S., R. 35 E.,
Sec. 16, E½E½, W½SW¼;
Sec. 27, SW¼, NW¼SE¼;
Sec. 34, N½NW¼, SE¼NW¼.
T. 27 S., R. 23 E.,
Sec. 16, All.
T. 27 S., R. 26 E.,
Sec. 16, All;
Sec. 36, All.
T. 27 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 27 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 27 S., R. 29 E.,
Sec. 36, SE¼NE¼, SE¼.
T. 27 S., R. 30 E.,
Sec. 23, S½NE¼.
T. 28 S., R. 26 E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 27 E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 29 E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 29½ E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 29¾ E.,
Sec. 36, All.
T. 28 S., R. 30 E.,
Sec. 16, All;
Sec. 36, All.
T. 28 S., R. 31 E.,
Sec. 36, SE¼NE¼, NE¼SE¼.
T. 28 S., R. 32 E.,
Sec. 16, W½.
T. 28 S., R. 33 E.,
Sec. 16, NE¼NE¼;
Sec. 17, W½NW¼;
Sec. 18, N½NW¼.
T. 28 S., R. 34 E.,
Sec. 36, All.
T. 29 S., R. 28 E.,
Sec. 16, All;
Sec. 36, All.
T. 29 S., R. 29 E.,
Sec. 16, All;
Sec. 36, All.
T. 29 S., R. 29½ E.,
Sec. 16, All;
Sec. 36, N½, SW¼, N½SE¼, SW¼SE¼.
T. 29 S., R. 29¾ E.,
Sec. 36, All.
T. 29 S., R. 30 E.,
Sec. 16, All.
T. 29 S., R. 31 E.,
Sec. 16, All.
T. 29 S., R. 33 E.,
Sec. 2, S½NW¼, N½SW¼;
Sec. 3, NE¼;
Sec. 36, NE¼, N½NW¼.
T. 29 S., R. 34 E.,
Sec. 16, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 36, SE¼NE¼.
T. 29 S., R. 35 E.,
Sec. 9, NW¼SE¼;
Sec. 16, S½NE¼, NW¼, S½;
Sec. 36, N½.
T. 29 S., R. 36 E.,
Sec. 16, All;
Sec. 36, All.
T. 30 S., R. 29 E.,
Sec. 16, All;
Sec. 36, All.
T. 30 S., R. 29½ E.,
Sec. 16, All;
Sec. 36, All.
T. 30 S., R. 29¾ E.,
Sec. 36, All.
T. 30 S., R. 31 E.,
Sec. 36, All.
T. 30 S., R. 32 E.,
Sec. 16, All;
Sec. 34, SE¼NE¼, E½SE¼;
Sec. 35, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 36, E½, E½W½, W½SW¼.
T. 30 S., R. 33 E.,
Sec. 16, N½NE¼, SE¼NE¼.
T. 30 S., R. 34 E.,
Sec. 16, W½E½, NW¼.
T. 30 S., R. 36 E.,
Sec. 16, All;
Sec. 36, All.
T. 30½ S., R. 34 E.,
Sec. 28, SW¼, W½SE¼;
Sec. 29, SE¼;
Sec. 32, N½NE¼;
Sec. 33, N½N½, SW¼NW¼.
T. 31 S., R. 29 E.,
Sec. 16, W½NE¼, NW¼, NW¼SW¼, NW¼SE¼;
Sec. 36, All.
T. 31 S., R. 30 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 S., R. 31 E.,
Sec. 16, N½N½, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 36, Lots 1 thru 1 inclusive, W½, W½E½.
T. 31 S., R. 32 E.,
Sec. 16, All.
T. 31 S., R. 32½ E.,
Sec. 16, NE¼NE¼, SW¼NE¼, SE¼;
Sec. 36, W½E½, W½.
T. 31 S., R. 32¾ E.,
Sec. 16, All.
T. 31 S., R. 33 E.,
Sec. 18, SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, W½NE¼, SE¼, NE¼, NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 31 S., R. 34 E.,
Sec. 36, All.
T. 31 S., R. 35 E.,
Sec. 16, E½, E½W½;
Sec. 36, All.
T. 31 S., R. 36 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 29 E.,
Sec. 16, All.
T. 32 S., R. 30 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 31 E.,
Sec. 16, All;
Sec. 36, Lots 1 thru 7 inclusive, NW¼, N½SW¼, W½NE¼, NW¼SE¼.
T. 32 S., R. 32 E.,
Sec. 36, S½N½, S½.
T. 32 S., R. 32½ E.,
Sec. 16, All;
Sec. 36, W½E½, W½.
T. 32 S., R. 35 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 35 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 36 E.,
Sec. 16, All;
Sec. 36, All.
T. 32 S., R. 37 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 S., R. 29 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 S, R. 31 E.,
Sec. 24, W½, W½SE¼.
T. 33 S., R. 32 E.,
Sec. 16, All;
Sec. 36, NE¼, N½SE¼, SE¼SE¼.
T. 33 S., R. 32½ E.,
Sec. 16, NW¼NW¼.
T. 33 S., R. 32¾ E.,
Sec. 36, NE¼, N½NW¼, SW¼, S½SE¼.
T. 33 S., R. 33 E.,
Sec. 16, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 36, Lots 1 thru 4 inclusive, W½.
T. 33 S., R. 35 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 S., R. 36 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 S., R. 37 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 S., R. 38 E.,
Sec. 16, All.
T. 34 S., R. 29 E.,
Sec. 16, All;
Sec. 36, All.
T. 34 S., R. 32 E.,
Sec. 16, All;
Sec. 36, All.
T. 34 S., R. 32½ E.,
Sec. 16, All;
Sec. 36, All.
T. 34 S., R. 32¾ E.,
Sec. 36, W½.
T. 34 S., R. 33 E.,
Sec. 36, All.
T. 34 S., R. 34 E.,
Sec. 36, All.
T. 34 S., R. 35 E.,
Sec. 16, All;
Sec. 36, All.
T. 34 S., R. 36 E.,
Sec. 16, All.
T. 34 S., R. 37 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 S., R. 29 E.,

Sec. 16, All.
T. 35 S., R. 30 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 S., R. 32½ E.,
Sec. 16, S½.
T. 35 S., R. 32¾ E.,
Sec. 16, NW¼, S½;
Sec. 36, All.
T. 35 S., R. 33 E.,
Sec. 16, All;
Sec. 36, E½.
T. 35 S., R. 34 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 S., R. 35 E.,
Sec. 16, All.
T. 35½ S., R. 32¾ E.,
Sec. 36, All.
T. 36 S., R. 31 E.,
Sec. 16, All.
T. 36 S., R. 32 E.,
Sec. 16, All;
Sec. 36, All.
T. 36 S., R. 32½ E.,
Sec. 36, All.
T. 36 S., R. 32¾ E.,
Sec. 36, NE¼, S½NW¼, S½.
T. 36 S., R. 33 E.,
Sec. 16, NE¼NE¼, W½NW¼, W½SW¼, SE¼SW¼.
T. 36 S., R. 34 E.,
Sec. 16, S½;
Sec. 36, All.
T. 36 S., R. 35 E.,
Sec. 16, All.
T. 37 S., R. 31 E.,
Sec. 16, All;
Sec. 36, All.
T. 37 S., R. 32 E.,
Sec. 16, All;
Sec. 36, All.
T. 37 S., R. 32½ E.,
Sec. 16, All;
Sec. 36, S½.
T. 37 S., R. 32¾ E.,
Sec. 16, All;
Sec. 36, S½.
T. 37 S., R. 33 E.,
Sec. 36, E½.
T. 37 S., R. 34 E.,
Sec. 16, All;
Sec. 36, W½.
T. 38 S., R. 31 E.,
Sec. 16, All;
Sec. 36, All.
T. 38 S., R. 32 E.,
Sec. 16, Lots 1 thru 4 inclusive, S½;
Sec. 36, Lots 1 thru 4 inclusive, N½, N½S½.
T. 38 S., R. 33 E.,
Sec. 16, Lots 1 thru 4 inclusive, S½;
Sec. 36, N½.
T. 38 S., R. 34 E.,
Sec. 16, Lots 1 thru 4 inclusive, S½;
Sec. 36, All.
T. 38 S., R. 35 E.,
Sec. 16, Lots 1 thru 4 inclusive, SW¼, N½SE¼, SW¼SE¼;
Sec. 36, All.
T. 38 S., R. 36 E.,
Sec. 16, lots 1 thru 4 inclusive, S½;
Sec. 36, all;
T. 39 S., R. 31 E.,
Sec. 16, all;
Sec. 36, lots 1 thru 4 inclusive, W½, W½E½.
T. 39 S., R. 32 E.,
Sec. 16, all;
Sec. 36, lots 1 thru 4 inclusive, W½, W½E½.
T. 39 S., R. 33 E.,
Sec. 16, all;
Sec. 36, lots 1 thru 4 inclusive, W½, W½E½.
T. 39 S., R. 34 E.,
Sec. 16, NE¼NE¼, S½NE¼, W½NW¼, S½;
Sec. 36, all,
T. 39 S., R. 35 E.,
Sec. 16, all.
T. 39 S., R. 36 E.,
Sec. 16, all;
Sec. 36, all.
T. 39 S., R. 37 E.,
Sec. 36, NE¼, NE¼NW¼, NW¼SW¼, S½SW¼, E½SE¼.
T. 40 S., R. 31 E.,
Sec. 36, all.
T. 40 S., R. 32 E.,
Sec. 16, all;
Sec. 36, all.
T. 40 S., R. 33 E.,
Sec. 16, all;
Sec. 36, all.
T. 40 S., R. 34 E.,
Sec. 16, all;
Sec. 36, all.
T. 40 S., R. 36 E.,
Sec. 16, E½;
Sec. 36, N½, N½SW¼, SE¼.SW¼, SE¼.
T. 40 S., R. 37 E.,
Sec. 36, W½W½.
T. 40 S., R. 38 E.,
Sec. 16, N½, SW¼, N½SE¼, SE¼SE¼.
T. 41 S., R. 32 E.,
Sec. 16, all.
T. 41 S., R. 33 E.,
Sec. 16, all.
T. 41 S., R. 34 E.,
Sec. 16, all.
T. 41 S., R. 36 E.,
Sec. 16, all.
T. 41 S., R. 37 E.,
Sec. 16, N½, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 41 S., R. 38 E.,
Sec. 16, all.

Containing 140,310.69 (±) acres of which 135,190.69 (±) acres are in Harney County and 5,120 (±) acres are in Malheur County, Oregon.

The purpose of the exhange is to facilitate the resource management program of the Bureau of Land Management and to improve the resource base, through consolidation of scattered tracts of the Oregon State Lands Division. The Public Lands to be exchanged are composed of two large blocks on the east and west side of the District whereas the State lands to be exchanged are comprised of many scattered sections which lie over much of the District. The State intends to manage the lands for income generation through livestock production and the overall benefit of the people of Oregon.

The State land to be conveyed to the Federal Government has important wildlife habitat, scenic, botanic, and recreation resources as well as many tracts which fall within the boundaries of proposed Wilderness Study Areas. These lands will be managed mainly for multiple use and/or for wilderness dependent upon the designated uses of the existing Federal land around them.

The fair market value of the lands involved will be the basis for the ultimate adjustment of acreages which will be adjusted to bring the values as close as possible. Full equalization of values will be achieved by payment to one party or the other of funds in the amount not to exceed 25% of the total value of the public land to be transferred.

It is planned that the exchange will, for the most part, be for the entire fee estate, with a minimum of reservations—this is, however, still being negotiated at this time.

The public lands will be subject to the following terms and conditions.

1. Valid, existing rights including any right-of-way, easement, or lease of record.

2. A reservation to the US for rights-for-ways for ditches and canals under the Act of August 30, 1890.

3. Access, where needed, to other Federal lands.

Publication of this notice in the **Federal Register** segregates the public lands, described above, from appropriation under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange, is available for review at the Burns District Office, 74 South Alvord, Burns, Oregon 97720.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Burns District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Joshua L. Warburton,

District Manager.

[FR Doc. 83-4425 Filed 2-23-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert Conservation Area Plan: 1983 Review

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Bureau of Land Management is initiating the 1983 Review of the California Desert Conservation Area Plan in accordance with the amendment procedures outlined in Chapter 7 of that Plan. The purpose of this review is to consider the need for possible amendments to the Plan based on requests from individuals, public and private organizations, and the Bureau's own observations.

DATES: Proposed amendments are being accepted from the public until April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: Requests for amendments or changes in the California Desert Plan are now being solicited from public agencies and interested individuals and organizations. Supporting rationale should be provided for each proposed change. The requests will be considered in light of the following criteria:

(1) Is the proposed amendment based on new data not considered when the plan was developed?

(2) Does the information represent a change in legal or regulatory mandate?

(3) Is the supporting detail sufficient and the problem clearly stated so that the request can be considered?

(4) Does the information represent a formal change in State or local government or agency plans?

Organizations or individuals who propose three or more amendments should rank their requests according to relative importance to the proponent.

The type of amendments proposed will determine the issues to be considered in the review. Previous amendment reviews have considered a variety of issues, including recreation, archaeology, livestock grazing, mining and wilderness. The composition of the interdisciplinary team will be determined by the nature of the issues which arise.

The California Desert District Advisory Council will review the suggested amendments at its public meeting on May 19 to 21, 1983 in Palm Springs, California. This meeting will serve as the public scoping meeting for the environmental document to be prepared on the amendments.

Please send your comments and proposals to the following address by April 15, 1983: 1983 Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507, (714) 351–6394.

Dated: February 24, 1983.

H. W. Riecken,

Associate District Manager.

[FR Doc. 83–4580 Filed 2–23–83; 8:45 am]

BILLING CODE 4301–84–M

[M 46145]

Montana; Conveyance and Order Providing for Opening of Public Lands

February 15, 1983.

Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the surface estate only in the following described land has been conveyed to the Sky Hook Ranch, Roundup, Montana:

Principal Meridian, Montana

T. 12 N., R., 25 E.,
Sec. 25, S½.
T. 12 N., R., 26 E.,
Sec. 30, Lot 4, SE¼SW¼ and S½SE¼;
Sec. 31, N½NE¼ and SE¼SE¼; and
Sec. 32, WEST 440 feet of the E½NW¼, and W½NW¼.

Aggregating 702.15 acres.

In exchange for the above land, the United States acquired the surface estate only in the following described land in Petroleum County, Montana:

Principal Meridian, Montana

T. 12 N., R., 25 E.,
Sec. 1, Lots, 1 through 4, incl., and S½NW¼; and
Sec. 2, Lot 1 and SE¼NE¼.
T. 13 N., R., 25 E.,
Sec. 34, N½SE¼, NE¼SW¼ and S½S½; and
Sec. 35, S½S½.
T. 12 N., R. 26 E.,
Sec. 5, Lots 3 and 4; and
Sec. 6, Lots 1 through 4, incl.

Aggregating 966.02 acres.

This order restores the land acquired by the United States to the operation of the public land laws generally.

The lands are located approximately 14 miles southwest of Winnett, Montana, and are contiguous to a large block of public land. Topography is mostly broken drainages. Vegetation is native grasses. Historic and present use of the land is for grazing purposes.

At 8 a.m., on March 23, 1983, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications receive at or prior to 8 am., on March 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Ronald L. Bartley,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83–4585 Filed 2–23–83; 8:45 am]

BILLING CODE 4310–84–M

Salt Lake District, Utah; Grazing Advisory Board Notice

February 11, 1983.

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Salt Lake District Grazing Advisory Board will be held on March 21, 1983. The meeting will begin at 10 a.m. at the Bureau of Land Management Office at 2370 South 2300 West, Salt Lake City, Utah 84119.

The purpose of the meeting will be to:

(1) Develop strategy for implementing the Bureau's Range Improvement Maintenance Policy.

(2) Report on FY–82 and FY–83 project work.

(3) Discuss the grazing fee study.

(4) Other business.

Persons wishing to attend are requested to notify Frank Olsen by March 7, 1983.

Frank W. Snell,

District Manager.

[FR Doc. 83–4586 Filed 2–23–83; 8:45 am]

BILLING CODE 4310–84–M

Wyoming-Utah; Availability of Final Environmental Impact Statement for the Frontier Pipeline Project

AGENCY: Rawlins District Office, Rawlins, Wyoming, Interior.

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management, U.S. Department of the Interior, has prepared a Final Environmental Impact Statement (FEIS) for the Frontier Pipeline Project. Copies of the FEIS have been made available for public review and comment. Frontier Pipeline Company has proposed construction of 288 miles of common carrier pipeline (and related facilities) from the eastern edge of Summit County, Utah, through Uinta, Sweetwater, Fremont, Carbon, and Natrona counties in Wyoming, to existing pipeline distribution points in Casper, Wyoming. The final environmental impact

statement analyzes environmental impacts of the proposal (including social and economic impacts) in addition to various alignment alternatives for certain segments of the route. All comments received during the public review period for the draft environmental impact statement were considered. Those comments which raised questions or issues concerning the effects of the proposed action or alternatives, presented new data, or questioned the analysis or conclusions were responded to in the final EIS.

DATES: The final environmental impact statement (FEIS) will be available on or before February 25, 1983. Written comments on the FEIS will be accepted until March 27, 1983. It is anticipated that a decision on this action will be made shortly after the conclusion of the comment period.

ADDRESSES: Written comments on the final environmental impact statement should be sent to the District Manager, Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming 82301. The final environmental impact statement is available for inspection at the following locations: Rawlins District Office, 1300 Third Street, Rawlins, Wyoming; Kemmerer Resource Area Office, U.S. Highway 30, Diamondville, Wyoming; Rock Springs District Office, Highway 187 North, Rock Springs, Wyoming; Lander Resource Area, Jett Building, Highway 287 South, Lander, Wyoming; Casper District Office, 951 Rancho Road, Casper, Wyoming; Wyoming State Office, 2515 Warren Avenue, Cheyenne, Wyoming; or Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mike Karbs or Kirby Boldan, Rawlins District Office, Bosx 670, Rawlins, Wyoming 82301, Telephone (307) 324–7171.

David J. Walter,

District Manager.

[FR Doc. 83–4569 Filed 2–23–83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202–395–7340.

Title: Survey Contact Card (Provides names and addresses of waterfowl hunters to aid the Service in determining the magnitude and distribution of waterfowl harvests).

Bureau Form Number: 3–1823
Frequency: Annually
Description of Respondents: Waterfowl hunters
Annual Responses: 90,000
Annual Burden Hours: 7,500
Service Clearance Officer: Arthur J. Ferguson, 202–653–7499

Don W. Minnich,

Acting Associate Director—Wildlife Resources.

February 15, 1983.

[FR Doc. 83–4567 Filed 2–23–83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0577, Block 208, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the MInerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federa! Regulations.

Dated: February 16, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–4564 Filed 2–23–83; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Receipt of Complete Petition for Designation of Lands as Unsuitable for Surface Coal Mining Operations; Colorado

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of receipt of a complete petition for designation of lands as unsuitable for surface coal mining operations and request for comments.

SUMMARY: Notice is given that the Office of Surface Mining Reclamation and Enforcement (OSM) has received a petition to designate certain Federal lands in Adams County, Colorado, as unsuitable for surface coal mining operations, pursuant to Section 522 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272). Interested persons are requested to submit relevant information and comment on the issues raised in the petition.

DATE: Information on which to base analyses of the issues raised by the petitioner is being sought from all interested parties. In order to be considered in a timely manner, comments should be received by March 28, 1983, or as soon as possible thereafter.

ADDRESS: Comments should be sent to: Office of Surface Mining, Western Technical Center, Attn: Charles Albrecht, Brooks Towers, 2d floor, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht at the address listed above. Telephone: (303) 837–5656 or FTS 327–5656.

SUPPLEMENTARY INFORMATION: Under Section 522 of the Surface Mining Control and Reclamation Act of 1977 (Act) and its implementing regulations, persons with interests which are or may be adversely affected by surface coal mining operations may petition OSM to have an area of Federal land designated as unsuitable for all or certain types of

mining. The petitioners allege that surface mining would be incompatible with Adams County land use plans and programs. In support of this allegation, the petitioners have presented numerous studies and reports, including the decision on rezoning, the Adams County Airport masterplan, and the county petition on condemnation. The petition was received by OSM on January 14, 1983, and was determined to be complete on February 11, 1983. The petition for Federal lands will be processed by OSM in accordance with the procedures as set forth in 30 CFR Part 769.

The following describes the petitioners and the land involved:

Petitioners: Front Range Airport Authority/Board of Adams County Commissioners

State: Colorado

County: Adams

The petition area (160 acres) comprises NW¼, sec. 14, T. 3 S., R. 64 W., 6th principal meridian.

A review of the Federal land area's suitability for mining will be undertaken by OSM. Factual information such as coal resource data will be supplied by the Bureau of Land Management (formerly the Minerals Management Service). In addition, the Bureau of Land Management, as the surface managing agency, will make recommendations on the petition. A decision on the petition will be made on or before January 13, 1984.

Copies of the petition may be obtained upon request from OSM at the address listed above. The public record on the petition is available for public review during normal working hours at the OSM office listed above.

After reviewing and analyzing available information, OSM will issue a draft evaluation document which will be available for public review. This will be followed by a public hearing held near the area covered by the petition. The time and place of the hearing will be announced at a later date.

After completion of the analyses and public hearing, the Department of the Interior may designate the area or a portion thereof as unsuitable for all or certain types of surface coal mining operations. The Department may also decline to designate all or part of the area as unsuitable.

Dated: February 17, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-4679 Filed 2-23-83; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-88 (Final)]

Carbon Steel Wire Rod From Venezuela; Import Investigation

Determination

On the basis of the record[1] developed in the subject investigation, the Commission determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports from Venezuela of carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). Accordingly, pursuant to section 734(f)(3)(A) of the Act, the suspension agreement entered into by CVG-Siderurgica del Orinoco C.A. and the Department of Commerce shall have no force or effect and investigation No. 731-TA-88 (Final) is hereby terminated.

Background

The Commission instituted this investigation effective July 23, 1982, following a preliminary determination by the Department of Commerce that carbon steel wire rod from Venezuela is being sold or is likely to be sold in the United States at LTFV. Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on August 4, 1982 (47 F.R. 33815). The hearing was held in Washington, D.C., on September 23, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on February 11, 1983. A public version of the Commission's report, Carbon Steel Wire Rod from Venezuela (investigation No. 731-TA-88 (Final), USITC Publication 1338, 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW, Washington, D.C. 20436, telephone (202) 523-5178.

[1] The record is defined in 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

Issued: February 14, 1983.

By Order of The Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4700 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Caulking Guns; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 28, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Peter J. Chang, 9645 Gerwig Lane, P.O. Box 8, Columbia, Maryland 21046. A supplement to the complaint was filed on February 9, 1983. The complaint as supplemented (hereinafter "the complaint") alleges unfair methods of competition and unfair acts in the importation of certain caulking guns into the United States, or in their sale, by reason of alleged: (1) Direct infringement of claims 1-5 of U.S. Letters Patent 4,081,112; (2) passing off; (3) false advertising; and (4) misrepresentation of source and origin including failure to mark country of origin. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to prevent the establishment of an efficiently and economically operated domestic industry in the United States.

The complainant requests that the Commission institute an investigation and, after a temporary relief hearing on the non-patent allegations, issue both a temporary exclusion order, prohibiting importation of said articles into the United States except under bond, and a temporary cease and desist order. After a full investigation, complainant requests that the Commission issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in section 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission on February 17, 1983, Ordered That—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an

investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain caulking guns into the United States, or in their sale, by reason of alleged: (1) Direct infringement of the claims of U.S. Letters Patent 4,081,112; (2) passing off; (3) false advertising; and (4) violation of section 43(a) of the Lanham Act by reason of false designation of origin and source, the effect or tendency of which is to prevent the establishment of an efficiently and economically operated domestic industry in the United States;

(2) An investigation be made as to whether there is reason to believe that there is a violation of subsection (a) of section 337 with regard to the non-patent allegations of paragraph (1) above;

(3) For purposes of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is— Peter J. Chang, 9645 Gerwig Lane, P.O. Box 8, Columbia, Maryland 21046.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Thumb Enterprise Co., Ltd., 6th Floor, Taishin Bldg., No. 30, Sec. 2, Chi-Nan Rd., Taipei, Taiwan
Winmax, Inc., P.O. Box 53–422, Taipei, Taiwan
Fuerza International Co., Ltd., 141–1 Hoping Rd., Luchou Hsiang, Taipei-Hsien, Taiwan
Taiwan Seven Rings Ind. Co., Ltd., P.O. Box 30–422, Taipei, Taiwan
Viva International Corp., 11 4th Floor, NCR Bldg., P.O. Box 13–361, 955 Tun Hwa Rd., Taipei, Taiwan
C&B Brothers Co., Ltd., P.O. Box 84–363, Taipei, Taiwan
D&W Industrial Co., Ltd., P.O. Box 27–93, Taichung, Taiwan
Kukje Corp., CPO Box 747, Seoul, Korea
Gray Marketing Group, Ltd., 4500 Cedros Avenue, P.O. Box 5216, Sherman Oaks, California 91413
AZCO, Inc., 2530 South Broadway, Los Angeles, California 90007
The Mega Group, Inc., 6001 Northwest 153rd Street, Miami Lakes, Florida 33014
SAV-ON-DRUGS, Inc., 1500 S. Anaheim Boulevard, P.O. Box 17, Anaheim, California 92805
Handy Dan, 7909 Fredericksburg Rd., San Antonio, Texas 78229
Lowe's Company, Inc., P.O. Box 111, North Wilsboro, North Carolina 28656
Chil Sung Ind. Co., 14–7 Dong Ja Dong, CPO Box 2772, Yongsanku, Seoul, Korea
Buseong Industrial Co., Ltd., 247–7 Sanok-Dong, Buk-Ku, Incheon, Korea
Donald Gray, 4500 Cedros Avenue, P.O. Box 5216, Sherman Oaks, California 91413
ARTCO Distributors, Inc., 111 W. Robinson Street, Orlando, Florida 32802
DMZ Offshore Services, 7600 N.W. 69th Street, Miami, Florida 33166
Handy Dan Home Improvement Center, Inc., 6915 E. Slauson Avenue, Los Angeles, California 90040
Great American Marketing, 17537 Devonshire Street, North Ridge, California 91325
Macklanburg-Duncan Company, 4041 N. Santa Fe, P.O. Box 25188, Oklahoma City, Oklahoma 73125.

(c) Jeffrey S. Neeley, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer. Pursuant to § 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Unfair Import Investigation Division, U.S. International Trade Commission, telephone 202–523–0115.

By order of the Commission.

Issued: February 17, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4702 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–124 (Preliminary)]

Fresh Potatoes From Canada

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: February 9, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of fresh or chilled round white potatoes, provided for in items 137.20, 137.21, 137.25, or 137.28 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. George Deyman, Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0481.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on February 9, 1983, on behalf of the Maine Potato Council, a trade association of Maine potato producers. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by March 28, 1983 (19 CFR 207.17).

Participation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the

Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of documents.—The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 13791, Apr. 1, 1982), serve a copy of the nonconfidential version of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

Written submissions.—Any person may submit to the Commission on or before March 9, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8, as amended by 47 FR 13791, Apr. 1, 1982).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on March 7, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George Deyman (202–523–0481), not later than March 3, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public inspection.—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 13791, Apr. 1, 1982, and 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: February 17, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4703 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-87 (Final)]

Seamless Steel Pipes and Tubes From Japan

Determinations

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from Japan of seamless heat-resisting steel pipes and tubes,[3] provided for in items 610.5206, 610.5208, 610.5229, or 610.5234 of the Tariff Schedules of the United States Annotated (TSUSA), which have been found by the Department of Commerce to be sold at less than fair value (LTFV).

In addition, the Commission determines [4] that an industry in the United States is materially injured by reason of imports from Japan of seamless stainless steel pipes and tubes,[3] provided for in TSUSA items 610.5205, 610.5229, or 610.5230, which have been found by Commerce to be sold at LTFV.

Background

The Commission instituted this investigation effective August 25, 1982, following preliminary determinations by the Department of Commerce that certain seamless steel pipes and tubes from Japan are being sold, or are likely to be sold, in the United States at LTFV.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notices in the **Federal Register** (47 FR 42847, Sept. 28, 1982, and 47 FR 47708, Oct. 27, 1982). The hearing was held in Washington, D.C. on January 12, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on February 14, 1983. A public version of the Commission's report, *Certain Seamless Steel Pipes and Tubes from Japan* (investigation No. 731–TA–87 (Final), USITC Publication 1347, 1983), contains the views of the Commissioners and information developed during the investigation.

Issued: February 14, 1983.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4704 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

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[1] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Stern dissenting.

[3] Excluding oil country tubular goods suitable for use as oil or gas well casing or tubing, oil or gas field drill pipe or oil or gas line pipe, all of the foregoing having a tensile strength of at least 95,000 pounds per square inch (psi) and a yield strength of at least 75,000 psi.

[4] Commissioner Stern determines only that there is a threat of material injury to an industry in the United States by reason of LTFV imports of seamless stainless steel pipes and tubes from Japan. Accordingly, pursuant to section 735(b)(4)(B) of the Tariff Act (19 U.S.C. 1673d(b)(4)(B)), Commissioner Stern further determines that she would have found material injury but for any suspension of liquidation of entries of this merchandise.

[332-153]

Monthly Report on Selected Steel Industry Data

AGENCY: International Trade Commission.

ACTION: At the request of the Subcommittee on Trade, Committee on

Ways and Means, U.S. House of Representatives, and in accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted investigation No. 332–153, for the purpose of gathering and compiling data on the U.S. steel industry from public sources and reporting such data to the Subcommittee on a monthly basis through December 1985. The monthly reports will include data on steel production and shipments, imports, exports, apparent consumption, market shares, prices, and employment.

EFFECTIVE DATE: February 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Avery, Minerals and Metals Division, Office of Industries, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202–523–0342).

Issued: February 17, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4706 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731–TA–95 (Final)]

Stainless Steel Sheet and Strip From France; Import Investigation

AGENCY: International Trade Commission.

ACTION: Rescheduling of the hearing to be held in connection with the subject investigation.

EFFECTIVE DATE: February 10, 1983.

SUMMARY: As a result of the extension by the United States Department of Commerce of its investigations involving stainless steel sheet and strip from France (48 FR 1529, January 13, 1983), the United States International Trade Commission hereby gives notice that its hearing scheduled for March 3, 1983 in connection with the subject investigation (48 FR 539), is rescheduled for May 4, 1983. Other dates specified in 48 FR 539, such as those for the prehearing conference and for the submission of briefs, are also rescheduled as indicated below.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Vastagh (202–523–0283), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On June 17, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly LTFV imports of stainless steel and strip from France. The preliminary investigation was instituted in response to a petition filed on May 10, 1982, by members of the Tool & Stainless Steel Industry Committee (since renamed: Specialty Steel Industry of the United States), and the United Steelworkers of America.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, Feb. 10, 1982), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to section 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, Feb. 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on April 21, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a joint hearing in connection with this investigation and with Inv. 731–TA–92 (Final), Stainless Steel and Strip from the Federal Republic of Germany, beginning at 10:00 a.m. on May 4, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 12, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on April 20, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 29, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials, relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, Feb. 10, 1982) and must be submitted not later than the close of business on May 12, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 12, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6186, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 6186, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

Issued: Feburary 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4707 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-92 (Final)]

Stainless Steel Sheet and Strip From Germany; Import Investigation

AGENCY: International Trade Commission.

ACTION: Rescheduling of the hearing to be held in connection with the subject investigation.

EFFECTIVE DATE: February 10, 1982.

SUMMARY: As a result of the extension by the United States Department of Commerce of its investigations involving stainless steel sheet and strip from the Federal Republic of Germany (48 FR 4864, February 3, 1983), the United States International Trade Commission hereby gives notice that its hearing scheduled for March 3, 1983 in connection with the subject investigation (48 FR 538), is rescheduled for May 4, 1983. Other dates specified in 48 FR 538, such as those for the prehearing conference and for the submission of briefs, are also rescheduled as indicated below.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Vastagh (202-523-0283), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On June 2, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly LTFV imports of stainless steel and strip from the Federal Republic of Germany. The preliminary investigation was instituted in response to a petition filed on April 26, 1982, by members of the Tool & Stainless Steel Industry Committee (since renamed: Specialty Steel Industry of the United States), and the United Steelworkers of America.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, Feb. 10, 1982), not later than 21 days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to section 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, Feb. 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR § 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on April 21, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a joint hearing in connection with this investigation and with Inv. 731-TA-95 (Final), Stainless steel and Strip from France, beginning at 10:00 a.m. on May 4, 1983, at the U.S. International Trade Commisison Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the secretary to the Commisison not later than the close of business (5:15 p.m.) on April 12, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on April 20, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 29, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, Feb. 10, 1982) and must be submitted not later than the close of business on May 12, 1983.

Written submissions.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 12, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, Feb. 10, 1982, and 47 FR 13791, Apr. 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procecure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 6190, Feb. 10, 1982, and 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 6188, Feb. 10, 1982; 47 FR 13791, Apr. 1, 1982; and 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to section 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, Feb. 10, 1982).

By order of the Commission.

Issued: February 15, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4708 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Textile Spinning Frames and Automatic Doffers Therefor; Termination of Two Respondents by Summary Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has affirmed an initial determination that granted a motion for summary judgment that respondents Schubert & Salzer Machinenfabrik A.G. and Schubert & Salzer Machine Works (S & S) have not as a matter of law violated section 337, and terminated the investigation with respect to such respondents.

Authority: The authority for Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in section 210.56 of the Commission's Rules of Practice and Procedure (47 FR 25134 - (June 10, 1982); to be codified at 19 CFR 210.56).

SUPPLEMENTARY INFORMATION: The initial determination was issued in response to a motion for summary determination and termination as to the S & S respondents on the grounds that S & S had not sold, or engaged in contracts to sell, the allegedly infringing equipment in the past and that they did not intend to do so in the future. On October 19, 1982, the Commission self-initiated review of the initial determination regarding certain legal issues and published notice thereof in the **Federal Register**. The S & S respondents and the Commission investigative attorney filed reply briefs supporting adoption of the presiding officer's initial determination. On February 10, 1983, the Commission affirmed the initial determination and terminated the investigation with respect to those respondents.

Copies of the presiding officer's initial determination, the Commission Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Sheila Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

Issued: February 14, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4705 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-137]

Certain Heavy-Duty Staple Gun Tackers; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 7, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Arrow Fastener Co., Inc., 271 Mayhill St., Saddle Brook, N.J. 07662. The complaint alleges unfair methods of competition and unfair acts in the importation of certain heavy-duty staple gun tackers into the United States, or in their sale, by reason of alleged (1) infringement of Arrow's common law trademark under section 43(a) of the Lanham Act, in the heavy-duty staple gun tacker, (2) passing off, and (3) infringement of Arrow's common law trademark under section 43(a) of the Lanham Act, in the pictorial of the heavy-duty staple gun tacker. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 2, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain heavy-duty staple gun tackers into the United States, or in their sale, by reason of alleged: (1) Infringement of Arrow's common law trademark under section 43(a) of the Lanham Act, in the heavy-duty staple gun tacker, (2) passing off, and (3) infringement of Arrow's common law trademark under section 43(a) of the Lanham Act, in the pictorial of the heavy-duty staple gun tacker. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Arrow Fastener Co., Inc., 271 Mayhill Street, Saddle Brook, N.J. 07662.

(b) The following respondents are alleged to be in violation of section 337, and are the parties upon which the complaint is to be served. The first five respondents listed below are alleged to be committing all three of the unfair methods of competition and unfair acts listed in paragraph (1) and the remaining respondents are alleged to be committing the first two of the unfair methods of competition and unfair acts listed in paragraph (1):

Test-Rite Products Corp., 1144 Clifton Ave., Clifton, N.J. 07013
Test-Rite Int'l (Taiwan) Ltd., 293 Chung Hsiao East Rd., 2nd Floor, Sec. 4, Taipei, Taiwan
Test-Rite Automotive Ltd., Room 1504, Star House, 3 Salisbury Rd., T.S.T., Kowloon, Hong Kong
Taiwan Royal United Int'l., 21-2 Ching-Cheng St., Taipei, Taiwan
Waverly Screw & Hardware, Inc., d.b.a. Lustre Line Products, Richmond & Norris Streets, Philadelphia, Pa. 19125
Chen Dah Machinery Ltd., 239 Hoping St., Taichung, Taiwan
Alltrade, Inc., 1728 Greenwood Ave., Montebello, Calif. 90640
Central Hardware Co., 111 Boulder Industrial, Bridgeton, Mo. 63044
The Handyman of California, d.b.a. The Handyman Hardware, 6666 Convoy Court, San Diego, Calif. 92111
Handyman Supply, Inc., d.b.a. The Handyman Hardware, 4417 Mahonig Ave. NW., Warren, Ohio 44483
Meijer Thrifty Acres, 2727 Walker NW., Grand Rapids, Mich. 49504
Dart Drug Corp., 3301 Pennsylvania Dr., Landover, Md. 20785
Menards, Inc., d.b.a. Menards Cashway Lumber, 4601 First Ave. SE., Cedar Rapids, Iowa 52403
Aco, Inc., 23333 Commerce Dr., Farmington Hills, Mich. 48024
Venture Stores, Inc., 615 N.W. Plaza, Lower Level, St. Ann, Mo. 63074
L. G. Distributors, Inc., d.b.a. L. G. Cook Distributors, 525 Ann St. NW., Grand Rapids, Mich. 49504
Fred Meyer, Inc., 3800 S. 22nd, Portland, Oreg.

Wal-Mart Stores, Inc., 702 SW. Eighth St., Bentonville, Ark. 72712
Ranch Wholesale Supply, Inc., d.b.a. Longmont Big R, 1515 Main Street, Longmont, Colo. 80501
Stop & Shop Companies, Inc., 393 D Street, Boston, Mass. 02110
Western Auto Supply, Inc., 2107 Grand Ave., Kansas City, Mo. 64108
Pep Boys—Manny, Moe, & Jack, 32nd & Allegheny, Philadelphia, Pa. 19132
Tractor Supply Co., 915 Murfreesboro Rd., Nashville, Tenn. 37217

(c) Robert S. Budoff, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Robert S. Budoff, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0113.

By order of the Commission.

Issued: February 17, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4690 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-102 (Final)]

Certain Radio Paging and Alerting Receiving Devices

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

EFFECTIVE DATE: February 1, 1983.

SUMMARY: As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Japan of certain radio paging and alerting receiving devices, provided for in items 685.24 and 685.70 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of Investigation No. 731–TA–102 (Final) under section 735(b) of the act (19 U.S.C 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. The Department of Commerce will make its final dumping determination in the case on or before June 11, 1983, and within 45 days of the Department of Commerce's determination the Commission will notify the Department of Commerce of its final injury determinations (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Bill Schechter, Investigator, Office of Investigations, U.S. International Trade Commission, telephone 202–523–0300.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 1982, the Commission notified the Department of Commerce that, on the basis of the information developed during the course of its preliminary investigation, there is a reasonable indication that an industry in the United States is threatened with material injury by reason of alleged LTFV imports of certain radio paging and alerting devices from Japan. The preliminary investigation was instituted in response to a petition filed on August 19, 1982, by counsel for Motorola, Inc., the largest domestic producer of radio paging and alerting receiving devices.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11, as amended by 47 FR 6189, February 10, 1982), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d), as amended by 47 FR 6189, February 10, 1982). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), amended by 47 FR 33682, August 4, 1982).

Staff report.—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on June 10, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on June 21, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 3, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on June 14, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 16, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, August 4,

1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Post hearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24, as amended by 47 FR 6191, February 10, 1982) and must be submitted not later than the close of business on March 8, 1983.

Written submission.—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 28, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 6188, February 10, 1982, and 47 FR 13791, April 1, 1982). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 6190, February 10, 1982, and 47 FR 33682, August 4, 1982), and part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 6188, February 10, 1982; 47 FR 13791, April 1, 1982; and 47 FR 33682, August 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 47 FR 6190, February 10, 1982).

Issued: February 18, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-4697 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on March 14, 1983 in Room 201, Waterfront Center, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing on temporary relief will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register.**

Issued: February 17, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83-4698 Filed 2-23-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find: Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 1 at 202-275-7992.

Volume No. OP1 FC-85.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81160. By decision of February 15, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to TRANSPORTS R.P.R., INC., Cowansville, Quebec, Canada, of Permits No. MC-135341 Subs 1, 3 and 5, issued December 10, 1971, May 14, 1973 and June 7, 1973, respectively, to MAGOG EXPRESS, INC. (Blais, Fortier, Touche, Ross, Ltee, Trustee in Bankruptcy), of Magog, Quebec, Canada, authorizing the transportation of magazines and periodicals, from ports of entry on the United States-Canada Boundary line at or near Derby Line and Highgate Springs, VT, to springfield, MA, and Bridgeport, CT, and pallets, from the above-described destination points, to the above described origin points, under continuing contract(s) with Imprimerie Montreal Offset Printing, Inc., of Montreal, Quebec, Canada; limestone, in bags, from Canaan, CT, and Florence, VT, to ports of entry on the United States-Canada boundary line at or near Norton, Derby Line, Richford and Highgate Springs, VT, under continuing contract(s) with Armstrong Cork Canada Limited, of Montreal, Quebec, Canada; and magazines and periodicals, from ports of entry on the United States-Canada Boundary line at or near Derby Line and Highgate Springs, VT, to Boston, MA, Green Brook and Jersey City, NJ, New York and Troy, NY, and Philadelphia, PA, printing paper, from New York, NY, to ports of entry on the United States-Canada Boundary line at or near Derby Line and Highgate Springs, VT, and Book Covers, from Holyoke and

Springfield, MA, to ports of entry on the United States-Canada Boundary line at or near Derby Line and Highgate Springs, VT, under continuing contract(s) with Imprimerie Montreal Offset Printing, Inc., of Magog, Quebec, Canada, and Imprimerie Montreal Offset Printing, Inc., of Montreal, Quebec, Canada. An application for temporary authority has been filed. Transferee holds authority under MC–129849. Applicants' representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W., Washington, DC 20005.

For status, please call Team 2 at 202–275–7030.

Volume No. OP2–FC–873

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81027. By Decision of February 15, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, Review Board Number 3 approved the transfer to J–GEM Transportation, Inc., of Long Beach, CA, of Certificates No. MC–136322 (Sub-Nos. 12 and 21), issued February 16, and January 15, 1982, respectively, to BHY TRUCKING, INC., of South El Monte, CA, authorizing the transportation of (1)(a) *oilfield machinery, materials, equipment, and supplies,* (b) *mining and road building machinery and equipment* (except classes A and B explosives), (c) *structural steel, pipe, and well casings,* and (d) *used construction camp equipment,* which because of size or weight requires the use of special equipment, between points in CA and those in AZ within 250 miles of Wilmington, CA, on the one hand, and, on the other, points in AZ, AR, CO, KS, LA, NM, OK, and TX; and (2) *general commodities* (with specified exceptions), between Los Angeles and El Monte, CA, on the one hand, and, on the other, points in AZ, CA, and TX. Representative: Raymond P. Keigher, 401 East Jefferson St., Suite 102, Rockville, MD 20850, 301–424–2420.

Note.—(1) An application for temporary authority has been filed; and (2) Transferee is a carrier holding authority under MC–140268.

For status, please call Team 4 at 202–275–7669.

Volume No. OP4–FC–[illegible]

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–79957. By decision of February 10, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1161, Review Board Number 3 approved the transfer to NEW CONCEPT TRANSPORTATION, INC., of Gilbertsville, PA, of Certificate No. MC–135647 (Sub-No. 1), issued October 29, 1981 to ROBERT EMANUEL and MARGARET EMANUEL, d.b.a. EMANUEL'S EXPRESS, Kirklyn, PA, authorizing the transportation, for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the United States. Representative: Alan Kahn, 100 S. Broad St., Philadelphia, PA 19110.

Note.—The sole purpose of this republication is to reflect the authority to be transferred in Certificate No. MC–135647 (Sub-No. 1).

MC–FC–81178, filed January 20, 1983. By decision of February 15, 1983, issued under 49 U.S.C. 10926 and the Commission's transfer rules at 49 CFR 1161, Review Board Number 3 approved the transfer to KBC FREIGHTWAYS, INC., Burbank, IL, of Certificates and Permits issued in MC–15546 and all subs thereunder, to KIRCHWEHM BROS. CARTAGE CO., Chicago, IL, authorizing the transportation of (1) *general commodities* (with exceptions), (a) between points in the Chicago, IL commerical zone, and (b) between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, (2) *such commodities* as are dealt in or used by food, grocery and drug business houses, between points in the U.S., under continuing contract(s) with Procter & Gamble, Inc., of Cincinnati, OH; (3) *rubber and plastic products, pulp, paper and related products, and chemicals and related products,* between points in the U.S., under continuing contract(s) with BOF, Ltd. of Williamston, MI; (4) *food and related products,* between points in the U.S., under continuing contract(s) with Larsen Company of Green Bay, WI; (5) *such commodities* as are dealt in or used by grocery, drug, department, or chain stores, and food business houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Helene Curtis Industries, Inc. of Chicago, IL; and (6) general commodities (with exceptions), between points in the U.S. (except AK and HI), under continuing contract(s) with three named shippers and their subsidiaries. An application for temporary authority has been filed. Representative: James J. Jablonski, 10424 So. Kedzie Ave., Chicago, IL 60655, (312) 445–7300.

[FR Doc. 83–4698 Filed 2–23–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register**, December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules inder 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a

public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the for of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance.The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over routes as a motor common carrier of passengers are duly noted. Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–070

Decided: February 7, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

FF–653, filed January 19, 1983. Applicant: ADVANCE FORWARDERS, INC., P.O. Box 4067, Burlingame, CA 94010. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833–8884. *As a freight forwarder* in connection with the transportation of used household goods, unaccompanied baggage, and used automobiles, between points in the U.S.

MC 662 (Sub-44), filed January 11, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Visual Graphics Corporation, of Tamarac, FL.

MC 1222 (Sub-58), filed January 6, 1983. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth St., P.O. Box 7, Portsmouth, OH 45662. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, 502–223–6244. Transporting *metal products*, between Detroit, MI, on the one hand, and, on the other, points in IL, IN, KY, OH, TN, and WV.

MC 97642 (Sub-4), filed January 19, 1983. Applicant: YOUNG TRUCKING, INC., P.O. Box 9197, Corpus Christi, TX 78408. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437–1768. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., (except AK and HI).

MC 107002 (Sub-594), filed January 13, 1983. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. (601) 948–5711. Transporting general commodities (except classes A and B explosives, household goods and commodities in bulk), (1) between points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Jackson, Calhoun and Gulf Counties, FL, and AL, AR, LA, MS, and TN, and (2) between points in (1) above, on the one hand, and, on the other, points in the U.S., (except AK and HI).

MC 107012 (Sub-786), filed January 19, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Hills Department Stores, of Canton, MA.

MC 107012 (Sub-787), filed January 19, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transportating *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with E-Systems, Inc., of Dallas, TX.

MC 117792 (Sub-11), filed January 17, 1983. Applicant: J C. JACKSON, JR., d.b.a. FARM PRODUCTS CO., P.O. Box 189, East Prairie, MO 63845. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, (605) 335–1777. Transporting *food and related products*, between points in AL, AR, DE, FL, GA, IA, IL, IN, KY, LA, MI, MN, MO, MS, NC, NE, NY, OH, OK, PA, SC, TN, TX, VA, WI and WV.

MC 118142 (Sub-256), filed January 14, 1983. Applicant: M. BRUENGER & CO., 6250 North Broadway, Wichita, KS 67218. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202, (316) 265–2634. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AD and HI).

MC 125813 (Sub-27), filed January 11, 1983. Applicant: CRESSLER TRUCKING, INC., 691 Orrstown Rd., Shippensbury, PA 17257. Representative: John Wills Beach, 34 West Middle St., Gettysburg, PA 71325, 717–334–9121. Transporting *pulp, paper and related products*, between points in the U.S (except AK and HI).

MC 134783 (Sub-81), filed January 19, 1983. Applicant: DIRECT SERVICE, INC., P.O. Box 2481, Lubbock, TX 79408. Representative: Charles M. Williams, 1600 Sherman St., No. 665, Denver, CO 80203, 303–839–5856. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AD and HI).

MC 141603 (Sub-9), filed January 26, 1983. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT, INC., LTD., Suite E330, Atria North, 2255 Sheppard Ave., E., Willowdale, Ontario, Canada M2J 4Y1. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in Pennington and Kittson Counties, MN.

MC 141913 (Sub-5), filed January 17, 1983. Applicant: HEALTHCARE

TRANSPORTATION SYSTEM, INC., 7 Ensign Girardot Place, Cape Girardeau, MO 63701. Representative: Patricia F. Scott, P.O. Box 1000, Laurie, MO 65038, (314) 374–9618. Transporting *such commodities* as are dealt in and used in the operation and maintenance of a hospital, between points in MO and KS.

MC 148603 (Sub-3), filed January 17, 1983. Applicant: DARICA TRUCKING CO., INC., 338 South Oliver St., Elberton, GA 30635. Representative: Roger A. Kirshhenbaum, Suite 520, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, and SC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151193 (Sub-36), filed January 19, 1983. Applicant: PAULS TRUCKING CORPORATION, 286 Homestead Avenue, Avenel, NJ 07001. Representative: Michael A. Beam (same as applicant), (201) 499–3889. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with National Piggyback Services, Inc., of Indianapolis, IN.

MC 151432 (Sub-4), filed January 18, 1983. Applicant: VERNON MARTELL, 2434 Hillview Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056, 701–223–5300. Transporting: *lumber, lumber products, lumber mill products, forest products and building materials,* between points in MT, WA, ID, CA, and WY, on the one hand, and, on the other, points in the U.S. (except HI).

MC 154972 (Sub-1), filed January 11, 1983. Applicant: COLLIE EQUIPMENT AND MANUFACTURING, INC., P.O. Box 455, West Fargo, ND 58078. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *food and related products,* between points in the U.S. (except AK and HI).

MC 160992 (Sub-1), filed January 11, 1983. Applicant: ST. CHARLES TRUCKING, INC., 1611 East Main St., St. Charles, IL 60174. Representative: Edward G. Bazelon, 135 South LaSalle St., Chicago, IL 60603, 312–236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Home Arcade Corp., of Lisle, IL, (b) Mechanical Antiques & Amusements Co., of Chicago, IL, and (c) B & L Lighting Company, of Newington, CT.

MC 161703, filed January 17, 1983. Applicant: ARCHIE CAMPBELL, d.b.a. CAMPBELL TRUCKING, P.O. Box 81, Route 1, Robertsdale, AL 36567. Representative: Archie Campbell (same as applicant), (205) 964–5935. Transporting *anhydrous ammonia,* between points in MS and AL, under continuing contract(s) with Estech, Inc., of Atlanta, GA.

MC 163713, filed January 14, 1983. Applicant: DANIEL L. RIBBE, d.b.a. DANIEL L. RIBBE TRUCKING, P.O. Box 173, Bismarck, IL 61814. Representative: Edward D. McNarmara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. Transporting (1) *road building materials,* between points in Vermilion and Edgar Counties, IL, on the one hand, and, on the other, points in Vermillion, Warren, Parke, and Fountain Counties IN, and (2) *limestone,* between points in Newton, Fountain, and Vermillion Counties, IN, on the one hand, and, on the other, points in Vermilion County, IL.

MC 165253, filed January 19, 1983. Applicant: KERR CARTAGE, INC., Rt. 1, Box 122A, Mt. Holly, NC 28120. Representative: Thomas C. Kerr, Jr., 111 Kingsway Circle, Charlotte, NC 28214, (704) 392–4500. Transporting (1) *such commodities* as are dealt in by department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Cook United, Inc., of Maple Heights, OH, and (2) *lumber, wood products, and building materials,* between points in the U.S. (except AK and HI), under continuing contract(s) with Southern Forest Products, of Mt. Holly, NC.

MC 165623, filed January 11, 1983. Applicant: WELCH TRANSPORTATION OF FRANKLIN, INC., 10 Meadowbrook Rd., Franklin, MA 02038. Representative: Warren W. Welch (same address as applicant), 617–528–1479. Transporting *Building products, lumber, chemicals and related products, and such commodities* as are sold in retail department stores, between points in RI, CT, MA, NH, VT, ME, NY, and NJ.

MC 165743, filed January 18, 1983. Applicant: JOHN C. HIPP, INC., Rt. 1, Millerburg, OH 44654. Representative: Richard H. Brandon, 220 W. Brodge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *Lumber and wood products,* between points in the U.S. (except AK and HI).

MC 165772, filed January 18, 1983. Applicant: F. T. S. TRUCKING, INC., P.O. Box 96200, Houston, TX 77213. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, 713–437–1768. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP2–072

Decided: February 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–662, filed February 1, 1983. Applicant: BMC FORWARDING, INC., 932 Lunalilo Home Road, Honolulu, HI 96825. Representative: Patrick H. Doi (same as applicant), (808) 845–0515. As a *freight forwarder,* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles,* between points in the U.S.

MC 15643 (Sub-17), filed February 1, 1983. Applicant: FOUR WINDS VAN LINES, INC., 4275 Campus Point Rd., San Diego, CA 92121. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 99273 (Sub-6), filed January 28, 1983. Applicant: KINDLE TRUCKING CO., INC., 449 Silver St., Agawam, MA 01001. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, 413–732–1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) (1) between points in MA, and (2) between points in FL. Condition: Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificate of Registration MC–99273 (Sub-No. 1).

MC 112223 (Sub-138), filed January 31, 1983. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant), (612) 781–6653.Transporting *polymeric isocyanates and polyurethane resins,* between points in the U.S. (except AK and HI), under continuing contract(s) with Foam Enterprises, Inc., of Minneapolis, MN.

MC 121673 (Sub-8), filed January 31, 1983. Applicant: WESTERN MOTOR FREIGHT, INC., 1201 South Grand, P.O. Box 94846, Oklahoma City, OK 73143, Representative: C.L. Philips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, 405–528–3884. Transporting *general commodities*

(except classes A and B explosives, household goods and commodities in bulk), between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124692 (Sub-377), filed January 28, 1983. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55402, 612–340–0800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with ITOFCA Consolidators, Inc., of Downers Grove, IL.

MC 133403 (Sub-5), filed January 28, 1983. Applicant: HUDSON TRANSIT CORPORATION, P.O. Box 386, Montgomery, NY 12549. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07430, 201–666–5111. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 134592 (Sub-29), filed December 22, 1982. Applicant: HERB MOORE & HAZEL MOORE, d.b.a. H & H TRUCKING CO., 7739 NE. 21st. Ave., Portland, OR 97211. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201, 503–226–6491. Transporting *food and related products*, between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA (except AK and HI).

MC 136123 (Sub-41), filed January 31, 1983. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl (same address as applicant), (813) 722–0506. Transporting *general commodities* except commodities in bulk, classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Jenn-Air Corporation, of Indianapolis, IN.

MC 144843 (Sub-8), filed January 31, 1983. Applicant: GRACE DISTRIBUTION SERVICES, INC., P.O. Box 308, Duncan, SC 29334. Representative: Paul M. Daniell, 1200 Atlanta Gas Light Tower, 235 Peachtree St., NE., Suite 1200, Atlanta, GA 30303. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144893 (Sub-11), filed February 1, 1983 Applicant: NORMAN HOWARD, d.b.a. HOWARD TRUCKING OF UTAH, 1755 East 800 North, St. George, UT 84770. Representative: J. Ralph Atkin, P.O. Box 339, St. George, UT 84770, 801–628–2612. Transporting (1) *malt beverages*, and (2) *empty beverage containers* used in and dealt by breweries, between points in Jefferson County, CO, on the one hand, and, on the other, points in LA, AR, GA, FL, NC, SC, VA, and DC.

MC 145623 (Sub-13), filed January 31, 1983. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Rd., Taylor, MI 48180. Representative: David E. Jerome, 436 North Center, Northville, MI 48167, 313–348–4433. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with First American Resources Corp., of Atlanta, GA.

MC 145623 (Sub-14), filed February 1, 1983. Applicant: O.K. MESSENGER SERVICES, INC., 9107 Telegraph Rd., Taylor, MI 48180. Representative: David E. Jerome, 436 North Center St., Northville, MI 48167, 313–348–4433. Transporting *building materials and supplies, iron and steel articles, machinery, and aluminum articles*, between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150093 (Sub-7), filed January 31, 1983. Applicant: THE TOM DAVIS CORP., d.b.a. DAVIS LINES, 5335 NW. 111th Drive Grimes, IA 50111. Representative: Richard D. Howe, 600 Hubbell Bldg. Des Moines, IA 50309, 515–244–2329. Transporting *food and related products*, betweens points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, and WI.

MC 151993 (Sub-4), filed January 31, 1983. Applicant: FRANK SMITH, d.b.a. FRANK SMITH TRUCKING Route 1, Box 3, Marble Falls, TX 78654. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9809. Transporting *building materials*, between points in Llano, Burnet, and Mason Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156462 (Sub-1), filed January 31, 1983. Applicant: R.J. MEYER & CO., INC., 3403 Brookmeade Drive, Rolling Meadows, IL 60008. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156702 (Sub-1), filed February 1, 1983. Applicant: LABENZ TRUCKING, INC., Box 388, Humphrey, NE 68642. Representative: Denny LaBenz (same address as applicant), (402) 923–0612. Transporting *food and related products*, between points in Freeborn County, MN, and points in NE and IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 156782 (Sub-1), filed January 10, 1983. Applicant: JACKWIC, INC., 1206 Sunset Dr., Thomasville, GA 31792. Representative: John P. Tucker, Jr., Suite 222, Lenox Towers So., 3390 Peachtree Rd., NE., Atlanta, GA 30326, 404–231–3583. Transporting (1) *plastic products, vinyl products and related products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX, (2) *lumber and wood products*, between points in Thomas County, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK and TX, (3) *adhesives, polyethylene foam, mechanical spray equipment, and automobile parts and accessories*, between points in DeKalb County, GA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK and TX, and (4) *meat, meat products, and meat by-products*, between those points in the U.S. in and east of ND, SD, NE, CO, OK and TX.

MC 158733 (Sub-5), filed January 31, 1983. Applicant: LEONARD FEED & GRAIN, INC., 5511 16th Ave., SW., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309, (515) 244–2329. Transporting *fertilizer*, between points in Eddy County, NM, on the one hand, and, on the other, points in MO.

MC 163873, filed February 1, 1983. Applicant: TIM'S MOTOR SERVICE, INC., P.O. Box 501, Bensenville, IL 60106. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, MO, MI, WI, IA, and MN.

MC 165993, filed January 28, 1983. Applicant: BROOKS & EATON EXPRESS, INC., 11 Emmett Ave., No. Dartmouth, MA 02747. Representative: John DeGrazia (same address as applicant), (617) 997–6158. Transporting *general commodities* (except classes A

and B explosives, commodities in bulk, and household goods), between points in CT, IL, IN, MA, ME, MI, NH, NJ, NY, OH, PA, RI, VT, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e), to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control or the petition for exemption to Team 2, Room 2379.

MC 166012, filed January 31, 1983. Applicant: FREEWAY EXPRESS, INC., P.O. Box 12, Colonia, NJ 07067. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 1 at 202–275–7992.

Volume No. OP1–63

Decided: February 15, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 531 (Sub-469), filed February 1, 1983. Applicant: YOUNGER BROTHERS, INC., P.O. Box 14048, Houston, TX 77021. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006; (202) 828–5015. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 120250 (Sub-2), filed February 2, 1983. Applicant: READING TRUCKING, INC., 84 Concord Street, North Reading, MA 01864. Representative: Robert A. Mega, 25 Esten Avenue, Pawtucket, RI 02860, (401) 724–1200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, MA, RI, NH, VT and ME.

MC 145011 (Sub-18), filed February 3, 1983. Applicant: R. F. WESTBURY, P.O. Box 498, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3609. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155831 (Sub-2), filed February 7, 1983. Applicant: CAL–INLAND, INC., 135 South 13th St., Tekamah, NE 68061. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *food and related products*, between those points in the U.S. in and west of WI, IL, MO, AR and MS (except HI).

MC 165560, filed February 3, 1983. Applicant: JAMES W. TONEY, R.R. No. 1, Box 7, Decatur City, IA 50067. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312; (515) 274–4985. Transporting *fertilizer*, between points in AR, CO, IA, IL, KS, MO, NE, NM, OK, SD, and TX.

MC 166001, filed January 31, 1983. Applicant: SHOULDIS CONTRACT CARRIER, INC., 4001 Peachtree Road, Holiday, FL 33590. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *electrical equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Square D Company, of Florence, KY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–091

Decided: February 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–666, filed February 10, 1983. Applicant: KENNEDY INTERNATIONAL MOVERS, 3359 Army St., San Francisco, CA 94110–4698. Representative: James J. Kennedy, (same address as applicant), (415) 826–5608. As a freight forwarder, in connection with the transportation of *household goods, unaccompanied baggage,* and *automobiles,* between points in the U.S.

FF–667, filed February 9, 1983. Applicant: NEW FRONTIER FORWARDING, INC., Suite 103, 16425 Hart St., Van Nuys, CA 91406. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a freight forwarder, in connection with the transportation of *household goods* and *baggage,* between points in the U.S.

MC 111947 (Sub-13), filed February 7, 1983. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232–6500. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC.

MC 115116 (Sub-35), filed February 8, 1983. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset St., New Brunswick, NJ 08901. Representative: Michael J. Marzano, 99 Kinderamack Rd., Westwood, NJ 07675, (201) 666–5111. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant states that it receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 138866 (Sub-3), filed February 9, 1983. Applicant: S.E.S. TRUCKING, INC., 421 Great Circle, P.O. Box 25250, Nashville, TN 37202. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralph Rogers & Company, Inc., Mid-South Pavers, Inc., Mid-South Stone, Inc., and Rogers Group, Inc., all of Nashville, TN.

MC 141406 (Sub-6), filed February 9, 1983. Applicant: COAST COUNTIES EXPRESS, INC., 3306 Glendale Blvd., Los Angeles, CA 90039. Representative: Miles L. Lavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *classes A, B, and C explosives, blasting agents, radioactive materials, etiologic agents, shipments of secret materials, weapons, and ammunition,* between points in the U.S. (except HI). Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 149256 (Sub-4), filed February 7, 1983. Applicant: KEN–WAY TRUCKING, INC., 110 Brannan St., San Francisco, CA 94107. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverely Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, NV, OR and WA.

MC 166206, filed February 9, 1983. Applicant: E. J. ALLEY TRUCKING INC., P.O. Box 37644, 8702 Washington, Omaha, NE 68127. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 331–9264. Transporting *food and related products,* between points in IA and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–083

Decided: Febraury 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 146447 (Sub-30), filed February 10, 1983. Applicant: TANBAC, INC., P.O. Box 22566, Ft. Lauderdale, FL 33335. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148227 (Sub-4), filed February 8, 1983. Applicant: DUBLIN, INCORPORATED, 1705 N. Chadbourne, St., San Angelo, TX 76903. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701. Transporting *metal products, machinery, animal feed, hides,* and *transportation equipment,* between points in the U.S. (except AK and HI).

MC 148947 (Sub-5), filed February 9, 1983. Applicant: HUNTER TRANSPORT CO., INC., 1603 Long St., Chattanooga, TN 37408. Representative: Ann K. Merriman, (same address as applicant), (615) 265–8494. Transporting *malt beverages,* between Jacksonville, FL, on the one hand, and, on the other, points in Bradley County, TN, under continuing contract(s) with Tarver Distributing Company, of Cleveland, TN.

MC 152366 (Sub-5), filed February 8, 1983. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: Robert N. Garity (same address as applicant), (308) 635–3157. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL, and its subsidiaries.

MC 153077 (Sub-3), filed February 9, 1983. Applicant: TOTAL TRANSPORTATION, INC., 1532 93rd La., NE., Minneapolis, MN 55434. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills NY 11375, (212) 263–2078. Transporting *food and related products,* between points in Ada County, ID, Rock Island County, IL, Finney and Lyon Counties, KS, Rock County, MN, Dakota and Cuming Counties, NE, Potter County, TX, Walla Walla County, WA, and points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153367 (Sub-2), filed February 8, 1983. Applicant: TRANSX, LTD., 2595 Inkster Blvd., P.O. Box 30, Group 200, R.R. 2, Winnipeg, Manitoba, R3C 2E6, Canada. Representative: Robert L. Cope, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A), or a petition for exemption under 49 U.S.C. 11343(e) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority in the proceeding please submit a copy of the application, petition or affidavit to Team 4, Room 2410.

MC 153457 (Sub-3), Filed February 7, 1983. Applicant: TEXAS U.S. TRUCKING, INC., 3061 Hardy St., Ft. Worth, TX 76106. Representative: A. C. McAdams, (same address as applicant), (817) 625–4191.Transporting *machinery,* between points in the U.S. (except Ak and HI). Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permit No. MC–153457 Sub 1, issued December 3, 1982. This is a conversion application filed under 49 U.S.C. 10925(e).

MC 166157, Filed February 8, 1983. Applicant: MERLE HENN TRUCKING, 9720 Barnes, Tacoma, WA 98444. Representative: Merle Henn (same address as applicant), (206) 531–3456. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 166167, Filed February 8, 1983. Applicant: DONALD B. WHITEBREAD & SONS, INC., P.O. Box 126, Conyngham, PA 18249. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *iron and steel articles,* between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 166186,Filed February 8, 1983. Applicant: KENTUCKY OIL AND REFINING COMPANY, Route 1, Box 63, Betsy Layne, KY 41605. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *petroleum and petroleum products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Sun Refining and Marketing Co. of Philadelphia, PA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4586 Filed 2–23–83; 8:45 am,

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–64

Decided: February 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 111750 (Sub-1), filed February 3, 1983. Applicant: HAHN'S CHARTER SERVICE, INC., R.D. No. 2, Box 85A, Millerstown, PA 17062. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108–0729, (717) 232–6701.Transporting *passengers*, in charter and special operations, between points in Cumberland, Perry, Juniata and Snyder Counties, PA, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161531 (Sub-2), filed February 4, 1983. Applicant: POWDER RIVER TRANSPORTATION SERVICES, INC., P.O. Box 2578, Gillette, WY 82716. Representative: H. Wayne Worthen, (same address as applicant), (307) 682–0960. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166050, filed February 1, 1983. Applicant: NEW ENGLAND SHUTTLE, INC., 170 Worcester Street, Wellesley, MA 02181. Representative: George C. O'Brien, 342 Wild Harbor Road, North Falmouth, MA 02556, (617) 563–8345. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in MA, ME, NH, VT, RI, CT, NY, and NJ.

MC 166090, filed February 4, 1983. Applicant: BON AIR TRANSIT COMPANY, d.b.a. VIRGINIA OVERLAND CHARTER SERVICE, 920 East Wythe Street, P.O. Box 328, Petersburg, VA 23804. Representative: Calvin F. Major, 200 West Grace Street, P.O. Box 5010, Richmond, VA 23220, (804) 649–7591. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–069,

Decided: February 7, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 1193 (Sub-6), filed January 11, 1983. Applicant: SAVIN BUS LINES, INC., 36 Elm St., P.O. Box 1511, New London, CT 06320. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036, 202–822–8200. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 161102. filed January 11, 1983. Applicant: ADVENTURE COACHES, INC., 1102 Northwest Applewood, Ankeny, IA 50021. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 163763, filed January 17, 1983. Applicant: GLEN M. LEE d.b.a. KEYSER LIMOUSINE SERVICE, 8 Armstrong St., Keyser, WV 26726. Representative: Jeffrey A. Vogelman, 123 South Royal St., Alexandria, VA 22314, 703–683–6304. Transporting *passengers*, in charter and special operations, between points in DE, KY, MD, NJ, NY, OH, PA, VA, WB, and DC.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165642, filed January 11, 1983. Applicant: ANTHONY ROBERT NISIVOCCIA, JR., d.b.a. ARNCO MOTOR LINES, INC., 15 Willet St., Bloomfield, NJ 07003. Representative: Anthony Robert Nisivoccia, Jr., 60 New Brook Lane, Springfield, NJ 07081, (201) 467–2098. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 165692, filed January 14, 1983. Applicant: NEW FRONTIER DISTRIBUTION CENTER, INC., 4630 Goodfellow Blvd., St. Louis, MO 63120. Representative: A.M. Brennecke (same as applicant), (314) 382–7200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 165703, filed January 14, 1983. Applicant: RICHARD A. SWEENEY, Rt. 3, Box 94, Appomattox, VA 24522. Representative: Richard A. Sweeney (same address as applicant), 804–352–8873. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165723, filed January 14, 1983. Applicant: WAYNE P. MARTIN ASSOCIATES, 12 Lynn Court, Bellingham MA 02019. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, 617–966–2093. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI), (2) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),

between points in the U.S. (except AK and HI), (3) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (4) Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 165733, filed January 17, 1983. Applicant: LUTHER J. ATKINSON, d.b.a. JOY MOTOR COACH, 4917 Gilray Dr., Baltimore, MD 21214. Representative: Luther J. Atkinson (same address as applicant), 301–426–6162. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 165793, filed January 18, 1983. Applicant: GAYLORD R. PARR, R.R. No. 1, Box 102, Orland, IN 46776. Representative: Gaylord R. Parr (same address as applicant), 219–829–6355. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2–071

Decided: February 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 99143 (Sub-7), filed January 31, 1983. Applicant: OHIO VALLEY CHARTER SERVICE, INC., 15583 Sprucevale Rd., East Liverpool, OH 43920. Representative: Donald J. Balsley, Jr., 1610 Two Chatham Center, Pittsburgh, PA 15219, 412–765–1600. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 134542 (Sub-9), filed January 28, 1983. Applicant: QUICK-LIVICK, INC., 708 C Street, Staunton, VA 24401. Representative: Earl F. Quick (same as applicant), (703) 886–6297. Transporting *passengers* in charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter transportation.

MC 165983, filed January 31, 1983. Applicant: RAINBOW TRAVEL CLUB, INC., 2042 East Silver Springs Blvd., Ocala, FL 32670. Representative: William R. Craft, 601 North East 22nd Ave., Ocala, FL 32670, 904–351–4222. Transporting *passengers*, in charter and special operations, beginning and ending at points in FL, and extending to points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166003, filed February 1, 1983. Applicant: ADVENTURES ROLLING CROSS COUNTRY, 30 East 62nd St., New York, NY 10021. Representative: Karen B. Lukas, c/o Morris & McVeigh, 767 Third Ave., New York, NY 10017, (212) 593–6200. Transporting *passengers*, in special operations, between points in AZ, CA, CO, NV, and UT.

Note.—Applicant seeks to provide privately funded special transportation.

MC 166013, filed January 31, 1983. Applicant: EAGLE BONDED COURIERS, LTD., 801 Melissa St., Menasha, WI 54952. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI); and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166023, filed February 1, 1983. Applicant: LOGAN TRANSPORTATION, INC., 97–14 Atlantic Ave., Ozone Park, NY 11416. Representative: Norman Turk, 225 Broadway, New York, NY 10007, (212) 619–1540. Transporting *passengers*, in charter and special operations, beginning and ending at Queens, NY, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–082

Decided: February 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 82007 (Sub-10), filed February 9, 1983. Applicant: GREGG BUS SERVICE, INC., P.O. Box 125, Yorklyn, DE 19736. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th St., NW., Washington, DC 20036. Transporting *passengers*, between Newark, DE and Philadelphia, PA, over U.S. Hwy 95, serving all intermediate points.

Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

Note.—(1) Applicant seeks to serve a community not regularly served by an ICC-authorized motor common carrier of passengers, and (2) to substitute discontinued rail or commercial-air passenger service to a community.

MC 128097 (Sub-3), filed February 8, 1983. Applicant: LIZAK BUS SERVICE, INC., West Main St., Warren, MA 01083. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103, (413) 732–1136. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166067, filed February 4, 1983. Applicant: CLEVELAND ASHTABULA BUS LINE, INC., 4862 Lee Rd., Cleveland, OH 44128. Representative: Rubin Sardon, 3368 East 113, Cleveland, OH 44104, (216) 581–2746. Transporting *passengers*, in charter operations, between points in the U.S. (except HI).

Note.— Applicant seeks to provide privately funded charter transportation.

MC 166117, filed February 4, 1983. Applicant: MUSIC MANN TRAVEL SERVICE, INCORPORATED, 421 Waterloo St., London, Ontario, Canada N6N 1B9. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166196, filed February 10, 1983. Applicant: AGATE TRANSPORT, INC., 38611 Monroe St., Agate, CA 80101. Representative: Lawrence Marquette, P.O. Box 629, Caramel Valley, CA 93924, (408) 625–2031. Transporting (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertlizers, and other soil*

conditioners by the owner of the motor vehicle in such vehicle, (4) *used household goods* for the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), and (5) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 166197, filed February 9, 1983. Applicant: R. E. MEINKE, R.R. No. 1, Box 73, Minden, IA 51553. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166207, filed February 4, 1983. Applicant: C & H FORWARDING CO., INC., 9757 Military Parkway, P.O. Box 27035, Dallas, TX 75227. Representative: Thomas E. James, (same address as applicant), (214) 288–3305. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–094

Decided: February 16, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 148387 (Sub-8), filed February 10, 1983. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O.Box 357, Gladstone, NJ 07934 ,(201) 234–0301. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 151107 (Sub-1), filed February 8, 1983. Applicant: MICHAEL ARTON TRANSPORTERS, INC., 1113 Clay, Scott, LA 70583. Representative: Robert L. Boese, P.O. Drawer 2879, Lafayette, LA 70502, (318) 233–6200. Transporting *passengers*, in charter and special operations, beginning and ending at points in LA, TX, and MS, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 159507 (Sub-1), filed January 31, 1983. Applicant: PARRAN & SONS BUS RENTAL, INC., d.b.a. PARRAN BUS LINES (a Maryland corporation), 5–F Greenbury Court, Baltimore, MD 21207. Representative: B. Baer, 3116 E. Monument St., Baltimore, MD 21205, (301) 327–2120. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166147, filed February 8, 1983. Applicant: GUIRIE W. BELL, t.a. GUIRIE BELL BUS SERVICE, 2735 Beryl Ave., Baltimore, MD 21205. Representative: Guirie W. Bell (same address as applicant), (301) 327–5341. Transporting *passengers*, in charter and special operations, between points inthe U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166156, filed February 8, 1983. Applicant: BLOUNT BUS SERVICE, INC., d.b.a. MASON & BLOUNT BUS SERVICE, Rt. 1, Box 59–B, Surry, VA 23883. Representative: Frank L. Willard, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 294–3730. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166176, filed February 8, 1983. Applicant: HORIZONS UNLIMITED TRANSIT SERVICE, INC., 3704 Virginia Ave., Munice, IN 47304. Representative: Walter F. Jones, Jr., 1111 E 54th St., Suite 155, Indianapolis, IN 46220, (317) 257–4066. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to private privately funded charter and special transportation.

MC 166177, filed February 9, 1983. Applicant: JOHNSON BUS SERVICE, 1300 So. John St., Goldsboro, NC 27530. Representative: Samuel H. Johnson (same address as applicant), (919) 735–0527. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4586 Filed 2–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278, or Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a preceding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided date
794	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0293, Supplement 2, (Caustic soda chlorine and muriatic acid)	1	2-11-83
795	Southern Railway Co., ICC-SOU-C-0124, (Clay slurry) Via Port of Savannah, GA	2	2-16-83
796	The Alaska Railroad, ICC-ARR-C-0003-A, (Building materials)	3	2-14-83
797	Burlington Northern Railroad Co., ICC-BN-C-0280, (Sulphuric acid)	1	2-11-83
798	Missouri Pacific Railroad Co., ICC-MP-C-0248, (soda ash)	2	2-16-83
799	The Denver and Rio Grande Western Railroad Co., ICC-DRGW-C-0081, (Copper products)	3	2-14-83
800	Seaboard System Railroad, Inc., ICC-SBD-C-0020, (Solid rocket motor boosters)	2	2-16-83
801	Norfolk and Western Railway Co., ICC-NW-C-0042, Supplement 1, (Ammonium sulphate)	1	2-11-83
802	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0307, (Copper)	2	2-16-83
803	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0325, (Zinc)	3	2-14-83

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided date
804	Union Pacific Railroad Co., ICC-UP-C-8257, (Primary copper or base alloy pig, slab or ingots, etc.)	1	2-14-83
805	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0171-A, (Sodium carbonate)	2	2-16-83
806	Consolidated Rail Corp., ICC-CR-C-0311, (Finished vehicles)	3	2-14-83
807	Southern Pacific Transportation Co., ICC-SP-C-0383, (Soda ash)	1	2-11-83
808	Southern Pacific Transportation Co., ICC-SP-C-0380, (Copper slag)	2	2-16-83
809	St. Louis Southwestern Railway Co., ICC-SSW-C-0078, Supplement 1, (Lumber)	3	2-14-83
810	The Atchison, Topeka and Santa Fe Railway Co., ICC-ATSF-C-0199, (Wheat corn, sorghum grains, and soybeans) Via the Ports of Beaumont, Galveston, Houston, and Texas City, TX		

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Parker not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4483 Filed 2-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket 30092]

Rail Carriers; Louisville and Nashville Railroad Co.; Abandonment Exemption in Letcher County, KY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Louisville and Nashville Railroad Company from 49 U.S.C. 10903 *et seq.* in connection with 1.01 miles of rail line in Letcher County, KY subject to employee protective conditions.

DATES: This exemption is effective on March 28, 1983. Petitions to stay the effectiveness of this decision must be filed by March 7, 1983, and petitions for reconsideration must be filed by March 16, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Neill W. McArthur, Jr., 500 Water Street, Jacksonville, FL 32202.

Pleadings should refer to Finance Docket No. 30092.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: February 16, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4504 Filed 2-23-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 152)]

Chicago & North Western Transportation Co.—Abandonment—in Blackhawk and Tama Counties, IA; Findings

The Commission has issued a certificate authorizing the Chicago and North Western Transportation Company to abandon its 9.3-mile rail line between milepost 28.8 near Buckingham and milepost 38.1 near Hicks in Blackhawk and Tama Counties, IA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4504 Filed 2-23-83; 8:45 am]

BILLING CODE 7035-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22856; (70-6797)]

Georgia Power Co.; Proposal To Organize Wholly Owned Financing Subsidiary

February 16, 1983.

In the matter of Georgia Power Co., 333 Piedmont Avenue, N.E., Atlanta, Georgia 30308.

Georgia Power Company ("Company"), a wholly-owned public utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 40, 44, 45, and 50 thereunder.

The Company proposes to organize as its wholly owned subsidiary a new corporation under the laws of the Netherlands Antilles ("Financing Subsidiary") for the purpose of obtaining financing for the Company from sources outside of the United States. In connection with the organization of Financing Subsidiary, the Company proposes to purchase capital stock of Financing Subsidiary, or make cash contributions to the capital of Financing Subsidiary, or both, in an aggregate amount not exceeding $60,000.

The Company has been advised that financing in the Eurodollar market may offer significant advantages in connection with meeting its external financing requirements. The Eurodollar market represents a new source of funds available to the Company and an alternative to domestic sources. The availability of such an alternative source is regarded as important to the Company in light of its ongoing external financing needs and the volatility of United States markets. In addition, interest rate savings at times may be available to the Company in the Eurodollar market relative to the domestic bond market. The Company also has been informed that certain covenants and conditions in connection with Eurodollar financings are less restrictive than those available in the domestic markets.

Among the principal reasons for organizing Financing Subsidiary as a Netherlands Antilles corporation are certain tax implications. Particularly, the Company has been advised that, under present law and subject to various conditions, no withholding of United States federal income tax will be required with respect to payments of principal, premium or interest to a

holder of debt obligations of Financing Subsidiary who is, as to the United States, a foreign corporation, a nonresident alien individual, a nonresident fiduciary of a foreign estate or trust or a nonresident foreign partnership. [Under the Internal Revenue Code of 1954, as amended, interest payments on bearer securities by a United States corporation to nonresident holders of its debt obligations are generally subject to 30% withholding tax.) In addition, no such withholding will be required with respect to gains realized by such a holder upon the sale or redemption of debt obligations of Financing Subsidiary; and debt obligations of Financing Subsidiary which are held by an individual who at the time of death is not a citizen or a resident of the United States will not be subject to U.S. federal estate tax as a result of such individual's death.

This favorable tax treatment is subject to various conditions, including the maintenance of Financing Subsidiary's total equity at a meaningful level. Experience to date would indicate that total indebtedness should be held to a level not exceeding approximately 3.3 times equity capital. Accordingly, in connection with financings by Financing Subsidiary as hereinafter set forth, the Company proposes to purchase such additional capital stock of Financing Subsidiary or make such additional cash contributions to the capital of Financing Subsidiary, or both, in such aggregate amount as shall be necessary from time to time to maintain Financing Subsidiary's debt to equity ratio at up to approximately 3.3 to 1.

Subject to post-effective amendment and further Commission authorization, the Company may: enter into a loan agreement to obtain the necessary funds for the purchase of capital stock or capital contributions; issue and sell up to $100 million aggregate principal amount of its debt obligations ("Debt") in one or more transactions from time to time; unconditionally guarantee the payment by Financing Subsidiary of the Debt and secure its obligations with respect to such guarantee; and/or issue a promissory note to Financing Subsidiary evidencing a loan to the Company of the net proceeds realized from the sale of the Debt.

The Company requests that the proposed sale or sales of Debt by Financing Subsidiary be excepted from the competitive bidding requirements of Rule 50 due to the nature of Eurodollar financing and because compliance with such requirements under the circumstances is unnecessary for the public interest or the interest of investors or consumers.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 14, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4655 Filed 2-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13025; (811-3565)]

Warlick High Value-High Yield Fund, Inc.; Filing of an Application

February 16, 1983.

In the Matter of Warlick High Value-High Yield Fund, Inc., 250 Madison Avenue, Morristown, New Jersey 07960.

Notice is hereby given that Warlick High Value—High Yield Fund, Inc. ("Applicant"), an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 30, 1982, pursuant to Section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

A corporation duly organized under Maryland law, Applicant states that it has never engaged in operations and has never sold any of its shares. Applicant's registration statement never became effective, and its board of directors unanimously directed its officers, on December 23, 1982, to deregister Applicant under the Act.

Applicant declares that when it filed its application it had no assets and was not engaged nor did it propose to engage in any business activities other than those necessary for the winding up of its affairs. Applicant asserts that its only debts consist of sums owed to its adviser, Warlick Capital Management, Inc., for organizational expenses. Applicant further asserts that it is not a party to any litigation or administrative proceeding, that it has no securityholders, and that it has authorized its officers to take all necessary steps to dissolve it as a corporation in accordance with Maryland law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is hereby given that any interested person wishing to request a hearing on the application may, not later than March 14, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4657 Filed 2-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19505; (SR-Amex-82-23)]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 16, 1983.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006.

The American Stock Exchange, Inc. ("Amex") submitted on December 3, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend Article IV, Section 3(b) of the Amex Constitution to permit the designation of authorized representatives to act on the Exchange floor on behalf of Options Principal Member ("OPM") Governors as well as regular member and OPM Exchange officials while such Governors and officials are either engaged in Exchange business or attending meetings of the Exchange Board of Governors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19331, December 13, 1982) and by publication in the **Federal Register** (47 FR 2089, January 17, 1983). No Comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6 and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4864 Filed 2-23-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19506; File No. SR–PSE–83–3]

Self-Regulatory Organizations; Pacific Stock Exchange, Inc.; Filing of Proposed Rule Change

February 16, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 28, 1983, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend current PSE Options Floor Procedure Advice B–6, concerning a market maker's use of floor brokers to effect transactions for the market maker's account. According to the Exchange, the proposed amendment to paragraph 1(a) of the Advice is intended to resolve a possible ambiguity in the language of that paragraph with respect to market makers giving verbal instructions, rather than written order tickets, to floor brokers. The Advice is being amended to provide that a floor broker should "if possible" prepare an order ticket, whereas the current Advice provides that the order should be prepared by the market maker "under all circumstances". In addition, the Advice currently requires the market maker to time-stamp the order ticket before giving it to the floor broker but does not expressly require the floor broker to again time-stamp the order ticket to reflect the time of the receipt. According to the PSE, the proposed amendment to paragraph 1(a) would expressly make applicable to floor brokers who handle market makers orders the time-stamping requirements of Rule VI, Section 42 of the rules of the Board of Governors of the PSE. The PSE states in its filing that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act in that the proposed change will promote just and equitable principles of trade.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Reference should be made to File No. SR–PSE–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4866 Filed 2-23-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 848]

El Salvador; Certification To Authorize Continued Assistance

January 21, 1983.

Pursuant to Sections 728 (b) and (d) of the International Security and Development Cooperation Act of 1981 and Executive Order No. 12163, as amended, I hereby determine and certify:

(1) That the Government of El Salvador is making a concerted and significant effort to comply with internationally recognized human rights;

(2) That the Government of El Salvador is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens;

(3) That the Government of El Salvador is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) That the Government of El Salvador is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict.

Therefore, to the extent otherwise consistent with law, the furnishing of assistance for El Salvador under chapters 2 and 5 of part II of the Foreign Assistance act of 1961, the issuance of letters of offer and the extension of credits and guarantees for El Salvador under the Arms Export Control Act, and the assignment of members of the Armed Forces to El Salvador to carry out functions under those Acts are hereby authorized.

This certification together with the justification therefor shall be reported to the Congress immediately.

This certification shall be published in the **Federal Register.**

George P. Shultz,

Secretary of State.

[FR Doc. 83-4867 Filed 2-23-83; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-3/606]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee; Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 10, 1983 at 9:30 a.m. in Room 1105 of the Department of State, 2201 C Street, NW., Washington, D.C. This Working Party deals with the evolution of ISDN.

The agenda for the meeting is as follows:

1. Report of the results of the meeting of the CCITT Study Group XVIII Group of Experts on ISDN, Kyoto, February 14–25;
2. Consideration of contributions for CCITT Study Group XI/6 and Study Group XVIII meetings; and
3. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated between 9:15 and 9:30 if arrangements are made in advance of the meeting. It is suggested that prior to March 10, members of the general public who plan to attend the meeting so advise Mr. William Lowell, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–6583. All attendees must use the C Street entrance to the building during designated time.

Dated: February 15, 1983.

James L. Gorman,

Director, Acting Office of International Communications Policy.

[FR Doc. 83-4665 Filed 2-23-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-6/605]

Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group CMTT of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 15, 1983, in Conference Room F, 10th Floor, American Telephone and Telegraph Company, 1120 20th Street NW., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group CMTT deals with the specifications to be satisfied by telecommunication systems for transmission of radio and television programs over long distances. The purpose of the meeting is discussion of preparations for the international meeting of CMTT in August–September 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: February 15, 1983.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-4666 Filed 2-23-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 147—Traffic Alert & Collision Avoidance Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert & Collision Avoidance Systems to be held on March 16–18, 1983, in the RTCA Conference Room, 1425 K Street NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Eleventh Meeting Held on January 18–20, 1983; (3) Presentation of Status Reports on Related Studies and Activities; (4) Consideration of TCAS–I Working Group Report; (5) Review of Fourth Draft Report on Minimum Operational Performance Standards for TCAS; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street NW., Suite 500, Washington, D.C. 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on February 17, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-4537 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

[Docket No. S-731]

Participation by Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application ARCO Transportation Company

Notice is hereby given that by application of February 11, 1983, ARCO Transportation Company (ARCO) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its owned vessel, ARCO Spirit to operate for six months in the Alaskan oil trade. The 262,400 deadweight ton ARCO SPIRIT, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama for oncarriage only to a U.S. port. The vessel would be under time charter to Exxon Company (Exxon) during the six-month period and would commence Alaskan service on or about March 21, 1983.

Exxon notified Arco of its need for the ARCO SPIRIT inasmuch as the waiver period of Exxon's time chartered CDS tanker, ARCO Independence, is expiring. Exxon stated that it has a continuing need for a 262,000 DWT tanker to move its Alaskan crude oil. Exxon further advised that, to its knowledge, no suitable Jones Act tonnage is available which can provide the full shipping capacity required by Exxon in the Alaskan oil trade.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitior," as defined in § 250.2 of the regulations as set forth in 46 CFR Part 250 published in the Federal Register issue of June 29, 1977 (42 FR 33035), and desires to protest such application for carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Maritime' Administration, Washington, D.C. 20590.

Protests must be received within five working days after the date of publication of this Notice in the Federal

Register. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidy (CDS))

By Order of the Maritime Administrator.

Dated: February 18, 1983.

Georgia P. Stamas,

Acting Secretary.

[FR Doc. 83-4822 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-81-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) (Utilized as an Advisory Committee); Renewal

Notice is hereby given of the renewal of the Radio Technical Commission for Aeronautics (RTCA) as an advisory committee utilized by the Federal Aviation Administration (FAA) and other Government agencies. The Associate Administrator for Development and Logistics, Federal Aviation Administration, is the sponsor.

The membership of RCTA comprises over 140 Government and industry organizations. At this time, eight Government agencies, the Departments of State, Commerce, Army, Navy and Air Force; the Federal Aviation Administration (FAA) and U.S. Coast Guard of the Department of Transportation; and the National Aeronautics and Space Administration (NASA), participate in RCTA. Private sector members include Aeronautical Radio, Incorporated (ARINC); Air Line Pilots Association (ALPA); Air Transport Association of America (ATA); Aircraft Owners and Pilots Association (AOPA); National Business Aircraft Association (NBAA); General Aviation Manufacturers Association (GAMA); Electronics Industries Association (EIA) Members; and Affiliated Independent Members.

The objective of RCTA is to advance the art and science of aeronautics through the investigation of all available or potential applications of the telecommunication art. Their coordination with allied arts, and the adaptation thereof to recognized operational requirements. To achieve this objective, the RCTA through its special committees seeks solutions to problems involving the application of electronics and telecommunications to aeronautical operations and frequently recommends technical performace standards and operational requirements for consideration by Government, industry and aviation users.

The Secretary of Transportation has determined that the utilization of RCTA is necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Except as provided in section 10(d) of the Federal Advisory Committee Act (86 Stat. 770), meetings of all RTCA committees when utilized as an advisory committee, will be open to the public.

Issued in Washington, D.C., on February 11, 1983.

A. P. Albrecht,

Associate Administator for Development and Logistics.

[FR Doc. 83-4806 Filed 2-23-83; 11:14 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Denial of Petition To Conduct Defect Proceeding

This notice sets forth the reasons for denial of a petition to determine whether to issue an order pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1412(b).

On April 18, 1982 Jonathan E. Hardis of Chicago, Illinois, petitioned for an investigation of alleged throttle sticking problems on Volkswagens equipped with fuel injected engines. The NHTSA conducted a technical review of the Bosch K-Jetronic CIS fuel-injected system, found on more than 950,000 Volkswagen-manufactured vehicles of model years 1976–80. The agency's files revealed only nine similar complaints. The Canadian Ministry of Transport reported no problems with sticky throttle valves. Thus, the review revealed no trend of a safety problem. There being no reasonable possibility that an order of the nature requested would be issued at the conclusion of an investigation, the petition was denied on October 29, 1982.

However, Mr. Hardis wished to demonstrate the malfunction on his vehicle and brought it to Washington for the agency's inspection on December 27, 1982. The conditions complained of could not be replicated, but Mr. Hardis was informed on February 7, 1983 that the agency would, nevertheless, continue to monitor complaints to determine if investigative effort is warranted in the future.

(Secs. 124, 152 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a, 1412); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: February 17, 1983.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 83-4823 Filed 2-23-83; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in January 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2709-P	DOT-E 2709	Atlantic Research Corp., Camden, AR	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.836(c).	To become a party to Exemption 2709. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2709–X	DOT–E 2709	U.S. Department of Defense, Washington, DC.	49 CFR 173.52, 173.93, 177.821, 177.834(L)(1), 177.835(k).	To authorize 6D/2S 30 gallon capacity drum as an alternate container, for shipment of various explosives. (Mode 1.)
4336–X	DOT–E 4336	Stauffer Chemical Co., Westport, CT	49 CFR 173.119(m), 173.245a, 173.247	To authorize use of DOT specification 3AA2015 cylinders and DOT Specification 51 portable tanks, for shipment of corrosive and a flammable liquid. (Modes 1, 2, 3.)
5186–X	DOT–E 5186	U.S. Department of Energy, Washington, DC.	49 CFR 173.395(c)(2), 175.3	To authorize shipment of radioactive materials and nonliquefied compressed gases, in non-DOT specification pressure vessels overpacked in metal drums. (Modes 1, 2, 4.)
5248–P	DOT–E 5248	U.S. Department of Energy, Richland, WA	49 CFR 173.389(g), 175.3	To become a party to Exemption 5248. (Modes 1, 2, 4, 5.)
5649–X	DOT–E 5649	Great Lakes Chemical Corp., Adrian, MI	49 CFR 173.154(a)	To authorize shipment of an oxidizer, in non-DOT specification polypropylene or polyethylene bags. (Modes 1, 2.)
5778–P	DOT–E 5778	Lil-O-Gen Division of Allied Healthcare Products, St. Louis, MO.	49 CFR 173.302(a)(4), 173.304(a)(1)(i)	To become a party to Exemption 5778. (Modes 1, 2.)
6243–X	DOT–E 6243	Liquid Carbonic Corp., Chicago, IL	49 CFR 172.101, 173.315(a)	To allow an increased filling density for liquid carbon monoxide in tank motor vehicles. (Mode 1.)
6293–X	DOT–E 6293	Hercules, Inc., Wilmington, DE	49 CFR 173.21(b), 173.248	To authorize shipment of specific corrosive materials in DOT Specification MC–311 or MC–312 tank motor vehicles. (Mode 1.)
6293–X	do	Olin Corp., East Alton, IL	do	To renew and to modify shipping name for spent mixed acid to nitrating acid. (Mode 1.)
6296–X	DOT–E 6296	Olin Chemicals Group, Stamford, CT	49 CFR 173.377(g)	To authorize additional bag packagings for the transportation of certain Class B poisons in DOT 44D multi-wall paper bags. (Modes 1, 2.)
6403–X	DOT–E 6403	El Paso Products Co., Odessa, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of a flammable gas in a non-DOT specification cargo tank. (Mode 1.)
6403–X	do	Ethyl Corp., Baton Rouge, LA	do	To authorize shipment of a flammable gas in a non-DOT specification cargo tank. (Mode 1.)
6538–P	DOT–E 6538	Pan Products Inc., Macedonia, OH	49 CFR 173.304(d)(3)(ii), 178.33	To become a party to Exemption 6538. (Modes 1, 3.)
6556–X	DOT–E 6556	Castle & Cooke, Inc., San Francisco, CA	49 CFR 173.132	To authorize use of a non-DOT specification single compartment portable tank, for transportation of a flammable liquid. (Modes 1, 3.)
6564–X	DOT–E 6564	Castle & Cooke, Inc., San Francisco, CA	49 CFR 173.119, 173.128	To authorize shipment of certain flammable liquids in non-DOT specification dual compartment portable tanks. (Modes 1, 3.)
6571–X	DOT–E 6571	Utilities Board, City of Trussville, Trussville, AL.	49 CFR 172.101, 173.315(a)	To authorize use of a non-DOT specification insulated cargo tank, for transportation of certain flammable gases. (Mode 1.)
6762–P	DOT–E 6762	National Chemical, Atlanta, GA	49 CFR 173.266(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4.)
6762–P	do	Aqua-Serv Engineers, Inc., Los Angeles, CA.	do	Do.
6762–X	do	Taylor Chemicals, Inc., Baltimore, MD	do	To authorize transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4.)
6772–P	DOT–E 6772	Rhone-Poulenc, Inc., Monmouth Junction, NJ.	49 CFR 173.119(a)(22), 173.245, 173.264(a), 173.346, 173.349, 173.369.	To become a party to Exemption 6772. (Mode 1.)
6874–X	DOT–E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To renew and to authorize a polypropylene bag as an inside container and to increase dimensions of outer box. (Modes 1, 2, 3.)
6922–X	DOT–E 6922	Halocarbon Products Corp., Hackensack, NJ.	49 CFR 173.314(c), 179.300–15	To authorize use of a DOT Specification 106A500–X multi-unit tank car tank, for shipment of certain compressed gases. (Modes 1, 2, 3.)
6923–X	DOT–E 6923	Dow Chemical Co., Midland, MI	49 CFR 172.101, 173.315(a)(1)	To authorize use of non-DOT specification insulated cargo tanks, for transportation of a flammable gas. (Mode 1.)
6971–P	DOT–E 6971	Analabs, North Haven, CT	49 CFR Parts 100–199	To become a party to Exemption 6971(Modes 1, 2, 3, 4, 5.)
7052–P	DOT–E 7052	AVCO, Wilmington, DE	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052–X	do	General Electric Co., Gainesville, FL	do	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solid. (Modes 1, 2, 3, 4.)
7052–P	do	The Bendix Corp., Kansas City, MO	do	To become a party to Exemption 7052. (Modes 1, 2, 3, 4.)
7052–P	do	Geophysical Research Corp., Tulsa, OK	do	Do.
7070–P	DOT–E 7070	Vanguard Research Associates, Inc., South Plainfield, NJ.	49 CFR 173.365, 175.3, 175.630	To become a party to Exemption 7070. (Modes 4, 5.)
7206–X	DOT–E 7206	Ruan Transport Corp., Des Moines, IA	49 CFR 173.245(a)	To authorize shipment of certain corrosive materials in non-DOT specification stainless steel cargo tanks. (Mode 1.)
7207–X	DOT–E 7207	Matheson Gas Products, Secaucus, NJ	49 CFR 172.101, 173.315(a)(1)	To authorize shipment of cryogenic liquid ethylene in non-DOT specification cargo tanks. (Mode 1.)
7268–X	DOT–E 7268	Union Carbide Corp., Danbury, CT	49 CFR 173.304(a)(1)	To authorize use of a DOT Specification 39 nonrefillable cylinder, for shipment of a nonflammable compressed gas. (Modes 1, 2, 3.)
7285–P	DOT–E 7285	Parlefen, Paris, France	49 CFR 173.315(a)	To become a party to Exemption 7285. (Modes 1, 2, 3.)
7286–X	DOT–E 7286	Liquid Carbonic Corp., Chicago, IL	49 CFR 173.34(e)(15)(i)	To authorize shipment of certain nonliquefied compressed gases in DOT Specification 3A or 3AA cylinders and cylinders marked ICC–3, 3A or 3AA. (Modes 1, 2, 3, 4, 5.)
7444–X	DOT–E 7444	James Russell Engineering Works, Inc., Boston, MA.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied flammable gases in non-DOT specification cargo tanks. (Mode 1.)
7574–X	DOT–E 7574	Remmers-Tomkins Flight Service, Inc., Burlington, IA.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize an additional Class A explosive as packaged under DOT–E 6658. (Mode 4.)
7633–X	DOT–E 7633	Sea Containers Atlantic Ltd., Hamilton, Bermuda	49 CFR 173.119, 173.126(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 173.32(a)(2), 173.346(a), 173.510, 173.605(a), 173.630(b), 46 CFR 90.05–35.	To authorize use of non-DOT specification portable tanks, for shipment of certain hazardous materials. (Modes 1, 2, 3.)
7648–P	DOT–E 7648	Sunwest Aviation, Roy, UT	49 CFR 172.204(c), 172.300(a), 172.400(a), 173.91(a), 173.91(l), 175.3, 175.35(a).	To become a party to Exemption 7648. (Mode 4.)
7671–X	DOT–E 7671	Sea Containers Atlantic Ltd., Hamilton, Bermuda, NY.	49 CFR 173.119, 173.125, 173.126(a), 173.129, 173.131(a)(1), 173.132(a)(1), 173.245(a), 173.32(a)(2), 173.346(a), 173.510, 173.630(b), 46 CFR 90.05–35.	To authorize use of non-DOT specification IMO Type 2 insulated portable tanks, for transportation of certain hazardous materials. (Modes 1, 2, 3.)
7694–X	DOT–E 7694	Borg Warner Corp., Van Nuys, CA	49 CFR 173.302(a)(4), 175.3	To authorize use of non-DOT specification welded, or seamless, nonrefillable cylinders, containing non-liquefied compressed gases. (Modes 1, 2, 4.)
7735–X	DOT–E 7735	Rheem Manufacturing Co., Linden, NJ	49 CFR 173.119, 173.264(a), 173.272(g)	To authorize hydrofluoric acid solution and sulfuric acid classed as corrosive materials as additional commodities. (Modes 1, 2, 3.)
7765–X	DOT–E 7765	Carleton Controls Corp., East Aurora, NY	49 CFR 173.302(a)(4), 175.3	To authorize use of nonrefillable, non-DOT specification cylinders, for transportation of a nonflammable gas. (Modes 1, 2, 4.)
7770–P	DOT–E 7770	Parlefer, Paris, France	49 CFR 173.143, 173.264(b)(4)	To become a party to Exemption 7770. (Modes 1, 2, 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7623-X	DOT-E 7623	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, 3.)
7649-X	DOT-E 7649	Weber Aircraft, Burbank, CA	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, 5.)
7649-X	do	General Dynamics Corp., Fort Worth, TX	do	Do.
7840-X	do	Douglas Aircraft Co., Long Beach, CA	do	Do.
7887-X	DOT-E 7887	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.125, 173.126(a), 173.131(a)(1), 173.132(a)(1), 173.245(a), 173.32(a)(2), 173.246, 46 CFR 90.05-35.	To authorize use of non-DOT specification IMO type 2 insulated portable tanks, for transportation of various hazardous materials. (Modes 1, 2, 3.)
8050-X	DOT-E 8050	XMAS Corp., Tulsa, OK	49 CFR 173.306(b)(4)	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines. (Modes 1, 2, 3, 4, 5.)
8060-P	DOT-E 8060	Partefer, Paris, France	49 CFR 173.315(a)	To become a party to Exemption 8060. (Modes 1, 2, 3.)
8099-X	DOT-E 8099	Union Carbide Corp., Danbury, CT	49 CFR 173.365(a)(15)	To authorize use of non-DOT specification corrugated fiberboard boxes with an inner heat-sealed bag, for transportation of poisonous solids. (Modes 1, 2, 3.)
8116-X	DOT-E 8116	U.S. Environmental Protection Agency, Cincinnati, OH.	49 CFR 100-199	To authorize shipment of small quantities of analytical standards in prescribed packaging essentially without regulation. (Modes 1, 2, 3, 4, 5.)
8116-X	do	Environmental Resources Associates, South Chicago Heights, IL.	do	Do.
8129-P	DOT-E 8129	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR 177.834(k), Part 173, Subparts D, E, F, H, Subparts K, L, M, O.	To become a party to Exemption 8129. (Mode 1.)
8129-P	do	The American Recovery Co., Baltimore, MD.	do	Do.
8129-P	do	U.S. Pollution Control, Inc., Oklahoma City.	do	Do.
8129-P	do	Rhone-Poulenc Inc., Monmouth Junction, NJ.	do	Do.
8267-X	DOT-E 8267	Rohm & Haas Co., Philadelphia, PA	49 CFR 173.245(a)(16), 173.245(a)(26), 178.19-4(c), 178.35e-2(b).	To authorize use of a DOT specification 2E polyethylene bottle, not over 9 pints capacity with vented closures overpacked not to exceed 4 bottles in a DOT Specification 12B fiberboard box. (Modes 1, 2, 3.)
8374-X	DOT-E 8374	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.221, 173.245, 179.346.	To authorize the transport of certain hazardous materials in non-DOT specification intermodal-portable tanks. (Modes 1, 2, 3.)
8417-X	DOT-E 8417	do	do	To authorize shipment of various hazardous materials in non-DOT specification intermodal portable tanks. (Modes 1, 2, 3.)
8445-P	DOT-E 8445	Kerr-McGee Chemical Corp., Oklahoma City, OK.	49 CFR Part 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8445-P	do	Ecolla, Inc., Bladensburg, MD	do	Do.
8487-X	DOT-E 8487	Brunswick Corp., Lincoln, NE	49 CFR 173.302(a)(1), 173.304(a)(2), 175.3, 178.44.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic aluminum lined full composite cylinders, for shipment of a certain nonflammable compressed gas. (Modes 1, 2, 3, 4, 5.)
8496-X	DOT-E 8496	Born Free Plastics, Gardena, CA	49 CFR 173.119, 173.346(a), Part 173 Subpart F.	To authorize shipment of Class B poisonous liquids, flammable liquids, and certain other corrosive liquids in DOT Specification 34 polyethylene drums. (Modes 1, 2, 3.)
8498-X	DOT-E 8498	Walter Kidde & Company, Inc., Belleville, NJ.	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize manufacture, marking and sale of modified DOT Specification 4DS spheres, for shipment of bromotrifluoromethane pressurized with nitrogen. (Modes 1, 2, 4, 5.)
8509-X	DOT-E 8509	Dow Chemical Co., Midland, MI	49 CFR 173.263(a)(9), 179.201-1	To authorize use of a safety relief valve in lieu of a safety vent in DOT Specification 111A100W5 tank car tanks, for transportation of hydrochloric acid. (Mode 2.)
8509-P	do	Mobay Chemical Corp., Pittsburgh, PA	do	To become a party to Exemption 8509. (Modes 2.)
8516-X	DOT-E 8516	Atlas Powder International, Ltd., Miami, FL	49 CFR 176.83(b)	To authorize stowage of certain oxidizers and blasting agents in the same hold, compartment or freight container. (Mode 3.)
8526-P	DOT-E 8526	Blair Cartage, Inc., Newbury, OH	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Modes 1.)
8526-X	DOT-E 8526	Beech Aircraft Corp., Boulder, CO	49 CFR 173.304(a)	To authorize use of DOT Specification 4L cylinders, for transportation of liquefied natural gas. (Mode 1.)
8535-X	DOT-E 8535	Pennwalt Corp., Buffalo, NY	49 CFR 173.157(a)(3)	To authorize an increase in the maximum allowable gross weight of a DOT Specification 12B corrugated fiberboard box, for shipment of wet benzoyl peroxide. (Modes 1, 3.)
8564-X	DOT-E 8564	Bunker Ramo Corp., Westlake Village, CA	49 CFR 173.206, 173.247	To authorize shipment of lithium/thionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8585-X	DOT-E 8585	Priority Air, Inc., Sanford, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8627-P	DOT-E 8627	Arco Chemical Co., Sand Springs, OK	49 CFR 173.119, 173.245, 179.253	To become a party to Exemption 8627. (Mode 1.)
8627-P	do	Rohmco Chemicals, Inc., Odessa, TX	do	Do.
8723-X	DOT-E 8723	Ineco Chemicals, Salt Lake City, UT	49 CFR 173.114a(a)(3)	To authorize an additional design cargo tank similar to those presently authorized for shipment of various blasting agents. (Mode 1.)
8732-P	DOT-E 8732	Barton Solvents, Inc., Des Moines, IA	49 CFR 173.245	To become a party to Exemption 8732. (Mode 1.)
8741-X	DOT-E 8741	Alpha Aviation, Inc., Dallas, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(a), Part 107 Appendix B.	To amend exemption to include various Class B, and C explosives. (Mode 4.)
8795-X	DOT-E 8795	The Marison Co., South Elgin, IL	49 CFR 173.302, 173.304, 173.55, 175.3	To amend exemption to allow qualification tests for new design cylinders or significant design changes. (Modes 1, 2, 3, 4, 5.)
8878-P	DOT-E 8878	Amalgamet Canada—Division of Premetalco Inc., Toronto, Ontario, Canada.	49 CFR 173.245	To become a party to Exemption 8878. (Mode 1.)
8890-X	DOT-E 8890	Sunbelt Airlines, Camden, AR	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To modify exemption to authorize transport of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed. (Mode 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8829–N	DOT–E 8829	Mountstan Division of Amalgamet, Inc., New York, NY.	49 CFR 173.154	To authorize transport of zinc skimmings which have been exposed to the weather, in non-DOT specification open top 20-foot freight containers, covered with heavy-duty plastic. (Modes 1, 3.)
8897–N	DOT–E 8897	Kerroo, Inc., Hastings, NE	49 CFR 178.19, 178.253, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT specification rotationally moded, linear low density polyethylene portable tanks, for shipment of corrosive materials. (Modes 1, 2.)
8898–N	DOT–E 8898	Petrolane Gas, Inc., Seattle, WA	49 CFR 173.315	To authorize use of a non-DOT specification ASME Code stamped portable tank, for transportation of liquefied compressed gases. (Modes 1, 3.)
8902–N	DOT–E 8902	Thiokol Corp., Elkton, MD	49 CFR 173.92	To authorize carriage of a rocket motor with igniters installed, in a non-DOT specification steel drum. (Mode 1.)
8906–N	DOT–E 8906	FMC Corp., Middleport, NY	49 CFR 173.365	To authorize shipment of used, essentially empty containers with residual amounts of carbofuran, packed in a non-DOT specification steel drum. (Mode 1.)
8913–N	DOT–E 8913	Eurotainer S.A., Paris, France	49 CFR 173.119(a)(25)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for shipment of flammable liquids. (Modes 1, 2, 3.)
8914–N	DOT–E 8914	Amerijet Intl., Fort Lauderdale, FL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize transport of certain Class A, B, and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8916–N	DOT–E 8916	Thiokol Corp., Huntsville, AL	49 CFR 173.92	To authorize transport of a Class B rocket motor in a fiberboard tube with polystyrene foam cushioning. (Mode 1.)
8943–N	DOT–E 8943	BASF Wyandotte Corp., Parsippany, NJ	49 CFR 173.154	To authorize shipment of a polyol filter cake classed as a flammable solid, in a non-DOT specification open top, metal cargo carrying box. (Mode 1.)
8947–N	DOT–E 8947	Townsend, Inc., Worcester, MA	49 CFR 173.221	To authorize shipment of a small quantity of methyl ethyl ketone peroxide solution, in non-DOT specification polyethylene tube, packed in a DOT Specification 12B fiberboard box. (Mode 1.)
8952–N	DOT–E 8952	Trojan Corp., Salt Lake City, UT	49 CFR 173.65	To authorize use of a DOT Specification 21C fiber drum, for transporting desensitized HMX (cyclotetramethylene tetranitramine). (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE–N 8969	DOT–E 8969	McDonnell Douglas Corp., St. Louis, MO	49 CFR 173.79(b), 173.92(b)	To authorize shipment of certain rocket motors with igniter installed. (Modes 1, 3).

Denials

4108–X Request by Liquid Air Corporation, Dallas, TX to authorize shipment of liquefied argon, nitrogen and oxygen in non-DOT specification cargo tanks denied January 24, 1983.

Issued in Washington, DC, on February 15, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83–4449 Filed 2–23–83; 8:45 am]

BILLING CODE 4910–60–M

UNITED STATES INFORMATION AGENCY

Advisory Committee on Ethical Values; Meeting

The Advisory Committee on Ethical Values will hold its next meeting on Monday, February 28, 1983 from 10:00 a.m. to 1:00 p.m. in Room 600, 1750 Pennsylvania Avenue, N.W., Washington, D.C. The committee will discuss ways in which the Agency can more effectively explain the U.S. position on nuclear deterrence and arms control as related to Agency programming objectives. Due to recent inclement weather which caused some government scheduling problems, the notice of this meeting for the **Federal Register** was delayed.

Dated: February 22, 1983.

Mary Jane Winnett,

Management Assistant, Management Plans, Analysis, and Directives Staff.

[FR Doc. 83–4900 Filed 2–23–83; 11:16 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 38
Thursday, February 24, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, February 28, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Security Bank of Cairo, a proposed new bank to be located at 800 Commercial Avenue, Cairo, Illinois.

Applications for consent to merge and establish branches:

Bourbon-Agricultural Bank & Trust Company, Paris, Kentucky, an insured State nonmember bank, for consent to merge, under its charter and title, with North Middletown Deposit Bank, North Middleton, Kentucky, and to establish the sole office of North Middletown Deposit Bank as a branch of the resultant bank.

The Northwestern Bank, North Wilkesboro, North Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with Cabarrus Bank and Trust Company, Concord, North Carolina, a noninsured bank, and to establish the twelve offices of Cabarrus Bank and Trust Company as branches of the resultant bank.

Application for consent to merge and establish one facility:

Benton Community Bank, Benton, Illinois, an insured State nonmember bank, for consent to merge, under its charter and title, with Ewing State Bank, Ewing, Illinois, and to establish the sole office of Ewing State Bank as a facility of the resultant bank.

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(e) of the Federal Deposit Insurance Act.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,589-L: The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Memorandum and Resolution re: South Side Bank, Chicago, Illinois

Memorandum and Resolution re: Final amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control," which would provide that any petition for reconsideration of a denied request, application, or petition must be addressed to the Corporation's Board of Review where the initial request, application, or petition was denied by the Board of Review acting pursuant to authority delegated by the Board of Directors, except that action taken by the Board of Review on any enforcement matter brought under section 8 of the Federal Deposit Insurance Act shall be subject to review by the Board of Directors in accordance with section 303.13(o)(7).

Memorandum and Resolution re: Final amendments to Part 308 of the Corporation's rules and regulations, entitled "Rules of Practice and Procedure," which would implement provisions of the Garn-St Germain Depository Institutions Act of 1982: (1) That authorize the Corporation to compromise, modify, or remit certain civil money penalties; and (2) that allow the removal of a management official for any violation of the Depository Institutions Management Interlocks Act.

Memorandum and Resolution re: Proposed amendment to Part 309 of the Corporation's rules and regulations, entitled "Disclosure of Information," which would: (1) Permit the Director of the Division of Bank Supervision to delegate his existing authority regarding the disclosure of reports of examination and other exempt records; and (2) permit the General Counsel or his designee to authorize Corporation personnel to testify on confidential information without the service of a subpoena.

Memorandum and Resolution re: FDIC regulations selected for review during 1983.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Division of Liquidation:

Memorandum re: Sale of Residential Mortgage Loans to the Federal National Mortgage Association.

Memorandum re: Guidelines for the Sale of Real Estate/Servicing of Mortgage Loans—Revised.

Report of the Director, Division of Accounting and Corporate Services:

Memorandum re: Investment Management Report as of December 31, 1982.

Report of the General Counsel:

Memorandum re: Reports of Actions Approved Under Delegated Authority: Settlements of Claims, Attorneys' Fees Approved for Payment and Law Firms Retained.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Audit Report re: Corporate Assessment Income, dated June 15, 1982.

Audit Report re: Summary of Five Liquidation Site Audits, dated January 13, 1983

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 18, 1983.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson
Executive Secretary.
[S-255-83 Filed 2-22-83; 8:45 am]
BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, February 28, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Notice of acquisition of control:

Southeast Mississippi Bank, Quitman, Mississippi

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act "[5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii).

Note: Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge and establish branches:

The Banking Center, Waterbury, Connecticut, an insured mutual savings bank, for consent to merge, under its charter and title, with Woodbury Savings Bank, Woodbury, Connecticut, and to establish the three offices of Woodbury Savings Bank as branches of the resultant bank.

Applications pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: February 18, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-254-83 Filed 2-22-83; 11:23 am]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:25 p.m. on Friday, February 18, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation and conduct of a cease-and-desist proceeding against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 22, 1983.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[S-283-83 Filed 2-22-83; 3:22 pm]
BILLING CODE 6714-01-M

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FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: The Bank Board Meeting was held at 3:30 p.m., Friday, February 18, 1983.

PLACE: Board room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED: Application for Permission to Convert from Federal Mutual to Federal Stock Form—California Federal Savings and Loan Association, Los Angeles, California:

(Notice was sent to the **Federal Register** and posted at the earliest time)

[No. 17, February 22, 1983]

[S-284-83 Filed 2-22-83; 3:22 pm]
BILLING CODE 6720-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48 FR. Page No. None at this time. Date to be published: Wednesday, February 23, 1983.

PLACE: Board room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The Bank Board meeting that was previously rescheduled for Wednesday, February 23, 1983, at 2:30 p.m., has been cancelled.

[No. 18, February 22, 1983]

[S-285-83 Filed 2-22-83; 3:22 pm]
BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48,

Page No. None at this time. Date to be Published: Wednesday, February 23, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting that was previously cancelled Wednesday, February 23, 1983 at 10:00 a.m., has been rescheduled for Wednesday, February 23, 1983, at 2:30 p.m., with the following items added to the open portion of the meeting:

Securities Offerings
Organization and Chartering of Federal Stock Association on a *De Novo* Basis and Related Regulatory Amendment

[No. 16, February 22, 1983]

[S-226-83 Filed 2-22-83; 11:31 am]
BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 2, 1983.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10122–11: Modification of the Inter-American Freight Conference, Area River Plate/Puerto Rico and U.S. Virgin Islands/River Plate Agreement to prohibit member lines and their agents from soliciting for non-conference lines.
2. Agreement No. 9648–A–22: Modification of the Inter-American Freight Conference to prohibit member lines and their agents from soliciting for non-conference lines.
3. The Mover's & Warehousemen's Association of America Rate Agreements and the Household Goods Forwarders Association of America Rate Agreement: Petition for exemption from the independent policing authority requirement of General Order 7.
4. Study on rates which are established "subject to booking."

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523–5725.

[S-236-83 Filed 2-22-83; 11:33 am]
BILLING CODE 6730-01-M

8

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 7030, February 17, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 23, 1983.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Docket No. 82–58: Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Venezuela Trade—Consideration of the status of the proceeding.

[S-237-83 Filed 2-22-83; 11:33 am]
BILLING CODE 6730-01-M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, February 28, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: February 18, 1983.

William W. Wiles,
Secretary of the Board.

[S-233-83 Filed 2-18-83; 4:16 pm]
BILLING CODE 6210-01-M

10

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, March 2, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: February 22, 1983.

William W. Wiles,
Secretary of the Board.

[S-239-83 Filed 2-22-83; 3:33 pm]
BILLING CODE 6210-01-M

11

NATIONAL TRANSPORTATION SAFETY BOARD

[NM–83–5]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 7030, February 17, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Thursday, February 24, 1983.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

STATUS: The first two items will be open to the public; the last two will be closed under Exemption 10 of the Government in the Sunshine Act.

1. *Marine Accident Report:* Collision of the U.S. Towboat *Creole Genii* and the Liberian Tank Vessel *Arkas* near Mile 130, Mississippi River, March 31, 1982, and Recommendations to U.S. Coast Guard, Le Beouf Brothers Towing Company, Inc., and New Orleans—Baton Rouge Steamship Pilots Association.
2. *Recommendation* to Federal Aviation Administration regarding use of child restraint systems in aircraft.
3. *Opinion and Order:* Petition of Bellenger, Dkt. SM–2928; disposition of the Administrator's appeal.
4. *Opinion and Order:* Administrator v. Mommsen, Dkt. SE–5576; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

February 22, 1983.

[S-240-83 Filed 2-22-83; 2:11 pm]
BILLING CODE 4910-58-M

12

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., March 24, 1983.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: February 22, 1983.

[FR S-303-83 Filed 2-22-83; 2:28 pm]
BILLING CODE 7600-01-M

13

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., March 17, 1983.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: February 22, 1983.

[FR S–261–83 Filed 2–22–83; 2:28 pm]

BILLING CODE 7600–01–M

14

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Closed/open meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 15, 1983.

CHANGES IN THE MEETING: Rescheduling/Deletion items. The following closed items previously scheduled for Wednesday, February 23, 1983, at 10 a.m. have been rescheduled for Friday 25, 1983, following the 12 p.m. open meeting:

Formal order of investigation.
Settlement of administrative proceedings of an enforcement nature.

The following closed item previously scheduled for Thursday, February 24, 1983, following the 10 a.m. open meeting has been rescheduled for Wednesday, February 23, 1983, at 10 a.m.:

Institution of administrative proceeding of an enforcement nature.

The following closed item scheduled for Wednesday, February 23, 1983, at 10 a.m. will not be considered:

Litigation matter.

The following open items previously scheduled for Thursday, February 24, 1983, at 10 a.m. in Room 1C30 have been rescheduled for Friday, February 25, 1983, at 12 p.m.

1. Consideration of whether to amend the Commission's rules governing maintenance of employee performance appraisal related documents in order to conform the rules to new regulations adopted by the Office of Personnel Management. For further information, please contact Laurie S. Schaffer at (202) 272–2453.

2. Consideration of whether to proceed with rulemaking or other appropriate steps with respect to one or more of the seven securities recommendations from the first SEC Government-Business Forum on Small Business Capital Formation. For further information, please contact H. Steven Holtzman at (202) 272–7617.

3. Consideration of whether to publish for comment certain technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. Such amendments clarify certain language and correct technical omissions and errata. For further information, please contact Gerard V. Comizio at (202) 272–2589.

4. Consideration of whether to adopt on a final basis under the Investment Advisers Act of 1940 certain temporary amendments to Form ADV, the investment adviser registration application. For further information, please contact Arthur E. Dinerman at (202) 272–3021.

5. Consideration of whether to publish for comment Rule 6c–8 under the Investment Company Act of 1940, which would provide registered insurance company separate accounts and others with exemptive relief from various provisions of the Act with respect to variable annuity contracts participating in such accounts to the extent necessary to permit them to impose a deferred sales loan upon redemption of any such contract and to deduct a full annual fee under certain circumstances. For further information, please contact Mary K. Crook at (202) 272–3010.

6. Consideration of whether to propose for comment amendments to Rule 482 under the Securities Act of 1933 and Item 17 of Part I of Form N–1 under the Investment Company Act of 1940 to permit investment companies to advertise their securities by direct mail, modify the method by which money market mutual funds calculate their yield, and permit money market mutual funds to advertise their compound yield. For further information, please contact Gregory K. Todd at (202) 272–7317.

7. Consideration of whether to authorize issuance of a release which announces the adoption of amendments to the Commission's rule regarding the independence of accountants. The amendments revise the definition of the term "member" in § 210.2–01(b) (Rule 2–01(b) of Regulation S–X) and make minor clarification changes in the rule. For further information, please contact Clarence M. Staubs at (202) 272–2130.

Chairman Shad and Commissioners Evans and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

February 18, 1983.

[S–259–83 Filed 2–22–83; 12:50 pm]

BILLING CODE 8010–01–M

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Federal Register

Thursday
February 24, 1983

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operation Under a Federal Program for Washington; Interim Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 947

Surface Mining and Reclamation Operation Under a Federal Program for Washington

January 27, 1983.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Interim final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior promulgates a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Washington. This includes surface effects of underground coal mining. This program is necessary in order to regulate surface coal mining activities in the absence of a State program.

EFFECTIVE DATE: The effective date for this program is April 25, 1983.

DATES: Written comments will be accepted until 5:00 p.m. on April 14, 1983, at the address below.

ADDRESSES: Written comments must be mailed to: Administrative Record Room (R & I—21), Office of Surface Mining, Wyoming State Office, P.O. Box 1420, Mills, Wyoming 82644, or hand-delivered to Office of Surface Mining, Wyoming State Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82244.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Phone (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies. Copies of the Washington Federal program are available for inspection and may be obtained at the OSM office listed above under "**ADDRESSES**."

Public Comment Period. The comment period on this interim final program will extend until April 14, 1983. All comments must be received at the location listed above under "**ADDRESSES**" by the close of business on that date. All written comments received, summaries of public meetings held at the request of any person or organization to receive advice and recommendations concerning the program with representatives of OSM, and other documents comprising the administrative record on the Washington Federal program will be made available for public review during regular business hours at the location listed above under "**ADDRESSES**."

Comments should be as specific as possible, focus on the issues of this rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this rulemaking. Nor can OSM ensure consideration of comments received after the comment period ends or those delivered to an address other than that specified.

Because public hearings were held for the proposed Washington Federal program, none will be scheduled during the interim final rule comment period. Persons wishing to meet with OSM officials should contact the person listed above under "**FOR FURTHER INFORMATION CONTACT**" in order to schedule such a meeting.

To assist the reader, this preamble is arranged as follows:

I. Federal Programs Generally
II. Washington Federal Program
A. Background
B. Content and Organization of the Program
C. Detailed Discussion
D. Discussion and Disposition of Comments
III. Other Information

I. Federal Programs Generally

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce, or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980, as the result of litigation, *In re: Permanent Surface Mining Regulation Litigation*, 13 Envir. Rep. Cas. 1447 (July 25, 1979). The date for the required implementation of a Federal program in any State which did not submit a program to obtain primary regulatory responsibility has passed.

Once a decision has been made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that, in implementing a Federal program, the Secretary must take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations for Federal programs, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (Section 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. The Secretary believes that the requirements of Section 505(b) can best be met by identifying State laws and regulations which impose more stringent environmental controls and listing them in this Federal program. If the State's laws or regulations establish more stringent standards than those of the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment which neither the Act nor the Secretary's regulations protect, OSM would then specifically preserve those State standards in the Federal program. However, by identifying more stringent State environmental controls in a Federal program, OSM would not be assuming any responsibility for enforcing such State laws. That would be left to the State.

Also, in promulgating a program for a State, Section 504(g) specifies that any State statutes or regulations which regulate surface mining and reclamation operations are to be identified by the Secretary and will be superseded and preempted to the extent that they interfere with the achievement of the purposes and requirements of the Act and Federal program. This provision is reinforced by Section 505(a) of the Act which states that only inconsistent State laws shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which do not provide as much protection as do the Federal law and regulations are considered to interfere with achievement of the purposes of the Act. Accordingly, they must be identified and preempted by OSM.

Federal programs are based on the Secretary's permanent program regulations. 30 CFR Subchapters A, F, G, J, K, L, and M. The permanent program regulations implement the procedures and performance standards of the Act. They form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is

implemented for a State. The permanent program regulations contain references to "the regulatory authority" and to "the State regulatory authority," both of which mean the Secretary when a Federal program is involved. Section 701(22) of the Act. The Secretary has delegated all authority for surface coal mining activities to the Director of the Office of Surface Mining (the Director), who is the official responsible for implementing the Washington Federal program.

The parts of the permanent program regulations that must be included in a Federal program are listed in the regulations, 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761, 762 and 765), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who, in the instance of a Federal program, are directly enforcing the Act.

The national permanent program regulations in 30 CFR Chapter VII establish the minimum standards for the regulatory programs in each State and the procedures for developing, promulgating, and implementing the programs. The rules for the national permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979), 44 FR 53507–53509 (September 14, 1979), 44 FR 66195 (November 19, 1979), 45 FR 26001 (April 16, 1980), 45 FR 37818 (June 5, 1980), and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979), as corrected at 44 FR 75143 (December 19, 1979), at 44 FR 77440–77447 (December 31, 1979), 45 FR 2828–2829 (January 11, 1980), 45 FR 25998–26001 (April 16, 1980), 45 FR 33926–33927 (May 20, 1980), 45 FR 39446–39447 (June 10, 1980), 45 FR 52306–52324 (August 6, 1980), 45 FR 52375 (August 7, 1980), 45 FR 58780–58786 (September 4, 1980), and 45 FR 76932 (November 20, 1980), 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 52287 (December 7, 1981); 47 FR 32942 (July 30, 1982); 47 FR 33481 (August 2, 1982); 47 FR 35620 (August 16, 1982); 47 FR 38486 (August 31, 1982); 47 FR 44942 (October 12, 1982); 47 FR 47212 (October 22, 1982); 47 FR 51316 (November 13, 1982); 48 FR 1166 (January 10, 1983); and 48 FR 2286 (January 18, 1983).

Representatives of industry, two States and several environmental groups challenged the national permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation*, Civil Action No. 79–1144, U.S.D.C., D.C. In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942), December 31, 1979 (44 FR 77447–77454), January 30, 1980 (45 FR 6913) and August 4, 1980 (45 FR 51547–51550). In two opinions, the court remanded certain other regulations which had been challenged in the lawsuit. These opinions were filed on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The appeals are pending as this notice is being prepared.

Explanation of Cross-Referencing. To take advantage of the results which revision of the permanent program regulations will achieve, OSM has developed and promulgated this Federal program in the following manner. Rather than repeating the full text of the permanent regulations, there is instead only a cross-reference to the appropriate permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining are provided by making the criteria in 30 CFR Part 762 applicable to this program (see Section 947.762).

One effect of the cross-referencing to the permanent program regulations is that as the permanent program regulations are revised, this Federal program will be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking will be undertaken or necessary for revision of this program, however, unless OSM determines that special conditions are present which necessitate different rules for Washington. In any case, the promulgation of this cross-referencing Federal program would not result in any modification of the substance of OSM's permanent program rules.

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), it was stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

A notice concerning both the proposed and final permanent program rules appeared on July 13, 1982, in connection with the availability of a draft supplemental environmental impact statement on the permanent program rules. 47 FR 30266–67. It advised the public that any change in a permanent program rule would also result in a corresponding change in this program, absent special conditions. The statement invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any Federal program State so that the Federal program for such a State could be tailored as necessary.

Several provisions of the permanent program regulations are already applicable to all Federal programs because they were fully promulgated for application to all regulatory programs and, therefore, need not be cross-referenced here. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interest of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. 30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining has been included in this program by a cross-reference under § 947.764, to provide a petition process on non-Federal lands in Washington. Also, Part 760 has not been included because its provisions do not provide any substantive requirements.

Instead, they impose requirements on the Secretary and his delegates which need not be incorporated in each Federal program. Part 765 was also not included because it is directly applicable to a Federal program State without being incorporated or cross-referenced.

With regard to bonding regulations (Subchapter J), only Part 800 is cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981). Should the Washington Federal program become effective before the final rule notice revising the bonding regulations appears, and the bonding rules not be revised by the time a permit under this Federal program is to be issued, as a condition of issuance of that permit the applicant will be required to abide by the then-effective bonding rules until such rules are superseded.

II. Washington Federal Program

A. Background

Under Sections 501–503 of the Act and 30 CFR Part 731, States were provided the opportunity to submit programs for approval by the Secretary and thus achieve primacy for regulating coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands. Most States in which surface coal mining is now occurring submitted programs, and most of those States have now been granted primary regulatory responsibility, either fully or conditionally. Because the State of Washington formally notified OSM in 1979 that it would not submit a program to obtain primary regulatory responsibility and because there is at least one active surface coal mining operation in the State, the Secretary is required to promulgate a Federal program for Washington.

On May 16, 1980, a notice of intent to promulgate Federal programs appeared in the **Federal Register**. 45 FR 32329. That notice announced that a Federal program would be developed for Washington. Later, the State indicated a possible change in its position and OSM provided a grant to the State to develop a program. In addition, the State indicated it would be unable to complete and submit an approvable program in the near future. Also in 1980, OSM received a notice of intent to sue from a number of environmental organizations which indicated their intention to commence litigation for the failure of OSM to promulgate Federal programs for a number of States, including Washington. In 1982, after extensive negotiations with the environmental organizations, OSM agreed to submit a final rulemaking notice to the Office of the Federal Register by February 15, 1983, for publication.

OSM published a proposed Federal program for Washington in the **Federal Register** on June 21, 1982. 47 FR 26794–26803. The notice announced a 45-day comment period ending on August 2, 1982 and a public hearing for July 24, 1982, in Olympia, Washington.

Shortly after publication of the proposed program, OSM received a request to postpone the hearing because of the number of pending changes to the permanent program rules on which the proposed Washington Federal program was based. Since comment on the proposed Washington Federal program was inextricably bound up with comment on the proposed revisions to the permanent program rules, OSM agreed to postpone the hearing date to September 17, 1982, and to extend the comment period to October 20, 1982. These extensions went beyond the comment period for the revisions to the permanent program rules. *See* notices of July 13, 1982, 47 FR 30267, and September 7, 1982, 47 FR 39201. Because of a further request for delay in the public hearing, the record for the hearing held on September 17th was held open for additional testimony on October 14, 1982.

Many commenters, as indicated below under "Disposition of Comments," requested that OSM further postpone promulgation of the Washington Federal program until after promulgation of OSM's revisions of the permanent program rules on which this Federal program is based. OSM recognizes the difficulty created by the contemporaneous promulgation of this program and the revisions of the permanent program rules, and the complications that poses in light of the use of cross-referencing, as explained above, for the substance of the program rules. Nevertheless, OSM believes it cannot delay promulgation of this program, because mining is being conducted in Washington, because Section 504(a) of the Act sets a deadline by which Federal programs must be promulgated, and because of the potential for litigation if delay continues. However, OSM has chosen to publish the program as an interim final rule in order to facilitate any required modification resulting from the imminent promulgation of revisions to the permanent program rules on which it is based.

As announced above, there will be a public comment period of 50 days from the date of publication of this interim final rule. The revisions to the permanent program rules are expected to have been published by the end of the post-publication comment period. This post-publication comment period will allow commenters to review the Washington Federal program as it is affected by OSM's imminent revisions of the permanent program rules. Should readers believe that the changes in those rules make modifications to the Washington Federal program necessary or desirable, those suggested modifications should be brought to OSM's attention during the post-publication comment period on this program. OSM will consider any comments submitted during this period, and by further rulemaking notice, either modify or affirm the Washington Federal program as promulgated today.

Section 504(a) of the Act and 30 CFR 736.22(a)(1) require that each Federal program consider the nature of the State's terrain, climate, biological, chemical, geological, hydrological, agronomic, and other relevant physical conditions. OSM has reviewed Washington State statutes and regulations to determine if there are provisions which might be relevant to surface coal mining and reclamation operations. Numerous parts of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) were compared with the Federal permanent program regulations in 30 CFR Subchapters A, F, G, J, K, L, and M. They are identified in the proposed program rulemaking notice, 47 FR at 26795 (June 21, 1982). The more stringent requirements, whether State or Federal, have been adopted for this program in the following manner. Section 505(b) of the Act provides that State statutes and regulations which provide for more stringent land use and environmental controls of surface coal mining and reclamation operations than do the provisions of the Act and the Secretary's regulations shall not be construed as inconsistent with the Act or those regulations. Section 947.700(e) of this program lists Washington State statutes which set different controls and for which compliance is required in a surface coal mining and reclamation operation. Even though OSM has made a comprehensive search of Washington law, the list in § 947.700(e) may not be complete. OSM does not intend an omission to mean that a permittee does not have to meet those obligations under State law. To the contrary, any relevant State law not superseded by these rules must be complied with by permittees and permit applicants.

Determining whether State statutes are more stringent than the Federal regulations will often require a case-by-case analysis, the result of which cannot be predetermined. Citation in the program of State statutes with which compliance is required is not meant as an adoption of those State statutes and regulations for purposes of enforcement by OSM. Citation of such statutes is instead intended as an aid to persons who must comply with both the Federal program requirements and State statutes.

The Washington statute and regulations cited at § 947.700(f) as interfering with the achievement of the purposes of the Act are superseded by the Federal program. Compliance with them by surface coal mine operators is not required for operations covered by this program.

OSM has primarily cited statutes, and has minimized citations to the Washington Administration Code, in the various parts of the Washington Federal program. This is because State regulations can readily change and OSM's incorporation of these changes would necessarily lag behind them. However, if an operator must comply with a State statute, he or she must also comply with the State regulations which implement that statute.

In accordance with 30 CFR 736.23, OSM has identified only the Washington Surface Mining Act, RCW 78.44, insofar as it regulates coal, and the complementary regulations, WAC 332-18, as interfering with the achievement of the purposes of the Act and this Federal program. OSM is, therefore, superseding and preempting them to the extent they relate to surface coal mining and reclamation subject to regulation under the Act. Permittees will be required to conduct surface coal mining activities in compliance with all other existing State statutes and regulations unless they obtain waivers pursuant to § 947.700(g), as described immediately below.

A new subsection (g) has been added to § 947.700 in this final rulemaking notice. It allows OSM to grant a limited variance from the performance standards of the permanent program rules based on a showing by a permit applicant or permittee that such a variance is made necessary by the unique nature of Washington's terrain, climate, biological, chemical, or other relevant physical conditions. Its addition has been prompted by comments, discussed below, which advocated exceptions to the performance standards of the permanent program rules because of particular environmental conditions in Washington, and which pointed out the difficulty of making abstract determinations as to whether a given State requirement was or was not more stringent than the corresponding permanent program requirement.

OSM does not wish to supersede any State law unless it is absolutely necessary and, therefore, proposed making such determinations on a case-by-case basis. This was because if a determination were made that a particular State statute or regulation established less environmental protection, compliance with both it and a corresponding Federal regulatory standard may prove impossible such that the State's requirements would have had to be superseded as interfering with accomplishment of the Federal program. Establishment of a variance procedure obviates the necessity of making stringency determinations in the abstract and preserves State law to the greatest extent possible. The operation of this variance provision is described more fully under "Detailed Discussion," below.

Section 504(h) of the Act requires that each Federal program include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. OSM will coordinate permit requirements with State agencies to the degree practicable to avoid unnecessary duplication. The Washington Department of Natural Resources (DNR) has a statutory requirement under the State Surface Mining Act (RCW 78.44) to review mine plans and issue permits for coal mining. OSM has concluded that this requirement interferes with the achievement of the purposes of the Federal program. Therefore, after the effective date of this Federal program, an operator need not obtain a permit to mine coal from the DNR under the State Surface Mining Act. However, OSM will inform the DNR of actions taken with respect to permit applications and enforcement, and the permit application and related documents will be filed at the Department of Natural Resources, the Department of Ecology, and the appropriate county recorder's office.

The Federal statutes for which compliance must be coordinated in the issuance of a surface mining permit are set out in 30 CFR 736.22(c). Federal and State statutes for which a permit is required are identified in § 947.770(b) and (c). The Washington Federal program provides for coordination with these permit review and issuance procedures by stipulating that no person may conduct coal exploration of surface coal mining operations without first obtaining all other necessary permits from the State (Section 947.700(d)), and by providing for extensive public notice and comment. References to Washington's "master application" have been deleted from this interim final program because Washington is not now using that procedure. However, OSM and the Washington State Department of Ecology will cooperate with the "lead agency," WAC 197-10-040, identified under the State Environmental Policy Act (SEPA) if the "master application" mechanism should be implemented by the State in the future. *See* Comment 33 below.

B. Content and Organization of the Program

The content and organization of the Federal program for Washington follows the permanent program regulations. But, as discussed above, instead of the full text appearing, each section includes only a reference to the pertinent permanent program regulation part. Sections 947.700(e) and (f) set out more stringent and inconsistent State statutes, respectively. A separate paragraph has been added under any section where there are deviations from the Federal permanent program regulation for the Washington Federal program. These paragraphs will generally be found in a subsection (b).

The content and organization of the Washington Federal program are based on the following provisions of the Federal permanent program regulations, 30 CFR Chapter VII:

Subchapter A—General
Subchapter F—Areas Unsuitable for Mining
Subchapter G—Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs
Subchapter J—Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations
Subchapter K—Permanent Program Performance Standards
Subchapter L—Permanent Program Inspection and Enforcement Procedures
Subchapter M—Training Program for Blasters and Members of Blasting Crews, and Certification Programs for Blasters

Technical literature cited by OSM in the preambles to the permanent regulatory program (44 FR 14901-15309, March 13, 1979), and to subsequent rulemaking notices revising those rules (cited above), was relied upon in developing the Washington Federal program. The reader is referred to those preambles for a discussion of the basis and purpose of the permanent program rules referenced in the Washington program without substantive change.

The numbering system of the permanent program regulations has been incorporated into the numbering system for the Washington Federal program. Subchapter T in 30 CFR Chapter VII has been established to include regulatory programs by State. Each State is assigned a part number; the Federal program for Washington is assigned Part 947. Program elements have been categorized under headings similar to the subchapter titles.

C. Detailed Discussion

General. Section 947.700 contains six subsections: The first four, subsections 947.700 (a), (b), (c), and (d), contain general statements on the scope and applicability of the program. Section 947.700(e) lists Washington State laws which have been identified as having provisions which regulate surface coal mining operations and are more stringent than the Act and the Secretary's regulations. A new clause has been added to the second sentence of the subsection to provide for an instance when a provision of one of the listed State laws establishes less environmental protection than does the Federal program, and the operator is placed in a situation of complying with one and violating the other. Section 504(g) of the Act authorizes a preemption of State laws in such an instance and a provision has been added to § 947.700(f) to authorize preemption of a particular State law where necessary in a particular case.

Section 947.700(f) identifies the Washington Surface Mining Act and regulations promulgated pursuant to it as interfering with the achievement of the purposes of the Act and Federal regulations, and, therefore, as being preempted and superseded by this Federal program insofar as they pertain to surface coal mining. A new sentence has been added to the paragraph, as discussed below under Performance Standards, to allow preemption of other State laws in an instance where the Federal Act or regulations set more stringent standards than an unpreempted State law or regulation. Such a preemption would be limited to the particular operation for which it is made.

Section 947.700(g) provides a mechanism for obtaining a variance from the performance standards of the cross-referenced permanent program rules by a showing that such a variance is necessary due to the unique characteristics of Washington's environment. The variance provided for allows for a deviation from the performance standards on a case-by-case basis. Under Section 504(a) of the Act, in promulgating a Federal program for a State, the Secretary is required to take into consideration the nature of its terrain, climate, biological, chemical and other relevant physical conditions. The Secretary has fulfilled this mandate by reviewing Washington laws on the assumption that those laws accurately reflect varying environmental conditions found in the State.

OSM also recognizes that there may be particular environmental conditions in a State which are not reflected in State laws, and which are of such a nature as to require accommodation in a Federal program. Rather than establish special categories of mining for a State for which a Federal program is being promulgated, OSM has chosen to provide the option of allowing for a variance on a case-by-case basis under § 947.700(g). The permit applicant has the burden of requesting the variance and of demonstrating that such variance is necessary based on the unique nature of the particular environmental conditions in Washington. Such a variance may be granted only with respect to particular performance standards in §§ 947.815–947.828 as identified by the permittee.

The option of establishing a standard other than that of necessity, such as unreasonableness, impracticability or impossibility, was considered and rejected. OSM believes that necessity is a sufficiently stringent test to use for granting exceptions on the narrow basis of Washington's unique environmental conditions.

Sections 947.701 through 947.707 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter A, General. Section 947.701(a) contains all applicable general requirements, including the definitions in 30 CFR 700.5 and 701.5. A definition of "Forestry (forest land)" has been included in paragraph (b) of § 947.701. It is taken from the Revised Code of Washington (RCW), although it has a counterpart in the Washington Administrative Code, and is included here in order to provide consistency since the State statutes are cited in other sections of this program.

The Washington Forest Practices Rules and Regulations at WAC 222–16–010 define the term "forest land" as including "* * * all land which is capable of supporting a merchantable stand of timber and is not being actively used in a manner (for a use) which is incompatible with timber growing." (RCW 76.09.020(6); WAC 222.16.010(17).) Such lands are included in the definition of "forest land" in this Federal program. The term "forest land" appears in parentheses next to the present term "foresting" for increased clarity and consistency. OSM considers the Washington definition more stringent because foresting is not more extensive in scope.

The proposed rulemaking notice would have included certain definitions in order for the Federal program to utilize Washington's "master application" procedures. However, because commenters pointed out that Washington is not now using the "master application" program, those definitions have been deleted from the Washington Federal program as promulgated today.

The proposed rulemaking notice also included a definition for "noxious plants" taken from the Washington Revised Code. That change is now considered unnecessary, as the definition in 30 CFR 701.5 adopts the State definition without citation.

As discussed below under Performance Standards, no modification in the definition of "alluvial valley floor" as contained in § 701.5 is being made for Washington. Instead, operators in the area west of the crest of the Cascade Mountains will have to show in their permit applications that the area of planned mining is not arid or semi-arid.

Section 947.701(c) requires that OSM make records available locally to the public at the county courthouse. This requirement also applies to §§ 947.770(b) and 947.782(b).

Area Unsuitable for Mining. Sections 947.761 through 947.764 establish the same provisions, where applicable, as 30 CFR Chapter VII Subchapter F, Areas Unsuitable for Mining. The effective date for implementing the petition process for designating lands unsuitable for surface coal mining or terminating designations is one year after Part 947 is effective, in accordance with the requirements of Section 504(a) of the Act and 30 CFR 765.13. No separate section for Federal lands is included because 30 CFR Part 769 is directly applicable and need not be made a part of a Federal program.

A paragraph has been added in § 947.764 to ensure that the Washington Department of Natural Resources and the Department of Ecology are notified of areas designated unsuitable or for which designations have been requested or terminated. This notification will be provided as a courtesy since those agencies regulate aspects of surface coal mining operations pursuant to their responsibilities under the Washington statutes listed in § 947.770.

Permits and Coal Exploration Approvals. Sections 947.770 through

947.705 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter G, Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Procedures System. The following changes have been made:

Section 974.770 lists Washington State statutes which could affect permit issuance. The procedures for coordinating Federal, State and local permit applications to avoid unnecessary duplication are provided in this section.

The State's optional procedures (RCW 43.31 and RCW 90.62) for assisting those who must obtain a number of permits (through which the State coordinates administrative decision-making procedures on the several permits) has been deleted from the final rule because Washington is not now implementing those procedures. The proposed rule in § 947.770(b) would have provided for coordination through this "master application" procedure. That paragraph has been removed from the final rule and the remaining paragraphs of § 947.770 have been relettered accordingly.

Section 947.770(b) lists Federal laws and corresponding or relevant State laws that need to be coordinated by OSM in order to prevent or minimize duplication of effort with Washington. Section 947.770(c) lists State and local permits with which the Secretary will endeavor to coordinate when issuing a surface mining permit under this Federal program.

Sections 947.780 (for the surface mining reclamation and operations plan) and 947.784 (for the underground reclamation and operations plan) require an applicant to demonstrate compliance with the Washington Clean Air Act and the Washington Water Pollution Control Act. In addition, an applicant must also obtain approval from the local air pollution control authority if production will exceed 1 million tons per year. Approval is required under this program in order to ensure compliance with State air pollution control requirements (*See* 30 CFR 780.15 and 784.26).

The Washington Surface Mining Act regulates coal exploration which affects one acre in eight acres. The Federal Act does not apply to exploration which does not substantially disturb the natural land surface. Section 512 of the Act. This Federal program preempts the State statute only to the extent it interferes with the Federal Act. There may be an instance where exploration affecting one in eight acres does not substantially disturb the land. In that case, compliance with the State Surface Mining Act would be necessary.

Although a permit fee is required under § 947.771(b), no fee has been set in 30 CFR 736.25. Therefore, payment of a permit fee will be deferred until final promulgation of a fee schedule.

OSM is currently developing permit application forms. In the meantime, OSM should be contacted in order to determine the format for an application.

Bonding. Section 947.800 establishes the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter J, Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations.

Only Part 800 is cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981). Should this program become effective before a final rule notice revising the bonding regulations appears, and the bonding rules not be revised by the time a permit under this Federal program is to be issued, as a condition of issuance of that permit, the applicant will be required to abide by the then-effective bonding rules until such rules are superseded.

There are currently no self-bonding rules in effect because most have been suspended (46 FR 59934 (December 7, 1981)) and subsequently reproposed in a separate rulemaking, 47 FR 36570 (August 20, 1982). Consequently, there will be no self-bonding available under the Washington Federal program until the revised self-bonding rules are made effective.

Performance Standards. Sections 947.815 through 947.828 establish the same provisions, where applicable, as 30 CFR Chapter VII, Subchapter K, Permanent Program Performance Standards. The following changes have been made:

Section 947.816(b) lists State laws with which compliance generally will be required notwithstanding the preemption of the State's Surface Mining Act. Pursuant to the Washington State Surface Mining Act, RCW 78.44.090(10), all surface mining that will disturb streams must comply with the requirements of the State fisheries law (Title 75 RCW), and every application for an operating permit for surface mining operations must have a reclamation plan that is approved by the Department of Fisheries with regard to operations in streams. The Hydraulic Project Approval Law, RCW 75.20.100, requires that any person desiring to divert, obstruct, or change the natural flow or bed of any river or stream must submit full plans and specifications of the proposed construction or work to the Department of Fisheries and Department of Game and obtain approval from the Directors of the Departments before commencing work. The Shoreline Management Act, RCW 90.58, concerns development of Washington's shorelines. The section also lists other State statutes with which compliance is necessary: The Forest Practices Act, the Water Pollution Control Act, the Minimum Water Flows and Levels Act, and the Pesticide Control Act. Compliance with all of these State statutes will be required except where OSM has provided otherwise.

When the unpreempted State statute or regulation establishes a less stringent standard than does the Federal program, the operator may be in a position of not being able to comply with both State and Federal provisions. Rather than place an operator in such an untenable position, OSM will make a determination in that instance that compliance with the State law or regulation, as provided by Section 504(g), interferes with the purposes of the Federal program. Thus, the State statute or regulation will be preempted in that instance so that compliance with a particular law could not be required by the State. In order to effectuate the *ad hoc* preemption, OSM will publish a notice in the Federal Register identifying the particular State law or regulation which is being preempted in the instance of a particular surface mining operation. Necessary changes have been made in §§ 947.700(e) and (f), 947.815, 947.816, 947.817, 947.818, 947.819, 947.822, 947.823, 947.824, 947.826, 947.827, and 947.828 to allow this preemption.

Section 947.817(b) lists for underground mining the same State laws with which compliance is required under § 947.816(b) for surface mining. One additional statute, the Washington Water Code (RCW 90.03), has been listed. In some instances, these statutes and their implementing regulations establish more stringent standards than those found in Part 817 of the permanent program regulations.

Determinations of stringency, however, will be made on a case-by-case basis.

No additions have been made to the permanent program regulations on special performance standards, 30 CFR Parts 818 through 829.

The proposed rule notice did not include a cross-reference to 30 CFR Part 822 on alluvial valley floors (AVF). However, there is evidence that the Cle Elum coal field, which lies east of the Cascade Mountain crest, may be in a semi-arid area, so a § 947.822 on AVF's has been included in the final rule

notice. Therefore, an operator seeking a variance under Section 947.700(g) will have to show in the permit application that the area of mining is not located in an arid or semi-arid area, as defined in 30 CFR 701.5. OSH could then either: (1) Make a determination that the AVF requirements do not apply, if the area is not arid or semi-arid, or (2) grant a waiver under § 947.700(g), so that compliance is not required.

Inspection and Enforcement Procedures. Sections 947.842, 947.843, and 947.845 establish the same provisions as 30 CFR Chapter VII, Subchapter L, Permanent Program Inspection and Enforcement Procedures. Two separate paragraphs have been added to §§ 947.842 and 947.843 to authorize the Secretary to furnish copies of OSM enforcement actions to the Washington Department of Natural Resources, the Department of Ecology, and, if there is a planning agency in the county government where the surface coal mining and reclamation operation is located, to that agency.

Blaster Training and Certification. A cross-reference to 30 CFR Part 850 was omitted from the proposed rule by oversight. It is included in the final rule as § 947.850.

D. Discussion and Disposition of Comments

OSM proposed a Federal program for Washington on June 21, 1982 (47 FR 26794). In the preamble to the proposed program OSM invited comments from all interested persons. Public hearings were held on September 17 and October 14, 1982, in Olympia, Washington. The public comment period ended on October 20, 1982. Relevant comments received are summarized below.

Many comments dealt with procedural matters such as the possibility of the postponement of the Federal program pending revision of the permanent program rules. These comments are discussed in the next part of this rulemaking notice, entitled "Procedural Comments." Comments on the substantive provisions of the program and on the permanent program rules, as they apply to Washington, are then discussed.

Many comments, especially the numerous comments submitted by a large operator in the State, Washington Irrigation & Development Company (WIDCO), addressed changes in the permanent program rules generally or changes in the permanent program rules as they affect Washington. These comments are responded to here only insofar as they concern some aspect of the Washington Federal program. Where the comment instead applied to the permanent program rules now being revised, it has been considered in that rulemaking if it was submitted for consideration for those rules. For example, comments of representatives of industry in Washington on OSM's proposed revisions to the coal processing waste rules, 30 CFR § 816.81 *et seq.* and 817.81 *et seq.*, 47 FR 26598 (June 18, 1982), did not raise issues peculiar to Washington, and were therefore considered under that rulemaking rather than here.

Procedural Comments. 1. One commenter suggested that, because both the final Washington Federal program and the final revised permanent regulations will be published at essentially the same time, the affected operators should be given a grace period before having to meet the new requirements.

OSM does not agree that a grace period is allowable or necessary. The Washington Federal program is being published as an interim final rule which will not become effective until sixty days after publication, during which time OSM will accept comments on the Washington program based on the changes in the permanent program rules. Any such comments will be considered and the Washington Federal program rules changed if necessary. During this period, however, coal operators in Washington will continue to operate under the interim program rules, as they have in the past.

2. One commenter expressed reservations about the desirability and usefulness of the cross-referencing technique used in the Washington Federal program. The commenter believed that use of the cross-referencing approach would prevent OSM from adequately tailoring the program to Washington's unique circumstances.

OSM does not agree that cross-referencing inhibits the Director's ability to tailor the Washington program to a State's circumstances. Additionally, the variance procedure of § 947.700(g) further ensures that OSM will be able to respond on a case-by-case basis to any aspect of surface coal mining in Washington which is not adequately addressed by the program as promulgated today.

3. Thirteen commenters stated that OSM was mandated to coordinate with State and local governments on a wide range of administrative processes and matters, particularly permitting the lands unsuitable designation process. The commenters requested that OSM develop a formal coordinating procedure to minimize any duplicative effort.

OSM has not accepted this comment. OSM agrees that coordinating with State and local jurisdictions is necessary and mandated. The Director believes, however, that OSM can ensure the necessary coordination under the Washington Federal program promulgated today.

Section 947.786 of this program makes applicable 30 CFR Part 786, which provides for extensive public (including governmental entities) involvement in the permitting process. This involvement is encouraged through: (1) The requirement that the applicant advertise each permit application in the area of the proposed mining, (2) through the public hearing and comment process, and (3) through OSM's availability for informal conferences on permit applications.

Similarly, the review of petitions to designate lands unsuitable for surface coal mining includes comprehensive public notice, comment and hearing requirements. For example, 30 CFR 764.15(b)(1) (made applicable to the Washington Federal program under § 947.764) requires OSM to circulate copies of any petition to, and request relevant information from, "* * * other interested governmental agencies, the petitioner, intervenors, persons with an ownership interest of record in the property, and other persons known to the regulatory authority to have an interest in the property."

The Director believes that these and other such provisions throughout OSM's regulations will ensure full and continuing coordination of the kind the commenters requested. Given the comprehensiveness of the public participation requirements already in OSM's regulations, however, the Director believes that the additional "formal coordination procedure" suggested by the commenters would be superfluous.

4. Three commenters requested that OSM clarify whether it plans to incorporate more stringent State laws into this program or simply to preserve them. Another commenter believed that the policy of incorporating State laws should be eliminated.

Section 947.700(e) identifies and preserves Washington statutes which may be more stringent than the Federal Act and regulations. Section 505(b) of the Act requires only that the Secretary "set forth" State laws "construed to be inconsistent" with the Act. Because the Director believes it helpful to the public, this program also lists those Washington laws which have provisions that may be more stringent than the Act and the permanent program regulations. The Act

does not require, however, that such laws be "incorporated" into Federal programs.

The Director recognizes that 30 CFR 736.23(b) and the preamble to the proposed Washington Federal program stated that such laws would be "incorporated" into the program. As a matter of policy, however, OSM has chosen to minimize its intrusion into State affairs. Because this program promulgation is a separate rulemaking, OSM intends not to follow the general directive of § 736.23(b). Therefore, more stringent Washington laws are being identified and preserved, but not incorporated in this Federal program. Further comment on this issue is solicited and will be considered before OSM takes additional action in the Washington Federal program.

5. Two commenters believed that OSM should delay promulgation of the Federal program until OSM has met its statutory and regulatory requirements to tailor this program to Washington's unique conditions.

OSM believes the program promulgated today meets all applicable statutory and regulatory requirements as described above in this preamble and that it adequately recognizes and accommodates the unique aspects of Washington's relevant circumstances. Further, as explained above under "Washington Federal program," the Director believes that the Act does not allow OSM to delay promulgation of this program.

6. Two commenters suggested that OSM had not completely responded, as mandated, to the public comments that were being made on this program.

The commenters may have misunderstood the nature of the public notice and comment process. The Administrative Procedure Act, 5 U.S.C. § 552, does not provide for response to public comments during the comment period. OSM is, of course, required to consider and repsond to public comments as part of this final rulemaking, and is doing so here today.

7. One commenter suggested that an "implementation task force" be established to make recommendations on difficult implementation problems.

OSM disagrees that such an approach is needed or useful. Because there are only a few active and potential operators in Washington, OSM believes that sufficient contact will be maintained with the State during the permitting and enforcement phases, both on formal and informal bases, to work out any difficult implementation problems.

8. One commenter suggested that this is an inappropriate time to comment on the Washington Federal program because OSM is in the process of revising the permanent program regulations. He and two other commenters expressed their confusion over whether they should comment on OSM's current regulations or the proposed revisions to those regulations.

OSM agrees that more time would be helpful for some reviewers, but believes also that the Act and circumstances compel final promulgation of the Washington Federal program now. The publication of this program as an interim final rule, however, is intended to allow OSM to meet its statutory mandate while enabling reviewers more time for their analyses.

9. A number of commenters expressed concern over the general issue of stringency. There are several issues underlying this general issue.

a. Two commenters stated that stringency determinations must be made on a case-by-case analysis between State statutes and the Federal regulations. Such an analysis is currently being made by the State. Until this is completed, these commenters argued, the substance of the Federal regulatory program will not be known. One of the commenters believes that OSM should consider the results of this study in any further refinement of the Federal program.

OSM agrees that the results of the State's case-by-case study should be reflected in the Washington Federal program. As stated above, however, the Act and circumstances compel promulgation of the Washington Federal program now. The Director is publishing this rule as interim final in part to facilitate future modification in light of the analysis now being conducted by the State.

b. Two commenters suggested that comparison of State and Federal statutes and regulations as written does not accurately measure relative stringency. The commenters agree that OSM's design standards are, in fact, more stringent than State design standards. The State, however, requires that the success of projects be judged on performance standards. Because those State performance standards are based on unique conditions found in particular areas of the State, the ultimate result of the State requirement, in the opinion of the commenters, is that the State regulations are more stringent than the Federal standards. Thus, the commenters requested that OSM perform stringency tests of State statutes on a case-by-case basis, in view of specific conditions in various geographic areas of Washington.

As stated in the response to Comment 9a, above, OSM agrees that the results of the State's case-by-case study should be reflected in the Washington Federal program. As stated above, however, the Act and circumstances compel promulgation of the Washington Federal program now. The Director is publishing this rule as interim final in part to facilitate future modification in light of the analysis now being conducted by the State.

It should be noted that OSM's proposed revisions to the permanent program regulations are aimed, in large measure, at eliminating rigid design standards and enhancing operators' flexibility to choose the most effective method of meeting the required performance standards. When the revisions of the permanent program are made final, OSM will accept comments on the Washington Federal program based on those revisions. In addition, the Washington program as promulgated today includes a variance procedure at 947.700(g) under which operators may seek variances based upon unique circumstances of the sort alluded to by the commenters.

c. Another commenter requested that OSM implement a "special mining section" to deal with unique regional conditions and cited the provisions in OSM's regulations for Wyoming and Pennsylvania as precedents.

OSM disagrees. The cited precedents rest on explicit provisions in Act (Sections 527 and 529); there are no such provisions for Washington. The basis for special regulations covering particular conditions in a State (e.g., 30 CFR Parts 830 and 825) is and must be special provisions in the Act (Sections 527 and 529). Furthermore, OSM believes that adequate accommodations for unique conditions in Washington can be made through the variance provisions in the Federal program promulgated today.

d. In a comment related to stringency, one commenter suggested that OSM require each permit applicant to submit satisfactory evidence that the proposed operation would not be contrary to local land use ordinances and regulations under the State's regulations (WAC 332–18–015).

OSM believes that the permit coordination procedure established by § 947.770 will ensure that interested and affected State and local entities have the opportunity to apprise OSM of any actual or potential conflicts between the proposed operation and their land use ordinances. (*See* also the discussion under Comment 10, below.)

10. The State asked for further explanation of the effect of the program

on its comprehensive plan, its shoreline management program, a proposed development guide and is zoning authority.

Those State laws identified in § 947.700(f) are superseded by this program. The laws and plans about which the State inquired, however, are not identified in § 947.700(f). These could be superseded only on an individual basis and after consultation with the State.

This Federal program does not supersede any State or local planning or land use control measures, except in one instance: Should OSM, in response to a petition, designate lands unsuitable for surface coal mining pursuant to §§ 947.762 and 947.764, that designation would override any contrary State or local land use decision and the State or local governmental jurisdiction could not then change its plans or zoning to permit surface coal mining. On the other hand, issuance of a surface mining permit by OSM to a prospective operator will not relieve that person from having to comply with otherwise applicable State laws. If a surface mining permit were issued for lands which were zoned for a use which does not include mining, for example, the permittee would have to obtain a variance before commencing mining.

11. An industry representative commented that it was preferable that regulation be by the State of Washington rather than by OSM. The commenter observed that his company's experience with mining operations in other States had convinced him that State agencies were better and more responsive regulators.

OSM agrees that it would be preferable to have the State of Washington regulate surface coal mining. Congress also indicated the same preference in the Act. However, Washington has not yet sought or obtained primacy under the Act. OSM will continue to encourage and assist Washington in every way to develop an approvable State program of its own, but, in the absence of an approved State program, Section 504(a) of the Act requires the Secretary to promulgate a Federal program where surface coal mining is taking place.

12. Two commenters pointed out that the proposed rulemaking notice failed to indicate an effective date for the program. They stated that this failure hampers their planning efforts in preparing permit applications.

The delayed effective date of the Washington Federal program is intended in part to ensure that prospective permit appicants have adequate advance notice of the program's requirements. As explained at Comment 13, below, OSM believes that this Federal program allows prospective permittees ample planning time.

13. The State asked which permanent program rules would be applicable to the Washington Federal program in light of the coincident promulgation of the Federal program at about the same time as OSM promulgates final rule notices for the permanent program rule revisions.

OSM has decided to delay only the effective date of the Washington program, and not its publication date. The revised permanent program rules will be published shortly, and some may even have been published before this notice. OSM believes that prospective permit applicants will have sufficient notice of the revised permanent program rules in order to incorporate those changed requirements into their permit applications without undue complication. The performance standards that must be adhered to are those which will be applicable at eight months after the effective date of this Federal program. This, combined with the two-month delay in the effective date itself, provide permits applicants fully ten months before having to comply with the performance standards, a period the Director believes to be ample for compliance planning.

14. The operator of a surface mine in the State questioned the basis for the conclusion that promulgation of the program is not a major rulemaking, since compliance with the program will have a major economic impact on the commenter's operation.

The proposed rulemaking notice concluded that promulgation of the Washington Federal program would not be a major rule under the criteria of Executive Order 12291, and the commenter offered no information on which to base a contrary conclusion. Although the program may impose additional costs on the commenter's operation, it does not meet the criteria of E.O. 12291. The relevant criteria are that the rulemaking have an economic impact of $100 million or more per year, cause a major increase in costs for individual industries or geographic regions, or have a significant adverse effect on the ability of an industry to compete with foreign-based enterprises. Although substantial costs may be induced by the program, they do not approach $100 million. Nor does OSM have reason to expect that competition will be adversely affected. To the contrary, the lack of a regulatory program in Wahington equivalent to those applicable in all other coal producing States could give an unfair economic advantage to Washington coal.

15. Related to the request that the final promulgation of the program be delayed, two commenters asked that the comment period be re-opened once the final rule notices for the permanent program rules are published.

OSM agrees that revision of the Washington Federal program may be appropriate in light of pending revisions to the permanent program regulations on which it is based. OSM's decision to publish the Washington Federal program as an interim final rule with a delayed effective date gives the public an additional 50-day comment period within which to address any issues raised by the final revisions to the permanent program rules. The Director may consider an extension or re-opening of the comment period if appropriate in the future.

16. Several commenters urged that the Washington Federal program not be promulgated until final revisions to the permanent program regulations are made. That would afford the public the opportunity to comment on those rules, as they form the basis for the Washington Federal program. Without having the benefit of seeing the final revisions to the permanent program rules, they argued, they could not comment in a fully informed way. This is especially so when the Federal program would supersede a State statute and regulations which were devised to address perceived problems by the State.

OSM recognizes the commenters' concerns. However, promulgation of a Federal program is a statutory duty of the Secretary of the Interior when a State does not submit a regulatory program for approval. Section 504(a) of the Act sets a deadline for Federal program promulgation—a date which has long passed. Therefore, the decision was made to publish an interim final rule with a comment period of 50 days so that interested parties may comment on any changes in the final permanent program rules which they believe require modification for the Washington Federal program.

17. One commenter asked about the applicability of the Washington Federal program to Federal lands in the State. Another commenter (11) suggested that operations on Federal lands should be subject to the same regulations as on private or State-owned lands under the Federal program.

Surface coal mining and reclamation operations on Federal lands are subject to the Federal Lands Program regulations, 30 CFR Subchapter D, which

is based upon the permanent program regulations, as is the Washington Federal program, and which makes this Federal program applicable to Federal lands in Washington.

Definitions. 18. A commenter suggested changing the modified definition of "Forestry (Forest Land)" in the proposed program at § 947.701(c) to make it compatible with the Washington Forest Practices rules from which the changes were taken.

OSM agrees. The final rule definition is renumbered § 947.701(b) removes the parentheses from the phrase "for a use" and adds the disjunctive "or" between it and the preceding phrase, "in a manner."

19. Another commenter suggested modification of the definition of "arid and semi-arid area" in 30 CFR 701.5 to exclude the area in Washington west of the Cascade crest.

OSM has not accepted this comment. Rather than modify the definition, OSM has chosen to allow the operator to make the showing required under 30 CFR 785.19 or to handle the matter under the variance procedure in § 947.700(g).

20. A commenter suggested that the definition of "undeveloped land" should be changed to exclude forestry in light of the proposed changes to the definition of forestry.

OSM rejected this comment. The definition in 30 CFR 701.5 is of "undeveloped rangeland" and applies only for purposes of the alluvial valley floor rules. Exclusion of forest lands from the land use category because of the changes in the term "forestry" would have no effect on the application of the alluvial valley floor rules.

Designation of Lands as Unsuitable for Surface Coal Mining. 21. The State of Washington urged that decisions on petitions to designate lands unsuitable for coal surface mining be made in full consultation with the State and its agencies. King County asked that it have a role in the designation process as well. The State also urged, as did another commenter, that OSM utilize Washington's data base of archeological and historical sites and its listing of endangered plants and animals.

OSM agrees. 30 CFR 764.15(b)(1) of the permanent program rules requires OSM to circulate copies of petitions to designate lands unsuitable to interested governmental agencies within three weeks of a determination that such petition is complete. Under 30 CFR 764.15(c), any person has the right to intervene in a proceeding until three days before a hearing on a petition. Thus, if the State, its agencies and local governments have indicated an interest (as have both the State and King County), they would be apprised of the proceeding within three weeks after a petition is determined to be complete and would have until three days before the hearing to formally intervene in the proceeding. Further, Section 522(a)(5) of the Act requires that determinations of unsuitability be integrated as closely as possible with present and future land use and regulation processes at the Federal, State, and local levels. Accordingly, OSM will consult with the State and appropriate county(ies) in processing any petitions to designate lands unsuitable in Washington.

The Secretary would find the State's data base with respect to archeological resources and endangered species exceedingly helpful in evaluating any petition. However, as is required of each State regulatory program under Section 522(a)(4)(B), each Federal program must develop such a data base pursuant to 30 CFR 764.21.

Coal Exploration. 22. A commenter recommended that OSM notify coal exploration applicants within 15 days of receiving an application if there will be a delay in processing.

OSM accepted this comment and has modified Section 947.776(b) accordingly.

Permitting. 23. Where commenters informed OSM that the Washington Environmental Coordinating Procedures Act (RCW 90.62) and the "Master Application" approach created under it are no longer utilized by the State.

OSM has removed mention of the Master Application and the Environmental Coordinating Procedures Act from the final Washington Federal program.

24. King County asked to receive copies of all permit applications and related documents, and of all enforcement actions involving mines within its jurisdiction.

OSM has accepted this comment. Pursuant to Section 507(e) of the Act, and 30 CFR 786.11(d)(1), which is made applicable through § 947.786 of the Washington Federal program, copies of all permit applications must be filed in the county courthouse of the county where mining is to occur. All documents forming a part of the permit application, such as maps, cross-sections and plans, would have to be filed there as well.

Further, § 947.843(b) of the final rule has been changed to provide that a copy of any enforcement action involving a surface mining operation be filed with the Department of Planning of the appropriate county where there is such an agency.

25. A commenter suggested changes to the proposed revisions in OSM's permitting regulations, 47 FR 27694 (June 25, 1982), although he did not make clear whether these changes were to be made just for the Washington Federal program or for the permanent program rules as well. The commenter urged that proposed 30 CFR 775.13(b) which allows only professional engineers and geologists to certify environmental data, be modified to also allow licensed land surveyors and others with a professional background in the environmental sciences to make such certifications. The commenter also urged that a definition of the term "technical data" be added in order to avoid confusion.

OSM has not accepted these comments for the Washington Federal program. These suggestions are directed at the rules generally and are not of unique concern for Washington. With respect to the certification of data, however, it should be noted that Section 507(b)(14) of the Act allows the preparation of cross-sections, maps and plans by qualified registered professional engineers or professional geologists, or persons under their direction, but provides that only those two professions may "certify" the plans. The Secretary's regulations cannot contravene the Act.

26. One commenter asked whether OSM expects the Washington Department of Natural Resources (DNR) to administer the existing State permit on an interim basis until a Federal permit is approved and what role DNR will have thereafter, especially with regard to forest practices.

OSM will become the regulatory authority on the effective date of this Federal program. The DNR is expected to administer the existing State permit until that time; thereafter, OSM will conduct the inspection and enforcement duties required by the Act and this program. Between the effective date of this Federal program and the issuance of a permanent program permit, an operator must comply with the OSM interim program regulations. Section 506(a) of the Act allows operators who have valid State permits, and who apply to OSM within two months of the effective date of this program, to continue operating until OSM issues or denies Federal permits; compliance with the permanent program performance standards will be required once OSM has issued such permits under this Federal program.

With respect to the Forest Practices Act, the DNR's role after the effective date of this program will be to administer that and other State Acts within its jurisdiction which are more stringent than are the requirements of the Federal Act and this program.

27. One commenter inquired about the mechanisms and procedures OSM has established, as the regulatory authority, to review, process, and approve permit applications.

Subchapter G of the permanent program regulations describes OSM's procedures for processing permit applications. Because OSM has proposed only minor revisions to this process, the present 30 CFR Subchapter G regulations remain an accurate guide to the procedures OSM will follow during a permit review.

28. One commenter asked if there will be an application fee as allowed, but not required, in 30 CFR 736.25.

There will be a permit application fee. A permit fee is required under Section 507(a) of the Act. Section 736.25, establishing a permit fee schedule, will be proposed in early 1983. Payment of the fee may be deferred, however, until a final version of that section is promulgated and takes effect.

29. One commenter asked whether OSM expects to utilize a two-stage completeness review for permit applications, i.e., reviewing separately for administrative and technical completeness. The commenter encouraged such a process, with an application required to be administratively complete at submittal, but with allowance for technical clarifications prior to final approval.

OSM will use the two-stage application review process described by the commenter. Allowance will also be made for technical clarification if required before final approval.

30. One commenter asked whether permittees were required to submit annual reports to OSM.

There is no requirement in either the Washington Federal program or in OSM's permanent program regulations for annual reports from permittees.

31. One commenter asked how the OSM intends to make the Environmental Assessment (EA) Finding of No Significant Impact (FONSI) and, if an Environmental Impact Statement (EIS) is required, whether its findings might conflict with procedures for State findings and assessments under Washington's State Environmental Policy Act (SEPA).

OSM completes the EA at the same time it completes the Technical Analysis. The results of the EA and TA determine whether a FONSI can be made or whether, alternatively, an EIS is required. If an EIS is required, data gathered in the TA is used. OSM has no reason to expect any conflict with the SEPA, since SEPA requirements generally correspond to those of the National Environmental Policy Act.

32. Four commenters questioned the twelve-month period provided for permit application review and, along with another commenter, questioned the six-month time period for reviewing a permit revision. The first commenter suggested that such a long lead time would make Washington coal less competitive. The other commenter pointed out that no explanation is given as to what constitutes a revision. The commenter noted that an operator may find it impossible to anticipate the need for minor amendments or revisions six months in advance. This same commenter urged OSM to establish standards to define "significant departures" under 30 CFR 788.12 where formal permit revisions would be required in order to take into account the faulting and folding coal seams in the State which make mine planning difficult.

The twelve-month period in § 947.772(b) for new permits is directory and not mandatory. Because OSM, unlike States in their regulatory programs, must comply with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, permit review and issuance is likely to take as much time as does the issuance of Federal coal leases. OSM believes that the twelve-month period is an accurate estimate of the time OSM will need to issue a permit. Prospective applicants should consult with OSM, however, to obtain a prediction of the likely processing time required for their particular permits.

OSM has eliminated the six-month lead time for permit revisions. However, the time required to review an application depends on the completeness of the application and on the time needed to prepare the technical and environmental analyses. Realistically, if OSM must request additional data from the applicant, a delay of six months or more could result.

As for the establishment of a special definition of "significant departure" for purposes of permit revision under 30 CFR 788.12, the commenter did not suggest any particular standard that would accommodate distinct conditions in the State. OSM solicits comments during the post-publication period on such a standard.

33. A commenter pointed out that the requirement in proposed § 947.785(b) for the approval of the Washington Departments of Natural Resources and Ecology in order to meet watershed improvements standards was unnecessary. The commenter asserted that the State agencies have the responsibility to approve such projects, pursuant to laws such as the Forest Practices Act, and to review them under the State Environmental Policy Act.

OSM agrees. OSM is not superseding either the Washington Forest Practices Act or the authority of State agencies under it by promulgation of this program; proposed § 947.785(b) has been deleted from this final rule.

34. Another commenter suggested that, even though the air quality monitoring requirements in 30 CFR 780.15 are required west of the 100th meridian, they should not apply to the area west of the Cascade crest, because of its wet climate.

OSM has not accepted this comment. For the same reasons OSM chose not to establish a special exemption from the alluvial valley floor provisions in 30 CFR 780.15 and Part 822, it is not doing so here. OSM will rely instead on the variance procedure of § 947.700(g) to provide operators with any necessary flexibility with respect to air quality monitoring requirements.

Bonding. 35. A coal operator requested that a provision be added to 30 CFR 805.13 to allow the reclamation bond to be posted on an area when topsoil is first removed. Thus, harvesting of timber, slash disposal and the grubbing of all vegetation from lands about to be mined would not be subject to bonding.

OSM has not accepted this comment. There is no basis for the addition of a special provision for the Washington Federal program that would allow the posting of a reclamation bond at a time later than required under the Act and permanent program rules. Further, even if the suggested provision were added to 30 CFR 805.13, the commenter's objective would not be achieved because Section 509(a) of the Act requires the posting of a bond after the regulatory authority approves the permit application, but before the permit is issued. Further, 30 CFR 800.11(b) provides that surface lands are not be be disturbed until the bond has been given to the regulatory authority; "disturbance" in that context includes the harvesting of timber.

The only alternative available to the operator is to identify discrete increments of the permit area. This would permit OSM to defer bonding on the successive increments until the timber is to be harvested—the first step in the disturbance process—on a particular increment. There would be no bond posted until the actual disturbance occurred. Thus, the operator would save any surety bond premium that would otherwise have to be paid if a larger area than that immediately affected by

mining activities were included in the permit or increment.

36. Another commenter recommended that self-bonding be allowed for the Washington Federal program.

As mentioned in the preceding part describing the rules, the suspension of OSM's self-bonding rules precludes self-bonding until OSM promulgates final rules establishing sufficient standards. OSM is currently reviewing comments on the proposed rule, 47 FR 36570 (August 20, 1982), but no date for a final rulemaking notice has been set. However, a permanent program self-bonding rule would automatically become part of the Washington Federal program because of the cross reference in § 947.800.

Performance Standards. 37. One commenter recommended that OSM adopt 30 CFR Part 810 in the Washington program as a basis for any special categories of mining.

OSM does not agree. OSM believes that Part 810 would be superfluous in the Washington Federal program.

38. One commenter indicated that the waste that is produced in the processing operation is generally non-toxic and the most effective way of disposing of it is placing it back in the open pit to be mixed with other spoil and covered. The commenter urged that the program address this particular problem, especially because the permanent program regulations for disposal of coal waste, 30 CFR 816.81–.93 and 817.81–.93, do not deal specifically with return of the waste to the pit, but require the placement of the waste in compacted layers. The cited sections also set certain static safety factors for the final waste pile which, if applied to Washington, may be greater than natural conditions.

The commenter urged that an exception to the coal waste rules be added for disposal in the back-filled and graded area, in addition to that which OSM already has for dewatered fine coal waste. *See* proposed 30 CFR 816.85(f), 47 FR 26598 (June 11, 1982).

OSM has not accepted this comment, as the commenter has raised a question which is not confined to Washington State. Although there is a prohibtion in the permanent program regulations against placement of coal processing waste in certain areas, OSM has proposed to eliminate it by removing the term "coal waste" from the definitions of "head of hollow fill" and "valley fill" in § 701.5. *See* rulemaking notice to revise excess spoil rules, 47 FR 27954 (June 8, 1982). Should the static safety factor requirement pose a problem due to unique circumstances in Washington, the operator may seek a variance under § 947.700(g). Therefore, it is neither necessary nor appropriate to modify the Washington Federal program as the commenter suggested.

39. A commenter advocated the use of either chemical or physical treatment facilities in lieu of sedimentation ponds to meet water quality standards because of the extraordinary climatic conditions in Washington west of the Cascade Mountains crest. The commenter suggested the addition of such a provision to the present rule, 30 CFR 816.42. He further argued that discharges from point sources in the State have to comply with the more stringent water quality standards and effluent limitations of the Department of Ecology, which administers the National Pollution Discharge Elimination System under the Federal Water Pollution Control Act, 33 U.S.C. 1151–1175.

OSM has not accepted this comment. The current permanent program water quality regulations neither conflict with nor interfere with the Federal Water Pollution Control Act (FWPCA) requirements; in fact, Section 702(a) of the Surface Mining Control and Reclamation Act specifically states that its requirements do not supersede those of the FWPCA. The Court of Appeals for the District of Columbia held in *In re: Surface Mining Regulation Litigation*, 627 F.2d 1346 (1980), that the Surface Mining Control and Reclamation Act gave the Secretary authority to regulate water quality only where the Federal Water Pollution Control Act was deficient with respect to surface coal mining, viz., discharges from non-point sources. 627 F.2d 1366–67. The Court also held that the variances and exemptions provided under Environmental Protection Agency regulations, 40 CFR 434.22(c), .32(b), .35(b), .42(b), and .45(b), could not be superseded by the Secretary through his water quality regulations, 627 F.2d at 1369.

While the permanent program hydrologic balance regulations do not currently allow for alternative treatment facilities, it is an option under consideration in revision to those rules. *See* proposed revision to 30 CFR 816.46, 46 FR 34784 (July 2, 1981). Should the final rule not allow for alternative treatment, a variance could be sought under § 947.700(g) based on the precipitation levels in western Washington.

40. Commenter urged that continued use of alternative sediment control measures be allowed in the Federal state program.

OSM has not accepted this comment. The permanent program rule, 30 CFR 816.45, provides a wide range of possible techniques for use in sediment control. The present rule and proposed revisions to the regulation afford the operator ample opportunity to demonstrate that his or her preferred method is suitable and will prove successful. In fact, OSM cited the commenter's own methods of sediment control in the notice promulgating its permanent program regulations as the best technology currently available, which had been developed to meet a particular need. *See* 44 FR 14926 (March 13, 1979). No change in the Federal program rule is needed.

41. A commenter suggested that a waiver is necessary from the 180-day backfilling and grading schedule requirement where complex, multi-seam mining operations are involved.

OSM has not accepted this comment. The commenter has not identified a problem unique to Washington. Further, the current permanent program regulations allow for an exemption from the 180-day or four-spoil ridge requirement for backfilling and grading when such a need is demonstrated in the mining and reclamation plan. Experience in other States has shown that additional time is necessary due to the complex mining conditions encountered. The proposed revision of the permanent program regulations, 30 CFR 816.101 (47 FR 26760, June 21, 1982) would delete the 180-day requirement. There is no need to add a particular exemption for the Washington Federal program.

42. A commenter advocated provisions that would allow an exemption from the 1.3 static safety factor requirement for backfilling and grading. *See* proposed amendments to 30 CFR 816 .101–.106, 47 FR 26760 (June 21, 1982). The commenter pointed out that many parts of Washington's coal area have naturally unstable slopes due to the manner in which the lands were formed, including naturally occurring factors of safety of as little at 1.0.

OSM has not accepted this comment. The condition that the commenter identified is not one unique to Washington, and, in fact, similar comments were submitted in response to OSM's proposed revisions to the permanent program regulations. As the commenter recognizes, the proposed revisions to the permanent program rules would not require that the stability of the reclaimed slope exceed that of the pre-mining slope. Further, a variance may be sought for a lesser factor of safety under § 947.700(g). The Director does not believe it necessary or appropriate to modify the program promulgated here as the commenter suggested.

43. A commenter urged that particular flexibility be allowed in the Washington Federal program for raptor protection. Because of the height of the trees in forested lands in which mining occurs, raptors would not utilize power poles for their hunting. Yet the regulations require operators to provide costly raptor protection on existing power poles to minesites. Therefore, the commenter suggested flexibility in order to allow for a more cost-effective way of protecting the wildlife.

OSM has not accepted this comment, since it is not directed to any environmental condition peculair to Washington. Rather, it applies generally to the permanent program regulations and is being considered in that separate rulemaking.

44. A commenter was concerned about the revisions to the postmining land use and variance from approximate original contour requirements as proposed in OSM's rulemaking notice of April 14, 1982. 47 FR 16152. The commenter noted that the requirement of 30 CFR 133(d)(7) for a 1.3 static safety factor for backfilled highwalls may preclude the establishment of final cut highwall lakes. The commenter argued that final cut highwall lakes are a desired addition in western Washington because of the lack of naturally formed small lakes useful for recreation.

OSM has not accepted this comment, since it is directed at the permanent program regulations generally. OSM's proposed revisions to those regulations do recognize limited instances when the final highwall need not be completely eliminated. Should the final permanent program regulations not provide the flexibility which the commenter believes necessary, he can seek a variance under § 947.700(g). No change to the Washington Federal program need be made in response to the comment.

45. Two commenters identified potential problems with OSM's application of the sedimentation pond design standards and sediment control measures to Washington. They pointed out that coal mining areas in Washington, due to heavy rainfall west of the Cascade Mountains, have saturated ground conditions and saturated valley sediments. Building sedimentation ponds, and even roads, in such areas, according to the commenters, requires different techniques from those used elsewhere. Further, OSM's design standards are based upon rare event storms. Given the terrain and climate in western Washington, they argued, application of these standards would result in extremely large ponds being built in narrow valleys. The commenters advocated flexibility in the requirements.

OSM agrees, and believes that the conditions pointed out by the commenters seem to be unique to Washington. Rather than modify the permanent program rules as they are applied to Washington, however, OSM has chosen to provide the variance procedure of § 947.700(g), which will allow an operator to seek any necessary modification of his permit due to the unique circumstances in Washington. The applicant, in such an instance, would have to show not only that there is a unique environmental condition in Washington which makes a variance necessary, but also that his proposed alternative method achieves a similar level of environmental protection to that afforded by the permanent program rule in question.

46. Several commenters sought exclusion of the area west of the Cascade Mountains crest from the alluvial valley floor (AVF) provisions in 30 CFR Part 822.

OSM has not accepted this comment. As discussed above, no exclusion is being added to the program. Exemption from the AVF requirements can be obtained either through the provisions in 30 CFR 785.19 or the variance under § 947.700(g)

47. Many commenters stated that OSM had not adequately considered Washington's particular environmental conditions in drafting the proposed program. Their concern focused mainly upon the heavy rainfall that occurs west of the Cascade Mountains crest and the steeply dipping coal seams that are found in the State.

With respect to the former condition, the alluvial valley floor portion of the Act is applicable to mining on lands located west of the 100th meridian west longitude and which have an arid or semi-arid climate. With respect to the latter condition, the Act provides for deference to State regulation of anthracite mines which have similarly steeply dipping seams and for special regulation of bituminous mines which meet certain criteria. Sections 529 and 527 of the Act, respectively. The commenters wanted OSM to either withdraw the proposed program and undertake an extensive analysis of unique environmental conditions in the State or show in the final rule that the special conditions had been taken into consideration.

OSM recognizes that there can be unique or special environmental conditions in a State which are not adequately reflected either in State laws or in the rules of the Federal program. Therefore, a provision for a variance has been added at § 947.700(g) that would allow an operator to obtain a variance from specific permanent program performance standards based on a showing that unique environmental conditions at the proposed mine site make such variance necessary.

The authority for this provision is the last sentence of Section 504(a) of the Act, which requires the Secretary to ". . . take into consideration the nature of [the] State's terrain, climate, biological, chemical, and other relevant physical conditions" in promulgating a Federal program. Congress was concerned about a general variance being provided in the Act, especially one which could be granted by State regulatory authorities. *See* S. Rpt. No. 95–128, 95th Cong. 1st Sess., at 55 (1977). Section 947.700(g) is not a general variance. It is instead a limited variance from specified performance standards which may be granted: (1) Only by OSM and (2) only upon a showing that such a variance is necessary because of Washington's unique environmental conditions. The permittee would also have to show that his proposed alternative achieved equal or greater environmental protection that did the performance requirement from which he was seeking a variance. Addition of this provision obviates the need for the extensive analysis urged by some commenters and allows OSM to expeditiously promulgate this program, while ensuring that OSM is able to consider and respond to any special environmental conditions at a particular mine site.

For the alluvial valley floor requirements not to apply, the permit applicant would first have to show that the area where mining is proposed is neither arid nor semi-arid as defined in 30 CFR 701.5. If such a showing is made, then the variance would actually amount to an exemption from § 947.822 of the Federal program which applies Part 822 of the permanent program alluvial valley floor rules.

III. Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a

significant impact on a substantial number of small entities.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

OMB Review

The recordkeeping and reporting requirements of this rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. Section 3507.

Although the rule contains information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), clearance of information collection forms is required only if ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

List of Subjects in 30 CFR Part 947

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by David Jones, Office of the Solicitor, and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

February 1, 1983.

30 CFR Chapter VII is amended by adding Part 947 to read as follows:

PART 947—WASHINGTON

Sec.

947.700 Washington Federal Program.
947.701 General.
947.707 Exemption for coal extraction incident to government-financed highway or other construction.
947.761 Areas designated unsuitable for surface coal mining by act of Congress.
947.762 Criteria for designating areas as unsuitable for surface coal mining operations.
947.764 Process for designating areas unsuitable for surface coal mining operations.
947.770 General requirements for permit and exploration procedures.
947.771 General requirements for permits and permit applications.
947.776 General requirements for coal exploration.
947.778 Surface mining permit applications—Minimum requirements for legal, financial, compliance, and related information.
947.779 Surface mining permit applications—Minimum requirements for information on environmental resources.
947.780 Surface mining permit applications—Minimum requirements for reclamation and operations plan.
947.782 Underground mining permit applications—Minimum requirements for legal, financial, compliance, and related information.
947.783 Underground mining permit applications—Minimum requirements for information on environmental resources.
947.784 Underground mining permit applications—Minimum requirements for reclamation and operation plan.
947.785 Requirements for permits for special categories of mining.
947.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
947.787 Administrative and judicial review of decisions on permit applications.
947.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
947.795 Small operator assistance.
947.800 Requirements for bonding of surface coal mining and reclamation operations.
947.815 Performance standards—Coal exploration.
947.816 Performance standards—Surface mining activities.
947.817 Performance standards—Underground mining activities.
947.818 Special performance standards—Concurrent surface and underground mining.
947.819 Special performance standards—Auger mining.
947.822 Special performance standards—Operations on Alluvial Valley Floors.
947.823 Special performance standards—Operations on prime farmland.
947.824 Special performance standards—Mountaintop removal.
947.826 Special performance standards—Operations on steep slopes.
947.827 Special performance standards—Coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
947.828 Special performance standards—In situ processing.
947.842 Federal inspections.
947.843 Federal enforcement.
947.845 Civil penalties.
947.850 Blaster training and certification.

Authority: Pub. L. 95–87, The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

§ 947.700 Washington Federal Program.

(a) This part contains all rules that are applicable to surface coal mining operations in Washington which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) Most of the rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Washington Federal program.

(c) The rules in this part apply to all surface coal mining operations in Washington conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in Washington.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of Washington laws generally provide for more stringent environmental control and regulation of some aspects of surface coal mining operations than do the provisions of the Surface Mining Control and Reclamation Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not generally be construed to be inconsistent with the Act, unless in a particular instance the rules in this Chapter are found by OSM to establish more stringent environmental controls:

(1) Washington Clean Air Act, RCW 70.94.

(2) Washington Food Fish and Shell Fish Laws pertaining to the Department of Fisheries on operation in streams, RCW 75.

(3) Washington Hydraulic Projects Approval Law, RCW 75.20.100.

(4) Washington Forest Practices Act, RCW 76.09.

(5) Washington Water Code, RCW 90.03.

(6) Washington Water Pollution Control Act, RCW 90.48.

(7) Washington Minimum Water Flows and Levels Act, RCW 90.22.

(8) Washington Shoreline Management Act, RCW 90.58.

(9) Washington Pesticide Control Act, RCW 15.58.

(f) The following are the Washington law and regulations that generally interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded. Other Washington laws may in an individual situation interfere with the purposes and achievements of the Act and may be preempted and superseded with respect to the performance standards of §§ 947.815–

947.828 as they affect a particular coal exploration or surface mining operation by publication of a notice to that effect in the **Federal Register**.

(1) The Washington Surface Mining Act of 1971, Revised Code of Washington (RCW) 78.44, as related to surface coal mining, except to the extent that it regulates surface coal mining operations which affect two acres or less or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

(2) Surface Mined Land Reclamation regulations, Washington Administrative Code (WAC) 332–18, as they apply to surface coal mining, except to the extent that such regulations apply to surface coal mining operations which affect two acres or less or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

(g) The Secretary may grant a limited variance from the performance standards of §§ 947.815 through 947.828 of this Part if the applicant for a coal exploration approval or surface coal mining and reclamation permit submitted pursuant to §§ 947.770 through 947.788 of this Part can demonstrate in the application (1) that such a variance is necessary because of the unique nature of Washington's terrain, climate, biological, chemical, or other relevant physical conditions; and (2) that the proposed alternative will achieve equal or greater environmental protection than does the performance requirement from which the variance is requested.

§ 947.701 General.

(a) Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 710 of this chapter shall apply to surface coal mining operations in Washington.

(b) The following modified definition shall be applicable under § 701.5 of this chapter: *Forestry (Forest Land).* Includes land used or managed for the long-term production of wood, wood fiber, or wood derived products. All land which is capable of supporting a merchantable stand of timber and is not being actively used in a manner or for a use which is incompatible with timber growing is also included. Land used for facilities in support of forest harvest and management operations which is adjacent to or an integral part of these operations is also included.

(c) Records required by § 701.14 of this chapter to be made available locally to the public shall be retained at the county recorder's office of the county in which an operation is located, and at the nearest OSM Field Office.

§ 947.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 947.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 947.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mining and reclamation operations.

§ 947.764 Process for designating areas unsuitable for surface coal mining operations.

(a) Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mining and reclamation operations.

(b) The Secretary shall notify the Washington Department of Natural Resources and the Department of Ecology of any area designated unsuitable or for which such designation has been requested or terminated.

§ 947.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to surface coal mining and exploration operations.

(b) The Secretary shall coordinate, to the extent practicable, his responsibilities under the following Federal laws with the relevant Washington State laws to avoid duplication:

	Federal law	Washington law
(1)	Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*	Water Pollution Control Act, Chapter 90.48 RCW.
(2)	Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*	Washington Clean Air Act, Chapter 70.94 RCW.
(3)	Resource Conservation and Recovery Act, 42 U.S.C. 3251 *et seq.*	Solid Waste Management Act, Chapter 70.95 RCW; Hazardous Waste Disposal Act, Chapter 70.105 RCW.
(4)	National Historic Preservation Act, 16 U.S.C. 470 *et seq.*	Indian Graves and Records, Chapter 27.44 RCW.
(5)	Archeological and Historic Preservation Act, 16 U.S.C. 469a *et seq.*	Archeological Sites and Resources, Chapter 27.53 RCW. Office of Archeology and Historic Preservation, Chapter 43.51A RCW.
(6)	National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*	State Environmental Policy Act, Chapter 43.21C RCW
(7)	Coastal Zone Management Act, 16 U.S.C. 1451, 1463–1464	Shoreline Management Act, Chapter 90.58 RCW.
(8)	Section 208 of the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*	Water Pollution Control Act, Chapter 90.48 RCW, Washington Forest Practices Act, Chapter 76.09 RCW.
(9)	Endangered Species Act, 16 U.S.C. 1531 *et seq.*	Natural Area Preserves Act (Plants), Chapter 79.70 RCW; Department of Game, Chapter 43.17 RCW; Game Commission, Chapter 77.08 RCW.
(10)	Fish and Wildlife Coordination Act, 16 U.S.C. Sections 661–667	Water Resources Act of 1971, Chapter 90.54 RCW; Minimum Water Flows and Levels, Chapter 90.22 RCW.
(11)	Noise Control Act, 42 U.S.C. Section 4903	Noise Control Act of 1974, Chapter 70.107 RCW.
(12)	Bald Eagle Protection Act, 16 U.S.C. 668–668(d)	

(c) The following State permits shall be coordinated by the Secretary to avoid duplication to the extent possible:

(1) Department of Ecology:
- Surface Water Rights Permit, RCW 90.03.250
- Dam Safety Approval, RCW 90.03.350
- Reservoir Permit, RCW 90.03.370
- Approval of Change of Place or Purpose of Use (water); RCW 90.03.380
- Ground Water Permit, RCW 90.44.050
- New Source Construction Approval, RCW 70.94.152
- Burning Permit, RCW 70.94.650
- Flood Control Zone Permit RCW 86.16.080
- Waste Discharge Permit, RCW 90.48.180
- National Pollution Discharge Elimination System (NPDES) Permit, RCW 90.48
- Approval of Change of Point of Diversion, RCW 90.03.380
- Sewage Facilities Approval, RCW 90.48.110
- Water Quality Certification, RCW 90.48.160

(2) Department of Natural Resources:
- Burning Permit, RCW 76.04.150 & .170
- Dumping Permit, RCW 76.04.242
- Operating Permit for Machinery, RCW 76.04.275
- Cutting Permit, RCW 76.08.030
- Forest Practices, RCW 76.09.060
- Right of Way Clearing, RCW 76.04.310
- Drilling Permit, RCW 78.52.120

(3) Regional Air Pollution Control Agencies:

New Source Construction Approval, RCW 70.94.152
Burning Permit, RCW 70.94.650
(4) Department of Fisheries: Hydraulic Permit, RCW 75.20
(5) Department of Game: Hydraulic Permit, RCW 75.20.100
(6) Department of Social Health Services:
Public Sewage, WAC 248.92
Public Water Supply, WAC 248.54
(7) Department of Labor and Industries:
Explosive license, RCW 70.74.135
Blaster's license, WAC 296.52.040
Purchaser's license, WAC 296.52.220
Storage Magazine license, WAC 296.52.170
(8) Cities and Counties:
New Source Construction Approval, RCW 70.94.152
Burning Permit, RCW 70.94.650
Shoreline Substantial Develoment Permit, RCW 90.58.140
Zoning and Building Permits, Local Ordinances

(d) Where applicable, no person shall conduct coal exploration operations which result in the removal of more than 250 tons in one location or surface coal mining and reclamation operations without first obtaining permits required by the State of Washington.

§ 947.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

(b) Any person who wishes to conduct new surface coal mining and reclamation operations shall file a complete application at least 12 months prior to the date upon which permit issuance is desired, and shall pay to the Secretary a permit fee in acordance with 30 CFR 736.25.

(c) Any person who wishes to revise a permit shall submit a complete application as early as possible prior to the date upon which permit issuance is desired and shall pay to the Secretary a fee in accordance with 30 CFR 736.25.

§ 947.776 General Requirements for Coal Exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, the Director shall notify the applicant within 15 days of receipt that more time is necessary to complete review of the application and set forth the reasons and the additional time that is needed.

§ 947.778 Surface mining permit applications—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§ 947.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 947.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

(a) Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirement for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

(b) Any applicant for a surface coal mining permit which is to produce more than 1,000,000 tons per year shall demonstrate compliance with local Air Pollution Control Authorities and the Washington Clean Air Act, RCW 70.94.

(c) Any applicant for a surface mining permit shall describe the steps taken to comply with the Washington Water Pollution Control Act, RCW 90.48.

§ 947.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 947.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 947.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

(a) Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground coal mining operations.

(b) Any application for an underground mining permit which will produce more than 1,000,000 tons per year shall demonstrate specific compliance with local Air Pollution Control Authorities and the Washington Clean Air Act, RCW 70.94.

(c) Any applicant for an underground mining permit shall also indicate how compliance will be achieved with the Washington Water Pollution Control Act, RCW 90.48.

§ 947.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 947.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

(a) Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

(b) The Secretary shall provide a copy of the decision to grant or deny a permit application to the Washington Department of Natural Resources, the Department of Ecology and to the county Department of Planning, if any, in which the operation is located.

§ 947.787 Administrative and judicial review of decisions on permit applications.

Part 787, Administrative and Judicial Review of Decisions by Regulatory Authority on Permit Applications, shall apply to the review of decisions on permit applications for surface coal mining and reclamation operations.

§ 947.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and

Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 947.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 947.800 Requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 947.815 Performance standards—coal exploration.

(a) Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

(b) Any person who conducts coal exploration operations shall comply with the Washington Forest Practices Act, RCW 76.09, and regulations promulgated pursuant to it.

§ 947.816 Performance standards—surface mining activities.

(a) Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

(b) All operators shall have a plan of reclamation approved by the Washington Department of Fisheries for operation in affected streams, RCW 75, and shall comply with the Hydraulic Project Approval Law, RCW 75.20.100, the Shoreline Management Act, RCW 90.58, the Forest Practices Act, RCW 76.09, the Water Pollution Control Act, RCW 90.48, the Minimum Water Flows and Levels Act, RCW 90.22, and the Pesticide Control Act, RCW 15.58, and regulations promulgated pursuant to these laws.

§ 947.817 Performance standards—underground mining activities.

(a) Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

(b) All operators shall have a plan of reclamation approved by the Washington Department of Fisheries for operation in affected streams, RCW 75, and shall comply with the Hydraulic Project Approval Law, RCW 75.20.100, the Shoreline Management Act, RCW 90.58, the Forest Practices Act, RCW 76.09, the Water Pollution Control Act, RCW 90.48, the Minimum Water Flows and Levels Act, RCW 90.22, the Pesticide Control Act, RCW 15.58, and the Washington Water Code, RCW 90.03, and regulations promulgated pursuant to these laws.

§ 947.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts concurrent surface and underground coal mining operations.

§ 947.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 947.822 Special performance standards—operations on alluvial valley floors.

Part 822 of this chapter, Special Performance Standards—Operations on Alluvial Valley Floors, shall apply to any person who conducts surface coal mining operation on alluvial valley floors.

§ 947.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmland.

§ 947.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 947.826 Special performance standards—operation on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 947.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

§ 947.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 947.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) Upon request OSM shall furnish a copy of any inspection report to the Washington Department of Natural Resources and the Department of Ecology. If there is a planning department in the county government where the operation is located, a copy of the enforcement action shall be furnished to that agency.

§ 947.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) Upon request OSM shall furnish a copy of each enforcement action document and order to show cause issued pursuant to this section to the Washington Department of Natural Resources and the Department of Ecology. If there is a planning

department in the county government where the operation is located, a copy of the enforcement action shall be furnished to that agency.

§ 947.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

§ 947.850 Blaster training and certification.

Part 850 of this chapter, Programs for Blaster Training and Certification, shall apply to any person who conducts coal exploration or surface coal mining operations.

[FR Doc. 83-4419 Filed 2-23-83; 8:45 am]
BILLING CODE 4310-05-M

VOL
48
ISS
38
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1983
UMI

federal register

Thursday
February 24, 1983

Part III

Department of the Interior

Fish and Wildlife Service

National Wildlife Refuges in Alaska; Description of Boundaries

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

National Wildlife Refuges in Alaska; Description of Boundaries

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice sets out the legal descriptions of the external boundaries of national wildlife refuges established in Alaska under sections 302 and 303 of the Alaska National Interest Lands Conservation Act (ANILCA). Also described are the external boundaries of units of the National Wilderness Preservation System established within these refuges under section 702 of the ANILCA. Limited descriptions are included for wild and scenic rivers established on refuges under sections 602 and 603 and rivers designated for study under section 604. Publication of these legal descriptions is required by section 103 of the ANILCA. Generalized location maps are included also.

DATE: Pursuant to section 103(b) of ANILCA these boundary descriptions are effective as of December 2, 1980.

FOR FURTHER INFORMATION CONTACT:

Regional Director, U.S. Fish and Wildlife Service (Attn: Bill Mattice), 1011 East Tudor Road, Anchorage, Alaska 99507 (Phone: 907–276–3800),

or

Director, U.S. Fish and Wildlife Service (Attn: Christine Enright), 18th and C Streets, NW., Washington, D.C. 20240 (Phone: 202–653–7650).

SUPPLEMENTARY INFORMATION: Under section 103(b) of the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487 (94 Stat. 2371) the Secretary of the Interior was directed to publish legal descriptions and boundary maps for the land status changes effected by ANILCA, including national wildlife refuges and their wilderness areas. The official legal descriptions for refuges, and wilderness areas therein, are included in this notice. While generalized location maps for these areas also are included in this notice, the 1:250,000 scale maps developed for public use under section 103(b), whose official names and dates are listed below, are incorporated by this notice and are available for inspection at the Department of the Interior Library (Room 1140, 18th and C Streets, NW., Washington, D.C. 20240), U.S. Geological Survey map reference libraries in Alaska, and at the Fish and Wildlife Service Regional Office in Anchorage, Alaska. The maps are also available for sale from the U.S. Geological Survey. Limited descriptions of wild and scenic rivers and study rivers within refuges are included also, although they are not depicted on the 1:250,000 scale maps at this time.

The ANILCA established 16 national wildlife refuges in Alaska. All previously existing Alaska national wildlife refuges are included in these 16 units and are generally designated as units or subunits of the expanded refuges. The refuges established by ANILCA, with the date of their official maps noted in parentheses, are as follows:

Alaska Maritime National Wildlife Refuge (October 1979) (including the previously existing Aleutian Islands, Bering Sea, Bogoslof, Chamisso, Forrester Island, Hazy Islands, Pribilof, Semidi, Simeonof, St. Lazaria and Tuxedni National Wildlife Refuges)

Alaska Peninsula National Wildlife Refuge (October 1979)

Arctic National Wildlife Refuge (August 1980) (including the previously existing William O. Douglas Arctic National Wildlife Range)

Becharof National Wildlife Refuge (July 1980)

Innoko National Wildlife Refuge (October 1978)

Izembek National Wildlife Refuge (October 1978) (including the previously existing Izembek National Wildlife Range and a portion of the Aleutian Islands National Wildlife Refuge)

Kanuti National Wildlife Refuge (July 1980)

Kenai National Wildlife Refuge (October 1978) (including the previously existing Kenai National Moose Range)

Kodiak National Wildlife Refuge (October 1978) (including the previously existing Kodiak National Wildlife Refuge)

Koyukuk National Wildlife Refuge (July 1980)

Nowitna National Wildlife Refuge (July 1980)

Selawik National Wildlife Refuge (July 1980)

Tetlin National Wildlife Refuge (July 1980)

Togiak National Wildlife Refuge (April 1980) (including the previously existing Cape Newenham National Wildlife Refuge)

Yukon Delta National Wildlife Refuge (April 1980) (including the previously existing Clarence Rhode National Wildlife Range and Hazen Bay and Nunivak National Wildlife Refuges)

Yukon Flats National Wildlife Refuge (July 1980)

Use of Refuge Lands

The legal descriptions that follow are those of the external boundaries of the above-listed refuges. State, Native corporate, and private land holdings within these boundaries cannot be accurately described at this time and thus have not been identified on the available maps. Inclusion of these non-public lands within the described boundaries should not be interpreted as authorizing public use of such lands. Uses of the public lands within the described boundaries are controlled by the laws and regulations governing administration of units of the National Wildlife Refuge System and provisions of the ANILCA. Persons desiring information on land status or use of lands within the described refuges may contact the Alaska Regional Director of the U.S. Fish and Wildlife Service.

Many of the boundaries described for Alaska refuges follow natural features, such as lakes or rivers. Where such a water body forms a portion of the boundary, general riparian law shall apply to that boundary.

Note.—The term "public lands" as used throughout this Notice is defined by ANILCA as those lands, waters, and interests therein, the title to which is in the United States after December 2, 1980, except:

(A) Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(B) Land selections of a Native Corporation made under the Alaska Native Claims Settlement Act, Pub. L. 92–203 (85 Stat. 688), as amended, which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(C) Lands referred to in section 19(b) of the Alaska Native Claims Settlement Act.

Those lands selected by the State or a Native Corporation within the external boundaries of a national wildlife refuge are to be administered by the U.S. Fish and Wildlife Service under applicable refuge laws until conveyed or interimly conveyed. Those validly selected by, but not ultimately conveyed to, the State or a Native Corporation within the external boundaries of a national wildlife refuge become part of that refuge.

Within the coastal boundaries of areas added to the National Wildlife Refuge System, Federal ownership does not extend below mean high tide to include lands owned by the State of Alaska except where the State may agree to that extension. However, lands above mean high tide on islands, islets, rock, reefs or spires and Federal

tidelands within these external boundaries are part of the respective refuges.

Subject to valid existing rights, all public lands within Federal reservations for defense, navigation, communications and other purposes within the external boundaries of any refuge described are part of that refuge. Rights of holding agencies are set forth in section 1310 of ANILCA.

Wilderness Units Described

In this notice, legal descriptions of the external boundaries of units of the National Wilderness Preservation System established by ANILCA within national wildlife refuges in Alaska can be found after the boundary description for the refuge in which they are located. The wilderness units established by ANILCA, with the date of their official maps noted in parentheses, are as follows:

Aleutian Islands Wilderness (October 1978)—in Alaska Maritime NWR
Andreafsky Wilderness (April 1980)—in Yukon Delta NWR
Arctic Wildlife Refuge Wilderness (August 1980)—in Arctic NWR
Becharof Wilderness (July 1980)—in Becharof NWR
Innoko Wilderness (October 1978)—in Innoko NWR
Izembek Wilderness (October 1978)—in Izembek NWR
Kenai Wilderness (October 1978)—in Kenai NWR
Koyukuk Wilderness (July 1980)—in Koyukuk NWR
Nunivak Wilderness (July 1980)—in Yukon Delta NWR
Selawik Wilderness (July 1980)—in Selawik NWR
Semidi Wilderness (October 1978)—in Alaska Maritime NWR
Togiak Wilderness (July 1980)—in Togiak NWR
Unimak Wilderness (October 1978)—in Alaska Maritime NWR

Eight additional units of the National Wilderness Preservation System were established in Alaska national wildlife refuges prior to passage of ANILCA. In the interest of consolidating legal descriptions of all Alaska national wildlife refuges and refuge wilderness units in one publication, the descriptions of the following previously established wilderness units are included in this notice. All eight of these units are located in the Alaska Maritime National Wildlife Refuge: Bering Sea Wilderness, Bogoslof Wilderness, Forrester Island Wilderness, Hazy Islands Wilderness, Saint Lazaria Wilderness and Tuxedni Wilderness, which were established by Pub. L. 93–504; Chamisso Wilderness, Which was established by Pub. L. 93–632; and Simeonof Wilderness, which was established by Pub. L. 94–557.

Use of Wilderness Units

In addition to the laws and regulations governing the use of refuge lands, described above, the use of wilderness units is governed by provisions of the Wilderness Act (16 U.S.C. 1131 *et seq.*) ANILCA and applicable regulations in Title 50 of the Code of Federal Regulations Part 35.

National Wild and Scenic Rivers

ANILCA designated the following national wild rivers in national wildlife refuges in Alaska: Ivishak, Sheenjek (Upper) and Wind Wild Rivers in Arctic NWR; Nowitna Wild River in Nowitna NWR; Selawik Wild River in Selawik NWR; Andreafsky Wild River in Yukon Delta NWR; and a portion of Beaver Creek Wild River in Yukon Flats NWR.

Designated for 3-year study for possible addition to the National Wild and Scenic Rivers System are the following rivers: Kanektok River in Togiak NWR; Kisaralik River in Yukon Delta NWR; and the Porcupine and Sheenjek (Lower) Rivers in Yukon Flats NWR.

The ANILCA descriptions of national wild rivers within national wildlife refuges are included in this notice, but they are not depicted on the 1:250,000 scale maps at this time. These limited descriptions can be found following the description of the refuge in which they occur. The corridors of the designated wild rivers are to be identified and described as part of the comprehensive conservation planning process for each refuge (due in 2 to 6 years). Corridors for rivers designated for study include the public lands within the bed or banks of the river and the area extending 2 miles outward from each bank of the river channel. These corridors are withdrawn for a minimum period of 3 to 6 years pending review of their suitability for inclusion in the Wild and Scenic Rivers System. Beginning and ending points of these study rivers have been included in this notice.

At such time as managment corridors are finalized for the designated wild rivers, they will be described on the 1:250,000 scale maps.

In addition to regulations governing use of national wildlife refuges, use of these river areas is governed by the Wild and Scenic Rivers Act (16 U.S.C. 1271–1287), as amended by the ANILCA.

Availability of Maps

The maps of the Alaska national wildlife refuges included in this notice are generalized depictions of the lands described. Maps at this scale cannot accurately depict the actual boundaries and should be used only as general location references. Persons desiring more detailed information on refuge and wilderness boundaries are directed to maps, at the scale of 1:250,000, which are available for review at U.S. Geological Survey map reference libraries in Alaska and at the following locations:

Department of the Interior Library, Room 1140, 18th and C Streets, N.W., Washington, D.C. 20240
U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99507

Additionally, the 1:250,000 scale maps are available for sale by the U.S. Geological Survey at the following locations:

U.S. Geological Survey, Alaska Distribution Section, 101 12th Avenue, Fairbanks, Alaska 99701
U.S. Geological Survey, Public Inquiries Office, 503 National Center, Reston, Virginia 22092
U.S. Geological Survey, Western Distribution Branch, Box 25286—Mail Stop 306, Federal Center, Denver, Colorado 80226

Official Bureau of Land Management land status records for Alaska are maintained on maps at the scale of 1:63,360. The maps from which the legal descriptions in this notice were written are at the 1:63,360 scale, where available, and reflect greater detail and accuracy than that depicted on the 1:250,000 scale maps prepared for public use. These maps are available for review in the Office of the Regional Director, Anchorage, Alaska. A list of the specific maps used to develop these legal descriptions, follows the description for each refuge.

The large number of maps (approximately 850) necessary to depict the Alaska national wildlife refuges at the 1:63,360 scale precludes their reproduction for public use. However, as the U.S. Geological Survey revises individual maps at this scale, the new boundary lines will be depicted. These revised maps will eventually be available through normal U.S.G.S. sales outlets.

Dated: February 1, 1983.

Robert A. Jantzen,

Director, Fish and Wildlife Service.

BILLING CODE 4310-55-M

UMI
1983
FEB 24
ISSUE 38
VOL 48
4 8

CONSERVATION SYSTEM UNITS ESTABLISHED IN ALASKA

WITHIN THE NATIONAL REFUGE SYSTEM

ALASKA MARITIME NATIONAL WILDLIFE REFUGE

Section 303 (1):

"The Alaska Maritime National Wildlife Refuge shall consist of eleven existing refuges, including all lands (including submerged lands), waters and interests therein which were a part of such refuges and are hereby redesignated as subunits of the Alaska Maritime National Wildlife Refuge; approximately four hundred and sixty thousand acres of additional public lands on islands, islets, rocks, reefs, spires and designated capes and headlands in the coastal areas and adjacent seas of Alaska, and an undetermined quantity of submerged lands, if any, retained in Federal ownership at the time of statehood around Kodiak and Afognak Islands, as generally depicted on the map entitled "Alaska Maritime National Wildlife Refuge", dated October 1979."

CHUKCHI SEA UNIT--"including Cape Lisburne, Cape Thompson, the existing Chamisso National Wildlife Refuge, and all other public lands on islands, islets, rocks, reefs, spires, and designated capes and headlands in the Chukchi Sea, but excluding such other offshore public lands within the Bering Land Bridge National Preserve. That portion of the public lands on Cape Lisburne shall be named and appropriately identified as the "Ann Stevens-Cape Lisburne" subunit of the Chukchi Sea Unit;"

The Chukchi Sea Unit includes the following described lands:

Designated subunits:

ANN STEVENS - CAPE LISBURNE SUBUNIT

The Ann Stevens-Cape Lisburne Subunit includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner between sections 1 and 6, T. 7 S., Rs. 58 and 59 W., Umiat Meridian, at the line of mean high tide of the Chukchi Sea;

Thence southerly, between Rs. 58 and 59 W., approximately 11½ miles to the standard corner of T. 8 S., Rs. 58 and 59 W., Umiat Meridian;

Thence westerly, along the Second Standard Parallel South, approximately 3 miles to the summit of a ridge between sections 3 and 34, Tps. 8 and 9 S., Rs. 59 and 60 W., Umiat Meridian;

Thence southwesterly, along the crest of the divide between Ukinigak Creek, Oligavik Creek, Kapaloak Creek, Angowlik Creek, Sikrikpuk Creek, Oakvrorut Creek, Siniktukneyluk Creek and Akalakik Creek drainages, approximately 15¼ miles to the top of a hill in the easterly portion of section 34, T. 10 S., R. 61 W., Umiat Meridian, approximate elevation 940 feet;

Thence on an approximate forward bearing of S. 20° E., approximately ¼ mile to the corner of sections 2, 3, 34 and 35, Tps. 10 and 11 S., R. 61 W., Umiat Meridian;

Thence westerly, between Tps. 10 and 11 S., approximately 3½ miles to the meander corner of sections 5 and 31, Tps. 10 and 11 S., R. 61 W., Umiat Meridian, at the line of mean high tide of the Chukchi Sea;

Thence northerly and easterly, along the line of mean high tide of the Chukchi Sea and the Arctic Ocean, respectively, to the meander corner between sections 1 and 6, T. 7 S., Rs. 58 and 59 W., Umiat Meridian, the point of beginning.

CHAMISSO SUBUNIT

Chamisso Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1658, dated December 7, 1912, within rhumb lines connecting the following 18 geographic coordinates;

66° 13' 15" N., 161° 52' W., said coordinate being approximately N. 82° W., approximately 1 1/5 miles from the top of a hill near the center of Chamisso Island, approximate elevation 246 feet;

66° 13' N., 161° 52' W.;

66° 12' 45" N., 161° 52' W.;

66° 12' 27" N., 161° 50' 20" W., said coordinate being approximately S. 21° E., approximately ¼ mile from the most southern point on Chamisso Island at the line of mean high tide;

66° 12' 15" N., 161° 49' W.;

66° 12' 45" N., 161° 47' 30" W.;

66° 12' 45" N., 161° 46' 57" W.;

66° 13' N., 161° 46' 47" W.;

66° 13' 15" N., 161° 46' 53" W., said coordinate being approximately N. 82° E., approximately 3/5 miles from the most eastern point on Chamisso Island, at the line of mean high tide;

66° 13' 15" N., 161° 47' 18" W.;

66° 13' 45 N., 161° 47' 46" W.;

66° 14' N., 161° 48' 20" W.;

Thence on an approximate forward bearing of N. 76° E., approximately 1 1/8 miles to the top of a hill in the southwest portion of section 27, T. 34 N., R. 31 W., Kateel River Meridian, approximate elevation 750 feet;

66° 13' 15" N., 161° 47' 18" W.;

66° 13' 45 N., 161° 47' 46" W.;

66° 14' N., 161° 48' 20" W.;

66° 14' 14" N., 161° 49' 22" W.;

66° 14' 20" N., 161° 50' W.;

66° 14' N., 161° 50' 41" W.;

66° 14' N., 161° 51' 30" W.;

66° 13' 45" N., 161° 51' 48" W., said coordinate being due West, approximately 1/5 miles from the most northern point on Puffin Island, at the line of mean high tide;

66° 13' 30" N., 161° 52' W., to the point of beginning.

Designated capes and headlands:

CAPE THOMPSON

Cape Thompson includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner between sections 3 and 34, Tps. 33 and 34 N., R. 33 W., Kateel River Meridian, at the line of mean high tide of the Chukchi Sea;

Thence easterly, between Tps. 33 and 34 N., approximately 300 feet to the meander corner of section 3 and 34, Tps. 33 and 34 N., R. 33 W., Kateel River Meridian, at the line of mean high tide of Aiautak Lagoon;

Thence easterly, between Tps. 33 and 34 N., approximately 7 3/4 miles to the corner of Sections 1, 2, 35 and 36, Tps. 33 and 34 N., R. 32 W., Kateel River Meridian;

Thence on an approximate forward bearing of N. 31° E., approximately ½ mile to top of a hill on the east and west centerline of section 36, T. 34 N., R. 32 W., Kateel River Meridian, approximate elevation 250 feet;

Thence on an approximate forward bearing of N. 60° E., approximately 1½ miles to the top of a hill in the southeastern portion of section 30, T. 34 N., R. 31 W., Kateel River Meridian, approximate elevation 560 feet;

Thence on an approximate forward bearing of S. 77° E., approximately 1 5/8 miles to the top of a hill in the northwest portion of section 33, T. 34 N., R. 31 W., Kateel River Meridian, approximate elevation 605 feet;

Thence on an approximate forward bearing of N. 76° E., approximately 1 1/8 miles to the top of a hill in the southwest portion of section 27, T. 34 N., R. 31 W., Kateel River Meridian, approximate elevation 750 feet;

Thence on an approximate forward bearing of S. 61° E., approximately 3 5/8 miles to the top of a hill on the north and south centerline of section 6, T. 33 N., R. 30 W., Kateel River Meridian, approximate elevation 605 feet;

Thence on an approximate forward bearing of S. 47° E., approximately 5/8 miles to the top of a hill on the west boundary line of section 8, T.. 33 N., R. 30 W., Kateel River Meridian, approximate elevation 520 feet;

Thence on an approximate forward bearing of S. 38° E., approximately 2 miles to the summit of a ridge in the southwest portion of section 16, T. 33 N., R. 30 W., Kateel River Meridian, approximately elevation 800 feet;

Thence on an approximate forward bearing of S. 16° W., approximately ½ mile to a Horizontal Control Station on the summit of a ridge in the northwest ¼ of section 21, T. 33 N., R. 30 W., Kateel River Meridian, approximate elevation 886 feet;

Thence on an approximate forward bearing of S. 37° E., approximately 2 3/4 miles to the top of a hill in the northeast portion of section 34, T. 33 N., R. 30 W., Kateel River Meridian, approximate elevation 410 feet;

Thence on an approximate forward bearing of S. 65° 30' E., approximately 2 miles to the summit of a ridge in the northwest portion of section 3, T. 32 N., R. 30 W., Kateel River Meridian, approximate elevation 753 feet;

Thence on an approximate forward bearing of S. 11° W., approximately 2 miles to the summit of a ridge in the northeast portion of section 16, T. 32 N., R. 30 W., Kateel River Meridian, approximate elevation 1,020 feet;

Thence on an approximate forward bearing of S. 59° 30' E., approximately 1½ miles to the top of a hill in the southeast portion of section 15, T. 32 N., R. 30 W., approximate elevation 603 feet;

Thence on an approximate forward bearing of N. 85° 30' E., approximately 1 3/8 miles to the summit of a ridge in the southwest portion section 13, T. 32 N., R. 30 W., Kateel River Meridian, approximate elevation 1,070;

Thence on an approximate forward bearing of N. 33° W., approximately 3/4 miles to the summit of a ridge on the east and west centerline of section 23, T. 32 N., R. 30 W., Kateel River Meridian, approximate elevation 1,000 feet;

Thence on an approximate forward bearing of S. 15° E., approximately 1 mile to the summit of a ridge in the northwest portion of section 25, T. 32 N., R. 30 W., Kateel River Meridian, approximate elevation 880 feet;

Thence on an approximate forward bearing of N. 71° E., approximately 2 miles to the summit of a ridge in the southwest portion of section 20, T. 32 N., R. 29 W., Kateel River Meridian, approximate elevation 755 feet;

Thence on an approximate forward bearing of S. 72° 30' E., approximately 1¼ miles to the summit of a ridge in the northwest portion of section 28, T. 32 N., R. 29 W., Kateel River Meridian, approximate elevation 552 feet;

Thence on an approximate forward bearing of S. 25° 30' W., approximately 2 3/8 miles to the summit of a ridge in the northwest portion of section 5, T. 31 N., R. 29 W., Kateel River Meridian, approximate elevation 652 feet;

Thence on an approximate forward bearing of S. 21° E., approximately 1¼ miles to the summit of a ridge in the southeast portion of section 8, T. 31 N., R. 29 W., Kateel River Meridian, approximate elevation 602 feet;

Thence on an approximate forward bearing of S. 26° E., approximately 1¼ miles to the summit of a ridge on the east and west centerline of section 16, T. 31 N., R. 29 W., Kateel River Meridian, approximate elevation 665 feet;

Thence on an approximate forward bearing of N. 77° 45' E., approximately 3/4 of a mile to a top of a hill on the east boundary of section 16, T. 31 N., R. 29 W., approximate elevation 520 feet;

Thence on an approximate forward bearing of S. 67° E., approximately 5/8 of a mile to the summit of a ridge in the southeast portion of section 15, T. 31 N., R. 29 W., Kateel River Meridian, approximate elevation 760 feet;

Thence southerly, approximately 5¼ miles to the meander corner of sections 10 and 15, T. 30 N., R. 29 W., at the line of mean high tide of Pusigrak Lagoon;

Thence westerly, between sections 10 and 15, approximately 528 feet to the meander corner of sections 10 and 15, T. 30 N., R. 29 W., Kateel River Meridian, at the line of mean high tide of the Chukchi Sea;

Thence northwesterly, along the line of mean high tide of the Chukchi Sea, closing the mouths of all lagoons and creeks to the meander corner between sections 3 and 34, T. 33 N., R. 33 W., Kateel River Meridian, the point of beginning.

And, all public lands, as defined by the ANILCA, on all named and unnamed islands, islets, rocks, reefs and spires in the Chukchi Sea. It is the intent of this description to include all such public lands occurring within all arms, bays, bights, coves, entrances, gulfs, harbors, inlets, lagoons, passages, passes, ports, sounds and straits, but not to include lands inland of the mouths of rivers or lakes on the mainland of Alaska.

Section 303 (1):

> BERING SEA UNIT--"including the existing Bering Sea and Pribilof (Walrus and Otter Islands) National Wildlife Refuges, Hagemeister Island, Fairway Rock, Sledge Island, Bluff Unit, Besboro Island, Punuk Islands, Egg Island, King Island, and all other public lands on islands, islets, rocks, reefs, spires and designated capes and headlands in the Bering Sea;"

The Bering Sea Unit includes the following described lands:

Designated subunits:

BERING SEA SUBUNIT

Bering Sea Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1037, dated February 2, 1909, within rhumb lines connecting the following 16 geographic coordinates;

60° 40' N., 173° 17' W., said coordinate being approximately 6½ miles west of the top of a mountain on Hall Island, approximate elevation 1,665 feet;

60° 35' N., 173° 20' W.;

60° 30' N., 173° 18' W.;

60° 25' N., 173° 14' W.;

60° 15' N., 173° 00' W.;

60° 11' 40" N., 172° 51' W.;

60° 09' 40" N., 172° 40' W., said coordinate being approximately S. 10° 30' W., approximately 12 miles from the top of Sugar Loaf Mountain, approximate elevation 1,380 feet;

60° 09' 40" N.,172° 30' W.;

60° 11' N., 172° 20' W.;

60° 15' N., 172° 07' 30" W., said coordinate being approximately S. 46° E., approximately 6 miles from the top of a mountain located near Cape

57° 11' 16" N., 170° 00' W.;

57° 12' 16" N., 169° 57' W.;

57° 12' 40" N., 169° 55' W.;

60° 09' 40" N.,172° 30' W.;

60° 11' N., 172° 20' W.;

60° 15' N., 172° 07' 30" W., said coordinate being approximately S. 46° E., approximately 6 miles from the top of a mountain located near Cape Upright, approximate elevation 1,505 feet;

60° 20' N., 172° 03' 30" W.;

60° 25" N., 172° 07' W.;

60° 40' N., 172° 40' W., said coordinate being approximately N. 58° E., approximately 11½ miles from the top of a mountain in the northern portion of St. Matthew Island, approximate elevation 1,475 feet;

60° 45' N., 172° 48' W.;

60° 46' 18" N., 173° 00' W.;

60° 45' N., 173° 10' W., to the point of beginning.

PRIBILOF SUBUNIT

Pribilof Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1044, dated February 27, 1909, within rhumb lines connecting the following 32 geographic coordinates;

57° 03' 20" N., 170° 28' W.;

57° 04' 30" N., 170° 27' W.;

57° 05' 15" N., 170° 25' W.;

57° 05' 40" N., 170° 23' W.;

57° 06' N., 170° 21' W.;

57° 06' 02" N., 170° 19' W.;

57° 06' 03" N., 170° 18' W.;

57° 06' 05" N., 170° 17' W.;

57° 06' 25" N., 170° 15' W.;

57° 07' 20" N., 170° 10' W.;

57° 09' 15" N., 170° 05' W.;

57° 11' 16" N., 170° 00' W.;

57° 12' 16" N., 169° 57' W.;

57° 12' 40" N., 169° 55' W.;

57° 12' 40" N., 169° 54' W.;

57° 12' 20" N., 169° 53' W.;

57° 11' 30" N., 169° 52' W.;

57° 10' N., 169° 53' W.;

57° 09' 25" N., 169° 54' W.;

57° 09' 12" N., 169° 55' W.;

57° 08' 30" N., 169° 57' W.;

57° 08' N., 170° 00' W.;

57° 06' 40" N., 170° 05' W.;

57° 05' 15" N., 170° 10' W.;

57° 03' 30" N., 170° 15' W.;

57° 02' 40" N., 170° 17' W.;

57° 02' N., 170° 18' W.;

57° 01' 45" N., 170° 19' W.;

57° 01' N., 170° 21' W.;

57° 00' 40" N., 170° 23' W.;

57° 00' 40" N., 170° 25' W.;

57° 01' 40" N., 170° 27' W., to the point of beginning.

Designated capes and headlands:

CAPE YORK

Cape York includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner on the south boundary of section 35, T. 1 N., R. 43 W., on the Katsel River Base Line, at the line of mean high tide of the Bering Sea;

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Thence easterly, on the Kateel River Base Line, approximately 3 miles to the north and south centerline of section 2, T. 1 S., R. 43 W., Kateel River Meridian;

Thence southerly, approximately 2 miles to the ¼ section corner of section 11, T. 1 S., R. 43 W., Kateel River Meridian, at the line of mean high tide of the Bering Sea;

Thence northwesterly, along the line of mean high tide of the Bering Sea, closing the mouths of all rivers, creeks and inlets, approximately 3 miles to the meander corner on the south boundary of section 35, T. 1 N., R. 43 W., Kateel River Base Line, at the line at mean high tide of the Bering Sea, the point of beginning.

KOTZEBUE CREEK

Kotzebue Creek includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner of the north and south centerline of section 16, T. 1 S., R. 42 W., Kateel River Meridian, at the line of mean high tide of Bering Sea;

Thence northerly, along the line of mean high tide of the Bering Sea approximately 2/5 mile, to a point due South of a hill located in the northwest portion of section 16, T. 1 S., R. 42 W., Kateel River Meridian, approximate elevation 653 feet;

Thence due North, approximately ½ mile to the summit of the hill, approximate elevation 653 feet;

Thence on an approximate forward bearing of N. 74° 15' E., approximately 1 2/5 miles to a point on the north and south centerline of section 10, T. 1 S., R. 42 W., Kateel River Meridian;

Thence on an approximate forward bearing of S. 84° 15' E., approximately 1 3/5 miles to the head of an unnamed creek in the southwest portion of section 12, T. 1 S., R. 42 W., Kateel River Meridian;

Thence due South, approximately 7/10 mile to the top of a hill in the southwest portion of section 13, T. 1 S., R. 42 W., Kateel River Meridian, approximate elevation 443 feet;

Thence due South, to a point at the line of mean high tide of the Bering Sea in section 13, T. 1 S., R. 42 W., Kateel River Meridian;

Thence westerly, southwesterly and northwesterly, along the line of mean high tide of the Bering Sea closing the mouth of Kotzebue Creek, approximately 2½ miles to the meander corner of the north and south centerline of section 16, T. 1 S., R. 42 W., Kateel River Meridian, the point of beginning.

TOPOK HEAD

Topok Head includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner on the north and south centerline of section 3, T. 11 S., R. 27 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence northerly, on the north and south centerline of section 3, approximately ½ mile to the center-north 1/16 section corner of sections 3, T. 11 S., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerlines of the northeast ¼ of section 3, the northwest ¼ and northeast ¼ of section 2, approximately 1 ½ miles to the north 1/16 section corner of sections 1 and 2, T. 11 S., R. 27 W., Kateel River Meridian;

Thence southerly, between sections 1 and 2, approximately ¼ mile to the ¼ section corner between section 1 and 2, T. 11 S., R. 27 W., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 1 and 6, T. 11 S., Rs. 26 and 27 W., approximately 1½ miles to a point on the left bank of the Topkok River, in the central portion of section 6, T. 11 S., R. 26 W., Kateel River Meridian;

Thence southerly, along the left bank of the Topkok River, approximately 900 feet to a point at the line of mean high tide of Norton Sound;

Thence southwesterly, southeasterly, northwesterly, southwesterly and northwesterly, along the line of mean high tide of Norton Sound, to the meander corner on the north and south centerline of section 3, T. 11 S., R. 27 W., Kateel River Meridian, the place of beginning.

BLUFF

Bluff includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 25 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence easterly, between Tps. 10 and 11 S., approximately 11 3/4 miles to the corner of Tps. 10 and 11 S., Rs. 23 and 24 W., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 4¼ miles to the meander corner between sections 25 and 30, T. 11 S., Rs. 23 and 24 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence northwesterly, along the line of mean high tide of Norton Sound to the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 25 W., Kateel River Meridian, the point of beginning.

Thence southerly, between sections 34 and 35, approximately 3/8 miles to the corner of sections 2, 3, 34 and 35, Tps 22 and 23 S., R. 19 W., Kateel River Meridian;

Thence northwesterly, along the line of mean high tide of Norton Sound to the meander corner between sections 6 and 31, Tps. 10 and 11 S., R. 25 W., Kateel River Meridian, the point of beginning.

CAPE DARBY

Cape Darby includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner between sections 3 and 35, Tps. 12 and 13 S., R. 21 W., Kateel River Meridian, at the line of mean high tide of Norton Sound and Golovnin Bay;

Thence easterly, on the Third Standard Parallel South, approximately 4 miles to a point on the south boundary of section 33, T. 12 S., R. 20 W., Kateel River Meridian, said point being a point in common with the Norton Bay Indian Reservation;

Thence southerly, approximately 1½ miles to a point at the line of mean high tide of Norton Sound, said point being a point common with the southwest boundary of Norton Bay Indian Reservation;

Thence southwesterly and northerly, along the line of mean high tide of Norton South and Golovnin Bay, to the meander corner between sections 3 and 35, Tps. 12 and 13 S. R. 21 W., Kateel River Meridian, the point of beginning.

CAPE DENBIGH

Cape Denbigh includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner betwen sections 28 and 29, T. 12 S., R. 14 W., Kateel River Meridian, at the line of mean high tide of Norton Sound;

Thence on an approximate forward bearing of S. 63° E., approximately 1 mile to a point on the line of mean high tide of Norton Sound in the northeast quarter of the Southeast quarter of Section 28, T. 12 S., R. 14 W., Kateel River Meridian;

Thence southwesterly, northwesterly and easterly, along the line of mean high tide of Norton Sound, to the meander corner between sections 28 and 29, T. 12 S., R. 14 W., Kateel River Meridian, the point of beginning.

CAPE STEPHENS

Cape Stephens includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner between sections 34 and 35, T. 22 S., R. 19 W., Kateel River Meridian, at the line of mean high tide of Norton Sound and Stephens Pass;

Thence southerly, between sections 34 and 35, approximately 3/8 miles to the corner of sections 2, 3, 34 and 35, Tps 22 and 23 S., R. 19 W., Kateel River Meridian;

Thence westerly, between Tps. 22 and 23 S., approximately 3/16 miles to the meander corner of sections 3 and 34, between Tps. 22 and 23 S., R. 19 W., Kateel River Meridian, at the time of mean high tide of Norton Sound and Stephens Pass;

Thence northwesterly and southeasterly, along the line of mean high tide of Norton Sound and Stephens Pass, to the meander corner between sections 34 and 35, T. 22 S., R. 19 W., Kateel River Meridian, the point of beginning.

And, all public lands, as defined by the ANILCA, on Hagemeister Island, Fairway Rock, Sledge Island, Besboro Island, Punuk Islands, Egg Island, King Island and on all other named and unnamed islands, islets, rocks, reefs and spires in the Bering Sea. It is the intent of this description to include all such public lands occurring within all arms, bays, bights, coves, entrances, gulfs, harbors, inlets, lagoons, passages, passes, ports, sounds and straits, but not to include lands inland of the mouths of rivers or lakes on the mainland of Alaska or such offshore public lands within the Bering Land Bridge National Preserve.

Section 303 (1):

> ALEUTIAN ISLANDS UNIT--"including the existing Aleutian Islands and Bogoslof National Wildlife Refuges, and all other public lands in the Aleutian Islands;"

The Aleutian Islands Unit includes the following described lands:

Designated subunits:

ALEUTIAN ISLAND SUBUNIT

Aleutian Islands Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1733, dated March 3, 1913, within rhumb lines connecting the following geographic coordinates;

55° 13' 00" N., 165° 00' W., said coordinate being approximately N. 4° 45' W., approximately 41.81 miles from Cape Sarichef lighthouse on Unimak Island (approximate latitude 54° 36' N., longitude 164° 54' W.);

55° 03' 00" N., 166° 00' W., said coordinate being approximately N. 10° 15' W., approximately 63.90 miles from the Akutan Harbor lighthouse on Akutan Island (approximate latitude 54° 09' N., longitude 165° 57' W.);

54° 50' 30" N., 167° 00' W., said coordinate being approximately N. 21° 45' W., approximately 67.06 miles from the Dutch Harbor lighthouse on Amaknak Island (approximate latitude 53° 54' N., longitude 166° 31' W.);

54° 35' 00" N., 168° 00' W.;

54° 14' 00" N., 169° 00' W.;

54° 00' N., 170° 00' W., said coordinate being approximately N. 45° 25' W., approximately 81.27 miles from the summit of Mt. Vsevidof on Umnak Island (approximate latitude 53° 07' 30" N., longitude 168° 41' 30" W., elevation 6,600 feet);

53° 53' 00" N., 171° 00' W.;

53° 42' 00" N., 172° 00' W., said coordinate being approximately N. 10° 50' E., approximately 97.83 miles from the top of Pyre Peak on Seguam Island (approximate latitude 52° 18' 45" N., longitude 172° 30' 30" W., elevation 3,458 feet);

53° 32' 00" N., 173° 00' W.;

53° 21' 00" N., 173° 42' 00" W.;

53° 12' 00" N., 174° 00' W.;

53° 08' 00" N., 174° 18' 00" W.;

53° 02' 30" N., 175° 00' W.;

52° 58' 00" N., 175° 30' 00" W.;

52° 54' 30" N., 176° 00' W.;

52° 51' 00" N., 176° 36' W.;

52° 52' 00" N., 177° 00' W., said coordinate being approximately N. 7° 30' W., approximately 65.48 miles from the summit of Mt. Moffett on Adak Island (approximate latitude 51° 51' 03" N., longitude 177° 45' W., elevation 3,924 feet);

52° 54' 00" N., 178° 00' W.;

52° 56' 00" N., 178° 42' 00" W.;

52° 55' 50" N., 179° 00' W., said coordinate being approximately N. 21° 10' W., approximately 79.68 miles from the summit of Mt. Gareloi on Gareloi Island (approximate latitude 51° 47' 21" N., longitude 178° 47' 30" W., elevation 5,160 feet);

52° 55' 00" N., 179° 30' 00" W.;

52° 58' 00" N., 180° 00';

52° 58' 00" N., 179° 30' 00" E.;

53° 01' 00" N., 179° 00' E., said coordinate being approximately N. 23° 50' W., approximately 75.74 miles from the top of Anvil Peak on Semisopochnoi Island (approximate latitude 51° 59' 15" N., longitude 179° 36' 30" E., elevation 4,007 feet);

53° 04' 30" N., 178° 00' E.;

53° 05' 30" N., 177° 36' E.;

53° 13' 00" N., 177° 00' E.;

53° 21' 00" N., 176° 18' 30" E.;

53° 24' 00" N., 176° 00' E., said coordinate being approximately N. 01° 20' E., approximately 72.58 miles from Vertical Control Station 2152 on Buldir Island (approximate latitude 52° 21' N., longitude 175° 55' E.);

53° 25' 00" N., 175° 12' 00" E.;

53° 25' 00" N., 175° 00' E.;

53° 27' 00" N., 174° 30' 00" E.;

53° 30' 00" N., 174° 00' E.;

53° 30' 30" N., 173° 42' 00" E.;

53° 30' 00" N., 173° 30' 00" E.;

53° 26' 00" N., 173° 00' E., said coordinate being approximately N. 29° 45' E., approximately 41.02 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

53° 19' 00" N., 172° 24" E.;

53° 06' 00" N., 172° 00' E.;

52° 55' 00" N., 171° 48' 00" E., said coordinate being West, approximately 29.98 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

52° 35' 00" N., 171° 42' 00" E.;

52° 12' 00" N., 171° 42' 00" E., said coordinate being approximately S.

50° 41' 00" N., 175° 00' W.;

50° 55' 00" N., 174° 00' W.;

52° 35' 00" N., 171° 42' 00" E.;

52° 12' 00" N., 171° 42' 00" E., said coordinate being approximately S. 36° W., approximately 76.53 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

52° 00' N., 171° 48' 00" E.;

51° 30' 00" N., 172° 00' E.;

51° 40' 00" N., 172° 24' 00" E.;

51° 29' 00" N., 173° 00' E.;

51° 20' 00" N., 174° 00' E.;

51° 10' 00" N., 175° 00' E.;

51° 00' N., 175° 41' 00" E., said coordinate being approximately S. 04° 35' W., approximately 93.89 miles from Vertical Control Station 2152 on Buldir Island (approximate latitude 52° 21' N., longitude 175° 55' E.);

50° 54' 00" N., 176° 00' E.;

50° 47' 00" N., 176° 36' 00" E.;

50° 46' 00" N., 177° 00' E.;

50° 45' 00" N., 178° 00' E.;

50° 41' 00" N., 179° 00' E.;

50° 38' 30" N., 179° 30' 00" E.;

50° 40' 00" N., 180° 00', said coordinate being approximately S. 24° 50' E., approximately 86.79 miles from the top of Sugarloaf Peak on Semisopochnai Island (approximate latitude 51° 53' 39" N., longitude 179° 38' 14" E., elevation 2,800 feet);

50° 40' 00" N., 179° 00' W.;

50° 40' 00" N., 178° 00' W.; said coordinate being approximately S. 30° E., approximately 85.21 miles from the summit of Mt. Gareloi on Gareloi Island (approximate latitude 51° 47' 21" N., longitude 178° 47' 30" W., elevation 5,160 feet);

50° 37' 00" N., 177° 00' W.;

50° 36' 00" N., 176° 00' W.;

50° 36' 00" N., 175° 34' W.;

50° 41' 00" N., 175° 00' W.;

50° 55' 00" N., 174° 00' W.;

51° 10' 00" N., 173° 00' W., said coordinate being approximately S. 14° W., approximately 82.05 miles from the top of Pine Peak on Seguam Island (approximate latitude 52° 18' 45" N., longitude 172° 30' 30" W., elevation 3,458 feet);

51° 29' 00" N., 172° 00' W.;

51° 45' 00" N., 171° 00' W.;

51° 50' 00" N., 170° 00' W.;

51° 55' 00" N., 169° 00' W., said coordinate being approximately S. 04° 40' W., approximately 84.42 miles from the summit of Mt. Vsevidof on Umnak Island (approximate latitude 53° 07' 30" N., longitude 168° 41' 30" W., elevation 8,600 feet);

52° 05' 00" N., 168° 00' W., said coordinate being approximately S. 12° 20' W., approximately 83.03 miles from the summit of Mt. Tum Tum on Unalaska Island (approximate latitude 53° 16' N., longitude 167° 38' 12" W., elevation 1,960 feet);

52° 09' 00" N., 167° 00' W.;

52° 28' 00" N., 166° 00' W.;

52° 44' 00" N., 165° 18' 00" W.;

52° 54' 00" N., 165° 00' W., said coordinate being approximately N. 01° 30' E., approximately 81.26 miles from Horizontal Control Station Bridge on Tigalda Island (approximate latitude 54° 03' 54" N., longitude 165° 02' 24" W.);

53° 09' 00" N., 164° 36' 00" W.;

53° 25' 00" N., 164° 00' W.;

53° 51' 00" N., 163° 00' W., said coordinate being approximately S. 64° E., approximately 80.47 miles from the Scotch Cap lighthouse on Unimak Island (approximate latitude 54° 23' 39" N., longitude 164° 45' W.);

54° 00' N., 162° 18' 00" W.;

54° 15' 00" N., 162° 09' 00" W.;

54° 17' 30" N., 162° 08' 23" W.;

54° 20' 00" N., 162° 09' 00" W.;

54° 25' 00" N., 162° 12' 00" W.;

54° 30' 00" N., 162° 20' 30" W.;

54° 33' 30" N., 162° 30' 00" W., said coordinate being approximately N. 51° 30' W., approximately 11.04 miles from the top of Sanak Peak on Sanak Island (approximate latitude 54° 27' 51" N., longitude 162° 45' W., elevation 1,740 feet);

54° 37' 00" N., 162° 45' 00" W.;

54° 42' 00" N., 163° 00' 00" W., said coordinate being approximately N. 45° E., approximately 3.15 miles from the summit of an unnamed mountain on Unimak Island (approximate latitude 54° 40' 12" N., longitude 163° 03' 12" W., elevation 1,243 feet);

54° 45' 00" N., 163° 05' 00" W., said coordinate being approximately N. 34° 25' E., approximately 3.15 miles from the summit of an unnamed mountain on Unimak Island (approximate latitude 54° 42' 48" N., longitude 163° 07' 12" W., elevation 1,600 feet);

54° 47' 44" N., 163° 12' 00" W., said coordinate being N. 18° W., approximately 1.77 miles from the top of an unnamed hill on Unimak Island (approximate latitude 54° 46' 15" N., longitude 163° 12' W., elevation 458 feet);

54° 47' 44" N., 163° 21' 00" W., said coordinate being approximately S. 22° 30' W., approximately 2.36 miles from the top of Sentinal Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 49' 00" N., 163° 22' 00" W., said coordinate being approximately S. 67° W., approximately 1.57 miles from the top of Sentinal Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 49' 30" N., 163° 22' 00" W., said coordinate being West, approximately 1.38 miles from the top of Sentinel Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 51' 35" N., 163° 24' 00" W., said coordinate being approximately N. 79° W., approximately 1.77 miles from an unnamed mountain near Nichols Point on the Alaska Peninsula (approximate latitude 54° 51' 15" N., longitude 163° 21' 24" W., elevation 1,550 feet);

54° 53' 00" N., 163° 21' 40" W., said coordinate being approximately N. 09° W., approximately 1.97 miles from an unnamed mountain near Nichols Point, on the Alaska Peninsula (approximate latitude 54° 51' 15" N., longitude 163° 21' 24" W., elevation 1,550 feet);

54° 56' 00" N., 163° 22' 30" W., said coordinate being approximately N. 88° 30' W., approximately 2.56 miles from Traders Mountain on the Alaska Peninsula (approximate latitude 54° 56' N., longitude 163° 19' W., elevation 1,845 feet);

55° 02' 40" N., 163° 26' 30" W.;

55° 04' 30" N., 163° 30' 00" W.;

55° 12' 00" N., 163° 45' 00" W.;

55° 15' 40" N., 164° 00' 00" W.;

55° 15' 00" N., 164° 30' 00" W., thence to the beginning coordinate.

ALEUTIAN ISLANDS SUBUNIT (AMAK SEGMENT)

Aleutian Islands Subunit (Amak Segment) includes all lands (including submerged lands), waters and interests described in Executive Order No. 5318, dated April 7, 1930, within rhumb lines connecting the following 14 geographic coordinates;

55° 27' N., 163° 13' 30" W., said coordinate being approximately S. 41° W., approximately 1 2/5 miles from a lighthouse on Sealion Rock;

55° 29' N., 163° 13' W.;

55° 29' 50" N., 163° 11' W.;

55° 29' 40" N., 163° 10' W.;

55° 29' 10" N., 163° 08' W.;

55° 28' 10" N., 163° 06' W.;

55° 26' 45" N., 163° 05' W.;

55° 25' N., 163° 04' W., said coordinate being approximately S. 78° E., approximately 2 2/5 miles from Horizontal Control Station Amak;

55° 24' N., 163° 05' W.;

55° 23' 30" N., 163° 06' W.;

55° 23' 10" N., 163° 08' W.;

55° 23' 30" N., 163° 10' W., said coordinate being approximately S. 33° W., approximately 1 mile from Horizontal Control Station Badger;

55° 24' 20" N., 163° 12' W.;

55° 25' N., 163° 13' W., to the point of beginning.

BOGOSLOF SUBUNIT

Bogoslof Subunit includes all lands (including submerged lands), waters

Thence on an approximate forward bearing of N. 71° W., approximately 1 1/5 miles to the most southerly point of land in section 12, T. 48 S., R. 60 W., Seward Meridian, at the line of mean high tide of Sweater Bay;

BOGOSLOF SUBUNIT

Bogoslof Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1049, dated March 2, 1909, lying within a radius of 7 miles from Vertical Control Station 143, located at approximate latitude 53° 50' 42" N., longitude 168° 02' 00" W.

[illegible], all other public lands, as defined by the ANILCA, in the Aleutian Islands.

Section 303 (1):

> ALASKA PENINSULA UNIT--"including the existing Simeonof and Semidi National Wildlife Refuges, the Shumagin Islands, Sutwik Island, the islands and headlands of Puale Bay, and all other public lands on islands, islets, rocks, reefs, spires and designated capes and headlands south of the Alaska Peninsula from Katmai National Park to False Pass including such offshore lands incorporated in this unit under section 1427."

The Alaska Peninsula Unit includes the following described lands:

Designated subunits:

SEMIDI SUBUNIT

Semidi Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 5858, dated June 17, 1932, between latitudes 55° 51' N. and 56° 15' N., and longitudes 156° 30' W. and 157° 00' W.

SIMEONOF SUBUNIT

Simeonof Subunit, located in the Shumagin Island Group, at approximate latitude 54° 53' N., longitude 159° 15' W., includes all lands (including submerged lands), waters and interests described in Public Land Order 1749, dated October 30, 1958, as all of Simeonof Island and its tidelands, together with all adjacent areas of water extending one mile beyond mean low water, and including any islands within said one-mile area.

Designated capes and headlands:

SEAL CAPE

Seal Cape includes all public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner of sections 7 and 18, T. 48 S., R. 59 W., Seward Meridian, at the line of mean high tide of Kuiukta Bay and Sweater Bay;

Thence on an approximate forward bearing of N. 71° W., approximately 1 1/5 miles to the most southerly point of land in section 12, T. 48 S., R. 60 W., Seward Meridian, at the line of mean high tide of Sweater Bay;

Thence northeasterly, along the line of mean high tide of Sweater Bay, approximately 5 miles to the meander corner of sections 33 and 34, T. 47 S., R. 59 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 3/4 mile to the ¼ section corner of sections 27 and 28, T. 47 S., R. 59 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 27, approximately 1 mile to the special meander corner of section 27, T. 47 S., R. 59 W., Seward Meridian, at the line of mean high tide of Devils Bay;

Thence on an approximate forward bearing of S. 75° E., approximately 6,400 feet, to the most westerly point of land in section 35, T. 47 S., R. 59 W., Seward Meridian, at the line of mean high tide of Devils Bay;

Thence southeasterly, along the line of mean high tide of Devils Bay approximately 1¾ miles to the most southerly point of land in section 31, T. 47 S., R. 58 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence on an approximate forward bearing of S. 14° W., approximately 1 3/10 miles to the most easterly point of land in section 7, T. 48 S., R. 58 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence southwesterly, southeasterly, southwesterly, southeasterly, southwesterly and westerly, along the line of mean high tide of the Pacific Ocean, approximately 4½ miles to the most southwestern portion of section 25, T. 48 S., R. 59 W., Seward Meridian, at the line of mean high tide of Seal Bay;

Thence on an approximate forward bearing of S. 69° 30' W approximately 2 3/4 miles to the most southern point of land point in the east ½ of section 33, T. 48 S., R. 59 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean and Seal Bay;

Thence northwesterly, southwesterly and northwesterly, approximately 5 miles to the meander corner of sections 7 and 18, T. 48 S., R. 59 W., Seward Meridian, at the line of mean high tide of Kuiukta Bay and Sweater Bay, the place of beginning.

NOTE: The headlands in Chiniak Bay (North Point, Cape Ahlik and at Vertical Bench Mark Oil Triangle) are also included in the Kodiak National Wildlife Refuge, and have been described within the exterior boundary of that refuge.

And, all public lands, as defined by the ANILCA, on the Shumagin Islands, Hotwik Island and on all other named and unnamed islands, islets, rocks, reefs and spires south of the Alaska Peninsula. It is the intent of this description to include all such public lands occurring within all arms, bays, bights, coves, entrances, gulfs, harbors, inlets, lagoons, passages, passes, ports, sounds and straits, but not to include lands inland of the mouths of rivers or lakes on the mainland of Alaska.

Section 303 (1):

GULF OF ALASKA UNIT--"including the existing Forrester Island, Hazy Islands, Saint Lazaria and Tuxedni National Wildlife Refuges, the Barren Islands, Latax Rocks, Harbor Island, Pye and Chiswell Islands, Ragged, Natoa, Chat, Chevel, Granite and Middleton Islands, the Trinity Islands, all named and unnamed islands, islets, rocks, reefs, spires, and whatever submerged lands, if any, were retained in Federal ownership at the time of statehood surrounding Kodiak and Afognak Islands and all other such public lands on islands, islets, rocks, reefs, spires and designated capes and headlands within the the Gulf of Alaska, but excluding such lands within existing units of the National Park System, Nuka Island and lands within the National Forest System except as provided in section 1427 of this Act."

The Gulf of Alaska Unit includes the following described lands:

Designated subunits:

FORRESTER ISLAND SUBUNIT

Forrester Island Subunit includes all lands (including submerged lands) waters and interests described in Executive Order No. 1458, dated January 11, 1912, spires within: (a) North Segment--the rhumb lines connecting the following 6 geographic coordinates;

55° 02' 00" N., 133° 30' 00" W.;

55° 01' 45" N., 133° 31' 00" W.;

55° 00' 50" N., 133° 30' 30" W.;

55° 00' 15" N., 133° 29' 00" W.;

55° 00' 25" N., 133° 28' 00" W.;

55° 01' 30" N., 133° 28' 30" W., to the point of beginning; and,

(b) South Segment--the rhumb lines connecting the following 15 geographic coordinates:

54° 51' 30" N., 133° 35' 00" W., said coordinate being approximately N. 46° W., approximately 2 miles from Horizontal Control Station North located on Cape Horn Rocks;

54° 50' 00" N., 133° 35' 23" W.;

54° 48' 00" N., 133° 34' 36" W., said coordinate being approximately N. 84° 30' W., approximately 2 miles from the top located near the center of Forrester Island, approximate elevation 1,340 feet;

54° 46' 00" N., 133° 33' 23" W., said coordinate being approximately S. 89° W., approximately 1 3/10 miles from the top of a hill in the southern portion of Forrester Island, approximate elevation 270 feet;

54° 45' 00" N., 133 32' 28" W., said coordinate being approximately 1 3/10 miles from the Horizontal Control Station South, located on a group of rocks off the southern shore of Forrester Island;

54° 44' 00" N., 133° 30' 00" W.;

54° 44' 00" N., 133° 29' 09" W.;

54° 45' 00" N., 133° 28' 35" W., said coordinate being approximately S. 80° E., approximately 1 1/5 miles from Horizontal Control Station Petrel, located in the southern portion of Petrel Island;

54° 47' 13" N., 133° 29' 17" W.;

54° 50' 00" N., 133° 29' 17 W., said coordinate being approximately S. 81° E., approximately 1 7/10 miles from Horizontal Control Station Forrester, located in the northern portion of Forrester Island;

54° 52' 00" N., 133° 30' 00" W., said coordinate being approximately N. 66° E., approximately 1 2/3 miles from the most eastern point of Laurie Island;

54° 33' 00" N., 133° 31' 00" W.;

56° 59' 30" N., 135° 43' W.;

56° 59' 28" N., 135° 43' 35" W.;

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54° 33' 00" N., 133° 31' 00" W.;

54° 53' 39" N., 133° 32' 00" W.;

54° 53' 39" N., 133° 33' 00" W.;

54° 53' 00" N., 133° 34' 20" W., to the point of beginning.

HAZY ISLANDS SUBUNIT

Hazy Islands Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1459, dated January 11, 1912, within rhumb lines connecting the following 12 geographic coordinates:

55° 53' 30" N., 134° 36' W., said point being approximately N. 84° W., approximately 1 mile from Horizontal Control Station Hazy, located on the most northern island of the Subunit.

55° 53' 00" N., 134° 37' 50" W., said point being approximately S. 80° 30' W., approximately 1 mile from Horizontal Control Station Big, located on Big Hazy Islet;

55° 52' 00" N., 134° 36' 50" W.;

55° 51' 20" N., 134° 35' 25" W.;

55° 51' 20" N., 134° 34' 35" W.;

55° 51' 40" N., 134° 33' 17" W.; said point being approximately S. 85° E., approximately 1 mile from Horizontal Control Station Reef, located on the most southern island of the Subunit;

55° 52' 10" N., 134° 32' 35" W., said point being approximately N. 89° 30' E., approximately 1 1/10 miles from Horizontal Control Station Dome, located on the most eastern island of the Subunit;

55° 52' 40" N., 134° 32' 52" W.;

55° 53' 10" N., 134° 34' W.;

55° 54' 09" N., 134° 35' W.;

55° 54' 32" N., 134° 36' W.;

55° 54' 00" N., 134° 38' W.;

Thence to the point of beginning.

SAINT LAZARIA SUBUNIT

Saint Lazaria Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1040, dated February 27, 1909, within rhumb lines connecting the following 10 geographic coordinates;

56° 59' 30" N., 135° 43' W.;

56° 59' 20" N., 135° 43' 35" W.;

56° 59' 10" N., 135° 43' 43" W.;

56° 59' 00" N., 135° 43' 35" W.;

56° 58' 50" N., 135° 43' 35" W.;

56° 58' 50" N., 135° 42' 00" W.;

56° 59' 00" N., 139° 41' 30" W.;

56° 59' 10" N., 139° 41' 20" W.;

56° 59' 20" N., 139° 41' 20" W.;

56° 59' 30" N., 135° 42' 00" W.; to the point of beginning.

TUXEDNI SUBUNIT

Tuxedni Subunit includes all lands (including submerged lands), waters and interests described in Executive Order No. 1039, dated February 27, 1909, within rhumb lines connecting the following 17 geographic coordinates;

60° 11' 27" N., 152° 44' 42" W., said coordinate being a point dividing Lake Clark National Park and Preserve and said Subunit;

60° 13' 36" N., 152° 44' 42" W.;

60° 13' 30" N., 152° 44' 00" W.;

60° 13' 54" N., 152° 42' 00" W.;

60° 13' 24" N., 152° 39' 06" W.;

60° 12' 30" N., 152° 36' 00" W.;

60° 11' 05" N., 152° 33' 00" W.;

60° 08' 30" N., 152° 30' 00" W.; said coordinate being approximately S. 76° E., approximately 1 3/5 miles from the southeastern shore of Duck Island;

60° 06' 18" N., 152° 29' 30" W.;

60° 05' 12" N., 152° 30' 00" W.;

60° 04' 36" N., 152° 30' 48" W., said coordinate being approximately S. 52° E., approximately 4 3/20 miles from a lighthouse in the southern portion of section 16, T. 1 S., R. 19 W. Seward Meridian;

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60° 04' 06" N., 152° 32' 00" W.;

60° 04' 24" N., 152° 33' 00" W.;

60° 06' 18" N., 152° 36' 00" W., said coordinate being approximately S. 89° W., approximately 1 1/10 miles from a hill in the west half of section 9, T. 1 S., R. 19 W., Seward Meridian, approximate elevation 609 feet;

60° 08' 30" N., 152° 39' 00" W.;

60° 09' 30" N., 152° 39' 54" W.;

60° 10' 21" N., 152° 40' 54" W., to the point of beginning.

Submerged lands surrounding Kodiak and Afognak Islands, retained at the time of statehood:

AFOGNAK ISLAND

Afognak Island includes all public land, as defined by the ANILCA, on islands, islets, rocks, reefs and spires together with all water and submerged land, described in Proclamation No. 39, dated December 24, 1892, encompassed in the following described boundary:

Beginning at a point located at the intersection of arcs drawn with 3 nautical mile radii from Rocky Island and Green Island, which point is at approximate latitude 58° 32' 15" N., longitude 152° 46' 30" W.;

Thence southwesterly, along a line 3 nautical miles seaward of the salient points on the westerly side of Afognak Island, closing Foul Bay and Paramanof Bay, (using as headlands Black Cape on the north and Cape Paramanof on the south), and closing Malina Bay, to a point located at the intersection of arcs drawn with 3 nautical mile radii from triangulation Station MUN and the most northerly point on Raspberry Island, which point is at approximate latitude 58° 11' 45" N., longitude 153° 18' 45" W.;

Thence southeasterly, along a median line through the main channel of Raspberry Narrows and Afognak Strait to a point located at the intersection of arcs drawn with 3 nautical mile radii from Hog Island and Treeless Island, which point is at approximate latitude 57° 58' 30" N., longitude 152° 36' 35" W.;

Thence northeasterly, along a line 3 nautical miles seaward of the salient points on the southeasterly side of Afognak Island, closing Afognak Bay, Kazakof Bay, Duck Bay and Izhut Bay to a point located at the intersection of arcs drawn with 3 mile radii from Marmot Island and Afognak Island south of King Cove, which point is at approximate latitude 58° 09' 00" N., longitude 151° 57' 50" W.;

Thence northerly, along a median line through Marmot Strait to a point located equidistant from Marmot Island, Sealion Rocks and Tonki Cape Peninsula, which point is at approximate latitude 58° 18' 30" N., longitude 151° 52' 45" W.;

Thence easterly, along a median line between Sealion Rocks and Marmot Island to a point located at the intersection of arcs drawn with 3 nautical mile radii from Marmot Island and Sealion Rocks, which point is at approximate latitude 58° 18' 20" N., longitude 151° 45' 00" W.;

Thence northerly and westerly, along a line 3 nautical miles seaward of the salient points around the easterly and northerly shores of Sealion Rocks to a point located at the intersection of arcs drawn with 3 nautical mile radii from Sealion Rocks and Tonki Cape, which point is at approximate latitude 58° 22' 25" N., longitude 151° 53' 15" W.;

Thence northwesterly, along a line 3 nautical miles seaward of the salient points on the northeasterly side of Afognak Island, closing Tonki Bay and Seal Bay to a point located at the intersection of arcs drawn with 3 nautical mile radii from Seal Islands and Sea Otter Island, which point is at approximate latitude 58° 28' 15" N., longitude 152° 11' 30" W.;

Thence northeasterly, northerly and westerly, along a line 3 nautical miles seaward of the salient points around the southerly, easterly and northerly shores of Sea Otter Island to a point located at the intersection of arcs drawn with 3 nautical mile radii from Sea Otter Island and Shuyak Island, which point is at approximate latitude 58° 34' 30" N., longitude 152° 14' 45" W.;

Thence southerly, along a median line between Sea Otter Island and Shuyak Island to a point located equidistant from Sea Otter Island, Shuyak Island and the northernmost of the Seal Islands, which point is at approximate latitude 58° 29' 45" N., longitude 152° 17' 30" W.;

Thence southwesterly and northwesterly, along a median line through Shuyak Strait to the point of beginning.

KARLUK

Karluk includes all water and submerged lands as described in Public Land Order 128, dated June 18, 1943, encompassed in following described boundary:

Beginning at the end of a point of land on the shore of Shelikof Strait on Kodiak Island, said point being about 1¼ miles east of Rocky Point, at approximate latitude 57° 39' 40" N., longitude 154° 12' 20" W.;

Thence due North, 3,000 feet from the shoreline at mean low tide;

Thence southwesterly, along a line parallel to and 3,000 feet distant from the shoreline at mean low tide to a point due West of the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait;

Thence due East, 3,000 feet to the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait at mean high tide;

Thence northeasterly, following the easterly shore of Shelikof Strait

Nuka Island or that are part of the Katmai National Park and Preserve, Glacier Bay National Park and Preserve and the Chugach and Tongass National Forests (except as provided by Section 1427).

Thence due East, 3,000 feet to the confluence of the north shore of Sturgeon River with the east shore of Shelikof Strait at mean high tide;

Thence northeasterly, following the easterly shore of Shelikof Strait along the line of mean high tide to the place of beginning.

WOMENS BAY

Womens Bay includes all water and submerged lands, described in Public Land Order 1182, dated July 7, 1955, encompassed in the following described boundary:

Beginning at point 9 of the perimeter survey of U.S. Survey No. 2539, which point is at the intersection of mean high tide on the south side of Middle Bay with the upland of Kodiak Island;

Thence N. 40° 36' E., 198.64 chains, to point 10 of U.S. Survey No. 2539;

Thence North, 184.55 chains, to point 11 of U.S. Survey No. 2539;

Thence N. 5° 05' 30" W., 259.70 chains, to point 12, of U.S. Survey No. 2539, which is the intersection of the mean high tide on the northerly side of Chiniak Bay with the upland of Kodiak Island;

Thence southwesterly northwesterly, northeasterly, southerly, southeasterly, along the line of mean high tide of Chiniak Bay, Womens Bay and Middle Bay to the point of beginning.

And, all other such public lands, as defined by the ANILCA, on the Barren Islands, Latax Rocks, Harbor Island, Pye and Chiswell Islands, Ragged, Natos, Chat, Chevel, Granite and Middleton Islands, the Trinity Islands and all other named and unnamed islands, inlets, rocks, reefs and spires in the Gulf of Alaska. It is the intent of this description to include all such public lands occurring within all arms, bays, bights, coves, entrances, gulfs, harbors, inlets, lagoons, passages, passes, ports, sounds and straits, but not to include lands inland of the mouths of rivers or lakes on the mainland of Alaska or such public lands on Nuka Island or that are part of the Katmai National Park and Preserve, Glacier Bay National Park and Preserve and the Chugach and Tongass National Forests (except as provided by Section 1427).

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE ALASKA MARITIME NATIONAL WILDLIFE REFUGE:

Wilderness areas established by P.L. 96-487, December 2, 1980:

Section 702 (1):

> "Aleutian Islands Wilderness of approximately one million three hundred thousand acres as generally depicted on a map entitled "Aleutian Islands Wilderness", dated October 1978."

This unit (in 2 segments) is described as follows:

ALEUTIAN ISLANDS SEGMENT

The Aleutian Islands Wilderness (Aleutian Islands Segment) includes all described in Executive Order No. 1733, dated March 3, 1913, above the mean high tide on islands, islets, rocks, reefs, and spires within rhumb lines connecting the following 97 geographic coordinates;

53° 13' 00" N., 165° 00' W., said coordinate being approximately N. 4° 45' W., approximately 41.81 miles from Cape Sarichef lighthouse on Unimak Island (approximate latitude 54° 36' N., longitude 164° 54' W.);

53° 03' 00" N., 166° 00' W., said coordinate being approximately N. 10° 15' W., approximately 63.90 miles from the Akutan Harbor lighthouse on Akutan Island (approximate latitude 54° 09' N., longitude 165° 57' W.);

54° 50' 30" N., 167° 00' W., said coordinate being approximately N. 21° 45' W., approximately 67.06 miles from the Dutch Harbor lighthouse on Amaknak Island (approximate latitude 53° 54' N., longitude 166° 31' W.);

54° 35' 00" N., 168° 00' W.;

54° 14' 00" N., 169° 00' W.;

54° 00' N., 170° 00' W., said coordinate being approximately N. 45° 25' W., approximately 81.27 miles from the summit of Mt. Vsevidof on Unimak Island (approximate latitude 53° 07' 30" N., longitude 168° 41' 30" W., elevation 6,600 feet);

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53° 53' 00" N., 171° 00' W.;

53° 42' 00" N., 172° 00' W., said coordinate being approximately N. 10° 50' E., approximately 97.83 miles from the top of Pyre Peak on Seguam Island (approximate latitude 52° 18' 45" N., longitude 172° 30' 30" W., elevation 3,458 feet);

53° 32' 00" N., 173° 00' W.;

53° 21' 00" N., 173° 42' 00" W.;

53° 12' 00" N., 174° 00' W.;

53° 08' 00" N., 174° 18' 00" W.;

53° 02' 30" N., 175° 00' W.;

52° 58' 00" N., 175° 30' 00" W.;

52° 54' 30" N., 176° 00' W.;

52° 51' 00" N., 176° 36' W.;

52° 52' 00" N., 177° 00' W., said coordinate being approximately N. 7° 30' W., approximately 65.48 miles from the summit of Mt. Moffett on Adak Island (approximate latitude 51° 51' 03" N., longitude 177° 45' W., elevation 3,924 feet);

52° 54' 00" N., 178° 00' W.;

52° 56' 00" N., 178° 42' 00" W.;

52° 55' 30" N., 179° 00' W., said coordinate being approximately N. 21° 10' W., approximately 79.68 miles from the summit of Mt. Gareloi on Gareloi Island (approximate latitude 51° 47' 21" N., longitude 178° 47' 30" W., elevation 5,160 feet);

52° 55' 00" N., 179° 30' 00" W.;

52° 56' 00" N., 180° 00';

52° 58' 00" N., 179° 30' 00" E.;

53° 01' 00" N., 179° 00' E., said coordinate being approximately N. 23° 50' W., approximately 75.74 miles from the top of Anvil Peak on Semisopochnoi Island (approximate latitude 51° 59' 15" N., longitude 179° 36' 30" E., elevation 4,007 feet);

53° 04' 30" N., 178° 00' E.;

53° 05' 30" N., 177° 36' E.;

53° 13' 00" N., 177° 00' E.;

53° 21' 00" N., 176° 18' 30" E.;

53° 24' 00" N., 176° 00' E., said coordinate being approximately N. 01° 20' E., approximately 72.58 miles from Vertical Control Station 2152 on Buldir Island (approximate latitude 52° 21' N., longitude 175° 55' E.);

53° 25' 00" N., 175° 12' 00" E.;

53° 25' 00" N., 175° 00' E.;

53° 27' 00" N., 174° 30' 00" E.;

53° 30' 00" N., 174° 00' E.;

53° 30' 30" N., 173° 42' 00" E.;

53° 30' 00" N., 173° 30' 00" E.;

53° 26' 00" N., 173° 00' E., said coordinate being approximately N. 29° 45' E., approximately 41.02 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

53° 19' 00" N., 172° 24" E.;

53° 06' 00" N., 172° 00' E.;

52° 55' 00" N., 171° 48' 00" E., said coordinate being West, approximately 29.98 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

52° 35' 00" N., 171° 42' 00" E.;

52° 12' 00" N., 171° 42' 00" E., said coordinate being approximately S. 36° W., approximately 76.53 miles from Vertical Control Station 2217 on Attu Island (approximate latitude 52° 55' 30" N., longitude 172° 31' 30" E.);

52° 00' N., 171° 48' 00" E.;

51° 50' 00" N., 172° 00' E.;

51° 40' 00" N., 172° 24' 00" E.;

51° 29' 00" N., 173° 00' E.;

51° 20' 00" N., 174° 00' E.;

51° 29' 00" N., 172° 00' W.;

51° 45' 00" N., 171° 00' W.;

51° 29' 00" N., 173° 00' E.;

51° 20' 00" N., 174° 00' E.;

51° 10' 00" N., 175° 00' E.;

51° 00' N., 175° 41' 00" E., said coordinate being approximately S. 04° 35' W., approximately 93.89 miles from Vertical Control Station 2152 on Buldir Island (approximate latitude 52° 21' N., longitude 175° 55' E.);

50° 54' 00" N., 176° 00' E.;

50° 47' 00" N., 176° 36' 00" E.;

50° 46' 00" N., 177° 00' E.;

50° 45' 00" N., 178° 00' E.;

50° 41' 00" N., 179° 00' E.;

50° 38' 30" N., 179° 30' 00" E.;

50° 40' 00" N., 180° 00', said coordinate being approximately S. 24° 50' E., approximately 86.79 miles from the top of Sugarloaf Peak on Semisopochnai Island (approximate latitude 51° 53' 39" N., longitude 179° 31' 14" E., elevation 2,800 feet);

50° 40' 00" N., 179° 00' W.;

50° 40' 00" N., 178° 00' W.; said coordinate being approximately S. 30° E., approximately 85.21 miles from the summit of Mt. Gareloi on Gareloi Island (approximate latitude 51° 47' 21" N., longitude 178° 47' 30" W., elevation 5,160 feet);

50° 37' 00" N., 177° 00' W.;

50° 36' 00" N., 176° 00' W.;

50° 36' 00" N., 175° 34' W.;

50° 41' 00" N., 175° 00' W.;

50° 55' 00" N., 174° 00' W.;

51° 10' 00" N., 173° 00' W., said coordinate being approximately S. 14° W., approximately 82.05 miles from the top of Pine Peak on Seguam Island (approximate latitude 52° 18' 45" N., longitude 172° 30' 30" W., elevation 3,458 feet);

51° 29' 00" N., 172° 00' W.;

51° 45' 00" N., 171° 00' W.;

51° 50' 00" N., 170° 00' W.;

51° 55' 00" N., 169° 00' W., said coordinate being approximately S. 04° 40' W., approximately 84.42 miles from the summit of Mt. Vsevidof on Umnak Island (approximate latitude 53° 07' 30" N., longitude 168° 41' 30" W., elevation 6,600 feet);

52° 05' 00" N., 168° 00' W., said coordinate being approximately S. 12° 20' W., approximately 83.63 miles from the summit of Mt. Tum Tum on Unalaska Island (approximate latitude 53° 16' N., longitude 167° 38' 12" W., elevation 1,960 feet);

52° 09' 00" N., 167° 00' W.;

52° 28' 00" N., 166° 00' W.;

52° 44' 00" N., 165° 18' 00" W.;

52° 54' 00" N., 165° 00' W., said coordinate being approximately S. 01° 30' E., approximately 81.26 miles from Horizontal Control Station Bridge on Tigalda Island (approximate latitude 54° 03' 54" N., longitude 165° 02' 24" W.);

53° 09' 00" N., 164° 36' 00" W.;

53° 25' 00" N., 164° 00' W.;

53° 51' 00" N., 163° 00' W., said coordinate being approximately S. 64° E., approximately 80.47 miles from the Scotch Cap lighthouse on Unimak Island (approximate latitude 54° 23' 39" N., longitude 164° 45' W.);

54° 00' N., 162° 18' 00" W.;

54° 15' 00" N., 162° 09' 00" W.;

54° 17' 30" N., 162° 08' 23" W.;

54° 20' 00" N., 162° 09' 00" W.;

54° 25' 00" N., 162° 12' 00" W.;

54° 30' 00" N., 162° 20' 30" W.;

54° 33' 30" N., 162° 30' 00" W., said coordinate being approximately N. 51° 30' E., approximately 11.04 miles from the top of Sanak Peak on Sanak Island (approximate latitude 54° 27' 51" N., longitude 162° 45' W., elevation 1,740 feet);

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54° 37' 00" N., 162° 45' 00" W.;

54° 42' 00" N., 163° 00' 00" W., said coordinate being approximately N. 45° E., approximately 3.15 miles from the summit of an unnamed mountain on Unimak Island (approximate latitude 54° 40' 12" N., longitude 163° 03' 12" W., elevation 1,243 feet);

54° 45' 00" N., 163° 05' 00" W., said coordinate being approximately N. 34° 25' E., approximately 3.15 miles from the summit of an unnamed mountain on Unimak Island (approximate latitude 54° 42' 48" N., longitude 163° 07' 12" W., elevation 1,600 feet);

54° 47' 44" N., 163° 12' 00" W., said coordinate being N. 18° W., approximately 1.77 miles from the top of an unnamed hill on Unimak Island (approximate latitude 54° 46' 15" N., longitude 163° 21' W., elevation 458 feet);

54° 47' 44" N., 163° 21' 00" W., said coordinate being approximately S. 22° 30' W., approximately 2.36 miles from the top of Sentinal Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 49' 00" N., 163° 22' 00" W., said coordinate being approximately S. 67° W., approximately 1.57 miles from the top of Sentinal Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 49' 30" N., 163° 22' 00" W., said coordinate being West, approximately 1.38 miles from the top of Sentinal Peak on the Alaska Peninsula (approximate latitude 54° 49' 30" N., longitude 163° 19' 48" W., elevation 2,020 feet);

54° 51' 35" N., 163° 24' 00" W., said coordinate being approximately N. 79° W., approximately 1.77 miles from an unnamed mountain near Nichols Point on the Alaska Peninsula (approximate latitude 54° 51' 15" N., longitude 163° 21' 24" W., elevation 1,550 feet);

54° 53' 00" N., 163° 21' 40" W., said coordinate being approximately N. 09° W., approximately 1.97 miles from an unnamed mountain near Nichols Point, on the Alaska Peninsula (approximate latitude 54° 51' 15" N., longitude 163° 21' 24" W., elevation 1,550 feet);

54° 56' 00" N., 163° 22' 30" W., said coordinate being approximately N. 88° 30' W., approximately 2.56 miles from Traders Mountain on the Alaska Peninsula (approximate latitude 54° 56' N., longitude 163° 19' W., elevation 1,845 feet);

55° 02' 40" N., 163° 26' 30" W.;

55° 04' 30" N., 163° 30' 00" W.;

55° 12' 00" N., 163° 45' 00" W.;

55° 15' 40" N., 164° 00' 00" W.;

55° 15' 00" N., 164° 30' 00" W., thence to the beginning coordinate.

The following lands are <u>not</u> included in the Aleutian Islands Wilderness:

<u>Akun Island</u>, the entire island, above the line of mean high tide (approximate latitude 54° 12' N., longitude 165° 30' W.);

<u>Akutan Island</u>, the entire island, above the line of mean high tide (approximate latitude 54° 09' N., longitude 166° 00' W.);

<u>Sanak Island</u>, the entire island, above the line of mean high tide (approximate latitude 54° 25' N., longitude 162° 42' W.);

<u>Tigalda Island</u>, the entire island, above the line of mean high tide (approximate latitude 54° 06' N., longitude 165° 04' W.);

<u>Umnak Island</u>, the entire island, above the line of mean high tide (approximate latitude 53° 12' N., longitude 168° 30' W.);

<u>Unalaska Island</u>, the entire island, above the line of mean high tide (approximate latitude 53° 45' N., longitude 166° 45' W.);

<u>Sedanka Island</u>, the entire island, above the line of mean high tide (approximate latitude 53° 45' N., longitude 166° 14' W.);

<u>Amaknak Island</u>, the entire island, above the line of mean high tide (approximate latitude 53° 55' 30" N., longitude 166° 32' W.);

<u>Shemya Island</u>, the entire island, above the line of mean high tide (approximate latitude 52° 43' 40" N., longitude 174° 06" E.);

<u>Attu Island</u>, beginning at a point northeast of Krasni Point at the line of mean high tide, where a stream empties into the Pacific Ocean at approximate latitude 52° 47' 43" N., longitude 173° 08' 50" E.;

Thence upstream in a west-northwest direction, following the right branch to the 250-foot contour level;

Thence northeasterly, northerly and northwesterly, along the 250-foot contour to the intersection of the 250-foot contour and an unnamed stream at approximate latitude 52° 49' 07" N., longitude 173° 09' 12" E.;

Thence upstream in a west and southwest direction, to the 1,000-foot contour at approximate latitude 52° 48' 57" N., longitude 173° 08' 52" E.;

Thence northwesterly, along the 1,000-foot contour to the termination of the most westerly branch of Kingfisher Creek at approximately latitude 52° 49' 24" N., longitude 173° 07' 33" E;

Thence easterly and southerly, along the line of mean high tide around Chichagof Point and Chichagof Harbor, and easterly, along Chichagof Beach to a point at the intersection of a stream from Lake Canirus and Chichagof Harbor at approximate latitude 52° 55' 31" N.;

Thence northwesterly, along the 1,000-foot contour to the termination of the most westerly branch of Kingfisher Creek at approximately latitude 52° 49' 24" N., longitude 173° 07' 33" E;

Thence due North approximately 1,650 feet to the top of Lookout Hill, at approximate latitude 52° 49' 38" N., longitude 173° 07' 33" E.;

Thence north-northwesterly, approximately about 4,800 feet to the junction of Peaceful River and Angel Creek at approximate latitude 52° 50' 26" N., longitude 173° 07' 55" E.;

Thence northeasterly, approximately about 5,000 feet to the termination of the first right branch stream of Peaceful River, at approximate latitude 52° 50' 53" N., longitude 173° 09' 02" E.;

Thence along this branch downstream in an easterly direction, approximately 920 feet to the intersection with the 500-foot contour level;

Thence along the 500-foot contour easterly, northerly, and northwesterly, around Terrible Mountain, through Zwinge Valley and around Black Mountain to a point which is 200 feet from the Jarmin Pass Road at approximate latitude 52° 53' 18" N., longitude 173° 08' 21" E.;

Thence parallel to and 200 feet from the centerline of Jarmin Pass Road on the east, the north side of which passes through O'Donnell Valley to Addison Valley which ends in the West Arm of Holtz Bay, to the intersection of the road and Addison Creek, at approximate latitude 52° 55' 18" N., longitude 173° 07' 41" E.;

Thence down Addison Creek, approximately 400 feet;

Thence southerly and easterly along a line parallel to and 200 feet from the centerline of the road through O'Donnell Valley and Jarmin Pass to a point which lies about 300 feet from the road entering the World War II storage tunnel, at approximate latitude 52° 53' 11" N.;

Thence northeasterly, parallel to and 300 feet from the storage tunnel to the first branch of Bassett Creek;

Thence along this branch downstream into the main Bassett Creek, to a point that lies approximately 400 feet west of the Chichagof Harbor Road at approximate latitude 52° 53' 13" N., longitude 173° 12' 18" E.;

Thence along a line parallel to and 300 feet from the centerline of Chichagof Harbor Road on the northwest and westerly side, to a point and at the southern boundary of a small unnamed lake, at approximate latitude 52° 56' 14" N., longitude 173° 14' 34" E., which lies approximately 1,700 feet southwest of the Chichagof Point;

Thence due North, approximately 2,700 feet to a point at the line of mean high tide, on the Bering Sea shoreline, at approximate latitude 52° 56' 39" N., longitude 173° 14' 34" E.;

Thence easterly and southerly, along the line of mean high tide around Chichagof Point and Chichagof Harbor, and easterly, along Chichagof Beach to a point at the intersection of a stream from Lake Canirco and Chichagof Harbor at approximate latitude 52° 55' 31" N.;

Thence southerly, along this stream to the north end of Lake Canirco;

Thence along the northwest and western shoreline of Lake Canirco, the stream entering the southwest corner of the lake;

Thence along the left bank of this stream, to the north end of Lake Cories;

Thence along the northwest shoreline of Lake Cories, to a point at the southwest corner of the lake;

Thence southeast, approximately 200 feet to a point approximately 300 feet from the centerline of the Chichagof Harbor road;

Thence southwesterly, parallel to an 300 feet from the centerline of the road, to a point where the line intersects the left branch of the stream entering Lake Nicholas, at approximate latitude 52° 53' 30" N., longitude 173° 12' 18" E.;

Thence southwesterly, approximately 900 feet to a small promontory and benchmark at approximate latitude 52° 53' 07" N., longitude 173° 11' 28" E.;

Thence due South, approximately 300 feet to the 500-foot contour;

Thence southeasterly, along the 500-foot contour on the south side of Gilbert Ridge, to and around the old military post at Alexai Point, past Alexai Creek to the intersection of the 500-foot contour and a left branch of a small stream which enters Massacre Bay at Hidalgo Beach;

Thence downstream in a southeasterly direction, to the intersection of the stream and Massacre Bay at the line of mean high tide, at approximate latitude 52° 49' 53" N.;

Thence westerly and southerly, along the line of mean high tide of Massacre Bay to Alexai Point;

Thence northwesterly, northerly and northwesterly, around Alexai Point and along the base of Gilbert Ridge to Massacre Beach;

Thence southwesterly, along the line of mean high tide of Massacre Beach to and through Navy Cove;

Thence easterly and westerly, around Loaf Island and the spit connecting said island to the main island;

Thence south-southwesterly, past Barbara Point to Casco Point;

Thence northerly, westerly, southerly, southeasterly and northeasterly, along the line of mean high tide of Casco Point, Casco Beach, and Casco Cove to the point reaching into Casco Cove, which is just south of Casco Point;

Thence south-southeasterly, the line of mean high tide, along to Murder Point which at mean high tide is connected to Loaf Island;

Thence westerly, to the beginning point.

Kiska Island Beginning at an approximate point, latitude 51° 57' 32" N., longitude 177° 32' 30" E., at the line of mean high tide in the southwestern corner of Kiska Harbor;

Thence due South, approximately 950 feet to the 250-foot contour;

Thence westerly and easterly, along the 250-foot contour around the drainage in the southwestern section of Kiska Harbor;

Thence northerly, westerly, easterly and northeasterly, along the 250-foot contour around the drainage system for Trout Lagoon, except where the road arises above this level, when the northern edge of the road is followed;

Thence along the 250-foot contour, to the intersection of this contour and the most southerly branch of the stream draining the northwestern land area of Kiska Harbor, at approximate latitude 51° 59' 12" N., longitude 177° 32' 13" E.;

Thence westerly and northwesterly, along this stream and its right-hand branch to a point at approximate latitude 51° 59' 24" N., longitude 177° 31' 33" E.;

Thence due North, approximately 1,400 feet to a peak, approximate elevation 455 feet;

Thence due East, approximately 4,900 feet to a point on the mean high tide line of Salmon Lagoon, approximately 270 feet south of a stream emptying into the westernmost end of Salmon Lagoon;

Thence southeasterly, easterly, and northeasterly, along the line of mean high tide along the south shoreline of Salmon Lagoon to a point where the waters of Salmon Lagoon and the Pacific Ocean meet, at approximate latitude 51° 59' 32" N., longitude 177° 34' 20" E.;

Thence South, along the line of mean high tide to North Head and around the shoreline of Kiska Harbor to the point of beginning.

Amchitka Island

Tract A That land, above mean high tide on Amchitka Island, east of a line beginning at the mouth of a stream which empties into Landslide Cove, Bering Sea, at approximate latitude 51° 34' 20" N., longitude 178° 59' 25" E.;

Thence upstream in a southwesterly direction, to the unnamed lake at the head of the stream;

Thence around the southern shore of said unnamed lake;

Thence due West, to the Infantry Road;

Thence westerly, along said road for approximately 3/4 mile;

Thence southerly, around the eastern shore of the unnamed lake adjacent to the Infantry Road;

Thence downstream along the stream draining the unnamed lake, in a southerly direction, to the intersection of the stream and the Pacific Ocean, at approximate latitude 51° 32' 40" N., longitude 178° 57' 00" E.;

Tract B That land, above mean high tide on Amchitka Island, west of a line beginning at the mouth of the stream which empties into the Bering Sea, at approximate latitude 51° 38' 29" N., longitude 178° 42' 32" E.;

Thence upstream in a southwesterly direction, to the head of that draw;

Thence due South, following the draw of an intermittent stream to its intersection with the Pacific Ocean, at approximate latitude 51° 36' 34" N., longitude 178° 41' 26" E.;

Tract C That land on Amchitka Island lying within a radius of one-half mile from the peak of a hill, approximate elevation 1,160 feet, located at approximate latitude 51° 36' 23" N., longitude 178° 48' 40" E.;

Tract D That land on Amchitka Island within a 100-foot corridor on each side of the Infantry Road which bisects the island and connects above 3 tracts.

Oglhuga Island Beginning at a point on the northern coastline, where an unnamed stream empties into the Bering Sea, at approximate latitude 51° 36' 32" N., longitude 178° 39' 35" W.;

Thence upstream in a southeasterly direction, to the drainage ditch draining an abandoned airfield;

Thence southwesterly, approximately 300 feet along the northwest edge of said drainage ditch to its termination;

Thence due South, approximately 350 feet to the southwestern end of a drainage ditch that parallels the southeastern side of the airfield;

Thence northeasterly, along the southeast edge of the drainage ditch and

Thence easterly, along the 200-foot contour around the ridge separating Fox Creek and Little Fox Creek;

Thence northerly, easterly and southerly, along on the 200-foot contour

Thence due South, approximately 350 feet to the southwestern end of a drainage ditch that parallels the southeastern side of the airfield;

Thence northeasterly, along the southeast edge of the drainage ditch and runway where the drainage ditch terminates, to the most southerly road that serves the eastern portion of the island;

Thence easterly, along the southern edge of this road to its termination, at approximate latitude 51° 36' 30" N., longitude 178° 36' 55" W.;

Thence due North, approximately 320 feet to the line of mean high tide on the northern coastline, at approximate latitude 51° 36' 32" N., longitude 178° 36' 55" W.

Thence westerly, along the line of mean high tide, of the coast to the point of beginning.

Tanaga Island Beginning at a point southeast of Cape Amagalik, at the line of mean high tide, at approximate latitude 51° 39' 55" N., longitude 178° 05' 27" W.;

Thence due North, approximately 800 feet to a point just north and west of the World War II radar tower;

Thence east-northeasterly, along the northern boundary of the old military road connecting the radar tower area with the abandoned airfield, to the stream draining the northwest side of the runway, at approximate latitude 51° 40' 26" N., longitude 173° 03' 40" W.;

Thence upstream in a north-northeasterly direction, to and paralleling the northwest side of the abandoned airfield to a point approximately 500 feet north of the airfield, at approximate latitude 51° 41' 36" N., longitude 178° 02' 27" W.;

Thence due South, to a point on Lash Bay at the line of mean high tide, at approximate latitude 51° 40' 22" N., longitude 178° 02' 27" W.;

Thence westerly, along the line of mean high tide of the coast to the point of beginning.

Adak Island That part of the island east of the Bay of Islands and north of latitude 51° 47' 15" N.

Great Sitkin Island Beginning at a point on the shoreline at the bottom of the ridge west of Fox Creek, at approximate latitude 51° 59' 53" N.;

Thence uphill due West, to the 200-foot contour;

Thence northerly, easterly and southerly, along the 200-foot contour around the Fox Creek drainage;

Thence easterly, along the 200-foot contour around the ridge separating Fox Creek and Little Fox Creek;

Thence northerly, easterly and southerly, along on the 200-foot contour around the Little Fox Creek drainage;

Thence southerly, along the base of the bluff facing Sand Bay toward Zaliva Point to a midway point at approximate latitude 51° 59' 00" N., longitude 176° 05' 40" W.;

Thence due West, approximately 200 yards to the line of mean high tide, at approximate latitude 51° 59' 00" N., longitude 176° 05' 55" W.;

Thence northerly and northwesterly, along the line of mean high tide to the point of beginning.

Ugamak Island All lands above mean high tide lying east of longitude 164° 50' 00" W.

And the following tracts withdrawn for Native selection under the Alaska Native Claims Settlement Act for the villages of:

Akutan

T. 68 S., Rs. 110 through 113 W.;

T. 69 S., Rs. 110 through 114 W.;

T. 70 S., Rs. 110 through 114 W.;

T. 71 S., Rs. 110 through 114 W.;

T. 72 S., Rs. 110 through 114 W.;

Unalaska

T. 71 S., Rs. 116 thorugh 120 W.;

T. 72 S., Rs. 116 through 120 W.;

T. 73 S., Rs. 116 through 120 W.;

T. 74 S., Rs. 116 through 120 W.;

T. 75 S., Rs. 116 through 120 W.;

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T. 81 S., Rs. 134 through 138 W.;

T. 82 S., Rs. 134 through 138 W.;

T. 83 S., Rs. 134 through 138 W.;

T. 84 S., Rs. 134 through 138 W.;

T. 85 S., Rs. 134 through 138 W.;

T. 86 S., Rs. 134 through 139 W.;

Atka

T. 90 S., Rs. 174 through 178 W.;

T. 91 S., Rs. 174 through 178 W.;

T. 92 S., Rs. 174 through 178 W.;

T. 93 S., Rs. 176 through 179 W.;

T. 94 S., Rs. 176 through 179 W.;

ALEUTIAN ISLANDS WILDERNESS (AMAK SEGMENT)

Aleutian Islands Wilderness (Amak Segment) includes all lands above the line of mean high tide on islands, islets, rocks, reefs and spires, described in Executive Order No. 5318, dated April 7, 1930, within rhumb lines connecting the following 14 geographic coordinates;

55° 27' N., 163° 13' 30" W., said coordinate being approximately S. 41° W., approximately 1 2/5 miles from a lighthouse on Sealion Rock;

55° 29' N., 163° 13' W.;

55° 29' 50" N., 163° 11' W.;

55° 29' 40" N., 163° 10' W.;

55° 29' 10" N., 163° 08" W.;

55° 28' 10" N., 163° 06' W.;

55° 26' 45" N., 163° 05' W.;

55° 25' N., 163° 04' W., said coordinate being approximately S. 78° E., approximately 2 2/5 miles from Horizontal Control Station Amak;

55° 24' N., 163° 05' W.;

55° 23' 30" N., 163° 06' W.;

55° 23' 10" N., 163° 08' W.;

55° 23' 30" N., 163° 10' W., said coordinate being approximately S. 33° W., approximately 1 mile from Horizontal Control Station Badger;

55° 24' 20" N., 163° 12' W.;

55° 25' N., 163° 13' W., to the point of beginning.

Section 702 (11):

> "Semidi Wilderness of approximately two hundred fifty thousand acres as generally depicted on a map entitled 'Semidi Wilderness', dated October 1978," and described as follows:

Semidi Wilderness includes all lands (including submerged lands), waters and interests in Executive Order No. 5858, dated June 17, 1932, between latitudes 55° 51' N. and 56° 15' N., and longitudes 156° 30' W. and 157° 00' W.

Section 702 (13):

> "Unimak Wilderness of approximately nine hundred and ten thousand acres, as generally depicted on a map entitled 'Unimak Wilderness', dated October 1978," and described as follows:

Unimak Wilderness includes all lands above the line of mean high tide, on Unimak Island located at approximate latitude 54° 58' N. and longitude 164° 12' W., excluding those tracts of land within the following described boundaries;

Tract A Beginning at the corner of Ts. 59 and 60 S., Rs. 95 and 96 W., Seward Meridian;

Thence southerly, between Rs. 95 and 96 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 60 S., Rs. 95 and 96 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, approximately 11 miles, to the corner of sections 13, 14, 23 and 24, T. 60 S., R. 94 W., Seward Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, approximately 1½ miles, to the ¼ section corner of sections 25 and 30, T. 60 S., Rs. 93 and 94 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, approximately 7½ miles, to the corner of sections 4, 5, 8 and 9, T. 63 S., R. 92 W., Seward Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, approximately 1½ miles, to the ¼ section corner of sections 25 and 30, T. 60 S., Rs. 93 and 94 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 25, approximately 1 mile, to the ¼ section corner of sections 25 and 30, T. 60 S., Rs. 93 and 94 W., Seward Meridian;

Thence southerly, between Rs. 93 and 94, approximately ½ mile, to the corner of sections 25, 30, 31 and 36, T. 60 S., Rs. 93 and 94 W., Seward Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 60 S., R. 93 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile, to the standard corner of sections 31 and 32, T. 60 S., R. 93 W., Seward Meridian;

Thence westerly, on the 15th Standard Parallel South, approximately 2 1/10 miles, to standard corner of sections 1 and 6, Ts. 60 and 61 S., R. 94 and 95 W., Seward Meridian;

Thence southerly, between Rs. 94 and 95 W., approximately 6 miles to the corner of Ts. 61 and 62 S., Rs. 94 and 95 W., Seward Meridian;

Thence easterly, between Ts. 61 and 62 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Ts. 61 and 62 S., R. 94 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles, to the corner of sections 21, 22, 27 and 28, T. 62 S., R. 94 W., Seward Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, approximately 2 miles, to the corner of sections 19, 20, 29 and 30, T. 62 S., R. 94 W., Seward Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, 5 and 6, approximately 3 miles, to the corner of sections 5, 6, 7 and 8, T. 63 S., R. 94 W., Seward Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, 3 and 10, approximately 2½ mile,, to a special meander corner with the west bank of Otter Cove in T, 63 S., R 94 W., Seward Meridian, at the line of mean high tide;

Thence northeasterly and southeasterly, along the bank of said cove, approximately 3 miles, to the corner of sections 6 and 7, T. 63 S., R. 93 W., Seward Meridian, at the line of mean high tide;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, approximately 7¼ miles, to the corner of sections 4, 5, 8 and 9, T. 63 S., R. 92 W., Seward Meridian;

Thence southerly, between section 8 and 9, approximately 1 mile, to the corner of sections 8, 9, 16 and 17, T. 63 S., R. 92 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 63 S., R. 92 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, approximately 3 miles, to the corner of sections 27, 28, 33 and 34, T. 63 S., R. 92 W., Seward Meridian;

Thence easterly, between sections 27 and 34, approximately 2/3 miles, to a special meander corner with East Anchor Cove in T. 63 S., R. 92 W., Seward Meridian, at the line of mean high tide;

Thence with the eastern coastline of Unimak Island, and along the line of mean high tide of said cove and Ikatan Bay, Isanatski Strait, Bechevin Bay, St. Catherine Cove and Swanson Lagoon, to the corner of sections 28 and 29, T. 59 S., R. 95 W., Seward Meridian, at the line of mean high tide of the Bering Sea;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 1 9/10 miles, to the corner of sections 4, 5, 32 and 33, Tps. 59 and 60 S., R. 95 W., Seward Meridian;

Thence westerly, between Ts. 59 and 60 S., approximately 2 miles, to the corner of Tps. 59 and 60 S., Rs. 95 and 96 W., Seward Meridian, to the place of beginning; and,

Tract B Beginning at a point on the line of mean high tide of Umnak Island, between Tps. 63 and 64 N., R. 92 W., Seward Meridian;

Thence westerly, between Tps. 63 and 64 S., approximately 1 mile, to the ¼ section corner of sections 2 and 35, Tps. 63 and 64 N., R. 92 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 2, approximately 3/5 mile, to a point at the line of mean high tide of the Pacific Ocean in section 2, T. 64 S., R. 92 W,, Seward Meridian;

Thence easterly, southerly, easterly, northeasterly and northwesterly, with the line of mean high tide of said ocean, 2½ miles to a point between Tps. 63 and 64 S., R. 92 W., Seward Meridian; the place of beginning; and,

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Tract C Beginning at a point on the line of mean high tide on Unimak Island, said point being three miles easterly of a point at low-water mark opposite Scotch Cap Pinnacle;

Thence due North, approximately 1 mile, to a point between Tps. 66 and 67 S., R. 104 W., Seward Meridian;

Thence N. 71° W. true, approximately 2 miles, to the eastern boundary of a service road near the center of section 34, T. 66 S., R. 104 W., Seward Meridian;

Thence following the eastern boundary of said service road and passing through sections 34, 27, 22, 21, 29, 20, 17, 8 and 7, T. 66 S., R. 104 W.; sections 12, 1 and 2, T. 66 S., R. 105 W.; and sections 36, 25, 24, 13, 12, 11, 10, 3, and 4, T. 65 S., R. 105 W., to a point in the northern portion of section 4, T. 65 S., R. 105 W., Seward Meridian;

Thence northeast true, approximately 1 2/5 miles, to a point in the southern portion of section 27, T. 64 S., R. 104 W., Seward Meridian;

Thence north-northwest true, to the line of mean high tide of Unimak Island;

Thence westerly southwesterly and southerly, along the line of mean high tide of said island, to the point of beginning.

Wilderness areas established by P.L. 91-504, October 23, 1970:

"Section 1. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the (1) Bering Sea, Bogoslof, and Tuxedni National Wildlife Refuges, Alaska, which comprise about forty-one thousand one hundred and thirteen acres,[1/] three hundred and ninety acres,[1/] and six thousand four hundred and two acres,[1/] respectively, and which are depicted on maps entitled "Bering Sea Wilderness--Proposed", and "Bogoslof Wilderness--Proposed", and "Tuxedni Wilderness--Proposed", dated August 1967, and (2) the lands comprising the Saint Lazaria, Hazy Island, and Forrester Island National Wildlife Refuges, Alaska, which comprise about sixty-two acres,[2/] forty-acres,[2/] and two thousand six hundred and thirty acres,[2/] respectively, which are depicted on maps entitled "Southeastern Alaska Proposed Wilderness Areas", dated August 1967, which shall be known as the "Bering Sea Wilderness", "Bogoslof Wilderness", "Tuxedni Wilderness", "Saint Lazaria Wilderness", "Hazy Islands Wilderness", and "Forrester Island Wilderness", respectively;

1/ Subsequently determined to be 81,340 acres, 175 acres and 5,610 acres respectively.

2/ Subsequently determined to be 65, 32 and 3,400 acres respectively.

These six units are described as follows:

BERING SEA WILDERNESS

Bering Sea Wilderness includes all lands above the line of mean high tide, described in Executive Order 1037, dated February 2, 1909, on islands, islets, rocks, reefs and spires, within rhumb lines connecting the following 16 geographic coordinates;

60° 40' N. 173° 17' W., said coordinate being approximately 6¼ miles west of the top of a mountain on Hall Island, approximate elevation 1,665 feet;

60° 35' N., 173° 20' W.;

60° 30' N., 173° 18' W.;

60° 23' N., 173° 14' W.;

60° 15' N., 173° 00' W.;

60° 11' 40" N., 172° 51' W.;

60° 09' 40" N. 172° 40' W., said coordinate being approximately S. 10° 30' W., approximately 12 miles from the top of Sugar Loaf Mountain, approximate elevation 1,380 feet;

60° 09' 40" N., 172° 30' W.;

60° 11' N., 172° 20' W.;

60° 13' N., 172° 07' 30" W., said coordinate being approximately S. 46° E., approximately 6 miles from the top of a mountain located near Cape Upright, approximate elevation 1,505 feet;

60° 20' N., 172° 03' 30" W.;

60° 25" N., 172° 07' W.;

60° 40' N., 172° 40' W., said coordinate being approximately N. 58° E., approximately 11¼ miles from the top of a mountain in the northern portion of St. Matthew Island, approximate elevation 1,475 feet;

60° 45' N., 172° 48' W.;

60° 46' 18" N., 173° 00' W.;

N. 63° 00' W., 79.86 feet;

N. 68° 12' W., 444.84 feet;

60° 45' N., 172° 48' W.;

60° 46' 18" N., 173° 00' W.;

60° 45' N., 173° 10' W., to the point of beginning;

BOGOSLOF WILDERNESS

Bogoslof Wilderness, includes all lands above the line of mean high tide, described in Executive Order No. 1949, dated March 2, 1909, on islands, islets, rocks, reefs and spires lying within a radius of 7 miles from Vertical Control Station 143, located at approximate latitude 53° 50' 42" N., longitude 168° 02' 00" W.

TUXEDNI WILDERNESS

Tuxedni Wilderness includes the following lands within the Tuxedni Subunit of the Alaska Maritime National Wildlife Refuge:

Duck Island, the entire island, above the line of mean high tide (approximate latitude 60° 08' 54" N., longitude 152° 32' 54" W.;

Chisik Island, the entire island, above the line of mean high tide, excluding those tracts of land lying within the following described boundaries:

Tract A Beginning at the intersection of section 16 and 17, T 1 N., R. 19 W., and the line of mean high tide of Tuxedni Bay;

Thence south, between section 16 and 17, T. 1 N., R. 19 W., to the intersection with the 100-foot contour;

Thence westerly, northwesterly and southwesterly, along the 100-foot contour, to its intersection with the section line between sections 17 and 18, T. 1 N., R. 19 W.;

Thence northerly, between sections 17 and 18, T. 1 N., R. 19 W., to the intersection with the line of mean high tide of Tuxedni Bay;

Thence northeasterly, northerly and southeasterly, along the line of mean high tide to the point of beginning;

Tract B Beginning at the intersection of the line of mean high tide on the northeast shore of Tuxedni Channel on Chisik Island, with corner No. 1 of U.S. Survey 2694, Alaska dated September 16, 1949 (approximate latitude 60° 06' 16" N., longitude 152° 34' 49" W.);

Thence with the following meanders of the Tuxedni Channel at the line of mean high tide the following (18) courses and distances;

N. 63° 00' W., 79.86 feet;

N. 68° 12' W., 444.84 feet;

N. 66° 46' W., 172.26 feet;

N. 60° 02' W., 265.98 feet;

N. 45° 59' W., 132.66 feet;

N. 27° 30' W., 37.62 feet;

N. 18° 04' W., 188.42 feet;

N. 12° 44' W., 307.94 feet;

N. 20° 53' W., 91.00 feet;

N. 39° 39' W., 108.24 feet, to the northwest corner of U.S. Survey 2694, at the line of mean high tide of Tuxedni Channel;

Thence east, along the northern boundary of U.S. 2694, approximately 1,180.74 feet, to an iron post set at the northeast corner of that survey;

Thence south, 1,045.44 feet, to the southeast corner of that survey, the place of beginning; and,

Tract C All that land lying within 100 feet of a pond at approximate longitude 152° 35' 30" W., latitude 60° 08' N., together with that land lying within 100 feet of either side of a trail bearing southwest from said pond and intersecting the northern boundary of the U.S. Survey 2694 land exclusion tract, approximately east 1,08.08 feet from its northwesternmost corner.

SAINT LAZARIA WILDERNESS

Saint Lazaria Wilderness includes all lands above the line of mean high tide, described in Executive Order 1040, dated February 27, 1909, on islands, islets, rocks, reefs and spires within rhumb lines connecting the following 10 geographic coordinates:

56° 59' 30" N., 135° 43' W.;

56° 59' 20" N., 135° 43' 35" W.;

56° 59' 10" N., 135° 43' 43" W.;

56° 59' 00" N., 135° 43' 35" W.;

56° 58' 50" N., 135° 43' 35" W.;

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56° 58' 50" N., 135° 42' 00" W.;

56° 59' 00" N., 139° 41' 30" W.;

56° 59' 10" N., 139° 41' 20" W.;

56° 59' 20" N., 139° 41' 20" W.;

56° 59' 30" N., 135° 42' 00" W.; to the point of beginning.

HAZY ISLAND WILDERNESS

Hazy Island Wilderness includes all lands above the line of mean high tide, described in Executive Order 1459, dated January 11, 1912, on islands, islets, rocks, reefs, and spires within rhumb lines connecting the following 12 geographic coordinates:

55° 53' 30" N., 134° 36' W., said point being approximately N. 84° W., approximately 1 mile from Horizontal Control Station Hazy, located on the most northern island of the Subunit.

55° 53' 00" N., 134° 37' 50" W., said point being approximately S. 80° 30' W., approximately 1 mile from Horizontal Control Station Big, located on Big Hazy Islet;

55° 52' 00" N., 134° 36' 50" W.;

55° 51' 20" N., 134° 35' 25" W.;

55° 51' 20" N., 134° 34' 35" W.;

55° 51' 40" N., 134° 33' 17" W.; said point being approximately S. 85° E., approximately 1 mile from Horizontal Control Station Reef, located on the most southern island of the Subunit;

55° 52' 10" N., 134° 32' 35" W., said point being approximately N. 89° 30' E., approximately 1 1/10 miles from Horizontal Control Station Dome, located on the most easterly island of the Subunit;

55° 52' 40" N., 134° 31' 12" W.;

55° 53' 10" N., 134° 34' W.;

55° 54' 09" N., 134° 35' W.;

55° 54' 32" N., 134° 36' W.;

55° 54' 00" N., 134° 38' W.;

Thence to the point of beginning.

FORRESTER ISLAND WILDERNESS

Forrester Island Wilderness includes all lands above the line of mean high tide, described in Executive Order No. 1458, dated January 11, 1912, on islands, islets, rocks, reefs and spires within: (a) North Segment--the rhumb lines connecting the following 6 geographic coordinates;

55° 02' 00" N., 133° 30' 00" W.;

55° 01' 45" N., 133° 31' 00" W.;

55° 00' 30" N., 133° 30' 30" W.;

55° 00' 15" N., 133° 29' 00" W.;

55° 00' 25" N., 133° 28' 00" W.;

55° 01' 30" N., 133° 28' 30" W., to the point of beginning; and,

(b) South Segment--the rhumb lines connecting the following geographic 15 coordinates:

54° 51' 30" N., 133° 35' 00" W., said coordinate being approximately N. 46° W., approximately 2 miles from Horizontal Control Station North, located on Cape Horn Rocks;

54° 50' 00" N., 133° 35' 23" W.;

54° 48' 00" N., 133° 34' 36" W., said coordinate being approximately N. 84° 30' W., approximately 2 miles from the top located near the center of Forrester Island, approximate elevation 1,340 feet;

54° 46' 00" N., 133° 33' 23" W., said coordinate being approximately S. 89° W., approximately 1 3/10 miles from the top of a hill in the southern portion of Forrester Island, approximate elevation 270 feet;

54° 45' 00" N., 133 32' 26" W., said coordinate being approximately 1 3/10 miles from the Horizontal Control Station South, located on a group of rocks off the southern shore of Forrester Island;

54° 44' 00" N., 133° 30' 00" W.;

54° 44' 09" N., 133° 29' 00" W.;

54° 45' 00" N., 133° 28' 35" W., said coordinate being approximately S. 80° E., approximately 1 1/5 miles from Horizontal Control Station Petrel, located in the southern portion of Petrel Island;

54° 47' 13" N., 133° 29' 17" W.;

54° 50' 00" N., 133° 29' 17 W., said coordinate being approximately S. 81° E., approximately 1 7/10 miles from Horizontal Control Station Forrester, located in the northern portion of Forrester Island;

66° 12' 15" N., 161° 49' W.;

66° 12' 45" N., 161° 47' 30" W.;

54° 50' 00" N., 133° 29' 17 W., said coordinate being approximately N. 81° E., approximately 1 7/10 miles from Horizontal Control Station Forrester, located in the northern portion of Forrester Island;

54° 52' 00" N., 133° 30' 00" W., said coordinate being approximately N. 66° E., approximately 1 2/5 miles from the most eastern point of Laurie Island;

54° 53' 00" N., 133° 31' 00" W.;

54° 53' 39" N., 133° 32' 00" W.;

54° 53' 39" N., 133° 33' 00" W.;

54° 53' 00" N., 133° 34' 20" W., to the point of beginning.

Wilderness area established by P.L. 93-632, January 3, 1975:

"Section 1. That in accordance with subsection (c) of section 3 of the Wilderness Act (78 Stat. 890, 892), the following lands are hereby designated as wilderness and, therefore, as components of the national wilderness preservation system:

(a) certain lands in the Chamisso National Wildlife Refuge, Alaska, which comprise approximately four hundred and fifty-five acres, which are depicted on a map entitled "Chamisso Wilderness Proposal", dated November 1969, and which shall be known as the Chamisso Wilderness."

This unit is described as follows:

Chamisso Wilderness includes all lands above the line of mean high tide, described in Executive Order 1658, dated December 7, 1912, on islands, islets, rocks, reefs and spires, within rhumb lines connecting the following 18 geographic coordinates:

66° 13' 15" N., 161° 52' W., said coordinate being approximately N. 82° W., approximately 1 1/5 miles from the top of a hill near the center of Chamisso Island, approximate elevation 246 feet;

66° 13' N., 161° 52' W.;

66° 12' 45" N., 161° 52' W.;

66° 12' 22" N., 161° 50' 20" W., said coordinate being approximately S. 21° E., approximately ½ mile from the most southern point on Chamisso Island at the line of mean high tide;

66° 12' 15" N., 161° 49' W.;

66° 12' 45" N., 161° 47' 30" W.;

66° 12' 45" N., 161° 46' 57" W.;

66° 13' N., 161° 46' 47" W.;

66° 13' 15" N., 161° 46' 53" W., said coordinate being approximately N. 82° E., approximately 3/5 miles from the most eastern point on Chamisso Island, at the line of mean high tide;

66° 13' 15" N., 161! 47' 18" W.;

66° 13' 45 N., 161° 47' 46" W.;

66° 14' N., 161° 48' 20" W.;

66° 14' 14" N., 161° 49' 22" W.;

66° 14' 20" N., 161° 50' W.;

66° 14' N., 161° 50' 41" W.;

66° 14' N., 161° 51' 30" W.;

66° 13' 45" N., 161° 51' 48" W., said coordinate being due west, approximately 1/5 miles from the most northern point on Puffin Island, at the line of mean high tide;

66° 13' 30" N., 161° 52' W., to the point of beginning.

Wilderness area established by P.L. 94-557, October 19, 1976:

"Section 1. In accordance with subsection 3(c) of the Wilderness Act (78 Stat. 892), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(a) certain lands in the Simeonof National Wildlife Refuge, Alaska, which comprise approximately twenty-five thousand one hundred and forty-one acres,[1/] which are depicted on a map entitled "Simeonof Wilderness Proposal", dated January 1971, and which shall be known as the Simeonof Wilderness."

1/ Subsequently determined to be 26,046 acres.

This unit is described as follows:

Simeonof Wilderness located in the Shumagin Island Group, at approximate latitude 54° 53' N., longitude 159° 15' W., includes all lands (including submerged lands), waters and interests described in Public Land Order 1749, dated October 30, 1958, as all of Simeonof Island and its tidelands, together with all adjacent areas of water extending one mile beyond mean low water, and including any islands within said one-mile area.

The following USGS quadrangle maps were used to prepare the legal description for the Alaska Maritime National Wildlife Refuge:

mr - minor revision
lr - limited revision
* - Quad depicts original Executive Order/public land order boundary and/or wilderness boundary

Scale of Map	Name and Date
Chukchi Sea Unit	
1:63,360	Barrow (A-4), (A-5), (B-4) 1955.
1:63,360	Meade River (B-3), (D-4), (D-5) 1955.
1:250,000	Wainwright 1955
1:63,360	Wainwright (A-3), (A-5), (A-6 & A-7), (B-3), B-4), (B-5 & B-6), (C-7), (C-3), (D-7) 1955.
1:63,360	Point Lay (A-3 & A-4), (B-7 & B-7), (C-7), (D-1), (D-7) 1955.
1:63,360	DeLong Mountains (D-4), (D-5) 1955.
1:63,360	Point Hope (A-1) 1955; (A-2) 1952 mr 1966; (B-2) 1955 mr 1981; (B-3) 1952; (C-2) 1955; (C-3) 1952; (D-1 1952 mr 1973; (D-2) 1952.
1:63,360	Noatak (A-1), (A-2) 1955; (A-3) 1952 mr 1973; (A-4) 1952 mr 1984; (B-4), (C-4) 1955; (C-5) 1952 mr 1973; (D-6) 1955; (D-7) 1952 mr 1987.
1:63,360	Baird Mountains (A-6) 1955.
1:250,000	Selawik 1957 mr 1971.
1:63,360*	Selawik (A-4) 1955; (A-5) 1951 mr 1963; (A-6) 1951 mr 1970; (B-3) on Selawik NWR map 1955; (B-6) 1951 mr 1963; (C-3, C-4) on Selawik NWR map 1955; (C-5) 1955; (C-6) 1951; (D-5) on Selawik NWR map 1955; (D-6) 1951 mr 1971.
1:63,360	Candle (D-6) 1951 mr 1970.
1:63,360	Kotzebue (A-1) 1950 mr 1973; (A-2) 1950 mr 1968; (A-3), (A-4), (B-4), (B-6) 1950; (C-1) 1951 mr 1968); (C-4) 1950 mr 1970; (C-5) 1950; (C-6) 1950 mr 1971; (D-1), (D-2) 1951.
1:63,360	Shishmaref (A-1), (A-2), (A-3), (A-4), (B-1) 1950; (B-2) 1950 mr 1963.
Bering Sea Unit	
1:63,360	Teller (A-3) 1950 mr 1970; (A-4) 1950 mr 1966; (B-3) 1950 mr 1967; (B-4), (B-5), (B-6), (C-6), (C-7), (D-4), (D-5), (D-6) 1950.
1:63,360	Nome (B-1) 1950 mr 1969; (C-1); 1950 mr 1970 (C-2) 1950 mr 1963; (C-3), (D-3), (D-4) 1950.
1:63,360	Solomon (B-2) 1950 mr 1970; (B-3) 1950 mr 1969; (B-6) 1950 mr 1965; (C-1) 1950 mr 1971; (C-2) 1950; (C-3) 1950 mr 1973; (C-4) 1950 mr 1967; (C-5) 1950; (C-6) 1950 mr 1971.
1:63,360	Norton Bay (A-4) 1950 mr 1971; (B-4) 1950 mr 1970; (B-5), (C-4) 1950; (C-5) 1950 mr 1965; (C-6) 1950; (D-4) 1950; (D-5) 1950 mr 1970; (D-6) 1950.
1:250,000*	St. Matthew 1951.
1:63,360	Unalaklett (B-5) 1952 mr 1965; (B-6) 1952 mr 1966; (C-4), (C-5) 1952 mr 1962; (D-4) 1950 mr 1965.
1:63,360	Saint Michael (A-2) 1952 mr. 1973; (A-3) 1952; (A-4) 1952 mr 1973; (A-5), (A-6), (B-1), (B-2) 1952 mr 1973; (C-1) 1952 mr 1966.
1:63,360	Kuiguk (C-6) 1952; (D-6) 1952.
1:63,360	Black (A-2) 1952 mr 1973; (B-1) 1952; (C-1) 1952 mr 1972.
1:63,360	Hooper Bay (A-1) 1954; (A-2) 1952; (B-2) 1953 mr 1975; (B-3), (C-4) 1952 mr 1966; (D-3) 1953.
1:63,360	Nunivak (B-1), (C-1), (D-1) 1954.
1:250,000	Nunivak 1954 mr 1974.
1:250,000	Cape Mendenhall 1951.
1:63,360	Baird Inlet (A-6), (A-7) 1954.
1:63,360	Kuskokwim Bay (A-1 & B-1), (B-1) 1954; (B-2) 1953; (D-3), (D-4), (D-5), (D-6) 1954.
1:63,360	Goodnews Bay (A-7) 1954 mr 1973; (A-8), (B-8), (C-8), (D-8) 1954.
1:63,360	Hagemeister Island (C-4), (C-5) 1952; (C-6) 1948 mr 1963; (C-7) 1947 mr 1971; (D-1) 1952; (D-2) 1947 mr 1973; (D-3) 1948 mr 1973; (D-4) 1954; (D-6) 1950.
1:63,360	Mushagak Bay (B-3) 1950 mr 1974; (B-4) 1950; (C-1) 1951 mr 1966; (C-3); (C-4 & C-5) 1948 mr 1973; (D-5), (D-6) 1950 mr 1971.
1:63,360	Dillingham (A-7) 1952.
1:250,000*	Pribilof Islands 1948 mr 1972.
1:63,360	Naknek (A-4) 1951 lr 1977; (A-5) 1951 mr 1968; (B-5) 1955 mr 1970; (C-4) 1952; (C-5) 1952 mr 1963; (C-6) 1952 mr 1966 (D-3), (D-4), (D-5) 1952.
1:63,360	Ugashik (B-5) 1954; (B-6) 1963; (C-5) 1951 mr 1973; (C-6) 1951; (D-5 & D-6) 1951 mr 1973.
1:63,360	Bristol Bay (A-2), (B-1) 1963.
1:63,360	Chignik (A-8), (B-6), (B-7), (C-4), (C-5), (C-6), (D-2), (D-3), (D-4) 1963.

1:63,360	Fort Heller (D-2), (D-3), (D-4), (D-5), (D-6) 1963.
1:63,360	Cold Bay (B-3) 1963; (C-1 on Alaska Peninsula NWR map, C-2) 1963; (D-1) 1963.
Gulf of Alaska Unit	
1:63,360*	Karluk (C-1) 1952 mr 1967; (C-2) 1952 mr 1963.
1:63,360*	Kodiak (C-1) 1949 mr 1967; (D-2) 1949 mr

1:63,360	Port Moller (D-2), (D-3), (D-4), (D-5), (D-6) 1963.		
1:63,360	Cold Bay (B-3) 1963; (C-1 on Alaska Peninsula NWR map, C-2) 1963; (D-1) 1963.		
1:250,000	Cold Bay 1943 ir 1975.		
Aleutian Islands Unit			
1:63,360*	Cold Bay (B-4) 1963.		
1:1,000,000*	Lambert Conformal Conic Projection of Aleutian Islands for 1913 proclamation 1971 - 3 sheets.		
1:250,000*	Aleutians Wilderness-Note: maps of sufficient detail were not available for descriptive work. Legal descriptions are based on on-the-ground survey:		
1:250,000	Wilderness depicted on: Cold Bay 1943 ir 1975. Unimak 1951 mr 1972. False Pass 1949 mr 1970. Umnak 1951 mr 1972. Umalaska 1951 ir 1976. Attu 1953 mr 1970. Kiska 1951. Rat Islands 1951 mr 1966. Gareloi Island 1954 mr 1969. Adak 1957. Atka 1959 mr 1972. Seguam 1958 mr 1972. Amukta 1951 mr 1969. Samalga Island 1951 mr 1974.		
Alaska Peninsula Unit			
1:250,000	False Pass 1949 mr 1970.		
1:63,360	False Pass (D-2), (D-3) 1963.		
1:250,000	Cold Bay 1943 ir 1975.		
1:63, 360	Cold Bay (A-1) unpublished draft.		
1:250,000	Port Moller 1953 mr 1972.		
1:63,360	Port Moller (A-6), (B-2) 1963; (B-3), (B-4), (B-5), (B-6) unpublished drafts; (C-1), (C-2), (D-1) 1963.		
1:250,000*	Simeonof Island 1963.		
1:63,360	Stepovak Bay (C-5 and C-6), (D-2), (D-3), (D-4), (D-5), (D-6) 1963.		
1:63,360	Chignik (A-1), (A-2), (A-3), (B-1) 1963; (B-2) 1963 mr 1973; (C-1) 1963.		
1:250,000*	Sutwik Island 1963.		
1:63,360	Sutwik Island (C-5), (C-6) 1963; (D-3) 1954; (D-4), (D-5) 1963.		
1:63,360	Ugashik (A-2) 1951 ir 1981; (A-3) 1954; (B-1) 1951 ir 1981; (B-2) 1951; (C-1) 1951 mr 1975.		
1:63,360	Karluk (C-4 & C-5), (C-6) 1951; (D-4) 1951 mr 1973; (D-5) 1951.		
Gulf of Alaska Unit			
		1:63,360*	Karluk (C-1) 1952 mr 1967; (C-2) 1957 mr 1963.
		1:63,360*	Kodiak (C-1) 1949 mr 1967; (D-2) 1949 mr 1971.
		1:63,360*	Kodiak (D-3) 1947 mr 1978.
		1:63,360*	Afognak (A-1), (A-2) 1952 mr 1974; (A-3), (A-4) 1952 mr 1965; (A-0 & B-0), (B-1) 1952 mr 1970; (B-2) 1952 mr 1969; (B-3) 1954; (B-4) 1952 mr 1973; (C-1 & C-2) 1952 mr 1964; (C-2 & C-3) 1952 mr 1967.
		1:63,360	Mt. Katmai (A-1) 1951; (A-2) 1951 mr 1966; (B-1) 1951.
		1:63,360	Afognak (C-5), (C-6) 1951 mr 1973; (D-4) 1951 mr 1966.
		1:63,360	Iliamna (A-1 & A-2) 1951 mr 1968; (A-3) 1951 mr 1968; (A-4) 1952 mr 1966; (B-2) 1958; (B-3) (B-4) 1954; (C-1) 1958; (C-2) 1958 mr 1972; (C-3) 1954 mr 1973; (D-1) 1958 mr 1972; (D-2) 1958.
		1:63,360*	Kenai (A-5) 1951 mr 1977; (A-7) 1958; (A-8) (B-6) 1958; (B-7) 1958 mr 1973.
		1:63,360	Seldovia (A-3) 1951 mr 1967; (A-4) 1953; (A-5) 1953; (A-6) 1952; (B-1) 1953 mr 1965; (B-2) 1951 mr 1971; (B-3) 1951 mr 1973; (B-4) 1951 mr 1971; (B-5) 1951 mr 1961; (B-6) 1951 mr 1973; (C-1), (C-2) 1953; (C-3) 1951 mr 1973; (C-4) 1961 ir 1976; (C-5) 1961 ir 1977; (D-1) 1953; (D-3) 1951 mr 1970; (D-4) 1961 mr 1969; (D-5) 1961 mr 1966; (D-6) 1958.
		1:63,360	Seward (A-1) 1951 mr 1964; (A-2) 1951 mr 1963; (A-4) 1951 mr 1965; (A-5) 1951 mr 1964; (A-6) 1950 mr 1963; (A-7) 1950 mr 1975.
		1:63,360	Blying Sound (C-7) 1952; (C-8) 1951 mr 1963; (D-1 & D-2) 1951 mr 1964; (D-3) 1953 mr 1964; (D-4) 1950 mr 1972; (D-5) 1952; (D-6) 1950 mr 1967; (D-7) 1950 mr 1963; (D-8) 1951 mr 1963.
		1:63,360	Middleton Island (D-1 & D-2) 1955.
		1:63,360	Cordova (A-7 & A-8) 1951 mr 1966; (B-6) 1951 mr 1963; (B-7) 1950 mr 1970; (B-8) 1951 mr 1965.
		1:63,360	Bering Glacier (A-2), (A-3), (A-4) 1959; (A-5), (A-6), (A-7) unpublished draft;
		1:63,360	Icy Bay (D-2 & D-3) 1959.
		1:63,360	Yakutat (A-1), (A-2), (A-3) 1959; (B-4) 1959 mr 1973; (B-5) 1959; (C-5) 1959 mr 1970; (D-5) 1959
		1:63,360	Mt. Fairweather (A-2) 1948 mr 1962; (A-3), (A-3), (B-3), (B-4), (C-5), (C-6), (D-6), (D-7) 1961.
		1:250,000	Sitka 1951 mr 1975.
		1:250,000	Port Alexander 1951 mr 1977.
		1:250,000	Craig 1957 mr 1972.
		1:63,360*	Craig (A-5) 1948 mr 1966; (D-7 & D-8) 1948 mr 1968.
		1:250,000	Dixon Entrance 1959 mr 1972.
		1:63,360*	Dixon Entrance (D-5) 1948 mr 1971.

ALASKA MARITIME NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

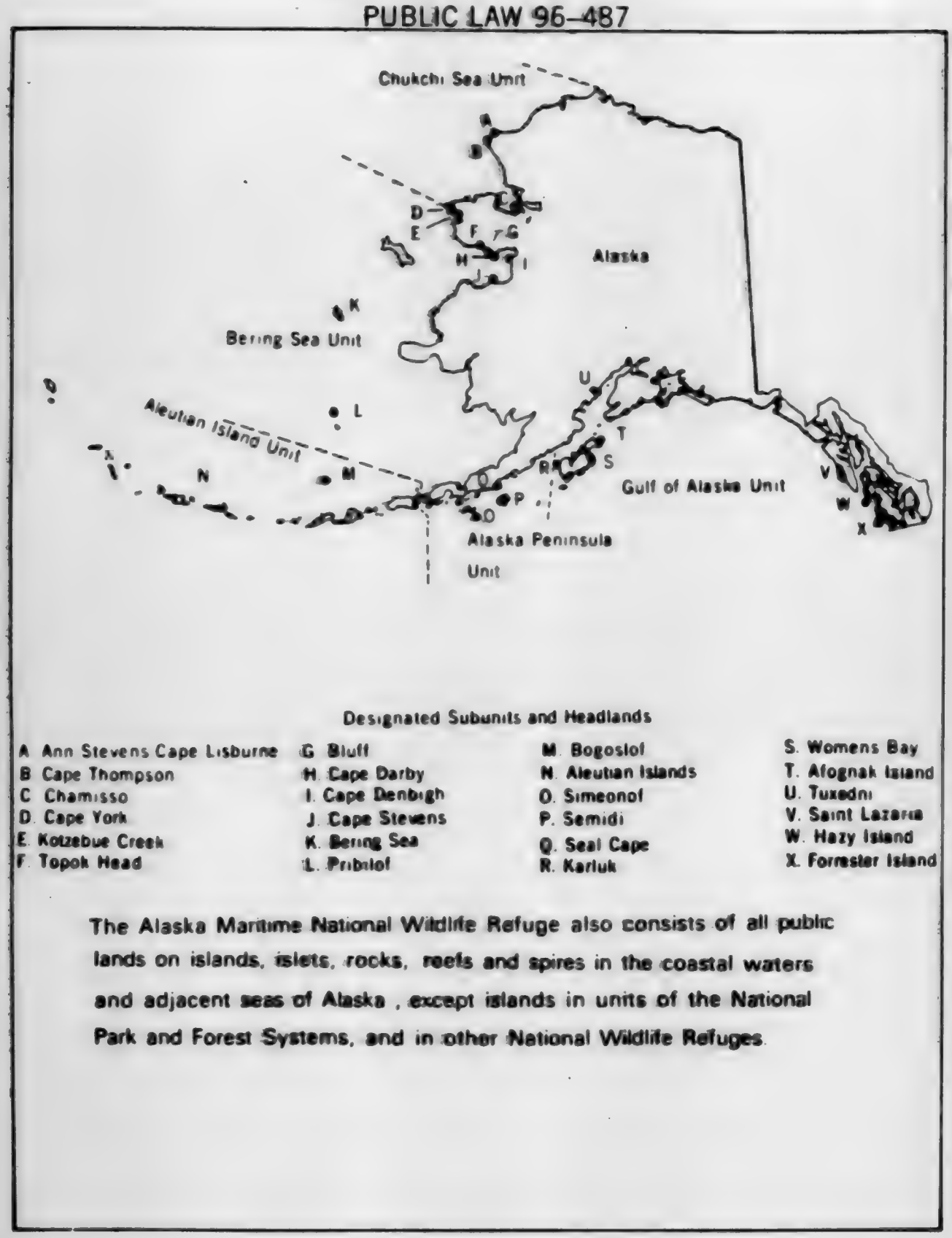

Designated Subunits and Headlands

A. Ann Stevens Cape Lisburne	G. Bluff	M. Bogoslof	S. Womens Bay
B. Cape Thompson	H. Cape Darby	N. Aleutian Islands	T. Afognak Island
C. Chamisso	I. Cape Denbigh	O. Simeonof	U. Tuxedni
D. Cape York	J. Cape Stevens	P. Semidi	V. Saint Lazaria
E. Kotzebue Creek	K. Bering Sea	Q. Seal Cape	W. Hazy Island
F. Topok Head	L. Pribilof	R. Karluk	X. Forrester Island

The Alaska Maritime National Wildlife Refuge also consists of all public lands on islands, islets, rocks, reefs and spires in the coastal waters and adjacent seas of Alaska , except islands in units of the National Park and Forest Systems, and in other National Wildlife Refuges.

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner

ALASKA PENINSULA NATIONAL WILDLIFE REFUGE

ALASKA PENINSULA NATIONAL WILDLIFE REFUGE

Section 302 (1):

"The Alaska Peninsula National Wildlife Refuge shall consist of the approximately three million five hundred thousand acres of public lands as generally depicted on the map entitled 'Alaska Peninsula National Wildlife Refuge', dated October 1979 and shall include the lands on the Alaska Peninsula transferred to and made part of the refuge pursuant to section 1427 of this Act."

The Alaska Peninsula National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundaries:

Ugashik Unit

Beginning at a point at the line of mean high tide of Shelikof Strait, located approximately N. 45° E., 200 feet from the meander corner of sections 1 and 12, T. 32 S., R. 42 W., Seward Meridian;

Thence northwesterly, northerly and northwesterly, along the crest of a ridge, approximately 13 1/4 miles to the summit of a mountain located in the southerly portion of section 35, T. 30 S., R. 43 W., Seward Meridian, approximate elevation 2,445 feet;

Thence on an approximate forward bearing of N. 54° W., approximately 6 1/4 miles to the summit of Mt. Ugashik located in section 8, T. 30 S., R. 43 W., Seward Meridian, approximate elevation 2,230 feet;

Thence on an approximate forward bearing of N. 40° E., approximately 3 3/4 miles to the summit of Mt. Lee located in section 22, T. 29 S., R. 43 W., Seward Meridian, approximate elevation 2,650 feet;

Thence due West, approximately 1/4 mile to a point between sections 21 and 22, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 21 and 22, approximately 3/4 mile to the corner of sections 15, 16, 21 and 22, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 6 and 7, approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 29 S., Rs. 43 and 44 W., Seward Meridian;

Thence northerly, between Rs. 43 and 44 W., approximately 1 mile to the closing corner of T. 29 S., Rs. 43 and 44 W., Seward Meridian;

Thence westerly, on the Seventh Standard Parallel South, approximately 2,200 feet to the standard corner of sections 32 and 33, T. 28 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 28 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 28 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 28 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 28 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 28 S., R. 44 W., Seward Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 28 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 28 S., R. 44 W., Seward Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 28 S., Rs. 44 and 45 W., Seward Meridian;

Thence northerly, between Rs. 44 and 45 W., approximately 1 mile to the corner of Tps. 27 and 28 S., Rs. 44 and 45 W., Seward Meridian;

Thence westerly, between Tps. 27 and 28 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 27 and 28 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 27 S., R. 45 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 27 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 27 S., R. 45 W., Seward Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 27 S., Rs. 45 and 46 W., Seward Meridian;

Thence northerly, between Rs. 45 and 46 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 27 S., Rs. 45 and 46 W., Seward Meridian;

Thence westerly, between sections 12 and 13, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 11 and 12, approximately 1/2 mile to the 1/4 section corner of sections 11 and 12, T. 27 S., R. 46 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 11, approximately 1/2 mile to the center 1/4 section corner of section 11, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 11, approximately 1/2 mile to the 1/4 section corner of sections 2 and 11, T. 27 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1/2 mile to the corner of sections 2, 3, 10 and 11, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 26 and 27 S., R. 46 W., Seward Meridian;

Thence westerly, between Tps. 26 and 27 S., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 26 and 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1/2 mile to the 1/4 section corner of sections 28 and 29, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 29, approximately 1/2 mile to the center 1/4 section corner of section 29, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 29, approximately 1/2 mile to the 1/4 section corner of sections 20 and 29, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1/2 mile to the corner of sections 19, 20, 29 and 30, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 26 S., Rs. 46 and 47 W., Seward Meridian;

Thence southerly, between Rs. 46 and 47 W., approximately 9 miles to the corner of Tps. 27 and 28 S., Rs. 46 and 47 W., Seward Meridian;

Thence westerly, between Tps. 27 and 28 S., approximately 6 miles to the corner of Tps. 27 and 28 S., Rs. 47 and 48 W., Seward Meridian;

Thence southerly, between Rs. 47 and 48 W., approximately 6 miles to the standard corner of T. 28 S., Rs. 47 and 48 W., Seward Meridian;

Thence easterly, on the Seventh Standard Parallel South, approximately 2 3/4 miles to the closing corner of T. 29 S., Rs. 47 and 48 W., Seward Meridian;

Thence southerly, between Rs. 47 and 48 W., approximately 12 miles to the theoretical position for the corner of Tps. 30 and 31 S., Rs. 47 and 48 W., Seward Meridian;

Thence westerly, between Tps. 30 and 31 S., approximately 6 miles to the corner of Tps. 30 and 31 S., Rs. 48 and 49 W., Seward Meridian;

Thence southerly, between Rs. 48 and 49 W., approximately 6 miles to the corner of Tps. 31 and 32 S., Rs. 48 and 49 W., Seward Meridian;

Thence westerly, between Tps. 31 and 32 S., approximately 12 miles to the corner of Tps. 31 and 32 S., Rs. 50 and 51 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 4, approximately 1/2 mile to the 1/4 section corner of sections 3 and 4, T. 39 S., R. 50 W., Seward Meridian;

Thence westerly, between Tps. 31 and 32 S., approximately 12 miles to the corner of Tps. 31 and 32 S., Rs. 50 and 51 W., Seward Meridian;

Thence southerly, between Rs. 50 and 51 W., approximately 6 miles to the standard corner of T. 32 S., Rs. 50 and 51 W., Seward Meridian;

Thence westerly, on the Eighth Standard Parallel South, approximately 3 miles to the closing corner of T. 33 S., Rs. 51 and 52 W., Seward Meridian;

Thence southerly, between Rs. 51 and 52 W., approximately 6 miles to the corner of Tps. 33 and 34 S., Rs. 51 and 52 W., Seward Meridian;

Thence westerly, between Tps. 33 and 34 S., approximately 6 miles to the corner of Tps. 33 and 34 S., Rs. 52 and 53 W., Seward Meridian;

Thence southerly, between Rs. 52 and 53 W., approximately 6 miles to the corner of Tps. 34 and 35 S., Rs. 52 and 53 W., Seward Meridian;

Thence easterly, between Tps. 34 and 35 S., approximately 12 miles to the corner of Tps. 34 and 35 S., Rs. 50 and 51 W., Seward Meridian;

Thence southerly, between Rs. 50 and 51 W., approximately 12 miles to the standard corner of T. 36 S., Rs. 50 and 51 W., Seward Meridian;

Thence westerly, on the Ninth Standard Parallel South, approximately 2 1/2 miles to the summit of a ridge on the south boundary of section 34, T. 36 S., R. 51 W., Seward Meridian;

Thence southeasterly, along the crest of a ridge between the drainages of Yantarni Creek, Northeast Creek, Main Creek and Painter Creek, approximately 9 1/2 miles to a point between sections 31 and 36, T. 37 S., Rs. 50 and 51 W., Seward Meridian, on the crest of a ridge between the drainages of Yantarni Creek and Northeast Creek, approximate elevation 700 feet;

Thence southerly, between Rs. 50 and 51 W., approximately 1 3/4 miles, to a point on the crest of a ridge between sections 7 and 12, T. 38 S., Rs. 50 and 51 W., Seward Meridian;

Thence southeasterly, along the crest of a ridge between the drainages of Yantarni Creek and Northeast Creek, approximately 5 1/2 miles to the summit of a mountain located in the southerly portion of section 28, T. 38 S., R. 50 W., Seward Meridian, approximate elevation 3,271 feet;

Thence on an approximate forward bearing of South, approximately 1 3/4 miles to the center 1/4 section corner of section 4, T. 39 S., R. 50 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 4, approximately 1/2 mile to the 1/4 section corner of sections 3 and 4, T. 39 S., R. 50 W., Seward Meridian;

Thence southerly, between sections 3 and 4, approximately 1/2 mile to the corner of sections 3, 4, 9 and 10, T. 39 S., R. 50 W., Seward Meridian;

Thence easterly, between sections 3 and 10, approximately 1/2 mile to the 1/4 section corner of sections 3 and 10, T. 39 S., R. 50 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 10 and 15, T. 39 S., R. 50 W., Seward Meridian;

Thence easterly, between sections 10 and 15, approximately 1/2 mile to the corner of sections 10, 11, 14 and 15, T. 39 S., R. 50 W., Seward Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 39 S., R. 50 W., Seward Meridian;

Thence easterly, between sections 14 and 23, approximately 1/2 mile to the 1/4 section corner of sections 14 and 23, T. 39 S., R. 50 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 23, approximately 1 mile to the 1/4 section corner of sections 23 and 26, T. 39 S., R. 50 W., Seward Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, approximately 1 1/2 miles to the corner of sections 19, 24, 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian;

Thence southerly, between Rs. 49 and 50 W., approximately 1/2 mile to the meander corner of sections 25 and 30, T. 39 S., Rs. 49 and 50 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence northeasterly, along the line of mean high tide of the Pacific Ocean, to the meander corner of sections 1 and 2, T. 36 S., R. 45 W., Seward Meridian;

Thence on an approximate forward bearing of N. 30° E., approximately 1 1/2 miles to the meander corner of sections 25 and 30, T. 35 S., Rs. 44 and 45 W., Seward Meridian;

Thence northeasterly, along the line of mean high tide of the Pacific Ocean, closing the mouths of all rivers and inlets, to the meander corner of sections 15 and 16, T. 33 S., R. 44 W., Seward Meridian;

Thence on an approximate forward bearing of N. 70° W., approximately 4 miles to the meander corner of sections 11 and 12, T. 33 S., R. 45 W., Seward Meridian, at the line of mean high tide of Wide Bay;

Thence northeasterly, along the line of mean high tide of Wide Bay to the most easterly point of section 2, T. 32 S., R. 43 W., Seward Meridian;

Thence on an approximate forward bearing of S. 87 1/2° E., approximately 4 3/4 miles to the most southerly point in section 10, T. 32 S., R. 42 W., Seward Meridian, at the line of mean high tide of Shelikof Strait;

Thence easterly and northeasterly, along the line of mean high tide of Shelikof Strait, approximately 3 miles to a point approximately N. 45° E., 200 feet from the meander corner of sections 1 and 12, T. 32 S., R. 42 W., Seward Meridian, the place of beginning.

Chignik-Pavlof Unit

Beginning at the meander corner of sections 7 and 12, T. 41 S., Rs. 54 and 55 W., Seward Meridian, at the line of mean high tide of Kujulik Bay;

Thence southerly, across Kujulik Bay, approximately 6 miles to the meander corner of sections 7 and 12, T. 42 S., Rs. 54 and 55 W., Seward Meridian, at the line of mean high tide of Kujulik Bay;

Thence easterly and southwesterly, along the line of mean high tide of Kujulik Bay, Hook Bay and Chignik Bay to the meander corner of sections 24 and 25, T. 44 S., R. 59 W., Seward Meridian;

Thence on an approximate forward bearing of S. 61° E., approximately 1 1/4 miles to the meander corner of sections 29 and 30, T. 44 S., R. 58 W., Seward Meridian;

Thence northeasterly and southwesterly, along the line of mean high tide of Chignik Bay to the meander corner of sections 28 and 33, T. 44 S., R. 58 W., Seward Meridian;

Thence on an approximate forward bearing of S. 69° E., approximately 3/4 miles to the meander corner of sections 33 and 34, T. 44 S., R. 58 W., Seward Meridian;

Thence southeasterly, along the line of mean high tide of Chignik Bay to the meander corner on the south boundary of section 34, T. 44 S., R. 58 W., Seward meridian;

Thence on an approximate forward bearing of N. 75° E., approximately 1 1/2 miles to the meander corner of sections 4 and 5, T. 45 S., R. 58 W., Seward Meridian;

Thence northeasterly and southeasterly, along the line of mean high tide of Chignik Bay, closing the mouth of Lake Bay, to the most easterly point in section 16, T. 45 S., R. 57 W., Seward Meridian;

Thence on an approximate forward bearing of S. 45° E., approximately 4 1/2 miles to the most northerly point in section 36, T. 45 S., R. 57 W., Seward Meridian;

*Thence southwesterly, along the line of mean high tide of the Pacific Ocean, closing the unnamed bay south of Nikola Cove, approximately 15 1/2 miles to the southernmost tip of land in section 9, T. 47 S., R. 58 W., Seward Meridian;

Thence on an approximate forward bearing of S. 23° W., approximately 4 1/2 miles crossing the mouth of Warner Bay to a point in the line of mean high tide in Section 31, T. 47 S., R. 58 W., Seward Meridian;

Thence northwesterly, with the line of mean high tide approximately 1 1/2 miles to the meander corner of sections 25 and 36, T. 47 S., R. 59 W., Seward Meridian;

++Thence on an approximate forward bearing of N. 71° W., approximately 1 1/2 miles to the special meander corner on the east and west centerline of section 27, T. 47 S., R. 59 W., Seward Meridian;

++Thence westerly, on the east and west centerline of section 27, approximately 1 mile to the 1/4 section corner of sections 27 and 28, T. 47 S., R. 59 W., Seward Meridian;

++Thence southerly, between sections 27 and 28, 33 and 34, approximately 3/4 mile to the meander corner of sections 33 and 34, T. 47 S., R. 59 W., Seward Meridian, on the line of mean high tide of Sweater Bay;

++Thence southwesterly, along the line of mean high tide of Sweater Bay to the most southerly point in section 12, T. 48 S., R. 60 W., Seward Meridian;

Thence approximate forward bearing of S. 25° W., approximately 5 miles to the most easterly point in section 12, T. 49 S., R. 61 W., Seward Meridian, at the line of mean high tide;

*Thence westerly, along the mean high tide of the Pacific Ocean to the most southerly point of land in section 11, at Triangulation Point "Witch", T. 49 S., R. 61 W., Seward Meridian;

*Thence on an approximate forward bearing of N. 86°, 30' W., approximately 2.1 miles to the most southerly point in section 9, T. 49 S., R. 61 W., Seward Meridian;

[++Note: The area adjoining this portion of the Alaska Peninsula NWR is the Seal Cape headland segment of the Alaska Maritime NWR, and is described within that refuge.]

Thence westerly, along the line of mean high tide of the Pacific Ocean to the meander corner of sections 5 and 8, T. 49 S., R. 61 W., Seward Meridian;

Thence westerly, approximately 1 mile, to the meander corner of sections 21 and 28, T. 59 S., R. 86 W., Seward Meridian, at the line of mean high tide of King Cove;

Thence westerly, along the line of mean high tide of the Pacific Ocean to the meander corner of sections 5 and 8, T. 49 S., R. 61 W., Seward Meridian;

Thence on an approximate forward bearing of N. 50° W., approximately 2 1/2 miles to the meander corner of sections 33 and 34, T. 48 S., R. 61 W., Seward Meridian;

Thence northwesterly and southwesterly, along the line of mean high tide of Mitrofania Bay and the Pacific Ocean, closing the mouths of all rivers and inlets, to the special meander corner on the north and south centerline of section 1, T. 51 S., R. 66 W., Seward Meridian;

Thence on an approximate forward bearing of S. 71° W., approximately 3 1/2 miles to the meander corner of sections 9 and 16, T. 51 S., R. 66 W., Seward Meridian;

Thence southwesterly, westerly and northerly, along the line of mean high tide of the Pacific Ocean, closing the mouths of all rivers and Boulder Bay, to the most westerly point on Cub Point, T. 53 S., R. 68 W., Seward Meridian;

Thence on an approximate forward bearing of N. 20° E., approximately 5 1/2 miles to the most westerly point in section 19, T. 52 S., R. 67 W., Seward Meridian, at the line of mean high tide of Stepovak Bay;

*Thence northeasterly, northwesterly and southwesterly, along the line of mean high tide of Stepovak Bay, and Unga Strait, closing the mouths of San Diego Bay and Albatross Anchorage and all rivers and inlets, to the most westerly point in section 34, T. 55 S., R. 80 W., Seward Meridian, at the line of mean high tide of Pavlof Bay;

Thence on an approximate forward bearing of N. 87° W., approximately 4 3/4 miles to the most southerly point in the Flat Island Group, located in the northerly portion of section 36, T. 55 S., R. 81 W., Seward Meridian;

Thence on an approximate forward bearing of N. 55° W., approximately 3 1/2 miles to the most easterly point of Black Point in the northerly portion of section 21, T. 55 S., R. 81 W., Seward Meridian, at the line of mean high tide of Pavlof Bay;

*Thence southwesterly, northwesterly, southeasterly and southwesterly, along the line of mean high tide of the Pacific Ocean, closing Bear Bay and Captain Harbor and the mouths of all rivers, inlets and lagoons, to the meander corner of sections 22 and 27, T. 59 S., R. 86 W., Seward Meridian;

Thence westerly, approximately 1 mile, to the meander corner of sections 21 and 28, T. 59 S., R. 86 W., Seward Meridian, at the line of mean high tide of King Cove;

Thence southwesterly, along the line of mean high tide of King Cove and Deer Passage, to the most southerly point in section 36, T. 59 S., R. 87 W., Seward Meridian;

Thence on an approximate forward bearing of S. 83° W., approximately 7 miles to the meander corner of sections 1 and 36, Tps. 59 and 60 S., R. 88 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence southeasterly, northwesterly and southwesterly, along the line of mean high tide of the Pacific Ocean, closing the mouths of all inlets and rivers, to the most westerly point in section 27, T. 60 S., R. 90 W., Seward Meridian;

Thence on an approximate forward bearing of S. 87° W., approximately 4 1/2 miles to the most easterly point of Kenmore Head, located in the southwesterly portion of section 25, T. 60 S., R. 91 W., Seward Meridian, at the line of mean high tide of the Pacific Ocean;

Thence southwesterly, northwesterly and northeasterly, along the line of mean high tide of the Pacific Ocean, Ikatan Bay and Isanotski Strait to the meander corner of sections 25 and 30, T. 61 S., Rs. 93 and 94 W., Seward Meridian;

Thence northerly, between Rs. 93 and 94 W., approximately 3 1/4 miles to the meander corner of sections 7 and 12, T. 61 S., Rs. 93 and 94 W., Seward Meridian, at the line of mean high tide of Bechevin Bay;

Thence northerly, along the line of mean high tide of Bechevin Bay, to the most northerly point in section 26, T. 60 S., R. 93 W., Seward Meridian, at the line of mean high tide of Hot Springs Bay;

Thence on an approximate forward bearing of N. 36° E., approximately 3 miles to the most westerly point in section 7, T. 60 S., R 92 W., Seward Meridian, at the line of mean high tide of Bechevin Bay;

Thence northerly, along the line of mean high tide of Bechevin Bay, approximately 3 1/4 miles to its intersection with the mouth of an unnamed stream on the east shore of Bechevin Bay, at approximate latitude 55° 03' N., longitude 162° 59' W.

Thence easterly and northerly, along the boundary of the Izembek National Wildlife Refuge to Corner No. 9 on that boundary, at approximate latitude 55° 32' 10" N., longitude 162° 26' W., a point between sections 4 and 33, Tps. 54 and 55 S., R. 85 W., Seward Meridian;

Thence easterly, between Tps. 54 and 55 S., approximately 3 1/2 miles to the corner of Tps. 54 and 55 S., Rs. 84 and 85 W., Seward Meridian;

Thence northerly, between Rs. 84 and 85 W., approximately 12 miles to the closing corner of T. 53 S., Rs. 84 and 85 W., Seward Meridian;

Thence easterly, along the Thirteenth Standard Parallel South, approximately 26 miles to the meander corner on the south boundary of section 31, T. 52 S., R. 79 W., Seward Meridian, at the line of mean high tide of Pavlof Bay;

Thence easterly, along the line of mean high tide of Pavlof Bay, approximately 6 miles to the meander corner of sections 31 and 36, T. 52 S., Rs. 78 and 79 W., Seward Meridian;

Thence northerly, between Rs. 78 and 79 W., approximately 6 miles to the corner of Tps. 51 and 52 S., Rs. 78 and 79 W., Seward Meridian;

Thence easterly, between Tps. 51 and 52 S., approximately 24 miles to the meander corner of Tps. 51 and 52 S., R. 74 W., Seward Meridian, at the line of mean high tide on the east side of the westerly arm of Herendeen Bay;

Thence northerly, along the line of mean high tide of Herendeen Bay, approximately 4 miles to the meander corner of sections 19 and 20, T. 51 S., R. 74 W., Seward Meridian, at the line of mean high tide of Mine Harbor;

Thence northerly, approximately 2 1/4 miles to the meander corner of sections 7 and 8, T. 51 S., R. 74 W., Seward Meridian, at the line of mean high tide of Herendeen Bay;

Thence northwesterly and easterly, along the line of mean high tide of Herendeen Bay and Port Moller, approximately 22 miles to the meander corner of sections 12 and 13, T. 50 S., R. 73 W., Seward Meridian, at the line of mean high tide of Port Moller;

Thence on an approximate forward bearing of N. 76° E., approximately 5 1/2 miles to the meander corner of sections 2 and 35, Tps. 49 and 50 S., R. 72 W., Seward Meridian, at the line of mean high tide of Port Moller;

Thence easterly, between Tps. 49 and 50 S., approximately 14 miles to the corner of Tps. 49 and 50 S., Rs. 69 and 70 W., Seward Meridian;

Thence northerly, between Rs. 69 and 70 W., approximately 6 miles to the closing corner of T. 49 S., Rs. 69 and 70 W., Seward Meridian;

Thence westerly, on the Twelfth Standard Parallel South, approximately 3 3/4 miles to the standard corner of T. 48 S., Rs. 69 and 70 W., Seward Meridian;

Thence northerly, between Rs. 69 and 70 W., approximately 6 miles to the corner of Tps. 47 and 48 S., Rs. 69 and 70 W., Seward Meridian;

Thence easterly, between Tps. 47 and 48 S., approximately 6 miles to the corner of Tps. 47 and 48 S., Rs. 68 and 69 W., Seward Meridian;

Thence northerly, between Rs. 68 and 69 W., approximately 6 miles to the corner of Tps. 46 and 47 S., Rs. 68 and 69 W., Seward Meridian;

Thence easterly, between Tps. 46 and 47 S., approximately 6 miles to the corner of Tps. 46 and 47 S., Rs. 67 and 68 W., Seward Meridian;

Thence northerly, between Rs. 67 and 68 W., approximately 6 miles to the corner of Tps. 45 and 46 S., Rs. 67 and 68 W., Seward Meridian;

Thence easterly, between Tps. 45 and 46 S., approximately 6 miles to the corner of Tps. 45 and 46 S., Rs. 66 and 67 W., Seward Meridian;

Thence northerly, between Rs. 66 and 67 W., approximately 6 miles to the closing corner of T. 45 S., Rs. 66 and 67 W., Seward Meridian;

Thence easterly, on the Eleventh Standard Parallel South, approximately 8 1/2 miles to the standard corner of T. 44 S., Rs. 64 and 65 W., Seward Meridian;

Thence northerly, between Rs. 64 and 65 W., approximately 12 miles to the corner of Tps. 42 and 43 S., Rs. 64 and 65 W., Seward Meridian;

Thence easterly, between Tps. 42 and 43 S., approximately 12 miles to the corner of Tps. 42 and 43 S., Rs. 62 and 63 W., Seward Meridian;

Thence northerly, between Rs. 62 and 63 W., approximately 12 miles to the closing corner of T. 41 S., Rs. 62 and 63 W., Seward Meridian;

Thence easterly, on the Tenth Standard Parallel South, approximately 20 3/4 miles to the standard corner of T. 40 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 12 miles to the corner of Tps. 38 and 39 S., Rs. 58 and 59 W., Seward Meridian;

Thence easterly, between Tps. 38 and 39 S., approximately 6 miles to the corner of Tps. 38 and 39 S., Rs. 57 and 58 W., Seward Meridian;

Thence northerly, between Rs. 57 and 58 W., approximately 6 miles to the corner of Tps. 37 and 38 S., Rs. 57 and 58 W., Seward Meridian;

Thence easterly, between Tps. 37 and 38 S., approximately 6 miles to the corner of Tps. 37 and 38 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 38 S., Rs. 56 and 57 W., Seward Meridian;

The following USGS quadrangle maps were used to prepare the legal description for the Alaska Peninsula National Wildlife Refuge:

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Thence southerly, between Rs. 56 and 57 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 38 S., Rs. 56 and 57 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 38 S., R. 57 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, approximately 6 miles to the corner of sections 15, 16, 21 and 22, T. 39 S., R. 57 W., Seward Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, 13 and 24, approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 39 S., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 40 S., Rs. 56 and 57 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 40 S., Rs. 55 and 56 W., Seward Meridian;

Thence southerly, between Rs. 55 and 56 W., approximately 3 miles to the standard corner of T. 40 S., Rs. 55 and 56 W., Seward Meridian;

Thence easterly, on the Tenth Standard Parallel South, approximately 9 miles to the closing corner of T. 41 S., Rs. 54 and 55 W., Seward Meridian;

Thence southerly, between Rs. 54 and 55 W., approximately 1 1/2 miles to the meander corner of sections 7 and 12, T. 41 S., Rs. 54 and 55 W., Seward Meridian, the place of beginning.

North Creek Unit

Beginning at the meander corner of sections 13 and 18, T. 53 S., Rs. 85 and 86 W., Seward Meridian at the line of mean high tide of Bering Sea;

Thence southerly, between Rs. 85 and 86 W., approximately 6 miles to the intersection with the boundary of Izembek National Wildlife Refuge;

Thence northwesterly, along the boundary of Izembek National Wildlife Refuge, approximately 3 miles to a point at the mean high tide of Bering Sea;

Thence northeasterly, along the line of mean high tide of the Bering Sea, approximately 4 1/2 miles to the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

The following USGS quadrangle maps were used to prepare the legal description for the Alaska Peninsula National Wildlife Refuge:

mr - minor revision
lr - limited revision

Scale of Map	Name and Date
Ugashik Unit	
1:63,360	Ugashik (A-2) 1951; (A-3) 1954; (A-5), (A-6) 1963; (B-1), (B-2) 1951; (B-4), (B-5) 1954; (B-6) 1963 lr 1975); (C-1), (C-2) 1951; (C-3), (C-4) 1951 mr 1975; (D-2) 1951; (D-3) 1951 mr 1951 mr 1973; (D-4) 1971 mr 1975.
1:250,000	Sutwik Island 1963.
1:63,360	Sutwik Island (D-3) 1954; (D-4), (D-5) 1963.
Chignik-Pavlof Unit	
1:250,000	Cold Bay 1943 lr 1975 .
1:63,360	Cold Bay (A-1) on Alaska Maritime NWR map--unpublished draft; (C-1), (C-2) 1963
1:250,000	False Pass 1949 mr 1970
1:63,360	False Pass (D-2), (D-3) 1963.
1:250,000	Port Moller 1953 mr 1972.
1:63,360	Port Moller (A-6), (B-2) 1963; (B-3), (B-4), (B-5), (B-6) on Alaska Maritime NWR maps-unpublished drafts; (C-1), (C-2), (C-5), (C-6), (D-1), (D-2), (D-3) 1963.
1:63,360	Chignik (A-1), (A-2), (A-6), (A-7), (B-1), (B-2)1963; (B-3) on Alaska Maritime map-unpublished draft; (B-4), (B-5), (C-1), (C-2), (C-3), (C-4), (D-1), (D-2) 1963.
1:63,360	Sutwik Island (B-6), (C-6) 1963.
1:63,360	Stepovak (C-5 and C-6), (D-1), (D-2,), (D-3), (D-4), (D-5) 1963.
North Creek Unit	
1:63,360	Cold Bay (C-2) 1963.

ALASKA PENINSULA NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

Thence on an approximate forward bearing of N. 72° W., approximately 6 miles to the summit of a hill located in section 34, T. 36 N., R. 2 W., Fairbanks Meridian, approximate elevation 4,200 feet;

Thence northwesterly, on the crest of a ridge between the drainages of Your

ARCTIC NATIONAL WILDLIFE REFUGE

Section 303 (2):

ARCTIC NATIONAL WILDLIFE REFUGE

Section 303 (2):

"The Arctic National Wildlife Refuge shall consist of the existing Arctic National Wildlife Range including lands, waters, interests, and whatever submerged lands, if any, were retained in federal ownership at the time of statehood and an addition of approximately nine million one hundred and sixty thousand acres of public lands, as generally depicted on a map entitled "Arctic National Wildlife Refuge", dated August 1980."

The Arctic National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at a point on the Venetie Indian Reservation boundary as surveyed and platted in U.S. Survey No. 5220, Alaska, dated April 26, 1978, between sections 31 and 36, T. 29 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence northerly, between Rs. 3 and 4 E., approximately 23 1/2 miles to the closing corner of T. 32 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence easterly, along the Eighth Standard Parallel North, approximately 1/2 mile to the standard corner of T. 33 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence northerly, between Rs. 3 and 4 E., approximately 6 miles to the corner of Tps. 33 and 34 N., Rs. 3 and 4 E., Fairbanks Meridian;

Thence westerly, between Tps. 33 and 34 N., approximately 16 miles to the corner of sections 4, 5, 32 and 33, Tps. 33 and 34 N., R. 1 E., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 6 miles to the corner of sections 4, 5, 32 and 33, Tps. 34 and 35 N., R. 1 E., Fairbanks Meridian;

Thence westerly, between Tps. 34 and 35 N., approximately 5 miles to the corner of sections 3, 4, 33 and 34, Tps. 34 and 35 N., R. 1 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, approximately 4 1/2 miles to the summit of a ridge between sections 9 and 10, T. 35 N., R. 1 W., Fairbanks Meridian, approximate elevation 4,085 feet;

Thence on an approximate forward bearing of N. 72° W., approximately 6 miles to the summit of a hill located in section 34, T. 36 N., R. 2 W., Fairbanks Meridian, approximate elevation 4,200 feet;

Thence northwesterly, on the crest of a ridge between the drainages of Your Creek and the Middle Fork Chandalar River, approximately 35 miles to a point on the Continental Divide, in the northeasterly portion of section 4, T. 14 S., R. 16 E., Umiat Meridian;

Thence southwesterly and northwesterly, along the Continental Divide, approximately 27 miles to a point between sections 31 and 36, T. 14 S., Rs. 12 and 13 E., Umiat Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 12 miles to the closing corner of T. 13 S., Rs. 12 and 13 E., Umiat Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1 1/4 miles to the standard corner of T. 12 S., Rs. 12 and 13 E., Umiat Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 6 miles to the corner of Tps. 11 and 12 S., Rs. 12 and 13 E., Umiat Meridian;

Thence westerly, between Tps. 11 and 12 S., approximately 4 miles to the corner of sections 4, 5, 32 and 33, Tps. 11 and 12 S., R. 12 E., Umiat Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 11 S., R. 12 E., Umiat Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 11 S., R. 12 E., Umiat Meridian;

Thence northerly, between sections 19 and 20, 17 and 18, approximately 1 1/2 miles to the 1/4 section corner of sections 17 and 18, T. 11 S., R. 12 E., Umiat Meridian;

Thence easterly, on the east and west centerline of section 17, approximately 1 mile to the 1/4 section corner of sections 16 and 17, T. 11 S., R. 12 E., Umiat Meridian;

Thence northerly, between sections 16 and 17, approximately 1/2 mile to the corner of sections 8, 9, 16 and 17, T. 11 S., R. 12 E., Umiat Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, 11 and 14, approximately 3 miles to the corner of sections 11, 12, 13 and 14, T. 11 S., R. 12 E., Umiat Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 10 and 11 S., R. 12 E., Umiat Meridian;

Thence easterly, between Tps. 10 and 11 S., approximately 13 miles to the corner of Tps. 10 and 11 S., Rs. 14 and 15 E., Umiat Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 12 miles to the closing corner of T. 9 S., Rs. 14 and 15 E., Umiat Meridian;

Thence easterly, along the Second Standard Parallel South, approximately 1 1/4 miles to the standard corner of T. 8 S., Rs. 14 and 15 E., Umiat Meridian;

Thence northerly, between Rs. 14 and 15 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 8 S., Rs. 14 and 15 E., Umiat Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 8 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 29 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 8 S., R. 15 E., Umiat Meridian;

Thence easterly, between sections 20 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 8 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 20 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 8 S., R. 15 E., Umiat Meridian;

Thence easterly, between sections 16 and 21, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 8 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 15 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 8 S., R. 15 E., Umiat Meridian;

Thence easterly, between sections 10 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 8 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 S., R. 15 E., Umiat Meridian;

Thence easterly, between sections 2 and 11, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 8 S., R. 15 E., Umiat Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 7 and 8 S., R. 15 E., Umiat Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 1 mile to the corner of Tps. 7 and 8 S., Rs. 15 and 16 E., Umiat Meridian;

Thence northerly, between Rs. 15 and 16 E., approximately 18 miles to the closing corner of T. 5 S., Rs. 15 and 16 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel South, approximately 15 1/2 miles to the standard corner of sections 32 and 33, T. 4 S., R. 18 E., Umiat Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 6 miles to the corner of sections 4, 5, 32 and 33, Tps. 3 and 4 S., R. 18 E., Umiat Meridian;

Thence easterly, between Tps. 3 and 4 S., approximately 4 miles to the corner of Tps. 3 and 4 S., Rs. 18 and 19 E., Umiat Meridian;

Thence northerly, between Rs. 18 and 19 E., approximately 6 miles to the corner of Tps. 2 and 3 S., Rs. 18 and 19 E., Umiat Meridian;

Thence easterly, between Tps. 2 and 3 S., approximately 6 miles to the corner of Tps. 2 and 3 S., Rs. 19 and 20 E., Umiat Meridian;

Thence northerly, between Rs. 19 and 20 E., approximately 6 miles to the corner of Tps. 1 and 2 S., Rs. 19 and 20 E., Umiat Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 6 miles to the corner of Tps. 1 and 2 S., Rs. 20 and 21 E., Umiat Meridian;

Thence northerly, between Rs. 20 and 21 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 20 and 21 E., Umiat Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 21 and 22 E., Umiat Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 21 and 22 E., Umiat Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 21 3/4 miles to the meander corner of sections 3 and 34 at the line of mean high water on the west bank of the Canning River, Tps. 1 and 2 S., R. 25 E., Umiat Meridian;

Thence northerly, along the mean high water line of the left bank of the Canning River, approximately 60 miles to the intersection of the extreme left bank with the mean high tide of the Arctic Ocean in section 15, T. 9 N., R. 24 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 56 1/2° E., approximately 3 1/4 miles to the line of extreme low water of the most westerly tip of the most northwesterly island, westerly of Brownlow Point, section 6, T. 9 N., R. 25 E., Umiat Meridian;

Thence easterly, along the line of extreme low water of the Arctic Ocean, including all offshore bars, reefs, and islands, to the intersection of the International Boundary line between Alaska and the Yukon Territory, Canada, in the vicinity of Monument 1 of said International Boundary line;

Thence southerly, along the International Boundary, approximately 51 3/4 miles to Monument Number 63, located at the summit of a ridge in section 21, T. 24 N., R. 31 E., Fairbanks Meridian, approximate elevation 3,472 feet;

Thence westerly, southwesterly and northwesterly, along the crest of the

Thence easterly, along the line of extreme low water of the Arctic Ocean, including all offshore bars, reefs, and islands, to the intersection of the International Boundary line between Alaska and the Yukon Territory, Canada, in the vicinity of Monument 1 of said International Boundary line;

Thence southerly, along the International Boundary, approximately 115 miles to the closing corner of section 3, T. 17 S., R. 48 E., Umiat Meridian and section 26, T. 37 N., R. 29 E., Fairbanks Meridian;

Thence westerly, between the Fairbanks and Umiat Meridians, approximately 38 1/2 miles to the left bank of the Sheenjek River located between section 1, T. 17 S., R. 38 E., Umiat Meridian and section 30, T. 37 N., R. 20 E., Fairbanks Meridian;

Thence southwesterly, along the left bank of the Sheenjek River, approximately 2 miles to a point opposite the mouth of Monument Creek in section 5, T. 36 N., R. 20 E., Fairbanks Meridian;

Thence westerly, across the Sheenjek River, to the right bank of Monument Creek located in section 5, T. 36 N., R. 20 E., Fairbanks Meridian;

Thence northwesterly along the right bank of Monument Creek, approximately 16 1/2 miles to a point opposite a north fork of Monument Creek in section 9, T. 16 S., R. 36 E., Umiat Meridian;

Thence northerly, along the right bank of the north fork of Monument Creek, approximately 12 miles to the intersection of the line between Rs. 35 and 36 E., T. 14 S., Rs. 35 and 36 E., Umiat Meridian;

Thence southerly, between Rs. 35 and 36 E., approximately 13 1/2 miles to the closing corner of T. 17 S., Rs. 35 and 36 E., Umiat Meridian;

Thence westerly, between the Fairbanks and Umiat Meridians, approximately 3/4 mile to the corner of T. 37 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence southerly, between Rs. 16 and 17 E., approximately 1 1/4 miles to the standard corner of T. 37 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence westerly, on the Ninth Standard Parallel North, approximately 1 1/2 miles to the closing corner of T. 36 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence southerly, between Rs. 16 and 17 E., approximately 24 miles to the standard corner of T. 33 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence easterly, on the Eighth Standard Parallel North, approximately 79 1/4 miles to the closing corner of Tps. 32 and 33 N., R. 30 E., Fairbanks Meridian, on the International Boundary between Canada and the United States of America;

Thence southerly, along the International Boundary, approximately 51 3/4 miles to Monument Number 63, located at the summit of a ridge in section 21, T. 24 N., R. 31 E., Fairbanks Meridian, approximate elevation 3,472 feet;

Thence westerly, southwesterly and northwesterly, along the crest of the divide between the Salmon Trout River, Fort Creek, Tetthejik Creek and Kevinjik Creek drainages, approximately 44 miles to a point on the south boundary of section 35, T. 25 N., R. 27 E., Fairbanks Meridian;

Thence westerly, on the Sixth Standard Parallel North, approximately 6 1/2 miles to the closing corner of T. 24 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence southerly, between Rs. 26 and 27 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 24 N., Rs. 26 and 27 E., Fairbanks Meridian;

*Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 5 miles to the corner of sections 7, 8, 17 and 18, T. 24 N., R. 26 E., Fairbanks Meridian;

*Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, 31 and 32, approximately 4 miles to the corner of sections 5, 6, 31 and 32, Tps. 23 and 24 N., R. 26 E., Fairbanks Meridian;

*Thence westerly, between Tps. 23 and 24 N., approximately 1 mile to the corner of Tps. 23 and 24 N., Rs. 25 and 26 E., Fairbanks Meridian;

Thence southerly, between Rs. 25 and 26 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 25 and 26 E., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 4 miles to the corner of sections 16, 17, 20 and 21, T. 23 N., R. 25 E., Fairbanks Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 23 N., R. 25 E., Fairbanks Meridian;

Thence westerly, between sections 20 and 29, 19 and 30, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 23 N., Rs. 24 and 25 E., Fairbanks Meridian;

Thence southerly, between Rs. 24 and 25 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 23 N., Rs. 24 and 25 E., Fairbanks Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, approximately 5 miles to the corner of sections 29, 30, 31 and 32, T. 23 N., R. 24 E., Fairbanks Meridian;

Thence northerly, between sections 29 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 23 N., R. 24 E., Fairbanks Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, approximately 3 miles to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 23 E., Fairbanks Meridian;

Thence northerly, between sections 22 and 23, 14 and 15, 10 and 11, 2 and 3, approximately 4 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 23 E., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 W., R. 22 E., Fairbanks Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 23 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 4 miles to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 3 miles to the corner of Tps. 23 and 24 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 N., R. 21 E., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 24 N., R. 21 E., Fairbanks Meridian;

Thence easterly, between sections 13 and 24, 18 and 19, 17 and 20, approximately 3 miles to the corner of sections 16, 17, 20 and 21, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 10 and 11, 2 and 3, approximately 2 miles to the closing corner of sections 2 and 3, T. 24 N., R. 22 E., Fairbanks Meridian;

++Thence easterly, along the Sixth Standard Parallel North, approximately 3/4 mile to the standard corner of sections 33 and 34, T. 25 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, approximately 8 miles to the corner of sections 21, 22, 27 and 28, T. 26 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 26 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 4 miles to the corner of sections 4, 5, 32 and 33, Tps. 26 and 27 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 26 and 27 N., approximately 2 miles to the corner of Tps. 26 and 27 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 6 miles to the corner of Tps. 27 and 28 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 27 and 28 N., approximately 6 miles to the corner of Tps. 27 and 28 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence northerly, between Rs. 20 and 21 E., approximately 6 miles to the closing corner of T. 28 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence westerly, along the Seventh Standard Parallel North, approximately 4 1/2 miles to the standard corner of T. 29 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence northerly, between Rs. 19 and 20 E., approximately 12 miles to the corner of Tps. 30 and 31 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence westerly, between Tps. 30 and 31 N., approximately 27 miles to the corner of sections 3, 4, 33 and 34, Tps. 30 and 31 N., R. 15 E., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 30 N., R. 15 E., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 5 miles to the corner of sections 10, 11, 14 and 15, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 30 N., R. 14 E., Fairbanks Meridian;

[++Note: The USGS base map for this area (Coleen quad) inaccurately depicts the Range numbers at the bottom of the sheet. Beginning in the lower lefthand corner, the Range numbers should be increased by 1: thus R. 16 E. should be R. 17 E., etc.]

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE ARCTIC NATIONAL WILDLIFE REFUGE:

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, 19 and 30, approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 30 N., Rs. 13 and 14 E., Fairbanks Meridian;

Thence northerly, between Rs. 13 and 14 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 30 N., Rs. 13 and 14 E., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 30 N., R. 13 E., Fairbanks Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 N., R. 13 E., Fairbanks Meridian;

Thence westerly, between sections 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 4 miles to the corner of sections 1, 6, 7 and 12, T. 30 N., Rs. 12 and 13 E., Fairbanks Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 30 N., Rs. 12 and 13 E., Fairbanks Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, approximately 4 miles to the corner of sections 20, 21, 28 and 29, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 29 and 30 N., R. 12 E., Fairbanks Meridian;

Thence westerly, between Tps. 29 and 30 N., approximately 1 1/4 miles to a point on the easterly boundary of the Venetie Indian Reservation between sections 1 and 36, Tps. 29 and 30 N., R. 11 E., Fairbanks Meridian;

Thence northeasterly, northwesterly, easterly, northerly and southwesterly, along the easterly and northwesterly boundary of the Venetie Indian Reservation as surveyed and platted in U.S. Survey No. 5220, Alaska, dated April 26, 1978, approximately 162 miles to a point between sections 31 and 36, T. 29 N., Rs. 3 and 4 E., Fairbanks Meridian, the place of beginning.

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE ARCTIC NATIONAL WILDLIFE REFUGE:

Section 702 (3):

"Arctic Wildlife Refuge Wilderness of approximately eight million acres as generally depicted on a map entitled "Arctic National Wildlife Refuge" dated August 1980;"

The Arctic Wildlife Refuge Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the intersection of the International Boundary between Alaska and the Yukon Territory, Canada, with the line of extreme low water of the Arctic Ocean in the vicinity of Monument Number 1 of said International Boundary line;

Thence southerly, along the International Boundary, approximately 101 miles to a point on the right bank of the Bilwaddy Creek located in section 34, T. 14 S., R. 46 E., Umiat Meridian;

Thence westerly, along the right bank of Bilwaddy Creek to the saddle between its headwater and those of an unnamed tributary of Coleen River, approximately 18 miles to a point in southwesterly portion of section 13, T. 14 S., R. 45 E., Umiat Meridian;

Thence southwesterly, across the saddle to a point on the headwaters of a tributary stream of the Coleen River in section 13, T. 14 S., R. 45 E., Umiat Meridian;

Thence westerly, along the left bank of the tributary stream of the Coleen River to its intersection with the Coleen River, approximately 11 miles to a point in section 10, T. 15 S., R. 44 E., Umiat Meridian;

Thence across and northwesterly, along the right bank of the Coleen River to an intersection of an unnamed tributary, approximately 8 miles to a point in section 10, T. 14 S., R. 43 E., Umiat Meridian;

*Thence westerly, along the right bank of the unnamed tributary of the Coleen River to the crest of the saddle between its headwaters and the headwaters of an unnamed tributary of Eskimo Creek, approximately 11 miles to a point in the southwesterly portion of section 11, T. 14 S., R. 41 E., Umiat Meridian;

*Thence southwesterly, across the saddle to a point on the headwaters of an unnamed tributary of Eskimo Creek in section 15, T. 14 S., R. 41 E., Umiat Meridian;

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Thence westerly, along the left bank of the unnamed tributary of Eskimo to its junction with Eskimo Creek, approximately 8 miles to a point in section 3, T. 15 S., R. 40 E., Umiat Meridian;

Thence southwesterly, along the left bank of Eskimo Creek to its junction with the Sheenjek River, approximately 10 miles to a point in section 4, T. 16 S., R. 39 E., Umiat Meridian;

Thence southerly, along the left bank of the Sheenjek River, approximately 8½ miles to a point opposite the mouth of Monument Creek, in section 5, T. 36 N. R. 20 E., Fairbanks Meridian;

Thence westerly, across the Sheenjek River to the right bank of Monument Creek located in section 5, T. 36 N., R. 20 E., Fairbanks Meridian;

Thence northwesterly, along the right bank of Monument Creek, approximately 16½ miles to a point opposite a north fork of Monument Creek in section 9, T. 16 S., R. 36 E., Umiat Meridian;

Thence northerly, along the right bank of the north fork of Monument Creek, approximately 26 miles to the point where said creek intersects a straight line projected from Brushman Mountain to Index Mountain;

Thence northeasterly, along this straight line approximately 7½ miles to its intersection with the right bank of Old Woman Creek;

Thence northerly, along the right bank of Old Woman Creek, approximately 12½ miles to a point opposite an unnamed tributory in section 12, T. 11 S., R. 33 E., Umiat Meridian;

Thence northeasterly and northwesterly, along the right bank of the unnamed tributary of Old Woman Creek, approximately 15 miles to the crest of a mountain at the head of a branch of Old Woman Creek whose elevation is approximately 7,110 feet in the northwesterly portion of T. 9 S., R. 34 E., Umiat Meridian;

Thence northwesterly and southwesterly, along the left banks of an unnamed tributary to the Chandalar River and the Chandalar River, approximately 18 miles to a point opposite the right bank of Red Sheep Creek, in the northeasterly portion of T. 9 S., R. 31 E., Umiat Meridian;

Thence northwesterly, along the right bank of Red Sheep Creek and the right bank of one of its northern tributaries, approximately 18 miles to its source at the crest of an unnamed mountain whose elevation is approximately 7,900 feet, in the southeasterly portion of T. 6 S., R. 29 E., Umiat Meridian;

Thence northwesterly, across the crest of an unnamed mountain whose elevation is approximately 7,900 feet, to the head of an unnamed tributary of the Canning River, in the southerly portion of T. 6 S., R. 29 E., Umiat Meridian;

Thence northerly, along the left bank of an unnamed tributary of the Canning River, approximately 10 miles to its junction with the Canning River, in the southeasterly portion of T. 5 S., R. 28 E., Umiat Meridian;

Thence westerly and northerly, along the line of mean high water of the left bank of the Canning River, approximately 65 miles to the meander corner of section 35 on the First Standard Parallel North, T. 5 N., R. 23 E., Umiat Meridian;

Thence easterly, along the First Standard Parallel North, approximately 40 3/4 miles to the closing corner of T. 4 N., Rs. 30 and 31 E., Umiat Meridian;

Thence southerly, between Rs. 30 and 31 E., approximately 6 miles to the corner of Tps. 3 and 4 N., Rs. 30 and 31 E., Umiat Meridian;

Thence easterly, between Tps. 3 and 4 N., approximately 18 miles to the corner of Tps. 3 and 4 N., Rs. 33 and 34 E., Umiat Meridian;

Thence southerly, between Rs. 33 and 34 E., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 33 and 34 E., Umiat Meridian;

Thence easterly, between Tps. 2 and 3 N., approximately 21 miles to the meander corner of sections 4 and 33, on the left bank of the Aichilik River, Tps. 2 and 3 N., R. 37 E., Umiat Meridian;

Thence northeasterly, along the line of mean high water on the left bank of the Aichilik River, approximately 32 miles to a point at the line of mean high tide of the Beaufort Lagoon, located in section 28, T. 6 N., R. 40 E., Umiat Meridian;

Thence on an approximate forward bearing of N. 65° E., approximately 7,600 feet to a point on the northerly boundary of the Arctic National Wildlife Refuge located in section 22, T. 6 N., R. 40 E., Umiat Meridian, at the line of extreme low tide;

Thence southeasterly, along the northerly boundary of the Aretic National Wildlife Refuge at the line of extreme low tide on the seaward side of all offshore bars, reefs and islands, approximately 31 miles to the International Boundary between Canada and the United States of America, the place of beginning.

UNITS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM WITHIN THE ARCTIC NATIONAL WILDLIFE REFUGE:

Section 602:

"Ivishak, Alaska.--That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range [sic]; to be administered by the Secretary of the Interior."

"Theenick, Alaska.--The segment within the Arctic National Wildlife

The following USGS quadrangle maps were used to prepare the legal description for the Arctic National Wildlife Refuge:

boundary of the Arctic National Wildlife Range [sic]; to be administered by the Secretary of the Interior."

"Sheenjek, Alaska.--The segment within the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior."

"Wind, Alaska.--That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.".

NOTE: The boundaries of designated wild river corridors will be determined during the comprehensive conservation planning process for the Arctic National Wildlife Refuge and will be published upon completion of that plan (due by December 1985).

Designated Study River:

Section 604 (a): Porcupine, Alaska. The corridor withdrawn during the course of the study and consideration by Congress consists of those public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of that portion of the Porcupine River inside the Arctic National Wildlife Refuge from T. 30 N., R. 30 W., to T. 25 N., R. 22 E., Fairbanks Meridian.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

The following USGS quadrangle maps were used to prepare the legal description for the Arctic National Wildlife Refuge:

mr - minor revision
pr - photorevised
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:250,000*	Demarcation Point 1955
1:63,360*	Demarcation Point (B-1) 1956; (C-1), (C-3), (C-4), (C-5), (D-2), (D-3) 1955.
1:250,000*	Mt. Michelson 1956.
1:63,360*	Mt. Michelson (B-5) 1971; (C-1), (C-2) 1955; (C-3) 1955 mr 1975; (C-4), (D-1) (D-2), (D-4) 1955.
1:63,360	Barter Island (A-3), (A-4), (A-5) 1955.
1:63,360	Flaxman Island (A-1) 1955 mr 1977; (A-3), (A-4) 1955.
1:250,000*	Arctic 1956 mr 1966.
1:63,360	Arctic (A-1), (A-2), (A-3), (A-4) 1972.
1:63,360	Sagavanirktok (A-1), (A-2) 1971; (A-3) 1971 pr 1975; (B-1) 1971.
1:63,360	Philip Smith Mountains (A-2), (A-3) 1971; (A-4) 1971 pr 1975; (B-3) 1971; (B-4) 1971 pr 1975; (C-3) 1971; (C-4) 1971 pr 1975; (D-3) 1971.
1:250,000	Chandalar 1956 mr 1966.
1:250,000	Christian 1956 mr 1977.
1:63,360	Christian (D-1) 1973; (D-3) 1972.
1:250,000*	Coleen 1956 mr 1965.
1:63,360*	Coleen (A-1) 1956 mr 1973; (A-4), (A-5) 1956 mr 1965; (B-1) 1956 mr 1963; (D-5), (D-6) 1972.
1:63,360	Black River (C-1) 1956; (D-1) 1956 mr 1970; (D-2) 1956; (D-3), (D-4), (D-5) 1956 mr 1973.
1:250,000*	Table Mountain 1956 mr 1972.
1:63,360*	Table Mountain (A-1), (A-2), (A-3), (A-4), (A-5), (B-1) 1972.

ARCTIC NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

LEGEND

- REFUGE
- WILDERNESS
- WILD & SCENIC RIVER
- STUDY RIVER

0 50 MILES

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 6 and 7, approximately 1 mile to the corner

BECHAROF NATIONAL WILDLIFE REFUGE

Section 302 (2):

BECHAROF NATIONAL WILDLIFE REFUGE

Section 302 (2):

"The Becharof National Wildlife Refuge shall consist of the approximately one million two hundred thousand acres of public lands generally depicted on the map entitled 'Becharof National Wildlife Refuge', dated July 1980."

The Becharof National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at a point at the line of mean high tide of Shelikof Strait, located approximately N. 45° E., 200 feet from the meander corner of sections 1 and 12, T. 32 S., R. 42 W., Seward Meridian;

Thence northwesterly, northerly and northwesterly, along the crest of a ridge, approximately 13 1/4 miles to the summit of a mountain located in the southerly portion of section 35, T. 30 S., R. 43 W., Seward Meridian, approximate elevation 2,445 feet;

Thence on an approximate forward bearing of N. 54° W., approximately 6 1/4 miles to the summit of Mt. Ugashik located in section 6, T. 30 S., R. 43 W., Seward Meridian, approximate elevation 2,230 feet;

Thence on an approximate forward bearing of N. 50° E., approximately 3 3/4 miles to the summit of Mt. Lee located in section 22, T. 29 S., R. 43 W., Seward Meridian, approximate elevation 2,650 feet;

Thence due West, approximately 1/4 mile to a point between sections 21 and 22, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 21 and 22, approximately 3/4 mile to the corner of sections 15, 16, 21 and 22, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 29 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 29 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 6 and 7, approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 29 S., Rs. 43 and 44 W., Seward Meridian;

Thence northerly, between Rs. 43 and 44 W., approximately 1 mile to the closing corner of T. 29 S., Rs. 43 and 44 W., Seward Meridian;

Thence westerly, on the Seventh Standard Parallel South, approximately 2,200 feet to the standard corner of sections 32 and 33, T. 28 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 28 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 28 S., R. 43 W., Seward Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 28 S., R. 43 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 28 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 28 S., R. 44 W., Seward Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 28 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 28 S., R. 44 W., Seward Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 28 S., Rs. 44 and 45 W., Seward Meridian;

Thence northerly, between Rs. 44 and 45 W., approximately 1 mile to the corner of Tps. 27 and 28 S., Rs. 44 and 45 W., Seward Meridian;

Thence westerly, between Tps. 27 and 28 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 27 and 28 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 27 S., R. 45 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 27 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 27 S., R. 45 W., Seward Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 27 S., Rs. 45 and 46 W., Seward Meridian;

Thence northerly, between Rs. 45 and 46 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 27 S., Rs. 45 and 46 W., Seward Meridian;

Thence westerly, between sections 12 and 13, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 11 and 12, approximately 1/2 mile to the 1/4 section corner of sections 11 and 12, T. 27 S., R. 46 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 11, approximately 1/2 mile to the center 1/4 section corner of section 11, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 11, approximately 1/2 mile to the 1/4 section corner of sections 2 and 11, T. 27 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1/2 mile to the corner of sections 2, 3, 10 and 11, T. 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 26 and 27 S., R. 46 W., Seward Meridian;

Thence westerly, between Tps. 26 and 27 S., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 26 and 27 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1/2 mile to the 1/4 section corner of sections 28 and 29, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 29, approximately 1/2 mile to the center 1/4 section corner of section 29, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 29, approximately 1/2 mile to the 1/4 section corner of sections 20 and 29, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1/2 mile to the corner of sections 19, 20, 29 and 30, T. 26 S., R. 46 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 26 S., R. 46 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 26 S., Rs. 46 and 47 W., Seward Meridian;

Thence northerly, between Rs. 46 and 47 W., approximately 8 miles to the closing corner of sections 7 and 12, T. 25 S., Rs. 46 and 47 W., Seward Meridian;

Thence easterly, on the Sixth Standard Parallel South, approximately 1,900 feet to the standard corner of T. 24 S., Rs. 46 and 47 W., Seward Meridian;

Thence northerly, between Rs. 46 and 47 W., approximately 18 miles to the corner of Tps. 21 and 22 S., Rs. 46 and 47 W., Seward Meridian;

Thence easterly, between Tps. 21 and 22 S., approximately 6 miles to the corner of Tps. 21 and 22 S., Rs. 45 and 46 W., Seward Meridian;

Thence northerly, between Rs. 45 and 46 W., approximately 6 miles to the closing corner of T. 21 S., Rs. 45 and 46 W., Seward Meridian;

Thence easterly, on the Fifth Standard Parallel South, approximately 1,900 feet to the standard corner of sections 33 and 34, T. 20 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 5 miles to the meander corner of sections 3 and 4, T. 20 S., R. 45 W., Seward Meridian, at the line of mean high water of an unnamed lake;

Thence northerly, along the line of mean high water of the unnamed lake, approximately 1 mile to the meander corner of sections 3 and 4, T. 20 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 3 and 4, approximately 700 feet to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 S., R. 45 W., Seward Meridian;

Thence easterly, between Tps. 19 and 20 S., approximately 1 mile to the corner

Thence northerly, between sections 9 and 10, approximately 1/2 mile to the 1/4 section corner of sections 9 and 10, T. 19 S., R. 44 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 10, approximately 1/2 mile to the center 1/4 section corner of section 10, T. 19 S., R. 44 W.,

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Thence northerly, between sections 3 and 4, approximately 700 feet to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 S., R. 45 W., Seward Meridian;

Thence easterly, between Tps. 19 and 20 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 19 and 20 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 19 S., R. 45 W., Seward Meridian;

Thence easterly, between sections 26 and 35, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 19 S., R. 45 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 19 S., R. 45 W., Seward Meridian;

Thence easterly, between sections 24 and 25, approximately 1/2 mile to the 1/4 section corner of sections 24 and 25, T. 19 S., R. 45 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 24, approximately 1/2 mile to the center 1/4 section corner of section 24, T. 19 S., R. 45 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 24, approximately 1/2 mile to the 1/4 section corner of sections 19 and 24, T. 19 S., Rs. 44 and 45 W., Seward Meridian;

Thence northerly, between Rs. 44 and 45 W., approximately 1/2 mile to the corner of sections 13, 18, 19 and 24, T. 19 S., Rs. 44 and 45 W., Seward Meridian;

Thence easterly, between sections 18 and 19, approximately 1/2 mile to the 1/4 section corner of sections 18 and 19, T. 19 S., R. 44 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 18, approximately 1/2 mile to the center 1/4 section corner of section 18, T. 19 S., R. 44 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 18 and 17, approximately 1 mile to the center 1/4 section corner of section 17, T. 19 S., R. 44 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 17, approximately 1/2 mile to the 1/4 section corner of sections 8 and 17, T. 19 S., R. 44 W., Seward Meridian;

Thence easterly, between sections 8 and 17, 9 and 16, approximately 1 1/2 miles to the corner of sections 9, 10, 15 and 16, T. 19 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1/2 mile to the 1/4 section corner of sections 9 and 10, T. 19 S., R. 44 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 10, approximately 1/2 mile to the center 1/4 section corner of section 10, T. 19 S., R. 44 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 10, approximately 1/2 mile to the 1/4 section corner of sections 3 and 10, T. 19 S., R. 44 W., Seward Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, approximately 1 1/2 miles to the corner of sections 1, 2, 11 and 12, T. 19 S., R. 44 W., Seward Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 18 and 19 S., R. 44 W., Seward Meridian;

Thence easterly, between Tps. 18 and 19 S., approximately 1 mile to the corner of Tps. 18 and 19 S., Rs. 43 and 44 W., Seward Meridian;

Thence southerly, between Rs. 43 and 44 W., approximately 1/2 mile to the 1/4 section corner of sections 1 and 6, T. 19 S., Rs. 43 and 44 W., Seward Meridian;

Thence on an approximate forward bearing of S. 89° E., approximately 9 3/4 miles to the vertical angle bench mark "Contact" located in section 4, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,136 feet;

Thence on an approximate forward bearing of S. 18° W., approximately 4 3/4 miles to the summit of a mountain located in the southwesterly portion of section 29, T. 19 S., R. 42 W., Seward Meridian, approximate elevation 1,125 feet;

Thence on an approximate forward bearing of S. 2° W., approximately 8 miles to vertical angle bench mark "Granite" located in section 11, T. 21 S., R. 43 W., Seward Meridian, approximate elevation 1,683 feet;

Thence on an approximate forward bearing of S. 30° E., approximately 13 1/4 miles to vertical angle bench mark horizontal control station "Red" located in the southeasterly portion of section 2, T. 23 S., R. 42 W., Seward Meridian, approximate elevation 1,721 feet;

Thence on an approximate forward bearing of S. 40° E., approximately 3 3/4 miles to vertical angle bench mark horizontal control station "Cert" located in the southwesterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian, approximate elevation 1,141 feet;

Thence on an approximate forward bearing of S. 78° E., approximately 4,000 feet to the confluence of the King Salmon River and Contact Creek located in the southeasterly portion of section 20, T. 23 S., R. 41 W., Seward Meridian;

Thence on an approximate forward bearing of S. 45° E., approximately 5 3/4 miles to the intersection of a ridge and the line between sections 13 and 18, T. 24 S., Rs. 40 and 41 W., Seward Meridian;

Thence southeasterly and easterly, along the crest of a ridge, approximately 24 3/4 miles to a point between sections 14 and 23, T. 25 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, approximately 4 1/4 miles to the corner of sections 15, 16, 21 and 22, T. 25 S., R. 37 W., Seward Meridian;

Thence on an approximate forward bearing of S. 32° E., approximately 3,100 feet to the summit of a mountain located in section 22, T. 25 S., R. 37 W., Seward Meridian, approximate elevation 2,267 feet;

Thence southerly and easterly, along the crest of a ridge, approximately 19 miles to a point N. 40° W. of vertical angle bench mark "Kubugakli," located in section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 1,150 feet;

Thence S. 40° E., approximately 3,800 feet to vertical angle bench mark "Kubugakli";

Thence S. 40° E., approximately 800 feet, to the line of mean high tide of Shelikof Strait;

Thence southwesterly, along the line of mean high tide of Shelikof Strait, closing the mouths of all rivers to a point approximately N. 45° E., 200 feet from the meander corner of sections 1 and 12, T. 32 S., R. 42 W., Seward Meridian, the place of beginning.

UNITS OF THE WILDERNESS PRESERVATION SYSTEM WITHIN THE BECHAROF NATIONAL WILDLIFE REFUGE:

Section 702 (4):

Becharof Wilderness of approximately four hundred thousand acres as generally depicted on a map entitled "Becharof National Wildlife Refuge" dated July 1980;

The Becharof Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at vertical angle bench mark "Kubugakli" located in the southeasterly portion of section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevation 139 feet;

Thence S. 40° E., approximately 800 feet, along the Becharof National Wildlife Refuge boundary, to the line of mean high tide of Shelikof Strait;

Thence southwesterly, along the line of mean high tide of Shelikof Strait, closing the mouths of all rivers to a point on the left bank of Jute Creek, located in the easterly portion of section 19, T. 30 S., R. 40 W., Seward Meridian;

Thence northwesterly, along the left bank of Jute Creek to the source of its branch in Section 12, T. 30 S., R. 41 W., Seward Meridian;

Thence northwesterly, in a straight line to the source of the branch of Bear Creek in Section 12, T. 30 S., R. 41 W., Seward Meridian;

Thence northwesterly, along the right bank of Bear Creek to its confluence with Becharof Lake, T. 29 S., R. 42 W., Seward Meridian;

Thence westerly , approximately 9,600 feet to a point on the left bank of Burls Creek in section 10, T. 29 S., R. 42 W., Seward Meridian;

Thence northwesterly, along the line of mean high water of Becharof Lake, closing the mouth of all rivers, approximately 12 miles, to the meander corner of sections 4 and 33, Tps. 27 and 28 S., R. 42 W., Seward Meridian;

Thence on an approximate forward bearing of N. 45° E., approximately 8,000 feet to the meander corner of sections 26 and 27, T. 27 S., R. 42 W., Seward Meridian;

Thence northwesterly, easterly, northerly and northwesterly, along the line of mean high water of Becharof Lake, closing the mouths of all rivers, approximately 29 miles to the meander corner of sections 8 and 9, T. 25 S., R. 43 W., Seward Meridian;

Thence on an approximate forward bearing of N. 13° E., approximately 7,800 feet to the summit of Blue Mountain, located in section 4, T. 25 S., R. 43 W., Seward Meridian, approximate elevation 1,930 feet;

Thence on an approximate forward bearing of N. 55° E., approximately 42,500 feet to the summit of a mountain located in section 9, T. 24 S., R. 42 W., Seward Meridian, approximate elevation 1,344 feet;

Thence on an approximate forward bearing of S. 63° E., approximately 47,500

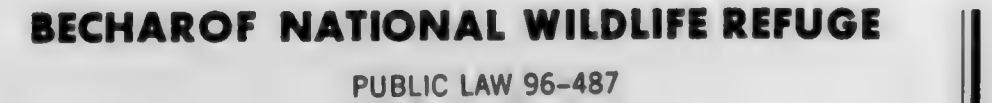

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Thence on an approximate forward bearing of N. 55° E., approximately 42,500 feet to the summit of a mountain located in section 9, T. 24 S., R. 42 W., Seward Meridian, approximate elevation 1,344 feet;

Thence on an approximate forward bearing of S. 63° E., approximately 47,500 feet to the summit of a mountain, located in section 36, T. 24 S., R. 41 W., Seward Meridian, approximate elevation 1,845 feet;

Thence on an approximate forward bearing of S. 81° E., approximately 10,800 feet to the summit of a mountain located in section 32, T. 24 S., R. 40 W., Seward Meridian, approximate elevation 2,568 feet;

Thence on an approximate forward bearing of S. 89° E., approximately 9,600 feet to the summit of a mountain located in section 34, T. 24 S., R. 40 W., Seward Meridian, approximate elevation 3,355 feet;

Thence southeasterly and easterly, along the crest of a ridge, approximately 19 miles to a point between sections 14 and 23, T. 25 S., R. 38 W., Seward Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, approximately 4 1/4 miles to the corner of sections 15, 16, 21 and 22, T. 25 S., R. 37 W., Seward Meridian;

Thence on an approximate forward bearing of S. 32° E., approximately 3,100 feet to the summit of a mountain located in section 15, T. 25 S., R. 37 W., Seward Meridian, approximate elevation 2,267 feet;

Thence southerly and easterly, along the crest of a ridge, approximately 19 miles to a point N. 40° W. of vertical angle benchmark "Kubugakli" in section 6, T. 27 S., R. 35 W., Seward Meridian, approximate elevaton 1,150 feet;

Thence S. 40° E., approximately 3,800 feet to vertical angle bench mark "Kubugakli", the point of beginning.

The following USGS quadrangle maps were used to prepare the legal description for the Becharof National Wildlife Refuge:

mr - minor revision
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:63,360*	Ugashik (B-1) 1951 mr 1973; (C-1) 1951; (C-2) 1951 mr 1973; (D-1) 1951 mr 1972; (D-2), (D-3) 1951 mr 1973.
1:63,360*	Naknek (A-1) 1951 mr 1973; (A-2), (A-3) 1951 mr 1970; (B-1) 1951; (B-2) 1952 mr 1966; (B-3) 1952 mr 1973; (C-1) 1951 mr 1970; (C-2) 1952.
1:63,360*	Mt. Katmai (A-5) 1951 mr 1973; (A-6) 1951.
1:63,360*	Karluk (C-4 and C-5), (C-6) 1951; (D-4), (D-5), (D-6) 1951 mr 1973.

BECHAROF NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

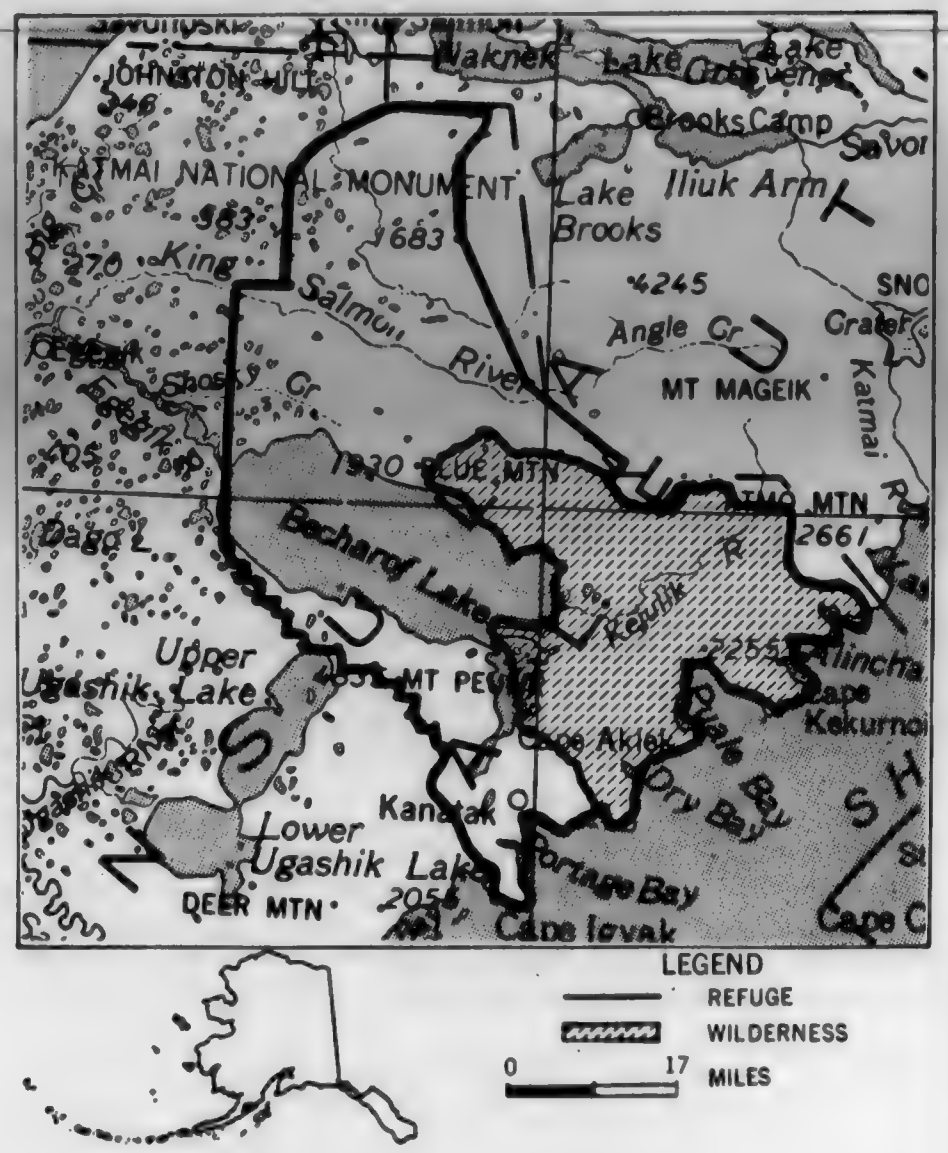

INNOKO NATIONAL WILDLIFE REFUGE

Section 302 (3):

"The Innoko National Wildlife Refuge shall consist of the approximately three million eight hundred and fifty thousand acres of public lands generally depicted on the map entitled "Innoko National Wildlife Refuge", dated October 1978."

The Innoko National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundaries:

Innoko Unit

Beginning at the standard corner of T. 20 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 6 miles to the corner of Tps. 19 and 20 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence westerly, between Tps. 19 and 20 S., approximately 24 miles to the corner of Tps. 19 and 20 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence northerly, between Rs. 8 and 9 E., approximately 12 miles to the corner of Tps. 17 and 18 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence westerly, between Tps. 17 and 18 S., approximately 36 miles to the corner of Tps. 17 and 18 S., Rs. 2 and 3 E., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 E., approximately 2 1/2 miles to the 1/4 section corner of sections 19 and 24, T. 17 S., Rs. 2 and 3 E., Kateel River Meridian;

Thence westerly, on the east and west centerlines of sections 24, 23, 22, 21, 20, 19, 24, 23, 22, 21, 20 and 19, approximately 12 miles to a point at the line of mean high water on the left bank of the Yukon River located in section 19, T. 17 S., R. 1 E., Kateel River Meridian;

Thence southwesterly, along the left bank and including all islands above the line of mean high water of the Yukon River, approximately 22 miles to the meander corner between sections 2 and 35, Tps. 19 and 20 S., R. 3 W., Kateel River Meridian;

Thence easterly, between Tps. 19 and 20 S., approximately 7 1/2 miles to the corner of Tps. 19 and 20 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence southerly, between Rs. 1 and 2 W., approximately 6 miles to the standard corner of T. 20 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence easterly, on the Fourth Standard Parallel South, approximately 400 feet to the closing corner of T. 21 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence southerly, between Rs. 1 and 2 W., approximately 6 miles to the corner of Tps. 21 and 22 S., Rs. 1 and 2 W., Kateel River Meridian;

Thence westerly, between Tps. 21 and 22 S., approximately 13 1/4 miles to the meander corner of sections 2 and 35, Tps. 21 and 22 S., R. 4 W., Kateel River Meridian, at the line of mean high water on the left bank of the Yukon River;

Thence southwesterly, along the left bank and including all islands above the line of mean high water of the Yukon River, approximately 69 miles to the meander corner between sections 6 and 31, Tps. 31 and 32 N., R. 57 W., Seward Meridian;

Thence easterly, between Tps. 31 and 32 N., approximately 30 miles to the corner of Tps. 31 and 32 N., Rs. 52 and 53 W., Seward Meridian;

Thence southerly, between Rs. 52 and 53 W., approximately 2 miles to the corner of Tps. 30 and 31 N., Rs. 52 and 53 W., Seward Meridian;

Thence easterly, between Tps. 30 and 31 N., approximately 42 miles to the corner of Tps. 30 and 31 N., Rs. 45 and 46 W., Seward Meridian;

Thence northerly, between Rs. 45 and 46 W., approximately 12 miles to the closing corner of T. 32 N., Rs. 45 and 46 W., Seward Meridian;

Thence easterly, on the Eighth Standard Parallel North, approximately 2 3/4 miles to the standard corner of T. 33 N., Rs. 44 and 45 W., Seward Meridian;

Thence northerly, between Rs. 44 and 45 W., approximately 7 miles to the corner of T. 34 N., Rs. 44 and 45 W., Seward Meridian;

Thence easterly, between the Seward and Kateel River Meridians, approximately 650 feet to the corner of sections 3 and 4, T. 29 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 4,500 feet to the corner of sections 3, 4, 33 and 34, Tps. 28 and 29 S., R. 6 E., Kateel River Meridian;

Thence easterly, between Tps. 28 and 29 S., approximately 3 miles to the corner of Tps. 28 and 29 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 24 miles to the closing corner of T. 25 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32 T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly between sections 29 and 32, approximately 1 mile to the corner

Thence easterly, between Tps. 28 and 29 S., approximately 3 miles to the corner of Tps. 28 and 29 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 24 miles to the closing corner of T. 25 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, on the Sixth Standard Parallel South, approximately 18 1/2 miles to the standard corner of T. 24 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 12 miles to the corner of Tps. 22 and 23 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between Tps. 22 and 23 S., approximately 18 miles to the corner of Tps. 22 and 23 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence northerly, between Rs. 12 and 13 E., approximately 12 miles to the closing corner of T. 21 S., Rs. 12 and 13 E., Kateel River Meridian;

Thence easterly, on the Fifth Standard Parallel South, approximately 4,400 feet to the standard corner of T. 20 S., Rs. 12 and 13 E., Kateel River Meridian, the point of beginning.

Bullfrog Island and adjacent islands located above the line of mean high water between the Yukon River and Honeymoon Slough in Tps. 20 and 21 S., Rs. 3 and 4 W., Kateel River Meridian, are also included in this unit of the refuge; and

Kaiyuh Unit

Beginning at the corner of Tps. 9 and 10 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 4 1/2 miles to the meander corner of sections 7 and 12, T. 9 S., Rs. 9 and 10 E., Kateel River Meridan, at the line of mean high water on the left bank of the Yukon River;

Thence northwesterly and southwesterly, along the left bank and including all the islands within the line of mean high water of the Yukon River excepting Koyukuk Island, approximately 74 miles to the meander corner between sections 5 and 32, Tps. 13 and 14 S., R. 1 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 29 miles to the corner of sections 5, 6, 31 and 32, Tps. 13 and 14 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32 T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly between sections 29 and 32, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 13 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, between sections 21 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 13 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 21 and 22, approximately 1/2 mile to the 1/4 corner of section 21 and 22, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 22 and 23, approximately 2 miles to the 1/4 section corner of sections 23 and 24, T. 13 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 23 and 24, approximately 1/2 mile to the corner of sections 13, 14, 23 and 24, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, between sections 13 and 24, approximately 1/2 mile to the 1/4 corner of sections 13 and 24, T. 13 S., Rs. 6, E., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 13, approximately 1 mile to the 1/4 section corner of sections 12 and 13, T. 13 S., R. 6 E., Kateel River Meridian;

Thence easterly, between sections 12 and 13, approximately 1/2 mile to the corner of sections 7, 12, 13 and 18, T. 13 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 2 miles to the closing corner of sections 1 and 6, T. 13 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1/2 mile to the standard corner of T. 12 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 1/2 mile to the 1/4 section corner of sections 31 and 36, T. 12 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 31, approximately 1 mile to the 1/4 section corner of sections 31 and 32, T. 12 S., R. 7 E., Kateel River Meridian;

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Thence northerly, between sections 31 and 32, approximately 1/2 mile to the corner of sections 29, 30, 31 and 32, T. 12 S., R. 7 E., Kateel River Meridian;

Thence easterly, between sections 29 and 32, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 12 S., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 20 and 29, 20 and 21, approximately 1 1/2 miles to the 1/4 section corner of sections 20 and 21, T. 12 S., R. 7 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 21, approximately 1 mile to the 1/4 section corner of sections 21 and 22, T. 12 S., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 21 and 22, 15 and 16, approximately 1 mile to the 1/4 section corner of sections 15 and 16, T. 12 S., R. 7 E., Kateel River Meridian;

Thence easterly, on the east and west centerlines of sections 15, 14, 13, 18 and 17, approximately 5 miles to the 1/4 section corner of sections 16 and 17, T. 12 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 1 1/2 miles to the corner of sections 4, 5, 8 and 9, T. 12 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 12 S., R. 8 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 S., R. 8 E., Kateel River Meridian;

Thence easterly, between Tps. 11 and 12 S., approximately 1 1/2 miles to the 1/4 section corner of sections 2 and 35, Tps. 11 and 12, R. 8 E., Kateel River Meridian;

Thence northerly, on the north and south centerlines of sections 35, 26, and 23, approximately 3 miles to the 1/4 section corner of sections 14 and 23, T. 11 S., R. 8 E., Kateel River Meridian;

Thence easterly, between sections 14 and 15, 13 and 24, approximately 1 1/2 miles to the corner of sections 13, 18, 19 and 24, T. 11 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence northerly, between Rs. 8 and 9 E., approximately 1/2 mile to the 1/4 section corner of sections 13 and 18, T. 11 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 18, approximately 1 mile to the 1/4 section corner of sections 17 and 18, T. 11 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 17 and 18, 7 and 8, approximately 1 mile to the 1/4 section corner of sections 7 and 8, T. 11 S., R. 9 E., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 8, approximately 1 mile to the 1/4 section corner of sections 8 and 9, T. 11 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 8 and 9, 4 and 5, approximately 1 1/2 miles to the corner of sections 4, 5, 32 and 33, Tps. 10 and 11 S., R. 9 E., Kateel River Meridian;

Thence easterly, between Tps. 10 and 11 S., approximately 2 miles to the corner of sections 2, 3, 34 and 35, Tps. 10 and 11 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, 22 and 23, 14 and 15, 10 and 11, approximately 5 miles to the corner of sections 2, 3, 10 and 11, T. 10 S., R. 9 E., Kateel River Meridian;

Thence easterly, between sections 2 and 11, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 10 S., R. 9 E., Kateel River Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 9 and 10 S., R. 9 E., Kateel River Meridian;

Thence easterly, between Tps. 9 and 10 S., approximately 1 mile to the corner of Tps. 9 and 10 S., Rs. 9 and 10 E., Kateel River Meridian, the place of beginning.

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE INNOKO NATIONAL WILDLIFE REFUGE:

Sections 702 (5):

"Innoko Wilderness of approximately one million two hundred and forty thousand acres as generally depicted on a map entitled "Innoko National Wildlife Refuge", dated October 1978."

The Innoko Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Thence easterly, between Tps. 28 and 29 S., approximately 3 miles to the corner of Tps. 28 and 29 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 24 miles to the closing corner of T. 25 S., Rs. 6 and 7 E., Kateel River Meridian;

The Innoko Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the standard corner of T. 24 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 12 miles to the corner of Tps. 22 and 23 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence westerly, between Tps. 22 and 23 S., approximately 6 miles to the corner of Tps. 22 and 23 S., Rs. 5 and 6 E., Kateel River Meridian;

Thence northerly, between Rs. 5 and 6 E., approximately 5 miles to the meander corner of sections 7 and 12, T. 22 S., Rs. 5 and 6 E., Kateel River Meridian, at the line of mean high water on the left bank of the Innoko River;

Thence southwesterly, along the left bank of the Innoko River, approximately 191 miles to the meander corner of sections 4 and 33, Tps. 31 and 32 N., R. 54 W., Seward Meridian;

Thence easterly, between Tps. 31 and 32 N., approximately 10 miles to the corner of Tps. 31 and 32 N., Rs. 52 and 53 W., Seward Meridian;

Thence southerly, between Rs. 52 and 53 W., approximately 6 miles to the corner of Tps. 30 and 31 N., Rs. 52 and 53 W., Seward Meridian;

Thence easterly, between Tps. 30 and 31 N., approximately 42 miles to the corner of Tps. 30 and 31 N., Rs. 45 and 46 W., Seward Meridian;

Thence northerly, between Rs. 45 and 46 W., approximately 12 miles to the closing corner of T. 32 N., Rs. 45 and 46 W., Seward Meridian;

Thence easterly, on the Eighth Standard Parallel North, approximately 2 3/4 miles to the standard corner of T. 33 N., Rs. 44 and 45 W., Seward Meridian;

Thence northerly, between Rs. 44 and 45 W., approximately 7 miles to the corner of T. 34 N., Rs. 44 and 45 W., Seward Meridian;

Thence easterly, between the Seward and Kateel River Meridians approximately 650 feet to the corner of sections 3 and 4, T. 29 S., R. 6 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 4,500 feet to the corner of sections 3, 4, 33 and 34, Tps. 28 and 29 S., R. 6 E., Kateel River Meridian;

Thence easterly, between Tps. 28 and 29 S., approximately 3 miles to the corner of Tps. 28 and 29 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 24 miles to the closing corner of T. 25 S., Rs. 6 and 7 E., Kateel River Meridian;

Thence easterly, on the Sixth Standard Parallel South, approximately 1/2 mile to the standard corner of T. 24 S., Rs. 6 and 7 E., Kateel River Meridian, the point of beginning.

The following USGS quadrangle maps were used to prepare the legal description for the Innoko National Wildlife Refuge:

mr - minor revision
* Quadrangle Wilderness Boundary

Scale of Map	Name and Date
1:63,360*	Holy Cross (C-1) 1952 mr 1972; (D-1) 1952 mr 1967; (D-2) 1952 mr 1966; (D-3) 1952 mr 1973.
1:63,360*	Unalakleet (A-1) 1952 mr 1971, (A-2) 1952 mr 1963; (B-1) 1952 mr 1967; (B-2) 1952 mr 1965; (C-1) 1952 mr 1966; (C-2) 1952 mr 1964; (D-1) 1952 mr 1962.
1:250,000*	Ophir 1954.
1:63,360	Ophir (A-4) 1954 mr 1973; (A-6), (B-3), (B-4), (B-5), (B-6), (C-1) 1954; (C-2) 1954 mr 1977; (C-4), (C-5), (C-6) 1954; (D-1), (D-2), (D-3), (D-4), (D-5), (D-6) 1954.
1:63,360	Nulato (A-3) 1952 mr 1973; (A-6) 1952 mr 1965.
1:63,360*	Iditarod (C-4), (C-5), (C-6), (D-4) 1954.
Kaiyuh Unit	
1:63,360	Nulato (B-3) 1952 mr 1973, (B-4) 1952 mr 1975; (B-5) 1953 mr 1966; (B-6) 1952 mr 1974; (C-2) 1953 mr 1963; (C-3) 1952 mr 1973; (C-4) 1953 mr 1966; (C-5) 1953 mr 1962; (D-3) 1954 mr 1966; (D-4) 1952 mr 1969.

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VOL 48 ISS 38

INNOKO NATIONAL WILDLIFE REFUGE

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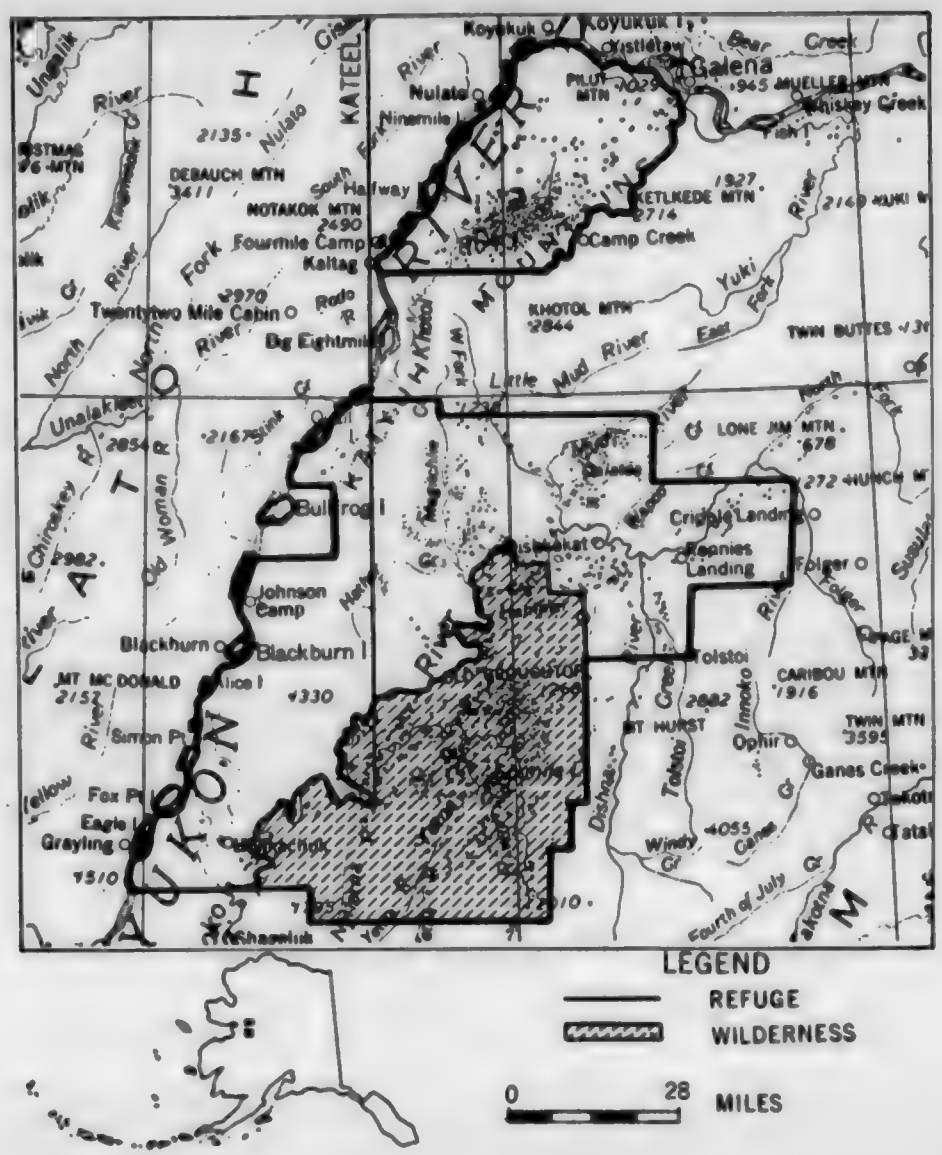

IZEMBEK NATIONAL WILDLIFE REFUGE

Section 303 (3):

"The existing Izembek National Wildlife Range including the lands, waters and interests of that unit which shall be redesignated as the Izembek National Wildlife Refuge."

NOTE: The Cape Krenitzin Peninsula was transferred from the Aleutian Islands NWR to Izembek NWR in compliance with the following Congressional directive on page 211 of Senate Report #96-413:

"Included within the Izembek wilderness is the Cape Krenitzin Peninsula. The peninsula is a 1,450-acre, geographical and ecological extension of the Alaska Peninsula land mass which is separated from the mainland by a narrow channel. Notwithstanding this fact, Cape Krenitzin was included within the Aleutian Islands National Wildlife Refuge at the time that refuge was established in 1913. The Committee intends that the Secretary should alter the present boundary and administer this peninsula as a part of the redesignated Izembek National Wildlife Refuge."

The Izembek National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

[Note: Due to inconsistencies between the portrayal of the Public Land Survey System on the 1:250,000 and the 1:63,360 scale maps of this area and the lack of complete coverage at the 1:63,360 scale, this unit has been described according to its physiographic features.]

Beginning at corner No. 1 from which U.S.C. and G.S. station COW, located on the edge of Cold Bay at approximate latitude 55° 12' 10.71" N. and longitude 162° 41' 57.76" W., bears N. 85° 52' 5" E., a distance of 1.34 miles;

Thence on an approximate forward bearing of S. 15° 30' W., approximately 1.61 miles to corner No. 2 on the easterly boundary of Air Navigation Site Withdrawal No. 176;

Thence due South, approximately 1 mile to corner No. 3, which is the southwest corner of Air Navigation Site Withdrawal No. 176;

Thence on an approximate forward bearing of S. 41° 00' W., approximately

Thence northwesterly, northeasterly, southwesterly, northeasterly and southwesterly, with the line of mean high tide along the banks of Bechevin Bay, approximately 19 miles to the most westerly point on Cape Krenitzin at approximate latitude 55° 04' 20" N., longitude 163° 26' W.;

Thence due South, approximately 1 mile to corner No. 3, which is the southwest corner of Air Navigation Site Withdrawal No. 176;

Thence on an approximate forward bearing of S. 41° 00' W., approximately 2.05 miles along the crest of a spur ridge to a point at approximate elevation 1,300 feet;

Thence on an approximate forward bearing of S. 68° 30' W., approximately 0.55 miles along the crest of a spur ridge to a point at approximate elevation 2,000 feet;

Thence on an approximate forward bearing of S. 34° 30' W., approximately 1.35 miles to corner No. 4 at forks of the spur ridge leading to Frosty Peak at approximate elevation 4,200 feet;

Thence on an approximate forward bearing of S. 30° 30' E., approximately 1.10 miles to point at approximate elevation 4,000 feet;

Thence on an approximate forward bearing of S. 19° 45' W., approximately 2.28 miles to corner No. 5 at the summit of Frosty Peak, approximate elevation 6,400 feet;

Thence on an approximate forward bearing of S. 83° 30' W., approximately 1.12 miles along the crest of a spur ridge to point at approximate elevation 4,000 feet;

Thence on an approximate forward bearing of S. 64° 00' W., approximately 2.04 miles along the crest of a spur ridge to a point at approximate elevation 1,600 feet;

Thence on an approximate forward bearing of S. 76° 30' W., approximately 4 miles to corner No. 6 at the mouth of an unnamed stream at the intersection of the line of mean high tide on the east bank of Morshovoi Bay, at approximate latitude 55° 03' N., longitude 162° 39' W.;

Thence northerly, westerly, and southwesterly, with the line of mean high tide of Morzhovoi Bay, approximately 14 miles to corner No. 7 at its intersection with the mouth of an unnamed stream on the west side of Morzhovoi Bay, at approximate latitude 55° 02' 40" N., longitude 163° 13' 30" W.;

Thence westerly, along the north bank of said unnamed stream and with the north shore of two (2) small unnamed lakes, approximately 2.10 miles to a point on the west shore of the most westerly lake at approximate latitude 55° 02' 45" N.;

Thence due West, approximately 1.00 mile to Corner No. 8 at the intersection of an unnamed stream with the line of mean high tide on the east side of Bechevin Bay, at approximate latitude 55° 02' 45" N., longitude 163° 17' 10" W.;

Thence northwesterly, northeasterly, southwesterly, northeasterly and southwesterly, with the line of mean high tide along the banks of Bechevin Bay, approximately 19 miles to the most westerly point on Cape Krenitzin at approximate latitude 55° 04' 20" N., longitude 163° 26' W.;

Thence northeasterly, along the line of mean high tide of the Alaska Peninsula-Bering Sea shore approximately 22 miles to the most northerly point of Cape Glazenap, at approximate latitude 55° 15' N., longitude 163° 00' W.;

Thence along the line of mean tide on the seaward side of the most westerly islands in the Kukiakof Island group and Naumann Island, closing all inlets to Izembek Lagoon and Moffet Lagoon, to Moffet Point at approximate latitude 55° 26' 30" N., longitude 162° 35' 20" W.;

Thence northeasterly, along the line of mean high tide of the Bering Sea, approximately 8.40 miles to corner No. 9 at approximate latitude 55° 32' 10" N., longitude 162° 26' W.;

Thence southeasterly, following the boundaries of the watershed of Moffet Bay, approximately 17.40 miles to a point on the summit of the Aghileen Pinnacles; at approximate elevation 4,800 feet;

Thence southerly, along said watershed approximately 13.60 miles to the summit of Mt. Dutton at approximate elevation 4,834 feet;

Thence westerly, along said watershed, approximately 10.20 miles to Corner No. 10 at the line of mean high tide on the east shore of Cold Bay at approximate latitude 55° 10' 22" N.;

Thence northerly, northwesterly, and southwesterly, along the line of mean high tide of said Bay, approximately 13.10 miles to Corner No. 11, on the northwest side of Cold Bay at approximate latitude 55° 13' 30" N., longitude 162° 40' 30" W.;

Thence due West, approximately 1.5 miles to Corner No. 12, which is the northeast corner of Air Navigation Withdrawal No. 176;

Thence due West, approximately 2.50 miles to Corner No. 13, on the boundary of Air Navigation Withdrawal No. 176;

Thence on an approximate forward bearing of S. 24° 57' 30" E., approximately 4.28 miles to corner No. 1, the place of beginning.

UNITS OF THE WILDERNESS PRESERVATION SYSTEM WITHIN THE IZEMBEK NATIONAL WILDLIFE REFUGE:

Section 702 (6):

"Izembek Wilderness of approximately three hundred thousand acres as generally depicted on a map entitled 'Izembek Wilderness', dated October 1978."

The Izembek Wilderness consists of the public lands, as defined by the ANILCA, within the following boundaries:

East Unit

Beginning at a point on the boundary of the Izembek National Wildlife Refuge, at approximate latitude 55° 15' 30" N., longitude 162° 44' 56" W.;

Thence due East, along the Izembek National Wildlife Refuge boundary, approximately 1 mile to a point at the line of mean high tide of Cold Bay;

Thence easterly, northeasterly, southeasterly, northeasterly, northwesterly and southwesterly, along the Izembek National Wildlife Refuge boundary, approximately 83.5 miles to Moffett Point at the line of mean high tide of Moffett Lagoon, at approximate latitude 55° 27' N., longitude 162° 34' W.;

Thence southeasterly, northeasterly, southwesterly, northwesterly and southwesterly, along the line of mean high tide of Moffett Lagoon and Izembek Lagoon, closing the mouths of all rivers, approximately 24 miles to a point at approximate latitude 55° 19' 15" N.;

Thence due South, approximately 2½ miles to a point at approximate latitude 55° 16' 52" N., the standard corner of sections 34 and 35, T. 56 S., R. 88 W., Seward Meridian;

Thence due West, approximately 500 feet to a point at approximate latitude 55° 16' 52" N., longitude 162° 44' 56" W.;

Thence due South, approximately 8,600 feet to a point on the Izembek National Wildlife Refuge boundary, the place of beginning; and,

West Unit

Beginning at a point on boundary the Izembek National Wildlife Refuge, at the summit of a mountain, at approximate latitude 55° 07' N., longitude 162° 50' W., approximate elevation 4,000 feet;

Thence on an approximate forward bearing of N. 30° W., approximately 4,200 feet to the centerline of an unnamed creek;

Thence northeasterly, along the centerline of the unnamed creek, approximately 1 mile to a point 100 feet southerly of, and parallel to, the centerline of Frosty Road;

Thence southwesterly, northwesterly and southwesterly, on a line 100 feet from, and parallel to the centerline of Frosty Road, approximately 4¾ miles to a point 100 feet from, and parallel to, the terminus of the centerline of Frosty Road;

Thence on a curve to the right, maintaining a radius of 100 feet from the terminus of the centerline of Frosty Road to a point 100 feet from, and parallel to, the centerline of Frosty Road at its terminus;

Thence northeasterly, southeasterly and northeasterly, on a line 100 feet from, and parallel to, the centerline of Frosty Road, approximately 4¾ miles to a point at the centerline of an unnamed creek;

Thence on an approximate forward bearing of N. 16° E., approximately 4,000 feet to a point on the southerly shore of an unnamed lake at approximate latitude 55°, 15' N., longitude 162° 48' W.;

Thence on an approximate forward bearing of North, approximately 6 miles to the intersection with the line of mean high water of the westernmost point of Blue Bill Lake;

Thence southwesterly and northeasterly, along the line of mean high water of Blue Bill Lake, approximately 1½ miles to a point due West of the previous point;

Thence due West, 1,000 feet to the intersection with the line of mean high water of Rescue Lake;

Thence southwesterly and northeasterly, along the line of mean high water of Rescue Lake, approximately ½ mile to a point due West of the previous point;

Thence due West, approximately 1¾ miles to the intersection with the line of mean high tide of Izembek Lagoon;

Thence southerly, northwesterly, southwesterly, northeasterly, southerly, westerly and northeasterly, along the line of mean high tide of Izembek Lagoon, closing the mouths of all inlets and rivers, approximately 27 miles to a point on the boundary of Izembek National Wildlife Refuge at Cape Glazenap, at approximate latitude 55° 15' N., longitude 163° 00'

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Thence southerly, northwesterly, southwesterly, northeasterly, southerly, westerly and northeasterly, along the line of mean high tide of Izembek Lagoon, closing the mouths of all inlets and rivers, approximately 27 miles to a point on the boundary of Izembek National Wildlife Refuge at Cape Glazenap, at approximate latitude 55° 15' N., longitude 163° 00' W;

Thence southwesterly, southerly, easterly and northerly, along the Izembek National Wildlife Refuge boundary, approximately 67 miles to a point on the summit of a mountain, approximate elevation 4,000 feet, the place of beginning; and

All public lands on islands, islets, rocks, reefs and spires, above the line of mean high tide within the Izembek National Wildlife Refuge.

IZEMBEK NATIONAL WILDLIFE REFUGE

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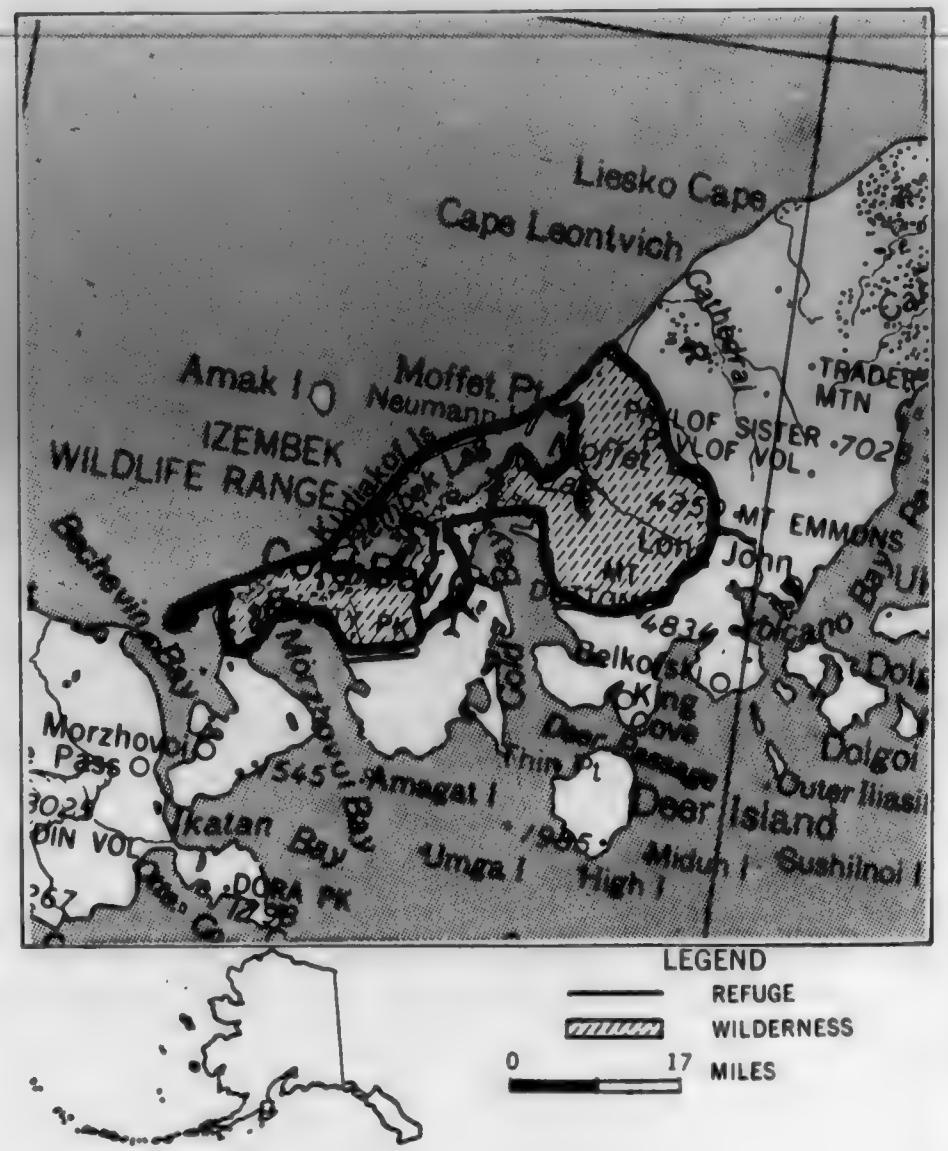

KANUTI NATIONAL WILDLIFE REFUGE

Section 302 (4)

"The Kanuti National Wildlife Refuge shall consist of the approximately one million four hundred and thirty thousand acres of public lands generally depicted on the map entitled 'Kanuti National Wildlife Refuge', dated July 1960

The Kanuti National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the ¼ section corner of sections 4 and 33, Tps. 13 and 14 N., R. 20 W., Fairbanks Meridian,

Thence northerly, on the north and south centerline of section 33, approximately ½ mile to the center ¼ section corner of section 33, T. 14 N., R. 20 W., Fairbanks Meridian,

*Thence easterly, on the east and west centerline of sections 33, 34, 35 and 36, approximately 3½ miles to the ¼ section corner of section 36, T. 14 N., R. 20 W. and Section 31, T. 14 N., R. 19 W., Fairbanks Meridian;

*Thence northerly, between Rs. 19 and 20 W., approximately ½ mile to the corner of sections 25, 30, 31 and 36, T. 14 N., Rs. 19 and 20 W., Fairbanks Meridian;

*Thence easterly between sections 30 and 31, approximately ¼ mile to the ¼ section corner of sections 30 and 31, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 30, approximately ½ mile to the center ¼ section corner of section 30, T. 14 N., R. 19 W., Fairbanks Meridian.

Thence easterly, on the east and west centerline of section 30, approximately ½ mile to the ¼ section corner of sections 29 and 30, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, approximately 1 mile to the ¼ section corner of sections 19 and 20, T. 14 N., R. 19 W., Fairbanks Meridian,

Thence easterly, on the east and west centerline of section 20, approximately 1 mile to the ¼ section corner of sections 20 and 21, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, approximately 1 mile to the ¼ section corner of sections 16 and 17, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 16, approximately 1 mile to the ¼ section corner of sections 15 and 16, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 15 and 16, approximately ½ mile to the corner of sections 15, 16, 21 and 22, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence easterly, between sections 15 and 22, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, approximately ½ mile to the ¼ section corner of sections 22 and 23, T. 14 N., R. 19 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of sections 23, 24 and 19, approximately 2½ miles to the center ¼ section corner of section 19, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 19, approximately ½ mile to the ¼ section corner of sections 18 and 19, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 1 mile to the ¼ section corner of sections 17 and 20, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 17, approximately ½ mile to the center ¼ section corner of section 17, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 16 and 17, approximately 1 mile to the center ¼ section corner of section 16, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 16, approximately ½ mile to the ¼ section corner of sections 9 and 16, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, between sections 9 and 16, approximately ½ mile to the corner of sections 9, 10, 15 and 16, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence northerly, between sections 9 and 10, approximately ½ mile to the ¼ section corner of sections 9 and 10, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 10, approximately

Thence easterly, between Tps. 14 and 15 N., approximately 1 mile to the ¼ section corner of sections 2 and 35, Tps. 14 and 15 N., R. 17 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of sections 35,

Thence northerly, between sections 9 and 10, approximately ½ mile to the ¼ section corner of sections 9 and 10, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 14 N., R. 18 W., Fairbanks, Meridian;

Thence northerly, on the north and south centerlines of sections 10 and 3, approximately 1 mile to the center ¼ section corner of section 3, T. 14 N., R. 18 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 3, approximately ½ mile to the ¼ section corner of sections 2 and 3, T. 14 N., R. 18 W., Fairbanks, Meridian;

Thence northerly, between sections 2 and 3, approximately ½ mile to the corner of sections 2, 3, 34 and 35, Tps. 14 and 15 N., R. 18 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately ½ mile to the ¼ section corner of sections 2 and 35, Tps. 14 and 15 N., R. 18 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 35, approximately ½ mile to the center ¼ section corner of section 35, T. 15 N., R. 18 W., Fairbanks Meridian;

Thence easterly, on the east and west centerlines of sections 35 and 36, approxoimately 1½ miles to the ¼ section corner of sections 31 and 36, T. 15 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence southerly, between Rs. 17 and 18 W., approximately ½ mile to the corner of Tps. 14 and 15 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 1½ miles to the ¼ section corner of sections 5 and 32, Tps. 14 and 15 N., R. 17 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of section 5, approximately ½ mile to the center ¼ section corner of section 5, T. 14 N., R. 17 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of sections 5, 4 and 3, approximately 2 miles to the center ¼ section corner of section 3, T. 14 N., R. 17 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 3, approximately ½ mile to the ¼ section corner of sections 3 and 34, Tps. 14 and 15 N., R. 17 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 1 mile to the ¼ section corner of sections 2 and 35, Tps. 14 and 15 N., R. 17 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 35, approximately ½ mile to the center ¼ section corner of section 35, T. 15 N., R. 17 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 35, approximately ½ mile to the ¼ section corner of sections 35 and 36, T. 15 N., R. 17 W., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, approximately ½ mile to the corner of sections 25, 26, 35 and 36, T. 15 N., R. 17 W., Fairbanks Meridian;

Thence easterly, between sections 25 and 36, approximately ½ mile to the ¼ section corner of sections 25 and 36, T. 15 N., R. 17 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of section 25, approximately ½ mile to the center ¼ section corner of section 25, T. 15 N., R. 17 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 25, approximately ½ mile to the ¼ section corner of sections 25 and 30, T. 15 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 1 mile to the ¼ section corner of sections 19 and 24, T. 15 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 19, approximately ½ mile to the center ¼ section corner of section 19, T. 15 N., R. 16 W., Fairbanks Meridian;

Thence northerly, on the north and south centerline of sections 18 and 19, approximately 1½ miles to the ¼ section corner of sections 7 and 18, T. 15 N., R. 16 W., Fairbanks Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, approximately 1 mile to the ¼ section corner of sections 8 and 17, T. 15 N., R. 16 W., Fairnaks Meridian;

Thence northerly, on the north and south centerline of sections 5 and 8, approximately 2 miles to the ¼ section corner of sections 5 and 32, Tps. 15 and 16 N., R. 16 W., Fairbanks Meridian;

Thence westerly, between Tps. 15 and 16 N., approximately 1½ miles to the corner of Tps. 15 and 16 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, bewtween Rs. 16 and 17 W., approximately 6 miles to the closing corner of T. 16 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, on the Fourth Standard Parallel North, approximately 1¼ miles to the standard corner of T. 17 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 24 miles to the closing corner of T. 20 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 1¼ miles to the standard corner of T. 21 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 W., approximately 17 miles to the corner of sections 1, 6, 7 and 12, T. 23 N., Rs. 16 and 17 W., Fairbanks Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, 3 and 10, approximately 3 miles to the corner of sections 3, 4, 9 and 10, T. 23 N., R. 17 W., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 23 and 24 N., R. 17 W., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 3 miles to the corner of Tps. 23 and 24 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 24 N., Rs. 17 and 18 W., Fairbanks Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, approximately 10¼ miles to a point on the right bank of Jane Creek between sections 20 and 29, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence northwesterly, along the right bank of Jane Creek, approximately 3,400 feet to a point on the east and west centerline of section 20, T. 24 N., R. 19 W., Fairbanks Meridian;

Thence westerly, on the east and west centerline of sections 20, 19, 24 and 23, approximately 3¼ miles to the ¼ section corner of sections 22 and 23, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence northerly, between sections 22 and 23, approximately ½ mile to the corner of sections 14, 15, 22 and 23, T. 24 N., R. 20 W., Fairbanks Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 4 miles to the corner of sections 13, 18, 19 and 24, T. 24 N., Rs. 20 and 21 W., Fairbanks Meridian;

Thence southerly, between Rs. 20 and 21 W., approximately 3 miles to the corner of Tps. 23 and 24 N., Rs. 20 and 21 W., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 23 and 24 N., R. 21 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 23 N., R. 21 W., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 23 N., Rs. 21 and 22 W., Fairbanks Meridian;

Thence southerly, between Rs. 21 and 22 W., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 21 and 22 W., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 23 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 6½ miles to the ¼ section corner of sections 21 and 22, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence westerly, on the east and west centerlines of sections 20 and 21, approximately 2 miles to the ¼ section corner of sections 19 and 20, T. 22 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 19 and 20, 29 and 30, 31 and 32, approximately 2½ miles to the corner of sections 5, 6, 31 and 32, Tps. 21 and 22 N., R. 22 W., Fairbanks Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 1 mile to the corner of Tps. 21 and 22 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence southerly, between Rs. 22 and 23 W., approximately 3½ miles to the ¼ section corner of sections 19 and 24, T. 21 N., Rs. 22 and 23 W., Fairbanks Meridian;

Thence westerly, on the east and west centerline of sections 23 and 24, approximately 1½ miles to the center ¼ section corner of section 23, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of sections 23, 26 and 35, approximately 2½ miles to the standard ¼ section corner of section 35, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 25, approximately ½ mile to the center ¼ section corner of section 25, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 25 and

Thence southerly, on the north and south centerline of sections 23, 26 and 35, approximately 2½ miles to the standard ¼ section corner of section 35, T. 21 N., R. 23 W., Fairbanks Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 2½ miles to the closing corner of T. 20 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence southerly, between Rs. 23 and 24 W., approximately 6 miles to the corner of Tps. 19 and 20 N., Rs. 23 and 24 W., Fairbanks Meridian;

Thence westerly, between Tps. 19 and 20 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 19 and 20 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 18 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 19 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, approximately 6 miles to the corner of sections 19, 20, 29 and 30, T. 18 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 18 N., Rs. 24 and 25 W., Fairbanks Meridian;

Thence southerly, between Rs. 24 and 25 W., approximately 2 miles to the corner of Tps. 17 and 18 N., Rs. 24 and 25 W., Fairbanks Meridian;

Thence westerly, between Tps. 17 and 18 N., approximately 5 miles to the corner of sections 5, 6, 31 and 32, Tps. 17 and 18 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, approximately 3½ miles to the ¼ section corner of sections 19 and 20, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence easterly, on the east and west centerlines of sections 20, 21, 22 and 23, approximately 4 miles to the ¼ section corner of sections 23 and 24, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, approximately 1 mile to the ¼ section corner of sections 25 and 26, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 25, approximately ½ mile to the center ¼ section corner of section 25, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 25 and 36, approximately 1½ miles to the standard ¼ section corner of section 36, T. 17 N., R. 25 W., Fairbanks Meridian;

Thence westerly, on the Fourth Standard Parallel North, approximately 260 feet to the ¼ section corner of section 3, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 3, 10 and 15, approximately 3 miles to the ¼ section corner of sections 15 and 22, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence easterly, between sections 15 and 22, approximately ½ mile to the corner of sections 14, 15, 22 and 23, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence westerly, between sections 27 and 34, approximately ½ mile to the ¼ section corner of sections 27 and 34, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of section 34, approximately ½ mile to the center ¼ section corner of section 34, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence westerly, on the east and west centerline of section 34, approximately ½ mile to the ¼ section corner of sections 33 and 34, T. 16 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, 9 and 10, approximately 2 miles to the ¼ section corner of sections 9 and 10, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of sections 10 and 15, approximately 1 mile to the center ¼ section corner of section 15, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence westerly, on the east and west centerline of section 15, approximately ½ mile to the ¼ section corner of sections 15 and 16, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 3 miles to the ¼ section corner of sections 33 and 34, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 34, approximately ½ mile to the center ¼ section corner of section 34, T. 15 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerline of section 34, approximately ½ mile to the ¼ section corner of sections 3 and 34, Tps. 14 and 15 N., R. 25 W., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 1 mile to the ¼ section corner of sections 2 and 35, Tps. 14 and 15 N., R. 25 W., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 2 and 11, approximately 2 miles to the ¼ section corner of sections 11 and 14, T. 14 N., R. 25 W., Fairbanks Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 1½ miles to the corner of sections 7, 12, 13 and 18, T. 14 N., Rs. 24 and 25 W., Fairbanks Meridian;

Thence southerly, between Rs. 24 and 25 W., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 14 N., Rs. 24 and 25 W., Fairbanks Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 14 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, approximately 1½ miles to the ¼ section corner of sections 28 and 29, T. 14 N., R. 24 W., Fairbanks Meridian;

Thence easterly, on the east and west centerlines of sections 27 and 28, approximately 1½ miles to the center ¼ section corner of section 27, T. 14 N., R. 24 W., Fairbanks Meridian;

Thence southerly, on the north and south centerlines of sections 27 and 34, approximately 1½ miles to the ¼ section corner of sections 3 and 34, Tps. 13 and 14 N., R. 24 W., Fairbanks Meridian;

Thence easterly, between Tps. 13 and 14 N., approximately 23 miles to the ¼ section corner of sections 4 and 33, Tps. 13 and 14 N., R. 20 W., Fairbanks Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

The following USGS quadrangle maps were used to prepare the legal description of the Kanuti National Wildlife Refuge:

mr - minor revision

Scale of Map	Name and Date
1:63,360	Tanana (D-4) 1956 mr 1972; (D-5), (D-6) 1956.
1:63,360	Bettles (A-2), (A-3), (A-4), (A-6), (B-3), (B-6), (C-3), (C-5), (C-6), (D-3), (D-4), (D-5) 1970.

KANUTI NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

KENAI NATIONAL WILDLIFE REFUGE

Section 303 (4):

KANUTI NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

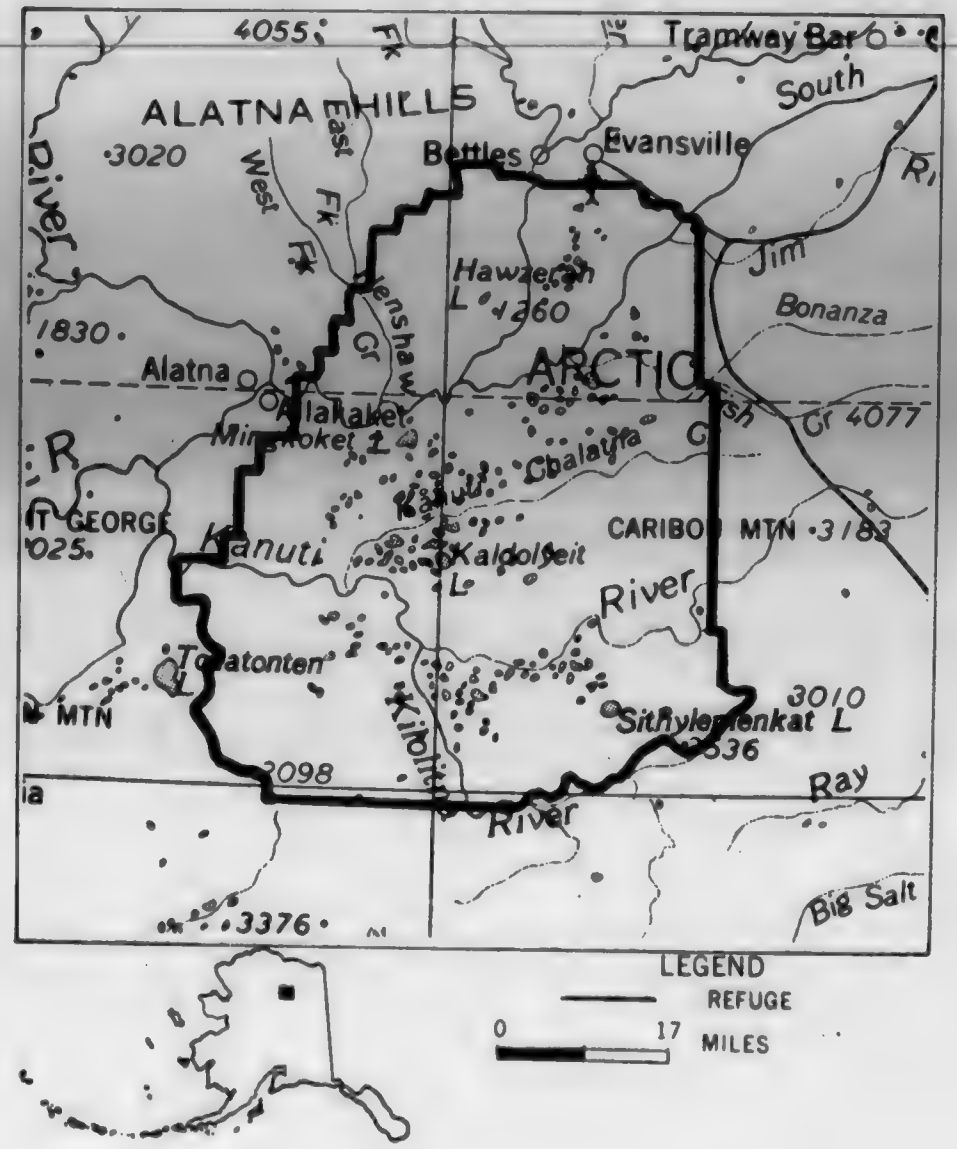

KENAI NATIONAL WILDLIFE REFUGE

Section 303 (4):

"The Kenai National Wildlife Refuge shall consist of the existing Kenai National Moose Range, including lands, waters, interests, and whatever submerged lands, if any, were retained in Federal ownership at the time of statehood, which shall be redesignated as the Kenai National Wildlife Refuge, and an addition of approximately two hundred and forty thousand acres of public lands as generally depicted on the map entitled 'Kenai National Wildlife Refuge', dated October 1978, excluding lands described in P.L.O. 3953, March 21, 1966, and P.L.O. 4056, July 22, 1966, withdrawing lands for the Bradley Lake Hydroelectric Project."

The Kenai National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the standard corner of sections 33 and 34, T. 8 S., R. 10 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 3 miles to the standard corner of T. 8 S., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 18 miles to the corner of Tps. 5 and 6 S., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 12 miles to the corner of Tps. 5 and 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence northerly, between Rs. 8 and 9 W., approximately 6 miles to the closing corner of T. 5 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, on the First Standard Parallel South, approximately 3½ miles to the standard corner of sections 33 and 34, T. 4 S., R. 9 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, approximately 6½ miles to the meander corner of sections 33 and 34, T. 3 S., R. 9 W., Seward Meridian;

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Thence on an approximate bearing of N. 45° W., approximately 2.8 miles to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 9 W., Seward Meridian;

Thence northerly, between sections 19 and 20, 17 and 18, 7 and 8, approximately 3 miles to the corner of sections 5, 6, 7 and 8, T. 3 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, approximately 8 miles to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 11 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 13 miles to the closing corner of sections 1 and 2, T. 1 S., R. 11 W., Seward Meridian;

Thence westerly, on the Seward Baseline, approximately 3.8 miles to the standard corner of sections 32 and 33, T. 1 N., R. 11 W., Seward Meridian;

Thence northerly, between sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 12 miles to the corner of sections 4, 5, 32 and 33, Tps. 2 and 3 N., R. 11 W., Seward Meridian;

Thence easterly, between Tps. 2 and 3 N., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 2 and 3 N., R. 11 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, approximately 4 miles to the corner of sections 9, 10, 15 and 16, T. 3 N., R. 11 W., Seward Meridian;

Thence easterly, between sections 10 and 15, 11 and 14, approximately 2 miles to the corner of sections 11, 12, 13 and 14, T. 3 N., R. 11 W., Seward Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, 35 and 36, 25 and 26, approximately 4 miles, to the corner of sections 23, 24, 25 and 26, T. 4 N., R. 11 W., Seward Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 4 N., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 4 miles to the closing corner of T. 4 N., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between Tps. 4 and 5 N., approximately 17.3 miles to the standard corner of T. 5 N., Rs. 7 and 8 W., Seward Meridian;

Thence northerly, between Rs. 7 and 8 W., approximately 6 miles to the corner of Tps. 5 and 6, N., Rs. 7 and 8 W., Seward Meridian;

Thence westerly, between Tps. 5 and 6 N., approximately 17 miles to the corner of sections 5, 6, 31 and 32, Tps. 5 and 6 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 6 N., R. 10 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately ½ mile to the ¼ section corner of sections 30 and 31, T. 6 N., R. 10 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximately 1 mile to the ¼ section corner of sections 19 and 30, T. 6 N., R. 10 W., Seward Meridian;

Thence westerly, between sections 19 and 30, approximately ½ mile to the corner of sections 19, 24, 25 and 30, T. 6 N., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 6 N., Rs. 10 and 11 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 6 N., R. 11 W., Seward Meridian;

Thence northerly, between sections 14 and 15, 10 and 11, 2 and 3, 34 and 35, 26 and 27, 22 and 23, approximately 6 miles to the corner of sections 14, 15, 22 and 23, T. 7 N., R. 11 W., Seward Meridian;

Thence easterly, between sections 14 and 13, 13 and 24, approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 7 N., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8 and T. 7 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 5 and 6, 31 and 32, 29 and 30, 19 and 20, approximately 4 miles to the corner of sections 17, 18, 19 and 20, T. 8 N., R. 10 W., Seward Meridian;

Thence easterly, between sections 17 and 20, 16 and 21, 15 and 22, approximately 2¾ miles to the west 1/16 section corner of sections 15 and 22, T. 8 N., R. 10 W., Seward Meridian;

Thence northerly, on the north and south centerlines of the south west ¼ and the northwest ¼ of section 15, approximately 1 mile to the west 1/16 section corner of sections 10 and 15, T. 8 N., R. 10 W., Seward Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 9 N., R. 8 W., Seward Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 9 and 10 N., R. 8 W., Seward

Thence northerly, on the north and south centerlines of the south west ¼ and the northwest ¼ of section 15, approximately 1 mile to the west 1/16 section corner of sections 10 and 15, T. 8 N., R. 10 W., Seward Meridian;

Thence easterly, between sections 10 and 15, 11 and 14, approximately 1 3/4 miles to the corner of sections 11, 12, 13 and 14, T. 8 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, approximately 2 miles to the closing corner of sections 1 and 2, T. 8 N., R. 10 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel North, approximately 0.9 mile to the standard ¼ section corner of section 31, T. 9 N., R. 9 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 31, approximately 1 mile, to the ¼ section corner of sections 30 and 31, T. 9 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, approximately 2½ miles to the corner of sections 27, 28, 33 and 34, T. 9 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 9 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 9 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 22 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 9 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 9 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 9 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 12 and 13, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 9 N., Rs. 8 and 9 W., Seward Meridian;

Thence northerly, between Rs. 8 and 9 W., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 9 N., Rs. 8 and 9 W., Seward Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 9 N., R. 8 W., Seward Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 9 and 10 N., R. 8 W., Seward Meridian;

Thence easterly, between Tps. 9 and 10 N., approximately 2 miles to the corner of sections 3, 4, 33 and 34, Tps. 9 and 10 N., R. 8 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 10 N., R. 8 W., Seward Meridian;

Thence easterly, between sections 27 and 34, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 10 N., R. 8 W., Seward Meridian;

Thence northerly, between sections 26 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 10 N., R. 8 W., Seward Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 10 N., Rs. 7 and 8 W., Seward Meridian;

Thence northerly, between Rs. 7 and 8 W., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 10 N., Rs. 7 and 8 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 10 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 10 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 10 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 10 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 10 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36 T. 11 N., R. 7 W., Seward Meridian;

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Thence easterly, between sections 25 and 36, 30 and 31, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 11 N., R. 6 W., Seward Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, 17 and 18, approximately 2.1 miles to the meander corner of sections 17 and 18, T. 11 N., R. 6 W., Seward Meridian;

Thence easterly, southeasterly, northeasterly, along the line of mean high tide of Turnagin Arm and Chickaloon Bay, approximately 27 miles to the special meander corner on the north and south centerline of section 14, T. 10 N., R. 3 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° E., approximately 1 mile to the northwesterly summit of a ridge, located in the northwesterly portion of section 24, T. 10 N., R. 3 W., Seward Meridian, approximate elevation 2,350 feet;

Thence on an approximate forward bearing of S. 82° E., approximately ¼ mile to the summit of a ridge in the north central portion of section 24, T. 10 N., R. 3 W., Seward Meridian, approximate elevation 2,650 feet;

Thence on an approximate forward bearing of S. 40° E., approximately 3/4 mile to Vertical Angle Bench Mark "Hope" located in the southeasterly portion of section 24, T. 10 N., R. 3 W., Seward Meridian, approximate elevation 3,708 feet;

Thence on an approximate forward bearing of S. 48° W., approximately 1 mile to the crest of the divide between the Resurrection Creek and Indian Creek drainages, located in the westerly portion of section 25, T. 10 N., R. 3 W., Seward Meridian, approximate elevation 3,950 feet;

Thence southerly, along the crest of the divide between Resurrection Creek and Indian Creek drainages, and descending a spur ridge, approximately 26 miles to the confluence of Chickaloon River and an unnamed creek, located in the southeasterly portion of section 1, T. 6 N., R. 4 W., Seward Meridian;

*Thence northwesterly, along the centerline of the Chickaloon River, approximately 4¼ miles to a point due North of the thread of the Russian River at its junction with the Kenai River, in the westerly portion of section 33, T. 7 N., R. 4 W., Seward Meridian;

Thence due South, approximately 11½ miles to the junction of the Russian River with the Kenai River in section 33, T. 5 N., R. 4 W., Seward Meridian;

Thence up the Russian River, following the thread of the stream, approximately 16 miles to the head of Upper Russian Lake located in section 30, T. 3 N., R. 3 W., Seward Meridian;

Thence across the divide, on an approximate forward bearing of S. 83½° E., approximately 1½ miles to an intersection with Summit Creek in section 28, T. 3 N., R. 3 W., Seward Meridian;

Thence down Summit Creek and Resurrection River, following the thread of the streams, approximately 1½ miles to a point where an unnamed stream flows easterly into Resurrection River, located in section 34, T. 3 N., R. 3 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° W., approximately 1.7 miles to Vertical Angle Bench Mark "Menker," located in section 9, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 3,205 feet;

Thence on an approximate forward bearing of S. 17° E., approximately 1.8 miles to the summit of a mountain located in the southwesterly portion of section 15, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 5,207 feet;

Thence on an approximate forward bearing of S. 2° E., approximately 4.9 miles to the summit of a mountain located in the southwesterly portion of section 10, T. 1 N., R. 3 W., Seward Meridian, approximate elevation 5,300 feet;

Thence on an approximate forward bearing of S. 65° W., over Harding Ice Field, approximately 13.9 miles to the summit of a mountain located in section 9, T. 1 S., R. 5 W., Seward Meridian, approximate elevation 5,355 feet;

Thence on an approximate forward bearing of S. 18½° E., over Harding Ice Field, approximately 9.2 miles to the summit of a mountain located in section 25, T. 2 S., R. 5 W., Seward Meridian, approximate elevation 5,244 feet;

Thence on an approximate forward bearing of S. 47° W., over Harding Ice Field, approximately 12.3 miles to the summit of a mountain located in section 4, T. 4 S., R. 6 W., Seward Meridian, approximate elevation 5,873 feet;

Thence on an approximate forward bearing of S. 4° W., across Chernoff Glacier, approximately 11½ miles to the summit of a mountain located near the section corner of sections 5, 6, 31 and 32, Tps. 5 and 6 S., R. 6 W., Seward Meridian, approximate elevation 5,375 feet;

Thence on an approximate forward bearing of N. 49½° W., approximately 500 feet to an intersection with the township line between Tps. 5 and 6 S., R. 6 W., Seward Meridian;

Thence westerly, between Tps. 5 and 6 S., approximately 11 miles to the corner of sections 4, 5, 32 and 33, Tps. 5 and 6 S., R. 8 W., Seward Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 8 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W.,

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM
WITHIN THE KENAI NATIONAL WILDLIFE REFUGE:

Section 702 (7):

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 8 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence southerly, between Rs. 8 and 9 W., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 6 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 27 and 28, 33 and 34, 3 and 4, 9 and 10, approximately 4 miles to the corner of sections 9, 10, 15 and 16, T. 7 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 7 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, approximately 5 miles to the corner of sections 4, 5, 8 and 9, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 8 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 8 S., R. 10 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, approximately 3 miles to the standard corner of sections 33 and 34, on the south boundary of T. 8 S., R. 10 W., Seward Meridian, the place of beginning.

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, approximately 3 miles to the standard corner of sections 33 and 34, on the south boundary of T. 8 S., R. 10 W., Seward Meridian, the place of beginning.

*Department of the Interior 1:250,000 scale map issued in 1981, incorrectly depicts this portion of the description.

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE KENAI NATIONAL WILDLIFE REFUGE:

Section 702 (7):

"Kenai Wilderness of approximately one million three hundred and fifty thousand acres as generally depicted on a map entitled 'Kenai National Wildlife Refuge', dated October 1978."

The Kenai Wilderness consists of the public lands, as defined by the ANILCA, within the following boundaries:

Andy Simons Unit

Beginning at the standard corner of sections 33 and 34, T. 8 S., R. 10 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 3 miles to the standard corner of T. 8 S., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 18 miles to the corner of Tps. 5 and 6 S., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 12 miles to the corner of Tps. 5 and 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence northerly, between Rs. 8 and 9 W., approximately 6 miles to the closing corner of T. 5 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, on the First Standard Parallel South, approximately 3 1/2 miles to the standard corner of sections 33 and 34, T. 4 S., R. 9 W., Seward Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, approximately 6 1/4 miles to the meander corner of sections 33 and 34 on the left bank of Sheep Creek, T. 3 S., R. 9 W., Seward Meridian;

Thence on an approximate forward bearing of N. 45° W., approximately 2.8 miles to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 9 W., Seward Meridian;

Thence northerly, between sections 19 and 20, 17 and 18, 7 and 8, approximately 3 miles to the corner of sections 5, 6, 7 and 8, T. 3 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, approximately 8 miles to the corner of sections 1 2, 11 and 12, T. 3 S., R. 11 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, 35 and 36, 25 and 26, 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 13 miles to the closing corner of sections 1 and 2, T. 1 S., R. 11 W., Seward Meridian;

Thence easterly, along the Seward Base Line, approximately 2,000 feet to the standard corner of T. 1 N., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 1 N., Rs. 10 and 11 W., Seward Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, approximately 3 miles to the corner of sections 27, 28, 33 and 34, T. 1 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 27 and 28, 21 and 22, 15 and 16, approximately 2 1/2 miles to the 1/4 section corner of sections 15 and 16, T. 1 N., R. 10 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 16, 17 and 18, approximately 3 miles to the 1/4 section corner of sections 13 and 18, T. 1 N., Rs. 10 and 11 W., Seward Meridian;

Thence northerly, between Rs. 10 and 11 W., approximately 3 miles to the meander corner of sections 31 and 36, T. 2 N., Rs. 10 and 11 W., Seward Meridian, at the line of mean high water on the Tustumena Lake;

Thence westerly, northeasterly and southeasterly, along the line of mean high water of Tustumena Lake, approximately 12 miles to the meander corner of sections 2 and 3, T. 2 N., R. 10 W., Seward Meridian;

Thence northerly, between sections 2 and 3, 34 and 35, approximately 1 3/4 miles to the corner of sections 26, 27, 34 and 35, T. 3 N., R. 10 W., Seward Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, approximately 7 miles to the corner of sections 25, 26, 35 and 36, T. 3 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 25 and 26, 23 and 24, 13 and 14, 11 and 12, approximately 3 1/2 miles to the 1/4 section corner of sections 11 and 12, T. 3 N., R. 9 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 11, approximately 1 mile to the 1/4 section corner of sections 10 and 11, T. 3 N., R. 9 W., Seward Meridian;

Thence northerly, between sections 10 and 11, 2 and 3, 34 and 35, 26 and 27, 22 and 23, approximately 4 1/2 miles to the corner of sections 14, 15, 22 and 23, T. 4 N., R. 9 W., Seward Meridian;

Thence easterly, between sections 14 and 23, approximately 1/2 mile to the 1/4 section corner of sections 14 and 23, T. 4 N., R. 9 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 14, 11 and 2, approximately 3 miles to the 1/4 section corner of section 2, T. 4 N., R. 9 W., Seward Meridian, on the Kenai National Wildlife Refuge boundary;

Thence easterly, between Tps. 4 and 5 N., approximately 6 miles to the 1/4 section corner of section 2, T. 4 N., R. 8 W., Seward Meridian;

Thence southerly, along the north and south centerline of section 2, approximately 1 mile to the 1/4 section corner of sections 2 and 11, T. 4 N., R. 8 W., Seward Meridian;

Thence easterly, between sections 2 and 11, 1 and 12, approximately 1 1/4 miles to the left bank of the Kenai River on the section line between sections 1 and 12, T. 4 N., R. 8 W., Seward Meridian;

Thence easterly, southeasterly, easterly, northeasterly, northwesterly and northeasterly, along the left bank of the Kenai River and the southerly and easterly shore of Skilak Lake, and again northeasterly, along the left bank of the Kenai River, approximately 35 1/2 miles to a point on the southerly right-of-way of a powerline, located in the northwesterly portion of section 32, T. 5 N., R. 4 W., Seward Meridian;

Thence southeasterly and easterly, along the southerly right-of-way of a powerline, approximately 1 1/2 miles to a point on the Kenai National Wildlife Refuge boundary located on the thread of the Russian River in the easterly portion in section 33, T. 5 N., R. 4 W., Seward Meridian;

Thence up the Russian River, following the thread of the stream, approximately 15 miles to the head of Upper Russian Lake located in section 30, T. 3 N., R. 3 W., Seward Meridian;

Thence across the divide, on an approximate forward bearing of S. 83 1/2° E., approximately 1 1/2 miles to an intersection with Summit Creek in section 28, T. 3 N., R. 3 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence across the divide, on an approximate forward bearing of S. 83 1/2° E., approximately 1 1/2 miles to an intersection with Summit Creek in section 28, T. 3 N., R. 3 W., Seward Meridian;

Thence down Summit Creek and Resurrection River, following the thread of the streams, approximately 11 1/2 miles to a point where an unnamed stream flows easterly into Resurrection River, located in section 34, T. 3 N., R. 3 W., Seward Meridian;

Thence on an approximate forward bearing of S. 30° W., approximately 1.7 miles to Vertical Angle Bench Mark "Menker," located in section 9, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 3,205 feet;

Thence on an approximate forward bearing of S. 17° E., approximately 1.8 miles to the summit of a mountain located in the southwesterly portion of section 15, T. 2 N., R. 3 W., Seward Meridian, approximate elevation 5,207 feet;

Thence on an approximate forward bearing of S. 2° E., approximately 4.9 miles to the summit of a mountain located in the southwesterly portion of section 10, T. 1 N., R. 3 W., Seward Meridian, approximate elevation 5,300 feet;

Thence on an approximate forward bearing of S. 65° W., over Harding Ice Field, approximately 13.9 miles to the summit of a mountain located in section 9, T. 1 S., R. 5 W., Seward Meridian, approximate elevation 5,355 feet;

Thence on an approximate forward bearing of S. 18 1/2° E., over Harding Ice Field, approximately 9.2 miles to the summit of a mountain located in section 25, T. 2 S., R. 5 W., Seward Meridian, approximate elevation 5,244 feet;

Thence on an approximate forward bearing of S. 47° W., over Harding Ice Field, approximately 12.3 miles to the summit of a mountain located in section 4, T. 4 S., R. 6 W., Seward Meridian, approximate elevation 5,873 feet;

Thence on an approximate forward bearing of S. 4° W., across Chernoff Glacier, approximately 11 1/2 miles to the summit of a mountain located near the section corner of sections 5, 6, 31 and 32 Tps. 5 and 6 S., R. 6 W., Seward Meridian, approximate elevation 5,375 feet;

Thence on an approximate forward bearing of N. 49 1/2° W., approximately 500 feet to an intersection with the township line between Tps. 5 and 6 S., R. 6 W., Seward Meridian;

Thence westerly, following the township line between Tps. 5 and 6 S., approximately 11 miles to the corner of sections 4, 5, 32 and 33, Tps. 5 and 6 S., R. 8 W., Seward Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 8 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence southerly, following the range line between Rs. 8 and 9 W., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 6 S., Rs. 8 and 9 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 6 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 27 and 28, 33 and 34, 3 and 4, 9 and 10, approximately 4 miles to the corner of sections 9, 10, 15 and 16, T. 7 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 7 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, approximately 5 miles to the corner of sections 4, 5, 8 and 9, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 8 S., R. 9 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 8 S., R. 9 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 8 S. R. 10 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, approximately 3 miles to the standard corner of sections 33 and 34, on the south boundary of T. 8 S., R. 10 W., Seward Meridian, the place of the beginning.

All of Lucas Island, located in sections 28 and 29, T. 4 N., R. 5 W., Seward Meridian, is included within the Kenai Wilderness, Andy Simons Unit.

Canoe Lakes Unit

Beginning at the corner of sections 19, 24, 25 and 30, T. 7 N., Rs. 5 and 6 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, approximately 5 miles to the corner of sections 19, 20, 29 and 30, T. 7 N., R. 6 W., Seward Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, approximately 4 1/2 miles to the 1/4 section corner of sections 17 and 18, T. 6 N., R. 6 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 18, 13 and 14, approximately 3 miles to the 1/4 section corner of sections 14 and 15, T. 6 N., R. 7 W., Seward Meridian;

Thence southerly, between sections 14 and 15, approximately 1/2 mile to the corner of sections 14, 15, 22 and 23, T. 6 N., R. 7 W., Seward Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, approximately 4 3/4 miles to the centerline of Moose River, between sections 13 and 24, T. 6 N., R. 8 W., Seward Meridian;

Thence southwesterly, along the centerline of Moose River, approximately 2 3/4 miles to the confluence with the West Fork Moose River, located in the northwesterly portion of section 27, T. 6 N., R. 8 W., Seward Meridian;

Thence northeasterly, along the centerline of West Fork Moose River, approximately 1 1/2 miles to a point between sections 15 and 22, T. 6 N., R. 8 W., Seward Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 3 3/4 miles to the corner of sections 13, 18, 19 and 24, T. 6 N., Rs. 8 and 9 W., Seward Meridian;

Thence northerly, between Rs. 8 and 9 W., approximately 8 3/4 miles to a point on the southerly right-of-way of the Swanson River Road, between sections 1 and 6, T. 7 N., Rs. 8 and 9 W., Seward Meridian;

Thence easterly, along the southerly right-of-way of the Swanson River Road, approximately 8 1/4 miles to a point between sections 5 and 32, Tps. 7 and 8 N., R. 7 W., Seward Meridian;

Thence easterly, between Tps. 7 and 8 N., approximately 100 feet to a point between sections 5 and 32, Tps. 7 and 8 N., R. 7 W., Seward Meridian, on the westerly shore of an unnamed lake;

Thence northeasterly and southeasterly, along the line of mean high water of the unnamed lake, approximately 1/4 mile to a point between sections 5 and 32, Tps. 7 and 8 N., R. 7 W., Seward Meridian, on the east shore of the unnamed lake;

Thence easterly, between Tps. 7 and 8 N., approximately 3/4 mile to the 1/4 section corner of sections 4 and 33, Tps. 7 and 8 N., R. 7 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 4, approximately 1 mile to the 1/4 section corner of sections 4 and 9, T. 7 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 4 and 9, approximately 1/2 mile to the corner of sections 3, 4, 9 and 10, T. 7 N., R. 7 W., Seward Meridian;

Thence southerly, between sections 9 and 10, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 7 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 10 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 7 N., R. 7 W., Seward Meridian;

Thence southerly, between sections 14 and 15, approximately 1/2 mile to the 1/4 section corner of sections 14 and 15, T. 7 N., R. 7 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 14, 13 and 18, approximately 3 miles to the 1/4 section corner of sections 17 and 18, T. 7 N., R. 6 W., Seward Meridian;

Thence northerly, between sections 17 and 18, 7 and 8, 5 and 6, 31 and 32, 29 and 30, approximately 4 miles to the meander corner of sections 29 and 30, T. 8 N., R. 6 W., Seward Meridian, on the easterly shore of Buteo Lake;

Thence northeasterly, northwesterly and southerly, along the line of mean high water of Buteo Lake, approximately 3/4 mile to the special meander corner on the east and west centerline of section 30, T. 8 N., R. 6 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 30 and 25, approximately 1 1/4 miles to the 1/4 section corner of sections 25 and 26, T. 8 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1,500 feet to the meander corner of sections 25 and 26, T. 8 N., R. 7 W., Seward Meridian, on the westerly shore of Takukak Lake;

Thence northwesterly and northeasterly, along the line of mean high water of Takukak Lake, approximately 1/4 mile to the meander corner of sections 25 and 26, T. 8 N., R. 7 W., Seward Meridian, on the westerly shore of Takukak Lake Takukak Lake appears on the 1:63,360 scale map, Kenai D-2, from which this description was derived.);

Thence northerly, between sections 25 and 26, approximately 1/4 mile to the corner of sections 23, 24, 25 and 26, T. 8 N., R. 7 W., Seward Meridian;

Thence westerly, between sections 23 and 26, approximately 1/4 mile to the meander corner of sections 23 and 26, T. 8 N., R. 7 W., Seward Meridian, on the easterly shore of Ursus Lake;

Thence southerly and northwesterly, along the line of mean high water of Ursus Lake, approximately 3/4 mile to the meander corner of sections 23 and 26, T. 8 N., R. 7 W., Seward Meridian, on the westerly shore of Ursus Lake;

Thence westerly, between sections 23 and 26, 22 and 27, 21 and 28, approximately 1 1/2 miles to the meander corner of sections 21 and 28, T. 8 N., R. 7 W., Seward Meridian, on the easterly shore of Paddle Lake;

Thence easterly, between sections 2 and 11, approximately 1/8 mile to the corner of sections 1, 2, 11 and 12, T. 9 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 1 1/4 miles to the meander corner of sections 35 and 36, T. 10 N., R. 7 W., Seward

Thence westerly, between sections 23 and 26, 22 and 27, 21 and 28, approximately 1 1/2 miles to the meander corner of sections 21 and 28, T. 8 N., R. 7 W., Seward Meridian, on the easterly shore of Paddle Lake;

Thence southeasterly, southwesterly and northwesterly, along the line of mean high water of Paddle Lake, approximately 1/2 mile to the meander corner of sections 21 and 28, T. 8 N., R. 7 W., Seward Meridian, on the westerly shore of Paddle Lake;

Thence westerly, between sections 21 and 28, approximately 1/4 mile to the 1/4 section corner of sections 21 and 28, T. 8 N., R. 7 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 21, approximately 1/2 mile to the center 1/4 section corner of section 21, T. 8 N., R. 7 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 21, 20 and 19, approximately 2 1/2 miles to the 1/4 section corner of sections 19 and 24, T. 8 N., Rs. 7 and 8 W., Seward Meridian;

Thence northerly, between Rs. 7 and 8 W., approximately 3 1/2 miles to the closing corner of T. 8 N., Rs. 7 and 8 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel North, approximately 1/2 mile to the standard corner of sections 31 and 32, T. 9 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 31 and 32, approximately 1/2 mile to a point between sections 31 and 32, T. 9 N., R. 7 W., Seward Meridian, on the southerly shore of an unnamed lake;

Thence northwesterly and northeasterly, on the line of mean high water of the unnamed lake, approximately 900 feet to a point between sections 31 and 32, T. 9 N., R. 7 W., Seward Meridian, on the northerly shore of the unnamed lake;

Thence northerly, between sections 31 and 32, approximately 1/2 mile to the corner of sections 29, 30, 31 and 32, T. 9 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 29 and 32, approximately 1/2 mile to the 1/4 section corner of sections 29 and 32, T. 9 N., R. 7 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 29, 20, 17 and 8, approximately 4 miles to the 1/4 section corner of sections 5 and 8, T. 9 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, 3 and 10, 2 and 11, approximately 3 miles to the meander corner of sections 2 and 11, T. 9 N., R. 7 W., Seward Meridian, on the westerly shore of an unnamed lake;

Thence northerly and southeasterly, on the line of mean high water of an unnamed lake, approximately 1/2 mile to the meander corner of sections 2 and 11, T. 9 N., R. 7 W., Seward Meridian, on the easterly shore of an unnamed lake;

Thence easterly, between sections 2 and 11, approximately 1/8 mile to the corner of sections 1, 2, 11 and 12, T. 9 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 1 1/4 miles to the meander corner of sections 35 and 36, T. 10 N., R. 7 W., Seward Meridian, on the westerly shore of Taiga Lake;

Thence northwesterly and southeasterly, on the line of mean high water of Taiga Lake, approximately 1/2 mile to the meander corner of sections 35 and 36, T. 10 N., R. 7 W., Seward Meridian, on the northerly shore of Taiga Lake;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, approximately 1 3/4 miles to the centerline of Seven Egg Creek, located between sections 23 and 24, T. 10 N., R. 7 W., Seward Meridian;

Thence northwesterly and westerly, along the centerline of Seven Egg Creek and the westerly shore of Kraenberi Lake, approximately 4 miles to a point between sections 9 and 10, T. 10 N., R. 7 W., Seward Meridian, on the Kenai National Wildlife Refuge boundary;

Thence northerly, between sections 9 and 10, approximately 3/4 mile to the corner of sections 3, 4, 9 and 10, T. 10 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 10 N., R. 7 W., Seward Meridian;

Thence northerly, between sections 1 and 2, 35 and 36, approximately 2 miles to the corner of section 25, 26, 35 and 36, T. 11 N., R. 7 W., Seward Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 11 N., R. 6 W., Seward Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, 17 and 18, approximately 2.1 miles to the meander corner of sections 17 and 18, T. 11 N., R. 6 W., Seward Meridian;

Thence easterly, southeasterly, along the line of mean high tide of Turragin Arm and Chickaloon Bay, approximately 10 miles to the centerline of Bedlam Creek located in the northerly portion of section 30, T. 10 N., R. 5 W., Seward Meridian;

Thence westerly, along the centerline of Bedlam Creek, approximately 3 1/4 miles to a point between sections 26 and 27, T. 10 N., R. 6 W., Seward Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 7 miles to the standard corner of sections 34 and 35, T. 9 N., R. 6 W., Seward Meridian;

Thence westerly, along the northerly right-of-way of the Sterling Highway, approximately 4,800 feet to a point on the northerly right-of-way of a powerline, located in the southwesterly portion of section 29, T. 5 N., R. 4 W., Seward Meridian;

Thence westerly, along the northerly right-of-way of a powerline, approximately 2 3/4 miles to a point on the northerly right-of-way of the Sterling Highway, located in the northerly portion of section 35, T. 5 N., R. 5 W., Seward Meridian;

Thence northwesterly, along the northerly right-of-way of the Sterling Highway, approximately 4½ miles to the centerline of Jean Creek, near the center of section 17, T. 5 N., R. 5 W., Seward Meridian;

Thence northwesterly, along the centerline of Jean Creek and the northerly shore of Upper Jean Lake, approximately 1 mile to a point on the north shore of an unnamed lake and the north and south centerline of section 18, T. 5 N., R. 5 W., Seward Meridian;

Thence northerly, on the north and south centerline of sections 18 and 7, approximately 1 1/8 mile to the ¼ section corner of sections 6 and 7, T. 5 N., R. 5 W., Seward Meridian;

Thence easterly, between sections 6 and 7, approximately ½ mile to the corner of sections 5, 6, 7 and 8, T. 5 N., R. 5 W., Seward Meridian;

Thence northerly, between sections 5 and 6, approximately ½ mile to the ¼ section corner of sections 5 and 6, T. 5 N., R. 5 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 4 and 5, approximately 2 miles to the ¼ section corner of sections 3 and 4, T. 5 N., R. 5 W., Seward Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, approximately 8½ miles to the corner of sections 21, 22, 27 and 28, T. 7 N., R. 5 W., Seward Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, 24 and 25, approximately 3 miles to the corner of sections 24 and 25, T. 7 N., R. 5 W., Seward Meridian;

Thence southerly, between Rs. 4 and 5 W., approximately 200 feet to the corner of sections 19 and 30, T. 7 N., R. 4 W., Seward Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, approximately 2 1/8 miles to Seward Meridian;

Thence due South, approximately 13 miles to the place of beginning on Kenai National Wildlife Refuge boundary at the northerly right-of-way of the Sterling Highway, in Section 28, T. 5 N., R. 4 W., Seward Meridian.

Thence easterly, on the Second Standard Parallel North, approximately 1,600 feet to the closing corner of sections 2 and 3, T. 8 N., R. 6 W., Seward Meridian;

Thence southerly, between sections 2 and 3, approximately 1/2 mile to the 1/4 section corner of sections 2 and 3, T. 8 N., R. 6 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 2 and 1, approximately 2 miles to the 1/4 section corner of sections 1 and 6, T. 8 N., Rs. 5 and 6 W., Seward Meridian;

Thence southerly, between Rs. 5 and 6 W., approximately 1/2 mile to the corner of sections 1, 6, 7 and 12, T. 8 N., Rs. 5 and 6 W., Seward Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, approximately 4 miles to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 5 W., Seward Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, 22 and 23, 26 and 27, approximately 4 miles to the corner of sections 26, 27, 34 and 35, T. 8 N., R. 5 W., Seward Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 8 N., R. 5 W., Seward Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 N., R. 5 W., Seward Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 5 W., Seward Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 7 N., R. 5 W., Seward Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 7 N., Rs. 5 and 6 W., Seward Meridian;

Thence southerly, between Rs. 5 and 6 W., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 7 N., Rs. 5 and 6 W., Seward Meridian, the place of beginning.

Mystery Creek Unit

Beginning at a point on Kenai National Wildlife Refuge boundary, at the northerly right-of-way of the Sterling Highway, in section 28, T. 5 N., R. 4 W., Seward Meridian;

The following USGS quadrangle maps wereused to prepare the legal description for the Kenai National Wildlife Refuge:

KENAI NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

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The following USGS quadrangle maps wereused to prepare the legal description for the Kenai National Wildlife Refuge:

mr = minor revision
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:63,360*	Kenai (A-1) 1951 mr 1971; (A-3) 1951 mr 1969; (A-4) 1951 mr 1972; (B-1), (B-2) 1950 mr 1975; (B-3) 1950 mr 1965; (B-4) 1951 mr 1966; (C-1) 1951 mr 1978; (C-2) 1951 mr 1968; (C-3) 1951 mr 1970; (C-4) 1951 mr 1972; (D-1) 1951 mr 1967, (D-2) 1951 mr 1965; (D-3) 1951 mr 1965.
1:63,360	Tyonek (A-1) 1951 mr 1970; (A-2) 1951 mr 1973.
1:63,360*	Seward (A-8) 1951 mr 1973; (B-8) 1951 mr 1968; (C-8) 1951 mr 1976; (D-8) 1951 mr 1973.
1:63,360*	Seldovia (B-3) 1951 mr 1973; (C-1, C-2) 1953; (C-3) 1951 mr 1973; (D-1) 1953; (D-2) 1950 mr 1963; (D-3) 1951 mr 1970.

KENAI NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

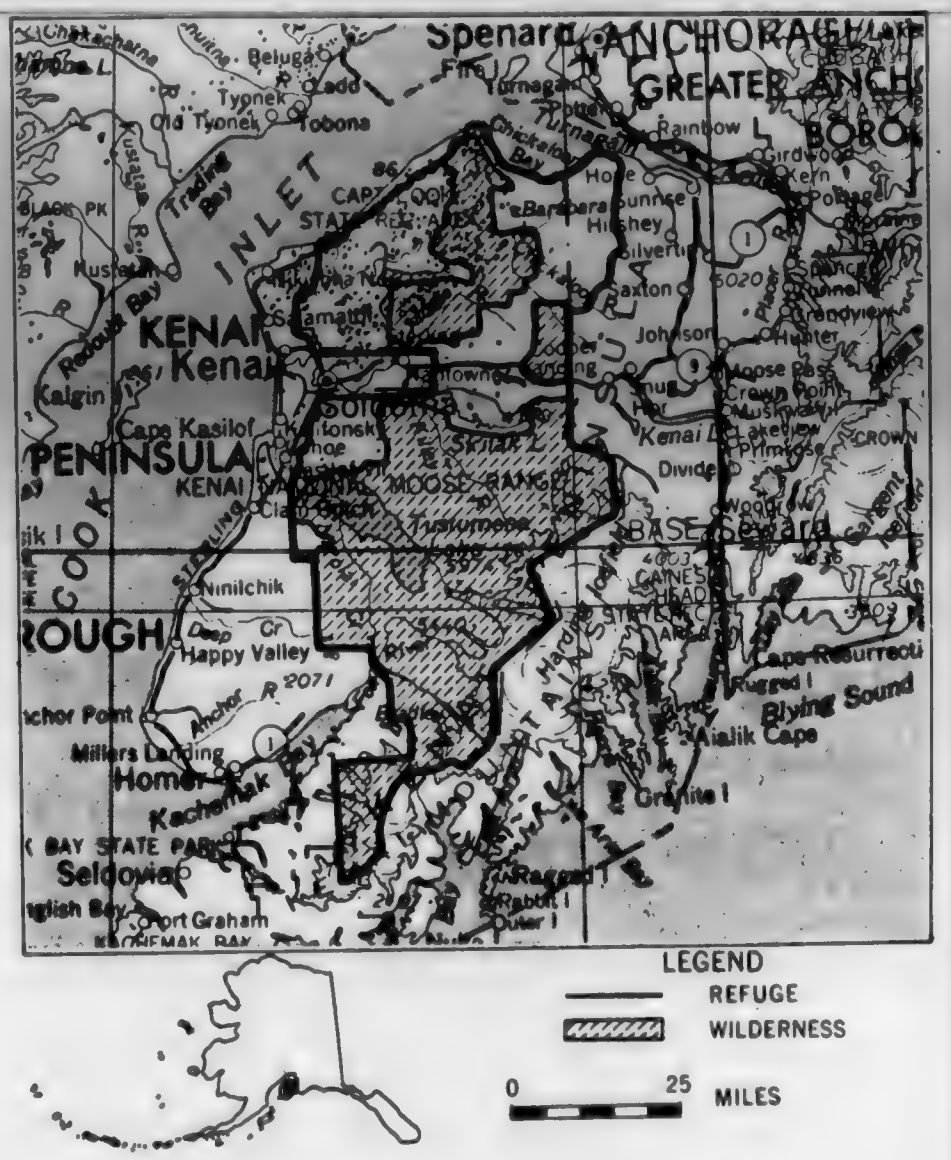

KODIAK NATIONAL WILDLIFE REFUGE

Section 303 (5):

> "The Kodiak National Wildlife Refuge shall consist of the existing Kodiak National Wildlife Refuge including lands, waters, interests, and whatever submerged lands, if any, were retained in Federal ownership at the time of statehood, which is redesignated as the Kodiak Island Unit of the Kodiak National Wildlife Refuge, and the addition of all public lands on Afognak and Ban Islands of approximately fifty thousand acres as generally depicted on the map entitled 'Kodiak National Wildlife Refuge', dated October 1978. The described public lands on Afognak Island are those incorporated in this refuge from section 1427 of this Act."

The Kodiak National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundaries:

Kodiak Island Unit

Beginning at a point on the northerly shore of Viekoda Bay, approximately 1/2 mile north from the most southerly point of said bay in section 20, T. 27 S., R. 23 W., Seward Meridian;

Thence easterly, approximately 1 mile to the divide between Viekoda Bay and a stream flowing northwesterly into said bay, near the center of section 21, T. 27 S., R. 23 W., Seward Meridian;

Thence, on an approximate forward bearing of S. 45° E., approximately 1 mile to the divide between Viekoda Bay and Kishuyak Bay, in the northwesterly portion of section 27, T. 27 S., R. 23 W., Seward Meridian;

Thence southerly along the mountainous divide which traverses the center of the island to a point approximately 7 miles north of the head of Kiliuda Bay, located in section 24, T. 32 S., R. 25 W., Seward Meridian;

Thence southerly, along the spur between two minor drainages to the shore of Kiluida Bay at Triangulation Station Head;

Thence along the mean high water line of Kodiak Island, along such major bays as Kiliuda Bay, Sitkalidak Strait, Three Saints Bay, Kaiugnak Bay, Knoll Bay, Jap Bay, Kaguyak Bay, Geese Channel, Russian Harbor, Alitak Bay, Portage Bay, Suluva Bay, Dead Mans Bay, Moser Bay, Akhiok Bay, Klempff Bay, Alitak Bay, closing Lazy Bay, to the Pacific Ocean, Seward Meridian;

Thence with the Pacific Ocean, closing Alitak Lagoon, Sukhoi Lagoon, Grant Lagoon to the meander corner between sections 26 and 35, T. 30 S., R. 33 W., Seward Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, approximately 12 miles to the quarter corner of section 26 and 35, T. 30 S., R. 31 W., Seward Meridian;

Thence northerly, along the north south centerline of sections 26, 23, 14, 11, 2, 35, 26, 23 and 14, approximately 8 1/2 miles to the meander corner on Shelikof Strait in section 14, T. 29 S., R. 31 W., Seward Meridian;

Thence along the mean high water line of Shelikof Strait, and such major bays as Uyak Bay, Amook Bay, Zachar Bay, Spiridon Bay, Shelikof Strait, Uganik Bay, Uganik Passage, Terror Bay, Uganik Passage, Viekoda Bay, to the place of beginning.

This Unit also contains all of Uganik Island, above the line of mean high tide.

This Unit excludes an area 1 mile square, surrounding each of the native village of Old Harbor, Akhiok, Larsen Bay, Uganik, Uyak, Alitak, Ayakulik and Kaguyak.

Afognak Unit

Beginning at the meander corner of sections 7 and 18, T. 22 S., R. 21 W., Seward Meridian, at the line of mean high tide of Foul Bay;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, approximately 2 1/4 miles to the corner of sections 9, 10, 15 and 16, T. 22 S., R. 21 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 22 S., R. 21 W., Seward Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 22 S., R. 21 W., Seward Meridian;

Thence northerly, between sections 1 and 2, approximately 1/2 mile to the 1/4 section corner of sections 1 and 2, T. 22 S., R. 21 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately 1/2 mile to the 1/4 section corner of sections 30 and 31, T. 20 S., R. 20 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30,

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Thence northerly, between sections 1 and 2, approximately 1/2 mile to the 1/4 section corner of sections 1 and 2, T. 22 S., R. 21 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 1, approximately 1/2 mile to the center 1/4 section corner of section 1, T. 22 S., R. 21 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 1 and 36, approximately 1 mile to the center 1/4 section corner of section 36, T. 21 S., R. 21 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 36, approximately 1/2 mile to the 1/4 section corner of sections 31 and 36, T. 21 S., Rs. 20 and 21 W., Seward Meridian;

Thence northerly, between Rs. 20 and 21 W., approximately 2 1/2 miles to the corner of sections 13, 18, 19 and 24, T. 21 S., Rs. 20 and 21 W., Seward Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 1 1/2 miles to the 1/4 section corner of sections 17 and 20, T. 21 S., R. 20 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 17, approximately 1/2 mile to the center 1/4 section corner of section 17, T. 21 S., R. 20 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 17, approximately 1/2 mile to the 1/4 section corner of sections 16 and 17, T. 21 S., R. 20 W., Seward Meridian;

Thence northerly, between sections 16 and 17, approximately 1/2 mile to the corner of sections 8, 9, 16 and 17, T. 21 S., R. 20 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1/2 mile to the 1/4 section corner of sections 9 and 16, T 21 S., R. 20 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 9 and 4, approximately 2 miles to the 1/4 section corner of section 4, T. 21 S., R. 20 W., Seward Meridian;

Thence westerly, on the Fifth Standard Parallel South, approximately 2 1/2 miles to the standard corner of sections 31 and 32, T. 20 S., R. 20 W., Seward Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 20 S., R. 20 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately 1/2 mile to the 1/4 section corner of sections 30 and 31, T. 20 S., R. 20 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximately 1/2 mile to the center 1/4 section corner of section 30, T. 20 S., R. 20 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 30, approximately 1/2 mile to the 1/4 section corner of sections 25 and 30, T. 20 S., Rs. 20 and 21 W., Seward Meridian;

Thence southerly, between Rs. 20 and 21 W., approximately 1/2 mile to the corner of sections 25, 30, 31 and 36, T. 20 S., Rs. 20 and 21 W., Seward Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 20 S., R. 21 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1/2 mile to the meander corner of sections 25 and 26, T. 20 S., R. 21 W., Seward Meridian, at the line of mean high tide of Bluefox Bay;

Thence westerly, northwesterly, southwesterly, southeasterly and southerly, along the line of mean high tide of Afognak Island, closing the mouth of Devil Inlet, to the meander corner of sections 7 and 18, T. 22 S., R. 21 W., Seward Meridian, the place of beginning.

Also included within this Unit is all of Ban Island above the line of mean high tide.

The following USGS quadrangle maps were used to prepare the legal descriptions for the Kodiak National Wildlife Refuge:

mr - minor revision

Scale of Map	Name and Date
Kodiak Island Unit	
1:63,360	Kaguyak (C-6) 1954 mr 1970; (D-5) 1952 mr 1965; (D-6) 1952 mr 1971.
1:63,360	Trinity Islands (C-1) 1952 mr 1973; (D-1) 1952 mr 1970; (D-2) 1952 mr 1963.
1:63,360	Karluk (A-1) 1952 mr 1970; (A-2) 1954; (B-2) 1952 mr 1963; (B-3) 1952 mr 1973; (C-1) 1952 mr 1967; (C-2) 1952 mr 1963.
1:63,360	Kodiak (A-3) 1949 mr 1963; (A-4) 1954; (A-5) 1952 mr 1972; (A-6) 1952 mr 1973; (B-3) 1949 mr 1964 (B-4) 1952 mr 1972; (B-5), (B-6) 1952 mr 1965; (C-3) 1952 mr 1964; (C-4) 1952 mr 1973; (C-5) 1952 mr 1965; (C-6) 1952 mr 1966; (D-3) 1947 mr 1965; (D-4), (D-5) 1952 mr 1965; (D-6) 1951 mr 1965.
Afognak Unit	
1:63,360	Afognak (B-2) 1952 mr 1969; (B-3) 1954.

KODIAK NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

Kodiak
KODIAK ISLAND
KODIAK ISLAND BOROUGH
KODIAK NATIONAL WILDLIFE REFUGE
SHELIKOF STRAIT
Cape Ikolik
Cape Alitak
Cape Trinity
Aiaktalik I
Sitkinak Strait
Old Harbor
Danger Cape
Narrow Cape
Chiniak Bay
Ugak I
Raspberry I
Uganik Bay
Uganik
Karluk
Karluk L
Amook I
KOHIAG PK
4470
ANVIL MTN
1549
Frazer
Twoheaded I
Sitkalidak I
Port William
Port Wakefield
Afognak
Paramanof
Cape Kukak
Cape Kuliuk
Kukak Bay
Katmai Bay
Kaguyak
Cape Kekurnoi
Rocky Pt
Sturgeon Head
Cape Grant
Middle Cape
Low Cape
Cape Alitak
Aiaktalik Bay
Alitak
Ayakulik
Red L
Olga
Lakes
Raspberry
Iron Creek
Port Vita
Marmot Bay
Spruce
Solander
Spiridon
Spiridon Bay
Ugak
Ugak Bay
Twoheaded
Kazigyak
Sitkalidak
Paramanof
Malina
Afognak
Afognak L
Kaguyak
Kukak
Kukak Vol.
Devils Desk
Snowy Pk
Grater
Mt Katmai
Katmai
Takli I
Takli
Kashvik Bay
Allinchak Bay
Cape Kekurnoi
Sturgeon Head
Karluk
Karluk L
Amook I
Kohiag Pk
Anvil Mtn
Red L
Olga
Lakes
Frazer
Old Harbor
Sitkalidak I
Twoheaded I
Kazigyak
Port William
Port Wakefield
Marmot Bay
Spruce
Solander
Spiridon
Spiridon Bay
Ugak
Ugak Bay
Paramanof
Malina
Afognak
Afognak L
Kaguyak
Kukak
Kukak Vol.
Devils Desk
Snowy Pk
Grater
Mt Katmai
Katmai
Takli I
Takli
Kashvik Bay
Allinchak Bay
Cape Kekurnoi
Rocky Pt
Cape Kukak
Cape Kuliuk
Kukak Bay
Katmai Bay
Kaguyak
Cape Kekurnoi
Rocky Pt
Sturgeon Head
Cape Grant
Middle Cape
Low Cape
Cape Alitak
Aiaktalik Bay
Alitak
Ayakulik
Red L
Olga
Lakes
Raspberry
Iron Creek
Port Vita
Marmot Bay
Spruce
Solander
Spiridon
Spiridon Bay
Ugak
Ugak Bay
Twoheaded
Kazigyak
Sitkalidak

KOYUKUK NATIONAL WILDLIFE REFUGE

Section 302 (5):

"The Koyukuk National Wildlife Refuge shall consist of the approximately three million five hundred and fifty thousand acres of public lands generally depicted on the map entitled 'Koyukuk National Wildlife Refuge', dated July 1980."

The Koyukuk National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the standard corner of sections 33 and 34, T. 5 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, approximately 4 1/2 miles to the 1/4 section corner of sections 9 and 10, T. 5 N., R. 24 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 9, approximately 1/2 mile to the center 1/4 section corner of section 9, T. 5 N., R. 24 E., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 9, approximately 1/2 mile to the 1/4 section corner of sections 4 and 9, T. 5 N., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 4 and 9, approximately 1/2 mile to the corner of sections 4, 5, 8 and 9, T. 5 N., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 5 and 6 N., R. 24 E., Kateel River Meridian;

Thence westerly, between Tps. 5 and 6 N., approximately 2¼ miles to the corner of Tps. 5 and 6 N., Rs. 19 and 20 E., Kateel River Meridian;

Thence northerly, between Rs. 19 and 20 E., approximately 2 3/4 miles to the summit of a mountain located between sections 19 and 24, T. 6 N., Rs. 19 and 20 E., Kateel River Meridian, approximate elevation 1,453 feet;

Thence northwesterly, along the ridge line of the Isahultila Mountains approximately 6 miles to vertical angle bench mark "BATZA" located in the northwest corner of section 26, T. 7 N., R. 19 E., Kateel River Meridian, approximate elevation 2,142 feet;

Thence due West, approximately 200 feet to a point between sections 26 and 27, T. 7 N., R. 19 E., Kateel River Meridian;

Thence northerly, between sections 26 and 27, approximately 1,300 feet to the corner of sections 22, 23, 26 and 27, T. 7 N., R. 19 E., Kateel River Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, approximately 10 miles to the corner of sections 19, 24, 25 and 30, T. 7 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence northerly between Rs. 17 and 18 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 17 and 18 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 16 and 17 E., Kateel River Meridian;

Thence northerly, between Rs. 16 and 17 E., approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 7 N., Rs. 16 and 17 E., Kateel River Meridian;

Thence westerly, between sections 1 and 12, 2 and 11, 3 and 10, approximately 3 miles to the corner of sections 3, 4, 9 and 10, T. 7 N., R. 16 E., Kateel River Meridian;

Thence southerly, between sections 9 and 10, approximately 1 miles to the corner of sections 9, 10, 15 and 16, T. 7 N., R. 16 E., Kateel River Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 7 N., R. 16 E., Kateel River Meridian;

Thence southerly, between sections 16 and 17, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 7 N., R. 16 E., Kateel River Meridian;

Thence westerly, between sections 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, approximately 5 miles to the corner of sections 15, 16, 21 and 22, T. 7 N., R. 15 E., Kateel River Meridian;

Thence easterly and northeasterly, along the ridge line, approximately 10 1/4 miles to a point on the south boundary of section 32, T. 5 N., R. 4 E., Kateel River Meridian;

Thence easterly, on the First Standard Parallel North, approximately 11 1/2 miles to the closing corner of T. 4 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 12 miles to the corner of Tps. 2 and 3 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 N., approximately 6 miles to the corner of Tps. 2 and 3 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence southerly, between Rs. 4 and 5 E., approximately 10 miles to the corner of sections 19, 24, 25 and 30, T. 1 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 1 N., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 1 N., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 26 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 1 N., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the standard corner of sections 34 and 35, T. 1 N., R. 4 E., Kateel River Meridian;

Thence westerly, on the Kateel River Base Line, approximately 1/4 mile to the closing corner of sections 2 and 3, T. 1 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, approximately 3 1/2 miles to the 1/4 section corner of sections 22 and 23, T. 1 S., R. 4 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 22, approximately 1 mile to the 1/4 section corner of sections 21 and 22, T. 1 S., R. 4 E., Kateel River Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 7 N., R. 15 E., Kateel River Meridian;

Thence westerly, between sections 4 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 7 N., R. 15 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 15 E., Kateel River Meridian;

Thence westerly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 7 and 8 N., R. 15 E., Kateel River Meridian;

Thence northerly, between sections 31 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 8 N., R. 15 E., Kateel River Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 8 N., R. 14 E., Kateel River Meridian;

Thence northwesterly, along the ridge line of the Zane Hills, approximately 11 1/2 miles to to the summit of a mountain located in sections 14 and 15, T. 9 N., R. 13 E., Kateel River Meridian, approximate elevation 5,520 feet;

Thence southwesterly, along a ridge, approximately 4 miles to a point between sections 31 and 36, T. 9 N., Rs. 12 and 13 E., Kateel River Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 3/4 miles to the standard corner of T. 9 N., Rs. 12 and 13 E., Kateel River Meridian;

Thence westerly, on the Second Standard Parallel North, approximately 36 miles to the standard corner of T. 9 N., Rs. 6 and 7 E., Kateel River Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 6 miles to the corner of Tps. 9 and 10 N., Rs. 6 and 7 E., Kateel River Meridian;

Thence westerly, between Tps. 9 and 10 N., approximately 6 miles to the corner of Tps. 9 and 10 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence northerly, between Rs. 5 and 6 E., approximately 6 miles to a point on the Continental Divide between sections 1 and 6, T. 10 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence southwesterly, northeasterly and southerly, along the Continental Divide, approximately 88 miles to a junction of ridges located in the northerly portion of section 25, T.4 N., R. 2 E., Kateel River Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, approximately 1 mile to the 1/4 section corner of sections 27 and 28, T. 1 S., R. 4 E., Kateel River Meridian;

Thence westerly, along the east and west centerline of section 28, approximately 1 mile to the 1/4 section corner of sections 28 and 29, T. 1 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 10 and 15, T. 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 10 and 15, approximately 1/2 mile to the

Thence southerly, between sections 21 and 22, 27 and 28, approximately 1 mile to the 1/4 section corner of sections 27 and 28, T. 1 S., R. 4 E., Kateel River Meridian;

Thence westerly, along the east and west centerline of section 28, approximately 1 mile to the 1/4 section corner of sections 28 and 29, T. 1 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 1 mile to the 1/4 section corner of sections 32 and 33, T. 1 S., R. 4 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 32, approximately 1/2 mile to the center 1/4 section corner of section 32, T. 1 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 32, approximately 1/2 mile to the 1/4 section corner of sections 5 and 32, Tps. 1 and 2 S., R. 4 E., Kateel River Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 4 1/2 miles to the corner of Tps. 1 and 2 S., Rs. 4 and 5 E., Kateel River Meridian;

Thence southerly, between Rs. 4 and 5 E., approximately 5 1/2 miles to the 1/4 section corner of sections 31 and 36, T. 2 S., Rs. 4 and 5 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 36, approximately 1 mile to the 1/4 section corner of sections 35 and 36, T. 2 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 35 and 36, approximately 1/2 mile to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 2 and 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 3 and 10, approximately 1/2 mile to the 1/4 section corner of sections 3 and 10, T. 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 10 and 15, T. 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 10 and 15, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, approximately 1 1/2 miles to the 1/4 section corner of sections 21 and 22, T. 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 21, approximately 1/2 mile to the center 1/4 section corner of section 21, T. 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 21, approximately 1/2 mile to the 1/4 section corner of sections 21 and 28, T. 3 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 21 and 28, approximately 1/2 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of section 28, 29, 32 and 33, T. 3 S., R. 4 E., Kateel River Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 3 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, 9 and 10, 15 and 16, approximately 4 miles to the corner of sections 15, 16, 21 and 22, T. 4 S., R. 4 E., Kateel River Meridian;

Thence easterly, between sections 15 and 22, 14 and 23, approximately 2 miles to the corner of sections 13, 14, 23 and 24, T. 4 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 23 and 24, 25 and 26, 35 and 36, approximately 3 miles to the standard corner of sections 35 and 36, T. 4 S., R. 4 E., Kateel River Meridian;

Thence westerly, on the First Standard Parallel South, approximately 3/4 miles to the 1/4 section corner of section 2, T. 5 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 2, approximately 1 mile to the 1/4 section corner of sections 2 and 11, T. 5 S., R. 4 E., Kateel River Meridian;

Thence southerly, between Rs. 8 and 9 E., approximately 6 miles to the corner of Tps. 6 and 7 S., Rs. 8 and 9 E., Kateel River Meridian;

Thence easterly, between Tps. 6 and 7 S., approximately 6 miles to the corner of Tps. 6 and 7 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence southerly, between Rs. 9 and 10 E., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 E., approximately 12 miles to the corner of Tps. 5 and 6 S., Rs. 10 and 11 E., Kateel River Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 18 miles to the corner of Tps. 5 and 6 S., Rs. 13 and 14 E., Kateel River Meridian;

Thence northerly, between Rs. 13 and 14 E., approximately 6 miles to the closing corner of T. 5 S., Rs. 13 and 14 E., Kateel River Meridian;

Thence easterly, on the First Standard Parallel South, approximately 4 miles to the standard corner of sections 33 and 34, T. 4 S., R. 14 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16 approximately 10 miles to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 14 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 61 1/2° E., approximately 16,900 feet to the summit of a mountain located in the easterly portion of section 1, T. 3 S., R. 14 E., Kateel River Meridian, approximate elevation 875 feet;

Thence on an approximate forward bearing of N. 76 3/4° E., approximately 6,100 feet to the summit of a mountain located in sections 4 and 32, Tps. 2 and 3 S., R. 15 E., Kateel River Meridian, approximate elevation 820 feet;

Thence on an approximate forward bearing of N. 20° E., approximately 5,200 feet to the summit of a mountain in the northeast quarter of section 32, T. 2 S., R. 15 E., Kateel River Meridian, approximate elevation 885 feet;

Thence on an approximate forward bearing of N. 80° E., approximately 13,100 feet to the summit of a mountain located in the westerly portion of section 26, T. 2 S., R. 15 E., Kateel River Meridian, approximate elevation 1,020 feet;

Thence on an approximate forward bearing of N. 55° E., approximately 3,800 feet to a knoll in the easterly portion of section 26, T. 2 S., R. 15 E., Kateel River Meridian;

Thence on an approximate forward bearing of East, approximately 15,200 feet to the summit of Hochandochtla Mountain, section 35, T. 2 N., R. 19 E., Kateel River Meridian;

Thence westerly, between sections 2 and 11, 3 and 10, approximately 1 1/2 miles to the corner of sections 3, 4, 9 and 10, T. 5 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, approximately 2 miles to the corner of sections 13, 16, 21 and 22, T. 5 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16 17, 20 and 21, T. 5 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 20 and 21, 28 and 29, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 5 S., R. 4 E., Kateel River Meridian;

Thence westerly, between sections 29 and 32, approximately 1/2 mile to the 1/4 section corner of sections 29 and 32, T. 5 S., R. 4 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 32, approximately 1 mile to the 1/4 section corner of sections 5 and 32, Tps. 5 and 6 S., R. 4 E., Kateel River Meridian;

Thence westerly, between Tps. 5 and 6 S., approximately 1/2 mile to the corner of sections 5, 6, 31 and 32, Tps. 5 and 6 S., R. 4 E., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, approximately 3 miles to the corner of sections 17, 18, 19 and 20, T. 6 S., R. 4 E., Kateel River Meridian;

Thence easterly, between sections 17 and 20, 16 and 21, 15 and 22, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 6 S., R. 4 E., Kateel River Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 6 S., R. 4 E., Kateel River Meridian;

Thence easterly, between sections 1 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 6 S., R. 4 E., Kateel River Meridian;

Thence northerly, between sections 11 and 12, 1 and 2, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 5 and 6 S., R. 4 E., Kateel River Meridian;

Thence easterly, between Tps. 5 and 6 S., approximately 25 miles to the corner of Tps. 5 and 6 S., Rs. 8 and 9 E., Kateel River Meridian;

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Thence on an approximate forward bearing of N. 58° E., approximately 3,800 feet to a knoll in the easterly portion of section 26, T. 2 S., R. 15 E., Kateel River Meridian;

Thence on an approximate forward bearing of S. 62 1/2° E., approximately 8,500 feet to a point on the left bank of an unnamed stream, it crosses the section line between sections 30 and 31, T. 2 S., R. 16 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 40 1/2° E., approximately 4,600 feet to the summit of a mountain located in the northerly portion of section 32, T. 2 S., R. 16 E., Kateel River Meridian, approximate elevation 1,104 feet;

Thence on an approximate forward bearing of N. 57 3/4° E., approximately 16,900 feet to the summit of a mountain located in section 23, T. 2 S., R. 16 E., Kateel River Meridian, approximate elevation 1,222 feet;

Thence on an approximate forward bearing of N. 88 3/4° E., approximately 10,000 feet to the summit of a mountain located in the westerly portion of section 19, T. 2 S., R. 17 E., Kateel River Meridian, approximate elevation 1,640 feet;

Thence on an approximate forward bearing of N. 64° E., approximately 13,000 feet to the summit of a mountain located in the central portion of section 16, T. 2 S., R. 17 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 43° E., approximately 3,600 feet to the summit of a mountain located in sections 9 and 16, T. 2 S., R. 17 E., Kateel River Meridian, approximate elevation 2,235 feet;

Thence on an approximate forward bearing of N. 28° E., approximately 7,100 feet to the summit of a mountain located in the southerly portion of section 3, T. 2 S., R. 17 E., Kateel River Meridian;

Thence due east, approximately 1 1/2 miles to a point in the section line of sections 1 and 2, T. 2 S., R. 17 E., Kateel River Meridian;

Thence northerly, between sections 1 and 2 approximately 3/4 mile to the corner of sections 1, 2, 35 and 36, Tps. 1 and 2 S., R. 17 E., Kateel River Meridian;

Thence easterly, between Tps. 1 and 2 S., approximately 1/2 mile to a point on the crest of a ridge leading southerly from the summit of Dulbatna Mountain, sections 1 and 2, Tps. 1 and 2 S., R. 17 E., Kateel River Meridian;

Thence northerly, northeasterly, and easterly, following the crest of the divide between the Nayuka River and the Dulbi River approximately 18 miles to the summit of a mountain in the central portion of section 32, T. 2 N., R. 19 E., Kateel River Meridian, approximate elevation 1,880 feet;

Thence on an approximate forward bearing of East, approximately 15,200 feet to the summit of Hochandocntla Mountain, section 35, T. 2 N., R. 19 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 50° E., approximately 10,600 feet to the summit of a mountain in the northeasterly portion of section 25, T. 2 N., R. 19 E., Kateel River Meridian, approximate elevation 3,126 feet;

Thence on an approximate forward bearing of S. 61 1/2° E., approximately 21,900 feet to the summit of a mountain in the northerly portion of section 3, T. 1 N., R. 20 E., Kateel River Meridian, approximate elevation 2,105 feet;

Thence on an approximate forward bearing of N. 25° E., approximately 6,300 feet to the summit of a mountain in the northeast corner of section 34, T. 2 N., R. 20 E., Kateel River Meridian, approximate elevation 2,108 feet;

Thence on an approximate forward bearing of N. 52 1/2° E., approximately 14,800 feet to the summit of a mountain on the line between sections 19 and 14, T. N., Rs. 20 and 21 E., Kateel River Meridian;

Thence on an approximate forward bearing of S. 60° E., approximately 19,600 feet to the summit of a mountain located in the westerly portion of section 34, T. 2 N., R. 21 E., Kateel River Meridian, approximate elevation 1,764 feet;

Thence on an approximate forward bearing of N. 41 1/2° E., approximately 10,800 feet to the summit of a mountain located in the southerly portion of section 23, T. 2 N., R. 21 E., Kateel River Meridian, approximate elevation 2,414 feet;

Thence northeasterly and easterly, following the crest of a ridge approximately 18,500 feet to a summit on the ridge in the central portion of section 17, T. 2 N., R. 22 E., Kateel River Meridian, approximate elevation 2,209 feet;

Thence on an approximate forward bearing of N. 54° E., approximately 26,700 feet to a summit on the ridge in section 36, T. 3 N., R. 22 E., Kateel River Meridian, approximate elevation 1,620 feet;

Thence on an approximate forward bearing of N. 35 1/2° E., approximately 10,700 feet to a summit on the ridge in the southeasterly portion of section 19, T. 3 N., R. 23 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 50° E., approximately 19,40 feet to a summit on the ridge near the center of section 10, T. 3 N., R. 23 E., Kateel River Meridian;

Thence on as forward bearing of approximately S. 75° E., approximately 1,800 feet to a summit on the ridge in the easterly portion of section 10 T. 3 N., R. 23 E., Kateel River Meridian, approximate elevation 2,745 feet;

Thence on an approximate forward bearing of N. 66° E., approximately 12,800 feet to Vertical Angle Bench Mark "Flat" in the westerly portion of section 6, T. 3 N., R. 24 E., Kateel River Meridian, approximate elevation 3,214 feet;

Thence on an approximate forward bearing of N. 19° E., approximately 1,700 feet to a summit on the ridge in the northwestery portion of section 6, T. 3 N., R. 24 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 63 1/2° E., approximately 7,000 feet to a summit on the ridge in the southerly portion of section 32, T. 4 N., R. 24 E., Kateel River Meridian, approximate elevation 2,640 feet;

Thence on a forward bearing of approximately N. 18° E., approximately 8,400 feet to a summit on the ridge in the northwesterly portion of section 28, T. 4 N., R. 24 E., Kateel River Meridian, approximate elevation 1,930 feet;

Thence on an approximate forward bearing of approximately N. 80° E., approximately 6,100 feet to a summit on the ridge between sections 22 and 27, T. 4 N., R. 24 E., Kateel River Meridian, approximate elevation 1,560 feet;

Thence on an approximate forward bearing of N. 24° E., approximately 23,300 feet the standard corner of sections 33 and 34, T. 5 N., R. 24 E., Kateel River Meridian, the place of beginning.

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE KOYUKUK NATIONAL WILDLIFE REFUGE:

Section 702 (8):

"Koyukuk Wilderness of approximately four hundred thousand acres as generally depicted on a map entitled 'Koyukuk National Wildlife Refuge', dated July 1980."

The Koyukuk Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the closing corner of T. 4 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 12 miles to the corner of Tps. 2 and 3 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence westerly, between Tps. 2 and 3 N., approximately 5 3/4 miles to the meander corner of sections 6 and 31, Tps. 2 and 3 N., R. 5 E., Kateel River Meridian, at the line of mean high water on the left bank of the Kateel River;

Thence southeasterly, easterly and northeasterly along the left bank of the Kateel River and the right bank of the Koyukuk River, approximately 76 miles to the meander corner of sections 25 and 30, T. 2 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 16 3/4 miles to the closing corner of T. 4 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, along the First Standard Parallel North, approximately 3/4 mile to the standard corner of T. 5 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence northerly, between Rs. 9 and 10 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 4 miles to the corner of sections 16, 17, 20 and 21, T. 5 N., R. 9 E., Kateel River Meridian;

Thence southerly, between sections 20 and 21, approximately 1/2 mile to the 1/4 section corner of sections 20 and 21, T. 5 N., R. 9 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 20, approximately 1 mile to the 1/4 section corner of sections 19 and 20, T. 5 N., R. 9 E., Kateel River Meridian;

Thence southerly, between sections 19 and 20, approximately 1/2 mile to the corner of sections 19, 20, 29 and 30, T. 5 N., R. 9 E., Kateel River Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30 approximately 7 miles to the corner of sections 19, 24, 25 and 30, T. 5 N., Rs. 7 and 8 E., Kateel River Meridian;

Thence northerly, between Rs. 7 and 8 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 5 N., Rs. 7 and 8 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 5 N., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 15 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 5 N., R. 7 E., Kateel River Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 5 N., R. 7 E., Kateel River Meridian;

Thence northerly, between sections 8 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 5 N., R. 7 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, approximately 4 1/2 miles to the 1/4 section corner of sections 3 and 10, T. 5 N., R. 6 E., Kateel River Meridian;

The following USGS quadrangle maps were used to prepare the legal description for the Koyukuk National Wildlife Refuge:

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Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, approximately 4 1/2 miles to the 1/4 section corner of sections 3 and 10, T. 5 N., R. 6 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 10 and 15, T. 5 N., R. 6 E., Kateel River Meridian;

Thence westerly, between sections 10 and 15, 9 and 16, approximately 1 mile to the 1/4 section corner of sections 9 and 16, T. 5 N., R. 6 E, Kateel River Meridian;

Thence southerly, on the north and south centerline of section 16, approximately 1 mile to the 1/4 section corner of sections 16 and 21, T. 5 N., R. 6 E., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, approximately 1 mile to the 1/4 section corner of sections 17 and 20, T. 5 N., R. 6 E., Kateel River Meridian;

Thence southerly, on the north and south centerline of section 20, approximately 1/2 mile to the center 1/4 section corner of section 20, T. 5 N., R. 6 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 20, approximately 1/2 mile to tne 1/4 section corner of sections 19 and 20, T. 5 N., R. 6 E., Kateel River Meridian;

Thence southerly, between sections 19 and 20, approximately 1/2 mile to the corner of sections 19, 20, 29 and 30, T. 5 N., R. 6 E., Kateel River Meridian;

Thence westerly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 5 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence southerly, between Rs. 5 and 6 E., approximately 2 miles to the standard corner of T. 5 N., Rs. 5 and 6 E., Kateel River Meridian;

Thence westerly, along the First Standard Parallel North, approximately 2,200 feet to the closing corner of T. 4 N., Rs. 5 and 6 E., Kateel River Meridian, the place of beginning.

The following USGS quadrangle maps were used to prepare the legal description for the Koyukuk National Wildlife Refuge:

mr - minor revision
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:250,000	Shungnak 1955 mr 1974.
1:250,000	Hughes 1956 mr 1965.
1:63,360*	Kateel River (A-1) 1952 mr 1972; (A-2) 1952 mr 1973; (A-3) 1952; (A-4) 1952 mr 1973; (A-4) 1954 mr 1973; (B-2) 1952 mr 1971; (B-3) 1952 mr 1973; (B-4) 1952; (B-5) 1954 mr 1962; (C-2) 1954 mr 1973; (C-4) 1954 mr 1966; (C-5) 1955 mr 1972; (D-2) 1955 mr 1963; (D-3) 1954 mr 1963; (D-4) 1954 mr 1971; (D-5) 1954.
1:63,360	Nulato (D-2) 1954 mr 1965; (D-3) 1954 mr 1966; (D-4) 1952 mr 1969; (D-5) 1952.
1:63,360	Melozitna (A-6) 1952 mr 1966; (B-5) 1954 mr 1973; (B-6) 1954 mr 1966; (C-2) 1956; (C-3) 1954 mr 1965; (C-4) 1954 mr 1966; (C-5) 1954; (D-3) 1954 mr 1963; (D-4) 1954; (D-5) 1954 mr 1966.

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KOYUKUK NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

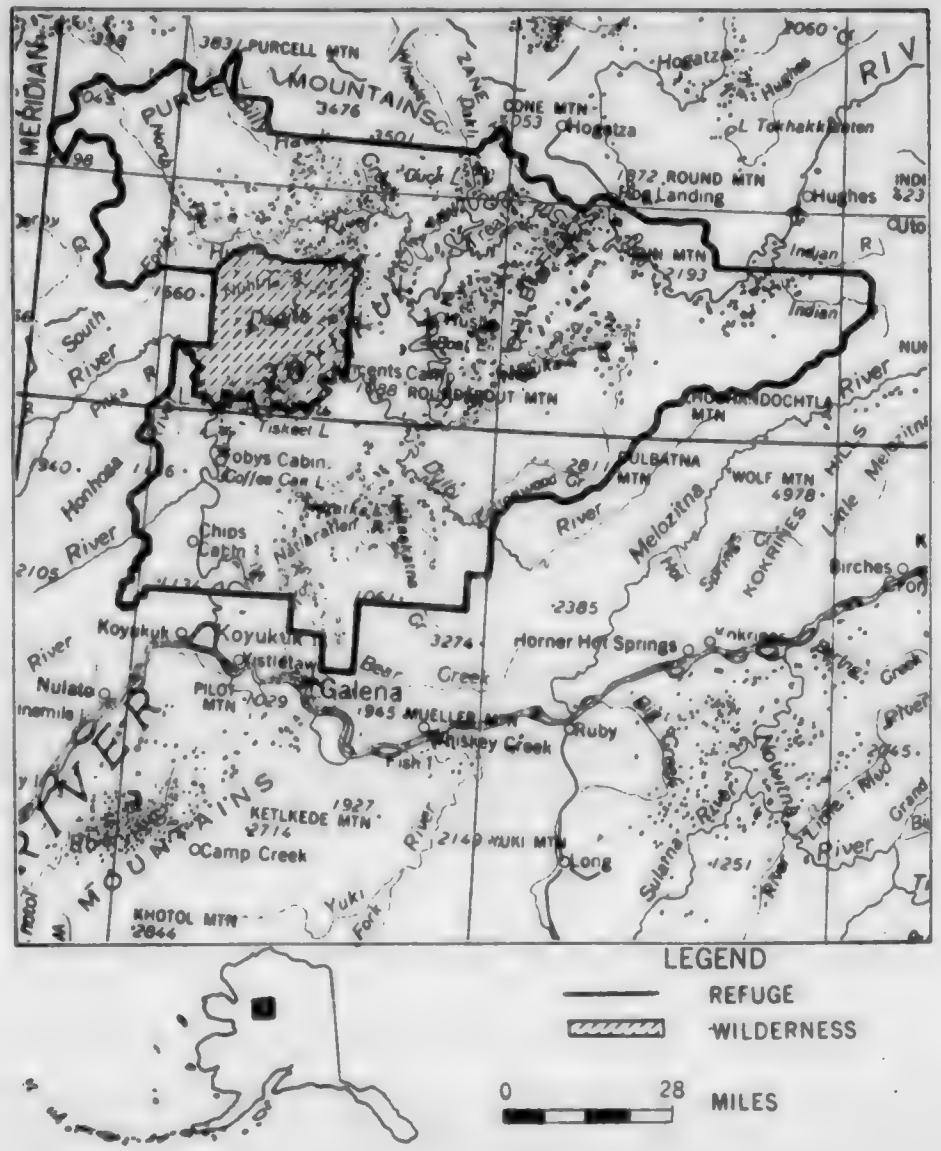

NOWITNA NATIONAL WILDLIFE REFUGE

Section 302 (6):

> "The Nowitna National Wildlife Refuge shall consist of the approximately one million five hundred and sixty thousand acres of public lands generally depicted in a map entitled 'Nowitna National Wildlife Refuge', dated July 1980."

The Nowitna National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the point for the closing corner of T. 9 S., Rs. 18 and 19 E., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 E., approximately 18 miles to the corner of Tps. 11 and 12 S., Rs. 18 and 19 E., Kateel River Meridian;

Thence easterly, between Tps. 11 and 12 S., approximately 18 miles to the corner of Tps. 11 and 12 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 6 miles to the standard corner of T. 12 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 4 1/2 miles to the closing corner of T. 13 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence southerly, between Rs. 22 and 23 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T., 13 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 13 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 13 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 13 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 4 miles to the corner of sections 33, 34, T. 15 S., R. 23 E., Kateel River Meridian;

Thence westerly, between Tps. 15 and 16 S., approximately 3 miles to the corner of Tps. 15 and 16 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 E., approximately 1 mile to the corner

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 13 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 4 miles to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 23 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 13 and 14 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 14 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 8 miles to the corner of sections 13, 18, 19 and 24, T. 14 S., Rs. 24 and 25 E., Kateel River Meridian;

Thence southerly, between Rs. 24 and 25 E., approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 15 S., Rs. 24 and 25 E., Kateel River Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 15 S., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 23 and 26, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 15 S., R. 24 E., Kateel River Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 15 S., R. 24 E., Kateel River Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 15 and 16 S., R. 24 E., Kateel River Meridian;

Thence westerly, between Tps. 15 and 16 S., approximately 3 miles to the corner of Tps. 15 and 16 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence southerly, between Rs. 23 and 24 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12 T. 16 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 11 and 12, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 11 and 14, 10 and 15, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 16 and 21, 17 and 20, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 23 E., Kateel River Meridian;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 16 S., R. 23 E., Kateel River Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 16 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 16 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 26 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 16 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the standard corner of sections 34 and 35, T. 16 S., R. 22 E., Kateel River Meridian;

Thence westerly, on the Fourth Standard Parallel South, approximately 3 1/2 miles to the closing corner of sections 4 and 5, T. 17 S., R. 22 E., Kateel River Meridian;

Thence southerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 17 S., R. 22 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7 approximately 2 miles to the corner of sections 1, 6, 7 and 12, T. 17 S., Rs. 22 E., Kateel River Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 8 miles to the corner of sections 13, 18, 19 and 24, T. 18 S., Rs. 21 and 22 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 18 S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 18 S., R. 22 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 18 S., R. 22 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 17 and 18 S., R. 22 E., Kateel River Meridian;

Thence easterly, between Tps. 17 and 18 S., approximately 3 miles to the corner of Tps. 17 and 18 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence northerly, between Rs. 22 and 23 E., approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 17 S., Rs. 22 and 23 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, approximately 4 miles to the corner of sections 22, 23, 26 and 27, T. 17 S., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 17 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 17 S., R. 23 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 17 S., R. 23 E., Kateel River Meridian;

Thence easterly, between sections 12 and 13, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 17 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence northerly, between Rs. 23 and 24 E., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 17 S., Rs. 23 and 24 E., Kateel River Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 17 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the closing corner of sections 4 and 5, T. 17 S., R. 24 E., Kateel River Meridian;

Thence easterly, on the Fourth Standard Parallel South, approximately 1 3/4 miles to the standard corner of sections 32 and 33, T. 16 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 28 and 33, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 16 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 16 S., R. 24 E., Kateel River Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 16 S., R. 24 E., Kateel River Meridian;

Thence easterly, between sections 13 and 24, 18 and 19, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 17 and 18, 7 and 8, approximately 2 miles to the corner of sections ;5, 6, 7 and 8 T. 16 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 S., R. 25 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 13 and 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 15 and 16 S., R. 25 E., Kateel River Meridian;

Thence easterly, between Tps. 15 and 16 S., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 15 and 16 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 15 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 15 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 22 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 15 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 14 and 23, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 15 S., R. 25 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, 35 and 36, approximately 4 miles to the corner of sections 25, 26, 35 and 36, T. 14 S., R. 25 E., Kateel River Meridian;

Thence easterly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 14 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence northerly, between Rs. 25 and 26 E., approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 14 S., Rs. 25 and 26 E., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 8 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 14 S., R. 26 E., Kateel River Meridian;

Thence easterly, between sections 4 and 9, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 S., R. 26 E., Kateel River Meridian;

Thence easterly, between Tps. 13 and 14 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 13 and 14 S., R. 26 E., Kateel River Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 13 S., R. 26 E., Kateel River Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25, 30, T. 13 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, approximately 2 miles to the corner of sections 16, 17, 20 and 21, T. 13 S., R. 27 E., Kateel River Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, 4 and 5, approximately 3 miles to the closing corner of sections 4 and 5, T. 13 S., R. 27 E., Kateel River Meridian;

Thence westerly, on the Third Standard Parallel South, approximately 100 feet to the standard corner of T. 12 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 12 S., Rs. 26 and 27 E., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, 27 and 34, 26 and 35, 25 and 36, approximately 6 miles to the corner of sections 25, 30 31 and 36, T. 12 S., Rs. 27 and 28 E., Kateel River Meridian;

Thence southerly, between Rs. 27 and 28 E., approximately 1 mile to the standard corner of T. 12 S., Rs. 27 and 28 E., Kateel River Meridian;

Thence easterly, on the Third Standard Parallel South, approximately 1 mile to the closing corner of sections 3 and 4, T. 13 S., R. 28 E., Kateel River Meridian;

Thence southerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 13 S., R. 28 E., Kateel River Meridian;

Thence easterly, between sections 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, approximately 9 3/4 miles to the corner of sections 6 and 7, T. 13 S., R. 30 E., on the east boundary of the Kateel River Meridian;

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Thence southerly, between the Fairbanks and Kateel River Meridians, approximately 200 feet to the 1/4 section corner of section 19, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 19, approximately 1 mile to the 1/4 section corner of sections 19 and 20, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 19 and 20, 17 and 18, approximately 1 mile to the 1/4 section corner of sections 17 and 18, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, on the east and west centerline of section 17, approximately 1 mile to the 1/4 section corner of sections 16 and 17, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 16 and 17, 8 and 9, approximately 1 1/2 miles to the corner of sections 4, 5, 8 and 9, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 4 and 5, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 6 S., R. 27 W., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 5 S., R. 27 W., Fairbanks Meridian;

Thence easterly, between sections 27 and 34, 26 and 35, 25 and 36, approximately 3 miles to the corner of sections 25, 30, 31 and 36, T. 5 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., approximately 4 miles to the corner of sections 1, 6, 7 and 12, T. 5 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence easterly, between sections 6 and 7, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 5 S., R. 26 W., Fairbanks Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the closing corner of sections 5 and 6, T. 5 S., R. 26 W., Fairbanks Meridian;

Thence easterly, on the First Standard Parallel South, approximately 500 feet to the standard corner of sections 33 and 34, T. 4 S., R. 26 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 18 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 26 W., Fairbanks Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., approximately 6 miles to the closing corner of T. 1 S., Rs. 26 and 27 W., Fairbanks Meridian;

Thence westerly, on the Fairbanks Base Line, approximately 2 miles to the standard corner of T. 1 N., Rs. 26 and 27 W., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 W., approximately 22 miles to the meander corner of sections 13 and 18, T. 4 N., Rs. 26 and 27 W., Fairbanks Meridian, on the left bank of the Yukon River;

Thence southwesterly, along the left bank of the Yukon River, approximately 93 miles to the meander corner on the south boundary of section 32, T. 8 S., R. 17 E., Kateel River Meridian;

Thence easterly, on the Second Standard Parallel South, approximately 9 1/2 miles to the closing corner of T. 9 S., Rs. 18 and 19 E., Kateel River Meridian, the place of beginning.

All islands located in the Yukon River from section 7, T. 4 N., R. 26 W., Fairbanks Meridian, southwestely to section 32, T. 8 S., R. 17 E., Kateel River Meridian, including all of Darvin Island, are included in the Nowitna National Wildlife Refuge.

UNITS OF THE NATIONAL WILD AND SCENIC RIVER SYSTEM
WITHIN THE NOWITNA NATIONAL WILDLIFE REFUGE

Designated Wild River:

Section 602:

> "Nowitna, Alaska--That portion from the point where the river crosses the west limit of township 18 south, range 22 east, Kateel River meridian, to its confluence with the Yukon River within the boundaries of the Nowitna National Wildlife Refuge; to be administered by the Secretary of the Interior."

NOTE: The boundary of the Nowitna Wild river corridor will be determined during the comprehensive conservation planning process for the Nowitna National Wildlife Refuge and will be published upon completion of that plan (due by December 1987).

The following USS quadrangle maps were used to prepare the legal description for the Nowitna National Wildlife Refuge:

NOWITNA NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

The following USS quadrangle maps were used to prepare the legal description for the Nowitna National Wildlife Refuge:

mr - minor revision

Scale of Map	Name and Date
1:63,360	Melozitna (A-1) 1952 mr 1971; (A-2) 1953 mr 1973; (A-3) 1954 mr 1966.
1:63,360	Tanana (A-6) 1952 mr 1969.
1:63,360	Ruby (A-2), (A-3), (A-4) 1952; (B-1), (B-2) 1952 mr 1973; (B-3) 1953 mr 1966; (B-4), (B-5), (C-5), (D-3) 1952; (D-4) 1953 mr 1966; (D-5) 1952.
1:63,360	Kantishna River (B-6) 1952; (C-6), (D-6) 1952 mr 1973.
1:63,360	Hedfra (D-3), (D---4) 1954.

NOWITNA NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

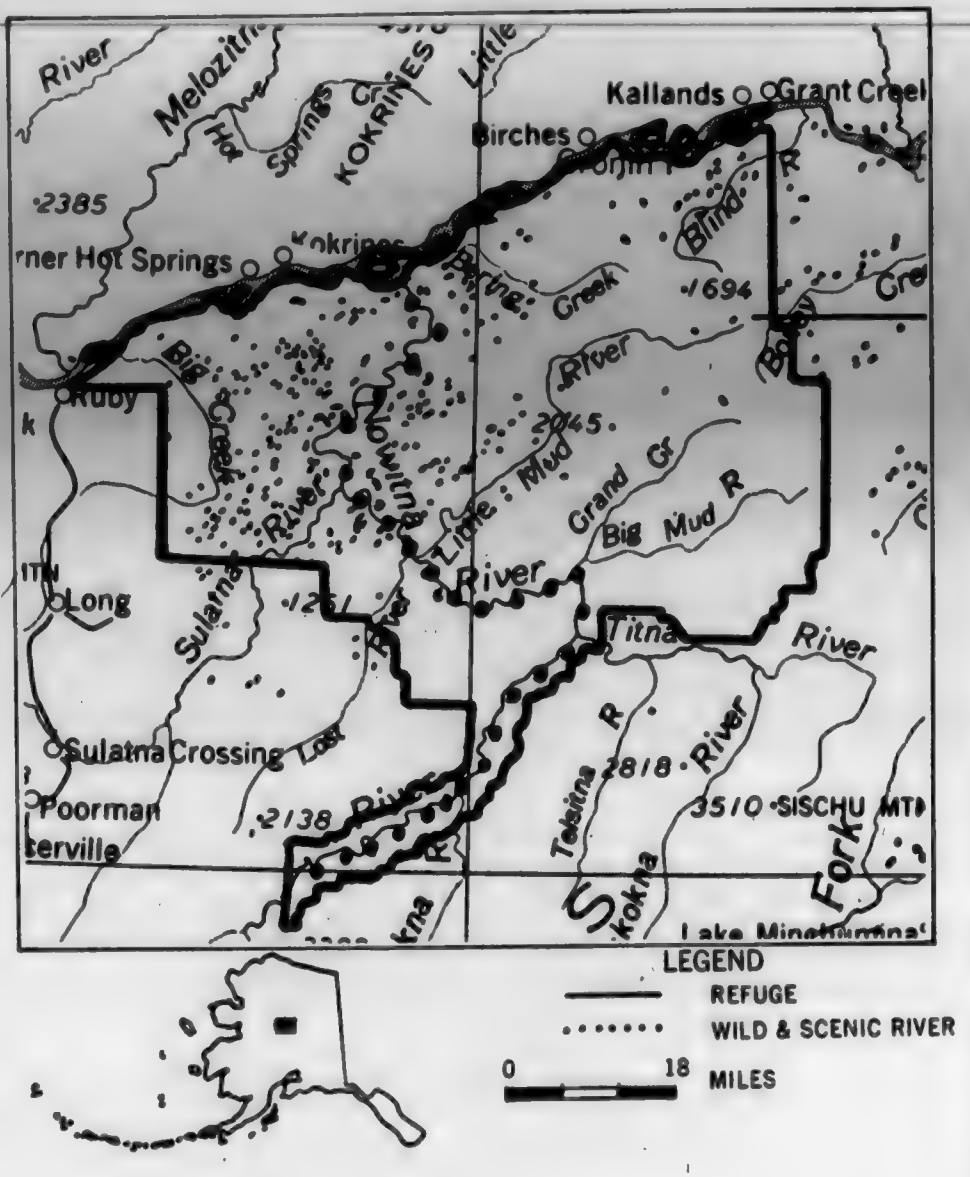

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SELAWIK NATIONAL WILDLIFE REFUGE

Section 302 (7):

"The Selawik National Wildlife Refuge shall consist of the approximately two million one hundred and fifty thousand acres of public land generally depicted on the map entitled 'Selawik National Wildlife Refuge', dated July 1980. No lands conveyed to any Native Corporation shall be considered to be within the boundaries of the refuge; except that if any such corporation desires to convey any such lands, the Secretary may acquire such lands with the consent of the owner and any such acquired lands shall become public lands of the refuge."

The Selawik National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the corner of sections 19, 24, 25 and 30, T. 7 N., Rs. 1 E. and 1 W., Kateel River Meridian;

Thence northerly, approximately 2 3/4 miles to vertical angle bench mark "Grizzly" located on the summit of a mountain between sections 7 and 12, T. 7 N., Rs. 1 E. and 1 W., Kateel River Meridian, approximate elevation 2,398 feet;

Thence northeasterly, along the crest of a ridge, approximately 2 miles to a point of intersection with the Continental Divide located in the southwesterly portion of section 32, T. 8 N., R. 1 E., Kateel River Meridian; approximate elevation 1,700 feet;

Thence northerly and northeasterly, along the Continental Divide, approximately 28 miles to a point between sections 25 and 30, T. 10 N., Rs. 3 and 4 E., Kateel River Meridian, approximate elevation 1,100 feet;

Thence northerly, between Rs. 3 and 4 E., approximately 8 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 3 and 4 E., Kateel River Meridian;

Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 5 miles to the corner of sections 19, 24, 25 and 30, T. 12 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, E., approximately 30 miles to the corner of sections 19, 24, 25 and 30, T. 12 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence southerly, between Rs. 9 and 10 E., approximately 4 miles to the corner of sections 7, 12, 13 and 18, T. 11 N., Rs. 9 and 10 E., Kateel River Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, 10 and 15, 11 and 14, 12 and 13, approximately 6 miles to the corner of sections 7, 12, 13 and 18, T. 11 N., Rs. 10 and 11 E., Kateel River Meridian;

Thence northerly, between Rs. 10 and 11 E., approximately 7 miles to the corner of Tps. 11 and 12 N., Rs. 10 and 11 E., Kateel River Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 12 N., R. 11 E., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 12 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, approximately 4 miles to the closing corner of sections 1 and 2, T. 12 N., R. 11 E., Kateel River Meridian;

Thence westerly, along the Third Standard Parallel North, approximately 1 mile to the standard corner of sections 33 and 34, T. 13 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 13 N., R. 11 E., Kateel River Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 13 N., R. 11 E., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, approximately 3 miles to the corner of sections 4, 5, 8 and 9, T. 13 N., R. 11 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately ½ mile to the ¼ section corner of sections 7 and 8, T. 10 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, approximately 3 miles to the corner of sections 4, 5, 8 and 9, T. 13 N., R. 11 E., Kateel River Meridian;

Thence westerly, between sections 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, approximately 5 miles to the corner of sections 3, 4, 9 and 10, T. 13 N., R. 10 E., Kateel River Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 13 and 14 N., R. 10 E., Kateel River Meridian;

Thence westerly, between Tps. 13 and 14 N., approximately 9 miles to the corner of Tps. 13 and 14 N., Rs. 8 and 9 E., Kateel River Meridian;

Thence southerly, between Rs. 8 and 9 E., approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 13 N., Rs. 8 and 9 E., Kateel River Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, E., approximately 24 miles to the corner of sections 7, 12, 13 and 18, T. 13 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 20 miles to the closing corner of T. 16 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 1,700 feet to the standard corner of T. 17 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence northerly, between Rs. 4 and 5 E., approximately 12 miles to the corner of Tps. 18 and 19 N., Rs. 4 and 5 E., Kateel River Meridian;

Thence westerly, between Tps. 18 and 19 N., approximately 5 miles to the corner of sections 3, 4, 33 and 34, Tps. 18 and 19 N., R. 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of S. 60° W., approximately 5,800 feet to the summit of a ridge located in the westerly portion of section 4, T. 18 N., R. 3 E., Kateel River Meridian; approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 45° W., approximately 1,800 feet to the summit of a mountain located in section 5, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,215 feet;

Thence on an approximate forward bearing of S. 50° W., approximately 3/4 mile to the corner of sections 5, 6, 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately ½ mile to the ¼ section corner of sections 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 7, approximately ½ mile to the center ¼ section corner of section 7, T. 18 N., R. 3 E., Kateel River Meridian;

Thence southerly, on the north and south centerlines of sections 7 and 18, approximately 1¼ miles to the center south 1/16 section corner of section 18, T. 18 N., R. 3 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of the southwest ¼ of section 18, approximately ½ mile to S 1/16 section corner of sections 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 E., approximately 3/4 mile to the corner of sections 7, 12, 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 40° E., approximately 1 mile to the summit of a ridge located in the northeasterly portion of section 12, T. 18 N., R. 2 E., Kateel River Meridian, approximate elevation 1,550 feet;

Thence northwesterly and westerly, along the crest of the Waring Mountains, approximately 1¾ miles to the summit of a mountain located in sections 10 and 11, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 1,125 feet;

Thence on an approximate forward bearing of N. 80° W., approximately 6,100 feet to the summit of a mountain located in the easterly portion of section 9, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 950 feet;

Thence northwesterly, westerly and southerly, along the crest of the Waring Mountains, approximately 4½ miles to the summit of a mountain located in the northerly portion of section 18, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 900 feet;

Thence on an approximate forward bearing of S. 30° W., approximately 8,400 feet to the summit of a mountain located in section 24, T. 18 N., R. 2 W., Kateel River Meridian, approximate elevation 1,050 feet;

Thence westerly, northerly, and southwesterly, along the crest of the Waring Mountains, approximately 12½ miles to the summit of a mountain located in the northerly portion of section 27, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 800 feet;

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Thence on an approximate forward bearing of N. 85° W., approximately 7,100 feet to the summit of a mountain located in the northwesterly portion of section 28, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 975 feet;

Thence southwesterly, northwesterly and westerly, along the crest of the Waring Mountains between the drainages of the Kobuk River and Selawik River, approximately 24 miles to a point between sections 13 and 18, T. 18 N., Rs. 5 and 6 W., Kateel River Meridian, approximate elevation 900 feet;

Thence northerly, between Rs. 5 and 6 W., approximately 4 miles to the ¼ section corner of sections 25 and 30, T. 19 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence due West, approximately 300 feet to a point at the line of mean high water on the right bank of the Kobuk River located in the easterly portion of section 25, T. 19 N., R. 6 W., Kateel River Meridian;

Thence southwesterly and westerly, along the right bank of the Kobuk River and the Melvin Channel, approximately 60 miles to its junction with the Ogrivey River and the east and west centerline of section 28, T. 17 N., R. 13 W., Kateel River Meridian;

Thence northerly, on the east bank of the Ogrivey River, approximately 3½ miles to a point between section 6 and 7, T. 17, N., R. 13 W., Kateel River Meridian;

Thence easterly, between section 6 and 7, 5 and 8, approximately 1 1/3 miles to the corner of sections 4, 5, 8 and 9, T. 17, N., R. 13 W., Kateel River Meridian;

Thence northerly, between sections 4 and 5, approximately ½ mile to the ¼ section corner of sections 4 and 5, T. 17 N., R. 13 W., Kateel River Meridian;

Thence easterly, along the east and west centerline of section 4, approximately 1 mile to the ¼ section corner of sections 3 and 4, T. 17 N., R. 13 W., Kateel River Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, approximately 1 mile to the ¼ section corner of sections 33 and 34, T. 18 N., R. 13 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 34, approximately 1 mile to the ¼ section corner of sections 34 and 35, T. 18 N., R. 13 W., Kateel River Meridian;

Thence northerly, between sections 34 and 35, 26 and 27, approximately 1½ miles to the corner of sections 22, 23, 26 and 27, T. 18 N., R. 13 W., Kateel River Meridian;

Thence westerly, between sections 22 and 27, approximately 2,100 feet to the meander corner of sections 22 and 27, at the line of mean high tide of Hotham Inlet, T. 18 N., R. 13 W., Kateel River Meridian;

Thence westerly, southwesterly, southeasterly, northerly, easterly and southerly, following the line of mean high tide of Hotham Inlet and Selawik Lake, closing the mouths of Potoniek Lake and the mouths of all rivers, channels, bays and inlets, to the meander corner of sections 1 and 6, on the south shore of Selawik Lake at the line of mean high tide, T. 11 N., Rs. 7 and 8 W., Kateel River Meridian;

Thence southerly, between Rs. 7 and 8 W., approximately 11½ miles to the corner of Tps. 9 and 10 N., Rs. 7 and 8 W., Kateel River Meridian;

Thence easterly, between Tps. 9 and 10 N., approximately 18 miles to the corner of Tps. 9 and 10 N., Rs. 4 and 5 W., Kateel River Meridian;

Thence southerly, between Rs. 4 and 5 W., approximately 6 miles to the standard corner of T. 9 N., Rs. 4 and 5 W., Kateel River Meridian;

Thence easterly, along the Second Standard Parallel North, approximately 6¾ miles to the closing corner of T. 8 N., Rs. 3 and 4 W., Kateel River Meridian;

Thence southerly, between Rs. 3 and 4 W., approximately 10 miles to the corner of sections 19, 24, 25 and 30 T. 7 N., Rs. 3 and 4 W., Kateel River Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, approximately 18 miles to the corner of sections 19, 24, 25 and 30, T. 7 N., Rs. 1 E. and 1 W., Kateel River Meridian, the place of beginning.

UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE SELAWIK NATIONAL WILDLIFE REFUGE

Section 702 (12):

"Selawik Wilderness of approximately two hundred and forty thousand acres as generally depicted on a map entitled 'Selawik Wildlife Refuge', dated July 1980."

The Selawik Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Thence on an approximate forward bearing of N. 40° E., approximately 1 mile to the summit of a ridge located in the northeasterly portion of section 12, T. 18 N., R. 2 E., Kateel River Meridian, approximate elevation 1,550 feet;

The Selawik Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the corner of sections 13, 14, 23 and 24, T. 17 N., R. 3 E., Kateel River Meridian;

Thence northerly, between sections 13 and 14, 11 and 12, 1 and 2, approximately 2½ miles to a point on the right bank of the Kugarak River between sections 1 and 2, T. 17 N., R. 3 E., Kateel River Meridian;

Thence northwesterly, along the right bank of the Kugarak River located in the southerly portion of section 4, T. 18 N., R. 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 28° W., approximately ½ mile to the summit of a ridge located in the westerly portion of section 4, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,050 feet;

Thence on an approximate forward bearing of N. 45° W., approximately 1,800 feet to the summit of a mountain located in section 5, T. 18 N., R. 3 E., Kateel River Meridian, approximate elevation 1,215 feet;

Thence on an approximate forward bearing of S. 50° W., approximately 3/4 mile to the corner of sections 5, 6, 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence southerly, between sections 7 and 8, approximately ½ mile to the ¼ section corner of sections 7 and 8, T. 18 N., R. 3 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of section 7, approximately ½ mile to the center ¼ section corner of section 7, T. 18 N., R. 3 E., Kateel River Meridian;

Thence southerly, on the north and south centerlines of sections 7 and 18, approximately 1½ miles to the center south 1/16 section corner of section 18, T. 18 N., R. 3 E., Kateel River Meridian;

Thence westerly, on the east and west centerline of the southwest ¼ of section 18, approximately ½ mile to S 1/16 section corner of sections 13 and 18, T. 18 N., Rs. 2 and 3 E., Kateel River Meridian;

Thence northerly, between Rs. 2 and 3 E., approximately 3/4 mile to the corner of sections 7, 12, 13 and 18, T. 18 N. Rs. 2 and 3 E., Kateel River Meridian;

Thence on an approximate forward bearing of N. 40° E., approximately 1 mile to the summit of a ridge located in the northeasterly portion of section 12, T. 18 N., R. 2 E., Kateel River Meridian, approximate elevation 1,550 feet;

Thence northwesterly and westerly, along the crest of the Waring Mountains, approximately 18 miles to the summit of a mountain located in sections 10 and 11, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 1,125 feet;

Thence on an approximate forward bearing of N. 80° W., approximately 6,100 feet to the summit of a mountain located in the easterly portion of section 9, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 950 feet;

Thence northwesterly, westerly and southerly, along the crest of the Waring Mountains, approximately 4½ miles to the summit of a mountain located in the northerly portion of section 18, T. 18 N., R. 1 W., Kateel River Meridian, approximate elevation 900 feet;

Thence on an approximate forward bearing of S. 30° W., approximately 8,800 feet to the summit of a mountain located in section 24, T. 18 N., R. 2 W., Kateel River Meridian, approximate elevation 1,050 feet;

Thence westerly, northerly, and southwesterly, along the crest of the Waring Mountains, approximately 12½ miles to the summit of a mountain located in the northerly portion of section 27, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 800 feet;

Thence on an approximate forward bearing of N. 85° W., approximately 7,100 feet to the summit of a mountain located in the northwesterly portion of section 28, T. 18 N., R. 3 W., Kateel River Meridian, approximate elevation 975 feet;

Thence southwesterly, northwesterly and westerly, along the crest of the Waring Mountains between the drainages of the Kobuk River and Selawik River approximately 24 miles to a point between sections 13 and 18, T. 18 N., Rs. 5 and 6 W., Kateel River Meridian, approximate elevation 900 feet;

Thence southerly, between Rs. 5 and 6 W., approximately 9 3/4 miles to the standard corner of T. 17 N., Rs. 5 and 6 W., Kateel River Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 24 miles to the standard corner of T. 17 N., Rs. 1 and 2 W., Kateel River Meridian;

Thence northerly, between Rs. 1 and 2 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 17 N., Rs. 1 and 2 W., Kateel River Meridian;

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Thence easterly, between sections 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, 13 and 24, 18 and 19, 17 and 20, 16 and 21, 15 and 22, 14 and 23, approximately 23 miles to the corner of sections 13, 14, 23 and 24, T. 17 N., R. 3 E., Kateel River Meridian, the place of beginning.

UNITS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM WITHIN THE SELAWIK NATIONAL WILDLIFE REFUGE:

Section 604:

"Selawik, Alaska--That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; within the Selawik National Wildlife Refuge to be administered by the Secretary of the Interior."

NOTE: The boundary of the Selawik Wild River corridor will be determined during the comprehensive conservation planning process for the Selawik National Wildlife Refuge and will be published upon completion of that plan (due by December 1985).

The following USGS quadrangle maps were used to prepare the legal description for the Selawik National Wildlife Refuge:

mr - minor revision
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:63,360	Baird Mountains (A-2) 1955 mr 1964.
1:250,000*	Selawik 1957 mr 1971.
1:63,360*	Selawik (A-3), (B-3), (C-3), (C-4), (C-5) 1955; (C-6) 1951; (D-1) 1955 mr 1967; (D-2) 1955 mr 1973; (D-3), (D-4), (D-5) 1955; (D-6) 1951.
1:250,000*	Shungnak 1955 mr 1974.
1:63,360*	Shungnak (D-4) 1955 mr 1964; (D-5), (D-6) 1955.
1:63,360	Candle (D-1) 1954.
1:63,360	Kateel River (D-6) 1954.

SELAWIK NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

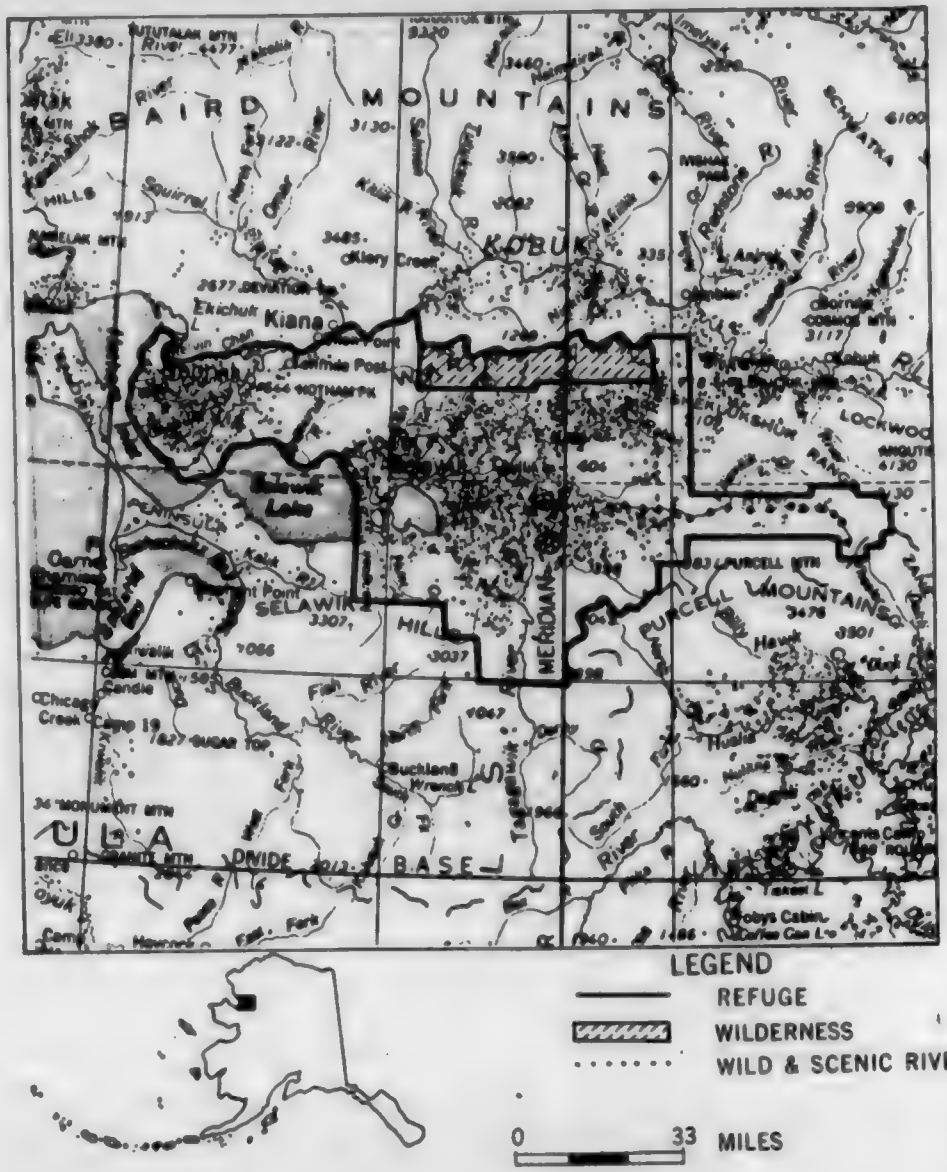

TETLIN NATIONAL WILDLIFE REFUGE

Thence on an approximate forward bearing of S. 38° E., approximately 5 1/2 miles to the summit of a mountain in the northwesterly portion of section 30, T. 8 N., R. 22 E., Copper River Meridian, approximate elevation 3,575 feet;

TETLIN NATIONAL WILDLIFE REFUGE

Section 302 (8):

"The Tetlin National Wildlife Refuge shall consist of the approximately seven hundred thousand acres of public land as generally depicted on a map entitled 'Tetlin National Wildlife Refuge', dated July 1980. The northern boundary of the refuge shall be a line parallel to, and three hundred feet south, of the centerline of the Alaska Highway."

The Tetlin National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the closing corner of sections 5 and 32, Tps. 7 and 8 N., R. 24 E., Copper River Meridian, on the International Boundary between the United States of America and Canada;

Thence northerly, along the International Boundary, appproximately 14 1/4 miles to a point on the southerly side of the Alaska Highway, 300 feet from and parallel to the centerline located on the east boundary of section 25, T. 10 N., R. 23 E., Copper River Meridian;

Thence northwesterly, 300 feet from and parallel to the Alaska Highway centerline, approximately 72 miles to a point on the Tetlin Indian Reservation boundary as surveyed and platted in U.S. Survey No. 2547, Alaska, dated October 25, 1979 located in the southeasterly portion of section 30, T. 17 N., R. 17 E., Copper River Meridian;

Thence southwesterly, southeasterly, southerly and southwesterly, along the Tetlin Indian Reservation boundary to a junction of ridges in the easterly portion of section 36, T. 10 N., R. 13 E., Copper River Meridian;

Thence southeasterly, on the crest of a ridge between drainages of the Chesling River and Platinum Creek, approximately 11 1/2 miles to a point between sections 31 and 36, T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence southerly, between Rs. 14 and 15 E., approximately 1/2 mile to the standard corner of T. 9 N., Rs. 14 and 15 E., Copper River Meridian;

Thence easterly, on the Second Standard Parallel North, approximately 37 1/2 miles to the meander corner of Tps. 8 and 9 N., R. 21 E., Copper River Meridian, on the right bank of the Chisana River;

Thence on an approximate forward bearing of S. 38° E., approximately 5 1/2 miles to the summit of a mountain in the northwesterly portion of section 30, T. 8 N., R. 22 E., Copper River Meridian, approximate elevation 3,575 feet;

Thence southeasterly, along the crest of a ridge, approximately 10 miles to a point between sections 4 and 33, Tps. 7 and 8 N., R. 23 E., Copper River Meridian;

Thence easterly, between Tps. 7 and 8 N., approximately 4 3/4 miles to the International Boundary between the United States of America and Canada at the closing corner of sections 5 and 32, T. 7 and 8 N., R. 24 E., Copper River Meridian, the point of beginning.

NOTE: Description of boundary is defined by the location of the centerline of the Alaska Highway on December 2, 1980.

The following USGS quadrangle maps were used to prepare the legal description for the Tetlin National Wildlife Refuge:

mr - minor revision

Scale of Map	Name and Date
1:63,360	Nabesna (B-1), (B-2) 1960; (C-1), (C-2) 1955 mr 1963; (C-3) 1955; (C-4) 1960; (D-1) 1952 mr 1967; (D-2) 1955 mr 1965; (D-3) 1955 mr 1962.
1:63,360	Tanacross (A-2) 1955 mr 1972; (A-3) 1948 mr 1965.

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TETLIN NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

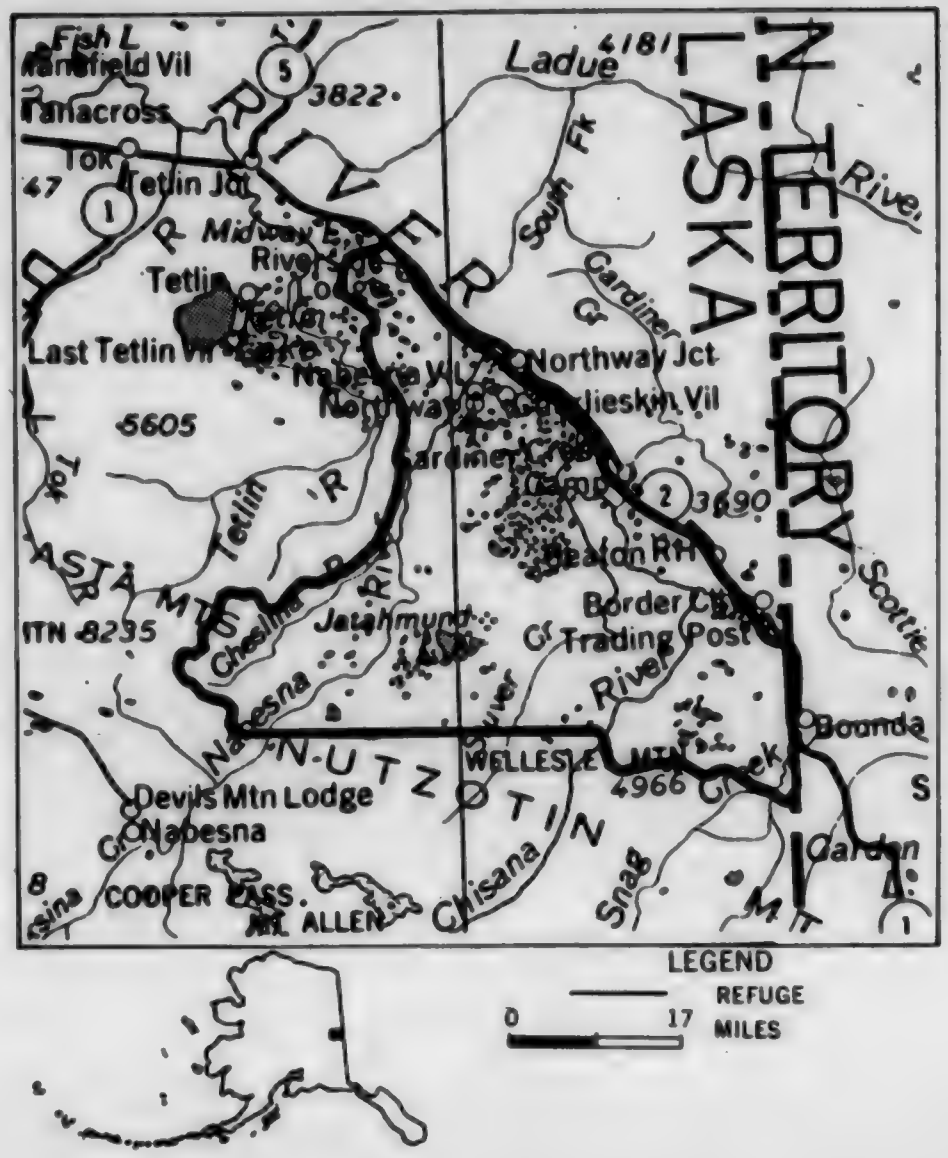

TOGIAK NATIONAL WILDLIFE REFUGE

Section 303 (6):

> "The Togiak National Wildlife Refuge shall consist of the existing Cape Newenham National Wildlife Refuge, including lands, waters, and interests therein, which shall be redesignated as a unit of the Togiak National Wildlife Refuge, and an addition of approximately three million eight hundred and forty thousand acres of public lands, as generally depicted on the map entitled 'Togiak National Wildlife Refuge', dated April 1980.

The Togiak National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian, at the line of mean high tide of Kuskokwim Bay;

Thence southeasterly, southwesterly, westerly and southerly, along the line of mean high tide of Kuskokwim Bay, closing the mouths of inlets and rivers, approximately 35 miles to the meander corner of section 35, T. 8 S., R. 74 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel South, approximately 7 1/4 miles to the standard corner of T. 8 S., Rs. 72 and 73 W., Seward Meridian;

Thence northerly, between Rs. 72 and 73 W., approximately 6 miles to the corner of Tps. 7 and 8 S., Rs. 72 and 73 W., Seward Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 12 miles to the corner of Tps. 7 and 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 6 miles to the standard corner of T. 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel South, approximately 4 1/4 miles to the closing corner of T. 9 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 24 miles to the standard corner of T. 12 S., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, on the Third Standard Parallel South, approximately 7 3/4 miles to the closing corner of T. 13 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 3 miles to the

Thence easterly, along the theoretical position for the south boundary of T. 19 S., Rs. 75 and 76 W., approximately 12 miles to the theoretical position for the southeast corner of T. 19 S., R. 75 W., Seward Meridian;

Thence southerly, along the theoretical position for the east boundary of T.

Thence westerly, on the Third Standard Parallel South, approximately 7 3/4 miles to the closing corner of T. 13 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 13 S., Rs. 72 and 73 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 27, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, to the corner of sections 15, 16, 21, 22, T. 13 S., R. 74 W., Seward Meridian;

Thence southerly, between sections 21 and 22 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 9 miles to the corner of sections 3, 4, 33 and 34, Tps. 14 and 15 S., R. 74 W., Seward Meridian;

Thence westerly, between Tps. 14 and 15 S., approximately 3 miles to the corner of Tps. 14 and 15 S. Rs. 74 and 75 W., Seward Meridian;

Thence southerly, between Rs. 74 and 75 W., approximately 3 miles to the corner of sections 13 and 18, 19 and 24, T. 15 S., Rs. 74 and 75 W., Seward Meridian;

Thence westerly between sections 13 and 24, 14 and 23, 15 and 22, and theoretical sections 16 and 21, 17 and 20, 18 and 19, to theoretical position for the corner of sections 18 and 19 on the west boundary of T. 15 S., R. 75 W., Seward Meridian;

Thence southerly, along the west boundary of Tps. 15 and 16 S., R. 75 W., approximately 9 miles to the theoretical position for the southwest corner of T. 16 S., R. 75 W., Seward Meridian;

Thence westerly, along the theoretical position for the Fourth Standard Parallel South, approximately 13 1/2 miles to the theoretical position for the northwest closing township corner of T. 17 S., R. 78 W., Seward Meridian;

Thence southerly, along the theoretical position for the west boundary of Tps. 17 and 18 S., R. 78 W., approximately 12 miles, to the theoretical position of the southwest corner of T. 18 S., R. 78 W., Seward Meridian;

Thence easterly, along the theoretical position for the south boundary of T. 18 S. Rs. 77 and 78 W., approximately 12 miles to the theoretical position of the southwest corner of T. 18 S., R. 76 W., Seward Meridian;

Thence southerly, along the theoretical position for the west boundary of T. 19 S., R. 76 W., approximately 6 miles to the theoretical position for the southwest corner of T. 19 S., R. 76 W., Seward Meridian;

Thence easterly, along the theoretical position for the south boundary of T. 19 S., Rs. 75 and 76 W., approximately 12 miles to the theoretical position for the southeast corner of T. 19 S., R. 75 W., Seward Meridian;

Thence northerly, along the theoretical position for the east boundary of T. 19 S., R. 75 W., approximately 6 miles to the theoretical position for the southwest corner T. 18 S., R. 74 W., Seward Meridian;

Thence easterly, along the theoretical position for the south boundary of T. 18 S., R. 74 W., approximately 3 miles to the theoretical position of the corner of sections 33 and 34, T. 18 S., R. 74 W., Seward Meridian;

Thence northerly, between theoretical sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, approximately 5 miles to the meander corner of sections 9 and 10, T. 18 S., R. 74 W., Seward Meridian;

Thence northeasterly, southwesterly, northerly and northeasterly, along the line of mean high tide of Hagemeister Strait, approximately 23 miles to the meander corner of sections 13 and 18, T. 16 S., Rs. 71 and 72 W., Seward Meridian;

Thence on an approximate forward bearing of S. 83° E., approximately 1,800 feet to the meander corner of sections 18 and 19, T. 16 S., R. 71 W., Seward Meridian;

Thence northeasterly, southeasterly and northeasterly, along the line of mean high tide of Hagemeister Strait, Togiak Bay and Bristol Bay, closing the mouths of all inlets and rivers, approximately 41 miles to the most southerly point of mainland in the northwesterly portion of section 19, T. 16 S., R. 63 W., Seward Meridian;

Thence on an approximate forward bearing of N. 57° E., approximately 6,600 feet to the most southerly point of mainland in the northwesterly portion of section 17, T. 16 S., R. 63 W., Seward Meridian;

Thence northeasterly, along the line of mean high tide of Bristol Bay, approximately 2 miles to the meander corner of sections 4 and 9, T. 16 S., R. 63 W., Seward Meridian;

Thence on an approximate forward bearing of N. 27° E., approximately 8,600 feet to the most southerly point of mainland in section 34, T. 15 S., R. 63 W., Seward Meridian;

Thence on an approximate forward bearing of N. 80° E., approximately 21,800 feet to the meander corner of sections 29 and 32, T. 15 S., R. 62 W., Seward Meridian;

Thence easterly, northerly and southeasterly, along the line of mean high tide of Bristol Bay, approximately 4 miles to the most southerly point of the mainland on the westerly side of Tvativak Bay in the westerly portion of section 36, T. 15 S., R. 62 W., Seward Meridian;

Thence on an approximate forward bearing of S. 62° E., approximately 2,200 feet to the most southerly point of the mainland on the easterly side of Tvativak Bay in the southeasterly portion of section 36, T. 15 S., R. 62 W., Seward Meridian;

Thence southeasterly, northeasterly, northwesterly and northerly, along the line of mean high tide of Bristol Bay and Nushagak Bay, closing the mouths of all inlets and rivers, approximately 58 1/2 miles to the most northerly point of Nichols Spit, near the center of section 25, T. 18 S., R. 58 W., Seward Meridian;

Thence due West, approximately 1 mile to a point at the line of mean high tide of Nushagak Bay, near the center of section 26, T. 18 S., R. 58 W., Seward Meridian;

Thence northerly, easterly, northeasterly and northerly, along the line of mean high tide of Nushagak Bay and Nushagak River, closing the mouths of Igushik and Snake Rivers, approximately 35 miles to the meander corner of sections 25 and 36, T. 13 S., R. 56 W., Seward Meridian, on the right bank of Nushagak River;

Thence westerly, between sections 25 and 36, approximately 900 feet to a point on the westerly right-of-way of a road, T. 13 S., R. 56 W., Seward Meridian;

Thence northerly and northwesterly, along the westerly right-of-way of a road, approximately 6 1/2 miles to a point on the south boundary of section 32, T. 12 S., R. 55 W., Seward Meridian;

Thence westerly, on the Third Standard Parallel South, approximately 19 1/4 miles to the standard corner of T. 12 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 24 miles to the closing corner of T. 9 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 3 1/2 miles to the standard corner of T. 8 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 24 miles to the closing corner of T. 5 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the First Standard Parallel South, approximately 3 1/2 miles to the standard corner of T. 4 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence southerly, between Rs. 61 and 62 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 62 and 63 W., Seward Meridian;

Thence southerly, between Rs. 62 and 63 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 62 and 63 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 65 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 3 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 3 S., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between sections 31 and 36, approximately 1 mile to the corner of sections 31, 32, 35 and 36, T. 3 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 35 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 3 S., R. 68 W., Seward Meridian;

Thence southerly, between sections 35 and 36, approximately 1 mile to the corner of sections 35, 36, T. 3 S., and 1 and 2, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 11 and 12, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 13 and 14, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, T. 4 S., and 25 and 36, T. 3 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 3 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 3 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 23 and 26, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 3 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 22 and 27, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 3 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 68 and 69 W., Seward Meridian;

Thence northerly, between Rs. 68 and 69 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 68 and 69 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 71 and 72 W., Seward Meridian;

Thence southerly, between Rs. 71 and 72 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 71 and 72 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 74 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 74 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 74 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 74 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 74 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 74 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 75 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 75 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 75 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 75 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 75 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 75 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 75 and 76 W., Seward Meridian;

Thence northerly, between Rs. 75 and 76 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 75 and 76 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 77 and 78 W., Seward Meridian;

Thence southerly, between Rs. 77 and 78 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 77 and 78 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 78 and 79 W., Seward Meridian;

Thence southerly, between Rs. 78 and 79 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 78 and 79 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 81 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 81 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 81 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 81 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 81 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 81 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 82 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 82 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 82 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 82 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 82 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 82 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 82 and 83 W., Seward Meridian;

Thence northerly, between Rs. 82 and 83 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 82 and 83 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 84 and 85 W., Seward Meridian;

Thence southerly, between Rs. 84 and 85 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 84 and 85 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 85 and 86 W., Seward Meridian;

Thence southerly, between Rs. 85 and 86 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 85 and 86 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 88 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 88 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 88 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 88 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 88 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 88 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 89 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 89 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 89 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 89 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 89 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 89 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 89 and 90 W., Seward Meridian;

Thence northerly, between Rs. 89 and 90 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 89 and 90 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 91 and 92 W., Seward Meridian;

Thence southerly, between Rs. 91 and 92 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 91 and 92 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 92 and 93 W., Seward Meridian;

Thence southerly, between Rs. 92 and 93 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 92 and 93 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 95 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 95 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 95 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 95 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 95 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 95 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 96 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 96 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 96 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 96 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 96 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 96 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 96 and 97 W., Seward Meridian;

Thence northerly, between Rs. 96 and 97 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 96 and 97 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 98 and 99 W., Seward Meridian;

Thence southerly, between Rs. 98 and 99 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 98 and 99 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 99 and 100 W., Seward Meridian;

Thence southerly, between Rs. 99 and 100 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 99 and 100 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 102 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 102 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 102 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 102 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 102 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 102 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 103 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 103 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 103 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 103 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 103 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 103 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 103 and 104 W., Seward Meridian;

Thence northerly, between Rs. 103 and 104 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 103 and 104 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 105 and 106 W., Seward Meridian;

Thence southerly, between Rs. 105 and 106 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 105 and 106 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 106 and 107 W., Seward Meridian;

Thence southerly, between Rs. 106 and 107 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 106 and 107 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 109 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 109 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 109 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 109 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 109 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 109 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 110 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 110 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 110 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 110 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 110 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 110 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 110 and 111 W., Seward Meridian;

Thence northerly, between Rs. 110 and 111 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 110 and 111 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 112 and 113 W., Seward Meridian;

Thence southerly, between Rs. 112 and 113 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 112 and 113 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 113 and 114 W., Seward Meridian;

Thence southerly, between Rs. 113 and 114 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 113 and 114 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 116 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 116 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 116 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 116 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 116 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 116 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 117 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 117 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 117 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 3 S., R. 117 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 3 S., R. 117 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 3 S., R. 117 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 3 S., Rs. 117 and 118 W., Seward Meridian;

Thence northerly, between Rs. 117 and 118 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 117 and 118 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 119 and 120 W., Seward Meridian;

Thence southerly, between Rs. 119 and 120 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 119 and 120 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 120 and 121 W., Seward Meridian;

Thence southerly, between Rs. 120 and 121 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 120 and 121 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 123 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 123 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 5 miles to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, 26 and 27, approximately 3 miles to the corner of sections 26, 27, 34 and 35, T. 3 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between Rs. 67 and 68 W., approximately 3 miles to the standard corner of T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence westerly, along the First Standard Parallel South, approximately 3 miles to the standard corner of sections 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 4 S., R. 69 W., Seward Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 10 and 15, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 4 S., R. 69 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence southerly, between Rs. 69 and 70 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 5 miles to the corner of sections 7, 8, 17 and 18, T. 4 S., R. 70 W., Seward Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 70 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 13 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 72 and 73 W. Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 9 1/2 miles to the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian, the place of beginning.

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UNITS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM WITHIN THE TOGIAK NATIONAL WILDLIFE REFUGE:

Section 702 (10):

"Togiak Wilderness of approximately two million two hundred and seventy thousand acres as generally depicted on a map entitled 'Togiak National Wildlife Refuge', dated July 1980."

The Togiak Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

TOGIAK WILDERNESS AREA

Beginning at the corner of sections 5, 6, 7 and 8, T. 4 S., R. 70 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 7 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 71 and 72 W., Seward Meridian;

Thence southerly, between Rs. 71 and 72 W., approximately 5 miles to the standard corner of T. 4 S., Rs. 71 and 72 W., Seward Meridian;

Thence easterly, on the First Standard Parallel South, approximately 4 1/4 miles to the closing corner of T. 5 S., Rs. 71 and 72 W., Seward Meridian;

Thence southerly, between Rs. 71 and 72 W., approximately 12 miles to the corner of Tps. 6 and 7 S., Rs. 71 and 72 W., Seward Meridian;

Thence easterly, between Tps. 6 and 7 S., approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 6 and 7 S., R. 71 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 6 miles to the corner of sections 3, 4, 33 and 34, Tps. 7 and 8 S., R. 71 W., Seward Meridian;

Thence easterly, between Tps. 7 and 8 S., approximately 3 miles to the corner of Tps. 7 and 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 6 miles to the standard corner of T. 8 S., Rs. 70 and 71 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel South, approximately 4 1/4 miles to the closing corner of T. 9 S., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 12 miles to the corner of Tps. 10 and 11 S., Rs. 70 and 71 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 S., approximately 72 miles to the corner of Tps. 10 and 11 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 12 miles to the closing corner of T. 9 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the Second Standard Parallel South, approximately 3 1/2 miles to the standard corner of T. 8 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 24 miles to the closing corner of T. 5 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the First Standard Parallel South, approximately 3 1/2 miles to the standard corner of T. 4 S., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 24 miles to the closing corner of T. 1 S., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 18 miles to the closing corner of T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence southerly, between Rs. 61 and 62 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 62 and 63 W., Seward Meridian;

Thence southerly, between Rs. 62 and 63 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 62 and 63 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 65 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 5 miles to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, 26 and 27, approximately 3 miles to the corner of sections 26, 27, 34 and 35, T. 3 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between Rs. 67 and 68 W., approximately 3 miles to the standard corner of T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence westerly, along the First Standard Parallel South, approximately 3 miles to the standard corner of sections 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 4 S., R. 69 W., Seward Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 10 and 15, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 4 S., R. 69 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence southerly, between Rs. 69 and 70 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 5 miles to the corner of sections 7, 8, 17 and 18, T. 4 S., R. 70 W., Seward Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 70 W., Seward Meridian, the place of beginning.

UNITS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM WITHIN THE TOGIAK NATIONAL WILDLIFE REFUGE:

Section 604:

Kanektok, Alaska--The corridor withdrawn during the course of the study and consideration by Congress, consists of those public lands which constitute the bed or bank, or within an area extending two miles from the bank of the river channel on both sides of the Kanektok River within the Togiak National Wildlife Refuge from Kagati Lake in Tps. 3 and 4 S., R. 63 W., to its mouth, in Tps. 5 S., R. 75 W., Seward Meridian.

The following USGS quadrangle maps were used to prepare the legal description for the Togiak National Wildlife Refuge:

mr - minor revision
* Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:250,000*	Bethel 1950 mr 1972.
1:63,360*	Bethel (A-3) 1979 - see Yukon Delta quad; (A-4) 1954.
1:250,000*	Goodnews 1951 mr 1972.
1:63,360*	Goodnews (A-1) 1979; (A-4), (A-6) 1954; (A-7) 1954 mr 1973; (A-8) 1952; (B-1),(B-2) 1979; (B-3) 1954; (B-5) 1979; (B-6), (B-7), (B-8) 1954; (C-7), (C-8) 1954; (D-4, (D-5), (D-6), [D-7], (D-8) 1954.
1:63,360	Dillingham (A-7) 1952.
1:250,000	Hagemeister Island 1957 mr 1969.
1:63,360	Hagemeister Island (C-4) 1948 mr 1973; (C-5) 1952 mr 1973; (C-6) 1948 mr 1963; (C-7) 1947 mr 1971; (D-1) 1950 mr 1972; (D-2) 1953; (D-3) 1948; (D-5), (D-6) 1950.
1:63,360	Nushagak Bay (B-3), (B-4), (C-3), (C-4 and C-5) 1950; (D-2), (D-3), (D-5) 1952; (D-6) 1950 mr 1971.

TOGIAK NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

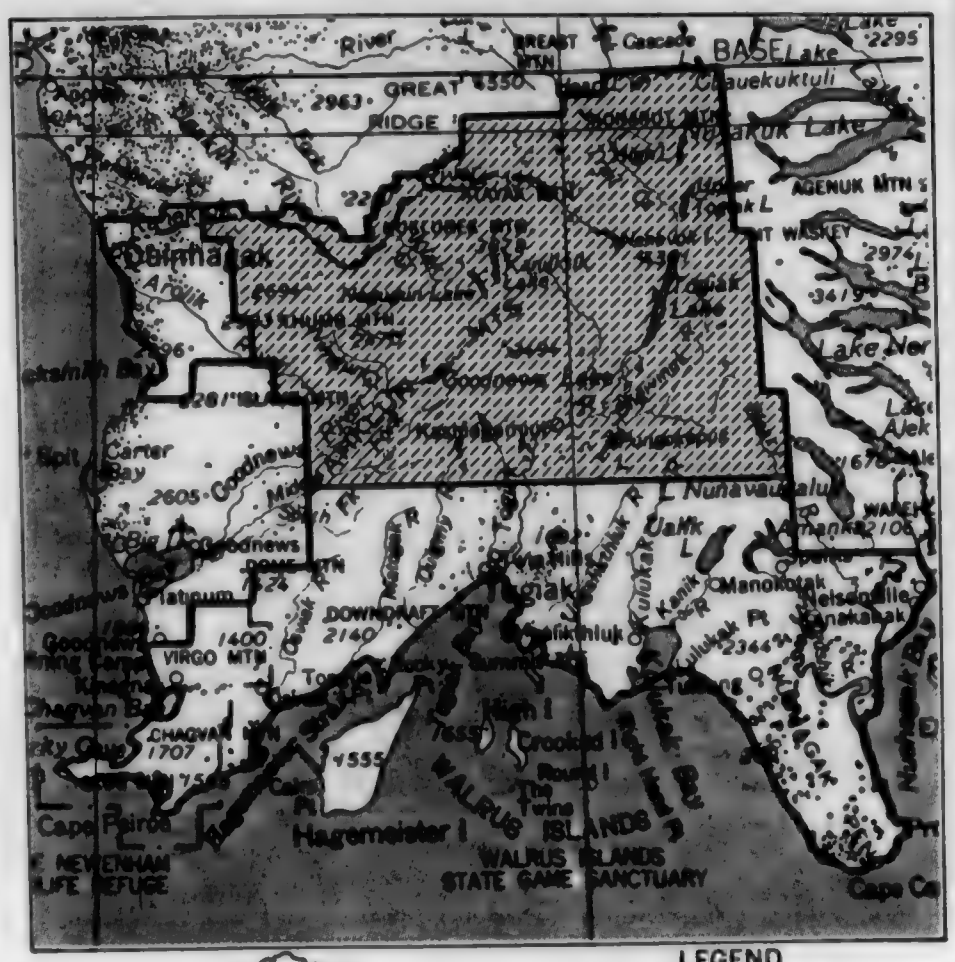

YUKON DELTA NATIONAL WILDLIFE REFUGE

Section 303 (7):

Thence northwesterly, along the line of mean high tide of Etolin Strait, approximately 20 miles to the meander corner of sections 7 and 8, T. 4 N., R. 91 W., Seward Meridian;

YUKON DELTA NATIONAL WILDLIFE REFUGE

Section 303 (7):

> "The Yukon Delta National Wildlife Refuge shall consist of the existing Clarence Rhode National Wildlife Range, Hazen Bay National Wildlife Refuge and Nunivak National Wildlife Refuge, including lands, waters, interests, and whatever submerged lands, if any, were retained in Federal ownership at the time of statehood, which shall be redesignated as units of the Yukon Delta National Wildlife Refuge and the addition of approximately thirteen million four hundred thousand acres of public lands, as generally depicted on the map entitled 'Yukon Delta National Wildlife Refuge', dated April 1980."

The Yukon Delta National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian;

Thence northwesterly, along the line of mean high tide of Kuskokowim Bay, closing the mouths of all rivers and creeks, approximately 15 miles to the meander corner of sections 16 and 21,, T. 2 S., R. 75 W., Seward Meridian;

Thence westerly, approximately 11 miles to the meander corner of sections 15 and 22, T. 2 S., R. 77 W., Seward Meridian;

Thence southwesterly, westerly and northerly, along the line of mean high tide of Kuskokwim Bay, closing the mouth of Ishkowik River, Kugukilk and Kinak Rivers, approximately 76 miles to the most southerly tip of section 19, on the right bank of the Kinak River, T. 2 S., R. 86 W., Seward Meridian;

Thence northwesterly, along the line of mean high tide, closing the mouths of all rivers and streams, approximately 31 miles to the meander corner of sections 1 and 12, at the line of mean high tide of Etolin Strait, T. 2 N., R. 89 W., Seward Meridian;

Thence northwesterly, closing the mouth of Kolavinerak River, approximately 1 1/2 miles to the meander corner of sections 2 and 3, at the line of mean high tide of Etolin Strait, T. 2 N., R. 89 W., Seward Meridian;

Thence northwesterly, along the line of mean high tide of Etolin Strait, approximately 20 miles to the meander corner of sections 7 and 8, T. 4 N., R. 91 W., Seward Meridian;

Thence northwesterly, closing the mouth of Kangirlvar Bay, approximately 5 miles to the meander corner of sections 25 and 26, at the line of mean high tide of Etolin Strait, T. 5 N., R. 91 W., Seward Meridian;

Thence southwesterly and northwesterly, along the line of mean high tide of Etolin Strait, approximately 4 miles to the meander corner of sections 19 and 20, T. 5 N., R. 91 W., Seward Meridian;

Thence by rhumb lines connecting the following 23 geographic coordinates:

60° 18' N., 165° 02' W.;

60° 10' N., 164° 57' W.;

60° [illegible]' N., 164° 57' W.;

59° 55' N., 165° 05' W.;

59° 46' N., 165° 25' W.;

59° 40' N., 165° 45' W.;

59° 38' N., 166° 00' W.;

59° 38' N., 166° 25' W.;

59° 40' N., 166° 40' W.;

59° 44' N., 167° 00' W.;

59° 48' N., 167° 15' W.;

59° 53' N., 167° 30' W.;

60° 03' N., 167° 45' W.;

60° 08' N., 167° 50' W.;

60° 12' N., 167° 51' W.;

60° 15' N., 167° 50' W.;

60° 20' N., 167° 45' W.;

60° 25' N., 167° 30' W.;

60° 31' N., 167° 00' W.;

60° 36' N., 166° 35' W.;

60° 38' N., 166° 15' W.;

60° 39' N., 166° 00' W.;

60° 37' N., 165° 40' W.;

Thence, on an approximate rhumb line bearing of S. 70° E., approximately 10 miles to the meander corner of Tps. 5 and 6 N., R. 92 W., Seward Meridian;

Thence northeasterly and northwesterly, along the line of mean high tide of Hazen Bay, approximately 27 miles to the most northwesterly tip of Nelson Island, in section 11, T. 8 N., R. 90 W., Seward Meridian;

Thence on an approximate forward bearing of N. 22° W., approximately 4 miles to the most southerly tip of Nunivachak Island, in section 21, T. 9 N., R. 89 W., Seward Meridian;

Thence northwesterly and northeasterly, along the line of mean high tide of Hazen Bay on the seaward side of Nunivachak Island, approximately 1/2 mile to the most northerly tip of Nunivachak Island, in section 21, T. 9 N., R. 89 W., Seward Meridian;

Thence on an approximate forward bearing of N. 21° E., approximately 3 1/2 miles to a point on the Naskonat Peninula at the line of mean high tide, at the meander corner of sections 2 and 3, T. 9 N., R. 89 W., Seward Meridian;

Thence northwesterly along the line of mean high tide, on the shore of Bering Sea, approximately 8 miles to the point of a headland near latitude 60° 59' N., longitude 165° 12' W., at the south side of Hazen Bay, in section 2, T. 10 N., R. 90 W., Seward Meridian;

Thence on an approximate forward bearing of N. 38° W., approximately 8 miles across the mouth of Hazen Bay to a point of a headland at the west side of Hazen Bay in section 1, T. 11 N., R. 91 W., Seward Meridian;

Thence northwesterly, along the line of mean high tide of Bering Sea, approximately 20 miles to the meander corner of sections 28 and 29, T. 14 N., R. 91 W., Seward Meridian;

Thence northerly, approximately 4,200 feet to a point on the line of mean high tide, at the meander corner of sections 28 and 29, T. 14 N., R. 91 W., Seward Meridian;

Thence northwesterly, closing the mouths of all inlets, rivers and straits, along the line of mean high tide of Bering Sea, approximately 18 miles to the meander corner of sections 2 and 3, T, T. 15 N., R. 93 W., Seward Meridian;

Thence northwesterly, closing the mouth of Hooper Bay, on the seaward side of all islands, approximately 7 3/4 miles to the meander corner of sections 10 and 11, T. 16 N., R. 94 W., Seward Meridian;

Thence northwesterly and northerly, closing the mouth of all inlets and rivers along the line of mean high tide of the Bering Sea, approximately 16 miles to the meander corner of sections 22 and 27, T. 19 N., R. 93 W., Seward Meridian.

Thence on an approximate forward bearing of N. 18° E., approximately 2 miles to the meander corner of sections 10 and 15, T. 19 N., R. 93 W., Seward Meridian;

Thence northerly, along the line of mean high tide of the Bering Sea, approximately 3 miles to the most northerly point of Aniktun Island, located in section 34, T. 20 N., R. 93 W., Seward Meridian;

Thence on an approximate forward bearing of N. 29° E., approximately 7,300 feet to the meander corner of sections 23 and 26, T. 20 N., R. 93 W., Seward Meridian;

Thence northerly, southeasterly, northeasterly and easterly, along the line of mean high tide of the Bering Sea, closing the mouths of all inlets and streams, approximately 10 miles to the meander corner of sections 16 and 17, T. 20 N., R. 91 W., Seward Meridian;

Thence on an approximate forward bearing of N. 84° E., approximately 2 miles to the meander corner of sections 10 and 15, T. 20 N., R. 91 W., Seward Meridian;

Thence northerly, easterly, northwesterly and northeasterly, along the line of mean high tide of the Bering Sea, closing the mouth of all rivers, inlets and bays, approximately 162 miles to the meander corner of sections 8 and 9, T. 28 N., R. 85 W., Seward Meridian;

Thence northeasterly, closing the mouths of all bays, inlets, rivers and all passes and channels of the Yukon River, on the seaward side of all islands, approximately 17 miles to the meander corner of sections 28 and 33, T. 31 N., R. 83 W., Seward Meridian;

Thence northerly, along the line of mean high tide of the Bering Sea, closing the mouth of all bays, inlets and rivers, approximately 1 mile to the meander corner of sections 21 and 28, T. 31 N., R. 83 W., Seward

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 23 S., R. 18 W., Kateel River Meridian;

Thence northerly, along the line of mean high tide of the Bering Sea, closing the mouth of all bays, inlets and rivers, approximately 1 mile to the meander corner of sections 21 and 28, T. 31 N., R. 83 W., Seward Meridian;

Thence on an approximate forward bearing of N. 22° W., approximately 6,600 feet to the meander corner of sections 16 and 17, T. 31 N., R. 83 W., Seward Meridian;

Thence northwesterly and easterly, along the line of mean high tide of the Bering Sea, approximately 1 mile to the meander corner of sections 16 and 17, T. 31 N., R. 83 W., Seward Meridian;

Thence on an approximate forward bearing of North, approximately 3,500 feet to the meander corner of sections 8 and 9, T. 31 N., R. 83 W., Seward Meridian;

Thence westerly, northerly and southeasterly, along the line of mean high tide of the Bering Sea, approximately 1 mile to the meander corner of sections 4 and 5, T. 31 N., R. 83 W., Seward Meridian;

Thence on an approximate forward bearing of N. 31° E., approximately 4,700 feet to the meander corner of sections 4 and 33, Tps. 31 and 32 N., R. 83 W., Seward Meridian;

Thence northerly, closing the mouth of all bays, inlets and rivers, following the line of mean high tide approximately 17 miles to the corner of sections 30 and 31, T. 28 S., Rs. 31 and 32 W., Kateel River Meridian;

Thence northerly, closing the mouth of Kawanak and Kwikpak Passes, on the seaward side of all islands, approximately 7 miles to a point at the most westerly tip of land in section 28, T. 27 S., R. 31 W., Kateel River Meridian;

Thence northeasterly, southeasterly, easterly and northeasterly, along the line of mean high tide of Norton Sound, closing the mouths of all bays, mouths, inlets, sloughs, passes and rivers, and on the seaward side of all islands, approximately 102 miles to the meander corner of sections 14 and 23, T. 23 S., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, approximately 1 1/4 miles to the corner of sections 13, 18, 19 and 24, T. 23 S., Rs. 18 and 19 W., Kateel River Meridian;

Thence southerly, between Rs. 18 and 19 W., approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 23 S., Rs. 18 and 19 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 23 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 31 and 32, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 24 S., R. 18 W. Kateel River Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 24 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, 21 and 22, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 24 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 22 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 24 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, approximately 2 miles to the standard corner of sections 34 and 35, T. 24 S., R. 18 W., Kateel River Meridian;

Thence easterly, on the Sixth Standard Parallel South, approximately 1 1/4 miles to the closing corner of sections 2 and 3, T. 25 S., R. 18 W., Kateel River Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 25 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence southerly, between Rs. 17 and 18, approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 25 S., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 32 and 33, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 25 and 26 S., R. 17 W., Kateel River Meridian;

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Thence easterly, between Tps. 25 and 26 S., approximately 11 miles to the corner of sections 5, 6, 31 and 32, Tps. 25 and 26 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, approximately 7 miles to the corner of sections 5, 6, 7 and 8, T. 27 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 27 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, approximately 8 miles to the corner of sections 22, 23, 26 and 27, T. 28 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, 19 and 30, 20 and 29, approximately 4 miles to the corner of sections 20, 21, 28 and 29, T. 28 S., R. 14 W., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 28 S., R. 14 W., Kateel River Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of the sections 3, 4, 9 and 10, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 3 and 10, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 28 S., R. 14 W., Kateel River Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, approximately 3 1/2 miles to the 1/4 section corner of sections 17 and 20, T. 28 S., R. 13 W., Kateel River Meridian;

Thence southerly, along the north and south centerlines of sections 20, 29, 32 and 5, approximately 4 miles to the 1/4 section corner of section 5 only, T. 29 S., R. 13 W., Kateel River Meridian;

Thence westerly, between the Seward and Kateel River Meridians, approximately 700 feet to the corner of sections 34 and 35, T. 34 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 34 and 35, 2 and 3, 10 and 11, 14 and 15, approximately 4 miles to the corner of sections 14, 15, 22 and 23, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 33 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 33 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the standard corner of sections 32 and 33, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, on the Eighth Standard Parallel North, approximately 1 3/4 miles to the closing corner of sections 4 and 5, T. 32 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, approximately 9 miles to the corner of sections 16, 17, 20 and 21, T. 31 N., R. 64 W., Seward Meridian;

Thence easterly, between sections 16 and 21, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 31 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, 3 and 4, approximately 4 miles to the corner of sections 3, 4, 9 and 10, T. 30 N., R. 64 W., Seward Meridian;

Thence easterly, between sections 3 and 10, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 N., R. 64 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 22, approximately 1/2 mile to the 1/4 section corner of section 15, T. 29 N., R. 65 W., Seward Meridian;

Thence easterly, between sections 3 and 10, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 30 N., R. 64 W., Seward Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 30 N., R. 64 W., Seward Meridian

Thence southerly, between sections 21 and 22, 27 and 28, approximately 2 miles to the corner of sections 27, 28, 33 and 34, T. 30 N., R. 64 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 30 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 32 and 33, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 29 and 30 N., R. 64 W., Seward Meridian;

Thence westerly, between Tps. 29 and 30 N., approximately 1 mile to the corner of sections 5 6, 31 and 32, Tps. 29 and 30 N., R. 64 W., Seward Meridian;

Thence southerly, between sections 5 and 6, approximately 1/2 mile to the 1/4 section corner of sections 5 and 6, T. 29 N., R. 64 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 6, approximately 1 mile to the 1/4 section corner of sections 1 and 6, T. 29 N., Rs. 64 and 65 W., Seward Meridian;

Thence southerly, between Rs. 64 and 65 W., approximately 3 1/2 miles to the corner of sections 19, 24, 25 and 30, T. 29 N., Rs. 64 and 65 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 29 N., R. 65 W., Seward Meridian;

Thence northerly, between sections 22 and 23, approximately 1/2 mile to the 1/4 section corner of sections 22 and 23, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 22, approximately 1/2 mile to the center 1/4 section corner of section 22, T. 29 N, R. 65 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 22, approximately 1/2 mile to the 1/4 section corner of section 15, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, between sections 15 and 22, approximately 1/2 mile to the corner of sections 15, 16, 22 and 23, T. 29 N., R. 65 W., Seward Meridian;

Thence northerly, between sections 15 and 16, approximately 1/2 mile to the 1/4 section corner of sections 15 and 16, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 16, approximately 1 mile to the 1/4 section corner of sections 16 and 17, T. 29 N., R. 65 W., Seward Meridian;

Thence southerly, between sections 16 and 17, approximately 1/2 mile to the corner of sections 16, 17, 20 and 21, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, between sections 17 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 29 N., R. 65 W., Seward Meridian;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, between sections 19 and 30, approximately 1/2 mile to the 1/4 section corner of sections 19 and 30, T. 29 N., R. 65 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 30, approximatey 1/2 mile to the center 1/4 section corner of section 30, T. 29 N., R. 65 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 30, approximately 1/2 mile to the 1/4 section corner of sections 25 and 30, T. 29 N., Rs. 65 and 66 W., Seward Meridian;

Thence southerly, between Rs. 65 and 66 W., approximately 1/2 mile to the corner of sections 25, 30, 31 and 36, T. 29 N., Rs. 65 and 66 W., Seward Meridian;

Thence westerly, between sections 25 and 36, approximately 1/2 mile to the 1/4 section corner of sections 25 and 36, T. 29 N., R. 66 W., Seward Meridian;

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Thence southerly, on the north and south centerline of section 36, approximately 1/2 mile to the center 1/4 corner of setion 36, T. 29 N., R. 66 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 36, approximately 1/2 mile to the 1/4 section corner of sections 35 and 36, T. 29 N., R. 66 W., Seward Meridian;

Thence southerly, between sections 35 and 36, approximately 1/2 mile to the standard corner of sections 35 and 36, T. 29 N., R. 66 W., Seward Meridian;

Thence westerly, on the Seventh Parellel North, approximately 1/2 mile to the closing corner of T. 28 N., Rs. 66 and 67 W., Seward Meridian;

Thence southerly, between Rs. 66 and 67 W., approximately 23 1/2 miles to the 1/4 section corner of sections 31 and 36, T. 25 N., Rs. 66 and 67 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 31, approximately 1 mile to the 1/4 section corner of sections 31 and 32, T. 25 N., R. 66 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1/2 mile to the standard corner of sections 31 and 32, T. 25 N., R. 66 W., Seward Meridian;

Thence easterly, on the Sixth Standard Parallel North, approximately 1 mile to the 1/4 corner of section 3, T. 24 N., R. 67 W., Seward Meridian;

Thence southerly, on the north and south centerline of sections 3, 10, 15 and 22, approximately 3 1/2 miles to the center 1/4 section corner of section 22 T. 24 N., R. 67 W., Seward Meridian;

Thence easterly, on the east and west centerline of sections 22 and 23, approximately 1 1/2 mile to the 1/4 section corner of sections 23 and 24, T. 24 N., R. 67 W., Seward Meridian;

Thence southerly, between sections 23 and 24, approximately 1/2 mile to the corner of sections 23, 24, 25 and 26, T. 24 N., R. 67 W., Seward Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 24 N., Rs. 66 and 67 W., Seward Meridian;

Thence southerly, between Rs. 66 and 67 W., approximately 2 miles to the corner of Tps. 23 and 24 N., Rs. 66 and 67 W., Seward Meridian;

Thence westerly, between Tps. 23 nd 24 N., approximately 2 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 67 W., Seward Meridian;

Thence southerly, between sections 2 and 3, approximately 1/2 mile to the 1/4 section corner of sections 2 and 3, T. 23 N., R. 67 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 3, approximately 1 mile to the 1/4 section corner of setions 3 and 4, T. 23 N., R. 67 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 23 N., R. 67 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 9 and 8, aproximately 2 miles to the 1/4 section corner of sections 7 and 8, T. 23 N., R. 67 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 1 mile to the 1/4 section corner of sections 17 and 18, T. 23 N., R. 67 W., Seward Meridian;

Thence westerly, on the east and west centerlines of sections 18, 13 and 14, approximately 2 1/2 miles to the center 1/4 section corner of section 14, T. 23 N., R. 68 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 14, approximately 1/2 mile to the 1/4 section corner of sections 14 and 23, T. 23 N., R. 68 W., Seward Meridian;

Thence westerly, between sections 14 and 23, 15 and 22, approximately 1 mile to the 1/4 section corner of sections 15 and 22, T. 23 N., R. 68 W., Seward Meridian;

Thence southerly, on the north and south centerlines of sections 22, 27 and 34, approximately 3 miles to the 1/4 section corner of sections 3 and 34, Tps. 22 and 23 N., R. 68 W., Seward Meridian;

Thence westerly, between Tps. 22 and 23 N., approximately 1 1/2 miles to the corner of sections 4, 5, 32 and 33, Tps. 22 and 23 N., R. 68 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, approximately 6 miles to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 N., R. 68 W., Seward Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 21 and 22 N., R. 68 W., Seward Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 21 N., R. 68 W., Seward Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 21 N., Rs. 68 and 69 W., Seward Meridian;

Thence easterly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 N., R. 58 W., Seward Meridian;

Thence westerly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 21 N., Rs. 68 and 69 W., Seward Meridian;

Thence southerly, between Rs. 68 and 69 W., approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 21 N., Rs. 68 and 69 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, approximately 5 miles to the corner of sections 17, 18, 19 and 20, T. 21 N., R. 69 W., Seward Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 21 N., R. 69 W., Seward Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, approximately 2 miles to the corner of sections 11, 12, 13 and 14, T. 21 N., R. 70 W., Seward Meridian;

Thence northerly, between sections 11 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 21 N., R. 70 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 21 N., R. 70 W., Seward Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 21 and 22 N., R. 70 W., Seward Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 2 3/4 miles to the meander corner of sections 5 and 32, at the line of mean high water on the right bank of Poltes Slough of the Yukon River, Tps. 21 and 22 N., R. 70 W., Seward Meridian;

Thence southeasterly and northeasterly, along the line of mean high water of the right banks of Poltes Slough, Wilson Creek Slough, Cross Slough, Thirtytwo Kazyga Slough, Circle Slough, Tuckers Slough, Summer Slough and the Yukon River, approximately 115 miles to the meander of sections 12 and 13, at the line of mean high water on the right bank of the Yukon River, T. 22 N., R. 59 W., Seward Meridian;

Thence easterly, between sections 12 and 13, 7 and 18, approximately 3 miles to the corner of sections 7, 8, 17 and 18, T. 22 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, 31 and 32, approximately 4 miles to the corner of sections 5, 6, 31 and 32, Tps. 21 and 22 N., R. 58 W., Seward Meridian;

Thence easterly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 21 and 22 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, approximately 3 miles to the corner of sections 16, 17, 20 and 21, T. 21 N., R. 58 W., Seward Meridian;

Thence easterly, between sections 16 and 21, 15 and 22, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 21 N., R. 58 W., Seward Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, 34 and 35, approximately 3 miles to the standard corner of sections 34 and 35, T. 21 N., R. 58 W., Seward Meridian;

Thence westerly, on the Fifth Standard Parallel North, approximately 300 feet to the closing corner of T. 20 N., Rs. 58 and 59 W., Seward Meridian;

Thence southerly, between Rs. 58 and 59 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 20 N., Rs. 58 and 59 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, approximately 2 miles the corner of sections 14, 15, 22 and 23, T. 20 N., R. 59 W., Seward Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 20 N., R. 59 W., Seward Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, 29 and 32, 30 and 31, approximately 4 miles to the corner of sections 25, 30, 31 and 36, T. 20 N., Rs. 59 and 60 W., Seward Meridian;

Thence northerly, between Rs. 59 and 60 W., approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 20 N., Rs. 59 and 60 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 20 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 20 N., R. 60 W., Seward Meridian;

Thence easterly, between sections 26 and 35, 25 and 36, approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 18 N., Rs. 56 and 57 W., Seward Meridian;

Thence southerly, between Rs. 56 and 57 W., approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 17 N., Rs. 56 and 57 W., Seward Meridian;

Thence easterly, between sections 7 and 18, 8 and 17, 9 and 16, approximately 3 miles to the corner of sections 9, 10, 15 and 16, T. 17 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 15 and 16, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 17 N., R. 56 W., Seward Meridian;

Thence easterly, between sections 15 and 22, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 17 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 22 and 23, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 17 N., R. 56 W., Seward Meridian;

Thence easterly, between sections 23 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 17 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 25 and 26, 35 and 36, approximately 2 miles to the standard corner of sections 35 and 36, T. 17 N., R. 56 W., Seward Meridian;

Thence easterly, on the Fourth Standard Parallel North, approximately 1/2 mile to the closing corner of sections 4 and 5, T. 16 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 16 N., R. 56 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 16 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, approximately 3 miles to the corner of sections 27, 28, 33 and 34, T. 16 N., R. 56 W., Seward Meridian;

Thence easterly, between sections 27 and 34, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 16 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 34 and 35, 2 and 3, 10 and 11, approximately 3 miles to the corner of sections 10, 11, 14, 15, T. 15 N., R. 56 W., Seward Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 20 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 19 N., R. 60 W., Seward Meridian;

Thence westerly, between sections 4 and 9, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 19 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, approximately 12 miles to the corner of sections 4, 5, 8 and 9, T. 17 N., R. 60 W., Seward Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, 2 and 11, 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, 1 and 12, approximately 10 miles to the corner of sections 1, 6, 7 and 12, T. 17 N., Rs. 58 and 59 W., Seward Meridian;

Thence northerly, between Rs. 58 and 59 W., approximately 1 mile to the corner of Tps. 17 and 18 N., Rs. 58 and 59 W., Seward Meridian;

Thence easterly, between Tps. 17 and 18 N., approximately 4 miles to the corner of sections 2, 3, 34 and 35, Tps. 17 and 18 N., R. 58 W., Seward Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 18 N., R. 58 W., Seward Meridian;

Thence easterly, between sections 26 and 35, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 18 N., R. 58 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately 1/2 mile to the 1/4 section corner of sections 25 and 26, T. 18 N., R. 58 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 25, 30, 29, 28 and 27, approximately 5 miles to the 1/4 section corner of sections 26 and 27, T. 18 N., R. 57 W., Seward Meridian;

Thence southerly, between sections 26 and 27, approximately 1/2 mile to the corner of sections 26, 27, 34 and 35, T. 18 N., R. 57 W., Seward Meridian;

Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 15 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 13 and 14, approximately 1 mile to the

Thence northerly, between sections 20 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 14 N., R. 56 W., Seward Meridian;

Thence westerly, between sections 17 and 20, approximately 1 mile to the

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Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 15 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 13 and 14, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 15 N., R. 56 W., Seward Meridian;

Thence easterly between sections 13 and 24, approximately 1 mile to the corner of sections 13, 18, 19 and 14, T. 15 N., Rs. 55 and 56 W., Seward Meridian;

Thence southerly, between Rs. 55 and 56 W., approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 15 N., Rs. 55 and 56 W., Seward Meridian;

Thence easterly, between sections 30 and 31, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 15 N., R. 55 W., Seward Meridian;

Thence southerly, between sections 31 and 32, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 7 and 8, T. 14 N., R. 55 W., Seward Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 14 N., R. 55 W., Seward Meridian;

Thence southerly, between sections 9 and 10, 15 and 16, 21 and 22, approximately 3 miles to the corner of sections 21, 22, 27 and 28, T. 14 N., R. 55 W., Seward Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 14 N., R. 55 W., Seward Meridian;

Thence northerly, between sections 19 and 20, 17 and 18, approximately 2 miles to the corner of sections 7, 8, 17 and 18, T. 14 N., R. 55 W., Seward Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, 11 and 14, approximately 3 miles to the corner of sections 10, 11, 14 and 15, T. 14 N., R. 56 W., Seward Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 14 N., R. 56 W., Seward Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, approximately 2 miles to the corner of sections 20, 21, 28 and 29, T. 14 N., R. 56 W., Seward Meridian;

Thence northerly, between sections 20 and 21, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 14 N., R. 56 W., Seward Meridian;

Thence westerly, between sections 17 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 14 N., R. 56 W., Seward Meridian;

Thence northerly, between sections 17 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 14 N., R. 56 W., Seward Meridian;

Thence westerly, between sections 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 15 miles to the corner of sections 10, 11, 14 and 15, T. 14 N., R. 59 W., Seward Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 14 N., R. 59 W., Seward Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, approximately 6 miles to the corner of sections 22, 23, 26 and 27, T. 14 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, 2 and 3, 10 and 11, approximately 4 miles to the corner of sections 10, 11, 14 and 15, T. 13 N., R. 60 W., Seward Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 13 N., Rs. 59 and 60 W., Seward Meridian;

Thence southerly, between Rs. 59 and 60 W., approximately 1/2 mile to the 1/4 section corner of sections 13 and 18, T. 13 N., Rs. 59 and 60 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 18, approximately 1/2 mile to the 1/4 section corner of section 18, T. 13 N., R. 59 W., Seward Meridian;

Thence southerly, on the north and south centerlines of sections 18, 19, 30 and 31, approximately 3 miles to the center 1/4 section corner of section 31, T. 13 N., R. 59 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 31, approximately 1/2 mile to the 1/4 section corner of sections 31 and 36, T. 13 N., Rs. 59 and 60 W., Seward Meridian;

Thence southerly, between Rs. 59 and 60 W., approximately 1/2 mile to the standard corner of T. 13 N., Rs. 59 and 60 W., Seward Meridian;

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Thence westerly, on the Third Standard Parallel North, approximately 1 1/4 miles to the closing corner of sections 5 and 6, T. 12 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 12 N., R. 60 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, approximately 2 miles to the corner of sections 1, 2, 11 and 12, T. 12 N., R. 61 W., Seward Meridian;

•Thence southerly, between sections 11 and 12, 13 and 14, 23 and 24, approximately 2 1/2 miles to the 1/4 section corner of sections 23 and 24, T. 12 N., R. 61 W., Seward Meridian;

•Thence westerly, on the east and west centerline of section 23, approximately 1 mile to the 1/4 section corner of sections 22 and 23, T. 12 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 1 1/2 miles to the corner of sections 26, 27, 34 and 35, T. 12 N., R. 61 W., Seward Meridian;

Thence westerly, between sections 27 and 34, approximately 1/2 mile to the 1/4 section corner of sections 27 and 34, T. 12 N., R. 61 W., Seward Meridian;

Thence southerly, on the north and south centerlines of sections 34 and 3, approximately 2 miles to the 1/4 section corner of sections 3 and 10, T. 11 N., R. 61 W., Seward Meridian;

Thence westerly, between sections 3 and 10, 4 and 9, approximately 1 1/2 miles to the corner of sections 4, 5, 8 and 9, T. 11 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, approximately 3 miles to the corner of sections 20, 21, 28 and 29, T. 11 N., R. 61 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 11 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 29 and 30, 31 and 32, approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 10 and 11 N., R. 61 W., Seward Meridian;

Thence easterly, between Tps. 10 and 11 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 10 and 11 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 10 N., R. 61 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 10 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, approximately 3 miles to the corner of sections 27, 28, 33 and 34 T. 10 N., R. 61 W., Seward Meridian;

Thence easterly, between sections 27 and 34, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 10 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, 34 and 35, approximately 7 miles to the standard corner of sections 34 and 35, T. 9 N., R. 61 W., Seward Meridian;

Thence easterly, on the Second Standard Parallel North, approximately 2 miles to the closing corner of sections 4 and 5, T. 8 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 8 N., R. 61 W., Seward Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 8 N., R. 61 W., Seward Meridian;

Thence southerly, between sections 15 and 16, 21 and 22, 27 and 28, 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 10 miles to the corner of sections 3, 4, 33 and 34, Tps. 6 and 7 N., R. 61 W., Seward Meridian;

Thence easterly, between Tps. 6 and 7 N., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 6 and 7 N., R. 61 W., Seward Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 7 N., R. 61 W., Seward Meridian;

Thence easterly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 7 N., Rs. 60 and 61 W., Seward Meridian;

Thence northerly, between Rs. 60 and 61 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 7 N., Rs. 60 and 61 W., Seward Meridian;

Thence easterly, between sections 7 and 18, approximately 1/2 mile to the 1/4 section corner of sections 7 and 18, T. 7 N., R. 60 W., Seward Meridian;

Thence southerly, between Rs. 62 and 63 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 62 and 63 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the

Thence easterly, between sections 7 and 18, approximately 1/2 mile to the 1/4 section corner of sections 7 and 18, T. 7 N., R. 60 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 7, approximately 1/2 mile to the center 1/4 section corner of section 7, T. 7 N., R. 60 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 7, approximately 1/2 mile to the 1/4 section corner of sections 7 and 8, T. 7 N., R. 60 W., Seward Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, approximately 1 1/2 miles to the corner of sections 5, 6, 31 and 32, Tps. 7 and 8 N., R. 60 W., Seward Meridian;

Thence easterly, between Tps. 7 and 8 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 7 and 8 N., R. 60 W., Seward Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, 20 and 21, 28 and 29, 32 and 33, 4 and 5, 8 and 9, approximately 8 miles to the corner of sections 8, 9, 16 and 17, T. 6 N., R. 60 W., Seward Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, 11 and 14, 12 and 13, approximately 4 miles to the corner of sections 7, 12, 13 and 18, T. 6 N., Rs. 59 and 60 W., Seward Meridian;

Thence southerly, between Rs. 59 and 60 W., approximately 10 miles to the standard corner of T. 5 N., Rs. 59 and 60 W., Seward Meridian;

Thence westerly, along the First Standard Parallel North, approximately 2 1/4 miles to the closing corner of T. 4 N., Rs. 60 and 61 W., Seward Meridian;

Thence southerly, between Rs. 60 and 61 W., approximately 24 miles to the standard corner of T. 1 N., Rs. 60 and 61 W., Seward Meridian;

Thence westerly, along the Seward Base Line, approximately 2 1/4 miles to the closing corner of T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence southerly, between Rs. 61 and 62 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 61 and 62 W., Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 6 miles to the corner of sections 13, 18, 19 and 24, T. 1 S., Rs. 62 and 63 W., Seward Meridian;

Thence southerly, between Rs. 62 and 63 W., approximately 3 miles to the corner of Tps. 1 and 2 S., Rs. 62 and 63 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 15 miles to the corner of sections 3, 4, 33 and 34, Tps. 1 and 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, 15 and 16, 21 and 22, approximately 4 miles to the corner of sections 21, 22, 27 and 28, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 2 S., R. 65 W., Seward Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 2 S., R. 65 W., Seward Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 2 and 3 S., R. 65 W., Seward Meridian;

Thence westerly, between Tps. 2 and 3 S., approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 2 and 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 10 and 11, approximately 1/2 mile to the 1/4 section corner of sections 10 and 11, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 10, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 3 S., R. 66 W., Seward Meridian;

Thence southerly, between sections 9 and 10, approximately 1/2 mile to the corner of sections 9, 10, 15 and 16, T. 3 S., R. 66 W., Seward Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 5 miles to the corner of sections 10, 11, 14 and 15, T. 3 S., R. 67 W., Seward Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 10 and 15, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 4 S., R. 69 W., Seward Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 4 S., R. 69 W., Seward Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, approximately 3 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence southerly, between Rs. 69 and 70 W., approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 4 S., Rs. 69 and 70 W., Seward Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 5 miles to the corner of sections 7, 8, 17 and 18, T. 4 S., R. 70 W., Seward Meridian;

Thence northerly, between sections 7 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 70 W., Seward Meridian;

Thence westerly, between sections 6 and 7, 1 and 12, 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, 1 and 12 and 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 13 miles to the corner of sections 1, 6, 7 and 12, T. 4 S., Rs. 72 and 73 W., Seward Meridian;

Thence southerly, between Rs. 72 and 73 W., approximately 2 miles to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 72 and 73 W. Seward Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 9 1/2 miles to the meander corner of sections 16 and 21, T. 4 S., R. 74 W., Seward Meridian, the place of beginning.

Also included within the Yukon Delta National Wildlife Refuge are those islands in sections 3, 9 and 10, T. 24 N., R. 89 W., Seward Meridian.

UNITS OF THE WILDERNESS PRESERVATION SYSTEM WITHIN THE YUKON DELTA NATIONAL WILDLIFE REFUGE:

Section 702 (2):

"Andreafsky Wilderness of approximately one million three hundred thousand acres as generally depicted on a map entitled 'Yukon Delta National Wildlife Refuge' dated April 1980."

Thence southerly, between sections 14 and 15, 22 and 23, 26 and 27, approximately 3 miles to the corner of sections 26, 27, 34 and 35, T. 3 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 3 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 32 and 33, 4 and 5, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 5 and 8, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 4 S., R. 67 W., Seward Meridian;

Thence southerly, between sections 7 and 8, 17 and 18, approximately 2 miles to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 67 W., Seward Meridian;

Thence westerly, between sections 18 and 19, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence southerly, between Rs. 67 and 68 W., approximately 3 miles to the standard corner of T. 4 S., Rs. 67 and 68 W., Seward Meridian;

Thence westerly, along the First Standard Parallel South, approximately 3 miles to the standard corner of sections 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 28 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 4 S., R. 68 W., Seward Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 4 S., R. 68 W., Seward Meridian;

Thence westerly, between sections 18 and 19, 13 and 24, 14 and 23, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 4 S., R. 69 W., Seward Meridian;

The Andreafsky Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 28 S., R. 14 W., Kateel River Meridian;

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The Andreafsky Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the corner of sections 25, 30, 31 and 36, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, approximately 2 miles to the corner of sections 28, 29, 32 and 33, T. 25 S., R. 17 W., Kateel River Meridian;

Thence southerly, between sections 32 and 33, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 25 and 26 S., R. 17 W., Kateel River Meridian;

Thence easterly, between Tps. 25 and 26 S., approximately 11 miles to the corner of sections 5, 6, 31 and 32, Tps. 25 and 26 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, approximately 7 miles to the corner of sections 5, 6, 7 and 8, T. 27 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 5 and 8, approximately 1 mile to the corner of sections 4, 5, 8 and 9, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 27 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 27 S., R. 15 W., Kateel River Meridian;

Thence southerly, between sections 14 and 15, 22 and 23, 26 and 27, 34 and 35, 2 and 3, 10 and 11, 14 and 15, 22 and 23, approximately 8 miles to the corner of sections 22, 23, 26 and 27, T. 28 S., R. 15 W., Kateel River Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, 19 and 30, 20 and 29, approximately 4 miles to the corner of sections 20, 21, 28 and 29, T. 28 S., R. 14 W., Kateel River Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, approximately 2 miles to the corner of sections 8, 9, 16 and 17, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 28 S., R. 14 W., Kateel River Meridian;

Thence northerly, between sections 9 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 3 and 10, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 28 S., R. 14 W., Kateel River Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, approximately 2 miles to the corner of sections 14, 15, 22 and 23, T. 28 S., R. 14 W., Kateel River Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, 18 and 19, 17 and 20, approximately 3½ miles to the ¼ section corner of sections 17 and 20, T. 28 S., R. 13 W., Kateel River Meridian;

Thence southerly, along the north and south centerlines of sections 20, 29, 32 and 5, approximately 4 miles to the ¼ section corner of section 5 T. 29 S., R. 13 W., Kateel River Meridian;

Thence westerly, between the Seward and Kateel River Meridians, approximately 700 feet to the corner of sections 34 and 35, T. 34 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 34 and 35, 2 and 3, 10 and 11, 14 and 15, approximately 4 miles to the corner of sections 14, 15, 22 and 23, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 33 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 33 N., R. 63 W., Seward Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the standard corner of sections 32 and 33, T. 33 N., R. 63 W., Seward Meridian;

Thence westerly, on the Eighth Standard Parallel North, approximately 4½ miles to a point on the crest of a ridge between sections 2 and 34, Tps. 32 and 33 N., Rs. 64 and 65 W., Seward Meridian, approximate elevation 1,850 feet;

Thence on an approximate forward bearing of S. 25° W., approximately 3,500 feet to a summit of a hill near the center of section 2, T. 32 N., R. 65 W., Seward Meridian, approximate elevation 1,695 feet;

Thence on an approximate forward bearing of N. 80° W., approximately 6,000 feet to the confluence of an unnamed stream from the west and the Atchuelinguk River, near the center of section 3, T. 32 N., R. 65 W., Seward Meridian;

Thence on an approximate forward bearing of S. 53° W., approximately 7,600 feet to the summit of a hill in the northwesterly portion of section 9, T. 32 N., R. 65 W., Seward Meridian, approximate elevation 1,500 feet;

Thence on an approximate forward bearing of N. 16° W., approximately 3,400 feet to the summit of a hill in the southwesterly portion of section 4, T. 32 N., R. 65 W., Seward Meridian, approximate elevation 1,432 feet;

Thence southwesterly, along the crest of the divide between the East Fork Andreafsky River and the Atchuelinguk River, approximately 43 miles to a point between sections 11 and 14, T. 27 N., R. 70 W., Seward Meridian;

Thence easterly, between sections 11 and 14, approximately ½ mile to the corner of sections 11, 12, 13 and 14, T. 27 N., R. 70 W., Seward Meridian;

Thence southerly, between sections 13 and 14, 23 and 24, 25 and 26, 35 and 36, approximately 3 3/10 miles to the meander corner of sections 35 and 36, Tps. 27 N., R. 70 W., Seward Meridian with the line of mean high water of an unnamed lake;

Thence southwesterly, along the west bank of an unnamed lake, approximately 2½ miles to ¼ section corner of sections 10 and 11, T. 26 N., R. 70 W., Seward Meridian, at the line of mean high water;

Thence westerly, on the east and west centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 26 N., R. 70 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 10, approximately ½ mile to the ¼ section corner of sections 10 and 15, T. 26 N., R. 70 W., Seward Meridian;

Thence westerly, between sections 10 and 15, approximately ½ mile to the corner of sections 9, 10, 15 and 16, T. 26 N., R. 70 W., Seward Meridian;

Thence southerly, between section 15 and 16, approximately ½ mile to the ¼ section corner of sections 15 and 16, T. 26 N., R. 70 W., Seward Meridian;

Thence westerly, on the east and west centerline of section 16, approximately ½ mile to the center ¼ section corner of section 16, T. 26 N., R. 70 W., Seward Meridian;

Thence southerly, on the north and south centerline of section 16, approximately ½ mile to the ¼ section corner of sections 16 and 21, T. 26 N., R. 70 W., Seward Meridian;

Thence westerly, between sections 16 and 21, approximately ½ mile to the corner of sections 16, 17, 20 and 21, T. 26 N., R. 70 W., Seward Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 26 N., R. 70 W., Seward Meridian;

Thence westerly, between sections 20 and 29, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 26 N., R. 70 W., Seward Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 26 N., R. 70 W., Seward Meridian;

Thence westerly, between sections 30 and 31, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 26 N., Rs. 70 and 71 W., Seward Meridian;

Thence southerly, between Rs. 70 and 71 W., approximately 1 mile to the corner of Tps. 25 and 26 N., Rs. 70 and 71 W., Seward Meridian;

Thence westerly, between Tps. 25 and 26 N., approximately ½ mile to the ¼ section corner of sections 1 and 36, Tps. 25 and 26 N., R. 71 W., Seward Meridian;

Thence southerly, on the north and south centerline of sections 1, 12, 13 and 24, approximately 4 miles to the ¼ section corner of sections 24 and 25, T. 25 N., R. 71 W., Seward Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, approximately 1 mile to a point on the south bank of a stream near the ¼ section corner of sections 23 and 26, T. 25 N., R. 71 W., Seward Meridian;

Thence following along the south bank of said stream, approximately 3¾ miles to the standard ¼ section corner of sections 4 and 33 Tps. 24 and 25 N., R. 71 W., Seward Meridian;

Thence westerly, on the Sixth Standard Parallel North, approximately 8¾ miles to the standard corner of T. 25 N., Rs. 72 and 73 W., Seward Meridian;

Thence northerly, between Rs. 72 and 73 W., approximately 12 miles to the corner of Tps. 26 and 27 N., Rs. 72 and 73 W., Seward Meridian;

Thence westerly, between Tps. 26 and 27 N., approximately 6 miles to the corner of Tps. 26 and 27 N., Rs. 73 and 74 W., Seward Meridian;

Thence southerly, between Rs. 73 and 74 W., approximately 6 miles to the corner of Tps. 25 and 26 N., Rs. 73 and 74 W., Seward Meridian;

Thence westerly, between Tps. 25 and 26 N., approximately 24½ miles to the ¼ section corner of sections 1 and 36, Tps. 25 and 26 N., R. 78 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 36,

Thence easterly, on the east and west centerline of section 3, approximately 3/4 mile to the ¼ section corner of sections 2 and 3, T. 26 N., R. 77 W., Seward Meridian;

Thence westerly, between Tps. 25 and 26 N., approximately 24½ miles to the ¼ section corner of sections 1 and 36, Tps. 25 and 26 N., R. 78 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 36, approximately ½ mile to the center ¼ section corner of section 36, T. 26 N., R. 78 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 36, approximately ½ mile to the ¼ section corner of sections 31 and 36, T. 26 N., Rs. 77 and 78 W., Seward Meridian;

Thence northerly, between Rs. 77 and 78 W., approximately ½ mile to the corner of sections 25, 30, 31 and 36, T. 26 N., Rs. 77 and 78 W., Seward Meridian;

Thence easterly, between sections 30 and 31, approximately ½ mile to the ¼ section corner of sections 30 and 31, T. 26 N., R. 77 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximatley ½ mile to the center ¼ section corner of section 30, T. 26 N., R. 77 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 30, approximately ½ mile to the ¼ section corner of sections 29 and 30, T. 26 N., R. 77 W., Seward Meridian;

Thence northerly, between sections 29 and 30, 19 and 20, approximately 1 mile to the ¼ section corner of sections 19 and 20, T. 26 N., R. 77 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 20, approximately ½ mile to the center ¼ section corner of section 20, T. 26 N., R. 77 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 20, approximately ½ mile to the ¼ section corner of sections 17 and 20, T. 26 N., R. 77 W., Seward Meridian;

Thence easterly, between sections 17 and 20, approximately ½ mile to the corner of sections 16, 17, 20 and 21, T. 26 N., R. 77 W., Seward Meridian;

Thence northerly, between sections 16 and 17, approximately 3/4 mile to a special meander corner of sections 16 and 17, T. 26 N., R. 77 W., Seward Meridian, with the line of mean high water of an unnamed lake;

Thence northeasterly, along the easterly shore of an unnamed lake, approximately 2 miles to the special meander corner on the east and west centerline of section 3, T. 26 N., R. 77 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 3, approximately 3/4 mile to the ¼ section corner of suctions 2 and 3, T. 26 N., R. 77 W., Seward Meridian;

Thence northerly, between sections 2 and 3, approximately ½ mile to the corner of sections 2, 3, 34 and 35, Tps. 26 and 27 N., R. 77 W., Seward Meridian;

Thence easterly, between Tps. 26 and 27 N., approximately ½ mile to the ¼ section corner of sections 2 and 35, Tps. 26 and 27 N., R. 77 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 35, approximately ½ mile to the center ¼ section corner of section 35, T. 27 N., R. 77 W., Seward Meridian;

Thence easterly, on the east and west centerlines of sections 35 and 36, approximately 1 mile to the center ¼ section corner of section 36, T. 27 N., R. 77 W., Seward Meridian;

Thence northerly on the north and south centerline ofsection 36, approximately ½ mile to the ¼ section corner of sections 25 and 36, T. 27 N., R. 77 W., Seward Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, approximately 1 mile to the ¼ section corner of sections 30 and 31, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximately ½ mile to the ¼ section corner of section 30, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 30, approximately ½ mile to the ¼ section corner of sections 29 and 30, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, between sections 29 and 30, approximately ½ mile to the corner of section 19 and 20, 29 and 30, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, between sections 20 and 29, approximately ½ mile to the ¼ section corner of sections 20 and 29, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 20, approximately ½ mile to the center ¼ section corner of section 20, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 20, approximately ½ mile to the ¼ section corner of sections 20 and 21, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, between sections 20 and 21, approximately ½ mile to the corner of sections 16, 17, 20 and 21, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, between sections 16 and 21, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, between sections 15 and 16, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, between sections 10 and 15, approximately ½ mile to the ¼ section corner of section 10, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 10, approximately ½ mile to the ¼ section corner of sections 10 and 11, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, between sections 10 and 11, approximately ½ mile to the corner of sections 2, 3, 10 and 11, T 27 N., R. 76 W., Seward Meridian;

Thence easterly, between sections 2 and 11, approximately ½ mile to the ¼ section corner of sections 2 and 11, T. 27 N., R. 76 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 2, approximately ½ mile to the center ¼ section corner of section 2, T. 27 N., R. 76 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 2, approximately ½ mile to the ¼ section corner of sections 1 and 2, T. 27 N.,R. 76 W., Seward Meridian;

Thence northerly, between sections 1 and 2, approximately ½ mile to the corner of sections 1, 2, 35 and 36, Tps. 27 and 28 N., R. 76 W., Seward Meridian;

Thence easterly, between Tps. 27 and 28 N., approximately ½ mile to the ¼ section corner of sections 1 and 36, Tps. 27 and 28 N., R. 76 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 36, approximately ½ mile to the center ¼ section corner of section 36, T. 28 N., R. 76 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 36, approximately ½ mile to the ¼ section corner of sections 31 and 36, T. 28 N., Rs. 75 and 76 W., Seward Meridian;

Thence northerly, between Rs. 75 and 76 W., approximately ½ mile to the corner of sections 25, 30, 31 and 36, T. 28 N., Rs. 75 and 76 W., Seward Meridian;

Thence easterly, between sections 30 and 31, approximately ½ mile to the ¼ section corner of sections 30 and 31, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximately ½ mile to the center ¼ section corner of section 30, T. 28 N., R. 75 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 30, approximately ½ mile to the ¼ section corner of sections 29 and 30, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, between sections 29 and 30, approximately ½ mile to the corner of sections 19, 20, 29 and 30, T. 28 N., R. 75 W., Seward Meridian;

Thence easterly, between section 20 and 29, approximately ½ mile to the ¼ section corner of sections 20 and 29, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 20, approximately ½ mile to the center ¼ section corner of section 20, T. 28 N., R. 75 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 20, approximately ½ mile to the ¼ section corner of sections 20 and 21, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, between sections 20 and 21, approximately ½ mile to the corner of sections 16, 17, 20 and 21, T. 28 N., R. 75 W., Seward Meridian;

*Thence easterly, between sections 16 and 21, approximately ½ mile to the ¼ section corner of sections 16 and 21, T. 28 N., R. 75 W., Seward Meridian;

*Thence northerly, on the north and south centerline of section 16, approximately ½ mile to the center ¼ section corner of section 16, T. 28 N., R. 75 W., Seward Meridian;

*Thence easterly, on the east and west centerline of section 16, approximately ½ mile to the ¼ section corner of sections 15 and 16, T. 28 N., R. 75 W., Seward Meridian;

*Thence northerly, between sections 15 and 16, approximately ½ mile to the corner of sections 9, 10, 15 and 16, T. 28 N., R. 75 W., Seward Meridian;

*Thence easterly, between sections 10 and 15, approximately ½ mile to the ¼ section corner of sections 10 and 15, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 28 N., R. 75 W., Seward Meridian;

*Thence northerly, on the north and south centerline of section 18, approximately ½ mile to the center ¼ section corner of section 18, T. 29 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 10, approximately ½ mile to the center ¼ section corner of section 10, T. 28 N., R. 75 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 10, approximately ½ mile to the ¼ section corner of sections 10 and 11, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, between sections 10 and 11, approximately ½ mile to the corner of sections 2, 3, 10 and 11, T. 28 N., R. 75 W., Seward Meridian;

Thence easterly, between sections 2 and 11, approximately ½ mile to the ¼ section corner of sections 2 and 11, T. 28 N., R. 75 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 2, approximately 1 mile to the ¼ section corner of section 2, Tp. 28 N., R. 75 W., Seward Meridian;

Thence easterly, on the Seventh Standard Parallel North, approximately ½ mile to the corner of sections 34 and 35, T. 29 N., R. 74 W., Seward Meridian;

Thence northerly, between sections 34 and 35, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 29 N., R. 74 W., Seward Meridian;

Thence easterly, between sections 26 and 35, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 29 N., R. 74 W., Seward Meridian;

Thence northerly, between sections 25 and 26, approximately ½ mile to the ¼ section corner of sections 25 and 26, T. 29 N., R. 74 W., Seward Meridian;

*Thence easterly, on the east and west centerline of section 25, approximately ½ mile to the center ¼ section corner of section 25, T. 29 N., R. 74 W., Seward Meridian;

*Thence northerly, on the north and south centerline of section 25, approximately ½ mile to the ¼ section corner of sections 24 and 25, T. 29 N., R. 74 W., Seward Meridian;

*Thence easterly, between sections 24 and 25, approximately 1½ miles to the corner of sections 19, 24, 25 and 30, T. 29 N., Rs. 73 and 74 W., Seward Meridian;

*Thence northerly, between sections 19 and 24, approximately 1 mile to the corner of sections 13, 18, 19 and 24, T. 29 N., Rs. 73 and 74 N., Seward Meridian;

*Thence easterly, between sections 18 and 19, approximately ½ mile to the ¼ corner of sections 18 and 19, T. 29 N., R. 73 W., Seward Meridian;

*Thence northerly, on the north and south centerline of section 18, approximately ½ mile to the center ¼ section corner of section 18, T. 29 N., R. 73 W., Seward Meridian;

*Thence easterly, on the east and west centerline of section 18, approximately ½ mile to the ¼ section corner of sections 17 and 18, T. 29 N., R. 73 W., Seward Meridian;

*Thence northerly, between sections 17 and 18, 7 and 8, approximately 1 mile to the ¼ section corner of sections 7 and 8, T. 29 N., R. 73 W., Seward Meridian;

Thence easterly, on the east and west centerline of section 8, approximately ½ mile to the center ¼ section corner of section 8, T. 29 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 8, approximately ½ mile to the ¼ section corner of sections 5 and 8, T. 29 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 5 and 8, approximately ½ mile to the corner of sections 4, 5, 8 and 9, T. 29 N., R. 73 W., Seward Meridian;

Thence northerly, between sections 4 and 5, approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 29 and 30 N., R. 73 W., Seward Meridian;

Thence easterly, between Tps. 29 and 30 N., approximately ½ mile to the ¼ section corner of sections 4 and 33, Tps. 29 and 30 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south ¼ centerline of section 33, approximately 1 mile to the ¼ section corner of sections 28 and 33, T. 30 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 28 and 33, approximately 3/4 mile to the corner of sections 27, 28, 33 and 34, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 30 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 22 and 27, approximately ¼ mile to the ¼ section corner of sections 22 and 27, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 22, approximately 1 mile to the ¼ section corner of sections 15 and 22, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerlines of sections 32 and 29, approximately 2 miles to the ¼ section corner of sections 20 and 29, T. 32 N., R. 72 W., Seward Meridian;

Thence easterly, between sections 20 and 29, approximately ½ mile to the corner of sections 20, 21, 28 and 29, T. 32 N., R. 72 W., Seward Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, approximately 2½ miles to the ¼ section corner of sections 8 and 9, T. 32 N., R. 72 W., Seward Meridian;

Thence easterly, on the east west centerline of section 9, T. 32 N., R. 72 W., Seward Meridian, to the center ¼ section of section 9;

Thence northerly, with the north south centerlines of section 9 and 4, approximately 1½ miles to the ¼ section corner on the Eighth Standard Parallel North, T. 32 N., R. 72 W., Seward Meridian;

Thence easterly, on the Eighth Standard Parallel North, approximately 1/10 mile to the ¼ section corner of section 32, Tps. 32 and 33 N., R. 71 W., Seward Meridian;

Thence northerly, on the north and south centerline of sections 32, 29, 20 and 17, approximately 4 miles to the ¼ section corner of sections 8 and 17, T. 33 N., R. 71 W., Seward Meridian;

Thence westerly, between sections 8 and 17, approximately ½ mile to the corner of sections 7, 8, 17 and 18, T. 33 N., R. 71 W., Seward Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, 31 and 32, approximately 3 miles to the closing corner of sections 31 and 32, T. 34 N., R. 71 W., Seward Meridian;

Thence easterly, between the Seward and Kateel River Meridians, approximately 1 mile to the ¼ section corner of section 1 T. 29 S., R. 22 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 1 and 36, approximately 1½ miles to the center ¼ section corner of section 36, T. 28 S., R. 22 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 36, approximately ½ mile to the ¼ section corner of sections 31 and 36, T. 28 S., Rs. 21 and 22 W., Kateel River Meridian;

Thence northerly, between Rs. 21 and 22 W., approximately 1 mile to the ¼ section corner of sections 25 and 30, T. 28 S., Rs. 21 and 22 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 30, approximately ½ mile to the center ¼ section corner of section 30, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 15 and 22, approximately ½ mile to the corner of sections 14, 15, 22 and 23, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 30 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 11 and 14, approximately ½ mile to the ¼ section corner of sections 11 and 14, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 11, approximately 1 mile to the ¼ section corner of sections 2 and 11, T. 30 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 2 and 11, approximately ½ mile to the corner of sections 1, 2, 11 and 12, T. 30 N., R. 73 W., Seward Meridian;

Thence northerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 30 and 31 N., R. 73 W., Seward Meridian;

Thence easterly, between Tps. 30 and 31 N., approximately ½ mile to the ¼ section corner of sections 1 and 36, Tps. 30 and 31 N., R. 73 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 36, approximately 1 mile to the ¼ section corner of sections 25 and 36, T. 31 N., R. 73 W., Seward Meridian;

Thence easterly, between sections 25 and 36, approximately ½ mile to the corner of sections 25, 30, 31 and 36, T 31 N., Rs. 72 and 73 W., Seward Meridian;

Thence northerly, between Rs. 72 and 73 W., approximately 3 miles to the corner of sections 7, 12, 13 and 18, T. 31 N., Rs. 72 and 73 W., Seward Meridian;

Thence easterly, between sections 7 and 18, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 31 N., R. 72 W., Seward Meridian;

Thence northerly, between sections 7 and 8, 5 and 6, approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 31 and 32 N., R. 72 W., Seward Meridian;

Thence easterly, between Tps. 31 and 32 N., approximately ½ mile to the ¼ section corner of sections 5 and 32, Tps. 31 and 32 N., R. 72 W., Seward Meridian;

Thence northerly, on the north and south centerline of section 30, approximately ½ mile to the ¼ section corner of sections 19 and 30, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 19 and 30, approximately ½ mile to the

Thence northerly, on the north and south centerline of section 3, approximately ½ mile to the ¼ section corner of section 3, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 3, approximately

Thence northerly, on the north and south centerline of section 30, approximately ½ mile to the ¼ section corner of sections 19 and 30, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 19 and 30, approximately ½ mile to the corner of sections 19, 20, 29 and 30, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 19 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 17 and 20, approximately ½ mile to the ¼ section corner of sections 17 and 20, T. 28 S., R. 21 W., Kateel Meridian;

Thence northerly, on the north and south centerline of section 17, approximately ½ mile to the center ¼ section corner of section 17, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 17, approximately ½ mile to the ¼ section corner of sections 16 and 17, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 16 and 17, approximately ½ mile to the corner of sections 8, 9, 16 and 17, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 9 and 16, approximately ½ mile to the ¼ section corner of sections 9 and 16, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 9, approximately ½ mile to the center ¼ section corner of section 9, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 9, approximately ½ mile to the ¼ section corner of sections 9 and 10, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 9 and 10, approximately ½ mile to the corner of sections 3, 4, 9 and 10, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 3 and 10, approximately ½ mile to the ¼ section corner of sections 3 and 10, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 3, approximately ½ mile to the ¼ section corner of section 3, T. 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 3, approximately ½ mile to the ¼ section corner of sections 2 and 3, T. 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, between sections 2 and 3, approximately ½ mile to the corner of sections 2, 3, 34 and 35, Tps. 27 and 28 S., R. 21 W., Kateel River Meridian;

Thence easterly, between Tps. 27 and 28 S., approximately ½ mile to the ¼ section corner of sections 2 and 35, Tps. 27 and 28 S., R. 21 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 35, approximately ½ mile to the ¼ center corner of section 35, T. 27 S., R. 21 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of sections 35 and 36, approximately 1 mile to the center ¼ section corner of section 36, T. 27 S., R. 21 W., Kateel River Meridian;

Thence northerly, on the north and south centerline of section 36, approximately ½ mile to the ¼ section corner of sections 25 and 36, T. 27 S., R. 21 W., Kateel River Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, 29 and 32, 28 and 33, approximately 3½ miles to the corner of sections 27, 28, 33 and 34, T. 27 S., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 27 and 28, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 27 S., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 22 and 27, 23 and 26, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 27 S., R. 20 W., Kateel River Meridian;

Thence northerly, between sections 23 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 27 S., R. 20 W., Kateel River Meridian;

Thence easterly, between sections 13 and 24, 18 and 19, 17 and 20, 16 and 21, approximately 3½ miles to the ¼ section corner of sections 16 and 21, T. 27 S., R. 19 W., Kateel River Meridian;

NUNIVAK WILDERNESS

Section 702 (9):

"Nunivak Wilderness of approximately six hundred thousand acres as generally depicted on a map entitled 'Yukon Delta National Wildlife Refuge', dated July 1980."

The Nunivak Wilderness consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the meander corner of sections 6 and 31, Tps. 1 and 2 S., R. 95 W., Seward Meridian;

Thence westerly, between Tps. 1 and 2 S., approximately 24 1/4 miles to the corner of Tps. 1 and 2 S., Rs. 99 and 100 W., Seward Meridian;

Thence northerly, between Rs. 99 and 100 W., approximately 1,500 feet to a point due East of the summit of a low hill, between sections 31 and 36, T. 1 S., Rs. 99 and 100 W., Seward Meridian;

Thence due West, approximately 950 feet to the summit of a hill in the southeasterly portion of section 36, T. 1 S., R. 100 W., Seward Meridian, approximate elevation 1,185 feet;

Thence on an approximate forward bearing of N. 62° W., approximately 23,900 feet to the summit of a hill in the southeasterly portion of section 20, T. 1 S., R. 100 W., Seward Meridian, approximate elevation 960 feet;

Thence on an approximate forward bearing of N. 84° W., approximately 9,600 feet to the summit of a hill in the northeasterly portion of section 24, T. 1 S., R. 101 W., Seward Meridian, approximate elevation 755 feet;

Thence on an approximate forward bearing of N. 73° W., approximately 18,200 feet to the summit of a hill in the northeasterly portion of section 16, T. 1 S., R 101 W., Seward Meridian, approximate elevation 615 feet;

Thence on an approximate forward bearing of N. 50° W., approximately 9,200 feet to the summit of a low hill, in sections 5 and 8, T. 1 S., R. 101 W., Seward Meridian, approximate elevation 465 feet;

Thence approximately due West, approximately 3,200 feet to the corner of

Thence northeasterly, along the line of mean high tide of the Bering Sea, approximately 1,000 feet to the meander corner of sections 5 and 6, T. 1 N., R. 104 W., Seward Meridian;

Thence due North, to a point in the Bering Sea, 7,437.5 feet from the

Thence northerly, on the north and south centerline of section 16, approximately ½ mile to the center ¼ section corner of section 16, T. 27 S., R. 19 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of sections 16 and 15, approximately 1½ miles to the ¼ section corner of sections 14 and 15, T. 27 S., R. 19 W., Kateel River Meridian;

Thence northerly, between sections 14 and 15, approximately ½ mile to the corner of sections 10, 11, 14 and 15, T. 27 S., R. 19 W., Kateel River Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 27 S., Rs. 18 and 19 W., Kateel River Meridian;

Thence northerly, between Rs. 18 and 19 W., approximately ½ mile to the ¼ section corner of sections 7 and 12, T. 27 S., R. 18 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of sections 7 and 8, approximately 2 miles to the ¼ section corner of sections 8 and 9, T. 27 S., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 8 and 9, approximately ½ mile to the corner of sections 4, 5, 8 and 9, T. 27 S., R. 18 W., Kateel River Meridian;

Thence easterly, between sections 4 and 9, 3 and 10, approximately 2 miles to the corner of sections 2, 3, 10 and 11, T. 27 S., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 2 and 3, approximately ½ mile to the ¼ section corner of sections 2 and 3, T. 27 S., R. 18 W., Kateel River Meridian;

Thence easterly, on the east and west centerline of section 2, approximately 1 mile to the ¼ section corner of sections 1 and 2, T. 27 S., R. 18 W., Kateel River Meridian;

Thence northerly, between sections 1 and 2, approximately ½ mile to the corners of sections 1, 2, 35 and 36, Tps. 26 and 27 S., R. 18 W., Kateel River Meridian;

Thence easterly, between Tps. 26 and 27 S., approximately 1 mile to the corner of Tps. 26 and 27 S., Rs. 17 and 18 W., Kateel River Meridian;

Thence northerly, between Rs. 17 and 18 W., approximately 7 miles to the corner of sections 25, 30, 31 and 36, T. 25 S., Rs. 17 and 18 W., Kateel River Meridian, the place of beginning.

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Thence on an approximate forward bearing of N. 50° W., approximately 9,200 feet to the summit of a low hill, in sections 5 and 8, T. 1 S., R. 101 W., Seward Meridian, approximate elevation 465 feet;

Thence approximately due West, approximately 3,200 feet to the corner of sections 5, 6, 7 and 8, T. 1 S., R. 101 W., Seward Meridian;

Thence northerly, between sections 5 and 6, approximately 1 mile to the closing corner of sections 5 and 6, approximately 1 mile to the closing corner of sections 5 and 6, T. 1 S., R. 101 W., Seward Meridian;

Thence westerly, on the Seward Base Line, approximately 7 1/2 miles to a point due South of the summit of a low hill in the southerly portion of section 36, T. 1 N., R. 102 W., Seward Meridian;

Thence due North, approximately 1,000 feet to the summit of a hill in the southerly portion of section 36, T. 1 N., R. 102 W., Seward Meridian, approximate elevation 540 feet;

Thence on an approximate forward bearing of N. 76° W., approximately 31,300 feet to the summit of a hill in the northwesterly portion of section 19, T. 1 N., R. 102 W., Seward Meridian, approximate elevation 490 feet;

Thence on an approximate forward bearing of S. 70° W., approximately 13,300 feet to the summit of Seemalik Butte in the northeasterly portion of section 27, T. 1 N., R. 103 W., Seward Meridian, approximate elevation 866 feet;

Thence on an approximate forward bearing of S. 80° W., approximately 10,400 feet to the summit of a hill in the southeasterly portion of section 29, T. 1 N., R. 103 W., Seward Meridian, approximate elevation 460 feet;

Thence on an approximate forward bearing of S. 83° W., approximately 18,600 feet to the summit of a hill in the northerly portion of section 35, T. 1 N., R. 104 W., Seward Meridian, approximate elevation 505 feet;

Thence on an approximate forward bearing of S. 47° W., approximately 4,700 feet to the summit a hill in the southeasterly portion of section 34, T. 1 N., R. 104 W., Seward Meridian, approximate elevation 515 feet;

Thence on an approximate forward bearing of N. 31° W., approximately 30,100 feet to a point on the right bank of an unnamed river at the line of mean high tide of the Bering Sea, in the southeasterly portion of setion 6, T. 1 N., R. 104 W., Seward Meridian;

Thence northeasterly, along the line of mean high tide of the Bering Sea, approximately 1,000 feet to the meander corner of sections 5 and 6, T. 1 N., R. 104 W., Seward Meridian;

Thence due North, to a point in the Bering Sea, 7,437.5 feet from the line of mean high tide of the shore of Nunivak Island;

Thence westerly, southeasterly, northeasterly, and northwesterly, along a line 7,437.5 feet from the line of mean high tide of Nunivak Island, including all submerged lands within the described line, to a point 7,437.5 feet due East of the meander corner of sections 6 and 31, Tps. 1 and 2 S., R. 95 W., Seward Meridian;

Thence due West, 7,437.5 feet to the meander corner of sections 6 and 31, Tps. 1 and 2 S., R. 95 W., Seward Meridian, the place of beginning.

UNITS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM WITHIN THE YUKON DELTA NATIONAL WILDLIFE REFUGE:

Designated Wild River:

Section 602:

"Andreafsky, Alaska--That portion from its source, including all headwaters, and the East Fork, within the boundary of the Yukon Delta National Wildlife Refuge; to be administered by the Secretary of the Interior."

NOTE: The boundaries of the designated wild river corridors will be determined during the comprehensive conservation of planning process for the Yukon Delta National Wildlife Refuge and will be published upon completion of that plan (due by December 1985).

Designated Study River:

Section 604 (a):

Kisaralik, Alaska--The corridor withdrawn during the course of the study and consideration by Congress consists of those public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of that portion of the Kisaralik River from its entrance into the Yukon Delta National Wildlife Refuge in T. 3 N., R. 61 W., Seward Meridian, to its confluence with the Kuskokwim River.

*Department of the Interior 1:250,000 scale map issued in 1980, incorrectly depicts this portion of the description.

The following USGS quadrangle maps were used to prepare the legal description for the Yukon Delta National Wildlife Refuge:

mr - minor revision
* - Quad depicts Wilderness boundary

Scale of Map	Name and Date
1:63,360	Goodnews (D-4), (D-5), (D-6), (D-7), (D-8) 1954.
1:63,360	Kuskokwim Bay (D-1) 1954; (D-2) 1953; (D-3), (D-4), (D-5), (D-6) 1954.
1:250,000	Baird Inlet 1954 mr 1977.
1:63,360	Baird Inlet (A-6), (A-7), (B-8), (C-8) 1954.
1:250,000*	Cape Mendenhall 1952 mr 1972.
1:63,360*	Cape Mendenhall (D-2), (D-3) 1952 mr 1973; (D-4), (D-5) 1952 mr 1975; (D-6) 1952 mr 1973.
1:250,000*	Nunivak Island 1954 mr 1974.
1:63,360*	Nunivak Island (A-2), (A-3), (A-4) 1952; (A-5) 1952 mr 1973; (A-6) 1952; (A-7) 1952 mr 1973; (B-1), (C-1), (D-1) 1954.
1:63,360	Hooper Bay (A-1) 1954; (A-2) 1952 mr 1972; (B-2) 1953; (B-3) 1952 mr 1972; (C-4) 1952 mr 1966; (D-2) 1952; (D-3) 1953.
1:63,360	Black (A-2) 1952 mr 1973; (B-1) 1952; (C-1) 1952 mr 1972.
1:63,360*	Saint Michael (A-1) 1952 mr 1963; (A-2), (A-3) 1952 mr 1973; (A-4), (A-5), (A-6), (B-1), (B-2) 1952.
1:63,360*	Unalakleet (A-5), (A-6), (B-6) 1952 mr 1966.
1:63,360*	Holy Cross (A-2), (A-3) 1952 mr 1973; (A-4) 1952 mr 1966; (A-5), (A-6) 1952 mr 1975; (B-6) 1952 mr 1967; (C-5) 1952 mr 1972; (C-6) 1952 mr 1966; (D-5) 1952 mr 1972; (D-6) 1952.
1:63,360	Marshall (D-1) 1952.
1:63,360	Russian Mission (A-3) 1954; (A-4) 1954 mr 1973; (B-1), (B-2), (B-3), (C-1) 1952; (C-2) 1952 mr 1970; (C-3) 1952 mr 1972; (C-4) 1954 mr 1972; (C-7), (C-8), (D-3), (D-4), (D-5), (D-6), (D-7), (D-8) 1952.
1:63,360*	Ewiguk (A-1) 1952; (A-2) 1952 mr 1972; (B-1) 1952; (B-2) 1952 mr 1972; (B-3) 1952 mr 1975; (B-4) 1952; (C-1) 1952 mr 1973; (C-2) 1952 mr 1966; (C-3) 1953 mr 1973; (C-6) 1952; (D-2) 1952 mr 1965; (D-8) 1953.
1:63,360	Bethel (A-3) 1979; (A-4) 1954; (B-2) 1979; (B-3) 1954; (C-2) 1979; (C-3) 1954; (D-3) 1954 mr 1971; (D-4) 1954.

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YUKON DELTA NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

YUKON FLATS NATIONAL WILDLIFE REFUGE

Section 302 (9):

> "The Yukon Flats National Wildlife Refuge shall consist of approximately eight million six hundred and thirty thousand acres of public lands as generally depicted on the map entitled 'Yukon Flats National Wildlife Refuge', dated July 1980."

The Yukon Flats National Wildlife Refuge consists of the public lands, as defined by the ANILCA, within the following boundary:

Beginning at the corner of sections 7, 12, 13 and 18, T. 24 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, 10 and 15, 9 and 16, 8 and 17, approximately 5 miles to the corner of sections 7, 8, 17 and 18, T. 24 N., R. 26 E., Fairbanks Meridian;

Thence southerly, between sections 17 and 18, 19 and 20, 29 and 30, 31 and 32, approximately 4 miles to the corner of sections 5, 6, 31 and 32, Tps. 23 and 24 N., R. 26 E., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 1 mile to the corner of Tps. 23 and 24 N., Rs. 25 and 26 E., Fairbanks Meridian;

Thence southerly, between Rs. 25 and 26 E., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 25 and 26 E., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, approximately 4 miles to the corner of sections 16, 17, 20 and 21, T. 23 N., R. 25 E., Fairbanks Meridian;

Thence southerly, between sections 20 and 21, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 23 N., R. 25 E., Fairbanks Meridian;

Thence westerly, between sections 20 and 29, 19 and 30, approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 23 N., Rs. 24 and 25 E., Fairbanks Meridian;

Thence southerly, between Rs. 24 and 25 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 23 N., Rs. 24 and 25 E., Fairbanks Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, 27 and 34, 28 and 33, 29 and 32, approximately 5 miles to the corner of sections 29, 30, 31 and 32, T. 23 N., R. 24 E., Fairbanks Meridian;

Thence northerly, between sections 29 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 23 N., R. 24 E., Fairbanks Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, approximately 3 miles to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 23 E., Fairbanks Meridian;

Thence northerly, between sections 22 and 23, 14 and 15, 10 and 11, 2 and 3, approximately 4 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 23 E., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 6 miles to the corner of sections 2, 3, 34 and 35, Tps. 23 and 24 N., R. 22 E., Fairbanks Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, 14 and 15, approximately 3 miles to the corner of sections 14, 15, 22 and 23, T. 23 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between sections 15 and 22, 16 and 21, 17 and 20, 18 and 19, approximately 4 miles to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 3 miles to the corner of Tps. 23 and 24 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 23 and 24 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 N., R. 21 E., Fairbanks Meridian;

Thence northerly, between sections 35 and 36, 25 and 26, 23 and 24, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 24 N., R. 21 E., Fairbanks Meridian;

Thence easterly, between sections 13 and 24, 18 and 19, 17 and 20, approximately 3 miles to the corner of sections 16, 17, 20 and 21, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 16 and 17, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 10 and 11, 2 and 3, approximately 2 miles to the closing corner of sections 2 and 3, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 30 N., R. 14 E., Fairpanks Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the

Thence northerly, between sections 10 and 11, 2 and 3, approximately 2 miles to the closing corner of sections 2 and 3, T. 24 N., R. 22 E., Fairbanks Meridian;

Thence easterly, along the Sixth Standard Parallel North, approximately 3/4 mile to the standard corner of sections 33 and 34, T. 25 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, approximately 8 miles to the corner of sections 21, 22, 27 and 28, T. 26 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 26 N., R. 22 E., Fairbanks Meridian;

Thence northerly, between sections 20 and 21, 16 and 17, 8 and 9, 4 and 5, approximately 4 miles to the corner of sections 4, 5, 32 and 33, Tps. 26 and 27 N., R. 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 26 and 27 N., approximately 2 miles to the corner of Tps. 26 and 27 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence northerly, between Rs. 21 and 22 E., approximately 6 miles to the corner of Tps. 27 and 28 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence westerly, between Tps. 27 and 28 N., approximately 6 miles to the corner of Tps. 27 and 28 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence northerly, between Rs. 20 and 21 E., approximately 8 miles to the closing corner of T. 28 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence westerly, along the Seventh Standard Parallel North, approximately 4 1/2 miles to the standard corner of T. 29 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence northerly, between Rs. 19 and 20 E., approximately 12 miles to the corner of Tps. 30 and 31 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence westerly, between Tps. 30 and 31 N., approximately 27 miles to the corner of sections 3, 4, 33 and 34, Tps. 30 and 31 N., R. 15 E., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 30 N., R. 15 E., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 5 miles to the corner of sections 10, 11, 14 and 15, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence southerly, between sections 14 and 15, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, approximately 1 mile to the corner of sections 21, 22, 27 and 28, T. 30 N., R. 14 E., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, 19 and 30, approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 30 N., Rs. 13 and 14 E., Fairbanks Meridian;

Thence northerly, between Rs. 13 and 14 E., approximately 2 miles to the corner of sections 7, 17, 13 and 18, T. 30 N., Rs. 13 and 14 E., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, 11 and 14, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 30 N., R. 13 E., Fairbanks Meridian;

Thence northerly, between sections 10 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 N., R. 13 E., Fairbanks Meridian;

Thence westerly, between sections 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 4 miles to the corner of sections 1, 6, 7 and 12, T. 30 N., Rs. 12 and 13 E., Fairbanks Meridian;

Thence southerly, between Rs. 12 and 13 E., approximately 3 miles to the corner of sections 19, 24, 25 and 30, T. 30 N., Rs. 12 and 13 E., Fairbanks Meridian;

Thence westerly, between sections 24 and 25, 23 and 26, 22 and 27, 21 and 28, approximately 4 miles to the corner of sections 20, 21, 28 and 29, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence southerly, between sections 28 and 29, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence westerly, between sections 29 and 32, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 30 N., R. 12 E., Fairbanks Meridian;

Thence southerly, between sections 31 and 32, approximately 1 mile to the corner of sections 5, 6, 31 and 32, Tps. 29 and 30 N., R. 12 E., Fairbanks Meridian;

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Thence northerly, between sections 28 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 26 N., R. 2 W., Fairbanks Meridian;

Thence westerly, between sections 20 and 29, 19 and 30, 24 and 25, 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, approximately 9 miles to the corner of sections 23, 24, 25 and 26, T. 26 N., R. 4 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 26 N., R. 4 W., Fairbanks Meridian;

Thence westerly, between sections 26 and 35, 27 and 34, 28 and 33, 29 and 32, approximately 4 miles to the corner of sections 29, 30, 31 and 32, T. 26 N., R. 4 W., Fairbanks Meridian;

Thence northerly, between sections 29 and 30, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 26 N., R. 4 W., Fairbanks Meridian;

Thence westerly, between sections 19 and 30, 24 and 25, 23 and 26, approximately 2 1/2 miles to the 1/4 section corner of sections 23 and 26, T. 26 N., R. 5 W., Fairbanks Meridian;

Thence northerly, along the north and south centerline of section 23, approximately 1/2 mile to the center 1/4 section corner of section 23, T. 26 N., R. 5 W., Fairbanks Meridian;

Thence westerly, along the east and west centerline of section 23, approximately 1/2 mile to the 1/4 section corner of sections 22 and 23, T. 26 N., R. 5 W., Fairbanks Meridian;

Thence northerly, between sections 22 and 23, approximately 1/2 mile to the corner of sections 14, 15, 22 and 23, T. 26 N., R. 5 W., Fairbanks Meridian;

Thence westerly, between sections 15 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 26 N., R. 5 W., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, 27 and 28, 33 and 34, approximately 3 miles to the corner of sections 3, 4, 33 and 34, Tps. 25 and 26 N., R. 5 W., Fairbanks Meridian;

Thence westerly, between Tps. 25 and 26 N., approximately 1 mile to the corner of sections 4, 5, 32 and 33, Tps. 25 and 26 N., R. 5 W., Fairbanks Meridian;

Thence southerly, between sections 4 and 5, 8 and 9, 16 and 17, approximately 2 1/2 miles to the 1/4 section corner of sections 16 and 17, T. 25 N., R. 5 W., Fairbanks Meridian;

Thence westerly, between Tps. 29 and 30 N., approximately 1 1/4 miles to a point on the easterly boundary of the Venetie Indian Reservation as surveyed and platted in U.S. Survey No. 5220, Alaska, dated April 26, 1978, between sections 1 and 36, Tps. 29 and 30 N., R. 11 E., Fairbanks Meridian;

Thence southwesterly, westerly and northwesterly, along said boundary of the Venetie Indian Reservation approximately 150 miles to a point between sections 7 and 12, T. 26 N., Rs. 2 and 3 E., Fairbanks Meridian;

Thence southerly, between Rs. 2 and 3 E., approximately 3/4 mile to the corner of sections 7, 12, 13 and 18, T. 26 N., Rs. 2 and 3 E., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence southerly, between sections 13 and 14, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence westerly, between sections 14 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence westerly, between sections 22 and 27, 21 and 28, 20 and 29, approximately 3 miles to the corner of sections 19, 20, 29 and 30, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence southerly, between sections 29 and 30, approximately 1 mile to the corner of sections 29, 30, 31 and 32, T. 26 N., R. 2 E., Fairbanks Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, approximately 2 miles to the corner of sections 25, 26, 35 and 36, T. 26 N., R. 1 E., Fairbanks Meridian;

Thence northerly, between sections 25 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 26 N., R. 1 E., Fairbanks Meridian;

Thence westerly, between sections 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, 24 and 25, 23 and 26, approximately 7 miles to the corner of sections 22, 23, 26 and 27, T. 26 N., R. 1 W., Fairbanks Meridian;

Thence southerly, between sections 26 and 27, approximately 1 mile to the corner of sections 26, 27, 34 and 35, T. 26 N., R. 1 W., Fairbanks Meridian;

Thence westerly, between sections 27 and 34, 28 and 33, 29 and 32, 30 and 31, 25 and 36, 26 and 35, 27 and 34, 28 and 33, approximately 8 miles to the corner of sections 28, 29, 32 and 33, T. 26 N., R. 2 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence westerly, between sections 28 and 33, approximately 1/2 mile to the 1/4 section corner of sections 28 and 33, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 28 and 29, 20 and 21, 16 and 17, approximately 3 miles to the corner of sections 8, 9, 16 and 17, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, approximately 1 mile to the corner of sections 7, 8, 17 and 18, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 7 and 18, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 25 N., Rs. 8 and 9 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, 3 and 10, 4 and 9, 5 and 8, 6 and 7, approximately 5 miles to the corner of sections 1, 2, 11 and 12, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence northerly, between sections 1 and 12, approximately 1 mile to the corner of sections 31, 32, T. 26 N., R. 9 W., Fairbanks Meridian;

Thence westerly, between sections 31 and 32, approximately 1 mile to the corner of sections 31, 32, T. 26 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence westerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, T. 25 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 31 and 32, T. 24 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 24 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 23 N., R. 11 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 23 N., R. 12 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 22 N., R. 12 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 22 N., R. 13 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 21 N., R. 13 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 21 N., R. 14 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 20 N., R. 14 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 20 N., R. 15 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 19 N., R. 15 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 19 N., R. 16 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 18 N., R. 16 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 18 N., R. 17 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 17 N., R. 17 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 17 N., R. 18 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 16 N., R. 18 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 16 N., R. 19 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 15 N., R. 19 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 15 N., R. 20 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 14 N., R. 20 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 14 N., R. 21 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 13 N., R. 21 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 13 N., R. 22 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 12 N., R. 22 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 12 N., R. 23 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 11 N., R. 23 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 11 N., R. 24 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 10 N., R. 24 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 10 N., R. 25 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 9 N., R. 25 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 9 N., R. 26 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 26 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 N., R. 27 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 7 N., R. 27 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 7 N., R. 28 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 N., R. 28 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 N., R. 29 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 5 N., R. 29 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 5 N., R. 30 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 4 N., R. 30 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 4 N., R. 31 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 N., R. 31 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 N., R. 32 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 2 N., R. 32 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 2 N., R. 33 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 1 N., R. 33 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 1 N., R. 34 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 1 S., R. 34 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 1 S., R. 35 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 2 S., R. 35 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 2 S., R. 36 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 36 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 3 S., R. 37 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 4 S., R. 37 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 4 S., R. 38 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 5 S., R. 38 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 5 S., R. 39 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 S., R. 39 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 6 S., R. 40 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 7 S., R. 40 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 7 S., R. 41 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 S., R. 41 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 8 S., R. 42 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 9 S., R. 42 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 9 S., R. 43 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 10 S., R. 43 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 10 S., R. 44 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 11 S., R. 44 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 11 S., R. 45 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 12 S., R. 45 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 12 S., R. 46 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 13 S., R. 46 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 13 S., R. 47 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 14 S., R. 47 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 14 S., R. 48 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 15 S., R. 48 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 15 S., R. 49 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 16 S., R. 49 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 16 S., R. 50 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 17 S., R. 50 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 17 S., R. 51 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 18 S., R. 51 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 18 S., R. 52 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 19 S., R. 52 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 19 S., R. 53 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 20 S., R. 53 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 20 S., R. 54 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 21 S., R. 54 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 21 S., R. 55 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 22 S., R. 55 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 22 S., R. 56 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 23 S., R. 56 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 23 S., R. 57 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 24 S., R. 57 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 24 S., R. 58 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 25 S., R. 58 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 25 S., R. 59 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 26 S., R. 59 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 26 S., R. 60 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 27 S., R. 60 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 27 S., R. 61 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 28 S., R. 61 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 28 S., R. 62 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 29 S., R. 62 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 29 S., R. 63 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 S., R. 63 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 30 S., R. 64 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 31 S., R. 64 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 31 S., R. 65 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 32 S., R. 65 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 32 S., R. 66 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 33 S., R. 66 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 33 S., R. 67 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 34 S., R. 67 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 34 S., R. 68 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 35 S., R. 68 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 35 S., R. 69 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 36 S., R. 69 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 36 S., R. 70 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 37 S., R. 70 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 37 S., R. 71 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 38 S., R. 71 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 38 S., R. 72 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 39 S., R. 72 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 39 S., R. 73 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 40 S., R. 73 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 40 S., R. 74 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 41 S., R. 74 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 41 S., R. 75 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 42 S., R. 75 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 42 S., R. 76 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 43 S., R. 76 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 43 S., R. 77 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 44 S., R. 77 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 44 S., R. 78 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 45 S., R. 78 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 45 S., R. 79 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 46 S., R. 79 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 46 S., R. 80 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 47 S., R. 80 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 47 S., R. 81 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 48 S., R. 81 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 48 S., R. 82 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 49 S., R. 82 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 49 S., R. 83 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 50 S., R. 83 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 50 S., R. 84 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 51 S., R. 84 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 51 S., R. 85 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 52 S., R. 85 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 52 S., R. 86 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 53 S., R. 86 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 53 S., R. 87 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 54 S., R. 87 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 54 S., R. 88 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 55 S., R. 88 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 55 S., R. 89 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 56 S., R. 89 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 56 S., R. 90 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 57 S., R. 90 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 57 S., R. 91 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 58 S., R. 91 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 58 S., R. 92 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 59 S., R. 92 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 59 S., R. 93 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 60 S., R. 93 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 60 S., R. 94 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 61 S., R. 94 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 61 S., R. 95 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 62 S., R. 95 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 62 S., R. 96 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 63 S., R. 96 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 63 S., R. 97 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 64 S., R. 97 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 64 S., R. 98 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 65 S., R. 98 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 65 S., R. 99 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 66 S., R. 99 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 66 S., R. 100 W., Fairbanks Meridian;

Thence southerly, between sections 2 and 11, approximately 1 mile to the corner of sections 2, 3, 10 and 11, T. 67 S., R. 100 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11

Thence westerly, along the east and west centerlines of sections 17, 18, 13 and 14, approximately 3 1/2 miles to the center 1/4 section corner of section 14, T. 25 N., R. 6 W., Fairbanks Meridian;

Thence southerly, along the north and south centerlines of sections 14, 23 and 26, approximately 2 miles to the center 1/4 section corner of section 26, T. 25 N., R. 6 W., Fairbanks Meridian;

Thence westerly, along the east and west centerlines of sections 26, 27 and 28, approximately 2 1/2 miles to the 1/4 section corner of sections 28 and 29, T. 25 N., R. 6 W., Fairbanks Meridian;

Thence southerly, between sections 28 and 29, approximately 1/2 mile to the corner of sections 28, 29, 32 and 33, T. 25 N., R. 6 W., Fairbanks Meridian;

Thence westerly, between sections 29 and 32, 30 and 31, approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 25 N., Rs. 6 and 7 W., Fairbanks Meridian;

Thence southerly, between Rs. 6 and 7 W., approximately 1 mile to the standard corner of T. 25 N., Rs. 6 and 7 W., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 1/2 mile to the closing corner of sections 1 and 2, T. 24 N., R. 7 W., Fairbanks Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 24 N., R. 7 W., Fairbanks Meridian;

Thence westerly, between sections 2 and 11, 3 and 10, 4 and 9, approximately 3 miles to the corner of sections 4, 5, 8, and 9, T. 24 N., R. 7 W. Fairbanks Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 24 N., R. 7 W., Fairbanks Meridian;

Thence westerly, between sections 8 and 17, 7 and 18, 12 and 13, 11 and 14, approximately 3 1/2 miles to the 1/4 section corner of sections 11 and 14, T. 24 N., R. 8 W., Fairbanks Meridian;

Thence northerly, along the north and south centerlines of sections 11 and 2, approximately 2 miles to the center 1/4 section corner of section 2, T. 24 N., R. 8 W., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 2 miles to the standard corner of sections 33 and 34, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 33 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence westerly, between sections 28 and 33, approximately 1/2 mile to the 1/4 section corner of sections 28 and 33, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence northerly, along the north and south centerline of section 28, approximately 1 mile to the 1/4 section corner of sections 21 and 28, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence westerly, between sections 21 and 28, 20 and 29, 19 and 30, approximately 2 miles to the 1/4 section corner of sections 19 and 30, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 30, approximately 1 mile to the 1/4 section corner of sections 30 and 31, T. 25 N., R. 8 W., Fairbanks Meridian;

Thence westerly, between sections 30 and 31, 25 and 36, approximately 1 mile to the 1/4 section corner of sections 25 and 36, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 36, approximately 1/2 mile to the center 1/4 section corner of section 36, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence westerly, along the east and west centerlines of sections 36 and 35, approximately 1 mile to the center 1/4 section corner of section 35, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 35, approximately 1/2 mile to the standard 1/4 section corner of section 35, T. 25 N., R. 9 W., Fairbanks Meridian;

Thence westerly, along the Sixth Standard Parallel North, approximately 3/4 mile to the closing corner of sections 3 and 4, T. 24 N., R. 9 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 24 N., R. 9 W., Fairbanks Meridian;

Thence westerly, between sections 4 and 9, 5 and 8, 6 and 7, 1 and 12, 2 and 11, approximately 5 miles to the corner of sections 2, 3, 10 and 11, T. 24 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 10 and 11, 14 and 15, 22 and 23, approximately 3 miles to the corner of sections 22, 23, 26 and 27, T. 24 N., R. 10 W., Fairbanks Meridian;

Thence easterly, between sections 23 and 26, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 24 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, 35 and 36, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 23 and 24 N., R. 10 W., Fairbanks Meridian;

Thence easterly, between Tps. 23 and 24 N., approximately 1 mile to the corner of Tps. 23 and 24 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence southerly, between Rs. 9 and 10 W., approximately 3 miles to the corner of sections 13, 18, 19 and 24, T. 23 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, approximately 1 mile to the corner of sections 13, 14, 23 and 24, T. 23 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 23 and 24, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 23 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 23 and 26, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 23 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 26 and 27, 34 and 35, 2 and 3, approximately 3 miles to the corner of sections 2, 3, 10 and 11, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 3 and 10, approximately 1 mile to the corner of sections 3, 4, 9 and 10, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 9 and 10, approximately 1 mile to the corner of sections 9, 10, 15 and 16, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 16 and 17, approximately 1 mile to the corner of sections 16, 17, 20 and 21, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 17 and 20, approximately 1 mile to the corner of sections 17, 18, 19 and 20, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence southerly, between sections 19 and 20, approximately 1 mile to the corner of sections 19, 20, 29 and 30, T. 22 N., R. 10 W., Fairbanks Meridian;

Thence westerly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 22 N., Rs. 10 and 11 W., Fairbanks Meridian;

Thence southerly, between Rs. 10 and 11 W., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 22 N., Rs. 10 and 11 W., Fairbanks Meridian;

Thence westerly, between sections 25 and 36, 26 and 35, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 22 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 21 and 22 N., R. 11 W., Fairbanks Meridian;

Thence westerly, between Tps. 21 and 22 N., approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 21 and 22 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 21 N., R. 11 W., Fairbanks Meridian;

Thence westerly, between sections 9 and 16, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 21 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 16 and 17, 20 and 21, 28 and 29, approximately 3 miles to the corner of sections 28, 29, 32 and 33, T. 21 N., R. 11 W., Fairbanks Meridian;

Thence westerly, between sections 29 and 32, 30 and 31, approximately 2 miles to the corner of sections 25, 30, 31 and 36, T. 21 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence southerly, between Rs. 11 and 12 W., approximately 1 mile to the standard corner of T. 21 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, along the Fifth Standard Parallel North, approximately 1/4 mile to the closing corner of sections 1 and 2, T. 20 N., R. 12 W., Fairbanks Meridian; .

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, 25 and 26, 35 and 36, 1 and 2, 11 and 12, approximately 8 miles to the corner of sections 11, 12, 13 and 14, T. 19 N., R. 12 W., Fairbanks Meridian;

Thence easterly, between sections 12 and 13, approximately 1 mile to the corner of sections 7, 12, 13 and 18, T. 19 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence southerly, between Rs. 11 and 12 W., approximately 2 miles to the corner of sections 19, 24, 25 and 30, T. 19 N., Rs. 11 and 12 W., Fairbanks Meridian;

Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 19 N., R. 12 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the

Thence easterly, between sections 29 and 32, 28 and 33, 27 and 34, approximately 2 1/2 miles to the corner of sections 26, 27, 34 and 35, T. 12 N., R. 9 W., Fairbanks Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the

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Thence westerly, between sections 24 and 25, approximately 1 mile to the corner of sections 23, 24, 25 and 26, T. 19 N., R. 12 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, approximately 1 mile to the corner of sections 25, 26, 35 and 36, T. 19 N., R. 12 W., Fairbanks Meridian;

Thence easterly, between sections 25 and 36, 30 and 31, approximately 2 miles to the corner of sections 29, 30, 31 and 32, T. 19 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, 29 and 30, 31 and 32, 5 and 6, 7 and 8, 17 and 18, 19 and 20, approximately 11 miles to the corner of sections 19, 20, 29 and 30, T. 17 N., R. 11 W., Fairbanks Meridian;

Thence easterly, between sections 20 and 29, approximately 1 mile to the corner of sections 20, 21, 28 and 29, T. 17 N., R. 11 W., Fairbanks Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 2 miles to the standard corner of sections 32 and 33, T. 17 N., R. 11 W., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 4 3/4 miles to the closing corner of T. 16 N., Rs. 10 and 11 W., Fairbanks Meridian;

Thence southerly, between Rs. 10 and 11 W., approximately 18 miles to the corner of Tps. 13 and 14 N., Rs. 10 and 11 W., Fairbanks Meridian;

Thence easterly, between Tps. 13 and 14 N., approximately 6 miles to the corner of Tps. 13 and 14 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence southerly, between Rs. 9 and 10 W., approximately 6 miles to the standard corner of T. 13 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence easterly, along the Third Standard Parallel North, approximately 3/4 mile to the closing corner of T. 12 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence southerly, between Rs. 9 and 10 W., approximately 4 1/2 miles to the 1/4 section corner of sections 25 and 30, T. 12 N., Rs. 9 and 10 W., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 30 and 29, approximately 1 1/2 miles to the center 1/4 section corner of section 29, T. 12 N., R. 9 W., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 29, approximately 1/2 mile to the 1/4 section corner of sections 29 and 32, T. 12 N., R. 9 W., Fairbanks Meridian;

Thence easterly, between sections 29 and 32, 28 and 33, 27 and 34, approximately 2 1/2 miles to the corner of sections 26, 27, 34 and 35, T. 12 N., R. 9 W., Fairbanks Meridian;

Thence southerly, between sections 34 and 35, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 11 and 12 N., R. 9 W., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 11 and 12 N., R. 9 W., Fairbanks Meridian;

Thence southerly, between sections 1 and 2, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 11 N., R. 9 W., Fairbanks Meridian;

Thence easterly, between sections 1 and 12, 6 and 7, 5 and 8, approximately 3 miles to the corner of sections 4, 5, 8 and 9, T. 11 N., R. 8 W., Fairbanks Meridian;

Thence southerly, between sections 8 and 9, approximately 1 mile to the corner of sections 8, 9, 16 and 17, T. 11 N., R. 8 W., Fairbanks Meridian;

Thence easterly, between sections 9 and 16, 10 and 15, 11 and 14, approximately 3 miles to the corner of sections 11, 12, 13 and 14, T. 11 N., R. 8 W., Fairbanks Meridian;

Thence northerly, between sections 11 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 11 N., R. 8 W., Fairbanks Meridian;

Thence easterly, between sections 1 and 12, 6 and 7, 5 and 8, 4 and 9, 3 and 10, approximately 5 miles to the corner of sections 2, 3, 10 and 11, T. 11 N., R. 7 W., Fairbanks Meridian;

Thence northerly, between sections 2 and 3, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 11 and 12 N., R. 7 W., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 2 miles to the corner of Tps. 11 and 12 N., Rs. 6 and 7 W., Fairbanks Meridian;

Thence northerly, between Rs. 6 and 7 W., approximately 1/2 mile to the 1/4 section corner of sections 31 and 36, T. 12 N., Rs. 6 and 7 W., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 31 and 32, approximately 2 miles to the 1/4 section corner of sections 32 and 33, T. 12 N., R. 6 W., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, approximately 1/2 mile to the corner of sections 28, 29, 32 and 33, T. 12 N., R. 6 W., Fairbanks Meridian;

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Thence northerly, between Rs. 7 and 3 W., approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 12 N., Rs. 2 and 3 W., Fairbanks Meridian;

Thence easterly, between sections 6 and 7, 5 and 8, approximately 2 miles to the corner of sections 4, 5, 8 and 9, T. 12 N., R. 2 W., Fairbanks Meridian;

Thence southerly, between sections 8 and 9, 16 and 17, 20 and 21, approximately 3 miles to the corner of sections 20, 21, 28 and 29, T. 12 N., R. 2 W., Fairbanks Meridian;

Thence easterly, between sections 21 and 28, 22 and 27, approximately 2 miles to the corner of sections 22, 23, 26 and 27, T. 12 N., R. 2 W., Fairbanks Meridian;

Thence southerly, between sections 26 and 27, approximately 1/2 mile to the 1/4 section corner of sections 26 and 27, T. 12 N., R. 2 W., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 26, 25, 30, 29, 28, 27 and 26, approximately 7 miles to the 1/4 section corner of sections 25 and 26, T. 12 N., R. 1 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, approximately 1/2 mile to the corner of sections 25, 26, 35 and 36, T. 12 N., R. 1 W., Fairbanks Meridian;

Thence easterly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 12 N., Rs. 1 E. and 1 W., Fairbanks Meridian;

Thence northerly, between Rs. 1 E. and 1 W., approximately 3,000 feet to a point on the summit of a ridge between sections 25 and 30, T. 12 N., Rs. 1 E. and 1 W., Fairbanks Meridian;

Thence northeasterly and easterly, along the divide between the Yukon River and Victoria Creek drainages, approximately 31 miles to the summit of a mountain located in the easterly portion of section 7, T. 12 N., R. 5 E., Fairbanks Meridian, approximate elevation 2,905 feet;

Thence on an approximate forward bearing of N. 72° E., approximately 1/2 mile to the headwaters of Glacier Creek located near the center of section 8, T. 12 N., R. 5 E., Fairbanks Meridian;

Thence southeasterly, along the centerline of Glacier Creek, approximately 6 1/2 miles to a point on the right bank of Victoria Creek at the line of mean high water located in the northwesterly portion of section 2, T. 11 N., R. 5 E., Fairbanks Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 12 N., R. 6 W., Fairbanks Meridian;

Thence northerly, between sections 26 and 27, approximately 1 mile to the corner of sections 22, 23, 26 and 27, T. 12 N., R. 6 W., Fairbanks Meridian;

Thence easterly, between sections 23 and 26, 24 and 25, 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, approximately 7 miles to the corner of sections 23, 24, 25 and 26, T. 12 N., R. 5 W., Fairbanks Meridian;

Thence southerly, between sections 25 and 26, 35 and 36, approximately 2 miles to the corner of sections 1, 2, 35 and 36, Tps. 11 and 12 N., R. 5 W., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 2 miles to the corner of sections 5, 6, 31 and 32, Tps. 11 and 12 N., R. 4 W., Fairbanks Meridian;

Thence southerly, between sections 5 and 6, approximately 1 mile to the corner of sections 5, 6, 7 and 8, T. 11 N., R. 4 W., Fairbanks Meridian;

Thence easterly, between sections 5 and 8, 4 and 9, approximately 2 miles to the corner of sections 3, 4, 9 and 10, T. 11 N., R. 4 W., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 11 and 12 N., R. 4 W., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 5 miles to the corner of sections 4, 5, 32 and 33, Tps. 11 and 12 N., R. 3 W., Fairbanks Meridian;

Thence northerly, between sections 32 and 33, approximately 1 mile to the corner of sections 28, 29, 32 and 33, T. 12 N., R. 3 W., Fairbanks Meridian;

Thence easterly, between sections 28 and 33, 27 and 34, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 12 N., R. 3 W., Fairbanks Meridian;

Thence northerly, between sections 26 and 27, 22 and 23, 14 and 15, approximately 3 miles to the corner of sections 10, 11, 14 and 15, T. 12 N., R. 3 W., Fairbanks Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 12 N., Rs. 2 and 3 W., Fairbanks Meridian;

Thence southeasterly, along the right bank of Victoria Creek, approximately 1/2 mile to a point on the right bank of Beaver Creek at the line of mean high water located in the southerly portion of section 2, T. 11 N., R. 5 E., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 19, 20 and 21, approximately 3 miles to the 1/4 section corner of sections 21 and 22, T. 11 N., R. 12 E., Fairbanks Meridian;

Thence southeasterly, along the right bank of Victoria Creek, approximately 1/2 mile to a point on the right bank of Beaver Creek at the line of mean high water located in the southerly portion of section 2, T. 11 N., R. 5 E., Fairbanks Meridian;

Thence northeasterly, along the right bank of Beaver Creek, approximately 9 miles to the centerline of Moose Creek, located in section 31, T. 12 N., R. 6 E., Fairbanks Meridian;

Thence southeasterly, along the centerline of Moose Creek, approximately 9 miles to a point between sections 2 and 11, T. 10 N., R. 6 E., Fairbanks Meridian;

Thence easterly, between sections 2 and 11, 1 and 12, approximately 1 1/4 miles to the corner of sections 1, 6, 7 and 12, T. 10 N., Rs. 6 and 7 E., Fairbanks Meridian;

Thence northerly, between Rs. 6 and 7 E., approximately 1,800 feet to a point on the summit of a ridge between sections 1 and 6, T. 10 N., Rs. 6 and 7 E., Fairbanks Meridian;

Thence northeasterly, easterly and southeasterly, along the divide between Beaver Creek, Discovery Creek, North Fork Preacher Creek, and Preacher Creek, approximately 26 miles to the summit of a mountain in the southeasterly portion of section 4, T. 11 N., R. 10 E., Fairbanks Meridian, approximate elevation 3,338 feet;

Thence northeasterly and southeasterly, along a ravine and the centerline of an unnamed creek, approximately 4 1/2 miles to the centerline of Preacher Creek in the northwesterly portion of section 18, T. 11 N., R. 11 E., Fairbanks Meridian;

Thence northeasterly, along the centerline of Preacher Creek, approximately 10 1/2 miles to the centerline of Rock Creek, located in section 35, T. 12 N., R. 11 E., Fairbanks Meridian;

Thence southerly, along the centerline of Rock Creek, approximately 4 miles to a point between sections 14 and 23, T. 11 N., R. 11 E., Fairbanks Meridian;

Thence easterly, between sections 14 and 23, 13 and 24, approximately 1 3/4 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 11 and 12 E., Fairbanks Meridian;

Thence southerly, between Rs. 11 and 12 E., approximately 1/2 mile to the 1/4 section corner of sections 19 and 24, T. 11 N., Rs. 11 and 12 E., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 19, 20 and 21, approximately 3 miles to the 1/4 section corner of sections 21 and 22, T. 11 N., R. 12 E., Fairbanks Meridian;

Thence southerly, between sections 21 and 22, approximately 1/2 mile to the corner of sections 21, 22, 27 and 28, T. 11 N., R. 12 E., Fairbanks Meridian;

Thence easterly, between sections 22 and 27, approximately 1/2 mile to the 1/4 section corner of sections 22 and 27, T. 11 N., R. 12 E., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 27, approximately 1/2 mile to the center 1/4 section corner of section 27, T. 11 N., R. 12 E., Fairbanks Meridian;

Thence easterly, along the east and west centerlines of sections 27, 26, 25, 30 and 29, approximately 4 1/2 miles to the 1/4 section corner of sections 28 and 29, T. 11 N., R. 13 E., Fairbanks Meridian;

Thence southerly, between sections 28 and 29, 32 and 33, approximately 1 1/4 miles to the centerline of an unnamed creek located in sections 32 and 33, T. 11 N., R. 13 E., Fairbanks Meridian;

Thence northeasterly, along the centerline of an unnamed creek, approximately 9 miles to a point between sections 3 and 4, T. 11 N., R. 14 E., Fairbanks Meridian;

Thence northerly, between sections 3 and 4, 33 and 34, approximately 1 1/2 miles to the 1/4 section corner of sections 33 and 34, T. 12 N., R. 14 E., Fairbanks Meridian;

Thence easterly, along the east and west centerline of section 34, approximately 1/2 mile to the center 1/4 section corner of section 34, T. 12 N., R. 14 E., Fairbanks Meridian;

Thence northerly, along the north and south centerline of section 34, approximately 1/2 mile to the 1/4 section corner of sections 27 and 34, T. 12 N., R. 14 E., Fairbanks Meridian;

Thence easterly, between sections 27 and 34, 26 and 35, 25 and 36, approximately 2 miles to the 1/4 section corner of sections 25 and 36, T. 12 N., R. 14 E., Fairbanks Meridian;

Thence southerly, along the north and south centerline of section 36, approximately 1 mile to the 1/4 section corner of sections 1 and 36, Tps. 11 and 12 N., R. 14 E., Fairbanks Meridian;

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Thence westerly, along the Fourth Standard Parallel North, approximately 1 3/4 miles to the standard corner of T. 17 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence northerly, between Rs. 16 and 17 E., approximately 6 miles to the corner of Tps. 17 and 18 N., Rs. 16 and 17 E., Fairbanks Meridian;

Thence easterly, between Tps. 17 and 18 N., approximately 6 miles to the corner of Tps. 17 and 18 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 6 miles to the corner of Tps. 18 and 19 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence easterly, between Tps. 18 and 19 N., approximately 6 miles to the corner of Tps. 18 and 19 N., Rs. 18 and 19 E., Fairbanks Meridian;

Thence southerly, between Rs. 18 and 19 E., approximately 4 miles to the corner of sections 19, 24, 25 and 30, T. 18 N., Rs. 18 and 19 E., Fairbanks Meridian;

Thence easterly, between sections 19 and 30, 20 and 29, 21 and 28, 22 and 27, 23 and 26, 24 and 25, approximately 6 miles to the corner of sections 19, 24, 25 and 30, T. 18 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence southerly, between Rs. 19 and 20 E., approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 18 N., Rs. 19 and 20 E., Fairbanks Meridian;

Thence easterly, between sections 30 and 31, 29 and 32, 28 and 33, approximately 3 miles to the corner of sections 27, 28, 33 and 34, T. 18 N., R. 20 E., Fairbanks Meridian;

Thence southerly, between sections 33 and 34, approximately 1 mile to the corner of sections 3, 4, 33 and 34, Tps. 17 and 18 N., R. 20 E., Fairbanks Meridian;

Thence easterly, between sections 3 and 34, approximately 1 mile to the corner of sections 2, 3, 34 and 35, Tps. 17 and 18 N., R. 20 E., Fairbanks Meridian;

Thence southerly, between sections 2 and 3, 10 and 11, approximately 2 miles to the corner of sections 10, 11, 14 and 15, T. 17 N., R. 20 E., Fairbanks Meridian;

Thence easterly, between sections 11 and 14, 12 and 13, approximately 2 miles to the corner of sections 7, 12, 13 and 18, T. 17 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence southerly, between Rs. 20 and 21 E., approximately 4 miles to the standard corner of T. 17 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence easterly, between Tps. 11 and 12 N., approximately 1 1/2 miles to the corner of sections 5, 6, 31 and 32, Tps. 11 and 12 N., R. 15 E., Fairbanks Meridian;

Thence northerly, between sections 31 and 32, 29 and 30, approximately 2 miles to the corner of sections 19, 20, 29 and 30, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence easterly, between sections 20 and 29, 21 and 28, approximately 2 miles to the corner of sections 21, 22, 27 and 28, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence northerly, between sections 21 and 22, approximately 1 mile to the corner of sections 15, 16, 21 and 22, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence easterly, between sections 15 and 22, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence northerly, between sections 14 and 15, approximately 1 mile to the corner of sections 10, 11, 14 and 15, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence easterly, between sections 11 and 14, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence northerly, between sections 11 and 12, approximately 1 mile to the corner of sections 1, 2, 11 and 12, T. 12 N., R. 15 E., Fairbanks Meridian;

Thence easterly, between sections 1 and 12, approximately 1 mile to the corner of sections 1, 6, 7 and 12, T. 12 N., Rs. 15 and 16 E., Fairbanks Meridian;

Thence northerly, between Rs. 15 and 16 E., approximately 1 mile to the closing corner of T. 12 N., Rs. 15 and 16 E., Fairbanks Meridian;

Thence easterly, along the Third Standard Parallel North, approximately 13 1/2 miles to the standard corner of T. 13 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence northerly, between Rs. 17 and 18 E., approximately 15 miles to the corner of sections 13, 18, 19 and 24, T. 15 N., Rs. 17 and 18 E., Fairbanks Meridian;

Thence westerly, between sections 13 and 24, 14 and 23, 15 and 22, approximately 3 miles to the corner of sections 15, 16, 21 and 22, T. 15 N., R. 17 E., Fairbanks Meridian;

Thence northerly, between sections 15 and 16, 9 and 10, 3 and 4, 33 and 34, 27 and 28, 21 and 22, 15 and 16, 9 and 10, 3 and 4, approximately 9 miles to the closing corner of sections 3 and 4, T. 16 N., R. 17 E., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 1 1/4 miles to the closing corner of sections 3 and 4, T. 16 N., R. 21 E., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 14 N., R. 20 E., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 1 1/4 miles to the closing corner of sections 3 and 4, T. 16 N., R. 21 E., Fairbanks Meridian;

Thence southerly, between sections 3 and 4, 9 and 10, approximately 2 miles to the corner of sections 9, 10, 15 and 16, T. 16 N., R. 21 E., Fairbanks Meridian;

Thence easterly, between sections 10 and 15, 11 and 14, approximately 2 miles to the corner of sections 11, 12, 13 and 14, T. 16 N., R. 21 E., Fairbanks Meridian;

Thence southerly, between sections 13 and 14, 23 and 24, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 16 N., R. 21 E., Fairbanks Meridian;

Thence easterly, between sections 24 and 25, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 16 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence southerly, between Rs. 21 and 22 E., approximately 4 miles to the corner of sections 7, 12, 13 and 18, T. 15 N., Rs. 21 and 22 E., Fairbanks Meridian;

Thence westerly, between sections 12 and 13, approximately 1 mile to the corner of sections 11, 12, 13 and 14, T. 15 N., R. 21 E., Fairbanks Meridian;

Thence southerly, between sections 13 and 14, 23 and 24, approximately 2 miles to the corner of sections 23, 24, 25 and 26, T. 15 N., R. 21 E., Fairbanks Meridian;

Thence westerly, between sections 23 and 26, 22 and 27, 21 and 28, 20 and 29, 19 and 30, approximately 5 miles to the corner of sections 19, 24, 25 and 30, T. 15 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence southerly, between Rs. 20 and 21 E., approximately 2 miles to the corner of Tps. 14 and 15 N., Rs. 20 and 21 E., Fairbanks Meridian;

Thence westerly, between Tps. 14 and 15 N., approximately 1 mile to the corner of sections 1, 2, 35 and 36, Tps. 14 and 15 N., R. 20 E., Fairbanks Meridian;

Thence southerly, between sections 1 and 2, 11 and 12, 13 and 14, approximately 3 miles to the corner of sections 13, 14, 23 and 24, T. 14 N., R. 20 E., Fairbanks Meridian;

Thence westerly, between sections 14 and 23, approximately 1 mile to the corner of sections 14, 15, 22 and 23, T. 14 N., R. 20 E., Fairbanks Meridian;

Thence southerly, between sections 22 and 23, 26 and 27, approximately 2 miles to the corner of sections 26, 27, 34 and 35, T. 14 N., R. 20 E., Fairbanks Meridian;

Thence westerly, between sections 27 and 34, approximately 1 mile to the corner of sections 27, 28, 33 and 34, T. 14 N., R. 20 E., Fairbanks Meridian;

Thence southerly, between sections 33 and 34, 3 and 4, 9 and 10, 15 and 16, 21 and 22, 27 and 28, 33 and 34, approximately 7 miles to the standard corner of sections 33 and 34, T. 13 N., R. 20 E., Fairbanks Meridian;

Thence easterly, along the Third Standard Parallel North, approximately 21 miles to the standard corner of T. 13 N., Rs. 23 and 24 E., Fairbanks Meridian;

Thence northerly, between Rs. 23 and 24 E., approximately 12 miles to the corner of Tps. 14 and 15 N., Rs. 23 and 24 E., Fairbanks Meridian;

Thence easterly, between Tps. 14 and 15 N., approximately 18 miles to the corner of Tps. 14 and 15 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 12 miles to the closing corner of T. 16 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence easterly, along the Fourth Standard Parallel North, approximately 2 miles to the standard corner of T. 17 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 24 miles to the closing corner of T. 20 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence easterly, along the Fifth Standard Parallel North, approximately 2 miles to the standard corner of T. 21 N., Rs. 26 and 27 E., Fairbanks Meridian;

Thence northerly, between Rs. 26 and 27 E., approximately 22 miles to the corner of sections 7, 12, 13 and 18, T. 24 N., Rs. 26 and 27 E., Fairbanks Meridian, the place of beginning.

UNITS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM WITHIN THE YUKON FLATS NATIONAL WILDLIFE REFUGE:

Designated Wild River:

Section 603:

Beaver Creek, Alaska--The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks Meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered by the Secretary of the Interior."

NOTE: The boundaries of that portion of the designated wild river corridor within the Yukon Flats National Wildlife Refuge will be determined during the comprehensive conservation planning process for that refuge and will be published upon completion of that plan (due by December 1985).

Designated Study Rivers:

Section 604 (a):

Porcupine, Alaska--The corridor withdrawn during the course of the study and consideration by Congress consists of those public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of that portion of the Porcupine River from its entrance into the Yukon Flats National Wildlife Refuge in T. 25 N., R. 22 E., Fairbanks Meridian, to its confluence with the Yukon River.

Section 604 (a):

Sheenjek (lower segment), Alaska--The corridor withdrawn during the course of the study and consideration by Congress consists of those public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of that portion of the Sheenjek River from its entrance into the Yukon Flats National Wildlife Refuge in T. 30 N., R. 16 E., Fairbanks Meridian to its confluence with the Yukon River.

The following USGS quadrangle maps were used to prepare the legal description for the Yukon Flats National Wildlife Refuge:

mr - minor revision
pr - photorevised

Scale of Map	Name and Date
1:63,360	Black River (A-3) 1956; (A-4), (A-5), (A-6) 1956 mr 1963; (B-3) 1956 mr 1973; (B-5) 1956; (B-6) 1956 mr 1973; (C-2) 1956 mr 1971; (C-3) 1956 mr 1964; (D-2), (D-3), (D-4), (D-5) 1956 mr 1973.
1:250,000	Coleen 1956 mr 1965.
1:63,360	Coleen (A-4), (A-5) 1956 mr 1965.
1:250,000	Christian 1956 mr 1977.
1:63,360	Fort Yukon (A-1), (C-4) 1956 mr 1963; (C-5) 1956 mr 1962; (D-3) 1956 mr 1963; (D-4) 1955 mr 1971; (D-5) 1956.
1:63,360	Beaver (A-6), (B-6), (C-6), (D-4), (D-5), (D-6) 1970.
1:63,360	Chandalar (A-4) 1970.
1:63,360	Bettles (B-1) 1970 pr 1975; (C-1) 1970.
1:63,360	Circle (C-2), (C-3) 1955 mr 1963; (C-5) 1952 mr 1973; (D-1) 1955 mr 1978; (D-2) 1952 mr 1973; (D-3) 1952 mr 1964; (D-4) 1952 mr 1963; (D-5) 1952 mr 1971; (D-6) 1951 mr 1963.
1:63,360	Charley River (D-4), (D-5), (D-6) 1956.
1:63,360	Livengood (D-1) 1952 mr 1967; (D-2) 1952 mr 1965; (D-3) 1951 mr 1968; (D-4) 1953 mr 1967; (D-5) 1952 mr 1973; (D-6) 1956 mr 1966.

[FR Doc. 83-4928 Filed 2-23-83; 8:45 am]
BILLING CODE 4310-84-M

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YUKON FLATS NATIONAL WILDLIFE REFUGE

PUBLIC LAW 96-487

RANGE
MOUNTAINS
DAVIDSON
MOUNTAINS
PHILIP
SMITH
CONTINENTAL
DIVIDE
Chandalar
Chandalar Lake
Twin Lakes
Middle Fork
South Fork
Christian River
Sheenjek River
Porcupine River
Yukon River
Black River
Fort Yukon
CIRCLE
Fort Hamlin Hills
Central
Circle Hot Springs
Birch Creek
Steese Highway
Chatanika
Fox
Pleasant Valley
Kandik
Woodchopper Creek
Flume Creek
Alder Creek
Caribou Creek
Twelvemile Summit
Eagle Summit
Fairbanks Creek
Hot Springs
Mt. Prindle
Cache Mtn
Lime Pit
Mt. Fairplay
Steamboat Mtn
Big Mtn
Sukakpak Mtn
Boulder Creek
Rabbit Mtn
Coleen
Graphite
Old Camp
Salmon
Black
Yukon
Fort Yukon
Arctic Village
Venetie
Fort Yukon
Circle
Fairbanks
Chatanika
Livengood
Fort Hamlin Hills
Central
Circle Hot Springs
Birch Creek
Steese Highway
Chena Hot Springs
Pleasant Valley

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federal register

Thursday
February 24, 1983

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Revision of Minimum Property Standards (MPS) for Multifamily Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 200

[Docket No. R-83-1059]

Revision of Minimum Property Standards (MPS) for Multifamily Housing

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: HUD proposes to revise its Minimum Property Standards (MPS) for Multifamily Housing. The principal revisions would delete marketability and livability criteria from the present Multifamily MPS to the same extent that they recently have been deleted from the MPS for One- and Two-Family Dwellings and would delete all health and safety criteria in favor of the provisions of nationally recognized model building codes or other State and local codes acceptable to the HUD Area Office.

DATES: Comments Due: April 25, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Richard A. Atwell, Construction Standards Division, Department of Housing and Urban Development, 451 7th Street, S.W., Room 3228, Washington, D.C. 20410, telephone (202) 755-5929. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The proposed revised version of the Minimum Property Standards for Multifamily Housing, HUD 4910.1, will be incorporated by reference into the HUD regulations pursuant to 1 CFR Part 51 and are not published with the notice of proposed rulemaking. However, HUD 4910.1 as proposed to be revised is available for examination in all HUD field offices and in Headquarters Room 3222, Office of Manufactured Housing and Construction Standards, Construction Division, at the above address during regular business hours. HUD's Minimum Property Standards are composed of design, construction and amenities criteria used to determine the acceptablity of new residential construction for a number of HUD programs. These programs include mortgage insurance, public housing, and Section 8 programs other than Existing Housing and Moderate Rehabilitation. There are separate MPS volumes which are applicable to One- and Two-Family Dwellings (HUD 4900.1), Multifamily Housing (HUD 4910.1), and Care-Type Housing (e.g., nursing homes) (HUD 4920.1). There are also minimum property standards stating minimum acceptable levels of quality for existing buildings containing one to four living units and their sites (Handbook 4905.1) and a supplement to the several MPS applicable to new construction intended to provide a technical basis for the planning and design of solar heating and domestic hot water systems (HUD 4930.2). The MPS are published separately and are incorporated by reference into HUD regulations at 24 CFR § 200.927. HUD regulations contemplate periodic updating and revision of the MPS through informal rulemaking procedures including notice and comment and publication in the **Federal Register** (24 CFR § 200.933). This publication proposes substantial revisions to the MPS for Multifamily Housing and republication of HUD 4910.1, as revised, as a whole.

Background

The original MPS (then entitled "Minimum Property Requirements") applied only to a single-family housing and were adopted in 1935, following the passage of the National Housing Act of 1934. The Act was a cornerstone of the Federal Government's effort to rescue and restructure the nation's housing markets by reducing lenders' risks through mortgage insurance while also assisting homeowners and stimulating construction through the encouragement of low down payment loans which would self-amortize over periods as long as 30 years.

Inducement of lenders to enter into this then-radical type of loan required several innovations, including introduction of the MPS. The main underpinning in law for the MPS is in the very title of the National Housing Act: "An Act to encourage improvement in housing standards and conditions, to provide a system of mortgage insurance, and for other purposes". Standards were required to assure lenders of the quality of the housing they were being asked to finance in this new manner while also protecting the FHA insurance fund through assuring that insured properties, if foreclosed and acquired, could be resold at minimum loss to the fund. With the later development of secondary market facilities such as the Federal National Mortgage Association, the MPS also served as a means by which lenders purchasing loans secured by properties outside their areas could be reasonably assured of the acceptability of the properties from an underwriting perspective. A national standard in the form of the MPS was developed because of the uneven quality of codes and building inspection processes and, in many areas, the absence of codes. The first MPS for Multifamily Housing (then entitled "Minimum Requirements for Rental Housing") were adopted in 1939.

Since their origin, HUD's MPS have been revised periodically and their coverage and requirements increased in conjunction with an expanding Federal role in improving the quality of the Nation's housing stock. Today, the MPS apply to FHA-insured housing, to HUD's low-rent public housing and other subsidy programs, and to the Veterans' Administration and Farmers Home Administration housing programs. In addition, the MPS over time have come to be used as a reference standard for many conventionally-financed housing units; many of their provisions have been incorporated into State and local building codes and generally accepted appraisal and underwriting procedures.

In 1974, Congress directed an additional function of the MPS by enactment of Section 526 of the National Housing Act, which requires the Secretary "to the maximum extent feasible * * * [to] promote the use of energy savings techniques through minimum property standards established by him for newly constructed residential housing subject to mortgages insured under this Act" (12 U.S.C. 1735f-4).

Alongside the course of the development and expansion of the MPS, building codes have been developed under the obligations of the States to protect the "health, safety and public welfare" of their citizens. Generally, this obligation has been delegated by the States to local governing bodies. Model building codes have been developed and have gained national recognition as guides to localities for the protection of health and safety.

The evolution of the various model codes with comparable standards and their broad acceptance by local authorities, insurance companies, and banks have fostered movement toward a common market standard. In addition, housing consumers have come to expect a certain size and amenity level and

would be expected to continue to do so if HUD's MPS ceased to exist.

In September 1980, HUD proposed revisions to its MPS for One- and Two-Family Dwellings, a major purpose of which was to remove criteria that did not bear directly on health, life safety, legislative requirements, or durability—that is, to remove "livability" and "marketability" criteria. In March 1981, the Presidential Task Force on Regulatory Relief took note of this proposal and recommended that the review be expanded in scope and extended to the MPS for Multifamily Housing as well. The Task Force commented:

> * * * An expanded review would examine whether much more extensive deletions maybe in order. For numerous objectives of the MPS, alternative government programs and private market forces (e.g., local building codes, homebuilders' warranties) may achieve the same purposes. No improvements in the MPS for Multifamily Dwellings have been proposed to date, but there appear to be equally strong grounds for a comprehensive review of them as well.

In April 1981, the National Institute of Building Sciences also recommended that HUD recognize "any of the nationally recognized model building codes for the protection of health and safety in HUD-insured multifamily housing. Once recognized, the nationally recognized model building code appropriate to the area would become the document HUD would adopt by reference and then would use to measure substantial equivalency of existing State and local code in that area, and use where no code exists in that area."

More recently, the President's Commission on Housing advanced similar recommendations regarding reliance on locally enforced building codes but recognized that marketability and durability concerns may be more serious in the case of multifamily than single-family dwellings. The Commission recommended:

> The Department of Housing and Urban Development, the Farmers Home Administration, and the Veterans Administration should phase out their use of the single and multifamily MPS and depend entirely on locally enforced building codes that are consistent with the One and Two Family Dwelling Code or one of the current nationally recognized model building codes. Additional marketability and durability criteria may be used for federally subsidized multifamily rental housing if required to establish a reasonable level of risk for Federal funds. (Report of the President's Commission on Housing 216 (1982).)

Proposal

The principal revisions of the MPS for Multifamily Housing which are now proposed are the following:

1. Removal of all mandatory criteria relating to livability and marketability, principally from Chapters 3 (Site Design) and 4 (Building Design). This parallels changes recently effected in the MPS for One- and Two-Family Dwellings (45 FR 34344 (August 8, 1982)). The Department believes that market requirements are adequate determines of acceptable performance levels for marketability and livability.

2. Removal of health and safety criteria. Although acceptability of new construction for mortgage insurance requires compliance with minimum health and safety standards, the Department believes that the nationally recognized model building codes establish health and safety criteria which are adequate for these purposes. The nationally recognized codes are the Basic Building Code (Building Officials and Code Administrators International, Inc. (BOCA)), National Building Code (American Insurance Association), Standard Building Code (Southern Building Code Congress), and Uniform Building Code (International Conference of Building Officials). The proposed MPS provides that it is to be used in conjunction with a nationally recognized code which has been adopted by a local government, or a local code which the HUD Area Office has confirmed to be comparable to one of the model codes. If no model code has been adopted and HUD has not confirmed acceptability of a different local code, or if no local code exists, then the HUD Area Office, in consultation with the project's architect, will designate a controlling model code. The provision regarding utilization of a model or local code are contained in Section 102–1 of the proposed revision.

3. Consolidation of various requirements applicable to housing for elderly in a single section (Section 100–1.2).

4. Consolidation of variances required to accomplish accessibility to physically handicapped persons in a single section (Section 100–1.3). This section generally references the American National Standards Institute Standard No. A117.1, Standards for Making Buildings and Facilities Accessible To and Usable by Physically Handicapped People, and identifies the specific construction features which must comply with such standards where building accessibility or unit accessibility are required. The MPS do not contain scoping requirements (i.e., the extent of accessibility or number of accessible units required). Instead, the HUD Field Office will advise as to such scoping requirements on a project-by-project basis, based upon program requirements or other applicable requirements, including implementing regulations adopted under Section 504 of the Rehabilitation Act of 1973.

5. Revision of various specific standards and criteria to make them more comparable to criteria generally utilized for conventionally financed construction.

Other Matters

The Department has determined initially that the proposed revision to the MPS does not constitute a "major rule" as defined in Executive Order 12291. The proposed revision will not result in a major increase in costs or prices and is not likely to have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Whether the proposal will have "an annual effect on the economy of $100 million or more" is more difficult to predict. Because the MPS directly affects a substantial portion of multifamily construction undertaken in the nation, even a modest reduction of cost per unit may have an aggregate impact nearing or exceeding $100 million. However, the principal cause of difficulty in assessing the impact of the proposal is that the proposal does not, as an absolute matter, remove basic requirements from the construction process but merely defers to other sources for those requirements.

In the area of livability and marketability criteria, for example, removal of criteria from the MPS will permit reliance upon consumer demand as a marketplace influence. Builders, appraisers, and lenders all influence building practices and all have market incentives to assure that newly constructed housing will maintain its marketability. To what degree, if any, new construction will be performed to lower livability or marketability standards as a result of the removal of the specific mandatory criteria contained in the current MPS cannot be accurately assessed.

A similar analysis is made in the area of health and safety criteria. Nearly ever city in the nation has a building code to address health and safety requirements as do other localities, and increasingly States have adopted building codes which apply in areas not covered by local codes. In addition, the four nationally recognized model codes

contain criteria which achieve substantially the same level of protection as the current MPS, although specific provisions differ. Under the proposal, adherence to a standard not lower than that provided by one of the four nationally recognized codes is assured. This may result in cost savings resulting from elimination of overlapping or duplicative alternative means of achieving identical objectives. Again, however, the extent of such savings is difficult to measure.

In view of the foregoing, no preliminary Regulatory Impact Analysis had been prepared with respect to either the changes proposed to be made to the MPS or to the resulting revised MPS taken as a whole. Depending upon the extent to which comments received raise questions regarding the benefits or costs of the proposed rule, a Regulatory Impact Analysis may be prepared in connection with a final rule.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement Section 102(2)(c) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

The Catalog of Federal Domestic Assistance does not apply to this Rule.

This Rule was listed as Item H–82–81 in the Department's most recent Semiannual Agenda of Regulations (47 FR 48422, 48428 (October 26, 1982)) published pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this Rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Minimum property standards, Incorporation by reference.

Accordingly, HUD proposes to revise the Minimum Property Standards for Multifamily Housing (incorporated by reference at 24 CFR 200.927 under the title "MPS for Multifamily Dwellings 4910.1").

(Sec. 526, National Housing Act (12 U.S.C. 1735f–4); Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Dated: December 15, 1982.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commission.

[FR Doc. 83–4814 Filed 2–23–83; 8:45 am]
BILLING CODE 4210–27–M

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Thursday, February 24, 1983

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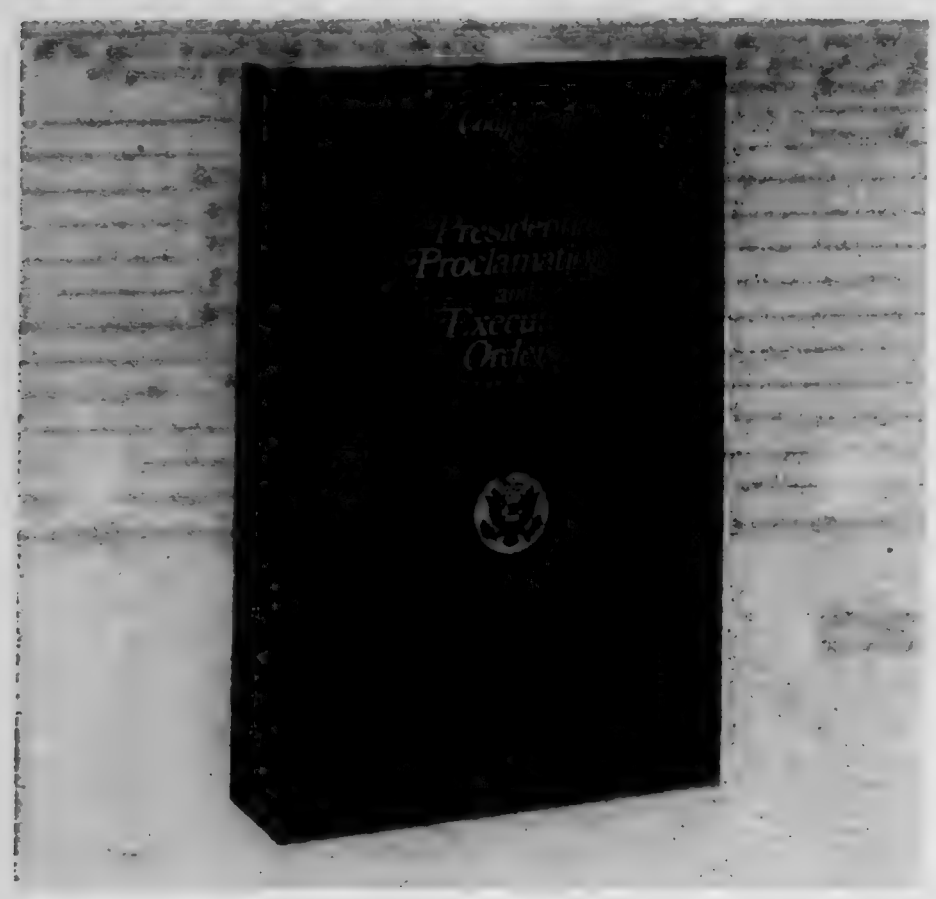

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—

The President

Executive Order 12408 of February 23, 1983

Reports on International Organizations

By the authority vested in me as President by the Constitution and laws of the United States of America, including specifically Section 301 of Title 3 of the United States Code, it is hereby ordered as follows: Executive Order No. 12374 of July 28, 1982, is amended by adding the following new section:

"Sec. 3. The functions vested in the President by Sections 104(c) and 108(d) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97–241) are delegated to the Secretary of State.".

Ronald Reagan

THE WHITE HOUSE,
February 23, 1983.

[FR Doc. 83–5056
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 27

Regulations Under Cotton Futures Act; Removal of Augusta, Ga., From the List of Bona Fide Spot Cotton Markets

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule removes Augusta, Georgia from the list of nine bona fide spot cotton markets designated by the Secretary of Agriculture to be used to establish settlement differences for futures contracts whenever the quality of cotton delivered from the base quality. This is one of several cost-cutting actions made necessary by the reduced Fiscal Year 1983 budget for cotton market news activities. The Augusta spot market has only marginally met the criteria as a designated spot market for a number of years. Its removal will have no impact on settlement differences for futures contracts and no impact on the accuracy or representativeness of daily spot cotton quotations. The revision in this final rule is the same as that published in the proposed rule.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Loyd R. Frazier, Chief, Marketing Services Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2147.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under the USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "non-major" as it does not meet criteria contained therein for major regulatory action.

William T. Manley, Deputy Administrator for Marketing Programs Operations, has determined that this action will not have a significant impact on a substantial number of small business entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because (i) Augusta quotations have not been used for futures contract settlement purposes since 1968, (ii) the accuracy of the daily spot cotton quotations will not be reduced by the removal of Augusta, and (iii) the trading of spot cotton on the Augusta market will not be restricted by this action.

The removal of Augusta as a designated spot cotton market was proposed on November 12, 1982 (47 FR 51147). The Department accepted public comment for 30 days following the publication of this rule. No comments were received during the public comment period in response to the proposal. Expressions of support for the continuation of Augusta as a designated market were received prior to the public comment period and all information presented was taken into account in the preparation of the proposed action as well as this final rule. The rule is made final as it was proposed.

The United States Cotton Futures Act (7 U.S.C. 15b) authorizes the Secretary of Agriculture to designate bona fide spot cotton markets to be used to establish settlement differences for futures contacts whenever the quality of cotton delivered differs from the base quality. The Act directs the Secretary to designate those cotton markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of Middling cotton and the differences between the prices or values of Middling cotton and of other grades for which standards have been established. There are nine markets so designated at the present time. Prices from only seven of these markets are used for futures contract settlement purposes. The other two, Augusta, Georgia and Fresno, California are carried as extra or reserve markets although the Act does not require reserve markets.

Each designated spot market is required to establish and maintain a competent spot quotations committee for the purpose of establishing daily price quotations for that market. The U.S. Department of Agriculture is responsible for the accuracy of the spot quotations established in each designated market. A USDA employee is assigned to each market to collect, analyze, and present pertinent price information at twice-weekly committee meetings.

A reduction in the Fiscal Year 1983 budget for cotton market news activities necessitated a close review of all market news programs on a cost/benefits basis. A number of program reductions were necessary, one of which was the removal of Augusta, Georgia from the list of nine bona-fide spot cotton markets. The Augusta spot market is supervised by a USDA employee headquartered in Macon, Georgia who travels to Augusta each week to canvass the market and meet with the quotations committee. Savings resulting from the removal of the Augusta market will augment savings from other market news program reductions that are necessary to operate within the Fiscal Year 1983 budget.

The Augusta market has only marginally met the criteria for designation for several years and it is currently at a level that is significantly lower than any other bona fide market. The volume of spot cotton traded on the Augusta market declined significantly during the 15 years prior to 1977 and the validity of Augusta's designation as a bona fide spot cotton market became questionable. Due to this continuing downward trend, it was determined in 1977 that the Augusta market no longer met the market designation criteria of the Cotton Futures Act and a rule was issued on October 31 of that year removing Augusta from the list of bona fide spot cotton markets (42 FR 56949). Removal of the Augusta market was subsequently postponed until August 1, 1981 pending an evaluation of the cotton market news needs in the State of Georgia (44 FR 45917). The rule removing Augusta from the list of bona fide spot cotton markets was rescinded on January 14, 1981 due to an increase in participation of Augusta cotton exchange members in the establishment of spot cotton quotations (46 FR 3203).

This increase in participation was accompanied by an increase in reported purchases which strengthened the validity of Augusta's designation as a bona fide spot cotton market. In rescinding the action to remove Augusta, USDA reiterated its responsibility to continue to monitor all

of the designated bona fide spot cotton markets to insure that each one continues to meet the criteria for designation. It was the expectation of USDA that the increased volume of purchases reported on the Augusta market would be supported by an accompanying increase in availability of information on actual transactions in the market.

Although the volume of reported purchases on the Augusta market increased after January 1981, the availability of additional price information on actual transactions failed to materialize. Furthermore, it has been determined that much of the increased volume of reported purchases is Texas grown cotton which is not representative of spot sales of Georgia or southeastern cotton.

The declining volume of locally-produced cotton being traded and the lack of actual sales information indicates that the Augusta market is, at best, only marginally qualified to continue as a bona fide spot cotton market and its value as a spot cotton market reporting point does not warrant its continuation especially within the constraints of a reduced Fiscal Year 1983 budget. In view of the above, it has been determined that the Augusta, Georgia spot market should no longer be designated as a bona fide spot market under the Cotton Futures Act.

List of Subjects in 7 CFR PART 27

Classification, Cotton, Micronaire, Samples.

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Accordingly, § 27.93 of the regulations (7 CFR 27.93) promulgated pursuant to the Cotton Futures Act is amended by removing the reference to Augusta, Georgia from the list of bona fide spot cotton markets as follows:

§ 27.93 [Amended]

7 CFR 27.93 is amended by removing the words "Augusta, GA," from the list of bona fide spot markets.

(90 Stat. 1841–1846; 7 U.S.C. 15b)

Dated: January 6, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-4721 Filed 2-24-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 400]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 27–March 5, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 27, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on February 22, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.700 is added as follows:

§910.700 Lemon regulation 400.

The quantity of lemons grown in California and Arizona which may be handled during the period February 27, 1983, through March 5, 1983, is established at 245,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 24, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-5092 Filed 2-24-83; 12:00 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 1, 3, and 100

[Order No. 999–83]

Board of Immigration Appeals; Immigration Review Function; Editorial Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: In order to improve the management, direction and control of the immigration judicial review programs currently within the Immigration and Naturalization Service (INS), the Attorney General has reorganized within the Department of

Justice so as to place the immigration review function with the Board of Immigration Appeals (BIA) under a newly created office entitled the Executive Office for Immigration Review (EOIR). The Excutive Office for Immigration Review will be under the Associate Attorney General's supervision. This realignment will place similar quasi-judicial functions within a single organization and will result in a more effective and efficient operation of the Department's immigration judicial review programs.

EFFECTIVE DATE: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Kevin D. Rooney; Assistant Attorney General for Administration; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Room 1111; Washington, D.C. 20530. Telephone: (202) 633–3101.

SUPPLEMENTARY INFORMATION: In accordance with the reorganization within the Department of Justice, 8 CFR is being amended to reflect the new functional statements of the Executive Office for Immigration Review, the Board of Immigration Appeals, and the Office of the Chief Special Inquiry Officer.

This order is not a rule within the meaning of either Executive Order 12291, Section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

List of Subjects

8 CFR Part 1

Administrative practice and procedure, Immigration.

8 CFR Part 3

Administrative practice and procedure, Authority delegations (Government agencies), Immigration, Organization and function (Government agencies).

8 CFR Part 100

Administrative practice and procedure, Aliens, Authority delegations (Government agencies), Harbors, Organizations and functions (Government agencies), Ports of entry.

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509, 510, 5 U.S.C. 301, and 8 U.S.C. 1103, Parts 1, 3, and 100 of Title 8 of the Code of Federal Regulations, are hereby amended as follows:

PART 1—[AMENDED]

1. Section 1.1 of Part 1 is amended by adding a new paragraph (n) to read as follows:

§ 1.1 Definitions.

* * * * *

(n) The term "Executive Office" means Executive Office for Immigration Review.

2. Section 2.1 is revised to read as follows:

§ 2.1 Authority of the Commissioner.

Without divesting the Attorney General of any of his powers, privileges, or duties under the immigration and naturalization laws, and except as to the Executive Office, the Board, the Office of the Chief Special Inquiry Officer, and Special Inquiry Officers, there is delegated to the Commissioner the authority of the Attorney General to direct the administration of the Service and to enforce the Act and all other laws relating to the immigration and naturalization of aliens. The Commissioner may issue regulations as deemed necessary or appropriate for the exercise of any authority delegated to him by the Attorney General, and may redelegate any such authority to any other officer or employee of the Service.

3. Part 3 is amended by:

a. Revising the heading of Part 3 to read as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

b. Adding a new § 3.0 to read as follows:

§ 3.0 Executive Office for Immigration Review.

The Executive Office for Immigration Review shall be headed by a Director, who shall be responsible for the general supervision of the Board of Immigration Appeals and the Office of the Chief Special Inquiry Officer in the execution of their duties in accordance with 8 CFR Part 3. The Director may redelegate the authority delegated to him by the Attorney General to the Chairman of the Board of Immigration Appeals or the Chief Special Inquiry Officer. The Director shall be assisted in the performance of his duties by an Executive Assistant.

c. Designating §§ 3.1–3.8 as Subpart A and adding a heading for Subpart A as follows:

Subpart A—Board of Immigration Appeals.

d. Revising the heading of § 3.1 and revising paragraphs (a)(1) and (2), (c), (d)(2) and (3) and (g) to read as follows:

§ 3.1 General authorities.

(a)(1) *Organization.* There shall be in the Department of Justice a Board of Immigration Appeals, subject to the general supervision of the Director, Executive Office for Immigration Review. The Board shall exercise so much of the immigration and nationality laws as he may delegate to it. The Board shall consist of a Chairman and four other members. A vacancy, or the absence or unavailability of a Board Member, shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board. There shall also be attached to the Board such number of attorneys and other employees as the Associate Attorney General, upon recommendation of the Chairman, shall from time to time direct.

(2) *Chairman.* The Chairman shall direct, supervise, and establish internal operating procedures and policies of the Board. He shall designate a member of the Board to act as Chairman in his absence or unavailability. The Chairman shall be assisted in the performance of his duties by a Chief Attorney Examiner, who shall be directly responsible to the Chairman. The Chief Attorney Examiner shall serve as an Alternate Board Member when, in the absence or unavailability of a Board Member or Members, his participation is deemed necessary by the Chairman. Once designated, his participation in a case shall continue to its normal conclusion.

* * * * *

(c) *Jurisdiction by certification.* The Commissioner, or any other duly authorized officer of the Service, any Special Inquiry Officer, or the Board may in any case arising under paragraph (b) of this section require certification of such case to the Board.

(d) * * *

(2) *Finality of decision.* The decision of the Board shall be final except in those cases reviewed by the Attorney General in accordance with paragraph (h) of this section. The Board may return a case to the Service or Special Inquiry Officer for such further action as may be appropriate, without entering a final decision on the merits of the case.

(3) *Rules of practice: discipline of attorneys and represenatives.* The Board shall have authority, with the approval of the Director, EOIR, to prescribe rules governing proceedings before it. It shall also determine whether any organization desiring representation is of a kind described in § 1.1(j) of this chapter, and shall regulate the conduct of, and may disbar for cause, attorneys, representatives of organizations, and others who appear in a representative

capacity before the Board or the Service or any Special Inquiry Officer.

* * * * *

(g) *Decisions of the Board as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service or Special Inquiry Officers in the administration of the Act, and selected decisions designated by the Board shall serve as precedents in all proceedings involving the same issue or issues.

* * * * *

e. Revising paragraph (c) of § 3.3 to read as follows:

§ 3.3 Notice of appeal.

* * * * *

(c) *Briefs.* Briefs in support of or in opposition to an appeal shall be filed in triplicate with the officer of the Service having administrative jurisdiction over the case within the time fixed for appeal or within any other additional period designated by the Special Inquiry Officer or Service Officer who made the decision. Such Special Inquiry Officer or the Board for good cause may extend the time for filing a brief or reply brief. The Board in its discretion may authorize the filing of briefs directly with it, in which event the opposing party shall be allowed a specified time to respond.

f. Revising paragraph (b) of § 3.8 to read as follows:

§ 3.8 Motion to reopen or motion to reconsider.

* * * * *

(b) *Distribution of motion papers when alien is moving party.* In any case in which a motion to reopen or a motion to reconsider is made by the alien or other party affected, the three copies of the motion papers shall be submitted to the officer of the Service having administrative jurisdiction over the place where the proceedings were conducted. Such officer shall retain one copy, forward one copy to the officer of the Service or Special Inquiry Officer who made the initial decision in the case, and submit the third copy with the case to the Board.

* * * * *

g. Adding a Subpart B as set forth below:

Subpart B—Office of the Chief Special Inquiry Officer

§ 3.9 Chief Special Inquiry Officer.

The Chief Special Inquiry Officer shall be reponsible for the general supervision, direction and scheduling of the Special Inquiry Officers in the conduct of the various programs assigned to them. This shall include:

(a) Establishment of operational policies;

(b) Evaluation of the performance of Special Inquiry Officer offices, making appropriate reports and inspections and taking corrective action where indicated.

§ 3.10 Special Inquiry Officers.

Special Inquiry Officers shall exercise the powers and duties in this chapter regarding the conduct of exclusion and deportation hearings and such other proceedings which the Attorney General may assign them to conduct.

PART 100—[AMENDED]

4. Part 100 is amended by revising paragraph (a) of § 100.2 to read as follows:

§ 100.2 Organization and delegations.

(a) The Attorney General has delegated to the Commissioner, the principal officer of the Immigration and Naturalization Service, authority to direct the administration of the Service and enforce the Act and all other laws relating to immigration and naturalization, except the authority delegated to the Executive Office for Immigration Review, the Board of Immigration Appeals, the Office of the Chief Special Inquiry Officer, or Special Inquiry Officers. The Deputy Commissioner is authorized to exercise all power and authority of the Commissioner unless any such power or authority is required to be exercised by the Commissioner personally or has been exclusively delegated to another immigration offical or class of immigration officer. Subject to the general supervision of the Commissioner and the direction of the Deputy Commissioner, the Associate Commissioners have responsibility for Service program development, coordination, evaluation and counseling relating to Service policy and recommendations within their program areas of activity and general direction of the Assistant Commissioners with technical responsibility for each of the program areas as follows: The Associate Commissioner, Examinations, the Adjudications, Inspections, and Citizenship and Naturalization programs and general direction of the Assistant Commissioners for Adjudications, Inspections, and Naturalization; the Associate Commissioner, Enforcement, the Border Patrol, Investigations, and Detention and Deportation programs and general direction of the Assistant Commissioners for Border Patrol, Investigations, and Detention and Deportation; the Associate Commissioner, Management, the Administrative, Records and Information, and Personnel programs and general direction of the Assistant Commissioners for Administration, Information Services, and Personnel. The Assistant Commissioners have responsibility for the planning, coordinating, evaluating, and technical counseling relating to their program areas as follows: The Assistant Commissioner for Adjudications, the Adjudicative programs; the Assistant Commissioner for Inspections, the Inspection Programs; the Assistant Commissioner for Naturalization, the Citizenship and Naturalization programs; the Assistant Commissioner for Border Patrol, the Border Patrol programs; the Assistant Commissioner for Investigations, the Investigations programs; the Assistant Commissioner for Detention and Deportation, Detention and Deportation programs; the Assistant Commissioner for Administration, the Administrative programs; the Assistant Commissioner for Information Services, the Records Administration and Information, Statistics, and Automated Data Processing programs; the Assistant Commissioner for Personnel, the Personnel programs.

* * * * *

(28 U.S.C. 509, 510; 5 U.S.C. 301; 8 U.S.C. 1103)

Dated: February 15, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-4736 Filed 2-24-83; 8:45 am]

BILLING CODE 4410-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 531

FSLIC-Guaranteed Advances; Loans to the Federal Savings and Loan Insurance Corporation

Dated: February 10, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: As the first step in implementing sections 352 and 125 of the Garn-St Germain Depository Institutions Act of 1982, the Federal Home Loan Bank Board has adopted a policy statement that (1) directs the Federal Home Loan Banks ("Banks") to include in their credit policies a category of advances secured by a written guarantee of repayment from the Federal Savings and Loan Insurance Corporation ("FSLIC") and (2)

authorizes the Banks to make loans to the FSLIC.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Bobby Hughes (202–377–6612), Deputy Director, Office of Federal Savings and Loan Insurance Corporation; Susan C. Evans (202–377–6658), Senior Financial Analyst, Office of District Banks; or Deborah C. Jenkins (202–377–6464), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The recently enacted Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97–320, 96 Stat. 1469 ("DIA"), among other things, authorizes the Banks to make loans to the FSLIC, eliminates the extensive collateralization requirements for advances made pursuant to section 10 of the Federal Home Loan Bank Act ("Bank Act"), 12 U.S.C. 1430 (1976 & Supp. IV 1980), and empowers the Federal Home Loan Bank Board ("Board") to prescribe the requisite security for such advances. As a first step in implementing these provisions of the DIA, the Board has adopted a policy statement, to be codified as 12 CFR 531.2, directing each Bank to include in its credit policy a category of advances secured by a written guarantee of repayment from the FSLIC and authorizing the Banks to make loans directly to the FSLIC.

FSLIC-Guaranteed Advances

The FSLIC, with the express approval of the Board, on occasion has entered into written agreements with various Banks, guaranteeing the repayment of advances made to members with insufficient collateral to obtain advances under the existing credit policies of their Banks, to prevent default of such insured institutions, but only during the period that an acceptable supervisory solution was being arranged by the FSLIC. The FSLIC will continue to guarantee advances when, in its judgment, such action will facilitate transactions undertaken pursuant to its authority under section 406(f) of the National Housing Act, 12 U.S.C. 1729(f) (1976 & Supp. IV 1980), as amended by the DIA, to prevent default of an insured institution or to restore an insured institution in default to normal operations. Such actions include providing financial assistance to another institution that has merged or consolidated with, or purchased the assets and assumed the liabilities of, a failing institution.

Pursuant to section 10(a) of the Bank Act, 12 U.S.C. 1430(a) (1976), as amended by section 352 of the DIA, 96 Stat. 1469, 1507, each Bank is authorized to make advances to its members upon such security as the Board may prescribe. Implementing partially section 352 of the DIA, the Board has determined that a guarantee of repayment agreement entered into by the FSLIC with a Bank constitutes security for an advance made pursuant to section 10 of the Bank Act. Accordingly, the Board has adopted paragraph (a) of new section 531.2 of the Federal Home Loan Bank System Regulations, which directs the Banks to include in their credit policies a category of advances secured by a written guarantee of repayment from the FSLIC.

Since the FSLIC may guarantee an advance when a member institution is unable to qualify under the normal credit policy of its Bank, paragraph (a) of new § 531.2 permits a Bank to make an advance upon the security of a written guarantee of repayment from the FSLIC, without regard to the Bank's normal underwriting standards dealing with the creditworthiness of an institution. The terms and conditions of such advances shall conform to those set forth in paragraph (b) of the Board's Policy Statement on Advances to Members, 12 CFR 531.1(b), as amended by Board Resolution No. 82–789 (Dec. 8, 1982), 47 FR 56316 (Dec. 16 , 1982), which requires that the Banks generally offer a range of maturities up to ten years, price advances above the replacement cost of Bank obligations, and charge prepayment and commitment fees. In addition, the borrowing member must satisfy the capital maintenance requirement of section 10(c) of the Bank Act, 12 U.S.C. 1430(c) (1976), as amended by section 352 of the DIA, which states that the total of all outstanding advances of a member shall not exceed twenty times the amount of the capital stock investment of such member in its Bank.

It is the Board's opinion that the boards of directors of the Banks can administer their credit policies, including implementation of a category of advances secured by a written guarantee of repayment from the FSLIC, fairly and without discriminating for or against any member and without adversely affecting the claims and demands of other member institutions or the credit standing of the Banks and their obligations, in accordance with section 7(j) of the Bank Act, 12 U.S.C. 1427(j) (1976).

Loans to the Federal Savings and Loan Insurance Corporation

Section 125 of the DIA (96 Stat. 1469, 1485), amending section 402(d) of the National Housing Act, 12 U.S.C. 1725(d) (1976 & Supp. IV 1980), expands the FSLIC's borrowing authority by permitting it to borrow from the Banks upon certain prescribed terms. The DIA, in adding section 11(k) of the Bank Act (to be codified as 12 U.S.C. 1431(k)), also authorizes the Banks to lend to the FSLIC. To implement this section, the Board has determined that the loans to the FSLIC shall bear interest at rates equal to the rates on advances with comparable maturities that are offered to members of the Bank or Banks making the loan, and shall be secured or unsecured, as determined by the Board. In addition, such loans shall be subject to the existing prepayment policy and fees and commitment fees of the Bank or Banks making the loan. For purposes of reflecting this new authorization, the Board has adopted paragraph (b) of new section 531.2, which provides that the Banks shall make loans to the FSLIC in accordance with the conditions set forth in section 125 of the DIA and certain prescribed terms and conditions that are similar to those upon which the Banks make advances to their members.

The Board finds that observance of the notice and comment procedures prescribed by 5 U.S.C. 553(b) and 12 CFR 508.12, 508.13, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary for the following reasons: (1) this policy statement is interpretative in that it states and clarifies the Board's interpretation of several provisions of the recently enacted Garn-St Germain Depository Institutions Act of 1982; and (2) it is in the public interest for this policy statement to take effect at the earliest feasible time to assist the Federal Savings and Loan Insurance Corporation in its efforts to aid failing thrift institutions.

List of Subjects in 12 CFR Part 531

Federal home loan banks.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 531, Subchapter B, Chapter V of Title 12 of the Code of Federal Regulations, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PART 531—STATEMENTS OF POLICY

Add a new § 531.2 as follows:

§ 531.2 Policy on Federal Savings and Loan Insurance Corporation-guaranteed advances and loans to the Federal Savings and Loan Insurance Corporation.

(a) *Guaranteed advances.* Each Bank shall include in its credit policy advances that are secured by a written

guarantee of repayment from the Federal Savings and Loan Insurance Corporation ("Corporation"). Such guaranteed advances generally shall conform to the conditions set forth in § 531.1(b) of this Part.

(b) *Loans to the Corporation.* After application by the Corporation to the Board and when directed to do so by the Board, the Federal Home Loan Bank(s) shall make loans to the Corporation. Any loan to the Corporation by the Banks or a Bank shall satisfy the following conditions as well as any other conditions that may be imposed by the Board:

(1) Such loans may be secured or unsecured, as determined by the Board;

(2) Such loans shall be made by one or more Banks, as determined by the Board;

(3) Such loans shall bear interest at rates equal to the rates on advances with comparable maturities that are offered to members of the Bank or Banks making the loans; and

(4) Such loans shall be subject to existing prepayment policies and fees and commitment fees of the Bank or Banks making the loans.

(Titles I, III, Pub. L. No. 97-320, 96 Stat. 1469, amending 12 U.S.C. 1431, 1725; Sec. 17, 47 Stat. 730, as amended (12 U.S.C. 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Secs. 403, 407, 48 Stat. 1257, 1260, as amended (12 U.S.C. 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-4801 Filed 2-24-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 202

[Amdt. No. 5; Docket 40734; Regulation ER-1325]

Certificates Authorizing Scheduled Route Service; Terms, Conditions, and Limitations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international travel at not less than $75,000 per person. This rule conditions air carrier certificates for scheduled air transportation to require that the carrier become a party to the Montreal Agreement and comply with the Board rule implementing it.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 202

Air carriers, Airports.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 202, *Certificate Authority for Scheduled Route Service: Terms, Conditions and Limitations*, as follows:

PART 202—[AMENDED]

1. The authority for Part 202 is:

Authority: Secs. 204, 401, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 49 U.S.C. 1324, 1371.

2. A new § 202.12 is added to read:

§ 202.12 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a certificate that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263), and a tariff (for those carriers otherwise generally required to file tariffs) that includes its terms, and that the holder comply with all other requirements of Part 203. CAB Form 263 may be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

3. The table of contents is amended by adding a new § 202.12 to read:

Sec.

* * * * *

202.12 Filing requirements for adherence to Montreal agreement.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4800 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 203

[Docket 40734; Regulation ER-1324]

Waiver of Warsaw Convention Liability Limits and Defenses

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement. Under that Agreement, the carriers waive the Warsaw Convention provisions which limit their liability for deaths or injuries to international passengers so as to provide a higher limit of not less than $75,000 per person. Carriers are also precluded under the Agreement from asserting the defense allowed by the Warsaw Convention of proof that they were not negligent. Under the rule, carriers that have operating authority from the Board or operate in air transportation are deemed to have accepted the provisions of the Montreal Agreement. The rule further requires that carriers make the terms of the Montreal Agreement part of their transportation contract with the passenger. The new rules will insure that all international passengers will have the benefit of the higher liability limits and standards of the Montreal Agreement.

DATES: Effective March 28, 1983. In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in § 203.3, have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The Warsaw Convention (49 Stat. 3000), to which the United States is a party, provides a low liability limit for airlines with respect to deaths of, or injuries suffered by, their international passengers. It also includes a provision that permits carriers to exonerate themselves from liability if they prove that they were not negligent. However, in 1966, carriers operating to the United States became parties to the so-called Montreal Agreement (CAB Agreement 18900). Under that Agreement, the participating carriers waive the

Convention's passenger liability limit up to $75,000, and waive the carrier defense of proof of non-negligence.

Our past rules only required that commuter air carriers and certain other U.S. air taxi operators become parties to the Montreal Agreement. In addition, a standard condition in foreign air carrier permits required that foreign air carriers become signatories. Since U.S. certificated carriers had voluntarily adhered to the Montreal Agreement, we had not previously found it necessary to require their adherence by rule.

As a result of the Airline Deregulation Act (Pub. L. 95–504), and the licensing of many new U.S. certificated carriers, it became apparent that all U.S. certificated air carriers should be required to become parties to the Montreal Agreement, rather than relying on voluntary compliance, and that all Board requirements on this subject should be consolidated. A rule requiring adherence to the Agreement by all direct U.S. and foreign air carriers will assure that international passengers will not be subjected to the unconscionably low passenger liability limit applicable under the Convention in the absence of the Agreement. Accordingly, by EDR–443 (47 FR 25019, June 9, 1982), the Board proposed amendments to our rules to accomplish this objective.

Only two comments have been received in response to the proposed rule. Executive Air Fleet Corporation, an air taxi operator, expressed its support for the provisions.

Southwest Airlines Co. requested that the proposed rule be modified to exclude from the required adherence to the Montreal Agreement certificated air carriers that do not engage in foreign air transportation, and do not interline on their system. Southwest contended that the rule's applicability to such certificated carriers, which, according to Southwest, would not be subject to the liability limitations of the Warsaw Convention, would be unnecessarily burdensome. The rule, requiring a ticket notice, would be especially burdensome to Southwest, it further argued, since it uses a simple register receipt as a ticket instead of the uniform ticket stock used by other carriers. Southwest points to the exclusion from the applicability of the rule of certain air taxi operators in support of its request.

The Board has decided to adopt the rule without change.

It is true that the Warsaw Convention would hardly ever apply to a carrier such as Southwest which exclusively engages in domestic service and does not participate in interline agreements. This is because, in the absence of interlining, any connecting traffic to a foreign point would require double ticketing. Under such circumstances, it is not likely that the transportation would be construed as an international journey under the Warsaw Convention.

Nevertheless, the Convention by its terms applies to wholly domestic segments of a through international journey, even where the carrier performing the domestic segment neither performs, nor is authorized to engage in, foreign air transportation. Indeed, the Warsaw Convention may be applied to connecting successive carriage, even where double ticketing is involved, "if it has been regarded by the parties as a single operation." (Art. 1(3).) Although it is unlikely that a court would find transportation on Southwest as part of an international journey, there exists a small risk that a court might in the future conclude that a passenger traveling on Southwest in order to connect with a flight of another carrier to a foreign point on a separate ticket was subject to the provisions of the Warsaw Convention. Should Southwest in the future engage in interlining, so that a connecting foreign flight could be included on a single ticket, it would, of course, become probable that the Warsaw Convention would apply in many cases.

While the risk of applicability of the Convention may not be large, the burden of the rule, at least with respect to the one time filing of the Montreal Agreement, and inclusion of appropriate provisions in Southwest's conditions of carriage, is minimal. Therefore, we conclude that the public interest requires that the rule be applicable to all domestic scheduled carriers, even those that voluntarily choose to refrain from interlining arrangements with other carriers. Otherwise there would exist an unnecessary risk that recovery against the airline for death or injury of a passenger might be unconscionably limited because of the unanticipated applicability of the Warsaw Convention, and the failure of the carrier to adhere to the Montreal Agreement. The application of this rule (Part 203) in no way implies applicability of the Convention under any particular circumstances.

The proper remedy for Southwest's ticketing problems, or that of any other air carrier or foreign air carrier, is not inapplicability of the rule, but rather application to the Board for approval under, or exemption from, the provisions of § 221.175 to authorize use of alternative forms of passenger liability notice. Southwest or any other carrier with similar ticketing procedures may thus ask for changes in the notice required by this rule and § 221.175. The Board will consider such requests as it does other requests for waivers or modifications of Board notice requirements.

Carriers should be aware, however, that Article 3 of the Warsaw Convention has been interpreted by some courts as precluding the carrier from availing itself of the Convention's limitations on liability, unless the carrier delivers a ticket to the passenger with a readable notice of the limits of liability. *Lisi v. Alitalia—Linee Aeree Italiane, S.p.A.*, 370 F. 2d 508 (CA2, 1966), *aff'd.* by an equally divided Supreme Court, 390 U.S. 455 (1968). See also, *In Re Air Crash Disaster at Warsaw, Poland, on March 14, 1980,* 535 F. Supp. 833, 835–39 (E.D.N.Y. 1982).

A carrier could also consider incorporation in its conditions of carriage of a provision that the carrier does not avail itself of the limits of liability of the Warsaw Convention, and agrees that no limit of liability shall apply, even in the event that the Convention should be applicable. Such a provision would constitute a special contract between the airline and its passengers under Article 22(1) of the Convention, and would avoid the otherwise existing possibility that passengers might unconscionably be limited in their recovery for death or injuries against the airline by reason of the liability limits of the Convention. In such circumstances, the liability limit notice would be superfluous. A provision to this effect should be submitted with an application for a waiver.

The exemption for certain air taxi operators is not inconsistent with the application of the rule to Southwest. To the contrary, all commuter air carriers (air taxi operators conducting scheduled operations) are subject to these regulations whether or not they engage in foreign air transportation or interline with other carriers. The exception applies only to "on-demand" air taxi operators who neither interline nor engage in foreign air transportation. There is a difference, however, between the operations of Southwest and those of the such on-demand air taxi operators. The possibility of passengers using those air taxi operators as part of an international journey is exceedingly remote. This is not the case with certificated air carriers not engaging in interline operations but providing substantial scheduled service.

The rules thus require all U.S. and foreign direct air carriers (except certain domestic air taxi operators) to become parties to the Montreal Agreement by filing a signed counterpart of the

Agreement with the Board (CAB Form 263). Carriers issued license authority by the Board or operating in air transportation would be deemed to have accepted the Agreement's provisions with the same effect as if they had signed a counterpart of the Agreement.

The rule further requires, in accordance with the requirement of the Montreal Agreement, that a carrier give notice of the liability limit as provided by 14 CFR 221.175, along with the passenger ticket. In addition, it specifies that participation in the Agreement shall constitute an agreement between the carrier and its passengers that for death or injury a liability limit of not less than $75,000 shall apply under Article 22(1) of the Convention. These provisions insure that the procedure of Article 22(1) of the Convention, for a special contract between the carrier and its passengers to provide for higher limits of liability, has been properly implemented.

Finally, to facilitate adherence to the Montreal Agreement by commuter carriers and other air taxi operators to which the rule applies, the Montreal Agreement is incorporated by reference into a revised CAB Form 298–A so that execution of the Air Taxi Registration Form will constitute adherence to the Montreal Agreement. Registered air taxi operators who are currently parties to the Montreal Agreement, as required by 14 CFR 298.3, need not re-register. The previous requirement of § 298.70, that commuter carriers and other air taxi operators required to adhere to the Montreal Agreement file a special tariff incorporating its terms, is deleted.

Contemporaneously with the adoption of this rule, technical implementing amendments are also being made to Parts 202, 204, 208, 211, 212, 213, 294 and 298. Part 215 is also being amended to require a new filing upon the change of the name of an air carrier.

CAB Form 263 is attached to Part 203 as Appendix A. CAB Form 298–A (Rev.) is also attached to this rule for information.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of the rule pursuant to the Regulatory Flexibility Act (5 U.S.C. 604). Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, 202–673–5432, by referring to the "ER" number at the top of the document.

List of Subjects in 14 CFR Part 203

Air carriers, Air transportation, Foreign relations, Intergovenmental relations.

Accordingly, the Board amends 14 CFR Chapter II by adding a new Part 203 to read:

PART 203—WAIVER OF WARSAW CONVENTION LIABILITY LIMITS AND DEFENSES

Sec.
203.1 Scope.
203.2 Applicability.
203.3 Filing requirements for adherence to Montreal Agreement.
203.4 Montreal Agreement as part of airline-passenger contract and conditions of carriage.
203.5 Compliance as condition on operations in air transportation.

Authority: Secs. 101, 204, 401, 402, 403, 404, 407, 408, 411, 416, 417, 418, 419, Pub. L. 85–726, as amended, 72 Stat. 737, 743, 754, 757, 758, 760, 766, 767, 769, 771; 76 Stat. 145; 91 Stat. 1284; 92 Stat. 1732; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1378, 1381, 1386, 1387, 1388, 1389.

§ 203.1 Scope.

This part requires that certain U.S. and foreign direct air carriers waive the passenger liability limits and certain carrier defenses in the Warsaw Convention in accordance with the provisions of CAB Agreement 18900, dated May 13, 1966, and provides that acceptance of authority for, or operations by the carrier in, air transportation shall be considered to act as such a waiver by that carrier.

§ 203.2 Applicability.

This part applies to all direct U.S. and foreign direct air carriers, except for air taxi operators as defined in Part 298 of this chapter that (a) are not commuter air carriers, (b) do not participate in interline agreements, and (c) do not engage in foreign air transportation.

§ 203.3 Filing requirements for adherence to Montreal Agreement.

All direct U.S. and foreign air carriers shall have and maintain in effect and on file in the Board's Docket Section (Docket 17325) on CAB Form 263 a signed counterpart to CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and Hague Protocol approved by Board Order E–23680, dated May 13, 1966, (the Montreal Agreement), and a signed counterpart of any amendment or amendments to such Agreement that may be approved by the Board and to which the air carrier or foreign air carrier becomes a party. U.S. air taxi operators may comply with this requirement by signing and filing CAB Form 298–A (Rev.) with the Board's Special Authorities Division. Canadian charter air taxi operators registering under Part 294 of this chapter may comply by filing CAB Form 263 with their registration application with the Regulatory Affairs Division, Bureau of International Aviation. CAB Form 263 is set forth as Appendix A to this part. CAB Forms 263 and 298–A (Rev.) can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

§ 203.4 Montreal Agreement as part of airline-passenger contract and conditions of carriage.

(a) As required by the Montreal Agreement, carriers that are otherwise generally required to file tariffs shall file with the Board's Tariff Division a tariff that includes the provisions of the counterpart to CAB Agreement 18900.

(b) As further required by that Agreement, each participating carrier shall include the Agreement's terms as part of its conditions of carriage. The participating carrier shall give each of its passengers the notice required by the Montreal Agreement as provided in § 221.175 of this chapter.

(c) Participation in the Montreal Agreement, whether by signing the Agreement, filing a signed counterpart to it under § 203.3, or by operation of law under § 203.5, shall constitute a special agreement between the carrier and its passengers as a condition of carriage that a liability limit of not less than $75,000 (U.S.) shall apply under Article 22(1) of the Warsaw Convention for passenger injury and death. Such participation also constitutes a waiver of the defense under Article 20(1) of the Convention that the carrier was not negligent.

§ 203.5 Compliance as condition on operations in air transportation.

It shall be a condition on the authority of all direct U.S. and foreign carriers to operate in air transportation that they have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900, and a tariff (for those carriers otherwise generally required to file tariffs) that includes its provisions, as required by this subpart. Notwithstanding any failure to file that counterpart and such tariff, any such air carrier or foreign air carrier issued license authority (including exemptions) by the Board or operating in air transportation shall be deemed to have agreed to the provisions of CAB Agreement 18900 as fully as if that air carrier or foreign air carrier had in fact filed a properly executed counterpart to that Agreement and tariff.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

Appendix A

CAB Agreement 18900

CAB Form 263 (Rev. 2–83)

To be filed in D–17325

The undersigned carriers (hereinafter referred to as "the Carriers") hereby agree as follows:

1. Each of the Carriers shall, effective May 16, 1966, include the following in its conditions of carriage, including tariffs embodying conditions of carriage filed by it with any government:

"The Carrier shall avail itself of the limitation of liability provided in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw October 12th, 1929, or provided in the said Convention as amended by the Protocol signed at The Hague September 28th, 1955. However, in accordance with Article 22(1) of said Convention, or said Convention as amended by said Protocol, the Carrier agrees that, as to all international transportation by the Carrier as defined in the said Convention or said Convention as amended by said Protocol, which, according to the Contract of Carriage, includes a point in the United States of America as a point of origin, point of destination, or agreed stopping place.

(1) The limit of liability for each passenger for death, wounding, or other bodily injury shall be the sum of US $75,000 inclusive of legal fees and costs, except that, in case of a claim brought in a State where provision is made for separate award of legal fees and costs, the limit shall be the sum of US $58,000 exclusive of legal fees and costs.

(2) The Carrier shall not, with respect to any claim arising out of the death, wounding, or other bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention or said Convention as amended by said Protocol.

Nothing herein shall be deemed to affect the rights and liabilities of the Carrier with regard to any claim brought by, on behalf of, or in respect of any person who has wilfully caused damage which resulted in death, wounding, or other bodily injury of a passenger."

2. Each Carrier shall, at the time of delivery of the ticket, furnish to each passenger whose transportation is governed by the Convention, or the Convention as amended by the Hague Protocol, and by the special contract described in paragraph 1, the following notice, which shall be printed in type at least as large as 10 point modern type and in ink contrasting with the stock on (i) each ticket; (ii) a piece of paper either placed in the ticket envelope with the ticket or attached to the ticket; or (iii) on the ticket envelope:

"ADVICE TO INTERNATIONAL PASSENGER ON LIMITATION OF LIABILITY

Passengers on a journey involving an ultimate destination or a stop in a country other than the country of origin are advised that the provisions of a treaty known as the Warsaw Convention may be applicable to the entire journey, including any portion entirely within the country of origin or destination. For such passengers on a journey to, from, or with an agreed stopping place in the United States of America, the Convention and special contracts of carriage embodied in applicable tariffs provide that the liability of
[certain ——————————]*
[(name of carrier) and certain other]
carriers parties to such special contracts for death of or personal injury to passengers is limited in most cases to proven damages not to exceed US $75,000 per passenger, and that this liability up to such limit shall not depend on negligence on the part of the carrier. For such passengers travelling by a carrier not a party to such special contracts or on a journey not to, from, or having an agreed stopping place in the United States of America, liability of the carrier for death or personal injury to passengers is limited in most cases to approximately US $10,000 or US $20,000.

*Either alternative may be used.

The names of Carriers parties to such special contracts are available at all ticket offices of such carriers and may be examined on request.

Additional protection can usually be obtained by purchasing insurance from a private company. Such insurance is not affected by any limitation of the carrier's liability under the Warsaw Convention or such special contracts of carriage. For further information please consult your airline or insurance company representative."

3. This Agreement shall be filed with the Civil Aeronautics Board of the United States for approval pursuant to Section 412 of the Federal Aviation Act of 1958, as amended, and filed with other governments as required. The Agreement shall become effective upon approval by said Board pursuant to said Section 412.

4. This Agreement may be signed in any number of counterparts, all of which shall constitute one Agreement. Any Carrier may become a party to this Agreement by signing a counterpart hereof and depositing it with said Civil Aeronautics Board.

5. Any Carrier party hereto may withdraw from this Agreement by giving twelve (12) months' written notice of withdrawal to said Civil Aeronautics Board and the other Carriers parties to the Agreement.

———————————————

By (Name of Carrier)

———————————————

(Signature and Title of Carrier Official)

———————————————

———————————————

(Address)

Date ———————————————

BILLING CODE 6320-01-M

ATTACHMENT TO ER-1324

CAB Form 298-A
(Rev.)

AIR TAXI OPERATOR AND COMMUTER AIR CARRIER REGISTRATION AND AMENDMENTS UNDER PART 298 OF THE ECONOMIC REGULATIONS OF THE CIVIL AERONAUTICS BOARD

FOR USE BY CAB ONLY

INSTRUCTIONS: Please submit this form in duplicate to Special Authorities Division, Civil Aeronautics Board, Washington, D.C. 20428. If this is an initial registration for air taxi service, enclose an $8 fee (check, draft, or postal money order) payable to the Civil Aeronautics Board. The fee for initial registrations for commuter (i.e. scheduled passenger) service is $670. There is no filing fee for amendments to information previously filed, except when changing status from an air taxi operator to a commuter air carrier. In such cases, a fee of $670 is required.

Effective date of registration/amendments

1. Name and Mailing Address of the Registering Carrier:

2. Address of principal place of business (if different from above), and the carrier's Area Code and Telephone Number:

3. Federal Aviation Administration certificate number (if any), and address and telephone number of local FAA office:

4. Is this filing the carrier's:

☐ Initial ☐ Amendment to reflect changes since previous filing

If initial registration, give proposed date of commencement of operations _____.

5. Check type or types of service the carrier intends to perform upon commencement of operations, or, for amendments, service the carrier is currently performing:

☐ *scheduled passenger ☐ on-demand passenger

☐ scheduled cargo ☐ on-demand cargo

☐ mail under a U. S. Postal Service contract ☐ **other

*Check only if service is of at least five (5) round trips per week on at least one route between two or more points and is operated pursuant to published flight schedules which specify the times, days of the week, and places between which such flights are performed. If not already submitted, a copy of such schedules, or proposed schedules, should be enclosed with this registration.

**For example, if the carrier performs air ambulance operations, or fire fighting operations for the U.S. Forest Service, or if the operations are seasonal, it should be indicated here.

6. Aircraft which the carrier proposes to operate in air taxi or commuter service or, for amendments, aircraft currently operated:

	Aircraft Type/Make	FAA Registration Number	Passenger Seats Installed*
1.			
2.			
3.			
4.			
5.			

(Add additional sheets if necessary)

*This does not include seats occupied by the pilot or co-pilot unless the latter is available for passenger use.

7. Is the registering carrier a U.S. citizen? NOTE: Under the Federal Aviation Act a corporation is a U.S. citizen only if the president and two-thirds or more of the officers and directors are U.S. citizens and 75 percent of the voting interest is owned or controlled by U.S. citizens.

☐ YES ☐ NO

8. If this is an amendment, state whether the carrier has carried passengers in foreign air transportation, that is, between any point in the United States and any point outside thereof, during the past 12 months:

☐ YES ☐ NO

9. (For use in reporting any changes or amendments to information previously filed).

a. Change in carrier's name and/or address:

b. Description of any other changes or amendments:

10. Certification

I certify that the information contained in this application is complete and accurate to the best of my knowledge. If operating as a commuter air carrier or in foreign air transportation or participating in an interline agreement, the carrier subscribes to CAB Agreement 18900 (included as Appendix A to 14 CFR Part 203 of the Board's regulations), and in accordance with that Agreement agrees that a liability limit of not less than $75,000 shall apply under Article 22(1) of the Warsaw Convention for passenger injury or death in international transportation as defined in the Convention.

Signature: _____ (see note)

Date: _____

Name: _____ (Please type)

Place: _____ (City and State)

Title: _____

NOTE: This registration must be signed by a responsible officer, such as the President, Vice President, Secretary or Treasurer, or partner or owner of the carrier.

[FR Doc. 83-4680 Filed 2-24-83; 8:45 am]
BILLING CODE 4320-01-C

14 CFR Part 204

[Amdt. No. 6; Docket 40734; Regulation ER-1326]

Data To Support Fitness Determinations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury or death in international travel at not less than $75,000 per person. This rule requires that carriers file a signed counterpart of the Agreement with the other fitness data they are required to file.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 204

Air carriers, Essential air service, Reporting requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 204, *Data to Support Fitness Determinations*, as follows:

PART 204—[AMENDED]

1. The authority of Part 204 is:

Authority: Secs. 204, 401, 407, 419, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 92 Stat. 1732; 49 U.S.C. 1324, 1371, 1377, 1389.

2. A new paragraph (v) is added to § 204.5 to read:

§ 204.5 Applicants for certificate authority not currently certificated.

* * * * *

(v) A signed counterpart of CAB Agreement 18900 (CAB Form 263) as required by Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

3. A new paragraph (a)(22) is added to § 204.6 to read:

§ 204.6 Carriers providing or proposing to provide essential air transportation.

(a) * * *

(22) A signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298-A (Rev.) for air taxi operators), as required by Part 203 of this chapter. Those forms can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

4. A new paragraph (r) is added to § 204.7 to read:

§ 204.7 Commuter carriers serving an eligible point but not providing essential air services or applying for certificate authority.

* * * * *

(r) A signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298-A (Rev.)), as required by Part 202 of this chapter. Those forms can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4667 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 208

[Amdt. No. 37; Docket 40734; Regulation ER-1327]

Terms, Conditions, and Limitations of Certificates To Engage in Charter Air Transportation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international air travel at not less than $75,000 per person. This rule conditions air carrier certificates for charter air transportation to require that the carrier become a party to the Montreal Agreement and comply with the Board rule implementing it.

DATES: Effective March 28, 1983. In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W. Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 208

Charter flights, Insurance, Military air transportation, Reporting requirements, Surety bonds, and Travel agent.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Charter Air Transportation*, as follows:

PART 208—[AMENDED]

1. The authority for Part 208 is:

Authority: Secs. 101(3), 102, 204, 401, 403, 404, 407, 411, 416, 417, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 758, 760, 766, 769, 771, 788; 76 Stat. 145; 49 U.S.C. 1301, 1302, 1324, 1371, 1373, 1374, 1377, 1381, 1386, 1387, 1482.

2. The subheading, *Liability Insurance Requirements*, under Subpart A, *General Provisions*, is amended, and a new § 208.11 is added to read:

Subpart A—General Provisions

* * * * *

Liability Insurance Requirements; Waiver of Warsaw Convention Liability Limits

* * * * *

§ 208.11 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a certificate or other authority authorizing air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263), and comply with all other requirements in Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

3. The table of contents is amended by adding a new § 208.11 and replacing the subheading, *Liability Insurance Requirements*, to read:

Subpart A—General Provisions

* * * * *

Liability Insurance Requirements; Waiver of Warsaw Convention Liability Limits

* * * * *

Sec.
208.11 Filing requirements for adherence to Montreal Agreement.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4666 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 211

[Amdt. No. 13; Docket 40734; Regulation ER-1328]

Applications for Permits to Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury or death in international travel at not less than $75,000 per person. This rule changes the foreign air carrier permit application procedures to require the filing of a signed counterpart of the Agreement with the application.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 211

Air carriers, Air transportation—foreign.

Accordingly, the Civil Aeronautics Board amends 14 CFR 211, *Applications for Permits to Foreign Air Carriers*, as follows:

PART 211—[AMENDED]

1. The authority for Part 211 is:

Authority: Secs. 204, 402, 416, 1001, and 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 757, 771, 788; 49 U.S.C. 1324, 1372, 1386, 1481, 1482.

2. A new subparagraph i. is added to paragraph 10 of the Appendix, Request for Evidence, to read:

i. Submit three copies of CAB Agreement 18900 (CAB Form 263), as required under Part 203 of this chapter. CAB Form 263 can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4663 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 212

[Amdt. No. 45; Docket 40734; Regulation ER-1329]

Charter Trips by Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international travel at not less than $75,000 per person. This rule conditions the permits of foreign air carriers for charter trips to require that the carrier become a party to the Montreal Agreement and comply with the Board rule implementing it.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 212

Air transportation—foreign, Charter flights, Reporting requirements, Surety bonds, Travel agents.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 212, *Charter Trips by Foreign Air Carriers*, as follows:

PART 212—[AMENDED]

1. The authority for Part 212 is:

Authority: Secs. 101(3), 102, 204, 401, 402, 403, 404, 407, 411, 416, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 743, 754, 757, 758, 760, 766, 769, 771, 788; 49 U.S.C. 1301, 1302, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, and 1482.

2. A new § 212.11 is added to read:

§ 212.11 Filing requirements for adherence to Montreal Agreement

It shall be a condition upon the holding of a foreign air carrier permit or other authority authorizing direct foreign charter air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263), and comply with all other requirements of Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

3. Subpart A of the table of contents is amended by adding a new § 212.11 to read:

Subpart A—General Provisions

Sec.

* * * * *

212.11 Filing requirements for adherence to Montreal agreement.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4665 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 213

[Amdt. No. 9; Docket 40734; Regulation ER-1330]

Terms, Conditions, and Limitations of Foreign Air Carrier Permits

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international travel at not less than $75,000 per person. This rule conditions foreign air carrier permits to require that the carrier become a party to the Montreal Agreement and comply with the Board rule implementing it.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the

Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673–5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER–1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 213

Air carriers, Air transportation—foreign, Airports, and Reporting requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 213, *Terms, Conditions, and Limitations of Foreign Air Carrier Permits,* as follows:

PART 213—[AMENDED]

1. The authority for Part 213 is:

Authority: Secs. 204, 402, Pub. L. 85–726, as amended, 72 Stat. 743, 757, 49 U.S.C. 1324, 1372.

2. A new § 213.7 is added to read:

§ 213.7 Filing requirements for adherence to Montreal Agreement.

It shall be a condition upon the holding of a foreign air carrier permit or other authority authorizing direct foreign scheduled air transportation that the holder have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263), and a tariff (for those carriers otherwise generally required to file tariffs) that includes its provisions, and comply with all other requirements of Part 203 of this chapter. That form can be obtained from the Publications Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

3. The table of contents is amended by adding a new § 213.7 to read:

Sec.

* * * * *

213.7 Filing requirements for adherence to Montreal agreement.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4994 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 215

[Amdt. No. 5 to Part 215, Docket 40734; Regulation ER–1331]

Names of Air Carriers and Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury or death in international travel at not less than $75,000 per person. This rule requires that carriers filing for a change in name include in the application a counterpart of the Agreement signed in the new name.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673–5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER–1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 215

Air carriers, Trade names.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 215, *Names of Air Carriers and Foreign Air Carriers,* as follows:

PART 215—[AMENDED]

1. The authority for Part 215 is:

Authority: Secs. 101, 204, 401, 402, 411, 416, 417, Pub. L. 85–726, 72 Stat. 737, 743, 754, 757, 769, 771; 76 Stat. 145; 49 U.S.C. 1301, 1324, 1371, 1372, 1381, 1386, 1387.

2. A new paragraph (c) is added to § 215.3 to read:

§ 215.3 Change of name or use of trade name.

* * * * *

(c) *Montreal Agreement.* Each application for a change in name under this section shall be accompanied by three copies of a counterpart to the Montreal Agreement (CAB 18900) (CAB Form 263) signed by the carrier using the proposed name change. Upon approval of the application, the Board will place a copy of the signed CAB Form 263 in Docket 17325.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-4998 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 294

[Amdt. No. 1; Docket 40734; Regulation ER–1332]

Canadian Charter Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international travel at not less than $75,000 per person. This rule changes the registration requirement for Canadian charter air taxi operators to include the filing of a signed counterpart of the Agreement and compliance with the Board rule implementing it.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673–5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673–5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER–1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 294

Air taxis, Canada, Charter flights, Insurance, Trade names.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 294, *Canadian Charter Air Taxi Operators,* as follows:

PART 294—[AMENDED]

1. The authority for Part 294 is:

Authority: Sec. 204, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

2. Section 294.3(d) is revised to read:

§ 294.3 General requirements for Canadian charter air taxi operators.

* * * * *

(d) Has and maintains in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263) and complies with all other requirements of Part 203 of this chapter.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4662 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 298

[Amendment No. 25; Docket 40734; Regulation ER-1333]

Exemption for Air Taxi Operations

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is requiring that direct U.S. and foreign air carriers become parties to the Montreal Agreement, which sets the carrier liability limit for passenger injury and death in international travel at not less than $75,000 per person. The rule changes the air taxi operator registration requirements to incorporate the provisions of the Montreal Agreement in the registration statement and to require that the carriers become a party to that Agreement and comply with the Board rule implementing it.

DATES: In accordance with the Paperwork Reduction Act (44 U.S.C. 3507), the reporting provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until an OMB control number has been obtained. Adopted: February 8, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Schwarzkopf, Assistant General Counsel, International Affairs, (202) 673-5928, or Joseph A. Brooks, Office of the General Counsel, (202) 673-5442, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: The reasons for this rule are fully explained in ER-1324, adopted contemporaneously.

List of Subjects in 14 CFR Part 298

Air taxis, Alaska, Antitrust, Consumer protection, Insurance, Reporting requirements.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 298, *Exemptions for Air Taxi Operations*, as follows:

PART 298—[AMENDED]

1. The authority for Part 298 is:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85-726, as amended, 72 Stat. 743, 754, 766, 771; 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1377, 1386, 1388.

2. Section 298.3(a)(5) is revised to read:

§ 298.3 Classification.

(a) * * *

(5) If operating as a commuter air carrier or in foreign air transportation or participating in an interline agreement, have and maintain in effect and on file with the Board a signed counterpart of CAB Agreement 18900 (CAB Form 263 or CAB Form 298-A (Rev.)) and comply with all other requirements of Part 203 of this chapter.

3. A new paragraph (c)(4) is added to § 298.21 to read:

§ 298.21 Filing for registration by air taxi operators.

* * * * *

(c) * * *

(4) For air taxi operators that (i) are commuter air carriers, (ii) engage in foreign air transportation, or (iii) participate in an interline agreement, a signed counterpart of CAB Agreement 18900 (CAB Form 263), which may be the revised registration form (CAB Form 298-A (Rev.)), as required by Part 203 of this chapter. These forms can be obtained from the Publication Services Division, Civil Aeronautics Board, Washington, D.C. 20428.

Subpart G—[Removed and Reserved]

4. Subpart G—*Waiver of Liability Limits Under the Warsaw Convention* is removed and reserved.

5. The table of contents is amended by removing and reserving Subpart G.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-4661 Filed 2-24-83; 8:45 am]

BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-2511]

G C Services Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on April 16, 1974 (39 FR 17100), *modified* June 21, 1978 (43 FR 32128), by deleting Paragraph Six from the order and substituting a new Paragraph Six, which incorporates restrictions concerning the use of post-dated checks contained in Section 808 (2), (3) and (4) of the Fair Debt Collection Practices Act.

DATES: Consent Order issued April 16, 1974. Modifying Order issued February 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Lewis Franke, Washington, D.C. 20580, (202) 376-2891.

SUPPLEMENTARY INFORMATION: In the Matter of G C Services Corp., et al. Codification appearing at 39 FR 17100 is amended by adding the following: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-37 Formal regulatory and/or statutory requirements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45. Sec. 814, 91 Stat. 881; 15 U.S.C. 1692 l)

List of Subjects in 16 CFR Part 13

Debt collection practices.

The Order Reopening Proceeding and Modifying Order to Cease and Desist is as follows:

United States of America Before Federal Trade Commission

Commissioners: James C. Miller III, Chairman, Michael Pertschuk, David A. Clanton, Patricia P. Bailey, and George W. Douglas.

Order Reopening Proceeding and Modifying Order to Cease and Desist

In the Matter of G C Services Corp., et al.; Docket No C-2511.

By petition filed September 21, 1982, pursuant to Rule 2.51, petitioners G C Services Corp. and Jerold B. Katz, William A. Inglehart and Martin M. Katz, ("GCSC"), request the Commission to reopen this proceeding and modify Paragraph 6 of the Order to Cease and Desist issued on April 16, 1974, and amended on June 21, 1978.

Paragraph 6, as written in the original 1974 Order, prohibited GCSC from receiving from debtors post-dated checks which would not be deposited immediately or which would be held for more than 15 business days after their receipt. On June 21, 1978, the Commission modified this Order Paragraph to permit GCSC to hold debtor's checks up to 60 days provided GCSC complied with certain conditions, including the requirement that GCSC make a good faith effort to reach debtors by attempting to contact them by telephone three times to obtain their permission to deposit any post-dated checks.

The present petition seeks modification of Paragraph 6 by eliminating, (1) The 60 day period limitation for GCSC's holding of post-

dated checks and (2) the telephone contact requirement. In place of the current Paragraph 6, GCSC requests that the Section 808 (2) (3) and (4), of the FDCPA, as well as other requirements, be incorporated into the Order. In addition to being bound by the FDCPA requirements, GCSC requests that the Order prohibit respondents for a period of 5 years from accepting a check post-dated by more than 60 days unless the debtor is given, along with the notice required by Section 808(2) of the FDCPA, a notice, (a) of the date and amount of each additional post-dated check that GCSC holds and intends to cash and (b) that advises the debtor to contact GCSC in the event the debtor is unable to cover the check to arrange a revised payment schedule. Additionally, GCSC would be required to return to the debtor, when so asked, any post-dated check that the debtor is unable to cover.

In support of their request, petitioners assert that the current restrictions in Paragraph 6 are unnecessary in view of the requirements and restrictions set forth in Section 808 of the FDCPA which are binding on GCSC as a debt collector. The current Order restrictions on GCSC, petitioners argue, places them at a competitive disadvantage. Further, the telephone-debtor contact required by the current Paragraph 6 is not only burdensome to GCSC but bothersome to consumers as well.

The Commission, having considered the petition, is of the opinion that petitioners have made a sufficient showing of changed conditions of law and fact to reopen the proceeding, and have decided to grant their request. However, the Commission is persuaded that incorporation of Section 808 (2) (3) and (4) into the Order would provide adequate protection for consumers and that the additional restrictions proposed by petitioners are not necessary. Petitioners have agreed to this change.

Accordingly, it is ordered that the proceeding be, and it hereby is reopened.

It is further ordered that the Order to Cease and Desist be, and it hereby is, modified by striking Paragraph Six, amended on June 21, 1978, and substituting therefor the following:

6. (a) Accepting from any person a check or other payment instrument post-dated by more than five days unless such person is notified in writing of the intent to deposit such check or instrument not more than ten nor less than three business days prior to such deposit;

(b) Soliciting any post-dated check or other post-dated payment instrument for the purpose of threatening or instituting criminal prosecution; and

(c) Depositing or threatening to deposit any post-dated check or other post-dated payment instrument prior to the date on such check or instrument.

By the Commission.

Issued: February 8, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-4780 Filed 2-24-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority regarding approval of new drug applications. The amendment updates position titles and regulation citations.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending § 5.80 (21 CFR 5.80) in paragraph (a) to correct the title of the Scientific Director of the National Center for Drugs and Biologics and in paragraph (a)(2) to correct a regulation citation. In the **Federal Register** January 21, 1983 (48 FR 2751), § 314.1 (21 CFR 314.1) was amended by removing paragraph (f) which related to abbreviated new drug applications and by adding new § 314.2 *Abbreviated new drug applications.* The paragraph is amended accordingly.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a) 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.80 by revising the introductory text of paragraph (a) and by revising paragraph (a)(2) to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.80 Approval of new drug applications and their supplements.

(a) The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB) and the Director of the Office of New Drug Evaluation, NCDB, are authorized to perform all functions of the Commissioner of Food and Drugs with regard to approval of new drug applications and supplements thereto on drugs for human use that have been submitted under section 505 of the Federal Food, Drug, and Cosmetic Act, except that the Director of the Office New Drug Evaluation, NCDB, is not authorized to approve those drug products under the jurisdiction of the Office of Biologics, NCDB, in § 314.1 (a)(2) of this chapter for which authority has been delegated in paragraph (b) of this section.

* * * * *

(2) The Associate and Deputy Associate Director for Drug Monographs and the Director of the Division of Generic Drug Monographs of the Office of Drugs, NCDB, are authorized to perform all functions of the Commissioner of Food and Drugs regarding the approval of abbreviated new drug applications and supplements thereto for drugs for human use that have been submitted under §§ 314.2 and 314.8 of this chapter, except those under the jurisdiction of the Office of Biologics, NCDB, in § 314.1(a)(2) of this chapter for which authority has been delegated in paragraph (b) of this section.

* * * * *

Effective date: This regulation shall become effective February 25, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371 (a)))

Dated: February 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4443 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 74, 81, and 82

[Docket No. 83N-0009]

FD&C Blue No. 2

Correction

In FR Doc. 83-2812 beginning on page 5252 in the issue of Friday, February 4, 1983, make the following changes:

1. On page 5256, the third column, the paragraph immediately below "VI. Findings From the Second Examination", the phrases "from $p-0.017$ to 0.038", "from $p-0.040$ to 0.053", "from $p-0.005$ to 0.018" and "from $p-0.021$ to 0.047" should read "from $p=0.017$ to 0.038", "from $p=0.040$ to 0.053", "from $p=0.005$ to 0.018" and "from $p=0.040$ to 0.053" respectively.

2. On page 5257, the first column, the last line, the word "certainly" should read "certainty".

BILLING CODE 1505-01-M

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21 CFR Part 101

[Docket No. 77P-0413]

Labeling of Firming Ingredients

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permitting ingredients used as firming agents in food (e.g., calcium salts in canned vegetables and tomato products) to be listed together in the ingredient statement in order of predominance appropriate for the total amount of all firming agents, by specific common or usual names in parentheses following the collective name "firming agents." FDA also is permitting the firming ingredients listed within the parentheses to appear other than in descending order of predominance and is permitting the declaration of firming ingredients which may not always be present. The action is in response to a petition filed by the Canners League of California.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: A proposal, in response to a Canners League of California Petition, was published in the **Federal Register** of April 18, 1978 (43 FR 16347), to amend 21 CFR 101.4 to permit ingredients used as firming agents to be parenthetically listed together in the ingredient statement following the collective name "firming agents." The proposal also provided that ingredients used as firming agents in food may be declared in the order of predominance appropriate for the total amount of all firming agents in the food. Further, it allowed the firming ingredients listed within the parentheses to appear other than in descending order of predominance. Finally, the proposal provided for the declaration of firming ingredients which may not always be present.

FDA received 12 comments on the proposal, from industry, trade associations, a Federal agency, and consumers. Ten comments supported the proposal while two opposed it. In addition to considering the comments received on this proposal, FDA also considered comments received on FDA's tentative position on the issue of labeling flexibility for fats and oils ingredients set forth in an advance notice of proposed rulemaking published in the **Federal Register** of December 21, 1979 (44 FR 75990). FDA also has considered comments that addressed the issue of flexibility for labeling ingredients that were received at public hearings on food labeling held jointly by FDA, the United States Department of Agriculture (USDA), and the Federal Trade Commission (FTC) in the fall of 1978 and spring of 1980.

The comments on the proposal and FDA's responses are as follows:

1. One comment contended that the proposed regulation lacks adequate consumer input and adequate consideration of consumers' views. This comment recommended that final action on the proposal be deferred until the comprehensive food labeling evaluation is completed, public comments have been received and considered, and FDA develops a food labeling policy consistent with the results of the evaluation.

FDA agrees that consumer involvement in food labeling rulemaking is important. To this end, the hearings held in the fall of 1978 by FDA, USDA, and FTC allowed consumers and other interested persons an opportunity to express their views on a variety of food labeling issues, including flexibility in labeling ingredients (the so-called "and/or" labeling). After considering the views expressed at these hearings, the agencies published in the **Federal Register** of December 21, 1979 (44 FR 75990), tentative positions on a number of food labeling issues, including the flexibility in labeling fats or oils ingredients. FDA's tentative position on the latter issue was that "and/or" labeling should be permitted for fats and oils when they are not the predominant ingredient in the food. The agencies again held public hearings on March 4 and 5, 1980, in Washington, DC, to allow consumer groups, State associations, industry, trade associations, and individuals to testify on the agencies' tentative proposals to revise food labels.

Consumers commenting on the agencies' tentative positions on this issue and at the 1978 and 1980 hearings generally opposed the use of "and/or" labeling for certain ingredients. They argued that this type of labeling makes it difficult for consumers to avoid specific ingredients due to dietary, health (e.g., allergies), or religious reasons.

FDA believes that, whatever is the ultimate decision on the labeling of fats and oils, a distinction can be made between ingredients such as fats and oils that may be major constituents of consumer food products and those ingredients such as firming agents, dough conditioners, and leavening agents that are added for their technological function and are not major constituents of consumer food products.

Ingredients used as firming agents (calcium, magnesium, and aluminum salts) are present in the finished product in very small quantities, usually much less than 1 percent by weight. These firming ingredients are added for the technological function of maintaining a desired firmness in the finished canned vegetable product so that the vegetables do not become mushy. Ingredients approved for use as firming agents are safe, and FDA is unaware of any dietary or health restrictions or religious reasons why any consumer must avoid these ingredients. Therefore, the reasons cited by consumers for opposing the use of "and/or" labeling in general, or for fats and oils, are inapplicable to ingredients used as firming agents in canned vegetables. Even individuals who wish to avoid firming agents for other reasons can do so under this regulation, which maintains the requirement for providing specific information about the identity of ingredients that are or may be present in a food. Consumers who wish to avoid specific ingredients such as firming agents for any reason will continue to have enough label information to avoid them if they so choose by not selecting those foods with labels indicating that any of several firming ingredients may be present.

FDA concluded that there has been ample consumer involvement in this proceeding and that there appears to be no compelling reasons for delaying this action.

2. Two comments objected to the regulation's effect of allowing ingredients to be listed that are not actually present in the food. One comment asserted that this is not in the interest of consumers.

FDA disagrees with both comments. This final regulation is in the interest of consumers because they may derive indirect economic benefits due to savings to manufacturers. Because FDA is permitting the use of "and/or" labeling for firming agents when these ingredients are used interchangeably in the formulation or processing of a food, manufacturers will benefit economically in two ways. They will not be forced to change their labels each time they use a different firming agent. Under current regulations, a change from one salt to another salt requires a separate label even though the change has little impact

on the final composition of the food. Further, manufacturers will also be able to make purchases that take advantage of price fluctuations of firming agents and use whatever is cheapest at the time of packing. Because the regulation will enable manufacturers to purchase ingredients on the basis of price and availability, it will foster competition in the pricing of firming agents. The net effect of these benefits to manufacturers should be to help keep their production costs down. These lower production costs may help keep down the price that consumers pay for the finished food.

The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

At the time the proposal was published in the **Federal Register** of April 18, 1978, FDA's Bureau of Foods placed on file with the Dockets Management Branch a copy of an economic impact assessment concluding that there would be no economic impact from adoption of the proposal. In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this final rule, and the agency has determined, as discussed above in paragraph 2, that the final rule will not be a major rule, as defined by the Order.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 101 is amended in § 101.4 by adding new paragraph (b)(19), to read as follows:

PART 101—FOOD LABELING

§ 101.4 Food; designation of ingredients.

* * * * *

(b) * * *

(19) Ingredients that act as firming agents in food (e.g., salts of calcium and other safe and suitable salts in canned vegetables) may be declared in the ingredient statement, in order of predominance appropriate for the total of all firming agents in the food, by stating the specific common or usual name of each individual firming agent in descending order of predominance in parentheses following the collective name "firming agents." If the manufacturer is unable to adhere to a constant pattern of firming agents in the food, the listing of the individual firming agents need not be in descending order of predominance. Firming agents not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:".

* * * * *

Effective date. This amendment shall become effective February 25, 1983.

(Secs. 201, 403, 701(a), 52 Stat. 1040–1042 as amended, 1047–1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)))

Dated: January 28, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-4714 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 133

[Docket No. 75P-0078]

Mozzarella Cheese and Low-Moisture Mozzarella Cheese; Revision of Standards of Identity

Correction

In FR Doc. 83-1889 beginning on page 3363 in the issue of Tuesday, January 25, 1983, make the following corrections.

1. On page 3364, first column, first paragraph of **SUPPLEMENTARY INFORMATION,** fourth line from the bottom,"133.156)" should read "133.155)" and the following should be inserted after "and" but before the comma: "low-moisture mozzarella cheese (21 CFR 133.156) and"

2. On page 3366, third column, § 133.156(b), second paragraph, eleventh line from the bottom, "used" should read "iced".

BILLING CODE 1505-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Iodochlorhydroxyquin Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to codify a previously approved new animal drug application (NADA) sponsored by E. R. Squibb & Sons., Inc. The NADA provides for safe and effective use of iodochlorhydroxyquin boluses in horses for treating diarrhea.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Terence Harvey, Bureau of Veterinary Medicine (HFV-110), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540, is sponsor of NADA 31-448 providing for use of Rheaform Boluses. Each bolus contains 10 grams of iodochlorhydroxyquin. One bolus is administered daily to a 1,000-pound horse for treating diarrhea.

The NADA was originally approved October 15, 1965. At that time, approvals were not codified by publication in the **Federal Register.** Accordingly, the regulations are now amended to codify E. R. Squibb & Sons' approved NADA.

This action, reflecting an approved NADA, does not constitute reaffirmation of the safety and effectiveness data supporting this approval. Since the NADA was approved before July 1, 1975, the sponsor has not been required to submit a summary of the safety and effectiveness data and information in accordance with the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2)(ii).

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor and environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1158, to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1158 Iodochlorhydroxyquin boluses.

(a) *Specifications.* Each bolus contains 10 grams of iodochlorhydroxyquin.

(b) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(c) *Condition of use*—(1) *Amount.* 1 bolus (10 grams) daily for a 1,000-pound horse.

(2) *Indications for use.* For treatment of equine diarrhea.

(3) *Limitations.* For horses only; not to be administered to food-producing animals. Do not administer to horses intended for use as food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. February 25, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 17, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4712 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Neomycin Sulfate, Prednisolone, Tetracaine, and Squalane Topical-Otic Suspension

Correction

In FR Doc. 83-2928 beginning on page 5264 in the issue of Friday, February 4, 1983, make the following change on page 5265:

In the first column, under § 524.1484k(b), the number "01703" should read "017030".

BILLING CODE 1505-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Carl S. Akey, Inc., providing for use of 10 gram-per-pound bambermycins premix to make 0.4 and 2 gram-per-pound bambermycins premixes for making swine feeds and 2 gram-per-pound premixes for turkey feeds, for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Carl S. Akey, Inc., P.O. Box 607, Lewisburg, OH 45338, is sponsor of NADA 131-413 providing for safe and effective use of 10 gram-per-pound bambermycins premix to make 0.4 and 2 gram-per-pound bambermycins premixes. The intermediate premixes are used to manufacture finished feed for growing-finishing swine (0.4 and 2 gram-per-pound premixes) and growing turkeys (2 gram-per-pound only), for increased rate of weight gain and improved feed efficiency. The application was filed by American Hoechst Corp., Animal Health Div., on behalf of the sponsor.

Approval of this application is based on safety and effectiveness data contained in American Hoechst's approved NADA 44-759 for Flavomycin (bambermycins). American Hoechst authorized use of the data in NADA 44-759 to support this application. The NADA is approved, and the regulations are amended to reflect the approval.

Approval of this NADA does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval is equivalent to a Category II supplement, which does not require reevaluation of the safety and effectiveness data in parent NADA 44-759.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR 558

Animal feeds, Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.95 is amended by revising paragraph (b)(4), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.95 Bambermycins.

* * * * *

(b) * * *

(4) Premix levels of 0.4 and 2 grams of bambermycins activity per pound for use as in paragraph (e)(2) of this section and 2 grams per pound for use as in paragraph (e)(3) of this section, granted to 016968, 017274, and 017790 in § 510.600(c) of this chapter.

* * * * *

Effective date. February 25, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 9, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4713 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Wayne Feed Division, Continental Grain Co., providing for safe and effective use of 9.6- and 19.2-gram-per-pound pyrantel tartrate premixes for making complete swine feeds.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: Wayne Feed Division, Continental Grain Co., P.O. Box 459, Libertyville, IL 60048, is sponsor of NADA 132-136 submitted on its behalf by Pfizer, Inc. The NADA provides for use of premixes containing 9.6 and 19.2 grams of pyrantel tartrate per pound for making complete swine feeds used for aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, for aid in prevention of establishment of nodular worm (*Oesophagostomum*) infections, and for removal and control of large roundworm (*Ascaris suum*) infections.

Approval of this application relies on safety and effectiveness data contained in Pfizer's approved NADA 43-290. Use

of the data in NADA 43-290 to support this application has been authorized by Pfizer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 43-290.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360 (i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.485 by adding new paragraph (a)(13), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.485 Pyrantel tartrate.

(a) * * *

(13) To 034936: 9.6 and 19.2 grams per pound, paragraph (e)(1) and (2) of this section.

* * * * *

Effective date. This amendment is effective February 25, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 17, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4711 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Order No. 998-83]

Board of Immigration Appeals; Immigration Review Function; Editorial Amendments

AGENCY: Justice Department.

ACTION: Final rule.

SUMMARY: In order to improve the management, direction and control of the immigration judicial review programs currently within the Immigration and Naturalization Service (INS), the Attorney General has reorganized within the Department of Justice so as to place the immigration review function with the Board of Immigration Appeals (BIA) under a newly created office entitled the Executive Office for Immigration Review (EOIR). The Executive Office for Immigration Review will be under the Associate Attorney General's supervision. This realignment will place similar quasi-judicial functions within a single organization and will result in a more effective and efficient operation of the Department's immigration judicial review programs.

EFFECTIVE DATE: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Kevin D. Rooney; Assistant Attorney General for Administration; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Room 1111; Washington, D.C. 20530. Telephone (202) 633-3101.

SUPPLEMENTARY INFORMATION: In accordance with the reorganization within the Department of Justice, 28 CFR is being amended to reflect the new functional statements of the Executive Office for Immigration Review, the Board of Immigration Appeals, and the Office of the Chief Special Inquiry Officer.

This order is not a rule within the meaning of either Executive Order 12291, Section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (Government agencies), Authority delegations (Government agencies).

PART 0—[AMENDED]

By virtue of the authority vested in me, as Attorney General, by 28 U.S.C. 509, 510; 5 U.S.C. 301, and 8 U.S.C. 1103, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

1. Section 0.19 is amended by revising paragraph (a) introductory text to read as follows:

§ 0.19 Associate Attorney General.

(a) The Associate Attorney General shall advise and assist the Attorney General and the Deputy Attorney General in formulating and implementing Departmental policies and programs pertaining to criminal matters. The Associate Attorney General shall also provide overall supervision and direction for the following organizational units: Criminal Division; Drug Enforcement Administration; Immigration and Naturalization Service; Executive Office for United States Attorneys; Bureau of Prisons; Federal Prison Industries, Inc.; Office of Pardon Attorney; Executive Office for Immigration Review; United States Marshals Service; and the United States National Central Bureau, INTERPOL. The United States Parole Commission is under the supervision of the Associate Attorney General for administrative purposes. In addition the Associate Attorney General shall:

* * * * *

2. Section 0.105 is amended by revising paragraph (a) to read as follows:

§ 0.105 General functions.

* * * * *

(a) Subject to the limitations contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) and excepting the authority delegated to the Executive Office of Immigration Review, the Board of Immigration Appeals, the Office of the Chief Special Inquiry Officer, and the Special Inquiry Officers, administer and enforce the Immigration and Nationality Act and all other laws relating to immigration (including but not limited to, admission, exclusion, and deportation), naturalization, and nationality. Nothing in this paragraph shall be construed to authorize the Commissioner of Immigration and Naturalization to supervise the litigation of, or to approve the filing of records on review, appeals, or petitions for writs of certiorari or to intervene or have independent representation in cases

under the immigration and nationality laws except as provided in paragraph (e) of this section.

* * * * *

3. Subpart U is revised to read as follows:

Subpart U—Executive Office for Immigration Review

Sec.
0.115 General functions.
0.116 Board of Immigration Appeals.
0.117 Office of Chief Special Inquiry Officer.

Subpart U—Executive Office for Immigration Review

§ 0.115 General functions.

The Executive Office for Immigration Review shall be headed by a Director, who shall be responsible for the general supervision of the Board of Immigration Appeals and the Office of the Chief Special Inquiry Officer in the execution of their duties in accordance with 8 CFR Part 3. The Director may redelegate the authority delegated to him by the Attorney General to the Chairman of the Board of Immigration Appeals or the Office of the Chief Special Inquiry Officer.

§ 0.116 Board of Immigration Appeals.

The Board of Immigration Appeals shall consist of a Chairman and four other members. The Chairman shall be responsible for providing supervision and establishing internal operating procedures of the Board in the exercise of its authorities and responsibilities as delineated in 8 CFR 3.1–3.8.

§ 0.117 Office of Chief Special Inquiry Officer.

The Chief Special Inquiry Officer shall provide general supervision to the Special Inquiry Officers in performance of their duties in accordance with the Immigration and Nationality Act, 8 U.S.C. 1226 and 1252 and 8 CFR 3.9.

(28 U.S.C. 509, 510; 5 U.S.C. 301; 8 U.S.C. 1103)

Dated: February 15, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-4738 Filed 2-24-83; 8:45 am]
BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Records and Reports; Elementary and Secondary Schools; Staff Information Report (EEO–5)

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission (EEOC) is amending its reporting regulations that cover unlawful employment practices of elementary and secondary schools. The amendments will reduce the filing requirement from once a year to once every two years for these employers. This change will reduce the reporting burden on elementary and secondary schools as required under the Paperwork Reduction Act.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Chief, Survey Branch, 2401 E Street, NW., Washington, D.C. 20506 phone: (703) 756–6020.

SUPPLEMENTARY INFORMATION: EEOC published a notice of proposed rulemaking (47 FR 20630) on May 13, 1982, proposing to amend the regulation set forth at 29 CFR 1602.41. Today's action makes final the amendment of that regulation exactly as proposed in the May 13, 1982 notice. Section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed and to make reports therefrom as required by the Equal Employment Opportunity Commission. Accordingly, the Commission has issued regulations which set forth the reporting requirements for various kinds of employers. Elementary and secondary schools in their capacity as employers have been required to submit annual reports to the EEOC. Now they will report biennially. This change has been made in consultation with the Office of Management and Budget and is intended to reduce the reporting burden on elementary and secondary schools as required under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The Commission will require affected schools to file only on even numbered years when they are also required to file staffing reports with the Office of Civil Rights, Department of Education, thus substantially reducing the reporting burden. Note, however, that the recordkeeping requirements of § 1602.39 remain unchanged.

Comments

Comments were received from two representatives of State Education Agencies and two from advocacy groups on behalf of women and girls in education. The representatives of the State Education agencies fully supported the change to the biennial survey because it would reduce the reporting burden while still accurately reflecting staffing patterns. The women's advocacy groups opposed the change on the grounds that (1) it appears to be an indication from the Commission that EEO compliance is less important; (2) the effect on Commission statutory beneficiaries has not been considered and (3) the increased time lapse between reports for smaller school districts would decrease the important process of self-assessment the districts make when filing their reports.

The Commission has carefully considered these comments. This rule change concerning the periodicity of data collection represents no change in the determination of this Commission to honor its mandate under Title VII to eliminate discrimination in employment due to race, sex, religion, color, national origin, age and handicap (in the Federal Government). The recordkeeping requirements for school districts have not been changed. Therefore, annually when each school district compiles the required information for its employment profile, the same process of self-assessment will result. Thus, the Commission has concluded that this revision will not be detrimental to its statutory beneficiaries but will benefit elementary and secondary schools.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 1601.612, and Executive Order 12291, the Equal Employment Opportunity Commission certifies that the economic effects of this rule have been carefully analyzed, and that it has been determined that neither a regulatory flexibility analysis nor a regulatory impact analysis is required.

A regulatory flexibility analysis is required whenever a rule will have a significant economic impact on a substantial number of small entities, e.g., school districts with a population of less than fifty thousand. The rule will not have an impact on any of the affected school districts except to reduce the existing reporting burden and attendant costs. Similarly this is not a major rule as defined by Section 1(b) of Executive Order 12291 and therefore does not require a regulatory impact analysis.

In compliance with Executive Order 12067 (43 FR 28967, July 5, 1978), the Commission has consulted with the representatives of the necessary federal departments and agencies on the revision of its reporting regulations.

By virtue of the authority vested in the Commission under section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–8(c), the Equal Employment Opportunity Commission hereby

publishes the following revision to its regulations on Recordkeeping and Reports, 29 CFR Part 1602, specifically 1602.41.

List of Subjects in 29 CFR Part 1602

Administrative practice and procedure, Educational facilities, Elementary and secondary education, Equal employment opportunity, Reporting requirements.

PART 1602—RECORDS AND REPORTS

Section 1602.41 is revised to read as follows:

§ 1602.41 Requirement for filing and preserving copy of report.

On or before November 30, 1982, and biennially thereafter, certain public elementary and secondary school systems and districts, including individually or separately administered districts within such systems, and individual schools within such systems or district shall file with the Commission or its delegate executed copies of Elementary-Secondary Staff Information Report EEO–5 in conformity with the directions set forth in the form and accompanying instructions. The elementary and secondary school systems and districts covered are: (a) Every one of those which have 100 or more employees, and (b) every one of those others which have 15 or more employees from whom the Commission requests the filing of reports. Every such elementary or secondary school system or district shall retain at all times, for a period of 3 years, a copy of the most recently filed report EEO–5 at the central office of the school system or district, or the individual school which is the subject of the report, where more convenient, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of Title VII, as amended. It is the responsibility of the school systems or districts above described in this section to obtain from the Commission or its delegate necessary supplies of the form.

Signed at Washington, D.C. this 18th day of January 1983.

For the Commission.

Clarence Thomas,

Chairman.

Certification

Pursuant to 5 U.S.C. 605(b), Clarence Thomas, Chairman, Equal Employment Opportunity Commission certifies that the Commission has carefully analyzed the economic effects of the amendment of 29 CFR Part 1602 and has determined that no regulatory flexibility analysis is required. Such analysis is required whenever a rule will have a significant economic impact on a substantial number of small entities, e.g., school districts with a population of less than fifty thousand. This rule will have no impact on any of the affected school districts except to reduce the reporting burden and attendant costs.

Clarence Thomas,

Chairman.

[FR Doc. 83-4730 Filed 2-24-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 942

Extension of Deadline for Satisfaction of Conditions of Approval of the Tennessee Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing its decision to extend the deadline for Tennessee to meet two conditions of approval of its permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By executive order of the Governor, the Tennessee Division of Surface Mining (DSM) is to be transferred from the Department of Conservation to the Department of Public Health and Environment. This transfer may necessitate some changes in the material submitted by the DSM to meet conditions of approval concerning procedures and forms for permitting, inspection and enforcement, and information on staffing and funding of the Division. Accordingly, OSM is granting DSM an extension which will enable it to revise the amendments submitted to the Secretary to satisfy the two conditions of approval.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James Curry, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 530 Gay Street, S.W., Suite 400, Knoxville, Tennessee 37902. (615–524–7648)

SUPPLEMENTARY INFORMATION: The Tennessee program was conditionally approved by the Secretary on August 10, 1982 (47 FR 34724–34754). The approval was conditioned on the State's correction of 11 minor deficiencies in its program.

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Tennessee program can be found in the August 10, 1982, Federal Register (47 FR 34724–34754).

Submission of Revisions

On November 1 and 10, 1982, Tennessee submitted amendments to its approved permanent program to satisfy condition "I" concerning procedures and forms for permitting, inspection and enforcement, and condition "J" concerning staffing and funding. The amendments included extensive modifications of Chapters V, VI, VII, X, XI and XII of the Tennessee permanent regulatory program.

On December 3, 1982, OSM announced receipt of these amendments and scheduled a 30-day comment period on the adequacy of the amendments in meeting the Secretary's conditions of approval (47 FR 54474–54475). Subsequently, Tennessee notified OSM by letter dated January 25, 1983, that by executive order of the Governor, the Division of Surface Mining, which is the regulatory authority under Tennessee's approved program, is to be transferred from the Department of Conservation to the Department of Public Health and Environment, effective approximately February 15, 1983. This transfer will necessitate some revision of the amendments submitted to meet the conditions of approval. For this reason, the State requested an extension of the deadline for the State to meet conditions "I" and "J" to April 30, 1983. This extension will allow the State an opportunity to revise the amendments submitted to OSM to reflect changes to be made as a result of the transfer.

Secretary's Determination

The Secretary has determined that the impending transfer to the Department of Public Health and Environment may render pottions of Tennessee's earlier submission of amendments incomplete with respect to satisfying conditions "I" and "J".

In view of Tennessee's November 1 and 10, 1982, submission of amendments which demonstrates the State's good faith effort to satisfy the conditions by the original deadline, and in light of the reorganizational changes which are expected to have a bearing on the adequacy of the amendments submitted in meeting the conditions of approval, the Secretary has determined that it is appropriate and desirable to grant the State an extension of time to meet the

two conditions. The extension will allow the State an opportunity to revise previously submitted material and to provide additional materials to meet the conditions which will reflect the organizational changes. Thus, the Secretary hereby extends the deadline for Tennessee to satisfy conditions "i" and "j" to April 30, 1983.

Following the submission of additional materials, the public will be provided an opportunity to comment on their adequacy in meeting the conditions before the Secretary makes his final decision to approve or disapprove the amendments.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.*—The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.*—On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.*—This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 942

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR Part 942 is amended as set forth herein.

Dated: February 18, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 942—[AMENDED]

§ 942.11 [Amended]

1. 30 CFR Part 942.11 is amended in paragraphs (i) and (j) by substituting "April 30, 1983," for "October 31, 1982" in each paragraph.

[FR Doc. 83-4883 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 354

Regulations Governing Book-Entry Securities of the Student Loan Marketing Association (Sallie Mae)

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury, acting for the Student Loan Marketing Association (Sallie Mae), hereby issues regulations to govern the issuance of, and transactions in, all Sallie Mae securities issued in book-entry form. The securities shall be held in accounts maintained through Federal Reserve Banks, acting as fiscal agents for the Association by designation of the Department of the Treasury. These regulations shall apply only to Sallie Mae securities issued in book-entry form on or before September 30, 1983. The regulations permit the Student Loan Marketing Association to issue and market its securities in non-competitive form to a wider class of investors.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Joanne W. Trimble, Senior Staff Attorney, Student Loan Marketing Association. (202–333–8000)

SUPPLEMENTARY INFORMATION: The Student Loan Marketing Association, established by the Congress as a private corporation and financed by private capital, serves as a secondary market and warehousing facility for student loans. The Association, popularly referred to as "Sallie Mae," is authorized, with the approval of the Secretary of the Treasury, to issue obligations having such maturities and bearing such rate or rates of interest as may be determined by the Association.

The Secretary of the Treasury, to discharge fully his responsibility for approving the issuance of Sallie Mae securities, had designated the Federal Reserve Bank of New York to act as fiscal agent for the Association. To facilitate the issuance of, and transactions in, Sallie Mae securities, the Secretary of the Treasury hereby authorizes all Federal Reserve Banks, as fiscal agents, to maintain for the Association securities issued in book-entry form.

The authority of the Federal Reserve Banks to act as fiscal agents for the Student Loan Marketing Association and for the Association to issue securities pursuant to these regulations, shall terminate on September 30, 1983. Sallie Mae obligations issued prior to that date shall continue to be serviced by Federal Reserve Banks, as fiscal agents, until their respective maturities, and these regulations shall apply to such obligations for the period that they remain outstanding.

It has been determined that these regulations, which are based on book-entry regulations governing United States securities heretofore published by the Fiscal Service, Department of the Treasury in Parts 306 and 350 of Title 31, Code of Federal Regulations, do not require a notice of proposed rulemaking as they involve the fiscal policy of the United States, and that they are not a "major rule" for purposes of Executive Order 12291, dated February 17, 1981.

List of Subjects in 31 CFR Part 354

Bonds, Securities.

Dated: February 22, 1983.

John Kilcoyne,

Assistant Fiscal Assistant Secretary.

Title 31, Code of Federal Regulations is amended by adding a Part 354 to read as follows:

PART 354—REGULATIONS GOVERNING BOOK-ENTRY SECURITIES OF THE STUDENT LOAN MARKETING ASSOCIATION (SALLIE MAE)

Sec.

354.0 Applicability and effect.
354.1 Definition of terms.
354.2 Authority of Reserve Banks.
354.3 Scope and effect of book-entry Sallie Mae securities accounts.
354.4 Transfer or pledge.
354.5 Withdrawal of Sallie Mae securities.
354.6 Delivery of Sallie Mae securities.
354.7 Classes of accounts.
354.8 Identification of accounts.
354.9 Servicing book-entry Sallie Mae securities.

Authority: Section 1087–2(h)(1) of the Higher Education Act of 1965, as amended, 88 Stat. 285; 94 Stat. 1427–1430; 95 Stat. 457 (20 U.S.C. 1087–2); 12 U.S.C. 391; and 5 U.S.C. 301.

§ 354.0 Applicability and effect.

(a) *Applicability.* The regulations in this part govern the issuance of, and transactions in, all securities issued by the Student Loan Marketing Association, sometimes hereafter referred to as "Sallie Mae" or "Association," on or before September 30, 1983.

(b) *Effect.* The Sallie Mae securities to which these regulations apply are obligations, which, by the terms of their issue, are available exclusively in book-entry form, or, which, by the terms of their issue, or otherwise, are convertible from book-entry to definitive form, or vice versa.

§ 354.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank acting as fiscal agent for Sallie Mae and, when indicated, in its individual capacity.

(b) "Sallie Mae" means the Student Loan Marketing Association, a stockholder-owned corporation established in 1972 by the Higher Education Act of 1965, Pub. L. 92–318, 86 Stat. 265 (20 U.S.C. 1087–2), to provide liquidity for financial and educational institutions and other lenders participating in the Federal Guaranteed Student Loan Program and the Health Education Assistance Loan Program to support the credit needs of students.

(c) "Sallie Mae security" or "security" means notes, bonds, debentures or other similar obligations of the Student Loan Marketing Association issued under the Higher Education Act of 1965, as amended.

(d) "Definitive Sallie Mae security" or "definitive security" means a Sallie Mae security issued in engraved or printed form.

(e) "Book-entry Sallie Mae security" or "book-entry security" means a Sallie Mae security issued in the form of an entry made as prescribed in this part on the records of a Federal Reserve Bank.

(f) "Convertible" means a definitive Sallie Mae security that is convertible into a book-entry Sallie Mae security or vice versa.

(g) "Pledge" includes a pledge of, or any other security interest in, book-entry Sallie Mae securities as collateral for loans or advances, or to secure deposits of public moneys or the performance of an obligation.

(h) "Depository institution" means any national bank, or State bank, other bank or trust company, or any other financial institution, authorized under the Monetary Control Act of 1980, to secure Reserve Bank services.

(i) "CUSIP number" is a unique identification for each security issue established by the Committee on Uniform Security Identification Procedures.

§ 354.2 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to:

(a) Issue book-entry Sallie Mae securities by means of entries on its records, which shall include the name of the Bank's depositor, the latter's employer identification number, where appropriate, and the amount, maturity date and CUSIP number of each security;

(b) Effect conversions between book-entry Sallie Mae securities and definitive Sallie Mae securities;

(c) Service and maintain book-entry Sallie Mae securities; and

(d) Issue a confirmation of transaction in the form of an advice (serially-numbered or otherwise), which specifies the amount, maturity date, and CUSIP number of the security, as well as the date of the transaction.

(e) The foregoing authority shall terminate at the close of business on September 30, 1983, except that, with respect to each issue of book-entry Sallie Mae securities outstanding on said date, the authority shall terminate on its respective maturity date.

§ 354.3 Scope and effect of book-entry Sallie Mae securities accounts.

(a) *Scope and effect of accounts at Reserve Bank.* The Reserve Banks, as fiscal agents for the Student Loan Marketing Association, may apply the regulations in this part to any Sallie Mae securities which are available either in book-entry or definitive form, which have been or are hereafter deposited with a Reserve Bank for any purpose, or which, by the terms of their issuance, are available only in book-entry form, in accounts held in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding their maintenance in book-entry form. This paragraph shall be applicable, but not limited to, Sallie Mae securities deposited or maintained:

(1) As collateral pledged to the Reserve Bank (in its individual capacity) for advances by it;

(2) For a depository institution for its sole account;

(3) For a depository institution held for the account of its customers;

(4) In connection with deposits in a depository institution of funds of States, municipalities, or other political subdivisions;

(5) In connection with the performance of an obligation or duty under federal, state, municipal, or local law, or judgments or decrees of courts.

The maintenance of book-entry Sallie Mae securities under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank, in its individual capacity, and the entities for which accounts are maintained. Whenever Sallie Mae securities are held in book-entry form, the Reserve Bank is authorized to take all actions necessary in respect of said securities to enable such Reserve Bank, in its individual capacity, to perform its obligations as depository with respect to such Sallie Mae securities.

(b) *Conversion of securities to book-entry.* A Reserve Bank shall convert to book-entry any Sallie Mae securities deposited in definitive form as collateral pledged to the United States, and may hold as book-entries any Sallie Mae securities deposited therewith.

(c) *Consent to conversion.* Any person having an interest in Sallie Mae securities, which are available in either definitive or book-entry form, which are deposited in definitive form with a Reserve Bank (in either its individual capacity or as fiscal agent of the Student Loan Marketing Association) for any purpose shall be deemed to have consented to their conversion to book-entry Sallie Mae securities pursuant to the provisions of this part and in the manner and under procedures prescribed by the Reserve Bank.

§ 354.4 Transfer or pledge.

(a) *Reserve Bank records.* A transfer or a pledge of book-entry Sallie Mae securities to a Reserve Bank or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with the Reserve Bank under this part, is effected and perfected, notwithstanding any provision of law to the contrary, by the Reserve Bank making an appropriate entry in its records of the Sallie Mae securities transferred or pledged. The making of such an entry in the records of the Reserve Bank shall:

(1) Have the same effect as the delivery of Sallie Mae securities in bearer definitive form;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder;

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Sallie Mae securities shall have priority over any transfer, pledge or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) *Member banks or others.* A transfer or a pledge of book-entry Sallie Mae securities, or any interest therein, maintained by a Reserve Bank (in its individual capacity or as fiscal agent of

Sallie Mae) in a book-entry account under this part, including Sallie Mae securities in book-entry form under § 354.3, is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of Sallie Mae securities or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Sallie Mae securities maintained by the Reserve Bank shall, notwithstanding any provision of the law to the contrary, be deemed to be maintained in bearer definitive form. The Reserve Bank maintaining book-entry Sallie Mae securities either in its individual capacity, or as agent of Sallie Mae, is not a bailee for purposes of notification of pledges of those securities under this paragraph. Where Sallie Mae securities are recorded on the books of an entity for account of the pledgor or transferor thereof and such securities are on deposit or are maintained with the Reserve Bank in a book-entry account hereunder, such entity shall, for purposes of perfecting a pledge of such securities or effecting their delivery to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchase may be obtained. The Reserve Bank will not accept notice or advice of a transfer or a pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. The Reserve Bank may continue to deal with its depositors in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) *Filing and recording unnecessary.* No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Sallie Mae securities or any interest therein.

(d) *Conversion.* The Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Sallie Mae securities into definitive Sallie Mae securities, if convertible, and deliver them in accordance with such instructions. No such conversion shall affect existing interests in such Sallie Mae securities.

(e) *Transfer by Reserve Bank.* A transfer of book-entry Sallie Mae securities within a Reserve Bank shall be made in accordance with the procedure established by the Bank not inconsistent with this part. The transfer of book-entry Sallie Mae securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) *Timeliness of requests.* All requests for transfer, withdrawal or any authorized transaction, must be received prior to the date of call or maturity of the security.

§ 354.5 Withdrawal of Sallie Mae securities.

(a) *Withdrawal of convertible securities.* A depositor of book-entry Sallie Mae securities may withdraw them, if convertible, from a Reserve Bank by requesting delivery of like definitive Sallie Mae securities to itself or, on its order, to a transferee.

(b) *Registration.* Sallie Mae securities, issued on or after the effective date of these regulations, which, by the terms of their issuance, are available in definitive form, may be withdrawn in registered form only.

§ 354.6 Delivery of Sallie Mae securities.

Where a Reserve Bank has received Sallie Mae securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor, it shall not be liable for conversion or for participation in breach of fiduciary duty even though the depositor has no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the transfer or delivery of Sallie Mae securities in book-entry form to its depositor or upon the order of such depositor. Customers of a depository institution or other entity (other than a Reserve Bank) may obtain Sallie Mae securities in definitive form, if convertible, only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 354.7 Classes of accounts.

A Reserve Bank is authorized to maintain book-entry Sallie Mae securities for depository institutions located in its district for securities such institutions hold for their own account, or hold for the account of their customers, and as otherwise specified in § 354.3. Purchasers of book-entry Sallie Mae securities, on original issue or otherwise, may have such securities maintained in book-entry form at depository institutions of a Federal Reserve Bank or in accounts maintained at entities providing securities safekeeping services for customers (*e.g.*, securities dealers) which have related accounts at such institutions.

§ 354.8 Identification of accounts.

Book-entry accounts may be established in such form or forms as customarily permitted by the entity (*e.g.*, depository institution, securities dealer, etc.) maintaining them, except that each account should include data to permit both customer identification by name, address, and taxpayer identifying number, as well as a determination of the Sallie Mae securities being held in such account by amount, maturity, date, and CUSIP number, and of transactions relating thereto.

§ 354.9 Servicing book-entry Sallie Mae securities.

Payment of interest, payment at upon call or at maturity.

(a) *Payment of interest.* Interest becoming due on book-entry Sallie Mae securities shall be charged to the appropriate Sallie Mae account at the Reserve Bank on the interest-due date and remitted or credited in accordance with the instructions of the depository institution.

(b) *Payment of principal.* Upon call or at maturity book-entry Sallie Mae securities shall be redeemed and charged to the appropriate Sallie Mae account at the Reserve Bank and the redemption proceeds, i.e., principal and any interest payable with the principal, shall be disposed of in accordance with the instructions of the depository institution for whose account the securities were maintained.

[FR Doc. 83-4982 Filed 2-24-83; 8:45 am]
BILLING CODE 4810-40-M

DEPARTMENT OF EDUCATION

34 CFR Part 601

Eligibility of Foreign Medical Schools Under the Guaranteed Student Loan Program (GSLP)

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for the purpose of determining whether medical schools located outside the United States and Canada are eligible to apply for participation in the Guaranteed Student Loan Program (GSLP). Participation in the GSLP by a foreign medical school means that its students who are citizens or nationals of the United States may apply for loans from eligible lenders under that program. These regulations establish new procedures and criteria that will be used by the Secretary in determining eligibility.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, United States Department of Education, Washington, D.C. 20202, Telephone (202) 245-9873.

SUPPLEMENTARY INFORMATION:

Background

Section 435(a) of the Higher Education Act of 1965, as amended, provides that foreign schools are eligible to apply for participation in the Guaranteed Student Loan Program (GSLP) if they are comparable to institutions of higher education or vocational schools located in the United States and are otherwise approved by the Secretary for purposes of the GSLP.

Sections 435 (b) and (c) of the Higher Education Act of 1965, as amended, provide that institutions of higher education and vocational schools located in the United States must, among other things, be accredited to be eligible to apply for participation in the GSLP. In the United States there is a nationally recognized accrediting agency which accredits medical schools. The same nationally recognized accrediting agency which accredits United States medical schools also accredits medical schools located in Canada. Accordingly, the Secretary is able to use the same procedures and criteria for determining the eligibility of Canadian medical schools under the GSLP as are used for United States medical schools.

With respect to foreign medical schools other than those in Canada, however, there exists no accrediting agency on whose opinion the Secretary can rely. No organization comparable to a nationally recognized accrediting agency makes site reviews of foreign medical schools and makes expert judgments as to the content, scope, and quality of the training offered, nor does the Secretary have the resources to undertake such reviews. The Secretary recognizes the great value an international accrediting agency such as the one just described would have to the American educational community, and the Secretary encourages the establishment of such an agency as the most effective means of monitoring the educational quality of all foreign schools, including foreign medical schools. The regulations promulgated by the Department concerning foreign medical school eligibility under the GSLP are viewed as only an interim solution in only one limited area of the much broader problem of assessing the "comparability" of all foreign schools which are not now monitored by a comprehensive international accrediting body.

In making past eligibility determinations regarding foreign medical schools, the Department sought to determine two facts—whether the medical school was "recognized" or "approved" by any relevant foreign professional organization or government ministry, and whether the educational programs offered by the medical school were of adequate quality by American standards. In making these determinations, the Department sought and considered information from every available source.

With respect to "recognition" of foreign medical schools, the primary sources of information included international directories, yearbooks or handbooks, and organizations of such institutions within the foreign country, for example, the Association of Commonwealth Universities for countries in the British Commonwealth of Nations, or the Union of Latin American Universities.

Sources of information relating to the quality of a medical school included school catalogs, foreign educational organizations and direct observations by third parties. These sources, however, did not always provide reliable information, or any information, about the quality of a school, especially one which had just opened. As a practical matter, therefore, in the absence of any reliable information volunteered by these sources which indicated that a school's educational quality was unsatisfactory, the school's educational quality was assumed to be "comparable", and therefore the school was granted eligibility.

By January 1978, the Department (at that time, the United States Office of Education) had concluded that the indicators of quality it had primarily relied upon in the past were not totally reliable indicators of quality and, in many cases, were not objective or verifiable. The Department therefore decided, under the authority of sections 435(b) and 435(c) of the Higher Education Act, to appoint a special advisory committee of qualified experts, to recommend more reliable measures of the quality of education provided at foreign medical schools as compared with the quality of that provided at United States medical schools. The committee recommended an objective standard for measuring relative medical school quality—performance of a school's three most recent graduating classes on a commonly taken, standardized test of medical knowledge, the examination given by the Educational Commission for Foreign Medical Graduates (ECFMG), Philadelphia, Pennsylvania.

The then Commissioner of Education took cognizance of the "comparability" measure recommended by the special advisory committee, and this measure formed the basis for the Notice of Proposed Rulemaking (NPRM) published by the Department in the **Federal Register** on April 23, 1979 (44 FR 23888) as proposed subpart E of 45 CFR Part 149 (now redesignated as 34 CFR Part 601).

These final regulations adopt as a measure of institutional "comparability" the "output" measure set forth in the proposed regulations of April 23, 1979, but with some modifications made in light of comments submitted by members of the public.

Specifically, the Secretary will require that for a foreign medical school to be eligible to participate in the GSLP, its students who are United States citizens or nationals must have passed the ECFMG examination on 50 percent of the occasions on which such United States citizens or nationals took the ECFMG examination during the most recent twenty-four month period for which data are available from the Educational Commission for Foreign Medical Graduates. The ECFMG examination is a common and readily accessible examination by which a United States citizen or national who is attending a foreign medical school may qualify for entry into the United States health care system. Public comment on the proposed regulations provided information that the ECFMG examination, though not actually taken by United States-trained medical students, would, by design, be passed by at least 87 percent of such United States-trained medical students on a given testing. Therefore, the Secretary considered setting the minimum pass rate for "comparable" foreign medical schools at 87 percent. For reasons set forth in detail in Appendix A, however, groups of students at *individual* foreign medical schools who are United States citizens or nationals cannot each be fairly expected to achieve or exceed the *average* pass rate that the *entire group* of domestically-trained American medical students would be expected to achieve on the ECFMG examination. The Secretary believes instead that a pass rate of *50 percent* at a foreign

medical school establishes a reasonable likelihood that its students who are United States citizens or nationals will successfully enter the United States health care delivery system at a rate comparable to that at which graduates of many accredited domestic medical schools enter the system, thereby evidencing a similar reasonable likelihood that the foreign medical school's academic program is comparable to that of most accredited American medical schools.

The only schools which will not have to comply strictly with the 50 percent pass rate requirement are those schools that only a very small number of Americans attend. The Secretary will deal with those schools in a more flexible fashion, in light of the possible unfairness to those schools of making eligibility decisions based on an exceedingly small sample of student performance.

Section 601.4(c), like the corresponding section in the proposed regulations, provides that an eligible school must provide a period of clinical and classroom medical education of not less than 32 months. Unlike the corresponding section in the proposed regulations, however, § 601.4(c) provides that an eligible school must directly supervise the education it provides its students and must provide such education in facilities adequately equipped and staffed to afford students comprehensive clinical and classroom medical training. Section 601.4(c) has been modified in response to the views of many commenters and in light of the findings of the General Accounting Office (GAO) set forth in its report "Policies on U.S. Citizens Studying Medicine Abroad Need Review and Reappraisal" (HRD–81–32, issued November 21, 1980).

The purpose of § 601.4(c) as modified is both to provide greater assurance that the facilities and staff of an eligible foreign medical school are comparable to those of most accredited United States medical schools and to provide assurance that the eligible foreign medical school is itself providing the educational services its students' loan proceeds are intended to pay for. The Department intends to require a school to submit information relevant to this criterion only after the school has demonstrated its satisfaction of all other criteria for statutory eligibility, thereby reducing the administrative burdens placed upon many applicants and upon the Department in its implementation of these regulations.

The criterion set forth in § 601.4(d) provides that a foreign medical school which has not yet graduated two classes will be unable to qualify. The Secretary believes that approval of a new foreign medical school should not be issued until the school has become firmly established and its entire educational program has been exposed to a significant number of students.

In addition, foreign medical schools must demonstrate, as they have had to do in the past, that they meet a number of other basic requirements, such as being listed in the *World Directory of Medical Schools* published by the World Health Organization and being recognized by evaluative bodies in their own countries.

Once a foreign medical school is determined eligible to apply for participation in the GSLP, the Secretary will not review the ECFMG examination scores of that school's students again for two years. After two years, another review of those scores will be required. Therefore, even if a school's pass rate drops below the ECFMG pass rate criterion during those two years, the school will not lose its eligibility for the GSLP. The purpose of this provision is to reduce the administrative burdens placed upon eligible foreign medical schools and upon the Department in the implementation of these regulations.

A foreign medical school will lose its eligibility immediately, however, if at any time it no longer meets any eligibility criterion other than the ECFMG pass rate criterion. Most of these criteria are fundamental to a school's existence as a medical school and are satisfied by a foreign medical school early in its existence; it is highly unlikely that a foreign medical school, once eligible, will subsequently fail to meet one of these criteria. If a school does lose its eligibility because it no longer meets an eligibility criterion other than the ECFMG pass rate criterion, however, no student attending that school may receive a Guaranteed Student Loan Program loan during that school's ineligibility. The only exception to this rule is the situation of a student who, on the publication date of these regulations, is attending a foreign medical school which is eligible to participate in the GSLP and who is a recipient of a GSLP loan for a previous period of study at that school. Such a student may qualify to receive additional GSLP loans for the remainder of his or her enrollment at the school, thereby mitigating any deleterious effects the Department's promulgation of these regulations might have had upon a student who is currently attending an eligible school and is financing his or her education at least in part with GSLP loans.

Similarly, when a foreign medical school that has established its eligibility to apply under these regulations subsequently loses its eligibility solely because of its failure, after two years of eligibility, to continue to meet the ECFMG pass rate criterion, those students who received loans under the GSLP while the school was eligible may qualify to receive additional loans for the remainder of their enrollment at the school; however, no other students at the school may qualify for GSLP loans during the school's ineligibility. The purpose of this rule is to give students a fairly high degree of assurance that an educational program begun at an eligible foreign medical school with the help of GSLP loans may be completed with the help of GSLP loans as well.

Summaries of changes resulting from public comment and summaries of other comments that did not result in changes in these regulations, together with the Secretary's responses to those comments, are contained in Appendices A and B following these regulations.

Executive Order 12291: These regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the order.

List of Subjects in 34 CFR Part 601

Colleges and universities, Education, Foreign medical schools.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance 84.032—Guaranteed Student Loan Program)

Dated: February 16, 1983.

T. H. Bell,

Secretary of Education.

The Secretary adds a new Part 601 to Chapter VI of Title 34 of the Code of Federal Regulations, to read as follows:

PART 601—ELIGIBILITY OF FOREIGN MEDICAL SCHOOLS UNDER THE GUARANTEED STUDENT LOAN PROGRAM (GSLP)

Sec.

601.1 Purpose and scope.
601.2 Definitions.
601.3 Requesting an eligibility determination.
601.4 Criteria for determination of eligibility to apply for participation in the GSLP.
601.5 Duration of eligibility determination.
601.6 Determination that a school previously eligible under this subpart is no longer eligible.

Sec.

601.7 Exception for students who received GSLP loans to attend foreign medical schools prior to publication date of this subpart.

Authority: Sections 432 and 435(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1082, 1085(a)).

§ 601.1 Purpose and scope.

(a) An educational institution located outside the United States is eligible to apply for participation in the Guaranteed Student Loan Program (GSLP) if it is comparable to medical schools in the United States and has been otherwise approved by the Secretary for purposes of the GSLP. This subpart sets forth procedures and criteria by which the Secretary determines whether medical schools located outside the United States and Canada are eligible to apply for participation in the GSLP.

"Participation" in the GSLP by a foreign medical school means that its students who are citizens or nationals of the United States may apply for loans from eligible lenders under that program.

(b) This subpart does not cover the procedures and criteria by which a foreign medical school determined eligible to apply for participation in the GSLP actually applies for such participation. Those procedures and criteria are set forth in the GSLP regulations, 34 CFR Part 682.

(c) With respect to medical schools located in Canada, the Secretary uses the same procedures and criteria for determining eligibility as for medical schools located in the United States, because the nationally recognized accrediting agency which accredits medical schools located in the United States also accredits medical schools located in Canada. Similarly, any other school, wherever located, which acquires the accreditation of an accrediting agency which the Secretary recognizes as comparable to the agency which accredits United States medical schools shall be subject to the procedures and criteria applied to United States medical schools, rather than to the provisions of this part.

(20 U.S.C. 1082, 1085)

§ 601.2 Definitions.

For purposes of this subpart:

"Foreign medical school" means a medical school not located in a State or in Canada.

"Guaranteed Student Loan Program (GSLP)" means the student loan program authorized by Title IV, Part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071 to 1087–2, regulations in 34 CFR Part 682) and includes the PLUS program (Auxiliary Loan Program, regulations in 34 CFR Part 683), also authorized by Part B.

"Medical school" means a school which satisfies the criteria for listing as a medical school in the *World Directory of Medical Schools* published by the World Health Organization (WHO).

"Pass rate" means the number of examinations passed (with passing scores on both medicine *and* English sections) by persons counted as "United States citizens" for tabulation purposes by the ECFMG who were graduates of the medical school, or in attendance at the school, at the time the examinations they passed were administered, divided by the number of examinations taken by all persons counted as "United States citizens" for tabulation purposes by the ECFMG who were graduates of the medical school, or were in attendance at the school, at the time the examinations they took were administered, expressed as a percentage.

"State" or "United States" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(20 U.S.C. 1082, 1085, 1141)

§ 601.3 Requesting an eligibility determination.

The Secretary may determine a foreign medical school eligible to apply for participation in the GSLP at any time, upon the request of either:

(a) A person who is

(1) Enrolled, or accepted for enrollment, at that school, and

(2) Otherwise eligible to receive a GSLP loan, or

(b) The school, on behalf of eligible students in attendance.

(20 U.S.C. 1082, 1085)

§ 601.4 Criteria for determination of eligibility to apply for participation in the GSLP.

The Secretary determines that a foreign medical school is eligible to apply for participation in the GSLP only if it meets all of the following criteria:

(a) The school is a medical school, as defined in § 601.2.

(b) The school is both recognized as a medical school and approved by those evaluating bodies (such as medical associations or educational agencies) in the country in which the school is located whose views are considered relevant by the Secretary.

(c) The school provides, and in the normal course requires its students to complete, a program of clinical and classroom medical instruction of not less than 32 months in length, which is supervised closely by members of the school's faculty and which is provided either (1) outside the United States, in facilities adequately equipped and staffed to afford students comprehensive clinical and classroom medical instruction, or (2) in the United States, through a training program for foreign medical students which has been approved by all medical licensing boards and evaluating bodies whose views are considered relevant by the Secretary.

(d) The school has graduated classes during each of the two twelve-month periods immediately preceding the date the Secretary receives the school's request for an eligibility determination.

(e) During the most recent twenty-four month period for which data is available prior to the date the Secretary receives a request for a determination of the school's eligibility, the school's American students have achieved a pass rate of not less than 50 per cent on the examination of the Educational Commission for Foreign Medical Graduates (ECFMG), Philadelphia, Pennsylvania; provided, however, that if the number of ECFMG examinations taken by American students or graduates of the school during the preceding twenty-four month period is less than eight, the Secretary shall not deem the school to have failed to satisfy this criterion unless, after assessing the ECFMG examination performance of the school's students and graduates over a preceding period greater than twenty-four months, the Secretary concludes that the ECFMG examination performance of the school's students and graduates has been significantly and consistently substandard for a prolonged period of time.

(20 U.S.C. 1082, 1085)

§ 601.5 Duration of eligibility determination.

(a) A determination by the Secretary that a foreign medical school is eligible to apply for participation in the GSLP is effective for two years, subject to the qualifications set forth in § 601.6. The determination is not rescinded during the two-year period even if at any time during that period the school no longer meets the criterion set forth in § 601.4(e).

(b) At any time, the Secretary may require a school or student to update the information the school or student provided in an earlier request for an eligibility determination.

(20 U.S.C. 1082, 1085)

§ 601.6 Determination that a school previously eligible under this subpart is no longer eligible.

(a) If at any time a school previously eligible under this subpart no longer meets any of the criteria set forth in § 601.4 other than the criterion set forth in § 601.4(e), it loses its eligibility on the date it no longer meets that criterion. In such a case, except as provided in § 601.7, no student may subsequently receive a GSLP loan for attendance at that school, until the school's eligibility is restored.

(b) Upon a determination, made by the Secretary after the expiration of the two-year period described in § 601.5, that a foreign medical school which was previously eligible under this subpart no longer satisfies the criterion set forth in § 601.4(e) but satisfies all other eligibility criteria, only those students enrolled at the foreign medical school who actually received GSLP loans for a period during which the school was eligible under this subpart may receive additional loans for the remainder of their enrollment at the school, provided the school continues to satisfy all eligibility criteria other than the criterion set forth in § 601.4(e) and provided those students continue to satisfy all other student eligibility requirements.

(20 U.S.C. 1082, 1085)

§ 601.7 Exception for student who received GSLP loan to attend foreign medical school prior to publication date of this subpart.

Any student who was enrolled at a foreign medical school that was eligible to participate in the GSLP on the publication date of this subpart and who actually received a GSLP loan to attend that school for a period during which the school was eligible to participate in the GSLP may receive GSLP loans for the remainder of his or her enrollment at that school, despite the school's loss of eligibility under this subpart, provided the school continues to be a medical school, as defined in § 601.2, and provided the student continues to satisfy all other student eligibility requirements.

(20 U.S.C. 1082, 1085)

Note.—This Appendix is included for information. It is not to be codified in the Code of Federal Regulations.

Appendix A—Summary of Changes Resulting From Rulemaking

A Notice of Proposed Rulemaking was published in the **Federal Register** on April 23, 1979 as Subpart E of 45 CFR Part 149 (44 FR 23888–23890), now redesignated as 34 CFR Part 601. Interested persons were given 60 days in which to comment. Comments were analyzed in relation to their bearing on the fundamental concern of these regulations—namely, that American students in foreign medical schools benefit from a medical education which is comparable to that offered by most accredited American medical schools. Discussed below are those comments that resulted in changes from positions taken in the Department's proposed regulations.

1. *Section 601.4(a)—listing in the World Directory of Medical Schools.*

Comments. Several commenters indicated that a foreign medical school's listing in the *World Directory of Medical Schools* published by the World Health Organization (WHO) is not an indication of the quality of that medical school's program, but only an indication that that school has been licensed to operate by its country's government. These commenters suggested that the WHO listing requirement be deleted.

Response. The Department fully agrees with the substantive point made by these commenters but points out that WHO listing is merely one of a number of requirements a foreign medical school must meet in order to be eligible to apply for GSLP participation. The Department, however, as the result of these comments, has incorporated the WHO listing requirement into the definition of "medical school" for purposes of these regulations, arguably a more appropriate location.

2. *Section 601.4(c)—concern over the nature of the instruction provided at a foreign school.*

Comments. Proposed section 149.84, among other things, proposed to require an eligible foreign medical school to provide a period of "instruction" of at least 32 months, without specifying the characteristics of that "instruction". The generality of this proposed provision reflects the Department's acknowledged lack of the resources necessary to do site reviews at foreign institutions and its recognition of the fact that inexpert third-party reports concerning the facilities and staff of a foreign institution are not always completely accurate or reliable. However, a substantial number of commenters, including *some students enrolled at foreign medical schools at the time they submitted their comments,* expressed great concern and dissatisfaction regarding the lack of comprehensive *clinical* training at a number of foreign medical schools. They similarly questioned whether a high pass rate among its students on the ECFMG examination guarantees that a foreign medical school is providing adequate clinical training.

These comments were bolstered by the findings of a review done by the United States General Accounting Office (GAO) (HRD–81–32 issued November 21, 1980), based upon site visits to six foreign medical schools in the Caribbean, Mexico and Europe, made between July and November 1979. A major shortcoming at each school, the GAO found, was a lack of adequate clinical training facilities; at some schools, clinical faculty and clinical curriculum were found to be lacking or of poor quality as well. The GAO also found that though some foreign medical schools attempt to compensate for their lack of adequate clinical facilities by sending their students to the United States for clinical training, the United States programs to which those students are sent often have not been approved by State medical licensing boards or other relevant professional agencies in the jurisdiction in which the programs are conducted. Furthermore, students sent to the United States for clinical training, the GAO found, often are not supervised at all by staff members of the foreign medical school to whom the students have paid their tuition.

Response. Since in the opinion of the concerned commenters and the GAO, adequate clinical training is an absolutely essential component of a medical doctor's education, the Department feels it should examine the nature of the training provided by a foreign medical school in making its determination of foreign medical school eligibility. Perhaps more accurately, the Department believes it should not be precluded from considering information regarding the nature of the training provided by a foreign medical school, at least when the Department has strong reason to believe that that information is reliable.

3. *Section 601.4(e)—the ECFMG standard.* By far the most commented-upon sections of the proposed regulations were those concerning the requirement that a school demonstrate that not less than 95 percent of its American graduates during the past 24-month period had passed the ECFMG examination on their first attempt. The 95 percent figure was based upon a professional opinion, published in the *New England Journal of Medicine,* to the effect that at least 95 percent of American-trained medical graduates would be likely to pass the ECFMG on their first attempt.

(a) *The relationship between the ECFMG examination and tests taken by American-trained medical students.*

Comment. Many commenters argued that no basis existed for the 95 percent

projected pass rate, noting that American medical graduates do not take the ECFMG examination and that as a result, no such comparison can be made with foreign medical school graduates' performance on the ECFMG examination.

Response. The Department has found the commenters' criticisms in this regard to be unjustified; however, as described below, as a result of information provided by *another commenter* concerning the same issue, the Department has redefined its concept of "pass rate" for purposes of the regulations and has accordingly modified the percentage associated with that concept.

According to one commenter who provided information solicited directly from the Educational Commission for Foreign Medical Graduates, there is a direct relationship between the ECFMG exam, which is taken by foreign-educated medical trainees, and Parts I and II of the examination series given by the National Board of Medical Examiners (NBME), which is taken by all American-educated medical trainees. The questions which make up the ECFMG examination are selected from a large pool of test questions which is maintained by the NBME. Each of these questions has been used in at least one previous NBME examination; hence each question has a known "track record" of performance in the previous examinations in which it was used, and precise information is available regarding the precentage of correct answers given to each question on previous examinations.

On any NBME I and II examination series, the lowest passing score in the reference group of examinees is set at 1.2 standard deviations below the mean for basic science questions and at 2.1 standard deviations below the mean for clinical science questions. In practice, these standards result in a passing score for approximately the top 89 percent on the basic science questions and for approximately the top 98 percent on the clinical science questions. Therefore, even assuming the highly unlikely circumstance that none of the NBME I and II examinees who fail the basic science section also fail the clinical science section, and *vice versa*, the maximum rate at which a group of students who take both the NBME I and II will fail one or the other section is 13 percent (11 percent basic science plus 2 percent clinical science), and the minimum pass rate, accordingly, is 87 percent.

The passing standard for any ECFMG examination, in turn, is set at the level of correct answers that it would have been necessary for American medical students to have attained in order to have passed a hypothetical NBME I and II series consisting of the questions actually used in the ECFMG examination in question. Since the ECFMG passes every student whose score is as high or higher than the lowest passing score on the hypothetical NBME series just described, and because by design no less than 87 percent of American students would achieve a passing score on that hypothetical examination, it follows that at least 87 percent of the American citizens or nationals who take a given ECFMG exam should pass it if they are as well trained as their American-trained counterparts.

There does exist, therefore, a basis for relating the performance of domestically-trained medical students on the NBME I and II examinations to the performance of foreign-trained medical students on the ECFMG examination. Indeed, because at least 87 percent of American-educated medical trainees could be expected to pass the ECFMG examination on *any* given testing, there is no need for the Department to apply its standard only to *first-time* takers of the ECFMG examination, as the Notice of Proposed Rulemaking provided; therefore, as many commenters requested, the "first time taker" provision has been deleted from the regulations.

(b) *Biasing factors in the application of the ECFMG pass rate criterion.* Though, as indicated above, a case could be made for establishing a pass rate of 87 percent with respect to all examinations taken by American students at each foreign medical school, certain comments from members of the public have convinced the Secretary to depart from the 87 percent pass rate that the statistical analysis above suggests. There are essentially three such comments that the Secretary believes are worthy of consideration.

Comments. First, as some commenters mentioned, it is clear that neither every domestic medical school nor every foreign medical school has an American student population comprised of a randomly-drawn cross section of American medical school students. Though the Department of Education has learned that no less than 87 percent of all *medical students* who take both the NBME I and II examinations will pass both examinations on the first try, the Department has been unable to obtain data from the NBME regarding the performance of United States-trained NBME test takers on a *school-by-school* basis. It is virtually certain, however, that because some United States schools are likely to enroll proportionately more passing students than other schools, on a given NBME testing series, at a substantial number of accredited domestic medical schools, less than 87 percent of the students who take the examination series pass both NBME I and II on the first try. Because not all accredited United States schools produce a group of test takers who pass the NBME I and II series at an 87 percent rate, it is arguably unfair to require all foreign schools to achieve a pass rate as high as 87 percent in order to attain GSLP eligibility.

Second, a number of comenters pointed out that the rules for certain transfer and placement programs for foreign medical students who are beyond their second year of medical education—most notably the "Fifth Pathway" programs—require foreign medical students to take the ECFMG examination substantially earlier in their education than American-trained students are required to take Part II of the NBME examination series. Therefore, the commenters asserted, because many foreign students seek to take advantage of such transfer programs, a substantial number of foreign-trained students are not as well prepared to take their first ECFMG examination as American-trained students are prepared to take their first NBME II examination. As a result, foreign-trained students should not be expected to perform as well, as a group, on the ECFMG examination as American-trained fourth-year medical students could be expected to perform on that examination.

Finally, many commenters noted that it is a common practice at foreign medical schools for students to take the ECFMG examination for the first time well before their fourth year of education, purely for purposes of gaining experience in taking the examination. In many cases, such students take the examination substantially before they have a reasonable likelihood of passing it and, as a consequence, their performance significantly reduces the overall pass rate of foreign medical students on the ECFMG examination.

Response. Because of the three factors described above, the Secretary believes it inappropriate to hold foreign medical school students to a passing standard of 87 percent on a school-by-school basis. After assessing the likely extent to which the two test-taking practices described above may depress the overall pass rate of foreign medical students on the ECFMG, and after taking into account the Department's interest in not imposing upon those

foreign medical students compliance burdens not directly related to the Department's regulatory objectives, the Secretary has set the required pass rate for eligible foreign medical schools at 50 percent.

(c) *Application of the ECFMG pass rate criterion to schools with small numbers of American students.*

Comment. A final criticism of the proposed ECFMG pass rate criterion that was raised by a large number of commenters concerns the fact that the criterion could deal harshly and unfairly with foreign medical schools that graduate only a very small number of Americans each year. Commenters indicated that a school's future eligibility could depend completely upon the testing performance of that school's *one* American student each year, and that the performance of a single student is much too small a sample of overall student performance to serve as a basis for an eligibility judgment. Some commenters suggested a lower pass rates for schools with a small number of Americans, and others suggested that such schools should be entirely exempt from the pass rate criterion.

Response. The Secretary recognizes the merit of the point made by the commenters and has chosen a more flexible approach with regard to foreign medical schools at which American students have taken the ECFMG examination less than eight times during the relevenat 24-month period. The Secretary will not automatically exclude such a school merely because it fails to satisfy the ECFMG pass rate criterion applied to larger schools. The Secretary will instead survey the ECFMG examination performance of that school's American students over a period of time greater than the preceding 24 months. After that survey, the Secretary will exclude the school only if its students have performed poorly on the ECFMG examination so consistently and for such a long period of time that the Secretary finds the students' poor performance a significant indicant of an educational problem at the school. Though the Secretary will therefore exercise a great deal more discretion with respect to the eligibility of foreign medical schools with a small number of Americans, the Secretary will by no means completely exempt these schools from critical examination under the ECFMG pass rate criterion.

4. *Proposed section 149.4(h)—requirement that graduates of school be capable of being licensed in country in which school is located.*

Comment. A small number of commenters pointed out that this criterion was duplicative of the requirements of proposed section 149.84(b), regarding recognition and approval by local medical authorities; the commenters indicated that seldom, if ever, would a medical school be approved by local authorities if its graduates could not be licensed to practice in the jurisdiction those authorities regulate. Other commenters, particularly students attending Mexican medical schools, also pointed out that the concepts of "graduation" and "licensing" as thought of in the United States and many other countries do not transfer neatly to Mexico.

Response. After consideration of these comments, the Department has chosen to eliminate the criterion in question from the final regulations.

5. *Section 601.6—treatment of students in attendance at eligible school when school loses eligibility.*

Comment. A small number of commenters indicated that though they supported the proposed section which "grandfathers in" those students attending eligible schools when the regulation is issued who had received GSLP loans in the past, the commenters felt there was likewise a need for protection for *any* student who in the future is placed in a similar situation, especially when the school's loss of eligibility is due to its failure to continue to meet the ECFMG pass rate requirement.

Response. Though the Department recognizes that in general, neither foreign nor domestic students attending ineligible educational institutions are entitled to receive GSLP loans, the Department also recognizes that a foreign medical student reliant on GSLP loans is especially burdened when his or her school loses its eligibility. Moving to another eligible medical school (if that option exists) would most likely require such a student to move to another country as well as to move into a different educational system. The Department believes that for largely the same reasons it is "grandfathering in" those GSLP recipients attending eligible foreign medical schools on the date the regulation is published, a continuing but somewhat more limited "grandfather" provision is appropriate for future American foreign medical school students who choose to attend a foreign medical school which is eligible when they begin their education but which later becomes ineligible. The Department has included such a limited "grandfather" provision in its final regulations.

A summary of other comments that did not result in changes in these regulations and the Secretary's reponses to them are contained in Appendix B.

Appendix B—Summary of Comments That Did Not Result in Changes and Responses to Those Comments

In the notice of proposed rule making published in the **Federal Register** on April 23, 1979 (44 FR 23888–23890), the Department invited comments on the proposed regulations to implement Section 435(a) of the Higher Education Act of 1965, as amended, as it applies to the determination of the eligibility of foreign medical schools to apply for participation in the Guaranteed Student Loan Program (GSLP).

The following is a summary of the substantive public comments which were received and considered but which did not result in changes from the positions taken by the Department in the proposed regulations. Appendix A contains a summary of the substantive public comments which did result in changes from positions taken by the Department in its proposed regulations. The comments and responses are organized to the extent possible in the same order as the referenced sections are organized in the final regulations.

General Comments

Comment. A large number of people objected to the Department's entire regulatory effort regarding foreign medical schools. They objected to the concept of different eligibility criteria for foreign as opposed to domestic medical schools, and they objected to the Department's action to "single out" foreign medical school eligibility from all other possible foreign school eligibility matters. Some commenters found similarly "discriminatory" both the exemption of Canadian schools from the regulation's application and the Department's failure to exempt Mexican schools from the regulation's application.

Response. Different treatment of foreign medical school eligibility and domestic medical school eligibility is necessitated by the absence of relevant accrediting bodies for foreign medical schools. Canadian medical schools are exempted from the regulations because the accrediting body that accredits United States medical schools also accredits Canadian medical schools. The Department considers foreign medical school eligibility a matter particularly worthy of regulation because of the enormous responsibility placed upon doctors and because of the possibly disastrous consequences of mistakes resulting from a doctor's inadequate training.

Comment. Some commenters questioned the validity of using student

examination performance as a measure of school's educational quality. These commenters indicated that a student's performance on a standardized examination does not always accurately reflect his or her competence or training and that many American citizens and nationals are attending foreign medical schools precisely because they are "bad testers" and, as a consequence, were not admitted to American medical schools. The noteworthy alternatives to the "output" approach suggested by the commenters included site reviews performed either by the Department of Education or by the Overseas Liaison Committee of the American Council of Education, and close examination of schools' entrance requirements and curricula.

Response. Section 435(a) of the Higher Education Act of 1965, as amended, allows the Secretary to find statutorily eligible those foreign schools that are, among other things, "comparable to an [American] institution of higher education or to a vocational school". The Secretary has little doubt that the most scientifically reliable manner in which to implement the "comparability" standard is to conduct site visits at foreign schools; indeed, accrediting bodies regularly make such visits to American institutions of higher education and vocational schools. Unfortunately, no accrediting body conducts site visits at foreign medical schools and, as indicated in the preamble, the Department lacks the resources to conduct such visits itself. Even if the Department had the resources necessary to conduct such visits, it is not clear that such an "accreditation" system for foreign schools, administered by the United States Government, would be diplomatically advisable; certainly the administration of such an accreditation system would place the Department of Education in an unaccustomed—indeed unprecedented—role. Over the years, many organizations and accrediting bodies, including the Overseas Liaison Committee of the American Council of Education, have repeatedly shunned the task of foreign medical school certification. The Department is continuing to explore the possibility of the formation of a private international accrediting body for all foreign schools, including foreign medical schools.

Left without the option of site reviews, the Department believes the "output" approach is the next best option. Though the approach has its limitations, it is clearly superior to examination of admission requirements and curricula as a method for determining educational quality, for the latter approach indicates nothing about whether a school is actually imparting significant knowledge to its admittedly well qualified students through its admittedly impressive-looking curriculum. Arguably the most relevant indicator of a professional school's quality is the extent to which it successfully prepares its students for practice in their profession. The Department strongly believes that the performance of a foreign medical school's students on the ECFMG examination is probative of the school's capacity to prepare its students for professional practice in the United States and that a standard based on such performance is superior to any other measure of "comparability" presently available to the Department. Indeed, many commenters indicated that the "output" approach *does not go far enough* in assuring that only foreign schools providing high quality clinical education programs are found to be statutorily eligible.

Section-by-Section Comments

Section 601.4(b)—Criteria for determination of eligibility to apply for GSLP—approval by local evaluating bodies.

Comment. A few commenters objected to the requirement that a foreign medical school be "recognized" by any local professional evaluating bodies "whose views are considered relevant by the Secretary". These commenters were concerned that the provision gives too much discretion to local authorities in foreign countries, authorities whose approval or disaproval might hinge upon political or other non-educational considerations. One commenter indicated that this provision raises "serious questions of foreign policy".

Response. The Department agrees that this provision does have foreign policy implications; indeed, it was written precisely to allow the Secretary to consider the diplomatic factors involved in foreign medical school establishment and GSLP eligibility. The Secretary believes that much more serious diplomatic problems would be raised were the Department to completely ignore a foreign evaluating body's disagreements—whatever their nature—with a foreign medical school located in its country, rather than to honor those local expressions of dissatisfaction. The Secretary notes, however, that a local evaluating body which acts completely unreasonably with respect to a foreign medical school risks losing its status as a body "whose views are considered relevant by the Secretary".

Section 601.4(d)—Criteria for determination of eligibility to apply for GSLP—graduation of two classes.

A few commenters felt that it is unfair to delay granting eligibility to a newly-established foreign medical school until it has graduated two classes merely because until then, the Department does not have the data needed to apply its ECFMG pass rate test. The commenters suggested that alternate measures be used to evaluate a school that has not been in existence long enough to generate two years of ECFMG examination results.

Response. The commenters have assumed that the purpose of the requirement is more limited than intended. The Department has a significant interest, independent of the existence of the ECFMG pass rate requirement, in making sure that a foreign medical school is not a "fly-by-night" operation and that the school is capable of providing and likely to continue to provide, for many years into the future, a complete medical education for all those American citizens and nationals who choose to enroll there. The requirement that the two graduating classes be spaced over a period of at least twelve months is intended to prevent a new school from evading the spirit and purpose of the requirement by, for example, arbitrarily dividing its first group of graduates into two segments, each of which it might call a separate "class", then holding the graduations of these "classes" on consecutive days.

Section 601.4(e)—Criteria for determination of eligibility to apply for GSLP—ECFMG standard.

Comment. A number of commenters suggested the use of examinations other than the ECFMG examination for purposes of the "output" measure. The plausible suggestions included performance on Part I of the examination series given by the National Board of Medical Examiners (NBME) alone, performance on Part II of that examination series alone, performance on both Parts I and II of that examination series, and performance on the Federation Licensing Examination (FLEX) used as the physician licensing examination in many States.

Response. The Secretary believes that in theory, each of the alternatives suggested has both positive and negative aspects when considered for use in these regulations. A fundamental problem exists, however, in the implementation of any of these alternatives—the fact that the organizations who administer the suggested alternatives refused to

provide the Department the data the Department would need in order to evaluate students' performance on a school-by-school basis. The Department would have liked very much to have considered as an option students' performance on both NBME I and NBME II, because those examiniations probe both basic science and clinical science knowledge and are taken while students are still in school or shortly after they graduate. Unfortunately this option was not available to the Department. Fortunately, however, the ECFMG examination option was available, allowing the Department to use an examination possessing very much the same virtues possessed by NBME I and II and which might well have been selected for use over NBME I and II in any event.

[FR Doc. 83-4792 Filed 2-24-83; 8:45 am]

BILLING CODE 4000-01-M

VETERANS ADMINISTRATION

38 CFR Parts 6, 8 and 9

United States Government Life Insurance, National Service Life Insurance, and Servicemen's and Veterans' Group Life Insurance

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its regulations relating to insurance matters to reflect amendments made under Pub. L. 97-66. These amendments: (1) Provide that a beneficiary may elect to receive payment of National Service and United States Government Life Insurance proceeds in a lump sum if the policyholder has not selected a mode of payment and the policy matures after September 30, 1981; (2) provide for an increase in the maximum amount of Servicemen's and Veterans' Group Life Insurance which may be purchased; (3) require Retired Reservists, insured under Servicemen's Group Life Insurance, to apply for the increased coverage within one year; and (4) provide for the collection of premiums for the Servicemen's Group Life Insurance program. In addition, certain terms are being changed to eliminate gender reference in those regulations which are being amended.

EFFECTIVE DATES: October 17, 1981, except that the amendments to 38 CFR Part 9 concerning the increased coverage under Servicemen's and Veterans' Group Life Insurance are effective December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Carey, Assistant Director for Insurance, Veterans Administration Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, Pa. 19101; (215-951-5360).

SUPPLEMENTARY INFORMATION: Public Law 97-66, in part, amends sections 717, 752, 767, 769 and 777 of title 38 of the United States Code. The amendments to sections 717 and 752 provide that a beneficiary may, in the case of insurance maturing after September 30, 1981, elect to receive payment of the insurance proceeds in a lump sum if the insured has not selected a settlement option. The amendments to sections 767 and 777 provided for an increase from $20,000 to $35,000 in the maximum amount of Servicemen's and Veterans' Group Life Insurance. Section 767 is further amended to require Retired Reservists to apply within one year for the increased coverage. The amendment to section 769 provides that the Secretary of Defense shall prescribe regulations to ensure that the Secretaries of the military departments remit premiums to cover Ready Reservists insured under Servicemen's Group Life Insurance. Pursuant to these amendments in the law, Veterans Administration regulations are being amended accordingly.

The Veterans Administration is publishing these amendments as final regulations. An opportunity for public comment is not being provided as the agency finds that public comment would be impracticable unnecessary and contrary to public interest (38 CFR 1.12). Since the amendments merely reflect statutory changes in the law, allowing public comment would have no effect on implementing the changes mandated by Congress. Additionally, the cost to the Government, ultimately a burden to the taxpayers, for prior publication is saved. Since a proposed notice will not be published, these regulation changes are not subject to requirements of the Regulatory Flexibility Act, Pub. L. 96-354.

The agency has determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. These regulations will not have a large effect on the economy, will not cause an increase of costs or prices, and will not otherwise have any significant adverse economic effects.

List of Subjects in 38 CFR Parts 6, 8 and 9

Life insurance, Military personnel, Veterans.

(Catalog of Federal Domestic Assistance Program number, 64.103)

Approved: February 7, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

1. Section 6.64 is revised as follows:

§ 6.64 Selection, recording, revocation, and election.

The insured under a United States Government Life Insurance policy may select one of the optional settlements set forth in § 6.68, but notice of the selection shall not be valid unless and until it is recorded in the Veterans Administration. The insured may revoke his or her selection of the optional settlement, but the revocation shall not be valid unless and until it is recorded in the Veterans Administration. If the insured does not select one of the optional settlements, then he or she shall be deemed to have made no election, and the insurance shall be payable in 240 monthly installments, unless an election under option 2, 3 or 4 is made by the beneficiary: Provided, that if the insurance matures after September 30, 1981 and the insured has not selected one of the optional settlements, the beneficiary may elect to receive the proceeds in a lump sum.

(38 U.S.C. 752)

2. In § 6.65, the introductory paragraph is revised as follows:

§ 6.65 Election of optional settlement by beneficiary.

If the insured under a United States Government Life Insurance policy has not selected one of the optional settlements then at the death of the insured the designated beneficiary may elect to receive settlement under option 2, 3 or 4, as provided in § 6.68, but such an election by the beneficiary shall not be valid unless and until it is recorded in the Veterans Administration: Provided, that if the insurance matures after September 30, 1981 and the insured has not selected one of the optional settlements, the beneficiary may elect to receive the proceeds in a lump sum. If the insured has selected an optional settlement then at the death of the insured the designated beneficiary may elect to receive the proceeds of insurance in installments spread over a greater period of time than that selected by the insured and in accordance with the following provisions:

(38 U.S.C. 752)

* * * * *

3. In § 6.68, Option 1 is revised as follows:

§ 8.68 Options.

* * * * *

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament, or if no option has been selected by the insured and he or she dies after September 30, 1981. When such selection has been made, the face amount will be payable in one sum at the maturity of the policy by death.

(38 U.S.C. 752)

* * * * *

PART 8—NATIONAL SERVICE LIFE INSURANCE

4. In § 8.77, paragraph (a)(1) is revised as follows:

§ 8.77 Election of optional settlement by beneficiary.

(a) * * *

(1) If the insured under a National Service Life Insurance policy has not selected one of the optional settlements and dies on or after August 1, 1946, the insurance shall be payable in 36 equal monthly installments, but the designated beneficiary may elect to receive settlement under option 2, 3 or 4: Provided, that if the insurance matures after September 30, 1981 and the insured has not selected one of the optional settlements, the beneficiary may elect to receive the proceeds in a lump sum. Such an election shall not be valid unless and until it is received in the Veterans Administration. If the insured has selected an optional settlement, then at the death of the insured the designated beneficiary may elect to receive payment in installments spread over a greater period of time than that selected by the insured; thus:

(38 U.S.C. 717)

* * * * *

5. In § 8.79, Option 1 is revised as follows:

§ 8.79 Optional settlements on participating National Service Life insurance and nonparticipating insurance issued under section 602(c)(2) of the National Service Life Insurance Act, as amended, on which the requirements of good health were waived.

* * * * *

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament, or if no option has been selected by the insured and he or she dies after September 30, 1981. When such selection has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

(38 U.S.C. 717)

* * * * *

6. In § 8.80, Option 1 is revised as follows:

§ 8.80 Optional settlements on insurance issued under the provisions of section 620 or 621 of the National Service Life Insurance Act, as amended, and section 722(a) of Title 38, United States Code.

* * * * *

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament, or if no option has been selected by the insured and he or she dies after September 30, 1981. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

(38 U.S.C. 717)

* * * * *

7. In § 8.80c, Option 1 is revised as follows:

§ 8.80c Optional settlements on insurance issued under the provisions of section 723(b) of Title 38, United States Code.

* * * * *

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament, or if no option has been selected by the insured and he or she dies after September 30, 1981. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

(38 U.S.C. 717)

* * * * *

8. In § 8.81, Option 1 is revised as follows:

§ 8.81 Optional settlements on insurance issued under the provisions of section 725 of Title 38, United States Code.

* * * * *

Option 1. Insurance payable in one sum. Settlement under this option will be made only when selected by the insured during his or her lifetime or by his or her last will and testament, or if no option has been selected by the insured and he or she dies after September 30, 1981. When such election has been made, the face amount (less any indebtedness) will be payable in one sum upon the death of the insured.

(38 U.S.C. 717)

* * * * *

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE AND VETERAN'S GROUP LIFE INSURANCE

§ 9.2 [Amended]

9. In § 9.2, paragraphs (a) and (b) are amended by replacing the date "May 24, 1974" with the date "December 1, 1981" in both paragraphs and by adding the cite "(38 U.S.C. 767)" to the end of both paragraphs.

10. In § 9.3, new paragraph (e) is added as follows:

§ 9.3 Applications

* * * * *

(e) Members who met the requirements for full-time coverage under § 9.1(a)(3), as of December 1, 1981, are eligible to obtain increased Servicemen's Group Life Insurance coverage up to a maximum of $35,000 if the member—

(1) Is insured under Servicemen's Group Life Insurance as of December 1, 1981; or

(2) Within one year after December 1, 1981, reinstates Servicemen's Group Life Insurance that had lapsed for nonpayment of premiums; and

(3) The member submits a written application for the increased coverage to the office established in § 9.1(j) within one year after December 1, 1981.

(38 U.S.C. 767)

11. Section 9.4 is revised as follows:

§ 9.4 Amount of insurance.

Effective December 1, 1981, Servicemen's Group Life Insurance is issued in the amount of $35,000 unless the insured member elects in writing (a) not to be insured, or (b) to be insured in the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000. The $35,000 coverage does not apply to those members separated or released prior to December 1, 1981 except for those members eligible for coverage under §9.1(a)(3).

(38 U.S.C. 767)

12. In § 9.6, paragraph (a) is revised as follows:

§ 9.6 Waiver or reduction of coverage.

(a) A member may waive his or her right to group coverage or elect to reduce the amount of insurance from $35,000 to any lesser amount, divisible by $5,000, by filing a written notice with his or her uniformed service. In any case where a member's uniformed service receives a waiver or reduction prior to the date any group coverage would become effective, no insurance shall be placed in effect on the lives of those members who waive coverage and those who elect reduced coverage shall be insured for only the reduced amount from the date coverage becomes effective. A member who is paying premiums directly to the administrative office may reduce his or her coverage by notifying that office.

(38 U.S.C. 767)

* * * * *

13. In § 9.8, the introductory portion of paragraph (c) and paragraph (c)(1) are revised as follows:

§ 9.8 Restoration of coverage.

* * * * *

(c) Subject to approval by the insurer, coverage is restored in the amount applied for ($35,000 or a lesser amount divisible by $5,000) effective the date of receipt of application with evidence of good health by the uniformed service:

(1) For a member who previously waived the right to be covered or elected to be covered for only $30,000, $25,000, $20,000, $15,000, $10,000 or $5,000; or

(38 U.S.C. 767)

* * * * *

14. In § 9.10, new paragraphs (e) and (f) are added as follows:

§ 9.10 Deductions from pay.

* * * * *

(e) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of § 9.1(a)(2), or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of § 9.1(a)(2), and is insured under Servicemen's Group Life Insurance, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.

(38 U.S.C. 769)

(f) The Secretary of Defense shall prescribe regulations for the administration of the functions of the Secretaries of the military departments under this section. Such regulations shall prescribe such procedures as the Secretary of Defense, after consultation with the Administrator, may consider necessary to ensure that such functions are carried out in a timely and complete manner and in accordance with the provisions of this section, including specifically the provisions of paragraph (e) relating to contributions from appropriations made for active duty pay.

(38 U.S.C. 769)

15. In § 9.16, paragraphs (g) and (h) are revised as follows:

§ 9.16 Beneficiaries and options.

* * * * *

(g) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his or her uniformed service in effect on December 1, 1981, will be effective with respect to the increased amount of insurance authorized on December 1, 1981, by Pub. L. 97–86 and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance theretofore in effect.

(38 U.S.C. 767)

(h) In any case in which a member separated or released from all obligation to perform duty in a uniformed service reenters on duty after a break in service while covered during the period of protection afforded under §§ 9.5(a) or 9.7 (a) or (b) after termination of duty and waives coverage or elects coverage in the amount of $30,000, $25,000, $20,000, $15,000, $10,000 or $5,000, an existing designation of beneficiary or election of optional settlement is not canceled with respect to any amount of insurance not replaced upon such reentry on duty.

(38 U.S.C. 767)

* * * * *

16. In § 9.22, the introductory portion and the ending portion of paragraph (b) is revised as follows, subparagraph (1) and (2) remain the same:

§ 9.22 Administrative decisions.

* * * * *

(b) When a determination is required on a claim that a member who waived coverage, or whose coverage was forfeited for one of the offenses listed in § 9.34 was in fact insured, or that a member who elected to be insured in the amount of $5,000, $10,000, $15,000, $20,000, $25,000 or $30,000 was insured for $10,000, $15,000, $20,000, $25,000, $30,000 or $35,000, as the case may be, and there is no record of an application to be insured or to increase the amount of insurance as required by § 9.8(c):

(38 U.S.C. 767)

* * * * *

Based on the evidence obtained, a formal determination will be made as to whether the member involved is deemed to have applied to be insured, or to be insured for $35,000, $30,000, $25,000, $20,000, $15,000 or $10,000 in lieu of $5,000 or no insurance. The determination will include a finding as to the member's health status for insurance purposes based on the evidence available.

(38 U.S.C. 767)

* * * * *

§ 9.24 [Amended]

17. In § 9.24, paragraphs (a) (1) and (2) are amended by replacing the date "May 24, 1974" with the date "December 1, 1981" in both subparagraphs and by adding the cite "(38 U.S.C. 767)" at the end of both subparagraphs.

§9.27 [Amended]

18. In § 9.27, paragraph (a) is amended by replacing the amount "$20,000" with the amount "$35,000" and by adding the cite "(38 U.S.C. 767)" to the end of the paragraph.

19. In § 9.36, paragraph (a) is revised as follows:

§ 9.36 Veterans' Group Life Insurance.

* * * * *

(a) The insurance shall be issued in the amount of $5,000, $10,000, $15,000, $20,000, $25,000, $30,000 or $35,000. No person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $35,000 at any one time.

(38 U.S.C. 777)

* * * * *

(38 U.S.C. 210)

[FR Doc. 83-4748 Filed 2-24-83; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Uniform Parcel Size and Weight Limits; Implementing Regulations

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: By separate notice published elsewhere in this issue the Postal Service announced changes in the mail classification schedule provisions establishing uniform size and weight limits of 70 pounds and 108 inches for Express Mail, Priority Mail, parcel post, special fourth-class rate, and library rate fourth-class mail. These changes were approved by the Governors of the Postal Service and will become effective at 12:01 a.m. on February 27, 1983.

The purpose of this final rule is to reflect these mail classification changes in postal regulations.

EFFECTIVE DATE: 12:01 a.m., February 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins (202) 245–4749.

SUPPLEMENTARY INFORMATION: This document changes Postal Service regulations to permit Priority Mail,

Express Mail, parcel post, special rate fourth-class and library rate fourth-class parcels weighing 70 pounds or less and measuring not more than 108 inches in length and girth combined to be accepted for mailing at or to any post office within the United States and at or to any post office in a Territory or Possession of the United States. Formerly, the maximum size limitations for these services was 100 inches in length and girth combined. In addition, even more restrictive size and weight limitations had been generally applied to parcel post mailed at and destined to large urban and suburban post offices. The only exceptions to the new size and weight limitations are for certain space available mail (SAM), parcel airlift (PAL) mail, parcels mailed to certain APO/FPO addresses, and for mail sent via the Department of State to U.S. Government personnel.

Post offices have been notified of the regulation changes by a Postal Bulletin notice, so that the new provisions can be used as of the effective date of the classification changes (February 27, 1983). The Domestic Mail Manual is amended as provided below effective February 27, 1983.

Sections 125.152(b), 252.1, 352.1 and 751 are amended to enlarge the parcel size limitations from 100 to 108 inches in length and girth combined for SAM (space available mail) sent from an APO or FPO outside the 48 contiguous states, Express Mail, Priority Mail, and fourth-class parcel services, respectively. Exhibit 751, which was a chart that explained the former dual parcel post size and weight limits, is deleted. Conforming changes are also made to Exhibit 310 which describes the zone rates for Priority Mail and to section 773 which describes nonmailable parcels.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

Part 125—Mail Addressed From, To or Between Military Post Offices Overseas

125.1 [Amended]

1. In 125.152(b) strike out the words "100 inches in length and girth combined" and insert "108 inches in length and girth combined" in lieu thereof.

Part 250—Physical Limitations

252.1 [Amended]

2. In 252.1 strike out the words "100 inches in length and girth combined" and insert "108 inches in length and girth combined" in lieu thereof.

Part 310—Rates and Fees

Exhibit 310 [Amended]

3. The footnote to the Priority Mail Zone and Rate Chart presented in exhibit 310 is revised to read as follows:

Exception: Parcels weighing less than 15 pounds and measuring over 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

Part 350—Physical Limitations

352.1 [Amended]

4. In 352.11 strike out the words "100 inches" and insert "108 inches" in lieu thereof.

Part 750—Physical Limitations

5. Part 751 is revised to read as follows:

Part 751—Weight and Size Limits

Fourth-class parcels mailed for delivery in the domestic mail service may not weigh more than 70 pounds and may not exceed 108 inches in length and girth combined, except as noted in a, b, c or d:

a. Articles mailed to certain APO's and FPO's must meet the requirements in 125 and 918.

b. Parcels sent via the Department of State to U.S. Government personnel abroad must meet the requirements in 128.

c. Bulk zone rate articles must meet the requirement in 722.21.

d. Bound printed matter must meet the requirement in 723.1.

6. Exhibit 751 is deleted.

Part 770—Mailing

7. Part 773 is revised to read as follows:

Part 773—Parcels Exceeding Size or Weight Limits

Parcels exceeding 70 pounds or 108 inches (when length and girth are added together) are non-mailable.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403, 404, 3621, 3623, 3625, 3652 as amended by Pub. L. 97-242 section 1a, Aug. 24, 1982, 96 Stat. 300)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-4990 Filed 2-24-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2300-3]

Approval and Promulgation of Revisions to the Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action approves revisions to the Texas State Implementation Plan (SIP) which were submitted by the Governor on August 9, 1982. The State submitted an addendum to the revisions on January 13, 1983. Specifically, the State revised the General Rules and Regulations I and V of the Texas Air Control Board *(TACB) Regulations. This notice approves these revisions to the SIP and amends 40 Code of Federal Regulations (CFR) 52.2270.*

EFFECTIVE DATE: This rulemaking will be effective on April 26, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments on this action should be addressed to Donna M. Ascenzi of the EPA Region 6 Air Branch (address below). Copies of the State's submittal may be examined during normal business hours at the following locations:

EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270;
Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723;
EPA, Public Information Reference Unit, 401 M Street, SW., Room 2922, Washington, D.C. 20460;
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, State Implementation Plan Section, Air & Waste Management Division, U.S. EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270, (214) 767-1518.

SUPPLEMENTARY INFORMATION: On August 9, 1982, the Governor of Texas, after adequate notice and public

hearing, submitted revisions to the Texas SIP. The State submitted an addendum to the revisions on January 13, 1983. Specifically, the State revised the General Rules, and Regulations I and V of the TACB Regulations.

The revisions to the General Rules consisted of the deletion of several terms which are no longer used in the regulations, and minor editorial revisions to several terms to clarify their use in the regulations and to correct or include metric units of measurement.

The revisions to Regulation I entitled, "Control of Air Pollution from Visible Emissions and Particulate Matter," consisted of non-substantive editorial changes which realigned several subchapters, revised the titles of several subchapters to clarify their applicability, and deleted redundant and unnecessary subchapters.

The State extensively revised Regulation V entitled, "Control of Air Pollution From Volatile Organic Compounds." The majority of these revisions are non-substantive in nature and serve to clarify the intent of the regulation. Metric units of measurement were added or corrected, obsolete terms were deleted and minor editorial changes were made. The most significant revision consisted of the deletion of Bexar County from the requirements of those subchapters applicable to nonattainment areas, and the addition of Bexar County to those subchapters applicable to other than nonattainment areas. Bexar County was redesignated by EPA as an area attaining the ozone standard on November 16, 1981 (at 46 FR 56199). Since none of the reductions to be achieved from the control measures for nonattainment areas were needed to achieve attainment status, the State deleted Bexar County from the requirements in those subchapters (i.e., control requirements for: Storage of volatile organic compounds (VOC); water separation; process unit turnarounds, vacuum producing systems, and fugitive leaks at petroleum refineries; vent gases; solvent usage; surface coating process; graphic arts; perchloroethylene dry cleaning systems; and pharmaceutical manufacturing). In addition, the State reinstated Bexar County in those subchapters of Regulation V which pertain to other than ozone nonattainment areas since the control measures therein were instrumental in Bexar County achieving attainment of the ozone standard (i.e., control requirements for storage of VOCs, water separation and vent gases).

EPA has reviewed the State's submittal and developed an evaluation report [1] which discusses the technical aspects of the revisions in detail. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 and TACB offices listed above.

Based on the Agency's review, EPA has determined that the revisions meet the requirements of Section 110(a)(3)(A) of the Clean Air Act and is hereby approving these revisions to the Texas SIP.

The public should be advised that this action will be effective 60 days from the date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the Federal Register on July 1, 1982.

(Sec. 110(a) and 172 of the Clean Air Act, 42 U.S.C. 7410(a) and 7520)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

[1] EPA Review of Texas SIP Revisions to the General Rules, and Regulations I and V, January 1983.

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding a new subparagraph (50) which reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(50) Revisions to the General Rules (i.e., deletion of the definitions for chemical process plant, exhaust emission, gas processing plant, and non-methane hydrocarbons, and revisions to the definitions for gasoline bulk plant, gasoline terminal, lowest achievable emission rate, standard conditions, submerged fill pipe, paper coating, and light-duty truck coating), Regulation I (i.e., the deletion of §§ 111.61–.65, revisions to title of §§ 111.71–.76 and § 111.71, addition of §§ 111.81–.83, deletion of § 111.91, and revisions to § 111.92), and Regulation V (i.e., § 115.1, §§ 115.11–.13, §§ 115.31–.32, §§ 115.41–.45, § 115.81, and § 115.91, all for Bexar County only: and, §§ 115.101–.106; title of §§ 115.141–144 and § 115.141, § 115.142, and § 115.144; title of §§ 115.151–153 and § 115.152, and § 115.153; §§ 115.161–.163 and title; title of §§ 115.171–.176 and § 115.173, § 115.175, and § 115.176; title of §§ 115.191–.194 and § 115.191, § 115.192, and § 115.193; title of §§ 115.201–.203 and § 115.203; title of §§ 115.221–.223 and §§ 115.222–.223; §§ 115.231–.233 and title; title of §§ 115.251–.255 and § 115.253, and § 115.255; § 115.401; title of §§ 115.411–.413 and §§ 115.411 and .412; title only of §§ 115.421–.424) were adopted by the Texas Air Control Board on January 8, 1982, and submitted by the Governor on August 9, 1982, with an addendum from the State on January 13, 1983.

[FR Doc. 83-4764 Filed 2-24-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[FCC 83-66]

Amendment To Provide for the Use of Unsworn Declarations Under Penalty of Perjury

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is revising its procedural rules to provide for the use of written, unsworn declarations under penalty of

perjury as permissible substitutes in those instances where the Commission's rules require sworn declarations or affidavits. Besides expediting the Commission's processes, this action will bring the Commission's rules in agreement with a federal statute which provides for the use of written declarations made under penalty of perjury in all federal proceedings.

EFFECTIVE DATE: February 17, 1983.

FOR FURTHER INFORMATION CONTACT: Magalie Floyd, Office of General Counsel, Federal Communications Commission, Washington, D.C. (202) 632-6990.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Complaints.

In the matter of amendment of Part I of the Commission's rules to provide for the use of unsworn declarations under penalty of perjury.

Order

Adopted: February 10, 1983.
Released: February 17, 1983.

1. The Commission, *sua sponte*, has examined its Rules and Regulations requiring verification of documents filed with the Commission through the use of sworn declarations or affidavits.[1] The Commission finds that this requirement is not in agreement with 28 U.S.C. 1746, which provides that:

> Whenever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury * * *.

2. Accordingly, the Federal Communications Commission hereby amends its rules to permit the use of unsworn declarations under penalty of perjury as permissible substitutes in those instances where the Commission's rules require sworn declarations or affidavits. Unsworn declarations under penalty of perjury, however, may not be used in connection with: (1) Depositions, (2) oaths of office, or (3) oaths required to be taken before a specified official other than a notary.

[1] *See, e.g.*, 47 CFR 1.100, 1.223, 1.228, 73.3525, and 76.2504.

3. Consistent with the amendment described above, Rule 1.721 also is modified to provide for the use of unsworn declarations under penalty of perjury in the format for formal complaints filed pursuant to Section 208 of the Communications Act.

4. The Commission has fomulated the amendment described herein pursuant to the statutory provisions of 28 U.S.C. 1746. Therefore, compliance with the notice and comment provisions of the Administrative Procedure Act is unnecessary. *See* 5 U.S.C. 553(b)(B). Further, the notice and comment and effective date provisions do not apply to these amendments to our procedural rules. *See* 5 U.S.C. 553(b)(B), 553(d).

5. Authority for these rules is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303(r). Accordingly, it is ordered That, effective February 17, 1983, § 1.16, 47 CFR 1.16, is added and § 1.721 of the Commission's rules, 47 CFR 1.721, is amended, as set forth in the attached appendix.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 1—[AMENDED]

1. A new § 1.16, 47 CFR 1.16, is added after 47 CFR 1.14, as follows:

§ 1.16 Unsworn declarations under penalty of perjury in lieu of affidavits.

Any document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person, except that, such declaration shall not be used in connection with: (a) A deposition, (b) an oath of office, or (c) an oath required to be taken before a specified official other than a notary public. Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verfiy, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)".

§ 1.721 [Amended]

2. 47 CFR 1.721(b) is amended by removing the form of verification contained therein and inserting, in its place, a new form of verification as follows:

* * * * *

Form of Verification

I declare under penalty of perjury that I am the complainant (or one of the complainants) in the above-entitled matter; that I have read the foregoing complaint; and that the matter and things therein stated are true and correct. Executed on (date).

(Signature).

[FR Doc. 83-4754 Filed 2-24-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 22

[CC Docket No. 20870; FCC 83-53]

Public Mobile Radio Services; Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Final policies and procedures concerning objective need showings are being adopted for applications requesting multiple new two-way channels and applications requesting additional channels for an existing system. The policies and procedures we had in the past were vague and did not provide applicants with sufficient information as to what was required in need showings before various types of applications could be granted. Thus, applicants requesting multiple new two-way frequencies or additional two-way channels for an existing system must show that the existing, projected or expected grade of service for the proposed facilities is .25 or greater, this will determine the number of new or additional channels granted.

EFFECTIVE DATE: February 16, 1983, except for the held order requirement for applications requesting additional channels which will become effective March 28, 1930.

FOR FURTHER INFORMATION CONTACT:
Carmen A. C. Borkowski, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Communications common carriers, Mobile radio service, Radio common carriers.

Third Report and Order

Adopted: January 27, 1983.
Released: February 16, 1983.

In the Matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service, CC Docket No. 20870, FCC 83-53.

1. In this proceeding the Commission requested comments with regard to the adoption of objective need standards for applications requesting more than one initial two-way channel and applications requesting additional two-way channels for existing systems in the Domestic Public Land Mobile Radio Service (DPLMRS). Comments were also solicited on various proposed definitions, standards and procedures. *Further Notice of Proposed Rulemaking*, (*Further Notice*), 84 FCC 2d 857 (1981).[1] The objective need standards proposed in the *Further Notice* were adopted on an interim basis and have been applied to all applications received on or after June 1, 1981. *See* Public Notice, 000349, April 16, 1981. In this decision, we make final the objective need standards with some modifications. In a *Further Notice of Proposed Rulemaking* adopted concurrently with this *Third Report and Order*, we propose a similar set of standards for paging applications.

Background

2. Before the interim standards were adopted, the Commission permitted applicants for new frequencies to justify their proposed facilities utilizing various methods of demonstrating need.[2] These methods evolved primarily out of two cases, *Long Island Paging* and *New York Telephone Company*.[3] More recent Commission practice has been to require all applicants for initial channels to submit public need surveys.[4] Applicants requesting additional channels are required to submit traffic loading studies pursuant to § 22.516 of the Commission's Rules, 47 CFR 22.516. In the *Second Report and Order, supra* note 1, we eliminated the requirement that applicants for one initial two-way frequency demonstrate public need for the proposed facility. We stated, however, that the requirement of demonstrating public need would not be eliminated for applications requesting more than one initial two-way frequency and applications requesting additional frequencies for existing systems. *See* paragraph 6, *infra*.

Comments

3. In response to the *Further Notice* comments were filed by Telocator Network of America (Telocator); American Telephone and Telegraph Company (AT&T); Vegas Instant Page (VIP); Jan David Jubon, P.E. (Jubon); Industrial Communications Systems, Inc. (Industrial); and jointly by Radio Broadcasting Company (RBC) and Radio Dispatch Company (RDC). The comments addressed the adoption of uniform need standards, the grade of service levels proposed (interim standards), the four channel limitation and other matters.

Discussion

4. *Objective Need Standards.* RBC and RDC supported and Telocator generally agreed with the concept of adopting uniform need standards. Industrial opposed the adoption of uniform objective need standards arguing that the Commission will not meet its mandate to assign frequencies in the public interest if it adopts inflexible standards which are to apply in every market regardless of differences in size and characteristics. Industrial recommended, as an alternative to objective need standards, that the Commission adopt and maintain flexible processing guidelines. AT&T and Jubon expressed reservations about uniform standards arguing that the various mobile systems differ and the loading standard that might apply to a system in a heavily congested area might not apply to a system in a rural area.

5. After carefully considering these comments, we conclude that adoption of objective need standards is in the public interest. Need showings promote efficient use of a limited spectrum. Under previous procedures applicants were allowed to demonstrate need for proposed facilities through the submission of a variety of types of information. *See* note 3, *supra*. The fact that our Rules did not require specific types of information or specify the methodology to be followed in gathering certain kinds of data has created incentives for adversarial parties to argue endlessly over the adequacy of particular need showings. The lack of specificity created excessive administrative burdens and delays in authorizing facilities to the public because of the additional workload for the staff in determining the adequacy of the need showings and resolving the arguments about them in petitions to deny. In addition, applicants have been uncertain as to the minimum showing of public need required to justify grants of initial or additional channels. Industrial's recommendation that we adopt flexible processing guidelines would leave us with the same administrative burdens and the applicants with the same uncertainty as in the past. Therefore, we reject Industrial's proposal.

6. In the *Second Report and Order*, we adopted a general policy in favor of new entry, finding that there exists a general need for two-way service and that our previous requirements had only created excessive administrative burdens and delayed service to the public. However, we also realized that, in order to protect the limited spectrum, we could not eliminate need requirements for multiple channel requests for new systems or for additional channels for existing systems. We noted that there is a greater potential for frequency warehousing in these types of applications. *Second Report and Order*, 89 FCC 2d at 1203. Frequency warehousing occurs when an applicant applies for a frequency for which he has no current need in order to insure he will have the frequencies available in the future should a need develop or to prevent frequencies from being acquired by competitors.

7. Since June 1, 1981, the date the interim standards became effective, applications have been processed more

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[1] This proceeding was initiated by a *Notice of Inquiry and Notice of Proposed Rulemaking*, 61 FCC 2d 286 (1976); *First Report and Order*, 69 FCC 2d 398 (1978); *Second Report and Order*, 89 FCC 2d 1199 (1982).

[2] Section 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. 309(a) provides: "* * * the Commission shall determine, * *. *, whether the public interest, convenience, and necessity will be served by the granting of such application". *See* § 22.13 of the Commission's Rules, 47 CFR 22.13. The "need showing" provides the facts upon which the commission makes, or does not make, the statutory finding. *See also* Section 303 of the Act.

[3] Long Island Paging, 30 FCC 2d 405, *review denied*, 32 FCC 2d 235 (1971), *recon. denied*, 34 FCC 2d 216 (1972). New York Telephone Co., 47 FCC 2d 498, *recon. denied*, 49 FCC 2d 284 (1974), *aff'd sub nom.* Pocket Phone Broadcast Service Inc. v. FCC, 538 F. 2d 447 (D.C. Cir. 1976). *New York Telephone* lists various methods of evidencing need: (1) Statistics or specific facts tending to show need, such as the nature and economics of the service area; (2) demographic or statistical evidence showing the nature and number of industries, businesses, professions and trades in the service area; (3) information on the identity and occupation of persons making service inquiries together with a statement as to whether or not costs were quoted and whether definitive commitments were made; and (4) evidence as to the success or failure of other carriers offering that type of service in the same market.

[4] Edward R. Buckmaster and Burton R. Gigoux d/b/a Communications Services, Mimeo 28930, released March 19, 1981 *aff'd sub nom.* Advanced Electronics v. FCC No. 81-1436 (D.C. Cir. February 19, 1982).

expeditiously and in a fair and objective manner.[6] In addition, applicants now know the exact need showing that must be made in their applications. While there may be some negative aspects in adopting uniform objective need standards,[6] we are convinced that any disadvantages are far outweighed by the benefits that have and will continue to accrue.

8. For all the above reasons, we will adopt objective need standards for applications requesting more than one initial two-way frequency or additional two-way frequencies for existing systems. In so doing, we remind applicants that failure to satisfy the standard will result in dismissal of the application as defective. *See Tel-Page Corporation,* FCC 82–448, released October 18, 1982.

9. *Standards Originally Proposed.*[7] In the *Further Notice* we proposed that additional channels would be granted when an application demonstrated that the system's existing grade of service is 0.50 or greater or that the existing grade of service is 0.40 or greater with a projected grade of service of 0.50 or greater. In addition we proposed to grant the minimum number of channels, up to four, necessary to reduce that level below 0.50. We also proposed that if the grade of service level resulting from such a grant is in the 0.25 to 0.50 range, the application would justify one or more additional channels, provided that such a grant did not reduce the grade of service below 0.25. The number of initial channels granted would be determined by demonstrating need for the minimum number of channels necessary for the expected grade of service level to be less than 0.50.

10. Telocator, Industrial, Jubon and VIP objected to the proposed grade of service levels. They argued that the standards proposed in the *Further Notice* are unreasonable, that they frustrate competition, that they force carriers to provide a very poor quality of service and that the quality of service should be left to the business judgment of the carriers. AT&T recommended that, if objective need standards are adopted, a liberal waiver policy be adopted by the Commission for requests for operation with a better grade of service at locations where channels are not in short supply.

11. Telocator recommended that a carrier be entitled to the grant of one additional channel where its existing grade of service is 0.10 or greater and that a carrier should be granted up to a total of four channels (at any one time), as long as the projected grade of service with the additional channels would not exceed (be better than) 0.02. Subsequently, Telocator, in an *ex parte* presentation,[8] proposed a 0.07 to a 0.02 grade of service for grants of two channels up to 14 channel trunk groups.

12. AT&T, in Supplementary Comments to the Telocator *ex parte* presentation, stated that it does not object to the adoption of Telocator's proposal as long as it is based on two-way mobile usage and not secondary usage, such as one way paging. Jubon recommended that we adopt a "prima facie" standard for additional channels using a fixed number of units per channel, *i.e.,* 30 mobiles per channel and/or 200 tone-plus-voice pagers per channel rather than frequency usage figures. He also proposed that a grade of service of more than 0.10 or 0.15 be sufficient to justify at least one additional channel and that an applicant be permitted to increase system capacity to a grade of service of 0.05 or better, provided channels are available. VIP proposed extrapolating growth in the average bouncing busy hour and using the 0.50 grade of service level to determine the anticipated demand for service two years after the application is processed.

13. Jubon also suggested removing one-way signaling intermixed on a two-way channel for purposes of traffic loading studies for applications requesting two-way channels, if over thirty-five percent (35%) of the traffic carried on the channel is one-way. RBC and RDC suggested removing one-way signaling intermixed on a two-way channel if there is an average ratio of over eight minutes of paging use for each single minute of two-way mobile use.

14. *Standards to be Adopted.* We have carefully considered the recommendations in the comments and have been persuaded to adopt a different grade of service standard from that proposed in the *Further Notice.* Based on the comments and data before us, we find that a 0.25 grade of service level is a more reasonable standard than that originally proposed because it would benefit the public with better quality service, would promote administrative efficiency and would permit spectral efficiency.[9] This service standard, which balances expeditious service to the public with protection of the limited spectrum, represents a compromise between the standards we originally proposed and the various standards suggested by the commentors.[10]

15. Applications for additional channels up to a maximum of four will be granted when the application shows that the existing system's present grade of service is 0.25 or greater or that the existing grade of service is 0.20 or greater with a projected grade of service of 0.25 or greater. When this grade of service level is reached, the minimum number of channels necessary to reduce that level below 0.25 will be granted. The projected grade of service is based on the number of existing subscribers plus the number of new subscribers anticipated using the held orders and survey techniques described below. If an application requests more than one initial channel, the number of channels authorized up to a maximum of four will be determined by the demonstration of need for the minimum number of channels necessary for the expected grade of service level to be better than 0.25. The procedures to be followed in determining the grade of service for new or additional channels are specified in Appendix A, *infra.*[11] Applications which do not demonstrate need in accordance with the standards adopted will be dismissed and returned as unacceptable for filing pursuant to Section 22.20 of the

[5] The number of applications in the DPLMRS has increased steadily in recent years and promises to continue to grow. Recently, we allocated additional channels for one-way signaling which will lead to numerous applications, substantially increasing our workload.

[6] Some of the parties objected to the adoption of uniform standards arguing that the grade of service should be left to the business judgment of the carriers. Also, it was argued that some less congested markets can accommodate better grades of service than others. We find these theoretical arguments to be outweighed by the more tangible benefits described in this order.

[7] Grade of service is the probability that a call will be blocked during the busy hour. For example, if a system has a 0.50 grade of service, one out of every two calls will be blocked.

[8] This presentation was made to the Chief, Mobile Services Division, on May 13, 1982. A copy of the *ex parte* presentation has been made part of the record in this proceeding.

[9] We considered the alternative of adopting one of the proposals in the comments. The record did not provide any evidence of the possible consequences of such a decision; thus, we are not prepared to adopt any of these options at this time. Moreover, we have the experience of observing the 0.50 grade of service level in use and believe that 0.25 is a reasonable level sufficiently close to our original proposal that we can make rational predictions of its possible effects.

[10] In reaching our decision, we considered the fact that the vast majority of the major markets in the DPLMRS have one hundred percent (100 percent) channel assignment; thus, there are no two-way frequencies available in them. In some smaller markets there are still some channels available.

[11] These procedures are the same as those proposed in the *Further Notice.* VIP made general allegations concerning the presumed MPU's proposed in the *Further Notice.* We continue to believe that our estimates are correct and no evidence has been submitted to the contrary, thus, we are adopting the MPU's proposed in the *Further Notice. See* paragraph 21, *Further Notice, supra.*

Rules. This has been our policy since the effective date of the interim standards. *See Tel-Page Corporation,* FCC 82–448, released October 18, 1982.

16. The standards being adopted require separate traffic loading information for two-way and one-way units. We believe it is in the public interest to consider both types of units for traffic loading purposes so long as we permit one-way signaling over two-way channels. We reject the proposals in the comments to not consider one-way loading information in requests for two-way channels. In this regard, the procedures set forth in Appendix A provide for the use of loading measurements for both types of units. *See Notice of Proposed Rulemaking,* CC Docket No. 80–57, FCC 82–349, released September 8, 1982, at pp. A–149 to A–152; *Report and Order,* Docket No. 20907, FCC 82–465, released October 26, 1982.

17. *Erlang C Tables.* We proposed the use of the Erlang C tables as the basis for our determinations concerning grade of service. AT&T supported such use while Telocator expressed doubts about the use of the Erlang C Tables. Only Industrial opposed their use, alleging that the assumptions underlying the Erlang C tables do not reasonably apply to a mobile telephone operation.

18. After a review of the comments we have decided to adopt the Erlang C Tables. Our analysis of the available data regarding trunked systems, channel loading and channel use indicates that the Erlang C Tables are the most suitable of those tables available for estimating the grade of service for mobile systems.[12] We note that the sole objector to the use of these tables proposed, as an alternative, solicitations from subscribers to indicate frustration with a system. We cannot rely on such a vague and indefinite concept for our processing standard.

19. *Bouncing Busy Hour.* In the *Further Notice,* we invited comments on whether a fixed busy hour or a bouncing busy hour should be adopted as the basis for projecting traffic in the proposed systems. The bouncing busy hour is the average of the busiest hour on the three days for which traffic loading data is reported. The comments all supported use of the bouncing busy hour. We think this is the best measurement; therefore, we will adopt the bouncing busy hour standard.

20. *Four Channel Limit.* We proposed to limit the number of additional or initial channels which can be granted to an applicant at any one time in any given market to four.[13] We also stated that we would entertain waiver requests of this limitation where the facts and circumstances surrounding a particular application are so unique that the public interest requires a grant of more than four channels.

21. Telocator recommended that the test for waivers be "appropriate circumstances." Jubon recommended adoption of a standard for waiver requests set at the number of channels necessary to achieve a .05 or .10 grade of service. VIP suggested that the number of channels granted to a new applicant be limited to no more than a third of the unused channels in a market.

22. We have carefully considered the proposals in the comments and decline to adopt them. As explained in the *Further Notice,* our procedures for determining expected channel usage are necessarily based on patterns of usage and, where applicable, on the applicant's prior experience. Thus, we can only estimate the usage of the proposed facilities. Although we have confidence in these procedures, as the number of additional or initial channels granted at any one time increases, the projections become less accurate and there is a greater possibility that the reliance on the projections may result in spectrum inefficency. We believe that by limiting the number of additional or initial channels which will be granted at one time to four, we can ensure the provision of the best service to the public while preventing an undue risk of spectrum inefficiency.[14] Thus, we will adopt the four channel limitation as proposed and the test for entertaining waiver requests will be the test enunciated in our *Further Notice,* that is, that the facts and circumstances surrounding a particular application are so unique that the public interest requires a grant of more than four channels.

23. *Trunk groups.* In the *Further Notice,* for purposes of determining loading, we proposed the following definition of a trunk group—a group of channels accessible to all mobile units served by that group. A system was defined as one, and only one, trunk group.

24. In its comments Telocator suggested that the "actual configuration" of the channels in the same band are part of a trunk group. Jubon suggested that the standards should consider the specific trunk group within a band for which application is made for additional facilities.

25. We have decided to adopt the definitions proposed in the *Further Notice.* The use of the interim standards evidences that there are few, if any, problems with these definitions. For the exceptional cases in which mobile unit assignments are not included in the above definition, in addition a traffic loading study tailored to the data measured shall be provided.

26. *Held Orders/Statistical Surveys.* In the *Further Notice* we defined a "held order" as a firm commitment for service. In the case of an application seeking additional frequencies for an existing system, we stated that held orders normally consist of the name of persons on a waiting list for service, or the equivalent. In the case of applications for new frequencies we stated that held orders normally consist of written, signed (but non-binding) requests for service, or the equivalent. We further stated that held orders and subscriber units projected through the use of a valid statistical survey would also be considered as generating traffic in a proposed system. For surveys, we stated applicants would be required to obtain a number of held orders for service from a sample of respondents and then project that need into a larger universe using generally accepted survey techniques.

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[12] The tables are based on the Erlang C Formula. One source for this formula is "Introduction to Teletraffic Engineering," Ramsee R. Mina, Telephone Publishing Corp., 53 W. Jackson Blvd., Chicago, Illinois 60604. Copies of the tables are available for review at the Mobile Services Division. *See* Public Notice No. 05411, released December 31, 1980. All of the data relied upon for these regulatory proposals were made available for public inspection. Public Notice, Mimeo 31774, released May 20, 1980.

[13] In the *Further Notice,* we clarified our procedure for determining whether an application is for initial channels. An application is for an initial channel if less than (50%) fifty percent of the proposed contour overlaps an existing contour, or if the proposed service area contour includes a major market area not included within the existing contour. *See* Public Notice, Clarification of Existing Policy, Memo 002411, released July 27, 1981. Telocator and Jubon made recommendations concerning this policy. Since this policy was not in issue in the *Further Notice,* we will not entertain recommendations to change it.

[14] We see no merit to VIP's recommendation to limit the number of channels granted to a new applicant to no more than one third of the unused channels in the market. This proposal is contrary to our general policy in favor of new entry in the mobile telephone industry. *See* Specialized Common Carrier Services, 29 FCC 2d 870, 920 (1971), *recon.* 31 FCC 2d 1108 (1979), *aff'd sub. nom.,* Washington Utilities and Transportation Commission v. FCC, 513 F. 2d 1142 (9th Cir. 1975), *cert. denied* 423 U.S. 836 (1975). Land Mobile Channels, 69 FCC 2d 1555 (1978) *affirmed,* Telocator Network of America, 691 F. 2d 525, (D.C. Cir. 1982). Under our proposal a new entrant's application would be granted if it justified up to four channels irrespective of the number of unused channels in a market (assuming, of course, that there were at least four available). VIP's proposal would limit significantly the number of channels granted to a new entrant. We see no justification to limit the channels granted to a new entrant *vis-a-vis* an established carrier.

27. VIP had reservations about the use of held orders and objected to the use of valid statistical surveys to anticipate demand, alleging that the concept of generally accepted survey techniques is vague. It also recommended discounting need showings for new applicants at least 66%. Telocator recommended that a standardized format for evidencing the results of a survey be informally adopted and that carriers should be permitted to rely upon their historical subscriber growth patterns as an additional basis for projecting future traffic loading on their systems.

28. After carefully considering the comments we are adopting the following held order standards. All held orders will be required to consist of written, signed (but non-binding) requests for service, and only written held orders will be considered. Both applicants for new frequencies and applicants for additional frequencies must demonstrate that their requests for service are supported by written held orders. Requiring all applicants to support their requests with written held orders is a consistent and reliable way of determining whether the channels are in fact needed. We believe that Telocator's proposal for informally adopting a standardized format for evidencing survey results has merit, and we will adopt it.[15] This sample form will help eliminate uncertainty for applicants. This is a sample form and it is not required that it be used.[16] Held orders and subscriber units projected through the use of a valid statistical survey will be considered as generating traffic in a proposed system. In conducting surveys, applicants will obtain a number of written held orders for service from a sample of respondents and project this need into a larger universe, using generally accepted survey techniques. This policy is consistent with our practices and is in the public interest. We adopt this approach so as not to prescribe a particular survey technique for applicants. We will not consider an applicant's historical subscriber growth patterns as an additional basis for projecting future demand, because loading information and held orders constitute a more reliable standard and Telocator has not demonstrated that historical subscriber growth patterns are accurate, particularly in this rapidly changing area.

29. The rules we are adopting require an applicant requesting more than one channel for a new system to submit written held orders or projections of need from a valid statistical survey. If an applicant does not submit either, it will be granted only one channel.[17] We see no merit to VIP's recommendation to discount need showings for new applicants at least 66%. See discussion in footnote 14, *supra*. We adopt the proposal in the *Further Notice* to discount held orders for new and for additional channels by 20%, as proposed. This estimate was adopted as reasonable to account for the number of persons submitting held orders who would not actually subscribe.

30. All applicants are required to keep their applications current and maintain the information therein substantially accurate and complete.[18] Pursuant to this requirement, once final action is taken on an application, loading information which has not been previously provided by the applicant will not be considered on reconsideration.[19]

Conclusion

31. The public interest will be served by adoption of objective need standards for two-way frequencies. These standards eliminate uncertainty for applicants, clarify our policies and procedures and facilitate application processing. Moreover, spectrum efficiency will be achieved while providing service to the public in an efficient and expeditious manner. Whatever negative aspects there may be in adopting objective need standards, they are far outweighed by the benefits enumerated here.[20] In addition, in a *Further Notice of Proposed Rulemaking* adopting concurrently with this *Third Report and Order*, we are proposing objective need standards for one-way signaling stations requesting an additional one-way channel.

Regulatory Flexibility Act—Final Analysis

32. *Need for Rules and Objective.* The rules adopt standards for the demonstration of public need for applications requesting more than one new two-way frequency and applications requesting additional frequencies for an existing system. The rules are necessary because they establish clearly defined standards to be followed by applicants, thus lessening regulatory burdens for small entities. The objectives are to streamline, clarify and codify existing regulations and policies and to provide service to the public in the most efficient, expeditious manner possible. Report and record keeping requirements remain the same as those used by applicants before the adoption of these rules.

33. *Issues Raised by the Public in Response to the Initial Analysis.* None.

34. *Alternatives that would lessen impact.* As we stated in the *Further Notice* at paragraphs 26 and 27, we considered the alternative of exempting small businesses from these requirements. However, we determined that this approach would not lessen economic impact on small entities.

35. Authority for this rulemaking is contained in Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

36. Accordingly, IT IS ORDERED, That Part 22 of the Commission's Rules and Regulations is amended as specified in Appendix A, effective February 16, 1983,[21] except for the held order requirement for applications requesting additional channels which will become effective 30 days after publication of this document in the **Federal Register.**

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,
Secretary.

Appendix A

PART 22—[AMENDED]

47 CFR Part 22 is revised as follows:

1. A new § 22.16 is added to read as follows:

§ 22.16 Objective Need standards.

(a) Applications for additional channels on an existing two-way

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[15] *See* Appendix B.

[16] We have considered the Paperwork Reduction Act of 1980, P.L. 96-511 and concluded that is does not apply. We are not requiring additional or new record keeping or reporting requirements. The form we are recommending and the procedures being adopted facilitate, clarify and expedite the fulfillment of information requirements applicants currently must meet.

[17] Second Report and Order, Docket 20870, FCC 82-207, 89 FCC 2d 1199 (1982). (Elimination of need showings for one initial two way channel).

[18] Sections 1.65 and 22.13(a)(5) of the Rules, 47 CFR 1.65 and 22.13.

[19] When an applicant does not demonstrate need for all the channels requested, the application will be broken down into two separate applications; we will grant the portion requesting channels for which need has been shown and the other portion will be returned as unacceptable for filing. Our action granting channels will not be a grant in part.

[20] As an editorial matter, we have used the more common term "paging" in place of "one-way signaling" in Appendix A. We have also included standards for tone-optical readout paging units, which did not appear in the interim rule.

[21] Objective need standards for two-way service have been in effect on an interim basis since June 1, 1981. Under Section 553(d)(1) and (d)(3) of the Administrative Procedure Act, 5 U.S.C. 553(d)(1) and (d)(3), there is no need for publication or service prior to the effective date of this action.

system, up to a maximum of four channels, will be granted as follows:

(1) If the application shows that the existing system's present grade of service is 0.25 or greater or that the existing grade of service is 0.20 or greater with a projected grade of service of 0.25 or greater, the minimum number of channels necessary to reduce that level below 0.25 will be granted.

(2) Procedures to determine grade of service:

(i) If the existing system serves both one-way signaling (paging) units and two-way units, separate Section 22.516 occupied time data shall be submitted for each, for the same days and hours. Data for tone-only paging units need not be separated from data for tone-voice or tone-optical readout paging units unless the applicant anticipates that the ratio among tone-only, tone-voice and tone-optical readout paging units in the proposed system will be significantly different from the ratio in the existing system. Absent such a situation, it will be presumed that the ratios of the types of units in the existing and proposed systems will be approximately the same.

(ii) For each Section 22.516 submission, the bouncing busy-hour occupied time of a system shown by the Section 22.516 study shall be divided by the number of units in the system to derive a basic reckoning factor for projecting traffic in a proposed system. This reckoning factor shall be in minutes per unit (MPU), *i.e.*, the time a system is on the air during the busy hour divided by the number of units presently authorized to use that system.

(iii) A unit shall be considered as generating traffic in a proposed system if it falls into one of three categories,

(A)Present subscriber units,

(B) Subscriber units for which there are written held orders, and

(C) Subscriber units projected through the use of a valid statistical survey. Applicants shall obtain a number of written held orders for service from a sample of respondents and then project that need onto a larger universe, using generally accepted survey techniques.

(iv) The number of units included in paragraph (iii)(B) and (C) of this section shall be discounted by 20%.

(v) The MPU shall be multiplied by the total of the units included in paragraph (iii) of this section, as discounted, and divided by 60 to estimate, in Erlangs, the expected traffic in the proposed system.

(vi) If the existing system does not provide service to the same type of units as the proposed system, it will not be feasible to determine the estimated MPU for all types of units from loading measurements. In these situations,

(A) The number of units in the proposed system which are of the same type as in the existing system shall be multiplied by the MPU derived from loading measurements in the existing system; and

(B) The number of units in the proposed system which are not of the same type as in the existing system shall be multiplied by presumed MPU's shown in paragraph (b) (3) of this section.

(C) If there are units of each category in the proposed system, the calculated occupied times found for each by this method shall be added to show the total occupied time.

(vii) Referring to the Erlang C Table, the expected grade of service level shall be calculated for each proposed system. A determination of the number of channels authorized will be based on the grade of service so calculated.

(b) Applications for more than one channel on a new two-way system, up to maximum of four channels, will be granted as follows:

(1) The minimum number of channels necessary for the expected grade of service level to be less than 0.25 will be granted.

(2) If the proposed service area and type of service are not substantially the same as those existing, the channels requested will be treated as new rather than as additional channels. Applications are considered to be requesting initial channels if less than 50% of the proposed reliable service area contour overlaps an existing contour, or if the proposed service area contour includes a major market area not included within the existing contour.

(3) Procedures to determine expected grade of service:

(i) Applicants shall submit data on the number of units expected to receive service. Units shall be considered only if the applicant has written held orders for them or if they are projected from a valid statistical survey. The units shall be broken down by two-way, tone-only paging, tone-voice paging and tone-optical readout paging.

(ii) Each two-way unit identified in paragraph (i) of this section will be presumed to generate 0.9 MPU of traffic.

(iii) Each tone-only paging unit will be presumed to generate 0.0417 MPU of traffic. This is based on the assumption that each unit will generate 0.5 five-second calls during the busy hour. If the applicant intends to provide tone-only paging on a subaudible basis only, the application should so state.

(iv) Each tone-voice paging unit will be presumed to generate 0.167 MPU of traffic. This is based on the assumption that each unit will generate 0.5 twenty-second calls during the busy hour.

(v) Each tone-digital readout paging unit will be presumed to generate 0.0033 MPU of traffic. This is based on the assumption that each unit will generate 0.5 four-tenths-second calls during the busy hour. (Note: This figure is based on limited usage and is subject to later reexamination.)

(vi) The traffic expected to be generated in the system shall be calculated, in Erlangs, by summing the MPU's discussed in paragraphs (3) (ii), (iii), (iv) and (v) of this section, discounting the sum by 20% and then dividing by 60.

(vii) Referring to the Erlang C Table, the expected grade of service levels shall be calculated for each proposed system. A determination of the number of channels authorized will be based on the grade of service so calculated.

(c) [Reserve]

(d) Applications which do not satisfy these standards will be dismissed and returned as unacceptable for filing pursuant to § 22.20.

Appendix B

Standard Survey Format

———— is in the process of seeking approval from the FCC and the ———— to furnish ———— service. If approved, we expect to be able to offer this service by ————.

We would appreciate it if you would take the time to consider your need for ———— service and to complete the application below. This application is not binding on your part and is subject to our receiving approvals from the appropriate regulatory agencies. This application is a means by which we can determine the need for a ———— service. If we do receive authorization to provide ———— service, you would be contacted to determine if you still desire to subscribe to this service.

Please return the completed application in the enclosed envelope or drop it off at our office ————. We would appreciate receiving the application no later than ————. If you are not interested in the ———— service, there is no need to return the application.

Thank you.

Application for ———— Service

(Conditioned upon authorization of service by FCC)

Name ————

Type of business or occupation ————

Address ————

Telephone ————

Number of two-way units desired ————

Number of paging units desired ————

Will purchase pager(s) ———— Will lease —

Undecided————

Type of Unit: Tone ——— Tone/Voice ——
I want and need and/or service in ——— and vicinity, the cost of which, I understand, is expected to be approximately —— per month, including rental and maintenance of the service and —— per month including rental and maintenance of the —— service. If I provide my own ——, the cost of service will be approximately —— per month for —— and per month for —— service. I understand further that since —— is in the process of obtaining authority from the FCC and —— to provide this service, there is no guarantee as to its availability or the date thereof. This application is accordingly subject to confirmation by me at the time the service becomes available.
Signature ———
Date ———
Remarks: ———

Concurring Statement of Commissioner Mimi Weyforth Dawson re: Public Policies and Procedures for the Domestic Public Land Mobile Radio Service

This decision establishes objective need standards for applications requesting more than one initial two-way channel and applications requesting additional two-way channels for existing systems in the Domestic Public Land Mobile Radio Service (DPLMRS). Applications for additional channels up to a maximum of four will be granted when the application shows that the existing system's present grade of service is 0.25 or greater or that the existing grade of service is 0.20 or greater with a projected grade of service of 0.25 or greater. To demonstrate the requisite projected grade of service, applicants must obtain a number of written held orders for service from a sample of respondents and project this need into a larger universe, using generally accepted survey techniques. Additionally, the "bouncing busy hour" must be employed as the basis for projecting traffic, where the bouncing busy hour is the average of the busiest hour on the three days for which traffic loading data are reported.

The Commission's driving concern in adopting objective need standards is to promote efficient use of limited spectrum by thwarting the potential for frequency warehousing. Unfortunately, this regulatory reform, while taking an important step in the right direction, does not fully reflect the dynamics of the marketplace. In truth, mobile communications service represents one of the most competitive communications services offered to consumers.

In analyzing the potential for warehousing, the Commission cannot limit the scope of its analysis to DPLMRS but must include such services as private mobile systems and cellular radio. If this broader view is taken, it becomes clear that the incentive and ability of DPLMRS licensees to warehouse spectrum will prove to be the very rare exception, rather than the rule. In this setting, the efficacy of making arbitrary determinations concerning the requisite grade of service during the "bouncing busy hour" in order to grant applications takes on a diminished attraction compared to a system that presumes a general public need for all mobile services, irrespective of the projections of various applicants. Of course, such a finding would be fully consistent with Commission precedent in this area. See *e.g., Land Mobile Use of 806–960 MHz Band*, 14 FCC 2d 311 (1968).

I believe the Commission should impose regulation only where it can be shown that marketplace forces will not maximize consumer welfare. In the present situation, no case has been made to warrant what amounts to preventive and arbitrary regulation. The potential problems of monopolization of service and warehousing of frequencies can be dealt with directly if and when they actually do occur. Therefore, while I applaud the majority's intent, I can only concur with the methodology employed to achieve that intention.

[FR Doc. 83-4755 Filed 2-24-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-598; RM-4157]

Radio Broadcast Services; TV Broadcast Station in Lake Dallas, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 55 to Lake Dallas, Texas, in response to a petition filed by the McLenden Company. The assignment could provide Lake Dallas with its first local television service.

EFFECTIVE DATE: April 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: January 26, 1983.

Released: February 11, 1983.

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lake Dallas, Texas); BC Docket No. 82–598, RM–4157; report and order (Proceeding Terminated).

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 40458, published September 14, 1982, proposing the assignment of UHF Television Channel 55 to Lake Dallas, Texas, as the community's first television assignment. Supporting comments were filed by the petitioner, reaffirming his intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Lake Dallas (pop. 3,177)[1] is located in northeastern Texas in Denton County (pop. 143,126) approximately 25 miles northwest of Dallas, Texas. It had no local television broadcast service.

3. We believe that the public interest would be served by assigning UHF Television Channel 55 to Lake Dallas, Texas. The petitioner has adequately demonstrated the need for a first television allocation to that community. The assignment can be made in compliance with the minimum distance separation requirements and other technical criteria.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules. It is ordered, That effective April 12, 1983, § 73.606(b) of the Commission's Rules is amended with respect to the following community:

City	Channel No.
Lake Dallas, Tex.	55

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning this proceeding, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-4757 Filed 2-24-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 95

Personal Radio Service; Editorial Amendment of the Commission's Rules To Eliminate Obsolete Rule Provisions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document editorially

[1] Population data is obtained from the 1980 U.S. Census, Advance Reports.

amends the Technical Regulations that apply to the Personal Radio Services. The amendment is necessary in order to eliminate rule provisions which have become obsolete with the passage of time. With the amendment, users of these rules will not be confused by provisions and dates that are no longer relevant.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554 (202) 632–4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 95

Communications equipment, Radio.

In the Matter of an Editorial Amendment of 47 CFR Part 95, Subpart E, Technical Regulations, Personal Radio Services; Order

Adopted: February 3, 1983.

Released: February 10, 1983.

1. Part 95, Subpart E, contains the Technical Regulations that apply to the Personal Radio Services. This Order eliminates rule provisions which have become obsolete due to the passage of time.

2. Since this amendment is editorial, and, therefore, non-substantive in nature, the notice and public procedure provisions of section 553(b) of the Administrative Procedure Act are not applicable.

3. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and §0.231(d) of the Commission's Rules.

4. Accordingly, it is ordered, That 47 CFR Part 95, Subpart E, Technical Regualtions, Personal Radio Services, is amended as set forth in the attached Appendix.

5. The effective date of this rule amendment is March 25, 1983.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Edward J. Minkel

Managing Director.

Appendix

PART 95—[AMENDED]

Title 47 of the Code of Federal Regulations, Part 95, Subpart E, Personal Radio Services, 47 CFR Part 95, is amended, as follows:

In §95.641, remove paragraphs (c) (1) and (2) as follows:

§95.641 Acceptability of transmitters for licensing.

* * * * *

(c) * * *

(1) [Removed]

(2) [Removed]

* * * * *

[FR Doc. 83–4756 Filed 2–24–83; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1249

[No. 38858]

Revision to the Annual Report of Motor Carriers of Household Goods, Form M–H

AGENCY: Interstate Commerce Commission.

ACTION: Final rule; correction notice.

SUMMARY: On December 16, 1982 the Commission served the final rule in this proceeding (47 FR 56359). This final rule reduced the reporting burden imposed upon class I and II motor carriers of household goods by eliminating fourteen schedules in the 1982 Annual Report Form M–H. It also eliminated the Annual Report Supplement on Corporate Disclosure.

Appendix A of the final rule listed Schedule 800—Compensation of Officers, Directors, etc. as one of the schedules eliminated. This was an error because there is no Schedule 800 in Annual Report Form M–H. The schedule eliminated was Schedule 801 B—Compensation of Officers, Directors, etc. This Notice is issued to correct Appendix A.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason (202) 275–7448.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4772 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 39
Friday, February 25, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 225, and 226

Child Nutrition Labeling Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) proposes to establish an Appendix C to the regulations for each of the following programs: The National School Lunch Program, the Summer Food Service Program for Children, and the Child Care Food Program to establish a CN labeling program. The Department is issuing this appendix to formalize an existing voluntary technical assistance program which has operated without benefit of public scrutiny and which has grown over the past few years. This proposal will formally establish a Child Nutrition (CN) Labeling Program, authorize the Secretary to issue guidance material on the CN Labeling Program, establish a logo or a distinct border which encloses a label statement, establish a warranty against audit claims for products that are CN labeled, and establish product eligibility.

DATE: Comments must be postmarked by midnight on or before April 26, 1983.

ADDRESS: Comments may be mailed to Cynthia H. Ford, Branch Chief, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, USDA. Alexandria, Virginia 22302. Comments will be received and may be inspected at Room 602, Nutrition and Technical Services Division, Park Office Center Building, 3101 Park Center Drive, Alexandria, Virginia, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Kathy Molino or Chris Clay (703) 756–3556.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Executive Order 12291 and has been classified nonmajor because it does not meet any of the three criteria of the Executive Order. It will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete. The CN Labeling Program has been in existence since the early 1970's and is currently administered by the Food and Nutrition Service (FNS) in conjunction with the Food Safety and Inspection Service (FSIS) and the Agricultural Marketing Service (AMS) of the United States Department of Agriculture, and the Bureau of Marine Fisheries, of the United States Department of Commerce (USDC). The application procedures were established under existing FSIS, USDC, and Food and Drug Administration (FDA) labeling requirements. Final labeling authority remains with these agencies. Additionally, the CN Labeling Program will remain a voluntary technical assistance program. This proposal merely establishes authorization in program regulations. The logo or warranty cannot be used until thirty days after a final rule is published. Manufacturers who now have CN labels need to resubmit their labels within one year after the rule becomes final if they wish to remain in the Program.

The proposal has also been reviewed with regard to the provisions of Pub. L. 96–354. Robert E. Leard, Acting Administrator of the Food and Nutrition Service, has certified that the proposal does not have a significant economic impact on a substantial number of small entities.

Reporting and recordkeeping requirements contained in this rule will not become effective until approved by the Office of Management and Budget under the Paperwork Reduction Act.

Background

During the 1970's changes and expansion in food technology and marketing increased the availability and use of commercially prepared products such as beef patties and combination items (burritos, pizzas, etc.) in the child nutrition programs. These products posed a problem for food service directors. It was difficult at the point of sale to determine their actual contribution toward meal pattern requirements and to assure compliance with Federal regulations for serving specific amounts of foods. This fact, coupled with the anticipation of increased sales of these products to child nutrition programs, prompted FNS to form an evaluation committee to determine a means for properly evaluating the contribution of these kinds of products toward the meal pattern requirements. The Committee, composed of FNS and USDA's FSIS staff, worked together to recommend, design, and implement a program to review and monitor such products. To participate in the program, industry submits labels to FNS of products that are in conformance with the FSIS label approval program for meat and poultry, USDC label approval program for seafood products, and AMS product approval for juice drinks and juice drink products. Additionally, cheese pizzas and a few miscellaneous items such as egg products and meat sandwiches are currently being labeled by FNS.

Essentially, the CN Labeling Program involves the review of a manufacturer's recipe or product formulation to determine the contribution a serving of the product makes toward meal pattern requirements and a review of the CN label statement to ensure its accuracy. There is *no Federal requirement* that commercially prepared combination products have CN label statements. The decision to require that a product have a CN label statement is left to the local school food authority.

The program has come to play a significant role in the food service management of child nutrition programs. The scope and use of products labeled under the CN Labeling Program have continually expanded. Requests for CN labels by food manufacturers and food service directors have escalated due to: (1) Increased emphasis on meal pattern compliance as related to Assessments, Improvement, and Monitoring System (AIMS) regulations, (2) increased use of commercially prepared products, (3) the requirement by a few States that applicable processed donated food products bear a CN label statement, and (4) increased use of the CN label as a requirement in purchasing specifications prepared by local school food authorities. In addition, support for the

use of CN label statements has come from the Inspector General, food trade associations, the National Committee on Meal Pattern Monitoring, and the National Advisory Council on Child Nutrition. These groups believe that a broad CN Labeling Program could help assure compliance with meal pattern requirements and alleviate the need for product testing for meal pattern requirements compliance at the State and local level.

Since the inception of the program, the labeling procedures employed by FNS have evolved on a case-by-case basis to meet new situations. Thus, to date, the CN Labeling Program is administered by FNS without formal program regulations. Operational policies, procedures, and instructions will continue to be issued by the Department as guidance material as is presently done.

Issues addressed: The following is a discussion of pertinent issues and how the Department is proposing to address them in this proposed rule.

1. *CN Logo* The Department is proposing to require companies to use a CN statement logo or distinctive border as part of the CN label statement approval. The logo will help to protect the integrity of the CN Labeling Program, to avoid possible abuse, and to make the CN label statement easy to identify.

2. *Warranty.* The Department proposes that a school or institution which purchases a CN labeled product in good faith and uses it according to the manufacturer's directions will not have audit claims placed against it for that portion of the meal supplied by the CN labeled product. To make this effective, a CN labeled product will be produced under an appropriate Federal inspection program. Yields for determining product contributions as stated in the CN label statement will be calculated using the *Food Buying Guide for School Food Service* (Program Aid number 1257).

If a State or Federal auditor finds that a product that is CN labeled does not actually meet the meal pattern requirements claimed on the label, the auditor will report this to FNS for appropriate action against the company.

3. *Products Eligible for CN Labeling.* The Department proposes to limit the use of the CN label statement to food products that contribute significantly to the meat/meat alternate component of the meal pattern and are served in the main dish. Therefore, we are proposing that juice drinks and juice drink products no longer be eligible for CN label approval. Child nutrition labels will be issued for these products (that would no longer be eligible for CN labels) until the end of the phase out time period. Industry will have 1 year from the date of the final rule publication to comply and may use existing labels until that time. Comments are specifically requested on discontinuing CN labeling of juice drinks and juice drink products.

List of Subjects

7 CFR Part 210

Food assistance programs, National School Lunch Program, Grant programs—social programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Reporting requirements.

7 CFR Part 226

Day care, Food assistance programs, Grant programs—health, Infants and children, Surplus agricultural commodities.

Accordingly, a new Appendix C, Child Nutrition (CN) Labeling Program, is proposed to be added to 7 CFR Parts 210, 225 and 226. For Parts 225 and 226 we are reserving Appendix B. Appendix C should read as follows:

Appendix C—Child Nutrition (CN) Labeling Program

1. The Child Nutrition (CN) Labeling Program is a voluntary technical assistance program administered by the Food and Nutrition Service (FNS) in conjunction with the Food Safety and Inspection Service (FSIS), Agricultural Marketing Service (AMS), and Bureau of Marine Fisheries for the child nutrition programs. This program essentially involves review of a manufacturer's recipe or product formulation to determine the contribution a serving of a meat/meat alternate product makes toward meal pattern requirements and review of the CN label statement to ensure its accuracy. In addition, the product must be produced under an approved quality control program.

2. For the purpose of this regulation the term:

(A) The "CN logo" (as shown below) means a distinct border which is used around the edges of a statement of the contribution a defined portion of a meat/meat alternate product makes toward meal pattern requirements of 7 CFR 210.10, 225.21 and 226.20.

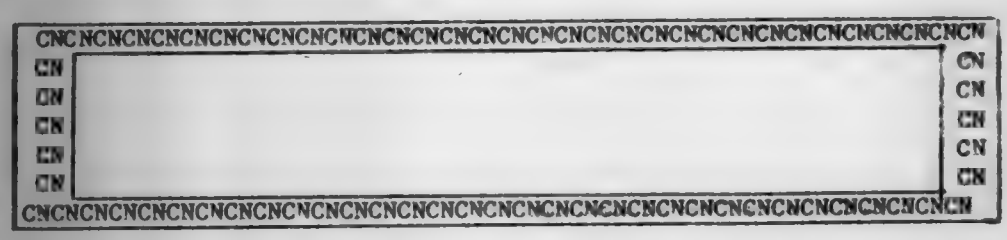

(B) The "CN label statement" includes the following:

(1) The CN logo (as defined in paragraph (A) above)

(2) The product identification number (assigned by FNS)

(3) The statement of the meat/meat alternate product's contribution to child nutrition program meal pattern requirements

(4) Statement specifying that the use of the logo and CN statement was authorized by the Food and Nutrition Service, and

(5) The approval date.

For Example:

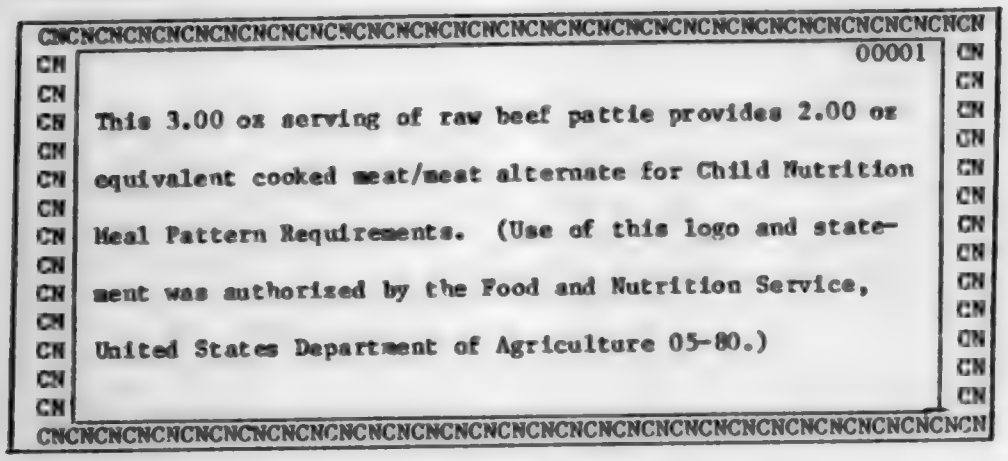

(C) "CN label" means a food product label that contains a CN label statement.

3. Food processors or manufacturers may use the CN logo as defined in paragraph 2(A), under the following conditions:

(A) The CN label must be reviewed and approved at the national level by the Food and Nutrition Service (FNS) and appropriate agency responsible for the inspection program.

(B) The CN label statement must be printed as an integral part of the product label along with the product name, the percent ingredient listing, the inspection shield or mark for the appropriate inspection program, the establishment number where appropriate, and the manufacturer's or distributor's name and address.

(C) The statement inside the logo identifies the contribution to the meal pattern requirements for the meat/meat alternate, bread/bread alternate, and/or vegetable/fruit as contained in a specified portion of a meat/meat alternate product.

4. In the event a company uses the CN logo inappropriately, the company will be requested to discontinue the use of the logo and the matter will be referred to the appropriate agency for action to be taken against the company.

5. Products that bear a CN label statement as described in this document carry a warranty. This means that if a food authority participating in the child nutrition programs purchases a CN labeled product and uses it in accordance with the manufacturer's directions, the school or institution will not have an audit claim filed against it for the CN labeled product for non-compliance with the meal pattern requirements. If a State or Federal auditor finds that a product that is CN labeled does not actually meet the meal pattern requirements claimed on the label, the auditor will report this finding to FNS. FNS will prepare a report on the findings and send it to the appropriate divisions of FSIS, AMS, Bureau of Marine Fisheries of the U.S. Department of Commerce, Food and Drug Administration, or the Department of Justice for action against the company.

Any or all of the following courses of action may be taken:

(A) The company's CN label may be revoked for a specific period of time;

(B) The appropriate agency may pursue a misbranding or mislabeling action against the company producing the product;

(C) The company's name will be circulated to regional FNS offices; and

(D) FNS will require the food service program involved to notify the State office of the labeling violation.

6. The Food and Nutrition Service is authorized to issue operational policies, procedures, and instructions for the CN Labeling Program.

To apply for a CN label and to secure additional information on CN label application procedures write to: CN labels, U.S. Department of Agriculture, Food and Nutrition Service, Nutrition and Technical Services Division, 3101 Park Center Drive, Alexandria, Virginia 22302.

(National School Lunch Act Sections 9, 13, 17, 42; U.S.C. 1758, 1761, 1766; 7 CFR Parts 210.10, 225.10, 226.21)

Dated: February 17, 1983.

Robert E. Leard,

Acting Administrator.

[FR Doc. 83-4588 Filed 2-24-83; 8:45 am]

BILLING CODE 3410-30-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins; REA Specification for Filled Telephone Cable With Expanded Insulation, PE-89

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A—REA Bulletins by issuing a revision of REA Bulletin 345-89, REA Specification for Filled Telephone Cable with Expanded Insulation, PE-89. This revision will permit the use of 19 AWG conductor sizes and cables of less than 200 pair. The current REA Specification PE-89 limits the pair size and conductor gauge of filled cable with expanded insulation that can be manufactured by cable suppliers and installed by REA borrowers. These limitations were placed on this cable because this design was a radical departure from existing REA practices and we wished to control its initial installation until further field studies had been performed indicating satisfactory performance at no sacrifice in quality. These field studies have been completed indicating that filled cables with expanded insulation in 19 AWG conductor sizes and pair sizes below 200 pairs have provided satisfactory field service without a sacrifice in quality.

DATE: Public comments must be received by REA no later than April 26, 1983.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-8667. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend Appendix A—REA Bulletins by issuing a revised REA Bulletin 345-89, REA Specification for Filled Telephone Cable with Expanded Insulation, PE-89. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act and is not subject to OMB Circular A-95 review.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851, Rural Telephone Loans and Loan Guarantees.

A copy of the proposed revised specification is available upon request from the address indicated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Background

The current REA Specification PE–89 limits the pair size and conductor gauge of filled cable with expanded insulation that can be manufactured by cable suppliers and installed by REA borrowers. These limitations were placed on this cable because this design was a radical departure from existing REA practices and we wished to control its initial installation until further field studies had been performed indicating satisfactory performance at no sacrifice in quality. These field studies have been completed indicating that filled cables with expanded insulation in 19 AWG conductor sizes and pair sizes below 200 pairs have provided satisfactory field service without a sacrifice in quality.

This action will establish REA requirements for filled cables with expanded insulation using the proposed stated options without affecting the current designs or manufacturing techniques of cable manufacturers. This action will also affect REA borrowers in that they will be able to install a full range of filled telephone cable with expanded insulation at reduced cable cost without degradation in cable quality. It will affect petroleum producers in that it will decrease the consumption of petroleum in telephone cables.

In view of the above, the Administrator is proposing to issue revised REA Bulletin 345–89, REA Specification for Filled Telephone Cable with Expanded Insulation, PE–89.

As required by 1 CFR 18.20, the following are the indexed terms and list of subjects for this regulation:

List of Subjects in 7 CFR Part 1701

Loan programs—Communications, Telcommunications, Telephone.

Dated: February 14, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83–4483 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–15–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–24]

Union Carbide Corp.; Petition for Rulemaking; Extension of Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking: Extension of comment period.

SUMMARY: On November 30, 1982, the NRC published a notice of receipt of a petition for rulemaking filed by the Union Carbide Corporation (47 FR 53889). The petition requested that the NRC amend portions of its regulations setting out criteria for the operation of uranium mills and the disposition of tailings or wastes resulting from uranium milling activities. The notice of receipt requested public comment on the petition and established a comment closing date of January 31, 1983. Several interested parties have requested that NRC extend the comment period on PRM–40–24 for varying lengths of time. Because of the length and complexity of the petition, NRC has agreed to extend the comment period for 90 days from the original comment closing date.

DATE: The comment period for PRM–40–24 is extended from January 31, 1983 to May 2, 1983.

ADDRESSES: A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7086 or Toll Free: 800–368–5642.

Dated at Washington, D.C., this 17th day of February 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83–4873 Filed 2–24–83; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 543

[No. 83–94]

Amendments Relating to Grandfathering of State Authority by Institutions Converting to Federal Charters

AGENCY: Federal Home Loan Bank Board.

ACTION: Extension of comment period on proposed rule.

SUMMARY: The Board extends until March 10, 1983, the closing date of the comment period on the Board's proposal relating to the grandfathering of rights enjoyed as state mutual savings banks by institutions converting to federal charter.

In order to have the benefit of additional submissions from interested parties in its consideration of this matter, the Board has determined to extend the comment period.

DATE: Comment period extended to March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Randall H. McFarlane, Legislative Counsel, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, (202) 377–6449.

SUPPLEMENTARY INFORMATION: On December 8, 1982, the Board, by Resolution No. 82–792 (47 FR 56363, December 16, 1982) proposed to issue a new regulation applicable to the grandfathering of rights enjoyed as state mutual savings banks by institutions converting to federal charter, whether those institutions retain their Federal Deposit Insurance Corporation insurance coverage or obtain insurance coverage from the Federal Savings and Loan Insurance Corporation. Comments on the proposals originally were due by January 17, 1983, which was shorter than the Board's customary 60-day comment period. Because it appears that the statutory authority underlying the grandfathering proposal will be an important factor in many conversions currently under consideration in the industry, and in order to have the benefit of additional submissions from interested parties in its consideration of this matter, the Board has determined to

extend the comment period until March 10, 1983.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1547; 3 CFR 1943–1948 Comp., p. 1071)

Dated: February 18, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-4752 Filed 2-24-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 271 and 274

[Docket Nos. RM80-50-003, RM80-50-004, and RM80-50-005]

High-Cost Natural Gas; Production Enhancement Procedures; Extension of Time Comments

February 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Request for Additional Comments; extension of comments period.

SUMMARY: On January 21, 1983, the Commission issued a Notice of Request for Additional Comments on issues raised by petitions for rehearing of Order No. 107 (48 FR 4800, February 3, 1983). Order No. 107 is a final rule establishing an incentive maximum lawful price under section 107 of the Natural Gas Policy Act of 1978 for natural gas subject to existing intrastate contracts (section 105) on which production enhancement work has been performed. The Commission requested additional comments on whether Order No. 107 should be expanded to apply to interstate natural gas (section 104) or rollover contracts (section 106). The comments period is being extended at the request of Sun Exploration and Production Company and various producers of natural gas.

DATE: Comments must be submitted on or before April 6, 1983.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357–8400.

SUPPLEMENTARY INFORMATION:

February 22, 1983.

In the matter of High-Cost Natural Gas: Production Enhancement Procedures; Docket Nos. RM80-50-003, RM80-50-004, and RM80-50-005; Extension of Time.

On February 4, 1983, Sun Exploration and Production Company, on behalf of various producers of natural gas (Producers), filed a motion for an extension of time to file comments in response to the Commission's Notice of Request for Additional Comments issued January 21, 1983, in the above-docketed proceeding. The motion states that the Producers require additional time in order to evaluate relevant technical data and to provide meaningful response to the Commission's Notice.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including April 6, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4753 Filed 2-24-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 79N-0371]

Lactic Acid and Calcium Lactate; Affirmation of GRAS Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Tentative final rule.

SUMMARY: The Food and Drug Administration (FDA) is tentatively affirming that lactic acid and calcium lactate are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. FDA is publishing this document as a tentative final rule because the agency is not including the levels of use of food categories that appeared in the proposal.

DATE: Comments by April 26, 1983.

ADDRESS: Written comments may be sent to the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202–426–9463.

SUPPLEMENTARY INFORMATION: In the Federal Register of May 16, 1980 (45 FR 32324), FDA published a proposal to affirm that lactic acid and calcium lactate are GRAS for use as direct human food ingredients. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on lactic acid and of the report of the Select Committee on GRAS Substances (the Select Committee) on lactic acid and calcium lactate are available for public review in the Dockets Management Branch (address above). Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of lactice acid and calcium lactate, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient use for these substances, other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approval granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions, so that the safety of the prior-sanctioned uses could be determined. That notice was also an opportunity to have prior-sanctioned uses of lactic acid and calcium lactate recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181) or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert the sanction at any future time.

No reports of a prior-sanctioned use for lactic acid or calcium lactate were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for a use of lactic acid or calcium lactate under conditions different from those set forth in this regulation has been waived.

Eleven comments were received in response to the proposal on lactic acid and calcium lactate.

1. Two comments noted that the proposal addressed only lactic acid produced by fermentation and not the synthetic material. One comment said synthetic lactic acid is a major source of lactic acid added to foods and is preferred for certain uses because of better heated stability properties. The

other comment described a synthetic procedure for producing lactic acid using acetaldehyde and hydrogen cyanide and suggested that this procedure be included in the final rule.

FDA has carefully reviewed the synthetic procedure described in this comment and is aware of no health hazard that might arise from the use of lactic acid synthesized by this procedure, provided the product meets the specifications established in the regulation. Therefore, the agency has modified the description of lactic acid (§ 184.1061(a)) to include lactic acid synthesized by the reaction of acetonitrile, and hydrogen cyanide, with subsequent hydrolysis of the resultant lactonitrile.

2. One comment noted that the specifications for lactic acid found in the Food Chemicals Codex, 2d Ed. (1972), and cited in paragraph (b) of the proposed regulation, have been amended in the Food Chemicals Codex, 3d Suppl. (1978).

Although the comment was correct at the time it was made, a third edition of the Food Chemicals Codex was published in 1981. The latest edition incorporates the change made in the 1978 supplement, and the regulation now refers to the 1981 edition.

3. One comment asked that proposed § 184.1207(a) be modified to include use of calcium hydroxide as well as calcium carbonate in the production of calcium lactate.

FDA is aware of no health hazard that might arise from the use of calcium hydroxide in the production of calcium lactate. Therefore, the agency has modified the tentative final rule to include use of either calcium carbonate or calcium hydroxide for this purpose.

4. Ten comments reported use of lactic acid or calcium lactate in food categories or at use levels that were not included in the proposed rule and requested that FDA include these conditions of use in the final rule.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA stated that it no longer intends to list routinely food categories, technical effects, and levels of use for ingredients that are affirmed as GRAS with no limitation other than current good manufacturing practice. The agency proposed to amend 21 CFR 184.1 and 186.1 to state that FDA will include conditions of use in regulations only when the agency determines that it is appropriate to do so. Consistent with this proposal and in response to the comments that FDA received on lactic acid and calcium lactate, the agency has tentatively concluded that it is not necessary to list food categories and levels of use in the GRAS regulations for these ingredients. Lactic acid and calcium lactate are both used in a large number of food categories, and both the Federation of American Societies for Experimental Biology and FDA have concluded that a large margin of safety exists for the use of these substances, and that a reasonably foreseeable increase in the level of use of these substances will not adversely affect human health. Therefore, the agency has decided to affirm tentatively the GRAS status of lactic acid and calcium lactate when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1). To make clear, however, that the tentative affirmation of the GRAS status of these substances is based on evaluation of their currently known uses, the regulations set forth the technical effects that FDA evaluated.

In the judgment of FDA, its decision not to include levels of use and food categories in the regulations affirming the GRAS status of these substances does not represent a major change from the proposed regulation. The levels of use included in the proposal were never intended to be specific limitations, and the proposal did not preclude the use of lactic acid or calcium lactate in any food category. However, to afford interested persons the opportunity to comment on the agency's decision, FDA is issuing this tentative final rule under § 10.40(f)(6) (21 CFR 10.40(f)(6)). FDA will review any comments relevant to the removal of the levels of use and food categories that it receives within the 60-day comment period and will issue in the **Federal Register** either an announcement that this tentative final rule has become final or an announcement of modification to these regulations made on the basis of the new comments.

In addition, FDA specifically proposed not to affirm the use of these ingredients in infant foods and infant formulas as GRAS because of reports of metabolic acidosis and growth retardation in infants, as cited by the Select Committee, that have been associated with their use. FDA did not receive any comments on this aspect of the proposal. Therefore, the tentative final regulations continue to exclude use of these ingredients in infant foods and infant formulas from their coverage.

The format of the tentative final regulation is different from that in the proposal and in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1061 and 184.1207 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including the technical effects listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this tentative final rule would have on small entities including small businesses. Because the tentative final fule imposes no new restrictions on the use of these ingredients, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this tentative final rule, and the agency has determined that the final rule, if promulgated from this tentative final rule, would not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 814 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. Part 182 is amended:

§ 182.1061 [Removed]

a. By removing § 182.1061 *Lactic acid.*

§ 182.1207 [Removed]

b. By removing § 182.1207 *Calcium lactate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1061 to Subpart B, to read as follows:

§ 184.1061 Lactic acid.

(a) Lactic acid ($C_3H_6O_3$, CAS Reg. Nos.: *DL* mixture, 598–82–3; *L*-isomer, 79–33–4; *D*-isomer, 10326–41–7), the chemical 2-hydroxypropanoic acid, occurs naturally in several foods. It is produced commercially either by fermentation of carbohydrates such as glucose, sucrose, or lactose, or by a synthetic procedure involving formation of lactonitrile from acetaldehyde and hydrogen cyanide and subsequent hydrolysis to lactic acid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 159, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitations other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as an antimicrobial agent as defined in § 170.3(o)(2) of this chapter; a curing and pickling agent as defined in § 170.3(o)(5) of this chapter; a flavor enhancer as defined in § 170.3(o)(11) of this chapter; a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter; a pH control agent as defined in § 170.3(o)(23) of this chapter; and a solvent and vehicle as defined in § 170.3(o)(27) of this chapter.

(2) The ingredient is used in food, except infant foods and infant formulas, at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

b. By adding new § 184.1207 to read as follows:

§ 184.1207 Calcium lactate.

(a) Calcium lactate ($C_nH_{10}CaO_n.xH_2O$, where x is any integer up to 5, CAS Reg. No. 814–80–2) is prepared commercially by the neutralization of lactic acid with calcium carbonate or calcium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 53, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a firming agent as defined in § 170.3(o)(10) of this chapter; a flavor enhancer as defined in § 170.3(o)(11) of this chapter; a flavoring agent or adjuvant as defined in § 170.3(o)(12) of this chapter; a leavening agent as defined in § 170.3(o)(17) of this chapter; a nutrient supplement as defined in § 170.3(o)(20) of this chapter; and a stabilizer and thickner as defined in § 170.3(o)(28) of this chapter.

(2) The ingredient is used in food, except infant foods and infant formulas, at levels not to exceed current good manufacturing practice.

(d) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Interested persons may, on or before April 26, 1983 submit to the Dockets Management Branch (address above) written comments regarding this tentative final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 9, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4747 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 170 and 240

[Notice No. 458; re: Notice 320]

Recodification of Wine Regulations; Elimination of Subpart XX in Part 240 and Some Sample Requirements for Formula Wines in Parts 170 and 240

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: ATF purposes to eliminate 27 CFR Part 240, Subpart XX, Calculations for Wine Production, and requirements for samples of salted wine and special natural wine submitted with applications for formula approval in 27 CFR Parts 170 and 240 respectively. The elimination of Subpart XX and sample requirements in 27 CFR 170.686 and 240.441 will reduce the regulatory burden on the affected industries.

DATE: Comments must be received on or before April 26, 1983.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044–0385 (Notice No. 458).

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226; (202–566–7626).

SUPPLEMENTARY INFORMATION: On May 22, 1979, ATF published Notice No. 320 (44 FR 29691), proposing recodification of the wine regulations involving 27 CFR Parts 170, 231 and 240, and requesting comment from interested parties. The comment period on this advance notice of proposed rulemaking was extended twice, allowing a total time of 15 months for comments to be transmitted. The Bureau received comments during this period from the Wine Institute, United Vintners Inc., the Association of American Vintners, Canandaigua Wine Company, Inc., and Montdomaine Cellars, Inc. The request for comment and the responses covered a wide range of problems. This notice specifically addresses areas in Parts 170 and 240 and is only one in a series of notices that will be addressing the recodification and amending of wine regulations.

Two comments were received (the Association of American Vintners and the Wine Institute) specifically advocating the elimination of Subpart XX. The Bureau proposes elimination of Subpart XX, §§ 240.960 through 1029, since these sections primarily contain

material which is informational and not appropriate for regulations. The few regulatory requirements which appear in Subpart XX are also found in other Part 240 subparts.

One commenter suggested the information in Subpart XX be put in a publication available to winemakers. Many of the tables and formulas which appear in Subpart XX, such as those for the addition of sugar, wine spirits additions amelioration, and tank calibrations, are valuable to winemakers. Since it is possible these tables and formulas are readily available to winemakers through other sources, we would particularly like comments on ATF publishing a pamphlet with the tables and formulas in Subpart XX. In the proposed regulations we have added a formula for calculating amelioration to Sections 240.366 and 240.407. Comments about this formula are also requested.

No comments were received specifically addressing the elimination of samples. This notice proposes to eliminate the requirements for submission of samples of salted wine made in accordance with § 170613(a)(6) and of samples of special natural wine in § 240.441.

List of Subjects

27 CFR Part 170

Alcohol and alcoholic beverages, Authority delegations, Claims, Customs duties and inspection, Disaster assistance, Excise taxes, Labeling, Liquors, Penalties, Reporting requirements, Surety bonds, Wine.

27 CFR Part 240

Administrative practice and procedure, Authority delegations, Claims, Electronic fund transfers, Excise taxes, Exports, Food additives, Fruit juices, Labeling, Liquors, Packaging and containers, Reporting requirements, Research, Scientific equipment, Spices and flavorings, Surety bonds, Transportation, Vinegar, Warehouses, Wine.

Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because they will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future AFT action. Copies of the proposed regulations and any written comments are available for public inspection during normal business hours at: AFT Reading Room, Room 4405, Federal Building, 12th and Pennsylvania, Avenue, NW., Washington, DC.

AFT will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Acting Director, within the 60 day comment period. The Acting Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

Drafting Information

The author of this document is James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

These regulations are issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended). Title 27 Code of Federal Regulations is revised as follows:

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Paragraph 1. Section 170.686 is revised to remove the requirement for submission of samples of salted wines with formula application. As revised, § 170.686 reads as follows:

§ 170.686 Formulas.

(a) *Requirement for formula.* Before producing any nonbeverage wine, the proprietor must receive approval of the formula by which the wine, or wine product made from wine, is to be rendered unfit for beverage use. The formula and process shall be described on Form 5120.29. Each formula filed under the provisions of this section shall be numbered in serial order, starting with No. 1 and shall be prefixed with the symbol "NB." Except for salted wine made in accordance with § 170.613(a)(6), one 750 milliliter sample of the base wine or wine product to be used, and one 750 milliliter sample of the nonbeverage wine made therefrom shall be submitted under separate cover at the time of filing the formula. The Director may require the submission of samples of the material to be used in rendering the wine or wine products unfit for beverage use. All ingredients to be used will be shown on the Form 5120.29 as well as the quantities required to make 100 gallons of the nonbeverage wine. The formula should also show the intended use of the nonbeverage wine. The process used in rendering the wine or wine products unfit for beverage use shall be stated in detail.

(b) *Change in formula.* Any material change in characteristics of the finished product will require the filing of a new formula, even though the ingedients and process may be the same as the approved formula.

PART 240—WINE

Subpart XX—[Removed]

Paragraph 2. The table of contents is amended to remove Subpart XX.

§ 240.162 [Amended]

Paragraph 3. Section 240.162 is amended by removing the last sentence referencing Subpart XX.

Paragraph 4. Section 240.366 is amended by removing the last sentence referencing Subpart XX and adding an amelioration calculation example at the end of the section. As amended § 240.366 reads as follows:

§ 240.366 Limitations on amelioration.

* * * * *

Amelioration Calculations

To calculate the volume of ameliorating material to reduce the acid of juice:

X=(AB) divided by C minus B

A=Grams of acid per 1,000 ml. in juice before amelioration.

B=Gallons of juice before amelioration.

C=Grams of acid per 1,000 ml desired in juice after amelioration (not less than 5.0).

X=Volume of ameliorating material to add to the juice.

To calculate the percentage of ameliorating material added to the juice:

Y=(X–B) divided by X

Y=Percentage of ameliorating material added to the juice (not more than 35% allowed for grapes and other fruits except not more than 60% allowed for currants, gooseberries or loganberries).

Example Calculations

To calculate the volume of ameliorating material to add to 500 gallons of juice to reduce the acid from 6.0 grams per 1,000 ml to 5.0 grams per 1,000 ml:

$$X = \frac{(6.0 \times 500)}{5.0} \text{ minus } 500$$

$$X = \frac{3000}{5.0} \text{ minus } 500$$

X=600 minus 500

X=100 gallons

To calculate the percentage of ameliorating material in the 600 gallons of juice and added ameliorating material:

600—500 divided by 600=16.7%

Paragraph 5. Section 240.407 is amended by removing the last sentence referencing Subpart XX and adding a sentence to the end of the section to reference the amelioration calculations example. As amended § 240.407 reads as follows:

§ 240.407 Limitations on Amelioration.

* * * * *

See § 240.366 for amelioration calculations.

Paragraph 6. Section 240.441 is revised to remove the requirement for submission of samples with formula application. As revised § 240.441 reads as follows:

§ 240.441 Formula required.

(a) *General.* Before producing any special natural wine, the proprietor shall receive approval of the formula by which it is to be made. The formula and process will be described on Form 5120.29. All ingredients used will be shown on Form 5120.29 in the quantities required to make 1,000 gallons of special natural wine. In the case of roots, herbs, or similar materials, the quantity need not be stated, but each ingredient will be listed. The process of production will be stated in detail. The Director may require that a sample of the special natual wine be submitted with the formula, if he deems it necessary for the proper administration of these regulations.

(b) *Change in formula.* Any material change in the flavor or other characteristics from those of the approved sample will require the filing of a new formula, even though the ingredients may be the same. The addition or elimination of ingredients, changes in quantities used, and changes in the process of production are permissible only after approval of the new Form 5120.29. Where a change in the quantity of ingredients or in the process of production does not alter the character of the product, the change may be accomplished by filing a rider to the formula with, and obtaining approval from, the Director. The rider shall identify the original formula by number, date of approval, name of the product, and by name and number of the wine cellar, shall specify the quantity of the ingredients or the change inprocess, and shall be signed and processed in the same manner as the original formula. (72 Stat. 1366; 26 U.S.C. 5386).

§§ 240.960–240.1029 [Removed]

Paragraph 7. Subpart XX, §§ 240.960–240.1029, is removed.

Signed: January 5, 1983.

W. T. Drake,

Acting Director.

Approved: January 31, 1983.

J. M. Walker, Jr.,

Assistant Secretary, Enforcement and Operations.

[FR Doc. 83-4787 Filed 2-24-83; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6449]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 82–31399 beginning on page 52474 in the issue of Monday, November 22, 1982, make the following changes:

1. On page 52475, the last column, the eleventh entry from the bottom of the page should read "*444".

2. On page 52477, the last column, the fifth entry from the bottom of the page should read "*838".

BILLING CODE 1505-01-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program, Appendix A; Georgia

Correction

In FR Doc. 83–3273 appearing on page 5709 in the issue of Tuesday, February 8, 1983, the telephone number listed in "FOR FURTHER INFORMATION CONTACT" should have read "202–632–5691".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 97

[PR Docket No. 83-27; RM–4229; FCC 83–22]

Use of Volunteers To Prepare and Administer Operator Examinations in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Rules governing FCC organization; the Practice and Procedure Rules; and the Amateur Radio Service Rules. The proposal permits the use of volunteers to prepare and administer amateur radio examinations. The proposed amendments are necessary in order to maintain a viable examination program for amateur radio operators, in the light of cutbacks in FCC funding. With a volunteer examination program, applicants will have more opportunities

available to them to obtain amateur radio licenses.

DATES: Comments are due by April 8, 1983 and replies by May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Borkowski, Private Radio Bureau, Washington, D.C. 20554 (202) 632–4964.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 0

Organization and functions (Government agencies).

47 CFR Part 1

Radio Telecommunications.

47 CFR Part 97

Radio.

In the matter of; Amendment of Parts 0, 1, and 97 of the Commission's Rules to allow the use of volunteers to prepare and administer operator examinations in the Amateur Radio Service; PR Docket No. 83–27; Rm. 4229.

Adopted: January 20, 1983.

Released: February 8, 1983.

I. Introduction

1. The Federal Communications Commission proposes to accept the use of volunteers in the Amateur Radio Service for the preparation and administration of Amateur Radio Service operator examinations.

II. Background

2. On September 13, 1982, Congress enacted legislation (Pub. L. 97–259) amending the Communications Act of 1934, as amended. The amendments enacted on that date included amendments to Section 4(f) of the Communications Act of 1934 (47 U.S.C. 154(f)) allowing the Commission to accept and employ the vountary and uncompensated services of individuals who hold an amateur station operator license in the preparation and administration of Amateur Radio Service operator examinations.

3. Specifically, Congress amended 47 U.S.C. 154(f) to add a new paragraph 4, which states, in pertinent part:

(4)(A) The Commission, for purposes of preparing any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being prepared. In the case of examinations for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license.

(B) The Commission, for purposes of administering any examination for an amateur station operator license, may accept and employ the voluntary and uncompensated services of any individual who holds an amateur station operator license of a higher class than the class license for which the examination is being conducted. In the case of examination for the highest class of amateur station operator license, the Commission may accept and employ such services of any individual who holds such class of license. Any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmission, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses, shall not be eligible to render any service under this paragraph.

4. On October 22, 1982, the American Radio Relay League, Incorporated (ARRL) filed a Petition for Rule Making requesting the issuance of a Notice of Proposed Rule Making to implement those portions of Public Law 97–259 "which authorize the Commission to accept and employ the voluntary and uncompensated services of certain Amateur Radio Service licensees to prepare and administer examinations for applicants for licenses in the Amateur Radio Service." The Capitol Hill Amateur Radio Society (CHARS), the Quarter Century Wireless Association (QCWA) and the ARRL filed comments supportive of issuance of a Notice of Proposed Rule Making authorizing the use of "volunteer examiners" in the Amateur Radio Service.[1]

III. The ARRL Proposal

5. The ARRL, in its Petition for Rule Making, proposes a scheme of regulation which would permit amateur operator examinations to be voluntarily administered only by those amateur licensees "accredited by the Commission or accredited by Amateur Radio organizations designated by the Commission to coordinate the efforts of volunteer examiners." [Proposed Section 97.28(a).] The only organizations which would be allowed to accredit volunteers would be those which are "non-profit educational organizations" which could "provide examination opportunities throughout the country." [Proposed section 97.28(a)(3).] The Commission would accredit only those organizations which document in detail procedures and ability to (a) establish examinations regularly in every section of the country; (b) produce and distribute code and written examinations; and (c) demonstrate a long-term commitment to the volunteer examiner program by detailing the personnel and monetary resources available to the program. [Proposed Section 97.28(a)(3)(a)–(c) (sic).]

6. The exam itself, under the ARRL proposal, would be administered by three amateurs "accredited" by the chosen organization or organizations (or by the F.C.C. itself), one of whom would have to be an Amateur Extra Class licensee regardless of the class examination to be administered.

IV. Summary of Comments

7. CHARS urged the Commission to expeditiously grant the ARRL's petition and to issue a Notice of Proposed Rule Making "in order that all possible comments and alternatives may be considered as soon as possible so that the purpose of the law, to ensure that there exist sufficient amateur examination opportunities nationwide, may be carried out in the wisest possible manner." CHARS Comments, at 1. Nonetheless, CHARS proposed certain alternatives to the ARRL's proposed regulatory scheme.

8. Specifically, CHARS offers the following alternatives to the ARRL *Petition:* (1) Administering telegraphy elements 1(B) and 1(C) in the same manner as we now administer telegraphy element 1(A); (2) allowing any three qualified amateur radio operators to prepare a written exam from an authorized pool of questions and to administer it, rather than mandating preparation of examinations by an "accredited organization;" (3) possibly requiring random question selection for each individual examination; (4) only requiring one or more Amateur Extra Class examiners for Amateur Extra Class examinations; (5) using the exact conflict-of-interest language in the rules that is in the statute; (6) proposing rules with explicit sanctions; (7) requiring volunteer examiners to be U.S. citizens or permanent residents and/or requiring that examinations be administered in a U.S. jurisdiction; (8) making one volunteer examiner of every three-examiner panel a "chief examiner;" (9) instead of sending the license issued by the FCC to the licensee, sending it to the "chief examiner;" and (10) having a

[1] Radio School, Incorporated (RSI), submitted late-filed comments in support of the ARRL's Petition for Rule Making, and petitioned for an extension of time to file the comments. The petition for an extension of time is denied and RSI's comments will not be accepted for filing. RSI will have ample opportunity to comment on substantive issues relating to an amateur radio operator volunteer examination program during the course of this notice and comment proceeding.

phase-in period for a system of volunteer examiners.

9. QCWA was "basically supportive" of the ARRL's Petition for Rule Making. QCWA indicated that "there should be one primary national organization which should constitute the central point for dissemination and collection of examinations materials, and act as liaison with the Commission licensing staff." QCWA Comments, at 2.

10. The ARRL filed Comments in support of its Petition. These comments indicated that: (1) notwithstanding our *Notice of Proposed Rule Making* in PR Docket No. 82–727, (FCC 82–457), November 4, 1982, where we outlined a proposed volunteer licensing procedure for Novice telegraphy and written examinations, the ARRL would incorporate Novice volunteer examinations within the system it proposed in its *Petition* in this proceeding; (2) the ARRL wants the FCC to retain rules allowing FCC preparation and administration of Amateur operator examinations, where needed, even if a system of volunteer assistance is adopted; (3) the ARRL would give the coordinating organization the authority to issue interim Amateur permits, with Amateur operators adding a suffix to their call signs designating their new privileges, with the suffix linked to a particular examination session and examination team; and (4) the coordinating organization should be able to issue code credit certificates.

V. Discussion

11. There are five classes of amateur radio operator licenses with admission to higher license classes contingent upon the satisfactory completion of progressively more challenging examinations. For each class of amateur radio operator license, an applicant must have successfully completed one of three levels of a telegraphy proficiency examination, together with one to four written examinations. Except for Novice class telegraphy and written examinations, these examinations are presently administered by FCC personnel, generally at Field Operations Bureau offices.

12. In recently enacting Pub. L. 97–259, Congress recognized that due to "resource and personnel reductions, the opportunity to take amateur license examinations is extremely limited. In some areas of the United States, amateur examinations can only be given once per year as a result of shortages of personnel in the Commission's Field Operations Bureau. Should a person not pass an amateur examination the first time, up to two years can pass without an individual having an amateur license." *Congressional Record—House*, August 19, 1982, at H6537. In response to budget constraints, the Field Operations Bureau has been forced to close offices and to release office space formerly used as examination rooms. Funding shortfalls have also restricted the Bureau's ability to hire enough examiners, and to fill vacant examiners' jobs. The results have been, necessarily, large cutbacks in the frequency of amateur operator examinations and in the number of remote points at which they are given. It was for these reasons that Congress enacted the legislation permitting us to accept the voluntary and uncompensated assistance of certain amateur licensees for the administration of amateur examinations.

13. Additionally, resource and personnel reductions have constrained us from sufficiently revising and updating amateur written examinations. This has resulted in compromise of our present examinations. Congress noted that "at least one firm has published study aids which include the exact questions contained in current FCC amateur license exams. This has enabled some to pass amateur exams on the basis of rote memory rather than an understanding of FCC regulations." *Id.* As a result, Congress also enacted the legislation permitting the Commission to accept the voluntary and uncompensated assistance of certain amateur licensees for the preparation of amateur examinations, notwithstanding any contrary provision of law. See generally, 31 U.S.C. 665(d).

14. We concur with the concerns of Congress prompting enactment of this legislation, and we concur with the ARRL, CHARS and QCWA that this legislation should be implemented at the earliest possible time to assure the integrity and the broadest availability of amateur exams. We herein propose to adopt rules to accept the assistance of certain voluntary and uncompensated individuals for purposes of preparing and administering amateur operator examinations other than Novice Class telegraphy and written examinations. We already have an ongoing volunteer examination program for Novice Class licenses and expansion of that program is the subject of a Notice of Proposed Rule Making in PR Docket 82–727, adopted October 21, 1982; FCC 82–457; 47 FR 51901, November 18, 1982. The Novice program is not likely to be subject to possible abuse nor to need constraints to assure against compromise of the examinations. Such constraints are necessary in a volunteer program for amateur operator examinations conferring greater rights and privileges. Therefore, we do not, at this time, propose to make procedures for Novice Class operator examinations subject to this proceeding. Should we adopt rules like those proposed, and should the program prove successful, we could consider incorporating the Novice Class volunteer program within this one at a later date.

VI. Proposal

15. Consistent with the legislation discussed above, we are, in the attached *Appendix*, proposing rules to implement programs to accept voluntary and uncompensated assistance in the administration and preparation of amateur examinations. None of these volunteers will be considered by reason of having provided voluntary services to be employees of the Federal Government for any purpose.

16. We also propose to create Volunteer-Examiner Coordinators (VEC's) which would be voluntary but national in scope, as "umbrella" entities to coordinate and lend consistency to the efforts of amateur volunteers nationwide. We are of the view that such organizations are necessary to accomplish the intent of the legislation; otherwise, rather than coordinating the efforts of our limited number of Field Operations Bureau district offices administering examinations, we would, instead, be expending much greater administrative resources in day-to-day dealings with hundreds or thousands of separate volunteer examiners nationally. We believe that VEC's interposed between the Commission and the volunteer examiners will lend consistency to the program by acting as coordinators of volunteer efforts, by reducing Commission and individual examiner overhead and paperwork burdens, and by approving volunteers and verifying their results. We believe VEC's will more fully accomplish the goal of the legislation—to provide for greater access of the general public to amateur operator examinations.

17. We believe that the new legislation (47 U.S.C. 154(f)) was intended to embrace the services of organizations such as the ARRL, the QCWA, the Institute of Electrical and Electronics Engineers, Inc. (IEEE), and the OMIK Electronic Communications Association (a national organization of minority amateur radio operators) as VEC's.[2] In accrediting volunteers, VEC's

[2] 47 U.S.C. 154(f)(4)(G) states: "The Commission, in accepting and employing services of individuals under subparagraphs (A), (B) and (C), shall seek to achieve a broad representation of individuals and organizations interested in amateur station operation.

would not be permitted to vicariously or invidiously discriminate, but would be limited to determining whether a prospective volunteer examiner met minimum statutory qualifications and was otherwise qualified to prepare or administer an examination. VEC's may promulgate accreditation standards based upon competency, honesty and efficiency. The FCC may refuse to accept the services of any volunteer examiner.

18. The rules we propose are designed to assure that for either telegraphy or written examinations, the persons administering the exam will be amateur radio operator licenees of a higher class than those taking the exam, or, in the case of the highest class, licensees of the same class. We would not accept, for the purpose of administering amateur examinations, the voluntary and uncompensated services of any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses.

19. In the area of preparation of written examinations, we propose "to accept suggested questions for various classes of amateur license exams from the licensees themselves or from amateur radio operator organizations, . . .". Id. We would review these questions and issue lists of approved questions for each license class from the nine general subjects covered in the Commission's *Study Guide for the Amateur Radio Operator License Examinations*. These subjects are: Rules and Regulations, Electrical Principles, Signals and Emissions, Circuit Components, Practical Circuits, Operating Procedures, Antennas and Feedlines, Radio Wave Propagation, and Amateur Radio Practice.

20. The Commission would design written examinations for all classes except the Novice Class by selecting questions from the list of questions approved by the Commission. VEC's would assemble, print and distribute written examinations for all classes except the Novice Class.

21. The ARRL suggests that we permit coordinating organizations to issue interim amateur permits by the same rationale we "permit" land mobile coordinating committees (such as the National Association of Business and Educational Radio [NABER]) to "issue" temporary permits. We do *not* permit private land mobile organizations to issue temporary or permanent licenses. We *do* permit temporary operation by otherwise qualified eligibles in certain private land mobile services who (1) have already filed an application with the Commission, (2) have filled out a temporary permit (which they keep as part of their station records), and (3) are using already existing facilities. *See Temporary Licensing, 800 MHz*, 89 FCC 2d 638 (April 6, 1982); *see also Report and Order*, FCC 80–887, PR Docket No. 79–338 (Sept. 4, 1980) *aff'd Telocator Network of America* v. *FCC* (D.C. Cir. Aug. 14, 1981), Docket No. 80–2182. We authorize this temporary operation because there is no public interest benefit in prohibiting applicants who have demonstrated their eligibility from operating solely because of licensing delays. Consistent with this type of temporary authority, we propose to permit already licensed amateur radio operators who have qualified, by passing the appropriate examination(s), for a higher class of amateur radio operator license, and who have presented their applications to the examiners, to temporarily operate their existing amateur radio stations consistent with the rights and privileges of the higher operating class for which they have filled out the information required of amateur radio operator licensees on FCC Form 610, and provided that they have proof of passing the appropriate examination(s) at their station locations.

22. We expect that VEC's will have some method of keeping track of who has passed any given examination, and of certifying successful completion of an examination to the applicant. The VEC's, at their option, may establish procedures for giving exam credit to applicants who have passed the telegraphy portion, but who have failed the written portion, of a given examination.

VII. Procedural Matters

23. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Officer, FCC Washington, DC 20554, (202) 632–7000.

24. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in Section 1.415, 47 CFR 1.415, of the Commission's Rules, interested persons may file comments on or before April 8, 1983, and reply comments on or before May 9, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

25. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission,

Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

26. In accordance with Section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605) the Commission certifies that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities, because these entities may not use the Amateur Radio Service for commercial radio communication (*see* 47 CFR 97.3(b)), and because these rules would have no foreseeable impact on manufacturers of Amateur Radio Service equipment.

VIII. Ordering Clause.

27. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register**.

28. For information on this proceeding, contact John Borkowski, Federal Communications' Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–4964.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—[AMENDED]

Parts 0, 1 and 97 of the Commission's Rules are amended as follows:

1. Paragraph (a) of § 0.483 is revised to read:

§ 0.483 Applications for amateur or commercial radio operator licenses.

(a) Application for a new or upgraded amateur operator license shall be submitted to the examiners prior to the examination (See § 97.26). The examiners are required to submit the applications of persons passing their respective examinations to the Commission (for Novice Class operator licenses) or to the Volunteer-Examiner Coordinator (for all other Amateur operator licenses). All other applications for amateur radio licenses shall be submitted to the Federal Communications Commission, Gettysburg, Pennsylvania 17325. Only one copy of the application is required.

* * * * *

2. A new § 0.484 is added to read:

§ 0.484 Amateur radio operator examination points.

Generally, examinations for amateur radio operator licenses shall be administered at locations and times specified by volunteer examiners. When the FCC conducts examinations for amateur raduo operator licenses, they shall take place at locations and times designated by the FCC.

3. The heading of § 0.485 is revised to read:

§ 0.485 Commercial radio operator examinations.

* * * * *

PART 1—[AMENDED]

4. Paragraph (a) of § 1.912 is revised to read:

§ 1.912 Where applications are to be filed.

(a) Applications for any class of new or upgraded amateur operator license shall be submitted to the examiners prior to the examination. (See § 97.26) The examiners are required to submit the applications of persons passing their respective examinations to the Commission (for Novice Class operator licenses) or to the Volunteer-Examiner Coordinator (for all other Amateur operator licenses). All other applications for amateur radio licenses shall be submitted to the Federal Communications Commission, Gettysburg, Pennsylvania 17325. Only one copy of the application is required.

* * * * *

5. Paragraph (e) of § 1.925 is revised to read:

§ 1.925 Application for special temporary authorization, temporary permit, temporary operating authority, or interim amateur permit.

* * * * *

(e) Upon successful completion of an Amateur Radio Service operator examination, an applicant already licensed in the Amateur Radio Service may operate his/her amateur radio station pending issuance of his/her permanent amateur station and operator licenses by the Commission for a period of 90 days or until issuance of the permanent operator and station licenses, whichever comes first, consistent with the rights and privileges of the higher operating class for which the applicant has passed the appropriate examination(s), provided that the applicant retains the certificate(s) issued by a VEC for successful completion of the examination(s) at the station location, and provided that the applicant uses an identifier code provided by a VEC as a suffix to his/her present call sign.

* * * * *

6. Section 1.934 is revised to read:

§ 1.934 Procedure with respect to amateur radio operator license.

Each candidate for an amateur radio license which requires the applicant to pass one or more examination elements must present the examiner(s) with a properly completed FCC Form 610 prior to the examination. Upon completion of the examination, the examiner(s) will immediately grade the test papers. If the applicant is successful, the examiner(s) will forward the candidate's application to: (1) The Commission's Gettysburg, Pennsylvania facility for an application for a Novice Class operator license, or (2) a Volunteer-Examiner Coordinator (VEC) for all other classes of operator licenses. A VEC will then issue a certificate for successful completion of an amateur radio operator examination, and will forward the application to the Commission's Gettysburg, Pennsylvania facility.

PART 97—[AMENDED]

7. New § 97.26 is added to read:

§ 97.26 Examination procedure.

(a) Each examination for an amateur radio operator license shall be administered at a location and a time specified by the examiners.

(b) The examiners must be present and observing the candidate throughout the entire examination.

(c) The examiners will be responsible for the proper conduct and necessary supervision during each examination.

(d) Each candidate for an amateur radio license, which requires the applicant to pass one or more examination elements, must present the examiners with a properly completed FCC Form 610 prior to the examination.

(e) The candidate shall comply with the instructions given by the examiners. The examiners must immediately terminate the examination upon failure of the candidate to comply with the examiners' instructions.

(f) At the completion of the examination, the candidate shall return all test papers to the examiners.

8. Section 97.27 is revised to read:

§ 97.27 Examination preparation.

(a) Each Novice code test (Element 1(A)) shall be prepared by the examiner. The examiner must hold an Amateur Extra, Advanced, or General Class operator license. The test shall be such as to prove the applicant's ability to send correctly by hand and to receive

correctly by ear texts in the international Morse code at the rate of five (5) words per minute. Subjects for this code test may include the twenty-six letters of the alphabet, the numerals 0–9, the period, the comma, the question mark, AR, SK, BT, and DN.

(b) The general code test and the expert's code test (Elements 1(B) and 1(C)) shall be prepared by the examiners. The test shall be such as to prove the applicant's ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed. Subjects for these code tests may include the twenty-six letters of the alphabet, the numerals 0–9, the period, the comma, the question mark, AR, SK, BT, and DN.

(c) Each written test for the Novice Class operator license shall be prepared by the examiner. The test shall be such as to verify the candidate's knowledge of each general subject area listed for the Element 2 test in the Commission's *Study Guide for the Amateur Radio Operator License Examinations* (PR Bulletin 1035, latest date of issue), but need not be limited to the list of questions approved by the Commission for Element 2 (PR Bulletin —, latest date of issue).

(d) Each written test, except for the Novice Class operator license, will be designed by the Federal Communications Commission (FCC). The FCC will select questions for each test from the list of questions approved by the Commission (PR Bulletin —, latest date of issue). Volunteer-Examiner Coordinator (VEC's) and Amateur radio operators may suggest questions to be included on this list by submitting them in accordance with the instructions in PR Bulletin 1035. VEC's and Amateur radio operators holding Amateur Extra Class licenses may submit questions for any written examination element. Amateur radio operators holding Advanced Class licanses may only submit questions for Element 2 and 3. Amateur radio operators holding General Class or Technician Class licenses may only submit questions for Element 2. For any given written examination element, the percentage of questions on each subject shall be specified in PR Bulletin 1035.

9. Section 97.28 is revised to read:

§ 97.28 Examination administration.

(a) Unless otherwise prescribed by the Commission, each examination for an amateur radio operator license (except the Novice Class operator license) shall be administered by three accredited volunteer examiners (see § 97.30). There will be a team chief. The team chief must hold an Amateur Extra Class operator license. The other two accredited volunteer examiners must hold Amateur Extra Class operator licenses, unless: (1) They are administering telegraphy element 1(A), in which case they may hold Amateur Extra Class, Advanced Class or General Class radio operator licenses, or (2) they are administering written examination elements 2 or 3, in which case they may hold Amateur Extra Class or Advanced Class radio operator licenses.

(b) Unless otherwise prescribed by the Commission, each examination for the Novice Class operator license shall be administered by one volunteer examiner. The examiner does not have to be accredited. The volunteer examiner must hold a current General, Advanced or Amateur Extra Class operator license issued by the Commission.

(c) Each team chief shall maintain a record of each examination he/she administers. This record shall be maintained in the team chief's station records for one year following the administration of the examination. This record shall be made available to the Commission upon request. The record shall include:

(1) Candidate's name and address;

(2) Candidate's amateur radio station call sign (if any);

(3) Examination location and date administered;

(4) The examination papers;

(5) The examination grades; and

(6) Names of other examiners also administering the examination.

(d) Upon completion of the examination, the examiners shall immediately grade the test papers.

(e) When the candidate does not score a passing grade on an examination element, the examiners shall so inform the candidate and return the application (see § 97.26) to the candidate.

(f) When the candidate scores a passing grade on all examination elements required for the class operator license sought (see § 97.23), the examiners shall certify to the following information on the candidate's application form (see § 97.26):

(1) Examiners' names, addresses and amateur radio station call signs;

(2) Examiners' qualifications to administer the examination (see § 97.30); *and*

(3) Examiners' signed statements that the applicant has passed the required examination elements.

(g) Within ten days of the administration of a successful examination for the Novice Class operator license, the examiner shall submit the candidate's application to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

(h) Within ten days of the administration of a successful examination for the Technician, General, Advanced, or Amateur Extra Class operator license, the examiners shall submit the candidate's application to a Volunteer—Examiner Coordinator.

10. A new § 97.29 is added to read:

§ 97.29 Examination grading.

(a) Each examination element shall be graded separately by the examiners.

(b) An applicant passes a written examination if he/she answers at least 74 percent of the questions correctly.

(c) An applicant passes a code element examination if he/she proves his/her ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed.

11. A new § 97.30 is added to read:

§ 97.30 Volunteer examiner requirements.

(a) Each volunteer examiner administering an examination for an amateur radio operator license must be at least 18 years of age and unrelated to the candidate.

(b) Any person who owns a significant interest in, or is an employee of, any company or other entity which is engaged in the manufacture or distribution of equipment used in connection with amateur radio transmissions, or in the preparation or distribution of any publication used in preparation for obtaining amateur station operator licenses, is ineligible to be a volunteer examiner.

(c) Each volunteer examiner shall be uncompensated for his/her services.

(d) Each volunteer examiner administering an examination for the Technician, General, Advanced or Amateur Extra Class operator license must be accredited by the Volunteer-Examiner Coordinator (see Subpart I).

§ 97.31 [Reserved]

12. Section 97.31 is removed and reserved.

13. A new Subpart I is added to Part 97 to read, as follows:

Subpart I—Volunteer-Examiner Coordinators

General

Sec.

97.501 Purpose.
97.503 Definitions.
97.505 Applicability of rules.

Volunteer-Examiner Coordinator Functions

97.511 Agreement required.
97.513 Scheduling of examinations.
97.515 Coordinating volunteer examiners.

Sec.
97.517 Written examinations.
97.519 Examination procedures.
97.521 Evaluation of questions.
97.523 Identification of applicants passing examinations.

Authority: 47 U.S.C. 154(i) and 303(r).

Subpart I—Volunteer-Examiner Coordinators

General

§ 97.501 Purpose.

The rules in this subpart are designed to provide for the establishment of volunteer-examiner coordinators to coordinate the efforts of volunteer examiners in preparing and administering examinations for amateur radio operator licenses.

§ 97.503 Definitions.

For the purpose of this subpart, the following definitions are applicable:

(a) *Volunteer-examiner coordinator* (VEC). An entity which has entered into an agreement with the Federal Communications Commission to coordinate the efforts of volunteer examiners in preparing and administering examinations for amateur radio operator licenses.

(b) *Volunteer-examiner.* An amateur radio operator who prepares or administers examinations to applicants for amateur radio operator licenses (see § 97.30).

§ 97.505 Applicability of rules.

These rules apply to each entity that serves as a volunteer examiner coordinator.

Volunteer-Examiner Coordinator Functions

§ 97.511 Agreement required.

No entity may serve as a VEC until that entity has entered into a written agreement with the Federal Communications Commission to do so. The VEC must abide by the terms of that agreement.

§ 97.513 Scheduling of examination.

A VEC will coordinate the dates and times for scheduling examinations (see § 97.28) throughout the areas where communications are regulated by the Federal Communications Commission. A VEC may also coordinate the scheduling of testing opportunities at other places.

§ 97.515 Coordinating volunteer examiners.

A VEC will accredit amateur radio operators, licensed by the Federal Communications Commission, as volunteer examiners (see § 97.30). A VEC will seek to recruit a broad representation of amateur radio operators to be volunteer examiners. A VEC may not discriminate in accrediting volunteer examiners on the basis of race, sex, religion or national origin. A VEC may not refuse to accredit a volunteer on the basis of membership in an amateur radio organization. A VEC may refuse to accredit an amateur radio operator volunteering to be an examiner if:

(a) The volunteer examiner does not meet minimum statutory qualifications or minimum qualifications as prescribed by the rules;

(b) The FCC refuses to accept the voluntary and uncompensated services of the volunteer examiner;

(c) The VEC determines that the volunteer is not competent to perform the function for which he/she volunteered;

(d) The VEC determines that questions of the volunteer's integrity or honesty could compromise the examination(s); *OR*

(e) The VEC determines that no additional volunteers are needed.

§ 97.517 Written examinations.

A VEC will assemble, print and distribute written examinations designed by the FCC (see § 97.27(d)).

§ 97.519 Examination procedures.

At the completion of each examination, a VEC will collect the candidates' application forms and test results from the volunteer examiners (see § 97.28(h)). A VEC will:

(a) Make a record of the date and place of the test; the names of the volunteer examiners and their qualifications; the names of the candidates; the test results; and, related information.

(b) Screen the application for completeness and authenticity.

(c) Forward the application to: Federal Communications Commission, Licensing Division, Private Radio Bureau, Gettysburg, Pennsylvania 17325.

§ 97.521 Evaluation of questions.

A VEC will be expected to evaluate the clarity and accuracy of examination questions on the basis of experience, and to bring ambiguous or inaccurate questions to the attention of the Commission, with a recommendation on whether to revise the question or to delete the question from the Commission's list of approved questions.

§ 97.523 Identification of applicants passing examinations.

(a) A VEC will issue a certificate for successful completion of an amateur radio operator examination.

(b) The VEC issuing a certificate for successful completion of an examination will establish a unique identifier code for each testing session. The identifier code will be appended as a suffix to the licensee's call sign (see § 97.84(f)).

[FR Doc. 83-4798 Filed 2-24-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Review of Special Rules on Sea Turtles

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Extension of comment period.

SUMMARY: A notice was published (48 FR 4243, January 3, 1983) stating that special rules concerning sea turtles (50 CFR 227 Subpart D) were being reviewed. On February 4, 1983 (48 FR 5285) the service extended the comment period to February 22, 1983. The comment period is hereby extended to March 9, 1983.

DATE: Comments must be received by March 9, 1983.

ADDRESS: Please address corespondence to the U.S. Fish and Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203. Information on this notice is available for review during the hours 7:45 a.m. to 4:15 p.m., Monday through Friday except holidays in Room 601, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203 (703/235–1903), or

Mr. Charles Karnella, National Marine Fisheries Service, Office of Protected Species and Habitat Conservation, U.S. Department of Commerce, Washington, D.C. 20235 (202/634–7471)

List of Subjects in 50 CFR Part 227

Endangered and threatened wildlife.

Dated: February 18, 1983.

Richard H. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-4797 Filed 2-24-83; 8:45 am]
BILLING CODE 3510-22-M

50 CFR Part 285

Atlantic Tuna Fisheries; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) announces a series of public meetings on proposed revisions to the rules governing the domestic Atlantic bluefin tuna fishery. NOAA anticipates publishing the proposed rules in the **Federal Register** prior to the conduct of these meetings.

DATES: Individuals or organizations wishing to comment may do so at public meetings to be held as follows:

March 14—Madiera Beach, Florida; Long Island, New York
March 15—Norfolk, Virginia; West Long Branch, New Jersey; Ft. Pierce, Florida
March 17—Peabody, Massachusetts

ADDRESSES: Public meetings on the proposed revisions to Subparts A and B of 50 CFR Part 285 will be held on dates and times, and at the locations listed below.

HEARING LOCATIONS:

Date	Location	Time
Mar. 14	Madiera Beach City Hall, 300 Municipal Drive, Madiera Beach, FL 33708, Tel: 813/39–9951.	7 p.m. to 9:30 p.m.
Mar. 14	Holiday Inn of Riverhead, Route 25, Riverhead Long Island, NY 11901, Tel: 516/369–2200.	7 p.m. to 9:30 p.m.
Mar. 15	Quality Inn-LakeWright, 6280 North Hampton Blvd., Norfolk VA 23502, Tel: 804/461–6251.	7 p.m. to 9:30 p.m.
Mar. 15	Holiday Inn, Route 36, West Long Branch, NJ 97764, Tel: 201/229–9000.	7 p.m. to 9:30 p.m.
Mar. 15	Best Western Exec. Inn, 3224 South US 1, Ft. Pierce, FL 33450, Tel: 305/465–7000.	7 p.m. to 9:30 p.m.
Mar. 17	Holiday Inn, Route 1, Newbury Street, Peabody, MA 01960, Tel: 617/535–4600.	7 p.m. to 9:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., 617–281–3600, extension 325; or Mr. David S. Crestin, 617–281–3600, extension 253.

SUPPLEMENTARY INFORMATION: The Atlantic Tunas Convention Act requires that necessary rules be promulgated to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). In autumn 1982, ICCAT recommended increasing the total quota for Atlantic bluefin tuna in the western Atlantic Ocean from 1,279 short tons (st) to 2,931 st. NOAA will be issuing proposed rules based on this recommendation to increase the annual quota of Atlantic bluefin tuna available to U.S. fishermen from 667 st to 1,529 st. The proposed rules will discuss increases in the quotas for specific segments of the fishery based on the total amount of Atlantic bluefin tuna available to the United States. The purpose of these increases will be to allow the collection of more complete biological information for stock monitoring purposes, while keeping the total harvest at a conservative level. NOAA desires to have public comment on these proposed rules.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, Fisheries, Fishing, Imports, International organizations, Penalties, Reporting requirements.

(16 U.S.C. 971—*et seq*)

Dated: February 21, 1983.

Roland Finch,

Director Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83–4786 Filed 2–24–83; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 48, No. 39
Friday, February 25, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Montana; Kootenai National Forest Plan Draft Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Extension of public review period for the Kootenai National Forest Plan Draft Environmental Impact Statement.

SUMMARY: The period of public review for the Kootenai National Forest Draft Environmental Impact Statement has been extended until April 15, 1983.

ADDRESS: Requests for further information should be addressed to: William Morden, Supervisor, Kootenai National Forest, P.O. Box AS, Libby, MT 59923.

Tom Coston,

Regional Forester.

[FR Doc. 83-4680 Filed 2-24-83; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Cordova Electric Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDAB.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality regulations (40 CFR Parts 1500–1580), and REA's Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Cordova Electric Cooperative (CEC) of Cordova, Alaska, for installation of a new 2.5 MW diesel electric generator, relocation of an old 2.5 MW unit and construction of related facilities at the Ocean Dock site in the village of Cordova, Alaska.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) along with CEC's Borrower's Environmental Report (BER) and other related material may be reviewed at or requested from the Office of the Director, Western Area-Electric, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–8848, or the office of CEC, (Mr. W. D. Bechtel, General Manager) Box 20, Cordova, Alaska 99574, telephone (907) 424–3131.

SUPPLEMENTARY INFORMATION: REA reviewed the VER submitted by CEC and determined that it represents an accurate evaluation of the environmental impacts of the proposed project. REA has determined that the proposed project will have no effect on cultural resources, threatened or endangered species or prime farmland and no significant adverse effect to air quality, water quality, floodplains or wetlands. Most impacts will be restricted to the construction phase of the project and, overall, the construction and operation will have no unacceptable impacts to the environment.

A number of alternatives were considered, including no action, rebuilding the existing plant, use of alternative forms of energy, alternative sites, and energy management and conservation. REA finds that the proposed project is an acceptable alternative since it meets CEC's needs with a minimum adverse environmental impact.

Based upon the BER and other related data, REA prepared an EA and FONSI concerning the proposed construction. It is REA's view that the proposed financing assistance for construction of the project will not be a major Federal action that will significantly affect the quality of the human environment.

In accordance with REA's Bulletin 20–21:320–21, CEC advertised the availability of the BER in the Cordova Times, Cordova, Alaska, a local newspaper. Comments were solicited and the public was given 30 days to reply. No comments were received.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: February 14, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-4675 Filed 2-24-83; 8:45 am]
BILLING CODE 3410-15-M

Deseret Generation and Transmission Cooperative, Utah; Information Supplement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Availability of information supplement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) has prepared an Information Supplement (IS) in connection with the proposed rerouting of approximately 75.2 km (47 miles) of 345/138 kV and 345 kV transmission line by the Deseret Generation and Transmission Cooperative (Deseret). The rerouting is proposed for portions of the Bonaza-Upalco 345/138 kV transmission line and the Upalco-Mona 345 kV transmission line in Uintah and Duchesne Counties, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Davis, Director, Western Area—Electric, Rural Electrification Administration, Room Number 3304, 14th and Independence Ave., Washington, D.C. 20250, telephone number (202) 382–8848.

SUPPLEMENTARY INFORMATION: Deseret submitted an Environmental Assessment (EA) which has been reviewed and accepted by the Bureau of Land Management (BLM). The proposed changes consist of rerouting sections of the approved transmission line between the following end points: Bonanza-Upalco 345/138 kV; and Upalco-Mona 345 kV. The total length of the rerouted sections is 75.2 km (47 mi). The revised routing, which is located north of and generally parallel to the previously approved corridor, will: (1) Avoid Unitah and Ouray Indian Reservation lands, (2) avoid the BLM recreation area associated with Brough Lake and (3) avoid conflicting with the rerouting of Uintah County Road 264. The distance from the new centerline to the approved corridor boundary varies from 0.3 km (0.2 mi) to approximately 4.5 km (2.8 mi). The transmission line between Bonanza

and Mona was originally approved as part of the Moon Lake Power Plant Project for which an Environmental Impact Statement (EIS) was jointly prepared by BLM and REA. The Final EIS was issued in May 1981 and the REA Record of Decision was signed in July 1981.

REA has reviewed the environmental information submitted by Deseret and has independently evaluated the proposed changes. The proposed changes will not affect threatened or endangered species, prime farmland, floodplains, wetlands or cultural resources. REA has determined that the environmental consequences of the proposed action would be similar to the environmental consequences of utilizing the northern corridor that was evaluated in the EIS. Based on the above, REA has concluded that the proposed changes are not substantial changes relevant to environmental concerns and that there are no significant new circumstances or information relevant to environmental concerns bearing on the project. Nevertheless, REA has determined that the purposes of National Environmental Policy Act will be furthered by publishing the IS.

The proposed rerouting is an alternative to constructing the transmission line totally within the corridor identified in the Final EIS. After reviewing the two alternatives, REA determined that the proposed project is an acceptable alternative because it best meets Deseret's needs with a minimum of adverse impacts.

The IS may be examined at or obtained from the offices of REA in the South Agriculture Building, Room 3304, 14th and Independence Avenue, SW., Washington, D.C. 20250 and at the offices of Deseret, 8722 South 300 West, Sandy, Utah 89070 during regular business hours. The IS may also be examined at public libraries in appropriate towns in the affected counties. Copies of the IS are being sent to various Federal, State and local agencies and other interested individuals as outlined in the Council on Environmental Quality Regulations.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: February 15, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-4479 Filed 2-24-83; 8:45 am]

BILLING CODE 3410-15-M

Morgan County Rural Electric Association; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Bulletin 20–21:320–21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to the proposed financing assistance to Morgan County Rural Electric Association (MCREA) of Fort Morgan, Colorado. The financing assistance is necessary for the construction of 115 kV transmission facilities in Weld and Morgan Counties, Colorado.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and MCREA's Borrower's Environmental Report (BER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electric, Rural Electrification Administration, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–8848, or Mr. Everett B. Chesney, Manager, Morgan County Rural Electric Association, P.O. Box 738, Fort Morgan, Colorado 80701, telephone (303) 867–5688 during regular business hours.

SUPPLEMENTARY INFORMATION: REA has reviewed the BER submitted by MCREA and has determined that it represents an accurate assessment of the environmental impact of the proposed project. The proposed project consists of approximately 41.6 km (26 miles) of 115 kV transmission line from the Orchard Substation located north of the Town of Orchard to the M7–15 Regulator—Recloser Station located west of the Town of Buckingham, all in Weld and Morgan Counties, Colorado.

The BER and EA adequately consider potential impacts of the proposed project to resources including threatened and endangered species, important farmlands, cultural resources floodplains and wetlands.

Alternatives examined included no action, energy conservation and load management, alternative voltage levels, underground construction, and an alternative route extending east from Ault, Colorado to the M7–15 Regulator—Recloser Station. After reviewing these alternatives, REA determined that the proposed project is an acceptable alternative because it meets MCREA's needs with a minimum of adverse impact.

Based upon the BER and other related data, REA prepared an EA and Finding of No Significant Impact concerning the proposed construction. It is REA's view that the proposed financing assistance will not be a major Federal action that will affect significantly the quality of the human environment.

In accordance with REA's Bulletin 20–21:320–21, dated January 21, 1980, MCREA advertised the availability of the BER in local newspapers and solicited comments on the environmental aspects of the project. No comments were received.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: February 17, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-4617 Filed 2-24-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Benzie County Roads RC&D Measure, Michigan; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Benzie County RC&D Measure, Benzie County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural

resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment. Measures will include: critical area planting, armored channels, rock riprap, grade stabilization structures, sediment basins, diversion and fencing. Total construction cost is estimated to be $23,000; $11,000 RC&D funds and $12,000 local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: February 11, 1983.

Homer R. Hilner,

State Conservationist.

[FR Doc. 83–4428 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–15–M

Arroyo Colorado Watershed, Texas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation service gives notice of the deauthorization of Federal funding for the Arroyo Colorado Watershed project, Cameron County, Texas, Effective on January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Carl B. Fountain,

Deputy State Conservationist.

[FR Doc. 83–4845 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

Day-Hill Arnheim Road RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Day-Hill Arnheim Road RC&D Measure, Brown County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone: (614) 469–6962.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize approximately 400 lineal feet of streambank that is threatening the stability of Day-Hill Arnheim Road. Improvements planned include a combination of rock riprap and seeding to stabilize the critically eroding site.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry W. Oneth,

Deputy State Conservationist.

February 7, 1983.

[FR Doc. 83–4849 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–15–M

Diamond Creek Watershed, Kansas; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: John W. Tippie, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Kansas, is hereby proivding notification that a record of decision to proceed with the installation of the Diamond Creek Watershed project, Chase and Morris Counties, is available. Single copies of this record of decision may be obtained from John W. Tippie at the address shown below.

FOR FURTHER INFORMATION CONTACT: Johhn W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, telephone 913–823–4565.

Dated: February 14, 1983., 1983.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

John W. Tippie,

State Conservationist.

[FR Doc. 83–4846 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

Los Fresnos Resaca Watershed, Texas; Deauthorization of Federal Funds

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Los Fresnos Resaca Watershed project, Cameron County, Texas, effective on January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Carl B. Fountain,

Deputy State Conservationist.

[FR Doc. 83–4844 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

Middle Creek Watershed, Kansas; Availability of a Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: John W. Tippie, responsible Federal official for projects administered under the provisions of Pub. L. 83–566, 16 U.S.C. 1001–1008, in the State of Kansas, is hereby providing notification that a record of decision to proceed with the installation of the Middle Creek Watershed project, Chase, Marion, and Morris Counties, is available. Single copies of this record of decision may be obtained from John W. Tippie at the address shown below.

FOR FURTHER INFORMATION CONTACT: John W. Tippie, State Conservationist, Soil Conservation Service, 760 South Broadway, Salina, Kansas 67401, telephone 913–823–4565.

Dated: February 14, 1983.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

John W. Tippie,

State Conservationist.

[FR Doc. 83–4847 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

Monroe County Road 16 R.C. & D. Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the County Road 16 Measure, Monroe, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Federal Building, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone: (614) 469–6962.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a proposal to stabilize approximately 500 lineal feet of severely eroding streambank that is threatening the stability of County Road 16. The planned works of improvement include the installation of a rubber tire mat anchored and filled with rock. Critical area seeding will also be applied to stabilize the site.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry W. Oneth,

Deputy State Conservationist.

February 7, 1983.

[FR Doc. 83–4846 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

Rancho Viejo Watershed, Texas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Rancho Viejo Watershed project, Cameron County, Texas, effective on January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Carl B. Fountain,

Deputy State Conservationist.

[FR Doc. 83–4843 Filed 2–24–83; 8:45 am]

BILLING CODE 3410–16–M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; New Record System

AGENCY: Central Intelligence Agency.

ACTION: Proposed New Record System.

SUMMARY: The Central Intelligence Agency proposes to add a new CIA Records System, CIA–69, entitled Language Use Assessment. The data stored in this system will be used for research in language teaching effectiveness and for measurement of language skill acquisition.

DATES: This new record system will be effective on April 26, 1983 unless this Agency publishes a notice to the contrary.

ADDRESS: Send written comments to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

FOR FURTHER INFORMATION CONTACT: Robert L. Padgett, Phone: (703) 351–2083.

SUPPLEMENTARY INFORMATION: The full text of the Central Intelligence Agency systems of records appears in the Privacy Act Issuances, 1980 Compilation, Volume 4, page 83. This volume is available for inspection at Federal depository libraries and Federal information centers. For the reasons set out in the preamble, this Agency proposes to establish this new system of records as set forth below.

CIA–69

SYSTEM NAME:

Language Use Assessment.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, DC 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Agency employees who have used their language abroad.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, biographic data, and date relating to use of foreign language(s) abroad.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. Chapter 41. Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81–110. Section 506(a), Federal Records Act of 1950 (44 U.S.C. 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Office of Training and Education Language School personnel for research on a variety of matters relating to language learning and testing. Data generated will be stored in a computer system in the Agency and will be used solely for research purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Agency computer system.

RETRIEVABILITY:

By Social Security number.

SAFEGUARDS:

Stored in locked computer files; access by password on a strict need-to-know basis.

RETENTION AND DISPOSAL:

Maintained indefinitely in computer files for ongoing research needs.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Training and Education, Central Intelligence Agency, Washington, DC 20505.

NOTIFICATION PROCEDURES:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, DC 20505.

Identification requirements are specified in the CIA rules published in the Code of Federal Regulations (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Code of Federal Regulations (32 CFR Part 1901).

RECORD SOURCE CATEGORIES:

Individual.

Dated: February 10, 1983.

Harry E. Fitzwater,

Deputy Director for Administration.

[FR Doc. 83–4709 Filed 2–24–83; 8:45 am]

BILLING CODE 6310–02–M

DEPARTMENT OF COMMERCE

International Trade Administration

National Institutes of Health et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles published pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Decision: Applications Denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used are not being manufactured in the United States.

Reasons: The requirements for the resubmission of applications that have been denied without prejudice to resubmission are contained in § 301.5(e) of the regulations. Each of the applicants has failed to resubmit its application within the specified time period. Pursuant to § 301.5(e)(4), this failure shall result in a denial of the application.

In accordance with § 301.5(f), notice of these decisions is forwarded to the **Federal Register** for publication.

Docket No. 81–00061. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 36, Room 4B17, Bethesda, MD 20205. Instrument: LKB 2128–010 Utrotome IV Ultramicrotome. Date of denial without prejudice to resubmission: September 27, 1982.

Docket No. 81–00247. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, OH 44106. Instrument: Therac 20/Saturne Linear Accelerator with Accessories. Date of denial without prejudice to resubmission: November 9, 1982.

Docket No. 81–00280. Applicant: The Ohio State University, Campus Instrument Center, 140 W. 18th Avenue, Columbus, OH 43210. Instrument: MS25 Gas Chromatograph Mass Spectrometer System. Date of denial without prejudice to resubmission: October 20, 1982.

Docket No. 81–00049. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Adm. Bldg., 506 South Wright Street, Urbana, IL 61801. Instrument: Excimer Multi-gas Laser, Model EMG–102. Date of denial without prejudice to resubmission: September 7, 1982.

Docket No. 81–00071. Applicant: Harvard University, Department of Geological Sciences, 20 Oxford Street, Hoffman Laboratory, Cambridge, MA 02138. Instrument: Isomass 54R Thermal Ionization Mass Spectrometer. Date of denial without prejudice to resubmission: September 7, 1982.

Docket No. 81–00088 Applicant: University of Washington, Department of Purchasing, ND–10, Seattle, WA 98195. Instrument: Excimer Laser-pumped Dye Laser System. Date of denial without prejudice to resubmission: September 7, 1982.

Docket No. 82–00104. Applicant: University of California, Lawrence Livermore National Laboratory, 7000 East Avenue, P.O. Box 5012, Livermore, CA 94550. Instrument: Superprobe 733 Electron Probe X-ray Microanalyzer. Date of denial without prejudice to resubmission: September 23, 1982.

Docket No. 82–00133. Applicant: Trustees of Columbia University in the City of New York, 315 Havemeyer Hall, New York, NY 10027. Instrument: Excimer Laser Pumped Dye Laser System. Date of denial without prejudice to resubmission: September 7, 1982.

Docket No. 82–00145. Applicant: U.S. Geological Survey, Water Resources Division, St. Anthony Falls Hydraulic Laboratory, Hennepin Island & Third Avenue, S.E., Minneapolis, MN 55414. Instrument: Canadian VUV Bedload Sampler and Canadian Arnhem Bedload Sampler. Date of denial without prejudice to resubmission: October 6, 1982.

Docket No. 82–00155. Applicant: North Carolina State University, Purchasing Department, Box 5635, Raleigh, NC 27650. Instrument: Impulse Generators. Date of denial without prejudice to resubmission: October 6, 1982.

Docket No. 82–00157. Applicant: Sandia National Laboratories, Albuquerque, NM 87185. Instrument: Dye Laser, Model FL 2000 with FL–43 Pump System. Date of denial without prejudice to resubmission: November 9, 1982.

Docket No. 82–00162. Applicant: University of Michigan, Department of Naval Architecture & Marine Engineering, N.A.M.E. Building, Ann Arbor, MI 48109. Instrument: Propeller Dynamometer R45. Date of denial without prejudice to resubmission: September 22, 1982.

Docket No. 82–00177. Applicant: Calhoon MEBA Engineering School, Marine Engineering Department, 9 Light Street, Baltimore, MD 21202. Instrument: Self Cleaning Purifier with Accessories. Date of denial without prejudice to resubmission: September 23, 1982.

Docket No. 82–00223. Applicant: Los Alamos National Laboratory, P.O. Box 1663, Los Alamos, NM 87545. Instrument: Excimer Laser-Pumped Dye Laser. Date of denial without prejudice to resubmission: November 9, 1982.

Docket No. 82–00232. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Instrument: Excimer Pumped Dye Laser, Model FL 2002. Date of denial without prejudice to resubmission: November 4, 1982.

Docket No. 82–00358. Applicant: U.S. Department of Agriculture, FSIS, Finance Division, South Building, 14th & Independence Avenue, S.W., Washington, DC 20250. Instrument: Rapid Fat Analyzer & Reactor. Date of denial without prejudice to resubmission: October 22, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83–4724 Filed 2–24–83; 8:45 am]

BILLING CODE 3510–25–M

Research Foundation of State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00264. Applicant: Research Foundation of State University of New York, Stony Brook, NY 11794. Instrument: Klystron Tube, VRE 2103A. Manufacturer: Varian Canada, Inc., Canada. Intended use of Instrument: See Notice on page 33528 in the **Federal Register** of August 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 81–00347 which was denied without prejudice to resubmission on April 16, 1982 for informational deficiencies. The foreign instrument measures 5.7 centimeters x 5.08 centimeters and operates at a frequency of 67 Gigahertz. The National Bureau of Standards advises in its memorandum dated November 1, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Statutory Import Programs Staff.

[FR Doc. 83–4725 Filed 2–24–83; 8:45 am]

BILLING CODE 3510–25–M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 98–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00365. Applicant: University of California, Berkeley, purchasing Department, 2405 Bowditch St., Berkeley, CA 94720. Instrument: Mass Spectrometer, MS–50 and Accessories. Manufacturer: Kratos Analytical Instruments, Inc., United Kingdom, Intended use of instrument: See Notice on page 49056 in the **Federal Register** of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a resolution of 50,000 (10% Valley) with a guaranteed accuracy for mass ratios 1.05 of 0.3 parts per million in the electron impact mode. The

National Bureau of Standards advises in its memorandum dated January 17, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

Richard M. Seppa,

Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 83-4728 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision of Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00315. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Automatic Thermal Ionization Mass Spectrometer, ISOMASS 354E and Accessories. Manufacturer: VG Isotopes, Ltd., United Kingdom. Intended use of instrument: See Notice on page 41797 in the **Federal Register** of September 22, 1982.

Comments: No comments have been received with respect to the application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (August 21, 1981).

Reasons: The foreign instrument automatically analyses at least 18 samples with high precision (5×10^{-3} percent two standard deviation of the mean). The National Bureau of Standards advises in its memoranda dated January 11, 1983 and January 20, 1983 (relating to an instrument (Docket Number 82-00042) with very similar characteristics and the same intended purposes) that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4727 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00042. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore, CA 94550. Instrument: Mass Spectrometer, Model ISOMASS 54E and Accessories. Manufacturer: VG Isotopes Limited, United Kingdom. Intended use of instrument: See Notice on page 62307 in the **Federal Register** of December 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (August 21, 1981).

Reasons: The foreign instrument automatically analyses at least 16 samples with high levels of precision; i.e., 5×10^{-3} percent (2 standard deviations of the mean). The National Bureau of Standards advises in its memoranda dated January 11, 1983 and January 20, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument which was being manufactured in the United States for the applicant's intended use at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this intrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4729 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00344. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Instrument: 54R Isomass Mass Spectrometer System with Accessories. Manufacturer: VG Isotopes Limited, United Kingdom. Intended use of instrument: See Notice on page 45974 in

the **Federal Register** of September 16, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument automatically analyses at least 12 samples with an accuracy level of 0.045 percent of uranium isotopes. The National Bureau of Standards advises in its memorandum dated November 18, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4728 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 am and 5:00 pm in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00213. Applicant: University of Arizona, Department of Geosciences, Geology Building, Room 108, Tucson, AZ 85721. Instrument: VG ISOMASS 54E MkII Thermal Ionization Mass Spectrometer. Manufacturer: VG Instruments Inc., United Kingdom. Intended use of instrument: See Notice on page 25396 in the **Federal Register** of June 11, 1982.

Comments: Comments dated June 22, 1982 have been received from Finnigan MAT which states (inter alia) that it does not have domestically manufactured equipment to contest this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (September 8, 1981). REASONS: The foreign instrument provides multiple sample analysis (16 samples) with a precision of 0.045 percent on uranium isotopes. The National Bureau of Standards advises in its memorandum dated January 17, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 83-4676 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

Stainless Steel Round Wire; Announcement of Second Quarter 1983 Monitoring Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of Second Quarter 1983 Monitoring Price Levels for Imports of Stainless Steel Round Wire Products.

SUMMARY: The Department of Commerce announces that base prices and extras for second quarter 1983 trigger prices of stainless steel round wire products will decline an average of 3.9 percent from their first quarter 1983 levels. Changes in general and administrative expenses accounted for a large part of the total decline. The Department uses trigger prices to monitor the prices of stainless steel wire and drawn round bar under 0.703 inches in diameter for possible initiation of antidumping or countervailing duty investigations if unfair sales of these products appear to be injuring domestic producers. Each quarter the Department reviews Japanese steel production and delivery costs and revises trigger prices accordingly.

The interest component of the delivery charges has declined causing the total landed trigger prices to decline. The second quarter trigger price applies to stainless steel round wire products and round stainless steel drawn bars in sizes under 0.703 inches in diameter exported to the United States on or after April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Juanita S. Kavalauskas, Agreements Compliance Division, Import Administration, Room 3099, Department of Commerce, Washington, DC 20230 telephone: (202) 377-3793

SUPPLEMENTARY INFORMATION: Trigger price monitoring procedures for stainless steel round wire are the same as those published in the TPM Producedures Manual (46 FR 49928). Japanese stainless steel wire manufacturers agreed to supply cost of production and transportation information necessary to monitor the import prices. Commerce uses Special Summary Steel Invoices to monitor imports of stainless steel round wire and small cold drawn bar under 0.703 inches diameter. In computing the invoice price for comparison to the trigger price, Commerce will use a 12 percent annual rate (1.0 percent per month) when interest must be adjusted and the actual rate is not known. For its calculation of trigger price levels, the yen/dollar exchange rate the Department uses to convert Japanese steel producers' yen denominated production cost to dollars is the average of the 36 months preceeding the calculation and publication of the quarter's trigger price levels.

The exchange rates used in the Department's second quarter 1983 production cost estimate is 232 yen to the dollar (the yen/dollar exchange rate average for February 1980 through January 1983).

Other Charges

Trigger prices are an estimate of the Japanese stainless steel wire manufacturers' cost of production plus the cost of transporting to the United States and handling in the United States. Each trigger price includes ocean freight, insurance, interest and handling as well as the base price and extras. The ocean

freight, handling, and interest are shown for each of the major importing regions: Pacific Coast, Atlantic Coast, Gulf Coast ad the Great Lakes. All prices are shown in U.S. dollars per metric ton.

Interest charges have been adjusted to reflect the current level of prime interest rate. Handling and ocean freight charges remain unchanged. The extras shown define the coverage in terms of sizes, grades, and qualities.

The following rules apply to product coverage and extras:

(1) If a product fails to fit the general description because the cost of producing that product varies substantially from the cost of producing the product described in the heading, the product is not covered.

(2) If a product is covered by a grade which is not in the base coverage and for which no grade extra is listed, the product is not covered.

(3) If a product has a size specification that falls above the largest size specification shown or below the smallest size specification shown, it is not covered.

(4) If a product has a size specification that falls between two size specifications listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted on the page.

(5) If a product embodies extras other than size or grade which are not listed, the product is covered. In those cases, the base trigger price plus any applicable extras listed will be applied.

A list of stainless steel round wire and cold drawn bar products subject to trigger price monitoring and the applicable base prices and extras are contained in the Appendix to this notice.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

BILLING CODE 3510-21-M

APPENDIX

2ND QUARTER 1983 TRIGGER PRICES PER METRIC TON

1. Group I - Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte

APPENDIX

2ND QUARTER 1983 TRIGGER PRICES PER METRIC TON

STAINLESS STEEL WIRE

ROUND STAINLESS STEEL DRAWN BARS
IN SIZES UNDER 0.703 INCHES

AISI Categories 20 and 12

Charges to CIF	Ocean Freight	Handling	Interest
Pacific Coast	$107	$9	2.3%
Gulf Coast	131	5	3.0%
Atlantic Coast	131	4	3.0%
Great Lakes	171	4	3.7%

Interest charge equals F.O.B. trigger base price including size extra times interest factor.

Insurance 1% of base price + extras + ocean freight

Extras ($/M.T.):

1. Annealed Wire - Group I
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
   C. Small Bar Size Extras
2. Hard/Spring Wire - Group II
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
3. Soft/Intermediate Wire - Group III
   A. Base Prices Including Grade Extras
   B. Size by Grade Group
4. Coating
5. Finish
   A. Centerless Ground
   B. Centerless Ground and Polished
6. Diameter Tolerance
7. Straightening and Cut to Length
   A. Size Range
   B. Length
8. Packaging

Note: This coverage applies to stainless steel round wire and stainless steel bar under 0.703 inches produced by drawing. Bar, in these sizes, if produced by hot rolling is not covered by published prices.

1. Group I - Annealed Wire: Soft wire in which there is no further cold drawing after the last annealing treatment. This wire is made by annealing in open fired furnaces or molten salt followed by pickling, which produces a clean gray matte finish. It is also made with a bright finish by annealing wet, oil or grease drawn wire in a protective atmosphere, and is sometimes described as bright annealed wire.

A. Grades	Base Price
301	1,800
302	1,754
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316-L	2,704
317	3,005
317-L	3,167
304-L	1,963
17-4PH*	2,120
308	1,939
308-L	2,102
309	2,449
309-L	2,611
321	2,102
302 HQ (18-19LW)**	1,916
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430-F	1,383
434	1,476
434-A	1,291
446	1,754

*May also be designated as type 630 or as UNS 17400
**May also be designated as type 302 CU and as 306

GROUP I - ANNEALED WIRE (Continued)

B. Size *

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	344	434	344
.501" - .573"	344	434	344
.500"	351	434	351
.375" - .499"	381	449	381
.3125" - .374"	388	449	388
.250" - .312"	425	449	425
.234" - .249"	473	471	473
.216" - .233"	495	488	495
.200" - .215"	566	507	566
.185" - .199"	615	554	615
.170" - .184"	622	566	622
.155" - .169"	651	588	651
.142" - .154"	681	671	681
.128" - .141"	693	768	692
.113" - .127"	754	817	693
.099" - .112"	859	915	695
.086" - .098"	912	1,003	702
.076" - .085"	973	1,051	737
.067" - .075"	1,008	1,108	876
.058" - .066"	1,069	1,230	990
.051" - .057"	1,117	1,286	1,042
.044" - .050"	1,169	1,359	1,091
.038" - .043"	1,247	1,405	1,171
.033" - .037"	1,347	1,566	1,271
.030" - .032"	1,396	1,671	1,396
.027" - .029"	1,491		1,491
.024" - .026"	1,595		1,596
.021" - .023"	1,739		1,739
.019" - .020"	1,818		1,818
.018"	1,898		1,898
.017"	1,944		1,944
.016"	1,974		1,974
.015"	2,022		2,022

*All intermediate sizes to take next higher price.

GROUP I - ANNEALED WIRE (Continued)

Size *	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.014"	2,179	--	2,179
.013"	2,301	--	2,301
.012"	2,352	--	2,352
.011"	2,457	--	2,457
.010"	2,618	--	2,618
.009"	2,771	--	2,771
.008"	3,067	--	3,067
.0075"	3,225	--	3,225
.007"	3,459	--	3,459
.0065"	3,894	--	3,894
.006"	4,345	--	4,345
.00575"	4,750	--	4,750
.0055"	5,667	--	5,667
.00525"	5,760	--	5,760
.005"	5,950	--	5,950
.00475"	6,041	--	6,041
.0045"	6,328	--	6,328
.00425"	6,760	--	6,760
.004"	7,382	--	7,382
.00375"	15,294	--	15,294
.0035"	17,743	--	17,743
.00325"	20,439	--	20,439
.003"	23,113	--	23,113
.0027"	25,096	--	25,096
.0025"	26,257	--	26,257
.002"	32,037	--	32,037

*All intermediate sizes to take next higher price.

C. Small Bar*: Small cold drawn bar in wire gauges is to be trigger priced using these size extras:

2. Group II - Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

C. Small Bar*: Small cold drawn bar in wire gauges is to be trigger priced using these size extras:

Size Range**	Grade Group		
	300 Series & 17-7PH	400 Series	17-4PH 15-5PH
.574" - .703"	310	261	310
.501" - .573"	310	261	310
.500"	337	288	337
.375" - .499"	337	288	337
.3125" - .374"	377	323	377
.250" - .312"	377	323	377
.234" - .249"	377	323	377
.216" - .233"	451	402	451
.185" - .215"	451	402	451

*Annealing and pickling is included in base material cost. Size extras include cost of straightening and cut to length.

**Intermediate sizes to take next higher price.

2. Group II - Hard/Spring Wire: wire drawn in several drafts as required to produce the high tensile strengths required for such products as spring wire.

A. Grades	Base Price
301	1,800
302	1,754
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316-L	2,704
317	3,005
317-L	3,167
321	2,102
17-4PH*	2,120
17-7PH***	2,727
308	1,939
308-L	2,102
309	2,449
309-L	2,611
302 HQ (18-1SLW)**	1,916
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430-F	1,383
434	1,476
434-A	1,291
446	1,754

*May also be designated as type 630 or UNS 17400
**May also be designated as type 302 CU or 306
***May also be designated as typed 631 or UNS 17700

GROUP II - HARD/SPRING WIRE (Continued)

B. Size *	Grade Group 300 Series & 17-7PH
Over .375"	713
.3125" - .374"	713
.2500" - .312"	713
.234" - .249"	713
.216" - .233"	713
.200" - .215"	713
.185" - .199"	713
.170" - .184"	713
.155" - .169"	713
.142" - .154"	717
.128" - .141"	717
.113" - .127"	717
.099" - .112"	722
.086" - .098"	800
.076" - .085"	859
.067" - .075"	932
.058" - .066"	1,034
.051" - .057"	1,244
.044" - .050"	1,430
.038" - .043"	1,508
.033" - .037"	1,654
.030" - .032"	1,742
.027" - .029"	2,098
.024" - .026"	2,288
.021" - .023"	2,513
.019" - .020"	2,810
.018"	3,401
.017"	3,694
.016"	3,786
.015"	3,874
.014"	4,054
.013"	4,201
.012"	4,499
.011"	5,753
.010"	5,904
.009"	6,133
.008"	6,343

*All intermediate sizes to take next higher price.

3. Group III - Soft/Intermediate Wire: wire drawn one or more drafts after annealing as required to produce minimum strength or hardness. The properties can be varied between soft temper and those approaching spring temper wire. Wire in this temper is usually produced in a variety of dry drawn tempers. Cold heading wire belongs in this group.

A. Grades	Base Price
301	1,800
302	1,754
302 (302HQ, 18-9LW)	1,916
303	1,847
304	1,800
305	1,963
310	3,237
314	3,700
316	2,542
316-L	2,704
317	3,005
317-L	3,167
321	2,102
17-4PH*	2,120
308	1,939
308-L	2,102
309	2,449
309-L	2,611
347	2,403
384	2,356
409	1,430
410	1,129
416	1,129
420	1,175
430	1,175
430-F	1,383
434	1,476
434-M	1,291
446	1,754

*May also be designated as type 630 or UNS 17400

GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

B. Size *	Grade Group 300 Series	17-4PH
Over .375"	713	
.3125" - .374"	713	
.2500" - .312"	713	
.234" - .249"	713	
.216" - .233"	713	
.200" - .215"	713	
.185" - .199"	713	
.170" - .184"	713	
.155" - .169"	713	
.142" - .154"	717	
.128" - .141"	717	
.113" - .127"	717	
.099" - .112"	722	
.086" - .098"	800	
.076" - .085"	859	
.067" - .075"	932	
.058" - .066"	1,034	
.051" - .057"	1,244	
.044" - .050"	1,430	
.038" - .043"	1,508	
.033" - .037"	1,654	
.030" - .032"	1,742	
.027" - .029"	2,098	
.024" - .026"	2,288	
.021" - .023"	2,513	
.019" - .020"	2,810	
.018"	3,401	
.017"	3,694	
.016"	3,786	
.015"	3,874	
.014"	4,054	
.013"	4,201	
.012"	4,499	
.011"	5,753	
.010"	5,904	
.009"	6,133	
.008"	6,343	
.007"	6,343	6,343
.006"	6,343	6,343
.005"	6,343	6,343
.004"	6,343	6,343

*All intermediate sizes to take next higher price.

4. Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum

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GROUP III - SOFT/INTERMEDIATE WIRE (Continued)

B. Size *

Size	Grade Group: 300 Series & 17-7PH	400 Series	17-4PH 15-5PH
Over .375"	605	473	605
.3125" - .374"	605	473	605
.2500" - .312"	605	473	605
.2340" - .249"	659	517	659
.2160" - .233"	659	517	659
.200" - .215"	659	517	659
.185" - .199"	712	561	712
.170" - .184"	712	561	712
.155" - .169"	712	595	712
.142" - .154"	790	659	790
.128" - .141"	790	771	790
.113" - .127"	844	828	844
.099" - .112"	951	937	951
.086" - .098"	1,049	1,015	1,049
.076" - .085"	1,098	1,064	1,098
.067" - .075"	1,215	1,156	1,215
.058" - .066"	1,317	1,313	1,317
.051" - .057"	1,361	1,483	1,361
.044" - .050"	1,415	1,503	1,415
.038" - .043"	1,537	1,610	1,537
.033" - .037"	1,635	1,717	1,635
.030" - .032"	1,747	1,883	1,747
.027" - .029"	1,908		1,908
.024" - .026"	2,054		2,054
.021" - .023"	2,215		2,215
.019" - .020"	2,366		2,366

*All intermediate sizes to take next higher price.

4. Coating: Material provided uncoated or coated with lime (or equivalent to lime) and/or soap will carry no extra. Other coatings require an appropriate extra where additional costs are involved. Metallic coatings include copper, nickel, and lead. Non-metallic coatings include plastics, molybdenum disulfide, etc.

Size Range	Metallic: Copper	Metallic: Nickel	Non-metallic
Over .154"	117	36	25
.099" - .154"	175	36	25
.063" - .098"	233	48	32
.041" - .062"		74	49
.030" - .040"		101	65
.025" - .029"		101	65
.020" - .024"		138	93
.015" - .019"		181	123
.010" - .014"		214	148

5. Finish

Size Ranges *	Centerless Ground	Centerless Ground and Polished
.595" - .703"	492	619
.501" - .594"	492	619
.500"	544	688
.375" - .499"	556	710
.3125" - .374"	556	710
.250" - .3124	556	710
.234" - .249"	854	1,037
.216" - .233"	854	1,037
.200" - .215"	945	1,152
.185" - .199"	1,105	1,335
.170" - .184"	1,301	1,546
.155" - .169"	1,558	1,822
.142" - .154"	1,816	2,079
.128" - .141"	2,136	2,400
.113" - .127"	2,675	2,961
.093" - .112"	5,448	5,998

*Intermediate sizes to take next higher price.

These extras are applicable to all grades listed.

Straightening and cut to length extras are included in the above finish extras.

6. Diameter Tolerance

Standard: AISI or JIS Specification

	Extra
Standard	Base
Not less than 1/2 standard	10%
Closer than 1/2 to 1/4 standard	25% of size extra
Closer than 1/4 standard	50% of size extra

7. Straightening and Cut to Length: Use the sum of the appropriate extras from A and B below to form the total extra.

A.

Size Range	Extras
.595" - .703"	103
.501" - .594"	103
.500"	103
.375" - .499"	129
.3125" - .374"	129
.170" - .3124"	233
.099" - .169"	582
.051" - .098"	1,683
.032" - .050"	1,942

B.

Length	
Under 12"	91
12" to under 18"	58
18" to under 24"	58
24" to under 30"	38
30" to under 36"	38
36" to under 48"	38
48" to under 60"	38
60" to under 72"	38
72" to under 120"	33
120" to under 168"	33
168" to under 192"	33
192" to under 216"	33
216" to under 240"	33
240" to under 264"	26
264" to under 288"	26
288" to 315"	26

8. Packaging

Bundle	26
Wooden Boxes	90
Fibre Drums	83
Coil Carriers	26
Spools	
Sizes under .020"	182
Both Spools and Wooden Boxes	
Sizes .020" and greater	901
Sizes under .020"	852

[FR Doc. 83-4733 Filed 2-24-83; 8:45 am]
BILLING CODE 3510-21-C

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UMI

National Oceanic and Atmospheric Administration

Hochseefischerei Nordstern AG; Issuance of General Permits

General permits were issued on February 22, 1983, to the Hochseefischerei Nordstern AG, Bremerhaven, West Germany and to the V.E.B. Fischfang Rostock of the German Democratic Republic to take marine mammals incidental to commercial fishing operations under Category 1: Towed or Dragged Gear, pursuant to 50 CFR 216.24.

The general permit to the Hochseefischerei Nordstern AG allows the taking of not more than 5 cetaceans, 10 phocid seals and 30 otariid seals within the U.S. fishery conservation zone during 1983. The general permit to the VEB Fischfang Rostock allows a taking not to exceed 4 cetaceans, and 8 phocid seals during 1983.

These general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: February 22, 1983.

Richard B. Roe,

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-4733 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-22-M

Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

On February 15, 1983, notice was given in the **Federal Register** (p. 6758), that the Travel and Tourism Advisory Board would meet on March 3, 1983. Notice is hereby given that the Travel and Tourism Advisory Board meeting will begin at 10:00 am in Room 6802 of the Main Commerce building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97-63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to order
II. Approval of the minutes
III. Old business
  A. Discussion of the 1984 Marketing Plan
IV. New business
V. Date of next meeting
VI. Adjournment

A limited number of seats will be available for observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Christine Hathaway, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, D.C. 20230, (telephone: 202/377-0136), will respond to public requests for information about the meeting.

Peter McCoy,

Under Secretary for Travel and Tourism, U.S. Department of Commerce.

[FR Doc. 83-4722 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-11-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Level for Certain Wool Textile Products Exported From the Republic of Maldives

February 22, 1983.

On February 7, 1983, there was published in the **Federal Register** (48 FR 5584) a notice announcing that, on December 26, 1982, the United States Government, pursuant to the Section 204 of the Agricultural Act of 1956, as amended, (7 U.S.C. 1854), had requested the Government of the Republic of Maldives to enter into consultations concerning exports to the United States of men's and boys' wool sweaters in Category 445, produced or manufactured in the Republic of Maldives.

Consultations have been held between representatives of the two governments, but no mutually satisfactory agreement was reached on a solution to this problem. The United States Government will continue to consult with the Government of the Republic of Maldives. In the meantime, under the terms of Section 204 of the Agricultural Act of 1956, as amended, (7 U.S.C. 1854), the Government of the United States has informed the Government of the Republic of Maldives that, beginning on December 26, 1982 and extending through December 25, 1983, imports of wool textile products in Category 445, produced or manufactured in Maldives will be limited to a level of 12,756 dozen.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool textile products in Category 445 during the twelve-month period which began on December 26, 1982 in excess of the designated level of restraint.

Effective date: February 25, 1982.

For further information contact: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements,

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on February 25, 1982 and for the twelve-month period which began on December 26, 1982 and extends through December 25, 1983 to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445, produced or manufactured in the Republic of Maldives and exported during the twelve-month period which began on December 26, 1982, in excess of 12,756 dozen.[1]

Wool textile products in Category 445 which have been exported to the United States prior to December 26, 1982 shall not be subject to this directive.

Wool textile products in Category 445 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

[1] The level of restraint has not been adjusted to reflect any imports after December 25, 1982.

The action taken with respect to the Government of the Republic of Maldives and with respect to imports of wool textile products from Maldives has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-4723 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: February 25, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On December 10, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (47 FR 55512) of proposed additions to Procurement List 1983, November 16, 1982 (47 FR 52101):

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1983:

Class 7510

Binder, Looseleaf, 7510-00-965-2443

Class 7530

Paper, Teletypewriter, Roll, 7530-00-019-6674, 7530-00-019-6931, 7530-00-019-7267, 7530-00-019-7463

C. W. Fletcher,

Executive Director.

[FR Doc. 83-4652 Filed 2-24-83; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1983; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities to be produced by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 31, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1983, November 16, 1982 (47 FR 52101):

Class 7910

Pad, Floor Polishing Machine, 7910-00-820-9899, 7910-00-820-9901, 7910-00-820-9904, 7910-00-820-9910, 7910-00-820-9912, 7910-00-820-9914, 7910-00-820-9916, 7910-00-820-9918, 7910-00-820-9900, 7910-00-820-9903, 7910-00-820-9905, 7910-00-820-9911, 7910-00-820-9913, 7910-00-820-9915, 7910-00-820-9917, 7910-00-820-9922,

C. W. Fletcher,

Executive Director.

[FR Doc. 83-4651 Filed 2-24-83; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 16, 1983.

The USAF Scientific Advisory Board ad hoc committee on Software will meet at the Institute for Defense Analysis, Alexandria, VA, on March 17-18, 1983. The purpose of the meeting will be to review USAF software maintenance and development plans as they currently exist. The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on both days.

The meeting will be open to the public, however seating will be limited to those personnel presenting significant academic and industry credentials as well as discussion topics pertinent to the task statement before the committee.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-4630 Filed 2-24-83; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

February 14, 1983.

The USAF Scientific Advisory Board ad hoc committee on Advanced Tactical Fighter Technologies will meet at Wright-Patterson AFB, Ohio on March 17-18, 1983. The purpose of the meeting will be to review the requirements and technologies associated with a next generation fighter. The meeting will convene at 8:30 a.m. and adjourn at 4:30 p.m. on March 17th and on March 18th will convene at 8:00 a.m. and adjourn at 3:00 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnifred F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–4831 Filed 2–24–83; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Intent To Prepare Environmental Documentation for the Construction/Operation of a Proposed Chemical Agent Disposal System on Johnston Atoll

AGENCY: Army Department, Defense.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS), on the potential impact from the design, construction, operation, and decontamination of a proposed chemical agent demilitarization (disposal) facility on Johnston Atoll (JA). The proposed facility would be used to dispose of obsolete/unserviceable chemical agents/munitions currently stored on JA, which is 717 nautical miles west southwest of Honolulu. JA is jointly controlled by the Department of Defense and the Department of the Interior. Alternatives to the proposed action include:

a. Continued storage of obsolete/unserviceable chemical agents/munitions at JA.

b. Construction of a chemical agents/munitions disposal facility at an alternate location and shipment of the chemical agents/munitions stored at JA to the disposal facility.

Note.—Pub. L. 91–672 prohibits the transportation of the chemical munitions currently stored on JA to the United States and specifies that the detoxification or destruction of these munitions shall be conducted only outside of the U.S., i.e., the several States and the District of Columbia.

c. Shipment of the chemical agents/munitions stored on JA to an alternate location for storage. (See note above.)

d. Ocean dumping of untreated chemical agents/munitions. (Note: Pub. L. 92–532 prohibits transportation of any chemical warfare agent for the purpose of dumping it into ocean waters.)

e. Disposal of the chemical agents/munitions through incineration at sea.

2. The Department of the Army recognizes its responsibility to destroy obsolete/unserviceable chemical warfare agents and munitions in a safe and environmentally acceptable manner. The Army further recognizes the need under National Environmental Policy Act (NEPA), to discuss and analyze, in appropriate environmental documentation, the potential impact from operation and subsequent decontamination of the proposed disposal facility on JA as well as the more immediate impact associated with construction of the facility.

3. Notice is further given of the Army's intention to initiate the scoping process for this environmental impact statement. The purposes of this scoping process are those stated in 32 CFR 651.32 and are designed to aid the Army in determining the significant issues related to the proposed action. The process incorporates appropriate public participation, including Federal, state and local agencies, as well as residents within the affected environment.

4. Questions and comments regarding both the scope of and the issues to be analyzed in the environmental documentation may be addressed to Mr. John A. Scott, US Army Toxic and Hazardous Materials Agency, ATTN: DRXTH–SE, Aberdeen Proving Ground, MD 21010. An initial scoping meeting will be held in Honolulu, Hawaii, on March 17, 1983 so that interested individuals and agencies may assist the Department of the Army in scoping the environmental documentation. As specific issues are identified through the receipt of comments, additional public meetings and seminars may be scheduled if required. Written comments are requested fifteen days from this date, so that the agenda for the scoping meeting can be planned. Interested individuals and agencies may also obtain a copy of the Johnston Atoll Chemical Agent Disposal System (JACADS) information package by writing to the above address or Commander, US Army Western Command, ATTN: Public Information Office, Fort Shafter, HI 96858.

Dated: February 22, 1983.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 83–4797 Filed 2–24–83; 8:45 am]

BILLING CODE 3710–93–M

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on 22–24 March 1983 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 22–24 March 1983 the Task Force will consider organizational matters and the basic requirements for fire support during amphibious warfare operations.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

February 22, 1983.

[FR Doc. 83–4839 Filed 2–24–83; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on the Transition of Weapon Systems From Development to Production; Advisory Committee Meeting

The Defense Science Board Task Force on the Transition of Weapon Systems from Development to Production will meet in closed session on 23 March 1983 in Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 23 March 1983 the Task Force will review, evaluate, and make recommendations concerning ways to improve and accelerate the transition of weapon systems into production. They will also consider training emphasis and possibilities for improvement in the internal management process.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

February 22, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83–4838 Filed 2–24–83; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Industrial Equipment Modernization Program—Post Analysis Report

The DD Form 1651 is used by defense contractors to show net cost savings which result from the use of Government-owned machine tools/equipment which have been modernized or replaced by the Government. These data are used to determine the amount of credit of refund due to the Government.

DoD contractors: 50 responses; 100 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of DD Form 1106 and instructions may be obtained from Mr. John R. King, Defense Industrial Resources Support Office, Two Skyline Place, Suite 1406, 5203 Leesburg Pike, Falls Church, Virginia 22041, (202) 756-2310.

M. S. Healy,

OSD Federal Register Liaison Officer Department of Defense.

February 18, 1983.

[FR Doc. 83-4750 Filed 2-24-83; 8:45 am]

BILLING CODE 3810-01-M

Joint Strategic Target Planning Staff Scientific Advisory Group

The Joint Strategic Target Planning Staff (JSTPS) Scientific Advisory Group will meet in closed session March 10 and 11, 1983, at Offutt Air Force Base, Nebraska. The purpose of the meeting is to discuss matters which relate to the development of the Single Integrated Operational Plan (SIOP). The entire meeting will be devoted to the discussion of classified matters within the meaning of section 552b(c)(1), Title 5 of the U.S. Code and designated at TOP SECRET in accordance with Executive Order 12356, April 2, 1982. Therefore, pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463 as amended) notice is hereby given that the meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 18, 1983.

[FR Doc. 83-4759 Filed 2-24-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM79-34; Docket No. ST82-155]

Transportation Certificates for Natural Gas Displacement of Fuel Oil; Natural Gas Pipeline Co. of America; Self-Implementing Transactions

April 15, 1982.

Take notice the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to Section 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to Section 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to Section 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to Section 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to Section 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to Section 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to Section 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under Section 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No. and Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate (¢/MMBtu)
ST82-155 Natural Gas Pipeline Co. of America	Columbia Gas Transmission Corp	2/01/82	G		
ST82-156 United Gas Pipe Line Co	Texas Gas Transmission Corp	2/01/82	G		
ST82-157 Odessa Natural Co	El Paso Natural Gas Co	2/01/82	C	7/01/82	5.80
ST82-158 United Gas Pipe Line Co	Delhi Gas Pipeline Corp	1/18/82	B		
ST82-159 Louisiana Gas Systems, Inc	Entex, Inc	2/02/82	C		
ST82-160 Northwest Pipeline Corp	Southwest Gas Corp	2/02/82	G		
ST82-161 Natural Gas Pipeline Co. of America	Liberty Natural Gas Co	2/03/82	B		
ST82-162 Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	2/03/82	G		
ST82-163 The East Ohio Gas Co	Panhandle Eastern Pipe Line Co	1/19/82	G(HT)		
ST82-164 Seagull Pipeline Corp	El Paso Natural Gas Co	12/10/81	C		

	Docket No. and Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date [1]	Transportation rate (C/MMBtu)
ST82-165	United Texas Transmission Co	Transcontinental Gas Pipe Line Corp	2/09/82	C		
ST82-166	Northern Natural Gas Co	Intrastex Gas Co	2/09/82	B		
ST82-167	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	2/05/82	G		
ST82-168	Northern Natural Gas Co	Kansas Power and Light Co	2/05/82	B		
ST82-169	United Gas Pipe Line Co	Monterey PipeLine Co	2/05/82	B		
ST82-170	United Gas Pipe Line Co	Transcontinental Gas Pipe Line Corp	2/05/82	G		
ST82-171	United Gas Pipe Line Co	Faustina Pipe Line Co	2/05/82	B		
ST82-172	Texas Gas Transmission Corp	United Gas Pipe Line Co	2/08/82	G		
ST82-173	Transcontinental Gas Pipe Line Corp	Southern Natural Gas Co	2/08/82	G		
ST82-174	Northern Natural Gas Co	North Central Public Service Co	2/08/82	B		
ST82-175	Northern Natural Gas Co	Westar Transmission Co	2/08/82	B		
ST82-176	Trunkline Gas Co	Cajun Natural Gas Co	2/08/82	B		
ST82-177	Natural Gas Transmission Co. of Okla	Columbia Gas Transmission Corp	2/11/82	C		
ST82-178	Transcontinental Gas Pipe Line Corp	Florida Gas Transmission Co	2/11/82	G		
ST82-179	Houston Pipe Line Co	Texas Eastern Transmission Corp	2/05/82	C		
ST82-180	Transcontinental Gas Pipe Line Corp	Louisiana Intrastate Gas Corp	2/10/82	B		
ST82-181	United Gas Pipe Line Co	Southern Natural Gas Co	2/12/82	G		
ST82-182	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	2/17/82	G		
ST82-183	Southern Natural Gas Co	Tennessee Gas Pipe Line Co	2/18/82	G		
ST82-184	Panhandle Eastern Pipe Line Co	Peoples Natural Gas Co	2/18/82	F		
ST82-185	Trunkline Gas Co	Southern Natural Gas Co	2/19/82	G		
ST82-186	United Gas Pipe Line Co	Southern Natural Gas Co	2/17/82	G		
ST82-187	Coronado Transmission Co	United Gas Pipe Line Co	2/22/82	D	7/22/82	15.07
ST82-188	Channel Industrial Gas Co	Tennessee Gas Pipeline Co	2/22/82	C		
ST82-189	Delhi Gas Pipeline Corp	Northern Natural Gas Co	2/23/82	C	7/23/82	33.40
ST82-190	Sea Robin Pipeline Co	Southern Natural Gas Co	2/25/82	G		
ST82-191	Florida Gas Transmission Co	Houston Pipe Line Co	2/25/82	B		
ST82-192	Natural Gas Pipeline Co. of America	Southwestern Gas Pipeline, Inc	2/26/82	B		
ST82-193	Producer's Gas Co	Southern Natural Gas Co	2/25/82	C	7/25/82	37.50
ST82-194	Producer's Gas Co	Panhandle Eastern Pipe Line Co	2/25/82	C	7/25/82	37.50
ST82-195	Producer's Gas Co	Transwestern Pipeline Co	2/25/82	C	7/25/82	37.50
ST82-196	Producer's Gas Co	Trans Louisiana Gas Co	2/28/82	D		

[1] The intrastate Pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(B)(2) of the Commission's Regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 83-4880 Filed 2-24-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6882-000, et al.]

City of Shawano, Wisconsin, et al.; Applications Filed With the Commission

Taken notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of application: Preliminary Permit

b. Project No: 6882-000

c. Date Filed: November 26, 1982

d. Applicant: City of Shawano, Wisconsin

e. Name of Project: Pella Dam

f. Location: City of Shawano, Shawano County, Wisconsin

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r)

h. Contact Person: Mr. James M. Waters, Waters and Associates, Inc., 995 Applegate Road, P.O. Box 4086, Madison, Wisconsin 53711

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed project would consist of: (1) an existing reservior with a storage area of 315 acre-feet and a surface area of 68.8 acres at power pool elevation of 843 feet m.s.l.; (2) an existing masonry and rock-timber crib dam; (3) a proposed powerhouse with a total installed capacity of 415 kW; (4) proposed 12.47 kV and 34.5 kV transmission lines; and (5) appurtenant facilities. The estimated average annual energy output would be 1,800 MWh.

k. Purpose of Project: Applicant proposes to sell the generated power to either the Wisconsin Power and Light Company or the Wisconsin Public Service Corporation.

1. This notice also consists of the following standard paragraphs: A4a, A4c, B, C. and D2

2a. Type of Application: Preliminary Permit

b. Project No: 7004-000

c. Date Filed: January 17, 1983

d. Applicant: City of Rock Falls, Illinois

e. Name of Project: Upper Sterling Dam Hydro Project

f. Location: Sterling, Whiteside County, Illinois on the Rock River

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r)

h. Contact Person: Honorable Mayor Glen R. Kuhlemier, City of Rock Falls, 603 West 10th Street, Rock Falls, Illinois 61071

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed project would consist of: (1) and existing 1400-foot long and 9-foot high concrete dam; (2) an existing reservoir having a storage capacity of 7,000 acre-feet and a surface area of 2,400 acres; (3) a proposed powerhouse with an installed generating capacity of 3 MW; (4) transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy generation would be 15.4 GWh. All power generated would be utilized by the City of Rock Falls.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

3a. Type of Application: Preliminary Permit

b. Project No: 6997-000

c. Date Filed: January 13, 1983

d. Applicant: Doug Mendenhall

e. Name of Project: Clark Fork Diversion Project

f. Location: Superior, in Mineral and Sanders Counties, Montana on the Clark Fork River within the Lolo National Forest

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r)

h. Contact Person: Mr. Doug Mendenhall, P.O. Box 332, Lucile, Idaho 83542

i. Comment Date: April 25, 1983.

j. Description of Project: The proposed project would consist of: (1) a new reinforced concrete diversion dam; (2) a new 42,000-foot headrace tunnel; (3) a new steel penstock; (4) a new powerhouse with an installed capacity of 100 MW; (5) new transmission lines ranging from 18 to 24 miles; and (6) appurtenant facilities. Applicant estimates that average annual generation would be 330 GWh. All power generated would be sold to a local utility company.

l. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C, and D2

4a. Type of Application: Preliminary Permit
b. Project No: 7023–000
c. Date Filed: January 23, 1983
d. Applicant: Franklin County, Indiana
e. Name of Project: Brookville Dam Project
f. Location: Brookville, Franklin County, Indiana on the East Fork of the Whitewater River
g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r)
h. Contact Person: Mr. Francis Schuck, Franklin County Courthouse Brookville, Indiana 47012
i. Comment Date: April 22, 1983.
j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Brookville dam and reservoir and would consist of: (1) A proposed penstock to connect the existing outlet structure to the proposed powerhouse; (2) a new powerhouse containing generating units with a total installed capacity of 12 MW; (3) proposed transmission lines; and (4) appurtenant facilities. Applicant estimates that the average annual energy generation would be determined at a later time. All power generated would be sold to a local utility company.
k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2
5a. Type of Application: 5MW Exemption
b. Project No: 6985–000
c. Date Filed: January 6, 1983
d. Applicant: ARCO Metals Company
e. Name of Project: Kinneytown Hydro Project
f. Location: New Haven County, Connecticut
g. Filed pursuant to: Section 408 of the Energy Security Act of 1980 (Act), (16 U.S.C. 2705 and 2708 as amended)
h. Contact person: Mr. Robert C. Weber, Manager, Engineering, ARCO Metals Company, Ansonia Plant, 75 Liberty Street, Ansonia, Connecticut 06401 and Barbara E. Schneider, Esquire, Chapman, Duff and Paul, 1730 Pennsylvania Ave., NW., Washington, D.C. 20006
i. Comment date: April 1, 1983.
j. Description of Project: The proposed project would be run-of-the-river and would consist of two developments (A & B) each utilizing: (1) The existing Kinneytown dam, 412 feet long and 20 feet high, constructed of concrete with an ogee spillway; (2) a reservior having minimal pondage and normal surface elevation of 64.6 m.s.l.:
A. (3) an existing intake structure, at the left river bank, and a 1-mile long canal and equalization pond leading to (4) an existing powerhouse containing an operating turbine-generator unit having a rated capacity of 850 kW; (5) a tailrace returning flow to the Naugatuck River approximately 6,000 feet downstream of the dam; (6) a transmission line; and (7) appurtenant facilities:
B. (3) a new intake structure, at the right river bank, and a new 10-foot diameter steel penstock, 210 feet long, leading to (4) a new powerhouse containing a turbine-generator unit having a rated capacity of 1,820 kW; (5) a tailrace returning flow to the Naugatuck River approximately 400 feet downstream of the dam; (6) a new 13.8-kV transmission line approximately 1 mile long; and (7) appurtenant facilities. The existing average annual output is 2,500,000 kWh and the Applicant estimates the combined output of the two units would be 8, 400,000 kWh. Project energy would be utilized by the Applicant's Ansonia Manufacturing Plant. All project works are owned by the Applicant.
k. This notice also consists of the following standard paragraphs: A1, B, C and D3a
l. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.
6a. Type of Application: Exemption from Licensing (5MW or less capacity)
b. Project No: 6389–001
c. Date Filed: 12/8/82
d. Applicant: Lawrence J. McMurtrey
e. Name of Project: French Creek
f. Location: On French Creek, within Snoqualmie-Mt. Baker National Forest in Snohomish County, Washington.
g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended)
h. Contact Person: Lawrence J. McMurtrey, 12122—196th, N.E. Redmond, Washington 98052
i. Comment Date: April 4, 1983
j. Competing Application: Project No. 6537–000 Date Filed: 7/16/82 Notice Issued: 10/19/82
k. Description of Project: The proposed project would consist of: (1) A 2-foot-high, 14-foot-long diversion structure; (2) a 24-inch-diameter, 8000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 2.33 MW; and (4) appurtenant facilities. The Applicant estimates a 12.24 GWh average annual energy production.
l. Purpose of Project: Power would be sold to Puget Sound Power and Light.
m. This notice also consists of the following standard paragraphs: A1, B, C, D3a
7a. Type of Application: Preliminary Permit
b. Project No: 6953–000
c. Date Filed: December 22, 1982
d. Applicant: Tualatin Valley Irrigation District
e. Name of Project: Scoggins Water Power Project
f. Location: Scoggins Creek at the Bureau of Reclamation's Scoggins Dam in Washington County, Oregon
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)
h. Contact Person: Palmer S. Torvend, P.O. Box 215, Forest Grove, Oregon 97116
i. Comment Date: April 4, 1983
j. Competing Application: Project No. 6609–000, Date Filed: 8/18/82 Notice Issued: 10/15/82
k. Description of Project: The proposed project would utilize the head developed by the existing U.S. Bureau of Reclamation's Scoggins Dam. The project would consist of: (1) A penstock connecting to the existing outlet works of the USBR's Scoggins Dam; (2) a powerhouse containing a generating unit with a rated capacity of 1500 kW; and (3) appurtenant facilities. The Applicant estimates a 4-million-kWh average annual energy production. Applicant has requested a 36-month permit to do feasibility studies and prepare a license application, at an estimated cost of $10,000.
l. This notice also consists of the following standard paragraphs: A3, B, C & D2
8a. Type of Application: Exemption Under 5MW
b. Project No.: 6955–000
c. Date Filed: December 23, 1982
d. Applicant: Pan-Pacific Hydro, Inc.
e. Name of Project: Stoney Creek Project
f. Location: On Stoney Creek, near Weaverville, in Trinity County, California
g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended*
h. Contact Person: Mr. James B. Thompkins, Pan-Pacific Hydro, Inc., 3357 Jordan Road, Oakland, California
i. Comment Date: April 4, 1983.
j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 5-foot-high, 22-foot-long, concrete diversion structure; (2) a 2,800-foot-long, 30-inch-diameter steel pipeline; (3) an 800-foot-long, 24-inch-diameter steel penstock; (4) a powerhouse containing a single 350-kW generating unit with an estimated annual generation of 1.4 GWh;

and (5) appurtenant facilities. Project power would be sold to Pacific Gas and Electric Company. The project would impact lands of the Trinity National Forest.

An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a

9a. Type of Application: Preliminary Permit

b. Project No: 7005–000

c. Date Filed: January 18, 1983

d. Applicant: Grisdale Hill Company

e. Name of Project: Christy Creek Hydropower

f. Location: On Christy Creek in Lane County, Oregon within Willamette National Forest.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r)

h. Contact Person: Ms. Joy Leong, Morrison and Foerster, 1920 N Street, N.W., Washington, D.C. 20036.

i. Comment Date: April 27, 1983.

j. Description of Project: The proposed project would consist of: (1) An 8-foot-high, 60-foot-long, diversion dam; (2) a 9,500-foot-long buried pipeline; (3) a 48-inch-diameter, 1,900-foot-long penstock; (4) a Powerhouse containing a single generating unit with an installed capacity of 4,000 kW, operating under a head of 550 feet; (5) a tailrace; and (6) a 10-mile-long, 34.5-kV transmission line tying into an existing 115-kV line owned by the Bonneville Power Administration. The average annual energy output would be 17.7 million kWh.

A preliminary permit, if issued does not authorize construction. the Applicant seeks a 24 month permit to study the feasibility of constructing and operating the project. No new access roads will be required for the purpose of conducting these studies. The estimated cost for conducting these studies is $125,000.

k. Purpose of Project: Project power will be sold to the Bonneville Power Administration or to a local investor owned utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

10a. Type of Application: Preliminary Permit

b. Project No.: 6961–000

c. Date Filed: December 27, 1982

d. Applicant: Midvale Irrigation District

e. Name of Project: Pilot Butte Dam and Power Plant

f. Location: Wind River, Fremont County, Wyoming

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Jack Long, Manager, Midvale Irrigation District, Post Office Box 128, Pavillion, Wyoming 82523

i. Comment Date: April 27, 1983.

j. Description of Project: The proposed project would consist of: (1) The existing U.S. Bureau of Reclamation Pilot Butte Dam; and/or (2) the existing U.S. Bureau of Reclamation Pilot Butte Power Plant; (3) proposed power generating facilities at the above locations, within an estimated total installed capacity of up to 6 MW; (4) a proposed short transmission line to the existing substation adjacent to the existing Pilot Butte Power Plant; and (5) appurtenant facilities. Applicant estimates the total average annual generation to be about 15.0 GWh.

k. Purpose of Project: The Applicant proposes to market the power generated in an appropriate local power market.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

11a. Type of Application: Exemption from Licensing (5 MW or less)

b. Project No.: 6965–000

c. Date Filed: December 27, 1982

d. Applicant: Richard R. Gresham

e. Name of Project: Hecla Power

f. Location: On Canyon Creek in Shoshone County, Idaho

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended).

h. Contact Person: Richard R. Gresham, P.O. Box 52, Kellogg, Idaho 83837

i. Comment Date: April 6, 1983.

j. Description of Project: The proposed project would rehabilitate and utilize an existing inactive development consisting of: (1) A 6-foot-high by 40-foot-long concrete dam; (2) a 30-inch-diameter, 7,800-foot-long wood stave line; (3) a 20-inch-diameter, 500-foot-long wood penstock; (4) two turbine-generators with a total rated capacity of 500 kW and an average annual output of 2 GWh located in the Star Mine Warehouse basement; (5) an electrical connection to the powerline servicing the warehouse; and (6) and 80-foot-long concrete tailrace.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

k. This notice also consists of the following standard paragraphs: A1, B, C and D3a

12a. Type of Application: Preliminary Permit

b. Project No: 6967–000

c. Date Filed: December 27, 1982

d. Applicant: California Hydroelectric

e. Name of Project: Fall Creek Project

f. Location: On Fall Creek in Nevada County, California within the Tahoe National Forest

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. James R. Doolittle, 18611 Pebble Place, Nevada City, California 95959

i. Comment Date: April 22, 1983.

j. Description of Project: The proposed project would consist of: (1) A 6-foot-high, 23-foot-long diversion structure; (2) a 36-inch-diameter, 5,287-foot-long buried pipeline; (3) a 24-inch-diameter, 3,300-foot-long penstock; (4) a powerhouse to contain a single generating unit with a rated capacity of 4,900 kW, operating under a head of 2,000 feet; and (5) a 1-mile-long, 69-kV transmission line to tie into the existing Pacific Gas and Electric transmission line. The average annual energy output is 11 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months to study the feasibility of constructing and operating the project. The estimated cost for conducting these studies is $40,000. No new access roads will be required for the purpose of conducting these studies.

k. Purpose of Project: Project power will be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

13a. Type of Application: Preliminary Permit

b. Project No: 7018–000

c. Date Filed: January 24, 1983

d. Applicant: Mason County PUD No. 3, Washington

e. Name of Project: Goldsborough Creek Project

f. Location: On Goldsborough Creek, near Shelton, in Mason County, Washington

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Dennis E. Rohr, General Manager, Mason County PUD No. 3, P.O. Box 490, Third and Cota Streets, Shelton, Washington 98584

i. Comment Date: April 25, 1983.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) The existing Simpson Timber Company's 13.7-foot-high, 100-foot-long Goldsborough Creek Dam; (2) a 30-inch-diameter, 100-foot-long, steel penstock; (3) a powerhouse containing a single 380-kW generating unit with an estimated average annual generation of 1.32 GWh; and (4) appurtenant facilities. Project power would be used to meet the Applicant's load demand.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at $116,500.

k. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

14a. Type of Application: Exemption from Licensing (5MW or less capacity)

b. Project No: 6625–001

c. Date Filed: December 17, 1982

d. Applicant: John H. Leslie

e. Name of Project: Spencer Lake Hydroelectric Power

f. Location: On an unnamed stream below Spencer Lake in San Juan County, Washington.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 as amended)

h. Contact Person: Frank W. Pita, CH2M Hill, 1500 114th Avenue S.E., Bellevue, Washington 98004

i. Comment Date: April 8, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 42-foot-high privately owned Spencer Lake Dam; (2) a 15-inch-diameter, 1,300-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 40 kW; and (4) appurtenant facilities. The Applicant estimates a 170,000 kWh average annual energy production.

k. Purpose of Project: Power would be sold to a local utility.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a

15a. Type of Application: 5MW Exemption

b. Project No: 6429–001

c. Date Filed: January 10, 1983

d. Applicant: Daniel Enos

e. Name of Project: Russell Mill Pond

f. Location: Russell Mill Pond, Town of Plymouth, Plymouth County, Massachusetts

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, Pub. L. 96–294, 94 Stat. 611 (16 U.S.C. 2705 and 2708 as amended)

h. Contact Person: Daniel Enos, Russell Mill Road, Plymouth, Massachusetts 02360

i. Comment Date: April 4, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 15 to 25-foot high, 400-foot long earth and rock fill dam with a 40-foot long controlled spillway; (2) an existing 30-acre reservoir having no usable storage capacity at elevation 25.0 feet m.s.l.; (3) an 18-foot long concrete and wood penstock; (4) a new powerhouse located at the base of the controlled spillway containing a 15 kW turbine-generator; (5) a 150-foot long, 220-V transmission line; (6) an existing fish ladder; and (7) appurtenant facilities. The project would produce approximately 78,840 kWh annually. Applicant owns the Project property.

l. Purpose of Project: Energy produced at the project would be utilized by the Applicant with excess energy sold to the local utility.

m. This notice also consists of the following standard paragraphs: A1, B, C, D3a

n. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

16a. Type of Application: Conduit Exemption

b. Project No.: 3685–003

c. Date Filed: December 22, 1982

d. Applicant: City of Bakersfield and Kern Delta Water District

e. Name of Project: Carrier Canal Powerplant

f. Location: At the Carrier Canal headworks, near Bakersfield, in Kern County, California.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 30

h. Contact Person: Mr. Philip Kelmar, City Manager, City of Bakersfield, 1501 Truxton Avenue, Bakersfield, California 93301

i. Comment Date: April 4, 1983.

j. Description of Project: The proposed project would consist of: (1) A powerhouse, to be located at the Carrier Canal headworks, containing two generating units, each rated at 350 kW; and (2) a 0.5-mile-long transmission line. The average annual energy generation is estimated to be 3 million kWh.

k. Purpose of Project: The energy generating by the project will be transmitted into an existing utility transmission grid.

l. This notice also consists of the following standard paragraphs: B, C, D3b

17a. Type of Application: Exemption (5MW or Less)

b. Project No.: 6792–000

c. Date Filed: October 25, 1982

d. Applicant: Stony Creek Hydro Company

e. Name of Project: Mill Creek

f. Location: On Mill Creek, near Paradise, within Plumas National Forest, in Butte County, California

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended)*

h. Contact Person: James E. Helmich, California Hydro Systems, Inc., 1330 21st Street, Suite 105, Sacramento, California 95814

i. Comment Date: April 4, 1983.

j. Description of Project: The proposed Mill Creek Project would consist of: (1) A low diversion structure with a maximum possible height of six feet; (2) a low-pressure, 2,640-foot-long, 30-inch steel flume; (3) a 1,604-foot-long, 30-inch-diameter steel penstock; (4) a powerhouse containing two generating units, one rated at 830 kW and one rated at 420 kW; and (5) a one-mile-long transmission line. The average annual energy generation is estimated at 10.5 million kWh.

k. Purpose of Project: The energy generated by the project would be sold to Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a

18a. Type of Application: Exemption (5 MW or Less)

b. Project No: 6819–000

c. Date Filed: November 2, 1982

d. Applicant: Desert Water Agency

e. Name of Project: Snow Creek Project

f. Location: On Snow Creek, near Snow Creek Village, on San Bernardino National Forest and BLM lands, in Riverside County, California.

g. Filed Pursuant to: Section 408, Energy Security Act, 16 U.S.C. 2705 and 2708, as amended.

h. Contact Person: Ronald L. Baetz, Desert Water Agency, 1200 South Bogie Road, Palm Springs, California 92262.

i. Comment Date: April 4, 1983.

j. Description of Project: The Snow Creek Project would consist of: (1) The existing 10-foot-high concrete Snow Creek Diversion Dam; (2) an 11,800-foot-long, 14-inch-diameter steel pipeline; (3) a 0.5–MG steel equalizing reservoir; (4) a powerhouse containing one generating unit rated at 300 kW; (5) a tailrace; and (6) a 300-foot-long transmission line. The average annual energy generation is estimated to be 1.8 million kWh.

k. Purpose of Project: The energy generated by the project would be used internally or sold to a local utility.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a

19a. Type of Application: Conduit Exemption

b. Project No: 6688–000

c. Date Filed: December 27, 1982

d. Applicant: City of Upland Water Department

e. Name of Project: City of Upland Water Department Project

f. Location: On the San Antonio Water Company's existing pipeline near the City of Upland, in San Bernardino County, California.

g. Filed Pursuant to: Section 30, Federal Power Act

h. Contact Person: John Egan, John Egan and Associates, Inc., 366 Orange Show Lane, San Bernardino, CA 92408

i. Comment Date: April 6, 1983.

j. Description of Project: The proposed project would consist of: (1) A centrifugal turbine connected to a 46–kW generating unit to be housed in an existing building and located on a 22-inch-diameter pipeline owned by the San Antonio Water Company; and (2) a bypass conduit. The average annual energy generation is estimated to be 403,000 kWh.

k. Purpose of Project: The energy generated would be sold to Southern California Edison Company.

l. This notice also consists of the following standard paragraphs: B, C, D3b

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33(a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: February 22, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4798 Filed 2-24-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; week of January 28 Through February 4, 1983

During the Week of January 28 through February 4, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: February 16, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 28 through Feb. 4, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 31, 1983	Edward G. Connor, Burke, Virginia	HFA-0115	Appeal of an Information Request Denial. If granted: The January 10, 1983, Freedom of Information Request Denial issued by the Office of Administrative Services would be rescinded and Edward G. Connor would receive access to certain DOE information concerning job vacancy announcement No. 82-21C.
Do	Economic Regulatory Administration, Washington, D.C.	HRR-0048	Request for Modification/Rescission. If granted: The December 8, 1982, Decision and Order issued to Exxon Company, U.S.A. would be rescinded regarding the firm's request for discovery and an evidentiary hearing (Case Nos. HRH-0002 and HRD-0007).
Do	Veribus Corporation and Gulf States Utilities Company, [redacted], Texas	HEE-0000 and HEH-0047	Price Exception and Request for Modification/Rescission. If granted: The January 30, 1976, Decision and Order (Case No. FEE-1962) and the November 8, 1976, Decision and Order (Case No. FEA-0776) issued to Veribus Corporation by the Office of Hearings and Appeals would be rescinded. Veribus Corporation and Gulf States Utilities Corporation would receive an exception from the provisions of 10 CFR Part 212 which would relieve Veribus Corporation of any obligation to refund possible overcharges on sales of fuel oil to Gulf States Utilities Corporation.
Feb. 1, 1983	OSC/Atlantic Richfield Company, Washington, D.C.	HRZ-0132	Interlocutory Order. If granted: Atlantic Richfield Company would be precluded from raising certain affirmative defenses in connection with its Statement of Objections in Case No. DRO-0193.
Feb. 3, 1983	Kenneth Rogers, Washington, D.C.	HRD-0108 and HRH-0108	Motions for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Kenneth Rogers in response to a Proposed Remedial Order issued to Petrotech Trading Co. *et al.* (Case No. [redacted]).

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Jan. 28 through Feb. 4, 1983]

Date	Name and location of applicant	Case No.	Type of submission
[illegible]	Kenneth Rogers, Clyde, Texas	HRZ-0133	Interlocutory Order. If granted: The Proposed Remedial Order issued to Petrotech Trading Company *et al.* (Case No. HRO-0095) would be modified regarding Kenneth Rogers' liability for the alleged overcharges.
Feb. 4, 1983	Environmental Policy Institute, Denver, Colorado	HFA-0116	Appeal of an Information Request Denial. If granted: The December 28, 1982, Freedom of Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded and the Environmental Policy Institute would receive a waiver of the fees for search and duplication of documents regarding radiological release from the Savannah River Plant.
Do	Skelly and Loy, Harrisburg, Pennsylvania	HFA-0117	Appeal of an Information Request Denial. If granted: The January 7, 1983, Freedom of Information Request Denial issued by the Inspector General would be rescinded, and Skelly and Loy would receive an undeleted copy of the June 28, 1982, investigative report entitled "Skelly & Loy, Inc., Harrisburg, Pennsylvania; Contract Irregularities".

REFUND APPLICATIONS RECEIVED

[Week of Jan. 28 to Feb. 4, 1983]

Date	Name of refund proceeding/ name of refund applicant	Case No.
1/31/83-2/4/83	Amoco Refund Applications	RF21-780-RF21-1841.
1/31/83	Arcone/Joseph Reidy & Sons, Inc.	FR20-3.
2/1/83	Charter Oil/Carolina Oil Co	[illegible]
2/4/83	Charter Oil/Gulf Oil Companies	RF23-4.

[FR Doc. 83-4618 Filed 2-24-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of January 31 Through February 4, 1983

During the week of January 31 through February 4, 1983, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decision and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: February 16, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Husky Oil Company of Delaware, Washington, D.C.; Crude Oil BEX-0210

Husky Oil Company of Delaware submitted financial and operating data to permit a determination of entitlements exception relief for its operations during the period from January 1, 1978 through January 27, 1981. On February 4, 1983, the Department of Energy issued a Proposed Decision and Order which determined that pursuant to federal court decisions, Husky must receive $153,392,369 of entitlements exception relief for its operations from January 1978 through December 1980 and that, subject to certain limitations, Husky should be relieved in full of any net entitlements purchase or sales obligation that it incurs on the January 1981 Entitlements Notice and the entitlements clean-up list issued pursuant to 10 CFR 211.69

State of Alaska, Anchorage, Alaska; HEE-0029

The State of Alaska filed an Application for Exception from the provisions of 10 CFR Parts 450 and 455. The exception request, if granted, would permit residential child care facilities in the state which provide care for less than 10 persons to apply for federal grants which would enable them to reduce consumption and the associated costs of conventional energy sources. On February 3, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

[FR Doc. 83-4617 Filed 2-24-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notices are provided:

I. A meeting of Subcommittee C of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on March 7, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:00 a.m.

The agenda for the meeting is as follows:

1. Opening remarks.
2. Legal clearances for AST-4.
3. IEA Dispute Settlement Centre development.
4. Status of U.S. statutory antitrust defense.
5. Status of application for legal clearance under the Treaty of Rome.
6. Availability of contract breach defense.
7. Future work program.

II. A meeting of the IAB to the IEA will be held on March 7, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 2:00 p.m.

The agenda for the meeting is as follows:

1. Opening remarks:
(a) Adoption of the Agenda; and
(b) Approval of Record Note of December 7, 1982, IAB meeting.
2. Correspondence and communications with IEA and Reporting Companies.
3. Report of Subcommittee C.
4. Report of AST-4 Design Group.
5. Stocks and stock policies including discussion of telex from IEA Executive Director.
6. Oil supply and demand:
(a) February assessment; and
(b) Base period final consumption.
7. Industry Supply Advisory Group staffing.
8. Next IAB meeting.

III. A meeting of the IAB to the IEA will be held on March 8, 1983, at the offices of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 9:30 a.m. The purpose of this meeting is to permit attendance by representatives of members of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held at Paris on that date.

The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Draft Agenda.
2. Summary Record of 43rd meeting.
3. Oil supply and demand:
(a) February assessment; and
(b) Base period final consumption.
4. Stocks and stock policies.
5. Pricing in an emergency.
6. AST–4.
7. Questionnaire C and Monthly Oil Statistics review.
8. Any other business.
9. Confirmation of date of next meeting (July 2, 1983).

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., February 22, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83–4842 Filed 2–24–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2311–6

Availability of Environmental Impact Statements Filed February 14 Through February 18, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382–5075 or 382–5076.

Corps of Engineers:
EIS No. 830089, Draft, COE SEV, AL MS Tennessee-Tombigbee Waterway, Wildlife Mitigation, due: Apr. 15, 1983.
EIS No. 830097, Draft, COE, TX, Palo Duro Creek Multipurpose Dam Project, Hansford County, due: Apr. 11, 1983.
EIS No. 830094, Final, COE, MI, Cass River Flood Control at Vassar, Tuscola County, due: Mar. 28, 1983.
EIS No. 830088, FSuppl, COE, TN, W. Tennessee Tributaries Flood Plan, Obion-Forked Deer Rivers System, due: Mar. 28, 1983.
EIS No. 830092, FSuppl, COE, IA, Blowers Creek Local Flood Protection, Black Hawk County, due: Mar. 28, 1983.
Department of Commerce:
EIS No. 830099, Draft, NOA, ATL, Bluefish Fishery Management Plan, Western Atlantic Ocean, due: Apr. 11, 1983.
Department of the Interior:
EIS No. 830096, Draft, BLM, CO, Kremmling Area Resource Mgmt., Jackson/Grand/Eagle/Larimer/Summit Cos., due: May 25, 1983.
EIS No. 830084, Final, BLM, Sev, MT ND Fort Union Coal Region, Coal Development, Leasing, due: Mar. 28, 1983.
EIS No. 830091, Final, BLM, OR, Andrews Grazing Management Program, Harney County, due: Mar. 28, 1983.
EIS No. 830093, Final, BLM, UT, Uintah Basin Synfuels Development, Uintah County, due: Apr. 10, 1983.
Department of Transportation:
EIS No. 830085, Draft, FHW, MN, Hennepin Ave./CSAH–52 Bridge Replacement, Mississippi R., Hennepin Co., due: Apr. 15, 1983.
EIS No. 830090, Draft, FHW, SEV, NY VT US 2/Rouses Point Bridge Replacement, Lake Champlain, due: Apr. 11, 1983.
EIS No. 830100, Draft, FHW, MN, TH–55 Improvement and CSAH–62 Extension, Hennepin County, due: Apr. 11, 1983.
EIS No. 830101, Draft, FHW, CA, CA–1/Pacific Coast Highway Improvement, CA–73 to CA–55, Orange County, due: Apr. 15, 1983.
EIS No. 830083, Final, FHW, VA, US 220 Construction, VA–43 to US 60, Botetourt and Alleghany Counties, due: Mar. 28, 1983.
EIS No. 830087, Final, FHW, TX, US 82 Construction, US 75 to Loop 286, Fannin/Lamar/Grayson Counties, due: Mar. 28, 1983.
EIS No. 830086, Draft, FAA, WA, San Juan Island/Friday Harbor Airport, Construction, due: Apr. 11, 1983.
EIS No. 830095, Final, FAA, WA, Snohomish County Airport Improvement and Runway Construction, due: Mar. 28, 1983.
Department of Housing and Urban Development:
EIS No. 830102, Final, HUD, CA, Southridge Village, Mortgage Insurance, San Bernardino County, due: Mar. 28, 1983.
Department of Agriculture:
EIS No. 830098, Draft, SCS, OK, Cane Creek Watershed Flood Protection Plan, Okmulgee/Muskogee Cos., due: Apr. 11, 1983.
Amended Notice:
EIS No. 820733, Draft, AFS, SEV, MT, ID, Kootenai National Forest Land and Resource Management Plan Published FR 11/19/82—Review extended, due: Apr. 15, 1983.
Dated: February 22, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83–4879 Filed 2–24–83; 8:45 am]

BILLING CODE 6560–50–M

[AMS–FR–2310–3]

Fuels and Fuel Additives; Waiver Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to section 211(f) of the Clean Air Act, the Administrator of EPA is denying an application for a fuel waiver involving methanol submitted by E.I. Du Pont de Nemours & Co. (Du Pont).

ADDRESSES: Copies of documents relevant to this waiver application, including the Administrator's decision document, are available for inspection in public docket A–82–33 at the Central Docket Section (A–130) of the Environmental Protection Agency, Gallery I–West Tower, 401 M Street, SW, Washington, D.C. 20460, (202) 382–7548, between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Barry D. Nussbaum or Alan P. Loeb, Fuels Branch, Field Operations and Support Division (EN–397), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382–2635.

SUPPLEMENTARY INFORMATION: Section 211(f)(1) of the Clean Air Act (Act), 42 U.S.C. 7545(f)(1), generally prohibits the introduction into commerce of certain new automotive fuels and fuel additives. Section 211(f)(4) of the Act provides that the Administrator of the EPA, upon application by a fuel or fuel additive manufacturer, may waive the prohibitions established under section 211(f) if the Administrator determines that the applicant has established that such fuel or fuel additive will not cause any vehicle to fail to meet applicable emissions standards

Du Pont has submitted a waiver application under section 211(f) of the Act for the addition of up to 3 percent methanol by volume to unleaded gasoline, such that, in the finished product, the concentration of oxygen does not exceed 3.5 percent by weight. See 47 FR 46567 (October 19, 1982).

For reasons specified in the decision document (available as described above), I have decided to deny Du Pont's waiver application. This decision is based on the determination that Du Pont has not demonstrated that the additive, when used as specified above, will not cause or contribute to a failure of any 1975 or subsequent model year vehicle or engine to comply with the emission standards with respect to which it was certified under section 206 of the Act.

Because the Clean Air Act requires that action upon this waiver application be completed by February 22, 1983, it is

impracticable for EPA to submit the decision for review by the Office of Management and Budget prior to issuance, and the decision is thereby exempt from prior review under Section 8(a) of Executive Order 12291. A copy of the decision has been transmitted to the Office of Management and Budget.

EPA has determined that this action does not meet any of the criteria for classification as a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required.

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because EPA has not published a Notice of Proposed Rulemaking under the Administrative Procedure Act, 5 U.S.C. 553(b), or other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small entities.

This is a final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. Under section 307(b)(1) of the Act, judicial review of this action is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of (the date of publication). Under section 307(b)(2) of the Act, today's action may not be challenged later in a separate judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

[FR Doc. 83-4799 Filed 2-24-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Joint Board in CC Docket No. 80-286]

Jurisdictional Separations Proceeding; Schedules Oral Argument

February 10, 1983.

The Federal-State Joint Board in CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules*, also known as the *Jurisdictional Separations Proceedings*, has scheduled oral argument for March 16, 1983 from 9:00 a.m. to approximately 4:00 p.m. in Room 856, 1919 M Street, NW., Washington, D.C. The order in which the parties are scheduled to appear and the amount of time allocated to each is set out below. For the sake of convenience, the participants have been grouped into a number of categories, including telephone holding companies, specialized carriers, etc. Participants in each category are welcome to pool their time. If you have any questions concerning this matter please call Claudia Pabo or Jim McConnaughey at (202) 632-9342.

User Orgainzations and Others (9:00 a.m.-9:45 a.m.)

(15 minutes) Ad Hoc Telecommunications Users Committee
(10 minutes) Western Union Telegraph Co.
(10 minutes) International Business Machines Corp.
(5 minutes) The Networks (American Broadcasting Companies, Inc., CBS, Inc., and National Broadcasting Co.)
(5 minutes) Office of Management and Budget

Independent Telephone Companies and State Regulatory Representatives (9:50 a.m.-12:05 p.m.)

(20 minutes) United States Independence Telephone Association
(20 minutes) Rural Telephone Coalition
(15 minutes) Independent Alliance (Roseville Telephone Co., Nothern States Power Co., and Anchorage Telephone Utility)
(15 minutes) Texas Statewide Telephone Cooperative Association, Inc.
(15 minutes) Michigan Action Group (Pigeon Telephone Co., Midway Telephone Co., *et al.)*
(15 minutes) Telephone Association of New England
(10 minutes) Rural Electrification Administration
(10 minutes) CP National Corp.
(15 minutes) State of Alaska and Alaska Public Utilities Commission

Specilaized Common Carriers (1:30 p.m.-2:25 p.m.)

(15 minutes) MCI Telecommunications Corp.
(15 minutes) Southern Pacific Communications Co.
(15 minutes) United States Transmission Systems, Inc.
(10 minutes) Satellite Business Systems

Telephone Holding Companies (2:30 p.m.-4:05 p.m.)

(35 minutes) American Telephone and Telegraph Co. (this time is to be divided between Long Lines and BOC representatives)
(15 minutes) GTE Service Corp.
(15 minutes) United Telephone System, Inc.
(15 minutes) Central Telephone Co.
(15 minutes) Continental Telecom Inc.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-4760 Filed 2-24-83; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

February 18, 1983.

On February 17, 1983 the Federal Communications Commission submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Restricted Radiotelephone Operator Permit Application—Limited Use—and Temporary Permit
Form No. FCC 755
Action: Revision
Respondents: Non-U.S. citizens who meet the basic requirements
Estimated Annual Burden: 8,000 Responses; 800 Hours.
Title: Annual Report Form M
Action: Revision
Respondents: Large telephone companies
Estimated Annual Burden: 79 Responses; 9,480 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-4761 Filed 2-24-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-8 etc.; File No. 23592-CD-P-(1)-82 etc.]

Southeast Mobilphone, Inc., et al.; Order

Adopted February 9, 1983.

Released February 17, 1983.

In re applications of; Southeast Mobilphone, Inc., For a Construction Permit for a new one-way Station to operate on frequency 158.70 MHz in the DPLMRS at Athlens, Tennessee, CC Docket No. 83-8; File No. 23592-CD-P-(1)-82, Telpage of Tennessee, Inc., For Construction Permit to operate one-way Station KLF619 on frequencies 158.70 and 152.24 MHz in the DPLMRS at Falling Water, Tennessee, CC Docket No. 83-9; File No. 23468-CD-P-(2)-82;

(1–19–83; 48 FR 2439); Order setting aside designation order.

1. The Chief, Mobile Services Division, pursuant to § 1.113 of the Commission's Rules, hereby sets aside his action in *Southeast Mobilphone, Inc., et al.*, CC Mimeo 1768, released January 13, 1983, designating the captioned applications for hearing. Because the applicants had agreed to accept interference, the applications should not have been designated for hearing.

2. Accordingly, It Is Ordered that the aforementioned designation order is set aside.

3. The Secretary shall cause a copy of this order to be published in the Federal Register.

William F. Adler,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 83-4782 Filed 2-24-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-10; Agreement No. 10440]

Order of Investigation and Hearing; Lykes Brothers Steamship Co., Inc.

Agreement No 10440 between Lykes Brothers Steamship Co., Inc. (Lykes) and Lineas Navieras Bolivianas S.A.M. (Linabol) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). The agreement provides for Linabol to charter space on Lykes' vessels serving the trade between United States ports in the Gulf of Mexico and Bolivia via the west coast ports of South America. Each party would have associate line status (equal access authority) under Bolivia's cargo preference laws and would operate as conference carriers. The agreement permits Lykes and Linabol to determine itineraries, frequency and number of sailings and vessel capacity levels.

Notice of the filing of Agreement No. 10440 appeared in the Federal Register on March 23, 1982. The Atlantic and Gulf-West Coast of South America Conference (the Conference) and Compania Sud-Americana de Vapores (CSAV), a member of that conference, subsequently protested the agreement.

Position of Proponents

In justification of Agreement No. 10440, Proponents state that the proposed agreement will provide Bolivian shipping services without adding additional tonnage to the trade. Proponents contend that the "equal access" authority will permit them to compete equally in the trade, and that the space charter authority will enable Linabol to defer the heavy capital expenses associated with a new service. Proponents claim that their agreement is only minimally anticompetitive and that it satisfies section 15 criteria. The Bolivian Ambassador to the Untied States sent a letter stating that his government supports the proposed agreement and reqeusts its favorable consideration.

Position of Protestants

The Conference

The Conference filed a protest and a request for a hearing on Agreement No. 10440. The Conference contends that the current servide in the trade is adequate and the proposed agreement will eliminate competition since, under the Bolivia cargo preference laws, all of the trade cargo will be reserved for Linabol and Lykes. As these laws have never been implemented or threatened to be implemented, the Conference argues, this agreement will not provide a public benefit of avoiding intergovernmental conflict. The Conference states that because the agreement does not implement a government-to-government agreement, it is not presumptively in the public interest and approvable. The conference also believes the agreement is too vague and broad as to the scope of the agreement, reporting requirements and amount of space to be chartered. The Conference contends that Linabol will be a nonvessel operating common carrier ("NVOCC") and ineligible for conference membership.

CSAV

CSAV points out that, as a result of this agreement, Lykes would control up to 100 percent of Bolivian cargo. CSAV contends that approval of this agreement would have a detrimental effect on service to Chile and Peru. They argue that it would be uneconomical to serve certain ports in these countries without being able to compete for the Bolivian cargo now being shipped through them. CSAV states that the mere existence of a cargo preference law is not, in itself, a justification of an anticompetive agreement. CSAV also believes the agreement is vague as to the amount of space to be chartered and the filing of reports. CSAV also objects to this agreement because Linabol would in effect be an NVOCC and prohibited from joining the Conference of which Lykes is a member.

Response to Protests

Proponents responded by stating that any adverse effects on the trade would be caused by the Bolivian cargo preference laws and not by the agreement itself. They also argue that there will be a public benefit through permitting an efficient development of a Linabol service using existing capacity. Proponents assert that this will contribute to rate stability. Proponents contend that Linabol must be considered a vessel operating common carrier (VOCC) under this agreement because it is a VOCC in other trades. Proponents also state that the agreement is not exclusive, and waivers allowing other carriers to carry preference cargo are obtainable if Lykes or Linabol are unable to handle any shipments. Proponents contend that the terms of the agreement are clear and they will operate only in the Bolivian trade. Proponents argue that the agreement is no different from other approved space charter agreements where national-flag lines use the space chartering mechanism to establish their service in a given trade.

Discussion

The Commission, in exercising its statutory authority to approve and disapprove agreements subject to section 15, is required to consider the anticompetitive implications of a proposed agreement. *U.S. Lines* v. *Federal Maritime Commission*, 584 F.2d 519, 528 (D.C. Cir. 1978). The agreement here would appear to have a significant impact on the United States/Bolivian trade because it is the vehicle through which Bolivia's cargo preference laws will be implemented. These laws provide that all cargo of state owned enterprises and 50 percent of all other export and import cargo is to be carried by Bolivian-flag carriers. Carriers foreign to Bolivia (in this case, Lykes) who have associated with a Bolivian flag carrier are given equal access to state-owend cargo, and the remaining 50 percent of all other export and import cargo is reserved for them. Therefore, it would appear that implementation of Agreement No. 10440 will effectively reserve all trade cargo for Lykes and Linabol.

Among the issues that must be addressed by the parties to this proceeding to determine the agreement's competitive impact and approvability under section 15 standards are the following:

(1) Determine the competitive impact the agreement will have on the U.S./Bolivian trade, both short and long term and the impact on service to Chile and Peru.

(2) Determine the relationship between the Bolivian cargo preference laws and this proposed agreement.

(3) Determine whether it is detrimental to commerce if carriers other than Lykes and Linabol have access through waivers to the Bolivian preference laws only to cargo that Lykes and Linabol are unable to handle and how the waiver system would work.

(4) Determine whether the proposed sailing rationalization, agency and conference membership authorities are necessary to achieve the agreement's objectives.

(5) Determine whether the proposed agreement which is to provide for equal access to Bolivian preference cargo would also provide for admission for any other U.S. flag carrier.

(6) Determine whether Linabol would be eligible for conference membership as planned by proponents.

It would also appear that certain provisions of the proposed agreement relating to (1) the geographic scope; (2) the proposed operating reports (in line with standards for form and content that the Commission has placed on other space charters); and (3) the date of approval, are in need of revision and/or technical clarifications.

Therefore, it is ordered, That pursuant to section 15 and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether Agreement No. 10440 should be approved, disapproved or modified after consideration of the factual and legal issues described above;

It is further ordered, That Lineas Navieras Bolivianas and Lykes Brothers Steamship Co., Inc. are hereby made proponents in this proceeding;

It is further ordered, That the Atlantic and Gulf-West Coast of South America Conference and Compania Sud-Americana de Vapores are hereby made protestants in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but such hearing to commence no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding;

It is further ordered, That notice of this Order is published in the Federal Register and a copy be served upon all parties of record.

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That, all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.228), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-4878 Filed 2-24-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies; Blackwater Bankshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Blackwater Bancshares, Inc.*, Blackwater, Missouri; to acquire 89.9 percent or more of the voting shares of Central Missouri State Bank, Boonville, Missouri. Comments on this application must be received not later than March 18, 1983.

2. *Equitable Bankshares of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent of the voting shares of Equibank-South, N.A., Arapahoe County, Colorado. Comments on this application must be received not later than March 18, 1983.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico; to acquire 100 percent of the voting shares or assets of Bank of the Southwest, Rio Rancho, New Mexico. Comments on this application must be received not later than March 17, 1983.

2. *Southwest Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Westhollow National Bank, Houston, Texas. Comments on this application must be received not later than March 18, 1983.,

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4741 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Chemical New York Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater

convenience, increased completion, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation,* New York, New York (insurance activities; Concord, California): To engage through its subsidiary, Sunamerica Corporation, in making available to its debtors mortgage life, mortgage disability, and property and casualty insurance directly related to lending activities already conducted at this location, to the extent permissible under applicable state insurance laws and regulations. The proposed activities would be conducted from an office in Concord, California, serving the State of California. Comments on this application must be received not later than March 15, 1983.

2. *Citicorp,* New York, New York (consumer finance and credit-related insurance activities; Texas): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc., at a shared location in Austin, Texas. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Center, Inc. each propose to engage at the shared office location are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making; acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. and the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. shall be comprised of the entire State of Texas for all the aforementioned proposed activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than March 14, 1983.

3. *Citicorp,* New York, New York (consumer finance and credit-related insurance activities; Texas): To establish a *de novo* office of Citicorp Homeowners, Inc. and a *de novo* office of Citicorp Person-to-Person Financial Center, Inc., at a shared location in Arlington, Texas. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. and Citicorp Person-to-Person Financial Centert, Inc. each propose to engage at the shared office location are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) terms life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making; acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the *de novo* office of Citicorp Homeowners, Inc. and the *de novo* office of Citicorp Person-to-Person Financial Center, Inc. shall be comprised of the entire state of Texas for all the aforementioned proposed activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than March 14, 1983.

4. *Skandinaviska Enskilda Banken,* a foreign bank whose principal office is in Stockholm, Sweden (banking activities; Grand Cayman, Cayman Islands): To engage through a Cayman Islands branch of its subsidiary, Skandinaviska Enskilda Banken Corporation ("SEBC"), an investment company organized under Article XII of the New York Banking Law, in the following activities: borrowing and lending money, with or without real or personal security; as principal or agent, purchasing, discounting, acquiring, investing in, selling and disposing of bills of exchange, drafts, notes, acceptances and other obligations for the payment of money; as principal or agent, purchasing, acquiring, investing in, servicing, selling and disposing of, and making loans upon the security of, bonds and mortgages on real property; accepting bills of exchange or drafts drawn upon it; issuing letters of credit; buying and selling foreign exchange; receiving money for transmission and transmitting the same to and from the United States; receiving and maintaining credit balances incidental to, or arising out of, the exercise of its lawful powers; buying and selling coin and bullion; purchasing, acquiring, investing in, and holding stocks of any corporation and selling and disposing of such stock, provided that (unless authorized by the Board) no such investment will exceed 5 per cent of the voting securities of any corporation; receiving time deposits; issuing guarantees of its customers' obligations if the guarantee or related agreement specifies a maximum monetary liability; and entering, directly or indirectly, into leasing transactions of a type permissible for bank holding company affiliates under section 225.4 of Regulation Y. These activities would be conducted from a *de novo* branch of SEBC to be located at c/o Canadian Imperial Bank of Commerce Trust Company (Cayman) Limited, Grand Cayman, Cayman Islands, West Indies (P.O. Box 694). Comments on this application must be received not later than March 14, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Suburban Bancorp,* Bethesda, Maryland (mortgage banking, mortgage servicing and investment advisory activities; southwestern United States): To engage, through Suburban Mortgage Associates Incorporated, a corporation in which it holds a partial interest, in the following activities: engaging generally in the business of a mortgage banker and mortgage broker; engaging in the

business of acquiring loans and other extensions of credit for itself and others; engaging in the business of servicing loans and other extensions of credit for itself and others; and engaging in the business of arranging financing, financial structuring, and analysis of real estate problems. These activities would be conducted from an office in Dallas, Texas, serving the southwestern United States. Comments on this application must be received not later than March 9, 1983.

2. *Union Trust Bancorp,* Baltimore, Maryland (financing and insurance activities; Charlotte, North Carolina): To engage, through its subsidiary, Landmark Financial Services of North Carolina, in making installment loans to individuals for personal, family or household purposes; purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; acting as agent for the sale of credit life and credit accident and health insurance directly related to its extensions of credit; acting as agent in the sale of insurance protecting collateral held against extensions of credit; and making loans secured in whole or in part by mortgages or other liens on real estate. These activities will be conducted from an office located in Charlotte, North Carolina, serving the town of Charlotte and the surrounding area. Comments on this application must be received not later than March 14, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First City Corp.,* Fort Smith, Arkansas (financing and insurance activities; Oklahoma, Arkansas): To engage through its subsidiary, First City Financial Services, Inc., in consumer and commmercial finance activities, including the extension of direct loans to consumers, the discounting of retail installment notes or contracts, the extension of direct loans to dealers for the financing of inventory (floor planning) and working capital purposes and making or acquiring loans and other extensions of credit such as could be made or acquired by a consumer and commercial finance company in Arkansas and Oklahoma; and acting as agent for sale of life, accident and health, and physical damage insurance directly related to its extensions of credit. These activities would be conducted in the counties of Le Flore and Sequoyah in Oklahoma and Crawford and Sebastian in Arkansas. Comments on this application must be received not later than March 9, 1983.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Rainier Bancorporation,* Seattle, Washington (finance, servicing and insurance activities; California): To engage, through a *de novo* office of its subsidiary, Rainier Mortgage Company, Salinas, California, in the following activities: general mortgage banking, including but not limited to making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by liens on residential and non-residential real estate; servicing loans and other extensions of credit for any person; selling mortgage loans in the secondary market and offering mortgage term life insurance, accident, health and disability insurance directly related to such lending and servicing activities, and credit related property and casualty insurance, through its subsidiary, Rainier Mortgage Company. These activities will be conducted from an office in Salinas, California, serving the State of California. Comments on this application must be received not later than March 15, 1983.

2. *U.S. Bancorp,* Portland, Oregon (lending and servicing activities, insurance activities; Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming): To engage through its subsidiary, U.S. Bancorp Consumer Services, Inc., in the making, acquiring, and servicing of loans and other extensions of credit either secured or unsecured for its own account of the account or others, including the making of consumer installment loans, purchasing consumer installment and real estate sales finance contracts and evidences of debt and making consumer home equity loans secured by real estate, leasing of personal property; and acting as insurance agent with regard to credit life and disability insurance, solely in connection with extensions of credit by U.S. Bancorp Consumer Services, Inc. These activities will be conducted from an office in Portland, Oregon, serving the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming. Comments on this application must be received not later than March 9, 1983.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-4748 Filed 2-24-83; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Philadelphia National Corp. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Philadelphia National Corporation,* Philadelphia, Pennsylvania (mortgage banking activities, California): To engage, through its subsidiary, Colonial Associates, Inc., in originating mortgage and second mortgage loans. These

activities would be conducted from an office in Thousand Oaks, California, serving the State of California. Comments on this application must be received not later than March 18, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Southern Missouri Bancshares, Inc.*, Van Buren, Missouri (insurance activities; Missouri): To engage directly in the sale of life, and accident and health insurance, both generally and as directly related to extensions of credit by it or its subsidiary bank; and in the sale of general casualty, fire and allied lines, and surety insurance. These activities would be conducted from an office located in Van Buren, Missouri, serving Van Buren and the surrounding rural areas of Carter County, Missouri, which, in conformance with § 225.4(a)(9)(ii) of Regulation Y, is a community with a population not exceeding 5,000. Comments on this application must be received not later than March 18, 1983.

2. *Summerville Bancshares, Inc.*, Summerville, Missouri (insurance activities; Missouri): To engage directly in the sale of life, and accident and health insurance, both generally and as directly related to extensions of credit by it or its subsidiary bank; and in the sale of general casualty, fire and allied lines, and surety insurance. These activities would be conducted from an office located in Summerville, Missouri, serving Summerville and the surrounding rural areas of Texas County, Missouri, which, in conformance with § 225.4(a)(9)(ii) of Regulation Y, is a community with a population not exceeding 5,000. Comments on this application must be received not later than March 18, 1983.

Board of Governors of the Federal Reserve System, February 16, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4738 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Consolidation of Bank Holding Companies American Bancorp, Inc., et al.

A proposed yet to be named corporation, that will have its principal place of business in Reading, Pennsylvania, has applied for the Board's approval of the consolidation of American Bancorp, Inc. ("American"), Reading, Pennsylvania and Central Penn National Corp. ("Central Penn"), Philadelphia, Pennsylvania, under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(5)). American Bancorp is engaged in the nonbanking activity of reinsuring credit life, health, and accident insurance; Central Penn is engaged in the nonbanking activity of issuing commercial paper. In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of American's and Central Penn's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 14, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4744 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Bank North Group, Inc. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank North Group, Inc.*, St. Albans, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of Franklin-Lamoille Bank, St. Albans, Vermont. Comments on this application must be received not later than March 18, 1983.

2. *Cornerstone Financial Corporation*, Derry, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Derry Bank and Trust Company, Derry, New Hampshire. Comments on this application must be received not later than March 18, 1983.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Colonial Bancorp, Inc.*, New Holland, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of New Holland Farmers National Bank, New Holland, Pennsylvania. Comments on this application must be received not later than March 18, 1983.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *LTC Bancorp*, Cumberland, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of Liberty Trust Company of Maryland, Cumberland, Maryland. Comments on this application must be received not later than March 18, 1983.

D. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Elbert Corporation*, Elberton, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank in Elberton, Elberton, Georgia. Comments on this application must be received not later than March 18, 1983.

E. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Americorp Financial, Inc.*, Rockford, Illinois; to become a bank holding company by acquiring 100 percent, less directors' qualifying shares, of the voting shares of American National Bank and Trust Co., Rockford, Illinois, Colonial Bank of Rockford, Rockford, Illinois, First National Bank of Woodstock, Woodstock, Illinois, and Carpentersville Saving Bank, Carpentersville, Illinois. Comments on this application must be received not later than March 18, 1983.

2. *Stockbridge Bancorporation, Inc.*, Stockbridge, Michigan; to become a bank holding company by acquiring 81 percent or more of the voting shares of Stockbridge State Bank, Stockbridge,

Michigan. Comments on this application must be received not later than March 18, 1983.

F. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Merchants Bancshares, Inc.*, Kenner, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Merchants Trust and Savings Bank, Kenner, Louisiana. This application may be inspected at the offices of the Board of Governors, or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than March 18, 1983.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4740 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Valley National Bancorp

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Valley National Bancorp*, Clifton, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Valley National Bank, Passaic, New Jersey. Comments on this application must be received not later than March 18, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60790:

1. *Peoples Exchange Bancorporation of Thorp, Inc.*, Thorp, Wisconsin; to become a bank holding company by acquiring 95 percent of the voting shares of Peoples Exchange Bank, Thorp, Wisconsin. Comments on this application must be received not later than March 18, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Floresville Bancshares, Inc.*, Floresville, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First City National Bank of Floresville, Floresville, Texas. Comments on this application must be received not later than March 18, 1983.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4745 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Interstate Financial Corporation; Proposed Acquisition of Green Machine Network Corporation

Interstate Financial Corporation ("Interstate"), Dayton, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire 50 percent of the voting shares of Green Machine Network Corporation, Dayton, Ohio ("GMNC"). GMNC will be operated as a joint venture between Interstate and EFT Network Corporation, Dayton, Ohio, a subsidiary of Gem Savings Association, Dayton, Ohio.

Interstate states that GMNC would engage in data processing activities for financial institutions by operation of an on-line network of automated teller machines belonging to participating financial institutions, and developing and offering additional electronic funds transfer data processing and facilities. These activities would be performed from offices of GMNC in Dayton, Ohio, and the geographic areas to be served are the States of Ohio, Indiana and Kentucky. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 17, 1983.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4742 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Acquisition of Prudential Bancorp and Indirectly Southern Pacific Thrift and Loan Association; Orange Bancorp

Orange Bancorp, Fountain Valley, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Prudential Bancorp., Long Beach, California, and thereby indirectly acquire Southern Pacific Thrift and Loan Association.

Applicant states that the proposed subsidiary would perform the activities of an industrial loan company. These activities would be performed from offices of Applicant's subsidiary in Long Beach, California, and the geographic areas to be served are Long Beach and the immediately surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can

"reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not sufficie in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than March 18, 1983.

Board of Governors of the Federal Reserve System, February 18, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4743 Filed 2-24-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[G-83-2]

Delegation of Authority to the Secretary of State

1. *Purpose.* This delegation authorizes the Secretary of State to audit and retain other than international freight and passenger transportation documents paid by the Department of State overseas offices.

2. *Effective date.* This delegation is effective immediately.

3. *Expiration date.* This document expires on January 1, 1988.

4. *Delegation.*

a. Pursuant to the authority vested in me by section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 3726), authority is delegated to the Secretary of State to audit and retain in the Department of State overseas offices those transportation vouchers and related documents paid at overseas offices for other than international services, and non-English language documents for international services, subject to test verifications and reviews by the General Services Administration.

b. The Secretary of State may redelegate this authority to any officer, official, or employee of the Department of State.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 15, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-4833 Filed 2-24-83; 8:45 am]

BILLING CODE 6820-24-M

Revocation of Delegation of Authority to the Secretary of State

1. *Purpose.* This document revokes a 1975 delegation which authorized the Secretary of State to audit and retain all freight and passenger transportation documents paid by Department of State overseas offices.

2. *Effective date.* This document is effective immediately.

3. Expiration dates. This document expires on December 31, 1983.

4. *Revocation.* This revocation identifies the 1975 delegation which is no longer in force due to mutual agreement between the Department of State and the General Services Administration. Accordingly, the following FPMR temporary regulation is hereby revoked:

FPMR temporary regulation	Date	Subject
G-24	Dec. 30, 1975	Delegation of authority to the Secretary of State

Dated: February, 15, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-4832 Filed 2-24-83; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Drug Abuse Clinical and Behavioral Research Review Committee; Cancellation

The following meeting announced in the **Federal Register** Volume No. 48, Number 23, published February 2, 1983, page 4738 has been cancelled: Drug Abuse Clinical and Behavioral Research Review Committee scheduled to meet February 22–25 at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014.

Dated: February 10, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83-4838 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 83M-0034]

AnSur, Inc.; Premarket Approval of Lactic Tactic™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of Lactic Tactic™ sponsored by AnSur, Inc., Duluth, MN. After reviewing the recommendation of the Dental Device Section of the Ophthalmic; Ear, Nose and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 19, 1980, AnSur, Inc., Duluth, MN, submitted to FDA an application for premarket approval of Lactic Tactic™, an oral surgical dressing material. The application was reviewed by the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application for use in the prevention of localized osteitis (dry socket syndrome) following extraction of mandibular third molar teeth. On January 28, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation, Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e (d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e (g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under §10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 28, 1983, file with the Dockets Management Branch (address above), two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 16, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4424 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0012; DESI 9049]

Certain Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of Abbreviated New Drug Applications

Correction

In FR Doc. 83–1890 beginning on page 3416 in the issue of Tuesday, January 25, 1983; on page 3417, second column, paragraph numbered 2, first line, "135" should read "136".

BILLING CODE 1505-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Boston District Office, chaired by Frederick R. Carlson, District Director. The topics to be discussed are diet products, radiological products, video display terminals/pregnant users, radioactive jewelry from Taiwan, and updates on DPT, Depo-Provera, food labeling formats, and tamper-resistant packaging.

DATE: Wednesday, March 9, 1983, 10 a.m. to 12:30 p.m.

ADDRESS: Deeds and Probate Bldg., Conference Room, Lower Level, Railroad Ave., Barnstable, MA 02630.

FOR FURTHER INFORMATION CONTACT: Paula B. Fairfield, Acting Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617–223–5857.

Chicago District Office, chaired by Mary K. Ellis, District Director. The topics to be discussed are tamper-resistant packaging, aspirin and Reye syndrome, sodium labeling, and other current issues.

DATE: Wednesday, March 9, 1983, 1 to 3 p.m.

ADDRESS: Peoria County Extension Service at Farm Bureau Bldg., 1716 N. University St., Peoria, IL 61604.

FOR FURTHER INFORMATION CONTACT: Darlene M. Bailey, Consumer Affairs Officer, Food and Drug Administration, 433 W. Van Buren, Rm. 1222, Chicago, IL 60607, 312–353–7126.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4915 Filed 2-23-83; 11:41 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0032]

Drug Products Suitable for Abbreviated New Drug Applications; Availability of List

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: FDA announces the availability of a list identifying drug products for which abbreviated new drug applications (ANDA's) are acceptable.

ADDRESS: Written comments regarding the list, identified with Docket No. 82N–0032, may be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Herbert Gerstenzang, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

FOR FURTHER INFORMATION ON ANDA PROCEDURES OR REQUIREMENTS CONTACT: David Rosen, National Center for Drugs and Biologics (HFN–530), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4080.

SUPPLEMENTARY INFORMATION: Through the Drug Efficacy Study Implementation (DESI) project, FDA reviews the effectiveness of all drug products approved as safe between 1938 and 1962 and announces its findings in the **Federal Register**. For drug products determined to be effective, DESI notices state the conditions under which approved products may continue to be marketed. In describing the form in which a new drug application shall be submitted, 21 CFR 314.1(a)(1) provides for submission of an ANDA if the drug is one for which an abbreviated application has been found by FDA to be sufficient. Therefore, the DESI notices also state whether a full new drug application (NDA) (21 CFR 314.1(c)) or an ANDA (21 CFR 314.1(f), recently revised and recodified as 314.2 (48 FR 2751, January 21, 1983)) is required for marketing a duplicate of any drug

product described in the notices. As these notices are not codified and are not readily retrievable, FDA has compiled a list to identify those drug products for which the agency has made a finding of suitability for ANDA's. The list also names those products that FDA has determined to be sufficiently similar or related to an effective DESI drug product that the same conclusions of safety and efficacy apply and that are suitable for ANDA's.

Comments on the format or content of the list should be addressed to the Dockets Management Branch (HFA–305) (address given above), where a copy of the list has been placed on file for public display. FDA will consider the comments in determining whether the list should be revised in any way at its next printing. Two copies of all comments should be submitted, except that individuals may submit single copies. Comments should be identified by the docket number found in brackets in the heading of this document. Comments received by the agency may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Copies of the List, identified as accession number PB83–158972, may be purchased from National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161. The Sales Desk telephone number is 703–487–4650.

Dated: February 17, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83–4720 Filed 2–24–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83M–0047]

Intermedics Intraocular, Inc.; Premarket Approval of Angular J-Loop Posterior Chamber Intraocular Lens Models 019J and 019K and Planar J-Loop Posterior Chamber Intraocular Lens Models 019B, 019C, 019E, and 019F

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Angular J-Loop Posterior Chamber Intraocular Lens Models 019J and 019K and Planar J-Loop Posterior Chamber Intraocular Lens Models 019B, 019C, 019E, and 019F sponsored by Intermedics Intraocular, Inc., Pasadena, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On March 26, 1981, Intermedics Intraocular, Inc., Pasadena, CA, submitted to FDA an application for premarket approval of the Angular J-Loop Posterior Chamber Intraocular Lens Models 019J and 019K and Planar J-Loop Posterior Chamber Intraocular Lens Models 019B, 019C, 019E, and 019F. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application for the use of this device to be implanted in patients 60 years of age and older who have undergone extracapsular cataract extraction and are receiving the device as a primary implant. The loop (haptic) polypropylene suture materials in Models 019B, 019F, and 019J are colored with [phthalocyaninato (2-)] copper. This color additive is listed for use in polypropylene sutures for use in general and ophthalmic surgery in § 74.1045 (21 CFR 74.1045), and its use in this device conforms to the listing restrictions. On February 3, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360l(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing of independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through adminstrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review, to be used, the persons who may participate in the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 28, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatorty Affairs.

[FR Doc. 83–4718 Filed 2–24–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83M–0053]

Intermedics, Inc.; Premarket Approval of the ScoliTron® Neuromuscular Stimulator

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the ScoliTron® Neuromuscular Stimulator sponsored by Intermedics, Inc., Freeport, TX. After reviewing the recommendation of the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305, Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On January 29, 1982, Intermedics, Inc., Freeport, TX, sumbitted to FDA an application for premarket approval of the ScoliTron® Neuromuscular Stimulator single channel unit, a muscle stimulator, indicated for use in conjunction with the prescribed electrode placement technique of Lateral Electrical Stimulation for treatment of Scoliosis (L.E.S.S.) to arrest or retard curve progression in juvenile or adolescent single-major idiopathic scoliosis. Patients should be selected only on the basis of being at risk for curve progression, having its apex at, or caudad to (toward the posterior end), T_8 (5th thoracic vertebra) with a curve magnitude not greater than 45 degrees. The application was reviewed by the Orthopedic Device Section of the Surgical and Rehabilitation Devices Panel, and FDA advisory committee, which recommended approval of the application for this device. On January 6, 1983, FDA approved the application for the labeled indications by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices. The ScoliTron® Neuromuscular Stimulator single channel unit for treatment of double major and infantile scoliotic curves remains investigational.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requesta should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed , the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 28, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4716 Filed 2–24–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82M–0338]

National Patent Development Corp.; Premarket Approval of Hydron ™ Saline System (250 mg)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application of premarket approval under the Medical Device Amendments of 1976 of the Hydron™ Saline System (250 (mg) milligrams) for all soft (hydrophilic) contact lenses, sponsored by National Patent Development Corp., New Brunswick, NJ. The Hydron™ Saline System (250 mg) is intended for use in the preparation of 27.7 milliliters (mL) of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 28, 1982, National Patent Development Corp., New Brunswick, NJ, submitted to FDA an application for premarket approval of the Hydron™ Saline System (250 mg) for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 21, 1982, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing

solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the Federal Register of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Hydron ™ Saline System (250 mg) states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the Federal Register of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 28, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4717 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0048]

Pacesetter Systems, Inc.; Premarket Approval of Programalith®-AV Model 223 Pulse Generator and Programalith® Model 398 Programmer

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Programalith®-AV Model 223 Pulse Generator and Programalith® Model 398 Programmer sponsored by Pacesetter Systems, Inc., Sylmar, CA. After reviewing the recommendation of the Circulatory System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 28, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910; 301–427–7445.

SUPPLEMENTARY INFORMATION: On August 10, 1982, Pacesetter Systems, Inc., Sylmar, CA, submitted to FDA an application for premarket approval of the Programalith®-AV Model 223 Pulse Generator and Programalith® Model 398 Programmer. The application was reviewed by the Circulatory System Devices Panel, an FDA advisory committee, which recommended approval of the application for use of this device as a cardiac pacing system. On February 4, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices. Use of the device for cardiac pacing in the ventricular overdrive mode, however, continues to be investigational.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested

person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 28, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 18, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4715 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0330]

Tamper-Resistant Packaging Requirements for Certain Over-the-Counter Human Drug and Cosmetic Products; Availability of Advisory Opinions

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the agency's responses to requests for exemptions from the packaging and labeling requirements of the tamper-resistant regulations. FDA has exempted several types of products from either the tamper-resistant labeling or packaging requirements, or both, as a result of these requests. Interested persons may rely on these responses, which are considered advisory opinions, when determining the applicability of the tamper-resistant regulations to other products.

ADDRESS: A copy of the requests for exemption and the agency's responses are on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eileen R. Hodkinson, National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-5190.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 5, 1982 (47 FR 50442), FDA published regulations establishing tamper-resistant requirements for certain over-the-counter (OTC) human drug and cosmetic products. The regulations require that each manufacturer and packer who packages for retail sale an OTC drug product (except a dermatological, dentifrice, or insulin product) or a cosmetic liquid oral hygiene product or vaginal product to package the product in a tamper-resistant package. Sections 211.132(d) and 700.25(d) (21 CFR 211.132(d) and 700.25(d)) set forth a procedure whereby a manufacturer or packer may request an exemption from the labeling and packaging requirements of the tamper-resistant regulations. In response to this provision, the agency has received 12 petitions requesting that various OTC human drug and cosmetic products be exempted from the tamper-resistant regulations.

Interpretation of "Retail Sale"

1. Seven of the requests for exemptions concerned products that are not distributed in a manner that affords the general public access to them while they are held for sale. These petitions requested that the following categories of drug and cosmetic products be exempted from the regulations: (1) (OTC drug products that are controlled drugs and are required to be dispensed by a pharmacist; (2) OTC human drug and cosmetic products distributed to hospitals, nursing homes, and health care clinics; (3) first-aid kits containing OTC human drug products sold directly to industrial users; and (4) OTC human drug products sold directly to physicians or dentists for subsequent distribution to patients or products sold to pharmacists that are maintained under the pharmacists' control.

The agency agrees that these products should not be subject to the tamper-resistant packaging regulations. The purpose of these regulations is to reduce the risk of malicious tampering with OTC drug products and related cosmetic and dental products by requiring that their packaging have a distinctive indicator or barrier to entry that would provide the consumer with visible evidence that the package had been tampered with or opened. The objective of the regulations is to prevent malicious tampering that can occur when products are accessible to the public, generally on a shelf in a retail establishment before purchase by the ultimate consumer. Because of this objective, prescription drug products were not made subject to these regulations, as they are under a pharmacist's control and thus not accessible to the public before dispensing. For the same reason, the agency concludes that those OTC human drug and cosmetic products that are distributed in a manner that does not afford the public access to them while they are held for sale were never intended to come within the scope of these regulations, and such restricted or controlled distribution does not constitute "retail sale" as that term is used in these regulations.

Lozenges

2. One petition requested that lozenges be exempt from the labeling provisions of the tamper-resistant regulations.

After considering this request, the agency concluded that all lozenges (i.e., candy-like solids containing a medicinal agent in a suitably flavored base) should be exempted from both the packaging and labeling requirements of the tamper-resistant regulations. The likelihood of successful tampering with lozenge, is remote. The lozenges' flavored base may be a hard sugar candy, glycerinated gelatin, or a combination of sugar with sufficient mucilage to give it form. Because lozenges are generally distinctive in appearance, the substitution of another product would be unlikely. Lozenges are placed in the mouth where they dissolve, liberating the active ingredient. In addition, the agency believes that it would be extremely difficult to counterfeit or tamper with such a dosage form, and that if physical tampering were attempted, it would be readily visually detectable.

Ammonia Inhalant Ampules

3. One petition requested that an alcoholic ammonia solution in a crushable glass ampule be exempt from the labeling requirements of the tamper-resistant regulations.

The agency granted this exemption because any malicious tampering with such a product would not only be evident, but would also release the ammonia precluding any further use.

Aerosol Products and Compressed Medical Oxygen

4. Although the agency did not receive any petitions requesting that aerosol containers be exempted from the labeling requirements, it did receive several such comments on the regulations questioning the need for the labeling statement. In addition, a distributor of compressed medical oxygen requested an exemption from the labeling requirements.

The agency concluded that aerosol OTC human drug and cosmetic products and compressed medical oxygen should be exempt from the labeling requirements of the tamper-resistant regulations. The reason for these exemptions is that such containers are tamper-resistant but not "tamper evident," so that in the unlikely event that someone had tampered with the contents of an aerosol container or a container of medical oxygen, a labeling statement could not inform the consumer how to detect the occurrence of tampering. For purposes of this exemption, the term "aerosol" means a product that depends upon the power of a liquified or compressed gas to expel the contents from the container.

One-Piece Soft Gelatin Capsules

5. In the **Federal Register** of January 4, 1983 (48 FR 334), the agency announced its advisory opinion that OTC drugs in one-piece soft gelatin capsules belong to the category of products that must comply with the tamper-resistant regulations by May 5, 1983. That opinion and the ones set forth in this document constitute all the exemptions granted to date from the tamper-resistant regulations.

Under § 10.85(c) (21 CFR 10.85(c)), the Commissioner of Food and Drugs considers the substance of the responses to the requests for exemptions to be advisory opinions that may be relied on by manufacturers and packers of OTC human drug and cosmetic products when determining the applicability of the tamper-resistant regulations to their own products.

Dated: February 16, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-4719 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Meeting of the Cardiology Committee

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, April 18-19, 1983, Building 31C, Conference Room 8, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevent to the Cardiology area and consideration of future needs and opportunities.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Eugene R. Passamani, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20205, phone (301) 495-5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: February 16, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-4720 Filed 2-24-83; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases; Meeting of Board of Scientific Counselors

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on March 9, 10, and 11, 1983. On March 9 and 10 the meeting will be held in the Solarium on the 11th Floor of Building 10, National Institutes of Health, Bethesda, Maryland. On March 11, the meeting will be held in Conference Room 7A-24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on March 9 from 8:30 a.m. until adjournment and on March 10 from 8:30 a.m. until noon. During this open session, the permanent staff of the Laboratory of Immunology and of the Laboratory of Immunoregulation will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92-463, the meeting of the Board will be closed to the public on March 10 from 1:00 p.m. until adjournment and again on March 11 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Officer of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A-32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496-5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 10, Room 11C103, telephone (301) 496-3006, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-301, National Institutes of Health)

Dated: February 16, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-4731 Filed 2-24-83; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on March 10, 1983, 8:30 a.m. to 5:00 p.m., at the Holiday Inn—Old Town; 480 King Street, Alexandria, Virginia 22314. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kaehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045, will provide an agenda and roster of members. Summaries of the meeting

may be obtained by contacting Barbara Shapiro, Secretary, National Diabetes Advisory Board, National Institutes of Health, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045.

Dated: February 16, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-4730 Filed 2-24-83; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted To the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on February 18.

Public Health Service

National Institutes of Health

Subject: Infant Feeding Survey—New
Respondents: Mothers of premature infants
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Statement for Determining Continuing Eligibility for Supplemental Security Income Payments (SSA-8200-BK(1-83))—Revision
Respondents: Individuals or households
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Home Health Agency and Comprehensive Outpatient Rehabilitation Facility Billing Form (HCFA-1487)—Revision
Respondents: Home health agencies and comprehensive outpatient rehabilitation facilities participating in Medicare
Subject: Rural Health Clinic Request for Medical Information: Contractors' Information Collection (HCFA-9001)—Extension/No Change
Respondents: Rural health clinics participating in Medicare
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Developmental Disabilities Program—Notice of Proposed Rulemaking—New
Respondents: State governments administering the Developmental Disabilities Program
Subject: Head Start Program Information Report (0980-0017)—Revision
Respondents: Head Start agencies
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strand, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201,

or

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: February 17, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-4672 Filed 2-24-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Devils Lake Sioux Tribe; Fort Totten Indian Reservation, North Dakota; Transfer of Federally Owned Lands

Correction

In FR Doc. 82-28938, beginning on page 46888, in the issue of Thursday, October 21, 1982, in the third column, in the second paragraph, in the fourth line "January 2, 1957" should read "January 2, 1975".

BILLING CODE 1505-01-M

Bureau of Land Management

[A 6208]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

February 16, 1983.

Pursuant to section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), the Bureau of Land Management is reviewing a proposed modification of the Riviera Post Office site withdrawal for the United States Postal Service made by Public Land Order 5331 of February 22, 1973. The following land is inlcuded in the proposed modification:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 22 W.,
Sec. 20, the north 140 feet of the east 240 feet of the west 290 feet of the S½NW¼.

The area described contains 0.77 acre in Mohave County.

The land is segregated from operation of the public land laws including the United States Mining Laws, but not from leasing under the mineral leasing laws. No change in the segregative effect of the withdrawal or use of the land is proposed.

The Bureau of Land Management proposes to modify the withdrawal from an indefinite period to a period of 20 years.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before May 30, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed withdrawal modification may be filed with the undersigned officer on or before May 30, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether the withdrawal will be modified and if so, for how long. The final determination of the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal modification should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the

Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Linda Kipp,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-4629 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[A-18121]

Arizona; Classification Decision; Lease or Sale; Greenlee County

The following described land has been examined and found suitable for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869 et seq.).

Gila and Salt River Meridian, Arizona

T. 6 S., R. 30 E.,
Sec. 1: Lot 14.

34.18 acres more or less.

The above described land is valuable for public purposes and is therefore considered chiefly valuable for public purposes. This classification is consistent with Land Use Plans for these lands.

These lands will be used for an educational extension center for Eastern Arizona College in accordance with the applicant's plan of development.

Classification of the land under the provisions of the above cited Act will segregate it from all forms of appropriation, including location under the mining laws, except applications under the mineral leasing laws and application under the Recreation and Public Purposes Act.

Detailed information concerning this classification can be obtained from the Safford District Office. For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Safford District, Bureau of Land Management, 425 East Fourth Street, Safford, Arizona 85546. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: February 17, 1983.

Vernon L. Saline,

District Manager.

[FR Doc. 83-4607 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[A-17097]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

February 18, 1983

Pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2754; 43 U.S.C. 1714), the Bureau of Land Management is reviewing a proposed modification of Withdrawal creating Public Water Reserve No. 34 (AR-5) made by Executive Order of April 17, 1916. The following land is included in the proposed modification:

Gila and Salt River Meridian, Arizona

Badger Creek Springs

T. 39 N., R. 6 E.,
Sec. 1, W½SW¼;
Sec. 2, lot 2, S½NE¼, NE¼SE¼;
Sec. 12, N½NW¼.

The area described contains 319.86 acres in Coconino County.

The withdrawal segregated the land from settlement, sale and entry under the surface laws and from location and entry for nonmetalliferous minerals under the United States mining laws. The Bureau of Land Management proposes to modify the segregative effect by continuing the segregation of the land from settlement, sale and entry under the surface land laws, but will no longer segregate from nonmetalliferous mining under the mining laws. This proposal is also to modify the withdrawal from an indefinite period to a period of 20 years.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before May 30, 1983. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed withdrawal modification may be filed with the undersigned officer on or before May 30, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior who will determine whether the withdrawal will be modified and if so, for how long. The final determination of the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with the proposed withdrawal modification should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-4609 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Phoenix/Lower Gila Resource Areas Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Phoenix/Lower Gila Resource Areas (Phoenix District) Grazing Advisory Board will be held on Wednesday, March 31, 1983.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management EIS Project Office, 2933 West Indian School, Phoenix, Arizona 85017.

The agenda for the meeting will include:

1. Review of Lower Gila North Rangeland Program Summary.
2. Review of Allotment Management Plan Program.
3. Status of Range Improvement—FY 1983.
4. Proposed Range Improvements—FY 1984.
5. Asset Management—Impacts on the Range Program.
6. Arrangements for future meeting.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction

(during regular business hours) within 30 days following the meeting.

Dated: February 14, 1983.

William K. Barker,

District Manager.

[FR Doc. 83-4911 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[A-7154]

Arizona: Realty Action Competitive Sale of Public Land in Cochise County; Correction

In FR Doc. 83-3655 appearing on page 6185 in the issue of Thursday, February 10, 1983, make the following correction:

In the land description, within the entry of Parcel 2, "SE¼NW¼" should have read "SW¼NW¼" and within the entry of Parcel 4, "NE¼SE¼, E½SE¼" should have read "SW¼NE¼, W½SE¼".

Dated: February 17, 1983.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 83-4908 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[CA-12524]

Conveyance of Public Land; Kern County, California

Correction

In FR Doc. 83-2287 appearing on page 3877 in the issue of Thursday, January 27, 1983, the agency number in the heading should read as set forth above.

BILLING CODE 1505-01-M

[I-8267]

Idaho; Exchange of Public and Private Lands Bingham County, Issuance of Land Exchange Conveyance Document

The United States has issued an exchange conveyance document to Wulf A. and Carol M. Lebrecht for the following-described lands under Section 206 of the Federal Land Policy and Management Act of 1976.

Boise Meridian, Idaho

T. 3 S., R. 31 E.,
Sec. 27 E½SW¼, W½SE¼.
Comprising 160.00 acres of public land.

In exchange for these lands, the United States acquired the following-described lands:

Boise Meridian, Idaho

T. 1 N., R. 32 E.,
Sec. 19, S½NE¼;
Sec. 20, S½NE¼;
Comprising 160.00 acres of private land.

The purpose of this exchange was to acquire the private lands to consolidate with other public lands for more efficient management and provide long-term benefits for livestock forage and wildlife habitat. The public interest was well served through completion of this exchange.

Louis B. Bellasi,

Deputy State Director for Operations.

[FR Doc. 83-4910 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

Kremmling Resource Management Plan

AGENCY: USDI, Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Act of 1969, the Department of the Interior, Bureau of Land Management, has prepared a draft environmental impact statement (DEIS) on the Kremmling Resource Managment Plan.

DATE: Comments must be received by May 25, 1983.

ADDRESS: Comments should be sent to Area Manager, Bureau of Land Management, P.O. Box 68 Kremmling, Colorado 80459.

FOR FURTHER INFORMATION CONTACT: Ade Neisius, Team Leader, Bureau of Land Management, P.O. Box 68, Kremmling, Colorado 80459. Telephone: (303) 724-3437.

SUPPLEMENTARY INFORMATION: The DEIS analyzes seven alternatives for managing approximately 400,000 acres of public land in the BLM Kremmling Resource Area.

Management of livestock grazing, land disposals, wilderness, forests, minerals, wildlife, water, scenery, recreation, off-road vehicles and utility facilities is discussed in the DEIS. Aslo discussed is management of cultural and paleontological resources, areas of critical environmental concern, BLM roads and fire.

The public comment period is for 90 days beginning February 25, 1983. Open Houses have been scheduled at the following locations to give the public the opportunity to ask BLM personnel questions or to find out more about the RMP/EIS in general:

Open Houses

BLM Office, East US 40, Kremmling, Colorado—Tuesday, March 15, 1983, 2 pm. to 6 pm

SCS Building Walden, Colorado—Wednesday, March 16, 1983, 2 pm to 6 pm

Holiday Inn West, Colfax at Indiana, Golden, Colorado—Thursday, March 17, 1983, 2 pm to 6 pm.

Oral comments for the official record will be taken at the following public hearings:

Public Hearings

Grand County Courthouse, District Courtroom, Hot Sulphur Springs, Colorado—Tuesday, April 12, 1983, 7 pm

SCS Building, Walden, Colorado—Wednesday, April 13, 1983, 7 pm

Holiday Inn West, Colfax at Indiana, Golden, Colorado—Thursday, April 14, 1983, 2 pm and 7 pm.

A time limit may be placed on oral comments depending on the number of people who wish to make a statement.

Copies of the DEIS will be available for review at the following locations:

Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202

Craig District Office, Bureau of Land Management, East Highway 40, Craig, Colorado 81625

Kremmling Resource Area Office, Bureau of Land Management, East Highway 40, Kremmling, Colorado, 80459

Denver Public Library, Conservation Library, 1357 Broadway, Denver, Colorado 80254.

Dated: February 14, 1983.

Lee Craig,

District Manager, Craig District Office.

[FR Doc. 83-4915 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[M-49690]

Montana; Order Providing for Opening of Public Lands

February 17, 1983.

In an exchange of lands made under the provisions of Section 206 of the Act of October 21, 1976 (90 Stat. 2756, 43 U.S.C 1716), the surface estate only in the following described lands has been reconveyed to the United States:

Principal Meridian, Montana

T. 33 N., R. 21 E.,
Sec. 2, lots 2, 3, and 4.
T. 34 N., R. 21 E.,
Sec. 34, E½ and SW¼; and
Sec. 35, W½.
Aggregating 916.50 acres in Blaine County.

The lands are located approximately 4½ miles northeast of Zurich, in northcentral Montana. The topography is flat to gently rolling rangeland. A small coulee drains to the southeast toward Thirtymile Creek. Vegetation is

native grasses. Historic and present use of the land is grazing.

At 8 a.m. on March 23, 1983, the lands shall be opened to the public land law generally subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received at or prior to 8 a.m., March 23, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Roland F. Lee,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-4806 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[W-78366]

Wyoming; Realty Action; Exchange of Public Lands in Park County for Private Lands in Big Horn and Park Counties

February 17, 1983.

The following described lands have been determined to be suitable for disposal by exchange under Sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

Sixth Principal Meridian, Wyoming

T. 51 N., R. 100 W.,
Sec. 7, lots 5, 6, and 7, SW¼SE¼;
Sec. 18, lots 4, 5, 6, and 7, E½W¼, W½E¼;
Sec. 19, lots 1 and 2, W½NE¼, E½NW¼.
T. 51 N., R. 101 W.,
Sec. 10, lots 2, 3, and 4, S½NE¼, E½SE¼;
Sec. 11, lots 1, 4, and 5, SW¼NE¼, S½NW¼, NE¼NE¼SW¼, E½NW¼NE¼SW¼, SE¼NE¼SW¼, E½SW¼NE¼SW¼, SW¼SW¼NE¼SW¼, W½NW¼SW¼, S½SE¼NW¼SW¼, SW¼SW¼;
Sec. 12, lots 9 and 10;
Sec. 15, lot 2;
Sec. 24, lot 2; tracts 64C and 64H; tracts 65A, 65B, 65G, and 65H; tracts 66A, 66D, and 66E; tracts 67A, 67B, 67C, 67D, 67E, and 67F; tract 71G.

The areas described aggregate 2,066.44 acres.

In exchange of the above described lands to Glenn E. Nielson, the United States will acquire the following described private lands:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 97 W.,
Sec. 4, lots 6, 7, and 8, S½N½;
Sec. 6, lots 13 and 14;
Sec. 19, lot 8, SE¼SW¼, SE¼;
Sec. 30, lots 5 and 6, NE¼,E½NW¼.
T. 50 N., R. 97 W.,
Sec. 30, lot 8, SE¼SW¼, SW¼SE¼;
Sec. 31, N½NE¼, NE¼NW¼;
Sec. 32, S½NE¼, NW¼, N½SE¼;
Sec. 33, NW¼SW¼, S½SW¼, SW¼SE¼.
T. 49 N., R. 98 W.,
Sec. 1, S½SW¼, SE¼;
Sec. 2, lots 7 and 8, S½NW¼, S½;
Sec. 3, SE¼SE¼;
Sec. 10, N½NE¼NE¼;
Sec. 11, N½NE¼, NW¼.

The areas described aggregate 2,656.59 acres.

The purpose of the exchange is to diminish private lands in the "Fifteen Mile Wild Horse Area".

The value of the lands to be exchanged are approximately equal, being $227,308.40 for the public land and $225,810.15 for the private land. An equalization payment will be made to the Federal Government upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945);

2. The public lands will be exchanged subject to any valid existing rights, including rights-of-way, easements, and leases of record prior to title transfer;

3. A reservation to the United States of all minerals in the lands to be disposed of. The mineral estate in the lands to be acquired by the United States belong to the United States by virtue of a reservation in the original patent;

4. A reservation to the United States of a right of egress and ingress to the following:

Sixth Principal Meridain, Wyoming

T. 51 N., R. 101 W.,
Sec. 11, W½NW¼NE¼SW¼, NW¼SW¼ NE¼SW¼, NE¼NW¼SW¼, N½SE¼ NW¼SW¼.

The areas described aggregate 22.50 acres.

5. Mr. Nielson will retain the grazing preference on the private land which will be acquired by the United States.

Detailed information concerning the exchange is available for review at the Worland District Office, Worland, Wyoming.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Mangement, P.O. Box 119, Worland, Wyoming 82401. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action. In absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Chester E. Conrad,

District Manager.

[FR Doc. 83-4805 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

Montana; Realty Action—Exchange; Public Lands in Garfield County

February 16, 1983.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 18 N., R. 41 E., PMM,
Sec. 12, E½NE¼.

80 acres.

In exchange for these lands the Federal Government will acquire a tract of land in Garfield County from Larry Withee described as follows:

T. 18 N., R. 41 E., PMM
Sec. 13, W½NW¼.
80 acres.

The purpose of this exchange is to mitigate an unintentional trespass by a house and out buildings on BLM lands. The public interest will be served by the addition of 80 acres of land to an existing large tract of public lands.

The value of the offered lands has been determined to be slightly greater than that of the selected lands. Mr. Withee has agreed to waive the disparity of value.

The terms and conditions applicable to the exchange are:

The exchange will be subject to approval of the Application for Partial Release, Subordination, or Consent from the Farmer's Home Administration.

Detailed information concerning the exchange, including the environmental analysis, is available for review at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301.

For a period of 60 days, interested parties may submit comments to the Secretary of the Interior, LLM–320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Supplementary Information: The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, except from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

Robert A. Toegarden,

Associate District Manager.

[FR Doc. 83-4834 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 11158]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of Forest Service, U.S. Department of Agriculture, application OR 11158 for withdrawal and reservation of lands was published as FR Doc. 75–11672 on page 19501 of the issue of May 5, 1975, and republished as FR Doc. 79–22163 on page 41968 of the issue of July 18, 1979. The purpose of the proposed withdrawal was to protect the scenic and recreational values involving the North Fork John Day Campground addition and the North Fork John Day Streamside-Elkhorn Drive Roadside Zones. The applicant agency has cancelled its application insofar as it affects portions of the roadside and streamside zones. The following described lands are included in the cancellation:

Willamette Meridian

North Fork John Day Streamside-Elkhorn Drive Roadside Zone

A strip of land of variable width located between 500 feet north of the centerline of Elkhorn Drive and 330 feet south of the centerline of the North Fork John Day River through the following subdivisions:

Umatilla National Forest

T. 7 S., R. 35½ E.,
Sec. 4, NE¼NE¼.

Wallowa-Whitman National Forest

T. 7 S., R. 35½ E.,
Sec. 35, SW¼NW¼NW¼.

North Fork John Day Streamside Zone, Wallowa-Whitman National Forest

A strip of land 330 feet wide on both sides of the centerline of the North Fork John Day River through the following subdivision:

T. 8 S., R. 36 E.,
Sec. 12, SE¼NW¼NW¼.

Elkhorn Drive Roadside Zone

A strip of land 500 feet wide on both sides of the centerline of Elkhorn Drive through the following subdivisions:

Umatilla National Forest

T. 8 S., R. 35½ E.,
Sec. 3, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 10, N½NE¼, N½NE¼SW¼NE¼, W½SW¼NE¼, N½NW¼SE¼NE¼, N½NE¼SE¼NE¼, S½NW¼NE¼SE¼, S½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, and SW¼NE¼SE¼;
Sec. 15, NW¼NW¼NE¼, SE¼, E½E½NW¼, and E½E½SW¼;
Sec. 22, lots 1, 3, and 4, MS 808, and MS 359, excluding MS 984–A;
Sec. 27, lot 1;
Sec. 28, SE¼SE¼;
Sec. 33, E½E½.

Wallowa-Whitman National Forest

T. 8 S., R. 35½ E.,
Sec. 2, lot 4, SW¼NW¼, and NW¼SW¼;
Sec. 14, SW¼SW¼;
Sec. 23, lots 2, 3, 4, 5, and 6, MS 359, and W½NE¼SW¼, excluding MS 984–A and patented MS 70;
Sec. 27, SE¼ of lot 4, W½NE¼, SE¼NE¼NW¼, SE¼NW¼, and SW¼, excluding MS 984–A;
Sec. 34, W½W½, excluding portion extending from 4964100mN to 4964700mN and 388200mE to 388450mE (Universal Transverse Mercator grid).

T. 9 S., R. 35½ E.,
Sec. 3, NW¼ of lot 4;
Sec. 4, lots 1, 2, 8, and 9, and S½SE¼;
Sec. 9, NE¼NE¼NE¼;
Sec. 10, NW¼ and NW¼SE¼;
Sec. 11, SW¼SW¼NW¼, SW¼NE¼SW¼, and S½S½SE¼;
Sec. 13, NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, and S½NW¼;
Sec. 14, N½NE¼ and N½NE¼NW¼.

T. 7 S., R. 36 E.,
Sec. 11, E½SW¼ and SE¼;
Sec. 12, NE¼, E½NW¼, E½SW¼NW¼, SW¼, and NE¼SE¼;
Sec. 14, W½SW¼NE¼, E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼, NE¼SW¼, S½SW¼, W½NW¼SE¼, NW¼SW¼SE¼, and W½NW¼NE¼;
Sec. 15, SE¼SE¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, NE¼, S½SE¼NW¼, SW¼, NW¼NW¼SE¼, SW¼SW¼SE¼, and NE¼SE¼NW¼;
Sec. 23, NW¼NW¼;
Sec. 27, W½NW¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼, SW¼, and SW¼SE¼SW¼;
Sec. 28, N½NE¼, S½N½, and S½;
Sec. 34, N½NW¼NW¼.

T. 9 S., R. 36 E.,
Sec. 18, lots 2 and 3, E½SW¼, and SW¼SE¼;
Sec. 19, NE¼, NE¼NE¼NW¼, and NE¼NE¼SE¼;
Sec. 20, S½NW¼, N½SW¼, NE¼SE¼SW¼, and SE¼;
Sec. 21, S½S½, SW¼,NW¼SW¼, and S½NW¼SE¼;
Sec. 23, S½N½, S½, SW¼NW¼NE¼, and SE¼NE¼NW¼;
Sec. 24, SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼NE¼SW¼, S½NE¼SW¼, W½SW¼, NE¼,SE¼, N½NE¼NW¼SE¼, W½NW¼SE¼, and S½SE¼;
Sec. 26, NW¼NE¼ and NW¼;
Sec. 27, N½ and N½SW¼;
Sec. 28, N½N½;
Sec. 29, NE¼NE¼NE¼.

T. 7 S., R. 37 E.,
Sec. 1, S½NW¼, N½SW¼, SE¼,SW¼, W½SE¼, and SE¼SE¼;
Sec. 2, SE¼;
Sec. 8, S½S½;
Sec. 9, SW¼, N½SE¼, NE¼NE¼, and S½NE¼;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, NE¼ and NE¼NW¼;
Sec. 16, N½NW¼NW¼;
Sec. 17, N½N½N½.

T. 9 S., R. 37 E.,
Sec. 19, lot 4.

The areas described aggregate approximately 3,971 acres in Baker, Grant, and Union Counties, Oregon.

Pursuant to the regulations contained in 43 CFR 2320.2–1(c), the above-described lands will be open to location under the United States mining laws at 9:30 a.m., on April 1, 1983. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 17, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83–4828 Filed 2–24–83; 8:45 am]

BILLING CODE 4310–84–M

[W–83954]

Wyoming; Invitation for Coal Exploration License; Antelope Coal Company

Antelope Coal Company, a wholly owned subsidiary of NERCO, Inc., hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Converse County, Wyoming:

T. 40 N., R. 71 W., 6th p.m.,
Sec. 2: Lots 1, 3, SE¼NE¼, NE¼SE¼;
Sec. 13: W½NW¼.
T. 41 N., R. 71 W., 6th p.m.,
Sec. 34: NE¼NE¼, N½SE¼, SE¼SE¼;
Sec. 35: S½SW¼.
Containing 471.72 acres.

All of the coal in the above lands consists of unleased Federal coal within the Powder River Basic known recoverable coal resource area. The purpose of the exploration program is to define outcropping of coal seams within the boundaries of the above described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–83954): Bureau of Land Management, 2515 Warren Avenue P.O. Box 1828, Cheyenne, Wyoming 82001; The Bureau of Land Management, 951 Rancho Road,

Casper, Wyoming 82601; and U.S. Forest Service, Thunder Basin National Grassland, 809 South 9th Street, Douglas, Wyoming 82633.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of March 7, 1983, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Antelope Coal Company, no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Antelope Coal Company, c/o NERCO Mining Company, Land Section, 111 S.W. Columbia, Portland, Oregon 97201 and the Bureau of Land Management, Wyoming State Office, Branch of Energy Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing is published in the **Federal Register** pursuant to Title 43 Code of Federal Regulation, § 3410.2–1(c)(1).

J. Stan McKee,

Acting Chief, Branch of Energy Minerals.

[FR Doc. 83–4804 Filed 2–24–83; 8:45 am]

BILLING CODE 4310–84–M

Ukiah District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, Ukiah District Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda for the first meeting of the newly appointed Ukiah District Advisory Council. Authority for the establishment of advisory councils is contained in Section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579) and shall be in conformance with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Notice of this meeting is pursuant to Subpart 1784.4–2 of Title 43 of the Code of Federal Regulations.

DATES: Tuesday, March 29, 1983, from 8:30 a.m. to 5:00 p.m. and Wednesday, March 30, 1983, from 8:30 a.m. to 3:30 p.m.

ADDRESS: March 29, 1983: Conference Room, United Savings and Loan, 700 South State Street, Ukiah, California. March 30, 1983: field tour of the Geysers goethermal steam field, departing from Ukiah District Office, 555 Leslie Street, Ukiah, California.

FOR FURTHER INFORMATION CONTACT: Van W. Manning, District Manager, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California. Telephone: (707) 462–3873.

SUPPLEMENTARY INFORMATION: Eight appointments have been made by Secretary of the Interior James Watt to the chartered 10-member Ukiah District Advisory Council. The objectives and scope of the council are to provide representative citizen counsel and advice to the Ukiah District Manager regarding planning and management of public land resources within the Ukiah District.

The purpose of this first meeting of the Council is orientation. Tuesday, March 29, the Council will be briefed on their roles and responsibilities and on the district organization and programs. Additionally, opportunity for public comment will be provided Tuesday, March 29, at 3:30 p.m. Oral statements will be limited to 10 minutes each, and written statements may be filed with the District Manager prior to March 29, 1983.

Friday, the Council will tour The Geysers geothermal steam field. All advisory council meetings and field examinations are open to the public and the news media; however, transportation must be provided by those wishing to participate in the field tour. The initial assembly point for the tour will be the Ukiah District Office at 555 Leslie Street, Ukiah, California. Departure time will be 8:30 a.m.

Dated: February 18, 1983.

Edwin G. Katlas,

Acting District Manager.

[FR Doc. 83–4814 Filed 2–24–83; 8:45 am]

BILLING CODE 4310–84–M

Las Cruces District Advisory Council; Meeting

AGENCY: BLM, Las Cruces District.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATE: March 24, 1983, 9:30 am.

ADDRESS: Crimson Room, Howard Johnson Motor Lodge, 2600 South Valley Drive, Las Cruces, New Mexico.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager Las Cruces District, Bureau of Land Management, P. O. Box 1420, Las Cruces, New Mexico 88004. Phone: (505) 524–8551.

SUPPLEMENTARY INFORMATION:

Agenda

1. Election of Officers.
2. Approval of Minutes.
3. Comments on Las Cruces/Lordsburg Draft Management Framework Plan Amendment/Environmental Assessment.
4. Status of fiscal year 1983 Range Improvement Projects.
5. Presentation of fiscal year 1984 Range Improvement Projects.
6. Adjourn.

The meeting will be open to the public and interested persons may make oral statements to the Board during an allotted time period beginning at 2 pm and lasting for at least one-half hour. The District Manager may establish a time for oral statements depending on the number of persons wishing to make statements. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 317 North Main Street (P.O. Box 1420), Las Cruces, New Mexico 88004 by March 23, 1983.

Daniel C. B. Rathbun,

District Manager.

February 14, 1983.

[FR Doc. 83–4835 Filed 2–24–83; 8:45 am]

BILLING CODE 4310–84–M

Planning Criteria for Management Framework Plan Amendments in the Bishop and Caliente Resource Areas, Bakersfield District, California, and the Walker Resource Area, Carson City District, Nevada

February 18, 1983.

In accordance with 43 CFR 1601.3, notice is hereby given of the availability of the Planning Criteria to Direct Management Framework Plan Amendments for Wilderness Study Areas (WSAs).

The Bakersfield District of the Bureau of Land Management has prepared the initial Planning Criteria to direct four Management Framework Plan Amendments for 23 WSAs in the Bishop and Caliente Resource Areas, Bakersfield District, and the Walker Resource Area, Carson City District. The Plan amendments will involve the Benton/Owens Valley, Bodie/Coleville, South Sierra Foothills and the Pine Nut/Markleville Planning Areas.

The plans will be incorporated under a single Environmental Impact Statement (EIS), entitled the Benton/Owens Valley-Bodie/Coleville Study Area EIS, and will carry out the requirements of the Federal Land Policy and Management Act (FLPMA) of 1976.

As new information surfaces during the planning process, and/or from public input, additional criteria will be developed for future guidance of this planning effort.

The initial planning criteria are available for review at the Bakersfield

District Office. For further information contact Robert D. Rheiner, Jr., Distrtict Manager, 800 Truxtun Ave., Room 302, Bakersfield, California 93301, (805) 861–4191.

Glenn Carpenter,

Acting District Manager.

[FR Doc. 83-4812 Filed 2-24-83; 8:45 am]

BILLING CODE 4210-34-M

District Advisory Council, Susanville, California; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 (FLPMA) that a meeting of the Susanville District Advisory Council will be held on March 28 and 29, 1983.

The meeting will begin at 1:00 pm on March 28, in the Conference Room of the California Dept. of Forestry (CDF) Office, Highway 36, Susanville, California.

The Agenda for the meeting will include:

1. Asset Management.
2. Wild Horses and Burros.
3. Land Use Planning Efforts on the District.
4. Wilderness.
5. The Future Role of the District Advisory Council.

The meeting is open to the public and time will be provided for public comment.

Summary minutes of the council meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Ben F. Collins,

Acting District Manager.

[FR Doc. 83-4837 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2021, Block 587, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 16, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4836 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1442, Block 27, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico, OCS Region.

February 18, 1983.

[FR Doc. 83-4853 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Anadarko Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Anadarko Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 2750 and 2754, Blocks A–365 and A–376, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metaire, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4820 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 1228, 1230, and Lease OCS 0827, Blocks 208, 215, and 209, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147 Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002. Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 18, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4819 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Oil Shale Environmental Advisory Panel; Meeting

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of meeting of the Oil Shale Environmental Advisory Panel.

SUMMARY: Notice is hereby given in accordance with the provision of Public Law 92–463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on March 3, 1983, at the Ramada Inn—Foothills, 11595 West 6th Avenue, Lakewood, Colorado. The meeting will begin at 8:30 a.m. on Thursday, March 3, and conclude at 4:30 p.m.

DATE: The meeting will be held on March 3, 1983, in the Ramada Inn—Foothills, from 8:30 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Elanor David, Office of Oil Shale Advisory Panel, Department of the Interior Room 1010, Building 67, Denver Service Center, Denver, Colorado 80225 (303) 234–3275.

SUPPLEMENTARY INFORMATION: The Oil Shale Environmental Advisory Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program.

The Oil Shale Environmental Advisory Panel has been scheduled on the day after a meeting of the Regional Oil Shale Team of the Bureau of Land Management which will be held at the Sheraton Hotel, Lakewood, Colorado, on March 2, 1983, to facilitate attendance at both meetings.

The Oil Shale Environmental Advisory Panel will review the interim environmental monitoring program of the suspended project of Rio Blanco Oil Shale Company (Tract C–a), status of the Cathedral Bluffs Shale Oil Project (Tract C–b), both in Colorado, and an annual environmental monitoring report and two socioeconomic reports from the White River Shale Oil Corporation (Tracts U–a and U–b) in Utah. The Advisory Panel will hear reports by the Department of the Interior officials and a briefing by the Bureau of Land Management on its oil shale leasing program. Within the given time constraints, the Advisory Panel will consider any other pertinent items which come before it.

The meeting will be open to the public. It is expected that space will permit at least 50 persons to attend the meeting in addition to the members of the Oil Shale Environmental Advisory Panel. Interested persons may make brief presentations to the Advisory Panel or submit written statements. Requests for time on the agenda or for further information concerning the meeting should be made to the Advisory Panel Chairperson, Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Department of the Interior, Room 1010, Building 67, Federal Center, Denver, Colorado 80225, (303) 234–3275.

Minutes of the meeting will be available for public review at the Office of the Oil Shale Environmental Advisory Panel, at the above cited address, 30 days after the meeting.

David G. Houston,

Acting Assistant Secretary of the Interior.

February 18, 1983.

[FR Doc. 83-4790 Filed 2-24-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Bend Industries, Inc., 2929 Paradise Drive, West Bend, WI 53095.

2. Wholly-owned subsidiaries which will participate in the operation and address of their respective principal offices:

Appleton Concrete Products Co., Inc., 1132 East Wisconsin Avenue, Appleton, WI 54911

Fond du Lac Concrete Products Corp., 183 W. Follett St., Fond du Lac, WI 54935

Bend Industries Construction Svc., 183 W. Follett Street, Fond du Lac, WI 54935

AA Distributors, Inc., 815 S. Pioneer Road, Fond du Lac, WI 54935

Waupun Concrete Products Corp., 811 W. Main Street, Waupun, WI 53963

Falls Block & Supply Co., Inc., N91 W17174 Appleton Avenue, Menomonee Falls, WI 53051

West Bend Precast, Inc., 2929 Paradise Drive, West Bend, WI 53095

1. Parent corporation and address of principal office: Buckhorn, Inc., P.O. Box 689, 3592 Corporate Drive, Columbus, Ohio 43216–0689.

2. Wholly-owned subsidiaries which will participate in the operations and State of Incorporation:

a. Applied Distribution Systems, Inc., an Ohio Corporation.

b. Applied Distribution Systems, Corp., an Ohio Corporation.

c. Applied Distribution Systems, Company, an Ohio Corporation.

d. BKHN, Inc., an Ohio Corporation.

e. NesTier Corporation, an Ohio Corporation.

f. New Idria, Inc., a Nevada Corporation.

g. Palmer-Shile Company, Inc., a Michigan Corporation.

1. The parent corporation is: Cast Metal Industries, Inc., 28240 Grand River, Farmington, Michigan 48024.

The parent corporation's state of incorporation is Michigan.

2. The wholly-owned subsidiaries which will participate in the operation and their respective addresses are:

Cast Metal Sales and Engineering, Inc., 26290 W. Eight Mile Road, Southfield, Michigan 48034

CMI International, Inc., 26290 W. Eight Mile Road, Southfield, Michigan 48034

CMI Transportation, Inc., P.O. Box 40, Cadillac, Michigan 49601

Dearborn Machine Products, Inc., 5353 Wilcox, Montague, Michigan 49437

Michigan Permanent Mold, Inc., 374 State Street, Sparta, Michigan 49345

Noren Pattern & Foundry Co., Inc., 14638 Apple Drive, Fruitport, Michigan 49415

SSK Engineering Co., Inc., 533 North Court St., AuGres, Michigan 48703

Southfield Machine Products, Inc., Plant #1, 19400 W. Eight Mile Road, Southfield, Michigan 48075

Wabash Cast Aluminum, Inc., Route 24 West, Wabash, Indiana 46992

Each of the subsidiaries listed was incorporated in the state in which it is presently domiciled.

1. Parent corporation and principal address: J. P. Stevens & Co., Inc., 1185 Avenue of the Americas, New York, NY 10036.

2. Wholly-owned subsidiaries:

1. The Black Hawk Corporation, White Horse Rd., Greenville, S.C., 29604.

2. Foot & Davies, Inc., 3101 McCall Drive, Atlanta, Ga., 30340.

3. Mid-America Webpress, Inc., 3700 N. W. 12 Street, Lincoln, Neb., 68501.

4. Children's Publishers Corp., 123 South Hill Street, San Francisco, Ca., 94005.

5. Foote & Davies Transport Co., 3101 McCall Drive, Atlanta, Ga., 30340.

6. Stevens Beechcraft, Inc., Greenville-Spartanburg Jetport, Greer, S.C., 29651.

7. J. P. Stevens & Co. (Canada), Ltd., 474 Attwell Drive, Rexdale, Ontario, M9W 1M4.

8. J. P. Stevens International Sales, Inc., 1185 Avenue of the Americas, New York, N.Y., 10036.

9. J. P. Stevens (Europe), Ltd., 1185 Avenue of the Americas, New York, N.Y., 10036.

10. J. P. Stevens & Co. Limited, 26 Dover Street, London, England, WI.

11. Stevens Graphics, Inc., 713 Glenn St., S.W., Atlanta Ga., 30310.

12. Automated Graphics Unlimited, Inc., 880 Great Southwest Parkway, Atlanta, Ga., 30336.

13. Books, Inc., 3635 McChord Street, Montgomery, Ala., 36109.

14. Carolina Ruralist Press, Inc., 314 East Eighth Street, Charlotte, N.C., [illegible].

15. Courier Graphs, Inc., 4325 Old Shepardville Rd., Louisville, KY., 40218.

16. Florida Printers, Inc., 5190 S.W., 75th Ave., Miami, Fla., 33155.

17. Oxmoor Press, Inc., 100 W. Oxmoor Rd., Birmingham, Ala., 35201.

18. Ruralist Press, Inc., 713 Glenn St., S.W., Atlanta, Ga., 30310.

19. Superior Type, Inc., 109 Alexander, N.W., Atlanta, Ga., 30303.

20. Graphic Data Systems, Inc., 1819 Peachtree Rd., N.E., Atlanta, Ga., 30309.

21. Computer Business Forms, 2805 Phoenix Drive, Greensboro, N.C., 27406.

22. StevenStores, Inc., 2712 Laurens Rd., Greenville, S.C., 29607.

Stevcoknit, Inc., 1450 Broadway, New York, N.Y., 10018.

24. B.K.B. Realty Corp., 330 E. Commerce St., Bridgeton, N.J., 08302.

25. Bridgeton Dyeing & Finishing Corp., 330 E. Commerce St., Bridgeton, N.J., 08302.

26. Moran Mills, Ltd., 902 Southern Ave., Fayetteville, N.C., 28306.

27. Murbeck Knitted Fabrics Co., Rosenhayn Ave., Bridgeton, N.J., 08302.

28. Park Yarn Mills Co., Inc., Grover Road, Kings Mountain, N.C., 28086.

29. Stevcoknit Fabric Co., Inc., 1450 Broadway, New York., N.Y., 10018.

30. Stevcoknit Textile Co., Inc., 1450 Broadway, New York, N.Y., 10018.

31. Stevcowovens Corp., 1450 Broadway, New York, N.Y., 10018.

32. Gay-Tred Mills, Inc., 106 W. Maple Avenue, Scottsboro, Ala, 35768.

1. The parent corporation is: Standard Warehouse and Distributing Company, 37th and River Road, Camden, New Jersey 08101.

2. The wholly-owned subsidiaries which will participate in the operations, which have the same address as the parent, and the state of thier incorporation are:

*Standard Warehouse and Distributing Co. (a New Jersey corporation)

*Stech Transportation Company (a New Jersey corporation)

*F. &. W. Transport Co., Inc. (a New Jersey corporation)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4702 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15104]

Motor Carriers; Cressler Trucking, Inc.; Purchase Exemption; Spector Red Ball, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 ICC 113 (1982), Cressler Trucking, Inc. (Cressler) (MC-125813) and Spector Red Ball, Inc. (Spector) (MC-2229), seek an exemption from the requirement of prior regulatory approval for the purchase by Cressler of a portion of Spector's operating rights. In addition, temporary authority is sought by Cressler to lease Spector's operating rights pending disposition of the petition for exemption.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 3139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners representatives: J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247

and

Lawrence E. Lindeman, P.C., 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304

Comments should refer to No. MC-F-15104.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4788 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3-MC-FC-60

Decided: February 16, 1983.

For status, please call Team 3 at 202-275-5223.

No. MC-FC 81123. By decision of February 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to COUNTRY LINES, INC., Salisbury, MD, of Certificates Nos. MC 138395 Sub 2, issued February 19, 1974, MC 13895 Sub 4, issued March 21, 1975, MC 138395 Sub 8, issued June 14, 1977, MC 138395 Sub 12, issued November 26, 1980, MC 138395 Sub 13, issued November 26, 1980, MC 138395 Sub 14, issued November 14, 1980, MC 138395 Sub 15, issued January 14, 1981, MC 138395 Sub 16, issued February 3, 1983, MC 138395 Sub 17X, issued October 19, 1981, and MC 138395 Sub 18, issued April 29, 1982, to DOUGLAS H. WEST, Philadelphia, PA, authorizing the transportation of printed matter, and materials, equipment, and supplies used in the manufacture and distribution of printed matter, between points in Wicomico County, MD, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, and MS; forest products, between points in Chatham and Videlia Counties, GA, Wicomico County, MD, Burlington County, NJ, Green County, NY, and Portsmouth, VA, on the one hand, and, on the other, points in FL, GA, SC, NC, VA, MD, PA, NJ, NY, DE, CT, RI, MA, NH, and ME; metals and metal products, (1) between points in Wicomico County, MD, on the one hand, and, on the other, Philadelphia, PA, and Camden and Burlington Counties, NJ; (2) between points in Wicomico County, MD, on the one hand, and, on the other, points in NJ, DE, and points in PA on and east of the Susquehanna River; (3) between points in Wicomico and Harford Counties, MD, on the one hand, and, on the other, points in NY, OH, WV, VA, those in PA west of the Susquehanna River, and DC; and (4) between points in Harford County, MD, on the one hand, and, on the other, points in NJ, DE, and those in that part of PA on and east of the Susquehanna River; building materials, between points in Dorchester, Somerset, Talbot, Worcester, and Wicomico Counties, MD, and Sussex County, DE, on the one hand, and, on the other, points in PA, NJ, and DC; lumber and wood products, between points in Wicomico County, MD, on the one hand, and, on the other, Mercer and Burlington Counties, NJ, points in DE, MD, and those in that part of PA east of Interstate Hwy 83 and south of U.S. Hwy 22, and those in that part of NJ south of a line beginning at Camden, NJ, and extending east along NJ Hwy 70 to Lakehurst, NJ, and then along NJ Hwy 37 to the Atlantic Ocean, including points on the indicated portions of the hwys specified; and printed matter, between Philadelphia, PA, and points in Wicomico County, MD. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740.

Volume No. OP5-FC-67.

For status, please call Team 5 at 202-275-7289.

MC-FC-81168. By decision of February 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to EXPRESS SERVICE, INC., Somerset, KY, of Certificates Nos. MC-108589 and Subs 8, 10, 11, 12, 13F, 16F, 18F, 19F, 20F, 26F, 27F, 29F, 30f, 32F, 33F, 34F, 35F, 36F, and 37X, issued August 20, 1979, December 21, 1959, October 7, 1964, July 29, 1969, June 19, 1973, September 11, 1980, April 21, 1980, November 28, 1980, November 26, 1980, November 12, 1980, July 31, 1980, November 12, 1980, October 30, 1980, June 18, 1981, October 6, 1980, January 27, 1981, May 26, 1981, December 4, 1980, March 11, 1981, and August 14, 1981, respectively, to EAGLE EXPRESS COMPANY, Cincinnati, OH, authorizing the transportation, over regular and irregular routes, of general commodities, with exceptions, and specified commodities, between points in TN, KY, OH, NC, SC, GA, IN, IL, MI, AL, and MS. An application for TA has been filed. Representative: John G. Prather, P.O. Box 106, Somerset, KY 42501.

MC-FC-81189. By decision of February 11, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1, approved the transfer to WILLIAM HOEKSTRA AND SONS, INC., of St. Anne, IL, of Certificate No. MC 152829 issued April 12, 1982 to OTIS L. THOMPSON, of Watseka, IL, authorizing the transportation of (1) *waste or scrap materials not identified by industry producing,* between points in DeKalb and Iroquois Counties, IL, Marion County, IN, St. Louis county, MO, and Hardin County, KY, on the one hand, and, on the other, points in WI, OH, and MI, and (2) *pulp, paper and related products,* between points in WI, OH, and MI, on the one hand, and, on the other, points in Iroquois County, IL. Representatives: Edward D. McNamara, Jr. and Leslieann G. Maxey, 907 S. Fourth St., P.O. Box 5039, Springfield, IL. 62705.

MC-FC-81202. By decision of February 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R.

Part 1181, Review Board Number 1 approved the transfer to MINNESOTA CONTRACT CARRIERS, INC., Afton, MN, of Permit No. MC–151488 Sub 2 issued September 21, 1982, to BROOKLYN EXPRESS CO., Brooklyn, MN, authjorizing the transportation of sugar between points in the U.S. (except AK and HI), under continuing contracts(s) with Have A Portion, Inc., of Roseville, MN. Representative: Samuel Rubenstein, Box 5, Minneapolis, MN 55440.

[FR Doc. 83–4790 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15101]

Motor Carriers; Flatlands Express, Inc.; Purchase Exemption; Midwest Refrigerated Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (November 15, 1982), Flatlands Express, Inc. (MC–127602), seeks to purchase a portion of the operating authority of Midwest Refrigerated Express, Inc. (MC–124774), authorizing the transportation of general and specified commodities between (for the most part) certain counties, on the one hand, and, on the other, points in the coterminous United States.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 3139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioners representatives: Arlyn L. Westergren, Westergren, Hauptman & O'Brien, P. C., Suite 201, 9202 W. Dodge Road, Omaha, Nebraska 68114.

Comments should refer to No. MC–F–15101.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4794 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contrat carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transporation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under

contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–57

Decided: February 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 1795 (Sub-2), filed January 28, 1983. Applicant: BINGHAMTON-GREENE TRUCK LINES, INC., P.O. Box 157, 12 Davidson Street, Greene, NY 13778. Representative: Reginald Tucker (same address as applicant), (607) 722–1331. Transporting *trucks and tractors, platform and warehouse,* and *such commodities* as are used in the manufacture of trucks and tractors, between points in Livingston, Chenango, and Syracuse County, NY, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 2605 (Sub-24), filed January 27, 1983. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Ave., Philadelphia, PA 19124. Representative: Sander M. Bieber, Suite 1100, 1730 Pennsylvania Ave., NW., Washington, DC 20006, (202) 783–0200. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 2934 (Sub-129), filed February 1, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company, of St. Louis, MO.

MC 2934 (Sub-130), filed February 1, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goooods,* between points in the U.S., under continuing contract(s) with Standard Oil Company and its subsidiaries, of Chicago, IL.

MC 15735 (Sub-69), filed January 31, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Martin T. Boratyn, P.O. Box 4403, Chicago, IL 60680, (312) 681–8377. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Compugraphic Corporation and its subsidiaries, of Wilmington, MA.

MC 16334 (Sub-30), filed January 31, 1983. Applicant: DEBRICK TRUCK LINE CMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212, (913) 888–3386. Transporting *building materials, lumber and wood products, rubber and plastic products, clay, concrete, glass or stone products, machinery, metal products,* and *vehicle parts,* between points in AZ, CA, CO, FL, GA, ID, IN, KS, KY, LA, MI, NY, OH, OK, PA, SC, TN, TX, WA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164095, filed January 31, 1983. Applicant: BIG RED EXPRESS, INC., 7911 L St., Omaha, NE 68127. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Douglas and Lancaster Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165964, filed January 31, 1983. Applicant: KEYSTONE FREIGHT CORP., 1740 Peachtree Lane, Norristown, PA 19403. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 165984, filed January 31, 1983. Applicant: OLYMPIA PETROLEUM TRANSPORT, INC., 3518 Travis Street, Houston, TX 77002. Representative: Virgil O. Musick, 6220 Gaston Ave Suite 605, Dallas, TX 75214, (713) 824–7870. Transporting *petroleum, natural gas and their products,* between points in the U.S., under continuing contract(s) with Olympia Petroleum, Inc., of Houston, TX.

MC 165985, filed January 31, 1983. Applicant: TRANSPORT NORDIQUE (1975) INC., 849 Route Benoit, Mont St-Hilaire, Quebec, Canada J3G 4S6. Representative: Thomas E. Acey, Jr., Suite 1100, 1660 L St., NW., Washington, DC 20036, (202) 452–7400. In foreign commerce only, transporting *hazardous materials,* between ports of entry on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in AK, IL, FL, WV, MN, CT, and NJ. Condition: The authority granted herein to the extent it authorizes the transport of hazardous materials is limited in point of time to a period of five (5) years from the date of issuance.

MC 166004, filed February 1, 1983. Applicant: J. K. JONES, INC., Route 2, Box 110, Boyce, LA 71409. Representative: Grove Stafford, Jr., 628 Murray St., P.O. Box 1711, Alexandria, LA 71301, (318) 487–4910. Transporting *forest products* and *lumber and wood products,* between points in LA, TX, MS, and AR, under continuing contract(s) with Roy O. Martin Industries, Inc., a subsidiary of Louisiana-Pacific Corporation, and Colfax Creosoting Company, both of Alexandria, LA.

MC 166024, filed January 31, 1983. Applicant: J.A.T. Co., P.O. Box 156, Dover, OH 44622. Representative: James W. Muldoon, 50 West Broad St., Columbus, OH 43215, (614) 464–4103. Transporting (1) *general commodities* (except household goods and classes A and B explosives), between points in Tuscarawas County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI); and (2) *metal and metal products,* between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–096

Decided: February 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 138297 (Sub-16), filed February 4, 1983. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Montaintop, PA 18707. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting (A) *passengers,* in charter and special operations, beginning and ending at points in New Haven County, CT, and extending to points in Brevard, Orange, St. Johns and Leon Counties, FL, and (B) *automobiles,* between points in CT, on the one hand, and, on the other, points in FL.

Note.—Applicant seeks to provide privately-funded charter and special transportation in (A) above.

Note.—Because this application includes issues subject to a finding of public convenience and necessity as well as fitness only, it will be published in two volumes of this **Federal Register** issue.

Part A will be published in Volume No. 095 No. Part B will be published in Volume No. 096

[FR Doc. 83–4774 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275–5223.

Volume No. OP3–58

Decided: February 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell. (Member Dowell not participating.)

MC 135354 (Sub-4), filed January 31, 1983. Applicant: STATESVILLE MOTOR COACH CO., INC., 109 Winston Ave., Statesville, NC 28677. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166025, filed February 1, 1983. Applicant: CARTER'S BUS SERVICE, INC., 8611 Frederick Rd., Ellicott City, MD 21043. Representative: Roger S. Carter (same address as applicant), (301) 465–4088. Transporting *passengers,* in special and charter operations, beginning and ending at points in MD and DC, and extending to points in the U.S.

Note:—Applicant seeks to provide privately-funded special and charter transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–095

Decided: February 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 138297 (Sub-16), filed February 4, 1983. Applicant: CENTRAL FLORIDA COACH LINES, INC., P.O. Box 127, Montaintop, PA 18707. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting (A) *passengers,* in charter and special operations, beginning and ending at points in New Haven County, CT, and extending to points in Brevard, Orange, St. Johns and Leon Counties, FL, and (B) *automobiles,* between points in CT, on the one hand, and, on the other, points in FL.

Note.—Applicant seeks to provide privately-funded charter and special transportation in (A) above.

Note:—Because this application includes issues subject to a finding of public convenience and necessity as well as fitness only, it will be published in two volumes of this **Federal Register** issue.

Part A will be published in vol. #095. Part B will be published in vol. #096.

[FR Doc. 83–4775 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–074]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 16, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—Please direct status inquiries to Team 2, at (202) 275–7030.

MC 118983 (Sub-2)X, filed January 11, 1983. Applicant: SHORT'S GARAGE, INC., Causeway and South Market St., Wilmington, DE 19801. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5413. Sub 1 certificate: broaden commodity description from disabled, repossessed, stolen, or wrecked motor vehicles, by use of wrecker equipment only, to "transportation equipment".

[FR Doc. 83–4768 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15108]

Motor Carriers; Whiteford Truck Lines, Inc.; Continuance in Control Exemption; Whiteford Nationalease, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in *Procedures for Handling Exemptions Filed by Motor Carriers* 367 I.C.C. 113 (1982), Whiteford Truck Lines, Inc., and in turn, Florence Whiteford and Ronald Whiteford who jointly control Whiteford Truck Lines, Inc., seek an exemption from the requirement under section 11343 of prior regulatory approval for their continuance, in control of Whiteford Nationalease, Inc., doing business as Dedicated Truck Service.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: (1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Alki E. Scopelitis, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204.

Comments should refer to No. MC–F–15108.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 17, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4783 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 311 (Sub-4)]

Motor Carrier Fuel Surcharge Program; Modification

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 12 to 11.5 cents per mile.

EFFECTIVE DATE: This decision will be effective on March 11, 1983.

FOR FURTHER INFORMATION CONTACT:

Lee Alexander, (202) 275–7723
Ted Kalick, (202) 275–6446
Alan Rothenberg, (202) 275–7597
Boston, MA, (617) 223–2372
Philadelphia, PA, (215) 597–4460
Atlanta, GA, (404) 881–2167
Chicago, IL, (312) 353–6204
Ft. Worth, TX, (817) 334–2794
San Francisco, CA, (415) 974–7125

SUPPLEMENTARY INFORMATION: In a decision served February 14, 1983 (48 FR 6801, February 15, 1983), the Commission established owner-operator reimbursement at 12 cents per mile for all carrier-related business miles. This change will become effective March 2, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of February 14, 1983, the current price of diesel fuel was 117.4 cents per gallon. The reimbursement figure is 11.4. Ten working days after publication of the notice in the **Federal Register** (effective March 11, 1983), carriers shall reimburse owner-operators at a minimum of 11.5 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81–2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC, for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: February 16, 1983.

By the Commission, Heber P. Hardy.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4771 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 190 SDM]

Carbon County Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Carbon County Railway Company's has filed with the Commission its amended color-coded system diagram map in docket No. AB 190 SDM. The Commission on January 27, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 190 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4779 Filed 2–24–83; 8:45 am]

BILLING CODE 7035–01–M

[AB 1 SDM]

Rail Carriers; Chicago & North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chicago & North Western Transportation Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 SDM. The Commission on January 27, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4780 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 111 SDM]

Rail Carriers; Detroit Toledo & Ironton Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Detroit Toledo & Ironton RR. Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 111 SDM. The Commission on February 1, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 111 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4781 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
811	Missouri Pacific Railroad Co., ICC-MP-C-0173, supplement 2, (soybeans)	1	2-18-83
[illegible]	Missouri Pacific Railroad Co., ICC-MP-C-0251, (soda ash)	2	2-18-83
[illegible]	Missouri Pacific Railroad Co., ICC-MC-C-0189, supplement 2, (soybean meal)	3	2-18-83
814	Burlington Northern Railroad Co., ICC-BN-C-0043, supplement 1, (iron or articles)	2	2-18-83
815	Burlington Northern Railroad Co., ICC-BN-C-0282, (canned foodstuffs)	2	2-18-83
816	Southern Pacific Transportation Co., ICC-SP-C-0396, (cotton)	3	2-18-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4773 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-98)]

Illinois Central Gulf Railroad Co.—Abandonment—Ashland to Jacksonville, IL.; Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company to abandon a 16.22 mile portion of its line of railroad between milepost 199.50 near Ashland, IL (including Ashland), and milepost 215.72 at Jacksonville, IL (excluding Jacksonville), and 2.09 miles of side track, in Cass and Morgan Counties, IL. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10 day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4770 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 83]

Maine Central Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Maine Central Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 83 SDM. The Commission on February 16, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 83 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4776 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 10 SDM]

Norfolk & Western Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Norfolk and Western Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 10 SDM. The Commission on February 4, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 10 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4777 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 72 SDM]

Sacramento Northern Railway; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Sacramento Northern Railway has filed with the Commission its amended color-coded system diagram map in docket No. AB 72 SDM. The Commission on February 4, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 72 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4778 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30068]

Railcarriers; Southern-Kent & Pacific Railroad Co.; Exemption From 49 U.S.C. 10901

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10901 operations for a 90-day period by Southern-Kent and Pacific Railroad, Company over the line segments of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, between Janesville and Madison, WI, and between Burlington and Beloit, WI.

DATES: This exemption shall be effective on March 28, 1983. Petitions to stay the effectiveness of this decision must be filed by March 7, 1983. Petitions for reconsideration must be filed by March 17, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Scott F. Pierce, 100-H Waters Building, Grand Rapids, MI 49503.

Pleadings should refer to Finance Docket No. 30068.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: February 15, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary

[FR Doc. 83-4785 Filed 2-24-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Parole Commission

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Notice.

SUMMARY: The U.S. Parole Commission is implementing an experimental procedure for conducting parole hearings with one member of the hearing examiner panel interviewing the prisoner in person and the second examiner participating in the hearing by telephone. The purpose of this procedure is to increase the efficiency of the Commission's examiners and to ensure more time for thorough preparation for parole hearings without diminishing the applicant's opportunity to be heard and to present his case for release on parole.

DATE: These procedures go into effect on a trial basis in the Commission's Southeast Region on March 1, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Beck, Deputy Research Director, United States Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Tel: (301) 492-5980.

SUPPLEMENTARY INFORMATION: The U.S. Parole Commission is implementing an experimental procedure in its Southeast Region by which one member of a hearing examiner panel would be present at the location of the hearing and the second member of the panel would remain in the Regional Office and participate in the hearing through a speakerphone system. Although the second examiner would not be physically present at the hearing location, he would otherwise continue to

fully participate in the proceedings. All other rules and procedures of the U.S. Parole Commission relative to conducting parole hearings are unchanged in this experiment.

In addition to the Southeast Region, the experimental procedure may be tried in select instances in other regions where exceptionally long travel is necessary to reach the hearing location. The experimental procedure being tested is intended to test the feasibility of conducting parole hearings with one of the examiners present at the institution and the second examiner participating by telephone. It is anticipated that the experimental procedure, if implemented nationwide, would result in a significant cost reduction for the Commission by reducing travel expense. Importantly, by reducing the amount of time spent by examiners in travel status, the hearing examiners' time would also be used more effectively. This would result in more time available to actually conduct the parole hearing and thereby further improve the quality of the hearings. The new procedure would also enhance the Commission's ability to process decisions in a more timely fashion through the more efficient use of staff time.

Dated: February 18, 1983.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 83-4640 Filed 2-24-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Comprehensive Employment and Training Act, Native American Private Sector Initiatives Programs.

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice provides the plans of the Employment and Training Administration for allocating funds for the Fiscal Year 1983 Native American Private Sector Initiatives Programs, under Title VII of the Comprehensive Employment and Training Act.

FOR FURTHER INFORMATION CONTACT: Mr. Herbert Fellman, Chief, Division of Indian and Native American Programs, Employment and Training Administration, 601 D Street, N.W., Room 7112, Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: Pursuant to the 1978 amendments to the Comprehensive Employment and Training Act (CETA), (29 U.S.C. 801 *et seq.*) the Division of Indian and Native American Programs (DINAP) announces a program authorized under Title VII of CETA to demonstrate the effectiveness of a variety of approaches to tie private industry closer to employment and training programs. Approximately $4.6 million will be available for this program to Native American grantees who are eligible under Section 302(c)(1) (A) and (B) of CETA. A "Solicitation for Grant Application" (SGA) that will describe application procedures and items necessary for a proposal will be issued immediately to all eligible Native American grantees. Such Native American grantees are those that are presently designated as CETA grantees under Section 302(c)(1) (A) and (B) of CETA. These CETA grantees are composed of Native American Indian tribes, bands, or groups on Federal or State reservations, including Alaska Native Villages or groups, Oklahoma Indians having a governing body, and Hawaiian Natives being served through public or private non-profit organizations.

Selection of proposals will be done on a competitive basis. Criteria on which proposals will be evaluated are contained in the SGA. Regulations for the Native American Private Sector Initiatives Programs (NAPSIP) are found in regulations governing the Indian and Native American Employment and Training Programs at 20 CFR Parts 675 and 688. Eligible applicants are not required to submit proposals. However, all eligible applicants wishing to obtain Title VII funds must submit a proposal consistent with the requirements of the SGA.

All eligible Native American grantees desiring NAPSIP funds must first establish a Private Industry Council (PIC) to assist in the development of the proposal and the implementation of the program if award is made. The PIC must be made up of representatives from private industry, organized labor, community based organizations, and educational institutions. A majority of the membership must be from private industry. Details on the PIC are contained in the SGA and the regulations at 20 CFR 668.271.

Proposals under this program must be received on or before 5:30 p.m., March 25, 1982 at the following location: Division of Indian and Native American Programs, Employment and Training Administration, 601 D Street, N.W., Room 7112, Washington, D.C. 20213.

Signed in Washington, D.C. this 17th day of February, 1983.

Edward A. Tomchick,

Grant Officer.

[FR Doc. 83-4657 Filed 2-24-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in the State of North Carolina

This notice announces the beginning of a new Extended Benefit Period in the State of North Carolina, effective on February 13, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on January 29, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on February 13, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who which to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on February 16, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-4658 Filed 2-24-83; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

Correction

In FR Doc. 83-3234 on page 5823 in the issue of Tuesday, February 8, 1983, make the following corrections:

1. In the middle column of page 5823, the last sentence of the second complete paragraph should have read "Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582."

2. In the same column, under the list of **Additions to the Annual List of Labor Surplus Areas,** in the entry for New Hampshire, "Coo County" should have read "Coos County". Also, the entry for Ohio should have read as follows:

Ohio

Darke County	Stark County less
Balance of Stark County	Canton City
Darke County	

BILLING CODE 1505-01-M

Occupational Safety and Health Administration

Arizona State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator OSHA), under a delegation of authority from the Assistant Secretary (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 29, 1974, notice was published in the **Federal Register** (39 FR 39037) of the approval of the Arizona plan and the adoption of Subpart CC to Part 1952 containing the decision.

The Arizona plan provides for the adoption of Federal standards after public hearing. Section 1953.20 provides that where "* * * any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State Program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter, with attachments, dated October 5, 1982, from Larry Etchechury, Director to Hamilton Fairburn, Assistant Regional Administrator, and incorporated as part of the plan, the State standards reflecting Federal standards changes to 20 CFR 1910.1025, Lead, Amendment, dated July 24, 1981; 24 CFR 1910.1025, Occupational Exposure to Lead, Amendment, dated December 11, 1981; and 29 CFR 1910.95, Occupational Noise Exposure; Hearing Conservation Amendment, Amendment, dated August 21, 1981. These standards, which are contained in the Arizona Occupational Safety and Health Standards, were adopted after public hearings and the resolution adopted by the Industrial Commission of Arizona, Division of Occupational Safety and Health, pursuant to the Arizona Occupational Safety and Health Act of 1972.

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; and Director, Division of Occupational Safety and Health, 1624 West Adams, Phoenix, Arizona 85005; and Directorate of Federal Compliance and State Programs, Room N-3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Arizona plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reasons:

The standards are identical to the Federal standards which were promulgated in accordance with Federal law, including meeting requirements for public participation.

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective February 25, 1983.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at San Francisco, California, this 23rd day of December 1982.

Frank L. Strasheim,

Acting Regional Administrator.

[FR Doc. 83-4652 Filed 2-24-83; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the

Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration
JTPA Quarterly Status Report
ETA 8579
Quarterly
State Governments
SIC: 944
228 responses; 114 hours

The information collected will be used to assess and oversee Job Training Partnership Act (JTPA) programs, both individually and collectively. In addition, the financial and participant data will be used to prepare budget requests and the annual report to Congress required by Section 106(d)(2) of the Act.

Signed at Washington, D.C., this 22nd day of February, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–4858 Filed 2–24–83; 8:45 am]

BILLING CODE 4510–30–M

Report on Computer Matching Project Involving Beneficiaries of State Unemployment Insurance

SUMMARY: The Department of Labor, Office of Inspector General, announces a proposal to match by computer certain federal employee records with the listings for recipients of unemployment insurance compensation in several states and the District of Columbia. The matches will be made under written agreement between the participating states and federal agencies. A matching report is set forth below.

a. *Authority:* The Office of Inspector General (OIG) pursuant to its Authority Under Pub. L. 95–452 (Inspector General Act of 1978) as initiated a program of computer matching.

b. *Description of the Match:* One of the responsibilities of the Inspector General under the Act is to prevent and detect fraud and abuse in the programs and operations of the Department of Labor while keeping the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the need for and progress of corrective actions. Computer matching is the most efficient and also the least intrusive means of determining the propriety of program claimants receiving benefits.

The Employment and Training Administration (ETA) of the Department of Labor provides guidance and administrative funding for state operated Unemployment Insurance (UI) Programs. The state UI programs provide weekly compensation payments to unemployed workers. This matching effort will compare state UI claimant records to Federal employee payroll records to identify individuals that received UI compensation during periods of Federal employment. The organizations in the match are: the State Employment Security Agencies of California, New York, Arkansas, Tennessee, Mississippi, Maryland, Texas, Utah, Pennsylvania, Missouri, Massachusetts, Kentucky, Virginia and the District of Columbia; the U.S. Departments of Agriculture, Commerce, Interior, Labor, and Tennessee Valley Authority. The states will provide USDOL/OIG computer tapes with certain claimant data extracted from their benefit history files. The Federal agencies will provide USDOL/OIG computer tapes with certain employee payroll data extracted from their payroll files. The period covered in the match will be October 4, 1980 through October 2, 1982. The State and Federal tapes will be matched using specially developed computer programs which will be used only to support this project. The "raw hits" resulting from the crossmatch will be forwarded to the respective Federal agency of employment for validation that UI benefits were paid while actually employed. Through USDOL/OIG, validated listings of such payments will be forwarded to the state agency for appropriate action and recovery of validated overpayments. The Federal agency will use the validated listings to pursue investigations and take other appropriate action. In addition, investigative findings will be forwarded to DOL:/OIG for referral to the Department of Justice. Although scheduled as a one time match, recommendations for expanding the matching to include additional states and/or Federal agencies based on the results of this match may be made.

c. *Description of Federal Records to be Matched:*

USDA/OP–1, Personnel and Payroll System for USDA Employees, USDA/OP, 43 FR 213, pg. 51361 on November 2, 1978

COMMERCE/DEPT–1, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons, 46 FR 251 pg. 63501, on December 31, 1981

INTERIOR/AAS–8, Aircraft Services Administration Management and Fiscal Records—Interior, Office of the Secretary—8, 42 FR 60, pg. 19017, on April 11, 1977

INTERIOR/BLA–17, Payroll—Interior, BLA–17, 42 FR 60, pg. 19041, on April 11, 1977

INTERIOR/EBM–1, Payroll—Interior, Mines—1, 45 FR 15, pg. 84161, on January 22, 1980
INTERIOR/EGS–1, Payroll, Attendance and Leave Records—Interior, GS–1, 47 FR 4 pg. 860, on January 7, 1982
INTERIOR/FNP–20, Payroll—Interior, NPS–20, 42 FR 69, pg. 19078, on April 11, 1977
INTERIOR/FWS–24, Payroll—Interior, FWS–24, 46 FR 56, pg. 18376, on March 24, 1981
INTERIOR/LBR–24, Payroll, Attendance, and Leave Record (PAY/PERS)—Interior, Reclamation, 47 FR 33, pg. 7336, on February 18, 1982
INTERIOR/LLM–17, Payroll—Interior, BLM–17, 42 FR 69, pg. 19115, on April 11, 1977
INTERIOR/OS–85, Payroll, Attendance and Leave, Interior Office of the Secretary—85, 47 FR 124, pg. 27980, on June 28, 1982
INTERIOR/OS–95, Trust Territory of the Pacific Islands Employee Records—Interior, Office of the Secretary—95, 46 FR 29, pg. 12148, on February 12, 1981
INTERIOR/OSM–1, Payroll—Interior, OSM–1, 43 FR 63, pg. 13641, on March 31, 1978
DOL–OASAM–1, Intergrated Personnel Payroll System, 47 FR 134, pg. 30366, on July 13, 1982
TVA–11, Payroll Records, 46 FR 249, pg. 62993, on December 29, 1981

d. *Period of the Match:* The first match should begin approximately in late February, 1983, and the final match during April, 1983. Followup procedures may extend through the end of calendar year 1983.

e. *Privacy Protection and Data Security:* The personal privacy of individuals identified on tapes is protected by strict compliance with the Privacy Act (Public Law 93–579) and OMB Circular A–108. Information from matching programs is used only for official purposes and "raw hits" are not released to the press or to the public. All automated data set will be password protected, and only those who need to know will be given access to the data sets or the passwords. All paper listings of data will be stored in a room which will be locked when not occupied.

f. *Disposition of Source Records and Hits:* Source records will not become part of the DOL/OIG system of records and will be returned to the providing agency and/or destroyed within six months after completion of the match. USDOL/OIG will not retain copies of "raw hit" listings. As stated above these listings will be forwarded to the appropriate Federal agencies of employement for validation. The "raw hit" listings will not be retained by the Federal agencies for more than one year. The "validated hit" listings may be retained by USDOL/OIG, the participating Federal agencies and State Employement Security Agencies for up to three years (commencing upon completion of the validation process), and will then be destroyed.

Signed at Washington, D.C., on the 22d day of February 1983.

Robert E. Magee,

Deputy Inspector General.

[FR Doc. 83–4961 Filed 2–24–83; 8:45 am]

BILLING CODE 4510–21–M

Wage and Hour Division

Memorandum of Understanding Between the State of Maryland and the U.S. Department of Labor

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice.

SUMMARY: The Commissioner of the Maryland Department of Labor and Industry has requested the assistance of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor in implementing Sec. 80B(E) of Article 100 of the Annotated Code of Maryland. That Section reads as follows:

(E) The Commissioner shall make all practicable efforts to minimize the duplication of registration requirements and enforcement procedures under this subtitle and applicable federal laws. This shall be accomplished by execution of an agreement between the Commissioner and the Secretary of the U.S. Department of Labor which establishes a cooperative program to coordinate the registration and enforcement activities of the Commissioner authorized under this subtitle with coextensive federal programs administered by the Department of Labor. The provisions of this subtitle may not be enforced until the agreement required under this section is executed. The Commissioner may accept grants of money from the federal government or any other source to effectuate the purposes of this subtitle.

Pursuant to the Farm Labor Contractor Registration Act, as amended, 7 U.S.C. 2041 et seq., the Wage and Hour Division, on December 30, 1982, entered into a Memorandum of Understanding with the Maryland Department of Labor and Industry. The Memorandum sets forth the respective agencies' efforts in coordinating registration and enforcement activities with respect to farm labor contractors.

Copies of the Memorandum of Understanding are available at the U.S. Department of Labor.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, Employment Standards Administration, Room S–3502, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone No. 202–523–8305.

Signed at Washington, D.C., this 16th day of February, 1983.

William M. Otter,

Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc. 83–4955 Filed 2–24–83; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83–16)]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Executive Subcommittee.

DATE AND TIME: March 25, 1983, 8:30 a.m. to 3 p.m.

ADDRESS: National Aeronautics and Space Administration Headquarters, 600 Independence Avenue SW, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. C. Robert Nysmith, National Aeronautics and Space Administration, Code R, Washington, DC 20546 (202/755–8550).

SUPPLEMENTARY INFORMATION: The Informal Executive Subcommittee was established to provide overall guidance and direction to the space research and technology activities of the Space Systems and Technology Advisory Committee. The Subcommittee, chaired by Mr. Robert L. Walquist, is comprised of five members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons, including the Subcommittee members and participants).

TYPE OF MEETING: Open.

AGENDA:

March 25, 1983

8:30 a.m.—Chairperson's Remarks.
8:45 a.m.—NASA Goals and Objectives.

10:15 a.m.—Discussion of NASA Advisory Council Meeting of February 22, 23, 1983.
11:15 a.m.—Subcommittee Chairperson's Reports.
1:45 p.m.—Identification and Discussion of Future Activities.
3 p.m.—Adjourn.

Richard L. Daniels,
Director, Management Support Office, Office of Management.
February 17, 1983.
[FR Doc. 83-4839 Filed 2-24-83; 8:45 am]
BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Artists in Education Advisory Panel (Special Projects); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Artists in Education Advisory Panel (Special Projects) to the National Council on the Arts will be held on March 16-17, 1983, from 8:30 a.m.-8:00 p.m. and on March 18, from 8:30 a.m.-5:00 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 16, from 8:30-9:45 a.m., on March 17, from 5:30-6:30 p.m., and on March 18, from 8:30 a.m.-5:00 p.m. to discuss orientation, policy and guidelines.

The remaining sessions of this meeting on March 16 from 9:45 a.m.-8:00 p.m., March 17, from 8:30 a.m.-5:30 p.m. and on March 18, from 6:30 p.m.-8:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 18, 1983.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 83-4822 Filed 2-24-83; 8:45 am]
BILLING CODE 7537-01-M

Design Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Communication) to the National Council on the Arts Advisory Panel (Communication) to the national Council on the Arts will be held on March 14-15, 1983, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

Dated: February 18, 1983.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 83-4821 Filed 2-24-83; 8:45 am]
BILLING CODE 7537-01-M

Design Arts Advisory Panel (Fellowships); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Fellowships) to the National Council on the Arts will be held on March 21-23, 1983, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the Public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
February 18, 1983.
[FR Doc. 83-4823 Filed 2-24-83; 8:45 am]
BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; (Folk Arts Section); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on March 10-12, 1983, form 9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** on February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,
Director, Office of Council and Panel Operations, National Endowment for the Arts.
February 16, 1983.
[FR Doc. 83-4820 Filed 2-24-83; 8:45 am]
BILLING CODE 7537-01-M

Inter-Arts Advisory Panel (Services to the Field and Artists Colonies); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting on the Inter-Arts Advisory Panel (Services to the Field and Artists Colonies) to the National Council on the Arts will be held on March 15–16, 1983, from 9:00 a.m.–5:30 p.m. and on March 17, from 9:00 a.m.–12 noon in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 17, from 9:00 a.m.–12 noon to discuss guidelines and policy.

The remaining sessions of this meeting on March 15–16, from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 18, 1983.

[FR Doc. 83-4823 Filed 2-24-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Solo Recitalists Prescreening); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting on the Music Advisory Panel (Solo Recitalists Prescreening) to the National Council on the Arts will be held on March 2, 1983, from 2:00–6:00 p.m. and on March 3, 1983, from 9:30 a.m.–5:30 p.m., in room 1228 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 18, 1983.

[FR Doc. 83-4827 Filed 2-24-83; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel (Companies); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Companies) to the National Council on the Arts will be held on March 23–27, 1983, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 23, from 9:00–10:00 a.m. and on March 27, from 2:00–5:30 p.m. to discuss guidelines and policy.

The remaining sessions of this meeting on March 23, from 10:00 a.m.–5:30 p.m., March 24–26, from 9:00 a.m.–5:30 p.m. and on March 27, from 9:00 a.m.–2:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 18, 1983.

[FR Doc. 83-4826 Filed 2-24-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Art in Public Places); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Art in Public Places) to the National Council on the Arts will be held on March 16, 1983, from 10:00 a.m.–5:30 p.m. and on March 17, 1983, from 9:30 a.m.–5:30 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20560.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be close to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 18, 1983.

[FR Doc. 83-4834 Filed 2-24-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–348]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has

issued Amendment No. 29 to Facility Operating License No. NPF–2 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 1 (the facility) located in Houston County, Alabama. The amendment was effective on January 14, 1983.

The amendment modifies the Technical Specification Action Statement to extend from 30 hours to 96 hours for one time only the time allowed to place the unit in cold shutdown for the start of the fourth refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 14, 1983, (2) the Commission's letter dated January 17, 1983, (3) the Amendment No. 29 to License No. NPF–2, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83–4861 Filed 2–24–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Facility Operating License No. DPR–6, issued to Consumers Power Company (the Licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (facility) located in Charlevoix County, Michigan. This amendment is effective as of its date of issuance.

The amendment approves the deletion of Technical Specification provisions which require certain area radiation monitors.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amened (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 1, 1982, (2) Amendment No. 57 to License No. DPR–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of February, 1983.

For the Nuclear Regulatory Commission

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5 Division of Licensing.

[FR Doc. 83–4862 Filed 2–24–83 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–255]

Consumers Power Co. (Palisades Plant); Exemption

I

The Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR–20 which authorizes operation of the Palisades Plant. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The facility comprises one pressurized water reactor at the licensee's site located in Van Buren County, Michigan.

II

On November 19, 1980, the Commission published a revised Section 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections III.G., is the subject of this exemption request. III.G. specifies detailed requirements for fire protection of the equipment used for safe shutdown by means of separation and barriers (III.G.2). If the requirements for separation and barriers could not be met in an area, alternative safe shutdown capability, independent of that area and equipment in that area, was required (III.G.3).

By letter dated July 1, 1982 the licensee requested an exemption from the requirements of Section III.G.3b to the extent that it requires the installation of a fixed fire suppression system in the control room. In support of this request the licensee notes the existing fire protection features and the fact that the control room is continuously manned.

III

We have reviewed the licensee's exemption request. The control room is enclosed by walls, floor and ceiling of reinforced concrete construction, sufficient to achieve a 3-hour fire rating. Openings into the room are protected by fire doors, dampers and fire rated penetration seals. Safe shutdown equipment in the room consists of the main control consoles and cabinets, including redundant control cables, indicating instruments and relays.

Existing fire protection consists of a smoke detection system located throughout the room. This protection is supplemented by portable fire extinguishers and manual hose stations. The fire loading in the control room is low. The room is continuously manned. In the event the control room becomes uninhabitable due to smoke or heat, an alternate capability to achieve safe shutdown, outside the control room, exists.

The intent of Section III.G is to require an acceptable level of fire safety to assure the maintenance of safe shutdown capability. Because the fire hazard is light, the control room is continuously manned, and fire extinguishing equipment is located in the control room, there is reasonable assurance that a fire would be promptly extinguished. Therefore, the installation of a fixed fire suppression system will not significantly increase the level of fire protection in the control room and the exemption requested by the licensee should be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or common defense and security and is otherwise in the public interest and hereby grants an exemption from the requirements of Section III.G.3b of Appendix R to 10 CFR 50 to the extent that it requires the installation of a fixed fire suppression system in the control room at Palisades.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 8th day of February, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing.

[FR Doc. 83-4983 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-251]

Florida Power & Light Co.; Granting of Relief From ASME Section XI Inservice Inspection Requirement

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Florida Power and Light Company (the licensee). The relief relates to the inservice inspection requirement for welds and internal surfaces of a reactor coolant pump at the Turkey Point Plant, Unit No. 4 (the facility) located in Dade County, Florida. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of the date of issuance.

The relief permits the licensee to perform inservice inspections in a manner or on a schedule different from that prescribed in Section XI of the ASME Boiler and Pressure Vessel Code and applicable Addenda, as required by 10 CFR Part 50, because of inaccessibility, configuration of components, radiation level, or other valid reasons.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this relief.

For further details with respect to this action, see (1) the application for relief dated September 18, 1979, as revised June 14 and November 18, 1982, (2) the Commission's letter dated February 14, 1983 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-4984 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to permit defueling and refueling while the torus is drained or has a reduced water volume.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and the pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 6, 1982, (2) Amendment No. 81 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-4985 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to incorporate revisions to the tables of containment isolation valves to reflect modifications made to satisfy the requirements of NUREG-0737 Item II.B.3 "Post Accident Sampling."

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 18, 1983, (2) Amendment No. 82 to License No. DPR-49, and (3) the Commission's letter to Iowa Electric Light and Power Company dated February 9, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 428 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-4986 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 32 to Facility Operating License DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of issuance.

The amendment revises the Appendix B Technical Specifications to delete the non-radiological, water quality-related requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 2, 1981, and (2) Amendment No. 32 to Facility Operating License DPR-34. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Greeley Public Library, City Complex building, Greeley, Colorado. A copy of item (2) may be obtained upon request to the U. S. Nuclear Regulatory Commission, Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Director, Division of Resident, Reactor Projects and Engineering Programs.

Dated at Arlington, Tex., this 14th day of February 1983.

For the Nuclear Regulatory Commission.

G. L. Madsen,

Chief, Reactor Project Branch 1.

[FR Doc. 83-4987 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District (SMUD), which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. This amendment is effective as of the date of issuance.

The amendment modifies the administrative controls section of the TSs of clarify SMUD's offsite organizational chart.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated August 3, 1981, as revised July 15, 1982, (2) Amendment No. 43 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington,

D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 10th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-4868 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

In Admendments Nos. 38 and 42 to the facility's license, the refueling interval definition, TS Section 1.2.8, was temporarily changed from 18 months to 24 months for a select group of surveillance tests. Upon startup from the next refueling outage, the temporary definition will expire. This amendment adds the surveillance calibration of the subcooling meters and the position indicators on the pressurizer's electro-magnetically operated valve (EMOV) and safety valves to the select group whose surveillance or calibration is delayed, on a one-time-only basis from 18 months to 24 months.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated February 3, 1983, as supplemented by a letter dated February 8, 1983, (2) Amendment No. 44 to License No. DPR-54, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document room, 1717 H Street, NW., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 11th Day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-4869 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-328]

Tennessee Valley Authority; Issuance of Amendment Facility Operating License No. DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendent No. 14 to Facility Operating License No. DPR-79 issued to Tennessee Valley Authority (licensee) for the Sequoyah Plant, Unit 2 (the facility) located in Hamilton County, Tennessee. This amendment changes the license condition related to control room design. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated May 25, 1982, (2) Amendment No. 14 to Facility Operating License No. DPR-79; and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37302. A copy of Amendment No. 14 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 16th day of February 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-4870 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-33, Amendment No. 83 to Facility Operating License No. DPR-52 and Amendment No. 57 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to: (1) Reduce the duration of containment integrated leak rate tests by following the procedures outlined in Bechtel topical report BN-TOP-1, (2) revise the requirements in Sections 3.7.2 and 4.7.2 to conform the leak rate testing to the BWR/4 Standard Technical Specifications and (3) update the tables on isolation valves that are required to be tested.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated August 19, 1980, as supplemented by letter dated December 3, 1982, (2) Amendment No. 86 to License No. DPR-33, Amendment No. 83 to License No. DPR-52, and Amendment No. 57 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 14th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-4871 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to permit one-time use of a manual valve to accomplish primary containment isolation during a period not to exceed 72 hours, in order to complete necessary maintenance activities.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 8, 1982, (2) Amendment No. 74 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 14th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing,

[FR Doc. 83-4873 Filed 2-24-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on January 25, 1983 (48 FR 3435). Individual authorities established or revoked under Schedules A, B, or C between January 1, 1983 and January 31, 1983 appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exceptions are established:

Department of Justice

Not to exceed 700 positions at grades GS-15 and below engaged in planning for and implementing the processing of claims for resident status which may be submitted by aliens already in the United States as authorized by immigration control and reform legislation. Employment under this authority is not to exceed 4 years from the effective date of such legislation. New appointments under this authority may not be made after December 31, 1984 unless applicable authorizing legislation has been enacted. Effective January 26, 1983.

Smithsonian Institution

One Russian Studies Program Administrator and one East Asian Studies Program Administrator, GS-15, in the Woodrow Wilson International Center for Scholars. Effective January 26, 1983.

The following exceptions are revoked:

Office of Personnel Management

Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas. Effective January 6, 1983.

General Services Administration

One program Assistant, Office of the Regional Administrator-Region 9. Effective January 12, 1983.

Marine Mammal Commission

All positions on the Staff of the Commission. Effective January 14, 1983.

Schedule B

The following exception is established:

National Endowment for the Humanities

One Humanist Administrator, Central Disciplines in Undergraduate Education Program, Division of Education Programs. Effective January 5, 1983.

Schedule C

The following exceptions are established:

Department of Agriculture

One Director, Legislative Affairs and Public Information Staff, Farmers Home Administration. Effective January 13, 1983.

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 14, 1983.

One Private Secretary to the Special Assistant to the Secretary, Office of the Secretary. Effective January 28, 1983.

One Confidential Assistant to the Administrator, Office of Internal Cooperation and Development. Effective January 31, 1983.

One Confidential Assistant to the Assistant Secretary for Governmental Public Affairs, Office of Governmental and Public Affairs. Effective January 31, 1983.

Department of Commerce

One Confidential Assistant to the Deputy Assistant Secretary for Export Development, International Trade Administration. Effective January 25, 1983.

Department of Defense

One Special Assistant to the Director, Department of Defense Dependents Schools. Effective January 15, 1983.

One Private Secretary to the Assistant Secretary of Defense, Office of the Assistant Secretary (International Security Policy). Effective January 12, 1983.

One Private Secretary to the Deputy Assistant Secretary, Office of the Deputy Assistant Secretary (Reserve Affairs). Effective January 13, 1983.

Department of Education

One Legislative Liaison, Office of Legislation and Public Affairs. Effective January 10, 1983.

One Special Assistant to the Comptroller, Office the Deputy Under Secretary for Management. Effective January 11, 1983.

One Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective January 17, 1983.

One Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective January 31, 1983.

Department of Energy

One Staff Assistant to the Administrator, Energy Information Administration. Effective January 6, 1983.

One Staff Assistant to the Secretary of Energy, Office of the Secretary. Effective January 10, 1983.

One Special Assistant to the Secretary of Energy, Office of the Secretary. Effective January 11, 1983.

One Confidential Assistant (Secretary) to the Special Assistant to the Secretary. Effective January 19, 1983.

One Confidential Assistant to Member of the Commission, Federal Energy Regulatory Commission. Effective January 31, 1983.

Department of Health and Human Services

One Special Assistant to the Regional Director, Region IX in San Francisco, California. Effective January 3, 1983.

One Special Assistant to the Secretary, Office of the Secretary. Effective January 11, 1983.

One Secretary to the Chief of Staff, Office of the Secretary. Effective January 17, 1983.

One Congressional Liaison Specialist, Office of the Assistant Secretary for Legislation. Effectve January 17, 1983.

One Confidential Assistant to the Secretary, Office of the Secretary. Effective January 17, 1983.

One Special Assistant to the Chief of Staff, Office of the Secretary. Effective January 28, 1983.

One Special Assistant to the Chief of Staff, Office of the Secretary. Effective January 28, 1983.

Department of Housing and Urban Development

One Executive Assistant to the Regional Administrator in Denver, Colorado. Effective. January 14, 1983.

One Special Assistant to the Deputy Assistant Secretary for Public and Indian Housing. Effective January 26, 1983.

One Executive Assistant to the Deputy Assistant Secretary for Policy and Budget. Effective January 28, 1983.

Department of Interior

One Confidential Assistant to the Secretary of the Interior, Office of the Secretary. Effective January 25, 1982.

One Staff Assistant to the Deputy Director, Minerals Management Service. Effective January 26, 1983.

One Special Assistant to the Assistant to the Secretary and Director, Office of Public Affairs. Effective January 28, 1983.

Department of Justice

One Special Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention. Effective January 14, 1983.

Department of Labor

One Secretary to the Assistant Secretary, Office of the Assistant Secretary for Veterans' Employment. Effective January 11, 1983.

Department of State

One Secretary (Typing) to the Assistant Secretary, Office of the Assistant Secretary for Congressional Relations. Effective January 25, 1983.

One Staff Assistant to the Under Secretary, Office of the Under Secretary for Management. Effective January 26, 1983.

Department of Transportation

One Policy Advisor to the Associate Administrator for Traffic Safety Programs. Effective January 11, 1983.

Department of Treasury

One Senior Adviser to the Assistant Secretary (Electronic Systems and Information Technology), Office of the Assistant Secretary. Effective January 3, 1983.

Agency for International Development

One Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance. Effective January 11, 1983.

One Special Assistant to the Assistant Administrator, Bureau for Africa. Effective January 12, 1983.

One Congressional Liaison Officer, Office of Legislative Affairs. Effective January 17, 1983.

Commodity Futures Trading Commission

One Public Affairs Specialist. Effective January 6, 1983.

Consumer Product Safety Commission

One Public Affairs Specialist. Effective January 25, 1983.

One Secretary (Typing) to the Chairman. Effective January 27, 1983.

Equal Employment Opportunity Commission

One Congressional Liaison Assistant to the Director, Office of Congressional Affairs. Effective January 14, 1983.

Environmental Protection Agency

One Confidential Assistant to the Assistant Administrator for Air, Noise and Radiation. Effective January 5, 1983.

General Services Administration

One Special Assistant to the Associate Administrator for Policy and Management Systems, Office of Policy and Management Systems. Effective January 7, 1983.

One Confidential Assistant to the Executive Director, Property Review Board. Effective January 31, 1983.

National Endowment for the Humanities

One Special Assistant to the Chairman, Office of the Chairman. Effective January 21, 1983.

Office of Personnel Management

One Special Assistant to the Director, Office of the Director. Effective January 14, 1983.

President's Commission on Executive Exchange

One Staff Assistant (Typing) to the Executive Director. Effective January 21, 1983.

Securities & Exhange Commission

One Secretary (Stenography) to the Director. Effective January 10, 1983.

Small Business Administration

One Special Assistant to the Deputy Administrator, Office of the Administrator. Effective January 19, 1983.

One Executive Assistant to the Administrator, Office of the Administrator. Effective January 31, 1983.

U.S. Information Agency

One Special Assistant (Cultural Centers and Resources) to the Associate Director for Educational and Cultural Affairs. Effective January 17, 1983.

Veterans Administration

One Confidential Assistant to the Administrator of Veterans Affairs. Effective January 7, 1983.

(5 U.S.C. 3301, 3302; EO) 10577, 3 CFR Parts 1954–1958 Comp., p. 218)

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 83-4721 Filed 2-24-83; 8:45 am]

BILLING CODE 8325-01-M

POSTAL SERVICE

Changes in Mail Classification Schedule; Uniform Parcel Size and Weight Limitations

On November 8, 1982, the United States Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in the Domestic Mail Classification Schedule to establish uniform size and weight limits of 70 pounds and 108 inches in length and girth combined, pursuant to Chapter 36, Title 39, United States Code. An explanation of the Postal Service proposal and an invitation to participate in Commission Docket No. MC83–1 was published in the **Federal Register** by the Postal Rate Commission on November 17, 1982 (47 FR 51837–51838).

On January 5, 1983, the Postal Rate Commission issued an Opinion and Recommended Decision in Docket No. MC83–1. The Commission recommended that the Governors adopt the changes in the Domestic Mail Classification Schedule proposed by the Postal Service. On February 1, 1983, the Governors, pursuant to 39 U.S.C. 3625, approved the Commission's recommended decision and ordered the recommended changes in the Domestic Mail Classification Schedule on a permanent basis. The Board of Governors concurrently determined that these changes would become effective at 12:01 p.m. on February 27, 1983. (The Governors' Decision, the record of the Commission's hearings, and the Commission's Recommended Decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' Decision and the Commission's Opinion and Recommended Decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260–1641.)

In accordance with these actions by the Governors and the Board of Governors, the Postal Service hereby gives notice that the following changes to the Domestic Mail Classification Schedule become effective at 12:01 p.m., February 27, 1983.

Sections 100.030, 400.030 and 500.030 of the Domestic Mail Classification Schedule are amended to read as follows:

100.030 First-Class Mail may not exceed 70 pounds or 108 inches in length and girth combined.

400.030 Fourth-class mail may not exceed 70 pounds or 108 inches in length and girth combined.

500.030 Express Mail may not exceed 70 pounds or 108 inches in length and girth combined.

The first footnote to the Priority Mail Rate Schedule is also amended to read as follows:

[1] Exception: Parcels weighing less than 15 pounds and measuring over 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

(39 U.S.C. 3625)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-4689 Filed 2-24-83; 8:45 am]

BILLING CODE 7710-12-M

RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in Section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such Section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1983, shall be at the rate of 18½ cents.

In accordance with directions in Section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 1983, 24.8 percent of the taxes collected under Sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 75.2 percent of the taxes collected under such Sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: February 16, 1983.

By Authority of the Board.

James T. Brown,

Chief Executive Officer.

[FR Doc. 83-4601 Filed 2-24-83; 8:45 am]

BILLING CODE 7905-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2078]

California; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Counties of Alameda, Colusa, Los Angeles, Marin, Orange, San Diego, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, Ventura, and the adjacent Counties of Contra Costa,

Lake, Mendocino, San Benito, and San Luis Obispo, California, constitute a disaster area because of damage resulting from severe storms, high tides, wave action, mudslides, and flooding beginning on January 21, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983, at:

U.S. Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825. or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 11¼%
Homeowners without credit available elsewhere, 5¼%
Businesses with credit available elsewhere, 11%
Businesses without credit available elsewhere, 8%
Businesses (EIDL) without credit available elsewhere, 8%
Other (non-profit organizations including charitable, and religious organizations), 11¼%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 18, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-4794 Filed 2-24-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2079]

Mississippi; Declaration of Disaster Loan Area

Hancock County and the adjacent County of Harrison in the State of Mississippi constitute a disaster area as a result of damage caused by severe storms, high winds, heavy rains, tidal action, and flooding which occurred on January 19–20, 1983. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on 1983, and for economic injury until the close of business on 1983, at the address listed below:

U.S. Small Business Administration, 100 West Capitol Street, Suite 322, Federal Building, Jackson, Mississippi 39269 or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 11¼%
Homeowners without credit available elsewhere, 5¼%
Businesses with credit available elsewhere, 11%
Businesses without credit available elsewhere, 8%
Businesses (EIDL) without credit available elsewhere, 8%
Other (nonprofit organizations including charitable and religious organizations), 11¼%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96–302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 18, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-4795 Filed 2-24-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5215]

Tuskegee Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On December 7, 1982, a notice was published in the **Federal Registed** (FR 55067), stating that Tuskegee Capital Corporation, located at P.O. Drawer GG, Tuskegee Institute, Alabama 36088, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business December 22, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04–5215 to Tuskegee Capital Corporation on February 9, 1983, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 22, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-4796 Filed 2-24-83; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Form Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Form Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the form proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2523, FTS 858–2523.

Type of Request: Revision.

Title of Information Collection: Annual Report (Power Distributors Annual Report to TVA).

Frequency of Use: Annually.

Type of Affected Public: Power distributors that purchase power from TVA.

Standard Industrial Classification: 491 and 493.

Small Businesses or Organizations Affected: Yes

Federal Budget Functional Category Code: 271

Estimated Number of Annual Responses: 160

Estimated Total Annual Burden Hours: 3,200

Estimated Annual Cost to Federal Government: $70,000.

Need For and Uses of Information: The information is needed to help fulfill responsibilities assigned to TVA by Congress. It is used to measure effective retailing of electricity at lowest possible rates, to aid in maintaining uniform and acceptable accounting, and to aid in

making managerial decision related to electric operations; i.e., load growth studies, financial needs and forecasts results and effects of conservation programs, etc.

Dated: February 14, 1983

John W. Thompson,

Senior Agency Official, Tennessee Valley Authority.

[FR Doc. 83-4803 Filed 2-24-83; 8:45 am]

BILLING CODE 8120-01-M

Paperwork Reduction Act of 1980; Form Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Form Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the form proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority.

395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: Revision.

Title of Information Collection: Monthly Report (Power Distributors Monthly Report to TVA).

Frequency of Use: Monthly.

Type of Affected Public: Power distributors that purchase power from TVA.

Standard Industrial Classification: 491 and 493.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 271.

Estimated Number of Annual Responses: 1920.

Estimated Total Annual Burden Hours: 960.

Estimated Annual Cost to Federal Government: $16,000.

Need For and Uses of Information: The information is needed to help fulfill responsibilities assigned to TVA by Congress. It is used to assure accounting and recordkeeping is maintained on a current and readily available basis. It supplies management with financial information on a monthly recurring basis for decisionmaking concerning electric rates, finances, and long- and short-term planning.

Dated: February 14, 1983.

John W. Thompson,

Senior Agency Official, Tennessee Valley Authority.

[FR Doc. 83-4802 Filed 2-24-83; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Consolidated Rail Corporation; Rescheduled Hearing

The Federal Railroad Administration (FRA) published a public notice in the **Federal Register** on February 3, 1983 (48 FR 4949) announcing that a public hearing would be held to obtain comments or views on a Consolidated Rail Corporation (Conrail) request for a waiver of compliance. The waiver request involves compliance with the procedural requirements for obtaining FRA approval of signal system modifications and is identified as RS&I Waiver Petition Docket No. 835.

The FRA originally scheduled the hearing for February 28, 1983 at 10 a.m. in Washington, DC at the request of several interested parties who sought additional time prior to the hearing, the FRA has rescheduled the hearing for March 14, 1983 at the same time and location.

Issued in Washington, DC on February 23, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83-5057 Filed 2-24-83; 11:00 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954). The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott (within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954):

Bahrain	Saudi Arabia
Iraq	Syria
Jordan	United Arab Emirates
Kuwait	Yemen, Arab Republic
Lebanon	Yemen, Peoples Democratic Republic of
Libya	
Oman	
Qatar	

John E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 83-4850 Filed 2-24-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 39
Friday, February 25, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Parole Commission	4
Tennessee Valley Authority	5

1

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 7030, February 17, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., February 23, 1983.

CHANGES IN THE MEETING: Withdrawal of the following item from the open session:

2. Agreement No. 10461: U.S./Philippines Equal Access Agreement.

Addition of the following item to the closed session:

3. Agreement No. 10461: U.S./Philippines Equal Access Agreement.

[S–207–83 Filed 2–23–83; 4:19 pm]
BILLING CODE 6730–01–M

2

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

Public Hearing

DATE: March 7, 1983.

PLACE: Room 311, Cannon House Office Bldg., Washington, DC.

TIME: 12 noon to 4 p.m.

PURPOSE: To receive testimony in a variety of issues of student financial aid from four national student organizations:

American Student Association (ASA)
Coalition of Independent College and University Students (COPUS)
National Organization of Black University and College Students (NOBUCS)
United States Student Association (USSA)

Written testimony is invited, and may be sent to the Commission at the above address.

FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Hearings Coordinator (202) 472–9023.

Submitted the 14th day of February 1983.

Richard T. Jerue,
Chief Executive Officer.

[S–206–83 Filed 2–23–83; 1:39 pm]
BILLING CODE 6820–BC–M

3

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of February 21, 1983 and February 28, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, February 22:*

2:30 p.m.
Discussion of Regulations to Implement Pub. L. 97–415 (Public Meeting) (Commission voted 4–0 (Commissioner Roberts not present) on February 17 to hold)

Thursday, February 24:

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting):
a. Waste Confidence Order (Tentative)
b. Rule on Extended Spent Fuel Storage (Tentative)
c. Regulations to Implement Pub. L. 97–415 (*postponed* from February 17)

Tuesday, March 1:

2:30 p.m.
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting)

Wednesday, March 2:

10:00 a.m.
Discussion/Possible Vote on Contested Issues in Waterford Full Power Proceeding (Closed—Exemption 10)
2:00 p.m.
Briefing on Staff Actions Regarding Location of Emergency Operations Facilities (Public Meeting) (*postponed* from February 16)

Thursday, March 3:

2:00 p.m.
Briefing on Activities of Committee to Review Generic Requirements (CRGR) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting):
a. UCS Objection to Commission Meeting Re TMI–1 Seismic Concerns as Violating *Ex Parte* Prohibition

Friday, March 4:

10:00 a.m.
Discussion of Possible Enforcement Action (Closed—Exemption 5)

ADDITIONAL INFORMATION: On February 17 the Commission voted 4–0 (Commissioner Roberts not present) to hold Affirmation of Review of ALAB–691, held that day.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,
Office of the Secretary.

[S–208–83 Filed 2–23–83; 4:19 pm]
BILLING CODE 7590–01–M

4

PAROLE COMMISSION

[3P0401]

TIME AND DATE: 9:30 a.m. to 5:30 p.m., Friday, March 25, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 11 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S–270–83 Filed 2–23–83; 2:26 pm]
BILLING CODE 4410–01–M

5

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1307]

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, March 2, 1983.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda Item

Old Business Items

OB1. Final rate review.
OB2. Revised organizational bulletin—Tennessee Valley Authority.

New Business Items

A—Project Authorization
A1. Project Authorization No. 3464.3—Amendment to project authorization for falling curtain process for granulation of urea and other fertilizers.
*A2. Project Authorization No. 3646—Yellow Creek Port industrial site improvements and operating equipment acquisition.
B—Purchase Awards
B1. Requisition 67—Purchase of term coal for Johnsonville Steam Plant.
B2. Invitation 62-165723—Reissue—Baseline and inservice inspection of reactor pressure vessels at Bellefonte Nuclear Plant, Units 1 and 2.
C—Power Items
C1. Deed and bill of sale to City of Sheffield, Alabama, covering convayance of TVA's Cherokee District Substation.
C2. Deed covering convayance of TVA's Ridgeway, Alabama, 46-kV Substation site to City of Scottsboro, Alabama.
C3. Letter agreement with City of Dickson, Tennessee, covering arrangements for establishing 13-kV delivery point at TVA's Pomona 161-kV Substation.
C4. Letter agreement amending lease and amendatory agreement with North East Mississippi Electric Power Association, covering an addition to cooperative's lease of certain power system facilities and properties.
C5. Lease and amendatory agreement with Tombigbee Electric Power Association, covering arrangements for 161-kV delivery at TVA's Fulton 161-kV Substation.
*C6. Lease and amendatory agreement with Union City, Tennessee, and Gibson County Electric Membership Corporation, covering arrangements for 161-kV service to both distributors at TVA's Union City 161-kV substation.
C7. New power contract with International Minerals & Chemical Corporation covering arrangements for power supply for operation of its ferroalloys plant near Bridgeport, Alabama.
C8. Adoption of supplemental resolution authorizing 1983 Series B Power Bonds.
C9. Resolution authorizing the Chairman and other executive officers to take further action relating to issuance and sale of 1983 Series B Power Bonds.
C10. Supplement to contract with Tennessee Emergency Management Agency, covering the procurement of emergency equipment to fulfill requirements established for State and local offsite radiological emergency plans.
C11. Delegation of authority relating to uranium rights agreements required to improve quality of title and permit development and mining of TVA's uranium properties.
D—Personnel Items
D1. Personal services contract with Pickard, Lowe and Garrick, Incorporated, Irvine, California, for advice and assistance in connection with nuclear plant safety and economics, requested by the Office of Engineering Design and Construction.
D2. Amendment to personal services contract with United Engineers & Constructors, Inc., Philadelphia, Pennsylvania, for architectural engineering, and other related services, requested by the Office of Engineering Design and Construction.
D3. Increases and adjustments for TVA nuclear plant managers who hold certain Nuclear Regulatory Commission licenses.
F—Unclassified
F1. Filing of condemnation cases.
F2. Retention of net power proceeds and nonpower proceeds pursuant to Section 26 of the TVA Act.
F3. Revised TVA policy code relating to equal employment opportunity and affirmative action.

*Item approved by individual Board members. This would give formal ratification to the Board's action.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: February 23, 1983.

[S-271-83 Filed 2-23-83; 3:34 pm]

BILLING CODE 8120-01-M

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VOL
48
ISS
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1983

federal register

Friday
February 25, 1983

Part II

Office of Personnel Management

Post Employment Conflict of Interest

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 737

Post Employment Conflict of Interest

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is issuing a final regulation under the Ethics in Government Act of 1978 which (1) designates certain positions subject to the post employment conflict of interest regulations applicable to "Senior Employees," and (2) designates certain statutory and non-statutory agencies/bureaus for the purpose of limiting the application of 18 U.S.C. 207(c).

DATE: Effective February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Davis or Robert Flynn at (202) 632–7642.

SUPPLEMENTARY INFORMATION: Subsection 207(d)(1)(C) of title 18 U.S.C., contained in Title V of the Ethics in Government Act of 1978, as amended, ("the Act"), (Pub. L. 95–521), gives the Director of the Office of Government Ethics ("OGE") authority to designate (1) certain employee positions for purposes of the restrictions of 18 U.S.C. subsections 207(b)(ii) and 207(c), and (2) agencies and bureaus, within a parent department or agency, having separate and distinct subject matter jurisdiction; i.e., "separate non-statutory agencies/bureaus." Regulations implementing this authority were published on February 1, 1980 (45 FR 7402). Those regulations designated as "Senior Employees" all employees in a position in any pay system for which the basic rate of pay is equal to or greater than that for GS–17 of the General Schedule, as prescribed by 5 U.S.C. 5332, or positions which are established within the Senior Executive Service (SES) pursuant to the Civil Service Reform Act of 1978, subject to specific exemptions to be made by OGE. The regulations also set forth those separate statutory (18 U.S.C. 207(e)) agencies and bureaus and those separate non-statutory agencies/bureaus (18 U.S.C. 207(d)(1)(C)) as determined by the Director, OGE, to be qualified for designation at the time of publication.

Regarding "Senior Employee" designations, upon review of agency recommendations, made pursuant to the requirement set forth in 5 CFR 737.25(b)(1), the Director, OGE, determined that only those non-exempted positions, i.e., those subject to the prohibitions of 18 U.S.C. 207(b)(ii) and (c), would be published in the **Federal Register**. A partial list of such "designated" positions was contained in the February 1, 1980, **Federal Register** publication (45 FR 7402). That list was followed by another partial list which was published on February 8, 1980 (45 FR 8544). Annual Amendments to the list were published on November 14, 1980 (45 FR 75500) and March 5, 1982 (47 FR 9694). The combined lists represented all 18 U.S.C. 207(d)(1)(C) positions which were not exempted by the Director, OGE. This regulation consolidates and amends the previously published lists and is based upon a review of agency annual submissions made pursuant to 5 CFR 737.25(b)(1). All positions designated pursuant to 5 U.S.C. 207(d)(1)(C) not previously designated are marked by an asterisk. In accordance with 5 CFR 737.25(d), designation of such positions shall not become effective until the last day of the fifth full calendar month after this publication.

Section 737.25 of the final regulations sets forth the standards and procedures to be applied in determining which positions shall be designated. OGE also issued a memorandum to heads of departments, independent agencies, commissions and Government corporations/designated agency ethics officials dated April 26, 1979, giving additional information and guidance on this subject. Section 737.11 sets forth the standards and procedures to be applied in determining which separate statutory and non-statutory agencies and bureaus shall be designated.

The Director, OGE, in consultation with each department and agency concerned, has determined that the positions set forth below qualify for designation as "Senior Employee" positions. 5 CFR 737.33 is hereby amended accordingly. The Director has further determined, in consultation with each department or agency concerned, the separate statutory and non-statutory agencies/bureaus set forth below qualify for such designation.

The "Senior Employee" positions listed constitute all such positions designated under the provisions of subsection 207(d)(1)(C) of title 18 U.S.C. for the departments and agencies listed. In accordance with 5 CFR 737.25(d), subsequent designation of positions within the department or agencies listed shall not be effective until the last day of the fifth full calendar month after the first publication of a notice by the Director, OGE, of intention to so designate. Such fair notice shall not apply to subsequent designations made under the rule concerning positions shifting set forth in 5 CFR 737.25(i). In several cases, a position in one agency has been designated while a position of similar title in another has not. OGE has, in the exercise of its discretion, accorded, some deference to the decision of a department or agency to designate a position where that decision was in favor of designation above minimum OGE standards. As OGE conducted the review necessary for these designations, it became apparent that, because of the subject matter of a department's or agency's business, the gravity of the "revolving door" problems varied significantly from agency to agency. Moreover, positions which were ostensibly similarly titled and described nevertheless had different roles from agency to agency. Also, OGE believes it desirable that the balance between post employment restrictions and impact on recruiting and retention be adjudged on an agency level, as long as minimum standards are met.

Positions automatically designated by 18 U.S.C. 207(d)(1)(A) and (B) are not included in this publication.

This is a final not a proposed regulation. The Director of the Office of Personnel Management, acting pursuant to 5 U.S.C. 553(b)(3)(A), has found good cause for waiving the general notice of proposed rulemaking and the 30 day delay in effectiveness. This regulation is interpretive in nature, exempt from 5 U.S.C. 553.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(B) of E.O. 12291.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, because it only effects federal employees.

List of Subjects in 5 CFR Part 737

Conflicts of interest, Government employees.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management is revising 5 CFR 737.31, 737.32, and 737.33 to read as follows:

§ 737.31 Separate statutory agencies: Designations.

In accordance with the provisions of 18 U.S.C. 207(e) and § 737.13 of this Chapter, each of the following departments or agencies is determined, for purposes of 18 U.S.C. 207(c), to have

within it separate statutory agencies or bureaus as set forth below:

Parent Agency: DEPARTMENT OF THE TREASURY
Separate Statutory Components:
Bureau of Alcohol, Tobacco and Firearms
Bureau of Engraving and Printing
Bureau of the Mint
Comptroller of the Currency
Internal Revenue Service
United States Customs Service
United States Secret Service
Parent Agency: FEDERAL EMERGENCY MANAGEMENT AGENCY
Separate Statutory Components: United States Fire Administration
Parent Agency: OFFICE OF PERSONNEL MANAGEMENT
Separate Statutory Components: Office of Government Ethics
Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES
Separate: Statutory Components:
Food and Drug Administration
Public Health Service
Social Security Administration
Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Statutory Components:
Federal Aviation Administration
Federal Highway Administration
Federal Railroad Administration
Maritime Administration
National Highway Traffic Safety Administration
Saint Lawrence Seaway Development Corporation
United States Coast Guard
Urban Mass Transportation Administration
Parent Agency:DEPARTMENT OF LABOR
Separate Statutory Components:
Bureau of Labor Statistics
Mine Safety and Health Administration
Occupational Safety and Health Administration
Parent Agency: DEPARTMENT OF JUSTICE
Separate Statutory Components:
Bureau of Prisons (including Federal Prison Industries, Inc.)
Community Relations Service
Drug Enforcement Administration
Federal Bureau of Investigation
Foreign Claims Settlement Commission
*National Institute of Justice
*Bureau of Justice Statistics
*Office of Justice Assistance, Research and Statistics
Immigration and Naturalization Service
United States Parole Commission
Parent Agency: DEPARTMENT OF DEFENSE
Separate Statutory Components:
Department of the Army
Department of the Navy
Department of the Air Force
Defense Civil Preparedness Agency
Defense Mapping Agency
Parent Agency: DEPARTMENT OF ENERGY
Separate Statutory Components:
Federal Energy Regulatory Commission
Parent Agency: DEPARTMENT OF COMMERCE
Separate Statutory Components:
Economic Development Administration
Patent and Trademark Office
National Oceanic and Atmospheric Administration
Bureau of the Census
Parent Agency: NATIONAL CREDIT UNION ADMINISTRATION
Separate Statutory Component:
Central Liquidity Facility

§ 737.32 Separate components of agencies or bureaus: Designations.

In accordance with the provisions of 18 U.S.C. 207(d)(1)(C) and § 737.14 of this chapter, each of the component agencies or bureaus as set forth below is determined, for purposes of 18 U.S.C. 207(c) and this Part 737, to be separate from the remaining agencies and bureaus of its parent agency (except such agencies and bureaus as specified):
Parent Agency: DEPARTMENT OF HEALTH AND HUMAN SERVICES
Separate Components.
Health Care Financing Administration
Parent Agency: DEPARTMENT OF TRANSPORTATION
Separate Components:
Alaska Railroad
Parent Agency: DEPARTMENT OF LABOR
Separate Components:
Employment and Training Administration
Employment Standards Administration
Labor-Management Services Administration
Parent Agency: DEPARTMENT OF DEFENSE
Separate Components:
Defense Communications Agency
Defense Intelligence Agency
Defense Nuclear Agency
National Security Agency
Parent Agency: DEPARTMENT OF STATE
Separate Components:
Foreign Service Grievance Board
International Joint Commission, United States and Canada (American Section)
Parent Agency: DEPARTMENT OF JUSTICE
Separate Components:
Office of United States Attorney (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Marshal for the same judicial district.
Office of the United States Marshal (for each judicial district (95))—however, each such Office is not designated as separate from the Office of the U.S. Attorney for the same judicial district.
Antitrust Division
Civil Rights Division
Land and Natural Resources Division
Tax Division
Criminal Division
Office for Improvements in the Administration of Justice
Parent Agency: DEPARTMENT OF COMMERCE
Separate Components:
International Trade Administration
Minority Business Development Administration
National Telecommunication and Information Administration
Bureau of Industrial Economics

§ 737.33 "Senior Employee" designations.

In accordance with § 737.25(b)(1) of this chapter, the following employee positions have been designated as "Senior Employee" positions for purposes of subsections 207 (b)(ii) and (c) of title 18, U.S.C., as amended.[1]

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF ADMINISTRATION)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL OF ECONOMIC ADVISERS)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (COUNCIL ON ENVIRONMENTAL QUALITY)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (PRESIDENT'S COMMISSION ON EXECUTIVE EXCHANGE)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (OFFICE OF MANAGEMENT AND BUDGET)

Positions:
SES** Executive Associate Director for Budget and Legislation
SES* Associate Director for Operations and Communications
SES Counsel to the Director for Policy Analysis and Law
SES General Counsel
SES Deputy General Counsel
SES Assistant Director for Public Affairs
SES Assistant Director for Legislative Affairs
SES Assistant Director for Legislative Affairs (Senate)
SES** Associate Director for Economics and Planning
SES** Assistant Director for Legislative Reference
SES Deputy Assistant Director for Legislative Reference
SES Deputy Associate Director for Administration
SES** Assistant Director for Budget Review
SES Deputy Assistant Director for Budget Review
SES** Administrator, Office of Information and Regulatory Affairs

* These three components shall not, for purposes of 18 U.S.C. 207(c), be considered separate from one another but only from other separate components of the Department of Justice.

[1] All positions designated pursuant to section 207(d)(1)(C) not previously designated are marked by an asterisk (*). Those positions marked by a double asterisk (**) are former Executive level positions which were converted to SES positions. Positions automatically designated by section 207(d)(1) (A) and (B) are not shown.

SES Deputy Administrator for Information and Regulatory Management
SES Deputy Administrator for Regulatory and Statistical Analysis
SES** Associate Director for Management
SES** Assistant Director for Management Improvement and Evaluation
SES Deputy Assistant Director for Evaluation
SES** Assistant Director for Federal Personnel Policy
SES Deputy Associate Director for Intergovernmental Affairs
SES Deputy Associate Director for Financial Management
SES** Associate Director for National Security and International Affairs
SES Deputy Associate Director for Management, National Security and International Affairs
SES Deputy Associate Director for National Security
SES Deputy Associate Director for International Affairs
SES Deputy Associate Director for International Affairs
SES** Associate Director for Human Resources, Veterans, and Labor
SES Deputy Associate Director for Management, Human Resources, Veterans and Labor
SES Deputy Associate Director for Health and Income Maintenance
SES Deputy Associate Director for Labor, Veterans and Education
AWA** Associate Director for Natural Resources, Energy and Science
SES Deputy Associate Director for Management, Natural Resources, Energy and Science
SES Deputy Associate Director for Natural Resources
SES Deputy Associate Director for Energy and Science
SES Deputy Chief, Energy and Science Division
SES** Associate Director for Economics and Government
SES Deputy Associate Director for Management, Economics and Government
SES Deputy Associate Director for Transportation, Commerce and Housing
SES Deputy Associate Director for Justice, Treasury and Personnel

OFFICE OF FEDERAL PROCUREMENT POLICY

SES* Principal Associate Administrator for Procurement

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT, (NATIONAL SECURITY COUNCIL)

Positions:

GS-18 Staff Member (10)
GS-17 Staff Member (4)
0-8 Military Assistant to the Assistant to the President for National Security Affairs

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF SCIENCE AND TECHNOLOGY POLICY)

Positions: No section 207(d)(1)(C) designations.

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE)

Positions:

SES General Counsel
SES Deputy General Counsel
SES Assistant U.S. Trade Representative—Agricultural Affairs and Commodity Policy
SES Assistant U.S. Trade Representative Industrial and Energy Policy
SES Assistant U.S. Trade Representative—Policy Planning and Services
SES Deputy Assistant U.S. Trade Representative—Policy Planning and Services
SES Director, Computer Operations
SES Assistant U.S. Trade Representative—GATT Affairs
SES Deputy Assistant U.S. Trade Representative—GATT Affairs
SES Deputy Assistant U.S. Trade Representative—Industrial Energy Trade Policy
SES Assistant U.S. Trade Representative—Administration
SES Director, Office of Management
SES Assistant U.S. Trade Representative—Investment
SES Deputy Assistant U.S. Trade Representative—Investment
SES Deputy Assistant U.S. Trade Representative—Agricultural and Commodities Affairs
SES Assistant U.S. Trade Representative—Europe and Japan
SES Assistant U.S. Trade Representative—Americas
SES Assistant U.S. Trade Representative—East-West Trade and Non-Market Economies
SES Assistant U.S. Trade Representative—Pacific, Asia, Africa and North/South
SES Director, Interagency Affairs
SES Director, Commodities

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (OFFICE OF THE VICE PRESIDENT OF THE UNITED STATES)

Positions:

AD Chief of Staff
AD Counsel to the Vice President
AD Assistant to the Vice President for National Security Affairs
AD Assistant to the Vice President and Press Secretary
AD Assistant to the Vice President for Domestic Policy
AD Assistant to the Vice President for Scheduling and Appointments

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT (THE WHITE HOUSE OFFICE)

Positions: No section 207(d)(1)(C) designations.

AGENCY: DEPARTMENT OF AGRICULTURE

Positions:

OFFICE OF THE SECRETARY

SES Deputy Assistant Secretary for Administration
SES Executive Assistant to the Secretary
SES Deputy Assistant Secretary for Food and Consumer Services
SES Deputy Assistant Secretary for Natural Resources and Environment (2)
SES Deputy Under Secretary for Small Community and Rural Development
SES Deputy Under Secretary for International Affairs and Commodity Programs
SES Deputy Assistant Secretary for Marketing and Inspection Services
SES Deputy Assistant Secretary for Economics

OFFICE OF THE INSPECTOR GENERAL

SES Deputy Inspector General
SES Assistant Inspector General for Auditing
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Planning, Research and Evaluation
SES Deputy Assistant Inspector General for Auditing
SES* Deputy Assistant Inspector General for Investigations
SES Assistant Inspector General for Security and Internal Operations

OFFICE OF GOVERNMENTAL AND PUBLIC AFFAIRS

SES Associate Director

OFFICE OF THE GENERAL COUNSEL

SES Deputy General Counsel

OFFICE OF ADMINISTRATIVE LAW JUDGES

Positions: No section 207(d)(1)(C) designations.

OFFICE OF PERSONNEL

SES Director

OFFICE OF EQUAL OPPORTUNITY

Positions: No section 207(d)(1)(C) designations.

OFFICE OF OPERATIONS AND FINANCE

SES Director
SES Director, National Finance Center

OFFICE OF BUDGET AND PROGRAM ANALYSIS

SES Director

WORLD FOOD AND AGRICULTURAL OUTLOOK

SES Chairperson

ECONOMICS RESEARCH SERVICE

SES Administrator
SES Deputy Administrator, ERS

STATISTICAL REPORTING SERVICE

SES* Administrator
SES* Deputy Administrator

ECONOMICS MANAGEMENT STAFF

SES* Director

AGRICULTURAL COOPERATIVES SERVICE

SES Administrator

RURAL ELECTRIFICATION ADMINISTRATION

SES Deputy Administrator

FARMERS HOME ADMINISTRATION

SES Associate Administrator

SCIENCE AND EDUCATION ADMINISTRATION

SES Director
SES Associate Director
SES Administrator, Human Nutrition Center
SES Associate Administrator, Human Nutrition Center
SES Assistant Director for Special Programs
SES Deputy Director for Joint Planning and Evaluation
SES Administrator, for Extension Service
SES Associate Administrator for Extension Service
SES Administrator, Cooperative State Research
SES Associate Administrator, Cooperative State Research
SES Deputy Director for Administrative Management
SES Administrator, Agricultural Research Service
SES Associate Administrator, Agricultural Research Service

SOIL CONSERVATION SERVICE

SES Chief
SES Associate Chief
SES Deputy Chief for Administration
SES Deputy Chief for Natural Resource Assessments
SES Deputy Chief for Technology Development and Application
SES Deputy Chief for State and Local Operations
SES Deputy Chief for Natural Resource Projects
SES Deputy Chief for Planning and Evaluation

FOREST SERVICE

SES Chief
SES Associate Chief
SES Deputy Chief for Administration
SES Deputy Chief for Research
SES Associate Deputy Chief for Research(2)
SES Deputy Chief, National Forest System
SES Associate Deputy Chiefs, National Forest System(2)
SES Deputy Chief, State and Private Forestry
GS–17 Associate Deputy Chief, State and Private Forestry
GS–18 Deputy Chief for Programs and Legislation
GS–17 Associate Deputy Chief for Programs and Legislation

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, State and County Operations
SES Deputy Administrator, Management
SES *Deputy Administrator for Program Planning and Development
SES Deputy Administrator, Commodity Operations

FEDERAL CROP INSURANCE CORPORATION

SES Manager
SES Deputy Manager

FOREIGN AGRICULTURAL SERVICE

SES Administrator
SES Associate Administrator
SES Associate Administrator and General Sales Manager

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT ADMINISTRATOR

SES* Administrator

FOOD SAFETY AND INSPECTION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Meat and Poultry Inspection Technical Services
SES Deputy Administrator, Meat and Poultry Inspection, Field Operations
SES Deputy Administrator, Administrative Management
SES* Deputy Administrator, Science

FOOD AND NUTRITION SERVICE

SES Administrator
SES Associate Administrator

HUMAN NUTRITION INFORMATION SERVICE

SES* Administrator

AGRICULTURAL MARKETING SERVICE

SES Administrator
SES Deputy Administrator, Marketing Program Operations
SES* Associates Deputy Administrator, Marketing Program Operations

PACKERS AND STOCKYARDS

SES* Administrator
SES* Deputy Administrator

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SES Administrator
SES Associate Administrator
SES Deputy Administrator, Veterinary Services
SES Deputy Administrator, Plant Protection and Quarantine
SES Deputy Administrator for Management

FEDERAL GRAIN INSPECTION SERVICE

SES Deputy Administrator, Program Operations

AGENCY: DEPARTMENT OF COMMERCE

Positions:

Office of the Secretary

SES Counsellor to the Secretary
SES* Executive Assistant to the Secretary
SES Special Assistants to the Secretary
SES Chairperson, Federal Regional Council, Region VI

Office of the Deputy Secretary

SES Special Assistant to the Deputy Secretary

Office of the Associate Deputy Secretary

SES* Director, Office of Business Liaison
SES* Special Assistant for Private Sector Initiatives
SES Associate Deputy Secretary

Office of Congressional Affairs

SES Deputy Assistant Secretary
SES Deputy Assistant Secretary

Office of Public Affairs

SES Director
SES Deputy Director

Office of General Counsel

SES Deputy General Counsel

Office of Under Secretary for Travel and Tourism

SES Deputy Under Secretary
SES* Assistant Secretary for Tourism Marketing

Minority Business Development Agency

SES Director
SES Deputy Director
SES Associate Director for Policy and Market Development

Office of Assistant Secretary for Administration

SES* Executive Director for Operations
SES* Executive Director for Planning, Personnel, and Management
SES* Controller
SES Director, Office of Budget
SES* Executive Director for Information Resources Management

Office of the Assistant Secretary for Economic Affairs

SES Chief Economist
SES* Deputy Assistant Secretary for Automotive Industry Affairs
SES* Director, Office of Productivity, Technology and Innovation
SES* Director, Office of Strategic Resources

Bureau of Industrial Economics

SES Director
SES Deputy Director

Bureau of Economic Analysis

SES Director
SES Deputy Director

Office of Product Standards

SES Deputy Assistant Secretary

National Technical Information Service

SES Director
SES Deputy Director

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SES Deputy Assistant Secretary

Office of Planning and Policy Coordination

SES Chief Counsel

Office of Federal Systems and Spectrum Management

SES Associate Administrator
SES Deputy Associate Administrator

Office of Policy Analysis and Development

SES Associate Administrator

SES Deputy Associate Administrator

Office of Telecommunications Applications

SES Associate Administrator

Institute for Telecommunications Applications

SES Associate Administrator
SES Deputy Associate Administrator

BUREAU OF THE CENSUS

SES Deputy Director

Demographic Fields

SES Associate Director

Information Technology

SES Associate Director

Statistical Standards and Methodology

SES Associate Director

Field Operations

SES Associate Director

Economic Fields

SES Associate Director

ECONOMIC DEVELOPMENT ADMINISTRATION

SES Deputy Assistant Secretary
SES* Deputy Assistant Secretary for Finance

Office of Chief Counsel

SES Chief Counsel

Office of Public Works

SES Director

INTERNATIONAL TRADE ADMINISTRATION

SES Deputy Under Secretary
SES Director General for the Commercial Services
SES* Deputy Assistant Secretary for Commercial Services
SES* Deputy Commissioner General of Section

Office of the Assistant Secretary for International Economic Policy

SES Deputy Assistant Secretary
SES* Deputy Assistant Secretary for Europe
SES* Deputy Assistant Secretary for Western Hemisphere
SES Deputy Assistant Secretary for Finance, Investment and Services

Office of the Assistant Secretary for Trade Administration

SES Deputy Assistant Secretary for Import Administration
SES Deputy Assistant Secretary for Import Administration (2)
SES* Deputy Assistant Secretary for Export Administration
SES Deputy to the Deputy for Export Administration

Office of the Assistant Secretary for Trade Development

SES Deputy Assistant Secretary (1)
SES* Deputy Assistant Secretary for Export Development
SES Deputy to the Deputy Assistant Secretary for Export Development
SES Deputy Assistant Secretary for Textiles and Apparel
SES* Deputy Assistant Secretary for Trade Adjustment Assistance

NATIONAL BUREAU OF STANDARDS

SES Deputy Director
SES Associate Director for International Affairs

Office of Associate Director for Programs, Budget and Finance

SES Associate Director for Programs, Budget and Finance
SES Director, Planning Office

National Measurement Laboratory

SES Director
SES Deputy Director for Resources and Operations

National Engineering Laboratory

SES Director
SES Deputy Director

Institute for Computer Sciences and Technology

SES Director
SES* Associate Director for Planning, Budget and Evaluation

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

GS–17 Special Counsel for Law of the Sea

Office of the General Counsel

SES General Counsel

Office of Policy and Planning

SES Assistant Administrator

Coastal Zone Management

SES Assistant Administrator

National Marine Fisheries Service

SES Assistant Administrator for Fisheries
SES Deputy Assistant Administrator

Office of Research and Development

SES Assistant Administrator for Research and Development

Environmental Research Laboratories

SES Director

Office of Sea Grants

SES Director

Oceanic and Atmospheric Services

SES Assistant Administrator
SES Deputy Assistant Administrator

National Weather Service

SES Director
SES Deputy Director

National Ocean Survey

07–08 Director
SES Deputy Director

Environmental Data and Information Service

SES Director
SES Deputy Director

National Earth Satellite Service

SES Assistant Administrator
SES Deputy Assistant Administrator

NOAA CORPS

07–08 Director

PATENT AND TRADEMARK OFFICE

GS–18 Deputy Commissioner

Office of Assistant Commissioner for Patents

GS–18 Assistant Commissioner
SES Deputy Assistant Commissioner

Office of Assistant Commissioner for Trademarks

GS–17 Assistant Commissioner
SES Deputy Assistant Commissioner

Office of Assistant Commissioner for External Affairs

SES* Assistant Commissioner

Office of the Solicitor

SES Solicitor
SES Deputy Solicitor

AGENCY: DEPARTMENT OF DEFENSE

Positions:

Office of the Secretary of Defense

SES* The Executive Assistant to the Deputy Secretary of Defense
SES* Deputy Negotiator for the DOD for Panama Canal Treaty Affairs and Joint Chiefs of Staff Representative, Mutual and Balanced Force Reductions Negotiations
SES* Assistant to the Secretary of Defense
SES Director, Small and Disadvantaged Business Utilization
SES Director, Disadvantaged Business Utilization Policy
SES Director of Small Business and Economic Utilization Policy
SES Inspector General for Defense Intelligence

U.S. Mission to NATO

SES Defense Advisor, U.S. Mission to NATO
SES Deputy Defense Advisor for Research Engineering and Acquisition
SES Director, Defense Plans Division
SES* Director, Infrastructure and Logistics Division
SES Director, Communications and Electronics Division

International Military Activities Staff

SES* Director of Logistics (International Staff)
SES* Director of Logistics (NAMSA)
SES* Director of Finance, Central European Operating Agency (NATO Support Group)
SES* Director, Nuclear Planning (International Staff)

Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)

SES Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)
SES Director, Weapon Support
SES Deputy Assistant Secretary, of Defense (Equal Opportunity and Safety Policy)
SES* Principal Director, Office of the Deputy Assistant Secretary of Defense (Reserve Affairs)

SES* Deputy Director, International Weapons Systems Support
SES* Director, Civilian Requirements and Analysis
SES Director for Civilian Equal Opportunity Programs
SES Deputy Assistant Secretary of Defense (Program Management)
SES Principal Director, Office of the Deputy Assistant Secretary of Defense (Facilities, Environment and Economic Adjustment)
SES Deputy Assistant Secretary of Defense (Logistics and Materiel Management)
SES Director for Supply Management Policy
SES Director, Transportation and Distribution Policy
SES Director for Maintenance Policy
SES Director, Facility Requirements and Resources
SES* Economic Advisor
0-7 Director for Construction
0-8 Deputy Assistant Secretary of Defense (Military Personnel and Force Management)
SES* Director, Office of Installations and Economic Adjustment
SES* Principal Director, Office of the Deputy Assistant Secretary of Defense (Logistics and Materiel Management)
SES* Principal Director, Office of the Deputy Assistant Secretary of Defense (Program Integration)
SES Deputy Assistant Secretary of Defense (Civilian Personnel Policy)
SES Director, Overseas and Nonappropriated Fund Personnel Management
SES Director, Management Studies
SES Deputy Director for Labor-Management Relations
SES* Director, NATO Program and Foreign Construction
SES* Assistant Director for Installations Programs
SES Director, Personnel Management
SES Director Energy Policy
SES Director for Safety and Occupational Health Policy
SES Deputy Assistant Secretary of Defense (Program Integration)
SES Director, Resource Management and Analysis
SES Director, Force Readiness and Sustainability Requirements and Analysis
SES* Director, Manpower Management
SES Director, Automated Systems
SES Director, International Logistics and Support Analysis
SES* Director, Accession Policy

DOD Dependents Schools

SES Director, Department of Defense Dependents Schools

Office of the Under Secretary of Defense (Policy)

SES Special Assistant to the Under Secretary of Defense for Policy

Office of the Deputy Under Secretary of Defense (Policy)

SES Deputy Under Secretary of Defense (Policy)
SES* Director for Security Plans and Programs
SES* Director, Emergency Planning
SES* Deputy Director, Joint Program Office
SES Assistant Deputy Under Secretary of Defense (Policy)
SES Director, Command and Control Policy
SES Director, Information Security
SES Director, Counterintelligence and Security Policy
SES Director, Counterintelligence and Investigative Programs
SES Director, Special Advisory Staff

Net Assessment

SES* Director of Net Assessment

Office of the Assistant Secretary of Defense (International Security Policy)

0-8 Advisor, NATO Affairs/Principal Director, European and NATO Policy
SES Principal Deputy Assistant Secretary of Defense (International Security Policy)
SES Director for Theater Nuclear Policy
SES Director, Strategic Arms Control Policy
SES* Special Assistant to the Assistant Secretary of Defense (International Security Policy)
SES* Deputy Assistant Secretary of Defense (Strategic and Theater Nuclear Forces Policy)
SES Deputy Assistant Secretary of Defense (International Economics, Trade and Security Policy)
SES Assistant Deputy Director for Strategic Systems and Senior OSD Advisor (Salt Overseas Element)
SES Deputy Director, European and NATO Affairs
SES* Special Assistant to the Deputy Assistant Secretary of Defense (European and NATO Affairs)

Office of the Assistant Secretary of Defense (International Security Affairs)

SES Principal Deputy Assistant Secretary of Defense, International Security Affairs
SES Deputy Assistant Secretary of Defense (Inter-American Affairs)
0-8 Deputy Assistant Secretary of Defense (Near Eastern and South Asian Affairs)
SES Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs)
SES Director, Foreign Military Rights Affairs
SES Director, Africa Region,
SES Director, International Economic Affairs
SES Director, General Purpose Forces Policy
SES* Director, Security Assistance Plans
SES* Deputy Director, Security Assistance Plans and Programs
SES* Deputy Assistant Secretary of Defense (Policy Analysis)

Defense Security Assistance Agency

0-9 Director, Defense Security Assistance Agency
SES Comptroller, DSAA
SES Deputy Comptroller, DSAA
SES Director, Security Assistance Operations
SES* Special Assistant To the Director, DSAA
SES* Director, Joint Financial Management Office

Office of the Assistant Secretary of Defense (Comptroller)

SES Principal Deputy Assistant Secretary of Defense (Comptroller)
SES Deputy Assistant Secretary of Defense (Program Budget)
SES* Deputy Comptroller Program/Budget
SES Director for Program and Financial Control
SES Director for Construction
SES Director for Procurement
SES Director for Research and Development
SES Director for Operations
SES* Director for Plans and Systems
SES* Director for Military Personnel
SES Deputy Assistant Secretary (Management Systems)
SES Principal Assistant to Deputy Assistant Secretary (Management Systems)
SES Principal of Defense Assistant to the Deputy Assistant Secretary of Defense (Management Systems)
SES Director for Accounting Policy
SES Deputy Assistant Secretary of Defense (Cost and Audit)
SES Deputy Assistant Secretary (Administration), of Defense, Director Washington Headquarters Services
SES Director for Information Resources Management Systems
SES Director for Banking, International Financial and Professional Development
SES Director, Organizational and Management Planning
SES* Deputy Comptroller for Audit Policy

Office of the Director (Program Analysis and Evaluation)

SES* Director, Program Analysis and Evaluation
SES Deputy Director (General Purpose Programs)
SES Deputy Director (Strategic Programs)
SES* Deputy Director (Regional Programs)
SES* Director, Asia Division
SES Deputy Director (Resource Analysis)
SES Director, Land Forces Division
SES Director, Mobility Forces Division
SES Director, Naval Forces Division
SES Director, Tactical Air Division
SES Director, Europe Division
SES Director, Cost Analysis Division
SES* Director, Economic Analysis Division
SES Director, Strategic Offensive Forces and Arms Limitations Division
SES Director, Strategic Defensive and Theater Nuclear Forces Division

Office of Assistant Secretary of Defense (Public Affairs)

SES Principal Deputy Assistant Secretary of Defense (Public Affairs)
SES Special Assistant to the Assistant Secretary of Defense (Public Affairs)
0-7 Deputy Assistant Secretary of Defense (Public Affairs)
SES Director, American Forces Information Services
SES Director for Freedom of Information and Security Review
SES* Director, Defense Audiovisual Agency

Office of the Assistant Secretary of Defense (Health Affairs)

SES Principal Deputy Assistant Secretary of Defense (Health Affairs)
0-8 Deputy Assistant Secretary of Defense (Health Resources & Programs)
SES Deputy Assistantg Secretary of Defense (Drug and Alcohol Abuse Prevention)
SES Deputy Assistant Secretary of Defense (Health Resource Management)
SES Director, Office of Civilian Health and Medical Program of the Uniformed Services

Defense Advanced Research Projects Agency

SES Director, Defense Advanced Research Projects Agency
SES* Deputy Director for Research
SES* Deputy Director for Research
SES* Director, Tactical Technology Office
SES* Director, DARPA REGIONAL Office, Europe
SES* Assistant Director for Technology, Directed Energy Office
SES Director, Directed Energy Office
SES* Director, Program Management Office
SES* Deputy Director, Program Management Office
SES* Director, Information Processing Techniques Offices
SES* Director, Defense Sciences Office
SES* Assistant Director, Material Sciences
SES* Assistant Director for Space Defense Technology
SES* Assistant Director for Geophysical Sciences
SES* Deputy Director, Defense Sciences Office
SES* Assistant Director for Cybernetics Technology
SES* Director, Strategic Technology Office
SES* Deputy Director, Directed Energy Office
SES* Assistant Director for Ocean Monitoring and Control
SES* Principal Research Manager (Information Processing Techniques Office)
SES Deputy Director, Strategic Technology Office
SES* Assistant Director, Surveillance
SES* Deputy Director, Tactical Technology Office
SES* Technical Advisor to the Director, Defense Advanced Research Projects Agency

Joint Chiefs of Staff

0-7/0-8 Vice Director, Joint Staff
0-7/0-8 Vice Director, Plans and Policy Directorate
0-7/0-8 Deputy Director for Tactical Theater Systems, Command Control and Communications Systems Directorate

Office of the Under Secretary of Defense for Research and Engineering

SES Director, Far East, Middle East, and Southern Hemisphere Affairs
SES Deputy Under Secretary of Defense (Acquisition Management)
SES Deputy Under Secretary of Defense (International Programs and Technology)
SES Deputy Under Secretary of Defense (Research and Advanced Technology)
SES Deputy Under Secretary of Defense (Strategic and Theater Nuclear Forces)
SES Deputy Under Secretary of Defense (Tactical Warfare Programs)
SES Director, Defense Test and Evaluation
SES Director, Production Resources
SES Assistant Deputy Under Secretary of Defense (Acquisition)
SES Director, Defense Acquisition Regulatory System
SES Director, Major Systems Acquisition
SES* Assistant Deputy Under Secretary of Defense (Procurement Policy)
SES* Director, Electronics and Physical Sciences
SES Director, (Engineering Technology)
SES Director, Directed Energy Programs
SES Chairman, Military Liasion Committee/ Assistant to the Secretary of Defense (Atomic Energy)
SES Director, Defensive Systems
SES Director, Cruise Missile Systems
SES Director, (Offensive and Space Systems)
SES Director, Office of Land Warfare
SES Director, Naval Warfare
SES Director, Office of Air Warfare
SES Deputy Director for Test Facilities and Resources
SES Director, Technology Trade
SES Director, Technology Export
SES Director for NATO/European Affairs
SES Deputy Under Secretary of Defense (Communications, Command, Control and Intelligence)
SES Assistant Deputy Under Secretary of Defense (Communications, Command and Control)
SES Assistant Deputy Under Secretary of Defense (Technical Policy and Operations)
SES Assistant Deputy Under Secretary of Defense (Intelligence)
SES Director, Communications Systems
SES Director, National Intelligence Systems
SES Director, Theater and Tactical C ³
SES Director, Electronic Warfare and Countermeasures
SES Director, Long Range Planning and System Evaluation
SES Director, C ³ Resources
SES Director, Tactical Intelligence Systems
SES Director, Information Systems
SES Deputy Assistant to the Secretary of Defense (Atomic Energy) (Long Range Resources Planning)
SES Director, Cost, Pricing and Finance
SES* Deputy Assistant to the Secretary of Defense (Chemical Matters)
SES* Director, Standardization and Acquisition Support
SES* Director for Research and Technical Information
SES* Deputy Director, Strategic and Naval Warfare Systems
SES* Director, Mobility and Special Projects
SES* Director, START and Arms Control Office
SES* Director, Systems Architecture and Analysis
SES* Assistant Deputy Under Secretary of Defense (Systems Integration)
SES* Principal Deputy Under Secretary of Defense for Research and Engineering
SES* Assistant Deputy Under Secretary of Defense (Research and Advanced Technology)
SES* Director, Strategic and Theater Nuclear Forces
SES* Director, Contract Administration
SES* Director, Contract Policy
SES* Special Assistant on Weapon System Acquisition Policy, Defense Systems Management College

Washington Headquarters Services

SES Director, Space Management and Services
SES Director, Information, Operations and Reports
SES Director, Personnel and Security
SES Director, Budget and Finance
SES International Affairs Advisor

U.S. Court of Military Appeals

SES Clerk of the Court
SES Central Legal Staff Director

Office of the General Counsel

SES* Deputy General Counsel

AGENCY: DEPARTMENT OF THE AIR FORCE

Positions:

Civilian

OFFICE OF THE SECRETARY OF THE AIR FORCE

Under Secretary of the Air Force

SES Deputy Under Secretary of the Air Force (Space Systems)

Assistant Secretary of the Air Force (Financial Management)

SES Principal Deputy Assistant Secretary of the Air Force (Financial Management)
SES Deputy for Programs and Budget
SES Deputy Assistant Secretary for Data Automation
SES Deputy for Aerospace Economic Analysis
SES The Auditor General

Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)

SES Principal Deputy Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations)
SES Deputy Assistant Secretary for Installations
SES Deputy Assistant Secretary for Manpower Resources and Military Personnel
SES Deputy Assistant Secretary (Reserve Affairs)

Assistant Secretary of the Air Force (Research, Development and Logistics)

SES Principal Deputy Assistant Secretary of the Air Force (Research, Development and Logistics)
SES Deputy Assistant Secretary for Logistics
SES Deputy Assistant Secretary for Acquisitions Management
SES Deputy for Acquisition
SES Deputy for Programs and Production
SES Deputy for Supply and Maintenance
SES Deputy for Transportation and Civil Aviation

Administrative Assistant to the Secretary of the Air Force

SES Administrative Assistant to the Secretary of the Air Force

General Counsel

SES The General Counsel
SES Deputy General Counsel
SES Assistant General Counsel, Procurement

Directorate of Administration

SES* Chief, Publishing Division

COMPTROLLER OF THE AIR FORCE

SES Deputy Comptroller of the Air Force
SES* Deputy Director, Budget
SES* Chief, Budget Management Division
SES Deputy Director, Air Force Accounting and Finance Center

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

SES Associate Director, Engineering and Services
SES Associate Director, Logistics Plans and Programs
SES* Deputy Director, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, MANPOWER AND PERSONNEL

SES Deputy Assistant Secretary (Civilian Personnel Policy); and Director of Civilian Personnel

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

SES Director, Office of Small and Disadvantaged Business Utilization
SES Associate Director, Contracting and Manufacturing Policy

AIR FORCE LOGISTICS COMMAND

SES Chairperson, Air Force Logistics Command Procurement Committee
SES Director, Materiel Requirements and Financial Resource Management
SES* Assistant Deputy Chief of Staff, Logistics Management Systems
SES Assistant Deputy Chief of Staff, Logistics Operations
SES Assistant Deputy Chief of Staff, Maintenance
SES Assistant Deputy Chief of Staff, Plans and Programs
SES * Assistant Deputy Chief of Staff, Procurement and Production
SES Deputy for Contracting and Manufacturing, Air Force Acquisition Logistics Division
SES Deputy Director, Materiel Management, Ogden Air Logistics Center
SES Deputy Director, Materiel Management, Oklahoma City Air Logistics Center
SES Deputy Director, Materiel Management, Sacramento Air Logistics Center
SES Deputy Director, Materiel Management, San Antonio Air Logistics Center
SES Deputy Director, Materiel Management, Warner Robins Air Logistics Center

AIR FORCE SYSTEMS COMMAND (AFSC)

Headquarters AFSC

SES Principal Assistant Deputy Chief of Staff, Contracting and Manufacturing
SES Chairperson, Contract Review Committee
SES Director of Manufacturing

Aeronautical Systems Division

SES Assistant Deputy for Procurement and Manufacturing
SES* Assistant Deputy for Reconnaissance and Electronic Warfare Systems

Electronic Systems Division

SES Assistant Deputy for Contracting and Manufacturing
SES* Assistant Deputy for Strategic Systems
SES* Assistant Deputy for Tactical Systems
SES Deputy for Command and Management Systems

Space Division

SES Assistant Deputy for Contracting and Manufacturing

AIR FORCE WRIGHT AERONAUTICAL LABORATORIES

Air Force Materials Laboratory

SES Research and Development Executive (Director, AFML)

AIR FORCE OFFICE OF SCIENTIFIC RESEARCH

SES Research and Development Executive (Director, AFOSR)
SES Director, Aerospace Sciences
SES Director, Chemical Sciences
SES Director, Electronics and Solid State Sciences
SES Director, Life Sciences
SES Director, Mathematical and Information Sciences

Military

OFFICE OF THE SECRETARY OF THE AIR FORCE

0-7/0-8 Commander, Air Force Audit Agency; and Deputy Auditor General
0-7/0-8* Director, Office of Space Systems
0-7/0-8 Director of Special Projects; and Deputy Commander for Space Operations, Space Division (AFSC)

OFFICE OF THE CHIEF OF STAFF, USAF

0-7/0-8* Joint Program Manager, Worldwide Military Command and Control System

OFFICE OF AIR FORCE RESERVE

0-7/0-8 - Chief of Air Force Reserve; and Commander, Air Force Reserve

NATIONAL GUARD BUREAU

0-7/0-8 Director, Air National Guard

ASSISTANT CHIEF OF STAFF, STUDIES AND ANALYSES

0-7/0-8 Assistant Chief of Staff, Studies and Analyses

OFFICE OF THE JUDGE ADVOCATE GENERAL

0-7/0-8 The Judge Advocate General; and Commander, Air Force Legal Services Center
0-7/0-8 Deputy Judge Advocate General

COMPTROLLER OF THE AIR FORCE

0-7/0-8 Director, Budget
0-7/0-8 Deputy Director, Budget (Operations)
0-7/0-8 Commander, Air Force Accounting and Finance Center; Assistant Comptroller for Accounting and Finance; and Assistant Director, Security Assistance Accounting, Defense Security Assistance Agency

DEPUTY CHIEF OF STAFF, LOGISTICS AND ENGINEERING

0-7/0-8 Director, Logistics Plans and Programs
0-7/0-8 Deputy Director, Logistics Plans and Programs
0-7/0-8 Director, Engineering and Services
0-7/0-8 Commander/Director, Air Force Civil Engineer for Missile-X
0-7/0-8 Director, Transportation
0-7/0-8 Commander, Air Force Commissary Service

DEPUTY CHIEF OF STAFF, PROGRAMS AND RESOURCES

0-7/0-8 Assistant Deputy Chief of Staff, Programs and Resources
0-7/0-8 Director, Programs and Evaluation
0-7/0-8 Director, International Programs
0-7/0-8* Deputy Director, International Programs

DEPUTY CHIEF OF STAFF, RESEARCH, DEVELOPMENT AND ACQUISITION

0-7/0-8 Assistant Deputy Chief of Staff, Research, Development and Acquisition
0-7/0-8 Director, Space Systems and Command, Control, Communications
0-7/0-8 Director, Contracting and Manufacturing Policy
0-7/0-8 Director, Development and Production
0-7/0-8 Special Assistant for M-X Matters

DEPUTY CHIEF OF STAFF, PLANS AND OPERATIONS

0-7/0-8 Director, Plans

UNITED STATES AIR FORCE ACADEMY

0-8/0-9* Superintendent, United States Air Force Academy

AIR FORCE COMMUNICATIONS COMMAND

0-7/0-8 Commander, Air Force Communications Command

AIR FORCE LOGISTICS COMMAND

0-7/0-8 Chief of Staff
0-7/0-8 Deputy Chief of Staff, Contracting and Manufacturing
0-7/0-8 Deputy Chief of Staff, Logistics Operations
0-7/0-8 Deputy Chief of Staff, Maintenance
0-7/0-8 Deputy Chief of Staff, Plans and Programs
0-7/0-8 Staff Judge Advocate
0-8/0-9* Commander, Air Force Acquisition Logistics Division
0-7/0-8 Vice Commander, Air Force Acquisition Logistics Division
0-7/0-8 Commander, Air Force, Logistics Command International Logistics Center; and Assistant for International Logistics
0-7/0-8 Commander, Ogden Air Logistics Center
0-7/0-8 Commander, Oklahoma City Air Logistics Center

0-7/0-8 Commander, Sacramento Air Logistics Center
0-7/0-8 Commander, San Antonio Air Logistics Center
0-7/0-8 Commander, Warner Robins Air Logistics Center

AIR FORCE SYSTEMS COMMAND

0-7/0-8 Deputy Chief of Staff, Contracting and Manufacturing
0-7/0-8 Deputy Chief of Staff, Systems
0-7/0-8 Deputy Chief of Acquisition Logistics Staff
0-7/0-8 Director, Laboratories
0-7/0-8 Staff Judge Advocate
0-7/0-8 Vice Commander, Aeronautical Systems Division (ASD)
0-7/0-8 Deputy for Airlift and Trainer Systems; and C-X System Program Director, ASD
0-7/0-8 Deputy for Tactical Systems, ASD
0-7/0-8* Deputy for B-1B, ASD
0-7/0-8 Deputy for F-16, ASD
0-7/0-8 Vice Commander, Electronics Systems Division (ESD)
0-7/0-8 Deputy for Airborne Warning and Control Systems, ESD
0-7/0-8* Deputy for Strategic Systems, ESD
0-7/0-8 Vice Commander, Space Division
0-7/0-8 Deputy for Space Launch and Control Systems; and System Program Director, Space Transportation System (Space Shuttle), Space Division
0-7/0-8 Commander, Armament Division
0-7/0-8 Deputy Commander, Development and Acquisition, Armament Division
0-7/0-8 Commander, Air Force Contract Management Division
0-7/0-8 Commander, Ballistic Missile Office; and Program Director for Missile-X
0-7/0-8 Deputy Program Director for Missile-X, Ballistic Missile Office

MILITARY AIRLIFT COMMAND

0-7/0-8 Deputy Chief of Staff, Air Transportation

ARMY AND AIR FORCE EXCHANGE SERVICE

0-7/0-8* Commander, Army and Air Force Exchange Service

MILITARY TRAFFIC MANAGEMENT COMMAND

0-7/0-8* Vice Commander, Military Traffic Management Command

UNITED STATES MILITARY ENLISTMENT PROCESSING COMMAND

0-7/0-8* Commander, United States Military Enlistment Processing Command

AGENCY: DEPARTMENT OF THE ARMY

Positions:

Office, Secretary of the Army

SES Administrative Assistant to the Secretary of the Army
SES Deputy Administrative Assistant

Office of the General Counsel

SES General Counsel
SES Principal Deputy General Counsel

Office of the Under Secretary

SES Deputy Under Secretary of the Army
SES Deputy Under Secretary of the Army (Operations Res)

Office, Assistant Secretary of the Army (Installations, Logistics & Financial Management)

SES Principal Deputy ASA (IL&FM)
SES Deputy for Installations & Housing
SES Deputy for Logistics
SES Assistant Deputy for Installations & Housing
SES Assistant Deputy for Logistics
SES Deputy for Resource Analysis
SES Deputy for Management System
SES Assistant Deputy for Resource Analysis
SES Deputy for Environment Safety & Occupational Health

Office, Assistant Secretary of the Army (Manpower & Reserve Affairs)

SES Principal Deputy ASA (MRA)
SES Deputy ASA (DA Review Boards and Personnel Security)

Office, Small & Disadvantaged Business Utilization

SES Director, Small & Disadvantaged Business Utilization

Office, Assistant Secretary of the Army (Civil Works)

SES Principal Deputy ASA (CW)

Office, Assistant Secretary of the Army (Research, Development & Acquisition)

SES Principal Deputy ASA (RDA)
SES Deputy ASA (R&D)
SES Deputy ASA (Acquisition)
SES Deputy for Science & Technology
SES Deputy for Materiel Acquisition Management
SES Deputy for Procurement Policy
SES Deputy for Management & Budget
SES Deputy for Air & Missile Defense
SES Deputy for Communications & Target Acquisition
SES Director Acquisition Management & Review Agency

Ballistic Missile Defense Program Office (Washington)

SES Deputy for BMD Program Manager
SES Director, BMDPO

Ballistic Missile Defense Systems Command (Huntsville)

SES Chief, Contracts Office
SES Director, Systems Technology Project Office

Ballistic Missile Defense Advance Technology Center (Huntsville)

SES Director, BMD Advance Technical Center

Office of the Chief of Staff

SES Director, Study Management Program

US Army Operational Test and Evaluation Agency (OCSA)

SES Scientific Advisor

Assistant Chief of Staff for Automation and Communications

SES Deputy Assistant Chief of Staff Auto & Commo
SES Director, USA Management Systems Spt Agency
SES Director, US Army Computer Systems Selection Acquisition Agency

US Army Concepts Analysis Agency

SES* Director
SES Special Assistant to the DCSLOG/ Chief Aviation Logistics

Program Analysis and Evaluation Directorate (OCSA)

SES Deputy Director for Programming

Comptroller of the Army

SES Deputy Comptroller

Army Audit Agency (OSA)

SES The Auditor General (OCSA)
SES Deputy Auditor General (OSA)
SES Director, Personnel and Force Management Audits (OSA)
SES Director, Audit Policy, Plans, & Resources (OSA)
SES Director, Logistical and Financial Audits (OSA)
SES Director, Acquisition and Systems Audits (OSA)

Office of the Judge Advocate General

SES Special Assistant for Comm, Trans & Utilities

US Army Materiel Development & Readiness Command (DARCOM) Headquarters

SES Deputy Comptroller
SES Command Counsel
SES Deputy Command Counsel
SES Chief, Patent Law Division
SES Director, Management Information Systems
SES Director of Product Assurance
SES Principal Assistant Deputy for Materiel Development
SES Assistant Deputy for Resources and Management
SES Assistant Deputy for Science & Technology
SES Assistant Deputy for International Research, Development and Standardization
SES Chief, Office of Manufacturing Technology
SES Deputy Director for Development & Engineering
SES Associate Director for Materiel Programs
SES Assistant Deputy for Materiel Readiness
SES Deputy Director for Materiel Management
SES Associate Director for Procurement
SES Deputy Director, Security Assistance
SES Deputy Director for Procurement & Production

Nuclear Munitions Project Office

SES Deputy Project Manager

Project Office (PATRIOT)

SES Deputy Project Manager

BETA Joint Project Office

SES Director, BETA Joint Project Office

US Army Materiel Systems Analysis Agency (AMSAA)

SES Director, Army Materiel Systems Analysis Agency

US Army Materials and Mechanics Research Center (AMMRC)

SES Director

Army Research Office (ARO) Durham

SES Technical Director
SES Director, Electronics Division
SES Director, Metallurgy & Materiels Science
SES Director, Physics Division
SES Director, Mathematics Division
SES Director, Engineering Sciences Division

US Army Armament Materiel Readiness Command (ARRCOM)

SES Deputy for Procurement and Production
SES Chief Counsel

US Army Armament Research & Development Command (ARRADCOM) Headquarters

SES Technical Director
SES* Chief Counsel

Ballistic Research Laboratory

SES Director, Ballistic Research Laboratory

Chemical Systems Lab

SES Deputy Director

Large Caliber Weapon Systems Laboratory

SES Deputy Director

Small Caliber Weapon Systems Lab

SES Deputy Director

US Army Aviation R&D Command (AVRADCOM) Headquarters

SES Technical Director
SES Director, Aeromechanics Lab
SES Director, Structures Lab
SES Director, Propulsion Lab
SES Director, Research & Technology Lab

US Army Communication—Electronics Command (CECOM)

SES Chief Counsel
SES Technical Director
SES Director, Communications System Center
SES Director, Tactical Computer Systems Center
SES Director, Systems Engineering and Integration Center
SES* Director, Procurement & Production
SES Technical Director (SATCOMA)

US Army Depot Systems Command (DESCOM)

SES Deputy for Tactical Operations

US Army Electronics R&D Command (ERADCOM) Headquarters

SES Technical Director
SES Director, Night Vision & Electronic Optics Lab
SES* Deputy Director, Night Vision & Electronic Optics Lab
SES Director, Signals Warfare Lab
SES Director, Electronic Warfare Lab
SES Director, Electronics Technology & Devices Lab
SES Deputy Director, Combat Surveillance & Target Acquisition Lab
SES Technical Director, Harry Diamond Lab

Mobility Equipment Research and Development Command (MERADCOM)

SES Technical Director

US Army Missile Command (MICOM)

SES Technical Director and Director, Army Missile Lab
SES Director for Procurement and Production
SES Chief, Counsel
SES* Director, Missile Logistics Center
SES Deputy Project Manager, Roland
SES Assistant Deputy for Readiness
SES Deputy Director, Missile Intelligence Agency

US Army Natick Laboratories Research (NLABS)

SES Technical Director
SES Director, Clothing, Equipment & Materiel Engineering Lab
SES Director, Food Sciences Lab
SES Director, Food Engineering Lab
SES Deputy Technical Director, Food Service System Program

Project Managers ABRAMS

SES Chief Engineer/Chief Systems Engineering Division

Office of the Project Manager, Fighting Vehicle Systems (FVS)

SES Deputy Project Manager

US Army Tank-Automotive Command (TACOM)

SES Chief Counsel
SES Director, Procurement & Production
SES Technical Director

US Army Test and Evaluation Command (TECOM)

SES Technical Director
SES Director for Analysis
SES Associate Director, Materiel Test Dir (APG)
SES Scientific Director (DPG)
SES Technical Director, Elec Prov Grnd (EPG)
SES Technical Director, National Range Opinions (WSMR)
SES Technical Director & Chief Scientist (WSMR)

US Army Troop Support and Aviation Materiel Readiness Command (TSARCOM)

SES Director for Procurement & Production

Foreign Science and Technology Center

SES Deputy Director, FSTC

US Army Human Engineering Laboratory

SES Director, HEL

Army Materiel and Mechanics Research Center (AMMRC)

SES Director, AMMRC

TRADOC SYSTEM ANALYSIS ACTIVITY (WSMR)

SES Director, TRASANA

US ARMY TRAINING AND DOCTRINE COMMAND (TRADOC)

SES* Director, Combined Arms Studies and Analysis Activity (CASAA)

THE ARMY STAFF

0–8 Director, Management
0–8 Chief, Army Force Modernization Coordination Office
0–8 Director, Program Analysis and Evaluation
0–8 Assistant Deputy Chief of Staff for Personnel
0–8 Assistant Deputy Chief of Staff for Operations and Plans
0–8 Director, Strategic Plans & Policy for Operations and Plans for Joint Affairs
0–8 Assistant Deputy Chief of Staff for Logistics
0–8 ADCSRDA for International Programs
0–8 Director of Army Budget
0–8 Chief, Army Reserve
0–7 Deputy Chief, Army Reserve
0–8 Director, Army National Guard
0–8 Assistant Chief of Staff for Operations & Plans (CA)/Director, Command and Control, Communications and Computers
0–7 Director of Network Integration
0–8 Assistant Chief of Staff for Intelligence
0–7 Deputy Assistant Chief of Staff for Intelligence
0–8 The Adjutant General
0–7 Deputy TAG
0–8 Chief of Chaplains
0–8 The Judge Advocate General
0–8 The Assistant Judge Advocate General
0–8 The Deputy Surgeon General
0–7/0–8 Assistant Surgeon General (Research & Development)
0–8 Deputy Chief of Engineers and Chairman, Board of Engineers for Rivers and Harbors

ARMY STAFF FIELD OPERATING AGENCIES

Office, Chief of Staff

0–7 Commanding General, Ballistic Missile Defense Systems Command, Huntsville, Alabama
0–8 Commanding General, U.S. Army Operational Test and Evaluation Agency, Falls Church, Virginia

Office, Deputy Chief of Staff for Personnel

0–8 Commanding General, USA Military Personnel Center, Alexandria, Virginia
0–8 Commanding General, USA Recruiting Command, Fort Sheridan, Illinois
0–7 Deputy Commanding General, East USA Recruiting Command, Fort Sheridan, Illinois
0–7 Deputy Commanding General, West USA Recruiting Command Fort Sheridan, Illinois

Office, Deputy Chief of Staff for Logistics

0–7 Commanding General, US Army Troop Support Agency, Fort Lee, Virginia

Office, Assistant Chief of Staff for Automation and Communications

0–8 Commanding General, US Army Computer Systems Command, Fort Belvoir, Virginia

0–7 Deputy Commanding General, US Army Computer Systems Command, Fort Belvoir, Virginia

Office, The Adjutant General

0–7 Commanding General, US Army Reserve Components Personnel and Administration Center, St. Louis, Missouri

Office, The Judge Advocate General

0–7 Commanding General, Chief Judge, US Army Legal Services Agency/United States Court of Military Review, Falls Church, Virginia

Office, The Surgeon General

0–7/0–8 Commanding General, US Army Medical Research and Development Command, Fort Detrick, Maryland

US Army Training and Doctrine Command—Fort Monroe, Virginia

0–8 Chief of Staff
0–8 Deputy Chief of Staff, Combat Developments
0–7 Commanding General, Combat Developments Experimentation Command, Fort Ord, California
0–8 Commanding General, TRADOC Combined Arms Test Activity, Fort Hood, Texas

US Army Materiel Development and Readiness Command, Alexandria, Virginia

0–8 Deputy Commander Resources and Management
0–7/0–8 Director, Development & Engineering
0–8 Director, Procurement & Production
0–7 Director, Materiel Management
0–7/0–8 Director, CDR, USA Security Assistance Center
0–8 Comptroller
0–8 Commanding General, US Army Tank-Automotive Command, Warren, Michigan
0–7 Deputy Commanding General for Research & Development, US Army Tank-Automotive Command, Warren, Michigan
0–8 Commanding General, US Army Aviation Research and Development Command, St. Louis, Missouri
0–8 Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
0–7 Deputy Director, US Army Materiel Systems Analysis Activity (AMSAA)
0–7 Deputy Commanding General, US Army Troop Support and Aviation Materiel Readiness Command—St. Louis, Missouri
0–8 Commanding General, US Army Armament Materiel Readiness Command—Rock Island, Illinois
0–7 Deputy Commanding General, US Army Armament Materiel Readiness Command—Rock Island, Illinois
0–8 Commanding General, US Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
0–7 Commanding General, USA Chemical Systems Laboratory/Deputy Commanding General, US Army Armament Research and Development Command—Picatinny Arsenal, New Jersey
0–8 Commander, US Army Missile Command—Redstone Arsenal, Alabama
0–7 Deputy Commanding General for Readiness, US Army Missile Command—Redstone Arsenal, Alabama
0–7 Deputy Commanding General for Research and Development, US Army Missile Command—Redstone Arsenal, Alabama
0–7 Project Manager, Roland II Missile Systems, US Army Missile Command—Redstone Arsenal, Alabama
0–8 Commanding General, US Army Communications & Electronics Command
0–7 Deputy Commanding General for Readiness US Army Communications & Electronics Command
0–8 Commanding General, US Army Electronics Research & Development Command—Adelphi, Maryland
0–8 Commanding General, US Army Test & Evaluation Command—Aberdeen Proving Grounds, Maryland
0–7 Commanding General, White Sands Missile Range—White Sands, New Mexico
0–7 Commanding General, US Army Depot System Command—Chambersburg, Pennsylvania
0–8 Project Manager, M–1 Tank—Warren, Michigan
0–8 Project Manager, Patriot—Redstone Arsenal, Alabama
0–7 Project Manager, Fighting Vehicle Systems—Warren, Michigan
0–7 Program Manager, Advanced Attack Helicopter Program—St. Louis, Missouri
0–7 Project Manager, Saudi Arabian National Guard Modernization—Saudi Arabia

U.S. Army Communications Command

0–8 Commanding General, US Army Communications Command, Fort Huachuca, Arizona
0–7 Commanding General, US Army Communications Systems Agency, Fort Monmouth, New Jersey

Other Commands

0–8 Commander, Military Traffic Management Command, Washington, D.C.
0–8 Commanding General, US Army Intelligence and Security Command, Arlington, Virginia
0–8 Commanding General, US Army Military District of Washington, Washington, D.C.
0–8 Commanding General, US Army Criminal Investigation Command, Falls Church, Virginia
0–8 Commanding General, US Army Health Services Command, Fort Sam Houston, Texas

MAJOR OVERSEAS COMMANDS

US Army, Europe and Seventh Army

0–8 Chief of Staff
0–8 Deputy Chief of Staff, Engineer
0–8 Commanding General, US Army Southern European Task Force

U.S. Army Japan/IX Corps

0–7/0–8 Chief of Staff, Japan/IX Corps

Special Activities

Army and Air Force Exchange Service

0–8 Commander, Army and Air Force Exchange Service—Dallas, TX

AGENCY: DEPARTMENT OF THE NAVY

Positions:

CIVILIAN

Secretariat

SES Deputy Under Secretary of the Navy (Financial Management)
SES Deputy Assistant Secretary of the Navy (Logistics)
SES Deputy Assistant Secretary of the Navy (Sealift and Maritime Affairs)
SES Principal Deputy Assistant Secretary of the Navy (Shipbuilding & Logistics)
SES Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Research and Applied & Space Technology)
SES Deputy Assistant Secretary of the Navy (Command, Control, Communications and Intelligence)
SES Deputy Assistant Secretary of the Navy (Manpower)
SES Deputy Assistant Secretary of the Navy (Reserve Affairs)
SES Deputy Assistant Secretary of the Navy (Civilian Personnel Policy/Equal Employment Opportunity)
SES Director, Office of Small and Disadvantaged Business Utilization
SES Associate Deputy Assistant Secretary of the Navy (Systems Engineering)
SES General Counsel
SES Principal Deputy General Counsel
SES Director, Resources and Policy Evaluation
SES Deputy General Counsel, Logistics
SES Principal Deputy Assistant Secretary of the Navy (Research, Engineering and Systems)
SES Special Assistant to ASN(FM) for Data Automation

Office of the Navy Comptroller

SES Director of Banking and Contract Financing

Naval Audit Service

SES Auditor General of the Navy

Office of Naval Research

SES Director, Acquisition

Office of the Chief of Naval Operations

SES Assistant Deputy Chief of Naval Operations (CP/EEO)

Office of the Chief of Naval Operations Organizations

SES Principal Civilian Adviser for Education and Training

Navy Data Automation Command

SES Technical Director

Naval Security Group Command, Headquarters

SES Technical Director

Military Sealift Command

SES Deputy Executive Director

Marine Corps

SES Assistant Deputy Chief of Staff for Installations and Logistics
SES Director, Contracts Division
SES Fiscal Director of the Marine Corps

Naval Supply Systems Command

SES Assistant Deputy Commander, Plans, Policy and Systems Design

Naval Material Command, Headquarters

SES Head, Tri-Service Negotiation Staff
SES Executive Director for Contracts and Business Management
SES Assistant Deputy Chief of NAVMAT (Operations and Logistics)
SES Deputy Chief of Naval Material
SES Director, Procurement Control and Clearance Division
SES Deputy Chief of Naval Material (Reliability Maintainability and Quality Assurance)

Strategic Systems Project Office

SES Director, Plans and Programs Division

Naval Air Systems Command

SES Executive Director for Procurement Management

Naval Electronic Systems Command

SES Technical Director, Material Acquisition Engineering Directorate
SES Technical Director
SES Executive Director, Contracts

Naval Sea Systems Command

SES Assistant Deputy Commander for Contracts

Naval Facilities Engineering Command

SES Deputy Assistant Commander for Contracts

Naval Resale System

UA–17 Financial Management Group Director

MILITARY

Flag Officers

0–7/0–8 Vice Commander, Naval Air Systems Command
0–7/0–8 Deputy Commander for Plans and Programs, Naval Air Systems Command
0–7/0–8 Assistant Commander for Contracts, Naval Air Systems Command
0–7/0–8 Assistant Commander for Logistics and Fleet Support, Naval Air Systems Command
0–7/0–8 Assistant Commander for Systems and Engineering, Naval Air Systems Command
0–7/0–8 Assistant Commander for Test and Evaluation, Naval Air Systems Command
0–7/0–8 Commander, Naval Aviation Logistics Center, Naval Air Systems Command
0–7/0–8 Deputy Chief of Naval Material for Logistics, HDQTRS NAVMATCOMD
0–7/0–8 Deputy Chief of Naval Material for Acquisition, HDQTRS NAVMATCOMD
0–7/0–8 Project Manager, TRIDENT System, Naval Material Command
0–7/0–8 Major Project Manager, LAMPS, NAVAIRSYSCOM
0–7/0–8 Director, Saudi Naval Expansion Program, NAVMAT
0–7/0–8 Director, Joint Cruise Missile Project, Joint Cruise Missiles Project Office (JPM–3)
0–7/0–8 Technical Director, Strategic Systems Projects, SSPO
0–7/0–8 Commander, ASW Systems Project Office (Manager, ASW Systems Project Office) Anti-Submarine Warfare Systems Project Office
0–7/0–8 Vice Commander, Naval Sea Systems Command
0–7/0–8 Deputy Commander for Plans, Programs and Financial Management/ Comptroller, Naval Sea Systems Command
0–7/0–8 Deputy Commander for Contracts, NAVSEASYSCOM
0–7/0–8 NAVSEA Principal Deputy Commander for Acquisition, NAVSEASYSCOM
0–7/0–8 Principal Deputy Commander for Logistics, NAVSEASYSCOM
0–7/0–8 Deputy Commander for Combat, Systems and Training, NAVSEASYSCOM
0–7/0–8 Assistant Deputy Commander for Anti-Submarine Warfare and Underwater Systems, NAVSEASYSCOM (ADDU to CNO as Executive Manager for Explosive Ordnance Disposal Technology and Training)
0–7/0–8 Project Manager, AEGIS Shipbuilding Project, NAVSEASYSCOM
0–7/0–8 Deputy Commander for Industrial and Facility Management, NAVSEASYSCOM
0–7/0–8 Deputy Commander for Submarines, NAVSEASYSCOM
0–7/0–8 Deputy Commander for CV/ AMPH/AUX Ships, NAVSEASYSCOM
0–7/0–8 Deputy Commander for Surface Combatant Ships, NAVSEASYSCOM
0–7/0–8 Supervisor of Shipbuilding, Conversion and Repair, Newport News
0–7/0–8* Deputy Commander for Command, Control, Communications and Intelligence Systems and Technology, NAVMAT
0–7/0–8 Deputy Commander for Ship Design and Integration, Naval Sea Systems Command
0–7/0–8 Commander, Naval Supply Systems Command and Chief of Supply Corps
0–7/0–8 Vice Commander, Naval Supply Systems Command
0–7/0–8 Deputy Commander Plans, Policy and Programs Development, Naval Supply Systems Command
0–7/0–8 Commanding Officer, Navy Ships Parts Control Center, Mechanicsburg, PA
0–7/0–8 Supervisor of Shipbuilding, Conversion and Repair, USN, Pascagoula, MS
0–7/0–8 Commanding Officer, Navy Resale and Services Support Office, Brooklyn, NY
0–7/0–8 Commanding Officer, Navy Aviation Supply Office, Philadelphia, PA
0–7/0–8 Commander, Naval Electronics Systems Command Headquarters
0–7/0–8 Vice Commander, Naval Electronics Systems Command
0–7/0–8 Director, Oceanography Division, OPNAV, Oceanographer of the Navy
0–7/0–8 Commander, Naval Telecommunications Command, Naval Telecommunications
0–7/0–8 Commander, Naval Facilities Engineering Command
0–7/0–8 Vice Commander, Naval Facilities Engineering Command
0–7/0–8 Deputy Commander for Planning, Naval Facilities Engineering Command
0–7/0–8 Commander, Atlantic Division, Naval Facilities Engineering Command
0–7/0–8* Deputy Commander for Life Cycle Engineering and Platform Integration, NAVMAT
0–7/0–8* Director, Strategic System Project Office, NAVMAT
0–7/0–8* Deputy Commander, Military Sealift Command
0–7/0–8 Commander, Pacific Division, Naval Facilities Engineering Command
0–7/0–8 Commanding Officer, Northern Division, Naval Facilities Engineering Command
0–7/0–8 Commanding Officer, Western Division, Naval Facilities Engineering Command
0–7/0–8 Director, Multilateral Support Force, Amphibious, Mine and Advanced Naval Vehicles Ships Division, CNO
0–7/0–8 Director, Logistics Plans Division, CNO, ADDU: Naval Advisor to Assistant Secretary for Maritime Affairs, Maritime Administration
0–7/0–8 Director, Material Division, CNO
0–7/0–8 Director, Ships Maintenance and Modernization Division, CNO
0–7/0–8 Director, Shore Activities Planning and Programing Division, CNO

Office of the Comptroller of the Navy

0–7/0–8 Deputy Comptroller of the Navy
0–7/0–8 Director of Budget and Reports/ Fiscal Management Division, Office of the Navy Comptroller
0–7/0–8 Assistant Comptroller, Financial Management Systems/Commander, Navy Accounting and Finance Center

Other Officers

0–7/0–8 Inspector General, HQMC
0–7/0–8 Director, Plans Division, HQMC
0–7/0–8 Deputy Chief of Staff for Installations and Logistics, Headquarters, Marine Corps
0–7/0–8 Deputy Chief of Staff for Research Development and Studies, HQMC
0–7/0–8 Deputy Chief of Staff for Requirements and Programs, HQMC
0–7/0–8 Director, Personnel Procurement, HQMC
0–7/0–8 Director of Material Division, HQMC
0–7/0–8 Director, Facilities and Services Division, HQMC
0–7/0–8 Director, Command, Control, Communications and Computer Systems Division, HQMC
0–7/0–8 Commanding General, Marine Corps Logistics Base, Albany, Georgia
0–7/0–8 Commanding General, Marine Corps Logistics Base, Barstow, California
0–7/0–8 Director of the Development Center, Marine Corps Development and Education Command
0–7/0–8 Deputy Chief of Naval Material For Contracts and Business Management
0–7/0–8 Director, Tactical Nuclear Weapons Project, NAVMAT
0–7/0–8 Supervisor of Shipbuilding, Conversion and Repair, Groton, CT
0–7/0–8* Assistant Chief for Health Care Programs, BUMED

AGENCY: DEFENSE COMMUNICATIONS AGENCY

Positions:

0–7 Deputy Director, Defense Communications System (DCS)
0–7 Commander, White House Communications Agency
0–7 Director, Command & Control Technical Center (CCTC)
SES Deputy Director, WWMCCS ADP Technical Support, CCTC
SES Comptroller, DCA
SES Deputy Director, Planning & Systems Integration (PSI)
0–8 Vice Director, Defense Communications Agency
SES Deputy Director, DCEC
SAES Deputy for Engineering Technology, DCEC
SES Deputy Director, CCTC
SES* Associate Director for Integration Systems Design, DCEC
SES Deputy Manager, National Communications System, DCA
SES* Chief, Strategic Connectivity Engineering Division, CCTC
SES Deputy for Communications Architecture, PSI
SES Assistant Deputy Director, Plans & Programs, DCS
SES Deputy for Systems Definition and Analysis, PSI
SES Associate Deputy Director, Switched Systems, DCS
SES General Counsel, DCA
SES Deputy Director, Military Satellite Communications Systems, PSI
SES Deputy for WWMCCS Information System Office, PSI
SES Deputy Director for C² Engineering, CCTC
SES Assistant Deputy Director, DCS

AGENCY: DEFENSE INTELLIGENCE AGENCY

Positions:

SES Deputy Director for Intelligence and External Affairs (DISES)
SES Assistant Director for Resources and Systems (DISES)
SES Deputy Assistant Director for Defense Intelligence Systems (DISES)
SES Assistant Deputy Director for Plans and Policy (DISES)
SES GDIP Staff Director (DISES)
SES Deputy Director, Defense Intelligence Agency (0–8)

AGENCY: DEFENSE LOGISTICS AGENCY

Positions:

0–8 Deputy Director
0–8 Deputy Director, Contract Administration Services
0–8 Assistant Director, Plans, Programs and Systems
0–7 Executive Director, Supply Operations
0–7/0–8 Executive Director, Telecommunications and Information Systems
0–7/0–8 Executive Director, Quality Assurance
0–8 Commander, Defense Construction Supply Center
0–7 Commander, Defense Electronics Supply Center
0–8 Commander, Defense Fuel Supply Center
0–7 Commander, Defense General Supply Center
0–7 Commander, Defense Industrial Supply Center
0–8 Commander, Defense Personnel Support Center
0–7 Commander, Defense Property Disposal Service
0–7 Commander, Defense Contract Administration Services Region, Los Angeles
0–7 Commander, Defense Contract Administration Services Region, New York

Headquarters

SES Comptroller, DLA
SES Counsel DLA
SES Executive Director, Technical and Logistics Services
SES Executive Director, Contracting
SES Deputy Executive Director, Supply Operations
SES Executive Director, Contract Management
SES Associate General Counsel, DLA
SES Chief, Logistics Programs Division
SES Chief, Contracts Division, Directorate of Contracting
SES* Deputy Assistant Director, Office of Telecommunications and Information Systems
SES Deputy Executive Director, Quality Assurance
SES Staff Director, Small and Disadvantaged Business Utilization
SES Chief, Accounting and Finance
SES* Financial Manager, Defense Personnel Support Center

AGENCY: DEFENSE MAPPING AGENCY

Positions:

SES Deputy Director, Management and Technology
SES Deputy Director, PP&O
SES Deputy Director for Systems and Techniques
SES Comptroller
0–8 Director, Defense Mapping Agency
0–8 Deputy Director, Defense Mapping Agency
0–7 Deputy Director for Plans and Requirements
SES Staff Director of Personnel
SES Assistant Deputy Director for Programming
SES Assistant Deputy Director for Production and Distribution
SES Chief, Advanced Technology Division (STT)
SES Chief, Acquisitions Systems Development
SES* Director, Special Program Office for Exploitation Modernization

AGENCY: DEFENSE NUCLEAR AGENCY

Positions:

0.9 Director
AD Deputy Director, Science and Technology
AD Scientific Assistant to the Deputy Director, Science and Technology
AD Assistant to the Deputy Director (Science and Technology) for Theoretical Research
AD Assistant to the Deputy Director (Science and Technology) for Experimental Research
AD Assistant to the Deputy Director (Science and Technology) for Testing
AD* Special Assistant to the Deputy Director (Science and Technology) for Technology Transfer
AD Scientific Advisor to the Director, Armed Forces Radiobiology Research Institute
0–8 Deputy Director (Operations and Administration)
0–7 Commander, Field Command
SES* Director, Acquisition Management
SES* Comptroller

AGENCY: NATIONAL SECURITY AGENCY

Positions:

Military Positions

0–8 Assistant Deputy Director, NSA
0–7 Chief of the Office of Support to Military Operations

AGENCY: DEPARTMENT OF EDUCATION

Positions:

Office of the Secretary

SES Executive Assistant to the Secretary
SES Executive Secretary to the Secretary
SES Special Counsel to the Secretary and Deputy General Counsel for Regulations and Legislation

Office of the Under Secretary

SES Director of Regional Liaison
SES Deputy Director, Regional Liaison

Deputy Under Secretary for Management

SES Controller
SES Administrator for Management Services

Deputy Under Secretary for Planning, Budget and Evaluation

SES Director of Budget Systems and Services
SES Director of Program Planning and Budget Analysis
SES Director of Planning and Evaluation Services

Deputy Under Secretary for Intergovernmental and Interagency Affairs

SES* Director, Intergovernmental Affairs
SES* Director, Interagency Affairs

Assistant Secretary for Legislation and Public Affairs

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Public Affairs

General Counsel

SES Deputy General Counsel for Department Services

SES Associate General Counsel for Programs

Inspector General

SES Deputy Inspector General
SES Assistant Inspector General for Investigation
SES Assistant Inspector General for Policy, Planning and Management

Office of Civil Rights

SES Deputy Assistant Secretary for Civil Rights
SES Director of Litigation, Enforcement and Policy
SES Director of Planning and Compliance Operations

Office of Bilingual Education and Minority Language Affairs

SES Director Office of Bilingual Education and Minority Language Affairs
SES Deputy Director Office of Bilingual Education and Minority Languages Affairs

Office of Special Education and Rehabilitative Services

SES Deputy Director, National Institute of Handicapped Research
SES Director, Office of Special Education Programs
SES Executive Administrator

Office of Postsecondary Education

SES Deputy Assistant Secretary for Student Financial Assistance
SES Director of Institutional Support
SES Director of International Education Programs
SES Director, Fund for the Improvement of Postsecondary Education
SES* Director of Program Coordination, Student Financial Assistance Program
SES Director, Management and Program Services

Office of Vocational and Adult Education

SES Deputy Assistant Secretary for Vocational and Adult Education
SES Director of Policy Analysis and Legislation

Office of Elementary and Secondary Education

SES Deputy Assistant Secretary for Programs and Administration
SES Director of Indian Education
SES Director of Compensatory Education
SES* Deputy Assistant Secretary for Dissemination and Special Initiatives
SES Director, State and Local Education Programs
SES Director of Migrant Education Programs

Office of Educational Research & Improvement

SES* Deputy Assistant Secretary for Educational Research and Improvement
SES Deputy Director, National Institute of Education
SES Administrator, National Center for Education Statistics
SES Deputy Administrator, National Center for Education Statistics
SES Director of Dissemination and Professional Development Programs
SES Director of Libraries and Learning Technologies Programs

AGENCY: DEPARTMENT OF ENERGY

Positions:

Office of the Secretary

SES* Assistant to the Secretary
SES* Executive Assistant to the Deputy Secretary
SES Special Assistant to the Secretary for Programs and Policies
SES Administrative Assistant to the Secretary and Chief of Staff
SES Deputy Under Secretary of Energy
SES Manager, Albuquerque Operations Office
SES Deputy Manager, Chicago Operations Office
SES Manager, Idaho Operations Office
SES Deputy Manager, Idaho Operations Office
SES Manager, Nevada Operations Office
SES Deputy Manager, Nevada Operations Office
SES Manager, Oak Ridge Operations Office
SES Deputy Manager, Oak Ridge Operations Office
SES Manager, Richland Operations Office
SES Deputy Manager, Richland Operations Office
SES Manager, San Francisco Operations Office
SES Deputy Manager, San Francisco Operations Office
SES Manager, Savannah River Operations Office
SES Deputy Manager, Savannah River Operations Office

Office of the Inspector General

SES Assistant Inspector General for Audits
SES Assistant Inspector General for Inspections
SES Assistant Inspector General for Investigations
SES Deputy Assistant Inspector General for Investigations

Office of the General Counsel

SES Deputy General Counsel
SES Deputy General Counsel for Regulations
SES Deputy General Counsel for Enforcement and Litigation
SES Deputy General Counsel for Programs
SES Deputy General Counsel for Legal Services

Economic Regulatory Administration

SES Assistant Administrator for Regulations and Emergency Planning
SES Assistant Administrator for Petroleum Operations
SES Director, Regulatory Assistance Division
SES Director, Regulatory Intervention Division
SES Deputy Assistant Administrator for Petroleum Operations
SES* Deputy Administrator, Office of the Administrator
SES* Deputy Administrator for Policy, Office of the Administrator
SES Deputy Administrator for Operations and Emergency Management, Office of the Administrator
SES Director, Office of Management and Program Coordination
SES* Special Counsel for Compliance, Office of Special Counsel & Deputy Office of Special Counsel
SES Soliciter Office of Special Counsel
SES Director, Office of Field Operation, Office of Special Counsel
SES Deputy Assistant Administrator for Fuels Conversion, Office of Fuels Conversion
SES Assistant Administrator for Fuels Conversion, Office of Fuels Conversion
SES* Director, Office of Fuels Programs, Office of Fuels Conversion

Energy Information Administration

SES Deputy Administrator, Energy Information Administration
SES* Director, Office of Oil and Gas
SES* Director, Office of Energy Markets and End Use
SES* Director, Office of Statistical Standards

Assistant Secretary for Conservation and Renewable Energy

SES Principal Deputy Assistant Secretary for Conservation and Solar Energy
SES Director, Policy, Planning and Evaluation, Office of Policy Planning and Evaluation
SES Administrator, Alaska Power Administration
SES Administrator, Bonneville Power Administration
SES Assistant Administrator for Engineering and Construction, Bonneville Power Administration
SES Assistant Administrator for Power Management, Bonneville Power Administration
SES Deputy Administrator, Bonneville Power Administration
SES* Assistant Administrator for Conservation and Direct Application—Renewable Resource, Bonneville Power Administration
SES Administrator, Southeastern Power Administration
SES Administrator, Southwestern Power Administration
SES Deputy Administrator, Southwestern Power Administration
SES* Administrator, Western Area Power Administration
SES Deputy Administrator, Western Area Power Administration
SES Deputy Assistant Secretary for Conservation
SES Deputy Assistant Secretary for Solar Energy, Deputy Assistant Secretary for Renewable Energy
SES* Deputy Assistant Secretary for Renewable Energy

Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness

SES Director, Office of Program Coordination
SES* Deputy Assistant Secretary for Environmental Protection, Safety and Emergency Preparedness
SES* Deputy Assistant Secretary for Energy Emergencies

SES* Deputy Assistant Secretary for Research
SES Deputy Director, Office of Environmental Compliance and Overview, Deputy Assistant Secretary for Environment, Safety and Health
SES* Director, Office of Environmental Assessments, Deputy Assistant Secretary for Environment, Safety and Health
SES Director, Office of Environmental Compliance & Overview, Deputy Assistant Secretary for Environment, Safety and Health
SES* Deputy Assistant Secretary for Environmental Safety and Health
SES* Deputy Assistant Secretary for Strategic Petroleum Reserve

Assistant Secretary for Defense Programs

SES Deputy Assistant Secretary for Defense Programs
SES* Deputy Assistant Secretary for Security Affairs
SES Deputy Director, Office of Military Applications, Deputy Assistant Secretary for Military Applications
SES Deputy Director, Office of Inertial Fusion
SES Director, Office of Inertial Fusion
SES Director, Office of International Security Affairs
SES Deputy Director, Office of International Security Affairs
SES Director, Politico Military Security Affairs Division, Office of the Director of International Security Affairs
SES Director, Office of Classification
SES Deputy Director, Office of Classification
SES Deputy Director, Office of Safeguards and Securities
SES Director, Office of Safeguards and Securities
SES Director, Office of Safeguards and Securities
SES Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production
SES Deputy Director, Office of Nuclear Materials Production, Deputy Assistant Secretary for Nuclear Materials Production
SES Deputy Assistant Secretary for Nuclear Materials
SES* Director, Office of Defense Waste and Byproducts Management, Deputy Assistant Secretary for Nuclear Materials
0-6* Deputy Assistant Secretary for Military Applications/Director of Military Applications

Assistant Secretary for International Affairs

SES Director, Office of Nuclear Affairs
SES Principal Deputy Assistant Secretary for International Affairs
SES Director, Office of International Program Support
SES Deputy Assistant Secretary for International Nuclear and Technical Programs
SES Deputy Director, Office of Nuclear Affairs, Deputy Assistant Secretary for International Nuclear and Technical Programs
SES Director, Office of Country Energy Assessments, Deputy Assistant Secretary for International Nuclear and Technical Programs
SES Deputy Assistant Secretary for International Energy Resources
SES Deputy Assistant Secretary for International Energy Analysis
SES Deputy Assistant Secretary for International Intelligence Affairs
SES Director, Senior Intelligence Officer Support Staff, Deputy Assistant Secretary for International Intelligence Affairs

Office of Policy, Planning and Analysis

SES* Deputy Director, Office of Policy, Planning and Analysis
SES Director, Office of Policy, Planning and Analysis

Office of Energy Research

SES Deputy Director, Office of Energy Research
SES* Associate Director, Office of Health and Environmental Research
SES Director, Office of Fusion Energy
SES Deputy Director, Office of Fusion Energy
SES Associate Director, Office of Field Operations Management
SES Deputy Associate Director, Office of Field Operations Management
SES Associate Director, Office of Program Analysis
SES Associate Director, Office of Basic Energy Sciences
SES Deputy Associate Director for Basic Energy Sciences
SES Associate Director of High Energy and Nuclear Physics

Assistant Secretary for Fossil Energy

SES Deputy Assistant Secretary for Fossil Energy
SES Deputy Assistant Secretary for Management, Office of Management and Planning
SES Deputy Assistant Secretary for Coal Technology, Office of Coal Processing
SES* Director, Office of Shale Resource Applications and Resource Manager, Oil Shale, Office of Oil, Gas & Shale
SES Program Director for Project Management, Office of Oil, Gas and Shale

Assistant Secretary for Nuclear Energy

SES Principal Deputy Assistant Secretary for Nuclear Energy
SES Deputy Assistant Secretary for Nuclear Waste Management
SES Deputy Director, Nuclear Waste Management Programs
SES Deputy Director, Naval Reactors Division, Deputy Assistant Secretary for Naval Reactors
SES Deputy Assistant Secretary for Nuclear Reactor Programs

Assistant Secretary, Management and Administration

SES Director, Office of Equal Opportunity
SES* Deputy Assistant Secretary for Management and Administration
SES Director, Office of Personnel
SES Director, Office of Organization and Management Systems
SES Deputy Director, Office of Organization and Management Systems
SES* Deputy Director of Project and Facilities Management
SES* Director, Office of Project and Facilities Management
SES Director, Office of Administrative Services
SES* Director, Office of ADP Management
SES Deputy Director, Office of ADP Management
SES Director, Office of Computer Services and Telecommunications Management
SES Deputy Director, Office of Computer Services and Telecommunications Management
SES* Director, Office of Industrial Relations, Office of Contractor Industrial Relations
SES* Deputy Director, Office of Industrial Relations, Office of Contractor Industrial Relations
SES Director, Office of Small and Disadvantaged Business Utilization
SES Director, Office of Policy
SES Director, Policy and Procedures Division, Office of Policy
SES Director, Office of Program Support
SES Deputy Director, Program Support Office/Director, Conservation, Solar and Institutional Support Division
SES* Director, Office of Procurement Support, Office of Program Support
SES Director, Office of Procurement Management
SES* Director, Office of Procurement Review, Office of Procurement Management
SES Director, Office of Procurement Operations
SES Deputy Director, Office of Procurement Operations
SES Controller, Office of Financial Incentives
SES Deputy Controller, Office of Financial Incentives
SES Director, Office of Budget
SES Director, Office of Financial Policy and Analysis and GAO Liaison
SES Director, Procurement and Contract Management
SES Deputy Director, Procurement and Contract Management

Assistant to the Secretary, Congressional, Intergovernmental and Public Affairs

SES* Deputy Assistant Secretary for Congressional Affairs
SES Deputy Assistant Secretary for House Liaison
SES Deputy Assistant Secretary for Senate Liaison
SES Deputy Assistant Secretary for External Affairs

AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Positions:

Office of the Secretary

Immediate Office of the Secretary

SES Chief of Staff
SES Executive Assistant to the Secretary
SES Executive Secretary
SES Deputy Executive Secretaries to the Department (2)

Immediate Office of the Under Secretary

SES Counselor to the Under Secretary

SES Deputy Under Secretary
SES Deputy Under Secretary/ Intergovernmental Affairs
SES Principal Regional Official—Region I
SES Principal Regional Official—Region II
SES Principal Regional Official—Region III
SES Principal Regional Official—Region IV
SES Principal Regional Official—Region V
SES Principal Regional Official—Region VI
SES Principal Regional Official—Region VII
SES Principal Regional Official—Region VIII
SES Principal Regional Official—Region IX
SES Principal Regional Official—Region X
SES Chairman, Departmental Grant Appeals Board

Office of Planning and Evaluation

SES Principal Deputy Assistant Secretary for Planning and Evaluation
SES Deputy Assistant Secretary for Income Security Policy
SES Deputy Assistant Secretary for Health Planning
SES Deputy Assistant Secretary for Program Systems
SES Deputy Assistant Secretary for Social Services Policy
SES Deputy Assistant Secretary for Evaluation and Technical Analysis

Office of Inspector General

SES Assistant Inspector General for Auditing
SES Deputy Assistant Inspector General For Auditing
SES Senior Assistant Inspector General for Auditing and Systems
SES Assistant Inspector General for Health Care and Systems Review
SES Assistant Inspector General for Investigations
SES Deputy Assistant Inspector General for Investigations
SES Executive Assistant Inspector General
SES* Associate Director, Division of University and Non-Profit Audits, Inspector General
SES* Associate Director, Division of Social Security Audits, Inspector General
SES* Associate Director, Division of Audit Coordination

Office of Management and Budget

SES Assistant Secretary for Management and Budget
SES Deputy Assistant Secretary for Policy Coordination
SES Deputy Assistant Secretary for Budget
SES Deputy Assistant Secretary for Finance
SES* Deputy Assistant Secretary for Procurement, Assistance and Logistics

Legislation

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Legislation (Health)
SES Deputy Assistant Secretary for Legislation (Human Services)
SES Director of Program Coordination
SES* Deputy Assistant Secretary for Legislation (Special Projects)
SES Deputy Assistant Secretary for Legislation (Congressional Liaison)

Office for Civil Rights

SES Special Assistant to the Secretary for Civil Rights, Director, Office for Civil Rights
SES Deputy Special Assistant to the Secretary-Principal Deputy Office for Civil Rights
SES* Deputy Director for Compliance and Enforcement, Office for Civil Rights
SES* Deputy Director for Technical Assistance, OCR
SES* Deputy Director for Program Development, OCR

Office for Personnel Administration

SES Assistant Secretary for Personnel Administration
SES Deputy Assistant Secretary, Personnel
SES* Director, Office of Personnel Systems Integrity
SES Deputy Assistant Secretary, Equal Employment Opportunity

Office of Public Affairs

SES Deputy Assistant Secretary for Operations Management
SES Deputy Assistant Secretary for Communication Planning
SES* Special Assistant to Assistant Secretary for Public Affairs
SES* Deputy Assistant Secretary for Public Affairs (Public Liaison)

Office of the General Counsel

SES* Deputy General Counsel, Program Review
SES* Deputy General Counsel, Regulations
SES* Deputy General Counsel, Litigation
SES Legal Counsel
SES Assistant General Counsel, Legislation Division
SES Assistant General Counsel, Public Health Division
SES Assistant General Counsel, Social Security
SES Assistant General Counsel, Food and Drug Administration
SES Assistant General Counsel, Health Care Financing and Human Development
SES Assistant General Counsel, Civil Rights Division
SES Assistant General Counsel, Business and Administrative Law Division
SES Associate General Counsel (Regional Operations)

Office of Consumer Affairs

SES Deputy Director, Office of Consumer Affairs

Office of Human Development Services

SES Deputy Commission, Administration on Aging
SES Deputy Assistant Secretary, Human Development Services
GS-18 Commissioner, Administration for Children, Youth and Families
SES Deputy Commissioner, Administration for Children, Youth and Families
SES Commissioner, Administration for Native Americans
SES Commissioner, Administration on Developmental Disabilities
SES Director, Office of Program Coordination and Review

Health Care Financing Administration

SES Administrator, Health Care Financing Administration
SES Deputy Administrator, Health Care Financing Administration
SES Director, Bureau of Program Operations, Medicare
SES Director, Health Care Standards and Quality Bureau
SES Director, Office of Management and Budget
SES Director, Office of Research, Demonstrations and Statistics
GS-17 Director, Office of Professional and Scientific Affairs
SES Chairperson, Provider Reimbursement Review Board
SES Associate Administrator for Management and Support Services
SES Associate Administrator for Policy
SES Associate Administrator for Operations
SES Deputy Associate Administrator for Operations (Field)
SES Associate Administrator for External Affairs
SES Director, Office of Executive Operations
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V
SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Director, Bureau of Program Policy
SES Director, Bureau of Quality Control
SES Director, Office of Legislation and Policy
SES Director, Bureau of Support Services
SES Director, Office of Public Affairs
SES* Director, Bureau of Data Management and Strategy 100

Public Health Service

Office of the Assistant Secretary for Health

SES Deputy Assistant Secretary, Health Operations
SES Deputy Assistant Secretary, Health Policy Research, Statistics and Technology
SES Deputy Assistant Secretary, Planning and Evaluation
SES Director, Office of International Health
SES Deputy Assistant Secretary, Population Affairs
SES/0-7 Regional Health Administrators—Regions I-X
SES Executive Director, President's Council on Physical Fitness and Sports
SES Director, National Center for Health Statistics
SES Deputy Director, National Center for Health Statistics
SES Director, National Center for Health Services Research
SES Director, National Center for Health Care Technology
0-8 Deputy Surgeon General and Chief Dental Officer, Public Health Service
0-8 Senior Advisor for Environmental Affairs

Center for Disease Control

0–8 Director, Centers for Disease Control
SES Deputy Director, Centers for Disease Control
0–7* Director, Center for Prevention Services
SES Assistant Director for International Health
SES Executive Officer, Centers for Disease Control
SES Director, Licensure and Proficiency Testing Division, Laboratory Improvement Program Office
0–7 Program Manager, Expanded Program on Immunization, World Health Organization, International Health Program Office
SES Director, Center for Environmental Health
SES Director, Clinical Chemistry Division, Center for Environmental Health
SES Assistant to Director, Center for Environmental Health
SES Director, Center for Infectious Diseases
SES Director, Parasitology Division, Center for Infectious Diseases
SES Assistant Director for Laboratory Science, Center for Infectious Diseases
SES Director, Center for Professional Development and Training
SES Director, Center for Health Promotion and Education
SES Director, National Institute for Occupational Safety and Health
SES Deputy Director, National Institute for Occupational Safety and Health

Health Resources Administration

SES Administrator, Health Resources Administration
SES Associate Administrator for Operations and Management, Health Resources Administration
SES Director, Bureau of Health Facilities, Financing Compliance and Conversion
SES Director, Bureau of Health Planning
SES Director, Bureau of Health Professions

Health Services Administration

0–8 Administrator, Health Services Administration
SES Deputy Administrator, Health Resources Administration
0–7 Director, Bureau of Medical Services
0–7 Deputy Director, Bureau of Medical Services and Chief Pharmacy Officer, PHS
0–7 Director, Bureau of Community Health Services
SES Deputy Director, Bureau of Community Health Services
SES Deputy Director, Bureau of Community Health Services
0–8 Director, Indian Health Service
SES Deputy Director, Indian Health Service
0–8 Director, Bureau of Health Personnel, Development and Service
0–8 Deputy Director, Bureau of Health Personnel, Development and Service

Alcohol, Drug Abuse, and Mental Health Administration

SES Deputy Administrator, ADAMHA
SES Associate Administrator for Extramural Programs, ADAMHA
SES Associate Administrator for Program Planning and Coordination, ADAMHA
SES Director, National Institute on Alcohol Abuse and Alcoholism
SES Deputy Director, National Institute on Alcohol Abuse and Alcoholism
0–8 Director, National Institute of Mental Health
SES Deputy Director, National Institute of Mental Health
0–8 Director, National Institute on Drug Abuse
SES Deputy Director, National Institute on Drug Abuse

National Institutes of Health

SES Deputy Director, NIH
0–7 Deputy Director for Science
SES Associate Director for Extramural Research Training
SES Associate Director for Program Planning and Evaluation
SES Associate Director for Administration
SES Associate Director for Communications
SES Associate Director for Research Services
SES Associate Director for Clinical Care, NIH and Director of Clinical Center
SES Director, Division of Computer Research and Technology
SES Director, Division of Research Grants
SES Deputy Director, Division of Research Grants
0–8 Director, National Cancer Institute
SES Deputy Director, National Cancer Institute 10B
SES Director, Division of Research Resources
SES Deputy Director, Division of Research Resources
SES Director, Division of Research Services
SES Director, National Eye Institute
SES Director, National Heart, Lung, and Blood Institute
0–7 Deputy Director, National Heart, Lung, and Blood Institute
0–8 Director, National Institute of Allergy and Infectious Diseases
SES Deputy Director, National Institute of Allergy and Infectious Diseases
SES Director, National Institute of Arthritis, Metabolism and Digestive Diseases
0–7 Deputy Director, National Institute of Arthritis, Metabolism and Digestive Diseases
0–7 Director, National Institute on Aging
SES Deputy Director, National Institute on Aging
SES Director, National Institute on Child Health and Human Development
SES Deputy Director, National Institute on Child Health and Human Development
0–7 Director, National Institute on Dental Research
0–8 Director, National Institute on Environmental Health Sciences
SES Deputy Director, National Institute on Environmental Health Sciences
SES Director, National Institute of General Medical Sciences
0–7 Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Deputy Director, National Institute of Neurological and Communicative Disorders and Stroke
SES Director, National Library of Medicine
SES Deputy Director, National Library of Medicine

Food and Drug Administration

SES Commissioner of Food and Drugs
SES Deputy Commissioner for Food and Drugs
SES Associate Commissioner for Consumer Affairs
SES Associate Commissioner for Legislative Affairs
SES Associate Commissioner for Health Affairs
SES Deputy Associate Commissioner for Health Affairs (Science)
SES Deputy Associate Commissioner for Health Affairs (Medicine)
SES Deputy Associate Commissioner for Health Affairs (Education and Professional Training)
SES Associate Commissioner for Policy Coordination
SES Associate Commissioner for Planning and Evaluation
SES Associate Commissioner for Regulatory Affairs
SES* Director, Enforcement Policy Staff
SES* Director, Parklawn Computer Center
SES* Director, Orphan Products Development
SES Deputy Associate Commissioner for Regulatory Affairs
SES Associate Commissioner for Management and Operations
SES Associate Commissioner for Public Affairs

Bureau of Foods

SES Director, Bureau of Foods
SES Deputy Director, Bureau of Foods
0–7 Associate Director for Sciences
SES Deputy Associate Director for Sciences
SES Director, Division of Toxicology
SES Associate Director for Regulatory Evaluation
SES Associate Director for Laboratory Investigations
SES Director, Division of Chemistry and Physics
SES Director, Division of Microbiology
SES Deputy Director, Division of Microbiology
SES Associate Director for Compliance
SES Associate Director for Physical Sciences
SES Deputy Associate Director for Physical Sciences
SES Deputy Associate Director for Technology
SES Director, Division of Food Technology
SES Director, Division of Chemical Technology
SES Associate Director for Nutrition and Consumer Sciences
SES* Associate Director for Planning and Operations
SES Deputy Associate Director for Nutrition and Food Sciences
SES Director, Division of Nutrition

Bureau of Drugs

0–7 Director, Bureau of Drugs
0–7 Deputy Director, Bureau of Drugs
SES Director, Office of Planning and Evaluation
SES Associate Director for Compliance
SES Associate Director for New Drug Evaluation

SES Director, Division of Oncology and Radio-Pharmaceutical Drug Products
SES Director, Division of Scientific Investigations Staff
SES Director, Division of Anti-Infective Drug Products
SES Director, Division of Cardio-Renal Drug Products
SES Director, Division of Metabolism and Endocrine Drug Products
SES Director, Division of Surgical-Dental Drug Products
SES Director, Division of Neuropharmacological Drug Products
SES Associate Director for Pharmaceutical Research and Testing
SES Deputy Associate Diector for Pharmaceutical Research and Testing
SES Director, Division of Drug Biology
SES Director, Division of Drug Chemistry
SES Director, National Center for Antibiotics Analysis
SES Associate Director for Information Systems
SES Associate Director for Biometrics and Epidemiology
SES Deputy Associate Director for Biometrics and Epidemiology
SES Director, Division of Biometrics
SES Director, Division of Drug Experience
SES Deputy Associate Director for Drug Monographs
SES Director, Division of Biopharmaceutics

Bureau of Veterinary Medicine

SES Director, Bureau of Veterinary Medicine
SES Deputy Director, Bureau of Veterinary Medicine
SES Associate Director for Scientific Evaluation
SES Director, Division of Drugs for Avian Species
SES Director, Division of Drugs for Non-Food Animals
SES* Associate Director for Human Food Safety
SES Director, Division of Drugs for Swine and Minor Species
SES Director, Division of Drugs for Ruminant Species
SES Associate Director for Surveillance and Compliance
SES Associate Director for Research
SES Director, Division of Veterinary Medical Research

Bureau of Medical Devices

SES Director, Bureau of Medical Devices
SES Deputy Director, Bureau of Medical Devices
SES Associate Director for Device Evaluation
SES Associate Director for Standards
SES Associate Director for Compliance
SES Associate Director for Device Research and Testing

Bureau of Radiological Health

0-8 Director, Bureau of Radiological Health
SES Deputy Director, Bureau of Radiological Health
SES Director, Division of Biological Effects

Bureau of Biologics

0-8 Director, Bureau of Biologics
SES Deputy Director, Bureau of Biologics
SES Associate Director for Compliance
SES Director, Division of Pathology
SES Director, Division of Control Activities
SES Assistant to the Director for Medical Programs
SES Director, Division of Blood and Blood Products

National Center for Toxicological Research

SES Director, National Center for Toxicological Research
SES Associate Director for Biometry and Experimental Design
SES Associate Director for Research 115
SES* Associate Director for Chemical Evaluation

Executive Director of Regional Operations

SES Executive Director of Regional Operations
SES Deputy Executive Director of Regional Operations
SES Associate Director for Field Support
SES Regional Food and Drug Director, Region I
SES Regional Food and Drug Director, Region II
SES Regional Food and Drug Director, Region III
SES Regional Food and Drug Director, Region IV
SES Regional Food and Drug Director, Region V
SES Regional Food and Drug Director, Region VI
SES Regional Food and Drug Director, Region VII
SES Regional Food and Drug Director, Region VIII
SES Regional Food and Drug Director, Region IX
SES Regional Food and Drug Director, Region X
0-7 Regional Medical Officer, Region X

Social Security Administration

SES Deputy Commissioner for Operations
SES Deputy Commissioner for External Affairs
SES Deputy Commissioner for Programs
SES Deputy to Deputy Commissioner for Programs
SES Associate Commissioner for Policy
SES Deputy Associate Commissioner, Office of Policy
SES Associate Commissioner, Office of Assessment
SES* Deputy Associate Commissioner, Office of Assessment
SES Deputy Commissioner, Systems
SES Associate Commissioner Office of Family Assistance
SES* Deputy Associate Commissioner, Office of Family Assistance
SES Associate Commissioner, Office of Operational Policy and Procedures
SES* Deputy Associate Commissioner, Office of Operational Policy and Procedures
SES* Associate Commissioner for Central Operations
SES Deputy Associate Commissioner, Office of Policy and Procedure
SES Deputy Associate Commissioner, Office of Central Operations
SES Associate Commissioner, Office of Hearings and Appeals
SES* Deputy Associate Commissioner, Office of Hearings and Appeals
SES* Deputy Commissioner for Management Support and Assessment
SES Director, Division of Policy, Office of Family Assistance
SES Deputy Director, Office of Child Support Enforcement
SES Regional Commissioner, Boston—Region I
SES Regional Commissioner, New York—Region II
SES Regional Commissioner, Philadelphia—Region III
SES Regional Commissioner, Atlanta—RegionIV
SES Regional Commissioner, Chicago—Region V
SES Regional Commissioner, Dallas—Region VI
SES Regional Commissioner, Kansas City—Region VII
SES Regional Commissioner, Denver—Region VIII
SES Regional Commissioner, San Francisco—Region IX
SES Regional Commissioner, Seattle—Region X
SES* Senior Executive Officer
SES* Associates Commissioner for Field Operations
SES* Deputy Associate Commissioner for Field Operations
SES* Associate Commissioner for Public Affairs
SES* Deputy Associate Commissioner for Governmental Affairs
SES Chief Actuary
SES* Associate Commissioner, Office of Management, Budget and Personnel
SES* Deputy Associate Commissioner, Officer of Management, Budget and Personnel
SES* Associate Commissioner for System Operation
SES* Associate Commissioner for System Integration
SES* Director, Office of Refugee Resettlement

AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Positions:

Office of the Secretary

SES Deputy Undersecretary for Intergovernmental Relations
SES Executive Assistant to the Secretary
SES* Executive Assistant to the Under Secretary
SES* Deputy Under Secretary for Field Coordination
SES Assistant to the Secretary for International Affairs
SES Assistant to the Secretary for Labor Relations
SES Assistant to the Secretary for Public Affairs

Office of the Assistant Secretary for Housing

SES Deputy Assistant Secretary for Multifamily Housing Programs
SES Deputy Assistant Secretary for Single-Family Housing and Mortgage Activities

SES Deputy Assistant Secretary for Public and Indian Housing
SES Deputy Assistant Secretary for Policy and Budget
SES General Deputy Assistant Secretary for Housing/Deputy Federal Housing Commissioner
SES Associate General Deputy Assistant Secretary, Housing and Field Coordination
SES Associate General Deputy Assistant Secretary for Housing

Office of the Assistant Secretary for Community Planning and Development

SES Deputy Assistant Secretary for Program Policy Development and Evaluation
SES Director, Office of Urban Development Action Grants
SES General Deputy Assistant Secretary for Community Planning and Development
SES Deputy Assistant Secretary for Program Management
SES* Deputy Assistant Secretary for Field Operations and Environment/Energy

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

SES Deputy Assistant Secretary for Operations and Management
SES General Deputy Assistant Secretary for Fair Housing and Equal Opportunity
SES Deputy Assistant Secretary for Enforcement and Compliance

Office of the Assistant Secretary for Policy Development and Research

SES Deputy Assistant Secretary for Housing Studies
SES Deputy Assistant Secretary for Policy Development
SES Deputy Assistant Secretary for Economic Affairs
SES Deputy Assistant Secretary for Urban and Community Studies

Office of the General Counsel

SES Deputy General Counsel
SES Deputy General Counsel (Operations)

Office of the Assistant Secretary for Administration

SES Deputy Assistant Secretary for Administration

Office of the Assistant Secretary for Legislation and Congressional Relations

SES Deputy Assistant Secretary for Legislation
SES Deputy Assistant Secretary for Congressional Relations

Office of the Inspector General

SES Deputy Inspector General

Government National Mortgage Association

SES Vice President, (Mortgage Finance)
SES Vice President, (Mortgage Backed Securities)
SES Executive Vice President

Field Offices

Region I

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Boston Area Office

Region II

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, New York Area Office
SES Area Manager, Newark Area Office

Region III

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Philadelphia Area Office
SES Area Manager, Pittsburgh Area Office

Region IV

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Atlanta Area Office
SES Area Manager, Jacksonville Area Office

Region V

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Detroit Area Office
SES Area Manager, Chicago Area Office
SES Area Manager, Columbus Area Office
SES Area Manager, Minneapolis/St. Paul Area Office
SES Area Manager, Indianapolis Area Office

Region VI

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, Dallas Area Office
SES Area Manager, New Orleans Area Office
SES Area Manager, Oklahoma City Area Office

Region VII

SES Regional Administrator
SES Deputy Regional Administrator

Region VIII

SES Regional Administrator
SES Deputy Regional Administrator

Region IX

SES Regional Administrator
SES Deputy Regional Administrator
SES Area Manager, San Francisco Area Office
SES Area Manager, Los Angeles Area Office

Region X

SES Regional Administrator
SES Deputy Regional Administrator

AGENCY: DEPARTMENT OF THE INTERIOR

Positions:

Office of the Secretary

SES* Deputy Inspector General
SES Assistant Inspector General—Auditing
SES Assistant Inspector General for Investigations
SES Director, Office of Small and Disadvantaged Business Utilization
SES Assistant to the Secretary and Director, Office of Congressional Relations
SES Executive Assistant to the Secretary
SES Assistant to the Secretary and Director of Public Affairs
SES Assistants to the Secretary (3)
SES Director, Office of Youth Programs
SES Deputy Under Secretaries (2)
SES Director, Office for Equal Opportunity
SES Legislative Counsel
SES Deputy Director—Senate
SES Deputy Director—House
SES Assistant Director—Federal EEO
SES Assistant Director—Title VI
SES* Deputy Director for Public Affairs
SES* Special Assistant (Field Representative) (Denver)

Minerals Management Service

SES* Director
SES* Deputy Director
SES* Assistant Director for Administration
SES* Assistant Director for Program Review
SES* Assistant Director for Royalty Management
SES* Associate Director for Onshore Minerals Operations
SES* Associate Director for Offshore Minerals

Office of Hearings and Appeals

SES Director, Office of Hearings and Appeals
SES Chairman, Board of Surface Mining and Reclamation Appeals
GS-18 Chairman, Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

Office of Assistant Secretary—Territorial and International Affairs

SES Director, Office of Technical Assistance
GS-18 High Commissioner of the Trust Territory
SES Deputy High Commissioner of the Trust Territory
SES Special Assistant to the Secretary and Deputy Assistant Secretary Territorial and International Affairs (Policy)
SES* Staff Assistant (2)
SES* Deputy Assistant Secretary (Operations) and Science Advisor
SES* Director, Office of Program Coordination

Office of the Solicitor

SES Deputy Solicitor
SES* Special Assistant to Solicitor (2)
SES* Associate Solicitor—Audit and Inspection 2
SES Associate Solicitor—Energy Resources
SES Associate Solicitor—General Law
SES Associate Solicitor—Conservation and Wildlife
SES Associate Solicitor—Indian Affairs
SES Associate Solicitor—Surface Mining
SES Regional Solicitors (6)—Portland, Anchorage, Denver, Sacramento, Tulsa and Atlanta

Office of the Assistant Secretary—Fish and Wildlife and Parks

SES Deputy Assistant Secretary
SES Staff Assistant to the Assistant Secretary
SES Special Assistant to the Assistant Secretary

National Park Service

SES Director
SES* Deputy Directors (2)
SES* Associate Directors (5)
SES Director, National Capital Region
SES Regional Directors (9)
SES* Chief, Office of Park Planning and Environmental Quality
SES* Senior Scientist

Heritage Conservation and Recreation Service (HCRS)

SES Regional Directors (5)

Fish and Wildlife Service

SES Deputy Director
SES Associate Directors (3)
SES Associate Director for Research
SES Associate Director for Fisheries Resources
SES Regional Directors (6)
SES Regional Director (Anchorage)
SES Assistant Director—Planning and Budget

Office of the Assistant Secretary—Energy and Minerals

SES Deputy Assistant—Regulations

Bureau of Mines

SES Deputy Director
SES* Assistant Directors (6)
SES Chief Staff Officer

U.S. Geological Survey

SES Associate Director
SES Assistant Directors (5)
SES* Chief, Office of Earth Sciences Application
SES* Assistant Regional Directors (3)

Office of Surface Mining

SES Deputy Director
SES Assistant Directors—Program Operations and Inspection
SES Assistant Director for Technical Standards and Research
SES Assistant Director for Budget and Administration

Office of the Assistant Secretary—Land and Water Resources (LWR)

SES Deputy Assistant Secretaries (LWR) (2)
SES Staff Assistant to the Assistant Secretary
SES Staff Assistant—Economics
SES Deputy Director—Office of Water Research and Technology

Bureau of Reclamation

SES Commissioner
SES* Staff Assistant to the Commissioner
SES Assistant Commissioners (3)
SES Regional Directors (7)
SES* Special Assistant to the Commissioner
SES Special Assistant for Emergency Water Planning
SES* Special Assistant—Research Programs

Bureau of Land Management

SES Associate Director
SES Assistant Directors (5)
SES Deputy Directors (3)
SES Director, Denver Service Center
SES* Chief, Planning & Environmental Coordination
SES State Directors (11)

Office of Water Policy

SES* Director
SES* Assistant Director for Policy Analysis
SES* Assistant Director for State Liaison

Office of the Assistant Secretary—Policy, Budget and Administration

SES Deputy Assistant Secretaries (3)

Office of Acquisition and Property Management

SES Director
SES Chief, Division of Acquisition and Grants

Office of Information Resources Management

SES Director
SES Deputy Director

Office of Environmental Project Review

SES Director

Office of Administrative Services

SES Director

Office of Budget

SES Director
SES Deputy Director
SES* Chief, Division of Budget Operations
SES* Chief, Division of Program Review

Office of Policy Analysis

SES Director
SES* Deputy Director (2)
SES Assistant Directors (3)

Office of Personnel

SES Director
SES Deputy Director

Office of the Assistant Secretary Indian Affairs

SES Deputy Assistant Secretaries (2)

Office of Financial Management

SES* Director
SES* Deputy Director

Bureau of Indian Affairs

SES Area Directors (12)
SES Director, Indian Services
SES Director of Trust Responsibilities
SES* Executive Management Officer
SES Director of Indian Education Programs

AGENCY: DEPARTMENT OF JUSTICE

Positions:

Office of the Attorney General

SES Counsel to the Attorney General
SES* Special Counsel to the Attorney General

Office of the Deputy Attorney General

SES All Associate Deputy Attorneys General
SES* Special Assistant to the Associate Deputy Attorney General
SES* Special Assistant to the Deputy Attorney General

Office of the Associate Attorney General

SES All Deputy Associate Attorneys General

Office of the Solicitor General

SES All Deputy Solicitors General

Legal Divisions: Antitrust, Civil, Civil Rights, Criminal, Land and Natural Resources, and Tax

SES All Deputy Assistant Attorneys General in legal divisions
SES Director of Operations, Antitrust Division
SES* Director, Economic Policy, Antitrust Division
SES Chief, Organized Crime and Racketeering Section, Criminal Division

Office of Legal Counsel

SES All Deputy Assistant Attorneys General

Office of Legislative Affairs

Positions: No section 207(d)(1)(C) designations.

Justice Management Division

SES Assistant Attorney General for Administration
SES Special Assistants to the Assistant Attorney General for Administration
SES All Deputy Assistant Attorneys General
SES* Senior Management Counsel
SES Staff Directors
SES Deputy Director, Audit Staff

Office of Public Affairs

SES Director

Board of Immigration Appeals

Positions: No section 207(d)(1)(C) designations.

Office of the Pardon Attorney

Positions: No section 207(d)(1)(C) designations.

United States Parole Commission

GS–18 All Commissioners
SES* Executive Director

United States Marshals Service

SES Director
SES Deputy Director
SES Assistant Director for Operations
SES* Assistant Director for Administration

United States Attorneys

SES All United States Attorneys

Drug Enforcement Administration

GS–18 All Assistant Administrators
GS–17 All Deputy Assistant Administrators
GS–17 All Regional Directors
GS–17 Director, Office of Congressional and Public Affairs
GS–17 Director, Officer of Science and Technology
GS–17 Director, Office of Training
GS–17 Chief Counsel
GS–17 Chief Inspector

Federal Bureau of Investigation

GS–18 Executive Assistant Directors
GS–18 All Assistant Directors
GS–18 Inspector in Charge—Public Affairs Office
GS–17 All Inspectors/Deputy Assistant Directors
GS–18 or GS–17 All Special Agents in Charge of Field Offices above GS–16

GS–17* Special Assistant to the Director

Immigration and Naturalization Service

SES Deputy Commissioner
SES Special Assistant to the Deputy Commissioner for Statistical Information
SES Executive Assistant to the Commissioner
SES Associate Deputy Commissioner for Planning and Evaluation
SES All Associate Commissioners
SES All Regional Commissioners
SES General Counsel
SES Special Investigator

Bureau of Prisons

SES Director
SES* Special Assistant to the Director
SES All Assistant Directors
SES All Regional Directors
SES Associate Commissioner for Prison Industries
SES Wardens
SES* Deputy Associate Commissioner/ Secretary for Prison Industries
SES* Deputy Associate Commissioner for Prison Industries
SES General Counsel
SES Director, National Institute of Corrections

Community Relations Service

Office of Justice Assistance, Research, and Statistics

SES Comptroller
SES Assistant Director, Office of Operations Support
SES General Counsel
SES Assistant Administrator, Office of Planning and Management

National Institute of Justice

SES Assistant Director, Office of Development Testing and Dissemination
SES Assistant Director, Office of Research Programs

Office of Juvenile Justice and Delinquency Prevention

SES Deputy Administrator

Bureau of Justice Statistics

SES Deputy Director

Executive Office for United States Trustees

SES Director

Office of Legal Policy

SES Deputy Assistant Attorneys General

Office of Intelligence Policy Review

SES Counsel for Intelligence Policy
SES* Deputy Counsel for Intelligence Policy
SES* Deputy Counsel for Intelligence Operations

Foreign Claims Settlement Commission

SES General Counsel

AGENCY: DEPARTMENT OF LABOR

Positions:

Office of the Inspector General (OIG)

SES Deputy Inspector General
SES Assistant Inspector General for Investigations
SES Assistant Inspector General for Audit
SES* Deputy Assistant Inspector General for Audit
SES* Assistant Inspector General for Resource Management and Legislative Analysis

Women's Bureau

GS–17 Director
SES Deputy Director

Office of Legislation and Intergovernmental Relations (OLIR)

SES Deputy Under Secretary for Legislation and Intergovernmental Relations

Office of the Assistant Secretary Administration and Management

SES Deputy Assistant Secretary
SES Director, Office of Administrative Programs and Services
SES Comptroller for the Department
SES Deputy Comptroller
SES Assistant Secretary for Administration and Management

Office of Administrative Law Judges (ALJ)

Positions: No section 207(d)(1)(C) designations.

Office of the Assistant Secretary for Labor-Management Relations (LMSA)

SES Deputy Assistant Secretary for Labor-Management Relations
SES Administrator for Pension and Welfare Benefit Programs (PWBP)
SES Deputy Administrator for Pension and Welfare Benefit Programs (PWBP)
SES Director, Office of Labor-Management Standards Enforcement (LMSE)

Office of the Assistant Secretary for Occupational Safety and Health Administration (OSHA)

SES Deputy Assistant Secretary for Occupational Safety and Health Administration
SES Director, Policy Analysis, Integration and Evaluation
SES Director, Federal Compliance and State Programs
SES Director, Safety Standards Programs
SES Director, Health Standards Programs
SES Director, Technical Support, TECFAP

Office of the Assistant Secretary for Mine Safety and Health Administration (MSHA)

SES Deputy Assistant Secretary for Mine Safety and Health Administration
SES Administrator for Metal and Nonmetal Mine Safety and Health
SES Deputy Administrator for Metal and Nonmetal Mine Safety and Health
SES Administrator for Coal Mine Safety and Health
SES Deputy Administrator for Coal
SES Director of Technical Support
SES Director of Educational Policy and Development
SES Chief, Standards, Regulations and Variances

Office of the Deputy Under Secretary for Employment Standards Administration (ESA)

SES Deputy Under Secretary for Employment Standards
SES Associate Deputy Under Secretary for Employment Standards
SES Director, Office of Federal Contract Compliance Programs (OFCCP)
SES Deputy Director, OFCCP
SES Deputy Administrator, Wage and Hour Division (WH)
SES Director, Office of Workers' Compensation Programs (OWCP)
SES Deputy Director, OWCP for Operations

Bureau of Labor Statistics (BLS)

SES Deputy Commissioner

Office of the Solicitor of Labor

SES Deputy Solicitor
SES Deputy Solicitor for Regional Operations

Office of the Assistant Secretary Employment and Training Administration (ETA)

SES Associate Assistant Secretary, ETA
SES Administrator, Office of Strategic Planning and Policy Development (OSPPD)
SES* Deputy Administrator, Office of Strategic Planning and Policy Development (OSPPD)
SES Director, Office of Research and Evaluation, OSPPD
SES Administrator, Office of Employment Security (OES)
SES Administrator, Office of Comprehensive Employment and Training (OCET)
SES Deputy Administrator, Office of Comprehensive Employment and Training (OCET)
SES Administrator, Office of Financial Control and Management Systems (OFCMS)

Office of the Deputy Under Secretary International Labor Affairs (ILAB)

SES Deputy Under Secretary for International Affairs
SES Associate Deputy Under Secretary for International Labor Affairs

Office of the Associate Secretary for Policy (ASP)

SES Deputy Assistant Secretary for Policy, Evaluation and Research
SES Deputy Assistant Secretary for Economic Policy and Research

National Commission for Employment Policy (NCEP)

GS–18 Director

President's Committee on Employment of the Handicapped (PCEH)

SES Executive Director
SES Deputy Executive Director

Office of the Assistant Secretary for Veteran's Employment

SES Deputy Assistant Secretary

AGENCY: DEPARTMENT OF STATE

Positions:

FEMC Executive Assistant to Secretary, S
FEOC Deputy Executive Secretary (2), S/S
FEOC Special Assistant to Secretary and Executive Secretary of Department
FEMC Deputy Director for Planning, S/P
FEMC Office Director, S/P
FEOC Deputy Director for Planning, S/P
FEMC Office Director, D/CT

ESOO Deputy Assistant Secretary, M/EEOCR
FEOC Deputy Director, EEO, M/EEOCR
FEMC Deputy Director of Management Operations (2), M/MO
FEMC Director of Management Operations, M/MO
FEMC Deputy Inspector General (2), S/IG
ESOO Deputy Director, PM
FECM Director Political Military, PM/OD
ESOO Deputy Director PM, PM/SP
FEMC Deputy Director PM, PM/RP
ESOO Deputy Director PM, PM/AC
FEMC Medical Director, M/MED
FEMC Deputy Assistant Secretary, INM
FEMC Deputy Assistant Secretary (2), OES
ESOO Deputy Assistant Secretary (2), OES/O
ESOO Deputy Assistant Secretary, RP/COMPT
FEOC Deputy Assistant Secretary, RP/RE
ESOO Deputy Legal Adviser, L
ESOO Deputy Legal Adviser, L
ESOO Attorney Adviser INTL, L
ESOO Deputy Legal Adviser, L
FEMC Deputy Assistant Secretary, EB
FEMC Deputy Assistant Secretary, EB/TDC
FEMC Deputy Assistant Secretary, EB/IFD
FEMC Deputy Assistant Secretary, EB/ORF
ESOO Deputy Assistant Secretary for Transportation, EB/TT
ESOO Director of Intelligence & Research, INR
FEMC Deputy Assistant Secretary, INR
ESOO Deputy Assistant Secretary, INR/CA
FEMC Deputy Assistant Secretary, (4) H
ESOO Comptroller, M/COMP
FEOC Director, M/COMP/BP
FEMC Deputy Assistant Secretary (2), PA
FEOC Spokesman, PA/PRESS
FEMC Deputy Assistant Secretary (2), ARA
FEMC Deputy US Representative, ARA/USDAS
FEMC Deputy Assistant Secretary (3), EUR
FEMC Deputy Assistant Secretary (3), EA
FEMC Deputy Assistant Secretary (3), NEA
FEMC Deputy Assistant Secretary (2), AF
FEMC Deputy US Representative, USUN
FEMC Deputy Assistant Secretary, IO
ESOO Deputy Assistant Secretary, IO
FEMC Deputy Assistant Secretary, A/CDC
FEOC Director, FBO
FEMC Deputy Assistant Secretary (2), DGP/PER
FEMC Deputy Assistant Secretary, A/OPR
FEMC Director, A/SY
FEMC Deputy Assistant Secretary, A/OC
FEMC Deputy Assistant Secretary, CA
FEMC Deputy Assistant Secretary, CA/PPT
FEMC Deputy Assistant Secretary, CA/OCS
FEMC Deputy Chief of Mission, Buenos Aires
FEOC Deputy Chief of Mission, La Paz
FEMC Deputy Chief of Mission, Brasilia
FEMC Principal Officer, Rio De Jan
FEMC Principal Officer, Sao Paulo
FEOC Deputy Chief of Mission, Santiago
FEOC Principal Officer, Belize City
FEMC Deputy Chief of Mission, Bogota
FEOC Deputy Chief of Mission, Bridgetown
FEOC Deputy Chief of Mission, San Jose
FEMC Principal Officer, Havana (2)
FEOC Deputy Chief of Mission, Santo Domingo
FEOC Deputy Chief of Mission, Quito
FEOC Principal Officer, Guayaquil
FEOC Deputy Chief of Mission, San Salvador
FEOC Deputy Chief of Mission, Guatemala
FEOC Deputy Chief of Mission, PRT-AU-PRN
FEOC Deputy Chief of Mission, Tegucigalpa (2)
FEOC Deputy Chief of Mission, Kingston
FEMC Deputy Chief of Mission, Mexico, D.F.
FEOC Principal Officer, Guadalajara
FEOC Principal Officer, Monterrey
FEOC Principal Officer, Tiguana
FEOC Deputy Chief of Mission, Managua
FEMC Deputy Chief of Mission, Panama
FEOC Deputy Chief of Mission, Asuncion
FEMC Deputy Chief of Mission, Lima
FEOC Deputy Chief of Mission, Montevideo, (2)
FEMC Deputy Chief of Mission, Caracas
FEOC Deputy Chief of Mission, Port-o-Spain
FEMC Deputy Chief of Mission, Vienna
FEMC United States Representative, Unvie Vienna
FEMC Deputy U.S. Representative, MBFR Vienna
FEMC United States Representative, MBFR Vienna
FEMC Deputy Chief of Mission, Brussels
FEMC Deputy Chief of Mission, Brussel-EC (2)
FEMC Deputy Chief of Mission, Brussels NTO
FEMC United States Representative, Brussels NTO
FEOC Principal Officer, Hamilton
FEOC Deputy Chief of Mission, Nicosia
FEMC Deputy Chief of Mission, Athens
FEOC Principal Officer, Thessaloniki
FEMC United States Representative, Montreal
FEOC Deputy U.S. Representative, Montreal
FEOC Deputy Chief of Mission, Ottawa
FEMC Principal Officer, Montreal
FEMC Principal Officer, Toronto
FEOC Principal Officer, Vancouver
FEOC Deputy Chief of Mission, Prague
FEOC Deputy Chief of Mission, Copenhagen
FEMC Deputy Chief of Mission, London
FEOC Deputy Chief of Mission, Helsinki
FEMC Deputy Chief of Mission, Paris
FEMC Deputy Chief of Mission, Paris
FEMC United States Representative, OECD, Paris
FEMC United States Representative, FEMC, UNESCO, PRS
FEOC Deputy U.S. Representative, UNESCO, PRS
FEMC Deputy Chief of Mission, Bonn
FEOC Principal Officer, Dusseldorf
FEMC Principal Officer, Frankfurt
FEOC Principal Officer, Hamburg
FEMC Principal Officer, Munich
FEOC Principal Officer, Stuttgart
FEMC Chief of Mission, Berlin
FEOC Deputy Chief of Mission, Berlin
FEOC Deputy Chief of Mission, Reykjavik
FEMC Deputy Chief of Mission, Rome
FEMC Principal Officer, Milan
FEMC Principal Officer, Naples
FEOC United States Representative, Rome
FEOC Deputy Chief of Mission, The Hague
FEOC Principal Officer, Amsterdam
FEOC Principal Officer, Rotterdam
FEOC Deputy Chief of Mission, Oslo
FEOC Deputy Chief of Mission, Warsaw
FEOC Deputy Chief of Mission, Lisbon
FEOC Deputy Chief of Mission, Bucharest
FEOC Deputy Chief of Mission, Bucharest
FEMC Deputy Chief of Mission, Madrid
FEOC Principal Officer, Barcelona
FEMC Deputy Chief of Mission, Stockholm
FEOC Deputy Chief of Mission, Bern
FEMC Deputy U.S. Representative, US MIS GEN
FEMC Deputy Chief of Mission, Ankara
FEMC Principal Officer, Istanbul
FEOC Principal Officer, IZMIR
FEMC Deputy Chief of Mission, Moscow
FEOC Principal Officer, Leningrad
FEOC Deputy Chief of Mission, Belgrade
FEMC Principal Officer, Hong Kong
FEMC Deputy Principal Officer, Hong Kong
FEMC Deputy Chief of Mission, Beijing
FEOC Principal Officer, Guangzhou
FEOC Principal Officer, Shanghai
FEMC Deputy Chief of Mission, Jakarta
FEMC Deputy Chief of Mission, Canberra
FEOC Principal Officer, Melbourne
FEMC Principal Officer, Sydney
FEMC Deputy Chief of Mission, Tokyo
FEOC Principal Officer, Osaka-kobe
FEOC Principal Officer, Naha
FEMC Deputy Chief of Mission, Seoul
FEMC Deputy Chief of Mission, Vientiane
FEMC Deputy Chief of Mission, Vientiane
FEMC Deputy Chief of Mission, Vientiane
FEOC Deputy Chief of Mission, Wellington
FEMC Deputy Chief of Mission, Manila
FEMC Deputy Chief of Mission, Bangkok
FEOC Deputy Chief of Mission, Singapore
FEOC Deputy Chief of Mission, Kuala Lumpur
FEOC Deputy Chief of Mission, Rangoon
FEOC Deputy Chief of Mission, Kabul
FEOC Deputy Chief of Mission, Dacca
FEOC Deputy Chief of Mission, Colombo
FEMC Deputy Chief of Mission, Cairo
FEOC Principal Officer, Alexandria
FEMC Deputy Chief of Mission, New Delhi
FEMC Principal Officer, Bombay
FEOC Principal Officer, Calcutta
FEOC Principal Officer, Baghdad
FEMC Deputy Chief of Mission, Tel Aviv
FEMC Principal Officer, Jerusalem
FEOC Deputy Chief of Missions, Amman
FEOC Deputy Chief of Mission, Kuwait
FEMC Deputy Chief of Mission, Beirut
FEOC Deputy Chief of Mission, Rabat
FEOC Principal Officer, Casablanca
FEOC Deputy Chief of Mission, Kathmandu
FEMC Deputy Chief of Mission, Islamabad
FEMC Deputy Chief of Mission, Jidda
FEMC Deputy Chief of Mission, Jidda
FEOC Principal Officer, Dhahran
FEOC Deputy Chief of Mission, Damascus
FEOC Deputy Chief of Mission, Tunis
FEOC Deputy Chief of Mission, Tunis
FEMC Deputy Chief of Mission, Kinshasa
FEOC Deputy Chief of Mission, Ababa
FEOC Deputy Chief of Mission, Dakar
FEOC Deputy Chief of Mission, Accra
FEOC Deputy Chief of Mission, Abidjan
FEOC Deputy Chief of Mission, Abidjan
FEOC Deputy Chief of Mission, Nairobi
FEOC Deputy Chief of Mission, Monrovia
FEMC Deputy Chief of Mission, Lagos
FEOC Deputy Chief of Mission, Pretoria

FEOC Deputy Chief of Mission, Pretoria
FEOC Principal Officer, Capetown
FEOC Principal Officer, Capetown

AGENCY: DEPARTMENT OF TRANSPORTATION

Positions:

Office of the Secretary of Transportation

SES Deputy General Counsel
SES Deputy Assistant Secretary for Planning and Policy Analysis
SES Deputy Assistant Secretary for Policy and Program Development
SES Deputy Assistant Secretary for Budget and Programs
SES Deputy Assistant Secretary for Governmental Affairs
SES Assistant Secretary for Administration
SES Deputy Assistant Secretary for Administration
SES Director, Office of Civil Rights

Office of the Inspector General

SES* Assistant Inspector General for Auditing, Office of the Secretary
SES* Director, Office of DOT-Wide Programs, Office of the Secretary
SES* Director, Office of Regional Programs, Office of the Secretary
SES* Assistant Inspector General for Policy, Planning and Resources, Office of the Secretary
SES* Assistant Inspector General for Investigations, Office of the Secretary

United States Coast Guard

SES Deputy Chief Counsel
0-7/0-8 Chief of Staff (Rear Admiral)
0-7/0-8 Chief, Office of Boating, Public and Consumer Affairs (Rear Admiral)
0-7/0-8 Comptroller (Rear Admiral)
0-7/0-8 Chief Counsel (Rear Admiral)
0-7/0-8 Chief, Office of Engineering (Rear Admiral)
0-7/0-8 Chief, Office of Marine Environment and Systems (Rear Admiral)
0-7/0-8 Chief, Office of Merchant Marine Safety (Rear Admiral)
0-7/0-8 Chief, Office of Navigation (Rear Admiral)
0-7/0-8 Chief, Office of Command, Control and Communication (Rear Admiral)
0-7/0-8 Chief, Office of Operations (Rear Admiral)
0-7/0-8 Chief, Office of Research and Development (Rear Admiral)
0-7/0-8 District Commanders (Rear Admirals) (10)

Office of the Inspector General

SES* Assistant Inspector General for Auditing, Office of the Secretary
SES* Director, Office of DOT-Wide Programs, Office of the Secretary
SES* Director, Office of Regional Programs, Office of the Secretary
SES* Assistant Inspector General for Policy, Planning and Resources, Office of the Secretary
SES* Assistant Inspector General for Investigations, Office of the Secretary

Federal Aviation Administration

SES Associate Administrator for Administration
SES Deputy Associate Administrator for Administration
SES Associate Administrator for Airports
SES Associate Administrator for Air Traffic and Airway Facilities
SES Deputy Associate Administrator for Air Traffic and Airway Facilities
SES Associate Administrator for Aviation Standards
SES Deputy Associate Administrator for Aviation Standards
SES Associate Administrator for Engineering and Development
SES Deputy Associate Administrator for Engineering and Development
SES Associate Administrator for Policy and International Aviation
SES Federal Air Surgeon
SES Deputy Federal Air Surgeon
SES Chief Counsel
SES Deputy Chief Counsel
SES Director, Eastern Region (New York)
SES Deputy Director, Eastern Region (New York)
SES Director, New England Region (Boston)
SES Deputy Director, New England Region (Boston)
SES Director, Southern Region (Atlanta)
SES Deputy Director, Southern Region (Atlanta)
SES Director, Southwest Region (Fort Worth)
SES Deputy Director, Southwest Region (Fort Worth)
SES Director, Central Region (Kansas City)
SES Deputy Director, Central Region (Kansas City)
SES Director, Great Lakes Region (Chicago)
SES Deputy Director, Great Lakes Region (Chicago)
SES Director, Western Region (Los Angeles)
SES Deputy Director, Western Region (Los Angeles)
SES Director, Rocky Mountain Region (Denver)
SES Director, Northwest Region (Seattle)
SES Deputy Director, Northwest Region (Seattle)
SES Director, Alaska Region (Anchorage)
SES Deputy Director, Alaska Region (Anchorage)
SES Director, Pacific-Asia Region (Honolulu)
SES Deputy Director, Pacific-Asia Region (Honolulu)
SES Director, Europe-Africa-Middle East Office

Federal Highway Administration

SES Associate Administrator for Planning and Policy Development
SES Associate Administrator for Research and Development
SES Associate Administrator for Right-Of-Way and Environment
SES Associate Administrator for Engineering and Operations
SES Associate Administrator for Safety, Traffic Engineering and Motor Carriers
SES Associate Administrator for Administration
SES Chief Counsel
SES Deputy Chief Counsel
SES Regional Federal Highway Administrators (9)
SES Deputy Administrator
SES Executive Director

Federal Railroad Administration

SES Associate Administrator for Administration
SES Chief Counsel
SES* Deputy Chief Counsel
SES Associate Administrator for Federal Assistance
SES* Deputy Associate Administrator for Federal Assistance
SES Associate Administrator for Intercity Programs
SES Deputy Associate Administrator for Intercity Programs
SES Associate Administrator for Research and Development
SES Associate Administrator for Policy
SES Associate Administrator for Safety
SES Deputy Associate Administrator for Safety
SES Director, Transportation Test Center (TTC)
SES General Manager, Alaska Railroad
SES Deputy Associate Administrator for Policy
SES Deputy Administrator

National Highway Traffic Safety Administration

SES Chief Counsel
SES Associate Administrator for Rulemaking
SES Deputy Associate Administrator for Rulemaking
SES Associate Administrator for Traffic Safety Programs
SES Associate Administrator for Research and Development
SES Associate Administrator for Enforcement
SES Associate Administrator for Plans and Programs
SES Associate Administrator for Administration
SES Deputy Administrator

Urban Mass Transportation Administration

SES Executive Director
SES Associate Administrator for Administration
SES Chief Counsel
SES* Director, Office of Financial Management
SES Associate Administrator for Technical Assistance
SES Associate Administrator for Transit Assistance
SES Associate Administrator for Budget and Policy
SES Associate Administrator for Grants Management
SES Deputy Administrator

Saint Lawrence Seaway Development Corporation

SES* General Counsel
SES Associate Administrator and Resident Manager

Research and Special Programs Administration

SES Deputy Administrator
SES Chief Counsel
SES Associate Administrator, Office of Policy, Plans, and Program Management

SES Director, Material Transportation Bureau
SES Director, Transportation Programs Bureau
SES Director, Transportation Systems Center
SES Deputy Director, Transportation Systems Center
SES Administrator

Maritime Administration

SES Deputy Administrator, Maritime Administration
SES Deputy Administrator for Inland Waterways and Great Lakes, Maritime Administration
SES Chief Counsel, Maritime Administration
SES Deputy Chief Counsel, Maritime Administration
SES Associate Administrator for Policy and Administration, Maritime Administration
SES Associate Administrator for Maritime Aids, Maritime Administration
SES Deputy Associate Administrator for Maritime Aids (Trade), Office of the Associate Administrator for Maritime Aids, Maritime Administration
SES Deputy Associate Administrator for Maritime Aids (Finance), Office of the Associate Administrator for Maritime Aids, Maritime Administration
SES Associate Administrator for Shipbuilding and Ship Operations, Maritime Administration
SES Director, Office of Ship Construction, Office of the Associate Administrator for Shipbuilding and Ship Operations, Maritime Administration
SES Director, Office of Shipbuilding Costs, Office of the Associate Administrator for Shipbuilding and Ship Operations, Maritime Administration
SES Director, Office of Ship Operations, Office of the Associate Administrator for Shipbuilding and Ship Operations, Maritime Administration
SES Associate Administrator for Marketing and Domestic Enterprise, Maritime Administration
SES Associate Administrator for Research and Development, Maritime Administration
SES Superintendent, Merchant Marine Academy Maritime Administration

AGENCY: DEPARTMENT OF THE TREASURY

Positions:

Office of the Secretary

SES Inspector General

Office of the Assistant Secretary for Domestic Finance

SES Deputy Assistant Secretary, Debt Management
SES Deputy Assistant Secretary, Financial Institutions and Capital Markets Policy
SES Deputy Assistant Secretary, State and Local Finance
SES Deputy Assistant Secretary, Federal Finance
SES Director, Office of Government Financing

Office of the Assistant Secretary for International Monetary Affairs

SES Deputy Assistant Secretary for International Monetary Affairs
SES Deputy Assistant Secretary for Developing Nations Finance
SES Deputy Assistant Secretary, Trade and Investment Policy
SES Deputy Assistant Secretary, Commodities and Natural Resources

Office of the Assistant Secretary for Tax Policy

SES Deputy Assistant Secretary, Tax Policy
SES Deputy Assistant Secretary, Tax Policy and Director, Office of Tax Analysis

Office of the Fiscal Assistant Secretary

SES Assistant Secretary

Office of the Assistant Secretary for Public Liaison and Consumer Affairs

SES Assistant Secretary

Office of the Assistant Secretary for Administration

SES Assistant Secretary,

Treasurer of the United States

SES Treasurer and National Savings Bond Director, Office of the Secretary

Office of Revenue Sharing

SES Director

Comptroller of the Currency

SES Chief National Bank Examiner
SES Deputy Comptroller, Special Surveillance
SES Deputy Comptroller, Multinational Banking
SES Deputy Comptroller, Planning and Economic Analysis
SES Senior Advisor to the Comptroller
SES Deputy Comptroller, Bank Organization and Structure
SES Deputy Comptroller, Industry and Public Affairs
SES Senior Deputy Comptroller for National Operations
SES Senior Deputy Comptroller for Policy and Planning
SES Senior Deputy Comptroller for Bank Supervision
SES Chief Counsel, Comptroller of the Currency
SES Deputy Chief Counsel, Comptroller of the Currency
SES Senior Deputy Comptroller for Resource Management

Customs Service

SES Commissioner
SES Deputy Commissioner
SES Deputy Commissioner, International Affairs
SES* Assistant Commissioner, Border Operations
SES* Deputy Assistant Commissioner, Border Operations
SES Director, Office of Investigations
SES Assistant Commissioner, Commercial Operations
SES Director, Management Inspection Staff
SES Assistant Commissioner, Management Integrity
SES* Comptroller

Bureau of Government Financial Operations

GS–18 Commissioner

Internal Revenue Service

SES Deputy Commissioner
SES* Assistant Commissioner (Data Processing)
SES** Associate Commissioner (Operations)
SES* Associate Commissioner (Policy and Management)
SES Assistant Commissioner, (Inspection)
SES Regional Commissioner, (C)
SES Regional Commissioner, (MA)
SES Regional Commissioner, (MW)
SES Regional Commissioner, (NA)
SES Regional Commissioner, (SE)
SES Regional Commissioner, (SW)
SES Regional Commissioner, (W)

Legal Division

SES Deputy General Counsel, Office of the General Counsel
SES Assistant General Counsel and Director, Tax Legislative Counsel, Office of the General Counsel
SES International Tax Counsel and Director, Office of International Tax Counsel, Office of the General Counsel
SES Chief Counsel, Customs Department
SES Deputy Chief Counsel, Customs Department
SES Chief Counsel, Comptroller of the Currency
SES Deputy Chief Counsel, Comptroller of the Currency
SES Chief Counsel, Bureau of Alcohol, Tobacco and Firearms
SES Deputy Chief Counsel, Bureau of Alcohol, Tobacco and Firearms

Bureau of the Mint

GS–18 Director
SES Deputy Director of the Mint
SES Assistant Director (Production)
SES Assistant Director for Technology

U.S. Savings Bonds Division

Positions: No section 207(d)(1)(C) Designations.

U.S. Secret Service

SES Director
SES Deputy Director

Bureau of Alcohol, Tobacco and Firearms

SES Director
SES Deputy Director
SES Assistant Director, Regulatory Enforcement
SES Assistant Director, Criminal Enforcement
SES Assistant Director, Internal Affairs

Bureau of Public Debt

GS–18 Commissioner of Public Debt

Office of Revenue Sharing

SES Director

Federal Law Enforcement Training Center

Positions: No section 207(d)(1)(C).

Bureau of Engraving and Printing

SES Director
GS–17 Deputy Director

SES Assistant Director (Administration)
SES Assistant Director (Operations)
SES Assistant Director (Research and Engineering)

Treasurer of the United States

GS-18 Treasurer and National Savings Bond Director, Office of the Secretary

AGENCY: ACTION

Positions:
SES Executive Officer
SES Deputy Associate Director for Domestic and Anti-Poverty Operations
SES Executive Assistant for Programs
SES Deputy Associate Director for Older Americans Volunteer Program (OAVP)
SES Assistant Director for Administration and Finance
SES Deputy Assistant Director for Administration and Finance
SES General Counsel
SES Assistant Director for Congressional and Governmental Affairs
SES Deputy Assistant Director for Voluntary Citizen Participation
SES Director of Accounting
SES Deputy Associate Director for VISTA/ACTION Education Programs
SES Assistant Director for Policy and Planning
SES Director, Vietnam Veterans Leadership Program
SES Inspector General
SES* Executive Assistant

AGENCY: ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Positions:
SES General Counsel
SES Executive Director
SES Research Director

AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

Positions:
SES Executive Director

AGENCY: AMERICAN BATTLE MONUMENTS COMMISSION

Positions:
0-8 Secretary

AGENCY: BOARD FOR INTERNATIONAL BROADCASTING

Positions:
SES Executive Director
SES Director of Engineering

AGENCY: CENTRAL INTELLIGENCE AGENCY

Positions:
AD General Counsel
AD Inspector General
AD Deputy Director for Administration
AD Associate Deputy Director for Administration
AD Deputy Director for Operations
AD Associate Deputy Director for Operations
AD Director, Intelligence Community Staff
AD Deputy Director, Intelligence Community Staff
AD Chairman, National Intelligence Council
AD Vice Chairman, National Intelligence Council
AD Deputy Director For Intelligence
AD Deputy Director for Science & Technology
AD Associate Deputy Director for Science & Technology
AD Director of Technical Services
AD Director of Data Processing
AD Director of SIGINT Operations
AD Director of Security
AD Director of Research and Development
AD Director of Personnel
AD Comptroller
AD Deputy Comptroller
AD Director of Development and Engineering
AD Director of Logistics
AD Director of Finance
AD Deputy Director of Development and Engineering
AD Deputy Director of Research & Development
AD Deputy Director of Personnel
AD Deputy Director of Finance
AD Deputy Director of Logistics
AD Deputy Director—Data Processing
AD Director of External Affairs
AD Deputy General Counsel
AD Deputy Inspector General
AD* Executive Director
AD* Associate Deputy Director for Intelligence
AD* Director, National Intelligence Emergency Preparedness Support Office
AD* Director of Communications
AD* Deputy Director of Communications
AD* Deputy Director of Security
AD* Director, National Photographic Interpretation Center
AD* Deputy Director of SIGINT Operations
AD* Deputy Director of Technical Services
AD* Project Management Engineer Chief, ODE
AD Physical Science Research Space Chief, ODE

AGENCY: CIVIL AERONAUTICS BOARD

Positions:
SES Managing Director, Office of Managing Director
SES Director, Bureau of Domestic Aviation
SES Director, Bureau of International Aviation
SES Director, Office of Congressional, Community & Consumer Affairs
SES Director, Office of Human Resources
SES Comptroller, Office of Comptroller
SES General Counsel, Office of the General Counsel
SES Deputy General Counsel, Office of the General Counsel
SES Associate Director, Bureau of International Aviation

AGENCY: COMMISSION ON CIVIL RIGHTS

Positions:
SES Solicitor
SES Assistant Staff Director for Regional Programs
SES Assistant Staff Director for Administration
SES Assistant Staff Director for Program Planning and Evaluation
SES Acting Assistant Staff Director for Program and Policy Review
SES Assistant Staff Director for Civil Rights Evaluation
SES Assistant Staff Director for Congressional and Public Affairs
SES Deputy Staff Director
SES General Counsel

AGENCY: COMMISSION OF FINE ARTS

Positions: No section 207(d)(1)(C) designation.

AGENCY: COMMODITY FUTURES TRADING COMMISSION

Positions:
SES Executive Director
SES Deputy Executive Director (1)
SES Director, Division of Enforcement
SES Deputy Director, Division of Enforcement (2)
SES Chief Economist, Division of Economics and Education
SES Deputy Chief Economist, Division of Economics and Education (2)
SES Director, Division of Trading and Markets
SES Deputy Director, Division of Trading and Markets (2)
SES Deputy General Counsel, Office of General Counsel (2)
SES Supervisory Economist, Division of Economics and Education
SES** General Counsel

AGENCY: CONSUMER PRODUCT SAFETY COMMISSION

Positions:
SES General Counsel
SES Deputy General Counsel
SES Executive Director
SES Deputy Executive Director for Headquarters Operations
SES Deputy Executive Director for Outreach and Field Operations
SES Associate Executive Director for Engineering Sciences
SES Associate Executive Director for Administration
SES Associate Executive Director for Compliance and Administrative Litigation
SES Associate Executive Director for Health Sciences
SES Associate Director for Epidemiology
SES Director, Office of Program Management
SES Director, Office of Budget, Program Planning and Evaluation
SES* Senior Staff Officer

AGENCY: COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Positions: No section 207(d)(1)(C) designations.

AGENCY: DISTRICT OF COLUMBIA GOVERNMENT

Positions:
Superintendent of Schools
President, University of the District of Columbia

General Manager, Convention Center

AGENCY: ENVIRONMENTAL PROTECTION AGENCY

Positions:

SES Regional Administrator, Region I, Boston
SES Regional Administrator, Region II, New York
SES Regional Administrator, Region III, Philadelphia
SES Regional Administrator, Region IV, Atlanta
SES Regional Administrator, Region V, Chicago
SES Regional Administrator, Region VI, Dallas
SES Regional Administrator, Region VII, Kansas City
SES Regional Administrator, Region VIII, Denver
SES Regional Administrator, Region IX, San Francisco
SES Regional Administrator, Region X, Seattle
SES Associate Assistant Administrator for Program Management and Policy
SES Associate Assistant Administrator for Strategic Planning (Water)
SES Associate Assistant Administrator for Toxics Integration
SES Associate Administrator for Policy and Resource Management
SES Director, Office of Water Enforcement
SES Director, Office of Radiation Programs
SES Director, Office of Water Program Operations
SES Director, Office of Water Regulations and Standard
SES Director, Office of Solid Waste
SES Director, Office of Drinking Water
SES Director, Office of Pesticides Programs
SES Director, Office of Monitoring Systems and Quality Assurance
SES Director, Office of Health Research
SES Director, Office of Environmental Processes and Effects Research
SES Director, Office of Environmental Engineering and Technology
SES Director, Office of Toxic Substances
SES General Counsel
SES Deputy General Counsel
SES Chief of Staff
SES Director, Office of Federal Activities
SES Director, Office of Legislation
SES Director, Office of Health and Environmental Assessment
SES* Deputy Associate Administrator for Policy and Resource Management
SES* Director, Office of Mobile Sources
SES* Director, Office of Emergency and Remedial Response
SES* Deputy Inspector General for Auditing
SES* Assistant Inspector General
SES Assistant Inspector General for Investigations

AGENCY: EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Positions:

SES Associate General Counsel, Trial Division
SES Executive Director
SES Deputy Executive Director
SES Director, Office of Program Planning and Evaluation
SES Deputy General Counsel

AGENCY: EXPORT-IMPORT BANK OF THE UNITED STATES

Positions:

GS–18 General Counsel
GS–17 Deputy General Counsel
GS–17 Senior Vice President, Exporter Credits, Guarantees and Insurance
GS–17 Senior Vice President, Direct Credits and Financial Guarantees

AGENCY: FARM CREDIT ADMINISTRATION

Positions:

SES Senior Deputy Governor
SES Chief of Staff to the Senior Deputy Governor
SES General Counsel
SES Deputy Governor, Office of Supervision
SES Associate Deputy Governor, Office of Supervision
SES Assistant Deputy Governor, Office of Supervision
SES Deputy Governor and Chief Examiner
SES Associate Deputy Governor, Office of Examination
SES Deputy Governor, Office of Administration
SES Director, Administrative Division
SES Director, Congressional and Public Affairs Division
GS–18 Members of the Federal Farm Credit Board (13)

AGENCY: FEDERAL COMMUNICATIONS COMMISSION

Positions:

SES Managing Director
SES General Counsel
SES Chief Scientist
SES Chief, Broadcast Bureau
SES Chief, Common Carrier Bureau
SES Chief, Private Radio Bureau
SES Chief, Field Operations Bureau
SES Chief, Cable Television Bureau
SES Chief, Office of Plans and Policy
SES Deputy Managing Director
SES Deputy General Counsel
SES Deputy Chief Scientist
SES Deputy Chief, Common Carrier Bureau (Operations)
SES Deputy Chief, Common Carrier Bureau, (Policy)
SES Deputy Chief, Private Radio Bureau
SES Deputy Chief, Field Operations Bureau
SES Deputy Chief, Office of Plans and Policy
SES Associate Bureau Chief for Policy, Private Radio Bureau

AGENCY: FEDERAL DEPOSIT INSURANCE CORPORATION

Positions:

AD–18 Deputy to the Chairman—Administration
AD–17* Deputy to the Chairman—Public Affairs
AD–18 Deputy to the Director (Appointive)
AD–18 General Counsel
AD–17 Director, Division of Bank Supervision
AD–18 Director, Division of Liquidation
AD–18 Director, Division of Research and Strategic Planning
AD–17 Director, Division of Accounting and Corporate Services
AD–17* Associate Director, Division of Bank Supervision
AD–17* Deputy General Counsel, Open Bank Regulation and Supervision, Legal Division
AD–17* Deputy General Counsel, Closed Bank Litigation and Liquidation, Legal Division
AD–17 Deputy Director, Operations Branch, Division of Bank Supervision
AD–17 Deputy Director, Management Support Branch, Division of Bank Supervision
AD–17* Deputy Director, Regional Offices Coordination, Division of Bank Supervision
AD–17* Regional Director, Atlanta Region, Division of Bank Supervision
AD–17* Regional Director, Boston Region, Division of Bank Supervision
AD–17* Regional Director, Chicago Region, Division of Bank Supervision
AD–16(17)* Regional Director, Columbus Region, Division of Bank Supervision
AD–17* Regional Director, Dallas Region, Division of Bank Supervision
AD–16(17)* Regional Director, Kansas City Region, Division of Bank Supervision
AD–16(17)* Regional Director, Madison Region, Division of Bank Supervision
AD–16(17)* Regional Director, Memphis Region, Division of Bank Supervision
AD–16(17)* Regional Director, Minneapolis Region, Division of Bank Supervison
AD–17* Regional Director, New York Region, Division of Bank Supervision
AD–16(17)* Regional Director, Omaha Region, Division of Bank Supervision
AD–16(17)* Regional Director, Philadelphia Region, Division of Bank Supervision
AD–15(17)* Regional Director, Richmond Region, Division of Bank Supervision
AD–17* Regional Director, San Francisco Region, Division of Bank Supervision
AD–17* Assistant Director, Fiscal and Facilities Management Branch, Division of Accounting and Corporate Services
AD–17 Assistant Director, Management Information Services Branch, Division of Accounting and Corporate Services

AGENCY: FEDERAL ELECTION COMMISSION

Positions:

G–17* Deputy General Counsel

AGENCY: FEDERAL EMERGENCY MANAGEMENT AGENCY

Positions:

SES* Regional Director, FEMA, Region I, Boston, Massachusetts
SES* Regional Director, FEMA, Region II, New York, New York
SES* Regional Director, FEMA, Region III, Philadelphia, Pennsylvania
SESq* Regional Director, FEMA, Region IV, Atlanta, Georgia
SES* Regional Director, FEMA, Region V, Chicago, Illinois
SES* Regional Director, FEMA, Region VI, Denton, Texas
SES* Regional Director, FEMA, Region VII, Kansas City, Missouri

SES* Regional Director, FEMA, Region VIII, Denver, Colorado
SES* Regional Director, FEMA, Region IX, San Francisco, California
SES* Regional Director, FEMA, Region X, Bothell, Washington
SES* Assistant for Special Plans
SES* Deputy Executive Secretary (EMPB)

Office of Executive Administration

SES Director, Public Affairs
SES Executive Deputy Director
SES General Counsel
SES Inspector General
SES Director of Personnel

Federal Insurance Administration

SES* Deputy Administrator

Resource Management and Administration Directorate

SES* Deputy Associate Director
SES Comptroller
SES Director of Personnel

Training and Education

SES Superintendent of National Fire Academy
SES Superintendent, Emergency Management Institute

National Preparedness Programs Directorate

SES Deputy Associate Director
SES Assistant Associate for Resources Preparedness
SES Assistant Associate for Government Preparedness
SES Assistant Associate for Mobilization Preparedness

State and Local Programs and Support Directorate

SES Deputy Associate Director

State and Local Programs and Support Directorate

SES Assistant Associate Director, Natural & Technological Hazards
SES Assistant Associate Director, Emergency Management Programs
SES Assistant Associate Director, Disaster Assistance Programs
SES Assistant Associate Director, Emergency Operations and Coordination

AGENCY: FEDERAL ENERGY REGULATORY COMMISSION

Positions:

SES Executive Director, Office of the Executive Director
SES Deputy Executive Director, Office of the Executive Director
SES Director, Office of Electric Power Regulation
SES Deputy Director, Office of Electric Power Regulation
SES Director, Office of Pipeline and Producer Regulation
SES Deputy Director, Office of Pipeline and Producer Regulation
SES General Counsel, Office of General Counsel
SES Deputy General Counsel, Office of General Counsel
SES Director, Office of Regulatory Analysis
SES Deputy Director, Office of Regulatory Analysis
SES Chief Accountant, Office of Chief Accountant
SES Deputy Chief Accountant, Office of Chief Accountant
SES Director, Office of Opinions and Review
SES Deputy Director, Office of Opinions and Review

AGENCY: FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Positions:

GS-18 Executive Secretary

AGENCY: FEDERAL HOME LOAN BANK BOARD

Positions:

SES General Counsel
SES Director, Office of District Banks
SES Director, Office of Policy and Economic Research
SES Director, Federal Savings and Loan Insurance Corporation
SES Executive Staff Director
SES Director, Office of Examinations and Supervision
SES Director, Internal Evaluation and Compliance Office

AGENCY: FEDERAL HOME LOAN MORTGAGE CORPORATION

Positions:

AD President—Chief Executive Officer
AD Executive Vice President—Chief Operating Officer
AD Executive Vice President—Chief Administrative Officer
AD Executive Vice President—General Counsel
AD Executive Vice President—Chief Financial Officer

AGENCY: FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Positions:

SES Deputy Federal Inspector (Washington)
SES* Deputy Federal Inspector (Alaska)
SES General Counsel
SES Director, External Affairs
SES Director, Environment
SES Director, Engineering
SES Director, Cost Control and Audit
SES Director of Administration
SES Deputy Director for Administration
SES Director, Construction
SES Deputy Director, Construction (North)
SES Deputy Director, Construction (South)

AGENCY: FEDERAL LABOR RELATIONS AUTHORITY

Positions:

GS-18* Chairman, Foreign Service Impasses Panel
GS-18 Members of the Federal Service Impasses Panel (6)
GS-17 Chief Judge, Office of Administrative Law Judges
SES Executive Director of the Authority
SES Executive Director Federal Service Impasses Panel
SES Deputy Executive Director of the Authority
SES* Solicitor
SES Chief Counsel, of the Authority
SES* Assistant Chief Counsel for Arbitration
SES* Assistant Chief Counsel for Negotiability
SES* Assistant Chief Counsel, Representation and Unfair Labor Practices
SES* Assistant Chief Counsel, Operations and Technical Assistance
SES Deputy General Counsel
SES Assistant General Counsel (Field Management) (2)
SES Assistant General Counsel for Appeals
SES Regional Director, Boston
SES Regional Director, New York
SES Regional Director, Washington
SES Regional Director, Atlanta
SES Regional Director, Chicago
SES Regional Director, Dallas
SES Regional Director, Denver
SES Regional Director, Los Angeles
SES Regional Director, San Francisco

AGENCY: FEDERAL MARITIME COMMISSION

Positions:

SES General Counsel
SES Managing Director
SES Director, Bureau of Tariffs
SES Director, Bureau of Agreements
SES Deputy General Counsel
SES Director, Bureau of Hearings and Field Operations
SES Director, Bureau of Certification and Licensing
SES Secretary
SES Deputy Managing Director
SES Director, Office of Regulatory Policy and Planning

AGENCY: FEDERAL MEDIATION AND CONCILIATION SERVICE

Positions:

SES Deputy Director
SES Director of Mediation Services
SES Director, Office of Policy & Resource Management
SES General Counsel
SES Regional Directors (4)

AGENCY: FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Positions:

SES Executive Director
SES General Counsel

AGENCY: FEDERAL RESERVE SYSTEM

Positions:

FRO-I Staff Director for Monetary and Financial Policy
FRO-I Staff Director for Federal Reserve Bank Activities
FRO-I Staff Director for Management
FRO-I General Counsel
FRO-I Director, Division of Research and Statistics
FRO-I Director, Division of International Finance
FRO-I Director, Division of Banking Supervision and Regulation
FRO-II Secretary of the Board

FRO–II* Director, Division of Federal Reserve Bank Operations
FRO–II* Director, Division of Consumer and Community Affairs
FRO–II* Director, Division of Personnel
FRO–II* Director, Division of Data Processing
FRO–II* Assistant to the Board (for monetary and Financial Policy)
FRO–II* Assistant to the Board (for Public Affairs)
FRO–II* Assistant to the Board (for Congressional Liaison)
FRO–II* Deputy General Counsel
FRO–II* Deputy Staff Director (for Monetary and Financial Policy)
FRO–II* Deputy Director, Division of Research and Statistics
FRO–II* Associate Director, Division of Research and Statistics
FRO–III* Controller
FRO–III* Deputy Director, Division of Consumer Affairs
FRO–III* Senior Deputy Associate Director, Division of Research and Statistics
FRO–III* Associate Director, Division of Banking Supervision and Regulation
FRO–II* Deputy Director, Division of Data Processing
FRO–II* Assistant Director, Division of Research and Statistics

AGENCY: FEDERAL TRADE COMMISSION

Positions:

SES General Counsel
SES Deputy General Counsel
SES Director, Bureau of Competition
SES Deputy Directors, Bureau of Competition
SES Director, Bureau of Consumer Protection
SES Deputy Directors, Bureau of Consumer Protection
SES Directors, Bureau of Economics
SES Deputy Director, Bureau of Economics
SES Executive Director
SES Executive Assistant to the Chairman
SES Deputy Director, Office of Policy Planning

AGENCY: GENERAL ACCOUNTING OFFICE

Positions:

SES Director, Program Analysis Division (PAD)
SES Deputy Director, (PAD)
SES Director, Energy and Minerals Division (EMD)
SES Deputy Director, EMD
SES Director, Community and Economic Development Division (CEDD)
SES Deputy Director, CEDD
SES Director, Federal Personnel and Compensation Division (FPCD)
SES Deputy Director, FPCD
SES Director, Field Operations Division (FOD)
SES Deputy Director, FOD
SES Director, Accounting and Financial Management Division (AFMD)
SES Deputy Director, (AFMD)
SES Director, General Government Division (GGD)
SES Deputy Director, GGD
SES Director, International Division (ID)
SES Deputy Director, ID
SES Director, Procurement, Logistics and Readiness Division (PLRD)
SES Deputy Director, PLRD
SES Director, Missions Analysis and Systems Acquisitions Division (MASAD)
SES Deputy Director, MASAD
SES Director, Human Resources Division
SES Deputy General Counsel
SES Director, Office of Internal Review
SES Director, Office of Policy
SES Director of Personnel
SES Director, General Services and Controller
SES Deputy Director of Personnel
SES Deputy Director, General Services and Controller
SES Director, Office of Organization and Human Development
SES Director, Institute for Program Evaluation
SES Deputy Director, Institute for Program Evaluation
SES Director, Civil Rights Office
SES General Counsel
SES Assistant Comptroller General for Program Evaluation
SES Assistant Comptroller General for Policy and Program Planning
SES Special Assistant for Defense and Materiel Management Studies

AGENCY: GENERAL SERVICES ADMINISTRATION

Positions:

Office of the Administrator

SES* Deputy Administrator
SES* Associate Administrator for Administration
SES* Associate Administrator for Operations
SES* Deputy Associate Administrator for Operations
SES* Associate Administrator for Policy and Management
SES* Deputy Associate Administrator for Policy and Management
SES* Director, Office of Management Improvement
SES* Director, Office of Small and Disadvantaged Business Utilization
SES* Chief of Staff

Information Security Oversight Office

SES* Director of Information Security Oversight

Office of Acquisition Policy

SES Assistant Administrator for Acquisition Policy
SES Deputy Assistant Administrator for Acquisition Policy
SES Director of Acquisition Policy

Office of Plans, Programs, and Financial Management

SES Deputy Assistant Administrator for Plans, Programs, and Financial Management
SES Director of Finance
SES Director of Budget
SES Director of Data Systems
SES* Deputy Director of Data Systems
SES Executive Officer

Automated Data and Telecommunications Service (ADTS)

SES Commissioner, ADTS
SES* Deputy Commissioner for Program Management
SES* Deputy Commissioner for Government-wide Management
SES Assistant Commissioner for Policy and Planning
SES Assistant Commissioner for Procurement
SES Assistant Commissioner for Systems Engineering and Operations
SES Executive Director, ADTS
SES** Director, Network Engineering and Management Division
SES** Director, Advanced Planning Division
SES** Director, Local Systems and Programs Division
SES Director, Software Development Office
SES* Assistant Commissioner for Office of Information systems

Federal Property Resources Service (FPRS)

SES Commissioner, Federal Property Resources Service
SES Deputy Commissioner, Federal Property Resources Service
SES Assistant Commissioner for Real Property
SES Assistant Commissioner for Personal Property
SES Deputy Assistant Commissioner for Personal Property
SES Assistant Commissioner, Office of Stockpile Management
SES Assistant Commissioner, Office of Stockpile Transactions

Federal Supply Service (FSS)

SES Commissioner, FSS
SES Deputy Commissioner for Procurement, FSS
SES Deputy Commissioner for Requirements and Supply
SES Associate Commissioner for Management
SES* Assistant Commissioner for Planning, Analysis and Data Systems
SES Assistant Commissioner for Supply
SES Assistant Commissioner for Programs and Requirements
SES Assistant Commissioner for Supply Policy
SES Assistant Commissioner for Acquisition Planning

National Archives and Records Service (NARS)

SES Archivist of the United States
SES Deputy Archivist of the United States
SES Associate Archivist for Management

Public Buildings Service (PBS)

SES Commissioner, PBS
SES Deputy Commissioner, PBS
SES Assistant Commissioner for Buildings Management
SES Assistant Commissioner for Federal Protective Service Management
SES Director, Office of Special Programs
SES Deputy Assistant Commissioner for Buildings Management

SES Assistant Commissioner for Program Support
SES Assistant Commissioner for Design and Construction
SES Assistant Commissioner for Space Management
SES Assistant Commissioner for Contracts
SES* Special Assistant to the Commissioner, PBS

Transportation and Public Utilities Service (TPUS)

SES Commissioner, TPUS
SES Deputy Commissioner, TPUS
SES Assistant Commissioner for Transportation and Travel Management
SES Assistant Commissioner for Public Utilities
SES Assistant Commissioner for Motor Equipment
SES Assistant Commissioner for Transportation Audits

Office of General Counsel (OGC)

SES General Counsel
SES Deputy General Counsel

GSA Board of Contract Appeals

GS-18 Chairman and Chief Administrative Judge of Board of Contract Appeals
GS-17 Vice Chairman, Board of Contract Appeals

Regional Offices

SES Regional Administrator, Region 1 (Boston)
SES* Deputy Regional Administrator, Region 1 (Boston)
SES Regional Administrator, Region 2 (New York)
SES Regional Administrator, Region 3 (Philadelphia)
SES Regional Administrator, Region 4 (Atlanta)
SES Regional Administrator, Region 5 (Chicago)
SES Deputy Regional Administrator, Region 5 (Chicago)
SES Regional Administrator, Region 6 (Kansas City)
SES Deputy Regional Administrator, Region 6 (Kansas City)
SES Regional Administrator, Region 7 (Fort Worth)
SES Regional Administrator, Region 8 (Denver)
SES Regional Administrator, Region 9 (San Francisco)
SES Regional Administrator, Region 10 (Auburn)
SES Regional Administrator, National Capitol Region (Washington, D.C.)
SES Deputy Regional Administrator, National Capitol Region (Washington, D.C.)

Office of the Inspector General

SES Deputy Inspector General

Office of Organization and Personnel

SES* Director of Organization and Personnel

Office of Oversight

SES* Director of Oversight
SES* Director, Office of Administrative Services

AGENCY: INTER-AMERICAN FOUNDATION

Positions: No section 209(d)(1)(C) designations.

AGENCY: INTERNATIONAL TRADE COMMISSION

Positions:

SES Director of Operations
SES General Counsel
SES Director of Industries
SES Director of Investigations
SES Director, Economic Research
SES Director of Administration
SES* Director, Office of Tariff Affairs

AGENCY: INTERSTATE COMMERCE COMMISSION

Positions:

SES Managing Director
SES General Counsel
SES Director, Bureau of Traffic
SES Director, Bureau of Accounts
SES Director, Office of Proceedings
SES Director, Office of Transportation Analysis (OTA)
SES Assistant Managing Director
SES Deputy General Counsel
SES Associate Director, Office of Proceedings
SES Associate Director, Office of Policy and Analysis/Rail Services Planning Office (OTA)
SES Director, Office of Consumer Protection—OCCA
SES Associate Director, Office of Consumer Protection—OCCA
SES* Chief of Staff, Office of the Chairman
SES* Legislative Counsel, Office of Legislation and Governmental Affairs

AGENCY: JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Positions:

SES Executive Director

AGENCY: MERIT SYSTEMS PROTECTION BOARD

Positions:

SES Managing Director
SES* Assistant Managing Director for Management
SES* Assistant Managing Director for Regional Operations
SES General Counsel
SES Deputy General Counsel
SES Legislative Counsel
SES Director, Office of Appeals
SES Director, Office of Merit Systems Review and Studies
SES Director, Office Administration
SES Chief Appeals Officer (Seven positions, one each at these field locations: Atlanta, Chicago, Dallas, New York, Philadelphia, San Francisco, Washington, D.C.)

AGENCY: NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Positions:

Office of the Administrator

SES Associate Deputy Administrator

Office of the Comptroller

SES Deputy Comptroller, NASA
SES Comptroller, NASA

Office of Legislative Affairs

SES Assistant Administrator for Legislative Affairs
SES Deputy Assistant Administrator for Legislative Affairs

Office of the Chief Engineer

SES Chief Engineer, NASA
SES Deputy Chief Engineer, NASA

Office of Space Science and Applications

SES Associate Administrator for Space Science and Applications
SES Deputy Associate Administrator for Space Science and Applications

Office of General Counsel

SES General Counsel
SES Deputy General Counsel, NASA

Office of Procurement

SES Assistant Administrator for Procurement
SES Deputy Assistant Administrator for Procurement

Office of External Relations

SES Associate Administrator for External Relations
SES Deputy Associate Administrator for External Relations

Office of Space Transportation Systems

SES Associate Administrator for Space Transportation Systems
SES Deputy Associate Administrator for Space Transportation Systems

Office of Management

SES Associate Administrator for Management
SES Deputy Associate Administrator for Management

Office of Space Transportation Operations

SES Associate Administrator for Space Transportation Operations
SES Deputy Associate Administrator for Space Transportation Operations

Office of Aeronautics and Space Technology

SES Associate Administrator for Aeronautics and Space Technology
SES Deputy Associate Administrator for Aeronautics and Space Technology

Office of Space Tracking and Data Systems

SES Associate Administrator for Space Tracking and Data Systems
SES Deputy Associate Administrator for Space Tracking and Data Systems

Office of Equal Opportunity Programs

SES Assistant Administrator for Equal Opportunity Programs
SES Deputy Assistant Administrator for Equal Opportunity Programs

Inspector General

SES Deputy Inspector General

Ames Research Center

SES Director, NASA Ames Research Center

SES Deputy Director, NASA Ames Research Center

Goddard Space Flight Center

SES Director, NASA Goddard Space Flight Center
SES Deputy Director, NASA Goddard Space Flight Center

Johnson Space Center

SES Director, NASA Johnson Space Center
SES Deputy Director, NASA Johnson Space Center

Kennedy Space Center

SES Director, NASA Kennedy Space Center
SES Deputy Director, NASA Kennedy Space Center

Langley Research Center

SES Director, NASA Langley Research Center
SES Deputy Director, NASA Langley Research Center

Lewis Research Center

SES Director, NASA Lewis Research Center
SES Deputy Director, NASA Lewis Research Center

Marshall Space Flight Center

SES Director, NASA Marshall Space Flight Center
SES Deputy Director, NASA Marshall Space Flight Center

National Space Technology Laboratories

SES Manager, National Space Technology Laboratories
SES Deputy Manager, National Space Technology Laboratories

AGENCY: NATIONAL CAPITAL PLANNING COMMISSION

Positions:

SES Executive Director
SES Associate Executive Director for Regional Affairs
SES Associate Executive Director for District of Columbia Affairs
SES General Counsel
SES Assistant Executive Director for Administration

AGENCY: NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Positions:

SES 0-4 Executive Director

AGENCY: NATIONAL CREDIT UNION ADMINISTRATION

Positions:

SES General Counsel
SES Director, Department of Administration
SES Internal Auditor
SES Regional Director (8)
SES Deputy General Counsel
SES President, Central Liquidity Facility
SES* Director, Office of Programs
SES* Director, Office of Services
SES* Director, Department of Chartering and Education
SES* Executive Assistant for Regional Coordination
SES* Special Assistant to Director, Office of Programs

AGENCY: NATIONAL ENDOWMENT FOR THE ARTS

Positions:

SES Deputy Chairman for Programs
SES Associate Deputy Chairman for Programs
SES Deputy Chairman for Management
SES Deputy Chairman for Partnership
SES Director of Administration
SES General Counsel for Management
SES* Director of Public Affairs

AGENCY: NATIONAL ENDOWMENT FOR THE HUMANITIES

Positions:

SES Deputy Chairman for Programs
SES Assistant Chairman for Institutional Relations
SES Deputy Chairman for Management
SES Director, Division of State Programs
SES General Counsel
SES Director, Office of Planning and Policy Assessment
SES Director, Division of Public Programs
SES Director, Division of Education Programs

AGENCY: NATIONAL LABOR RELATIONS BOARD

Positions:

SES Solicitor
SES Executive Secretary
SES Deputy General Counsel
SES Associate General Counsel, Division of Enforcement Litigation

AGENCY: NATIONAL SCIENCE FOUNDATION

Positions:

SES Director, Office of Audit and Oversight
SES Director, Office of Government & Public Programs
SES Director, Office of Planning & Resources Management
SES General Counsel
SES Director, Office of Small Business Research & Development
SES* Director, Office of Scientific Ocean Drilling
SES* Director, Office of Science and Engineering Personnel and Education
SES* Assistant Director for Engineering
SES Assistant Director, Scientific, Technological & International Affairs
SES Assistant Director for Administration
SES Deputy Assistant Director, Astronomical, Atmospheric, Earth & Ocean Sciences
SES Deputy Assistant Director, Biological, Behavioral & Social Sciences
SES Deputy Assistant Director, Engineering
SES Deputy Assistant Director, Scientific, Technological & International Affairs
SES Deputy Assistant Director, Administration

AGENCY: NATIONAL TRANSPORTATION SAFETY BOARD

Positions:

SES Managing Director
SES Deputy Managing Director
SES General Counsel
SES Director, Bureau of Accident Investigation
SES Director, Bureau of Technology
SES Director, Bureau of Administration

AGENCY: NUCLEAR REGULATORY COMMISSION

Positions:

Office of the Commission

GS-18* Executive Assistant to the Chairman

Advisory Committee on Reactor Safeguards

SES Executive Director, ACRS
SES Deputy Executive Director, ACRS
SES Assistant Executive Director for Project Review, ACRS

Office of Administration

SES Director, Office of Administration
SES Deputy Director, Office of Administration
SES Director, Division of Organization & Personnel
SES Director, Division of Contracts
SES Director, Division of Tech Information & Document Control

Office of Resource Management

SES Controller and Director
SES* Deputy Controller and Deputy Director

Office of the Secretary

SES Secretary of the Commission
SES Assistant Secretary of the Commission

Office of Inspector and Auditor

SES Director, OIA
SES Assistant Director for Investigations
SES Deputy Director and Assistant for Audits

Office of State Programs

SES Director, State Programs

Office of Investigations

SES* Director, Office of Investigations
SES* Deputy Director of Investigations

Atomic Safety and Licensing Board Panel

SES Vice Chairman, Executive Secretary, ASLBP
SES Vice Chairman, Technical, ASLBP
SES Chairman, ASLBP

Atomic Safety and Licensing Appeal Panel

SES Vice Chairman, ASLAP
GG-17 Permanent Legal Members, ASLAP (4)
GG-17* Permanent Technical Members, ASLAP (3)
SES Chairman, ASLAP

Office of the General Counsel

SES General Counsel
SES Solicitor, OGC
SES Deputy General Counsel for Dom Lic & Reg
SES Assistant General Counsel for Legislation and Executive Branch Affairs
SES Assistant General Counsel for Administration and Ajudication

Office of Public Affairs

SES Director, Office of Public Affairs
SES Deputy Director, Office of Public Affairs

Office of Congressional Affairs

SES Director, Office of Congressional Affairs

Office of Policy Evaluation

SES Director, Office of Policy Evaluation
SES A/D for Technical Review, OPE
SES A/D for Special Projects, OPE

Executive Director for Operations

SES Executive Director for Operations
SES Deputy Executive Director for Operations
SES Assistant for Operations
SES* Deputy Executive Director for Regional Operations and Generic Requirements
SES* Director, Regional Operations and Generic Requirements Staff

Office of the Executive Legal Director

SES Executive Legal Director
SES Deputy Executive Legal Director
SES Director & Chief Counsel, Regulations Division
GG–17 Special Assistants to the Executive Legal Director (2)
SES Director/Chief Counsel, Operations and Administration Division
SES Director & Chief Counsel, Hearing Division
SES Assistant Chiefs, Hearing Counsel (3)
SES Deputy Chief, Hearing Counsel, Deputy Director, Hearing Division
SES Director & Chief Counsel, Rulemaking and Enforcement Division
SES Assistant Chief Hearing Counsel Antitrust Counsel
SES* Deputy Chief Hearing Counsel

Office of International Programs

SES Director, Office of International Programs
SES Deputy Director for International Programs and A/D for International Cooperation
SES A/D for Export/Import & International Safeguards

Office of Nuclear Reactor Regulation

SES Director, NRR
SES Deputy Director, Office of Nuclear Reactor Regulation
SES* Director, CRBR Program Office
SES Program Director, TMI Program Office
SES Deputy Program Director, TMI Program Office
SES Director, Planning and Program Analysis Staff
SES Director, Division of Licensing
SES Deputy Director, Division of Licensing
SES Assistant Director for Operating Reactors
SES Chief, Operating Reactors Branch 1
SES Chief, Operating Reactors Branch 2
SES Chief, Operating Reactors Branch 3
SES Chief, Operating Reactors Branch 4
SES Assistant Director for Licensing
SES Chief, Licensing Branch 1
SES Chief, Licensing Branch 2
SES Chief, Licensing Branch 3
SES* Chief, Licensing Branch 4
SES Chief, Standardization and Special Projects Branch
SES Assistant Director for Safety Assessment
SES Chief, Operating Reactors Branch 5
SES Chief, Systematic Evaluation Program Branch
SES Chief, Operating Reactors Assessment Branch
SES Director, Division of Engineering
SES Assistant Director for Components & Structures Engineering
SES Chief, Mechanical Engineering Branch
SES Chief, Structural Engineering Branch
SES Chief, Geosciences Branch
SES Chief, Hydrologic and Geotechnical Engineering Branch
SES Assistant Director for Materials & Qualifications Engineering
SES Chief, Materials Engineering Branch
SES Chief, Chemical Engineering Branch
SES Chief, Equipment Qualification Branch
SES Chief, Quality Assurance Branch
SES Assistant Director for Environmental Technology
SES Chief, Environmental Engineering Branch
SES Chief, Siting Analysis Branch 235
SES Chief, Utility Finance Branch
SES Director, Division of Systems Integration
SES Assistant Director for Core and Plant Systems
SES Chief, Instrumentation & Control Systems Branch
SES Chief, Power Systems Branch
SES Chief, Containment Systems Branch
SES Chief, Auxiliary Systems Branch
SES Assistant Director for Radiation Protection
SES Chief, Accident Evaluation Branch
SES Chief, Radiological Assessment Branch
SES Chief, Effluent Treatment Systems Branch
SES Assistant Director for Reactor Safety
SES Chief, Reactor Systems Branch
SES Chief, Core Performance Branch
SES Chief, Systems Interaction Branch
SES Director, Division of Human Factors Safety
SES Deputy Director, Division of Human Factors Safety
SES Chief, Human Factors Engineering Branch
SES Chief, Operator Licensing Branch
SES Chief, Licensee Qualifications Branch
SES Chief, Procedures & Test Review Branch
SES Director, Division of Safety Technology
SES Assistant Director for Generic Projects
SES Chief, Generic Issues Branch
SES Chief, Licensing Guidance Branch
SES Chief, Research & Standards Coordination Branch
SES Assistant to the Director for Technology
SES Chief, Safety Program Evaluation Branch
SES Chief, Reliability and Risk Assessment Branch

Office of Nuclear Regulatory Research

SES Director, Nuclear Regulatory Research
SES Deputy Director, Nuclear Regulatory Research

Office of Nuclear Material Safety and Safeguards

SES Director, NMSS
SES Deputy Director, NMSS
ST* Chief Engineer
SES Director, Division of Safeguards
SES Deputy Director, Division of Safeguards
SES Chief, Safeguards Licensing Policy and Program Branch
SES Chief, Power Reactor Safeguards Licensing Branch
SES Chief, Fuel Facilities Safeguards Licensing Branch
SES Chief, Material Transfer Safeguards Licensing Branch
SES Deputy Director, Division of Fuel Cycle & Material Safety
SES Director, Division of Fuel Cycle & Material Safety
SES Chief, Adv & Spent Fuel Licensing Branch
SES Chief, Uranium Fuel Licensing Branch
SES Chief, Transportation Certification Branch
SES Chief, Materials Certification and Procedures Branch
SES Chief, Material Licensing Branch
SES Chief, Low Level Waste Licensing Branch
SES Chief, Uranium Recovery Licensing Branch
SES Chief, Licensing Proc and Integration Branch
SES Chief, Hi-Level Waste Technology Development Branch
SES Deputy Director, Waste Management Division
SES Chief, Hi-Level Waste Licensing Management Branch
SES Director, Division of Waste Management

Office of Inspection and Enforcement

SES Director, Inspection and Enforcement
SES Deputy Director, Inspection and Enforcement
SES Director, Enforcement Staff
SES Chief, Reactor Projects and Resident Inspection Branch
SES Director, Division of Emergency Preparedness
SES Deputy Director, Division of Emergency Preparedness
SES Chief, Emergency Preparedness Licensing Branch
SES Director, Division of Fuel Facilities, Materials & Training
SES Chief, Fuel Facilities Branch
SES Chief, Materials Branch
SES Director, NRC Reactor Training Center
SES Regional Administrator, Region I
SES Deputy Regional Administrator, Region I
SES Director, Division of Resident and Reactor Project Inspector, Region I
SES Director, Division of Engineering and Technical Inspection, Region I
SES Regional Administrator, Region II
SES Deputy Regional Administrator, Region II
SES Director, Division of Engineering and Technical Inspection, Region II
SES Director, Division of Resident and Reactor Project Inspector, Region II
SES Regional Administrator, Region III

SES Deputy Regional Administrator, Region III
SES Director, Division of Resident and Reactor Project Inspector, Region III
SES Director, Division of Engineering and Technical Inspection, Region III
SES Regional Administrator, Region IV
SES Deputy Regional Administrator, Region IV
SES Regional Administrator, Region IV
SES Deputy Regional Administrator, Region V
SES Deputy Regional Administrator, Region V
SES Director, Division of Resident, Reactor Project and Engineering Inspection, Region V

Office for Analysis and Evaluation of Operational Data

SES Director, Office for Analysis and Evaluation of Operational Data
SES Deputy Director, Office for Analysis and Evaluation of Operational Data

AGENCY: OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Positions:
SES Executive Director
SES General Counsel

AGENCY: OFFICE OF PERSONNEL MANAGEMENT

Positions:
SES* Deputy Associate Director, Workforce Effectiveness and Development Group
SES* Associate Director, Compliance and Investigations Group
SES Labor-Management Relations, Workforce Effectiveness and Development Group
SES Assistant Director for Planning and Evaluation, Office of Planning and Evaluation
SES Chairman, Federal Prevailing Rate Advisory Committee
SES Assistant Director for Agency Compliance and Evaluation, Compliance and Investigations Group
SES Assistant Director for Administrative Law Judges, Staffing Group
SES Assistant Director for Staffing, Staffing Group
SES Deputy Associate Director, Compensation Group
SES Assistant Director for Retirement Programs, Compensation Group
SES Director, Eastern Region
SES Deputy Director, Eastern Region
SES Director, Great Lakes Region
SES Deputy Director, Great Lakes Region
SES Director, Southwest Region
SES Deputy Director, Southwest Region
SES Director, Western Region
SES Deputy Director, Western Region
SES Director, New England Region
SES Deputy Director, New England Region
SES Director, Mid-Atlantic Region
SES Deputy Director, Mid-Atlantic Region
SES Director, Southeast Region
SES Deputy Director, Southeast Region
SES Director, Rocky Mountain Region
SES Deputy Director, Rocky Mountain Region
SES Director, Mid-Continent Region
SES Deputy Director, Mid-Continent Region
SES Director, Northwest Region
SES Deputy Director, Northwest Region
SES Assistant Director for Insurance Programs, Compensation Group
SES Director, Federal Executive Institute, Workforce Effectiveness and Development Group
SES Chief, Medical Policy and Programs Division, Staffing Group
SES Assistant Director for Personnel Research and Development, Staffing Group
SES Assistant Director for Affirmative Employment Programs, Workforce Effectiveness and Development Group
SES Assistant Director, for Management, Administration Group
SES Assistant Director for Personnel Investigations Compliance and Investigations Group
SES Deputy General Counsel, Office of the General Counsel
SES Associate Director, Staffing Group
SES Associate Director, Administration Group
SES Associate Director, Compensation Group
SES Associate Director, Work Force Effectiveness and Development Group
SES Deputy Director, Office of Government Ethics
SES Counselor, Office of Government Ethics

AGENCY: OFFICE OF SPECIAL COUNSEL (MSPB)

Positions:
SES Deputy Special Counsel
SES Associate Special Counsel for Investigation
SES Associate Special Counsel for Prosecution
SES* Deputy Associate Special Counsel for Investigation

AGENCY: OVERSEAS PRIVATE INVESTMENT CORPORATION

Positions: No section 207(d)(1)(C) designations.

AGENCY: PEACE CORPS

Positions:
FE–2 General Counsel, Peace Corps
FE–2 Associate Director, Program Operations, Peace Corps

AGENCY: PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Positions:
AD Executive Director of the Corporation
AD Assistant Director—Legal
AD Assistant Director—Finance
AD All members of the Board of Directors [23]

AGENCY: PENSION BENEFIT GUARANTY CORPORATION

Positions:
GS–17 Deputy Executive Director
GS–17 General Counsel
GS–17 Director, Office of Program Operations
GS–17* Director, Office of Financial Operations
GS–17* Assistant Executive Director for Policy and Planning

AGENCY: POSTAL RATE COMMISSION

Positions: No section 207(d)(1)(C) designations.

AGENCY: RAILROAD RETIREMENT BOARD

Positions:
SES Chief Executive Officer
SES Chief Actuary
SES Deputy Executive Officer
SES Director of Budget and Fiscal Operations
SES Director, Bureau of Data Processing and Accounts
SES Director, Bureau of Retirement Claims
SES Director, Bureau of Unemployment and Sickness Insurance
SES Director of Research
SES General Counsel

AGENCY: SECURITIES AND EXCHANGE COMMISSION

Positions:
SES General Counsel
SES Director, Division of Corporation Finance
SES Director, Division of Corporate Regulation
SES Director, Division of Enforcement
SES Director, Division of Investment Management
SES Director, Division of Market Regulation
SES Deputy Director, Division of Corporation Finance
SES Deputy Director, Division of Market Regulation
SES Chief Accountant of the Commission
SES Deputy Chief Accountant
SES Executive Director
SES Regional Administrator, New York
SES Regional Administrator, Chicago
SES Regional Administrator, Los Angeles
SES Deputy Regional Administrator, New York

AGENCY: SELECTIVE SERVICE SYSTEM

Positions:
SES Deputy Director of the Agency
SES Associate Director, Administration
SES Associate Director, Planning and Operations
SES Associate Director, Management Information Systems
SES Associate Director, Policy Development and Administrative Legal Systems

AGENCY: SMALL BUSINESS ADMINISTRATION

Positions:
SES Deputy Administrator
SES Assistant Administrator for Policy, Planning and Budgeting
SES Regional Administrator, Region I
SES Regional Administrator, Region II
SES Regional Administrator, Region III
SES Regional Administrator, Region IV
SES Regional Administrator, Region V

SES Regional Administrator, Region VI
SES Regional Administrator, Region VII
SES Regional Administrator, Region VIII
SES Regional Administrator, Region IX
SES Regional Administrator, Region X
SES Director, Equal Employment Opportunity and Compliance
SES General Counsel
SES Deputy General Counsel
SES Associate Administrator for Procurement and Technology Assistance
SES Associate Administrator for Management Assistance
SES Associate Administrator for Minority Small Business & Capital Ownership Development
SES Director of Business Development
SES Director of Field Management
SES Associate Deputy Administrator
SES Associate Administrator for Finance and Investment
SES Assistant Administrator for Administration
SES Assistant Administrator for External Affairs
SES Director of Personnel

AGENCY: TENNESSEE VALLEY AUTHORITY

Positions: No section 207(d)(1)(C) designations.

AGENCY: UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Positions:

SES Special Assistant to the Director
SES* Deputy Assistant Director, NWC
SES* Deputy Assistant Director, SP
SES Deputy Assistant Director, VI
SES Senior Military Adviser, D
SES Administrative Director
SES Chief of Operations Analysis
SES Deputy Assistant Director, MA
SES* Deputy Assistant Director, NWC
SES Deputy Assistant Director, SP
SES Special Representative for INF
SES* U.S. Representative to CD
SES* Representative to MBFR
SES General Counsel
SES Director, CPA

AGENCY: UNITED STATES INFORMATION AGENCY

Positions:

SES Director, Office of Public Liaison
SFS Counselor of the Agency
SES General Counsel
SES Deputy General Counsel

The Directorate for Educational and Cultural Affairs

SFS Director of Cultural Centers and Resources
SES Director, Office of Academic Programs

The Directorate for Broadcasting (the Voice of America)

SFS Deputy Associate Director
SES Director, Office of Administration
SES Director of Programs
SES Director of Engineering and Technical Operations
SES Director, Office of Personnel

The Directorate for Management

SES Deputy Associate Director
SFS Director of Administrative Services
SES Director, Office of Comptroller
SES Director, Office of Personnel
SES Director, Office of Systems Technology

The Directorate for Programs

SES Director of Exhibits Service
SES Director of Press and Publication Services
SES Director of Television and Film Service
SFS Deputy Associate Director
SES Executive Officer

Area Offices

SFS Director of African Affairs
SFS Deputy Director, African Affairs
SFS Director of European Affairs
SFS Deputy Directors of European Affairs (2)
SFS Director of East Asian and Pacific Affairs
SFS Director of American Republic Affairs
SFS Director of North African, Near Eastern and South Asian Affairs
SFS Deputy Director of North African and Near Eastern and South Asian Affairs
SFS Public Affairs Officers of Class 1 Posts (6)

AGENCY: U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Positions:

Office of the Assistant Director for Administration

SES Assistant Director for Administration

Agency for International Development

Office of the General Counsel (GC)

SES General Counsel
SES Deputy General Counsel

Office of the Inspector General

SES Inspector General
SES Deputy Inspector General

Office of Legislative Affairs (LEG)

SES Director

Office of Public Affairs (OPA)

SES Director

Board for International Food and Agricultural Development Support Staff (BIFAD/S)

Office of the Executive Director

SES Executive Director

Office of U.S. Foreign Disaster Assistance (OFDA)

SES Coordinator, Foreign Disaster Relief

Office of Science Advisor (SCI)

SES Science Advisor

Bureau for Management

Office of the Assistant to the Administrator for Management (AA/SER)

SES Assistant to the Administrator for Management

Office of Financial Management (M/FM)

SES Controller
SES Deputy Controller

Office of Personnel Management (M/FM)

SFS–MC Director
SES Deputy Director

Directorate for Program and Management Services (M/SER)

SES Deputy Assistant to the Administrator for Management (M/DAA/SER)

Office of Management Planning (M/SER/MP)

SES Director

Office of Management Operations (M/SER/MO)

SES* Director
SFS–C Deputy Director

Office of Contract Management (M/SER/CM)

SES Director
SES Deputy Director

Office of Commodity Management (M/SER/COM)

SES Director

Office of Data Management

SES Director
SES Computer Systems Administrator

Office of Equal Opportunity Programs (EOP)

SES Director
SES Deputy Director

Bureau of Food for Peace and Voluntary Assistance (FVA)

Office of the Assistant Administrator (AA/FVA)

SES Deputy Assistant Administrator

Office of Program, Policy and Evaluation (PPE)

SFS–C Director, Program Policy and Evaluation

Office of Private and Voluntary Cooperation (PVC)

SES Director, Private and Voluntary Cooperation

Office of Food for Peace (FFP)

SES Coordinator, Food for Peace
SFS–C Deputy Coordinator, Food for Peace

Bureau for Private Enterprise (PRE)

Office of the Assistant Administrator (AA/PRE)

SES Deputy Assistant Administrator for Policy and Investment
SES Special Assistant for Management

Office of Project and Policy Review (PPR)

SES Director

Office of Housing (H)

SES Director
SFS–C Deputy Director

Bureau for Program and Policy Coordination

Office of the Assistant Administrator (AA/PPC)

SFS–CM Deputy Assistant Administrator, Bureau for Program and Policy Coordination

Office of Policy Development and Program Review (PPC/PDPR)

SFS–MC Director

Office of Planning and Budgeting (PPC/PB)

SFS–MC Director

Bureau for Science and Technology (S&T)

Office of Senior Assistant Administrator

SES Deputy Assistant Administrator for Research
SFS–MC Deputy Assistant Administrator for Technical Cooperation

Office of Technical Review and Information

SES Director

University Relations and Research Coordination

AD–18 Coordinator for University Relations and Research Support

Office of Program

SFS–MC Director

Director for Food and Agriculture

Office of Agriculture

SFS–MC Director

Renewable Natural Resources Management Division

SES Chief

Office of Nutrition

SES Director

Directorate for Energy and Natural Resources

SES Director

Office of Energy

SES Director

Directorate for Human Resources

SES Agency Director

Office of Rural Development and Development Administration

SFS–C Director

Office of Education

SFS–C Director

Office of International Training

SFS–C Director
SFS–C Deputy Director

Directorate for Health and Population

SES Agency Director

Office of Health

SES Director

Office of Population

SES Deputy Director

Bureau of Africa (AFR)

SFS–CM Deputy Assistant Administrator

Office of Development Planning (AFR/DP)

SFS–MC Director

Office of Program Management Resources (AFR/PMR)

SFS–MC Director

Office of Technical Resources (AFR/DR)

SFS–MC Director

Office of Project Development (AFR/PD)

SES Director

Bureau for Asia (AA/ASIA)

Office of the Assistant Administrator (AA/ASIA)

SFS–CM Deputy Assistant Administrator

Office of Development Planning (ASIA/DP)

SFS–MC* Director

Office of Technical Resources (ASIA/TR)

SFS–MC Director

Bureau for Latin America and the Caribbean (LAC)

Office of the Assistant Administrator (AA/LAC)

SFS–CM Deputy Assistant Administrator

Office of Development Programs (LAC/DR)

SFS–MC Director

Office of Development Resources (LAC/DR)

SFS–MC Director

Bureau for Near East (NE)

Office of Assistant Administrator (AA/NE)

SES Deputy Assistant Administrator

Office of Development Planning (NE/DP)

SFS–CM Director

Office of Project Development (NE/DP)

SES Director

Office of Technical Support (NE/TECH)

SFS–MC Director

Missions

Africa

SFS–MC Director, Botswana
SFS–MC Director, Cameroon
SFS–MC* AID Representative, Gambia
SFS–MC Director, Ghana
SFS–MC Director, Kenya
SFS–MC Director, Lesotho
SFS–MC Director, Liberia
SFS–MC AID Representative, Malawi
SFS–MC Director, Mali
SFS–MC Director, Mauritania
SFS–MC Director, Niger
SFS–MC Director, Senegal
SFS–MC Director, Somolia
SFS–MC Director, Sudan
SFS–MC Director, Swaziland
SFS–MC Director, Tanzania
SFS–MC AID Representative, Togo
SFS–MC Director, Uganda
SFS–MC Director, Upper Volta
SFS–MC AID Representative, Zambia
SFS–MC Director, Zimbabwe
SFS–MC Director, Regional Economic Development Services Office, West Africa
SFS–MC Director, Regional Economic Development Services Office, East Africa
SFS–C Regional Development Officer, Guinea-Bissau/Cape Verde
SFS–C Regional Housing Officer, West Africa
SFS–C Regional Housing Officer, East Africa

Asia

FR–02* AID Representative, Burma
FR–02* Regional Development Officer, Fiji
FR–01 Director, Nepal
FR–01 Director, Sri Lanka

Europe

SFS–C AID Coordinator, Geneva
SFS–C Regional Food for Peace Officer, FAO Affairs, Rome

Latin America and the Caribbean

SFS–MC Director, Bolivia
SFS–MC Director, Regional Development Office, Caribbean
SFS–MC Director, Costa Rica
SFS–MC Director, Equador
SFS–MC Director, El Salvador
SFS–MC Director, Guatemala
SFS–MC Director, Guyana
SFS–MC Director, Regional Office for Central American Programs, ROCAP
SFS–MC Director, Haiti
SFS–MC Director, Honduras
SFS–MC Director, Jamaica
SFS–MC Director, Nicaragua
SFS–MC Director, Panama
SFS–MC Director, Paraguay
SFS–C Regional Housing Officer, Latin America

Near East

SFS–MC AID Representative, Lebanon
SFS–MC Director, Morocco
SFS–C* AID Representative, Oman
SFS–MC AID Representative, Portugal
SFS–MC AID Representative, Syria
SFS–MC Director, Tunisia
SFS–MC Director, Yemen
SFS–C Regional Housing Officer, Tunisia

Trade and Development Program

SFS Director

AGENCY: UNITED STATES METRIC BOARD

Positions:

SES Director, Office of Research, Planning and Coordination
SES General Counsel
SES Director, Office of Public Awareness and Education

AGENCY: U.S. POSTAL SERVICE

Positions: No section 207(d)(1)(C) designations.

AGENCY: UNITED STATES RAILWAY ASSOCIATION

Positions:

AD President
AD Executive Vice President
AD Vice President (2)
AD Vice President—Administration

AGENCY: VETERANS' ADMINISTRATION

Positions:

Office of the Administrator

SES* Associate Deputy Administrator for Congressional & Public Affairs
SES* Associate Deputy Administrator for Planning & Finance
SES* Associate Deputy Administrator for Logistics

SES* Associate Deputy Administrator for Information Resources Management
SES* Associate Deputy Administrator for Administration

Office of Inspector General

SES Deputy Inspector General

Office of the General Counsel

SES General Counsel
SES Deputy General Counsel

Office of Public & Consumer Affairs

SES Assistant Deputy Administrator
SES Deputy Assistant Deputy Administrator

Office of Planning and Program Evaluation

SES Deputy Assistant Administrator

Office of Budget & Finance

SES Assistant Deputy Administrator

Office of Construction

SES Assistant Deputy Administrator
SES Deputy Assistant Deputy Administrator

Department of Memorial Affairs

SES Chief Memorial Affairs Director
SES Deputy Chief Memorial Affairs Director

Department of Veterans' Benefits

SES Chief Benefits Director
SES Deputy Chief Benefits Director

Department of Medicine and Surgery

AD Deputy Associate Deputy Chief Medical Director for Operations
AD Deputy Associate Deputy Chief Medical Director for Program Management

Office of Personnel and Labor Relations

SES Deputy Assistant Administrator
SES Deputy Assistant Deputy Administrator

Office of Data Management and Telecommunications

SES Deputy Assistant Administrator
SES Deputy Assistant Deputy Administrator

Office of Procurement and Supply

SES Assistant Deputy Administrator
SES Deputy Assistant Deputy Administrator

Office of Reports and Statistics

SES* Assistant Deputy Administrator

AGENCY: WATER RESOURCES COUNCIL

Positions:
SES Director

Authority: 18 U.S.C. 207(d)(1)(C).

[FR Doc. 83-4385 Filed 2-24-83; 8:45 am]
BILLING CODE 6325-01-M

Federal Register

Friday
February 25, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

California: CA82-5118	Aug. 20, 1982
Pennsylvania: PA82-3007	Feb. 26, 1982
Nevada: NV82-5114	Aug. 6, 1982
New York	
NY81-3048	July 17, 1981
NY81-3022	Apr 3, 1981
Virginia: VA81-3015	Mar 6, 1981
Wisconsin WI82-2021	Mar 19, 1982
Massachusetts: MA81-3054	Sept 4, 1981
Maryland: MD81-3074	Oct 9, 1981
Rhode Island: RI81-3042	Aug. 15, 1981
Montana: MT81-5138	Aug. 7, 1981
Alabama AL82	Dec. 10, 1982
Missouri MO83-4010	Jan. 21, 1983

Supersedeas Decisions to General Wage Determination Decisions

The number of the decision being superseded and the date of publication in the Federal Register is listed with the State. The supersedeas decision number is in parentheses following the number of the decision being superseded.

Ohio: OH82-2037 (OH83-2013)	May 21, 1982

Cancellation of General Wage Determination Decision

The genreal wage decision listed below is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting Form SF–308. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.7(b)(2), the incorporation of the cancelled decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

AZ 82–5109—Statewide Arizona—dated April 23, 1982 in 47 FR 17723—Building Construction.

Signed at Washington, D.C. This 18th day of February 1983.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO.CA82-5118 - Mod. #6
(47 FR 36513 - Aug.20,1982)
Imperial,Inyo,Kern,Los Angeles, Mono,Orange,Riverside,San Bernardino,San Luis Obispo,Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 9	$23.11	3.97+ 3%

DECISION NO. PA82-3007
MOD. NO. 5
(47 FR 8529 - February 26, 1982)
Bucks, Chester, Delaware, Montgomery & Philadelphia Co, Pa.

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers:		
Zone 3		
All Other Work		
Structural & Ornamental	$16.25	4.80

DECISION NO. NV82-5114 - Mod. #5
(47 FR 34312 - August 6, 1982)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits
Change:		
Boilermakers	$21.39	$3.86
Glaziers	16.07	3.66

DECISION NO. NY81-3048
MOD. # 2
(46 FR 37193 - July 17, 1981)
Nassau & Suffolk Counties, New York

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	$16.14	7.03

DECISION NO. NY81-3022
MOD. # 6
(46 FR 20437 - April 3, 1981)
Onondaga County, New York

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
POWER EQUIPMENT OPERATORS:		
BUILDING CONSTRUCTION		
CLASS 1	15.29	3.25+a
CLASS 2	14.52	3.25+a
CLASS 3	12.92	3.25+a
CLASS 4	16.20	3.25+a
CLASSES 5 & 8	15.79	3.25+a
CLASS 6	17.29	3.25+a
CLASS 7	16.29	3.25+a
HEAVY & HIGHWAY CONSTRUCTION		
GROUP I	14.31	3.25+a
GROUP II	13.84	3.25+a
GROUP III	12.51	3.25+a
GROUP IV	11.33	3.25+a

DECISION NO. VA81-3015-
MOD. #8
(46 FR 15666-MARCH 6, 1981)
RADFORD ARMY AMMUNITION PLANT, VIRGINIA

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS	$13.60	3.99+ .75

DECISION NO. WI82-2021 -
MOD. #2
(47 FR 12038 - March 19, 1982)
LaCrosse, Monroe and Vernon Cos., Wisconsin

	Basic Hourly Rates	Fringe Benefits
Change:		
ELECTRICIANS	15.78	1.30 +3%

Modification Page 2

DECISION NO. MA81-3054 - MOD. #11
(46 FR 44631 - Sept. 4, 1981)
BARNSTABLE, BRISTOL, DUKES ESSEX, MIDDLESEX, NANTUCKET, NORFOLD, PLYMOUTH & SUFFOLK COS., MASSACHUSETTS

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS; SOFT FLOOR LAYERS:		
SUFFOLK; MIDDLESEX (Belmont, Cambridge, Everett, Malden, Medford, Somerville); NORFOLK (Brookline, Dedham, Milton)	16.56	3.37
ESSEX (Ipswich, Essex, Gloucester, Rockport, Topsfield, Hamilton, Wendham, Middleton, Danvers, Beverly, Manchester, Peabody, Salem, Marblehead)	14.85	2.63
ESSEX (Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimack, Newbury, Newburyport, Rowley, Salisbury, West Newbury, Andover, Lawrence, Methuen, North Andover, West Andover); MIDDLESEX (Acton, Billerica, Boxboro, Carlisle, Clemsford, Dracut, Dunstable, Littleton, Lowell Tewksbury, Tyngsboro, Westford)	15.96	3.37
ESSEX (Lynn, Lynnfield, Nahant, Saugus, Swampscott); MIDDLESEX (Remainder of County); NORFOLK (except Brookline, Dedham, Milton, Avon, Randolph, Holbrook, Staughton); PLYMOUTH (Duxbury, Hanover, Hingham, Hull, Marsfield, Norwell, Pembroke, Rockwell, Scituate); BRISTOL (Attleborough, North Attleborough)	15.81	3.52
NORFOLK (Avon, Holbrook, Randolph, Staughton); BRISTOL (Remainder of County); PLYMOUTH (Romainder of County); BARNSTABLE; DUKES; NANTUCKET	14.88	2.52
POWER EQUIPMENT OPERATORS		
Building Construction, Class I		
Heavy and Highway Construction, Class I		
Marine Construction, Class I		
Hourly premium for boom lengths including jib:		
Over 150 ft. + .64		
Over 185 ft. + 1.14		
Over 210 ft. + 1.59		
Over 250 ft. + 2.41		
Over 295 ft. + 3.35		

DECISION NO. MD81-3074-
MOD. # 12
(46 FR 50238-October 9, 1981)
ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL) BALTIMORE & BALTIMORE CITY, MARYLAND, & FOR HEAVY CONSTRUCTION IN HARFORD & HOWARD CTYS. MD

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
DECISION NO. MD81-3047 MOD. #11 PUBLISHED ON FEBRUARY 18,1983 TO READ:		
DECISION NO. MD81-3074		

Modification Page 3

DECISION NO. RI81-3002
MOD. NO. 10
(46 FR 42610 - Aug. 15, 1981)
Statewide, Rhode Island

Modification Page 4

DECISION NO. RI81-3042
MOD. NO. 10
(46 FR 42615 - Aug. 15, 1981)
Statewide, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Pointers, Caulkers & Cleaners	$14.42	1.48	1.70		.02
CHANGE:					
BUILDING CONSTRUCTION:					
BRICKLAYERS: STONEMASONS:					
Cities, Towns or Towhships of Charlestown, Hopkinton, Peace Dale, Richmond, South Kingstown, Wakefield, & Westerly	$14.42	1.85	1.45		.05
Remainder of State	14.42	1.35	1.70		.05
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; & SOFT FLOOR LAYERS:					
Cities of Providence, Pawtucket, East Providence, Central Falls, Cranston, Warwick, Woonsocket; Towns of Barrington, Burrillville, Warren, Bristol, West Warwick, East Greenwich, West Greenwhich, North Providence, Johnston, Cumberland, Lincoln, Smithfield, North Smithfield, Foster, Scituate, Gloucester, Coventry, North Kingstown, South Kingstown, Exeter, Narragansett, Westerly, & Charlestown:					
Building	14.00	1.00	2.50		.05
Millwrights	14.25	1.00	2.50		.05
City of Newport; Towns of Middletown, Portsmouth, Jamestown, Tiverton, Little Compton, New Shoreham (Block Island), & Prudence Island:					
Carpenters; Soft Floor Layers	14.00	1.00	2.50		.05

DECISION NO. RI81-3042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS (CONT'D)					
Millwrights (Cities of Tiverton & Little Compton)	14.25	1.00	2.50		.05
CEMENT MASONS; PLASTERERS:					
Woonsocket, N. Smithfield, Burrillville, Chepachet, Cumberland (N 1/3), & Lincoln	14.42	1.85	1.45		.05
Westerly, Hopkinton, South Kingstown, Charlestown, Richmond, Wakefield, & Peace Dale	14.42	1.85	1.45		.05
Remainder of State:					
Cement Masons	14.85	1.15	.75		
Plasterers	15.65	1.15	.75		.01
GLAZIERS	13.78	.62	1.70		
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	15.83	1.15	3.25		.05
LABORERS:					
Laborers; Carpenter Tenders; Cement Finisher Tenders; Mason Teners; Scaffold Erectors & Wrecking Laborers	12.40	.85	1.30		.15
Asphalt Rakers; Adzemen; Pipe-Trench Bracers; Demolition Burners; Chain Saw Ops.; Fence & Guard Rail Erectors; Setters of Metal Forms for Roadways; Pipelayers; Riprap & Dry					

Modification Page 5

DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Stonewall Builders; Highway Stone Spreaders					
Pneumatic Tool Ops.; Wagon Drill Ops.; Tree Trimmers; Barco Type Jumping Tampers; Mechanical Grinder Ops.; Plasterers' Tenders; Scaffold Builders; & Mortar Mixers	12.65	.85	1.30		.15
Pre-cast Floor and Roof Plank Erectors	12.90	.85	1.30		.15
Pumping Machine Operator	13.00	.85	1.30		.15
Air Track Ops.; Block Pavers; Rammers; & Curb Setters	13.15	.85	1.30		.15
Blasters; Powdermen	13.40	.85	1.30		.15
PAINTERS:					
Remainder of State: Brush; Roller; Tapers	14.05	1.00	1.15		
Structural Steel; Steamcleaning	14.30	1.00	1.15		
Air Powder Brush	14.55	1.00	1.15		
Spray & Sand or Water Blasting	15.05	1.00	1.15		

Modification Page 6

DECISION NO. RI81-3042	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS, SIGN: Bristol, Kent, & Providence Cos.	9.65	.64	.40	c+d	.04
ROOFERS: Composition, Waterproofers	15.75	1.40	.70		
Slate, Tile, Precast Concrete	15.95	1.40	.70		.07
STEAMFITTERS	15.83	.83	2.65		
HEAVY AND HIGHWAY CONSTRUCTION					
BRICKLAYERS: STONEMASONS: Catch Basins; Manhole Builders	13.65	1.48	1.70		.02
IRONWORKERS: Ornamental; Reinforcing; & Structural	15.03	1.15	3.25		.05
LABORERS: Laborers; Carpenter & Cement Finisher Tenders & Wrecking Laborers	12.40	.85	1.30		.15
Adzeman; Asphalt Rakers; Barco-type Jumping Tampers; Chain Saw Ops.; Concrete & Power Buggy Ops.; Concrete Saw Ops.; Demolition Burners; Fence & Guard Rail Erectors; Highway Stone Spreaders; Mason Tenders; Mechanical Grinder Ops.; Mortar Mixers; Pipelayers; Pipe-Trench Bracers; Pneumatic Tool Ops.; Riprap & Dry Stonewall Builders; Scaffold Erectors; Setters of Metal Forms for Roadways; Wagon Drill Ops.; Wood Chipper Ops.	12.65	.85	1.30		.15
Air track drill ops.; Brick Pavers; Block Pavers; Rammers; Curb Setters	13.15	.85	1.30		.15
Blasters & Powdermen	13.40	.85	1.30		.15
PAINTERS: Remainder of State: Brush; Roller: tapers	14.05	1.00	1.15		
Structural Steel; Steamcleaning	14.30	1.00	1.15		
Air Power Brush	14.55	1.00	1.15		
Spray & Sand or Water Blasting	15.05	1.00	1.15		
PAINTERS, SIGN: Bristol, Kent & Providence Cos.	9.65	.64	.40	c+d	.04

Modification Page 7

Modification Page 8

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DECISION NO. MT81-5138 - Mod. #6
(46 FR 40439 - August 7, 1981)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Change:		
Modification No. 5, published in Volume 48, FR Page 5433, Modification Page No. 12, to read Decision No. MT81-5138 instead of CA82-5138		
Carpenters:		
Carpenters	$12.43	$2.46
Millwrights	13.43	2.46
Piledrivermen	12.68	2.46
Cement Masons:		
Cement Masons	12.28	1.70
Grinder, Bush Hammer and Clipping Pan preparing finished surface	12.43	1.70
Ironworkers:		
Area 1	15.16	3.05
Area 2	17.74	3.80
Area 3	15.16	3.05
Laborers:		
Group 2	10.71	2.20
Line Construction:		
Statewide, except Flathead, Lake and Lincoln Counties:		
Lineman, Pole Sprayer	16.27	.95+3½%
Cable Splicers	17.40	.95+3½%
Line Equipment Operator; Powderman	14.38	.95+3½%
Groundman	11.65	.95+3½%
Painters:		
Area 1:		
Brush or Roller, Prep work, Pot Tender	12.05	1.63
Wet Sandblasting, Brush or Roller application of cold tar, epoxies and acid resistant materials	14.05	1.63
Spray application of cold tar, epoxies and acid resistant materials	16.89	1.63
Paper or Vinyl Hanger	12.05	1.63
Structural Steel:		
Brush or Roller	13.55	1.63
Perfa-taping	$12.58	$1.63
Structural Steel:		
Spraying	12.08	1.63
Airless Spraying	12.08	1.63
Area 2:		
Brush; Roller; Floor Layers	12.75	1.63
Brush, Roller on steel and roofs, Pmt Tender, and Paperhanger	12.20	1.63
Perfataper (hand tools)	12.06	1.63
Spray (not steel)	12.95	1.63
Sandblaster, commercial and steel; Spray on structural steel and tanks	13.20	1.63
Perfataper (machine tools)	12.46	1.63
Area 3:		
Painter	10.52	
Paint Mitts	13.30	
Perfa-taping	10.57	
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and Steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 ft.	13.30	
Area 4:		
Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches	12.47	1.54+1%
Paperhanger	12.97	1.54+1%
Brush and Roller on steel	12.47	1.54+1%
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless Spray	14.72	1.54+1%

DECISION NO. MT81-5138 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Roller over 9' lmng	$13.97	1.54+1%
Hand Taper	12.87	1.54+1%
Machine Taper	14.12	1.54+1%
Area 5	10.90	
Area 6	15.41	1.68
Area 7:		
Highway parking and marking traffic surface application Operator; Material Mixer; Sandblaster; Striper	13.00	1.54
The installation of plastic, metal or composition button, or lines used instead of paint.		
Plumbers:		
Area 1	18.53	1.85
Area 2	16.95	2.42
Area 3	16.45	1.95
Area 4	18.60	2.45
Sheet Metal Workers:		
Statewide	15.71	3.06

DECISION NO. AL82-1087 -- MOD #1 (47 FR 55588) dtd. 12/10/82

	Basic Hourly Rates	Fringe Benefits
Blount,Cherokee,Clay,Cleburne,Colbert,Cullman, DeKalb,Fayette,Franklin, Jackson,Lamar,Lauderdale, Lawrence,Limestone,Madison, Marion,Marshall,Morgan, Randolph, & Winston Cos. in ALABAMA		
HEAVY CONSTRUCTION		
CHANGE:		
Electricians:		
1)Colbert County	$14.35	$2.05+4%
2)Remainder of Counties	8.75	.60+2%
ADD:		
Ironworkers (Culbert Co.)	12.62	1.88

DECISION [illegible]3-4010-Mod.#1 (48 FR 2912-January 21, 1983
Franklin, Jefferson,Lincoln, St. Charles,Warren Cos. & City & Co. of St. Louis, Missouri

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$15.325	2.77

SUPERSEDEAS DECISION

STATE: Ohio

COUNTIES: Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit

DECISION NUMBER: OH83-2013

DATE: Date of Publication

Supersedes Decision No.: OH82-2037, Dated May 21, 1982 in 47 FR 22307

DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake & Lorain Cos.	$17.79	$2.74
Ashtabula (Rem. of Co.) Co.	17.24	2.43
Remaining Cos.	17.75	2.24
BOILERMAKERS	17.255	3.305
BRICKLAYERS; Stonemasons:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.	17.54	3.17
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage & Summit Cos.:		
Commercial Building	16.72	2.67
Residential	13.92	1.82
Stark Co.	16.19	2.12
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:		
Ashtabula, Cuyahoga, & Lake Cos.:		
Carpenters; Soft Floor Layers	16.93	3.86
Millwrights	16.63	4.18
Piledrivermen	16.70	4.11
Lorain Co.:		
Carpenters; Soft Floor Layers	18.45	2.75+d
Millwrights	18.63	4.18
Piledrivermen	16.70	4.11
Portage & Summit Cos.:		
Commercial Building:		
Carpenters	16.26	2.88
Millwrights	16.63	4.18
Piledrivermen	16.70	4.11
Soft Floor Layers	15.61	3.09+c
Residential Carpenters	12.20	1.39
Stark Co.:		
Carpenters	15.68	2.41
Millwrights; Piledrivermen	16.16	2.41
Soft Floor Layers	15.51	2.41
CEMENT MASONS:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.	18.00	2.34
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS:		
Ashtabula (Twps. of Colebrook, Wayne, Williamsfield, Orwell, & Windsor) & Portage (Exclu. Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield) Cos.	$18.13	$2.77
Ashtabula (Rem. of Co.) Co.:		
Commercial Building	17.60	3.62
Residential	8.10	1.24
Cuyahoga & Lorain (Columbia Twp.) Cos.	17.[illegible]	[illegible].24
Lake Co.:		
Commercial Building:		
Electricians	17.91	2.42
Cable Splicers	18.18	2.43
Residential Electricians	10.75	1.10
Lorain (Except Columbia Twp.) Co.:		
Commercial Building	18.20	[illegible].96
Residential Electricians	10.73	[illegible].83
Portage (Twps. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shelbyville, Streetsboro, & Suffield), & Summit Cos.:		
Commercial Building:		
Electricians	17.69	2.94
Cable Splicers	18.93	2.975
Residential Electricians	10.54	2.22
Stark Co.:		
Commercial Building	17.10	3.16
Residential	11.86	2.57
ELEVATOR CONSTRUCTORS:		
Ashtabula Co.:		
Mechanic	[illegible].[illegible]	2.69+a +f
Helpers	70%JR	2.69+a +f
Helpers (Prob.)	50%JR	

	Basic Hourly Rates	Fringe Benef.
ELEVATOR CONSTRUCTORS (CONT'D):		
Cuyahoga, Lake, & Lorain Cos.:		
Mechanic	$18.01	$2.465+a +f
Helpers	70%JR	2.465+a +f
Helpers (Prob.)	50%JR	
Portage, Stark, & Summit Cos.:		
Mechanic	16.76	2.465+a +f
Helpers	70%JR	2.465+a +f
Helpers (Prob.)	50%JR	
GLAZIERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	18.83	2.61
Portage, Stark & Summit Cos.:		
Commercial Building	14.43	3.06
Residential	8.53	2.30
IRONWORKERS:		
Ashtabula (NE ¼ of Co.) Co.	15.50	3.62
Ashtabula (NW ¼ of Co.), Cuyahoga, Lake, Lorain, Portage (Exclu. Ravenna Ordnance Depot), & Summit Cos.:		
Ornamental; Reinforcing; & Structural	17.62	3.11
Sheeters	17.87	3.11
Ashtabula (S ½ of Co.) & Portage (Ravenna Ordnance Depot) Cos.:		
Ornamental; Reinforcing; & Structural	16.01	3.16
Sheeters; Layout Man	17.01	3.16
Stark Co.	15.46	3.79
LATHERS:		
Lorain (Western ½ of Co.) Co.	16.[illegible]	.81
LINE CONSTRUCTION:		
Ashtabula (Colebrook, Orwell, Wayne, Williamsfield & Windsor Twps.), Portage (Charleston, Edinburgh, Freedom, Hiram, Nelson, Palmyra, Paris & Windham Twps.) Cos.:		
Cable Splicer Op.; Linemen; Pole Digging Equipment Op.	18.70	2.29
Groundmen	$14.96	$1.97
Ashtabula (Rem. of Co.) Co.:		
Cable Splicer; Equipment Op.; Line Truck Driver; Linemen	17.40	3.81
Groundmen	14.40	3.70
Cuyahoga & Lorain (Columbia Twp.) Cos.:		
Cable Splicers; Equipment Ops.; Linemen	19.83	1.39
Truck Drivers (Winch)	12.89	1.15
Groundmen		
Lake Co.:		
Cable Splicers; Equipment Ops.; Linemen	17.93	2.98
Groundman; Truck Driver (Winch) Groundman	11.65	2.76
Lorain (Rem. of Co.) Co.:		
Cable Splicers; Equipment Ops.; & Linemen	18.20	3.04
Groundman; Truck Driver (Winch) Groundman	11.83	2.81
Portage (Atwater, Aurora, Brimfield, Deerfield, Franklin, Mantua, Randolph, Ravenna, Rootstown, Shalmersville, Streetsboro & Suffield Twps.) & Summit Cos.:		
Equipment Operators	13.27	2.83
Linemen	17.69	2.99
Cable Splicers	18.93	3.03
Groundmen; Truck Drivers	8.85	2.68
Stark Co.:		
Cable Splicers	15.99	3.13
Linemen	17.10	3.16
Truck Drivers; Groundmen	11.24	2.97
Line Equipment Ops.	14.84	3.09
MARBLE SETTERS; Terrazzo Workers; & Tile Setters:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.:		
Marble Setters; Terrazzo Workers	17.54	3.17
Tile Setters	17.405	3.75
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage & Summit Cos.	15.77	2.57

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.	17.54	3.17
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92
PILEDRIVERMEN:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.93	3.86
Portage, Stark, & Summit Cos.:		
Commercial Building	16.26	2.88
Residential	15.61	3.09+c
PLASTERERS:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.	17.54	3.17
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92
PLUMBERS & PIPEFITTERS:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.	18.00	2.34
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92
ROOFERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.93	3.86
Portage, Stark, & Summit Cos.:		
Commercial Building	16.26	2.88
Residential	15.61	3.09+c
SHEETMETAL WORKERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.63	4.18
Portage, Stark, & Summit Cos.:		
Commercial Building	16.63	4.18
Residential	15.67	1.92
SPRINKLER FITTERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.63	4.18
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92
STEAMFITTERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.63	4.18
Portage, Stark, & Summit Cos.:		
Commercial Building	16.64	1.92
Residential	15.67	1.92
TERRAZZO WORKERS; & TILE SETTERS:		
Cuyahoga Co.:		
Terrazzo Workers	17.54	3.17
Tile Setters	17.405	3.75
Remaining Cos.	16.42	2.45
TILE FINISHERS:		
Cuyahoga Co.	12.54	2.27
Remaining Cos.	11.74	2.12
TRUCK DRIVERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	16.93	3.86
Portage, Stark, & Summit Cos.:		
Commercial Building	16.26	2.88
Residential	15.61	3.09+c

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Ashtabula Co.:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	16.42	2.45
Cuyahoga Co.:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	17.54	3.17
Lake Co.:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	18.12	2.65+a
Lorain Co.:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	16.64	1.92
Residential:		
Backhoe; Bulldozer; Crane; Grader; Loader; Mechanic; Oiler	15.67	1.92
Boom Truck	15.67	1.92
Fork Lift	15.67	1.92
Mechanic Helper	15.67	1.92
Oiler	15.67	1.92
Service Engineer	15.67	1.92
Welder	15.67	1.92
LABORERS:		
Ashtabula Co.:		
Common; Mason Tender	16.42	2.45
Cuyahoga Co.:		
Common; Mason Tender	17.54	3.17
Lake Co.:		
Common; Mason Tender	18.12	2.65+a
Lorain Co.:		
Common; Mason Tender	18.05	.81+b
Portage, Stark, & Summit Cos.:		
Commercial Building:		
Common; Mason Tender	16.64	1.92
Residential:		
Common; Mason Tender	15.67	1.92
Concrete Saw; Jackhammer	15.67	1.92
Pipelayer	15.67	1.92

a. Paid for all hours worked in excess of 8 hours per day or 40 hours per week.

b. Paid for all hours worked in excess of 8 hours per day or 40 hours per week, plus 3 paid holidays.

c. Paid for all hours worked in excess of 8 hours per day or 40 hours per week, plus 4 paid holidays.

d. Paid for all hours worked in excess of 8 hours per day or 40 hours per week, plus 5 paid holidays.

e. Paid for all hours worked in excess of 8 hours per day or 40 hours per week, plus 6 paid holidays.

f. Paid for all hours worked in excess of 8 hours per day or 40 hours per week, plus 7 paid holidays.

JR: Journeyman Rate

Prob.: Probationary

Rem.: Remainder

Twps.: Townships

Exclu.: Excluding

Ops.: Operators

Equipment Ops.: Equipment Operators

Rem. of Co.: Remainder of County

Rem. of Cos.: Remainder of Counties

Publication Info: 1983 FE - 25 ISS 39 VOL 48 UMI

MARBLE SETTERS (CONT'D):	Basic Hourly Rates	Fringe Benefits
Stark Co.:		
Marble Setters	$14.82	$2.55
Terrazzo Workers	14.74	2.55
Tile Setters	14.65	2.55
MARBLE, TERRAZZO, & TILE FINISHERS:		
Ashtabula Co.	14.405	
Cuyahoga, Lake, & Lorain Cos.:		
Marble & Tile Finishers	16.54	2.50
Terrazzo Finishers	16.57	2.50
Portage & Summit Cos.	15.27	2.57
Stark Co.:		
Terrazzo Finishers	12.86	2.55
Tile Finishers	12.74	2.55
PAINTERS:		
Ashtabula, Cuyahoga, Lake, Portage (N. of East West Turnpike), & Summit (N. of East West Turnpike), & Lorain (NE part) Cos.:		
New Commercial Building:		
Brush; Roller; Paperhanger Sandblasting; Spray; & Closed Steel Below 55 ft. Tapers	17.06	2.62
	17.46	2.62
	17.76	2.62
Commercial Building Repaint:		
Brush; Roller; Paperhanger Sandblasting; Spray; & Closed Steel Below 55 ft. Tapers	16.56	2.62
	16.96	2.62
	17.26	2.62
Residential:		
Brush; Roller; Paperhanger Sandblasting; Spray; & Closed Steel Below 55 ft. Tapers	15.06	2.62
	15.46	2.62
	15.76	2.62
Lorain (Except NE part) Co.:		
Commercial Building:		
Brush	12.25	2.05+g
Roller	12.75	2.05+g
Taping	13.00	2.05+g
Residential:		
Brush	11.60	2.05+g
Taping	12.35	2.05+g

PAINTERS (CONT'D):	Basic Hourly Rates	Fringe Benefits
Portage (Ravenna Ordnance Depot) Co.:		
Brush; Roller; Waterproofing; Paperhanging; Wallwashing; Hydro Jet Cleaning; Steam Cleaning	$15.04	$2.66
Spray; Epoxy-mastic (Brush or Roller)	15.54	2.66
Swing; Interior Scaffold over 30 ft.; Window Jack & Safety Belts	15.21	2.66
Drywall Taping	15.19	2.66
Open Structural Steel	15.25	2.66
Dipping (when permitted)	15.39	2.66
Epoxy - mastic (spray)	16.04	2.66
Paperhangers (Furnishing own tools)	15.29	2.66
Portage & Summit Cos. (up to & Inclu. Ohio Turnpike):		
Commercial Building:		
Brush; Roller; & Paperhanger	15.25	2.42
Structural Steel; Drywall Finishers & Tapers	16.00	2.42
Spray	16.10	2.42
Sandblasting	16.25	2.42
Residential:		
Paperhangers	11.44	2.42
Drywall Tapers	12.00	2.42
Spray	12.075	2.42
Stark Co.:		
Commercial Building:		
Brush; Roller	15.01	2.10
Paperhangers	15.11	2.10
Drywall	15.41	2.10
Spray	15.51	2.10
Drywall with Machines	15.76	2.10
Residential	10.00	2.10
PIPEFITTERS; Steamfitters:		
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303, exclu. City of Hudson) Cos. & the C.E.I. Power House in Avon Lake	17.67	3.18

PIPEFITTERS; Plumbers; & Steamfitters:	Basic Hourly Rates	Fringe Benefits
Lorain Co.	$17.85	$2.73
Portage & Summit Cos. (S. of #303, except Corporate limits of Hudson):		
Commercial Building	16.25	3.05
Stark Co.	15.92	2.31+h
PIPEFITTERS; Plumbers:		
Residential:		
Lorain, Portage, Stark, & Summit (S. ½) Cos.	11.10	1.13
PLASTERERS:		
Ashtabula Co.	16.42	2.45
Cuyahoga Co.:		
Commercial Building	18.74	.01
Residential	13.00	.01
Lake Co.	18.12	2.65+a
Lorain Co.	18.05	.81+a
Portage, Stark & Summit Cos.	16.36	1.91
PLUMBERS:		
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), & Summit (N. of #303) Cos.	17.43	3.22
ROOFERS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	18.78	1.80
Portage, Stark, & Summit Cos.	16.44	2.41
SHEET METAL WORKERS:		
Ashtabula, Cuyahoga, & Lake Cos.	17.46	3.13
Lorain Co.	13.91	2.11
Portage, Stark, & Summit Cos.:		
Commercial Building	15.17	2.14+i
Residential	9.55	2.14+i
SPRINKLER FITTERS:		
Ashtabula, Cuyahoga, Lake, Portage (N. of #303), Summit (N. of #303, exclu. City of Hudson) Cos. & C.E.I. Power House in Avon Lake	17.67	3.18
Remaining Cos.	17.67	2.83

LABORERS:	Basic Hourly Rates	Fringe Benefits
Ashtabula Co.:		
Group 1	$15.40	
Group 2	15.75	
Group 3	15.90	
Group 4	15.95	
Group 5	16.05	
Group 6	16.15	
Group 7	16.25	
Group 8	16.30	
Cuyahoga Co.:		
Group 1	13.09	$3.95
Group 2	15.24	3.95
Group 3	15.29	3.95
Group 4	15.34	3.95
Group 5	15.49	3.95
Group 6	15.57	3.95
Group 7	15.59	3.95
Group 8	15.74	3.95
Group 9	16.59	3.95
Lake Co.:		
Group 1	14.80	2.65
Group 2	15.05	2.65
Lorain Co.:		
Group 1	13.58	2.70
Group 2	13.78	2.70
Group 3	14.18	2.70
Portage & Summit Cos.:		
Residential	12.02	2.76
Commercial Building:		
Group 1	14.07	2.76
Group 2	13.77	2.76
Group 3	13.72	2.76
Group 4	13.57	2.76
Stark Co.:		
Group 1	12.61	2.70
Group 2	12.81	2.70
Group 3	13.11	2.70
Group 4	13.21	2.70
POWER EQUIPMENT OPERATORS:		
Well & Pump Work (Inclu. Drilling & Repair of All Water Wells; Test Holes & Wells; & Installation & Repair of Deep Well Type of Shallow Well Pumps on Water Wells) Well Driller & Pump Installer	8.10	.61+j+k

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Ashtabula, Cuyahoga, Lake, & Lorain Cos.:		
Group A	$17.52	$3.02
Group B	17.37	3.02
Group C	17.02	3.02
Group D	16.24	3.02
Group E	15.92	3.02
Group F	13.74	3.02
Portage, Stark, & Summit Cos.:		
Group A	17.24	3.02
Group B	17.08	3.02
Group C	16.73	3.02
Group D	15.92	3.02
Group E	15.59	3.02
Group F	13.38	3.02

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Ashtabula Co.:		
Dump; Stake Body; Batch; Flat Bottom; & Pickup	$13.22	$1.41+1
Semis; Tandems	13.44	1.41+1
Carry-alls; Euclid Wagon; D.W. 10 Caterpillar (or equivalent)	13.69	1.41+1
Tractor Trailer (Low Boy)	13.79	1.41+1

CLASSIFICATION DEFINITIONS FOR LABORERS:
Ashtabula County:
Group 1 - Stonemason Tenders
Group 2 - Asphalt Rakers & Tampers; Dumpmen (Hatch Truck); Concrete Workers; Building Wreckers; Tool Checkers; Carpenter Tenders; Construction LaBorers; All Work not otherwise mentioned
Group 3 - Spreader Box Men (Asphalt); Sheeting & Shoring Men; Acid & Fire Brick; Plasterers or Mortar Mixers; Squeegee Man
Group 4 - Air & Machine Driven Tool Op.; Industrial Sewer Cleaning; Sewer Pipe Layers; Bottom Men (6' & over); Power Driven Wheelbarrows & Sweepers; Burning & Cutting Torches; Mud Jacking of Floors
Group 5 - Steelmen; Swinging Scaffold Men
Group 6 - Tunnel Laborers
Group 7 - Gunnite Operators
Group 8 - Powder Blasters
Cuyahoga County:
Group 1 - Building & Construction; Tenders; Equipment Replacing Wheelbarrows & Concrete Buggy
Group 2 - Power Driven Tools & Vibrators, Sewer & Utilities; Firebrick Tenders
Group 3 - Muckers; Jackhammer & Acetylene Burners
Group 4 - Swinging Scaffold; Air Track & Wagon Drill
Group 5 - Mason Tender Handling Carbon Block & Bottom Block Material
Group 6 - Gunite Operating Machines
Group 7 - Blasters, Shooters, Caisson, Well, Cylinder, Cofferdams, & Mine Workers without Air; Acid Brick Tenders
Group 8 - Top Man on Free Standing Radial Stack; Bellman & Bottom Man in Blast Furnace & Stove
Group 9 - Lansing Burner
Lake County:
Group 1 - Building & Construction
Group 2 - Gunnite Op.; Blasters & Shooters; Caissons, Well, Cylinder Cofferdams; Mine Workers without Air; Swing Scaffold; Acetylene Burners; Vibraters; Top Man on Free Standing Radial Stacks; Slip Forms Higher than 30'; Fire Brick Tenders

LABORERS CLASSIFICATIONS (CONT'D):
Lorain County:
Group 1 - Building & Construction; Tool Crib; Carpenter Tender; Finisher Tender; Concrete Tender; Concrete Handler; Guard Rail Erector; & Utility Construction
Group 2 - Bottom Man; Scaffold Builder; Tunnel Laborer; Pipelayers; Air & Power Driven Tools; Burner on Demolition Work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Man & Dynamite Blasters; Creosote Workers; Mortar Mixers; Form Setter; Mason Tenders; Plasterers' Tenders; Hod Carrier; Laser Beam Set Up Man
Group 3 - Gunnite Operators
Portage & Summit Counties:
Group 1 - Common; Welders Tenders; Carpenter Tenders; Landscapers; Mason Tender; Concrete Bucket Tender
Group 2 - Air Driven Boring Machine; Temper Ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up Man on Demolition Work; Scaffold Erector; Structural Precast Erector; Power Tools, Air, Gas, Or Electric
Group 3 - Pipe Layers; Rock Drillers; Muckers-Tunnel; Burners; Form Setters; Power Saws; Jackhammer; Barco Type Tampers; Bob Cat or similar; Bottom Man; Hod Carrier; Power Buggy or Power Wheelbarrow
Group 4 - Gunnite Nozzlemen; Tunnel Miners; Water Line Caulkers; Dynamite Man; Pump Hose Nozzlemen; & Structural Precast & Welder & Layout
Stark County:
Group 1 - Building & Construction; Tool Cribman; Carpenter Tenders; Finisher Tender; Concrete Handler; Utility Construction Laborer; Guard Rail Erector
Group 2 - Bottom Man; Scaffold Builder; Tunnel Laborer; Pipe Layer; Air & Power Driven Tools; Burner on Demolition; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Man & Dynamite Blaster; Creosote Worker; Form Setter; Hod Carrier; Laser Beam Setup Man
Group 3 - Mason Tender; Mortar Mixer; & Stonemasons Tenders
Group 4 - Gunnite Operator

CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS:

GROUP A - A-Frames; All Rotary Drills used on Caisson Work for Foundations & Sub-structure Work; Boiler Op. or Compressor Op. when Compressor or Boiler is mounted on Crane (piggyback operation); Boom Trucks; Cableways; Cherry Pickers; Combination Concrete Mixer & Tower; Concrete Pumps; Cranes; Derricks; Draglines; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Op. (hoisting builders materials); Helicopter Winch Op. (hoisting builders materials); Hoes; Hoisting Engines (two or more drums); Lift Slab or Panel Jack Op.; Locomotives; Maintenance Engineer (mechanic or welder); Mixer Paving (multiple drum); Mobile Concrete Pumps with Boom; Panelboard (all types on site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (building construction site); Tower Derricks; Trench Machines (over 24" wide)
GROUP B - Asphalt Paver; Bulldozer; CMI Type Equipment; Endloaders; Kahlman Type Loaders (dirt loading); Mucking Machines; Power Graders; Power Scoops; Power Scrapers; Push Cats
GROUP C - Air Compressor (pressurizing shafts or tunnels); All Asphalt Rollers; Fork Lifts; Hoist (one drum); House Elevators; Man Lift; Power Boiler (over 15 lbs., pressure); Pump Op. Installing or Operating Well Points or other Types of Dewatering System; Pumps (4" & over discharge); Submersible Pumps (4" & over discharge); Trenchers (24" & under)
GROUP D - Compressors on Building Construction; Conveyors (building material); Gunnite Machines; Mixers (cap., more than on bag); Mixers (one bag cap., side loader); Post Driver; Post Hole Digger; Pavement Breaker (hydraulic or cable); Road Widening Trencher; Rollers; Welder Operator

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D):
GROUP E - Backfillers and Tampers; Batch Plant; Bar & Joint Installing Machine;

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (CONT'D):
GROUP E - Backfillers and Tampers; Batch Plant; Bar & Joint Installing Machine; Bull Floats; Burlap & Curing Machines; Clefplanes; Concrete Spreading Machines; Crushers; Drum Fireman (asphalt); Farm Type Tractors (pulling attachments); Finishing Machines; Form Trenchers; High Pressure Pumps (over ½" discharge); Hydro Seeders; Self-propelled Power Spreader; Self-Propelled Subgrader; Tractors (pulling sheep foot roller or grader); Tire Repairmen; Vibratory Compactors (with Integral power)
GROUP F - Oiler; Light Plant Op.; Power Driven Heaters (oil fired); Power Boilers (less than 15 lbs. pressure); Submersible Pumps (under 4" discharge); Pumps (under 4" discharge); Tenders

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. $75.00 per year
b. 2 paid holidays: C & D
c. $150.00 per year
d. 2 paid holidays: C & D
e. 7 paid holidays: A through F, & Day after Thanksgiving
f. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
g. 2 paid holidays: C & D
h. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.
i. 3% of gross earnings to SASMI
j. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve Day; & Christmas Day
k. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 wks' paid vacation; 11th continuous calendar year - 3 wks' paid vacation.
l. $51.00 Per Employee Per Week

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 83-4804 Filed 2-24-83; 8:45 am]
BILLING CODE 4510-27-C

VOL
48
ISS
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1983
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federal register

Friday
February 25, 1983

Part IV

Department of the Interior

Minerals Management Service

Outer Continental Shelf, North Atlantic; Sale No. 52; Notice of Sale and Notice of Leasing Systems

UMI
1983
FEB 25
ISS 39
VOL 48
4

Billing Code: 4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf
North Atlantic

Oil and Gas Lease Sale No. 52

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (30 CFR 256, formerly 43 CFR Part 3300; see the Federal Register at 47 FR 47006, October 22, 1982). A revision of these regulations appeared in the Federal Register of June 16, 1982, at 47 FR 26031 and 25967.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Atlantic Outer Continental Shelf (OCS) Region, Minerals Management Service, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., e.s.t., March 28, 1983; or by personal delivery to the Roosevelt Hotel, Grand Ballroom, Madison Avenue and 45th Street, New York, N.Y., between the hours of 8:30 a.m., e.s.t., and 9:30 a.m., e.s.t., March 29, 1983. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Regional Manager prior to 9:30 a.m., e.s.t., March 29, 1983. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale was published in the Federal Register of October 6, 1982, at 47 FR 44166.

3. Method of Bidding. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., e.s.t., March 29, 1983," must be submitted for each tract. A suggested bid form appears in 30 CFR Part 256, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Partnerships also need to submit a list of signatories authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 52-4 through 52-7, 52-220 through 52-224, 52-226 through 52-243, 52-246, 52-251 through 52-253, 52-255, and 52-256 must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: When the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b[Ln\ (Vj/S)]$$

Where
Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j
b = 4.0
Ln = natural logarithm
Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars
S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 16.35851 percent). This calculation will incorporate the adjusted value of

6. Bid Opening. Bids will be opened on March 29, 1983, beginning at 10:00 a.m., e.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 16.35851 percent). This calculation will incorporate the adjusted value of production, Vj, in millions of dollars rounded to the sixth digit, i.e., the nearest dollar (for example, 15.392848 million).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding February, 1980. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 52-11, 52-13 through 52-58, 52-61 through 52-69, 52-72 through 52-81, 52-84 through 52-95, 52-97 through 52-109, 52-113 through 52-122, 52-128 through 52-131, 52-135, 52-136, 52-143 through 52-146, 52-158 through 52-162, 52-225, 52-244, 52-245, 52-247 through 52-250, 52-254, 52-257, 52-258, 52-260, 52-261, 52-263, 52-265 through 52-267, 52-270 through 52-273, 52-286, 52-289, 52-290, 52-302, 52-305, 52-306, 52-309, and 52-318 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof.

(c) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., March 29, 1983, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982) and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on March 29, 1983, beginning at 10:00 a.m., e.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March 29, 1983, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 30 CFR Part 256 Subpart I within the time provided in 30 CFR 256.47. A modification of the payments procedure for successful bidders appears in the revision of regulations discussed in paragraph 1, above. These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which may be purchased for $2.00 each from the Regional Manager, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180 or from the Regional Manager, Atlantic OCS Region, Minerals Management Service, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278.

Figure 1
Form of the Sliding Royalty Schedule

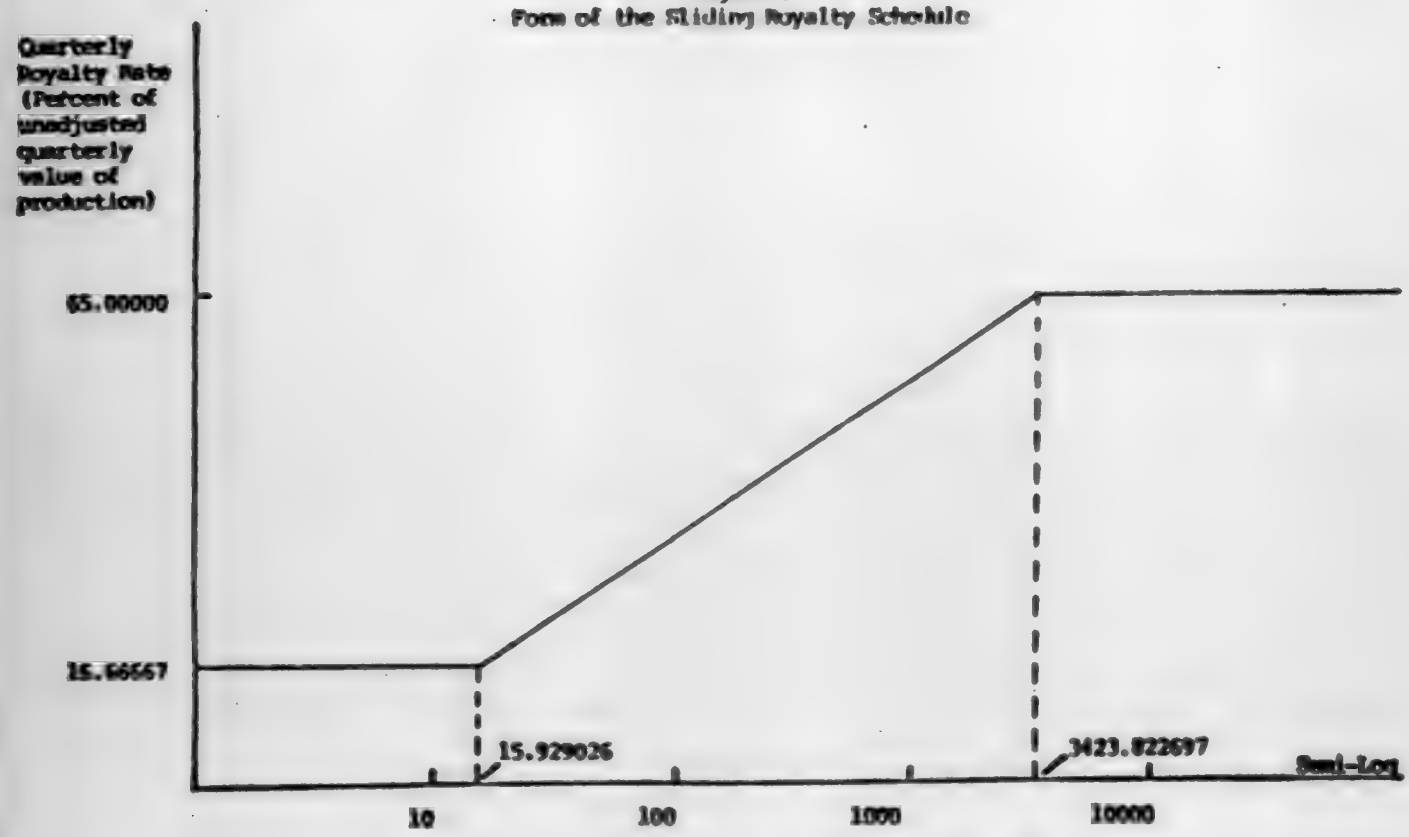

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	223.3	4/3	7.500000	16.66667	1.666667
30.000000	223.3	4/3	22.500000	19.77502	5.932506
90.000000	223.3	4/3	67.500000	29.66251	26.696277
270.000000	223.3	4/3	202.500000	39.55004	106.785108
810.000000	223.3	4/3	607.500000	49.43755	400.444155
10.000000	279.2	5/3	6.000000	16.66667	1.666667
30.000000	279.2	5/3	18.000000	17.76673	5.330019
90.000000	279.2	5/3	54.000000	27.65424	24.888816
270.000000	279.2	5/3	162.000000	37.54175	101.362725
810.000000	279.2	5/3	486.000000	47.42926	384.177006

1 Column (B) divided by 167.5 (the value of GNP fixed weighted price index for the quarter preceding Feb. 1980)

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100.

(a) Outer Continental Shelf Official Protraction Diagram No. NK 19-9, (Approved March 20, 1975).

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (Approved October 31, 1976)

(a) Outer Continental Shelf Official Protraction Diagram No. NK 19-9, (Approved March 20, 1975).

(b) Outer Continental Shelf Official Protraction Diagram No. NK 19-11, (Approved October 31, 1974).

(c) Outer Continental Shelf Official Protraction Diagram No. NK 19-12 (Approved April 29, 1975).

(d) Outer Continental Shelf Official Protraction Diagram No. NJ 19-1, Block Canyon (Approved June 22, 1977).

(e) Outer Continental Shelf Official Protraction Diagram No. NJ 19-2, Veatch Canyon (Approved January 25, 1979).

12. Tract Descriptions. The tracts offered for bids are as follows:

Tract List
Sale No. 52

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-9
(Approved March 20, 1975)

Tract	Block	Description	Hectares
52-4	976	All	2304
52-5	978	All	2304
52-6	979	All	2304
52-7	980	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-11	171	All	2304
52-13	215	All	2304
52-14	216	All	2304
52-15	257	All	2304
52-16	300	All	2304
52-17	301	All	2304
52-18	302	All	2304
52-19	341	All	2304
52-20	342	All	2304
52-21	343	All	2304
52-22	344	All	2304
52-23	345	All	2304
52-24	346	All	2304
52-25	383	All	2304
52-26	384	All	2304
52-27	385	All	2304
52-28	386	All	2304
52-29	387	All	2304
52-30	388	All	2304
52-31	389	All	2304
52-32	390	All	2304
52-33	391	All	2304
52-34	427	All	2304
52-35	428	All	2304
52-36	429	All	2304
52-37	430	All	2304
52-38	431	All	2304
52-39	432	All	2304
52-40	433	All	2304
52-41	434	All	2304
52-42	435	All	2304
52-43	471	All	2304
52-44	472	All	2304
52-45	473	All	2304
52-46	474	All	2304
52-47	475	All	2304
52-48	476	All	2304
52-49	477	All	2304
52-50	478	All	2304

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OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-93	651	All	2304
52-94	652	All	2304
52-95	653	All	2304
52-97	655	All	2304
52-98	656	All	2304
52-99	687	All	2304
52-100	688	All	2304
52-101	689	All	2304
52-102	690	All	2304
52-103	691	All	2304
52-104	692	All	2304
52-105	693	All	2304
52-106	694	All	2304
52-107	695	All	2304
52-108	696	All	2304
52-109	697	All	2304
52-112	700	All	2304
52-113	730	All	2304
52-114	731	All	2304
52-115	732	All	2304
52-116	733	All	2304
52-117	734	All	2304
52-118	735	All	2304
52-119	736	All	2304
52-120	737	All	2304
52-121	738	All	2304
52-122	739	All	2304
52-123	740	All	2304
52-124	741	All	2304
52-125	742	All	2304
52-126	743	All	2304
52-127	744	All	2304
52-128	774	All	2304
52-129	775	All	2304
52-130	776	All	2304
52-131	777	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-51	479	All	2304
52-52	480	All	2304
52-53	515	All	2304
52-54	516	All	2304
52-55	517	All	2304
52-56	518	All	2304
52-57	519	All	2304
52-58	520	All	2304
52-61	523	All	2304
52-62	524	All	2304
52-63	556	All	2304
52-64	559	All	2304
52-65	560	All	2304
52-66	561	All	2304
52-67	562	All	2304
52-68	563	All	2304
52-69	564	All	2304
52-72	567	All	2304
52-73	568	All	2304
52-74	601	All	2304
52-75	602	All	2304
52-76	603	All	2304
52-77	604	All	2304
52-78	605	All	2304
52-79	606	All	2304
52-80	607	All	2304
52-81	608	All	2304
52-84	611	All	2304
52-85	612	All	2304
52-86	644	All	2304
52-87	645	All	2304
52-88	646	All	2304
52-89	647	All	2304
52-90	648	All	2304
52-91	649	All	2304
52-92	650	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (Cont'd)

Tract	Block	Description	Hectares
52-132	778	All	2304
52-133	779	All	2304
52-134	780	All	2304
52-135	781	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-135	781	All	2304
52-136	782	All	2304
52-137	783	All	2304
52-138	784	All	2304
52-139	785	All	2304
52-140	786	All	2304
52-141	787	All	2304
52-142	788	All	2304
52-143	818	All	2304
52-144	819	All	2304
52-145	820	All	2304
52-146	821	All	2304
52-150	825	All	2304
52-151	826	All	2304
52-152	827	All	2304
52-153	828	All	2304
52-154	829	All	2304
52-155	830	All	2304
52-156	831	All	2304
52-157	832	All	2304
52-158	861	All	2304
52-159	862	All	2304
52-160	863	All	2304
52-161	864	All	2304
52-162	865	All	2304
52-163	866	All	2304
52-164	867	All	2304
52-165	868	All	2304
52-166	869	All	2304
52-167	870	All	2304
52-168	871	All	2304
52-169	872	All	2304
52-170	873	All	2304
52-171	874	All	2304
52-172	875	All	2304
52-173	876	All	2304
52-174	905	All	2304
52-175	906	All	2304
52-176	907	All	2304
52-177	908	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-11 (Cont'd)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
52-178	909	All	2304
52-179	910	All	2304
52-180	911	All	2304
52-181	912	All	2304
52-182	913	All	2304
52-183	914	All	2304
52-184	915	All	2304
52-185	916	All	2304
52-186	917	All	2304
52-187	918	All	2304
52-188	945	All	2304
52-189	946	All	2304
52-190	949	All	2304
52-191	950	All	2304
52-192	951	All	2304
52-193	952	All	2304
52-194	953	All	2304
52-195	954	All	2304
52-196	955	All	2304
52-197	956	All	2304
52-198	957	All	2304
52-199	958	All	2304
52-200	959	All	2304
52-201	960	All	2304
52-202	961	All	2304
52-203	962	All	2304
52-204	989	All	2304
52-205	990	All	2304
52-206	991	All	2304
52-207	992	All	2304
52-208	993	All	2304
52-209	994	All	2304
52-210	995	All	2304
52-211	996	All	2304
52-212	997	All	2304
52-213	998	All	2304
52-214	999	All	2304
52-215	1000	All	2304
52-216	1001	All	2304
52-217	1002	All	2304
52-218	1003	All	2304
52-219	1005	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-220	6	All	2304
52-221	8	All	2304
52-222	9	All	2304
52-223	10	All	2304
52-224	11	All	2304
52-225	45	All	2304
52-226	50	All	2304
52-227	51	All	2304
52-228	52	All	2304
52-229	53	All	2304
52-230	54	All	2304
52-231	55	All	2304
52-232	94	All	2304
52-233	95	All	2304
52-234	96	All	2304
52-235	139	All	2304
52-236	140	All	2304
52-237	183	All	2304
52-238	184	All	2304
52-239	226	All	2304
52-240	227	All	2304
52-241	228	All	2304
52-242	268	All	2304
52-243	272	All	2304
52-244	278	All	2304
52-245	279	All	2304
52-246	314	All	2304
52-247	321	All	2304
52-248	322	All	2304
52-249	323	All	2304
52-250	324	All	2304
52-251	355	All	2304
52-252	358	All	2304
52-253	361	All	2304
52-254	368	All	2304
52-255	399	All	2304
52-256	405	All	2304
52-257	411	All	2304
52-258	412	All	2304
52-259	413	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-260	441	All	2304
52-261	442	All	2304
52-263	449	All	2304
52-265	453	All	2304
52-266	454	All	2304
52-267	455	All	2304
52-268	456	All	2304
52-269	457	All	2304
52-270	485	All	2304
52-271	486	All	2304
52-272	487	All	2304
52-273	488	All	2304
52-279	496	All	2304
52-280	497	All	2304
52-281	498	All	2304
52-282	499	All	2304
52-283	500	All	2304
52-284	501	All	2304
52-285	502	All	2304
52-286	529	All	2304
52-289	532	All	2304
52-290	533	All	2304
52-293	538	All	2304
52-294	539	All	2304
52-295	540	All	2304
52-296	541	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-297	542	All	2304
52-298	543	All	2304
52-299	544	All	2304
52-300	545	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-297	542	All	2304
52-298	543	All	2304
52-299	544	All	2304
52-300	545	All	2304
52-301	546	All	2304
52-302	573	All	2304
52-305	576	All	2304
52-306	577	All	2304
52-309	580	All	2304
52-310	581	All	2304
52-311	582	All	2304
52-312	583	All	2304
52-313	584	All	2304
52-314	585	All	2304
52-315	586	All	2304
52-316	587	All	2304
52-317	588	All	2304
52-318	617	All	2304
52-320	619	All	2304
52-321	620	All	2304
52-322	621	All	2304
52-323	622	All	2304
52-324	623	All	2304
52-325	624	All	2304
52-326	625	All	2304
52-327	626	All	2304
52-328	627	All	2304
52-329	628	All	2304
52-330	629	All	2304
52-331	661	All	2304
52-332	662	All	2304
52-333	663	All	2304
52-334	664	All	2304
52-335	665	All	2304
52-336	666	All	2304
52-337	667	All	2304
52-338	668	All	2304
52-339	669	All	2304
52-340	670	All	2304
52-341	671	All	2304
52-342	705	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NK 19-12 (Cont'd)
(Approved April 29, 1975)

Tract	Block	Description	Hectares
52-343	706	All	2304
52-344	707	All	2304
52-345	708	All	2304
52-346	709	All	2304
52-347	710	All	2304
52-348	711	All	2304
52-349	712	All	2304
52-350	713	All	2304
52-351	714	All	2304
52-352	715	All	2304
52-353	749	All	2304
52-354	750	All	2304
52-355	753	All	2304
52-356	754	All	2304
52-357	755	All	2304
52-358	756	All	2304
52-359	757	All	2304
52-360	758	All	2304
52-361	759	All	2304
52-362	793	All	2304
52-363	797	All	2304
52-364	798	All	2304
52-365	799	All	2304
52-366	800	All	2304
52-367	801	All	2304
52-368	802	All	2304
52-369	803	All	2304
52-370	839	All	2304
52-371	840	All	2304
52-372	841	All	2304
52-373	842	All	2304
52-374	843	All	2304
52-375	844	All	2304
52-376	845	All	2304
52-377	846	All	2304
52-378	847	All	2304
52-379	885	All	2304
52-380	886	All	2304
52-381	887	All	2304
52-382	888	All	2304
52-383	889	All	2304
52-384	890	All	2304
52-385	891	All	2304

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OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-1, BLOCK CANYON
(Approved June 22, 1977)

Tract	Block	Description	Hectares
52-388	85	All	2304
52-389	119	All	2304
52-390	120	All	2304
52-391	121	All	2304
52-392	122	All	2304
52-393	123	All	2304
52-394	124	All	2304
52-395	125	All	2304
52-396	126	All	2304
52-397	127	All	2304
52-398	128	All	2304
52-399	129	All	2304
52-400	130	All	2304
52-401	131	All	2304
52-402	132	All	2304
52-403	163	All	2304
52-404	164	All	2304
52-405	165	All	2304
52-406	166	All	2304
52-407	167	All	2304
52-408	168	All	2304
52-409	169	All	2304
52-410	170	All	2304
52-411	171	All	2304
52-412	172	All	2304
52-413	173	All	2304
52-414	174	All	2304
52-415	175	All	2304
52-416	176	All	2304
52-417	209	All	2304
52-418	210	All	2304
52-419	211	All	2304
52-420	212	All	2304
52-421	213	All	2304
52-422	214	All	2304
52-423	215	All	2304
52-424	216	All	2304
52-425	217	All	2304
52-426	218	All	2304
52-427	219	All	2304
52-428	220	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-433	16	All	2304
52-434	17	All	2304
52-435	18	All	2304
52-436	19	All	2304
52-437	20	All	2304
52-438	21	All	2304
52-439	22	All	2304
52-440	23	All	2304
52-441	24	All	2304
52-442	25	All	2304
52-443	26	All	2304
52-444	27	All	2304
52-445	28	All	2304
52-446	36	All	2304
52-453	59	All	2304
52-454	60	All	2304
52-455	61	All	2304
52-456	62	All	2304
52-457	63	All	2304
52-458	64	All	2304
52-459	65	All	2304
52-460	66	All	2304
52-461	67	All	2304
52-462	76	All	2304
52-463	77	All	2304
52-464	80	All	2304
52-465	89	All	2304
52-466	90	All	2304
52-467	91	All	2304
52-468	92	All	2304
52-469	93	All	2304
52-472	96	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-473	97	All	2304
52-474	98	All	2304
52-475	99	All	2304
52-476	100	All	2304
52-477	101	All	2304
52-478	102	All	2304
52-479	103	All	2304
52-480	104	All	2304
52-481	105	All	2304
52-482	106	All	2304
52-483	107	All	2304
52-484	108	All	2304
52-485	109	All	2304
52-486	110	All	2304
52-487	111	All	2304
52-488	112	All	2304
52-489	113	All	2304
52-490	114	All	2304
52-491	115	All	2304
52-492	116	All	2304
52-493	117	All	2304
52-494	118	All	2304
52-495	119	All	2304
52-496	120	All	2304
52-497	121	All	2304
52-498	122	All	2304
52-499	123	All	2304
52-500	124	All	2304
52-501	125	All	2304
52-502	126	All	2304
52-503	127	All	2304
52-504	128	All	2304
52-505	129	All	2304
52-506	130	All	2304
52-507	131	All	2304
52-508	132	All	2304
52-509	133	All	2304
52-510	134	All	2304
52-511	135	All	2304
52-512	136	All	2304
52-513	137	All	2304
52-514	138	All	2304
52-515	139	All	2304
52-516	140	All	2304
52-517	141	All	2304
52-518	142	All	2304
52-519	143	All	2304
52-520	144	All	2304
52-521	145	All	2304
52-522	146	All	2304
52-523	147	All	2304
52-524	148	All	2304
52-525	149	All	2304
52-526	150	All	2304
52-527	151	All	2304
52-528	152	All	2304
52-529	153	All	2304
52-530	154	All	2304
52-531	155	All	2304
52-532	156	All	2304
52-533	157	All	2304
52-534	158	All	2304
52-535	159	All	2304
52-536	160	All	2304
52-537	161	All	2304
52-538	162	All	2304
52-539	163	All	2304
52-540	164	All	2304
52-541	165	All	2304
52-542	166	All	2304
52-543	167	All	2304
52-544	168	All	2304
52-545	169	All	2304
52-546	170	All	2304
52-547	171	All	2304
52-548	172	All	2304
52-549	173	All	2304
52-550	174	All	2304
52-551	175	All	2304
52-552	176	All	2304
52-553	177	All	2304
52-554	178	All	2304
52-555	179	All	2304
52-556	180	All	2304
52-557	181	All	2304
52-558	182	All	2304
52-559	183	All	2304
52-560	184	All	2304
52-561	185	All	2304
52-562	186	All	2304
52-563	187	All	2304
52-564	188	All	2304
52-565	189	All	2304
52-566	190	All	2304
52-567	191	All	2304
52-568	192	All	2304
52-569	193	All	2304
52-570	194	All	2304
52-571	195	All	2304
52-572	196	All	2304
52-573	197	All	2304
52-574	198	All	2304
52-575	199	All	2304
52-576	200	All	2304
52-577	201	All	2304
52-578	202	All	2304
52-579	203	All	2304
52-580	204	All	2304
52-581	205	All	2304
52-582	206	All	2304
52-583	207	All	2304
52-584	208	All	2304
52-585	209	All	2304
52-586	210	All	2304
52-587	211	All	2304
52-588	212	All	2304
52-589	213	All	2304
52-590	214	All	2304
52-591	215	All	2304
52-592	216	All	2304
52-593	217	All	2304
52-594	218	All	2304
52-595	219	All	2304
52-596	220	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-597	221	All	2304
52-598	222	All	2304
52-599	223	All	2304
52-600	224	All	2304
52-601	225	All	2304
52-602	226	All	2304
52-603	227	All	2304
52-604	228	All	2304
52-605	229	All	2304
52-606	230	All	2304
52-607	231	All	2304
52-608	232	All	2304
52-609	233	All	2304
52-610	234	All	2304
52-611	235	All	2304
52-612	236	All	2304
52-613	237	All	2304
52-614	238	All	2304
52-615	239	All	2304
52-616	240	All	2304
52-617	241	All	2304
52-618	242	All	2304
52-619	243	All	2304
52-620	244	All	2304
52-621	245	All	2304
52-622	246	All	2304
52-623	247	All	2304
52-624	248	All	2304
52-625	249	All	2304
52-626	250	All	2304
52-627	251	All	2304
52-628	252	All	2304
52-629	253	All	2304
52-630	254	All	2304
52-631	255	All	2304
52-632	256	All	2304
52-633	257	All	2304
52-634	258	All	2304
52-635	259	All	2304
52-636	260	All	2304
52-637	261	All	2304
52-638	262	All	2304
52-639	263	All	2304
52-640	264	All	2304
52-641	265	All	2304
52-642	266	All	2304
52-643	267	All	2304
52-644	268	All	2304
52-645	269	All	2304
52-646	270	All	2304
52-647	271	All	2304
52-648	272	All	2304
52-649	273	All	2304
52-650	274	All	2304
52-651	275	All	2304
52-652	276	All	2304
52-653	277	All	2304
52-654	278	All	2304
52-655	279	All	2304
52-656	280	All	2304
52-657	281	All	2304
52-658	282	All	2304
52-659	283	All	2304
52-660	284	All	2304
52-661	285	All	2304
52-662	286	All	2304
52-663	287	All	2304
52-664	288	All	2304
52-665	289	All	2304
52-666	290	All	2304
52-667	291	All	2304
52-668	292	All	2304
52-669	293	All	2304
52-670	294	All	2304
52-671	295	All	2304
52-672	296	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-473	97	All	2304
52-474	98	All	2304
52-475	99	All	2304
52-476	100	All	2304
52-477	101	All	2304
52-478	102	All	2304
52-479	103	All	2304
52-480	104	All	2304
52-481	105	All	2304
52-482	106	All	2304
52-483	107	All	2304
52-484	108	All	2304
52-485	121	All	2304
52-486	122	All	2304
52-487	123	All	2304
52-488	124	All	2304
52-489	133	All	2304
52-490	134	All	2304
52-491	135	All	2304
52-492	136	All	2304
52-493	137	All	2304
52-494	138	All	2304
52-495	139	All	2304
52-496	140	All	2304
52-497	141	All	2304
52-498	142	All	2304
52-499	143	All	2304
52-500	144	All	2304
52-501	145	All	2304
52-502	146	All	2304
52-503	147	All	2304
52-504	148	All	2304
52-505	149	All	2304
52-506	150	All	2304
52-507	165	All	2304
52-508	166	All	2304
52-509	167	All	2304
52-510	168	All	2304
52-511	177	All	2304
52-512	178	All	2304
52-513	179	All	2304
52-514	180	All	2304
52-515	181	All	2304
52-516	182	All	2304
52-517	183	All	2304
52-518	184	All	2304
52-519	185	All	2304
52-520	186	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM NO. NJ 19-2, VEATCH CANYON (cont'd)
(Approved January 25, 1979)

Tract	Block	Description	Hectares
52-521	187	All	2304
52-522	188	All	2304
52-523	189	All	2304
52-524	212	All	2304
52-525	221	All	2304
52-526	222	All	2304
52-527	223	All	2304
52-528	224	All	2304
52-529	225	All	2304
52-530	226	All	2304
52-531	227	All	2304
52-532	228	All	2304
52-533	253	All	2304
52-534	254	All	2304
52-535	255	All	2304
52-536	256	All	2304
52-537	297	All	2304
52-538	298	All	2304
52-539	299	All	2304
52-540	300	All	2304

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13. Lease Terms and Stipulations.

(a) Leases resulting from this sale for tracts 52-125, 52-126, 52-140 through 52-142, 52-153 through 52-157, 52-165, 52-168 through 52-173, 52-181 through 52-187, 52-191 through 52-203, 52-205, 52-206, 52-208 through 52-219, 52-283 through 52-285, 52-297 through 52-301, 52-312 through 52-317, 52-326 through 52-330, 52-333, 52-335 through 52-341, 52-343,52-344, 52-346 through 52-385, 52-395, 52-399 through 52-428, 52-436 through 52-446, 52-454 through 52-464, 52-473, and 52-477 through 52-540 will be for an initial term of 10 years. All other leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), available from the Regional Manager, at the first address stated in paragraph 2.

(b) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Section 6. Royalty on Production. (a) The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: When the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by:

$$Rj = b\,[Ln\,(Vj/S)]$$

where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 9.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 16.35851 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392848 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

(c) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term RS refers to the Regional Supervisor, Offshore Field Operations, Atlantic OCS Region, Minerals Management Service (MMS).

Stipulation No. 1

If the RS has reason to believe that a site, structure, or object of historical or archeological significance, hereinafter referred to as "cultural resource," may exist in the leased area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements:

(1) Prior to any dredging or drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RS, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessments prepared by an archeologist and geophysicist shall be submitted by the lessee to the RS.

(2) If they determine such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to affect adversely the identified location; or (b) establish to the satisfaction of the RS, on the basis of further archeological investigation conducted by an archeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RS, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the RS for review. Should the RS determine that the existence of a cultural resource which may be adversely

and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

(3) A report of the latter investigation prepared by the archeologist and geophysicist shall be submitted to the RS for review. Should the RS determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RS has given directions as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operation on the leased area, he shall report immediately such findings to the RS and make every reasonable effort to protect the cultural resource until the RS gives directions as to its protection.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the RS in the leasing area, the RS will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the RS, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The RS shall provide written notice to the lessee of his decision to require such surveys or studies. The nature and extent of any surveys or studies will be determined by the RS on a case-by-case basis.

Based on any surveys or studies which the RS may require of the lessee, the RS may require the lessee to: (1) relocate the site of operations so as not to affect adversely the significant biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the significant biological populations or habitats deserving protection; or (3) establish to the satisfaction of the RS that such operations will not adversely affect the significant biological populations or habitats deserving protection. Based on any surveys or studies which the RS may require of the lessee, the RS may also require the lessee to provide for periodic sampling of environmental conditions during operations.

The lessee shall submit all data obtained in the course of such surveys or studies to the RS, with locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the RS provides written directions to the lessee, with regard to permissible actions.

In the event that important biological populations or habitats are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the RS provides written instructions to the lessee with regard to the biological populations or habitats identified. Operations, including siting, must be conducted as specified by the RS and so as to insure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

Stipulation No. 3.

Pipelines will be required: (1) if pipeline rights-of-way can be determined and obtained; (2) if laying such pipelines is technologically feasible and environmentally preferable; and (3) if, in the opinion of the lessor, laying of pipelines is economically feasible taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, including any loading facilities, consideration will be given to any recommendation of the Regional Technical Working Group or other similar advisory group with participation of Federal, State, and local government and industry. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis. All valves, taps, or other irregular surfaces that might be vulnerable or might damage fishing gear will be buried to a minimum of one foot or to a depth suitable for adequate protection or covered with an approved protective dome which will allow commercial trawling gear to pass over the structure without snagging or damaging the structure or fishing gear.

If, due to the criteria outlined above, pipelines are required, then no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency, following the completion of pipeline installation. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RS. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying crude oil to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the seafloor, shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the RS. The coordinates of such structures will be determined by the lessee utilizing state of the art navigation systems with accuracy of at least ±50 feet (15.25 m) at 200 miles (322 km).

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Stipulation No. 4

The RS may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the RS, or by transporting the material to disposal sites approved by the Environmental Protection Agency. The RS shall determine the method of disposal based upon review of the data obtained from the surveys and studies established pursuant to Stipulation No. 2, and from other relevant sources of information.

Based upon the composition of produced formation waters, the site-specific environmental conditions in a leasing area, and the data obtained from the surveys and studies established pursuant to Stipulation No. 2, as well as data from other relevant sources, the RS may require the lessee to reinject formation waters. The RS shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

The lessee shall include in his exploration and development plans submitted under 30 CFR 250.34 a proposed fisheries training program for review and approval by the RS pursuant to this stipulation. The training program shall be for the personnel involved in vessel operations (related to offshore exploration and development and production operations); and platform and shorebased supervisors. The purpose of the training program shall be to familiarize persons working on the project of the value of the commercial fishing industry and the methods of offshore fishing operations and the potential hazards, conflicts and impacts resulting from offshore oil and gas activities. The program shall be formulated and implemented by qualified and experienced instructors in the kinds of fishing activities, methods of communication and navigational safety.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 52-99, 52-100, 52-113 through 52-116, 52-128 through 52-131, 52-143 through 52-146, 52-158 through 52-164, 52-174 through 52-180, 52-188 through 52-196, 52-204 through 52-214, 52-388 through 52-428, 52-433 through 52-445, 52-453 through 52-461, 52-465 through 52-469, 52-472 through 52-484, 52-489 through 52-506, 52-511 through 52-523, and 52-525 through 52-532).

(a) The lessee agrees that prior to operating or causing to be operated on its behalf, boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, VA 23460. Such coordination and instructions will provide for positive control of boats and aircraft operating in the warning areas at all times.

(b) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any person or persons, or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, VA 23460, or other appropriate military agency.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated defense warning areas in accordance with requirements specified by the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes Naval Air Station, Oceana, VA 23460, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing, or operational activities conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Commander of the appropriate onshore military installation conducting operations in the particular warning area: provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 7

(To be included only in leases resulting from this sale for tracts 52-388

14. Information to Lessees.

(a) Bidders are advised that during the conduct of all

Stipulation No. 7

(To be included only in leases resulting from this sale for tracts 52-388 through 52-428, 52-453, 52-465 through 52-469, 52-472 through 52-479, 52-489 through 52-503, 52-511 through 52-523, and 52-525 through 52-532).

(a) The lessee agrees to coordinate and provide timely notification of all drillship, platform or pipeline location and planned movements to the Commander, Submarine Group 2, Naval Submarine Base, Groton, CT (phone 203-449-3676) in order to minimize danger to submerged operations in the area.

(b) Subsea beacons will be required during the course of all drilling operations on these tracts. The lessee shall provide the Commander, Submarine Group 2, Naval Submarine Base, Groton, CT, with information on the frequencies being emitted by these subsea positioning beacons and other acoustical systems being used to support any mobile drilling operations on these tracts.

Stipulation No. 8

(To be included only in the leases resulting from this sale with the sliding scale royalty bidding system identified in paragraph 4(a) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only 1 year at a time and reduction of royalty rates will not be approved unless production has been under way for 1 year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in section 15(d); the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

14. Information to lessees.

(a) Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors and subcontractors, will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and International Treaties. The lessee or its contractors should be aware that disturbance of wildlife could be determined to constitute harassment and thereby be in violation of existing laws. Violations under these acts and treaties may be reported to the National Marine Fisheries Service, or the U.S. Fish and Wildlife Service, as appropriate. Harassment of seabird breeding colonies, migratory waterfowl, and the only known gray seal colony in the region, would be less likely to occur if existing and suggested minimum altitude restrictions are adhered to. The U.S. Fish and Wildlife Service, under the authority of the Code of Federal Regulations (50 CFR 27.34), has requested that aircraft operating over designated National Wildlife Refuge boundaries maintain a 2,000 ft. minimum altitude at all times. The Federal Aviation Administration (FAA) is responsible for making this minimum altitude a requirement, and for enforcing it. For the protection of the gray seal colony on Muskeget Island, the National Oceanic and Atmospheric Administration (NOAA) recommends that aircraft should maintain a 1,000 ft. minimum altitude at all times when in transit over the island. The approximate locations of the existent National Wildlife Refuges in the region, and the gray seal colony, are depicted on Visual No. 2, available from the Regional Manager, Atlantic OCS Region, at the first address stated in paragraph 2. Areas with special altitude requirements are indicated in FAA aeronautical charts and in pilot advisories.

(b) In the enforcement of Stipulation No. 2 for all tracts leased in the North Atlantic planning area, the RS will receive recommendations for protection of critical habitats and organisms, monitoring, and environmental studies from a Biological Task Force (BTF) composed of designated representatives of the Minerals Management Service, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Environmental Protection Agency. The BTF may consult with representatives of the affected States before making recommendations to the RS. The BTF may recommend the initiation of a monitoring program consisting of several environmental studies designed to determine the effects of OCS operations on the fauna and flora of Georges Bank, the adjacent canyon heads, and the continental slope. The RS will consult with the BTF on identifying areas of resources of biological importance, on the conduct of near-rig biological surveys by lessees, and on the appropriate course of action after surveys and other environmental studies have been conducted.

(c) Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf (OCS) in accordance with section 4(e) of the OCS Lands Act of 1953, as amended.

(d) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(e) Bidders are advised that in accordance with section 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate or a royalty rate based on a sliding scale.

(f) Revisions of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form, MMS-2005 (August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(g) For those tracts listed in paragraph 13(a) providing for leases with an initial period of more than five years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the Minerals Management Service either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

(h) Lessees are alerted to the possibility that mass movement of sediments could occur and/or shallow faults are present on the blocks listed below. The lessees are also informed that this list may not be all inclusive as other blocks in this offering may contain these same geohazards.

Tracts Showing Evidence of Mass Movement

Tracts	Blocks in NJ 19-1
52-389	- 119 E1/2SE1/4
52-390	- 120 SW1/4
52-403	- 163 NE1/4SE1/4, S1/2SE1/4
52-404	- 164 SW1/4
52-412	- 172 S1/2NE1/4, W1/2SE1/4
52-413	- 173 S1/2NW1/4, W1/2SW1/4
52-418	- 210 NE1/4NE1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4
52-419	- 211 NW1/4, NW1/4SW1/4

Tracts Showing Evidence of Shallow Gas

Tracts	Blocks in NK 19-12
52-316	- 587 SW1/4NW1/4
52-345	- 708 NE1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4

(i) Bidders are advised that the Secretary of the Interior has directed that a development-phase environmental impact statement (EIS) be prepared for the North Atlantic planning area, pursuant to section 25(a) of the OCS Lands Act, as amended. The content of this EIS will be in accordance with the rules and regulations promulgated by the Department.

(j) Subject to DOI consultation with the U.S. Coast Guard, it will be required that in the immediate vicinity of drilling operations an open sea skimming unit equivalent to Clean Atlantic Associate Fast Response Unit Model II and 1000 feet of open sea oil containment boom be maintained. In addition, a suitable deployment vessel and personnel trained in deployment and use of this equipment should be immediately available. As part of the approval of development and production plans, suitable pollution prevention equipment will be required in the immediate vicinity of development and production operations.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all North Atlantic

15.. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all North Atlantic OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

Director, Minerals Management Service
Harold Doley

Date: 2/22/83

Approved:

James G. Watt

Secretary of the Interior

[FR Doc. 83-4972 Filed 2-24-83; 8:45 am]
BILLING CODE 4310-MR-C

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ISS 39
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4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Mangement Service
Outer Continental Shelf
North Atlantic

Notice of Leasing Systems, Sale No. 52

Section 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

(A) Bidding systems to be used. In OCS Sale No. 52, tracts will be offered under the following three bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed 16 2/3 percent royalty on 144 tracts, (2) bonus bidding with a fixed 12 1/2 percent royalty on 311 tracts, and (3) bonus bidding with a fixed sliding scale royalty on 33 tracts.

(1) Bonus Bidding with a 16 2/3 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration.

(2) Bonus Bidding with a 12 1/2 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for certain deeper water tracts proposed for Sale No. 52 because these tracts are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. Department of the Interior analyses indicate that the minimum economically developable discovery on a tract in such high cost areas under a 12 1/2 percent royalty system would be less than for the same tracts under a 16 2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

(3) Bonus Bidding with a Sliding Scale Royalty. This system is authorized by section (8)(a)(1)(C) of the OCSLA, as amended. The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The fixed sliding scale formula provided for Sale No. 52 is based on the current assumed range of costs and wellhead prices for this area.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $15.929025 million, a royalty of 16.66667 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $15.929026 million, but less than or equal to $3423.822696 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,[\ln (Vj/S)] \text{ where}$$

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 8.0

ln = natural logarithm

Vj = the value production in quarter j, adjusted for inflation, in millions of dollars

S = 2.50

When the adjusted quarterly value of production is equal to or greater than $3423.822697 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding February 1980. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64.

(B) Designation of Tracts. The selection of tracts to be offered under the three systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) Generally, tracts in deep water were selected for 1/8 royalty based on the favorable performance of this system in these high cost areas.

The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a 16 2/3 Percent Royalty--Tracts 52-11, 52-13 through 52-58, 52-61 through 52-69, 52-72 through 52-81, 52-84

The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a 16 2/3 Percent Royalty—Tracts 52-11, 52-13 through 52-58, 52-61 through 52-69, 52-72 through 52-81, 52-84 through 52-95, 52-97 through 52-109, 52-113 through 52-122, 52-128 through 52-131, 52-135, 52-136, 52-143 through 52-146, 52-158 through 52-162, 52-225, 52-244, 52-245, 52-247 through 52-250, 52-254, 52-257, 52-258, 52-260, 52-261, 52-263, 52-265 through 52-267, 52-270 through 52-273, 52-286, 52-289, 52-290, 52-302, 52-305, 52-306, 52-309, and 52-318.

(b) Bonus Bidding with a Sliding Scale Royalty—Tracts 52-4 through 52-7, 52-220 through 52-224, 52-228 through 52-243, 52-246, 52-251 through 52-253, 52-255, and 52-256.

(c) Bonus Bidding with a 12 1/2 Percent Royalty—All remaining tracts.

Director, Minerals Management Service
Harold Doley

Approved: FEB 22 1983

James G. Watt
Secretary of the Interior

[FR Doc. 83-4973 Filed 2-24-83; 8:45 am]
BILLING CODE 4310-MR-C

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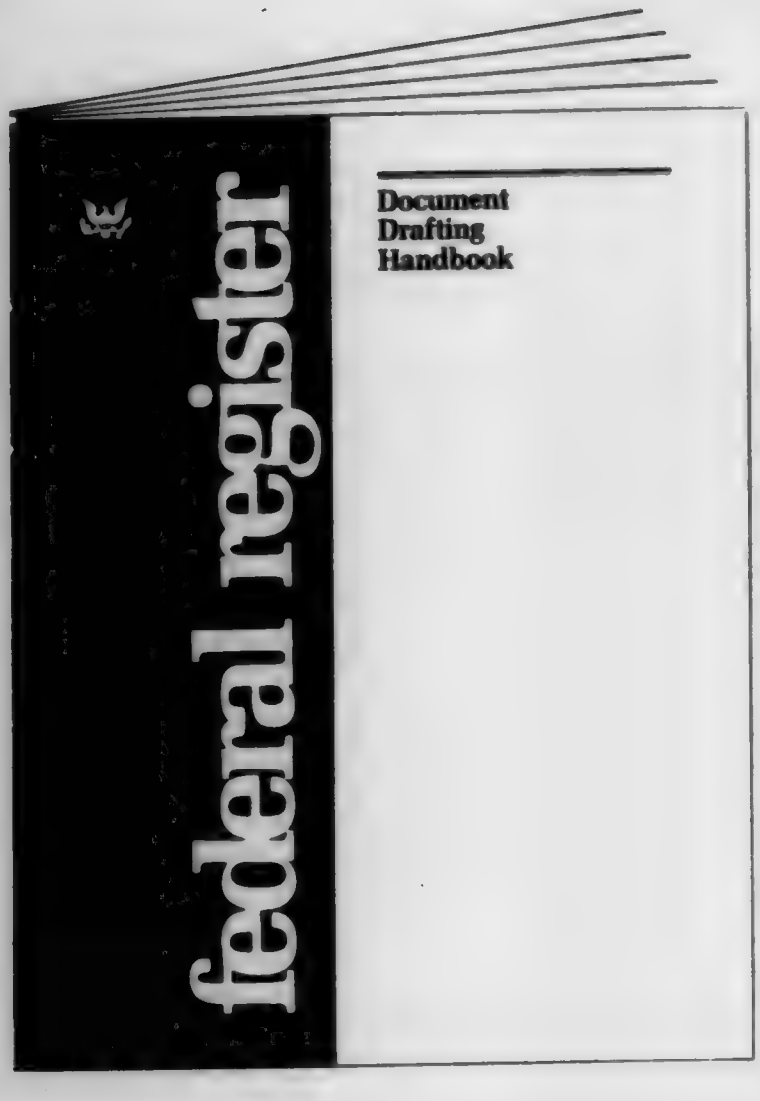

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2-26-83
Vol. 48 No. 40

federal register

Monday
February 28, 1983

United States
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Washington, D.C. 20402

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Federal Register
(ISSN 0097-6326)

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1983
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2-28-83
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Pages 8

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Education Department

Milk Marketing Orders
Agricultural Marketing Service

Minority Businesses
Transportation Department

Mobile (Manufactured) Homes
Federal Housing Commissioner—Office of Assistant Secretary for Housing

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DEPART

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7 CFR Pa

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AGENCY:
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ACTION:

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Rules and Regulations

Federal Register
Vol. 48, No. 40
Monday, February 28, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 904, 916, and 917

Expenses and Rates of Assessment for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of the California Grapefruit Administrative Committee functioning under Marketing Order 904 and increases expenses of the Nectarine Administrative and Pear Commodity Committees functioning under Marketing Orders 916 and 917, respectively. Funds to administer these programs are derived from assessments on handlers regulated under the orders.

EFFECTIVE DATES: March 1, 1982–February 28, 1983 (§§ 916.221, 917.232). September 1, 1982–August 31, 1983 (§ 904.202).

FOR FURTHER INFORMATION CONTACT: W. J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by the Committees established under their respective marketing orders, and upon other information. It is found that the expenses and rates of assessment, as hereinafter provided, will tend to effectuate the declared policy of the Act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The orders require that the rates of assessment for a particular fiscal period shall apply to all assessable fruit handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the Act to make these provisions effective as specified, and handlers have been apprised of such provisions, and the effective time.

List of Subjects

7 CFR Part 904

Marketing agreements and orders, California, Grapefruit.

7 CFR Part 916

Marketing agreements and orders, California, Nectarines.

7 CFR Part 917

Marketing agreements and orders, California, Pears, Peaches, Plums.

Therefore, § 904.201 is removed and new § 904.202 is added and §§ 916.221 and 917.232 (47 FR 34351) are revised to read as follows: (The following sections prescribe the annual expenses and assessment rates and will not be published in the Code of Federal Regulations.)

PART 904—GRAPEFRUIT GROWN IN A DESIGNATED AREA IN CALIFORNIA

§ 904.202 Expenses and assessment rate.

Expenses of $154,452.13 by the Committee are authorized, and an assessment rate of $0.04 per 32-pound carton of grapefruit is established for the fiscal year ending August 31, 1983. Unexpended funds may be carried over as a reserve.

PART 916—NECTARINES GROWN IN CALIFORNIA

§ 916.221 Expenses and assessment rate.

Expenses of $2,000,000 by the Nectarine Administrative Committee are authorized, and an assessment rate of $0.15 per No. 22D standard lug box of nectarines is established for the fiscal year ending February 28, 1983; and unexpended funds may be carried over from the fiscal year ended February 28, 1982.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.232 Expenses and assessment rate.

Expenses of $718,684 by the Pear Commodity Committee are authorized, and an assessment rate of $0.16 per No. 29B special lug box of pears is established for the fiscal year ending February 28, 1983.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated: February 22, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-4957 Filed 2-25-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Northwest Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Northwest Airlines, Inc. to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

EFFECTIVE DATE: January 27, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Northwest Airlines, Inc. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding in alphabetical order, "Northwest Airlines, Inc.", under "At Calgary."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: February 18, 1983.

Perry A. Rivkind,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 83-5044 Filed 2-25-83; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Teletherapy Room Radiation Monitors and Inspection and Servicing of Teletherapy Source Exposure Mechanisms

Correction

In FR Doc. 83-1379 beginning on page 2115 in the issue of Tuesday, January 18, 1983, make the following correction.

On page 2117, third column, § 35.27, ninth line, "export's" should read "expert's".

BILLING CODE 1505-01-M

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10 CFR Parts 50 and 70

Regional Licensing Reviews

Correction

In FR Doc. 83-3326 beginning on page 5886 in the issue of Wednesday, February 9, 1983, make the following corrections.

On page 5887, first column, § 70.32 (c)(1), eighth line from the bottom, "discribed" should read "described"; second column, paragraph (d), sixth line, "§ 80.22(g)" should read "§ 70.22(g)"; third column, paragraph (g), eighth line, "licensees" should read "licensee"; and in the sixth line from the bottom, "70.30(g)" should read "73.30(g)".

BILLING CODE 1505-01-M

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10 CFR Part 140

Modification of Indemnity Agreements

Correction

In FR Doc. 83-625 beginning on page 1029 in the issue of Monday, January 10, 1983, make the following correction.

On page 1030, second column, in the Authority Citation, second paragraph, last line, "905" should read "950".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 561 and 572

[No. 83-87]

Net Worth Certificates; Regulatory Net Worth

February 18, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has amended its regulations implementing the Net Worth Certificate Act, Title II, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982), to provide that, once the Federal Savings and Loan Insurance Corporation ("FSLIC") purchases net worth certificates ("NWCs") from a qualified institution, the FSLIC is committed, under certain specified circumstances, to purchase additional NWCs from that institution. In addition, the Board has amended its definitions of regulatory net worth, 12 CFR 561.13, to include amounts of NWCs which the FSLIC is committed to purchase. Also, the Board has extended the date by which an initial application for a purchase of NWCs by the FSLIC is required to be filed. Finally, the Board states its views regarding the exemption for NWC issuers from State or local taxes determined on the basis of deposits held or interest paid on such deposits. These amendments are intended to promote a more efficient administration of the NWC program.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Deputy Director, Policy and Programs (202-377-6480) or James A. Kristufek, Capital Assistance Program Administrator (202-377-6363), Office of Examinations and Supervision, or Thomas J. Haggerty, Senior Attorney, Division of Securities and Corporate Analysis, Office of General Counsel, (202-377-6911), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Home Loan Bank Board ("Board") in Resolution No. 82-793, dated December 8, 1982, 47 FR 58215 (1982), adopted regulations to implement the Net Worth Certificate Act, Title II of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982) ("DIA").

Upon further consideration of the procedure specified by those regulations, the Board has determined that a more efficient implementation of its net worth certificate ("NWC") program can be accomplished by providing, in certain circumstances, a Federal Savings and Loan Insurance Corporation ("FSLIC") commitment to purchase additional NWCs from a qualified institution once it has made a determination of eligibility for that institution.

In addition, since the Board has not been able to make available as quickly as it anticipated the application forms by which an institution may request the FSLIC to purchase NWCs and the NWC Master Agreement, it is necessary to extend the initial filing date for NWC applications.

II. Regulatory Amendments

The Board has redesignated existing paragraphs as appropriate and adopted a new paragraph (c) of § 572.1 and new paragraphs (d) and (i) of § 572.3 of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation ("Insurance Regulations")

(12 CFR 572.1), to provide that, once the FSLIC determines an institution's eligibility to sell NWCs allocable to operating losses for the applicable period during which the institution filed an NWC application, the FSLIC is committed to purchase NWCs from that institution in the amount computed under § 572.1(d) as allocable to operating losses for that applicable period. The amount of this commitment, however, does not include any amount of NWCs that would be allocable to operating losses determined by the FSLIC to have been occasioned by mismanagement, by speculation in futures or forward contracts, by excessive operating costs, or by management actions designed for the purpose of obtaining assistance. Actual purchases of NWCs by the FSLIC will still be made on the six-month basis set forth in the regulations and after an application requesting such purchase is filed.

The following example explains the NWC application procedure as modified by this amendment. A qualified institution having a calendar fiscal year could request the FSLIC to purchase NWCs allocable to the institution's operating losses for its six-month period ended December 31, 1982, (the immediately preceding applicable period) by the filing of a Form 1286 on or before March 1, 1983. Pursuant to new paragraph (d) of § 572.3, that Form 1286 would also be deemed to request the FSLIC to purchase NWCs allocable to that institution's current six-month period, ending June 30, 1983. Accordingly, the FSLIC will make two determinations on the basis of the Form 1286 application. It will decide whether to purchase NWCs allocable to the institution's six-month period ended December 31, 1982, and whether to commit to purchase NWCs from that institution based on the institution's operating losses for the current six-month period ending June 30, 1983. If, in accordance with new paragraph (i) of § 572.3, the FSLIC commits to purchase NWCs from the institution based on its operating losses for the current period, the institution still must file a Form 1287 within 30 days after the close of that current period on June 30, 1983, in order to justify the amount of NWCs to be purchased by the FSLIC. In addition to relating to the then immediately preceding applicable period ended on June 30, 1983, that Form 1287 would also be deemed to request the FSLIC to purchase NWCs based on the institution's operating losses for the new current applicable period ending December 31, 1983.

The Board also has amended its definition of regulatory net worth, § 561.13 of the Insurance Regulations (12 CFR 561.13), to include amounts of NWCs which the FSLIC is committed to purchase from an institution pursuant to § 572.1(c). The Board has been advised by its Office of Examinations and Supervision that it is appropriate for an institution to accrue the amount of that NWC commitment under generally accepted accounting principles.

Other appropriate conforming amendments have been made to Part 572 of the Insurance Regulations in order to provide for this commitment obligation within the structure of the net worth certificate program. Among these conforming changes the Board has changed its policy statement, § 572.1 of the Insurance Regulations, to a regulation to reflect that that section now commits the FSLIC to certain action.

Finally, the Board has amended § 572.3(c) of the Insurance Regulations to permit applications for NWCs to be filed until March 1, 1983. Thereafter, the section requires the filing of an application within 30 days after the close of an applicable period.

III. DIA Tax Exemption

The Board is taking this opportunity to state its view regarding the tax exemption provision set forth in new section 406(f)(5)(I) of the National Housing Act, adopted by section 202(a) of the DIA. In the Board's opinion, the DIA contemplates that no State or local tax determined on the basis of deposits or interest paid on deposits should be required from a qualified institution with respect to (1) a period during which that institution sustained operating losses that are recompensed in part by the FSLIC's purchase of NWCs, and (2) future periods so long as the NWCs remain outstanding. It would be inappropriate and incongruous for the FSLIC to provide financial assistance to an institution on the basis of that institution's financial condition and results of operation for a period when by virtue of the State or local tax provisions applicable to that period that assistance, in effect, would pay those State or local taxes.

Regulatory Analysis

The elements of regulatory analysis for major regulations required by Board Resolution No. 80–584 dated September 11, 1980, have been incorporated into the supplementary information contained herein.

List of Subjects in 12 CFR Parts 561 and 572

Savings and loan associations.

The Board finds that observance of the notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary because it is in the public interest for the Board's program of net worth assistance adopted by Resolution No. 82–793, dated December 8, 1982, 47 FR 58219 (1982), to take effect at the earliest feasible time and these amendments to that program promote a more efficient administration of the program and are to the benefit of participants in the program.

Accordingly, the Board hereby amends Parts 561 and 572 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

1. Revise paragraph (b) of § 561.13, as follows:

§ 561.13 Regulatory net worth.

* * * * *

(b) The term "regulatory net worth" also includes the sum of outstanding net worth certificates issued in accordance with Part 572 of this Subchapter or which the Corporation is committed to purchase by virtue of § 572.1(c).

* * * * *

PART 572—NET WORTH CERTIFICATES

2. Amend § 572.1 by revising the title; revising paragraph (a)(2) thereof; amending paragraph (b) thereof by putting into lower case the first letter of the first sentence and inserting at its beginning the following clause: "Except as otherwise specified in paragraph (c) of this section, "; redesignating paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) thereof as new paragraphs (d), (e), (f), (g), (h), (i), (j), and (k), respectively; adding a new paragraph (c) thereto; amending new paragraphs (e) and (f) thereof by putting into lower case the first letter of the first sentences of those paragraphs and inserting at the beginning of those paragraphs the following clause: "Except as otherwise specified in paragraph (c) of this section, "; revising the second sentence of new paragraph (g)(1) thereof; and revising new paragraph (j) thereof; as follows:

§ 572.1 Purchase of net worth certificates.

(a) *General.*

* * * * *

(2) This section explains the Corporation's program for the purchase of NWCs from qualified institutions pursuant to the DIA authority. The other sections of this Part specify the procedures for a qualified institution to request that the Corporation purchase NWCs, govern action by the Corporation on such a request, define pertinent terms, place certain limitations on an institution having outstanding NWCs, and authorize the issuance of NWCs by Federal mutual institutions.

* * * * *

(c) *Commitment to purchase NWCs.*

(1) Except as otherwise provided in paragraphs (c) (2) and (3) of this section (c), if the Corporation determines in accordance with § 572.3(i) of this Part that an institution is eligible to sell to the Corporation NWCs allocable to operating losses for the applicable period during which the institution files an application pursuant to § 572.3, the Corporation is committed to purchase that amount of NWCs determined in accordance with paragraph (d) of this section.

(2) This commitment exists so long as the institution remains a qualified institution and its amount is calculated and adjusted as appropriate on a month-to-month basis during the appropriate applicable period. Actual purchases will be made on the basis of the results of an applicable period. The amounts of a monthly commitment or monthly operating losses not covered by a commitment that result from the minimum purchase or rounding procedures shall be taken into account in subsequent months and appropriate adjustments made.

(3) The amount of NWCs that the Corporation is committed to purchase, as specified in subparagraph (1) of this paragraph (c), shall be reduced by the amount of such NWCs allocable to operating losses determined by the Corporation to have been occasioned by mismanagement, by speculation in futures or forward contracts, by excessive operating costs, or by management actions designed for the purpose of obtaining assistance.

(g) *Holding companies.*

(1) * * * Under these circumstances and except as otherwise provided in paragraph (c) of this section, the holding company or majority stockholder will be required, as a condition to the Corporation's purchase, to infuse sufficient capital in excess of the Corporation's NWC purchase to increase the institution's regulatory net worth to the agreed-upon level.

* * * * *

(j) *Effect on regulatory net worth.*

12 U.S.C. 406(f)(5)(J), as adopted by the DIA, states that "[n]otwithstanding any other Federal or State law, net worth certificates purchased by the Corporation under this paragraph shall be deemed to be net worth for statutory and regulatory purposes." Accordingly, NWCs when purchased by the Corporation under the DIA authority shall constitute an item of the issuing institution's regulatory net worth as defined in § 561.13 of this Subchapter. In addition, NWCs which the Corporation is committed to purchase in accordance with paragraph (c) of this section constitute regulatory net worth as defined in § 561.13. This permits the inclusion of outstanding NWCs and those which the Corporation is committed to purchase in the institution's calculation of its reserves and net worth for purposes of paragraphs (a) and (b) of § 563.13.

* * * * *

3. Amend § 572.3 by revising paragraph (c) thereof; redesignating paragraphs (d), (e), (f), (g), (h), (i), (j), and (k) thereof as new paragraphs (e), (f), (g), (h), (j), (k), (l) and (m), respectively; adding new paragraphs (d) and (i) thereto; and revising the first sentence of new paragraph (f), and new paragraphs (h) and (m), thereof; as follows:

§ 572.3 Application for Corporation purchase of net worth certificates.

* * * * *

(c) An application must request that the Corporation purchase net worth certificates from a qualified institution on the basis of that institution's operating losses for an applicable period, and shall be filed no later than the later of March 1, 1983, or 30 days after the close of that applicable period.

(d) In addition to requesting that the Corporation purchase net worth certificates from the institution based on operating losses for the applicable period immediately preceding the filing of the application, the application shall be deemed to request, unless otherwise specified, that the Corporation purchase net worth certificates from the institution on the basis of its operating losses for the current applicable period.

* * * * *

(f) If an application is acceptable to the Corporation with regard to the applicable period immediately preceding the date of its filing, then the Corporation will issue to the applicant a peliminary notice of an intent to purchase a specified amount of net worth certificates.* * *

(h) If the Corporation finds unacceptable an application pertaining to the applicable period immediately preceding the date of its filing, the Corporation will issue to the applicant a notice of determination not to purchase net worth certificates.

(i) In addition to determining whether to purchase net worth certificates based on the applicable period immediately preceding the filing of an application, the Corporation, unless requested not to do so, will make an initial determination regarding the applicant's eligibility to sell net worth certificates to the Corporation based on operating losses for the current applicable period (*i.e.*, the period during which the application is filed), and will notify the applicant regarding this determination. If an initial determination of eligibility regarding such current period is made by the Corporation, the Corporation will be committed to purchase net worth certificates allocable to such current applicable period as provided in § 572.1(c) of this Part.

* * * * *

(m) Except as otherwise specified in § 572.1(c) of this Part, a qualified institution that applies for Corporation purchase of NWCs does not become entitled to require any such purchase.

4. Add new paragraph (e) to § 572.5 as follows:

§ 572.5 Right to appeal.

* * * * *

(e) There is no right to appeal an initial determination by the Corporation of non-eligibility of an applicant pursuant to § 572.3(i) of this Part.

(Secs. 2 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1730); Reorg. Plan No. 3 of 1947, 3 CFR, 1943–1948 Comp. p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-5046 Filed 2-25-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-126-AD; Amendment 39—4572]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) which requires periodic inspections of the Boeing P/N 10-60536-1 fuel feed hose assemblies in the wheel well area. Sufficient data has now been developed on corrosion resistant steel (CRES) braided fuel hoses to eliminate the need for periodic inspections. This amendment provides a terminating action.

DATE: Effective March 9, 1983.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. A. J. Pasion, Propulsion Branch, ANM-140S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2520. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 77-03-02, Amendment 39-2826 (42 FR 06581, February 3, 1977), requiring periodic inspection of the Boeing P/N 10-60536-1 fuel feed hose assemblies, was issued following discovery of braid corrosion in hoses constructed with carbon steel braid. The AD required inspection and replacement as required in accordance with Boeing Service Bulletin 727-28-51. The service bulletin was later revised to include replacement with approved hoses constructed with corrosion resistant steel (CRES) braid. Testing and evaluation of the CRES braid hoses that have been in service for 5 years and 13,000 hours, demonstrated no corrosion or performance deterioration. Therefore, AD 77-03-02 is amended to incorporate a terminating action consisting of replacement of the carbon steel braid hoses with approved CRES braid hoses.

Since this amendment provides an alternate means of compliance, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending AD 77-03-02, Amendment 39-2826 (42 FR 06581, February 3, 1977), as amended by Amendment 39-2852 (42 FR 15308, March 21, 1977), by adding a new paragraph D. to read as follows:

D. If all hose assemblies are replaced per paragraph A., above, with corrosion resistant steel (CRES) braided hoses, the repetitive inspections required by paragraph C., above, may be discontinued as the installation of CRES braided hoses is considered terminating action for this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 9, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Note.—The Federal Aviation Administration has determined that this document involves an amendment that is relieving in nature and does not impose any additional burden on any person. This amendment is not major under Executive Order 12291 (46 FR 13193; February 19, 1981) and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation, and I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since few, if any, small entities are affected by the rulemaking.

Issued in Seattle, Washington on February 16, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-4888 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-CEF-7-AD; Amendment 39-4573]

Airworthiness Directives; British Aerospace Aircraft Group Model HP 137 Jetstream Mk 1 and Jetstream Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace Aircraft Group Model HP 137 Mk 1 and series 200 airplanes which requires inspection of the wing lower skin panels at the main gear bay cutout. There have been reports of loose rivets and possible fatigue cracks in the lower wing skin of these airplanes. The inspection procedures will assure that loose rivets and fatigue cracks in the lower wing skins are detected and repaired before they cause fuel leaks and result in catastrophic wing failure.

EFFECTIVE DATE: April 6, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: British Aerospace Aircraft Group Jetstream Service Bulletin No. 7/3, dated October 1980, and British Aerospace Aircraft Group Jetstream Modification Numbers 5146, Issue 1, and 5149, Issue 1, both dated March 1981, applicable to this AD may be obtained from British Aerospace, Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Christie, Manager, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium, telephone: 513.38.30, or Mr. Paul Cormaci, Aircraft Certification Division, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-6933.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an

airworthiness directive requiring inspection of the wing lower skin panels at the main gear bay cutout on certain British Aerospace Aircraft Group Model HP 137 Mk 1 and series 200 airplanes was published in the Federal Register on December 6, 1982, 47 FR 54830 and 54831. The proposal was prompted by reports of loose or damaged rivets and cracks in the wing bottom skin panel at the main gear bay cutout on a Jetstream fatigue test specimen airplane. Development of these defects could result in fuel leaks and catastrophic failure of the wing.

Interested persons have been afforded an opportunity to comment on the proposal. Two commenters responded. One commenter reported that six of the seven aircraft under its control had accumulated between 10,000 and 15,000 airframe hours without developing any cracks. The manufacturer's modifications 5146 or 5149 are not incorporated into any of these aircraft. The commenter also stated that the average monthly utilization of these aircraft is approximately 200 flight hours per aircraft. Based upon its experience, this commenter does not believe that an AD is justified unless other U.S. operator experience demonstrates the reported crack development. This commenter offered the following recommendations in the event that other operators have experienced difficulties with cracks:

(1) Inspection frequency at 500 flight hour intervals.

(2) Cracks to be repaired and loose/damaged rivets replaced in accordance with BA Service Bulletin 7/3 (already in the proposal).

(3) Embodiment of Modification 5146 and 5149 would be optional; however, when accomplished, the inspection requirements of the AD would no longer be applicable.

The other comments were from the manufacturer who recognized that the duration of the intervals between the repetitive inspections addressed in paragraph (b) of the proposed AD had not been specified. Its recommendation was to retain the interval specified in Service Bulletin No. 7/3, dated October 1980. This commenter also concurred with the repetitive inspection discontinuance providing modifications 5146 and 5149 have been accomplished. The FAA accepts the manufacturer's recommended inspection interval on the basis of its broader experience and knowledge relating to this problem. The FAA also accepts the position of both commenters on the modification issue. Accordingly, the final rule will reflect these changes.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace, Aircraft Group: Applies to Model HP 137 Jetstream Mk 1 and Jetstream series 200 airplanes, not incorporating British Aerospace Modification Nos. 5146 and 5149, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To detect loose or damaged rivets and to prevent fuel leaks and propagation of fatigue cracks in the lower wing skin panels, accomplish the following:

(a) Within 100 hours time-in-service on airplanes having 6,500 or more hours time-in-service on the effective date of this AD or prior to 6,600 hours time-in-service on airplanes having less than 6,500 hours time-in-service on the effective date of this AD, and within each additional 100 hours time-in-service thereafter, accomplish the following:

(1) Visually inspect lower wing skins between wing stations 60 and 115 for loose or damage rivets and cracks, in accordance with instructions contained in paragraphs 3(a) through 3(e) of British Aerospace Jetstream Service Bulletin No. 7/3, dated October 1980, hereinafter referred to as the Service Bulletin, and correct any unsatisfactory conditions as follows:

(i) Replace loose or damaged rivets in accordance with paragraph 3(g) of the Service Bulletin, or an FAA-approved equivalent, within the next 25 hours time-in-service after detection;

(ii) Repair cracks in accordance with paragraphs 3(h) through 3(l) of the Service Bulletin and instructions provided by the Divisional Aircraft Service Manager, British Aerospace, Aircraft Group, Scottish Division, Prestwick Airport, Ayshire, Scotland. Repair instructions provided by British Aerospace Aircraft Group must be FAA approved as an equivalent means of compliance in accordance with paragraph (e) below:

(iii) When lower wing skin cracks are detected, further flight is limited by the crack length limits prescribed by paragraphs 3(h) through 3(l) of the Service Bulletin, with inspection for crack growth after each flight.

(b) The intervals between repetitive inspections required by this AD may be adjusted up to 10 percent of the specified inspection intervals to allow them to be accomplished concurrent with other scheduled maintenance on these airplanes.

(c) The inspections required by paragraph (a) of this AD are no longer required when British Aerospace Modification Nos. 5146 and 5149 are installed.

(d) The airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of complying with this AD must be approved by Manager, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

This amendment becomes effective on April 6, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation only involves approximately 21 airplanes at an approximate annual inspection cost of $360 a year or a one-time modification cost of $7,308 for each aircraft. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on February 16, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4895 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-7-AD; Amendment 39-4574]

Airworthiness Directives; British Aerospace, Aircraft Group, Scottish Division Model Beagle B.121 Series 1 and 2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace, Aircraft Group, Scottish Division Model Beagle B.121 Series 1 and 2 airplanes which requires inspections of the engine mount structure. Cracks have been found in the engine mounting structure in the weld cluster on the region of the top engine pickup bolts. These inspections will detect these cracks and preclude failure of the engine mount structure.

EFFECTIVE DATE: March 7, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: British Aerospace, Aircraft Group, Scottish Division Service Bulletin B121/81, Issue 2, dated December 3, 1980, applicable to this AD may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041. A copy of this information is also contained in the Rules Docket, FAA Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. O. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, or P. Cormaci, Manager, Foreign FAR 23 Section ACE–109, Central Region, FAA, 601 East 12th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: British Aerospace, Aircraft Group, Scottish Division has received reports of cracks developing in the engine mounting structure on its Model B.121, Series 1 and 2 airplanes. Occurrences of this type could have an adverse effect on the airplane structural integrity if not discovered and corrected before the critical crack length develops. Undetected cracks in the engine mount structure may result in the failure of the mount structure and subsequent loss of the airplane. As a result, British Aerospace, Aircraft Group, Scottish Division has issued Service Bulletin B121/81, Issue 2, dated December 3, 1980, which recommends inspection of all engine mounting structures which have accumulated more than 1,000 hours time-in-service and repetitive inspections thereafter at intervals not to exceed 50 hours time-in-service. The United Kingdom Civil Aviation Authority who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under the United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of British Aerospace, Aircraft Group, Scottish Division Service Bulletin B121/81, Issue 2, dated December 3, 1980, and the mandatory classification of this Service Bulletin by the United Kingdom Civil Aviation Authority. Based on the foregoing, the FAA has determined that the unsafe condition described herein is likely to exist or develop in other products of the same type design certificated for operations in the United States. Accordingly an AD is being issued requiring initial and repetitive inspections of the engine mount structure on British Aerospace, Aircraft Group, Scottish Division Model Beagle B.121 Series 1 and 2 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

British Aerospace, Aircraft Group, Scottish Division. Applies to Model B. 121 series airplanes (all serial numbers) certificated in any category.

Compliance: Required as indicated unless already accomplished. To preclude failure of the engine mounting structure, within the next 100 hours time-in-service after the effective date of this AD or upon accumulating 1,000 hours time-in-service, whichever occurs later, and thereafter at intervals not to exceed 50 hours time-in-service from the last inspection, accomplish the following:

(a) Visually inspect the engine mounting structure for cracks in accordance with the "Action" Section of British Aerospace, Aircraft Group, Scottish Division, Section of British Aerospace, Aircraft Group, Scottish Division, Service Bulletin Number B121/81, Issue 2, dated December 3, 1980, or an FAA approved equivalent.

(b) If a crack is found in the engine mounting structure, prior to further flight, repair or replace the engine mount in accordance with instructions provided by British Aerospace, Dulles International Airport, Washington, D.C., phone 703–435–9100, and approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) Operators who have not kept records of hours time-in-service of the engine mounting structure must substitute airplane hours time in-service in lieu thereof.

(e) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on February 16, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–4891 Filed 2–25–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 15143; Amdt. 39–4571]

Airworthiness Directives; Britten-Norman Models BN–2A and BN–2A MK III Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 75–24–07, Amendment 39–2428, applicable to Britten-Norman Models BN–2A Islander

and BN–2A MK III Trislander airplanes by adding requirements for repetitive visual inspections of all rudder bar units for fatigue cracks and loose fasteners. If not detected and corrected, failure of the rudder bar unit and resulting loss of rudder control may occur. The required inspections and replacement, if necessary, will preclude potential rudder bar failures from occurring because of these causes.

EFFECTIVE DATE: March 3, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: The applicable Service Bulletins and modification sheets may be obtained from Britten-Norman (Bembridge), Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: A. Astorga, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, telephone 513.38.30; or Paul Cormaci, Manager, Foreign FAR 23 Section, FAA, Central Region, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: The FAA published Airworthiness Directive (AD) 75–24–07, Amendment 39–2428 (40 FR 53003), on November 14, 1975. It requires an initial inspection at 25 landings and periodic inspections at 500 landing intervals to detect fatigue cracks in the rudder bar units (except those rudder bar units modified in accordance with Britten-Norman Mod. No. NB/M/463) that are used on Britten-Norman Models BN–2A Islander and BN–2A MK III Trislander series airplanes. The AD also requires replacement of cracked parts before further flight. The visual inspections for fatigue cracks in the rudder bar units are conducted in accordance with Britten-Norman Service Bulletin BN–2/SB.56 dated October 10, 1973. Britten-Norman published Issue 2 of Service Bulletin No. BN–2/SB.56, dated February 13, 1978, which specified inspection of all rudder bar units whether modified or not for fatigue cracks and loose fasteners upon completion of the first 2,500 landings and thereafter at intervals not to exceed 500 landings, unless (or until) the repair scheme specified by Service Bulletin No. BN–2/SB.56 is incorporated, whereafter the datum of 2,500 landings becomes reestablished before the repetitive inspections begin again. The United Kingdom Civil Aviation Authority (CAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Great Britain has classified Britten-Norman Service Bulletin No. BN–2/SB.56, Issue 2, dated February 13, 1978, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes.

On airplanes operated under British registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Britten-Norman Service Bulletin No. BN–2A/SB.56, Issue 2, and the mandatory classification of this Service Bulletin by the CAA.

Based on the foregoing, the FAA has determined that the condition addressed by Britten-Norman Service Bulletin No. BN–2A/SB.56, Issue 2, is an unsafe condition that may exist on products of this type design certificated for operation in the United States. Accordingly, AD 75–24–07 is being revised requiring repetitive inspections to detect and correct fatigue cracks and loose fasteners around the collar of the nose wheel steering lever to prevent the potential loss of nose gear steering or rudder control on Britten-Norman Models BN–2A Islander and BN–2A Mark III Trislander airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 75–24–07, Amendment 39–2428 (40 FR 53003), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

(1) Revise the applicability statement of the AD to read as follows:

Britten-Norman, Ltd: Applies to Models BN–2A (Islander) and BN–2A Mark III (Trislander) airplanes, all series, certificated in any category.

(2) Revise the statement of purpose in the AD to read as follows:

To prevent the possible loss of rudder control or nose gear steering, accomplish the following:

(3) Revise paragraph (a) of the AD to read as follows:

(a) Inspect the rudder bar unit for cracks and loose fasteners in accordance with "Action" section of Britten-Norman Service Bulletin No. BN–2A/SB.56, Issue 2, dated February 13, 1978, or an FAA approved equivalent.

(4) Revise paragraph (d) of the AD to read as follows:

(d) If, during an inspection required by paragraph (a) of this AD, loose fasteners are found, prior to further flight, modify the rudder bar unit by installing close tolerance bolts in place of existing rivets or jo-bolts, in accordance with Britten-Norman Mod. No. NB/M/428, Issue 2, dated July 2, 1970, or an FAA approved equivalent.

(5) Add a new paragraph (e) to read as follows:

(e) For the purposes of complying with this AD, subject to the acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average time from take-off to landing for the airplane type.

This amendment becomes effective March 3, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on February 15, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-4857 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-5-AD; Amendment 39-4576]

Airworthiness Directives; DeHavilland Models DHC-2 MK I, MK II and MK III Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to DeHavilland Models DHC-2 MK I, MK II and MK III airplanes, which supersedes AD 71-22-01. The new AD requires inspection of wing lift strut upper fittings and specifies accelerated replacement times for certain part numbered wing lift struts. Additional information has become available regarding the possibility of fatigue failure for these components. This action will detect or eliminate fatigue cracks in the wing lift strut fittings prior to failure.

EFFECTIVE DATE: March 7, 1983.

COMPLIANCE: As prescribed in the body of AD.

ADDRESSES: DeHavilland Service Bulletin (S/B) No. 2/3, reissued May 14, 1982, S/B No. 2/34, dated May 14, 1982, and S/B No. TB/9, Issue 2, dated January 11, 1968, applicable to this AD may be obtained from DeHavilland Aircraft of Canada, Limited, Downsview, Ontario, Canada M3K 1Y5. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Lester Lipsius, New York Aircraft Certification Office, ANE-172, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, Telephone No. (516) 791-6220; or Mr. Paul Cormaci, Manager, Foreign FAR 23 Section, FAA, Aircraft Certification Division, 601 East 12th Street, Kansas City, Missouri 64106, Telephone No. (816) 374-6932.

SUPPLEMENTARY INFORMATION: The manufacturer initiated fatigue tests in 1964 and has established and published retirement times and inspection instructions, updated as the need became apparent on wing strut assemblies used on early design airplanes of the DeHavilland DHC-2 series. The FAA made compliance with these mandatory by issuing AD 71-22-01, Amendment 39-1319 (36 FR 20417). The manufacturer continued the fatigue tests with later designed components and has completed fatigue testing of three different design wing strut assemblies utilizing a complete wing with representative portions of the fuselage. Data obtained provides a basis for more accurate prediction of the safe service lives of the wing lift strut assemblies which may be installed on the DeHavilland DHC-2 series airplanes. Also, the investigation of a 1981 accident involving a DeHavilland Model DHC-2 MK I airplane disclosed evidence of fatigue damage and failure of a wing upper lift strut fitting. Following this, the manufacturer issued DeHavilland Service Bulletin No. 3/34 and a revision to DeHavilland Service Bulletin 2/3 both dated may 14, 1982, recommending an accelerated retirement schedule for early design wing strut assemblies and establishing a comprehensive retirement schedule covering all design DHC-2 series airplane wing strut assemblies under various usages. These Service Bulletins with Service Bulletin TB/9, Issue 2, dated January 11, 1968, contain the manufacturer's recommendations pertaining to wing strut assembly inspections and retirement based on latest available data on all DeHavilland DHC-2 series wing strut assemblies. Transport Canada who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Canada has classfified these Service Bulletins and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Canadian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of Transport Canada combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of DeHavilland Service Bulletins 2/3 (May 14, 1982), 2/34 (May 14, 1982), and TB/9, Issue 2 (January 11, 1968), and the mandatory classification of these Service Bulletins by Transport Canada.

Based on the foregoing, the FAA has determined that the condition addressed by DeHavilland and Transport Canada is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Also, the FAA finds that the condition described herein is an emergency that requires the immediate adoption of this regulation. Accordingly, notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

Therefore, an AD is being issued superseding AD 71-22-01 which requires inspections of wing lift strut upper fittings and accelerated replacement times for certain part numbered wing lift struts on DeHavilland Models DHC-2 MK I, MK II and MK III airplanes.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

DeHavilland: Applies to Models DHC-2 MK I MK II and MK III airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the wing lift strut, accomplish the following:

(a) For ex-military airplanes with wing lift strut assemblies C2W545A/C2W546A and for airplanes fitted with ex-military strut assemblies C2W545A/C2W546A, comply with paragraph (1) and (2) below within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished within the last 400 hours time-in-service, and thereafter at intervals not to exceed 500 hours time-in-service from the last inspection.

(1) Detach each wing lift strut assembly from the attachment fitting on the wing. Using a dye-penetrant method with at least a 10-power glass or an FAA approved equivalent method, inspect the lift strut upper fitting for cracks with particular attention given to the ¾-inch radius junction of the lug to the attachment flanges. Ensure that each radius is smooth and blends smoothly into the lug without machine marks or nicks.

(2) If a crack, mark, or nick is found in the radius, replace the lift strut assembly before further flight with unused strut assemblies C2W1103A or C2W1104A, or with C2W1115-1 or C2W1115-2.

(i) Strut assemblies C2W1115-1 and C2W1115-2 are not subject to retirement.

(ii) Whenever new wing strut assemblies are installed, use new attachment bolts AN180-26 or AN180C-26, bolt-strut, lower

attachment, and C2W497, bolt-strut, upper attachment.

(b) For all airplanes with wing lift strut assemblies C2W545A/C2W546A, on or before April 1, 1983, unless already accomplished, comply with the requirements of the "Compliance" Section in DeHavilland Service Bulletin No. 2/34, dated May 14, 1982.

(c) For airplanes with wing lift strut assemblies C2W469A/470A, C2W473A/474A, C2W685A/686A, and C2W573/574, on or before January 1, 1984, comply with the requirements of the "Compliance" Section in DeHavilland Service Bulletin No. 2/34, dated May 14, 1982.

(d) For DHC-2 MK I and MK II aircraft, comply as follows with the wing strut assembly retirement times in DeHavilland Service Bulletin No. 2/3, dated December 20, 1967, reissued May 14, 1982.

(1) For aircraft engaged in normal operations at maximum gross weight of 5100 lb., comply with paragraphs 2.1 and 2.2 of the Bulletin.

(2) For aircraft engaged in "special-purpose operations" at maximum gross weight of 5100 lb., comply with paragraphs 3.1 and 3.2 of the Bulletin.

(3) For aircraft engaged in operations at gross weight in excess of 5100 lb., comply with paragraphs 4.1, 4.2 and 4.3 of the Bulletin.

(e) Replace modified or repaired struts identified in paragraphs 5.1 and 5.2 of Service Bulletin No. 2/3, reissued May 14, 1982, in accordance with the times prescribed therein.

(f) For DHC-2 MK III aircraft, comply as follows with the wing strut assembly retirement times in DeHavilland Service Bulletin No. TB/9, Issue 2, dated January 11, 1965.

(1) For aircraft engaged in normal operations at maximum gross weight of 5100 lb., or 5370 lb. with tip tanks full, comply with paragraphs 2.1 and 2.2 of the Service Bulletin.

(2) For aircraft engaged in "special-purpose low level operations" at maximum gross weight of 5100 lb., or 5370 lb. with tip tanks full, comply with paragraphs 3.1 and 3.2 of the Service Bulletin.

(g) A special flight permit may be issued in accordance with FAR 21.197 to operate the airplane to a location where the requirements of this AD may be accomplished.

(h) An equivalent method of compliance with this AD may be used if approved by the Manager, New York Aircraft Certification Office, ANE-170, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This AD supersedes AD 71-22-01, Amendment 39-1319 (FR 36-20417).

This amendment becomes effective on March 7, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, or appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on February 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4893 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-ASW-08; Amdt. 39-4566]

Airworthiness Directives; Enstrom Models F-28A and 280 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective airworthiness directive (AD) which requires the replacement prior to 1000 hours' time in service of certain ring gear carriers in the main rotor gear boxes on Enstrom Model F-28A and 280 helicopters and adopts a new AD. This superseding AD is required because of an additional failure which occurred prior to the ring gear carrier replacement required by the original AD. This AD requires an inspection and replacement, as necessary, of the main rotor gearbox ring gear carriers.

DATE: Effective March 1, 1983.

ADDRESSES: The applicable service bulletin may be obtained from Enstrom Helicopter Corporation, P.O. Box 277, Menominee, Michigan 49858. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591 and at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Joseph H. McGarvey, ACE-120C, Aircraft Certification Office, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018; telephone number (312) 694-7136.

SUPPLEMENTARY INFORMATION: Amendment 39-1794 (39 FR 7779) as amended by Amendments 39-1850 (39 FR 17430) and 39-1922 (39 FR 29917) requires replacement of certain main rotor gearbox ring gear carriers on Enstrom F-28A and 280 helicopters prior to the accumulation of 1000 hours' time in service since new or since the last factory overhaul. After issuing Amendment 39-1794, as amended by Amendments 39-1850 and 39-1922, a failure of a ring gear which had 450 hours' time in service occurred on a Model F-28A. The early failure was found to have resulted from high stresses caused by thin walls of the ring gear carrier. As a result of this failure, the manufacturer developed an inspection and procedure for identifying and replacing ring gear carriers having "thin walls" in order to preclude failure and resulting loss of lift of the main rotor.

Therefore, the AD is being superseded by a new AD that establishes an inspection at 25 hours' time in service from the effective date of the AD for helicopters with certain serial numbered main rotor gear boxes and requires replacement of ring gear carriers found to have "thin walls."

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Approximately 164 aircraft could be affected by the requirements of this AD for an estimated impact of $120,540 or $735.00 per aircraft.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aircraft safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by removing Amendment 39-1794, as amended by Amendments 39-1850 and 39-1922 (AD 74-05-03), and by adding the following new Airworthiness Directive:

Enstrom Helicopter Corporation: Applies to Enstrom Models F-28A and 280 helicopters certificated in all categories equipped with main rotor gearboxes (P/N 28-13101) having the following serial numbers: 2A, 3A, 6, 8, 9, 10, 12, 13, 14, 15, 20, 21, 25, 26, 28, 29, 30, 31, 32, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 51, 53, 56, 70, 72, 73, 74, 75, 76, 77, 78, 86, 95, 100, 07, 012, 016, 017, 019, 020, 027, 032.

037, 050, 057, 060, 063, 067, 081, 082, 084, 085, 087, 088, 089, 093, 094, 097, 098, 099, 01-001-71, 01-073-69, 02-001-71, 02-02-71, 02-13-70, 03-001-72, 03-002,-72, 04-001-72, 05-001-72, 05-003-72, 06-001-72, 07-001-72, 07-002-72, 07-004-72, 07-005-72, 07-006-72, 08-001-72, 08-002-72, 09-001-72, 09-001-73, 09-002-72, 09-01-69, 09-02-69, 09-04-69, 09-06-69, 09-07-69, 10-001-72, 10-002-72, 11-001-72, 11-002-72, 12-001-72, 13-002-72, 13-003-72, 13-004-73, 14-001-72, 14-002-72, 14-005-72, 14-006-72, 15-001-72, 15-002-72, 16-001-72, 16-002-72, 17-001-72, 20-001-72, 21-001-72, 21-002-72, 21-003-72, 22-001-73, 23-001-73, 23-003-73, 25-002-73, 26-001-73, 27-001-73, 27-002-73, 27-003-73, 27-004-73, 28-001-73, 28-003-73, 30-001-73, 31-001-73, 31-002-73, 32-001-73, 32-002-73, 32-004-73, 32-006-73, 32-007-73, 33-001-73, 33-002-73, 33-003-73, 33-006-73, 33-007-73, 34-001-73, 34-002-73, 35-001-73, 35-002-73, 35-003-73, 35-004-73, 36-001-73, 36-002-73, 36-003-73, 37-001-73, 37-003-73, 37-005-73, 38-001-73, 39-001-73, 39-002-73, 40-001-73, 43-001-73, 43-002-73.

To prevent the possible loss of power to the main rotor, accomplish the following:

Within the next 25 hours' time in service from the effective date of this AD:

a. Drain the oil from the transmission, and remove the oil filler cap assembly.

b. Rotate the main rotor shaft until the core hole in the upper surface of ring gear carrier (P/N 28-13106) is aligned with the oil filler port. This may be ascertained by looking through the oil filler port.

c. If no hole can be observed in the bottom web of the ring gear carrier, the wall thickness of the carrier is satisfactory and the inspections of steps d, e, and f do not apply.

d. If a hole can be observed in the bottom web of the ring gear carrier, the thickness of the lower web must be determined to establish airworthiness.

e. Inspection tool, T-0125, is provided with Enstrom Service Directive Bulletin 0017, Revision C. Insert this inspection tool through the oil filler port and core hole and determine the thickness of the ring gear carrier lower web as shown in Figure 1 of Enstrom Service Directive Bulletin 0017, Rev. C, or FAA approved equivalent.

Note.—T-0125 is a go/no-go gauge. If it will fit or go over the lower web, the web is too thin and unairworthy. If it will not fit or go over the lower web, the web is sufficiently thick, and is airworthy.

f. Repeat steps b., d., and e. for each of the three holes in the ring gear carrier's lower web. If inspection tool T-0125 will slip over the web in any one of the three (3) lower web hole locations, the ring gear carrier is unairworthy.

g. Replace unairworthy ring gear carriers with new or serviceable ring gear carrier P/N 28-13106, Revision F, or later revision.

h. Service the transmission with oil in accordance with the Maintenance Manual and reinstall the oil filler cap assembly.

i. Any equivalent method of compliance with this AD must be approved by the Manager, Chicago Aircraft Certification Office, Federal Aviation Administration, 2300 Devon Avenue, Des Plaines, Illinois 60018.

j. In accordance with FAR 21.197, flight is permitted to a base where the inspection required by this AD may be accomplished.

This supersedes Amendment 39-1794, as amended by Amendments 39-1850 and 39-1922 (AD 74-05-03).

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined, as shown earlier, that this document involves a regulation that is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on February 8, 1983.

C. R. Melugin, Jr.

Director, Southwest Region.

[FR Doc. 83-4886 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-4-AD; Amendment 39-4575]

Airworthiness Directives; Pilatus Britten-Norman Models BN-2A Islander and BN-2A MKIII Trislander Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Models BN-2A Islander and BN-2A MKIII Trislander airplanes which requires visual inspection and, if necessary, modification of attachment brackets for the two main engine control cables and the propeller control cable. Flexing of these brackets during control operation introduces fatigue which could eventually lead to failure of the bracket. The inspection and modification will eliminate fatigue failure of the brackets and prevent possible loss of propeller and engine controls during flight.

EFFECTIVE DATE: March 7, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Service Bulletin No. BN-2/SB109 Issue 3 dated March 5, 1979, Modification No. NB/M/939 and Modification No. NB/M/996 applicable to this AD may be obtained from Pilatus Britten-Norman (Bembridge) Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Al O. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium; Telephone 513.38.30, or Mr. Paul Cormaci, Manager, Foreign FAR 23 Section, Central Region, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION: Teleflex conduit swivel attachment brackets on the Pilatus Britten-Norman Models BN-2A and BN-2A MKIII airplanes are susceptible to fatigue failure. The FAA has received one report of failure in flight and the manufacturer indicates that other failures have occurred. Such failure results in loss of control over engine power. The manufacturer has introduced two modifications to correct this condition: Modification NB/M/939 provides for reinforcement in the propeller governor control and Modification NB/M/996 provides throttle and mixture control reinforcement. Subsequent to publication of these modifications, the manufacturer published Service Bulletin BN-2/SB.109 Issue 3 dated March 5, 1979, which provides for inspection and reinforcement of brackets in airplanes which have not been modified in accordance with NB/M/939 and NB/M/996. The United Kingdom of Great Britain and Northern Ireland Civil Aviation Authority (UKCAA) who have responsibility and authority to maintain the continuing airworthiness of these airplanes in Great Britain has classified this bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom of Great Britain and Northern Ireland registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness

requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Service Bulletin BN-2/SB.109 Issue 3 and the mandatory classification of this bulletin by UKCAA.

Based on the foregoing, the FAA has determined that the unsafe condition described herein is likely to exist or develop in other products of the same type design certificated for operation in the United States. Accordingly, an AD is being issued requiring visual inspection and, if necessary, modification of the powerplant control brackets on Pilatus Britten-Norman Model BN-2A and Model BN-2A MKIII airplanes. Because an emergency condition affecting aviation safety exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation regulations (14 CFR 39.13) is amended by adding the following new AD.

Pilatus Britten-Norman: Applies to Model BN-2A Islander and Model BN-2A MKIII Trislander airplanes certificated in any category which have not been modified in accordance with Modification No. NB/M/939 and Modification No. NB/M/996.

Compliance: Required within 100 hours time-in-service, unless already accomplished.

To prevent failure of throttle, mixture or propeller control, accomplish the following:

a. Using a 5-power glass, visually inspect the attachment brackets on the teleflex conduit swivel assemblies of the propeller control and two main engine controls for cracking in accordance with Item I of the "Inspection" Section of Britten-Norman Service Bulletin No. BN-2/SB.109, Issue 3, dated March 5, 1979.

1. Replace any teleflex swivel assembly having a cracked bracket with a serviceable assembly (Part No. C.79412, Part No. C.79411 or Part No. C.79410) and incorporate a teleflex swivel attachment bracket reinforcement as instructed in the "Application of the Reinforcing Scheme" Section of the Service Bulletin.

2. If the bracket is not cracked, incorporate a teleflex swivel attachment bracket reinforcement as shown in the "Application of the Reinforcing Scheme" Section of the Service Bulletin.

b. Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

c. An equivalent method of compliance with this AD may be used if approved by Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 7, 1983.

(Secs. 313(a) 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "**ADDRESSES**" at the location identified.

Issued in Kansas City, Missouri, on February 18, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4882 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-80]

Revocation of Transition Area: Seymour, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revoke a transition area at Seymour, TX. The intended effect of the amendment is to cancel controlled airspace that is no longer required for the protection of aircraft. This amendment is necessary since the transition area is no longer required and the instrument flight procedures based on this airspace have been canceled.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

On December 20, 1982, a notice of proposed rulemaking was published in the **Federal Register** (47 FR 56654) stating that the Federal Aviation Administration proposed to revoke the Seymour, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received. Except for editorial changes, this amendment is that proposed in the notice.

List of Subjects in 14 CFR Part 71

Control zones and/or transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 G.m.t., April 14, 1983, as follows:

Seymour, TX Revoked

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on February 15, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-4904 Filed 2-25-83; 8:46 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3017]

AHC Pharmacal, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on April 28, 1980 (45 FR 31979), by relieving respondent of the obligation of disseminating corrective advertisements which state that "no product can cure acne" prior to disseminating advertisements for "AHC Gel" or any acne product or regimen. In addition to the two well-controlled, double-blind clinical studies previously required for all superiority claims, the modified order now permits respondents to rely on FDA Panel recommendations as a reasonable basis for substantiating superiority claims.

DATES: Consent Order issued April 28, 1980. Modifying Order issued February 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/P, Howard Beales, Washington, D.C. 20580, (202) 523-3868.

SUPPLEMENTARY INFORMATION: In the Matter of AHC Pharmacal, Inc., a corporation, and James E. Fulton, M.D., individually and as corporate president. Codification appearing at 45 FR 31979 is amended by deleting the following: Subpart—Corrective Actions and/or Requirements: 13.533-20 Corrective advertising.

List of Subjects in 16 CFR Part 16

Acne treatment products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Order Reopening the Proceeding and Modifying Cease and Desist Order

AHC Pharmacal, Inc., and James E. Fulton, M.D., (hereinafter "Petitioners") have filed, pursuant to Rule 2.51 of the Commission's Rules of Practice, a Request for Modification of Order, including a request to vacate (hereinafter "Petition").

Petitioners seek the modification or elimination of two provisions of the Commission's Order of April 28, 1980. Petitioners also ask that the action be dismissed and the Order vacated.

The Order concerns Petitioners' representations as advertisers of an acne product and a regimen, and requires them to disseminate corrective advertisements that "no product can cure acne" before engaging in any advertising.

The initial request of July 7, 1982, seeks the modification of the Order in two respects: (1) Petitioners seek to change the format and the media of the corrective advertising required under the Order, and (2) presumably as an alternative, they allege that the basis of the Commission's Complaint is now moot in view of a recent report by a panel of FDA experts and argue that the Commission action should be dismissed and the Order vacated.

Additional issues raised by Petitioners' letter of August 27, 1981 include (3) a charge that their constitutional rights of due process and equal protection are being violated by the Order requirement of double-blind clinical studies to support efficacy claims, and (4) an allegation that a new acne product on the market may, in fact, cure acne, which renders the requirement of the corrective message "no product can cure acne" factually and legally erroneous.

The first issue raised by Petitioners concerns the breadth and frequency of the corrective advertising and the advertising media to be used. Petitioners seek to change the requirement of the Order to disseminate corrective advertising in Sunday newspaper supplements and on radio and to substitute therefor a brochure soliciting mail orders to be sent to at least 20,000 consumers who are potential purchasers of the product.

In support of this portion of the request Petitioners have shown that changed financial conditions of the corporate respondent now prevent it from being able to pay for the cost of such advertising. They further submit that the direct mailing of a less expensive brochure bearing the corrective message to the very consumers who may have been previously exposed to the now prohibited advertising would be more in keeping with the spirit of the Order.

However, Petitioners also argue that the passage of time supports their contention that the corrective advertising requirement be eliminated. There is no evidence before us as to what, if anything, the public recalls of the original advertising, and whether the public perception of the product is still tainted by the claims of "cure" and "superiority." Respondents argue that during the four years when they chose not to advertise at all whatever "lingering effect" the previous claims may have had was dissipated and, therefore, lessened the need for corrective advertising.

Additionally, an argument is made by the Petitioners that a new drug, Accutane, recently approved by FDA for acne treatment, "may, in fact, cure acne." Therefore, the argument continues, the Commission should no longer require the respondents to disseminate a statement ("no product can cure acne") that may be "factually and legally erroneous."

The Commission is persuaded by the evidence of changed financial circumstances and the argument about the passage of time that modification of the Order is warranted. Moreover, without reaching the question as to whether any product may, in fact, cure acne, the Commission is of the opinion that under the facts of this case it will not be against the public interest to relieve Petitioners from the requirement of the corrective message. 15 U.S.C. 45. (B) and 16 CFR 2.51.

The second issue raised by Petitioners is the publication by the Food and Drug Administration ("FDA") of advance notice of proposed rulemaking for Topical Acne Drug Products for Over-the-Counter Human Use, 47 FR 12,430 (March 23, 1982) (to be codified at 21 CFR Part 333), and the recommendation of an Advisory Review Panel contained therein. Petitioners assert that since certain labeling representations regarding products containing benzoyl are not acceptable to the Panel, and since benzoyl is the active ingredient of Petitioners' products, the basis for the Commission's original Complaint is now moot and that consideration should be given to dismissal of the action and the vacating of the Order.

The Panel report referred to by the Petitioners is a part of a proposed rulemaking by the Food and Drug Administration that would establish conditions under which over-the-counter (OTC) acne drug products are generally recognized as safe and effective and not misbranded. FDA published an advance notice of the proposed rulemaking on March 23, 1982. The notice is based on the recommendations of the Advisory Review Panel on OTC Antimicrobial (II) Drug Products.

The Panel has reviewed the literature and data submissions and has listened to testimony of interested persons. Numerous manufacturers of acne preparations submitted their products. AHC Pharmacal submitted "bp Gel Medication" and "bp Gel Medication Strong."

The Panel recommends three category conditions. Category I Conditions are those under which OTC acne drug

products are generally recognized as safe and effective and are not misbranded. Category II Conditions are those under which OTC acne drug products are *not* generally recognized as safe and effective or are misbranded. Category III encompasses products for which insufficient data precludes final classification at this time.

The Panel concluded that benzoyl peroxide in concentrations of 2.5 to 10 percent is one of the two active ingredients that are generally recognized as safe and effective (Category I) in treatment and prevention of acne.

The Panel recommends numerous acceptable phrases to be used in labeling for products effective in the treatment of acne, in the prevention of new acne lesions, and in antibacterial claims.

The Commission finds insufficient basis in the Panel's report to support Petitioners' contention that the basis for the Commission's original action is now moot and that the Order should be vacated.

The gravamen of the Commission's Complaint is the allegation concerning the unqualified claim for the effectiveness of Petitioners' product and regimen. The Complaint alleges that the advertisements claim, directly or by implication, that the respondents' product or regimen will cure acne and is superior to other products on the market.

The Panel's recommendations of acceptable language are carefully drawn. Absolute claims are not recommended. The Panel's recommendations do not support the Petitioners' contention that "the basis of the Commission's original complaint is now moot. * * * " The Panel's recommendations do not directly contradict Parts I.A. and B.1. of the Order that clearly prohibit "cure" claims by Petitioners. Given the claims alleged in the Complaint, the Commission believes the Panel's recommendations provide no basis to support Petitioners' argument that the Order should be vacated.

The Commission is willing to vacate an order upon a showing that changes in fact or law or the public interest make the continuation of an order necessary. Petitioners have failed to show such changes in the instant case. For example, they have not demonstrated that the Commission would interpret their advertisements any differently today than when the order was issued, nor have they provided copy tests or other extrinsic evidence demonstrating that the advertisements do not make the claims the Commission prohibited. Moreover, the Commission finds no basis in the public interest for vacating this order.

Petitioners finally argue that the requirement of the double-blind clinical studies for claims that the product results in a skin free of pimples, blackheads, etc., is a violation of "due process and equal protection" since the Panel concluded that products containing benzoyl peroxide "can be represented * * * without any testing whatsoever."

None of the recommended representations in the Panel's list permits a sweeping, unqualified claim of "skin free of pimples, blackheads, etc." The Panel recommends as acceptable such qualified labeling claims as "Clears up most acne pimples", "Clears up most acne blackheads", and similar qualified representations if descriptive of products effective in the treatment or prevention of acne.

Moreover, having signed the Consent Order in this matter, Petitioners waived any right to seek judicial review or otherwise to challenge or contest the validity of the order. 16 CFR 2.32. Accordingly, we do not reach the argument of the denial of due process and equal protection, advanced by the Petitioners.

Nevertheless, it is in the public interest that Petitioners should be permitted to make claims about their products that their competitors may make, if supported by a reasonable basis; including superiority claims, if properly supported by such an authority as the recommendation of the Panel. For example, whatever implications of superiority there may be in a claim that benzoyl peroxide has been found safe and effective by the Panel while an ingredient classified by the Panel as Category II has been found unsafe or ineffective, those implications are adequately substantiated by the findings and conclusions of the Panel. The Order will be modified accordingly. In continuing to require two well controlled doubled-blind clinical studies for all superiority claims not supported by the FDA or its Panel, the Commission, of course, expresses no view on the broader question of whether that level of substantiation would be an appropriate requirement for all comparative claims for all drugs or other products.

Petitioners have failed to show other changes in fact to warrant any other modification of the order.

It is therefore ordered that the proceeding is hereby reopened and the Decision and Order issued April 28, 1980, in Docket No. C–3017 is hereby modified to read as follows:

Order

I

It is ordered that respondents AHC Pharmacal, Inc., a corporation, and James E. Fulton, individually and as a corporate officer, their successors and assigns, either jointly or individually, and the corporate respondent's officers, agents, representatives, and employees, directly or through any corporation, division or other device, in connection with the advertising, offering for sale, sale or distribution of all products do forthwith cease and desist from:

A. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of a product variously known as AHC Gel, AHC Phamacal's benzoyl peroxide gel medication and b.p. gel medication (hereinafter "AHC Gel") either alone or as part of "Dr. Fulton's Acne Control Regimen" (hereinafter "the Acne Control Regimen") or any other acne product or regimen will cure acne or any skin condition associated with acne;

2. Misrepresents the extent to which any product has been tested or the results of any such test(s);

B. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of "AHC Gel", either alone or as part of "the Acne Control Regimen", or use of any other acne product or regimen by persons with acne, will result in skin free of pimples, blackheads, whiteheads, other acne blemishes, or scarring.

2. Represents that "AHC Gel", either alone or as part of "the Acne Control Regimen", or any other acne product or regimen, is superior to other over-the-counter acne preparations for the treatment of acne, including but not limited to other benzoyl peroxide products,

unless, at the time of each dissemination of such representation(s) respondents possess and rely upon competent and reliable scientific or medical evidence as a reasonable basis for such representation(s). ("Competent and reliable scientific or medical evidence" shall be defined as evidence in the form of at least two well-controlled double-blind clinical studies which are conducted by different persons,

independently of each other. Such persons shall be dermatologists who are qualified by scientific training and experience to treat acne and conduct the aforementioned studies. Provided, however, that the findings and conclusions of the FDA Advisory Review Panel on OTC Antimicrobial (II) drugs as published in 47 **Federal Register** 12,430 et seq. (March 23, 1982), unless and until any such finding or conclusion shall be modified by the FDA, and in that event, such finding or conclusion as modified, shall also constitute "competent and reliable scientific or medical evidence.");

C. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly makes representations referring or relating to the performance of efficacy of any product or refers or relates to any characteristic, property or result of the use of any product, unless, at the time of each dissemination of such representation(s) respondents possess and rely upon a reasonable basis for such representation(s).

II

It is further ordered that respondents shall forthwith distribute a copy of this order to each of their operating divisions.

III

It is further ordered that each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

IV

It is further ordered that such respondent shall, within sixty (60) days after this order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with this order.

V

It is further ordered that each respondent shall maintain files and records of all substantiation related to the requirements of Parts IB and IC of this order for a period of three (3) years after the dissemination of any advertisement which relates to that portion of the order. Additionally, such materials shall be made available to the Federal Trade Commission or its staff within fifteen (15) days of a written request for such materials.

Petitioners' request for other modification of the Order and for dismissal of the action and vacating of the Order is hereby denied.

It is further ordered that the foregoing modification shall become effective upon service of this Order.

By direction of the Commission. Commissioners Pertschuk and Bailey voted in the negative.

Issued: February 8, 1983.

Benjamin I. Berman,

Acting Secretary.

Dissenting Statement of Commissioner Michael Pertschuk on Order Modification in AHC Pharmacal, Docket No. C–3017

February 9, 1983.

The modified order adopted today by the Commission ostensibly retains the order's provision requiring the petitioner to have clinical tests to prove claims that its product would give buyers a "skin free of blemishes" or that its product is superior to other OTC acne medications. But the Commission now has introduced a large area of uncertainty about which claims require clinical testing by AHC and which claims do not.

Under the proposed modification, petitioner can make any superiority claim which is based on the "findings and conclusions" of the FDA panel. Instead of limiting therapeutic superiority claims to a narrow class of claims which are adequately supported by scientific proof, this order modification threatens to enlarge the "zone of play" in which a seller can make a spurious claim and effectively protect itself from prosecution by cloaking itself in the protective mantle of the FDA panel's findings. It allows advertisers to lift the FDA panel's "findings" out of the narrow specific context in which they were made and use them to make comparisons between products—comparisons which the FDA itself does not allow.

Let me just provide one example. When the FDA finishes its OTC acne drug review, only those products which are found by FDA to be "safe and effective" can be sold. How then is the poor marketer to convince consumers to buy its product rather than its competitors'? Based on the history of OTC drug advertising, I confidently predict that advertisers will resort to spurious differentiations, all of which will imply that their products are actually better than the others. The proposed modification will certainly invite such claims. Take, for example, the following cautiously phrased "finding" of the FDA panel:

The Panel recognizes that acne represents a spectrum of severity * * * The Panel feels that higher concentrations of benzoyl peroxide may be suitable for severe acne or for mila [sic] acne lesions that have not responded to lower concentrations.

What kinds of superiority claims does that "finding" support? How about:

Forget those sissy 2.5 percent benzoyl peroxide solutions! When you're really *serious* about acne, try "Big 10"—the acne medication with more than 3 times as much benzoyl peroxide as the best seller!

Most sufferers of acne would clearly interpret that to mean that the 10 percent solution is much more effective than a 2.5 percent solution. Yet the studies reviewed by the FDA panel found that for most acne sufferers, the 2.5 percent solution of benzoyl peroxide was *just as effective* as the 10 percent solution, while causing less severe and less frequent side effects. But is the claim also supported by the FDA panel's "findings" cited above?

Nor is this concern altogether theoretical. The petition itself states that the requirement to conduct clinical tests to support claims that its product will result "in a skin free of pimples, blackheads, etc, is totally out of touch with the FDA's expert panel's conclusion that benzoyl peroxide containing products can be represented for such results without any testing whatsoever," and "it appears that the very advertising which the Commission complained of in 1978 is now acceptable labeling claims to the FDA's expert panel."

I would support a modification which spells out exactly the types of claims which are supported by the FDA panel's findings. For example, the FDA panel's findings do provide a scientific basis for petitioner—or any other OTC acne drug seller—to claim that products with benzoyl peroxide or sulfur (the only two ingredients found by the FDA to be safe and effective) are therapeutically superior to products with only those ingredients found by the FDA generally not to be safe and effective. The principal deficiency in the Commission's modification is its failure to make clear which claims are supported by the FDA panel and which claims are not. The result is to invite the spurious differentiations discussed above, or, at the least, to leave ourselves open to future disputes which can only be resolved by enforcement proceedings.

In my view, the Commission, in adopting this modification, simply begins to unravel what has been a useful, understandable, and justifiable standard for substantiation of OTC drug comparison claims.

Separate Statement of Commissioner David A. Clanton on Order Modification in AHC Pharmacal, Inc., Docket No. C–3017

The Commission today issued an order modifying the corrective advertising and substantiation requirements of a 1980 Consent Order entered into with AHC Pharmacal, Inc. In a separate statement, Commissioner Pertschuk expresses concern that the newly modified order might give the respondent room to make claims for which there is little or no scientific basis.

In point of fact, the modified order does no such thing. As Commissioner Pertschuk's statement might suggest to the respondent that it is free to make certain claims that are still prohibited, I have taken this opportunity to correct that misimpression.

The original order, entered in 1980, prohibited the respondent from making certain claims unless they were supported by "competent and reliable scientific or medical evidence." No FDA panel had examined the efficacy of acne remedies at that time, so scientific or medical evidence was defined to require two well-controlled clinical studies.

Recently, however, an FDA Advisory Review Panel concluded an investigation and published its findings on the safety and efficacy of various acne remedies. The sole effect of our order modification is to provide that those findings would also be considered "competent and reliable scientific or medical evidence." The FDA panel was composed of leading experts in the field of antimicrobial drugs, and there has been no suggestion anywhere in these proceedings that the panel's findings were incompetent or unreliable. Thus, the respondent may now make a claim if it is supported either by two well-controlled clinical studies *or* by the findings of the FDA panel.

However, it is important to point out that claims which are *not* supported by such evidence are still prohibited. The order should not be read as providing the respondent with a "zone of play," permitting any claim which even looks as though it might be supported by the panel's findings, any more than the original order would have permitted a claim which only looked as though it might be supported by two clinical tests. Unless a claim is in fact confirmed, either by the conclusions of the FDA panel or by two independent clinical tests, that claim is still prohibited.

Thus, I cannot share Commissioner Pertschuk's concern (at p. 2 of his statement) about advertisements which might imply that a 10% benzoyl peroxide solution was generally more effective than a product containing only a 2.5% solution. As Commissioner Pertschuk correctly points out, the FDA panel did *not* find that a 10% solution was more effective that a 2.5% solution for most acne sufferers, so any implied claim to the contrary would not be supported by the panel's findings. Accordingly, any advertisement which made such an implied claim would still violate the order.

The same answer applies to the concern (again at p. 2) that the respondent could argue that the panel's findings would support a claim that the product would result in a skin "free of pimples." The truth is that nothing in the panel's conclusions would support such an unqualified claim. Indeed, this was one of the claims involved in the original complaint, and the Commission's modifying order explicitly states that "the panel's recommendations do *not* support the petitioner's contention" that such a claim would now be permissible. (Order at p. 4; emphasis added). If this were not clear enough, the modifying order later repeats that "none of the recommended representations in the panel's list permits a sweeping, unqualified claim of 'skin free of pimples, blackheads, etc.' " (*Id.*) There thus is no basis for even suggesting that such claims would now be permitted under the modified order.

In short, Commissioner Pertschuk is simply incorrect to the extent that he implies that the modified order might permit any claims, express or implied, that were not directly supported by the panel's findings and conclusions (or by two clinical tests). The petitioner would be well advised not to place any reliance on such suggestions.

[FR Doc. 83-4899 Filed 2-25-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3282

[Docket No. R-83-963]

Manufactured Home Procedural and Enforcement Regulations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The Secretary is adopting as final an interim rule which amended the manufactured housing procedural and enforcement regulations to provide every state with a period of five years within which to obtain full approval of its state plan for participation as a State Administrative Agency (SAA). Also adopted in this final rule from the interim rule is a provision which authorizes the Secretary to extend the period during which a state may participate with conditional approval.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Tobias A. Gottesman, Director of State and Consumer Liaison Division, Office of manufactured Home Standards, Room 3244, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6584. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 9, 1982, the Department published an interim rule (47 FR 5887) for immediate effectiveness which amended the manufactured housing procedural and enforcement regulations by revising 24 CFR 3282.302.

The interim rule provided every state with a period of five years within which to obtain full approval of its state plan for participation as a State Administrative Agency (SAA). In addition, the interim rule authorized the Secretary to extend the period during which a state may participate as an SAA with conditional approval. The interim rule invited comments through April 12, 1982. One comment was received. The comment endorsed the rule as a wise and practical measure in view of some states' inability to meet all the requirements for approval as SAA's. Accordingly, this final rule adopts the previously published interim rule without change.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation, issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule is limited in its application to state governmental agencies.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.804, Manufactured Housing.

List of Subjects in 24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Intergovernmental relations, Investigations, Manufactured homes.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

The interim amendment to 24 CFR Part 3282, published and effective on February 9, 1982 (47 FR 5887), is hereby adopted as final without change.

(Sec. 625, National Manufacturing Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5424))

Dated: February 16, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-4901 Filed 2-25-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Approval of Permanent Program Modification From the Commonwealth of Virginia Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 946 by adding a permanent program amendment concerning Virginia's reclamation bonding regulations submitted by the State under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director, OSM, has determined that the modification of the Virginia program meets the requirements of SMCRA and the Federal regulations. Accordingly, the Director has approved the Virginia program amendment.

Part 946 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: This approval is effective February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1982, Virginia submitted to OSM a proposed program amendment consisting of a General Assembly Bill passed on an emergency basis creating the Coal Surface Mining Reclamation Fund (Fund) and promulgated regulations to implement the legislation (Administrative Record No. VA 401). The proposed program amendment created and implemented an alternative reclamation bonding system in the Virginia program. On September 21, 1982, the Director, OSM, approved the program amendment (47 FR 41556-41558).

On December 20, 1982, Virginia submitted to OSM a proposed program amendment to its reclamation bonding regulations (Administrative Record No. VA 450). The proposed amendment to the Virginia regulations would suspend Section V800.11(c)(1) and the first part of V800.11(c)(2) to allow participants in the Fund to bond increments of a permit area, rather than having to post bond for the entire area before any mining is begun.

OSM published a notice in the **Federal Register** on January 11, 1983, announcing receipt of the amendment, procedures for the public comment period and an opportunity for a public hearing on the substantive adequacy of the amendment (48 FR 1201). The public comment period ended February 10, 1983. A public hearing scheduled for February 7, 1983, was not held because no one expressed a desire to present testimony.

Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17, that the program amendment submitted by Virginia on December 20, 1982, meets the requirements of section 509(a) of SMCRA and 30 CFR 800.11.

Disposition of Public Comments

No comments were received from the public on Virginia's proposed program amendment. Comments from Federal agencies were limited and did not identify any specific deficiencies of the proposed program amendment.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those Federal agencies invited to comment, comments were received from the following: Bureau of Mines, Mine Safety and Health Administration and the Army Corps of Engineers.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

On December 8, 1981, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the Virginia permanent program. The amended regulatory provision approved in this document is not an aspect of the Virginia permanent program which relates to air or water quality standards promulgated under the authority of the Federal Clean Water Act, as amended (33 U.S.C. 1251), and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Therefore, Part 946 of 30 CFR Chapter VII is amended as set forth herein.

Dated: February 23, 1983.

J. R. Harris,

Director, Office of Surface Mining.

PART 946—[AMENDED]

Section 946.10 of Title 30 is revised to read as follows:

§ 946.10 State regulatory program approval.

The Virginia State Program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and clarified in a meeting with OSM on September 21 and 22, 1981, and in a letter to the Director of the Office of Surface Mining on October 15, 1981, was

conditionally approved, effective December 15, 1981. Beginning on that date, the Department of Conservation and Economic Development, Division of Mined Land Reclamation, was deemed the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Beginning on July 21, August 19, September 21, December 13, 1982, and January 18, 1983, the program also included program amendments submitted on January 28, July 9, July 8, August 13, and September 30, 1982, respectively. Further, beginning on February 28, 1983, the program includes a program amendment submitted on December 20, 1982.

Copies of the conditionally approved program, as amended, are available for review at:

Virginia Division of Mined Land Reclamation, Drawer U, 630 Powell Avenue, Big Stone Gap, Virginia 24219
Virginia Department of Conservation and Economic Development, 1100 State Office Building, Richmond, Virginia 23219
Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266
Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street NW., Washington, D.C. 20240

* * * * *

[FR Doc. 83-5031 Filed 2-25-83; 8:45 am]
BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

Captain of the Port, San Francisco Bay, California Regulation 83-01; Security Zone Regulations; Approaches to San Francisco Bay and San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a security zone around the HMS Brittania and accompanying vessels. The zone is needed to safeguard the HMS Brittania, accompanying vessels, and waterfront facilities against injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective on March 3, 1983 or when the HMS Brittania enters United States Territorial Waters off San Francisco, California, whichever occurs last. It terminates on departure of the HMS Brittania from United States Territorial Waters but in no case will its provisions extend beyond April 1, 1983.

FOR FURTHER INFORMATION CONTACT: LCDR Ed Page, Marine Safety Office, San Francisco Bay, (415) 437-3073.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed.

Drafting Information

The drafters of this regulation are LCDR Ed Page, project officer for the Captain of the Port, and LCDR Bill Cassels, project attorney, Twelfth Coast Guard District Legal Office.

Discussion of Regulation

The incident requiring this regulation is planned to occur on March 3, 1983 when the HMS Brittania enters United states Territorial Waters. The security of Her Majesty Queen Elizabeth II and His Royal Highness, Prince Phillip, Duke of Edinburgh and their guests and accompanying vessels is a matter of national importance. A moving security zone around the HMS Brittania will provide Captain of the Port San Francisco Bay, California with the authority necessary to ensure the vessel's safety.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation: In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.1221 to read as follows:

§ 165.1221 Security Zone: Approaches to San Francisco Bay and San Francisco Bay.

(a) *Location.* The following areas are security zones:

(1) A moving security zone is established around the HMS Brittania in all directions for a distance of 200 yards while the vessel is underway in United States Territorial or Inland Waters.

(2) A group of vessels will accompany the HMS Brittania during its arrival and departure from San Francisco Bay. A moving security zone is established around the HMS Brittania and accompanying vessels for each movement of the HMS Brittania through United States Territorial or Inland Waters. This moving security zone extends out 200 yards on either side of an imaginary line running from a point 200 yards in front of the lead vessel through each of the accompanying vessels to a point 200 yards astern of the last accompanying vessel. The vessels to be included as accompanying vessels will be predesignated by Captain of the Port, San Francisco Bay in a Local Notice to Mariners prior to each movement of the HMS Brittania. The security zone will move with the vessels wherever they may be located.

(3) A security zone is established at Pier 50, San Francisco, California twenty-four hours prior to the arrival of the HMS Brittania and at all times the HMS Brittania is moored thereto. This security zone includes all of Pier 50 and extends into San Francisco Bay into the area bounded by the San Francisco shoreline and a line extending from the Northeast point of Pier 48 due East 600 yards, south 900 yards then west to the Southeast point of Pier 54. The security zones described above will be enforced by Coast Guard vessels and personnel representing Captain of the Port, San Francisco Bay, California.

(b) *Regulations:*

(1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04-6)

Dated: February 8, 1983.

K. F. Bishop, Jr.,
Captain, Coast Guard Marine Safety Office, San Francisco Bay, California.

[FR Doc. 83-5047 Filed 2-25-83; 8:45 am]
BILLING CODE 4910-14-M

33 CFR Parts 174, 179, 181, and 183

[CGD 82-010]

Revision of Staff Codes and Addresses

AGENCY: Coast Guard, DOT.

ACTION: Administrative revision; final rule.

SUMMARY: The Office of Boating, Public, and Consumer Affairs, U.S. Coast Guard Headquarters, has recently reorganized. This document revises the staff codes and addresses of the component divisions to reflect structural changes brought about by the reorganization.

EFFECTIVE DATE: These revisions become effective on February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Franseen, Regulatory Coordinator, Boating Safety Division (G–BBS), Room 4224, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. (202) 426–1080.

SUPPLEMENTARY INFORMATION: The Coast Guard uses "staff codes" as an abbreviated means of identifying offices, divisions, and branches within the organizational structure of Coast Guard Headquarters. Staff codes are most commonly used in mailing addresses of correspondence directed to headquarters components. For example, the staff code for the Office of Boating, Public, and Consumer Affairs is "G–B"; its mailing address is "Commandant (G–B), U.S. Coast Guard, Washington, D.C. 20593."

The Office of Boating, Public, and Consumer Affairs, G–B, has recently reorganized. The Boating Technical Division, G–BBT, the Boating Education and Liaison Division, G–BLC, and the Consumer Affairs and Administrative Staff, G–BA, were consolidated into one division, the Boating Safety Division, G–BBS. The Accident Review Branch of the former G–BLC was transferred to the Policy Planning and Evaluation Staff, G–BP. This document revises the staff codes to reflect the above organizational changes. This document also corrects several mailing addresses which have not been updated over several relocations of the headquarters offices.

This final rule is an editorial correction concerning agency organization and has no impact of any kind on the public. Therefore, notice of proposed rulemaking and opportunity for public comment are not required by 5 U.S.C. 553, and good cause exists for making this rule effective less than 30 days after its publication date.

This rule has been evaluated under Executive Order 12291 and DOT Order 2100.5 and has been determined to be non-major and nonsignificant. Since no impact is anticipated, an economic evaluation has not been prepared.

In accordance with Section 605(b) of the Regulatory Flexibility Act (30 Stat. 1164), it is certified that these revisions will have no significant impact on a substantial number of small entities.

Drafting Information

The principal persons involved in drafting this document are Mr. Ray Franseen, Regulatory Coordinator, Office of Boating, Public, and Consumer Affairs, and LT Mark Hanlon, Project Attorney, Office of Chief Counsel.

List of Subjects in 33 CFR Parts 174, 179, 181 and 183

Marine safety.

In consideration of the foregoing, Parts 174, 179, 181, and 183 of Title 33, Code of Federal Regulations, is amended as follows:

SUBCHAPTER S—BOATING SAFETY

PART 174—[AMENDED]

§ 174.7 [Amended]

1. In § 174.7 "(GBL/62)" is changed to "(G–BBS)".

§ 174.125 [Amended]

2. In § 174.125 "(G–BLC)" is changed to "(G–BP)".

PART 179—[AMENDED]

§ 179.19 [Amended]

3. In § 179.19 "(BBC)" is changed to "(G–BBS)".

PART 181—[AMENDED]

§ 181.31 [Amended]

4. In § 181.31 "(GBBC)" is changed to "(G–BP)".

PART 183—[AMENDED]

§§ 183.110 and 183.402 [Amended]

5. In the sections listed below, the room number designation "Room 4313, Transpoint Building" is changed to "Room 4210":

§ 183.110

§ 183.402

§ 183.505 [Amended]

6. In § 183.505, the room number designation "Room 4314, Transpoint Building" is changed to "Room 4210".

§ 183.607 [Amended]

7. In § 183.607, the room number designation "Room 4220" is changed to "Room 4210".

(46 U.S.C. 1486; 49 CFR 1.46(n)(1))

Dated: February 17, 1983.

H. W. Parker,

Rear Admiral, Coast Guard, Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 83-5049 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 207

Fishing, Hunting, and Navigation Regulations; Removal and Amendment of Obsolete Provisions

Correction

In FR Doc 83–3738, appearing on page 6706, in the issue of Tuesday, February 15, 1983, on page 6708, correct § 207.614(a) lines 10 through 12 to read as follows: "longitude 118°31.1'W.; thence to latitude 32°58.6'N., longitude 118°30.0'W.; thence to latitude 32°57.9'N., longitude"

BILLING CODE 3825-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 2274-5]

Approval and Promulgation of Implementation Plans; Revision to Washington State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking addresses State Implementation Plan (SIP) revisions submitted by the State of Washington Department of Ecology (DOE) pursuant to the requirements of Part D of the 1977 Clean Air Act (hereafter referred to as the Act). In today's action, EPA is approving the carbon monoxide (CO) attainment plan for the Seattle nonattainment area and the ozone (O_3) attainment plan for the Seattle-Tacoma nonattainment area.

EFFECTIVE DATE: April 29, 1983.

ADDRESSES: Copies of the materials relevant to the SIP may be examined during normal business hours at:

Central Docket Section (10A–82–1), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, M/S 532, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue SE., Rowe Six, Bldg. #4, Lacey, WA 98504

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101. Telephone No. (206) 442–4016, FTS: 399–4016.

SUPPLEMENTARY INFORMATION:

I. Background

On July 16, 1982, the State of Washington DOE officially submitted the 1982 Seattle CO and Seattle-Tacoma O_3 SIP revisions to EPA. This submittal also contained a study plan to develop a CO SIP revision for Tacoma, a new nonattainment area. On October 19, 1982, EPA proposed to approve the SIP revisions, but proposed no action on the plan for developing a CO SIP revision for Tacoma. Additional background information on today's rulemaking can be found in the October 19, 1982 **Federal Register** (47 FR 46549).

II. Response to Comments

A 30-day public comment period was provided on the October 19, 1982, proposed rulemaking. One commentor objected to EPA making the approval of transportation conformity procedures contingent upon adherence to an EPA April 1, 1980 (45 FR 21590), advance notice on conformity. However, EPA approval was not made contingent upon adherence to this April 1, 1980, policy statement, but more correctly contingent upon the adoption of final locally-adopted procedures which would be consistent with the draft local procedures available at the time of the proposed rulemaking.

The commentor also raised procedural objections regarding project level air quality analysis and its relationship to the determination of conformity. The concern revolves around the frequency with which additional project level analysis will be needed to augment plan and program conformity determinations. EPA agrees with the commentor that the vast majority of federally funded transportation projects will not need additional detailed project level analysis for conformity. Only in a few cases, where sufficient information was not available at the time of plan development regarding air quality impacts, would additional technical analysis need to be done to complete the conformity finding. Since the final local conformity criteria and procedures submitted are consistent with the draft provisions and meet the minimum requirements of the Clean Air Act and the January 22, 1981 SIP Policy (46 FR 7182), EPA is approving these procedures.

III. Plan Review

The general requirements for the CO and O_3 SIPs are described in the **Federal Register** published on January 22, 1981 (46 FR 7182). EPA reviewed the SIPs in accordance with those requirements and developed a technical support document for each plan which briefly describes EPA's conclusions regarding each SIP requirement and its approvability. Both plans meet all technical and policy requirements contained in the January 22, 1981 **Federal Register**. This includes a finally adopted procedure to determine conformance of Federal projects with the SIP, which was submitted by DOE on December 1, 1982.

In general, the CO and O_3 SIPs call for expeditious attainment of National Ambient Air Quality Standards (NAAQS) and require reasonable further progress (RFP). Both SIPs include contingency plans to be implemented in the event that RFP is in jeopardy. The principal control measure in both SIPs is a mandatory I/M program which has been operating in the Seattle area since January 1982. A more detailed description of the CO and O_3 SIPs and their adoption can be found in the October 19, 1982 **Federal Register**.

IV. Summary of Rulemaking Action

1. EPA approves the Seattle CO attainment plan submitted by DOE pursuant to Part D requirements. This approval includes a revision to the extension of the attainment date for CO to January 1, 1986.

2. EPA approves the Seattle-Tacoma O_3 attainment plan submitted by DOE pursuant to Part D requirements. This approval includes a revision to the extension of the attainment date for O_3 to July 31, 1984.

Under Executive Order 12291, today's action is not "Major." The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this section must be filed in the United States Court of Appeals for the appropriate circuit by April 29, 1983. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

This notice of final rulemaking is issued under the authority of Sections 171 through 173 of the Clean Air Act, as amended (42 U.S.C. 7407(d), 7410(a), 7501 through 7503, and 7601(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register in July 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In Section 52.2470, paragraphs (c) (33) and (34) are added to read as follows:

§ 52.2470 Identification of Plan.

* * * * *

(c) * * *

(33)(i) On July 16, 1982 the State of Washington Department of Ecology submitted implementation plan revisions which build upon those submitted in May 1979. The revisions include the following elements:

(A) An Ozone attainment plan for the Seattle-Tacoma nonattainment area.

(B) A Carbon Monoxide attainment plan for the Seattle nonattainment area.

(C) A Carbon Monoxide Study Plan for the Tacoma central business district nonattainment area.

(ii) On February 28, 1983, EPA published final rulemaking action on the Washington SIP as described below:

(A) Approval

(*1*) Seattle-Tacoma Ozone SIP

(*2*) Seattle Carbon Monoxide SIP

(B) No Action

(*1*) Carbon Monoxide Study Plan for the Tacoma central business district nonattainment area.

(34) On December 1, 1982 the State of Washington Department of Ecology submitted, as part of the Seattle-Tacoma O_3 SIP and the Seattle CO SIP, procedures by which conformity of Federal projects with the SIP will be determined. On February 28, 1983, EPA approved the conformity determination procedures.

2. In § 52.2472, paragraphs (c) and (d) are revised to read as follows:

§ 52.2472 Extensions.

* * * * *

(c) The Administrator hereby extends to January 1, 1986 the attainment date for carbon monoxide in the Seattle, Washington, nonattainment areas (Seattle CBD, Northgate, Bellevue, University District) [40 CFR 81.848].

(d) The Administrator hereby extends to July 31, 1984 the attainment date for ozone in the Seattle-Tacoma, Washington, nonattainment area [40 CFR 81.848].

3. Section 52.2478 is amended by revising the introductory text of the section and the "Puget Sound Intrastate AQCR" portion of the table and adding footnotes "l" and "m" to read as follows:

§ 52.2478 Attainment dates for national standards.

The following table presents the latest dates by which the National Air Quality Standards are to be attained. These dates reflect the information presented in Washington's plan.

Air quality control region and nonattainment area	Pollutant							
	TSP		SO_2		NO_2	CO	O_3
	1st	2nd	1st	2nd			
. . .	.	.	.	.	.	.	.	.
Puget Sound Intrastate AQCR:								
1. Seattle-Tacoma:								
a. Seattle (N. Duwamish) TSP area	f	h	d	d	b	a	—
b. Seattle (S. Duwamish) TSP area	c	h	d	d	b	a	—
c. Seattle CBD, Northgate, Bellevue, University District, CO areas	—	—	—	—	—	l	—
d. Seattle-Tacoma O_3	—	—	—	—	—	—	m
e. Kent TSP area	c	h	d	d	b	a	—
f. Auburn TSP area	c	h	d	d	b	a	—
g. Tacoma TSP area	f	h	d	d	b	a	—
h. Tacoma CBD CO area	—	—	—	—	—	g	—
2. Remainder of AQCR	c	e	d	d	b	k	l
. . .	.	.	.	.	.	.	.	.

. . . . . .

k. * * *

l. January 1, 1986.

m. July 31, 1984.

§ 52.2479 [Amended]

4. Section 52.2479 is amended as follows:

a. In Table 52.2479, insert WAC 173–422 between WAC 173–415 and WAC 173–425; Title: Motor Vehicle Emission Inspection; date of regulation: December 31, 1981; Date of EPA approval: February 28, 1983; **Federal Register** citation: (today's FR citation); applicable sections: all.

b. Table 52.2479 is also corrected as follows:

1. In WAC 173–400, change date of regulation to January 8, 1981.

2. In WAC 173–415, change date of regulation to August 14, 1980.

[FR Doc. 83-4974 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5 FRL 2282-6]

Designation of Areas for Air Quality Planning Purposes; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: EPA is today approving changes to the air quality designation for portions of six Michigan counties: Emmet, Ingham, Kent, Macomb, Mason, and Oakland from nonattainment to attainment of the secondary National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). This revision also changes the air quality designation for a portion of Marquette County from nonattainment to attainment for the ozone NAAQS. This revision to the Michigan State Implementation Plan (SIP) is based on a request from the State to redesignate these areas and on the supporting data the State submitted. Under the Clean Air Act (CAA), air quality designations can be changed if sufficient data are available to warrant such change.

DATE: This action is effective April 29, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation requests and the supporting technical information are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460; or

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written Comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the CAA, the Administrator of EPA has promulgated the NAAQS attainment status for each area of every state. (March 3, 1978, 43 FR 8962; October 5, 1978, 43 FR 45993). These area designations may be revised whenever the data warrant a change in designation. EPA can redesignate an area from nonattainment to attainment based upon the submittal of:

1. At least the most recent eight consecutive quarters of representative, quality assured monitoring data which show no violations of the applicable NAAQS, or

2. At least the most recent four consecutive quarters of representative, quality assured monitoring data which show no violation of the applicable NAAQS and documentation of the occurrence of legally enforceable emission reductions with a demonstration that these reductions are responsible for the air quality improvement.

On May 25, 1982, the Michigan Department of Natural Resources (MDNR) requested the redesignation of portions of Emmet, Ingham, Kent, Macomb, Mason, Muskegon, and Oakland Counties from nonattainment for the secondary NAAQS for TSP to attainment. The request also included the redesignation of a portion of Marquette County from nonattainment and unclassifiable for the ozone NAAQS to attainment. MDNR submitted all available ambient monitoring data to support the request. On June 8, 1982, MDNR withdrew its request to redesignate an area in Muskegon County to attainment for the TSP NAAQS, due to a recently monitored violation of the secondary TSP air quality standard.

A synopsis of each county area, its present status, and EPA's review and rulemaking action is presented below:

1. Emmet County

Approximately six square miles of Emmet County, west of Petoskey, was designated nonattainment for the secondary TSP standards. That designation was based on violations of the TSP standard in previous years

attributable to the activities of the Penn-Dixie Cement Corporation. MDNR requested that the entire county be designated attainment. Redesignation for Emmet County is based on four quarters of data with legally enforceable emission reductions. The reductions occurred at the Penn-Dixie Corporation, the only major TSP source in the county, which has permanently shutdown.

2. Ingham County

A major portion of Ingham County (T4N–R2W, Sections 2–11 and 14–23) was designated nonattainment for the secondary TSP standards. That designation was based on monitoring at 14 sites in the Lansing and East Lansing area. MDNR requested that the entire county be redesignated attainment. Redesignation is approvable because the most recent eight quarters of quality assured monitoring data collected during the years 1979–1981 show no violations of the TSP NAAQS. The available monitors in these counties were determined to be representative of the area's air quality, based on a review of the emission inventories and other information.

3. Kent County

A major portion of Kent County (T7N–R11W, Sections 19, 30, and 31, T7N–R12W, Sections 22–27 and 34–36) was designated nonattainment for the secondary TSP standards. That designation was based upon monitoring conducted in the Grand Rapids metropolitan area. MDNR requested that the entire county be redesignated attainment. Redesignation is approvable because the most recent eight quarters of quality assured monitoring data collected during the years 1979–1981 show no violations of the TSP NAAQS. The available monitors in these counties were determined to be representative of the area's air quality, based on a review of the emission inventories and other information.

4. Macomb County

Approximately a third of Macomb County, South of 20 Mile Road (Hall Road extended) (T4N–R14E, Sections 27, 28, 33, and 34) was designated nonattainment for the secondary TSP standards. That designation was based upon monitoring results from a number of sites located throughout the county.

MDNR requested that the southern third of Macomb County be redesignated attainment, while maintaining the nonattainment area surrounding the city of New Haven, defined at T4N–R14E, Sections 27, 28, 33, and 34. Redesignation is approvable because the most recent eight quarters of quality assured monitoring data collected during the years 1979–1981 show no violations of the TSP NAAQS. The available monitors in these counties were determined to be representative of the area's air quality, based on a review of the emission inventories and other information.

5. Mason County

Approximately four square miles of Mason County (T18N–R18W, Sections 13, 14, 23, and 24) was designated nonattainment for the secondary TSP standards. That designation was based upon exceedances of the TSP standard through 1977 at two monitoring sites. MDNR requested that the entire county be redesignated attainment. Redesignation is approvable because the most recent eight quarters of quality assured monitoring data collected during the years 1979–1981 show no violations of the TSP NAAQS. The available monitors in these counties were determined to be representative of the area's air quality, based on a review of the emission inventories and other information.

6. Oakland County

A portion of the city of Pontiac and the southeastern corner of Oakland County (T3N–R10E, Sections 15, 16, 21, 22, 27, and 28; Coolidge, Campbell and Dequindre Rd) were designated nonattainment for the secondary TSP standards. Part of that designation was based upon 1977 exceedances at the monitoring site downwind from all major industrial activity, site 63–005. The designation of the southeast corner of Oakland County was based on exceedances recorded in Macomb and Wayne Counties. MDNR requested that the entire county be redesignated attainment (Redesignation to attainment status was requested for that portion of Macomb County which lies adjacent to Oakland County). Redesignation is approvable because the most recent eight quarters of quality assured monitoring data collected during the years 1979–1981 show no violation of the TSP NAAQS. The available monitors in these counties were determined to be representative of the area's air quality, based on a review of the emission inventories and other information.

The NAAQS for ozone has a significantly different format from the NAAQS for TSP. Therefore, the criteria for redesignation of areas are also different. For ozone, a redesignation to attainment generally requires three years of data. The expected annual number of exceedances, as calculated from these data, should be 1.0 days or less. (The details of the calculation of

expected exceedances are given in *Guideline for the Interpretation of Ozone Air Quality Standards*, EPA 450/4 79–003.)

7. Marquette County and Other Counties in Michigan's Upper Peninsula

Marquette County was designated nonattainment and the remainder of Michigan's Upper Peninsula was designated unclassifiable with respect to the ozone standards. That designation was based on violations of the previous .08 ppm ozone standard recorded in Marquette County. MDNR requested that the entire Upper Peninsula of Michigan be redesignated to attainment. Redesignation of Marquette County is based on data which showed no exceedances of the current .12 ppm ozone NAAQS in Marquette County from 1979 to 1981 inclusive. Thus, the expected annual number of exceedances is 0.0. Redesignation of Michigan's Upper Peninsula is based on the current .12 ppm ozone standard. The monitoring in Marquette County implies that no long-range transport of ozone concentrations above .12 ppm is occurring into any part of the Upper Peninsula. Also, because Marquette County is the most populated County in the Upper Peninsula (1980 population: 72,593; the second most populous County had a 1980 population of 37,839), the absence of violations in Marquette County implies that the other counties in the Upper Peninsula can be assured also not to be generating excursions of the .12 ppm ozone standard.

EPA has reviewed Michigan's May 25, 1982 request to redesignate portions of Emmet, Ingham, Kent, Macomb, Mason and Oakland Counties from secondary nonattainment to attainment for TSP; and Marquette County from nonattainment to attainment for ozone. The proposed redesignations are consistent with EPA's policy for redesignations under Section 107 of the CAA. Therefore, EPA is today approving MDNR's redesignation requests for the counties listed above.

EPA's review also discovered errors in § 81.323 of Part 81 of chapter 1, Title 40, Code of Federal Regulations. The designation of areas for air quality planning purposes listing also omitted the revisions in EPA's final rulemaking July 27, 1981 (46 FR 38387).

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on April 29, 1983. However, if we receive notice by March 30, 1983 that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. § 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 29, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: February 18, 1983.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designation

Section 81.323 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for "Michigan—TSP", the entry for portions of Emmet, Ingham, Kent, Macomb, Mason and Oakland Counties should be revised to read as follows:

§ 81.323 Michigan*.

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* This codification updates and amends previous county TSP attainment status designations.

MICHIGAN—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 82 (Michigan Portion)				X.
AQCR 122—Except subareas defined				X.
1. Genesee County:				
a. Starting on Industrial Avenue, north to Stewart Avenue, east to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.	X			
b. Starting on Industrial Avenue, north to Pierson Road, east to Dort Highway, south to Hitchcock Street, south to Olive Avenue (extended), south to Robert T. Longway Boulevard, west and southwest to Industrial Avenue.		X		
2. Lapeer County: T7N–R12E, that portion of Section 17 which lies south of M–21 and east of Fairground Road.	X			
3. Midland County: R2E, T14N, Sections 14–16, 21–23, 25–28 and 33–35.		X		
4. Muskegon County: R16W, T9N, Sections 5 and 6 R16W, T10N, sections 21, 22 and 27–34.		X		
5. Saginaw County:				
a. Starting at Tittabawassee Road, east to I–75, east and south to Washington Avenue, west to 6th Street, north to Carrollton Street, northeast to Ziwaukee Street, north to Westervelt Street, north to Tittabawassee Road.	X			
b. Northeast Section: Starting on Tittabawassee Road, east to I–75, south to Wadsworth Avenue, west to I–675, west and north to Tittabawassee Road.		X		
c. Southwest Section: T12N–R4E, the eastern half of Section 34 (that which is east of Maple Street) and Section 35.		X		
AQCR 123—Except subareas defined				X.
1. St. Clair County: R17E, T6N, Sections 2–4, 9–11, 14–16, 21, 22 and 28.		X		
2. Wayne County:				
a. Area included within: Lake St. Clair to 8 Mile Road to Schaefer Road to McNichols Road to Greenfield Avenue to Schoolcraft Avenue to Evergreen Road to Joy Road to Telegraph Road to Ford Road to Beech-Daly Road to Cherry Hill Road to Inkster Road to Carlysle Street to Middle Belt Road to Van Born Road to Wayne Road to Ecorse Road to Haggerty Highway to Tyler Road to Belleville Road to I–94 to Rawsonville Road to Oakville-Waltz Road to Will-Carlton Road to the Huron River to Lake Erie except for the subarea under b.		X		
b. Area included within: Lake St. Clair-Monroe Road to 7 Mile Road to Van Dyke Road to 8 Mile Road to Wyoming Road to 7 Mile Road to Schaefer Road to Fenkell Road to Greenfield Avenue to Joy Road to Southfield Expressway to Ford Road to Telegraph Road to Cherry Hill Road to Beech-Daly Road extended to Michigan Avenue to Inkster Road to Carlysle Street to Middle Belt Road to Van Born Road to Wayne Road to Pennsylvania Road to Middle Belt Road to Sibley Road to Telegraph Road to King Road to Grange Road to Sibley Road to Jefferson Avenue to Bridge Street (Gross 11e) extended to Detroit River.	X			
AQCR 124—(Michigan Portion) Except subareas defined by following townships.				X.
1. Monroe County:				
a. Starting where Sandy Creek empties into Lake Erie, northwest to Maple Avenue (extended NNE), southwest to Elm Avenue, west to Herr Road, south to Dunbar Road, and east to Plum Creek (which empties into Lake Erie).	X			
b. T5S–R10E, Sections 8, 9, 15–17.		X		
AQCR 125—Except subareas defined				X.
1. Calhoun County: R5W, T2S, Section 34		X		
AQCR 126—Except subareas as defined				X.
1. Delta County R22W, T39N, Sections S½ 17, S½ 18, 19; and 30.		X		
2. Manistee County: R16W, T21N, Sections 7, 18 and 19, R17W, T21N, Sections 12 and 13.		X		
3. Marquette County: R25W, T48N, Sections 1 and 2			X	

MICHIGAN —O_3

Designated area	Does not meet primary standards	Cannot be classified or better than national standards
AQCR 126—Except subareas defined.		X.
1. Marquette County		X.

[FR Doc. 83-4769 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

Section 81.323, Part 81, Title 40 CFR is amended. In the table for "Michigan —O_3", the entry for a portion of Marquette County should be revised to read as follows:

* * * * *

40 CFR Part 260

[SWH-FRL 2311-7]

Hazardous Waste Management System, General

AGENCY: Environmental Protection Agency.

ACTION: Public notice of rulemaking petitions filed with EPA concerning the Resource Conservation and Recovery Act.

SUMMARY: This notice sets forth a list of petitions received in response to the regulations implementing the hazardous waste management system established by the Resource Conservation and Recovery Act (RCRA). Petitions cover both requests to make general changes to the regulations and specific requests to exclude, on a site-specific basis, wastes from regulation as hazardous. This notice updates the Federal Register of Thursday, August 19, 1982 (47 FR 36162) and provides a list of all petitions received by the Agency subsequent to that publication as of December 31, 1982. This notice informs the public of the receipt and purpose of each petition and thereby allows interested parties to comment or respond on appropriate petitions.

FOR FURTHER INFORMATION CONTACT: For further information on any of these petitions, the reader should contact Matthew Straus at (202) 382–4770.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated the first phase of regulations implementing the hazardous waste management system established by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended ("RCRA") by publishing 40 CFR Parts 260 to 265 and 122 to 124. Among other things, these regulations set forth informal rulemaking procedures whereby persons may (1) petition the Administrator to modify or revoke any provisions in 40 CFR Parts 260 through 265 (see 40 CFR 260.20); (2) petition the Administrator to add new testing or analytical methods

to Parts 261, 264, or 265 if the person demonstrates that the proposed method is equal to or superior to the corresponding method prescribed in Parts 261, 264, or 265 (see 40 CFR 260.21); or (3) petition the Administrator to obtain, on a site-specific basis, an exclusion of his listed waste from regulation as hazardous (see 40 CFR 260.22).

The Agency began publishing in the **Federal Register** on December 7, 1981 (46 FR 59537) a list of all petitions filed with the Agency under either 40 CFR 260.20, 260.21, or 260.22 which covers petitions received from July 1980 to October 31, 1981. Two additional lists have been published since then: one appeared in the **Federal Register** on March 3, 1982 (47 FR 9007) and covers petitions received from November 1, 1981 to January 31, 1982 while the other notice was published in the **Federal Register** on August 19, 1982 (47 FR 36162) and covers petitions received from February 1, 1982 to June 30, 1982. This notice is the fourth and updates the August 19, 1982 **Federal Register** notice by providing a list of all petitions received by the Agency subsequent to that publication as of December 31, 1982 and provides a brief summary of the substance of the petitions.

Dated: February 16, 1983.

Michael A. Brown,

Acting Assistant Administrator for Solid Waste and Emergency Response.

I. Petitions Filed Under 40 CFR 260.20 and 260.21 (General Rulemaking and Petitions for Equivalent Testing or Analytical Methods).

No petitions were received.

II. Petitions Filed Under 40 CFR 260.22 (Petitions to Amend Part 261 to Exclude Waste Produced at a Particular Facility).

Log No.	Company	Address	Waste listings to be excluded
360	Bundy Corp.	Box 95, Lincoln, NH 03251	F006.
361	General Electric Controls, Inc	P.O. Box 328, Vega Alta, PR 00762	F006.
363	Raybestos Industrial Products Co.	P.O. Box 5205, North Charleston, SC 29406	F002.
364	Emerson Electric Co., White-Rodgers Div.	Box 2117, Batesville, AR 72501	F006.
366	National Steel Corp., Midwest Steel Div.	Route 12, Portage, IN 46368	F006.
367	National Steel Corp., Midwest Steel Div.	Route 12, Portage, IN 46368	F063.
368	National Steel Corp., Weirton Steel Div.	Three Springs Drive, Weirton, WV 26062	F006.
369	Pamcor, Inc.	P.O. Box AC, Rio Piedras, PR 00928	F006.
370	General Motors Corp., GM Assembly Div	Lordstown Plant, P.O. Box 1406, Warren, OH 44482	F006.
371	NSM, Inc.	1617 Water St., P.O. Box 78, Peru, IL 61354	F006.
372	General Motors Corp., GM Assembly Div	Lakewood Plant, P.O. Box 16505, Atlanta, GA 30321	F006.
373	Merck & Co., Inc., Stonewall Manufacturing Facility	U.S. Highway 340 South, P.O. Box 7, Elkton, VA 22827	Incinerator fly ash.
374	Gulf Oil Chemicals Co., U.S. Operations	P.O. Box 509, Baytown, TX 77520	Chromium bearing wastes.
375	Crane Co.	Airport Road, Jonesboro, AR 72401	F006.
376	R. J. Reynolds Tobacco Co.	401 N. Main St., Winston-Salem, NC 27102	F006.
377	Merck & Co., Inc., Stonewall Manufacturing Facility	U.S. Highway 340 South, P.O. Box 7, Elkton, VA 22827	Incinerator bottom ash.
378	General Motors Corp., Fisher Body Div.	401 Verlinden Ave., Lansing, MI 48904	F006.
379	Special Metals Corp.	Middle Settlement Road, New Hartford, NY 13413	K062.
381	Olin Chemical Corp.	P.O. Box 2898, Lake Charles, LA 70602	F005.
382	Sun Refining & Marketing Co.	P.O. Box 920, Toledo, OH 43693	K048, K049, K051.
383	Koch Refining Co.	P.O. Box 2608, Corpus Christi, TX 78403	K048, K051.
384	Visocor Co.	940 Visador Road, Jasper, TX 75951	F001, F002.
385	Ashland Petroleum Co., Canton Refinery	P.O. Box 391, Canton, OH 44706	K048, K049, K050, K051
386	Amoco Oil Co., Mandan Refinery	P.O. Box 549, Mandan, ND 58554	K048, K050, K051, K052.
387	General Motors Corp., Chevrolet Motor Div.	300 N. Chevrolet Ave., Flint, MI 48555	F006.
389	Sandvik, Inc., Steel Div.	P.O. Box 1220, Scranton, PA 18501	K062.
390	Metropolitan Sewer District	1600 Gest St., Cincinnati, OH 45204	Incineration bottom ash.
391	E.I. DuPont de Nemours & Co., Inc.	Experimental Station, Wilmington, DE 19898	Incineration ash.
392	PEC Industries	5780 Carrier Drive, Orlando, FL 32809	F006.
393	Boeing Commercial Airplane Co.	Auburn Plant, 700-15th St., SW., Auburn, WA 98002	F006.
394	Chevron USA, Inc., Cincinnati Asphalt Refinery	11001 Brower Road, P.O. Box 96, North Bend, OH 45052.	K051.
395	General Electric Co., Inc.	South 4th St., P.O. Box 389, Selmer, TN 38375	F006.
396	Exxon Company, USA, Baton Rouge Refinery	4045 Scenic Highway, Baton Rouge, LA 70805	K048.
397	Beech Aircraft Corp.	P.O. Box 9631, Boulder, CO 80301	F019, K062.
398	U.S. Brass, Wallace Murry Corp.	901-10th St., Plano, TX 75074	F006.
399	Texas Instruments.	P.O. Box 226015, Dallas, TX 75266	F006.
400	H-Coal Synthetic Fuel Pilot Plant.	Catlettsburg, KY 41129	Petitioner requested delisting of a non-listed waste.
401	Pacific Wood Treating Corp.	111 W. Division St., Ridgefield, WA 98642	K001 (incinerator ash).
402	Martin Marietta.	Aerospace Manufacturing Plant, 498 Oak Road, Ocala, FL 32678.	F006.
403	General Electric Protective Devices, Inc.	P.O. Box 9069, Humacao, PR 00661	F006.
404	Conversion Systems, Inc.	Caernarvon Township, Lancaster County, PA	K002, K003, K004, K005, K006, K007, K008, K048, K049, K050, K051, K052, K061, K062, K063, K064, K065, K066, K067, K069, F006, F008, F010, F012, F013, and F019.
405	Martin Marietta Aerospace.	P.O. Box 5837, Orlando, FL 32825	F006.
406	Diamond Chrome Plating Co.	604 S. Michigan Ave., Howell, MI 48843	F006.
407	Navajo Refining Co.	501 E. Main St., Artesia, NM 88210	K048, K050, K051.
408	Eaton Corp., AIL Div.	Commack Road, Deer Park, NY 11729	F006.
409	Texas Eastman Co., A Div. of Eastman Kodak Co.	P.O. Box 7444, Longview, TX 75607	K009, K010.
410	General Motors Corp., Fisher Body Div.	Flint Plant, 4300 S. Saginaw St., Flint, MI 48557	F006.
411	Russell, Burdsall & Ward, Inc., Mentor Facility.	8100 Tyler Blvd., Mentor, OH 44060	F006.
412	Chem-Clear, Inc.	11800 S. Stony Island Ave., Chicago, IL 60617	Stabilized waste F006.
413	IMPEX, Div. of Keystone Industries.	905 Louise Ave., Crawfordsville, IN 47933	F006.
414	ITT—Hancock Div.	10161 N. Roscommon Road, Roscommon, MI 48653	F006.
415	Tecumseh Products, Lauson Engine Div.	1604 Michigan Ave., New Holstein, WI 53061	F006.
416	Star Expension Industries Corp.	Route 32, Pleasant Hill Road, Mountainville, NY 10953	F006.
417	Dresser Industries, Inc.	Defiance Plant, Hickory St., Box 407, Defiance, OH 43512.	F006.
418	Franklin Electric Co., Inc.	Redmond Road, P.O. Box 877, Jacksonville, AR 72076	F002, F003, F004, F005.
419	Oxford Co., Square D Co.	5735 College Corner Road, Oxford, OH 45056	F006.
420	Gould, Inc., Foil Div.	35129 Curtis Blvd., Eastlake, OH 44091	F006.

Log No.	Company	Address	Waste listings to be excluded
421	Exxon USA	P.O. Box 163, Billings, MT 59103	K048.
422	Rockwell International, Inc	Highway 332 East, Grenada, MS 38901	F006.
423	Quanex Corp., Michigan Seamless Tube Div	400 South McMunn, South Lyon, MI 48178	K063.
424	General Motors Corp., Harrison Radiator Div	Moraine Plant, P.O. Box 824, Dayton, OH 45401	F008, F009, F012, F019, K062.
425	Western Electric	777 North Blue Parkway, Lee's Summit, MO 64063	F006.
426	Sigmor Refining Co., Three Rivers Refinery	P.O. Box 490, Three Rivers, TX 78071	K048, K049, K051.
427	Stauffer Chemical Co	La Moyne Plant, P.O. Box 100, Axis, AL 36505	K071.
428	General Motors Corp., Saginaw Steering Gear Div	Lime Stone County Complex, U.S. Highway 31 North, Athens, GA 35611.	F006.
429	General Motors Corp., Saginaw Steering Gear Div	Holland Road Complex, 3900 Holland Road, Saginaw, MI 48605.	F006.
430	Grumman Aerospace Corp	Bethpage, NY 11714	F006.
431	U.S. Dept. of the Army	Watervliet Arsenal, Watervliet, NY 12189	F006.
432	General Motors Corp., Saginaw Steering Gear Div	Plant #2, 1400 Holmes St., Saginaw, MI 48602	F006.

[FR Doc. 83-5009 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3100

Oil and Gas Leasing; Noncompetitive Leasing of Acquired Military Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Lifting of moratorium.

SUMMARY: The Department of the Interior is further lifting its November 1, 1979, moratorium on the issuance of noncompetitive oil and gas leases for Federal lands acquired for military or naval purposes, and on the receipt of applications for such leases. This lifting of the moratorium applies to all lands for which applications were filed prior to September 21, 1978, except those lands in Fort Chaffee, Arkansas, for which applications were filed. The applied for Fort Chaffee lands are subject to further litigation and remain under moratorium.

EFFECTIVE DATE: December 21, 1982.

FOR FURTHER INFORMATION CONTACT: Lois Mason, Division of Oil, Gas, and Geothermal, Bureau of Land Management, (202) 343–7753.

SUPPLEMENTARY INFORMATION: On November 1, 1979, a moratorium was imposed on the issuance of noncompetitive oil and gas leases for the approximately 6.8 million acres of Federal land acquired for military or naval purposes, 44 FR 64085 (November 6, 1979). Consistent with that moratorium, the application of 43 CFR Part 3110 to such lands was suspended and no noncompetitive lease applications were accepted for such lands. That moratorium was rescinded on July 20, 1981, 46 FR 37250, for all acquired military lands, except those for which applications were filed prior to September 21, 1978. This latter category of lands was to remain under moratorium pending the outcome of the U.S. Court of Appeals for the District of Columbia decision in *Texas Oil and Gas Corporation* v. *Watt.*

This decision was made on June 11, 1982, when the Court of Appeals decided to reverse the judgments of the district court which had upheld the decisions of the Secretary dated November 1, 1979. The Secretary had canceled oil and gas leases issued to Texas Oil and Gas Corporation ("TXO") for parcels of land at Fort Chaffee, Arkansas; rejected TXO's outstanding lease applications for lands at Malmstrom Air Force Base in Montana; and declared a moratorium on oil and gas leasing of all lands acquired by the Federal Government for military or naval purposes.

The Court of Appeals held that the Fort Chaffee leases must be reinstated and that the Malmstrom applications must have priority over junior applications if the Secretary proceeded with regular noncompetitive leasing. Since the leasing moratorium had been partially rescinded, that issue became moot and the Court of Appeals did not address it. There was no petition to the U.S. Supreme Court for review of the Court of Appeals decision, and the appeal to the U.S. Court of Appeals for the Tenth Circuit has been withdrawn in the related case of *Amoco Production Corporation* v. *Watt.*

Accordingly, the Secretary has rescinded the moratorium by memorandum to the Director, Bureau of Land Management, dated December 21, 1982, on those lands in which applications were filed prior to September 21, 1978. Lands which were applied for prior to September 21, 1978, are subject to lease to the first qualified offeror. Where no such valid qualified applicants exist, the lands will be leased to the first qualified offeror that filed a valid application between September 21, 1978, and November 1, 1979, or, absent such valid offer, the lands will be offered for oil and gas lease through the simultaneous oil and gas (SOG) leasing system pursuant to the provisions of 43 CFR 3112.1–1.

With regard to reinstatement of the TXO leases in Fort Chaffee, no action will be taken at this time. These canceled leases are now subject to further litigation in *ARKLA Exploration Company* v. *Watt,* Civil No. 82–2163 (W.D. Ark.). Upon resolution of this litigation, appropriate action, based on advice from the Office of the Solicitor, will be taken on these leases and the public so notified.

Dated: February 16, 1983.

David C. Houston,

Acting Assistant Secretary, Land and Water Resources.

[FR Doc. 83-5009 Filed 2-25-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 25

Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs; Schedule of Moving Expense Allowances; Individuals and Families

Correction

In FR Doc. 83–1881 beginning on page 3759 in the issue of Thursday, January 27, 1983, make the following changes on page 3762:

1. In the column designated "State", the footnote designation in the entry for New Hampshire should read "3" instead of "3".

2. For Ohio, in the next to the last column, the number "1" should not have appeared.

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1180

[Ex Parte No. 282 (Sub-4a)]

Forced Sale Procedures for Bankrupt Railroad Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Interim Rules and Request for Comments.

SUMMARY: Section 213 of the Rail Safety and Service Improvement Act of 1982, Pub. L. No. 97–468, amended section 17(b) of the Milwaukee Railroad Restructuring Act [45 U.S.C. 915(b)] which deals with the sale or transfer of lines of railroads subject to liquidation. Specifically, the Commission is empowered to prescribe terms, including compensation, for the sale of lines over which no service is being provided by the owner, upon the request of a financially responsible offeror whose offer to purchase has been rejected by the trustee. When more than one offeror participates in a proceeding, the Commission is authorized to select an offeror based on a public interest standard.

To effectuate these new provisions the Commission must adopt regulations by February 28, 1983. Therefore, we are adopting interim rules (attached as an Appendix to this notice).

DATES: The interim rules shall become effective on February 28, 1983 (the effective date of the new act). Comments should be submitted on or before March 30, 1983.

ADDRESS: Send comments referring to Ex Parte No. 282 (Sub-No. 4a) (original and 15 copies) to: Rail Section Room 5417, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245.
Wayne A. Mitchel, (202) 275–7657.
Frederick T. Stocker, (202) 275–7988.

SUPPLEMENTARY INFORMATION: Additional information concerning the specifics of section 213 of the Rail Safety and Service Improvement Act of 1982 and these interim regulations is in the Commission decision served concurrently with this publication. To obtain a copy of the decision, write to: Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423, or call 202–275–7428.

We adopt the interim regulations as set forth in the appendix, and we will operate under these rules until further notice.

This action does not appear to affect significantly the quality of the human environment or the conservation of energy resources. Adoption of these rules on an interim basis is required to carry out the purpose, findings, and changes made by the Rail Safety and Service Improvement Act of 1982, Pub. L. No. 97–468.

(49 U.S.C. 10321 and 5 U.S.C. 553)

List of Subjects in 49 CFR Part 1180

Administrative practice and procedures, Bankruptcy, Railroads, Reporting and recordkeeping requirements.

Decided: February 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

Appendix

PART 1180—[AMENDED]

49 CFR Part 1180 is amended as follows:

New Subpart C is added to read as follows:

Subpart C—Forced Sale Procedures for Bankrupt Railroad Lines

Sec.
1180.40 Purpose and scope.
1180.41 Submission and contents of offer.
1180.42 Commission's 15 day determination.
1180.43 Agreement between the parties.
1180.44 Failure to reach an acquisition agreement.
1180.45 Requests to set the terms.
1180.46 Multiple offer procedures.
1180.47 Transmission of the Commission's prescribed terms to the court.
1180.48 Special provision concerning these forced sale proceedings.
1180.49 Definitions for Subpart C.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

Subpart C—Forced Sale Procedures for Bankrupt Railroad Lines

§ 1180.40 Purpose and scope.

Under 45 U.S.C. 915, the Commission can require the sale of certain rail lines to a financially responsible person. To be eligible for such sale the line must be (a) owned by a carrier in liquidation and (b) the owner must not be providing service. Further, the offeror must first have made an offer to the trustee in bankruptcy and the trustee must have rejected that offer.

§ 1180.41 Submission and contents of offer.

(a) An offeror shall serve its application (an original and 10 copies) upon the Commission (with a copy to the Deputy Director, Rail Section, Room 5417), the trustee, and the court. In addition, the offeror shall make a good faith effort to determine whether any other offers for all or part of the line(s) in question has been made to the trustee. If other offers have been made, the offeror shall, concurrent with its filing at the Commission, serve copies of its application upon those other offerors, including persons whose offers are still pending with the trustee.

(b) The offeror shall (1) Identify the line(s) in question; (2) certify that the trustee has rejected its offer and indicate what that offer was; (3) certify that it has concurrently served copies on the trustee, court, and all other known offerors; (4) state its offering price; and (5) offer evidence indicating that it is financially responsible.

§ 1180.42 Commission's 15 day determination.

(a) The Commission (Director, Office of Proceedings) shall, within 15 days of the filing of the application, determine whether the applicant is a financially responsible person and has made a *bona fide* offer to acquire the line or lines under reasonable terms. If the Commission makes these findings, the offeror and the trustee shall enter into negotiations. If the Commission fails to make either of these findings, the application shall be dismissed.

(b) Appeals to dismissal of an application pursuant to the preceding paragraph will be governed by the rule set forth in 49 CFR 1011.7(b)(1), pertaining to appeals from decisions of employees under delegated authority. An original and 10 copies of all appeals, and replies to appeals should be filed with the Commission.

§ 1180.43 Agreement between the parties.

If at any time the parties reach a voluntary agreement, a request for approval shall be filed with the Commission and the court, and the parties must comply with the regulations governing the acquisition of lines of railroads in reorganization which are set forth in subpart B of this part.

§ 1180.44 Failure to reach an acquisition agreement.

(a) If the trustee and any financially responsible offeror fail to agree on the amount or terms of acquisition within 30 days of the commencement of negotiations, either party may, within 60 days after the conclusion of the unsuccessful negotiations, request the Commission to prescribe terms for acquisition, including compensation, for the line or lines to be acquired. Requests for prescription of terms shall be served on all other parties.

(b) If no requests for prescription of terms of acquisition are received by the Commission within 60 days of the unsuccessful conclusion of negotiations, the proceeding shall be terminated, and the application dismissed.

§ 1180.45 Requests to set the terms.

(a) If the Commission is requested to prescribe conditions and compensation, it shall issue its decision setting the terms and conditions within 60 days of the request.

(b) Any party filing a request shall set forth in detail in its request information showing the value of the line and any other information necessary to support the request for conditions, and will serve the request on all parties of record.

(c) Other parties will have 30 days to submit their supporting or opposing views to the Commission and the initial offeror.

(d) The party filing the initial request will have 10 days to respond to any pleadings submitted pursuant to paragraph (c) of this section.

(e) In its decision, the Commission will establish the amount of compensation (which in no case will be less than the constitutional minimum value of the line as defined in 49 U.S.C. 10910) and set other conditions as needed. This decision will be binding on both parties except that the offeror may withdraw its offer no later than 10 days after the date the Commission's decision is served, by notifying, in writing, the Commission and all other parties to the proceeding. If there are no other offerors who are parties to the proceeding and are willing to accept the terms, the proceeding shall be terminated, and the application dismissed.

§ 1180.46 Multiple offer procedures.

(a) Concurrent with the filing of the application, the initial offeror is required to make a good faith effort to identify and serve all other persons who either had previously made offers for all or part of the line or have offers currently pending with the trustee.

(b) Within 10 days of the filing of the application any other parties interested in making offers for all or part of this line must file an application (an original and 10 copies) with the Commission (with a copy to the Deputy Director, Rail Section, Room 5417), the trustee, the initial offeror, and the court. That application must: (1) Identify the line; (2) indicate whether an offer had ever been made to the trustee and, if so, the status of the offer; (3) state the offering price and show why it is reasonable; (4) contain evidence indicating that the offeror is financially responsible; and (5) contain a statement certifying the offeror has complied with the service requirements.

(c) Within 15 days of the filing of the first application, the Commission (Director, Office of Proceedings) shall determine whether the offerors are financially responsible. Any offeror who is found financially responsible may negotiate with the trustee and has the same right to reach an agreement with the trustee as the first offeror. Any offeror who is not found to be financially responsible may not further participate in the proceeding, and its application will be dismissed.

(d) Appeals to dismissal of an application pursuant to the preceding paragraph will be handled in the manner indicated in § 1180.42(b).

(e) If an agreement is reached between the trustee and *any* offeror, the provisions of § 1180.44 apply.

(f) If no offeror reaches an agreement with the trustee during the negotiation period, any offeror or the trustee may request the Commission to prescribe the terms of and set conditions for acquistion. If no request is made, the proceeding will be terminated, and all applications dismissed.

(g) If more than one offeror is participating in a proceeding under these regulations, the Commission's decisions setting terms and conditions will select the offeror and be based on which offer best serves the public interest.

(h) Within 10 days of the service of the Commission's decision setting the terms, all offerors, even those not initially chosen by the Commission, shall notify the Commission in writing of their willingness to accept the terms. An offeror's failure to notify the Commission of its acceptance of the terms or its refusal to accept the prescribed terms will result in that offeror being excluded from further consideration as a potential purchaser.

(i) If the originally selected offeror refuses to accept the terms, the Commission will immediately choose a purchaser among those *bona fide*, financially responsible offerors who have accepted the terms. That choice will also be based on an analysis of the public interest.

(j) If there are no such offerors willing to accept the terms, the proceedings shall be terminated, and all applications dismissed.

§ 1180.47 Transmission of the Commission's prescribed terms to the court.

Within 15 days after the Commission prescribes conditions and compensation for acquisition, and those terms are accepted by an offeror, the Commission shall transmit such terms to the court.

§ 1180.48 Special provisions concerning these forced sale proceedings.

(a) Any person acquiring a line or lines under these regulations shall use, to the maximum extent practicable, employees or former employees of the carrier subject to liquidation in the operation of service on such line or lines.

(b) No person acquiring a line under these regulations may transfer or discontinue service on the line for 4 years after acquisition.

(c) Commission approval of acquisitions under these regulations obviates any need for the parties to seek further Commission approval under 49 U.S.C. 10901 or 11343 to consummate the transaction and/or institute service.

(d) If a party to an acquistion agreement approved under these regulations defaults on the obligations thereunder, then the other party to the agreement shall promptly inform the Commission. Upon notification, the Commission will take appropriate action.

(e) The Commission's prescription of conditions and compensation, once accepted by an offeror, is final. Administrative appeals will not be entertained.

§ 1180.49 Definitions for subpart C.

(a) Carrier subject to liquidation. A carrier which on January 14, 1983, was the subject of a proceeding pending under section 77 of the Bankruptcy Act or under subchapter IV of Chapter 11 of Title 11, United States Code, and which has been ordered by the court to liquidate its properties.

(b) The court. The court having bankruptcy jurisdiction over the carrier subject to liquidation.

(c) Financially responsible person. A person capable of compensating the carrier subject to liquidation for the acquisition of the line or lines proposed to be acquired and able to cover expenses associated with providing service over such line or lines for a period of not less than four years.

[FR Doc. 83-4993 Filed 2-25-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

[Docket No. 30223-28]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of adjustment of quotas.

SUMMARY: NOAA issues this notice of adjustment of quotas for the surf clam and ocean quahog fisheries for 1983. The quotas have been selected from a range defined as the optimum yield for each fishery. The intended effect of this action is to establish allowable harvests of surf clams and ocean quahogs from the fishery conservation zone in 1983.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Bruce G. Nicholls, Surf Clam Management Coordinator, 617-281-3600.

SUPPLEMENTARY INFORMATION: Amendment 3 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP) was implemented by final rules published on January 29, 1982 (47 FR 4268). One of the provisions of the FMP amendment directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council, to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges which have been identified as the optimum yield (OY) for each fishery.

This provision of the FMP is implemented under § 652.21, which requires the Director of the Northeast Region, National Marine Fisheries Service (Regional Director), prior to recommending quotas, to consider the following information: Stock assessments; catch records and other relevant information concerning exploitable biomass and spawning biomass; fishing mortality rates; incoming recruitment; projected effort and catches; and areas likely to be reopened to fishing.

The Secretary published a notice of proposed quotas based on the Regional Director's recommendation on December 7, 1982 (47 FR 54985). The proposed quotas and their relationship to the established OY's for each fishery were as follows:

Fishery	Range identified as OY (in bushels)	Proposed quota for 1983 (in bushels)
Mid-Atlantic Surf Clam	1,800,000 to 2,900,000.	2,350,000
New England Surf Clam.	25,000 to 100,000	50,000
Ocean Quahog	4,000,000 to 6,000,000.	4,000,000

Public comment was requested for a 30-day period. No comments were received concerning the proposed quotas for ocean quahogs and for mid-Atlantic surf clams. Comments on the proposed quota for the New England surf clam fishery were received from the New England Fishery Management Council, the Massachusetts Division of Marine Fisheries, and from a surf clam fisherman from New England. Two of the comments suggested that the quota for the New England fishery should be increased to the maximum allowable level of 100,000 bushels. Those commenters suggested that the New England fishery is developing, shows no signs of depleting the resource at present levels, and that operators planning to extend their range of fishing to develop previously unexploited beds that may exist on Georges Bank will need an expanded quota to conduct economically feasible exploratory fishing. The Massachusetts Division of Marine Fisheries took no position with respect to the actual amount of the quota, but did express concern that a quota greater than 50,000 bushels may offer further encouragement for vessels from the mid-Atlantic surf clam fishery to harvest surf clams in New England, in some cases resulting in illegal fishing activity in inshore waters.

The Regional Director finds no reason not to accommodate the commenters requesting a larger quota, since the quota value requested lies within the range identified as the OY for the fishery. Further, no information exists to suggest the resource would be harmed by fishing efforts to define and develop its full potential. The Regional Director does recognize that a larger quota will be more attractive to vessels from the mid-Atlantic fishery, but under the FMP any vessel is accorded access to the New England fishery. Vessels from the mid-Atlantic are at least as capable as any others to identify and develop the New England fishery, and, under the FMP, are afforded that opportunity. The Regional Director has therefore recommended that the New England surf clam quota be adjusted upwards to 100,000 bushels, and that no adjustments be made to the mid-Atlantic surf clam quota and the ocean quahog quota.

The Secretary, after consultation with the Council, issues the following quotas for 1983 based on the Regional Director's recommendations:

Fishery	1983 quota in bushels
Mid-Atlantic Surf Clam	2,350,000
New England Surf Clam	100,000
Ocean Quahog	4,000,000

Other Matters

This action is taken under the authority of 50 CFR 652.21 and is taken in compliance with Executive Order 12291. The action is covered by the certification for Amendment 3 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries, under the Regulatory Flexibility Act, that the authorizing rules do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 652

Administrative practice and procedure, Fish, Fisheries, Reporting requirements.

(16 U.S.C. 1801 et seq.)

Dated: February 23, 1983.

Richard B. Roe,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-5052 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 30223-29]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of inseason adjustments and request for comments.

SUMMARY: NOAA issues this notice announcing restrictions to reduce the levels of commercial fishing for widow rockfish, the other *Sebastes* rockfish except Pacific ocean perch and shortbelly rockfishes (the *Sebastes* complex), and sablefish taken off the coasts of Washington, Oregon, and California, and seeks public comment on these reductions.

These actions are authorized under regulations implementing the Pacific Coast Groundfish Fishery Management Plan and are necessary because signs of biological stress to these stocks have been identified or are projected to occur

before the end of 1983. These actions are intended to reduce fishing rates and to avoid the necessity of a fishery closure before the end of the year.

DATE: Effective date: 0001 PST March 1, 1983. Comments will be accepted through March 15, 1983.

ADDRESSES: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115 or Alan Ford, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150, or Alan Ford, 213–548–2575.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and final implementing regulations were published October 5, 1982 (47 FR 43964). The regulations allow the Secretary of Commerce (Secretary) to reduce fishing levels if it is determined that continued fishing at current levels would cause biological stress to any species.

The Pacific Fishery Management Council (Council), at its November and January meetings, discussed evidence of biological stress for widow rockfish, at least one species of rockfish within the multi-species *Sebastes* complex, and sablefish. The Council designated a Task Group of representatives from its membership, its Groundfish Management Team (Team), the fishing industry and State fishery agencies to recommend methods to reduce fishing levels with minimal disruption to the fishing industry. The Council considered advice from its Team (State and Federal fishery and social scientists), Groundfish Advisory Subpanel (fishing industry and consumer representatives), Scientific and Statistical Committee (State, Federal, and university scientists), the concerned public, and the Task Group. The Council's recommendations and Secretarial actions on those recommendations are presented below.

The FMP differentiates between numerical and non-numerical optimum-yield (OY) species. Those species which may be harvested fairly selectively have a numerical OY, which is the maximum amount of that species which may be landed in a year; landings in excess of OY are prohibited. Widow rockfish and sablefish have numerical OYs. Species which are not harvested selectively, which often are harvested together, which are of very little commercial interest, or about which there is little scientific data, are part of the non-numerical OY group and are managed by gear, area, and catch restrictions. An estimate of the acceptable biological catch (ABC), the annual catch that could be taken without jeopardizing a resource's productivity, has been made for most species in this group. Some species in the non-numerical OY group may be fished above the ABC. However, when a species in the group is stressed, or will be before the end of the year, the Council must determine whether harvest of the group as a whole should be reduced even though some species in the group may not be stressed. The *Sebastes* complex (all *Sebastes* species managed under the FMP except Pacific ocean perch and shortbelly and widow rockfishes) is included in this non-numerical OY group.

WIDOW ROCKFISH

Council Recommendation: At its meeting on January 12–14, 1983, in Portland, Oregon, the Council endorsed the Task Group proposal which recommended that the Secretary impose coastwide a 30,000 pound trip limit for widow rockfish, subject to inseason adjustment so that the OY is not exceeded before the end of 1983.

Rationale: Signs of stress were documented for widow rockfish *(Sebastes entomelas)* in 1982 and a trip limit of 75,000 pounds (round weight) per vessel per fishing trip was imposed on October 13, 1982 (47 FR 46287). (Round weight is the weight of the whole fish.) The 1983 ABC and OY were reduced to 10,500 metric tons (mt), about half the 1982 levels. Subsequent review by the Team at the Council's meeting on November 17–18, 1982, revealed that the signs of stress identified in August 1982 were evident still and were expected to persist into 1983. The catch of widow rockfish for the 1983 calendar year was projected to exceed the best current estimate of ABC, 10,500 mt; previously fished grounds had become markedly less productive, causing effort to be turned toward new grounds (which, consequently, became less productive); and increasing proportions of juvenile fish (juvenescence) were caught in areas where effort had been high. The Team indicated that it is unlikely that any large unexploited concentrations of widow rockfish will be found off Washington, Oregon, and California in 1983. The Secretary concurred with the Council's recommendation that the 75,000 pound trip limit should be extended into 1983 until alternate management measures could be analyzed and adopted (48 FR 809, January 7, 1983).

Secretarial Action: The Secretary concurs with the finding of continuing stress and hereby replaces the 75,000 pound trip limit with a coastwide trip limit allowing no more than 30,000 pounds (round weight) of widow rockfish to be taken and retained, or landed, per vessel per fishing trip until the trip limit is modified, superseded, or rescinded. This trip limit may be modified inseason as outlined in the paragraphs below on inseason adjustments. Landings of widow rockfish in excess of OY are prohibited according to 50 CFR 663.21(b).

Impacts: This action will have its greatest impact on vessels which would have landed more than 30,000 pounds of widow rockfish per trip. In 1982, widow rockfish were landed predominantly by midwater trawlers targeting on this species. The average landings of widow rockfish in 1982 for this gear type was about 45,000 pounds coastwide. Although landings per trip will be reduced, this measure is the least economically harmful way to preserve a year-round fishery for widow rockish while providing biological protection for the species. The impact may be neutralized to some extent because landings in 1983 are expected to be much smaller than in 1982 due to depletion of the resource and a reduction in effort due to vessels leaving this fishery.

Sebastes Complex

Council Recommendation: The Council adopted the Task Group's recommendation for a coastwide trip limit of 40,000 pounds of the *Sebastes* complex per vessel per trip which could be adjusted in-season so that the annual catch in the Vancouver-Columbia area would be about half-way between the 1982 landings and the sum of the 1983 ABCs for the complex (preliminarily estimated at 13,500 mt). This goal is a compromise between no restriction and the severe restriction required to achieve the aggregate ABCs in 1983.

Rationale: The *Sebastes* complex includes all the *Sebastes* rockfish species in the non-numerical OY group, and thus excludes Pacific ocean perch, shortbelly and widow rockfishes, and *Sebastolobus* species. The *Sebastes* complex consists of yellowtail (*Sebastes flavidus*), canary (*S. pinniger*), chilipepper (*S. goodei*), black rockfish (*S. melanops*), blue rockfish (*S. mystinus*), bocaccio (*S. paucispinis*), copper rockfish (*S. caurinus*) cowcod (*S. levis*), darkblotched rockfish (*S. crameri*), greenspotted rockfish (*S. chlorostictus*), olive rockfish (*S. serranoides*), redstripe rockfish (*S. proriger*), rougheye rockfish (*S. aleutianus*), sharpchin rockfish (*S.

zacentrus), silvergrey rockfish (*S. brevispinis*), splitnose rockfish (*S. diploproa*), stripetail rockfish (*S. saxicola*), vermilion rockfish (*S. miniatus*), yellowmouth rockfish (*S. reedi*), and yelloweye rockfish (*S. ruberrimus*). Preliminary figures for 1982 indicate that coastwide landings for the complex exceeded the sum of the species ABCs. Yellowtail and canary rockfishes comprised 70 percent of the landings from the Vancouver-Columbia area in 1982, and their landings exceeded their summed ABCs by a factor of two.

Landings of yellowtail in the Columbia area have been twice the ABC the last five years. The exploitable biomass of yellowtail rockfish in the Vancouver-Columbia area is currently below a level expected to produce MSY. The Team documented biological stress for yellowtail rockfish and recommended lowering the 1983 ABC below MSY in those two areas with the intent of rebuilding stocks to MSY levels.

Landings of canary rockfish exceeded ABC in the Columbia area in four of the last five years, and were three times ABC in 1982. Catch per unit of effort for canary rockfish has declined in the Vancouver area since 1977. The Team feels earlier estimates of MSY and ABC were too high and recently set an interim ABC in the Vancouver area at 800 mt, the highest landing of record.

Landings of the other *Sebastes* complex species in the Columbia area in 1983 are projected to exceed the sum of the best current estimates of ABC, which means that some species will be harvested well above levels providing MSY.

The Council acknowledged the impossibility of managing these species individually, agreed that major components of the *Sebastes* complex were likely to be stressed in 1983 if current levels of fishing continued, and asked the Task Group to consider management regimes to reduce pressure on the *Sebastes* complex as a whole.

Secretarial Action: The Secretary concurs with the Council's determination of biological stress on the *Sebastes* complex and hereby announces a coastwide trip limit allowing no more than 40,000 pounds (round weight) of the *Sebastes* complex to be taken and retained, or landed per vessel per fishing trip unless modified, superseded, or rescinded. This trip limit may require modification in-season so that 1983 landings in the Vancouver-Columbia area do not exceed a level about half way between the 1982 landings and the 1983 aggregate ABC. (See the paragraphs below on in-season adjustments.)

Impacts: Vessels that traditionally have landed more than 40,000 pounds of the *Sebastes* complex per trip from the Vancouver or Columbia areas will be most restricted by this limit. In 1982, the *Sebastes* complex was landed predominantly by larger trawlers using roller gear and targeting on these species. Nevertheless, less than seven percent of the landings of the *Sebastes* complex, by all gear types, were greater than 40,000 pounds in the Vancouver-Columbia area in 1982. Accordingly, most gear types will not be affected significantly by this limit. Landings of this complex in the Eureka, Monterey, and Conception areas were below 40,000 pounds per trip in 1982. Consequently, the trip limit is not expected to inhibit operations in these three southern areas where no signs of stress are evident.

Sablefish

Council Recommendation: The Council adopted the Task Group recommendation for a minimum size limit of 22 inches (total length) for sablefish, applying it to fish taken north of Point Conception and setting a trip limit for incidentally caught sablefish smaller than 22 inches at 333 fish, 1,000 pounds, or 10 percent by weight of all sablefish retained, whichever is greatest, per vessel per trip. The recommended 22-inch size limit does not apply to Monterey Bay. The Council was uncertain of the applicability of this size limit to the fishery south of Point Conception because of reports that many sablefish landed in the Conception area have been smaller than 22 inches and there is no consensus as to whether this is a nursery area or whether the fish there mature at a smaller size. The sablefish fishery in the Conception area is not well developed; less than 600 mt were landed there in 1982. The Council will reconsider sablefish management for the area south of Point Conception at its March meeting. The separate OY of 2,500 mt for the Monterey Bay area is unchanged.

Rationale: In 1982, the OY for sablefish (*Anoplopoma fimbria*) was increased by 30 percent, from 13,400 mt to 17,400 mt, to forestall closing the fishery unnecessarily because stress was not evident or predicted at the then currrent fishing levels. When landings were projected to exceed the increased OY, the Secretary imposed a very restrictive trip limit (3,000 pounds round weight per vessel per trip) for the last two months of 1982, rather than prohibit all landings, because (1) the regulations had recently been implemented and the fishing industry had not been warned of an impending closure; (2) the Team was not able to document signs of biological stress resulting from landings above 13,400 mt and had no new data to evaluate landings near 17,400 mt; (3) targeting on sablefish would be curtailed; and (4) waste would be reduced by allowing incidentally caught sablefish to be landed rather than discarded. (*See*, 47 FR 49620 and 47 FR 56138.)

In its reevaluation of 1983 ABCs, the Team found no reason to change the ABC from its 1982 level of 13,400 mt because it was based on the best scientific data available. The Team acknowledged that data on sablefish are not complete, but also noted that if ABC were based on average landings over the past five years, ABC would be quite close to, but slightly below, 13,400 mt. The Team felt that continued fishing at the levels experienced in 1982 (above 17,400 mt) would produce a fishing mortality rate exceeding that required to take ABC in 1983, and likely would cause biological stress to the sablefish resource. Most of the increase in 1982 landings is attributed to small sablefish, less than 22 inches long (total length). Continued catches of immature sablefish (less than 25% are mature at 22 inches) could limit the reproductive potential of the stock by removing fish which never had spawned, eventually depleting the resource. The Council acknowledged that, if 1982 fishing patterns were repeated in 1983, OY would be exceeded before year's end, and the harvest would be dominated by young sablefish.

Secretarial Action: The Secretary accepts the Council's recommendations and hereby announces for sablefish taken and retained, or landed, in the area north of Point Conception (34°27′ N. latitude), excluding Monterey Bay (37°00′ to 36°30′ N. latitude), a minimum size limit of 22 inches (total length), except for a trip limit for sablefish smaller than 22 inches of 333 fish, 1,000 pounds (round weight), or 10 percent (round weight) of all sablefish retained, whichever is greatest, per vessel per fishing trip. Total length is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without resort to mutilation of the fish or additional force. For sablefish which have been "headed," the minimum size limit will be 16 inches measured from the origin of the first dorsal fin (where the front dorsal fin meets the dorsal surface of the body closest to the head) to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact. No sablefish may be retained which is in such a condition that its length has been extended or cannot be determined by

the methods stated here. These provisions for sablefish will remain in effect until modified, superceded, or rescinded; they will be reviewed and adjusted as necessary when 95% of OY is reached (50 CFR 663.27(b)(3)). Landings of sablefish in excess of OY are prohibited according to 50 CFR 663.21(b).

Impacts: This action will restrict landings by vessels that land sablefish smaller than 22 inches. In 1982, these were predominantly trawlers, which, for the first time on record, contributed more than half the sablefish landed from waters off Washington, Oregon, and California. Most of the trawl-caught sablefish were smaller than 22 inches. Although many are taken incidentally in the deep-water Dover sole fishery and in shrimp trawls, some targeting also has occurred due to recently developed markets. The 22-inch size limit would reduce targeting on small sablefish, enabling more of the stock to spawn at least once, and should allow landings close to the 1983 OY. According to the FMP, maximum biological production and maximum economic production of sablefish occur at lengths of 24 and 28 inches, respectively. Consequently, this 22-inch size limit is more likely to achieve maximum production from the resource than unrestricted fishing on smaller fish. The Secretary believes that this size limit should confer the greatest overall benefit to the resource and the fishery, and would forestall both economic problems and the necessity to discard all sablefish regardless of size, that would result from complete closure of the fishery if OY were achieved much before year's end, as would be expected if the fishery is unrestrained.

Inseason adjustments: The Secretary agrees with the Council's recommendation that inseason adjustments should be established to enable annual goals to be met. Such inseason adjustments are authorized under § 663.22 of the implementing regulations.

For widow rockfish and sablefish, the 1983 goals are to prevent landings from exceeding the OYs. For the *Sebastes* complex in the Vancouver-Columbia area, the 1983 goal is for landings not to exceed a level half-way between the 1982 landings and the 1983 summed ABCs, preliminarily estimated at 13,500 mt.

After June 1, 1983, the Team will evaluate the best data available by that date and project landings for the first half of 1983. If the projected landings for widow rockfish, the *Sebastes* complex, or sablefish are within 10 percent of where they are expected to be on June 30, 1983, based on the 1982 fishing rates, no action will be taken. If the projected landings are not within 10 percent of the expected amount, the limit(s), including the trip limits for sablefish smaller than 22 inches, will be adjusted so that the annual goal(s) may be achieved. These mid-season adjustments will be implemented near July 1 or as soon as practicable thereafter. Other management actions may be imposed under the points-of-concern mechanism at any time of theyear in response to a finding of further biological stress.

Other Fisheries

These limits for sablefish, widow rockfish, and the *Sebastes* complex apply to vessels of the United States, including those vessels delivering groundfish to foreign processors. For vessels delivering fish to foreign processors, the specified trip limits apply on a haul-by-haul basis. The limits are not applicable to foreign trawlers or joint venture processors operating in the Pacific whiting fishery because current foreign regulations are more restrictive than the limits announced in this notice. Sablefish and rockfish are taken incidentally in these operations.

Foreign trawlers operating in the directed fishery for Pacific whiting are limited by incidental catch levels of 0.173 percent sablefish and 0.738 percent rockfish (excluding Pacific ocean perch) based on a nation's allocation of whiting. In 1982, only 10,000 mt of whiting were allocated (with incidental catch limits of 17 mt of sablefish and 74 mt of rockfish, excluding Pacific ocean perch) and even less may be requested in 1983. If the foreign trawl fleet of any nation exceeds its incidental catch limit for any species, that foreign fishery will be terminated. Foreign incidental catches are not used in computation of OY and thus will not accelerate closure of the domestic fishery.

Joint venture processors are limited by incidental retention allowances of 0.173 percent sablefish and 0.738 percent rockfish (excluding Pacific ocean perch) based on the total allotment of whiting for joint venture processing (100,000 mt in 1983). In 1982, retention of sablefish and rockfish in the joint venture fisheries was far below allowed levels; about 23 sablefish and 1,000 pounds of rockfish (excluding Pacific ocean perch) were received per vessel per day by joint venture processors. Even in the worst possible case (if all the sablefish were smaller than 22 inches and all the rockfish were either widow rockfish or in the *Sebastes* complex), the 1982 catches were much lower than could be expected per vessel per day under trip limits of 333 small sablefish, 30,000 pounds of widows or 40,000 pounds of the *Sebastes* complex. Because U.S. fishermen are not paid for species that cannot be retained by the foreign processors, there is an economic incentive to avoid large amounts of incidentally-caught species. Joint-venture incidental catches to this point have not been used in computation of OY and thus will not accelerate closure of the shore-based domestic fishery.

Classification

The determination to impose these fishing restrictions are based on the most recent data available. The aggregate data upon which these determinations are based are available for public inspection at the Office of the Director, Northwest Region, during business hours until the end of the comment period.

These actions are taken under the authority of 50 CFR 663.23 and are taken in compliance with Executive Order 12291. The actions are covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

Section 663.23 of the groundfish regulations state that the Secretary will publish a notice of proposed regulatory action before taking such action unless he determines that such notice and public review are impracticable, unnecessary, or contrary to the public interest. Because of the immediate need to limit the harvest of widow rockfish, the *Sebastes* complex, and sablefish, and thereby reduce catch levels which could otherwise result in overharvest, further delay of these actions is impracticable and contrary to the public interest. Anticipated fishing rates at the high levels of those in 1982 will unquestionably result in several ABCs being exceeded. Prompt action to reduce those fishing rates is necessary to protect the resource and alleviate the necessity for otherwise inevitable year-end closures. Consequently, these actions are taken without prior notice in the **Federal Register** and are made effective four days after filing for public inspection with the Office of the Federal Register in order to provide fishermen sufficient time to complete fishing trips and off-load their catches. The public has had opportunity to comment on trip limits for widow rockfish at the August, September, November, and January Council meetings, and at an industry meeting in Newport, Oregon. The sablefish size limit and *Sebastes* trip limit were discussed at both the November and January Council meetings, and public comment was solicited at the January Council meeting. The public participated in the Task Group meetings in December and

January that generated most of the management actions endorsed by the Council and the Secretary. Further public comments will be accepted for 15 days after publication of this notice in the **Federal Register**.

(15 U.S.C. 1801 *et seq.*)

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: February 23, 1983.

Richard B. Roe,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-5013 Filed 2-24-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 40
Monday, February 28, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend for the months of March through September 1983 the requirement in the Southern Michigan Federal milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as a pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The association claims that the action is needed to avoid inefficient handling of milk and to ensure that dairy farmers who have been historically associated with the Southern Michigan market will continue to share in the market's fluid milk sales.

DATE: Comments are due March 7, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period if this is found necessary. The initial request for the action was received on February 15, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing without the necessity of inefficient handling and transportation of milk.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Southern Michigan marketing area is being considered for March through September 1983.

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and be direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), subdivisions (i) and (ii).

All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposal would make inoperative for the months of March through September 1983 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants.

The suspension was requested by Michigan Milk Producers Association which represents a majority of the producers supplying the market.

The association said that milk production is increasing while Class I sales are falling. It noted that January 1983 was the 45th consecutive month of increased milk production for the market and also the 27th consecutive month of declining Class I sales.

The association said that increased milk production has resulted from larger cow numbers and increased production per cow, and that lower fluid milk sales are attributable to the depressed economy in Michigan. The association anticipates that the imbalance between milk production and fluid milk sales will continue during the spring months and again in August and September with seasonal increases in production levels and the lowering of sales due to closing of schools. The cooperative said that the problem of pooling supply plants under these marketing conditions has been made particularly acute with the recent loss of sales of a major distributor in the market.

The association said that the suspension is needed to avoid the inefficient handling of milk merely to assure pooling of supply plants and to ensure that dairy farmers who have been historically associated with the Southern Michigan market will continue to share in the fluid milk sales of the market.

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on February 23, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-5028 Filed 2-25-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 960

[Docket No. NE-RM-83-2]

Nuclear Waste Policy Act of 1982: Proposed General Guidelines for the Recommendation of Sites for Nuclear Waste Repositories; Change of Date for Public Hearing, and Extension of Public Comment Period

AGENCY: Department of Energy.

ACTION: Notice of amended hearing schedule and public comment period.

SUMMARY: This notice amends an earlier notice (48 FR 6549, February 14, 1983) which announced a schedule for public hearings to receive oral comments on proposed general guidelines for the recommendation of sites for nuclear waste repositories. The revised schedule is set forth below; only the date of the hearing schedule for Seattle, Washington, has been changed.

The Notice of Proposed Rulemaking (NOPR) which set forth the proposed general guidelines was published on February 7, 1983 (48 FR 5670). That NOPR solicited written public comments on the proposed guidelines by March 24, 1983. As a consequence of the change in the date of the Seattle public hearing, the deadline for submission of written comments on the proposed guidelines has been extended until April 7, 1983.

DATES: Written comments must be received by 4:30 p.m. on April 7, 1983, to ensure their consideration. Public hearings are scheduled as follows:

1. March 4, 1983 9 a.m. (local time) to 8 p.m. Chicago, Illinois;
2. March 7, 1983, 9 a.m. to 8 p.m. New Orleans, Louisiana;
3. March 10, 1983, 9 a.m. to 5 p.m. Washington, D.C.;
4. March 14, 1983, 9 a.m. to 8 p.m. Salt Lake City, Utah; and
5. March 21, 1983, 9 a.m. to 8 p.m. Seattle, Washington.

Hearings at individual locations are scheduled for one day. At DOE's discretion, where warranted by public participation, hearing duration will be extended to a second day.

Request to make oral presentation at a hearing should be received no later than 4:30 p.m. e.s.t. on:

1. February 24, 1983, for the Chicago hearing;
2. March 1, 1983, for the New Orleans hearing;
3. March 3, 1983, for the Washington, D.C. hearing;
4. March 7, 1983, for the Salt Lake City hearing; and
5. March 14, 1983, for the Seattle hearing.

ADDRESSES: Written comments on the proposed siting guidelines should be sent to Robert L. Morgan, Project Director, Office of Civilian Radioactive Waste, U.S. Department of Energy, Washington, D.C. 20585. Public hearings will be held at the following locations:

1. March 4, 1983—The Hotel Continental (formerly the Radison Hotel) (Tally Ho Room, Ninth Floor), 505 North Michigan Avenue, Chicago, Illinois 60611;
2. March 7, 1983—Hyatt Regency (Poydras A and B Meeting Room), 500 Poydras Plaza, New Orleans, Louisiana 70140;
3. March 10, 1983—Department of Energy, Forrestal Building (Auditorium, Room GE-086), 1000 Independence Avenue, SW., Washington, D.C. 20585;
4. March 14, 1983—Salt Lake Hilton Hotel (3 Seasons Room), 150 West, 500 South, Salt Lake City, Utah 84101; and
5. March 21, 1983—New Federal Building (North and South Auditorium, fourth floor, Second Avenue level) 915 Second Avenue, Seattle, Washington 98174.

Request to make an oral presentation at a hearing should be addressed to: Department of Energy, Office of Hearing and Dockets, CE-65, Mail Stop 6B-025, Room 5F-078, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention NE-RM-83-2, telephone (202) 252-9319. A person making a request should provide a phone number at which he or she may be contacted through the day of the hearing.

FOR FURTHER INFORMATION CONTACT:

Critz H. George, Division of Waste Repository Deployment, Office of Terminal Waste Disposal and Remedial Action, U.S. Department of Energy, Washington, D.C. 20545, telephone (301) 353-3014; or

Robert Mussler, Esquire, Deputy Assistant General Counsel for Environment, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: Only the date for submitting written comments and the date of the Seattle public hearing are affected by this notice. Procedures for conducting the public hearing remain as specified in the February 14, 1983 Federal Register notice (48 FR 6549).

Issued at Washington, D.C., February 24, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83-5135 Filed 2-25-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-CE-6-AD]

Airworthiness Directives; Short Brothers SC7 Skyvan Series 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to Short Brothers SC7 Skyvan Series 3 airplanes which would require inspections and reinforcement/repair or replacement of certain flap structure and attachment components. The manufacturer has received a report of an outer hinge arm on an inboard flap failing in service. The proposed AD is needed to prevent structural failure of the flaps which could result in loss of control of the airplane.

DATE: Comments must be received on or before April 2, 1983.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Short Brothers Service Bulletin (S/B) No. 51-51, Rev. 1, dated October 19, 1978; S/B No. 57-A61, Rev. 5, dated October 28, 980; S/B No. 57-62, Rev. 1, dated September 9, 1980, applicable to this AD may be obtained from Shorts Aircraft, Suite 510, 1725 Jefferson Davis Highway, Arlington, Virginia 22202, or the Rules Docket at the address below.

Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 83-CE-6-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT:

Mr. Al O. Astorga, Manager, Aircraft Certification Staff, AEU-100, Europe,

Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; or Mr. Paul Cormaci, Manager, Foreign FAR 23 Section, Central Region, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 83-CE-6-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion: The manufacturer has received a report of an outer hinge arm on an inboard flap of a Short Brothers SC7 Skyvan Series 3 airplane failing in service. Metallurgical analysis of these failed parts indicates the presence of fatigue cracks which may have contributed to the failure. This report is the only such instance known to the FAA and the manufacturer. Such a failure may result in jamming or failure of the flap and a loss of control of the aircraft. As a result, Short Brothers Limited issued S/B 57-A61, which contains instructions for inspecting and, if necessary, replacing the outboard hinge arm and reinforcing certain flap structure. The United Kingdom Civil Aviation Authority, who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom, has classified this Service Bulletin, as revised, as well as S/B No. 51-51, Rev. 1, dated October 19, 1978, and S/B No. 57-62, Rev. 1, dated September 9, 1980, and the actions recommended therein by the manufacturer, as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the United Kingdom Civil Aviation Authority combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Short Brothers S/B No. 51-51, Rev. 1, dated October 19, 1978, S/B No. 57-A61, Rev. 5, dated October 28, 1980, and S/B No. 57-62, Rev. 1, dated September 9, 1980, and the mandatory classification of these Service Bulletins by the United Kingdom Civil Aviation Authority. Based on the foregoing, the FAA believes that the condition addressed by these Service Bulletins is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require the inspections and repairs required by the referenced Service Bulletins on all Short Brothers SC7 Skyvan Series 3 airplanes. There are approximately 11 aircraft affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $110,935 to the private sector, and few small entities will be effected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Short Brothers: Applies to SC7 Skyvan Series 3 airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the flaps, accomplish the following:

(a) For all affected aircraft except SNs SH1845 and SH1883, within the next 50 flights after the effective date of this AD or upon accumulating 7,000 flights, whichever occurs later, and thereafter at each subsequent 7,000 flights:

(1) Inspect the inboard flap outer hinge arm and operating arm attachment ribs and replace the outer hinge arm in accordance with Part 1 of the Accomplishment Instructions Section of Short Brothers Service Bulletin No. 57-A61, Revision 5, dated October 28, 1980, or an FAA approved equivalent.

(b) Within the next 250 flights after the effective date of this AD or upon accumulating 7,000 flights, whichever occurs later:

(1) Modify the outboard flap attachment ribs at the inboard hinge arm and operating arm in accordance with Part 1 of the Accomplishment Instructions Section of Short Brothers Service Bulletin No. 57-62, Revision 1, dated September 9, 1980, or an FAA approved equivalent.

(c) For S/Ns SH 1845 and SH 1883 only:

(1) Accomplish the initial inspection and outer hinge arm replacement described in paragraph (a)(1) of this AD within the next 250 flights after the effective date of this AD.

(2) Accomplish the modification described in paragraph (b)(1) of this AD within the next 250 flights after the effective date of this AD.

(d) For all affected aircraft, including S/Ns SH 1845 and SH 1883, replace the outboard flap inner hinge arm, P/N SC7-25-39, operating arm, P/N SC7-25-107/8, inboard flap inner hinge arm, P/N SC7-25-39, operating arm P/N SC7-25-109/110, and their associated attachment ribs at 20,000 flights or 18,000 flights, as defined by Short Brothers Life Extension Service Bulletin No. 51-51, Revision 1, dated October 19, 1978, in accordance with Short Brothers Service Bulletin No. 57-A61, Revision 5, dated October 28, 1980, or an FAA approved equivalent.

(e) For purposes of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by multiplying each airplane's hours time-in-service by 2.

(f) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421 and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and Section 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Note.—For reasons discussed earlier in the preamble: the FAA has determined that this document: (1) involves a proposed regulation that is not major under the provisions of Executive Order 12291, (2) is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and (3) certifies under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "Addresses."

Issued in Kansas City, Missouri, on February 16, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-4877 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Docket No. 21222-257]

Foreign-Trade Zones in the United States

Correction

In FR Doc. 83-4275 beginning on page 7188 in the issue of Friday, February 18, 1983, make the following corrections:

1. On page 7188, the third column, the second paragraph under **SUMMARY,** the tenth line, the word "sumplified" should read "simplified".

2. On page 7190, the first column, the sixth line under **COMMENTS,** the word "ans" should read "and".

3. On page 7191, in § 400.101(a), the second column, the first line, the word "improper" should read "importer".

4. In the same column, in § 400.102(a), the second line, the word "Zone" should read "Zones".

5. On the same page, the third column, in § 400.106(a), the last two lines should read "to operate and the responsibility to maintain it."

6. On page 7192, the first column, in § 400.200(c), the third line should read "users, subject to public utility".

7. On page 7194, the first column, in § 400.601(e)(4)(iii), the word "indentification" should read "identification".

8. In the same column, the seventeenth line of § 400.601(e)(4) is designated "(vi)". It should be designated "(iv)".

9. On page 7196, the first column, in § 400.804(b), in the tenth and eleventh lines, the phrase "Foreign Trade Zone Act" should read "Foreign-Trade Zones Act".

10. In the same column, in § 400.805, the sixth line, place the word "the" before "Commissioner".

11. On the same page, in the middle column, in § 400.807(a), the next to last line, the word "land" should read "and".

12. On page 7197, the middle column, in § 400.1003(a), the third line, the word "opertor(s)" should read "operator(s)".

13. On the same page, the third column, in § 400.1003(f), the third line, the word "comparted" should read "compared".

14. In the same column, in § 400.1200, the first line, the word "violaltion" should read "violation".

15. On page 7199, the third column, in § 400.1309(c), the fifth line, the word "sensitives" should read "sensitive".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19512, File No. S7-950]

Exemption for Options on Government Securities Traded Otherwise Than on a National Securities Exchange

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period for proposed rulemaking.

SUMMARY: The Commission is extending the comment period for a proposed rulemaking under the Securities Exchange Act of 1934 that would designate as "exempted securities" options on government securities where such options are traded otherwise than on a national securities exchange or an automated quotation system of a registered securities association. The Commission is extending the comment period to seek additional information regarding the market for these options and to provide the public with a more ample opportunity to offer its views on the proposed rule.

DATE: Comments should be submitted on or before April 14, 1983.

ADDRESSES: Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7-950. All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kevin Fogarty, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2416.

SUPPLEMENTARY INFORMATION: In Securities Exchange Act Release No. 19162 (October 20, 1982), 47 FR 49409 (November 1, 1982), the Commission proposed for comment Rule 3a12-7 (17 CFR 240.3a12-7) under the Securities Exchange Act of 1934 (the "Act") that would designate as "exempted securities," for purposes of the Act, certain securities derivative from government securities and traded otherwise than on a national securities exchange or an automated quotation system of a registered securities association ("OTC government options"). The Commission received four comment letters, three of which arrived after December 1, 1982, the last day of the comment period.[1] The Federal Home Loan Mortgage Corporation expressed support for the proposed rule noting that "the Mortgage Corporation's ability to act effectively as an intermediary between the mortgage and capital markets is dependent in part on its ability to participate in over-the-counter optional delivery contracts both for the purchase of mortgages and the sale of securities, including Mortgage Participation Certificates * * *" The staff of the Board of Governors of the Federal Reserve System also endorsed the proposed rulemaking.

Two industry commentators, however, opposed adoption of the rule. The Securities Industry Association ("SIA") argued that interest in options on government securities extends beyond institutions to public investors and that consequently there is a strong need for regulation of this market. Both the SIA and Donaldson, Lufkin & Jenrette noted that Commission rules, such as those governing financial stability, selling practices and recordkeeping, would ensure that brokers were sufficiently responsible to honor commitments arising from selling these options. These commentators also pointed to past problems experienced with defaults on standby and forward commitments in the market for Government National Mortgage Association securities.

In light of the concerns raised by these commentators, the Commission has determined to extend the comment period for an additional 45 days. The Commission is interested in receiving information from the public regarding the possibility of abuses arising from trading in OTC government options based on current conditions, or on foreseeable changes in the character of the market should the proposed rule be adopted.[2] The Commission specifically

[1] *See* letter to George A. Fitzsimmons, Secretary, SEC, from Frank M. Wilkinson, Managing Director, Fixed Income Division, Donaldson, Lufkin & Jenrette, dated November 24, 1982; letter to George A. Fitzsimmons from Maud Mater, General Counsel, Federal Home Loan Mortgage Corporation, dated December 3, 1982; letter to George A. Fitzsimmons from Howard Brenner, Chairman, Options/Derivative Products Committee, Securities Industry Association, dated December 10, 1982; letter to George A. Fitzsimmons from William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, dated January 19, 1983. File No. S7-950.

[2] It should be noted that under the proposed rule OTC government options would remain subject to any applicable registration or other provisions of the Securities Act of 1933.

invites comments in the following areas: (1) Whether there currently exists any significant market in OTC government options and, if so, whether there is any significant public investor participation in that market, (2) whether an OTC government options market is likely to develop as a byproduct of increased activities in exchange-traded government options, (3) whether any exemption should be limited to entities such as the Federal Home Loan Mortgage Corporation which is subject to governmental oversight and firms which are reporting dealers to the Federal Reserve Bank of New York, (4) what would be the costs associated with requiring all unregistered firms that transact a business in OTC government options to register with the Commission or to conduct that business out of a registered entity.

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written comments should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than April 14, 1983. Reference should be made to File No. S7-950. All submissions will be made available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Dated: February 18, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4836 Filed 2-25-83; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-257-82]

Substantiation of Meal Expenses While Traveling

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations which would give the Commissioner authority to establish an optional method of computing meal expenses while traveling. Under the optional method a taxpayer would be relieved of substantiating the actual amount of the meal expenses.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 25, 1983. The amendments are proposed to be effective for expenses paid or incurred after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-257-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224. (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Explanation of Provisions

Section 274(d) of the Internal Revenue Code of 1954 was added by section 4(a)(1) of Revenue Act of 1962 (76 Stat. 974) to require taxpayers to substantiate certain entertainment and travel expenses. The last sentence of section 274(d) gives the Secretary authority to waive, by regulations, some or all of the substantiation requirements of section 274(d). Paragraph (b)(2) of § 1.274-5 of the Income Tax Regulations (26 CFR Part 1) requires a taxpayer to substantiate the amount of each separate travel expense and the time, place and business purpose of the travel.

This document proposes to amend the regulations under § 1.274-5 to give the Commissioner authority to establish a method under which a taxpayer may elect to use a specified amount or amounts for meals while traveling in lieu of substantiating the actual cost of meals. The purpose of the proposed regulation is to reduce the record-keeping burden on taxpayers where relatively small amounts are involved.

The taxpayer would not be relieved of substantiating the actual cost of other travel expenses as well as the time, place and business purpose of the travel. It is anticipated that the Commissioner will issue a revenue procedure with respect to this matter when the proposed regulations are finalized.

These amendments are to be issued under the authority contained in sections 274(d) and 7805 of the Internal Revenue Code of 1954 (76 Stat. 975, 26 U.S.C. 274(d); 68A Stat. 917, 26 U.S.C. 7805).

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this proposed regulation as it will not have a significant economic impact on a substantial number of small entities. The regulations would tend to reduce the recordkeeping duties of taxpayers rather than increase them.

Drafting Information

The principal author of these proposed regulations is David R. Haglund of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.61-1—1.281-4

Income taxes, Taxable income, Deductions, Exemptions.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Section 1.274-5 is revised by adding a sentence to the end of paragraphs (f) and (g)(1), by revising paragraph (h), and by adding a new paragraph (i) immediately after paragraph (h), to read as follows:

§ 1.274-5 Substantiation requirements.

* * * * *

(f) *Substantiation by reimbursement arrangements or per diem, mileage, and other traveling allowances.* * * * See paragraph (h) of this section relating to the substantiation of meal expenses while traveling.

(g) *Reporting and substantiation of certain reimbursements of persons other than employees*—(1) *In general.* * * * See paragraph (h) of this section relating to the substantiation of meal expenses while traveling.

* * * * *

(h) *Authority for an optional method of computing meal expenses while traveling.* The Commissioner may establish a method under which a taxpayer may elect to use a specified amount or amounts for meals while traveling in lieu of substantiating the actual cost of meals. The taxpayer would not be relieved of substantiating the actual cost of other travel expenses as well as the time, place, and business

purpose of the travel. See paragraph (b)(2) and (c) of this section.

(i) *Effective date*—(1) *In general.* Section 274(d) and this section apply with respect to taxable years ending after December 31, 1962, but only with respect to period after that date.

(2) *Certain meal expenses.* Paragraph (h) of this section is effective for expenses paid or incurred after December 31, 1982.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-4674 Filed 2-23-83; 9:32 am]

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26 CFR Part 1

[EE-3-81]

Affiliated Service Groups; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations prescribing rules for determining whether two or more separate service organizations constitute an affiliated service group, and detailing how certain requirements are satisfied by a qualified retirement plan maintained by a member of an affiliated service group. Changes to the applicable tax law were made by the Miscellaneous Revenue Act of 1980. The regulations would provide the public with additional guidance needed to comply with that Act and would affect all employers that maintain qualified retirement plans and that are members of an affiliated service group.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 29, 1983. For plans that were not in existence on November 30, 1980, the amendments is proposed to be effective for plan years ending after that date. For plans in existence on November 30, 1980, the amendments is proposed to be effective for plan years beginning after that date.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE–3–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Patricia K. Keesler of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202/566–3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 414(m) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 201 of the Miscellaneous Revenue Act of 1980 (94 Stat. 3526) and section 5 of Pub. L. 96–613 (94 Stat. 3580). These regulations do not reflect amendments made to section 414(m) under the Tax Equity and Fiscal Responsibility Act of 1982. These regulations are to be issued under the authority contained in section 414(m) and in section 7805 of the Internal Revenue Code of 1954 (94 Stat. 3526, 94 Stat. 3580, 68A Stat. 917; 26 U.S.C. 414(m), 7805).

Statutory Provisions

Section 414(m)(1) of the Code provides that, for purposes of certain employee benefit requirements listed in section 414(m)(4), except to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

Section 414(m)(2) defines an affiliated service group as a First Service Organization and one or more of the following: (A) Any service organization (A Organization) that is a shareholder or partner in the First Service Organization and that regularly performs services for the First Service Organization or is regularly associated with the First Service Organization in performing services for third persons; and (B) any other organization (B Organization) if a significant portion of the business of that organization is the performance of services for the First Service Organization, for A Organizations, or both, of a type historically performed by employees in the service field of the First Service Organization or the A Organizations, and ten percent or more of the interests in the organization is held by persons who are officers, highly compensated employees, or owners of the First Service Organization or of the A Organizations.

Section 414(m)(3) defines a service organization as an organization the principal business of which is the performance of services.

Section 414(m)(5)(A) provides that the term "organization" means a corporation, partnership, or other organization. Section 414(m)(5)(B) provides that principles of section 267(c) apply in determining ownership.

Section 414(m)(6) provides that the Secretary of the Treasury or his delegate shall prescribe such regulations as may be necessary to prevent the avoidance of the employee benefit requirements listed in section 414(m)(4) through the use of separate service organizations.

Prior Guidelines

Initial guidelines under section 414(m) were set forth in Revenue Ruling 81–105, 1981–1 C.B. 256. Rev. Rul. 81–105 provided illustrations of how the provisions of section 414(m) operate by way of three examples. The rules set forth in Rev. Rul. 81–105 remain operative and are not affected by the promulgation of these proposed regulations.

Revenue Procedure 81–12, 1981–1 C.B. 652, prescribes procedures for (1) obtaining a ruling on whether two or more organizations are members of an affiliated service group, and (2) obtaining determination letters on the qualification, under section 401(a) or 403(a), of an employee's pension, profit-sharing, stock bonus, annuity, or bond purchase plan established by a member or of an affiliated service group.

Administrative Exemptions

Several parties have expressed concern that aggregation may be required under the rules of section 414(m)(2)(A) and (B) in situations where there has been no attempt to avoid the employee benefit requirements listed in section 414(m)(4).

Those parties noted that an organization qualifies as an A Organization whenever it is a shareholder or partner in the First Service Organization and regularly performs services for the First Service Organization or is regularly associated with the First Service Organization in performing services for third persons. Thus, aggregation will be required regardless of how small the interest is that the A organization holds in the First Service Organization, irrespective of whether the services performed by the A Organization are of a type historically performed by employees in the service field of the First Service Organization, and even if the services performed for the First Service Organization only constitute an insignificant portion of the business of the A Organization.

However, section 414(m)(1) grants authority to promulgate regulations that specify when all the employees of an affiliated service group will not be treated as employed by a single employer. Accordingly, proposed Treasury Regulation § 1.414 (m)–1(c) provides that a corporation, other than a professional service corporation, will not be treated as a First Service Organization for purposes of section

414(m)(2)(A). Professional service corporations are not excepted from treatment as First Service Organizations for purposes of section 414(m)(2)(A) because the legislative history indicates that such corporations were intended to be covered. A special definition of professional service corporations is provided in the proposed regulation.

A corporation will still be treated as a First Service Organization for purposes of section 414(m)(2)(B). Thus, two corporations, neither of which is a professional service organization, will be aggregated only if one of the corporations satisfies the more stringent tests to be classified as a B Organization.

However, the Commissioner may determine that, in practice, the exception in the A Organization test for corporations, other than professional service corporations, results in an avoidance of the requirements of section 414(m) that circumvents Congressional intent. If such avoidance is found in a significant number of cases, this exception may be removed from the regulations.

Similarly, several parties have mentioned that aggregation may be required under section 414(m)(2)(B) whenever the owner of the potential B Organization acquires an interest in the First Service Organization (or in an A Organization), even though this interest is minimal and even though the owner does not have any other significant connection with the First Service Organization (*i.e.*, the owner is not an officer or highly compensated employee of the First Service Organization).

Pursuant to the authority contained in section 414(m)(1), a special rule is provided for determining whether ten percent or more of the interests in the potential B Organization is held by officers, highly compensated employees, or owners of the First Service Organization (or of an A Organization). For this purpose, the interests held by persons who are owners of the First Service Organization and the B Organization (but who are not also officers or highly compensated employees of the First Service Organization), will be taken into account as owners of the First Service Organization only if they hold, in the aggregate, three percent or more of the interests in such First Service Organization.

There may be other situations, not covered by the special rules of the regulations, where aggregation should not be required although the organizations are described in the literal language of either section 414(m)(2)(A) or (B). Comments are solicited from the public as to what these rules should be.

Significant Portion

Proposed Treasury Regulation § 1.414(m)–2(c)(2) provides that the determination of whether providing services for the First Service Organization, for one or more A Organizations determined with respect to the First Service Organization, or for both, is a significant portion of the business of the potential B Organization will generally be based on the facts and circumstances. However, two specific rules are provided.

A safe harbor rule is provided under which the performance of services for the First Service Organization, for one or more A Organizations, or for both, will not be considered a significant portion of the business of a potential B Organization if the Service Receipts Percentage is less than five percent. The Service Receipts Percentage is the ratio of the gross receipts of the organization derived from performing services for the First Service Organization, for one or more A Organizations, or for both, to the total gross receipts of the organization derived from performing services. This ratio is the greater of the ratio for the year for which the determination is being made or for the three year period including that year and the two preceding years (or the period of existence of the organization, if less).

Except for a situation described in the preceding paragraph, the performance of services for the First Service Organization, for one or more A Organizations, or for both, will be considered a significant portion of the business of the potential B Organization if the Total Receipts Percentage is ten percent or more. The Total Receipts Percentage is calculated in the same manner as the Service Receipts Percentage, except that gross receipts in the denominator are determined without regard to whether they were derived from performing services.

Comments from the public are requested regarding these significant portion tests.

Historically Performed

Proposed Treasury Regulation § 1.414(m)–2(c)(3) provides that services will be considered of a type historically performed by employees in a particular service field if it was not unusual for the services to be performed by employees of organizations in that service field in the United States on December 13, 1980 (the date of enactment of section 414 (m)).

Constructive Ownership

Proposed Treasury Regulation § 1.414(m)–2(d)(2) provides that in determining ownership for purposes of section 414(m), an individual's interest under a plan that qualifies under section 401(a) will be taken into account. Comments from the public are requested concerning appropriateness of this rule in cases in which the investment in employer securities by the plan results from an independent decision of the plan trustee.

Organization

Proposed Treasury Regulation § 1.414(m)–2(e) provides that the term "organization" includes a sole proprietorship. The proposed regulations do not consider the impact of sections 414(b) (controlled group of corporations) or 414(c) (group of trades or businesses under common control) on the definition of "organization" in § 1.414(m)–2(e)(1). Specifically, the regulations do not consider the situation in which a particular organization is potentially part of both an affiliated service group and either a controlled group of corporations or a group of trades or businesses under common control. In such a situation, issues arise as to the order in which the determinations are made as to what constitutes a single employer. For example, whereas an individual corporation may be a service organization, the controlled group of which that corporation is a part may not be a service organization (or vice versa). Comments from the public are requested regarding the treatment of a controlled group of corporations or a group of trades or businesses under common control in this respect.

Service Organization

Proposed Treasury Regulation § 1.414(m)–2(f) provides that the principal business of an organization will be considered the performance of services if capital is not a material income-producing factor for the organization. The test for determining whether or not capital is a material income-producing factor is similar to the test in Treasury Regulation § 1.1348–3(a)(3)(ii), as in effect on February 28, 1983.

Numerous fields are listed in proposed Treasury regulation § 1.414(m)–2(f) as being service fields. Organizations engaged in a field not listed therein and in which capital is a material income-producing factor will not be considered to be service organizations until the first day of the first plan year beginning at least 180 days after the date of the publication of an official document

(such as a revenue ruling) giving notice to the contrary. The Commissioner of Internal Revenue is granted authority to determine that certain organizations, or types of organizations, should not be considered as being subject to the requirements of section 414(m) even though the organizations are engaged in a field listed in the proposed regulation. Comments are requested from the public as to examples of organizations that should or should not be considered as being service organizations subject to the provisions of section 414(m).

Multiple Affiliated Service Groups

Proposed Treasury Regulation § 1.414(m)–2(g) provides rules for multiple affiliated service groups. Two or more affiliated service groups will not be aggregated simply because an organization is an A Organization or a B Organization with respect to each affiliated service group. However, if an organization is a First Service Organization with respect to two or more A Organizations or two or more B Organizations, or both, all of the organizations will be considered to constitute a single affiliated service group.

Special Qualification Requirements

Pursuant to the authority granted in section 414(m)(6), proposed Treasury Regulation § 1.414(m)–3(b) provides that if a plan maintained by a member of an affiliated service group covers an employee described in section 401(c)(1) (self-employed individual), an owner-employee (as described in section 401(c)(3)), or a shareholder-employee (as described in section 1379 (d)) the plan must also satisfy the special requirements relating to plans that cover those types of employees, to the extent those requirements apply, even though that indidvidual is not employed by the member maintaining the plan. This provision only applies if such an employee's earned income or compensation received as a shareholder-employee is taken into account in computing contributions or benefits under the plan.

Multiple Employer Plans

Proposed Treasury Regulation § 1.414(m)–3(c) provides that if a plan maintained by a member of an affiliated service group covers an individual who is not an employee of that member, but who is an employee of another member of that affiliated service group, the plan will be considered to be maintained by more than one employer for purposes of several provisions of section 413(c) (relating to plans maintained by more than one employer). This rule allows a member of the affiliated service group to deduct contributions on behalf of individuals who are not employed by that member.

However, this multiple employer plan rule does not apply in the case of a controlled group of corporations (as described in section 414 (b)) or a group of trades or businesses under common control (as described in section 414 (c)). Those situations will be governed by the special rules of section 414 (b) or (c), respectively.

Discrimination

Proposed Treasury Regulation § 1.414(m)–3(d) provides that in testing for discrimination under section 401(a)(4) (requiring that contributions or benefits do not discriminate in favor of employees who are officers, shareholders, or highly compensated), all of the compensation paid to an individual must be considered in determining the contributions or benefits on behalf of the individual under a plan maintained by a member of an affiliated service group without regard to the percentage of the organization employing the individual owned by the member maintaining the plan.

Effective Dates

In the case of a plan that was not in existence on November 30, 1980, section 414(m) applies to plan years ending after that date. In the case of a plan that was in existence on November 30, 1980, section 414(m) applies to plan years beginning after that date.

Proposed Treasury Regulation § 1.414(m)–4(b)(1) provides that a defined contribution plan in existence on November 30, 1980 that fails to satisfy the requirements for qualification under section 401(a) solely because of the application of section 414(m) will be treated as continuing to satisfy the requirements of section 401(a) after the effective date of section 414(m) if the plan is terminated and all amounts are distributed to participants within 180 days after the latest of:

(i) [the date of the publication of this regulation in the Federal Register as a Treasury decision]

(ii) The date on which notice of the final determination with respect to a request for a determination letter is issued by the Internal Revenue Service, such request is withdrawn, or such request is finally disposed of by the Internal Revenue Service, provided the request for a determination letter was pending on [the date of the publication of this regulation in the Federal Register as a Treasury decision] or, in the case of a request for a determination letter on the plan termination, was made within 60 days after [the date of the publication of this regulation in the Federal Register as a Treasury decision], or

(iii) If a petition is timely filed with the United States Tax Court for a declaratory judgment under section 7476 with respect to the final determination (or the failure of the Internal Revenue Service to make a final determination) in response to such request, the date on which the decision of the United States Tax Court in such proceeding becomes final.

Proposed Treasury Regulation § 1.414(m)–4(b)(2) provides that a defined benefit plan in existence on November 30, 1980 that fails to satisfy the requirements for qualification under section 401(a) solely because of the application of section 414(m) will be treated as continuing to satisfy the requirements of section 401(a) after the effective date of section 414(m) if the plan is terminated and all amounts are distributed within the same period as that provided for defined contribution plans. However, deductions for contributions to the plan for plan years after the effective date of section 414(m) are limited to those necessary to satisfy the minimum funding standards of section 412.

Reliance on Proposed Regulations

Pending the adoption of final regulations, taxpayers may rely on the rules contained in this notice of proposed rulemaking and the Internal Revenue Service will issue determination, opinion, and ruling letters based on these rules. If any provisions of the final regulations are less favorable to taxpayers than these proposed rules, those provisions only will be effective for periods after adoption of final regulations.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner has determined that this proposed regulation is not a major regulation for purposes of

Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal authors of these proposed regulations are Kirk F. Maldonado and Mary M. Levontin of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.401–0—1.425–1

Income taxes, Employee benefit plans, Pensions.

Proposed Amendments to the Regulations

PART 1—[AMENDED]

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.105–11 [Amended]

Paragraph 1. Paragraph (f) of § 1.105–11 is amended by striking out "section 414 (b) and (c)" and inserting in lieu thereof "section 414 (b), (c), or (m)."

Par. 2. The following new sections are added at the appropriate place:

§ 1.414(m)–1 Affiliated service groups.

(a) *In general.* Section 414(m) provides rules that require, in some circumstances, employees of separate organizations to be treated as if they were employed by a single employer for purposes of certain employee benefit requirements. For other rules requiring aggregation of employees of different organizations, see section 414(b) (relating to controlled groups of corporations) and section 414(c) (relating to trades or businesses under common control). If aggregation is required under either of the preceding provisions and also under section 414(m), the requirements with respect to all of the applicable provisions must be satisfied.

(b) *Aggregation.* Except as provided in paragraph (c), all the employees of the members of an affiliated service group shall be treated as if they were employed by a single employer for purposes of the employee benefit requirements listed in § 1.414(m)–3.

(c) *Aggregation not required.* Pursuant to the authority contained in section 414(m)(1), a corporation, other than a professional service corporation, shall not be treated as a First Service Organization (see § 1.414(m)–2) for purposes of section 414(m)(a)(A). Also, a special rule is provided in § 1.414(m)–2(c)(4) for determining ownership under section 414(m)(2)(B). For purposes of this paragraph, a professional service corporation is a corporation that is organized under state law for the principal purpose of providing professional services and has at least one shareholder who is licensed or otherwise legally authorized to render the type of services for which the corporation is organized. "Professional services" means the services performed by certified or other public accountants, actuaries, architects, attorneys, chiropodists, chiropractors, medical doctors, dentists, professional engineers, optometrists, osteopaths, podiatrists, psychologists, and veterinarians. The Commissioner may expand the list of services in the preceding sentence. However, no such expansion will be effective with respect to any organization until the first day of the first plan year beginning at least 180 days after the publication of such change.

§ 1.414 (m)–2 Definitions.

(a) *Affiliated service group.* "Affiliated service group" means a group consisting of a service organization (First Service Organization) and

(1) One or more A Organizations described in paragraph (b), or

(2) One or more B Organizations described in paragraph (c), or

(3) One or more A Organizations described in paragraph (b) and one or more B Organizations described in paragraph (c).

(b) *A Organizations*—(1) *General rule.* A service organization is an A Organization if it:

(i) Is a partner or shareholder in the First Service Organization (regardless of the percentage interest it owns in the First Service Organization but determined with regard to the constructive ownership rules of paragraph (d)); and

(ii) Regularly performs services for the First Service Organization, or is regularly associated with the First Service Organization in performing services for third persons.

It is not necessary that any of the employees of the organization directly perform services for the First Service Organization; it is sufficient that the organization is regularly associated with the First Service Organization in performing services for third persons.

(2) *Regularly performs services for.* The determination of whether a service organization regularly performs services for the First Service Organization or is regularly associated with the First Service Organization in performing services for third persons shall be made on the basis of the facts and circumstances. One factor that is relevant in making this determination is the amount of the earned income that the organization derives from performing services for the First Service Organization, or from performing services for third persons in association with the First Service Organization.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples.

Example (1). A Organization. (i) Attorney N is incorporated, and the corporation is a partner in a law firm. Attorney N and his corporation are regularly associated with the law firm in performing services for third persons.

(ii) Considering the law firm as a First Service Organization, the corporation is an A Organization because it is a partner in the law firm and it is regularly associated with the law firm in performing services for third persons. Accordingly, the corporation and the law firm constitute an affiliated service group.

Example (2). Corporation. (i) Corporation F is a service organization that is a shareholder in Corporation G, another service organization. F regularly provides services for G. Neither corporation is a professional service corporation within the meaning of subsection (1)(c).

(ii) Neither corporation may be considered a First Service Organization for purposes of this paragraph and, thus, aggregation will not be required by operation of the A Organization test. However, G or F may be treated as a First Service Organization and the other organization may be a B Organization under the rules of subsection (2)(c).

Example (3). Regularly associated with. (i) R, S & T is a law partnership with offices in numerous cities. The office in the city of D is incorporated, and the corporation is a partner in the law firm. All of the employees of the corporation work directly for the corporation, and none of them work directly for any of the other offices of the law firm.

(ii) Considering the law firm as a First Service Organization, the corporation is an A Organization because it is a partner in the First Service Organization and is regularly associated with the law firm in performing services for third persons. Accordingly, the corporation and the law firm constitute an affiliated service group.

(c) *B Organizations*—(1) *General rule.* An organization is a B Organization if:

(i) A significant portion of the business of the organization is the performance of services for the First Service Organization, for one or more A Organizations determined with respect to the First Service Organization, or for both,

(ii) Those services are of a type historically performed by employees in the service field of the First Service Organization or the A Organizations, and

(iii) Ten percent or more of the interests in the organization is held, in the aggregate, by persons who are designated group members (as defined in subparagraph (4)) of the First Service Organization or of the A Organizations, determined using the constructive ownership rules of paragraph (d).

(2) *Significant portion*—(i) *General rule.* Except as provided in paragraphs (c)(2) (ii) and (iii), the determination of whether providing services for the First Service Organization, for one or more A Organizations, or for both, is a significant portion of the business of an organization will be based on the facts and circumstances. Wherever it appears in this paragraph (c)(2), "one or more A organizations" means one or more A organizations determined with respect to the First Service Organization.

(ii) *Service Receipts safe harbor.* The performance of services for the First Service Organizations, for one or more A Organizations, or for both, will not be considered a significant portion of the business of an organization if the Service Receipts Percentage is less than five percent.

(iii) *Total Receipts threshold test.* The performance of services for the First Service Organization, for one or more A Organizations, or for both, will be considered a significant portion of the business of an organization if the Total Receipts Percentage is ten percent or more.

(iv) *Service Receipts Percentage.* The Service Receipts Percentage is the ratio of the gross receipts of the organization derived from performing services for the First Service Organization, for one or more A Organizations, or for both, to the total gross receipts of the organization derived from performing services. This ratio is the greater of the ratio for the year for which the determination is being made or for the three year period including that year and the two preceding years (or the period of the organization's existence, if less).

(v) *Total Receipts Percentage.* The Total Receipts Percentage is calculated in the same manner as the Service Receipts Percentage, except that gross receipts in the denominator are determined without regard to whether they were derived from performing services.

(3) *Historically performed.* Services will be considered of a type historically performed by employees in a particular service field if it was not unusual for the services to be performed by employees of organizations in that service field (in the United States) on December 13, 1980.

(4) *Designated group*—(i) *Definition.* "Designated group" members are the officers, the highly compensated employees, and the common owners of an organization (as defined in paragraph (c)(4)(ii)). However, even though a person is not a common owner, the interests the person holds in the potential B Organization will be taken into account if the person is an officer or a highly compensated employee of the First Service Organization or of an A Organization.

(ii) *Common owner.* A person who is an owner of a First Service Organization or of an A Organization is a common owner if at least three percent of the interests in the organization is, in the aggregate, held by persons who are owners of the potential B organization (determined using the constructive ownership rules of paragraph (d)).

(5) *Owner.* The term "owner" includes organizations that have an ownership interest described in paragraph (e).

(6) *Aggregation of ownership interests.* It is not necessary that a single designated group member of the First Service Organization or of an A Organization own ten percent or more of the interests, determined using the constructive ownership rules of paragraph (d), in the organization for the organization to be a B Organization. It is sufficient that the sum of the interests, determined using the constructive ownership rules of paragraph (d), held by all of the designated group members of the First Service Organization, and the designated group members of the A Organizations, is ten percent or more of the interests in the organizations.

(7) *Non-service organization.* An organization may be a B Organization even though it does not quality as a service organization under paragraph (f).

(8) *Examples.* The provisions of this paragraph may be illustrated by the following examples.

Example (1). B Organization. (i) R is a service organization that has 11 partners. Each partner of R owns one percent of the stock in Corporation D. The corporation provides services to the partnership of a type historically performed by employees in the service field of the partnership. A significant portion of the business of the corporation consists of providing services to the partnership.

(ii) Considering the partnership as a First Service Organization, the corporation is a B organization because a significant portion of the business of the corporation is the performance of services for the partnership of a type historically performed by employees in the service field of the partnership, and more than ten percent of the interests in the corporation is held, in the aggregate, by the designated group members (consisting of the 11 common owners of the partnership). Accordingly, the corporation and the partnership constitute an affiliated service group.

(iii) A similar result would be obtained if no more than 8 percent of the 11 percent ownership in Corporation D were held by highly compensated employees of R who were not owners of R (even though no one group of the three preceding groups held 10 percent or more of the stock of Corporation D).

Example (2). Other aggregation rules. (i) C, an individual, is a 60 percent partner in D, a service organization, and regularly performs services for D. C is also an 80 percent partner in F. A significant portion of the gross receipts of F are derived from providing services to D of a type historically performed by employees in the service field of D.

(ii) Viewing D as a First Service Organization, F is a B Organization because a significant portion of gross receipts of F are derived from performing services for D of a type historically performed by employees in that service field, and more than ten percent of the interests in F is held by the designated group member C (who is a common owner of D). Accordingly, D and F constitute an affiliated service group. Additionally, the employees of D and F are aggregated under the rules of section 414(c). Thus, any plan maintained by a member of the affiliated service group must satisfy the aggregation rules of sections 414(c) and 414(m).

Example (3). Common owner. (i) Corporation T is a service organization. The sole function of Corporation W is to provide services to Corporation T of a type historically performed by employees in the service field of Corporation T. Individual C owns all of the stock of Corporation W and two percent of the stock of Corporation T. C is not an officer or a highly compensated employee of Corporation T.

(ii) Considering Corporation T as a First Service Organization, Corporation W is not a B Organization because it is not 10 percent owned by designated group members. Because C owns less than 3 percent of Corporation T, C is not a common owner of T.

Example (4). B Organization. (i) Individual M owns one-third of an employee benefit consulting firm. M also owns one-third of an insurance agency. A significant portion of the business of the consulting firm consists of assisting the insurance agency in developing employee benefit packages for sale to third persons and providing services to the insurance company in connection with employee benefit programs sold to other

clients of the insurance agency. Additionally, the consulting firm frequently provides services to clients who have purchased insurance arrangements from the insurance company for the employee benefit plans they maintain. The insurance company frequently refers clients to the consulting firm to assist them in the design of their employee benefit plans. The percentage of the total gross receipts of the consulting firm that represent gross receipts from the performance of these services for the insurance agency is 20 percent.

(ii) Considering the insurance agency as a First Service Organization, the consulting firm is a B Organization because a significant portion of the business of the consulting firm (as determined under the Total Receipts Percentage Test) is the performance of services for the insurance agency of a type historically performed by employees in the service field of insurance, and more than 10 percent of the interests in the consulting firm is held by owners of the insurance agency. Thus, the insurance agency and the consulting firm constitute an affiliated service group.

Example (5). B Organization. (i) Attorney T is incorporated, and the corporation is a 6% shareholder in a law firm (which is also incorporated). All of the work of Corporation T is performed for the law firm.

(ii) Under the principles of section 267(c), T is deemed to own the shares of the law firm owned by T Corporation. Thus, T is a common owner of the law firm. Considering the law firm as a First Service Organization, Corporation T is a B Organization because a significant portion of the business of Corporation T consists of performing services for the law firm of a type historically performed by employees, and 100 percent of Corporation T is owned by a common owner of the law firm.

Example (6). Significant portion. (i) The income of Corporation X is derived from both performing services and other business activities. The amount of its receipts derived from performing services for, and its total receipts derived from, Corporation Z and the total for all other customers is set forth below:

	Origin of [illegible]	Corporation Z	All customers
Year 1	Services	$4	$100
	Total		120
Year 2	Services	8	150
	Total		180
Year 3	Services	42	200
	Total		240

(ii) In year 1 (the first year of existence of Corporation X), the Services Receipts Percentage for Corporation X (for its business with Corporation Z) is less than five percent ($4/$100, or 4%). Thus performing services for Corporation Z will not be considered a significant portion of the business of Corporation X.

(iii) In year 2, the Service Receipts Percentage is the greater of the ratio for that year ($9/$150, or 6%) or for years 1 and 2 combined ($13/$250, or 5.2%), which is six percent. The Total Receipts Percentage is the greater of the ratio for that year ($9/$180, or 5%) or for years 1 and 2 combined ($13/$300, or 4.3%), which if five percent. Because the Services Receipts Percentage is greater than five percent and the Total Receipts Percentage is less than ten percent, whether performing services for Corporation Z constitutes a significant portion of the business of Corporation X is determined by the facts and circumstances.

(iv) In year 3, the Services Receipts Percentage is the greater of the ratio for that year ($42/$200, or 21%) or for years 1, 2, and 3 combined ($55/$450, or 12.2%), which is 21 percent. The Total Receipts Percentage is the greater of the ratio for that year ($42/$240, or 17.5%) or for years 1, 2, and 3 combined ($55/$540, or 10.1%), which is 17.5 percent. Because the Total Receipts Percentage is greater than ten percent and the Services Receipts Percentage is not less than five percent, a significant portion of the business of Corporation X is considered to be the performance of services for Corporation Z.

(d) *Ownership*—(1) *Constructive ownership.* Except as otherwise provided in the regulations under section 414(m), the principles of section 267(c) (relating to constructive ownership of stock) shall apply in determining ownership for purposes of section 414(m). Accordingly, the rules of section 267(c) shall apply to partnership interests as well as to stock.

(2) *Qualified plans.* In determining ownership for purposes of section 414(m), an individual's interest under a plan that qualifies under section 401(a) will be taken into account.

(3) *Special rules.* For purposes of section 414(m):

(i) Stock or partnership interests owned, directly or indirectly, by or for a corporation, partnership, estate, or trust shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries;

(ii) An individual shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his family;

(iii) An individual owning (otherwise than by the application of paragraph (d)(3)(ii)) any stock in a corporation or interest in a partnership shall be considered as owning the stock or partnership interests owned, directly or indirectly, by or for his partner;

(iv) The family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(v) Stock or partnership interests constructively owned by a person by reason of the application of paragraph (d)(3)(i) shall, for the purpose of applying paragraph (d)(3) (i), (ii), or (iii), be treated as actually owned by such person, but stock or partnership interests constructively owned by an individual by reason of the application of paragraph (d)(3) (ii) or (iii) shall not be treated as owned by him for the purpose of again applying either of such subdivisions in order to make another the constructive owner of such stock or partnership interests.

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples.

Example (1). Constructive ownership. (i) Individual K is incorporated as K Corporation, and K Corporation is a partner in a management consulting firm K & F. K regularly performs services for the management consulting firm K & F. The secretarial services for the consulting firm are performed by Corporation M. A significant portion of the business of the secretarial corporation, M, consists of providing services to the consulting firm. All of the stock of the secretarial corporation, M, is owned by individual K.

(ii) Considering the consulting firm as a First Service Organization, Corporation K is an A Organization because it is a partner in the consulting firm and regularly performs services for the firm or is regularly associated with the firm in performing services for third persons.

(iii) Under the principles of section 267(c), individual K is deemed to own the partnership interest in the consulting firm that is held by K Corporation. Thus, K is considered to be an owner of the consulting firm.

(iv) Considering the consulting firm as a First Service Organization, the secretarial corporation is a B Organization because a significant portion of its business consists of performing services for the consulting firm or for Corporation K of a type historically performed by employees in the service field of management consulting, and at least ten percent of the interests in the secretarial corporation, M, is held by individual K, an owner of the consulting firm.

Example (2). Constructive ownership. (i) J is the office manager and highly compensated employee of an accounting partnership H & H. The secretarial services for the partnership are provided by Corporation W. J owns fifty percent of the stock of the secretarial corporation. A significant portion of the business of the secretarial corporation consists of providing services to the partnership.

(ii) Considering the partnership as a First Service Organization, the secretarial corporation is a B Organization because a significant portion of the business of the secretarial corporation is the performance of services for the partnership of a type historically performed by employees of accounting firms, and more than ten percent of the interests in the corporation is held by a highly compensated employee of the partnership.

(iii) Under the principles of section 267(c), the result would be the same for example, if the stock were held (instead of by J) by the spouse of J, the children of J, the parents or grandparents of J, a trust for the benefit of J's

children, or by a combination of such relatives.

Example (3). Qualified plan. (i) T is the chief executive officer of W Corporation, which is a consulting firm. T is also a participant in the W Corporation Profit-Sharing Plan, which qualifies under section 401(a). T's account balance in the plan is $150,000, and it consists of 25 percent of the stock of X Corporation. The sole function of X Corporation is to provide secretarial services to W Corporation.

(ii) Considering W Corporation as a First Service Organization, X Corporation is a B Organization because a significant portion of the business of X Corporation consists of providing secretarial services to W Corporation, secretarial services are of a type historically performed by employees in the field of consulting, and 25 percent of the stock of X Corporation is considered to be owned by T, a highly compensated employee of W Corporation, using the principles of section 267(c). Accordingly, W Corporation and X Corporation constitute an affiliated service group.

(e) *Organization*—(1) *General rule.* The term "organization" includes a sole proprietorship, partnership, corporation, or any other type of entity regardless of its ownership format.

(2) *Special rule.* [Reserved]

(f) *Service organization*—(1) *Non-capital intensive organizations.* The principal business of an organization will be considered the performance of services if capital is not a material income-producing factor for the organization, even though the organization is not engaged in a field listed in paragraph (f)(2). Whether capital is a material income-producing factor must be determined by reference to all the facts and circumstances of each case. In general, capital is a material income-producing factor if a substantial portion of the gross income of the business is attributable to the employment of capital in the business, as reflected, for example, by a substantial investment in inventories, plant, machinery, or other equipment. Additionally, capital is a material income-producing factor for banks and similar institutions. However, capital is not a material income-producing factor if the gross income of the business consists principally of fees, commissions, or other compensation for personal services performed by an individual.

(2) *Specific fields.* Regardless of whether paragraph (f)(1) applies, an organization engaged in any one or more of the following fields is a service organization:

(i) Health;
(ii) Law;
(iii) Engineering;
(iv) Architecture;
(v) Accounting;
(vi) Actuarial science;
(vii) Performing arts;
(viii) Consulting; and
(ix) Insurance.

Notwithstanding the preceding sentence, an organization will not be considered to be performing services merely because it is engaged in the manufacture or sale of equipment or supplies used in the above fields, or merely because it is engaged in performing research or publishing in the above fields. An organization will not be considered to be a service organization under this paragraph (f)(2) merely because an employee provides one of the enumerated services to the organization or to other employees of the organization unless the organization is also engaged in the performance of the same services for third parties.

(c) *Other organizations.* Organizations engaged in performing services and that are not described in paragraph (f) (1) or (2) shall not be considered to be service organizations. The Commissioner may expand the list of fields contained in paragraph (f)(2). However, no such expansion will be effective until the first day of the first plan year beginning at least 180 days after the publication of such change.

(4) *Exempted organizations.* The Commissioner may determine that certain organizations, or types of organizations, should not be considered as subject to the requirements of section 414(m), even though the organizations are described in paragraph (f) (1) or (2).

(g) *Multiple affiliated service groups*—(1) *Multiple First Service Organizations.* Two or more affiliated service groups will not be aggregated simply because an organization is an A Organization or a B Organization with respect to each affiliated service group.

(2) *Multiple A or B Organizations.* If an organization is a First Service Organization with respect to two or more A Organizations or two or more B Organizations, or both, all of the organizations shall be considered to constitute a single affiliated service group.

(3) The provisions of this paragraph may be illustrated by the following examples.

Example (1).— *Multiple First Service Organizations.* (i) Corporation P provides secretarial service to numerous dentists in a medical building, each of whom maintains his own separate unincorporated practice. Dentist T owns 20 percent of the secretarial corporation and accounts for 20 percent of its gross receipts. Dentist W owns 25 percent of the corporation and accounts for 25 percent of its gross receipts.

(ii) Considering Dentist T as a First Service Organization, the secretarial corporation, P, is a B Organization because 20 percent of the gross receipts of the corporation are derived from performing services for Dentist T of a type historically performed by employees of dentists, and 20 percent of the interests in the corporation is owned by Dentist T. Accordingly, Dentist T and the corporation constitute an affiliated service group.

(iii) Considering Dentist W as a First Service Organization, the secretarial corporation, P, is a B Organization, because 25 percent of the gross receipts of the corporation are derived from performing services for Dentist W of a type historically performed by employees of dentists, and 25 percent of the interests in the corporation is owned by Dentist W. Accordingly, Dentist W and the corporation constitute an affiliated service group. However, this affiliated service group does not include Dentist T even though the secretarial corporation, P, is a B Organization with respect to both dentists. Thus, there are two affiliated service groups.

Example (2).—Multiple B Organizations. (i) Doctor N is incorporated as Corporation N. Secretarial services are provided to Corporation N by Corporation Q. Corporation N owns 20 percent of the interests in the secretarial corporation and provides 20 percent of its gross receipts. Nursing services are provided to Corporation N by Corporation R. Corporation N owns 25 percent of the interests in the nursing corporation and provides 25 percent of its gross receipts.

(ii) Considering Corporation N as a First Service Organization, the secretarial corporation, Q, is a B Organization because 20 percent of the gross receipts of the secretarial corporation, Q, are derived from performing services for Corporation N of a type historically performed by employees of doctors, and 20 percent of the secretarial corporation is owned by the owner of Corporation N. Accordingly, Corporation N and the secretarial corporation, Q, constitute an affiliated service group.

(iii) Considering Corporation N as a First Service Organization, the nursing corporation, R, is a B Organization because 25 percent of the gross receipts of the nursing corporation, R, are derived from performing services for Corporation N of a type historically performed by employees of doctors, and 25 percent of the nursing corporation is owned by the owner of Corporation N. Accordingly, Corporation N and the nursing corporation constitute an affiliated service group.

(iv) For purposes of section 414(m), there will be considered to be one affiliated service group consisting of Corporation N, the secretarial corporation, Q, and the nursing corporation, R.

§ 1.414(m)–3 Employee benefit requirements.

(a) *Employee benefit requirements affected.* All of the employees of the members of an affiliated service group shall be treated as employed by a single employer for purposes of the following employee benefit requirements:

(1) Sections 401(a)(3) and 410 (relating to minimum participation requirements);

(2) Section 401(a)(4) (requiring that contributions or benefits do not discriminate in favor of employees who are officers, shareholders, or highly compensated);

(3) Sections 401(a)(7) and 411 (relating to minimum vesting standards);

(4) Sections 401(a)(16) and 415 (relating to limitations on contributions and benefits);

(5) Section 408(k) (relating to simplified employee pensions);

(6) Section 105(h) (relating to self-insured medical reimbursement plans);

(7) Section 125 (relating to cafeteria plans); and

(8) Pursuant to the authority granted in section 414(m)(6), section 401(a)(10) (relating to plans providing contributions or benefits to owner-employees).

(b) *Special requirements.* If a plan maintained by a member of an affiliated service group covers an employee described in section 401(c)(1) (self-employed individual), an owner-employee within the meaning of section 401(c)(3), or a shareholder-employee within the meaning of section 1379(d), the plan must also satisfy the following requirements to the extent they apply:

(1) Section 401(a)(9) (relating to special distribution requirements for plans benefiting self-employed individuals);

(2) Section 401(a)(10) (relating to special requirements for plans benefiting owner-employees);

(3) Section 401(a)(17) (relating to a limitation on the compensation base of plans benefiting self-employed individuals or shareholder-employees); and

(4) Section 401(a)(18) (relating to special requirements for defined benefit plans benefiting self-employed individuals or shareholder-employees).

Pursuant to the authority granted in section 414(m)(6), a plan that covers a self-employed individual, an owner-employee, or a shareholder-employee will be subject to the preceding requirements, even though that individual is not employed by the member of the affiliated service group maintaining the plan. These requirements apply only if the earned income of the self-employed individual or owner-employee or the compensation received as a shareholder-employee is taken into account in computing contributions or benefits under the plan.

(c) *Multiple employer plans*—(1) *General rule.* If a plan maintained by a member of an affiliated service group covers an individual who is not an employee of that member, but who is an employee of another member of that affiliated service group, the plan will be considered to be maintained by the member that does employ that individual. Thus, the plan will be considered to be maintained by more than one employer for purposes of section 413(c) (2) (relating to the exclusive benefit rule), (4) (relating to funding), (5) (relating to liability for funding tax), and (6) (relating to deductions). Therefore, a member of an affiliated service group may deduct contributions on behalf of individuals who are not employees of that member, if the individuals are employed by another member of that affiliated service group.

(2) *Special rule.* The multiple employer plan rule contained in paragraph (c)(1) shall not apply in the case of a controlled group of corporations (as described in section 414(b)) or a group of trades or businesses under common control (as described in section 414(c)).

(d) *Discrimination.* In testing for discrimination under section 401(a)(4) (requiring that contributions or benefits do not discriminate in favor of employees who are officers, shareholders, or highly compensated), all of the compensation paid to an employee must be considered in determining the contributions or benefits under a plan maintained by a member of an affiliated service group, without regard to the percentage of the organization employing the individual owned by the member maintaining the plan.

(e) *Example.* The provisions of this section may be illustrated by the following example.

(1) T is incorporated and Corporation T is a partner in a service organization. Corporation T employs only its sole shareholder and maintains a retirement plan. W and Z, the other partners in the service organization, are not incorporated. Each partner has a one-third interest in the service organization. The partnership has eight common law employees.

(2) Considering the partnership as a First Service Organization, Corporation T is an A Organization because it is a partner in the First Service Organization and regularly performs services for the partnership or is regularly associated with the partnership in performing services for third persons. Accordingly, the partnership and Corporation T constitute an affiliated service group.

(3) If the retirement plan maintained by Corporation T covers any of the common law employees of the partnership, it will be benefiting individuals who are not employees of the member of the affiliated service group maintaining the plan (Corporation T). As such, the plan will be considered to be maintained by more than one employer, and will be subject to the rules of section 413(c) (2), (4), (5), and (6) and the regulations thereunder. Thus, contributions by Corporation T on behalf of these individuals will not fail to be deductible under section 404 merely because they are not employees of Corporation T. In testing for discrimination under section 401(a)(4), all of the compensation paid to the employees of the partnership must be taken into account in determining their contributions or benefits under the plan, without regard to the percentage of the partnership owned by Corporation T.

(4) If the plan maintained by Corporation T covers partners W and Z, the plan must also satisfy the requirements listed in paragraph (b), to the extent they are applicable.

§ 1.414(m)–4 Effective dates.

(a) *Effective dates*—(1) *New plans.* In the case of a plan that was not in existence on November 30, 1980, section 414(m) and the regulations thereunder apply to plan years ending after November 30, 1980.

(2) *Existing plans.* In the case of a plan in existence on November 30, 1980, section 414(m) and the regulations thereunder shall apply to plan years beginning after November 30, 1980.

(b) *Frozen plans*—(1) *Defined contribution plans.* In the case of a defined contribution plan inexistence on November 30, 1980, that fails to satisfy the requirements of section 401(a) solely because of the application of section 414(m), the trust shall be treated as continuing to satisfy the requirements of section 401(a) after the effective date of section 414(m) if the plan is terminated and all amounts are distributed to the participants within 180 days after the latest of:

(i) [The date of the publication of this regulation in the **Federal Register** as a Treasury decision],

(ii) The date on which notice of the final determination with respect to a request for a determination letter is issued by the Internal Revenue Service, such request is withdrawn, or such request is finally disposed of by the Internal Revenue Service, provided the request for a determination letter was pending on [the date of the publication of this regulation in the **Federal Register** as a Treasury decision] or, in the case of a request for a determination letter on the plan termination, was made within 60 days after [the date of the publication of this regulation in the **Federal Register** as a Treasury decision].

(iii) If a petition is timely filed with the United States Tax Court for a declaratory judgment under section 7476 with respect to the final determination (or the failure of the Internal Revenue Service to make a final determination) in response to such request, the date on which the decision of the United States

Tax Court in such proceeding becomes final

(2) *Defined benefit plans.* In the case of a defined benefit plan in existence on November 30, 1980, that fails to satisfy the requirements of section 401 (a) solely because of the application of section 414(m), the trust shall be treated as continuing to satisfy the requirements of section 414(m) if the plan is terminated within 180 days after the latest of the dates determined in a manner consistent with paragraph (b)(1). However, deductions for contributions to the plan for plan years after the effective date of section 414(m) are limited to those necessary to satisfy the minimum funding standards of section 412.

§ 1.415–8 [Amended]

Par. 3. Paragraph (c) of § 1.415–8 is amended by adding "or by an affiliated service group (within the meaning of section 414(m)" before the words "is deemed maintained."

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–5046 Filed 2–25–83; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Permanent State Regulatory Program of Ohio

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is considering modifying the deadline for Ohio to meet certain conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The rule changes needed to satisfy the three conditions of approval, which deal with the requirements governing formal adjudicatory hearings, would have to be made by the Chief of the Division of Reclamation. The State requested that the Secretary extend the deadline to prevent the Chief from needlessly adopting rules of limited duration because effective March 18, 1983, formal hearings before the Chief will be abolished.

DATE: Comments must be received by March 15, 1983 at the address below, no later than 4:30 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, Columbus Field Office, 2nd Floor, 2242 South Hamilton Road, Columbus, Ohio 43227.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Field Office Director, Office of Surface Mining, 2242 South Hamilton Road, Columbus, Ohio 43227; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State based on the time required for changes to be adopted under State procedures or legislative schedules.

The Ohio program was conditionally approved effective August 16, 1982. The notice of conditional approval was published August 10, 1982 (47 FR 34688). In that document, the Secretary published a schedule for the State to meet each of the 11 conditions on the State program.

This notice is for the purpose of addressing the State's request for an extension that would establish a new deadline for the State to meet conditions (k)(3), (k)(4), and (k)(5) of 30 CFR 935.11. These conditions were due by February 8, 1983. The State noted, in its February 1, 1983 request, that these conditions deal with the requirements governing formal adjudicatory hearings. At the present time, the first opportunity for such formal hearings is before the Chief of the Division of Reclamation. The rule changes needed to satisfy the three conditions would have to be made by the Chief. However, effective March 18, 1983, under the provisions of Amended Substitute Senate Bill No. 240, formal hearings before the Chief will be abolished. Under the new bill, the first stage of formal administrative review will be before the Reclamation Board of Review. Consequently, the Board will become the administrative body responsible for promulgating rules governing formal hearings, and any rules adopted now by the Chief will no longer apply to hearings requested after March 18, 1983. The State requested, therefore, that the Secretary extend the deadline to prevent the Chief from needlessly adopting rules of limited duration and to allow the Board time to promulgate the new rules needed.

In accordance with the State's request, OSM is proposing that the deadline for the State to meet these conditions be extended until August 8, 1983. OSM requests comments on this proposed extension.

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 935 of Title 30 is proposed to be amended as set forth herein.

Dated: February 23, 1983.

J. R. Harris,

Director, Office of Surface Mining.

Text of Proposed Amendment

PART 935—OHIO

§ 935.11 [Amended]

1. Section 935.11 is amended in paragraphs (k)(3), (k)(4), and (k)(5) by substituting "August 8, 1983" for "February 8, 1983" each time it appears.

[FR Doc. 83–5090 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08-83-01]

Drawbridge Operation Regulations; Bayou Chico, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Florida Department of Transportation and the Pensacola Urbanized Area Metropolitan Planning Organization, the Coast Guard is considering changing the regulations governing the State Highway 292 bascule span bridge across Bayou Chico, mile 0.3, Pensacola, Escambia County, Florida. The bridge provides a vertical clearance of 14.5 feet at the center of the closed span during mean low water.

Operating Regulations, § 117.245(i)(11) of Title 33 of the Code of Federal Regulations, were approved for the bridge on 20 July 1959. These regulations restricted the operation of the bridge during certain hours but were not implemented for reasons unknown. Thus, the bridge presently opens on signal at any time for any vessel. The proposed change would require that the draw continue to open on signal from all vessels but would not need to open for pleasure vessels Monday through Friday excluding holidays, from 6:00 a.m. to 8:00 a.m., 11:00 a.m. to 1:00 p.m., and 3:00 p.m. to 6:00 p.m. Exceptions to this restriction for pleasure vessels would be for the draw to open (a) on the hour and half-hour if these vessels are waiting to pass, (b) when at least five of that type are waiting to pass, or (c) in case of an emergency or when they are seeking refuge from severe storms. Moreover, pleasure vessels would be able to pass through the draw while it is open for non-pleasure vessels. This action is designed to relieve overland traffic congestion during the peak morning, noon and afternoon vehicular traffic periods, while still providing for the reasonable needs of pleasure vessels.

DATE: Comments must be received on or before April 14, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9:00 a.m. to 3:00 p.m., Monday through Friday, at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504) 589-2965.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identifying the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed post card or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Navigation through the bridge consists of pleasure vessels, commercial shrimpers and fishers, barge tows and government vessels. Vertical clearance at the center of the double leaf bascule span is 14.5 feet in the closed position during mean low water. Data submitted by the Florida Department of Transportation indicate that:

(1) For the period 19 August through 30 September 1982, Monday through Friday excluding holidays, the daily average number of vehicles crossing the bridge was 2721 between 6:00 a.m. and 8:00 a.m., 2498 between 11:00 a.m. and 1:00 p.m., and 4753 between 3:00 p.m. and 6:00 p.m., the peak morning, noon and afternoon traffic hours, respectively.

(2) For the period 1 August 1981 through 30 July 1982, Monday through Friday excluding holidays, the daily average number of bridge openings to pass just pleasure vessels was 0.16, 1.34 and 2.86 during the peak morning, noon and afternoon traffic hours, respectively.

Based on these comparative data, the Coast Guard feels that the proposed regulation should provide relief to overland peak traffic, while still meeting the reasonable needs of pleasure vessels particularly with the exceptions provided.

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since the impact is expected to be minimal for the reasons discussed above. In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.245(i)(11) to read as follows:

§ 117.245 Bayou Chico, mile 0.3, Pensacola, Florida.

* * * * *

(i) * * *

(11) The draw shall open on signal but need not open for pleasure vessels from 6:00 a.m. to 8:00 a.m., 11:00 a.m. to 1:00 p.m. and 3:00 p.m. to 6:00 p.m., Monday through Friday excluding holidays, except (i) on the hour and half-hour, (ii) when at least five such vessels are waiting to pass, or (iii) in emergencies or severe storms. The draw when otherwise opened for other vessels may be used by pleasure vessels.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: January 31, 1983.

J. M. Fournier,

Captain, U.S. Coast Guard, Commander Eighth Coast Guard District, Acting.

[FR Doc. 83-5060 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD3 82-024]

Drawbridge Operation Regulations; Wappinger Creek, NY

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Consolidated Rail Corporation, the Coast Guard is considering a change to the regulations governing the Wappinger Creek railroad drawbridge at New Hamburg, New York to provide that the draw need not open unless six months advance notice is given. This proposal is being made because no requests to open the bridge have been received since 1978. This action should relieve the

bridge owner of the burden of maintaining the machinery and of having a person available to open the draw, and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before April 14, 1983.

ADDRESS: Comments should be submitted to and are available for examination from 9 a.m. to 3 p.m., Monday through Friday, except holidays, at the office of the Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668–7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Third Coast Guard District, will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Richard A. Gomez, project manager and LCDR Frank E. Couper, project attorney.

Discussion of Proposed Regulations

The Wappinger Creek drawbridge provides access for railroad traffic traveling between New Hamburg and Highsonville, New York. This drawbridge provides a vertical clearance of one foot above mean high water when in the closed position. In 1975, the bridge owner was authorized to operate the draw on advance notice. Since then, there has been a decrease in requests for openings, and no requests for openings have been made since 1978. No economic evaluation has been prepared because of minimal economic impact. This determination is based on the fact that no openings have been requested since 1978 and that no known entities or businesses use the waterway.

Economic Assessment and Certification

These proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). As explained above, an economic evaluation has not been conducted since its impact is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that these rules, if promulgated, would not have a significant economic impact on a substantial number of small entities, because no small entities will be affected by these regulations.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Proposed Regulations: In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by revising § 117.190(f)(2) to read as follows:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Wappinger Creek; Conrail railroad bridge, mile 0.0 at New Hamburg. The draw need not open for the passage of vessels. However, should the needs of navigation warrant, the bridge shall be rehabilitated to the extent necessary to open the draw upon six months notice.

* * * * *

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46 (c)(5); 33 CFR 1.05–1(g)(3)).

Dated: February 8, 1983.

W. E. Caldwell,

Vice Admiral, Coast Guard Commander, Third Coast Guard District.

[FR Doc. 83–5061 Filed 2–25–83; 8:45 am]
BILLING CODE 4910–14–M

DEPARTMENT OF EDUCATION

34 CFR Part 770

Library Services and Construction Act Program; Titles I and III of the Library Services and Construction Act

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to revise the current regulations that implement the Library Services and Construction Act Program. The proposed regulations would also change the title of Part 770 from "Library Services, Public Library Construction, and Interlibrary Cooperation" to the "Library Services and Construction Act Program." The major changes proposed would remove the regulatory provisions relating to both Title II (Public Library Construction) and Title IV (Older Readers Services). Under the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35, no funds are authorized to be appropriated to carry out Title II for fiscal years 1982, 1983, or 1984. Thus, it is proposed that regulatory provisions relating to Title II be removed. For purposes of administering construction projects funded under the Appalachian Regional Development Act of 1965, as amended, Pub. L. 89–4, and to which LSCA Title II statutory requirements apply, the Secretary interprets 34 CFR Parts 74 (Administration of grants) and 76 (State-administered programs) as also applying to such projects. The Library Services and Construction Act was amended by the Older Americans Comprehensive Services Amendments of 1973, Pub. L. 93–29, to include Title IV.

However, this Title has never been funded and no specific funding authority was given in the Omnibus Budget Reconciliation Act of 1981, so that the proposed regulations would include no provisions relating to Title IV. Other changes in the regulations are intended to reduce regulatory burden through the reordering and clarification of current regulatory requirements.

DATES: Comments must be received on or before April 29, 1983.

ADDRESSES: Comments should be addressed to Mr. Robert Klassen, U.S. Department of Education, 400 Maryland Avenue SW., (Room 707, Brown Building), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Robert Klassen, U.S. Department of Education, 400 Maryland Avenue SW., (Room 707, Brown Building), Washington, D.C. 20202. Telephone (202) 254–8664.

SUPPLEMENTARY INFORMATION:

(a) These regulations are necessary in order to provide guidance to State library administrative agencies in the development of their State plans so that the plans may meet the purposes of the authorizing legislation. Originally enacted as the Library Services Act in 1956, Pub. L. 84–597, most recently the Library Services and Construction Act (LSCA) has been amended by Pub. L.

95–123, and has been extended through fiscal year 1984 by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

(b) The major differences between these proposed regulations and the final regulations published April 23, 1979 (redesignated at 45 FR 77368, November 21, 1980), which are currently in effect, is that these proposed regulations would no longer contain provisions relating to Titles II and IV of the LSCA (as addressed above) would be more clearly written, and to the extent possible, would impose less burden on recipients of LSCA funds. Examples of burden reduction include:

(1) Removing the definition of "public library services" from the regulations, since it presently appears in the statute;

(2) No longer requiring each State advisory council on libraries to have a specific percentage of the council represented by "library users";

(3) Eliminating the regulatory requirement that special consideration be assigned to handicapped persons, the institutionalized, persons residing in areas with inadequate or nonexistent library services, or persons in densely populated areas;

(4) Permitting the long-range program to cover a period of from three to five years; and

(5) leaving it to the States to determine the best available data for purposes of developing criteria to assure that priority will be given to programs or projects serving urban and rural areas with high concentrations of low income families (although it is expected that States will consider how current the information available is in determining the best available data). Proposed additions would provide greater clarity and include: (1) The expansion of program purposes to include the strengthening of metropolitan public libraries which serve as national or regional resource centers; (2) amending the definition of the term "disadvantaged" persons to reflect congressional intent more accurately; and (3) the inclusion of the complete definition of "limited English-speaking ability".

(c) The current regulations title would be changed to the "Library Services and Construction Act Program" to reflect the statute.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are classified as non-major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities. These regulations apply to the "State library administrative agency" of each State. A State library administrative agency as defined in the statute is the official agency charged by the law of each State with the extension and development of public library services throughout the State, and which has adequate authority under State law to administer State plans in accordance with provisions of the LSCA. States and State agencies are not considered to be small entities under the Regulatory Flexibility Act.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments, and recommendations may be sent to the address given at the beginning of this document. All comments submitted on or before the 60th day after publication of this document will be considered before the Secretary issues final regulations. All comments submitted in response to these proposed regulations will be available for public inspection during and after the comment period, in Room 707, Brown Building, 1200 19th St., NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday of each week, except Federal holidays.

To assist the Department in complying with specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirements of reducing regulatory burden, public comment is especially invited on whether there may be further opportunities to reduce regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary also particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 770

Correctional institutions—libraries, Education, Education of disadvantaged, Grant programs—education, Handicapped, Libraries, Mental health programs—libraries, Penal institutions—libraries, Prisons—libraries.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parenthesis on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance No. 84.034, Title I, Public Library Services, and No. 84.035, Title III, Interlibrary Cooperation)

Dated: February 18, 1983.

T. H. Bell,

Secretary of Education.

The Secretary proposes to revise Part 770 of Title 34 of the Code of Federal Regulations as follows:

PART 770—LIBRARY SERVICES AND CONSTRUCTION ACT PROGRAM

Subpart A—General

Sec.

770.1 The Library Services and Construction Act Program.
770.2 Who is eligible to apply for a grant under the Library Services and Construction Act Program?
770.3 What regulations apply to the Library Services and Construction Act Program?
770.4 What definitions apply to the Library Services and Construction Act Program?

Subpart B—How Does A State Apply for a Grant?

770.10 The State plan and the State advisory council on libraries.
770.11 The basic State plan.
770.12 Criteria for determining the adequacy of public library services.
770.13 The long-range program.
770.14 The annual program.

Subpart C—Payments and Reports

770.20 State and local spending requirements as conditions for payment to the States.
770.21 Reports.

Subpart D—Federal Financial Participation

770.30 Library services.
770.31 Interlibrary cooperation.
770.32 Use of Federal funds by State library administrative agency.
770.33 Federal and State shares of eligible expenditures.

Authority: The Library Services and Construction Act, Pub. L. 91–600, as amended, 84 Stat. 1660 (20 U.S.C. 351), unless otherwise noted.

Subpart A—General

§ 770.1 The Library Services and Construction Act Program.

Under the Library Services and Construction Act, Federal funds are provided to assist States to—

(a) Extend and improve public library services in areas that are without these services or in which these services are inadequate;

(b) Establish, extend, and improve public library services including those for physically handicapped,

institutionalized, and disadvantaged persons;

(c) Strengthen State library administrative agencies;

(d) Promote interlibrary cooperation;

(e) Strengthen major urban resource libraries; and

(f) Strengthen metropolitan public libraries which serve as national or regional resource centers.

(20 U.S.C. 351; 353)

§ 770.2 Who is eligible to apply for a grant under the Library Services and Construction Act Program?

Under the Library Services and Construction Act Program, States are eligible to apply for Library Services grants under Title I and Interlibrary Cooperation grants under Title III of the Act, respectively.

(20 U.S.C. 351d)

§ 770.3 What regulations apply to the Library Services and Construction Act Program?

The following regulations apply to the Library Services and Construction Act Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 76 (State-Administered Programs), and Part 78 (Education Appeal Board).

(b) The regulations in this Part 770.

(20 U.S.C. 1221e—3(a)(1))

§ 770.4 What definitions apply to the Library Services and Construction Act Program?

(a) *Definitions in EDGAR.* The following terms used in this Part are defined in 34 CFR Part 77:

Department
ED
Fiscal Year
Project
State

(b) The definitions provided for the following terms in section 3 (Definitions) of the Act, apply to this Part:

Annual program
Basic State plan

Library service (For the purpose of this definition the Secretary defines "Library materials" to mean books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, and processed video and magnetic tapes, printed, published, audiovisual materials, and non-conventional library materials designed specifically for the handicappped; and materials of similar nature.)

Library services for the physically handicapped
Public Library
Public Library services

Long-range program (Although section 3(12) of the Act refers to the long-range program as a "five year program", section 6(d)(1) of the Act provides that the long-range program may cover "a period of not less than three nor more than five years." In reconciling this inconsistency in the statute, § 770.13 (The long-range program) of this Part provides that the long-range program may cover a period of "not less than three nor more than five fiscal years."
State advisory council on libraries
State institutional library services
State library administrative agency
Major urban resource libraries.

(c) In addition, the following definitions apply to this Part:

The "Act" means the Library Services and Construction Act, as amended.

"Disadvantaged" persons means persons whose socio-economic or educational deprivation, or cultural isolation from the community at large, prevent them from receiving the benefits of library services designed for persons without these deprivations.

"Interlibrary Cooperation" under Title III of the Act, means the establishment, expansion and operation of local, regional, and interstate cooperative library networks. The purpose of a network is to provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

"Limited English-speaking ability", when used with reference to individuals, means individuals who—

(1)(i) Where not born in the United States or whose native language is a language other than English;

(ii) Come from environments where a language other than English is dominant; or

(iii) Are American Indian and Alaskan Native students and who come from environments where a language other than English has had a significant impact on their level of English language proficiency; and,

(2) Because of the reason(s) listed in paragraph (1)(i), (ii), or (iii) of this definition, have sufficient difficulty speaking, reading, writing, or understanding the English language to be denied the opportunity to learn successfully in classrooms where the language of instruction is English. (See section 703(a) of Title VII of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 2701 *et seq.*).

(20 U.S.C. 351d(b) (4))

Subpart B—How Does a State Apply for a Grant?

§ 770.10 The State plan and the State advisory council on libraries.

(a) To receive its allotment for any fiscal year a State shall—

(1) Have in effect a basic State plan approved by the Secretary, in accordance with § 770.11 (The basic State plan);

(2) Submit or update a long-range program in accordance with § 770.13 (The long-range program);

(3) Submit an annual program for each allotment which is desired, in accordance with § 770.14 (The annual program); and

(4) Establish a State advisory council on libraries pursuant to the requirements of section 3(8) of the Act.

(b) The State plan consists of three parts: the basic State plan, the long-range program, and the annual program. The State plan shall be made public.

(20 U.S.C. 351d; S. Rep. No. 1162, 91st Cong., 2nd Sess. 3)

§ 770.11 The basic State plan.

(a) The basic State plan shall consist of:

(1) A document which:

(i) Provides for the administration, or supervision of the administration, of the programs authorized by the Act by the State library administrative agency;

(ii) Provides assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of the Act;

(iii) Provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of the Act;

(iv) Provides assurances that any funds paid to the State in accordance with a long-range program (§ 770.13 of this Part) and an annual program (§ 770.14 of this Part) shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State, including any such finds paid to any other agency, under the Act;

(v) Provides satisfactory assurance that the State administrative agency will make such reports, in such form and containing such information, as the

Secretary may reasonably require to carry out its purposes, including reports of evaluations made under the State plans; and

(vi) Provides satisfactory assurance that the State administrative agency will keep such records and afford such access to these records as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The statements of criteria required by § 770.12 of this Part; and

(3) The certifications required by 34 CFR § 76.104.

(b) The Secretary approves the basic State plan for each fiscal year only if the Secretary determines that—

(1) The plan fulfills the conditions of a basic State plan as specified in paragraph (a) of this section and is in compliance with the requirements of the Act and of all applicable regulations; and

(2) The information contained in the basic State plan indicates that the State has adequate procedures to insure that the assurances and provisions of the basic State plan will be carried out.

(20 U.S.C. 351a(11); 351d(b); 351d(c))

§ 770.12 Criteria for determining the adequacy of public library services.

Among the criteria for determining the adequacy of public library services in geographical areas and for groups of persons in the State, the State library administrative agency shall include criteria which assure that priority will be given to programs or projects serving:

(a) Urban and rural areas with high concentrations of low-income families;

(b) Areas with high concentrations of persons with limited English-speaking ability.

(20 U.S.C. 351d(b)(4))

§ 770.13 The long-range program.

(a)(1) The State shall develop the long-range program with the advice of the State advisory council on libraries and in consultation with the Secretary.

(2) The State shall—

(i) Annually review and revise the long-range program in accordance with changing needs for assistance under the Act;

(ii) Use the results of evaluations and surveys by the State agency and the State advisory council on libraries in developing and revising the long-range program; and

(iii) Incorporate any revisions into the annual program for each fiscal year.

(b) The long-range program shall contain the following:

(1) A description of the State's identified present and projected library needs;

(2) A plan for meeting those identified needs with Federal funds made available under the Act, covering a specified period of not less than three nor more than five fiscal years.

(3) A statement of the following policies, criteria, priorities, and procedures, to be updated as required in meeting the State's library needs—

(i) Policies and procedures for the periodic evaluation of the effectiveness of programs and projects supported under the Act;

(ii) Policies and procedures for appropriate dissemination of the results of these evaluations and other information pertaining to these programs and projects;

(iii) Policies and procedures for the effective coordination of programs and projects supported under the Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs; and

(iv) Criteria, policies, and procedures for interlibrary cooperation under Title III (Interlibrary Cooperation) of the Act.

(20 U.S.C. 351d(d); 351a(12); 354; 355e–2)

§ 770.14 The annual program.

The annual program shall contain:

(a) A description of a program for the use of funds under each of the titles of the Act;

(b) A description of how each program will fulfill the State's library needs stated in the long-range program, in a manner consistent with the policies, criteria, priorities, and procedures specified in the long-range program;

(c) The criteria used in allocating Title I funds for program purposes under section 102 of the Act. These criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the second fiscal year preceding the fiscal year for which the annual program is developed.

(d) During each fiscal year in which funds appropriated for Title I of the Act exceed $60,000,000, a program for that year under which the amount reserved under section 102(c) of the Act will be used for purposes set forth in section 102(a)(3) of the Act. During such a year, a State shall not reduce the amount paid to a major urban resource library below the amount that it received in the preceding year.

(e) A program description of the specific activities to be carried out by the State in the fiscal year—

(1) With funds for library services under Title I (Library Services) of the Act, for the purposes and activities stated in section 102 (Uses of Federal Funds) of the Act and § 770.30 (Library Services) of this Part; and

(2) With funds for interlibrary cooperation under Title III (Interlibrary Cooperation) of the Act, for the purposes and activities stated in section 302 (Uses of Federal Funds) of the Act and § 770.31 (Interlibrary Cooperation) of this Part;

(f) An annual review and revision of the long-range program. This shall take into consideration the results of evaluations of the State's library program.

(20 U.S.C. 351a(13); 354; 355e–2)

Subpart C—Payments and Reports

§ 770.20 State and local spending requirements as conditions for payment to the States.

The Secretary makes a payment to a State under Title I of the Act only after the Secretary has determined that—

(a) The State has satisfactorily assured the Secretary that it will have available for expenditure under Title I (Library Services) of the Act during the fiscal year of the allotment—

(1) From State and local sources—

(i) Sums sufficient to earn its minimum allotment as stated in section 5(a)(1) of the Act; and

(ii) Not less than the total amount actually expended for program purposes from State and local sources in the second preceding fiscal year.

(2) From State sources—Not less than the total amount actually expended for purgram purposes from State sources in the second preceding fiscal year.

(20 U.S.C. 351e)

§ 770.21 Reports.

The State agency shall submit to the Secretary one copy of all surveys, films, and other publications developed with Federal funds under the Act.

(20 U.S.C. 351d(b)(3)(A))

Subpart D—Federal Financial Participation

§ 770.30 Library services.

Funds allotted to a State for the purpose of section 101 (Grants to States for Library Services) of title I (Library Services) of the Act shall be used solely for paying the Federal share of the cost of activities specified in section 102 (Uses of Federal Funds) of the Act.

(20 U.S.C. 353)

§ 770.31 Interlibrary cooperation.

Funds allotted to a State for the purposes of section 301 (Grants to States for Interlibrary Cooperation Programs) of Title III (Interlibrary Cooperation) of the Act shall be used solely to pay the cost of carrying out a State plan as it relates to interlibrary cooperation. This includes—

(a) Planning for and taking steps leading to the development of cooperative library networks; and

(b) Establishing, expanding, and operating local, regional, State or interstate cooperative networks of libraries.

(20 U.S.C. 355e-1)

§ 770.32 Use of Federal funds by State library administrative agency.

In addition to the program activities specified in section 102 (Uses of Federal Funds) of the Act, funds allotted to a State under the Act for the purposes of section 101 (Grants to States for Library Services) of Title I (Library Services) of the Act, may also be used to pay the Federal share of the cost of the following activities of the State library administrative agency:

(a) Administration of the State plan submitted and approved under the Act and Subpart B of this Part, including obtaining the services of consultants;

(b) Statewide planning for and evaluation of library services;

(c) Dissemination of information concerning library services;

(d) The activities of the State advisory council on libraries and of other advisory groups and panels that may be necessary to assist the State library administrative agency in carrying out its functions;

(e) Strengthening the capacity of the State library administrative agency for meeting the needs of the people of the State; and

(f) Administrative costs necessary to carry out activities in paragraphs (b) through (e) of this section.

(20 U.S.C. 353(b))

§ 770.33 Federal and State shares of eligible expenditures.

(a) (1) Under section 7(b)(2) of the Act, every two years the Secretary promulgates the Federal share for each State under Title I (Library Services) of the Act.

(2) The State share for Title I (Library Services) is the difference between the costs under the State plan and the applicable Federal share.

(3) The Federal share for each State under Title III (Interlibrary Cooperation) is 100 percent.

(b) All Federal funds used for administrative costs specified in § 77.32(a) through (f) (Use of Federal funds by State library administrative agency) of this Part must be matched equally by non-Federal funds.

(c) In computing its share for library services under Title I (Library Services) of the Act, the State may consider only funds, regardless of their source, expended by it, or a political subdivision, for purposes of the State plan as it applies to Title I.

(20 U.S.C. 351e; 351f)

[FR Doc. 83-4791 Filed 2-25-83; 8:45 am]

BILLING CODE 6000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 2270-7]

Approval and Promulgation of Implementation Plans; Proposed Revision to the Commonwealth of Puerto Rico Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This notice announces the Environmental Protection Agency's proposal to approve in part a revision to the Commonwealth of Puerto Rico's Implementation Plan. This revision concerns fuel oil sulfur content limitations applicable to numerous sources in Puerto Rico.

DATE: Comments must be received on or before March 30, 1983.

ADDRESS: All comments should be addressed to : Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following locations for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278, or

Environmental Quality Board, 204 Del Parque Street, Santurce, Puerto Rico 00910.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

Introduction

On March 3, 1981 the Commonwealth of Puerto Rico's Environmental Quality Board (EQB) submitted to the Environmental Protection Agency (EPA) a proposed revision to its Implementation Plan. During the spring and summer of 1982, EQB supplemented this original submittal with several additional submittals of technical information. The revision concerns the fuel oil sulfur content limitations (known as "sulfur asignment") applicable to 110 sources in Puerto Rico.

Sulfur assignments are regulated by the EQB in accordance with Rules 209 and 410 of the Commonwealth of Puerto Rico's "Regulation for the Control of Atmospheric Pollution" (the "Regulation"). Appendix IX to the Regulation (formerly called "Appendix B") lists source-by-source sulfur assignments and was originally approved by EPA on September 11, 1975 (40 FR 42191). Since that time, however, changes have been made to certain of the assignments approved by El A and certain omissions to the originally approved list were discovered. Today's **Federal Register** notice addresses these changes and omissions.

The March 3, 1981 Puerto Rico submittal consists of a listing of sulfur assignments for 110 sources, a technical report in support of the revision request, proof of publication of a public hearing notice and a hearing examiner's report. The revision to the Puerto Rico Implementation Plan was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing, which was held by the EQB on December 2, 1980.

Discussion

EPA has reviewed the sulfur assignments contained in Puerto Rico's March 3, 1981 revision request. As previously noted, this submittal identified sulfur assignments for 110 sources; however, only 95 of these have been determined to be subject to EPA review and approval. It has been determined that the sulfur assignments for the remaining 15 sources have not been revised from those previously approved by EPA on September 11, 1975 and hence are not further subject to EPA review.

Table 1 at the end of today's notice lists 85 sources whose specific sulfur assignments are being proposed in this action for EPA approval. Table 2 lists an additional 10 sources included in Puerto Rico's plan revision request whose sulfur assignments are not being acted on in today's notice. As will be discussed, the sulfur assignments for these 10 sources require additional justification for EPA approval. Table 3 lists the remaining 15 sources whose

sulfur assignments have not been changed from earlier EPA approved values.

EPA's review of the air quality impact analysis submitted by EQB with its March 3, 1981 request indicated that the air quality model used may have underpredicted maximum sulfur dioxide concentrations in high terrain areas close to a source. Consequently, it is possible that some of the sulfur assignments proposed by EQB could cause violations of the national ambient air quality standards for sulfur dioxide in areas of high terrain. In order to assess the air quality levels at these elevated locations, EPA conducted a review of the impact from the 95 sources subject to EPA review. This analysis was based on the use of EPA's Complex II model and included the use of meteorological data that was selected so as to yield the highest possible concentrations (a detailed discussion of this air quality modeling analysis is contained in an EPA Technical Support Document. This document is available for public inspection at the locations listed in the "ADDRESSES" section of today's notice).

Based on this EPA analysis, it was shown that sulfur assignments for 85 of the 95 sources could be approved as not causing a violation of the national ambient air quality standards for sulfur dioxide. Further, sulfur dioxide emissions from 80 of the 85 sources are included in the Prevention of Significant Deterioration (PSD) baseline and these emissions, therefore, are not subject to a PSD increment consumption analysis. The remaining five sources do not violate the PSD increments.

As a result of these determinations, EPA is proposing to approve the sulfur assignments for the 85 sources listed in Table 1 of today's notice. EPA intends to take no action at this time on the fuel oil sulfur assignments for the 10 remaining sources listed in Table 2, because of a number of unresolved questions concerning their potential to violate the national ambient air quality standards for sulfur dioxide. EQB and EPA have agreed to reevaluate the sulfur assignments for these sources at such time as a more refined air quality impact analysis can be completed.

New Sources

EQB has authority to establish, without EPA review, initial fuel sulfur content limitations for new sources. This "new source review program" is currently implemented under the procedures established in Part II, "Approval and Permit," of the Regulation. The sulfur limits for such new sources, implemented by EQB in accordance with procedures approved by EPA pursuant to provisions of 40 CFR 51.18, "Review of new sources and modifications," automatically become a part of the Puerto Rico implementation Plan. As a result, these sulfur assignments are federally enforceable and are not subject to EPA review.

In this context, in addition to the 110 sources identified in the March 3, 1981 submittal, there are 35 "new" sources that have been constructed after September 11, 1975 (the date when EPA approved source-by-source sulfur assignments for the majority of sources in Puerto Rico). The sulfur assignments for these 35 sources were developed by the EQB pursuant to EPA's approved new source review procedures and, consequently, are not subject to EPA review and approval. Although not the subject of the action being proposed today, these 35 sources are listed in Table 4 of today's notice for the purpose of public information.

Summary

This notice is issued as required by Section 110 of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before March 30, 1983 on whether the proposed Puerto Rico Implementation Plan revision should be approved or disapproved. EPA emphasizes that today's proposed approval action only deals with the sulfur assignments for the 85 sources listed in Table 1. Any comments dealing with the other sources listed in Tables 3 and 4 will be considered to the extent that the comments reflect on EPA's determination that the sources are not subject to EPA's review. The Administrator's decision regarding approval or disapproval of this proposed implementation plan revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that implementation plan approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 3709; January 27, 1981). Tha attached rule, if promulgated, constitutes an implementation plan approval under Section 110 within the terms of the January 27 certification. This action only approves Common wealth actions. It imposes no new requirements.

Under Executive Order 12291, this action is not Major. It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Region II office of EPA.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: December 9, 1982.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

TABLE 1.—APPROVABLE SULFUR-IN-FUEL ASSIGNMENTS

[85 sources]

Source name and description	Old percentage standards	Proposed percentage standards
Abbott Chemical:		
Boiler-Econ	1.00	2.00
Boiler	1.00	2.00
Boiler Econ.		2.00
Arroyo Dye Works: Nos. 1 and 2		2.50
Arroyo Pharma: No. 1		2.50
Asfalto Mayaguezano: Dryer		2.50
Asfalto D'Oeste: Boiler		2.50
Bacardi Corp. Catano:		
Boiler	2.00	2.50
Boiler		2.50
Boiler [1]		2.50
Betteroads San Juan: Oil burner		2.50
Bristol Corp:		
Boiler	1.00	2.50
Boiler		1.94
Bumble Bee:		
Boiler		2.50
Boiler [1]		2.50
Incinerator [1]		2.50
Cadillac Uniform: 2 Boilers		2.50
Caribe Hilton: 2 Boilers		2.50
Casera Food: 2 Steam Boilers		1.20
Central Cambalache:		
Nos. 1 and 2	3.10	2.50
Nos. 3 and 4		2.50
Central Coloso:		
Boiler 1	3.10	2.50
Boiler 2		2.50
Central Guanica:		
2 Boilers	1.00	2.50
No. 3	1.00	1.00
Central Mercedita:		
Boiler 5	3.10	2.50
Boilers 6 to 9		2.50
Central Plata:		
Boilers 618 and 660 HT	3.10	2.50
Boiler 1500 HT	3.10	2.50
Boiler 1600 HT		2.50
Central Roig:		
Boilers 1 to 5	3.10	2.50
Boiler 6		2.50
Central Medico: 2 Boilers		2.50
Cervecera Corona: 3 Boilers		2.50
Cervecera India:		
Boiler		2.50
Boiler	3.10	2.50
Condado Holiday: 2 Boilers		2.50
Consolidated Cigar: 2 Boilers		2.50
Destileria Serralles: Boiler	2.00	2.50
Durite Corp.: Boiler		2.50
Eli Lilly Co-Carolina:		
Boiler	3.10	2.50
Boiler	1.00	2.50
Boiler		2.50
Eli Lilly Co-Mayaguez:		
Boiler	3.10	2.50
Boiler		2.50
Incinerator		2.50
Glamourette Fashion: 6 Boilers		2.00
Goya De PR: Boiler		1.50

TABLE 1.—APPROVABLE SULFUR-IN-FUEL ASSIGNMENTS—Continued

[85 sources]

Source name and description	Old percentage standards	Proposed percentage standards
Hanes Textiles: 2 Boilers		2.50
Hospital Reg.-Bayamon: 2 Boilers		2.50
Inabon Asphalt Inc.: Dryer		2.50
Industrial Siderurgica:		
Boiler	2.00	2.00
Boiler		2.50
Industria Lechera Puerto Rico: 2 Boilers		2.50
Inland Chemicals: Steam Boiler		2.50
Inland Paper Co.: 2 Boilers		2.50
Inter Hosiery: No. 1		2.50
January Industries: Nos. 1 and 2		2.50
La Concha: 2 Boilers		2.50
Mecelo' Caguas: No. 1		2.50
Manhattan Hospital: Nos. 1 and 2		2.50
Merck, Sharp & Dohme:		
1 Boilers	1.00	2.50
2 Boilers		2.50
Molinos De Puerto Rico: Boiler		2.50
National Packing:		
3 Boilers		2.50
Boiler[1]		2.50
Neptune Packing: 2 Boilers		2.50
Olympic Mills:		
Boiler		2.50
Oiler Heater[1]		2.50
Boiler[1]		2.50
Pfizer Inc.:		
2 Boilers	1.00	2.01
Incinerator[1]		2.01
Phillips Core:		
66-950-0070	0.10	0.10
66-950-0060	0.10	0.10
51-000-0010	2.50	2.50
3 4-360-4010	2.50	2.50
3.2-360-2010	0.15	0.15
3.1-360-1020	0.15	0.15
3.1-360-1030	2.00	2.00
1.1-360-1010	0.15	0.15
1.3-360-3050	2.50	2.50
1.3-360-3020-30-40	2.50	2.50
1.3-360-3010	2.50	2.50
1.2-360-2050	0.15	0.15
1.2-360-2040	0.15	0.15
1.2-360-2030	2.50	2.50
1.2-360-2020	2.50	2.50
1.2-360-2010	0.15	0.15
1.1-360-1020	2.50	2.50
2.4-360-4050	0.15	0.15
2.4-360-4040	2.50	2.50
2.4-360-4030	0.15	0.15
2.4-360-4020	2.50	2.50
2.4-360-4010	2.50	2.50
2.1-360-1020	0.15	0.15
2.1-360-1010	0.15	0.15
51-000-0020		2.45
51-000-0030		2.45
51-000-0040		2.45
Placco Co.:		
Boilers	1.00	1.00
Tuce Boiler	1.00	1.00
Oil Heater	1.00	1.00
Oil Heater		1.00
2 ASP Heaters		1.00
Ponce Asphalt-Ponce: Dryer		0.01
Ponce Candy:		
2 Boilers		2.50
Boiler[1]		2.50
Pittsburgh Plate & Glass Industries:		
3 Boilers	1.00	1.00
2 Boilers	1.00	0.01
Puerto Rico Asphalt-Aguadilla: Burner		2.50
Puerto Rico Asphalt-Arecibo: Burner		1.00
Puerto Rico Asphalt-Bayamon: Burner		1.00
Puerto Rico Asphalt-Carolina: Burner		2.50
Puerto Rico Asphalt-Salinas: Burner		2.50
Puerto Rico Dairy Inc.: 2 Boilers		2.50
Puerto Rico Distillers Inc. Arecibo:		
3 Burners	3.10	2.50
Nos. 2 and 3	3.10	2.50
Puerto Rico Glass:		
Nos. 1 to 3	1.00	2.00
No. 4	1.50	1.50
No. 5	0.50	0.50

TABLE 1.—APPROVABLE SULFUR-IN-FUEL ASSIGNMENTS—Continued

[85 sources]

Source name and description	Old percentage standards	Proposed percentage standards
Puerto Rico Electric Power Authority—Aguadilla: Jet PPK 1-1 and 1-2		0.50
Puerto Rico Electric Power Authority—Celba:		
GT PB K 1-1 and 1-2	0.50	0.50
Jet		0.50
Puerto Rico Electric Power Authority—Covadonga: Jet PPK 1-1 and 1-2		0.50
Puerto Rico Electric Power Authority—Jobos:		
GT PBK 1-1 and 1-2		2.50
Jet PPK 1-1 and 1-2		
Puerto Rico Electric Power Authority—Palo Seco:		
Units 1 and 2	2.50	2.50
Units 3/1 and 3/2	2.50	2.50
Units 4/1 and 4/2	2.50	2.50
GT PBK 1-1	0.50	0.50
GT PBK 1-2	0.50	0.50
GT PBK 2-1	0.50	0.50
GT PBK 2-2	0.50	0.50
GT PBK 3-1	0.50	0.50
GT PBK 3-2	0.50	0.50
Jet PPK 1 and 2	0.15	0.50
Jet 1	0.15	0.50
Puerto Rico Electric Power Authority—San Juan:		
Units 5 and 6	1.50	2.00
Units 7-1 and 7-2	1.50	2.00
Units 8-1 and 8-2	1.50	2.00
Units 9-1 and 9-2	1.50	2.00
Units 10-1 and 10-2	1.50	2.00
Jet PPK 1	0.15	0.50
Jet 1		0.50
Units 1-4	1.50	1.50
Puerto Rico Electric Power Authority—Vega Baja: GT PBK 1-1 and 1-2		0.50
Puerto Rico Electric Power Authority—Yabucoa: GT PBK 1-1 and 1-2		0.50
RCA Del Caribe: 3 Boilers		2.00
Rexach Asphalt—San Juan: Burner		1.75
San Juan Cement:		
Kiln #1-3	3.10	2.50
3 Boilers		2.50
Schering Pharmacy:		
2 Boilers	3.10	2.50
Boiler		2.50
Squibb Manufacturing Inc.:		
2 Boilers		2.48
Brule Incinerator		2.48
Garver & Davis		2.48
Waste Heat Boiler		2.48
Incinerator[1]		0.50
Boiler[1]		2.48
Star—Kist Tuna:		
4 Boilers		2.50
Boiler,[1]		2.50
Sun Harbor: 2 Fire Tube Boilers		2.40
To—Rico Inc.: Boiler		2.50
Travenol Labs: Boiler		2.50
Union Carbide Films: 2 Boilers	1.00	2.50
Union Carbide Grafito:		
36 Furnaces	0.20	0.20
Boiler	0.20	0.20
Boiler		0.20
Cis-1, 2+3[1]		0.20
2 Pre-Heaters[1]		0.20
Hot Water Heater[1]		0.20
Incinerator[1]		0.20
Univs Optical: Nos. 1 to 3		2.50
UpJohn Corp.: 2 Boilers	1.00	2.50
Visoske Shops Inc.: Boiler		2.50
Vanity Paper Co.: No. 1		2.50
Winthrop Labs: 2 Boilers		2.00
Yabucoa Sun Oil		
Boilers	3.10	2.50
Crude Heaters	3.10	2.50
Heaters	3.10	2.50
Hydrotreater	3.10	2.50
H2Plant Heater	3.10	0.50
Desulf. Heater	3.10	2.50
Solar Generator	3.10	2.50

[1]The sulfur assignment for this emission point is not subject to EPA review and approval since it was developed by EQB pursuant to EPA's previously approved new source review procedures. This emission point is listed for public information purposes only.

TABLE 2.—SULFUR-IN-FUEL ASSIGNMENTS REQUIRING ADDITIONAL TECHNICAL JUSTIFICATION

[10 sources]

Source name and description	Old percentage standards	Proposed percentage standards
Betterroads Asphalt Aguada: Oil Burner	—	2.50
Cartoners Nacion: 2 Boilers	—	2.30
Commonwealth Oil Refining Corp.:		
HCC CO BA-154	—	1.00
HCC CO BA-2-154	—	1.00
Boiler B-803	1.00	1.00
Boiler B-804	1.00	1.00
Vaccum BA-151B	1.00	1.00
Aux. Crude BA-102	1.00	1.00
Crude Vac BA101-151A	1.00	1.50
Lt. Crude BA 402-4	1.00	1.00
Hot Belt BA-201	1.00	1.00
Crude-Vac BA-101-151	1.00	1.50
Visbreaker BA-1101-2	1.00	1.00
Unif. Stripv BA-1302	1.00	1.00
Crude Charge BA-1302	1.00	1.00
Platfor. H 103-105	0.01	0.01
EPC Columo AH-701	1.00	1.00
Plat. Rerun AH-700	1.00	1.00
Prefact. DH-107	1.00	1.00
Xylene Splitter H901	0.01	0.01
Plat Dpent. PH-106	1.00	1.00
Detol H-801	0.01	0.01
Unif. Charge PH-101	1.00	1.00
Unif. Strip. PH-102	1.00	1.00
Clay Tower SUH-302	—	1.00
Xylene Splitter H902	—	1.00
Platfor. AH-100-102	0.01	0.01
Clay Tower AH-350	1.00	1.00
Xyl .Split. REBAH-351	1.00	1.00
Unit Depent. HT AH-20	1.00	1.00
Unif. Charger AH-200	1.00	1.00
Plat. Depent. AH-103	1.00	1.00
Boiler B-501-2	1.00	1.00
THD AH-400-401	1.00	1.00
Boiler 503-4	—	1.00
OX. Split REB. H-353	—	1.00
Reboiler H-951	1.00	1.00
Reboiler H-1952	—	1.00
Fractioner H-1202	1.00	1.00
Stabilizer H-1201	1.00	1.00
Octafiner H-1200	1.00	1.00
Octafiner H-251-3	1.00	1.00
Fractionator H-202	.01	.01
Octafiner H-200	.01	.01
Stabilizer H-201	.01	.01
Claytower SCH-301	1.00	1.00
Boiler B-701	.50	.50
Boiler B-702	.50	.50
Boiler B-703	.50	.50
HCC Flue Gas STK PT2	.01	.01
HCC Preheat BA-152A	1.00	1.00
HCC Preheat BA-152B	1.00	1.00
HCC Preheat BA-152C	1.00	1.00
HCA Preheat BA-152A	1.00	1.00
HCC Preheat BA-152B	1.00	1.00
HCC Preheat BA-152C	1.00	1.00
Flue Gas Stack PT1	.01	.01
Acid Plant	.01	.01
Dupont Puerto Rico Inc.: 2 Boilers	—	2.50
Oxochem:		
Steam Boiler	1.00	1.00
Flair	.01	1.00
Feet HT X4101A	.01	.01
Feet HT XH201	.01	.01
Feet HT XH101B	.01	.01
SYN-GAS Flair	.01	.01
Peerless: Heater	1.50	.20
Ponce Asphalt—Humacao: Dryer	—	1.00
Ponce Cement:		
Kilns 215	3.10	2.50
Kilns 104	3.10	2.50
Kilns 144	3.10	2.50
Kilns 486	3.10	2.50
Kilns 104	—	2.50
Kilns 104	3.10	2.50
Lime Kiln	3.10	2.50
3 Boilers	3.10	2.50

TABLE 2.—SULFUR-IN-FUEL ASSIGNMENTS REQUIRING ADDITIONAL TECHNICAL JUSTIFICATION—Continued

[10 sources]

Source name and description	Old percentage standards	Proposed percentage standards
Puerto Rico Electric Power Authority—Guayanilla:		
Units 1,2,3,4	1.00	1.50
Units 5-1, 6-1, 6-2	1.00	1.50
GT PBK 1-1 and 1-2	.50	.50
Jet	.15	.50
Union Carbide Caribe:		
23 Furnaces S5-1	.01	.01
Steam SPHEATER S5-2	.01	.01
Steam SPHEATER S5-3	.01	.01
RECYC SPHEATER S5-4	.01	.01
Turbine GEN S3-4	.05	.50
Boiler I S3-3	.50	1.00
Boiler II S3-3	.50	1.00
Boiler III S3-3	.50	1.00
Hidroheater S5-5	.01	.01
Oxide II IGT S6-20	—	.50
Terrain HET. S6-13	—	.01
Peck Boiler [1]	—	.50
Waste Boiler [1]	—	.50

[1] The sulfur assignment for this emission point is not subject to EPA review and approval since it was developed by EQB pursuant to EPA's previously approved new source review procedures. This emission point is listed for public information purposes only.

TABLE 3.—SULFUR-IN-FUEL ASSIGNMENTS PREVIOUSLY APPROVED BY EPA

Source name and description	Old percentage standards	Proposed percentage standards
A. Sulfur-in-Fuel Assignments Which Were Not Revised (6 sources)		
Caribbean Gulf:		
CH-4	1.50	1.50
GFH-2	1.50	1.50
GFH-1	1.50	1.50
GSH-1	1.50	1.50
CH-2	1.50	1.50
YB-4 and 5	1.50	1.50
PH-201	1.50	1.50
PH-202	1.50	1.50
CH-3	1.50	1.50
YB-3	1.50	1.50
N-2	1.50	1.50
CH-6 [1]		1.50
Dizzite, Inc.: Nos. 1 to 3	1.00	1.00
Ponce Asphalt—Santa Isabel: Dryer	1.00	1.00
Puerto Rico Olefins:		
Nos. 1 to 4	.80	.80
No. 5	.01	.01
Puerto Rico Electric Power Authority—Aguirre:		
Units 1/1 and 1/2	2.50	2.50
Units 2/1 and 2/2	2.50	2.50
GR PBK 2-1 and 2-2	.50	.50
GR PBK 1-1 and 1-2	.50	.50
Puerto Rico Electric Power Authority—Mayaguez:		
IND-GT 1 and 2	.50	.50
GT PBK 3-1 and 3-2	.50	.50
GT PBK 4-1 and 4-2	.50	.50
Jet	.50	.50
B. Sulfur-in-Fuel Assignments Which Are Governed By Generic Sulfur Ceiling (9 sources)		
Central Aguirre: Boilers 21 and 22	3.10	2.50
Central Eureka: No. 1	3.10	2.50
Central Fajardo: No. 2	3.10	2.50
Central Igualdad: No. 1	3.10	2.50
Fibers Int.: No. 1	3.10	2.50
International Paper: Nos. 1 to 3	3.10	2.50
Puerto Rico Cement—Ponce: Nos. 1 to 5	3.10	2.50
Puerto Rico Chemical: 2 Heaters	3.10	2.50
Puerto Rico Distillers—Cemuy:		
No. 1	3.10	2.50
No. 2	3.10	2.50

TABLE 3.—SULFUR-IN-FUEL ASSIGNMENTS PREVIOUSLY APPROVED BY EPA—Continued

Source name and description	Old percentage standards	Proposed percentage standards
No. 3	2.50	2.50

[1] The sulfur assignment for this emission point is not subject to EPA review and approval since it was developed by EQB pursuant to EPA's previously approved new source review procedures. This emission point is listed for public information purposes only.

TABLE 4.—NEW SOURCES LISTED IN THE JUNE 8, 1981, SULFUR ASSIGNMENT INVENTORY BUT NOT CONTAINED IN APPENDIX IX (35 SOURCES)

Source	Units	Sulfur assignment
AAA	Incinerator	2.50
Alimentos Borinquen	Keystone Boiler	2.50
Bacardi Corp.-Palo Seco	3 Boilers	2.50
Bettercrete Asphalt-Arecibo	Oil Burner	2.50
Bettercrete Asphalt-Bayamon	Oil Burner	2.50
Borinquen Container	Boiler	2.50
Bristol Corp-Mayaguez	Boiler	2.50
Caribe Isoprene	Boiler	1.50
Cartanera Antilles	2 Boilers	2.50
Coamo Poultry	2 Boilers	2.50
Cyanamid Agric	Boiler	2.00
	Incinerator	2.00
David & Geck	Boiler	2.50
	Boiler	0.80
Eli Lilly/Fermentation-Carolina	2 Boilers	2.50
FineTex	3 Boilers	2.50
La Famorsa	2 Boilers	2.00
Hosp. Area Manati	2 Boilers	2.50
Life Savers	2 Boilers	2.50
Molinos Nacionales	Boiler	2.50
Owens Illinois	2 Glass Furnaces	2.50
Owens Illinois	Boiler	2.50
Phillips Petroleve	6 Heaters	2.00
Puerto Rico Electric Power Authority-Aguirre.	4 Comb. Cycle 1-1 to 1-4.	2.00
	4 C.C. 1 GT 1 to 4	2.00
	4 Comb. Cycle 2-1 to 2-4.	2.00
	4 C.C. 2 GT 1 to 4	2.00
Puerto Rico Container	2 Boilers	2.50
Puerto Rico Pigments	Steam Boiler	2.50
Puritana Mfg	2 Boilers	2.00
Research Asphalt IV-Caguas.	Burner	1.75
Rico Banana	2 Boilers	2.34
Rico Chemical Corp.	2 Boilers	1.50
Roche Products	3 Boilers	2.50
Savoy	Boiler	2.00
Searle Pharmacy	Boiler	2.00
Subtelastica I	2 Boilers	2.50
Subtelastica II	2 Boilers	2.50
Warner Lambert Co	2 Boilers	2.50
Western Industrial	Steam Gen. Boiler	2.50

[FR Doc. 83-4786 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Coastal Barrier Resources Act; Section 4(a)(2), Opting-in Provision

AGENCY: Office of the Secretary, Interior.

ACTION: Proposed rule.

SUMMARY: On October 18, 1982, President Reagan signed the Coastal Barrier Resources Act (CBRA) into law, (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System delineated on maps incorporated by reference in the legislation, and prohibits most Federal expenditures and financial assistance for development within the units of that System. These provisions of the Act became effective immediately, except that the ban on new Federal flood insurance in these units will go into effect on October 1, 1983.

Significant responsibilities are also assigned to the Secretary of the Interior by the legislation. This proposed rule describes the approach the Department of the Interior (DOI) will adopt to interpret paragraph 4(a)(2) of CBRA which allows landowners with property on a coastal barrier or associated landform that was not included in the System to elect to have their property included. The paragraph also requires the Secretary of the Interior to establish regulations for this purpose within 180 days of enactment of CBRA.

DATE: Comments must be received on or before March 18, 1983.

ADDRESS: Comments should be directed to Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, Manager, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. (202-343-4905).

SUPPLEMENTARY INFORMATION: Based on the language in the Omnibus Budget Reconciliation Act of 1981 (OBRS) and its legislative history, the Department of the Interior developed criteria for delineating the undeveloped coastal barriers on the Atlantic and Gulf Coasts of the United States. These criteria were the basis for both the maps proposed by DOI under OBRA and the final maps designated by Congress as part of CBRA. Copies of the CBRA maps have now been distributed to all affected State executives, State coastal zone management agencies, counties, and Federal agencies. On November 19, 1982, the Department published interpretive guidelines and a general statement of policy (47 FR 52388), pertaining to its responsibilities under Section 4 of the Act. With completion of minor and technical boundary modifications, as mandated by CBRA, the unit boundaries depicted on the maps of the CBR System become fixed and cannot be modified without an amendment to the Act.

This proposed rule will permit landowners on coastal barriers or associated landforms which have not been included in the Coastal Barrier Resources System to put their land in the system within one year of the date of enactment of this bill. Once exercised, this option will not be revocable by the landowner or his successors in title, and the prohibition against Federal assistance contained in the bill will apply as if the land has been included in the System from the outset.

(1) *Environmental Effects.* The environmental impacts of administering the action to be undertaken pursuant to this proposed rule have been carefully considered. Based upon the draft environmental impact statement issued on May 21, 1982, concerning the same type of resource considerations, and the public comments on that document, it has been determined that this proposed rule will have no significant impact on the environment. A Finding of No Significant Impact has been prepared and a copy may be obtained by writing the Manager of the Coastal Barriers Task Force (see address).

(2) *Statement of Effects.* The Department of the Interior has determined that this document is not a major rule under E.O. 12291, and certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). A copy of the combined document supporting these determinations may be obtained through the Coastal barriers task Force (see address). It is anticipated that this "opting-in" provision will be exercised by very few individuals and, therefore, will not have a significant economic impact.

(3) *Paperwork Reduction Act.* This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

(4) *Authorship Statement.* This document has been prepared by the Coastal Barriers Task Force within the Department of the Interior. The Chairman of the Task Force is Mr. Ric Davidge, Office of the Assistant Secretary for Fish and Wildlife and Parks.

(5) *Public Comment Period.* Interested persons may submit written comments, regarding the proposed rule to the Chairman of the Coastal Barriers Task Force, Department of the Interior, Washington, D.C. 20240. All comments must be received on or before March 18, 1983.

(6) *Identification of Subjects.* An identification of subjects is not necessary because this document is not designed to be codified in the Code of Federal Regulations. Under CBRA, action on subsection 4(a)(2) must be completed one year following enactment of the legislation. Accordingly, the department does not propose to codify this proposed rule.

Opting-in to the CBRS

Criteria

The legislative history of paragraph 4(a)(2) states "that the only limitation intended on the application (of this provision) is that the property sought to be brought into the System be located on a coastal barrier or associated landform within reasonable proximity of and physically comparable to an established unit of the System."

The following categories of areas qualify for inclusion under this paragraph:

(1) Any area contiguous with and located on the same coastal barrier landform as an existing unit of the Coastal Barrier Resources System.

(2) Any coastal barrier or portion thereof containing less than ¼ mile of ocean-facing shoreline.

(3) Properties, regardless of location, on the same coastal barrier landform as a unit of the Coastal Barrier Resources System, which are not contiguous with the unit.

(4) Any coastal barrier or portion thereof protected for recreation, Wildlife refuge, sanctuary, or scientific purposes.

(5) Coastal landforms containing a core of consolidated sedimentary material. Each area must be physically comparable with an existing unit's characteristics. An area will not be included if it is highly developed or if it is separated by a natural barrier, such as a major river or substantial cliffs, from an existing unit. It must also be within five miles of an existing unit. Where questions concerning these criteria arise, owners are encouraged to submit an application which will be carefully considered on a case-by-case basis.

Proof of Ownership

To be included in the system, one of the following proofs of ownership or control of the land must be provided:

1. Fee simple title or its functional equivalent, or

2. An heir in possession of "heir's" property; or

3. A trustee or trustees of a perpetual trust with control of use and disposition of the property in question.

Procedures for Registration

To become certified as part of the System, landowners who meet the requirements must:

1. Secure an official coastal barrier map or appropriate 1:24,000 quadrangle map from the U.S. Geological Survey and outline the property on the map. (Procurement information attached.)

2. Submit the map, with proof of property ownership, to Mr. Frank McGilvrey, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, Postmarked no later than October 18, 1983.

3. Upon notification of acceptance by the Department of the Interior, file the election in accordance with the real property laws regulating the sale or other transfer of land or other real property of the State in which the land is located. Such filing must indicate that the property in question has been irrevocably included within the CBRS.

4. Notify the Department of the Interior that filing has been completed.

Once in the system, the property will be treated as any other land in the System. Transfer of ownership cannot remove the property from the System. Only an amendment to the Act by the Congress can do so.

We wish to emphasize that the opting-in provision is entirely voluntary, is a one-time-only option, and must be submitted by October 18, 1983. After that date no more changes will be made to the system except by amendment to the Act.

Map procurement information: Individual unit maps may be secured for $3.25 from: Eastern, National Cartographic Information Center, U.S. Geological Survey, 536 National Center, Reston, Virginia 22092, Telephone: (703) 860–6336.

Make checks payable to: U.S. Geological Survey.

Dated: February 8, 1983.

Ric Davidge,

Chairman, Coastal Barriers Task Force.

Dated: February 9, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-5007 Filed 2-25-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 93

[CGD 80-159]

Stability Requirements for Great Lakes Vessels

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the stability requirements for cargo ships operating on the Great Lakes of North America by adding a new subpart to Part 93 of 46 CFR Subchapter I (Cargo and Miscellaneous Vessels) specifying damage stability requirements for these vessels. The requirements being considered are based on an extensive study by the Maritime Administration and a recommendation by the National Transportation Safety Board. The purpose of this Advance Notice is to identify the specific standards that the Coast Guard is considering.

DATE: Comments must be received on or before May 31, 1983.

ADDRESSES: Written comments should be sent to Commandant (G-CMC/44) (CGD 80-159), U.S. Coast Guard, Washington, D.C. 20593. The comments and materials referenced in this notice will be available for examination and copying between 8 a.m. and 4 p.m., Monday through Friday, except holidays at the Marine Safety Council (G-CMC/44), Room 4402, Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: LT Thomas M. Curelli, Office of Merchant Marine Safety (G-MTH-5/13), Room 1308, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593, (202) 426-2187.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments are solicited not only on the technical merits of the proposed standard, but also on the economic, environmental, and personnel safety effects that such a regulation would have. Persons submitting comments should include their names and addresses, identify this advance notice (CGD 80-159) and the specific sections of the proposal to which the comments apply, and give reasons for the comments. If acknowledgment of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclosed. The proposed rules may be changed in light of comments received. All comments received will be considered before further rulemaking action is taken. No public hearing is planned, but one will be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this document are LT Thomas M. Curelli, Office of Merchant Marine Safety, and LCDR W. Short, Office of the Chief Counsel.

Discussion of the Proposed Regulation

The accidents on the Great Lakes in the past 25 years involving sinkings having the greatest loss of life have been the Carl Bradley, the Daniel T. Morrell, and the Edmund Fitzgerald. Each of these vessels sank within a very short time after structural failure or other failure leading to massive loss of buoyancy due to flooding.

The Marine Board of Investigation's report on the loss of the Edmund Fitzgerald (Report No. USCG 16732/64216, 26 July 1977) indicated that a damage stability standard that includes at least a minimum level of subdivision may have prevented the loss of the ship or at least slowed the sinking enough to allow the crew to safely abandon ship.

A minimum standard would also lessen the risk of a total stoppage or restriction of vessel traffic in a restricted channel due to the sinking of a vessel, such as occurred in 1972 when the Sidney E. Smith, Jr. sank in the St. Clair River. The increase in size of vessels seriously increases the risk that a collision or grounding might block a channel to all navigation. In areas where the vessel operates with small bottom clearance, the vessel might settle on the bottom even with watertight subdivision: but salvage would be much easier and any traffic blockage would usually be of shorter duration.

In the **Federal Register** issue of March 16, 1978, the Coast Guard published an Advance Notice of Proposed Rulemaking (ANPRM) at 43 FR 10946 to solicit comments concerning the development of damage stability standards for Great Lakes bulk dry cargo vessels. This ANPRM indicated that a minimum level of subdivision was under consideration, solicited comments on specific questions of technical and economic nature, and referred to the ongoing Maritime Administration (MARAD) study of economic benefits of watertight subdivision of Great Lakes vessels. Nineteen comments were received in response to this ANPRM.

The MARAD study, entitled "Economic Benefits of Improved Watertight Subdivision for Great Lakes Bulk Carriers", was completed in December 1978. A copy of the study may be obtained for $16.50 from the National Technical Information Service, Springfield, Va. 22151 (Report No. PB295086). A second ANPRM, published on August 14, 1980 at 45 FR 54095, discussed the aspects of this study from a safety point of view and solicited further comments. Review of the response to this second ANPRM indicates that not all interested parties had reviewed it. To correct this deficiency, and to allow all persons connected with the Great Lakes bulk fleet, as well as other interested parties, to develop meaningful comments prior to the Coast Guard's regulatory drafting efforts, the comment period was extended an additional 108 days to May 1, 1980. In addition, an open public conference was held on December 11, 1980 in Cleveland, Ohio. In that conference, representatives of all segments of the Great Lakes bulk carrier industry met with Coast Guard representatives to discuss—

(1) The background of subdivision levels of safety in the Great Lakes fleet;

(2) The feasibility of bulkheading to produce various levels of subdivision safety; and

(3) Possible alternatives to subdivision safety.

The Coast Guard has taken into consideration comments resulting from the above mentioned public participation and the results of the Maritime Administration's study. The Coast Guard considers that there is a need for a published minimum degree of subdivision protection from groundings and collisions and is ready to make a specific proposal. The damage stability standard being considered is similar to that required by the 1966 International Convention on Load Lines for Type A and reduced freeboard Type B vessels.

In order to comply with The President's Executive Order 12291 of February 17, 1981, the Coast Guard, in promulgating new regulations, must analyze the proposal to insure that the potential benefits to society outweigh the potential costs to society. In an effort to conduct a complete and accurate assessment of the effects of the proposal, it has been decided to publish a third Advance Notice of Proposed Rulemaking. The Coast Guard is particularly interested in comments and figures regarding the economic impact of such a proposal as it would affect newly

constructed vessels. Comments are also requested on the technical details of the proposal such as the extents of damage and the survival conditions.

Comments on the related subjects are desired from all persons having knowledge of the Great Lakes bulk cargo fleet operation and the following specific questions are listed:

1. *To the general public.*

The Coast Guard is considering this rulemaking to reduce the chance of the rapid loss of an entire ship due to flooding. The general (statistical) safety record of our Great Lakes bulk carriers is as good or better than any other method of transportation.

Does the good safety record of Great Lakes ships justify designing new bulk carriers without some minimum flooding resistance, such as one compartment subdivision?

2. *To the masters and crew.*

Maintaining watertight integrity of watertight doors in way of unloading belts in the bottom tunnel of self-unloader ships is difficult due to leakage of the sealing gaskets. The Coast Guard is considering a requirement for increased bilge pumping capacity in the tunnel to control such leakage.

Can the existing watertight door seals be made tight prior to each voyage?

If not, how much leakage might occur?

3. *To the steamship companies.*

a. How should the MARAD economic report of December 1978 be modified to remain valid with regard to the cost of placing additional watertight bulkheads in bulk carriers to achieve one or two compartment protection? Specific reference is made to table X (page V–2) and figures A2 through A13 (pages a–4, a–15) which show some combinations not possible and some possible at an additional cost of up to $1 million for a new ship (i.e. an additional 1% of the total cost of a new ship).

b. Although this Advance Notice does not propose retrofitting of existing vessels, a major conversion or modification to an existing vessel in the future may cause the vessel to have to comply with these standards, necessitating changing the existing screen (non-watertight) bulkheads to be watertight. How should the dollar projections for retrofit shown in table X of the MARAD report be corrected? What escalation/inflation factor should be considered?

4. *To the port authorities on the Great Lakes.*

a. Although a sinking in harbor is not apt to cause a total loss of the crew, the temporary blockage of the harbor is a concern to port authorities. What would be the relative loss of revenue to all concerned if your port was directly blocked by the sinking of a large vessel for an extended period of time?

b. What would be the effect of the closing of the St. Mary's River, Detroit River, Welland Canal, or St. Lawrence Seaway have on the traffic and commerce in your area of responsibility?

List of Subjects in 46 CFR Part 93

Cargo vessels, Marine safety, Great Lakes.

PART 93—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 93 of Chapter I of Title 46, Code of Federal Regulations, as follows:

1. By adding the following to the Table of Contents:

Subpart 93.60—Damaged Stability and Floatability (Subdivision) for Great Lakes Vessels

Sec.
93.60–1 Applicability.
93.60–5 Definitions.
93.60–10 Calculations.
93.60–15 Character of damage.
93.60–20 Extent of damage.
93.60–25 Permeability of spaces.
93.60–30 Survival conditions.

2. By revising Subpart 93.01 to read as follows:

Subpart 93.01—Application

§ 93.01–1 General.

This part applies to—

(1) Each vessel contracted for on or after November 19, 1952 on an international voyage;

(2) Each vessel whose intact stability requires special consideration as determined by the Commandant or the Officer in Charge, Marine Inspection; and

(3) Each vessel whose damaged stability and floatability (subdivision) requires special consideration as determined by the Commandant.

3. By adding a new Subpart 93.60 to read as follows:

Subpart 93.60—Damaged Stability and Floatability (Subdivision) for Great Lakes Vessels

§ 93.60–1 Applicability.

This subpart applies to each vessel contracted for on or after (the effective date of these regulations) that is engaged on a voyage solely between ports within the limits of the Great Lakes and the St. Lawrence River as far east as a straight line drawn from Cap de Rosiers to West Point, Anticosti Island, and west of a line along the 63rd meridian from Anticosti Island to the north shore of the St. Lawrence River.

§ 93.60–5 Definitions.

(a) As used in this subpart, "Length" ("L"), "Breadth" ("B"), and "Moulded Depth" ("D") are as defined in § 45.3 of Subchapter E (Load Lines) of this chapter.

(b) "Bulkhead Deck" means the uppermost deck to which watertight bulkheads and the watertight shell extend.

§ 93.60–10 Calculations.

(a) Each vessel must be shown by design calculations to meet the survival conditions in § 93.60–30 in each condition of loading and operation, assuming the damage specified in § 93.60–15.

(b) When doing the calculations required by paragraph (a) of this section, the virtual increase in the vertical center of gravity due to a liquid in a space must be determined by calculating either—

(1) The free surface effect of the liquid with the vessel assumed heeled five degrees from the vertical; or

(2) The shift of the center of gravity of the liquid by the moment of transference method.

(c) In calculating the free surface effect of consumable liquids, it must be assumed that, for each type of liquid, at least one transverse pair of wing tanks or a single centerline tank has a free surface. The tank or combination of tanks selected must be those having the greatest free surface effect.

(d) When doing the calculations required by paragraph (a) of this section, the buoyancy of any superstructure directly above the side damage must not be considered. The unflooded parts of superstructures beyond the extent of damage may be considered if they are separated from the damaged space by watertight bulkheads and no progressive flooding of these intact spaces takes place.

§ 93.60–15 Character of damage.

(a) Design calculations must show that each vessel can survive damage—

(1) To any location between adjacent main transverse watertight bulkheads;

(2) To a main transverse watertight bulkhead spaced closer than the longitudinal extent of collision penetration specified in Table 93.60–20 from another main transverse watertight bulkhead; and

(3) To a main transverse watertight bulkhead or a transverse watertight bulkhead bounding a side tank or double bottom tank if there is a step or a recess in the transverse bulkhead that is longer than 3.05 meters and that is located within the extent of penetration of assumed damage. The step formed by

the after peak bulkhead and after peak tank top is not a step for the purpose of this regulation.

§ 93.60-20 Extent of damage.

For the purpose of the calculations required in § 93.60-10—

(a) Design calculations must include both side and bottom damage, applied separately; and

(b) Damage must consist of the penetrations having the dimensions given in Table 93.60-20 except that, if the most disabling penetrations would be less than the penetrations described in this paragraph, the smaller penetration must be assumed.

§ 93.60-25 Permeability of spaces.

When doing the calculations required in § 93.60-10—

(a) The permeability of a floodable space, other than a machinery or cargo space, must be as listed in Table 93.60-25;

(b) Calculations in which a machinery space is treated as a floodable space must be based on an assumed machinery space permeability of 85%, unless the use of an assumed permeability of less than 85% is justified in detail; and

(c) Calculations in which a cargo space, that is normally filled in the full load condtions, is treated as a floodable space must be based on an assumed cargo space permeability of 60%, unless the use of an assumed permeability of less than 60% is justified in detail. If the cargo space is not normally filled in the full load condition, a permeability of 95% must be assumed.

§ 93.60-30 Survival conditions.

A vessel is presumed to survive assumed damage if it meets the following conditions in the final stage of flooding:

(a) *Final waterline.* The final waterline, in the final condition of sinkage, heel, and trim, must be below the lower edge of an opening through which progressive flooding may take place, such as an air pipe, or an opening that is closed by means of a weathertight door or hatch cover. This opening does not include an opening closed by a—

(1) Watertight manhole cover;

(2) Flush scuttle;

(3) Small watertight cargo tank hatch cover that maintains the high integrity of the deck;

(4) Class 1 door in a watertight bulkhead within the superstructure;

(5) Remotely operated sliding watertight door; or

(6) Side scuttle of the non-opening type.

(b) *Heel angle.* The maximum angle of heel must not exceed 15 degrees, except that this angle may be increased to 17 degrees if no deck edge immersion occurs.

(c) *Range of stability.* Through an angle of 20 degrees beyond its position of equilibrium after flooding, a vessel must meet the following conditions:

(1) The righting arm curve must be positive.

(2) The maximum righting arm must be at least 10 cm.

(3) Each submerged opening must be weathertight.

(d) *Metacentric height.* After flooding, the metacentric height must be at least 50 mm when the vessel is in the upright position.

(e) *Progressive flooding.* Pipes, ducts or tunnels within the assumed extent of damage must be either—

(1) Equipped with arrangements such as stop check valves to prevent progressive flooding to other spaces with which they connect; or

(2) Assumed in the design calculations required in § 93.60-10 to permit progressive flooding to the spaces with which they connect.

TABLE 93.60-20.—*Extent of Damage*

Collision Penetration	
Longitudinal extent	(⅓)L⅔ or 14.5m whichever is shorter.
Transverse extent [1]	B/5 or 11.5m whichever is shorter.
Vertical extent	From the baseline upward without limit.
Grounding Penetration at the Forward End But Excluding Any Damage Aft of a Point 0.3L Aft of the Forward Perpendicular	
Longitudinal	(⅓)L⅔ or 14.5m whichever is shorter.
Transverse	B/6 or 10 m whichever is shorter but not less than 5m.
Vertical extent from the baseline.	B/15 or 6 m whichever is shorter.
Grounding Penetration At Any Other Longitudinal Position	
Longitudinal	L/10 or 5 m whichever is shorter.
Transverse	5 m.
Vertical extent from the baseline.	B/15 or 6 m whichever is shorter.

[1] Damage applied inboard from the vessel's side at right angles to the centerline at the level of the summer load line assigned under Subchapter E of this chapter.

TABLE 93.60-25.—PERMEABILITY

Spaces and tanks	Permeability (percent)
Storeroom spaces	60
Accommodation spaces	95
Voids	95
Consumable liquid tanks	[1] 95 or 0
Other liquid tanks	[1] 95 or 0

[1] Whichever results in the more disabling condition.
[2] If tanks are partially filled, the permeability must be determined from the actual density and amount of liquid carried.

Authority: R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 936; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 FR 4959). Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 449C as amended, sec. 3, 24 Stat. 120, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1943, as amended, sec. 2, 49 Stat. 888, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 483, 363, 85a, 88a, 367, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp, unless otherwise noted.

Source: CGFR 65-50, 30 FR 16988, Dec. 30, 1965, unless otherwise noted.

Dated: February 17, 1983.

B. L. Stabile,

Vice Admiral, Coast Guard, Acting Commandant.

[FR Doc. 83-5048 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 24

Designated Ports for Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of public hearing.

SUMMARY: This document proposes to designate ports for the purpose of importing, exporting, and reexporting plants under the Endangered Species Act of 1973, as amended. It is necessary to designate ports for plants in order to implement provisions of the statute. This document also gives notice of a public hearing concerning the proposal.

DATES: Written comments concerning this proposed rule must be received on or before May 31, 1983. A public hearing concerning the proposal will be held at 10:00 a.m. on March 23, 1983.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, U.S. Fish and Wildlife Service, 3rd Floor, 1375 K Street, NW., Washington, D.C. 20005, between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 24-02-1. All materials received may be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C. The public hearing will be held in the North Penthouse (Room 8068) of the Main Interior Building, 18th and C Streets, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb, Division of Law Enforcement, U.S. Fish and Wildlife

Service, Suite 300, 1375 K Street, NW., Washington, D.C. 20005, telephone (202) 343–9242.

SUPPLEMENTARY INFORMATION:

Need for the Proposed Rulemaking

The Endangered Species Act of 1973, as amended, (referred to below as the Endangered Species Act) requires, among other things, that plants be imported, exported, or reexported only at designated ports or under certain limited circumstances at nondesignated ports. This document proposes to designate ports for the importation, exportation, or reexportation of plants.

Section 9(f) of the Endangered Species Act (16 U.S.C. 1538(f)) provides for the designation of ports. Under section 9(f)(l) of the Endangered Species Act there is authority for the Secretary of the Interior to establish designated ports based on a finding that such action would facilitate enforcement and reduce costs of enforcement of the Endangered Species Act. In addition, under section 9(f)(2) of the Endangered Species Act, any port designated by the Secretary of the Interior under the authority of section 4(d) of the Act of December 5, 1969 (16 U.S.C. 666cc–4(d)), and in effect on December 27, 1973, would be classified as a designated port until such time as the Secretary of the Interior otherwise prescribes. No ports were designated for plants under section 4(d) of the Act of December 5, 1969, and no ports have been designated for plants under section 9(f)(1) of the Endangered Species Act. This document proposes to designate ports for plants pursuant to sections 9(f)(1) and 11(f) (16 U.S.C. 1540(f)) of the Endangered Species Act.

With certain exceptions, the provisions of 50 CFR Parts 17 and 23 provide that endangered or threatened plants which are listed in 50 CFR 17.12 or 23.23 (referred to below as listed plants) may be imported, exported, or reexported only if, among other things, they are accompanied by certain documentation. It is necessary to conduct inspections to determine whether listed plants are accompanied by required documentation and to take any other necessary enforcement action. All plants, regardless of whether they are listed plants, are required to be imported, exported, or reexported only at designated ports or under limited circumstances at nondesignated ports. This was intended to assure that all plants moving through ports would be subject to an inspection system designed to recognize listed plants required to be accompanied by documentation.

Currently all listed plants are terrestrial plants. It is necessary for the U.S. Department of Agriculture (referred to below as USDA) to conduct the enforcement activities at ports with respect to terrestrial plants since USDA is responsible under section 3(15) of the Endangered Species Act (16 U.S.C. 1532(15)) for enforcement of provisions which pertain to the importation, exportation, or reexportation of terrestrial plants. In addition to terrestrial plants, there are marine plants, but none currently are listed plants. However, it appears that it is also necessary for USDA to conduct enforcement activities at ports with respect to marine plants in order to adequately conduct its enforcement responsibilities with respect to terrestrial plants. In particular, it appears necessary to conduct inspections of plants that are marine plants or are purported to be marine plants in order to lessen the chance that a listed terrestrial plant required to be accompanied by documentation would be moved through a port incorrectly identified as a marine plant.

USDA currently conducts an extensive enforcement program at many ports under the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*) and the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) for the purpose of preventing the introduction into the United States of certain plant diseases, injurious insects, and other plant pests. This program involves inspections and other enforcement activities concerning all types of articles, including terrestrial plants and marine plants. In this connection, USDA has recommended that the establishment of designated ports for plants under the Endangered Species Act be cordinated with the list of ports currently utilized by USDA under the Federal Plant Pest Act and the Plant Quarantine Act. The recommendation of USDA, which is more fully explained below, is proposed to be adopted.

USDA has recommended that all of the following USDA ports be listed as designated ports for the importation, exportation, or reexportation of any plants, including any listed plants:

Nogales, Ariz.
Los Angeles, Calif.
San Diego, Calif.
San Francisco, Calif.
Miami, Fla.
Honolulu, Hawaii
New Orleans, La.
Hoboken, N.J. (Port of New York)
Jamaica, N.Y.
San Juan, P.R.
Brownsville, Tex.
El Paso, Tex.
Laredo, Tex.
Seattle, Wash.

In addition to recommending that the above-mentioned 14 ports be designated for the importation, exportation, and reexportation of any plants, USDA has also recommended that certain other ports be designated as ports for the importation, exportation, and reexportation of certain plants. Specifically, USDA has recommended that the USDA ports at Hilo, Hawaii and Chicago, Illinois be designated as ports for the importation, exportation or reexportation of listed plants of the family Orchidaceae (orchids) required to be accompanied by documentation under 50 CFR Part 17 or 23; that the USDA port at Milwaukee, Wisconsin be designated as a port for the importation, exportation, or reexportation of listed roots of *Panax quinquefolius* (American ginseng) required to be accompanied by documentation under 50 CFR Part 23; and that USDA ports at Detroit, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington be designated as ports for the importation from Canada and for the exportation or reexportation to Canada of listed plants which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

For enforcement of the Endangered Species Act, ports designated for listed plants should have adequate personnel with expertise in identification of listed plants, should have adequate facilities for holding plants, and should coincide, as much as possible, with established patterns of trade. Expertise in identification of listed plants would be necessary for determinations concerning whether plants without documentation are listed plants required to be accompanied by documentation, and for determinations concerning whether listed plants accompanied by documentation are accurately identified by such documentation. Also, it is necessary that designated ports for listed plants have adequate facilities for holding listed plants since such plants are subject to seizure if imported, exported, or reexported in violation of the Endangered Species Act. Further, such ports should coincide, as much as possible, with established patterns of trade in order to help reduce shipping costs. It appears that these proposed designations largely coincide with established patterns of trade. Also, based on consultations with USDA, it appears that the 14 USDA ports recommended by USDA to be listed as designated ports for the importation, exportation, or reexportation of any plants, are the only ports that would have adequate personnel and facilities available for such purposes for all plants on a regular basis; and that, with respect to endangered or threatened plants, the

USDA ports in Hilo, Hawaii, Chicago, Illinois, and Milwaukee, Wisconsin would have adequate personnel and facilities available on a regular basis only for the importation, exportation, and reexportation of certain plants as specified above. Further, with respect to plants, the USDA ports at Detroit, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington are almost exclusively limited to trade between the United States and Canada, and these ports would have adequate personnel and facilities available on a regular basis only for the importation, exportation, or reexportation of plants moving between the United States and Canada.

USDA has made a further recommendation concerning the designation of ports. It was recommended that all USDA ports (these USDA ports are listed in paragraph (e) of the proposed text) and all U.S. Customs ports on the United States-Canada border (U.S. Customs designated ports of entry are listed in 19 CFR Part 101) be designated as ports for the importation, exportation, or reexportation of plants not required to be accompanied by documentation. For enforcement of the the Endangered Species Act, it is necessary that these ports have a program adequate for the identification and holding of listed plants misdirected to such ports. Based on consultations with USDA, it appears that personnel at these ports have sufficient expertise that would be utilized to identify those plants which could possibly be listed plants required to be accompanied by documentation, and would obtain any necessary assistance concerning the final identification of such plants from personnel at one of the 14 ports proposed to be designated for the importation, exportation, and reexportation of any plants.

Also, based on consultations with USDA, it appears that these ports have sufficient facilities that would be used for occasional holding of such plants or that personnel at such ports would arrange for any necessary holding of such plants.

For the reasons explained above, it appears that the USDA recommendations would facilitate enforcement of the Endanged Species Act. It appears that the USDA recommendations would also be cost efficient. In this connection, the Service has been advised by USDA that, to a significant extent, USDA would utilize the same personnel and facilities for enforcement activities under the Endangered Species Act that it utilizes for enforcement activities under the Federal Plant Pest Act and the Plant Quarantine Act.

Under the circumstances referred to above, the USDA recommendations are proposed by this document.

Also, a footnote has been added to explain that the ports referred to above are listed in local telephone directories.

It should further also be noted that regulations contained in 7 CFR Chapter III and promulgated under the Plant Quarantine Act, the Federal Plant Pest Act, and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*) impose additional prohibitions and restrictions on the importation of plants. A footnote has been added to explain that such additional prohibitions and restrictions, including additional port of entry requirements, are contained in 7 CFR Chapter III.

National Environmental Policy Act

A draft environmental assessment has been preparted in conjunction with this proposal. It is on file in the Service's Division of Law Enforcement, 1375 K Street, NW., Suite 300, Washington, D.C. 20005, and may be examined during regular business hours. Single copies are also available upon request. Comments on the draft environmental assessment should be mailed or delivered to the address given at the beginning of this proposal during the comment period on the proposed rule.

Notice of Public Hearing

Section 9(f)(1) of the Endangered Species Act requires that the public be given an opportunity to comment at a public hearing prior to the Secretary of the Interior's conferring designated port status on any port.

Accordingly, the Service has scheduled a public hearing for March 23, 1983 at 10:00 a.m. The hearing will be held in the North Penthouse (Room 8068) of the Main Interior Building, 18th and C Streets, NW., Washington, D.C.

All interested persons wishing to present oral or written testimony at this hearing must advise the Service of this desire before March 18, 1983. All such requests may be delivered weekdays to John T. Webb, U.S. fish and Wildlife Service, Division of Law Enforecement, 1375 K Street, N.W., Suite 300, Washington, D.C. Requests also may be mailed to: U.S. Fish and Wildlife Service, Division of Law Enforecment, P.O. Box 28006, Washington, D.C. 20005. Two (2) copies of the testimony should be submitted with each request.

Note.— The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291. The Department has also determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. It appears that the proposed regulations would not cause a significant impact on the importation of plants because under regulations established by USDA (see 7 CFR Chapter III) almost all of such plants are already being imported in accordance with the proposed port requirements. Also, it appears that the proposed regulations would not cause a significant impact on the exportation or reexportation of plants because the ports proposed to be designated largely coincide with established patterns of trade for exports and reexports. Further, there is authority to allow the importation, exportation, or reexportation of plants at nondesignated ports in the interest of the health or safety of plants or for other reasons determined to be appropriate and consistent with the purpose of the Endangered Species Act. These determinations are discussed in more detail in a Determination of Effects which has been prepared by the U.S. Fish and Wildlife Service. Finally, this rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C 3501 et seq.

List of Subjects in 50 CFR Part 24

Import, Export, Plants (agriculture).

Proposed Regulations

For the reasons set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is proposed to be amended as follows:

1. The words "**RESERVED FOR MANAGEMENT AND ENFORCEMENT REGULATIONS**" are removed and a new Part 24 is added to read as follows:

PART 24—IMPORTATION AND EXPORTATION OF PLANTS [1]

Sec.
24.1 Designated ports.[2]

Authority: Sec. 9, Pub. L. 93-205, 87 Stat. 893 (16 U.S.C. 1538(f)).

§ 24.1 Designated ports.

(a) The following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by

[1] USDA also administers the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements, on the importation of plants subject to this Part (see 7 CFR Chapter III for regulations containing prohibitions and restrictions under these authorities).

[2] The port specified in this section are listed in local telephone directories.

documentation under 50 CFR Part 17 or 23:

Nogales, Ariz.	Jamaica, N.Y.
Los Angeles, Calif.	San Juan, P.R.
San Diego, Calif.	Brownsville, Tex.
San Francisco, Calif.	El Paso, Tex.
Miami, Fla.	Laredo, Tex.
Honolulu, Hawaii	Seattle, Wash.
New Orleans, La.	
Hoboken, N.J. (Port of New York)	

(b) The U.S. Department of Agriculture ports at Hilo, Hawaii and Chicago, Illinois are designated ports for the importation, exportation, or reexportation of plants of the family Orchidaceae (orchids) which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

(c) The U.S. Department of Agriculture port at Milwaukee, Wisconsin is a designated port for the importation, exportation, or reexportation of roots of *Panax quinquefolius* (American ginseng) listed in 50 CFR 23.2 and which are required to be accompanied by documentation under 50 CFR Part 23.

(d) The U.S. Department of Agriculture ports at Detroit, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, are designated ports for the importation from Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23, and for the exportation or reexportation to Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR Part 17 or 23.

(e) All U.S. Customs designated ports of entry on the United States-Canada border (Customs designated Ports of entry are listed in 19 CFR Part 101) and the following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or reexportation of plants not required to be accompanied by documentation under 50 CFR Part 17 or 23:

Mobile, Ala.	Wilmington, Del.
Anchorage, Alaska	Washington, District of Columbia
Nogales, Ariz.	Jacksonville, Fla.
Phoenix, Ariz.	Key West, Fla.
San Luis, Ariz.	Miami, Fla.
Tucson, Ariz.	Pensacola, Fla.
Calexico, Ariz.	Cape Canaveral, Fla.
Fairfield, Calif. (Travis AFB)	Port Everglades, Fla.
Los Angeles, Calif.	Tampa, Fla.
San Diego, Calif.	West Palm Beach, Fla.
San Francisco, Calif.	Atlanta, Ga.
San Pedro, Calif.	Savannah, Ga.
Denver, Colo.	Agana, Guam
Wallingford, Conn.	Hilo, Hawaii
Dover, Del. (Dover AFB)	Honolulu, Hawaii
Wailuku, Maui, Hawaii	San Juan, P.R.
Chicago, Ill.	Warwick, R.I.
Baton Rouge, La.	Charleston, S.C.
New Orleans, La.	Memphis, Tenn.
Bangor, Maine	Brownsville, Tex.
Portland, Maine	Corpus Christi, Tex.
Baltimore, Md.	Dallas-Fort Worth, Tex.
Boston, Mass.	Del Rio, Tex.
Detroit, Mich.	Eagle Pass, Tex.
Duluth, Minn.	El Paso, Tex.
St. Paul, Minn.	Galveston, Tex.
Kansas City, Mo.	Hidalgo, Tex.
St. Louis, Mo.	Houston, Tex.
Hoboken, N.J.	Laredo, Tex.
McGuire AFB, N.J.	Port Arthur, Tex.
Albany, N.Y.	Presidio, Tex.
Buffalo, N.Y.	Progreso, Tex.
New York, N.Y.	Roma, Tex.
Jamaica, N.Y.	San Antonio, Tex.
Rouses Point, N.Y.	St. Thomas, Virgin Islands of the United States
Morehead City, N.C.	St. Croix, Virgin Islands of the United States
Wilmington, N.C.	Newport News, Va.
Cleveland, Ohio	Norfolk, Va.
Astoria, Oreg.	Blaine, Wash.
Coos Bay, Oreg.	Tacoma, Wash. (McChord AFB)
Portland, Oreg.	Seattle, Wash.
Philadelphia, Pa.	Milwaukee, Wis.
Mayaguez, P.R.	
Ponce, P.R.	
Hato Rey, P.R.	
Roosevelt Roads, P.R.	

Dated: November 1, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-5012 Filed 2-25-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 40
Monday, February 28, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 41244]

First American Bank of Virginia; Enforcement Proceeding; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 8, 1983, at 9:30 a.m. (local time), Room 1027, Main Universal Building, 1825 Connecticut Ave. NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., February 22, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-5015 Filed 2-25-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41095]

Air Washington, Inc.; Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 10, 1983, at 9:30 a.m. (local time), room 1027, Main Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., February 22, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-5016 Filed 2-25-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41095]

Air Washington, Inc.; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., February 22, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-5017 Filed 2-25-83; 8:45 am]
BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; week ended February 18, 1983.

Subpart Q of Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Date filed	Docket No.	Description
Feb. 15, 1983	41[illegible]	Continental Air Lines, Inc., c/o Emory N. Ellis, Fulbright & Jaworski, 1150 Connecticut Avenue, N.W., Washington, D. C. 20036. Petition and Application of Continental Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's procedural Regulations requests a certificate of public convenience and necessity so as to authorize service between coterminal points Houston/Dallas/Ft. Worth, Texas to the intermediate points Fairbanks and Anchorage, Alaska. This represents United States Route D.1 in the U.S.-Canada Air Transport Agreement. Western Air Lines, Inc. currently operates over this route, but Continental requests that the Board revoke Western's experimental certificate under Section 401(d)(8) of the Act for its failure to provide either the service it proposed when it was awarded the route or that needed to properly develop the route, and replace Western with Continental over the route. In the alternative, Continental requests back-up authority if it is not awarded primary authority over the route. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 15, 1983.
Do	41289	Transamerica Airlines, Inc., c/o Walter D. Hansen, Burwell, Hansen, Manley & Peters, 1706 New Hampshire Avenue, N.W., Washington, D. C. 20009. Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its experimental (back-up) Baltimore-London certificate issued to Transamerica through Order 82-8-32 which certificate is to expire pursuant to its terms on August 17, 1983, if it has not become effective before that date. This application requests that the term of the renewed Baltimore-London back-up certificate granted to Transamerica be coextensive with the primary carrier's authority, that is, April 1, 1986. Conforming Applications, Motions to Modify Scope, and Answers may be filed by March 15, 1983.
Feb. 16, 1983	41166	Orion Lift Service, Inc. d/b/a Orion Air, c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue, N.W., Washington, D.C. 20007. Supplement to the Application of Orion Lift Service, Inc. d/b/a Orion Air with respect to Order 83-1-35 which requested additional information concerning its present and proposed operations in order to facilitate further action pursuant to Subpart Q of the Board's Procedural Regulations. Answers may be filed by March 16, 1983.
Feb. 17, 1983	41293	Independent Air Incorporated, H. Shepherd Lippincott, 2009 N. Fourteenth Street, Suite 708, Arlington, Virginia 22201. Application of Independent Air Incorporated, pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to provide foreign charter air transportation of persons, property and mail, as follows:

Date filed	Docket No.	Description
		(a) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand. (d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand; (e) Between any point in any State of the United States or in the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnston Island, the Marshall Islands, Okinawa, Wake Island, and points in Australia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand. (f) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand; (g) In foreign air transportation, pursuant to contracts with the Department of Defense. Conforming Applications, Motions to Modify Scope and Answers may be filed by March 17, 1983.
Feb. 18, 1983	41297	The Flying Tiger Line Inc., c/o Joel Stephen Burton, Ginsburg, Feldman, Weil and Bress, 1700 Pennsylvania Avenue, N.W., Suite 300 Washington, D. C. 20006. Application of The Flying Tiger Line Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to provide foreign air transportation of property and mail; Between a point or points in the United States on the one hand and points in Australia on the other hand Conforming Applications, Motions to Modify Scope and Answers may be filed by March 18, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5014 Filed 2-25-83; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; California State University et al.

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-31. Applicant: California State University, Northridge, 18111 Nordhoff Street, Northridge, CA 91330. Instrument: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 53760 in the **Federal Register** of November 29, 1982. Instrument ordered: July 12, 1982.

Docket No. 83-33. Applicant: The Johns Hopkins Oncology Center, 600 North Wolfe Street, Baltimore, Maryland 21205. Instrument: Electron Microscope, EM-410. Manufacturer: N.V. Philips, The Netherlands. Intended use of instrument: See Notice on page 53083 in the **Federal Register** of November 24, 1982. Application received by Commissioner of Customs: October 20, 1982.

Docket No. 83-42. Applicant: University of Pennsylvania, School of Medicine, 36th and Hamilton Walk, Philadelphia, PA 19104. Applicant: Electron Microscope, Model H-600-3 and Accessories. Manufacturer: Hitachi Scientific Instrument, Japan. Intended use of instrument: See Notice on page 55987 in the **Federal Register** of December 14, 1982. Instrument ordered: May 17, 1982.

Docket No. 83-44. Applicant: The University of Texas at Austin, Engineering Science Building, Room 403, Austin, Texas 78712. Instrument: Electron Microscope, JEM-1200 EX with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 54998 in the **Federal Register** of December 7, 1982. Instrument ordered: August 23, 1982.

Docket No. 83-45. Applicant: National Hansen's Disease Center, Carville, LA 70721. Instrument: Electron Microscope, Model EM 410. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: See Notice on page 56533 in the **Federal Register** of December 17, 1982. Instrument ordered: September 20, 1982.

Docket No. 82-00083R. Applicant: Western Pennsylvania Hospital, 4800 Friendship Avenue, Pittsburgh, PA 15224. Instrument: Electron Microscope, Model EM 109 and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of February 16, 1982. Instrument ordered: December 8, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4933 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Instruments; Stanford University, et al.

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 98-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date

on which this notice of application is published in the **Federal Register**.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00267R. Applicant: Stanford University, 851 Welch Road, Stanford CA 94305. Instrument: Excimer Laser TE-861T with Standard Electrodes and Model 525 Capacitor and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of September 8, 1982.

Docket No. 82-00279R. Applicant: Rensselaer Polytechnic Institute, 110-Eighth Street, Troy, NY 12181. Instrument: Excimer-Multi-Gas Laser EMG I01/95. Application is a resubmission, notice of which was published in the **Federal Register** of August 23, 1982.

Docket No. 83-132. Applicant: University of North Carolina School of Medicine, Department of Anatomy, 108 Swing Building 217H, Chapel Hill, NC 27514. Instrument: Electron Microscope, JEM 200-CX SEG. Manufacturer: JEOL, Japan. Intended use of instrument: The instrument is intended to be used for the following research projects: (1) High resolution assessment of the distribution of specific integral catalytic proteins in biomembranes, (2) distribution of antigenic determinants in sperm plasma membrane during fertilization, (3) *in vitro* and *in vivo* studies of membrane cytoskeletal associations, (4) ultrahigh resolution studies of two-dimensional membrane protein crystals, (5) electron microscopy of the centriole, ciliation and microtubule initiation cycles with the "S" phase of cultured mammalian cells and ultrastructure of the responsible molecular components of the cytoskeleton, (6) three-dimensional ultrastructural associations of neurons and synapses in the feline dorsal column nuclei, and (7) interactions between serotonergic (5-HT) neuroblasts and dividing germinal cells in the neuroepithelium of the rat embryo, and (8) growth control in the external granular layer of the developing cerebellum. The article will also be used in the training and education of the proper use of electron microscope instrumentation. Application received by Commissioner of Customs: February 3, 1983.

Docket No. 83-134. Applicant: Indiana University-Purdue University at Indianapolis, 630 West New York Street, Indianapolis, IN 46202. Manufacturer: Nuclex Glos Scanditronix, Sweden. Intended use of instrument: The instrument is intended to be used for studies of cancer patients; responses of their disease to radiation therapy alone and in combination with surgery and chemotherapy to find more effective cancer management techniques. In addition, the instrument will be used in the Radiation Oncology Resident Training Program, and Radiation Therapy Technologist Training Program to prepare physicians for medical speciality board certification and practice as Radiation Oncolgists; and to prepare technologists for board registration and practice as Radiation Therapy Technologists. Application received by Commissioner of Customs: February 9, 1983.

Docket No. 82-00286R. Applicant: San Diego State University Foundation, 5178 College Avenue, San Diego, CA 92182-1900. Instrument: Excimer Laser, Model TE-861S and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of September 8, 1982.

Docket No. 82-00356. Applicant: Children's Hospital of Pittsburgh, 125 DeSoto Street, Pittsburgh, PA 15213. Instrument: Automatic Discrete Selective Chemistry Analyzer. Manufacturer: Greiner Electronics, United Kingdom. Intended use of instrument: The Article is intended to be used for biochemical analysis of body fluids such as blood, urine, etc. to aid in patient diagnosis. Educational uses will include training of medical technologists and pathology residents. Application received by Commissioner of Customs: September 20, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-4934 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Carbon Steel Plate From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, carbon steel plate from Brazil.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether carbon steel plate from Brazil is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 17, 1983, and we will make ours on or before July 11, 1983.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-3963.

SUPPLEMENTARY INFORMATION:

The Petition

On January 31, 1983, we received a petition from counsel for Bethlehem Steel Corporation on behalf of the domestic carbon steel plate products industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry. The allegation of sales at less than fair value is supported by 1981 home market and United States pricing information derived from the Government of Brazil's public response concerning the recent countervailing duty investigation on carbon steel plate from Brazil.

The allegation of sales at less than fair value is also supported by comparisons of the estimated cost of production for carbon steel plate in Brazil in 1982 (derived from the Trigger Price Mechanism Manual and updated to reflect changes in the wholesale price index in Brazil and exchange rates between the Brazilian Cruzeiro and the U.S. dollar), with the 1982 average f.a.s. Brazilian port value of carbon steel plate imported into the United States (as provided by U.S. Department of Commerce statistics).

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner

supporting the allegations. We have examined the petition on carbon steel plate and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether carbon steel plate from Brazil is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by July 11, 1983.

Scope of the Investigation

The merchandise covered by this investigation is carbon steel plate. The term "carbon steel plate" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615 and 607.9400 of the *Tariff Schedules of the United States Annotated* (TSUSA); and hot-rolled carbon steel plate which has been coated or plated with metal including any material which has been painted or otherwise covered after having been coated or plated with metal, as currently provided for in items 608.0710 and 608.1100 of the TSUSA. Semifinished products of solid rectangular cross sections with a width at least four times the thickness in the cast condition or processed only through primary mill hot rolling are not included.

Carbon steel plate is used in the construction of bridges, mining equipment, pressure vessels, railroad freight and passenger cars, ships, line pipe, industrial machinery, machine parts, and a large variety of other products.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 17, 1983, whether there in a reasonable indication that imports of carbon steel plate from Brazil are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: February 22, 1983.

Gary N. Horlick

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5035 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Antidumping Investigation; Hot-Rolled Carbon Steel Sheet From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, hot-rolled carbon steel sheet from Brazil.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether hot-rolled carbon steel sheet from Brazil is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 17, 1983, and we will make ours on or before July 11, 1983.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-3963.

SUPPLEMENTARY INFORMATION:

The Petition

On January 31, 1983, we received a petition from counsel for Bethelem Steel Corporation on behalf of the domestic carbon steel sheet products industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry. The allegation of sales at less than fair value is supported by comparisons of the estimated cost of production for hot-rolled carbon steel sheet in Brazil in 1982 (derived from the Trigger Price Mechanism Manual and updated to reflect changes in the wholesale price index in Brazil and exchange rates between the Brazilian Cruzeiro and the U.S. dollar), with the 1982 average f.a.s. Brazilian port value of hot-rolled carbon steel sheet imported into the United States (as provided by U.S. Department of Commerce statistics).

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether hot-rolled carbon steel sheet from Brazil is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by July 11, 1983.

Scope of the Investigation

The merchandise covered by this investigation is hot-rolled carbon steel sheet. The term "hot-rolled carbon steel sheet" covers hot-rolled carbon steel products, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches in width and over 0.1875 inch in thickness and in coils, as currently provided for in item 607.6610 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Hot-rolled carbon steel sheet is used in the construction of automobiles, industrial machinery and products, pipe, and a large variety of other products.

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such

information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 17, 1983, whether there is a reasonable indication that imports of hot-rolled carbon steel sheet from Brazil are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5036 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Postponement of Final Determination; Tool Steel From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final determination.

SUBJECT: The Department of Commerce hereby extends the period for its final determination with respect to the antidumping investigation of tool steel from the Federal Republic of Germany (FRG). The final determination will be made no later than May 27, 1983.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377-5288.

SUPPLEMENTARY INFORMATION: On January 5, 1983, the Department of Commerce determined preliminarily that tool steel from FRG was being sold, or was likely to be sold, at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). We announced our determination in the **Federal Register** on January 12, 1983 (48 FR 1334).

An exporter who accounted for a significant proportion of exports of the merchandise which is the subject of this investigation requested that the Department extend the period for final determination. This request is in accordance with section 735(a)(2)(A) of the Act (19 U.S.C. 1673d(a)(2)(A)).

Accordingly, the period for determination in this case is hereby postponed. Final determination will be made not later than May 27, 1983.

Dated: February 10, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5034 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Final Results of Administrative Review of Countervailing Duty Order; Amoxicillin Trihydrate and its Salts From Spain

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On December 23, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on amoxicillin trihydrate and its salts from Spain. The review covered the period January 1, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the net subsidy to be 1.28 percent *ad valorem*.

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Laura K. Kneale or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 57317) the preliminary results of its administrative review of the countervailing duty order on amoxicillin trihydrate and its salts from Spain (44 FR 44154, July 27, 1979). The Department has now completed that administrative review.

Scope of the Review

The merchandise covered by the review is amoxicillin trihydrate and its salts ("amoxicillin"), an antibiotic which is a semi-synthetic penicillin, imported directly or indirectly from Spain. Such imports are currently classifiable under item 411.7400 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion; and (2) an operating capital loans program. The only known exporter of this merchandise to the United States is Antibioticos, S.A.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as those presented in the notice of preliminary results of review.

The Department will instruct the Customs Service to assess countervailing duties in the amount of the net subsidy, 1.28 percent of the f.o.b. invoice price, on all shipments of amoxicillin trihydrate and its salts from Spain exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of 1.18 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of August 1983. The amount of countervailing duties to be imposed on exports made during 1982 will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after January 1, 1982.

The Department encourages interested parties to review this public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5033 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Final Results of Administrative Review of Countervailing Duty Order; Ampicillin Trihydrate and Its Salts From Spain

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On December 23, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain. The review covered the period January 1, 1981 through December 31, 1981. The notice stated that the Department has preliminarily determined the net subsidy to be 1.73 percent *ad valorem*.

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Laura K. Kneale or Joseph A. Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 23, 1982, The Department of Commerce ("the Department") published in the **Federal Register** (47 FR 57318) the preliminary results of its administrative review of the countervailing duty order on ampicillin trihydrate and its salts from Spain (44 FR 17484, March 22, 1979). The Department has now completed that administrative review.

Scope of the Review

The merchandise covered by the review is ampicillin trihydrate and its salts ("ampicillin"), an antibiotic which is a semi-synthetic penicillin, imported directly or indirectly from Spain. Such imports are currently classifiable under item 411.6000 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1981 through December 31, 1981, and the following programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion; and (2) an operating capital loans program. The only known exporter of this merchandise to the United States is Antibioticos, S.A.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as those presented in the notice of preliminary results of review.

The Department will instruct the Customs Service to assess countervailing duties in the amount of the net subsidy, 1.73 percent of the f.o.b. invoice price, on all shipments of ampicillin trihydrate and its salts from Spain exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of 1.57 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of August 1983. The amount of countervailing duties to be imposed on exports made during 1982 will be determined in that review. Consequently the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after January 1, 1982.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5032 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; Southwest Fisheries Center

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant: Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038.

2. Type of Permit: Scientific Research to enhance the propagation and survival of the species.

3. Species: Hawaiian mink seal (Monachus schauinslandi).

4. Location: Northwestern Hawaiian Islands.

5. Period of Activity: 5 years.

6. Summary of Request: The applicant is requesting a permit to take Hawaiian monk seals for the following research/recovery purposes:

I. To investigate monk seal mass mortality in the event of an incident of increased mortality at any location, up to the following may be taken:

10 moribund seals by sacrifice;
20 sick seals by marking and specimen collection;
10 healthy seals by specimen collection;
6 healthy male seals by sacrifice;
10 sick seals by experimental treatment, and
100 sick seals by treatment, if experimental treatment is successful.

II. To monitor and enhance pup survival at Kure Atoll, up to the following may be taken:

6 weaned female pups per year by temporary maintenance.
8 weaned pups per year by tagging and marking.

III. To investigate the behavior of adult males that may be responsible for pup mortality, up to 20 adult males may be taken by tagging.

IV. To investigate age-specific surivorship, differential mortality which

may contribute to imbalanced sex ratios and geographic difference in survivorship, up to 100 pups per year may be taken by tagging at any location except French Frigate Shoals and Kure Atoll.

V. For captive experimental studies including feeding, disease treatments, testing of marking techniques and tranquilizer drugs, up to 3 juvenile males may be collected at Laysan Island, Lisianski Island, and/or French Frigate Shoals and maintained in captivity.

VI. For population assessment studies, up to 805 seals, other than pups, may be marked at Kure Atoll, Pearl and Hermes Reef, Lisianski, Laysan, Necker and Nihoa Islands; and up to 125 weaned pups may be marked at French Frigate Shoals. This part of the request will be conducted over a two-year period, but activities will be limited to one-year at any one location.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 22, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-5040 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-22-M

Emergency Striped Bass Study; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96-118).

DATE: The meeting will convene on Friday, March 25, 1983, at 10:00 a.m., and will adjourn at approximately 3:00 p.m. The meeting is open to the public, however, space is limited.

ADDRESS: National Marine Fisheries Service, Room 401, Page Building #2, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Constituency Affairs Staff, National Marine Fisheries Service, Washington, D.C. 20235, telephone (202) 254-5536.

Dated: February 22, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-5039 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council's Red Drum Advisory Subpanel and Standing Scientific and Statistical Committee and Special Red Drum Scientific and Statistical Committee; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a standing Scientific and Statistical Committee (SSC), a special red drum SSC, and a red drum subpanel of its Advisory Panel (AP). The red drum AP will meet to review an informational profile on the red drum fishery; the SSC will meet to review the reporting requirements for the Shrimp and Spiny Lobster Fishery Management Plans and will also meet with the special red drum SSC to review an informational profile on the red drum fishery.

DATES: The public meeting of the red drum AP will convene on Tuesday, March 22, 1983, at approximately 8 a.m., and will adjourn at approximately 4:30 p.m. The SSC and special red drum SSC public meetings will convene on Wednesday, March 23, 1983, at approximately 8 a.m., and will adjourn at approximately 4:30 p.m.

ADDRESS: The public meetings will take place at the Barclay Airport Inn-Best Western, 5303 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, telephone (813) 228-2815.

Dated: February 23, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-5041 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), will meet to discuss joint ventures for fishing year 1983-84; discuss the Bluefish Fishery Management Plan (FMP) and the status of other FMP's, as well as discuss other fishery management and administrative matters.

DATES: The public meeting will convene on Wednesday, March 9, 1983, at approximately noon and will adjourn on Thursday, March 10, 1983, at approximately 5 p.m. The meeting may be lengthened or shortened depending upon progress on the agenda.

ADDRESS: The public meeting will take place at the Carousel Hotel, on the beach at 118th Street, Ocean City, Maryland.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901, telephone (302) 674-2331.

Dated: February 23, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-5042 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Bilateral Wool and Man-Made Fiber Agreement With the Socialist Republic of Romania

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the Bilateral Wool and Man-Made Fiber Textile Agreement with Romania to change the agreement year from April-March to a calendar year basis, beginning with the twelve-month period which began on January 1, 1983.

SUMMARY: On February 18, 1983 the Governments of the United States and the Socialist Republic of Romania exchanged notes further amending the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3,1980, as amended, to change the agreement year from April-March to a calendar year basis, beginning with the twelve-month period which began on January 1, 1983. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 433/434, 435/444, 443, 635, 643/644, and 645/646, produced or manufactured in Romania and exported during the twelve-month period which began on January 1, 1983, in excess of the designated levels of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

February 22, 1983.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directives of March 25, 1982 and February 16, 1983, which directed you to prohibit entry of certain specific categories of wool and man-made fiber textile products, produced or manufactured in Romania.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, efective on February 28, 1983 and for the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 433/434, 435/444, 443, 635, 643/644, and 645/646, produced or manufactured in Romania and exported during that twelve-month period, in excess of the following levels of restraint:

Category	12-Mo. level of restraint [1]
443/434	230,000 square yards equivalent.
435/444	7,037 dozen.
443	7,366 dozen.
635	41,162 dozen.
643/644	23,811 dozen.
654-646	201,802 dozen.

[1] The levels of restraint have not been adjusted to account for any imports after December 31, 1982.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in Romania, which have been exported to the United States on and after April 1, and extending through December 31, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during that period. In the event the levels or restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (2) administrative arrangements or adjustments may be made to resolve problems arising under these provisions of the agreement. Any appropriate adjustments under the bilateral agreement, referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-4936 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products From Haiti

February 23, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products, produced or manufactured in Haiti and exported during the twelve-month period beginning on March 1, 1983.

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of April 2, 1982 between the Governments of the United States and Haiti establishes specific ceilings for Categories 337, 340, 347/348, and 349/649, among others, during the agreement year beginning on March 1, 1983. It also provides consultation levels for certain other categories which are not subject to the specific ceilings and which may be adjusted during the agreement year. In the letter following this notice the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the

bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 337, 340, 347/348, and 349/649, produced or manufactured in Haiti and exported during the twelve-month period which begins on March 1, 1983 and extends through February 29, 1984, in excess of the designated levels of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230; (202/377–4212).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

February 23, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of April 2, 1982 between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 1, 1983 and for the twelve-month period extending through February 29, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 337, 340, 347/348, and 349/649, in excess of the following levels of restraint:

Category	12-month level of restraint (dozen)
337	112,203
340	176,550
347/348	374,500
349/649	1,498,000

In carrying out this directive, entries of textiles products in the foregoing categories, produced or manufactured in Haiti, which have been exported to the United States on and after March 1, 1982, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on March 1, 1982 and extends through February 28, 1983. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 2, 1982 between the Governments of the United States and Haiti which provide, in part, that: (1) Specific limits shall be increased by seven percent annually; (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative agreements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-4677 Filed 2-25-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF ENERGY

Closed Meeting Activity of the Energy Research Advisory Board

Correction

In FR Doc. 83–4653, appearing on page 7775, in the issue of Thursday, February 24, 1983 the heading should have read as printed above.

BILLING CODE 1505-01-M

Economic Regulatory Administration

Proposed Consent Order with Hudson and Hudson

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of the Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has entered into a Consent Order with Hudson and Hudson. The Consent Order resolves all issues of Hudson and Hudson's compliance with the DOE Petroleum Price and Allocation Regulations with respect to crude oil sales for the period September 1973 through November 30, 1980. To remedy any violations that may have occurred during the period, Hudson and Hudson has agreed to make payment in the principal amount of $750,000.

As required by the regulation cited above, OSC will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the Consent Order final. Although the Consent Order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the Consent Order and attempt to obtain a modification of the Consent Order or, if appropriate, issue the Consent Order as proposed.

DATE: To be considered, comments must be received by 5:00 p.m. on March 30, 1983.

ADDRESS: Address comments to: Hudson and Hudson, Consent Order Comments, 324 East 11th Street, Kansas City, Missouri 64106–2466.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466, Phone: (816) 374–2092.

Copies of the Consent Order may be received free of charge by written request to: Hudson and Hudson, Consent Order Request, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, Room 1E–190, Washington, D.C. 20585, between the hours of 8:00 a.m.—4:00 p.m.

SUPPLEMENTARY INFORMATION: Hudson and Hudson is a producer and marketer of crude oil and is subject to the jurisdiction o the OSC to determine compliance with the DOE Petroleum Price and Allocation Regulations (Regulations) for the period covered by the Consent Order. An audit conducted by OSC of Hudson and Hudson included a review of Hudson and Hudson's records relating to its compliance with the Regulations during the period September 1973, through November 30, 1980. During the audit, questions and issues were raised and a Remedial Order was issued. *See Hudson and Hudson,* 9 DOE ¶83,044 (1982). This Consent Order resolves all administrative and civil issues between DOE and Hudson and Hudson not previously resolved concerning the sale of crude oil during the audit period, whether or not raised in a previous enforcement action.

Conclusion of OSC Audit

The Consent Order addresses all aspects of Hudson and Hudson's compliance with the applicable Regulations. OSC's audit reviewed Hudson and Hudson's pricing policies and procedures and the manner in which Hudson and Hudson applied the Regulations with respect to its production and sale of crude oil.

At the conclusion of the audit, OSC raised certain issues with respect to Hudson and Hudson's compliance with the Regulations. Notwithstanding DOE's position to the contrary, Hudson and Hudson maintains that it has correctly construed and applied the Regulations. The parties, however, desire to resolve the issues raised without resort to complex, lengthy and expensive compliance actions. OSC believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and an appropriate conclusion of the Hudson and Hudson audit, and thus, that the Consent Order is in the public interest.

Terms and Conditions of the Consent Order

To remedy any violations that may have occurred during the audit period, Hudson and Hudson has agreed to make payment in the amount of $750,000, plus interest, to the DOE for deposit in a suitable account for subsequent disposition by DOE. Commencing with the first day of the first month following the effective date of this Consent Order, Hudson and Hudson shall pay the principal amount in twelve (12) equal monthly installments. Interest shall accrue on the unrefunded balance of the principal amount until the principal amount is paid in full.

The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. Among other things, DOE reserves the right to initiate enforcement proceedings and to seek appropriate penalties for any newly discovered regulatory violations committed by Hudson and Hudson, but only if Hudson and Hudson knowingly concealed such violations.

Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Hudson and Hudson has waived its right to administrative or judical appeal. The Consent Order does not constitute an admission by Hudson and Hudson or a finding by OSC of a violation of any Federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on March 30, 1983 will be considered by OSC before determining whether to adopt the Consent Order as a final order. Any modifications to the Consent Order that, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment. If, after consideration of public comments, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective upon publication of a notice to that effect in the **Federal Register.**

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., February 15, 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-4818 Filed 2-25-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-028]; FC Case No. 67046-9223-01-24]

Order Granting To Stanford University an Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On November 2, 1982, the Leland Stanford Junior University, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) that: (1) Prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rules containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the **Federal Register** at 46 FR 59872 (December 7, 1981) and 47 FR 29209 (July 6, 1982). Criteria governing the cogeneration exemption are contained in 10 CFR 503.37.

The petitioner requested a permanent cogeneration exemption for a 42 megawatt (MW) gas-fired, with oil backup, combined cycle cogeneration facility producing electricity as well as the thermal energy required for steam and chilled water production for the Stanford, California, campus.

ERA has determined that the evidence available to it in the record of this proceeding is sufficient to support the issuance of the requested exemption. Therefore, pursuant to section 212(c) of the Act and 10 CFR 503.37, ERA hereby issues this Order granting a permanent cogeneration exemption for the new powerplant. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on April 29, 1983. The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Ellen Russell, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585, phone (202) 252-1316, or

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000

Independence Avenue, SW., Washington, D.C. 20585, phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The powerplant for which the petition for exemption was filed is a 42 megawatt gas-fired combined-cycle cogeneration facility, with oil backup. As it is expected that more than fifty percent of the net annual electric power generation of the cogeneration facility will be sold to Pacific Gas and Electric Company, it is therefore classified as an electric powerplant under FUA. The combined cycle cogeneration facility will consist of a 38 MW gas turbine generator, the exhaust of which is vented to a heat recovery boiler which will generate approximately 155,000 pounds/per hour of steam. In addition, a 4 MW high pressure steam turbine will be used for reducing the high pressure steam to 125 psig for delivery to the campus steam header.

The petitioner certified that the gas or oil to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with 10 CFR 503.37(b); that the use of mixtures is not feasible, as required under 10 CFR 503.9; and that the criteria in 10 CFR 503.37(a)(1) are, therefore, satisfied by the powerplant.

Documentary evidence submitted by the petitioner in support of its petition under 10 CFR 503.37(a)(1) include: (1) The duly executed certifications required under that subparagraph; (2) exhibits containing the basis for the certifications, including the supporting factual and analytical materials; and (3) an environmental impact analysis, as required under 10 CFR 503.13(a).

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of its Acceptance of Petition for Exemption and Availability of Certification relating to the powerplant in the **Federal Register** on December 8, 1982 (47 FR 55267), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency for comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on January 24, 1983. No comments were received and no hearing was requested.

Decision and Order: Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(a)(1) and, pursuant to section 212(c) of FUA, ERA hereby grants the petitioner a permanent cogeneration exemption for the new powerplant to be located at its Stanford, California, campus.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this Order may petition for judicial review thereof at any time before the 60th day following the publication of this Order in the **Federal Register**.

Issued in Washington, D.C., on February 22, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-5601 Filed 2-25-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–81–015; FC Case No. 55119–9207–01–12]

Proposed Rescission of an Order Granting a Permanent Fuels Mixture Exemption to General Motors Corporation, Assembly Division Plant, Lake Orion, Michigan

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: In response to a request from General Motors Corporation (GM), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), and 10 CFR Part 501, Subpart G, to rescind the permanent fuels mixture exemption granted by Order ("Order") to a major fuel burning installation (MFBI), identified as boiler No. 1, owned and operated by GM at its Assembly Division Plant, Lake Orion, Michigan.

Based upon its review of GM's rescission request, ERA is proposing to rescind the Order on the basis of its determination that significantly changed circumstances as defined in 10 CFR 501.102(b) exist with respect to the applicability of the exemption. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this Notice in the **Federal Register** (see **DATE** section, below). If no responses are received within this period, the Order rescission, as proposed, for boiler No. 1 shall become final upon the expiration of the period, without further action by ERA.

A detailed discussion of the Order and GM's request for rescission thereof is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: Written responses to ERA's proposed rescission of the GM Order must be received by ERA no later than March 30, 1983.

ADDRESS: Written responses must be addressed to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, GA–093, 1000 Independence Avenue, SW., Washington, D.C. 20585. The case number, FC 55119–9207–01–12, should be printed on the outside of the envelope and the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252–8162, or

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252–2967.

SUPPLEMENTARY INFORMATION: On September 14, 1981, ERA exempted by Order GM's boiler No. 1, located at Lake Orion, Michigan, from the prohibitions of Section 202 of FUA, which prohibits the use of natural gas or petroleum as a primary energy source by certain MFBIs (46 FR 46376, September 18, 1981). Subject to the terms and conditions set forth in the Order, the permanent exemption permitted the use of a fuels mixture of coal and natural gas containing less than 25 percent natural gas in boiler No. 1. Boiler No. 1 is a natural gas-coal fired unit with a design heat input rate of approximately 80 MM Btu's per hour. GM's exemption petition was filed and granted under 10 CFR § 503.38(d) and Section 212(d) of FUA. Under the rules then in effect, a new boiler with a heat input rate of over 50 million Btu's per hour had to be aggregated with other boilers at the site and if the total heat input rate was 250 million Btu's or greater, the new boiler

was subject to the prohibitions of the Act.

GM requested that ERA rescind the Order on the basis of significantly changed circumstances resulting from DOE's revision of its final rules, published on December 7, 1981 at 46 FR 59872. Specifically, DOE therein deleted its aggregation tests, so that any facility below the 100 MM Btu's per hour threshold fuel heat input rate, like GM's boiler No. 1, would be excluded from the definition of MFBI, and from the prohibitions of the Act (10 CFR 500.2).

As requested, ERA has, pursuant to 10 CFR 501.101(a), commenced a proceeding to rescind the Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G (46 FR 59872, 59898, December 7, 1981). Based upon the information contained in GM's rescission request and upon the record as a whole, ERA proposes:

(1) To find that the revision of 10 CFR 500.2, so as to eliminate the rules governing the aggregation of facilities for jurisdictional purposes, as applied to GM's boiler No. 1 in Lake Orion, Michigan, constitutes significantly changed circumstances that warrant rescission of the Order, as provided by 10 CFR 501.102(b); and

(2) To rescind the Order.

Parties to the original Order proceeding are hereby notified of ERA's proposed rescission of the Order and of their right pursuant to 10 CFR 501.101(d) of file a response thereto within 30 days of the publication of this notice in the Federal Register. If ERA receives no responses within this period, the Order rescission shall become final as proposed, without further ERA action, upon expiration of the period.

Issued in Washington, D.C. Feburary 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-5009 Filed 2-25-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-016; FC Case No. 55119-9206-01-12]

Proposed Rescission of an Order Granting a Permanent Fuels Mixture Exemption to General Motors Corporation, Assembly Division Plant, Wentzville, Missouri

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: In response to a request from General Motors Corporation (GM), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), and 10 CFR Part 501, Subpart G, to rescind the permanent fuels mixture exemption granted by Order ("Order") to a major fuel burning installation (MFBI), identified as boiler No. 1, owned and operated by GM at its Assembly Division Plant, Wentzville, Missouri.

Based upon its review of GM's rescission request, ERA is proposing to rescind the Order on the basis of its determination that significantly changed circumstances as defined in 10 CFR 501.102(b) exist with respect to the applicability of the exemption. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this Notice in the Federal Register (see **DATE** section, below). If no responses are received within this period, the Order rescission, as proposed, for boiler No. 1 shall become final upon the expiration of the period, without further action by ERA.

A detailed discussion of the Order and GM's request for rescission thereof is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: Written responses to ERA's proposed rescission of the GM Order must be received by ERA no later than March 30, 1983.

ADDRESS: Written responses must be addressed to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585. The case number, FC 55119-9206-01-12, should be printed on the outside of the envelope and the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252-8162, or

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252-2967.

SUPPLEMENTARY INFORMATION: On September 14, 1981, ERA exempted by Order GM's boiler No. 1, located at Wentzville, Missouri, from the prohibitions of Section 202 of FUA, which prohibits the use of natural gas or petroleum as a primary energy source by certain MFBIs (46 FR 46378, September 18, 1981). Subject to the terms and conditions set forth in the Order, the permanent exemption permitted the use of a fuels mixture of coal and natural gas containing less than 25 percent natural gas in boiler No. 1. Boiler No. 1 is a natural gas-coal fired unit with a design heat input rate of approximately 80 MM Btu's per hour. GM's exemption petition was filed and granted under 10 CFR 503.38(d) and Section 212(d) of FUA. Under the rules then in effect, a new boiler with a heat input rate of over 50 million Btu's per hour had to be aggregated with other boilers at the site and if the total heat input rate was 250 million Btu's or greater, the new boiler was subject to the prohibitions of the Act.

GM requested that ERA rescind the Order on the basis of significantly changed circumstances resulting from DOE's revision of its final rules, published on December 7, 1981 at 46 FR 59872. Specifically, DOE therein deleted its aggregation tests, so that any facility below the 100 MM Btu's per hour threshold fuel heat input rate, like GM's boiler No. 1, would be excluded from the definition of MFBI, and from the prohibitions of the Act (10 CFR 500.2).

As requested, ERA has, pursuant to 10 CFR 501.101(a), commenced a proceeding to rescind the Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G (46 FR 59872, 59898, December 7, 1981). Based upon the information contained in GM's rescission request and upon the record as a whole, ERA proposes:

(1) To find that the revision of 10 CFR 500.2, so as to eliminate the rules governing the aggregation of facilities for jurisdictional purposes, as applied to GM's boiler No. 1 in Wentzville, Missouri, constitutes significantly changed circumstances that warrant rescission of the Order, as provided by 10 CFR 501.102(b); and

(2) To rescind the Order.

Parties to the original Order proceeding are hereby notified of ERA's proposed rescission of the Order and of their right pursuant to 10 CFR 501.101(d) to file a response thereto within 30 days of the publication of this Notice in the Federal Register. If ERA receives no responses within this period, the Order rescission shall become final as proposed, without further ERA action, upon expiration of the period.

Issued in Washington, D.C., on February 18, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-4999 Filed 2-25-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF83-75-000]

Norman Barkema; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

February 22, 1983.

On November 29, 1982, Norman Barkema, (Applicant), RR#1, Alexander, Iowa, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The wind-generating facility is located at Applicant's residence in Alexander, Iowa. The electric power production capacity of the facility is 17.5 kilowatts. The Applicant does not own any other wind-generating small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4930 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6999-000]

Molly Breen; Exemption From Licensing

February 22, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Soozie Hydro, Project No. 6999, was filed on January 13, 1983, by Molly Breen. The proposed hydroelectric project would have an installed capacity of 6.5 kW and would be located on an existing agricultural diversion of an unnamed stream within the Tahoe National Forest in Sierra County, California.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of February 12, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-4928 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI83-150-000]

Enerco, Inc.; Application of Calpetco V for Abandonment and for Waiver of Section 277.209(a) of the Commission's Regulations

February 18, 1983.

Take notice that on February 15, 1983, Calpetco V, by Peter W. Herbst, Herbst Exploration Inc., 2020 Island Drive, Monroe, Louisiana 71201, filed an application for abandonment pursuant to Section 7(b) of the Natural Gas Act and Section 157.30 of the Commission's regulations, and for waiver of Section 277.201, *et seq.*, of the Commission's regulations, pursuant to an agreement between Calpetco and Southern Natural Gas Company ("Southern") to abandon certain acreage in the Monroe Field, Louisiana. The gas produced by Calpetco V from this field is presently sold to Southern pursuant to four contracts. Calpetco V is the successor-in-interest to Enerco, Inc., which obtained the certificate in Docket No. CS77-299.

Calpetco V has entered into an agreement with Southern to terminate the sales to Southern from the Monroe Field. Under the existing contracts, Calpetco V must compress the gas to a minimum pressure of 500 psig, which consumes thirty to forty percent of the total gas produced. Calpetco V contends that this loss constitutes a wasteful use of gas reserves which are substantially depleted. Southern has executed a waiver of its rights under its contracts with Calpetco V, and its rights under Section 315(b) of the Natural Gas Policy Act of 1978 ("NGPA") and Section 277.201, *et seq.*, of the Commission's regulations. All of the gas sold to Southern pursuant to these contracts is classified as "stripper well gas" under Section 108 of the NGPA a portion of the gas also is classified as gas from a new, onshore production well under Section 103 of the NGPA. The remaining portion of the gas is dedicated to interstate commerce within the meaning of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4930 Filed 2-25-83; 8:46 am]

BILLING CODE 6717-01-M

[Project No. 5716-000]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Energenics Systems, Inc. (ESI), Permittee for the Newt Graham Lock and Dam, Project No. 5716 located on the Verdigris River in Wagoner County, Oklahoma has requested that its permit be terminated. The preliminary permit was issued on July 19, 1982, and would have expired on December 31, 1983.

ESI states that the lack of adequate head and flow at the site render the project infeasible.

ESI's request was dated January 19, 1983. The surrender of the permit for Project No. 5716 is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4922 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Projects Nos. 5628-001 and 6126-001]

Energenics Systems, Inc.; Surrender of Preliminary Permits

February 22, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Belle Fourche Dam Project No. 5628 and the proposed Ohio River Lock and Dam No. 53, Project No. 6126, has requested that its preliminary permits be terminated. The permit for Project No. 5628 was issued on August 25, 1982, and would have expired January 31, 1984. Project No. 5628 would have been located on the Belle Fourche River in Butte County, South Dakota. The permit for Project No. 6126 was issued on August 26, 1982, and would have expired January 31, 1984. Project No. 6126 would have been located on the Ohio River in Ballard County, Kentucky.

The Permittee filed its request on January 31, 1983, and the surrender of the preliminary permits for Projects Nos. 5628 and 6126 are deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4923 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5583-000]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Energenics Systems, Inc. (ESI), Permittee for the Cherry Creek Project No. 5583 located on Cherry Creek in Arapahoe County, Colorado has requested that its permit be terminated. The preliminary permit was issued on May 25, 1982, and would have expired on October 31, 1983.

ESI states that the lack of adequate head and flow at the site render the project infeasible.

ESI's request was dated January 19, 1983. The surrender of the permit for Project No. 5583 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-4924 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5717-000]

Energenics Systems, Inc.; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Energenics Systems, Inc. (ESI), Permittee for the Chouteau Lock and Dam Project No. 5717 located on the Verdigris River in Wagoner County, Oklahoma has requested that its permit be terminated. The preliminary permit was issued on July 19, 1982, and would have expired on December 31, 1983.

ESI states that the lack of adequate head and flow at the site render the project infeasible.

ESI's request was dated January 19, 1983. The surrender of the permit for Project No. 5717 is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-4925 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EF81-2021-002 and E-9563-004]

Department of Energy; Bonneville Power Administration; Electric Rates, Federal; Order Approving Extension of Interim and Final Rates

Issued February 18, 1983.

On November 29, 1982, the Bonneville Power Administration (Bonneville) filed a request for an extension of interim approval of Bonneville's transmission rates in Docket No. EF81-2021-001 pending review of its request for final confirmation and approval of these rates by the Commission. The Commission's prior interim approval of Bonneville's transmission rate schedules FPT-2, UFT-2, ET-2, and IR-1[1] as recently extended for a limited period [2] will expire on February 28, 1983. Bonneville has requested that the Commission grant further interim approval of the transmission rate schedules until January 1, 1984. Bonneville also requests a similar extension of Set A and Set B of its General Transmission Rate Schedule Provisions, which are incorporated by reference into the four schedules.

Bonneville additionally requests that the Commission extend the effectiveness of its FPT-1, UFT-1, and ET-1 transmission rate schedules which were confirmed and approved on a final basis in Docket No. E-9563-000. 20 FERC ¶ 61,142.

In our "Order Confirming and Approving Transmission Rates" in that docket, the Commission granted final confirmation and approval of the FPT-1, UFT-1, and ET-1 rate schedules for the period June 10, 1977, through June 30, 1981. While the transmission rate schedules in Docket No. EF81-2021-000 were intended to supersede these rates, Bonneville states that some of its transmission contracts did not permit the rates to be collected. Bonneville therefore requests that the Commission extend the effectiveness of these rate schedules until January 1, 1984, with respect to those existing contracts under which the rates are presently being applied.

In support of its request for extension of Commission approval, Bonneville states that it is in the process of developing a comprehensive transmission policy which is intended to address numerous objectives that Bonneville seeks to achieve through its transmission services. Such objectives relate to wheeling services, the types of transmission services to be available, and the compensation methodology for transmission losses. Bonneville states that the requested extension will allow the final policy to be established prior to filing revised transmission rates. Bonneville does not expect to complete this policy study until late 1983, following public comment and hearing.

In further support of its request, Bonneville states that it needs the additional time in order to comply with the Commission's August 3, 1982 order in Docket No. E-9563-000. In that order, the Commission directed Bonneville to establish and maintain a separate accounting of costs, revenues, and deficits of the transmission system attributable to the Federal and non-

[1] Formula Power Transmission, Use-of-Facilities, Energy Transmission, and Integration of Resources, respectively.

[2] *See* "Order Extending Period For Comments and Extending Interim and Final Rates For A Limited Period of Time," 21 FERC ¶ 61,378 (December 30, 1982).

Federal wheeling customers, respectively. 20 FERC ¶ 61,142. The Commission also ordered Bonneville to file new rates with the Commission in its next transmission rate case to recover the deficits in revenues created from the shortfall in the transmission rates filed in Docket No. E–9563–000. *Id.* Bonneville states that it intends to develop revised rates in compliance with the Commission's order, but that it does not expect to complete this process until late 1983.

Finally, Bonneville states that it will notify the Commission of the specific date on which it will propose to adjust the transmission rates and will provide the Commission with a detailed schedule of the steps leading up to that adjustment date.[2] Bonneville will also advise the Commission in early 1983 as to what further steps are being taken to comply with the directives of the Commission's August 3, 1982 order.

Our December 30, 1982 order in these dockets invited interested parties to submit comments to the Commission on or before January 14, 1983. On January 14, 1983, the Direct Service Industrial Customers (DSI's) filed a letter stating that the Commission, as a practical matter, must extend interim approval of BPA's transmission rates. They argue however, that BPA's transmission rates substantially under-recover the cost of serving non-Federal users of the transmission system in violation of both the Pacific Northwest Electric Power Planning and Conservation Act, and the Federal Columbia River Systems Transmission Act. The DSI's therefore request that the Commisssion's extension be conditioned to require that BPA establish new transmission rates when it sets 1983 power rates, and that the extension expire when such 1983 rates become effective.

Discussion

In our June 22, 1982 order granting an extension of Bonneville's rates in Docket Nos. EF81–2011–001 and EF81–202–001, we viewed a request by Bonneville for an extension of the transmission rates on an interim basis for up to five years as being unduly excessive. 19 FERC at 61,555. The Commission stated at that time that it believed that an extension of the interim rates until January 1, 1983, should be sufficient to enable Bonneville to file new interim rates, including new transmission rates. The Commission therefore could not find that good cause existed to grant an extension of time beyond January 1, 1983. Subsequent to that order, however, the Commission issued its order confirming and approving Bonneville's 1976 transmission rates which directed Bonneville to establish and maintain a specific method of accounting and to recover certain of the revenue deficits resulting from the 1976 transmission rates. In light of (1) Bonneville's attempt to comply with that order, (2) its statements that it will keep the Commission specifically advised as to the steps being taken in compliance with our order, and (3) the fact that no transmission rates will otherwise apply beyond February of this year (to the substantial detriment of the Federal treasury), we find that good cause exists to grant Bonneville's request for an extension of Commission approval. We expect that this extension will give Bonneville the opportunity to ensure that its revised transmission rates will be fully compensatory in accordance with Section 7(a)(2) of the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. § 839(e)(2) and will provide sufficient revenues to recover Bonneville's capital costs. This would include any deficit that may accrue from the transmission rates filed in Docket No. EF81–2021–000 under both the original period for which these rates were to be in effect *and* the period for which we are presently allowing the rates to be continued in effect on an extended basis. However, we agree with the DSI's that the extension should only be granted to the date that BPA places its new 1983 power rates into effect and that new transmission rates should also be placed into effect at that time.

The Commission orders:

(A) The Bonneville Power Administration's request for an extension of prior Commission approval of its transmission rates in Docket Nos. EF81–2021–000 and E–9563–000 is hereby granted until January 1, 1984 or until the 1983 power rates become effective, whichever is earlier.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–4918 Filed 2–25–83; 8:45 am]

BILLING CODE 6717–01–M

[2] Consistent with the above statement, Bonneville, on January 31, 1983, filed a draft schedule of procedural dates leading up to a November 1, 1983 rate adjustment date for its 1983 wholesale power and transmission rates.

[Docket No. EF82–5051–000]

Department of Energy; Western Area Power Administration (Rio Grande Project); Electric Rate; Federal; Order Confirming and Approving Rates

Issued: February 10, 1983.

By letter filed on August 17, 1982, the Assistant Secretary of Energy for Conservation and Renewable Energy (AS/CE), on behalf of the Western Area Power Administration (WAPA), submitted a request for final confirmation and approval of rate schedule RGP–F1, to become effective for the billing period beginning September 1, 1982.[1] The rate schedule is applicable to the Plains Electric Generation and Transmission Cooperative and the City of Truth or Consequences, New Mexico, the only two customers purchasing power from the Rio Grande Project. The AS/CE has proposed that the rates be implemented in two phases[2] and states that annual revenues are expected to increase from $1,383,309 to $2,042,782 (48%). The average cost of wholesale firm power would increase from 16.03 mills/kwh to 27 mills/kwh.

The Rio grande Project was initially authorized as an irrigation project by Act of February 25, 1905 (Ch. 798, 33 Stat. 814). Previously, the project

[1] Pursuant to section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7101, *et seq.*), the power marketing functions of the Secretary of the Interior for the Bureau of Reclamation, under the Reclamation Act of 1902 (43 U.S.C. 372, *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h(c)) and acts specifically applicable to the Rio Grande Project, were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications (AS/RA) the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve, and place in effect such rates on an interim basis. The Secretary delegated to this Commission the authority to confirm and approve on a final basis or to disapprove the rates developed by the AS/RA. Effective February 24, 1981, the Secretary transferred the power marketing responsibilities of the AS/RA to the AS/CE. By Rate Order WAPA–13, issued on August 12, 1982, the AS/CE confirmed and approved the new rate schedule on an interim basis.

[2] The two phased rate increase will be implemented as follows:

Effective date	Demand charge ($/kW-mo)	Energy charge (mills/kWh)
September 1, 1982	4.555	10.72
September 1, 1983	5.740	13.50

consisted of the (1) Elephant Butte Dam (completed in 1916), (2) Caballo Dam (a flood control and reregulating structure located down stream from Elephant Butte which was completed in 1938), and (3) the Elephant Butte Power Plant and a 115/kV transmission system constructed between 1938 and 1940). Additional transmission facilities were added between the years 1941 and 1952. Most of the transmission system has since been sold, so that now the Federal power system consists of the Hot Springs substation (its sale is currently under negotiation), the Elephant Butte switchyard, and the 24,300 kw Elephant Butte Power Plant.

During the first 10 years of operation (1941–1950), when the water supply was adequate, the project repaid $1,696,207 of the power investment and $1,004,662 representing interest on the investment. Beginning in 1951 and continuing to the present, the project incurred a repayment deficit primarily due to a continuing shortage of water supply for generation and the inability to raise rates above the competitive level of rates from other area power sources. From 1950, when the Project became "water short," until the mid 1960's (when WAPA's Colorado River Storage Project (CRSP) power became available for sale in New Mexico), generation had been confined to about eight months a year, February through September. However, as a result of the execution of joint Rio Grande Project and CRSP power sales contracts with the preference customers of the Rio Grande Project and backup agreements between the projects, CRSP now provides firming power to the Rio Grande Project during the summer season. The infusion of CRSP power has permitted the Rio Grande Project to sell 24MW of power at firm rates.[3]

Notice of the AS/CE's submittal in this docket was published in the **Federal Register** on August 30, 1982, with comments due on or before September 13, 1982. On September 20, 1982, the State Engineer of Wyoming (Wyoming) filed an untimely protest, stating that Wyoming did not receive notice of the filing until September 13, 1982. Although Wyoming has not petitioned to intervene, it challenges the use of a project repayment study based on WAPA's "Option A" marketing policy. Under Option A, it is assumed that CRSP power will continue to provide firming power to the Rio Grande Project. According to Wyoming, this option results in a subsidy to the Rio Grande Project, since CRSP must purchase higher cost power on the open market. Wyoming asserts that the effect of this subsidy is to reduce CRSP revenues credited for construction of future projects. As a result, Wyoming asserts that it prefers the adoption of an alternative set of assumptions based on an energy banking service for the Rio Grande Project.

Discussion

In exercising our delegated authority to confirm and approve Federal power marketing agency rates, the Commission must insure that such rates satisfy the standards established under the applicable power marketing statutes. Those statutes (including Section 9(c) of the Reclamation Act of 1939) require, *inter alia*, that rates be set at levels which provide sufficient revenues to recover operating costs and to repay the Federal investment within a reasonable time.

Our analysis of WAPA's proposed rates, the supporting materials (incuding the Rio Grande Project Power repayment study),[4] and the comments of Wyoming reveals that the level of revenues produced by the proposed rate is sufficient to recover the cost of producing and transmitting the power and energy, including the amortization of the capital investment over a reasonable period.[5]

Wyoming has demonstrated good cause to accept its late protest and its protest will be placed in the public file associated with the instant proceeding. (*See*, 18 CFR § 385.211). We note, however, that Wyoming's concerns about CRSP power subsidizing Rio Grande Project power were addressed by the AS/CE and rejected in Rate Order No. WAPA–13, issued on August 12, 1982. (See n.1, *supra*.) It is our belief that such matters relate to the proper allocation of power between projects and, as such, are beyond the scope of review required for confirmation and approval of the rates before us. In any event, in light of the existing contractual arrangements between the projects and the preference customers of the Rio Grande Project, the AS/CE appears to be relying on a power repayment study which reflects the expected performance, under the contracts. We therefore conclude that there is a rational basis for his decision.

Inasmuch as the Commission finds that the rates submitted by WAPA in this docket are consistent with the applicable statutory criteria, we shall confirm and approve those rates as requested for the billing period beginning September 1, 1982, through August 31, 1987.

The Commission orders:

(A) WAPA's rate schedule RGP–F1 is hereby confirmed and approved for the billing period beginning September 1, 1982, through August 31, 1987.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4919 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID–1414–000]

Robert F. Gilkeson; Electric Rates; Order Granting Application To Hold Interlock

Issued: February 18, 1983.

On August 30, 1982, Robert F. Gilkeson filed an application for Commission authorization to hold the positions of director of Philadelphia Electric Company (PECO) and trustee of Penn Mutual Life Insurance Company (Penn Mutual).[1] PECO is a public utility for purposes of section 305(b) of the Federal Power Act. Penn Mutual is an insurance company which, on July 30, 1982, acquired a fourth-tier, wholly-owned subsidiary, Janney Montgomery Scott, Inc. (Janney), a broker/dealer authorized by law to underwrite and market public utility securities.[2]

Notice of Mr. Gilkeson's application was published in the **Federal Register** with responses due on or before September 30, 1982. No comments were filed.

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[3] Previously, the sale of Rio Grande Project firm power was limited to approximately 13MW.

[4] That study indicates that the rate setting point is FY 1990 when a major part of the original project power investment is scheduled to be repaid. Beyond this date, WAPA has assumed that the power rate would be reduced and that further reductions would be made after FY 2000 when the critical point for irrigation repayment is passed. WAPA states that the forecasted power rate reductions would be required to avoid the accumulation of surplus revenues while still meeting repayment requirements.

[5] We note that WAPA has failed to assess a half-year interest (approximate $30,000) on additions and replacements (for the first year of service for all additions and replacements made during the period of FY 1973 through 1980) as required by Department of Energy Order RA 6120.2, issued September 1979. Although the effect of such omission upon statutorily required revenue levels is minimal, the omission should be corrected in future filings.

[1] Mr. Gilkeson has served as a director of PECO since 1962, and as a trustee of Penn Mutual since 1964. As discussed *infra*, he also held authorized interlocks between PECO and its three public utility subsidiaries from 1961–1982.

[2] Janney was acquired by Penn Mutual Equity Services, Inc., a wholly-owned subsidiary of Independence Square Properties, Inc., which in turn is a wholy-owned subsidiary of Penn Mutual.

Discussion

Section 305(b) of the Federal Power Act, 16 U.S.C. 825d(b) (1976), prohibits persons from holding concurrent positions as officer or director[3] of both a public utility and a bank, trust company, banking association or firm authorized to underwrite or market public utility securities, unless the Commissjon authorizes the interlock upon a finding that neither public nor private interests will be adversely affected.[4]

According to the applicant, Penn Mutual does not underwrite or market public utility securities; neither its charter nor Pennsylvania insurance law allows it to do so.[5] Janney, however, has underwritten public utility securities, including those issued by PECO, although Mr. Gilkeson's application states that Janney has not underwritten or marketed any PECO securities since being acquired by Penn Mutual's subsidiary on July 30, 1982.

Because we consider Janney's securities underwriting activities attributable to Penn Mutual,[6] we must determine whether public or private interest will be adversely affected by Mr. Gilkeson's continued holding of the PECO-Penn Mutual interlock.

For the last 20 years, until June 28, 1982, Mr. Gilkeson held a series of authorized interlocks as officer and director of PECO and of its thee public utility subsidiaries, Philadelphia Electric Power Company, Susquehanna Power Company, and Susquehanna Electric Company.[7] He has served as Vice President, Director, President and Chairman of the Board of PECO and Vice President, president and Director of PECO's wholly owned subsidiaries. He has also been Chairman of the Executive Committee of PECO and continues to hold this position. We believe that Mr. Gilkeson's 20 year tenure as both officer and director of PECO and its utility subsidiaries and his continuing role as Chairman of the Executive Committee distinguishes him from previous applicants who were complete outsiders as to each company.[8] We also note that Mr. Gilkeson is a member of Penn Mutual's Operations Committee, Executive Committee and Nominating Committee, in addition to being a trustee. Without in any way intending to impugn the integrity, motives, or qualifications of Mr. Gilkeson, we are compelled to conclude that given his intimate involvement in the corporate affairs of the affected companies, Mr. Gilkeson's presence on the boards of both PECO and Penn Mutual could, without safeguards, create greater opportunities for undue influence, failures in arm's-length bargaining, or other potential improprieties than might exist where an applicant stands wholly outside each company. A further concern arises from the fact that Janney has, in the past, underwritten or marketed PECO securities. We are informed that in the month between the acquisition of Janney and the instant application, Janney participated in no such transactions, but there is no indication that such abstention would necessarily continue. Accordingly, we shall allow Mr. Gilkeson to hold the requested interlock, but only so long as Penn Mutual and its subsidiaries do not underwrite or participate in the marketing of PECO securities or the securities of its subsidiaries.[9] We conclude that, with this condition, neither public nor private interests will be adversely affected by authorizing Mr. Gilkeson to hold the interlock described herein.

The Commission orders:

(A) Until further order of the Commission, Robert F. Gilkeson's application to hold the interlock described herein is herby granted. Subject to the condition, as noted in the body of this order, that the authorization granted herein shall terminate if Penn Mutual Life Insurance Company or its subsidiaries underwrite or participate in the marketing of securities of Philadelphia Electric Company or its subsidiaries.

(B) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by the continued holding of the interlock authorized by this order.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4917 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

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[3] We note that Mr. Gilkeson's position in Penn Mutual is that of a "trustee" rather than a "director." Although section 305(b) refers specifically to officers and directors, we consider the instant interlock to be squarely within the purview of section 305(b), for two reasons: (1) Penn Mutual's corporate management includes only officers and trustees, rather than officers and directors; and (2) Mr. Gilkeson's application recites that his duties as trustee are the usual duties associated with being a director. Gilkeson Application at 11.

[4] *See George F. Brewer,* 18 FERC ¶ 61,020 (1981). *Accord, Lelan F. Sillin, Jr.,* 33 F.P.C. 1006, 1007 (1965); *John Edward Aldred,* 2 F.P.C. 247, 260–65 (1940).

[5] Gilkeson Application at 10.

[6] We explained our views as to subsidiary/parent attribution in several recent proceedings. *See Frederick W. Mielke, Jr.,* 22 FERC ¶ 61,004 (1983); *Keith R. Potter,* 21 FERC ¶ 61,243 (1982); *William T. Coleman, Jr.,* 19 FERC ¶ 61,270 (1982); *Margery Somers Foster,* 19 FERC ¶ 61,146 (1982); *Edwin I. Hatch,* Opinion No. 87, Docket No. ID–1424 (November 6, 1979), *reh. denied, Edwin I. Hatch,* 17 FERC ¶ 61,132 (1980), *aff'd in part and rev'd and remanded in part,* 654 F. 2d 825 (D.C. Cir. 1981), *order on remand, Edwin I. Hatch,* 18 FERC ¶ 61,141 [illegible].

[7] Mr. Gilkeson resigned from all of these positions except his PECO directorship on June 28, 1982. Penn Mutual's subsidiary acquired Janney on July 30, 1982, and on August 30, 1982 Mr. Gilkeson filed the instant application.

[8] *Alfred W. Eames, Jr.,* 22 FERC ¶ 61,005 (1982); *Willian T. Coleman, Jr.,* 21 FERC ¶ 61,242 (1982); *Keith R. Potter, supra* n. 6; *Margery Somers Foster, supra* n. 6.

[9] We imposed this same restriction in *Frederick W. Mielke, Jr.,* 22 FERC ¶ 61,004 (1983), where an interlocked company owned a registered broker-dealer subsidiary. As in that case, we do not intend to bar Mr. Gilkeson from holding this interlock if Penn Mutual or its subsidiaries and affiliates simply buy and sell securities in the so-called secondary securities market solely on behalf of investors who desire to buy or sell these securities of PECO or its subsidiaries and affiliates.

[Project No. 6152–001]

Grisdale Hill Co.; Surrender of Preliminary Permit

February 22, 1983.

Take notice that the Grisdale Hill Company, Permittee for the proposed Jackson Creek Project No. 6152, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on June 30, 1982, and would have expired on June 30, 1984. The project would have been located on Jackson Creek in Douglas County, Oregon.

The Permittee filed its request on January 27, 1983, and the surrender of its permit for Project No. 6152 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4928 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST79–36–002]

Houston Pipe Line Co.; Extension Reports

February 22, 1983.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that

the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before March 11, 1983 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants. party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Effective date
ST79-36-002	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001	United Gas Pipe Line Co	1/28/83	D	4/11/83
ST81-159-001	Columbia Gulf Transmission Co., P.O. Box 683, Houston TX 77001.	Trunkline Gas Co	1/24/83	G	1/08/83
ST81-176-001	Michigan Wisconsin Pipe Line Co., One [illegible]	Delhi Gas Pipeline Co	1/18/83	B	2/04/83
ST81-193-001	Somerset Gas Service, P.O. Box 989, Somerset, KY 42501.	Texas Eastern Transmission Corp	1/17/83	C	4/21/83
ST81-246-001	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Tennessee Gas Pipeline Co	1/21/83	C	4/24/83
ST81-245-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	El Paso Natural Gas Co	1/20/83	G	4/20/83
ST81-250-001	Valero Transmission Co., P.O. Box 500, San Antonio, TX 78292.	United Gas Pipe Line Co	1/21/83	D	4/25/83
ST81-257-001	Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, UT 84110.	Northern Natural Gas Co	1/27/83	G	4/24/83
ST81-261-001	Channel Industries Gas Co., P.O. Box 2511, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp	1/28/83	C	7/09/83
ST81-273-001	Northern Natural Gas Co., 2223 Dodge Street, Omaha, NE 68102.	Northwest Pipeline Corp	1/28/83	G	4/30/83
ST81-274-001	Coronado Transmission Co., P.O. Box 165, Corpus Christi, TX 78403.	Southern Natural Gas Co	1/19/83	C	4/09/81
ST81-276-001	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, TX 77001.	Florida Gas Transmission Co	1/24/83	G	4/24/83
ST81-278-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	Public Service Electric and Gas Co	1/26/83	C	5/01/83
ST81-279-001	Houston Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	El Paso Natural Gas Co	1/17/83	C	4/20/83
ST81-280-001	Oasis Pipe Line Co., P.O. Box 1188, Houston, TX 77001.	El Paso Natural Gas Co	1/17/83	C	4/20/83
ST81-296-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	Natural Gas Pipeline Co. of America	1/31/83	G	5/19/83
ST81-306-001	East Texas Industrial Gas Co., P.O Box 460, Marshall, TX 75670.	United Gas Pipe Line Co	1/31/83	D	4/22/83
ST81-442-001	Northwest Pipeline Corp	Colorado Interstate Gas Co	1/17/83	G	4/15/83
ST82-371-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	Northern Natural Gas Co	1/21/83	G	4/24/83
ST83-34-001	Columbia Gulf Transmission Co., P.O Box 683, Houston, TX 77001.	Louisiana Intrastate Gas Corp	1/24/83	B	5/30/83

[FR Doc. 83-4927 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4699-001]

Montana Department of Natural Resources and Conservation; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Montana Department of Natural Resources and Conservation, Permittee for the proposed Middle Creek Hydro Project No. 4699, has requested that its preliminary permit be terminated. The permit was issued on February 1, 1982, and would have expired on July 31, 1983. The project would have been located on Middle Creek in Gallatin County, Montana.

The Permittee filed its request on January 28, 1983, and the surrender of the preliminary permit for Project No. 4699 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4929 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5292-001]

Robert M. Moore; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Robert M. Moore, Permittee for the Moore Power Project, FERC No. 5292, has requested that his preliminary permit be terminated. The preliminary permit for Project No. 5292 was issued on February 17, 1982, and would have expired on July 31, 1983. The

project would have been located on Halls Gulch in Trinity County, California.

The Permittee filed his request on January 10, 1983, and the surrender of the preliminary permit for Project No. 5292 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 83-4681 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3385-002]

Carlton H. Noyes and John E. Phipps; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Carlton H. Noyes and John E. Phipps, Permittee for the proposed Oxbow Ranch Project No. 3385, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on August 14, 1981, and would have expired on July 31, 1983. The project would have been located on Hawley, Ten Mile, and Clear Creeks in Lemhi County, Idaho.

The Permittee filed its request on January 28, 1983, and the surrender of its permit for Project No. 3385 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4621 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6122-001]

Timothy A. Ward; Surrender of Preliminary Permit

February 22, 1983.

Take notice that Timothy A. Ward, Permittee for the proposed Champlain Feeder Canal Project No. 6122, requested by letter dated January 20, 1983, that his preliminary permit be terminated. The preliminary permit was issued September 15, 1982, and would have expired on March 30, 1984. The project would have been located on the Champlain Feeder Canal in Washington County, New York.

The surrender of the preliminary permit for Project No. 6122 is accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4682 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-751-000, ER79-414-000, ER80-363-000, and ER81-504-000]

Delmarva Power & Light Co.; Offer of Settlement

February 22, 1983.

Take notice that on February 2, 1983, Delmarva Power & Light Company (Delmarva) and the Delaware municipalities of Newark, New Castle, Smyrna, and Milford (Municipalities) submitted for filing the following: 1. An offer of Settlement in Docket Nos. ER78-414, ER80-363, ER81-504 and ER82-751; 2. Partial requirements agreements between Delmarva and the Municipalities in Docket No. ER82-751; 3. Transmission agreements between Delmarva and the Municipalities in Docket No. ER82-751; and 4. A Settlement Agreement between Delmarva and the Municipalities in Docket No. ER82-751.

Delmarva and the Municipalities request that consideration of this offer of settlement be consolidated in Docket No. ER82-751.

Delmarva and Municipalities respectively request that the instant Offer of Settlement be certified to the Commission for acceptance and approval; that the Commission direct the consolidated consideration requested herein; that waiver of Rule 602(c)(1)(iv) be granted; and that the service agreements be made effective as tendered.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 1, 1983. Reply comments may be filed not later than March 8, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4681 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-180-000]

Montana-Dakota Utilities Co., Complainant v. Colorado Interstate Gas Company, Respondent; Complaint and Request for an Order

February 22, 1983.

Take notice that on February 1, 1983, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-180-000 pursuant to Section 385.206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206) a complaint and request for an order directing the resumption of the purchase of gas, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

It is asserted that MDU sells gas to Colorado Interstate Gas Company (CIG) pursuant to its Rate Schedule X-5. MDU states that in November 1982, CIG notified MDU that due to market difficulties CIG would have to reduce purchases of gas to 2,360,000 Mcf for the year 1983. MDU states that Rate Schedule X-5 contains a minimum purchase obligation necessitating CIG to purchase 17,000,000 Mcf of gas per year and that its purchase obligation is firm. MDU contends that CIG's reduction in takes from MDU is an abandonment of service without prior authorization of the Commission under the Natural Gas Act to the detriment of MDU, MDU's customers, and CIG's customers.

MDU requests in its complaint that the Commission issue an order directing CIG to resume taking gas from MDU pursuant to the terms of MDU's Rate Schedule X-5 and to require that such takes resume immediately.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that CIG is directed to file with the Commission its answer to MDU's subject complaint no later than the intervention due date in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.213).

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4682 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-15-000]

Pressure Transport, Inc.; Application for Authorization To Collect Production Related Costs Under Section 110 of the NGPA

February 22, 1983.

On January 27, 1983, Pressure Transport, Inc. (PTI) filed with the Federal Energy Regulatory Commission (Commission) an application for authorization to collect production related costs pursuant to section 110 of the Natural Gas Policy Act of 1978 (NGPA) and §§ 271.1104 and 271.1105 of the Commission's regulations.

PTI proposes to purchase from Southern Gas Purchasing, Inc. natural gas produced from wells located in the Hornaday area, Daviess County, Indiana. PTI proposes to resell this gas at the maximum lawful price, including production related costs, to Texas Eastern Transmission Corporation (Texas Eastern). PTI states that the production related costs would consist of transportation costs, as provided in 18 CFR 271.1104(c)(2).

PTI proposes to transport the natural gas by means of a trucking system under which the natural gas would be compressed in specially designed tubes which are loaded upon a trailer and then transported by truck for a distance of approximately 9 miles to a Texas Eastern pipeline tap. The system's estimated monthly delivery would equal 43,320 MMBtu and the estimated total monthly transportation charge would be $52,100. Accordingly, PTI seeks authorization to collect an estimated charge of $1.20 per MMBtu for the truck transportation of this gas, as a production related cost. PTI indicates that the actual costs per MMBtu may vary depending on volumes of gas actually delivered.

Any person desiring to be heard or to protest this petition should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4983 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-148-000]

San Diego Solar Concepts II, Ltd.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

February 23, 1983.

On January 17, 1983, San Diego Solar Concepts II, Ltd., P.O. Box 20173, San Jose, California 95160, filed with Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in Borrego Springs, San Diego, California. The facility will consist of a maximum of 150 solar modules floating in cooling ponds. No oil or gas will be used in the facility. The electric power production capacity of the facility will be 150 kilowatts. Hot water produced in the cooling process will be sold for process use in a nearby plant. Installation of the facility will begin in approximately June 1983. No electric utility, electric holding company or any combination thereof has any ownership in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb.

Secretary.

[FR Doc. 83-4984 Filed 2-25-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER82-774-000, ER83-209-000 and ER83-227-000; and Docket Nos. ER82-829-000 and ER83-219-000]

Tapoco, Inc. and Nantahala Power and Light Co.; Order Accepting for Filing and Suspending Rate Schedules, Consolidating Dockets, Granting and Denying Motions, Waiving Notice Requirements, Granting Interventions, and Establishing Hearing Procedures

Issued: February 18, 1983.

Background

On September 3, 1982, and September 23, 1982, Tapoco, Inc. (Tapoco) and Nantahala Power and Light Company (Nantahala) filed (Docket Nos. ER82-774-000 and ER82-829-000) Notices of Termination of their filed rate schedules known as the New Fontana Agreement (NFA) and the related 1971 Apportionment Agreement. The NFA is a power coordination and exchange arrangement between the Tennessee Valley Authority (TVA), Tapoco, Nantahala, and Aluminum Company of America (ALCOA), the parent company of Tapoco and Nantahala. Under the terms of the NFA, the hydroelectric generation of Tapoco and Nantahala is dispatched by, and delivered to TVA. In return, TVA provides Tapoco and Nantahala with fixed power and energy entitlements. These entitlements are rendered by TVA jointly to Tapoco and Nantahala. The contract provided for expiration by its own terms on December 31, 1982. The 1971 Apportionment Agreement between Tapoco and Nantahala allocates between the two companies the entitlement from TVA pursuant to the NFA. The Apportionment Agreement also provided for expiration by its own terms on December 31, 1982.

The Commission issued an order on November 22, 1982,[1] which accepted the Notices of Termination for filing, suspended their effectiveness for five months, and set the matter for expedited hearing to determine if the terminations were in the public interest.

Instant Submittals

On December 23, 1982, and December 30, 1982, Tapoco and Nantahala submitted for filing in Docket Nos. ER82-209-000 and ER82-219-000 proposed new agreements between Tapoco and TVA and between Nantahala and TVA to replace the NFA and the 1971 Apportionment Agreement.[2] In addition, on December

[1] *Tapoco, Inc. and Nantahala Power & Light Company*, Docket Nos. ER82-774-000 and ER82-829-000, 21 FERC ¶ 61,112 (November 22, 1982).

[2] *See* Attachment A for rate schedule designations.

30, 1982, Tapoco filed a Notice of Termination of its FPC Rate Schedule No. 2 as a result of the proposed cancellation of the NFA (Docket No. ER83–227–000). Tapoco and Nantahala have requested waiver of the notice requirements in order that their submittals may become effective as of January 1, 1983, the day after the earlier agreements were to have expired.

Under the proposed agreement between Nantahala and TVA, Nantahala will provide the maximum amount of its wholesale requirements from its own hydroelectric resources rather than being limited to the fixed entitlements specified under the NFA and the 1971 Apportionment Agreement. The proposed agreement contains a service schedule under which TVA will provide Term Power to supplement Nantahala's own hydroelectric resources. Under a second service schedule, TVA will purchase, on a split-the-savings basis as Economy Energy, such excess generation as Nantahala may have available. Nantahala will pay TVA a monthly demand charge equal to TVA's prevailing rate for firm power and an associated energy charge equal to TVA's incremental cost, plus an adder of 0.5 mills/kWh.[3] The proposed agreement also specifies interconnection and delivery points between Nantahala and TVA as well as the transmission and distribution facilities to be operated or used by each party. Payments under the agreement for the use of transmission and distribution facilities are principally made by Nantahala for its use of certain TVA facilities.

The proposed agreement between Tapoco and TVA is a power coordination and exchange agreement under which Tapoco will exchange its generation in return for capacity and energy entitlements from TVA. Unlike the present arrangement, the proposed agreement is designed to ensure that there be an equal exchange of kilowatt hours between Tapoco and TVA over the twenty year term of the agreement.[4] In order to accomplish this, the proposed agreement provides that Tapoco's entitlements will be fixed at 185 MW, as compared to approximately 172 MW under the NFA and 1971 Apportionment Agreements, for the first ten years of the new agreement with a true-up provision which will decrease or increase Tapoco's entitlements over the remaining ten year life of the contract.

Tapoco's proposed agreement also takes into consideration the fact that Tapoco, Nantahala, and TVA are interconnected at Tapoco's Santeetlah Project and TVA currently uses such interconnection for deliveries to Nantahala. Accordingly, Tapoco will continue to make this interconnection available for TVA's use in deliveries to Nantahala in return for payment by TVA of the operation and maintenance expenses (estimated to be $1200/yr.) incurred by Tapoco on these facilities. Additionally, in order to facilitate TVA deliveries to Nantahala, Tapoco will continue to make available to TVA specified amounts of capacity in certain 161 kV lines extending from various points to the interconnection with Nantahala at the Santeetlah Switchyard.

As noted, Tapoco has also filed a Notice of Termination with respect to Tapoco Rate Schedule FPC No. 2. Under that rate schedule, Tapoco relays TVA dispatching instructions to Nantahala for the coordinated operation of Tapoco, Nantahala, and TVA facilities under the NFA.

Notices of the filings in Docket Nos. ER83–209–000 and ER83–219–000 were published in the Federal Register with comments due on the Tapoco Filing by January 18, 1983, and on the Nantahala filing by January 24, 1983.[5] A timely protest and motion to intervene coupled with certain other motions was filed by the Town of Highlands, North Carolina (Highlands) in each docket. The Attorney General of the State of North Carolina also filed a timely protest and motion to intervene together with related motions. The North Carolina Electric Membership Corporation (NCEMC) and the Haywood Electric Membership Corporation (Haywood) jointly filed an untimely protest, motion to intervene, and other motions in each docket.

Highlands requests that the filings be rejected for Tapoco's and Nantahal's failure to file a certificate of concurrence in the agreements on behalf of ALCOA and for Tapoco's failure to: (1) Obtain Commission approval for the transfer of certain facilities; and (2) comply with the Commission's filing requirements in that Tapoco has not included in its filing the new ALCOA–TVA contract. Highlands also maintains that the Tapoco–TVA agreement should be rejected in view of its provisions which give TVA the right of first refusal to purchase Tapoco's facilities. In the event that the Commission does not reject the filings, Highlands requests that the filings be suspended for one day and set for hearing in order to provide an opportunity for the Commission to determine: (1) The justness and reasonableness of the new agreements; (2) if severance of the relationship between Nantahala and Tapoco is in the public interest; and (3) the extent to which the public interest may require a further investigation as to whether the actions being taken by Nantahala and Tapoco constitute violations of their hydroelectric licenses and as to whether such licenses should be revoked or modified. Additionally, Highlands requests that the Tapoco and Nantahala proceedings be consolidated with the pending proceedings in Docket Nos. ER82–774–000 and ER82–829–000 and that ALCOA be joined as a party to any proceedings in Dockets Nos. ER83–209–000 and ER83–219–000. In an amendment to its protest and motion to intervene, Highlands also requests that any Commission order in this proceeding be conditioned upon Tapoco's agreement to provide wholesale services to Highlands, subject to Highlands' obtaining arrangements with Nantahala (and/or TVA) for transmission service.

The pleadings filed jointly by NCEMC and Haywood and those filed by the State of North Carolina raise issues similar to those presented by Highlands. However, NCEMC and Haywood request a five month suspension in both dockets instead of one day, while the State of North Carolina requests a five month suspension in the Tapoco docket and a one hour suspension in the Nantahala docket. NCEMC and Haywood also concurrently filed a motion requesting permission to intervene out of time in the Tapoco docket, and the State of North Carolina filed a motion for leave to file a corrected protest in the Tapoco docket.

Tapoco and Nantahala have each filed, in their respective dockets, an answer in opposition to the motions filed by Highlands, Haywood, NCEMC, and North Carolina. Tapoco requests that the collective motions to intervene be denied on the grounds that those parties lack standing in the Tapoco docket. Tapoco objects to each of the requests advanced in the pleadings

[3] Nantahala estimates that its total cost of power from TVA under the proposed agreement will not initially exceed the charges now paid to TVA for power to supplement its fixed entitlements under the current NFA and 1971 Apportionment Agreement.

[4] Under the present agreement, Tapoco receives approximately 172 MW of capacity and associated energy from TVA in exchange for its own generation. As a result of higher than average stream flow conditions, Tapoco has in the past received fewer kilowatt hours than it has delivered to TVA.

[5] Notice of the submittal in Docket No. ER83–227–000 was also published with responses due by February 3, 1983. A timely protest and motion to intervene coupled with other motions was jointly filed by Highlands and the State of North Carolina. NCEMC and Haywood jointly filed an untimely protest, motion to intervene, and other motions. In these pleadings the intervenors raise substantially the same issues as those which they have raised in Docket Nos. ER83–209–000 and ER83–219–000.

arguing that the movants have no independent interest in the Tapoco proceeding, that they are essentially seeking to relitigate matters previously resolved in Opinion Nos. 139 (19 FERC ¶ 61, 152) and 139–A (20 FERC ¶ 61,430), and that there are no common issues of law and fact which would warrant consolidation with Docket Nos. ER83–219–000, ER82–774–000, and ER82–829–000.

Nantahala objects to the motions to intervene, to reject its filing as deficient, and to consolidate, for essentially the same reasons as those advanced by Tapoco. Nantahala, however, does not argue that the parties lack standing to intervene in the Nantahala docket. Instead, Nantahala bases its objection to intervention on the fact that the new Nantahala-TVA interconnection agreement will mean considerable savings to its customers which should be passed on without delay. In addition, Nantahala argues that the new interconnection agreement should be approved because TVA has indicated that it will be, and in fact is, operating under that agreement. Furthermore, Nantahala contends that consolidation with Docket Nos. ER82–774–000 and ER82–829–000 would unnecessarily complicate and delay a determination of the reasonableness of Nantahala's new interconnection agreement, and would burden Nantahala and its customers with additional legal fees and expenses.

Tapoco also filed a respnse to the motions made in Docket No. ER83–219–000 in which it advances many of the same arguments and objections contained in its response to the motions filed in Docket No. ER83–209–000. In addition, Tapoco argues that there is no justication for joining either itself or ALCOA in any proceedings involving the Nantahala-TVA agreement. Furthermore, Tapoco contends that there are no issues to set for hearing, and that there is no justification for consolidation. However, if ther is to be a consolidated investigation of the new agreements, Tapoco proposes that TVA be made a party. Tapoco also urges the Commission, in the event of consolidated proceedings, to join the North Carolina Utilities Commission (NCUC) as a full party because the intervenors allegedly have urged the NCUC in the past to defy Commission determinations. Therefore, Tapoco contends that the NCUC should be present, participate as a full party, and be bound by the result.[6]

On February 4, 1983, Tapoco filed a motion to reject North Carolina's motions to consolidate the subject dockets and North Carolina's protest and motion to intervene in Docket No. ER83–219–000, on the grounds of failure to provide timely service and an alleged misstatement in North Carolina's certificate of service as to the date on which service was, in fact, made.

In addition to the pleadings filed with respect to the new agreements with TVA, Tapoco and Nantahala also filed Motions to Withdraw and Terminate Proceedings in Docket Nos. ER82–774–000 and ER82–829–000 on December 23, 1982, and December 30, 1982. The motions are based on the fact that both Tapoco and Nantahala have entered into superseding agreements and have filed such agreements with the Commission. Since the purpose of the proceeding initiated in the earlier dockets was to determine the justness and reasonableness of the termination of the previous agreements in the absence of replacement contracts, Tapoco and Nantahala argue that the pending proceedings are moot. On January 6, 1983, the Commission's trial staff filed a response in support of the motions to withdraw and terminate.[7]

On January 7, 1983, Highlands, Haywood, and NCEMC responded to the Nantahala and Tapoco motions. They do not oppose withdrawal of the notices of termination, but they do oppose the requests to terminate the earlier proceeding.

North Carolina responded one day out of time, opposing withdrawal of the notices of termination as well as termination of the proceedings. North Carolina concurrently filed a complaint against ALCOA, Tapoco, and Nantahala in Docket No. EL83–6–000. North Carolina refers to its allegations in this complaint as support for its contention that the new contracts do not replace the services rendered under the previous agreements. North Carolina, therefore, contends that the proceedings should be continued and consolidated with the complaint proceeding.[8]

Discussion

As noted, NCEMC and Haywood jointly filed untimely motions to intervene in Docket Nos. ER83–209–000, ER83–219–000 and ER83–227–000. Tapoco challenges the standing of Highlands, Haywood, NCEMC, and the State of North Carolina to intervene in Docket No. ER83–209–000 asserting that none of these movants is a customer of Tapoco's and none has an interest in the proposed agreement between Tapoco and TVA. Despite these contentions, we find that these movants may have an interest in the proposed Tapoco-TVA agreement as well as the Nantahala-TVA agreement insofar as they will supersede the NFA and 1971 Apportionment Agreement, and the existing practice for allocating entitlements thereunder. Each of the movants was permitted to intervene in Docket Nos. ER82–774–000 and ER82–829–000 over objection by Tapoco and we continue to believe that they may be directly affected by Commission action in any of these dockets and that their participation in these proceedings will enhance the evidentiary record before the Commission. Furthermore, given the fact that untimely intervention should not prejudice any party or unduly delay the proceedings, we find that good cause exists to grant the untimely motions to intervene. Accordingly, each of the motions to intervene filed in these dockets will be granted.

We shall deny Tapoco's motion to reject North Carolina's motion to consolidate and its protest and motion to intervene in Docket No. ER83–219–000, for failure of service. It is not clear on the face of the pleadings that service was not made in accordance with our Rules of Practice and Procedure. Moreover, North Carolina's pleadings in Docket No. ER83–219–000 and its motion to consolidate raise substantially the same issues as those raised by the other intervenors, and by North Carolina in Docket No. ER83–209–000. Therefore, Tapoco will not be prejudiced if we decline to reject these pleadings. Furthermore, we shall grant North Carolina's motion for leave to file a corrected protest. Given the technical nature of the corrections, no prejudice or undue delay should result from accepting the corrected protest.

We shall deny the motion to join ALCOA as a party to the consolidated proceeding. The Commission determined in Opinion No. 139, *supra*, that Tapoco and Nantahala are not operated as an integrated system; they are appropriately treated as separate operating entities. We also found that ALCOA has not used the separate corporate identities of Nantahala and Tapoco to frustrate the purposes of the Federal Power Act. We do not believe that ALCOA is a necessary party to a proceeding designed to determine the

[6] We are not inclined to consider the requests to join TVA or the state regulatory authority *sua sponte* absent any indication that they desire to participate. Should these non-jurisdictional entities so choose, they may file an appropriate motion.

[7] The Commission gave notice of its intent to act on the motions to withdraw and terminate on January 24, 1983.

[8] Because the period for responses to the complaint has not yet elapsed, we shall not take action on Docket No. EL83–6–000 in this order. Rather, we shall address the complaint and the request for consolidation in a subsequent order.

justness and reasonableness of the proposed agreements or the termination of the prior agreements.

Because ALCOA is not a party to the new agreements filed by Tapoco and Nantahala, we shall deny the motions to reject the filings insofar as they are based on the absence of a certificate of concurrence of ALCOA. The intervenors have advanced several bases for rejection of Tapoco's filing. First, the intervenors request that Tapoco's filing be rejected for failure to obtain prior Commission approval for the transfer of certain facilities. Tapoco has given TVA the right to use certain 161 kV transmission and substation facilities for its delivery to Nantahala at Tapoco's Santeetlah Switchyard. In connection with this argument, we note that TVA has had in the past, the right to use certain Tapoco facilities in order to make deliveries to Nantahala. However, while this issue may be an appropriate subject for hearing, it does not represent a basis for rejection. Second, the intervenors request rejection of Tapoco's filing on the basis that it gives TVA the right of first refusal to purchase Tapoco generating and transmission facilities. We believe that this position warrants further investigation but again, we do not find that it constitutes a basis for rejection of the filing. Because the submittals in Docket Nos. ER83–209–000 and ER83–219–000 are in substantial compliance with our regulations [9] and no other grounds for rejection have been demonstrated, we shall deny the motions to reject.

As noted, in accepting the instant agreements for filing, Highlands effectively seeks an order of the Commission compelling Tapoco to provide wholesale service directly to Highlands. Even assuming, arguendo, that such relief would be considered available or appropriate following a hearing on the merits, we do not believe that it would be proper to entertain Highlands' request at this time. Little substantive basis or legal support for the relief sought has been offered by Highlands thus far and the request, in effect, asks the Commission to prejudge a variety of issues which we believe must be resolved on the basis of a hearing record. Accordingly, we shall deny Highlands' request for conditional acceptance of the filings at issue. [10]

Our review of Nantahala's and Tapoco's filings and the related pleadings indicates that the proposed agreements as well as the Notice of Cancellation in Docket No. ER83–227–000 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. As a result, we shall accept the submittals for filing and suspend them as ordered below.

In *West Texas Utilities Co.*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy primarily in the context of contested rate increases. As noted above, it appears that the instant filings may result in little, if any, total change in costs. Rather, the filings are intended to replace earlier agreements that were to have expired by their own terms as of the end of 1982. At least some of the affected intervenors support waiver of notice and a nominal suspension. Given the nature of the submittals and the fact that the new agreements will be made subject to refund and potential modification, we find that good cause exists to grant waiver of notice and suspend the filings for one day to become effective, subject to the outcome of a hearing, on January 2, 1983. In light of the questions raised by the intervenors, we believe that the consolidated hearing should encompass the issue of Nantahala's ability to continue to provide adequate service to its wholesale customers as well as possible hydroelectric license violations.

Concerning Nantahala's and Tapoco's motions to withdraw the notices of termination and terminate the proceedings in Docket Nos. ER82–774–000 and ER82–829–000, we note that there is uncertainty a to the scope of any issues which may remain in that proceeding despite the filing of the proposed replacement agreements. [11] The intervenors have indicated in their responses to Nantahala's and Tapoco's motions that they believe that the ongoing proceedings have not been rendered moot by the filing of the proposed agreements and should not be terminated. In addition, the presiding judge in Docket Nos. ER82–774–000 and ER82–829–000 stated in order dated January 14, 1983, that there is a compelling need for the Commission to decide the question of whether termination of the NFA and the 1971 Apportionment Agrement was just and reasonable. Accordingly, we shall grant the motions to withdraw the notices of termination but we shall not terminate the proceedings. Instead, we shall consolidate Docket Nos. ER82–774–000, ER82–829–000, ER83–209–000, ER83–219–000, and ER83–227–000 for purposes of hearing and decision on all relevant issues.

Because the new submittals by Nantahala and Tapoco obviate our earlier concern that cancellation of the NFA and the 1971 Apportionment Agreement could result in an interruption of service, we shall also withdraw our directive in Docket Nos. ER82–774–000 and ER82–829–000 that the presiding judge expedite the proceeding so as to allow a final Commission decision within the suspension period.

The Commission orders:

(A) The motions to reject Tapoco's and Nantahala's filings and to join ALCOA as a party are hereby denied.

(B) The motions by Tapoco and Nantahala for waiver of the notice requirements are hereby granted.

(C) The submittals in Docket Nos. ER83–209–000, ER83–219–000, and ER83–227–000 are hereby accepted for filing and suspended for one day to become effective on January 2, 1983, subject to refund and the outcome of a hearing.

(D) The interventions of the North Carolina Electric Membership Corporation, the Haywood Electric Membership Corporation, the Town of Highlands, and the Attorney General of the State of North Carolina are hereby granted subject to the Commission's Rules of Practice and Procedure.

(E) The motion of the State of North Carolina for leave to file a corrected protest in Docket No. ER83–209–000 is hereby granted.

(F) The motion of the State of North Carolina to file a response one day out of time to the Tapoco motion to

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[9] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

[10] Tapoco has objected to Highlands' request for an order compelling Tapoco to provide wholesale service, asserting that this precise issue was addressed and resolved in Opinion No. 139, *supra*. It is Tapoco's view that Highlands' motion relies on section 202(b) of the Federal Power Act, that this issue was raised and specifically decided in the proceeding underlying Opinion No. 139, and that *res judicata* should preclude renewed litigation of an issue which has been previously resolved. We previously advised the presiding judge in Docket Nos. ER82–774–000 and ER82–829–000 to take necessary measures to avoid unnecessary relitigation of issues (21 FERC ¶ 61,112). However, it is not clear from Highlands' brief discussion of this issue whether it, in fact, seeks relief exclusively under section 202(b). Furthermore, we do not agree that the issue of a section 202(b) interconnection was "fully litigated" in the earlier hearing. Rather, at the outset of that proceeding, the Commission found it unnecessary to separately consider a section 202(b) interconnection, since Highlands had asked "only that *its rates be adjusted* to reflect Tapoco's lower-cost hydroelectric power." (5 FERC ¶ 61,134). Thus, the Commission dismissed Highlands' request for relief under section 202(b).

[11] In connection with the motions to withdraw the notices of termination and terminate the proceedings, we shall grant North Carolina's motion for leave to file its response to the Tapoco motion one day out of time. The other parties have not objected and we do not find that any prejudice or undue delay will result.

terminate proceedings in Docket No. ER82–774–000 is hereby granted.

(G) The motions to withdraw the notices of termination in Docket Nos. ER82–774–000 and ER82–829–000 are hereby granted as discussed in the order. The motions to terminate these proceedings are hereby denied.

(H) The motion of the Town of Highlands that an order by the Commission be conditioned upon Tapoco's agreement to provide wholesale services to Highlands is hereby denied as noted in the body of this order.

(I) The motion by Tapoco to reject North Carolina's motion to consolidate Docket Nos. EL83–6–000, ER82–774–000, ER82–829–000, ER83–209–000, and ER83–219–000, and its protest and motion to intervene in Docket No. ER83–219–000, is hereby denied.

(J) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particulary sections 19, 20, 205, and 206 thereof, and pursuant to the Commission's Rules of Pracitce and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Tapoco's and Nantahala's filings, and the appropriateness of further proceedings under sections 19 and 20 of the Federal Power Act. The Commission's November 22, 1982 directive that the presiding judge expedite the hearing on cancellation of the NFA and 1971 Apportionment Agreement is hereby withdrawn.

(K) Docket Nos. ER83–209–000, ER83–219–000, and ER83–227–000 are hereby consolidated with Docket Nos. ER82–774–000 and ER82–829–000 for purposes of hearing and decision.

(L) The administrative law judge designated to preside in Docket Nos. ER82–774–000 and ER82–829–000 shall convene a conference in these proceedings to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of determining the procedures best suited for this consolidated proceeding.

(M) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A

Tapoco, Inc., Rate Schedule Designations

Docket Nos. ER83–209–000 and ER83–227–000

(1) Supplement No. 1 to Rate Schedule FPC No. 2 (Cancels Rate Schedule FPC No. 2).

(3) Rate Schedule FERC No. 6 (Supersedes Rate Schedule FPC No. 3).

Nantahala Power and Light Company, Rate Schedule Designations

Docket No. ER83–219–000

(1) Rate Schedule FERC No. 3 (Supersedes Rate Schedule FPC No. 1).

(2) Supplement No. 1 to Rate Schedule FERC No. 3 (Term Power—Service Schedule A).

(3) Supplement No. 2 to Rate Schedule FERC No. 3 (Economy Energy—Service Schedule B).

[FR Doc. 83–4985 Filed 2–25–83; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 24 Through January 28, 1983

During the week of January 24 through January 28, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also includes a submission that was dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 18, 1983.

Appeal

Dorothy Taylor, January 28, 1983, HFA–0105

Dorothy Taylor filed an Appeal from a partial denial by the Assistant General Counsel for General Litigation of a Request for Information which Mrs. Taylor had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Assistant General Counsel had agreed to release the only document that had been withheld. Accordingly, Mrs. Taylor's Appeal was granted.

Interlocutory Orders

Gulf Oil Corporation, January 20, 1983, HRZ–0100

Gulf Oil Corporation sought an order deeming as admitted by the Office of Special Counsel for Compliance (OSC) certain matters in an enforcement proceeding before the Office of Hearings and Appeals. The DOE entered an order deeming as admitted those factual assertions made by Gulf in its Statement of Objections, Part III (SFO III) to a Proposed Remedial Order OSC issued to the firm on May 1, 1979 not controverted by OSC in its Response to SFO III.

Texaco Inc., January 25, 1983, HRZ–0113

Texaco Inc. filed a motion to compel the Office of Special Counsel (OSC) to respond more fully to interrogatories approved by the Office of Hearings and Appeals. Under the terms of the interrogatories, OSC was required to produce to Texaco, subject to claims of privilege, all documents authored or approved by responsible agency officers concerning specified issues. Texaco sought to compel OSC to produce 49 documents authored or approved by lower level agency employees. OHA denied the motion, finding that OSC's withholding of the documents was consistent with the responsible agency officer limitation.

Implementation of Special Refund Procedures

Office of Enforcement: In the matters of Sid Richardson Carbon and Gasoline Company and Richardson Products Company, Texas Oil and Gas Corporation, and Ozona Gas Processing Plant, BEF–0022, BEF–0027, BEF–0046, BEF–0056

The Office of Hearings and Appeals issued a final Decision and Order setting forth procedures to be used in filing applications for refund for a portion of the settlement funds obtained as the result of the consent order which the DOE entered into with the four firms identified above. The funds will be available to customers which purchased natural gas liquids and products that originated from the four firms during the relevant periods. Applications for refund must be filed within 90 days of the publication of the decision in the **Federal Register.** Specific requirements for Applications for Refund adopted for the four cases are discussed in the decision.

Refund Applications

The Charter Company/PEP–O Petroleum Company, Inc., January 27, 1983, RF23–2

The Office of Hearings and Appeals granted an Application for Refund filed by PEP–O Petroleum Company, Inc., for a portion of the Charter Company consent order fund pursuant to the procedures set forth in *Office Of Special Counsel (Charter)*, 10 DOE ¶ 85,039 (1982).

Standard Oil Company (Indiana) /Ron's Ray Brothers Standard et al, RF21–33

On December 23, 1982 the Office of Hearings and Appeals issued a Decision and

Order setting forth the procedures for distributing the Amoco settlement fund. *See* 42 FR 144 (January 3, 1983). Ron's Ray Brothers Standard and 56 other motor gasoline retailers filed applications seeking refunds pursuant to the presumptions set forth in these procedures. The DOE approved the applications.

Dismissal

The following submission was dismissed:

Name	Case No.
Energy Cooperative, Inc.	HEE-0025

[FR Doc. 83-5002 Filed 2-25-83; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-00040; TSH-FRL 2312-1]

Administrator's Toxic Substances Advisory Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Meeting.

SUMMARY: The Administrator's Toxic Substances Advisory Committee (ATSAC) will convene to discuss activities of the Office of Toxic Substances including participation in the Organization for Economic Cooperation and Development (OECD) projects and biotechnology issues. The meeting will be open to the public.

DATE: The meeting will take place on Friday, March 18, 1983, at 9:00 a.m. and adjourn by 3:00 p.m.

ADDRESS: The meeting will be held in: Rm. M-3908, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Marylouise Uhlig (202-382-2906)

or

Phyllis Hetrick-Bennett (202-382-3721).

SUPPLEMENTARY INFORMATION: The ATSAC agenda will begin with an update on program activities of the last six months by staff persons from the Office of Toxic Substances (OTS). At 10:00 a.m. Don R. Clay, Director of OTS, will discuss EPA participation in the OECD projects.

The Agency has requested the ATSAC to consider biotechnology issues. During the morning session, representatives from OPTS and OTS will report on the offices' activities in this area and at 1:00 p.m. the ATSAC will hear from the public. One of the speakers will be Dr. Harvey Price, Director of the Industrial Biotechnology Association.

The Committee is interested in gathering information on such questions as: What is the public perception of the benefits/risks of biotechnology? What are the most promising areas for the application of biotechnology? Where are the largest markets for commercial application? What kinds of special scientific/technical staff expertise might EPA need in the future to evaluate biotechnology products' effects upon human health and the environment? What encouragement could the Agency offer to see that training in this area is developed by universities and other organizations?

The meeting will be open to the public, and time will be set aside for public comments concerning the work of the Committee. Any member of the public wishing to present an oral or written statement relating to the Committee's work should contact the ATSAC staff at the address or phone numbers listed above.

Dated: February 18, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-4980 Filed 2-25-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59114A; TSH-FRL 2312-6]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, D.C. 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the application, and for the time period specified by the submitter, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the application. All other conditions described in the application must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-19

Date of Receipt: January 19, 1983.

Notice of Receipt: February 4, 1983 (48 FR 5306).

Applicant: Confidential.

Chemical: (Generic): unsaturated amide quaternary ammonium polymer.

Use: Confidential.

Production Volume: Confidential.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Environmental Release: Confidential.

Test Marketing Period: Confidential.

Commencing on: February 18, 1983.

Risk Assessment: No significant human health effects are expected. Although the TME substance may be toxic to aquatic organisms, EPA does not expect release of the substance at levels sufficient to result in any significant risk.

Public Comments: None.

The Agency reserves the right to rescind approval of the exemption shuld any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: February 18, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-4979 Filed 2-25-83; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59118; TSH-FRL 2312-3]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: March 15, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59118]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-27

Manufacturer. Confidential.

Chemical. (G) Zirconium propanolate, substituted.

Use/Production. Confidential. Product range: Confidential.

Toxicity Data. No data submitted.

Exposure. No exposure.

Environmental Release/Disposal. No release.

TME 83-28

Manufacturer. Confidential.

Chemical. (G) Modified rosin condensation product.

Use/Production. (S) Industrial hot melt adhesives. Product range: Confidential.

Toxicity Data. Confidential.

Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 1 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system.

Dated: February 22, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-4985 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51455; TSH-FRL 2312-4]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eleven PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-484 and 83-485, May 14, 1983.

PMN 83-486, 83-487, 83-488 and 83-489, May 15, 1983.

PMN 83-490, May 16, 1983.

PMN 83-491, 83-492, 83-493 and 83-494, May 17, 1983.

Written comments by:

PMN 83-484 and 83-485, April 14, 1983.

PMN 83-486, 83-487, 83-488 and 83-489, April 15, 1983.

PMN 83-490, April 16, 1983.

PMN 83-491, 83-492, 83-493 and 83-494, April 17, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51455]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202) 382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-484

Manufacturer. Confidential.

Chemical. (G) Copolymer of unsaturated organic compounds with polyols and isocyanates.

Use/Production. (S) Binder for magnetic tape. Prod. range: 15,000-350,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10-10,000 kg/yr to land. Disposal by incineration and approved landfill.

PMN 83-485

Manufacturer. Confidential.

Chemical. (G) Alkyl branched alkanoate.

Use/Production. (S) Industrial site limited captive intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 500 mg/kg: Irritation: Skin—None, Eye—Slight; Inhalation: 2.4 mg/1; Ames Test: Non-mutagenic.

Exposure. Manufacture: dermal and inhalation.

Environmental Release/Disposal. Release is negligible. Disposal by biological waste treatment system or thermal oxidizer.

PMN 83-486

Manufacturer. Confidential.

Chemical. (G) Zirconium propanoate. substituted.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No exposure.

Environmental Release/Disposal. No release.

PMN 83-487

Manufacturer. Confidential.

Chemical. (G) Alkyl sulfide.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-488

Manufacturer. Confidential.

Chemical. (G) Polymer of acrylic ester and substituted acrylamide.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 7,500-15,000 kg/yr.

Toxicity Data. Acute oral: >3,000 mg/kg; Acute dermal: >20 mL/kg; Irritation: Skin—Slight, Eye—Not an irritant; Skin sensitization: Low potential; Repeated Skin application: Slightly exacerbates the irritative response; Acute effects on seven aquatic species: >100 mg/L; Secondary waste treatment compatibility study: >5,000 mg/L; Plant growth effects: No significant effects at 100 mg/L; BOD_5: 0.005 g/ml at 600 µl/L; BOD_{20}: 0.006 g/ml at 600 µl/l; TOD: 0.34 g/ml.

Exposure. Manufacture and processing: dermal, a total of 45 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incineration.

PMN 83-489

Manufacturer. Hercules, Incorporated.

Chemical. (G) Styrene, acrylate methacrylate copolymer.

Use/Production. (S) Toner resin for dry copier. Prod. range: 300,000-700,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/da, up to 24 da/yr.

Environmental Release/Disposal. 10-100 kg/yr released to air with less than 10 kg/yr to water, 12.5 hrs/da, 24 da/yr. Disposal by publicly owned treatment works (POTW).

PMN 83-490

Manufacturer. Confidential.

Chemical. (G) Modified coconut-phthalic-mixed polyol alkyd polymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacturer: dermal, inhalation and eye or frequent exposure during working hours.

Environmental Release/Disposal. 5,000-50,000 kg/yr released to land. Disposal by incineration, approved landfill and sewer system.

PMN 83-491

Manufacturer. Confidential.

Chemical. (G) Sodium carboxyalkyl thiosulfate.

Use/Production. (S) Leather dehairing. Prod. range: confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Moderate, Eye—Moderate: LC_{50}, 48 hr (minnow): 10-100 mg/1.

Exposure. Manufacture, use and disposal: dermal, a total of 10 workers, up to 6 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 10-1,000 kg/yr to water, up to 2 hrs/da, up to 300 da/yr. Disposal by POTW.

PMN 83-492

Manufacturer. Reilly Tar & Chemical Corporation.

Chemical. (S) 4-(4-methyl-1-piperidinyl)pyridine.

Use/Production. (G) Catalyst. Prod. range: Confidential.

Toxicity Data. BOD_5 (2.5 mg/L): .016-.128.

Exposure. Manufacture and use: dermal and inhalation, a total of 56 workers, minimal.

Environmental Release/Disposal. Minimal release to water. Disposal by POTW.

PMN 83-493

Manufacturer. Confidential.

Chemical. (G) Alkoxylated alcohol compounds.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-494

Manufacturer. Confidential.

Chemical. (G) Propylene glycol compounds.

Use/Production. (G) Site limited intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: February 22, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-4990 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59073B; TSH-FRL 2312-7]

Substituted Methyldisilane; Extension of Test Marketing Exemption Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the test marketing period for 1 year for test marketing exemption (TME) TM-81-48, under the authority of section 5(h)(1) of the Toxic Substances Control Act (TSCA). Notice of approval of the TME was published in the Federal Register of January 7, 1982 (47 FR 850).

EFFECTIVE DATE: This extension is effective on February 16, 1983.

ADDRESS: Written comments, identified by the document control number [OPTS-59073B; TM-81-48], may be submitted on or before March 17, 1983, and should be addressed to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St., SW., Washington, D.C. 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

On December 30, 1981, EPA granted a test marketing exemption (TM-81-48) for a substituted methyldisilane. The substance is to be used as a coating. The company claimed its identity, the specific chemical identity, and the specific use of the chemical to be confidential business information. Notice of approval of the TME was published in the Federal Register of January 7, 1982 (47 FR 850). Approval was based on an Agency finding of adequate worker protection and minimal environmental toxicity and release. Test marketing activity was limited to 1 year.

On January 19, 1983, EPA received a request from the submitter that the test marketing period be extended for an additional year. The company states that its one customer has not yet received or used any of the TME substance, although the full 500 pounds described in the test marketing

exemption application has been manufactured by the submitter.

EPA has decided to extend the 1 year exemption period for an additional year, provided that the submitter not manufacture any more of the new substance, and that all other restrictions specified in the notice of approval of the test marketing exemption remain unchanged. These include record-keeping requirements, and worker protection measures. This decision is based on a finding that the additional time will not affect the Agency's original conclusion that test marketing of this substance will not present an unreasonable risk of injury to human health or the environment. The Agency reserves the right to rescind its decision to grant this extension should any new information come to its attention which casts significant doubt on this conclusion.

Dated: January 16, 1983.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 83-4977 Filed 2-25-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL ELECTION COMMISSION

Clearinghouse on Election Administration Clearinghouse Advisory Panel; Meeting

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I) and Office of Management and Budget Circular A-63, as revised, the Federal Election Commission announces the following Advisory Panel meeting:

Name: Federal Election Commission Clearinghouse Advisory Panel.

Date: 28-29 March 1983.

Place: Sky Room, Hotel Washington, Penna. Ave. and 15th St., NW, Washington, DC.

Time: 0900-1200; 1400-1700 on 28 March 1983; 0900-1200; 1400-1700 on 29 March 1983.

Proposed agenda: Discussion sessions addressing regional conference program, cooperative program between National Association of Secretaries of State and the Council of Governments, Clearinghouse research program, state disclosure program, Voting Systems Standards Project and the cooperative program between the National Association of Secretaries of State and the Council on Governmental Ethics.

Purpose of the meeting: The Panel will discuss the agenda items as well as present their views on problems in the administration of federal elections, and formulate recommendations to the Federal Election Commission Clearinghouse for its future program development.

The Advisory Panel meeting is open to the public depending on available space. Any member of the public may file a written statement with the Panel before, during, or after the meeting. To the extent that time permits, the Panel Chairman may allow public presentation or oral statements at the meeting.

All communications regarding this Advisory Panel should be addressed to Dr. Gary Greenhalgh, Clearinghouse on Election Administration, Federal Election Commission, 1325 K Street, NW, Washington, DC 20463.

Dated: February 18, 1983.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-4898 Filed 2-25-83; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of the document to the person filing the agreement at the address shown below.

Agreement No. T-4075-1.

Title: Oakland/Compagnie Generale Maritime, Admendment.

Parties: Port of Oakland (Port)/ Compagnie Generale Maritime, Hapag Lloyd AG, Intercontinental Transport (ICT) BV (EuroPacific).

Synopsis: Agreement No. T-4075-1, between Port and EuroPacific, amends the basic agreement between the parties by modifying wharfage change compensation for the handling of certain project type cargo off the assigned premises.

Filing Agent: John E. Nolan, Assistant Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Agreement No. 6200-24

Title: U.S. Atlantic & Gulf/Austrialia-New Zealand conference.

Parties: Trader Navigation Co. Ltd. (Atlanttrafik Express Service); Columbus Line (Hamburg-Sudamer-Kanishe Dampfschifffahrts-Gesselschaft, Eggert & Amsinck); Farrell Lines Incorporated; Pacific America Container Express; The Bank and Savill Line/Shipping Corporation of New Zealand.

Synopsis: The basic agreement would be amended to : (1) Include U.S. intermodal (microbridge) authority; (2) add new subsections (b) and (c) to Article 2 of the agreement to set forth procedures for implementing the microbridge authority and conditions of guarantee for any conference member to continue or initiate any independent intlermodal rate in the trade; and (3) update the names of the various South Sea Islands served by the Comference.

Filing Party: Marc J. Fink, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No. 10374-4.

Title: Hapag-Lloyd/ICT/CGM Space Charter Agreement.

Parties: Hapag-Lloyd, A.G., Intercontinental Transport (ICT) B. V. and Compagnie Generale Maritime.

Synopsis: Agreement No. 10374-4 adds a new Article 12 to the agreement which would permit the parties each to become members of approved conference, rate association, pooling or other agreements operative in the trades covered by the agreement, provided, that, in any instance where the votes of the parties on any matter before such conference or other agreement appear to be indentical, their votes shall be counted as one vote, their votes in all other instances being counted in accordance with each party's respective position.

Filing Agent: Edward Schmeltzer. Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, Northwest, Washington, D.C. 20036.

Agreement No. 10468.

Title: Latin American Discussion Agreement.

Parties: Chilean Line, Delta Steamship Lines, Inc., Flota Mercante Grancolombiana, S.A., Lykes Bros. Steamship Co. Inc., Transportes

Navieros Equatorianos, and Companie Peruana de Vapores.

Synopsis: Agreement No. 10468 provides for the establishment of a discusion agreement among U.S.-flag and reciprocal-flag carriers serving points in the U.S. and ports on the U.S. Atlantic and Gulf Coasts, and ports or points in Bolivia, Chile, Peru, Ecuador and Columbia. The Agreement will authorize the parties to discuss matters of mautual interest which are set forth in the agreement.

Filing Agent: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y 10005.

By Order of the Federal Maritime Commission.

Dated: February 23, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-5088 Filed 2-25-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 22, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register.** This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for Approval of a One-Time Survey

1. Report title: One-Time Survey of Retailers on Credit Card Costs:

Agency form No. FR 3027
Frequency: Nonrecurring
Reporters: Retailers, particularly those dealing with credit cards
SIC Code: 881
Small businesses are affected.
General description of report:
Respondent's obligation to respond is voluntary [12 U.S.C. § 248, § 461]; a pledge of confidentiality is not promised.

This information is needed by the Federal Reserve Board for a Congressionally mandated report to the Congress on the economic impact of credit cards, especially on the selling costs of retailers and the pricing of goods.

Request for Revisions to an Existing Report

1. Report title: Reports of Condition and Income:

Agency form No.: FFIEC 010-015
Frequency: Quarterly
Reporters: State member banks
SIC Code: 602pt.
Small businesses are affected.
General description of report:
Respondent's obligation to reply is mandatory (12 U.S.C. 324); a pledge of confidentiality is partially promised.

These reports provide for all state member banks a quarterly summary statement and detailed schedules of assets, liabilities, and capital accounts in the form of a condition report, and summary statement and detailed schedule of operating income and expense sources and disposition of income and changes in equity capital in the form of an income statement. Banks with foreign offices also provide additional detail on foreign-related assets, liabilities, etc. These data are used for regulatory, supervisory, policy, and analytical purposes.

The Federal Reserve System has requested that OMB provide a decision to this request for approval in less than ten days.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4980 Filed 2-25-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Citizens Bancorp of Cherokee County, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Citizens Bancorp of Cherokee County, Inc.*, Ball Ground, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Bank, Ball Ground, Georgia. Comments on this application must be received not later than March 22, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President)

925 Grand Avenue, Kansas City, Missouri 64198:

1. *Phalia Bancshares, Inc.*, Westphalia, Kansas; to become a bank holding company by acquiring 93.5 percent of the voting shares of The State Bank of Westphalia, Westphalia, Kansas. Comments on this application must be received not later than March 22, 1983.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-4986 Filed 2-25-83; 8:45 am]
BILLING CODE 6210-01-M

United Jersey Banks; Proposed Acquisition of Richard Blackman & Co., Inc.

United Jersey Banks, Princeton, New Jersey, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)), for permission to acquire voting shares of Richard Blackman & Co., Inc., Paramus, New Jersey.

Applicant states that the proposed subsidiary would engage in the following retail securities brokerage activities: (1) purchasing and selling securities solely upon the order and for the account of customers; (2) clearing securities transactions as a clearing broker; (3) extending margin loans to customers in conformity with the Board's Regulation T (12 CFR Part 220); (4) acting as custodian of customers' securities; (5) carrying customers' credit balances, on some of which interest will be paid. Applicant will not offer investment advice. The proposed activities would be performed from offices of Applicant's subsidiary in Paramus, New Jersey, and the geographic areas to be served are the State of New Jersey and the New York City metropolitan area. Such activities have not been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, but the Board is of the view that there is a reasonable basis for Applicant's opinion that the proposed activities are closely related to banking or managing or controlling banks so as to warrant consideration of this application under section 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)). *See* Board Order approving the application of BankAmerica Corporation to acquire The Charles Schwab Corporation (January 7, 1983).

Interested persons may express their views on the question whether the proposed activities are so closely related to banking, or managing or controlling banks as to be a proper incident thereto, and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarzing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 22, 1983.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,
Secretary of the Board.

[FR Doc. 83-4987 Filed 2-25-83; 8:45 am]
BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Virginia National Bankshares, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Virginia National Bankshares, Inc.*, Norfolk, Virginia (lending and servicing activities, insurance activities; Florida): To engage through a subsidiary known as VNB Equity Corporation, in the activities of making, acquiring, and servicing, for its own account or for the account of others, loans secured principally by second mortgages on real property, and acting as an agent in the sale of credit life insurance and accident and health insurance in connection with such loans. Such activities will be conducted from an office in Ft. Myers, Florida, serving Ft. Myers, Florida, and the areas surrounding Ft. Myers, Florida. Comments on this application must be received not later than March 22, 1983.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Omaha National Corporation*, Omaha, Nebraska (mortgage lending activities; Colorado Springs, Colorado): To engage through its subsidiary, Realbanc, Inc., in mortgage lending activities; including the extension of residential mortgage loans for sale to permanent investors, the extension of construction loans and the performance of local collection and inspection activities related thereto. These activities will be conducted in the State of Colorado. The geographic area to be served includes all the area within the State of Colorado. Comments on this application must be received not later than March 22, 1983.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4888 Filed 2-25-83; 8:45 am]

BILLING CODE 6210-01-M

Consumer Advisory Council, Meeting

The Consumer Advisory Council will meet on Wednesday, March 16, and Thursday, March 17. The meeting, which will be open to public observation, will take place in Terrace Room E of the Martin Building. The March 16 session is expected to begin at 1:00 p.m. and to continue until 5:00 p.m. The March 17 session is expected to begin at 9:00 a.m. and to conclude at 3:00 p.m., with a lunch break from 1:00 to 2:00 p.m. The Martin Building is located on C Street, Northwest, between 20th and 21st Streets in Washington, D.C.

The Council's function is to advise the Board on the exercise of the Board's responsibilities under the Consumer Credit Protection Act and on other matters on which the Board seeks its advice. Time permitting, the Council will consider the following topics:

1. *Federal Reserve's Implementation of the Community Reinvestment Act (CRA)*

Discussion of a report from the Council's CRA Review Committee on the effectiveness of the Federal Reserve's implementation of CRA, including community affairs activities, CRA examination and protest procedures, and examiner training in CRA.

2. *Proposal for Revising the Consumer Leasing Act*

Discussion of a legislative proposal drafted by Board staff to revise statutory consumer leasing provisions.

3. *Consumer and Commercial Interest Rates*

Discussion of whether consumer interest rates have moved in the wake of recent declines in prime and commercial rates.

4. *Truth in Savings/Advertising of New Savings Instruments*

Discussion of (1) the merits of either state or federal rules requiring financial institutions to provide disclosures for all time deposits and savings accounts, and (2) whether current advertising rules in Regulation Q are adequate for new savings instruments (like the Money Market Deposit and Super NOW Accounts).

5. *Creditor Remedies*

Discussion of the effect that limitations on creditor remedies may have on the availability of consumer credit and on the number of consumer bankruptcies.

6. *Regulatory update*

Status report on recent Board regulatory actions in the area of consumer financial services.

Other matters previously considered by the Council or initiated by Council members also may be discussed.

Persons wishing to submit to the Council their views regarding any of the above topics may do so by sending written statements to Ms. Kay Oliver, Secretary, Consumer Advisory Council, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Comments must be received no later than close of business Friday, March 11, and must be of a quality suitable for reproduction.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452-3204.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-4890 Filed 2-25-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

March Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of March.

National Advisory Mental Health Council

March 1; 9:30 a.m.

National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205.

March 2-3

Parklawn Building, Conference Room G, 5600 Fishers Lane, Rockville, Maryland 20857.

Open—March 1; 9:30 a.m.-5:00 p.m.

Closed—Otherwise.

Contact: Ms. Helen W. Garrett Committee Management Officer, Parklawn Building, Room 17C-26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333.

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On March 1, the meeting will be open for discussion of NIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C Appendix I).

* * * * *

Alcohol Psychosocial Research Review Committee

March 2-4; 9:00 a.m.

Embassy Square Hotel, 2000 N Street, NW., Washington, D.C. 20036.

Open—March 2; 9:00 a.m.-1:30 p.m.

Closed—Otherwise.

Contact: Harvey P. Stein, Ph. D., Parklawn Building, Room 16C-26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6106.

Purpose: The Alcohol Psychosocial Research Review Committee is charged with the initial review of applications for assistance from the National Institute on Alchohol Abuse and Alcoholism for support of research and research training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9:00 a.m.-1:30 p.m., March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

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Life Course and Prevention Research Review Committee

March 2-4; 9:00 a.m.

The Capitol Hill Hotel, Capitol Hill Conference Room, 200 C Street, SE., Washington, D.C. 20003.

Open—March 2; 9:00-10:00 a.m.

Closed—Otherwise.

Contact: Mrs. Christine Peers, Parklawn Building, Room 9C-08, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1177.

Purpose: The Life Course and Prevention Research Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and/or activities in the fields of child, family, and aging, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Cognition, Emotion, and Personality Research Review Committee

March 4–6; 9:00 a.m.

Holiday Inn, Georgetown, 2101 Wisconsin Avenue NW., Washington, D.C. 20007.

Open—March 4; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Ms. Shirley Maltz, Parklawn Building, Room 9C–26 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944.

Purpose: The Cognition, Emotion, and Personality Research Review Committee is charged with the initial review, based on the scientific and technical merit of applications submitted to the National Institute of Mental Health for assistance of activities in the fields of personality, cognition, emotion and higher mental processes, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., March 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Mental Health Research Education Review Committee

March 9–11; 9:00 a.m.

Sheraton Inn Washington, Northwest, 8727 Colesville Road, Silver Spring, Maryland 20910.

Open—March 9; 1:30–3:00 p.m.

Closed—Otherwise.

Contact: Ms. Emilie Embrey, Parklawn Building, Room 9–101, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3857.

Epidemiologic and Services Research Review Committee

March 14–16; 9:00 a.m.

Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia 22209.

Open—March 14; 9:00–10:00 a.m.

Closed—Otherwise.

Contact: Ms. Gloria Yockelson, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1367.

Purpose: The Epidemiologic and Services Research Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and training activities in the fields of mental health epidemiology, mental health systems research, mental health services development, and evaluation methodology, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., March 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

* * * * *

Mental Health Small Grant Review Committee

March 23–26; 1:30 p.m.

The Capitol Hill Hotel, Rooms 308 and 408, 200 C Street, SE., Washington, D.C. 20003.

Open—March 23; 1:30–2:30 p.m.

Closed—Otherwise.

Contact: Ms. Virginia Harter, Parklawn Building, Room 9–95, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4843.

Purpose: The Mental Health Small Grant Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse for support of research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychiatry, psychological sciences, biological sciences, and epidemiology, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m., March 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Pub. L. 92–463 (5 U.S.C. Appendix I).

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Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: NIAAA: Mrs. Diana Widner, Committee Management Officer, Room 16C–21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2860. NIMH: Mrs. Helen W. Garrett, Committee Management Officer, Room 17C–26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

Dated: February 22, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83–4937 Filed 2–25–83; 8:45 am]

BILLING CODE 4160–20–M

Health Resources and Services Administration

National Advisory Council on the National Health Service Corps; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1983.

Name: National Advisory Council on the National Health Service Corps.

Date and Time: March 6–7, 1983, 1:30 p.m.–5:00 p.m.

Place: Muehlebach Hotel on March 6, Baltimore and Wyandotte at 12th, Kansas City, Missouri 64105; Federal Office Building on March 7, 601 East 12th Street, Kansas City, Missouri 64106. Open for entire meeting.

Purpose: The Council will advise and make appropriate recommendations on the National Health Service Corps (NHSC) program as mandated by legislation. It will also review and comment on proposed regulations promulgated by the Secretary under provisions of the legislation.

Agenda: The meeting will cover opening remarks and introduction of new members, presentation on the National Health Service Corps placement policies and procedures, and a discussion of options for development of the program.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should write to or contact Ms. Charlotte Walch, or Mr. Billy Sandlin, National Health Service Corps, Health Resources and Services Administration, Room 6–40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: 301 443–2900. Agenda items are subject to change as priorities dictate.

Date: February 10, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83–5005 Filed 2–25–83; 8:45 am]

BILLING CODE 4160–15–M

Medical Reimbursements Rates for Fiscal Year 1983; Inpatient and Outpatient Medical Care; Correction

The Reimbursement rates that were published at 48 FR 82, January 3, 1983, are incorrect. The correct rates are:

Inpatient services per day: $272.00 (In Alaska, $358.00)
Outpatient services per visit: $52.00 (In Alaska, $88.00)

Dated: February 18, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-4998 Filed 2-25-83; 8:45 am]

BILLING CODE 4150-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-83-1208]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submission will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Davis S. Cristy, Acting Reports Managements Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Community Development Block Grant Entitlement Grantee Performance Report.

Office: Housing.

Form Number: None.

Frequency of Submission: Annually.

Affected Public: State or Local Gvernments.

Estimated Burden Hours: 147,00.

Status: Reinstatement.

Contact: Bob Duncan, HUD, (202) 755-6306, Robert Neal, OMB, (202) 395-7316.

(Sec. 3707 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: February 16, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-4902 Filed 2-25-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-79470]

Airport Lease; Alaska

February 2, 1983.

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211-214) the State of Alaska, Department of Transportation and Public Facilities, has applied for an airport lease for the following land:

Fairbanks Meridian, Alaska

T. 28 N., R. 12 W.,
Within protracted Sec. 9, SE¼ and within protracted Sec. 16, NE¼, SW¼

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707.

Lennie Eubanks,

Chief, Branch of Land Office.

[FR Doc. 83-4813 Filed 2-25-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. A 17000-Z]

Arizona; Classification of Public Lands for State Indemnity Selection

Correction

In FR Doc. 83-3650, beginning on page 6181, in the issue of Thursday, February 10, 1983, make the following corrections:

1. On page 6182, in the first column, under "T.2N., R.3W," in the second line "2NW¼, SE¼," should read "2NW¼, SW¼,".

2. Also on page 6182, in the first column, under "T.3N., R. 4W.," "W½W½E½," should read "W½, W½E½,".

BILLING CODE 1505-01-M

[OR 11469 (WASH)]

Washington; Termination of Proposed Withdrawal and Reservation of Lands

Correction

In FR Doc. 82-5522, appearing on page 8865 in the issue of Tuesday, March 2, 1982, correct line 3 of the land description now reading "1,300 feet" to read "1,320 feet" and in the last column under "T.39N., R10E., unsurveyed," correct line 5 to read "Sec. 8, N½, SW¼, N½ SE¼, and"

BILLING CODE 1505-01-M

Realty Action; FLPMA 302 Lease at Camp Lonely, Alaska

The following-described lands have been identified as suitable for lease under the provisions of Section 302 of the Federal Land Policy and Management Act (FLPMA) of 1976, and 43 CFR Part 2920. The subject lands are within the following general legal description:

Umiat Meridian, Alaska

T. 18 N., R. 5 W.,
Sec. 18.
Containing approximately 16 acres.

The highest and best use of these lands is to provide a logistics and support base for energy exploration offshore in the Beaufort Sea and within the National Petroleum Reserve-Alaska. It has been determined that it would be in the public interest to issue a non-competitive lease to Cook Inlet Region,

Inc. The lease would be subject to the following terms and conditions:

1. The lease would be issued for a period of twenty years and is renewable.

2. The lease would be subject to an appraisal for the land use at fair market value and would be reappraised every five years.

3. Any conveyance of the lands will be subject to the lease.

4. The lands will be used for the purposes as applied for. Any additional use, construction, or improvements must be authorized by the Arctic Area Manager.

5. Any conditions requested by the State of Alaska will be incorporated into the stipulations attached to the lease.

6. The applicant will adhere to all mitigating measures and stipulations in the Land Action Decision Document (LADD F–81305).

7. The applicant will also adhere to all terms and conditions set forth in 43 CFR 2920.7.

Copies of the LADD can be reviewed at the Bureau of Land Management, Fairbanks District. For a period of 30 days from the date of this notice, interested parties may submit comments to the Arctic Area Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99707. Any adverse comments will be evaulated by the Area Manager. The District Manager shall review the file and arrive at a final decision for the Department of the Interior.

Donald E. Runberg,

Acting District Manager.

[FR Doc. 83–5003 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–84–M

Nevada; Intent To Prepare an Environmental Impact Statement and Wilderness Amendment to the Caliente Resource Area Management Framework Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management's Las Vegas District (Nevada) is amending the Caliente Resource Area Management Framework Plan to determine which wilderness study areas (WSAs) in the resource area should be recommended as suitable or nonsuitable for wilderness designation. In order to determine the possible impacts of the amendment, an environmental impact statement will be prepared in conformance with the National Environmental Policy Act of 1969. Implementation of the planning amendment will not occur until Congress officially acts on the recommendations developed from the amendment.

The planning amendment and environmental impact statement will be prepared in accordance with the Bureau of Land Management's planning regulations (43 CFR Part 1600). The wilderness study will also utilize the Bureau's Wilderness Study Policy (published in **Federal Register** vol. 47, No. 23/Wednesday, February 3, 1982).

Proposed Issue

The proposed issue for the Caliente Resource Area Management Framework Plan amendment is: Which WSAs or portions of WSAs, if any, within the Caliente Resource Area are suitable for recommendation to Congress for wilderness designation?

Public comment and involvement will be solicited during the identification of issues and development of alternatives and upon publication of the draft amendment and environmental impact statement. The time, dates, and locations of public meetings and hearings, and other public participation opportunities have yet to be determined. News releases will be issued identifying specific meeting places and times.

Five Wilderness Study Areas, totalling 564,512 acres of public lands administered by the Bureau of Land Management in southeastern Nevada, will be studied to determine their suitability for inclusion into the National Wilderness Preservation System. The Wilderness Study Areas under consideration are located in Lincoln County, Nevada.

The following is a listing of those Wilderness Study Areas which will be included in the amendment:

Wilderness study area	Acres
South Pahroc Range (NV–050–0132)	42,455
Grapevine Spring (NV–050–0139)	47,169
Meadow Valley Range (NV–050–0156)	185,744
Mormon Mountains (NV–050–0161)	162,887
Delamar Mountains (NV–050–0177)	126,257
Total	564,512

Planning documents delineating existing resource area management and relating to the development of the Management Framework Plan amendment and environmental impact statement will be available for public review at the Caliente Resource Area Office, Caliente, Nevada, during the week of March 7, 1983 from 8 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT:
Jake Brierly, Caliente Resource Area Office, Caliente, NV 89008, (702)–726–3141.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 83–5008 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–84–M

[N–32251]

Nevada; Partial Termination of Proposed Withdrawal

February 17, 1983.

Notice of Proposed withdrawal N–32251 and N–32252 was published as **Federal Register** Document 81–22482 on page 39480 and 39481 of the August 3, 1981 issue.

Bureau Motion sale N–32251 has been cancelled. The following described 1,280 acres in Nye County are affected:

Mount Diablo Meridian, Nevada

T. 10 N., R. 43 E.,
Sec. 10, all;
Sec 11, all.

Upon publication of this notice in the **Federal Register**, the land will be relieved of the segregative effect.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83–5004 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–84–M

Bureau of Mines

Advisory Committee on Mining and Mineral Research; Meeting Date Correction

The meeting of this Advisory Committee which was announced February 14, 1983 (48 FR 6594), and was originally scheduled for March 1, has been rescheduled for Wednesday, March 2 at 8:00 a.m.

Dated: February 23, 1983.

Robert C. Horton,

Director.

[FR Doc. 83–4982 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–53–M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications; Zoological Society of San Diego et al.

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Zoological Society of San Diego, San Diego, CA; PRT 2–10028.

The applicant requests a permit to import one male and five female captive-bred Francois monkeys (*Presbtyis francoisi*) from the Canton Zoo, People's Republic of China, for enhancement of propagation.

Applicant: National Zoological Park, Washington, D.C.; PRT 2–10029.

The applicant requests a permit to import one male and one female captive-bred Manchurian cranes (*Grus japonnensis*) from the Rotterdam Zoo, Netherlands, for enhancement of propagation.

Applicant: Zoological Society of Cincinnati, Cincinnati, OH; PRT 2–10035.

The applicant requests a permit to import two male and two female captive-bred Tasmanian native cats (*Dasyurus viverrinus*) from the Royal Melbourne Zoological Gardens, Victoria, Australia, for enhancement of propagation.

Applicant: Elmer E. Lloyd, Sandy, OR; PRT 2–10058.

The applicant requests a permit to export one male white eared pheasant (*Crossoptilon crossoptilon*) and three male Hawaiian geese (*Branta sandvicensis*) to Harry Hardy, Burnaby, British Columbia for enhancement of propagation.

Applicant: Topeka Zoological Partk, Topeka, KS; PRT 2–10043.

The applicant requests a permit to purchase in interstate commerce two female Bornean orangutans (*Pongo pygmaeus*) from the Yerkes Regional Primate Research Center, Atlanta, Georgia for enhancement of propagation.

Applicant: John S. Applegarth, Albuquerque, NM; PRT 2–10044.

The applicant requests a permit to take four (4) blunt-nosed leopard lizards (*Gambelia (Crotaphytus) silus*) for scientific research.

Applicant: Zoological Society of Cincinnati, Cincinnati, OH; PRT 2–10048.

The applicant requests a permit to import one male captive-bred white-faced gibbon (*Hylobates concolor leucogemys*) from the Royal Zoological Society of Antwerp, Belgium, for enhancement of propagation.

Applicant: Florida State Museum, Gainesville, FL; PRT 2–10082.

The applicant requests a permit to import salvaged specimens of American crocodile (*Crocodylus acutus*) from Haiti for scientific research.

Applicant: Dale R. Thompson, Canyon Country, CA; PRT 2–10052.

The applicant requests a permit to import four male and four female captive-bred Ochre-marked parakeets (*Pyrrhura cruentata*) from Dr. George Smith of Peterborough, England, for enhancement of propagation.

Applicant: George A. Allen, Jr., Salt Lake City, UT; PRT 2–10086.

The applicant requests a permit to import one female captive-bred white-eared pheasant (*Crossoptillon crossoptillon*) from Mr. Harry Hardy, Burnaby, British Columbia, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: February 23, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-5027 Filed 2-25-83; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–240

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 166319 (Sub-1–1TA), filed February 18, 1983. Applicant: DUBOIS CONSTRUCTION CO., INC. Three Mile Bridge Road, P.O. Box 502, Montpelier, VT 05602. Representative: Donald DuBois (same as applicant). *Machinery and machine parts, transportation equipment, those commodities which because of their size or weight require the use of special handling or equipment,* between points in ME, NH, VT, RI, CT, MA, PA, and NY. Supporting shipper(s): Jordan-Milton Machinery, P.O. Box 429, Montpelier, VT 05602; Reynolds & Son, Inc., P.O. Box 380, South Barre, VT 05670; Vermont Drilling & Blasting, P.O. Box 337, Johnson, VT 05656.

MC 166203 (Sub-1–1TA), filed February 10, 1983. Applicant: CUSTOMIZED TRANSPORTATION, INC., 54 Seridan Avenue, Elmira Heights, NY 14093. Representative: Dixie C. Newhouse, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. *Contract carrier:* irregular routes: *(1) Plastic trays, paper and paperboard boxes and cards, including materials, equipment and supplies used in the manufacture, sale and distribution thereof* between Elmira, NY, including its commercial zone, on the one hand, and, on the other, points in ME, MA, CT, PA, NJ, FL, IL, OH, TX, DE, NC and WI, under continuing contract(s) with F. M. Howell & Company of Elmira, NY; *(2) Commodities dealt in by hardware stores,* between points in CT, ME, MD, MA, NH, NJ, OH, PA, VT, WV, IL, IN, DE and NY, under continuing contract(s) with R.K.B. Enterprises Incorporation of Elmira, NY; *(3) Salt and salt products* between White Marsh, MD, Watkins Glen and Lansing, NY, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN and MS, under continuing contract(s) with Cargill, Inc. of Minneapolis, MN; and *(4) Canned and bottled juices, frozen juice*

concentrates, canned fruits, canned vegetables, frozen fruits and vegetables between Yates, Ontario and Wayne Counties, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NJ, NY, NC, OH, RI, PA, VT, VA, WV and WI, under continuing contract(s) with Seneca Foods Corporation of Dundee, NY. Supporting shipper(s): F. M. Howell & Co., 79–95 Pennsylvania Ave., Elmira, NY 14902; R.K.B. Enterprises, Inc., 1575 Lake St., Elmira, NY 14901; Cargill, Inc., P.O. Box 150, Watkins Glen, NY 14891; Seneca Foods Corp., 74 Seneca St., Dundee, NY 14837.

MC 120264 (Sub-1–1TA), filed February 17, 1983. Applicant: L. R. TRUCKING, INC., 968 Massachusetts Avenue, Boston, MA 02118. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *General commodities (except Classes A and B explosives, hazardous waste, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between all points in the 48 continguous U.S. (except AK and HI), under continuing contract(s) with AAA Cargo Brokers, Inc., Sharon, MA. Supporting shipper: AAA Cargo Brokers, Inc., 36 South Main Street, Sharon, MA 02067.

MC 108194 (Sub-1–2TA), filed February 18, 1983. Applicant: WILLIAM B. MEYER, INC., 60 Long Beach Boulevard, Stratford, CT 06979. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Contract carrier:* irregular routes: *Foodstuffs (except those requiring refrigeration)* between Fairfield County, CT, on the one hand, and, on the other, points in ME, MA, NH, NY, RI and CT, under continuing contract(s) with General Mills, Inc., of Minneapolis, MN. Supporting shipper: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 156859 (Sub-1–3TA), filed February 11, 1983. Applicant: RICE TRANSPORT, INC., 17 Brookwood Road, Stanhope, NJ 07874. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Picture frame mouldings and picture frames;* and *(2) Materials, equipment, and supplies used in the manufacture and sale of the commodities named in (1) above,* between points in the U.S. (except AK and HI), under continuing contract(s) with T. I. Moulding, Inc., Brooklyn, NY. Supporting shipper: T. I. Moulding, Inc., 464 Ban Ridge Ave., Brooklyn, NY 11220.

MC 82101 (Sub-1–4TA), filed February 17, 1983. Applicant: WESTWOOD CARTAGE, INC., 62 Everett Street, Westwood, MA 02090. Representative: David M. Marshall, Marshall and Marshall, Sixth Floor, 95 State Street, Springfield, MA 01103. *Contract carrier:* irregular routes: *Such commodities as are dealt in by manufacturers and distributors of food products and hotel and restaurant items,* between Brockton, MA and Queens Village, NY, on the one hand, and, on the other, points in the U.S. east of MN, IA, MO, AR and LA, under continuing contract(s) with Howard Johnson Company, Braintree, MA. Supporting shipper: Howard Johnson Company, 220 Forbes Road, Braintree, MA 02184.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 166139 (Sub-II–1TA), filed February 8, 1983. Applicant: A.W.T. CORP., 2815 N. 17th St., Philadelphia, PA 19132. Representative: Charles M. Rand, 1200 E. Marlton Pike, Barclay House, Suite #7, Cherry Hill, NJ 08034. *Furniture* between points in PA, NJ, NY, DE, VA and VA. Supporting shipper(s): JAL Associates, 2216 E. Allegheny Ave., Phila., PA 19134; Custom Craftsmen, 700 Creek Rd, Bellmawr, NJ 08031; Bernstein Office Machine Co., 2833 Street Rd., Bensalem, PA 19020.

MC 166068 (Sub-II–1TA), filed February 8, 1983. Applicant: A–PLUS TRUCKING, INC., 5506 Northpoint Dr., Cincinnati, OH 45239. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *General commodities* (except Classes A and B explosives, commodities in bulk, and household goods as defined by the Commission), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (Except AK & HI) for 270 days. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined at the Phila. ICC Office.

MC 165552 (Sub-II–1TA), filed January 19, 1983. Applicant: C & L TRANSPORTATION, INC., P.O.B. 339, Orefield, PA 18069. Representative: William J. McCarthy, III, 825 N. 12th St., Allentown, PA 18102. Contract, irregular: *coal and coal products* from points in PA to points MA and RI; and *scrap metals and scrap materials* from points in MA and RI to points in PA, DE, and NJ. Under continuing contract(s) with People Coal Co. and State Line Scrap Co. Supporting shipper(s): Peoples Coal Co., 55 Mill St, Cumberland, RI 02864; State Line Scrap Co., Inc., Bacon St., S. Attleboro, MA 02703.

MC 163509 (Sub-II–3TA), filed February 8, 1983. Applicant: DELTA FREIGHT INC., Box 4, Lower Valley Rd., Parkesburg, PA 19365. Representative: Lynn Hanaway (same address as applicant). *Building materials, and materials and supplies used in the manufacture and distribution of furnances and related products* between points in PA, NJ, NY, OH, MD and Waden County, MN, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, TX. An underlying ETA seeks 120 days authority. Supporting shipper(s): Berger Bros. Company, 805 Pennsylvania Blvd., Feasterville, PA 19047.

MC 166253 (Sub-II–1TA), filed February 15, 1983. Applicant: DIAMOND CAB COMPANY OF ARLINGTON, INC., P.O. Box 2271, Arlington, VA 22202. Representative: Mel P. Booker, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313. *Passengers and their baggage* between points in DE, MD, VA and DC, under continuing contract(s) with Consolidated Rail Corp. of Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper(s): Consolidated Rail Corporation, 1528 Walnut St., Room 501, Phila., PA 19102.

MC 147723 (Sub-II–8TA), filed February 7, 1983. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as applicant). *Lift trucks; machinery; electrical equipment and components, materials, equipment and supplies used in the manufacture of the above,* between points in OH, MI, PA, NY, IN, FL, CA, OR, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Schreck Industries, Inc., 14675 Foltz Industrial Parkway, P.O. Box 36008, Strongsville, OH 44136.

MC 147723 (Sub-II–9–TA), filed February 7, 1983. Applicant: E. B. COMPANY, INC., 667 Front St., Berea, OH 44017. Representative: Susan J. Radwan (same as applicant). *Coal, charcoal; heating equipment and devises; petroleum and petroleum products; bricks, bricketts; paper and paper products; ore and ore products; salt and related products; mining equipment, machinery and equipment, materials and supplies used in the manufacture and distribution of the above commodities,* between points in OH, TX, NM, NY, WV, KY, PA, IL and MI, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper: Welcome Heat, Inc., P.O. Box 16276, Rocky River, OH 44116.

MC 156220 (Sub-II–2TA), filed February 8, 1983. Applicant: G.T.S. TRANSPORT, INC., 2335 Wheatsheaf Lane, Philadelphia, PA 19137. Representative: Edward R. Sutton, 7501 Bustleton Ave., Phila., PA 19152. *General commodities (except Classes A and B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK and HI). Supporting shipper(s): There are nine supporting shippers statements to this application which may be examined at the Phila. Regional office.

MC 138910 (Sub-II–1TA), filed February 15, 1983. Applicant: GLOWATSKY PIGGYBACK SERVICE, INC., P.O. Box 537, Allentown, PA 18103. Representative: Richard A. Carr, 3015 Lindberg Ave., Allentown, PA 18103. *General commodities (except household goods, Classes A and B explosives and commodities in bulk)* between points in DC, DE, MD, NJ, PA, New York, NY and Alexandria, VA. Restricted to shipments having a prior or subsequent movement by rail or water. Supporting shipper(s): Cornucopia Transportation, 112 Oakview Dr, Media, PA; Garden City Transportation, Inc., 900 E. William St., San Jose, CA; Cotter & Co., No. 1 Snowdrift Rd, N. Fogelsville, PA; Continental Shippers Inc., Allentown, PA; Part IV associates, Inc., 580 Germantown Pk., Plymouth Meeting, PA.

MC 161574 (Sub-II–2TA), filed February 14, 1983. Applicant: INTERNATIONAL CONTAINER SERVICES, INC., 5155 Warner Road, Garfield Heights, OH 44125. Representative: Norman J. Philion, III, 1920 N Street NW., Washington, D.C. 20036. General Commodities, (except classes A and B Explosives), between New York, NY; Port Elizabeth, NJ; Philadelphia, PA; Baltimore, MD; Norfolk, VA; and Miami, FL; on the one hand, and, on the other, Pittsburgh, PA, and points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined in the Phila ICC Office.

MC 143408 (Sub-II–6TA), filed February 14, 1983. Applicant: MICHEL PROPERTIES, INC., Stenersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda, MD 20814. *Household cleaning commodities* from Baltimore and Jessup, MD, to points in CT, MA, NY, PA, RI and VA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s) The Procter & Gamble Distributing Co., Box 8126, Trenton, NJ 08650.

MC 135364 (Sub-II–19TA), filed February 14, 1983. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. Contract, irregular: *Paper, paper products and chemicals and related products,* between Hampden County, MA, on the one hand, and, on the other, points in the U.S. east of MN, IA, KS, OK and TX, under continuing contract(s) with Sulco Public Warehouse. An underlying ETA seeks 120 days authority. Supporting shipper: Sulco Public Warehouse, Springfield, MA 01109.

MC 107012 (Sub-II–266TA), filed February 3, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the U.S., under continuing contract(s) with Union Pacific Railroad Company, Omaha, NE for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Pacific Railroad Company, 1416 Dodge Street, Omaha, Ne 68179.

MC 107012 (Sub-II–267TA), filed February 14, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except classes A & B explosives, commodities in bulk, and household goods as defined by the Commission)* between points in the U.S., under continuing contract(s) with Mohasco Corporation, Atlanta, GA. An underlying ETA seeks 120 days authority. Supporting shipper: Mohasco Corporation, 1755 The Exchange, Atlanta, GA 30339.

MC 107012 (Sub-II–268TA), filed February 16, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 39 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the US under continuing contract(s) with State Farm Mutual Automobile Insurance Co., Bloomington, IL, for 270 days. Supporting shipper: State Farm Mutual Automobile Insurance Co., 1 State Farm Plaza, Bloomington, IL 61701.

MC 165918 (Sub-II–1TA), filed February 15, 1983. Applicant: OHIO MOTORWAYS TRANSPORTATION, INC., 10679 Lancaster Road SE., Hebron, OH 43025. Representative: Owen B. Katzman, 1828 L Street NW., Suite 1111, Washington, DC 20036. General commodities (except household goods, commodities in bulk, and classes A and B explosives), between Columbus, OH, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV for 270 days. An underlying eta seeks 120 days authority. Supporting shipper(s): There are 7 supporting shippers. Their statements may be examined in the Phila ICC Office.

MC 166066 (Sub-II–1TA), filed February 15, 1983. Applicant: REIS TRUCKING, INC., P.O. Box 32, North Bend, OH 45052. Representative: John Alden, 1396 W. Fifth Ave., Columbus, OH. *Asphalt and asphalt products* between the facilities of Koch Asphalt Co. at or near North Bend, OH on the one hand, and, on the other, points in IN and KY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper (s): Koch Asphalt Company, P.O. Box 2256, Wichita, KS 67201.

MC 165333 (Sub-II–1TA), filed February 14, 1983. Applicant: RYAN EXPRESS, INC., 831 Field Club Rd., Fox Chapel, PA 15238. Representative: John J. Connors (same address as applicant). Contract, irregular: *general commodities (excluding Classes A and B explosives, household goods as defined by the Commission and commodities in bulk)* between points in the U.S., under continuing contract (s) with Genco Transportation Service, for 270 days. Supporting shipper(s): Genco Transportation Services, 1200 Lebanon Rd., West Mifflin, PA 15122.

MC 146807 (Sub-II–34TA), filed February 2, 1983. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *School, Art and Hobby supplies* between Easton, PA, on the one hand, and, on the other, points in CT, FL, GA, IL, IN, KS, MA, MI, NJ, NY, OH, and RI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Binney & Smith Inc., P.O. Box 431, 1100 Church Lane, Easton, PA 18042.

MC 166229 (Sub-II–1TA), filed February 14, 1983. Applicant: C. W. SON-SHINE, INC., 66701 Anna Drive, St. Clairsville, OH 43950. Representative: John M. Friedman, 2930 Putnam Ave., P.O. Box 426, Hurricane, WV 25526. *Such Commodities As Are Dealt In Or Used By Department, Discount or Variety Stores,* between points in WV on the one hand, and, on the other, points in the US, except for AK and HI for 270 days. Supporting shipper(s):

Stone & Thomas, 1030 Main St., Wheeling, WV 26003.

MC 161189 (Sub. II–2TA), filed February 15, 1983. Applicant: MALLET'S GATEWAY TERMINAL, INC., Chartier's Industrial Part, 2150 Roswell Dr., Pittsburgh, PA 15205. Representative: WILLIAM J. LAVELLE, ESQ., 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities, except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk,* between the facilities of Mallet's Gateway Terminal, Inc. located in Allegheny County, PA on the one hand, and, on the other, points in (1) Allegany, Garrett and Washington Counties, MD; (2) Ashland, Ashtabula, Athens, Belmont, Carroll, Columbiana, Coshocton, Crawford, Cuyahoga, Delaware, Erie, Fairfield, Franklin, Gallia, Geauga, Guernsey, Harrison, Hocking, Holmes Huron, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, Marion, Medina, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, Vinton, Washington and Wayne Counties, OH; (3) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA; and (4) Barbour, Berkeley, Braxton, Brooke, Calhoun, Clay, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Lewis, Marion, Marshall, Mason, Mineral, Monongalia, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt and Wood Counties, WV. An underlying ETA seeks 120 days authority. Supporting shipper: Mallet's Gateway Terminal, Inc., Chartiers Industrial Park, 2150 Roswell Dr., Pittsburgh, PA 15205.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–57TA), filed February 9, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, 2120 S. 25th Avenue, Broadview, IL 60153. *Contract* irregular: household goods and used automobiles between points in the U.S. (including AK but excluding HI) under a continuing contract with Arco Oil and Gas Co. and its subsidiaries of Dallas, TX.

MC 116696 (Sub-4–38TA), filed February 9, 1983. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46234. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract* irregular: *General commodities* (except household goods, classes A and B explosives and commodities in bulk), between points in the United States (except AK and HI). Restricted to services provided pursuant to contract(s) with Signode Corporation. Supporting Shipper: Signode Corporation, 3610 West Lake Avenue, Glenview, IL.

MC 118776 (Sub-4–10TA), filed February 9, 1983. Applicant: GULLY TRANSPORTATION, INC., 3820 Wisman Lane, Quincy, IL 62301. Representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105–1961, (816) 221–1464. *Lawnmowers, parts, accessories, grass trimmers, and petroleum lubrication oil,* between Galesburg, IL, Milwaukee, WI, Memphis, TN, and Sardis, MS, on the one hand, and, on the other, all points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Lawn Boy, Division of Outboard Marine Corporation, Monmounth Rd., Galesburg, IL 61401.

MC 120776 (Sub-4–1TA), filed February 9, 1983. Applicant: KRESSER MOTOR SERVICE, INC., 900 East Church Street, Sandwich, IL 60548. Representative: Joel H. Steiner, 135 S. LaSalle Street, Suite 2106, Chicago, IL 60603. *General commodities (except classes A and B explosives, household goods and commodities in bulk),* between points in the United States (except AK and HI) under continuing contract(s) with Kresser Broker Service, Inc. of Sandwich, IL. Supporting shipper: Kresser Broker Service, Inc. 900 East Church Street, Sandwich IL 60548.

MC 145807 (Sub-4–8TA), filed February 7, 1983. Applicant: DERBY TRANSPORT, INC., 609 1st Ave. N., Box 695, Weyburn, Sask., CANADA S4H 1P1. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Silica sand,* between points in Scott County, MN, on the one hand, and, on the other, ports of entry on the International Boundary Line between the U.S. and Canada located in ND and MT. An underlying ETA seeks 120 days authority. Shipper: Minnesota Frac Sand Company, 1101 Snelling Ave. N., St. Paul, MN 55108.

MC 162331 (Sub-4–2TA), filed February 9, 1983. Applicant: MARIANA CORPORATION, P.O. Box 728, New Albany, IN 47150. Representative: John F. Wickes, Jr., Scopelitis & Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. *Steel and steel products,* between the facilities of American Builders Supply Company in Louisville, KY, on the one hand, and, on the other, points in the state of IN. Supporting shipper: American Builders Supply Company, P.O. Box 37700, Louisville, KY.

MC 164764 (Sub-4–2TA), filed February 7, 1983. Applicant: WHITEFORD NATIONALEASE, INC., d.b.a. DEDICATED TRUCK SERVICE, 2020 West Sample Street, P.O. Box 76, South Bend, IN 46624. Representative: Andrew K. Light, SCOPELITIS & GARVIN, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. *Contract* irregular: *Rubber and foam products and materials, equipment and supplies utilized in the manufacture thereof,* between LaPorte, IN and Chicago, IL and its commercial zone. Restricted to continuing contract(s) with American Rubber and Plastics Corporation, LaPorte, IN and Recticel Foam, Inc., LaPorte, IN. An underlying ETA seeks 120 days authority. Supporting shippers: American Rubber and Plastics Corporation, LaPorte, IN and Recticel Foam, Inc., LaPorte, IN.

MC 166166 (Sub-4–1TA), filed February 9, 1983. Applicant: DALE JOHNSON TRUCKING, INC., Route 1, Sandwich, IL 60548. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602. *Foodstuffs,* between Cook and Kane Counties in Illinois on the one hand, and, on the other California and Oregon. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

The following applications were filed in Region 5. Send protest to: Cosumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 67234 (Sub-5–47TA), filed February 7, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, 63105. Contract irregular *General Commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the U.S. (including AK and HI) under continuing contract(s) with ANG Coal Gasification Company, Agent for Great Plains Gasification Associates. Supporting shipper: ANG Coal Gasification Company, Agent for Great Plains Gasification Associates, Detroit, MI.

MC 107010 (Sub-5–1TA), filed February 8, 1983. Applicant: BULK

CARRIERS, INC., P.O. Box 423, Auburn, NE 68305. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Frozen boxed meat* from Lincoln, NE to points in CA. Supporting shipper: Centennial International, Inc., Lincoln, NE.

MC 148818 (Sub-5–2TA), filed February 7, 1983. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, P.O. Box 37, Cane Hill, AR 72717. Representative: John C. Everett, P.O. Box A, Prairie Grove, AR 72753. *New furniture, cartoned and uncartoned* between points in Faulkner County, AR on the one hand, and, on the other, points in NC, SC, VA, and WV; and between points in Moore County, NC on the one hand, and, on the other, points in FL, GA, and SC. Supporting shipper: Virco Mfg. Corporation, Conway, AR.

MC 155595 (Sub-5–19TA), filed February 8, 1983. Applicant: WRT TRANSPORTATION, INC., 3023 Herbert St., Dallas, TX 75212. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. Contract, Irregular; *General Commodities (except HHG's, A&B explosives)* between points in the U.S. (except AK and HI) under continuing contract with Ralston Purina Co., St. Louis, MO.

MC 162515 (Sub-5–3TA), filed February 7, 1983. Applicant: MIDWESTERN TRUCKING COMPANY, INC., P.O. Box 1240, West Memphis, AR 72301. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Contract, Irregular; (1) *Electrical transformers* from Memphis, TN to points in AL, MO, OK, and TX under continuing contract(s) with Magnetic Electric Company, Memphis, TN and; (2) *Steel wire rope* from North Haven, CT to Atlanta, GA, Chicago, IL and Shreveport, LA under continuing contract(s) with Universal Wire Products, Inc., North Haven, CT.

MC 166079 (Sub-5–1TA), filed February 7, 1983. Applicant: ALFRED B. JACKSON, d.b.a. AL'S SAUSAGE COMPANY, 7510 Northwest Blvd., Davenport, IA 52806. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses* between points in Scott and Polk Counties, IA, on the one hand, and, on the other, Chicago, IL. Supporting shippers: (1) Tenderland Beef & Locker, Davenport, IA and (2) Iowa Quality Meats, Ltd., West Des Moines, IA.

MC 166120 (Sub-5–1TA), filed February 8, 1983. Applicant: COMPASS CARRIERS, INC., 1517 East Aurora, Des Moines, IA 50313. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract;* Irregular. *General commodities (except Classes A and B explosives, household goods, and commodities in bulk),* between the Des Moines, IA commercial zone, on the one hand, and, on the other, the commercial zones of Kansas City, and St. Louis, MO; Hutchinson and Wichita, KS; Lincoln, NE; Aberdeen, SD; Minneapolis, MN; and Milwaukee, WI. Supporting shipper: Load Locaters Ltd., Des Moines, IA.

MC 166123 (Sub-5–1TA), filed February 8, 1983. Applicant: W. J. PRINCE d.b.a. TEXAS EXPRESS, 7179 Industrial, El Paso, TX 79926. Representative: W. J. Prince (same as applicant). *General Commodities, (except Classes A & B Explosives, Commodities in Bulk and Household Goods)* between El Paso County, TX, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otera and Sierra Counties, NM. Supporting shipper(s): 9.

Note.—Applicant will interline.

MC 161825 (Sub-1TA), filed February 11, 1983. Applicant: WELLS WATSON, 2412 South Cooper Street, Arlington, TX 76010. Representative: Clint Oldham, Esq., 623 South Henderson, Suite 200, Fort Worth, TX 76104. *Lumber* from points in Dallas and Fort Worth, TX and their respective commercial zones, to points in TX within a 250-mile radius of Dallas and Fort Worth, restricted to traffic having an immediately prior movement by rail. Supporting shipper(s): Southern Timer Sales & Mfgr. Corp., Arlington, TX; Shannon Bros. Lumber Co., Kennedale, TX; Idaho Timber Corp. of TX, Ft. Worth, TX; Western Hardwoods, Inc., Kennedale, TX.

MC 163128 (Sub-5–2TA), filed February 10, 1983. Applicant: BMC TRANSPORTATION COMPANY, P.O. Box 569, Columbus, NE 68601. Representative: Bradford E. Kistler P.O. Box 82028, Lincoln, NE 68501. *Culverts, road signs, signposts, grader blades,* and *piling* from the commercial zones of Huron and De Smet, SD; Chicago, IL; St. Louis, MO; Pueblo, CO; and Carlisle, PA, to points in NE. Supporting shipper: Midwest Service & Sales Company, Schuyler, NE.

MC 163761 (Sub-5–2TA), filed February 9, 1983. Applicant: PAYTON OIL COMPANY INC. d.b.a. PAYTON TRANSPORTATION COMPANY, 5301 N.E. 10th, Oklahoma City, OK 73111. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Such commodities as are dealt in by retail or discount and retail stores (except commodities in bulk),* between Oklahoma County, OK on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: (11).

MC 164686 (Sub-5–4TA), filed February 10, 1983. Applicant: DANNIE GILDER, INC., Route 1, Whitewater, MO 63785. Representative: Georgia Helderman, Route 1, Box 152, Whitewater, MO 63785. *General Commodities (except classes A and B explosives)* between points in the State of MO on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Missouri Illinois Tractor & Equipment Co. Cape Girardeau, MO; Monroe Glass Co., Cape Girardeau, MO; Jim Wilson Co., Cape Girardeau, MO; Delta Fertilizer Co., Delta, MO.

MC 166164 (Sub-5–1TA), filed February 9, 1983. Applicant: RIDDICK TRUCKING, INC., 3410 Pear Street, St. Joseph, MO 64053. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, MO 65102. General Commodities (except Class A and B explosives, household goods and commodities in bulk) between points in AR, IA, IL, KS, MI, MN, MO, ND, NE, SD and WI, on the one hand, and, on the other, points in the U.S. except AK and HI. Supporting shipper(s): 12.

MC 166223 (Sub-5–1TA), filed February 11, 1983. Applicant: GERALD L. MULLENIX, R. R. 1, Cincinnati, IA 52549. Representative: Kenneth F. Dudley, P.O. Box 279 Ottumwa, IA 52501. *Clay, Concrete, Glass or Stone Products and Ores and Minerals,* between points in Appanoose County, IA, on the one hand, and, on the other, points in IL, MN, MO, and WI. Supporting shipper: The Carter Waters Corp. Kansas City, MO 64141.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 166225 (Sub-6–1TA), filed February 11, 1983. Applicant: CALIFORNIA MOTOR TANK LINES, 3704 Mt. Diablo Blvd., Ste. 300, Lafayette, CA. Representative: Bill Anderson (same as applicant). *Bulk and package salad/cooking oil* between points in AZ and CA for 270 days. Supporting shipper: Kraft Industrial Foods Group, 6301 Knott Ave., Buena Park, CA 90622.

MC 113282 (Sub-6–8TA), filed February 15, 1983. Applicant: CEMENT DISTRIBUTORS, INC., 815 Olivia Park Rd., Everett, WA 98204. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Sand and gravel* between points in OR and Seattle, WA for 270 days. Supporting shipper: Lone

Star Industries, Inc. POB 1020, Seattle, WA 98111.

MC 165930 (Sub-6–1TA), filed February 15, 1983. Applicant: COLORADO AIR FREIGHT EXPRESS, INC., 3955 Newport St., Suite B, Denver, CO 80207. Representative: Robert E. Butts (same as applicant). *Contract Carrier*, Irregular routes: *Trucks parts and accessories*, from Denver County, CO to points in NM and WY, for the account of Drive Train Industries, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Drive Train Industries, Inc., 3301 Brighton Blvd., Denver, CO 80216.

MC 160760 (Sub-6–2TA), filed February 11, 1983. Applicant: DAVID L. LORD, d.b.a. DAV-GLO INTERNATIONAL CO. 3065 S. E. Condor, Gresham, OR 97030. Representative: David L. Lord, same address as applicant. *Contract Carrier*, Irregular routes: *Malt Beverages*, from Seattle, WA to St. Helens, OR, for the account of St. Helens Ice & Beverage Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: St. Helens Ice & Beverage Inc., 504 Milton Way, St. Helens, OR 97051.

MC 133294 (Sub-6–1TA), filed February 15, 1983. Applicant: ECONO-LINE EXPRESS, INC., 42600 Boyce Rd., Fremont, CA 94538. Representative: Donald R. Stone (same address as applicant). *General Commodities* (excepting commodities in bulk) between points in AZ, CA, OR, NV, and WA for 270 days. Supporting shippers: There are 6 shippers. Their statements may be examined at the regional office listed above.

MC 163084 (Sub-6–1TA), filed February 15, 1983. Applicant: FIN-A-KEY EXPRESS, INC., P.O. Box 80743, Seattle, WA 98108. Representative: A. H. Nash (same address as applicant). *Contract carrier, irregular routes, spirits, wines and malts* between points in the U.S. under continuing contracts with Washington State Liquor control Board for 270 days. Supporting shipper: Washington State Liquor Control Board, Capital Plaza Bldg., Olympia, WA 95504.

MC 153714 (Sub-6–6TA), filed February 10, 1983. Applicant: FREDDY'S TRUCKING, 2200 S.E. 45th, #49, Hillsboro, OR 97123. Representative: William A. Murray (same as applicant). *General commodities*, between points in CA, WA, OR, Ada County, ID, Salt Lake County, UT, Missoula & Cascade Counties MT & Jefferson, Adams, Arapahoe & Douglas Counties, CO, for 270 days. Supporting shipper: G. I. Joe's, Inc., 9805 Boeckman Rd. Wilsonville, OR 97070.

MC 165997 (Sub-6–1TA), filed February 10, 1983. Applicant: GILTNER, INCORPORATED, Rt. 5, Box 5534, Jerome, ID 83338. Representative: Robert W. Giltner, Jr., Rt. 2, Jerome, ID 83338. *Contract Carrier*, Irregular routes: *Food and related items*, between points in WA, OR, CA, AZ, NV, TX, UT, WI, ID, AND CO for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Swift and Company, 236 Washington St., Twin Falls, ID 83301; Southern Idaho Distributing, 1640 Kimberly Rd., Twin Falls, ID 83301; Twin Falls Beverage, 356 Bridge, Twin Falls, ID 83301; Joseph E. DiGrazia Wholesale Distributing, Inc., 422 7th Street, Wells, NV 89835.

MC 41098 (Sub-6–18TA), filed February 10, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, D.C 20006. *Contract carrier*, irregular routes, *household goods* between points in the U.S. under continuing contract(s) with Miller Brewing Company of Milwaukee, WI for 270 days. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

MC 127564, (Sub-6–1TA), filed February 9, 1983. Applicant: GRAYLINE TOURS OF SOUTHERN NEVADA, 1550 Industrial Rd., Las Vegas, NV 89102. Representative: Patricia M. Schnegg, P.O.B. 60545, Los Angeles, CA 90060. *Passengers and their baggage* in special and charter operations between Clark County, NV and Mohave County AZ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Black Canyon Tours, Inc., P.O.B. 96, Boulder City, NV 89005.

MC 166216 (Sub-6–1TA), filed February 10, 1983. Applicant: GABRUSH TRANSPORT LTD. d.b.a. M & M TRANSPORT, 2021 Dudley St., Saskatoon, Sask. S7M 1K9. Representative: Robert N. Maxwell, P.O.B. 2471, Fargo, ND 58108. *Salt*, from the ports of entry on the International Boundary Line, between the U.S. and Canada, at points in MT and ND to points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Superior Cartage Company Ltd., P.O.B. 1641, Saskatoon, Sask. S7K 3R8.

MC 166217 Sub-6–1TA), filed February 10, 1983. Applicant: MANISCALCO BROTHERS, Rt. 2, Box 21, Trinidad, CO 81082. Representative: Phillip Maniscalco (same as applicant). *Contract Carrier*, Irregular routes: *Equipment, machinery, and steel* from Trinidad, CO to points in CO, TX, and NM, for the account of Burlington Northern Railroad and Santa Fe Railway Freight, for 270 days. Supporting shippers: Burlington Northern Railroad, 720 Linden Avenue, Trinidad, CO 81082; and Santa Fe Railway Freight, Freight Depot, Trinidad, CO 81082.

MC 166226 (Sub-61–1TA), filed February 11, 1983. Applicant: MONTANA TRAVEL, INC. d.b.a. MONTANA TRAVEL/SPECIAL TRAFFIC CORPORATION, P.O.B. 459, Bozeman, MT 59715. Representative: Audrey O'Connell (Same address as applicant). *Passengers and their baggage* in special and charter operations, between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Montana Travel, Inc., P.O.B. 459, Bozeman, MT 59715.

MC 165815 (Sub-6–1TA), filed February 15, 1983. Applicant: PACESETTER TRUCKING INC., P.O.B. 1757, Stockton, CA 95201. Representative: Joseph R. Fallabel (same as applicant). *Contract Carrier*, Irregular routes: *Food and related products*, from Stockton, CA to points in the U.S. for the account of Custom Warehousing Inc. for 270 days. Supporting shipper: Custom Warehousing Inc., 1203 N. Gertrude Ave., Stockton, CA.

MC 144902 (Sub-6–2TA), filed February 15, 1983. Applicant: RUDY LEBLANC, d.b.a. RULE TRUCKING COMPANY, Drawer 609, Miles City, MT 59301. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Malt beverages* from Tumwater, WA to points in MT for 270 days. Supporting shippers: Dunham Distributing, Inc., Box 30193, Billings, MT 59107; Glendive Coca Cola Bottling Co., Inc., Box 1049, Glendive, MT 59330; M & C Beverage, Inc., Box 1181, Miles City, MT, 59301; and Osen Distributing Inc., Box 146, Glasgow, MT 59230.

MC 136818 (Sub-6–31TA), filed February 15, 1983. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 2619 N. 50th Pl., Phoenix, AZ 85008. *Building materials*, between Stephens, AR and Ennis, TX, on the one hand, and, on the other points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Elk Corporation of Texas, P.O. Box 500, Ennis, TX 75119.

MC 136818 (Sub-6–32TA), filed: February 15, 1983. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 5601 W. Mohave, Phoenix, AZ 85031. Representative: Donald E. Fernaays, 2619 N. 50th Pl. Phoenix, AZ 85008.

Metal products, between Jewett, TX and points in the U.S., except AK, HI, AZ, CA, CO, ID, KS, MO, MT, NB, NM, OK, OR, TX, UT, WA, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Nucor Steel, P.O. Box 126, Jewett, TX 75846.

MC 166218 (Sub-6–1TA), filed February 10, 1983. Applicant: WESTERN TRAVEL PLAZA, INC., 360 Post St., San Francisco, CA 94108. Representative: Steven G. Teraoka, 601 Montgomery St., San Francisco, CA 94111. *Passengers and their baggage* in special and charter operations between CA and NV for 270 days. Supporting shipper(s): JAPAN TRAVEL BUREAU INTERNATIONAL, INC., 360 Post St., San Francisco, CA 94108.

MC 152250 (Sub-6–5TA), filed February 11, 1983. Applicant: WHITE TRANSPORT, INC., 133 Canfield Street, Sheridan, WY 82801. Representative: Charles A. Murray, Jr., 2822 Third Ave. N, Billings, MT 59101. *Malt Beverages* from Tumwater, WA, to Sheridan, WY for 270 days. Supporting shipper: Big Horn Beverages, Inc., P.O. Box 6063, Sheridan, WY 82801.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4986 Filed 2-25-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Volume No. OP1–FC–66

For status, please call Team 1 at 202–275–7992.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81203. By decision of February 17, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to FERNUNG-JAMES HORSE VANS, INC. of Lexington, KY of Certificate No. MC–162650, issued December 8, 1982 to TAYLOR MADE HORSE COMPANY, INC., of Chouteaux, OK, authorizing the transportation of horses, between points in the United States (except Alaska and Hawaii). Applicants' representative: Joseph G. Dail, Jr., 6810 Fleetwood Road, P.O. Box LL, McLean, VA 22101.

Volume No. OP1–FC–67

For status, please call Team 1 at 202–275–7992.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81014. By decision of February 15, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to E.L.W. FREIGHT CARRIERS, INC., New York, NY, of Certificate Nos. MC–26001 (Sub-Nos. 1, 12, 13, 14, and 15), issued August 29, 1957, April 8, 1958, January 13, 1966, January 23, 1967, and March 31, 1982, respectively, to AMERICAN FREIGHTWAYS CO., INC. (DEBTOR-IN-POSSESSION), New York, NY, authorizing the transportation (A) over regular routes, of *general commodities* with exceptions, between named points in NY, (B) over irregular routes, of (1) *general commodities*, with exceptions, (a) radially between specified NJ counties, and points in two NY counties, (b) radially between (i) New York, NY, and South Kearny, NJ, and points in 20 NY counties, and (ii) New York, NY, and points in NJ, NY, CT, and PA, (2) *household goods*, between specified NY counties, (3) *lubricating oil*, in drums and packages, *canned goods*, *new furniture and household furnishings*, from and to eight named NY counties, (4) *paper and paper products*, between Onondaga County, NY, and points in NY, NJ, CT, and PA, (5) *electronic products*, between points in two PA counties, three NY counties, and points in NY, NJ, CT, and PA, (6) *iron compound and machinery*, between points in New Haven County, CT, and points in NJ, CT, and PA, (7) *safes and cabinets*, between Monroe County, NY, and points in NY, NJ, CT, and PA, and (8) *steel products*, between Monroe County, NY, Delaware County, PA, and points in NY, NJ, CT, and PA. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048.

Note.—Authority in (4) through (8) above is radial. Transferee is not a carrier. An application for temporary authority has been filed.

Volume No. OP2–FC–075

For status, please call Team 2 at 202–275–7251.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC–FC–81121. By decision of February 16, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to GUY ROBERT d.b.a. GUY ROBERT, ENRG., ST. JEAN-SUR-RICHELIEU, Quebec, Canada, of authority issued to PEARL ET JACQUES ROBERT, ENRG. (a partnership), St. Jean, Quebec, Canada, in Permit No. MC–142973 (Sub-No. 1), issued May 15, 1978, authorizing the transportation of small laboratory animals, between ports of entry on the international boundary line between the U.S. and Canada at or near Highgate Springs, VT and Champlain, NY, on the one hand, and, on the other, Wilmington, MA, under continuing contract(s) with Canadian Breeding Farm & Laboratories, Ltd., of St. Constant, Quebec, Canada—restricted to the transportation of shipments originating at or destined to St. Constant, Quebec, Canada. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, for transferee and transferor.

[FR Doc. 83-4992 Filed 2-25-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficent opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at (202) 275–7669.

Volume No. OP4–096

Decided: February 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 106207 (Sub-21), filed February 8, 1983. Applicant: NEW YORK–KEANSBURG–LONG BRANCH BUS CO., INC., 50 Highway 30, Leonardo, NJ 07730. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022, (212) 759–3700. Over regular routes, transporting *passengers*, between Ridgefield, NJ, and New York, NY, from the Vince Lombardi Parking area on the New Jersey Turnpike and Interstate Hwy 95 in Ridgefield, then south over Interstate Hwy 95 to junction Interstate Hwy 495, then east over Interstate Hwy 495 to the entrance of Lincoln Tunnel, then through the Lincoln Tunnel to New York, NY and return over the same routes, serving all intermediate points, including Port Authority Terminal and World Trade Center, New York, NY.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 147286 (Sub-7), filed February 10, 1983. Applicant: A&L TRUCKING, INC., P.O. Box 103, Rocky Face, GA 30740. Representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

MC 150187 (Sub-6), filed February 11, 1983. Applicant: D & L TRUCKING SERVICES, INC., 1103 S. Clark Blvd., Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589–5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. (except AK and HI).

MC 151847 (Sub-2), filed February 11, 1983. Applicant: J. P. HAMILTON, JR., P.O. Box 832, Denton, NC 27239. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Rowan County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *metal products*, between points in Mecklenburg County, NC, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NJ, OH, PA, SC, TN, TX, VA, WV, and DC.

MC 159777, filed January 24, 1983. Applicant: CAR-DEL, INC., d.b.a.

AABCO, INC., Sacramento, CA 95816. Representative: John F. Parks, III (same address as applicant), (916) 920–8430. Transporting *such commodities* as are dealt in or used by mail order houses, between points in the U.S., under continuing contract(s) with Spiegel's Corporation, of Oakbrook, IL.

MC 166257, filed February 14, 1983. Applicant: J. W. GRICH MILLWRIGHT SERVICE, INC., 230 Rowe Ave., Milford, CT 06460. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103, (203) 278–1330. Transporting *machinery, metal products,* and *lumber and wood products,* between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–66

Decided: February 17, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 160688, filed January 27, 1983. Applicant: THE ADELPHIA AGENCY, P.O. Box 9079, Lester, PA 19113. Representative: William J. Adel, 1500 Locust St., Philadelphia, PA 19106, (215) 744–0500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Franklin Mint, of Franklin Center, PA, and GTE Telenet, Inc., of Mt. Laurel, NJ.

Volume No. OP5–68

Decided: February 17, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59629 (Sub-1), filed January 31, 1983. Applicant: JACK ADAMS TRUCKING COMPANY, 6600 S.W. 29th Street, P.O. Box 83167, Oklahoma City, OK 73148. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118, (405) 848–7946. Transporting (1) *building materials* and (2) *oilfield commodities,* between points in OK, on the one hand, and, on the other, points in AR, CA, CO, ID, IA, KS, KY, LA, MO, MS, MT, NE, ND, NM, OK, OR, SD, TX, UT, WA and WY.

MC 124949 (Sub-7), filed February 2, 1983. Applicant: HI-LINE TRUCKING, INC., P.O. Box 628, Sidney, MT 59270. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0808. Transporting *Mercer commodities,* between points in AZ, CA, CO, ID, KS, MI, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY.

MC 145408 (Sub-6), filed January 26, 1983. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, 1000 Potomac Street NW., Suite 501, Washington, DC 20007, (202) 965–6670. Transporting *general commodities* (except classes A and B explosives), (1) between points in ME, NH, VT, NY, MA, RI, CT, NJ, DE, PA, MD, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, IL, WI, MN, IA, MO, AR, TX, LA, MS, and DC, and (2) between points in the states in (1) above, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145728 (Sub-5), filed January 28, 1983. Applicant: VISALIA FREIGHT LINES, INC., P.O. Box 3181, Visalia, CA 93277. Representative: Owen B. Katzman, 1828 L Street, NW., Suite 1111, Washington, DC 20036, 202–822–8200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Allied Express of San Francisco, CA.

MC 149389 (Sub-6), filed January 31, 1983. Applicant: DELIVERY SERVICE CORPORATION, P.O. Box 4448, Dearborn, MI 48126. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151878 (Sub-9), filed February 1, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th Street NW., Suite 800, Washington, DC 20036, 202–785–3420. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. under continuing contract(s) with Rapicom, Inc., of Fairfield, NJ.

MC 162239 (Sub-1), filed February 1, 1983. Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston-Salem, NC 27103. Representative: Steven J. Kalish, 1750 Pennsylvania Avenue NW., Washington, DC 20006, (202) 393–5710. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162698 (Sub-2), filed January 25, 1983. Applicant: ARTHUR VANDERLINDEN AND ROY VANDERLINDEN, d.b.a. RAPCO DISTRIBUTING COMPANY, 3984 S. 500 W., Salt Lake City, UT 84107. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531–1300. Transporting (1) *nonmetallic minerals* and (2) *clay, concrete, glass and stone products,* between points in the U.S. Except AK and HI), under continuing contract(s) with All Minerals Corporation of Murray, UT.

MC 163689 (Sub-1), filed January 28, 1983. Applicant: BFI, INC., 7909 SW Nimbus, Beaverton, OR 97005. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main, Portland, OR 97204, 503–224–5525. Transporting *bulk commodities,* between points in MT, NV, UT, CO, WY, CA, AZ, OR, WA, ID, NM, and NE.

MC 165039 (Sub-1), filed January 28, 1983. Applicant: CFI TRANSPORT, INC. P.O. Box 40 Valdese, NC 28690. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, 704–372–6730. Transporting *general commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 166009, filed, February 1, 1983. Applicant: CARATINI TRUCKING, INC., P.O. Box 1941, Bridgeview, IL 60457. Representative: Irwin D. Rozner, 134 North LaSalle Street, Chicago, IL 60602, (312) 782–6937. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, on the one hand, and, on the other, points in IN, WI, and MI.

MC 166019, filed January 31, 1983. Applicant: THREE RIVERS TRUCKING, INC., P.O. Box 965, Paris, TN 38242. Representative: Michael F. Morrone, 1150 17th Street NW., Suite 1000, Washington, DC 20036, 202–457–1124. Transporting *clay,* between points in the U.S. (except AK and HI) under continuing contract(s) with H.C. Spinks Clay Company, Inc., and Kentucky Tennessee Clay Co., both of Paris, TN and Cyprus Industrial Minerals Co. of Gleason, TN.

MC 166029, filed January 28, 1983. Applicant: STAN'S FEED & GRAIN, INC., P.O. Box 96, Alpena, SD 57312. Representative: Stanley Kopfmann,

(same address as applicant), 605–849–3252. Transporting *fertilizer, coal, feed and feed ingredients*, between points in MN, NE, ND, and IA, on the one hand, and, on the other, points in SD.

Volume No. OP5–71

Decided: February 17, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 128469 (Sub-8), filed December 13, 1982. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Blvd., N.W., Fort Walton Beach, FL 32549. Representative: David Earl Tinker, 1000 Connecticut Avenue NW., Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *household goods*, and *furniture and fixtures*, between points in the U.S. (except ND and MT).

MC 154569 (Sub-5), filed January 17, 1983. Applicant: S.T.C. TRUCKING CO. INC., P.O. Box C, Corriganville, MD 20524. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *salt*, between points in Washington County, MD, on the one hand, and, on the other, points in WV, VA, PA, and DC.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4994 Filed 2–25–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers; (fitness only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Please direct status inquiries to Team Four at (202) 275–7669.

Volume No. OP4–099

Decided: February 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 1137 (Sub-3), filed February 7, 1983. Applicant: ROLLO TRANSIT CORPORATION, 401 Lake Ave., Asbury Park, NJ 07712. Representative: Edward F. Bowes, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 106207 (Sub-20), filed February 7, 1983. Applicant: NEW YORK-KEANSBURG-LONG BRANCH BUS CO., INC., 50 Highway 36, Leonardo, NJ 07730. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022, (212) 759–3700. Over regular routes, transporting *passengers*, between Freehold, NJ, and World Trade Center, New York, NY from Freehold, at George Street and NJ Hwy 33, then west over NJ Hwy 33 to the Freehold Circle at Intersection of U.S. Hwy 9, then north over U.S. Hwy 9 to Garden State Parkway, then north over Garden State Parkway to New Jersey Turnpike, then over the New Jersey Turnpike to Pulaski Skyway, then over the Pulaski Skyway to the Holland Tunnel, then across the Hudson River to the Borough of Manhattan, New York, NY, then over city streets to the World Trade Center, New York, NY, and return over the same routes, serving all intermediate points.

Note.—Applicant seeks to serve a community not regularly served by an ICC authorized motor common carrier of passengers.

MC 166116, filed February 7, 1983. Applicant: QUALITY TRANSPORTATION BROKERS, INCORPORATED, 234 Fifth Ave., New York, NY 10001. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporter of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166236, filed February 11, 1983. Applicant: GOOD NEWS TRAVEL, INCORPORATED, Rt 4, Box 316, Easley,

SC 29640. Representative: John Tribble (same address as applicant), (803) 855–3506. Transporting *passengers*, in charter and special operations, beginning and ending at points in TN, SC, NC and GA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166237, filed February 11, 1983. Applicant: W. J. PRINCE, d.b.a. TEXAS BROKERAGE COMPANY, 7179 Industrial, El Paso, TX 79926. Representative: W. J. Prince (same address as applicant), (915) 598–5992. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166247, filed February 11, 1983. Applicant: CAYETANO'S TOUR (CHARTER) LINE, INC., 12402 Farlow, Hawaiian Gardens, CA 90716. Representative: Mildred Cayetano (same address as applicant), (213) 860–0654. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166256, filed February 15, 1983. Applicant: W. F. HANKINS, d.b.a. HANKOMA FARMS, Route 2, Box 251, Okmulgee, OK 74447. Representative: W. F. Hankins (same address as applicant), (918) 733–4136. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–69

Decided: February 17, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC 56409 (Sub-19), filed February 2, 1983. Applicant: MAJOR TRANSPORT, INC., P.O. Box 204, Palmyra, WI 53156. Representative: Edward A. Lampsa, Jr. (same address as applicant), (414) 495–2111. Transporting (1) for or on behalf of the United States Government, *general commodities*, (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) as a *broker* of *general commodities* (except household goods), between points in the United States (except AK and HI).

MC 165979, filed January 28, 1983. Applicant: IMPORT DISTRIBUTION SYSTEMS, INC., 1041 E. 230th Street, Carson, CA 90745. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5500. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

MC 165988, filed January 31, 1983. Applicant: CORAM BUS SERVICE, INC., P.O. Box 407, Coram, NY 11727. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, (301) 840–8565. Transporting *passengers*, in charter and special operations, between points in the United States (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166049, filed February 1, 1983. Applicant: BO-MAR TRANSPORTATION, INC., Summer St., RFD #2, Box 376, Lisbon Falls, ME 04252. Representative: Michael Sayer, Five Maple St., P.O. Box D, Lisbon Falls, ME 04252, 207–353–9366. Transporting *passengers* in charter and special operations, beginning and ending at points in ME, and extending to those points in the U.S. in and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the eastern boundary of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–70

Decided: February 17, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 23558 (Sub-4), filed February 1, 1983. Applicant: STRATFORD BUS LINE, INC., 70 Chestnut Ave., Stratford, CT 06497. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, 203–728–0700. (1) Transporting *passengers* in charter and special operations, between points in the U.S. (except AK and HI); (2) transporting *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4986 Filed 2–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-134)]

Rail Carriers; Burlington Northern Railroad Company—Abandonment—in Spokane County, WA; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 14.83 mile rail line between Spring Valley (milepost 40.00) and Mt. Hope (milepost 25.17) in Spokane County, WA. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4991 Filed 2–25–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 347 (Sub-1)]

Coal Rate Guidelines, Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy

SUMMARY: The Commission is proposing a maximum rail rate policy applicable to captive coal traffic. Under the proposed "constrained market pricing" approach, rail carriers' pricing of market dominant coal traffic would be subject to four

upward constraints. First, a coal shipper could not be charged more than the "stand-alone cost" of serving its traffic. Second, captive shippers would not be required to bear the cost of obvious management inefficiencies. Third, carriers would generally not be permitted to increase their rates on captive coal traffic by more than 15 percent in a single year (after allowing for inflation). Fourth, until a rail carrier achieves revenue adequacy, it would be free to adjust its rates unless it violates one of the three constraints previously listed.

COMMENTS: Comments on this proposed policy should be submitted, within 60 days, to the Interstate Commerce Commission, 12th St. and Constitution Ave. NW., Washington, D.C. 20423.

ADDRESS: Copies of the full decision may be obtained by contacting: Office of the Secretary, 12th and Constitution Avenue. NW., Washington, D.C. 20423; (202) 275–7428.

FOR FURTHER INFORMATION CONTACT:

Ronald S. Young, (202) 275–7565,or Leslie J. Selzer, (202) 275–7626.

SUPPLEMENTARY INFORMATION: The Commission's decision in No. 36988, *Alternative Methods of Accounting for Railroad Track Structures*, 367 ICC 157 (1983), and the changes that will be proposed shorly in Ex Parte No. 393 (Sub-No. 1), *Standards for Railroad Revenue Adequacy*, may have a substantial effect on the maximum rate policy proposed in this proceeding.

Decided: February 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioners Sterrett and Andre dissented with separate expressions. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich

Secretary

Vice Chairman Sterrett, Dissenting

I am unconvinced that this proposal offers a satisfactory method for meeting what is perhaps the Commission's most important responsibility—determining the justness and reasonableness of railroad rates for captive traffic. In this regard, the importance of this proceeding should be emphasized at the outset. Whatever rate guidelines we ultimately adopt for captive coal traffic are extremely likely to be the rate guidelines we will adopt for all rail captive traffic.

There are aspects of this proposed which I believe have economic or regulatory merit. For example, it appears to me that the concept of stand alone cost as a ceiling on rates makes economic sense. Similarly, a reasonable phase-in of rate increases would seem appropriate. The consideration of management factors in determining the reasonableness of rates is also important to ensure that captive shippers are not forced to subsidize railroad inefficiency.

However, I question whether the Commission should devise what is essentially a mathematical, objective formula for application to the subjective rate standard contained in the statute. I question whether promulgation of this proposal would result in pricing which is consistent with sound transportation policy. I question whether this proposal is fair to either shippers or carriers.

With respect to this particular proposal, my greates concerns lie with the use of the concept of revenue adequacy as a constraint on maximum rates. While the Commission is required under the Interstate Commertce Act to assist the railroads in attaining revenue adequacy, the proposed guideline turns the revenue adequacy concept on its head, changing it from a positive objective to a negative consequence.

There is little direct economic relationship between an overall level of revenue adequacy and the reasonableness of the rate charged any particular shipper. Put another way, revenue adequacy may be one consideration as to whether a particular rate is just and reasonable, but it should not be dispositive of the issue.

The imposition of a revenue adequacy constraint on rates would tend to promote economic inefficiency. Captive shippers being served by revenue-adequate carriers whose rates on particular traffic are artificially low as a consequence would eventually suffer, since there would be no incentive for the carriers to perform more efficiently in serving those shippers.

Finally, the revenue adequacy constraint could create more administrative problems than it would solve. For example, application of the constraint would be discriminatory because some captive shippers whose rates were increased *prior* to the carrier achieving revenue adequacy could, in some instances, be paying much more for comparable service being provided other shippers whose lower rates then would be effectively frozen. In addition, if it were determined that a carrier had achieved revenue adequacy, the Commission would be faced with the problem of deciding which existing rates would have to be reduced so that the carrier did not exceed revenue adequacy.

In sum, the proposed guidelines constitute only a starting point for determining what the Commission should do in this area. Moreover, I am concerned that this proposal would convert revenue adequacy from a Congressionally mandated positive goal to a Commission-imposed negative consequence having little economic rationale.

Commissioner Andre, Dissenting

The Commission is faced with a serious problem regarding railroad pricing for "captive" shippers. Past decisions of this Commission and the appellate courts have impeded rational pricing, contributing to a decline in the transportation network. The Staggers Act represents an opportunity to undo these errors, and this proceeding, Ex Parte 347 (Sub-No. 1), is intended to make use of that opportunity. To the extent that it does so, primarily by underscoring the importance of revenue adequacy for the rail industry and adopting the use of stand-alone costs as an explanatory tool supporting rational pricing, the proceeding is on the right track.

Nevertheless, I do not approve of the issuance of these rules in their present form. The proposals, even though they are only proposals, represent a continuing misapprehension on the part of this Commission about the likelihood of irrational rail pricing. Thus, the rules propose four separate constraints on maximum rates: (1) Stand-alone costs, (2) regulatory scrutiny of operational efficiency, (3) phased increases and (4) heightened scrutiny of rates for revenue adequate carriers. The combined practical effect of these constraints will be more of the same—distorted prices, misguided investments and reliance on regulatory solutions to problems that really can only be solved in the marketplace. While the proposed rules give the appearance of setting standards that will determine reasonable rates, there is necessarily a wide degree of uncertainty and latitude in their application. So much so that the actual determination of any particular rate will be strongly influenced by the presentation of "evidence" and will have only a remote chance of approximating and economically efficient and rational price.

I believe that the Commission should have done no more here than announce its willingness to accept stand-alone costs as one persuasive, but not exclusive, basis for concluding that rates have not risen above the level at which Congress intended some continued protection for captive shippers. I take particular exception to the proposition, however veiled, that profitable railroads

will be treated differently from those whose illness is apparent. I cannot see how any such additional scrutiny can be justified, but I can, with some certainty, predict that if that is the approach taken by the Commission, adequate capital will be as hard to come by in the future as it has in the past. Further, the threat of some limit on total system profitability may diminish managements' willingness to make difficult cost-cutting decisions. Carriers approaching the limit may become less concerned with their labor and factor costs. Indeed history even suggests that we could anticipate reluctance to eliminate sub-optimal investments, with twin results of increasing the total profit permitted by the regulatory regime but reducing the efficiency of the rail system. Consequently, I think that where the stand-alone cost standard or some such other rate-specific methodology substantiates the reasonableness of a rate, overall profitability should not be a bar a rational pricing.

[FR Doc 83-4997 Filed 2-25-83; 8:45 am]

BILLING CODE 7035-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Combined Meeting of the Clinch River Breeder Reactor (CRBR) Subcommittee/Working Group on Structures and Materials; Meeting

The Combined Meeting of the ACRS Clinch River Breeder Reactor (CRBR) Subcommittee/Working Group on Structures and Materials will hold a meeting on March 16 and 17, 1983, Room 1046, 1717 H Street NW., Washington, DC. The Subcommittee/Working Group will continue their review of the application of the Department of Energy for a permit to construct the CRBR.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. (Sunshine Act Exemption 4.) One or more closed sessions may be necessary to discuss such information. To the extent practicable, these close sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 16, 1983—8:30 a.m. until the conclusion of business

Thursday, March 17, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Cognizant Designated Federal Employee, Mr. Paul Boehnert or Mr. Anthony Capucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: February 23, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-5027 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-255]

Consumers Power Co.; Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 76 to Provisional Operating License No. DPR-20, to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves a change in testing frequency of emergency lighting inside containment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated January 24, 1983, (2) Amendment No. 76 to License No. DPR-20, and (3) the Commission's letter of transmittal which contains its evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555 and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-5018 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155 OLA (Spent Fuel Pool Modification)]

Consumers Power Co. (Big Rock Point Nuclear Plant); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of February 17, 1983, oral argument on the appeal of Consumers Power Company from the Licensing Board's October 29, 1982, partial initial decision (concerning the neutron multiplication factor) in this spent fuel

pool expansion proceeding will be heard at *9:30 a.m., on Thursday, March 24, 1983,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: February 22, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-5019 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-413 and 50-414]

Duke Power Co.; Availability of Safety Evaluation Report for the Catawba Nuclear Station, Units 1 and 2

The Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Catawba Nuclear Station, Units 1 and 2, located in York County, South Carolina. Notice of receipt of Duke Power Company's application for a facility operating license for Catawba Nuclear Station, Units 1 and 2, was published in the **Federal Register** on June 25, 1981 (46 FR 32974).

The report (Document No. NUREG-0954) is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the York County Library, 325 South Oakland Avenue, Rock Hill, South Carolina 29730. Copies may be purchased at current rates directly from NRC by sending check or money order, payable to Superintendent of Documents, to Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492-9530. Copies are also available for purchase through the National Technical Information Service, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 22nd day of February 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-5020 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corporation and Jersey Central Power and Light Company Systematic Evaluation Program; Availability of Final Integrated Plant Safety Assessment Report for the Oyster Creek Nuclear Generating Station

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG-0822) related to the GPU Nuclear Corporation and Jersey Central Power and Light Company's (licensee) Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the Oyster Creek plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee to the NRC will be reviewed as part of the operating license conversion review. Supplements to the Final IPSAR will be issued addressing items requiring further analysis and review. The review has provided for: (1) An assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Oyster Creek plant was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR and the Safety Evaluation report for converting the license from a provisional to a full-term licensee have been issued. Equipment and procedural changes have been identified as a result of the review. The report also addresses the comments and recommendations made by the Advisory Committee on Reactor Safeguards (ACRS) in connection with its review of the Draft Report, issued in September 1982. These comments and recommendations, as contained in a report by the ACRS dated November 9, 1982, and the NRC staff's related response are included in Appendix H of this report.

The final IPSAR and its supplements will form part of the bases for considering the conversion of the existing provisional operating license to a full-term operating license.

Pursuant to 10 CFR 50.71(e)(3)(ii), the licensee is required within 24 months after receipt of the letter dated February 9, 1983 from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR, to file a complete Final Safety Analysis Report (FSAR), which is up to date as of a maximum of six months prior to the date of filing the revision.

The Final IPSAR is being made available at the NRC's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Ocean County Library, Brick Township Branch, 401 Chambers Bridge Road, Bricktown, New Jersey 08723 for inspection and copying. Copies of this Final Report (Document No. NUREG-0822) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 9th day of February 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-5022 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) as issued Amendment No. 69 to Facility Operating License No. DPR-58, and Amendment No. 51 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance. The Technical Specifications are to be implemented by April 15, 1983.

These amendments will change the Technical Specifications to: (1)

Implement the requirements of Appendix I to 10 CFR Part 50, (2) establish new limiting conditions for operation (LCO) for the quarterly and annual average release rates, and (3) revise environmental monitoring programs to assure conformance with Commission regulations. These new Technical Specifications will also replace all of Appendix B "Part I, Radiological" of the current Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for the particular action is not warranted because there will be no significant effect on the quality of the human environment beyond that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated August 1973.

For further details with respect to this action, see: (1) The application for amendments dated September 17, 1982, (2) Amendment Nos. 69 and 51 to License Nos. DPR–58 and DPR–74, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of February 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-5021 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[License No. 12–13568–01 (EA–81–32)]

Isotope Measurements Laboratories, Inc.; Memorandum and Order Terminating Civil Penalty Proceeding

February 22, 1983.

Isotope Measurements Laboratories, Inc. (IML), 3304 Commercial Ave., Northbrook, Illinois is the holder of an NRC byproduct material license which, as pertinent to this proceeding, authorizes it to receive packaged radiopharmaceuticals from licensed suppliers and deliver them to licensed recipients.

Pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205, on May 28, 1981, the Director of the Office of Inspection and Enforcement served on the Licensee a Notice of Violation and Proposed Imposition of Civil Penalty which alleged that the Licensee was receiving and distributing radiopharmaceuticals without specific authorization. After considering the Licensee's response, the Director issued an Order Imposing a Civil Penalty on October 22, 1981 in the total amount of $5,700.00. 46 FR 53540 (October 29, 1981). On November 2, 1981, the Licensee requested a hearing which was authorized by the Commission's Notice of Hearing dated January 5, 1982.

No hearing was conducted, however, because counsel for IML and the NRC Staff on November 29, 1982 submitted a joint motion to terminate the proceeding. The motion is founded upon an agreement in which IML admits certain facts, the parties agree to settle the matter in the compromised amount of $4,000, and IML agrees to cease and desist from receiving radioactive material from any supplier not authorized to distribute it in accordance with 10 CFR 32.72. The agreement recites that IML neither admits nor denies that its activities did not comply with NRC "requirements". Pursuant to 10 CFR 2.203 the compromise of a civil penalty is subject to the approval of the designated presiding officer who, under the express provision of that section, must accord due weight to the position of the Staff.

I approve the settlement but several aspects of the Notice of Violation, the Licensee's answer, and the compromise agreement present unusual issues relating to the integrity of the NRC enforcement process. Therefore, the material aspects of the alleged violation and the reasons for approving the compromised settlement should be set out on the public record of this proceeding.

The facts of the controversy are not in dispute. Technetium-99m (Tc99m) is a byproduct material with a six-hour half life used in a diagnostic radiopharmaceutical. Because of the short half life some hospitals, in this case Mason District and Pana Community, are permitted to possess and to use a molybdenum/technetium-99m (Mo/Tc99m) generator which will permit the eluting or "milking" of Tc99 as needed. NRC regulations, 10 CFR 32.72, require a license to manufacture and distribute radiopharmaceuticals containing byproduct material for use by persons such as physicians licensed for that purpose. Generally hospitals such as Mason District and Pana Community do not possess licenses to manufacture and distribute radioactive material, *i.e.*, they are not licensed radiopharmaceutical suppliers. Mason District and Pana Community did not, in fact, possess such licenses during the time relevant to this proceeding. As noted, IML's license, as pertinent, is limited to receiving radiopharmaceuticals from licensed suppliers.

Prior to August 8, 1980 IML received radiopharmaceuticals from hospitals not licensed under 10 CFR 32.72 and transferred them to other hospitals. On August 8, 1980, Mr. Keppler, Director of NRC Region III sent a letter to IML stating:

> With regard to the matters discussed, we understand that you have undertaken or will undertake the following action by August 9, 1980: Discontinue all transfers and deliveries of byproduct material from facilities that are not licensed by the Nuclear Regulatory Commission for distribution under 10 CFR 32.72.

In a telephone conference with the parties on January 24, 1983, I confirmed that Mr. Keppler's letter was a reference to the same practice which has given rise to this civil penalty proceeding.

Nevertheless beginning on August 11, 1980, IML began a series of 21 pickups (on 19 penalty days) of radiopharmaceuticals containing Tc99m from Mason District and Pana Community Hospitals and delivered them to other hospitals. This activity resulted in the imposition of the civil penalty by the Director of I&E.

IML defended on several bases. First it states: "Milking the generator does not constitute 'manufacture' of the eluate. Therefore, a hospital may ship eluate without first obtaining a 10 CFR 32.72 license."[1] This answer did not convince

[1] Answers to Order to Show Cause and to Notice of Imposition of Civil Penalty, June 24, 1981.

the Staff, nor does it convince me, because it does not address the fact the 10 CFR 32.72 specifically covers the *distribution* as well as the manufacture of radiopharmaceuticals.

IML also states that Mr. Keppler's letter referring to the distribution of byproduct materials under 10 CFR 32.72 could not mean what it seems to say because that interpretation would prevent the transport of standard sources for calibration purposes. The better reasoning, according to IML, is that IML was ordered to "[n]ot distribute radiopharmaceuticals which contain byproduct material unless the radiopharmaceutical was manufactured by a person licensed under 10 CFR 32.72."[2]

Apparently IML's logic is that the license to manufacture the Mo/Tc99m generator carried with it the license to distribute the eluate since eluting the generator is not a separate manufacturing step. But the logic fails because IML received the Tc99m from an unlicensed hospital, not from the licensed manufacturer/distributor of the generator/eluate. In any event, by advancing this argument, IML ignores the central concern that it had entered into an understanding with the Region III office that accepting rediopharmaceuticals from hospitals not licensed under 10 CFR 32.72 was a violation of the terms of IML's license and that the practice would stop. There was no basis to read Mr. Keppler's letter differently because it was that very practice which was involved.

Because of IML's apparent difficulty in interpreting and complying with the terms of its license and complying with its understanding with Region III, and because of its continued unwillingness to acknowledge that its activities were not in compliance with the regulations. the cease-and-desist terms of the settlement agreement seemed insufficiently specific to provide assurance that the practice would end.

IML's commitment was:

> 3. IML agrees that it will cease and desist from any future receipt of radioactive material from persons who are not authorized as radiopharmaceutical suppliers to distribute material in accordance with 10 CFR 32.72, and from making further distribution of such material without a license under 10 CFR 32.72. In this regard, IML further acknowledges that hospitals such as Mason District Hospital and Pana Community Hospital are generally not authorized to distribute radioactive material as licensed radiopharmaceutical suppliers in the absence of an express license condition permitting such distribution.

[2] Answer to Show Cause Order.

Under IML's theory that the manufacturer of the Mo/Tc99m generator was the respective licensed distributor, the very practice now penalized would be permissible under the cease-and-desist agreement. Therefore I requested and received a further commitment from IML as a condition of approving the compromised settlement. Added to paragraph 3 will be:

> Upon receiving radiopharmaceuticals containing byproduct material, IML shall make an affirmative inquiry and receive a definite demonstration that the person supplying the material is authorized to do so by a license issued under 10 CFR 32.72, or, in the case of a hospital, that the hospital has the functional equivalent of a § 32.72 license. The methods set out under 10 CFR 30.41 to verify the authority of a recipient, when applied to a supplier, would be an appropriate demonstration. Provided however, IML may continue to act upon emergency requests for the transfer of radiopharmaceuticals under a temporary authority granted by the NRC to a person authorized to receive radiopharmaceuticals pursuant to 10 CFR 35.14. When IML relies upon an oral certification from a transferor under emergency authority from the NRC, that oral certification must be confirmed in writing within ten days.

The amount of the penalty as compromised appears reasonable. Both parties agree that the practice in dispute did not endanger health under these circumstances. The Staff reports that its belief that IML's activities were in knowing violation of its understanding with Region III was considered in calculating the penalty. The penalty is in accordance with the Staff guidelines in effect during the time of the relevant activities, and approximately the same result would be achieved under the Commission's General Statement of Policy and Procedure for Enforcement Actions, 47 FR 9987, March 9, 1982.

Accordingly in consideration of the settlement agreement as modified I approve the imposition of the compromised civil penalty and terminate the proceeding.

Bethesda, Maryland, February 22, 1983.

Ivan W. Smith,

Administrative Law Judge.

[FR Doc. 83-5025- Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-64, to the Power Authority of the State of New York (the licensee), which revised the license for operation of the Indian Point Nuclear Generating Station Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective within 60 days of the date of issuance and is implemented in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to the Commission approved Guard Training and Qualification Plan as part of the license.

The licensee's filing, which has been handled by the Commission as an application for amendment, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

The licensee's filing dated August 9, 1982 consists of Safeguards Information required to be protected from disclosure pursuant to 10 CFR 73.21.

For further details with respect to this action, see: (1) Amendment No. 46 to Facility Operating License No. DPR-64 and (2) the Commission's related letter to the licensee dated February 16, 1983. These items are available for public inspection at the Commission's Public Document Room, at 1717 H Street, NW., Washington, D.C. 20555 and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (1) and (2) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of February 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-5023 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260 and 50-296]

Tennessee Valley Authority; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 86 to Facility Operating License No. DPR-33, Amendment No. 83 to Facility Operating License No. DPR-52 and Amendment No. 57 to Facility Operating License No. DPR-68 issued to Tennessee Valley Authority (the licensee), for operations of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2 and 3, located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to: (1) Reduce the duration of containment integrated leak rate tests by following the procedures outlined in Bechtel topical report BN-TOP-1, (2) revise the requirements in Sections 3.7.2 and 4.7.2 to conform the leak rate testing to the BWR/4 Standard Technical Specifications and (3) update the tables on isolation valves that are required to be tested.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated August 19, 1980, as supplemented by letter dated December 3, 1982, (2) Amendment No. 86 to License No. DPR-33, Amendment No. 83 to License No. DPR-52, and Amendment No. 57 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 14th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-5024 Filed 2-25-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports; Safety Recommendations and Responses; Availability

Responses; Availability

Recommendation Responses from:

Aviation—*Federal Aviation Administration: Nov. 22: A-82-24 and -25:* Is reviewing the certification policies related to the air phase of landing distance determination, and a proposed change to the Engineering Flight Test Guide for Transport Category Airplanes, FAA Order 8110.8 will be released for public comment. *Nov. 23: A-81-61:* Operators are training crewmembers in the normal and emergency use of aft ventral exits on applicable Boeing 727 aircraft, and the passenger briefing cards show that the ventral exit is an emergency exit and contain information on how to activate that exit. *A-81-62:* Believes it is unlikely that a passenger looking for the ventral airstair control on applicable Boeing 727 aircraft or a cabin attendent trained in the use of the emergency system would overlook the emergency handle cover when entering the ventral stairway. The placarding complies with CAR 4b.362(f). *Nov. 29: A-82-98:* Because of the many new entrants into air carrier service, a reemphasis as well as the possible development of additional guidance regarding safe and effective coordination between flight and cabin crew is being evaluated. *Nov. 29: A-81-139 through -143:* Will review the 77 accident cases studied by the Safety Board in developing the recommendations to develop the necessary and sufficient data base to establish technologically defensible state-of-the-art crash dynamics design standards and related regulatory action regarding transport aircraft crash protection. *Nov. 30: A-82-112 and -113:* The Graphic Notices and Supplemental Data publications were discontinued with the expiration of the Jan. 1982 edition. Will ensure that standard formatting and symbologies are used in graphic depictions and that fully adequate explanations of symbologies are included in accompanying legends. *A-82-114,* regarding adding to all Federal sectional aeronautical charts a prominent advisory notation pertinent to terminal areas at which radar traffic advisory services are available on request: Recommendation was referred to Task Group 1-6.1 of the National Airspace Review for consideration. *A-82-115:* Does not have authority to limit or control publication of aeronautical charts by commercial or State government producers or to require specific content on charts produced by others. *Dec. 7: A-82-46:* Airworthiness directive action is not justified with respect to the landing gear position indicating system wiring of the Shorts SD3-30 aircraft, because the reported wiring failures have no direct effect on operation of the landing gear system. *A-82-47:* Manufacturer has issued service information and obtained vendor improvements to the landing gear downlock cable and switch assemblies of the Shorts SD3-30 aircraft, and improved switches are being installed during landing gear overhaul. *Dec. 7: A-82-123 through -129:* Will convene a special flight standardization board to review adequacy of current training and type certification requirements for general aviation multiengine turbojet airplanes. Specific areas of review will include aerodynamic, meteorological, and physiological aspects of high-performance, high-altitude flight; hazards associated with operations near the low- or high-altitude flight; hazards associated with operations near the low- or high-speed buffet boundaries; effects of maneuvering load factors; potential for loss of control at critical altitudes; powerplant characteristics; potential effects of turbulence encounters; and recommended recovery practices. *Dec. 13: A-82-137:* Issued Airworthiness Directive (AD) 82-20-05 (Amendment 39-4466), on Sept. 17, 1982, imposing a 1,200-hour life limit and requiring the detailed inspection identified in Aerospatiale Service Bulletins 05.08 and 05.02 of the tail rotor driveshaft bearings on Aerospatiale AS 350 and AS 355 model helicopters. *A-82-138:* Daily visual inspection of the tail rotor driveshaft bearings on Aerospatiale AS 350 and AS 355 model helicopters is already included in Aerospatiale maintenance inspection procedures. *A-82-139:* Aerospatiale now provides a greasable type bearing as a replacement for the sealed bearings on Aerospatiale AS 350 and AS 355 model helicopters. *Dec. 8: A-82-118:* Available data do not support taking action to amend existing flight manuals to specify a minimum speed for icing conditions. Will issue an Advisory Circular regarding ice protection certification on 14 CFR Part 23 airplanes. *A-82-119:* Accident prevention specialists have been directed to emphasize the importance of following prescribed aircraft operating procedures and the availability of Advisory Circulars, directives, and pamphlets regarding aircraft icing. *Dec. 9: A-76-136 and -137:* Promotes the use of friction measurement devices to monitor runway surface conditions in order to assist airport operators in planning and scheduling runway maintenance/improvement projects. Believes that requiring airports to purchase and use such devices as the Mu Meter and the Saab Friction Tester is neither appropriate nor justified because lack of care or expertise in maintaining and operating the equipment can result in erroneous readings and offset any advantages gained by their use. *Dec. 9: A-80-*

51 and –52: Will publish a change to Chapter 4, Air Traffic Control, Section 5, Preflight, of the Airman's Information Manual titled "IFR Operations to High Altitude Airports" that will caution pilots planning flights to airports located in mountainous terrain to consider the necessity for an alternate airport even when the forecast weather conditions would technically relieve them from the requirement to file one. Plans to amend 14 CFR 91.23 and 91.83 to make instrument flight rules for alternate airports and fuel reserve requirements identical to those of 14 CFR Part 135. *Dec. 14: A–82–32 and –33:* Is reviewing technical data regarding problems with wing spar tension bolts on Beech 35 and other model aircraft. *Dec. 15: A–82–106:* The Society of Automotive Engineers is considering an Aerospace Standard (minimum performance) (AS–8039) for general aviation flight data/cockpit voice recorders. FAA intends to prepare a Technical Standard Order referencing this standard when it is approved. *A–82–107 through –111:* As part of FAA's ongoing analysis of questions related to flight data/cockpit voice recorders, will consider a requirement for all multiengine, turbine-powered, fixed-wing aircraft certificated to carry six or more passengers operating above 25,000 feet and all multiengine, turbine-powered rotorcraft certificated to carry six or more passengers manufactured on or after a specified date to be prewired to accept a cockpit voice recorder and a flight data recorder. *Dec. 22: A–82–146 through–149:* Administrator has directed increased surveillance, inspections and investigations of the air traffic control system by the most senior and qualified executive officials to be conducted randomly and at all times. *Dec. 23: A–81–9 through–11:* Published on Aug. 27, 1982, Advisory Circular 150/5230–4, Aircraft Fuel Storage, Handling, and Dispensing on Airports, providing information on aviation fuel deliveries to airport storage and the handling, quality control, and dispensing of fuel into aircraft. Is drafting a general standard that could be used as a guide in developing airport fueling procedures. Is considering changing rules in 14 CFR Part 139, and has been petitioned by the South Central Chapter of the American Association of Airport Executives to relieve airport operators who hold an Airport Operating Certificate from all responsibility with respect to fuel handling unless the airport operator itself is the fueling agent. *Dec. 23: A–81–135 and–136:* Issued an emergency telegraphic Airworthiness Directive on Oct. 27, 1982, requiring the inspection and, if necessary, the replacement of certain moisture separator shell assemblies on Fairchild F–27 and FH–227 model aircraft. *Dec. 23: A–82–130:* Is reviewing aircraft service records relative to carburetor mixture controls to determine the need for action to amend 14 CFR 23.1147, Mixture Controls, and/or 14 CFR 33.35, Fuel and Induction System. *A–82–131:* Is reviewing the incorporation of a fail-safe safety device as a modification to the engine-supplied carburetor on small, single-engine airplanes. *A–82–132:* Will publish in the General Aviation Airworthiness Alerts (Advisory Circular 43–16) an article emphasizing the proper maintenance and inspection of mixture control linkage assembly problems of general aviation airplanes. *Dec. 28: A–82–26:* Published, in April 1982, General Aviation Airworthiness Alert (AC–43–16) No. 45 emphasizing the importance of not subjecting critical heat-treated aluminum alloy parts to extensive heat by welding or any other means. *Dec. 29: A–82–143:* A supplementary flight test program and a critical design review of the main rotor system of the Robinson R–22 model helicopter indicates that the system complies with 14 CFR Part 27 and no unusual flight characteristics exist when the R–22 helicopter is operated within the Rotorcraft Flight Manual Limitations. *A–82–144:* Tests indicate that adequate engine power is available on Robinson R–22 model helicopters to recover RPM should a rapid decay occur. Issued telegraphic Airworthiness Directive T82–23–51 on Oct 29, 1982, which required that the low rotor warning indication be increased from 91 percent plus or minus 1 percent to 95 percent plus or minus 1 percent, and required the installation of a low rotor speed warning light adjacent to the RPM indicator. Is preparing an Operations Bulletin to emphasize the flight instructor's responsibilities in student training. *Dec. 29: A–82–80:* Issued Maintenance Bulletin No. 128 on Sep. 9, 1982, directing field inspectors to emphasize to their assigned certificate holders their responsibility under the Code of Federal Regulations for the proper servicing of their aircraft and that they are not relieved of that responsibility even though arrangements are made with other persons to perform the work. *Dec. 30: A–81–120:* Issued Maintenance Bulletin No. 55–1 on Aug. 10, 1982, to alert field personnel of potential problem areas such as elevator vibration/flutter on Convair 240, 340, 440, and all modified models, and recommends that principal maintenance inspectors review their assigned operators' maintenance program. *Dec. 30: A–79–93:* Manufacturer has revised the Beech Model 90 Airplane Flight Manual (AFM), "Procedures Before Takoff," to include a stabilizer out-of-trim warning system check, and will similarly revise the Model 100 AFM. *Dec. 30: A–82–90:* Is investigating the stalling characteristics of the Piper Model PA–38–112 Tomahawk to determine if there is a need for requiring installation of in board flow strips on all such aircraft manufactured before Jan. 25, 1979, that have not been modified with these flow strips in accordance with the provisions of Piper Service Letter No. 876. *Jan 4: A–82–133:* Will issue an air carrier operations bulletin concerning the listing of an alternate airport on an instrument flight rules flight plan. *A–82–134:* Does not believe that there is a need for a pilot to transmit to the Air Route Traffic Control Center the alternate airport designated as part of the instrument flight rules flight plan. *Jan. 5: A–82–97:* Will issue an Airworthiness Directive concerning the Cessna Model 172 right-hand control yoke assembly problem. *Jan. 6: A–82–142:* Does not believe that a flight control system priority valve needs to be developed and installed on Lockheed L–188 airplanes. *Jan. 14: A–82–74:* Issued on Nov. 15, 1982, Airworthiness Directive 82–23–05 *Gulfstream American:* Amendment 39–4492 applicable to certain Model 685 airplanes requiring replacement of the existing induction air elbow and inspection of the exhaust system to prevent possible contamination of cabin air. *Jan. 14: A–82–28:* Believes that adequate loading information is available to pilots of Piper PA-28–140 airplanes and that an Airworthiness Directive requiring additional precautionary information regarding spins is not warranted

Falcon Jet Corp: Dec. 3: A–82–101 through –103: Favors more widespread use of cockpit voice recorders and flight data recorders in general aviation aircraft, but does not favor the concept of prewiring all aircraft for installation of such equipment, which the customer may elect not to purchase and which is not required by the Federal government.

Fokker B.V. (The Netherlands): Dec. 13: A–82–101 through –103: Recommendations concerning use of cockpit voice recorders and flight data recorders in general aviation aircraft should be directed to the relevant operators who would have to bear the cost of such installations.

General Aviation Manufacturers Association: Dec. 17: A–82–101 through –103: Favors a program of development, test, and installation of a low-cost cockpit voice recorder for general aviation aircraft, but with no customer demand for the device, GAMA members are not thought to be undertaking such development. Does not support the installation of flight data recorders because the initial cost and upkeep does not seem justified when weighed against the potential information that would be derived after an accident, and because the development of a suitable device would be expensive considering the need to develop the sensing equipment for the airplane systems, and such development is not supported by the customer. Prewiring is neither feasible nor desirable at this time.

National Association of State Aviation Officials: Jan. 6: A–82–116, which recommended that State aviation authorities include on State aeronautical charts the information contained on Federal sectional aeronautical charts pertinent to safe navigation, particularly in regard to radar traffic advisory services in terminal areas where there are multiple airfields: States can be expected to make the changes to State aeronautical charts as the print cycles come around on an annual or biannual basis.

Note.—Single copies of recommendation letters (identified by recommendation number) and response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Dated: February 28, 1983.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 83–4880 Filed 2–25–83; 8:45 am]

BILLING CODE 4910–58–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Resource Assessment Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Resource Assessment Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Monday, February 28, 1983. 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Tom Foley, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83–4903 Filed 2–25–83; 8:45 am]

BILLING CODE 0000–00–M

Conservation Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Tuesday, March 1, 1983, 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Tom Eckman, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83–4904 Filed 2–25–83; 8:45 am]

BILLING CODE 0000–00–M

Forecasting Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Forecasting Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Wednesday, March 2, 1983. 8:45 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW., Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Terry Morlan, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83–4905 Filed 2–25–83; 8:45 am]

BILLING CODE 0000–00–M

Reserves and Reliability Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Reserves and Reliability Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Thursday, March 3, 1983. 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW., Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohoe, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 83–4906 Filed 2–25–83; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13041]

Guardian Insurance & Annuity Co., Inc., et al.; Filing of Application

February 18, 1983.

In the matter of The Guardian Insurance & Annuity Company, Inc.; The Guardian Separate Account A; Guardian Investor Services Corporation, 201 Park Avenue South, New York, New York 10003 and Value Line Securities, Inc., 711 Third Avenue, New York, New York 10017; (812–5418); filing of application pursuant to section 6(c) of the act for an order of exemption from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2), 27(d), of the act and rule 22c–1 thereunder and for an order pursuant to Section 11 of the act approving the terms of certain offers of exchange.

Notice is hereby given that The Guardian Insurance & Annuity Company, Inc. ("Company"), The Guardian Separate Account A ("Account"), Guardian Investor Services Corporation ("Investor Services"), and Value Line Securities, Inc. ("Value Line") (hereinafter collectively referred to as "Applicants"), filed an application on December 30, 1982 and an amendment thereto on February 9, 1983, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"") granting exemptions to the extent requested from Sections 2(a)(32, 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 26(a)(2)(D), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder and pursuant to section 11 of the Act for an order approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

The Account, a separate account of the Company, is registered under the Act as a unit investment trust. The Company is the sponsor-depositor for the Account. The Account was established for the purpose of funding single premium and flexible premium individual deferred variable annuity contracts ("Contracts"). Investor Services and Value Line are the principal underwriters of the Contracts. Under the Contracts, payments will be allocated to one or more of three Separate Account Divisions ("Divisions"). Each Division invests in the shares of one of the following funds, each of which is registered under the Act as an open-end diversified management investment company: (1) The Guardian Cash Fund, Inc.; (2) The Guardian Stock Fund, Inc.; and (3) The Guardian Bond Fund, Inc. (collectively, the "Funds"). Applicants state that all assets of the Account will be held in custody for safekeeping by the Account. The assets of each Division will be kept physicially segregated and held separate and apart from assets of other Divisions. Shares of the Funds in each Division will be held in open account in lieu of actual share certificates. The Account will maintain a record of all purchases and redemptions of shares of the Funds held in each Division.

The Company does not impose an initial sales charge on purchase payments. If a Contract is totally or partially surrendered during certain years, however, a contingent deferred sales charge is applied as a means for the Company to recover its sales expenses ("Sales Charge"). Applicants state that it is expected that such charges will cover all costs associated with distribution of the Contracts.

Other charges under the Contracts include applicable state premium taxes and charges for the Company's administrative expenses and for its assumption of mortality and expense risks. Applicants state that premium taxes will be deducted either from Contract payments or from the Contract value upon annuitization as determined by applicable state law. Applicants further state that prior to and upon surrender or annuitization, the Company will deduct an administrative charge of $30 for single premium Contracts and $35 for flexible premium Contracts from the Contract value as of each anniversary of the issue date. Finally, Applicants state that for assuming a mortality risk, including a death proceeds risk and an expense risk, the Company will make a daily charge of 1% on an annual basis against the assets of each Division. Of this charge, .65% will be for the mortality risks and .35% will be for expense risks.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request exemptions pursuant to Section 6(a) from certain provisions of the Act as summarized below.

Applicants propose that they be granted exemptions from Sections 27(c)(2) and 26(a)(2)(C) to allow: (1) the deduction of the mortality and expense risk charges; (2) the deduction of the annual administration charge; (3) the deduction for premium taxes and; (4) the deduction of the Sales Charge.

With respect to (1) above, Applicants assert that the mortality and expense risk charge meets the standard set forth in Section 6(c) as it is reasonable compared to comparable products offered by other companies and reasonable in relationship to the risks assumed. The Company represents that it has reviewed the contracts and registration statements of five other separate accounts offering variable annuity contracts with comparable provisions and guarantees, which include pre-retirement death benefits, guaranteed annuity rates, contingent deferred sales charges, fixed annual administrative fees, and mortality and expense risk charges. Based on this review the Company has determined that its 1% mortality and expense risk charge is fair and reasonable in amount, as evidenced by customary practice within the variable annuity industry. The Company further represents that the data supporting and setting forth this conclusion will be maintained on file at the offices of the Company available to the Commission.

With respect to (2), (3) and (4) above, Applicants assert that these charges have been set at levels no higher than the estimated actual costs of administering the Contracts and without expectation of profit. With respect to (4) above, Applicants assert that the Contracts limit the total of all contingent deferred sales charges which may be assessed against any one contract to a maximum of 5% of the total purchase payments made. Applicants also assert that the total of all fees and charges represents an amount that is consistent with the protection of investors and reasonable as compared to similar fees and charges imposed on competitive variable annuity products.

Applicants request exemptions from Sections 26(a) and 26(a)(2)(D) to the extent necessary to permit the Account to hold its assets without an independent trustee or custodian and to hold the securities of the Funds in open account in lieu of stock certificates. Applicants represent that the assets of each of the Divisions will be protected by the safeguards and conditions described in the application and that requiring the issuance of fund certificates would impose an unnecessary administrative burden. Applicants also request exemptions from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1) and 27(d) to the extent necessary to permit deduction of the Sales Charge and the administrative charge, described above, upon redemption.

Applicants also propose that Contractowners be permitted to transfer all or part of their investment in one Division to another Division subject to certain limitations on the frequency of transfers. Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to the extent requested to permit the transfers described in the Contracts.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 15, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4942 Filed 2-25-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22852]

Southern Co.; Issuance and Sale of Common Stock

February 14, 1983.

In the matter of The Southern Company, 64 Perimeter Center East, Atlanta, Georgia 30346 (70-6841); notice of proposed issuance and sale of common stock pursuant to dividend reinvestment and stock purchase plan and to employee savings plan and exception from competitive bidding.

The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Southern proposes to issue and sell from time to time through April 30, 1985, a maximum of 15,000,000 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), pursuant to its Dividend Reinvestment and Stock Purchase Plan ("Dividend Plan"). These shares would be in addition to the balance of 15,189,206 shares at December 31, 1982, remaining under the authorization granted by order of this Commission dated March 30, 1982 (HCAR No. 22434). The proceeds from the sale, estimated to total approximately $217,500,000, will be used for equity investments in the operating subsidiaries and for other corporate purposes.

The Additional Common Stock will be offered to all holders of Southern's

common stock pursuant to the Dividend Plan whereby shareholders voluntarily may elect to (1) Have cash dividends on all of their shares of Southern common stock automatically reinvested in shares of such common stock at a price equal to 95% of the average of the daily high and low sales prices of Southern's common stock, as published in The Wall Street Journal in its report of NYSE—Composite Transactions, for the period of five trading days ending on the dividend payment date (or the period of five trading days immediately preceding the dividend payment date, if the New York Stock Exchange is closed on the dividend payment date), or (2) reinvest less than all of their cash dividends in shares of Southern's common stock at such price, or (3) reinvest all or less than all of their cash dividends as described above and, in addition, make optional cash payments (not less than $25 per payment nor more than a total of $6,000 per quarter) to invest in shares of Southern's common stock at a price equal to 100% of such market price average for the period of five trading days ending on the monthly purchase date (or the period of five trading days immediately preceding the monthly purchase date, if the New York Stock Exchange is closed on the monthly purchase date), or (4) continue to receive cash dividends on all shares held by them and only make optional cash payment for investment. Cash dividends on shares credited to a participant's account under the Dividend Plan will be reinvested in shares of Southern's common stock at a price determined as set forth in clause (1) above. No shares will be sold under the Dividend Plan at less than the par value of such shares.

The First National Bank of Atlanta currently administers the Dividend Plan and purchases the shares of Southern's common stock under the Dividend Plan as agent for the participants. No service charge or commission is paid by participants in connection with purchases under the Dividend Plan. A participant retains all voting rights relating to shares purchased under the Dividend Plan and credited to his account, and such shares will be voted in accordance with his instructions.

Southern also proposes to issue and sell from time to time through April 30, 1985, a maximum of 2,000,000 shares of its authorized but unissued common stock, par value $5 per share, ("New Stock") pursuant to the Employee Savings Plan for the Southern Company System ("Savings Plan"). The proceeds from the sale of the New Stock, estimated to be approximately $29,000,000 will be used for equity investments in its operating subsidiaries and for other corporate purposes.

The New Stock will be offered to employees of Southern's subsidiaries pursuant to the Savings Plan, a voluntary plan under which employees may contribute, through payroll deductions, not less than 2% nor more than 12% of their compensation. Each employing company will contribute, on behalf of each of the Savings Plan members in its employ, an amount not in excess of 6% of the member's compensation. Each Savings Plan member must direct that his contributions be invested in the Company Stock Fund, the Equity Fund, and/or the Fixed Income Fund.

The National Bank of Atlanta acts as Trustee for the trust which is part of the Savings Plan, and the Savings Plan is administered by the Savings Plan Committee, the members of which are appointed by the Board of Directors of Southern Company Services, Inc. The Trustee votes the shares of common stock of Southern held by it in accordance with written directions received from the individual members on whose behalf such shares are held and does not vote any such shares for which voting instructions are not received. The Trustee has the authority to vote all other securities in its discretion.

Investment purchases by the Trustee for the funds may be made either on the open market or by private purchase, provided that no private purchase may be made of common stock of Southern at a price greater than the last sale price or current independent bid price, whichever is higher, for such stock on the NYSE, plus an amount equal to the commission payable in a stock exchange transaction if such private purchase is not made from Southern. The Trustee may purchase common stock of Southern directly from Southern under the Dividend Plan or under any other similar plan made available to all holders of record of shares of common stock of Southern, at the purchase price provided for in such plan.

Southern has requested that the increase and sale of the Additional Common Stock and the New Stock be excepted from the competitive bidding requirements pursuant to Rule 50(a)(5).

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 14, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4940 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13024]

SteinRoe Tax-Exempt Money Fund, Inc.; Filing of Application

February 15, 1983.

In the matter of: Steinroe Tax-Exempt Money Fund, Inc., 150 South Wacker Drive, Chicago, Illinois 60606; (812–5395); notice of filing of application for an order of the commission pursuant to section 6(c) of the act granting exemptions from the provisions of sections 2(a)(41) and 12(d)(3) of the act and rules 2a–4 and 22c–1 thereunder.

Notice is hereby given that SteinRoe Tax-Exempt Money Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 15, 1982, and amendments thereto on February 1 and 14, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant to the extent necessary from (1) the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to permit the Applicant (a) to compute its net asset value per share using the amortized cost method of valuation and (b) to value, in the manner described in the application, standby commitment rights by which the Applicant may require a broker-dealer or a bank to repurchase portfolio securities previously sold to the Applicant by such person, and (2) the provisions of Section 12(d)(3) of the Act to permit the Applicant to acquire such standby commitments from broker-dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein,

which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of those provisions thereunder from which an exemption is being sought.

Applicant states that it is organized as a Maryland corporation and that its investment objective is maximum current income exempt from Federal income tax, and that in pursuing that objective, it will attempt to maintain relative stability of principal and liquidity. Applicant further states that it will invest principally in a diversified portfolio of short-term municipal securities, consisting of indebtedness issued by or on behalf of states, territories and possessions of the United States and the District of Columbia and their political subdivisions, agencies and instrumentalities, including participation interests therein, the interest on which is, at the time of issuance, in the opinion of the issuer's bond counsel, exempt from Federal income tax ("Municipal Securities").

Applicant states that it may invest in variable rate securities which the Applicant's Board of Directors determines no less frequently than quarterly to be of high quality, and in variable rate demand securities, which entitle the purchaser to resell the securities to the issuer at an amount approximately equal to amortized cost or the principal amount thereof plus accrued interest in not more than seven days after exercise of an unconditional right of demand and which securities the Board of Directors determines no less frequently than quarterly to be of high quality, provided that the interest rate on any such security (a) is to be adjusted no less frequently than annually, or (b) is a floating rate, adjusted according to some objective standard, which the Applicant's Board of Directors has determined will result in a current market value approximating its principal amount. Applicant states that maturity of these variable rate and variable rate demand securities will be determined in accordance with the procedures set forth in proposed rule 2a–7 under the Act (Investment Company Act Release No. 12206, February 1, 1982), or if the rule should ultimately be adopted, in accordance with the procedures set forth in the rule as adopted.

Applicant states that solely in order to facilitate portfolio liquidity (including flexibility in disposing of portfolio securities acquired with a view to their dispostion prior to their stated maturity in order to invest in other, more attractive securities) it may obtain standby commitments. Applicant represents that each such standby commitment will have the following features:

(1) It will be in writing and will be held physically by the Applicant's custodian;

(2) It will be exercisable by the Applicant at an agreed-upon price on certain dates or within a specified period prior to the maturity of the underlying security;

(3) The Applicant's right to exercise it will be unconditional and unqualified;

(4) It will be entered into only with a broker-dealer or bank which, in the opinion of the Applicant's investment adviser, presents a minimal risk of default;

(5) Although the commitment will not be transferable, the Municipal Security purchased subject to such a commitment may be sold to a third party at any time, even though the commitment is outstanding; and

(6) The amount payable to the Applicant upon exercise will be (i) the Applicant's acquisition cost of the Municipal Security purchased subject to the commitment (excluding any accrued interest that the Applicant paid on its acquisition), less any amortized market or original issue premium or plus any amortized market or original issue discount during the period the Applicant owned the security, plus (ii) all interest accrued on the security.

The application states that the management of the Applicant believes that standby commitments will enable the Applicant more readily to dispose of portfolio securities if it should become necessary or advisable to do so in order to meet redemption requirements or to invest in other, more attractive securities that are not available for purchase at the time Applicant enters into the standby commitment. It is represented that Applicant will not acquire standby commitments with a view to exercising them at a time when the exercise price may exceed the current value of the underlying securities. If the exercise price of a standby commitment held by the Applicant should exceed the current value of the underlying securities, it is represented that the Applicant may refrain from exercising the standby commitment in order to avoid causing the issuer of the standby commitment to sustain a loss and thereby jeopardizing Applicant's business relationship with the issuer. The Applicant states that the acquisition of a standby commitment will not affect the valuation or maturity of the underlying municipal obligation, which will continue to be valued in accordance with the amortized cost valuation procedures described in the application and herein.

Applicant will pay for standby commitments in cash or by paying a higher price for portfolio securities which are subject to the commitment. Applicant states that since it is difficult to evaluate the likelihood of use or the potential benefit of a standby commitment, its Board of Directors has determined that standby commitments have a fair value of zero in determining net asset vaue, regardless of whether any direct or indirect consideration is paid. Applicant further states that the cost of a standby commitment will be reflected as an unrealized loss for the period during which it holds the commitment, and that such cost will be reflected in realized gain or loss when the commitment is exercised or expires.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the total amount "paid" for outstanding standby commitments held in the Applicant's portfolio will not exceed ½ of 1% of the value of its total assets (taken at market value at the time of purchase of any standby commitment). The Applicant further represents, for purposes of complying with the condition of the amortized cost order requested in the application, that the dollar-weighted average maturity of its portfolio not exceed 120 days, that the maturity of a portfolio security shall not be considered shortened or otherwise affected by any standby commitment to which such security is subject. The Applicant further states that it has received an opinion of counsel that interest on Municipal Securities subject to such standby commitments is exempt from Federal income tax under existing law.

The Applicant contends that its proposed acquisition of standby commitments will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds the next day in Federal funds. The Applicant states that its investment adviser will periodically evaluate the credit of institutions issuing standby commitments. For that reason and in light of the fact that standby commitments will be valued at zero in

determining the Applicant's net asset value, the Applicant represents that the acquisition of such commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, and will not require it to evaluate the credit of such institutions in determining its net asset value.

In order to attract and retain investors, Applicant contends that it must offer stability of principal and a continuous flow of investment income. If the requested exemptions were granted, it is further contended that Applicant's investors would have all the conveniences and advantages of a stable price of $1.00 per share, under conditions designed to provide adequate safeguards concerning portfolio quality and in accordance with procedures designed to assure equitable treatment of new investors and existing shareholders. Moreover, the application states that, in light of the above-described characteristics of the Applicant, the amortized cost method of valuing portfolio securities will reflect a fair value of such securities, except in unusual or extraordinary circumstances. Applicant's Board of Directors, however, will monitor deviations between the net asset value per share determined by the amortized cost method and the net asset value determined using available market quotations so that any necessary changes in the valuation method may be made to eliminate or reduce, to the extent reasonably practicable, material dilution or other unfair results to new or existing shareholders. Finally, the application states that although there is no assurance that the amortized cost value of a municipal obligation will at all times equal its market value, there is no significant risk of an event occurring that would make the amortized cost valuation of portfolio securities, including securities subject to standby commitments, inappropriate. However, in the event that the market or fair value of the securities were not substantially equivalent to their amortized cost value, the Board of Directors of the Applicant may determine that the securities should be valued on the basis of available market information.

The Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising the Applicant's operations and delegating special responsibilities involving portfolio management to the Applicant's investment adviser, the Applicant's Board of Directors undertakes (as a particular responsibility within its overall duty of care owed to the Applicant's shareholders) to establish procedures reasonably designed, taking into account current market conditions and the Applicant's investment objective, to stabilize the Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Applicant's net asset value per share as determined by using available market quotations from Applicant's amortized cost price per share, and maintenance of records of such review;[1]

(b) In the event such deviation from the Applicant's amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated;

(c) Where the Board of Directors believes that the extent of any deviation from the Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it considers appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include, *inter alia*, selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Applicant's average portfolio maturity; increasing, reducing or suspending dividends or distributions from capital or capital gains; redeeming shares in kind; or establishing a net asset value per share using quotations of market value.[2]

3. The Applicant (a) will seek to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining relative stability of principal and not, in any event, in excess of 120 days, and (b) will not purchase a portfolio instrument with a remaining maturity of greater than one year.[3]

4. The Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments that the Board of Directors determines present minimal credit risks, and that are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by the Applicant's Board of Directors.

5. The Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) referred to in condition 1 above, and the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with discharge of its responsibilities, as set forth above, to be included in the minutes of meetings of the Board of Directors. The documents preserved, pursuant to this condition, shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

6. The Applicant will include in each quarterly report to the Commission, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 10, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the

[1] To fulfill this condition the Applicant intends to use actual quotations provided by market makers or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its discretion to be appropriate indicators of value, which may include *inter alia* (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of Municipal Securities published by reputable sources.

[2] In establishing such a net asset value per share Applicant also indicates that it may do so by using estimates of market value or using values obtained from yield data relating to classes of Municipal Securities published by reputable sources.

[3] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, the Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4939 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[File NO. 1-7994]

Timeplex, Inc.; Listing and Registration

February 22, 1983.

In the matter of Timeplex, inc., Common Stock, $.01 Par Value; File No. 1-7994; Securities Exchange Act of 1934 Section 12(d), Application To Withdraw From Listing and Registration.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Timeplex, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form S-A which became effective on January 20, 1983, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before March 15, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4945 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19502; File No. SR-BSE-83-1]

Self-Regulatory Organizations; Proposed Change by Boston Stock Exchange, Inc.; Relating to an Extension of the Temporary ITS Usage Charge.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 31, 1983, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Approval was granted by the Securities and Exchange Commission to allow the Exchange to impose a usage charge of $.005 per share on all trades executed by Boston members through ITS in market centers other than Boston effective for the period January 4, 1982 through December 31, 1982. It is now proposed to extend this usage charge for the period January 3, 1983 through December 30, 1983.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) The ITS usage charge was previosuly approved for the period January 4, 1982 through December 31, 1982. The extension of this charge is necessitated by the continuing costs associated with the ITS which includes lines, hardware and particularly the financing of ITS transactions. The charge, while temporary in nature, assists the Exchange to cover expenses associated with the system.

(b) The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an exchange to provided for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using its service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.

Comments were neither solicitated nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and

any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

February 14, 1983.

[FR Doc. 83-4943 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19513; File No. SR-BSECC-83-1]

Filing and Immediate Effectiveness of Proposed Rule Change by Boston Stock Exchange Clearing Corporation ("BSECC")

February 16, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1983, the Boston Stock Exchange Clearing Corporation ("BSECC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would establish a fee of $300.00 for processing authorized signature changes submitted by participants using BSECC's Signature Guarantee Program. BSECC's Signature Guarantee Program facilitates transfer agent acceptance of participating member signature guarantees by, among other things, distributing signature cards to interested transfer agents.

In its filing, BSECC stated that the fee is necessitated by the costs associated with processing authorized signature changes and distributing those changes to transfer agents. According to BSECC, the rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to BSECC because it allocates equitable fees charged to participants who avail themselves of the Signature Guarantee Program.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-BSECC-83-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4947 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19520; SR-NYSE-82-5; SR-NYSE-82-12]

New York Stock Exchange, Inc.; Proposed Rule Change

February 22, 1983.

In the matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, NY 10006, (SR-NYSE-82-5); (SR-NYSE-82-12); Order approving proposed rule change.

I. Introduction

On March 20, 1982, the New York Stock Exchange, Inc. ("NYSE") submitted a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), and Rule 19b-4 thereunder, to amend Articles IX and X of the NYSE Constitution concerning physical access memberships (File No. NYSE-82-5).[1] The rule change would limit to 24 the number of physical access members and establish a new fee structure for such members based upon the sum of (i) the average of the annual rentals payable under *bona fide* leases of regular memberships entered into during the six calendar months prior to the beginning of the membership year; (ii) $1,500 (annual dues currently paid by all members); and (iii) with respect to the first year of membership only, a $5,000 initation fee (currently paid by all new members).

On July 1, 1982, the exchange submitted as a proposed rule change (File No. SR-NYSE-82-12) a NYSE Board resolution providing that the portion of the dues payable by physical access members which corresponds to the average rental paid by lessees (figure (i) above) be credited against the amounts of dues otherwise payable by the 1,366 equity members.[2]

II. Background

Physical access annual membership was originally created by the NYSE as one of several means to increase access to the Exchange,[3] consistent with the goals of the Securities Act Amendments of 1975.[4] Physical access members have most of the basic rights of equity members of the Exchange, including the right to maintain physical presence and facilities on the trading floor. Unlike equity memberships, which are permanent, physical access memberships are for fixed terms of one year and holders of physical access memberships do not have an equity interest in the Exchange itself in the case of liquidation. In general, physical access memberships are substantially similar to leases of equity memberships, although lessees may have greater

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[1] Notice of the proposed rule change was provided in Securities Exchange Act Release No. 18650 (April 15, 1982), 47 FR 18088 (April 27, 1982).

[2] Notice of the proposed rule change was provided in Securities Exchange Act Release No. 18893 (July 20, 1982), 47 FR 3275 (July 26, 1982). No. public comments were received in response to the publication of notice of either SR-NYSE-82-5 or SR-NYSE-82-12.

[3] In its order approving physical access membership in March 1978, the Commission found that the NYSE was providing a "means of increasing access to most or all of the range of benefits (and obligations) attendant upon ownership or a NYSE seat (historically limited in number)." See Securities Exchange Act Release No. 14535 (March 7, 1978), 43 FR 10659 (March 14, 1978). Other means of access adopted at the time included the creation of electronic access memberships and authorization of the 1,366 NYSE equity members to lease their seats. Securities Exchange Act Release No. 114256 (December 12, 1977), 42 FR 63974 (December 21, 1977).

[4] Pub. L. 94-29. *See, e.g.*, S. Rep. No. 75 94th Cong. 1st Sess. at 14 (1975).

flexibility in negotiating the length of a lease, financing arrangements and other terms.

The NYSE Constitution currently limits physical access members to "such number of members of the Exchange as the Board of Directors may from time to time determine, consistent with available physical floor space and facilities" (Article IX, § 1(b)). While there has never been an explicit limit on the number of physical access members, the instant filing represents the second time the NYSE has formally attempted, in a proposed rule change filed with the Commission, to place an upper limit on the number of such members. The first case involved a proposed constitutional amendment submitted to the Commission in January 1980 (File No. SR–NYSE–80–2) which would have limited to two the number of physical access members.[5] The proposal had been initiated by a petition drafted by a group of NYSE floor brokers and endorsed in a full membership vote, despite the strong opposition of the NYSE's Board of Directors.

Commission concerns regarding the proposed rule change eventually resulted in its disapproval in August 1980, when the Commission concluded that it was unable to find the proposal consistent with Section 6(b)(5) of the Act, which requires that exchange rules be designed to remove impediments to and perfect the mechanism of a free and open market and the development of a national market system, or with Section 6(b)(8) of the Act, which requires that exchange rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[6]

III. Discussion

To approve the instant proposed rule change, the Commission must find that it is consistent with the requirements of the Act, and in particular Sections 6(b)(2), 6(b)(5) and 6(b)(8) thereunder. These sections require, respectively, (i) that exchange rules provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange; (ii) that such rules be designed to remove impediments to and perfect the mechanism of a free and open market and a national market system; and (iii) that such rules not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Section 6(b)(2) arguably could be read to prohibit any limitation on the number of members an exchange may admit to trading. Such an inference, however, is specifically rebutted by the provisions of Section 6(c)(4) of the Act.[7] As a result, the Commission believes that the establishment of a cap on the number of physical access memberships is permissible unless the level selected is unreasonable. For the reasons discussed below, and in particular the fact that there has never been a demand for more than 24 physical access memberships, the proposed rule change does not appear inconsistent with Section 6(b)(2).

The proposal also does not appear to be inconsistent with the requirement of Section 6(b)(5) of the Act that an exchange's rules be designed to foster a free and open market and a national market system. Physical access is just one means by which a person may effect transactions through the facilities of the NYSE. As indicated above, physical presence on the floor may be obtained through purchase of an equity membership or through a leasing arrangement. Electronic access membership, while not providing for direct floor presence, permits any broker-dealer to route orders through the NYSE DOT system to the specialist or to an independent floor broker. In addition, the ITS system, which connects the NYSE with other exchange floors and the over-the-counter market, provides an additional means of access for competing market makers and other broker-dealers who are not NYSE members.[8] Finally, the significant decline in floor brokerage and institutional commission rates since 1975 has, for all practical purposes, eliminated any real economic barriers to non-members (whether broker-dealer or large institutional investors) desiring to effect transactions on the NYSE. Accordingly, the Commission does not believe the proposed rule change is inconsistent with ensuring open access to exchange markets or the development of a national market system.

The most significant questions with regard to the 24 member ceiling arise under the proscription in Section 6(b)(8) of the Act against rules that impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. This was the principal basis on which the Commission disapproved the 1980 proposal to limit to two the number of physical access memberships. In the Commission's disapproval order, it found that the two member limitation was an arbitrary restriction on access to the nation's "primary" stock market that could not be justified by space, facility, safety or any other considerations.[9]

While the NYSE has not specifically asserted that, for reasons of health and safety or because of space or facilities limitations, it is unable to accommodate more than 24 physical access members, the Commission recognizes that there has traditionally been a congestion problem on the NYSE floor, given the limited amount of available trading space and the need to accommodate not only members but also a reasonable number of Exchange and member organization support personnel.[10] In addition, as a general matter, the Commission believes that it may be useful for the NYSE, in managing its facilities and in planning for future operation of the Exchange, to know in advance the maximum number of participants that can be present on the floor of the Exchange. In contrast to the earlier proposed limitation, which was set at a level below the number of

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[5] Notice was provided by Securities Exchange Act Release No. 16538 (January 25, 1980); 45 FR 7022 (January 31, 1980).

[6] Securities Exchange Act Release No. 17038 (August 1, 1980); 45 FR 52528 (August 7, 1980). Notice of the proceeding to determine whether to disapprove the proposed rule change pursuant to Section 19(b) of the Act was provided in Securities Exchange Act Release No. 16721 (April 18, 1980); 45 FR 24743 (April 10, 1980).

[7] That section provides that, a national securities exchange may (A) limit the number of members of the exchange and (B) the number of members and designated representatives of members permitted to effect transactions on the floor of the exchange without the services of another person acting as broker: Provided, however, that no national securities exchange shall have the authority to decrease the number of memberships in such exchange, or the number of members and designated representatives of members permitted to effect transactions on the floor of such exchange without the services of another person acting as broker, below such number in effect on May 1, 1975 . . .

[8] In its 1980 disapproval order, the Commission noted that these other forms of access could not be viewed as substitutes for physical access annual memberships and therefore that their availability could not justify an arbitrary or unreasonably low ceiling on the number of such memberships. *See* Securities Exchange Act Release No. 17038 (August 1, 1980). While the Commission continues to hold to this view, it believes that the existence of these other forms of access is significant in assessing whether the instant proposed rule change impinges on an open market or a national market system.

[9] In this regard, the Commission noted that, in October 1979 the NYSE Board of Directors indicated that the floor was capable of accommodating as many as 20 additional physical access members in the near term in addition to the four approved at that term. Securities Exchange Act Release No. 17038 (August 1, 1980); 45 FR 52528 (August 7, 1980).

[10] The number 24 was drawn from NYSE Board determinations in 1979 and 1980 pursuant to Article IX Section 1(b) of the NYSE Constitution that the available physical floor space and facilities of the Exchange could support 24 physical access members. Furthermore, the Exchange stated that "there has never been any demand for more than 24 [physical access] memberships and that number has proved more than adequate to provide access to all those who prefer the physical access mode of membership to the leasing of a seat."

physical access memberships then inplace, the Commission is satisfied that the proposed limit of 24 is reasonably related to historical and anticipated demand and has a valid basis.[11]

Against these reasons for setting a ceiling on the number of physical access memberships must be balanced any burdens on competition that may result from that action. In this regard, the Commission notes that since the inception of the physical access program, there have never been more than 24 persons holding or applying for physical access memberships at any given time. Moreover, the number of physical access members declined substantially from September 1981 to September 1982 and has increased only during the period from October 1982 through January 1983.[12] It appears that the recent increase in the number of physical access members to 23—one below the proposed ceiling—which has occurred in recent months has been due primarily to a temporary and artificial disparity between the price of physical access memberships and the cost of leasing—a disparity which will be corrected upon approval of the rule changes, when the price of physical access memberships will be tied directly to the costs of leasing.

It appears that, so long as there is not a marked disparity in the cost of obtaining a lease as compared to a physical access membership, most persons seeking access to the NYSE floor prefer leasing.[13] This may be due to the greater flexibility offered by leasing in negotiating the length of the arrangement, financing terms and similar matters. As a result, to the extent the proposed rule change results in roughly equivalent pricing of leases and physical access memberships, the 24 ceiling in itself does not appear to impose a substantial burden on competition. The Commission finds that any such burden on competition imposed by the proposed rule changes is outweighed by the operational and planning needs of the Exchange.

The Commission also believes that the second aspect of the pending proposed rule changes, the new formula for determining physical access membership dues, is consistent with the Act. Dues are based on three elements, the most important of which is the average rentals stated in *bona fide* lease agreements (*i.e.*, excluding any lease not entered into at arms length or distorted by any special arrangement). As noted above, the net effect of the new pricing formula would be to make the cost of physical access membership roughly comparable to that of seat rental. In reviewing any exchange proposal to impose fees on members, the Commission is required to consider, under Section 6(b)(4) of the Act, whether the proposed rules provide for the equitable allocation of dues, fees, and other charges among its members. We believe that the proposal should essentially eliminate cost as a factor to be considered when an individual is choosing between seat leasing and physical access membership. Accordingly, we find the proposal to be consistent with Section 6(b)(4).

The final part of the proposed rule changes would provide that a portion of the physical access members' dues would be distributed equally among the 1,366 equity members.[14] This proposed distribution of physical access dues is intended to provide partial compensation to the equity members for the reduction in the value of their seats which they believe has been caused by the physical access program. The Commission does not object to this part of the NYSE proposal since it could be viewed either as a distribution of Exchange income to the 1,366 members who "own" the Exchange, or as a rebate of a portion of the $1500 annual dues, either of which would not appear to be objectionable under the statute.

IV. Conclusion

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6, and, specifically, Sections 6(b)(2), 6(b)(5), 6(b)(8) and 6(c)(4) and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4038 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19514; File No. SR-NYSE-83-5]

Self-Regulatory Organization; Proposed Rule Change by New York Stock Exchange, Inc.; Relating To Establishing Criteria for the Allocation and Reassignment of Booth Space

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on February 7, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will establish formal criteria to be used by the Exchange as guidelines for the allocation and reassignment of booth space on the Floor of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

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[11] The Commission's staff intends to continue to review the adequacy of access to the NYSE market in light of changing market conditions, the characteristics of the NYSE's floor and other facilities and the interests of those seeking such acccess, and to continue its efforts to ensure that the NYSE's membership and access policies are consistent with the requirements of the Act. Such a review, of course, would not be limited solely or even primarily to the NYSE's physical access program, which we understand has generated substantial controversy since its inception.

[12] The number of physical access members has ranged from a high of 24 in September 1981 to a low of 6 in September 1982, and currently totals 23.

[13] As of July 30, 1982, for example, there were 253 leases in effect compared to only 13 physical access members. Even in the period since October 1982, when there has been cost advantage to acquiring a physical access membership over a lease, there have been more new leases than physical access memberships (19 to 10).

[14] The Exchange resolution specifically provides that the portion of the physical access members' dues which corresponds to the average rental paid by lessees will be distributed equally among the 1,366 equity members, each of whom will receive his share in the form of twelve equal monthly increments credited against the $1,500 annual dues he would otherwise pay. Currently, physical access members' dues are assigned to the general funds of the Exchange. Based on the proposal's formula for setting physical access fees, each equity member would receive annual credits of approximately $1000 if all 24 physical access memberships were outstanding.

A. Self Regulatory Organization's Statement of the Purposes and Statutory Basis for, the Proposed Rule Change

Booth Spaces are located around the periphery of the Trading Floor and are facilities that the Exchange provides to its members who are active on the Floor in order to transact their business. Orders from firms' customers are received in these spaces for possible execution. Execution reports are transmitted back to them in a similar manner.

Because of space limitations, logistical considerations and cost, not every member or member organization has or needs his or its own booth space. In a number of situations, two or more members "share" a space. Moreover, it is simply not possible to provide each member with booth spaces near the specialist posts where the more popular stocks are traded. Finally, because booth spaces are constructed in rows, those nearer the Trading Floor are considered more desirable than those located further down the booth aisle.

The Exchange has had informal criteria for the assignment of spaces for many years. The Exchange believes that it is now desirable to codify and publish formal criteria so that its members will have a better understanding of the reasons one member or member firm will be assigned a particular space over another, and, just as importantly, the reasons why a member or member firm might lose one or more of their assigned spaces to another.

Prior to an initial assignment of booth space to a member or member organization applications are to be submitted to the Floor Facilities Subcommittee of the Market Performance Committee which will evaluate the applications in the light of the established criteria and make assignments in conformity therewith. Any member who requests an opportunity to personally appear before the Subcommittee in connection with his application, will be afforded an opportunity to do so, and to state his position to the Subcommittee. In connection with any proposed reassignment of previously allocated booth space, any member affected by such proposed reassignment will be specifically invited to appear before the Subcommittee to discuss the matter, and to state his position, before any action is taken. Thereafter the affected member has the right to avail himself of the formal hearing procedures provided in Exchange Rule 475(a).

The specific criteria for the assignment or reassignment of booth spaces can be summarized as follows:

Criteria for the Allocation of Booth Space

- Consideration of the type of business—acting as a dealer, regional retail or institutional firm.
- The actual or anticipated volume or number of orders.
- The amount and type of equipment needed.
- The number of operational personnel needed such as members, order clerks and "$2" brokers. Administrative personnel would not be considered.

Criteria for Reassignment of Booth Space

- The practice of "Sub-leasing" be abolished. Sub-leasing is defined as a space that is not being primarily utilized by the Member who originaly was assigned the space. This would be applicable to existing sub-lease arrangements as well as those which may be proposed in the future.
- Upon the merger of two firms, the surviving firm would not automatically receive the space of the firm that was absorbed. The space would be considered for allocation.
- Periodic reviews of space utilization would be made by Exchange staff for full utilization. Under-utilization would make spaces candidates for reallocation.
- Inefficient space utilization would also make spaces candidates for reallocation.

Statutory Basis for the Proposed Rule Change

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities by: (1) allowing the Exchange to allocate booth spaces to the member or member organization that can demonstrate it has the greatest need for such spaces and (2) allowing the Exchange to reallocate booth spaces when examination indicates that the current occupant is under-utilizing them or not utilizing them efficiently.

B. Self-Regulatory Organization's Statement on Burden on Competition

As explained above, the proposed rule change will permit the Exchange to allocate booth spaces on a more equitable basis than exists today. Thus, the proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 18, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4941 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 22, 1983.

In the matter of applications of the Cincinnati Stock Exchange, for Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following Stocks:

Apache Corporation, Common Stock, $1.25 Par Value (File No. 7–6516)
ASA Limited, Common Stock, $.25 Rand Par Value (File No. 7–6517)
Global Marine Inc., Common Stock, $.12½ Par Value (File No. 7–6518)
Inexco Oil Co., Common Stock, $.02 Par Value (File No. 7–6519)
Motorola, Inc., Common Stock, $3 Par Value (File No. 7–6520)
Newmont Mining Corp., Common Stock, $1.60 Par Value (File No. 7–6521)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 15, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4944 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 22, 1983.

In the matter of applications of the Philadelphia Stock Exchange, Inc.; for Unlisted Trading Privileges in Certain Securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Browning-Ferris Industries, Inc., Common Stock, $.16⅔ Par Value (File No. 7–6522)
McDermott International Inc., Common Stock, $1 Par Value (File No. 7–6523)
Warner Communications Inc., Warrants to Purchase Common Stock (File No. 7–6524)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 15, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4945 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13028; (812–5258)]

Asset Management Portfolios; Filing of Application

February 17, 1983.

Notice is hereby given that Asset Management Portfolios ("Applicant"), 111 West Jackson Boulevard, Chicago, Illinois 60604, registered under the Investment Company Act of 1940 (the "Act") as an open-end, diversified management investment company, filed an application on July 20, 1982, and an amendments thereto on December 22, 1982, and February 4, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit the assets of each of Applicant's portfolios to be valued according to the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

Applicant states that it is a series company "money market fund" which initially will offer two portfolios, a Diversified Assets Portfolio and a Government Assets Portfolio, which differ in terms of their permitted investment. Investors may allocate their investment between the portfolios at their discretion and may change such allocation at any time. Applicant requests that the order sought in the application relate to each such portfolio as well as to all additional portfolios of Applicant which are money market fund portfolios. Applicant states that such order will not relate to any additional portfolios that are not money market fund portfolios.

The application states that the Diversified Assets Portfolio seeks to attain Applicant's investment objective of maximizing current income to the extent consistent with the preservation of capital and the maintenance of liquidity by investing in the following: (1) United States dollar denominated obligations of United States banks with total assets exceeding $1 billion (including obligations of foreign branches of such banks) or of the 75 largest foreign commercial banks in terms of total assets; (2) high quality commercial paper and other short-term corporate obligations, including variable amount master demand notes; (3) marketable securities issued or guaranteed as to principal and interest by the United States government or by agencies or instrumentalities thereof (including the International Bank for Reconstruction and Development); and (4) repurchase agreements pertaining thereto.

Applicant represents that the Government Assets Portfolio seeks to attain the investment objective of maximizing current income to the extent consistent with preservation of capital and the maintenance of liquidity by investing exclusively in the following: (1) Marketable securities issued or guaranteed as to principal and interest by the United States government or by agencies or instrumentalities thereof

(including the International Bank for Reconstruction and Development); and (2) repurchase agreements pertaining thereto.

Goldman, Sachs & Co. serves as the Applicant's investment adviser and distributor. Applicant also intends to enter into administration agreements with various financial institutions purauant to which such financial institutions will receive fees from the Applicant for services performed pursuant to such administration agreements. Applicant states that any securities of an administrator of Applicant to be purchased by Applicant will be comparable in terms of quality, yield, and maturity to other similar securities that are appropriate for Applicant and that are being purchased by Applicant during a comparable period of time.

The Commission has expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of money market funds which have more than 60 days remaining to maturity be valued with reference to market factors, and (2) it would be generally inconsistent with the provisions of Rule 2a–4 for a money market fund to value such portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977). Although the Commission has proposed new Rule 2a–7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) that would permit amortized cost valuation under certain terms and conditions, the proposed Rule has not become effective as of the date of the application. Accordingly, Applicant requests an order pursuant to Section 6(c) of the Act that would permit the amortized cost valuation of its assets.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states its belief that potential investors are vitally concerned that: (1) The net asset value of their units remain stable; and (2) that the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices cause changes in yield on a daily or weekly basis. Applicant further states that it believes that use of the amortized cost valuation method will enable it to provide the required stability to its investors.

Applicant represents that prior to implementation of the amortized cost method of valuation, its Trustees will determine in good faith that in light of the characteristics referred to in the application, including the conditions to which the Applicant must adhere as set forth in any order of the Commission, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities will reflect the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the relief referred to above:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to each portfolio's investment adviser, Applicant's Trustees undertake—as a particular responsibility within their overall duty of care owed to Applicant's unitholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objective, to stabilize each portfolio's net asset value per unit, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per unit.

2. Included within the procedures to be adopted by the Trustees shall be the following:

(a) Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per unit as determined by using available market quotations from each portfolio's $1.00 amortized cost price per unit, and the maintenance of records of such reivew.[1]

(b) In the event that such deviation from a portfolio's $1.00 amortized cost price per unit exceeds ½ of 1%, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Trustees believe that the extent of any deviation from a portfolio's $1.00 amortized cost price per unit may result in material dilution or other unfair results to investors or existing unitholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming units in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of the portfolio; reducing or withhlding dividends; or utilizing a net asset value per unit as determined by using available market quotations.

3. Each portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per unit; provided, however, that no portfolio will (a) purchase any instrument with a remaining maturity of greater than one year, except for instruments subject to repurchase agreements providing for settlement for the repurchase within one year after the portfolio's purchase of the instrument, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to the rules adopted under Section 31(a) of the Act.

5. Each portfolio will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, are of

[1] To fulfill this obligation, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that the portfolio will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

comparable quality as determined by the Trustees.

6. The Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–4853 Filed 2–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13027; (812–5257)]

Centerland Fund; Filing of Application

Notice is hereby given that Centerland Fund ("Applicant"), 111 West Jackson Boulevard, Chicago, Illinois 60604, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on July 29, 1982, and an amendment thereto on December 22, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant's assets to be valued according to the amortized cost valuation method. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

Applicant states that it is a "money market fund" whose investment objective is to maximize current income to the extent consistent with the preservation of capital and the maintenance of liquidity by investing exclusively in high quality money market instruments. Applicant represents that it seeks to attain its objective by investing exclusively in the following: (1) Marketable securities issued or guaranteed as to principal and interest by the United States government or by agencies or instrumentalities thereof (including the International Bank for Reconstruction and Development); (2) certificates of deposit and bankers' acceptances issued or guaranteed by the 50 largest banks in the United States; (3) high quality commercial paper and other high quality short-term corporate obligations including variable amount master demand notes; and (4) repurchase agreements pertaining thereto.

Applicant states that its Trust Agreement permits the Trustees to issue an unlimited number of full and fractional units of beneficial interest of one or more separate series ("portfolios"). Initially, the Trustees have established one portfolio, known as Portfolio A. Applicant requests that the Commission order sought in the application relate to Portfolio A as well as to all additional portfolios of the Applicant that are money market fund portfolios.

The application states that the Commission has expressed the view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of money market funds which have more than 60 days remaining to maturity be valued with reference to market factors, and (2) it would be generally inconsistent with the provisions of Rule 2a–4 for a money market fund to value such portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states its belief that potential investors are vitally concerned that (1) The net asset value of their units remain stable; and (2) the daily net income declared on their investment be steady and not exhibit the volatility which can occur when changes in market prices cause changes in yield of a daily or weekly basis. Applicant further states that it believes that use of the amortized cost valuation method will enable it to provide the required stability to its investors.

Applicant represents that prior to implementation of the amortized cost method of valuation, its Trustees will determine in good faith that in light of the characteristics referred to in the application, including the conditions to which the Applicant must adhere as set forth in any order of the Commission, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities will reflect the fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the relief referred to above:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Trustees undertake—as a particular responsibility within their overall duty of care owed to unitholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objective, to stabilize the Fund's net asset value per unit, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per unit.

2. Included within the procedures to be adopted by the Trustees shall be the following:

a. Review by the Trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per unit as determined by using available market quotations from Applicant's $1.00 amortized cost price

per unit, and the maintenance of records of such review.[1]

b. In the event that such deviation from Applicant's $1.00 amortized cost price per unit exceeds ½ of 1%, a requirement that the Trustees will promptly consider what action, if any, should be initiated.

c. Where the Turstees believe that the extent of any deviation from Applicant's $1.00 amortized cost price per unit may result in material dilution or other unfair results to investors or existing unitholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming units in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; reducing or withholding dividends; or utilizing a net asset value per unit as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per unit; *provided,* however, that Applicant will neither (a) purchase any instrument with a remaining maturity of greater than one year, except for instruments subject to repurchase agreements providing for settlement for the repurchase within one year after Applicant's purchase of the instrument, nor (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the Trustee's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as though such documents were records required to be maintained pursuant to the rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–10, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any such action was taken, Applicant will describe the nature and circumstances of such action.

On the basis of the foregoing, Applicant submits that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4952 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this obligation, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include among others: (i) Quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfulling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that it will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 13037; (812-5411)]

Citibank (Canada); Filing of Application

Notice is hereby given that Citibank (Canada) ("Applicant") c/o Shearman & Sterling 153 East 53d Street, New York, New York 10022, filed an application on December 22, 1982, and an amendment thereto on January 18, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting the Applicant, any trustee of the Applicant and any underwriter for the Applicant from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a Canadian banking corporation constituted and licensed under the Bank Act of Canada ("Bank Act"). Applicant further states that it is a wholly-owned subsidiary of Citibank Overseas Investment Corporation ("Overseas"), which, in turn, is a wholly-owned subsidiary of Citibank, N.A. ("Citibank"), a national banking association organized and existing under the laws of the United States, which, in turn, is a wholly-owned subsidiary of Citicorp, a Delaware corporation and a bank holding company registered under the Bank Holding Company Act of 1956.

Applicant states that it provides a wide range of commercial banking services similar to those carried on by non-U.S. branches of Citibank. Applicant states that these activities include commercial lending; deposit-taking; investing in commercial paper, bank instruments and governmental obligations; equipment leasing; and foreign exchange trading. As of June 30, 1982, Applicant had total consolidated assets of approximately $1,493,000,000 (U.S.), of which approximately 71 percent consisted of loans and leases, approximately 25 percent of investments in securities and placements with banks, and the remainder of miscellaneous assets. According to Applicant, approximately 86 percent of its total income as of September 30, 1981 was loan related, and none of its income was derived from underwriting.

Applicant represents that as a Canadian bank chartered under the Bank Act, it is required to compile and publish annual consolidated statements of assets and liabilities, income, appropriations for contingencies and changes in shareholders' equity, together with a report of Applicant's auditors thereon, and consolidated income statements that are also sent to

the Minister of Finance and the Bank of Canada. The Applicant represents that the Inspector General of Banks ("Inspector") is permitted to examine the Applicant as often as it is deemed necessary or expedient, and in no event less than once a year, and that the Inspector has power to issue subpoenas and similar processes compelling attendance of any person to give testimony in respect of any matter under investigation and to produce documents, books and papers under such person's control. The Bank Act also governs matters such as reserve and liquidity requirements. The Applicant represents that that Bank Act does not, however, impose any specific lending limits on it.

Applicant represents that it will appoint an agent, which may be Citibank, for service of process in the city and state of New York for any actions arising out of the sale of its securities in the United States. Applicant represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York. The Applicant represents that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the securities have been paid. Applicant represents that in the case of any offerings of debt securities in the United States, such offerings will be made only pursuant to a registration statement under the Securities Act of 1933 ("1933 Act") or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents appropriate and customary for such registration or exemption and in any event at least as comprehensive as those used in offerings of similar debt securities in the United States by United States issuers. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in such securities prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure document will be provided to such persons and in such manner as may be required by the 1933 Act and the pertinent rules and regulations thereunder.

In respect of any securities to be issued and sold in the United States without registration pursuant to Section 3(a)(3) of the 1933 Act, the Applicant, in addition to making the undertakings set forth in the immediately preceding two paragraphs, makes the further undertakings set forth in this paragraph below. Such securities will be sold in minimum denominations of $100,000, will mature not more than nine months from date of issuance and will not be payable on demand or include any provision for extension, renewal or automatic "roll-over" at the option of either holders or the Applicant. Such securities will not be advertised or offered for sale to the general public. Such securities will have received one of the three highest investment grades from at least one nationally known recognized statistical rating organization. Such securities will rank *pari passu* among themselves and equally with all other unsecured indebtedness of the Applicant (except indebtedness to Canada or any province thereof, to the extent such indebtedness is preferred by operation of law), including deposit liabilities, and ahead of its share capital. The Applicant will not offer any such security unless either: (i) It shall have received an opinion of its United States legal counsel to the effect that, under the circumstances of the proposed offering, such security will be entitled to the appropriate exemption provided by the appropriate section of the 1933 Act, or (ii) the staff of the Commission shall have stated in writing that it would not recommend enforcement action to the Commission in the circumstances. The Applicant will ensure that each offeree of such securities will receive, prior to any sale of securities to such offeree, a memorandum describing the business of the Applicant and containing the Applicant's most recent publicly available annual financial statement (including a balance sheet, profit and loss statement, statement of source and application of funds, and notes thereto) audited in accordance with Canadian accounting principles applicable to Canadian banks and the most recent publicly available unaudited semi-annual financial statements (including the Applicant's balance sheet and summary profit and loss statement). Such memorandum will describe the significant accounting principles applicable to Canadian banks. Such memorandum will also be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated promptly to reflect material changes in the Applicant's business and financial condition.

The Applicant consents to any order pursuant to Section 6(c) of the Act granting the relief requested being expressly conditioned upon the Applicant's compliance with the undertakings regarding disclosure documents.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it, and any person who might be deemed to be a trustee of or an underwriter for the Applicant, from all provisions of the Act. Applicant states that such an exemption would be consistent with the protection of investors. Applicant notes that, in addition, with respect to any offering of its securities in the United States, it would be subject to the antifraud provisions of the 1933 Act and of the Securities Exchange Act of 1934.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 15, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4946 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No.19511; (SR-NYSE-82-23)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 17, 1983.

The New York Stock Exhange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on December 22, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the

Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend NYSE Rules 282, 284, and 289 relating to the reduction of NYSE staff involvement in processing buy-ins and to provide for the delivery of buy-ins from the initiating firm directly to the defaulting firm. While, under the proposal, the transactions would be handled broker-to-broker, the NYSE staff could still act as intermediaries when called upon to do so by parties to buy-ins.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 19407, January 5, 1983) and by publication in the **Federal Register** (48 FR 1579, January 13, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–4949 Filed 2–25–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19510 (SR–PSE–82–16)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

February 17, 1983.

The Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, CA 90014, submitted on December 30, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to change PSE's Constitution as follows: (1) Amend Articles II and III to increase the number of elected Governors on the Exchange's Board of Governors from fourteen to sixteen and to expand the eligibility requirements to be a Governor; (2) amend Article IV to make permanent the provision that allows persons associated with specialist firms who are not registered as specialists to serve as members of PSE's Allocation Committee; (3) amend Article V to change the definitions of "allied member" and "associated person"; (4) amend Article VI to eliminate a restriction on membership; and (5) make certain technical amendments to Articles VII and VIII. In addition, the proposed rule change would add new definitions of "control" and "person" to Section 1 of the PSE rules.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19406, January 5, 1983) and by publication in the **Federal Register** (48 FR 1580, January 13, 1983).[1] No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and the regulations thereuder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83–4951 Filed 2–25–83; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–12254]

Standard Oil Co.; Application and Opportunity for Hearing

February 17, 1983.

Notice is hereby given that the Standard Oil Company (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Chemical Bank under an existing indenture that has been qualified under the Act and an Ordinance adopted by the Town of Hurley, New Mexico (the "Issuer") which has not been qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under either of such instruments.

The Applicant alleges that:

(1) Applicant is an obligor under an indenture dated as of May 1, 1971 and entered into between Kennecott Corporation and Chemical Bank, Trustee (the "Original Indenture"), which indenture involved the issuance of $200,000,000 principal amount of 7¾% Debentures Due 2001 (the "Debentures"). The Original Indenture has been qualified under the Act. Pursuant to a First Supplemental Indenture to the Original Indenture dated as of July 1, 1982 (the First Supplemental Indenture and the Original Indenture being hereinafter called the "1971 Indenture"), Applicant expressly guaranteed the payment of the principal of and premium, if any, and interest on the Debentures (the "July 1982 Guarantee").

(2) The Applicant is not in default in any respect under the 1971 Indenture, the July 1982 Guarantee or under any other existing indenture.

(3) On December 16, 1982 Chemical Bank accepted the trusteeship under Ordinance No. 82–36 of the Town of Hurley, New Mexico (the "Issuer"), adopted December 8, 1982 (the "1982 Indenture"), pursuant to which there were issued $55,200,000 principal amount of Floating Rate Monthly Demand Pollution Control Revenue Bonds, Series 1982 (Kennecott Santa Fe Corporation Project) (the "Bonds").

(4) Applicant is obligated to pay the principal of, premium, if any, and interest on the Bonds pursuant to a direct guarantee contained in an Agreement of Sale dated as of December 1, 1982 among the Issuer, Kennecott Santa Fe Corporation (a subsidiary of Applicant), and Applicant, which has been assigned to Chemical Bank, as trustee) the "December 1982 Guarantee").

(5) The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1982 Indenture has not been qualified under the Act in reliance upon Section 304 thereof.

(6) The December 1982 Guarantee, if enforced against Applicant, would rank on a parity with the obligations evidenced by the July 1982 Guarantee, and the obligations of Applicant under such Guarantees are wholly unsecured.

(7) Aside from differences among the 1971 Indenture and the 1982 Indenture

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[1] At the time this notice was published the required PSE membership approval of the constitutional changes had not yet occurred. By Amendment No. 1 to this filing submitted on February 15, 1983, the Exchange indicated that its membership approved the constitutional changes at the Exchange's annual meeting held on January 20, 1983.

as to amounts, interest rates, maturity dates, redemption dates and redemption powers, and differences in form between the 1971 Indenture and the 1982 Indenture, the terms of said instruments are substantially similar. In the opinion of the Applicant, the differences between the 1971 Indentrue and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as trustee under either of such instruments.

(8) Applicant has waived notice of hearing, any right to a hearing, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 18, 1983, submit to the Commission his views or any substantial facts bearing on this application or request that a hearing be held on such matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission. Persons who request a hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-4990 Filed 2-25-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 83-007]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Towing Safety Advisory Committee (TSAC). This committee advises the Secretary of Transportation on rulemaking matters related to shallow draft inland and coastal waterway navigation and towing safety.

Eight members will be appointed as follows: Two (2) members from the barge and towing industry, reflecting a geographical balance; two (2) members from maritime labor; two (2) members from shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge); one (1) member from port districts, port authorities or terminal operators; and one (1) member from the mineral and oil supply vessel industry.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The committee will meet at least once a year in Washington, D.C. or another location selected by the Coast Guard.

DATE: Requests for applications should be received no later than April 14, 1983.

ADDRESS: Persons interested in applying should write to Commandant (G-CMC/44), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Towing Safety Advisory Committee (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW. Washington, D.C. 20593; (202) 426-1477.

Dated: February 23, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-5038 Filed 2-25-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

Consolidated Rail Corporation; Rescheduled Hearing

Note.—This document originally appeared in the **Federal Register** for Friday, February 25, 1983. It is reprinted in this issue to meet requirements for publication on the Monday/Thursday schedule assigned to the Federal Railroad Administration.

The Federal Railroad Administration (FRA) published a public notice in the **Federal Register** on February 3, 1983 (48 FR 4949) announcing that a public hearing would be held to obtain comments or views on a Consolidated Rail Corporation (Conrail) request for a waiver of compliance. The waiver request involves compliance with the procedural requirements for obtaining FRA approval of signal system modifications and is identified as RS&I Waiver Petition Docket No. 835.

The FRA originally scheduled the hearing for February 28, 1983 at 10 a.m. in Washington, DC at the request of several interested parties who sought additional time prior to the hearing, the FRA has rescheduled the hearing for March 14, 1983 at the same time and location.

Issued in Washington, DC, on February 23, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83-5057 Filed 2-24-83; 11:08 am]

BILLING CODE 4910-06-M

Office of the Secretary

[OST Docket No. 76; Notice 83-6]

Recommendations for DOT Procedures To Perform International Aviation Functions

AGENCY: Department of Transportation (DOT).

ACTION: Provision of additional opportunity to submit comments.

SUMMARY: This notice provides an additional period of time for filing of comments on what procedures DOT should institute to administer regulatory authority over international aviation when that responsibility is transferred to DOT from the Civil Aeronautics Board (CAB).

DATE: The new deadline for comments is March 15, 1983.

ADDRESSES: Send comments to Docket Clerk (Docket No. 76), C-50, Department of Transportation, Washington, DC 20590. Comments are available for inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation Headquarters Building, 400 Seventh Street, SW, Washington, DC, 9:00 a.m. to

5:30 p.m., eastern time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Cynthia Burbank, Office of Policy and International Affairs, (202) 426–4303; or Susan McDermott, Office of the General Counsel, (202) 426–2972,

SUPPLEMENTARY INFORMATION: On December 2, 1982 (47 FR 54405), DOT invited public comment on what procedures it should institute to administer regulatory authority over international aviation when that responsibility is transferred to DOT from the CAB and established a deadline of January 15, 1983 for the receipt of those comments. On January 10, 1983, DOT extended the comment deadline until January 31, 1983, in response to a request for additional time from the Air Transport Association of America.

On January 31, 1983, the International Air Transport Association (IATA) requested that DOT allow time for reply comments to be filed. IATA indicates that several airline members of IATA were not able to develop comments to meet the January 31 deadline because of the difficulty of communication between home offices abroad and U.S. representatives.

On March 2–3, 1983, DOT will hold a seminar to permit further discussion of the procedures that DOT should follow in performing the international aviation functions of the CAB after the functions are transferred to DOT on January 1, 1985. The seminar will be open to the public and will provide opportunities for those who attend to consider various approaches to administering international aviation functions and to hear the viewpoints of others about these approaches. DOT wishes to permit interested parties to comment further as a result of the additional information and discussion that is brought out at the seminar on March 2–3.

Upon consideration of IATA's request and the new information and viewpoints that may be exchanged at the seminar, DOT has decided to provide an additional opportunity for comment. The new deadline for comment is March 15, 1983.

Issued in Washington, DC, on Feburary 23, 1983.

Franklin K. Willis,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 83–5129 Filed 2–25–83; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of Closed Meetings.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The Report is now available.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976); section 8d(3) of the Office of Management and Budget (OMB) Circular No. A–63 (3–27–74), as supplemented; and section 12b of Treasury Directive 10–06.E (9–2–77): A report summarizing the closed meeting activities of the Art Advisory Panel during 1982, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Administration and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Requests for copies, at $1.20 each, should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, D.C. 20044.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

FOR FURTHER INFORMATION CONTACT: Wiley Grant, CC:C:E:V:4, 1111 Constitution Avenue, NW., Room 5545, Washington, D.C. 20224, telephone (202) 566–4196 (Not a toll free telephone number).

Roscoe Egger,

Commissioner.

[FR Doc. 83–5043 Filed 2–25–83; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Administration, in accordance with Pub. L. 92–463, gives notice that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 817 on March 9, 1983, and in the Administrator's Conference Room on March 10, 1983, at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research Education and Clinical Center established by the Department of Medicine and Surgery.

The sessions on March 9 will be closed to the public. The sessions on March 10 will be closed from 8:30 a.m. to 2 p.m. and open to the public from 2 p.m. to conclusion. Because seating capacity of the meeting room is limited, it will be necessary for those wishing to attend the open session to contact Mrs. Von Hudson, Program Assistant, Veterans Administration Central Office (phone 202–389–2298) prior to March 4, 1983.

The sessions will be closed since they involve discussion, examination, reference to and review of staff and consultant critiques of research and medical care protocols and programs, and similar documents in connection with the committee's evaluation of the Veterans Administration health care system. The discussion and recommendations will deal with qualifications of personnel conducting these studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, the premature public disclosure of the Committee's report would significantly frustrate the agency's implementation of the requirements of 38 U.S.C. 4101(f)(2)(C). Closure of the meeting is in accordance with subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, and as cited in 5 U.S.C. 552(c)(6) and (9)(B).

The appearance of this notice in the **Federal Register** at least 15 calendar days prior to the meeting date has been hindered due to administrative delays within the agency.

Dated: February 18, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83–4979 Filed 2–25–83; 8:45 am]

BILLING CODE 8320–01–M

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) and OMB Circular A–63 of March 27, 1974,

notice is hereby given that the Annual Report for calendar year 1981 has been issued for the Veterans Administration Scientific Review and Evaluation Board for Rehabilitation Research and Development.

The report summarizes activities of the Board on matters related to the review, discussion and evaluation of individual investigator initiated rehabilitation research and development projects. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, D.C. 20540, and

Veterans Administration, Rehabilitation R&D Service, Room 642, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: February 10, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-4980 Filed 2-25-83; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Cooperative Studies Evaluation Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report for calendar year 1981 has been issued for the Veterans Administration Cooperative Studies Evaluation Committee.

The report summarizes activities of the committee on matters related to the review and evaluation of new and on-going cooperative studies. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, D.C. 20540, and

Veterans Administration, Medical Research Service, Cooperative Studies Program, Rm. 748, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: February 18, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-4978 Filed 2-25-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 40
Monday, February 28, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, March 2, 1983.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open and closed to the public.

MATTERS TO BE CONSIDERED: Open to the public.

1. *Space Heaters: Exemption Applications (1-23)*
The Commission will consider Petitions SH 82-1 through SH 82-23 from state/local jurisdictions which request exemption from the preemption effect of the safety standard for unvented, gas-fired space heaters.

2. *Aluminum Wire Petition AP 80-2*
The staff will brief the Commission on issues related to Petition AP 80-2 from Mr. Jesse Aaronstein, Ph.D., which requests a rule under Section 27(e), CPSA, requiring manufacturers of electrical wiring devices to furnish consumers with information about possible potential overheating hazards when incompatible receptacles and switches are used with aluminum wiring.

Closed to the public:

3. *Enforcement Matter OS #3740*
The staff will brief the Commission on issues related to enforcement matter OS #3740.

(For a recorded message containing the latest agenda information, call 301-492-5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301-492-6800.

[S-276-83 Filed 2-24-83; 3:16 pm]

BILLING CODE 6355-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, March 1, 1983.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. Report on Commission Operations (optional).
3. Freedom of Information Act Appeal No. 82-12-FOIA-191-NY, concerning a request for confidential witness statements from a closed ADEA file.
4. Freedom of Information Act Appeal No. 82-12-FOIA-65-CL, concerning a request for materials in a closed charge file maintained as a result of an investigation of an age discrimination charge.
5. Freedom of Information Act Appeal No. 82-12-FOIA-146-PA, concerning materials from a closed ADEA charge file.
6. Freedom of Information Act Appeal No. 82-12-FOIA-045-IN, concerning a request for access to records in an open Title VII case file.
7. Freedom of Information Act Appeal Nos. 82-12-FOIA-242 and 243, concerning a request for documents with information on disciplinary actions.
8. EEOC's Semiannual Regulatory Agenda.
9. Section 601, Introduction, EEOC Compliance Manual, Volume II, EEOC Order 915.

Closed:

1. Litigation Authorization; General Counsel Recommendations.
2. Outstanding Charges in Systemic Programs.

(In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202 634-6748.

Issued: February 23, 1983.

S-272-83 Filed 2-24-83; 10:37 am]

BILLING CODE 6570-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

AGENCY MEETING

Pursuant to the provisions of the "government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:35 p.m. on Friday, February 18, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Merchants and Farmers State Bank, Blythe, California, which was closed by the Superintendent of Banks for the State of California on Friday, February 18, 1983; (2) accept the bid for the transaction submitted by Credit Bank, Blythe, California, a newly-chartered State nonmember bank; (3) approve the applications of Credit Bank, Blythe, California, for Federal deposit insurance, and for consent to purchase the assets of and to assume the liability to pay deposits made in Merchants and Farmers State Bank, Blythe, California; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 22, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

S-275-83 Filed 2-24-83; 11:44 am]

BILLING CODE 6714-01-M

4

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, March 3, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

MATTERS TO BE CONSIDERED: Merger and Retention of Facilities—Home Federal Savings and Loan Association, Terre Haute, Indiana *into* Valley Federal Savings and Loan Association, Terre Haute, Indiana.

[No. 19, February 24, 1983]

[S–277–83 Filed 2-24-83; 3:30 pm]

BILLING CODE 6720–01–M

5

FEDERAL TRADE COMMISSION:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 6634, February 14, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., February 11,1983.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously scheduled open meeting of February 11, 1983, to Tuesday, February 15, 1983, 10 a.m.

[S–274–83 Filed 2–24–83; 10:52 am]

BILLING CODE 6750–01–M

6

POSTAL SERVICE

(Board of Governors)

Meetings

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunsine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, March 7 and 8:30 a.m. on Tuesday, March 8, 1983, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, Washington, D.C. As indicated in the following paragraph, the Monday meeting is closed to public observation. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245–4632.

At its meetings of January 31 and February 1, 1983, the Board voted in accordance with the provisions of the Sunshine Act to close to public observation its meeting scheduled for March 7. One agenda item of the meeting to be closed concerns strategic planning. The other agenda item concerns a discussion of proposed changes in the E–COM rate and mail classification provisions.

Agenda

Monday Afternoon (Closed)

1. Strategic Planning—Future rate adjustments.
2. Discussion of proposed changes in E–COM rate and mail classification provisions.

Tuesday Morning (Open)

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General.

   (In keeping with its consistent practice, the Boards's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board in brought up under this item.)
3. Officer Compensation.

   (The Board will consider approval of a recommendation by the Postmaster General regarding adjustments in officer compensation.)
4. Update on Legislative Activities.

   (Mr. Horgan, Assistant Postmaster General for Government Relations, will update the Board on legislative activities.)
5. Report of Law Department.

   (Mr. Cox, General Counsel, will brief the Board on developments in the Law Department.)
6. Report on Administration Group Programs.

   (Mr. Biglin, Senior Assistant Postmaster General, Administration Group, will provide a report on certain programs of the Administration Group.)
7. Consideration of Revised E–COM Policy Statement.

   (The Board will discuss issues of general Postal Service policy that have arisen in connection with E–COM service.)
8. Discussion of Heritage Foundation Report.

   (The Board will discuss a recent report of the Heritage Foundation concerning the Postal Service.)
9. Update on Automation and ZIP+4.

   (Mr. Jellison will brief the Board on the status of the ZIP+4 program.)
10. Consideration of Tentative Agenda for the April 4/5 meeting.

Louis A. Cox,

Secretary.

[S–273–83 Filed 2–24–83; 10:30 am]

BILLING CODE 7715–12–M

federal register

Monday
February 28, 1983

Part II

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; U.S. Breeding Population of Wood Stork; Status

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the U.S. Breeding Population of the Wood Stork

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes the U.S. breeding population of the wood stork (*Mycteria americana*) to be an Endangered species pursuant to the Endangered Species Act. This action is being taken because U.S. breeding populations of the wood stork have declined over 75 percent from their 1930 levels. If this trend continues, the birds are expected to become extirpated as U.S. breeders by the turn of the century. The proposed rule would provide the protection of the Endangered Species Act to this species. The Service seeks comments and data from the public on this proposal.

DATES: Comments by the public must be received by April 29, 1983.

Public hearing requests must be received by April 14, 1983.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Endangered Species Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials relating to this proposed rule are available for public inspection by appointment during normal business hours at the Service's Endangered Species Field Station at the above address.

FOR FURTHER INFORMATION CONTACT: For further information on this proposal, contact Mr. David Peterson, Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (phone 904/791–2580 or FTS 946–2580).

SUPPLEMENTARY INFORMATION: The wood stork (*Mycteria americana*) is a large, long-legged, white wading bird with an unfeathered head and a stout bill. It is the only species of true stork breeding in the U.S. Wood storks frequent freshwater and brackish wetlands, feeding primarily on small fishes which they locate by groping with their beaks (Kahl, 1964). They usually nest in cypress and mangrove swamps.

The wood stork occurs from northern Argentina to the southern United States. The present U.S. breeding population is disjunct from the population which breeds from Mexico to South America. Wood storks from Mexico and Central America disperse into the southern U.S. after breeding. This proposed regulation would afford the protection of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) to the U.S. population of wood storks residing and breeding east of the Alabama-Mississippi State line. Breeding in the U.S. is now restricted to Florida, southeastern Georgia, and South Carolina. Nesting formerly occurred in Texas, Louisiana, Mississippi, and Alabama. U.S. breeding pairs of the wood stork have declined from over 20,000 in the 1930's to 4,800 in 1980 (Ogden and Patty, 1981). About 3600 pairs appear to have attempted breeding in the 1982 nesting season. This decline is believed to have resulted from man's alteration of wetlands and water management activities. Nesting failures have become increasingly frequent in recent decades, particularly in the historically large south Florida wood stork rookeries.

Background

A notice of review of the status of the U.S. breeding population of the wood stork was published in the February 16, 1982, **Federal Register** (47 FR 6675–77). This notice solicited biological information on status of the wood stork, as well as information on activities which might be detrimental to this species or be affected by listing of or Critical Habitat designation for the species. The notice also listed major wood stork rookeries and feeding areas. Twenty Florida rookeries, three Georgia rookeries, and three Florida feeding areas were described. Presently 90 percent of the U.S. breeding wood storks nest in 14 Florida counties located throughout the State.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal list. The Secretary of Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act.

These factors and their application to the U.S. breeding population of the wood stork are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The decline of the wood stork as a U.S. breeding bird is believed to be primarily due to the loss of suitable feeding habitat (Ogden and Patty, 1981). This is especially true for the south Florida rookeries, where repeated nesting failures have occurred despite protection afforded the rookeries. Feeding areas in south Florida have decreased by about 35 percent since 1900 due to man's alteration of wetlands. Additionally, manmade levees, canals, and floodgates have greatly changed natural water regimes in south Florida. Optimal water regimes for the wood stork involve periods of flooding, during which prey fish populations increase, alternating with drying periods, during which fish are concentrated at high densities during the nesting season. Loss of nesting habitat (primarily cypress swamps) may be affecting wood storks in central Florida, where nesting in non-native trees and in manmade impoundments has been occurring recently.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not available.

C. *Disease or predation.* Raccoon predation has sometimes been severe at certain central Florida rookeries. In 1981, raccoons destroyed all 168 wood stork nests at a rookery in Hillsborough County. Water levels dropped under nest trees, providing easy access for the raccoons.

D. *Inadequacy of existing regulatory mechanisms.* The wood stork is protected by the Migratory Bird Treaty Act of 1918 and is State-listed as Endangered in Florida, Threatened in South Carolina, and as a species of special concern in Alabama. The Migratory Bird Treaty Act prohibits taking or possession of the wood stork except by permit. The Alabama designation presently provides no protection to the wood stork. The Florida and South Carolina designation prohibits take, except by permit, and provide for certain conservation efforts. The Florida Game and Fresh Water Fish Commission currently has one biologist studying the wood stork in order to recommend conservation measures. South Carolina has no specific recovery efforts but intends to continue monitoring nesting in the State. No coordinating recovery efforts among the States are presently in effect.

E. *Other natural or manmade factors affecting its continued existence.* A prolonged period of drought in Florida has probably adversely affected wood stork reproduction for the past few years. Heavy rainfall during the nesting season, causing flooding of the feeding areas, apparently caused almost complete nest abandonment at one

rookery (Moore Island) in the spring of 1982.

Disturbance by humans during the nesting season has been observed to cause adult wood storks at some rookeries to leave their nests. This exposes eggs and young birds to predation by gulls and fish crows, and can result in heavy mortality.

Significant pesticide levels have been reported in this species, with some eggshell thinning, but this apparently has not yet adversely affected reproduction (Ohlendorff *et al.*, 1978).

Critical Habitat

Section 4(a)(1) of the Act requires the Secretary to designate Critical Habitat for a species, to the maximum extent prudent and determinable, concurrent with the determination that such species is an Endangered or Threatened species. Critical Habitat is presently considered neither prudent nor determinable for the U.S. breeding population of the wood stork for the following reasons:

1. Since localities of some wood stork rookeries and feeding areas change over time, rigidly defined Critical Habitat boundaries around presently utilized nesting and feeding areas may not be adequate for long-term conservation of this species. Continuing environmental changes, both man-made and natural, are expected to cause further changes in wood stork nesting and feeding sites. Therefore, it is not presently possible to enclose all areas which may be necessary to the wood stork's long-term survival within Critical Habitat boundaries. The Governor of Florida, through his Game and Fresh Water Fish Commission, has recommended that Critical Habitat designation for this species be postponed until the Commission completes ongoing studies on the stork's habitat requirements. Since these studies will not be completed for 2 to 3 years, the Commission has suggested that the wood stork be federally listed at this time without Critical Habitat designation.

2. The wood stork's feeding areas may be separated by large (up to 130 km) distances from its rookeries. Additionally, post-breeding dispersal of the U.S. breeding birds extends throughout most of the southeastern U.S. Critical Habitat inclusions of such large areas, even though they may be important in the bird's biology, would be misleading because the stork uses only very limited resources over these large areas.

3. Wood storks are sensitive to disturbance during the breeding season. Observers have often avoided publicizing exact locality data, particularly for recently discovered rookeries. Publication of Critical Habitat maps in the **Federal Register**, as required by Section 4(b)(5) of the Act, would increase the chance that wood stork rookeries would be subjected to human disturbance or vandalism, causing decreased productivity and, perhaps, increased mortality.

Effects of This Rule

In addition to the effects discussed above, the effects of this propcsal, if published as a final rule, would include but would not necessarily be limited to those mentioned below.

Subsection 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. Subsection 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize proposed species. If made final, this rule would require Federal agencies, in consultation with and with the assistance of the Secretary, to insure that their activities are not likely to jeopardize the continued existence of this species. Pursuant to these requirements, no major effects are anticipated from the listing of the wood stork. The principal agency affected would be the U.S. Army Corps of Engineers, which issues permits for the discharge of dredged or fill material in U.S. waters under Section 404 of the Clean Water Act of 1977. The Corps also carries out Congressionally authorized water development projects.

In the future, the proposal and listing of the wood stork may in some cases influence either Corps decisions to grant Section 404 permits or the mitigation measures conditional to the granting of permits.

Proposal of the wood stork as an Endangered species may also affect one Corps project in particular, the Shark River Slough Study. This project seeks alternatives to provide a more natural water flow to Everglades National Park. Water regimes favorable to wood stork nesting may therefore be given higher priority. This, however, is not a conflict but a reinforcement of one of the purposes of the project.

The proposal and listing of the wood stork as an Endangered species could also affect future permitting activities by the Environmental Protection Agency, under Section 402 of the Clean Water Act (National Pollutant Discharge Elimination System). No present conflict with these permits is known to the Service.

All prohibition is Section 9 of the Act, implemented at 50 CFR 7.21, would apply to the wood stork. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import, or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale this species in interstate of foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered species under certain Circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23.

With regard to the prohibitions on taking, import and export, interstate commerce and sale, no effects are expected should this proposed rule be made final. This is because this species is already protected by the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 *et. seq.*), which prohibits such activities except under permit.

Due to presently existing local, State, and Federal constraints on development of wetlands and floodplains in Florida, Federal listing of the U.S. breeding population of the wood stork will place few additional constraints upon the environmental regulation and planning in effect in the State.

Conservation of the wood stork would allow the species to continue to serve as an ecological indicator of wetland health and to provide pleasure as a natural attraction, particularly in Florida. The wood stork, as one of the most sensitive wading birds to changes in wetland hydrologic regimes, is valuable as an indicator of wetland health and the welfare of other waders such as herons and egrets. The wood stork is also a natural feature of great interest to birdwatchers and tourists. It is the only North American breeding stork and is an important attraction at heavily visited natural areas such as Everglades National Park and Corkscrew Swamp Sanctuary in south Florida.

National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this porposal. It is on file in the Service's Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207, and may be examined by appointment, during regular business hours (7:45–4:15 pm). This assessment will be used as the basis for a decision as to whether or not this is a major Federal action which would significantly

affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–08).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered of Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological or other relevant data concerning any threat (or the lack thereof) to the wood stork;
2. The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided for by Section 4 of the Act;
3. Additional information concerning the range and distribution of this species; and
4. Current or planned activities in the subject area, and their possible impact on the wood stork.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing to the Endangered Species Field Supervisor, U.S. Fish and Wildlife Service, 2747 Art Museum Drive Jacksonville, Florida 32207.

Final promulgation of the regulation on the wood stork will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

Author

The primary author of this proposed rule is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, Endangered Species Field Station, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791–2580 or FTS 946–2580).

References

Kahl, M. P. 1964. Food ecology of the wood stork *(Mycteria americana)* in Florida. Ecol. Monogr. 34: 97–117.

Ogden, J. C, and B. W. Patty. 1982. The recent status of the wood stork in Florida and Georgia. Proc. Nongame and Endangered Wildlife Symposium. Aug. 13–14, 1981, Athens, Georgia. Georgia Dept. Nat. Res. Game and Fish Div. Tech Bull. WL 5: 97–101.

Ohlendorff, H. M., E. E. Klaas, and T. E. Kaiser. 1978. Organochlorine residues and eggshell thinning in Wood Storks and Anhingas. Wilson Bull. 90(4): 608–618.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*)

2. It is proposed to amend § 17.11(h) by adding, in alphabetical order the following under the list of BIRDS.

§ 17.11 Endangered and Threatened Wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or [illegible]	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Stork, wood	*Mycteria americana*	U.S.A. (CA, AZ, TX, to Carolinas), Mexico, Central and South America	U.S.A (AL, FL, GA, SC)	E		NA	NA

Dated: February 1, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–5010 Filed 2–25–83; 8:45 am]

BILLING CODE 4310–55–M

federal register

Monday
February 28, 1983

Part III

Environmental Protection Agency

National Interim Primary Drinking Water Regulations; Trihalomethanes

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 142

[WH-FRL-2253-6]

National Interim Primary Drinking Water Regulations; Trihalomethanes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule identifies the best technology, treatment techniques or other means that the Administrator of the Environmental Protection Agency (EPA) finds to be generally available, taking costs into consideration, pursuant to Section 1415(a)(1)(A) of the Safe Drinking Water Act (SDWA), for use by community water systems in achieving compliance with the National Interim Primary Drinking Water Regulation that establishes a maximum contaminant level (MCL) for total trihalomethanes (TTHMs). EPA promulgated the TTHM regulation on November 29, 1979 (44 FR 68624) specifying an MCL and monitoring requirements for all public water systems serving 10,000 or more persons. That rule did not identify pursuant to Section 1415(a)(1)(A) what were the best treatment methods generally available that a system subject to that rule could be required to install and/or use to come into compliance with the TTHM MCL. Today's rule applies to all public water systems that serve more than 10,000 persons and specifies what treatment methods a system may be required to install and/or use to come into compliance with the TTHM MCL. The rule further specifies criteria by which EPA and states with primary enforcement responsibility that issue variances, shall issue variances and compliance schedules to systems pursuant to Section 1415(a)(1)(A).

DATE: This rule is effective on March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Drinking Water (WH–550), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. (202–472–5016).

SUPPLEMENTARY INFORMATION:

I. Authority

This regulation is promulgated under the authority of Sections 1415 and 1450 of the SDWA, as amended, 42 U.S.C. 300g–4, 300j–9.

II. Purpose of the Rulemaking

The purpose of the rule being promulgated today is to identify pursuant to Section 1415(a)(1)(A) of the SDWA, the best technologies, treatment techniques or other means that the Administrator of EPA has determined to be generally available, taking costs into consideration, for use by community water systems in achieving compliance with the MCL for TTHMs (also referred to as "Group I" treatment methods) (40 CFR 142.60(a)). In 1979, EPA promulgated a rule which established an MCL (0.10mg/L) for TTHMs pursuant to Section 1412(a) of the SDWA, 42 U.S.C. 300g–1(a), as an amendment to the National Interim Primary Drinking Water Regulations (44 FR 68624, 68641) hereinafter "TTHM Rule"). The TTHM Rule is applicable to all community water systems that add a disinfectant to their treatment process and serve 10,000 or more persons. Today's rule also establishes in § 142.60(b), criteria and procedures that EPA or a state with primary enforcement responsibility (hereinafter referred to as "primacy state") that issues variances shall follow in making the determination as to whether a system shall be required to install and/or use a "generally available" treatment method identified in § 142.60(a).

In § 142.60(c), EPA has identified five additional treatment methods *not* determined to be "generally available" pursuant to § 1415(a)(1)(A) but which may be available to some systems (also referred to as "Group II" treatment methods). If a system receives a variance after complying with the procedures in § 142.60 (a) and (b), the variance-issuing authority must prescribe a schedule, within one year, including increments of progress aimed at bringing the system into compliance with the MCL. See Section 1415(A)(1)(A) (i) and (ii). Sections 142.60 (c) and (d) specify criteria that EPA and primacy states that issue variances shall apply in determining what requirements to include in a compliance schedule accompanying a variance from the TTHM Rule.

EPA proposed today's rule on March 5, 1982. 47 FR 9796. The preamble to the proposed rule explained in detail the history and purpose of this rulemaking and the discussion in that preamble is incorporated into today's preamble as part of the statement of basis and purpose for this rulemaking. In addition, EPA prepared the document, "Technologies and Costs for the Removal of Trihalomethanes from Drinking Water", (hereinafter referred to as "Technologies and Costs"), as support for decisions implemented by today's rule.

The March 5, 1982 **Federal Register** notice solicited public comment on the proposed rule and support document. The Agency received comments from eight individuals or groups during the 45-day public comment period. The comments generally supported the proposed rule. EPA has carefully considered all of the public comments on the proposed rule. All significant comments and the Agency's response are presented below in Section III. The final rule includes one modification in response to public comment. In § 142.60(a) the Agency has deleted hydrogen peroxide as a substitute pre-oxidant for chlorine. The Agency's reasons for making the change are discussed in Section III, paragraph 21, below. In all other respects the Agency decided not to make changes to the proposed rule.

III. Response to Comments

1. One commenter expressed the concern that the Agency listing of "best generally available treatment methods" might be interpreted to inhibit or potentially stifle innovative solutions to TTHM problems. Specifically, the commenter mentioned polymer coagulants which have been shown to reduce trihalomethane formation potential in laboratory experiments. [1, 2] The commenter suggested that while polymer coagulants are somewhat experimental and should not be specifically included as part of Group I, No. 3 (Improved Existing Coagulation) at this time, the technology should not be excluded for potential use.

• The Agency has no intention to preclude the use of any experimental or innovative approach for reducing TTHMs or THM precursor material. In the preamble to the proposal of the regulation being promulgated today, EPA specifically encouraged the development of new treatment methods and stated that systems "always have the option of proposing studies" of methods not listed in § 142.60(a) or (c). 47 FR 9798. The Agency encourages systems that experience difficulty in complying with the TTHM Rule to

[1] *The Removal of Trihalomethane Precursors With Ultrafine Resins, Final Report* EPA Project No. 79–316, E.G. Isacoff, Rohm and Haas Company, Spring House, Pa., Project Officer: O. Thomas Love, Jr., Drinking Water Research Division, MERL, U.S. EPA, Cincinnati, Ohio, March, 1981.

[2] *Trihalomethane Removal by Coagulation Techniques in a Softening Process, Draft Report*, J.C. Thurrott, *et al*, City of Daytona Beach, Florida, Project Officer: O. Thomas Love, Jr., Drinking Water Research Division, MERL, U.S. EPA, Cincinnati, Ohio, April 1982.

carefully examine the other technologies and present alternative and innovative solutions as part of the compliance schedules that are negotiated with EPA or the State (whichever has primary enforcement authority).

2. Several commenters pointed out that the March 5, 1982 proposal did not express the degree of concern about preservation of bacteriological quality that had been articulated in other Agency statements about modifications to existing treatment for the control of TTHMs. These commenters requested a reaffirmation of the Agency's position and suggested that EPA find improved ways to communicate this position to systems that may be making treatment modifications in response to the TTHM Rule.

• This rule does not contravene the provisions of the November 29, 1979 Final Rule for the Control of Trihalomethanes In Drinking Water (44 FR 68624) as they relate to the protection of the bacteriological quality of drinking water. Specifically, these concerns are noted in 40 CFR 141.30(f) (44 FR 68624), and are reemphasized here. EPA, in cooperation with states and public water systems, will make every effort to assure adherence to those provisions.

3. One commenter stated that while EPA (or a primacy State) may require the use of one or more Group I (generally available) treatment methods as a condition of maintaining a variance from the TTHM MCL, such a requirement should be imposed through a reasonable compliance schedule, taking local conditions into account.

• There is no statutory requirement for the development of compliance schedules associated with the use of Group I treatment methods. However, a compliance schedule may be issued. In some cases, a system that agrees to install one or more of the Group I treatment methods will need additional time to demonstrate and/or install such methods. As EPA noted in the proposal preamble, the primacy authority may grant the variance accompanied by a compliance schedule for the *expeditious* installation of the designated treatment. 47 FR 9797. However, there should not be lengthy delays in the demonstration and installation of Group I treatment methods since these are all "generally available methods". On the other hand, more time might be appropriate with regard to § 142.60(c) compliance schedules which are related to situations where a system has installed one or more of the "technically available and effective" methods and still cannot comply with the TTHM MCL or has demonstrated that none of these methods are available or effective. In such a situation, the primacy authority must give the non-compliant system, as part of a variance, a compliance schedule intended to eventually bring the system into compliance. Since these § 142.60(c) methods are not "generally available methods" more time might be needed to assess and possibly install and use them.

4. A commenter stated that the cost estimates for alternate water sources under the EPA scenario (raw water transmission line of 7.5 miles) are prohibitive. In most instances an alternate source of raw water will not be a feasible or realistic alternative for systems attempting to comply with the TTHM MCL.

• In developing this rule, the very site-specific nature of the availability of alternate sources of raw water dictated that this compliance approach be designated as a Group II ("potentially available") as opposed to Group I ("generally available") treatment method. The assumption of 7.5 miles was used for costing purposes and was assumed to be near the maximum distance that could be reasonably considered by any system that might be able to utilize this option. It is unlikely that many of the large systems covered by this regulation would have ready access to nearby previously untapped water sources. As this treatment method is included in Group II, it is appropriate that costs be considered in making a decision to require use of this method.

5. A commenter stated that "technological and economic considerations should always be an important consideration in the issuance of variances from National Interim Primary Drinking Water Regulations. Where a nationally applicable standard may simply be unachievable because of site-specific problems, the variance issuing authority needs the flexibility to be able to take those problems into consideration and resolve the matter on a national and sound scientific basis. The proposed rule, properly implemented, should achieve that balance".

• Sound judgment should always be applied to the determination of which treatment methods should be utilized in complying with the TTHM Rule. EPA believes that today's rule provides for the exercise of flexibility and sound judgment. However, it must be recognized that the Administrator is specifically charged with the responsibility of "taking costs into consideration" in establishing primary drinking water regulations and in making determinations as to which treatment methods are "generally available" for meeting SDWA regulations. Therefore, the issue of affordability of any "generally available" treatment method has been considered in the Administrator's determination and should not be a consideration in the case-by-case issuance of variances. Such systems must apply to the primacy agency for an exemption which specifically allows for the consideration of economic factors and authorizes the granting of time for the system to raise additional capital to install the necessary treatment. The grounds for not installing a "generally available" treatment method (40 CFR 142.60(a)) are limited to technical problems of availability and effectiveness.

6. One commenter criticized the proposal for "eliminating" the Group II treatment methods, GAC and BAC from "the list" of generally available treatment methods.

• The commenter's criticism was based on the assumption that a discussion of all available or potentially available treatment methods for reducing levels of TTHMs included in the preamble to the TTHM Rule (44 FR 68636) constituted EPA's determination of "generally available" treatment methods pursuant to Section 1415(a)(1)(A). That preamble discussion included mention of the Group I treatment methods as well as the Group II methods, GAC and BAC. This discussion is apparently the basis of the commenter's criticism that today's rule is "eliminating" some treatment methods from "the list". However, as EPA explained in the proposal preamble, EPA never intended the discussion at 44 FR 68636 to be a statutory determination for the purposes of Section 1415(a)(1)(A). 47 FR 9796. It would be totally inappropriate for the Agency to have made such a statutory determination with no reference to Section 1415(a)(1)(A) or codifying such determinations and the procedures for issuance of such variances. EPA, by this rulemaking, has provided the necessary opportunity for public comment on such determination, an opportunity not provided in the Agency's "discussion" in the preamble to the TTHM Rule. In this rulemaking, EPA has explained the basis for its determination of five "generally available" treatment methods. The Agency has also explained why it did not find the other treatment methods listed in the preamble to the TTHM Rule to be "generally available". Each of these latter treatment methods has one or more performance characteristics that do not make them appropriate as "generally available" treatment methods. Therefore, EPA has not

eliminated treatment methods from any list of generally available methods. No list developed pursuant to Section 1415(a)(1)(A) existed prior to this rulemaking.

A full discussion of the Agency's technical and economic considerations in selecting the "generally available" treatment methods from among all the available treatment methods is presented in the "Technologies and Costs" document. The following discussion summarizes some of the Agency's reasons for determining that the Group II treatment methods, GAC and BAC were not generally available treatment methods.

In the case of off-line water storage, the Agency determined that consideration would always have to be given as to the availability of land clear of a flood plain that would fit reasonably into the geometry of the existing system. In most large urban systems, the acquisition of such property is essentially impossible. Additionally, for ground water systems, the creation of an impoundment would subject that water to surface influences that might actually increase the THM precursor content of the supply. Such sanitary engineering concerns dictate that a decision to require the use of this treatment method should be made only after study and analysis of the specific situation for which the use is proposed. It is clear that while this technology is potentially available, it would not be "generally available" for many of the systems subject to the TTHM Rule.

Similarly, while data indicate that aeration would be useful for THM control in some systems, various technical factors such as the potential for THM formation after treatment and during distribution, evaporation rates and freezing problems under specific climatic condition (since THMs and high THM potential would likely be associated with surface waters that are more affected by climatic change than ground water) as well as potential changes in the corrosivity of aerated water indicate that the applicability of aeration would be highly site specific. These concerns mitigate against a specific finding of "generally available" under section 1415(a)(1)(A) for TTHM control. However, these concerns do not imply that aeration would not be generally appropriate and effective for other applications such as the control of volatile synthetic organic chemical contamination of ground water. See 47 FR 9350, 9354 (March 4, 1982).

A requirement to introduce clarification where not currently practiced would involve creation of an entire conventional filtration system or possibly a softening plant for some water systems. There is the possibility that coagulation could be added to a direct filtration system, but such an application would be an anomaly. The magnitude of this type of action by a water system requires extensive study and analysis. In the support document "Technologies and Costs," the Agency assumed that only systems with health-related water quality problems in addition to TTHMs, e.g., turbidity and/or microbiological contamination, would choose this compliance alternative. While conventional treatment and softening are clearly available, the Agency did not believe that it would be appropriate to include such treatment methods on a list of generally available methods for reducing TTHMs or THM precursors.

The fourth treatment method listed, consideration of alternative sources of raw water, is clearly not "generally available" for many systems. Additionally, even for those systems that could find alternative sources of water with lower levels of THM precursors, the development of such supplies would usually take long periods of time and one or more of the Group I technologies should be used during the period that alternate sources are being considered.

The Agency did not list the use of ozone as being "generally available" because of the lack of experience in the United States, the mixed results obtained in experimental studies of ozone and TTHM formation potential, and the requirement of most States for a persistent distribution residual.[3] Ozone does have a high lethality coefficient for pathogenic organisms and enteroviruses and the technology may be appropriate for use by some systems. By including ozonation in the Group II treatment methods the Agency anticipates that some systems will choose to install ozone treatment after sufficient study.

The final treatment methods that were reviewed but not included in the designation of "generally available" are the use of granular-activated carbon (GAC) and modifications to that technology through the application of ozone prior to filtration referred to as biologically activated carbon (BAC). The Agency has made a significant effort to clarify all of the technology issues that have complicated the use of GAC or BAC for TTHMs and THM precursor removal. Recent EPA studies indicate that GAC in the sand replacement mode of operation is often inappropriate due to the short performance life and high frequency of regeneration that is required in order to achieve substantial TTHM or THM precursor control.[4] The determination not to include GAC or BAC in Groups I or II took into consideration costs that might be involved, but primarily was made due to the complexities of the modifications to prior unit operations, i.e., disinfection, and in the logistics of the carbon replacement.

The application that has been considered most seriously is the installation of post-filter contactors (referred to in some of the regulatory documentation as the high-cost option for GAC and BAC). The more recent Agency analysis of the systems affected by the TTHM Rule assumes that approximately six (6) systems, out of approximately 2,300 covered by the regulation, might need to consider this technology after all other approaches have been determined to be inadequate.[5] The use of GAC in large public water systems for TTHM or THM precursor control is clearly greater in its demand for monitoring, operation and maintenance than any of the other treatment methods. Lastly, the additional burden of on-site regeneration would need to be developed and demonstrated as it has only been practiced in full scale at one (1) location in the United States. Thus, it was determined that the requirement to use this approach should be deferred. However, EPA does not intend to imply by this finding that this technology would not be generally appropriate and effective for other treatment applications, such as the control of volatile synthetic organic chemical contaminants in ground water. See 47 FR 9350.

7. One commenter questioned whether EPA's criteria for determining generally available treatment methods and issuing variances complied with the SDWA. The commenter suggested that EPA inappropriately required that a "generally available" treatment method be a "widely used water treatment technology" of "relatively low cost" and "within the technical capabilities of the vast majority of public water systems subject to the TTHM rule." The commenter also stated that the Agency illegally established a "cost-benefit" test as part of the decision process for determining whether those treatment methods that have been designated under 40 CFR 142.60(c) need be studied

[3] Trussell, R.R., and Umphres, M.D., "The Formation of Trihalomethanes," Journal of the American Water Works Association, 70, 604–612 (November 1978).

[4] Technologies and Costs at 16.

[5] *Id.* at A–8.

and/or installed as part of a variance compliance schedule.

• The discussion in the preamble regarding the characteristics of the five generally available treatment methods was not intended to be a prerequisite for a determination that a treatment method was generally available. 47 FR 9797. In discussing why it believed each of the Group I treatment methods was generally available, the Agency noted that each is "a widely recognized water treatment technology, is relatively low cost, and is within the technical capabilities of the vast majority of pubic water systems subject to the TTHM Rule." *Id.* These factors supported EPA's determination that the five treatment methods were generally available, taking costs into consideration, as required by Section 1415(a)(1)(A). The presence of these factors supports a determination of general availability.

The criteria for determining whether a treatment method is "generally available" are: (1) Whether most systems subject to the regulation would have access to the treatment method and (2) whether the treatment method would be "appropriate" and "effective" for the intended use. The Agency determined that most systems subject to the TTHM Rule would have access to all of the five Group I treatment methods and that the methods would be within the technical capabilities of most of those systems. Contrary to the commenter's assertion, the statement that the five Group I treatment methods would be within the technical capabilities of the "vast majority" of systems, merely recognized that fact and was not intended to be established as a future prerequisite for any determination of general availability. Since the TTHM Rule is only applicable to systems serving more than 10,000 persons, it was more likely that the generally available treatment methods would be within the technical capabilities of the "vast majority" of this uniform group of systems. However, future determinations of "generally available" treatment methods for control of other contaminants may not be within the technical capabilities of the vast majority of systems subject to the regulation because other regulations are applicable to all systems, including very small systems.

The Agency also determined that each of the five Group I treatment methods were appropriate and effective for the intended use of reducing TTHMs or THM precursors in a wide range of circumstances. Each treatment method is a "widely recognized treatment technology" that can be used to effectively reduce TTHMs and THM precursors. The commenter incorrectly stated that the Agency required the method to be "widely used" to be a generally available treatment method. The Agency did not require a method to be "widely used" in supporting a finding of general availability. If a treatment is widely recognized as an appropriate and effective treatment method for the intended use, it need not be "widely used" to be considered generally available. The "Technologies and Costs" document presents a full discussion on the appropriateness and effectiveness of the five generally available treatment methods.

Finally, EPA considered the costs of application and use in identifying the generally available treatment methods. The Agency found that each of the five generally available treatment methods were of relatively low cost. This finding supported but did not dictate the determination that each method was generally available "taking costs into consideration." While any determination of generally available treatment methods must consider costs, it is not a requirment that such methods be of relatively low cost. Any future determination of generally available methods for reducing other contaminants would have to be judged on the costs in each case and a decision made as to the reasonableness of those costs.

The second part of this comment was a criticism of the criteria in 40 CFR 142.60 (c) and (d) for determining which of the five treatment methods listed in that subsection a system would be required to study and/or install as part of a compliance schedule. Sections 142.60 (c) and (d) provide that the primacy agency before requiring use of a § 142.60(c) method must determine that such treatment method is technically feasible and economically reasonable and will achieve TTHM reductions commensurate with the costs of installation and/or use of the treatment method. The commenter's criticisms deals with the cost considerations in the criteria, the commenter arguing that such case-by-case "economic considerations are impermissibly factored into the variance decision." The Agency agrees with the commenter, that case-by-case economic considerations are not appropriate in determining whether a system must use a "generally available" treatment method. However, the Agency stated several times in the preamble to the proposal, that the five treatment methods identified in § 142.60(c) were *not* determined to be generally available. Therefore, case-by-case cost considerations are not precluded by the SDWA. The Agency listed the treatment methods in § 142.60(c) for use by EPA and primacy states in determining what should be required of a system that has used each available and effective treatment method listed in § 142.60(a) and still is not in compliance with the TTHM MCL. Section 1415(a)(1)(A) requires the primacy agency to prescribe a compliance schedule for such a system, with increments of progress designed to bring the system into ultimate compliance. At this stage, the Agency believes it is appropriate to consider the reasonableness of the cost of using additional (not "generally available") treatment methods and in requiring a reduction in TTHMs commensurate with the costs of installing and/or using such treatment methods. This is consistent with the SDWA and represents sound regulatory judgment.

8. One commenter criticized the economic analysis in "Technologies and Cost" for making infrequent reference to the findings of an Economic Analysis prepared during the TTHM rulemaking, and for using six rather than nine system size categories, thereby making comparison between the two documents difficult.

• The purpose of the "Technologies and Costs" document was to provide a realistic basis for assessing the effect of today's regulation on the application of the TTHM Rule. For this purpose, the document was designed for comparison to the final (September, 1979) "Economic Impact Analysis of the Promulgated Regulation for Drinking Water" prepared with the TTHM Rule. The commenter cited an earlier economic impact analysis prepared in 1977. 43 FR 29135. Except in cases where new and more accurate data were available (occurence data and treatment costs) or where economic conditions had changed (interest rates), the approach and assumptions used in the 1979 and 1982 analyses are consistent. In particular, both the 1979 "Economic Impact Analysis" and the "Technologies and Costs" document use six, not nine, system size categories. The change to six size categories was made in 1978 to provide more detailed data concerning the systems affected by the TTHM Rule. For example, many of the original nine system size categories applied to systems not covered by the TTHM Rule (i.e., because they served less than 10,000 people). All six system size categories in the 1979 "Economic Impact Analysis" and the 1982 "Technologies and Costs" document apply to regulated systems serving over 10,000 people. The

capital and operating cost data concerning the six system size categories are presented in a comparable format in the 1982 analysis.[6]

9. One commenter asserted that in the "Technologies and Costs" document, the amortization period was reduced to 20 years from the 40 years used in earlier analyses, thereby inflating the costs of capital-intensive technologies.

• Amortization periods were not changed between the 1979 "Economic Impact Analysis" and the 1982 "Technologies and Costs" document. In both cases the economic analysis of the regulations was performed in two phases—a unit cost analysis based on engineering cost-estimating practices and a national economic impact analysis based on PTM (a financial model of the drinking water utility industry). The comment incorrectly compared the amortization period used in the unit cost analysis to the depreciation period used in the national economic impact analysis.

The technique applied in the unit-cost analysis was to develop a capital recovery factor which represents the percent of capital costs that must be paid each year in order to complete both principal and interest payments by the end of the amortization period. This technique provides an approximation of annual capital-related costs that is useful in developing engineering cost estimates. The 20-year amortization period was used in the unit cost analysis of *both* the TTHM Rule and the variance regulation being promulgated today. Exhibit C–2 in the 1979 Economic Impact Analysis expressly states that a 20-year amortization period was used in developing unit costs.[7]

The national economic impact analysis uses a complex cost-estimating procedure that is based on industry financial accounting principles. Capital-related charges in this analysis are based on a number of financial parameters including equipment depreciation rates, debt payment periods, rates of return on debt and equity, tax provisions and the industry's capital structure. The 40-year period applies to the plant and equipment depreciation period for financial purposes and was used in both the 1979 and the 1982 analyses.

The only capital cost factors that were changed between the 1979 and the 1982 analyses were interest rates and returns on equity. These changes reflect the actual increase in interest rates and returns that took place between 1979 and 1982. The analysis of the national costs of the TTHM Rule, included in the "Technologies and Costs" document, incorporates these changes (as well as changes in engineering cost estimates and water quality data) so that national cost comparisons can be made on a common basis.

10. A commenter suggested that the design criteria in the treatment cost estimates inappropriately assumed a complete substitution of chloramines for chlorine, thereby reducing the protection from bacterial contamination normally offered by the use of chlorine.

• The "Technologies and Cost" document does not assume that there would be a complete substitution of chloramines for chlorine. The assumption for purposes of developing uniform costs, was that prechlorination of the raw water entering a water treatment plant was to occur at an average dosage of 2.5 mg/1. Chloramines would be used as a residual disinfectant to provide protection in the distribution system and to prevent the formation of additional trihalomethanes. The discussion in "Technologies and Costs" at C–2 specifically refers to the use of chloramination as the *residual* disinfection process and therefore the Agency believes that the issue is not ambiguous.

It was also assumed that in some specific situations chloramines would replace the prechlorine addition with post-chlorine still being applied at an average dosage of 2.5 mg/1 to maintain an adequate residual in the distribution system. The costs are essentially the same for either assumption.

11. One commenter critized the fact that chloramines are listed as the first of the "best generally available treatment methods for reducing TTHMs".

• The order in which treatment methods are listed within § 142.60(a) or 142.60(c) should not be interpreted as representing any comparative order of performance effectiveness or preference among the other treatment methods in the respective sections. The order of listing does not carry any Agency recommendation as to either the effectiveness or appropriateness of one treatment method over another method in the same section.

The Agency continues to believe that chloramines would normally be used for secondary disinfection following a period in which the water has been exposed to stronger disinfectants. It has been demonstrated many times that when considering comparative lethality coefficients in laboratory experiments of chloramines (or combined chlorine compounds) versus free chlorine, chloramines may require a large increase in contact time to inactivate coliform bacteria and enteric pathogens as compared to chlorine. However, the enteroviruses are much more resistant than coliforms to both free residual chlorine and chloramines (especially as hypochlorite). This issue is detailed in the references to "Technologies and Cost".

On the other hand, until the 1940's, a significant fraction of those systems that used chlorine were using chloramines and those systems have developed a history of performance and effectiveness. This general finding of the effectiveness does not alter in any way the Agency's reservations about modifications to disinfection practices. These concerns are articulated in 40 CFR 141.30(f) (44 FR 68642) and are re-emphasized here.

12. One commenter suggested that the cost analysis of the ozone technology was flawed in that the 1977 Economic Impact Analysis stated that the economies of scale for chlorine dioxide were less than ozone and that this characteristic was not demonstrated in the "Technologies and Costs" document.

• Since the 1977 document was prepared, the Agency has gathered additional information on both chlorine dioxide and ozone costs. The "Technologies and Costs" document was based upon these new data and a review of available literature including the practices at Monroe, Michigan and the EPA report (600/2–78–147) that addresses the use of both chlorine dioxide and ozone. However, the major difference between the 1977 and 1982 analyses was the cost of electrical power. In the use of ozone, greater than 80% of the operating costs can be attributed to the cost of electricity. Chlorine dioxide has a similar predominant cost characteristic, i.e., chemical usage. The cost for power assumed in the 1977 document was $(.02–.032) per kwh. The value for power in the 1982 analysis was $.06 per kwh, two to three times the 1977 values. Similarly, the cost assumption in the 1977 analysis for sodium chlorite, the chemical used in making chlorine dioxide, was from $0.62 to $1.08 per pound, and the chlorine cost was between $0.07 and $0.20 per pound of material. The 1982 analysis assumed $1.40 for sodium chlorite and $0.125 for chlorine, respectively. Therefore, while the economies of scale are demonstrated in the capital costing for both the 1977 and 1982 analyses, those economies are

[6] "Technologies and Costs" at A–8.

[7] "Economic Impact Analysis of the Promulgated Trihalomethane Regulation for Drinking Water," United States Environmental Protection Agency, EPA–520/9–79–022, September, 1979 at C–3.

not as dramatic in the 1982 analysis of total costs per thousand gallons of treated water due to the large increases in power costs since 1977 as compared to the moderate increases in the chemical costs for chlorine dioxide during the same period.

13. One commenter suggested that 10 mg/1 of powdered activated carbon (PAC) would be ineffective for the removal of TTHMs and THM precursors except for concentrations near the MCL. Another commenter stated that the annual dosage requirement, if applied intermittently or for a short duration, could result in unrealistic dosages from an operational standpoint.

• The Agency believes that both commenters have misinterpreted the intent of the "Technologies and Costs" document on this issue. However, because of these several constructions, further definition of the Agency intent is appropriate. The "Technologies and Costs" document states:

> However, if a system has only seasonally high TTHM concentrations in its water, the addition of high dosages of PAC at such times may allow a system to bring the annual TTHM average below the MCL. Moreover, there are situations where a system's TTHMs exceed the MCL for short periods of time. In these instances, the intermittent use of PAC may be appropriate and cost-effective. Based on these considerations, the Agency has concluded that the intermittent use of PAC at dosages not in excess of 10 mg/1 on an annual average basis would be appropriate, effective and economically reasonable. [8]

PAC can be used in some situations for the removal of TTHMs and the reduction of THM precursor material. PAC is a common technology with a very long history in the American water industry. Many systems that are subject to the TTHM Rule have PAC capability. However, many such systems do not presently have the ability to continuously feed PAC for extended periods at concentrations that would have significant impact upon the TTHM and THM precursor concentrations. Therefore, episodic uses of relatively high concentrations of PAC may prove advantageous for some systems, but continuous treatment of the water at effective PAC doses would only be appropriate for systems that have excess feed, storage and sludge handling capacity and which have experience with the use of this chemical at very high application rates. On the other hand, most systems that have any PAC capability can tolerate relatively high dosage rates of PAC for limited periods of time and the Agency proposal was intended to cover both situations articulated above, i.e., increased feed rates for systems which have excess PAC capability and seasonal or intermittent use for systems with limited PAC facilities. In either case, the engineering consensus was that there should be some limit established as to how much additional continuous feed rate could be considered "generally available", as well as how much carbon should be fed during periods of elevated TTHM or THM precursor concentrations. That engineering judgment, for the purposes of determining "generally available" treatment, is 10 mg/l, about the amount that would be used for control of taste, odor, color or other applications on a continuous basis, or intermittent feed rates that would generally exceed 10 mg/l but which, when aggregated, would not exceed an amount equivalent to a continuous 10 mg/l feed rate for the affected system for the entire year.

It should be kept in mind that the proposal of March 5, 1982, (47 FR 9796) amends Part 142, Title 40 of the Code of Federal Regulations, and does not amend the November 29, 1979, TTHM Rule (44 FR 68624). Therefore, the monitoring requirements are unchanged from the original regulation. States or EPA, whichever has primacy, should assure that sampling for compliance purposes reflects typical water quality and is not done only during periods of PAC application. Thus, they may choose to require a special monitoring regimen as part of the plan required of each system before major treatment modifications are made. 40 CFR 141.30(f).

14. One commenter noted that while sludge disposal was mentioned as a constraint in several of the treatment methods, the cost estimates in the "Technologies and Costs" document did not include the sludge disposal costs associated with additional powdered activated carbon or coagulant application.

• In the "Technologies and Costs" document at C–4 and C–6, it is specifically mentioned that additional sludge handling facilities will be required. The analysis done for the March 5, 1982, proposal assumed that 12% of the operating costs for the addition of PAC, coagulant or coagulant aid would be required to pay for additional sludge disposal. 47 FR 9796. This cost (12%) reflects an average of the existing Agency experience and was tested against several case studies for verification as part of the 1982 analysis.

15. A commenter requested clarification of why the Agency found that granular activated carbon (GAC) with a removal efficiency of 80% was not effective for control of TTHMs or THM precursors, while other treatment methods with lesser removal efficiencies were found to be effective for the removal of TTHMs.

• In determining which treatment methods were "generally available", the Agency evaluated a number of technical considerations. These considerations included industry operating experience, removal efficiency, potential interference with other unit operations, as well as assumptions about how the specific treatment method might be utilized. Removal efficiency was only one of the considerations evaluated for assessing treatment methods and each technology must be evaluated in the total context of the anticipated application. In the case of GAC, the lack of adequate specific capacity when installed in the sand replacement mode, the dearth of full scale TTHM removal data as well as the large logistic burden incurred by the system when installing and operating GAC in the post-filtration contractor mode (the high level of removal efficiency noted by the commentor can only be achieved with frequent regeneration of the carbon) mitigated against a finding that this technology was "generally available," specifically for control of TTHMs or THM precursors. As noted in the proposal of today's regulation, GAC was not found to be a particularly effective technology for the removal of TTHMs or THM precursor material. 47 FR 9798. However, that finding should not be interpreted to mean that GAC could not be effective for some systems or that GAC does not have other more appropriate applications such as for controlling drinking water contamination by synthetic organic contaminants in ground water. See 47 FR 9350.

16. One commenter requested clarification as to the rationale for the assumption that the costs of GAC should all be attributed to the removal of TTHMs or THM precursor material when only a portion of the costs of improving clarification were applied to compliance with the TTHM Rule.

• It can be assumed that the installation of GAC might provide additional benefits in addition to reduction of TTHMs or THM precursors. Certainly the experience of water systems that have installed GAC in the sand replacement mode for taste and odor control supports that position. However, that experience as well as Agency experience with GAC, does not support the assumption that these benefits would always accrue or that the installation of GAC would be the most appropriate treatment option to garner

[8] "Technologies and Costs" at 8.

those benefits. Additionally, taste and odor control as well as other aesthetic benefits that might be derived from the use of GAC are included in the "secondary regulations", and do not pose adverse health effects.

Conversely, the non-TTHM benefits of improved coagulation are enhanced removal of turbidity and bacteria. As there are National Interim Primary Drinking Water Regulations for both of these contaminants, the Agency believes it is appropriate to give a cost credit for reduction and removal of contaminants which may have adverse health effects and for which usage could be necessitated by regulation. Additionally, these benefits will always accrue upon the improvement of coagulation and such improvement is the most appropriate approach to these problems. In developing the assumptions that dictated the costs for these technologies and the other technologies that are mentioned in the "Technologies and Costs" document, the Agency considered peripheral benefits. However, it was determined that credit for such benefits could only be acknowledged when those benefits were uniformly predictable. Such uniformity is not present in carbon usage while the benefits associated with improved clarification are consistent and highly predictable.

17. One commenter criticized the variance procedures in 40 CFR 140.60(b) that authorize the primacy agency to make the determination as to whether a generally available treatment method was, in fact, available and effective for a system applying for a variance. The commenter alleged that such procedures allow the variance-issuer to make case-by-case redeterminations regarding the availability of treatment methods found to be "generally available" by the Administrator, with the possible result being a non-compliant system not being required to install and/or use any of the "generally available" treatment methods.

• The procedure provided in § 142.60(b) is consistent with and is to be used in conjunction with the current regulations containing procedures for granting variances (40 CFR Part 142, Subpart E or analogous State regulations in primacy States). EPA believes that the criteria in § 142.60(b) are appropriate for consideration in determining whether a system need install and/or use a "generally available" treatment method. EPA discussed the criteria, whether the method is "available and effective" for the individual system, in the preamble to the proposal. 47 FR 9797. These criteria are defined as whether the treatment methods would be "technically appropriate and technically feasible" for the system and would result in more than a "small or insignificant" reduction in TTHMs. Section 142.60(b) places the burden on the system applying for the variance to establish that a generally available treatment method is not "available and effective" for that system to avoid a requirement to install and/or use the method.

EPA believes that the criteria in § 142.60(b) authorizing the primacy agency to relieve a system of an obligation to install and/or use a treatment method that is not available and effective for that system are both reasonable and necessary. Systems should not be expected to install treatment methods that would interfere with other unit operations that control health-related contaminants, treatment methods that would be operationally unstable due to existing treatment configurations, or treatment methods that would only reduce TTHMs by a negligible or trivial amount. The commenter recognized the need for "some flexibility" in the variance process and EPA believes its process includes the right amount of flexibility while ensuring the installation of treatment methods where appropriate.

18. One commenter noted that the language "Administrator or primacy state," was used throughout the March 5, 1982 proposal. This commenter stated that this language was ambiguous and should be replaced with "the primacy agency" to indicate that either the Administrator (in a State that has not accepted primary enforcement authority) or the State (in a State that has accepted primary enforcement authority) but not both, would make variance determinations.

• The Agency believes that the language of the March 5, 1982 proposal makes clear when the Administrator or the State is authorized to act and that both may not be issuing TTHM variances in the same State. The proposed rule provides that the Administrator will issue variances "in a State that does not have primary enforcement responsibility" and that a State will exercise this authority when that State has primary enforcement responsibility. See § 142.60(b).

19. Two commenters noted that it is inappropriate to grant "variances accompanied by compliance schedules for situations where treatment methods defined in § 142.60(a) are available, but not yet started or completed". These commenters stated that this seems to be a situation that is appropriate for the use of an "exemption" under Section 1416 of the SDWA.

• Before issuing a variance, the variance-issuing authority must find that a variance is warranted, i.e., that because of the characteristics of the raw water source the system will not be able to meet the MCL despite application of generally available treatment methods (Section 1415(a)(1)(A). 42 U.S.C. 300g–4; 40 CFR 142.40(a) and analagous primacy state regulations). While the system may have already installed the treatment method, the finding could be made prior to such installation.

The Agency previously indicated that the treatment methods should be in place to demonstrate that non-compliance is attributable to poor source water quality, therefore entitling the system to a variance. (See Memorandum of General Counsel, dated May 21, 1979.) However, the Agency believes that this finding may be made prior to the methods actually being operational. The important fact is that the "available and effective" methods be installed in order to reduce the levels of TTHMs. In some cases, additional time may be needed to complete installation of the required treatment methods. However, EPA expects any such compliance schedule would require the expeditious installation of such treatment methods.

An exemption is appropriate in a situation where a noncompliant system needs additional time to come into compliance. It is also assumed that the systems receiving an exemption will achieve compliance with the MCL by the statutory date for termination of the exemption. Systems receiving variances are assumed not to be able to comply with the MCL after installation of "generally available" treatment methods. The non-compliance may extend beyond the statutory deadlines for exemptions. Therefore, the Agency believes a variance accompanied by a compliance schedule requiring expeditious installation of "generally available" treatment methods is most appropriate for systems that will be unable to comply with the TTHM MCL even after installation of such treatment methods.

20. One commenter asserted that there were inadequate performance and cost data on the technologies listed in §§ 142.60(a) and 142.60(c). As an example, the commenter cited offline water storage as not being adequately documented.

Comprehensive data support the findings of the Administrator. The "Interim Treatment Guide for the Control of Chloroform and Other

Trihalomethanes" (EPA, June, 1976, Symons, J.M., et al.) and the subsequent publication, "Treatment Techniques for Controlling Trihalomethane in Drinking Water" (EPA–600/2–81–156, September, 1981) plus their references provide a complete discussion of the treatment methods available for TTHM and THM precursor control. The "Technologies and Costs" document that accompanied the March 5, 1982 proposal is a synopsis of all available information, both from research and actual experience. The references to this latter document, found in Appendix D, pages 1–4, provide sufficient documentation for the Administrator's findings. In the example presented by the commenter (off-line water storage), the support document refers the reader to reference No. 16. The reference (EPA–600/2–81–156, September, 1981), substantiates both the effectiveness of the technology for removal of THM precursor material and the designation of this technology as Group II ("potentially available"), due to site specific considerations.

21. One commenter noted that the Agency had listed hydrogen peroxide as a generally available treatment while no manufacturer of hydrogen peroxide has its product approved for potable water use. The commenter stated that the use of hydrogen peroxide was inappropriately listed as "generally available".

Hydrogen peroxide was listed as a potential substitute pre-oxidant for chlorine as the fourth "generally available" treatment method in § 142.60(a). The Agency agrees that the limited experience with hydrogen peroxide as an alternate pre-oxidant does not support its inclusion in § 142.60(a). Therefore, the Agency has decided to remove hydrogen peroxide from the listing of those alternate pre-oxidants available to substitute for chlorine. However, hydrogen peroxide is a readily available oxidant that may be useful in some specific situations and the elimination of this chemical from the list of "generally available" treatments should not deter systems from evaluating its effectiveness as a "pre-oxidant".

22. One commenter noted "there is insufficient guidance to systems which have high brominated trihalomethanes," and suggested that "your generally available technologies are not as effective on the brominated THMs as they are on chloroform."

Excess bromide in raw water does contribute special problems in systems where organic THM precursors are also present. The purpose of the variance procedure is to address cases where systems cannot comply with the MCL and the effect of bromide in the water would be a factor to consider in determining the performance and the technologies that would be effective.

23. A commenter suggested that this rule would be more appropriate as a memorandum in the Agency's "Water Supply Guidance Series".

By this rule, the Administrator has determined, pursuant to Section 1415(a)(1)(A) of the SDWA, what are the best treatment methods generally available, taking costs into consideration, for systems in meeting the TTHM MCL. This determination is binding on the States and systems and therefore must be issued as regulation and not as guidance.

24. One commenter stated that some trihalomethanes are not genotoxic. Therefore, it was the commenter's conclusion that "while their presence in drinking water may be esthetically unpleasant, we do not think that such materials constitute a detectable cancer risk." Another commenter noted that "in the vacuum of sound data on health effects of the trihalomethanes, the economic impacts of the TTHM MCL should be minimized to the greatest extent practicable."

The health basis of the TTHM Rule is not an issue in the regulation being promulgated today. EPA specifically stated in the preamble to the proposal that the variance rule was not intended to allow a reopening of issues related to the health basis of the TTHM Rule. 47 FR 9798. The health basis of the TTHM Rule was throughly addressed in the preambles to the proposal notices of February 9, 1978 (43 FR 5758) and July 6, 1978 (43 FR 29135), as well as being rearticulated in the "Statement of Basis and Purpose" that accompanied the November 29, 1979 Final Rule for the Control of Trihalomethanes in Drinking Water (44 FR 68624).

IV. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that today's rule is not a major rule under the terms of the Executive Order. This proposal specifies the treatment methods a system not in compliance with the TTHM MCL would be required to install and/or use to come into compliance with the TTHM Rule. The five best treatment methods "generally available" were selected in part because of their low cost. EPA estimated that total compliance cost with the TTHM Rule was $19 million. A large portion of this cost was attributed to systems using the high cost treatment methods GAC and BAC. Today's rule provides that EPA will not require any systems to install GAC or BAC to reduce TTHMS. Today's rule should lower the cost impact of the TTHM Rule, rather than impose costs. This proposal was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act requires all Federal agencies to consider the effects of their regulation on "small entities," i.e., small businesses, small organizations and small governmental jurisdictions. Section 603 of the Act directs agencies to propose for public comment a "regulatory flexibility analysis" for any regulation which will cause a significant impact on a substantial number of small entities.

EPA does not believe that this rule will have significant economic impacts on a substantial number of small entities. The TTHM Rule applies to public water systems serving more than 10,000 people and thus some small businesses and governmental jurisdictions are covered by that Rule. In today's rule, however, EPA has limited the treatment methods that a system may be required to install and/or use to comply with the TTHM Rule. These treatment methods do not include the potentially high cost treatment methods, GAC and BAC. Therefore, today's rule should lessen the projected impact of the TTHM Rule on those small community public water systems affected.

List of Subjects in 40 CFR Part 142

Administrative practice and procedure, Chemicals, Radiation protection, Reporting and record keeping requirements, Water supply.

Dated: February 17, 1983.

Anne M. Gorsuch,

Administrator.

PART 142—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATIONS IMPLEMENTATION

Accordingly, Part 142, Title 40, of the Code of Federal Regulations, is hereby amended to add the following new Subpart G:

Subpart G—Identification of Best Technology, Treatment Techniques or Other Means Generally Available

§ 142.60 Variances from the maximum contaminant level for total trihalomethanes.

(a) The Administrator, pursuant to Section 1415(a)(1)(A) of the Act, hereby identifies the following as the best

technology, treatment techiques or other means generally available for achieving compliance with the maximum contaminant level for total trihalomethanes (Section 141.12(c)):

(1) Use of chloramines as an alternate or supplemental disinfectant or oxidant.

(2) Use of chlorine dioxide as an alternate or supplemental disinfectant or oxidant.

(3) Improved existing clarification for THM precursor reduction.

(4) Moving the point of chlorination to reduce TTHM formation and, where necessary, substituting for the use of chlorine as a pre-oxidant chloramines, chlorine dioxide or potassium permanganate.

(5) Use of powdered activated carbon for THM precursor or TTHM reduction seasonally or intermittently at dosages not to exceed 10 mg/L on an annual average basis.

(b) The Administrator in a state that does not have primary enforcement responsibility or a state with primary enforcement responsibility (primacy state) that issues variances shall require a community water system to install and/or use any treatment method identified in § 142.60(a) as a condition for granting a variance unless the Administrator or primacy state determines that such treatment method identified in § 142.60(a) is not available and effective for TTHM control for the system. A treatment method shall not be considered to be "available and effective" for an individual system if the treatment method would not be technically appropriate and technically feasible for that system or would only result in a marginal reduction in TTHM for the system. If, upon application by a system for a variance, the Administrator or primacy state that issues variances determines that none of the treatment methods identified in § 142.60(a) is available and effective for the system, that system shall be entitled to a variance under the provisions of Section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination as to the availability and effectiveness of such treatment methods shall be based upon studies by the system and other relevant information. If a system submits information intending to demonstrate that a treatment method is not available and effective for TTHM control for that system, the Administrator or primacy state shall make a finding whether this information supports a decision that such treatment method is not available and effective for that system before requiring installation and/or use of such treatment method.

(c) Pursuant to § 142.43(c)–(g) or corresponding state regulations, the Administrator or primacy state that issues variances shall issue a schedule of compliance that may require the system being granted the variance to examine the following treatment methods (1) to determine the probability that any of these methods will significantly reduce the level of TTHM for that system, and (2) if such probability exists, to determine whether any of these methods are technically feasible and economically reasonable, and that the TTHM reductions obtained will be commensurate with the costs incurred with the installation and use of such treatment methods for that system:

Introduction of off-line water storage for THM precursor reduction.

Aeration for TTHM reduction, where geographically and environmentally appropriate.

Introduction of clarification where not curreatly practiced.

Consideration of alternative sources of raw water.

Use of ozone as an alternate or supplemental disinfectant or oxidant.

(d) If the Administrator or primacy state that issues variances determines that a treatment method identified in § 142.60(c) is technically feasible, economically reasonable and will achieve TTHM reductions commensurate with the costs incurred with the installation and/or use of such treatment method for the system, the Administrator or primacy state shall require the system to install and/or use that treatment method in connection with a compliance schedule issued under the provisions of Section 1415(a)(1)(A) of the Act. The Administrator's or primacy state's determination shall be based upon studies by the system and other relevant information. In no event shall the Administrator require a system to install and/or use a treatment method not described in § 142.60 (a) or (c) to obtain or maintain a variance from the TTHM Rule or in connection with any variance compliance schedule.

(Sec. 1415(a)(1)(A) of the Safe Drinking Water Act)

[Fr Doc. 83-4975 Filed 2-25-83; 8:45am]

BILLING CODE 6560-50-M

Monday
February 28, 1983

Part IV

Department of Transportation

Office of the Secretary

Participation by Minority Business Enterprises in Department of Transportation Programs; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[OST Docket No. 64c; Notice No. 83-7]

Participation by Minority Business Enterprises in Department of Transportation Programs

AGENCY: Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rule would implement section 105(f) of the Surface Transportation Assistance Act of 1982, which provides that ten percent of funds authorized to be appropriated by the Act be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. The proposed rule would add a new Subpart D to the Department's existing minority business enterprise rule, permitting recipients of financial assistance from the Department to comply with the new statutory requirement with a minimum of disruption to existing administrative practice.

DATE: Comments must be received by the Department by March 21, 1983.

ADDRESS: Interested persons should submit comments to Docket Clerk, OST Docket No. 64c, Department of Transportation, 400 7th St., SW., Room 10421, Washington, D.C. 20590. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will time and date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 9:00 a.m. to 5:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th St., S.W., Room 10421, Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION:

Background

The Statute and its Scope

This proposed rule would implement section 105(f) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424). Section 105(f) provides as follows:

> Except to the extent that the Secretary determines otherwise, not less than 10 per centum of the amounts authorized to be appropriated under this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by section 8(d) of the Small Business Act (15 U.S.C. section 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

The provision resulted from an amendment introduced by Rep. Parren Mitchell. Senator Alan Cranston sponsored a similar amendment. According to the floor statements made by Rep. Mitchell and Senator Cranston, the amendment was intended to ensure that minorities participated as fully as possible in the economic benefits resulting from the Act. The floor statements made specific reference to the minority set-aside provision of the Public Works Employment Act Amendments of 1977 (Pub. L. 95-28) on which section 105(f) was modeled.

In mentioning the serious unemployment problem among minorities and in judging that a "set aside" provision like section 105(f) was "the most direct way to assure that * * * disadvantaged business owners participate to the fullest extent possible" in the benefits of the Act (*Daily Congressional Record* S 14211, December 8, 1982), Congress explicitly adopted a rationale for affirmative action. By referring to the 1977 provision, Congress also took into account the more lengthy discussion of the need for such action which preceded its enactment. The Department takes notice of the history of Congressional action underlying the 1977 provision, much of which is cited in *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980), which upheld the constitutionality of the 1977 provision and its implementation by the Department of Commerce. The Department has taken this background into account in its implementation of section 105(f).

The Department has carefully considered the question of the scope and applicability of section 105(f). This question arises because of the ambiguity of the reference in section 105(f) to funds authorized to be appropriated under "this Act." In context, "this Act" could be taken to mean the entire Surface Transportation Assistance Act of 1982 or only Title I of the Act, titled the "Highway Improvement Act of 1982."

Given this ambiguity, the Department has looked to the legislative history of the section. While this history is not extensive, it does indicate a strong concern by Rep. Mitchell and Senator Cranston that the jobs and other economic benefits flowing from the gasoline user fee help members of minority groups. The user fee goes toward major construction programs funded by the Surface Transportation Assistance Act in highways, highway safety and mass transportation. These are the programs in which job creation is most likely to occur. Construing the statute to cover these programs is the interpretation most consistent with the intent of Congress.

Limiting the application of section 105(f) to programs under the Highway Improvement Act of 1982 would omit coverage of most UMTA programs as well as of the provisions of section 202 of the Act for bridge replacement and rehabilitation and elimination of hazards. Since these programs receive substantial funding from the gasoline user fee and assist major construction projects with significant potential for the creation of jobs and business opportunities, these programs come within the intent of Congress of section 105(f).

The most direct statement in the legislative history concerning the applicability of section 105(f) supports this interpretation of its intended coverage. In his floor statement, Rep. Mitchell said that his amendment was intended to apply to the "Surface Transportation Assistance At of 1982" (the title of the entire Act). The Department regards the legislative history of the section as clearly resolving the ambiguity concerning the applicability of the section in favor of coverage of the entire Surface Transportation Assistance Act of 1982.

This view of the statute creates one important practical problem. Intrepreting the statute to apply to all programs under the Surface Transportation Assistance Act of 1982 would result in coverage of a number of programs unaffected by the gasoline user fee and/or which have relatively minor potential for job and business opportunity creation. The Department believes that Congress did not believe that coverage of programs of this kind was significant. In the Department's judgment, the MBE contracting opportunities gained by coverage of these programs would not justify the administrative burdens invovled for recipients. For this reason, the Department proposes to determine, under the Secretary's discretionary authority in section 105(f) ("Except to the extent that the Secretary determines otherwise * * *"), that this subpart will not apply to the following provisions of the Act:

Section 203—NHTSA Highway Safety Grant Program

Section 402—Grants to States for Commercial Motor Vehicle Safety Programs

Section 421—State Recreational Boating
Section 422—Reforestation
Section 423—Promotion of Fisheries
Section 426—Airway and Airport Development Program

The Department seeks comments concerning whether these proposed exclusions from the coverage of section 105(f) and this subpart are appropriate.

Section 105(f) applies not only to the federal-aid highway program but also to the direct Federal highway program operated by FHWA. Under this program FHWA contracts with private firms to build certain highways. Neither the existing 49 CFR Part 23 nor this proposed rule apply to the direct Federal program, since it is not a Federal financial assistance program. However, FHWA seeks MBE participation in the direct Federal program through means including sections 8(a) and 8(d) of the Small Business Act. In recent years, the level of MBE participation in the program has exceeded ten percent. FHWA is committed to meeting or exceeding the ten percent participation requirement of section 105(f) in the direct Federal program. In the same sense, UMTA will apply section 105(f) to its direct procurement activities.

Relationship to Existing Minority Business Enterprise Rule

The Department's minority business enterprise (MBE) rule (49 CFR Part 23) continues fully in effect. Promulgation of a final rule based on this NPRM (which would result in a new Subpart D of 49 CFR Part 23) would have no effect on recipients of Federal financial assistance from the Fedeal Aviation Administration, the National Highway Traffic Safety Administration and the Federal Railroad Administration. These recipients would continue to implement 49 CFR Part 23 without change.

The new subpart would affect recipients of Federal financial assistance from FHWA and UMTA programs funded through the Surface Transportation Assistance Act of 1982. UMTA and FHWA recipients would set overall goals as provided in the new subpart rather than as provided in the existing MBE regulation. However, this change and the associated amendments contained in this NPRM (relating to such matters as definitions, waivers, and compliance) would be the only changes FHWA and UMTA recipients would make in implementing their MBE programs.

In all other respects, FHWA and UMTA recipients would continue to implement the existing 49 CFR Part 23. For example, recipients would continue to operate their programs and goals for businesses owned and controlled by women without change. Recipients would continue to award individual contracts in the same way as now provided by 49 CFR Part 23, requiring the apparent successful competitor for a contract to make good faith efforts to meet contract goals. Recipients would also continue to examine and certify the eligibility of MBE's as they do now.

The major change made by this subpart would concern overall goals. Under the existing regulation, overall goals are simply an administrative mechanism designed to help recipients meet their obligation to ensure that MBEs have an equal opportunity to compete for and perform DOT-assisted contracts. The present overall goals are established by recipients as a benchmark against which they can measure the performance of their MBE programs. The goals represent a level of MBE participation which it is reasonable to expect, given fully equal opportunities for MBEs. Failure to meet an overall goal is not regarded as noncompliance with the regulation. Rather, it is an indication that administrative changes or improvements in a recipient's MBE program may be necessary.

Under the proposed rule, the Department sets recipients' overall goals at a minimum of ten percent, unless a waiver is granted in accordance with paragraph 23.65. Failure by a recipient to meet its overall goal is regarded as noncompliance with the regulation. The overall goals proposed by this NPRM, unlike the overall goals of the existing rule, go beyond seeking to ensure equal opportunities for MBEs. Rather, the overall goals of the proposed subpart implement the commitment of section 105(f) to an affirmative action policy designed to overcome the effects of past discrimination and disadvantage. As proper for a policy of this kind, it is limited in duration.

Section-By-Section Analysis

Section 23.61 Purpose.

This section states the purpose of the proposed Subpart D, which is to implement section 105(f). As a matter of policy, the Department places a high priority on the development and support of MBEs, and will enforce strictly MBE participation requirements of section 105(f).

Section 23.62 Applicability.

This section describes the applicability of the proposed Subpart D to FHWA and UMTA programs. In order to be covered by this subpart (i.e., to be part of the base from which the overall goals of § 23.64 are calculated), funds must meet three criteria. First, the funds must have been authorized by the appropriate statutory provisions. With respect to FHWA programs, the appropriate provisions are Title I and section 202 of Title II of the Act. Title I funds most FHWA programs; section 202 funds the bridge rehabilitation and replacement and hazard elimination programs. Section 202 funds are considered Federal-aid highway funds for purposes of this subpart.

With respect to UMTA programs, the appropriate provisions of the Act are Title I (insofar as it authorizes appropriations for transit substitute projects under the Interstate transfer program) and Title III (which funds most UMTA programs). The Department recognizes that applying these MBE requirements to section 9 funds would to some extent impinge upon the concept of freeing "block grants" from Federally-imposed requirements. However, given that Congress intended section 105(f) to apply to all UMTA programs, the Department does not believe that it would be appropriate to exempt section 9 funds.

In addition to funds authorized to be appropriated under the Act, the proposed rules would apply to all other UMTA programs and projects funds for which are authorized by the Urban Mass Transportation Act of 1964, as amended. For example, programs and capital projects, funds for which are authorized under sections 3 and 5 of the Urban Mass Transportation Act, would be covered, even though these funds were not authorized by the Surface Transportation Assistance Act of 1982.

The purpose of this extension of section 105(f) goals to UMTA programs beyond those funded by the Surface Transportation Assistance Act of 1982 is to apply one set of administrative requirements uniformly to all UMTA programs funded by the Act or the Urban Mass Transportation Act. This is particularly important because, in many instances, funds from different UMTA sources are comingled in projects of a given recipient. Using the same administrative system to administer MBE requirements for all UMTA programs should minimize confusion and administrative burdens for recipients. Also, since most UMTA recipients have consistently met or exceeded ten percent goals under the existing 49 CFR Part 23, the Department does not believe that this proposal (particularly given the waiver provision of § 23.65) will create hardship for recipients.

The Department does not propose, at this time, to continue the coverage of UMTA programs not authorized by the

Act beyond the time when funds authorized by the Act are exhausted. This is for two reasons. First, affirmative action remedies of the kind specified by section 105(f) are properly limited in duration. Second, the Department believes that it is desirable that all UMTA programs be administered under the same MBE requirements, both now and after the section 105(f) requirements are no longer in effect.

The Department's authority to extend the section 105(f) procedures to UMTA programs not funded by the Surface Transportation Assistance Act of 1982 derives from section 19 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1615). Section 19 provides, in relevant part, that:

> (a)(1) No person in the United States shall on the grounds of race, color, creed, national origin, sex, or age be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part through financial assistance under this chapter. The provisions of this section shall apply to employment *and business opportunities* and shall be considered to be in addition to and not in lieu of the provisions of Title VI of the Civil Rights Act of 1964.
>
> (2) The Secretary *shall take affirmative action* to ensure compliance with subsection (a)(1) of this section. (Emphasis added.)

The Department proposes to interpret the Secretary's authority to take affirmative action with respect to business opportunities to permit the use of Subpart D procedures in all UMTA programs.

It should be pointed out that under this applicability provision, the base for the calculation of overall goals under § 23.64(a) would include only Federal funds, not the recipient's matching share. This approach appears to be consistent with the language of section 105(f), which requires ten percent participation in funds authorized to be appropriated by the Act (which are Federal funds, not state or local funds).

The second criterion is that, to be included in the base from which overall goals are calculated, the funds must be apportioned or allocated to recipients. Some funds authorized by the Act, while they come within the literal language of section 105(f), never actually flow to recipients (e.g., because of Federal obligation ceilings or the unavailability of state or local matching funds). It would not be reasonble to require recipients to establish goals for such funds.

The third criterion is that the funds must actually participate in contracts. Some FHWA and UMTA funds flow to recipients for purposes that do not result in contracting opportunities. Again, the Department proposes not to require recipients to meet MBE goals for funds that could not be expended with MBEs. For example, FHWA recipients pay compensation to owners of property acquired for highway right-of-way. The amount of this compensation would not count toward the base from which overall goals are calculated, although expenditures to private parties connected with the property transaction (e.g., fees to lawyers involved in negotiations for acquiring the property) would count.

It should be emphasized that all types of contracting are intended to be included in the base from which overall goals are calculated. This subpart applies not only to construction contracts but also to contracts for the services of engineers, architects and other professionals (e.g., lawyers retained for condemnation cases, management consultants for recipients' organizations), contracts for support services (e.g., research, data processing, security, janitorial), and any other kind of contract in which funds covered by the proposed subpart participate.

The second and third criteria are proposed under the discretion granted by the first clause of section 105(f) ("Except to the extent that the Secretary determines otherwise * * *"). To establish these criteria, the Secretary proposes to determine that, of the funds authorized to be appropriated by the Surface Transportation Assistance Act of 1982, only those funds apportioned or allocated to recipients which they use for contracting purposes would constitute the base from which overall goals under this subpart are calculated.

Section 23.63 Definitions.

Section 105(f) requires the expenditure of ten percent of the funds authorized under the Act with "small business concerns owned and controlled by socially and economically disadvantaged individuals as defined by section 8(d) of the Small Business Act * * * and relevant subcontracting regulations promulgated pursuant thereto." To comply with this requirement, the Department is proposing definitions, applicable only to this subpart, which are consistent with those of section 8(d) and its implementing regulations (e.g., 45 FR 31028, May 9, 1980).

The reference to section 8(d) and these subcontracting regulations, in the Department's view, concerns only the definition of socially and economically disadvantaged individuals. This is apparent from the wording of section 105(f). In addition, it would be inappropriate and administratively cumbersome to attempt to apply to recipients of DOT financial assistance and their contractors the administrative scheme (which includes, for example, detailed subcontracting plans for prime contractors in some contracts) of section 8(d), which is closely tied to Federal agency procurement practices.

The definitions derived from section 8(d) are similar, but not identical, to the definitions in § 23.5 of the Department's MBE regulation. Recipients would use the definitions proposed in this section in determining the eligibility of firms to participate in contracts covered by this subpart, but would continue to use the definitions of § 23.5 for other contracts. This means that, in a few cases, a firm eligible to participate as an MBE firm in Federal Aviation Administration or Federal Railroad Administration contracts might not be eligible to participate in FHWA or UMTA contracts under this subpart. The Department realizes that this dual set of definitions could cause confusion, and that having different definitions is not desirable on a long-term basis. For this reason, the Department intends, in future rulemaking on this subject, to propose a single set of definitions that would be used for all purposes.

Since 49 CFR Part 23 consistently uses the terms "minority" and "minority business enterprise," these terms would be retained in this subpart. However, "minority" would be defined in this subpart by a cross-reference to the definition of "socially and economically disadvantaged individuals." "Minority business enterprise" or "MBE" would be defined in the same way that section 8(d) of the Small Business Act and its implementing rules define "small business concern owned and controlled by socially and economically disadvantaged individuals." This definition of MBE is essentially the same as the definition of § 23.5, except for the reference to socially and economically disadvantaged individuals.

"Small business concern" is not defined in § 23.5, but the substance of this definition is incorporated in the § 23.5 definition of "MBE." Again, this definition is not intended to cause recipients to change their standards for certifying MBEs. One problem that has caused confusion under the MBE regulation is the question of *which* "relevant regulation" promulgated pursuant to section 3 of the Small Business Act recipients should use in determining whether a firm is a small business concern. The Department seeks comment on whether there are some portions of SBA's firm size standards (13 CFR Part 121) which are particularly

appropriate for use in connection with the DOT MBE program.

The definition of "socially and economically disadvantaged individuals" is somewhat different from the definition of "minority" in § 23.5. First, in order to qualify as a socially and economically disadvantaged individual, a person must be a U.S. citizen. Lawful permanent residents who are not citizens are "minorities" under § 23.5 but not "socially and economically disadvantaged individuals" under this subpart.

Second, persons must actually be socially and economically disadvantaged in order to qualify under this definition. Recipients can presume that members of the enumerated minority groups are socially and economically disadvantaged; however, this presumption is rebuttable. For example, a receipient should not certify as eligible for participation under Subpart D a minority business owned by someone who is demonstrably not economically disadvantaged (e.g., an individual whose business or other activities over a period of years has created substantial wealth, a child of highly successful and affluent parents whom the parents set up in a firm spun off their business). By contrast, under § 23.5, a business owned and controlled by any minority individual, regardless of economic status, is eligible as an MBE.

Third, persons must normally fall into one of the minority groups listed in the definition. There are no important differences between the definitions of "Black Americans" and "Native Americans" in this proposed section and the definitions of "Black" and "American Indian and Alaskan Native" in § 23.5. The definition of "Hispanic Americans" in this section is identical to the definition of "Hispanic" in § 23.5, as amended (46 Fed. Reg. 60458, December 10, 1981). However, persons with origins in Portugal would not be regarded as socially and economically disadvantaged persons, since they are not included in the definition of "Hispanic Americans" and SBA has never added Portuguese-Americans to their list of groups members of which may be presumed to be socially and economically disadvantaged individuals. The definition of "Asian-Pacific Americans" in this NPRM does not include people from some countries (e.g., Burma, Thailand) who could be regarded as having origins in Southeast Asia, and hence eligible under § 23.5.

If the SBA grants 8(a) certification to any business, that business is automatically considered to be eligible to participate as an MBE for purposes of Subpart D, even if the owner of the business does not fall into one of the normal minority categories (e.g., an Appalachian white male, a Hasidic Jew, a white woman). Also, SBA may from time to time add new groups to its roster of groups presumed to be socially and economically disadvantaged. Any groups which SBA lists in this way will become eligible for participation in DOT-assisted contracts under Subpart D. It was in this way, for example, that persons with origins in the countries of the Indian subcontinent (i.e., India, Pakistan, Bangledesh) were included in the definition of Asian-Pacific Americans.

Section 23.64 Overall Goals.

Subsection (a) of this section is the key provision of Subpart D. Paragraph (a)(1) requires recipients of funds to which this subpart applies to set overall goals of not less than ten percent of the aggregate dollar amount of all Federal-aid highway and transit funds, respectively, to be expended in contracts during the forthcoming fiscal year. This means that recipients which receive funds from both UMTA and FHWA would have to set separate goals for their highway and transit programs. The Department solicits comment on ways to minimize administrative inconvenience that could result from such recipients (e.g., state DOTs) having to submit more than one goal to DOT. The requirements of this paragraph may be waived only through the procedures of § 23.65.

The reference to § 23.41 is intended to prevent the imposition of new administrative burdens on recipients who are not required to have an MBE program under the existing regulation (§ 23.41 would be amended to include all UMTA programs funded by the Act). The reference would ensure that a recipient which is not required to have an MBE program under § 23.41 (e.g., an UMTA recipient which receives less than $250,000 in UMTA assistance) would not have to create a program in order to comply with Subpart D. Recipients which are not required to have an MBE program would not have to submit overall goals to the Department under this subpart.

With respect to goals for UMTA transit programs, paragraph (a)(2) would give the UMTA Administrator discretion to permit an UMTA recipient to set an overall goal applicable to a particular grant, project, or group of grants or projects, even if the grants or projects involved are not confined to a given fiscal year. This approach may make more sense than an annual goal in some circumstances.

The Department strongly encourages recipients to exceed ten percent participation whenever it is possible to do so. Subsection (b) points out that, in areas with relatively high minority populations, such as large cities and highly urbanized areas, it is expected that recipients will spend substantially more than ten percent of covered funds with MBEs. The Department will evaluate recipients' performance in this regard when considering the approval of goals and waiver requests.

Subsection (c) emphasizes that goals under this section are submitted to the FHWA or UMTA Administrator, as applicable, in the same manner and at the same time as overall goals are submitted under § 23.45(g)(3) for the remainder of recipients' programs under Subpart C of 49 CFR Part 23. In order for the recipient to be in compliance with Subpart D, the Administrator must approve the overall goal submitted under this section.

The Administrator retains full discretion with respect to the approval of overall goals. Even if the recipient has requested approval of an annual overall goal of ten percent or more, the Administrator need not approve it if he or she determines that the recipient can achieve a higher level of MBE participation during the fiscal year. For example, if a certain recipient has had a 15 percent overall goal in recent years and has met or come close to meeting that goal, the Administrator is free to disapprove a requested 11 percent goal and require the recipient's goal to be 15 percent. Under subsection (a), ten percent is a floor for recipient's overall goals, not a ceiling above which recipients may not be required to rise if doing so is reasonably achievable.

The statutory ten percent goal affects funds authorized by the Surface Transportation Assistance Act of 1982 for fiscal year 1983, which has already begun. Obviously, submission of overall goals under this section and requests for waivers under § 23.65 before the beginning of the fiscal year is not possible for this fiscal year. FHWA and UMTA will provide administrative guidance to recipients in the near future concerning the handling of these matters for fiscal year 1983.

Subsection (d) points out that work performed by firms owned and controlled by women, who are not also socially and economically disadvantaged individuals, cannot count toward goals under this subpart. This is because (aside from the few women who have received 8(a) certification from SBA) non-minority women are not defined as socially and economically

disadvantaged individuals by section 8(d) of the Small Business Act and its implementing regulations. At the same time, recipients are required to continue to set separate goals for firms owned and controlled by women under Subpart C of 49 CFR Part 23. Subpart D does not change recipients' programs for such firms at all.

Section 23.65 Waivers.

The Department clearly recognizes that there may be situations in which, despite all a recipient can reasonably be expected to do to meet a ten percent annual overall goal, that goal will be out of reach. For this reason, the Department is proposing to allow the FHWA or UMTA Administrator, as applicable, to waive the ten percent minimum overall goal and to set a lower goal for a given fiscal year.

The Department is given discretion to grant waivers by the "Except to the extent that the Secretary determines otherwise . . ." language of section 105(f). Based on identical language in the 1977 Public Works Act MBE set-aside provision, the Department of Commerce administratively provided for a waiver of this kind. The existence of this waiver was one of the factors cited by the Supreme Court in *Fullilove* v. *Klutznick* in upholding the constitutionality of the statute and the Department of Commerce's implementation of it.

Subsection (a) sets out procedural requirements for waiver requests. The request must be made prior to the beginning of the fiscal year, no later than the time that recipients submit overall goals for approval. As with overall goal submissions, FHWA and UMTA will provide administrative guidance to recipients concerning the timing of waiver requests for fiscal year 1983. Recipients send requests for waivers to the UMTA or FHWA Administrator through the appropriate field offices of UMTA or FHWA. The field offices attach a recommendation to the Administrator concerning the request. The request must include enough information to permit the Administrator to make an informed decision on the request, in accordance with the waiver criteria of subsection (b). A waiver request applies to only one fiscal year. Even if a request is granted for one fiscal year, the recipient must submit a new request for the following fiscal year.

As a general matter, the Department believes it would be useful for recipients to involve the public, including minority contractors, in their decisions concerning goals and waiver requests. Specifically, the Department is considering whether it should require public participation in the important decision of whether a recipient seeks a waiver of its obligation to have a ten percent overall goal.

Clearly, the views of the public, including minority contractors, in a jurisdiction seeking a waiver could shed important light on questions such as the availability of MBEs and the effectiveness of a recipient's efforts to increase MBE participation. This information could assist the recipient in determining where it needed to improve its MBE program and the Department in determining whether a waiver request was meritorious. At the same time, the Department would not want to set up a public participation mechanism that was too burdensome for recipients or that created undue delay in the goal-setting and waiver processes.

The Department would like commenters interested in this issue to consider several questions. Should the Department establish a public participation mechanism for waivers? If so, how would a good mechanism work? If the mechanism involved an opportunity for comment, would it be better to have the comments directed to recipients before a waiver request was sent to the Department, to the Department following the waiver request, or both? Should the Department designate a specific party (e.g., a minority contractors' association, a historically black college or university) to act as the commenter or focal point for minority community comments concerning a given recipient's waiver request? How much weight should the Department give the views of the public generally, and the minority community or minority contractor community in particular, in determining whether to grant a waiver? The Department seeks comments to help answer these questions as well as comments concerning how, if at all, the final rule should treat the matter of minority community participation.

Each Administrator is authorized to waive the minimum ten percent goal only for the programs of his or her own Administration. The Department believes that a joint waiver for both FHWA and UMTA programs would be too complex administratively and would not take into account the differences between the two programs. A recipient of both FHWA and UMTA funds may, but is not required to, submit separate waiver requests. However, the FHWA and UMTA Administrators will consider waiver requests only as they affect the programs of each. FHWA and UMTA would not be required to make the same decision with respect to the waiver request of a given recipient. For example, FHWA could approve a waiver request for the highway programs of a state DOT while UMTA denied a request for the state DOT's UMTA programs. In approving waiver requests for a recipient, UMTA and FHWA could set different adjusted overall goals.

Subsection (b) lists the factors that the FHWA or UMTA Administrator would consider in deciding whether to grant a waiver. Paragraphs (1), (2) and (4) concern the efforts that the recipient makes to improve opportunities for MBEs. In order to make the ten percent goals mandated by section 105(f), it is likely that recipients will have to do more than provide equal opportunities for MBEs. They will have to take affirmative action to improve the participation of MBEs in contracts covered by this subpart. To obtain a waiver, a recipient needs to show that it is taking all the affirmative action it can to locate and utilize MBEs, encourage and help to develop them, and remove legal and other barriers to their participation at a level sufficient to meet a ten percent overall goal.

In connection with paragraph (4), it should be emphasized that recipients are expected to make efforts to surmount barriers that exist pursuant to state or local law. Consequently, difficulties that a recipient has in meeting MBE goals because of existing state statutes or local ordinances (e.g., a state law that does not permit waiving high bonding requirements for MBEs) would be given little, if any, weight in decisions on waiver requests. Of course, controlling decisions of state supreme courts or Federal courts affecting recipients' MBE programs would influence DOT's expectations for recipients' performance.

Paragraph (3) concerns the availability of MBEs to perform work on contracts covered by Subpart D. In determining the availability of MBEs, it will be necessary to consider not only the MBEs actually resident in a recipient's jurisdiction, but also those from other jurisdictions who are available for work on the recipient's contracts. For example, if a predominantly rural state has a large urban area just over the state line, the state would have to include those MBEs from the urban areas who were willing to work on the state's highway projects. State or local legal requirements limiting contracting opportunities to resident companies are not authorized in the Federal-aid highway program (see 23 CFR Part 635, Subpart A) and are not, in

any event, a valid reason for failing to consider firms from other jurisdictions.

In some circumstances, the total number of MBE's available to perform work on the recipients' contracts may not, in itself, give the Administrator an accurate picture of the recipient's ability to meet its overall goal for a given fiscal year. For example, in a given year a state highway agency might spend a significant portion of the funds authorized by the Act on a single large project requiring very specialized contractors (e.g., an underwater tunnel). While the total number of MBE highway construction contractors in the state might be fairly large, the number of MBE contractors qualified to perform the specialty needed for the particular major project might be quite small. In such an exceptional circumstance, the recipient's ability to meet a ten percent overall goal could be reduced. The UMTA and FHWA Administrators would give such unusual circumstances appropriate weight in deciding whether to grant waivers.

As paragraph (5) states, the minority population of the recipient's jurisdiction would be given consideration. However, this is probably the least important of the waiver criteria, and the FHWA and UMTA Administrators would only consider minority population as a very general indicator of the MBE participation potential of an area, in conjunction with the other factors mentioned in subsection (b).

Subsection (c) supplies a bottom line to the waiver provision. Paragraph (1) provides that the FHWA or UMTA Administrator grants a waiver only if he or she determines that the recipient is making all feasible efforts to meet its annual overall goal but will be unable to do so because there are not enough eligible and qualified MBEs available. This determination is left to the Administrator's discretion and judgment. Paragraph (2) provides for coordination of waiver requests with the Department's Office of Small and Disadvantaged Business Utilization (OSADBU). The Director of OSADBU will have the opportunity to review and comment on a waiver request before the Administrator decides whether to grant the request, and will make comments expeditiously in order to avoid delay in processing the request.

Paragraph (3) provides that, if the Administrator grants a waiver, the Administrator would then establish a new overall goal for the fiscal year in question. This adjusted annual overall goal would be less than ten percent. However, the adjusted overall goal is not required to be the goal requested by the recipient. For example, if a recipient requested a waiver to a five percent goal, the Administrator could waive the ten percent goal requirement but decide that seven percent was appropriate. The Administrator could also place any reasonable procedural or substantive condition on the waiver (e.g., take a particular affirmative step, change a procedure, report to the Administrator at a certain date concerning progress in improving MBE participation).

Section 23.66 Compliance.

Subsection (a) is intended to clarify the distinction between the compliance and enforcement provisions of this section—which apply only to this subpart—and Subpart E of 49 CFR Part 23. Subpart E applies to all other matters under the Department's MBE regulation, but does not apply to Subpart D.

Subpart E is based on the model of enforcement procedures under Title VI of the Civil Rights Act of 1964. Nondiscrimination statutes like Title VI. However, Subpart D does not rest on the authority of Title VI. Rather, it is based on section 105(f), a provision of a statute authorizing financial assistance in FHWA and UMTA programs. Compliance with section 105(f), as implemented by the Department's regulations, is a condition of receiving financial assistance from these programs, no different from the many other planning, environmental, etc. conditions placed on receipt of such funds.

Consequently, as subsection (e) of this section provides, the FHWA and UMTA Administrators have at their disposal for purposes of Subpart D the same enforcement mechanisms they have with respect to any condition of financial assistance in their respective programs. In the case of FHWA, the Administrator can use 23 CFR 1.36, which provides:

> If the Administrator determines that a State has violated or failed to comply with the Federal laws or the regulations in this part with respect to a project, he may withhold payment to the State of Federal funds on account of such project, withhold approval of further projects in the State, and take such other action that he deems appropriate under the circumstances, until compliance or remedial action has been accomplished by the State to the satisfaction of the Administrator.

Paragraph (e)(1) would specifically delegate to the Administrator the authority to use his powers under 23 CFR § 1.36 to enforce compliance with this subpart.

With respect to recipients of funds administered by UMTA, paragraph (e)(2) permits the UMTA Administrator to use UMTA's normal means for dealing with noncompliance with grant conditions to enforce compliance with Subpart D. These means, which are roughly equivalent to the authority of the FHWA Administrator under 23 CFR 1.36, may include suspension or termination of Federal funds or the refusal to approve projects, grants, or contracts until deficiencies are remedied.

Subsections (b), (c), and (d) set forth the enforcement scheme for the subpart. First, subsection (b) provides that a recipient fails to comply with Subpart D if it does not have an approved annual goal (i.e., it did not submit a goal or it submitted a goal which the Administrator disapproved and failed to resubmit an acceptable goal) or an approved MBE program under 49 CFR Part 23 with which to meet the goal. Noncompliance with subsection (b) automatically places a recipient in jeopardy of enforcement action under subsection (e).

Subsection (c) requires a recipient which has failed to meet its annual overall goal and seeks to avoid remedial or enforcement action under this section to demonstrate to the Administrator why it failed. The recipient must not only explain the reasons why it could not achieve the goal but also why meeting the goal was beyond the recipient's power. Explanations of failure to achieve a goal that rely on matters within the control of the recipient are unlikely to excuse the failure.

If the Administrator determines that the recipient's failure to meet the goal was not supported or adequately justified, subsection (d) directs the Administrator to order the recipient to take appropriate remedial action to make up for the failure. Remedial action could include, for example, particular affirmative action steps to be taken in the future, such as setting aside a portion of the recipient's Federal financial assistance, contracts, or projects for performance by MBEs. This remedial action would be in addition to the recipient's obligation to meet the annual overall goal covering the period during which the remedial action was taking place. Failure to take the remedial action ordered by the Administrator would itself be noncompliance with Subpart D, subjecting the recipient to cnforcement action under subsection (e).

The Administrator is not required to wait until the end of a fiscal year to impose remedial steps. If it reasonably appeared to the Administrator that a recipient was not going to be able to meet its goal, and, within a reasonable

time set by the Administrator, the recipient could not satisfactorily explain the impending failure, the Administrator could direct the recipient to begin remedial action at once.

Amendments to 49 CFR 23.41(a)(2)(i) and (a)(3)(ii)

The Department also proposes to make technical amendments to two subparagraphs of the existing MBE regulation. The two provisions spell out which UMTA recipients are required to submit MBE programs. In their present form, these provisions omit mention of the UMTA section 18 program, for which additional funds are authorized under the Act, and do not include the section 9 and 9A programs, which the Act creates. The amendments simply add these three programs to the list of UMTA programs funding from which can trigger the MBE program requirement of 49 CFR Part 23. As amended, the provisions would specify that recipients who receive $250,000 or $500,000, respectively, from any combination of the section 3, 5, 9, 9A, 17 and 18 programs would be subject to one of the MBE program requirements of the rule.

This amendment is important in the context of the proposed Subpart D because the new subpart would implement section 105(f) through existing MBE programs. Recipients who do not have to have MBE programs under § 23.41 would not be required to comply with the goal requirements of Subpart D. Consequently, it is important that the criteria in § 23.41 for determining who must have an MBE program be current.

Administrative Matters

Shortened Comment Period

Under normal circumstances, the Department would provide a comment period longer than the one allowed for this proposed rule. Indeed, under section 12(b) of the Department of Transportation's Regulatory Policies and Procedures, the public is normally provided a 60 day comment period on significant regulations. The Procedures require an explanation of the reasons for a shorter comment period.

In this case, the reason for using a shorter comment period is that section 105(f) became effective on January 6, 1983, and applies to very large sums of money apportioned to the states on the same date. If recipients are to comply with the statute as it applies to current fiscal year funds, it is essential that the regulations setting forth compliance standards and procedures be promulgated very quickly. Given the necessity for making policy and legal determinations concerning implementation of section 105(f), drafting an NPRM, and coordinating the rule within the Department and with OMB under Executive Order 12291, the Department has proceeded to the publication of this NPRM as quickly as possible. Delay in moving from this NPRM to a final rule would make it much more difficult for the recipients to meet their ten percent goals for fiscal year 1983, leading to the possibility of enforcement action against recipients as well as overall failure to meet the objectives of the statute in this fiscal year.

For these same reasons, the Department is considering making the final rule based on this NPRM effective immediately on publication, rather than observing the normal 30 day waiting period between the date of publication and effective date. In the Department's view, the circumstances mentioned above are sufficient to constitute "good cause" for waiving the 30 day period under 5 U.S.C. 553(d).

Because the Department is also concerned with being able to make maximum use of the comments of recipients, contractors, and other interested parties, the Department is considering keeping the docket open for comments for a period of time following the publication of a final rule. Following the close of this extended comment period, the Department would either publish further revisions to the rule or a notice responding to the additional comments.

Executive Order 12291 and DOT Regulatory Policies and Procedures

The Department has determined that this NPRM does not constitute a major rule under the criteria of Executive Order 12291. However, it is a significant rule under the Department's Regulatory Policies and Procedures. It is significant because it affects to major DOT financial assistance programs and is based on a statute that may be controversial. A regulatory evaluation has been prepared and is on file in the rulemaking docket.

Regulatory Flexibility Act

Under the criteria of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Department has determined that this regulation may have a significant economic impact on a substantial number of small entities. Most minority businesses are small entities. This regulation would require a substantial increase in the use of small minority businesses in many parts of the country. While this impact would be a positive one, it comes under the criteria of the Regulatory Flexibility Act. A preliminary regulatory flexibility analysis has been incorporated in the regulatory evaluation placed in the rulemaking docket. Comments are invited on the impact of this proposed rule on small entities.

List of Subjects in 49 CFR Part 23

Minority businesses, Transportation, Highways and roads, Mass transportation.

Issued at Washington, D.C., this 24th day of February, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

1. For the reasons set forth in the preamble, the Department of Transportation proposes to amend Part 23 of Title 49, Code of Federal Regulations, by adding thereto a new Subpart D, to read as follows:

PART 23—[AMENDED]

* * * * *

Subpart D—Special Provisions for Recipients of Funds Under the Surface Transportation Assistance Act of 1982

Sec.

23.61 Purpose
23.62 Applicability.
23.63 Definitions.
23.64 Overall Goals.
23.65 Waivers.
23.66 Compliance.

Authority: Section 105(f) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424).

§ 23.61 Purpose.

The purpose of this subpart is to implement section 105(f) of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424), concerning small business concerns owned and controlled by socially and economically disadvantaged individuals.

§ 23.62 Applicability.

This subpart applies to all Federal-aid highway funds authorized to be appropriated by Title I and section 202 of Title II of the Act, and to all urban mass transportation funds authorized to be appropriated by Titles I and III of the Act or by the Urban Mass Transportation Act of 1964, as amended, apportioned or allocated to recipients, which participate in DOT-assisted prime contracts or subcontracts.

§ 23.63 Definitions.

The following definitions apply to this subpart. Where these definitions are inconsistent with the definitions of § 23.5 of this part, these definitions control for purposes of Subpart D. The

definitions of § 23.5 control for all other purposes under this part.

"Act" means the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424).

"Minority"—See definition of "socially and economically disadvantaged individuals."

"Minority business enterprise" or "MBE" means a small business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and, (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

"Small business concern" means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

"Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States and who are Black Americans, Hispanic Americans, Native Americans, or Asian-Pacific Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act. For convenience, these individuals and groups are referred to as "minorities" in this subpart. Recipients may make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged (the certification appeals mechanism of § 23.55 of this Part shall be available with respect to individuals alleged not to be socially and economically disadvantaged):

(1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(3) "Native Americans," which includes persons who are American Indians, Eskimos, Aluets, or Native Hawaiians; and

(4) "Asian-Pacific Americans" which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, India, Pakistan, Bangladesh, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas.

§ 23.64 Overall goals.

(a)(1) Each recipient of Federal-aid highway funds or urban mass transportation funds to which this subpart applies, that is required to establish an MBE program under § 23.41 of this part, shall set an annual overall goal of not less than ten percent of the dollar value of such funds to be used in DOT-assisted prime contracts and subcontracts during each fiscal year, unless the FHWA or UMTA Administrator has specifically granted a waiver under § 23.65 of this subpart.

(2) In appropriate cases, the UMTA Administrator may permit UMTA recipients to express this goal as a percentage of the funds for a particular grant, project, or group of grants or projects.

(b) It is expected that recipients will spend substantially more than ten percent of covered funds with MBEs in areas of relatively high minority concentration, such as large cities and highly urbanized areas.

(c) Each recipient shall submit the goals required by subsection (a) of this section to the concerned Departmental element for approval as provided in § 23.45(g)(3) of this part.

(d) Work performed by firms owned and controlled by women who are not socially and economically disadvantaged individuals shall not be counted toward goals under this subpart. Recipients shall continue to implement programs and goals for businesses owned and controlled by women as provided in Subpart C of this part.

§ 23.65 Waivers.

(a)(1) Any recipient may request the Administrator of the concerned Departmental element to grant a waiver of the ten percent annual overall goal required by § 23.64(a) of this part.

(2) A separate waiver request shall be made for each fiscal year for which the recipient seeks a waiver.

(3) Each waiver request shall be accompanied by sufficient information to permit the Administrator to determine whether a waiver is justified, in accordance with the waiver criteria of subsection (b) of this section.

(4) The recipient shall make its waiver request before the beginning of the fiscal year to which it applies, no later than the time it submits its request for approval of its annual overall goal for that fiscal year.

(3) Recipients shall submit waiver requests to the Administrator of the concerned Departmental element through the cognizant FHWA Division and Regional Offices or the UMTA Regional Office, as applicable. The FHWA Division and Regional Offices or the UMTA Regional Office forward the request to the Administrator, attaching their recommendation concerning whether the request should be granted, denied, or modified.

(b) The Administrator of the concerned Departmental element shall evaluate requests for waivers according to the following criteria:

(1) *Efforts to locate and utilize MBEs.* This includes soliciting the aid of the Minority Business Development Administration, the Small Business Administration, the Department of Transportation's Office of Small and Disadvantaged Business Utilization and other sources for locating MBEs. This also includes the recipient's efforts, through advertisements, publications, or other communications, to make MBEs aware of contracting opportunities. In connection with this criterion, the concerned Departmental element also reviews the growth of the recipient's annual overall MBE goals and accomplishments in the recent past.

(2) *Initiatives to encourage and develop MBEs.* The concerned Departmental element will consider all documented efforts made by the recipient to assist the formation and growth of MBE firms. This includes technical assistance and support services provided to MBEs and solicitation of available sources for assisting MBEs. For recipients of Federal-aid highway funds, this also includes soliciting the aid of the FHWA Supportive Services Program.

(3) *The number of MBEs available for work on contracts covered by this subpart.* An MBE directory or list of MBEs certified by the recipient shall be available for review. In no case shall the number of MBEs deemed available for work on the recipient's contracts be limited by state or local residency requirements or other formal or informal restrictions on the area from which MBEs are selected. In evaluating the availability of MBEs under this paragraph, the Administrator of the concerned Departmental element takes into account unusual circumstances, such as the expenditure of a significant portion of the recipient's funds in a single fiscal year on a large project requiring specialized expertise which available MBEs do not have.

(4) *Efforts made by the state to remove legal or other barriers to the participation of MBEs in the recipient's contracts at a level sufficient to meet the recipient's annual overall goal.* This includes such actions as lowering or waiving bonding requirements for MBEs, setting aside contracts for MBEs,

assisting MBEs in the acquisition of capital and other resources necessary to effective participation, and eliminating or waiving licensing or prequalification requirements for MBEs. Difficulties caused by state or local law are not grounds for a waiver.

(5) *The size of the minority population.* This factor is of limited significance by itself, and will be used in conjunction with other criteria.

(c)(1) The Administrator of the concerned Departmental element approves a waiver request only if he or she determines that the recipient has demonstrated that it is making all feasible efforts to meet its annual overall goals but will be unable to do so because there are not sufficient eligible and qualified MBEs.

(2) Before acting on a waiver request, the Administrator provides the director of the Office of Small and Disadvantaged Business Utilization with an opportunity to review and comment on the waiver request.

(3) If the Administrator grants the waiver, he or she establishes an adjusted annual overall goal that the recipient is required to meet for the fiscal year in question. The Administrator may condition the grant of a waiver on any reasonable future action by the recipient.

§ 23.66 Compliance.

(a) Compliance with the requirements of this subpart is enforced through the provisions of this section, not through the provisions of Subpart E of this part.

(b) Failure of a recipient to have approved annual overall goals, as required by § 23.64(a) of this subpart, or to have an approved MBE program, is noncompliance with this subpart.

(c) If a recipient fails to meet an approved annual overall goal in any fiscal year, it shall demonstrate to the Administrator of the concerned Departmental element why the the goal should not be achieved and why meeting the goal was beyond the recipient's power to control.

(d) If the Administrator determines that the recipient's failure to meet an annual overall goal is not supported or adaquately justified, the Administrator shall direct the recipient to take appropriate remedial action. Failure to take the remedial action directed by the Administrator is noncompliance with this subpart.

(e)(1) In the event of noncompliance with this subpart by a recipient of Federal-aid highway funds, the FHWA Administrator may take any action provided for in 23 CFR 1.36.

(2) In the event of noncompliance with this subpart by a recipient of funds administered by UMTA, the UMTA Administrator may take appropriate enforcement action. Such action may include, pursuant to grant agreements, the suspension or termination of Federal funds or the refusal to approve projects, grants, or contracts until deficiencies are remedied.

§ 23.41 [Amended]

2. The Department also proposes to amend § 23.41(a) of Title 49 of the code of Federal Regulations as follows:

a. By amending § 23.41(a)(2)(i) thereof to read as follows:

(i) Applicants for funds in excess of $250,000, exclusive of transit vehicle purchases, under sections 3, 5, 9, 9A, 17 and 18 of the Urban Mass Transportation Act of 1964, as amended, and Federal-aid urban systems;

b. By amending § 23.41(a)(3)(ii) thereof to read as follows:

(ii) Applicants for funds in excess of $500,000, exclusive of transit vehicle purposes, under sections 3, 5, 9, 9A, 17 and 18 of the Urban Mass Transportation Act of 1964, as amended, and Federal Aid Urban Systems;

[FR Doc. 83-5187 Filed 2-25-83; 8:45 am]
BILLING CODE 4910-62-M

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Monday, February 28, 1983

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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**MERIT S
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7 CFR P

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Rules and Regulations

Federal Register
Vol. 48, No. 41
Tuesday, March 1, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practices and Procedures

Correction

In FR Doc. 83–2962 beginning on page 5213 in the issue of Friday, February 4, 1983, make the following correction.

On page 5215, first column, §1201.73 (d)(4), in the third line, insert the following after "of" and before "the": "receipt of objections, or within 5 days of".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1136

[Docket No. AO–309–A24]

Milk in the Great Basin Marketing Area; Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the pooling provisions of the Great Basin Federal milk order. The amendment provides that a distributing plant located in the marketing area that processes and distributes primarily aseptically processed fluid milk products would be fully regulated under the order irrespective of the market or markets in which the products may be distributed. The action is based on industry proposals considered at a public hearing held on December 9, 1982. The change, which has been approved by more than two-thirds of the producers in the market, is necessary to reflect current marketing conditions and to assure continued orderly marketing in the area.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the U.S. Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued November 19, 1982, published November 26, 1982 (47 FR 53395).

Emergency Final Decision: Issued February 8, 1983, published February 14, 1983 (48 FR 6545).

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than March 1, 1983. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued February 8, 1983 (48 FR 6545). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1983, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the Federal Register. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to declared policy of the Act of advancing the interests of producers as defined in the respective orders; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1136

Milk marketing orders, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. Section 1136.7 is revised to read as follows:

§ 1136.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A fluid milk plant, other than a plant specified in paragraph (b) of this section, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 are disposed of as route disposition, and not less then 15 percent of such receipts are disposed of as route disposition in the marketing area.

(1) For the purpose of determining the qualification pursuant to this paragraph of a fluid milk plant pursuant to § 1136.5 (a) or (b) operated by a cooperative association, producer milk which such cooperative association causes to be delivered to the pool plant of another handler or diverted therefrom shall be included with receipts of producer milk at such cooperative's plant and the quantity of such milk assigned to Class I pursuant to § 1136.45(d) shall be included as route disposition from such cooperative's plant;

(i) If such a cooperative association operates more than one fluid milk plant as defined in § 1136.5(a), such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator; and

(ii) If no such written request is made, such producer milk and Class I milk shall be prorated among the plants; and

(2) If a handler operates more than one fluid milk plant, the combined receipts and fluid milk products disposition, except filled milk, of any such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if a handler in writing so requests the market administrator.

(b) A fluid milk plant that meets the following conditions:

(1) The plant is located in the marketing area;

(2) The plant has route disposition, except filled milk, during any month of September through February of not less than 50 percent, during any month of March and April of not less than 45 percent and during any month of May through August of not less than 40 percent, of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and

(3) The principal activity of such plant is the processing and distribution of aseptically processed fluid milk products.

(c) A fluid milk plant from which during the month fluid milk products, except filled milk, equal to not less than 50 percent of the total receipts at the plant from dairy farmers meeting the inspection requirements described in § 1136.12, milk diverted pursuant to § 1136.13 by the handler operating the plant and other fluid milk products, except filled milk, qualified for distribution for fluid consumption received at the plant are shipped to a plant described in paragraph (a) or (b) of this section: *Provided,* That a plant which so qualifies in each of the months of August through January as a pool plant shall be a pool plant in each of the following months of February through July unless the operator requests in written notice to the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such notice and thereafter until the plant qualifies as a pool plant on the basis of shipments.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant; and

(3) Any plant described in paragraph (d)(3) (i) or (ii) of this section shall be exempt from paragraph (a) or (c) of this section, unless the Secretary determines otherwise, if it would be fully regulated subject to the classification and pooling provisions of another order issued pursuant to the Act if not so subject to this part:

(i) Any plant from which there is less route disposition, except filled milk, in the Great Basin marketing area than in the marketing area regulated pursuant to such other order if not so subject to this part; or

(ii) Any plant during the months of February through July which qualifies as a pool plant only pursuant to the proviso of paragraph (c) of this section.

§ 1136.76 [Amended]

2. In § 1136.76(b)(1)(iii), the reference to "§ 1136.7(b)" is changed to "§ 1136.7(c)."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1983.

Signed at Washington, D.C., on February 23, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-5163 Filed 2-28-83; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Incorporations by References

CFR Correction

The list of Materials Approved for Incorporation by Reference in the Finding Aids section of 7 CFR Parts 1500–1899, revised as of January 1, 1982, erroneously omitted REA Bulletin 300–5, General Funds, 8/69. This bulletin will be listed in the January 1, 1983, edition.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 1

[Docket No. 83-3]

Eligibility of Securities for Purchase, Dealing in Underwriting and Holding by National Banks; Rulings Issued by the Comptroller

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of rulings.

SUMMARY: The Comptroller is publishing investment securities rulings issued in 1982 that are considered to be of significant public interest. The rulings are issued to advise banks on the application of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in or underwrite.

EFFECTIVE DATE: The rulings became effective when originally issued in letter form. The date of issuance is indicated in parentheses at the end of each ruling.

FOR FURTHER INFORMATION CONTACT: Radcliffe Park, Assistant Director, Legal Advisory Services Division, Comptroller of the Currency, Washington, D.C. 20219. (202) 447-1880.

SUPPLEMENTARY INFORMATION: On December 20, 1979, the Comptroller discontinued the codification of individual investment securities rulings in 12 CFR Part 1, 44 FR 76263. However, the Comptroller determined that certain individual rulings issued during the year beginning in December 1978, but not theretofore published in the **Federal Register** were sufficiently significant to warrant their publication, 45 FR 8934 (February 11, 1980). He has made the same determination with respect to rulings issued during 1980, 46 FR 16240 (March 12, 1981); 1981, 47 FR 18323 (April 29, 1982); and 1982.

The rulings in question were issued in response to specific requests from banks or bank counsel made in accordance with 12 CFR 1.9 relating to the application of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in, or underwrite.

List of Subjects in 12 CFR Part 1

National banks, Investment securities.

These rulings are numbered in sequence to those published earlier in order to facilitate future references.

Sec.

506 Industry-Urban Development Agency Tax Allocation Bonds (California).
507 Military Sealift Command Bonds.

506 Industry-Urban Development Agency Tax Allocation Bonds (California).

(a) *Request.* Ruling on the $85,000,000 Civic-Recreational-Industrial Project No. 1, Subordinate Tax Allocation Bonds, Issue of 1982 ("Project 1 bonds"), and the $10,000,000 Transportation-Distribution-Industrial Project No. 2, Subordinate Tax Allocation Bonds, Issue of 1982 ("Project 2 bonds"), of the Industry Urban-Development Agency ("Agency") of the City of Industry, Los Angeles County, California ("City"). You inquired whether these bonds are eligible for underwriting, dealing in, unlimited purchase and holding by national banks under paragraph seventh of 12 U.S.C. 24.

(b)(1) *Opinion.* The agency is a public body, corporate and politic, established by the City pursuant to the Community Redevelopment Law of California. CAL. HEALTH AND SAFETY CODE, Div. 24, Part 1 (West. Cum. Supp. 1982). It does not have the power to levy taxes, but it has the authority to acquire, develop as a building site, administer and sell or lease property, the right to accept financial assistance and the power to issue bonds, notes or other evidences of indebtedness, and expend their proceeds.

(2) Project 1 bonds and Project 2 bonds are payable from property taxes collected in Project 1 and Project 2, respectively, based upon any increase over the 1971-72 assessed valuation. As these tax revenues are irrevocably pledged by the City for the payment of the bonds, it was your opinion that the bonds qualify as indirect general obligations of the City under 12 CFR 1.3(g).

(3) The California Constitution, in Article XVI, section 16, provides that upon the enactment of enabling legislation by the State Legislature, the assessed valuation of property may be frozen at a point in time ("frozen base") and any ad valorem taxes levied on any increase in the assessed valuation of such property ("tax increment revenues") may be pledged by a redevelopment agency to the payment of its indebtedness. The California Legislature has enacted the enabling legislation to activate this financing mechanism. CAL. HEALTH AND SAFETY CODE sections 33670-33678 (West Cum. Supp. 1982). Specifically, in Section 33670 of the Health and Safety Code, the California Legislature has provided (a) that the redevelopment plan may provide for a frozen base and the generation of tax increment revenues and (b) that tax increment revenues shall be paid into a special fund of the relevant redevelopment agency and used by it to pay the principal of and interest on its indebtedness. In section 33671, the Legislature authorizes, the redevelopment agency to pledge tax increment revenues to the payment of its indebtedness. In section 33675, the Legislature has directed the County auditor or other officer responsible for the payment of ad valorem taxes collected by the County for the account of local taxing entities, to pay to the relevant redevelopment agency that portion of the tax increment revenues required for the payment of its indebtedness.

(4) The amount of available tax increment revenues obviously depends on the property assessments and property taxes in the relevant area. As a result of Proposition XIII, which was adopted in the California general primary election on June 6, 1978, the California Constitution was amended to restrict the taxing power of California public agencies. Consequently, Section 1 of Article XIIIA of the California Constitution now limits the maximum ad valorem tax on real property to 1% of full cash value to be collected by the counties and apportioned according to law. Section 2 of Article XIIIA defines "full cash value" to mean "the county assessor's valuation of real property as shown on the 1975-76 tax bill under 'full cash value' or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment." The full cash value may be adjusted annually to reflect inflation at a rate not to exceed 2% per year, or reduction in the consumer price index or comparable local data, or reduced in the event of declining property value caused by damage, destruction or other factors. However, the California Tax and Revenue Code implementing this part of the Constitution does not *require* that such inflationary increases be made automatically to the assessed value.

(5) 12 CFR 1.3(g) provides in part as follows:

> * * * [t]he phrase "general obligation of any State or any political subdivision thereof" means an obligation supported by the full faith and credit of an obligor possessing general powers of taxation, including property taxation. It includes an obligation payable from a special fund or by an obligor not possessing general powers of taxation, when an obligor possessing general powers of taxation, including property taxation, has unconditionally promised to make payments into the fund or otherwise available for the payment of the obligation of amounts which (together with any other funds available for the purpose) will be

sufficient to provide for all required paymepts in connection with the obligation.

(c)(1) *Ruling.* As discussed above, in this case, the Constitution and the laws of California require the County of Los Angeles to deposit the tax increment revenues with the Agency, and the Agency has pledged these revenues for the payment of the bonds. Consequently, if the revenues pledged in this manner are sufficient for the payment of the bonds, the bonds would qualify as indirect general obligations under § 1.3(g) for underwriting, dealing in, and unlimited purchase by national banks.

(2) Based on our review of the applicable law and the other available materials, it appears that revenues have not been pledged in the amount which would meet the requirements of 12 CFR 1.3(g). Consequently, it is our conclusion that neither Project 1 bonds nor Project 2 bonds qualify as indirect general obligations for underwriting, dealing in, and unlimited purchase by national banks under 12 U.S.C. 24(Seventh). (Letter dated August 17, 1982.)

507 Military Sealift Command Bonds.

(a) *Request.* Ruling on the eligibility of proposed Military Sealift Command Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under 12 U.S.C. 24 and by state banks that are members of the Federal Reserve System under 12 U.S.C. 335. The bonds are proposed to be issued to provide long-term financing for the construction or acquisition and conversion of vessels that will be chartered by the Military Sealift Command ("MSC") of the Department of the Navy.

(b)(1) *Opinion.* The Attorney General of the United States, in an opinion dated June 20, 1972, addressed to the General Counsel of the Department of the Navy, concluded that obligations incurred by the MSC under bare boat charter agreements similar to that involved in the instant case are authorized by the statutory scheme cited in the opinion and are valid and binding general obligations of the United States, enforceable in accordance with their terms and secured by the full faith and credit of the United States.

(2) As was the case with respect to the 1972 bare boat charters, the instant agreement to charter requires that the Comptroller of the MSC certify that sufficient unobligated funds are available in the Navy Industrial Fund to cover obligations under the agreement as well as requiring an opinion of the General Counsel of the Department of the Navy that these are valid and binding general obligations secured by the full faith and credit of the United States.

(c) *Ruling.* If the proposed Time, Charter and Agreement to Charter are executed, and the opinion of the General Counsel of the Department of the Navy is rendered, it appears that the instant charter will be in accord with the 1972 opinion of the Attorney General. In that case, it would be our conclusion that the Military Sealift Command Bonds are obligations of the United States and are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under 12 U.S.C. 24 (Seventh) and by state member banks under 12 U.S.C 334. (Letter dated September 23, 1982.)

Dated: February 10, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc.83-5139 Filed 2-28-83; 8:45 am]

BILLING CODE 4810-33-M

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12 CFR Part 5

[Docket No. 83-6]

Rules, Policies and Procedures for Corporate Activities

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: In order to incorporate provisions of the Garn-St Germain Depository Institutions Act of 1982 (Act) and as a part of the ongoing Corporate Activities Review and Evaluation (CARE) Program, the Office of the Comptroller of the Currency (Office) is amending its policy statements and procedures concerning proposed corporate titles and change of corporate titles. The Act has eliminated the requirement that the Office approve the proposed title of a new national bank and any change of a national bank's corporate title. However, a bank must still notify the Office of a change in title. This final rule sets forth the procedure by which an existing national bank can change its title. A technical change to § 5.20 concerning titles for new national banks is also made.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph W. Malott, Policy Analyst, Bank Organization and Structure (202) 447-1184, or Brenda Curry, Legal Advisory Services Division (202) 447-1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. Information also may be obtained from the Regional Director of Corporate Activities in any OCC Regional Office.

SUPPLEMENTARY INFORMATION: Section 405 of the Act (Pub. L. 97-320) amended 12 U.S.C. 22 and 12 U.S.C. 30 by deleting the requirement that the Office approve the proposed corporate title of a new national bank and any change of a bank's corporate title. As a result, the Office will no longer review a proposed or new bank name for similarity to the names of other depository institutions. Titles of national banks must still include the word "National." Abbreviations such as "N.A." are not acceptable for an official title.

The Act deletes the requirement that the Office approve the title of a newly chartered national bank. Section 5.20(c)(4)(v) is modified to reflect that amendment. Organizers of a national bank still must include the proposed corporate title in the charter application to the Office, together with the other specific information listed in 12 U.S.C. 22.

The Act amends 12 U.S.C. 30 to provide that any existing national bank may change its title upon written notice to the Office. Section 5.42 is revised to require a national bank to submit written notice to the appropriate District Office prior to changing its title. The notice should contain the old and new titles and effective date of the title change. If a bank's articles of association contains its title, the articles of association must be amended to effect the title change and a certified copy of the amendment must be sent to the District Office for forwarding to the Washington Office. The copy of the amendment to the articles of association will suffice as written notice if it includes the old and new names and the effective date of the title change.

The Office will no longer review new titles to determine if they are sufficiently dissimilar from existing titles. A national bank that wants to protect its proprietary interest in its corporate title may wish to consult legal counsel to determine whether protection is available under state or Federal law. Further, banks may wish to seek legal counsel prior to a title change to determine whether a proposed title could be challenged.

Banks changing their corporate titles are no longer required to pay a fee, file an application, or publish the title change in a newspaper. Further, the Office will not issue a certificate for a change in title.

Adoption Without Notice and Comment

The Office has found that notice and public procedure concerning this rulemaking is unnecessary and contrary to the public interest. This rulemaking

adopts those statutory changes made by the Act and alleviates an expensive, time-consuming regulatory procedure. These results are beneficial and a delay in their implementation would be contrary to the public interest.

Regulatory Flexibility Act Analysis

Because the Office has found that notice and public procedure concerning this rulemaking are unnecessary and contrary to the public interest, the provisions of the Regulatory Flexibility Act are not applicable. The Act does not apply when an agency is not required to issue a notice of proposed rulemaking under 5 U.S.C. 553 or any other statute. The amendments ease the application of existing regulations. The effect of the amendments is beneficial rather than adverse, and small entities will share the benefits of the amendments equally with larger institutions.

Regulatory Impact Analysis

The Office has determined that the amendments do not constitute a major rule within the meaning of Executive Order 12291. The amendments ease burdens imposed by regulations. The amendments will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have an adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 12 CFR Part 5

National banks, Administrative procedure and practice.

Authority and Issuance

Accordingly, 12 CFR Part 5 is amended as follows:

PART 5—[AMENDED]

1. The authority citation for PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES—reads as follows:

Authority: 12 U.S.C. 1 *et seq.*

2. Section 5.20 is amended by revising (c)(4)(v) to read as follows:

§ 5.20 Organization of a national bank.

* * * * *

(c) * * *

(4) * * *

(v) *Choice of corporate title.* The name of the proposed bank shall include the entire word "National."

* * * * *

3. Section 5.42 is revised to read as follows:

§ 5.42 Change of corporate title.

(a) *Authority.* 12 U.S.C. 21a and 30.

(b) *Rules of general applicability.* Sections 5.8, 5.9, 5.10 and 5.11 do not apply to this section.

(c) *Policy.* Any national banking association may change its title (name) upon written notice to the appropriate District Office provided the new title includes the entire word "National."

(d) *Procedure.* A bank that desires to change its title must submit written notice to the appropriate District Office prior to the title change. The notice shall include the old and new titles, the effective date of the change and, if required under paragraph (e) of this section, a certified copy of the amendment to the articles of association. The certified copy of the amendment will suffice as written notice if it includes all of the required notice information.

(e) *Amendment to the articles of association.* If a bank's title is in its articles of association, a change of title requires an amendment to the articles of association. 12 U.S.C. 21a requires that amendments to the articles of association be approved by the shareholders owning a majority of the voting stock.

(f) *Fees.* None.

(g) *Forms.* None.

Dated: February 3, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-5127 Filed 2-28-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 544, 563, and 563b

[No. 83-91]

Amendments Relating to Charters of Federal Associations, Mutual Capital Certificates, and Conversion From Mutual to Stock Form

Dated: February 16, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting amendments to its mutual-to-stock conversion regulations to lengthen the maximum period for establishment of the record date for the special meeting held to vote on the plan of conversion from 50 days to 60 days prior to the date of the meeting; to make certain technical amendments to its regulations on the use of summary proxy statements; and to permit preferred stock issued in exchange for mutual capital certificates in a conversion to have priority rights upon liquidation over the rights established for accountholders in the liquidation account. The Board also is adopting conforming amendments to its Federal mutual association charter regulations, and it is amending its mutual capital certificate regulations to permit the exchange of mutual capital certificates for preferred stock. The purpose of the amendments is to clarify the use of the summary proxy statement, and to permit converting institutions with outstanding mutual capital certificates more flexibility in structuring their conversions.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Harry M. Zimmerman, Jr., Associate General Counsel and Director, Division of Securities and Corporate Analysis, Office of General Counsel, (202) 377-6459, or J. Larry Fleck, Deputy Director, (202) 377-6413, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On February 10, 1983, the Board adopted amendments to its mutual-to-stock Conversion Regulations, 12 CFR Part 563b, which provided for the use by converting institutions of a summary proxy statement in connection with the special meeting of mutual association members held to vote on the plan of conversion. Board Resolution No. 83-74 (February 10, 1983); 48 FR 7432; February 22, 1983. The Board today is adopting additional amendments of a technical nature to § 563b.3(d)(14)(i) to clarify that the last date on which the summary proxy statement is mailed shall be deemed the date on which notice of the meeting is given for purposes of § 563b.6(c), provided that the special meeting shall be held not less than 20 days after the last date the supplemental information statement is mailed to requesting members. In addition, because the use of a summary proxy statement will extend the proxy solicitation period, the Board is amending § 563b.6(d) to lengthen the maximum period for establishment of the record date from 50 days prior to the meeting to 60 days, and adding new § 544.2(j) to its Federal Regulations and new § 563b.3(b) to its Conversion Regulations to confirm that the provisions of the Conversion Regulations supersede all inconsistent provisions of the charter and bylaws of a Federal association converting to

stock form. The Board also is amending Items 8(b)(4) and 17 of Form PS under Part 563b to provide that converting institutions are not required to attach a copy of the plan of conversion to the proxy statement or the supplemental information statement if they provide members with a postage-paid postcard or other written communication to request a copy of the plan of conversion within a specified period.

The Board's mutual capital certificate regulations provide in § 563.7–4(l)(2)(ix) that mutual capital certificates shall not be convertible into any account, security, or interest. The principal purpose of this provision is to prohibit the conversion of mutual capital certificates into common stock in a conversion. Upon further consideration, however, the Board is of the view that the conversion of mutual capital certificates into preferred stock of a converted institution having substantially the same rights, preferences, and benefits as the mutual capital certificates would not be detrimental to the conversion process. Therefore, the Board is amending § 563.7–4 to provide that mutual capital certificates may be exchanged for preferred stock in connection with a conversion. In addition, the Board is amending § 563b.3(f)(3) to provide that, upon the complete liquidation of the converted institution, and prior to the liquidation distribution to qualifying members from the liquidation account, a liquidation distribution may be made with respect to preferred stock issued in exchange for mutual capital certificates issued by the institution prior to the conversion. This would preserve the relative liquidation priorities established at the time the mutual capital certificates were issued.

Regulatory Flexibility Act Certification

Although the regulations promulgated herein have not been proposed for public notice and comment, pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 19, 1980), the Chairman certifies that the amendments will not have a significant impact on a substantial number of small entities. The regulations clarify existing regulations designed to reduce paperwork and costs. Moreover, the amendments will permit a converting institution with outstanding mutual capital certificates more flexibility in its conversion.

Because it is in the public interest to as expeditiously as possible clarify existing regulations, and to permit the flexibility afforded by the ability to convert mutual capital certificates to preferred stock, the Board has determined that the offering of a notice and comment period pursuant to 12 CFR 508.11 and 5 U.S.C. 553(b) and the 30-day delay of effective date following publication of the regulations pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary.

List of Subjects in 12 CFR Parts 544, 563 and 563b

Savings and loan associations.

Accordingly, the Board hereby amends Part 544 of Subchapter C, and Parts 563 and 563b of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 544—CHARTER AND BYLAWS

1. Add new paragraph (j) to § 544.2 as follows:

§ 544.2 Amendment of charters.

* * * * *

(j) The provisions of Part 563b of this Chapter shall supersede all inconsistent charter and bylaw provisions of Federally chartered associations converting to the stock form.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—MUTUAL CAPITAL CERTIFICATES

2. Revise paragraph (ix) of § 563.7–4(l)(2) as follows:

§ 563.7–4 Mutual capital certificates.

* * * * *

(l) *Requirements as to mutual capital certificates.* * * *

(2) *Legal requirements.* Mutual capital certificates issued pursuant to this section shall: * * *

(ix) Not be convertible into any account, security, or interest, except that mutual capital certificates may be surrendered in exchange for preferred stock issued in connection with the conversion of the issuing institution to the stock form pursuant to Part 563b of this Subchapter, provided that the preferred stock shall have substantially the same voting rights, designations, preferences and relative, participating optional, or other special rights, and qualifications, limitations, and restrictions, as the mutual capital certificates exchanged for the preferred stock.

* * * * *

PART 563b—CONVERSIONS FROM MUTUAL TO STOCK FORM

3. Amend § 563b.3 by: Revising paragraphs (d)(14)(i) (*a*), (*b*) and (*c*); revising the first two sentences of paragraph (f) (3); and adding new paragraph (k); as follows:

§ 563b.3 General principles for conversions.

* * * * *

(d) *Optional provisions in plan of conversion.* * * *

(14) *Summary proxy statement.* That: (i) The proxy statement required by § 563b.6(c) may be in summary form, *Provided:*

(*a*) A statement is made in bold-faced type on the notice to members required by § 563b.6(c) that a more detailed description of the proposed transaction may be obtained by returning an attached postage-paid post-card or other written communication requesting a supplemental information statement which, together with the summary proxy statement, complies with the requirements of Form PS.

(*b*) The last date on which the summary proxy statement is mailed to members will be deemed the date on which notice is given for purposes of § 563b.6(c). Without prior approval by the Board, the special meeting of members shall not be held less than twenty days after the last date on which the supplemental information statement is mailed to requesting members.

(*c*) The supplemental information statement required to be furnished to members pursuant to paragraph (d)(14)(i)(*a*) of this section may be combined with Form OC, if the subscription offering is commenced concurrently with or during the proxy solicitation period pursuant to paragraph (d)(1) of this section.

* * * * *

(f) *Liquidation account.* * * *

(3) In the event of a complete liquidation of the converted insured institution (and only in such event), each eligible account holder and supplemental eligible account holder shall be entitled to receive a liquidation distribution from the liquidation account in the amount of the then-current adjusted subaccount balances for savings accounts then held, before any liquidation distribution may be made with respect to capital stock, except with respect to preferred stock issued in exchange for the surrender at the time of the conversion of mutual capital certificates issued by the institution prior to conversion. Preferred stock issued in exchange for mutual capital certificates may receive distributions in liquidation prior to those with respect to the liquidation account to the same extent that the holders of the mutual capital certificates would have been

entitled to priority over the residual rights of depositors had the institution not been converted as of the date of liquidation. * * *

(k) *Priority of regulations.* The provisions of this Part shall supersede all inconsistent charter and bylaw provisions of Federally chartered associations converting to the stock form.

* * * * *

4. Revise paragraph (b) of § 563b.6 as follows:

§ 563b.6 Vote by members.

* * * * *

(b) *Determining members eligible to vote.* The record date for determining those members eligible to vote at the meeting called to consider a plan of conversion shall not be more than 60 nor less than 10 days prior to the date of such meeting, without prior approval of the Board, unless State law requires a different voting record date.

* * * * *

5. Revise Items 8(h) (14) and 17 of Form PS, following § 563b.9 and Form AC, as follows:

FORM PS

* * * * *

Item 8. Description of the Plan of Conversion.

* * * * *

(h) * * *

(4) state that the plan of conversion is attached as an exhibit to the proxy statement (or will be made available on request) and should be consulted for further information.

* * * * *

Item 17. Attachments.

There shall be attached to the proxy statement distributed to association members and others a copy of the applicant's plan of conversion as approved by the Corporation unless the following procedure is observed. The association may in the alternative set forth in the proxy statement that the plan of conversion will not be provided unless the recipient so requests by returning within a specified period a postage-paid postcard or other written communication.

* * * * *

(Sec. 409, 94 Stat. 160. Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1726, 1730). Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended: sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464) as amended by Pub. L. 72–320; Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83–5152 Filed 3–28–83; 8:45 am]

BILLING CODE 6720–01–M

12 CFR Parts 552, 561, and 563

[No. 83–90–A]

Industry Conflicts of Interest; Limitations on Loans to One Borrower

Dated: February 18, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting amendments to its regulations on industry conflicts of interest and limitations on loans to one borrower. This action changes regulations regarding: (1) When a partnership will be deemed an "affiliated person" of an insured institution; (2) when a loan to a partnership will be attributed to its limited partner, and vice-versa, for purposes of limitations on loans to one borrower; (3) the percentage of an institution's board of directors that may be salaried officers or employees or live outside the institution's normal lending territory; and (4) reporting requirements for insured institutions that are wholly owned by holding companies. It also withdraws a proposal regarding prohibited fees and kickbacks relating to services of an insured institution. These changes are intended to make the regulations more effective, to alleviate compliance burdens, and to update the regulations in view of the significant changes in the economy and in the powers and activities of insured institutions.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Attorney (202–377–6444), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On September 30, 1982, the Board proposed to revise substantially its regulations relating to conflicts of interest at institutions insured by the FSLIC (*see* 47 FR 44334, Oct. 7, 1982). The stated purposes of the proposed revision were to make the regulations more effective, to alleviate compliance burdens, and to update the regulations in view of the significant changes in the economy and in the powers and activites of insured institutions since the enactment of the regulations in 1976.

The proposed rules issued in September included both major revisions of regulations relating to transactions involving affliated persons and minor but significant changes to regulations defining the term "affiliated person," limiting loans to one borrower, prescribing the composition of an institution's board of directors, and prohibiting fees and kickbacks in certain circumstances. A total of 207 commenters responded to the proposal, representing insured institutions (166), law firms (20), thrift trade associations (11), and others (10). The response was mixed: many of the Board's specific proposals were supported almost unanimously, while other proposals generated strong opposition. In addition, many suggestions for further changes to the regulations were received.

After careful consideration of the comments received and the issues involved, the Board has decided to treat the subject matter of its proposal in two separate resolutions issued today. Issues on which there was little disagreement among commenters—i.e., what type of insider's interest in a partnership should render the partnership an "affiliated person" subject to conflict-of-interest regulations, a related issue regarding attribution of loans to partnerships for purposes of the limitations on loans to one borrower, the composition of an institution's board of directors, and the prohibition of fees and kickbacks relating to services rendered by an institution—are treated in this final rule. A separate resolution of this date and published elsewhere in this issue of the **Federal Register** sets forth revised proposals relating to issues that generated less agreement: the appropriate treatment of transactions of an institution involving its affiliated persons, and the elimination of Form AR reporting requirements.

Definition of "Affiliated Person": Limitations on Loans to One Borrower

In its action of September 30, the Board proposed to change its rules in § 561.29 (12 CFR 561.29) regarding when a partnership would be deemed an "affiliated person" subject to restrictions in the conflict-of-interest regulations. Currently, any partnership of which one of the partners is also a director, officer, or controlling person of an insured institution is considered an "affiliated person" of the institution. The Board proposed to change this rule so than an insider of an institution who is a limited partner with less than a ten-percent interest in the partnership's profits would not cause the partnership to be an affiliated person. The Board reasoned that this rule would be consistent with the rule that an insider's ownership of less than ten percent of a class of equity securities should not result in the insider being treated as an affiliate of the corporation, because limited partners, like stockholders, have

limited liability and are not involved in the firm's management. The ten-percent ownership interest would have been determined by looking to the partner's interest in partnership profits. A corresponding amendment to treat limited partnership interests like stockholders' interests was proposed for the definition of "one borrower" in § 563.9–3 (12 CFR 563.9–3), the regulation limiting loans to one borrower.

The comments received on these proposals were generally favorable. A few writers suggested that a five- or ten-percent interest rule be adopted with respect to general partners as well, since many general partners with minimal ownership interests assume no management role. However, the Board notes that many partnerships are controlled by general partners having an ownership interest of as little as one percent. Because general partners, by definition, have a right to engage in partnership management and are liable for partnership obligations, the Board believes that an exclusion of minimal general partner interests would be inconsistent with the policies underlying §§ 561.29 and 563.9–3.

It has come to the Board's attention that an equity interest in a partnership may be measured by more than an interest in profits; ownership rights also include, for example, the enjoyment of tax benefits. The final regulations thus refer simply to a ten-percent ownership interest, determined on the basis of the value of a limited partner's contribution. The term "contribution" is used in the same sense as it is defined in section 101 of the Uniform Limited Partnership Act (1976).

Some commenters suggested that the attribution of loans to an from partnerships and other firms for purposes of loans-to-one-borrower limitations should follow the approach set forth in proposed regulations of the Comptroller of the Currency (*see* 47 FR 56862, Dec. 21, 1982), which look to "direct benefit" and the existence of a "common enterprise." The board has historically preferred a more objective approach to loan attribution, believing that specific criteria cause less administrative burden than a case-by-case analysis; however, the Board will consider the desirability of a different approach in connection with future revisions to § 563.9–3.

The Board also takes this opportunity to clarify a provision in § 563.9–3. The existing regulation excludes from the definition of "total balances of all outstanding loans" any "loan on the security of * * * real estate the title to which has been conveyed to a bona fide purchaser of such real estate." Since its adoption in 1970, this exclusion has been read to apply to assumed loans, but the lack of reference to assumption has caused some confusion. The final rule makes a technical amendment to clarify the language.

Composition of an Insured Institution's Board of Directors

Section 563.33(a) of the Board's regulations (12 CFR 563.33(a)) establishes guidelines regarding the composition of an insured institution's board of directors, one of which is that at least two-thirds of the board should not be salaried officers or employees of the institution, its subsidiary, or a holding company affiliate. Failure to comply with this guideline triggers Form AR reporting requirements under § 563.45 (12 CFR 563.45). In September the Board proposed to relax this requirement so that only a majority of the board could not be officers or employees. A primary motivation for this proposal was that this rule has imposed a hardship on institutions surviving mergers, which have many legitimate reasons for offering directorships and employment to managers of acquired institutions. In such cases, the two-thirds rule has in effect required the addition of two outside directors for every directorship offered to a manager, resulting in unduly large boards.

Commenters generally favored the proposed rule. One additional suggestion was that the new rule apply only to institutions with a recent merger history; however, it would not be easy to develop an equitable rule based on merger history, and the Board believes the proposed majority rule will provide an adequate safeguard against insider control of boards of directors. Accordingly, the Board is adopting the amendment as proposed.

During the comment period it came to the Board's attention that one aspect of the guideline for insider composition of a board of directors imposes a hardship on institutions wholly owned by holding companies. It is common for a holding company to place its officers on the board of directors of its wholly-owned insured institution. As sole owner of the stock of the institution, it can elect to the board any persons that will implement the policies of the holding company; the fact that such directors may be officers of the holding company thus does not indicate undue insider influence on the board. However, § 563.33(a)(2) has for years treated officers of a holding company affiliate as insiders who should not exceed, together with officers of the institution and its subsidiaries, one-third of the board's makeup. This requirement has caused many institutions wholly owned by holding companies to go through the ritual of preparing Form AR annually and sending it to their one stockholder, the holding company. The Board is now amending § 563.33(a)(2) to prevent this result. A corresponding technical amendment to § 552.10 (annual reports to stockholders) (12 CFR 552.10) will relieve wholly owned institutions from the unnecessary requirement of mailing annual reports to their holding companies.

The Board is also deleting a guideline for board composition that has become obsolete in light of changes in the laws governing insured institutions. Section 563.33(a)(1) currently suggests that a majority of the directors of an insured institution should live or work in the normal lending territory of the institution. This guideline became insignificant when, in 1980, the definition of "normal lending territory" was broadened beyond the concept of a local community. The guideline is inconsistent with Title III of the Garn-St Germain Depository Institutions Act of 1982, which eliminated the "local" character of the operations of federally chartered thrift institutions. Public comment on this change is unnecessary because the provision has become meaningless, and would be contrary to the public policy favoring prompt implementation of new powers for federally chartered institutions; therefore, the Board is adopting this amendment in a final action at this time.

Procurement Fees, Kickbacks, and Unearned Fees

Section 563.40 of the Board's regulations (12 CFR 563.40) currently prohibits the receipt by an affiliated person of procurement fees in connection with a *loan* from an insured institution or its subsidiary, and restates the prohibitions in subsections 8 (a) and (b) of the Real Estate Settlement Procedures Act of 1974 ("RESPA") (12 U.S.C. 2607 (a), (b)) regarding referral fees and unearned fees to affiliated persons for any *real property loan* made by an insured institution or its subsidiary. In the interest of updating its conflict-of-interest regulations to reflect the broader range of activities now enjoyed by the industry, the Board proposed in its September action to extend these provisions to *all services* offered by insured institutions. The Board now notes, however, that section 8 of RESPA has recently been the subject of study within the legislative and executive branches. Consequently, the Board will refrain from action on the

proposed amendment until further notice.

Effective Date

Because the changes implemented by this final rule all relieve existing restrictions, the Board has determined that the 30-day delay of effective date following publication of the regulations pursuant to 12 U.S.C. 553(d) and 12 CFR 508.11 is unnecessary.

Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. Ch. 6), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the rule will apply.* The rule will apply only to insured institutions.

3. *Impact of the rule on small institutions.* The rule will not have a disproportionate effect on small institutions. Deregulatory aspects of the rule will ease the compliance burden of small institutions. The provisions are designed not to interfere with legitimate business opportunities; thus, it is expected that the rule will have no significant economic impact on a substantial number of small entities.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the rule.

5. *Alternatives to the rule.* Because each of the changes effected by this rule is deregulatory in nature, there are no tiering alternatives that would have a lesser impact on small institutions.

List of Subjects in 12 CFR Parts 552, 561, and 563

Savings and loan associations.

Accordingly, the Board hereby amends Part 552, Subchapter C, and Parts 561 and 563, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 552—[AMENDED]

§ 552.10 [Amended]

1. Amend the first sentence of § 552.10 by inserting after "A Charter S association" the words "not wholly owned by a holding company".

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

2. Revise paragraph (d) of § 561.29 as follows:

§ 561.29 Affiliated person.

* * * * *

(d) Any corporation or organization (other than the insured institution or a corporation or organization through which the insured institution operates) of which a director, officer or controlling person of such institution:

(1) Is an officer;

(2) Is a general partner;

(3) Is a limited partner who, directly or indirectly either alone or with his spouse and the members of his immediate family who are also affiliated persons of the institution, owns an interest of 10 percent or more in the partnership (based on the value of his contribution) or who, directly or indirectly with other directors, officers, and controlling persons of such institution and their spouses and their immediate family members who are also affiliated persons of the institution, owns an interest of 25 percent or more in the partnership; or

(4) Directly or indirectly either alone or with his spouse and the members of his immediate family who are also affiliated persons of the institution, owns or controls 10 percent or more of any class of equity securities or owns or controls, with other directors, officers, and controlling persons of such institution and their spouses and their immediate family members who are also affiliated persons of the institution, 25 percent or more of any class of equity securities; and

* * * * *

PART 563—OPERATIONS

3. Revise paragraphs (a) and (b) of § 563.9–3 as follows:

§ 563.9–3 Loans to one borrower.

(a) *Limitations.* No insured institution shall have outstanding any loan to one borrower if the sum of (1) The amount of the loan and (2) the total balances of all outstanding loans owed to the institution and its service corporation affiliates by the borrower exceed an amount equal to 10 percent of the institution's withdrawable accounts or an amount equal to the institution's net worth, whichever amount is less: *Provided*, that, notwithstanding any other limitation of this sentence, the loan may be made if it is secured by a lien on low-rent housing, or if the sum of the amounts described in paragraphs (a)(1) and (2) of this section (a) does not exceed $200,000 and, beginning on January 1, 1982, and annually thereafter, such amount adjusted by the dollar amount that reflects the percentage increase, if any, in the Consumer Price Index during the previous 12 months as shown in the November-to-November index.

(b) *Rules of interpretation.* (1) For purposes of applying the limitations set forth in paragraph (a) of this section, any loan to a person or entity that is, or that upon the making of the loan will become, and obligor on the loan will be attributed also to:

(i) Nominees of such obligor;

(ii) All persons, trusts, syndicates, partnerships, and corporations of which such obligor is a nominee, a beneficiary, a member, a general partner, a limited partner owning an interest of 10 percent or more (based on the value of his contribution), or a record or beneficial stockholder owning 10 percent or more of the capital stock; and

(iii) If such obligor is a trust, syndicate, partnership, or corporation, all trusts, syndicates, partnerships, and corporations of which any beneficiary, member, general partner, limited partner owning an interest of 10 percent or more, or record or beneficial stockholder owning 10 percent or more of the capital stock, is also a beneficiary, member, general partner, limited partner owning an interest of 10 percent or more, or record or beneficial stockholder owning 10 percent or more of the capital stock of such obligor.

(2) For the purposes of this section the term "total balances of all outstanding loans" means the original amounts loaned by an insured institution plus any additional advances and interest due and unpaid, less repayments and participating interests sold and exclusive of any loan on the security of such institution's savings accounts or real estate the title to which has been conveyed to a bona fide purchaser who assumes the loan.

* * * * *

4. Remove paragraph (a)(1) of § 563.33, redesignate paragraphs (a)(2) through (a)(4) thereof as (a)(1) through (a)(3), respectively, and revise new paragraph (a)(1), as follows:

§ 563.33 Directors, officers, and employees.

(a) *Directors.* * * *

(1) Fewer than one-half of the directors of an insured institution should be salaried officers or employees of such institution or of any subsidiary or (except in the case of an institution

wholly owned by a holding company) any holding company affiliate thereof.

* * * * *

(12 U.S.C. 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-4981 Filed 2-28-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Waiver of Filing-Fee Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of filing-fee requirements under 14 CFR Part 389.

SUMMARY: Following requests on behalf of certain foreign carriers, the Board's Managing Director, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of The United Kingdom (by letter dated February 9, 1983), Brazil (by letter dated February 15, 1983), Finland (by letter dated February 15, 1983), and Japan (by letter dated February 15, 1983), from paying the filing fees set forth in § 389.25. Each action was effective immediately on the date of the letter and the filing of a petition for review will not alter its effectiveness.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5578.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5172 Filed 2-28-83; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Record of Securities and Property Received From Customers and Option Customers

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending rule § 1.36(a) which, among other things, requires a clearing organization which accepts customer securities and/or property from a futures commission merchant ("FCM") to furnish that FCM with an acknowledgement that the clearing organization has been notified that such securities and/or property belong to a particular customer. Under the amendment, the only acknowledgement required of a clearing organization with respect to customer-owned non-cash property deposited with it as margin by a futures commission merchant ("FCM") will be that such property belongs to the customers of such FCM rather than to any particular customer. An acknowledgement that a particular customer owns non-cash margin is no longer necessary because the Bankruptcy Reform Act of 1978, which governs commodity broker bankruptcies, requires non-cash property which is specifically identifiable to customers to be distributed pro rata. Under prior bankruptcy law, a customer could reclaim such property in full. This amendment is being adopted coincident with the adoption by the Commission of its new Part 190 regulations (Part IV of this issue) implementing the provisions of the Bankruptcy Reform Act of 1978 pertaining to the liquidation of commodity brokers. The Commission's narrow definition of specifically identifiable property in those regulations further obviates the need for an acknowledgement as to the particular owner of customer non-cash margin because virtually no property which would by acceptable margin for a clearing organization would be specifically identifiable property under the Commission's definition.

EFFECTIVE DATE: March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Suzanne W. Ryder, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Analysis of Comments.

On October 15, 1982, the Commission published a proposed amendment to rule 1.36(a) (47 FR 46110), as described above.[1] In response to the proposal, the Commission received two written comments: one from a clearing organization and one from an FCM. Both commentators unequivocally endorsed the Commission's proposed revision. In discussing the need for this amendment, both commentators specifically concurred with the Commission's analysis in the proposal that an acknowledgement by a clearing organization as to the particular owner of non-cash margin was now an anomalous requirement given the clear mandate of the Bankruptcy Reform Act of 1978 [2] that all property of commodity customers be subjected to a proportional distribution in bankruptcy, including specifically identifiable property.[3] They both concluded, therefore, that the proposed amendment should be adopted to conform the Commission's rules to the new bankruptcy law as well as to relieve clearing organizations of a recordkeeping obligation rendered obsolete thereby.

The FCM which commented also urged the speedy adoption of the proposed amendment for another reason. It claimed that several clearing organizations currently refuse to accept customer-owned non-cash property as margin [4] because of concern that Section 4d(2) of the Commodity Exchange Act, as amended ("Act", and Commission regulation § 1.22 thereunder,[5] together with the acknowledgement provision of § 1.36(a), might operate to prevent clearing organizations from treating an FCM's customer account as a single account if it contained such property. Consequently, this commentator explained, those FCMs which accept customer non-cash margin use their own capital or borrow money to cover such customers' margin obligations to the clearing organization. The Commission agrees that the adoption of this amendment to § 1.36(a) would facilitate clearing organization acceptance of customer non-cash property as original margin in a single FCM customer account, thereby reducing the cost of business for some FCMs.

II. Final Rule.

Given the unanimous support for the proposed amendment to § 1.36(a) and for the reasons more fully articulated in its proposal, the Commission has determined to amend rule § 1.36(a) as proposed. The Commission also wishes

[1] *See* 17 CFR 1.36(a) (1982) for the text of the rule prior to today's amendment.

[2] Pub. L. No. 95–598, 92 Stat. 2549 (1978) (11 U.S.C. 101 *et seq.* (Supp. V 1981)), *as amended by* the Bankruptcy Act Amendments, Pub. L. No. 97–222, 96 Stat. 235 (1982).

[3] Section 766(h) of the Bankruptcy Code, 11 U.S.C. 766(h) (Supp. V 1981), *as amended by* the Bankruptcy Act Amendments, section 19(d), *id.* The Bankruptcy Code was adopted as part of the Bankruptcy Reform Act of 1978.

[4] The Commission understands that customers who would deposit non-cash property as margin would most frequently use Treasury bills. Such customers would then receive the interest accrued thereon.

[5] 7 U.S.C. 6d(2) (Supp. V 1981) and 17 CFR 1.22 (1982). Among other things, these provisions preclude the use of one customer's funds to purchase, margin, or settle the trades, contracts, or commodity options of, or to secure or extend the credit of, any person other than such customer.

to emphasize, as noted in its proposal, that the revision to § 1.36(a) does not change that portion of the rule which requires an FCM, in contrast to a clearing organization, to record the identity of any customer who owns securities and/or property accepted by that FCM to margin or secure the customer's commodity transaction. Such information remains necessary if an FCM is to be able to separately account for customer property and to comply with the Commission's segregation requirements.[6]

III. Regulatory Flexibility Act.

In the proposal, the Chairman of the Commission certified, pursuant to the Regulatory Flexibility Act, that if the proposed amendment to § 1.36 were adopted, it would not have a significant economic impact on a substantial number of small entities. However, the Commission specifically invited comment from any small firm which believed that this rule, as proposed to be amended, would have such an impact.[7] No comments on the certification were received. Accordingly, and for the reasons previously enumerated in the proposal, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that § 1.36(a), as amended, will not have a significant economic impact on a substantial number of small entities.

IV. Paperwork Reduction Act.

As also noted in the proposal,[8] Commission regulation 1.36(a) was previously issued a control number, 3038–0024, pursuant to the Paperwork Reduction Act of 1980, Pub. L. No. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*). As stated then, rather than increasing a paperwork burden, this amendment would reduce an existing recordkeeping obligation. A copy of the proposal has been provided to the Office of Management and Budget. (*See* 44 U.S.C. 3504(h)(2) and (4) (Supp. V 1981)).

List of Subjects in 17 CFR Part 1

Clearing organization, Recordkeeping, Segregation of customer funds.

[6] *See* Commission regulations §§ 1.20–1.30, 17 CFR 1.20–1.30 (1982), and the Commission's Segregation Interpretations issued thereunder; *see also* 47 FR 46110, 46111 (October 15, 1982).

[7] 47 FR at 46112, *id.*

[8] *Id.*

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act, as amended, and in particular, Sections 4d, 5a, 8a and 20 thereof, 7 U.S.C. 6d, 7a, 12a and 24, *as amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), the Commission hereby revises Chapter 1 of Title 17 of the Code of Federal Regulations by amending § 1.36(a) as indicated below. In adopting this amendment, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.

Section 1.36 is amended by revising paragraph (a) as follows:

§ 1.36 Record of securities and property received from customers and option customers.

(a) Each futures commission merchant shall maintain, as provided in § 1.31, a record of all securities and property received from customers or option customers in lieu of money to margin, purchase, guarantee, or secure the commodity or commodity option transactions of such customers or option customers. Such record shall show separately for each customer or option customer: a description of the securities or property received; the name and address of such customer or option customer; the dates when the securities or property were received; the identity of the depositories or other places where such securities or property are segregated; the dates of deposits and withdrawals from such depositories; and the dates of return of such securities or property to such customer or option customer, or other disposition thereof, together with the facts and circumstances of such other disposition. In the event any futures commission merchant deposits with the clearing organization of a contract market, directly or with a bank or trust company acting as custodian for such clearing organization, securities and/or property which belong to a particular customer or option customer, such futures commission merchant shall obtain written acknowledgment from such clearing organization that it was informed that such securities or property belong to customers or option customers of the futures commission merchant making the deposit. Such acknowledgment shall be retained as provided in § 1.31.

* * * * *

Issued in Washington, D.C. on February 18, 1983, by the Commission.

Jane K. Stuckey,

Secretary.

[FR Doc. 83-4888 Filed 2-28-83; 8:45 am]

BILLING CODE 6351-01-M

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17 CFR Part 1

Staff Interpretation Regarding What Is Necessary for Certain Applicants for Registration as a Futures Commission Merchant To Demonstrate Affirmatively Their Compliance With the Minimum Financial Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Statement of staff interpretative position.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is publishing the position of its Division of Trading and Markets ("Division") as to what will constitute an affirmative demonstration of compliance with the minimum financial requirement by an applicant for registration as a futures commission merchant ("FCM") when such applicant is not a member of a designated self-regulatory organization ("DSRO") but has applied for, and is qualified for, membership in the National Futures Association ("NFA"). If the NFA, a registered futures association and a DSRO, submits written notification to the Division stating that the applicant for registration as an FCM *has been cleared for NFA membership* and *will become an FCM member of NFA upon notification by the Division to NFA* that such applicant has been granted registration as an FCM by the Commission, such an applicant will only need to meet the minimum dollar requirement of adjusted net capital for DSRO members (which is $50,000) rather than the higher minimum dollar requirement of non-DSRO members (which is $100,000) in order to be granted registration.

FOR FURTHER INFORMATION CONTACT: Delacy Cox, Assistant Chief Accountant, or Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The minimum dollar requirement for adjusted net capital for FCMs is set forth in § 1.17(a)(1)(i) of the

Commission's regulations, which reads as follows:

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of:

(i) $50,000 ($100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or [1]

Paragraph (a)(3) of § 1.17 provides that:

No person applying for registration as a futures commission merchant shall be so registered unless such person affirmatively demonstrates to the satisfaction of the Commission that it complies with the financial requirements of this § 1.17. Each registrant must be in compliance with this § 1.17 at all times and must be able to demonstrate such compliance to the satisfaction of the Commission and/or the designated self-regulatory organization.

The Commission has delegated to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate from time to time the function of making the determination as to whether an applicant for registration as an FCM has demonstrated affirmatively that it complies with the minimum financial requirement. *See* Regulation § 140.91(a)(4).

The Division staff has encountered a problem in making that determination in cases where the applicant for registration as an FCM is not a member of any commodity exchange but has applied for membership in the National Futures Association ("NFA"). NFA is an industry-established self-regulatory organization which has been granted registration as a futures association under Section 17 of the Commodity Exchange Act, as amended [2] ("Act"), and it qualifies as a DSRO under Commission regulations.[3] Since NFA became operational on October 1, 1982, many firms have applied for NFA membership concurrent with or prior to submitting applications to the Commission for registration as an FCM. If those firms were members of NFA when they submitted their FCM applications to the Commission, or if they became members of NFA while their FCM applications were pending with the Commission, such firms would have a minimum adjusted net capital requirement of $50,000.[4] However, NFA has a policy not to approve an FCM membership application until the applicant has been granted registration by the Commission as an FCM. As a result, an FCM applicant which has an application for membership pending with NFA and is not a member of any commodity exchange, and which has adjusted net capital of at least $50,000 but less than $100,000, is technically unable to comply with the requirement of § 1.17(a)(1) cited above. The Division could, therefore, determine that such an FCM applicant does not demonstrate affirmatively that it complies with the Commission's minimum financial requirement for FCMs and therefore refuse to grant registration.[5] This dilemma has been discussed with staff members of the NFA and they have informed the Division that NFA has agreed to issue a written notification to the Division stating, if such is the case, that a particular firm has been cleared to become an FCM member of NFA immediately upon notification by the Division that the firm has been granted registration as an FCM.

If the NFA provides the written notification described above, the Division has determined that a $50,000 adjusted net capital standard for granting registration as an FCM would not be contrary to the public interest and that a significant reduction in paperwork and conservation of resources may be realized. The Division sees no regulatory benefit in requiring a firm to have $100,000 in adjusted net capital in order to be granted registration as an FCM when the firm's capital requirement will be cut in half, to $50,000, as soon as registration is granted. For an applicant with adjusted net capital between $50,000 and $100,000, substantial correspondence between the Division and the applicant can be eliminated. Also, the inefficiency of requiring a higher amount of capital until registration is granted, only to have such capital withdrawn upon registration, can be eliminated.

In addition, for those applicants with adjusted net capital between $75,000 and $150,000, the requirements of the financial early warning system can be avoided. The financial early warning system, § 1.12 of the regulations,[6] contains as one element thereof (paragraph (b)) a requirement that if an FCM or applicant therefor fails to maintain adjusted net capital equal to 150 percent of the dollar amount required by § 1.17(a)(1)(i) (*i.e.*, $75,000 for DSRO members and $150,000 for non-members), the firm must file a written notice to that effect with the Commission and the DSRO within five business days and must file a form 1-FR each month until three successive months have elapsed during which the firm's adjusted net capital is at all times equal to or in excess of the early warning level. This monthly filing requirement (as opposed to the normal schedule of either quarterly or semiannual filing of financial reports for DSRO members) would be an unnecessary burden on the firm and it could divert regulatory resources to firms which do not necessarily require

[1] 17 CFR 1.17(a)(1)(i) (1982), *as amended*, 47 FR 22352, 22354 (May 24, 1982) and 47 FR 41513, 41516–17 (September 21, 1982). Unless otherwise indicated, all citations to Commission regulations may be found in Title 17 of the Code of Federal Regulations according to the number of the regulation.

The other elements of the minimum adjusted net capital requirement are as follows:

(ii) 4 percent of the following amount: the customer funds required to be segregated pursuant to the Act and these regulations less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, provided, however, the deduction for each option customer shall be limited to the amount of customer funds in such option customer's account, or

(iii) For securities brokers and dealers, the amount of net capital required by Rule 15c3–1(a) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).

The remainder of the discussion will be based on the minimum dollar amount set forth in § 1.17(a)(1)(i), since the problem discussed herein concerns firms with adjusted net capital between $50,000 and $150,000. The capital requirement contained in § 1.17(a)(1)(ii), based on the amount of required segregated funds, only becomes relevant once a firm is granted registration as an FCM and can then accept funds from customers. Section 1.17(a)(1)(iii) would be relevant if the firm in question is also a securities broker-dealer, but to simplify the discussion we are assuming that the applicant is not a securities broker-dealer. Also, virtually all securities broker-dealers applying for FCM registration have adjusted net capital well in excess of $150,000. However, if any broker-dealer applying for FCM registration met the minimum financial requirement for its securities business with adjusted net capital of less than $50,000, such a firm would be required to have at least $50,000 to be granted registration as an FCM, and this interpretation would apply to such a firm.

[2] 7 U.S.C. 21 (1976 & Supp. V 1981), *as amended by* Futures Trading Act of 1982, Pub. L. No. 97–444, Section 233, 96 Stat. 2294 *et seq.* (1983). NFA is the only futures association registered under Section 17 of the Act.

[3] *See* 17 CFR 1.3 (ee) and (ff) (1982).

[4] The minimum financial requirement for FCM members of NFA, and for FCM members of all commodity exchanges, is $50,000 of adjusted net capital. Firms which are members of DSROs may comply with the Commission's minimum financial and related reporting requirements by complying with such requirements of their DSRO provided the DSRO's rules have been approved by the Commission. *See* § 1.17(a)(2) of the Commission's regulations. One of the reasons that a lower dollar amount of capital is required for FCM members of a commodity exchange or NFA is because of the financial surveillance provided by such self-regulatory organizations.

[5] The Commission has also delegated overall authority to the Division to grant registration. *See* § 140.92 of the regulations.

[6] 17 CFR 1.12 (1982), *as amended*, 47 FR 22352, 22354 (May 24, 1982) and 47 FR 41513, 41516 (September 21, 1982).

enhanced surveillance from those firms which may require closer scrutiny.

The Division also wishes to emphasize that it views the role of the NFA, especially with respect to the financial surveillance of FCMs which are not members of any commodity exchange, as a necessary supplement to the Division's own regulatory efforts and oversight function. The Division believes that it is important to work closely with NFA in order to reach common goals, such as in the area of financial surveillance. The Division further believes that the written notification from NFA described above will allow NFA to continue its present membership approval policy and also allow the Division to determine that an FCM applicant has demonstrated affirmatively its compliance with minimum financial requirements when such an FCM applicant is not a member of a commodity exchange but has at least $50,000 of adjusted net capital and will become an NFA member immediately upon the granting of registration by the Commission.

Accordingly, the Division has determined that, in the case of an applicant for registration as an FCM which is not a member of a commodity exchange but which has an application for membership pending with NFA, such applicant will be deemed to have demonstrated affirmatively its compliance with the minimum financial requirement for FCMs under the following conditions:

1. The applicant has minimum adjusted net capital of at least $50,000, and

2. NFA submits a written notification to the Division stating that the FCM applicant has been cleared for NFA membership and will become an FCM member of NFA concurrently with notification by the Division that such FCM applicant has been granted registration by the Division as an FCM.

Of course, the Division will not grant registration to any FCM applicant until all other Commission requirements for FCM registration are satisfied.

By the Division of Trading and Markets.

Dated: February 23, 1983.

Andrea M. Corcoran,

Director, Division of Trading and Markets.

[FR Doc. 83-5150 Filed 2-28-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-139 (New Mexico-18); Order No. 263]

High-Cost Gas Produced From Tight Formations; New Mexico

Issued: February 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Regulatory Energy Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the State of New Mexico Energy and Minerals Department, Oil Conservation Division that a portion of the Basin-Dakota Formation located in San Juan County, New Mexico be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Jane Oliver, (202) 357-8316 or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include a portion of the Basin-Dakota Formation located in San Juan County, New Mexico, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued September 22, 1982 (47 FR 42583, September 28, 1982),[1] based on a recommendation by the State of Mew Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) in accordance with § 271.703, that certain areas of the Basin-Dakota Formation be designated as a tight formation.

The recommended area is subject to New Mexico Order No. R-1670-V which authorizes infill drilling in the Basin-Dakota gas pool.[2] Section 271.703(c)(2)(i)(D) of the Commission's regulations requires an exclusion from the designation of tight formations where:

> the formation or any portion thereof was authorized to be developed by infill drilling prior to the date of recommendation and the jurisdictional agency [New Mexico] has information which in its judgment indicates that such information or portion subject to infill drilling can be developed absent the incentive price established * * *.

Infill drilling is defined in § 271.703(b)(6) as any drilling in a substantially developed formation (or a portion thereof) subject to well spacing or proration unit requirements which were amended by the jurisdictional agency after the formation (or portion thereof) was substantially developed, and which were adopted for the purpose of more effective and efficient drainage of the reservoirs in such formation. Thus, if the formation was substantially developed at the time that New Mexico Order No. R-1670-V was issued on May 22, 1979, and if information exists which indicates that the area can be developed absent the incentive price, then the entire recommended area or portions thereof should be excluded from the tight formation designation.

There were 952 available drilling units in the recommended area at the time the infill order was issued on May 22, 1979. Only 45 of the 952 units were developed at that time; that is, only 4.8 percent of the recommended formation was developed according to the 320-acre proration units in existence prior to the infill order. The Commission finds that this does not constitute "substantial development" as it appears in the definition of infill drilling in § 271.703(b)(6). Accordingly, no areas need be excluded from New Mexico's recommendation under § 271.703(c)(2)(i)(D).

Evidence submitted by New Mexico supports the assertion that portions of the Basin-Dakota Formation meet the guidelines contained in § 271.703(c)(2).[3]

[1] The notice established a 45-day period for submission of written comments. One comment in support of the recommendation was received. The United States Department of Interior, Minerals Management Service (formerly the U.S. Geological Survey), concurs with New Mexico's recommendation.

[2] Order No. R-1670-V permitted the drilling of an additional well in each 320-acre unit in the Basin-Dakota pool. Prior to this order only one gas well could produce from every 320-acre unit.

[3] In its recommendation, New Mexico excluded three areas within the geological borders of the

The Commission adopts the New Mexico recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices immediately available establishes good cause to waive the thirty-day publication period.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below, effective February 22, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(120) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(120) *Basin-Dakota Formation in New Mexico.* RM79–76–139 (New Mexico—18). (i) *Delineation of formation.* The Basin-Dakota Formation is located in San Juan County, New Mexico, in Township 32 North, Range 7 West, Sections 7, 8, 9, 16 through 21, and 25 through 36; Township 32 North, Range 8 West, Sections 7 through 36; Township 32 North, Range 9 West, Sections 7 through 36, Township 31 North, Range 8 West, Sections 1 through 31, and 33 through 36; Township 31 North, Range 9 West, Sections 1 through 26, and 29 through 36; Township 30 North, Range 8 West, Sections 1, 2, 6 through 34, and 36; Township 30 North, Range 9 West, Sections 1 through 30, 35 and 36; Township 30 North, Range 10 West, Sections 1 through 18 and 24; Township 29 North, Range 8 West, Sections 1 through 6; Township 29 North, Range 9 West, Sections 1 and 2, NMPM.

(ii) *Depth.* The Basin-Dakota Formation is defined as that interval including the Graneros, Dakota, and Morrison Formations, and is found below a depth of 7,251 feet as indicated on the Induction-Electrical and Gamma Ray log from the El Paso Natural Gas Gartner No. 9 Well. The average depth to the top of the Basin-Dakota Formation is 7,575 feet. Gross thickness of the Basin-Dakota Formation ranges from 250 to 300 feet.

[FR Doc. 83-5078 Filed 2-28-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-074; Utah-8; Order No. 284]

High-Cost Gas Produced From Tight Formations; Utah

Issued February 22, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Utah Board of Oil, Gas and Mining that the Dakota Formation be designated as a tight formation under § 271.703.

EFFECTIVE DATE: This rule is effective February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Randall S. Rich, (202) 357–8511 or Victor H. Zabel, (202) 357–8585.

SUPPLEMENTARY INFORMATION:

The Commission hereby amends § 271.703(d) of its regulations to include the Dakota Formation located in the Book Cliffs area of Grand and Uintah County, Utah, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, on September 28, 1981 (46 FR 48234, October 1, 1981),[1] based on a recommendation by the State of Utah Board of Oil, Gas and Mining (Utah) in accordance with § 271.703(c)(2)(ii) that the Dakota Formation be designated as a tight formation. The United States Department of the Interior, Minerals Management Service concurs with Utah's recommendation.

In order to qualify for designation as a tight formation, the recommended area must meet the guidelines found in § 271.703(c)(2)(i), concerning permeability, stabilized flow rate and crude oil production. Utah's recommendation stated that the average permeability from 7 data wells does not exceed 0.1 md, that the average prestimulation flow rate, based on data from 39 wells in the Dakota Formation, was 187 Mcf per day, and that no wells drilled in the formation were expected to produce more than five barrels of oil per day. All these findings are well within the guideline limits of 0.1 md average permeability, 217 Mcf per day average flow rate and crude oil limits in § 271.703(c)(2) of the regulations.

The Commission Staff's permeability calculation of 0.0678 md indicated that the average permeability of the recommended area was below 0.1 md. However Staff's calculation of the average prestimulation flow rate for wells "completed for production" showed that it exceeded the 217 Mcf per day limit, and it therefore requested, by letter dated October 20, 1981, that Utah explain its conclusion. The comments of Southern California Gas Company, which opposed designation of the recommended formations, also suggested that the average prestimulated rate of flow exceeded the maximum allowable rate. The concern was that some of the data submitted in Utah's recommendation was obtained from included wells that did not appear to be "completed for production" as required by § 271.703(c)(2)(i)(B).[2]

On June 24, 1982, the Staff met with representatives of Tenneco Oil Company (Tenneco) concerning Utah's recommendation. Tenneco demonstrated to the Staff that the wells questioned by Staff had been cased, perforated and tested and that tubing

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recommended area. New Mexico noted that there was "no evidence available as to the *in situ* gas permeability or unstimulated gas well production within said areas * * *", and "that these areas were excluded from consideration by the application solely due to anomalous production considered to be of limited extent and unexplainable by ordinary engineering and geological examination." Accordingly, the Commission is not considering these areas which New Mexico excluded in its recommendation.

[1] Comments on the proposed rule were invited and one comment opposing the recommendation and five comments supporting the recommendation were received. No party requested a public hearing and no hearing was held.

[2] Section 271.703(c)(2)(i)(B) establishes a limit, according to depth, for the "stabilized production rate, against atmospheric pressure, of wells completed for production in the formation, without stimulation * * *"

had been set and therefore had been "completed for production." Pursuant to Staff's further request, Tenneco, on September 16, 1982, submitted additional information on 43 wells. Although these wells penetrated the Dakota Formation, 23 were not perforated in the Dakota Formation nor were they drill-stem tested in that formation.

Tenneco's submittal argued however, that in calculating the flow rate for the Dakota Formation, it assigned a prestimulation production rate of zero Mcf per day to 23 of the 43 wells which were air drilled because:

> Tenneco believes that all of the wells with valid prestimulation flow rates need to be considered as a whole. Using results only from wells actually completed for production would not necessarily depict the true nature of the formation. An area which has primarily been the target of high risk exploration drilling should be analyzed in light of all of the available data. In order to determine if the area can meet the tight gas prestimulation production rate criteria, every prestimulation test which is a valid indication of a well's natural ability to produce should be analyzed, whether or not the well was eventually completed for production. This case is especially true for wells with no gas shows while air drilling. When a formation is drilled with air as the medium, it essentially puts little, if any, pressure against the rock face and does not contaminate the formation with drilling fluid. If the formation has gas in it, there will be some type [of] gas show at the surface. Drilling tests of this nature can produce significant gas shows which are questionable due to the rapid expansion of gas into the wellbore and the short time lengths of the tests. However, if little or no gas shows are reported, it is a valid indication that the formation cannot flow gas without some type of stimulation. This behavior is a function of permeability and if permeability is low enough, it will not allow the gas to flow. Many of the wells within the application area were abandoned after recovering little or no signs of gas or oil in the course of drilling. Most of these wells were abandoned because the operators felt it was not economically feasible to risk attempting to make a completion out of this tight sand. Thus Tenneco believes test data from all wells either completed or not should be used in consideration of the tight gas qualification.

While the Commission recognizes that the 23 air drilled wells used by Tenneco do not technically meet the requirement of § 271.703(c)(2)(i)(B) that average prestimulation production rates be based only upon wells "completed for production," there is good cause to consider, in this case, the data from these wells because it demonstrates the lack of productivity from these wells prior to stimulation.

There are two reasons for the "completed for production" requirement in § 271.703(c)(2)(i)(B). First, most wells are drilled with fluids which will contaminate the well bore and any production tests from a contaminated well bore will produce inaccurate results. The "completed for production" requirement resolves this problem, since in order to be completed for production the well bore must be cleaned and prepared for production, eliminating the effects of contamination. Thus, production tests on wells "completed for production" will yield reliable data. As noted above, air drilled wells provide reliable data and do not present the contamination problem. Second, the "completed for production" requirement mitigates the concern that many dry holes from non-productive areas would be merged in recommendations with areas of relatively high production, to lower average prestimulation flow rates for the entire recommended area in order to qualify the areas of relatively high production for an incentive price. In this case, the air drilled wells are scattered throughout the recommended area and thus do not represent an attempt to average in non-productive areas in order to qualify relatively high production areas.

Therefore, the Commission concludes that good cause exists to waive the "completed for production" requiremet in this case pursuant to our authority under section 501(a) of the NGPA. The Commission will therefore consider in this case all valid prestimulation test data whether or not the wells from which such data is obtained are completed for production in calculating flow rates. Thus calculated, the average prestimulation production rate for the formation is 187 Mcf per day. This average is well below the guideline limit of 217 Mcf per day.

The Commission concludes that the evidence submitted in this docket supports the assertion that the Dakota Formation meets the guidelines contained in § 271.703(c)(2). The Commission hereby adopts the Utah recommendation.

This amendment shall become effective immediately. The Commission has found that the public interest dictates that new natural gas supplies be developed on an expedited basis, and, therefore, incentive prices should be made available as soon as possible. The need to make incentive prices available immediately establishes good cause to waive the thirty-day publication period.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, *Code of Federal Regulations*, is amended as set forth below, effective February 22, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 271—[AMENDED]

Section 271.703(d) is amended by adding new subparagraph (119) to read as follows:

§ 271.703 Tight Formation

* * * * *

(d) *Designated tight formations.* * * *

(119) *Dakota Formation in Utah.* RM79–76–074 (Utah-3). (i) *Delineation of formation.* The Dakota Formation is found in the Book Cliffs area of Grand and Uintah Counties, Utah and is in the general area of Townships 15 South through 20 South and Ranges 16 East through 24 East.

(ii) *Depth.* The average depth to the top of the Dakota Formation is 6, 034 feet. The Dakota Formation is defined as the interval from the top of the Dakota Silt down to the top of the Morrison Formation, a thickness of approximately 250 feet.

[FR Doc. 83–5079 Filed 2–28–83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Delegations to Chiefs of Station Offices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority to redelegate to the Chiefs of Station Offices certain authorities that will increase the effectiveness of the operation of those offices. This document also updates organizational references in the revised sections in accordance with recent reorganizations of the agency.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and

Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: In 1980, FDA created station offices at St. Louis, MO, and Houston, TX, to function as intermediate offices between resident posts and district offices. Station offices are assigned most of the functions of a district office and operate independently under the general direction of the District Director. To allow the Station Chiefs to perform their assigned functions, certain authorities must be redelegated to them.

Chiefs of Station Offices are being delegated the same authorities as previously delegated to District Directors in the following sections: § 5.22 *Certification of true copies and use of Department seal* (21 CFR 5.22); § 5.30 *Hearings* (21 CFR 5.30); § 5.36 *Certification following inspections* (21 CFR 5.36); § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37); § 5.45 *Imports and exports* (21 CFR 5.45); § 5.47 *Detention of adulterated or misbranded medical devices* (21 CFR 5.47); § 5.63 *Detention of meat, poultry, eggs, and related products* (21 CFR 5.63); and § 5.89 *Notification of defects in, and repair or replacement of, electronic products* (21 CFR 5.89).

In § 5.30(b), the agency is removing the delegation of authority to Bureau of Biologics' officials to appoint review boards because 21 CFR 60.41, which provided for review boards, was removed in the Federal Register of January 25, 1977 (42 FR 4680). The functions formerly performed by the boards are now governed by 21 CFR Part 12.

Three recent reorganizations, the establishment of the Office of Legislation and Information (47 FR 34642; August 10, 1982), the National Center for Drugs and Biologics (47 FR 26913; June 22, 1982), and the National Center for Devices and Radiological Health (47 FR 44614; October 8, 1982), require additional changes in §§ 5.22, 5.30, 5.37, 5.45, 5.47, and 5.89. All references in these sections to the abolished Office of Public Affairs and the Bureaus of Drugs, Biologics, Medical Devices, and Radiological Health are being changed as appropriate to conform with the new organization nomenclature and organizational placement in the new organizations.

Further redelegations to the authority delegated are not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 354–360F, 82 Stat. 1173–1186 (42 U.S.C. 263b-263h)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. By revising § 5.22(a), to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Food and Drug Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) Associate and Deputy Associate Commissioners.

(2) The Director of the Executive Secretariat.

(3) Executive Officer, Office of the Commissioner.

(4) The Director of the Division of Management Systems and Policy of the Office of Management and Operations and the Chief of the Dockets Management Branch of that Division and Office.

(5) The Director of the Freedom of Information Staff of the Office of Legislation and Information.

(6) The Executive Director and Deputy Executive Director of Regional Operations; and the Associate Director for Administration, the Associate Director and Deputy Associate Director for Field Support, and the Associate Director for Federal-State Relations of the Office of the Executive Director of Regional Operations.

(7) The Director, Scientific Director, Associate Director for Program Development and Operations, and Directors and Deputy Directors of Offices of the National Center for Drugs and Biologics (NCDB); the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Drug Quality Evaluation; Drug Labeling Compliance; and Drug Quality Compliance of the Office of Drugs, NCDB; and the Director of the Consumer and Professional Relations Staff and Freedom of Information Officers and their Deputies, NCDB.

(8) The Director and Deputy Director of the Bureau of Foods; and the Associate Director for Planning and Operations; the Associate Director for Compliance; and the Directors of the Divisions of Regulatory Guidance, Food Technology, and Cooperative Programs of that Bureau.

(9) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH); the Director and Deputy Director of the Office of Management and Systems, NCDRH; the Director, Deputy Director, and Director of the Division of Compliance of the Office of Radiological Health, NCDRH; the Director, Deputy Director, Associate Director for Compliance, and the Director of the Division of Compliance Operations of the Office of Medical Devices, NCDRH.

(10) The Director and Deputy Director of the Bureau of Veterinary Medicine; and the Associate Director for Management and Operations, the Associate Director and Deputy Associate Director for Surveillance and Compliance, and the Director and Deputy Director of the Division of Compliance of that Bureau.

(11) The Director and the Director of the Office of Management of the National Center for Toxicological Research.

(12) Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices.

(13) Director, Winchester Engineering and Analytical Center.

(14) Director, Minneapolis Center for Microbiological Investigations.

(15) Director, New York Laboratory Division, Region II.

(16) Director, Science Division, Region IV.

* * * * *

2. By revising § 5.30, to read as follows:

§ 5.30 Hearings.

(a) The following officials are authorized to designate officials to hold informal hearings that relate to their assigned functions under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act; section 6 of the Fair Packaging and Labeling Act; section 9(b) of the Federal Caustic Poison Act; and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217

(43 Stat. 803) to administer to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under, or in enforcement of, any law as cited in this part:

(1) Directors and Deputy Directors of Bureaus.

(2) The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB), and the Directors and Deputy Directors of the Offices of: New Drug Evaluation, Drugs, and Biologics of NCDB.

(3) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH), and the Directors and Deputy Directors of the Office of Medical Devices and the Office of Radiological Health of NCDRH.

(4) Regional Food and Drug Directors.

(5) District Directors.

(6) Chiefs of Station Offices.

(b) The Director and Deputy Director of NCDRH, and Director and Deputy Director of the Office of Radiological Health, NCDRH, are authorized to hold hearings under section 360(a) of the Public Health Service Act, and to designate officials to hold informal hearings under section 360(a) of that act.

(c) The following officials are authorized to serve as the presiding officer, and to designate other Food and Drug Administration employees to serve as the presiding officer, at a regulatory hearing and to conduct such a hearing pursuant to the provisions of Part 16 of this chapter. An official can serve as the presiding officer in a particular hearing only if he or she satisfies the requirements of § 16.40(b) of this chapter with respect to the action that is the subject of the hearing. Such officials are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, or deposition for use in any prosecution or proceeding under, or in enforcement of, any law as cited in this part:

(1) The Associate Commissioner for Health Affairs.

(2) Directors and Deputy Directors of Bureaus.

(3) The Director and Scientific Director of NCDB, and the Directors and Deputy Directors of the Offices of: New Drug Evaluation, Drugs, and Biologics of NCDB.

(4) The Director and Deputy Director of NCDRH, and the Directors and Deputy Directors of the Office of Medical Devices and the Office of Radiological Health of NCDRH.

(5) Regional Food and Drug Directors.

(6) District Directors.

(7) Chiefs of Station Offices.

(8) Such other FDA official as is designated by the Commissioner by memorandum in a proceeding.

3. By revising § 5.36, to read as follows:

§ 5.36 Certification following inspections.

Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized to issue certificates of sanitation under § 1240.20 of this chapter.

4. By revising § 5.37, to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 306 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(1)(i) The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB).

(ii) The Director, Deputy Director, and the Associate Director and Deputy Associate Director for Compliance of the Office of Drugs, NCDB.

(iii) The Director, Deputy Director, and the Director of the Division of Compliance of the Office of Biologics, NCDB.

(2)(i) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH).

(ii) The Director, Deputy Director, and the Director of the Division of Compliance of the Office of Radiological Health, NCDRH.

(iii) The Director, Deputy Director, Associate Director for Compliance, and the Director of the Division of Compliance Operations of the Office of Medical Devices, NCDRH.

(3)(i) The Director and Deputy Director of the Bureau of Foods (BF).

(ii) The Associate Director for Compliance, and the Director of the Division of Regulatory Guidance, BF.

(4)(i) The Director and Deputy Director of the Bureau of Veterinary Medicine (BVM).

(ii) The Associate Director and Deputy Associate Director for Surveillance and Compliance, BVM.

(iii) The Director and Deputy Director of the Division of Compliance, BVM.

(5)(i) Regional Food and Drug Directors.

(ii) District Directors.

(iii) Chiefs of District Compliance Branches.

(iv) Chiefs of Station Offices.

(b) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings:

(1) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH).

(2) The Director and Deputy Director of the Office of Radiological Health (ORH), NCDRH.

(3) The Director of the Division of Compliance, ORH, NCDRH.

(4) Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices when such functions relate to:

(i) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter; and

(ii) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product as defined in § 1040.20(b) of this chapter.

5. By revising § 5.45, to read as follows:

§ 5.45 Imports and exports.

(a) The Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized, under section 801 of the Federal Food, Drug, and Cosmetic Act (FFDCA):

(1) To designate officials who may request from the Secretary of the Treasury samples of food, drugs, devices, or cosmetics imported or offered for import.

(2) To determine whether such articles are in compliance with the FFDCA.

(3) To authorize relabeling or other compliance actions to bring articles into compliance under the FFDCA.

(4) To designate officials who may supervise such compliance actions.

(b) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH); the Director, Deputy Director, and Director of the Division of Compliance of the Office of Radiological Health, NCDRH; Regional Food and Drug Directors; District Directors; and Chiefs of Station Offices are authorized, under section 360 of the Public Health Service Act (PHSA):

(1) To designate officials who may request from the Secretary of the Treasury samples of electronic products imported or offered for import, to determine whether such products are in compliance with the PHSA.

(2) To refuse admission of noncomplying products and notify the Secretary of the Treasury of such refusal.

(3) To designate officials to supervise operations to bring noncomplying products into compliance under the PHSA.

(4) To refuse or to grant permission and time extensions to bring

noncomplying products into compliance with the PHSA in accordance with a corrective action plan approved by the Director of the Office of Radiological Health, NCDRH.

(c) The Director and Deputy Director of NCDRH; the Director, Deputy Director, and Director of the Division of Compliance of the Office of Radiological Health, NCDRH; Regional Food and Drug Directors; District Directors; and Chiefs of Station Offices are authorized, under section 360B(b) of the PHSA, to exempt persons from issuing a certification, as required by section 358(h) of the PHSA, for electronic products imported into the United States for testing, evaluation, demonstrations, or training, which will not be introduced into commerce and upon completion of their function will be destroyed or exported in accord with Bureau of Customs' regulations.

(d) The Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized to exercise all of the functions of the Commissioner of Food and Drugs under section 362 of the PHSA that refers to the prohibition of the introduction of foods, drugs, devices, cosmetics, and electronic products and other items or products regulated by the Food and Drug Administration into the United States when it is determined that it is required in the interest of public health, and such functions relate to the law enforcement functions of the Food and Drug Administration.

(e) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs pertaining to exportation of medical devices under section 801(d) of the FFDCA:

(1) For medical devices assigned to their respective organizations:

(i) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH).

(ii) The Director, Deputy Director, and the Associate Director for Compliance of the Office of Medical Devices, NCDRH.

(iii) The Director, Deputy Director, and Director of the Division of Compliance of the Office of Radiological Health, NCDRH.

(iv) The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB).

(v) The Director, Deputy Director, and Director of the Division of Compliance of the Office of Biologics, NCDB.

(2) Regional Food and Drug Directors.

(3) District Directors.

(4) Chiefs of Station Offices.

6. By revising § 5.47, to read as follows:

§ 5.47 Detention of adulterated or misbranded medical devices.

The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs pertaining to detention, under section 304(g) of the Federal Food, Drug, and Cosmetic Act and in accordance with § 800.55 of this chapter, of medical devices that may be adulterated or misbranded:

(a) For medical devices assigned to their respective organizations:

(1) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH).

(2) The Director, Deputy Director, and the Associate Director for Compliance of the Office of Medical Devices, NCDRH.

(3) The Director, Deputy Director, and Director of the Division of Compliance of the Office of Radiological Health, NCDRH.

(4) The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB).

(5) The Director, Deputy Director, and Director of the Division of Compliance of the Office of Biologics, NCDB.

(b) Regional Food and Drug Directors.

(c) District Directors.

(d) Chiefs of Station Offices.

7. By revising § 5.63, to read as follows:

§ 5.63 Detention of meat, poultry, eggs, and related products.

The Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(a) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(b) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(c) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

8. By revising § 5.89, to read as follows:

§ 5.89 Notification of defects in, and repair or replacement of, electronic products.

(a) The Director and Deputy Director of the National Center for Devices and Radiological Health (NCDRH), and the Director and Deputy Director of the Office of Radiological Health of NCDRH are authorized to perform all functions of the Commissioner of Food and Drugs relating to notification of defects in and noncompliance of, and repair or replacement of or refund for, electronic products under section 359 of the Public Health Service Act and under §§ 1003.11, 1003.22, 1003.31, 1004.2, 1004.3, 1004.4, and 1004.6 of this chapter; and the Regional Food and Drug Directors, District Directors, and Chiefs of Station Offices are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

(b) The Director of the Division of Compliance of the Office of Radiological Health, NCDRH, is authorized to notify manufacturers of defects in, and noncompliance of, electronic products under section 359(e) of the Public Health Service Act and under § 1003.11(a) of this chapter; and the Chiefs of District Compliance Branches are authorized to perform all such functions relating to:

(1) Assemblers of diagnostic x-ray systems, as defined in § 1020.30(b) of this chapter.

(2) Manufacturers of sunlamp products and ultraviolet lamps intended for use in any sunlamp product, as defined in § 1040.20(b) of this chapter.

Effective date. This regulation shall be effective March 1, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); secs. 354–360F, 82 Stat. 1173–1186 (42 U.S.C. 263b–263h))

Dated: February 16, 1983.

Mark Novitch,

Deputy Commissioner of Food and Drugs.

[FR Doc. 83-5087 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 5

Delegations of Authority and Organization; Officials in the National Center for Drugs and Biologics

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to insulin, antibiotics, and distribution of biological products. This document also updates organizational references in accordance with recent reorganizations within the agency.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and

Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: FDA is amending § 5.69 (21 CFR 5.69) to change the reference to Division of Control Activities to the Division of Product Quality Control, the new title of the division. Sections 5.73 and 5.76 (21 CFR 5.73 and 5.76) are amended to change the reference to the Division of Drug Product Quality to the Division of Drug Quality Evaluation, the new title of the division. The Certification Services Branch has been abolished and certification functions transferred to the Product Surveillance Branch. The delegation is changed accordingly. Section 5.75 (21 CFR 5.75) is amended to delete reference to the National Center for Antibiotics Analysis. The Center has been abolished. All references in the sections above to the Bureau of Drugs and Bureau of Biologics are being changed as appropriate to conform with the new organization nomenclature and organizational placement in the National Center for Drugs and Biologics which was established on June 22, 1982 (47 FR 26913).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. By revising § 5.69 to read as follows:

§ 5.69 Notification of release for distribution of biological products.

The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB); the Director and Deputy Director of the Office of Biologics, NCDB; and the Associate Director for Compliance and the Director of the Division of Control Activities of the Office of Biologics, NCDB, are authorized to issue written notices of release for distribution of licensed biological products, except radioactive biological products, under Subchapter F (Parts 600 through 699) of this chapter.

2. By revising § 5.73 to read as follows:

§ 5.73 Certification of insulin.

The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB); the Director and Deputy Director of the Office of Drugs, NCDB; the Associate Director for Compliance and the Director and Deputy Director of the Division of Drug Quality Evaluation of the Office of Drugs, NCDB; and the Chief and Assistant Chief of the Product Surveillance Branch, Division of Drug Quality Evaluation, Office of Drugs, NCDB, are authorized to certify or reject batches of drugs containing insulin, pursuant to section 506(a) of the Federal Food, Drug, and Cosmetic Act.

3. By revising § 5.75 to read as follows:

§ 5.75 Designation of official master and working standards for antibiotic drugs.

The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB); and the Director, Deputy Director, and Associate Director for Pharmaceutical Research and Testing of the Office of Drugs, NCDB, are authorized to designate official Food and Drug Administration master and working standards for antibiotic drugs under § 430.5 of this chapter.

4. By revising § 5.76 to read as follows:

§ 5.76 Certification of antibiotic drugs.

The Director and Scientific Director of the National Center for Drugs and Biologics (NCDB); the Director and Deputy Director of the Office of Drugs, NCDB; the Associate Director for Compliance and the Director and Deputy Director of the Division of Drug Quality Evaluation of the Office of Drugs, NCDB; and the Chief and Assistant Chief of the Product Surveillance Branch, Division of Drug Quality Evaluation, Office of Drugs, NCDB, are authorized to certify or reject batches of antibiotic drugs, or any derivative of these drugs, pursuant to sections 507(a) and 512(n) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This regulation shall become effective March 1, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 83–6011 Filed 2–28–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of D&C Red No. 19 and D&C Red No. 37 for Use in Externally Applied Drugs and Cosmetics; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for use as a color additive in externally applied drugs and cosmetics. The new closing date will be April 29, 1983. This brief postponement will provide time for the uninterrupted uses of these color additives in externally applied drugs and cosmetics while FDA considers the scientific and legal aspects of the recent skin penetration studies submitted on February 16, 1983, by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA). Additionally, during this brief postponement, the agency will prepare the appropriate **Federal Register** document(s) upon completion of its review.

DATES: Effective February 28, 1983, the new closing date of D&C Red No. 19 and D&C Red No. 37 will be April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of February 28, 1983, for the provisional listing of D&C Red No. 19 and D&C Red No. 37 for cosmetic and general drug uses by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency extended the closing date until February 28, 1983, to provide time for completing chronic toxicity studies and reviewing and evaluating these studies. In the **Federal Register** of February 4, 1983 (48 FR 5262), FDA terminated the provisional listing, and hence approval, of the color additives D&C Red No. 19 and D&C Red No. 37 for coloring ingested drugs and cosmetics. As noted in the **Federal Register** of August 6, 1973 (38 FR 21199), D&C Red No. 19 and D&C Red No. 37 are the subject of a petition (CAP 9C0091) submitted by the Toilet Goods Association, Inc. (now CTFA) for use in coloring drugs and cosmetics. As discussed in the **Federal Register** of February 4, 1983 (48 FR 5262), the petitioner amended its color additive

petition by withdrawing its request to permanently list these color additives for coloring ingested drugs and cosmetics, but continued to seek permanent listing for external cosmetic and drug products that are not subject to incidental ingestion. The petitioner had submitted analyses of the safety and legal issues for external uses of these color additives, including data regarding skin penetration. However, the agency found the skin penetration data did not provide an adequate basis upon which to determine whether these color additives were in fact absorbed through the skin.

On November 24, 1982, CTFA asked the agency to review new skin penetration studies on these color additives, which it said it would be able to submit to the agency by February 10, 1983; however, because of unforeseen events, CTFA was unable to submit these new data before February 16, 1983. The agency agreed to review these data before reaching a conclusion on the safety of D&C Red No. 19 and D&C Red No. 37 for use in externally applied drugs and cosmetics.

The agency is now considering the scientific and legal aspects of the CTFA submissions in support of the external uses of these color additives. Although these color additives have been shown to be animal carcinogens upon ingestion, the agency believes that the continued use of these color additives in externally applied products for the short time needed for adequate evaluation of the data will not pose a hazard to the public health. The regulation set forth below will postpone the February 28, 1983 closing date for the provisional listing of these color additives until April 29, 1983. This postponement will provide sufficient time for the agency to consider the CTFA submissions and prepare the appropriate Federal Register document(s).

Because of the short time until the February 28, 1983 closing date, FDA concludes that notice and public procedures on this regulation are impracticable.

This regulation will permit the uninterrupted use of these color additives until April 29, 1983. To prevent any interruption in the provisional listing of D&C Red No. 19 and D&C Red No. 37 and in accordance with 5 U.S.C. 553(d) (1) and (3), this regulation is being made effective February 28, 1983.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives,* by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (b) to read "April 29, 1983."

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing,* by revising the closing date for "D&C Red No. 19" and "D&C Red No. 37" in paragraph (d) to read "April 29, 1983."

Effective date. This final rule is effective February 28, 1983.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: February 16, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5071 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 81F-0408]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Lubricants With Incidental Food Contact

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of hexamethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant in lubricants with incidental food contact. This action is in response to a petition filed by the Ciba-Geigy Corp.

DATES: Effective March 1, 1983; objections by March 31, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of February 2, 1982 (47 FR 4743), FDA announced that a petition (FAP 2B3595) had been filed by the Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10352 (formerly Ardsley, NY 10502), proposing that the food additive regulations be amended to provide for the safe use of hexamethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant in lubricants with incidental food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.3570(a)(3), by alphabetically inserting a new item in the list of substances to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.3570 Lubricants with incidental food contact.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Hexamethylenebis(3,5-di-tert-butyl-4-hydroxyhydrocinnamate) (CAS Reg. No. 35074-77-2).	For use as an antioxidant at levels not to exceed 0.5 percent by weight of the lubricant.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 31, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 1, 1983.

(Secs 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4906 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 916

Approval of Program Amendments From the State of Kansas Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 916 by adding permanent program amendments to the Kansas regulatory program under the provisions of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

After providing opportunity for public comment and conducting a thorough review of the program amendments, OSM has determined that the modifications to the Kansas program meet the requirements of SMCRA and the Federal regulations. Accordingly, the Kansas program amendments have been approved, and Part 916 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW, Washington, D.C. 20240; Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION:

I. Background

The Kansas regulatory program was approved on January 21, 1981, conditioned upon the correction of six minor deficiencies. To correct these minor deficiencies, Kansas submitted amended statutory provisions (House Bill 2182) which were approved on April 14, 1982 (47 FR 16012–16014). At the same time that Kansas submitted provisions to satisfy the conditions of approval, the State also submitted other proposed statutory amendments. Notice of receipt and a request for public comment on these additional amendments were published on June 1, 1982 (47 FR 23766). The comment period closed on July 1, 1982.

After reviewing the statutory amendments, OSM determined that amended Section 49–420(b) of the Kansas Mined Land Conservation and Reclamation Act (MLCRA), because it lacked implementing regulations, was inconsistent with Section 509 of SMCRA and 30 CFR 808.12. In a letter to Kansas dated August 16, 1982 (Administrative Record No. KS–241), OSM provided comments on the provisons and suggested that Kansas promulgate implementing regulations.

On September 10, 1982, Kansas replied to OSM's August 16, 1982 letter, agreeing that regulations were necessary to implement House Bill 2182 and stated that such regulations were in the process of being developed. The letter also contained the opinion of the Assistant General Counsel on several of the points made in OSM's letter. On November 16, 1982 (Administrative Record No. KS–243), Kansas submitted the enacted regulations.

On December 23, 1982 (47 FR 57299) OSM published a notice reopening the public comment period to allow the public sufficient time to consider and comment on the regulatory amendments and the statutory provisions which they implement. The public comment period ended January 24, 1983.

II. Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17, that the program amendments submitted by Kansas on May 20, 1982, and November 16, 1982, meet the requirements of Sections 509, 510, 517, 518, 528, and 701 of SMCRA and 30 CFR Parts 700, 705, 779, 783, and 845, as described below.

The amended provisions of the MLCRA are as follows:

(1) Section 49–403 of the MLCRA was amended to include definitions of geologist and geology;

(2) Section 49–405c of the MLCRA was amended to include a provision that a penalty be placed in an interest-bearing escrow account in the event the person contests the amount of the penalty or the fact of the violation;

(3) Section 49–406 of the MLCRA was amended to provide:

(a) For geologists to certify maps that accompany permit applications;

(b) That bonding requirements may be satisfied by depositing cash, negotiable bonds, negotiable certificates of deposit, or irrevocable letters of credit with the State treasurer;

(4) Section 49–430 of the MLCRA was amended to add a provision excluding the extraction of coal incidental to highway construction from the provisions of the MLCRA;

(5) Section 49–420(b) of the MLCRA was amended to create the mined-land reclamation fund in the State treasury.

The amended regulations are summarized as follows:

(1) K.A.R. 47–2–21 which eliminates members of the mined-land conservation and reclamation board from the definition of "employee", in

accordance with K.S.A. 1981 Supp. 49–404;

(2) K.A.R. 47–8–10 which implements K.S.A. 1981 Supp. 49–406 to allow mine operators to bond their permits with cash, negotiable bonds, negotiable certificates of deposit, and irrevocable letters of credit, as well as surety bonds; and

(3) K.A.R. 47–8–11 which implements K.S.A. 1981 Supp. 49–420 concerning use of forfeited bond money in the mined-land reclamation fund.

In an August 18, 1982 letter to Kansas, OSM notified the State that Section 49–420(b) of the MLCRA, because it lacked interpretive regulations, was inconsistent with SMCRA and suggested that the State promulgate implementing regulations.

Section 49–420(b) of the MLCRA created the mined-land reclamation fund, to be financed solely with bond forfeiture money earmarked for the "reclamation of land affected by open pit, strip pit, and surface types of mine operations," after a process of appropriation acts, warrants and vouchers.

1. OSM found that this statutory amendment was not consistent with 30 CFR 808.12(d), because the bond forfeiture money could be divorced from the identified permit area for which the bond was posted. 30 CFR 808.12(d) requires the regulatory authority to use funds collected from bond forfeitures to complete the reclamation plan for the permit area for which the bond is forfeited.

In response, Kansas promulgated revised regulation K.A.R. 47–8–11 which requires the regulatory authority to "utilize funds collected from any bond forfeitures only to complete the reclamation plan on the permit area on which bond was made for the surface mining of coal, and to cover associated administrative expenses."

This amended rule is now consistent with 30 CFR 808.12(d).

2. OSM found that the statutory language "open pit, strip pit and surface types of mine operations" would exclude underground mines and processing facilities, which is inconsistent with the definition of "surface coal mining operations" in Section 701(28) of SMCRA and 30 CFR 700.5. However, in his September 10, 1982 letter, the Kansas Assistant General Counsel (AGC) assured OSM that this provision applied to underground mining. The AGC noted that K.S.A. 49–429 provides that the MLCRA and provisions of the national surface mining law (SMCRA) shall be enforced with respect to all aspects of underground coal mining in the same manner as for surface mining. Based on this legal opinion, OSM finds that the Kansas statute, K.S.A. 49–420, is consistant with Section 701(28) of SMCRA.

3. OSM found that the amended statutory provision could be interpreted to apply to pre-SMCRA abandoned mines and not necessarily only to coal mines. The amended Kansas regulation, K.A.R. 47–8–11, clarifies that the statute applies only to bonded permitted coal mining operations and not to pre-SMCRA abandoned mines.

4. OSM noted that the series of transfers, appropriations, warrants and vouchers would be acceptable if Kansas could assure OSM that the administrative process would not unduly delay reclamation on forfeited areas. The Kansas AGC assured OSM in his September 10, 1982 letter, that forfeiture and reclamation procedures would be accomplished as expeditiously as possible.

Therefore, OSM finds that the statutory and regulatory amendments submitted by Kansas are consistent with SMCRA and 30 CFR Chapter VII.

Public Comment

No public comments were received on the Kansas amendments.

Approval of Amendments

Accordingly, 30 CFR Part 916 is amended to indicate approval of the Kansas program amendments submitted to OSM on May 20, 1981, and November 16, 1982.

III. Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 916

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 916 of Title 30 is amended as set forth herein.

Dated: February 16, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

PART 916—KANSAS

1. 30 CFR 916.10 is revised to read:

§ 916.10 State regulatory program approval.

The Kansas State program as submitted on February 26, 1980, and amended on October 31, 1980, is conditionally approved, effective January 21, 1981. Beginning on that date, the Kansas Mined Land Conservation and Reclamation Board shall be deemed the regulatory authority in Kansas for all surface coal mining and reclamation operations on non-Federal and non-Indian lands. Copies of the approved program, as amended, are available at:

(a) Office of Surface Mining, Kansas City Field Office, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

(b) Mined Land Office, 107 West 11th Street, Pittsburg, Kansas 66762.

(c) Kansas Corporation Commission, Legal Office, 4th Floor, State Office Building, 915 Harrison, Topeka, Kansas 66612.

(d) Office of Surface Mining, Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C. 20240.

2. Part 916 is amended by adding a new § 916.15 as set forth below.

§ 916.15 Approval of regulatory program amendments.

(a) The following amendments were approved effective April 14, 1982:

(1) Amended Sections 49–411, 49–412, and 49–422a of the Kansas Mined Land Conservation and Reclamation Act (MLCRA), adopted May 14, 1981.

(2) Sections 49–413, 49–414, 49–421, 49–416, and 49–422 of the MLCRA were repealed upon adoption of House Bill 2182, May 14, 1981.

(3) New Section 49–430 of the MLCRA, adopted May 14, 1980.

(b) The following amendments were approved effective March 1, 1983.

(1) Amended Sections 49–403, 49–405c, 49–406, and 49–420 of the MLCRA, and new Section 10 of House Bill 2182, adopted May 14, 1981.

(2) Kansas revised regulations K.A.R. 47–2–21, 47–8–10, and 47–8–11.

[FR Doc. 83–5190 Filed 2–28–83; 8:45 am]
BILLING CODE 4310–05–M

30 CFR Part 948

Modifications to the Permanent State Regulatory Program of West Virginia

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 948 by modifying the deadline for West Virginia to meet certain conditions and removing eight other conditions of approval of the West Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). West Virginia has submitted provisions to the Office of Surface Mining (OSM) which satisfy the following conditions: 30 CFR 948.11(a)(6), (10), (12), (15), (17), (22), (25) and (35).

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary of the Interior has determined that the modifications to the West Virginia program satisfy the aforementioned conditions and is allowing West Virginia until May 1, 1983, to meet certain other conditions. Accordingly, the Secretary of the Interior has removed those conditions from the approval of the West Virginia program and extended the deadline for meeting certain other conditions of its program approval.

Part 948 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: The removal of the conditions of the approval and extension of the deadline for compliance are effective March 1, 1983.

FOR FURTHER INFORMATION CONTACT: David H. Halsey, Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the State of West Virginia. On January 21, 1981, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior approved the program conditioned on the correction of minor deficiencies. Information pertinent to the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the West Virginia program can be found in the January 21, 1981 **Federal Register** (46 FR 5915–5956).

In the notice of approval, the Secretary published the schedule for West Virginia to resolve each of the 35 conditions of approval of the State's regulatory program. These deadlines were subsequently extended on October 30, 1981 (46 FR 54070–54071) and May 27, 1982 (47 FR 23156–23157).

On September 14, 1982, the State requested that the deadline for six of the conditions (conditions 2, 7, 8, 16, 23 and 30) due on November 1, 1982, be extended until May 1, 1983 (Administrative Record Number WV 453). An individual justification for each of the conditions was provided by the State. The State also requested that OSM reconsider seven conditions (conditions 9, 11, 13, 15, 20, 21 and 35) on the basis of developments subsequent to the date of approval of the State's program. Individual discussion of each of these conditions was provided.

On October 29, 1982, the State submitted a copy of emergency regulations promulgated on October 28, 1982 (Administrative Record Number WV 456). These emergency regulations were intended to satisfy conditions 6, 10, 12, 17 and 22. The letter also contained a copy of an actuarial study intended to satisfy condition 25 and information concerning valley fills intended to satisfy condition 16. In addition, the State requested that condition 14 be included in its request for extension of the deadline to satisfy conditions.

A **Federal Register** notice announcing receipt and a public comment period on the proposed amendments and extension of deadline for meeting certain other conditions was published on November 22, 1982 (47 FR 52731–52732). The comment period closed on December 23, 1982. Since no requests were received, a public hearing was not held on the program amendments.

Secretary's Findings

Pursuant to 30 CFR 732.17, the Secretary finds that some of the amendments submitted by West Virginia on September 14, 1982, and October 29, 1982, correct some of the deficiencies in the West Virginia program as follows:

1. Condition 6 requires an amendment to the West Virginia program to ensure the protection of the public, wildlife and others from the dangers of exploratory or other bore holes which have not been properly managed or controlled as required by 30 CFR 816.13. West Virginia promulgated emergency regulations to accommodate condition 6. Therefore, the Secretary finds that Section 6B.02 of West Virginia's regulations is no less effective than 30 CFR 816.13 and is in accordance with section 515(b)(10)(A)(iii) of SMCRA concerning casing, sealing or managing of bore holes, shafts, etc. for the protection of the public, wildlife and livestock.

2. Condition 10 requires an amendment to the West Virginia program to require that permit applications contain water quality information on total manganese consistent with 30 CFR 783.16(b)(2)(vi). West Virginia promulgated emergency regulations to require that permit applications contain information regarding water analyses related to total manganese. Accordingly, the Secretary finds that West Virginia regulation Sections 6A.02a.6 and 7A.02a.6 require that permit applications contain information on water analyses related to total manganese in accordance with section 507(b)(11) of SMCRA and are no less effective than 30 CFR 779.16(b)(2)(vi) and 783.16(b)(2)(vi).

3. Condition 12 requires an amendment to West Virginia's regulations to prohibit static safety factors of less than 1.5 on outslopes of the plateau created by mountaintop removal where these slopes exceed 1v:2h. West Virginia promulgated emergency regulations to prohibit a static safety factor of less then 1.5 on slopes greater than 1v:2h. Therefore, the Secretary finds the Section 6B.07c.2 of West Virginia's regulations provides for the prohibition of outslopes greater than 1v:2h unless a minimum static factor of 1.5 is attained in accordance with section 515(c)(2) of SMCRA, and is no less effective than 30 CFR 824.11(a)(7).

4. Condition 15 requires an amendment to West Virginia's regulations or program to provide that fish and wildlife agencies be given 60 days to review alternate land use plans consistent with 30 CFR 816.133(c)(8). West Virginia requested reconsideration of this condition on the basis that West Virginia regulation Section 4D.04h requires the approval of appropriate State and Federal fish and wildlife agencies prior to permit approval. Even

though the State regulations do not provide fish and wildlife agencies a 60-day comment period, the fact that the permit cannot be issued without the necessary approvals automatically gives the agencies at least the maximum time allowed by law to grant that approval. Also, Chapter 20-6-16(a) of the West Virginia Surface Coal Mining and Reclamation Act (SMCRA) provides for public, which includes State and Federal fish and wildlife agencies, notification and an opportunity for a public hearing on the proposed land use within the 60-day review period. Therefore, since section 515(c)(3)(D) of SMCRA only requires that State and Federal agencies be given an opportunity of not more than 60 days to review and comment on the proposed postmining land use, the Secretary finds that West Virginia regulation Section 4D.04h is no less effective than 30 CFR 816.133(c)(6).

5. Condition 17 requires an amendment to West Virginia's regulations to require that operators promptly notify the regulatory authority of slides and comply with any remedial measures ordered. West Virginia promulgated emergency regulations to satisfy condition 17. Therefore, the Secretary finds that West Virginia regulation Section 6B.07f requires operators to notify the regulatory authority of slides and comply with remedial measures prescribed by the regulatory authority in accordance with sections 515 and 516 of SMCRA and is no less effective than 30 CFR 816.99(b) and 817.99(b).

6. Condition 22 requires an amendment to West Virginia's regulations regarding the public availability of boring and sampling analyses. West Virginia promulgated emergency regulations to accommodate condition 22. Therefore, the Secretary finds that Section 12B.07 of West Virginia's regulations is no less effective than 30 CFR 786.15(a)(2) and requires borings and sampling analyses to be made available to the public in accordance with Section 507(b)(17) of SMCRA.

7. Condition 25 requires West Virginia to provide the Secretary the results of an analysis prepared by a professional qualified party using standard statistical and acturial techniques sufficient to demonstrate that the amount of money going into West Virginia's bonding fund would meet the future demands likely to be placed upon it. West Virginia submitted the required acturial study to OSM on October 20, 1982. Although this was only a preliminary study, it concluded that West Virginia's alternative bonding system appears to be basically sound. At the time of the study, the special reclamation fund had assets of approximately $4.5 million. Although reclamation costs are expected to exceed bond forfeiture income by about $400,000 annually, the special reclamation tax provisions of West Virginia's SCMRA are expected to provide approximately $1 million annually when net assets of the special reclamation fund fall below $1 million. Since West Virginia's special reclamation fund is solvent and its depletion is controllable by a special reclamation tax and the rate at which reclamation activities are scheduled, the Secretary finds that the alternative bonding system described in Part 4H of West Virginia's regulation is no less effective than the requirements of 30 CFR Subchapter J of Chapter VII and is in accordance with the alternative bonding provisions of Section 509(c) of SMCRA.

8. Condition 35 requires an amendment to the West Virginia program to provide for five days' written notice of formal hearings in accordance with section 525(a)(2) of SMCRA. West Virginia requested reconsideration of this condition because Chapter 20-6-24(c) of the West Virginia SCMRA requires that the Reclamation Board of Review give appellants at least twenty days' written notice of hearings by certified mail and West Virginia regulation Section 15A.01 requires that the time, place and purpose of meetings of the Reclamation Commission and the Reclamation Board of Review be published in a newspaper in the area where the environmental concern exists or in a newspaper of general circulation in the State. Also, the Department of Natural Resources' (DNR) Open Government Proceedings regulations, Chapter 20-1 Series XIV, require that seven days' public notice be given for all meetings of the Reclamation Commission and as a matter of departmental policy, the Reclamation Board of Review will give seven days' public notice of all future meetings (Administrative Record No. WV 465). Since DNR's Open Government Proceedings regulations require that seven days' public notice be given for all meetings of the Reclamation Commission, West Virginia regulation Section 15A.01 requires that the public be given advance notice of hearings and as a matter of departmental policy, the Reclamation Board of Review will give seven days' public notice of all future meetings, the Secretary finds that these provisions provide the public with adequate advance notice of hearings in accordance with section 525(a)(2) of SMCRA.

The Secretary finds that some of the amendments submitted by West Virginia on September 14, 1982, and October 29, 1982, fail to correct the deficiencies in the West Virginia program as follows:

1a. Condition 9 requires an amendment to West Virginia's regulations to eliminate the variance provisions of Section 6B.07e.1. West Virginia requested reconsideration of this condition based on a proposed revision to 30 CFR 817.133(d). State regulation Section 6B.07e.1 allows broad variances for special land use purposes at the DNR Director's discretion, with no regulatory criteria for his exercising this discretion. Unlike the State provision, the proposed and existing Federal regulation provides specific criteria for granting a variance for backfilling and grading in accordance with sections 515(c) and 515(e) of SMCRA. Because West Virginia's regulations lack specific criteria for granting a variance for backfilling and grading, the Secretary finds that the provisions of West Virginia regulation Section 6B.07e.1 are not in accordance with sections 515(c) and 515(e) of SMCRA and are less effective than 30 CFR 817.133.

2a. Condition 11 requires an amendment to West Virginia's regulations to require completion of rough backfilling and grading in area surface mining operations within 180 days as required by 30 CFR 816.101(a)(3). West Virginia requested reconsideration of this condition on the basis that the West Virginia program is as effective as and more stringent than the Federal provisions. State regulation Section 6B.09b.4 is more stringent than 30 CFR 816.101(a)(3) by requiring that no more than two spoil ridges nor more than 3,000 linear feet of open pit be allowed. However, the State regulation fails to require that rough backfilling and grading of area mining operations be completed within 180 days following coal removal. The regulatory authority can grant additional time for rough backfilling and grading if the permittee can demonstrate, through a written detailed analysis, that additional time is necessary. West Virginia contends that reclamation of area mining operations is occurring in less than 180 days and the inclusion of a time limit in the regulations may encourage operators to delay reclamation. It should be noted that the draft final Federal rules at 30 CFR 816.100 and 816.102 omit specific timing and distance requirements for backfilling and grading options and specify that the regulatory authority

may establish schedules that define contemporaneous reclamation. However, the current Federal rules do require specific timing and distance requirements. Accordingly, since section 6B.07e.1 of West Virginia's regulations does not establish a maximum time limit for backfilling and grading, the Secretary finds that the backfilling and grading requirements of West Virginia regulation Section 6B.07e.1 are less effective than those of 30 CFR 816.101(a)(3).

3a. Condition 13 requires an amendment to West Virginia regulation Section 6B.07a.2 prohibiting placement of debris on the downslope in areas of steep slope mining. West Virginia requested reconsideration of this condition on the basis of published reports which conclude that a timber or brush windrow barrier is an acceptable and effective erosion control measure. In accordance with section 515(d)(1) of SMCRA, no debris, abandoned equipment, spoil material or waste mineral matter can be placed on the downslope below the bench or mining cut when surface mining on steep slopes. Since West Virginia failed to submit the reports which support the use of windrowed barriers on steep slopes and because placement of debris on the downslope is prohibited by SMCRA, the Secretary finds that the windrowing provisions of West Virginia regulation Section 6B.07a.2 are not in accordance with section 515(d)(1) of SMCRA and are less effective than those of 30 CFR 826.12(a)(i)(C).

4a. Condition 18 requires West Virginia to submit to the Secretary additional data demonstrating that large volumes of water runoff will not damage valley and head-of-hollow fills. On October 29, 1982, West Virginia submitted additional information to OSM concerning the stability of valley fills constructed with rock core drainage systems. According to the West Virginia DNR, 281 valley fills have been constructed with rock core drainage systems since the early to mid 1970's and no failures of such fills have occurred. The data provided OSM, however, is not conclusive evidence that rock core drainage design criteria allowed by West Virginia when the fill is not constructed to the ridge line could not pose long term threats to the integrity of the fill. Unlike 30 CFR 816.72, all fills in West Virginia are permitted to have a central rock core drain. Also, head-of-hollow fills with rock core drainage systems are not limited to a maximum 250,000 cubic yards of material if not constructed to the ridge line as required by 30 CFR 816.73(a). Although data and testimony contained in the administrative record tend to support West Virginia's utilization of rock core drainage systems in fills, the Secretary remains concerned about the potential impacts of substantial flows of water onto or over the fills from drainage areas above the fills. Therefore, West Virginia must amend its program to ensure that valley and head-of-hollow fills with rock core drainage systems may be allowed only in areas without a significant natural drainage potential in the disposal area or must be limited to a maximum of 250,000 cubic yards if not constructed to the ridge line. Valley and head-of-hollow fills which utilize rock-core chimney drainage systems where the final crest of the fill is at or near the ridge line need not be limited in size if no significant area of natural drainage occurs above and around the fill and runoff above the fill flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice, and which has a channel bottom that is always above the water table. To ensure the long term integrity of fills with rock core drainage systems, OSM will continue to monitor selected fills with rock core drainage systems in West Virginia during the permanent program. Until West Virginia's program is amended accordingly, the Secretary finds that Section 6B.08c of West Virginia's regulations, Chapter 8 of the Technical Handbook and Chapter 20–6–13 of the West Virginia SCMRA are less effective than 30 CFR 731.13, 816.72, 816.73, 817.72 and 817.73 and provide design standards of valley and head-of-hollow fills not in accordance with sections 515 and 516 of SMCRA.

5a. Condition 20 requires an amendment to West Virginia's regulations or program to demonstrate that applicable permit data, performance standards and public participation requirements of SMCRA are included in the State provisions for incidental mining permits. West Virginia requested reconsideration of this condition because a memorandum governing the procedure for obtaining incidental mining permits was issued on June 28, 1982, which requires operators to comply with the permanent program requirements discussed above. While the incidental mining permit procedures address some of the concerns regarding performance standards, permit data and public participation, it is OSM's position that the operators cannot be legally-bound to comply with the procedures. Even if the policy memorandum is determined to have the effect of law, certain provisions of sections 506, 507, 508, 509, 510, 511, 513, 514, 515 and 519 of SMCRA have not been satisfied. Furthermore, Chapter 20–6–31(c) of the West Virginia SCMRA specifically provides that as long as an operator complies with the purpose and provisions of Article 6, Section 31 of Chapter 20, the other sections of Article 6 do not apply to an operator holding an incidental mining permit. Also the Reclamation Commission must promulgate regulations establishing applicable performance standards for incidental mining operations. Because the West Virginia Legislature exempted incidental mining operators from complying with the other provisions of the West Virginia SCMRA regarding permit data, performance standards, bonding, public participation, etc. and since the Reclamation Commission can only promulgate performance standards pursuant to Chapter 20–6–31 of the West Virginia SCMRA, the Secretary finds that the State provisions for incidental mining permits are less effective than the Federal requirements.

6a. Condition 21 requires an amendment to West Virginia's regulations or program which will assure that the public is notified of permit decisions as required by 30 CFR 786.23(e). West Virginia requested reconsideration of this condition on the basis that the department provides to major newspapers throughout the State a listing of all permits and significant modifications approved or denied on a monthly basis. The Federal regulations at 30 CFR 786.23(e)(1) require that the regulatory authority notify each person and government official, who filed written objection or comment, of its decision on the application. Also, OSM is to be provided a copy of the decision along with any permit issued. West Virginia regulation section 3Q.02 only requires that the DNR Director provide copies of decisions with respect to permit renewals. There are no provisions for providing decisions to persons who commit on initial permit applications. West Virginia regulation section 3I.01, however, requires the DNR Director to notify all appropriate local agencies of the issuance, renewal or significant revisions to any permits in accordance with section 510(a) of SMCRA. The Federal regulations at 30 CFR 786.23(e)(2) require that the regulatory authority publish its decision in a newspaper or similar periodical of general circulation in the general area of the proposed operation. Without this notice, adversely affected persons would lose their last opportunity to protect their rights because section

514(f) of SMCRA limits judicial appeal to those who participated in the formal administrative hearing reviewing the decision of the regulatory authority. West Virginia has indicated that public notice of permit decisions is published in all major newspapers throughout the State on a monthly basis. Because the provisions of Chapter 20–6–21(b) of West Virginia SCMRA require that the applicant or any person with an interest which is or may be adversely affected request a hearing within thirty days after the applicant is notified of the DNR Director's decision, it is necessary that the public be notified soon after the decision and not on a monthly basis so as to provide the public sufficient time to request a hearing. Accordingly, the Secretary finds that the West Virginia requirements are less effective than the provisions of 30 CFR 786.23(e).

On September 14, 1982, West Virginia requested an extension for meeting conditions 2, 7, 8, 16, 23, and 30 as set forth in the Secretary's January 21, 1981 decision (Administrative Record No. WV 423). The State indicated in its letter that it needed the extension because OSM had proposed changes to its regulations on several of these issues which would not be final until after November 1, 1982. Also, the State preferred to implement these regulatory changes through the normal rulemaking process rather than file emergency regulations which are effective for only 180 days with a possible extension of 180 days. With passage of the State's new Administrative Procedures Act, all regulations must be approved by the West Virginia Legislature prior to promulgation. The State has undertaken a comprehensive review of its regulations prior to submitting them to the public for comment and to the legislature for final promulgation during the 1983 session.

On October 29, 1982, the State requested an extension for meeting condition 14 to May 1, 1983, because OSM had not promulgated revised regulations regarding maximum peak particle velocity.

Inasmuch as OSM has not promulgated final revisions to some of its regulations which are at issue here and West Virginia's formal rulemaking process requires that the regulations be approved by the legislature prior to final promulgation, the Secretary is allowing the State until May 1, 1983, to meet conditions 2, 7, 8, 14, 16, 23, and 30 of West Virginia's program approval. The Secretary has reconsidered conditions 9, 11, 13, 18, 20 and 21 in light of the additional material submitted by West Virginia, but finds these conditions to be valid; the Secretary is allowing West Virginia until May 1, 1983, to meet conditions 9, 11, 13, 18, 20 and 21 of the program approval.

Disposition of Public Comments

Few comments were received from the public on West Virginia's proposed program amendments. Comments from Federal agencies were limited and did not identify any specific deficiencies of the proposed program amendments. Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those agencies invited to comment, comments were received from the following Federal agencies: U.S. Fish and Wildlife Service, U.S. Bureau of Mines, U.S. Geological Survey, U.S. Army Corps of Engineers, U.S. Mine Safety and Health Administration and U.S. Environmental Protection Agency. The Secretary has considered all comments in evaluating the adequacy of West Virginia's proposed program amendments, as indicated below:

1. A commenter concluded that the provisions of Section 6B.07e.1 of West Virginia's regulations are inconsistent with the requirements of 30 CFR 817.133(d) and section 515(e) of SMCRA in that the State regulation does not limit variances from approximate original contour to steep slope mining and none of the criteria required for a variance are contained in the regulations. As discussed in Finding 1a, the Secretary finds that provisions of Section 6B.07e.1 of the State's regulations are not in accordance with sections 515(c) and 515(e) of the SMCRA and are less effective than the provisions of 30 CFR 817.133.

2. One commenter objected to West Virginia's practice of incorporating incidental mining permit requirements by internal memorandums rather than by regulation. As discussed in Finding 5a, the Secretary finds that the State's incidental mining permit provisions are less effective than the Federal permanent program requirements.

3. A commenter stated that West Virginia's regulations do not require that the public be notified of permit decisions as required by 30 CFR 786.23(e). As discussed in Finding 6a, the Secretary finds that the State's public notice requirements for permit decisions are less effective than the provisions of 30 CFR 786.23(e).

4. One commenter stated that Section 15A of West Virginia's regulations does not specify how many days notice must be given to the public of formal hearings. As discussed in Finding 8, the Secretary finds that West Virginia will require seven days' public notice of hearings in accordance with section 525(a)(2) of SMCRA.

Additional Information

Procedural Matters

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 6, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

On December 29, 1982, the Administrator of the Environmental Protection Agency transmitted her written concurrence on the amendment approved in this document as it relates to air or water quality standards under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.)*, and the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*).

List of Subject in 30 CFR Part 948

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, 30 CFR Part 948 is amended as set forth herein.

Dated: February 22, 1983.

Daniel N. Miller Jr.,

Assistant Secretary, Energy and Minerals.

PART 948—[AMENDED]

Part 948 of Title 30 is amended as follows:

1. 30 CFR 948.10 is revised to read as follows:

§ 948.10 State regulatory program approval.

The West Virginia State program, as submitted on March 3, 1980, as amended and clarified on July 16, 1980, and resubmitted December 19, 1980, was conditionally approved, effective January 21, 1981. Beginning on that date, the Department of Natural Resources was deemed the regulatory authority in West Virginia for all surface coal mining and reclamation operations and for all exploration operations on non-Federal and non-Indian lands. Beginning on May 11, 1982, the program also included the coal refuse regulations conditionally approved as a program amendment on that date. Section 10 of the regulations contained in the conditionally approved program of January 21, 1981, was deleted from the program as of May 11, 1982. Further, beginning on September 10, 1982, and March 1, 1983, the program includes the modifications submitted on June 17, 1982 and September 14 and October 29, 1982. Copies of the conditionally approved program, as amended, are available at:

(a) West Virginia Department of Natural Resources, 1800 Washington Street, East, Room 630, Charleston, West Virginia 25305, Telephone: (304) 348–9160

(b) Office of Surface Mining Reclamation and Enforcement, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158

(c) Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1100 "L" Street, N.W., Room 5315, Washington, D.C. 20240, Telephone: (202) 343–7896.

§ 948.11 Conditions of State regulatory program approval. [Amended]

2. 30 CFR 948.11(a)(2), (7), (8), (9), (11), (13), (14), (16), (18), (20), (21), (23), and (30) are amended by substituting "May 1, 1983" for each date contained therein.

3. 30 CFR 948.11(a)(6), (10), (12), (15), (17), (22), (25) and (35) are removed and reserved.

[FR Doc. 83-5188 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6496]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, this placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Arkansas: Hot Springs	Malvern, city of	130144B	May 1, 1974 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Oct. 3, 1975 and Nov. 16, 1973	Mar. 2, 1983.
Delaware: Kent	Unincorporated areas	100001A	Dec. 17, 1971 emergency Mar. 15, 1978 regular, Mar. 2, 1983 suspended.	Mar. 15, 1978	Do.
Florida: Pinellas	Indian Rocks Beach, city of	125117	July 17, 1970, emergency, May 7, 1971, regular, Mar. 2, 1983 suspended.	Aug. 13, 1976	Do.
Do	Indian Shores, town of	125118C	May 22, 1970 emergency, May 21, 1971 regular, Mar. 2, 1983 suspended.	May 22, 1970, May 21, 1971, July 1, 1974 and June 6, 1975.	Do.
Do	Redington Beach, town of	125140D	May 15, 1970 emergency, May 15, 1970 regular, Mar. 2, 1983 suspended.	Sept. 26, 1975	Do.
Do	Redington Shores, town of	125141B	June 30, 1970 emergency, May 7, 1971 regular, Mar. 2, 1983 suspended.	May 8, 1971, July 1, 1974 and Oct. 17, 1975.	Do.
Georgia: Newton	Covington, city of	130144B	Apr. 23, 1975 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 28, 1974 and June 28, 1974	Do.
Louisiana: Jefferson	Grand Isle, town of	225197	Aug. 28, 1970 emergency, Oct. 30, 1970 regular, Mar. 2, 1983 suspended.	Mar. 18, 1975	Do.
Iberia	Unincorporated areas	220078C	Apr. 27, 1973 emergency, July 3, 1978 regular, Mar. 2, 1983 suspended.	July 3, 1978	Do.
Michigan: Ottawa	Tallmadge, township of	[illegible]	Sept. 3, 1980, emergency, Mar. 2, 1983, regular, Mar. 2, 1983, suspended.	June 10, 1977	Do.
Oakland	West Bloomfield, township of	260182B	Mar. 30, 1973, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 28, 1974 and Jan. 30, 1976	Do.
Missouri: Franklin	Union, city of	290137B	July 23, 1974, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Mar. 8, 1974 and July 23, 1976	Do.
Nebraska: Hall	Grand Island, city of	310103	May 28, 1974, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Apr. 5, 1974 and Sept 3, 1976	Do.
New Jersey: Union	Kenilworth, borough of	340466B	Feb. 9, 1973, emergency, Mar. 2, 1983, regular, Mar. 2, 1983 suspended.	Oct. 26, 1973	Do.
Bergen	South Hackensack, township of	340515B	Aug. 11, 1975 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 14, 1974	Do.
New York: Rockland	Clarkstown, town of	[illegible]	Oct. 24, 1974, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Apr. 12, 1974 Sept. 10, 1976, and Aug. 24, 1979.	Do.
Schoharie	Esperance, town of	361194C	Oct. 17, 1975, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Oct. 18, 1974, Aug. 27, 1976 and Nov. 14, 1975.	Do.
Suffolk	Port Jefferson, village of	360604	June 27, 1974, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 28, 1974 and June 11, 1976	Do.
Pennsylvania: Blair	Altoona, city of	420159B	Sept. 28, 1973 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 28, 1974 and Oct. 3, 1975	Do.
Lycoming	Lewis, township of	420643C	June 14, 1973, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	May 24, 1974, Aug 6, ,1976 and Aug. 5, 1977.	Do.
York	Lower Windsor, township of	421187B	Aug. 29, 1975 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Aug. 30, 1974 and Aug. 20, 1976	Do.
Lancaster	Manheim, borough of	420555B	Apr. 19, 1973, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Oct. 5, 1973 and Nov. 21, 1975	Do.
York	Washington, township of	421150B	Apr. 4, 1974, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Sept. 20, 1974 and Aug. 20, 1976	Do.
Rhode Island: Newport	Portsmouth, town of	445405C	July 30, 1971, emergency, Aug. 24, 1973, regular, Mar. 2, 1983 suspended.	Aug. 7, 1973, July 1, 1974, Dec. 19, 1975 and Sept. 10, 1976.	Do.
South Carolina: Horry	Surfside Beach, town of	450111	Sept. 10, 1971, emergency, Dec. 17, 1976, regular, Mar. 2, 1983 suspended.	Dec. 17, 1976	Do.
Do	Surfside Beach, town of	450111	Sept. 10, 1971, emergency, Dec. 17, 1976, regular, Mar. 2, 1983 suspended.	Dec. 17, 1976	Do.
Texas: Wichita	Unincorporated areas	481189B	June 1, 1982, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Aug. 1, 1978	Do.
Virginia: Sussex	Unincorporated areas	510192A	Dec. 11, 1973, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	June 9, 1978	Do.
Illinois: Scott	Naples, village of	170809B	Mar. 6, 1974, emergency, May 17, 1982, regular, Mar. 1, 1983. suspended.	Apr. 2, 1976 and Jan. 9, 1974	Mar. 1, 1983.
Indiana: Porter	Valparaiso, city of	180204C	Mar. 24, 1975 emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Apr 9, 1976 and Jag. 9, 1974	Do.
Maryland: Harford	Unincorporated areas	240040	May 5, 1972, emergency, Mar. 2, 1983 regular, Mar. 2, 1983 suspended.	Apr. 4, 1975	Mar. 2, 1983.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5084 Filed 2-28-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1397

Standard-Setting Requirements for Medical and Nonmedical Facilities Where SSI Recipients Reside

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule amends the standard-setting requirements for medical and nonmedical facilities where SSI recipients reside. (These requirements are known as Keys amendment regulations). This action is necessary because of the passage of the Omnibus Budget Reconciliation Act of 1981 which amended section 1616(e) of the Social Security Act and deleted reference to Title XX thereby removing social services plans as the vehicle for providing public notice of standards for certain facilities.

DATE: Effective March 31, 1983. These regulations are being published as final for reasons described in the Supplementary Information, below. However, the Department will consider any written comments up to May 2, 1983.

ADDRESSES: Address comments to the Assistant Secretary for Human Development Services, Room 309F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Agencies and organizations are requested to submit comments in duplicate. Beginning two weeks from today, the public may review the comments submitted in response to this final rule in room 300E, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David A. Rust, (202) 245–7027.

SUPPLEMENTARY INFORMATION:

Background

These standard-setting requirements for medical (not certified by Medicare or Medicaid) and nonmedical facilities where SSI recipients reside were published in the Federal Register on Tuesday, January 31, 1978 (43 FR 4016). They implement the Keys Amendment, section 1616(e) of the Social Security Act. They were redesignated Part 1397 of Title 45 of the Code of Federal Regulations on August 25, 1980 (45 FR 56728).

The purposes of the amendment were: (1) To assure development of standards for safe and appropriate residential settings as an alternative to institutional living for appropriate elderly individuals and handicapped children and adults; (2) to limit the use of SSI funds for substandard facilities for such persons; and (3) to publicize the standards and enforcement procedures as a means of involving the public in monitoring these standards.

The implementing regulations became effective October 1, 1977. They required States to: (1) Designate one or more State or local authorities to establish and enforce standards for residential facilities where significant numbers of SSI recipients reside or are likely to reside; (2) make available for public review in the annual services plan under the former Title XX of the Social Security Act, a summary of the standards and enforcement procedures; (3) make available a list of any waivers of such standards and any violations that may have come to the attention of standard-setting authorities; and (4) certify annually to the Secretary compliance with the Keys requirements.

Public Law 97–35, the Omnibus Budget Reconciliation Act of 1981, amended section 1616(e) of the Social Security Act by deleting reference to Title XX. Consequently, the regulations must be amended to reflect the statutory change and to specify how States must now comply with the Keys requirements. In order to do this we are issuing these final regulations with a 60-day comment period.

Provisions of the Regulations

Except as noted below, these regulations make only editorial changes. The first two sections have been renumbered, all references to Title XX have been removed wherever they appear in current regulations, and § 1397.30 has been deleted.

In § 1397.10, several changes have been made. This section incorporates all the State responsibilities currently in § 1397.30, i.e., making summaries of standards available for public review; assuring that standard-setting authorities meet requirements; and annually certifying to the Department its compliance with requirements of this Part. In addition, this section now contains the requirements for: (1) Designation of a State official to assist in the activities required to comply with this Part; and (2) transmittal of a summary of standards and enforcement procedures to the Assistant Secretary for Human Development Services, Office of Human Development Services, rather than the regional official who received title XX plans.

In § 1397.20, which contains the responsibilities of standard-setting authorities, we require the authorities to provide a summary of their standards and enforcement procedures to the States' designated coordinating official.

Taken together, we believe these requirements will facilitate implementation of State responsibilities for establishing and enforcing standards. We believe that the designation of an official to assist in State implementation of the Keys amendment requirements will provide the Department with a single point of contact for cooperative efforts with the State to identify and respond to the need for technical assistance.

The requirement that summaries of State standards be sent to the Assistant Secretary for Human Development Services further highlights the Department's interest in the Keys amendment requirements. The standards will be used by the recently established Board and Care unit as a basis for their work with States.

We believe it will be simple for the State, if it wishes, to send its certification of compliance and summaries of standards and enforcement procedures as one submittal to the Department. The summaries and procedures need to be sent only one time. Thereafter, only new or revised summaries of standards or procedures are required.

Earlier in the development of these revisions, the Department considered adding a provision that would link compliance with the Keys amendment to the Older Americans Act. Accordingly, failure to comply with Keys requirements could have resulted in a financial sanction against Older Americans Act funds. However, after much deliberation the Department decided not to impose such a sanction.

Waiver of Proposed Rulemaking

These Keys requirements have been in effect since October 1, 1977. The amendments now being adopted are primarily technical and do not change State responsibilities except to give them flexibility in the means by which they make standards available for public review. Publication of an NPRM and a prior comment period are therefore unnecessary and we find good cause to waive those procedures. We will, however, consider any comments on this rule that are mailed by the date specified above in the "**EFFECTIVE DATE**" section and make any further changes

that may be necessary. We will also respond to the comments when we make any further changes.

Impact Analysis

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this interim final rule does not constitute a major rule because it will not: Have an annual effect on the economy of $100 million or more; result in a major increase in costs or process for consumers, any industries, any governmental agency or any geographic regions; or have significant adverse effects on competition; employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Reporting and Recordkeeping Requirements

The Department is required to submit to the Office of Management and Budget for review and approval 45 CFR 1397.10 and 1397.20 which include reporting and recordkeeping requirements. These sections will be submitted to OMB. They will not be effective until OMB approval is obtained. We will publish a notice in the **Federal Register** when approval has been obtained, indicating the effective date of the reporting. We recognize that States have been meeting reporting requirements. However, we are following OMB instructions in this regard so that States may withhold reporting temporarily.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, Pub. L. 96–354, requires that an agency prepare a regulatory flexibility analysis for a proposed or final rule if the rule would have a significant economic impact on a substantial number of "small entities," i.e., small businesses, small non-profit organizations, or small governmental jurisdictions. Although facilities subject to Keys amendments are small entities, these regulations specify responsibilities that must be carried out by the State. They make no change in the standards applicable to facilities which are subject to State, not Federal standards. Therefore, these amendments do not affect small entities as that term is defined in the Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 45 CFR Part 1397

Grants programs, Social programs, Health facilities, Supplemental Security Income (SSI).

Approved: January 28, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: February 2, 1983.

Richard S. Schweiker,

Secretary of Health and Human Services.

Accordingly, for the reasons set forth in the Preamble, 45 CFR, Chapter XIII is amended by revising the title of Subchapter K, and by revising Part 1397 to read as follows:

SUBCHAPTER K—STANDARD SETTING REQUIREMENTS FOR MEDICAL AND NONMEDICAL FACILITIES WHERE SSI RECIPIENTS RESIDE

PART 1397—STANDARD SETTING REQUIREMENTS FOR MEDICAL AND NONMEDICAL FACILITIES WERE SSI RECIPIENTS RESIDE

Sec.

1397.1 Scope
1397.5 Definitions.
1397.10 Responsibilities of States.
1397.20 Responsibilities of designated standard-setting authorities.

Authority: Sections 1102 and 1616(e) of the Social Security Act (42 U.S.C. 1302 and 1382(e)).

§ 1397.1 Scope.

This part requires States to create or designate one or more State or local authorities to establish, maintain, and ensure the enforcement of standards for any category of institutions, foster homes, or group living arrangements in which, as determined by the State, a significant number of recipients of Supplemental Security Income (SSI) benefits resides or is likely to reside. SSI residents who live in relevant facilities which violate any of the standards will be subject to a reduction in their SSI payments by the Social Security Administration. The reduction will be in an amount equal to any State supplementary benefit or other payment made by the State for any medical or remedial care provided them by the facility.

§ 1397.5 Definitions.

For purposes of this part:

(a) *Any category of institutions, foster homes, and group living arrangements* means residential facilities which: (1) Provide both room and board *and* continuous protective oversight to the residents; and (2) Are non-medical or medical facilities of any size (other than those certified for participation in the Medicaid or Medicare programs) which are publicly or privately operated on a nonprofit or for-profit basis.

(b) *Medical or remedial care* means care directed toward the correction or amelioration of a medical condition which has been diagnosed as such by a licensed medical practitioner operating within the scope of medical practice as defined by State law, and the care is provided by or under the direct supervision of a medical practitioner or other health professional licensed by the State or credentialed by the appropriate professional organization.

§ 1397.10 Responsibilities of States.

Each State shall—

(a) Determine the kinds of residential facilities (as defined under § 1397.1) in which a significant number of SSI recipients resides or is likely to reside;

(b) Create or designate one or more State or local authorities to establish, maintain, and ensure the enforcement of any standards for the residential facilities identified in accordance with paragraph (a) of this section;

(c) Annually make available for public review a summary of the standards established in accordance with paragraph (b) of this section, including the name and address of each standard-setting authority from which interested individuals may obtain further information about full standards, enforcement procedures, waivers of standards and violations;

(d) Assure that each standard-setting authority complies with the requirements of § 1397.20;

(e) Annually certify to the Assistant Secretary for Human Development Services that the State meets the requirements of this Part. The certification shall be in the form of a factual statement signed by the Chief Executive Officer of the State or his or her designee and submitted within the first quarter of each Federal fiscal year; and

(f) Send a summary of each standard for each kind of facility, and a summary of enforcement procedures to the Assistant Secretary for Human Development Services in the first quarter of the first fiscal year following March 31, 1983. Thereafter, only new or revised summaries of standards or procedures are required. The address for the Assistant Secretary for Human Development Services is 200 Independence Avenue, SW., Washington, D.C. 20201.

(g) Designate an official to assist in the implementation of the requirements of this Part.

§ 1397.20 Responsibilities of designated standard-setting authorities.

Each standard-setting authority shall:

(a) *Establish standards.* (1) The standards shall be appropriate to the needs of the SSI recipients residing in the facilities and to the character of the facilities involved. In addition, they shall govern such matters as:

(i) Admission policies (including a continuous needs assessment and referral to appropriate resources);

(ii) Safety;

(iii) Sanitation (cleanliness and hygienic procedures); and

(iv) Protection of civil rights (under the United States Constitution, the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other relevant provisions of Federal and State laws).

(2) If a standard-setting authority has standards already in place that cover the subject areas listed in paragraph (a)(1) of this section, the standards meet the requirements of this paragraph.

(3) Under the requirements of this paragraph, the authority may provide for waivers of a standard under specified criteria.

(4) The authority shall notify the public and providers about the need for affected facilities to meet its standard.

(b) *Establish procedures for enforcing the standards.* (1) The enforcement procedures shall include:

(i) Periodic inspection of facilities;

(ii) Provision of technical assistance; and

(iii) Use of a warning system which provides for an opportunity for a deficient facility to comply and for the residents to move out if the facility fails to do so.

(2) The standard-setting authority shall establish specific time periods:

(i) For a deficient facility to carry out a plan approved by the standard-setting authority to correct any violation of a standard which cannot be waived; and

(ii) For the standard-setting authority, if the facility fails to comply, to arrange for informing in writing all residents of the facility [including, where appropriate, the families, guardians, or representative payees of SSI residents) of the standard which the facility does not meet, and of the time period during which residents may relocate if they wish before the authority reports the deficient facility to the Social Security Administration. The standard-setting authority shall also provide all residents with a list of approved facilities and agencies which will help them move if they wish. The purpose is to let the residents know they do not have the protection of the standard, and to give them time and assistance to move if the absence of the standard endangers them or causes a reduction in their SSI benefit.

(c) *Report deficient facilities to the Social Security Administration.* (1) At the conclusion of the relevant time period(s) given a deficient facility to correct violation of a standard or for residents to move out of a facility, as described in paragraph (b)(3) of this section, each designated standard-setting authority shall report to the appropriate Regional Office of the Social Security Administration the name and address of any facility which no longer meets the standards and the effective date of the violation. The purpose is to enable the Social Security Administration to reduce SSI benefits to SSI residents living in a facility in violation of standards, in accordance with the requirements of Section 1616(e) of the Social Security Act.

(2) If and when a deficient facility again meets the standards, the standard-setting authority shall notify the Social Security Administration of the effective date of its approval of the facility.

(d) *Maintain and make records available*—(1) *Maintenance of records.* Each authority shall:

(i) Keep a record of the details of each violation of a standard by a facility; and

(ii) If a standard is waived, maintain a record including the name and address of each facility granted a waiver, the standard waived, and the justification for waiving it.

(2) *Availability of records to the public.* Each authority shall make available without charge to interested individuals a single copy of:

(i) A complete set of standards for each type of facility;

(ii) The procedures used in the State to insure the enforcement of standards;

(iii) The list of facilities (name and address) that have been granted waivers of each standard, including the justification for the waiver; and

(iv) The list of facilities (name and address) found in violation of a standard, including the details of each violation.

(3) The authority shall provide the official designated in accordance with § 1397.10(g), a summary of each standard for each kind of facility and enforcement procedures.

[FR Doc. 83-5029 Filed 2-28-83; 8:45 am]

BILLING CODE 4150-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 90, and 95

Substitution of Forms for Applications in Private Land Mobile and General Mobile Radio Services; Public Notice Announcing Availability of the Forms

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date

SUMMARY: The Commission adopted a Memorandum Opinion and Order on August 24, 1982 to substitute new Forms 574, 574A and 574B for Forms 400 and 400S for applications in the Private Land Mobile and General Mobile Radio Services. This document was published in the **Federal Register**, 47 FR 57409 (December 22, 1982). In this document, the Commission said that the use of the new forms and the procedural rules were contingent upon approval of the froms by the Office of Management and Budget. When such approval was obtained, the Commission would announce the effective date by public notice. Approval of the new forms was received form the Office of Management and Budget. The public notice, dated February 2, 1983, was released specifying that the use of the forms and the procedural rules were effective February 14, 1983.

DATE: Effective February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Charles F. Turner, Private Radio Bureau (202) 632-6497.

SUPPLEMENTARY INFORMATION:

February 2, 1983.

New Land Mobile Application Forms Now Available

On August 24, 1982, the Commission, by Memorandum Opinion and Order (FCC 82-397, Mimeo 32011), adopted new FCC Forms 574, 574A and 574B for use by applicants in the Land Mobile and General Mobile Radio Services governed by Parts 90 and 95 of the Rules. The Forms 574 and 574A replace the Forms 400 and 400S. Form 574B is entirely new and must be filed with Form 574 only when requesting frequencies below 27.5 MHz. This action was published in the **Federal Register**, 47 FR 57049 (December 22, 1982). The use of the Forms and the implementation of the procedural rules were contingent upon approval of the forms by the Office of Management and Budget (OMB).

Approval has been received from OMB and the new forms are now

available for distribution to the public. Therefore, effective February 14, 1983, Parts 1, 90 and 95 of Title 47, Code of Federal Regulations are amended as set forth in the appendix attached to the Memorandum Opinion and Order (FCC 82-397, Mimeo 32011). Forms 574 and 574A are to be used in place of Forms 400 and 400S.

The new forms are to be submitted to the Private Radio Bureau's licensing facility in Gettysburg, Pa. We will accept Form 400 for the use of frequencies 27.5 MHz and above for an indefinite period. Applicants requesting the use of frequencies below 27.5 MHz must now file the Forms 574 and 574B. When we receive significantly more Forms 574 than Forms 400, we will issue another Public Notice setting a deadline for the continued acceptance of the Form 400.

The new forms may be obtained from our headquarters in Washington, D.C., our facility in Gettysburg, Pa. and from our district offices in the field. Requests for quantities not exceeding three (3) may be addressed to FCC Consumer Assistance Branch, Gettysburg, Pa. 17325, or to any of our district offices. Requests for larger quantities of the forms may be addressed to FCC Supply Section, Room B-10, 1919 M Street, NW., Washington, D.C. 20554. Other inquiries concerning private radio forms and licensing matters should be directed to our staff in Gettysburg, telephone (717) 337-1212.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-4133 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket Nos. 80-201; RM-3249; RM-3710, 80-211; RM-3579, 80-213; RM-3406; RM-3718; RM-3719, 81-171; RM-3516; RM-3556; RM-3613; RM-3666; RM-3771]

FM Broadcast Stations in North Charleston, Eastover, and Ravenel, South Carolina; Elloree, South Carolina; Mount Pleasant, Parris Island, Manning, Bamberg, and Batesburg, South Carolina; Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesburg, South Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 237A to Leesville, South Carolina, as that community's first FM assignment. The action is taken pursuant to a petition for reconsideration of an earlier *Report and Order* which had denied the assignment. The petition was filed by William K. Durst. Petitions seeking the assignment of channels to Elloree, Mount Pleasant, Manning, Johnston, Saluda and Union, South Carolina; and the deletion of a channel from North Charleston, South Carolina, are denied.

DATE: Effective April 27, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order (Proceeding Terminated)

Adopted: February 9, 1983.

Released: February 24, 1983.

In the matter of Amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (North Charleston, Eastover, and Ravenel, South Carolina), BC Docket No. 80-201, RM-3249 RM-3710; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Elloree, South Carolina), BC Docket No. 80-211, RM-3579; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Mount Pleasant, Parris Island, Manning, Bamberg, and Batesburg, South Carolina, BC Docket No. 80-213, RM-3406, RM-3718, RM-3719; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Johnston, Leesville, Winnsboro Mills, Saluda, Union, and Batesburg, South Carolina, BC Docket No. 81-171, RM-3516, RM-3556, RM-3613, RM-3666, RM-3771.

By the Chief, Policy and Rules Division:

1. Before the Commission are five petitions seeking reconsideration of the *Report and Order*, 51 R.R. 2d 25 (Broadcast Bureau 1982), in which FM channels were assigned to North Charleston, Eastover, Ravenel, Mount Pleasant, and Parris Island, South Carolina. The *Report and Order* also denied FM assignments to Elloree, Manning, Johnston, Leesville, Winnsboro Mills, Saluda, and Union, South Carolina. In making our decisions, the above-listed communities were divided into two sets, Set A and Set B, because any assignment plan proposed for Set A could be adopted independently of any assignment plan for Set B. The communities included in Set A are North Charleston, Eastover, Ravenel, Elloree, Parris Island, and Mount Pleasant. Set B includes the communities of Manning, Bamberg, Batesburg, Johnston, Winnsboro Mills, Saluda, Union, and Leesville. In this *Memorandum Opinion and Order* we shall first address the petitions seeking reconsideration of our actions with respect to the communities in Set A. After a complete analysis of the Set A petitions, we shall address the petitions involving the Set B communities.

Set A

2. In the *Report and Order*, we assigned a second FM channel to North Charleston and made first FM assignments to Eastover, Ravenel, Parris Island, and Mount Pleasant, South Carolina. A mutually exclusive first assignment to Elloree, South Carolina, and a mutually exclusive second assignment to Mount Pleasant were rejected.[1] Petitions for reconsideration of these actions were filed by Santee-Cooper Broadcasting Company ("Santee-Cooper"),[2] and William G. Dudley, III ("Dudley").[3] An opposition to the Dudley petition was filed by William P. Roversi ("Roversi"). Replies were submitted by Santee-Cooper and Dudley.

3. Santee-Cooper seeks reconsideration of our refusal to assign a first FM channel to Elloree and our decision not to assign a second channel to Mount Pleasant. With respect to the Elloree assignment, Santee-Cooper makes three basic arguments. First, petitioner states that Elloree and the surrounding Orangeburg County are much more deserving of a first FM assignment than Eastover. Second, Santee-Cooper alleges that the Eastover proponent, William Dudley, does not have a *bone fide* interest in an Eastover assignment, but only sought the channel as a "strike application" in an attempt to defeat the addition of a second FM channel in North Charleston.[4] According

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[1] According to the original assignment plans proposed with respect to North Charleston, Eastover, and Elloree, any two of the communities could receive channels, but channels could not be assigned to all three communities. *Further Notice of Proposed Rule Making*, 46 FR 19737 (Broadcast Bureau 1981). After first determining that the larger city of North Charleston deserved a second local outlet, we compared the communities of Eastover and Elloree to decide which city was more deserving of a first FM assignment. As a result of this analysis, we assigned the channel to Eastover. The second channel to Mount Pleasant was rejected because no party expressed an interest in applying for a second channel at that community.

[2] Public Notice of the petition was given May 5, 1982, Report No. 1350.

[3] Public Notice of the petition was given April 10, 1982, Report No. 1347.

[4] Dudley is the licensee of North Charleston's only currently operating FM station. Dudley's original petition in this proceeding was in the nature of a

to Santee-Cooper, Dudley has no intention of building a station at Eastover; therefore, the Eastover assignment should not be allowed to defeat the assignment at Elloree. Finally, Santee-Cooper states that its Elloree petition originally was a simple, uncontested drop-in which should have been finalized by the Commisison long ago rather than being included in the North Charleston and Eastover controversy. Santee-Cooper reasons that sound administrative practice demands that the Elloree assignment be finalized as it would have been had it not been injected into the instant consolidated proceeding. Regarding the Mount Pleasant assignment, Santee-Cooper states that it has consistently expressed its interest in applying for a second channel at Mount Pleasant. Santee-Cooper therefore charges that the Commission was mistaken when it declined to make the additional assignment because no interest had been expressed in its use. Santee-Cooper urges that the Mount Pleasant channel be assigned as requested.

4. Dudley's petition seeks reconsideration of the assignment of Channel 241 to North Charleston. Dudley states that the Commission ignored its own FM assignment priorities by favoring a second FM assignment to North Charleston over a first assignment to Elloree. Dudley also charges that the Commission did not consider the plethora of aural services available in North Charleston. Dudley asserts that the rural areas of South Carolina do not have as many program choices as do residents of the Charleston metropolitan area. Dudley concludes that the "piling up" of additional frequencies in the Charleston metropolitan area to the exclusion of a first service to Elloree is arbitrary and capricious and cannot be reconciled with the dictates of Section 307(b) of the Communications Act.[5]

5. In reply to Santee-Cooper's petition, Dudley again asserts that both Eastover and Elloree can be accommodated with new assignments if the second channel at North Charleston is deleted. Dudley also comments that Santee-Cooper's attacks on Dudley's motives for filing the Eastover petition are both unsupported and irrelevant. Dudley points out that a demand has been expressed for the Eastover channel and that there is no basis for ignoring his commitment to apply for and construct the Eastover station. Dudley concludes that the Commission must make its decisions on the merits of the proposals, not on the basis of "wild and unsubstantiated charges."

6. An opposition to Dudley's petition was submitted by William P. Roversi, who argues that Channel 241 should be retained at North Charleston. Roversi first questions Dudley's status as an interested person by virtue of the fact that his request for the assignment of a channel to Eastover was granted yet he now files a petition for reconsideration of the decision to assign a channel to North Charleston. Roversi notes that Dudley is the principal owner of the only two stations presently licensed to North Charleston, and that the petition for reconsideration will delay competition with Dudley's AM/FM combination in that community. Substantively, Roversi avers that the assignment of Channel 241 to North Charleston is consistent with prior Commission precedent and is neither arbitrary nor capricious. Finally, Roversi notes that the Commission has repeatedly rejected Dudley's argument that service to a community from stations in nearby cities is a proper substitute for competitive, local service.[6]

7. *Analysis.* With respect to the assignment of a channel to Elloree and the deletion of Channel 241 at North Charleston, it appears that Santee-Cooper and Dudley have merely restated arguments previously considered and rejected in the *Report and Order.*[7] Reconsideration is generally not available for the purpose of rearguing matters on which there has been deliberation and decision. As a general rule, the only valid grounds for reconsideration are manifest error or omissions so material that the corrections would result in substantial alteration of the original decision. *WWIZ, Inc.*, 37 F.C.C. 685, 686 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F. 2d 842 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1965). Neither Santee-Cooper nor Dudley has provided any new information sufficiently probative to justify reconsideration of the Elloree or North Charleston assignment decisions. Accordingly, the requests for reconsideration of those decisions are denied.

8. Regarding the assignment of a second FM channel to Mount Pleasant, Santee-Cooper states that it has expressed an interest in the assignment and that the Commission erred in not considering its commitment to apply for and build a station in that city. A careful reexamination of Santee-Cooper's pleadings in response to the *Further Notice* in this proceeding reveals that Santee-Cooper did not specifically commit itself to applying for a second channel at Mount Pleasant.[8] Santee-Cooper now makes such a commitment. In other cases we have assigned channels when the pledge to apply for a station has been forthcoming in a petition for reconsideration. *E.g., Westover and Grafton, West Virginia*, 48 R. R. 2d 1333 (Broadcast Bureau 1981). Therefore, we think it appropriate to consider *de novo* the assignment of a second FM channel to Mount Pleasant.

9. In the *Further Notice*, one possible assignment plan proposed assigning two channels, Channel 269A and 285A to Mount Pleasant. Assigning two channels there would be possible only if a second channel were not assigned to North Charleston. Thus, a comparative evaluation of the need for a second channel at either North Charleston or Mount Pleasant is required. According to the Commission's traditional assignment priorities,[9] no clear preference can be given to either North Charleston or Mount Pleasant on the basis of first or second service to underserved populations. Since the proposal would assign a second local service to either city, a comparison of the relative need of each community for an additional service is appropriate. Among the factors generally considered in assessing a community's need for an FM assignment are size of the community, location of the community in relation to larger radio markets, and the extent to which the community receives other aural reception services.

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counterproposal to the assignment of Channel 241 to North Charleston.

[5] Section 307(b) of the Communications Act of 1934, as amended, requires that the Commission distribute frequencies in a "fair, efficient, and equitable" manner.

[6] Santee-Cooper filed a reply to the Roversi opposition and essentially agreed with the arguments made by Roversi. Dudley filed a motion to strike Santee-Cooper's reply on procedural grounds and because it contained "scandalous matter" not relevant to the merits of the proceeding. Santee-Cooper filed an opposition to Dudley's motion to strike. In the interest of fairness and compiling as complete a record as possible, we shall consider Santee-Cooper's pleading.

[7] See paragraphs 19–23 of the *Report and Order* for the substantive treatment of Dudley's and Santee-Cooper's arguments.

[8] Santee-Cooper did make such statements in earlier pleadings. However, Commission rules require that interested parties restate their intentions to apply for stations in their comments. This was clearly stated at paragraph 39 of the *Further Notice* in this proceeding and at paragraph 2 of the Appendix to the *Further Notice*.

[9] The original FM assignment priorities were set out in the *Further Notice of Proposed Rule Making* in Docket No. 14185, 27 FR 7797, 7798 (August 7, 1962), and restated in *Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974). Recently, the Commission amended its assignment criteria. However, the outcome of the North Charleston-Mount Pleasant comparison would be the same under the new guidelines. *See Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (*Second Report and Order* 1982).

In this case, North Charleston and Mount Pleasant are both within 6 miles of Charleston, South Carolina, and both communities can be expected to receive a similar number of area radio services. Thus, a decision between the two communities is left to a comparison of their respective populations. Such a comparison leads to the inescapable conclusion that, of the two cities, North Charleston is clearly the larger and more deserving of a second FM assignment.[10] Therefore, even if Santee-Cooper had adequately expressed its interest for the Mount Pleasant channel in its initial comments, we would have been compelled to reject the Mount Pleasant assignment in favor of a second channel at North Charleston. For this reason, Santee-Cooper's petition seeking the assignment of a second channel at Mount Pleasant will be denied.

Set B

10. In the *Further Notice*, the following assignment plans were proposed for the communities included in Set B.

	Plan B-I		Plan B-II		Plan B-III		Plan B-IV	
	[illegible]	Proposed	Present	Proposed	Present	Proposed	Present	Proposed
Manning	221A	223	221A	223	221A	223	221A	221A.
Bamberg	224A	221A	224A	221A	224A	221A	224A	224A.
Batesburg	221A	237A	221A	237A	221A	237A	221A	221A.
Johnston		224A		224A		224A [1]		
Winnsboro Mills		221A						
Saluda						221A		
Union				221A				
Leesville								237A.

[1] Originally, Channel 224A was not proposed for Johnston in Plan B-III. Subsequently, it was discovered that Channel 224A could be assigned to Johnston along with the other changes proposed in B-III.

The first three plans proposed the substitution of a Class C channel for the existing Class A channel at Manning and the assignment of a first FM channel to Johnston. The differences in the first three plans centered on which additional community—Winnsboro Mills, Saluda, or Union would receive a first FM assignment. All of the first three plans required channel substitutions at Bamberg and Batesburg. Plan B–IV contemplated the assignment of a first FM channel to Leesville without changes elsewhere.

11. In the *Report and Order*, none of the Set B assignment plans were adopted. As noted above, the first three plans necessitated the substitution of channels at Bamberg and Batesburg. The substitution at Batesburg would have further required the licensee of the Batesburg station, Ridge Broadcasting Company, to relocate its transmitter in order to comply with minimum distance separation requirements. Ridge objected to the proposed substitution and concomitant transmitter relocation. Generally, we do not require the relocation of a station's transmitter site without the licensee's consent. We noted in the *Report and Order* that the public interest benefits of any of the first three plans were substantial, but we held that they were insufficient to override our general policy of not requiring relocation. This was especially true, we held, in the absence of any commitment from the assignments' proponents to reimburse Ridge for the expenses incurred in the necessary channel change and transmitter relocation. Accordingly, we declined to adopt any of the first three plans. Plan B–IV, which proposed a simple drop-in at Leesville, was not adopted because we discerned no continuing interest in that assignment.

12. Our disposition of the Set B proposals generated three petitions for reconsideration. Petitions were filed by William K. Durst, the proponent of the Saluda and Leesville proposals;[11] Clarendon County Broadcasting Company, proponent of the channel substitution at Manning;[12] and Edgefield-Saluda Radio Company, Inc., proponent of the assignment of a first FM channel to Johnston.[13] Comments in support of the Clarendon County and Edgefield-Saluda petitions were filed by the Broadcasting Company of Union, proponent of the Union assignment. Ridge Broadcasting filed an opposition to the Clarendon County and Edgefield-Saluda petitions, to which both Clarendon County and Edgefield-Saluda replied.

13. Durst states in his petition that he did in fact express an interest in Channel 237A at Leesville and that the Commission thus erred in not making that assignment. Durst reiterates his desire to apply for and construct a station at Leesville and urges the Commission to assign the channel promptly.

[10] According to the 1980 Census, North Charleston has a population of 65,630 while Mount Pleasant's population is 13,638.

[11] Public Notice of the petition was given March 22, 1982, Report No. 1330.

[12] Public Notice of the petition was given May 5, 1982, Report No. 1350.

[13] Public Notice of the petition was given April 16, 1982, Report No. 1347.

14. Clarendon County Broadcasting Company ("CCBC"), licensee of Station WTWE (Channel 221A), Manning, seeks the substitution of Channel 223 for Channel 221A at Manning and the modification of its license to specify operation on the new channel. In its petition, CCBC states that the Commission should have made the requested substitution, notwithstanding the refusal of Ridge Broadcasting to consent to the channel substitution and transmitter relocation at Batesburg. CCBC states that adoption of any one of the first three assignment plans would significantly advance the statutory mandate of Section 307(b) of the Act without adversely affecting the private interests of Ridge. CCBC reiterates that the substitution of a Class C channel at Manning would provide a first aural nighttime service to 13,485 people and a second FM service to 61,820 people. The substitution would also permit the assignment of a first FM channel to Johnston and to either Saluda, Winnsboro Mills or Union. CCBC avers that these assignments would serve all three of the Commission's most important assignment priorities.[14]

15. According to CCBC, the apparent motivation of the Commission in not adopting one of the first three assignment plans was concern about the extent to which the private interests of Ridge would be adversely affected by the required transmitter relocation. However, CCBC points out that Ridge never documented any such supposed adverse effects. CCBC asserts that Ridge did not show that the number of people now served by its station, WKWQ–FM, would be reduced by moving its transmitter. CCBC thus avers that the only factor adversely affecting Ridge is the costs which would be incurred in changing frequencies and transmitter sites. In this regard, CCBC states that it has reconsidered its earlier position and now agrees to reimburse Ridge for "all of the expenses legitimately and prudently expended" in modifying its facilities including a change in transmitter antenna location. CCBC further agrees to provide such reimbursement in whole at such time as the WKWQ–FM change has been accomplished and will later look to other parties benefitting from the change for partial recoupment of the total amount paid. CCBC concludes that this arrangement will preclude Ridge from suffering any financial harm from the proposed move of its facilities.

16. CCBC recounts its private efforts to negotiate with Ridge concerning the proposed channel substitution and transmitter relocation. CCBC opines that Ridge's refusal to consent to a change in facilities results from its desire to obtain financial benefits beyond its actual expenses. CCBC claims that Ridge allegedly agreed to the changes if CCBC would pay its expenses plus $25,000. CCBC states that it refused to consent to such an arrangement because it believed that the proposal would have required the type of payment prohibited by Section 311(c)(3) of the Act and § 73.3525(b) of the Commission's Rules in broadcast application cases.[15] CCBC concludes that there are no public interest factors supporting the maintenance of the *status quo* and that the Commission should therefore grant reconsideration by adopting one of the first three assignment plans.

17. Edgefield-Saluda Radio Company ("Edgefield-Saluda") seeks reconsideration of the decision not to assign a new FM channel at Johnston. Edgefield-Saluda asserts that the *Report and Order* places undue weight on the non-relocation policy while failing to give sufficient weight to the substantial Section 307(b) benefits that would accrue from adoption of any of the first three plans. Edgefield-Saluda avers that, when given their proper weight, the balance between the two policies must favor the substantial expansion of radio services which any of the first three plans offers. Edgefield-Saluda also states that, should it be the successful applicant at Johnston, it will reimburse Ridge for its share of the expenses incurred in changing frequencies and transmitter sites. Edgefield-Saluda references its earlier pleadings wherein it demonstrated that suitable transmitter sites are available within the area to which Ridge would be required to move; those sites are priced within reason; and there are no intervening hills that could cause shadowing. Finally, Edgefield-Saluda notes that the changes proposed by the Commission in BC Docket No. 80–90,[16] if adopted, would obviate the necessity for Ridge to relocate its transmitter. Because the adoption of BC Docket No. 80–90 would greatly simplify the issues in this proceeding, Edgefield-Saluda suggests that action on the petition for reconsideration in this proceeding be held in abeyance until that proceeding is resolved.

18. The Broadcasting Company of Union, Inc., proponent of an FM assignment to Union, supports the petitions for reconsideration and urges the Commission to adopt Plan B–II which includes the assignment of Channel 221A to Union. Union concludes that Plan B–II would best serve the legislative mandate of Section 307(b) of the Act by providing for the most fair, efficient, and equitable distribution of radio frequencies.

19. Ridge, the licensee of Station WKWQ–FM at Batesburg, filed an opposition to the petitions for reconsideration. According to Ridge, neither petitioner offers any new facts or arguments upon which to grant reconsideration. Ridge states that the policy of not forcing a station to change its transmitter site is a proper one which was correctly applied in this case. Ridge asserts that obtaining a new transmitter site involves expending a considerable amount of time and effort which is better used to serve the listening public at Batesburg. Ridge denies that in seeking monetary payments in excess of expenses that it attempted to violate Section 311 of the Act or § 73.3525 of the Commission's Rules. Ridge states that those provisions refer only to applications, not rule making proceedings, and that no cases have been cited in which those provisions were applied in the rule making context. Ridge therefore contends that any allegations of illegal behavior must be summarily rejected. With respect to petitioners' promises to reimburse Ridge for its frequency change and moving expenses, Ridge contends that the amounts being offered are insufficient to meet the costs of a frequency change, must less a site relocation. Finally, Ridge opposes the proposal of Edgefield-Saluda to delay resolution of this proceeding pending the outcome of BC Docket No. 80–90. Ridge states that adoption of that docket will create numerous opportunities for new assignments and that the public interest would be best served by considering any petitions filed under the new standards.

20. In reply, CCBC alleges that Ridge's opposition misstated the facts concerning CCBC's commitment to reimburse its expenses. CCBC states that it and Edgefield-Saluda have agreed

[14] CCBC lists these priorities as follows: The provision of aural fulltime service to as much of the population as possible; the provision of a second aural fulltime service to as many people as possible; and the provision of local transmission service to as many communities as possible.

[15] These sections deal with agreements among mutually exclusive applicants for the withdrawal of one or more of the applications. Payments to the withdrawing applicant may not exceed the amount expended by the applicant in connection with preparing, filing, and advocating the granting of its application.

[16] *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (*Notice of Proposed Rule Making*, 1980).

to pay any amount the Commission determines is proper. CCBC asserts that it will not pay Ridge "* * * the additional tribute which it has demanded above and beyond its expenses." In response to Ridge's assertions that such demands do not violate the Act and the Commission's Rules, CCBC contends that it never intimated such a violation, *per se*, but only referred to those provisions as evidence of Congressional and Commission policies against bartering the public interest for financial gain.

21. Edgefield-Saluda avers in its reply that the petitions do contain new facts which would warrant reconsideration of the Commission's previous decision. These facts include CCBC's and Edgefield-Saluda's unequivocal promises to pay for Ridge's frequency change and transmitter relocation. Other new facts include Ridge's failure to act in good faith by demanding payments over its actual expenses, according to Edgefield-Saluda. Edgefield-Saluda maintains that when the public interest requires a change in a station's facilities, the licensee is not entitled to reap a windfall profit. Further, Edgefield-Saluda opines that Ridge is attempting to extract payment for the relinquishment of legal rights it does not possess; clearly it has no vested interest in WKWQ–FM's present frequency. Edgefield-Saluda concludes that in light of these facts, Ridge's refusal to consent to the relocation of WKWQ–FM's transmitter should no longer bar the adoption of one of the first three assignment plans.

22. *Analysis.* We have consistently held that we would not force a licensee to relocate its transmitter absent a willingness on its part to do so. We stated in the *Report and Order* that the public interest benefits of any of the first three plans were sizable but not of such significance that they overrode our general policy of not requiring an objecting licensee to change transmitter sites, citing *Asheville, North Carolina*, 36 R.R. 2d 810 (1976). The petitioners' commitments to reimburse Ridge certainly constitute new information in support of the relocation. However, the absence of a commitment for reimbursement was not the principal basis for denying the forced relocation. It was the failure to demonstrate "unusually strong and compelling" reasons for the changes requested. Petitioners' have not met their burden of demonstrating or even attempting to show that specific alternative sites can be obtained for Station WKWQ–FM which are suitable for service to Batesburg. Before approving a relocation at the assignment stage, we would need to evaluate the proposed new location.

23. In the context of an FM assignment case such as this, the Commission has never forced an unconsenting licensee to relocate its transmitter. The reasons for this involve the substantial risk that any new site may produce a signal inferior to the existing one or that new sites may be actually unavailable or unreasonably priced. No two sites are exactly the same in terms of coverage. Given these inherent differences, the extent of which we cannot predict, we can never be sure that the moving licensee will ever again be put in a position as good as that which currently exists.

24. In the instant case, it has been alleged that suitable transmission sites are available and reasonably priced from which Ridge could transmit the required signal level to the city of Batesburg. Indeed, Ridge itself, in a petition for rule making filed at the outset of this proceeding, stated that sites were available for such a relocation. However, when considered thoroughly, the information contained in the record regarding available alternative sites is wholly speculative and hypothetical. The general proposition that suitable land is available is quite different than specifically stating that a particular parcel of land is available, is reasonably priced, and is suitably situated for broadcast purposes. This specific information, which we would require before forcing a licensee to change sites, is not found in the record to date. Given this lack of specific information, we will not force Ridge to take the considerable risk of uprooting its present operation and relocating that operation to an unspecified site.[17] Because we have been shown nothing more than a theoretical possibility that adequate sites are indeed available and reasonably priced, we have not further evaluated whether the Batesburg move would serve some strong and compelling public interest benefits. Accordingly, we shall deny the petitions for reconsideration filed by CCBC and Edgefield-Saluda.

25. Each of the first three options listed for the communities in Set B require the relocation of the Batesburg station. Since we will not require that relocation, none of the first three options can be adopted. This leaves Option IV, the assignment of Channel 237A to Leesville, South Carolina, as requested by Durst. This assignment requires no other changes in the Table of Assignments. This assignment was not made in the context of the *Report and Order* because, in reviewing the pleadings, the commitment to apply for the channel at Leesville was inadvertently overlooked. Therefore, we shall grant Durst's petition for reconsideration and assign Channel 237A to Leesville as its first FM channel.

26. Accordingly, it is ordered, that effective April 27, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended with respect to the following community:

City	Channel No.
Leesville, S.C	237A

27. It is further ordered, That the petitions for reconsideration filed by Santee-Cooper Broadcasting Company, William G. Dudley, III, Clarendon County Broadcasting Company and Edgefield-Saluda Radio Company, are denied.

28. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

29. It is further ordered, that this proceeding is terminated.

30. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–5070 Filed 2–28–83; 8:45 am]

BILLING CODE 6712–01–M

[17] As noted earlier, Ridge initiated a proceeding that would have required it to relocate its current operations. Had Ridge been willing to take the risks associated with the relocation, we would have permitted the move. However, given Ridge's present opposition to the relocation, we will not force it to take these risks.

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47 CFR Part 83

[Gen. Docket No. 82–36; Docket No. 20603; FCC 83–14]

Amendment To Conform With International Maritime (INMARSAT) Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document terminates the MARISAT proceeding, Docket No. 20603. Additionally, it amends the Commission's rules and policies to conform with the INMARSAT system

requirements. This action is taken because the MARISAT system was integrated into the INMARSAT system. The adopted rules and policies will enable United States maritime mobile-satellite users to operate in the INMARSAT system.

DATE: Effective March 21, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR INFORMATION CONTACT: William P. Berges, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 83

Communications equipment, Ship stations.

Report and Order (Proceeding Terminated)

Adopted: January 20, 1983.

Released: February 18, 1983.

By the Commission: Commissioner Quello concurring in the result; Commissioner Rivera dissenting in part and issuing a statement.

In the Matter of Amendment of Part 83 of the Commission's rules to conform with the International Maritime Satellite (INMARSAT) requirements. Gen. Docket No. 82–36, Docket No. 20603.

Introduction

1. This *Report and Order* terminates the Maritime Satellite (MARISAT) proceeding, Docket No. 20603. Additionally, it amends Part 83 of the Commission's rules to conform with the maritime mobile-satellite requirements of the International Maritime Satellite (INMARSAT) Organization.[1]

Background

2. On June 9, 1976, the Commission adopted the *First Report and Order* in Docket No. 20603, establishing certain technical requirements and operators licensing rules for ship earth stations operating in the MARISAT system.[2] The Commission intended to consider additional MARISAT issues at a later date.[3] On February 1, 1982, the MARISAT system was integrated into the INMARSAT system and the INMARSAT system began to provide public correspondence services to maritime mobile-satellite communications users. Consequently, on February 19, 1982, the Commission released a *Notice of Proposed Rule Making* in this proceeding,[4] (hereafter *Notice*), proposing to terminate the MARISAT proceeding in Docket No. 20603 and to amend the Commission's rules and administrative procedures to conform with the requirements adopted by the INMARSAT Organization. In that *Notice* we considered and invited comments on four specific INMARSAT issues: (a) environmental specifications of ship earth stations,[5] (b) witnessing of type approval tests of ship earth station equipment models,[6] (c) ship earth station licensing by the Commission and commissioning required by the INMARSAT Organization, and (d) dissemination of information contained in the INMARSAT documents.

3. The INMARSAT environmental specifications are contained in an INMARSAT document entitled "Technical Requirements for INMARSAT Standard-A Ship Earth Stations".[7] In the *Notice* we stated that these specifications are accepted as "mandatory" by some countries but are only "recommended" in the United States. We expressed our belief, however, that the reliability of maritime mobile-satellite communications would be generally enhanced during distress situations if ship earth station equipment conformed with the INMARSAT environmental specifications. We invited interested parties, therefore, to provide us comments on this matter, including estimated costs of environmentally versus non-environmentally accepted ship earth station equipment. We intended to consider the information provided in the comments and consult with the National Telecommunications and Information Agency (NTIA) and the Department of State to determine whether the United States should maintain its "recommended" position on this issue.

4. On the issue of witnessing type approval tests of ship earth station equipment models, we pointed out that Article 15(c) in the INMARSAT Convention[8] states that in order to discharge its responsibilities, the INMARSAT Council shall have the power to perform all appropriate functions including "Adoption of criteria and procedures for approval of earth stations on land, on ships and on structures in the marine environment for access to the INMARSAT space segment and for verification and monitoring of performance of earth stations having access to and utilization of the INMARSAT space segment. For earth stations on ships, the criteria should be in sufficient detail for use by national licensing authorities, at their discretion, for type-approval purposes". We also stated that in paragraph 2.4 of its document which is entitled "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" the INMARSAT Organization requires that "The Phase I tests shall be subject to witnessing by representatives of the INMARSAT Directorate, and/or an entity from the country of the manufacturer duly authorized by the Directorate, on a case by case basis for any or all of the tests".[9] In addition we noted that when MARISAT required witnessing of tests, all expenses accrued by its representatives for witnessing such test were reimbursed by the manufacturer.

5. Briefly, the Phase I tests are developed and performed by the manufacturer to demonstrate that its ship earth station equipment model satisfies the INMARSAT technical requirements. These tests are normally performed on the premises of the manufacturer and do not require access to the INMARSAT space segment.

6. In the *Notice* we expressed our concern regarding the witnessing of type approval tests by representatives of the INMARSAT Directorate on the premises of United States manufacturers and we stated it would appear to be in the public interest if such tests are witnessed by a United States entity. Subsequently, we considered whether representatives of the Communications Satellite Corporation (COMSAT), which is the United States Signatory in the

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[1] INMARSAT is an international organization which provides the space segment for maritime satellite communcations.

[2] MARISAT is a United States joint venture consisting of COMSAT, ITT World Communications, Inc., RCA Global Communications, Inc., and Western Union International, Inc., which provided satellite communications services to maritime mobile radio users.

[3] See *First Report and Order*, Docket No. 20603, 59 FCC 2d 957, released June 18, 1976, at para. 3.

[4] Released February 19, 1982, Gen. Docket No. 82–36, FCC 82–44, 47 FR 7857, February 23, 1982.

[5] The term "environmental specifications" when used in this proceeding refers to the environmental conditions the equipment must be capable to withstand; for example, temperature, humidity and vibration.

[6] The "type approval" term which is used by the INMARSAT Organization for ship earth station equipment models that utilize the INMARSAT space segment should not be confused with the Commission's equipment authorization type approval program. The term "type approval" when used in this proceeding refers to the approval of equipment required by the INMARSAT Organization.

[7] The "Technical Requirements for INMARSAT Standard-A Ship Earth Stations" document is included as Appendix B in the *Notice, supra.*

[8] See TIAS 9605. This document is titled "International Maritime Satellite Organization (INMARSAT)" and contains the Articles of the "Convention Between the United States of America and Other Governments" and the Articles of the "Operating Agreement".

[9] The "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document is included as Appendix C in the *Notice, supra.*

INMARSAT Organization, should be authorized to witness such tests. But we noted that COMSAT was a potential manufacturer of ship earth station equipment. For this reason we believed that authorizing COMSAT to perform this task would raise conflict of interest questions by its competitors in whose premises these tests would be witnessed. Finally, we proposed that the INMARSAT ship earth station equipment models could be type accepted by the Commission without witnessing, in the same manner that all other mobile maritime radio equipment is authorized. In addition, we proposed that the type acceptance application submitted to the Commission should be accompanied by an affidavit signed by an official of the ship earth station equipment manufacturer attesting that the equipment under consideration satisfies the INMARSAT Phase I test requirements.

7. For the licensing of ship earth stations by the Commission and commissioning by the INMARSAT Organization we proposed that prospective licensees would request access to the INMARSAT space segment when their equipment is installed on board their vessels by submitting a commissioning application to COMSAT.[10] COMSAT in turn would forward the commissioning application to the INMARSAT Directorate. After the commissioning application is approved by INMARSAT but before the commissioning tests are initiated, the 506 part of a 506/506A license application form would be submitted to the Commission, accompanied by a letter stating that the prospective licensees have an operating agreement with the INMARSAT Organization to utilize its space segment. The 506A part of the license application form would be retained by the applicants. This action would enable the applicants to operate their ship earth stations for a 60 day period under temporary authorization. Prior to the expiration of the 60 day temporary authorization period the Commission would issue the required station license, or reissue the license if the ship was previously licensed for terrestrial communications. The station license would authorize the continued operation of the ship earth station in the INMARSAT space segment provided it is displayed in conjunction with the commissioning certificate issued by the INMARSAT Organization.

[10] The INMARSAT commissioning procedures are described in its document entitled "Commissioning Procedures for INMARSAT Standard-A Ship Earth Stations". This document is included as Appendix E in the *Notice, supra.*

8. We also stated in the *Notice* that a signatories of other countries in the INMARSAT Organization provide to their manufacturers important INMARSAT documents concerning ship earth station specifications which are not made available by the United States Signatory, COMSAT, to its manufacturers. As a result, manufacturers in other countries have the opportunity to examine these documents in draft form and have an early knowledge of INMARSAT thinking. This gives them a competitive advantage in their business activities with the United States manufacturers. We declined to discuss this issue in more detail, however, because procedures for public dissemination of INMARSAT documents were under consideration in Docket No. 80–634.[11] But we stated that the Commission intends to make available to the public all relevant documents emanating from INMARSAT except those for which COMSAT has successfully raised a claim of exemption for specific documents that should not be disclosed under Sections 0.457 and 0.459 of our rules.[12]

Comments and Discussion

9. The following parties filed comments in this rule making proceeding: (a) Central Committee on Telecommunications of the American Petroleum Institute (API), (b) Communications Satellite Corporation (COMSAT), (c) COMSAT General TeleSystems, Inc. (Telesystems), (d) Scientific Atlanta, Inc. (S/A), and (e) Radio Officers Union, District 3 of the National Marine Engineers Beneficial Association, AFL–CIO (AFL–CIO). No reply comments were filed.

Environmental Requirements

10. API in its comments stated that it is unable to provide cost estimates for environmentally and non-environmentally accepted ship earth station equipment.

11. With the Future Global Maritime Distress and Safety System (FGMDSS) and the exemption from the radiotelegraph requirements in mind,[13] AFL–CIO based its environmental specification comments on two categories of marine vessels: those which are fitted with a complete radiotelegraph installation in accordance with Title III, Part II of the Communications Act 1934, as amended, and those which are contemplated for coastal domestic voyages, are not fitted with radiotelegraph equipment, and are using only radiotelephone equipment as listed in Appendix A in the *Report and Order*, Docket No. 79–336. AFL–CIO argues that the ship stations on Vessels That are fitted with radiotelegraph equipment should not be required to comply with the INMARSAT emvironmental specifications. But ship earth stations on vessels that are not fitted with radiotelegraph equipment should comply with environmental specification which it proposes in its comments and are more stringent than those suggested by the INMARSAT Organization.

12. COMSAT contends that making the environmental specifications "mandatory" would increase the design and manufacturing costs of ship earth station equipment unnecessarily. Users and manufacturers, it argues, should decide the environmental specifications satisfying particular situations.

13. S/A believes that the INMARSAT environmental specifications for ambient temperature, humidity, spray, icing, precipitation, wind, prime power variation and vibration bear a reasonable relationship to conditions likely to be encountered in a normal operating environment. The additional cost for meeting these specifications in comparison to the cost of meeting less rigorous standards is minimal, perhaps 1% according to S/A. S/A further believes that the resulting improvement in equipment reliability would justify the additional 1% cost. The INMARSAT antenna motion specifications however, would increase the physical dimensions and weight of ship earth stations. It would also increase the manufacturing, shipping and installation costs by as much as 5%–10%. Furthermore, S/A states, the INMARSAT antenna motion specifications are considered applicable only to smaller vessels which eventually will be accommodated by smaller and less expensive ship earth stations. Accordingly, S/A is of the opinion that the antenna motion requirements should not be made "mandatory" for all ship earth stations.

[11] *See Notice of Proposed Rule Making*, CC Docket No. 80–634, 81 FCC 2d 287, released October 29, 1980.

[12] Sections 0.457 and 0.459 of the Commission's rules list the records which may be withheld from public inspection according to the statutory basis and the procedures which must be followed when an entity submitting information or materials to the Commission requests that such information or materials not be made routinely available for public inspection.

[13] For the exemption of vessels from the radiotelegraph requirements in Title III, part II of theCommunications Act of 1934, as amended. See *Report and Order*, PR Docket No. 79–336, 89 FCC 2d 40, released February 24, 1982, 47 FR 10220, March 10, 1982.

14. We have reviewed those comments carefully keeping in mind that our scope in this proceeding is to consider whether the environmental specifications that are currently suggested by the INMARSAT Organization would enhance the reliability of distress communications in those vessels that are presently equipped with ship earth stations at the option of the ship owners. We have concluded that the arguments presented by AFL–CIO regarding FGMDSS and the exemption from the radiotelegraph requirements are not directly related to this issue. Nevertheless, the Commission, NTIA and the Department of State reviewed all the comments filed on this issue. It was noted that stringent environmental specifications would increase the equipment cost unnecessarily for vessels whose travels are limited to global areas where the prevailing climatic and weather conditions are not severe. It was also observed that a great disparity exists on the issue among the participants in this proceeding. Moreover, the United States Signatory has been previously instructed to oppose the "mandatory" imposition of the INMARSAT environmental specifications. Thus, based on this joint review, we have determined that the INMARSAT environmental specifications should be retained on a "recommended" basis in the United States. We reiterate that the equipment is optional aboard vessels and our decision in no way affects normal distress communications.[14]

15. The Commission, however, is concerned about the reliable operation of the INMARSAT ship earth stations during adverse environmental conditions. Accordingly, the staff of the Field Operations Bureau will conduct a survey on a sampling basis during normal compulsory radio inspections. In the survey the master of the ship will be interviewed as to his or her opinion regarding the INMARSAT ship earth station performance under varying environmental conditions, with special attention to the performance of the antenna and its associated mechanical and servo equipment. This information will be evaluated to determine whether a problem exists, due to the "recommended" status of the environmental specifications.

[14] United States vessels are required by law to maintain certin primary communications systems for safety purposes. *See* 47 U.S.C 351–363; 46 CFR 77.13–1 (Coast Guard Regulations). These requirements apply whether or not vessels are equipped with ship earth stations as an additional communications system.

Witnessing of Type Approval Tests

16. API and S/A consider the type approval procedures required by INMARSAT sufficiently adequate and thorough but support a procedure that does not involve the expense of witnessing. S/A also supports a type approval system complying with only one set of requirements which can be obtained from one organization and accepted by all INMARSAT members.

17. Telesystems, a subsidiary of COMSAT, contends that the rules proposed by the Commission are unnecessary and duplicative in light of INMARSAT's stringent type approval requirements. It states that the INMARSAT requirements are designed to ensure the compatibility of the ship earth stations and the INMARSAT system and to protect the integrity of the system's operations. It also argues that if the Commission's proposed rules are adopted, they could place undue burden on the manufacturer and the consumer. It opposes compliance with the Commission's equipment authorization procedures and strongly urges the Commission not to require its own type acceptance of ship earth station equipment.

18. COMSAT in its comments is not opposed to the type acceptance requirements proposed in the *Notice*. It does not believe, however, that the Commission's concern with respect to the INMARSAT witnessing of type approval tests in the plants of United States equipment manufacturers warrants the imposition of a separate type acceptance program. COMSAT contends that the requirements of type approval of ship earth station models were adopted pursuant to the INMARSAT Operating Agreement. Notwithstanding any decision by the Commission, it states that the INMARSAT procedures authorizing witnessing of tests will still be applicable. The decision concerning such witnessing, COMSAT continues, is to be made by the INMARSAT Directorate. Should the Directorate request COMSAT to witness type approval tests in the United States on INMARSAT's behalf COMSAT would undertake such tasks only if the manufacturer involved is in agreement. The INMARSAT Directorate, however, has alternatives for accomplishing witnessing that do not require COMSAT's involvement. Namely, the use of Directorate personnel or those of some other entity. Therefore, COMSAT submits, there is no need for the Commission to be concerned about potential conflicts of interest.

19. In response to the overwhelming support by the commenting parties on this issue the rules we adopt in this *Report and Order* require that ship earth station equipment must comply with the technical standards provided in the INMARSAT document that is entitled "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model". Also, the Commission's equipment authorization requirement is changed from the original "type acceptance" and the submission of an affidavit by the manufacturers that their equipment complies with the INMARSAT requirements that was proposed in the *Notice* to the more lenient "verification" procedure.[15] The rules we adopt do not impose the mandatory witnessing of equipment tests or the disclosure of any design information of equipment which the maufacturers consider to be of a proprietary nature. Compliance with the INMARSAT type approval requirements, including witnessing, will be left to the discretion of each manufacturer.

20. In the adopted rules the proposed Section 83.32(g), 83.139(g) and 83.140 are modified where it is deemed necessary and the proposed Section 83.134(j)(1) is deleted to reflect some changes suggested in the COMSAT comments.

Licensing and Commissioning of INMARSAT Ship Earth Stations

21. API supports the licensing and commissioning procedures proposed in the *Notice*. S/A, however, is concerned about the processing of the commissioning applications through COMSAT to INMARSAT. S/A feels that this procedure would cause delays and the INMARSAT commissioning approval would not be obtained during the usual one week stay of a ship in port. To rectify this problem it suggests that prospective licensees should submit the commissioning application directly to INMARSAT with a copy sent to COMSAT. COMSAT should then submit immediate concurrence of comments to the INMARSAT Directorate and be responsible for assurance that the necessary approvals are obtained within the time limits applicable in individual cases.

22. Article XIV(2) in the Operating Agreement *supra*, implies that in the

[15] "Verification" is a procedure where the manufacturer makes measurements and takes any steps necessary to ensure that its equipment complies with the appropriate technical standards. The manufacturer is not required to submit representative test data or a sample unit unless specifically requested by the Commission pursuant to § 2.957 of its rules. See Part 2, § 2.902 of the Commission's rules.

case of the United States all applications for the utilization of the INMARSAT space segment shall be submitted to the signatory. The procedures for processing commissioning applications are delineated in Section 2 of the "Commissioning Procedures for INMARSAT Standard-A Ship Earth Stations" document, *supra*, which was adopted by the INMARSAT Council pursuant to Article 15(a) of the Convention. S/A may be interested in reviewing its concern regarding the processing of commissioning applications with COMSAT. If this matter deserves further consideration COMSAT can refer it to the INMARSAT Council. Nevertheless, it appears that appropriate arrangements can be initiated at the discretion of a prospective licensee prior to the installation of the ship earth station on board a vessel so that the commissioning approval process can be expedited to the satisfaction of S/A.

23. Two COMSAT comments on this issue pertain to phrases in the text of the *Notice* which were not included in the actual text of the proposed rules.[16] In its first comment COMSAT suggests that the commissioning application should be submitted to COMSAT "on or before" instead of "when", as we stated, the ship earth station is installed on board a vessel. In its second comment COMSAT suggests that the letter submitted to the Commission along with the Application Form 506 should state that the prospective licensee "has been authorized by" INMARSAT instead of "has negotiated an operating agreement" with INMARSAT, as we stated, to utilize its space segment for the commissioning test.

24. In the first case we feel the commissioning application should be submitted to COMSAT on or before the ship earth station equipment is installed on board a vessel. In the second case we feel that no matter how the INMARSAT Organization approval to utilize its space segment is described (i.e., authorization or agreement) prospective licensees in the United States public sector should be aware that the INMARSAT approval does not "authorize" their ship earth stations to radiate in the INMARSAT frequency spectrum. Such authorization can only be obtained from the Commission in accordance with the licensing provisions prescribed in its rules. Nevertheless, prospective licensees should be informed that an agreement must be negotiated with the INMARSAT Organization to utilize its space segment before a license application is submitted to the Commission. Accordingly, an appropriate statement is included in Section 83.28(a)(1) of the adopted rules.

Dissemination of Information

25. API and COMSAT fully support the Commission's efforts to ensure public awareness of relevant ship earth station documents emanating from INMARSAT except those subject to a valid claim of confidentiality under the Freedom of Information Act (FOI). In fact, COMSAT states, it currently provides this type of INMARSAT information to the Commission for filing in the Commission's Public Reference Room on a regular basis. It also mails free listings of this information to interested parties on a periodic basis and provides copies of requested documents from these lists to these parties on a cost-reimbursable basis.

26. Noting the API and COMSAT support for our proposal we will make available for public review in the Commissions General Public Reference Room all relevant ship earth station documents emanating from INMARSAT. In order to ensure the availability of these documents to the public we request COMSAT to file with the Commission for this purpose a set of all documents that are submitted for consideration to the INMARSAT Council and the INMARSAT Advisory Committee on Technical and Operational Matters.[17]

Conclusion

27. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980, Pub. L. 96-354, do not apply to this rule making proceeding because the rules if promulgated will not have a significant economic impact on a substantial number of small entities. The rule changes adopted herein primarily relate to procedures required by the INMARSAT Organization for participating entities. The concerned organizations will be operators of large oceangoing vessels and manufacturers of INMARSAT communications equipment. No significant economic impact will result for small entities.

28. For further information on matters covered in this document contact William P. Bergen, (202) 632-7175.

29. Accordingly, it is ordered, that under the authority contained in Section 4(i), 301, 303(e) and (r) of the Communiciations Act of 1934, as amended, and 201(c)(4) and (c)(11) of the Communications Satellite Act of 1962 the Commission's rules are amended as set forth in the attached Appendix A, effective March 21, 1983.

30. It is further ordered, that this proceeding and the proceeding in Docket No. 20603 are terminated.

Federal Communications Commission.
(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,
Secretary.

Appendix

PART 83—[AMENDED]

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 83.28, paragraph (a)(1) is revised to read as follows and paragraph (a)(2) is removed and reserved:

§ 83.28 Standard forms to be used.

* * * * *

(a) * * *

(1) *FCC Forms 506/506-A, Applications for License and Temporary Operating Authorization for Ship Radio Stations.* FCC Forms 506 and 506A are available as a single application form. Forms 506 and 506-A shall be completed concurrently when applying for a new or modified license to operate a ship station on terrestrial or satellite frequencies. For INMARSAT ship earth stations Form 506 must be submitted to the Commission accompanied by a letter stating that the prospective licensee has negotiated an operating agreement with the INMARSAT Organization to utilize its space segment. Form 506-A must be retained by the applicant for temporary authority to operate its station for 60 days.

(2) [Reserved]

* * * * *

2. In § 83.32, new paragraphs (f) and (g) are added to read as follows:

§ 83.32 Filing of applications.

* * * * *

(f) In cases where a ship earth station is required to be commissioned before it is certified to utilize a privately owned satellite system, Form 506 must be submitted to the Commission prior to

[16] See paragraphs 18(a) and (b) in the *Notice*.

[17] In its *Memorandum Opinion and Order*, CC Docket No. 80-634, 90 FCC 2d 1139, released August 13, 1982, the Commission established policies and procedures for the public dissemination of all other INTELSAT and INMARSAT documents and required COMSAT to indicate within 90 days of the release of the Commission's *Order* the manner in which COMSAT intended to comply with the Commission's directive. On December 13, 1982, COMSAT submitted to the Commission its "Report on Information Flow and Licensing Procedures". This Report is currently being evaluated by the Commission's staff which will take such additional steps as may be necessary to implement the Commission's INTELSAT/INMARSAT information flow policies and procedures.

the initiation of any commissioning tests that require the use of the satellite frequency bands allocated for marine satellite communications.

(g) A ship earth station authorized to utilize the INMARSAT space segment must display the Commission license in conjunction with the commissioning certificate issued by the INMARSAT Organization. Ship earth stations that were operating in the MARISAT system and are not commissioned by the INMARSAT Organization will continue to be used in the INMARSAT system without a commissioning certificate issued by the INMARSAT Organization. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless a commissioning certificate is obtained from the INMARSAT Organization. Notwithstanding the requirements in this paragraph, ship earth stations can operate in the INMARSAT space segment without an INMARSAT issued commissioning certificate provided an appropriate written approval is obtained from the INMARSAT Organization in addition to the Commission's license.

§ 83.134 [Amended]

3. In § 83.134, paragraph (j) is revised by adding the following sentence at the end of the paragraph: "Ship earth station transmitters utilized in the INMARSAT system will be verified on the basis of a carrier power of not more than 100 watts with the transmitter terminated in a dummy load of matching impedance."

4. In § 83.139, paragraph (g) is revised to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(g) Verification is required for ship earth station transmitters which are operating in the INMARSAT system. Transmitters of a model that was type accepted by MARISAT for use in its system will be considered verified by the Commission for use in the INMARSAT system. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless verified in accordance with the Commission's procedures.

* * * * *

5. In § 83.140, the title of this section is revised and paragraph (d) is added to read as follows:

§ 83.140 Type acceptance and verification of equipment.

* * * * *

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section any manufacturer of a ship earth station transmitter intended for use in the INMARSAT space segment shall verify such transmitter by complying with the verification procedures set forth in Part 2 of this chapter. Verification of such equipment shall be in accordance with the technical requirements provided in the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document. The ship earth station input/output parameters, the data obtained when the equipment is integrated in system configuration and the pertinent method of test procedures that are used for the type approval of the station model which are essential for the compatible operation of that station in the INMARSAT space segment shall be disclosed by the manufacturer upon request of the FCC or the United States Signatory. Witnessing of the type approval tests and the disclosure of the ship earth station equipment design or any other information of a proprietary nature shall be at the discretion of the ship earth station manufacturer.

Statement of Commissioner Henry M. Rivera Dissenting in Part

Re: *In the Matter of Amendment of Part 83 of the Commission's Rules to Conform with the International Maritime Satellite (INMARSAT) Requirements*

The majority's position is that compliance with environmental specifications for INMARSAT ship facilities should be on a voluntary basis.[18] I disagree. This decision represents a potentially destructive devotion to the marketplace. Both the existence of countervailing motives and the reality of ship mobility [19] convince me that, in this case, reliance on the marketplace is misplaced, has unacceptable and unnecessary risks with potentially disasterous consequences, deviates from this Commission's previously unwavering approach to safety of life at sea and abandons our responsibilities under Section 1 of the Communications Act.[20] The majority recognizes these shortcomings and attempts to rectify them by instituting a procedure to assess the environmental readiness of vessels on a random basis. Such a survey will be of questionable effectiveness and is likely to increase the Commission's administrative burdens and the drain its limited resources. See paragraph 15. It also indicates the majority's apparent discomfort with its marketplace decision. I dissent.

[FR Doc. 83-5058 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

[18] See paragraph 14.

[19] A ship may be put in service in a tropical climate and its INMARSAT facilities constructed to meet the requirements for that climate. But there is nothing to prevent that same ship from later being in service in an arctic climate where its INMARSAT facilities would not be environmentally suitable and accordingly, might pose a serious safety risk.

[20] I cannot support this relaxed approach when safety of life is a factor. This is particularly true: (1) If the cost increases associated with mandatory compliance would be minimal, as the record indicates in the comments of Scientific-Atlanta, Inc. which is the only, unrefuted quantification of the cost associated with mandatory compliance; and (ii) inasmuch as we have stated our belief that conformance with the INMARSAT environmental requirements enhances the reliability of maritime mobile-satellite communications during distress situations. See paragraph 3.

Proposed Rules

Federal Register
Vol. 48, No. 41
Tuesday, March 1, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Part 207

[Docket No. R-0457]

Securities Credit by Persons Other Than Banks, Brokers or Dealers; Complete Revision and Simplification of Regulation G

AGENCY: Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board proposes to revise Regulation G in its entirety. The proposed Regulation G is written in simplified language and organized in a more logical fashion. Obsolete provisions have been removed. This proposed revision incorporates amendments made to Regulation G in January 1982 which: (1) Removed existing provisions that prohibited lenders subject to the rule from extending both regulated and non-regulated credit to the same borrower and prohibited mixed collateral loans and (2) clarified the definition of the term "indirectly secured" (47 FR 2981, January 21, 1982).

The proposed revision raises the registration threshold for G-lenders to $200,000 and eliminates the registration requirements for those who arrange but do not extend credit secured by margin securities.

In addition, the existing provision prohibiting unsecured loans to a broker or dealer by a G-lender is removed. The prohibition in section 8 of the Securities Exchange Act of 1934 ("1934 Act") which prevents anyone except a bank from lending to a broker or dealer on the collateral of registered securities is retained in the regulation.

A further reduction in regulatory burden will be achieved by the liberalization of the "Plan-lender" provision, which covers extensions of credit under employee option and stock purchase plans. The proposed revision will permit companies and their affiliates to finance employee purchases of company stock without a specific scheduled paydown of the loan or a three-year lockup of the stock as is the present rule. The proposal will continue to permit a company to extend credit in excess of the current maximum loan value of the securities.

The Board is seeking specific public comment on the question whether Regulation G and U should be combined to form a new comprehensive regulation with various subchapters or whether the two regulations should be maintained separately in their simplified forms.

DATE: Comments should be received on or before April 22, 1983.

ADDRESS: Comments, which should refer to Docket No. R-0457, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551 or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: At the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, contact: Laura Homer, Securities Credit Officer, or Robert Lord, Attorney, Division of Banking Supervision and Regulation (202) 452-2781. At the Federal Reserve Bank of New York, contact: Mindy Silverman, Assistant Counsel, (212) 791-5032.

SUPPLEMENTARY INFORMATION: The Board proposes to revise Regulation G by: (1) Simplifying the language in all provisions, (2) removing obsolete provisions and (3) reordering provisions in a more logical manner.

Explanation of Changes

The proposed Regulation G is divided into seven sections which, in the following order: (1) State the legal basis and scope of the regulation, (2) define the terms used throughout the regulation, (3) state the general rule, (4) separately treat loans made to brokers or dealers for specified purposes, (5) provide special treatment for loans to employee stock option and stock purchase plans meeting certain qualifications, (6) set forth the criteria for inclusion on the list of OTC Margin Securities, and (7) establish the maximum loan value of different types of collateral.

Unless otherwise noted, no substantive changes have been made to the regulation. The regulation has been reorganized in a more logical fashion and the language has been simplified for easier understanding. In addition, obsolete terms and provisions have been removed, and parts of the regulation incorporate Board and staff interpretations issued during the course of administration of the rule.

The revised definition of "indirectly secured" adopted by the Board in January 1982 did not contain a specific exception (contained in an earlier definition) that a loan will not be considered "indirectly secured" if a lender in good faith has not relied upon margin securities as collateral. It was not the intent of the Board, however, to remove this exception, and interpretations have been issued making this point clear. To avoid misunderstanding, language has been added to the definition in the proposed revision to clarify this point.

A section by section analysis of the proposed Regulation G Follows.

1. *Authority, Purpose and Scope.* This section states the Board's legal authority to promulgate Regulation G, the purpose of the rule, and the fact that its coverage is limited to lenders other than banks, brokers, or dealers.

2. *Definitions.* This section contains eleven definitions of terms used throughout the regulation. All terms of art not defined in the 1934 Act itself are defined in this section. Other terms whch have, over the past five decades, achieved "common usage" status in margin regulation parlance have been incorporated into the regulation and are, therefore, defined in this section. Some definitions are scattered throughout the current regulation. All such definitions have been brought within a single definitional section.

3. *General Requirements.* This section contains the general rules which lenders other than banks, brokers and dealers ("G-lenders") must follow when extending, maintaining or arranging credit on the collateral of margin securities. It places limits on the amount of credit G-lenders can extend when the purpose is to purchase or carry securities and the loan is secured by margin securities.

The registration threshold has been raised from $100,000 to $200,000 and the registration requirement for G-lenders who merely arrange credit has been eliminated. Registered G-lenders will

continue to be subject to restrictions on securities credit that they arrange.

The "general requirements" section also contains the "single credit" rule, which directs G-lenders to aggregate the amount of purpose credit extended to a single customer in order to prevent evasion of the rule. This section also specifically permits the use of other collateral with margin securities to support a purpose credit. Under the present rule, as written, there is some ambiguity as to whether such "mixed collateral" loans are permissible.

This section also requires G-lenders who extend credit on margin securities to obtain a Form G-3, which requires the borrower to state the purpose and amount of the loan and list the margin securities used as collateral for the loan. In the case of revolving credit agreements, this section permits the filing of a G-3 form at the time of the initial extension of credit and does not require a new form G-3 to be executed each time a disbursement is made.

Withdrawals and substitutions of collateral for an existing loan are permitted by this section: (1) As long as such action would not result in an increase in the amount by which the credit exceeds the maximum loan value of the collateral, or (2) at any time that the collateral has loan value in excess of that required by the regulation. In addition, withdrawals of collateral are permitted to enable a customer to participate in an exchange offer, provided the securities received in exchange are substituted for the securities withdrawn and treated as margin securities for a period of sixty days following the exchange.

Provisions regarding extensions and maturities of credit, transfers of credit, mistakes made in good faith, and action which a G-lender may take for its own protection have been consolidated in this section. These provisions are scattered throughout the current regulation.

Finally, this section requires a G-lender to file an annual report form (Form FR G-4) with its local Federal Reserve Bank.

4. *Credit to Brokers and Dealers.* In conformity with section 8 of the 1934 Act, this section prohibits G-lenders from lending on a secured basis to brokers and dealers except in emergencies or when the public interest so demands. The current prohibition against unsecured loans by G-lenders to brokers and dealers has been removed.

5. *Credit to Finance Employee Stock Plans.* This section would liberalize current rules with respect to credit extended by a corporation to its own employees and officers for the purpose of purchasing the company's stock. The proposed revision will permit companies and their affiliates to finance employee purchases of company stock without a specific loan reduction schedule or a restriction on the disposition of the stock, as required under the present rule. Plan lenders that otherwise meet the registration requirements of the regulation will continue to be required to register and to file annual reports (Form FR G-4) required by the regulation. The registration and reporting requirements will provide a mechanism by which the Board can monitor future developments with respect to plan-lender credit.

6. *List of OTC Margin Securities.* This section contains the criteria for initial and continued inclusion on the Board's List of OTC Margin Securities. These criteria were recently amended to conform more closely with the listing requirements of major securities exchanges (47 FR 21,756) (May 20, 1982).

7. *Supplement.* This final section assigns value to various types of collateral for purposes of the regulation. Three specific types of collateral are given loan value: (1) Margin securities have a maximum loan value of fifty percent of their current market value; (2) all other collateral, other than puts or calls or combinations thereof, are assigned a "good faith" loan value; and (3) puts, calls and combinations are given no loan value.

8. *Specific Comment Requested.* The Board is seeking specific public comment on the question whether Regulations G and U should be combined to form a new comprehensive regulation with various subchapters or whether the two regulations should be maintained separately in their simplified forms.

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on a proposed to completely revise its margin regulation governing lenders other than banks and brokers or dealers.

These changes are part of a program to simplify all of the Board's margin regulations and to reduce specific administrative and regulatory burdens imposed upon lenders. The simplification of Regulation G that is being proposed at this time will provide benefits in the form of overall clarity and consistency of treatment of banks and other lenders. The Board, therefore, certifies for the purposes of 5 U.S.C. 605(b) that the changes proposed are not expected to have an adverse impact on a substantial number of small businesses.

List of Subjects in 12 CFR Part 207

Banks, banking, Credit, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to sections 3, 7, 8 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, and 78w) the Board proposes to completely revise Regulation G (Part 207) to read as follows:

PART 207—CREDIT EXTENDED BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Sec.

207.1 Authority, purpose and scope.
207.2 Definitions.
207.3 General requirements.
207.4 Credit to Broker-Dealers.
207.5 Employee stock option and stock purchase plans.
207.6 Requirements for the list of OTC margin securities.
207.7 Supplement.

Authority: Secs. 3, 7, 8, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78w).

§ 207.1 Authority, purpose and scope.

(a) *Authority and Purpose.* Regulation G (this part) is issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et. seq.). Its principal purpose is to regulate extensions of credit by persons, other than banks, brokers and dealers, who extend or maintain credit for the purpose of purchasing or carrying margin securities.

(b) *Scope.* This part requires registration by persons who extend credit that is secured directly or indirectly by margin securities. Credit extended by such persons is regulated by limiting the loan value of the collateral securing the credit if the purpose of the credit is to purchase or carry margin securities.

§ 207.2 Definitions.

The terms used in this part have the meanings given them in section 3(a) of the Act (15 U.S.C. 78c(a)) or as defined in this section.

(a) *Affiliate.* A person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with the lender.

(b) *Carrying credit.* Credit that enables a customer to maintain a position in a margin security or reduce or retire indebtedness originally incurred to purchase a security that is currently a margin security.

(c) *Current market value.* (1) For a security, the closing sale price of the security on the preceding business day, as shown by any regularly published reporting or quotation service or, if the credit is used to finance the purchase of the security, the security's total cost of purchase. If there is no closing sale price, any reasonable estimate of the market value of the security as of the close of business on the preceding business day. Computation of total cost may include any commissions charged.

(2) Any other collateral shall be valued by any reasonable method in accordance with generally accepted accounting principles.

(d) *Customer.* Includes any person or group of persons acting jointly, to or for whom a person subject to this part is extending or maintaining credit.

(e) *Good faith.* (1) With respect to the acceptance of or notice from or on behalf of a customer that the lender or its duly authorized representative is alert to the circumstances surrounding the credit, and if in possession of information that would cause a prudent person not to accept the statement or notice without inquiry, investigates and is satisfied that the statement or notice is truthful;

(2) With respect to the loan value of collateral means that amount which a lender, exercising sound credit judgment, would lend on particular collateral, without regard to other assets of the customer or other collateral held in connection with separate transactions. Good faith loan value may not exceed 100 percent of the current market value of the collateral.

(f) *Indirectly secured.* Includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than twenty-five percent of the value of the assets subject to the arrangement, as determined by any reasonable method, are margin securities;

(2) To a lending arrangement that permits acceleration of the maturity of the credit as a result of a default under, or the renegotiation of the terms of, another credit to the same customer by another creditor that is not an affiliate of the lender;

(3) If the margin security is held by the lender only in the capacity of custodian, depositary, or trustee, or under similar circumstances and the lender has not relied upon the margin security as collateral in extending or maintaining the particular credit; or

(4) If the lender in good faith has not relied upon the margin security as collateral in the extension or maintenance of the particular credit.

(g) *In the ordinary course of business.* Occurring or reasonably expected to occur from time to time in the course of any activity of a person for profit or the management or preservation of property, or in the case of a person other than an individual, carrying out or in furtherance of any business purpose.

(h) *Lender.* Any person subject to the registration requirements of this part.

(i) *Margin security.* (1) Any equity security registered on a national securities exchange or having unlisted trading privileges;

(2) An OTC margin security;

(3) A debt security which is convertible into a margin security or carrying any warrant or right to subscribe to or purchase a margin security;

(4) Any warrant or right to subscribe to or purchase a margin security; and

(5) Any security issued by an investment company, other than a company licensed under the Small Business Investment Company Act of 1958, as amended (15 U.S.C. 661), registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8).

(j) *Maximum loan value.* The percentage of current market value assigned by the Board under § 207.7 of this part to specfied types of collateral.

(k) *OTC margin security.* Any equity security not traded on a national securities exchange that the Board has determined has the degree of national investor interest, the depth and breadth of market, the availability of information respecting the security and its issuer, and the character and permanence of the issuer to warrant being treated like an equity security traded on a national securities exchange. The Board will from time to time publish a list of the OTC margin securities that the Board has determined meet the criteria set forth in § 207.7 of this part.

(l) *Purpose credit.* Credit for the purpose, whether immediate, incidental, or ultimate, of purchasing or carrying a margin security.

§ 207.3 General requirements.

(a) *Registration; termination of registration.* (1) Every person who, in the ordinary course of business, extends or maintains credit secured, directly or indirectly, by any margin security shall register on Federal Reserve Form FR G–1 (OMB No. 055–R0267) within 30 days after the end of any calendar quarter during which (i) the amount of credit extended equals $200,000 or more, or (ii) the amount of credit outstanding at any time during that calendar quarter equals $500,000 or more;

(2) A registered lender may apply to terminate its registration, by filing Federal Reserve Form FR G–2 (OMB No. 055–R0267), if the lender has not, during the preceding six calendar months, extended credit secured, directly or indirectly, by any margin security and has not had more than $200,000 of such credit outstanding during that period. Registration shall be deemed terminated when the application is approved by the Board.

(b) *General Rule.* No lender, except a plan-lender, as defined in § 207.5(a)(1), shall extend any purpose credit, secured directly or indirectly by margin securities in an amount that exceeds the maximum loan value of the collateral securing the credit, as set forth in § 207.7 of this part.

(c) *Maintaining credit.* A lender may maintain any credit that it initially extended without violating this part, regardless of:

(1) Reduction in the customer's equity resulting from change in market prices;

(2) Change in the maximum loan value prescribed by this part; and

(3) Change in the status of the security (from non-margin to margin) securing an existing purpose credit.

(d) *Arranging credit.* No lender may arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any margin security, except upon the same terms and conditions under which the lender itself may extend or maintain such credit under the provisions of this part.

(e) *Purpose statement.* (1) Whenever a lender extends credit secured directly or indirectly by a margin security, the lender shall require its customer to execute Federal Reserve Form FR G–3 (OMB No. 055–R0274), which shall be signed and accepted by a duly authorized representative of the lender acting in good faith;

(2) If a lender extends such credit under a revolving credit agreement, Form FR G–3 need not be executed each time a disbursement is made under the agreement if:

(i) Form FR G–3 is executed at the time the credit arrangement is originally established;

(ii) the customer at that time states that the purpose or any extension under the agreement is to purchase or carry a margin security; and

(iii) either the collateral is sufficient for a purpose credit for the total amount covered by the agreement, or is sufficient for the amount of credit actually disbursed and a current list of collateral is appended to the executed Form FR G–3 each time credit is disbursed under the agreement.

(f) *Single credit rule.* (1) A lender that has extended purpose credit secured by a margin security may not subsequently extend unsecured purpose credit to the same customer unless the combined credit does not exceed the maximum loan value of the security securing the prior credit;

(2) If a lender extended unsecured purpose credit to a customer prior to the extension of purpose credit secured by a margin security, the credits shall be combined and treated as a single credit solely for the purpose of the withdrawal and substitution provision of paragraph (h) of this section.

(g) *Mixed collateral loans.* A purpose credit secured in part by a margin security, and in part by other collateral shall be treated as two separate loans, one secured by the margin security and one by all other collateral. A lender may use a single credit agreement, but it shall maintain its records so that each portion of the credit and its collateral are identified for the purpose of evidencing compliance with this part.

(h) *Withdrawals and Substitutions.* (1) A lender may permit any withdrawal or substitution of cash or collateral by the customer if, after the transaction, the withdrawal or substitution would not:

(i) Cause the credit to exceed the maximum loan value of the collateral; or

(ii) Increase the amount by which the credit exceeds the maximum loan value of the collateral.

(2) For purposes of this section, the maximum loan value of the collateral on the day the withdrawal or substitution shall be used.

(i) *Exchange offers.* To enable a customer to participate in an exchange offer that is made to all holders of an issue of margin securities, a lender may permit substitution of the securities received for the securities exchanged. A nonmargin nonexempted security acquired in exchange for a margin security shall be treated as if it is a margin security for a period of 60 days following the exchange.

(j) *Renewals and extensions of maturity.* A renewal or extension of maturity of a credit need not be considered a new extension of credit if the amount of the credit is increased only by the addition of interest, service charges or taxes with respect to the credit.

(k) *Transfers of credit.* (1) A transfer of a credit between customers or lenders shall not be considered a new extension of credit if:

(i) The original credit was in conformity with this part;

(ii) The transfer is not made to evade this part;

(iii) The amount of credit is not increased; and

(iv) The collateral for the credit is not changed.

(2) Any transfer between customers at the same lender shall be accompanied by a statement by the transferor customer describing the circumstances giving rise to the transfer and accepted in good faith and signed by an officer of the lender as having been so accepted. The lender shall keep such statement with its records of the transferee account.

(3) When a transfer is made between lenders, the transferee lender shall obtain a copy of the Form FR G–3 originally filed with the transferor lender and retain the copy with its records of the transferee account.

(l) *Action for lender's own protection.* Nothing in this part shall require a lender to waive or forego any lien or prevent a lender from taking any action that it deems necessary in good faith for its own protection.

(m) *Mistakes in good faith.* A mistake in good faith in connection with the extension or maintenance of credit shall not be a violation of this part.

(n) *Annual Report.* Every registered lender shall, within 30 days following June 30 of every year, file Form FR G–4 (OMB No. 055–R0267).

(o) *Where to register and file applications and reports.* Registration statements, applications to terminate registration, and annual reports shall be filed with the Federal Reserve Bank of the district in which the principal office of the lender is located.

§ 207.4 Credit to broker-dealers.

No lender shall extend or maintain credit secured, directly or indirectly, by any margin security to a customer who is subject to Part 220, except in the following circumstances:

(a) Emergency Loans. Credit extended in good faith reliance upon a certification from the customer that the credit is essential to meet emergency needs arising from exceptional circumstances. Any collateral for such credit shall have good faith loan value.

(b) Capital Contribution Loans. Credit that the Board has exempted by order upon a finding that the exemption is necessary or appropriate in the public interest or for the protection of investors, provided the Securities Investor Protection Corporation certifies to the Board that the exemption is appropriate.

§ 207.5 Employee stock option and stock purchase plans.

(a) *Plan lender; Eligible Plan.* (1) Plan Lender. A corporation, a lender wholly owned by that corporation, or a lender which is a membership thrift organization whose membership is limited to employees and former employees of that corporation, its subsidiaries and affiliates, that extends or maintains credit to finance the acquisition of securities pursuant to an eligible plan;

(2) Eligible Plan. An employee stock option or purchase plan adopted by a corporation and approved by its stockholders that provides for the extension of credit to officers or employees to finance their purchase of margin securities of the corporation, its subsidiaries or affiliates.

(b) *Credit to exercise right under eligible plans.* (1) If a plan-lender extends or maintains credit to its officers and employees, or those of its subsidiaries or affiliates, to finance the exercise of rights granted under an eligible plan of the corporation, a margin security that directly or indirectly secures that credit shall have good faith loan value.

(2) Credit extended under this section shall be treated separately from credit extended under any other section in this part.

§ 207.6 Requirements for the List of OTC Margin Securities.

(a) *Requirements for inclusion on the list of OTC margin securities.* Except as provided in paragraph (d) of this section, OTC margin security shall meet the requirements that:

(1) The security is registered under section 12 of the Act (15 U.S.C. 781), is issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 781(g)(2)(G)), is issued by a closed end investment management company subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8), is an American Depository Receipt ("ADR") of a foreign issuer whose securities are registered under section 12 of the Act, or is a security of an issuer required to file reports under section 15(d) of the Act (15 U.S.C. 780(d));

(2) Four or more dealers make a market in the security and regularly submit bona fide bids and offers to an automated quotations system for their own accounts;

(3) There are 1,200 or more holders of record, as defined in SEC Rule 12g5–1 (17 CFR 240.12g5–1), of the security who are not officers, directors or beneficial owners of 10 percent or more of the security, or the average daily trading volume of such security as determined by the Board, is at least 500 shares;

(4) The issuer or a predecessor in interest has been in existence for at least three years;

(5) The security has been publicly traded for at least six months;

(6) Daily quotations for both bid and asked prices for the security are continuously available to the general public;

(7) There are 400,000 or more shares of such security outstanding in addition to shares held benefically by officers, directors or beneficial owners of more than 10 percent of the security;

(8) The minimum average bid price of the security, as determined by the Board, is at least $5 per share; and

(9) The issuer had at least $4 million of capital, surplus, and undivided profits.

(b) *Requirements for continued inclusion on the list of OTC margin securities.* Except as provided in paragraph (d) of this section, an OTC margin security shall meet the following requirements:

(1) The security is registered or issued under the conditions specified in paragraph (a)(1) of this section;

(2) Three or more dealers make a market in the security and regularly submit bona fide bids and offers to an automated quotations system for their own accounts;

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5–1 (17 CFR 240.12g5–1), of the security who are not officers, directors, or beneficial owners of 10 percent or more of the security, or the average daily trading volume of such security, as determined by the Board, is at least 300 shares;

(4) Daily quotations for both bid and asked prices for the security are continuously available to the general public;

(5) There are 300,000 or more shares of such security outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the security;

(6) The minimum average bid price of the security, as determined by the Board, is at least $2 per share; and

(7) The issuer has at least $2 million of capital, surplus, and undivided profits.

(c) *Removal from the list of OTC margin securities.* The Board shall from time to time remove from the OTC margin security list securities that cease to:

(1) Exist or of which the issuer ceases to exist, or

(2) Meet substantially the provisions of paragraph (b) of this section.

(d) *Discretionary authority of Board.* The foregoing notwithstanding, the Board may omit or remove any security that is not traded on a national securities exchange from or add any such security to such list of OTC margin securities, if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(e) *Unlawful Representations.* It shall be unlawful for any creditor to make, or cause to be made, any representation to the effect that the inclusion of a security on the list of OTC margin securities is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the list or securities on that list shall be an unlawful representation.

§ 207.7 Supplement.

(a) *Maximum loan value of a margin security.* The maximum loan value of a margin security shall be fifty percent of its current market value.

(b) *Maximum loan value of nonmargin securities and all other collateral.* The maximum loan value of a nonmargin security and all other collateral except puts, calls, or combinations thereof shall be their good faith loan value.

(c) *Maximum loan value of options.* Puts, calls and combinations thereof shall have no loan value.

By order of the Board of Governors of the Federal Reserve System, February 23, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–5155 Filed 2–28–83; 8:45 am]

BILLING CODE [illegible]

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12 CFR Part 221

[Docket No. R–0458]

Credit by Banks; Complete Revision and Simplication of Regulation U

AGENCY: Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board proposes to revise Regulation U in its entirely. The proposed Regulation U is written in simplified language and organized in a more logical fashion. Obsolete provisions have been removed. This proposed revision incorporates amendments made to Regulation U in January 1982 which exempted bank credit not secured by margin securities from the regulation and clarified the definition of the term "indirectly secured" (47 FR 2981) (January 21, 1982).

Certain filing requirements have been removed from the proposed regulation. The related forms, F.R. U–2, U–3, U–5 and U–6, will, therefore, be eliminated. Also, in cooperation with the Securities and Exchange Commission ("SEC"), references to SEC forms X–17A–12 (1) and (2), X–17A–16 (1) and (2), and X–17A–17 are being deleted so that the SEC may proceed with its proposal to eliminate these forms.

A new section is proposed to be added to Regulation U to notify nonmember banks who propose to lend to brokers and dealers on registered securities that they are required by statute (15 U.S.C. 78h) to comply with securities credit laws and regulations applicable to member banks. Currently, notice of this requirement is contained in Regulation T (12 CFR Part 220), but not in Regulation U. The Board believes that notice of this requirement should also be contained in Regulation U since the statute places an affirmative duty of compliance upon banks as well as brokers and dealers. This addition to Regulation U will not place any new compliance responsibilities on banks.

Under this proposed revision of Regulation U, the Board would remove, in its entirely, current 221.3(q), which regulates loans to certain lenders. This section was added to Regulation U in 1959 to limit the amount of credit available to "collateral lenders," who were neither banks nor broker-dealers and, therefore, not subject to the Board's then existing margin regulations. A comprehensive regulation (Regulation G, 12 CFR 207.1 et seq.) was adopted by the Board in 1968 to cover all lenders other than banks and broker-dealers, including collateral lenders. Because of the adoption of Regulation G, the retention of § 221.3(q) is no longer considered necessary.

DATE: Comments should be received on or before April 22, 1983.

ADDRESS: Comments, which should refer to Docket No. R–0458, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551 or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: At the Board of Governors of the Federal Reserve System, Washington,

D.C. 20551, contact: Laura Homer, Securities Credit Officer, or Robert Lord, Attorney, Division of Banking Supervision and Regulation (202) 452–2781. At the Federal Reserve Bank of New York, contact: Mindy Silverman, Assistant Counsel, (212) 791–5032.

SUPPLEMENTARY INFORMATION: The Board proposes to revise Regulation U by: (1) Simplifying the language in all provisions, (2) removing obsolete provisions, and (3) reordering provisions in a more logical manner.

Explanation of Changes

The proposed Regulation U is divided into eight sections which, in the following order: (1) State the legal basis and scope of the regulation, (2) define the terms used throughout the regulation, (3) state the general rule, (4) require non-member banks to file agreements with the Board before they engage in securities credit transactions with brokers or dealers, (5) separately treat loans made to brokers or dealers for market facilitating purposes, (6) specify transactions which are exempt from the requirements of the regulation, (7) set forth the criteria for inclusion on the List of OTC Margin Securities, and (8) establish the maximum loan value of different types of collateral.

Unless otherwise noted, no substantive changes have been made to the regulation. The regulation has been reorganized in a more logical fashion and the language has been simplified for easier understanding. In addition, obsolete terms and provisions have been removed, and parts of the regulation incorporate Board and staff interpretations issued during the course of administration of the rule.

The revised definition of "indirectly secured" adopted by the Board in January, 1982 did not contain a specific exception (contained in an earlier definition) that a loan will not be considered "indirectly secured" if a lender in good faith has not relied upon margin securities as collateral. It was not the intent of the Board, however, to remove this exception, and interpretations have been issued making this point clear. To avoid misunderstanding, language has been added to the definition in the proposed revision to clarify this point.

A section by section analysis of the proposed Regulation U follows.

1. *Authority, Purpose and Scope.* This section states the Board's legal authority to promulgate Regulation U, the purpose of the rule, and the fact that its coverage is limited to banks.

2. *Definitions.* This section contains eleven definitions of terms used throughout the regulation. All terms of art not defined in the Securities Exchange Act of 1934 ("1934 Act") (15 U.S.C. 78a et seq.) itself are defined in this section. The term "bank", although defined in the 1934 Act, is defined more precisely in the proposed regulation. Other terms which have, over the past five decades, achieved "common usage" status in margin regulation parlance have been incorporated into the regulation and are, therefore, defined in this section. Some definitions are scattered throughout the current regulation. All such definitions have been brought within a single definitional section.

3. *General Requirements.* This section contains the general rules which banks must follow when extending, maintaining or arranging credit on the collateral of margin securities. It places limits on the amount of credit banks can extend when the purpose is to purchase or carry securities and the loan is secured by margin securities.

The "general requirements" section also contains the "single credit" rule, which directs banks to aggregate the amount of purpose credit extended to a single customer in order to prevent evasion of the rule. This section also specifically permits the use of other collateral with margin securities to support a purpose credit. Under the present rule, as written, there is some ambiguity as to whether such "mixed collateral" loans are permissible.

This section also requires banks who extend credit on margin securities to obtain a Form F.R. U–1, which requires a borrower to state the purpose and amount of a loan, and list the margin securities used as collateral.

Withdrawals and substitutions of collateral for an existing loan are permitted by this section: (1) As long as such action would not result in an increase in the amount by which the credit exceeds the maximum loan value of the collateral, or (2) at any time that the collateral has loan value in excess of that required by the regulation. In addition, withdrawals of collateral will be permitted to enable a customer to participate in an exchange offer, provided the securities received in exchange are substituted for the securities withdrawn and treated as margin securities for a period of sixty days following the exchange.

Provisions regarding extensions and maturities of credit, transfers of credit, mistakes made in good faith, and action which a bank may take for its own protection have been consolidated in this section. These provisions are scattered throughout the current regulation.

4. *Agreements of Non-Member Banks.* This is a new section of Regulation U. Section 8 of the 1934 Act (15 U.S.C. 78h) prohibits brokers and dealers from borrowing on registered securities unless they borrow from either a member bank or a nonmember bank that has filed an agreement with the Board agreeing to comply with all laws applicable to member banks in connection with securities credit transactions. This statutory requirement is currently embodied in Regulation T (12 CFR 220.1 et seq.), which is applicable to brokers and dealers. However, it is the nonmember bank which has the affirmative duty to file such agreements (F.R. T–1 and F.R. T–2) with the Board. In the interest of providing nonmember banks with more adequate notice of this statutory requirement, this subsection is being added to Regulation U.

5. *Special Purpose Loans to Brokers and Dealers.* Since the inception of Regulation U, the Board recognized that banks made certain specialized loans to brokers and dealers which were either short-term loans to facilitate settlement and clearance or loans regulated at another level. These loans have always been treated differently from regular margin loans. Provision is made in a separate section, therefore, by which banks may give a "good faith" valuation to any collateral furnished by brokers and dealers who borrow for any one or more of the thirteen specialized purposes listed in the regulation. Special treatment of such loans is conditioned upon receipt of certified statements from the broker or dealer as to the purpose of the loan. Comparable exceptions to the general credit limitations are in the current Regulation U, but the proposed rule consolidates all of these exceptions into one section and removes any limitations on the type of collateral securing the loans.

The provisions regarding credit extended to block positioners, OTC market makers, and third market makers will no longer refer to SEC Forms X–17A–12(1), X–17A–16(1), and X–17A–17. This will obviate the need for filing these forms with the SEC as a prerequisite to eligibility for special credit. It is the Board's understanding that the SEC is preparing to rescind its rules pursuant to which these forms are required.

6. *Exempted Transactions.* This section grants outright exemptions to nine specific kinds of non-broker-dealer bank loans. All but one of these exemptions are contained in various sections of the current regulation. The proposed rule consolidates the existing

exemptions into one section. A new exemption is provided for loans to employee stock ownership plans (ESOPs) qualified under section 401 of the Internal Revenue Code. The purpose of this new exemption is to provide banks with an opportunity to give the same kind of treatment for employee loans as is now provided for similar corporate lenders referred to as "plan lenders" under Regulation G.

7. *List of OTC Margin Securities.* This section contains the criteria for initial and continued inclusion on the Board's List of OTC Margin Securities. These criteria were recently amended to conform more closely with the listing requirements of major exchanges (47 F.R. 21,756) (May 20, 1982).

8. *Supplement.* This final section assigns value to various types of collateral for purposes of the regulation. Three specific types of collateral are given loan value: (1) Margin securities have a maximum loan value of fifty per cent of their current market value; (2) all other collateral, other than puts, calls or combinations thereof, are assigned a "good faith" loan value; and (3) puts, calls and combinations are given no loan value.

9. *Specific Comments Requested.* The Board is seeking specific public comment on the question whether Regulations G and U should be combined to form a new comprehensive regulation with various subchapters or whether the two regulations should be maintained separately in their simplified forms.

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on a proposal to completely revise its margin regulation governing banks. These changes are part of a program to simplify all of the Board's margin regulations, generally, and to reduce specific administrative and regulatory burdens imposed upon lenders. The simplification of Regulation U that is being proposed at this time will provide benefits in the form of overall clarity and consistency of treatment among margin lenders. The Board, therefore, certifies for the purposes of 5 U.S.C. 605(b) that the changes proposed are not expected to have any adverse impact on a substantial number of small businesses.

List of Subjects in 12 CFR Part 221

Banks, banking, Credit, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to sections 3, 7, 8 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h and 78w) the Board proposes to completely revise Regulation U (Part 221) to read as follows:

PART 221—CREDIT EXTENDED BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN SECURITIES

Sec.

221.1 Authority, purpose and scope.
221.2 Definitions.
221.3 General requirements.
221.4 Agreements of nonmember banks.
221.5 Special purpose loans to brokers and dealers.
221.6 Exempted Transactions.
221.7 Requirements for the List of OTC Margin Securities.
221.8 Supplement.

Authority: Secs. 3, 7, 8, and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78c, 78g, 78h, 78w).

§ 221.1 Authority, purpose and scope.

(a) *Authority and Purpose.* Regulation U ("this part"), is issued by the Board of Governors of the Federal Reserve System ("the Board") pursuant to the Securities Exchange Act of 1934 ("the Act") (15 U.S.C. 78a, et seq.). Its principal purpose is to regulate banks that extend or maintain credit for the purpose of purchasing or carrying securities.

(b) *Scope.* This part imposes credit restrictions upon "banks", as that term is defined in § 221.2(b) of this part, that extend credit for the purpose of purchasing or carrying margin securities if the credit is secured directly or indirectly by margin securities. Banks extending such credit may not extend more than the maximum loan value of the collateral securing the credit. The maximum loan value of a margin security, set by the Board, can be found in the Supplement to Regulation U (12 CFR 221.8) and is stated in terms of a percentage of the current market value of the collateral. All other collateral has "good faith" loan value, which is defined in § 221.2(f) of this part.

§ 221.2 Definitions.

The terms used in this part have the meanings given them in section 3(a) of the Act (15 U.S.C. 78c(a)) or as defined in this section.

(a) *"Affiliate"* (1) A bank holding company of which a bank is a subsidiary within the meaning of the Bank Holding Company Act of 1956, as amended, (12 U.S.C. 1841(d)); (2) any other subsidiary of such bank holding company; or (3) any other corporation, business trust, association, or other similar organization that is an affiliate as defined in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a).

(b) *"Bank"* has the meaning given to it in section 3(a)(6) of the Act (15 U.S.C. 78c(a)(6)) and includes a subsidiary of a bank, a corporation organized under section 25(a) of the Federal Reserve Act (12 U.S.C. 611) and an agency or branch of a foreign bank located within the United States. "Bank" does not include a savings and loan association, a credit union, any lending institution that is an instrumentality or agency of the United States, or any member of a national securities exchange.

(c) *"Carrying credit"* is credit that enables a customer to maintain a position in a margin security or reduce or retire indebtedness originally incurred to purchase a security that is currently a margin security.

(d) *"Current market value"* means: (1) For a security, the closing sale price of the security on the preceding business day, as shown by any regularly published reporting or quotation service. If the credit is used to finance the purchase of the security, the bank may use the security's total cost of purchase. Computation of total cost may include any commissions charged. If there is no closing sale price, the bank may use any reasonable estimate of the market value of the security as of the close of business on the preceding business day.

(2) Any other collateral shall be valued by any reasonable method in accordance with generally accepted accounting principles and sound banking practies.

(e) *"Customer"* includes any person or group of persons acting jointly, to or for whom a bank is extending or maintaining credit.

(f) *"Good faith"* (1) With respect to the acceptance of or notice or certification from or on behalf of a customer that the bank or its duly authorized representative is alert to the circumstances surrounding the credit, and if in possession of information that would cause a prudent person not to accept the statement or notice without inquiry, investigates and is satisfied that the statement or notice is truthful;

(2) With resepct to the loan value of collateral means that amount which a bank, exercising sound banking judgment, would lend on particular collateral, without regard to other assets of the customer or other collateral held in connection with separate transactions. Good faith loan value may not exceed 100 percent of the current market value of the collateral.

(g) *"Indirectly secured"* includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin security owned by the customer

is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than twenty-five percent of the value of the assets subject to the arrangement, as determined by any reasonable method, consists of margin securities;

(2) To a lending arrangement that permits acceleration of the maturity of the credit as a result of a default under, or the renegotiation of the terms of, another credit to the same customer by another lender that is not an affiliate of the bank;

(3) If the margin security is held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances; or

(4) If the bank in good faith has not relied upon the margin security as collateral in the extension or maintenance of the particular credit.

(h) *"Margin security"* (1) Any equity security registered on a national securities exchange or having unlisted trading privileges; (2) any OTC margin security; (3) any debt security which is convertible into a margin security, or carrying a warrant or right to subscribe to or purchase a margin security; (4) any warrant or right to subscribe to or purchase a margin security; (5) any security issued by an investment company, other than a company licensed under the Small Business Investment Company Act, as amended (15 U.S.C. 661), registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8).

(i) *"Maximum loan value"* is the percentage of current market value assigned by the Board under § 221.8 of this part to specified types of collateral.

(j) *"OTC margin security"* is any equity security not traded on a national securities exchange that the Board has determined has the degree of national investor interest, the depth and breadth of market, the availability of information respecting the security and its issuer, and the character and permanence of the issuer to warrant being treated like an equity security traded on a national securities exchange. The Board will from time to time publish a list of the OTC margin securities that it has determined meet the criteria set forth in § 221.7 of this part.

(k) *"Purpose credit"* is any credit that is for the purpose, whether immediate, incidental, or ultimate, of purchasing or carrying margin securities.

§ 221.3 General requirements.

(a) *Extending, maintaining, and arranging credit.* (1) *Extending credit.* No bank shall extend any purpose credit, secured directly or indirectly by margin securities, in an amount that exceeds the maximum loan value of the collateral securing the credit. The maximum loan value of a margin security (set forth in § 221.8 of this part) is assigned by the Board in terms of a percentage of the current market value of the margin security. All other collateral has "good faith" loan value, as defined in § 221.2(f) of this part.

(2) *Maintaining credit.* A bank may maintain any credit that it initially extended without violating this part, regardless of: (i) Reduction in the customer's equity resulting from change in market prices; (ii) change in the margin requirements prescribed by this part; or (iii) change in the status of the security (from nonmargin to margin) securing an existing purpose credit.

(3) *Arranging credit.* No bank may arrange for the extension or maintenance of any credit for the purpose of purchasing or carrying any margin security, except upon the same terms and conditions under which the bank itself may extend or maintain such credit under the provisions of this part.

(b) *Purpose statement.* (1) Whenever a bank extends credit secured directly or indirectly by margin security, the bank shall require its customer to execute Form F.R. U–1 (OMB No. 7100–0115), which shall be signed and accepted by a duly authorized officer of the bank acting in good faith.

(2) If a bank extends such credit under a revolving credit agreement, Form F.R. U–1 need not be executed each time a disbursement is made under the agreement if:

(i) Form F.R. U–1 is executed at the time the credit arrangement is originally established;

(ii) The customer at that time states that the purpose of any extension under the agreement is to purchase or carry margin securities; and

(iii) Either the collateral is sufficient for a purpose credit for the total amount covered by the agreement, or is sufficient for the amount of credit actually disbursed and a current list of collateral is appended to the executed Form F.R. U–1 each time credit is disbursed under the agreement.

(c) *Single credit rule.* (1) A bank that has extended purpose credit secured by margin securities may not subsequently extend unsecured purpose credit to the same customer unless the combined credit does not exceed the maximum loan value of the security securing the prior credit.

(2) If a bank extended unsecured purpose credit to a customer prior to the extension of purpose credit secured by margin security, the credits shall be combined and treated as a single credit solely for the purposes of the withdrawal and substitution provision of paragraph (e) of this section.

(d) *Mixed collateral loans.* A purpose credit secured in part by margin security, and in part by other collateral shall be treated as two separate loans, one secured by margin security and one by all other collateral. A bank may use a single credit agreement, but it shall maintain its records so that each portion of the credit and its collateral are identified for the purpose of evidencing compliance with this part.

(e) *Withdrawals and Substitutions* (1) A bank may permit any withdrawals or substitution of cash collateral by the customer if, after the transaction, the withdrawal or substitution would not: (i) Cause the credit to exceed the maximum loan value of the collateral; or (ii) increase the amount by which the credit exceeds the maximum loan value of the collateral.

(2) For purposes of this section, the maximum loan value of the collateral on the day of the withdrawal or substitution shall be used.

(f) *Exchange offers.* To enable a customer to participate in an exchange offer that is made to all holders of an issue of margin securities, a bank may permit substitution of the securities received. A nonmargin, nonexempted security acquired in exchange for a margin security shall be treated as if it is a margin security for a period of 60 days following the exchange.

(g) *Renewals and extensions of maturity.* A renewal or extension of maturity of a credit need not be considered a new extension of credit if the amount of the credit is increased only by the addition of interest or service charges with respect to the credit.

(h) *Transfers of credit.* (1) A transfer of a credit between customers or banks shall not be considered a new extension of credit if: (i) The original credit was in conformity with this part; (ii) the transfer is not made to evade this part; (iii) the amount of credit is not increased; and (iv) the collateral for the credit is not changed.

(2) Any transfer between customers at the same bank shall be accompanied by a statement by the transferor customer describing the circumstances giving rise to the transfer and accepted in good faith and signed by an officer of the bank as having been so accepted. The

bank shall keep such statement with its records of the transferee account.

(3) When a transfer is made between banks, the transferee bank shall obtain a copy of the Form F.R. U–1 originally filed with the transferor bank and retain the copy with its records of the transferee account.

(i) *Mistakes in good faith.* A mistake in good faith in connection with the extension or maintenance of credit shall not be a violation of this part.

(j) *Action for bank's own protection.* Nothing in this part shall require a bank to waive or forego any lien or prevent a bank from taking any action that it deems necessary in good faith for its own protection.

§ 221.4 Agreement of nonmember banks.

(a) Banks not members of the Federal Reserve System shall execute a Form F.R. T–1 or F.R. T–2, prior to extending any credit secured by any non-exempt security registered on a national securities exchange to persons subject to Regulation T (12 CFR Part 220), as follows:

(1) Form F.R. T–1 shall be filed by any nonmember bank that has its principal place of business in the United States.

(2) Form F.R. T–2 shall be filed by all other nonmember banks.

(b) Any nonmember bank may terminate its agreement if it obtains the written consent of the Board.

§ 221.5 Special purpose loans to brokers and dealers.

(a) A member bank, and a nonmember bank that is in compliance with § 221.4 of this part may extend and maintain purpose credit on a good faith loan value basis to brokers and dealers without regard to the limitations set forth in section 221.3 of this part if the credit is for any of the specific purposes set forth in paragraph (c) of this section and meets the conditions set forth therein.

(b) Prior to extending any credit to a broker or dealer pursuant to this section, the bank shall in good faith obtain and accept a written notice or certification from the borrower as to the purposes of the loan. The written notice or certification shall be evidence of continued eligibility for the special credit provisions until the broker or dealer notifies the bank that it is no longer eligible or the bank has information that would cause a reasonable person to question whether the proceeds of the credit are being used for the purpose specified.

(c) The types of credit that may be extended and maintained on a good faith loan value basis are as follows:

(1) *Hypothecation loans.* Credit secured by hypothecated customer securities that, according to written notice received by the bank from the broker or dealer, are securities carried for the accounts of customers that the broker or dealer is permitted to hypothecate under Securities and Exchange Commission ("SEC") rules.

(2) *Temporary advances in payment-against-delivery transactions.* Credit extended to finance the purchase of sale of securities for prompt delivery, if the credit is to be repaid in full upon completion of the transaction.

(3) *Loans for securities in transit or transfer.* Credit extended to finance securities in transit or surrendered for transfer, if the credit is to be repaid upon completion of the transaction.

(4) *Intra-day loans.* Credit that is to be repaid on the same day it is extended for the purpose of enabling a broker or dealer to pay for securities purchased for customers.

(5) *Arbitrage loans.* Credit to finance proprietary or customer *bona fide* arbitrage transactions. For the purpose of this section *bona fide* arbitrage means:

(i) Purchase or sale of a security in one market, together with an offsetting sale or purchase of the same security in a different market, at as nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets; or

(ii) Purchase of a security that is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days of the purchase into a second security, together with an off-setting sale of the second security, at or about the same time, for the purpose of taking advantage of a concurrent disparity in the price of the two securities.

(6) *Distribution loans.* Credit to finance the distribution of securities to customers.

(7) *Odd-lot loans.* Credit to finance the odd-lot transaction of a person registered as an odd-lot dealer on a national securities exchange.

(8) *Emergency loans.* Credit extended in good faith reliance upon a certification from the broker or dealer that it is essential to meet emergency needs arising from exceptional circumstances.

(9) *Capital contribution loans.* (i) Credit that the Board has exempted by order upon a finding that the exemption is necessary or appropriate in the public interest or for the protection of investors provided, the Securities Investor Protection Corporation certifies to the Board that the exemption is appropriate; or

(ii) Credit to a customer for the purpose of making a subordinated loan or capital contribution to a broker or dealer in conformity with the SEC's net capital rules and the rules of the broker's or dealer's Examining Authority, provided:

(A) That the customer shall reduce the credit by the amount of any reduction in the loan or contribution to the broker or dealer; and

(B) The credit is not used to purchase securities issued by the broker or dealer in a public distribution.

(10) *Loans to specialists.* Credit extended to members of a national securities exchange who are registered and acting as specialists on the exchange for the purpose of financing the specialist transactions, provided the specialists' exchange requires, and submits to the Borad, reports suitable for supplying current information regarding the specialist's use of credit.

(11) *OTC market maker credit.* Credit to a dealer who has given written notice to the bank that it is a "qualified OTC market maker" in an OTC margin security as defined in SEC Rule 3b–8 (17 CFR 240.3b–8) and that the credit will be used solely for the purpose of financing the market making activity.

(12) *Third market maker loans.* Credit to a dealer who has given written notice to the bank that it is a "qualified third market maker," as defined in SEC Rule 3b–8 (17 CFR 240.3b–8) and that the credit will be used solely for the purpose of financing positions in securities assumed as a "qualified third market maker."

(13) *Block positioner credit.* Credit to a dealer who has given written notice to the bank that it is a "qualified block positioner" for a block of securities, as defined in SEC Rule 3b–8 (17 CFR 240.3b–8) and that the credit will be used to finance a position in that block.

§ 221.6 Exempted transactions.

A bank may extend and maintain purpose credit without regard to the provisions of this part if such credit is extended:

(a) To any bank;

(b) To any foreign banking institution;

(c) Outside the United States; or

(d) To an employee security ownership plan ("ESOP") qualified under section 401 of the Internal Revenue Code (26 U.S.C. 401)

(e) To any "plan lender" as defined in Regulation G (12 CFR Part 207) to finance such a plan, provided the bank has no recourse to any securities purchased pursuant to the plan;

(f) To any customer, other than a broker or dealer, to temporarily finance

the purchase or sale of securities for prompt delivery, if the credit is to be repaid in the ordinary course of business upon completion of the transaction;

(g) Against securities in transit, if the credit is not extended to enable the customer to pay for securities purchased in an account subject to Regulation T [12 CFR Part 220]; or

(h) To enable a customer to meet emergency expenses not reasonably foreseeable. The extension of credit shall be supported by a statement executed by the customer and accepted in good faith and signed by an officer of the bank as having been so accepted. For this purpose, such emergency expenses shall include expenses arising from circumstances such as the death or disability of the customer, or some other change in circumstances involving extreme hardship, not reasonably foreseeable at the time the credit was extended. The opportunity to realize monetary gain or to avoid loss is not a "change in circumstances" for this purpose.

§ 221.7 Requirements for the list of OTC Margin Securities.

(a) Requirements for inclusion on the list of OTC margin securities. Except as provided in paragraph (d) section, an OTC margin security shall meet the requirements that:

(1) The security is registered under section 12 of the Act (15 U.S.C. 781), is issued by an insurance company subject to section 12(g)(2)(G) (15 U.S.C. 781(g)(2)(G)), is issued by a closed end investment management company subject to registration pursuant to section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a–8), is an American Depository Receipt ("ADR") of a foreign issuer whose securities are registered under section 12 of the Act, or is a security of an issuer required to file reports under section 15(d) of the Act (15 U.S.C. 78o(d));

(2) Four or more dealers make a market in such a security and regularly submit bona fide bids and offers to an automated quotations system for their own accounts;

(3) There are 1,200 or more holders of record, as defined in SEC Rule 12g5–1 (17 CFR 240.12g5–1), of the security who are not officers, directors or beneficial owners of ten percent or more of the security, or the average daily trading volume of such a security as determined by the Board, is at least 500 shares;

(4) The issuer or a predecessor in interest has been in existence for at least three years;

(5) The security has been publicly traded for at least six months;

(6) Daily quotations for both bid and asked prices for the security are continuously available to the general public;

(7) There are 400,000 or more shares of such security outstanding in addition to shares held beneficially by officers, directors or beneficial owners of more than ten percent of the security;

(8) The minimum average bid price of such security, as determined by the Board, is at least five dollars per share; and

(9) The issuer had at least four million dollars of capital, surplus, and undivided profits.

(b) *Requirements for continued inclusion on the list of OTC margin securities.* Except as provided in paragraph (d) of this section, an OTC margin security shall meet the following requirements:

(1) The security is registered or issued under the conditions specified in paragraph (a)(1) of this section;

(2) Three or more dealers make a market in such security and regularly submit bona fide bids and offers to an automated quotations system for their own accounts;

(3) There continue to be 800 or more holders of record, as defined in SEC Rule 12g5–1 (17 CFR 240.12g5–1), of the security who are not officers, directors, or beneficial owners of ten percent or more of the security, or the average daily trading volume of such security, as determined by the Board, is at least 300 shares;

(4) Daily quotations for both bid and asked prices for the security are continuously available to the general public;

(5) There are 300,000 or more shares of such security outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than ten percent of the security;

(6) The minimum average bid price of such security, as determined by the Board, is at least two dollars per share; and

(7) The issuer has at least two million dollars of capital, surplus, and undivided profits.

(c) *Removal from the list of OTC margin securities.* The Board shall from time to time remove from the OTC margin security list securities that cease to:

(1) Exist or of which the issuer ceases to exist, or

(2) Meet substantially the provisions of paragraph (b) of this section.

(d) *Discretionary authority of Board.* The foregoing notwithstanding, the Board may omit or remove any security that is not traded on a national securities exchange from or add any such security to such list of OTC margin securities, if in the judgment of the Board, such action is necessary or appropriate in the public interest.

(e) *Unlawful Representations.* It shall be unlawful for any bank to make, or cause to be made, any representation to the effect that the inclusion of a security on the list of OTC margin securities is evidence that the Board or the SEC has in any way passed upon the merits of, or given approval to, such security or any transactions therein. Any statement in an advertisement or other similar communication containing a reference to the Board in connection with the list or securities on that list shall be an unlawful representation.

§ 221.8 Supplement.

(a) *Maximum loan value of margin securities.* The maximum loan value of any margin security is fifty percent of its current market value.

(b) *Maximum loan value of nonmargin securities and all other collateral.* The maximum loan value of nonmargin securities and all other collateral except puts, call, or combinations thereof is their good faith loan value.

(c) *Maximum loan value of options.* Puts, calls, and combinations thereof have no loan value.

By order of the Board of Governors of the Federal Reserve System, February 23, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–5154 Filed 2–28–83; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 83–90]

Industry Conflicts of Interest; Limitations on Loans to One Borrower

Dated: February 18, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board is revising its proposal to amend regulations governing conflicts of interest at institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions"). The Board proposes to: (1) eliminate completely the present Form AR filing requirement; (2) substitute positive requirements for existing guidelines regarding composition of an insured institution's board of directors; (3) update an existing prohibition of deposit relationships between a mortgage

insurance company and an institution whose loans it insures; and (4) establish a comprehensive scheme governing transactions of an insured institution involving one of its affiliated persons. Another Board Resolution of this date, and published elsewhere in today's **Federal Register**, adopts other aspects of the outstanding proposal. These changes are intended to make the regulations more effective, to alleviate compliance burdens, and to update the regulations in view of the significant changes in the economy and in the powers and activities of insured institutions.

DATE: Comments must be received by: April 28, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Michael D. Schley, Attorney (202–377–6444), Office of General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: On September 30, 1982, the Federal Home Loan Bank Board ("Board") proposed to substantially revise its regulations relating to conflicts of interest at institutions insured by the FSLIC (*see* 47 FR 44334, Oct. 7, 1982). The stated purposes of the proposed revision were to make the regulations more effective, to alleviate compliance burdens, and to update the regulations in view of the significant changes in the economy and in the powers and activities of insured institutions since the promulgation of those regulations in 1976. The Board chose the following guiding principles for the development of its proposal: (1) The regulations should prevent actual conflicts of interest from influencing the business discretion of an institution's management; (2) apparent conflicts of interest should be limited in order to prevent a loss of public confidence in insured institutions; (3) prohibitions and restrictions should be drawn narrowly, so as to achieve regulatory objectives with the least possible infringement on management discretion; (4) the regulations should impose the least possible compliance, reporting, and administrative burdens on the industry; and (5) the regulations should be flexible enough to accommodate the changing business of the savings and loan industry as well as changes in the economic climate.

The proposed rules issued in September included both major revisions of regulations relating to transactions involving affiliated persons and minor but significant changes to regulations defining the term "affiliated person," limiting loans to one borrower, prescribing the composition of an institution's board of directors, and prohibiting fees and kickbacks in certain circumstances. A total of 207 commenters responded to the proposal, representing insured institutions (166), law firms (20), thrift trade associations (11), and others (10). The response was mixed: many of the Board's specific proposals were supported almost unanimously, while other proposals generated strong opposition. In addition, many suggestions for further changes to the regulations were received.

After careful consideration of the comments received and the issues involved, the Board has decided to treat the subject matter of its proposal in two separate Resolutions issued today. Issues on which there was little disagreement among commenters—i.e., what type of insider's interest in a partnership should render the partnership an "affiliated person" subject to conflict-of-interest regulations, a related issue regarding attribution of loans to partnerships for purposes of the limitations on loans to one borrower, the appropriate composition of an institution's board of directors, and the prohibition of fees and kickbacks relating to services rendered by an institution—are treated in a final rule of this date and published elsewhere in this issue of the **Federal Register**. This resolution sets forth revised proposals relating to issues that generated less agreement: the appropriate treatment of transactions of an institution involving its affiliated persons, and the elimination of Form AR reporting requirements. Furthermore, this proposed rule addresses an issue relating to dealings between insured institutions and mortgage insurance companies that was raised in the comments. Although the issues addressed here were appropriately framed in the previous proposal and thus could be resolved in a final rule, the Board believes that further comment will be beneficial.

The following discussion describes existing provisions and the revisions proposed in the Board's September action, summarizes the comments received, and sets forth the Board's current regulatory proposals. The Board requests comment on the new proposed rules and solicits suggestions regarding other appropriate modifications to its conflict-of-interest regulations.

Transactions Involving Affiliated Persons

The Board currently has several regulations relating to transactions of an insured institution involving an affiliated person. Section 563.34 (12 CFR 563.34) requires prior Principal Supervisory Agent approval of the placement of a deposit by an insured institution or its subsidiary with an affiliated person, and § 563.41 (12 CFR 563.41) requires prior approval by the institution's board of directors and the Principal Supervisory Agent of any transaction between the insured institution (or its subsidiary) and its affiliated person that involves real property. Section 563.43 (12 CFR 563.43) permits institutions to grant only personal-purpose loans (such as primary-residence home loans, educational loans, and consumer loans) to affiliated persons, limits the amounts of such loans, requires prior board-of-directors approval (with specific justification of preferential terms), and prohibits other loans and related investments that would indirectly benefit an affiliated person. There are no regulations that prohibits other transactions, such as personal property transactions, deposits placed by affiliated persons at insured institutions, and service contracts, that could involve a conflict of interest; however, any such transaction involving more than $40,000 in which an affiliated person has a material interest triggers the requirement of filing Form AR, which provides a thorough disclosure of all dealings with affiliated persons of an institution.

In its September action, the Board proposed to revise these regulations to reduce them to two provisions. One provision, proposed § 563.43, followed the basic provisions of the existing regulation on loan transactions, with the following changes: (1) The separate limits on the amounts of personal-purpose loans to affiliated persons would be replaced with a higher aggregate figure of $100,000 (to be adjusted annually for inflation); (2) the provision would codify the Board's longstanding policy against a preferential loan interest rate below an institution's cost of funds; (3) the requirement that each loan to an affiliated person be approved in advance by the institution's board of directors would be changed to permit prior authorization of loans to officers and employees by means of a blanket preapproval resolution; and (4) existing prohibitions against real-estate-secured loans indirectly benefitting an affiliated

person would be broadened to apply also to loans secured by personal property, in view of the new lending powers of the industry.

The second provision, proposed § 563.41, was designed to replace all existing restrictions on non-loan transactions (i.e., real and personal property transactions, deposit relationships, and service contracts or arrangements) with a unified, comprehensive regulatory scheme. All such transactions would have to be on terms substantially the same as those prevailing at the time for comparable transactions with the public. Any transaction involving consideration of $10,000 or more (except an affiliated person's deposit of less than $100,000 with an insured institution) would require prior approval by a disinterested majority of the board of directors. Such transactions would no longer trigger Form AR reporting; but if a transaction would cause the aggregate amount of transactions with one affiliated person to exceed $100,000 (adjusted annually for inflation in one calendar year), ten days' prior notice to the Supervisory Agent of that transaction and subsequent transactions with the affiliated person would be required.

Comments received with respect to proposed §563.43 generally supported the updating of the list of personal-purpose loans permitted and the imposition of a cost-of-funds floor on preferential rates. However, many commenters argued that the loans and related transactions prohibited by the section should be permitted on prevailing terms. Several writers pointed out that the effect of these restrictions would be to prevent experienced business persons from serving on an institution's board of directors if their companies do business with the institution, and that this effect would do the greatest harm in smaller communities served by few banking institutions. This effect would be compounded, some commenters noted, by the entry of insured institutions into commercial lending. Several writers argued that these restrictions would put insured institutions at a disadvantage in competing for skilled directors against commercial banks, which are not hampered by such restrictions.

Similarly mixed comments were received with respect to certain provisions in proposed § 563.41. Commenters generally supported the concept of a uniform approach to all non-loan transactions, and did not object to the proposed requirements that transactions be on prevailing terms and be approved by the board of directors. However, a large number of writers strenuously objected to the proposed requirement of prior notice to the Supervisory Agent for transactions beyond the $100,000 limit. Many of these expressed the view that the Supervisory Agent's authority to disapprove such transactions would amount to a substitution of the Supervisory Agent's discretion for the business judgment of an institution's management. Several writers pointed out that a prior-notice procedure would be impracticable in many cases requiring prompt action by an institution, such as the retention of counsel to defend against a lawsuit. Some indicated their objections by stating that retention of the Form AR reporting requirement would be preferable to the proposed prior-notice requirement.

The Board has carefully considered these specific comments,together with more general comments on the regulatory philosophy behind the September proposal, and has decided to propose a different approach to regulating transactions involving affiliated persons. The Board believes that the starting point of its reguatory analysis should be the recognition that the vast majority of insured institutions avoid conflict-of-interest situations on their own initiative as a matter of prudent management policy. Consequently, the opportunity cost resulting from a prohibition of a particular class of business transactions outweighs the benefit of preventing abuses unless the specific types of prohibited transactions are ones likely to involve abuse in a majority of cases. Accordingly, in the case of loans and other transactions of an insured institution to which an affilated person is a party or from which he or she indirectly benefits (such as a loan to purchase property from an affiliated person), the Board proposes to prohibit only those transactions that are not on prevailing terms, since these present prima facie evidence of preferential treatment at the expense of the institution. However, preferential rates on loans to affiliated persons for personal purposes would continue to be permitted as a legitimate fringe benefit that may serve the best interests of the institution as well as the borrower.

In order to encourage institutions' directors to monitor transactions for insider self-dealing, the proposed regulations would require prior board-of-directors approval of transactions with affiliated persons involving significant amounts (i.e., $10,000 or more). The Board believes this would not impose an undue burden on boards of directors, as the review of insider transactions is already within their responsibility as part of their fiduciary duties. A new provision relating to long-term arrangements would permit prior approval of a series of transactions, to avoid the need for repeated approvals of services provided on an ongoing basis. Directors would be required to give special attention to loans to affiliated persons that become scheduled items. Finally, the board would review all transactions involving affiliated persons at the end of each calendar year.

In rare instances where the safeguard of board-of-directors approval of insider transactions is inadequate to prevent self-dealing, the Board would have two means of discovering abuses. First, the record of board-of-directors approval resolutions in minutes of board meetings should provide sufficient information for the Board's examinations staff to discover abuses. Second, in instances where there is an unusually large amount—25% or more of an institution's net worth in a calendar year—in transactions involving a particular affiliated person, a simple disclosure of the basic facts of the transactions would be supplied simultaneously to the Supervisory Agent. The Board believes this type of "early warning" mechanism is warranted because of the sizeable risk accompanying such a large investment of an institution's assets. Nether of these methods of disclosure would involve interference in the day-to-day operations of an institution.

Elimination of Form AR

Existing § 563.45 of the Board's regulations (12 CFR 563.45) requires the filing of Form AR—an exhaustive disclosure of transactions with and compensation of affiliated persons—by an insured institution (other than a publicly-held company registered under section 12 of the Securities Exchange Act of 1934) with assets of $15,000,000 or more if: (1) The composition of its board of directors does not meet guidelines set forth in 12 CFR 563.33(a), (2) the institution has engaged in transactions involving $40,000 or more in which an affiliated person has a direct or indirect material interest, or (3) voting of management-solicited proxies for election of directors (other than those obtained in connection with an annual proxy solicitation) is not controlled by a majority of the board of directors. In its September action, the Board noted that Form AR "has not been effective in preventing actual and apparent conflicts of interest have existed." The Board proposed to eliminate the Form AR "trigger" relating to $40,000 insider

transactions in view of the new proposal for regulating transactions with affiliated persons, and requested other comments and recommendations regarding revision of § 563.45.

No commenters disagreed with the Board's observation that Form AR has been an ineffective tool for the prevention of insider self-dealing; thus, as discussed above, the Board now proposes to replace the $40,000-insider-transaction trigger with the requirements in proposed new § 563.41. The Board further proposes to eliminate the remaining two triggers of Form AR. Section 563.33(a) (12 CFR 563.33(a)) would be reworded to state as requirements the "suggested guidelines" for composition of the board of directors, which currently trigger Form AR filing. (One of the guidelines has been eliminated by the final rule published elsewhere in this issue of the Federal Register.) In addition, the Board is currently developing a proposal regarding control of management-solicited proxies that will be considered in the near future. The Board believes that these rules serve the valuable purpose of ensuring that principles of corporate democracy are not infringed by insider control; therefore, direct regulatory requirements are a more appropriate enforcement vehicle than indirect disincentives such as the Form AR filing requirements, especially since most of the information disclosed in Form AR bears no direct relationship to board composition and proxy control. These two triggers currently cause very few Form AR filings, and the instances of noncompliance would be substantially reduced by the liberalizations of the board composition rules adopted as final rules today; consequently, it appears that direct regulatory requirements would impose no significant new burden on the industry. The board composition requirements would apply only prospectively, with a phase-in so that no directors would be forced to retire before the expiration of their existing terms. The Board solicits comments on these proposals, particularly regarding whether direct requirements would impose undue hardship in any cases.

Deposit Relationship With Mortgage Insurance Companies

In response to the Board's broad solicitation of comments regarding all aspects of its conflict-of-interest regulations, one commenter brought to the Board's attention § 563.44(b)(2) (12 CFR 563.44(b)(2)), which provides that "no insured institution or service corporation affiliate thereof shall insure any loan with a mortgage insurance company if such company maintains any type of savings account at such institution." The commenter suggested that this provision should be amended to prohibit any *deposit account* in view of the new authority of many insured institutions to offer demand deposits. Accordingly, the Board is proposing to adopt this amendment in order to update its regulations.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. ch. 6) the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply only to insured institutions.

3. *Impact of the proposed rule on small institutions.* The proposal would not have a disproportionate effect on small institutions. Deregulatory aspects of the proposed rule would ease the compliance burden of small institutions. The proposed provisions are designed not to interfere with legitimate business opportunities; thus, it is expected that the proposed rule would have no significant economic impact on a substantial number of small entities.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* Various supervisory tools may be used to prevent insider self-dealing at insured institutions: case-by-case supervision; disclosures to the Board, the public, the board of directors, or shareholders; prior Board or Supervisory Agent approval; or regulatory restrictions and prohibitions. The Board believes the proposed rule utilizes a combination of these tools that would impose the least burden on small institutions while achieving the desired regulatory objectives.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80–584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

List of Subjects in 12 CFR Part 563

Savings and loan associations.

Accordingly, the Board hereby proposes to amend Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

PART 563—OPERATIONS

1. Revise paragraph (a) of § 563.33 as follows:

§ 563.33 Directors, officers, and employees.

(a) *Directors.* (1) *Requirements.* The composition of the board of directors of an insured institution must be in accordance with the following requirements:

(i) A majority of the directors must not be salaried officers or employees of the institution or of any subsidiary or (except in the case of an institution wholly owned by a holding company) any holding company affiliate thereof.

(ii) Not more than two of the directors may be members of the same immediate family.

(iii) Not more than one director may be an attorney with the same law firm.

(2) *Prospective application.* In the case of an institution whose board of directors does not conform with a requirement in this paragraph (a) as of [the effective date of this amendment], the institution shall prohibit the election or re-election of nonconforming directors until compliance is achieved.

* * * * *

2. Remove § 563.34 as follows:

§ 563.34 Deposit relationships involving affiliated persons. [Removed effective ——.]

3. Revise § 563.41 as follows:

§ 563.41 Restrictions on transactions involving affiliated persons.

(a) *Scope of section.* Section 584.3 of this Chapter is controlling with respect to transactions between an insured institution and its holding company.

(b) *Restrictions.* (1) *General.* Unless the requirements of paragraphs (b)(2) through (6) are met, no insured institution or subsidiary thereof may, either directly or indirectly,

(i) Make a loan to an affiliated person of the institution or purchase such a loan,

(ii) Purchase or lease from, jointly own with, or sell to, an affiliated person an interest in real or personal property,

(iii) Establish or maintain a deposit relationship with an affiliated person (either as depositor or depositary),

(iv) Enter into a service contract or arrangement with an affiliated person, or

(v) Engage in a transaction that may reasonably be expected to produce a significant indirect benefit for an affiliated person.

(2) *Prevailing terms; preferential loan rates.* (i) The terms of a transaction described in paragraph (b)(1) must be

substantially the same as those prevailing at the time for comparable transactions of the same nature with other than affiliated persons, except that the institution may reduce the interest rate on loans of the following type to a figure not below its current cost of funds (including all savings accounts and borrowings):

(*a*) Loans secured by the principal residence of an affiliated person;

(*b*) Loans secured by savings accounts maintained by the affiliated person at the institution; and

(*c*) An aggregate of loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing the principal residence of the affiliated person, loans in the form of overdraft protection for checking accounts, loans for payment of educational expenses, consumer loans, and extensions of credit in connection with credit cards, not exceeding $100,000 (which ceiling shall be adjusted annually, beginning January 1, 1984, by the dollar amount that reflects the percentage increase, if any, shown in the most recent November-to-November period for the Consumer Price Index).

(ii) If the loan features a variable rate with an index regularly used by the institution or subsidiary for loans to other than affiliated persons, it will comply with this paragraph (b)(2) if the initial rate is not below the cost of funds at the time the loan terms become fixed. If a variable rate is achieved through some other index or mechanism, the rate may not be set below the institution's cost of funds as calculated at the time each adjustment is made.

(iii) In no event may the interest rate on a loan secured by a savings account be below the rate of return on the savings account.

(3) *Approval by board of directors.* (i) *General.* A transaction described in paragraph (b)(1) that would involve consideration of $10,000 or more, except for a deposit placed with the insured institution, must be approved in advance by a resolution duly adopted by at least a majority (with no director having an interest in the transaction voting) of the entire board of directors of such institution.

(ii) *Long-term arrangements.* In the case of an arrangement for a series of similar transactions or an ongoing business relationship (such as a deposit relationship, a line of credit, or an attorney-client relationship), the $10,000 test shall be applied to the aggregate consideration anticipated to be involved in the arrangement, and the board approval requirement of this paragraph (b)(3) will be satisfied by an approval prior to establishment of the arrangement and again prior to any significant changes in the terms of such an arrangement; but in all cases such arrangements must be reviewed and approved at least annually.

(iii) *Preferential loan rates.* If, as permitted by paragraph (b)(2), the interest rate on a loan to an affiliated person is more favorable than that prevailing at the time, the approval resolution required by this paragraph (b)(3) must set forth:

(*a*) the institution's current cost of funds, including the elements of its computation; and

(*b*) a justification of the more favorable rate, if the loan is to an affiliated person other than a salaried officer or employee of the institution or its subsidiary.

(iv) *Blanket preapproval resolutions.* With respect to a loan to a salaried officer or employee of the institution or its subsidiary, the approval requirement of this paragraph (b)(3) will be satisfied if the loan conforms with a blanket preapproval resolution of the board specifying the terms on which loans may be made to all officers or employees, or a class of such officers or employees.

(v) *Appraisals.* Each transaction approved under this paragraph (b)(3) involving the sale or lease of real property must be based on, among other factors, an independent appraisal, not prepared by an affiliated person or an employee of the institution or its subsidiary, received and reviewed by the Board prior to closing the transaction and disbursing funds.

(4) *Notice to Supervisory Agent.* If a proposed transaction described in paragraph (b)(1) would cause the aggregate amount of all such transactions in one calendar year with or indirectly benefitting one affiliated person, excluding loans fully secured by his principal residence and deposits placed with the institution, to exceed 25% of the net worth (as defined in § 561.13 of this Subchapter) of the institution, the institution must notify its Supervisory Agent at the time of approval by the board of directors. The notification must include:

(i) A description of the transaction;

(ii) The identity of the affiliated person and his relationship to the institution;

(iii) The nature and amount of the affiliated person's interest in the transaction; and

(iv) Any property value appraisals supporting the transaction.

The institution shall provide additional information relating to the transaction upon the request of the Supervisory Agent.

(5) *Scheduled items.* If an outstanding loan covered by this paragraph (b) becomes a slow loan or slow consumer credit (as defined in §§ 561.16 and 561.16a of this Subchapter), it must be reviewed monthly by the board of directors and the continuing status of the item and any corrective action must be approved by a resolution duly adopted by at least a majority (with no director having an interest in the transaction voting) of the entire board of directors.

(6) *Annual board review.* At the last meeting of each calendar year the board of directors shall review all transactions described in paragraph (b)(1) that occurred during the year. The minutes of the meeting shall set forth the amounts and terms of each transaction reviewed.

(c) *Prospective application.* This section applies to transactions and arrangements commenced on or after [*insert here the effective date of the regulations*]. If on or after such date the terms of a pre-existing transaction or arrangement may be significantly changed by the institution without breach of a contract or violation of law, the requirements of this section shall apply as if a new transaction were being commenced: *Provided,* that the applicability of this section to pre-existing transactions or arrangements may be waived by the Supervisory Agent if it would cause extreme hardship to a party involved or would not be in the best interests of the institution.

(d) *Waiver.* The restrictions in paragraph (b) of this section may be waived by the Board in supervisory cases if the Board determines that the terms of the transaction in question are fair to, and in the best interests of, the insured institution or subsidiary. A supervisory case includes a merger instituted for supervisory reasons, and any action taken pursuant to, or in order to obviate the necessity of, proceedings by the Board or the Corporation pursuant to paragraph (d) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)), or section 407 of the National Housing Act, as amended (12 U.S.C. 1730).

4. Remove § 563.43 as follows:

§ 563.43 Restrictions on loans and other investments involving affiliated persons. (Removed effective ——; see § 563.41.)

§ 563.44 [Amended]

5. Change the word "savings" to the word "deposit" each place it occurs (including the heading) in paragraph (b)(2) of § 563.44.

6. Remove § 563.45 as follows:

§ 563.45 Disclosure. (Removed effective ——).

(12 U.S.C. 1464, 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83-4880 Filed 2-28-83; 8:45 am]

BILLING CODE 6720-01-M

12 CFR Parts 563 and 571

[No. 83-86]

Sale of Branches

Dated: February 18, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") proposes to amend its regulations governing the sale of branch offices and the transfer of savings accounts. Sales and transfers by and to institutions whose accounts are insured ("insured institutions") by the Federal Savings and Loan Insurance Corporation ("FSLIC" or the "Corporation") would be subject to new application and review procedures. The Board believes the proposed new procedures would allow it to examine supervisory, accounting, and legal issues related to these transactions without substantial interference with the operation of an insured institution or delay in the implementation of its business decisions.

DATE: Comments must be received by: March 29, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of Communications, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Penfield Starke, Attorney (202/377–6453), or John P. Soukenik, Acting Director, Division of Corporate and Regulatory Structure, Office of General Counsel (202/377–6411), Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: The Board has witnessed a significant increase in the sale and purchase of branch offices in the savings and loan industry over the past year. The increase in these transactions is due largely to the economic environment which has had a severe impact on the operations of a large number of insured institutions. Not only has the number of institutions entering into branch sale transactions dramatically increased, but individual sales now often involve entire, or large portions of, regional branch networks. As a result of these changes, the Board has determined to reevaluate the considerations and procedures it currently employs to review branch sales and purchases.

Since these transactions are the functional equivalent of the establishment of a new branch or branches by either *de novo* application or merger with an operating institution, the sale of branches has traditionally been regulated under the Board's branching and merger regulations (12 CFR 545.14 and 563.22, respectively). Until fairly recently, transfers typically were between two FSLIC-insured institutions and most often involved an exchange rather than a sale/purchase transaction.

The purchase side of the transaction is subject to Board review through receipt of an application by the purchaser to increase its accounts insured by the FSLIC. The necessity for such application, however, is determined by whether the transaction is considered a "purchase of bulk assets" under section 563.22. Although that term has been interpreted to mean a substantial amount of the selling institution's assets, applications are analyzed on a case-by-case basis and a precise measurement of the amount or percentage of assets that was deemed to be substantial has never been established by the Board. Transactions not considered to be a transfer of bulk assets and thus not requiring an application for increase of insurable accounts, but involving a purchase of a branch office by a federal association, still require Board approval pursuant to standards which must be met by a federal association in order to establish a *de novo* branch office.

Present Board regulations applicable to branch sales focus on the selling institution only to determine whether the transaction is a bulk transfer of a substantial amount of the selling institution's assets. The review is made solely to ascertain whether the buying institution must file an application to increase its accounts of an insurable type; no consideration from the point of view of the selling institution is required.

Since such transactions were primarily business decisions of the respective parties and the interests of the Corporation generally were not affected significantly by the transactions, only minimal review was necessary. Recently, however, some of the transactions have been structured in ways that may be adverse to the interests of the Corporation and of no significant long-term benefit to the selling institution. Moreover, the review standards currently in effect either have not reached certain transactions at all or have not required a review of certain aspects of significant importance to the fundamental concerns of the Corporation (e.g., the effect on the FSLIC fund in a liquidation situation, the types of accounts transferred, and the sale's effect on the seller's viability). While the Board believes that the great majority of sales continue to be well-conceived business decisions which do not require intervention, the Board as operating head of the FSLIC, proposes to amend its review procedures for branch sales to focus on the regulatory interests in such transactions.

The new procedures would require independent examination of the transaction from the points of view of both the selling and the buying institutions. The scope of the review would be broadened by defining "transfer" as any transfer not in the ordinary course of the transferor's business and would assess major transfers of an institution's deposit liability as well as sale of branch offices. Applications for purchases would be required to be published and subject to protest procedures. In transactions involving more than one Federal Home Loan Bank district, application procedures would be developed which would coordinate the decision-making functions of the subject Banks.

Selling Institution

The proposed review process wold allow the Board to examine a proposed sale of branches prior to actual transfer of the assets or liabilities to the purchasing party. The Board would require a description of the proposed transaction in order to determine the accuracy of the transferred assets' valuation and the propriety of the accounting treatment of the proceeds. The description would include a list of assets and liabilities subject to transfer and their contract rate, any discount rates to be utilized, the market value of the assets and liabilities subject to transfer, and the effect of the transfer on the institution's cost of money and yield on assets. Applicants found to be below certain minimum net-worth levels would also be required to demonstrate that the proposed transaction is beneficial to the short- and long-term viability of the institution, that the transaction was negotiated at arms' length and that the transfer is not detrimental to the interests of the Corporation. In

connection with this last concern, the Board would require the submission of a business plan explaining how the transaction would aid the selling institution in improving its current financial condition.

The Board's primary concern in requiring a closer review of transactions entered into by a seller with low net worth is that the sale could be motivated by the desperation of the seller's management to forestall imminent collapse of the insured institution. While the Corporation welcomes imaginative, prudent business plans which would eliminate the need for FSLIC intervention in the form of assistance, receivership, or liquidation, the sale of an institution's most lucrative assets or accounts without a sound plan for the future merely forestalls the institution's eventual failure and increases the ultimate burden on the FSLIC fund.

As proposed, all sales transfers would be reported to the Board. For most selling institutions, the application would be simply a brief description of the terms of the proposed transaction submitted to the appropriate Principal Supervisory Agent ("PSA"). Unless the PSA raises specific objection to the valuation or accounting treatment of the proposed transaction, or determines that the financial condition of the selling institution does not satisfy certain minimum net-worth levels established by the Board, the application would be automatically approved 30 calendar days after being deemed complete by one of the Board's Supervisory Agents at the Federal Home Loan Bank where the application was filed. Those applications involving questions concerning valuation or accounting treatment, though not eligible for automatic approval, could nonetheless be approved by the PSA, provided the matter is resolved to that official's satisfaction.

Only applications submitted by institutions failing to meet certain net-worth levels for asset and savings account transfers would be forwarded to Washington, D.C., for Board staff review and Board consideration. The selling institution's net worth, as defined in § 561.13 (12 CFR 561.13), calculated prior to the consummation of the proposed transaction but without the benefit of the inclusion of net-worth certificates, would be required to be at or above one-half of one percent of all liabilities in order for the institution's application to qualify for automatic approval. The Board believes it has an obligation to review more closely transfers by institutions not meeting these minimal levels.

Buying Institution

Current § 563.22 requires the filing of an application to increase accounts of an insurable type only when the transfer by the seller is determined to be a substantial transfer of bulk assets. The necessity for filing an application is therefore determined not by the actual amount of assets or liabilities transferred but by the percentage of the selling institution's assets transferred. Where an application is filed, the purchasing institution is required to follow procedures established by the Board for merger transactions (12 CFR 571.5), including compliance with antitrust, supervisory, and Community Reinvestment Act ("CRA") standards.

Purchases by state-chartered, FSLIC-insured institutions of a less than substantial portion of a selling institution's assets do not require Board approval or even notification to the Board of the purchase. Federal associations not required to file an application for an increase in accounts of an insurable type, however, are required to follow the same procedures other federal associations must follow in order to establish a *de novo* branch office.

The proposed new procedures for buying institutions in branch sales or transfers of savings account liabilities would be similar to those outlined above for institutions on the selling side, in that information related to all purchases of bulk assets or account liabilities would be submitted to the Board. The purchasing institution's application would be reviewed under the standards currently used to review increase-of-accounts and merger applications. In addition to the materials required to be filed for these applications, a purchasing institution in a transfer would need only submit a description of the terms and proposed accounting treatment of the transaction. Approval could be obtained under the delegation standard for merger and increase-of-accounts applications which was recently amended (*See* Board Resolution No. 82-786, December 8, 1982 (48 FR 170, January 3, 1983)) in order to allow Federal Home Loan Banks to approve most routine applications. Under those procedures, the Board believes that an institution on the buying side of a bulk transfer transaction would, in most cases, receive automatic approval of a transaction 30 days from the date the application was deemed to be a complete filing, provided the proposed transaction does not include certain provisions or exceed certain limitations or fail to meet other standards in the current delegation of authority.

The Board believes review of all branch-sale transactions is necessary in order that it may consider certain aspects and make a proper assessment of the transaction under antitrust, supervisory, and CRA standards.

Related Issues

The Board notes that the transfer of savings account liabilities may raise questions regarding proper procedures for notification of affected accountholders. The Board believes that an accountholder who would be adversely affected by the transfer of his account should be advised of the proposed transfer and be given the option of retaining his account with the selling institution. Examples of situations the Board considers adverse are transfers to institutions the accounts of which are not insured by an agency of the federal government (i.e., the FSLIC, Federal Deposit Insurance Corporation, or the National Credit Union Share Insurance Fund) and transfers which would cause an accountholder's account(s) to exceed the limits of applicable federal insurance coverage.

The Board is also aware that the consideration passed in connection with branch sale and account transfer transactions has given rise to questions concerning the applicabililty of certain provisions in the Rules and Regulations for the Federal Savings and Loan System. Section 545.9-4 (12 CFR 545.9-4) would apply to investments of corporate debt securities, including those issued by an insured institution, and § 545.7-9 (12 CFR 545.7-9) would apply to collateralized loans. The provisions of these sections as they relate to branch sales are being reviewed in connection with the Board's currently outstanding proposed major revision of federally chartered institutions' investment authority. (*See* Board Resolution No. 82-813, December 16, 1982; 48 FR 2340, January 19, 1983.)

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposal.

Because there is a present need to consider action regarding branch sales and account assumption transactions, the Board has limited the comment period to 30 days.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. ch. 6) the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule would apply to all FSLIC-insured institutions.

3. *Impact of the proposed rule on small institutions.* The proposal would add new application requirements and amend existing ones for all FSLIC-insured institutions engaging in the sale or purchase of branch offices or the assumption of savings account liabilities. Small institutions must meet the same requirements as larger institutions, but the proposal would have no disproportionate effect on small institutions.

4. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* The basic regulatory requirements included in the proposal concern the Board's review of the sale and purchase of branch office and assumption of savings account liabilities by any FSLIC-insured institution. The Board believes that the review is necessary in order to assess certain supervisory, antitrust, and CRA concerns discussed elsewhere in the supplementary materials, and that the standards accurately reflect the Board's intended policy for review. It would not be possible to eliminate or modify these requirements for small entities without causing the Board to have insufficient information to act on certain applications.

List of Subjects 12 CFR Parts 563 and 571

Savings and loan associations.

Accordingly, the Board hereby proposes to amend Parts 563 and 571, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Amend § 563.22 by revising the title; revising the first sentence of paragraph (a); redesignating paragraphs (b), (c), (d) and (e) as paragraphs (c), (d), (e), and (f), respectively; adding new paragraph (b); revising new paragraphs (c) and (d); revising the introductory sentence of new paragraph (f); and adding new paragraphs (g) and (h); as follows:

§ 563.22 Merger, consolidation, purchase or sale of assets, or assumption of liabilities.

(a) No insured institution (which for purposes of this section shall not include a Federal institution the deposits of which are insured by the Federal Deposit Insurance Corporation) may increase its accounts of an insurable type: (1) As part of any merger or consolidation with another institution, (2) through the purchase of assets, (3) through the assumption of liabilities, without application to and approval by the Corporation. * * *

(b) No insured institution (which for purposes of this section shall not include a Federal institution the deposit of which are insured by the Federal Deposit Insurance Corporation) may at any time make a transfer of assets or a tansfer of savings account liabilities without application to and approval by the Corporation. Application for such approval shall be upon forms prescribed by the Corporation and shall contain such information as the Corporation may require.

(c) Applications filed pursuant to paragraph (a) of this section shall follow the procedures set forth in § 543.2 of this Chapter, except that (1) the required newspaper publication of notice of application shall be made in the communities in which the home offices of each of the parties to the transaction are located; and (2) applicants may additionally mail such notice to the voting members of each institution within the time specified in § 543.2(d).

(d) The requirements of paragraph (c) of this section do not apply to any merger, consolidation, purchase of assets, or assumption of liabilities (1) authorized by the Corporation to be instituted for supervisory reasons, or (2) involving an interim Federal association or an interim state-chartered institution if the resulting institution is immediately acquired in accordance with the procedures set forth in § 584.4 of this Chapter.

* * * * *

(f) Corporation approval of mergers that may not occur automatically under paragraph (e) of this section, including those which entail modifications of the plan of merger, consolidation, purchase of assets, or assumption of savings account liabilities, may be given by the Board's Principal Supervisory Agent in those cases where paragraph (e) does not apply because: * * *

* * * * *

(g) Unless the context otherwise requires, in paragraphs (e) and (f) of this section, (1) the word "merger" shall also mean "purchase of assets" and "assumption of savings account liabilities"; (2) the term "resulting institution" shall also mean "acquiring institution"; and (3) the terms "merging institution" and "acquired institution" shall also mean "selling institution."

(h)(1) Applications filed pursuant to paragraph (b) of this section shall be deemed approved automatically by the Corporation 30 calendar days after the Principal Supervisory Agent sends written notice to the applicant that the application is complete, unless:

(i) The Principal Supervisory Agent raises objection(s) to the valuation or accounting treatment of the proposed transaction; or

(ii) The Principal Supervisory Agent determines that the financial condition of the selling institution does not satisfy minimum net-worth levels set forth in § 571.5(k)(2) of this Subchapter.

(2) Corporation approval of transactions that may not occur automatically under paragraph (h)(1) of this section may be given by the Principal Supervisory Agent in those cases where paragraph (h)(1) does not apply because the Principal Supervisory Agent objects to the valuation or accounting treatment of the proposed transaction.

2. Amend § 571.5 by revising the title, revising paragraphs (a), (b)(1), (c), the first two sentences of (d)(1), (d)(2), (e)(1), (e)(2), (e)(8), (f), (h), and (j), and adding new paragraphs (k) and (l), as follows:

§ 571.5 Mergers and transfers of assets and liabilities.

(a) *General policy.* This is a statement of the Federal Home Loan Bank Board's general policy on merger and transfer proposals. It does not ordinarily apply to transactions authorized by the Corporation to be instituted for supervisory reasons. For the purposes of this section, the term "merger" includes consolidation, and the term "transfers" means transfers in bulk not made in the ordinary course of business, including the transfer of assets and saving account liabilities, purchase of assets, and assumption of savings accounts and other liabilities. Potential merger and transfer applicants are encouraged to review proposed transactions with the Supervisory Agent prior to proceeding with the formal application process. Generally, the Board neither encourages nor discourages mergers or transfers but regards them as primarily business decisions to be made by the institutions involved.

(b) *Legal considerations*—(1) *General.* The legality of a proposed merger or

transfer is a precondition to further consideration by the Board. Applicable laws and regulations include the Federal antitrust laws (the Clayton and Sherman Acts), section 408 (regulation of holding companies) of the National Housing Act, applicable State law, and the Board's own regulations. To enable the Board to make a legal evaluation of the possible anticompetitive impact of proposed mergers and transfers, applicants are required to submit certain information on Board-prescribed forms available at each Federal Home Loan Bank. In any case in which the Supervisory Agent believes it clear that no antitrust or competitive problem exists, a merger or a transfer proposal may be submitted with relevant partial information short of the complete data called for by the schedules.

* * * * *

(c) *Economic evaluation.* (1) *Evaluation of impact on competition.* The Board will examine the competitive impact of the merger or transfer on competition. This will be done for each relevant geographical deposit and mortgage market. All depository and mortgage firms reasonably competitive with the business of the parties to the subject transaction will be considered in the evaluation. The impact on competition will be evaluated on the basis of various economic indices of market structure and performance. Such indices will include, for each relevant deposit and mortgage market: (i) market concentration and ranking of the resulting institution and of other competing institutions; (ii) number and size distribution of competitors; (iii) actual or potential competition significantly curtailed by the transaction; (iv) trends toward concentration, especially as a result of the transaction; (v) overlap of market areas when two or more branch systems are to be consolidated; and (vi) extent to which rates paid on savings instruments and charges on mortgages appear to be competitively determined, consistent with statutory and regulatory constraints, and will continue to be so determined after the transaction.

(2) *Other factors.* The Board will examine the extent to which the transaction will affect the convenience and needs of the communities to be served in terms of deposit facilities, types of loans available, and the impact, if any, on operating efficiency of the resulting or purchasing institution. Account will be taken of the number of institutions of reasonably efficient size that can be suppported by population, deposit, and mortgage demand.

(d) *Managerial and financial aspects.* (1) *Managerial aspects.* The Board's primary requirement is that the resulting or purchasing institution have the managerial and financial resources to operate successfully. The experience and the perfomance record of the persons to be in control or in key managerial positions will be evaluated as to the probability of sound operation of the resulting or purchasing institution.* * *

(2) *Financial aspects.* The overall operations and financial condition will be reviewed to determine the resulting or purchasing institution's prospects of generating sufficient income to meet competition, making the required transfers to reserves, and conducting its affairs essentially free of supervisory concern. The adequacy of the net worth of the resulting or purchasing institution, relative to the risks inherent in its assets, and economic and other factors will be considered. Intangible assets will be closely reviewed.

(e) *Factors relating to fairness and disclosure of the plan.* The Board will review the fairness and disclosure of a merger or transfer proposal on the basis of the following criteria:

(1) *Equitable treatment.* The plan should be equitable to all concerned—savings accountholders, borrowers, creditors, and stockholders (if any) of each institution—giving proper recognition of and protection to their respective legal rights and interests. The plan will be closely reviewed for fairness where the merger or transfer does not appear to be the result of arms'-length bargaining or, in the case of a stock institution, where controlling stockholders are receiving different consideration from other stockholders.

(2) *Full disclosure.* The applicant(s) should make full disclosure of all written or oral agreements or understandings by which any person or company will receive, directly or indirectly, any money, property, service, release of pledges made, or other thing of value, whether tangible or intangilble, in connection with the merger.

* * * * *

(8) *Fees paid in connection with mergers and transfers.* The application should state the name of each person or firm rendering legal or other professional services in connection with the merger or transfer. The fee expected to be paid to each such person or firm should be stated, together with a description of the services being performed, the time expected to be spent in performing such services, the hourly rate or other basis used for determining the fee, and any relationship between such person or firm and an institutional party to the transaction. If a finder's or similar fee is to be paid in connection with the merger or transfer, the application should fully justify the payment and amount of the fee and state the name of the person or firm to whom the fee is to be paid. No finder's or similar fee should be paid to any officer, director, or controlling person of an institution which is a party to the transaction.

(f) *Accounting for goodwill.* The proposed treatment of goodwill in connection with the merger or transfer must be fully described in the application. The computation and amortization of goodwill should be in accordance with accounting policies of the Board in effect at the time the application is filed.

(h) *Non-inducement affidavits.* The application should include non-inducement affidavits from each senior officer, director, and controlling person of each institution which is a party to the transaction and each attorney or law firm regularly serving such institutions.

* * * * *

(j) *Tax liability.* A tax ruling from the Internal Revenue Service will generally be required in a merger, except in the case of a mutual-to-mutual merger. If a tax ruling is not being sought, a tax opinion will be required.

(k) *Transfers.* In addition to the other requirements of this section applicable to the parties involved in transfer transactions, the application of an insured institution which is a party to a transfer should provide: (1) A description of the assets and liabilities subject to transfer and their contract rates; (2) any discount rates used; (3) the market value of the assets and liabilities subject to transfer; and (4) the effect of the transfer on the institution's cost of money and yield on assets.

(l) *Sale of assets or liabilities.*—(1) *General.* The application of an insured institution selling assets or savings account liabilities will be reviewed under valuation and accounting standards established by the Board. Any accountholder who would be adversely affected by the transfer of his account should be advised of the proposed transfer and be given the option of retaining such account with the selling institution.

(2) *Supervisory concerns.* The Corporation will closely review a transfer of assets and savings account liabilities entered into by an insured institution with regulatory net worth, as defined in § 561.13 of this Subchapter, calculated prior to the consummation of the transaction and without the benefit

of inclusions permissible under Part 572 of this Subchapter, of 0.5% or less of all liabilities. An application by such an institution should demonstrate that the proposed transaction is beneficial to the short-term and long-term viability of the institution, that the transfer was negotiated at arms' length and that the transfer is not detrimental to the interests of the Corporation.

(Sec. 409, 94 Stat. 160, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1728, 1730); sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Corp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-5151 Filed 2-28-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Parts 920, 921, 923, 926, 930, 931, 932 and 933

Intergovernmental Review of Department of Commerce Programs and Activities; Correction and Additional Conforming Amendments

AGENCY: Office of the Secretary, Commerce.

ACTION: Notice of Proposed Rulemaking; correction.

SUMMARY: This document corrects a proposed rule published by the Department of Commerce to implement Executive Order 12372 regarding the "Intergovernmental Review of Federal Programs" which appeared in the **Federal Register** of January 24, 1983 (48 FR 3098). This document corrects several errors in the Notice located on pages 3102 and 3103 which concerned conforming amendments to the National Oceanic and Atmospheric Administration's (NOAA) coastal zone management program regulations. In addition, this document makes conforming amendments to other NOAA regulations which were not included in the publication of January 24.

DATE: Comments must be received on or before March 18, 1983.

ADDRESS: Interested persons should submit comments to H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, U.S. Department of Commerce, Room 5892, Washington, D.C. 20230. Comments will be available for inspection at the above address from 9:00 a.m. to 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Barry Bird, Office of the General Counsel, (202) 377–3084.

SUPPLEMENTARY INFORMATION: The Department of Commerce published proposed regulations to implement Executive Order 12372 on January 24, 1983. At the end of the publication the Department listed several NOAA regulations in 15 CFR which it was proposing to amend to conform to the new requirements of E.O. 12372. For the most part, these amendments involved simple changes to remove references to OMB Circular A–95 which has been revoked and to add references to the new executive order. The publication of January 24, however, contained several errors which are corrected by this document. In addition, the January 24th publication did not identify all of the regulations which included references to OMB Circular A–95. This document proposes to make conforming amendments to these other regulations. For the convenience of the reader, this document sets forth all of these amendments and is intended to replace the proposed amendments located in paragraphs 3(b) and 3(c) on pages 3102 and 3103 of the publication in the **Federal Register** of January 24, 1983.

Issued at Washington, D.C., February 24, 1983.

Malcolm Baldrige,

Secretary of Commerce.

Accordingly, the following corrections are made in FR Doc. 83–1668 appearing on pages 3102 and 3103 in the issue of January 24, 1983.

The amendments to "Title 15—[AMENDED]" appearing in paragraphs 3(b) and 3(c) on page 3102, eleven lines from the bottom of column three, through the first twelve lines on p. 3103 are corrected to read as follows:

PARTS 920, 921, 923 AND 926—[AMENDED]

§§ 920.53, 920.55, 920.58, 920.59, 920.61, 921.14, 923.92, 923.95, 923.98, 926.9 [Amended]

(b)(1) 15 CFR 920.53(b) is amended by removing the phrase "OMB Circular A–95, under * * *" so that the sentence reads, "Should the State wish to allocate a portion of its program development grant to an areawide/regional agency under the provisions of subsection 305(g) of the Act, and in the absence of State law to the contrary preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or Title IV of the Intergovenmental Cooperation Act of 1968." the last sentence is deleted.

(2) 15 CFR 920.55(b) is amended by substituting the phrase "E.O. 12372" for the phrase "OMB Circular A–95" in the first sentence. the remainder of (b) is deleted.

(3) 15 CFR 920.58(a) and 920.59(a) are amended by changing the third sentence to read, "An intergovernmental review process, if one is established by the state pursuant to E.O. 12372, should be followed."

(4) 15 CFR 920.61(d), 920.61(f), 923.95(a), 923.98(c) and 926.9(a) are amended by substituting the phrase "Executive Order 12372" wherever those sections contain reference to "Office of Management and Budget Circular Number A–95", "OMB Circular A–95 (revised)" or "A–95."

(5) 15 CFR 921.14(c) is amended by removing the phrase "appropriate state and regional A–95 clearinghouses" and substituting the phrase "any other agency or office which may be identified by the State if the state has established an intergovernmental review process pursuant to E.O. 12372" in the first sentence. The last sentence is removed.

(6) 15 CFR 923.92(b)(3) is amended by removing the phrase "OMB Circular A–95, under * * *" so that the sentence reads, "Should the State wish to allocate a portion of its program development grant to an areawide/regional agency under the provisions of subsection 305(g) of the Act, and in the absence of State law to the contrary preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or Title IV of the Intergovernmental Cooperation Act of 1968."

(7) 15 CFR 923.95(b) is amended by removing the last sentence.

PARTS 930, 931, 932 AND 933—[AMENDED]

§§ 930.35, 930.54, 930.61, 930.93, 930.94, 930.95, 930.96, 930.98, 931.36, 931.50, 931.77, 931.91, 932.42, 933.42 [Amended]

(c)(1) 15 CFR 930.35(b) and 930.54(a) are amended by substituting the phrase "Intergovenmental Review Process established pursuant to E.O. 12372" for the phrase "OMB Circular A–95 review" or "A–95 review."

(2) 15 CFR 930.61(c)(3) is amended by removing the phrase "A–95 public notices."

(3) 15 CFR 930.93 is revised to read as follows:

§ 930.93 Intergovernmental Review Process.

The term "Intergovernmental Review Process" describes the procedures established by states pursuant to Executive Order 12372, "Intergovernmental Review of Federal Programs," and implementing regulations of the review of Federal financial assistance to states and local governments.

(4) Former 15 CFR 930.94 is renumbered as new 15 CFR 930.95 and 930.95 as renumbered is amended as follows:

(i) 15 CFR 930.95(a) is amended by revoving in the first sentence the phrase, "to assist A–95 state and areawide clearinghouses."

(ii) 15 CFR 930.95(c) is amended by removing the phrase, "and to the A–95 state and areawide clearinghouse."

(5) Former 15 CFR 930.95 is renumbered as new 15 CFR 930.94 and is revised to read as follows:

§ 930.94 State Intergovernmental Review Process for Consistency

The process by which states with approval coastal management programs may review applications from state agencies and local governments for Federal assistance should be developed by each state in accordance with Executive Order 12372 and implementing regulations. In accordance with the Executive Order and regulations, states may use this process to review such applications for consistency with their approved coastal management programs.

(6) 15 CFR 930.96(a), 930.96(b) and 930.98(a) are amended by substituting the phrase "Intergovernmental Review Process" for the phrase "OMB A–95 process" wherever it occurs.

(7) 15 CFR 930.96(b) is amended by removing the word "clearinghouse" and substituting "state agency".

(8) 15 CFR 930.98(a) is amended by removing in the first sentence the phrase "the appropriate clearinghouse" and adding the phrase "any other agency or office which may be identified by the state in its Intergovernmental Review Process pursuant to Executive Order 12372." In the last sentence the phrase "clearinghouse and other" is removed so that the sentence reads as follows: "State agencies must inform the parties * * *"

(9) 15 CFR 931.36(b)(2), 931.50(c)(4), 931.77(c)(4)(v) and 77(c)(5) are removed. 15 CFR 931.36(b) (3) and (4) are renumbered as (2) and (3), respectively.

(10) 15 CFR 931.91 is amended by removing the phrase, "A–95, "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects' (FR 2052, Jan. 13, 1976) and" so that the sentence reads, "Administrative procedures for grants and credit assistance are based to the maximum extent practicable upon the Office of Management and Budget Circular A–102, "Uniform Administrative Requirements for Grants-in-Aids to State and Local Governments' (34 CFR Part 256).

§ 931.92 [Removed]

(11) 15 CFR 931.92 is removed.

(12) 15 CFR 932.42(a) is amended by substituting in the first sentence the phrase "E.O. 12372" for the phrase "Part I, Attachment A of OMB Circular A–95 (revised)". The remainder of the section is removed.

(13) 15 CFR 932.42(c) and 933.42(b) are amended by substituting the phrase "E.O. 12372" wherever that section contains reference to "Office of Management and Budget Circular A–95," or "A–95."

(14) 15 CFR 933.42(a) is amended by substituting in the first sentence the phrase "E.O. 12372" for the phrase "OMB Circular A–95 (revised)."

(Executive Order 12372 (July 14, 1982; 17 FR 30959); section 401(b) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(b)))

[FR Doc. 83–5161 Filed 2–28–83; 8:45 am]

BILLING CODE 3510–BP–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–13044; S7–960]

Concept of Utilizing Private Entities in Investment Company Examinations and Imposing Examination Fees

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed Commission action.

SUMMARY: The Commission is considering whether to propose rules relating to the utilization of private entities to perform certain functions involving the routine examination of investment companies and the imposition of examination fees. The purpose of such action would be to supplement the Commission's present investment company examination program. The Commission is requesting guidance with respect to several alternative systems for achieving this purpose which are described in this release and is also requesting commentators to focus on certain specified questions relating to these alternatives. The comments received will be considered in connection with the development of any rulemaking proposals.

DATE: Comments must be received on or before May 24, 1983.

ADDRESS: Persons wishing to submit written comments on the matters discussed in the release should file five copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comments should refer to File No. S7–960 and will be available for public inspection and copying in the Commission Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Bruce Mendelsohn, Chief (202–272–2048) or Mary S. Champagne, Special Counsel (202–272–2079), Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washigton, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("the Commission") announced today that it is considering the advisability of proposing rules which would contemplate the involvement of private entities in the routine examination of investment companies and the imposition of examination fees. Such rules would be intended to supplement the Commission's present investment company examination program. This release discusses certain alternatives for accomplishing these purposes and requests general comment as to whether any of the alternative approaches, or some other alternative, should be pursued further. The release also asks for specific comment with respect to certain issues involved in the implementation of those alternatives. The release makes it clear that although the Commission is considering utilizing private entities to perform certain investment company examination functions as a means to increase the effectiveness of its existing investment company examination program, it does not intend that creation of any such system using private entities would result in duplicative examinations by private entities and the Commission.

I. Background

The Commission supports the concept of self-regulation in the securities industry whereby private entities,

subject to government oversight of their activities, assume some of the responsibility for obtaining compliance by members of the industry with the requirements of the federal securities laws and the rules thereunder. Under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.], the regulatory system for broker-dealers specifically provides for the use of self-regulatory organizations to promulgate standards for industry members and to obtain compliance by members with those standards and the federal securities laws. In addition to the self-regulatory systems created by statutory provisions under the Exchange Act, the Commission is also familiar with and supportive of the self-regulatory system involving peer review of accountants developed by the American Institute of Certified Public Accountants ("AICPA"). The portion of the AICPA program relating to accounting firms which are members of the SEC Practice Section of the Division for Certified Public Accounting Firms was developed and has been implemented by the AICPA, in part, through the cooperation of the accounting profession, the AICPA, and the Commission. At present there is no self-regulatory program for investment companies.[1] In recent years, however, members of the Commission have encouraged the investment company industry to consider the concept of self-regulation.

The financial affairs and operations of investment companies generally are regulated under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) ("the Act"), which was passed to correct abuses existing in the industry prior to 1940.[2] Under the Act the Commission is empowered to promulgate rules (section 38, (15 U.S.C. 80a–37)) and to enforce compliance by investment companies and their associated persons with the Act and the Commission's rules thereunder (section 42, (15 U.S.C. 80a–41)). Under section 31(a) and (b) of the Act (15 U.S.C. 80a–30(a) and (b)] investment companies are required to make and keep records prescribed by the Commission and to make them available to the Commission or any member or representative thereof for examination.

The Commission believes its program of routine investment company examinations has been an important factor in maintaining integrity and investor confidence in the industry. For approximately twenty years the Commission has conducted periodic surprise inspections of investment companies involving examination of the companies' books and records and operations in order to determine compliance with the Act and the Commission's rules thereunder. Often the routine investment company examinations conducted by the Commission reveal deficiencies in compliance, but in the preponderance of cases the problems detected in examination are resolved without enforcement action by the Commission. Typically, the Commission staff apprises the investment company of the deficiencies, requests that the company promptly implement corrective remedial measures, and generally monitors the company's remedial efforts. In some cases, however, enforcement action by the Commission is appropriate or necessary following an examination, for example, because of the seriousness of the deficiencies revealed or the failure of the investment company to correct deficiencies and problems brought to its attention. The Commission believes that routine periodic examination of investment companies is important in that it creates a visible deterrent to violative behavior and permits the detection of problems at a sufficiently early stage to minimize or avoid harm or loss to the investment company's shareholders. The routine examination program conducted by the Commission is also useful to investment companies in that it permits fund managers to be apprised of deficiencies in compliance, including inadvertent ones, and to take steps to correct the deficiencies.

The investment company industry has experienced dramatic growth in recent years, both in net assets and in the number of investment companies registered with the Commission.[3] It is expected that the number of investment companies registered with the Commission will continue to increase significantly, in part, because of greater competition among securities firms, insurance companies and banking institutions in offering new investment vehicles to the public. At the same time the Commission has been operating under budgetary constraints that prevent the allocation of greater staff resources to the investment company examination program. In light of these circumstances, the Commission has considered what alternatives may be available to ensure that investment company inspections will continue to be conducted with an acceptable degree of regularity in the future. One possibility the Commission believes appropriate to consider at this time is the development of a system involving the use of private entities to perform certain functions related to the routine examination of investment companies as a supplement to the Commission's investment company examination program. Such a system would allow the Commission's staff to concentrate on difficult inspection areas and increase overall efficiency. Depending upon the level of growth in the size of the industry and the future availability to the Commission of budgetary resources, development of such a program could operate to increase the number of routine examinations of investment companies conducted or at least continue such examinations with the same frequency that the Commission has conducted them in the past.

The purpose of this release is to request public comment as to whether it is desirable or feasible to develop a system under which private entities would assume partial responsibility for the cost and performance of investment company examinations now conducted exclusively by the Commission using funds appropriated from general revenues. The release describes alternative means by which such a system might be developed by Commission rulemaking action: (1) Authorization of the creation of one or more self-regulatory organizations to conduct routine periodic examinations of investment companies; (2) use of investment company independent auditors to conduct certain additional procedures which would serve to some extent as a substitute for similar procedures now performed by Commission examiners during a routine examination; (3) some combination of these alternatives; and (4) collection of fees from investment companies to cover part or all of the cost of examinations performed by the Commission or a self-regulatory organization under authority of the Independent Offices Appropriations Act, 31 U.S.C. 483a, or under other authority granted by Congress.

[1] The National Association of Securities Dealers ("NASD"), however, has authority, and has promulgated rules, relating to the distribution of investment company shares by broker-dealers subject to NASD regulation. *See* NASD Manual, Rules of Fair Practice, Article III, Section 26.

[2] See, SEC, *Investment Trust and Investment Companies*, H.R. Doc. No. 279, 76th Cong., 1st Sess., pt. 3 (1939).

[3] During the fiscal years 1981 and 1982 the number of registered investment companies increased by 368 to a total of 1830. That represents an annual growth rate of approximately 12%. The Commission anticipates that, with the development of new investment products and assuming that expected economic recovery occurs, the number of companies sponsored by traditional entities will continue to increase. The rate of new investment company registrations could greatly exceed 12 percent if Congress enacts legislation under consideration to authorize banking institutions to organize and operate investment companies.

Comments are requested as to whether any such alternative should be pursued and, if so, which is preferable. Comment is also requested with respect to specific issues involved in the implementation of each alternative. The alternatives and the specific issues involved in their implementation are discussed below. Following the discussion of the alternatives, certain other matters applicable to the concept of using private entities to perform certain investment company examination functions are discussed, including the interrelationship between the activities of any private entities examining investment companies pursuant to any such Commission rulemaking and the Commission's examination and enforcement programs under the Investment Company Act.

II. Discussion

1. Authorization of the Creation of One or More Self-Regulatory Organizations To Conduct Inspections of Investment Companies

One alternative would involve Commission action to authorize the creation of one or more self-regulatory organizations which would conduct routine examinations of investment companies and make the results of those examinations available to the Commission. Although the following discussion focuses on Commission rulemaking to establish a self-regulatory examination program, the Commission requests comments on whether legislation would be more appropriate to accomplish this purpose. A self-regulatory organization created pursuant to such action would function in a manner analogous to national securities exchanges and registered securities associations under the Exchange Act to the extent that these self-regulatory organizations conduct routine period examinations of members and make the results of such examinations available to the Commission. National securities exchanges and national securities associations, whose role in the federal regulation of broker-dealers expressly is provided for in the Exchange Act are, however, also mandated to promulgate rules relating to business practice standards for members and to discipline members. Although the creation of one or more self-regulatory organizations for investment companies that have similarly broad functions is a matter which may merit consideration in the future, the development of a system for investment companies involving self-regulatory organizations empowered under the Investment Company Act to set business practice standards and discipline members would, even assuming that support for this type of self-regulatory system existed, present complex issues that could take significantly longer to resolve than those raised by the proposal discussed herein. Accordingly, at this time the Commission is inviting specific comment with regard to an investment company self-regulatory organization with the more limited function of conducting examinations of investment companies which elect to participate in such an examination program, and making the results of those examinations available to the Commission. However, the Commission requests comment also on whether it would be desirable or feasible to work toward implementation of broader purpose self-regulation in the investment company industry.

The Commission staff has earlier had discussions with the Investment Company Institute ("ICI") regarding the possibility of a self-regulatory system involving investment company examinations. The ICI supplied the staff with a draft proposal containing certain features which the staff had indicated would be necessary in connection with any such SRO. While the general approach discussed herein is similar to that suggested by the ICI, the specific features of the proposal on which the Commission is requesting comment differ from those in the ICI proposal in a number of ways.

For convenience, the description below of the features of this alternative is organized into the following parts: General features of such an SRO, election by investment companies to participate or terminate participation in the SRO, registration of the SRO, and Commission oversight of activities of the SRO.

General Features

Authorization of the creation of SROs to conduct examinations of investment companies would involve proposal and adoption by the Commission of a rule under the Investment Company Act providing for the registration with the Commission of one or more investment company SROs. Under such a rule the Commission would permit the registration of any qualified SRO organized to conduct routine periodic examinations of investment companies and certain persons associated with such companies.[4] The purpose of such examinations would be to determine compliance by the companies and persons associated with the companies with the federal securities laws and the rules thereunder. Under the rule, upon completion of an examination, an SRO would be required to specify in writing to any company or persons associated with such company who were subject to the examination any corrective measures which it determined should be effected to correct deficiencies in compliance detected during the examination. The SRO also would determine whether such corrective measures were implemented. The SRO would make available promptly to the Commission reports of examinations, including information concerning any deficiencies detected and corrective measures suggested, and thereafter promptly notify the Commission of the extent to which deficiencies had been corrected.

Election To Participate and Termination of Election

Any investment Company SRO created pursuant to such a rule would be required to permit registered investment companies, and persons associated with such companies, to elect to be inspected by the SRO upon filing of an appropriate notice of election. Companies electing to participate in the SRO inspection program would enter into a written agreement of election and pay any fees specified by the rules of the SRO. In order for an investment company to elect to be inspected by an SRO, its investment advisers, principal underwriters, and, if the investment company is one of a group of registered investment companies under substantially common management, all registered companies in the group would also have to elect to participate. Investment companies and associated persons electing to be inspected by an SRO would be required to agree to make available to the SRO all books, records, memoranda and data required by any Commission rule to be maintained or preserved in connection with the operations of the investment company. An election to be inspected would continue in effect until the filing by the investment company of a written notice of termination. An SRO would be authorized to terminate the election of a company or a person associated with a company in specified circumstances, for example, if the investment company or any associated person (1) was subject to

[4] As discussed in the text below investment advisers, principal underwriters and other funds under the same management as a fund electing to participate in the SRO would be required to participate in the SRO examination program. Any SRO examination of an investment adviser or underwriter of an investment company electing to participate in the SRO would be confined to its activities in relation to the investment company.

a statutory disqualification under Section 9(a) (15 U.S.C. 80a–9(a)) of the Act or was subject to a Commission order under Section 9(b) (15 U.S.C. 80a–9(b)) of the Act; (2) did not agree or otherwise failed to supply to the SRO such information as the SRO deemed necessary or appropriate to fulfill its functions; (3) did not agree or otherwise failed to permit examination of books, records or other data relating to the operation of the investment company; or (4) failed to implement corrective measures specified by the SRO in accordance with the rule. In addition, an SRO would terminate the election of a company or a person associated with the company in the specified circumstances if so ordered by the Commission.

Registration of the SRO

An investment company SRO could register with the Commission under the rule by filing an application with the Commission. The Commission would expect that the specific provisions of the rule relating to the procedures to be followed with respect to registration and the findings to be made by the Commission with respect to such registration generally would be modeled after those provided in Sections 15A (a) and (b) and 19(a)(1) of the Exchange Act (15 U.S.C. 78o–3(a), 78o–3(b) and 78s(a)(1)) relating to registration with the Commission of a national securities association, with appropriate modifications to take into account that the functions of any investment company SRO authorized by Commission rulemaking would be more limited than the functions of national securities associations as provided under the Exchange Act.[5] As with the Exchange Act, the Commission could publish notice of the filing and afford interested persons an opportunity to comment in writing on the application. After appropriate procedures were followed,[6] the Commission could grant the registration if it found the requirements of the rule were satisfied and deny registration if it could not make such a finding. In making the findings for registration the Commission might have to determine that the SRO was so organized and was of such character as to be able to conduct systematic examinations, and to perform functions ancillary thereto, to determine compliance by investment companies, and persons associated with such companies, with the federal securities laws and the rules thereunder. In this regard, the Commission could also determine whether the rules of an SRO were designed to promote compliance with the provisions of the securities laws, and to protect the financial safety of investment companies, through a system of examinations, through the analysis of reports required to be filed by electing companies and persons, through the specification of corrective measures, and through other appropriate means.[7]

An SRO could be able, upon such terms and conditions as the Commission by order deemed necessary or appropriate in the public interest or for the protection of investors, to withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission were to find that any SRO was no longer in existence or had ceased to do business in the capacity specified in its application for registration, the Commission, by order, could cancel the registration. These provisions would be substantially identical to Section 19(a)(3) of the Exchange Act (15 U.S.C. 78s(a)(3)).

Oversight

The Commission believes that provisions for pervasive Commission oversight of the activities of any investment company SRO would be essential. An SRO would be required to make and keep specified records relating to its activities and to make such records available to the Commission upon request. The Commission would expect to conduct periodic routine examinations of an SRO to examine its books and records and determine compliance by the SRO with Commission rules and its own rules. The Commission would also expect to use the reports of examinations provided by an SRO to the Commission, in part, to monitor the adequacy of the SRO's performance of its responsibilities. In addition, although in general it would not be the Commission's intention to perform examinations duplicative of those performed by the SRO, the Commission would monitor the SRO's performance by conducting some examinations of investment companies which recently had undergone examinations conducted by the SRO.

The rule would provide that the Commission could suspend or revoke the registration of an SRO or censure or impose limitations upon the activities of the SRO. These provisions generally would be modeled after those in Section 19(h) of the Exchange Act [15 U.S.C. 78s(h)] with appropriate modifications to take into account the more limited functions of an investment company SRO as described in this release.[8] The rule would also provide, similarly to Section 19(h)(4) of the Exchange Act, that the Commission could remove from office or censure any officer or director of the SRO. The Commission also could relieve an SRO of any responsibility to conduct examinations with regard to or promote compliance with any specified provision of the securities laws or the rules thereunder by any person. This provision would be analogous generally to Section 19(g)(12) of the Exchange Act

[5] For example, as stated above, a national securities association under the Exchange Act is mandated to establish business practice standards for members and to obtain compliance by those members with those standards and the federal securities laws. In permitting registration of a national securities association the Commission is required to make certain findings with respect to these functions. The functions of an investment company SRO as described in this release do not include promulgating business practice standards or disciplining participants but would be limited to conducting examinations of participants, suggesting corrective measures to correct any deficiencies, and reporting the results of the examination and any corrective efforts to the Commission. Accordingly, not all the requirements contained in the Exchange Act with respect to registration with the Commission of national securities associations would be appropriate with respect to registration with the Commission of the type of investment company SRO described in this release.

[6] Following the model of the Exchange Act, Commission rules could provide that, within 90 days of publication of the notice of filing (or a longer time if the applicant consents) the Commission would grant the registration or institute proceedings to determine whether registration should be denied. Notice of the grounds for denial under consideration and an opportunity for a hearing would be given. The proceeding would be concluded within 180 days of the date of publication of the notice of filing, except that upon a finding of good cause and publication of its reasons, the Commission could extend the time for conclusion up to 90 days, or longer if the applicant consents.

[7] In addition, the Commission could determine whether the SRO's rules provided for election of participation and termination of election as described above and whether the rules assured a fair representation of investment companies, persons associated with such companies, and the public interest in the administration of the SRO's affairs, and provided for the equitable allocation of reasonable dues, fees, and other charges. The Commission could also determine whether the SRO had reasonable procedures for the proposal and promulgation of changes in, or amendments to, rules of the SRO and whether the rules of the SRO imposed any burden on competition not necessary or appropriate in furtherance of the purposes of the examination program and the Investment Company Act.

[8] The rule could state that the Commission would take such action if, in its opinion, the action was necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act and the Commission made certain findings, on the record and after opportunity for hearing. The Commission might have to find that the SRO had not complied with rules of the Commission or its own rules, or that, without reasonable justification or excuse, the SRO failed to promote compliance with the Act or rules thereunder by any investment company or associated person electing to participate in the SRO.

(15 U.S.C. 78s(g)(12)). Commission oversight of SRO rulemaking would be modeled after the provisions contained in Sections 19(b) and (c) of the Exchange Act (15 U.S.C. 78s(b) and 78s(c)) relating to rulemaking of a national securities exchage or registered securities association. In all cases in which provisions were modeled after those provided in the Exchange Act relating to Commission oversight of Exchange Act SROs, necessary or appropriate modifications would be made to take into account the differences between Exchange Act SROs and the type of investment company SRO described in this release.

The Commission requests that, in addition to addressing the general issue of whether it would be feasible and appropriate for the Commission to authorize the creation of investment company SROs to conduct routine examinations, commentators focus on the specific features described above for a self-regulatory system utilizing such SROs. The Commission is also requesting commentators to consider whether the benefits of such limited purpose SROs would outweigh the costs, including necessary Commission oversight, and whether under any Commission rule authorizing creation of such SROs, the opportunity to participate in the SRO examination system should be made available to all registered investment companies or only to certain types of companies, for example, open-end management companies.

2. Use of an Investment Company's Auditor To Conduct an Expanded Audit of the Company

Investment companies employ independent auditors to examine and report upon the company's financial statement. Registered investment companies are required to file with the Commission as part of the company's annual report pursuant to section 30 (15 U.S.C. 80a–29) and rule 30a–1 [17 CFR 270.30a–1] thereunder, the report of the independent public accountant resulting from the audit of the company's financial statements and review of the company's internal controls. The accountant's report is required by Commission rule to be in a certain form and to cover certain specified matters and include comments as to a number of specified items. It may be possible for an investment company to request that its auditor, in the course of the regular audit examination, conduct a number of additional procedures, with the understanding that the additional procedures would to some extent serve as a substitute for certain similar ones now performed by the Commission examiner during a routine investment company examination. Commission examiners would thereby be able to concentrate their efforts in those areas where primary reliance upon the auditor would not appear appropriate.

Under this alternative the Commission would establish by rule the additional procedures to be performed and the content of any report to be filed with the Commission containing the auditor's findings and comments with respect to such an expanded audit. It appears that certain of the procedures now performed by Commission examiners could be performed by auditors if appropriate standards were established.

Specifically, the Commission has made a preliminary determination that in the following areas some of the procedures now performed by the staff could appropriately be performed by investment company auditors under such an expanded audit program. Auditors could review accounting records of the company; calculation of net asset value; capital structure; dividend payments to shareholders; composition of the investment company's board of directors; investment advisory and principal underwriting contracts; meetings of directors, shareholders and committees; fidelity bonding coverage; custody arrangements; distribution and repurchase of closed-end investment company shares; sales of open-end investment company shares; liquidations of open-end investment company shares; and any voluntary or contractual plans offered by the investment company to shareholders for the purpose of enabling shareholders to purchase investment company shares over a period of time. Some of these procedures are already performed by the auditors at least to some extent during the regular audit.

It is the Commission's preliminary assessment that certain procedures now performed by the staff could not appropriately be performed by auditors. These procedures include review of investment decisions; transactions in portfolio securities and other assets owned by the investment company; contracts with independent public accountants, correspondence, including shareholder complaint letters; and activities of affiliated persons. Moreover, even in some of the general areas discussed above which might be appropriate for expanded audit procedures, it might be necessary for the Commission staff to continue to perform certain specific procedures rather than utilize independent auditors to conduct all of the procedures in these areas. Determining compliance with the federal securities laws with respect to matters covered in investment company examinations often involves making legal judgments under the federal securities laws that accountants are not normally called upon to make. Accordingly, the Commission would expect that, even if a system of expanded audits were implemented, Commission examiners would continue to examine investment companies as to these matters, and as to any other matters which the Commission determines are not appropriate for the expanded audit.[9] As discussed below, the extent to which the Commission could rely on expanded audits in these areas would depend on the extent to which satisfactory procedures could be developed, the nature of the auditors' reports, and the Commission's ability to assure itself that the expanded audit program was an adequate substitute for a portion of the Commission's routine examination program.

It is the Commission's view that provision for adequate oversight by the Commission is a prerequisite for any Commission sanctioned system using private entities to perform examination functions. In order for the Commission responsibly and efficiently to oversee a system using expanded audits, the auditors' report would have to provide meaningful information to the Commission as to the scope of the expanded audit and the deficiencies detected so that the Commission could satisfy itself as to the adequacy of the system, determine that corrective measures had been implemented or consider enforcement action with respect to deficiencies reported. Information in the report would also be used by Commission examiners in connection with their conduct of oversight examinations and that portion of the routine examination reserved to them. On the other hand, it may be sufficient to require only a brief negative assurance auditor report. Assuming the procedures to be performed by auditors were described with specificity, it might

[9] The Commission staff estimates that the procedures which could be performed by auditors comprise at least 50 percent of the average time spent by the staff on an examination. Many deficiencies which involve violations of the Commission's requirements regarding the books and records to be kept by investment companies derive from this area and generally are corrected informally and do not result in enforcement action by the Commission. On the other hand, deficiencies in the areas which the Commission believes cannot appropriately be performed by auditors are more likely to be serious, and to result in enforcement action by the Commission.

be possible to permit auditors to report that the prescribed procedures were performed and, if no deficiencies in compliance were revealed, so to state. If deficiencies in compliance were revealed, the report could describe the deficiencies and any corrective efforts suggested by the auditor as well as any corrective efforts known by the auditor to have been undertaken by the investment company to remedy those deficiencies. If such a brief negative assurance auditor report were permitted, it would appear to be desirable to require that the auditor also file with the Commission a separate form which would contain specified objective information as to the investment company and its operations. The information contained on such a form, which would serve as a supplement to the auditor's report, would be designed to assist Commission staff in conducting the portion of the examination reserved to the Commission and in monitoring the expanded audit system.

The question of whether the Commission should have routine access to auditor workpapers must be addressed. Routine access to the underlying documents and papers of the auditors relating to the expanded audit would assist the Commission in monitoring the function of the expanded audit system. However, the Commission appreciates that the issue of direct access on its part to such auditor workpapers on a routine basis is a sensitive one and, accordingly, requests comment as to whether the Commission should require, as part of any expanded audit program, routine access to workpapers relating to the expanded portion of the audit in the absence of a formal order of investigation. Section 32(c) of the Act (15 U.S.C. 80a–31(c)) authorizes the Commission, by rulemaking or order in the public interest or for the protection of investors, to require accountants and auditors to keep reports, work sheets, and other documents and papers relating to registered investment companies for such period or periods as the Commission may prescribe, and to make the same available for inspection by the Commission or any member or representative thereof. This authority has not been exercised by the Commission heretofore.[10]

The Commission would expect that any rule implementing an expanded audit program would set forth in some detail the particular procedures to be performed by the auditors and would provide them guidance for making determinations as to compliance, particularly in those areas where determinations involve complex judgments. The degree of specificity of the procedures and standards to be prescribed would be related to the nature of the auditor's report and the extent of Commission access to auditor workpapers relating to the expanded audit. As indicated above, the Commission believes that provisions for adequate oversight by the Commission of any expanded audit system are essential. If an expanded audit system is implemented involving the type of brief negative assurance auditor report described above and the Commission does not have routine access to auditor workpapers generated during the expanded audit, then the need for the Commission to be specific in describing the procedures to be performed and standards to be appled will be greater than would be the case if the report provided positive assurance or the Commission had routine access to workpapers relating to the expanded audit.

The Commission invites comment on whether examination responsibilities can realistically be divided between the Commission and the independent auditors so as to achieve efficiencies and reduce the Commission's workload. Can the dividing line between the separate responsibilities be made clear enough to permit each examining group to limit its examination to its own area of responsibility? Is it reasonable to expect that each appropriate examining group would so limit its examination, given concerns that it might overlook problems that would have readily been seen had its responsibility been broader?

The Commission also invites comment with respect to two additional issues. First, to what extent can the Commission, under its existing authority under the federal securities laws, mandate expanded audits for investment companies, and should it do so with respect to all registered investment companies, or alternatively, with respect to certain kinds of companies, for example, open-end management companies? Second, if it is determined not to require that an expanded audit be performed, would it be feasible to establish an expanded audit program on a voluntary basis?

3. Combination of Investment Company SROs and Expanded Audits

A system utilizing SROs to conduct examinations of participants and a system of expanded audits are not necessarily mutually exclusive. The expanded audit system and the SRO system might be utilized as complementary means for achieving a degree of investment company self-regulation and supplementing the Commission examination program. The possibility of combining these two alternatives raises a number of questions. For example, if a self-regulatory system utilizing SROs were established, should those companies which do not participate in the SRO be given the opportunity to participate in an expanded audit system? Should the Commission consider requiring SRO members to have an expanded audit performed? Also, if an SRO self-regulatory system existed as well as an expanded audit system, should consideration be given to utilizing the SRO, rather than the Commission, to perform those portions of the routine investment company examination which will not be performed by auditors?

4. Imposition of Inspection Fees

Another alternative, which could be implemented either in conjunction with or without any self-regulatory organization, is the imposition of examination fees upon companies actually examined by the Commission. Such fees could be limited to the added costs of the Commission's inspection program necessitated by the Commission's expanding responsibilities in this area.

The Commission is already authorized to collect such fees under the Independent Offices Appropriations Act, 31 U.S.C. 483(a). Although any fee collected under this act must be turned over to the United States Treasury, the Commission could then seek a corresponding increase in appropriations without creating any new net burden on the Federal budget. Alternatively, the Commission could seek Congressional authority to directly apply the funds collected to its examination program.

The Commission seeks comments on whether imposition of inspection fees is desirable, and, if so, whether it should be done in conjunction with or without the other alternatives discussed above. For instance, would the additional benefits of a self-regulatory organization limited to routine examinations

[10] Moreover, although the Commission exercises oversight of the AICPA peer review program with respect to peer reviews of accounting firms which are members of the SEC Practice Section of the AICPA Division for CPA firms, it does not now have routine direct access to the peer reviewers' workpapers. (Under the AICPA program every three years member firms must submit to a peer review of the firm's systems of quality control for accounting and auditing.)

outweigh the not inconsiderable costs of Commission oversight of the self-regulatory organizations?[11]

If it is desirable both to develop a self-regulatory organization for the purpose of conducting routine examinations and impose fees for Commission examinations, the Commission seeks comment on how to implement the latter without discouraging the former. For instance, the Commission could impose fees only on those it actually examines and waive the fees regarding any examination which is part of our oversight of examinations already conducted by a self-regulatory organization. Thus, no investment company would be discouraged from joining a self-regulatory organization due to the fees charged by the Commission.

Relationship of Investment Company Self-Regulation and the Commission's Examination and Enforcement Programs

Whatever alternative or alternatives, if any, might be implemented to supplement the Commission's routine examination program and achieve a degree of investment company self-regulation, the Commission would expect to conduct periodic routine examinations of investment companies participating in the self-regulatory or expanded audit system. The Commission would expect to maintain an oversight program with respect to either system under which the Commission staff would conduct a number of routine examinations of investment companies which had recently undergone self-regulatory examination or expanded audits in order to determine how well the program was functioning. The Commission would also expect to continue performing examinations of a segment or sample of the industry for general regulatory purposes including, among other things, determination of the need for new or modified rules or determination of the effects of certain events, rules, or policies on the industry. In addition, the Commission would reserve its right to conduct any investment company examination and institute any appropriate enforcement action authorized under the federal securities laws. In this regard the Commission would reserve its right to conduct any examination which may be necessary or appropriate in the public interest or for the protection of investors, and to institute any appropriate enforcement action. Vigilant Commission presence is necessary under the law and for the preservation of investor confidence in the industry.

Nevertheless, the Commission recognizes that members of the investment company industry may be reluctant to support an investment company self-regulatory or expanded audit system if they believe the result will be unnecessary duplication of examinations or enforcement action by the Commission with respect to deficiencies which have been adequately resolved as a result of the self-regulatory or expanded audit system. It has not been the Commission's policy, nor would it be so if such a program were implemented, to bring enforcement proceedings with respect to violations where corrective action satisfactory to the Commission has been taken and where enforcement proceedings are not otherwise necessary or appropriate. Moreover, it would be inconsistent with the Commission's objectives to administer any investment company self-regulatory or expanded audit program in a manner which resulted in unnecessary duplication of examinations by the private sector and the Commission and it would not be the Commission's policy to do so.[12] To alleviate any industry concern on these matters, the Commission would consider issuing a statement at the time any rule was adopted setting forth its policies with respect to the foregoing matters.

Cost of Investment Company Self-Regulation

The Commission expects that the cost of any investment company self-regulatory examination program will be borne by the participants, and the Commission intends to consider the issues of costs and benefits in making a determination as to the feasibility of any of the alternatives discussed in this release. Commentators are invited to address these issues in their analysis of the alternatives to the extent they are able to do so.[13] The Commission recognizes that until the specific features of any alternative are determined it may be difficult for commentators to estimate reliably the costs to the industry of that alternative. Commentators may, however, be able to provide information as to the relative costs of the various alternatives and the relative costs of particular features of an alternative.[14] To the extent commentators are able to provide such information it would be useful to the Commission in assessing the feasibility of these alternatives.[15]

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[11] The Commission's Division of Investment Management has roughly estimated that it would cost the Commission approximately $1 million to oversee the inspection program of a self-regulatory organization. Moreover, preliminary information indicates that inspections by the Commission staff can be performed at less expense than those conducted by a self-regulatory organization.

[12] The Commission notes that many investment company principal underwriters are members of the National Association of Securities Dealers ("NASD") and subject to routine periodic examination by the NASD. Under the SRO alternative discussed above a principal underwriter of an investment company participating in the SRO also would be subject to examination by the SRO with respect to its activities in connection with the investment company. Commentators may wish to address the extent to which efforts might be made to avoid unnecessary duplication in examinations of such principal underwriters by the NASD and any investment company SRO.

[13] In this regard it may be helpful for commentators to know that the Commission estimates that in fiscal year 1982 the average investment company examination required 80 hours of staff time actually spent in the investment company's offices. This figure does not reflect planning the examination, preparing the report, supervisory review of the report, overhead or other factors such as activities incidental to the examination program, training, and paid leave. Considering all factors, the total staff hours required for an average investment company examination is 210. (As discussed above, under the SRO alternative the SRO would conduct the entire routine examination, while under the expanded audit alternative, approximately 50% of the routine examination would be subject to the expanded audit). It should be noted that the foregoing estimates represent staff hours required for an average investment company examination. Certain examinations, for example, examinations of funds utilizing highly complex investment strategies, would require more staff hours; others, for example, an examination of one fund in a complex of funds all of which are examined at the same time, would require fewer staff hours. The Commission estimates that its average cost in conducting an investment company examination was $4500 in fiscal year 1982. (This estimate, which takes into account overhead and other costs, was derived by comparing the number of routine investment company inspections conducted by Commission staff in fiscal year 1982 to the total cost to the Commission attributable to its investment company examination program that year).

[14] For example, in discussing the expanded audit alternative commentators may be able to estimate the relative cost of an expanded audit program requiring only the brief negative assurance auditor report and supplemental form described above compared to the cost of the same program requiring a positive assurance auditor report.

[15] The Commission also would incur costs with respect to these alternatives which it intends to consider. As discussed above, under the SRO alternative the Commission would continue to conduct routine examinations of investment companies not participating in the SRO program and would also conduct examinations of SRO participants for cause, oversight and general regulatory purposes. Under the expanded audit alternative, the Commission would continue to conduct those portions of the examination reserved to the Commission and would also conduct examinations for cause, oversight and general regulatory purposes. In addition, if a voluntary system of expanded audits were implemented, the Commission would continue to conduct full routine examinations of investment companies not participating in the expanded audit program. Finally, under both alternatives the Commission would incur general oversight costs in connection with such matters as reviewing auditor or SRO reports.

Conclusion

The Commission believes that it is appropriate to examine the feasibility and desirability of proposing rules relating to the utilization of private entities to perform certain functions involving the routine examination of investment companies and the imposition of examination fees in order to supplement the Commission's investment company examination program, and that the foregoing alternatives merit consideration. Accordingly, the Commission is requesting public comment with respect to the matters and issues discussed in this release. The Commission wishes to emphasize, however, that, by asking for public comment, it has not taken any firm positions with respect to any of the alternatives or specific questions discussed in this release or on the broader question of whether any action by the Commission on these matters would be desirable or feasible.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Dated: February 23, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5191 Filed 2-28-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 83N-0021]

Extra Hard Grating Cheese

AGENCY: Food and Drug Administration.

ACTION: Advance notce of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the "Recommended International Standard for Extra Hard Grating Cheese" (Codex Standard No. C-35) and to comment on the desirability of and need for a U.S standard of identity for the food. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. If the comments received do not support the need for a U.S. standard of identity for the food, FDA will not propose a standard.

DATE: Comments by May 2, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. Codex standards for milk and milk products, including the standard for extra hard grating cheese, are developed by the FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. Under the FAO/WHO program, a large number of food standards have been developed and submitted to governments for acceptance.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes it will not accept a Codex standard is asked to indicate the ways its requirements differ from the recommended international standard. Member nations of the FAO/WHO Codex Alimentarius Commission are asked to notify the Technical Secretary, Committee on the Code of Principles Concerning Milk and Milk products, Animal Production ahd Health Division, FAO, Rome, Italy, of their decision. Should a sufficient number of governments accept the standard, the Secretariat of the Committee will notify the Codex Alimentarius Commission and request the publication of the standard by the Codex Alimentarius Commission as a worldwide standard.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a U.S. standard under authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard appropriately to incorporate the provisions within the standard.

FDA advises that the Codex standard for extra hard grating cheese was developed because some members of the FAO/WHO Committee on the Code of Principles Concerning Milk and Milk Products did not wish to establish Codex individual varietal standards for parmesan cheese and romano cheese. But in the United States, standards of identity have been developed for parmesan and reggiano cheese (21 CFR 133.165), and romano cheese (21 CFR 133.183), as well as a class standard of identity for hard grating cheeses (21 CFR 133.148). The United States does not have a class standard of identity for extra hard grating cheeses.

Under the procedure in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment on (1) the desirability of and need for a U.S. standard of identify for extra hard grating cheese, (2) the specific provisions of the Codex standard, (3) additional or different requirements that should be in the U.S. standard of identity, if established, and (4) any other pertinent points.

FDA advises that if comments received do not support the need for a U.S. standard of identity for the food, no standard will be proposed. If this decision is reached, the Technical Secretary for the Committee on the Code of Principles Concerning Milk and Milk Products will be informed that imported foods that comply with the requirements of the Codex standard may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations.

Because of the large number of countries, often with diverse food regulations, which are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, certain basic labeling requirements such as declaration of the net quantity of contents, name of manufacturer, and country of origin, and other factors.

These factors are not considered a part of U.S. food standards under section 401 of the act; rather, they are dealt with under the authority of other sections of the act.

The Codex standard for extra hard grating cheese specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA's policy is to employ the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard of identity proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 133

Cheese, Food standards.

The Codex standard under consideration is as follows:

Recommended International Standard for Extra Hard Grating Cheese (Codex Standard No. C–35)

1. Designation of Cheese

Extra Hard Grating.

2. Depositing Country

United States of America.

3. Raw Materials

3.1 Kind of milk: cow's milk, goat's milk or sheep's milk and mixtures of these milks
3.2 Authorized additions:
3.2.1 Necessary additions:
—cultures of harmless lactic acid producing bacteria (starter)
—rennet or other suitable coagulating enzymes
—sodium chloride
3.2.2 Optional additions:
—calcium chloride, maximum 200 mg anhydrous/kg of milk used
—harmless flavour producing bacteria
—harmless enzymes to assist in flavour development (solids of preparation not to exceed 0.1% of weight of milk used)
—chlorophylls, including copper chlorophyll (Colour Index No. 75810)
—sorbic acid or its sodium or potassium salts, maximum 1000 mg/kg calculated as sorbic acid in the final product

4. Principal Characteristics of the Cheese Ready for Consumption

4.1 Type:
4.1.1 Consistency: extra hard, suitable for grating
4.1.2 Age of cure: minimum age 6 months
4.2 Shape: various
4.3 Dimensions and Weight:
4.3.1 Dimensions: various
4.3.2 Weights: various
4.4 Rind, where present:
4.4.1 Consistency: extra hard
4.4.2 Appearance: dry, may be coated with vegetable oil, food grade wax or plastic materials.
4.4.3 Colour: amber
4.5 Body:
4.5.1 Texture: granular, slightly brittle
4.5.2 Colour: natural uncoloured to light creams colour
4.6 Holes (when holes are a typical characteristic of the variety):
4.6.1 Number: few
4.6.2 Shape: small, round
4.6.3 Size: approximately 1–2 mm
4.6.4 Appearance: characteristic gas holes
4.7 Minimum fat: 32% fat in dry matter.
4.8 Maximum moisture: 36%
4.9 Brief description: extra hard, dry, slightly brittle, suitable for grating

5. Method of Manufacture

5.1 Method of coagulating: rennet or other suitable coagulating enzymes; with the possible addition of lactic acid starter.
5.2 Heat treatment: milk may be raw or pasteurized. If pasteurized the milk is heated to not less than 72°c (161°F) for 15 seconds.
5.3 Fermentation procedure: lactic acid fermentation or other flavour producing cultures and enzymes.
5.4 Maturation procedure: after the curd which may be lightly salted is shaped into forms, the cheese may be salted again in brine, dry salted or both; held in a cool and well aerated or temperature controlled room for not less than 6 months.

6. Sampling and Analysis

6.1 Sampling: according to FAO/WHO Standard B.1 "Sampling Methods for Milk and Milk Products" para 7—Sampling Cheese.
6.2 Determination of fat content: according to FAO/WHO Standard B.3 "Determination of Fat Content of Cheese and Processed Cheese Products".
6.3 Determination of dry matter: (under elaboration).

7. Marking and Labelling

7.1 Cheese conforming to this standard may be designated Extra Hard Grating Cheese or any recognized variety name in the consuming county. A "coined" or "fanciful" name, however, may be used provided it is not misleading and is accompanied by the phrase "Extra Hard Grating Cheese".
7.2 It shall be labelled in conformity with the appropriate sections of Article of the FAO/WHO Standard A–6 "General Standard for Cheese".

Interested persons may, on or before May 2, 1983 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm 4–62, 5600 Fishers Land, Rockville, MD 20857, written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Any comments submitted in support of establishing a U.S. standard of identity for extra hard grating cheese should be supported by appropriate information and data regarding impact on small businesses consistent with the provisions of the Regulatory Flexibility Act (Pub. L. 96–354). (Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.)

Dated February 16, 1983

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83–4907 Filed 2–28–83; 8:45 am]

BILLING CODE 4159–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1928

[Docket No. H–308].

Field Sanitation

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking and request for comments and information.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is considering amending 29 CFR Part 1928, Standards for Agriculture, to require employers to provide sanitation facilities for agricultural employees working in the field. This action comes after an earlier proposal concerning field sanitation (41 FR 17576) and comments received on that proposal. In response to those comments and litigation involving the Agency, OSHA is issuing this Advance Notice of Proposed Rulemaking (ANPR) to inform the public and interested parties that it is considering proposing a new field sanitation standard. The Agency is soliciting quantitative and qualitative data, expert opinion, comments, and information regarding field sanitation to

facilitate the development of an appropriate proposal and standard.

DATE: Data, comments, and information must be received on or before May 2, 1983, to receive consideration.

ADDRESS: Data, comments and information submitted in response to this notice may be mailed or delivered to the Docket Officer, Room S6212, Docket No. H–308, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210: Telephone: (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Room N3637, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210: Telephone: (202) 523–8151.

SUPPLEMENTARY INFORMATION:

Introduction

The Occupational Safety and Health Act of 1970 was enacted "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources * * *." Under the Act, each employer "shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees * * *."

The absence or inadequacy of basic sanitation and hygiene practice and facilities has long been recognized by medical science as a principal factor in the transmission of bacterial, viral and parasitic diseases. Poor sanitation gives rise to the pollution of soil and water with human waste containing pathogenic organisms. This situation increases the possibility of contaminating drinking water and food, and increases the likelihood of transmitting diseases. Substantial scientific evidence exists demonstrating that the provision of clean drinking water, the proper disposal of human wastes, and the use of personal and public hygienic practices prevent the transmission of communicable diseases.

The need for good sanitation to protect the public health has been generally recognized by municipal, county, state, and Federal governments, as evidenced by various public health laws providing for this protection. Currently, at the Federal level, OSHA standards (29 CFR 1910.141 and 1926.51), require sanitation facilities to be provided at the workplace for all groups of workers within the Agency's jurisdiction except agricultural workers. In addition, an OSHA (29 CFR 1910.142) standard also requires employers to provide sanitation facilities in temporary labor camps (living quarters), where many migrant agricultural field workers live while at a job. This standard has been in effect since shortly after the Agency's inception. Seven states (California, Connecticut, Florida, Idaho, New Jersey, Oregon, and Pennsylvania) presently have laws or regulations requiring sanitation facilities in agricultural fields. Other states (North Carolina, Texas) are responding to the need for such facilities by developing regulations or guidelines which would require employers to provide drinking water, handwashing facilities, and/or toilets in the field.

For many agricultural workers, particularly those employed in hand labor (planting, cultivating, harvesting, etc.), the conditions of work and crops necessitate seasonally concentrated, long hours of daily work in frequently hot environments. These factors may increase the need for sanitation facilities to be accessible to agricultural workers in the field. Agricultural employee representatives argue (1) that safe and healthful employment cannot exist for farmworkers as long as sanitation facilities in the fields are inadequate and drinking water is not available: (2) where these facilities are unavailable, communicable diseases are easily spread, and heat stroke, poisoning by agricultural chemicals, food poisoning and skin conditions are likely to occur: (3) Risks to consumers might also be increased through contamination of food stuffs and drinking water supplies by personal wastes. OSHA makes no pre-judgment on these arguments and solicits public comment on each of these points.

A standard which would require employers to provide clean drinking water and handwashing and toilet facilities for agricultural field workers is unique in that it involves both public health and occupational health concerns. the hazards that these workers face are not typical of other regulated occupational health hazards: they include lack of water, heat, bacteria, viruses, and parasites, as well as toxic chemical substances. Moreover, the seasonal and migratory nature of portions of the workforce makes it unusually difficult to acquire quantitative scientific data on the extent of risk associated with the lack of sanitation facilities in agricultural fields. The development of a standard regulating field sanitation thus will entail special problems.

Background

On September 1, 1972, the Mirgrant Legal Action Program, Inc. (MLAP) and several other organizations, on behalf of migrant and seasonal farmworkers, petitioned OSHA to issue a standard requiring provision of potable drinking water, handwashing facilities, and toilet facilities for agricultural workers in the field. The petition declared that agricultural workers are not adequately provided such facilities. It alleged that because of these existing inadequacies communicable diseases are spread and other health problems are created. In response to the petition, OSHA requested advice from the Standards Advisory Committee for Agricultural (SACA), which concluded that a standard was needed and submitted a proposed standard to OSHA. In 1973, dissatisfied with the speed at which OSHA was proceeding on a standard, MLAP filed suit in U.S. District Court to compel OSHA to issue a standard.

On April 27, 1976, OSHA published a notice in the **Federal Register** (41 FR 17576) proposing a new standard. The proposal was based substantially upon the recommendations of SACA and existing standards in California and New Jersey. It required drinking water, washing facilities, toilet facilities, and where food was prepared, sanitary preparation facilities. In addition, the notice requested comments and information on issues relating to the proposed standard. Approximately 1200 comments were received and reviewed by OSHA. The vast majority of these were critical with respect to the form and scope of the 1976 proposal. Thereafter, however, development of the standard was discontinued in the face of other priorities.

Legal History

The litigation which commenced in 1973 has continued. The history of that litigation is complex. In the initial suit seeking to compel OSHA to issue a field sanitation standard, the District Court for the District of Columbia in October 1975 granted the relief sought by the National Congress of Hispanic American Citizens. It held that the statutory guidelines of section 6(b)(1)–(4) of the OSH Act of 1970 constituted mandatory time frames, which were triggered once the Secretary of Labor began action on the standard, and that the Secretary had violated these mandatory time frames. *National Congress of Hispanic American Citizens* v. *Dunlop*, 425 F. Supp. 900 (D.D.C. 1975). On appeal by the Secretary, the Court of Appeals reversed the lower court's decision. *National Congress of Hispanic American Citizens* v. *Usery*, 554 F. 2d 1196 (D.C. Cir 1977) (also known as El Congreso I). The appeals court held that

the Act's time frames are not mandatory and that the Secretary may "rationally order priorities and reallocate his resources at any rulemaking stage" so long as "his discretion is honestly and fairly exercised." Remanding the case to the District Court for action, the D.C. Court of Appeals ordered the Secretary to file a report on the proposed field sanitation standard, including a timetable its development.

In September 1978, the Secretary submitted a report indicating that because of existing priorities no action would be taken on the standard for eighteen months. In December 1978, the District Court ordered the Secretary "to complete development of a field sanitation standard * * * as soon as possible." *National Congress of Hispanic American Citizens* v. *Marshall*, No. 2142–73 (D.D.C. December 21, 1978). The Secretary again appealed, and the District Court's decision again was reversed. *National Congress of Hispanic American Citizens* v. *Marshall*, 626 F. 2d 882 (D.C. Cir. 1979) (also known as El Congreso II). The appeals court ruled that the lower court had "impermissibly substituted its judgement" for OSHA's. In remanding the case once more to the District Court, the Court of Appeals directed the District Court to require the Secretary to provide a timetable reflecting his "good faith representation * * * regarding his reasonable expectation as to when the standard will be forthcoming." The Court of Appeals recognized that modifications in such a timetable might be justified by circumstances requiring readjustments of priorities. Such readjustments, the Court held, are proper so long as made in good faith.

In June 1980 OSHA filed another timetable, indicating that completion of a standard would take at least forty-five months. In December 1980, the District Court conducted a five-day hearing to determine whether that timetable was consistent with the criteria set down in *El Congreso II*. At the hearing, plaintiffs presented evidence to show that medical and scientific option supported the need for field sanitation facilities. The Agency agreed that the absence and inadequacy of sanitary facilities may result in disease, but contended that the existing administrative record was an inadequate basis for issuance of a final standard, and that further information was needed.

With the new administration, the Secretary asked the District Court for time to permit the newly designated Assistant Secretary of OSHA, Thorne G. Auchter, to evaluate the June 1980 timetable before the court ruled on it. The Secretary stated that intervening circumstances required a review of priorities and the timetable. The District Court approved the Secretary's request, and on August 17, 1981 the Assistant Secretary filed another timetable, stating that the standard would be developed in a 34–39 month period, following an initial two-year deferral. The Agency asserted that a deferral period was necessary because in the interim all available resources would be allocated to the development of higher priority standards. Plaintiffs asked the court to order OSHA to complete a standard within a period they claimed to be feasible: 23-39 months.

On October 30, 1981, the District Court rejected the OSHA timetable. The Court ruled in favor of plaintiffs and ordered OSHA to make a good faith effort to promulgate a standard within eighteen months. *National Congress of Hispanic Citizens et al.* v. *Raymond J. Donovan*, No. 2142–73. OSHA appealed to the D.C. Court of Appeals, seeking a stay of the lower court's order pending a decision on the merits. *National Congress of Hispanic American Citizens* v. *Raymond J. Donovan* (D.C. Cir Nos. 81–2344, 81–2376). The stay was granted. Before the appellate hearing, the Agency negotiated a settlement with complainants. The District Court approved the settlement on July 16, 1982.

Under the settlement, OSHA has agreed to make a good faith effort to complete a field sanitation standard or to publish in the **Federal Register** a determination that no such standard is needed. Should plaintiffs disagree with the agency's published reasons for not promulgating a standard, under the court order they reserve the right to return to court to challenge the agency's decision. An agreed-upon schedule for this activity was negotiated. The schedule provides for the agency to make a good faith effort to publish a proposal within 15-18 months (not later than January 15, 1984); to hold hearings on any published proposal within 20-23 months (no later than June 15, 1984); and to publish a final standard within 31 months (by February 15, 1985) or alternatively to publish a statement of the reasons why no such standard is necessary.

Comments and Information Requested

The original proposal for a field sanitation standard published in 1976 was criticized for being too broad in coverage and too specific in certain of its requirements. In order to develop an appropriate new proposal, OSHA is inviting the submission of data, expert opinion, comments and information concerning field sanitation. Comments submitted in response to the 1976 **Federal Register** notice need not be resubmitted since they already are part of the record and will be considered by the Agency in the present rulemaking. OSHA requests responses to the following questions, which, where appropriate, should be quantified. The effort to acquire quantitative data on health risks is required in developing health standards under the Occupational Safety and Health Act and by the U.S. Supreme Court's decision in the benzene case (*Industrial Union Department, AFL–CIO* v. *American Petroleum Institute*, et al. 488 U.S. 607, 100 S. Ct. 2844 (1980)).

In your response please identify replies by question number.

Scope of Standard

1. To which sorts of fieldwork, fieldworkers and agricultural industries should a field sanitation standard apply? Explain.

2. Estimate the total number of agricultural field workers in each of the categories you discuss in your answer to question 1. Identify the basis and sources of the numbers presented.

3. What exemptions should be considered?

Health Risks

Considerable evidence exists in the history of the development of public health practices over the past few centuries to demonstrate the efficacy of providing clean drinking water, proper disposal of human wastes, and employment of hygienic practices in preventing the transmission of communicable diseases. There is no evidence in the record to show that agricultural field workers are less susceptible when exposed to disease producing organisms than other workers. Without the provision of field sanitation facilities, which would break the chain of transmission of communicable disease, health problems could be expected.

The seasonal and migratory nature of many occupations in agriculture may not permit easy access to medical facilities. The facilities that are available may have few if any resources to devote to systematically studying farm workers' health problems. Thus, the OSHA record contains little data on the incidence of disease among agricultural workers indicating whether they suffer excess risks of material impairment due to their occupational conditions when compared with other agricultural workers in non-field settings or with workers in construction or other non-agricultural industries.

4. Please provide any information on disease rates observed among agricultural field workers, both for workers involved in hand labor operations and for workers in other agricultural operations. In particular, we are requesting information on bacterial, viral and parasitic disease rates, incidence data on urinary tract infections among female workers, incidence data on pesticide related illness, and incidence data on heat related illness among agricultural field and non-field workers. Comparisons of these disease rates between various occupational groups including agricultural workers would be extremely useful to the agency.

5. Please provide any data, information or expert opinion which indicates that the provision of one, two or all three of the basic sanitation facilities (drinking water, handwashing facilities, toilet facilities) would or would not reduce the risk of disease for farm workers.

6. What information is there regarding the relationship between urine retention and infections in females?

7. Please provide any data demonstrating that only one or two of the three basic sanitation facilities (drinking water, handwashing facilities, toilets) being considered would adequately protect employees from the risk of impaired health?

8. Please provide any data or information indicating that one, two, or all three of the basic sanitation facilities has or has not had an actual and demonstrated effect on the health of farm workers.

Methods of Compliance

The requirements of a standard may be stated in greater or lesser detail (i.e., specification vs. performance standards). For example, if toilets are required, a specification-type standard could stipulate the number required per number of employees, and their location relative to the workers. By contrast, a performance-type standard might require simply that "adequate and accessible toilet facilities be provided," with no specific requirements on how this is to be done.

9. What would be the advantages and/or disadvantages of each type of standard?

a. How might a performance-type standard be designed to protect employees adequately from risk of occupational illness? Would supplementary guidelines to such a standard be necessary, and if so, what should they include?

b. How might a specification standard be designed to ensure adequate flexibility for employers to deal with their own particular situations?

10. Describe the number and kinds of field sanitation facilities (drinking water, handwashing facilities, toilet facilities) now being provided. Where they are provided, what are the benefits or problems being experienced? Please identify the source of your information.

11. a. Taking into account temperature, seasonal and geographic variations, how would you ensure that the amount of drinking water provided to employees is sufficient to prevent dehydration and heat related illness?

b. What evidence exists of farm workers suffering from dehydration or heat related illness?

c. How is drinking water presently provided to farm workers?

12. It is well established that drinking water must be cool in order that sufficient quantities will be consumed to prevent dehydration and heat related illness. In hot industrial settings, the American Conference of Governmental Industrial Hygienists recommends that the temperature of drinking water be less than 60° F.

a. What practical methods are available for keeping water cool under hot field conditions?

b. Which one of these methods is preferable and why?

c. Should a maximum temperature for drinking water be specified? If so, what temperature?

13. What practical methods are available for providing handwashing facilities to agricultural field workers? Which one of these methods is preferable and why?

14. What practical methods are available for providing toilet facilities to agricultural field workers? Which one of these methods is preferable and why?

15. What is an adequate ratio of toilet facilities to number of employees? Should any ratio be specified? Explain.

16. What is an adequate ratio of handwashing facilities to number of employees? Should any ratio be specified? Explain.

17. Available data indicate that washing with soap and water is effective in removing and preventing the absorption of pesticides and in preventing the transmission of disease organisms by the fecal-oral route. Is there evidence to show that disposable pre-moistened towelettes or other cleaning materials would be equally effective?

18. To provide reasonable access, where should field sanitation facilities be located with respect to employees working in the field? Should location be specified? Would facilities mounted on a vehicle be a practical means of making these facilities accessible to workers in the field?

Economic Impact

19. Where sanitation facilities (toilets, handwashing, drinking water) are currently provided for agricultural employees in the field:

a. Please identify and give the number of each type of facility in use.

b. What is the cost of each of these facilities? Please itemize purchase, installation, operation, maintenance and transportation expenses.

c. Please give the number of men, women and children each of these facilities serve.

20. What would be the cost (itemized by purchase, installation, operation, maintenance and transportation) for your operation or business to provide each of the following sanitation facilities near or at the field worksite for agricultural employees:

a. Toilet(s) (portable or permanent).

b. Drinking water.

c. Handwashing facility(ies).

d. Any combination of the above.

e. Other.

21. Are there any economic reasons for excluding sanitation facilities from certain worksites? If so, what are they?

22. Where there are multiple worksites, what are the variations in cost of providing sanitation facilities for each location?

23. If a field sanitation standard is promulgated, there may be an increase in the demand for field sanitation components or equipment.

a. Please identify those operations or businesses which currently make up the field sanitation industry.

b. What is the capacity of the industry to meet the present and future demands of its customers?

c. Are there any unique conditions in the industry which would preclude the industry from meeting the demands of its customers?

d. What is the geographic dispersion of the industry and its customers?

24. Please provide any available information on the effect of providing any one or comibination of the basic sanitation facilities on the profit levels of the agricultural sector. Would the cost be borne by the producer or passed along to the consumer?

25. What are the average earnings, the average number of work hours per day/week, and length of season for agricultural field workers by men, women and children? How would a proposed standard potentially affect their earning rates?

26. If the Agency determines that a substantial number of small businesses

are affected by this rulemaking, OSHA will prepare a Regulatory Flexibility Analysis. The following information is requested to aid in that determination:

a. How many and what kinds of small businesses, farms or organizations would be affected by regulating field sanitation?

b. Which, if any, Federal rules may duplicate, overlap, or conflict with an OSHA regulation concerning field sanitation?

c. Will difficulties be encountered by small entities when attempting to comply with such a regulation?

d. What time table would be optimal for allowing small entities sufficient time to comply?

Environmental Impact

27. The National Environmental Policy Act of 1969 requires that each Federal Agency consider the environmental impact of major actions significantly affecting the quality of the human environment. Any persons having information, data, or comments pertaining to possible environmental impact is invited to submit them and accompanying documentation to OSHA. In particular, consideration should be given to the potential direct or indirect impacts on any action, or alternative actions, on water and air pollution, energy usage, solid waste disposal, or land use. Such impact might include:

a. Any positive or negative environmental effects that could result should a field sanitation standard be implemented.

b. Measure(s) under consideration to minimize environmental effects.

c. Beneficial or adverse relationships between the local short-term use of the human environment and enhancement of long-term productivity.

d. Any irreversible or irretrievable commitment of resources which could be involved should a field sanitation standard be implemented.

All data, expert opinion, comments, and information submitted in response to these questions and this notice will become part of the record of any resulting rulemaking and will be carefully considered in the development of any proposed regulation. All responses should be submitted by May 2, 1983, to the Docket Officer, Docket No. H–308, Room S6212, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone 202–523–7894.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to sections 6(b) and 8(g) of the Occupational Safety and Health Act (84 Stat. 1593, 1599, 29 U.S.C. 655, 657) 5 U.S.C. 553 Secretary's order No. 8–76 (41 FR 25059), and 29 CFR Part 1911.

List of Subjects in 29 CFR Part 1928

Agriculture, Occupational safety and health.

Signed at Washington, D.C., this 22nd day of February 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83–4749 Filed 2–28–83; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A–5–FRL 2303–3]

Designation of Areas For Air Quality Planning Purposes; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This supplemental rulemaking notice proposes to change the attainment status designation for Lucas County, Ohio relative to the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS). The purpose of this notice is to discuss the results of EPA's review of additional monitoring data; to propose to change the TSP designation for Lucas County to nonattainment for the secondary NAAQS for the Cities of Toledo and Oregon and to attainment for the remainder of the County; and to solicit comments on this rulemaking action.

DATE: Comments must be received by March 31, 1983.

ADDRESSES: Copies of the redesignation request and supporting air quality data are available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886–6038.

SUPPLEMENTARY INFORMATION: On January 12, 1982 the State of Ohio submitted a request to revise the attainment status designations for 15 counties relative to the TSP NAAQS. On June 9, 1982 (47 FR 25016) in a notice of direct final rulemaking, EPA approved the redesignation request for the 15 counties. The approval included Lucas County in which the TSP primary nonattainment area was reduced in size to include only the City of Toledo, east of the Maumee River. The remainder of the County was designated attainment.

In the approval notice, EPA advised the public that it was deferring the effective date of its approval until August 9, 1982, and if notice was received by July 9, 1982, that someone wanted to submit an adverse or critical comment, EPA would withdraw its approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period. On July 8, 1982, EPA received notice that a member of the public wished to submit an adverse or critical comment on the approval of the Lucas County designation. Therefore, in accordance with applicable procedures, EPA on September 17, 1982 (47 FR 41143) withdrew the final action for Lucas County only, and proposed to reduce the size of the TSP primary nonattainment area to include only the City of Toledo, east of the Maumee River, and to designate the remainder of the County as attainment. Interested parties were given until October 18, 1982, to comment on the proposed rulemaking. EPA received comments from two industries, the State of Ohio, and the Toledo Environmental Services Agency.

In comments submitted, both the City and State requested that the designation of Lucas County be modified to: Secondary nonattainment for the Cities of Toledo and Oregon, and attainment for the remainder of the County. To support their requests, the City and the State submitted data collected at numerous sites in the County between January 1980 and 1982. (Since the State had submitted its January 12, 1982, request, the data for 1981 were validated and additional 1982 data became available).

EPA reviewed the available monitoring data. EPA may redesignate

an area if eight consecutive quarters of the most recent, quality assured, representative ambient air quality data show no violations of the TSP NAAQS. Violations of the secondary NAAQS for TSP were recorded at four sites in 1982 (26 Main Street, 60 North Westwood, Eastside Sewage, and Oregon Municipal Building). The area for which Ohio is requesting a nonattainment designation includes the area around each of these four monitors. No violations of the NAAQS for TSP were recorded for the remainder of Lucas County between January 1980 and 1982. EPA, therefore, is proposing to approve the redesignation request.

In addition, EPA reviewed the modeling analysis performed by the State as part of its Part D State Implementation Plan for Lucas County. The analysis demonstrated the representativeness of the monitoring data. Thus, the modeling is further support for the redesignation.

Interested parties are invited to submit comments on this proposed approval. EPA will consider all comments received within 30 days of publication of this notice. At this time, EPA will not be responding to the public comments received from the two industry commentators on EPA's September 17, 1982, proposed rulemaking action since today's supplemental action supersedes the action taken in the September 17, 1982, notice. If, however, EPA receives notification that the submitted comments continue to be applicable to today's rulemaking action, they will be addressed in the notice of final rulemaking.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness Areas.

(Sec. 107(d) of the Clean Air Act, as amended (42 U.S.C., 7407))

Dated: January 20, 1983.

Alan Lavin,

Acting Regional Administrator.

[FR Doc. 83-5137 Filed 2-28-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

National Archives Records Service

41 CFR Part 101-11

Records Management; Declassification of and Public Access to National Security Information

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises the procedures for the declassification of and public access to national security information in the legal custody or under the declassification jurisdiction of the National Archives and Records Service. This revision is required by the signing of Executive Order 12356 of April 2, 1982 (National Security Information) and the issuance of the Information Security Oversight Directive Number 1 of June 22, 1982. This proposed rule affects the process for the mandatory declassification review of classified records by the National Archives and Records Service.

DATE: Comments must be received on or before March 31, 1983.

ADDRESS: Comments shall be addressed to National Archives and Records Service (NAA), Attn: Adrienne C. Thomas, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Edwin A. Thompson (202-523-3165).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of , this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net costs to society.

List of Subjects in 41 CFR Part 101-11

Archives and records, Classified information, Freedom of Information.

GSA proposes to amend 41 CFR Part 101-11 as follows:

PART 101-11—RECORDS MANAGEMENT

1. Part 101-11 is amended by revising Subpart 101-11.3a to read as follows:

Subpart 101-11.3a Declassification of and Public Access to National Security Information

101-11.320 General provisions.
101-11.321 Public requests for mandatory review of classified information under Executive Order 12356.
101-11.322 Mandatory review of classified U.S. Government originated information.
101-11.322-1 NARS action.
101-11.322-2 Agency action.
101-11.323 Mandatory review of foreign government information provided to the United States in confidence.
101-11.323-1 NARS action.
101-11.323-2 Agency action.
101-11.324 Mandatory review of classified information originated by a defunct agency or received by a defunct agency from a foreign government.
101-11.324-1 NARS action.
101-11.323-2 Agency action.
101-11.325 Mandatory review of classified White House originated information and foreign government information received or classified in the White House less than 30 years old.
101-11.325-1 NARS action.
101-11.325-2 NARS appellate process.
101-11.325-3 Agency action.
101-11.326 Mandatory review of classified White House originated information and foreign government information received or classified in the White House more than 30 years old.
101-11.327 Mandatory review of classified White House information in the custody of other agencies.
101-11.328 Liaison.
101-11.329 Requests for reclassification of information.
101-11.329-1 Information originated by or under the declassification jurisdiction of Federal agencies.
101-11.329-2 Information originated in the White House and under the declassification jurisdiction of the Archivist.
101-11.329-3 Appeals.

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Subpart 101-11.3a is revised to read as follows:

Subpart 101-11.3a—Declassification of and Public Access to National Security Information.

§ 101-11.320 General Provisions.

Declassification of and public access to national security information and material (hereafter referred to as "classified information" or collectively termed "information") is governed by Executive Order 12356 of April 2, 1982 (47 FR 14874, April 6, 1982), and by the Information Security Oversight Office

Directive Number 1 of June 22, 1982 (47 FR 27836, June 25, 1982).

§ 101-11.321 Public requests for mandatory review of classified information under Executive Order 12356.

United States citizens or permanent resident aliens, federal agencies, or State or local governments wishing to request mandatory review of classified information which has been accessioned into the National Archives and Records Service or which has been donated to the Government should identify the records or information desired and apply in writing to the appropriate NARS depository listed in 41 CFR 105-61.5101. The documents or materials containing the information should be described with sufficient specificity to enable NARS to locate it with a reasonable amount of effort. When practicable, a request shall include the name of the originator and recipient of the information, as well as its date, subject, and file designation. If the information sought cannot be identified from the description provided or if the information sought is so voluminous that processing it would interfere with NARS' capacity to serve all requesters on an equitable basis, NARS shall notify the requester that, unless additional information is provided or the scope of the request is narrowed, no further action will be taken. NARS shall review for declassification and release the requested information or those declassified portions of the request that constitute a coherent segment unless withholding is otherwise warranted under applicable law.

§ 101-11.322 Mandatory review of classified U.S. Government originated information.

§ 101-11.322-1 NARS action.

(a) *Information less than 30 years old.* NARS shall promptly acknowledge receipt of a request for mandatory review of classified U.S. Government originated information, and within 20 calendar days of receipt of the request, shall forward the request together with copies of the documents containing the requested information to the agency which originated the information or the agency which the Archivist determines has primary subject matter interest. NARS shall inform the requester that referrals have been made.

(b) *Information more than 30 years old.* NARS shall acknowledge receipt of a request for mandatory review of classified U.S. Government originated information which NARS may review for declassification using systematic review guidelines and within 60 calendar days of receipt of the request will act upon it and notify the requester of the action taken. If additional time is necessary to make a declassification determination, NARS shall notify the requester of the time needed to process the request. Except in unusual circumstances, NARS will make a final determination within 1 year of the receipt of the request. Information which NARS may not declassify using the systematic review guidelines will be promptly forwarded, with copies of documents containing the requested information, to the responsible agency. NARS shall inform the requester that referrals have been made.

§ 101-11.322-2 Agency action.

Upon receipt of a request for mandatory review of classified U.S. Government originated information forwarded by NARS, the originating or responsible agency shall:

(a) Either make a prompt declassification determination and notify the requester accordingly, or inform the requester and NARS of the additional time needed to process the request. Except in unusual circumstances agencies shall make a final determination within 1 year.

(b) Notify NARS of any other agency to which it fowarded the request in those cases requiring the declassification determination of another agency.

(c) Forward the declassified reproductions to the requester with their determination and also notify NARS of that determination. When the request cannot be declassified in its entirety, the agency must also furnish to the requester (with a copy to NARS):

(1) A brief statement of the reasons the requested information cannot be declassified; and

(2) A statement of the right to appeal within 60 calendar days of receipt of the denial, the procedures for taking such action; and the name, title, and address of the appeal authority. The agency appellate authority shall make a determination within 30 working days following the receipt of an appeal. If additional time is required to make a determination, the agency appellate authority shall notify the requester and NARS of the additional time needed and provide the requester with the reason for the extension. The agency appellate authority shall notify NARS and the requester in writing of the final determination and of the reasons for any denial.

(d) Furnish to NARS a copy of each document released only in part, marked to indicate the portions which remain classified.

§ 101-11.323 Mandatory review of foreign government information provided to the United States in confidence.

§ 101-11.323-1 NARS action.

(a) *Information less than 30 years old.* NARS shall promptly acknowledge receipt of a request for mandatory review of foreign government information and, within 20 calendar days of receipt of the request, shall forward the request, together with copies of the documents containing the requested information, to the agency which initially received or classified the information. If unable to identify the agency, NARS will forward the request to the agency which has primary subject matter interest. NARS will inform the requester of all such referrals.

(b) *Information more than 30 years old.* NARS shall acknowledge receipt of a request for mandatory review of foreign government information which NARS may review for declassification using applicable systematic review guidelines, and within 60 calendar days of receipt of the request will act upon it and notify the requester of the action taken. If additional time is necessary to make a declassification determination, NARS shall notify the requester of the time needed to process the request. Except in unusual circumstances, NARS will make a final determination within 1 year of the receipt of the request. Requests for information which NARS cannot declassify using the systematic review guidelines will be promptly forwarded, with copies of the documents containing the requested information, to the responsible agency. NARS will notify the requester of all such referrals.

§ 101-11.323-2 Agency action.

Upon receipt of a request forwarded by NARS for review of foreign government information, the agency shall:

(a) Either make a prompt declassification determination and notify the requester accordingly, or inform the requester and NARS of the additional time needed to process the request. Except in unusual circumstances agencies shall make a final determination within 1 year.

(b) Notify NARS of any other agency to which it forwarded the request in those cases requiring the declassification determination of another agency.

(c) Forward the declassified reproductions to the requester with their determination and also notify NARS of that determination. When the request cannot be declassified in its entirety, the agency must also furnish the

reproduction and information cited in § 101–11.322–2 (c) and (d).

§ 101–11–324 Mandatory review of classified information orginated by a defunct agency or received by a defunct agency from a foreign government.

§ 101–11.324–1 NARS action.

NARS is responsible for declassification of all information in the custody of NARS originated by an agency which has ceased to exist and whose functions have not been transferred to another agency and of all foreign government information originally received or classified by such an agency. NARS will promptly acknowledge receipt of requests for such information, review the information using applicable systematic review guidelines, and, when necessary, consult with any agency having primary subject matter interest. NARS shall either make a prompt declassification determination and notify the requester accordingly, or inform the requester of the additional time needed to process the request. Except in unusual circumstances NARS shall make a final determination within one year. If the request is denied in whole or in part, the Assistant Archivist for the National Archives or the Assistant Archivist for Presidential Libraries will furnish the requester a brief statement of the reasons for denial and a notice of the right to appeal the determination within 60 calendar days to the Deputy Archivist of the United States, National Archives and Records Service (ND), Washington, DC 20408. Upon receipt of an appeal the Deputy Archivist shall, within 30 working days:

(a) Review the previous decision made to deny the information and, as necessary;

(b) Consult with the appellate authorities in any agency having primary subject matter interest in the information previously denied; and

(c) Notify the requester of the determination and make available to the requester any additional information that has been declassified as a result of the appeal.

§ 101–11.324–2 Agency action.

Upon receipt of a request forwarded by NARS for consultation regarding the declassification of information originated by a defunct agency or of foreign government information originally received or classified by a defunct agency, the agency with primary subject matter interest shall:

(a) Advise the Archivist whether the information should be declassified in whole or in part or should continue to be exempt from declassification; and

(b) Return the request to NARS along with a brief statement of the reasons any requested information should not be declassified.

§ 101–11.325 Mandatory review of classified White House originated information and foreign government information received or classified in the White House less than 30 years old.

Information originated by a President, the White House staff, by committees, commissions, or boards appointed by a President, or others specifically providing advice and counsel to a President or acting on behalf of a President (hereafter cited as White House originated information) is subject to mandatory review consistent with the provisions of applicable laws or lawful agreements that pertain to the respective Presidential papers or records. Unless precluded by such laws or agreements, White House originated information is subject to mandatory review 10 years after the close of the administration which created the materials or when the materials have been archivally processed, whichever occurs first.

§ 101–11.325–1 NARS action.

(a) NARS shall promptly acknowledge receipt of a request for mandatory review of such classified White House originated information and foreign government information received or classified in the White House.

(b) NARS will review the requested information, determine which agencies have primary subject matter interest, forward to those agencies copies of material containing the requested information, and request their recommendations regarding declassification.

(c) NARS will review the recommendations returned by the agencies and make its declassification determination within one year of receipt of the request, except in unusual circumstances.

(d) When the request cannot be declassified in its entirety, NARS will furnish the requester:

(1) A brief statement of the reasons the requested information cannot be declassified;

(2) Access to those portions of documents releasable only in part that constitute a coherent segment; and

(3) A notice of the right to appeal the determination within 60 calendar days to the Deputy Archivist of the United States, National Archives and Records Service (ND), Washington, DC 20408.

§ 101–11.325–2 NARS appellate process.

Upon receipt of an appeal, the Deputy Archivist shall within 30 working days:

(a) Review the decision made to deny the information;

(b) Consult with the appellate authorities in agencies having primary subject matter interest in the information previous denied;

(c) Notify the requester of the determination and make available to the requester any additional information which has been declassified as a result of the appeal; and

(d) Notify the requester of the right to appeal denials of access to the Director, Information Security Oversight Office (mailing address: General Services Administration (Z), Washington, DC 20405).

§ 101–11.325–3 Agency action.

Upon receipt of a request forwarded by NARS for consultation regarding declassification of White House originated information and foreign government information received by or classified in the White House, the agency with primary subject matter interest shall:

(a) Advise the Archivist whether the information should be declassified in whole or in part or should continue to be exempt from declassification; and

(b) Provide a brief statement of the reasons any requested information should not be declassified and return the reproductions to NARS.

(c) Return all reproductions referred for consultation including a copy of each document which should be released only in part, marked to indicate the portions which should remain classified.

§ 101–11.326 Mandatory review of classified White House originated information and foreign government information received by or classified in the White House more than 30 years old.

(a) NARS shall promptly acknowledge the receipt of a request for mandatory review of classified White House originated information and foreign government information received by or classified in the White House more than 30 years old, and shall act upon that request within 60 calendar days. If additional time is necessary to make a declassification determination, NARS shall notify the requester of the time needed to process the request. NARS will make a final determination within 1 year of the receipt of the request, except in unusual circumstances.

(b) NARS shall review the information using applicable systematic review guidelines and will make available to the requester information declassified using those guidelines.

(c) Information which cannot be declassified by NARS using systematic review guidelines will be promptly

forwarded to the agencies with primary subject matter interest and further processed in accordance with § 101–11.325–1(b) through (d) and §§ 101–11.325–2 through 101–11.325–3.

§ 101–11.327 Mandatory review of classified White House information in the custody of other agencies.

Agencies having custody of classified White House information of a previous administration shall forward requests for mandatory review of such information to the Office of the National Archives (mailing address: General Services Administration (NND), Washington, DC 20408) together with copies of documents containing the requested information and the agency's recommendations regarding declassification. NARS will make a declassification determination on such requests after consulting with any other agency with primary subject matter interest and will reply to the requester. If the request is denied in whole or in part, the requester may appeal within 60 calendar days of receipt of the denial to the Deputy Archivist of the United States (mailing address: General Services Administration (ND), Washington, DC 20408). Appeals are processed in accordance to the procedures listed in § 101–11.325–2.

§ 101–11.328 Liaison

To ensure that NARS will be able to respond promptly to mandatory review requests and appeals from denials, the head of each agency shall be requested to provide NARS with the current name, title, and address of the agency's designated mandatory review and appellate authority.

§ 101–11.329 Requests for reclassification of information

§ 101–11.329–1 Information originated by or under the declassification jurisdiction of Federal agencies.

An agency may request NARS to temporarily close, re-review, and possibly reclassify records and donated historical materials originated by the agency which were declassified in accordance with E.O. 12356 or predecessor Orders. The agency shall submit the request in writing to the Assistant Archivist for the National Archives (NN) or to the Assistant Archivist for Presidential Libraries (NL) (mailing address: General Services Administration, Washington, DC 20408). If the urgency of the matter precludes a written request, an authorized agency official may make a preliminary request by telephone. A written request shall follow the oral request within 5 workdays. In the request the authorized agency official shall:

(a) Identify the records or donated historical materials involved as specifically as possible;

(b) Explain the reason the agency believes a re-review and possible reclassification may be necessary in the interest of national security; and

(c) Provide any information the agency may have concerning any previous public disclosure of the information in the records or donated historical materials.

§ 101–11.329–2 Information originated in the White House and under the declassification jurisdiction of the Archivist.

Requests from agencies to re-review and possibly reclassify information originated by a President; the White House staff; committees, commissions, or boards appointed by the President; or others specifically providing advice and counsel to a President or acting on behalf of a President and which has been declassified and disclosed shall be submitted in writing to the Archivist of the United States. In the request the authorized agency official shall:

(a) Specifically identify the record or donated historical material;

(b) Explain the reason the agency believes a re-review and possible reclassification may be necessary in the interest of national security; and

(c) Provide any information the agency may have concerning the public disclosure of the information in the records or donated historical material.

§ 101–11.329–3 Appeals.

NARS may appeal to the Director, Information Security Oversight Office, any re-review or reclassification request from an agency when, in the Archivist's opinion, the facts of previous disclosure suggest that such action is unwarranted or unjustified.

Dated: January 12, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83–4420 Filed 2–28–83; 8:45 am]

BILLING CODE 6820–25–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3460

Amendment to Federal Coal Management Program Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would modify unsuitability criterion number 7 for coal mining by amending § 3461.1(g) of Title 43 of the Code of Federal Regulations to make it consistent with the unsuitability system of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 and other relevant policies for the conduct of the Federal lands review under section 522(b) of the Surface Mining Control and Reclamation Act of 1977.

DATE: Comments should be submitted by May 2, 1983.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Tom Walker, (202) 343–4636

or

Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: Section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1272(e)) describes certain lands on which surface mining is prohibited, subject to valid existing rights. The regulations for the Federal coal program issued in 1979 incorporated the mandatory unsuitability criteria which are to be applied during land use planning by the Bureau of Land Management.

One of the prohibitions contained in section 522(e) of the Surface Mining Control and Reclamation Act is the prohibition, with some exceptions, against mining operations "which will adversely affect any publicly owned park or places included in the National Register of Historic Sites." Unsuitability criterion number 7, § 3461.1(g), makes all sites, whether publicly or privately owned, "which are included in or eligible for inclusion in the National Register of Historic Places" unsuitable for surface coal mining. The existing regulation goes beyond the mandatory requirements of section 522(e) by prohibiting mining of privately owned properties that are "included in or eligible for inclusion in" the National Register of Historic Places and publicly owned properties that are "eligible for inclusion in" the National Register. This provision was a broad extension of the requirements of section 522(e) of the Act. Since the issuance of the existing Federal Coal Management regulations in

1979, the Department of the Interior has reconsidered this provision and decided to propose its deletion.

The proposed rulemaking that resulted from the Department of the Interior's review of the Federal coal program published in the **Federal Register** on December 10, 1981 (45 FR 61401), provided for proposed revisions to the unsuitability criteria. While the proposal treated other unsuitability criteria in § 3461.1, several of the comments received on that section suggested deletion of the eligibility language of criterion number 7. This proposal is derived in part from a review of those comments.

The rationale of the court in *Texaco, Inc.* v. *Andrus*, and *National Coal Association* v. *Andrus*, Nos. 79–2448 and 79–2458 (D.D.C., Mar 15, 1980), *appeal docketed*, Nos. 80–2125 and 80–2126 (D.C. Cir., Mar 4, 1981), supports the policy of allowing eligible and privately owned lands to be considered for coal leasing. In that case, the court held that the Secretary of the Interior lacked the authority to make unsuitability determinations under criterion number 1 (43 CFR 3461.1(a)), which were based solely on the fact that the lands involved were under study or had been recommended for inclusion in a Federal land system, such as the National Wildlife Refuge System. The court's ruling is grounded on the fact that the Surface Mining Control and Reclamation Act authorized per se unsuitability determinations only for lands actually included in a Federal land system (30 U.S.C. 1272(e)(1)). The court's rationale applies equally for "eligible" and privately owned properties as they are covered inunsuitability criterion number 7. Under the court's rationale, these provisions of criterion number 7 are unnecessary and inappropriate.

Deletion of the automatic unsuitability status for privately owned properties in the National Register and all eligible properties does not mean that these lands will be leased or ultimately mined. The deletion will allow the Federal land manager to make a reasoned decision on whether the lands should be further considered for possible coal leasing. If a lease is issued which contains a property eligible for inclusion in the National Register, this will be noted in the lease and the lessee thus placed on notice that a surface mining permit may be denied if the property is later listed in the National Register. The Federal land manager may also require appropriate protective stipulations, if necessary.

At the time criterion number 7 was made part of the existing regulations, the office of Surface Mining interpreted section 522(e)(3) of the Surface Mining Control and Reclamation Act to be as broad as the National Historic Preservation Act of 1966, as amended (30 U.S.C. 470), and thus applicable to properties included or eligible for inclusion in the National Register, whether publicly or privately owned. It is now recognized by the Office of Surface Mining, the agency charged with implementing the Surface Mining Control and Reclamation Act, that section 522(e)(3) of that Act was not intended to incorporate the broadening amendments to the National Historic Preservation Act, which became law almost one year before the enactment of the Surface Mining Control and Reclamation Act. Congress used the terms "publicly owned" and "places included in the National Register"; neither the Surface Mining Control and Reclamation Act nor any other statute requires broader prohibition. Any broader prohibition is wholly an exercise of discretion under either section 522(e)(3) of the Act or the land use planning and leasing statutes to exclude coal from consideration for development. The Office of Surface Mining proposed deletion of privately owned places listed, and all properties eligible for listing, in the National Register from its unsuitability designation system in the **Federal Register** of June 10, 1982 (47 FR 25284). The Bureau of Land Management proposes to follow the lead of the Office of Surface Mining and amend its unsuitability assessment system in this proposed rulemaking to promote efficiency through consistent intrepretation of the requirements of the Surface Mining Control and Reclamation Act.

The Bureau of Land Management considered, but did not propose, additional change to unsuitability criterion no. 7. The provisions of buffer zones and the standard for an exception to unsuitability assessment (a finding of no significant adverse impact to the cultural resource after consultation with the State Historic Preservation Office and the advisory Council on Historic Preservation) are not mandated by section 522(e)(3) of SMCRA. The inclusion of these provisions in the original unsuitability criterion no. 7 was either an exercise of discretion under 522(e)(3) of SMCRA or an erroneous application of section 106 of the National Historic Preservation Act. In either case, the two provisions might be altered and comments on possible reformulation of the rule are requested on this point.

It is important to not in connection with the changes made by this proposed rulemaking that the unsuitability criteria are for planning purposes only and do not in any way relieve the Federal surface managing agency of its responsibilities under section 106 of the National Historic Preservation Act to consider the effect of undertakings, such as coal leasing, on places listed, or eligible for listing, in the National Register and to provide the Advisory Council on Historic Preservation a reasonable opportunity to comment.

An environmental assessment is being prepared to determine whether or not this proposed rulemaking constitutes a major Federal action significantly affecting the quality of the human environment and would or would not require the preparation of a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The results of the environmental assessment will be published in the **Federal Register** as soon as it is available. If an environmental impact statement is required, it will be made available prior to the issuance of the final rulemaking.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulation Flexibility Act (5 U.S.C. 601 et seq.). This proposed rulemaking is likely to be most advantageous to small businesses because the imposition of unsuitability criterion number 7 would tend to have the greatest impact on tracts of small surface area which would be more attractive to small businesses whereas larger tracts may be mineable without disturbing that part of the surface which is eligible or included in the National Register. At the same time, the change offers the possibility of making more federally-owned coal available for leasing.

List of Subjects in 43 CFR Part 3460

Coal Environmental protection, Mines, Public lands—classification, Public lands—mineral resources.

PART 3461—[AMENDED]

Under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.) and section 522(b) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1272(b)), it is proposed to amend Part 3460, Group 3400, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations as set forth below:

§ 3461.1 [Amended]

1. Section 3461.1(g) is revised to read:

* * * * *

(g)(1) *Criterion number 7.* All publicly owned districts, sites, buildings, structures and objects of historic, architectural, archeological or cultural significance on Federal lands which are included in the National Registes of Historic Places, and an appropriate buffer zone around the outside boundary of the designated property (to protect the inherent values of the property that make it eligible for listing in the National Register) as determined by the surface management agency, in consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Officer shall be considered unsuitable.

(2) *Exceptions.* All or certain stipulated methods of coal mining may be allowed if the surface management agency determines, after consultation with the Advisory Council on Historic Preservation and State Historic Preservation Office that the direct and indirect effects of mining, as stipulated, on a property in the National Register of Historic Places will not result in significant adverse impacts to the property.

(3) *Exemptions.* The application of this criterion to a property listed in the National Register is subject to valid existing rights, and does not apply to surface coal mining operations existing on August 3, 1977. The application of the criterion to buffer zones does not apply to lands: To which the operator made substantial legal and financial commitments prior to January 4, 1977; on which surface coal mining operations were being conducted on August 3, 1977; or which include operations on which a permit has been issued.

David G. Houston,

Acting Assistant Secretary of the Interior.

December 9, 1982.

[FR Doc. 83-5149 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-97; RM-4235]

FM Broadcast Station in Pullman, Wash.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C Channel 258 to Pullman, Washingon, in response to a petition filed by P-N-P Broadcasting. The assignment could provide a second FM service to Pullman.

DATES: Comments must be filed on or before April 11, 1983, and reply comments must be filed on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joel Rosenburg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

1. A petition for rule making was filed October 25, 1982, by P-N-P Broadcasting ("petitioner") seeking the assignment of Class C Channel 258 to Pullman, Washington, as its second FM assignment. Petitioner stated that it would apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements, provided a site restriction of 3.7 miles south is required. The restriction is necessary due to Station KSEM in Moses Lake, Washington, and Station KICN in Spokane, Washington.

2. In view of the provision of a second FM broadcasting service to Pullman, Washington, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Pullman, Washington	285A	258, 284A

3. The Commission's authority to institute rule making proceedings, showings, required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if

authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-5088 Filed 2-28-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-96; RM-4234]

FM Broadcasting Station in Hilo Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 262 to Hilo, Hawaii as its fourth FM channel in response to a petition filed by Big Island Broadcasting Co., Ltd.

DATES: Comments must be filed on or before April 11, 1983, and reply comments must be filed on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

1. A petition for rule making was filed October 25, 1982, by Big Island Broadcasting Co., Ltd. ("petitioner") seeking the assignment of Class C Channel 261 to Hilo, Hawaii as its fourth FM assignment. Petitioner stated that it would apply for the channel, if assigned.

2. Class C Channel 261 cannot be assigned in compliance with the minimum distance separation requirements due to the assignment of Channel 260 to Lahaina, Hawaii. However, Class C Channel 262 is available to Hilo as an alternative. The assignment could provide a fourth FM broadcasting service to Hilo. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Hilo, HI	234, 246, and 250	234, 246, 250, and 262.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provivisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Joel Rosenberg, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in

the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-5086 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-85; RM-4259]

FM Broadcast Station in Pueblo, Colo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a sixth FM assignment to Pueblo, Colorado, in response to a petition filed by Scribner Broadcasting, Inc.

DATES: Comments must be filed on or before April 11, 1983, and reply comments on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

1. Scribner Broadcasting, Inc. ("petitioner") on November 18, 1982, submitted a petition for rule making which seeks the assignment of Class C Channel 300 to Pueblo, Colorado, as its sixth FM assignment.

2. The petitioner submitted population and economic data in an effort to demonstrate a need for the requested assignment. In view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), these issues are no longer relevant to this type of proceeding.

3. The assignment of Channel 300 to Pueblo will require a site restriction of 10.8 miles north of the city to avoid short spacing to station KCOL-FM (Channel 300), Fort Collins, Colorado. Petitioner notes that the Commission's proposed *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 78 F.C.C. 2d 1235 (1980) would allow operation of the Class C facility without the need to locate its antenna outside Pueblo. Petitioner adds that it reserves the right to modify its petition (or application) based on the outcome of this rule making.

4. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows for the community listed:

City	Channel No.	
	Present	Proposed
Pueblo, CO	245, 255, 280, 284, and 296A	245, 255, 280, 284, 296A, and 300.

5. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involves channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes

an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules an Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-5064 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-94; RM-4276]

FM Broadcast Station in Hyannis, Mass.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign FM channel 276A to Hyannis, Massachusetts, in reponse to a petition filed by Dana Poupolo. The proposed channel could provide a second FM service to that community.

DATES: Comments must be filed on or before April 11, 1983, and reply comments on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

1. A petition for rule making was filed December 17, 1982, by Dana Poupolo ("petitioner") seeking the assignment of FM Channel 276A to Hyannis, Massachusetts, as its second FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the assignment could provide a second FM service to Hyannis, Massachusetts, the Commission believes that it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Hyannis, MA	291	276A, 291

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on

the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-5083 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-93; RM-4268]

TV Broadcast Station in Alexandria, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignments of UHF Television Channel 42 to Alexandria, Minnesota, as its third television assignment in response to a petition filed by Hubbard Broadcasting, Inc.

DATES: Comments must be filed on or before April 8, 1983, and reply comments on or before April 25, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: February 9, 1983.
Released: February 22, 1983.

1. The Commission herein considers a petition for rule making filed December 17, 1982, by Hubbard Broadcasting, Inc. ("petitioner"), seeking the assignment of UHF Television Channel 42 to Alexandria, Minnesota, for commercial use.

2. Alexandria (population 7,608)[1], seat of Douglas County (population 27,839), is located in west central, Minnesota, approximately 192 kilometers (120 miles) northwest of Minneapolis.

3. Petitioner has submitted demographic information in support of its request which demonstrates sufficient need to propose a third television assignment for Alexandria. Petitioner indicates that it would apply for the channel either as a full service or as a satellite TV station. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

4. Since the proposed assignment of Channel 42 to Alexandria, Minnesota, is within 400 kilometers (250 miles) of the U.S.-Canadian border, it must be coordinated with the Canadian government.

5. In view of the fact that Alexandria could receive its third television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Alexandria, Minnesota, as follows:

City	Channel No.	
	Present	Proposed
Alexandria, Minnesota	7, *24	7,*24, 42

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 8, 1983, and reply comments on or before April 25,

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

1983, and are advised to read the Appendix for the proper procedures.

8. Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Table of Assignments, §73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202 (b), 83.504 and 73.606 (b) of the Commission's Rules*, 46 FR. 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Comission proceedings, such as this one, which involve channel assignments. An *parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154,303.)

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division, Mass Media Bureau

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d) (1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204 (b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606 (b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompenfed by a certificate of service. (See§ 1.420 (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 Streets, N.W. Washington, D.C.

[FR Doc. 83-5062 Filed 2-28-83; 8:45]
BILLING CODE 6712-1-M

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47 CFR Part 73

[MM Docket No. 83-98; RM-4269]

FM Broadcast Station in Desert Center, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Porposed rule.

SUMMARY: This action proposes to assign FM Channel 272A to Desert Center, California, in response to a petition filed by Bill Harling. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 11, 1983, and reply comments must be filed on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Desert Center, California), MM Docket No. 83–98 RM–4360.

1. A petition for rule making was filed December 10, 1982, by Bill Harling ("petitioner") proposing the assignment of Channel 272A to Desert Center, California, as its first FM service. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since Desert Center is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

3. In view of the fact that the proposed assignment could provide a first local FM servie to Desert Center, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Desert Center, Calif.		272A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 11, 1983, and reply comments or or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments. § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.696(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who file comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–5067 Filed 2–28–83; 8:45 am]

BILLING CODE 6712–01–M

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42 CFR Part 73

[MM Docket No. 83–100; RM–4209]

FM Broadcasting Station in Wrightsville, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposed the assignment of FM Channel 292A to Wrightsville, Georgia, in response to a petition filed by Wimley Waters. The proposal could provide a first local FM service to Wrightsville.

DATES: Comments must be filed on or before April 11, 1983, and reply comments must be filed on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Wrightsville, Georgia), MM Docket No. 83–100 RM–4209.

1. A petition for rule making was filed October 4, 1982, by Wimley Waters, ("petitioner") proposing the assignment of FM Channel 292A to Wrightsville, Georgia, as its first FM assignment. Petitioner expressed an interest in applying for the channel if it is assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the assignment could provide a first local FM service to Wrightsville, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules with regard to the following community:

City	Channel No.	
	[illegible]	[illegible]
Wrightsville, Ga		292A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–5089 Filed 2–28–83; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 83–92; RM–4267]

TV Broadcast Station in Redwood Falls, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 43 to Redwood Falls, Minnesota, as its first television assignment in response to a petition filed by Hubbard Broadcasting, Inc.

DATES: Comments must be filed on or before April 8, 1983, and reply comments on or before April 25, 1983.

ADDRESS: Federal Communications Commisssion, Washington, D.C. 29554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: February 9, 1983.

Released: February 22, 1983.

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Redwood Falls, Minnesota), MM Docket No. 83–92 RM–4267.

1. The Commission herein considers a petition for rule making filed December 17, 1982, by Hubbard Broadcasting, Inc. ("petitioner"), seeking the assignment of UHF Television Channel 43 to Redwood Falls, Minnesota. Petitioner expressed its interest in applying for the channel, if assigned, either as a full service or a satellite station.

2. Redwood Falls (population 5,210),[1] seat of Redwood County (population 19,341), is located in southwestern Minnesota, approximately 150 kilometers (94 miles) southwest of Minneapolis.

3. Petitioner has submitted demographic information in support of its request which adequately demonstrates the need for a first local television channel for Redwood Falls. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

4. In view of the fact that Redwood Falls could receive its first local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Redwood Falls, Minnesota, as follows:

City	Channel No.	
	[illegible]	[illegible]
Redwood Falls, Minnesota		All

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before April 8, 1983, and reply comments on or before April 25, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082, 47 U.S.C. 154, 303).

Federal Communications Commission.

Martin Blumenthal,

Assistant Chief, Policy and Rules Division Mass Media Bureau.

Attachment: Appendix.

Appendix

1. Pursuant to authority found in Section 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61,0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel then was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-5061 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

47 CFR Part 73

[MM Docket No. 83-99; RM-4242]

FM Broadcast Station in Amarillo, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes to assign FM Channel 276A to Amarillo, Texas, in response to a petition filed by Wendell C. Alexander. The proposal could provide a seventh FM service to that community.

DATES: Comments must be filed on or before April 11, 1983, and reply comments must be filed on or before April 26, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 9, 1983.

Released: February 23, 1983.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Amarillo, Texas), MM Docket No. 83-99 RM-4242.

1. A petition for rule making was filed November 4, 1982, by Wendell C. Alexander ("petitioner"), seeking the assignment of Channel 276A to Amarillo, Texas, as its seventh FM assignment. Petitioner failed to state that he would apply for the channel, if it is assigned. He is expected to do so in his comments. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a seventh FM service to Amarillo, Texas, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Amarillo, Tex	226, 231, 245, 250, 254, and 270.	226, 231, 245, 250, 254, 270, and 276.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 11, 1983, and reply comments on or before April 26, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advance in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the propopsal(s) in this *Notice*, they will be considered as comments in the proceeding, and public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments,

reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All fillings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-5068 Filed 2-28-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-91; RM-4257]

TV Broadcast Station in Jacksonville, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Televison Channel 56 to Jacksonville, Texas, in response to a petition filed by George E. Gunter.

DATES: Comments must be filed on or before April 8, 1983, and reply comments on or before April 25, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of Amendment of § 73.606(b), Table of Assignments, Television Broadcasting Stations. (Jacksonville, Texas), MM Docket No. 83-91, RM4257.

Adopted: February 9, 1983

Released: February 22, 1983.

1. George E. Gunter ("petitioner") on November 29, 1982, submitted a petition for rule making requesting the assignment of UHF Television Channel 54 to Jacksonville, Texas,[1] as a first television assignment. Petitioner failed to state that he would apply for the channel if assigned, and is requested to do so in comments to this proceeding.

2. Jacksonville (population 12,264), in Cherokee County (population 38,217),[2] is located in east central Texas, approximately 165 kilometers (100 miles) southeast of Dallas. It is without local television service.

3. Petitioner describes Jacksonville as a growing community, with a diversified and prosperous economy. Petitioner adds that Jacksonville has two commerical broadcast stations, KEBE (AM) and KOOI (FM) (under common ownership), in addition to a local newspaper. According to Gunter, Jacksonville is deserving of a first television station which would ensure a competitive broadcast voice in the community.

4. A Channel 54 assignment to Jacksonville would be short-spaced to the recent assignment of Channel 40 to Crockett, Texas (BC Docket 82-598). A staff study indicates thsat Channel 56 can be assigned to Jacksonville, and meet all spacing requirements without a site restriction. Therefore, we shall propose Channel 56 for that community.

5. Based on the above information we believe that the petitioner has made an adequate showing for the need of a television assignment to Jacksonville. The proposal could provide the community with an opportunity to develop a first broadcast television service. Comments are invited on the proposal to amend the Television Table of Assignments, § 73.606(b) of the Rules, with regard to the following city:

City	Channel No.	
	Present	Proposed
Jacksonville, Tex.		56

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is requied by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 8, 1983, and reply comments on or before april 25, 1983, and are advised to read the Appendix for the proper procedures

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] The petition, as filed, requested Channel 54 and was later amended to specify Channel 40.

[2] Population figures are taken from the 1980 U.S. Census, Advance Report.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-5080 Filed 2-28-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Review of Special Rules on Sea Turtles; Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: The comment period on the Service's Notice of Intent to review special rules on threatened sea turtles, January 3, 1983 (48 FR 42), is extended to March 9, 1983, in response to requests for extension by several interested parties.

DATE: Comments must be submitted on or before March 9, 1983.

ADDRESS: Comments may be sent to: Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Batky, Staff Biologist, U.S. Fish and Wildlife Service.

Robert A. Jantzen,

Director, U.S. Fish & Wildlife Service.

February 22, 1983.

[FR Doc. 83-6053 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Listing of 12 Species of Foreign Mammals as Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that 12 species of foreign mammals be listed as Endangered species as provided for by the Endangered Species Act of 1973, as amended. These species are the Singapore roundleaf horseshoe bat (*Hipposideros ridleyi*), Ghost bat (*Macroderma gigas*), Rodriguez Island flying fox fruit bat (*Pteropus rodricensis*), Bulmer's flying fox fruit bat (*Aproteles bulmerae*), bumblebee bat (*Craseonycteris thonglongyai*) buff-headed marmoset (*Callithrix flaviceps*), Preuss's red colobus monkey (*Colobus badius preussi*), Vancouver Island marmot (*Marmota vancouverensis*), Indus River dolphin (*Platanista indi*), African wild dog (*Lycaon pictus*), giant panda (*Ailuropoda melanoleuca*), and Pakistan sand cat (*Felis margarita scheffeli*). These 12 species are entirely foreign in distribution, none occurring in the United States, or in territories or areas administered by the U.S.; because of this, no Critical Habitat is being proposed for any of them. Threats that are believed causing their declines include habitat destruction, exploitation as a source of human food (mainly by local peoples), and very restricted distributions and/or extemely specialized habitats. If made final, the proposed rule would provide certain benefits to these 12 species which might assist in assuring their survival; these benefits are discussed in the main body of the proposal.

The Service at this time is seeking additional information on the status and biology of these species, as well as information on the environmental impacts of the action.

DATE: Comments from the public and from the governments of the resident countries must be received by June 29, 1983.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments or material relating to this proposed rule are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

The following 12 foreign species of mammals are herewith proposed to be added to the List of Endangered and Threatened Wildlife as Endangered species:

Common Name and Scientific Name
Rodriguez flying fox fruit bat, *Pteropus rodricensis*
Bulmer's flying fox fruit bat, *Aproteles bulmerae*
Ghost bat, *Macroderma gigas*
Singapore roundleaf horseshoe bat, *Hipposideros ridleyi*
Bumblebee bat, *Craseonycteris thonglongyai*
Buff-headed marmoset, *Callithrix flaviceps*
Preuss's red colobus, *Colobus badius preussi*
Vancouver Island marmot, *Marmota vancouverensis*
Indus River dolphin, *Platanista indi*
African wild dog, *Lycaon pictus*
Giant panda, *Ailuropoda melanoleuca*
Pakistan sand cat, *Felis margarita scheffeli*

A brief description of these species and their problems is as follows:

Rodriguez flying fox fruit bat—This bat occurs only on Rodriguez Island in the Indian Ocean, where less than 2% of its original habitat remains. A large area of mixed natural vegetation is essential for these bats so that fruits ripening at all times are available for food; such mixed vegetation has largely been destroyed. In addition, cyclones periodically kill many of the animals, and the human population hunts them for food. In 1955, the bats were thought to exceed 1,000 but by 1965 less than half this number remained. In 1975, it was thought that no more than 80 survived and possibly only 60, but in May 1976, there were estimated to be 120–125 by direct count. The population is continuing to decline and the species may now be close to the lowest possible viable population size. (I.U.C.N. Red Data Book, 1976.)

Bulmer's flying fox fruit bat—This bat was first discovered among fossil remains dating back 9,000 to 12,000 years in Central Papua New Guinea (Menzies, 1977). Shortly thereafter, one living specimen was taken in 1975 in the Hindenberg Ranges of far western Papua New Guinea. It had been killed by a native hunter in a large cave at an altitude of 2,300 meters. In November 1977, an intensive effort was made to locate this species, but a local hunter had already killed or driven away nearly the entire colony from the cave in which it was originally found (Hyndman and Menzies, 1980).

Ghost bat—This bat occurs now only in northern Australia, where fewer than several thousand are thought to survive; it formerly also occurred in central and southwestern Australia. Populations have been destroyed, and continued to be destroyed, by open-cut limestone quarrying which eliminated roosting caves. In addition, vandalism is becoming increasingly a problem because tourism is on the rise, especially in areas where the bat is most abundant. (I.U.C.N. Red Data Book, 1978; Hamilton-Smith and Champion, 1976.)

Bumblebee bat—This bat has been found only at Sai Yoke, Kanchanaburi Province, Western Thailand. Roosting habitat consists of the hot upper chamber of caves in limestone hills. Foraging habitat is teak-bamboo forest where the bats feed around the tops of the dominant plants. This teak-bamboo forest has been highly affected by deforestation and teak logging above the sustainable rate. Vast areas of potential habitat have been lost, and loss of this habitat is probably a significant threat. (Bain and Humphrey, 1980.)

Singapore roundleaf horseshoe bat—This Malayan species has only been taken twice, once in Singapore in 1910, and the second time near Kuala Lumpur. It inhabits lowland peat forest which occur in Malaya only in small, isolated patches. In recent years, this habitat has been heavily logged which has reduced the already limited range of the bat considerably. The Kuala Lumpur specimen was taken as recent as 1975, the total population was estimated to be less than 50 animals. (I.U.C.N. Red Data Book, 1978; Medway, 1969; Gould, in press.)

Buff-headed marmoset—The species currently survives in reduced and fragmented populations in the Espiritu-Santo Range and possibly in northern Rio de Janeiro and Minas Gerais, Brazil; it was formerly much more widely distributed in the mountainous regions of southeastern Brazil. It is threatened by widespread habitat disruption and destruction, and has already disappeared from much of its former range. "Any commercial exploitation would be disastrous." Numbers of animals are unknow, but the distribution is "very small." (I.U.C.N. Red Data Book, 1978, 1981).

Preuss's red colobus—The species occurs only in the lowland evergreen forest of Cameroon. Its habitat of mature forest with emergent trees renders it particularly susceptible to logging activities. This species is still hunted for food. The range is very restricted and the animal only survives in the Korup Reserve and perhaps in the Ejhagam Reserve. In this area it is confined to a strip of forest approximately 60 km wide and 120 km long, along the Cameroon side of the Cameroon-Nigerian border. In historical times it probably ranged from the Cross to the Sanaga Rivers in Cameroon and southeast Nigeria, but it is now extinct in Nigeria and its range greatly reduced in Cameroon. It is estimated that fewer than 8,000 animals survive. The greatest threat is logging activity which results in fragmentation of the forest canopy. It also falls on easy prey to the hunter and is commonly taken for food. (I.U.C.N. Red Data Book, 1978; Wolfheim, 1974; Struhsaker, 1975.)

Vancouver Island marmot—This marmot occurs only on Vancouver Island, British Columbia, where active colonies are known from only four general locations. The total population is between 50 and 100 animals, an obvious decline in numbers from past populations. This species lives in alpine and sub-alpine areas characterized by steep slopes, talus debris and open meadow. Steep slopes are preferred because avalanches clear them of snow in the spring which provides early foraging. Avalanches also inhibit tree growth, and thus allow for preferred plants to grow. Ski developments have eliminated some suitable areas, and proposed developments will remove more. Logging may also have an adverse effect on habitat. Because of the restricted habitat for this species, any reduction must be viewed with alarm (Munro., 1979).

Indus River Dolphin—This cetacean is entirely fresh water in distribution, being found only in a section of the Indus River and some of its tributaries in northern India. Formerly it was known to have occurred in the Indus River and its tributaries from the foothills of the Himalayas to the sea. Threats to the species' survival include destruction of river habitat as increasing amounts of water are drawn out for irrigation purposes, and indiscriminate killing of dolphins for food purposes. Population estimates (1975) place the number of these dolphins at between 450 and 600, and indicate that the species is still declining (I.U.C.N. Red Data Book 1976; Kasuya and Nichiwaki, 1975.)

African wild dog—This species has been, and continues to be, widely persecuted as an unwanted predator. It formerly occurred in most of Africa south of the Sahara, but has been wiped out in South Africa (except in the vicinity of Kruger National Park), and has declined greatly in all other areas. Malcolm (1980) estimates that fewer than 7,000 individuals still survive in all Africa.

Giant panda—The giant panda occurs within a restricted range in the mountains of southwestern China (Szechwan, and extreme southern Kansu and Shensi Provinces). Formerly it was widely distributed over southern and eastern China, but massive habitat disruption eliminated the species from all but the most remote areas at a very early date in Chinese history. According to the New China News Agency (1980), recent threats to the continued survival of the species include the sudden dying out of arrow bamboo (the panda's main food) in recent years, and vulnerability of the pandas to earthquakes (138 died in earthquakes in 1975 and 1976). Arrow bamboo flowers but once in every 60 to 100 years after which it dies. Some years are required after the die-off for the seeds to take root and to produce plants which are sufficient to support the panda populations. Records indicate that a similar dying of the arrow bamboo occurred in the 1870's and 1880's but that pandas then could range more widely to find food than they can today, and hence were able to survive. The current concern is that the populations of pandas may have fallen

to such a low numerical level, and be so restricted in distribution, that the natural die-off of the bamboo may prove fatal to the survival of the panda. It is estimated today that, in all of China, fewer than 1,000 pandas survive. (I.U.C.N. Red Data Book, 1976; Chorn and Hoffman, 1978.)

Pakistan sand cat—This cat is confined to the Chagai area of northern Pakistani Balcuhistan. It apparently has always been rare, but declined drastically between 1968 and 1972 when it was relentlessly exploited for the live animal trade. Since that time, it has been extremely difficult to find in the wild. Although it is not protected from export in Pakistan, and is on Appendix II of the C.I.T.E.S., any sort of illegal trade in the species could prove fatal. Even given strict trade control, the small range of the animal and its rarity within that range make it highly vulnerable, particularly since there are no reserves or known breeding groups in captivity. (I.U.C.N. Red Data Book, 1978.)

Summary of Factors Affecting the Species

Section 4(a) of the Act (16 U.S.C. 1531 *et seq.*) states:

> General—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:
>
> (A) the present or threatened destruction, modification, or curtailment of its habitat or range;
>
> (B) overutilization for commercial, recreational, scientific, or educational purposes;
>
> (C) disease or predation;
>
> (D) the inadequacy of existing regulatory mechanisms; or
>
> (E) other natural or man-made factors affecting its continued existence.

The relationship of the 12 species herein proposed for Endangered status to the specific factors above are as follows:

Rodriguez flying fox fruit bat—(A) The habitat is restricted to the tiny island of Rodriguez in the Indian Ocean, and less than 2% of the original habitat of the bat remains on this island; (B), (C) not applicable; (D) there are no regulatory mechanisms known to the Service which operate to the benefit of this species; (E) the bat is widely hunted by the native islanders for food purposes.

Bulmer's flying fox fruit bat—(A), (B), (C), (D) not applicable; (E) fruit bats are esteemed as food in the area of Papua New Guinea where this bat occurs, and it is probable that hunting it for food has wiped out this species except in the remotest and most sparsely inhabited area in the western part of the island.

Bumblebee bat—(A) The teak-bamboo forests inhabited by this bat have been heavily logged, and vast areas of potential habitat have been destroyed; (B), (C), (D), (E) not applicable.

Ghost bat—(A) This bat has been reduced in numbers through destruction of habitat in connection with open-cut limestone mining operations; (B), (C), (D) not applicable; (E) vandalism of roosting caves is becoming increasingly a problem.

Singapore roundleaf horseshoe bat—(A) The very limited, patchy habitat has been heavily timbered in recent years to the extreme detriment of the bat; (B) (C), (D), (E) not applicable.

Buff-headed marmoset—(A) Habitat destruction has been very widespread over the restricted range of this animal; (B), (C) not applicable; (D) before the enactment of protective laws, this marmoset, along with numerous other primate species, was exploited for the bio-medical and pet trade which resulted in reduced biological potential for the species' survival; (E) not applicable.

Preuss's red colobus—(A) Logging activities within its very restricted range have reduced available habitat drastically; (B), (C), (D) not applicable; (E) the species is widely hunted for food by native peoples.

Vancouver island marmot—(A) Ski and other recreation developments have destroyed, and will continue to destroy essential habitat; logging is also destroying habitat; (B), (C), (D) and (E) not applicable.

African wild dog—(A), (B), (C) not applicable; (D), (E) this species is widely regarded as an unwanted predator and is trapped, poisoned, or otherwise killed throughout its range * * * there are no existing regulatory mechanisms to protect it, except in the wildlife parks and reserves.

Indus River dolphin—(A) Increasing amounts of water are being drawn out of the river system for irrigation purposes where the dolphin occurs, thus reducing the amount of available habitat; (B), (C), (D) not applicable; (E) the dolphins are still widely exploited by native peoples for food purposes.

Giant panda—(A) Habitat disruption over the centuries has reduced this species' range to isolated, mountainous areas; (B), (C), (D) not applicable; (E) the species is, because of its now restricted range, highly vulnerable to such natural calamities as die-off of its preferred food (arrow bamboo), and earthquakes.

Pakistan sand cat—(A) not applicable; (B) this cat was heavily exploited by commercial animal dealers from 1967 to 1972 for the pet trade (although this trade has now been controlled, the cat has apparently not been able to recover from the overexploitation); (C), (D), (E) not applicable.

Effects of the Proposal if Published as a Final Rule

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50, and are summarized below.

With respect to the 12 species of mammals in this proposed rule, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce.

Purpose of the Listing

The Service feels that the listing of these 12 species as Endangered pursuant to the Act will aid in their conservation in the following ways:

(1) It will draw the world's attention (including that of the resident countries) to the plight of these animals, and encourage these countries to take all possible measures to assure their conservation and proper management.

(2) It will assure that the United States does not contribute to their decline by providing any sort of commercial market for these animals.

(3) It will enable the United States to make U.S. expertise available, upon request, to assist in developing conservation and management programs for these species.

(4) It can, under certain circumstances, make U.S. funds available to assist in conservation and management efforts pertaining to these species.

Any one of these factors might prove of significance in insuring the survival of any of the 12 species involved in the proposal.

Information Requested

The Service is requesting information on impacts that might result from the listing of these 12 foreign mammals as Endangered, and information on possible alternatives to the listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, and

in preparing any required analyses of effect.

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Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of these Endangered species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species and;

2. Additional information concerning the range and distribution of the species.

The Endangered Species Act Amendments of 1982 have provisions for a Public hearing if requested, in writing, within 45 days of the date of this proposal. Requests should be addressed to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, implemented at 40 CFR 1500–1508.

Author

The primary author of this proposed rule is John L. Paradiso, Office of Endangered Species (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife. Fish, Marine mammals, Plants (agriculture).

PART 17—[AMENDED]

Accordingly, 50 CFR 17.11(h) is amended as follows:

1. By adding the Rodriguez flying fox fruit bat, Bulmer's flying fox fruit bat, ghost bat, bumblebee bat, Singapore roundleaf horseshoe bat, buff-headed marmoset, Preuss's red colobus, Vancouver Island marmot, Indus River dolphin, African wild dog, giant panda, and Pakistan sand cat to the list alphabetically, under "Mammals" as indicated below:

§ 17.11 Endangered and threatened wildlife

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Bat, Bulmer's flying fox fruit.	*Aproteles bulmerae.*	New Guinea	Entire	E		N/A	N/A.
Bat, Rodriguez flying fox fruit.	*Petropus rodricensis.*	Rodriguze Island Indian Ocean.	do	E		N/A	N/A.
Bat, bumblebee	*Craseonycteris thonglongyai.*	Thailand	do	E		N/A	N/A.
Bat, Ghost	*Macroderma gigas.*	Australia	do	E		N/A	N/A.
Bat, Singapore roundleaf horseshoe.	*Hipposideros ridleyi.*	Malysia	do	E		N/A	N/A
Cat, Pakistan sand.	*Felis margarita scheffeli.*	Pakistan	do	E		N/A	N/A
Colobus, Preuss's red.	*Colobus badius preussi.*	Cameroon	do	E		N/A	N/A.
Dog, African wild	*Lycaon pictus*	Sub-Saharan Africa	do	E		N/A	N/A.
Dolphin, Indus River.	*Platanista indi*	India	do	E		N/A	N/A.
Marmoset, buff-headed.	*Callithrix flaviceps*	Brazil	do	E		N/A	N/A.
Marmot, Vancouver Island.	*Marmota vancouverensis.*	Canada (Vancouver Island.	do	E		N/A	N/A.
Panda, giant	*Ailuropoda melanoleuca.*	People's Republic of China.	do	E		N/A	N/A

Dated: February 1, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-4875 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 41
Tuesday, March 1, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Members of Performance Review Boards

February 23, 1983.

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: This document amends the list of Performance Review Board members published October 6, 1982, 47 FR 44127, as amended November 26, 1982, 47 FR 53430.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal, and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250 (202/447–2830).

The membership of the Department of Agriculture's Performance Review Boards is amended by adding the name of James H. Johnson.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83–610 Filed 2–28–83; 8:45 am]
BILLING CODE 3410–01–M

Federal Grain Inspection Service

Renewals of Designation of Evansville Grain Inspection (IN), Quincy Grain Inspection and Weighing Service (IL), and Winchester Grain Inspection (IN)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewals of designation of the Evansville Grain Inspection (Evansville), Quincy Grain Inspection and Weighing Service (Quincy), and Winchester Grain Inspection (Winchester), as offical agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act).

EFFECTIVE DATE: April 1, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The October 1, 1982, issue of the **Federal Register** (47 FR 43537) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Evansville's, Quincy's, and Winchester's designations would terminate on March 31, 1983, and requesting applications for designation as the agency to provide official services within each specified assigned area. Applications were to be postmarked by November 1, 1982.

FGIS announced the names of the applicants for designation for each agency and requested comments on them in the December 1, 1982, issue of the **Federal Register** (47 FR 54128). Comments were to be postmarked by January 17, 1983.

There were two applicants for the designation in the Evansville, Indiana, area. Evansville Grain Inspection applied for the entire area, and Southern Illinois Grain Inspection Service, Inc., applied for a portion of the area. Four comments were received regarding the designation of an official agency. Each recommended Evansville's designation renewal based on the quality of service they had received from Evansville.

After considering all available information in relation to the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Evansville is better able to provide official services in the geographic area for which it is being selected, and its designation is being renewed. The assigned area is the entire geographic area, as described in the October 1 issue of the **Federal Register.**

No comments were received regarding Quincy's designation renewal; one favorable comment was received regarding Winchester's designation renewal. Both agencies were the only applicants for each respective designation.

After considering all available information in relation to the designation criteria in Section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Quincy and Winchester are able to provide official services in the geographic area for which their designations are being renewed. Each assigned area is the entire geographic area, as described in the October 1 issue of the **Federal Register.**

Effective April 1, 1983, and terminating March 31, 1986, the responsibility for providing official inspection services in each geographic area, as specified above, will be assigned to Evansville, Quincy, and Winchester, respectively.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors are located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area.

Evansville Grain Inspection has recently informed FGIS that it has changed its name to Ohio Valley Grain Inspection and has also changed its address as indicated below.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons may also obtain a list of the specified service points by contacting the agencies at the following addresses:

Ohio Valley Grain Inspection, P.O. Box 601, South Plaza, Newburgh, IN 47630

Quincy Grain Inspection and Weighing Service, P.O. Box 755, Quincy, IL 62301

Winchester Grain Inspection, 107 N. Main Street, P.O. Box 386, Farmland, IN 47340

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: February 23, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–4954 Filed 2–28–83; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Applicant for Designation in the Area Currently Assigned to D. L. Boltenhouse Grain Inspection (OH)

AGENCY: Federal Grain Inspection Services, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for designation as the official agency in the area currently assigned to D. L. Boltenhouse Grain Inspection. The designation terminates June 30, 1983.

DATE: Comments to be postmarked on or before April 15, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Services, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The January 3, 1983, issue of the **Federal Register** (48 FR 45) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the area currently assigned to the official agency. Applications were to be postmarked by February 2, 1983.

D. L. Boltenhouse Grain Inspection (Boltenhouse), the only applicant, requested designation for all of the geographic area currently assigned to that agency. Boltenhouse applied for a renewal of designation for a 3–year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than April 15, 1983.

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register**, and the applicant will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Date: February 23, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–4955 Filed 2–28–83; 8:45 am]

BILLING CODE 3410–EN–M

Request for Applicants for Designation to Perform Official Services in the Geographic Areas Currently Assigned to William F. Christen Grain Inspection (IN), Fremont Grain Inspection Department, Inc. (NE), and Titus Grain Inspection, Inc. (IN)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures provided in the Act. This notice announces that the designations of three agencies will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, who are interested in being designated as official agencies to conduct official services in the geographic area currently assigned to each of the specified agencies. The official agencies are William F. Christen Grain Inspection, Fremont Grain Inspection Department, Inc., and Titus Grain Inspection, Inc.

DATE: Applications to be postmarked on or before March 31, 1983.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the Act (7 U.S.C. 71 *et seq.*, at 79(f)(1)) specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection services in an assigned geographic area.

William F. Christen Grain Inspection (Christen), P.O. Box 87, Decatur, Indiana 46733, was designated as an official agency under the Act for the performance of official inspection functions on October 20, 1978. Fremont Grain Inspection Department, Inc. (Fremont), 603 East Dodge Street, Fremont, Nebraska 68025, was designated as an official agency under the Act for the performance of official inspection functions on October 20, 1978. Titus Grain Inspection, Inc. (Titus), 1111 East 800 North, West Lafayette, Indiana 47906, was designated as an official agency under the Act for the performance of official inspection functions on August 31, 1978.

The agencies' designations will terminate on July 31, 1983. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed accordingly to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Christen, in Indiana, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Lagrange and Steuben County lines;

Bounded: on the East by the eastern Steuben, De Kalb, Allen, and Adams County lines;

Bounded: on the South by the southern Adams and Wells County lines; the eastern Grant County line south to State Route 18; State Route 18

west to State Route 221; State Route 221 north to Huntington County; the southern Huntington and Wabash County lines; and

Bounded: on the West by the western Wabash County line north to State Route 114; State 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

The geographic area presently assigned to Fremont, in Nebraska and Iowa, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

In Nebraska, the area is:

Bounded: on the North by U.S. Route 20 east to the Pierce County line; the eastern Pierce County line; the northern Wayne, Cuming, and Burt County lines east to the Missouri River;

Bounded: on the East by the Missouri River south-southwest to State Route 91; State Route 91 west to the Dodge County line; the eastern and southern Dodge County lines west of U.S. Route 77; U.S. Route 77 south to the Saunders County line;

Bounded: on the South by the southern Saunders, Butler, and Polk county lines; and

Bounded: on the West by the western Polk County line north to the Platte River; the Platte River northeast to the western Platte County line; the western and northern Platte County lines east to U.S. Route 81; U.S. Route 81 north to U.S. Route 20.

The area also includes the following Counties, in Iowa: Carroll (west of U.S. Route 71); Crawford; Harrison (east of State Route 183); and Shelby.

The following locations, outside of the foregoing contiguous geographic area, are presently assigned to Fremont and are part of the area that may be assigned to the applicant selected for designation:

1. Farmers Cooperative and Krumel Grain and Storage, Wahoo, Saunders County, Nebraska; and

2. Juergens Produce and Seed and Farmers Grain and Lumber Company, Carroll, Carroll County, Iowa.

Exceptions to the described geographic area are the following locations situated inside Fremont's area which have been and will continue to be serviced by the following official agencies:

1. Hastings Grain Inspection, Inc., to service Farmers Cooperative Grain Company and Wayner Mills, Inc., Columbus, Platte County, Nebraska;

2. Omaha Grain Inspection Service, Inc., to service Farmers Coop Business Association, Shelby, Polk County, Nebraska; and Farmers Coop Business Association, Rising City, Butler County, Nebraska; and

3. Sioux City Inspection & Weighing Agency, Inc., to service Charter Oak Grain & Seed and Delanty Grain Company, Charter Oak, Crawford County, Iowa.

The geographic area presently assigned to Titus, in Indiana, pursuant to Section 7(f)(2) of the Act, and which is the area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Pulaski County line;

Bounded: on the East by the eastern and southern Pulaski County lines; the eastern White County line; the eastern Carroll County line south to State Route 25; State Route 25 southwest to Tippecanoe County; the eastern Tippecanoe county line;

Bounded: on the South by the southern Tippecanoe County line; the eastern and southern Fountain County lines west to U.S. Route 41; and

Bounded: on the West by U.S. Route 41 north to the northern Benton County line; the northern Benton County line east to State Route 55; State Route 55 north to U.S. Route 24; U.S. Route 24 east to the White County line; the western White and Pulaski County lines.

The following locations, in Indiana, outside of the foregoing contiguous geographic area, are presently assigned to Titus and are part of the geographic area that may be assigned to the applicant selected for designation:

1. Boswell Grain Company, Boswell, Benton County;

2. The Andersons, Delphi, Carroll County;

3. Dunn Grain, Dunn, Benton County;

4. York Richland Grain Elevator, Inc., Earl Park, Benton County;

5. Buckeye Feed and Supply Company, Leiters Ford, Fulton County;

6. Cargill, Inc., Linden, Montgomery County; and

7. Raub Grain Company, Raub, Benton County.

Exceptions to the described geographic area are the following locations situated inside Titus' area which have been and will continue to be serviced by Schneider Inspection Service, Inc.: Central Soya and Farmers Grain, Winamac, Pulaski County, Indiana.

Interested parties, including Christen, Fremont, and Titus, are hereby given opportunity to apply for designation as the official agency to perform the official services in each geographic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in each specified geographic area are for the period beginning September 1, 1983, and terminating August 31, 1986. Parties wishing to apply for these designations should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later that March 31, 1983 to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official services in a geographic area, consideration will be given to applications submitted and other available information.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Date: February 23, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83-4858 Filed 2-28-83; 8:45 am]

BILLING CODE 3410-EN-M

Official Inspection Service in the South Texas Area

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces that no official agency will be designated to provide official inspection services in the South Texas area under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act). The Federal Grain Inspection Service (FGIS) will continue to provide these services within the specified geographic area.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The October 1, 1982, issue of the **Federal Register** (47 FR 43538) contained a notice from FGIS requesting applications for designation as the agency to provide official inspection services within a specified geographic

area in South Texas. Applications were to be postmarked by November 1, 1982.

FGIS announced the name of the only qualified applicant, Mr. William R. Hardin, who proposed to establish a new agency and requested comments on this applicant in the December 1, 1982, issue of the Federal Register (47 FR 54130). Comments were to be postmarked by January 3, 1983. We received one comment favoring the designation of an official agency and recommending Mr. Hardin. However, Mr. Hardin has withdrawn his application from consideration.

FGIS will continue to be responsible for providing official inspection services in the geographic area, as specified above. Interested persons may contact FGIS at the following address to obtain these services: USDA/FGIS, 8th and Dallas Streets, Portland, TX 78374, (512) 643–6587.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: February 23, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–4959 Filed 2–28–83; 8:45 am]

BILLING CODE 3410-EN-M

COMMISSION ON CIVIL RIGHTS

Connecticut Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00 pm and will end at 9:00 pm, on March 22, 1983, at the Connecticut Commission on Human Rights Building, 90 Washington Street, Hartford, Connecticut. The purpose of this meeting will be to discuss program activities for Fiscal Year 1983 which will include projects to study vocational education and block grants.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Judith H. Holmes, 24 Towne House Lane, Wethersfield, Connecticut 06109, (203) 247–9211 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–5175 Filed 2–28–83; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 7:00 pm and will end at 10:00 pm, on March 17, 1983, in Room 100 and 104, at the Center for Continuing Education, University of Notre Dame, South Bend, Indiana, 46556. The purpose of this meeting will be to discuss the status of the Block Grant New Approach project and review the Housing Discrimination Draft Statement.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Joseph J. Russell, 4165 Gran Haven Drive, Bloomington, Indiana, 47401, (812) 337–9632 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–5176 Filed 2–28–83; 8:45 am]

BILLING CODE 6335-01-M

Massachusetts Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Massachusetts Advisory Committee to the Commission will convene at 4:00p and will end at 6:00p, on March 30, 1983, at the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110. The purpose of this meeting will be to continue the discussions of the Successful Affirmative Action, the Sexual Harassment, and the State of Civil Rights Law Enforcement projects.

Persons desiring additional information or planning a presentation, should contact the Chairperson, Bradford E. Brown, 17 Roberta Jean Circle, Post Office Box 95, East Falmouth, Massachusetts 02536, (617) 548–5123 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 23, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–5174 Filed 2–28–83; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30p and will end at 9:30p, on March 30, 1983, at the Carpenter Center, 323 Franklin Street, Manchester, New Hampshire. The purpose of this meeting will be to discuss the follow up to the Committee's report: *Short Changing the Language Minority Student: Evaluation of the Manchester, New Hampshire Title VI Civil Rights Compliance Plan.*

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire, 03748, (603) 523–4880 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 24, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83–5173 Filed 2–28–83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis
Title: Defense RDT&E Price Index Data Requirements
Form number: OMB—0608–0033
Type of request: Extension
Burden: 25 respondents; 800 reporting hours

Needs and uses: Data are needed to develop deflators for defense purchases of contractual research, development, test and evaluation (RDT&E). Resulting deflators are used in the National Income and Product Accounts and in analysis of RDT&E costs relative to costs of other defense purchases.
Affected public: Private contractors performing RDT&E for the Department of Defense
Frequency: Quarterly
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814
Agency: Economic Development Administration (EDA)
Title: Employment Data of Recipient or Other Party Connected with EDA Assistance
Form number: Agency—ED–525; OMB—0610–0021
Type of request: Reinstatement
Burden: 150 respondents; 1,200 reporting hours
Needs and uses: Data collected is used to evaluate personnel and employment procedures to determine whether employers are in compliance with civil rights laws and regulations.
Affected public: Usually organizations with at least 50 employees
Frequency: Nonrecurring
Respondent's obligation: Mandatory
OMB desk officer: Timothy Sprehe, 395–4814

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Department Clearance Officer.

[FR Doc. 83-5131 Filed 2-28-83; 8:45 am]
BILLING CODE 3510-CW-M

International Trade Administration

Advisory Committees; Renewal

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of renewal.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976)), and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Importers and Retailers', Management-Labor, and Exporters' Textile Advisory Committees are in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

Importers and Retailers' Textile Advisory Committee

The Importers and Retailers' Textile Advisory Committee was established by the Secretary of Commerce on August 13, 1963. Its purpose was, and continues to be, to advise Department officials on the effects on import markets and retailing of cotton, wool, and man-made fiber textile agreements.

The Committee will have balanced representation of not more than 25 members, appointed by the Secretary of Commerce, who are directly involved in importing and for retailing imported textile and apparel products, or who represent consumer or public interest groups.

Management-Labor Textile Advisory Committee

The Management-Labor Textile Advisory Committee was initially established by the Secretary of Commerce on October 18, 1961, pursuant to a Presidential directive of October 18, 1961, to advise Department officials on problems and conditions in the textile and apparel industry. The Committee furnishes information on world trade in textiles and apparel to officials in the Department of Commerce and to the Committee for the Implementation of Textile Agreements, the Textile Trade Policy Group, U.S. representatives to the General Agreement on Tariffs and Trade, and U.S. negotiators of textile agreements.

The Committee will have balanced representation of approximately 40 members, appointed by the Secretary of Commerce, who are associated with the domestic textile and apparel industry, labor unions, and consumer or public interest groups.

Exporters' Textile Advisory Committee

The Exporters' Textile Advisory Committee was established by the Secretary of Commerce on March 24, 1966, to advise Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee will have balanced representation of approximately 30 members, appointed by the Secretary of Commerce, who are associated with the textile and apparel exporting industry and consumer or public interest groups.

The Committees will continue to function solely as advisory bodies and in compliance with the provisions of the Federal Advisory Committee Act. The Office of Textiles and Apparel in the International Trade Administration provides staff support.

Copies of the Committees' revised charters will be filed with appropriate committees of the Congress, and copies will be forwarded to the Library of Congress.

EFFECTIVE DATE: January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Committee Control Officer, Judith McConahy, Office of Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Room 3100, Washington, D.C. 20230, telephone: (202) 377–4212 or Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce (202) 377–4217.

Dated: February 23, 1983.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 83-5130 Filed 2-28-83; 8:45 am]
BILLING CODE 3510-CW-M

Certain Steel Pipes and Tubes From Japan; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping Duty Order—Certain Steel Pipes and Tubes from Japan.

SUMMARY: In separate investigations, the U.S. Department of Commerce (the Department) and the U.S. International Trade Commission (ITC) have determined that certain steel pipes and tubes from Japan are being sold at less than fair value and that these sales are materially injuring a U.S. industry. Therefore, all unliquidated entries, or warehouse withdrawals, for consumption of this merchandise made on or after August 25, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Stuart Keitz, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, D.C. 20230, telephone (202) 377–1769.

SUPPLEMENTARY INFORMATION: For the purposes of this investigation, the term "certain steel pipes and tubes" covers seamless heat-resisting pipes and tubes and seamless stainless pipes and tubes. The products are fully described in Appendix A which follows this notice.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on August 25, 1982, the Department preliminarily determined that there was reason to believe or suspect that certain steel pipes and tubes from Japan were being sold at less than fair value (47 FR 37263). On January 11, 1983 the Department made its final determination that imports of this merchandise, except for seamless heat-resisting pipes and tubes manufactured by Nippon Kokan K.K., and seamless stainless pipes and tubes manufactured by Kobe Steel, Ltd. and Sanyo Special Steel, Ltd., were being sold at less than fair value (48 FR 1206).

On February 15, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673d(b)), the ITC determined and notified the Department that such importations are materially injuring a U.S. industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs U.S. Customs officers to assess antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the U.S. price for all entries of certain steel pipes and tubes from Japan except for seamless heat-resisting pipes and tubes manufactured by Nippon Kokan K.K. and seamless stainless pipes and tubes manufactured by Kobe Steel, Ltd. and Sanyo Special Steel, Ltd. These antidumping duties will be assessed on all of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 25, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, and all future entries of said merchandise.

On or after the date of publication of this notice, U.S. Customs officers must require, at the same time that importers deposit their estimated normal customs duties on the merchandise, an additional cash deposit of estimated antidumping duties equal to the following rates:

Seamless heat-resisting pipes and tubes—2.83%.

Seamless stainless pipe and tubes—22.95%.

The U.S. Customs service will also take appropriate measures to ensure that the exclusion of oil country tubular goods is properly monitored.

This determination consititutes an antidumping duty order with respect to certain steel pipes and tubes from Japan, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of publication of this order, as provided in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Dated: February 23, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

Appendix A

The merchandise covered by this investigation includes the following two categories of products:

1. Seamless heat-resisting pipes and tubes classifiable under item numbers 610.5206, 610.5208, 610.5229, and 610.5234 of the Tariff Schedules of the United States Annotated (TSUSA).

2. Seamless stainless pipes and tubes classifiable under item numbers 610.5205, 610.5229 and 610.5230 of the TSUSA.

The products exclude, however, oil country tubular goods of seamless heat-resisting or seamless stainless steel suitable for use as oil or gas well casing or tubing, oil or gas field drill pipe or oil or gas line pipe, and having a tensile strength of at least 95,000 pounds per square inch (psi) and a yield strength of at least 75,000 psi.

The products are generally used in the chemical, petrochemical and oil refining industries and by electric utilities for conveyance of gases and liquids at high pressures and/or at high temperatures in heat exchangers, boilers and other industrial equipment. Additional uses may also include mechanical applications such as structurals and bicycle wheel spokes.

[FR Doc. 83–5134 Filed 2–28–83; 8:45 am]

BILLING CODE 3510–25–M

Industrial Nitrocellulose From France; Antidumping Investigation; Extension of Period for Final Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Extension of Period for Final Determination.

SUMMARY: The Department of Commerce hereby extends the period for determination with respect to its antidumping investigation of industrial nitrocellulose from France. The final determination will be made no later than May 9, 1983.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Betty H. Laxague or Stuart Keitz, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, Telephone (202) 377–3601/1769.

SUPPLEMENTARY INFORMATION: On December 23, 1982, the Department of Commerce (the Department) determined preliminarily that industrial nitrocellulose from France was not being, or was not likely to be, sold at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). On January 17, 1983, counsel for the petitioner, Hercules Incorporated, requested that the Department extend the period for determination until 135 days after the date of the preliminary determination in accordance with section 735(a)(2)(b) of the Act.

We have determined that the additional time is needed in order that a proper analysis may be completed with regard to this investigation. Accordingly, the period for determination in this case is hereby extended. A final determination will be made not later than May 9, 1983.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, we will hold a public hearing to afford interested parties an opportunity to comment on the preliminary determination at 10:00 a.m. on March 23, 1983, at the United States Department of Commerce, Room 1851, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of publication of this notice. Requests should contain: (1) The party's name, address, and telephone

number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by March 16, 1983. Oral presentations will be limited to issues raised in the briefs.

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5133 Filed 2-28-83; 8:45 am]

BILLING CODE 3510-25-M

[A-588-045]

Steel Wire Rope From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 24, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on steel wire rope from Japan. The review covers 102 of the 110 known manufacturers, exporters, and third-country resellers of this merchandise to the United States and generally the period October 1, 1980 through September 30, 1981.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. With one exception, the final results of review are unchanged from those presented in the preliminary results of review. Based on our analysis, we have decided to defer publishing final results of review for shipments by Mitsui & Co., Ltd. to permit a possible re-investigation of its dumping margins.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Michael R. Cox or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1973, the Treasury Department published in the **Federal Register** (38 FR 28571) an antidumping finding with respect to steel wire rope from Japan. On November 24, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 53084-7) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. The steel wire rope covered is currently classifiable under items numbers 642.1200, 642.1400, 642.1500, 642.1600, and 642.1700 of the Tariff Schedules of the United States Annotated.

The review covers 101 of the 108 known Japanese firms and one of the two known third-country resellers engaged in the manufacture and/or exportation of Japanese steel wire rope to the United States. We will cover in a subsequent review six Japanese firms, Daiyu Kogyo Co., Ltd., Nakasuji Seikosho, Kiyohara & Co., Ltd., Nippo Wire & Rope Co., Ltd., Ui Steel Products Works Ltd., and Wire Shoji, and one Canadian reseller, Wesco Industires Ltd., all of which were only recently discovered to be exporting such merchandise to the U.S. In light of the recent guilty plea to customs fraud by Mitsui & Co. (U.S.A) Inc., wholly-owned subsidiary of Mitsui & Co., Ltd., we are also deferring publication of the final results of review for shipments by the manufacturer/exporter combination of Nippon Steel Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd. (representing all of Mitsui's shipments during the review period) in order to permit a possible re-investigation of its dumping margins.

For the majority of the firms covered, the period of review is October 1, 1980 through September 30, 1981. The applicable periods are indicated for each firm under the *Final Results of the Review.*

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, except for the deferral of Nippon Steel Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd., and we determine that the following weighted-average margins exist:

Manufacturer/exporter	Time period	Margin (per-cent)
Ace Industrial Co., Ltd.	10/01/80-9/30/81	[illegible]
Ako Rope, K.K.	10/01/80-9/30/81	[illegible]
Asahi Mini Rope Co., Ltd.	10/01/80-9/30/81	[illegible]
Chrysanthemum Nippon Wire Rope Co., Ltd./Izumi Trading Co., Ltd.	10/01/80-9/30/81	0
Chrysanthemum Nippon Wire Rope Co., Ltd./Kent-Moore Japan, Inc.	10/01/80-9/30/81	0
Chuo Seisakusho Ltd./ All Exporters.	10/01/80-9/30/81	[illegible]1.30
Daido Corp.	10/01/80-9/30/81	[illegible]5.66
Daisen Kogyo	10/01/80-9/30/81	[illegible]
Dawa Steel Co., Ltd. (also known as Dawa Kogyo K.K.).	10/01/80-9/30/81	[illegible]5.66
Dia Enterprises, Ltd.	10/01/80-9/30/81	[illegible]
J. Gerber & Co. (Japan)	10/01/80-9/30/81	[illegible]0
Godo Tessen Co., Ltd.	10/01/80-9/30/81	[illegible]
Hakko Sangyo Co., Ltd.	10/01/80-9/30/81	[illegible]0
Hannan Wire Rope Mfg. Co. Ltd./Far East Industrial Co., Ltd.	10/01/80-9/30/81	[illegible]
Hannan Wire, Rope Mfg. Co., Ltd./ Higashishiba & Co., Ltd.	10/01/80-9/30/81	[illegible]
Iba Steel Rope Mfg. Co., Ltd./Hori Trading Co., Ltd.	10/01/80-9/30/81	[illegible]
Igata Wire Rope Co., Ltd./Mitsui & Co., Ltd.	10/01/80-9/30/81	[illegible]3.81
Igata Wire Rope Co., Ltd./Kimura Shotan, Ltd. (formerly known as Osaka Ship Supplies Center).	10/01/80-9/30/81	[illegible]3.81
Ito-Ume & Co., Ltd.	10/01/80-9/30/81	[illegible]
Iwata Wire Rope Mfg. Co. Ltd./Mitsui & Co., Ltd.	10/01/80-9/30/81	[illegible].47
Japan Steel Wire Rope Co., Ltd./Kohshin Co., Ltd.	10/01/80-9/30/81	[illegible]
Kasuga Seiko Co., Ltd./Higashishiba & Co., Ltd.	10/01/80-9/30/81	[illegible]0
Kasuga Seiko Co., Ltd./Kohshin Co., Ltd.	10/01/80-9/30/81	[illegible]0
Kasuga Seiko Co., Ltd./Hiseho-Iwai	10/01/80-9/30/81	[illegible].12
Kasuga Seiko Co., Ltd./Sumitomo Corporation (also known as Sumitomo Shoji Kaisha Ltd.).	10/01/80-9/30/81	[illegible]
Kawashima Trading Co., Ltd.	10/01/80-9/30/81	[illegible]
Kawashima Wire Products Ltd./Mitsui & Co., Ltd.	10/01/80-9/30/81	[illegible]0
Kiku Steel & Wire Rope Co., Ltd./ Watanabe Trading Co., Ltd.	10/01/80-9/30/81	4.62
Kobayashi Metals Ltd.	10/01/80-9/30/81	[illegible]
Kokoku Steel Wire, Co., Ltd./Itotaka Int'l.	10/01/80-9/30/81	[illegible].31
Kokoku Steel Wire, Ltd./Kanematsu Gosho Ltd.	10/01/80-9/30/81	[illegible]0
Kokoku Steel Wire, Ltd./Kohshin Co., Ltd.	10/01/80-9/30/81	[illegible]
Kokoku Steel Wire, Ltd./Kongo Corp.	04/01/79-9/30/81	0
	10/01/80-9/30/81	[illegible]0
Kokoku Steel Wire, Ltd./Koyo Boeki Co., Ltd.	10/01/80-9/30/81	4.62
Kokoku Steel Wire, Ltd./Mitsui & Co., Ltd.	10/01/80-9/30/81	[illegible]2.55
Kokoku Steel Wire, Ltd./Nichimen Co., Ltd.	10/01/80-9/30/81	[illegible]

Manufacturer/exporter	Time period	Margin (percent)
Kokoku Steel Wire, Ltd./Nissho Iwai	10/01/80–9/30/81	4.62
Kokoku Steel Wire, Ltd./Shinko Shoji Kaisha Ltd. (also known as Shinsho Corp.).	10/01/80–9/30/81	[1]1.76
Kokoku Steel Wire, Ltd./Sumitomo Corporation (also known as Sumitomo Shoji Kaisha).	10/01/80–9/30/81	[1]0
Kokoku Steel Wire, Ltd./Yutoku & Co., Ltd.	10/01/80–9/30/81	4.62
Kondo Iron Works Co., Ltd.	10/01/80–9/30/81	19.68
Koshihara Iron Works Co., Ltd.	10/01/80–9/30/81	19.68
Kyosei Industry Co., Ltd.	10/01/80–9/30/81	[1]0
Kyowa Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Kyowa Wire Rope Mfg. Co., Ltd./S.M. Industries, Inc.	10/01/80–9/30/81	.00
Kyowa Wire Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	10/01/80–9/30/81	.23
Liberty Shokai, Ltd	10/01/80–9/30/81	[1]5.68
Maruka Machinery Co., Ltd.	10/01/80–9/30/81	[1]5.68
Marusen Wire Rope Mfg. Co., Ltd./S.M. Industries.	10/01/80–9/30/81	4.62
Marusen Wire Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	10/01/80–9/30/81	.92
Meiji Seiko Co., Ltd. (also known as Meiji Steel Wire & Rope Co., Ltd.)/Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Millwire Industries Co., Ltd./F.A. Industries Corp.	10/01/80–9/30/81	4.62
Millwire Industries Co., Ltd./K. Onishi & Co., Ltd.	10/01/80–9/30/81	4.62
Misawa Trading Co., Ltd. (also known as Misawa Kosan Kaisha, Ltd.)/S.M. Industries, Inc.	10/01/80–9/30/81	[1]0
Naigai Rope Mfg. Co., Ltd./Mitani Kogyo Co.	10/01/80–9/30/81	[1]0
Naniwa Wire Rope Mfg. Co., Ltd./Higashishiba & Co., Ltd.	10/01/80–9/30/81	[1]2.55
Naniwa Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Naniwa Wire Rope Mfg. Co., Ltd./all exporters other than Mitsui or Higashishiba.	10/01/80–9/30/81	4.62
Nankai Seisaku Steel Wire & Rope Co., Ltd./Sumitomo Shoji Kaisha (also known as Sumitomo Corp.).	10/01/80–9/30/81	[1]0
Nenri Trading Co., Ltd	10/01/80–9/30/81	[1]5.68
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./Kin-yo Co., Ltd.	10/01/80–9/30/81	[1]0
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./S.M. Industries.	10/01/80–9/30/81	4.62
Nihon (or Nippon) Miniature Rope Mfg. Co., Ltd./Yutoku & Co., Ltd.	10/01/80–9/30/81	[1]0
Kikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./Daimyo Bussan Co., Ltd.	10/01/80–9/30/81	4.62
Kikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./The F.A. Industries Corp.	10/01/80–9/30/81	4.62
Kikko (Seiko) Steel Wire Rope Mfg. Co., Ltd./Union Co., Ltd.	10/01/80–9/30/81	[1]0.68
Nishimura Wire Rope Mfg. Co., Ltd./Kin-yo Co., Ltd.	10/01/80–9/30/81	[1].35
Nishimura Wire Rope Mfg. Co., Ltd./K–M Int'l.	10/01/80–9/30/81	[1]0
Nishiya Wire Rope Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1].06
Nissei Sangyo Co., Ltd...	10/01/80–9/30/81	[1]5.68
Nisshi-Nippon Fujikura Co., Ltd.	10/01/80–9/30/81	[1]5.68
Nobuhara Mfg. & Supply Co.	10/01/80–9/30/81	[1]5.68
Ryoei Shoji Co., Ltd	10/01/80–9/30/81	[1]5.68
Sakai & Co., Ltd	10/01/80–9/30/81	[1]5.68
Sanwa Seiko Co., Ltd./S.M. Industries Inc.	10/01/8079–9/30/81	4.62
Sasaki Kogyo Yugen Kaisha	10/01/80–9/30/81	[1]0.68
Seiko Wire Rope Co., Ltd./Kin-yo Co., Ltd.	10/01/80–9/30/81	[1]0
Seiko Wire Rope Co., Ltd./Kohshin Co., Ltd.	10/01/80–9/30/81	[1]0.68
Seiko Wire Rope Co., Ltd./Koutoku Trading Co., Ltd.	10/01/80–9/30/81	4.62
Seiko Wire Rope Co., Ltd./Okura & Co., Ltd.	08/01/79–9/30/81	4.62
Seiko Wire Rope Co., Ltd./S.M. Industries, Inc.	10/01/80–9/30/81	4.62
Seo Hardware Corp	10/01/80–9/30/81	[1]0.68
Shibamoto & Co., Ltd	10/01/80–9/30/81	[1]5.68
Shimada & Co., Ltd	10/01/80–9/30/81	[1]5.68
Shinko Wire Co.,Ltd./Kanematsu-Goshs Ltd.	10/01/80–9/30/81	[1]0
Shinko Wire Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Shinko Wire Co., Ltd./Nissho-Iwai	10/01/80–9/30/81	[1]0
Shinko Wire Co., Ltd./Shinsho Corp.	10/01/80–9/30/81	0
Shinyo Ropes Co., Ltd./Higashishiba & Co., Ltd.	10/01/80–9/30/81	4.62
Shinyo Ropes Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Shinyo Ropes Co., Ltd./S.M. Industries.	10/01/80–9/30/81	4.62
Shinyo Ropes Co., Ltd./Yutoku & Co., Ltd..	10/01/80–9/30/81	[1]0
Showa Boeki Co., Ltd	10/01/80–9/30/81	[1]5.68
Sumiyoshi Kinzoku Kogyo.	10/01/80–9/30/81	[1]0.68
Taiho Seikosho Co., Ltd./Kin-yo Co., Ltd.	10/01/80–9/30/81	[1]0
Taisei Int'l. Corp	10/01/80–9/30/81	[1]5.68
Taiyo Seiki (Iron Works) Co., Ltd./Far East Industrial Co., Ltd.	10/01/80–9/30/81	5.68
Y. Takeuchi and Co	10/01/80–9/30/81	[1]5.68
Tanaka Metals Corp	10/01/80–9/30/81	[1]5.68
Teikoku Sangyo Co., Ltd./Sumitomo Corporation (Sumitomo Shoji Kaisha, Ltd.).	10/01/80–9/30/81	4.62
Teikoku Sangyo Co., Ltd./The Tosho Co., Ltd.	10/01/80–9/30/81	4.62
Teikoku Sangyo Co., Ltd./Mitsui & Co., Ltd.	10/01/80–9/30/81	[1]0
Teikoku Sangyo Co., Ltd./Mitsubishi Corp.	10/01/80–9/30/81	[1]0
Teikoku Sangyo Co., Ltd./Nissho Iwai	10/01/80–9/30/81	[1]1.09
Teikoku Sangyo Co., Ltd./Watanabe Trading Co., Ltd.	10/01/80–9/30/81	[1]0
Tokyo Rope Mfg. Co., Ltd./C. Itoh & Co., Ltd.	04/01/78–3/31/79	1.07
	04/01/79–9/30/80	2.21
	10/01/80–9/30/81	[1]2.21
Toyo Sangyo Co., Ltd	10/01/80–9/30/81	[1]5.68
Union Wire Rope Mfg. Co. Ltd./Sanyu Bussan Kaisha, Ltd.	10/01/80–9/30/81	4.62
Yamasho Co., Ltd	10/01/80–9/30/81	[1]0.68
Yuasa Trading Co., Ltd	10/01/80–9/30/81	[1]5.68

[1] No shipments during the period.

Mfr./Third-country reseller (country)	Time period	Margin (percent)
Daishin Shoji Co., Ltd./Vanguard Steel Ltd. (Canada).	10/01/80–9/30/81	4.40
Shinyo Ropes Co., Ltd./Vanguard Steel Ltd. (Canada).	10/01/80–9/30/81	[1]0

[1] No shipments during the period.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all appropriate entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based upon the most recent of the above margins shall be required on all shipments of Japanese steel wire rope from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Because the weighted-average margins for the manufacturer/exporter combinations of Iwata Wire Rope Mfg. Co., Ltd./Mitsui & Co., Ltd., Kasuga Seiko Co., Ltd./Nissho Iwai, Kokoku Steel Wire Co., Ltd./Itotaka International, Kyowa Wire Rope Mfg. Co., Ltd./S.M. Industries, Kyowa Wire Rope Mfg. Co., Ltd./Yutoku & Co., Ltd., Nishimura Wire Rope Mfg. Co., Ltd./Kin-yo Co., Ltd., and Nishiya Wire Rope Co., Ltd./Mitsui & Co., Ltd. are less than 0.5 percent and therefore *de minimis*, the Department waives the deposit requiremement for shipments from these firms. For any shipments from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for

responding firms with shipments during the review period, that is, 4.62 percent. These deposit requirements, and waivers of deposit, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of October 1983.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5128 Filed 2-28-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 21005-205]

Approval of Federal Information Processing Standard 98, Message Format for Computer Based Message Systems

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On February 13, 1981, notice was published in the **Federal Register** (46 FR 12223) of the availability of the draft specification for a planned standard on Message Format for Computer Based Message Systems. As a result of comments received, a revision was undertaken and published in the **Federal Register** on October 6, 1981 (46 FR 49168) that a standard for Message Format for Computer Based Message Systems was being proposed for Federal use. Interested parties were invited to submit written comments concerning the proposed standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved the standard as a FIPS, and that the standard shall be published as FIPS Publication 98.

This standard separates information so that a Computer Based Message System can locate and operate on that information (which is found in the fields of messages).

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice.

Interested parties may purchase either paper or microfiche copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement portion of the standard.

Persons desiring further information about this standard may contact Dr. John F. Heafner, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3537.

Dated: February 23, 1983.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 98 Announcing the Standard for Message Format for Computer Based Message Systems

(Date) ————————.

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Message Format for Computer Based Message Systems (FIPS PUB 98).

Category of Standard. Software Standard; Subcategory: Interchange Codes, Media and Data Files.

Explanation. This standard separates information so that a Computer Based Message System can locate and operate on that information (which is found in the fields of messages). This is the first of a family of standards which will ensure information interchange among Computer Based Message Systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. Not Applicable.

Related Documents.

a. American National Standard Code for Information Interchange (ASCII), X3.4-1977, FIPS PUBS 1-1.

b. American National Standard Code Extension Techniques for Use with the 7-bit Coded Character Set of American National Standard Code (ASCII) for Information Interchange, X3.41-1974, FIPS PUB 35.

c. National Bureau of Standards. *Calendar Date.* Federal Information Processing Standards Publication 4, U.S. Department of Commerce/National Bureau of Standards, November, 1968.

d. National Bureau of Standards. *Data Encryption Standard* Federal Information Processing Standards Publication 46, U.S. Department of Commerce/National Bureau of Standards, January, 1977.

e. National Bureau of Standards. *Representation of Local Time of the Day for Information Interchange.* Federal Information Processing Standards Publication 58, U.S. Department of Commerce/National Bureau of Standards, February, 1979.

f. National Bureau of Standards. *Representation of Universal Time, Local Time differentials, and United States Time Zone References for Information Interchange.* Federal Information Processing Standards Publication 59, U.S. Department of Commerce/National Bureau of Standards, February, 1979.

Applicability. This message format standard applies to Federal departments and agencies in their acquisition and use of computer-based message systems (CBMS) and services in networked systems, except for certain single-processor systems. Specifically, the standard does not apply to a CBMS if it is a stand-alone system which is not interconnected with any other CBMS; nevertheless, conformance with the standard is recommended under these circumstances particularly if there is a possibility that use of another central processing unit, or interconnection with another system, will be required in the future. Where a new CBMS node is incorporated into an existing network, the standard applies at the interface between CBMS's. In this instance, previously existing nodes may accommodate the standard either through retrofit or by the use of a translator. In addition, networks that are established strictly for the purpose of supporting research in computer science or

communications are exempt from complying with this standard.

Subcommittee TC97/SC16 of the International Organization for Standardization (ISO) has developed a reference model for describing communications between "open" systems. (ISO/TC97/SC16 DIS7498) This model is known as the ISO Reference Model for Open Systems Interconnection (OSI). It divides communications protocols into seven layers, ranging from physical interconnection at the lowest layer to data exchange by application programs at the top.

The NBS message format deals with data used by an application within a system; it is not a protocol. Messages defined by the NBS message format would be manipulated by a layer 7 (Application) protocol.

A message as referenced by the NBS message format is a unit of communication from an originator to a recipient, exclusive of any message heading or control information (often referred to as a message envelope). An originator and recipient are typically people but may be roles or processes. A role identifies a function within an organization as opposed to an individual who performs that function. A process refers to a computer process that might originate or receive a message.

Special Information. Certain characteristics distinguish a CBMS from other systems for sending messages. Originators and recipients may be terminal users or processes (discrete software). A system in which the originator addresses a particular terminal device rather than a particular recipient is not considered to be a CBMS. The recipient's system need not be available when the originator sends a message. The message can be stored in the originator's system or at an intermediate node in the network until the recipient's system becomes available. In addition, a CBMS offers both message creation and message processing facilities as part of the system. a CBMS offers text editing facilities to assit the user in the preparation of a message. The recipient CBMS stores the message until the recipient chooses to read it. Message systems which do not provide these minimum functions are not considered CBMS's.

The intent of the message format standard is to allow users of different computer based message systems to send messages to each other. The standard does not make demands on the message transfer system except that it transports messages transparently. The standard makes some simple demands on the CBMS. The CBMS must recognize fields within the message, process fields in predetermined ways, create messages in the correct form, and recognize and create data elements of messages in the correct format. The standard does not dictate or constrain the services that the CBMS provides for users, or the way that messages are stored, represented, manipulated, or presented to the user by the CBMS.

The standard does constrain the format of the message at the interface between systems. This guarantees that, whatever the source of the message, it arrives at the receiving system in the standard format. The message format standard separates information into fields so that the CBMS can locate and operate on that information. The message is converted from the format used within the originator's CBMS to the standard format (if different) on leaving the originator's CBMS. The message is converted from the standard format to the format used within the receipient's CBMS (if different) on entering the recipient's CBMS.

Specifications. Federal Information Processing Standard (FIPS), Message Format for Computer Based Message Systems (affixed).

Qualifications. None.

Implementation Schedule. All applicable equipment or services ordered on or after 24 months from the date of issuance of this FIPS PUB, and all CBMS development initiated inhouse on or after 12 months from the date of issuance of this FIPS PUB must be in conformance with this standard unless a waiver has been obtained in accordance with the procedure described below. An exception to this standard is made when procurement actions are into the solicitation phase on the date of issuance of this FIPS PUB.

Waivers. Heads of agencies may request that the requirements of this standard be waived in instances where it can be clearly demonstrated that there are appreciable performance or cost advantages to be gained and that the overall interests of the Federal Government are best served by granting the requested waiver. Such waiver requests will be reviewed by and are subject to the approval of the Secretary of Commerce. The waiver request must address the criteria stated above as the justification for the waiver.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a Request for a Waiver to a Federal Information Processing Standard. No agency shall take any action to deviate from the standard prior to the receipt of a waiver approval from the Secretary of Commerce. No agency shall begin any process of implementation or acquisition of non-conforming equipment unless it has already obtained such approval.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including technical specifications, may be purchased from the National Technical Information Serice (NTIS) by ordering Federal Information Processing Standard Publication (FIPS–PUB–98), Message Format for Computer Based Message Systems. Ordering information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, Virginia 22161, telephone number (703) 487–4650. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 83–5085 Filed 2–28–83; 8:45 am]

BILLING CODE 3510–CN–M

National Oceanic and Atmospheric Administration

Announcement of Proposed National Marine Sanctuary Program Site Evaluation List

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice.

SUMMARY: NOAA is proposing a list of sites (Site Evaluation List) that will provide the pool of areas from which NOAA will select sites to evaluate as candidates for national marine sanctuaries. NOAA is providing a 90-day comment period after which a final site evaluation list will be published.

DATE: Comments on the proposed Site Evaluation List will be accepted until May 31, 1983.

ADDRESS: Send comments to: Dr. Nancy Foster, Acting Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 634–4236.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Lindelof, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW., Washington, D.C. 20235, (202) 634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the continental shelf as marine sanctuaries to preserve or restore their distinctive conservation, recreational, ecological, or aesthetic values. That authority is administered by the National Oceanic and Atmospheric Administration (NOAA) through the Office of Ocean and Coastal Resource Management (OCRM), Sanctuary Programs Division (SPD).

In regulations published on July 31, 1979 (44 FR 44831), NOAA established the List of Recommended Areas (LRA) as a means of eliminating clearly inappropriate proposals, advising the public at large of recommended sites, cataloging potentially significant marine sites, and soliciting information on those sites. The LRA, however, did not totally fulfill these purposes. Since the LRA Cite evaluation criteria were broad and

allowed marginally acceptable nominations to qualify for further consideration, the procedure resulted in unnecessary controversy over the National Marine Sanctuary Program (Program) as a whole. A great number of nominations were received, many of which were minimally acceptable, in some instances incorporating large areas of Outer Continental Shelf waters and encompassing thousands of square miles. This caused substantial confusion and concern over the status of sites on the LRA and the likelihood of further action. Even though the majority of the listed sites would never become active candidates, the LRA has often been perceived as the blueprint for the Program.

In January 1982, NOAA published a Program Development Plan (PDP) for the Program. The PDP describes the Program's mission and goals; site identification and selection criteria; and establishes a sanctuary nomination and designation process. On September 7, 1982, NOAA published proposed regulations for the continued operation of the Program (47 FR 39191). Pursuant to the PDP and the regulations, NOAA has developed a new Site Evaluation List (SEL) process.

SEL Process .

NOAA expects to publish final regulations in March 1983. To facilitate public discussion we are publishing at this time a list of potential SEL sites for public review. This list is based on the recommendations of Regional Resource Evaluation Teams. The teams recommended a total of 33 sites and from these NOAA is proposing 29. NOAA is providing a 90-day comment period on this proposed list. The original team recommendations and additional information on the sites may be obtained from NOAA.

After comments are obtained on the proposed list, NOAA will establish the final SEL list. Sites on the final list will be evaluated over a 5-year period to determine the feasibility of their becoming active candidates for designation as marine sanctuaries. The process for designating sanctuaries is described in the proposed regulations in 47 FR 39191.

Listed below, by region, are the sites that NOAA is proposing for the SEL.

Proposed Site Evaluation List

North Atlantic

Mid-Coastal Maine, Maine

This site covers an area of 430 mi^2 of coastal waters including both State and Federal waters. The site encompasses the mouths of three major estuaries and two bays. It contains intertidal, shallow, and deep water zones which vary greatly in bottoms type, wave exposure, and biological components. The three rivers are the Kennebec, Sheepscot, and the Damariscotta; the site includes the waters of Johns and Muscongus Bays, and Southport, Sequin, Damariscove, Fishermen's Inner Heron, Outer Heron, White, Squirrel, Georges, and Monhegan Islands. Three marine research and educational facilities are situated on land adjacent to the site; the Maine Department of Marine Resources laboratory, the Bigelow Laboratory for Ocean Sciences (both in Boothbay Harbor), and the University of Maine Darling Center in Walpole, ME.

Stellwagen Bank

This site is approximately 31.7 miles (50 km) by 19.1 miles (30.6 km) covering approximately 605 mi^2 (1,567 km^2). The site is entirely within Federal waters situated on submerged Steelwagen Bank which is 6.3 miles (10.2 km) north of Cape Cod, Massachusetts.

Scientific and educational interest has been drawn to Stellwagen Bank due to the recurring seasonal abundance of several cetacean species, including the largest high-latitude population of humpback whales in the contiguous United States. The biologically-productive waters of the Bank provide important feeding and nursery grounds for this and other cetaceans, including fin, minke, and northern right whales. There are at least seven cetacean species occurring at Stellwagen Bank.

Commercially valuable fishery resources are also found in the area, including mackeral, bluefin tuna, and blue fish. The Bank is extensively used by commercial and recreational fishermen, whalewatchers, and cargo vessels.

Smaller cetacean species include the Atlantic white-sided dolphin, the white-beaked dolphin, and the harbor porpoise. In additon to these frequently-observed cetacean species, killer whales and pilot whales have also been spotted.

Nantucket Sound/Shoals and Oceanographer Canyon

The proposed Nantucket Shelf site encompasses approximately 1,805 mi^2 (4,650 km^2) and represents a variety of habitats within the biogeographic transition zone between the northern Acadian and southern Virginian regions. Habitats included are open bay (Nantucket Sound), nearshore open ocean and shoals (Nantucket Shoals), and a shelf-edge submarine canyon (Oceanographer Canyon). The Nantucket Sound site is in Federal waters between Nantucket Island and Cape Cod, Massachusetts, and its boundaries are contiguous with the Massachusetts Ocean Sanctuaries. The Nantucket Shoals and Oceanographer Canyon sites lie wholly within Federal waters off the coast of Massachusetts.

a. *Nantucket Sound:* Located south of Cape Cod, the Sound is affected by the convergence of two major ocean currents, the Labrador Current and the Gulf Stream. The mixture of these systems contributes to the large diversity of species found here. The richness of this transition zone ecology enhances the stability of plant life and the productivity of the estuaries in bordering coastlands that provide habitats for the many species that use the proposed marine sanctuary areas as nursery and feeding grounds. More that 16 species of fish and shellfish are commercially harvested in the area. The most common species found are alewife, bluefish, cod, flounder, clams, whelks, scallops, and squid.

b. *Nantucket Shoals:* Nantucket Shoals are a series of shifting sand shoals, derived from glacially deposited sediments that have been winnowed by marine processes. Most of the shoals are found under water depths of only 25 feet (8 m). Between many of the shallow areas are channels extending 60–120 feet (18–36 m) deep. The site includes Great South Channel.

Fishes common to this area include bluefish, striped bass, pollock, little tuna, Atlantic cod, and mackerel. Clams, scallops, and quahogs are found in some of the shoal's areas. Sea ducks overwinter in this area, and humpback whales occasionally feed within the proposed site.

c. *Oceanographer Canyon:* Submarine canyons, in general, provide a heterogeneous environment characterized by a variety of substrate types, and because they act as conduits for the transport of material from the shelf to the abyss, filter feeding organisms are more common than those found on the shelf. Within Oceanographer Canyon, the concentrations of organisms per 100 m^2 shows peak values of 400–450 around depths of 1,300 feet (400 m) and 6,000 feet (1,800 m). Major faunal groups include corals (primarily alcyonarians), echinoderms, fish, and crustaceans (particularly shrimp).

Virginia/Assateague Island

The candidate site would cover approximately 1,200 mi^2 (3,100 km^2) and lies within both State (Virginia and Maryland) and Federal waters. The site would include the estuarine waters and wetlands adjacent to the barrier islands

and mainland along the Atlantic coast of Virginia and Maryland from the north end of Assateague Island southward to Fisherman's Island out to 10 miles (16 km) from shore.

Along the periphery of this area are extensive, immensely productive salt marshes dominated by *Spartina alterniflora*. Dozens of benthic species are found here including at least 18 species of decapods crustaceans. Crabs, oysters, and clams feed upon the vegetation and microorganisms within these waters. More than 96 species of fish inhabit or migrate through these waters. Seals and dolphins are occasionally reported in this area. The threatened Atlantic loggerhead and green turtles occur here. Tracts of widgeon and eelgrass cover bay bottoms, and scallops inhabit beds of seagrass. A great diversity of waterfowl and shorebirds, including both migratory and resident species, are abundant. Active breeding colonies of birds exist on islands surrounded by these estuarine waters. Eagles, ospreys, brants, peregrine falcons, and the endangered brown pelican utilize the habitat of the area.

South Atlantic Region

Ten Fathom Ledge—Big Rock

This site consists of two areas. The inner shelf site (Ten Fathom Ledge) is a 135 mi^2 rectangle with its center located about 17 miles south of Cape Lookout, NC. The outer shelf site, "Big Rock" is located on the shelf break about 36 miles offshore, and is a 36 square mile area. These are both hard-bottom areas, with high productivity and assemblages of tropical marine organisms at the northern extreme of their range. The inner site includes four popular recreational diving spots; one of which includes a World War II German submarine.

Port Royal Sound, South Carolina

The site lies entirely within State waters covering an area of approximately 54.6 mi^2 (140 km^2). Port Royal Sound is South Carolina's largest deepwater sound and largest high-salinity body of water. Freshwater influence is primarily from the Coosawatchie and Pocotaligo Rivers. The site is bordered in part by extensive tracts of highly productive marshlands which provide important nutrient input for the area's food web. Numerous shellfish including shrimp, oysters, crabs, and clams inhabit these waters. Many species, such as king and Spanish mackerel, found primarily in coastal ocean waters elsewhere, are common. The site is a habitat for the endangered bald eagle, brown pelican, and alligator. The threatened green turtle has been reported in the area and the loggerhead turtle nests on beaches in the vicinity, and endangered turtle species which are occasionally reported in the area include: leatherback, hawksbill, and Kemp's Ridley. Bottle-nosed dolphins are also common.

Florida Coral Grounds, Florida

This site consists of two areas off the coast of Florida. These two areas are the 4.5 mi^2 "worm," or "bathtub," reef at St. Lucie, FL, and 92 mi^2 of the *Oculina* Reefs located 17 miles off the Florida coast in 70 to 100 m of water. The *Oculina* Reefs are unusual formations of ivory tree coral that forms delicately branched structures of moderate to high relief. *Oculina varicosa* provides a substrae and protection for a diversity of marine macroinvertebrates. The *Oculina* Reefs are also important breeding grounds for commercially valuable populations of gag and scamp grouper, nursery grounds for juvenile snowy grouper; and feeding grounds for these and other fish including black sea bass, red grouper, amberjack, and red snapper. This shelfedge system may form part of the migration pathway for king mackerel. Large populations of the commercially important squid, *Illex oxygonius*, spawn on reefs and spiny tail stingray use the reef region for courtship and mating.

St. Lucie Nearshore Reefs are hard bottom nearshore reefs of moderate to-high relief, 1–15 feet (0.3–4.6 m), situated at a depth of 5–27 feet (1.5–8 m) adjacent to St. Lucie Inlet, south of Ft. Pierce, Florida. Hard corals such as the ivory tree coral (*Oculina varicosa*), soft corals, and tube-forming sabellariid worms form this barrier reef's ledges, 15 feet (4.6 m) arches, and spur-and-groove buttresses. St. Lucie reef represents the northern limit for several species of hard corals (*Diploria clirosa, Oculina diffusa*) and soft corals.

Caribbean Region

Cordillera Reefs, Puerto Rico

This site includes approximately 62 mi^2 (160 km^2) around the Cordillera Islands totally lying within the waters of the Commonwealth off the northeast coasts of Puerto Rico. The area contains extensive and well-developed coral formation and provides habitat for the endangered manatee (*Trichechus manatus*) and the hawksbill turtle (*Eretmochelys imbricata*).

Southeast St. Thomas, U.S. Virgin Islands

This site consists of 12.3 mi^2 (32 km^2) of Virgin Island's territorial waters immediately southeast of St. Thomas, Jersey and Cowpet Bays, and the waters surrounding Great and Little St. James, Dog, Buck and Capella Islands. The area encompassess diverse tropical marine ecosystems, important coral reefs, and transitional marine meadows of algae and turtle grass.

East End, St. Croix, U.S. Virgin Islands

The area of this site is approximately 40 mi^2 (102 km^2). The site is within territorial waters and is adjacent to the east end of St. Croix, including the waters east of Buck Island and the area of Lang Bank out to a 60 foot depth to Great Pond Bay on the south coast. The site consists of a rich diversity of tropical species and marine habitats, including corals, marine meadows and fish.

Gulf of Mexico Region

Big Bend Seagrass Beds, Florida

This site is composed of 100 mi^2 of seagrass beds in the "big bend" region of Florida. These beds extends up to 22 miles (35 km) offshore and are a vastly productive habitat supporting a rich diversity of marine organisms including the endangered manatee. The seagrass community greatly increases the surface area available for plants and animals and provides a suitable substrate for many organsims that would not be able to colonize bare sand. In this way, the seagrass beds sustain the growth and proliferation of vast numbers of marine invertebrates and algae which interact in a delicately balanced food web that supports several commercially important species such as oysters, scallops, blue crab, stone crab, shrimp, red drum, spotted sea trout, and mullet.

In addition to supporting a rich diversity of food organsims for commercially important indigenous and migratory speices of finfish, detrital material derived from the seagrass beds may also provide an important source of nutrition supporting the adjacent oyster reef communities.

Shoalwater Bay—Chandeleur Sound, Louisiana

This site includes approximately 80 mi^2 (207 km^2) of State waters, pristine, shallow-water seagrass beds and algae located upon a subsiding remnant of abandoned Mississippi River delta. Adjacent to the east of this site is the Breton National Wildlife Refuge.

Dense stands of manatee grass (*Syringodium*), turtle grass (*Thalassia*), shoalgrass (*Halodule*), and widgeon grass (*Ruppia*) provide shallow-water habitiat for numerous finfish and shellfish in the proposed sanatuary. All five species of marine turtles which inhabit the Gulf of Mexico historically have been known to forage and nest in this area. These are the loggerhead turtle (*Caretta caraetta*) and the threatened green turtle (*Chelonia mydas*), as well as three endangered turtles: hawksbill (*Eretmochelys imbricata*), Atlantic ridley (*Ledipochelys kempi*), and leatherback (*Dermochelys coriacea*).

The island shores adjoining the proposed site support black mangrove (*Avicennia germinans*) and intertidal marsh grass communities. Approximately 13,000 migratory waterfowl rely upon the shoals of this area for winter foraging.

Flower Garden Banks

This site is located 110 miles (160 km) offshore, consisting of east and west sections approximately 16 miles (25 km) apart and representing the northernmost coral reef community in the western Gulf of Mexico. The proposed borders of the sanctuary conform to the Bureau of Land Management "no activity zone" and encompass a total of 44 mi^2 (114 km^2). The area is a valuable representation of a tropical coral reef community dominated by hermatypic coral (*Montastra annualaris, M. Cavernosa, Porites astreoides*, and *Diploria strigosa*) and associated reef fishes and invertebrates.

Baffin Bay, Texas

At high tide, this site covers approximately 95 mi^2 (246 km^2), entirely within Texas State waters, and includes Baffin Bay, Laguan Salada, Cayo del Grullo, and Alazan Bay. Approximately 25 percent of the Bay system is composed of intertidal salt flat communities. The waters of the Bay are confluent with the upper Lagna Madre; however, the waters of the Bay system remain notably hypersaline.

The Baffin Bay complex occupies a former river valley, drowned as the sea level rose after the last ice age, 5,000–10,000 years ago. Depths throughout this area are shallow, averaging less than 9 feet (3 m). Extensive areas of soft black and grey mud, rich in hydrogen sulphide, cover the central bay bottoms. Isolated reef rocks and reef fields, composed of masses of calcareous tubes of living and dead serpulid worms, are scattered over the bay bottom, and are most notable across the mouths of Baffin Bay and Alazan Bay.

Eastern Pacific

Washington State Nearshore, Washington

This consists of waters around the San Juan Islands within Puget Sound. It encompasses approximately 250–275 mi^2 and is representative of rocky-shore, deep-water, and shallow-embayment habitats. The area contains mud and sand flats, sheltered bays, and marshes. Biotic zonation patterns typical of rocky shore habitats are clearly evident as the 12 foot (3.7 m) tidal range exposes a ruch diversity of marine flora and fauna. Rockweed and a variety of smaller green, red, and brown microalgae form the basis of the nearshore food web, and support vast populations of isopods, amphipods, hermit crabs, shrimp, barnacles, and other marine organisms associated with rocky shore habitats. Subtidally, rockfish, lingcod, cabezone, sculpins, and salmon abound in large numbers. The deeper waters serve as an important habitat for minke, gray, killer, and pilot whales, harbor and dall porpoises, harbor seals, stellar sea lions, and elephant seals. Bird nesting and feeding sites are interspersed throughout the San Juan Island complex, which supports the highest known concentration of nesting oystercatchers in the United States. Bald eagles are common and depend upon the marine environment for much of their food.

Western Washington Outer Coast, Washington

This site extends from Duntz Rock (north of Tatoosh Island on the northwestern tip of Washington State), 90 miles (145 km) southward along the coast to Point Grenville. The area lies within Washington State's jurisdiction. The inshore boundary would extend to mean high water; the offshore boundary is contiguous with the boundary established for the Washington Islands National Wildlife Refuge, 2–3 miles (3.2–4.8 km) offshore and would encompass approximately 230 mi^2. The area is representative of high wave-energy, rocky shore ecosystems, but is unique as a breeding and feeding ground for migratory marine birds, mammals, and fish. The area includes offshore kelp beds, numerous pocket beaches of fine or coarse-grained sands, and richly productive estuarine systems.

Heceta-Stonewall Banks of Oregon

This site is a hard-bottom bank which has an area of approximately 400 square miles (1,000 km^2) lying entirely within Federal waters. The outer boundary of the site lies along the 100-fathom depth contour. The surface waters of this area are highly productive, especially during the summer when northerly winds drive surface water offshore and nutrient-rich water upwells into the area. Bottom topography also causes turbulence bringing nutrient-rich waters to the surface. The Columbia River influences the area during the summer, adding nutrients which contribute to the high productivity.

The highly productive waters at this site provide a large food supply for fish populations. Abundant zooplankton thrive upon the phytoplankton blooms and, in turn, are eaten by other marine animals. The commercially important rockfish feed upon the euphausid shrimp, small fish, squid, and various zooplankton that inhabit this area. Fish caught in this area include: various rockfish, hake, lingcod, ocean perch, flounder, sole, halibut, mackerel, salmon, sablefish, skate, sculpin, and ratfish.

Morro Bay, California

Situated south of the city of Morro Bay in San Luis Opisbo County, this 2,000 acre embayment supports three habitats: coastal salt marsh, tidal mud flats, and deep-water channels. Morro Bay, within California State waters, is a heavily used fishing port and one of the largest bay wildlife habitats on California's coast. At low tide, 1,400 acres of mud flats are exposed, providing a vast feeding ground for over 250 species of birds and access to an extensive clam shellfishery resource. This is an important nesting area for egrets, herons, and the endangered American perigrine falcon. A portion of this site falls within a State park.

Tanner-Cortes Banks off California

This site consists of two neighboring rocky-bottom sites some 112 miles (180 km) west of San Diego, California. The composite area of these two sites is approximately 10 mi^2 extending down to the 200 feet (60 m) depth contour. The location of the banks in relation to oceanic currents results in a combination of both nearshore and offshore organisms. The underwater visibility is normally in excess of 10 feet (20 m). This area contains accessible, rare, relict lifeforms and newly-discovered species which have been the subject of scientific investigations. This area is important for maintenance of those species.

Western Pacific Region

Northern Marianas Islands

This site includes the waters out to 12 miles (20 km) from Uracus, Maug, Asuncion, Pagan, Guguan and Saigan Islands; and encompasses

approximately 700 mi². All of the islands are unpopulated and the area consists of a unique north-south orientation that presents a natural setting for biogeographical studies of marine organisms along a temperature gradient. Sea turtles (green and hawksbill), porpoises, whales (humpback and sperm) and marine birds are present in the area.

Southern Marianas Islands

This site consists of a variety of tropical marine habitats in selected sites off the islands of Saipan, Rota, and Tinian, as well as the waters surrounding Aquijan Islands and Naftan Rock. All sites extend from the high-water line to the 150 foot (46 m), depth contour. The site includes Tanapag Lagoon, the fringing reefs around Managaha Island, the barrier reef down to 150 feet (46 m), around the northern tip (Point Sabaneta), and south to Point Tanke. On Tinian Island, the patch reef just south of the harbor is proposed. On Rota, the fringing reefs and submarine terrace from West Dock south around Puntan Taipingot to East Dock as well as the south-eastern portion of Sosanjaya Bay are proposed. The proposed sites of Saipan, Rota, Tinian, and Aguijan include a wide variety of marine organisms found in various habitats, *i.e.*, lagoons, fringing reefs, barrier reefs, patch reefs, and wave-washed beaches. The lagoon around Managaha Island is unique in that few lagoons exist in the Mariana Islands. An assemblage of marine birds nest on Bird Island (Saipan) and Naftan Rock (off Aguijan). The northern portion of Tanapag Lagoon (Wing Beach) is a known nesting area for green turtles.

Cocos Lagoon, Guam

This site includes the Cocos barrier reefs, Cocos Lagoon, three islets (Cocos Island, Babe Island, and a third sandy island), and the coastal region lying between the mouth of Mamaon and Manell Channels. The triangular lagoon is enclosed by barrier reefs nearly 3 miles (5 km) long on the northwest side, 3.5 miles (5.6 km) long on the south side, and by 2.5 miles (4 km) of steep mountainous land and alluvial coastal lowland on the northeast side. The area of the barrier reefs and lagoon together is 3.9 mi² (10 km²).

The Cocos Lagoon site consists of various habitats and a unique community of marine organisms: (1) fringing reef flats and nearshore area, (2) barrier reef with its seaward slopes and lagonnal slopes, (3) deep channels with vertical and oblique sloping walls, (4) patch reefs, and (5) shallow lagoon floor.

Facpi Point to Fort Santo Angel, Guam

The proposed area includes the offshore waters to depths of 60 feet (18.3 m) from Facpi Point to Fort Santo Angel on the northern side of Umatac Bay. The total area of the site is approximately 2 mi² (5 km²). The shoreline consists of rocky volcanic headlands with steep volcanic shorelines and beaches at the heads of three bays: Sella Bay, Cetti Bay, and Fouha Bay. Low-lying narrow terraces of limestone border much of the shoreline. The bordering reef flat is a narrow intertidal reef. A wide variety of coral and fish are found in the area. Both the green and hawksbill turtles utilize the area. The coastline also contains seven prehistoric archaeological sites and five historic sites from the Spanish occupation.

Papaloloa Point, Ofu Island, American Samoa

The site extends from the southernmost tip of Ofu Island eastward to Asagatai Point. It encompasses approximately 3 miles (4.8 km) of shoreline and adjacent fringing reef down to a depth of 150 feet (45 m). Papalola Point is an excellent example of a fringing reef community and is typical of that found throughout the tropical insular South Pacific. Fishes, corals, and other invertebrates are highly diverse and abundant. The site is unique in that it is the only place in American Samoa where the blue coral, *Heliopora coerulea*, is known to occur.

Great Lakes Region

Cape Vincent (Lake Ontario), New York

This site encompasses 450 mi² (1,165 km²) situated in the northeastern corner of Lake Ontario, and is the gateway to New York State's Thousand Islands resort area and the St. Lawrence Seaway. The Cape Vincent area includes some of the most biologically rich and diverse habitats within the Great Lakes region and represents an environment critical to the life histories of many commerically and recreationally important fisheries of the Great Lakes.

The area contains major fish spawning habitats for 27 species of finfish. Alewives and rainbow smelt (important food fish for Lake Ontario's rapidly growing Pacific salmon fishery), as well as northern pike, bullhead, yellow perch, smallmouth bass, brown trout, and rainbow trout spawn in these bays.

Grenadier Island, Little Galloo Island, and Gull Island are important resting, feeding, and nesting habitats for more than 3,000 birds, representing 69 species of migrating and indigenous waterfowl. Loons, grebes, petrels, gulls, white pelicans, double-crested cormorants, great blue herons, egrets, bitterns, ibises, swans, geese, ducks, teals, widgeons, terns, sandpipers, as well as osprey, bald eagles, and peregrine falcons feed and nest within the boundaries of the area.

Western Lake Erie Islands Including Sandusky Bay, Ohio (Lake Erie)

This site encompasses approximately 440 mi² (1,140 km²) of Sandusky Bay, open Lake Erie waters, lake and bay bed, and wetlands, all within Ohio State jurisdiction. The Muddy Creek Bay wetland on the western end of Sandusky Bay is the most extensive wetland in Ohio along the Lake Erie coast. The site is utilized as a migration area by waterfowl, shorebirds, and passerine (perching) birds. Mallards, black ducks, and blue-winged teals breed in the marsh areas. The endangered bald eagle has historically nested in this area. Dense concentrations of great blue herons, great egrets, and black-crowned night herons nest within the West Sister Island U.S. Game Refuge. Cormorants, gulls, and various waterfowl breed on other islands. The rare or endangered common egret, least bittern, hooded merganser, king rail, and common tern are also found within the proposed site.

Ninety-five species of fish have been reported from this area. The area's dominant fish species which breed within these waters are: perch, bass, channel catfish, alewife, gizzard shad, carp, goldfish, freshwater drum, and emerald shiner.

The bottom-dwelling community is composed primarily of wide-spread and abundant chironomids and oligochaetes which are major food items for fish. Also distributed on and with the bottom are polychaete worms, caddisflies, coelenterates, flatworms, molluscs, amphipods, isopods, and other crustaceans. Two dozen species of freshwater mussel have been found on various substrates within the site.

Thunder Bay (Lake Huron), Michigan

This site includes Thunder Bay and vicinity (up to Middle Island) extending out to 83° W. Depths extend to over 300 feet (91 m) along the northeast section of the site. Altogether, the site has an area of approximately 400 mi² (1035 km²) and is entirely within Michigan State waters.

The underwater limestone sinkhole, the large concentration of historical shipwrecks, and the proximity of the Michigan Islands National Wildlife Refuge establish this area as a

particularly valuable historical, educational, and recreational resource.

There is a variety of biological niches in the Thunder Bay area. Marsh vegetation along the edges of the Michigan Islands provides a habitat and breeding area for thousands of colonial nesting birds such as ring-billed gulls, common terns, and herring gulls. Thunder Island alone hosts 11,000 breeding pairs of shorebirds. The area also serves as a habitat for 20 species of gamefish. Chinook salmon, rainbow trout, brown trout, splake, and steelhead are annually stocked by the Michigan Department of Natural Resources in the inland rivers that feed Thunder Bay.

Green Bay (Lake Michigan), Michigan and Wisconsin

The site covers an area of approximately 1,300 mi^2 (3,300 km^2) of Michigan and Wisconsin waters in Green Bay and part of Lake Michigan. The site consists of upper and lower units. The upper region is unpolluted and supports an existing (and potentially greater) fishery and important nursery and spawning grounds. The lower portion of the Bay is estuarine and contains warm water. Lower Green Bay is extremely polluted and highly eutrophic, although a concerted local, State, and Federal effort is continuing to improve water quality.

Over 37 species of fish spawn in the area. Salmon and lake trout are stocked by both State and Federal programs. A drastic depletion of certain fish populations occurred during recent times. Cisco are greatly reduced in number and the once common lake sturgeon is now endangered. Introduction of exotic species, such as German carp, alewife, ocean smelt, and sea lamprey, have markedly affected fish species composition in the area.

Bottom-dwelling tubificid worms and midge larvae, generally recognized as indicators of poor environmental quality, are abundant near the middle and south portions of the Bay. The pollution-intolerant "shrimp" *Pontoporeia affinis* inhabits the northern Bay bottom.

Lake Superior—Apostle Islands/Isle Royale, Wisconsin and Michigan

This site, composed of two important subunits, encompasses a total of 1,031 mi^2 of Wisconsin and Michigan waters situated in the western half of Lake Superior. One unit, roughly 375 mi^2 (970 km^2), lies adjacent to the Federally owned Apostle Islands National Lakeshore. The Boundaries of this park extend ¼ mile (0.4 km) into Lake Superior. The proposed site would include submerged lands beyond this boundary owned by the State of Wisconsin. The second unit consists of 656 mi^2 (1700 km^2) of Michigan State waters and submerged lands surrounding Isle Royale National Park to a depth of 600 feet (183 m). Eastward of Blake Point, the site boundary extends offshore Isle Royale a maximum distance of approximately 11.5 mi (18.5 km).

The waters surrounding the Apostle Islands and Isle Royale represent an important habitat, feeding, and breeding ground for commercially and recreationally important fish and wildlife. Twenty-one species of fish are known to spawn in these waters. Two unusual forms of lake trout (the Sicowet and the "humper") have been found to inhabit the deeper waters of the site. The pygmy whitefish is known to occur only in Lake Superior.

The waters in and around the islands in this region are used extensively as breeding, nursery, and feeding areas for more than 43 species of birds and ducks, including such fish-eating birds as the common loon, bald eagle, osprey, mergansers, and endangered double-crested cormorants which are making a comeback.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: February 24, 1983.

K. E. Taggart,

Acting Assistant Administrator for Ocean Services and Coastal Zone Managment.

[FR Doc. 83-5084 Filed 2-28-83; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Bacterial Diseases

Date of meeting: 17, 18 March 1983

Time and place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed agenda: This meeting will be open to the public from 0830 to 1015 hrs on 17 March for the administrative review and discussion of the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research.

Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1030–1630 hrs on 17 March and from 0900–1200 hrs on 18 March for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83-5077 Filed 2-28-83; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Publication of Sample Cases and Expected Parental Contributions Under National Direct Student Loan; College Work-Study; Supplemental Education Opportunity Grant Programs

Correction

In FR Doc. 83–2015 beginning on page 3401 in the issue of Tuesday, January 25, 1983, make the following correction.

On page 3402, third column, tenth line from the top, insert the following after "students" but before the period: "if the Secretary approves the system for dependent undergraduate students."

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gulf States Oil and Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Gulf States Oil & Refining Company and provides an opportunity for public comment on the

terms and conditions of the proposed Consent Order.

DATE: Comments by: 30 days from date of publication of this notice.

ADDRESS: Send comments to: James O. Neet, Jr., Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200–E, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200–E, Dallas, Texas 75247, 214/767–7404. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On February 1, 1983, the ERA executed a proposed Consent Order with Gulf States Oil & Refining Company at 2000 Smith Street, Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent order or issue the Consent Order as signed.

I. The Consent Order

Gulf States Oil & Refining Company (Gulf States), with its home office located in Houston, Texas, is a firm engaged in the production, refining, processing, reselling, and marketing of covered petroleum products as well as other petroleum related activities, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Gulf States' transactions involving petroleum products during the period August 19, 1973 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Gulf States entered into a Consent Order, the significant terms of which are as follows:

A. This Consent Order is intended by the signatories to settle the civil issues between DOE and the Consenting Firm relating to the Consenting Firm's compliance with the Federal petroleum price and allocation regulations during the period from August 19, 1973 through January 27, 1981.

B. ERA has conducted a thorough audit to determine Gulf States' compliance during the period covered by this Consent Order with the Federal petroleum price and allocation statutes, regulations and requirements. ERA and Gulf States disagree in several respects concerning the proper application of such Federal petroleum price and allocation statutues, regulations and requirements to Gulf States' activities during the settlement period. Gulf States and ERA each believes that its respective positions on the legal issues underlying such disagreements are meritorious. Neither Gulf States nor ERA disallows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, Gulf States maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by the company nor a finding by ERA of any violation by the company of any statute or regulation.

II. Payments

A. Disposition of Refunds.

Under this Consent Order, Gulf States will refund the sum of $700,000.00, which sum includes interest to the effective date of timely refund, to DOE for deposit in the U.S. Treasury as miscellaneous receipts. Payment is to be made commencing on the first day of the first quarter following the effective date of the Consent Order and if payment is not made within the specific period of time, Gulf States agrees to pay installment interest on the unpaid balance. Upon full satisfaction of the terms and conditions of this Consent Order by Gulf States, the DOE releases Gulf States from any civil claims that the DOE may have arising out of the matters covered by this Consent Order.

The foregoing provisions for payment of the refund amount were concurred in after ERA attempted to determine and identify injured parties. These attempts were unsuccessful due to the nature of the business transactions in which Gulf States was engaged during the settlement period. Gulf States' activities were of such a nature so as to make it impossible to identify specific parties who or which may have been injured.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Gulf States Oil & Refining Company Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on 30 days after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas, on the 1st day of February, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83–5147 Filed 2–28–83; 8:45 am]

BILLING CODE 6450–01–M

Lakeside Refining Co. and Crystal Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Lakeside Refining Company and Crystal Refining Company and all entities under common control (Lakeside/Crystal) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by March 31, 1983.

ADDRESS: Send comments to: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466.

FOR FURTHER INFORMATION CONTACT: David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466; telephone number (816) 374–2092. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On February 14, 1983, the ERA executed a proposed Consent Order with Lakeside Refining Company and Crystal Refining Company of Southfield, Michigan. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of

$500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the DOE has signed and tentatively accepted the proposed Consent Order, the DOE may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Lakeside Refining Company and Crystal Refining Company and all entities under common control is a firm, with its home office located in Southfield, Michigan and is engaged in the refining and marketing of crude oil and refined petroleum products and was subject to the Mandatory Petroleum Allocation and Price Regulations at 10 CFR Parts 210, 211, 212 during the period covered by the Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212 in connection with Lakeside/Crystal's transactions involving petroleum products during the period August 19, 1973 through January 27, 1981, the DOE and Lakeside/Crystal enter into a Consent Order, the significant terms of which are as follows.

A. The Consent Order encompasses all matters relating to Lakeside/Crystal's compliance with the federal petroleum price and allocation regulations administered by DOE and its predecessor agencies during the period from August 19, 1973 through January 27, 1981.

B. As a result of its audit, ERA raised certain issues with respect to Lakeside/Crystal's compliance with the federal petroleum price and allocation regulations. Lakeside/Crystal disputes ERA's allegations and maintains that it has correctly construed, and operated in accordance with, the regulations.

C. Execution of the Consent Order constitutes neither an admission by Lakeside/Crystal nor a finding by DOE of any violations by Lakeside/Crystal of any statute or regulation.

II. Refunds

To resolve the issues raised by ERA's audit of Lakeside/Crystal and to remedy any violations that may have occurred during the audit period, Lakeside/Crystal has agreed to remedies, described more fully below, totaling $675,000.

The $675,000 in remedies represent payment of $475,000 in full settlement of all DOE challenges to Lakeside/Crystal's prices to purchasers of refined petroleum products and payment of $200,000 in full settlement of all DOE challenges to the amount of Lakeside/Crystal's purchases and sales of crude oil entitlements. The $475,000 is to be refunded to purchasers identified in the Consent Order by credit memoranda and cash payment over three years, commencing within 30 days of the effective date of the Consent Order. The $200,000, plus installment interest, is to be paid in three annual installments to the DOE for deposit in a suitable account in order that the funds may be distributed by the DOE in a just and equitable manner in accordance with applicable laws and regulations.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above.

Comments should be identified on the outside of the envelope and on the document submitted with the designation "Comment on Lakeside/Crystal Refining Company Consent Order." The DOE will consider all comments it receives by 4:30 p.m., local time, on March 31, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedure in 10 CFR 205.9(f).

Issued in Kansas City, on the 14th day of February, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-5146 Filed 2-28-83; 8:45 am]

BILLING CODE 6450-01-M

NRG Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to NRG Oil Company, Sam R. Brock, and C. Kevin Moore, 450 East North Belt, Suite 222, Houston, Texas 77060. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62(c), and 205.202. The principal amount of the alleged violations for the period June through December 1980 is $1,019,022.92.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 10th day of February, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-5146 Filed 2-28-83; 8:45 am]

BILLING CODE 6450-01-M

RFB Petroleum, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to RFB Petroleum, Inc. at One Northpark East, Room 200, Dallas, Texas. This Proposed Remedial Order alleges pricing violations in the amount of $3,450,436.25 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subparts F and L during the time period June 1977 through December 1978.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 9th day of February, 1983.

Ben L. Lamos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-5145 Filed 2-28-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Federal Energy Regulatory Commission

[Volume 835]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
********** TEXAS RAILROAD COMMISSION **********						
-ADJ CO				RECEIVED:	01/27/83	JA: TX
8319868	F-02-062832	4202500000	108			JOHN SHAW #B-1
-AEC OIL & GAS				RECEIVED:	01/27/83	JA: TX
8319617	F-7B-062264	4242933318	102-2			F T C LAKE #2 RRCLS #18898
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	01/27/83	JA: TX
8319866	F-02-062834	4217500000	108			D M REED #2
-AMERIND OIL CO				RECEIVED:	01/27/83	JA: TX
8319846	F-08-062745	4200333334	103			UNIVERSITY #1
-AMIGO PETROLEUM INC				RECEIVED:	01/27/83	JA: TX
8319740	F-08-062504	4230130290	103			LINDLEY #1
-AMOCO PRODUCTION CO				RECEIVED:	01/27/83	JA: TX
8319607	F-08-062170	4213533981	103			FRANK COWDEN R/A "K" #21
8319660	F-8A-062354	4221933609	103			LEVELLAND UNIT #763
8319661	F-8A-062355	4221933610	103			LEVELLAND UNIT #764
8319662	F-08-062357	4200333315	103			MIDLAND FARMS UNIT #552
8319663	F-8A-062358	4250132289	103			WASSON D D C UNIT #533
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/27/83	JA: TX
8319653	F-8A-062345	4210730724	103			GUY PRICE TR "A" #10
8319651	F-8A-062343	4210730725	103			GUY PRICE TR "A" #8
8319652	F-8A-062344	4210730721	103			GUY PRICE TR "B" #3
8319605	F-04-062150	4213135768	107-TF			HAZELWOOD GAS UNIT #1
-ASTIN CORP				RECEIVED:	01/27/83	JA: TX
8319901	F-7B-062908	4225332261	103			DEAVERS #1 (18942)
-B & B FARM INDUSTRIES INC				RECEIVED:	01/27/83	JA: TX
8319599	F-10-062104	4248330936	102-4			JOHNNIE REED #2-2 (098730)
-BEN J TAYLOR				RECEIVED:	01/27/83	JA: TX
8319800	F-7B-062624	4236732361	103			LYNCH #3 RRC ID 102407
-BILL J GRAHAM				RECEIVED:	01/27/83	JA: TX
8319670	F-08-062379	4247500000	103			ROACH #1
8319671	F-08-062380	4247500000	103			ROACH #2
8319669	F-08-062378	4247500000	103			ROACH #3
-BIRD PRODUCTION CO				RECEIVED:	01/27/83	JA: TX
8319681	F-7B-062405	4244700000	102-4			BIRD #1-B
-BISON PETROLEUM CORP				RECEIVED:	01/27/83	JA: TX
8319761	F-10-062536	4219530618	103			JACKSON EVANS #1 RRC #04321
-BJB EXPLORATION CO				RECEIVED:	01/27/83	JA: TX
8319837	F-02-062710	4246900000	103			C REEVES #A-1
-BLUE RIDGE OIL & GAS EXPLOR INC				RECEIVED:	01/27/83	JA: TX
8319709	F-7C-062446	4210533558	103	107-TF		ADAMS #18
8319708	F-7C-062445	4210533865	103	107-TF		ADAMS #19
8319707	F-7C-062444	4210533555	103	107-TF		ADAMS #20

FIELD NAME	PROD	PURCHASER
SAN DOMINGO S (FRIO L	21.0	HOUSTON PIPE LINE
REID-MCLENNAN	300.0	PETROLEUM CORP OF
CABEZA CREEK S (SLICK	10.0	UNITED GAS PIPE L
GOLDSMITH N (SILURIAN	20.0	PHILLIPS PETROLEU
TUNSTILL EAST (DELAWA	24.0	PHILLIPS PETROLEU
COWDEN N (STRAWN)	1.3	WESTAR TRANSMISSI
LEVELLAND	0.5	AMOCO PRODUCTION
LEVELLAND	0.5	AMOCO PRODUCTION
MIDLAND FARMS	0.1	AMOCO PRODUCTION
WASSON	0.4	SHELL OIL CO
FORBES (GLORIETA)	7.0	
FORBES (GLORIETA)	8.7	
FORBES (GLORIETA)	5.5	
SEVEN SISTERS E (HOWE	1800.0	TEXAS EASTERN TRA
HOODLEKIRK (ELLENBURG	37.0	TEXAS UTILITIES F
ALLISON-BRITT (12350)	300.0	WESTAR TRANSMISSI
TOTO (BEND CONG'L LOW	75.0	
WARD SOUTH	12.7	WESTAR TRANSMISSI
WARD SOUTH	10.9	WESTAR TRANSMISSI
WARD SOUTH	10.9	WESTAR TRANSMISSI
HUSTON (CADDO)	12.0	HST GATHERING CO
HANSFORD (HEPLER)	32.0	PHILLIPS PETROLEU
COLOGNE (2800)	130.0	
ADAMS-BAGGETT RANCH (	22.8	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (	4.1	DETROIT-TEXAS GAS
ADAMS-BAGGETT RANCH (	27.6	DETROIT-TEXAS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319706	F-7C-062443	4210533866		103	107-TF	ADAMS #21	ADAMS-BAGGETT RANCH (	3.8	DETROIT-TEXAS GAS
8319711	F-7C-062448	4210533556		103	107-TF	ADAMS #22	ADAMS-BAGGETT RANCH (	36.0	DETROIT-TEXAS GAS
8319710	F-7C-062447	4210533557		103	107-TF	ADAMS #24	ADAMS-BAGGETT RANCH (	50.4	DETROIT-TEXAS GAS
8319712	F-7C-062449	4210533428		103	107-TF	BAGGETT #2	ADAMS-BAGGETT RANCH (	33.6	DETROIT-TEXAS GAS
-BURK ROYALTY CO				RECEIVED:	01/27/83	JA: TX			
8319592	F-09-062051	4248731583		103		DOCKERY #2	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319591	F-09-062050	4248731305		103		DOCKERY A #1	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319590	F-09-062049	4248731577		103		DOCKERY B #1	WILBARGER COUNTY REGU	23.7	KIBO COMPRESSOR C
8319589	F-09-062048	4248731244		103		DOCKERY WHITE UNIT	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319588	F-09-062047	4248731247		103		DUFFIE DOCKERY UNIT #1	WILBARGER COUNTY REGU	43.0	KIBO COMPRESSOR C
8319587	F-09-062046	4248731535		103		DUFFIE ESTATE #1	WILBARGER COUNTY REGU	36.5	KIBO COMPRESSOR C
8319586	F-09-062044	4248731598		103		HALL DUFFIE UNIT #2	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319584	F-09-062040	4248731576		103		LANCASTER #1	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319582	F-09-062038	4248731286		103		MCCRARY-JUDD #2	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319583	F-09-062039	4248731230		103		MCCRARY-JUDD UNIT #1	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319581	F-09-062036	4248731343		103		PEARSON #2	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319585	F-09-062041	4248731420		103		SAM JUDD #2	WILBARGER COUNTY REGU	0.4	KIBO COMPRESSOR C
8319580	F-09-062035	4248731578		103		SCHOPPA #1	WILBARGER COUNTY REGU	13.0	KIBO COMPRESSOR C
-BURNETT OIL CO INC				RECEIVED:	01/27/83	JA: TX			
8319554	F-01-061887	4231131705		102-4	103	E LANGE #1	A W P (OLMOS)	94.0	HPI TRANSMISSION
8319556	F-01-061889	4231131672		102-4	103	FELIX H MORALES #1	A W P (OLMOS)	197.0	HPI TRANSMISSION
8319555	F-01-061888	4231131745		102-4	103	FELIX H MORALES #2	A W P (OLMOS)	61.0	HPI TRANSMISSION
8319551	F-01-061884	4231131546		102-4	103	R E ELIOTT #1	A W P (OLMOS)	64.0	HPI TRANSMISSION
8319552	F-01-061885	4231131710		102-4	103	R E ELIOTT #2	A W P (OLMOS)	25.0	HPI TRANSMISSION
8319557	F-01-061890	4231131675		102-4	103	R P HORTON #1	A W P (OLMOS)	81.0	HPI TRANSMISSION
8319558	F-01-061891	4231131714		102-4	103	R P HORTON #2	A W P (OLMOS)	50.0	HPI TRANSMISSION
8319559	F-01-061892	4231131730		102-4	103	R P HORTON #3	A W P (OLMOS)	83.0	HPI TRANSMISSION
8319560	F-01-061893	4231131724		102-4	103	R P HORTON #4	A W P (OLMOS)	43.0	HPI TRANSMISSION
8319553	F-01-061886	4231131676		102-4	103	W C RUTHERFORD EST #1	A W P (OLMOS)	110.0	HPI TRANSMISSION
-BURNS PETROLEUM				RECEIVED:	01/27/83	JA: TX			
8319577	F-09-061994	4223734670		102-4		ALLAR UNIT #1	CRUM (MARBLE FALLS)	70.0	SOUTHWESTERN GAS
-C F LAWRENCE & ASSOC INC				RECEIVED:	01/27/83	JA: TX			
8319601	F-7C-062110	4210500000		102-4		HALFF 62 #2	HARLAN (QUEEN)	500.0	APACHE GAS CORP
-CENTRAL PRODUCERS INC				RECEIVED:	01/27/83	JA: TX			
8319703	F-04-062435	4224900000		108		BANKER'S MORTGAGE #5	TOM GRAHAM (4700')	2.0	VALERO TRANSMISSI
-CHASE PRODUCTION CO				RECEIVED:	01/27/83	JA: TX			
8319850	F-10-062757	4217900000		103		RILEY A #6 RRC-00561	PANHANDLE	35.0	PHILLIPS PETROLEU
8319849	F-10-062756	4217900000		103		RILEY A #7 RRC-00561	PANHANDLE	180.0	PHILLIPS PETROLEU
-CHEVRON U S A INC				RECEIVED:	01/27/83	JA: TX			
8319844	F-8A-062744	4241532260		103		SACROC UNIT #15-12	KELLY - SNYDER	5.0	EL PASO NATURAL G
8319843	F-8A-062743	4241532281		103		SACROC UNIT #180-5	KELLY - SNYDER	29.0	EL PASO NATURAL G
8319845	F-8A-062745	4241532270		103		SACROC UNIT #49-12	KELLY - SNYDER	85.0	EL PASO NATURAL G
8319842	F-8A-062742	4241532272		103		SACROC UNIT NO 138-12	KELLY - SNYDER	38.0	EL PASO NATURAL G
-CITIES SERVICE COMPANY				RECEIVED:	01/27/83	JA: TX			
8319598	F-8A-062102	4216532405		103		WEST SEMINOLE SAN ANDRES UNIT #323	SEMINOLE WEST	204.0	CITIES SERVICE CO
-COASTAL OIL & GAS CORP				RECEIVED:	01/27/83	JA: TX			
8319809	F-10-062644	4234130757		103		THOMPSON 2019J	PANHANDLE (RED CAVE)	16.0	COLORADO INTERSTA
8319546	F-10-061831	4234130889		103		THOMPSON 2019J	PANHANDLE (RED CAVE)	6.0	COLORADO INTERSTA
-CONOCO INC				RECEIVED:	01/27/83	JA: TX			
8319890	F-8A-062867	4207930319		108		CONOCO DEAN UNIT #92 ID #60106	SLAUGHTER	0.4	AMOCO PRODUCTION
8319665	F-7B-062361	4243331103		108		F E SCOGGINS #6 ID #04185	ASPERMONT LAKE	0.4	CITIES SERVICE CO
8319884	F-08-062861	4238900000		108		FORD GERALDINE UNIT #203 ID #21021	GERALDINE FORD	0.2	EL PASO NATURAL G
8319882	F-08-062858	4210930827		108		FORD GERALDINE UNIT #302 ID #21021	GERALDINE FORD	0.4	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
							GERALDINE FORD	1.0	EL PASO NATURAL G

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319887	F-08-062864	4238900000		108		FORD-GERALDINE #176 ID #21021	GERALDINE FORD	1.0	EL PASO NATURAL G
8319888	F-08-062865	4238900000		108		FORD-GERALDINE UNIT #258 ID #21021	GERALDINE FORD	0.6	EL PASO NATURAL G
8319885	F-08-062862	4238900000		108		FORD-GERALDINE UNIT #259 ID #21021	GERALDINE FORD	0.5	EL PASO NATURAL G
8319886	F-08-062863	4238900000		108		FORD-GERALDINE UNIT #300 ID #21021	GERALDINE FORD	2.6	EL PASO NATURAL G
8319883	F-08-062860	4238900000		108		FORD-GERALDINE UNIT #40 ID #21021	GERALDINE FORD	0.1	EL PASO NATURAL G
8319895	F-08-062872	4222700000		108		G O CHALK -B- #3 ID #18988	HOWARD-GLASSCOCK/GLOR	0.1	PHILLIPS PETROLEU
8319894	F-08-062871	4222732190		108		G O CHALK -D- #20 ID #18990	HOWARD-GLASSCOCK/GLOR	0.4	PHILLIPS PETROLEU
8319893	F-08-062870	4231731283		108		GRISHAM & GREEMAN #34 ID #22261	SPRABERRY/TREND AREA	0.9	ADOBE OIL CO
8319897	F-08-062874	4222700000		108		H R CLAY -A- #15 ID #18992	HOWARD-GLASSCOCK/GLOR	0.0	PHILLIPS PETROLEU
8319892	F-08-062869	4222730176		108		H R CLAY #23 ID #02690	HOWARD-GLASSCOCK	0.8	PHILLIPS PETROLEU
8319835	F-08-062694	4210931646		103		RAMSEY -44- #3 ID #27636	GERALDINE (DELAWARE 3	4.7	EL PASO NATURAL G
8319891	F-7C-062868	4238330681		108		UNIVERSITY #88 ID #00229	BIG LAKE	0.2	DORCHESTER GAS PR
8319898	F-08-062875	4200300000		108		W H BONER -A- #13 ID #01663	FUHRMAN MASCHO	0.7	PHILLIPS PETROLEU
8319896	F-08-062873	4200331767		108		W T FORD #54 ID #01665	FUHRMAN-MASCHO	2.2	PHILLIPS PETROLEU
8319889	F-08-062866	4200300000		108		WEST FUHRMAN MASCHO UT #87 #21220	FUHRMAN MASCHO	0.7	PHILLIPS PETROLEU
-COPET INC				RECEIVED:	01/27/83	JA: TX			
8319735	F-78-062492	4204933032		108		O STEEL-JENNY B FISHER A-2(098119)	BROWN COUNTY REGULAR	6.6	LONE STAR GAS CO
-CROMERA OIL & GAS CO				RECEIVED:	01/27/83	JA: TX			
8319672	F-78-062381	4241734771		102-4		JOHN SEDWICK #7	CROMERA (MORAN)	1.4	WARREN PETROLEUM
-D & D DRILLING CO				RECEIVED:	01/27/83	JA: TX			
8319542	F-78-061798	4242933439		103		TRAMMELL-CROW #19000	STEPHENS COUNTY REGUL	55.0	WARREN PETROLEUM
-D & G GAS & OIL CO				RECEIVED:	01/27/83	JA: TX			
8319738	F-04-062500	4235531865		103		MCIVER FURMAN #1	ROBSTOWN E (6700 FRIO	169.0	PAISANO TRANSMISS
-DALLAS SUNBELT OIL & GAS INC				RECEIVED:	01/27/83	JA: TX			
8319638	F-78-062320	4213332766		102-4		CARVER -A- #2	SNOW (DUFFER)	24.0	LONE STAR GAS CO
-DAMERON PETROLEUM CORP				RECEIVED:	01/27/83	JA: TX			
8319549	F-7C-061875	4210532722		102-4	107-TF	W P HOOVER - SEC 13 BLK 1	AMERICAN (CANYON)	30.0	EL PASO NATURAL G
-DAVID M FENDER				RECEIVED:	01/27/83	JA: TX			
8319666	F-06-062373	4240131060		102-4		J H SILVEY ESTATE #1	OVERTON NE	45.0	TEJAS GAS CORP
-DELTA OIL & GAS CO				RECEIVED:	01/27/83	JA: TX			
8319768	F-78-062545	4242900000		108		COODY-THOMPSON RRC #097523	STEPHENS COUNTY REGUL	6.0	LONE STAR GAS CO
8319568	F-78-061941	4242900000		108		JUDITH WINSTON KIGHT "A" RRC #07824	TULLOS (CADDO)	0.0	LONE STAR GAS CO
-DYNAMIC PRODUCTION INC				RECEIVED:	01/27/83	JA: TX			
8319775	F-03-062574	4205100000		102-4		JACKSON UNIT #1	STONE CITY (AUSTIN CH	0.0	FERGUSON CROSSING
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/27/83	JA: TX			
8319840	F-7C-062723	4243530702		108		DEBERRY A #8	SONORA (CANYON UPPER)	15.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	01/27/83	JA: TX			
8319737	F-7C-062495	4208100000		108		J E CHAPPELL #1	JAMESON	2.8	UNION TEXAS PETRO
8319732	F-03-062486	4247100000		107-TF		MOSSY GROVE UNIT #3	MOSSY GROVE	24.3	LONE STAR GAS CO
8319736	F-7C-062494	4243500000		108		W A MIERS "A" #7	SONORA	20.2	EL PASO NATURAL G
-ENSERCH EXPLORATION INC				RECEIVED:	01/27/83	JA: TX			
8319628	F-7C-062298	4243500000		108		E E SAWYER 113 #2	SAWYER	15.0	LONE STAR GAS CO
8319626	F-7C-062296	4243500000		108		E E SAWYER 129 #1	SAWYER	15.0	LONE STAR GAS CO
8319627	F-7C-062297	4243500000		108		E E SAWYER 146 #1	SAWYER	5.0	INTER NORTH INC
8319625	F-7C-062295	4243500000		108		E E SAWYER 167 #1	SAWYER	11.0	LONE STAR GAS CO
8319623	F-7C-062293	4243500000		108		E E SAWYER 167 #2	SAWYER	9.0	LONE STAR GAS CO
8319624	F-7C-062294	4243500000		108		E E SAWYER 170 #1	SAWYER	8.0	LONE STAR GAS CO
-ERSO INC				RECEIVED:	01/27/83	JA: TX			
8319790	F-06-062599	4236500000		103	107-TF	CARTHAGE GAS UNIT #39	CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319543	F-8A-061806	4211531695		103		BILL WEAVER #2	HUNGERVILLE E (CANYON	4.0	
8319594	F-08-062070	4247532692		103		G Q AVARY JR -B- #3	RHODA WALKER (CANYON	10.0	INTRATEX GAS CO
8319680	F-06-062402	4236531378		103	107-TF	J D WOOLWORTH #3	CARTHAGE (COTTON VALL	300.0	TEJAS GAS CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319811	F-04-062648	4226130628		102-4		J G KENEDY JR "G" 3 (102382)	PASADIZO (O-531)	110.0	ARMCO STEEL CORP
8319817	F-04-062654	4204730874		102-4		JAMES H DAWSON 3 (101763)	MARIPOSA (K-1)	800.0	ARMCO STEEL CORP
8319814	F-04-062651	4227331280		102-4		K R ALAZAN 312-F (102377)	MINOJOSA NORTH (E-95	815.0	ARMCO STEEL CORP
8319813	F-04-062650	4226130692		103		K R TIO MOYA 10 (102277)	CALANDRIA (H-59)	730.0	ARMCO STEEL CORP
8319816	F-04-062653	4226130720		102-4		K R TIO MOYA 12 (102276)	CALANDRIA (E-96 W)	420.0	ARMCO STEEL CORP
8319733	F-04-062487	4226130751		103		K R TIO MOYA 13 (102278)	CALANDRIA (H-59)	730.0	ARMCO STEEL CORP
8319839	F-04-062720	4204700000		108		KELSEY UNIT M-388-F (078282)	KELSEY DEEP (18-B&C M	11.0	TRUNKLINE GAS CO
8319847	F-7C-062747	4243131161		103		LOU E JOHNSON ESTATE A/C 1 #34	JAMESON (STRAWN)	88.0	KOCH HYDROCARBON
8319532	F-06-061642	4236531314		103	107-TF	M J COLEMAN (CPEC 559) #3	CARTHAGE (COTTON VALL	420.0	TEJAS GAS CORP
8319838	F-04-062718	4204700000		108		MCGILL BROS 391-F (056063)	KELSEY DEEP (18-D)	20.0	TRUNKLINE GAS CO
8319815	F-04-062652	4204731196		102-4		RJK JR TR QUITERIA PAST 102 (08922)	VIBORAS (8500 SOUTH)	151.0	ARMCO STEEL CORP
8319544	F-8A-061807	4216532312		103		ROBERTSON CLEARFORK UNIT #9801	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8319545	F-8A-061808	4216532314		103		ROBERTSON CLEARFORK UNIT #9903	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8319868	F-08-062837	4222732794		102-4		S WALDRON #6	MOORE (DEEP FSLM)	27.0	
8319812	F-04-062649	4204731198		103		VFGU #1 V-103-F (102250)	VIBORAS (MASSIVE FIRS	182.0	ARMCO STEEL CORP
-F W BURGER INC				RECEIVED:	01/27/83	JA: TX			
8319635	F-78-062314	4208331544		103		J SANSOM #2 (13601)	TEMPLETON NORTH (GRAY	110.0	EL PASO HYDROCARB
8319636	F-78-062315	4208331300		103		J SANSOM "A" #1 (14222)	TEMPLETON NORTH (GRAY	7.0	EL PASO HYDROCARB
-FRED M NEWMAN INC				RECEIVED:	01/27/83	JA: TX			
8319769	F-08-062546	4237100000		103		UNIVERSITY 3 C #2 25754	CARDINAL (QUEEN W)	36.0	INTERNORTH INC
-GERALD STEINBERGER				RECEIVED:	01/27/83	JA: TX			
8319799	F-09-062623	4207700000		102-4		BURNS-TALLY #1	TALLY CONGLOMERATE	18.0	CITIES SERVICE CO
8319798	F-09-062622	4207732751		102-4		M WILSON #2	DEER CREEK (ISRAEL 50	18.0	FAGADAU ENERGY CO
-GETTY OIL COMPANY				RECEIVED:	01/27/83	JA: TX			
8319604	F-7C-062128	4223500000		108		J M WINTERBOTHAM #1	DOVE CREEK (CANYON B)	7.0	FARMLAND INDUSTRI
8319673	F-08-062391	4249531516		103		S M HALLEY #261	WEINER (COLBY SAND)	140.0	CABOT CORP
8319674	F-08-062392	4249531515		103		S M HALLEY #262	WEINER (COLBY SAND)	152.0	CABOT CORP
-GRACE PETROLEUM CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319862	F-09-062805	4249731370		103		H J PRICE #1	PARK SPRINGS	0.0	TEXAS UTILITIES F
-GROTHE BROTHERS				RECEIVED:	01/27/83	JA: TX			
8319777	F-78-062582	4241734817		102-4		W C ALLEN #1 (19063)	BIRTHDAY (MORAN)	29.0	LONE STAR GAS CO
-GULF OIL CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319773	F-10-062564	4229531170		103		CLEO BARTON #3-502	BRADFORD (TONKAWA)	28.0	DIAMOND SHAMROCK
8319767	F-03-062543	4204130543		103		COTTON UNIT II #1	KURTEN (WOODBINE)	11.4	PRODUCERS GAS CO
8319766	F-03-062542	4204130541		103		DAVIDSON UNIT #1	KURTEN (WOODBINE)	16.0	PRODUCERS GAS CO
8319765	F-03-062541	4215731017		103		F I BOOTH ETAL "A" #48	THOMPSON	15.0	UNITED TEXAS TRAN
8319729	F-09-062479	4249732461		103		I G YATES #17	BOONSVILLE (CADDO CON	10.5	NATURAL GAS PIPEL
8319730	F-09-062480	4223734673		103		I G YATES #18	BOONSVILLE (CADDO CON	60.0	NATURAL GAS PIPEL
8319727	F-09-062477	4223734676		103		I G YATES WELL #15	BOONSVILLE (CADDO CON	34.0	NATURAL GAS PIPEL
8319728	F-09-062478	4223734675		103		I G YATES WELL #16	BOONSVILLE (CADDO CON	48.0	NATURAL GAS PIPEL
8319573	F-08-061949	4237133625		107-DP		MARGARET COLLINS "B" #1	ROJO CABALLOS W (ATOK	898.0	
8319541	F-08-061766	4238931286		103		RAPE J M #3	WAHA WEST (DELAWARE)	2.0	TRANSWESTERN PIPE
8319731	F-7C-062482	4210534178		103		STATE "WP" #3	AMIGO (SAN ANDRES)	33.0	INTER NORTH INC
8319717	F-08-062461	4210332230		108		W N WADDELL #1146	SAND HILLS (JUDKINS)	7.3	M & T GATHERING
8319716	F-08-062460	4210332229		108		W N WADDELL #1147	SAND HILLS (JUDKINS)	7.2	M & T GATHERING
8319724	F-08-062468	4210332996		103		W N WADDELL #1170	WADDELL	3.4	
8319719	F-08-062463	4210302292		108		W N WADDELL #380	RUNNING W (TUBB)	2.3	M & T GATHERING
8319721	F-08-062465	4210302348		108		W N WADDELL #54	SAND HILLS WEST (WOLF	18.4	M & T GATHERING
8319722	F-08-062466	4210302303		108		W N WADDELL #8	SAND HILLS WEST (WOLF	8.0	M & T GATHERING
-HANVEY PRODUCTION CO				RECEIVED:	01/27/83	JA: TX			
8319739	F-78-062501	4213333693		102-4		CLOWER-STEPHENSON UNIT #1 (102444)	ADRIENNE (DUFFER)	107.0	EL PASO HYDROCARB
8319637	F-78-062318	4213333937		102-4		J B BOGGS #2 (18703)	HANVEY (CONGL)	42.0	EL PASO HYDROCARB
-HEXAGON OIL & GAS INC				RECEIVED:	01/27/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
							LIBERTY OAK (BIG SALI	165.0	INTRASTATE GATHER

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319639	F-78-062323	4214330772		102-4	103	FEARS #2
-HILLIN PRODUCTION CO				RECEIVED:	01/27/83	JA: TX
8319640	F-08-062326	4200332264		103		FUHRMAN-MASCHO "27" #2
8319668	F-08-062377	4200332850		103		FURHMAN-MASCHO "27" #1
-HMH OPERATORS				RECEIVED:	01/27/83	JA: TX
8319871	F-78-062844	4215131521		103		DUKE #1
-HORIZON OIL & GAS CO OF TEXAS				RECEIVED:	01/27/83	JA: TX
8319539	F-10-061732	4219530862		103		MCCLELLAN #5-12
-HUNT OIL COMPANY				RECEIVED:	01/27/83	JA: TX
8319615	F-7C-062210	4246131836		102-4		V T AMACKER 63 #3
-INDIAN WELLS OIL CO				RECEIVED:	01/27/83	JA: TX
8319578	F-7C-061999	4223531658		102-2		RICHEY 54 #3
-INTERNORTH INC				RECEIVED:	01/27/83	JA: TX
8319855	F-7C-062774	4244330308		102-4		GARNER "1" #1
-JAY-DEE PRODUCING CO				RECEIVED:	01/27/83	JA: TX
8319853	F-10-062764	4206500000		103		SHARON #3
-JONES CO				RECEIVED:	01/27/83	JA: TX
8319778	F-78-062583	4205933852		102-4		RAY GREEN "2978" #1 (101832)
8319679	F-78-062400	4241734737		102-4		SANDERS "1564" #2 (18965)
8319678	F-78-062399	4241734822		102-4		SANDERS "1564" #4 (18965)
-K & S LAND CO INC				RECEIVED:	01/27/83	JA: TX
8319810	F-713-062645	4215131528		103		J P MABERRY "58" #2
-KAMLOK INC				RECEIVED:	01/27/83	JA: TX
8319629	F-03-062301	4248100000		102-4		C K DUSON #1
-KEY PRODUCTION COMPANY				RECEIVED:	01/27/83	JA: TX
8319603	F-06-062112	4241930396		103		ED CHILDRESS #1
-L M YOUNG				RECEIVED:	01/27/83	JA: TX
8319600	F-78-062109	4204932828		102-4		R J GOODALL "K" #7
-L TEXAS PETROLEUM INC				RECEIVED:	01/27/83	JA: TX
8319734	F-04-062488	4204700000		103		MESTENA OIL & GAS CO #4-B
-LADD PETROLEUM CORPORATION				RECEIVED:	01/27/83	JA: TX
8319566	F-01-061932	4212732069		107-TF		FITZSIMONS RANCH #1-42C
8319565	F-01-061931	4212732112		107-TF		FITZSIMONS RANCH #2-45
-LARIO OIL & GAS COMPANY				RECEIVED:	01/27/83	JA: TX
8319534	F-08-061657	4237133975		103		STATE BREEN #4
8319533	F-08-061656	4237134000		103		STATE BREEN #5
-LAYTON ENTERPRISES INC				RECEIVED:	01/27/83	JA: TX
8319872	F-8A-062847	4207931474		103		REED WRIGHT #A-7
8319873	F-8A-062848	4207931598		103		REED WRIGHT #C-11
8319874	F-8A-062849	4207931601		103		REED WRIGHT #D-10
-LYONS PETROLEUM INC				RECEIVED:	01/27/83	JA: TX
8319538	F-03-061695	4204130813		102-2	103	LYONS FEE UNIT III #1
-MAGUIRE OIL COMPANY				RECEIVED:	01/27/83	JA: TX
8319857	F-8A-062778	4231732554		103		LANGHAM "C" #1
-MARATHON OIL COMPANY				RECEIVED:	01/27/83	JA: TX
8319902	F-03-062909	4232131237		103		OHIO-SUN UNIT #17-F
8319903	F-03-062919	4232131241		103		OHIO-SUN UNIT #26-J
-MARIANAS OPERATING CO INC				RECEIVED:	01/27/83	JA: TX
8319571	F-78-061946	4208300000		102-4		G ED RAGSDALE #1
8319572	F-78-061947	4208332486		102-4		PAXTON #1 (18832)
-MARSHALL R YOUNG OIL CO				RECEIVED:	01/27/83	JA: TX
8319611	F-78-062200	4244733272		102-4		R A BROWN
-MCZ INC				RECEIVED:	01/27/83	JA: TX

FIELD NAME	PROD	PURCHASER
LIBERTY OAK (BIG SALI	165.0	INTRASTATE GATHER
FUHRMAN MASCHO	5.0	PHILLIPS PETROLEU
FURHMAN MASCHO	5.0	PHILLIPS PETROLEU
DIXON-LAWLIS (CANYON)	15.0	TEXAS UTILITIES F
GRUVER N W (MORROW UP	440.0	PHILLIPS PETROLEU
AMACKER TIPPETT SW (W	31.0	EL PASO NATURAL G
PROBANDT (CANYON)	0.0	INTER NORTH INC
SHEFFIELD SE	140.0	
PANHANDLE	7.3	PHILLIPS PETROLEU
MASK (CADDO)	690.0	DELHI GAS PIPELIN
CROMERA (MORAN)	1.0	WARREN PETROLEUM
CROMERA (MORAN)	15.0	WARREN PETROLEUM
SYLVESTOR GOEN	150.0	PALO DURO PIPELIN
CULLEN (MIOCENE 2200'	180.0	UNITED TEXAS TRAN
JOAQUIN (TRAVIS PEAK)	700.0	SOUTHERN NATURAL
DALE (CADDO)	22.0	EL PASO HYDROCARB
SCOTT & HOPPER (6900)	0.0	VALERO INTERSTATE
HUGH FITZSIMONS (OLMO	136.9	VALERO TRANSMISSI
HUGH FITZSIMONS (OLMO	95.8	VALERO TRANSMISSI
PECOS VALLEY (LOW GRA	12.8	DELHI GAS PIPELIN
PECOS VALLEY (LOW GRA	12.6	DELHI GAS PIPELIN
LEVELLAND	8.9	CITIES SERVICE CO
LEVELLAND	8.9	CITIES SERVICE CO
LEVELLAND	8.9	CITIES SERVICE CO
BRYAN (WOODBINE)	98.0	FERGUSON CROSSING
ACKERLY	0.2	GETTY OIL CO
NORTH MARKHAM-NORTH B	16.4	TRANSCONTINENTAL
NORTH MARKHAM-NORTH B	62.6	TRANSCONTINENTAL
LONE OAK (FRY)	60.0	EL PASO HYDROCARB
TRIPLE - M - (HOME CR	55.0	EL PASO HYDROCARB
NORTH ELM CREEK STRAW	10.9	THROCKMORTON GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319818	F-03-062664	4204130818		102-2		CHATHAM UNIT NO 1-U	BRYAN (WOODBINE)	120.0	FERGUSON CROSSING
8319836	F-03-062706	4204130765		102-2		COCKRELL OIL UNIT I #2	KURTEN (BUDA)	36.0	FERGUSON CROSSING
-MERCURY EXPLORATION CO				RECEIVED:	01/27/83	JA: TX			
8319610	F-78-062195	4205933389		102-4		COOPER-LAVELLE #B-1	HOORAY (GREY SAND)	20.0	LONE STAR GAS CO
8319608	F-78-062191	4235330712		102-4		FRANK ANTILLEY #1-A	JACKIE GRIMM (GARDNER	20.0	VALERO TRANSMISSI
8319609	F-78-062192	4235330901		102-4		FRANK ANTILLEY #1-B	JACKIE GRIMM (GARDNER	20.0	VALERO TRANSMISSI
-MICHAEL J THOMAS INTERESTS INC				RECEIVED:	01/27/83	JA: TX			
8319781	F-08-062586	4247532637		103		BENTLEY M-1	WARD SOUTH	6.0	WARREN PETROLEUM
8319786	F-08-062591	4247500000		103		HARDAGE & WILSON M-10	WARD SOUTH	6.0	WARREN PETROLEUM
8319782	F-08-062587	4247532640		103		HARDAGE AND WILSON M-2	WARD SOUTH	6.0	WARREN PETROLEUM
8319783	F-08-062588	4247532622		103		HARDAGE AND WILSON M-3	WARD SOUTH	6.0	WARREN PETROLEUM
8319784	F-08-062589	4247532643		103		KOLP STEWART M-6	WARD SOUTH	6.0	WARREN PETROLEUM
8319785	F-08-062590	4247532725		103		KOLP STEWART M-9	WARD SOUTH	6.0	WARREN PETROLEUM
-MID-AMERICA PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319741	F-7C-062506	4238332159		103		UNIVERSITY "20" #5	SPRABERRY (TREND AREA	9.0	INTER NORTH INC
8319803	F-7C-062634	4238332158		103		UNIVERSITY "20" #6	SPRABERRY (TREND AREA	10.0	INTERNORTH INC
8319802	F-7C-062631	4238332157		103		UNIVERSITY "20" #7	SPRABERRY (TREND AREA	9.0	INTERNORTH INC
8319854	F-7C-062769	4238332156		103		UNIVERSITY "20" #8	SPRABERRY (TREND AREA	12.0	INTERNORTH INC
-MILES PRODUCTION CO				RECEIVED:	01/27/83	JA: TX			
8319593	F-78-062064	4208332951		102-2		MILLER RANCH ONE "8" #4 102158	COLEMAN COUNTY REGULA	70.0	STRIGINE GAS CO
8319537	F-09-061690	4223734474		102-2		TICK HILL #1 ID# PENDING	JACK COUNTY REGULAR	15.0	LONE STAR GAS CO
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319806	F-09-062639	4249700000		108		ARIZONA BURNS #2 #080084	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319904	F-09-061855	4243734677		102-4	103	ERNEST RHODES #1	HENDERSON RANCH (MARB	1892.0	SOUTHWESTERN GAS
8319805	F-78-062636	4236700000		108		HELEN G POWELL #2 #096467	WHITT (BIG SALINE)	11.0	SOUTHWESTERN GAS
8319804	F-78-062635	4236300000		108		R H GAULDIN #7 #073818	GRAFORD WEST (CADDO C	11.2	SOUTHWESTERN GAS
8319808	F-09-062641	4249700000		108		SAM KAKER B #1 C-#036083 M-#014350-	C-BOONSVILLE (BEND CO	10.8	NATURAL GAS PIPEL
8319807	F-09-062640	4249700000		108		TARRANT CO WATER BOARD #24 #14955	BOONSVILLE/BASAL ATOK	0.0	NATURAL GAS PIPEL
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	01/27/83	JA: TX			
8319860	F-04-062798	4224931241		103		LA GLORIA GAS UNIT #102	LA GLORIA (ARGUELLEZ)	115.3	TRANSCONTINENTAL
8319801	F-08-062625	4200333236		103		SHAFTER LAKE SAN ANDRES UNIT #299	SHAFTER LAKE (SAN AND	32.8	PHILLIPS PETROLEU
8319760	F-08-062535	4200333229		103		SHAFTER LAKE SAN ANDRES UNIT #302	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
8319759	F-08-062534	4200333233		103		SHAFTER LAKE SAN ANDRES UNIT #304	SHAFTER LAKE (SAN AND	10.2	PHILLIPS PETROLEU
8319758	F-08-062533	4200333238		103		SHAFTER LAKE SAN ANDRES UNIT #305	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
8319757	F-08-062532	4200333228		103		SHAFTER LAKE SAN ANDRES UNIT #309	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
8319756	F-08-062531	4200333242		103		SHAFTER LAKE SAN ANDRES UNIT #310	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
8319861	F-08-062801	4200332221		103		SHAFTER LAKE SAN ANDRES UNIT #315	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
8319619	F-04-062280	4270230121		102-4		TEXAS GULF 76518 (TRACT 881-L) #1	MUSTANG ISLAND BLK 88	2258.2	VALLEY PIPELINES
-N S MARROW				RECEIVED:	01/27/83	JA: TX			
8319705	F-09-062442	4223733922		103		F M BRANSFORD "C" #1	JACK COUNTY REGULAR	67.0	LONE STAR GAS CO
-NOEL PAUTSKY				RECEIVED:	01/27/83	JA: TX			
8319567	F-78-061933	4244700000		103		TURNER "D" #1 (RRC #14725)	OVERCASH (CADDO)	0.0	H S T GATHERING C
8319606	F-78-062151	4244700000		103		TURNER "E" #1	OVERCASH (CONGL)	54.0	HST GATHERING CO
-NORD PETROLEUM CORP				RECEIVED:	01/27/83	JA: TX			
8319574	F-78-061952	4214300000		102-4		ATOR #1	SAP OAK N E (DUFFER)	5.0	NORTHERN NATURAL
-NORTH RIDGE CORP				RECEIVED:	01/27/83	JA: TX			
8319547	F-78-061845	4213334258		102-4	103	A WISE #2	RANGER (BLACK LIME WE	0.0	PRISM ENTERPRISES
-OILWELL OPERATORS INC				RECEIVED:	01/27/83	JA: TX			
8319851	F-10-062759	4217900000		108		J STEPHENS #1 (03496)	PANHANDLE-GRAY	2.0	PHILLIPS PETROLEU
-OMEGA MINERALS INC				RECEIVED:	01/27/83	JA: TX			
8319848	F-04-062754	4224930838		108		BLASCHKE -A- WELL #2-A	ORANGE GROVE (2200)	17.9	UNITED GAS PIPELI
-OXOCO-TEXAS INC				RECEIVED:	01/27/83	JA: TX			
8319762	F-04-062537	4240900000		108		KIRK GAS UNIT 3L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PARKER & PARSLEY INC				RECEIVED:	01/27/83	JA: TX			
8319855	F-78-062770	4235334000		102-4		ANTILLEY #1-C	JACKIE GRIMM (GARDNER	20.0	VALERO TRANSMISSI
8319856	F-78-062771	4235334000		102-4		ANTILLEY #1-D	JACKIE GRIMM (GARDNER	20.0	VALERO TRANSMISSI
-PENNZOIL COMPANY				RECEIVED:	01/27/83	JA: TX			
8319797	F-08-062620	4247532644		103		HARDAGE & WILSON M-4	WARD SOUTH	6.0	WARREN PETROLEUM
8319798	F-08-062621	4247532645		103		HARDAGE & WILSON M-5	WARD SOUTH	6.0	WARREN PETROLEUM
8319799	F-08-062622	4247532646		103		HARDAGE & WILSON M-7	WARD SOUTH	6.0	WARREN PETROLEUM
8319800	F-08-062623	4247532647		103		HARDAGE & WILSON M-8	WARD SOUTH	6.0	WARREN PETROLEUM
-PETRO-LEWIS CORP				RECEIVED:	01/27/83	JA: TX			
8319809	F-09-062642	4249700000		108		ARIZONA BURNS #3 #080085	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
-PHILLIPS PETROLEUM CO				RECEIVED:	01/27/83	JA: TX			
8319763	F-04-062538	4240900000		108		KIRK GAS UNIT 4L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319764	F-04-062539	4240900000		108		KIRK GAS UNIT 5L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319765	F-04-062540	4240900000		108		KIRK GAS UNIT 6L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319766	F-04-062541	4240900000		108		KIRK GAS UNIT 7L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319767	F-04-062542	4240900000		108		KIRK GAS UNIT 8L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319768	F-04-062543	4240900000		108		KIRK GAS UNIT 9L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319769	F-04-062544	4240900000		108		KIRK GAS UNIT 10L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319770	F-04-062545	4240900000		108		KIRK GAS UNIT 11L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319771	F-04-062546	4240900000		108		KIRK GAS UNIT 12L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319772	F-04-062547	4240900000		108		KIRK GAS UNIT 13L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319773	F-04-062548	4240900000		108		KIRK GAS UNIT 14L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319774	F-04-062549	4240900000		108		KIRK GAS UNIT 15L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319775	F-04-062550	4240900000		108		KIRK GAS UNIT 16L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319776	F-04-062551	4240900000		108		KIRK GAS UNIT 17L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319777	F-04-062552	4240900000		108		KIRK GAS UNIT 18L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319778	F-04-062553	4240900000		108		KIRK GAS UNIT 19L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319779	F-04-062554	4240900000		108		KIRK GAS UNIT 20L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319780	F-04-062555	4240900000		108		KIRK GAS UNIT 21L	WHITE POINT EAST (300	17.0	FLORIDA GAS TRANS
8319810	F-09-062643	4249700000		108		ARIZONA BURNS #4 #080086	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319811	F-09-062644	4249700000		108		ARIZONA BURNS #5 #080087	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319812	F-09-062645	4249700000		108		ARIZONA BURNS #6 #080088	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319813	F-09-062646	4249700000		108		ARIZONA BURNS #7 #080089	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319814	F-09-062647	4249700000		108		ARIZONA BURNS #8 #080090	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319815	F-09-062648	4249700000		108		ARIZONA BURNS #9 #080091	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319816	F-09-062649	4249700000		108		ARIZONA BURNS #10 #080092	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319817	F-09-062650	4249700000		108		ARIZONA BURNS #11 #080093	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319819	F-09-062651	4249700000		108		ARIZONA BURNS #12 #080094	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319820	F-09-062652	4249700000		108		ARIZONA BURNS #13 #080095	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319821	F-09-062653	4249700000		108		ARIZONA BURNS #14 #080096	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319822	F-09-062654	4249700000		108		ARIZONA BURNS #15 #080097	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319823	F-09-062655	4249700000		108		ARIZONA BURNS #16 #080098	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319824	F-09-062656	4249700000		108		ARIZONA BURNS #17 #080099	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319825	F-09-062657	4249700000		108		ARIZONA BURNS #18 #080100	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319826	F-09-062658	4249700000		108		ARIZONA BURNS #19 #080101	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319827	F-09-062659	4249700000		108		ARIZONA BURNS #20 #080102	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319828	F-09-062660	4249700000		108		ARIZONA BURNS #21 #080103	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319829	F-09-062661	4249700000		108		ARIZONA BURNS #22 #080104	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319830	F-09-062662	4249700000		108		ARIZONA BURNS #23 #080105	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319831	F-09-062663	4249700000		108		ARIZONA BURNS #24 #080106	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319832	F-09-062664	4249700000		108		ARIZONA BURNS #25 #080107	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319833	F-09-062665	4249700000		108		ARIZONA BURNS #26 #080108	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319834	F-09-062666	4249700000		108		ARIZONA BURNS #27 #080109	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319835	F-09-062667	4249700000		108		ARIZONA BURNS #28 #080110	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319837	F-09-062668	4249700000		108		ARIZONA BURNS #29 #080111	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319838	F-09-062669	4249700000		108		ARIZONA BURNS #30 #080112	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319839	F-09-062670	4249700000		108		ARIZONA BURNS #31 #080113	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319840	F-09-062671	4249700000		108		ARIZONA BURNS #32 #080114	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319841	F-09-062672	4249700000		108		ARIZONA BURNS #33 #080115	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319842	F-09-062673	4249700000		108		ARIZONA BURNS #34 #080116	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319843	F-09-062674	4249700000		108		ARIZONA BURNS #35 #080117	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319844	F-09-062675	4249700000		108		ARIZONA BURNS #36 #080118	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319845	F-09-062676	4249700000		108		ARIZONA BURNS #37 #080119	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319846	F-09-062677	4249700000		108		ARIZONA BURNS #38 #080120	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319847	F-09-062678	4249700000		108		ARIZONA BURNS #39 #080121	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319849	F-09-062679	4249700000		108		ARIZONA BURNS #40 #080122	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319850	F-09-062680	4249700000		108		ARIZONA BURNS #41 #080123	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319852	F-09-062681	4249700000		108		ARIZONA BURNS #42 #080124	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319853	F-09-062682	4249700000		108		ARIZONA BURNS #43 #080125	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319857	F-09-062683	4249700000		108		ARIZONA BURNS #44 #080126	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319858	F-09-062684	4249700000		108		ARIZONA BURNS #45 #080127	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319859	F-09-062685	4249700000		108		ARIZONA BURNS #46 #080128	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319862	F-09-062686	4249700000		108		ARIZONA BURNS #47 #080129	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319863	F-09-062687	4249700000		108		ARIZONA BURNS #48 #080130	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319864	F-09-062688	4249700000		108		ARIZONA BURNS #49 #080131	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319865	F-09-062689	4249700000		108		ARIZONA BURNS #50 #080132	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319866	F-09-062690	4249700000		108		ARIZONA BURNS #51 #080133	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319867	F-09-062691	4249700000		108		ARIZONA BURNS #52 #080134	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319868	F-09-062692	4249700000		108		ARIZONA BURNS #53 #080135	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319869	F-09-062693	4249700000		108		ARIZONA BURNS #54 #080136	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319870	F-09-062694	4249700000		108		ARIZONA BURNS #55 #080137	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319871	F-09-062695	4249700000		108		ARIZONA BURNS #56 #080138	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319872	F-09-062696	4249700000		108		ARIZONA BURNS #57 #080139	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319873	F-09-062697	4249700000		108		ARIZONA BURNS #58 #080140	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319874	F-09-062698	4249700000		108		ARIZONA BURNS #59 #080141	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319875	F-09-062699	4249700000		108		ARIZONA BURNS #60 #080142	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319876	F-09-062700	4249700000		108		ARIZONA BURNS #61 #080143	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319877	F-09-062701	4249700000		108		ARIZONA BURNS #62 #080144	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319878	F-09-062702	4249700000		108		ARIZONA BURNS #63 #080145	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319879	F-09-062703	4249700000		108		ARIZONA BURNS #64 #080146	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319880	F-09-062704	4249700000		108		ARIZONA BURNS #65 #080147	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319881	F-09-062705	4249700000		108		ARIZONA BURNS #66 #080148	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319882	F-09-062706	4249700000		108		ARIZONA BURNS #67 #080149	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319883	F-09-062707	4249700000		108		ARIZONA BURNS #68 #080150	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319884	F-09-062708	4249700000		108		ARIZONA BURNS #69 #080151	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319885	F-09-062709	4249700000		108		ARIZONA BURNS #70 #080152	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319886	F-09-062710	4249700000		108		ARIZONA BURNS #71 #080153	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319887	F-09-062711	4249700000		108		ARIZONA BURNS #72 #080154	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319888	F-09-062712	4249700000		108		ARIZONA BURNS #73 #080155	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319889	F-09-062713	4249700000		108		ARIZONA BURNS #74 #080156	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319890	F-09-062714	4249700000		108		ARIZONA BURNS #75 #080157	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319891	F-09-062715	4249700000		108		ARIZONA BURNS #76 #080158	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319892	F-09-062716	4249700000		108		ARIZONA BURNS #77 #080159	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319893	F-09-062717	4249700000		108		ARIZONA BURNS #78 #080160	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319894	F-09-062718	4249700000		108		ARIZONA BURNS #79 #080161	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319895	F-09-062719	4249700000		108		ARIZONA BURNS #80 #080162	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319896	F-09-062720	4249700000		108		ARIZONA BURNS #81 #080163	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319897	F-09-062721	4249700000		108		ARIZONA BURNS #82 #080164	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319898	F-09-062722	4249700000		108		ARIZONA BURNS #83 #080165	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319899	F-09-062723	4249700000		108		ARIZONA BURNS #84 #080166	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319900	F-09-062724	4249700000		108		ARIZONA BURNS #85 #080167	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319901	F-09-062725	4249700000		108		ARIZONA BURNS #86 #080168	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319902	F-09-062726	4249700000		108		ARIZONA BURNS #87 #080169	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL
8319903	F-09-062727	4249700000		108		ARIZONA BURNS #88 #080170	BOONSVILLE/BEND CONGL	0.0	NATURAL GAS PIPEL

JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-PARKER & PARSLEY INC				RECEIVED:	01/27/83	JA: TX
8319795	F-08-062618	4232900000		103		COLLINS #1
8319576	F-08-061983	4231700000		103		WOLCOTT #4
8319796	F-08-062619	4231700000		103		WOLCOTT #5
-PETRO-LEWIS CORPORATION				RECEIVED:	01/27/83	JA: TX
8319531	F-03-061639	4205100000		102-Z		BENTON-SCHMIDT #2
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/27/83	JA: TX
8319870	F-08-062843	4213508209		108		(09681) MOORS #1-C
8319826	F-10-062684	4217900000		108		ANNIE #16
8319825	F-10-062683	4217900000		108		ANNIE #17
8319700	F-10-062428	4223300000		108		COCKRELL RANCH #42
8319824	F-10-062687	4217900000		108		DAN JOE #5
8319827	F-10-062686	4217900000		108		DESON #9
8319822	F-10-062680	4217900000		108		DOSS #5
8319699	F-10-062427	4206500000		108		GORENFLO #1
8319823	F-10-062681	4217900000		108		JOHNSON AA #5
8319831	F-10-062690	4217900000		108		JOHNSON BB #1
8319833	F-10-062692	4217900000		108		JOHNSON BB #16
8319832	F-10-062691	4217900000		108		JOHNSON BB #3
8319701	F-10-062429	4217900000		108		JOHNSON Y #1
8319697	F-10-062425	4217900000		108		JOHNSON Z #10
8319698	F-10-062426	4206500000		108		JORDAN D #9
8319858	F-10-062785	4235700000		108		MCLAIN B #1
8319702	F-10-062430	4223300000		108		TURNER SMITH D #9
8319830	F-10-062689	4217900000		108		WHEAT #6
8319829	F-10-062688	4217900000		108		WHEAT #7
8319828	F-10-062687	4217900000		108		WHEAT #9
-QUANAH PETROLEUM INC				RECEIVED:	01/27/83	JA: TX
8319684	F-08-062411	4243131132		102-4		BASSHAM #2
8319685	F-08-062412	4243131144		102-4		BASSHAM #3
8319693	F-08-062420	4243131107		102-4		CHAPPELL #1
8319692	F-08-062419	4243131114		102-4		CHAPPELL #2
8319691	F-08-062418	4243133120		102-4		CHAPPELL #3
8319690	F-08-062417	4243131119		102-4		CHAPPELL #4
8319689	F-08-062416	4243131131		102-4		CHAPPELL #5
8319687	F-08-062414	4243131155		102-4		CHAPPELL #6
8319688	F-08-062415	4243131164		102-4		CHAPPELL #7
8319686	F-08-062413	4243131145		102-4		ERWIN #1
8319696	F-08-062423	4243131022		102-4		FOSTER #1
8319695	F-08-062422	4243131103		102-4		FOSTER #2
8319694	F-08-062421	4243131146		102-4		FOSTER #4
8319683	F-08-062410	4243131133		102-4		ISAAC #1
8319682	F-08-062409	4243131153		102-4		TOWLE #1-R
-RAY HERRING				RECEIVED:	01/27/83	JA: TX
8319794	F-09-062617	4250336189		102-4		LOFTIN #1
-REYNOLDS DRILLING CO INC				RECEIVED:	01/27/83	JA: TX
8319564	F-06-061924	4236530940		103	107-TF	J A EDGE "A" #1 088513
-ROGER KLINGBERG				RECEIVED:	01/27/83	JA: TX
8319677	F-78-062398	4205900000		108		CHARLES H FOSTER #1 (095590)
-RYDER SCOTT OIL CO				RECEIVED:	01/27/83	JA: TX
8319772	F-09-062559	4223734747		102-4		CAMPSEY #2
-SAGE ENERGY CO				RECEIVED:	01/27/83	JA: TX
8319900	F-7C-062879	4238332343		103		UNIVERSITY 16 #3 NRC #07556

FIELD NAME	PROD	PURCHASER
SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
GIDDINGS	0.4	CLAJON GAS CO
GOLDSMITH (5600')	9.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE GRAY COUNTY	0.0	
PANHANDLE - HUTCHINSO	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	
PANHANDLE WHEELER	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE WEST	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE WEST	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE - HUTCHINSO	0.0	GETTY OIL CO
ELLIS RANCH - KEYES	0.0	TRANSWESTERN PIPE
PANHANDLE - HUTCHINSO	0.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
PANHANDLE GRAY	0.0	
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
ROSE CREEK N (WOLFCAM	11.0	SUN EXPLORATION &
SENKEL (CADDO 4600)	40.0	SOUTHWESTERN GAS
CARTHAGE (COTTON VALL	8.6	SOUTHWESTERN ELEC
FREDDA (DUFFER LIME)	1.0	EL PASO HYDROCARB
COOPER (CONGLOMERATE)	92.0	TEXAS UTILITIES F
FARMER (SAN ANDRES)	1.6	INTERNORTH INC

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319699	F-7C-062878	4238300000		103		UNIVERSITY 7-G #3 RRC #0E830	FARMER (SAN ANDRES)	2.2	INTERNORTH INC
-SAMEDAN OIL CORPORATION				RECEIVED:	01/27/83	JA: TX			
8319774	F-8A-062565	4216532420		103		SOUTH CENTRAL ROBERTSON UNIT #49	ROBERTSON NORTH/CLEAR	18.0	PHILLIPS PETROLEU
8319820	F-8A-062678	4216532416		103		SOUTH CENTRAL ROBERTSON UNIT #53	ROBERTSON NORTH CLEAR	16.0	PHILLIPS PETROLEU
8319821	F-8A-062679	4216532327		103		SOUTH CENTRAL ROBERTSON UNIT #64	ROBERTSON NORTH/ CLEA	28.0	PHILLIPS PETROLEU
-SAMSON RESOURCES COMPANY				RECEIVED:	01/27/83	JA: TX			
8319856	F-7C-062776	4243500000		108		GERALD NICKS #2	DENISON-STRAWN	17.4	INTER NORTH INC
-SANTA FE-ANDOVER OIL CO				RECEIVED:	01/27/83	JA: TX			
8319715	F-06-062459	4220330798		103	107-TF	SAM B HALL GAS UNIT #2 WELL #1	WOODLAWN SW (COTTON V	180.0	INTRASTATE GAS CO
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	01/27/83	JA: TX			
8319763	F-03-062539	4228730583		103		MANTZEL #1	GIDDINGS (AUSTIN CHAL	109.5	MGP GAS PRODUCTS
8319764	F-03-062540	4228700000		103		MATTHIJETZ #1	GIDDINGS (AUSTIN CHAL	36.0	MGP GAS PRODUCTS
-SCANDRILL INC				RECEIVED:	01/27/83	JA: TX			
8319704	F-09-062439	4223736647		103		ED SEWELL #2	JACK COUNTY REGULAR	54.8	
-SEAGULL INTERNATIONAL EXPLORATION I				RECEIVED:	01/27/83	JA: TX			
8319819	F-06-062668	4236531076		102-4		BOX-GRUBENMAN UNIT #1 WELL	PINEHILL SE (PETTIT L	29.0	UNITED GAS PIPE L
-SHELL OIL CO				RECEIVED:	01/27/83	JA: TX			
8319863	F-01-062814	4231131768		102-4		BRACKEN #4	A W P (OLMOS)	100.0	
8319771	F-04-062552	4221531182		102-4		HAMMAN RANCH #11	MONTE CHRISTO (VICKSB	700.0	VALERO TRANSMISSI
8319770	F-04-062551	4221531155		107-TF		HAMMAN RANCH #8	MONTE CHRISTO (VKSBG-	600.0	VALERO TRANSMISSI
8319597	F-09-062099	4231131762		102-4		L S MC CLAUGHERTY "A" #3	A W P (OLMOS)	50.0	
-SOUTHEASTERN RESOURCES CORP				RECEIVED:	01/27/83	JA: TX			
8319780	F-78-062585	4213300000		102-4		M K COURTNEY "A" #2 (15887)	JMJ (MARBLE FALLS)	0.0	EL PASO HYDROCARB
8319675	F-78-062395	4213334225		102-4		M K COURTNEY "A" #6 (18887)	JMJ (MARBLE FALLS)	37.0	EL PASO HYDROCARB
-SOUTHLAND ROYALTY CO				RECEIVED:	01/27/83	JA: TX			
8319867	F-8A-062836	4211530367		108		LEE HANSON ET AL #2	ACKERLY DEAN SAND	5.8	GETTY OIL CO
-SPOOL OIL CO				RECEIVED:	01/27/83	JA: TX			
8319530	F-10-061630	4223300000		108		TARBOX #3	PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEU
8319529	F-10-061627	4223300000		108		TARBOX #7	PANHANDLE HUTCHINSON	0.2	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/27/83	JA: TX			
8319787	F-03-062592	4207130882		103		ARCHIE MIDDLETON #12	OYSTER BAYOU	102.0	UNTIED TEXAS TRAN
8319789	F-08-062595	4233532071		103		B ANDERSON "A" #9	JAMESON N (OUOM)	80.0	LONE STAR GAS CO
8319749	F-8A-062517	4250131817		103		BENNETT RANCH UNIT #321	WASSON	12.0	SHELL OIL CO
8319748	F-8A-062516	4250132298		103		BENNETT RANCH UNIT #86-A	WASSON	9.0	SHELL OIL CO
8319743	F-7C-062511	4235331076		103		BLOODWORTH NE CANYON UNIT #8-12	BLOODWORTH NE (5750 C	10.0	EL PASO NATURAL G
8319641	F-04-062332	4242700000		108		C M HALL #10	RINCON NORTH (DX)	13.0	
8319745	F-8A-062513	4221933563		103		CENTRAL LEVELLAND UNIT #52-A	LEVELLAND	40.0	AMOCO PRODUCTION
8319620	F-7C-062288	4208130949		103		CENTRAL NATIONAL BANK #19	LYGAY	39.0	LONE STAR GAS CO
8319751	F-7C-062519	4208131071		103		CENTRAL NATIONAL BANK #23	LYGAY	85.0	LONE STAR GAS CO
8319649	F-7C-062341	4208100000		108		CENTRAL NATIONAL BANK #5	LYGAY	6.0	LONE STAR GAS CO
8319714	F-03-062451	4220131376		103		E A METZLER #9	TOMBALL (SCHULTZ S E)	7.0	EXXON CO USA
8319664	F-04-062360	4242700000		108		FRANCISCO G DE PEREZ #6	SUN	9.0	TRANSCONTINENTAL
8319645	F-08-062336	4200300000		108		HOLT O B -GRBG- #1-7	COWDEN NORTH	1.0	AMOCO PRODUCTION
8319647	F-08-062338	4249500000		108		HOWE J F -A- #1	KERMIT	0.9	CABOT CORP
8319646	F-08-062337	4249500000		108		HOWE J F -A- #11	KERMIT	1.0	CABOT CORP
8319648	F-08-062339	4249500000		108		HOWE J F -A- #3	KERMIT	0.8	CABOT CORP
8319753	F-08-062521	4233531909		103		J F MCCABE "A" #10	JAMESON N (ELLEN)	17.0	LONE STAR GAS CO
8319752	F-08-062520	4233532016		103		J F MCCABE "A" #11	JAMESON N (ELLEN)	34.0	LONE STAR GAS CO
8319755	F-08-062523	4233532015		103		J F MCCABE "B" #2	JAMESON N (ELLEN)	12.0	LONE STAR GAS CO
8319750	F-08-062518	4233532360		103		J F MCCABE "C" #1	JAMESON N (ELLEN)	30.0	LONE STAR GAS CO
8319643	F-02-062334	4239100000		108		J M O'BRIEN #5-2	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319622	F-7C-062290	4208130989		103		JAMESON REEF UNIT #11-61	JAMESON	140.0	LONE STAR GAS CO
8319788	F-7C-062594	4208130989		103		JAMESON REEF UNIT #14-10	JAMESON	96.0	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319784	F-7C-062589	4208130989		103		JAMESON REEF UNIT #14-11	JAMESON	96.0	LONE STAR GAS CO
8319785	F-7C-062591	4208130989		103		JAMESON REEF UNIT #14-12	JAMESON	96.0	LONE STAR GAS CO
8319783	F-7C-062588	4208130989		103		JAMESON REEF UNIT #14-9	JAMESON	96.0	LONE STAR GAS CO
8319786	F-7C-062593	4208130989		103		JAMESON REEF UNIT #15-10	JAMESON	96.0	LONE STAR GAS CO
8319782	F-7C-062587	4208130989		103		JAMESON REEF UNIT #15-9	JAMESON	96.0	LONE STAR GAS CO
8319781	F-7C-062586	4208130989		103		JAMESON REEF UNIT #16-9	JAMESON	96.0	LONE STAR GAS CO
8319790	F-7C-062596	4208130989		103		JAMESON REEF UNIT #17-10	JAMESON	96.0	LONE STAR GAS CO
8319791	F-7C-062597	4208130989		103		JAMESON REEF UNIT #17-11	JAMESON	96.0	LONE STAR GAS CO
8319792	F-7C-062598	4208130989		103		JAMESON REEF UNIT #17-12	JAMESON	96.0	LONE STAR GAS CO
8319793	F-7C-062599	4208130989		103		JAMESON REEF UNIT #17-13	JAMESON	96.0	LONE STAR GAS CO
8319794	F-7C-062600	4208130989		103		JAMESON REEF UNIT #17-14	JAMESON	96.0	LONE STAR GAS CO
8319795	F-7C-062601	4208130989		103		JAMESON REEF UNIT #17-15	JAMESON	96.0	LONE STAR GAS CO
8319796	F-7C-062602	4208130989		103		JAMESON REEF UNIT #17-16	JAMESON	96.0	LONE STAR GAS CO
8319797	F-7C-062603	4208130989		103		JAMESON REEF UNIT #17-17	JAMESON	96.0	LONE STAR GAS CO
8319798	F-7C-062604	4208130989		103		JAMESON REEF UNIT #17-18	JAMESON	96.0	LONE STAR GAS CO
8319799	F-7C-062605	4208130989		103		JAMESON REEF UNIT #17-19	JAMESON	96.0	LONE STAR GAS CO
8319800	F-7C-062606	4208130989		103		JAMESON REEF UNIT #17-20	JAMESON	96.0	LONE STAR GAS CO
8319801	F-7C-062607	4208130989		103		JAMESON REEF UNIT #17-21	JAMESON	96.0	LONE STAR GAS CO
8319802	F-7C-062608	4208130989		103		JAMESON REEF UNIT #17-22	JAMESON	96.0	LONE STAR GAS CO
8319803	F-7C-062609	4208130989		103		JAMESON REEF UNIT #17-23	JAMESON	96.0	LONE STAR GAS CO
8319804	F-7C-062610	4208130989		103		JAMESON REEF UNIT #17-24	JAMESON	96.0	LONE STAR GAS CO
8319805	F-7C-062611	4208130989		103		JAMESON REEF UNIT #17-25	JAMESON	96.0	LONE STAR GAS CO
8319806	F-7C-062612	4208130989		103		JAMESON REEF UNIT #17-26	JAMESON	96.0	LONE STAR GAS CO
8319807	F-7C-062613	4208130989		103		JAMESON REEF UNIT #17-27	JAMESON	96.0	LONE STAR GAS CO
8319808	F-7C-062614	4208130989		103		JAMESON REEF UNIT #17-28	JAMESON	96.0	LONE STAR GAS CO
8319809	F-7C-062615	4208130989		103		JAMESON REEF UNIT #17-29	JAMESON	96.0	LONE STAR GAS CO
8319810	F-7C-062616	4208130989		103		JAMESON REEF UNIT #17-30	JAMESON	96.0	LONE STAR GAS CO
8319811	F-7C-062617	4208130989		103		JAMESON REEF UNIT #17-31	JAMESON	96.0	LONE STAR GAS CO
8319812	F-7C-062618	4208130989		103		JAMESON REEF UNIT #17-32	JAMESON	96.0	LONE STAR GAS CO
8319813	F-7C-062619	4208130989		103		JAMESON REEF UNIT #17-33	JAMESON	96.0	LONE STAR GAS CO
8319814	F-7C-062620	4208130989		103		JAMESON REEF UNIT #17-34	JAMESON	96.0	LONE STAR GAS CO
8319815	F-7C-062621	4208130989		103		JAMESON REEF UNIT #17-35	JAMESON	96.0	LONE STAR GAS CO
8319816	F-7C-062622	4208130989		103		JAMESON REEF UNIT #17-36	JAMESON	96.0	LONE STAR GAS CO
8319817	F-7C-062623	4208130989		103		JAMESON REEF UNIT #17-37	JAMESON	96.0	LONE STAR GAS CO
8319818	F-7C-062624	4208130989		103		JAMESON REEF UNIT #17-38	JAMESON	96.0	LONE STAR GAS CO
8319777	F-7C-062581	4208130989		103		JAMESON REEF UNIT #18-10	JAMESON	96.0	LONE STAR GAS CO
8319778	F-7C-062582	4208130989		103		JAMESON REEF UNIT #18-11	JAMESON	96.0	LONE STAR GAS CO
8319779	F-7C-062583	4208130989		103		JAMESON REEF UNIT #18-12	JAMESON	96.0	LONE STAR GAS CO
8319776	F-7C-062580	4208130989		103		JAMESON REEF UNIT #18-9	JAMESON	96.0	LONE STAR GAS CO
8319775	F-7C-062579	4208130989		103		JAMESON REEF UNIT #19-9	JAMESON	96.0	LONE STAR GAS CO
8319773	F-7C-062577	4208130989		103		JAMESON REEF UNIT #20-9	JAMESON	96.0	LONE STAR GAS CO
8319772	F-7C-062576	4208130989		103		JAMESON REEF UNIT #21-9	JAMESON	96.0	LONE STAR GAS CO
8319767	F-7C-062571	4208130989		103		JAMESON REEF UNIT #22-9	JAMESON	96.0	LONE STAR GAS CO
8319766	F-7C-062570	4208130989		103		JAMESON REEF UNIT #23-9	JAMESON	96.0	LONE STAR GAS CO
8319765	F-7C-062569	4208130989		103		JAMESON REEF UNIT #24-9	JAMESON	96.0	LONE STAR GAS CO
8319762	F-7C-062566	4208130989		103		JAMESON REEF UNIT #25-9	JAMESON	96.0	LONE STAR GAS CO
8319761	F-7C-062565	4208130989		103		JAMESON REEF UNIT #26-9	JAMESON	96.0	LONE STAR GAS CO
8319760	F-7C-062564	4208130989		103		JAMESON REEF UNIT #27-9	JAMESON	96.0	LONE STAR GAS CO
8319759	F-7C-062563	4208130989		103		JAMESON REEF UNIT #28-9	JAMESON	96.0	LONE STAR GAS CO
8319758	F-7C-062562	4208130989		103		JAMESON REEF UNIT #29-9	JAMESON	96.0	LONE STAR GAS CO
8319757	F-7C-062561	4208130989		103		JAMESON REEF UNIT #30-9	JAMESON	96.0	LONE STAR GAS CO
8319756	F-7C-062560	4208130989		103		JAMESON REEF UNIT #31-9	JAMESON	96.0	LONE STAR GAS CO
8319754	F-7C-062558	4208130989		103		JAMESON REEF UNIT #32-9	JAMESON	96.0	LONE STAR GAS CO
8319774	F-7C-062578	4208130989		103		JAMESON REEF UNIT #8-10	JAMESON	96.0	LONE STAR GAS CO
8319768	F-7C-062572	4208130989		103		JAMESON REEF UNIT #8-11	JAMESON	96.0	LONE STAR GAS CO
8319769	F-7C-062573	4208130989		103		JAMESON REEF UNIT #8-12	JAMESON	96.0	LONE STAR GAS CO
8319767	F-7C-062574	4208130989		103		JAMESON REEF UNIT #8-9	JAMESON	96.0	LONE STAR GAS CO
8319644	F-02-062335	4239100000		108		JAMES O'BRIEN #5-1	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319642	F-02-062333	4239100000		108		JAMES O'BRIEN #5-3	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319650	F-08-062340	4249500000		108		JAMES O'BRIEN #5-4	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319651	F-08-062341	4249500000		108		JAMES O'BRIEN #5-5	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319652	F-08-062342	4249500000		108		JAMES O'BRIEN #5-6	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319653	F-08-062343	4249500000		108		JAMES O'BRIEN #5-7	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319654	F-08-062344	4249500000		108		JAMES O'BRIEN #5-8	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319655	F-08-062345	4249500000		108		JAMES O'BRIEN #5-9	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319656	F-08-062346	4249500000		108		JAMES O'BRIEN #5-10	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319657	F-08-062347	4249500000		108		JAMES O'BRIEN #5-11	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319658	F-08-062348	4249500000		108		JAMES O'BRIEN #5-12	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319659	F-08-062349	4249500000		108		JAMES O'BRIEN #5-13	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319660	F-08-062350	4249500000		108		JAMES O'BRIEN #5-14	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319661	F-08-062351	4249500000		108		JAMES O'BRIEN #5-15	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319662	F-08-062352	4249500000		108		JAMES O'BRIEN #5-16	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319663	F-08-062353	4249500000		108		JAMES O'BRIEN #5-17	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319665	F-08-062354	4249500000		108		JAMES O'BRIEN #5-18	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319666	F-08-062355	4249500000		108		JAMES O'BRIEN #5-19	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319667	F-08-062356	4249500000		108		JAMES O'BRIEN #5-20	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319668	F-08-062357	4249500000		108		JAMES O'BRIEN #5-21	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319669	F-08-062358	4249500000		108		JAMES O'BRIEN #5-22	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319670	F-08-062359	4249500000		108		JAMES O'BRIEN #5-23	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319671	F-08-062360	4249500000		108		JAMES O'BRIEN #5-24	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319672	F-08-062361	4249500000		108		JAMES O'BRIEN #5-25	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319673	F-08-062362	4249500000		108		JAMES O'BRIEN #5-26	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319674	F-08-062363	4249500000		108		JAMES O'BRIEN #5-27	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319676	F-08-062364	4249500000		108		JAMES O'BRIEN #5-28	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319677	F-08-062365	4249500000		108		JAMES O'BRIEN #5-29	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319678	F-08-062366	4249500000		108		JAMES O'BRIEN #5-30	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319679	F-08-062367	4249500000		108		JAMES O'BRIEN #5-31	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319680	F-08-062368	4249500000		108		JAMES O'BRIEN #5-32	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319681	F-08-062369	4249500000		108		JAMES O'BRIEN #5-33	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319682	F-08-062370	4249500000		108		JAMES O'BRIEN #5-34	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319683	F-08-062371	4249500000		108		JAMES O'BRIEN #5-35	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319684	F-08-062372	4249500000		108		JAMES O'BRIEN #5-36	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319685	F-08-062373	4249500000		108		JAMES O'BRIEN #5-37	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319686	F-08-062374	4249500000		108		JAMES O'BRIEN #5-38	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319687	F-08-062375	4249500000		108		JAMES O'BRIEN #5-39	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319688	F-08-062376	4249500000		108		JAMES O'BRIEN #5-40	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319689	F-08-062377	4249500000		108		JAMES O'BRIEN #5-41	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319690	F-08-062378	4249500000		108		JAMES O'BRIEN #5-42	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319691	F-08-062379	4249500000		108		JAMES O'BRIEN #5-43	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319692	F-08-062380	4249500000		108		JAMES O'BRIEN #5-44	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319693	F-08-062381	4249500000		108		JAMES O'BRIEN #5-45	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319694	F-08-062382	4249500000		108		JAMES O'BRIEN #5-46	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319695	F-08-062383	4249500000		108		JAMES O'BRIEN #5-47	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319696	F-08-062384	4249500000		108		JAMES O'BRIEN #5-48	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319697	F-08-062385	4249500000		108		JAMES O'BRIEN #5-49	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319698	F-08-062386	4249500000		108		JAMES O'BRIEN #5-50	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319700	F-08-062387	4249500000		108		JAMES O'BRIEN #5-51	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319701	F-08-062388	4249500000		108		JAMES O'BRIEN #5-52	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319702	F-08-062389	4249500000		108		JAMES O'BRIEN #5-53	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319703	F-08-062390	4249500000		108		JAMES O'BRIEN #5-54	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319705	F-08-062391	4249500000		108		JAMES O'BRIEN #5-55	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319706	F-08-062392	4249500000		108		JAMES O'BRIEN #5-56	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319707	F-08-062393	4249500000		108		JAMES O'BRIEN #5-57	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319708	F-08-062394	4249500000		108		JAMES O'BRIEN #5-58	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319709	F-08-062395	4249500000		108		JAMES O'BRIEN #5-59	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319710	F-08-062396	4249500000		108		JAMES O'BRIEN #5-60	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319711	F-08-062397	4249500000		108		JAMES O'BRIEN #5-61	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319712	F-08-062398	4249500000		108		JAMES O'BRIEN #5-62	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319713	F-08-062399	4249500000		108		JAMES O'BRIEN #5-63	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319716	F-08-062400	4249500000		108		JAMES O'BRIEN #5-64	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319717	F-08-062401	4249500000		108		JAMES O'BRIEN #5-65	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319718	F-08-062402	4249500000		108		JAMES O'BRIEN #5-66	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319719	F-08-062403	4249500000		108		JAMES O'BRIEN #5-67	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319720	F-08-062404	4249500000		108		JAMES O'BRIEN #5-68	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319721	F-08-062405	4249500000		108		JAMES O'BRIEN #5-69	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319722	F-08-062406	4249500000		108		JAMES O'BRIEN #5-70	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319723	F-08-062407	4249500000		108		JAMES O'BRIEN #5-71	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319724	F-08-062408	4249500000		108		JAMES O'BRIEN #5-72	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319725	F-08-062409	4249500000		108		JAMES O'BRIEN #5-73	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319726	F-08-062410	4249500000		108		JAMES O'BRIEN #5-74	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319727	F-08-062411	4249500000		108		JAMES O'BRIEN #5-75	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319728	F-08-062412	4249500000		108		JAMES O'BRIEN #5-76	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319729	F-08-062413	4249500000		108		JAMES O'BRIEN #5-77	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319730	F-08-062414	4249500000		108		JAMES O'BRIEN #5-78	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319731	F-08-062415	4249500000		108		JAMES O'BRIEN #5-79	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319732	F-08-062416	4249500000		108		JAMES O'BRIEN #5-80	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319733	F-08-062417	4249500000		108		JAMES O'BRIEN #5-81	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319734	F-08-062418	4249500000		108		JAMES O'BRIEN #5-82	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319735	F-08-062419	4249500000		108		JAMES O'BRIEN #5-83	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319736	F-08-062420	4249500000		108		JAMES O'BRIEN #5-84	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319737	F-08-062421	4249500000		108		JAMES O'BRIEN #5-85	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319738	F-08-062422	4249500000		108		JAMES O'BRIEN #5-86	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319739	F-08-062423	4249500000		108		JAMES O'BRIEN #5-87	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319740	F-08-062424	4249500000		108		JAMES O'BRIEN #5-88	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319741	F-08-062425	4249500000		108		JAMES O'BRIEN #5-89	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319742	F-08-062426	4249500000		108		JAMES O'BRIEN #5-90	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319744	F-08-062427	4249500000		108		JAMES O'BRIEN #5-91	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319746	F-08-062428	4249500000		108		JAMES O'BRIEN #5-92	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319747	F-08-062429	4249500000		108		JAMES O'BRIEN #5-93	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319750	F-08-062430	4249500000		108		JAMES O'BRIEN #5-94	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319751	F-08-062431	4249500000		108		JAMES O'BRIEN #5-95	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319752	F-08-062432	4249500000		108		JAMES O'BRIEN #5-96	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319753	F-08-062433	4249500000		108		JAMES O'BRIEN #5-97	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319754	F-08-062434	4249500000		108		JAMES O'BRIEN #5-98	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319755	F-08-062435	4249500000		108		JAMES O'BRIEN #5-99	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319756	F-08-062436	4249500000		108		JAMES O'BRIEN #5-100	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319757	F-08-062437	4249500000		108		JAMES O'BRIEN #5-101	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319758	F-08-062438	4249500000		108		JAMES O'BRIEN #5-102	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319759	F-08-062439	4249500000		108		JAMES O'BRIEN #5-103	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319760	F-08-062440	4249500000		108		JAMES O'BRIEN #5-104	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319761	F-08-062441	4249500000		108		JAMES O'BRIEN #5-105	GRETA (L-13)	12.0	UNITED TEXAS TRAN
8319762	F-08-062442	4249500000		108		JA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8319864	F-8A-062823	4207931569		103		LEAGUE 91 PROJECT #109A
8319650	F-7C-062342	4246100000		108		MCCLURE W H AC1 #7
8319642	F-03-062333	4207100000		108		MECKELBURG #1
8319859	F-06-062796	4240131487		103		R J HENDON #26
8319744	F-8A-062512	4221933215		103		SOUTHEAST LEVELLAND UNIT #260
8319742	F-8A-062510	4221933505		103		SOUTHEAST LEVELLAND UNIT #278
8319746	F-8A-062514	4221933503		103		SOUTHEAST LEVELLAND UNIT #280
8319747	F-8A-062515	4221933499		103		SOUTHEAST LEVELLAND UNIT #290
8319644	F-08-062335	4200300000		108		UNIVERSITY -P- #4
8319621	F-08-062289	4233531879		102-4		V T MCCABE #26
8319754	F-8A-062522	4250132250		103		WASSON NORTH CLEARFORK UNIT #92
				RECEIVED:	01/27/83	JA: TX
-SUN-KEY OIL CO INC						
8319676	F-7B-062397	4214300000		108		D P SWANNER "B" #1 (100653)
				RECEIVED:	01/27/83	JA: TX
-TAUBERT & STEED						
8319852	F-06-062760	4249931102		102-4		W N VICKERY #2
				RECEIVED:	01/27/83	JA: TX
-TENNECO OIL COMPANY						
8319869	F-8A-062841	4244531063		103		PRENTICE CLEARFORK UNIT #904
				RECEIVED:	01/27/83	JA: TX
-TEPCO ENGINEERING INC						
8319536	F-02-061670	4202531932		102-4	103	WM SMITH #1
				RECEIVED:	01/27/83	JA: TX
-TEX-STAR PETROLEUM						
8319602	F-7C-062111	4239931694		103		FULLER #2
				RECEIVED:	01/27/83	JA: TX
-TEXACO INC						
8319548	F-8A-061862	4221933322		103		IRA P DELOACHE #53
8319616	F-10-062248	4206500000		108		J C MCCONNELL "A" #10
8319659	F-10-062352	4206500000		108		J K QUINN #15
8319655	F-10-062348	4217900000		108		J M PATTON #10
8319654	F-10-062347	4217900000		108		J M PATTON #11
8319658	F-10-062351	4217900000		108		J M PATTON #7
8319657	F-10-062350	4217900000		108		J M PATTON #8
8319656	F-10-062349	4217900000		108		J M PATTON #9
8319776	F-8A-062576	4250132275		103		ROBERTS UNIT #320Z
				RECEIVED:	01/27/83	JA: TX
-TEXAS CRUDE INC						
8319550	F-8A-061879	4211500000		102-4		MULLINS 107 #1
				RECEIVED:	01/27/83	JA: TX
-THE MAURICE L BROWN COMPANY						
8319667	F-06-062376	4220300000		108		BARKER-LENTZ #6
				RECEIVED:	01/27/83	JA: TX
-THOMAS-POWELL ROYALTY INC						
8319570	F-7C-061945	4239932565		102-4		MIKESKA #4 (08628)
				RECEIVED:	01/27/83	JA: TX
-TOM MCGEE CORP						
8319575	F-10-061974	4229530942		103		KIM "B" #1 (04838)
				RECEIVED:	01/27/83	JA: TX
-TRUMTER PETROLEUM CORP						
8319834	F-7B-062693	4213333722		102-4		C T SMITH #1 (102692)
				RECEIVED:	01/27/83	JA: TX
-TUMBLEWEED PRODUCTION CO						
8319612	F-10-062207	4206500000		103		HAIDUK #1
				RECEIVED:	01/27/83	JA: TX
-TURTLE PRODUCTION CO INC						
8319779	F-7B-062584	4205933089		102-4		HAL MCGLOTHLIN #5
				RECEIVED:	01/27/83	JA: TX
-TXO PRODUCTION CORP						
8319535	F-10-061660	4229531219		102-4		BOOKERTOWNSITE #2
8319618	F-8A-062271	4216532288		103		BURKE "D" #1
8319569	F-05-061943	4216130755		102-4		COATES "A" #1
8319540	F-06-061734	4220330579		103		SANDERS "A" #1
				RECEIVED:	01/27/83	JA: TX
-VINSON EXPLORATION						
8319793	F-7C-062608	4210500000		102-4		UNIV "14-30" #1
8319792	F-7C-062607	4210500000		102-4		UNIV "33-H" #1

FIELD NAME	PROD	PURCHASER
SLAUGHTER	5.0	AMOCO PRODUCTION
KING MOUNTAIN-STRAWN	5.0	PHILLIPS PETROLEU
FIG RIDGE	19.0	UNITED TEXAS TRAN
REDWINE (TRAVIS PEAK	20.0	ARCO OIL & GAS CO
LEVELLAND	106.0	AMOCO PRODUCTION
LEVELLAND	5.0	AMOCO PRODUCTION
LEVELLAND	7.0	AMOCO PRODUCTION
LEVELLAND	2.0	AMOCO PRODUCTION
EMBAR (5600)	11.0	PHILLIPS PETROLEU
JAMESON N	74.0	LONE STAR GAS CO
WASSON NE (CLEARFORK)	11.0	SHELL OIL CO
DIAZ (STRAWN)	3.0	SOUTHWESTERN GAS
NEUHOFF (WOODBINE)	605.9	UNITED GAS PIPELI
PRENTICE (6700 CLEARF	0.0	AMOCO PRODUCTION
SMITH RANCH (3850) FI	182.0	SOUTHERN GAS PIPE
HENSON (MORRIS)	44.0	UNION TEXAS PETRO
LEVELLAND	4.4	AMOCO PRODUCTION
PANHANDLE CARSON COUN	1.0	GETTY OIL CO
PANHANDLE CARSON COUN	0.5	GETTY OIL CO
PANHANDLE GRAY COUNTY	0.7	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	1.1	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	1.5	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
PANHANDLE GRAY COUNTY	1.0	PHILLIPS PETROLEU
WASSON	0.0	SHELL OIL CO
LAMESA FARMS (MISS)	5.5	
BETHANY	18.0	UNITED GAS PIPE L
WINGATE NW (GRAY)	223.0	UNION TEXAS PETRO
KIOWA CREEK N E (TONK	300.0	INTER NORTH INC
RANGER (3216 CONGL)	113.9	LONE STAR GAS CO
PANHANDLE	93.4	GETTY OIL CO
LAJET (FLIPPEN)	4.0	LONE STAR GAS CO
BOOKER N (MORROW UPPE	180.0	DELHI GAS PIPELIN
HANFORD (SAN ANDRES)	14.6	PHILLIPS PETROLEU
INGRAM TRINITY (RODES	139.0	DELHI GAS PIPELIN
WASKOM (PETTIT LOWER)	392.0	ARKANSAS-LOUISIAN
INGHAM (QUEEN)	36.0	SOUTHWESTERN GAS
INGHAM (QUEEN)	82.0	SOUTHWESTERN GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319791	F-7C-062603	4210500000		102-4		UNIV "33-H" #2	INGHAM (QUEEN)	73.0	SOUTHWESTERN GAS
8319797	F-7C-062621	4210500000		102-4		UNIV "35-29" #1	INGHAM (QUEEN)	54.0	SOUTHWESTERN GAS
-W J WHITT				RECEIVED:	01/27/83	JA: TX			
8319633	F-7B-062312	4204933179		102-4		4-W RANCH -A- #12 (18645)	DUDLEY (CADDO)	31.0	EL PASO HYDROCARB
8319632	F-7B-062311	4204933302		102-4		4-W RANCH -A- #13 (18645)	DUDLEY (CADDO)	30.0	EL PASO HYDROCARB
8319631	F-7B-062310	4204933303		102-4		4-W RANCH -A- #14 (18645)	DUDLEY (CADDO)	33.0	EL PASO HYDROCARB
8319634	F-7B-062313	4204933095		102-4		4-W RANCH -A- #5 (18645)	DUDLEY (CADDO)	28.0	EL PASO HYDROCARB
-WAGNER & BROWN				RECEIVED:	01/27/83	JA: TX			
8319630	F-08-062303	4243131216		103		FLINT "B" #11-26	CONGER (PENN)	240.0	TEXAS UTILITIES F
-WALSH AND WATTS INC				RECEIVED:	01/27/83	JA: TX			
8319713	F-7B-062450	4215131592		103		YORK #8 (15270)	JUDY GAIL (CANYON SAN	4.0	LONE STAR GAS CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	01/27/83	JA: TX			
8319875	F-08-062851	4210332860		103		P J LEA #137	LEA (SAN ANDRES)	8.1	EL PASO NATURAL G
8319725	F-08-062469	4210332882		103		STATE "ED" #14	DUNE	0.6	EL PASO NATURAL G
8319876	F-08-062852	4210332866		103		STATE "EG" #27	DUNE	4.3	EL PASO NATURAL G
8319726	F-08-062470	4210332928		103		W A ESTES #115	SAND HILLS WEST	1.2	EL PASO NATURAL G
8319723	F-08-062467	4247530749		108		W A ESTES #97	SAND HILLS WEST (DEVO	17.8	VALERO TRANSMISSI
8319877	F-08-062853	4210332765		103		W N WADDELL #1126	UNIVERSITY WADDELL (D	86.9	EL PASO NATURAL G
8319879	F-08-062855	4210332775		103		W N WADDELL #1160	DUNE	3.4	EL PASO NATURAL G
8319878	F-08-062854	4210332988		103		W N WADDELL #1171	WADDELL	4.7	EL PASO NATURAL G
8319880	F-08-062856	4210332990		103		W N WADDELL #1172	WADDELL	9.3	EL PASO NATURAL G
8319881	F-08-062857	4210332987		103		W N WADDELL #1173	WADDELL	4.7	EL PASO NATURAL G
8319720	F-08-062464	4210302293		108		W N WADDELL #379	SAND HILLS (MCKNIGHT)	17.3	EL PASO NATURAL G
8319718	F-08-062462	4210310420		108		W N WADDELL #886	SAND HILLS (JUDKINS)	14.1	EL PASO NATURAL G
-WCS PETROLEUM INC				RECEIVED:	01/27/83	JA: TX			
8319579	F-03-062029	4205132285		102-2		HEINE #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
8319841	F-03-062732	4205132318		102-2		WILMA #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-WESTERN CHIEF OIL & GAS CO				RECEIVED:	01/27/83	JA: TX			
8319561	F-09-061895	4223734712		102-4		DUNLAP PEACH ORCHARD PERMIT #171539	TJN (STRAWN)	1812.0	SOUTHWESTERN GAS
-WILLIAM C DOENGES				RECEIVED:	01/27/83	JA: TX			
8319613	F-10-062208	4234100000		108		SNEED CL 24617	PANHANDLE WEST	15.4	PHILLIPS PETROLEU
8319614	F-10-062209	4234100000		108		TERRY B-1 24619	PANHANDLE WEST	15.4	PHILLIPS PETROLEU
-WINN EXPLORATION/DULCE CO				RECEIVED:	01/27/83	JA: TX			
8319596	F-01-062678	4250731629		102-4		PRYOR RANCH	WINN-DULCE	0.0	INTER NORTH INC
8319562	F-01-061915	4250731552		102-4		PRYOR RANCH #79-C	WINN-DULCE	0.0	INTERNORTH INC
8319563	F-01-061916	4250731552		102-4		PRYOR RANCH #79-T	WINN-DULCE	0.0	INTERNORTH INC
-XB ENERGY SERVICES INC				RECEIVED:	01/27/83	JA: TX			
8319595	F-03-062074	4232131139		102-4		P P TERRY #1	DUNCAN SLOUGH W (LOWE	1200.0	INTERSTATE GATHER

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6080 Filed 2-28-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 836]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-TRAVERSE OIL CO				RECEIVED:	01/31/83	JA: MI			
8319947		2105534849		102-4		ELHART #2-3	UNION 3-A	155.0	CONSUMERS POWER C
8319948		2101350080		102-4		ST MAPLE GROVE #3-1	MAPLE GROVE 1-A	145.0	CONSUMERS POWER C
MONTANA BOARD OF OIL & GAS CONSERVATION									
-AMINOIL USA INC				RECEIVED:	01/31/83	JA: MT			
8319916	1-82-13	2509121412		102-2		CONRADSON #1	WILDCAT	21.0	PHILLIPS PETROLEU
8319913	1-82-13A	2509121412		103		CONRADSON #1	WILDCAT	21.0	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/31/83	JA: MT			
8319911	2-82-37	2508321490		102-2		COLWELL 13E-11 #2	CULBERTSON AREA	40.0	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	01/31/83	JA: MT			
8319914	1-82-12	2508521315		102-2		CRUSCH FEE 42-13	ANVIL	25.0	
-MERLAND OIL & GAS INC				RECEIVED:	01/31/83	JA: MT			
8319917	1-82-11	2508521722		103		PICARD 1-11	N BAINVILLE NESE SEC	9.0	DOME PETROLEUM CO
8319918	1-82-10	2508521325		103		PICARD 5-11	NORTH BAINVILLE	9.0	DOME PETROLEUM CO
-SANTA FE ENERGY COMPANY				RECEIVED:	01/31/83	JA: MT			
8319915	4-81-59	2509121308		102-4		STATE 16 #11	RAYMOND	2.1	PHILLIPS PETROLEU
-WEST GAS INC				RECEIVED:	01/31/83	JA: MT			
8319912	1-82-14	2509521140		103		LEUTHOLD 7-24	LAKE BASIN	20.0	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-HNG OIL COMPANY				RECEIVED:	01/31/83	JA: NM			
8319943		3002527888		103		LOVINGTON PLAINS "2" STATE #1	WILDCAT MORROW	75.0	WARREN PETROLEUM
-MERRION OIL & GAS CORP				RECEIVED:	01/31/83	JA: NM			
8319942		3004500000		108		CARNAHAN COM #1	FLORA VISTA MESA VERD	15.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	01/31/83	JA: NM			
8319946		3000561691		102-2	107-TF	HALEY COM #1	UNDESIGNATED PECOS SL	470.0	
8319945		3000561733		102-2	107-TF	IRIS STATE #3	UNDESIGNATED ABO	470.0	
-THRESHOLD DEVELOPMENT CO				RECEIVED:	01/31/83	JA: NM			
8319944		3001524157		103		CONOCO "7" STATE #11	E MILLMAN QUEEN GRAYB	14.0	CONOCO INC
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALTEX INC				RECEIVED:	01/31/83	JA: OH			
8319949		3408924499		103		FELUMLEE #1	MADISON TOWNSHIP	5.0	NATIONAL GAS & OI
-AMAC INC				RECEIVED:	01/31/83	JA: OH			
8319950		3403124911		103	107-TF	CATHERINE BESST # 1	CLARK	20.0	COLUMBIA GAS TRAN
-AMERICAN STATES O & G PRODUCING CO				RECEIVED:	01/31/83	JA: OH			
8319951		3410322887		107-TF		KRUEGER #3	GRANGE	4.0	COLUMBIA GAS TRAN

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JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319952		3410323173		107-TF		PRAISLER #1	MEDINA	4.0	COLUMBIA GAS OF O
-BAY STATE EXPLORATION CO				RECEIVED: 01/31/83		JA: OH			
8319953		3416320631		103		L C FOUT #1	VINTON	18.3	COLUMBIA GAS TRAN
-BERRESFORD ENTERPRISES INC				RECEIVED: 01/31/83		JA: OH			
8319955		3416725984		108		RICHARD MCNABB #1		1.6	
-BILL BLAIR INCORPORATED				RECEIVED: 01/31/83		JA: OH			
8319956		3402920896		103	107-TF	HANSEN #1	HANOVERTON	14.0	EAST OHIO GAS CO
8319957		3402920897		103	107-TF	HANSEN #2	HANOVERTON	14.0	EAST OHIO GAS CO
-BLAUSER WELL SERVICE INC				RECEIVED: 01/31/83		JA: OH			
8319958		3410522153		103		ARTHUR D HEINEY #1-104	OLIVE	12.8	COLUMBIA GAS TRAN
8319959		3410522251		103		ARTHUR D HEINEY #2-104	OLIVE	14.6	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED: 01/31/83		JA: OH			
8319962		3416922185		107-RT		DELMAR C FALE #1	PAINT	8.0	COLUMBIA GAS TRAN
8319961		3407522960		103	107-TF	ELI AMMON RABER #1	CREEK	16.0	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC				RECEIVED: 01/31/83		JA: OH			
8319963		3411122851		103		KAHRIG #1	MALAGA	21.0	
-CARLTON OIL CORP				RECEIVED: 01/31/83		JA: OH			
8319966		3416726153		103		BUTLER #2	GRANDVIEW	50.0	RIVER GAS CO
8319964		3416726154		103		HARTLINE #1	GRANDVIEW	50.0	RIVER GAS CO
8319965		3416726152		103		PRYOR #1	GRANDVIEW	50.0	RIVER GAS CO
-CLINTON OIL CO				RECEIVED: 01/31/83		JA: OH			
8319967		3408924348		103		J LONG #1-654	FALLSBURY	10.0	
-DAVIS FRAC TANKS & SUPPLY				RECEIVED: 01/31/83		JA: OH			
8319968		3405921554		108		PERRY C BEAL #1		0.0	EAST OHIO GAS CO
-DUSTY DRILLING COMPANY INC				RECEIVED: 01/31/83		JA: OH			
8319969		3411522102		107-TF		SIDWELL #1	DEERFIELD	0.9	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC				RECEIVED: 01/31/83		JA: OH			
8319970		3408322833		108		KB-3B GREEN		18.0	COLUMBIA GAS TRAN
8319971		3408322834		108		KB-4B GREEN		18.0	COLUMBIA GAS TRAN
-EDWARD H EVERETT CO				RECEIVED: 01/31/83		JA: OH			
8319984		3408924580		103		R D CANNON R CANNON H HOLBERT #1	MADISON	16.2	NATIONAL GAS & OI
-ELKHEAD GAS & OIL COMPANY				RECEIVED: 01/31/83		JA: OH			
8319972		3407332746		103		STRAIT #6	HOCKING	50.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 01/31/83		JA: OH			
8319973		3400720098		103	107-RT	CLARK #1	WINDSOR	18.0	COLUMBIA GAS TRAN
8319974		3400720703		103	107-RT	HERING #1	WINDSOR	19.0	COLUMBIA GAS TRAN
8319979		3405520200		103	107-RT	KAUFFMAN WELL #2	HUNTSBURG	20.0	COLUMBIA GAS TRAN
8319975		3400720704		103	107-RT	NOVAK #1	WINDSOR	19.0	COLUMBIA GAS TRAN
8319976		3400720705		103	107-RT	SOLOWEYKO #1	WINDSOR	19.0	COLUMBIA GAS TRAN
8319977		3405520186		103	107-RT	TROYER #2	MIDDLEFIELD	18.0	COLUMBIA GAS TRAN
8319978		3405520194		103	107-RT	WEAVER #1	MIDDLEFIELD	17.0	COLUMBIA GAS TRAN
-ENTERPRISE ENERGY CORP				RECEIVED: 01/31/83		JA: OH			
8319982		3411522941		103	107-TF	OYE #3	MANCHESTER	36.5	TEXAS EASTERN TRA
8319980		3401921588		103	107-TF	KLOTZ #3	BROWN	27.3	M B OPERATING CO
8319981		3411522812		103	107-TF	RODEBACK #2	MANCHESTER	36.5	TEXAS EASTERN TRA
-ENVIROGAS INC				RECEIVED: 01/31/83		JA: OH			
8319983		3400922661		103	107-TF	DRYDOCK COAL #19 TR	TRIMBLE	18.2	COLUMBIA GAS TRAN
-GEO ENERGY INC				RECEIVED: 01/31/83		JA: OH			
8319986		3409321181		107-TF		PLATA & RUBESNE #70-4	COLUMBIA	15.0	COLUMBIA GAS TRAN
-GREEN GAS COMPANY				RECEIVED: 01/31/83		JA: OH			
8319987		3405921037		108		LESTER ELLWOOD #1		0.0	EAST OHIO GAS CO
8319988		3405921361		108		RALPH E MCKIM #1		0.0	EAST OHIO GAS CO
8319989		3415722451		108		W & B GIBBS #1		0.0	EAST OHIO GAS CO

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JD NO	DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8319990		3415722452		108		W & B GIBBS #2		0.0	EAST OHIO GAS CO
-HARRISON OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319991		3415722453		108		HARRISON #1		0.0	EAST OHIO GAS CO
-HEINEY OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319992		3410522252		103		ARTHUR D HEINEY #3-104	OLIVE	14.6	COLUMBIA GAS TRAN
-HOLLOWAY OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319993		3411522813		103	107-TF	RODEBACK #3	MANCHESTER	36.5	TEXAS EASTERN TRA
-HOPCO INC				RECEIVED: 01/31/83		JA: OH			
8319994		3411522814		103	107-TF	RODEBACK #4	MANCHESTER	36.5	TEXAS EASTERN TRA
-HOWARD OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319995		3411522815		103	107-TF	RODEBACK #5	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319996		3411522816		103	107-TF	RODEBACK #6	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319997		3411522817		103	107-TF	RODEBACK #7	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319998		3411522818		103	107-TF	RODEBACK #8	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8319999		3411522819		103	107-TF	RODEBACK #9	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320000		3411522820		103	107-TF	RODEBACK #10	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320001		3411522821		103	107-TF	RODEBACK #11	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320002		3411522822		103	107-TF	RODEBACK #12	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320003		3411522823		103	107-TF	RODEBACK #13	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320004		3411522824		103	107-TF	RODEBACK #14	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320005		3411522825		103	107-TF	RODEBACK #15	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320006		3411522826		103	107-TF	RODEBACK #16	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320007		3411522827		103	107-TF	RODEBACK #17	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320008		3411522828		103	107-TF	RODEBACK #18	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320009		3411522829		103	107-TF	RODEBACK #19	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320010		3411522830		103	107-TF	RODEBACK #20	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320011		3411522831		103	107-TF	RODEBACK #21	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320012		3411522832		103	107-TF	RODEBACK #22	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320013		3411522833		103	107-TF	RODEBACK #23	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320014		3411522834		103	107-TF	RODEBACK #24	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320015		3411522835		103	107-TF	RODEBACK #25	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320016		3411522836		103	107-TF	RODEBACK #26	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320017		3411522837		103	107-TF	RODEBACK #27	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320018		3411522838		103	107-TF	RODEBACK #28	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320019		3411522839		103	107-TF	RODEBACK #29	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320020		3411522840		103	107-TF	RODEBACK #30	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320021		3411522841		103	107-TF	RODEBACK #31	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320022		3411522842		103	107-TF	RODEBACK #32	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320023		3411522843		103	107-TF	RODEBACK #33	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320024		3411522844		103	107-TF	RODEBACK #34	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320025		3411522845		103	107-TF	RODEBACK #35	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320026		3411522846		103	107-TF	RODEBACK #36	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320027		3411522847		103	107-TF	RODEBACK #37	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320028		3411522848		103	107-TF	RODEBACK #38	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320029		3411522849		103	107-TF	RODEBACK #39	MANCHESTER	36.5	TEXAS EASTERN TRA
-HUNTER OIL & GAS INC				RECEIVED: 01/31/83		JA: OH			
8320030		3411522850		103	107-TF	RODEBACK #40	MANCHESTER	36.5	TEXAS EASTERN TRA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GREENWOOD OIL RFD				RECEIVED:	01/31/83	JA: OH			
8319990		3403124829		103		FRANK MEISER #1	JEFFERSON	12.0	NATIONAL GAS & OI
-GWF CORP				RECEIVED:	01/31/83	JA: OH			
8319985		3412724585		103		SPICER #1	PIKE	5.0	
-H & K ENERGY CORP				RECEIVED:	01/31/83	JA: OH			
8319991		3412728746		103		BOWERS #1	PIKE	1.0	
-H & S DRILLING CO INC				RECEIVED:	01/31/83	JA: OH			
8319992		3411926331		107-TF		BAGLEY #2	BRUSH CREEK	8.0	NATIONAL GAS & OI
-HOPCO RESOURCES INC				RECEIVED:	01/31/83	JA: OH			
8319994B		3403124926	D	107-TF		PEW #5	KEENE	12.0	COLUMBIA GAS TRAN
8319994A		3403124926		103		PEW #5	KEENE	12.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	01/31/83	JA: OH			
8319995		3408924393		103		RALPH & ANNA WOOD #2	WASHINGTON	10.0	COLUMBIA GAS TRAN
-IRON RIDGE PRODUCTION CO				RECEIVED:	01/31/83	JA: OH			
8319996		3416727377		103		MIDDLESWART #2	WARREN TWP-BEREA GRIT	8.0	RIVER GAS CO
-JADOIL INC				RECEIVED:	01/31/83	JA: OH			
8319997		3411925846		107-TF		EPHRAIM F & DELORES A HEIL #1	SALEM	60.0	EAST OHIO GAS CO
-JAMES R BERNHARDT				RECEIVED:	01/31/83	JA: OH			
8319954		3410322672		103	107-TF	BARENS WELL #1	GRANGER	0.0	COLUMBIA GAS TRAN
-JERRY MOORE INC				RECEIVED:	01/31/83	JA: OH			
8320030		3400522972	D	103		ANDY SCHLABACH #11406	SULLIVAN	2.0	COLUMBIA GAS TRAN
8320032		3403123299		103		IRWIN D FRYE #5	WEST LAFAYETTE	1.0	COLUMBIA GAS TRAN
8320031		3400523013	D	103		RICHARD FARKAS #20098	WILD CAT	1.0	COLUMBIA GAS TRAN
-KING DRILLING CO				RECEIVED:	01/31/83	JA: OH			
8319998		3410323258		107-TF		RALPH LANDIS #1	GUILFORD	10.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED:	01/31/83	JA: OH			
8319999		3411926471		107-TF		R SMITH #3	NASHPORT	10.0	NATIONAL GAS CORP
-LANGASCO DRILLING CO				RECEIVED:	01/31/83	JA: OH			
8320000		3402920890		107-TF		GEORGE LEE #1	LICKING	45.0	COLUMBIA GAS TRAN
8320001		3402920921		107-TF		MARY SNYDER #1	KNOX	46.0	COLUMBIA GAS TRAN
-LEONARD C COMAN				RECEIVED:	01/31/83	JA: OH			
8320002		3400721534		107-TF		C & J RHOADS #2	CONNEAUT	17.0	EAST OHIO GAS CO
-LOMAK PETROLEUM INC				RECEIVED:	01/31/83	JA: OH			
8320026		3415521070		108		A WICKLEY #1		3.6	EAST OHIO GAS CO
8320027		3415521071		108		A WICKLEY #2		2.1	EAST OHIO GAS CO
8320015		3415520219		108		B BUNDY #1		1.8	EAST OHIO GAS CO
8320025		3415520726		108		C TROYER #3		3.2	EAST OHIO GAS CO
8320005		3405520270		108		D DURKEE #1		3.7	EAST OHIO GAS CO
8320012		3411922862		107-TF		E FERRELL #1-B	YORK	12.0	COLUMBIA GAS TRAN
8320004		3405520269		108		E GINGERICH #1		6.3	EAST OHIO GAS CO
8320010		3420990945		108		F DOLENCE - L WHITE #1		2.5	EAST OHIO GAS CO
8320013		3411926420		107-TF		FLICKINGER UNIT #1-MD	HARRISON	12.0	COLUMBIA GAS TRAN
8320014		3413322905		107-TF		G LEJSEK #3	FREEDOM	12.0	COLUMBIA GAS TRAN
8320020		3415520533		108		GROVER #2		1.2	EAST OHIO GAS CO
8320017		3415520222		108		J NOSSE #1		5.4	EAST OHIO GAS CO
8320021		3415520534		108		J NOSSE #3		2.2	EAST OHIO GAS CO
8320028		3415521075		108		J PAVLIC #1		4.0	EAST OHIO GAS CO
8320009		3409920943		108		JOHNSON-DEWEY #1		5.4	EAST OHIO GAS CO
8320011		3409920960		108		JOHNSON-NYE-VONA #1		2.0	EAST OHIO GAS CO
8320008		3409920802		108		MYERS #2		0.5	EAST OHIO GAS CO
8320007		3409920795		108		MYERS #3		2.2	EAST OHIO GAS CO
8320018		3415520244		108		P MILLER #1		2.1	EAST OHIO GAS CO
8320016		3415520220		108		R BEAN #1		4.8	EAST OHIO GAS CO

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JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320019		3415520368		108		R SILVERNAIL #1		2.2	EAST OHIO GAS CO
8320023		3415520536		108		S CRISPO #1		4.3	EAST OHIO GAS CO
8320022		3415520535		108		S WEAVER #1		2.2	EAST OHIO GAS CO
8320006		3405520274		108		V ZBIKOWSKI #1		12.0	EAST OHIO GAS CO
8320003		3405520268		108		W GINGERICH/J SZABO #1		0.5	EAST OHIO GAS CO
8320024		3415520542		108		W MARKS #2		6.5	EAST OHIO GAS CO
-NATIONAL PRODUCTION CORPORATION				RECEIVED: 01/31/83 JA: OH					
8320033		3411926339		107-TF		TYSINGER #2	BLUE ROCK	10.0	NATIONAL GAS & OI
-NEW FRONTIER EXPLORATION INC				RECEIVED: 01/31/83 JA: OH					
8320035		3412122909		103	107-TF	CHARLES BRADEN #1	OLIVE	22.0	YANKEE RESOURCES
8320034		3411522957		103	107-TF	GLENN FOX #2	BLOOM	18.0	YANKEE RESOURCES
-NOBLE OIL CORP				RECEIVED: 01/31/83 JA: OH					
8320038		3413322958		107-TF		LOCKNEY #1	PALMYRA	20.0	GENERAL ELECTRIC
8320040		3413322962		107-TF		LOCKNEY #2	PALMYRA	20.0	GENERAL ELECTRIC
8320036		3413322838		107-TF		MCKENZIE #1	PALMYRA	20.0	GENERAL ELECTRIC
8320039		3413322960		107-TF		NOVAK #1	PALMYRA	20.0	GENERAL ELECTRIC
8320037		3413322880		107-TF		WOODALL #1	PALMYRA	20.0	GENERAL ELECTRIC
-O S WITTMER				RECEIVED: 01/31/83 JA: OH					
8320107		3411522711		107-TF		PLEASANT VALLEY #1	DEERFIELD	9.0	COLUMBIA GAS & TR
-OAK DALE DRILLING CO				RECEIVED: 01/31/83 JA: OH					
8320041		3412725734		103		EUNICE GIBBS #1	COAL	10.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED: 01/31/83 JA: OH					
8320042		3415522216		107-TF		CONSUMER #6	FOWLER	20.0	COLUMBIA GAS TRAN
8320043		3415522217		107-TF		CONSUMER 7	HARTFORD	20.0	COLUMBIA GAS TRAN
-OHIO PRODUCERS SERVICES INC				RECEIVED: 01/31/83 JA: OH					
8320044		3412725759		103		RUTH GOWER #1	HOPEWELL	5.0	NATIONAL GAS & OI
-ONEAL PETROLEUM INC				RECEIVED: 01/31/83 JA: OH					
8320045		3411522585		107-TF		B SHRIVER #5	MALTA	300.0	COLUMBIA GAS TRAN
8320046		3411522927		107-TF		BARNETT UNIT #3	MEIGSVILLE	200.0	COLUMBIA GAS TRAN
-ORION ENERGY CORP				RECEIVED: 01/31/83 JA: OH					
8320052		3415723663		107-TF		MCFADDEN #2	FRANKLIN	30.0	EAST OHIO GAS CO
8320051		3415723593		107-TF		MCFADDEN UNIT #1	FRANKLIN	10.0	EAST OHIO GAS CO
8320050		3415723592		107-TF		NORTH AMERICAN REFRACTORIES CO #2	FRANKLIN	0.0	EAST OHIO GAS CO
8320048		3413322753		107-TF		SCHULTZ LAKE UNIT #2	ATWATER	20.0	EAST OHIO GAS CO
8320049		3415123530		107-TF		SPEICHER #2	TUSCARAWAS	15.0	EAST OHIO GAS CO
8320053		3415723676		107-TF		STANSBURY UNIT #1	GOSHEN	30.0	EAST OHIO GAS CO
8320047		3413322526		107-TF		TIMBERLAKE UNIT #2	ATWATER	15.0	EAST OHIO GAS CO
8320054		3416923203		107-TF		WIANDT #1	CHESTER	15.0	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP				RECEIVED: 01/31/83 JA: OH					
8320057		3405520380		107-TF		DEL BALSO FIRST UNIT #1 GC-304	CLARIDON TOWNSHIP	23.4	EAST OHIO GAS CO
8320056		3405520356		107-TF		EDMUND BUEHNER #1 GC-308	CLARIDON TOWNSHIP	27.3	EAST OHIO GAS CO
8320055		3405520331		107-TF		H STARR #1 GC-112	CLARIDON TOWNSHIP	36.9	EAST OHIO GAS CO
8320058		3405520394		107-TF		POLLOCK UNIT #1 GC-402	CLARIDON TOWNSHIP	36.0	EAST OHIO GAS CO
8320059		3405520407		107-TF		WILSON-TIBER UNIT #1 GC-403	CLARIDON TOWNSHIP	37.0	EAST OHIO GAS CO
-POMINEX INC				RECEIVED: 01/31/83 JA: OH					
8320065		3413322922		103	107-TF	KORAN #1	FREEDOM	18.0	
8320062		3413322923		103	107-TF	KORAN #2	FREEDOM	18.0	
8320063		3413322966		103	107-TF	PAUL #1	WINDHAM	18.0	
8320061		3409921540		103	107-TF	S & E BALOGH #1	CLAIRIDON	18.0	
8320060		3409921539		103	107-TF	SCHEMETTI #1	CLARIDON	18.0	
8320064		3413322968		103	107-TF	SCHWAN UNIT #1	FREEDOM	18.0	
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320066		3407523908		107-TF		EARL CRILOW #2	PRAIRIE	10.0	COLUMBIA GAS TRAN

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JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320067		3407523909		107-TF		EARL CRILOW #3	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320068		3407523910		107-TF		EARL CRILOW #4	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320069		3407523911		107-TF		EARL CRILOW #5	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320070		3407523912		107-TF		EARL CRILOW #6	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320071		3407523913		107-TF		EARL CRILOW #7	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320072		3407523914		107-TF		EARL CRILOW #8	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320073		3407523915		107-TF		EARL CRILOW #9	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320074		3407523916		107-TF		EARL CRILOW #10	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320075		3407523917		107-TF		EARL CRILOW #11	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320076		3407523918		107-TF		EARL CRILOW #12	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320077		3407523919		107-TF		EARL CRILOW #13	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320078		3407523920		107-TF		EARL CRILOW #14	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320079		3407523921		107-TF		EARL CRILOW #15	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320080		3407523922		107-TF		EARL CRILOW #16	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320081		3407523923		107-TF		EARL CRILOW #17	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320082		3407523924		107-TF		EARL CRILOW #18	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320083		3407523925		107-TF		EARL CRILOW #19	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320084		3407523926		107-TF		EARL CRILOW #20	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320085		3407523927		107-TF		EARL CRILOW #21	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320086		3407523928		107-TF		EARL CRILOW #22	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320087		3407523929		107-TF		EARL CRILOW #23	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320088		3407523930		107-TF		EARL CRILOW #24	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320089		3407523931		107-TF		EARL CRILOW #25	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320090		3407523932		107-TF		EARL CRILOW #26	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320091		3407523933		107-TF		EARL CRILOW #27	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320092		3407523934		107-TF		EARL CRILOW #28	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320093		3407523935		107-TF		EARL CRILOW #29	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320094		3407523936		107-TF		EARL CRILOW #30	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320095		3407523937		107-TF		EARL CRILOW #31	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320096		3407523938		107-TF		EARL CRILOW #32	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320097		3407523939		107-TF		EARL CRILOW #33	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320098		3407523940		107-TF		EARL CRILOW #34	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320099		3407523941		107-TF		EARL CRILOW #35	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320100		3407523942		107-TF		EARL CRILOW #36	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320101		3407523943		107-TF		EARL CRILOW #37	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320102		3407523944		107-TF		EARL CRILOW #38	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320103		3407523945		107-TF		EARL CRILOW #39	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320104		3407523946		107-TF		EARL CRILOW #40	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320105		3407523947		107-TF		EARL CRILOW #41	PRAIRIE	10.0	COLUMBIA GAS TRAN
-PONDEROSA OIL COMPANY				RECEIVED: 01/31/83 JA: OH					
8320106		3407523948		107-TF		EARL CRILOW #42	PRAIRIE	10.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-QUALITY OIL & GAS CORP				RECEIVED: 01/31/83		JA: OH			
8320068		3402920811		107-TF		HOFER #1	KNOX	45.0	COLUMBIA GAS TRAN
8320070		3409921311		107-TF		INGRAHAM-LILLY #1	SMITH	0.0	EAST OHIO GAS CO
8320067		3402920813		107-TF		KANDEL #1	KNOX	45.0	COLUMBIA GAS TRAN
8320069		3402920816		107-TF		SANOR #1	KNOX	45.0	COLUMBIA GAS TRAN
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 01/31/83		JA: OH			
8319960		3410521703		108		NELSON-KITCHEN #1		2.0	COLUMBIA GAS TRAN
-RESERVE EXPLORATION CO				RECEIVED: 01/31/83		JA: OH			
8320071		3412127510		103		PARKS #1	JEFFERSON	300.0	FREDERICK PETROLE
-ROVI RESOURCES CORP				RECEIVED: 01/31/83		JA: OH			
8320072		3411522900		107-TF		FORRESTAL #1	BLOOM	11.0	COLUMBIA GAS TRAN
8320073		3411522934		107-TF		FORRESTAL #3	BLOOM	11.0	COLUMBIA GAS TRAN
8320074		3411522935		107-TF		FORRESTAL #4	BLOOM	11.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 01/31/83		JA: OH			
8320075		3416726805		103		MOTZ #1	GRANDVIEW	91.3	
-STOCKER&SITLER INC				RECEIVED: 01/31/83		JA: OH			
8320076		3416320618		107-TF		A WILBUR #1	CLINTON	320.0	COLUMBIA GAS TRAN
8320077		3416320752		107-TF		O J LEACH #1	WILKESVILLE	33.0	COLUMBIA GAS TRAN
-STRATA CORP				RECEIVED: 01/31/83		JA: OH			
8320078		3412725520		107-TF		H MILLER #1	BEARFIELD	20.0	
8320079		3412725714		107-TF		MASSINGER #1	PLEASANT	15.0	
-TOWNER PETROLEUM CO				RECEIVED: 01/31/83		JA: OH			
8320090		3412122886		103	107-TF	BEHM A & C #2	WAYNE	27.0	TENNESSEE GAS PIP
8320089		3405923392		103	107-TF	BETTS #2	OXFORD	27.0	TENNESSEE GAS PIP
8320086		3405923062		103	107-TF	HARBAUGH B #1	RICHLAND	27.0	TENNESSEE GAS PIP
8320088		3405923386		103	107-TF	LAKE H #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
8320087		3405923332		103	107-TF	MCVICKERS R #1	OXFORD	27.0	TENNESSEE GAS PIP
8320091		3412122907		103	107-TF	RICH H #2	WAYNE	27.0	TENNESSEE GAS PIP
-TRI-STATE DRILLING				RECEIVED: 01/31/83		JA: OH			
8320092		3407523538		103		GIBSON #1	RICHLAND	12.0	POI ENERGY INC
8320098		3407523884		103		GIBSON #2	RICHLAND	0.0	POI ENERGY INC
8320097		3407523879		103		GIBSON #3	RICHLAND	12.0	POI ENERGY INC
8320093		3407523727		103		MURRAY #1	RICHLAND	12.0	POI ENERGY INC
8320095		3407523805		103		MURRAY #2	RICHLAND	12.0	POI ENERGY INC
8320094		3407523804		103		MURRAY #3	RICHLAND	12.0	POI ENERGY INC
8320096		3407523817		103		MURRAY #4	RICHLAND	12.0	POI ENERGY INC
-TWINOAKS OIL & GAS				RECEIVED: 01/31/83		JA: OH			
8320099		3408323225		103		E LANG - K LOVE #1	BUTLER	6.0	COLUMBIA GAS TRAN
-VICTOR MCKENZIE				RECEIVED: 01/31/83		JA: OH			
8320102		3411926462		103	107-TF	CLARENCE F WALLER #1	PERRY	12.0	COLUMBIA GAS TRAN
-VICTOR PETROLEUM CORP				RECEIVED: 01/31/83		JA: OH			
8320104		3407523963		103	107-TF	AB D TROYER #3	CLARK	5.0	COLUMBIA GAS TRAN
8320103		3407523931		103	107-TF	ATLEE YODER #1	CLARK	7.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP				RECEIVED: 01/31/83		JA: OH			
8320100		3408520335		103	107-TF	LAKE COUNTY NURSERY #2	PERRY	30.0	
8320101		3409921527		103	107-TF	RAKESTRAW UNIT #3	BERLIN	30.0	
-W J LYDIC INC				RECEIVED: 01/31/83		JA: OH			
8320029		3411122320		103		HAYS-LANCASTER #5	JACKSON	35.0	COLUMBIA GAS TRAN
-WENNER PETROLEUM CORPORATION				RECEIVED: 01/31/83		JA: OH			
8320105		3416923205		107-TF		ROBERT E HART #5	MILTON-WAYNE POOL	36.5	COLUMBIA GAS TRAN
-WHITNAM OIL & GAS CORP				RECEIVED: 01/31/83		JA: OH			
8320106		3416726557		103		GEORGE & BETTY POLAND #1	DECATUR	15.0	COLUMBIA GAS TRAN
-WILLIAM F HILL				RECEIVED: 01/31/83		JA: OH			

JD NO	JA DKT	API NO	D	SECT1	SECT2	WELL NAME	FIELD NAME	PROD	PURCHASER
8319993		3407523910		103		ORCHARD #1	MONROE	7.0	
-WILLIAM N TIPKA				RECEIVED:	01/31/83	JA: OH			
8320081		3415520107	D	107-TF		BLACKSON #1	LORDSTOWN	10.0	COLUMBIA GAS TRAN
8320084		3416921672	D	107-TF		E SWARTZENTRUBER #1	PAINT	13.0	COLUMBIA GAS TRAN
8320085		3416918150	D	107-TF		J SWARTZENTRUBER #1	PAINT	3.0	COLUMBIA GAS TRAN
8320083		3415723198	D	107-TF		MOZENA #1	OXFORD	6.0	COLUMBIA GAS TRAN
8320082		3415723197	D	107-TF		MOZENA #2	OXFORD	6.0	COLUMBIA GAS TRAN
8320080		3415321062		107-TF		SAWAN-PRICE #1	COPLEY	10.0	BARTLO OIL & GAS
**********									
UTAH DIVISION OF OIL,GAS, & MINING									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	01/31/83	JA: UT			
8319905	K-121-15	4304330078		102-2		AMOCO CHAMPLIN FAWCETT & SONS #1	WILDCAT PHOSPHORIA	912.5	
-LOMAX EXPLORATION COMPANY				RECEIVED:	01/31/83	JA: UT			
8319906	K-152-1	4301330599		102-2		STATE #1-32	MONUMENT BUTTE	27.4	MOUNTAIN FUEL SUP
8319909	K-152-1	4301330685		102-2		STATE #11-32	MONUMENT BUTTE	38.5	MOUNTAIN FUEL SUP
8319907	K-152-1	4301330604		102-2		STATE #2-32	MONUMENT BUTTE	27.4	MOUNTAIN FUEL SUP
8319910	K-152-1	4301330624		102-2		STATE #5-36	MONUMENT BUTTE	54.8	MOUNTAIN FUEL SUP
8319908	K 152-1	4301330658		102-2		STATE #7-32	MONUMENT BUTTE	109.5	MOUNTAIN FUEL SUP
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
**********									
-AMOCO PRODUCTION CO				RECEIVED:	01/31/83	JA: LA 3			
8319922	G2-2857	1771940195		102-5		OCS-G-1088 B-17	WEST DELTA	600.0	SOUTHERN NATURAL
8319941	G2-2856	1771940195		102-5		OCS-G-1085 WELL B-17	WEST DELTA	1000.0	SOUTHERN NATURAL
-CHEVRON U S A INC				RECEIVED:	01/31/83	JA: LA 3			
8319920	G2-2862	1770240422		102-5		OCS-G-2014 #5	WEST CAMERON	2100.0	NATURAL GAS PIPEL
-CONOCO INC				RECEIVED:	01/31/83	JA: LA 3			
8319937	G2-3351	1770840491		102-1		SOUTH MARSH ISLAND 106 A-8	SOUTH MARSH ISLAND	266.0	TENNESSEE GAS PIP
8319938	G2-3352	1770840498		102-1		SOUTH MARSH ISLAND 106 A-9	SOUTH MARSH ISLAND	277.0	TENNESSEE GAS PIP
-EXXON CORPORATION				RECEIVED:	01/31/83	JA: LA 3			
8319923	G2-3332	1770840552		102-1		OCS-G 4109 # A-12	SOUTH MARSH ISLAND	200.0	COLUMBIA GAS TRAN
-KERR-MCGEE CORPORATION				RECEIVED:	01/31/83	JA: LA 3			
8319935	G2-3073	1771140644		107-DP		OCS 0347 #5	SHIP SHOAL	0.0	TRANSCONTINENTAL
8319940	G2-3072	1771140644		107-DF		OCS 0347 #5 A	SHIP SHOAL	0.0	TRANSCONTINENTAL
-ODECO OIL & GAS CO				RECEIVED:	01/31/83	JA: LA 3			
8319929	G2-2617	1770540484		102-5		OCS-3393 NO 58	VERMILION	900.0	TRANSCONTINENTAL
-SUPERIOR OIL CO				RECEIVED:	01/31/83	JA: LA 3			
8319934	G2-3317	1770040540		107-DP		OCS 0247 #17	WEST CAMERON	1000.0	TEXAS EASTERN TRA
8319936	G2-3097	1773140050		102-1		WELL #8-1	SABINE PASS	0.0	NATURAL GAS PIPEL
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/31/83	JA: TX 3			
8319928	G2-2830	4270940419		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-10	HIGH ISLAND BLOCK A-1	908.0	TRANSCO GAS SUPPL
8319931	G2-2841	4270940444		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-2	HIGH ISLAND BLOCK A-2	681.0	TRANSCO GAS SUPPL
8319927	G2-2831	4270940470		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-3	HIGH ISLAND BLOCK A-3	220.0	TRANSCO GAS SUPPL
8319932	G2-2843	4270940540		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-7D	HIGH ISLAND BLOCK A-7	681.0	TRANSCO GAS SUPPL
8319921	G2-2834	4270940547		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-8	HIGH ISLAND BLOCK A-8	681.0	TRANSCO GAS SUPPL
8319930	G2-2835	4270940547		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-8D	HIGH ISLAND BLOCK A-8	681.0	TRANSCO GAS SUPPL
8319939	G2-2844	4270940559		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-9	HIGH ISLAND BLOCK A-9	908.0	TRANSCO GAS SUPPL
8319925	G2-2832	4270940495		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-4	HIGH ISLAND BLOCK A-4	681.0	TRANSCO GAS SUPPL
8319919	G2-2833	4270940517		102-5		OCS G-2688 HIGH ISL BLK A-467 #A-6	HIGH ISLAND BLOCK A-6	220.0	TRANSCO GAS SUPPL
8319924	G2-3333	4270440029		102-1		OCS G-3935 BRAZOS BLK 451 #A-1	BRAZOS	319.0	MICHIGAN WISCONSI
8319926	G2-3334	4270440029		102-1		OCS G-3935 BRAZOS BLK 451 #A-1D	BRAZOS	319.0	MICHIGAN WISCONSI
-TENNECO OIL COMPANY				RECEIVED:	01/31/83	JA: TX 3			
8319933	G2-3314	4271540011		102-1		SABINE PASS 18 #A-6	SABINE PASS	5200.0	TENNESSEE GAS PIP

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-0681.

BILLING CODE 6717-01-C

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 10 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of this notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1,000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New right formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5061 Filed 2–28–83; 8:45 am]

BILLING CODE 6717–01–M

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[Volume 637]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION									
-ALLIANCE EXPLORATION CORPORATION			RECEIVED:	02/01/83		JA: LA			
8320221	82-2620	1705721591	102-4			GAUDET #1 162546	ROUSSEAU	750.0	TEXAS GAS TRANSMI
-AMERADA HESS CORPORATION			RECEIVED:	02/01/83		JA: LA			
8320206	82-2660	1705700975	108			J P MOORE #5 RL F RA SU	RACELAND	7.4	TRANSCONTINENTAL
-AMINOIL USA INC			RECEIVED:	02/01/83		JA: LA			
8320220	82-3141	1707522956	102-4	103		SL 2028 #22	LAKE WASHINGTON	550.0	SOUTHERN NATURAL
-AMOCO PRODUCTION CO			RECEIVED:	02/01/83		JA: LA			
8320323	82-2258	1702321749	103			STATE LEASE 42 #172	WEST HACKBERRY	50.0	VALLEY GAS TRANSM
-ARCO OIL AND GAS COMPANY			RECEIVED:	02/01/83		JA: LA			
8320228	82-2342	1710121105	102-4			ADELINE SUGAR FACTORY CO #29	JEANERETTE	365.0	MICHIGAN WISCONSI
-BARNETT DRILLING & PRODUCTION			RECEIVED:	02/01/83		JA: LA			
8320226	82-3739	1705120598	102-4			BARNETT DRILLING STATE LEASE 6361 #	SATURDAY ISLAND	210.0	SOUTHERN NATURAL
-BLUEBIRD OIL & GAS PROD CO			RECEIVED:	02/01/83		JA: LA			
8320272	82-2753	1707321868	108			LIEBER ESTATE #1	MONROE	8.4	CUSTER K PRIMOS
8320301	82-2752	1707321869	108			LIEBER ESTATE #2	MONROE	8.4	CUSTER K PRIMOS
-BROCK PETROLEUM CORP			RECEIVED:	02/01/83		JA: LA			
8320235	82-3383	1710922531	102-4			CONTINENTAL LAND & FUR A #1	SOUTH HUMPHREYS	550.0	
-C F BRAUN & CO			RECEIVED:	02/01/83		JA: LA			
8320229	82-2328	1704720737	102-4			BAIST COOPERAGE #3	FROG LAKE	1133.0	DOW CHEMICAL U S
-CHEVRON U S A INC			RECEIVED:	02/01/83		JA: LA			
8320230	82-2320	1771420077	102-4			S L 1368 #23	BAY MARCHAND BLOCK 2	52.0	TENNESSEE GAS PIP
8320199	82-815	1771420077	102-4			S L 1368 #23	BAY MARCHAND BLOCK #2	365.0	TENNESSEE GAS PIP
-CRYSTAL OIL AND LAND COMPANY			RECEIVED:	02/01/83		JA: LA			
8320232	81-2867	1701521681	102-4	107-TF		W T DAVIS "C" #1 HAY RA SUJ	ARKANA	79.6	ARKANSAS LOUISIAN
8320233	81-2878	1701521631	102-4	107-TF		WILLAMETTE "A" #1 HAY RA SUV	ARKANA	136.9	ARKANSAS LOUISIAN
-CUSTER K PRIMOS			RECEIVED:	02/01/83		JA: LA			
8320319	82-2711	1707321870	108			LIEBER ESTATE #2	MONROE	15.1	MID-LOUISIANA GAS
-D-RAM CONSTRUCTION CO			RECEIVED:	02/01/83		JA: LA			
8320270	82-2773	1707321839	103	108		KING #1	MONROE GAS	0.0	IMC EXPLORATION C
-EXXON CORPORATION			RECEIVED:	02/01/83		JA: LA			
8320258	82-3469	1705120619	103			LL&E F #37 LL TP-2 RB NV-U	LITTLE LAKE	150.0	TENNESSEE GAS PIP
8320185	82-3470	1705120619	103			LL&E F #37-D LL TP-1 R2 NVU	LITTLE LAKE	600.0	TENNESSEE GAS PIP
8320172	82-991	1704520709	102-4			PETIT ANSE CO B #66	AVERY ISLAND	100.0	COLUMBIA GAS TRAN
8320201	82-989	1704520718	102-4			PETIT ANSE CO B #67	AVERY ISLAND	300.0	COLUMBIA GAS TRAN
8320173	82-990	1704520718	102-4			PETIT ANSE CO B #67-D	AVERY ISLAND	100.0	COLUMBIA GAS TRAN
-FRANKS PETROLEUM INC ETAL			RECEIVED:	02/01/83		JA: LA			
8320234	82-0253	1701320466	103			J R GOFF ETAL #1	WEST BRYCELAND	300.0	UNITED GAS PIPELI
-GAS RESOURCES INC			RECEIVED:	02/01/83		JA: LA			
8320278	82-2757	1711120306	108			BILL G HALLEY #1	MONROE GAS	10.0	MID-LOUISIANA GAS
8320277	82-2758	1711120307	108			BILL G HALLEY #2	MONROE GAS	13.5	MID-LOUISIANA GAS
8320274	82-2777	1711123413	108			MEEKS #1	MONROE GAS	12.0	MID-LOUISIANA GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320268	82-2776	1711123415		108		MEEKS #2	MONROE GAS	11.0	MID-LOUISIANA GAS
8320269	82-2775	1711123416		108		MEEKS #3	MONROE GAS	16.0	MID-LOUISIANA GAS
-GATOR HAWK GAS CO				RECEIVED:	02/01/83	JA: LA			
8320271	82-2772	1707321857		108		C L HART #1	MONROE	2.7	IMC PIPELINE CO I
8320276	82-2759	1707321817		108		HEMPHILL #3	MONROE	0.0	IMC PIPELINE CO I
8320249	82-2760	1707321853		108		HEMPHILL #7	MONROE	0.0	IMC PIPELINE CO I
-GEMINI EXPLORATIONS INC				RECEIVED:	02/01/83	JA: LA			
8320194	82-2663	1707320361		108		PENNZOIL UNITED #1	MONROE	9.0	UNITED GAS PIPE L
-GETTY OIL COMPANY				RECEIVED:	02/01/83	JA: LA			
8320256	82-3319	1706900000		102-4		B E CHRISTMAS #1	WILDCAT	0.0	
8320253	82-2384	1709920907		102-4		LEVERT ST JOHN #1	ST MARTINVILLE	0.0	DOW CHEMICAL CO
8320215	82-1242	1709920744		102-4		SMEDES BROTHERS #19	ST MARTINVILLE	146.0	UNITED GAS PIPELI
-GUERNSEY PETROLEUM CORPORATION				RECEIVED:	02/01/83	JA: LA			
8320254	82-3437	1703121793		103		FINCHER #1	BRUSHY BAYOU	144.0	TENNESSEE GAS PIP
8320183	82-3438	1703121861		103		SMITH ETAL "A" #1	CHENARD LAKE	72.0	TENNESSEE GAS PIP
-H L MCKEE & J P MCKEE				RECEIVED:	02/01/83	JA: LA			
8320248	82-2744	1711101802		108		BERRY #1	MONROE	0.9	IMC PIPELINE CO I
8320286	82-2745	1711101795		108		J A PEEK EST #2	MONROE	7.0	IMC PIPELINE CO I
8320298	82-2743	1711101807		108		PEEK #1	MONROE	3.0	IMC PIPELINE CO I
8320299	82-2746	1711101806		108		PEEK #2	MONROE	3.0	IMC PIPELINE CO I
-HADDOX PETROLEUM CORP				RECEIVED:	02/01/83	JA: LA			
8320175	82-2692	1707321840		108		INABNET C #1	MONROE	3.8	MID-LOUISIANA GAS
8320313	82-2693	1707321841		108		INABNET C #2	MONROE	3.8	MID-LOUISIANA GAS
8320321	82-2696	1711123556		108		MANVILLE 808 #1	MONROE	14.6	MID-LOUISIANA GAS
8320209	82-2657	1711123887		103		MOBIL-IP #9	MONROE	18.3	MID-LOUISIANA GAS
8320312	82-2694	1711123462		108		PEEK ESTATE #1	MONROE	5.1	MID-LOUISIANA GAS
8320336	82-2695	1711123463		108		PEEK ESTATE #2	MONROE	5.1	MID-LOUISIANA GAS
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	02/01/83	JA: LA			
8320204	82-2319	1773120010		102-4		STATE LEASE 8156 #1	WEST CAMERON BLK 49	0.0	
8320205	82-2318	1770020179		102-4		STATE LEASE 8629 #1	WEST CAMERON BLK 49	0.0	
-IMC EXPLORATION COMPANY				RECEIVED:	02/01/83	JA: LA			
8320247	82-2761	1711122902		108		RABUN #29	MONROE	17.0	PETRO-LEWIS FUNDS
-INEXCO OIL COMPANY				RECEIVED:	02/01/83	JA: LA			
8320288	82-3200	1702321406		103		MIAMI CORP #1	LAKE MISERE	857.0	LOUISIANA RESOURC
-J P OWEN				RECEIVED:	02/01/83	JA: LA			
8320219	82-2144	1702321703		102-4		VUA MATILDA GRAY STREAM LEASE 5556#	JOHNSON BAYOU	241.0	LOUISIANA INTRAST
-LAMSON/ONSHORE PETROLEUM CORP				RECEIVED:	02/01/83	JA: LA			
8320237	82-2388	1701921085		102-4		RELEY D FONTENOT #1	SOUTH BELL CITY	548.0	TEXAS GAS TRANSMI
-LINSCO EXPLORATION CO				RECEIVED:	02/01/83	JA: LA			
8320212	82-3734	1710922494		102-4		TENNECO FEE #1	BAYOU PENCHANT	350.0	
-LYONS PETROLEUM INC				RECEIVED:	02/01/83	JA: LA			
8320322	82-2242	1709920918		102-4		DR SIDNEY FREDERICK #1	SOUTH ARNAUDVILLE	182.0	AMOCO PRODUCTION
8320202	82-921	1704520674		103		HALL-GONSOULIN #2	FAUSSE POINTE	365.0	SOUTHERN NATURAL
-MCCORMICK OPERATING CO				RECEIVED:	02/01/83	JA: LA			
8320216	82-3217	1710922505		102-4		BENNETT I JACKSON #1	E GIBSON	350.0	UNITED GAS PIPE L
-MCRAE EXPLORATION INC				RECEIVED:	02/01/83	JA: LA			
8320311	82-0420	1706120215		102-2	107-TF	HOOD ESTATE #1 GRAY RA SUMM	TERRYVILLE	0.0	LOUISIANA GAS PUR
-MICH-LA OIL & GAS EXPLORATION				RECEIVED:	02/01/83	JA: LA			
8320255	82-3332	1703121866		103		N H STEADMAN #1	GROGAN	135.0	TENNESSEE GAS PIP
-MID LOUISIANA GAS COMPANY				RECEIVED:	02/01/83	JA: LA			
8320320	82-2699	1711123065		108		MLGC FEE GAS #1019	MONROE GAS FIELD	19.2	MID-LOUISIANA GAS
8320318	82-2714	1711123069		108		MLGC FEE GAS #1021	MONROE GAS FIELD	13.7	MID-LOUISIANA GAS
8320332	82-2713	1711123084		108		MLGC FEE GAS #1030	MONROE GAS FIELD	7.2	MID-LOUISIANA GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320315	82-2687	1711123120		108		MLGC FEE GAS #1042	MONROE GAS FIELD	15.1	MID-LOUISIANA GAS
8320293	82-2733	1711123146		108		MLGC FEE GAS #1045	MONROE GAS FIELD	11.0	MID-LOUISIANA GAS
8320294	82-2734	1711123168		108		MLGC FEE GAS #1056	MONROE GAS FIELD	17.3	MID-LOUISIANA GAS
8320338	82-2689	1711123256		108		MLGC FEE GAS #1068	MONROE GAS FIELD	9.0	MID-LOUISIANA GAS
8320314	82-2690	1711123259		108		MLGC FEE GAS #1071	MONROE GAS FIELD	15.0	MID-LOUISIANA GAS
8320264	82-2737	1711123260		108		MLGC FEE GAS #1072	MONROE GAS FIELD	20.6	MID-LOUISIANA GAS
8320295	82-2736	1711123261		108		MLGC FEE GAS #1073	MONROE GAS FIELD	20.1	MID-LOUISIANA GAS
8320337	82-2691	1711123245		108		MLGC FEE GAS #1076	MONROE GAS FIELD	8.7	MID-LOUISIANA GAS
8320324	82-2735	1710672165		108		MLGC FEE GAS #1078	MONROE GAS FIELD	8.7	MID-LOUISIANA GAS
8320261	82-2742	1711123297		108		MLGC FEE GAS #1080	MONROE GAS FIELD	8.9	MID-LOUISIANA GAS
8320297	82-2741	1711123299		108		MLGC FEE GAS #1082	MONROE GAS FIELD	11.5	MID-LOUISIANA GAS
8320262	82-2740	1707321793		108		MLGC FEE GAS #1086	MONROE GAS FIELD	13.7	MID-LOUISIANA GAS
8320263	82-2739	1711123306		108		MLGC FEE GAS #1088	MONROE GAS FIELD	12.0	MID-LOUISIANA GAS
8320296	82-2738	1711123294		108		MLGC FEE GAS #1093	MONROE GAS FIELD	9.0	MID-LOUISIANA GAS
8320290	82-2718	1711123295		108		MLGC FEE GAS #1094	MONROE GAS FIELD	2.9	MID-LOUISIANA GAS
8320333	82-2701	1711123377		108		MLGC FEE GAS #1100	MONROE GAS FIELD	10.4	MID-LOUISIANA GAS
8320329	82-2719	1711123378		108		MLGC FEE GAS #1101	MONROE GAS FIELD	21.6	MID-LOUISIANA GAS
8320289	82-2726	1711123399		108		MLGC FEE GAS #1103	MONROE GAS FIELD	13.8	MID-LOUISIANA GAS
8320328	82-2727	1711123400		108		MLGC FEE GAS #1104	MONROE GAS FIELD	14.7	MID-LOUISIANA GAS
8320186	82-2702	1711123587		108		MLGC FEE GAS #1111	MONROE GAS FIELD	10.8	MID-LOUISIANA GAS
8320174	82-2703	1711123588		108		MLGC FEE GAS #1112	MONROE GAS FIELD	12.7	MID-LOUISIANA GAS
8320192	82-2704	1711123589		108		MLGC FEE GAS #1113	MONROE GAS FIELD	3.8	MID-LOUISIANA GAS
8320302	82-2682	1711123678		103		MLGC FEE GAS #1134	MONROE GAS FIELD	24.5	MID-LOUISIANA GAS
8320341	82-2683	1711123779		103		MLGC FEE GAS #1166	MONROE GAS FIELD	26.3	MID-LOUISIANA GAS
8320316	82-2684	1711123780		103		MLGC FEE GAS #1167	MONROE GAS FIELD	24.5	MID-LOUISIANA GAS
8320340	82-2685	1711123882		103		MLGC FEE GAS #1205	MONROE GAS FIELD	25.2	MID-LOUISIANA GAS
8320339	82-2686	1711123883		103		MLGC FEE GAS #1206	MONROE GAS FIELD	25.9	MID-LOUISIANA GAS
8320327	82-2728	1707300244		108		MLGC FEE GAS #254	MONROE GAS FIELD	6.2	MID-LOUISIANA GAS
8320283	82-2750	1711100000		108		MLGC FEE GAS #26	MONROE GAS FIELD	8.0	MID-LOUISIANA GAS
8320245	82-2763	1707300151		108		MLGC FEE GAS #262	MONROE GAS FIELD	5.9	MID-LOUISIANA GAS
8320244	82-2764	1707300179		108		MLGC FEE GAS #264	MONROE GAS FIELD	9.9	MID-LOUISIANA GAS
8320284	82-2748	1711101842		103		MLGC FEE GAS #30	MONROE GAS FIELD	1.9	MID-LOUISIANA GAS
8320242	82-2766	1707300199		108		MLGC FEE GAS #303	MONROE GAS FIELD	2.1	MID-LOUISIANA GAS
8320224	82-2675	1707300196		103		MLGC FEE GAS #327	MONROE GAS FIELD	7.1	MID-LOUISIANA GAS
8320279	82-2756	1707300197		103		MLGC FEE GAS #331	MONROE GAS FIELD	9.3	MID-LOUISIANA GAS
8320300	82-2749	1711101773		108		MLGC FEE GAS #44	MONROE GAS FIELD	4.6	MID-LOUISIANA GAS
8320285	82-2747	1711102132		103		MLGC FEE GAS #48	MONROE GAS FIELD	6.5	MID-LOUISIANA GAS
8320325	82-2732	1711100000		108		MLGC FEE GAS #59	MONROE GAS FIELD	9.6	MID-LOUISIANA GAS
8320326	82-2730	1711101635		108		MLGC FEE GAS #60	MONROE GAS FIELD	9.3	MID-LOUISIANA GAS
8320330	82-2717	1711121534		108		MLGC FEE GAS #717	MONROE GAS FIELD	21.0	MID-LOUISIANA GAS
8320177	82-2705	1711121538		108		MLGC FEE GAS #721	MONROE GAS FIELD	15.9	MID-LOUISIANA GAS
8320292	82-2731	1711101859		108		MLGC FEE GAS #78	MONROE GAS FIELD	4.5	MID-LOUISIANA GAS
8320176	82-2706	1711121862		108		MLGC FEE GAS #796	MONROE GAS FIELD	18.2	MID-LOUISIANA GAS
8320317	82-2716	1711121947		108		MLGC FEE GAS #817	MONROE GAS FIELD	18.5	MID-LOUISIANA GAS
8320181	82-2707	1711121964		108		MLGC FEE GAS #834	MONROE GAS FIELD	18.8	MID-LOUISIANA GAS
8320179	82-2709	1711122054		108		MLGC FEE GAS #856	MONROE GAS FIELD	16.5	MID-LOUISIANA GAS
8320189	82-2710	1711122060		108		MLGC FEE GAS #862	MONROE GAS FIELD	17.7	MID-LOUISIANA GAS
8320291	82-2729	1711101735		108		MLGC FEE GAS #88	MONROE GAS FIELD	3.0	MID-LOUISIANA GAS
8320282	82-2751	1711101843		108		MLGC FEE GAS #9	MONROE GAS FIELD	3.5	MID-LOUISIANA GAS
8320335	82-2697	1711122602		108		MLGC FEE GAS #936	MONROE GAS FIELD	16.7	MID-LOUISIANA GAS
8320334	82-2698	1711122603		108		MLGC FEE GAS #937	MONROE GAS FIELD	21.0	MID-LOUISIANA GAS
8320331	82-2715	1711122684		108		MLGC FEE GAS #961	MONROE GAS FIELD	21.3	MID-LOUISIANA GAS

-NOE & WOODS RECEIVED: 02/01/83 JA: LA

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FIELD NAME	PROD	PURCHASER

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320243	82-2765	1711123496		108		FANNIE HAILE #2
8320281	82-2754	1711123477		103	108	FANNIE LANKFORD #2
8320275	82-2778	1711123495		103	108	FANNIE LANKFORD #3
8320280	82-2755	1711123501		103	108	PINCKARD #2
8320266	82-2811	1711123498		103	108	SCHNEIDER #2
8320267	82-2779	1711123499		103	108	SCHNEIDER #3
				RECEIVED:	02/01/83	JA: LA
-NRM PETROLEUM CORPORATION						
8320227	82-2360	1700121061		102-4		FREELAND #1
				RECEIVED:	02/01/83	JA: LA
-PAR EXPLORATION CO						
8320188	82-3281	1706721537		108		MARY MCENERY #8
				RECEIVED:	02/01/83	JA: LA
-PRIMOS PRODUCTION CO						
8320231	82-2647	1711123035		108		PETRO-LEWIS FROST LUMBER #67
				RECEIVED:	02/01/83	JA: LA
-PRIMOS-DEAN PRODUCING CO						
8320246	82-2762	1711122753		108		BIRD #1
				RECEIVED:	02/01/83	JA: LA
-RELIANCE TR-JV						
8320303	82-0458	1711123464		103	107-TF	T BAKER #3
				RECEIVED:	02/01/83	JA: LA
-RELIANCE TRUSTS						
8320342	82-0437	1711123344		103	107-TF	MANVILLE #2
8320304	82-0436	1711123343		103		MANVILLE #3
8320343	82-0435	1711123342		103	107-TF	MANVILLE #4
8320309	82-0430	1711123345		103	107-TF	MANVILLE #6
8320308	82-0431	1711123346		103	107-TF	SHACKLEFORD #3
8320307	82-0432	1711123347		103	107-TF	SHACKLEFORD #4
8320305	82-0433	1711123348		103	107-TF	SHACKLEFORD #5
8320306	82-0434	1711123349		103	107-TF	SHACKLEFORD #6
8320310	82-0429	1711123340		103	107-TF	T L JAMES #4
				RECEIVED:	02/01/83	JA: LA
-ROSS & GLENN PETROLEUM INC						
8320197	82-2512	1703120747		103		W H BAGLEY JR #1 MOSS SU-4
				RECEIVED:	02/01/83	JA: LA
-SHELL OFFSHORE INC						
8320222	82-3144	1772120342		102-4		SP 24 SL 1008 #132
				RECEIVED:	02/01/83	JA: LA
-SHELL OIL CO						
8320198	82-3128	1772120332		102-4		SP BLK 42 SL 8431 #1
8320211	82-3127	1772120348		102-4		SP 42 SL 2554 #17
8320225	82-3126	1772120353		102-4		SP 42 SL 2554 #18
8320252	82-0741	1772120327		102-4		STATE LEASE 2554 #12
				RECEIVED:	02/01/83	JA: LA
-SUN EXPLORATION & PRODUCTION CO						
8320191	82-2659	1703100426		108		S B YOUNG #1
				RECEIVED:	02/01/83	JA: LA
-SUPERIOR OIL CO						
8320259	82-2708	1710922588		107-DP		L L & E UNIT 12 #18
				RECEIVED:	02/01/83	JA: LA
-TEE OIL INC						
8320196	82-2616	1701921128		102-4		HOLLYWOOD MARINE
				RECEIVED:	02/01/83	JA: LA
-TENNECO OIL COMPANY						
8320236	82-2402	1710922538		102-4		DENNIS CENAC #14
				RECEIVED:	02/01/83	JA: LA
-TEXACO INC						
8320195	81-2622	1701724014		102-4		B H WILLIAMS JR #1
8320251	82-1341	1705120603		103		C F CO #165 LFT NVUR RIGOLETS
8320184	82-3432	1708920395		103		L B SIMONEAUX #20
8320178	82-2835	1710922457		103		LB U23 #15 VU 23
8320200	82-170	1710922292		102-4		LB U37 #26 VU 37
8320213	82-3310	1710121264		102-4		SL 340 ATCHAFALAVA BAY #40
8320257	82-3474	1770720115		103		SL 340 MOUND POINT #99
8320193	82-2654	1710121114		103		SL 341 #10-ALT A-1 RSH-1B SUA
8320208	82-2653	1710121026		103		WKL #43-D BAL 10900 RSH-1B SU

FIELD NAME	PROD	PURCHASER
MONROE GAS	16.8	DEVON CORP
MONROE GAS	10.2	DEVON CORP
MONROE GAS	12.7	DEVON CORP
MONROE GAS	21.0	DEVON CORP
MONROE GAS	20.1	DEVON CORP
MONROE GAS	20.1	DEVON CORP
ELLIS 3603	550.0	CONOCO INC
MONROE 6824	0.0	MID-LOUISIANA GAS
MONROE GAS FIELD	13.0	PETRO-LEWIS FUNDS
MONROE	30.0	IMC PIPELINE CO I
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	15.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	15.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
MONROE	13.0	TEXAS GAS TRANSMI
BETHANY-LONGSTREET	96.0	UNITED GAS PIPE L
SOUTH PASS BLOCK 24	330.0	TENNESSEE GAS PIP
SOUTH PASS BLOCK 42 F	250.0	LOUISIANA INTRAST
SOUTH PASS BLOCK 42 F	0.0	TENNESSEE GAS PIP
SOUTH PASS BLOCK 42 F	0.0	TENNESSEE GAS PIP
SOUTH PASS BLOCK 42 F	584.0	TENNESSEE GAS PIP
RED RIVER BULL BAYOU	16.0	J-W OPERATING CO
FOUR ISLE DOME	3000.0	UNITED GAS PIPELI
LOCKPORT	720.0	LOUISIANA GAS SYS
LAKE BARRE	300.0	
CADDO PINE ISLAND	621.0	
LAFITTE	67.0	KAISER ALUMINUM &
BOUTTE	674.0	UNITED GAS PIPE L
LAKE BARRE	312.0	KAISER ALUMINUM &
LAKE BARRE	401.0	KAISER ALUMINUM &
BELLE ISLE	1460.0	UNITED GAS PIPELI
MOUND POINT	438.0	KAISER ALUMINUM &
BATEMAN-LAKE	43.5	CITY OF MORGAN CI
BATEMAN LAKE	391.0	CITY OF MORGAN CI

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXAS PRODUCTION CORP				RECEIVED:	02/01/83	JA: LA			
8320217	82-1317	1706120291		102-4		ALEXANDER "C" #1	CLAY	0.0	DELHI GAS PIPELIN
-THE STONE OIL CORPORATION				RECEIVED:	02/01/83	JA: LA			
8320287	82-3461	1709120014		102-4		ROBERT E RIGGS #1	GREENSBURG	62.0	
8320265	82-3460	1709120016		102-4		ROBERT E RIGGS #2	GREENSBURG	29.0	
-TRANSCONTINENTAL OIL CORPORATION				RECEIVED:	02/01/83	JA: LA			
8320180	82-3315	1711920375		103		GLEASON #1	COTTON VALLEY FIELD	121.0	UNITED GAS PIPELI
8320210	82-167	1707920297		102-4	103	JOHNCO #1	GLENMORA	110.0	TENNESSEE GAS PIP
-TRIGON EXPLORATION INC				RECEIVED:	02/01/83	JA: LA			
8320182	82-3738	1710922265		102-4		LAP 7000' RA SU KLINGMAN #1	LAPEYROUSE	42.0	UNITED GAS PIPELI
-TXO PRODUCTION CORP				RECEIVED:	02/01/83	JA: LA			
8320223	82-3398	1703121886		102-4		COLLINS "B" #1 HOSS RA SUF	GRAND CANE	438.0	DELHI GAS PIPELIN
8320214	82-1592	1706100212		102-4	103	KEEDY #1	RUSTON	380.4	ARKANSAS-LOUISIAN
-VEGA OIL AND GAS MANAGEMENT INC				RECEIVED:	02/01/83	JA: LA			
8320187	82-3095	1710720377		102-4		WEBB #1	DELTA BRIDGE	108.0	LOCUS RIDGE GAS C
-VIKING RESOURCES (LA)				RECEIVED:	02/01/83	JA: LA			
8320190	82-2661	1711122798		108		OLIN #5	MONROE	14.0	PETRO-LEWIS FUNDS
8320207	82-2662	1711122799		108		OLIN #6	MONROE	13.8	PETRO-LEWIS FUNDS
-W B MCCARTER JR				RECEIVED:	02/01/83	JA: LA			
8320171	81-2973	1705320595		102-4		R J HINE ESTATE #1	ROGERS GULLY	250.0	UNITED GAS PIPE L
-W B MCCARTER JR INC				RECEIVED:	02/01/83	JA: LA			
8320218	82-2235	1702321683		102-4		CAMERON PARISH SCHOOL BOARD #1	WEST JOHNSON BAYOU	109.0	LOUISIANA RESOURC
8320203	82-2072	1702321683		102-4		CAMERON PARISH SCHOOL BOARD #1-D	WEST JOHNSON BAYOU	180.0	LOUISIANA RESOURC
-W J WEGMAN JR				RECEIVED:	02/01/83	JA: LA			
8320241	82-2767	1707321063		108		C MCCALLUM #1	MONROE	0.9	IMC PIPELINE CO I
-WESTPORT PETROLEUM CORP				RECEIVED:	02/01/83	JA: LA			
8320238	82-2770	1707320509		108		J A & L L LASTER #1	MONROE	0.3	UNITED GAS CORP
8320239	82-2769	1707320496		108		J A & L L LASTER #2	MONROE	0.8	UNITED GAS CO
8320273	82-2774	1707320505		108		J B SALLEY #2	MONROE	12.0	UNITED GAS CORP
8320250	82-2771	1707300433		108		LUGINBILL #1	MONROE GAS	2.6	UNITED GAS CORP
8320240	82-2768	1707300000		108		MONROE GAS UNIT #1-R	MONROE GAS	1.6	UNITED GAS CORP
-WOOLF & MAGEE INC				RECEIVED:	02/01/83	JA: LA			
8320260	82-2154	1701120482		102-4		OWENS-ILLINOIS #1	LITTLE BARNES CREEK	814.0	
********** OKLAHOMA CORPORATION COMMISSION **********									
-AN-SON CORPORATION				RECEIVED:	01/31/83	JA: OK			
8320158	19268	3508720782		103		WOODS #1-23	N DIBBLE	82.4	SUN GAS CO
-ANDERSON ENERGY CORP				RECEIVED:	01/31/83	JA: OK			
8320121	19100	3500320982		103		SHEPARD #1	RINGWOOD	0.0	PANHANDLE EASTERN
-ANDOVER OIL COMPANY				RECEIVED:	01/31/83	JA: OK			
8320152	19231	3501722087		103		REUTER #35-1		60.0	PHILLIPS PETROLEU
8320153	19230	3507323115		103		SCHULZ #15-1		100.0	PHILLIPS PETROLEU
-B & H EXPLORATION CO				RECEIVED:	01/31/83	JA: OK			
8320135	15906	3513120908		108		CONSTIEN #2	UNNAMED	2.0	DIAMOND S GAS SYS
8320134	15904	3513121567		108		CONSTIEN #4	UNNAMED	2.5	DIAMOND S GAS SYS
8320132	15867	3514321341		108		GAZAWAY #1-A	UNNAMED	3.6	DIAMOND S GAS SYS
8320131	15803	3510521942		108		MARTIN #1	UNNAMED	6.0	A G SYSTEMS INC
8320133	15903	3510521873		108		MATHES #2	UNNAMED	17.0	A G SYSTEMS INC
8320130	15718	3510523333		108		SCOTT #1	UNNAMED	12.0	A G SYSTEMS INC
-BASS EXPLORATION CO				RECEIVED:	01/31/83	JA: OK			
8320145	19273	3510721354		103		DEATHERAGE #1	NORTHWEST BEARDEN	75.0	WELLHEAD ENTERPRI
-BOGERT OIL CO				RECEIVED:	01/31/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320151	19331	3507325545		103		LUCY 1-5
-BRAMLETT & ASSOCIATES				RECEIVED:	01/31/83	JA: OK
8320149	19282	3503300000		103		GUNN #1
-CANADIAN EXPLORATION CORP				RECEIVED:	01/31/83	JA: OK
8320155	19237	3501722343		103		KOZAK #19-1
-CAYMAN EXPLORATION CORP				RECEIVED:	01/31/83	JA: OK
8320117	18931	3507325516		103		WELLS TRUST #8-2
-CIMARRON MANAGEMENT CORP				RECEIVED:	01/31/83	JA: OK
8320159	19269	3511721613		103		BORGHARDT #1
-CITIES SERVICE COMPANY				RECEIVED:	01/31/83	JA: OK
8320156	19252	3500722156		103		BENJEGERDES B #2
-EL DORADO DRILLING CO				RECEIVED:	01/31/83	JA: OK
8320138	17725	3507122139		102-2	103	PEC SCHOOL LAND #1-36
8320139	17726	3507122429		102-2	103	ROLLY SOUTH #2
-F C D OIL CORP				RECEIVED:	01/31/83	JA: OK
8320169	19313	3505320930		103		VIRGIL 1-28
-GEORGE RODMAN INC				RECEIVED:	01/31/83	JA: OK
8320146	19276	3508720682		103		PAUL 1-31
-GOMACO INC				RECEIVED:	01/31/83	JA: OK
8320127	19325	3502920280		103		CRANE #1-28
-GOOD EARTH ASSOCIATES				RECEIVED:	01/31/83	JA: OK
8320148	19279	3510525500		103		MAYNARD #2
8320147	19277	3510525499		103		VOSS #1-AP1-10525499
-HANOVER MANAGEMENT CO				RECEIVED:	01/31/83	JA: OK
8320154	19236	3503120949		103		GUTHRIE #6
-HARPER OIL COMPANY				RECEIVED:	01/31/83	JA: OK
8320144	19267	3509322536		103		TRAILS END RANCH #1
-HARRY H DIAMOND				RECEIVED:	01/31/83	JA: OK
8320137	16544	3506300000		108		MEYER #1
-HPC INC				RECEIVED:	01/31/83	JA: OK
8320123	19184	3503920300		103		MCNEIL #2-15
8320124	19185	3503920314		103		MCNEIL #3-15
-JONES & PELLOW OIL CO				RECEIVED:	01/31/83	JA: OK
8320157	19256	3513722844		103		GLEGHORN 32-1
-JUMAS OIL PART CORP				RECEIVED:	01/31/83	JA: OK
8320140	19261	3511100000		103		LONGSTREATH #2
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	01/31/83	JA: OK
8320120	19075	3504720832		108		MEIER #1-36
-MACK OIL CO				RECEIVED:	01/31/83	JA: OK
8320126	19318	3501722258		103		HRDY #2
8320125	19317	3501722273		103		HRDY #3
-MAHAN-ROWSEY INC.				RECEIVED:	01/31/83	JA: OK
8320118	18973	3504921869		103		SEARCY #3
-O G OIL CO				RECEIVED:	01/31/83	JA: OK
8320161	19286	3514722514		103		GUINN # B-8
8320165	19291	3514722018		103		GUINN #B-1
8320164	19290	3514722019		103		GUINN #B-2
8320163	19289	3514722020		103		GUINN #B-3
8320162	19288	3514722022		103		GUINN #B-5
8320168	19294	3514722024		103		GUINN #P-1
8320167	19293	3514722025		103		GUINN #P-2
8320166	19292	3514722026		103		GUINN #P-3
-OLD DOMINION OIL CORP				RECEIVED:	01/31/83	JA: OK

FIELD NAME	PROD	PURCHASER
SOONER TREND	30.0	EXXON CO U S A
NORTH WALTERS	100.0	LONE STAR GAS CO
NORTHWEST MUSTANG	150.0	DELHI GAS PIPELIN
SOONER TREND	88.0	CITIES SERVICE GA
HALLETT	8.0	EMPIRE PIPELINE C
SIX MILE	41.3	INTER NORTH INC
	36.5	SUN PRODUCTION CO
	14.6	SUN PRODUCTION CO
EAST LAMONT	54.8	C R A INC
SW GOLDEN TREND	53.7	WARREN PETROLEUM
UNNAMED	55.0	SWAB CORP
DUFFIELD-DAVIS	30.0	ENICO PIPELINE CO
DUFFIELD DAVIS	30.0	ENICO PIPELINE CO
HANBURY	9.0	ARKANSAS LOUISIAN
NORTH LACEY	52.0	PHILLIPS PETROLEU
SOUTH CARSON	23.2	OKLAHOMA GAS & EL
THOMAS	45.0	TRANSOK PIPELINE
SOUTH THOMAS	300.0	TRANSOK PIPELINE
DOYLE	265.0	TENNESSEE GAS PIP
HENRYETTA	18.7	PHILLIPS PETROLEU
SPRING VALLEY	14.0	GRACE PETROLEUM C
RICHLAND	100.0	OKLAHOMA GAS & EL
N E EL RENO	100.0	OKLAHOMA GAS & EL
	160.0	WARREN PETROLEUM
GUINN LEASE	0.7	BARTLESVILLE GATH
GUINN LEASE	3.0	BARTLESVILLE GATH
GUINN LEASE	3.4	BARTLESVILLE GATH
GUINN LEASE	1.7	BARTLESVILLE GATH
GUINN LEASE	3.4	BARTLESVILLE GATH
GUINN LEASE	2.7	BARTLESVILLE GATH
GUINN LEASE	2.6	BARTLESVILLE GATH
GUINN LEASE	0.9	BARTLESVILLE GATH

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320143	19265	3507323206		103		CASTONGUAY #1
8320142	19264	3504321489		103		STATE #1-36
-P-T LTD 80				RECEIVED:	01/31/83	JA: OK
8320110	18433	3509322039		108		CRAWFORD 13-1
8320114	18441	3504721925		108		FORBIS BULLER 21-1
8320111	18434	3504722396		108		HANE 14-1
8320113	18440	3504722576		108		HIXON 19 2
8320112	18437	3504722393		108		MILACEK 15-2
8320115	18444	3504722319		108		SEMRAD 35-1
-P-T LTD 81				RECEIVED:	01/31/83	JA: OK
8320109	18426	3504722746		108		EATON 35-2
-ROBERT GORDON OIL CO				RECEIVED:	01/31/83	JA: OK
8320170	19209	3508121863		102-4	103	PHIPPS #1
-ROYAL OIL & GAS CORPORATION				RECEIVED:	01/31/83	JA: OK
8320116	18575	3511921074		108		MARATHON #1
-SABINE CORP				RECEIVED:	01/31/83	JA: OK
8320122	19172	3503920619		103		KUSCH #2-2
-SERVICE DRILLING CO				RECEIVED:	01/31/83	JA: OK
8320160	19270	3508300000		103		ROBERT #1-32
-SOUTHWESTERN EXPLOR CONSULTANTS INC				RECEIVED:	01/31/83	JA: OK
8320128	19328	3510321699		103		CONGER #1
8320150	19330	3510321715		103		SHIMANEK #3
-STANTON ENERGY INC				RECEIVED:	01/31/83	JA: OK
8320129	14431	3514321631		103		SUTHERLAND #1
-TOWNER PETROLEUM CO				RECEIVED:	01/31/83	JA: OK
8320108	19241	3507323310		103		YOST #28-1
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	01/31/83	JA: OK
8320141	19262	3507920455		103		DEW #1
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	01/31/83	JA: OK
8320119	19023	3500920384		102-2		HALEY 1-31
-WOODS PETROLEUM CORPORATION				RECEIVED:	01/31/83	JA: OK
8320136	16305	3504921709		103		FULLER #1-1

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FIELD NAME	PROD	PURCHASER
UNKNOWN	204.0	PHILLIPS PETROLEU
UNNAMED	337.6	
SOONER TREND	115.0	WELLHEAD ENTERPRI
SOONER TREND	200.0	WELLHEAD ENTERPRI
SOONER TREND	2.0	WELLHEAD ENTERPRI
SOONER TREND	2.0	WELLHEAD ENTERPRI
SOONER TREND	5.0	WELLHEAD ENTERPRI
SOONER TREND	140.0	WELLHEAD ENTERPRI
SOONER TREND	21.0	WELLHEAD ENTERPRI
WEST MOUNT VERNON	18.0	SUN EXPLORATION C
PRATT NORTHEAST	9.0	ENTERPRISE DEVELO
	0.0	TRANSOK PIPELINE
EAST GUTHRIE	22.0	CITIES SERVICE GA
FOURDEE	0.0	AMINOIL U S A INC
POLO	0.0	ARCO OIL & GAS CO
	109.0	COLORADO GAS COMP
SE ALPHA	0.0	
PANOLA	650.0	ARKANSAS LOUISIAN
	0.0	EL PASO NATURAL G
S W FLORENCE CHAPEL	53.0	BUCKEYE NATURAL G

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 10 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 10 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 823 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 10 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.3 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old BCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PS: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5082 Filed 2–28–83; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 23, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-F G HOLL				RECEIVED:	01/31/83	JA: KS			
8320344	K-82-0947	1504720184	108	-SA		MEYER #1		0.0	KANSAS NEBRASKA N
KENTUCKY DEPARTMENT OF MINES & MINERALS									
-BOB HURT DRILLING CO				RECEIVED:	02/01/83	JA: KY			
8320384	503541	1619500000	107	-DV		COWPEN #6	PIKEVILLE	0.0	COLUMBIA GAS TRAN
8320385	503542	1619500000	107	-DV		COWPEN #7	PIKEVILLE	0.0	COLUMBIA GAS TRAN
8320386	503543	1619500000	107	-DV		COWPEN #9	PIKEVILLE	0.0	COLUMBIA GAS TRAN
-BOW VALLEY PETROLEUM INC				RECEIVED:	02/01/83	JA: KY			
8320380	502415	1611900000	107	-DV		RITCHIE HEIRS #903		5.0	KENTUCKY WEST VIR
8320379	502414	1611900000	107	-DV		RITCHIE HEIRS #904		10.0	KENTUCKY WEST VIR
-LYLE V SMITH				RECEIVED:	02/01/83	JA: KY			
8320382	503539	1607100000	108			JACOB CRISP #1		9.4	COLUMBIA GAS TRAN
-SOUTHEASTERN GAS COMPANY				RECEIVED:	02/01/83	JA: KY			
8320381	502589	1607100000	108			L P MAYO #731		17.0	COLUMBIA GAS TRAN
-W D COMPTON				RECEIVED:	02/01/83	JA: KY			
8320383	503540	1615300000	108			SARAH MINIX ROWE	APPALACHIAN	11.7	INLAND GAS CO
LOUISIANA OFFICE OF CONSERVATION									
-ERGON INC				RECEIVED:	02/03/83	JA: LA			
8320462	82-0426	1711123240	103	107-TF		GENE ALLEN #1 VUEE	MONROE	10.9	TEXAS GAS TRANSMI
8320463	82-0427	1711123325	103	107-TF		J W READ ESTATE #2	MONROE	10.9	TEXAS GAS TRANSMI
8320464	82-0428	1711123336	103	107-TF		JOHN GREENE #4	MONROE	13.3	TEXAS GAS TRANSMI
-MARSHALL EXPLORATION INC				RECEIVED:	02/03/83	JA: LA			
8320451	82-3414	1703121775	103			WILSON #1	WILDCAT	160.0	ARKANSAS-LOUISIAN
-MID LOUISIANA GAS COMPANY				RECEIVED:	02/03/83	JA: LA			
8320445	82-2668	1711101692	108			MLGC FEE GAS #134	MONROE GAS FIELD	20.1	MID-LOUISIANA GAS
8320453	82-2664	1711101719	108			MLGC FEE GAS #2	MONROE GAS FIELD	1.1	MID-LOUISIANA GAS
8320446	82-2669	1711102150	108			MLGC FEE GAS #226	MONROE GAS FIELD	9.7	MID-LOUISIANA GAS
8320447	82-2670	1711101879	108			MLGC FEE GAS #241	MONROE GAS FIELD	4.4	MID-LOUISIANA GAS
8320448	82-2671	1711102499	108			MLGC FEE GAS #258	MONROE GAS FIELD	8.1	MID-LOUISIANA GAS
8320449	82-2676	1711102091	108			MLGC FEE GAS #393	MONROE GAS FIELD	6.8	MID-LOUISIANA GAS
8320456	82-2677	1711102102	108			MLGC FEE GAS #547	MONROE GAS FIELD	21.1	MID-LOUISIANA GAS
8320458	82-2678	1711101919	108			MLGC FEE GAS #566	MONROE GAS FIELD	21.2	MID-LOUISIANA GAS
8320454	82-2665	1711101733	108			MLGC FEE GAS #6	MONROE GAS FIELD	2.7	MID-LOUISIANA GAS
8320455	82-2666	1711101666	108			MLGC FEE GAS #70	MONROE GAS FIELD	2.7	MID-LOUISIANA GAS
8320457	82-2667	1711101768	108			MLGC FEE GAS #72	MONROE GAS FIELD	2.3	MID-LOUISIANA GAS
-PRIDE EXPLORATION INC				RECEIVED:	02/03/83	JA: LA			
8320460	82-3279	1701724876	103			ROLLINS A#1	GREENWOOD-WASKOM	75.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MID LOUISIANA GAS COMPANY				RECEIVED:	02/03/83	JA: LA			
8320459	82-2675	1711101796	108			MLGC FEE GAS #74	MONROE GAS FIELD	2.3	MID-LOUISIANA GAS
8320452	82-2663	1711101651	108			MLGC FEE GAS #8	MONROE GAS FIELD	2.7	MID-LOUISIANA GAS
-PRIDE EXPLORATION INC				RECEIVED:	02/03/83	JA: LA			
8320461	82-3280	1701724877	103			ROLLINS A#2	GREENWOOD-WASKOM	75.0	UNITED GAS PIPE L

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXACO INC				RECEIVED: 02/03/83		JA: LA			
8320450	82-3322	1710922574		103		LP U4 #18 VU D	LAKE FELTO	1303.0	KAISER ALUMINUM &
-VIKING RESOURCES (LA)				RECEIVED: 02/03/83		JA: LA			
8320461	82-2658	1711123902		103		UNION POWER C #10	MONROE	15.0	PETRO-LEWIS FUNDS
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED: 02/03/83		JA: LA			
8320452	82-0441	1711123315		103	107-TF	MCKINNIE #1	MONROE	35.0	WEST MONROE GAS G
8320465	82-0438	1711123310		103	107-TF	RABUN #1	MONROE	60.0	WEST MONROE GAS G
8320459	82-0439	1711123313		103	107-TF	RABUN #3	MONROE	60.0	WEST MONROE GAS G
8320466	82-0440	1711123314		103	107-TF	RABUN #4	MONROE	40.0	WEST MONROE GAS G
MONTANA BOARD OF OIL & GAS CONSERVATION									
-WEST GAS INC				RECEIVED: 02/04/83		JA: MT			
8320509	1-82-15	2509521149		103		LEUTHOLD 10-24	LAKE BASIN	33.7	MONTANA DAKOTA UT
8320511	1-82-17	2509521152		103		LEUTHOLD 9-35	LAKE BASIN	25.0	MONTANA DAKOTA UT
8320510	1-82-16	2509521151		103		LOUTHOLD 13-35	LAKE BASIN	68.3	MONTANA DAKOTA UT
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ANGELA P HOPKINS				RECEIVED: 02/02/83		JA: NY			
8320345	4846	3101316688	D	107-TF		HOPKINS CARL WELL METER 4152	LAKESHORE	0.0	NATIONAL FUEL GAS
-ANGELA P HOPKINS				RECEIVED: 02/04/83		JA: NY			
8320508	4882	3101317909	D	107-TF		HOPKINS HALL WELL	LAKESHORE	0.0	NATIONAL FUEL GAS
OKLAHOMA CORPORATION COMMISSION									
-ADAMS PETROLEUM ENTERPRISES CORP				RECEIVED: 02/02/83		JA: OK			
8320477	19531	3506321505		103		CALL YOUR BANKER #2	GREASY CREEK	35.2	TRANSOK PIPE LINE
-AGGIE OIL CO				RECEIVED: 02/02/83		JA: OK			
8320474	19479	3510321090		103		B E NELSON #1	SOUTH PERRY	12.0	AMINOIL USA INC
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/02/83		JA: OK			
8320467	19469	3504900000		108		T S MOLLOWAY #1	GOLDEN TREND	15.0	WARREN PETROLEUM
-BRAMLETT & ASSOCIATES				RECEIVED: 02/02/83		JA: OK			
8320507	19281	3503320660		103		GUNN #2	N WALTERS	150.0	LONE STAR GAS CO
-CABOT PETROLEUM CORP				RECEIVED: 02/02/83		JA: OK			
8320468	19568	3505935137		108		ROY BAUMGARTNER #2	SOUTH LAVERNE MORROW	17.0	COLORADO INTERSTA
8320485	19562	3505935149		108		STATE OF OKLAHOMA "H" #1	SOUTH LAVERNE MORROW	5.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED: 02/02/83		JA: OK			
8320470	22715	3500920492		107-DP		WEIL A-1	EAST BERLIN	44.0	EL PASO NATURAL G
-CLARK RESOURCES INC				RECEIVED: 02/02/83		JA: OK			
8320487	19530	3507323275		103		DORIS 2-1	SOONER TREND	95.0	PANHANDLE EASTERN
-ECC OIL CO				RECEIVED: 02/02/83		JA: OK			
8320504	19110	3514721051		108		PIERCE #2A	OGLESBY GAS	219.0	OKAN GAS CO
-ENERGY RESERVES GROUP INC				RECEIVED: 02/02/83		JA: OK			
8320483	19560	3504520697		108		MARK MILLER #1	SOUTH PEAK	18.0	PANHANDLE EASTERN
-ENSERCH EXPLORATION INC				RECEIVED: 02/02/83		JA: OK			
8320479	19549	3512900000		108		D K YORK #1	CRAWFORD NORTH	3.0	DELHI GAS PIPELIN
8320482	19552	3512900000		108		D K YORK #2	CRAWFORD NORTH	6.0	DELHI GAS PIPELIN
8320480	19550	3512900000		108		D K YORK #3	CRAWFORD NORTH	4.0	DELHI GAS PIPELIN
8320481	19551	3512900000		108		J R POWELL #3	CRAWFORD N	3.0	DELHI GAS PIPELIN
-GOMACO INC				RECEIVED: 02/02/83		JA: OK			
8320491	18668	3511921207		102-4		LAWLER #1-25		47.0	COLORADO GAS COMP
8320493	18690	3511921309		102-4		LAWLER #2-25	UNNAMED	27.0	COLORADO GAS COMP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320492	18476	3511021275		102-A		MARTIN #1-25	UNNAMED	40.0	COLORADO GAS COMP
8320494	18691	3511921421		102-A		MARTIN #2-25	UNNAMED	10.0	COLORADO GAS COMP
				RECEIVED:	02/02/83	JA: OK			
-HESTON OIL CO									
8320490	18622	3507323351		103		HILL #30-1		0.0	
				RECEIVED:	02/02/83	JA: OK			
-JAY PETROLEUM INC									
8320495	18896	3508121560		103		NORTON #2	WEST CHANDLER	11.0	TRIOK INC
				RECEIVED:	02/02/83	JA: OK			
-JUMAS OIL PART CORP									
8320476	19468	3510700000		108		NEFF #2	LYONS QUINN	5.5	PHILLIPS PETROLEU
				RECEIVED:	02/02/83	JA: OK			
-KAISER-FRANCIS OIL COMPANY									
8320475	19460	3501720709		103		BROGDON UNIT #1	WATONGA TREND	474.0	OKLAHOMA GAS & EL
				RECEIVED:	02/02/83	JA: OK			
-LADD PETROLEUM CORPORATION									
8320499	18965	3504700000		108		CLICK #1	N E ENID	1.5	CITIES SERVICE GA
8320497	18963	3504721248		108		EVERETT-HAYS B #2	N E ENID	7.4	CITIES SERVICE GA
8320502	18970	3504721250		108		RANDOLPH HOPWOOD #2	N E ENID	14.2	CITIES SERVICE GA
8320503	18971	3504700000		108		ROGER HAYS #1	N E ENID	12.0	CITIES SERVICE GA
8320496	18962	3504700000		108		ROGERS UNIT #1	NE ENID	10.6	CITIES SERVICE GA
8320498	18964	3504700000		108		SEMRAD B-1	N E ENID	10.2	CITIES SERVICE GA
8320500	18967	3504700000		108		VETTE #1	N E ENID	14.3	CITIES SERVICE GA
8320501	18969	3504721793		108		WILER #2	N E ENID	9.9	CITIES SERVICE GA
-LUBELL OIL CO									
8320506	19191	3506338260		108		LUBELL #B-2 CITY OF WETUMKA	WETUMKA	10.8	PUBLIC SERVICE CO
				RECEIVED:	02/02/83	JA: OK			
-M M RESOURCES INC									
8320473	19338	3504722926		103		HUDSPEPH # 1		912.5	ARCO OIL & GAS CO
				RECEIVED:	02/02/83	JA: OK			
-NEWBOURNE OIL COMPANY									
8320505	19167	3512920855		103		STATE "20" #1 ID#129-76041	CRAWFORD (TONKAWA)	25.0	DELMI GAS PIPELIN
				RECEIVED:	02/02/83	JA: OK			
-NGF OIL CORP									
8320478	19542	3512920779		103		MCCOLGIN #1-12	UNDESIGNATED	22.0	
				RECEIVED:	02/02/83	JA: OK			
-NOBLE OPERATING INC									
8320484	19561	3509322356		103		HALDAMAN #1	NE SEILING	0.0	
				RECEIVED:	02/02/83	JA: OK			
-OFS-TULSA CORP									
8320486	19482	3507323481		103		JASON #2-31	SOONER TREND	113.0	CITIES SERVICE GA
				RECEIVED:	02/02/83	JA: OK			
-P F BEELER									
8320469	19570	3500722364		103		P F BEELER WIN #1	MOCANE-LAVERNE	365.0	PANHANDLE EASTERN
				RECEIVED:	02/02/83	JA: OK			
-SHOGUN PETROLEUM CO									
8320489	18419	3509300000		103		KEHNEMUND #1	SOONER TREND	100.0	PIONEER GAS PRODU
				RECEIVED:	02/02/83	JA: OK			
-T MAYFIELD									
8320488	15864	3503722383		103		BURGESS #1	WILDCAT	0.2	CITIES SERVICE GA
				RECEIVED:	02/02/83	JA: OK			
-THE GHK COMPANY									
8320471	22810	3500920482		107-DP		PAUL JONES #1-36	EAST BERLIN	2620.7	EL PASO NATURAL G
8320472	22812	3500920480		107-DP		WARREN #1-23	WEST ELK CITY	1095.0	EL PASO NATURAL G
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA									
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-ANADARKO PRODUCTION COMPANY				RECEIVED:	02/01/83	JA: LA 3			
8320372	G2-2725	1762040068		102-S		WEST DELTA BLK 138 #A-5 S/T	WEST DELTA	25.0	INTERNORTH INC
				RECEIVED:	02/01/83	JA: LA 3			
-CONOCO INC									
8320357	G2-3346	1770840382		102-1		SOUTH MARSH ISLAND 106 A-1	SOUTH MARSH ISLAND	550.0	TENNESSEE GAS PIP
8320366	G2-3353	1770840513		102-1		SOUTH MARSH ISLAND 106 A-10	SOUTH MARSH ISLAND	293.0	TENNESSEE GAS PIP
8320369	G2-3354	1770840536		102-1		SOUTH MARSH ISLAND 106 A-12	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320356	G2-3347	1770840391		102-1		SOUTH MARSH ISLAND 106 A-3	SOUTH MARSH ISLAND	730.0	TENNESSEE GAS PIP
8320362	G2-3348	1770840406		102-1		SOUTH MARSH ISLAND 106 A-4	SOUTH MARSH ISLAND	230.0	TENNESSEE GAS PIP
8320363	G2-3349	1770840484		102-1		SOUTH MARSH ISLAND 106 A-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320364	G2-3350	1770840486		102-1		SOUTH MARSH ISLAND 106 A-7	SOUTH MARSH ISLAND	420.0	TENNESSEE GAS PIP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONOCO INC									
8320358	G2-3345	1770840381		102-1		SOUTH MARSH ISLAND 106 A-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320359	G2-3344	1770840380		102-1		SOUTH MARSH ISLAND 106 A-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320360	G2-3351	1770840379		102-1		SOUTH MARSH ISLAND 106 C-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320361	G2-3352	1770840378		102-1		SOUTH MARSH ISLAND 106 C-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320365	G2-3355	1770840377		102-1		SOUTH MARSH ISLAND 106 C-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320367	G2-3356	1770840376		102-1		SOUTH MARSH ISLAND 106 C-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320368	G2-3357	1770840375		102-1		SOUTH MARSH ISLAND 106 C-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
-CONOCO INC									
8320370	G2-3358	1770840374		102-1		SOUTH MARSH ISLAND 106 C-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320371	G2-3359	1770840373		102-1		SOUTH MARSH ISLAND 106 C-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
-CONOCO INC									
8320374	G2-3360	1770840372		102-1		SOUTH MARSH ISLAND 106 C-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320375	G2-3361	1770840371		102-1		SOUTH MARSH ISLAND 106 C-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320376	G2-3362	1770840370		102-1		SOUTH MARSH ISLAND 106 D-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320377	G2-3363	1770840369		102-1		SOUTH MARSH ISLAND 106 D-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320378	G2-3364	1770840368		102-1		SOUTH MARSH ISLAND 106 D-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320379	G2-3365	1770840367		102-1		SOUTH MARSH ISLAND 106 D-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320380	G2-3366	1770840366		102-1		SOUTH MARSH ISLAND 106 D-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320381	G2-3367	1770840365		102-1		SOUTH MARSH ISLAND 106 D-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320382	G2-3368	1770840364		102-1		SOUTH MARSH ISLAND 106 D-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320383	G2-3369	1770840363		102-1		SOUTH MARSH ISLAND 106 D-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320384	G2-3370	1770840362		102-1		SOUTH MARSH ISLAND 106 D-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320385	G2-3371	1770840361		102-1		SOUTH MARSH ISLAND 106 E-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320386	G2-3372	1770840360		102-1		SOUTH MARSH ISLAND 106 E-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320387	G2-3373	1770840359		102-1		SOUTH MARSH ISLAND 106 E-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320388	G2-3374	1770840358		102-1		SOUTH MARSH ISLAND 106 E-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320389	G2-3375	1770840357		102-1		SOUTH MARSH ISLAND 106 E-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320390	G2-3376	1770840356		102-1		SOUTH MARSH ISLAND 106 E-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320391	G2-3377	1770840355		102-1		SOUTH MARSH ISLAND 106 E-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320392	G2-3378	1770840354		102-1		SOUTH MARSH ISLAND 106 E-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320393	G2-3379	1770840353		102-1		SOUTH MARSH ISLAND 106 E-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320394	G2-3380	1770840352		102-1		SOUTH MARSH ISLAND 106 F-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320395	G2-3381	1770840351		102-1		SOUTH MARSH ISLAND 106 F-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320396	G2-3382	1770840350		102-1		SOUTH MARSH ISLAND 106 F-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320397	G2-3383	1770840349		102-1		SOUTH MARSH ISLAND 106 F-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320398	G2-3384	1770840348		102-1		SOUTH MARSH ISLAND 106 F-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320399	G2-3385	1770840347		102-1		SOUTH MARSH ISLAND 106 F-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320400	G2-3386	1770840346		102-1		SOUTH MARSH ISLAND 106 F-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320401	G2-3387	1770840345		102-1		SOUTH MARSH ISLAND 106 F-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320402	G2-3388	1770840344		102-1		SOUTH MARSH ISLAND 106 F-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320403	G2-3389	1770840343		102-1		SOUTH MARSH ISLAND 106 G-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320404	G2-3390	1770840342		102-1		SOUTH MARSH ISLAND 106 G-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320405	G2-3391	1770840341		102-1		SOUTH MARSH ISLAND 106 G-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320406	G2-3392	1770840340		102-1		SOUTH MARSH ISLAND 106 G-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320407	G2-3393	1770840339		102-1		SOUTH MARSH ISLAND 106 G-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320408	G2-3394	1770840338		102-1		SOUTH MARSH ISLAND 106 G-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320409	G2-3395	1770840337		102-1		SOUTH MARSH ISLAND 106 G-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320410	G2-3396	1770840336		102-1		SOUTH MARSH ISLAND 106 G-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320411	G2-3397	1770840335		102-1		SOUTH MARSH ISLAND 106 G-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320412	G2-3398	1770840334		102-1		SOUTH MARSH ISLAND 106 H-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320413	G2-3399	1770840333		102-1		SOUTH MARSH ISLAND 106 H-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320414	G2-3400	1770840332		102-1		SOUTH MARSH ISLAND 106 H-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320415	G2-3401	1770840331		102-1		SOUTH MARSH ISLAND 106 H-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320416	G2-3402	1770840330		102-1		SOUTH MARSH ISLAND 106 H-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320417	G2-3403	1770840329		102-1		SOUTH MARSH ISLAND 106 H-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320418	G2-3404	1770840328		102-1		SOUTH MARSH ISLAND 106 H-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320419	G2-3405	1770840327		102-1		SOUTH MARSH ISLAND 106 H-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320420	G2-3406	1770840326		102-1		SOUTH MARSH ISLAND 106 H-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320421	G2-3407	1770840325		102-1		SOUTH MARSH ISLAND 106 I-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320422	G2-3408	1770840324		102-1		SOUTH MARSH ISLAND 106 I-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320423	G2-3409	1770840323		102-1		SOUTH MARSH ISLAND 106 I-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320424	G2-3410	1770840322		102-1		SOUTH MARSH ISLAND 106 I-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320425	G2-3411	1770840321		102-1		SOUTH MARSH ISLAND 106 I-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320426	G2-3412	1770840320		102-1		SOUTH MARSH ISLAND 106 I-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320427	G2-3413	1770840319		102-1		SOUTH MARSH ISLAND 106 I-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320428	G2-3414	1770840318		102-1		SOUTH MARSH ISLAND 106 I-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320429	G2-3415	1770840317		102-1		SOUTH MARSH ISLAND 106 I-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320430	G2-3416	1770840316		102-1		SOUTH MARSH ISLAND 106 J-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320431	G2-3417	1770840315		102-1		SOUTH MARSH ISLAND 106 J-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320432	G2-3418	1770840314		102-1		SOUTH MARSH ISLAND 106 J-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320433	G2-3419	1770840313		102-1		SOUTH MARSH ISLAND 106 J-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320434	G2-3420	1770840312		102-1		SOUTH MARSH ISLAND 106 J-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320435	G2-3421	1770840311		102-1		SOUTH MARSH ISLAND 106 J-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320436	G2-3422	1770840310		102-1		SOUTH MARSH ISLAND 106 J-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320437	G2-3423	1770840309		102-1		SOUTH MARSH ISLAND 106 J-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320438	G2-3424	1770840308		102-1		SOUTH MARSH ISLAND 106 J-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320439	G2-3425	1770840307		102-1		SOUTH MARSH ISLAND 106 K-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320440	G2-3426	1770840306		102-1		SOUTH MARSH ISLAND 106 K-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320441	G2-3427	1770840305		102-1		SOUTH MARSH ISLAND 106 K-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320442	G2-3428	1770840304		102-1		SOUTH MARSH ISLAND 106 K-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320443	G2-3429	1770840303		102-1		SOUTH MARSH ISLAND 106 K-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320444	G2-3430	1770840302		102-1		SOUTH MARSH ISLAND 106 K-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320445	G2-3431	1770840301		102-1		SOUTH MARSH ISLAND 106 K-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320446	G2-3432	1770840300		102-1		SOUTH MARSH ISLAND 106 K-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320447	G2-3433	1770840299		102-1		SOUTH MARSH ISLAND 106 K-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320448	G2-3434	1770840298		102-1		SOUTH MARSH ISLAND 106 L-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320449	G2-3435	1770840297		102-1		SOUTH MARSH ISLAND 106 L-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320450	G2-3436	1770840296		102-1		SOUTH MARSH ISLAND 106 L-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320451	G2-3437	1770840295		102-1		SOUTH MARSH ISLAND 106 L-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320452	G2-3438	1770840294		102-1		SOUTH MARSH ISLAND 106 L-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320453	G2-3439	1770840293		102-1		SOUTH MARSH ISLAND 106 L-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320454	G2-3440	1770840292		102-1		SOUTH MARSH ISLAND 106 L-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320455	G2-3441	1770840291		102-1		SOUTH MARSH ISLAND 106 L-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320456	G2-3442	1770840290		102-1		SOUTH MARSH ISLAND 106 L-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320457	G2-3443	1770840289		102-1		SOUTH MARSH ISLAND 106 M-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320458	G2-3444	1770840288		102-1		SOUTH MARSH ISLAND 106 M-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320459	G2-3445	1770840287		102-1		SOUTH MARSH ISLAND 106 M-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320460	G2-3446	1770840286		102-1		SOUTH MARSH ISLAND 106 M-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320461	G2-3447	1770840285		102-1		SOUTH MARSH ISLAND 106 M-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320462	G2-3448	1770840284		102-1		SOUTH MARSH ISLAND 106 M-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320463	G2-3449	1770840283		102-1		SOUTH MARSH ISLAND 106 M-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320464	G2-3450	1770840282		102-1		SOUTH MARSH ISLAND 106 M-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320465	G2-3451	1770840281		102-1		SOUTH MARSH ISLAND 106 M-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320466	G2-3452	1770840280		102-1		SOUTH MARSH ISLAND 106 N-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320467	G2-3453	1770840279		102-1		SOUTH MARSH ISLAND 106 N-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320468	G2-3454	1770840278		102-1		SOUTH MARSH ISLAND 106 N-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320469	G2-3455	1770840277		102-1		SOUTH MARSH ISLAND 106 N-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320470	G2-3456	1770840276		102-1		SOUTH MARSH ISLAND 106 N-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320471	G2-3457	1770840275		102-1		SOUTH MARSH ISLAND 106 N-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320472	G2-3458	1770840274		102-1		SOUTH MARSH ISLAND 106 N-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320473	G2-3459	1770840273		102-1		SOUTH MARSH ISLAND 106 N-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320474	G2-3460	1770840272		102-1		SOUTH MARSH ISLAND 106 N-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320475	G2-3461	1770840271		102-1		SOUTH MARSH ISLAND 106 O-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320476	G2-3462	1770840270		102-1		SOUTH MARSH ISLAND 106 O-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320477	G2-3463	1770840269		102-1		SOUTH MARSH ISLAND 106 O-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320478	G2-3464	1770840268		102-1		SOUTH MARSH ISLAND 106 O-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320479	G2-3465	1770840267		102-1		SOUTH MARSH ISLAND 106 O-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320480	G2-3466	1770840266		102-1		SOUTH MARSH ISLAND 106 O-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320481	G2-3467	1770840265		102-1		SOUTH MARSH ISLAND 106 O-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320482	G2-3468	1770840264		102-1		SOUTH MARSH ISLAND 106 O-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320483	G2-3469	1770840263		102-1		SOUTH MARSH ISLAND 106 O-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320484	G2-3470	1770840262		102-1		SOUTH MARSH ISLAND 106 P-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320485	G2-3471	1770840261		102-1		SOUTH MARSH ISLAND 106 P-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320486	G2-3472	1770840260		102-1		SOUTH MARSH ISLAND 106 P-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320487	G2-3473	1770840259		102-1		SOUTH MARSH ISLAND 106 P-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320488	G2-3474	1770840258		102-1		SOUTH MARSH ISLAND 106 P-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320489	G2-3475	1770840257		102-1		SOUTH MARSH ISLAND 106 P-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320490	G2-3476	1770840256		102-1		SOUTH MARSH ISLAND 106 P-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320491	G2-3477	1770840255		102-1		SOUTH MARSH ISLAND 106 P-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320492	G2-3478	1770840254		102-1		SOUTH MARSH ISLAND 106 P-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320493	G2-3479	1770840253		102-1		SOUTH MARSH ISLAND 106 Q-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320494	G2-3480	1770840252		102-1		SOUTH MARSH ISLAND 106 Q-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320495	G2-3481	1770840251		102-1		SOUTH MARSH ISLAND 106 Q-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320496	G2-3482	1770840250		102-1		SOUTH MARSH ISLAND 106 Q-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320497	G2-3483	1770840249		102-1		SOUTH MARSH ISLAND 106 Q-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320498	G2-3484	1770840248		102-1		SOUTH MARSH ISLAND 106 Q-6	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320499	G2-3485	1770840247		102-1		SOUTH MARSH ISLAND 106 Q-7	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320500	G2-3486	1770840246		102-1		SOUTH MARSH ISLAND 106 Q-8	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320501	G2-3487	1770840245		102-1		SOUTH MARSH ISLAND 106 Q-9	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320502	G2-3488	1770840244		102-1		SOUTH MARSH ISLAND 106 R-1	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320503	G2-3489	1770840243		102-1		SOUTH MARSH ISLAND 106 R-2	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320504	G2-3490	1770840242		102-1		SOUTH MARSH ISLAND 106 R-3	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320505	G2-3491	1770840241		102-1		SOUTH MARSH ISLAND 106 R-4	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320506	G2-3492	1770840240		102-1		SOUTH MARSH ISLAND 106 R-5	SOUTH MARSH ISLAND	280.0	TENNESSEE GAS PIP
8320507	G2-3493	1770840239

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-EXXON CORPORATION				RECEIVED: 02/01/83		JA: LA 3			
8320365	G2-2925	1771540333		102-5		OCS-G 1255 #D-4	SOUTH TIMBALIER	400.0	TRUNKLINE GAS CO
8320371	G2-3131	1771540365		102-5		OCS-G 1255 #D-8	SOUTH TIMBALIER	20.0	TRUNKLINE GAS CO
-GULF OIL CORPORATION				RECEIVED: 02/01/83		JA: LA 3			
8320353	G2-3111	1771540439		102-5		OCS-G 1256 #C-2	SOUTH TIMBALIER	730.0	TEXAS EASTERN TRA
8320373	G2-3365	1772440232		102-1		OCS-G 4127 A-2-D M/P BLK 311 FIELD	MAIN PASS AREA	128.0	SOUTHERN NATURAL
-MESA PETROLEUM CO				RECEIVED: 02/01/83		JA: LA 3			
8320376	G2-3266	1770840556		102-1		SOUTH MARSH ISLAND BLK 155 #A-12	SOUTH MARSH ISLAND	584.0	
8320351	G2-3263	1770840463		102-1		SOUTH MARSH ISLAND BLK 156 #A-4 ST	SOUTH MARSH ISLAND	166.0	
8320350	G2-3264	1770840477		102-1		SOUTH MARSH ISLAND BLK 156 #A-5	SOUTH MARSH ISLAND	146.0	
8320375	G2-3265	1770840463		102-1		SOUTH MARSH ISLAND 156 #A-10	SOUTH MARSH ISLAND	169.0	
-ODECO OIL & GAS CO				RECEIVED: 02/01/83		JA: LA 3			
8320354	G2-3143	1771140437		102-5		OCS-063 # 35E	SHIP SHOAL 113 FIELD	219.0	TRANSCONTINENTAL
-PENNZOIL COMPANY				RECEIVED: 02/01/83		JA: LA 3			
8320348	G2-2767	1771240041		102-5		SOUTH PASS 78 #A-3D	SOUTH PASS	2352.0	UNITED GAS PIPE L
-QUINTANA OFFSHORE INC				RECEIVED: 02/01/83		JA: LA 3			
8320368	G2-3287	1771140648		107-DP		OCS-G-3411 #4	SHIP SHOAL	5000.0	TEXAS GAS TRANSMI
-SHELL OFFSHORE INC				RECEIVED: 02/01/83		JA: LA 3			
8320370	G2-2927	1770540446		107-DP		OCS-G 3125 JA-5 S/T #3	VERMILION	1800.0	COLUMBIA GAS TRAN
-TENNECO OIL COMPANY				RECEIVED: 02/01/83		JA: LA 3			
8320378	G2-3356	1773140032		102-1		SABINE PASS 13 B-3	SABINE PASS	1400.0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED: 02/01/83		JA: LA 3			
8320352	G2-3303	1770740380		102-1		OCS-G-4437 S MARSH ISLAND 236 #1	SOUTH MARSH ISLAND	4388.0	
8320374	G2-3366	1770740402		102-1		OCS-G-4437 S MARSH ISLAND 236 #2	SOUTH MARSH ISLAND	292.0	
-ARCO OIL AND GAS COMPANY				RECEIVED: 02/01/83		JA: TX 3			
8320347	G2-3335	4270440077		102-1		OCS G-3935 BRAZOS BLK 451 #A-2 ST/1	BRAZOS	319.0	MICHIGAN WISCONSI
8320346	G2-3336	4270440077		102-1		OCS G-3935 BRAZOS BLK 451 #A-2D ST/	BRAZOS	319.0	MICHIGAN WISCONSI
8320349	G2-3337	4270440085		102-1		OCS G-3935 BRAZOS BLK 451 #A-3	BRAZOS	319.0	MICHIGAN WISCONSI
8320367	G2-3338	4270440085		102-1		OCS G-3935 BRAZOS BLK 451 #A-3D	BRAZOS	319.0	MICHIGAN WISCONSI
8320359	G2-3339	4270440091		102-1		OCS G-3935 BRAZOS BLK 451 #A-4	BRAZOS	319.0	MICHIGAN WISCONSI
8320358	G2-3340	4270440091		102-1		OCS G-3935 BRAZOS BLK 451 #A-4D	BRAZOS	319.0	MICHIGAN WISCONSI
-GULF OIL CORPORATION				RECEIVED: 02/01/83		JA: TX 3			
8320361	G2-3304	4270940384		102-1		HIGH ISL BLK A-517 OCS-G 3481 #A-2	HIGH ISLAND	2920.0	TEXAS GAS TRANSMI
-MCMORAN OFFSHORE EXPLORATION CO				RECEIVED: 02/01/83		JA: TX 3			
8320360	G2-3040	4270940576		102-5		OCS-G 2690 #A-4A	HIGH ISLAND	1460.0	COLUMBIA GAS DEVE
8320355	G2-2872	4270940603		102-5		OCS-G 2690 #A-7A	HIGH ISLAND	3500.0	COLUMBIA GAS DEVE
-TENNECO OIL COMPANY				RECEIVED: 02/01/83		JA: TX 3			
8320377	G2-3364	4271540014		102-1		SABINE PASS 18 A-5	SABINE PASS	1750.0	TENNESSEE GAS PIP
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-KENAI OIL AND GAS INC				RECEIVED: 02/02/83		JA: CO 4			
8320413	NM-1579-82	0511129245		102-2		FEDERAL #27-43	NAGEEZI-GALLUP	3.5	
-AMERADA HESS CORPORATION				RECEIVED: 02/02/83		JA: NM 4			
8320408	NM-1384-82	3003921373		103		J APACHE "A" #10	BASIN DAKOTA	85.0	EL PASO NATURAL G
8320409	NM-1383-82	3003921372		103		J APACHE "F" #14	BASIN DAKOTA	163.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED: 02/02/83		JA: NM 4			
8320396	NM 1641-82	3003922569		103		JICARILLA CONTRACT 155 #31	SOUTH BLANCO - PICTUR	15.0	NORTHWEST PIPELIN
8320402	NM 1632-82	3003922569		103		JICARILLA CONTRACT 155 #31	OTERO CHACRA	30.0	NORTHWEST PIPELIN
-BRADLEY H KEYES				RECEIVED: 02/02/83		JA: NM 4			
8320437	NM-0574-82	3004524690		103		MAXEY #1-J	FULCHER KUTZ PICTURED	0.0	EL PASO NATURAL G
-BURNETT OIL CO INC				RECEIVED: 02/02/83		JA: NM 4			
8320404	NM-1337-82	3001532807		103		JACKSON "B" #33	SQUARE LAKE-GB-SA	1.0	CONOCO INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CONOCO INC									
8320419	NM-1636-82	3003905120				AXI APACHE A #8	AXI APACHE AREA	17.6	GAS CO OF NEW MEX
8320424	NM-1635-82	3003908083				AXI APACHE F #4	AXI APACHE AREA	20.1	EL PASO NATURAL G
8320423	NM-1634-82	3003900000				JICARILLA 20 #4	WEST LINDRITH	9.1	EL PASO NATURAL G
8320394	NM 1703-82	3001523541				PENNY FEDERAL COM #2	DAGGER DRAW	186.0	NATURAL GAS PIPEL
8320393	NM 1702-82	3002527544				WARREN UNIT #90	NMFU - BLINEBRY	2.9	GETTY OIL CO
-CURTIS J LITTLE									
8320388	NM-1601-82	3003922861				SALAZAR #3	OTERO CHACRA EXT	25.0	EL PASO NATURAL G
-DEPCO INC									
8320405	NM 1345-82	3003922916				MILES FEDERAL #1A	BLANCO MV/LARGO CHACR	280.0	EL PASO NATURAL G
-DUGAN PRODUCTION CORP									
8320398	NM 1649-82	3004524231				BABY DOE #2	WAW FRUITLAND PC	15.0	EL PASO NATURAL G
8320400	NM 1403-82	3004522473				BLANCO WASH #1	WHITE WASH MANCOS - D	9.0	EL PASO NATURAL G
8320395	NM 1643-82	3004524557				DARE DEVIL #2	UNDESIGNATED FRUITLAN	12.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO									
8320391	NM 1679-82	3003922983				JICARILLA 120C #22	BLANCO SOUTH PICTURED	30.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY									
8320433	NM 0193-82PB	3003982393				BJ 32-5 UNIT #3	BASIN-DAKOTA GAS	18.0	EL PASO NATURAL G
8320438	NM 0184-82PB	3004521983				GRAMBLING C #11 J	BLANCO - PICTURED CLI	20.0	EL PASO NATURAL G
8320414	NM-1606-82	3003907009				RINCON UNIT #116	SOUTH BLANCO - PICTUR	14.0	EL PASO NATURAL G
8320444	NM-0181-82PB	3003906847				SAN JUAN 27-5 UNIT #68MV & PC	BLANCO-MESA VERDE & S	17.0	EL PASO NATURAL G
8320435	NM 0196-82PB	3003920187				SAN JUAN 28-5 UNIT #61	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G
8320436	NM-0197-82PB	3003920608				SAN JUAN 28-6 UNIT #172	BLANCO SOUTH - PICTUR	14.0	EL PASO NATURAL G
8320418	NM-1609-82	3003920509				SAN JUAN 29-7 UNIT #103	BLANCO - PICTURED CLI	20.0	EL PASO NATURAL G
8320434	NM 0195-82PB	3003907555				SAN JUAN 29-7 UNIT #40	BLANCO-MESAVERDE	15.0	EL PASO NATURAL G
8320439	NM 0185-82PB	3003920777				SAN JUAN 30-4 UNIT #34	EAST BLANCO - PICTURE	15.0	EL PASO NATURAL G
8320429	NM-1654-82	3004509480				SCHUMACHER #11	BASIN DAKOTA	19.0	EL PASO NATURAL G
-EXXON CORPORATION									
8320389	NM 1656-82	3001524231				LAKEWOOD FEDERAL #1	WILDCAT	2.0	
-GETTY OIL COMPANY									
8320431	NM-0577-82	3003905760				JICARILLA "C" #15	BLANCO PICTURED CLIFF	20.0	EL PASO NATURAL G
-GOTTLIEB GRAYCEB									
8320428	NM-1653-82	3004500000				GRAHAM #53-A	BLANCO MESA VERDE	9.0	EL PASO NATURAL G
-GULF OIL CORPORATION									
8320401	NM 1612-82	3001524153				WHITE CITY PENN GAS COM UNIT 1 #2	WHITE CITY PENN	0.0	TRANSWESTERN PIPE
-INTEGRATED ENERGY INC									
8320420	NM-1638-82	3004320398				FEDERAL 25-22-7 #1	RUSTY CHACRA	18.3	SOUTHWEST GAS COR
-M J BRANNON									
8320403	NM 1630-82	3004525420				FEDERAL 28 #2	BASIN DAKOTA	90.0	EL PASO NATURAL G
-M R SCHALK									
8320432	NM-0673-82	3004525247				FULLERTON GAS COM #1E	BASIN DAKOTA	0.0	EL PASO NATURAL G
-MERRION OIL & GAS CORP									
8320387	NM-0026-82ER	3004523409				SOUTHLAND #1	WAW/FRUITLAND PICTURE	11.0	EL PASO NATURAL G
-NEWBOURNE OIL COMPANY									
8320397	NM 1640-82	3002527910				FEDERAL "H" #1	QUERECHO PLAINS - QUE	11.0	PHILLIPS PETROLEU
-NORTHWEST EXPLORATION COMPANY									
8320442	NM 0178-82PB	3004523094				MIDDLE MESA #1	SO LOS PINOS FRUITLAN	0.0	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION									
8320443	NM 0179-82PB	3004521488				COX CANYON UNIT #12	BLANCO PICTURED CLIFF	21.3	NORTHWEST PIPELIN
8320441	NM-0173-82PB	3003907246				INDIAN I #1	GAVILON - BLANCO	20.8	NORTHWEST PIPELIN
-SCHALK DEVELOPMENT COMPANY									
8320412	NM-1500-82	3004525279				SCHALK 94-2A	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN
8320407	NM 1495-82	3004525183				SCHALK 94-4A	BLANCO MESA VERDE	0.0	NORTHWEST PIPELIN

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RECEIVED: 02/02/83 JA: NM 4
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHLAND ROYALTY CO				RECEIVED:	02/02/83	JA: NM 4			
8320440	NM-186-82PB	3004521800		108-PB		CAIN #21	AZTEC	19.0	SOUTHERN UNION GA
8320422	NM-1644-82	3004520479		108		CRANDELL #3	BLANCO	14.0	SOUTHERN UNION GA
8320421	NM-1627-82	3004510243		108		EAST #8	BASIN	19.0	SOUTHERN UNION GA
8320427	NM-1645-82	3004509115		108		GRENIER A #1	BLANCO	10.0	SOUTHERN UNION GA
8320415	NM-1626-82	3004511731		108		HANKS #20	BLANCO	11.0	SOUTHERN UNION GA
8320416	NM-1625-82	3004511732		108		HANKS #21	BLANCO	10.0	SOUTHERN UNION GA
8320425	NM-1647-82	3004509953		108		HOLDER A #1	BASIN	20.0	SOUTHERN UNION GA
8320430	NM-1648-82	3004507216		108		LACKEY HUBBELL #1	FULCHER KUTZ	3.6	SOUTHERN UNION GA
8320417	NM-1624-82	3004520440		108		PIERCE #3	BLANCO	12.0	SOUTHERN UNION GA
8320426	NM-1646-82	3004507573		108		REID #22	BLANCO	14.6	SOUTHERN UNION GA
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/02/83	JA: NM 4			
8320410	NM-1326-82	3000561506		103		CHAVES "A" FEDERAL #3L	WILDCAT/PENN	358.0	
8320411	NM-1327-82	3000561506		103		CHAVES "A" FEDERAL #3U	PECAN SLOPE ABO	55.0	
8320406	NM 1325-82	3004525330		103		NEW MEXICO FEDERAL N 5F	BASIN DAKOTA	880.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	02/02/83	JA: NM 4			
8320390	NM 1678-82	3004525285		103		HUGHES A 3E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	02/02/83	JA: NM 4			
8320392	NM 1682-82	3000520867		103		UNION "SI" FEDERAL #4	UND TOMAHAWK SA	0.0	CITIES SERVICE CO
-MTS LTD PARTNERSHIP				RECEIVED:	02/02/83	JA: OK 4			
8320399	OK 1657-82	3504321376		103		MACOSA #1-5	WILDCAT	29.0	PHILLIPS PETROLEU

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within such NGPA sections are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5083 Filed 2–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–169–0000]

Gulf States Utilities Co.; Application

February 23, 1983.

Take notice that on January 24, 1983, Gulf States Utilities Company (Applicant), P.O. Box 2951, Beaumont, Texas 77704, filed in Docket No. CP83–169–000 an application pursuant to Section 1(c) of the Natural Gas Act for an order exempting of Applicant from the provisions of the Natural Gas Act and the regulations of the Commission thereunder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that Applicant is a Texas corporation whose rates, facilities, and service are subject to the jurisdiction of the Louisiana Public Service Commission of the State of Louisiana. Applicant states that it distributes gas locally within East Baton Rouge Parish, Louisiana, to residential, commercial, and small industrial customers. All gas obtained by Applicant for its distribution system is sold and used in East Baton Rouge Parish, it is asserted. It is further stated that none of the gas is sold for resale or for transportation outside of Louisiana.

Applicant states that Denham Springs, Louisiana, which is a local distributor located adjacent to Applicant's service territory purchases gas from United Gas Pipe Line Company (United) and has requested Applicant to transport such gas for a period until Denham Springs can replace an 8-inch gas line which connects the Denham Springs distribution system with the city gate station through which Denham Springs receives gas from United. Applicant seeks a declaration that should it provide the requested transportation service for Denham Springs, it would continue to be exempt from the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5072 Filed 2–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83–55–001]

Northern Natural Gas Co.; Amendment of Request Under Blanket Authorization

February 23, 1983

Take notice that on February 4, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83–55–001, an amendment to a prior request in Docket No. CP83–55–000 pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) so as to authorize natural gas service to Pioneer Hi-Bred Int'l (Pioneer) through Iowa Power and Light Company (IP&L) in lieu of through Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Northern filed in Docket No. CP83–55–000 a request pursuant to Section 157.205 of the Regulations proposing under authorization issued in Docket No. CP82–401–000 pursuant to Section 7(c) of the Natural Gas Act, to construct and operate 39 small volume measuring stations and to modify 2 existing delivery points to accommodate natural gas deliveries to certain utility customers. Northern states that of the 39 small volume measuring stations, the small volume measuring station for Pioneer was proposed to be served through Peoples. Northern proposes herein that the existing small volume measuring station in Polk County, Iowa, currently utilized by Peoples to provide natural gas to Pioneer, be enlarged to provide natural gas service to Pioneer through IP&L.

Northern states that the proposed peak day and annual volumes of gas to be delivered through the small volume measuring station are 196 Mcf and 9,825 Mcf, respectively. Northern states that the proposed service would be within IP&L's current level of firm entitlement.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the amendment to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5073 Filed 2–28–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP83-179-000]

Northwest Central Pipeline Corp.; Petition for a Declaratory Order

February 23, 1983.

Take notice that on January 28, 1983, Northwest Central Pipeline Corporation (Petitoner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-179-000 a petition pursuant to Section 385.207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a summary order declaring that Petitioner's exercise of its contract right to cease takes of gas from certain high cost sources of supply is permissible within the meaning of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that it has executed nineteen identical contracts under which it purchases "tight-sands" natural gas produced from the Wamsutter Area of Wyoming by the Wamsutter Limited Partnership of which Amoco Production Company (Amoco) is general partner and by Amoco individually.[1] Petitioner states that pursuant to such contracts, it has the right to disconnect certain wells and to release those wells from the applicable gas purchase contract upon Petitioner's determination that the volume deliverable from the wells in question under the conditions of the applicable gas purchase contract is not economical. Petitioner further states that the gas reserves underlying the wells in question were dedicated or committed to interstate commerce prior to the passage of the Natural Gas Policy Act of 1978, and as such the Commission has jurisdiction over the facilities and services under the provisions of the Natural Gas Act. Petitioner indicates that its proposal to disconnect certain wells and release the same from gas purchase contracts is not in violation of 7(b) of the Natural Gas Act or of the Commission's Regulations thereunder.

Petitioner contends that the proposed action does not violate the Natural Gas Act since there would not be a complete or total cessation of gas purchases from the area or a non-use of facilities and the proposed action is intended to be temporary. Additionally, Petitioner contends that the Commission has historically and uniformly permitted pipelines, consistent with their contracts, to adjust their gas supply by temporarily ceasing takes from designated sources of supply, even when this results in a temporary total cessation of service.

Petitioner explains that it urgently needs to lower its cost of purchased gas and that the decline in its sales has been precipitous. petitioner adds that while there are many reasons for this decline, increased purchased gas cost can be identified as a major factor. Petitioner asserts that at this time it is contractually obligated to take or pay for approximately 8,560,000 Mcf of gas per year produced from tight formations in the Wamsutter Area of Wyoming at prices, in January 1983, of $6.80 per Mcf. Petitioner states that its current purchased gas cost could be reduced through changes in its gas purchase patterns, but that it cannot unilaterally alter its purchase pattern by disconnecting takes of tight sands gas from the Wamsutter Area without subjecting itself to a claim that such action would constitute a violation of the Natural Gas Act. Petitioner alleges that if it receives authorization and approval from the Commission through an appropriate declaratory order to proceed with disconnection of the Wamsutter Area tight sands wells, it would be able to avoid gas costs of at least $58.2 million in 1983. Petitioner also avers that the Wamsutter Area gas is dedicated or committed to interstate commerce and that Section 7(b) of the Natural Gas Act can be asserted to preclude unilateral action by Petitioner to relieve its present situation by disconnecting certain uneconomical Wamsutter Area wells which produce high cost gas from tight formations. Accordingly, Petitioner seeks to remove uncertainty and to obtain such permission as may be necessary to allow it to act now to lower its purchased gas costs.

Therefore, Petitioner requests that the Commission issue an order declaring that Petition may, under its contracts, temporarily cease taking gas from certain uneconomical high-cost sources of supply and that such action will not violate the Natural Gas Act, nor affect the underlying dedication and commitment of the gas in question to Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5074 Filed 2-28-83; 8:45 am]

BILLING CODE 6717-01-M

[1] It is indicated that in 1975, a limited partnership was formed by Amoco and CSG Exploration Company, then an affiliated of the Cities Service Gas Company, for the exploration, development, production and sale of natural gas from Amoco's leases and interests in the Wamsutter Area, covering 437,000 acres of land in south central Wyoming.

[Docket No. CP83-173-000]

Tennessee Gas Pipeline Co.; Application

February 23, 1983.

Take notice that on January 31, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-175-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for United from a point of receipt at an interconnection between Applicant and United in East Cameron Block 97, offshore Louisiana, for delivery to United at an interconnection between the facilities of Applicant and United at Monroe, Ouachita Parish, Louisiana. Applicant states that the volumes to be transported would be 2,500 Mcf per day and would be on a best efforts basis. It is asserted that such service is pursuant to a gas transportation agreement dated August 29, 1980.

The proposed service, it is said, would provide United with a means of transporting an additional supply of natural gas without its having to construct and operate duplicative facilities.

Applciant states that United would pay a volume charge equal to the product of 18.62 cents multiplied by the total volume of gas delivered during the month. It is further stated that Applicant would retain 3.11 percent of the volume of gas received for fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1983, file with the Federal Energy

Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5675 Filed 2-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-182-000]

Washington Natural Gas Co.; Application

February 23, 1983.

Take notice that on February 4, 1983, Washington Natural Gas Company (Applicant), 815 Mercer Street, Seattle, Washington 98111, as Project Operator of the Jackson Prairie Storage Project, Lewis County, Washington (Storage Project), filed in Docket No. CP83-182-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of a new Zone 9 in the Storage Project on a permanent basis and the use of a portion of the cushion gas injected in Zone 9 during its development phase as cushion gas in Zone 2 of the Storage Project during each seasonal withdrawal season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that two storage zones have been developed in the Storage Project, Zone 2 and Zone 9. It is asserted that Zone 2 has been permanently authorized at the following levels of storage and service:

Seasonal working gas: 12,800,000 Mcf
Cushion Gas: 19,450,000 Mcf
Total storage gas: 32,250,000 Mcf
Firm daily delivery rate: 32,000 Mcf
Daily best efforts rate: 71,800 Mcf

Applicant states that pursuant to budget-type certificate authorization issued in Docket No. CP74-177 it has tested and developed Zone 9, a deeper aquifer structure within the geographic confines of the Storage Project. Applicant asserts that the testing has proven the capability of the Zone 9 structure as a storage reservoir but that the storage capacity of Zone 9 is not presently required for the Pacific Northwest markets. It is stated that 2,000,000 Mcf of natural gas has been injected in Zone 9 for testing purposes and that gas is now stored in the zone.

Applicant proposes to reduce the authorized cushion gas in Zone 2 from 19,450,000 Mcf to not less than 19,300,000 Mcf, to certificate Zone 9 as an operational reservoir with 2,000,000 Mcf of cushion gas and to transfer up to 500,000 Mcf of the Zone 9 gas to Zone 2 during each withdrawal season and return it to Zone 9 during each injection season. Applicant asserts that this procedure would maintain the deliverability of Zone 2 during the withdrawal season and allow 150,000 Mcf of currently authorized cushion gas in Zone 2 to be returned to the owners, thus reducing their overall investment in the Storage Project. Applicant states that its proposal would allow Zone 9 to be maintained on a standby basis for future use. Applicant states that under its proposal the Storage Project would be operated as follows:

Seasonal working gas: 12,800,000 Mcf
Cushion gas:
  Zone 2: 19,300,000 Mcf
  Zone 9: 2,000,000 Mcf
Total storage gas: 34,100,000 Mcf
Firm daily delivery rate: 325,000 Mcf
Daily best efforts rate: 71,800 Mcf

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herin, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5676 Filed 2-28-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5453-001]

Appomattox River Water Authority; Surrender of Preliminary Permit

February 24, 1983.

Take notice that the Appomattox River Water Authority, Permittee for the proposed Genito Dam Hydropower Project No. 5453, has requested that its preliminary permit be terminated. The permit was issued on May 6, 1982, and would have expired on April 30, 1985. The project would have been located on the Appomattox River in Amelia, Powhattan, and Cumberland Counties, Virginia.

The Permittee filed its request on January 24, 1983, and the surrender of the preliminary permit for Project No.

5453 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5177 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RA83-5-000]

Champlin Petroleum Co.; Filing of Petition for Review Under 42 U.S.C. 7194

February 24, 1983.

Take notice that Champlin Petroleum Company on February 17, 1983, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before March 11, 1983, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before March 11, 1983, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5178 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 5942-001]

Fairview Orchards Associates; Surrender of Preliminary Permit

February 24, 1983.

Take notice that Fairview Orchards Associates (Fairview), Permittee for the proposed Big Branch Project No. 5942, has requested that its preliminary permit be terminated. The preliminary permit was issued on June 7, 1982, and would have expired on May 31, 1984. The proposed project would have been located on the Big Branch Stream in the town of Mount Tabor, Rutland County, Vermont. Fairview states that the project is not economically feasible.

Fairview filed its request on February 1, 1983, and the surrender of its permit for Project No. 5942 has been deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5179 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES83-31-000]

Indianapolis Power & Light Co.; Application

February 24, 1983.

Notice is hereby given that on February 16, 1983, Indianapolis Power & Light Company (Applicant) filed an application with the Commission seeking authority under Section 204 of the Federal Power Act to issue, from time to time, up to $100,000,000 principal amount of unsecured short-term promissory notes and other short-term obligations with a final maturity date of not later than June 30, 1985.

Any person desiring to be heard or to make protest with reference to said application should on or before March 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of §§ 385.211 or 385.214, respectively, of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5180 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

Pacific Power & Light Co.; Application

[Docket No. ES83-32-000]

February 24, 1983.

Take notice that on February 16, 1983, Pacific Power & Light Company (Pacific) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order: Authorizing it to issue and sell not more than $100,000,000 of its First Mortgage Bonds in a negotiated public offering, and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make protest with reference to said application should on or before March 15, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of 18 CFR 385.211 or 385.214, respectively, of the Commission's Rules of Practice and Procedure. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5181 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES83-30-000]

South Carolina Public Service Authority; Application

February 24, 1983.

Take notice that on February 14, 1983, the South Carolina Public Service Authority (Applicant) filed an application seeking an order authorizing the issuance of up to $60,000,000 in Electric Revenue Notes with a 30 month maturity. The Authority asks, in the alternative, an order dismissing the application for lack of jurisdiction. The notes are to be sold by competitive bid. The proceeds will be used to retire $50,000,000 short-term notes and pay construction costs of Summer Nuclear Station.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 385.211 or 385.214 of the Commission's Rules of Practice and Procedure, on or before March 10, 1983. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5182 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. EL82-19-001]

St. Joe Minerals Corp.; Order on Rehearing

Issued: February 23, 1983.

On January 24, 1983, St. Joe Minerals Corporation (St. Joe) filed a request for rehearing of the Commission's order entered December 23, 1982 (21 FERC ¶ 61,323). In that order the Commission, *inter alia*, denied a request for disclaimer of jurisdiction, but waived certain of its regulations including those pertaining to securities issuances and assumptions of liability, provided that St. Joe provide notice to and seek approval of the Commission prior to undertaking any such actions. St. Joe requests that the Commission relieve St. Joe of the obligation to routinely make requests for approval of the issuance of securities or assumption of liabilities under section 204(a) of the Federal Power Act (FPA) and to routinely make filings of notices of short-term borrowings under section 204(e) of the FPA.

Discussion

St. Joe is a diversified natural resources company whose principal products are lead, gold, silver, zinc, iron ore, oil, gas, and coal. St. Joe owns an electric generating plant as part of its zinc smelter complex at Monaca, Pennsylvania. Due to reduced zinc processing at the smelter, electric energy from the generating plant has become available for sale. This energy from the generating plant has become available for sale. This energy is sold to Duquesne Light Company (Duquesne) and GPU Service Corporation (GPU). The arrangements with Duquesne and GPU are temporary at St. Joe expects to reduce and eventually eliminate sales from its plant as smelting operations expand. The revenues from the sales to Duquesne and GPU represent slightly more than one percent of St. Joe's total revenues.

In support of its request for rehearing, St. Joe asserts that Commission supervision of the company's securities issuances and its assumptions of liability is a pointless burden on both St. Joe and the Commission and does not serve the purposes of section 204. St. Joe indicates that because it is a diversified natural resources company, its filings would relate to the arrangements and financings for exploration, development, extraction, and processing of minerals, both in this country and abroad. Therefore, St. Joe finds it difficult to imagine how the Commission would bring to bear the expertise in financing mineral resource development required to pass on the merits of the applications. Moreover, St. Joe asserts that requiring it to make filings under section 204 does not serve any purpose under the statute. St. Joe notes that the basic concern with overseeing public utility financings is to prevent utilities from getting into financial difficulties which could impair their ability to render jurisdictional services. While St. Joe admits that this is a legitimate concern where jurisdictional electric utilities which have an obligation to serve are concerned, St. Joe asserts that it is not a concern in the case of a jurisidictional industrial company, such as itself, which merely makes temporary convenience sales to a utility.

Under these circumstances, we believe that St. Joe's ability to continue providing the current wholesale service is not the concern towards which the statute was directed. We agree with St. Joe that the purpose of section 204 is to ensure the financial viability of public utilities obligated to serve consumers of electricity.[1] There is no such continuing obligation present here. Rather, we are presented with an industrial company selling excess power as a very small portion of its business to customers who are not dependent upon that service. In addition, the arrangements with Duquesne and GPU are temporary in nature; St. Joe may withdraw its sale of capacity and associated energy to GPU upon one year's notice, and it may terminate its delivery of supplemental energy to GPU upon one year's notice, and it may terminate its delivery of supplemental energy to GPU at any time, in its sole discretion. Furthermore, it is apparent that most, if not all, of St. Joe's securities issuances or assumptions of liability will be undertaken for purposes unrelated to the nominal electric sales subject to our jurisdiction. St. Joe has indicated that the requirement to provide notice and seek Commission approval prior to any security issuance or assumption of liability is a substantial burden and may hinder its non-utility business operations. In light of the general non-utility nature of St. Joe's business and the interruptible and temporary nature of its sales, we propose to grant St. Joe a blanket approval for all future issuances of securities and assumptions of liability provided that such issuances or assumptions are for some lawful object, within the corporate purposes of the applicant, and reasonably necessary or appropriate for such purposes. However, we shall first provide the opportunity for a hearing pursuant to section 204(b) of the FPA, and we shall reserve the right to modify our approval if additional facts to come to light which would make our blanket approval inappropriate.

The Commission orders: (A) St. Joe's request for rehearing of the Commission's order of December 23, 1982, in this docket is hereby granted to the extent discussed above.

(B) Within thirty (30) days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of St. Joe's issuances of securities and assumptions of liability should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

(C) Absent a request for hearing within the period specified in paragraph (B) above, St. Joe is authorized, from the date of this order, to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; Provided, That such issue or assumption is for some lawful object, within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(D) The Commission reserves the right to modify this order and to require a further showing that neither public nor private interests will be adversely affected by the continued Commission approval of St. Joe's issuances of securities and assumptions of liability.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5103 Filed 2-28-83; 8:45 am]
BILLING CODE 6717-01-M

[1] *See* S. Rep. No. 621, 74th Cong., 1st Sess. 50 (1935).

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL 2313-6]

New Source Performance Standards; Subdelegation of Authority to an Oregon Local Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is today approving a request dated December 13, 1982 from the State of Oregon Department of Environmental Quality for subdelegation to enforce a New Source Performance Standard to the Lange Regional Air Pollution Authority (LRAPA). This subdelegation will amend a April 23, 1982 delegation to LRAPA.

DATE: February 10, 1983.

ADDRESSES: The related material in support of this subdelegation may be examined during normal business hours at the following locations:

Central Docket Section (10A–82–21), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth Avenue, Portland, Oregon 97207.

FOR FURTHER INFORMATION CONTACT: Mark H. Hooper, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: 206/442–1949, FTS: 399–1949.

SUPPLEMENTARY INFORMATION: Pursuant to Section 111(c)(1) of the Clean Air Act, as amended, the Regional Administrator of Region 10, Environmental Protection Agency (EPA), delegated to the State of Oregon Department of Environmental Quality (DEQ) on November 10, 1975 the authority to implement and enforce the program for New Source Performance Standards (NSPS). The delegation was announced in the **Federal Register** on February 20, 1976 (41 FR 7749).

On April 23, 1982, the Regional Administrator concurred in a subdelegation by DEQ to the Lane Regional Air Pollution Authority (LRAPA) for certain subcategories of the NSPS program. On December 13, 1982, DEQ requested approval of an additional subdelegation to LRAPA for Kraft Pulp Mills (section 020(11)) and on February 10, 1983, the Regional Administrator concurred in the following letter:

William H. Young, Director,
Department of Environmental Quality,
P. O. Box 1760,
Portland, Oregon 97504.

Dear Mr. Young: On December 13, 1982 a request to subdelegate enforcement of a New Source Performance Standard (NSPS) to the Lane Regional Air Pollution Control Authority (LRAPA) was received. We have reviewed that request and hereby grant the subdelegation to the LRAPA with the authority to enforce the source category listed in Section 37–020 item 11 (Kraft Pulp Mills).

This delegation is subject to the conditions outlined in the original letter of delegation dated November 10, 1975 and published in the **Federal Register** (40 FR 7749). A Notice announcing this subdelegation will be published in the **Federal Register** in the future.

The Notice will state, among other things, that effective immediately, all reports required pursuant to the Federal NSPS from sources located in the State which were previously to be sent to the Director, State of Oregon Department of Environmental Quality will now be sent to the Director, Lane Regional Air Pollution Authority. However, reports required pursuant to 40 CFR 50.7(c) [excess emissions and malfunctions] will be submitted to the State agency only.

Since this delegation is effective immediately, there is no requirement that the State or local agency notify EPA of its acceptance. Unless EPA receives from the State or local agency written notice of objections within 10 days of the date of receipt of this letter, the State or local agency will be deemed to have accepted all the terms of the subdelegation.

An advance copy of the **Federal Register** is enclosed for your information.

Sincerely,

John R. Spencer,
Regional Administrator.

Enclosure.

P. Wilhite, LRAPA.
J. Herlihy, EPA.

This notice is effective immediately and issued to notify the public that a subdelgation has taken place.

(Sec. 111(c)(1) of the Clean Air Act, as amended (42 US..C. 1857c–7).)

Dated: February 10, 1983.

John R. Spencer,
Regional Administrator.

[FR Doc. 83–5141 Filed 2–28–83; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–53046; BH–FRL 2312–5]

Premanufacture Notices; Monthly Status Report for January 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for January 1983.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments are to be identified with the document control number "[OPTS–53046]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–208, 401 M Street SW., Washington, DC 20460, (202–382–3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during January; (b) PMNs received previously and still under review at the end of January; (c) PMNs for which the notice review period has ended during January; (d) chemical substances for which EPA has received a notice of commencement to manufacture during January; and (e) PMNs for which the review period has been suspended. Therefore, the January 1983 PMN Status Report is being published.

Dated: February 22, 1983.

Woodson W. Bercaw,
Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report, January 1983

I. 84 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR citation	Expiration date
83-356	Generic name: Substituted 1-aminoanthraquinone-2-sulfonic acid alkali metal salt	48 FR 1820 (1/14/83)	Apr. 2, 1983.
83-357	Generic name: Isocyanate functional polyurethane derived from reaction of diisocyanate, polymeric ether glycols, polymeric aliphatic polyester glycols.	48 FR 1820 (1/14/83)	Do.
83-358	Generic name: Alkoxy amine salt	48 FR 1820 (1/14/83)	Do.
83-359	Generic name: Polyurethane resin	48 FR 1820 (1/14/83)	Do.
83-360	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 1820 (1/14/83)	Do.
83-361	Generic name: Fatty acid, phthalic, polyol polymer	48 FR 1820 (1/14/83)	Do.
83-362	Generic name: Vinyl acrylic copolymer	48 FR 1820 (1/14/83)	Do.
83-363	Generic name: Acrylic grafted copolymer	48 FR 1820 (1/14/83)	Do.
83-364	Polymer of 1,3'-methylene-bis(4-isocyanatobenzene); 1,9-nonanedioic acid (azelaic), and 1,4-butanediol.	48 FR 1820 (1/14/83)	Apr. 3, 1983.
83-365	Generic name: Aromatic methylurea	48 FR 3045 (1/24/83)	Apr. 6, 1983.
83-366	An aqueous solution of ammonium acrylate	48 FR 3045 (1/24/83)	Do.
83-367	Generic name: Metal complex substituted aromatic salt	48 FR 3045 (1/24/83)	Apr. 9, 1983.
83-368	Generic name: Disubstituted benzenesulfonic acid alkali metal salt	48 FR 3045 (1/24/83)	Do.
83-369	Generic name: Methyl-methyleneimidazole derivative of methyl-pyrazoloquinazolonazomethylphenylbenzothiazole.	48 FR 3045 (1/24/83)	Do.
83-370	8-acetyl-3-dodecyl-7,7,9,9-tetramethyl-1,3,8-triazaspiro [4,5]decane-2,4-dione	48 FR 3045 (1/24/83)	Do.
83-371	Polymer of: neopentyl glycol, 1,6 hexanediol, trimethylol propane, dimethyl 1,4 cyclohexane dicarboxylate, azelaic acid, isophthalic acid.	48 FR 3045 (1/24/83)	Do.
83-372	Generic name: Metal complexed, substituted aromatic compound	48 FR 3045 (1/24/83)	Do.
83-373	Generic name: Substituted polyurea	48 FR 3046 (1/24/83)	Apr. 10, 1983
83-374	Generic name: Metal complexed substituted aromatic salt	48 FR 3046 (1/24/83)	Do.
83-375	Generic name: Substituted benzene	48 FR 3046 (1/24/83)	Do.
83-376	Spiro[2H-1-benzopyran-2,2'-[2H-]]indole, 1',3'-dihydro-1',3',3'-trimethyl-6,8-dinitro	48 FR 3046 (1/24/83)	Do.
83-377	Generic name: Substituted benzene	48 FR 3046 (1/24/83)	Apr. 11, 1983.
83-378	Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with acetic acid.	48 FR 3046 (1/24/83)	Do.
83-379	Generic name: Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with methoxy-acetic acid.	48 FR 3046 (1/24/83)	Do.
83-380	Void		
83-381	Void		
83-382	Refer to PMN 83-292		
83-383	Refer to PMN 83-292		
83-384	Refer to PMN 83-292		
83-385	Refer to PMN 83-292		
83-386	Generic name: Disubstituted 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt	48 FR 3046 (1/24/83)	Apr. 12, 1983.
83-387	Isophthalic-phthalic-adipic-benzoic acid-trimethylol propane-neopentyl glycol resin	48 FR 3046 (1/24/83)	Do.
83-388	Tallow-ethylene glycol-pentaerythritol-phthalic-benzoic acid resin	48 FR 3046 (1/24/83)	Do.
83-389	Generic name: ((Substituted heterocycle)azo) substituted aniline, acid salts	48 FR 3046 (1/24/83)	Do.
83-390	Generic name: Polyester-imide resin	48 FR 3047 (1/24/83)	Do.
83-391	Generic name: Disubstituted bis(phenylazo) 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.	48 FR 3047 (1/24/83)	Do.
83-392	3,5-dinitrosalicylaldehyde	48 FR 3047 (1/24/83)	Do.
83-393	Generic name: Aromatic amine-epoxy resin adduct	48 FR 5304 (2/4/83)	Apr. 16, 1983.
83-394	Generic name: Polyglycidyl amine	48 FR 5304 (2/4/83)	Do.
83-395	Generic name: Modified alkyd polymer from a vegetable oil, carbomonocyclic anhydride, carbomonocyclic acid, a substituted alkane triol, and a substituted alkenoic ester.	48 FR 5304 (2/4/83)	Do.
83-396	Generic name: Methoxy dicyclopentadiene carboxyaldehyde	48 FR 5304 (2/4/83)	Do.
83-397	Generic name: Amine salt of a phosphonic acid	48 FR 5304 (2/4/83)	Do.
83-398	Generic name: Substituted 1,3,4-thiadiazole	48 FR 5304 (2/4/83)	Apr. 17, 1983.
83-399	Polymer of dimethyl ester of 4,4'-(hydroxy-methylene)bis-1,2-benzenedicarboxylic acid with 4,4'-bicyclaniline.	48 FR 5304 (2/4/83)	Do.
83-400	Generic name: Copolymer of acrylic and methacrylic monomers	48 FR 5304 (2/4/83)	Do.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo	48 FR 5304 (2/4/83)	Do.
83-402	Generic name: Poly alkylene oxide-aromatic diisocyanate prepolymer	48 FR 5305 (2/4/83)	Do.
83-403	Generic name: Diazo aromatic compound	48 FR 5305 (2/4/83)	Do.
83-404	Generic name: Unsaturated amide quaternary ammonium polymer	48 FR 5305 (2/4/83)	Apr. 18, 1983.
83-405	Generic name: Polymer of a methacrylate ester, an unsaturated alcohol ester and a maleated diester.	48 FR 5305 (2/4/83)	Do.
83-406	Generic name: Benzenesulfonic acid, aminochlorotriazinyl-aminocarboxychlorophenylpyrazo-lonyl-azo.	48 FR 5305 (2/4/83)	Do.
83-407	Generic name: Unsaturated ester of a substituted aryl ether polymer	48 FR 5305 (2/4/83)	Do.
83-408	Generic name: Triazine triisocyanate	48 FR 5305 (2/4/83)	Do.
83-409	Generic name: N,N'-alkylene bis(di-2-ethylhexyl-proephorodithioyl) alkanamide	48 FR 5305 (2/4/83)	Do.
83-410	Generic name: N,N'-dimethyl alkyl amine salts of mono-and di-2-ethylhexyl hydrogen phosphates	48 FR 5305 (2/4/83)	Do.
83-411	Generic name: C_{12}–C_{14} n-alkylamine salts of alkyl acid phosphates	48 FR 5305 (2/4/83)	Do.
83-412	Generic name: Substituted pyridinium, chloride	48 FR 5305 (2/4/83)	Do.
83-413	Generic name: Modified epoxy polymethacrylate resin	48 FR 5305 (2/4/83)	Do.
83-414	Generic name: Diazo substituted aromatic compound	48 FR 5305 (2/4/83)	Apr. 19, 1983.
83-415	Generic name: Aromatic diazo compound	48 FR 5306 (2/4/83)	Do.
83-416	Generic name: Diazo substituted aromatic compound	48 FR 5306 (2/4/83)	Do.
83-417	Generic name: Alkyldiamine	48 FR 5306 (2/4/83)	Do.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinyl-amino-dimethylphenylazo-sulfonaphthalene-azo.	48 FR 5036 (2/4/83)	Do.
83-419	Generic name: Naphthoidisulfonic acid, chlorotriazinylamino-sulfophenylazo	48 FR 5306 (2/4/83)	Do.
83-420	Generic name: Acrylic-styrene oligomer	48 FR 5306 (2/4/83)	Do.
83-421	Generic name: Acrylic-styrene oligomer	48 FR 5306 (2/4/83)	Do.
83-422	Generic name: Aromatic polyamic acid	48 FR 5306 (2/4/83)	Do.
83-423	Generic name: Acrylic terpolymer	48 FR 6396 (2/11/83)	Apr. 20, 1983.
83-424	Generic name: Primary hydrogenated alkyl amine and silicone polymer	48 FR 6396 (2/11/83)	Do.
83-425	Polymer of diglycidyl ether cyclohexane, dimethanol, bisphenol A	48 FR 6396 (2/11/83)	Apr. 23, 1983.
83-426	Generic name: Epoxy resin ester	48 FR 6396 (2/11/83)	Do.
83-427	Generic name: Alkyl amino metal carboxylates	48 FR 6396 (2/11/83)	Do.
83-428	Generic name: Bis alkoxy aluminum acetoacetic ester complex	48 FR 6396 (2/11/83)	Apr. 24, 1983.
83-429	Generic name: Thiacarbocyanine hydroxide, anhydrodisulfoalkyl trialkyl compound with trialkyl amine (1:1).	48 FR 6396 (2/11/83)	Do.
83-430	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids	48 FR 6396 (2/11/83)	Do.
83-431	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acids	48 FR 6396 (2/11/83)	Do.

I. 84 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
83-432	Generic name: Disazo aromatic compound	48 FR 6397 (2/11/83)	Do.
83-433	Generic name: Mono azo aromatic compound	48 FR 6397 (2/11/83)	Do.
83-434	Generic name: Unsaturated aliphatic diether	48 FR 6397 (2/11/83)	Do.
83-435	Generic name: Acrylate of polybutadiene	48 FR 6397 (2/11/83)	Do.
83-436	Generic name: Chloroaromatic compound	48 FR 6397 (2/11/83)	Apr. 25, 1983.
83-437	Generic name: Reaction product of a polyhalogenated anhydride, maleic anhydride, alkylene glycols and amino alcohol.	48 FR 6397 (2/11/83)	Do.
83-438	Generic name: Disubstituted 3-phenylazo-4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, alkali metal salt.	48 FR 6397 (2/11/83)	Do.
83-439	2,2-dimethyl-1,3-propanediol, polymer with 2,2'-oxybis (ethanol), 2-ethyl-2-hydroxy-methyl-1,3-propanediol and 1,3-isobenzofurandione.	48 FR 6397 (2/11/83)	Apr. 26, 1983.
83-440	Generic name: Methacrylate of polybutadiene	48 FR 6397 (2/11/83)	Apr. 24, 1983.
83-441	Generic name: Methyl acrylate, ethyl acrylate, acrylamide	48 FR 6397 (2/11/83)	Apr. 25, 1983.
83-442	Generic name: Vegetable fatty acids; benzene carboxylic acid; hydroxymethyl alkanepolyol polymer.	48 FR 6588 (2/14/83)	Apr. 27, 1983.
83-443	Generic name: Alkanediol dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzenedicarboxylic acid polymer.	48 FR 6588 (2/14/83)	Do.
83-444	Generic name: Alkanediol dimethylalkanediol; alkanedioic acid; substituted alkanoic acid; benzenedicarboxylic acid polymer.	48 FR 6588 (2/14/83)	Do.
83-445	Generic name: Modified sodium polyacrylate	48 FR 6588 (2/14/83)	Apr. 30, 1983.

II. 92 Premanufacture Notices Received Previously and Still Under Review at the end of the Month.

PMN No.	Identity/generic name	FR citation	Expiration date
83-264	Condensaion polymer of ethyl acrylate and ethanol amine	47 FR 55423 (12/9/82)	Mar. 1, 1983.
83-265	Generic name: Substituted alkly polyalkylene oxy quasternary ammonium chloride compound	47 FR 55423 (12/9/82)	Do.
83-266	Generic name: Poly(oxyalkyl disubstituted silane) alkyl, alkoxy-terminated, polymer with titanium alkoxide.	47 FR 57333 (12/23/82)	Mar. 2, 1983.
83-267	Generic name: Polyester from carbomonocyclic anhydrides and substituted alkanediols	47 FR 57333 (12/23/82)	Do.
83-268	Generic name: Azobis-(nitrosulfophenyl-alkyl-sulfobenzene) compound with oxyalkylamine	47 FR 57333 (12/23/82)	Do.
83-269	Generic name: Substituted naphthalenylazo naphthalenedisulfonic acid salt	47 FR 57333 (12/23/82)	Do.
83-270	Generic name: Tetra(substituted sulfonic acid) derivative of transition metal—arylcyanine complex	47 FR 57333 (12/23/82)	Do.
83-271	Generic name: Hydrocarbon complex with platinum halide	47 FR 57333 (12/23/82)	Do.
83-272	Generic name: Substituted pyridine	47 FR 57333 (12/23/82)	Do.
83-273	Generic name: Blocked isocyanate	47 FR 57333 (12/23/82)	Mar. 5, 1983.
83-274	Generic name: Polymer of alkane polyols, alkanedioic acids and aromatic polyacid	47 FR 57333 (12/23/82)	Do.
83-275	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-276	Generic name: Modified polyisocyanate	47 FR 57333 (12/23/82)	Do.
83-277	2-Oxepanone, polymer with 2,2'-[(oxybismethylene)] bis[2-(hydroxymethyl)-1,3-propanediol	47 FR 57333 (12/23/82)	Do.
83-278	2-Oxepanone, polymer with 2,2-bis[[3-hydroxy-2, 2-bis(hydroxymethyl)propoxy]methyl]-1,3-propanediol.	47 FR 57333 (12/23/82)	Do.
83-279	Generic name: Chlorinated, oleated, hydrocarbon polymer	47 FR 57334 (12/23/82)	Do.
83-280	Generic name: 2-Anthracenesulfonic acid, 1-amino-9,10-dihydro-9,10-dioxo-4-[(substituted phenyl)amino]-.	47 FR 57334 (12/23/82)	Mar. 6, 1983.
83-281	Generic name: Benzenesulfonamide salt	47 FR 57334 (12/23/82)	Do.
83-282	Generic name: Polyester based complex alkanediol	47 FR 57334 (12/23/82)	Do.
83-283	Generic name: Substituted cyclosiloxane	47 FR 57334 (12/23/82)	Do.
83-284	Generic name: Polyester polyol	47 FR 57334 (12/23/82)	Do.
83-285	Generic name: Phosphate ester	47 FR 57334 (12/23/82)	Do.
83-286	Generic name: 1,1-dimethyl ethyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-287	Generic name: 1,1-dimethylpropyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-288	Generic name: 1-methyl-1-phenyl ethyl peroxyester	47 FR 57334 (12/23/82)	Do.
83-289	Copolymer from acrylonitrile, styrene and p-isopropenylphenol	47 FR 57334 (12/23/82)	Do.
83-290	Generic name: Asphalt styrenated resin	47 FR 57334 (12/23/82)	Do.
83-291	Generic name: Vinylic copolymer	47 FR 57334 (12/23/82)	Do.
83-292	Generic name: N-substituted-N-mixed alkoxypropylmaleaminic acid derivatves	47 FR 57334 (12/23/82)	Do.
83-293	Hydrogenated acrylonitrile—butadiene copolymer (H–NBR)	47 FR 57335 (12/23/82)	Mar. 7, 1983.
83-294	Generic name: Organophosphorus compound	47 FR 57335 (12/23/82)	Do.
83-295	Generic name: Organosulfur compound	47 FR 57335 (12/23/82)	Do.
83-296	Generic name: Rosin metallic salt	47 FR 57335 (12/23/82)	Mar. 8, 1983.
83-297	Generic name: (Substituted) anthracenylimino-(substituted) carbomonocyclic acid alkylamine	47 FR 57335 (12/23/82)	Do.
83-298	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Mar. 9, 1983.
83-299	Generic name: Toluene alkylate	47 FR 57336 (12/23/82)	Do.
83-300	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do.
83-301	Generic name: Dialkyl benzene	47 FR 57336 (12/23/82)	Do.
83-302	Generic name: Alkyl benzene	47 FR 57336 (12/23/82)	Do.
83-303	Polymer of: trimethyl pentane diol, adipic acid and phthalic anhydride	47 FR 57336 (12/23/82)	Do.
83-304	Bis (benzyl-thioureidoethyl)-dithio carbamic acid-s-propoylester- -sulfonic acid sodium	47 FR 57336 (12/23/82)	Do.
83-305	Generic name: Urethane polyester prepolymer acrylate capped	47 FR 57337 (12/23/82)	Do.
83-306	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-307	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-308	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-309	Generic name: Poly alkyl benzene sulfonate	47 FR 57337 (12/23/82)	Do.
83-310	Generic name: Benzene alkyl sulfonate	47 FR 57337 (12/23/82)	Do.
83-311	3-dimethylureidylmethyl-3,5,5-trimethylcyclohexyl dimethyl urea	47 FR 57337 (12/23/82)	Mar. 12, 1983.
83-312	Generic name: Aromatic aliphatic branched polyester resin	47 FR 57337 (12/23/82)	Mar. 13, 1983.
83-313	Generic name: Polymer of alkane polyols, alkane dioic acid and aromatic acid	47 FR 57337 (12/23/82)	Do.
83-314	Generic name: Ester of aromatic acids and aliphatic polyols	47 FR 57337 (12/23/82)	Do.
83-315	Generic name: 2-substituted propanoic acid	47 FR 57337 (12/23/82)	Do.
83-316	Generic name: Modified ethylene-chlorotrifluoroethylene polymer	47 FR 57337 (12/23/82)	Do.
83-317	Generic name: Modified polyester polyurethane from substituted alkanediols, alkandioic acid and a diisocyanate.	47 FR 57338 (12/23/82)	Mar. 14, 1983.
83-318	Generic name: Acrylic copolymer of styrene and methacrylate monomers	47 FR 57338 (12/23/82)	Mar. 15, 1983.
83-319	Generic name: Modified alkyd polymer from mixed fatty oils, carbomonocyclic anhydride, carbomonocyclic acid and a substituted alkane diol.	47 FR 57338 (12/23/82)	Do.

PMN No.	Identity/generic name	FR citation	Expiration date
83-326	Generic name: Polymeric acrylate	47 FR 57338 (12/23/82)	Dec.
83-327	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	48 FR 72 (1/3/83)	Mar. 16, 1983
83-328	Generic name: Polyester of aliphatic polyol, mono basic acids and aromatic diacids	48 FR 72 (1/3/83)	Do.
83-329	Generic name: Polyester of aliphatic polyols, vegetable oil, and aromatic dibasic acid	48 FR 72 (1/3/83)	Do.
83-324	Generic name: Modified bisphenol A, epichlorohydrin polymer	48 FR 72 (1/3/83)	Do.
83-325	Generic name: Polyester polyurethane from carbomonocyclic anhydride, alkanediols and diisocyanates.	48 FR 72 (1/3/83)	Do.
83-326	Generic name: Functionalized acrylic polymer	48 FR 72 (1/3/83)	Do.
83-327	Generic name: Blocked isocyanate	48 FR 72 (1/3/83)	Mar. 16, 1983
83-328	Generic name: Modified copolymer of alkenoic esters and substituted alkenoic esters with styrene	48 FR 72 (1/3/83)	Do.
83-329	Generic name: Substituted phenyl, azo substituted naphthalenedisulfonic acid, sodium salt	48 FR 72 (1/3/83)	Do.
83-330	Generic name: Substituted phenate	47 FR 73 (1/3/83)	Do.
83-331	Generic name: Bis-alkylated phenol	48 FR 73 (1/3/83)	Do.
83-332	Generic name: Aromatic alkyd—silicone modified	48 FR 73 (1/3/83)	Mar. 19, 1983.
83-333	Generic name: Reaction product of polycyclo-sulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Do.
83-334	Generic name: Polymer of alkane polyols, alkanedioic acid, and aromatic diacid	48 FR 73 (1/3/83)	Do.
83-335	Generic name: ((Substituted phenyl)azo) naphthalenesulfonic acid, sodiumm salt	48 FR 73 (1/3/83)	Do.
83-336	Methanesulfonic acid, tin (2+) salt	48 FR 73 (1/3/83)	Do.
83-337	Methanesulfonic acid, lead (2+) salt	48 FR 862 (1/7/83)	Mar. 26, 1983.
83-338	Generic name: Substituted-1,8-triphenodioxazine-disulfonic acid, sodium salt	48 FR 862 (1/7/83)	Do.
83-339	Generic name: 5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-3-[1,5-disulfo-2-naphthyl-azo]-4-hydroxy-2,7-naphthalenedisulfonic acid, pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-340	Generic name: 3-[4-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-5-sulfonaphthylazo-6-sulfonaphthylazo],1,5-naphthalenedisulfonic acid pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-341	Generic name: 7-[4-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-ureidophenylazo]-1,3,6-naphthalenetrisulfonic acid, tetrasodium salt.	48 FR 862 (1/7/83)	Do.
83-342	Generic name: 3-[5-[4-chloro-6-[3-[2-(hydroxysulfonyloxy)ethylsulfonyl]anilino]-1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-4-hydroxy-5-propionylamino-2,7-naphthalenedisulfonic acid tetrasodium salt.	48 FR 862 (1/7/83)	Do.
83-343	Generic name: 4-amino-6-[5-[4-chloro-[3-[2(hydroxysulfonyloxy)ethylsulfonyl]anilino]1,3,5-triazin-2-ylamino]-2-sulfophenylazo]-5-hydroxy-3-(4-sulfophenylazo)-2,7-naphthalenedisulfonic acid, pentasodium salt.	48 FR 862 (1/7/83)	Do.
83-344	Generic name: Mercapto-substituted, heterocyclic nitrogen compound	48 FR 862 (1/7/83)	Do.
83-345	Generic name: Alkyl thiocyanate	48 FR 862 (1/7/83)	Do.
83-346	Polymer of 2-propenoic acid, 2-methyl-, methyl ester and 1,3-butyleneglycol diacrylate	48 FR 862 (1/7/83)	Mar. 27, 1983.
83-347	Partially hydrogenated polybenzylated toluene	48 FR 862 (1/7/83)	Do.
83-348	Polybenzylated toluene	48 FR 862 (1/7/83)	Do.
83-349	Generic name: Poly polymethacrylate	48 FR 862 (1/7/83)	Mar. 28, 1983.
83-350	2-propoxyethyl acetate	48 FR 862 (1/7/82)	Mar. 29, 1983.
83-351	Polymer of trimethylol propane, ethylene glycol, adipic acid, phthalic anhydride	48 FR 1819 (1/14/83)	Dec.
83-352	Generic name: Aliphatic secondary naphthalene	48 FR 1819 (1/14/83)	Dec.
83-353	Generic name: Aliphatic secondary naphthalene	48 FR 1819 (1/14/83)	Dec.
83-354	Generic name: Aliphatic bis(secondary naphthalene amine)	48 FR 1819 (1/14/83)	Dec.
83-355	Generic name: Substituted aromatic secondary naphthalene amine	48 FR 1820 (1/14/83)	Dec.

III. 86 Premanufacture Notices for Which the Notice Review Period has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity/generic name	FR citation	Expiration date
82-432	Reaction mixture containing: isobornyl acetylacetate, isobornyl acetate and ethylacetylacetate	47 FR 27610 (6/25/82)	Jan. 24, 1983.
82-676	Generic name: Heterocyclic, aromatic methane	47 FR 43161 (9/30/82)	Jan. 5, 1983.
82-684	Generic name: Halogenated hydrocarbon	47 FR 43161 (9/30/82)	Jan. 19, 1983.
83-8	Generic name: Substituted alkylsulfonic acid	47 FR 46372 (10/18/82)	Jan. 1, 1983.
83-9	Generic name: Substituted alkyl polysulfide	47 FR 46372 (10/18/82)	Do.
83-10	Generic name: Substituted urea	47 FR 46372 (10/18/82)	Do.
83-11	Oxirane [(phenyl methoxy)methyl]-	47 FR 46372 (10/18/82)	Jan. 13, 1983.
83-12	Generic name: 2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4-[[4-[(2,4-diamino-5-methyl phenyl)azo]phenyl]substituted]phenyl]azo]azo]-5-hydroxy-6-(substituted phenyl)azo-, sodium salt.	47 FR 46372 (10/18/82)	Jan. 2, 1983.
83-13	Generic name: Amine modified dimethylpolysiloxane	47 FR 46372 (10/18/82)	Do.
83-14	Generic name: Metal salt of sulfur analog of hydroxy-alkyl carbonic acid	47 FR 46372 (10/18/82)	Do.
83-15	Generic name: Polymer of methacrylic acid derivatives, a substituted alkane and vinylaromatic compound.	47 FR 46372 (10/18/82)	Do.
83-16	Generic name: Polymer of acrylate and methacylate monomers and vinyl aromaticcompounds	47 FR 46372 (10/18/82)	Do.
83-17	Generic name: Fatty acids, substituted aromatic esters, alkali metal salts	47 FR 47372 (10/18/82)	Do.
83-18	Generic name: Di(disubstitutednaphthyl)polyheterocycle	47 FR 46372 (10/18/82)	Do.
83-19	Generic name: Substituted benzoic acid	47 FR 46373 (10/18/82)	Do.
83-20	Generic name: Substituted phenoxy toluene	47 FR 46373 10(18//82)	Do.
83-21	Generic name: Trisubstituted azo naphtholdisulfonic acid	47 FR 46373 (10/18/82)	Jan. 3, 1983
83-23	Generic name: Pentasubstituted pentanamide	47 FR 46373 (10/18/82)	Do.
83-26	Antimony thioantimonate	47 FR 47067 (10/22/82)	Jan. 5, 1983
83-27	Tetra (oxy-1,2-ethanediyl), alfa-(carboxymethyl)-omega-hydroxy-C_{10-16} alkyl ethers	47 FR 47067 (10/22/82)	Do.
83-28	Oxiranemethanamine, N-[3-(oxiranylmethoxy)phenyl]-N-(oxiranylmethyl)	47 FR 47067 (10/22/82)	Jan. 9, 1983.
83-29	Generic name: Alkyldiarylphosphine	47 FR 47067 (10/22/82)	Do.
83-30	Generic name: Disubstituted naphthalene	47 FR 47067 (10/22/82)	Do.
83-31	Generic name: Amine acid salt	47 FR 47067 (10/22/82)	Jan. 10, 1983.
83-32	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanedioic acid and a diisocyanate.	47 FR 47067 (10/22/82)	Do.
83-33	1,2,3,-propanetricarboxylic acid, 2 hydroxy, esters with high boiling C_6-C_{20} alkane hydroformylation products	47 FR 47067 (10/22/82)	Do.
83-34	Generic name: Fatty acids, linseed oil glycidyl ester	47 FR 47067 (10/22/82)	Do.
83-36	Generic name: Polyalkyl substituted unsaturated bicyclic tertiary alcohol	47 FR 47068 (10/22/82)	Jan. 11, 1983.
83-40	Generic name: Polyalkyl cycloalkenone	47 FR 47068 (10/22/82)	Do.
83-41	Generic name: Polyalkyl substituted unsaturated bicyclic ketone	47 FR 47068 (10/22/82)	Do.
83-42	Generic name: Polyalkyl substituted unsaturated bicyclic keto diol, alkanoic acid ester	47 FR 47068 (10/22/82)	Do.

PMN No.	Identity/generic name	FR citation	Expiration date
83-43	Generic name: Polyalkyl unsaturated tricyclic diketone	47 FR 47068 (10/22/82)	Do.
83-44	Polymer of 2-propenoic acid, 2-methyl-, 2-[[(perfluoroalkyl)sulfonyl]methyl]amino]ethyl ester with butyl methacrylate and lauryl methacrylate.	47 FR 47068 (10/22/82)	Do.
83-45	Propionic acid, zirconium salt	47 FR 49072 (10/29/82)	Jan. 12, 1983.
83-46	Not a PMN under Section 5 of TSCA		
83-47	Generic name: Polymer of acrylic acid and acrylic esters	47 FR 49073 (10/29/82)	Do.
83-48	Generic name: Polymer of aliphatic and aromatic diacids, ester and an aliphatic diol	47 FR 49073 (10/29/82)	Do.
83-50	Polymer of: isophorone diisocyanate, 2-hydroxy ethyl acrylate, silicone fluid	47 FR 49073 (10/29/82)	Jan. 15, 1983.
83-51	Generic name: Alkoxylated alkyl amine	47 FR 49073 (10/29/82)	Do.
83-52	Reaction product of N, N' 2-tris(6-isocyanatohexyl) imidodicarbonic diamide with 3-(trimethoxysilyl)-1-propanethiol.	47 FR 49073 (10/29/82)	Do.
83-53	Generic name: Cobalt complex of substituted phenolazophenylacetacetamide	47 FR 49073 (10/29/82)	Jan. 16, 1983.
83-54	Generic name: Iron complex of substituted phenolazoresorcinol	47 FR 49073 (10/29/82)	Do.
83-55	Generic name: Substituted alkanediol	47 FR 49073 (10/29/82)	Do.
83-56	Generic name: Substituted acetoxyhexahydroindene	47 FR 49073 (10/29/82)	Jan. 17, 1983.
83-57	Generic name: Polymer of isophorone diisocyanate, polyhydroxyalkane, and an alkylalkenoate	47 FR 49073 (10/29/82)	Do.
83-58	Generic name: Bis(((substituted pyrazolyl)azo)substituted phenol)metallate and bis(((substituted pyrazolyl)azo)substituted phenol)metallate, inorganic salts.	47 FR 49073 (10/29/82)	Do.
83-59	Generic name: Acrylic acid, polymer with vinyl acetate, acrylate esters and substituted ethylene	47 FR 49074 (10/29/82)	Do.
83-60	Generic name: Metal complex of methyl-substituted-((substituted-hydroxyphenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, and metal complex of methyl-substituted-((substituted-hydroxyhenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, inorganic salts.	47 FR 49074 (10/29/82)	Do.
83-61	Generic name: Disubstituted benzothiazole	47 FR 49074 (10/29/82)	Jan. 18, 1983.
83-62	Generic name: Disubstituted benzothiazole salt	47 FR 49074 (10/29/82)	Do.
83-63	Generic name: Succinate ester amide	47 FR 50338 (11/5/82)	Jan. 19, 1983.
83-64	Oxo alcohol (high boilers), ethoxylated alcohol ester of citric acid	47 FR 50338 (11/5/82)	Do.
83-65	Generic name: Polymer of disubstituted propenoates	47 FR 50338 (11/5/82)	Do.
83-66	Generic name: Polymer of disubstituted propenoates	47 FR 50338 (11/5/82)	Do.
83-67	Generic name: Substituted thionocarbamate	47 FR 50338 (11/5/82)	Do.
83-68	Generic name: Alkylated isopropylbenzene	47 FR 50339 (11/5/82)	Do.
83-69	Generic name: Mixed C_{21} dicarboxylic amino alkyl amines	47 FR 50339 (11/5/82)	Do.
83-70	Generic name: Benzenedicarboxylic acid saturated mixed glycols copolyester	47 FR 50339 (11/5/82)	Do.
83-71	2-propenoic acid, 2 methyl-, octahydro-2,5-methano-2H-indeneone[1,2-(b)]oxiren-3(or 4)-yl ester	47 FR 50339 (11/5/82)	Do.
83-72	Generic name: Benzoquinolinyl-sulfoindenedione	47 FR 50339 (11/5/82)	Jan. 23, 1983.
83-73	Generic name: Polymer from PMDA and diamines	47 FR 50339 (11/5/82)	Jan. 24, 1983.
83-74	Generic name: Polymer of styrene, alkyl acrylates and substituted alkyl methacrylates	47 FR 50339 (11/5/82)	Jan. 23, 1983.
83-75	Generic name: Sodium 2-substituted propanoate	47 FR 50339 (11/5/82)	Jan. 24, 1983.
83-76	Incomplete		
83-77	Generic name: Bis(((substituted propanyl)azo)substituted phenol(metallate, plus bis(((substituted propanyl)azo)substituted phenol)metallate, inorganic salts.	47 FR 52220 (11/19/82)	Jan. 26, 1983.
83-78	Generic name: Metal complex of ((substituted phenyl)azo) substituted phenol and ((aryl)azo)substituted phenol plus metal complex of ((substituted phenyl)azo)substituted phenol and ((aryl)azo)substituted phenol, inorganic salts.	47 FR 52220 (11/19/82)	Do.
83-79	Generic name: Metal complex of ((substituted Phenyl)azo)naphthol and ((substituted naphthyl)azo)naphthol plus metal complex of ((substituted phenyl)azo)naphthol and ((substituted naphthyl)azo)naphthol, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-80	Generic name: Bis(((aryl)azo)substituted phenol)metallate plus bis(((aryl)azo)substituted phenol)metallate, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-81	Generic name: Metal complex of ((substituted phenyl)azo)-substituted phenol and ((substituted pyrazolyl)azo)-substituted-benzenesulfonic acid plus metal complex of ((subetituted phenyl)azo)-substituted phenol and ((substituted pyrazolyl)azo)-substituted-benzenesulfonic acid, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-82	Generic name: Bis(((substituted pyrazolyl)azo)benzoic acid)metallate plus bis(((substituted pyrazolyl)azo)benzoic acid)metallate, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-83	Generic name: Bis(((substituted aryl)azo)-substituted phenol)metallate and bis(((substituted aryl)azo)-substituted phenol)metallate, inorganic salts.	47 FR 52220 (11/19/82)	Do.
83-84	Generic name: Bis(((aryl)azo)-substituted phenol)metallate and bis(((aryl)azo)-substituted phenol)metallate, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-85	Generic name: Bis(((substituted aryl)azo)-substituted phenol)metallate, and bis(((substituted aryl)azo)-substituted phenol)metallate, inorganic salts.	47 FR 52221 (11/19/82)	Do.
83-86	Generic name: Mercaptoalkylsilane	47 FR 52221 (11/19/82)	Do.
83-87	Generic name: Siloxanes and silicones, dimethyl, dimethyl, methyl(mercapto-alkyl), trimethyl end blocked	47 FR 52221 (11/19/82)	Do.
83-88	Generic name: Dimer fatty acids monocarboxylic acids, and diamines polymer	47 FR 52221 (11/19/82)	Jan. 29, 1983.
83-89	Generic name: Dimer fatty acids monocarboxylic acid, polycarboxylic acid, diamines polymer, modified with an acrylic acid copolymer.	47 FR 52221 (11/19/82)	Do.
83-90	Generic name: Polymer of polysubstituted alkyl acrylates	47 FR 52221 (11/19/82)	Do.
83-91	Generic name: Polymer of tall oil rosin, gum rosin, paraformaldehyde, calcium hydroxide, and phenol.	47 FR 52222 (11/19/82)	Do.
83-92	Generic name: Reaction product of a polyhalogenated anhydride, maleic anhydride and alkylene glycols.	47 FR 52222 (11/19/82)	Jan. 30, 1983.
83-93	Generic name: Polyester polycarboxylate salt	47 FR 52222 (11/19/82)	Do.
83-94	Generic name: Alkyl substituted salicyaldehyde	47 FR 52222 (11/19/82)	Do.
83-95	Generic name: Trisubstituted benzothiazole salt	47 FR 52222 (11/19/82)	Do.
83-96	Generic name: ((Substituted phenyl)azo)benzenesulfonic acid, aminium salt	47 FR 52222 (11/19/82)	Do.
83-97	Generic name: Thermoplastic polyurethane resin	47 FR 52222 (11/19/82)	Jan. 31, 1983.
83-98	Generic name: N-(trimethylcarbomonocycle)isopentanol	47 FR 52222 (11/19/82)	Do.
83-99	Generic name: Sulfonated phenol formaldehyde condensation polymer	47 FR 52222 (11/19/82)	Do.

IV. 32 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
81-83	Generic name: Acrylic alkenyl ester polymer	46 FR 19314 (3/30/81)	Jan. 3, 1983.
81-167	Generic name: Cycloaliphatic polyester modified with a polyether glycol	46 FR 28004 (5/22/81)	Jan. 4, 1983.
'81-271	Azacyclotridecan-2-one, polymer with hexahydro-2H-azepin-2-one, block copolymer with poly [oxy(methyl-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, copolymer.	46 FR 35347 (7/8/81)	Aug. 1982.

PMN No.	Chemical identification	FR citation	Date of commencement
81-397	Benzenesulfonic acid, 4-(2-((4-((2-sulfooxyethyl)sulfonyl)(2,6-dimethoxyphenyl)azo)aceto-acetamido)-2-methyl-5-methoxy-.	46 FR 44060 (9/2/81)	Dec. 1, 1982.
81-425	Generic name: Alkylenesuccinic acid, monoester	46 FR 45899 (9/16/81)	Oct. 17, 1982.
81-427	Generic name: Epoxidized glyceride polyoxy-ethylene ether	46 FR 45808 (9/15/81)	Dec. 15, 1982.
81-522	Generic name: Substituted pyridine	46 FR 52225 (10/26/81)	Jan. 15, 1983.
81-616	1,7-naphthalenedisulfonic acid, 4-benzamido-5-hydroxy-6-((2-sulfooxyethyl)sulfonyl)-1-sulfonaphthalen-2-yl)azo)-, tetrasodium salt.	46 FR 60498 (12/10/81)	Aug. 1982.
82-31	Generic name: Quarternary, ammonium compound	47 FR 3582 (1/26/82)	Dec. 8, 1982.
82-149	Generic name: Oxirane (chloromethyl) polymer with 2-(substituted) ethyl amine fractionation forecuts, methyl oxirane and oxirane.	47 FR 10073 (3/9/82)	Jan. 1983.
82-164	Generic name: Heterocyclic-alkoxyphenyl azo substance	47 FR 10074 (3/9/82)	Aug. 2, 1982.
82-265	4,4'-bis(2,5-dimethylstyryl)-diphenyl	47 FR 16405 (4/16/82)	Sept. 24, 1982.
82-282	Generic name: Polyhalogenated aromatic poly-acrylate	47 FR 17987 (4/23/82)	Nov. 1982.
82-326	Generic name: Substituted pyridine	47 FR 20853 (5/14/82)	Jan. 25, 1983.
82-411	Generic name: Mixed metal hydroxide	47 FR 25403 (6/11/82)	Jan. 15, 1983.
82-447	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Sept. 17, 1982.
82-478	Generic name: Calcium salt of a substituted amino acid	47 FR 30104 (7/12/82)	Sept. 30, 1982.
82-506	Generic name: Alkane diol	47 FR 33236 (7/30/82)	Dec. 14, 1982.
82-510	Generic name: Polyether urethane	47 FR 33236 (7/30/82)	Do.
82-582	Generic name: Polyester polymer	47 FR 39243 (9/7/82)	Feb. 7, 1982.
82-583	Generic name: Polymer of alkyl and substituted alkyl acrylates	47 FR 39243 (9/7/82)	Do.
82-584	Generic name: Alkylene ether diol	47 FR 41186 (9/7/82)	Dec. 14, 1982.
82-691	Generic name: Ethylene interpolymer	47 FR 44608 (10/8/82)	Jan. 3, 1983.
82-703	Generic name: Reaction product of coco glycerides, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Dec. 27, 1982.
82-704	Generic name: Reaction product of carboxylic acid, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Do.
82-708	Generic name: Ester of diazo-napthoquinone	47 FR 44609 (10/8/82)	Mar. 1, 1983.
82-709	Generic name: Dibasic acid ester of monohydric alcohols	47 FR 44610 (10/8/82)	Dec. 29, 1982.
83-8	Generic name: Substituted alkylsulfonic acid	47 FR 46372 (10/18/82)	Jan. 5, 1983.
83-9	Generic name: Substituted alkyl poly sulfide	47 FR 46372 (10/18/82)	Do.
83-19	Generic name: Substituted benzoic acid	47 FR 46373 (10/18/82)	Jan. 10, 1983.
83-20	Generic name: Substituted phenoxy toluene	47 FR 46373 (10/18/82)	Do.
83-44	Polymer of 2-propenoic acid, 2-methyl-, 2-[[(perfluoroalkyl)sulfonyl]methylamino] ethyl ester with butyl methacrylate and lauryl methacrylate.	47 FR 47083 (10/22/82)	Jan. 12, 1983.

[1] 81-271 was published incorrectly as 82-271 in the August 1982 Monthly Report.

V. 27 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methyl-butylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methyl-butylidene)	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc, salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-264	Generic name: Benzeneamine, [*N*-(1-methylhexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis].	45 FR 73127 (11/4/80)	Dec. 24, 1980.
81-535	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-methoxyphenylazo)-7-sulfoxyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982.
81-591	4-[4-[2-(hydroxysulfonyloxy)ethylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-naphthalene sulfonic acid disodium salt.	47 FR 1021 (1/8/82)	Mar. 28, 1982.
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021 (1/8/82)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5832 (2/9/82)	Apr. 18, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
82-586	Withdrawn as of December 3, 1982		
82-675	Generic name: Chlorinated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Nov. 22, 1982.
82-676	Generic name: Chlorinated aromatic azo pigment	47 FR 43161 (9/30/82)	Do.
82-701	Generic name: Aromatic diazo dye	47 FR 44609 (10/8/82)	Dec. 20, 1982.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-23	Generic name: Substituted phenol	47 FR 46373 (10/18/82)	Dec. 21, 1982.
83-24	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Dec. 24, 1982.
83-25	Generic name: Substituted pyridine	47 FR 46373 (10/18/82)	Do.
83-35	Generic name: Sulfophenylazonaphthyl dye	47 FR 47067 (10/22/82)	Jan. 4, 1983.
83-36	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Dec. 27, 1982.
83-37	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 47068 (10/22/82)	Do.
83-38	Generic name: Sulfophenylazonaphthyl dye	47 FR 47068 (10/22/82)	Jan. 4, 1983.
83-49	Generic name: Substituted pyridine	47 FR 49073 (10/29/82)	Dec. 21, 1982.
83-110	Generic name: Saturated acid diester	47 FR 52223 (11/19/82)	Jan. 25, 1983.
83-237	Generic name: Substituted pyridine	47 FR 53782 (11/29/82)	Jan. 25, 1983.

[FR Doc. 83-4670 Filed 2-28-83; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[File No. 26024 CL-P-(21)-82; CC Docket No. 83-101, et al.]

Advanced Mobile Phone Service, Inc. et al.; Memorandum Opinion and Order Granting Application and Designating Applications for Hearing

Adopted: February 9, 1983.

Released: February 18, 1983.

In re application of Advanced Mobile Phone Service, Inc., for a construction permit to establish a new cellular system operating on frequency Block B in the Domestic Public Cellular Radio Telecommunications Service to serve the New York, New York, modified Standard Metropolitan Statistical Area, File No. 26024-CL-P-(21)-82; and in re applications of Celcom Communication Corporation, Cellular Systems, Inc., Cellular Mobile Corp., Lin Cellular Communications Corporation, for a construction permit to establish a new cellular system operating on frequency Block A in the Domestic Public Cellular Radio Telecommunications Service to serve the New York, New York, modified Standard Metropolitan Statistical Area; CC Docket No. 83-101, File No. 26159-CL-P-(22)-82, File No. 26126-CL-P-(49)-82, File No. 26165-CL-P-(66)-82, File No. 26139-CL-P-(32)-82, designating applications for consolidated hearing on stated issues.

By the Common Carrier Bureau:

1. Presently before the Chief, Common Carrier Bureau, under delegated authority are: (a) the captioned applications of Advanced Mobile Phone Service, Inc. (AMPS), Celcom Communications Corporation (Celcom), Cellular Systems, Inc. (CSI), Cellular Mobile Corp. (CMC), and LIN Cellular Communications Corporation (LIN) to construct cellular radio systems to serve the New York, New York, Standard Metropolitan Statistical Area (SMSA); [1] and (b) various requests, petitions, pleadings and amendments related to the applications. AMPS, a wholly-owned subsidiary of American Telephone and Telegraph Company (AT&T) is proposing use of the wireline allocation (frequency block B) and Celcom, CSI, CMC and LIN are proposing use of the nonwireline allocation (frequency block A).

2. As discussed below, after carefully reviewing the applications and related pleadings, we find all applicants except LIN to be fully qualified to construct and operate a cellular system in New York. Because we find that the public interest would be served thereby, we will grant the AMPS application.[2] With the exception of the allegations concerning LIN's financial qualifications, we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. Because the proposals of Celcom, CSI, CMC, and LIN are electrically mutually exclusive, a comparative hearing will be held to determine which of the applicants would best serve the public interest. We are also requiring that all the nonwireline applicants modify their applications as set forth below. Finally, for the reasons discussed below, we are designating a qualifying issue concerning the LIN application.

Celcom Application

3. CSI, CMC and LIN filed petitions to deny or dismiss Celcom's application. The petitioners argue that: (a) Celcom has not demonstrated reasonable assurance of site availability; (b) Celcom has underestimated the costs of its proposed system; (c) Celcom's loan commitment letter does not contain specific terms; and (d) Celcom's parent, Associated Communications of America, Inc. (ACA), has not adequately demonstrated that it has the financial resources to construct all the cellular systems for which it has applied. In addition, LIN argues that Celcom has failed to demonstrate that it will provide "continuous coverage" to 75 percent of its proposed Cellular Geographic Service Area (CGSA), that service within the CGSA will be interrupted because cells 21 and 22 are not connected to the other cells, and that Celcom's plans for system expansion are vague and not related to anticipated demand or high user areas.

4. In its response, Celcom states that at the time of filing its application, it had secured a signed statement from each property owner or his agent that the site would be available for use by Celcom. In order to erase any doubts, Celcom has submitted copies of the signed statements of the lessors. As for its cost estimates and financial qualifications Celcom states that its costs are reasonable and furthermore § 22.917 does not require costs to be broken down by cell site. Celcom contends that its estimate of gross construction costs of $19,018,000 and first year operational expenses of $6,037,000 for a total of $25,055,000 fulfills the rule requirements. As for its financial qualifications, Celcom maintains that the loan commitment from the Michigan National Bank for $29,750,000 for the New York system, exceeds the amount needed. Next, Celcom responds that its proposed 39 dBu contours cover 80 percent of its CGSA and therefore comply with the 75 percent coverage requirement. Moreover, whether there are gaps in coverage in its CGSA is a matter for comparative evaluation, rather than a qualification issue, asserts Celcom. Lastly, according to Celcom, all of its proposed cells, including Nos. 21 and 22, are connected by a common switch which will permit hand-off of all mobile users throughout the system.

5. *Site availability.* Celcom has attached copies of its site agreements to its reply pleading which adequately demonstrate site availability. To the extent that ambiguity in the application itself prompted WU and CMC to raise objections, that ambiguity is now resolved, and we will not designate an issue based on site availability. *See Alabama Citizens for Responsive Public Television, Inc.*, 59 FCC 2d 1 (1976).

6. *Estimated Costs.* First, in its reply Celcom clarifies its construction costs and operating expenses for one year. Celcom's constructions costs for New York are estimated at $19,018,000; this figure is contained in Appendix A to amended Exhibit 5 of the application. Celcom also states that initial and operating expenses for first year operations will total $6,037,000. This figure is contained in Appendix A to Exhibit 5 of the application.[3] showings

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[1] In its decision in Cellular Communications Systems, CC Docket No. 79-318, 86 FCC 2d 469 (1981), (hereinafter referred to as Report and Order), *modified*, Memorandum Opinion and Order on Reconsideration, 89 FCC 2d 58 (1982), *further modified*, Memorandum Opinion and Order on Further Reconsideration, 90 FCC 2d 571 (1982), the Commission adopted rules for the cellular radio service.

[2] Section 22.901 of our rules requires that cellular service be provided by an AT&T affiliate only through a separate subsidiary. AMPS has demonstrated in its application that it has met this requirement. Our Rules also require that AMPS submit a cellular capitalization plan for Commission approval. AMPS did submit its plan on May 25, 1982. Our decision here is subject to, and conditioned on, action on the capitalization plan. *See* para. 43, *infra*. We recognize that further approval may be required when ownership in AMPS in New York is changed pursuant to the AT&T reorganization.

[3] Appendix A to Exhibit 5 of the application contained a projected income statement for the New York system for four years after grant of construction permit ("this time period extends approximately one year beyond the completion of the constuction of the intitial system"). Appendix B to this Exhibit contained a month by month breakdown of capital requirements for the four-year period, taking into account projected revenues, construction, and other initial and operating expenses. To facilitate review of the application, separate statements of construction costs and operating expenses such as Celcom provided in its reply are preferred.

of estimated total construction costs and operating expenses for one year satisfy the requirements of our rules, and Celcom is not required to demonstrate the itemized costs for each cell. *See Advanced Mobile Phone Service, Inc. et al.*, (*Buffalo Order*), Mimeo CC 1320, released December 14, 1982, at para. 9. We find that LIN, CSI, and CMC have failed to raise any serious questions concerning Celcom's cost estmiates that have not been adequately explained by Celcom in its reply. The general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing. Moreover, Celcom's estimates do not appear unreasonable on their face. *E.g., Salem Broadcasting Co., Inc.*, 37 FCC 2d 115 (Rev. Bd. 1972). *See also Buffalo Order*, at para. 9 and N.7.

7. *Financial qualifications.* At paragraph 14 of the *Buffalo Order, supra*, we found that ACA and its subsidiaries including Celcom, had demonstrated reasonable assurance of $113.5 million to finance their cellular commitments in the eight top-30 markets in which they have applied. We also indicated that those findings would control the disposition of issues concerning the availability of the loans for the eight cellular systems, including New York. Since the petitioners' financial arguments pertain to the availability of the loans, we find no reason to designate an issue concerning Celcom's financial qualifications. Celcom indicates that it has allocated $29,750,000 of the loan commitments to cover the $25,055,000 costs of its New York system. We conclude, therefore, that Celcom has adequately demonstrated its financial qualifications as required by Section 22.917 of the rules.

8. *Extension of CGSA.* Cell 21 extends into the Bridgeport, Connecticut, New England County Metropolitan Area (NECMA). This extension into the Bridgeport NECMA is prohibited.[4] However, since the Commission adopted the NECMA standard after the filing date for all New York applications, we will allow Celcom to file a conforming amendment. The amended CGSA and 39 dBu contour shall not cover any area not previously covered by the nonconforming 39 dBu contour. The amendment should consider the effects, if any, that the change may have on other parts of the application. Due to these circumstances, brief extensions of time may be granted at the discretion of the Administrative Law Judge. The other cell contours of Celcom also extend beyond the New York SMSA. After examining the minor amount of overlap, we have concluded that the area of extension is *de minimis* within the meaning of Section 22.903 of the rules.

9. *Coverage of CGSA.* It is uncontradicted that the combined 39 dBu contours of Celcom's proposed cells cover nearly 80 percent of its CGSA. Rule § 22.903(a) requires that an applicant proposed 75 percent coverage of the CGSA. There is no language in the rule which indicates that the applicant's coverage must be "continuous" to comply with the 75 percent requirement. Also, as Celcom mentions in its reply, since no New York applicant covers 100% of its proposed CGSA, in all cases mobile users may move in and out of areas not covered by 39 dBu contours. Celcom's 39 dBu contour configuration is not a basic qualifying issue but will be examined in the comparative portion of this proceeding.

10. We also reject LIN's argument that since "hand-off will not be possible" between cells 21 and 22, Celcom's application is defective. Celcom states that the two cells are connected and that its system is designed to effect hand-off between all cells. Also, according to Celcom, mobile units that travel outside of the predicted contour coverage areas would still be served because cells 21 and 22 are only separated by about 2 miles and since there is "a clear line of site path from cell 18 into a substantial portion of the cell 21 service area * * * hand-off between cell 21 and cell 18 will occur."[5] While it is unclear whether Celcom's proposed cellular system will permit "hand-off" of mobile units between cells 21 and 18, there is no need to designate for hearing a basic qualification issue on this matter because this question relates to system design which will be examined during the comparative portion of this proceeding. *Report and Order, supra*, at 502–03.

CMC Application

11. In their petitions, LIN, CSI and Celcom argue that: (a) CMC has underestimated the costs of its proposed system; (b) CMC has not demonstrated that its parent, Graphic Scanning Corp. (Graphic), can cover the costs of the 30 cellular systems it proposes, including New York, along with the costs of the other communications projects for which it has applied; and (c) there are unresolved character qualifications issues pending against Graphic, *see A.S.D. Answering Service, Inc. et al. (ASD)*, FCC 82–391, released August 24, 1982. Also LIN alleges that the geographic coordinates for four cell sites do not correspond to the street addresses given, that there is a lack of hand-off between cells and no continuous coverage within the CGSA, that the subscriber distribution figures are inaccurate and cannot be relied on for system expansion, that one cell transmitter exceeds the power limitations, and that CMC's plans for maintenance and repair are inadequate. Celcom claims that the extension of CMC's CGSA into the New Brunswick, New Jersey SMSA and Bridgeport NECMA are more than a *de minimis* amount permitted by § 22.903(a) of the cellular rules.

12. *Cost estimates, financial and character qualifications.* CMC's cost estimates do not appear unreasonable and include the full costs of constructing all of its 66 cell sites and the channel equipment necessary for the first year of operation. We have long found that the general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing.[6] Furthermore, CMC's estimates are not unreasonable on their face, and the petitioners have failed to raise any serious questions that have not been adequately explained by CMC in its Opposition. Second, the Commission has found Graphic to be financially qualified to construct the 30 cellular systems it proposes, including the New York system. *See Advanced Mobile Phone Service, Inc., et al. (Chicago Order)*, FCC 82–452, released November 1, 1982, at paras. 6–12. The petitioners have not raised any financial points particular to the New York application, and those findings control the disposition of their arguments here. Lastly, the Commission has also already held that the character of Graphic would be examined in the *ASD* proceeding and would not be included in cellular application proceedings. *Id.* at n. 19. Consistent with that decision, the Commission reserves the right to reexamine and reconsider the qualifications of CMC to hold a cellular license should *ASD* be resolved against any of CMC's affiliates or parent companies or to any of their principals. *See* para. 53, *infra*.

13. *Site locations, power limit, hand-off, continuous coverage and system*

[4] In its Memorandum Opinion and Order on Further Reconsideration in CC Docket No. 79–318, *supra*, n. 1, the Commission indicated that no cellular service area would be permitted to extend into any NECMA. See also Advanced Mobile Phone Service Inc., *et al.*, (*Boston Order*), CC Mimeo 896, released November 19, 1982, at para. 15.

[5] *See* paragraph 4 of Attachment D to Celcom's reply, entitled "Engineering Statement."

[6] *E.g.*, Salem Broadcasting Co., Inc., *supra*.

expansion. In its opposition, CMC demonstrates that three of the four sites LIN alleged to be incorrectly plotted do in fact correspond to the apppropriate street address. The remaining site NY064005, was improperly identified and CMC corrected this with a minor amendment which specifies the appropriate street address. LIN is correct that the ERP level for site NY064001 is in excess of our Rules. CMC has filed an amendment to reduce the ERP from 681 watts to 100 watts.[7] Since the amendment will result in diminution of the coverage area of cell NY064001, the amendment brings the ERP for cell NY064001 into conformance with our rules, and no comparative advantage can be gained by CMC as a result of this amendment, we will accept it.

14. In its opposition, CMC argues that its system design provides for continuous coverage and hand-off. In support J. D. Wells, Vice-President for Network Design, CMC, states (at Attachment 1 to CMC's opposition) that the Motorola EMX–500 exchange provides for networking capability and hand-off operations. Also, CMC indicates that it has adequately described its plan for system expansion, maintenance and equipment repair. We agree. Exhibit III, Section D and Exhibit IV of CMC's application fully describes the proposed method of system expansion. Exhibit VII of the application contains an adequate description of CMC's plans for a maintenance and repair program. Whether these plans are inferior or superior will be examined in the comparative portion of this proceeding.

15. *De minimis extensions.* In its opposition, CMC admits that its proposed CGSA extension covers about 16 percent of the area of the New Brunswick SMSA and 16.4 percent of its population (approximately 97,800 people), and 7.3 percent of the Bridgeport NECMA area and 8 percent of its population (approximately 69,000 people). CMC argues that the extensions are *de minimis* because together they represent only 3 percent of the area of the New York SMSA and 1 percent of the population of the New York SMSA. Moreover, according to CMC, the extensions will permit service to natural markets lying just beyond an SMSA border, a factor which the Commission indicated was relevant to *de minimis* determinations.[8]

16. First, as we indicated previously, the extension into the Bridgeport NECMA is prohibited.[9] Therefore, it is not necessary for us to determine whether any of CMS's proposed extensions into the Bridgeport NECMA is *de minimis.* Since the Commission adopted the NECMA standard for cellular service areas in New England after the filing date for all New York cellular applications, we will allow CMC to file a conforming amendment. The amended CGSA and 39 dBu contours shall not cover any area not previously covered by the nonconforming 39 dBu contours. These amendments should consider the effects, if any, that the change may have on other parts of the application. Due to these circumstances, brief extensions of time may be granted at the discretion of the ALJ.

17. We have reviewed the maps submitted with CMC's application, and concluded that the overlap into the New Brunswick SMSA is more than *de minimis.* Based on our analysis, it appears that the extension into the New Brunswick was not solely based on the applicant's effort to service the New York market. Under CMS's proposal, portions of approximately 10 cells would extend into 16 percent of the New Brunswick market,[10] representing 97,000 in population. Although these figures represent a small amount when compared to the New York SMSA and the areas covered are natural market extensions, we still cannot allow such a substantial intrusion into an adjacent SMSA.[11] CMC makes no argument that the extensions resulted from its desire to serve the New York SMSA. Based on our analysis, the numerous overlapping cells could be readily reengineered in such a way, for example, by slightly lowering the ERP, relocating transmitters, eliminating cells, or a combination of these, so that there would be very little extension into the New Brunswick SMSA. Permitting CMS to serve such a populous area of the New Brunswick SMSA would be unfair to potential cellular applicants for that SMSA. Under these circumstances, we cannot conclude that this is the type of *de minimis* extension contemplated by the Commission. On the other hand, the extension of approximatly 10 percent of cell NY064006 into the nonSMSA area of Hunterdon County will be permitted because it appears that the cell was designed to serve the New York SMSA, the area covered is not densely populated, and the overlap is due to the irregular political boundary line. We will therefore require CMC to submit a conforming amendment to the ALJ within 15 days of the release date of this order, modifying the proposed CGSA and associated contours so that they both comply with the *de minimis* rule. The amendment shall not result in coverage of any area not previously covered by the 39 dBu contour of any cell. The amendment should consider the effects, if any, that this change may have on other parts of the applications. Due to this circumstance, a brief extension of time may be granted at the discretion of the ALJ if a number of other exhibits must be conformed.

18. A final matter remains concerning CMC's application. On September 13, 1982, CMS filed an amendment which among other things, proposes to increase the 39 dBu contour coverage area of cell NY062016 from 509.2 to 641.7 square miles. The proposal to increase the contour coverage area is impermissible because it is not intended to bring the application in conformance with the Rules but rather affect the applicant's comparative position. Therefore, we will return this amendment as unacceptable.

CSI Application

19. LIN and CMC argue that Metromedia, a sixty percent owner of CSI has not demonstrated its financial qualifications for its cellular commitments for the nine markets for which it has applied, including New York. Also LIN contends that CSI has underestimated its system costs; not provided a control point; provided incorrect street addresses for two sites; failed to describe its system expansion; provide inadequate demand assessments; and failed to provide details of its plans for maintenance and repair operations. Celcom argues that CSI's proposed CGSA extensions covering 45 percent of the New Brunswick SMSA, 8.7 percent of the Trenton SMSA and 5 percent of the Bridgeport NECMA are more than *de minimis* and should not be permitted.

20. In its reply, CSI states that its waiver amendment dated August 10,

[7] The amendment was originally submitted on August 2, 1982, but returned by the Mobile Services Division as a major change. CMC resubmitted the amendment on September 13, 1982 for cell NY064001.

[8] *See* FCC Public Notice Entitled "Cellular Application Filing Procedures", Mimeo 2873, released March 24, 1982.

[9] See n. 4, *supra.*

[10] CMS's CGSA map does not identify the cells and there are numerous overlapping cells which make it extremely difficult to identify the transmitter site for each cell. Therefore, we will not attempt to identify by site location the nonconforming cells.

[11] Arguably, almost all of the areas of the Trenton and New Brunswick secondary SMSAs could be considered natural extensions of the New York and Philadelphia central SMSAs. Even though these SMSAs may be considered natural markets, that fact alone does not justify substantial CGSA coverage by an applicant for an adjacent central SMSA.

1982, clairfies and corrects discrepancies for the sites challenged by LIN. By the same amendment CSI identifies the location of the control point and switching center of its proposed system. CSI maintains that Exhibit 13 of its application and Exhibits 32, 33 and 42 to its Direct Case, set forth the various methods for expanding capacity in its system. Likewise, responds CSI, its application clearly indicates the basis and methodology for its demand forecast. In any case, CSI states that demonstration of need is neither a basic qualification nor otherwise required by the cellular rules. CSI indicates that contrary to LIN's assertions, its application Exhibits 8, 9 and 10 and direct case Exhibits 1, 14, 15, 16, 17, 18, and 19 describe in great detail plans for system maintenance and repair.

21. With respect to cost estimates, CSI contends that its cost estimates are reasonable and that it has provided reasonable assurance of financing for its system. In an effort to resolve all doubts, CSI has submitted with its reply an item-by-item cost breakdown. CSI further argues that Metromedia's firm commitment of $30 million dollars to cover its overall system costs of $26.4 million is reasonable assurance of financial wherewithal. Moreover, according to CSI, Metromedia has demonstrated that it has over $700 million available to finance the $300 million needed for its cellular commitments.

22. Lastly, CSI argues that the extensions of its CGSA into the adjacent SMSAs and NECMA were necessary so that service on the border areas would be available. CSI maintains that since the CGSA's of systems in adjacent SMSAs cannot extend into the central New York SMSA, there would be gaps in service due to the irregular outline of the New York SMSA. Furthermore, CSI alleges that each extension represents at most 3.7 percent of the New York SMSA, a clearly *de minimis* amount.

23. *Cost estimates, financial qualifications, system expansion, demand projection, control point and cell site locations.* First, the CSI cost estimates do not appear unreasonable as broken down in its opposition and include the full costs of constructing all of its cell sites and the channel equipment necessary for the first year operation. We have long found that the general allegation that one applicant's estimated costs are lower than another's is insufficient to warrant the addition of a financial issue in hearing.[12] Furthermore, CSI's estimates are not unreasonable on their face, and Celcom has failed to raise any serious questions that have not been adequately explained by CSI in its Opposition. Second, the Commission has found Metromedia to be financially qualified to construct the 30 cellular systems it proposes, including the New York system. *See Boston Order, supra,* at paras. 8–13. The petitions have not raised any financial issues particular to the New York application, and those findings control the disposition of their arguments here. Third, as CSI indicates in its reply, its amended application identifies the control point, provides correct addresses for its site locations and adequately describes its plans for system expansion. Finally, the cellular rules do not require the applicant to demonstrate need, and the issue of CSI's demand projections will be examined during the comparative portion of the proceeding. *Report and Order, supra* at 502–03

24. *De minimis extensions.* It is uncontradicted that CSI's CGSA extends beyond the New York SMSA and covers adjacent markets as follows: 45 percent of the New Brunswick SMSA; 9.3 percent of the Bridegport NECMA and 8.7 percent of the Trenton SMSA. Extensions into these "secondary" areas are permitted if they are *de minimis. See* Section 22.903(a) and 89 FCC 2d at 87. However, after reviewing the maps submitted with the application, we have concluded that the overlap proposed by CSI is more *de minimis.* First, it is not necessary for us to determine whether any of CSI's proposed CGSA extensions into the Bridgeport NECMA are *de minimis,* because extensions into an adjacent NECMA are prohibited. *See* n.4, *supra.* Since the Commission adopted the NECMA standard for cellular service areas in New England after the filing date for all New York cellular applications, we will allow CSI to file a conforming amendment. The amended CGSA and 39 dBu contours shall not cover any area not previously covered by the nonconforming 39 dBu contours. These amendments should consider the effects, if any, that these changes may have on other parts of the applications. Due to these circumstances, brief extensions of time may be granted at the discretion of the ALJ.

25. Next, we are at a loss to understand CSI's reasoning that its proposal to cover 45 percent of the New Brunswick SMSA is *de minimis.* Clearly, such a large intrusion into a secondary SMSA is beyond *de minimis* and requires no further explanation for rejecting it. We will therefore require CSI to submit a conforming amendment to the ALJ within 15 days of the release date of this order, modifying the CGSA and associated 39 dBu contours of cells 20, 21 and 22 so that they both comply with the *de minimis* rule. The amended cells shall not cover any area not previously covered. The amendment should consider the effects, if any, that this change may have on other parts of the applications. Due to this circumstance, a brief extension of time may be granted at the discretion of the ALJ if a number of other exhibits must be conformed. As for CSI's proposed extension into the Trenton SMSA, we find it to be *de minimis* because only a small portion of cell 21 extends beyond an irregular portion of this boundary line between the New York SMSA and the Trenton SMSA. However, as indicated above, cell 21 still must be amended because of its substantial incrusion into the New Brunswick SMSA. Lastly, we find that the minor extensions of cells 1 and 2 into the nonSMSA area of Orange County, New York, and cell 18 into the nonSMSA area of Sussex County, New Jersey, are *de minimis.*

26. A final matter must be addressed concerning CSI's application: the numerous amendments filed on September 13, 1982, the last day for filing amendments to applications filed June 7, 1982.[13] On August 10, 1982 CSI filed Amendment No. 1 to its application which the Mobile Services Division returned on the grounds that it was a major amendment. On September 13, 1982, CSI filed a Petition for Reconsideration of the return of Amendment No. 1 and in addition filed Amendments Nos. 3 thru 7 which taken together constitute a refiled Amendment No. 1.[14] CMC filed comments on the petition for reconsideration basically arguing that Amendment No. 1 should be accepted only on condition that CSI receive no comparative credit.

27. We have examined the resubmitted amendments and decided to grant in part CSI's petition for reconsideration.[15] First, we will accept

[12] See para. 8, *supra.*

[13] *See* Order in CC Docket No. 79–318, FCC 82–400, released September 3, 1982. Exceptions to the September 13 filing date were made for amendments concerning settlement agreements or nonsubstantial ownership changes of an applicant. *Id.,* n.13.

[14] The MSD accepted as minor Amendment No. 2, filed on August 10, 1982. We also take this occasion to note that CSI also filed Amendments Nos. 8 and 9 on September 13, 1982, reflecting changes which are required to be filed pursuant to § 1.65 of the Commission's Rules.

[15] Since CSI resubmitted Amendment No. 1 as five separate amendments, we will address the amendments separately.

Amendment No. 3 which specifies a system control point and, thus, conforms to the cellular rules. We will not accept Amendment No. 4 which sets forth further financial showings. Since we have already found CSI financially qualified based on the information in the original application, the issue is moot in any event. We will also reject Amendment No. 5 and the portion of Amendment No. 6 which supplements No. 5. This information describes in detail system expansion for years 3 thru 5 and is not required to meet the basic qualification showing under § 22.913(a)(5) but rather would be examined in the comparative portion of the proceeding. CSI has not demonstrated why it could not have filed this information with its application, and our refusal to accept this information is consistent with the Commission's intent to avoid "one-upmanship" by competing applicants. *See* 89 FCC 2d at 89–90. We will therefore return these amendments. On the other hand, the first part of Amendment No. 6 which provides cell site names and cross references, and Amendment No. 7 which pledges cooperation for interference protection for adjacent cellular systems are minor amendments, and we will accept them.

LIN Application

28. CMC and CSI argue that LIN has failed to demonstrate its financial qualifications. Specifically, the petitioners maintain that LIN has underestimated system costs and interest charges, overestimated projected demand and revenues, and failed to provide reasonable assurance of the financial resources necessary to fund the $183 million needed to construct and operate the five cellular systems for which it has applied. [16] For the New York system, CMC alleges that there is a shortfall of $13.8 million. With respect to technical issues, Celcom argues that LIN's CGSA extensions into the New Brunswick SMSA (61 percent) and Bridgeport NECMA (22.7 percent) are beyond the *de minimis* amount permitted by the rules. Moreover, one of the proposed cell sites, according to Celcom is improperly located outside of the New York SMSA in the Poughkeepsie, New York SMSA. Celcom contends that LIN should not be permitted to amend its application because it would be a major amendment filed after the cut-off date and would give LIN the advantage of reviewing the other applicants proposals.

29. In its opposition, LIN maintains that not only are its cost estimates sufficiently detailed and reasonable, its average cost per cell is higher than any other applicant in the New York market. Next LIN asserts that as indicated in its application, in addition to a $100 million loan it will have $32 million in marketable securities and $45.3 million in excess cash flow from its business operations to finance its proposed cellular systems. According to LIN its revenue projections of $43 million from cellular operations are reasonable and should be accepted. LIN argues that broadcasting precedents such as *Ultravision Broadcasting Co.*, 1 FCC 2d 544 (1965), which requires proof of subscriber commitments, should not be applied to cellular applicants because cellular service does not involve the special risks concerning the ability of broadcast station operators to generate revenues that prevailed at the time *Ultravision* was decided. LIN maintains that, since the Commission in the cellular proceeding recognized as a matter of law that public demand for cellular service was so great that it need not be demonstrated, "all cellular systems must be presumed to be able to generate revenues from the moment they begin to meet that demand." (Opposition, p. 20). In projecting its revenues, LIN relied on three major variables: (1) The number of units to be served, (2) the rates for tariffed service, and (3) the charges for lease of units. LIN retained Compucom, Inc., who conducted an extensive and well documented market survey which projected 19,500 cellular units for first year operations LIN points out that no party has questioned the study or its results. Rather, argues LIN CSI without offering any substantiation claims that LIN's "projected first year revenues of $900 per subscriber for $19,500 subscriber is unrealistic." In any case, asserts LIN, contentions concerning its revenue projections may be disregarded, because even if the demand does not materialize then LIN would incur lower first year construction and operation costs which would offset lower revenues. According to LIN, even if its revenues were reduced by 75 percent, it has a $20 million financial cushion for financing all of its proposed systems, including its interest in the AWACS system in Philadelphia.

30. On the technical issues, LIN maintains that the extensions of its CGSA into the neighboring markets are *de minimis* because they are the material outgrowth of LIN's efforts to provide service within the CGSA, and they will not result in interference problems. In any case, LIN states that as evidence of intention to avoid interference conflicts and comparative hearing questions, it would amend eight cells so that they would cover only 8 percent of the Bridgeport NECMA and 25.5 percent of the New Brunswick SMSA. As for CSI's challenge that the transmitter site for cell 24 is located outside the New York SMSA, LIN states that it is less than 270 yards outside the SMSA and its location has negligible effect on signal extension.

31. *Financial Qualifications.* At Exhibit 5 of its application, LIN sets forth in considerable detail its financial plan for its four proposed cellular systems. Attachment 2 of Exhibit 5, provides estimated costs for each system on a cell-by-cell basis. Exhibit 5, pp. 5–7 and Attachment 9 thereto, summarizes construction and first year operating costs for LIN proposed systems at New York ($51.4 million), Los Angeles ($40.2 million), Houston ($27.4) and Dallas-Ft. Worth ($28.5 million) totalling approximately $147.5 million. Attachments 3 thru 6 are LIN's balance sheets, and consolidated income statements. Attachment 7 is a loan commitment letter from First Chicago Bank for $100 million. Also at Exhibit 5, pp. 7–8, LIN indicates that it will have a total of $221.9 million in funding to cover these costs. Of that total $43.68 million is listed as first year revenues.

32. Based on our examination of LIN's "Plan of Financing" at Exhibit 5 of the application and the information contained in its opposition, we are unable to find that LIN is financially qualified. Besides the New York system, LIN has also applied to operate cellular systems in three other top-30 markets: Los Angeles, Houston and Dallas-Ft. Worth. [17] Based on our analysis of the information submitted by LIN we have made the following determinations: (a) The overall cost of LIN's four proposed cellular systems is $164.8, not $183.5 million; and (b) LIN has provided reasonable assurance of the availability of $100 million in financing, not $221.9 million. The cost figure is derived from combining the following expenses for the four systems: Construction ($82.8

[16] LIN is the applicant in Dallas, Houston, Los Angeles and New York markets and is a minority shareholder of AWACS Inc., an applicant in the Philadelphia market.

[17] In Advanced Mobile Phone Service, Inc., *et al.* (Philadelphia Order), Mimeo CC 1882, released January 21, 1983, at paras. 28–29, we found that LIN's $2.5 million commitment to the application of Automated Wide-Area Cellular Systems, Inc. (AWACS) to construct a cellular system at Philadelphia was not needed because Metromedia the majority shareholder of AWACS had commitment sufficient financial resources to include the $2.5 million commitment here in our consideration of LIN's financial qualifications.

million); pre-operational ($15.5 million) post-operational ($15.7 million); miscellaneous ($1.6 million); first-year operations ($31.9 million); and interest expense ($17.2 million). We have not included the $18.7 million in expenses listed by LIN for purchasing customer mobile and portable telephone unit. As we indicated in *Metracom of St. Louis, et al.* (St. Louis Order), CC Mimeo 2045, released January 28, 1983, under the cellular rules, the costs of providing mobile units are not to be included in overall system costs.[18]

33. LIN has not allocated specific funding for each system, but rather makes the following financial showing: [19]

	Millions
Cash and negotiable instruments (Dec. 1981)	$32.8
1982 cash flow	16.1
1983 cash flow	11.3
1984 cash flow	17.8
First year cellular revenues	43.7
Bank loan	100.0
Total	221.8

For our analysis of LIN's financial showing, we have used the most current figures available, those indicated in the unaudited balance sheet dated March 31, 1982, for LIN Broadcasting Corporation. LIN Broadcasting's current assets included $727,000 in cash, $40.3 million in marketable securities, $18.6 million in accounts receivable, and $2.3 million in film contract rights, for a total of $59.9 million. Total current liabilities are listed as $18.5 million. Of the current assets we can only credit the cash and $12.125 million of the accounts receivable.[20] No credit can be given for the speculative cash flow figures. *Id.*, para. 13. Likewise, since LIN has not identified any of the marketable securities, we are unable to determine what amount is readily convertible to cash.[21] Since the amount we credit to current assets is less than the amount of total current liabilities, we cannot give LIN any credit for net liquid assets.

34. In the *Buffalo Order, supra*, at para. 17, we recognized that cellular systems may generate revenues to offset construction and operating expenses even as construction progresses. However, without the benefit of a hearing, we are unable to determine the validity of the methodology used by LIN to arrive at its projected revenues. Thus, we cannot credit LIN with any projected revenues. Even though we cannot credit LIN with any specific amounts for marketable securities cash flow, or projected revenues, we recognize that it is likely that LIN will be able to substantiate some or all of its revenue resources. Therefore, we will permit LIN to amend its application to provide additional information to the Administrative Law Judge (ALJ) concerning these categories of financial resources. The ALJ may use our summary procedures to resolve the financial issue if LIN submits amendments showing reasonable assurance.[22]

35. For the reasons discussed above, we conclude that LIN has failed to demonstrate the availability of funds necessary to construct and operate its proposed cellular systems. We will therefore designate an issue as to whether LIN is financially qualified in New York and in the three other markets where LIN is the applicant. We have chosen to designate in this order a financial issue as to LIN's entire financing arrangement because we believe this approach is the most efficient way to consider the various LIN applications, *i.e.*, it can be determined whether LIN has financing for one market, or all four markets, or some number in between. LIN will at that point have greater discretion for deciding how many (and which) applications to prosecute. The alternative is to examine each LIN application in hearing on a case-by-case basis. This approach duplicates the efforts of all parties and (in the event that LIN can demonstrate the availability of some but not all of its financial arrangement) depends not on which applications LIN prefers to prosecute but on the luck-of-the-draw as to which markets are examined (and in what order) by the Commission. We will therefore examine in hearing the overall financial package of LIN and, depending on how much funding is available, permit LIN to modify or dismiss other applications accordingly.[23] See *Philadelphia Order, supra*, at para. 8.

36. *De minimis extensions.* With respect with LIN's proposed CGSA extension into the Bridgeport NECMA, LIN will be required to amend its application for the reasons stated above. Next, its proposed coverage of 61 percent of the New Brunswick SMSA is not based on LIN's effort to serve the New York market and is clearly more than *de minimis*. Also, we reject LIN's proposal to reduce the extension to 25.5 percent coverage of the New Brunswick SMSA. Contrary to LIN's assertions, such substantial extensions are not needed to provide coverage to the New York SMSA. Accordingly, we will require LIN to amend its application to comply with the *de minimis* rule. Specifically LIN must amend the coverage area for the four cell sites located at Franklin Township, Martinsville, and Clark, New Jersey, and Staten Island, New York. The small extension of the Martinsville cell into the nonSMSA area of Hunterndon County is permissible but LIN must still amend the Martinsville cell because its extension into the New Brunswick SMSA is more than *de minimis*. Also, 15 percent of the Flanders, New Jersey, cell extends into the Allentown, Pennsylvania-New Jersey, SMSA and 20 percent of its extends into the nonSMSA area of Sussex County. Since approximately 35 percent of this cell falls outside of the New York SMSA, the extension is more than *de minimis* and will not be permitted.

37. The extension of the Patterson cell into the Poughkeepsie, New York, SMSA is also impermissible because the base station for that cell is improperly located in the Poughkeepsie SMSA and outside of the New York SMSA.[24] Although the Commission's Rules do not specifically prohibit the location of base station cell sites in a market outside of the market for which service is proposed, such a practice is not consistent with the Commission's requirements to design a system to serve a particular market. LIN has made no showing that it was not possible to engineer its system to avoid locating a cell outside of the New York SMSA. Thus, we require LIN to relocate the Patterson base station site within the New York SMSA. We will therefore

[18] We have calculated the approximate overall costs for each of LIN's proposed systems as follows: New York—$57 million; Los Angeles—$44.5 million; Houston—$31 million and Dallas-Ft. Worth—$32 million.

[19] LIN is a wholly owned subsidiary of LIN Broadcasting Corporation and its parent has made all of its financial resources available to LIN for its proposed cellular systems.

[20] In Celcom Communications Corp. of Georgia, *et al.*, (Atlanta Order) CC Mimeo 1988, released January 28, 1983, we indicated that 75 percent of properly aged accounts receivable may be counted as part of net liquid assets.

[21] In order to determine the liquidity and value of the marketable securities they should be identified by the type of security, name of issuer and the name of the market or exchange on which traded and their current market value.

[22] As indicated previously, in addition to New York, LIN has filed cellular applications for Los Angeles, Houston and Dallas-Ft. Worth. In those markets, any applicant whose proposal is electrically mutually exclusive with LIN's application may file a motion for limited intervention on the financial issue in this proceeding.

[23] Because we are adding a qualifying issue, we will suspend the procedural deadline in § 22.916(b)(4) and allow the Administrative Law Judge to require such additional evidence as may be necessary. See para. 50, *infra*.

[24] The Patterson cell also extends into the Bridgeport NECMA and must be amended for that reason alone. See para. 36, *supra*.

require LIN to submit a conforming amendment for all of the required changes to the ALJ within 15 days of the release date of this order, modifying the CGSA and associated contours so that they both comply with the cellular rules and relocating the Patterson base station site. All of the amended cell contours shall not cover any area not previously covered by the 39 dBu contours.

AMPS Application

38. LIN and CSI filed petitions to deny the AMPS application.[25] LIN and CSI argue that AMPS has failed to demonstrate its financial qualifications. CSI also maintains that AMPS has not provided a detailed schedule of charges to end-users. In addition, LIN contends that AMPS's application fails to provide: projected demand; system expansion plans to satisfy increased demand; detailed plans for maintenance and repair; and an adequate description for interconnection with the landline system. Lastly, LIN reargues policies adopted by the Commission in the cellular rulemaking proceeding such as the wireline set-aside and headstart.

39. LIN's arguments repeating policies adopted in the cellular proceeding constitute an untimely request for reconsideration of the *Report and Order, supra* and are rejected. The allegation that AMPS (a wholly owned subsidiary of ATT), is not financially qualified is totally unsupported. We have previously rejected identical arguments out-of-hand, and we do so here. *See Philadelphia Order,* at para. 38. Second, we find that Exhibit 8 of AMPS' application, which provides an estimated range of proposed rates, is sufficient to enable us to find that AMPS' proposal will be in the public interest.[26] Likewise, we reject LIN's contention that AMPS' interconnection is inadequate. As we indicated in the *Buffalo Order, supra* at para. 5, AMPS has satisfied the requirements of our rules with respect to interconnection.

40. LIN's other objections are also without merit. First, there is no requirement that a cellular applicant demonstrate demand. Although AMPS' description for system expansion and plans for maintenance and repairs are general in nature, we are confident that based on its experience operating the Chicago developmental system, AMPS' possesses the necessary knowledge to adequately provide system expansion and upkeep. Therefore, we conclude that AMPS has satisfied the requirements of our rules.

41. A final matter remains concerning the extension of AMPS' proposed CGSA into the Bridgeport NECMA. The only other wireline serving the Bridgeport NECMA is Southern New England Telephone Company (SNET). On November 1, 1982, SNET and AMPS filed complementary applications to serve Bridgeport with AMPS serving the portion receiving wireline service from New York Bell and SNET serving the rest of the NECMA. The two proposed systems are fully coordinated. Accordingly, because there is no other applicant for the proposed *de minimis* portion of the NECMA, and because there is no real possibility of harmful electrical interference, we will not require AMPS to amend its application.

Conclusions

42. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems except to the extent discussed above. As indicated above, the captioned nonwireline applications do not comply with one or more of the cellular rules. In the *Chicago Order,* at para. 17, the Commission determined that inflexible application of the rules to applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring these applicants to bring their applications into conformance with the rules as specified in this order. The applicants who filed mutually exclusive applications may address these amendments in their rebuttal cases. We emphasize that the amendments ordered here may not be used to give any applicant a comparative advantage in the hearing proceeding. As the Commission stated in the *Chicago Order,* in markets for which applications have not yet been filed, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications. We further find that the grant of the AMPS application as conditioned below, will serve the public interest, convenience and necessity.

43. Accordingly, it is ordered that the application of Advanced Mobile Phone Service, Inc., is granted, conditioned upon the Commission's action on the AT&T Cellular Capitalization Plan submitted by May 25, 1982, as provided by § 22.901(d)(3) of the Commission's Rules.[27]

44. It is further ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Celcom Communications Corporation, Cellular Systems, Inc., Cellular Mobile Corp., and LIN Cellular Communications Corporation, are designated for hearing in a consolidated proceeding upon the following issues:[28]

(a) To determine whether LIN Cellular Communications Corporation is financially qualified to construct and operate for one year its proposed cellular system;

(b) To determine on a comparative basis the geographic area and population that each applicant proposes to serve;[29] to determine and compare the relative demand for the service proposed in said areas; and to determine and compare the ability of each

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[25] In addition, CMC filed a petition to defer Commission action on the AMPS application and CSI filed a request for special procedural relief for the Commission to withhold action on the AMPS application. We find it is premature to rule on these petitions at this time for the reasons stated by the Commission in deferring action on similar petitions in the Chicago market. *See* Advanced Mobile Phone Service, Inc. *et al.*, (Chicago Order), FCC 82-452, released November 1, 1982, at para. 16. Also, CSI filed comments on the wireline settlement agreements for the New York SMSA under which AMPS and United Telephone Systems, Inc., will operate the wireline New York cellular system as a joint venture. Since CSI's comments merely reiterate in its request for special procedural relief for a moratorium on Commission action on all wireline cellular applications, we need not consider them further in this order.

[26] See Buffalo Order, *supra,* at paragraph 5 for a detailed discussion of this issue.

[27] The authorization also will be conditioned upon AMPS obtaining the appropriate antenna structure clearances.

[28] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of the applicants except LIN. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501-02 (1981). Except for LIN, we have found all of the applicants included in the comparative hearing to be financially qualified. The second issue not to be considered is the qualifications of Cellular Mobile Corp. or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing. A.S.D. Answer Service, Inc., *et al.* (*ASD*), FCC 82-391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. The Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Corporation to hold a cellular license should *ASD* be resolved adversely to any of CMC's affiliate or parent companies or to any of their principals. *See Chicago Order,* at n. 19.

[29] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan Statistical Area. Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

applicant's cellular system to accommodate the anticipated demand for both local and roamer service; [30]

(c) To determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;

(d) To determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's proposed rates, charges, maintenance, personnel, practices, classifications, regulations and facilities (including switching capabilities); [31] and

(e) To determine, in light of the evidence adduced under the foregoing issues, what disposition of the refesenced applications would best serve the public interest, convenience and necessity.

45. It is further ordered that the burden of proceeding with the introduction of evidence upon the financial issue, and the burden of proof, shall be upon LIN Cellular Communications Corporation.

46. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding. [32]

47. It is further ordered that the applicants shall file written notices of appearances under § 22.916(b)(3) of the Commission's Rules within 10 days after publication of this order in the Federal Register.

48. It is further ordered that the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

49. It is further ordered that exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's Rules shall be taken directly to the Commission.

50. It is further ordered that the nonwireline applicants are directed to file the conforming amendments specified in this order within 15 days after publication of this order in the Federal Register and that the date for filing rebuttal cases under § 22.916(b)(4) of the Rules is deferred pending establishment of procedural dates by the Administrative Law Judge. Procedures for deciding the issue designated against LIN shall be determined by the Judge in the Judge's discretion.

51. It is further ORDERED that, except to the extent granted here, the Petitions to Deny filed by the parties against the captioned applications are denied.

52. It is further ordered, That the Petiton for Reconsideration filed by CSI is granted in part to the extent indicated above and otherwise is denied.

53. It is further ordered that any authorization granted to CMC as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

54. It is further ordered, that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

55. This order is issued under § 0.291 of the Commission's Rules and *Order Delegating Authority*, FCC 82-435, released October 6, 1982, and is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules of this order, insofar as it grants the AMPS application, may be filed within 30 days of the date of public notice of this order (see Rule § 1.4(b)(2)).

56. The Secretary shall cause a copy of this order to be published in the Federal Register.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-5087 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

[30] In making this comparison, preference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502-03.

[31] *See* 86 FCC 2d at 503 for discussion of the relative importance of the evidence submitted under this issue.

[32] Members of the Separated Trial Staff are non decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an Initial Decision in this proceeding. See Communications Act of 1934 as amended section 409(c) (47 U.S.C. 409(c)); Administrative Procedure Act Section 554(d) (5 U.S.C. 554)(d); § 1.1221 of the Commission's Rules.

[CC Docket No. 83-106, File No. 50055-CM-P-74 et al.]

Digital Paging Systems, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted February 14, 1983.

Released February 23, 1983.

In re applications of Digital Paging Systems, Inc., CC Docket No. 83-106, File No. 50055-CM-P-74; and KC Corporation, CC Docket No. 83-107, File No. 50193-CM-P-74; and M.C.C.A. Service Corporation, CC Docket No. 83-108, File No. 50194-CM-P-74; for construction permits in the Multipoint Distribution Service for a New Station at Memphis, Tennessee.

1. For consideration are the above-referenced applications. [1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Memphis, Tennessee. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted. [2]

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and §0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making

[1] File No. 50193-CM-P-74 was amended on May 23, 1977 to change applicant's name from Howard S. Klotz and William Carbus to KC Corporation. This was a minor change from individuals to corporation with each individual retaining 50% ownership.

[2] This finding is subject to paragraph 6, *infra*.

such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Digital Paging Systems, Inc., KC Corporation, M.C.C.A. Service Corporation and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules, 47 CFR 1.221.

6. It is further ordered, That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under § 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule § 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–5096 Filed 2–28–83; 8:45 am]

BILLING CODE 6712–01–M

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[CC Docket No. 81–918; (1–29–02; 47 FR 4336)]

RCA American Communications, Inc.; Revisions to Tariff F.C.C. No. 2; Memorandum Opinion and Order

Adopted: February 14, 1983.

Released: February 17, 1983.

By the Chief, Common Carrier Bureau:

1. This investigation concerns the lawfulness of tariff revisions proposed by RCA American Communications, Inc. (RCA Americom) in Transmittal No. 325. *RCA American Communications, Inc.*, Mimeo 001618, released January 19, 1982. By these revisions, RCA Americom proposed rate increases for two leased channel voice grade service offerings, Type A and Type D, which were provided via satellite to other common carriers (OCCs) pursuant to RCA Americom's Tariff F.C.C. No. 2. Under the terms of this tariff, RCA Americom provided subscribers of Type A service with at least sixty (60) channels between RCA Americom operating centers. The OCC provided connecting channels, local channels and associated terminal equipment. In the case of Type D service, RCA Americom provided sixty (60) channels from RCA Americom operating centers to an OCC operating center or earth station in Denver, Colorado. As with Type A service, the user provided its own connecting and local channels. Subscribers to Type D service, however, had the option to provide their own associated terminal equipment or to obtain it from RCA Americom. At the time the revisions were proposed, the charge for Type A service was $500 per channel per month, while the charge for Type D service ranged from $330 to $370 per channel per month, depending upon usage. RCA Americom's tariff revisions proposed to increase the rates for both services to $600 per channel per month.

2. In response to a petition by Transponder Corporation of Denver (TCD), the only carrier taking Type D service, the Bureau suspended the effectiveness of the revisions for ninety days and instituted this investigation. it determined that RCA Americom had not provided sufficient justification for its contention that the cost of providing Type A and Type D service was approximately the same despite the acknowledged differences between the services. The revisions became effective during the pendency of this investigation.

3. Recently, RCA Americom filed tariff revisions to eliminate its Type D service offering because TCD no longer requires this service. See Transmittal Nos. 412 and 420. The revisions eliminating Type D service became effective January 29, 1983. In view of this development, as well as the lack of any substantial question of possible refunds on Type D service during the period the rate increase was in effect, we see no basis to pursue the investigation further.

4. Accordingly, it is ordered That pursuant to authority delegated in § 0.291 of the Commission's rules, 47 CFR 0.291 this investigation is terminated.

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83–5098 Filed 2–28–83; 8:45 am]

BILLING CODE 6712–01–M

[FCC 83–48; MM Docket No. 83–47, File No. BR–811106UA et al.]

James S. Rivers and Fulton National Bank et al.; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: January 27, 1983.

Released: February 18, 1983.

In re applications of James S. Rivers and the Fulton National Bank as Trustees for Ronald Rivers, Tolliver R. Rivers and Patricia M. Rivers, Executrix of the estate of Herschel Rivers d.b.a. Radio Station WTJH (WTJH) East Point, Georgia, MM Docket No. 83–47, File No. BR–811106UA; James S. Rivers, Inc. (WJIZ(FM)) Albany, Georgia, MM Docket No. 83–48, File No. BRH–811106UE; Southeastern Broadcasting System, Inc. (WMJM and WFAV(FM)) Cordele, Georgia; MM Docket No. 83–49, File Nos. BR–811106UB and BRH–811106UD; for renewal of license.

By the Commission:

1. The Commission has before it for consideration the license renewal applications of the above, commonly-owned radio stations and its field inquiry concerning the operation of Station WTJH.

2. Information before the Commission raises serious questions as to whether the licensee of Station WTJH possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the WTJH renewal application would serve the public interest, convenience, and necessity, and must, therefore, designate the application for hearing.

3. Furthermore, because of these serious questions, we will also designate the applications of commonly-held Station WJIZ(FM), WMJM and WFAV(FM), for consolidated hearing

with WTJH. We recognize that under *Grayson Enterprises, Inc.*, 79 FCC 2d 936 (1980), we could have simply permitted the other stations to be renewed with a condition prohibiting their transfer pending the outcome of the hearing. We now believe, however, that we should definitely determine the status of commonly-owned stations at time of designation. If the charges are serious enough to possibly affect the transferability of the multiple owner's other stations, then by designating all the stations, we afford licensees faced with qualifications questions a better opportunity to defend themselves at the earliest practicable date. Henceforth, unless the Commission specifically designates such licenses for hearing, they will be freely transferable without condition. To this extent, *Grayson Enterprises, Inc.*, is overruled.

4. Accordingly, it is ordered, That the above-captioned applications for renewal of license are designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) Whether, in light of all the facts and circumstances pertaining thereto, the licensee of WTJH in its application for renewal of license (BR-781201KG), filed with the Commission on December 4, 1978, misrepresented facts to the Commission or was lacking in candor.

(b) Whether, in light of the evidence adduced under question (a), principals of the licensee of WTJH misrepresented facts to the Commission during the course of the investigation.

(c) Whether, in light of the information giving rise to the preceding questions, if found to be true, the above-captioned licensees possess the requisite character qualifications to remain licensees of the Commission.

5. It is further ordered, That the Chief of the Mass Media Bureau is directed to serve upon the captioned licensees a Bill of Particulars regarding the matters referred to in Issues (a) and (b), within thirty (30) days of the release of this Order.

6. It is further ordered, That the Mass Media Bureau proceed with the initial presentation of evidence with respect to Issues (a) and (b) and that the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees of the Commission and that grant of their applications would serve the public interest, convenience, and necessity.

7. It is further ordered, That to avail themselves of the opportunity to be heard, the above-captioned applicants, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall file with the Commission within twenty (20) days of the receipt of this Order, a written appearance stating that they will appear at the hearing and present evidence on the matters specified in the Order.

8. It is further ordered, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 73.3594(g) of the Rules.

9. It is further ordered, That the Secretary of the Commission send copies of this Memorandum Opinion and Order by Certified Mail—Return Receipt Requested, to the licensees of Radio Station WTJH, East Point, Georgia; Radio Station WJIZ(FM), Albany, Georgia; and Radio Stations WMJM and WFAV(FM), Cordele, Georgia.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-5099 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

Technical Subgroup of Radio Advisory Committee; Resumption of Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Thursday, March 10, 1983 at 10 a.m. in the McCollough Room of the National Association of Broadcasters, 1771 N Street N.W., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM Agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the March 10, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-5100 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Definitions and Rules Subcommittee; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of six meetings of the Telecommunications Industry Advisory Group's (TIAG) Definitions and Rules Subcommittee. Each meeting will begin at 9:30 a.m. and will be open to the public. The meeting dates and locations are as follows:

Tuesday, March 15, 1983
AT&T Conference Room A (10th Floor), 1120 20th Street, N.W., Washington, D.C.

Wednesday, March 30, 1983
MCI Telecommunications Corporation (1st Floor Meeting Room), 1133 19th Street, N.W., Washington, D.C.

Tuesday, April 12, 1983
AT&T Conference Room A (10th Floor), Washington, D.C.

Tuesday, April 26, 1983
MCI Telecommunications Corporation (1st Floor Meeting Room), 1133 19th Street, N.W., Washington, D.C.

Wednesday, May 11, 1983
MCI Telecommunications Corporation (1st Floor Meeting Room), 1133 19th Street, N.W., Washington, D.C.

Tuesday, May 24, 1983
MCI Telecommunications Corporation (1st Floor Meeting Room), 1133 19th Street, N.W., Washington, D.C.

The agenda are as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Discussion of Individual Assignments
IV. Other Business
V. Presentation of Oral Statements
VI. Adjournment

With prior approval of Subcommittee Chairman John Utzinger, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Utzinger (203/965-2830) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-5101 Filed 2-28-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Comerica Inc.; Proposed Acquisition of Comerica-Midwest, N.A.

Comerica Incorporated, Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Comerica-Midwest, N.A., Toledo, Ohio.

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account or the account of others loans and other extensions of credit such as would be made by a finance or credit card company and would not accept demand deposits or make commercial loans as defined by the Board. These activities would be performed from officers of Applicant's subsidiary in Toledo, Ohio, and the geographic areas to be served are the states of Michigan, Ohio, Indiana, Wisconsin, Pennsylvania, Kentucky, and Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissable for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). The peformance of such activities through a national bank subsidiary, however, has not been determined by the Board to be closely related to banking.

Interested persons may express their views on the question whether the performance of such activities through a national bank subsidiary is closely related to banking and whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 22, 1983.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5095 Filed 2-28-83; 8:45 am]

BILLING CODE 6210-01-M

Edgewater Capital Corp.; Formation of Bank Holding Company

Edgewater Capital Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of the successor by merger to Community Bank & Trust Company of Edgewater, Chicago, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Edgewater Capital Corporation, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activities of making or acquiring loans or other extensions of credit such as would be made by a mortgage company, and servicing loans and other extensions of credit for any person. These activities would be performed from offices of Applicant's subsidiary in Chicago, Illinois, and the geographic area to be served is Cook County, Illinois. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than March 23, 1983.

Board of Governors of the Federal Reserve System, February 23, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5094 Filed 2-28-83; 8:45 am]

BILLING CODE 6210-01-M

Orbanco Financial Services Corp.; Proposed Acquisition of Orbanco Securities Corporation

Orbanco Financial Services Corporation, Portland, Oregon, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Orbanco Securities Corporation.

Applicant states that the proposed subsidiary would engage in the solicitation, underwriting, dealing in, purchase, and sale of obligations of the United States, general obligations of various States and political subdivisions thereof and such other obligations, including money market instruments such as bankers acceptances and certificates of deposit, as state member banks may from time to time be authorized to underwrite and deal in. These activities would be performed from offices of Applicant's subsidiary in Portland, Oregon and the geographic areas to be served are the States of Oregon and Washington.

None of the proposed activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, but the Board has approved these activities by order. Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of

fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 23, 1983.

Board of Governors of the Federal Reserve System, February 23, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5093 Filed 2-28-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health (NIOSH)

Board of Scientific Counselors; Establishment

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, the Centers for Disease Control announces the establishment by the Secretary of Health and Human Services, on February 3, 1983, of the following Federal advisory committee:

Designation: Board of Scientific Counselors, NIOSH

Purpose: This Board will provide advice and guidance to the Director, NIOSH, on NIOSH research programs. Specifically, the Board will provide oversight of the Institute's research program to ensure scientific quality, timeliness, utility, and dissemination of results.

Authority for this committee will expire February 3, 1985, unless the Secretary of Health and Human Services, with the concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: February 18, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83-5138 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-18-M

Public Health Service

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 83-3582 appearing on page 6177 in the issue of Thursday, February 10, 1983, make the following correction:

In the first paragraph of the document, eighth line from the bottom, "Infectious" should read "Infections".

BILLING CODE 1505-01-M

Food and Drug Administration

[Docket No. 82P-0108]

Availability of Approved Variance for a Computed Tomography X-Ray Product Patient Alignment System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that a variance from the performance standard for laser products has been approved by the Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health for the Model CT 9800 Computed Tomography X-ray System manufactured by the General Electric Co. The electronic product employs seven lasers to provide for proper positioning of the patient prior to diagnostic computed tomography scan.

DATE: The variance became effective June 29, 1982, and ends June 29, 1987.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), the General Electric Co., P.O. Box 414, Milwaukee, WI 53201, has been granted a variance from § 1040.10(f)(6) (21 CFR 1040.10(f)(6)) of the performance standard for laser products for the Model CT 9800 Computed Tomography X-ray System.

The Director, Office of Radiological Health, has determined in accordance with § 1010.10(a) to grant a variance from the provisions of § 1040.10(f)(6) that otherwise would require the Model CT 9800 to be equipped with beam attenuators other than the main system power switch capable of reducing the laser radiation output of the helium-neon lasers for patient alignment to below class I limits. The Director has determined that the requirement of § 1040.10(f)(6) is not appropriate for the Model CT 9800 and that suitable means of radiation protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for personnel who will operate the product. Therefore, on June 29, 1982, FDA approved the requested variance by letter to the manufacturer from the Director of the Office of Radiological Health.

The product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number appearing in the heading of this notice and the effective date of the variance to associate the product with the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 23, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5089 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket Nos. 81P-0202 et al.]

Availability of Approved Variance for Sunlamp Products

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that variances from the performance standard for sunlamp products have been approved by the Director, Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health for certain specified sunlamps and sunlamp products manufactured or imported by nine organizations. The intended use of the

products is to produce ultraviolet radiation for tanning the skin.

DATES: The effective dates and termination dates of the variances are listed in the table below under "**SUPPLEMENTARY INFORMATION.**"

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4/62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, National Center for Devices and Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) each of the nine organizations listed in the table below has been granted a variance from certain of the requirements of the performance standard for sunlamp products (21 CFR 1040.20). Approval has been granted for the listed products to vary as specified from that portion of § 1040.20(c)(2)(ii) requiring the maximum timer interval for a sunlamp product to be 10 minutes or less; or from that portion of § 1040.20(d)(2) prescribing the position and manner of affixing required labels; or from § 1040.20(f)(2)(ii) that specifies the exact warning statement to be included in the user instructions for an ultraviolet lamp not accompanying a sunlamp product. All other provisions of § 1040.20 remain applicable to the listed sunlamp products and ultraviolet lamps.

Each of the variances for the nominally ultraviolet-A (UVA) sunlamp products permits the listed manufacturer or importer to introduce into commerce sunlamp products that have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturer does not result in severe, acute skin burns or corneal injury. Therefore, some of the requirements of § 1040.20 are not appropriate for UVA products. Even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk to chemically sensitized lenses or of cornea damage or of long-term development of lens opacities.

Suitable or alternate means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the products for all of the variances in lieu of the requirements listed in the table that were determined to be inappropriate. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter to each manufacturer or importer from the Director of the Office of Radiological Health.

So that the product will bear evidence of the variance approved for the manufacturer of that product, each product shall bear on the certification label required by 21 CFR 1010.2(a) the docket number and effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Sunlamp product	Paragraph in 21 CFR 1040.20 pertaining to variance	Effective date and termination date
81P-0202	Cooper-Hewitt Electric Company, Inc., 20 Kentonlands Road, Erlanger, Ky. 41018.	Sperti sunlamps	(d)(2)	Mar. 3, 1982, Mar. 3, 1987.
81P-0326	Solar Tan, 1318 Hyde Park Blvd., Niagara Falls, N.Y. 14301	UVA Tanning Booth	(c)(2)(ii)	Feb. 2, 1982, Feb. 2, 1987.
82P-0013	The Tanning Hut, Inc., 1670 Central Avenue, Colonie, N.Y. 12205	UVA Tanning Booth	(c)(2)(ii)	July 23, 1982, July 23, 1987.
82P-0147	Quarzlampenfabrik, Dr. Muller GMBH & Co. KG, Ruhrtalstrasse 15–17, 4300 Essen 16, Federal Republic of Germany.	UVA Sunbeds and Suncellings	(c)(2)(ii)	May 21, 1982, May 21, 1987.
82P-0189	OSRAM Sales Corp., P.O. Box 7062, Newburgh, N.Y. 12550	UVA Sunlamps	(f)(2)(ii)	Sept. 20, 1982, Sept. 20, 1987.
82P-0198	Kohler Company, Plumbing and Specialty Products, Kohler, Wis. 53044	UVA Tanning Beds Environmental Chambers.	(d)(1)(i)	Jan. 26, 1983, Jan. 26, 1988.
82P-0275	Solar Pacific, Inc., P.O. Box 5475, Kent, Wash. 98031	UVA Suntanning Bed and Canopy	(c)(2)(ii)	Sept. 20, 1982, Sept. 20, 1987.
82P-0310	Lohmann-Werke GMBH & Co., Postfach 5460, 4800 Bielefeld 1, Federal Republic of Germany.	UVA Tanning Bed (Sun Lounger) and Canopies (Sun Sky).	(c)(2)(ii)	Jan. 26, 1983, Jan. 26, 1988.
82P-0363	Wakewood Services, Ltd., Unit 19 and 33 Comet Rd., Moss Side, Industrial Estate, Leyland PR 5 3QN England.	UVA Suntanning Canopy, Bed, and Facial/Part Body Unit.	(c)(2)(ii)	Dec. 23, 1982, Dec. 23, 1987.

In accordance with § 1010.4, the applications and all correspondence (including the written notices of approval) on the various applications have been placed on public display under the designated docket number in the Dockets Management Branch, (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–5090 Filed 2–28–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 75N–0184; DESI 10837]

Enarax and Vistrax Tablets; Drug Efficacy Study Implementation; Proposal To Withdraw Approval of New Drug Application; Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption that allowed Enarax 5 and 10 Tablets and Vistrax 5 and 10 Tablets to remain on the market beyond the time limit scheduled for implementation of the Drug Efficacy Study. This notice also reclassifies the products to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application, and offers an opportunity for hearing on the proposal.

DATES: Revocation of the temporary exemption is effective March 1, 1983; requests for hearing must be submitted by March 31, 1983; material to support hearing request must be submitted by May 2, 1983.

ADDRESSES: Communications in response to this notice should be identified with Docket number 75N–0184 and DESI 10837, and directed to the attention of the appropriate office named below.

Requests for hearing, supporting data and information, reports of studies, and

other comments: Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN–310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: This notice covers the drug products listed below and any identical, similar, or related product (21 CFR 310.6) that is not the subject of an approved new drug application.

NDA 11–784; Enarax 5 and Vistrax 5 Tablets containing oxyphencylimine hydrochloride 5 mg and hydroxyzine hydrochloride 25 mg; and Enarax 10 and Vistrax 10 Tablets containing oxyphencyclimine hydrochloride 10 mg and hydroxyzine hydrochloride 25 mg; Pfizer Laboratories Division, Pfizer, Inc., 235 E. 42d St., New York, NY 10017.

In a notice pubished in the **Federal Register** of June 22, 1971 (36 FR 11875), FDA classified Enarax 5 Tablets and Enarax 10 Tablets as possibly effective in the treatment of the irritable bowel syndrome, functional diarrhea, drug-induced diarrhea, ulcerative colitis, urinary bladder spasm, urethral spasm, and as adjunctive therapy in the treatment of peptic ulcer and as lacking substantial evidence of effectiveness for all other labeled indications. (The notice specifically named only Enarax Tablets. Hereinafter, "Enarax" refers to both strengths of both Enarax Tablets and Vistrax Tablets.) In a notice published in the **Federal Register** of November 11, 1975 (40 FR 52644), the agency announced that Enarax Tablets could remain on the market pending completion of clinical studies to test its effectiveness. The notice established time limits for submitting protocols and allowed manufacturers 18 months to complete the studies. In a notice published in the **Federal Register** of June 20, 1978 (43 FR 26490), the deadline for completion of the studies was extended to November 10, 1978.

Pfizer submitted reports on five clinical trials of Enarax 5 Tablets as adjunctive therapy in peptic ulcer disease. The agency has completed its review of these data and concludes that they do not constitute substantial evidence of effectiveness. A discussion of the data follows.

The five studies were randomized, double-blind, parallel trials conducted under similar protocols comparing the effectiveness of Enarax 5 Tablets, oxyphencyclimine hydrochloride 5 mg alone, hydroxyzine hydrochloride 25 mg alone, and placebo as adjunctive therapy in peptic ulcer disease. In each study, patients were admitted with radiologic or endoscopic evidence of ulcer disease, symptoms referable to ulcer disease, and a score of 12 or more on an abbreviated (35 item) Profile of Mood State (POMS) test. Each study lasted four weeks.

In three studies (Berkowitz, Riegel, and Fuchs) patients were evaluated after the first, second, and fourth weeks of treatment in the POMS test, in certain gastrointestinal symptoms, and in abdominal tenderness. In the Legerton and Magin studies, patients were evaluated weekly. A gastric analysis (pH, total volume, and total acidity) was performed after the second week, and an X-ray or endoscopic evaluation of ulcer healing was made at the end of the study. The time required for symptomatic improvement was recorded, and at the end of the study investigators made a global evaluation.

In only one study, the Berkowitz study, were favorable results obtained. These results were not confirmed by the other four studies, which do not even show favorable trends. Moreover, there are deficiencies in the Berkowitz study which call those results into question. Accordingly, the results of the studies do not constitute substantial evidence of Enarax's effectiveness (21 CFR 314.111(a)(5)(i)), nor do they demonstrate that each component of Enarax contributes to the effectiveness of the product (21 CFR 300.50(a)). A discussion of each study follows.

The Berkowitz Study

Pfizer claims that the results of this study indicate that Enarax is significantly more effective than oxyphencyclimine alone, hydroxyzine alone, and placebo in relieving symptoms of pain, nausea, and abdominal tenderness, in the time required for symptomatic improvement, in the investigator's global evaluation, and in the POMS test, for tension/anxiety.

The agency acknowledges that significantly better results were obtained with Enarax than with its components and placebo in the symptomatic evaluations reported by Pfizer. It is surprising, however, that no favorable trend at all was found for single entity oxyphencyclimine and hydroxyzine when the combination was so effecitve. Pfizer has offered no explanation of this phenomenon.

It also must be noted that the superiority of Enarax in the relief of pain and nausea was found only after the first week of treatment. Pfizer states that this is because the results of the second and fourth week were rated as worse, no change, or improved with respect to baseline and, therefore, cannot be quantitatively related to the first week or each other. This is a serious deficiency in the design of the study as the drug is intended for several weeks of treatment. A more satisfactory method would have been to rate symptoms on an absolute scale.

Pfizer made no attempt to compare the patient population for relevant baseline variables other than age and sex. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*). Pertinent variables include initial severity of symptoms, duration of symptoms, and duration of ulcer disease. For example, only 5 of 19 Enarax patients had a duration of symptoms of 30 days or more while 13 of 20 placebo patients had symptoms for more than 30 days. Even more important, patients were not compared with respect to antacid use. It is apparent from the case records that antacids sufficient to relieve symptoms were used, and that the antacid regimens were not the same for every patient. This concomitant medication could have had significant effects on the results of the study, but these effects were not analyzed. 21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).

There are unexplained discrepancies in the case report forms. The patient numbers given on the cover page of each patient record do not match the numbers written on the case records themselves. For example, patient 2 on the cover is called patient 3, patient 3 on the cover is called patient 5, patient 4 on the cover is called patient 6, patient 5 is called patient 7, and so on. This requires some explanation, as randomization was supposed to be by computer-generated code. An explanation of the precise method of blinding is also required. 21 CFR 314.111(a)(5)(ii)(*a*)(*3*).

The Legerton Study

The design of this study is superior to the design of the Berkowitz study because the patients' symptoms were rated as absent, mild, moderate, or severe at each evaluation, and daily antacid dosage was carefully measured. Although Pfizer had planned to enroll 40 patients in this study, it submitted an interim tabulation of the results of 35 patients, with no statistical analysis.

Pfizer claims no significant advantage or favorable trend for Enarax in any gastrointestinal symptoms. In fact, for abdominal tenderness, epigastric pain, and nausea, the individual components appear to be more effective than Enarax. Pfizer claims that the results suggest a drug effect for ulcer healing, but notes that Enarax and hydroxyzine are equally effective in ulcer healing.

This study fails to demonstrate that Enarax offers any benefit beyond that of one of its components in either symptomatic relief or ulcer healing (21 CFR 300.50(a)) and does not confirm the results of the Berkowitz study.

The Reigel Study

Dr. Reigel enrolled 32 evaluable patients in a study of identical design to that of Berkowitz. Pfizer found no significant advantage for Enarax in any measurement. By way of explanation, Pfizer states that all patients had a low degree of severity of peptic ulcer as revealed by the low levels of gastric acidity and psychoneurosis. Thus, they explain, the study could not be expected to differentiate between treatment groups. The sponsor conducted no statistical analysis because "no meaningful statistical analysis could be done." This study is not adequate and well controlled (21 CFR 314.111(a)(5)(ii)), nor does it demonstrate the contribution of each component to be effectiveness of the combination product (21 CFR 300.50(a)).

The Fuchs and Magin Studies

Eighteen evaluable patients were enrolled in the Magin study; 20 were enrolled in the Fuchs study. Pfizer makes no claim of any advantage of Enarax based on the results of these studies, stating for both studies that the low number of patients prevents drawing any conclusions. These studies therefore fail to demonstrate the effectiveness of Enarax (21 CFR 314.111(a)(5)(i) and 21 CFR 300.50(a)).

Revocation of Exemption and Notice of Opportunity for Hearing

On the basis of all of the data and information available to him, the Director of the National Center for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts who are qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 21 CFR 300.50(a) that provides substantial evidence of effectiveness of Enarax 5 Tablets or Enarax 10 Tablets as adjunctive therapy in peptic ulcer disease or in any other indication.

Therefore, the temporary exemption granted by the November 11, 1975 notice and extended by the June 20, 1978 notice is revoked insofar as it pertains to Enarax 5 and 10 Tablets and Vistrax 5 and 10 Tablets.

In addition, notice is given to Pfizer and to all other interested persons that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new drug application 11–784 and all amendments and supplements thereto on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that Enarax 5 and 10 Tablets and Vistrax 5 and 10 Tablets will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to Pfizer, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product not the subject of an approved new drug application that is identical, related, or similar as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, contained in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310, 314), Pfizer, Inc. and all other persons subject to this notice under 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of new drug applicaion 11–784 should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

The applicant, distributor, or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file: (1) On or before March 31, 1983, a written notice of appearance and request for hearing, and; (2) on or before May 2, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who requests the hearing.

making findings and conclusions, denying a hearing.

All submissions in response to this notice must be filed in four copies. The submissions, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.S.C. 352, 355) and under authority delegated to the Director of the National Center for Drugs and Biologics (see 21 CFR 5.70, 5.82 and 47 FR 28913 published in the **Federal Register** of June 22, 1982).

Dated February 22, 1983.

Harry M. Meyer, Jr.,

Director National Center for Drugs and Biologics

[FR Doc. 83-5088 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0013]

Organon, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Organon, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a mixture of the ornithine salts of branched-chain ketoacids for special dietary use in patients with chronic liver disease.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3682) has been filed by Organon, Inc., West Orange, NJ 07052, proposing that Part 172 (21 CFR Part 172) be amended to provide for the safe use of a mixture of the ornithine salts of branched-chain ketoacids for special dietary use under medical supervision in patients with chronic liver disease.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 16, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-4909 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0014]

Organon, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Organon, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a mixture of essential amino acids and nitrogen-free analogs of amino acids for special dietary use in patients with chronic renal failure.

FOR FURTHER INFORMATION CONTACT: James H. Maryanski, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3681) has been filed by Organon, Inc., West Orange, NJ 07052, proposing that Part 172 (21 CFR Part 172) be amended to provide for the safe use of a mixtuse of essential amino acids and nitrogen-free analogs of amino acids for special dietary use under medical supervision in patients with chronic renal failure.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 16, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-4909 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

Request for Nominations for Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for consumer and industry representatives to serve on certain public advisory committees or panels in the National Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur during the next 12 months. FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations should be received by April 15, 1983, for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives must be submitted in writing to Naomi Kulakow, Office of Consumer Affairs (HFE–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

All nominations and curricula vitae (which includes nominee's office address and telephone number) for industry representatives must be submitted in writing to Kay A. Levin, National Center for Devices and Radiological Health (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests: Naomi Kulakow, at the address above (301–443–5006).

For Industry Interests: Kay A. Levin, at the address above (301–427–7172).

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the following committee, panels, and sections of panels:

Committee, panel, and section	Approximate date representative is needed	
	Consumer	Industry
1. Device Good Manufacturing Practice Advisory Committee	5/31/83	NV
2. Clinical Chemistry and Hematology Devices Panel:		
a. Clinical Chemistry Section	9/29/84	9/30/84
b. Clinical Toxicology Section	NV	9/30/84
3. General Medical Devices Panel:		
a. Gastroenterology-Urology Section	NV	12/31/83
4. Immunology and Microbiology Devices Panel:		
a. Immunology Section	NV	9/29/84
b. Microbiology Section	NV	9/29/84
5. Obstetrics-Gynecology Devices Panel	1/31/84	NV
6. Respiratory and Nervous Systems Devices Panel: a. Neurological Section	NV	11/30/83

NV = No vacancy.

Device Good Manufacturing Practice Advisory Committee

In accordance with section 520(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)) (the act), the function of the Device Good Manufacturing Practice Advisory Committee is to review regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and to make recommendations to the Commissioner of Food and Drugs regarding the feasibility and reasonableness of those proposed regulations. The committee may advise the Commissioner with regard to any petition submittted by a manufacturer for an exemption or variance from good manufacturing regulations.

Medical Devices Panels

The functions of the medical devices panels and sections listed above are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Consumer and Industry Representation

Section 513 of the act (21 U.S.C. 360c) provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry. Each of the sections identified in this notice will also have a representative of consumer interests and a representative of industry interests. Section 520(f) of the act (21 U.S.C 360j(f) provides that the Device Good Manufacturing Practice Advisory Committee will have two voting members to represent the device manufacturing industry and two voting members to represent the general public.

Nomination Procedure

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee, panel, or section to represent consumer interests as identified in this notice. To be eligible for selection, applicants' experience and/or education will be evaluated against Federal Civil Service criteria for the position to which they will be appointed.

Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular committee, panel, or section may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives will not participate in the selection process. It is, therefore, recommended that all nominations be made by an organization or firm. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and, in the case of consumer representative, appears to have no conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee, panel, or section or in any advisory committee, panel, or section. The term of office is approximately 3 years.

Selection Procedure

Selection of members representing consumer interests is conducted through procedures developed under 21 CFR 14.84(c). The procedures include use of a consortium of consumer organizations which recommends two candidates to the agency for the agency's selection.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each organization to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4913 Filed 2-28-83; 8:45 am]

BILLING CODE 4160-01-M

Request for Nominations for Voting Members on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain public advisory committees or panels in the National Center for Devices and Radiological Health. Nominations will be acceptd for current vacancies and those that will or may occur during the next 12 months. FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

DATES: Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 4 months before the date of scheduled vacancies for each year, as indicated in this notice.

ADDRESS: All nominations and curricula vitae must be sent to: Kay A. Levin, National Center for Devices and Radiological Health (HFK–50), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kay A. Levin, at the address above (301–427–7172).

SUPPLEMENTARY INFORMATION: FDA requests nominations of voting members for vacancies listed below. If specific expertise is not indicated, individuals should have expertise relevant to the field of activity of the committee, panel, or section.

1. Circulatory System Devices Panel: 2 vacancies immediately, 1 vacancy 6/30/83; cardiovascular pathologists or cardiologists.

2. Clinical Chemistry and Hematology Devices Panel:

a. Clinical Chemistry Section: 1 vacancy immediately, 3 vacancies 2/28/84; individuals with expertise in clinical chemistry.

b. Clinical Toxicology Section: 2 vacancies immediately, 1 vacancy 2/28/84; individuals with expertise in clinical toxicology.

c. Hematology and Pathology Section: 1 vacancy immediately, 1 vacancy 2/28/84; individuals currently involved in the practice of medicine or clinical laboratory sciences familiar with clinical hematology and cell surface markers for T&B lymphocytes.

3. Device Good Manufacturing Practice Advisory Committee: 3 vacancies 5/31/83; 2 representatives from State, local, or Federal government and 1 health professional employed in the human health care profession with expertise in quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process.

4. General Medical Devices Panel, General Hospital and Personal Use Section: 2 vacancies immediately; individuals with expertise in general practice, general surgery, internal medicine, or oncology.

5. Immunology and Microbiology Devices Panel:

a. Immunology Section: 1 vacancy immediately, 2 vacancies 2/28/84; individuals with expertise in clinical immunology.

b. Microbiology Section: 2 vacancies immediately, 1 vacancy 2/28/84; individuals currently involved in the practice of medicine or clinical laboratory sciences with experience in microbiology (infectious disease clinicians) or expertise in antimicrobial agent susceptibility testing.

6. Obstetrics-Gynecology Devices Panel: 1 vacancy immediately, 2 vacancies 1/31/84; individuals with expertise in fetal monitoring or contraception.

7. Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel:

a. Ophthalmic Section: 1 vacancy 10/31/83; ophthalmologist.

b. Ear, Nose, and Throat Section: 2 vacancies 10/31/83; individuals with specialty in otolaryngology and/or related engineering sciences with emphasis on ENT instrumentation.

c. Dental Section: 2 vacancies immediately, 1 vacancy 10/31/83; dental practitioners with knowledge and expertise in the use of dental devices.

8. Radiololgic Devices Panel: 3 vacancies immediately, 1 vacancy 1/31/84; individuals with expertise in radiology, radiation therapy, nuclear medicine, or ultrasound.

9. Respiratory and Nervous Systems Devices Panel:

a. Anesthesiology Section: 2 vacancies immediately, 1 vacancy 11/30/83; anesthesiologists or pulmonary physicians with background training in engineering.

b. Neurological Section: 2 vacancies 11/30/83; neurosurgeons with experience in design and testing of implanted medical devices; neurologists experienced in design and testing of diagnostic medical devices.

Device Good Manufacturing Practice Advisory Committee

In accordance with section 520(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)), the function of the Device Good Manufacturing Practice Advisory Committee is to review regulations proposed for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installations of devices, and to make recommendations to the Commissioner of Food and Drugs regarding the feasibility and reasonableness of those proposed regulations. The committee may advise the Commissioner with regard to any petition submitted by a manufacturer for exemption or variance from good manufacturing practice regulations.

Medical Devices Panels

The functions of the medical devices panels and sections are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignement of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval application for these devices classified in the premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Qualifications

Persons nominated for membership on the Device Good Manufacturing Practice Advisory Committee should have expertise in any one or more of the following areas: quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process. In addition, nominees should have experience with the use and application of medical devices. Persons nominated for membership on this committee as well as the medical devices panels or sections shall have adequately diversified experience appropriate to the work of the committee, panel, or section in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the committee, panel, or section. The term of office is approximately 3 years.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees, panels, or sections. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. To permit evaluation of possible sources of conflict of interest, FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4914 Filed 2–28–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 83M–0004]

St. Jude Medical, Inc.; Premarket Approval of St. Jude Medical ® Cardiac Valve

AGENCY: Food and Drug Administration

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the St. Jude Medical ® Cardiac Valve sponsored by St. Jude Medical, Inc., St. Paul, MN. After reviewing the recommendation of the Circulatory System Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 31, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Office of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On January 22, 1981, St. Jude Medical, Inc., St. Paul, MN, submitted to FDA an application for premarket approval of the St. Jude Medical ® Cardiac Valve for surgical replacement of diseased, damaged, or malfunctioning heart valves. The application was reviewed by the Circulatory System Devices Panel, an FDA advisory committee, which recommended approval of the application. On December 17, 1982, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administration Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form and review requested (hearing or independent advisory committee) and shall submit with the petition, supporting data and information showing there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 31, 1983, file with the Dockets Management Branch (address above), two copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 18, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4916 Filed 2–28–83; 8:45 am]

BILLING CODE 4160–01–M

Small Business Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming small business exchange meeting to be chaired by Matthew H. Lewis, Director, Newark District.

DATE: Thursday, March 31, 1983, 1 p.m.

ADDRESS: The meeting will be held at the Holiday Inn of Saddle Brook, 50 Kenny Place, Saddle Brook, NJ 07662.

FOR FURTHER INFORMATION CONTACT: George R. Walden, Small Business Representative, Food and Drug Administration, 20 Evergreen Place, East Orange, NJ 07018, 201–645–6466.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between small businesses and FDA officials. The meeting will provide a forum for the owners and managers of small business to express their concerns about FDA, encourage discussion about the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small business persons in FDA's decisionmaking process.

Dated: February 22, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4912 Filed 2–28–83; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

National Council on Health Planning and Development; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of March 1983:

Name: National Council on Health Planning and Development

Date and Time: March 31–April 1, 1983, 9:00 a.m.

Place: South American Room, Capital Hilton; 16th and K Streets, N.W., Washington, D.C. 20036; Open for entire meeting.

Purpose: The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to: (1) The development of national guidelines under section 1501 of Public Law 93–641, (2) the implementation and administration of Title XV and XVI of Public Law 93–641, and (3) an evaluation of the implications of new medical technology

for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda: "The Role of Health Planning and Capital Allocation Decisions in Prospective Payment Systems;" Status reports of Health Resources and Services Administration officials; and public comment period.

Anyone requiring information regarding the subject Subcommittee should contact Mr. Terry E. Shannon, Interim Executive Secretary, National Council on Health Planning and Development, Bureau of Health Maintenance Organizations and Resources Development, Room 13A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-5894.

Agenda items are subject to change as priorities dictate.

Dated: February 23, 1983.

Jackie E. Baum,

Advisory Committee Management Officer, Health Resources and Services Administration.

[FR Doc. 83-5081 Filed 3-28-83; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-910-4310-84]

Utah; Public Comment Period on Wilderness Study Areas Site Specific Analyses

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of public comment period on Wilderness Study Areas Site Specific Analyses.

SUMMARY: This notice announces a public comment period on the draft site specific analysis (SSAs) for 21 individual wilderness study areas (WSAs) and 2 instant study areas (ISAs) under wilderness review in Moab District, Utah. The public comment period is scheduled to begin on March 1, 1983, and will end on May 2, 1983. Comments and/or information submitted by the public and received on or before the close of business on May 2, 1983, will be considered by BLM in arriving at a "preliminary suitability recommendation" for each WSA. This notice amends the July 30, 1982, notice, pages 33014-6, which gives the details of the Wilderness Study Process. Any acreage differences reflect more accurate measurements.

During the current phase, and prior to the preparation of a statewide EIS, each individual WSA is being analyzed individually on a site specific basis using the "Wilderness Study Policy; policies, criteria, and guidelines for conducting wilderness studies on public lands". These guidelines directed that eight specific study criteria and quality standards be addressed. They are: *Wilderness Study Criteria:* (1) Evaluation of Wilderness Values, (2) Manageability; and *Quality Standards,* (3) Energy and Mineral Resource Values, (4) Impacts on Other Resources, (5) Impact of Nondesignation of Wilderness Values, (6) Public Comments, (7) Local Social and Economic Effects, and (8) Consistency with Other Plans. The guidelines were used to conduct an interdisciplinary evaluation which is now subject to public comment. Four basic management options, or alternatives, are evaluated in the SSA's; all wilderness, partial wilderness, no wilderness and no action.

The purpose of the wilderness site specific analysis is to determine the environment, social, and economic effects of recommending or not recommending any, all or portions of individual WSAs for inclusion into the National Wilderness Preservation System (NWPS). In addition to the site specific analysis and prior to reporting recommendations to the President, a statewide environmental impact statement (EIS), evaluating the cumulative effects, will be prepared for Utah; this is scheduled to be completed in late 1984.

The Secretary of the Interior will recommend to the President whether or not a WSA should be designated Wilderness. This is to be completed no later than October, 1991.

The Preident has two years after receipt of the recommendation from the Scretary to make his recommendation to Congress.

Congress has unlimited time to act on the recommendation. Only Congress can designate an area Wilderness.

WSAs currently under study in Moab District and draft SSAs subject to public comment at this time:

WSA No.	WSA name	WSA acreage	BLMS "preliminary recommendation"		
			All wilderness	Partial wilderness (approximate acres)	Not suitable
UT-060-007	Muddy Creek	31,400	31,400		
UT-060-023	Sids Mountain	80,500		75,810	
UT-060-025	Devils Canyon	9,610			X
UT-060-026A	Crack Canyon	25,315	[1]25,335		
UT-060-029A	San Rafael Reef	56,540		[1]58,140	
UT-060-045/UT-060-237A	Horseshoe Canyon	30,000	30,000		
UT-060-054	Mexican Mountain	58,000		47,500	
UT-060-067	Turtle Canyon	33,660	33,660		
UT-060-068A	Desolation Canyon	246,929		241,030	
UT-060-139	Negro Bill Canyon	7,620			X [2]
UT-060-164	Indian Creek	6,870	6,870		
UT-060-167	Bridger Jack Mesa	5,290			X [2]
UT-060-169	Butler Wash	22,030	[1]24,160		
UT-060-185	Pine Canyon	10,890	10,890		
UT-060-191	Cheese Box Canyon	15,410			X
UT-060-196	Bullet Canyon	8,520	8,520		
UT-060-197/198	Slickhorn Canyon	45,390	45,390		
UT-060-201	Road Canyon	52,420		23,220	
UT-060-204	Fish Creek Canyon	48,440		36,200	
UT-060-205B	Mule Canyon	5,990			X
UT-060-224	Sheiks Flat	3,140	3,140		
ISA	Dark Canyon	62,040	62,040		
ISA	Grand Gulch	37,580	37,580		

[1] Additional Acreage outside WSA identified for inclusion for management purposes.
[2] Identified as suitable for study for another designation.

Six other WSAs under study in the Moab District were previously released for comment but are not now subject to public review.

The following indicates those WSAs in the Moab District which will be analyzed by other states:

WSA No.	WSA name	Other State	Acreage, Utah [1]
CO-070-113A, UT-060-116/117	Black Ridge Canyons West	Colorado	5,100
CO-030-265A, UT-060-227	Squaw Canyon	Colorado	6,560
CO-030-265, UT-060-299	Cross Canyon	Colorado	1,000

[1] Acreage in Utah identified as having wilderness characteristics.

A SSA for each WSA currently under study is available for review at all County Courthouses, BLM District Offices, Area Offices and at the State Office (Public Room) for in-state publics. The addresses are:

County Courthouses

Beaver County Courthouse, Beaver, Utah
Box Elder County Courthouse, Brigham City, Utah
Cache County Courthouse, 160 N. Main, Logan, Utah
Carbon County Courthouse, Price, Utah
Daggett County Courthouse, Manila, Utah
Davis County Courthouse, Farmington, Utah
Duchesne County Courthouse, Duchesne, Utah
Emery County Courthouse, Castledale, Utah
Garfield County Courthouse, Panguitch, Utah
Grand County Courthouse, Moab, Utah
Iron County Courthouse, Parowan, Utah
Juab County Courthouse, Nephi, Utah
Kane County Courthouse, Kanab, Utah
Millard County Courthouse, Fillmore, Utah
Morgan County Courthouse, Morgan, Utah
Piute County Courthouse, Junction, Utah
Rich County County Courthouse, Randolph, Utah
Salt Lake County Courthouse, 240 East 400 South, Salt Lake City, Utah
San Juan County Courthouse, Monticello, Utah
Sanpete County Courthouse, Manti, Utah
Sevier County Courthouse, Richfield, Utah
Summit County Courthouse, Coalville, Utah
Tooele County Courthouse, Tooele, Utah
Uintah County Courthouse, Vernal, Utah
Utah County Courthouse, 51 S. University, Provo, Utah
Wasatch County Courthouse, Heber, Utah
Washington County Courthouse, 197 East Tabernacle, St. George, Utah
Wayne County Courthouse, Loa, Utah
Weber County Courthouse, Municipal Building, 2550 Washington, Ogden, Utah

BLM Offices in Utah

Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111
Salt Lake District Office, Bear River Resource Area, Pony Express Resource Area, 2370 South 2300 West, Salt Lake City, Utah 84119
Cedar City, District Office, 1579 North Main, Cedar City, Utah 84720
Beaver River Resource Area, 444 South Main, Cedar City, Utah 84720
Dixie Resource Area, Dixie Office, Building, St. George, Utah 84770
Kanab Resource Area, 320 North First East, Kanab, Utah 84741
Escalante Resource Area, Escalante, Utah 84726
Richfield District Office, 150 East 900 North, Richfield, Utah 84701
House Range Resource Area, Warm Springs Resource Area, Fillmore, Utah 84631
Sevier River Resource Area, 180 North 100 East, Richfield, Utah 84734
Henry Mountains Resource Area, Hanksville, Utah 84734
Moab District Office, 125 West 2nd South, Moab, Utah 84532
Price River Resource Area, San Rafael Resource Area, 900 North 7th East, Price, Utah 84501
Grand Resource Area, Sand Flats Road, Moab, Utah 84532
San Juan Resource Area, 284 South First West, Monticello, Utah 84535
Vernal District Office, Diamond Mountain Resource Area, Bookcliffs Resource Area, 170 South 500 East, Vernal, Utah 84078

A letter of notification of availability of documents (SSAs) has been mailed to out-of-state publics which are on the wilderness mailing list.

Moab District office has scheduled open houses/workshops and public involvement meetings to help the public in their review and to provide information relative to the WSAs under study. The schedule is as follows:

WILDNERNESS OPEN HOUSE

Date	Time	Location
March 7	3–8 p.m.	Price River Resource Area, San Rafael Resource Area, 900 North 7th East, Price, Utah.
March 8	3–8 p.m.	Emery County Courthouse, Castledale, Utah.

WILDNERNESS OPEN HOUSE—Continued

Date	Time	Location
March 9	3–8 p.m.	Utah BLM State Office, 11th Floor Conference Room, 136 East South Temple, Salt Lake City, Utah.
March 15	3–8 p.m.	San Juan Resource Area, 284 South 1st West, Monticello, Utah.
March 16	3–8 p.m.	Grand Resource Area, Sand Flats Road, Moab, Utah.

Comments and/or information on the SSAs should be mailed to the Moab District Office, P.O. Box 970, Moab, Utah 84532. Comments and information will be accepted until close of business, May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah State Office, (801) 524–4257.

Roland G. Robison,
State Director, Utah.

[FR 83-5140 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of the Final Environmental Impact Statement for Oil and Gas Exploration Within the Coastal Plain of the Arctic National Wildlife Refuge, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Fish and Wildlife Service has prepared the final Environmental Impact Statement (EIS) for Oil and Gas Exploration within the Coastal Plain of the Arctic National Wildlife Refuge (ANWR), Alaska. The proposed action is to establish, by regulation, guidelines to govern the exploration for oil and gas within the coastal plain of the ANWR in a manner that avoids significant adverse effects on the fish and wildlife, their habitats, or the environment. The proposed regulations accompanying this EIS were developed in consideration of the probable impacts of such exploration and were designed to prevent significant adverse effects while permitting applicants to choose the exploratory methods and techniques they wish to use as long as these exploratory activities satisfy the environmental protections contained in the regulations. Three other alternative regulatory approaches evaluated in this EIS include regulations authorizing government-prescribed operations, regulations authorizing applicant-

defined operations, and no action (no regulations). The final EIS and the preliminary final regulations reflect changes made from the public comments received on the draft EIS published in September, 1982.

Copies of the final EIS have been sent to representatives of the cooperating agencies, to those individuals who participated in the planning and scoping process, to agencies with jurisdiction by law and special expertise, and to those who have requested copies of the draft EIS. Single copies of the final EIS can be obtained from the Regional Director, U.S. Fish and Wildlife Service, (Attention: 1002 EIS Task Force Leader), 1011 East Tudor Road, Anchorage, Alaska 99503, and also from the Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Copies of the final environmental impact statement will also be made available for inspection in the following public libraries: All Anchorage Public Libraries; All Fairbanks Public Libraries; All Juneau Public Libraries; Arctic Slope Regional Corporation Library; Arctic Village Community Library; Kenai Community Library; and the North Slope Borough School District Library.

Date approved: February 22, 1983.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 83-5615 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Arkansas; Buffalo National River; Finding of No Significant Impact for Proposal/Environmental Assessment, River Use Management Plan

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Finding of No Significant Impact for the Proposal/Environmental Assessment, River Use Management Plan for Buffalo National River, Searcy, Newton, Baxter and Marion Counties, Arkansas.

A Proposal/Environmental Assessment for the River Use Management Plan for Buffalo National River, Arkansas, was distributed and made available by publication in the Federal Register of October 22, 1982, and a News Release to local news media sources.

A Finding of No Significant Impact has now been completed and management strategies selected, based on public review input received and on management objectives. The plan provides guidance on how the park will be managed relative to goals for visitor use, boat use levels, camping and fishing activities, and assessing the appropriateness and need at low use river access sites. The plan proposals selected best provide a management strategy to insure all reasonable ways of achieving the intent of Congress and the management objectives of Buffalo National River.

Copies of the Finding of No Significant Impact for the Proposal/Environmental Assessment, River Use Management Plan, are available at the following locations: Office of the Superintendent, Buffalo National River, Post Office Box 1173, Harrison, Arkansas 72601; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501.

It is the conclusion of the National Park Service that the plan proposals will not constitute a major Federal action significantly affecting the human environment; therefore, an environmental impact statement will not be prepared. Following thirty (30) days from the publication date of this notice, the plan will be implemented.

Dated: February 2, 1983.

Jack Neckels,

Acting Regional Director, Southwest Region.

[FR Doc. 83-5184 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-70-M

Arkansas; Pea Ridge National Military Park, Availability Draft Visitor Use/Development Plan and Environmental Assessment

Pursuant to the National Environmental Policy Act of 1969, Title 40 of the Code of Federal Regulations, and Part 516 of the Departmental Manual, the National Park Service has prepared a Draft Visitor Use/Development Plan and Environmental Assessment for Pea Ridge National Military Park, Benton County, Arkansas.

The Draft Visitor Use/Development Plan and Environmental Assessment inventories existing conditions at Pea Ridge National Military Park, identifies problems, presents a proposal and two alternatives for addressing those problems, and discusses their environmental consequences.

Copies of the Draft Visitor Use/Development Plan and Environmental Assessment are available at the following locations: Pea Ridge National Military Park, Pea Ridge, Arkansas 72751; and the Southwest Regional Office, National Park Service, Post Office Box 728, Santa Fe, New Mexico 87501.

Anyone wishing to provide comments on the Draft Visitor Use/Development Plan and Environmental Assessment should provide them to the Superintendent, Pea Ridge National Military Park, Pea Ridge, Arkansas 72751, within thirty (30) days from the publication date of this notice.

Dated: February 15, 1983.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-5105 Filed 2-28-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 18, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by March 16, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Houston County

Dothan, *Main Street Commercial District*, E. Main, Foster, St. Andrews, Crawford, and Troy Sts.

CALIFORNIA

Tuolumne County

Pinecrest vicinity, *Leighton Encampment and Streamflow Maintenance Dams*, Stanislaus National Forest

CONNECTICUT

New London County

North Stonington, *North Stonington Village Historic District*, CT 2, Main St., Wyassup, Babcock, Caswell, and Rocky Hollow Rds.

IOWA

Lee County

Primrose, *Primrose Mill*, Off IA 2

NEW JERSEY

Mercer County

Titusville, *Titusville Historic District*, River Dr.

Somerset County

East Millstone, *East Millstone Historic District*, Amwell Rd. and Delaware & Raritan Canal

NORTH CAROLINA

Alamance County

Mebane vicinity, *Griffis-Patton House*, NW of Mebane on SR 1927

Buncombe County

Asheville, *Chestnut Hill Historic District*, Roughly bounded by Hillside, Washington, Broad, Hollywood, Orchard Sts. and Merrimon Ave.

Cabarrus County

Concord, *Odell-Locke-Randolph Cotton Mill*, Buffalo, Church, Peachtree, and Locust Sts.

Forsyth County

Winston-Salem, *Ludlow, Col. Jacob Lott, House*, 434 Summit St.
Winston-Salem, *Nissen Building*, 310 W. Fourth St.
Winston-Salem, *Salem Town Hall*, 301 S. Liberty St.

Gaston County

Gastonia, *Gastonia High School*, S. York St.
Lucia vicinity, *Carpenter, Andrew, House*, SR 1820

Guilford County

High Point, *Tomlinson Chair Manufacturing Company Complex*, 305 W. High St.
Oak Ridge, *Oak Ridge Military Academy Historic District*, NC 150 and NC 68

Hertford County

Murfreesboro, *Myrick-Yeates-Vaughan House*, 327 W. Main St.

Johnston County

Clayton, *Stallings-Carpenter House*, SR1713

Moore County

Cameron, *Cameron Historic District*, Carthage St. from US 1 to Seaboard RR Track

Rowan County

Cleveland vicinity, *Knox Farm Historic District*, Knox and Amity Hill Rds.

Scotland County

Silver Hill vicinity, *Monroe, Robert Nancy, House*, SR 1328

Wilson County

Wilson vicinity, *Williams, Olzie Whitehead, House*, SR 1332

Stanly County

Badin, *Badin Historic District (Badin MRA)*, Roughly bounded by NC 740, Pine St., and County Club property line
Badin, *Narrows Dam and Power Plant Complex (Badin MRA)*, Yadkin River and SR 1704
Badin, *West Badin Historic District (Badin MRA)*, Roughly bounded by Sims, Lincoln, Marion, and Lee Sts.

OREGON

Grant County

Granite vicinity, *Fremont Powerhouse*, Umatilla National Forest

PENNSYLVANIA

Philadelphia County

Philadelphia, *George, Henry, Birthplace*, 413 S. Tenth St.

TENNESSEE

Polk County

Ducktown, *Burra Burra Mine Historic District*, TN 68 and Burra St.

[FR Doc. 83-5102 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-70-M

Tar Sand Triangle Combined Hydrocarbon Lease Conversion EIS; Intent To Prepare an Environmental Impact Statement and Scoping Meeting

AGENCY: National Park Service and Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement—Conduct Scoping Meeting.

SUMMARY: Notice is hereby given that in accordance with the National Environmental Policy Act of 1969, the National Park Service (NPS) and the Bureau of Land Management (BLM), Utah State Offices, have been assigned the lead role in preparing an environmental impact statement (EIS) covering the proposed conversion of existing oil and gas leases within the Tar Sand Triangle Special Tar Sand Area, Utah, to hydrocarbon leases, under the Combined Hydrocarbon Leasing Act of 1981.

The statement will analyze the impacts of the lease conversions and proposed in situ tar sand projects. As the EIS must necessarily be conceptual, tiering will be used to key in environmental information for decisions to be made at later stages in project development. A requirement for environmental assessments and/or environmental impact statements at later project stages is not precluded by the preparation of this document.

Public scoping sessions to assist in determining the scope of the Tar Sand Triangle Lease Coversion EIS will be held in Hanksville, Utah, on March 9, 1983, and in Salt Lake City, Utah, on March 10, 1983. The Hanksville session will be held in the conference room of the BLM Henry Mountain Resource Area Office, Hanksville, Utah, from 4:00 to 7:00 p.m. The Salt Lake City, Utah, meeting will be held in Room 111 of the Salt Palace from 4:30 to 7:30 p.m. The purpose of the scoping sessions is threefold: (1) To inform the public of the nature of the combined hydrocarbon leasing program and the lease conversions proposed for the Tar Sand Triangle Special Tar Sand Area: (2) to gather resource information from the public; and (3) to consider concerns, problems, and/or issues important to the public, including possible alternatives, for possible inclusion in the Tar Sand Triangle Lease Conversion.

FOR FURTHER INFORMATION CONTACT: Joel M. Pickelner, Tar Sand Coordinator, National Park Service, 125 South State Street, Room 3418, Salt Lake City, Utah 84138, telephone (801) 524-4165. For persons who may not be able to attend the scoping sessions, letters of comment regarding the EIS scoping meetings may be sent to this address.

Dated: February 17, 1983.

Harold P. Danz,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 83-5103 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-70-M

Kantishna Hills and Dunkle Mine Areas, Denali National Park and Preserve, Alaska; Study

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement and Request for Issues to be Discussed.

SUMMARY: The National Park Service, as the Federal Co-Chairman of the Kantishna Hills/Dunkle Mine Study Group, announces the intent to prepare an Environmental Impact Statement on the Kantishna Hills/Dunkle Mine Study. The Alaska Land Use Council (ALUC) has established this study group to accomplish under the joint leadership of the National Park Service and the Alaska Department of Natural Resources a study required by Pub. L. 96-487, the Alaska National Interest Lands Conservation Act (ANILCA). On December 2, 1980, ANILCA was enacted. Section 202(b) of that act directed the Alaska Land Use Council, in cooperation with the Secretary of the Interior, to conduct a study of the Kantishna Hills and Dunkle Mine areas of the Denali National Park and Preserve and report to Congress by December 2, 1983.

The ALUC consists of a Federal Co-Chairman appointed by the President and the Governor of Alaska as State Co-Chairman; the head of the Alaska offices of the following Federal agencies: National Park Service, U.S. Fish and Wildlife Service, Bureau of Land Management, U.S. Forest Service, National Oceanic and Atmospheric Administration, and the Department of Transportation; the Commissioners of the Alaska Departments of Natural

Resources, Fish and Game, Environmental Conservation, and Transportation and Public Facilities; and two representatives selected by the Alaska Native Regional Corporations.

The study concerns the Kantishna Hills and Dunkle Mine areas of Denali National Park and will evaluate the resources of the areas, including fish and wildlife, public recreation opportunities, wilderness potential, historic resources, and minerals; and the study will include recommendations respecting resources. The study will compile information on the mineral potential of the study areas, will provide estimated costs of acquiring mining properities, and will analyze the environmental consequences of further mineral development. The EIS will evaluate alternatives for recommendations to Congress concerning mineral development in the areas. These alternatives tentatively range from acquiring all mining claims with cessation of mining activities to adjusting the boundary of Denali National Park to exclude mineralized lands.

A number of issues and impacts which may be addressed in the EIS have been identified. These include potential impacts on fish and wildlife, public recreation opportunities, wilderness potential, historic and archeological resources, and strategic and economic mineral resources.

A draft EIS will be available in early June with the final EIS tentatively scheduled for completion by early November. Public hearings on the draft EIS are planned and will be announced at a later date.

This notice formally initiates the scoping process for the EIS according to 40 CFR Part 1507 in the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act. Comments are requested from interested agencies, organizations and individuals. Comments regarding the scope of the EIS should be submitted to the individuals listed below.

In order to be carefully considererd in the EIS, comments should be received by March 25, 1983. Comments received after that date will be considered to the extent possible.

FOR FURTHER INFORMATION CONTACT:

Linda Nebel, Study Co-Chairperson, Alaska Regional Office, National Park Service, 540 W. 5th Avenue, Anchorage, Alaska 99501, Telephone: (907) 271–4637 (FTS)

James Wickes, Study Co-Chairperson, Alaska Department of Natural Resources, Pouch 7–005, Anchorage, Alaska 99510, Telephone: (907) 265–4402

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 83–5199 Filed 2–28–83; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Reclamation

[INT-DES 83-9]

McGee Creek Project, Oklahoma; Availability of Draft Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft supplement to the final environmental statement for the McGee Creek Project. This supplement addresses two recent plan changes for development of the project. Part A addresses land acquisition policy changes required by Pub. L 97–88. Under the new law, mineral rights will be acquired on a majority of project lands by subordination instead of fee purchase, thereby allowing mineral (oil and gas) development on project lands. Part A also addresses alternatives including a Bureau of Reclamation proposed plan which would include fee purchase of lands required for the dam, dike, and other authorized permanent feature areas and subordination with no surface occupancy for the reservoir, Bugaboo and Wildcat Canyons, and Ferndale Bog areas of the Natural Scenic Recreation Area. Part B addresses modification to the proposed fishing recreation corridor from 4.7 miles to 1.2 miles below McGee Creek Dam. Written comments may be submitted to the Regional Director by May 6, 1983.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, D.C. 20240, Telephone: (202) 343–4991

Division of Management and Support, General Services, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver Colorado 80225, Telephone: (303) 234–3019

Regional Director, Bureau of Reclamation, Suite 201, 714 South Tyler, Amarillo, Texas 79101, Telephone: (806) 378–5463

McGee Creek Project Office, Post Office Box 71, Farris, Oklahoma 74542, Telephone: (405) 889–6427

Oklahoma Representative, Bureau of Reclamation, Suite 560, 50 Penn Place, Oklahoma City, Oklahoma 73118, Telephone: (405) 231–4515

Single copies of the supplement may be obtained on request to the Director, Office of Environmental Affairs, Bureau of Reclamation, or the Regional Director, at the above address. Copies wil also be available for inspection in libraries within the project area.

Dated: February 23, 1983.

William C. Klostermeyer,

Acting Commissioner of Reclamation.

[FR Doc. 83–5123 Filed 2–28–83; 8:45 am]

BILLING CODE 4310–09–M

INTERSTATE COMMERCE COMMISSION

[MC-F-15092]

Motor Carriers; Apple City Express, Inc.—Purchase Exemption—Spector Red Ball, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Apple City Express, Inc., of Murphysboro, IL, and Spector Red Ball, Inc., of Dallas, TX, seek an exemption from the requirement of prior regulatory approval for the purchase by Apple City of a portion of the operating rights of Spector in No. MC–2229 and subnumbers thereunder.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representatives: For Spector: J. Raymond Chesney, 3177 Irving Blvd., P.O. Box 47407, Dallas, TX 75247; For Apple City: L. W. Ward, P.O. Box AB, Murphysboro, IL 62966

Comments should refer to No. MC–F–15092.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 23, 1983.

By the Commission, Herbert P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5117 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15102]

Motor Carriers; B.N.T. Service, Inc.—Purchase Exemption—Spector Red Ball, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), B.N.T. Service, Inc. (MC 148848), seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the outstanding authority of Spector Red Ball, Inc. (No. MC 2229) authorizing the transportation of general commodities (with exceptions), over irregular routes, between certain points in Illinois, Minnesota, and Wisconsin. An application for temporary authority has been filed.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Joseph T. Bambrick, Jr., Douglassville, PA 19518

Comments should refer to No. MC-15102.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5118 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15112; OP4F-103]

Motor Carriers; Cheyenne Transportation, Inc.—Purchase Exemption—Floyd Duenow, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers* 367 I.C.C. 113 (1982), Cheyenne Transportation, Inc., and Floyd Duenow, Inc., seek an exemption from the requirement under section 11343 of regulatory approval for the purchase by the former from the latter of certificate No. MC-127187 (Sub-No. 59) authorizing the transportation of *fertilizer and agricultural chemicals*, between points in the United States (except Alaska and Hawaii); and permits in No. MC-127187 (Sub-No. 58), authorizing the transportation of *metal products* between points in the United States under contract with Le Sueur Foundry Company Inc., and No. MC-152282 (Sub-No. 1), authorizing the transportation of *such commodities* as are dealt in or used by manufacturers, distributors and dealers of farm machinery and farm machinery parts, between points in the United States, under contract with NFD, Inc. of Braham, MN.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402, (612) 340-0808

Comments should refer to No. MC-F-15112.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5120 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15105; OP4F-100]

Motor Carriers; Claxton Transport, Inc.—Purchase Exemption—Martin Transfer & Storage, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Claxton Transport, Inc. (MC-146251) and Martin Transfer & Storage, Inc. (MC-147157) seek an exemption from the requirement of prior regulatory approval for the purchase by Claxton of Martin's Sub-No. 3 certificate, authorizing the transportation of (1) *steel wire*, between points in Telfair County, GA, on the one hand, and, on the other, points in AL, AR, IL, KY, MS, MI, NC, OH, OK, PA, SC, TN, VA, and WV, and (2) *Clay*, between points in Wilkinson, Washington, and Twiggs Counties, GA, on the one hand, and on the other, points in AL, FL, KY, IL, LA, MS, MO, NC, NJ, OH, OK, NY, PA, SC, TN, TX, WV, and WI.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Ronald K. Kolins, Ross & Hardies, One IBM Plaza, Suite 3100, Chicago, IL 60611

Comments should refer to No. MC-F-15105.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5119 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-0-M

[MC-F-15109]

Motor Carriers; Robert L. Olson—Purchase Exemption—Johnson Truck Lines, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 47 Fed. Reg. 53303 (November 24, 1982), Robert L. Olson doing business as Olson Trucking seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Johnson Truck Lines, Inc., a motor carrier, (i.e., Certificate No. MC-105774 (Sub-No. 9), which certificate, authorizes the irregular-route motor common carrier transportation of general commodities (except used household goods, hazardous or secret materials, and sensitive weapons, and munition), for or on behalf of the United States Government, between points in the United States.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402

Comments should refer to No. MC-F-15109.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exmeption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 22, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5116 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-01-M

[MC-F-15113]

Motor Carriers; Henry V. Rabouin, Inc.—Purchase Exemption—Bob's Transport & Storage Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Henry V. Rabouin, Inc. (No. MC-30618), seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the outstanding authority of Bob's Transport & Storage Co., Inc. (No. MC-148624) authorizing the transportation (1) of such commodities as are used in and dealt in by grocery stores, over irregular routes, between points in Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on the one hand, and, on the other, points in Virginia, Washington, West Virginia, and the District of Columbia, and (2) of general commodities (with exceptions) over irregular routes, between points in Connecticut, Delaware, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666

Comments should refer to No. MC-F-15113.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977).

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 23, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5121 Filed 2-28-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3–MC–FC–66

Decided: February 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81124. By decision of February 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 1 approved the transfer to COOLEY-PITTS TRUCKING, INC., Waynesboro, MS, a portion of Permit No. MC–146395 Subs 1F and 4F, issued March 9, 1981, and November 6, 1980, respectively, to W. C. PITTS CONSTRUCTION CO., INC., Waynesboro, MS, authorizing the transportation of (1) *lumber, poles, pilings, ties, and timbers,* from the facilities of Longleaf Forest Products, Inc., at Waynesboro, MS, to points in AL and LA, under continuing contract(s) with North Pacific Lumber Co., of Portland, OR, and (2) *lumber, poles, piling, timbers, and cross-ties,* from the facilities of Longleaf Forest Products, Inc., at Waynesboro, MS, to points in AR, GA, OK, TN, and TX, under continuing contract(s) with North Pacific Lumber Co., of Portland, OR. Representative: Ulysses Cooley, P.O. Box 70, Waynesboro, MS 39367.

For status, please call Team 5 at 202–275–7289.

Volume OP5–FC–73

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81218. By decision of February 18, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to WOLFE MOVING & STORAGE COMPANY of Greenville, TX, of Certificate No. MC–1–4558 issued March 26, 1975, as modified, to FRANK WOLFE'S BONDED WAREHOUSE, INC., of Greenville, TX, authorizing the transportation of *household goods* (1) between points in Hunt, Rockwell, and Rains Counties, TX, and those in that part of Hopkins County, TX, on and west of TX Hwy 154, and those in that part of Collin County, TX, on and east of U.S. Hwy 75, on the one hand, and, on the other, points in OK, AR, and KS and (2) from points in Hunt, Rockwell, and Rains Counties, TX, and those in that part of Hopkins County, TX, on and west of TX Hwy 154, and those in that part of Collin County, TX, on and east of U.S. Hwy 75, to points in LA, and (3) from points in LA, OK, AR, and KS to points in TX. Representative: Cecil Tom Davis, 3102 Henry Street, Greenville, TX 75401.

[FR Doc. 83-5111 Filed 2-28-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3-61

Decided: February 18, 1983.

By the Commisson, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-665, filed February 9, 1983. Applicant: GATEWAY FREIGHT FORWARDERS, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. As a *freight forwarder,* in connection with the transportation, of *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S.

MC 2934 (Sub-134), filed February 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods,* between points in the U.S., under continuing contract(s) with International Playtex, Inc., of Dover, DE.

MC 2934 (Sub-135), filed February 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with H. F. Ahmanson & Co., of Los Angeles, CA.

MC 10115 (Sub-16), filed February 2, 1983. Applicant: C. D. ZIMMERMAN, INC., P.O. Box 293, R.D. No. 2, Mifflintown, PA 17059. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 233–3731. Transporting (1) *metal products,* between points in PA, on the one hand, and, on the other, points in CT, DE, FL, GA, IL, IN, MD, MI, NC, NJ, NY, OH, OK, SC, TX, VA, and WV, and (2) *clay, concrete, glass or stone products,* between points in the U.S. in and east of MN, WI, IL, MO, AR, and LA.

MC 30114 (Sub-14), filed February 8, 1983. Applicant: MOLA TRUCKING, INC., d.b.a. MITCHKO TRUCKING, 650 Myrtle Ave., Boonton, NJ 07005. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 67234 (Sub-81), filed February 8, 1983. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with ANG Gasification Company of Detroit, MI.

MC 111284 (Sub-4), filed February 8, 1983. Applicant: Q & R MOTOR SERVICE COMPANY, P.O. Box 303, St. Charles, MO 63302. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *food and related products,* between points in MO, IL and AR.

MC 115814 (Sub-18), filed February 8, 1983. Applicant: MARK TRUCKING, INC., Trella St., P.O. Box 811, Belleville, PA 17004. Representative: S. Berne Smith, P.O. Box 1166 (100 Pine St.), Harrisburg, PA 17108, (717) 232–8000. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Fairmont Products, Inc. of Belleville, PA.

MC 123675 (Sub-11), filed January 26, 1983. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same address as applicant), (419) 691–6746. Transporting *polyvinylbutryal,* between Toledo, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144085 (Sub-1), filed January 21, 1983. Applicant: WALKER HAULING COMPANY, INC., Rt. 2, Box 8, Milan, GA 31060. Representative: Virgil H. Smith, 74 Hwy. N. Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *roofing and roofing materials,* between Knoxville, TN, and points in Frederick County, MD, on the one hand, and, on the other, those points in the U.S. east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International boundary line between the U.S. and Canada.

MC 149244 (Sub-9), filed November 18, 1982, previously noticed in the **Federal Register** on December 10, 1982. Applicant: PEAKE, INC., 2022 Ave. A, Kearney, NE 68847. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contracts with U.S. Gypsum Co., and A. P. Green Refractories Co., of Mexico, MO, The E. J. Bartells Company, of Renton, WA, Bigelow-Liptak Corporation, of Southfield, MI, Bigelow-Liptak of Canada Limited, of Mississauga, Ontario, Canada, Bigelow-Liptak Export Corporation, of Houston, TX, A. P. Green Refractories (Canada) LTD, of Weston, Ontario, Canada, A. Lynn Thomas Company Incorporated, of Richmond, VA, Canadian Gypsum Company Limited/La Companie Du Gypse Du Canada, Limitee, of Toronto, Ontario, Canada, C.N.G. Distribution Limited of Toronto, Ontario, Canada, Fundy Gypsum Company Limited, of Windsor, Nova Scotia, Canada, Little Narrows Gypsum Company Limited, of Toronto, Ontario, Canada, Peeters Carpets LTD./Tapis Peeters, LTEE, of Toronto, Ontario, Canada, Durabond Products Company, of Rosemont, IL, Permalastic Products, Inc., of Rosemont, IL, Castlegate Industies, Inc., of Downers Grove, IL, Arch Partitions, Inc., of Downers Grove, IL, L & W Supply Corporation, of Chicago, IL, Columbia Building Materials Corporation, of Chicago, IL, C–S–W Drywall Supply Company, of Chicago, IL, Gypsum Services Corporation, of Chicago, IL, North Bay Building Materials Co., Inc., of Vallejo, CA, Stocking Specialists, Inc., of Chicago, IL, Sequoyah Carpet Corporation, of Anadarko, OK, Hollytex Carpet Mills, Inc., of City of Industry, CA, United States Gypsum Export Company, of Chicago, IL, USG Insulation Company, of Chicago, IL, and Wiss, Janney, Elstner and Associaties, Inc., of Northbrook, IL.

Note.—This republication indicates applicant's willingness and ability to handle commodities in bulk.

MC 152404 (Sub-2), filed January 31, 1983. Applicant: LEN CHARLES DEL SORDO, d.b.a. DELSORDO TRUCKING, 7 Summer St., Fairhaven, MA 02719. Representative: William F. Poole, 22 Knollwood Circle, North Kingstown, RI 02852, (401) 884–7292. Transporting (1) *rubber and plastic products,* between points in the U.S., under continuing contracts with F & B Enterprises, Inc., and New England Wholesale Tires, of New Bedford and Achusnet, MA, and (2) *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Advance Cup Corporation, of New Bedford, MA.

MC 152435 (Sub-1), filed January 19, 1983. Applicant: STONE LOAD DELIVERY CO., INC., R.R. 2, Harrisonville, MO 64701. Representative: James E. Thompson, Jr., P.O. Box 280, Law Bldg., Harrisonville, MO 64701, (816) 884–3238. Transporting (1) *ores and minerals and (2) clay, concrete, glass or stone products,* between points in Jackson, Cass, Johnson, Henry, Bates, St. Clair, Vernon, Barton, Jasper, Polk, Newton, and Benton Counties, MO, and points in

Wyandotte, Johnson, Miami, Allen, Neosho, Wilson, Montgomery, Linn and Shawnee Counties, KS.

MC 152874 (Sub-2), filed January 19, 1983. Applicant: L. G. TRUCK, INC., 2625 W. Cumberland St., Lebanon, PA 17042. Representative: David A. Sutherlund, 1150 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036, (202) 452–6800. Transporting *metal products and machinery*, between points in the U.S. (except AK and HI).

MC 161235, filed January 25, 1983. Applicant: ARTHUR BELL, d.b.a. BELL TRUCK RENTAL, Rt. 1, Martinsburg, MO 65264. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101, (314) 635–4115. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Midland Industries, Inc., of Wichita, KS.

MC 165954, filed January 28, 1983. Applicant: JOHNSON MOTOR COMPANY, Hwy. 45 So., Baldwyn, MS 38824. Representative: Luther Johnson, (same address as applicant), (601) 365–8011. Transporting *used automobiles or vehicles*, between point in LA, TX, TN, MS, OK, FL, CA, and IL, on the one hand, and, on the other, points in LA, TX, TN, MS, OK, FL, CA and IL.

MC 166054, filed February 1, 1983. Applicant: THOMAS J. TOFTE, d.b.a. TRANSERVE CO., 401 Upper Broadway, Decorah, IA 52101. Representative: Thomas J. Tofte,(same address as applicant), (319) 382–4383. Transporting (1) *cement*, (2) *dry fertilizer*, and (3) *food and related products*, between points in IA, MN, WS, and IL.

MC 166055, filed February 2, 1983. Applicant: L. ROBINSON TRANSFER & STORAGE CO., INC., 6655 D. Dobbin Rd., Columbia, MD 21045. Representative: George M. Minor (same address as applicant), (301) 997–5538. Transporting *household goods*, between points in the U.S. (except AK and HI).

MC 166104(b), filed February 7, 1983. Applicant: WM. PENN EQUIPMENT CORP., 225 W. Howard St., Stowe, PA 19464. Representative: Jerry Hugo (same address as applicant), (215) 326–4500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Berks, Chester, and Montgomery Counties, PA, on the one hand, and, on the other, Philadelphia, PA, and points in NJ and NY.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–101

Decided: February 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166286, filed February 14, 1983. Applicant: THE BRAUN CORPORATION, 1014 South Monticello St., Winamac, IN 46996. Representative: William R. Roth (same address as applicant), (219) 946–6157. Transporting *wheelchairs*, between points in the U.S., under continuing contract(s) with Everest & Jennings, of Los Angeles, CA

For the following, please direct status calls to Team 5 (202) 275–7289.

Volume No. OP5–76

Decided: February 18, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 50069 (Sub-575), filed February 2, 1983. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, (216) 566–5639. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Ashland Oil, Inc., of Ashland, KY.

MC 52858 (Sub-132), filed February 4, 1983. Applicant: CONVOY COMPANY, 3900 N.W. Yeon Avenue, Portland, OR 97210. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *motor vehicles*, between points in the U.S. (except AK and HI).

MC 79658 (Sub-53), filed February 7, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills, (same address as applicant), (812) 424–2222. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Foster Wheeler Energy Corporation, of Livingston, N.J.

MC 79658 (Sub-54), filed February 4, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills, (same address as applicant), (812) 424–2222. Transporting *household goods* between points in the U.S., under continuing contract(s) with International Minerals & Chemical Corporation (IMC), of Mundelein, IL.

MC 126119 (Sub-10), filed February 7, 1983. Applicant: EASTERN MOTOR TRANSPORT, INCORPORATED, P.O. Box 501, Richmond, VA 23204. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804–282–3809. Transporting *petroleum, natural gas, and their products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134369 (Sub-23), filed February 7, 1983. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 828, Chicago, IL 60601, 312–641–5900. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 135909 (Sub-4), filed February 3, 1983. Applicant: WALTER V. BAKER and ELLIS D. W. BAKER, d.b.a. BAKER BROS., P.O. Box 40, Ellington, MO 63638. Representative: Bill R. Davis, 2814 New Spring Rd., Suite 101, Emerson Center, Atlanta, GA 30339, (404) 434–3381. Transporting (1) *metal products*, (2) *rubber and plastic products*, (3) *mining and construction equipment, materials, and supplies*, (4) *machinery*, (5) *building materials*, (6) *those commodities which, because of their size or weight, require the use of special handling or equipment*, (7) *food and food products*, and (8) *paper and paper products*, between points in OH, IN, SC, WV, VA, IL, MI, CA, MD, NJ, FL, AZ, IA, MN, WI, TN, KY, NE, AR, AL, MO, PA, MS, GA, LA, KS, CO, NM, OK, MT, TX, WY, UT, OR, ID, NV, WA, NC, NH, ND, SD, and NY.

MC 135989 (Sub-40), filed February 2, 1983. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615, 303–923–4565. Transporting *food and related products, transportation equipment*, and *metal products*, between points in the U.S.

Note.—Applicant seeks to convert existing contract carrier authority to common carrier authority.

MC 143098 (Sub-5), filed February 3, 1983. Applicant: LAUGHLIN TRUCKING, INC., Route 1, Box 95, Carlton, OR 97111. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *commodities in bulk* between points in OR, WA, ID, MT, CA, NV, NM, AZ, UT, CO, and WY.

MC 148818 (Sub-9), filed February 7, 1983. Applicant: CARL PRINCE, d.b.a. PRINCE TRUCKING, Hwy 45, P.O. Box 37, Cane Hill, AR 72717. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753, 501–846–2185. Transporting *furniture and fixtures*, (1) between points in Faulkner County, AR on the one hand, and, on the other, points in NC, SC, VA, and WV; and (2) between points in Moore County, NC on the one hand, and, on the other, points in FL, GA, and SC.

MC 149060 (Sub-3), filed February 7, 1983. Applicant: TRANSPORTATION, INC., P.O. Box 320, Ottawa, KS 66067. Representative: Jesse F. Davis, 3917 East Funston, Wichita, KS 67218, (316) 682-3684., Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, CO, IA, IL, KS, LA, MO, MN, NE, NM, ND, OK, SD, TX, WI, and WY.

MC 149136 (Sub-6), Filed February 8, 1983. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS COMPANY, d.b.a. CKM EXPRESS COMPANY, 4250 Oneida St., Suite 141, Denver, CO 80216. Representative: William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615, (303) 923-4565. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156319 (Sub-5), Filed February 7, 1983. Applicant: GALEN O. KING, d.b.a. G.O.K. TRUCKING, 4792 S. St. Rt. 53, Tiffin, OH 44883. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting (1) *food and related products*, between points in IA, MI, OH and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) *rubber and plastic products* between points in St. Joseph County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160798 (Sub-3), Filed February 7, 1983. Applicant: CRYOGENIC TRANSPORTATION, INC., P.O. Box 1845, Council Bluffs, IA 51502. Representative: Marshall Kragen, 1919 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *general commodities*, (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 161308, Filed February 8, 1983. Applicant: B & S TRUCK SERVICE, INC., P.O. Box 1730, Terre Haute, IN 47808. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *chemicals and related products* between points in Vermillion County, IN, on the one hand, and, on the other, points in Carroll County, KY.

MC 165859, Filed February 7, 1983. Applicant: HAROLD SEVERE, R.R. No. 1, Albion, IA 52531. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *pulp, paper and related products*, and *chemical and related products*, (1) between points in Marshall County, IA, on the one hand, and, on the other, points in Garland County, AR, and points in IL, MO, MN, and NE, and (2) between Minneapolis, MN, Kansas City, MO, Omaha, NE, and Chicago, IL, on the one hand, and, on the other, points in IA.

MC 165878, filed January 24, 1983. Applicant: DENVER-SALIDA-LEADVILLE FREIGHTLINE, INC., 4902 Smith Rd., Denver, CO 80216. Representative: Manuel Andrade, Jr., 770 Grant St., Suite 228, Denver, CO 80203, (303) 861-4273. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Denver, CO, and Points in El Paso County, CO, on the one hand, and, on the other, points in Eagle, Lake, Chaffee, Fremont and Summit Counties, CO.

MC 165878, filed February 2, 1983. Applicant: ACME BARREL COMPANY, INC., 2300 West 13th St., Chicago, IL 60608. Representative: Joseph Winter, 29 South La Salle St., Chicago, IL 60603, (312) 263-2306. Transporting (1) *Containers* (2) *Metal products*, (3) *clay, glass, stone and concrete products*, and (4) *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with PPG Industries, Inc., of Pittsburgh, PA.

MC 165989, filed February 1, 1983. Applicant: BRADDOCK TRANSFER, INC., 1930 Hutton St., Wilmington, DE 19802. Representative: Harris T. Bock, 1915 Three Penn Center Plaza, Philadelphia, PA 19102; (215) 563-4800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in DE, NJ, MD, PA, VA, WV, and DC.

MC 166119, filed February 4, 1983. Applicant: A & L DIRECT TRANSPORT, INC., 1085 Prospect Ave., West Islip, NY 11795. Representative: Arthur J. Piken, Queens Office Tower, 95—25 Queens Boulevard, Rego Park, NY 11374, (212) 275-1000. Transporting *aircraft parts and propellers* between points in the U.S. (except AK and HI), under continuing contracts(s) with Central Aviation & Marine Corp., of Ronkonkoma, NY.

MC 166138, filed February 8, 1983. Applicant: CECIL PETERS, 1304 Martha St., Palmyra, MO 63461. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443, (804) 224-0773. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, IL, IN, IA, KS, KY, MO, NE, OK, and TN.

Volume No. OP5-79

Decided: February 18, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 106798 (Sub-12), filed February 10, 1983. Applicant: GARDEN STATE COACHWAYS, 690 N. Pearl Street, Bridgeton, NJ 08302. Representative: Larry Silfen, (same address as applicant), (609) 451-2084. (1) Over *regular* routes, transporting *passengers*, in intrastate, interstate, or foreign commerce, between Bridgeton, NJ and the junction of New Jersey Hwy 541 and Interstate Hwy 95 (New Jersey Turnpike), from Bridgeton over New Jersey Hwy 49 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction New Jersey Hwy 541, then over New Jersey Hwy 541 to junction Interstate Hwy 95 (New Jersey Turnpike), and return over the same route, serving all intermediate points and serving the off-route points of Berlin, Marlton, Pine Grove, Willingboro, and Columbus, NJ. (2) Applicant seeks to serve the off-route points of Newark International Airport and the LaGuardia and Kennedy Airports in New York in connection with applicants otherwise authorized regular route operations between New York, NY and Bridgeton, NJ.

Note.—(a) applicant intends to tack this authority with its existing authority, and (b) applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 133118 (Sub-3), filed February 7, 1983. Applicant: TRI-WEST TRANSPORTATION CO., 6045 S.W. 179th Ave., Beaverton, OR 97007. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201, (503) 226-6491. Transporting *greases, motor and lubricating oils, tires, batteries, and auto accessories*, between points in Multnomah County, OR, on the one hand, and, on the other, points in WA and ID, under continuing contract(s) with Fawbush Oil Co., Inc., of McCleary, WA, Ross Oil Company, of Kellogg, ID, and Turner & Son, Inc., of Raymond, WA.

MC 138068 (Sub-10), filed January 28, 1983. Applicant: WAREHOUSE TRANSPORTATION COMPANY, INC., P.O. Box 84, 1052 S. Main St., Urbana, OH 43078. Representative: Robert E. Tucker, P.O. Box 14072, Cincinnati, OH 45214, 513-621-1200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bristol-Myers Company of New York, NY.

MC 155658 (Sub-9), filed November 29, 1982. Applicant: D.F. SYSTEM, INC., 95 Washington St., Foxboro, MA 02035. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617–235–5571. Transporting *such commodities* as are dealt in or used by manufacturers or processors of textile, piece goods, and synthetic fabrics, between points in the U.S., under continuing contract(s) with Quaker Fabric Corporation of Fall River, MA.

MC 158729 (Sub-2), filed February 8, 1983. Applicant: SHIPPERS EXPRESS TRUCK LINES, INC., 2901 South Lamar Street, Dallas, TX 75215. Representative: Sam Hallman, 4555 InterFirst One, Dallas, TX 75202, (214) 741–6263. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AR, LA, OK and TX.

MC 159288 (Sub-1), filed February 9, 1983. Applicant: SCHULZ TRANSPORTATION SERVICES, INC., Route 3, Box 89, Seward, NE 68434. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transportating *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Victor's Iowa Pack, Inc., of Council Bluffs, IA.

MC 159948 (Sub-1), filed February 8, 1983. Applicant: SOUTH TRANSPORT, INC., 4530 Mobile Hwy., Montgomery, AL 36108. Representative: Timothy C. Miller, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101, 703–893–4924. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with John Morrell & Company, of Northfield, IL and Southern Foods Continental Grain Company, of Columbus, GA.

MC 166038, filed February 3, 1983. Applicant: AMERICAN TARA CORPORATION, 5667 New Peachtree Rd., Atlanta, GA 30341. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., NE., Atlanta, GA 30326, 404–262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with Coastal Stock Tab Company of Georgetown, DE.

MC 166148, filed February 8, 1983. Applicant: N.C.I. TRANSPORT, INC., 1200 Fairport Nursery Rd., Painesville, OH 44077. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *commodities in bulk*, between those points in the U.S. in and east of MN, SD, NE, CO, OK and TX.

[FR Doc. 83–5114 Filed 2–28–83; 8:45 am]

BILLING CODE 7535–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unles noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (202) 275–5223.

Volume. No. OP3–62

Decided: February 18, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 46614 (Sub-15), filed February 2, 1983. Applicant: BLUE & WHITE LINES, INC., 516 West Plank Rd., Altoona, PA 16602. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 86954 (Sub-11), filed February 4, 1983. Applicant: NODAK STAGES, INC., P.O. Box 638, Bismarck, ND 58502. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 105704 (Sub-8), filed February 7, 1983. Applicant: LINCOLN BUS LINES, INC., 10 West Elm Ave., Hanover, PA 17331. Representative: Norman T. Petow, 43 North Duke St., York, PA 17401, (717) 843–8004. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 116005 (Sub-7), filed February 4, 1983. Applicant: ONONDAGA COACH CORP., 110 Genesee St., Auburn, NY 13021. Representative: Andrew J. Carraway, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, (703) 522–0900. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—The Review Board concludes that applicant seeks to provide privately-funded charter and special transportation, notwithstanding the receipt by applicant of some financial assistance.

MC 150365 (Sub-4), filed February 7, 1983. Applicant: UNITED LIMO, INC., 10844 McKinley Hwy, Osceola, IN 46561. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 160665, filed January 31, 1983. Applicant: LOS ANGELES SIGHTSEEING TOURS, INC., 930 E. 6th St., Los Angeles, CA 90021. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, beginning at points in CA, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166104(a), filed February 7, 1983. Applicant: WM. PENN EQUIPMENT CORP., 225 W. Howard St., Stowe, PA 19464. Representative: Jerry Hugo, (same address as applicant), (215) 326–4500. Transporting *passengers*, in charter and special operations between points in PA and NJ.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166115, filed February 7, 1983. Applicant: HARTLEY'S CHARTER SERVICE, INC., Route 2, Box 1, Rugby, ND 58368. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–102

Decided: February 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166246, filed February 11, 1983. Applicant: K & G TRANSPORT SERVICE, INC., 4265 Spring Grove Ave., Cincinnati, OH 45223. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166267, filed February 14, 1983. Applicant: JOHN KERSCHBAUM d.b.a. TRAILERS COAST TO COAST, R R #3–501 Caton Farm Rd., Lockport, IL 60441. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. As a *broker of general comodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Vol. No. OP5–77

Decided: February 18, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 56538(Sub- 2), filed February 3, 1983. Applicant: UNITED CHARTER SERVICE, INC., 119 Graham Lane, Lodi, NJ 07644. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. Transporting *passengers*, in charter and special operations, (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 30318 (Sub-6), filed February 4, 1983. Applicant: YANKEE TRAILS, INC., Third Ave., Rensselaer, NY 12144. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413–781–8805. Transporting *passengers* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 145748 (Sub-6), filed February 4, 1983. Applicant: MEYERS TRANSFER, INC., Route 64, East, Mt. Morris, IL 61054. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *passengers*, in charter and special operations, beginning and ending at points in IL, IN, IA, MI, MN, and WI. and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 157249 (Sub-1), filed January 27, 1983. Applicant: LIN LINES, INC., 700 E. Tahquitz-McCallum Way, Palm Springs, CA 92262. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, (201) 322–5030. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165478, filed February 2, 1983. Applicant: COMMUTER BUS LINES INC., 11123 Long Beach Blvd., Lynwood, CA 90262. Representative: William D. Bourne, 4203 West Capitol Avenue, West Sacramento, CA 95691, (916) 371–2877. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165968, filed January 31, 1983. Applicant: TRANSPRO COURIER SERVICE, a division of the PROTEN CORPORATION, 266 Pearl St., Brockton, MA 02401. Representative: Paul M. Protentis, (same address as applicant), (617) 583–3363. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166039, filed February 3, 1983. Applicant: UNITED BUS SERVICE, 5108 Hayes Street, NE., Washington, DC 20019. Representative: Ferdinard M. Berry, (same address as applicant), (202) 399–2027. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166040, filed February 3, 1983. Applicant: ROBERT T. COHRS, d.b.a. CHINATOWN ASSOCIATES, 18427-42d Pl. W., Lynnwood, WA 98036. Representative: Robert T. Cohrs, (same address as applicant), (206) 771–6854. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166100, filed February 7, 1983. Applicant: PETERSON'S ECONOMY BUS CHARTERS, 600 Diamond Rd., Pensacola, FL 32504. Representative: Joseph L. Peterson, (same address as applicant), 904–433–6931. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166109, filed February 7, 1983. Applicant: MID COLUMBIA BUS CO., INC., P.O. Box 635, Condon, OR 97823. Representative: Jerry R. Woods, Room 104 Flavia Hall, P.O. Box 28, Marylhurst, OR 97036, (503) 635–5800. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Vol. No. OP5–80

Decided: February 16, 1983

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 151198 (Sub-3), filed February 8, 1983. Applicant: MERRIMACK SHUTTLE AND EXPRESS SERVICE, INC., 28 Constance St., Merrimack, NH 03054. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 162839 (Sub-1), filed February 8, 1983. Applicant: INFLATION FIGHTERS GROUP TOURS, INC., 5601 Slauson Ave., Bldg. A–1, No. 176, Culver City, CA 90230. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166158, filed February 9, 1983. Applicant: SCHREIBER FOODS, INC., 425 Pine Street, Green Bay, WI 54305. Representative: John H. Sage (same address as applicant), (414) 437–7801. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 166159, filed February 7, 1983. Applicant: LEE EUGENE CARPENTER, JR., d.b.a. YELLOW TOP CAB COMPANY, 909 Virginia Ave., Cumberland, MD 21502. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, 301–739–4860. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166188, filed February 8, 1983. Applicant: BLUE GOOSE BUS LINE, INC., 708 West Third St., P.O. Box 649, Greenville, NC 27834. Representative: John Elbert Spruill (same address as applicant), (919) 752–2460. Transporting *passengers*, in charter and special operations, beginning and ending at points in NC, and extending to points in SC, VA, MD, PA, NJ, NY, CT, GA, FL, and DC

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166198, filed February 8, 1983. Applicant: NISKANEN & JONES, INC., d.b.a. TAG-A-LONG TOURS & TRAVEL, 452 N. Main St., Moab, UT 84532. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *passengers*, in special and charter operations, between points in CO, NV, AZ, CA, UT, ID, WY, NM, and MT.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166208, filed February 10, 1983. Applicant: CROSS-KEYS LIMOUSINE SERVICE, INC., 263 N. Main St., Doylestown, PA 18901. Representative: Louis J. Carter, 7300 City Line Ave., Philadelphia, PA 19151–2291, 215–879–8665. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166209, filed February 9, 1983. Applicant: DALE McLIN, d.b.a. McLIN GRAIN CO., 1006 N. Church St., Leon, IA 50144. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *Agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83–5113 Filed 2–28–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP5–74]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 16, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275–7289.

No. Mc 146649 (Sub No. 4)X Filed: January 25, 1983. Applicant: JOHNNY'S TRANSFER CO., INC., Rt. 1, Box 105-G, Mt. Holly, NC 28120. Representative: Terrell Price, 800 Briar Creek Road,

Suite DD-504, Charlotte, NC 28206, (704) 372–8212. Sub No. 2F permit: (1) broaden drums, and parts for drums to "containers, drums and parts therefor," and (2) expand the territorial description to between points in the United States, under continuing contract(s) with a named shipper.

[FR Doc. 83-5112 Filed 2-28-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte 431]

Adoption of Uniform Railroad Costing System for Determining Variable Costs for Purposes of Surcharge and Jurisdictional Threshold Calculations

AGENCY: Interstate Commerce Commission.

ACTION: Denial of petition.

SUMMARY: This order denies the petition by Central Louisiana Power Company (CLECO) et al. of October 1, 1982 which requested the Commission to order that future meetings with the public concerning the implementation of the Uniform Railroad Costing System (URCS) be noticed and open to the public. The Commission decided to open this proceeding in Ex Parte No. 431 on January 21, 1983. (48 FR 4562, February 1, 1983). This action insures that all future meetings concerning the implementation of URCS will be noticed and open to the public. The issuance of the petitioned order is unnecessary.

ADDRESS: Copies of the URCS Decision may be obtained by contacting: TS Infosystems, Inc., Room 2227, 12th and Constitution Avenue, N.W., Washington, DC 20423, (202) 289–4357—DC Metropolitan Area, (800) 424–5403—Toll Free for Outside DC Area.

FOR FURTHER INFORMATION CONTACT: William T. Bono, Chief, Section of Cost Development, (202) 275–7354.

SUPPLEMENTARY INFORMATION: As part of the Commission's effort to develop URCS and to introduce it to the public the Bureau of Accounts (BOA) has met upon request with all interested parties during the entire development of URCS. CLECO has petitioned that,

> the Commission enter an order prohibiting any future meetings with any member of the public on this subject unless they are noticed and open to *all* members of the public.

Since the Commission opened Ex Parte No. 431 on January 21, 1983, the need to consider CLECO's petition has been obviated.

Although BOA will not hold any group meetings without notice prior to the conclusion of Ex Parte No. 431, BOA staff will continue to respond to inquiries by individuals concerning technical matters. To insure that the substance of any such informal contacts are availale to all interested parties, future inquiries of a substantive nature will be detailed in memoranda and placed in the URCS Rulemaking record.

Regulatory Flexibility

The Commission certifies this action will not have a significant economic impact upon small entities, because a proceeding has been opened to obtain public comment on the implementation and use of URCS.

This action does not have any effect on the quality of the human environment or the conservation of energy resources.

It is Ordered: That CLECO's petition of October 1, 1982 be denied.

Decided: February 18, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5109 Filed 2-28-83; 8:45 am]
BILLING CODE 7035-01-M

Released Rates Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rates Application No. MC–1532.

SUMMARY: The National Bus Traffic Association, Inc., wants to amend Released Rates Order MC–976 (49 CFR 1308.50) to add automobile windshields and window glass subject to a released value of zero, in bus express service.

ADDRESSES: Owen B. Katzman, Forys, Sater, Seymour and Pease, 1828 L Street, N.W., Suite 1111, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Informal Rate Case Branch, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423. Tel. (202) 275–0781.

SUPPLEMENTARY INFORMATION: Relief is sought under 49 U.S.C 10730 pursuant to 49 U.S.C. 10706(b)(3)(C).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5107 Filed 2-28-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

California State Standards; Approval

SUMMARY: This notice announces approval of a supplement to the California State Plan concerning the State's adoption of a permanent standard governing employee exposure to ethylene dibromide (EDB). OSHA has determined that the California standard: (1) Is at least as effective as the comparable federal standard; (2) is a standard applicable to a product which is distributed or used in interstate commerce; (3) is required by compelling local conditions; and (4) does not unduly burden interstate commerce. Accordingly, the standard is approved under Part 1953 of Title 29, Code of Federal Regulations.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: James Foster, Office of Information, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION:

A. Background

1. History of the Standard

Part 1953 of Title 29, Code of Federal Regulations, provides procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (herinafter called the "Act") for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) and Part 1902 of Title 29. On May 1, 1973, a notice was published in the **Federal Register** (38 FR 10717) of the approval of the California plan and of the adoption of Subpart K of Part 1952 describing the plan.

On October 9, 1981, California submitted a State initiated plan change supplement concerning the State's adoption on September 2, 1981 of an emergency temporary standard (ETS) governing employee exposure to ethylene dibromide (EDB). On September 2, 1982, California submitted a supplement concerning the State's adoption on Jaanuary 14, 1982 of a permanent EDB standard, General Industry Safety Order (GISO) 5219, which replaced the ETS and became effective on March 22, 1982. The permanent standard is substantially identical to the ETS.

The federal standard governing employee exposure to EDB is found at 29 CFR 1910.1000, Table Z–2. This standard sets the allowable employee exposure limitation to EDB at 20 parts per million (ppm) for any 8-hour work shift of a 40 hour work week and at a ceiling of 30 ppm for any 15-minute period. The California standard sets limits for exposure to EDB at 130 parts per billion(ppb) as an 8-hour time weighted average and a ceiling of 130 ppb for any

15-minute period. Additionally, the California standard contains specific requirements relating to: reporting of use and emergencies; exposure monitoring; methods of compliance; protective clothing and equipment; training; posting and notification of shipments; recordkeeping; and medical surveillance.

Section 18(c)(2) of the Act requires that state occupational safety and health standards be at least as effective as their federal counterpart. Additionally, Section 18(c)(2) provides that if state standards are applicable to products which are distributed or used in interstate commerce, such standards must be required by compelling local conditions and must not unduly burden interstate commerce. This latter requirement is commonly referred to as the "product clause". OSHA has determined that the California standard is at least as effective as the comparable federal standard and in many respects more stringent. However, following submission of the State's standard, concerns were raised that the standard may violate the requirements of the product clause.

On November 20, 1981, after a preliminary review of the California EDB standard, OSHA Published a notice in the **Federal Register** requesting public comments on the following issues: Whether the California standard is applicable to products which are distributed or used in interstate commerce; whether the standard is required by compelling local conditions; and whether the standard unduly burdens interstate commerce (46 FR 57061). Thirty-eight written comments were received in response to this notice from various trade associations, labor organizations, individuals and representatives of the federal and state governments. The decision set forth in today's notice is based upon the Agency's evaluation of those comments.

2. Applicability of the Product Clause

Under section 18(c)(2), an examination of whether a state standard poses an undue burden on interstate commerce and is required by compelling local conditions is required if the standard is "applicable to products which are distributed or used in interstate commerce." Written comments submitted by the State of California and by several labor organizations assert, in summary, that the California EDB standard is not "applicable to products" because the standard does not directly regulate the construction or design of a product. [Ex. 9;16;23;30;31]. The evidence in the record, however, clearly demonstrates that the standard establishes conditions and procedures which restrict the "manufacture, reaction, packaging, repackaging, storage, transportation, sale, handling and use" of the chemical product, ethylene dibromide (EDB), as well as the handling and exposures which may result after EDB has been applied as a fumigant to fruit products. The standard affects producers as well as users in the manufacture, application, and distribution of these products. In addition, both EDB and the fumigated fruit containing EDB unquestionably move in interstate commerce as demonstrated in comments from various produce growers' shippers', and labor organizations and the State of California. OSHA, therefore, must conclude that the California standard, GISO 5219, is applicable to a product which is used and distributed in interstate commerce. The approvability of the standard is determined, however, by virtue of the findings discussed below that the standard is required by compelling local conditions and does not unduly burden interstate commerce.

3. Compelling Local Conditions

The Assistant Secretary has determined that compelling local conditions exist which permit the issuance of GISO 5219 by the State of California.

EDB is a chemical that has a number of beneficial uses. For example, EDB is widely used as a component in anti-knock compounds in leaded gasoline. Additionally, EDB is used as a fumigant to destroy the adult, egg, and larval stages of fruit flies in fresh fruits and vegetables to meet national and international quarantine requirements. These quarantine requirements generally specify that produce being shipped from areas in which fruit flies or other pests have been discovered be subjected to some approved deinfestation treatment. Written comments of the United States Department of Agriculture suggest that there is no effective or practical alternative to EDB for all quarantine purposes. [Ex. 24]

The current OSHA standard for EDB was adopted in 1971 as a national consensus standard, under Section 6(a) of the Act. The source of the standard was the American National Standards Institute (ANSI) 1970 recommendation for acceptable concentrations of EDB (ANSI Z37.31–1970). The ANSI exposure limits were intended to protect workers from injury to the lungs, liver, and kidneys which had been observed from excessive, acute, or chronic exposures to EDB in humans and experimental animals. The potential for EDB to cause cancer or reproductive damage was not a basis for the establishment of the current exposure limits for EDB.

On December 18, 1981, OSHA published an Advance Notice of Proposed Rulemaking in the **Federal Register** (46 FR 61671) concerning proposed changes to the existing EDB standard. In this notice, OSHA summarized much of the current evidence concerning the health hazards associated with EDB. While noting that such evidence does not legally support the adoption of an emergency temporary standard, OSHA acknowledged that toxicological studies indicate that the present permissible exposure limit (PEL) for EDB may not be sufficiently protective of those working with and exposed to EDB.

California is uniquely situated with respect to both the interstate and international distribution of fresh fruit. For example, California is the largest market for Hawaiian papayas. An estimated seventy-eight percent of papayas shipped to the continental United States from Hawaii are normally routed through California. Comments of the Hawaiian Papaya Industry Association and the State of Hawaii Department of Agriculture [Ex. 7 and 18]. Historically, California has been a primary market for Texas and Florida citrus as well. Texas and Florida citrus growers ship as much as twenty percent of their crop for consumption in California. Comments of the American Farm Bureau Federation and Texasweet Citrus Advertising, Inc. [Ex. 22 and 14]. Additionally, significant quantities of citrus are routed through California for export to Japan. Comments of the Indian River Citrus League and Texasweet Citrus Advertising, Inc. [Ex. 19 and 14]. Thus, it is clear that by virtue of California's size and geographical location, substantial quantities of fresh citrus pass through the State's borders for domestic consumption, distribution to other states or export to foreign countries.

As a result of quarantine requirements of the United States Department of Agriculture and the State of California Department of Agriculture, virtually all fresh citrus (plus some other produce, such as papayas) entering California from areas in which Mediterranean fruit flies (medfly) or similar pests have been discovered, including Hawaii, Texas, and Florida, must be subjected to an approved fruit fly deinfestation treatment. Post-harvest fumigation of citrus and other produce with EDB is generally considered the only effective and feasible method for meeting quarantine requirements. Comments of

the Hawaii Papaya Industry Association, Papaya Administrative Committee, State of Hawaii Department of Agriculture, Indian River Citrus League, American Farm Bureau Federation, State of Florida Department of Citrus, Texas Department of Agriculture and the United States Department of Agriculture. [Ex. 7, 13, 18, 19, 22, 29, 33, and 24]. In addition, until last May the Japanese government had quarantined the entire State of California and required that nearly all agricultural commodities exported to Japan from California be treated against medfly. For many commodities, this requirement necessitated fumigation with EDB prior to export. Comments of the California-Arizona Citrus League [Ex. 26]. As a result of this widespread fumigation of citrus and other produce entering the State, commentors alleged that greater than 12,000 California workers will be exposed to EDB. Comments of the Hawaii Papaya Industry Association and the AFL–CIO [Ex. 7 and 9].

On the basis of this evidence concerning the hazards associated with EDB and evidence concerning the degree of worker exposure to EDB within California, OSHA has determined that adoption of GISO 5219 is sufficiently justified by compelling local conditions.

4. Undue Burden

The final inquiry in the analysis under section 18(c)(2) is whether the State standard results in an undue burden on interstate commerce. In this regard, OSHA has determined that there is insufficient evidence to support the conclusion that the California standard results in such a burden.

As discussed above, GISO 5219 differs from the current federal EDB standard in several respects. In addition to establishing a more stringent permissable exposure limit than the federal standard, the California standard contains requirements relating to: reporting of use; exposure monitoring; protective clothing; training; posting and notification of shipments; recordkeeping; and medical surveillance which are not included in the federal standard. On the basis of the comments, it does not appear that compliance with these requirements is either infeasible or unreasonably costly.

A number of the comments indicate that levels of EDB off-gassing from fumigated produce can feasibly be maintained below the permissible exposure level of 130 ppb. Comments of Texasweet Citrus Advertising, Inc.; Hawaii Papaya Industry Association; Papaya Administrative Committee; and the State of Hawaii Department of Agriculture. [Ex. 14, 7, 13 and 18.] Accordingly, it appears that imposition of the more stringent exposure limitation is not by itself unduly burdensome.

The most prevalent objection to GISO 5219 is that the anciliary requirements of the standard, such as the posting requirement, have resulted in a significant disruption of the interstate movement of citrus into California. It is alleged that adoption of the standard has caused California and foreign purchasers to cancel citrus orders and longshoremen in California to refuse to handle shipments of treated citrus. Comments of the State of Florida Department of Citrus; Indian River Citrus League; Hawaii Papaya Industry Association; Seald-Sweet Growers, Inc.; and DNE Sales International. [Ex. 29, 19, 26, 7, 5, 2.] Citrus industry comments suggest that resultant economic losses range between six and thirty-two million dollars; however, there is no concrete or consistent data from which to assess the actual extent of any loss.

Although OSHA does not dispute the various allegations that losses have been suffered by the citrus industry, it is unable to conclude on the basis of the record that these losses were sustained as a result of any specific provision of GISO 5219. The standard's requirements appear reasonably related to the hazard involved. Additionally, compliance with the requirements of GISO 5219 does not appear to be overly burdensome. In this regard it should be noted that OSHA received no comments suggesting that compliance with GISO 5219 is either infeasible or impractical from California employers who are actually subject to its requirements. Additionally, comments of the AFL–CIO suggest that any refusals by workers to handle EDB-fumigated fruit are in response to the hazards posed by EDB, not the Cal-OSHA standard. [Ex. 9.] On the basis of the record it appears equally likely that any losses sustained by the citrus industry were the result of general fear of the hazards associated with EDB rather than the burden of compliance with the California standard. Accordingly, based on a consideration of all the evidence in the record, OSHA concludes that GISO 5219 does not unduly burden interstate commerce.

B. Location of Supplement for Inspection and Copying

A copy of the standard supplement, comments concerning the supplement, and the approved plan may be inspected and copied during normal business hours at the Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N–3700, 200 Constitution Avenue, NW. Washington, D.C. 20210.

C. Decision

After careful consideration of the entire record, the California EDB standard, GISO 5219, is hereby approved under Part 1953.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667); Secretary of Labor's Order No. 8–76 (41 FR 25059); 29 CFR Part 1953)

Signed at Washington, D.C. this 22nd day of February 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83–4790 Filed 2–28–83; 8:45 am]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the

Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Vern Sims Ford Profit Sharing Plan (the Plan) Located in Sedro Wooley, Washington

[Prohibited Transaction Exemption 83–26; Exemption Application No. D–300]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The past sales of leases (the Leases) of automobiles to the Plan by Vern Sims Ford, Inc. (the Employer), the sponsor of the Plan; and (2) the guarantee by the Employer in the event of a default of the obligations of the lessees under the Leases.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 17, 1982 at 47 FR 56576.

For Further Information Contact: Louis Campagna of the Department, telephone (202) 523–8883. (This is not a toll-free number.)

Atlantic States Construction, Inc., Profit Sharing Plan and Trust (the Plan) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 83–27; Exemption Application No. D–3232]

Exemption

The restrictions of section 406(a), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed leases (the Leases) of office space in certain real property owned by the Plan to Wilwat Properties, Inc., Provident Security Life Insurance Company, and Waco Fire and Casualty Insurance Company, parties in interest with respect to the Plan, provided that the terms and conditions of the Leases are not less favorable to the Plan than those obtainable by the Plan in arm's length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1982 at 47 FR 56079.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number.)

Ely, Guess & Rudd, a Professional Corporation, Pension Plan and Ely, Guess & Rudd, a Professional Corporation, Profit Sharing Plan (Collectively, the Plans) Located in Anchorage, Alaska

[Prohibited Transaction Exemption 83–28; Exemption Application No. D–3437 and D–3438]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $86,250 by the Ely, Guess & Rudd, A Professional Corporation Pension Plan and a loan of $63,750 (collectively, the Loans) by Ely, Guess & Rudd, A Professional Corporation Profit Sharing Plan to Ely, Guess & Rudd, A Professional Corporation, a party in interest with respect to the Plans, provided the Loans by the Plans will be and remain at least as favorable to the Plans as those which the plans could receive in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 17, 1982 at 47 FR 56576.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Wendel Gann Corporation Employees' Defined Benefit Pension Plan (the Plan) Located in Downey, California

[Prohibited Transaction Exemption 83–29; Exemption Application No. D–3520]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to a loan (the Loan) by the Plan to Wendel Gann Corporation of $150,000, provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 905.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Northern Minnesota-Wisconsin Area Retail Clerks Pension Plan and the Northern Minnesota-Wisconsin Area Retail Food Health and Welfare Plan (collectively, the Plans) Located in Duluth, Minnesota

[Prohibited Transaction Exemption 83–30; Exemption Application Nos. D–3599 and L–3600]

Exemption

The restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply effective October 1, 1982, to the sublease of office space by the Plans to Plan Administrators, Inc., a fiduciary with respect to the Plans, provided the terms of the sublease are not less favorable to the Plans than the terms obtainable in an arm's length lease with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 21, 1982 at 47 FR 56937.

Effective Date: This exemption is effective October 1, 1982.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Radiology Associates P. C. Money Purchase Plan (the Plan) Located in Vienna, Virginia

[Prohibited Transaction Exemption 83–31; Exemption Application No. D–3710]

Exemption

The restrictions of section 406(a), 406 (b) (1) and (b) (2) of the Act and the sanctions resulting from the application

of section 4975 of the Code, by reason of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed transfer of a note by the Radiology Associates Retirement Plan and Trust to the Plan resulting in an extension of credit between the Plan and VIP Associates, a party in interest with respect to the Plan, provided the terms of the transaction are no less favorable to the Plan than those available in an arm's-length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 902.

For Further Information Contact: Mr. David Stander of The Department, telephone (202) 523–8881. (This is not a toll-free number.)

Superior Wine & Spirits, Inc., Profit Sharing Plan (the Plan) Located in Warminster, Pennsylvania

[Prohibited Transaction Exemption 83–32; Exemption Application No. D–3711]

Exemption

The restrictions of section 406(a), 406 (b) (1) and (b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loans of money for a period of 5 years by the Plan to Superior Wine & Spirits, Inc., provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of each transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 903.

Temporary Nature of Exemption

This exemption is temporary and will expire 5 years after the date of grant. Should the applicant wish to continue entering into loan transactions beyond the 5 year period, the applicant may submit another application for exemption.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The C&S Profit Sharing Plan of Citizens and Southern Georgia Corporation and Its Affiliates (the Plan) Located in Atlanta, Georgia

[Prohibited Transaction Exemption 83–33; Exemption Application No. D–3819]

Exemption

The restrictions of section 406(a), 406 (b) (1) and (b) (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the January 1, 1982 sale by the Plan of 3,240 shares of Citizens and Southern of Cobb County stock to Citizens and Southern Georgia Corporation for $226,800 in cash, provided such amount was not less than the fair market value of such stock at the time of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1982 at 47 FR 56078.

Effective Date: This exemption is effective January 1, 1982.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or adminnistrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 24th day of February 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83–5185 Filed 2–28–83; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL SCIENCE FOUNDATION

Civil and Environmental Engineering Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Civil and Environmental Engineering (CEE) of the Advisory Committee for Engineering

Date and time: March 17, 1983—9:30 a.m. to 5:00 p.m.; March 18, 1983—9:30 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550 (March 17—Room 1224, March 18—Room 643)

Type of meeting: 3/17/83—9:30 a.m. to 12:30 p.m. Open; 2:00 p.m. to 5:00 p.m. Closed; 3/18/83—9:30 a.m. to 12:30 p.m. Closed; 2:00 p.m. to 4:00 p.m. Open

Contact person: Dr. William S. Butcher, Director, Division of Civil and Environmental Engineering, Room 1132, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–0545

Summary minutes: May be obtained from the Contact Person

Agenda

Thursday, March 17—Open—9:30 a.m. to 12:30 p.m.

9:30—General Report by Division Director

10:30—Briefing of Subcommittee on Programs of the Division

(a) Geotechnical Engineering

(b) Structural Mechanics

(c) Hydraulics, Hydrology, and Water Resources Engineering

(d) Environmental and Water Quality Engineering

(e) Civil Engineering and Building Systems

(f) Earthquake Hazard Mitigation

12:30—Recess

Thursday, March 17—Closed—2:00 p.m. to 5:00 p.m.

2:00—External Peer Oversight: Review of each individual program as prescribed in NSF Circular 147 on External Peer Oversight, which includes the examination of awarded and declined proposals, including peer review and other privileged material; drafting of panel report on the peer review process, program balance, and needed research.
5:00—Adjourn

Friday, March 18—Closed—9:30 a.m. to 12:30 p.m.

9:30—Continuation of External Peer Oversight
12:30—Recess

Friday, March 18—Open—2:00 p.m. to 4:00 p.m.

2:00—Discussion of Division-wide concerns, including growth of the Division, needed research in problems of the infrastructure, hazardous waste disposal, construction engineering, etc.
Other Business
4:00—Adjourn
Reason for closing: The Subcommittee will be reviewing grants and/or declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. These sessions will also include a review of peer review of documentation pertaining to applicants. These matters are within exemptions (4) and (6) of the 5 U.S.C. . 552b(c) Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
February 24, 1983.
[FR Doc. 83–5159 Filed 2–28–83; 8:45 am]
BILLING CODE 7555–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22859; 70–6845]

Columbia Gas System, Inc.; Adjustable Rate Preferred Stock

February 23, 1983.

In the matter of; Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; (70–6845); proposed issuance and sale of adjustable rate preferred stock; request for exception from competitive bidding.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

Columbia proposes to issue and sell 2,000,000 shares of Adjustable Rate Cumulative Preferred Stock, Series C, par value $50 per share ("New Preferred Stock") in March 1983. The net proceeds from the sale of the New Preferred Stock will be used for general corporate purposes, the most important being the 1983 capital expenditure program of Columbia's subsidiaries estimated at $360,000,000.

The dividend rate for the initial dividend payment period will be a fixed percentage, which is to be determined. Thereafter, the adjustable dividend rate will be determined quarterly on the basis of a certain percentage to be determined above or below ("reset amount"), generally, the highest of: (1) The average of the two most recent weekly per annum market discount rates for three-month U.S. Treasury bills, (2) the average yield to maturity for actively traded marketable U.S. Treasury 10-year fixed interest rate securities (adjusted to constant maturities of ten years), or (3) the average yield to maturity for actively traded marketable U.S. Treasury 20-year fixed interest rate securities (adjusted to constant maturities for twenty years); provided, however, that in no event will the effective annual dividend rate, as adjusted in any quarter, be less than 5% nor greater than 15%. Columbia is hereby authorized to negotiate the initial dividend period and rate, the reset amount, and the minimum and maximum dividend rate with underwriters.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 21, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.
[FR Doc. 83–5158 Filed 2–28–83; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 19529; File No. SR–DTC–83–2]

Filing and Immediate Effectiveness of Proposed Rule Change by the Depository Trust Company

February 23, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1983, the Depository Trust Company ("DTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change expands DTC's existing conversion program to allow the conversion of convertible securities not DTC-eligible into the underlying securities which are DTC-eligible within the depository environment. A participant, another securities depository, or any person wanting the underlying securities to be delivered to a DTC participant's account may present the convertible securities to a duly authorized conversion agent with instructions to register the underlying securities in DTC's nominee name, Cede & Co., and to deliver the underlying securities to DTC for the account of a particular participant. The conversion agent, if it is not the principal conversion agent located in the United States, immediately will re-transmit the presentor's specific instruction to the principal conversion agent. The principal conversion agent, however, must be a bank located within the United States.

The principal conversion agent, once it is satisfied that the conversion process is in progress, will complete and submit to DTC Certificate of Conversion Form certifying that the convertible securities have been presented for conversion into the underlying securities. DTC, upon receipt of this form, credits the participant's account for the stated number of shares in the underlying securities. The underlying securities are then available for the full range of DTC services including book-entry delivery to other participants and book-entry pledge for collateral loans. Any cash in lieu of fractional shares will be credited to the participant's cash

settlement account upon receipt by DTC from the principal conversion agent.

DTC believes that the rule change is consistent with the Act in that it will facilitate the prompt and accurate exercise of conversion options of certain convertible securities through the DTC system. DTC also believes that the established safeguards for securities and funds in DTC's custody or control or for which it is responsible are adequate for the safeguarding of convertible securities and the underlying securities eligible for the above-described DTC service and are consistent with Section 17(A)(b)(3) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-DTC-83-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5127 Filed 2-28-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19530; File No. SR-NSCC-83-1]

Filing and Immediate Effectiveness of Proposed Rule Change by National Securities Clearing Corporation ("NSCC")

February 23, 1983.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 28, 1983, NSCC filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend the Demand As of Service[1] of NSCC's trade comparison system rules to permit partial acceptance by NSCC participants of Regular Advisories or Demand As Of Advisories generated in respect of uncompared trades.

Under NSCC's current rule, if an OTC trade submitted to NSCC's regular comparison service remains unresolved after the advisory process,[2] a participant may submit a Demand As of form to NSCC. That form includes all the information required in an original submission of a trade.[3] If all the data submitted in the Demand As Of matches that of another Demand As Of or a Regular As Of,[4] it becomes a compared trade. If the Demand As Of does not produce a compared trade, NSCC will forward a Demand Advisory to the party against whom the Demand As Of was submitted. The participant receiving the Demand Advisory may then take one of three possible courses of action: (i) The participant may accept the Demand Advisory. This acceptance results in a compared trade; (ii) the participant may reject the Demand Advisory. A proper rejection results in the trade being dropped from the comparison system; or (iii) the participant may take no action. Under NSCC's rules, such inaction will result in a compared trade, and both parties will be required to settle the transaction.

Under NSCC's current rule, NSCC does not permit partial acceptance of either a Regulatory Advisory or a Demand As Of Advisory. That is, if a member receiving a Regular or Demand As of Advisory agrees that a trade has taken place but does not agree with the number of shares specified by the Advisory, the member must reject the Demand As Of and submit new trade data to resolve the trade. NSCC's proposed rule, however, would permit a member to accept a Regular Advisory or a Demand As Of Advisory partially when the participant agrees with all the details of the trate (*i.e.*, security identification, market place of execution, trade date, *contra* broker, executing broker and price) except the quantity.[5] Any remaining uncompared quantity would be resolved as before by a close out transaction.

In its filing, NSCC stated that the purpose of the proposed rule change is to permit a greater number of transactions to be resolved through the Regular As Of and Demand As Of advisory process. In addition, the proposed rule change would also make certain technical changes to the OTC comparison system with respect to the names of required forms and input data which is required for certain systems.

The proposed rule change would also allow NSCC to extend the time limitations pursuant to which a member may delete a Demand Withhold instruction or a Demand As Of Advisory ("Demand Delete" instruction).[6] With

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[1] *See* NSCC Rule 7 and related NSCC Procedures. NSCC's Demand As of Service permits resolution of aged uncompared OTC trades or trades originating from an exchange other than the American Stock Exchange ("AMEX") or New York Stock Exchange ("NYSE").

[2] Pursuant to NSCC's regular OTC comparison service, participants submit trade information to NSCC on the evening of trade date. On the day after trade date, NSCC will identify a trade as "compared" if a purchaser and seller have submitted identical information to NSCC. A trade is reported as "uncompared" if one party to the trade did not submit data or did not submit data which agreed in all respects with the data submitted by the *contra* side to the trade. Also, the participant will receive from NSCC an "advisory" concerning trades that are submitted by another participant and that name the participant receiving the advisory as the *contra* side, but that do not match any trade the participant has submitted. If a member receives an OTC advisory, he has two days to accept the trade by stamping the advisory and returning it to NSCC. Once returned, the stamped advisory results in a compared trade. If a stamped advisory is not returned, the trade remains uncompared and is dropped from NSCC's system.

[3] This information includes quantity, security identification, identification of the market place of execution, trade date, *contra* broker, executing broker and trade value.

[4] A Regular As Of is a method for submitting a trade that originated on the NYSE or AMEX for comparison more than three days after trade date. Such trades are submitted on an "As Of" basis because they are processed outside NSCC's regular five day comparison cycle.

[5] For example, a participant that receives a Demand Advisory indicating a transaction for 300 shares may, if it agrees with the data contained in the Advisory but recognizes the quantity as 500 shares of the stated security, accept the Demand Advisory with respect to 300 shares and submit new trade data with respect to the remaining 200 shares.

[6] Under NSCC's Demand Withhold Service, a NSCC member may cancel an OTC trade previously compared in error at NSCC, absent timely objection from the *contra* party.

respect to a Demand As Of instruction, the proposed rule change would allow NSCC to accept Demand Delete instructions at any time prior to the time a Demand Withhold Advisory causes a trade to be dropped from NSCC's system. With respect to a Demand As Of instruction, the proposed rule change would allow NSCC to accept a Demand Delete instruction at any time prior to the time a Demand As Of results in a compared trade.

Finally, the proposed rule change would add additional language to NSCC's Demand Withhold System rules. That language clarifies the finality of transactions which are deleted by a participant's submission of a Don't Know (the transaction) form.

NSCC believes that the proposed rule change is consistent with the requirements of the Act because it facilitates the prompt and accurate clearance and settlement of uncompared securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–NSCC–83–1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–5159 Filed 2–28–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19526; File No. SR–OCC–83–3]

Filing and Immediate Effectiveness of Proposed Rule Change by the Options Clearing Corporation

February 22, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 31, 1983, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends numerous provisions of OCC's Participant Exchange Agreement, which defines the relative roles of OCC and its participant options exchanges. This Agreement has been amended only once since its execution in 1975.

OCC states in its filing that the purpose of the proposed rule change is to update the Agreement by eliminating obsolete material and where appropriate, by substituting current information. OCC further states that the amendments are largely technical and are not intended to effect any material changes in its relationship with the options exchanges.

The proposed rule change contains many changes to the Agreement, the most important of which are as follows: (1) The Philadelphia and Pacific Stock Exchanges have been included as Participant Exchanges; (2) obsolete references to "9b–1" plans have been deleted and have been replaced with a defined term, "Options Rules;" (3) reference to prospectuses have been deleted in favor of references to options disclosure documents prepared in accordance with new Rule 9b–1 (17 CFR 240.9b–1); (4) formal requirements regarding certain communications and notice requirements between OCC and Participant Exchanges have been relaxed; (5) revisions have been made to reflect the trading of options on securities and financial instruments other than options on common stocks; (6) a new procedure has been established for introducing additional "new products;" (7) obsolete requirements regarding listing guidelines have been deleted; (8) Participant Exchanges no longer are required to maintain in public files certain data on issuers of option stocks and to prepare brochures on historical market price performance of those underlying stocks; (9) obsolete requirements have been deleted regarding Participant Exchange notice to OCC when an Exchange proposes to introduce a new expiration cycle; (10) OCC has been permitted to authorize other than next-day settlement of options transactions with the consent of those Participant Exchanges on which the affected options product is traded; and (11) the provisions relating to forecasts of trading volume and the procedures for handling situations when OCC lacks operational capacity to process increased volume have been revised to reflect trading of options on securities and financial instruments other than options on common stocks. In addition, numerous non-substantive drafting changes have been made.

OCC states in its filing that it has filed the proposed rule change under Section 10(b)(3)(A)(iii) of the Act because the rule change is concerned solely with the administration of OCC, and because, under Rule 19b–4(e)(4) (17 CFR 240.19b–4(e)(4)), the proposal effects changes in an existing service that does not adversely affect the safeguarding of securities and funds in the custody or control of OCC or for which it is responsible and does not significantly affect the respective rights or obligations of OCC or its participants.

The foregoing proposed rule change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed

rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and any of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5126 Filed 2-28-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13043; 812-5270]

Government Securities Income Fund, GNMA Series E et al.; Application

February 22, 1983.

In the matter of Government Securities Income Fund, GNMA Series E and Merrill Lynch, Pierce, Fenner & Smith Incorporated; Dean Witter Reynolds Inc.; Prudential-Bache Securities Inc.; Shearson/American Express Inc. (812-5270); filing of an application for an order pursuant to section 6(c) of the act for an exemption from section 22(d) of the act.

Notice is hereby given that The Government Securities Income Fund, GNMA Series E ("Series E") and subsequent series (collectively, the "Fund"), unit investment trusts registered or to be registered under the Investment Company Act of 1940 ("Act"), and its depositors, Merrill Lynch, Pierce, Fenner & Smith Inc., Dean Witter Reynolds Inc., Prudential-Bache Securities Inc., and Shearson/American Express Inc. ("Sponsors") (collectively, "Applicants") filed an application on August 10, 1982, and an amendment thereto on January 18, 1983, for an order pursuant to Section 6(c) of the Act, exempting Applicants from the provisions of Section 22(d) of the Act to the extent necessary to permit them to establish a reinvestment plan as described herein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

Applicants created Series E under the laws of New York pursuant to a separate trust indenture among the Applicants, a trustee and an evaluator. According to the application, such is or will also be the case with subsequent series of the Fund. Applicants state that, pursuant to each indenture, the Sponsors initially deposit $1,000,000 or more face amount of mortgage-backed securities of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association ("Ginnie Maes") with the trustee in exchange for certificates representing ownership of all of the units of fractional undivided interest of the series. With that initial deposit, a percentage relationship is established between the principal amounts of Ginnie Maes in the portfolio having specified interest rates and ranges of maturities. The indenture of Series E permits the Sponsors to make subsequent deposits of Ginnie Maes in exchange for additional units provided the original percentage relationship is maintained so far as practicable. Such units may then be sold by the Sponsors at the then current public offering price (which includes a sales charge of 3.50%).

The Applicants propose to amend the prospectus of Series E to describe their new reinvestment plan, which would operate as follows as to that and any subsequent series for which it is established. The trustee would acquire additional units of the same series issued in subsequent deposits, by using the distributions of interest and principal to unitholders, and offer them at a reduced sales charge of 2.90% of the public offering price plus accrued interest, for immediate settlement. Applicants propose to terminate the unitholders' ability to reinvest distributions in the GNMA Fund Investment Accumulation Program, Inc. ("IAP"), a no-load, open-end investment company holding securities similar to those held by Series E. Applicants assert that unitholders normally receive cash distributions, but state that their reinvestment plan enables a unitholder to elect to reinvest distributions of either interest or principal or both on his units, with the stipulation that such election must apply to all of his units of that series. Elections, unless specified otherwise, will continue as to all subsequent distributions until changed upon notice to the trustee. As each reinvestment-plan participant will receive a prospectus describing the series and its reinvestment plan, new prospectuses would be sent only when updated. The Sponsors and the trustee reserve the right to suspend, modify, or terminate the reinvestment plan at any time. All reinvestment-plan participants would be promptly notified of such action.

Applicants submit that several benefits of their reinvestment plan amply outweigh the proposed sales charge. First, Applicants submit that unit trust expenses are significantly lower than those of IAP, the current reinvestment vehicle accompanying their unit trusts. An open-end investment company such as the IAP experiences significant administrative expenses not incurred by a unit trust. Notably, the IAP pays an annual administration fee of 0.2% of net assets, incurs substantial printing and mailing expenses for confirmations and semi-annual reports to shareholders, and incurs various other costs such as transfer agency fees. In a unit investment trust, many of these expenses ae not incurred and others (such as registration fees) are assumed by the underwriters out of the sales charge. Thus for 1981, the IAP's expenses ran 8.14% of gross investment income while the average on 22 outstanding GNMA series of unit investment trusts offered by the Sponsors was 1.71%. Moreover, Applicants assert that the percentage of expenses of unit trusts has tended to decrease in more recent series. This substantial difference in expenses should, over time, by itself compensate for the proposed 2.9% sales charge on reinvestments.

Furthermore, Applicants assert that reinvestment-plan participants will enjoy a greater yield on their reinvestments under the proposal. Unlike the IAP, which typically holds some of its assets in cash or lower-yielding, short-term securities to meet redemptions, all purchases in the unit trust context are immediately invested in Ginnie Maes. Since the Sponsors maintain a secondary market at a price above the redemption price, units are, in practice, rarely redeemed. Therefore, the unit investment trusts are always virtually fully invested in higher yielding Ginnie Maes.

Of equal importance, insist the Applicants, is the ability of reinvestment-plan participants to maintain their investment in the same portfolio of securities, so that their risk and investment performance does not change. Applicants assert that this is true reinvestment—not a mere general equivalency of investment in the same types of securities but with a great variety of different coupon rates and maturities. The anticipated rate of return from a unit trust is also more predictable because of the fixed portfolio.

Applicants maintain that their proposed 2.90% sales charge is fully justified, and submit that such a charge benefits reinvestment participants by passing along certain savings in costs under the plan. Applicants propose to grant a price concession of 1.30% of the public offering price on the sale of reinvestment units to members of the National Association of Securities Dealers, Inc. ("NASD") (such a concession provides the professional brokerage services needed yet recognizes that certain brokerage activities need not be repeated. NASD members receive a 1.9% concession on the sale of units in primary and secondary market transactions). In addition to the foregoing, applicants believe that out-of-pocket expenses related to the reinvestment plan, including such items as (a) maintaining separate trustee records of plan investments, (b) mailing, shipping, and miscellaneous delivery charges, and (c) separate printing costs, comprise approximately 0.8% of the public offering price per unit. Finally, under the indenture, the Sponsors must bear expenses incurred in the initial offering of any units, including those arising from subsequent deposits. The Applicants' prior experience indicates that normal out-of-pocket costs emanating from subsequent deposits approximate 0.8% of the public offering price. Applicants therefore conclude that their proposed 2.90% sales charge recoups expenses resulting from the reinvestment plan while giving reinvestment-plan participants an opportunity to share in the cost savings associated with such a plan.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person wishing to request a hearing on the application may, not later than March 21, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5160 Filed 2-28-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 10/10-5181]

Calista Business Investment Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Calista Business Investment Corporation, 516 Denali Street, Anchorage, Alaska 99501 with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, directors and stockholders of the applicant are as follows:

Name and address	Office
Alex Raider, 1436 Matterhorn Way, Anchorage, Alaska [redacted].	President.
Matthew Nicolai, 516 DeNali, Anchorage, Alaska 99501.	Vice President (Corporate Affairs).
Darrel Rexwinkel, 6732 East 99th, Anchorage, Alaska [redacted].	Vice President (Finance).
Phillip Hendrickson, 810 Wisteria Street, Anchorage, [redacted].	Vice President (Village Affairs).
John Heckel, 2214 Boniface Parkway, No. 2, Anchorage, [redacted].	Comptroller.
Nelson Angapak, 1200 Redwood Court, Anchorage, [redacted].	Executive Vice President.
Jed T. Holley, 10231 Lone Tree Drive, Anchorage, [redacted].	Vice President (Calista Professional Services).

The applicant, an Alaskan corporation, with its principal of business at Anchorage, Alaska, will begin operations with $500,000 paid-in capital and paid-surplus.

The applicant will conduct its activities principally in the State of Alaska.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Anchorage, Alaska.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 18, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-5170 Filed 2-28-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 01/01-0323]

Stevens Capital Corp.; Application for License To Operate as a Small Business Investment Company

An Application for a License to Operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 *et seq.*) has been filed by Stevens Capital Corporation, 166 Stevens Street, Fall River, Massachusetts 02721, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1982).

The officers, directors and shareholders are as follows:

Edward Capuano, Beacholme, Bellevue Ave., Newport, Rhode Island 02840, President, Treasurer, Dir.; 100 percent.

Stephen Howard, Esquire, 79 Alfred Drowne Road, Barrington, Rhode Island 02806, Secretary.
Robert A. Capuano, 98 Main Street, Berkley, Mass. 02180, Director.
Paul S. Horvitz, 320 Brick Market Place, Newport, Rhode Island 02840, Director.

The Applicant, a Rhode Island corporation will begin operations with $506,000 paid-in capital and paid-in surplus, and will conduct its activities primarily in the States of Massachusetts and Rhode Island.

The Applicant intends to provide financial assistance to small business concerns for their growth, modernization and expansion and will render other mangement consulting services.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Fall River, Massachusetts.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 16, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-5169 Filed 2-28-83; 8:45 am]

BILLING CODE 8025-01-M

Region I—Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Augusta, Maine, will hold a public meeting at 12:00 noon on Monday, March 21, 1983, at the Senator Inn, Outer Western Avenue, Augusta, Maine, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Tom McGillicuddy, District Director, U.S. Small Business Administration, 40 Western Avenue, Augusta, Maine, (207) 622-8382.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

February 23, 1983

[FR Doc. 83-5168 Filed 2-28-83; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Miami, Florida, will hold a public meeting at 9:30 A.M., on Thursday, March 24, 1983, at the Miami Airport Inn-Best Western, 1550 N. W. LeJeune Road, Miami, Florida, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others.

For further information, write or call John L. Carey, District Director, U.S. Small Business Administration, 2222 Ponce de Leon Blvd., 5th Floor, Coral Gables, Florida 33134—(305) 350-5533.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

February 23, 1983.

[FR Doc. 83-5166 Filed 2-28-83; 8:45 am]

BILLING CODE 8025-01-M

Region VI—Advisory Council Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographical area of Dallas, will hold a public meeting at 9:30 a.m. on Thursday, April 7, 1983 in the Federal Emergency Management Agency, Region VI, Headquarters, Federal Center, Loop 288, Denton, Texas, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present. For further information, write or call James S. Reed, District Director, U.S. Small Business Administration, 1100 Commerce Street, Room 3C36, Dallas, Texas, 75242—(214) 767-0600.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

February 23, 1983.

[FR Doc. 83-5167 Filed 2-28-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 849]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a proposed collection of information to the Office of Management and Budget for review.

PURPOSE: The Bureau for Refugee Programs of the Department of State plans to conduct phase II of the study of the effects of pre-entry training in the resettlement of Indochinese refugees. (See 47 FR 49912, Public Notice 830.) The final results will be used in the planning and development of future U.S. policy about the provision of training to refugees with little prior exposure to Western culture or the English language.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—new.

(2) Title of information collection—Effects of Pre-Entry Training on Resettlement of Indochinese Refugees, phase II. Questionnaires for refugee sponsors, teachers and employers.

(3) Originating Office—Bureau for Refugee Programs.

(4) Frequency—Nonrecurring.

(5) Respondents—Refugee sponsors, teachers, case workers, and employers.

(6) Estimated number of responses—840.

(7) Estimated total number of hours needed to respond—210. Section 3504(h) of Pub. L. 965-11 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed study and supporting documents may be obtained from Gail J. Cook, Departmental Clearance Officer (202) 632-3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7231.

Dated: February 7, 1983.

Thomas M. Tracy,

Assistant Secretary for Administration.

[FR Doc. 83-5139 Filed 2-28-83; 8:45 am]

BILLING CODE 4710-23-M

UNITED STATES INFORMATION AGENCY

[Delegation Order No. 83-6]

Delegation of Authority; To the Associate Director for Management

Pursuant to the authority vested in me as Director of the United States Information Agency by Reorganization Plan No. 2 of 1977, section 303 of Pub. L. 97-241, and section 302 of title 5, United States Code, there is hereby delegated to the Associate Director for Management the following described authority:

1. The authority vested in the Director by section 3702 of title 44, United States Code, to authorize the publication of advertisements, notices, or proposals.

2. The authority to redelegate the authority granted herein together with the power of further redelegation.

Texts of all such advertisements, notices, and proposals shall be submitted to the Office of General Counsel for review and approval prior to publication.

Notwithstanding any other provision of this Order, the Director may at any time exercise any function or authority delegated herein.

This Order is effective as of February 8, 1983.

Dated: February 16, 1983.

Charles Z. Wick,

Director, United States Information Agency.

[FR Doc. 83-5171 Filed 2-28-83; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Voluntary Service National Advisory Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Voluntary Service National Advisory Committee has been renewed by the Administrator of Veterans Affairs for a two-year period beginning February 7, 1983 through February 7, 1985.

Dated: February 15, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-5122 Filed 2-28-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 41
Tuesday, March 1, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–374, Amdt. 2, February 23, 1983]

Deletion From the February 24, 1983 Meeting

TIME AND DATE: 9:30 a.m. (open), 2 p.m. (closed), February 24, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

14. Employee Protection Program: Applications on behalf of employees of various carriers for determinations of qualifying dislocation: docket 38885, Aeroamerica; Docket 38416, Airlift International; Docket 40201, Air New England; Docket 38570, American Airlines; Docket 38978, Braniff International Airways; Docket 38720, Continental Airlines; Docket 39700, Delta Air Lines; Docket 38586, Eastern Air Lines; Docket 39783, Mackey International Airlines; Docket 34562, Overseas National Airways; Docket 38883, Pan American World Airways; Docket 38184, Trans World Airlines; and Docket 38571, United Air Lines. (BDA, OGC, OEA)

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–279–83 Filed 2–24–83; 4:02 pm]

BILLING CODE 6320–01–M

2

CIVIL AERONAUTICS BOARD

[M–374, Amdt. 1, February 23, 1983]

Deletion From the February 24, 1983 Meeting

TIME AND DATE: 9:30 a.m. (open), 2 p.m. (closed), February 24, 1983.

PLACE: Room 1027 (open) room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

3. Docket 40432, *Bergt-AIA-Western-Wien Acquisition and Control Case.* Air Line Pilots Association's petition that the Board issue and order making clear that any Board approval of continued common control of Western and AIA is subject to the stipulated LPP's. (OGC)

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S–279–83 Filed 2–24–83; 4:02 pm]

BILLING CODE 6320–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 23, 1983.

TIME AND DATE: 10 a.m., Wednesday, March 2, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Secretary of Labor, MSHA, ex rel. Kenneth Bush v. Union Carbide Corporation, Docket No. WEST 81–115–DM. (Issues include whether the judge erred in dismissing the Secretary's discrimination complaint on behalf of Kenneth Bush.)

TIME AND DATE: Following Oral Argument, March 2, 1983.

STATUS: Closed (Pursuant to 5 U.S.C. 522(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above listed case:

It was determined by a majority vote of Commissioners that the meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653–5632.

[S–280–83 Filed 2–25–83; 11:56 am]

BILLING CODE 6735–01–M

4

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, March 7, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 25, 1983.

William W. Wiles,

Secretary of the Board.

[S–284–83 Filed 2–25–83; 2:51 pm]

BILLING CODE 6210–01–M

5

FOREIGN CLAIMS SETTLEMENT COMMISSION

[FCSC Meeting Notice No. 3–83]

Announcement in Regard to Commission Meetings and Hearings

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Monday, March 14, 1983 at 10:30 a.m.
Consideration of decisions involving claims against the Government of the Czechoslovak Socialist Republic and decisions involving claims for Vietnam prisoner of war compensation.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street, NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 1111 20th Street, NW., Room 400, Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C., on February 24, 1983.

Judith H. Lock,

Administrative Officer.

[S-285-83 Filed 2-25-83; 2:52 pm]

BILLING CODE 4410-01-M

6

LEGAL SERVICES CORPORATION

(Board of Directors)

TIME AND DATE: March Meeting as required by 45 CFR 1601.15(a)—first of Friday of March, 10 a.m. is *Postponed.* The meeting will be rescheduled.

CONTRACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President, (202) 272-4040.

Dated: February 25, 1983.

Donald P. Bogard,

President.

[S-280-83 Filed 2-25-83; 9:40 am]

BILLING CODE 8820-35-M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-71]

TIME AND DATE: 9 a.m., Tuesday, March 15, 1983.

PLACE: Conference Room 8 ABC, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Special Investigation Report:* Followup Study of the U.S. Air Traffic Control System and Recommendations to the Federal Aviation Administration.

The Agenda is subject to change on short notice.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

February 25, 1983.

[S-281-83 Filed 2-25-83; 9:11 am]

BILLING CODE 4910-58-M

8

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-6]

TIME AND DATE: 9 a.m., Tuesday, March 8, 1983.

PLACE: NTSB Board Room, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* IBEX Corporation, Gates Learjet 23, N100TA, Atlantic Ocean, Near Savannah, Georgia, May 6, 1982.

The Agenda is subject to change on short notice.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

February 25, 1983.

[S-282-83 Filed 2-25-83; 9:11 am]

BILLING CODE 4910-58-M

VOL
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ISS
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1983
UMI

federal register

Tuesday
March 1, 1983

Part II

Department of the Interior

National Park Service

National Register of Historic Places; Annual Listing of Historic Properties

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places Annual Listing of Historic Properties

The National Historic Preservation Act of 1966, as amended (80 Stat. 915, 16 U.S.C. 470 et seq.), authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture. The National Park Service expands and maintains the National Register of Historic Places for the Secretary.

It is the purpose of this notice, through publication of the information included herein, to apprise the public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation of the properties added to the National Register between October 1, 1981 and September 30, 1982, and of the properties determined eligible for inclusion in the National Register from December 1, 1981 to September 30, 1982 and of those omitted in the list published February 2, 1982.

For a cumulative listing comprising all properties on the National Register, we recommend that users retain the **Federal Register** listings from February 6, 1979 (Vol. 44, No. 26, Part II); March 18, 1980 (Vol. 45, No. 54, Part II); February 3, 1981 (Vol. 45, No. 54, Part II); and February 2, 1982 (Vol. 47, No. 22, Part III). Together these listings provide information for all National Register properties and for properties determined eligible for inclusion on the National Register through November, 1982. A limited number of copies of the 1979, 1980, 1981 and 1982, **Federal Register** Part II are available from the Department of the Interior, National Park Service, National Register of Historic Places, 18th and C Sts., NW., Washington, D.C. 20240.

Dated: January 18, 1983.

Russell E. Dickenson,

Director.

ALABAMA

Barbour County

Eufaula, *Kiels-McNab House*, W. Washington St. (01/21/82)

Calhoun County

Anniston, *Caldwell Building*, 1001 Noble St. (03/01/82)
Anniston, *Parker-Reynolds House*, 330 E. 6th St. (02/19/82)
Jacksonville, *First Presbyterian Church*, 200 E. Clinton St. (02/04/82)
Oxford, *Snow, Dudley, House*, 704 Snow St. (02/04/82)

Chambers County

Dudleyville Vicinity, *County Line Baptist Church*, E of Dudleyville (08/19/82)

Colbert County

Sheffield vicinity, *Tuscumbia Landing Site*, W of Sheffield (08/10/82)
Tuscumbia vicinity, *Belmont*, SE of Tuscumbia (02/23/82)
Tuscumbia, *Christian, John and Archibald, House*, Off U.S. 72 (02/04/82)
Tuscumbia, *Winston, William, House*, N. Commons St. (04/15/82)

Covington County

Andalusia, *First National Bank Building*, 101 S. Cotton St. (08/26/82)

Dale County

Ozark, *Holman, J. D., House*, 409 E. Broad St. (02/19/82)

Dallas County

Browns vicinity, *St. Luke's Episcopal Church*, S of Browns (03/25/82)
Selma vicinity, *Marshall's Grove*, AL 22 (02/04/82)
Selma, *Brown Chapel African Methodist Episcopal Church*, 410 Martin Luther King, Jr. St. (02/04/82)
Summerfield, *Summerfield District*, Selma-Summerfield and Marion Rds., Centenary and College Sts. (03/01/82)

Elmore County

Robinson Springs, *Robinson Springs United Methodist Church*, AL 14 and AL 143 (03/01/82)

Escambia County

Brewton, *Brewton Historic Commercial District*, AL 3 and US 31 (03/15/82)

Greene County

Boligee vicinity, *Boligee Hill (Myrtle Hall)*, SE of Boligee (02/19/82)
Eutaw and vicinity, *Anthony, David Rinehart, House (Antebellum Homes in Eutaw TR)*, 307 Wilson Ave. (04/02/82)
Eutaw and vicinity, *Braune, Gustave, House (Antebellum Homes in Eutaw TR)*, 236 Prairie St. (04/02/82)
Eutaw and vicinity, *Davis, Attoway, R., Home (Antebellum Homes in Eutaw TR)*, 305 Main St. (04/02/82)
Eutaw and vicinity, *Elliott, John W., House (Antebellum Homes in Eutaw TR)*, 244 Prairie St. (04/02/82)
Eutaw and vicinity, *Glenville (Jincy P. Glenn House) (Antebellum Homes in Eutaw TR)*, 200 Scears St. (04/02/82)
Eutaw and vicinity, *Gray, Rev. John H., House (Antebellum Homes in Eutaw TR)*, 709 Mesopotamia St. (04/02/82)
Eutaw and vicinity, *Gullett, Benjamin D., House (Antebellum Homes in Eutaw TR)*, 317 Main St. (04/02/82)
Eutaw and vicinity, *Hale, Stephen Fowler, House (Antebellum Homes in Eutaw TR)*, 223 Wilson St. (04/02/82)
Eutaw and vicinity, *Jones, William C., House (Antebellum Homes in Eutaw TR)*, 507 Mesopotamia St.(04/02/82)
Eutaw and vicinity, *Meriwether, Dr. Willis, House (Antebellum Homes in Eutaw TR)*, 243 Wilson Ave. (04/02/82)
Eutaw and vicinity, *Murphy, Samuel R., (Antebellum Homes in Eutaw TR)*, 1150 Mesopotamia St. (04/02/82)
Eutaw and vicinity, *Perkins, William, House (Antebellum Homes in Eutaw TR)*, 89 Spencer St. (04/02/82)
Eutaw and vicinity, *Pippen, Littleberry, House (Antebellum Homes in Eutaw TR)*, 431 Springfield St. (04/02/82)
Eutaw and vicinity, *Reese, Edwin, House (Antebellum Homes in Eutaw TR)*, 244 Wilson Ave. (04/02/82)
Eutaw and vicinity, *Rogers, William A., House (Antebellum Homes in Eutaw TR)*, 1149 Mesopotamia St.(04/02/82)
Eutaw and vicinity, *Schoppert, Phillip, House (Antebellum Homes in Eutaw TR)*, 230 Prairie St. (04/02/82)
Eutaw and vicinity, *Vaughan, Iredell P., House (Antebellum Homes in Eutaw TR)*, 409 Wilson St. (04/02/82)
Eutaw and vicinity, *Webb, William Peter, House (Antebellum Homes in Eutaw TR)*, 401 Main St. (04/02/82)
Eutaw and vicinity, *White, Asa, House (Antebellum Homes in Eutaw TR)*, 314 Mesopotamia St. (04/02/82)
Eutaw and vicinity, *Wilson, Catlin, House (Antebellum Homes in Eutaw TR)*, 237 Wilson Ave. (04/02/82)
Eutaw and vicinity, *Wright, Daniel R., (Murphy-Dunlop House) (Antebellum Homes in Eutaw TR)*, 501 Pickens St. (04/02/82)

Jackson County

Scottsboro, *Brown-Proctor House*, 208 S. Houston St. (09/16/82)
Scottsboro, *Public Square Historic District*, Roughly bounded by Appletree, Andrews, Willow and Caldwell Sts. (04/15/82)

Jefferson County

Bessemer, *Owen, Dr. Thomas McAdory, House (Kartus-Vance House)*, 510 N. 18th St. (01/21/82)
Birmingham, *Crittenden Building*, 1914 3rd Ave., N. (12/30/81)
Birmingham, *Downtown Birmingham Historic District*, Roughly bounded by 1st and 3rd Aves., 20th and 25th Sts. (02/11/82)
Birmingham, *Empire Building*, 1928 1st Avenue N (03/19/82)
Birmingham, *Fourth Avenue Historic District*, 4th Ave., 17th and 18th Sts. (02/11/82)
Birmingham, *Kress, S. H., and Company*, 3rd Ave. and 19th St. (01/04/82)
Birmingham, *Rhodes Park (Highland Avenue) Historic District*, Roughly bounded by S. 10th, S. 13th and Highland Aves. S. 28th and S. 30th Sts. (04/15/82)
Birmingham, *Whilldin Building* 513–517 21st St. N. (03/25/82)

Lauderdale County

Florence, *Coffee High School (Appleby School)*, 319 Hermitage Dr. (02/04/82)
Florence, *Coulter, George, House*, 420 S. Pine St. (01/21/82)
Florence, *Martin, James, House*, 1400 Cypress Mill Rd (12/09/81)

Limestone County

Athens, *Old Athens, Alabama Main Post Office*, 310 W. Washington St. (02/18/82)

Belle Mina vicinity, *Woodside*, SW of Belle Mina (02/19/82)
Mooresville vicinity, *Cave Place*, AL 20 (02/19/82)

Madison County

Huntsville vicinity, *Flint River Place*, 1997 Jordan Rd. (01/18/82)
Huntsville vicinity, *McCrary House*, NE of Huntsville (06/01/82)
Huntsville vicinity, *Steger House (Dr. Howard Place)* 3141 Maysville Rd. (06/01/82)
Huntsville, *Kildare-McCormick House*, 2005 Kildare St. (07/15/82)
Huntsville, *Phelps-Jones House*, 6112 Pulaski Pk. (02/19/82)
Huntsville, *Robinson, Mrs. William, House*, 401 Quietdale Dr. (02/04/82)
Huntsville, *Vaught House*, 701 Ward Ave. (12/15/81)
Meridianville vicinity, *Otey, William Madison, House*, S of Meridianville (01/19/82)
New Market, *Whitman-Cobb House*, Winchester Rd. (01/18/82)

Mobile County

Mobile, *Common Street District*, 959–1002 Dauphin St. and 7–19 Common St. (02/04/82)
Mobile, *Lower Dauphin Street Historic District*, Dauphin St. from Water to Dearborn Ave. (02/19/82)
Mobile, *Miller-O'Donnell House*, 1102 Broad St. (02/19/82)
Mobile, *Tschiener House (Damus School)*, 1120 Old Shell Rd. (01/18/82)

Montgomery County

Montgomery, *Bell Building*, 207 Montgomery St. (12/15/81)
Montgomery, *Court Square Historic District*, 21–35 Court St., 1–2 Dexter Ave., 18–24 N. Court St. and Court Sq. (03/01/82)
Montgomery, *Lower Commerce Street Historic District*, Roughly bounded by RR tracks, N. Court, Commerce, and Bibb Sts. (02/25/82)
Montgomery, *Pastorium, Dexter Avenue Baptist Church*, 309 S. Jackson St. (03/10/82)
Montgomery, *Pepperman House*, 17 Mildred St. (03/01/82)
Montgomery, *Sayre Street School*, 506 Sayre St. (02/19/82)
Mount Meigs, *Grace Episcopal Church*, Pike Rd. (02/19/82)

Morgan County

Decatur vicinity, *Westview*, S of Decatur (01/18/82)

Pickens County

Aliceville vicinity, *Ball, Parks E., House*, NW of Aliceville (01/18/82)

St. Clair County

Ashville, *Bothwell, Dr. James J., House*, Hartford Ave. (02/04/82)

Sumter County

Gainesville, *Mobley, Col. Green G., House*, Webster and Pearl Sts. (01/18/82)

ALASKA

Aleutian Islands Division

Ruby, *Ruby Roadhouse*, Olson St. (05/20/82)

Anchorage Division

Eklunta, *Alex, Mike, Cabin*, Off AK 1 (09/08/82)
Wasilla, *Wasilla Community Hall*, 215 Main St. (09/08/82)

Cordova-McCarthy Division

Cordova, *Red Dragon Historic District (AHRS #COR-170)*, Lake Ave. (08/31/82)

Fairbanks Divesion

Fairbanks vicinity, *Chena Pumphouse*, Chena Pump Rd. (03/17/82)
Fairbanks, *Davis, Mary Lee, House*, 410 Cowles St (08/31/82)

Juneau Division

Juneau, *Davis, J. M., House* (AHRS Site No. JUN–078), 202 6th St. (08/31/82)

Ketchikan Division

Ketchikan, *Burkhart-Dibrell House (AHRS Site No. KET-111)*, 500 Main St. (09/08/82)
Ketchikan, *Walker-Broderick House (AHRS Site No. KET-138)*, 541 Pine St. (08/31/82)

Matanuska-Susitna Division

Talkeetna, *Fairview Inn (AHRS Site TAL 006)*, Main St. (05/07/82)

ARIZONA

Coconino County

Grand Canyon National Park, *Grand Canyon Inn and Campground*, North Rim (09/02/82)
Grand Canyon National Park, *Grand Canyon Lodge*, North Rim on Bright Angel Point (09/02/82)
Grand Canyon National Park, *Grand Canyon North Rim Headquarters*, North Rim (09/02/82)

Graham County

Safford, *Graham County Courthouse*, 800 Main St. (05/25/82)

Maricopa County

Chandler, *San Marcos Hotel*, 1 San Marcos Pl. (04/29/82)
Mesa, *Scott, Robert, House*, 2230 E. Grandview St. (07/08/82)
Peoria, *Central School*, 10304 N. 83rd Ave. (05/12/82)
Phoenix, *First Baptist Church*, 302 W. Monroe St. (02/08/82)
Phoenix, *Hotel Westward Ho*, 618 N. Central Ave. (02/19/82)
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave. (03/25/82)
Phoenix, *Ong's, Jun, Market*, 1110 E. Washington St. (07/08/82)
Phoenix, *Phoenix Union High School Historic District*, 512 E. Van Buren (07/15/82)
Scottsdale, *Titus, Frank, House*, 1310 N. Hayden Rd. (05/13/82)
Wickenburg, *Garcia School*, Yavapai St. and US 89 (04/01/82)

Navajo County

Snowflake, *Stinson-Flake House*, Freeman Ave and Stinson St. (03/10/82)

Pima County

Tucson, *Hotel Heidel*, 345 Toole Ave. (07/15/82)
Tucson, *Smith, Professor George E.P., House*, 1195 E. Speedway (06/03/82)

Yavapai County

Prescott, *Goldwater, Henry, House*, 217 E. Union St. (03/25/82)
Prescott, *Sisters of Mercy Hospital Convent*, 220 Grove Ave. (02/19/82)

ARKANSAS

Ashley County

Crossett, *Wiggens Cabin*, City Park (09/30/82)

Baxter County

Norfolk vicinity, *Old Joe (Rock Art Sites in Arkansas TR)*, (05/04/82)

Benton County

Rogers, *Applegate Drugstore*, 116 1st St. (06/23/82)

Bentonville County

Bentonville, *Terry Block Building*, 101—103 N. Main St. (05/13/82)

Clark County

Arkadelphia vicinity, *Hudson-Jones House*, E of Arkadelphia on SR 2 (09/30/82)

Clay County

Piggott, *Pfeiffer House and Carriage House*, 10th and Cherry Sts. (06/10/82)

Columbia County

Magnolia, *Longino, Dr. H.A., House*, 317 W. Main St. (06/14/82)
Magnolia, *Turner, Kate, House*, 709 W. Main St. (06/28/82)

Conway County

Oppelo vicinity, *Grotto, Petit Jean No. 8 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Hardison Shelter, Petit Jean No. 3 (Rock Art Sites in Arkansas TR*, (05/04/82)
Oppelo vicinity, *Indian Cave, Petit Jean No. 1 (Rock Art Sites in Arkansas TR*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 10 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 11 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 4 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 5 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 6 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 7 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Petit Jean No. 9 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Oppelo vicinity, *Rockhouse Cave, Petit Jean No. 2 (Rock Art Sites in Arkansas TR)*, (05/04/82)
Rudy vicinity, *High Rock Petroglyph Shelter (High Rock No. 2) (Rock Art Sites in Arkansas TR)*, (05/04/82)

Crittenden County

West Memphis, *Dabbs Store*, 1320 S. Avalon (05/17/82)

Drew County

Monticello, *Hardy, Robert Lee, House*, 207 S. Main St. (04/26/82)

Franklin County

Ozark, *Franklin County Jail*, 3rd and River Sts. (06/23/82)

Independence County

Batesville, *Warner, Capt. John T., House*, 822 E. College St. (09/02/82)
Desha vicinity, *Wyatt Petroglyphs (Rock Art Sites in Arkansas TR)*, (05/04/82)
Salado vicinity, *Goff Petroglyph Site (Rock Art Sites in Arkansas TR), (05/04/82)*

Jefferson County

Pine Bluff, *Lee, R. E., House*, 1302 W. 2nd Ave. (06/06/82)

Johnson County

Clarksville vicinity, *King's Canyon Petroglyhs (Rock Art Sites in Arkansas TR)*, (05/04/82)
Clarksville vicinity, *Serpent Cave (Rock Art Sites in Arkansas Tr)*, (05/04/82)

Lonoke County

Lonoke, *Lonoke County Courthouse*, N. Center St. (06/06/82)

Madison County

Kingston, *Bank of Kingston*, 101 Public Sq. (03/25/82)

Marion County

Summit vicinity, *Sunburst Shelter (Rock Art Sites in Arkansas TR)*, (05/04/82)

Miller County

Texarkana,, *Bottoms House*, 500 Hickory (06/06/82)
Texarkana, *Foulke, Claude, House*, 501 Pecan St. (04/22/82)
Texarkana, *Garrison, Augustus M. House*, 600 Pecan St. (03/25/82)

Pope County

Dover vicinity, *Crow Mountain Petroglyph (Rock Art Sites in Arkansas TR), (05/04/83)*

Prairie County

Des Arc, *Frith-Plunkett House*, 8th and Main Sts. (06/10/82)

Pulaski County

Little Rock, *LaFayette Hotel*, 525 S. Louisiana St. (09/30/82)
Little Rock, *Peoples Building & Loan Building*, 213–217 W. 2nd St. (09/02/82)
Little Rock, *Taborian Hall*, 9th and State Sts. (04/29/82)
Little Rock, *Terminal Warehouse Building*, 500 E. Markham St. (04/29/82)

Searcy County

Snowballs vicinity, *Cooper's Bluff (Jacobs's Rock) (Rock Art Sites in Arkansas TR)*, (05/04/82)

Sharp County

Evening Shade, *Cochran Store (Evening Shade MRA)*, Main St. (06/02/82)
Evening Shade, *Coger House (Evening Shade MRA)*, Main St. (06/02/82)
Evening Shade, *Davidson, Sam, House (Evening Shade MRA)*, Cammack St. (06/02/82)
Evening Shade, *Edwards, W. A., House (Evening Shade MRA)*, Main St. (06/02/82)
Evening Shade, *McCaleb, John, House (Evening Shade MRA)*, Main St. (06/02/82)
Evening Shade, *Metcalf House (Evening Shade MRA)*, Gin Dr. (06/02/82)
Evening Shade, *Shaver, Charles W., House (Evening Shade MRA)*, Court St. (09/30/82)
Evening Shade, *Shaver, John W., House (Evening Shade MRA)*, Main St. (06/02/82)
Evening Shade, *Stokes House (Evening Shade MRA)*, Cammack St. (06/02/82)
Evening Shade, *Wilkerson House (Evening Shade MRA)*, Sidney Rd. (06/02/82)

Stone County

Fox vicinity, *Fox Pictograph (Rock Art Sites in Arkansas TR), (05/04/82)*
Mountain View vicinity, *Pictograph Cave (Rock Art Sites in Arkansas TR)*, (05/4/82)

Union County

El Dorado, *Bank of Commerce*, 200 N. Washington St. (03/25/82)

Van Buren County

Shirley vicinity, *Edgemont Shelter (Indian Rock House) (Rock Art Sites in Arkansas TR)*, (05/04/82)
Shirley vicinity, *Lynn Creek Shelter (Rock Art Sites in Ardansas TR), (05/04/82)*

Washington County

Fayetteville, *Hemingway House and Barn*, 3310 Old Missouri Rd. (06/12/82)
Fayetteville, *Jackson House*, 1500 Mission Hwy. (AR 45) (06/17/82)
Fayetteville, *Mount Nord Historic District*, Mount Nord Ave. (09/16/82)

Yell County

Dardanelle, *Kimball House*, 713 N. Front St. (06/23/82)

CALIFORNIA

Alameda County

Alameda, *Masonic Temple and Lodge*, 1329–31 Park St. and 2312 Alameda Ave. (03/25/82)
California Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Doe Memorial Library (Berkeley, University of California MRA), Oxford St. (03/25/82)
Durant Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Faculty Club (Berkeley, University of California MRA), Oxford St. (03/25/82)
Founders' Rock (Berkeley, University of California MRA), Oxford St. (03/25/82)
Giannini Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Hearst Greek Theatre (Berkeley, University of California MRA), Oxford St. (03/25/82)
Hearst Gymnasium for Women (Berkeley, University of California MRA), Oxford St. (03/25/82)
Hearst Memorial Mining Building (Berkeley, University of California MRA), Oxford St. (03/25/82)
Hilgard Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
North Gate Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Sather Gate and Bridge (Berkeley, University of California MRA), Oxford St. (03/25/82)
Sather Tower (Berkeley, University of California MRA), Oxford St. (03/25/82)
South Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
University House (Berkeley, University of California MRA), Oxford St. (03/25/82)
Wellman Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Wheeler Hall (Berkeley, University of California MRA), Oxford St. (03/25/82)
Alameda, *Alameda Free Library*, 2264 Santa Clara Ave. (06/25/82)
Alameda, *Park Street Historic Commercial District*, Roughly bounded by Oak St., Park, Lincoln, and Encinal Aves. (05/12/82)
Albany, *Peterson House*, 1124 Talbot Ave. (03/11/82)
Berkeley, *Berkeley Public Library*, 2090 Kittredge St. (06/25/82)
Berkeley, *College Women's Club*, 2680 Bancroft Way (01/21/82)
Berkeley, *Corder Building, (Whitecotton Building and Witter Building)*, 2300–2350 Shattuck Ave. (01/11/82)
Berkeley, *First Unitarian Church*, 2401 Bancroft Way (12/10/81)
Berkeley, *Fox Court*, 1472–1478 University Ave. (02/04/82)
Berkeley, *Garfield Intermediate School*, 1414 Walnut St. (06/14/82)
Berkeley, *Haviland Hall*, University of California Campus (02/01/82)
Berkeley, *Masonic Temple*, 2105 Bancroft Way and 2295 Shattuck Ave. (07/15/82)
Berkeley, *Tupper and Reed Building*, 2275 Shattuck Ave. (01/21/82)
Fremont, *Washington Union High School*, 38442 Fremont Blvd. (10/05/81)
Oakland, *Madison Park Apartments*, 100 9th St. (04/01/82)
Oakland, *McCrea House*, 3500 Mountain Blvd. (02/11/82)
Oakland, *Security Bank and Trust Company Building (Key System Building)*, 1000 Broadway (07/28/82)
Oakland, *Trinity Church*, 525 29th St. (02/04/82)
San Leandro, *Casa Peralta*, 384 W. Estudillo Ave. (01/04/82)

Amador County

Jackson, *Depue, Grace Blair, House and Indian Museum*, 215 Court St. (05/07/82)

Butte County

Chico, *Chapman, A. H., House*, 250 E. 12th St. (01/28/82)
Chico, *St. John's Episcopal Church*, 230 Salem St. (01/21/82)
Magalia, *Magalia Community Church*, Stirling Hwy. (01/11/82)
Oroville, *Lee, Fong, Company*, (03/11/82)

El Dorado County

Placerville, *Confidence Hall*, 487 Main St. (01/04/82)

Fresno County

Coalinga, *Coalinga Polk Street School*, S. 5th and E. Polk Sts. (05/06/82)
Fresno, *Maulbridge Apartments*, 2344 Tulare St. (05/06/82)
Fresno, *Rehorn House*, 1050 S St. (01/06/82)

Fresno, *Romain, Frank, House*, 2055 San Joaquin St. (01/11/82)

Glenn/Butte Counties

Hamilton City, *Glanella Bridge*, CA 32 (07/08/82)

Humboldt County

Bald Hills, Archeological District, (07/09/82)
Arcata, *Jacoby Building*, 791 8th St. (06/17/82)
Eureka, *Bank of Eureka Building*, 240 E St. (04/12/82)
Eureka, *Eureka Inn*, 7th and F Sts. (02/11/82)
Eureka, *Humboldt Bay Woolen Mill (Eureka Woolen Mills)*, 1400 Broadway (06/25/82)
Ferndale, *Rectory, Catholic Church of the Assumption*, 563 Ocean Ave. (02/11/82)
Fortuna, *Gushaw-Mudgett House*, 820 Ninth St. (01/11/82)

Imperial County

Plaster City vicinity, *Yuha Basin Discontiguous District*, S of Placer City (05/24/82)

Inyo County

Bishop vicinity, *Laws Narrow Gauge Railroad Historic District*, NE of Bishop (10/01/82)

Joaquin County

Woodbridge, *I.O.O.F Hall (Independent Order of Odd Fellows)*, Main St. (04/22/82)

Kern County

Shafter, *Santa Fe Passenger and Freight Depot*, 150 Central Valley Hwy. (01/19/82)

Kings County

Hanford, *Hanford Carnegie Library*, 109 E. 8th St. (12/17/81)

Los Angeles County

Saddle Rock Ranch Pictograph Site (4–LAN–717), (02/12/82)
Claremont, *Atchison, Topeka, and Santa Fe Railroad Station*, 110 W. 1st St., (07/15/82)
Hollywood, *Whitley Heights Historic District*, Roughly bounded by Franklin, Highland, Cahuenga, and Fairfield Aves. (06/19/82)
Los Angeles, *Colonial House*, 1416 N. Havenhurst Dr. (04/15/82)
Los Angeles, *Congregation B'nai B'rith*, 3663 Wilshire Bld. (12/21/81)
Los Angeles, *Garfield Building*, 403 W. 8th St. (06/25/82)
Los Angeles, *Golden Gate Theater*, 5170–5188 E. Whittier Blvd. (02/23/82)
Los Angeles, *Venice Canal Historic District*, consists of public right of way of Carroll, Linnie, Howland, Sherman, Eastern Canals, and that portion between Canal St. and Grand Canal (06/30/82)
Pasadena, *Bowen Court*, 539 E. Villa St. (06/17/82)
Pasadena, *Haskett Court*, 824–834 E. California Blvd. (02/25/82)
Pasadena, *Hotel Green*, 99 S. Raymond Ave. (03/23/82)
Pasadena, *Longfellow-Hastings House*, 85 S. Allen Ave. (03/02/82)
Pasadena, *Newcomb House*, 675–677 N. El Molino Ave. (09/02/82)
Pasadena, *South Marengo Historic District*, S. Marengo Ave. (06/02/82)
Pedro, *Battery, John Barlow, and Saxton*, Fort MacArthur (05/04/82)
Pomona, *Pomona Fox Theater*, 102–144 3rd St. (02/19/82)
South Pasadena, *South Pasadena Historic District*, Roughly bounded by Mission and El Centro Sts., and Fairview and Meridian Aves. (07/21/82)

Marin County

Belvedere, *Rey, Valentine, House*, 428 Golden Gate Ave. (04/22/82)
San Rafael, *McNear, Erskine, B., House*, 121 Knight Dr. (01/11/82)

Mariposa County

Coulterville, *Coulterville Main Street Historic District*, Main St. (03/12/82)

Merced County

Merced, *Kaehler-Rector House*, 408 W. 25th St. (01/04/82)
Merced, *Leggett, Thomas H., House*, 346 W. 21st St.. (07/08/82)

Monterey County

Pacific Grove, *Trimmer Hill*, 230 6th St., (06/28/82)
Salinas, *Krough House*, 146 Central Ave. (01/18/82)
Salinas, *Nesbitt, Sheriff William Joseph, House*, 66 Capitol St. (02/19/82)

Napa County

Calistoga, *Mount View Hotel*, 1457 Lincoln Ave. (04/12/82)
Napa vicinity, *Kreuzer Ranch*, 167 Kreuzer Lane (02/11/82)
Napa, *Alexandria Hotel and Annex*, 840–844 Brown St. (01/11/82)
Napa, *Old Napa Register Building*, 1202 1st St. (02/19/82)
St. Helena vicinity, *Larkmead Winery*, NW of St. Helena at 1091 Larkmead Lane (02/01/82)
St. Helena, *Taylor, Duckworth and Company Foundry Building*, 1345 Railroad Ave. (01/21/82)
St. Helena, *William Tell Saloon and Hotel*, 1228 Spring St. (05/07/82)
Yountville, *Groezinger Wine Cellars*, 6525 Washington St. (02/04/82)
Yountville, *Webber, John Lee, House*, 6610 Webber St. (01/19/82)

Nevada County

Truckee, *Kruger House*, 10292 Donner Pass Rd. (06/17/82)

Orange County

Orange, *Plaza Historic District*, Roughly bounded by Maple and Almond Aves., Orange and Olive Sts. (03/19/82)
San Juan Capistrano, *Yorba, Domingo Adobe and Casa Manuel Garcia*, 31781 Camino Capistrano (02/04/82)
Santa Ana, *Builders Exchange Building*, 202–208 N. Main St. (04/29/82)
Santa Ana, *Walkers Orange County Theater*, 308 N. Main St. (02/19/82)

Placer County

Newcastle vicinity, *Newcastle Portuguese Hall*, Taylor Rd. (03/25/82)

Riverside County

Blythe vicinity, *McCoy Spring Petroglyphs*, (05/10/82)
Riverside, *Old YMCA Building*, 3425 7th St. (01/28/82)

Sacramento County

Sacramento, *I Street Bridge*, CA 16 (also Yolo County) (04/22/82)
Folsom, *Cohn House*, 305 Scott St. (01/21/82)
Folsom, *Folsom Depot*, 200 Wool St. (02/19/82)
Sacramento, *Goethe House*, 3731 T St. (02/19/82)
Sacramento, *Greene, John T., House*, 3200 H St. (04/15/82)
Sacramento, *Howe, Edward P., Jr., House*, 2215 21st St. (02/19/82)
Sacramento, *Kuchler Row*, 608–614 10th St. (06/25/82)
Sacramento, *Libby McNeil and Libby Fruit and Vegetable Cannery*, 1724 Stockton Blvd. (03/02/82)
Sacramento, *Mesick House*, 517 8th St. (01/21/82)
Sacramento, *Ruhstaller Building*, 900 J St. (01/21/82)
Sacramento, *Sacramento Bank Building*, 3418 Broadway (01/21/82)

San Benito County

San Juan Bautista, *Rozas House*, 31 Polk St. (04/12/82)
San Juan Bautista, *Wilcox, Benjamin, House*, 315 The Alameda (02/19/82)

San Bernardino County

Baker vicinity, *Aiken's Wash National Register District*, E of Baker (05/24/82)
Barstow vicinity, *Rodman Mountains Petroglyphs Archeological District*, (05/10/82)
Johannesburg vicinity, *CA–SBr–1008A, CA–SBr–1008B, CA–SBr–1008C*, (05/24/82)
Ontario, *Ontario State Bank Block*, 300 S. Euclid Ave. (01/08/82)

San Diego County

San Diego, *Hawthorne Inn*, 2121 First Ave. (03/30/82)
San Diego, *Ruiz-Alvarado Ranch Site (Rancho Penasquitos)*, Penasquitos Valley Regional Park (01/22/82)

San Francisco County

San Francisco, *Fillmore-Pine Building*, (01/11/82)
San Francisco, *Griffing's, Frederick, Ship*, Battery St. (02/01/82)
San Francisco, *Pioneer Woolen Mills and D. Ghirardelli Company*, 900 N. Point St. (04/29/82)
San Francisco, *St. Joseph's Church and Complex*, 1401–1415 Howard St. (01/15/82)
San Francisco, *St. Paulus Lutheran Church*, 999 Eddy St. (02/11/82)
San Francisco, *Trinity Presbyterian Church*, 3261 23rd St. (03/02/82)

San Joaquin County

Lockford, *Locke's Meat Market*, 13480 CA 88 (02/19/82)
Stockton, *Sperry Office Building*, 146 W. Weber Ave. (02/19/82)
Tracy vicinity, *Ohm, John, House*, 31524 S. Kasson Rd. (02/04/82)
Woodbridge, *I.O.O.F. Hall (Independent Order of Odd Fellows)*, Main St. (04/22/82)

Stockton, *Holt, Benjamin, House*, 548 Park St. (03/02/82)

San Luis Obispo County

Archeological Site 4–SLO–834, (02/25/82)

San Mateo County

Burlingame, *Kohl Mansion (The Oaks)*, 2750 Adeline Dr. (02/03/82)
Pescadero vicinity, *Dickerman Barn*, Cabrillo Hwy. (01/11/82)
Pescadero, *Methodist Episcopal Church of Pescadero*, 108 San Gregorio St. (03/10/82)

Santa Barbara County

Santa Barbara, *Faith Mission*, 409 State St. (01/11/82)
Santa Barbara, *St. Vincent Orphanage and School Building*, 925 De La Vina St. (06/02/82)

Santa Clara County

Gilroy, *Christian Church of Gilroy*, 160 5th St. (04/01/82)
Gilroy, *Holloway, Edgar, House*, 7539 Eigleberry St. (01/28/82)
Gilroy, *Live Oak Creamery*, 88 Martin St. (03/11/82)
Palo Alto, *Dunker House*, 420 Maple St. (02/19/82)
San Jose, *Building at 27–29 Fountain Alley*, 27–29 Fountain Alley (03/02/82)
San Jose, *De Anza Hotel*, 233 W. Santa Clara St. (01/21/82)
San Jose, *Roma Bakery*, 655 Almaden Ave. (01/21/82)
San Jose, *Troy Laundry*, 722 Almaden Ave. (01/28/82)
Santa Clara, *Landrum, Andrew J., House*, 1219 Santa Clara St. (02/19/82)
Santa Clara, *Lick, James, Mill*, 305 Montague Expwy. (03/02/82)

Santa Cruz County

Santa Cruz, *Bank of Santa Cruz County*, 1502 Pacific Ave. (03/15/82)
Santa Cruz, *Cope Row Houses*, 412–420 Lincoln St. (01/28/82)

Siskiyou County

Macdoel, *Hotel Macdoel*, Montezuma Ave. and Mt. Shasta St. (02/11/82)

Sonoma County

Cloverdale, *Pinschower, Simon, House*, 302 N. Main St. (02/25/82)
Santa Rosa, *Cnopius House*, 726 College Ave. (04/12/82)

Tehama County

Red Bluff, *Saint Mary's Parish*, 515 Main St. (02/04/82)

Tulare County

Springville, *Elster, C. A., Building*, CA 190 and Tule River Dr. (03/25/82)
Visalia, *Bank of Italy Building*, 128 E. Main St. (04/01/82)

Tuolumne County

Sonora, *Cady House*, 72 N. Norlin St. (02/25/82)

Ventura County

Ventura, *Franz, Emmanuel, House*, 31 N. Oak St. (06/25/82)

Yolo County

Woodland, *Beamer, R. H., House*, 19 3rd St. (06/02/82)
Woodland, *I.O.O.F. Building*, 723 Main St. (02/25/82)

Yolo and Sacramento Counties

Sacramento, *Tower Bridge*, CA 275 across the Sacramento River, (06/24/82)

Yuba County

Marysville, *Hart Building*, 423–425 4th St. (01/28/82)

COLORADO

Boulder County

Boulder, *Williams, Wilbur, House*, 1434 Baseline Rd. (06/03/82)

Denver County

Denver, *Building at 1389 Stuart Street (West Colfax TR)*, (07/19/82)
Denver, *Building at 1390 Stuart Street (West Colfax TR)*, (07/19/82)
Denver, *Building at 1435 Stuart Street (West Colfax TR)*, (07/19/82)
Denver, *Building at 1444 Stuart Street (West Colfax TR)*, (07/19/82)
Denver, *Building at 1471 Stuart Street (West Colfax TR)*, (07/19/82)
Denver, *Chapel No. 1 (5 DV 193)*, Reeves St. on Lowry AFB (05/06/82)
Denver, *Chappell, Delos Allen, House (5DV320)*, 1555 Race St. (06/03/82)
Denver, *Dow-Rosenzweig House*, 1129 E. 17th Ave. (06/03/82)
Denver, *St. Joseph's Roman Catholic Church of Denver*, 600 Galapago (06/03/82)
Denver, *Sterns House*, 1030 Logan St. (06/03/82)
Denver, *Union Warehouse*, 1514 17th St. (06/03/82)
Denver, *Zang Barn and Stable Rocky Mountain Hotel*, 2283 and 2301–7th St. (06/07/82)

Eagle County

Basalt vicinity, *Archeological Site 5EA484*, (05/10/82)

El Paso County

Colorado Springs, *City Hall of Colorado City*, 2902 W. Colorado Ave. (06/03/82)
Colorado Springs, *St. Mary's Catholic Church*, 26 W. Kiowa St. (06/03/82)

Larimer County

Estes Park vicinity, *Rocky Mountain National Park Utility Area Historic District*, Beaver Meadows Entrance Rd. (03/18/82)
Loveland, *Colorado and Southern Railway Depot*, 405 Railroad Ave. (06/14/82)

Logan County

Sterling, *First United Presbyterian Church (First Presbyterian Church)*, 130 S. 4th St. (06/03/82)
Sterling, *I and M Building*, 223 Main St. (06/03/82)
Sterling, *St. Anthony's Roman Catholic Church*, 329 S. 3rd St. (06/03/82)

Mesa County

Clifton, *Clifton Community Center and Church*, F and Main St. (06/03/82)

Montrose County

Montrose, *Denver and Rio Grande Depot*, 20 N. Rio Grande Ave. (06/03/82)
Montrose, *Montrose City Hall*, 433 S. 1st St. (06/03/82)

Morgan County

Brush, *All Saints Church of Eben Ezer*, 120 Hospital Rd. (06/03/82)

Pueblo County

Pueblo, *Galligan House*, 501 Colorado Ave. (06/03/82)
Pueblo, *Gast Mansion*, 1801 Greenwood St. (06/03/82)

Teller County

Florissant vicinity, *Hornbek House*, SR 1 (12/08/81)

CONNECTICUT

Fairfield County

Bridgeport, *Bishop, William D., Cottage Development Historic District*, Cottage Pl., and Atlantic, Broad, Main and Whiting Sts. (06/28/82)
Bridgeport, *Division Street Historic District*, Roughly bounded by State St., Iranistan, Black Rock and West Aves. (06/03/82)
Bridgeport, *Fairfield County Courthouse*, 172 Golden Hill St. (01/21/82)
Bridgeport, *Marina Park Historic District*, Marina Park, Park and Waldemere Aves. (04/27/82)
Bridgeport, *Seaside Institute*, 299 Lafayette Ave. (06/14/82)
Bridgeport, *Seaside Park*, Long Island Sound. (07/01/82)
Fairfield, *Birdcraft Sanctuary*, 314 Unquowa Rd. (06/23/82)
Newton, *Glover House*, 50 Main St. (02/11/82)
Newton, *New York Belting and Packing Co.*, 45–71 and 79–89 Glen Rd. (06/02/82)
Redding, *Barlow, Aaron, House*, Umpawaug Rd. (04/29/82)
Ridgefield, *Branchville Railroad Tenement*, Old Main Highway. (06/12/82)
Ridgefield, *Keeler Tavern (Benjamin Hoyt House, Ridgefield Hotel, Cannonball House*, 132 Main St. (04/29/82)
Stamford, *Davenport, Deacon John, House*, 129 Davenport Ridge Rd. (04/29/82)
Stamford, *Marion Castle, Terre Bonne*, 1 Rogers Rd., (07/01/82)
Stamford, *Curtis, Nathaniel, House*, 600 Housatonic Ave. (04/15/82)
Westport, *Town Hall*, 90 Post Rd. E. (05/18/82)
Wilton, *Sloan-Raymond-Fitch House*, 249 Danbury Rd. (04/29/82)

Hartford County

Bloomfield, *Gillette, Francis, House*, 511 Bloomfield Ave. (03/25/82)
Bristol, *Beleden House*, 50 Bellvue Ave. (03/15/82)
Bristol, *Terry-Hayden House*, 125 Middle St. (03/25/82)
Burlington vicinty, *Wiard, John, House*, CT 4 (03/25/82)
Burlington, *Treadwell House*, George Washington Tpke. (04/27/82)
East Granby, *Phelps, Ezekiel, House*, 38 Holcomb St. (02/25/82)

East Hartford, *Benmont, Makens, House*, 307 Burnside Ave. (03/25/82)
East Hartford, *First Congregational Church of East Hartford and Parsonage*, 829–837 Main St. (03/25/82)
Farmington, *Cowles, General George, House*, 130 Main St. (05/11/82)
Granby, *Holcomb, Nathaniel, III, House*, 45 Bushy Hill Rd. (04/29/82)
Hartford, *Capen-Clark Historic District*, Capen, Clark, Elmer, Barbour, Martin, and Main Sts. (04/27/82)
Hartford, *Charter Oak Place*, (Boundary increase) 1–3 Charter Oak Pl. (05/12/82)
Hartford, *Children's Village of the Hartford Orphan Asylum*, 1680 Albany Ave. (06/28/82)
Hartford, *Dillion Building*, 69–71 Pratt St. (02/11/82)
Hartford, *Fourth Congregational Church*, Albany Ave. and Vine St. (04/12/82)
Hartford, *Hartford Seminary Foundation*, 55 Elizabeth St. and 72–120 Sherman St. (06/22/82)
Hartford, *House at 140 and 144 Retreat Avenue*, 140 and 144 Retreat Ave. (02/25/82)
Hartford, *Isham-Terry House*, 211 High St. (02/11/82)
Hartford, *Little Hollywood Historic District*, Farmington Ave., Owen, Frederick and Denison Sts. (04/29/82)
Hartford, *Mather Homestead*, 2 Mahl Ave. (04/29/82)
Hartford, *Northam Memorial Chapel and Gallup Memorial Gateway*, 453 Fairfield Ave. (06/29/82)
Hartford, *Pomeroy, Arthur G., House*, 490 Ann St. (02/04/82)
Hartford, *U.S. Post Office and Federal Building*, 135–149 High St. (10/19/81)
Hartford, *Washington Street School*, 461 Washington St. (02/19/82)
Hartford, *Webster Memorial Building*, 36 Trumbull St. (04/12/82)
Manchester, *Burnham, Edward L., Farm*, 580 Burnham St. (04/12/82)
Newington, *Kelsey, Enoch, House*, 1702 Main St. (06/28/82)
Rocky Hill, *Rocky Hill Congregational Church*, 805–817 Main St. (05/07/82)
Suffield vicinity, *Fuller, John, House*, 463 Halliday Ave. (03/15/82)
Suffield vicinity, *King's Field House*, 827 North St. (03/11/82)
Suffield, *Gothic Cottage*, 1425 Mapelton Ave. (02/25/82)
Warehouse Point, *St. John's Episcopal Church*, 93 Main St. (04/27/82)
Windsor, *Mills, Oliver W., House*, 148 Deerfield Rd. (02/19/82)

Litchfield County

Bethehem, *Bellamy, Joseph, House*, N. Main and West Sts. (04/12/82)
Canaan, *Holobird House*, Kellog Rd., corner of Rte. 128 (06/28/82)
New Milford, *Schoverling, Carl F., Tobacco Warehouse*, 1 Wellsville Ave. (06/28/82)
New Milford, *United Bank Building*, 19–21 Main St. (04/12/82)
Norfolk, *Braman Camp (Taylor, Alfredo, S. G., TR)*, Doolittle Lake. (08/02/82)
Norfolk, *Farnam House (Taylor, Alfredo, S. G., TR)*, Litchfield Rd. (08/02/82)
Norfolk, *Gould House (Taylor, Alfredo, S. G., TR)*, Golf Dr. (08/02/82)
Norfolk, *Hillside (Taylor, Alfredo, S. G., TR)*, Litchfield Rd. (08/02/82)
Norfolk, *Mead Camp (Taylor, Alfredo, S. G., TR)*, Doolittle Lake. (08/02/82)
Norfolk, *Moss Hill (Taylor, Alfredo, S. G., TR)*, Litchfield Rd. (08/02/82)
Norfolk, *Norfolk Country Club House (Taylor, Alfredo, S. G., TR)*, Golf Dr. (08/02/82)
Norfolk, *Rectory and Church of the Immaculate Conception (Taylor, Alfredo, S. G., TR)*, North St. (08/02/82)
Norfolk, *Rockwell House (Taylor, Alfredo, S. G., TR)*, Laurel Way, W. (08/02/82)
Norfolk, *Shepard, John, House (Taylor, Alfredo, S. G., TR)*, Shepard Park Rd. (08/02/82)
Norfolk, *Starling, Childs Camp (Taylor, Alfredo, S. G., TR)*, Dollittle Lake (08/02/82)
Norfolk, *Stoeckel, Robbins, House (Taylor, Alfredo, S. G., TR)*, Litchfield Rd. (08/02/82)
Salisbury, *Scoville Memorial Library*, Main St. (04/29/82)
Sharon, *Gov. Smith Homestead*, South Main St. (03/25/82)
Sharon, *Sharon Valley Historic District*, Jct. of Sharon Valley and Sharon Station Rds. (09/09/82)
Thomaston, *Hose and Hook and Ladder Truck Building*, Main St. (01/04/82)
Torrington, *Alldis, James, House*, 355 Prospect St. (04/15/82)
Winsted, *Winsted Green National Register Historic District*, 86 Main St. (boundary increase) (04/29/82)

Middlesex County

Cromwell, *Sage-Kirby House*, 93 Shunpike Rd. (04/29/82)
Essex, *Steamboat Dock Site*, Main St. (04/01/82)
Ivorvton, *Comstock-Cheney Hall*, Main and Summit Sts. (04/15/82)
Middletown, *Highland Historic District*, Atkins St. and Country Club Rd. (06/28/82)
Middletown, *Hubbard, Nehemiah, House*, Laurel Grove Rd and Wadsworth St. (05/11/82)
Middletown, *Middletown Alms House*, 53 Warwick St. (04/29/82)
Middletown, *Pledger, Jacob, House*, 717 Newfield St. (03/15/82)
Middletown, *Russell, Edward Augustus, House*, 318 High St. (04/29/82)
Middletown, *Saint Luke's Home for Destitute and Aged Women*, 135 Pearl St. (04/29/82)
Middletown, *U.S. Post Office*, 291 Main St. (04/12/82)
Old Saybrook, *Dudley, Jedidiah, House*, Springbrook Rd. (04/12/82)
Old Saybrook, *Tully, William, House*, 135 N. Cove Rd. (03/15/82)

New Haven County

Derby, *Wood, Harcourt, Memorial Library*, 313 Elizabeth St. (01/04/82)
East Haven, *First Congregational Church of East Haven*, 251 Main St. (03/25/82)
Hamden vicinity, *Farmington Canal Lock No. 13*, Brooksvale Ave. (05/06/82)
Hamden, *Dickerman II, Jonathan, House*, 105 Mt. Carmel Ave. (04/15/82)
Madison, *Allis-Bushnell House*, 853 Boston Post Rd. (02/25/82)
Madison, *Madison Green Historic Distict*, 446–589 Boston Post Rd and structures surrounding the green (06/28/82)
Madison, *Murray, Jonathan, House*, 76 Scotland Rd. (04/12/82)
Middlebury vicinity, *Tranquillity Farm*, W of Middlebury on CT 64 (09/23/82)
Middlebury, *Bronson, Josiah, House*, Breakneck Hill Rd. (02/25/82)
Seymour, *Sanford-Humphreys House*, 61–63 West St. (05/11/82)
Wallingford, *Parsons, Samuel, House*, 180 S. Main St. (04/12/82)
Waterbury, *Abbott, George S., Building (Wheeler and Wilson Building)*, 235–247 N. Main St. (06/14/82)
Waterbury, *Kendrick, John, House*, 119 W. Main St. (04/12/82)
Waterbury, *Webster School*, Easton Ave. at Aetna St. (06/14/82)
Waterbury, *Wilby High School*, 260 Grove St. (06/14/82)
Wolcott, *Southwest District School (Woodtick School) (Stone School)*, 155 Nichols Rd. (04/12/82)

New London County

Colchester, *Bacon Academy*, S. Main St. (04/27/82)
Ledyard, *Bill, Gurdon, Store*, 15 Church Hill Rd. (04/12/82)
Lisbon, *Lathrop-Mathewson-Ross House*, Ross Hill Rd. (04/15/82)
Montville vicinity, *Raymond-Bradford Homestead*, Raymond Hill Rd. (04/16/82)
New London, *Harris, Jonathan Newton, House*, 130 Broad St. (04/27/82)
New London, *Huntington Street Baptist Church (First Universalist Meetinghouse)*, 29 Huntington St. (04/12/82)
New London, *Woodworth, Nathan A., House*, 28 Channing St. (06/01/82)
Norwich, *Buckingham, William A., House*, 307 Main St. (04/29/82)
Old Lyme, *Peck Tavern*, 1 Sill Lane. (04/12/82)
Salem, *Fish, Abel H., House*, Buckley Hill and Rathbun Hill Rds. (03/02/82)

Tolland County

Coventry, *Brigham's Tavern*, 12 Boston Tpke. (03/25/82)
Coventry, *Capron-Phillips House*, 1129 Main St. (04/27/82)
Coventry, *Parker-Hutchinson Farm*, Parker Bridge Rd. (04/29/82)
Hebron, *Post, Augustus, House*, 4 Main St. (06/28/82)
Somers, *Somers Historic District*, Main and Battle Sts., Bugbee Lane, and Springfield Rd., (09/23/82)
Tolland, *Cady, John, House*, 464 Mile Hill Rd. (04/12/82)

Windham County

Brooklyn vicinity, *Putnam Farm*, Spaulding Rd. (03/11/82)
Brooklyn, *Brooklyn Green Historic District*, CT 169, 205, and 6, Wolf Den, Brown, Prince Hill, and Hyde Rds. (09/23/82)
Canterbury, *Wheeler, Jonathan, House*, N. Society Rd. (02/11/82)
East Killingly vicinity, *Elliottville Lower Mill*, Peep Toad Rd. (04/15/82)

Hampton, *Hampton Hill Historic District*, Main St., Old Route 6, Cedar Swamp Rd. (09/23/82)
Willimantic, *Main Street Historic District*, 21–65 Church St.; 967–1009 Main St.; 24–28 N. St.; and 20–22 Walnut St. (06/28/82)
Willimantic, *Willimantic Freight House and Office*, Bridge St. (06/14/82)

DELAWARE

Kent County

Felton vicinity, *Coombe Historic District*, W of Felton on DE 12 and SR 281 (04/08/82)
Leipsic, *Fennimore Store (Leipsic and Little Creek MRA)*, Main, Lombard, and Front Sts. (05/24/82)
Leipsic, *Sipple House (Leipsic and Little Creek MRA)*, Denny and Front Sts. (05/24/82)
Little Creek, *Woodley, Jonathan, House (Leipsic and Little Creek MRA)*, Main St. (05/24/82)
Little Creek, *Little Creek Methodist Church (Leipsic and Little Creek MRA)*, Main St. (05/24/82)
Little Creek, *Stubbs, Elizabeth, House (Leipsic and Little Creek MRA)*, Main St. (05/24/82)
Magnolia, *Lowber, Matthew, House*, Main St. (Move approved April 9, 1982) (04/09/82)
Milford vicinity, *Archeological Site No. 7K–F–4 and 23*, (06/03/82)
Milford, *Lofland, Peter, House (Milford MRA)*, 417 N. Walnut St. (04/22/82)
Milford, *Milford New Century Club (Milford MRA)*, 6 S. Church Ave. (04/22/82)
Milford, *Watson, Gov. William T., Mansion (Milford MRA)*, 600 N. Walnut St. (04/22/82)

New Castle County

Claymont, *Ivyside Farm*, 1301 Naaman's Rd. (01/04/82)
Delaware City vicinity, *Chelsea (Red Lion Hundred MRA)* DE 9 (04/08/82)
Delaware City vicinity, *Fairview (Red Lion Hundred MRA)*, US 13 (04/08/82)
Kirkwood, vicinity, *Dragon Run Farm (Red Lion Hundred MRA)*, McCoy Rd. (04/08/82)
Kirkwood vicinity, *Old Cann Mansion House (Red Lion Hundred MRA)*, DE 71 (04/08/82)
Kirkwood vicinity, *Point Farm (R.T. Cann House) (Red Lion Hundred MRA)*, US 301 South (04/08/82)
Kirkwood, *Correll's Farm and Lawn Supply (Red Lion Hundred MRA)*, DE 71 (04/08/82)
Kirkwood, *Old Post Ofice (Red Lion Hundred MRA)*, Kirkwood and St. Georges Rd. (04/08/82)
Middletown vicinity, *Hanson, B. F., House*, W of Middletown (04/27/82)
New Castle vicinity, *New Castle Ice Piers*, (02/04/82)
Newark, *Aetna Hose, Hook and Ladder Company Fire Station No. 2 (Newark MRA)*, 31 Academy St. (05/07/82)
Newark, *Aetna Hose, Hook and Ladder Company, Fire Station No. 1 (Newark MRA)*, 26 Academy St. (05/07/82)
Newark, *Bailey House (Newark MRA)*, 166 W. Main St. (05/07/82)
Newark, *Building at 140 W. Main Street (Newark MRA)*, 140 Main St. (05/07/82)
Newark, *Building at 28–34½ Academy Street (Newark MRA)*, 28–34½ Academy St. (05/07/82)
Newark, *Curtis Mansion (Newark MRA)*, W. Main St. (05/07/82)
Newark, *Curtis Paper Mill Workers' Houses (Newark MRA)*, Curtis Lane (05/07/82)
Newark, *Deer Park Hotel (Newark MRA)*, 108 W. Main St. (05/07/82)
Newark, *Evans, George, House (Newark MRA)*, 5 W. Main St. (05/07/82)
Newark, *Exchange Building (Newark MRA)*, 154–158 E. Main St. (05/07/82)
Newark, *Memorial Hall (Newark MRA)*, University of Delaware campus (05/07/82)
Newark, *Newark Opera House (Newark MRA)*, 95 E. Main St. (05/07/82)
Newark, *Newark Passenger Station (Newark MRA)*, S. College Ave. and Amtrak Conrail RR (05/07/82)
Newark, *Old First Presbyterian Church (Daugherty Hall) (Newark MRA)*, W. Main St. (05/07/82)
Newark, *Old Newark Comprehensive School (Newark MRA)*, 83 E. Main St. (05/07/82)
Newark, *St. John the Baptist Roman Catholic Church (Newark MRA)*, 200 E. Main St (05/07/82)
Newark, *St. Thomas Episcopal Church (Newark MRA)*, 21 Elkton Rd. (05/07/82)
Newark, *Wilmington Trust Company Bank (Newark MRA)*, 82 E. Main St. (05/07/82)
Newark, *Wright House (Newark MRA)*, 47 Kent Way (05/07/82)
Odessa, *Old St. Paul's Methodist Episcopal Church*, High St.(05/13/82)
St. Georges vicinity, *Bloomfield (Red Lion Hundred MRA)*, US 13 (04/08/82)
St. Georges vicinity, *Casperson, W., House (Red Lion Hundred MRA)*, Kirkwood Rd. (04/08/82)
St. Georges vicinity, *Linden Hill (Red Lion Hundred MRA)*, US 13 (04/08/82)
St. Georges vicinity, *St. Georges Cemetery Caretaker's House (Red Lion Hundred MRA)*, Kirkwood and St. Georges Rd. (04/08/82)
St. Georges vicinity, *Starl House (Red Lion Hundred MRA)*, US 13 (04/08/82)
St. Georges, *Vernacular Frame House (Red Lion Hundred MRA)*, Delaware St. (04/08/82)

Sussex County

Bridgeville vicinity, *Richards House–Linden Hall*, E of Bridgeville on US 13 (08/26/82)
Georgetown vicinity, *Short Homestead*, W of Georgetown at DE 526 and DE 529 (04/01/82)
Laurel vicinity, *Spring Garden*, NE of Laurel on Delaware Ave. (08/26/82)
Lewes vicinity, *Cool Spring Presbyterian Church*, W of Lewes on SR 247 (08/31/82)
Milford, *Carlisle House (Milford MRA)*, 205 S. Front St. (04/22/82)
Milford, *Draper House (Milford MRA)*, 200 Lakeview Ave. (04/22/82)
Milton, *Milton Historic District*, DE 5 (06/25/82)
Rehoboth Beach vicinity, *Dodd Homestead*, W of Rehoboth Beach on DE 1 (08/26/82)
Seaford, *Robinson, Jesse, House*, High Street (08/26/82)

DISTRICT OF COLUMBIA

Washington, *Potomac Palisades Site*, Off Foxhall Rd. and MacArthur Blvd. (04/15/82)

FLORIDA

Alachua County

Gainesville, *Dixie Hotel, Hotel Kelley*, 408 W. University Ave. (08/16/82)
Gainesville, *McKenzie, Mary Phifer, House*, 617 E. University Ave. (04/26/82)

Collier County

Naples, *Palm Cottage*, 137–12th Ave., S. (05/24/82)

Escambia County

Pensacola vicinity, *Fort Barrancas Historical District*, Pensacola Naval Air Station (06/08/82)
Pensacola, *Pensacola, Hospital*, N. 12th Ave. (02/16/82)
Pensacola, *San Carlos Hotel*, 1 N. Palafox St. (01/20/82)

Hillsborough County

Tampa, *Anderson-Frank House*, 341 Plant Ave. (04/22/82)

Jefferson County

Monticello, *Denham-Lacy House*, 555 Palmer Mill Rd. (05/06/82)

Monroe County

Sugarloaf Key, *Bat Tower/Sugarloof Key*, (05/13/82)

Orange County

Winter Park, *Brewer, Edward Hill, House*, 240 Triamen Terrace (04/22/82)

Polk County

Bartow, *Swearingen, John J., House*, 690 E. Church St. (05/13/82)

Santa Rosa County

Milton, *St. Mary's Episcopal Church and Rectory*, 300–301 Oak St. (05/06/82)

GEORGIA

Appling County

Baxley, *Deen, C. W., House*, 413 N. Main St. (09/30/82)

Banks County

Homer, *Banks County Jail*, Silver Sholas Rd. (07/26/82)

Ben Hill County

Fitzgerald, *Ben Hill County Jail (County Jails of Ben Hill, Berrien, Brooks, and Turner Counties TR)*, Pine St. (06/26/82)

Berrien County

Nashville, *Berrien County Jail (County Jails of Ben Hill, Berrien, Brooks, and Turner Counties TR)*, N. Jefferson St. (06/26/82)

Bibb County

Macon, *Cherokee Heights District*, Pio Nono, Napier, Inverness, and Suwanee Aves. (07/06/82)

Brantley County

Waynesville vicinity, *Mumford, Sylvester, House*, Off U.S. 84 (06/26/82)

Brooks County

Quitman, *Brooks County Jail (County Jails of Ben Hill, Berrien, Brooks, and Turner Counties TR)*, 200 S. Madison St. (06/26/82)

Quitman, *Quitman Historic District*, US 84 (07/08/82)

Bulloch County

Statesboro, *Joeckel Hotel*, 50 E. Main St. (06/17/82)
Statesboro, *McDougald, John A., House*, 121 S. Main St. (06/21/82)

Chatham County

Burroughs, *St. Bartholomew's Church*, Cheves Rd. (06/17/82)
Savannah, *Savannah Victorian District (Boundary Increase)*, bounded by Gwinnet, Anderson and 31st Sts. (05/20/82)
Tybee Island, *Fort Screven Historic District*, Tilton, Butler, Van Horn, Railroad and Alger Aves., and Pulaski Rd. (05/25/82)

Clarke County

Athens, *Parr, Calvin W., House*, 277 Bloomfield St. (09/09/82)

Coffee County

Douglas, *Pope, Lonnie A., House*, Jackson St. and Central of Georgia RR tracks (06/17/82)

Colquitt County

Moultrie vicinity, *Tucker, Henry Crawford, Log House and Farmstead*, Off GA 37 (07/26/82)
Moultrie, *Ashburn, W. W., House*, 609 1st Ave. (07/15/82)
Moultrie, *Carnegie Library of Moultrie*, 39 N. Main St. (07/15/82)
Moultrie, *Moultrie High School*, 7th Ave. (06/17/82)

Coweta County

Newnan, *Cole Town District*, Roughly bounded by Washington, Thompson, and Davis Sts., and Hooligan Alley (09/30/82)
Newnan, *Northwest Newnan Residential Historic District*, Roughly bounded by RR tracks, Jefferson, Cavender, Duncan, and Browns Sts. (05/28/82)

DeKalb County

Atlanta vicinity, *Cameron Court District*, E of Atlanta at Braircliff Rd. (09/30/82)
Atlanta, *Smith-Benning, House*, 520 Oakdale Rd., NE (06/28/82)
Decatur, *Pythagoras Lodge No. 41*, 136 E. Ponce de Leon Ave. (06/19/82)
Decatur, *Scottish Rite Hospital for Crippled Children*, 321 W. Hill St. (06/17/82)
Decatur, *Steele-Cobb House*, 2632 Fox Hills Dr. (06/17/82)

Dougherty County

Albany, *Albany Housefurnishing Company*, 226 W. Broad Ave. (06/17/82)
Albany, *Albany Railroad Depot Historic District*, E. Roosevelt Ave. (05/20/82)
Albany, *Carnegie Library of Albany*, 215 N. Jackson St. (07/15/82)
Albany, *New Albany Hotel*, 245 Pine St. (06/17/82)
Albany, *Rosenberg Brothers Department Store*, 126 N. Washington St. (06/19/82)

Early County

Jakin, *Harrell, Jane Donalson, House*, SR 1975 off U.S. 84 (06/17/82)

Effingham County

Guyton, *Guyton Historic District*, Bounded by city limits on the E, S, and W, and Alexander Ave., on the N (09/30/82)

Elbert County

Elberton, *Chandler, Asa, House*, 1003 Old Petersburg Rd. (06/22/82)
Elberton, *Elberton Commercial Historic District*, Church, Elbert, Oliver, and McIntosh Sts., and Public Sq. (05/20/82)
Elberton, *Elberton Residential Historic District*, Roughly bounded by Elbert, Oliver, Adams, Thomas, Edwards, and Heard Sts. (06/11/82)

Evans County

Hagan, *DeLoach, George W., House*, S. Railroad Ave., and Strickland St. (06/28/82)

Fannin County

Blue Ridge, *Blue Ridge Depot*, Depot St. (07/15/82)

Floyd County

Rome, *Battey, Dr. Robert, House*, 725 E. 2nd Ave. (06/17/82)

Fulton County

Atlanta, *Briarcliff Hotel (The 750)*, 1050 Ponce de Leon Ave. (09/09/82)
Atlanta, *Fairlie-Poplar Historic District*, Roughly bounded by Peachtree, Luckie, Cone, and Marietta Sts. (09/09/82)
Atlanta, *Farlinger*, 343 Peachtree St., NE (09/30/82)
Atlanta, *Glenridge Hall*, 6815 Glenridge Dr. (06/17/82)
Atlanta, *Omega Chapter of the Chi Phi Fraternity*, 720 Fowler St., NW (06/17/82)
Atlanta, *Temple, The*, 1589 Peachtree St. (09/09/82)
Atlanta, *Tyree Building*, 679 Durant Pl., NE (07/15/82)

Fulton, DeKalb Counties

Atlanta, *Atkins Park District*, St. Augustine, St. Charles, and St. Louis Pls. between N. Highland Ave. and Briarcliff Rd. (06/30/82)

Gordon County

Calhoun, *Calhoun Depot*, Between Court and Oothcalooga Sts. (06/28/82)

Gwinnett County

Lawrenceville vicinity, *Terrell, William, Homeplace*, E of Lawrenceville off US 29 (06/28/82)
Lawrenceville, *Ware, Clarence R., House*, 293 N. Perry St. (06/17/82)

Habersham County

Clarkesville, *Asbury, Henry, House (Clarkesville MRA)*, 211 E. Waters St. (06/18/82)
Clarkesville, *Baron-York Building (Clarkesville MRA)*, 714 N. Washington St. (06/18/82)
Clarkesville, *Church Furniture Store (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *Church, Cornelius House (Clarkesville MRA)*, 304 N. Washington St. (06/18/82)
Clarkesville, *Clarkesville Garage (Clarkesville MRA)*, 304 N. Washington St. (06/18/82)
Clarkesville, *Daes Chapel Methodist Church (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *Furr-Lambert House (Clarkesville MRA)*, 223 Grant St. (06/18/82)
Clarkesville, *Griggs-Erwin House (Clarkesville MRA)*, Bridge St. (06/18/82)
Clarkesville, *Hill, A.P., House (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *Jackson Building (Clarkesville MRA)*, 710 N. Washington St. (06/18/82)
Clarkesville, *Jackson Pharmacy(Clarkesville MRA)*, 712 N. Washington St. (06/18/82)
Clarkesville, *Lewis, J. A., House (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *Market Building (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *Mauldin House (Clarkesville MRA)*, 102 E. Water St. (06/18/82)
Clarkesville, *McMillan, Robert, House (Clarkesville MRA)*, Allen Lane (06/18/82)
Clarkesville, *McMillan-Garrison House (Clarkesville MRA)*, 403 S. Washington St. (06/18/82)
Clarkesville, *Porter-York House (Clarkesville MRA)*, Bridge St. (06/18/82)
Clarkesville, *Reeves Building (Clarkesville MRA)*, N. Washington St. (06/18/82)
Clarkesville, *South Washington Street Historic District (Clarkesville MRA)*, (06/18/82)
Clarkesville, *Washington-Jefferson Street Historic District (Clarkesville MRA)*, Washington, Jefferson, and Wilson Sts. between Green St. and Laurel Dr. (06/18/82)
Cornelia, *Cornelia Community House*, U.S. 123 at LaVista Lane (06/21/82)
Hollywood vicinity, *Acoa*, Mathis Rd. (06/22/82)

Hall County

Gainesville, *Candler Street School*, Candler St. (09/30/82)

Harris County

Hamilton, *Hamilton Baptist Church and Pastorium*, State Highway 116 and Clay St. (06/19/82)

Liberty County

Flemington, *Flemington Presbyterian Church*, Off Old Sunbury Rd. (06/17/82)

Lincoln County

Lincolnton, *Lamar-Blanchard House*, N. Washington and Ward Sts. (09/30/82)
Lincolnton, *Lincolnton Presbyterian Church and Cemetery*, N. Washington St. (06/28/82)

Lumpkin County

Dahlonega *Seven Oaks (Col. William P. Price House), 403 S. Park St. (07/15/82)*

Meriwether County

Greenville, *Hill, Burwell O., House*, La Grange St. (06/17/82)
Hogansville vicinity, *Phillips, William D., Log Cabin*, GA 54 (06/28/82)
Warm Springs vicinity, *Oakland*, GA 41 (06/28/82)

Murray County

Chatsworth, *Wright Hotel*, 201 E. Market St. (06/17/82)

Muscogee County

Columbus, *Hofflin & Greentree Building (Columbus MRA)*, 1128–1130 Broadway (09/30/82)

Pike County

Concord, *Strickland, R. F., Company*, Railroad and McLendon Sts. (08/26/82)

Rabun County

Mountain City vicinity, *York House*, N of Mountain City off US 23/441 (09/09/82)

Randolph County

Cuthbert, *Henderson, Fletcher, House*, 1016 Andrew St. (06/17/82)

Richmond County

Augusta, *Springfield Baptist Church*, 112 12th St. (06/17/82)
Augusta, *Meadow Garden—George Walton House*, 1230 Nelson St. (12/21/81) (NHL)

Rockdale County

Conyers, *Rockdale County Jail*, 987 Milstead Ave. (08/26/82)

Seminole County

Donaldsonville *Southeastern Holiness Institute (Chason's Hospital)*, 102 Hospital Circle (06/21/82)

Stephens County

Toccoa vicinity, *Riverside*, N of Toccoa on GA 3 (09/21/82)
Toccoa, *Walters-Davis House, 429 E. Tugalo St. (06/17/82)*

Stewart County

Lumpkin, *Armstrong House (Lumpkin, Georgia MRA)*, Broad St. (06/29/82)
Lumpkin, *Bush-Usher House (Lumpkin, Georgia MRA)*, E. Main St. (06/29/82)
Lumpkin, *Dr. Miller's Office (Lumpkin, Georgia MRA)*, E. Main St. (06/29/82)
Lumpkin, *East Main Street Residential Historic District (Lumpkin, Georgia MRA)*, E. Main St.(06/29/82)
Lumpkin, *Grier, Dr. R. L., House (Lumpkin, Georgia MRA)*, Broad St. (06/29/82)
Lumpkin, *Harrell, George Y., House (Lumpkin, Georgia MRA)*, Broad St. (06/29/82)
Lumpkin, *Irwin, Jared, House (Lumpkin, Georgia MRA)*, E. Main St. (06/29/82)
Lumpkin, *Lumpkin Commercial Historic District (Lumpkin, Georgia MRA)*, Main, Broad, Cotton, and Mulberry Sts. (06/29/82)
Lumpkin, *Mathis House (Lumpkin, Georgia MRA)*, E. Main St. (06/29/82)
Lumpkin, *Pigtail Alley Historic District (Lumpkin, Georgia MRA)*, Old Chestnut Rd. (06/29/82)
Lumpkin, *Rockwell, Stoddard, House (Lumpkin, Georgia MRA)*, Rockwell St. (06/29/82)
Lumpkin, *Second Methodist Church (Lumpkin, Georgia MRA)*, Mulberry St. (06/29/82)
Lumpkin, *Tucker, John A., House (Lumpkin, Georgia MRA)*, Florence St. (06/29/82)
Lumpkin, *Uptown Residential Historic District (Lumpkin, Georgia MRA)*, Broad and Main Sts. (06/29/82)
Lumpkin, *Usher House (Lumpkin, Georgia MRA)*, Florence St. (06/29/82)

Tattnall County

Reidsville, *Alexander Hotel*, 204 W. Brazell St. (06/17/82)

Taylor County

Reynolds, *Ricks, Ferdinand A., House*, S. Collins and E. Calhoun Sts. (06/17/82)

Terrell County

Bronwood, *Bronwood Caloboose*, GA 118 (06/22/82)
Dawson, *Dawson Woman's Clubhouse*, 311 6th Ave. (06/17/82)

Thomas County

Ochlocknee, *Anderson, D. B., and Company Building*, E. Railroad and Brayton Sts. (06/19/82)

Toombs County

Vidalia vicinity, *McLemore-Sharpe Farmstead*, SW of Vidalia on GA 130 (06/19/82)
Vidalia, *Brazell, Crawford W., House*, 607 Jackson St. (06/17/82)

Troup County

LaGrange, *College Home (Smith Hall)*, LaGrange College campus (06/28/82)
Mountville vicinity, *May-Boddie House*, GA 109 (06/28/82)

Turner County

Ashburn, *Turner County Jail (County Jails of Ben Hill, Berrien, Brooks, and Turner Counties TR)*, 200 College St. (06/26/82)

Twiggs County

Jeffersonville vicinity, *Chapman, John, Plantation*, SE of Jeffersonville on GA 96 (06/11/82)
Jeffersonville vicinity, *Wimberly Plantation*, Jeffersonville Rd., GA 96 (06/17/82)
Jeffersonville , *Richland Baptist Church*, Richland Rd. (06/22/82)

Walton County

Campton, *Harris, William, Family Farmstead*, GA 11, (06/22/82)
Monroe, *Walton Hotel*, Broad and Court Sts. (07/15/82)
Walnut Grove, *Brodnax, Samuel H., House*, GA 81 (06/17/82)

Whitfield County

Dalton., *Martin, William C., House*, 101 S. Selvidge St. (07/15/82)

Wilkinson County

Gordon, *Elam-Camp House*, 216 Jackson St. (06/17/82)

Worth County

Poulan, *Possum Poke*, US 82 (06/26/82)

HAWAII

Honolulu County

Honolulu, *Bishop, Bernice P., Museum*, 1355 Kalihi St. (07/26/82)
Honolulu, *Lihiwai*, 51 Kepola Pl. (07/26/82)
Honolulu, *Van Tassel, Ernest Shelton, House*, 3280 Round Top Dr. (12/16/81)
Makaha vicinity, *Ukanipo Heiau (Site 50–80–03–181)*, N. of Makaha on SR 90 (06/13/82)

Kauai County

Lihue, *Lihue Civic Center Historic District*, Off HI 50 (12/17/81)

Maui County

Kalaupapa, *U.S. Coast Guard Molokai Light*, (03/25/82)

IDAHO

Ada County

Boise, *Murphy, Daniel F., House*, 1606 N. 9th St. (05/17/82)

Bannock County

Pocatello, *Pocatello Historic District*, Roughly bounded by RR tracks, W. Fremont, W. Bonneville and Garfield Sts. (06/03/82)

Blaine County

Bellevue, *Bellevue Historic District*, Roughly bounded by U.S. 93, Cedar, 4th, and Oak Sts. (06/16/82)

Bonner County

Coolin vicinity, *Vinther and Nelson Cabin*, Eight Mile Island (07/21/82)
Sandpoint, *Tanner, Dan, House*, 602 N. 4th Ave. (07/15/82)

Canyon County

Caldwell, *Caldwell Historic District*, Roughly bounded by Railroad and Arthur Sts., 7th and 9th Aves. (07/19/82)
Caldwell, *Strahorn, Carrie Adell, Memorial Library*, College of Idaho (04/15/82)

Elmore County

Glenns Ferry, *Amustutz Apartments*, 320 S. Ada St. (09/23/82)

Idaho County

Riggins vicinity, *Aitken Barn*, SW of Riggins on US 95 (06/09/82)

Nez Perce County

Lewiston, *Garfield School*, 2912 5th Ave. (04/15/82)

Owyhee County

Wickahoney, *Wickahoney Post Office and Stage Station*, (05/27/82)

Valley County

McCall vicinity, *Elo School (Long Valley Finnish Structures TR)*, SE of ID 55 on Farm to Market Rd. (07/26/82)

ILLINOIS

Adams County

Quincy, *Newcomb, Richard F., House*, 1601 Maine St. (06/03/82)
Quincy, *Wood, Ernest M., Office and Studio*, 128 N. 8th St. (08/12/82)

Calhoun County

Michael, *Klunk, Michael, Farmstead*, (06/23/82)

Clark County

Marshall, *Lewis, John W., House*, 503 Chestnut St. (02/26/82)

Marshall, *Manly-McCann House*, 402 S. 4th St. (03/05/82)

Coles County

Charleston vicinity, *Airtight Bridge (Coles County Highway Bridges Over the Embarras River TR)*, NE of Charleston (11/30/81)
Charleston vicinity, *Blakeman Bridge (Coles County Highway Bridges Over the Embarras River TR)*, SE of Charleston (11/30/81)
Charleston vicinity, *Harrison St. Bridge (Coles County Highway Bridges Over the Embarras River TR)*, E of Charleston (11/30/81)
Charleston vicinity, *Stone Quarry Bridge (Coles County Highway Bridges Over the Embarras River TR)*, NE of Charleston (11/30/81)
Charleston, *Pemberton Hall and Gymnasium*, Lincoln Ave. and 4th St. (08/28/82)
Mattoon, *Unity Church*, 220 Western Ave. (03/19/82)
Oakland, *Rutherford, Dr. Hiram, House and Office*, 14 S. Pike St. (06/03/82)

Cook County

Berwyn, *Dunham, Arthur J., House*, 3131 S. Wisconsin Ave. (02/11/82)
Blue Island, *Young, Joshua P., House*, 2445 High St. (06/12/82)
Brookfield, *Grossdale Station*, 8820½ Brookfield Ave. (06/15/82)
Chicago Heights, *Bloom Township High School*, 10th St., Dixie Hwy. and Chicago Heights St. (06/03/82)
Chicago, *Griffiths, John W., Mansion*, 3806 S. Michigan Ave. (03/05/82)
Chicago, *Old Main Building*, 3235 W. Foster Ave. on North Park College Campus (02/11/82)
Chicago, *Railway Exchange Building*, 80 E. Jackson Blvd. and 224 S. Michigan Ave. (06/03/82)
Chicago, *Warner, Seth, House*, 631 N. Central Ave. (06/03/82)
Oak Park, *Masonic Temple Building*, 119–137 N. Oak Park Ave. (02/11/82)
Wilmette, *Bailey-Michelet House*, 1028 Sheridan Rd. (06/12/82)

DuPage County

West Chicago vicinity, *McAuley School District No. 27*, Roosevelt Rd. (06/03/82)

Fayette County

Vandalia, *First Presbyterian Church*, 301 W. Main St. (03/24/82)

Franklin County

Sesser, *Sesser Opera House*, 106 W. Franklin St. (03/12/82)

Greene County

Whitehall vicinity, *Tillery, Virginia, Round Barn (Round Barns in Illinois TR)*, W of Whitehall on CR 728 (06/26/82)

Henderson County

Oquawka, *Phelps, Alexis, House*, (04/28/82)

Henry County

Galva, *Galva Opera House (Blue Ribbon Temperance Hall)*, 334–348 Front St. (02/11/82)
Galva, *Johnson, Olof, House*, 406 NW 4th St. (02/11/82)

Jackson County

Murphysboro, *Hamilton, Robert W., House*, 203 S. 13th St. (03/05/82)

Jersey County

Chautauqua, *New Piasa Chautauqua Historic District*, Off McAdams Pkwy. (06/15/82)
Grafton vicinity, *Duncan Farm (Jy7)*, (06/24/82)

Kane County

Aurora, *Graham Building*, 33 S. Stolp Ave. (03/19/82)
Aurora, *Hotel Aurora*, 2 N. Stolp Ave. (06/03/82)
Aurora, *Masonic Temple*, 104 S. Lincoln Ave. (03/19/82)
Batavia vicinity, *Stearns-Wadsworth House*, 1 S 570 Bliss Rd. (03/19/82)
Batavia, *First Methodist Church of Batavia*, 355 1st St. (03/19/82)
Elgin, *Pelton, Ora, House*, 214 S. State St. (06/12/82)
Geneva, *North Geneva Historic District*, Roughly bounded by RR tracks, Fox River, Stevens and W. State Sts. (03/25/82)
St. Charles, *Weisel, Andrew, House*, 312 N. 2nd Ave. (02/26/82)

Kankakee County

Kankakee, *Swannell, Charles E., House*, 901 S. Chicago (06/03/82)

Lake County

Highland Park, *Adams, Mary W., House (Highland Park MRA)*, 1923 Lake Ave. (09/29/82)
Highland Park, *Beatty, Ross J., House (Halcyon hall) (Highland Park MRA)*, 344 Ravine Dr. (09/29/82)
Highland Park, *Beatty, Ross, House (Highland Park MRA)*, 1499 Sheridan Rd. (09/29/82)
Highland Park, *Braeside School (Highland Park MRA)*, 124 Pierce Rd. (09/29/82)
Highland Park, *Campbell, Albert, House (Highland Park MRA)*, 434 Marshman (09/29/82)
Highland Park, *Churchill, Richard, House (Highland Park MRA)*, 1214 Green Bay Rd. (09/29/82)
Highland Park, *Dubin, Henry, House (Highland Park MRA)*, 441 Cedar (09/29/82)
Highland Park, *Evert House (Highland Park MRA)*, 2667 Logan (09/29/82)
Highland Park, *Florsheim, Harold, House (Highland Park MRA)*, 650 Sheridan Rd. (09/29/82)
Highland Park, *Geyso, Mrs. Frank, Houses (Highland Park MRA)*, 450 and 456 Woodland Rd. (09/29/82)
Highland Park, *Granville-Mott House (Highland Park MRA)*, 80 Laurel Ave. (09/29/82)
Highland Park, *Hazel Avenue/Prospect Avenue Historic District (Highland Park MRA)*, St. Johns, Hazel, Dale, Forest, and Prospect Aves. (09/29/82)
Highland Park, *Highland Park Water Tower (Highland Park MRA)*, N of Central Green Bay Rd. (09/29/82)
Highland Park, *Holmes, Samuel, House (Highland Park MRA)*, 2693 Sheridan Rd. (09/29/82)
Highland Park, *Humer Building (Highland Park MRA)*, 1694 Sheridan Rd. (09/29/82)
Highland Park, *James, Jean Butz, Museum of the Highland Park Historical Society (Highland Park MRA)*, 326 Central Ave. (09/29/82)
Highland Park, *Lanzl, Haerman, House (Highland Park MRA)*, 1635 Linden (09/29/82)
Highland Park, *Lichtstern House (Highland Park MRA)*, 105 S. Deere Park Dr. (09/29/82)
Highland Park, *Maple Avenue/Maple Lane Historic District (Highland Park MRA)*, Maple Ave. and Maple Lane between St. Johns Ave. and Sheridan Rd. (09/29/82)
Highland Park, *Millard, George Madison, House (Highland Park MRA)*, 1689 Lake Ave. (09/29/82)
Highland Park, *Millard, Sylvester, House (Highland Park MRA)*, 1623 Sylvester Pl. (09/29/82)
Highland Park, *Obee House (Highland Park MRA)*, 1642 Green Bay Rd. (09/29/82)
Highland Park, *Pick, George, House (Highland Park MRA)*, 970 Sheridan Rd. (09/29/82)
Highland Park, *Ravinia Park Historic District (Highland Park MRA)*, Roughly bounded by Lambert Tree Ave., Sheridan Rd., St. Johns Ave., Rambler Lane, and Ravinia Park Ave. (09/29/82)
Highland Park, *Rosewood Park (Highland Park MRA)*, Roger Williams Ave. (09/29/82)
Highland Park, *Soule, C. S., House (Highland Park MRA)*, 304 Laurel Ave. (09/29/82)
Lake Forest, *Armour, J. Ogden, House*, 1500 W Kennedy Rd. (06/26/82
Libertyville, *Lewis, Lloyd, House*, 153 Little St. Mary's Rd. (06/15/82)

Lee County

Dixon, *Reagan's Ronald, Boyhood Home*, 816 S. Hennepin Ave. (03/26/82)
Dixon, *Van Epps, William H., House*, 212 S. Ottawa Ave. (02/11/82)

Livingston County

Pontiac vicinity, *Schultz, Raymond, Round Barn (Round Barns in Illinois TR)*, S of Pontiac off US 66 (06/26/82)

Madison County

Alton, *Middletown Historic District*, 3rd St. between Market and Piasa St. (Boundary increase) (09/16/82)
Alton, *Rutherford House*, 1006 Pearl St. (03/19/82)
Alton, *Yakel House and Union Brewery*, 1421–1431 Pearl St. (05/11/82)

McDonough County

Colchester vicinity, *Kleinkopf, Clarence, Round Barn (Round Barns in Illinois TR)*, N of Colchester (06/26/82)

McHenry County

McHenry, *Count's House*, 3803 Waukegan (06/03/82)

McLean County

Ellsworth vicinity, *Bane, Warren, Site (M1–5)*, (03/19/82)

Mercer County

Aledo, *Mercer County Courthouse*, SE 3rd St. (IL 17) (06/17/82)

Peoria County

Bartonville, *Peoria State Hospital*, Ricketts Ave. and U.S. 24 (02/17/82)
Peoria, *Gale, Judge Jacob, House*, 403 NE Jefferson St. (03/19/82)
Peoria, *Peoria Cordage Company*, (03/19/82)
Peoria, *Peoria Mineral Springs (Springs Hill)*, 701 W. 7th Ave. (03/05/82)
Peoria, *Pere Marquette Hotel*, 501 Main St. (08/12/82)

Randolph County

Sparta, *Sparta Historic District*, S. St. Louis, W. 3rd and S. James Sts. (06/03/82)

Rock Island County

Rock Island, *Rock Island Lines Passenger Station*, 3029 5th Ave. (06/03/82)
Rock Island, *Stauduhar House*, 1609 21st St. (03/05/82)

Sangamon County

Springfield, *Boult, H. P., House*, 1123 S. 2nd St. (06/03/82)
Springfield, *Bressmer-Baker, House*, 913 6th St. (06/29/82)
Springfield, *Hickox, Virgil, House*, 518 E. Capitol Ave. (03/05/82)

Tazewell County

Pekin, *Pekin Theatre*, 21–29 S. Capitol St. (08/12/82)

Whiteside County

Tampico, *Main Street Historic District*, S. Main St. (06/03/82)

Will County

Joliet, *Christ Episcopal Church*, 75 W. Van Buren St. (08/12/82)
Joliet, *Joliet Township High School*, 201 E. Jefferson St. (08/12/82)
Peotone, *Rathje, H. A., Mill*, 433 W. Corning Ave. (03/19/82)

Williamson County

Marion, *Allen, Willis, House*, 514 S. Market St. (02/11/82)

Winnebago County

Rockford, *Jacoby, Lysander, House*, 2 Jacoby Pl. (03/05/82)
Rockford, *Svea Music Hall*, 328 7th St. (03/19/82)

INDIANA

Adams County

Decatur, *Bowers, John S., House*, 104 Marshall St. (03/05/82)

Allen County

Fort Wayne, *Bass, John H., Mansion (Brookside)* 2701 Spring St. (06/02/82)
Fort Wayne, *Saint Paul's Evangelical Lutheran Church*, 1126 Barr St. (03/1/82)

Cass County

Logansport, *Kendrick-Baldwin House*, 706 E. Market St. (09/09/82)

Dearborn County

Lawrenceburg, *Hamline Chapel, United Methodist Church*, High and Vine Sts. (09/09/82)

Decatur County

Westport vicinity, *Westport Covered Bridge*, E. of Westport (06/25/82)

Dekalb County

Auburn, *Eckhart Public Library and Park*, 603 S. Jackson St. (11/20/81)

Delaware County

Muncie, *Johnson, J. C., House* 322 E. Washington (07/15/82)
Muncie, *Roberts Hotel*, 420 S. High St. (07/15/82)

Dubois County

Ireland vicinity, *Shiloh Meeting House and Cemetery*, SE of Ireland on 150 North Rd. (07/29/82)

Fayette County

Bentonville vicinity, *Lowry, William, House*, Kniese Rd. (02/11/82)
Connersville vicinity, *Longwood Covered Bridge*, W of Connersville (12/29/81)

Floyd County

Bridgeport vicinity, *Farnsley, Gabriel, House*, N of Bridgeport off IN 111 (09/23/82)

Franklin County

Brookville vicinity, *Shafer, Joseph, Farm*, NE of Brookville on Flinn Road (06/26/82)

Fulton County

Akron vicinity, *Prill School*, NW of Akron (12/10/81)

Grant County

Marion, *Grant County Jail and Sheriff's Residence*, 215 E. 3rd St. (06/17/82)

Hancock County

Greenfield, *Greenfield High School*, North and Pennsylvania Sts. (04/22/82)

Huntington County

Huntington vicinity, *LaFolier, Madame Margaret, House*, W of Huntington on U.S. 24 (02/19/82)
Huntington, *Taylor-Zent House*, 715 N. Jefferson St. (02/11/82)

Jackson County

Seymour vicinity, *Sand Hill Archeological Site 12/62*, (09/07/81)

Jasper County

Wheatfield vicinity, *Independence Methodist Church*, SE of Wheatfield (03/05/82)

Jefferson County

Hanover, *Hendricks, Thomas A., Library*, College Dr. (Campus Rd.) (02/26/82)

Johnson County

Franklin, *Herriott House*, 696 N. Main St. (07/15/82)

Knox County

Vincennes vicinity, *Fort Knox II Site*, N of Vincennes (03/24/82)

Kosciusko County

Warsaw, *Warsaw Courthouse and Jail Historic District*, Bounded by Center, N. Lake, Main, and Indiana Sts. (03/01/82)

Lake County

Hobart, *Hobart Carnegie Library*, 706 E. 4th St. (07/15/82)

Lawrence County

Williams vicinity, *Williams Bridge*, SW of Williams (11/09/81)

Marion County

Indianapolis, *Fletcher Place Historic District*, Roughly bounded by RR tracks, 165–70, East St. and Virginia Ave. (02/01/82)
Indianapolis, *Glossbrenner, Alfred M., Mansion*, 3202 N. Meridian St. (02/19/82)
Indianapolis, *Graham, William H. H., House*, 5432 University Ave. (07/15/82)
Indianapolis, *Indianapolis Wholesale District*, Roughly bounded by Capitol Ave., Maryland, Delaware and South Sts. (07/14/82)
Indianapolis, *Lombard Building*, 22–28 E. Washington St. (06/01/82)
Indianapolis, *Marott Hotel*, 2625 N. Meridian St. (06/25/82)
Indianapolis, *Meier, George Philip, House*, 3128 N. Pennsylvania St. (09/23/82)
Indianapolis, *Merchants National Bank and Annex*, 11 S. Meridian St. and 7 Washington St. (02/19/82)
Indianapolis, *Roberts Park Methodist Episcopal Church*, 401 N. Delaware St. (08/19/82)
Indianapolis, *Thompson, William N., House*, 4343 N. Meridian St. (06/01/82)

Monroe County

Bloomington, *Abel, Elias, House*, 317 N. Fairview St. (02/19/82)
Ellettsville vicinity, *St. John's Lutheran Church, Old Dutch Church Rd.* (06/29/82)

Montgomery County

Crawfordsville, *Elston, Col. Isaac C., House*, 400 E. Wabash Ave. (04/15/82)
Crawfordsville, *Lane, Henry S., House*, 212 S. Water St. (11/23/81)

Owen County

Spencer, *Spencer Town Hall and Fire Station*, 84 S. Washington St. (08/19/82)

Porter County

Chesterton vicinity, *Weller House*, 1200 North Rd. (04/22/82)
Valparaiso, *Immanuel Lutheran Church*, 308 N. Washington St. (02/19/82)

Ripley County

Napoleon, *Central House*, IN 229 (09/23/82)

Rush County

Rushville, *Durbin Hotel*, 137 W. 2nd St. (02/19/82)

Shelby County

Waldron vicinity, *Cooper-Alley House*, S of Waldron (07/07/82)

St. Joseph County

South Bend, *Chapin Park Historic District*, Roughly bounded by St. Joseph River, Main, Madison, Rex, Lindsay and William Sts., Leland and Portage Aves. (02/04/82)

Steuben County

Fremont, *Michael, Enos, House*, 200 E. Toledo St. (02/19/82)

Sullivan County

Merom, *Union Christian College*, 3rd and Philip Sts. (06/25/82)

Switzerland County

Vevay, *Old Hoosier Theatre*, Cheapside and Ferry Sts. (03/01/82)

Tippecanoe County

Lafayette, *Falley Home*, 601 New York St. (07/15/82)
Lafayette, *Temple Israel*, 17 S. 7th St. (02/19/82)
West Lafayette, *Pierce, James, Jr., House*, 4623 N., 140 W. (06/17/82)

Union County

Liberty, *Grove, Dr. John, House and Office*, 23–27 S. Market St. (02/11/82)

Vanderburgh County

Evansville, *Albion Flats (Downtown Evansville MRA)*, 701 Court St. (07/01/82)
Evansville, *American Trust and Savings Bank (Indiana Bank) (Downtown Evansville MRA)*, 524–530 Main St. (07/01/82)
Evansville, *Bacon, Hillary, Store (Woolworth's) (Downtown Evansville MRA)*, 527 Main St. (07/01/82)
Evansville, *Buckingham Apartments (Downtown Evansville MRA)* 314–316 SE 3rd St. (07/01/82)
Evansville, *Building at 223 Main Street (Downtown Evansville MRA)*, 223 Main St. (07/01/82)
Evansville, *Busse House (Downtown Evansville MRA)*, 120 SE 1st St. (07/01/82)
Evansville, *Cadick Apartments (Plaza Building) (Downtown Evansville MRA)*, 118 SE 1st St. (07/01/82)
Evansville, *Central Library (Downtown Evansville MRA)*, 22 SE 5th St. (07/01/82)
Evansville, *Citizens National Bank (Downtown Evansville MRA)*, 329 Main St. (07/01/82)
Evansville, *Court Building (Furniture Building) (Downtown Evansville MRA)*, 123–125 NW 4th St. (07/01/82)
Evansville, *Daescher Building (Downtown Evansville MRA)*, 12–12½ SE 2nd St. (07/01/82)
Evansville, *Eagles Home (Downtown Evansville MRA)*, 221 NW 5th St. (07/01/82)
Evansville, *Evansville Brewing Company (Downtown Evansville MRA)*, 401 NW 4th St. (07/01/82)
Evansville, *Evansville Journal News (Downtown Evansville MRA)*, 7–11 NW 5th St. (07/01/82)
Evansville, *Geiger, Fred, and Sons National Biscuit Company (Downtown Evansville MRA)*, 401 NW 2nd St. (07/01/82)
Evansville, *German Bank (Downtown Evansville MRA)*, 301–303 Main St. (07/01/82)
Evansville, *Harding and Miller Music Company (Downtown Evansville MRA)*, 518–520 Main St. (07/01/82)
Evansville, *Hose House No. 12*, 1409 First Ave. (06/17/82)
Evansville, *Hose House No. 10*, 119 E. Columbia St. (02/11/82)
Evansville, *Hutchinson, Andrew, House (Downtown Evansville MRA)*, 410 Fulton Ave. (07/01/82)
Evansville, *Independence Historic District*, W. Franklin St. and Wabash Ave. (02/01/82)
Evansville, *Indiana Bell Building (Downtown Evansville MRA)*, 129–133 NW 5th St. (07/01/82)
Evansville, *Ingle Terrace (Downtown Evansville MRA)*, 609–619 Ingle St. (07/01/82)
Evansville, *Kuehn, August, House (Downtown Evansville MRA)*, 608–610 Ingel St. (07/01/82)
Evansville, *Leich, Charles, and Company (Downtown Evansville MRA)*, 420 NW 5th St. (07/01/82)
Evansville, *Masonic Temple (Downtown Evansville MRA)*, 301 Chestnut St. (07/01/82)
Evansville, *McCurdy Hotel (Downtown Evansville MRA)*, 101–111 SE 1st St. (07/01/82)
Evansville, *Morris Plan (Central Union Bank) (Downtown Evansville MRA)*, 20 NW 4th St. (07/01/82)
Evansville, *National City Bank (Downtown Evansville MRA)*, 227 Main St. (07/01/82)
Evansville, *Newman, M. G., Building (Downtown Evansville MRA)*, 211–213 SE 4th St. (07/01/82)
Evansville, *Nienaber, Damron, Commercial Block (Downtown Evansville MRA)*, 325 SE 6th St. (07/01/82)
Evansville, *O'Donnell Building (Downtown Evansville MRA)*, 22 NW 6th St. (07/01/82)
Evansville, *Old Hose House No. 4 (Downtown Evansville MRA)*, 623 Ingle St. (07/01/82)
Evansville, *Orr Iron Company (Downtown Evansville MRA)*, 1100 Pennsylvania St. (07/01/82)
Evansville, *Parson and Scoville Building (Downtown Evansville MRA)*, 915 Main St. (07/01/82)
Evansville, *Puster, L., and Company Furniture Manufactory (Downtown Evansville MRA)*, 326 NW 6th St. (07/01/82)
Evansville, *Richardt, Patrick Henry, House (Downtown Evansville MRA)*, 213 NW 5th St. (07/01/82)
Evansville, *Rose Terrace (Downtown Evansville MRA)*, 301–313 NW 7th St. (07/01/82)
Evansville, *Salem's Baptist Church (Downtown Evansville MRA)*, 728 Court St. (07/01/82)
Evansville, *Schaeffer, Michael, House*, 118 E. Chandler Ave. (02/11/82)
Evansville, *Siegel's Department Store (Downtown Evansville MRA)*, 101–105 SE 4th St. (07/04/82)
Evansville, *Skora Building (Downtown Evansville MRA)*, 101–103 NW 2nd St. (07/01/82)
Evansville, *St. John's Evangelical Protestant Church (Downtown Evansville MRA)*, 314 Market St. (07/01/82)
Evansville, *Van Cleave Flats (Downtown Evansville MRA)*, 704–708 Court St. (07/01/82)
Evansville, *Victory Theater and Hotel Sonntag (Downtown Evansville MRA)*, 600–614 Main St. (07/01/82)
Evansville, *Wabash Valley Motor Company (Downtown Evansville MRA)*, 206–208 SE 8th St. (07/01/82)
Evansville, *Walnut Street School (Downtown Evansville MRA)*, Walnut and 9th Sts. (07/01/82)
Evansville, *YMCA (Downtown Evansville MRA)*, 118 Vine St. (07/01/82)
Evansville, *YMCA (Downtown Evansville MRA)*, 203 NW 5th ST. (07/01/82)
Evansville, *Zion Evangelical Church (Downtown Evansville MRA)*, 415 NW 5th St. (07/01/82)

Vigo County

Terre Haute, *Collett Park*, N. 7th St. and Maple Ave. (12/10/81)

Wabash County

North Manchester, *North Manchester Covered Bridge*, S. Mill St. at Eel River (09/30/82)
North Manchester, *North Manchester Planning and Band Saw Mill (J.A. Browne Co. Mill)*, 705 W. Main St. (mill), (houses) 706–708 W. Grant St. and 202 N. High St. (03/05/82)

Wayne County

Richmond, *Murray Theater*, 1003 Main St. (03/25/82)

White County

Monticello, *Reynolds, James Culbertson, House*, 417 N. Main St. (06/17/82)

IOWA

Boone County

Madrid, *Cassel, Carl and Ulrika Dalander, House*, 415 W. 2nd St. (04/12/82)

Cedar County

West Branch, *Gruwell and Crew General Store, 109 W. Main St. (09/09/82)*

Cerro Gordo County

Clear Lake, *Elks-Rogers Hotel*, 223 Main Ave. (06/21/82)
Clear Lake, *Rogers-Knutson House*, 315 N. 3rd St. (09/09/82)
Mason City, *Kirk, The*, 206 North Federal Ave. (04/12/82)

Clayton County

McGregor, *Reynolds, Joseph "Diamond Jo", Office Building and House*, A and Main Sts. (02/19/82)

Des Moines County

Burlington, *Church of St. John the Baptist*, 712 Division St. (02/26/82)
Burlington, *Jagger-Churchill House*, 201 Spring St. (03/05/82)

Dubuque County

Dubuque, *Central High School*, 1500 Locust St. (09/16/82)
Dubuque, *Dredge William M. Black*, E. 2nd St. (04/12/82)

Hamilton County

Webster City, *Webster City Post Office*, 801 Willson Ave. (07/06/82)

Henry County

Salem, *Lewelling, Henderson, House*, W. Main St. (06/21/82)

Howard County

Riceville, *Fellows, James C., House*, Main St. (06/21//82)

Iowa County

Millersburg, *Baird, E.J., House*, Jackson and Fremont Sts. (02/25/82)

Johnson County

Iowa City, *Carson, Thomas C., House*, 906 E. College St. (09/09/82)
Iowa City, *Letovsky-Rohret House*, 515 East Davenport St. (04/12/82)

Jones County

Wyoming, *Caulkins, Dr. Martin H., House and Office*, Washington and Main Sts. (03/05/82)

Keokuk County

Thornburg vicinity, *Bruce Goldfish Fisheries*, E of Thornburg off IA 22 (09/20/82)

Lee County

Fort Madison, *Schlapp, George E., House*, 639 Avenue C (02/04/82)

Linn County

Cedar Rapids, *Douglas, George B., House*, 800 2nd Ave. SE. (09/09/82)
Marion, *Mentzer, Joseph P., House*, 2233 3rd Ave. (04/12/82)
Mt. Vernon vicinity, *Beach School*, NW of Mt. Vernon off US 30 (09/16/82)

Madison County

Earlham, *Earlham Public School*, 809 Main St. (06/02/82)

Mahaska County

Oskaloosa vicinity, *Voorhees, John K., House*, NW of Oskaloosa on IA 163 (03/05/82)

Polk County

Des Moines, *Case, Larnerd, House*, 3111 Easton Blvd. (06/21/82)
Des Moines, *Cummins, Albert baird, House*, 2404 Forest Dr. (06/30/82)
Des Moines, *Homestead Building*, 303 Locust St. (03/05/82)
Des Moines, *Hotel Fort Des Moines*, 10th and Walnut Sts. (09/16/82)

Pottawattamie County

Council Bluffs, *Reverend Little's Young Ladies Seminary*, 541 6th Ave. (02/04/82)

Scott County

Davenport, *Central Fire Station*, 331 Scott St. (04/22/82)
Davenport, *Davenport City Hall*, 226 West 4th St. (04/22/82)
Davenport, *Hillside*, 1 Prospect Dr. (02/04/82)
Davenport, *Iowa Soldiers' Orphans' Home*, 2800 Eastern Ave. (04/26/82)
Pleasant Valley, *Spencer, Roswell, House*, Off U.S. 67 (04/22/82)
Riverdale, *Brown, James, House*, 424 State St. (03/05/82)

Story County

Ames, *Marston Water Tower*, Iowa State University Campus (05/27/82)

Winneshiek County

Decorah vicinity, *Jacobson Farm*, SE of Decorah on Rt. 1 (06/14/82)

Woodbury County

Sioux City, *Badgerow Building*, 622 4th St. (03/24/82)
Sioux City, *Franz, Margaretta, House*, 215 Kansas St. (06/21/82)
Sioux City, *Spencer, Knapp, Warehouse*, 3rd and Nebraska Sts. (06/21/82)

Wright County

Dows, *Exchange Building*, Ellsworth St. (04/12/82)

KANSAS

Anderson County

Garnett, *Shelley-Tipton House*, 812 W. 4th St. (05/06/82)

Atchison County

Atchison, *Benedictine College North Campus Historic Complex*, 2nd and Division Sts. (03/17/82)

Bourbon County

Fort Scott vicinity, *Marmaton Bridge*, 1 mile NE of Fort Scott (05/11/82)

Comanche County

Archeological Site Number 14CM305 (Big Gyp Cave) (Kansas Rock Art TR), (07/09/82)

Dickinson County

Abilene, *Old Belle Springs Creamery and Produce Building*, Court and Cottage Sts. (04/12/82)
Chapman vicinity, *Prospect Park Farm*, SE of Chapman (02/19/82)

Douglas County

Lawrence, *Stephens, Judge Nelson T., House*, 340 N. Michigan St. (02/19/82)
Lawrence, *Taylor, Lucy Hobbs, Building*, 809 Vermont (02/19/82)

Ellis County

Hays, *Madden Elevator*, 117 East 9th St. (06/29/82)
Hays, *Phillip Hardware Store*, 719 Main St. (03/16/82)

Ellsworth County

Archeological Site Number 14EW1 (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW17 (Ward) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW303 (Haystack Mound) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW33 (Cave Hollow) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW401 (Katzenmeier) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW403 (Owl's Nest) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW404 (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW405 (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14EW406 (Kansas Rock Art TR), (07/09/82)

Franklin County

Ottawa, *Tauy Jones Hall*, Ottawa University Campus 10th and Cedar Sts. (06/14/82)

Graham County

Penokee, *Penokee Stone Figure*, (06/23/82)

Greenwood County

Archeological Site Number 14GR320 (Indian Spring) (Kansas Rock Art TR), (07/09/82)

Harvey County

Newton, *Neal, Jairus, House*, 301 E. 4th St. (05/06/82)
Newton, *Old Railroad Savings and Loan Building*, 500 Main St. (05/06/82)

Kiowa County

Archeological Site Number 14KW301 (Star) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14KW302 (Roth) (Kansas Rock Art TR), (07/09/82)

Leavenworth County

Leavenworth, *Old Union Depot*, 201 S. Main St. (03/11/82)

Lincoln County

Archeological Site Number 14LC306 (Hildebrandt) (Kansas Rock Art TR), , (07/09/82)

Linn County

Prescott, *Prescott School*, 3rd and Main Sts. (05/06/82)

Lyon County

Emporia, *Old Emporia Public Library*, 118 East Sixth St. (11/02/81)

McPherson County

Marquette, *Hanson, Hans, House*, 211 E. 5th St. (02/19/82)

Montgomery County

Archeological Site Number 14 MY 1320 (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14MY1 (Treaty Rocks) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14MY1385 (Lookout Station) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14MY365 (Kansas Rock Art TR), (07/09/82)
Coffeyville, *Terminal Building*, 717 Walnut (06/14/82)

Morris County

Council Grove, *Farmers and Drovers Bank and Indicator Building*, 201 and 203 West Main (boundary increase) (02/19/82)

Ottawa County

Archeological Site Number 14OT4 (Kansas Rock Art TR), (07/09/82)

Rice County

Archeological Site Number 14RC10 (Peverley) (Kansas rock Art TR), (07/09/82)
Archeological Site Number 14RC11 (Kansas Rock Art TR), (07/09/82)

Russell County

Archeological Site Number 14RU10 (Circle Rock) (Kansas Art TR), (07/09/82)

Archeological Site Number 14RU313 (Russell) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14RU314 (Haberer) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14RU315 (Hampl) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14RU316 (Purma) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14RU324 (S & S Ranch) (Kansas Rock Art TR), (07/09/82)
Archeological Site Number 14RU5 (Paradise Creek) (Kansas Rock Art TR), (07/09/82)

Sedgwick County

Wichita, *Clapp, L. W., House*, 1847 Wellington Pl. (06/14/82)
Wichita, *Munger, Darius Sales, House*, Sim Park (06/14/82)
Wichita, *Occidental Hotel*, 300 N. Main St. (06/14/82)
Wichita, *Old Wheeler-Kelly-Hagny Building*, 120 S Market St. (03/11/82)

Shawnee County

Topeka, vicinit, *England Farm*, 4619 SE of 37th St. (05/07/82)
Topeka, *Cedar Crest*, Cedar Crest Rd. (05/06/82)
Topeka, *Central Motor and Finance Corporation Building*, 222 W. 7th St. (02/19/82)
Topeka, *Jayhawk Hotel, Theater and Walk*, 700 Jackson Ave. (03/11/82)
Topeka, *Woman's Club Building*, 420 W. 9th St. (02/19/82)

Sumner County

Oxford vicinity, *Old Oxford Mill*, NE of Oxford (04/26/82)

Wabaunsee County

Eskridge, *Security State Bank*, Main and 2nd Sts. (05/06/82)

Wyandotte County

Kansas City, *Westheight Manor Historic District*, Roughly bounded by State and Wood Aves., 18th and 25th Sts. (boundary increase) (02/19/82)

KENTUCKY

Boone County

Anderson Ferry, Off KY 8 (see also Ohio) (06/10/82)

Christian County

Hopkinsville, *Grace Episcopal Church*, 220 E. 6th St. (01/28/82)

Clark County

Pine Grove vicinity, *Martin, Major John, House (Clark County MRA)*, Basin Springs Rd. (04/29/82)
Winchester, *Winchester Downtown Commercial District*, Roughly bounded by RR tracks, KY 627, Maple and Highland Sts. (04/16/82)

Crittenden County

Marion, Fohs Hall, 143 N. Walker St. (04/29/82)

Davies County

Owensboro vicinity, *Willow Hill (Jesse Jones House)* Jones Rd. (06/09/82)

Fayette County

Lexington vicinity, *Grimes House and Mill Complex*, Grimes Mill Rd. (06/21/82)
Lexington vicinity, *McCann, Benjamin, House (Castlelawn)*, Old Richmond Pike (06/03/82)
Lexington vicinity, *McCann, Neal, House*, 5364 Todds Rd. (06/03/82)
Lexington, *Bates Log House*, 5143 Spurr Rd. (06/26/82)
Lexington, *Beck, James Burnie, House*, 209 E. High St. (06/26/82)
Lexington, *Cloud House*, 3740 Versailles Rd. (06/17/82)
Lexington, *Constitution Historic District*, Roughly bounded by E. 3rd., Limestone, Walnut and Pleasant Stone St. (06/30/82)
Lexington, *Kinkead House*, 362 Walnut St. (06/29/82)
Lexington, *Mansfield (Thomas Hart Clay House)*, Richmond Rd. (06/19/82)
Lexington, *Northside Residential Historic District*, (boundary increase) 337–371 N. Limestone, 400–465 N. Limestone, and 356 Morris St. (05/24/82)
Lexington, *Poplar Grove*, 2068 Parkers Mill Rd. (06/19/82)
Lexington, *Randall Building/Bogaert's Jewelry Store*, 127–129 W. Main St. (09/09/82)
Lexington, *Sayre Female Institute*, 194 N. Limestone St. (06/19/82)
Lexington, *Watkins, Thomas B., House*, 1008 S. Broadway (06/29/82)

Fleming County

Flemingsburg Junction vicinity, *Johnson, Ben, House*, KY 161 (03/1/82)

Franklin County

Frankfort Block (Willa Cather TR), Webster Street (06/11/82)
Frankfort, *South Frankfort Neighborhood Historic District*, Roughly bounded by US 60, Rockland Ct., and the Kentucky River (06/19/82)

Gallatin County

Warsaw, *Warsaw Historic District*, Roughly bounded by W. High, E. Franklin, Washington, Market, Main, 3rd, 4th and Cross Sts. (07/29/82)

Greenup County

Greenup vicinity, *Stuart, Jesse, House*, Stuarts Lane off W-Hollow Rd. (06/01/82)

Henderson County

Henderson vicinity, *McCallister, John E., House*, 839 N. Green St. (09/21/82)

Jefferson County

Louisville, *Adath Israel Cemetery*, 2716 Preston St. (06/22/82)
Louisville, *Adath Jeshurun Temple and School*, 749—757 S. Brook St. (01/28/82)
Louisville, *Almsted Brothers Building*, 425 W. Market St. (03/01/82)
Louisville, *Ancient and Accepted Scottish Rite Temple*, 200 E. Gray St. (04/29/82)
Louisville, *Belknap, William R., School*, 1800 Sils Ave. (06/12/82)
Louisville, *Bullock-Clifton House*, 1824 Rosedale Ave. (05/06/82)
Louisville, *Bush, Cornelia, House*, 316 Kenwood Dr. (05/06/82)
Louisville, *Commodore Apartment Building*, 2140 Bonnycastle Ave. (04/29/82)
Louisville, *Emerson School*, 1100 Sylvia Ave. (05/03/82)
Louisville, *Gordon, Cornelia, House*, 308 Kenwood Hill Rd. (05/06/82)
Louisville, *Holy Name Church Rectory, Convent and School*, 2920 and 2914 S. 3rd St. and 2911 and 2921 S. 4th St. (05/13/82)
Louisville, *Montgomery Street School*, 2500—2506 Montgomery St. (05/06/82)
Louisville, *Norton Company Building*, 400 W. Market St. (05/06/82)
Louisville, *Olmstead Park System*, Algonquin, Cherokee, Eastern, Southern, North, and South Western Pkwys. (05/17/82)
Louisville, *Rauchfuss Houses*, 837–847 S. Brood St. (06/12/82)
Louisville, *Repton*, 314 Ridgedale Rd. (05/13/82)
Louisville, *Republic Building*, 429 W. Muhammad Ali Blvd. (06/12/82)
Louisville, *Roosevelt, Theodore, Elementary School, (Duncan Street School)*, 222 N. 17th St. (03/22/82)
Louisville, *St. Anthony's Roman Catholic Church, Rectory, Convent, and School*, 2222—2233 W. Market St. (03/01/82)
Louisville, *St. Elizabeth of Hungary Roman Catholic Church*, 1024—1028 E. Burnett St. (05/06/82)
Louisville, *St. James Roman Catholic Church, Rectory, and School*, 1430 Bardstown Rd., 1826 and 1818 Edenside Ave. (03/01/82)
Louisville, *St. Patrick's Roman Catholic Church, Rectory, and School*, 1301—1305 W. Market St. (03/01/82)
Louisville, *St. Paul's German Evangelical Church and Parish House*, 213 E. Broadway (02/25/82)
Louisville, *Stewart's Dry Goods Company Building*, 501 S. 4th Ave. (06/12/82)
Louisville, *Theater Building*, 625–33 S. 4th Ave. (06/12/82)
Louisville, *Vogt, Henry, Machine Company Shop*, 10th St and Ormsby Ave. (02/11/82)

Johnson County

Volga vicinity, *McKenzie, David, Log Cabin*, McKenzie Branch (06/26/82)

Kenton County

Covington, *John W. Hubbard (Sternwheeler)*, Greenup St. (05/20/82)
Covington, *Trinity Episcopal Church*, 326 Madison Ave. (03/01/82)

Knox County

Barbourville, *Speed Hall*, College St. (04/29/82)

Livingston County

Smithland, *Olive, Richard, House*, Court St. (04/29/82)

Mason County

Mays Lick, *Mays Lick Consolidated School*, U.S. 68 and KY 324 (04/29/82)

Mason County

Maysville, *Maysville Downtown Historic District*, Roughly bounded by McDonald Pkwy., Front, Wall, Limestone and 3rd Sts. (03/01/82)

McCracken County

Paducah, *Jefferson Street-Fountain Avenue residential District*, Jefferson and Madison Sts., Broadway, Fountain Ave., and Harahan Blvd. (07/14/82)
Paducah, *Lower Town Neighborhood District*, Roughly bounded by Park Ave., Jefferson, 5th and 9th Sts. (03/15/82)
Paducah, *Paducah Downtown Commercial District*, Roughly bounded by 7th, 1st, Clark and Monroe Sts. (04/20/82)

McLean County

Livermore vicinity, *Archaeological Site 15–McL–18*, (03/15/82)

Oldham County

Crestwood vicinity, *Carpenter-Smith House (Forest Home Farm)*, Covered Bridge Rd. (02/25/82)
Goshen vicinity, *Yager House (Pine Grove Stock Farm)*, SE of Goshen on Covered Bridge Rd. (06/17/82)
LaGrange, *McMahan House*, 203 Washington St. (05/13/82)

Pulaski County

Somerset, *Somerset Downtown Commercial District*, 106–236 and 201–223 E. Mt. Vernon St. (08/27/82)

Scott County

Georgetown, *Main Street Historic Commercial District, Expanded*, (Boundary increase) N. Hamilton, Court Alley, N Broadway, S Broadway W Main and Court Sts. (04/15/82)

Shelby County

Shelbyville vicinity, *Undulata (Weissinger Farm)*, S of Shelbyville on Old Zaring Mill Rd. (06/22//82)

Woodford County

Archeological Site 15–Wd–61, (06/02/82)
Midway vicinity, *Payne, Lewis, House*, Lansing Lane (04/29/82)

LOUISIANA

Acadia Parish

Crowley, *Crowley Historic District*, LA 13 and U.S. 90 (03/12/82)

Ascension Parish

Donaldsonville, *Landry Tomb*, Ascension Catholic Church Cemetery, St. Vincent and Claiborne Sts. (06/11/82)
Donaldsonville, *Lemann Store*, 314 Mississippi St. (06/11/82)

Avoyelles Parish

Hamburg, *Calliham Plantation House*, Old Hwy 1 (07/22/82)
Marksville, *Joffrion House*, 805 N. Monroe (06/11/82)

Beauregard Parish

DeRidder, *Beauregard Parish Jail*, Courthouse Sq. (12/17/82)

Bossier Parish

Elm Grove vicinity, *Cashpoint Plantation House*, N of Elm Grove off LA 71 (06/11/82)

Caddo Parish

Shreveport, *Caspiana House*, Louisiana State University campus (12/10/81)
Shreveport, *Dodd College President's Home*, 601 Ockley Dr. (07/22/82)
Shreveport, *Old Commercial National Bank Building*, 509 Market St. (03/11/82)
Shreveport, *Shreveport Commercial Historic District*, Roughly bounded by Commerce, Crockett, Common and Travis Sts. (03/11/82)
Shreveport, *Shreveport Municipal Building*, 724 McNeil St. (05/05/82)

Calcasieu Parish

Lake Charles, *Charleston Hotel*, Ryan and Broad Sts. (05/27/82)
Vinton, *Lyons House*, 1335 Horridge St. (04/27/82)

Caldwell Parish

Columbia, *First United Methodist Church*, LA 165 and Church St. (06/12/82)

Cameron Parish

Cameron vicinity, *Sabine Pass Lighthouse*, Lighthouse Bayou (12/17/81)

Claiborne Parish

Homer, *Claiborne Parish Courthouse*, Courthouse Sq. (10/07/82)
Summerfield vicinity, *Wasson, Alberry, Homeplace*, 1½ mi. S. of Summerfield (06/25/82)

Concordia Parish

Feriday vicinity, *Canebrake*, NE of Ferriday on LA 901 (06/29/82)

East Baton Rouge Parish

Baton Rouge, *French House, The*, Louisiana State University Campus (01/13/82)
Baton Rouge, *McKinley High School*, 1500 East Blvd. (11/16/81)
Baton Rouge, *Roseland Terrace Historic District*, Bounded by Government, 18th, Myrtle, and 22nd Sts. (03/11/82)
Baton Rouge, *Heidelberg Hotel*, 201 Lafayette St. (05/20/82)

Evangeline Parish

Ville Platte, *Dardeau Building*, 224 W. Main (06/01/82)

Franklin Parish

Baskin, *Baskin High School Building*, LA 857 (10/07/82)
Winnsboro, *Jackson House*, 703 Jackson St. (09/21/82)
Winnsboro, *Winnsboro Commercial Historic District*, Prairie St. (07/09/82)

Iberville Parish

Rosedale, *Church of the Nativity*, Laurel St. (06/11/82)

Jefferson Davis Parish

Jennings, *Jennings Carnegie Public Library*, 303 Cary Ave. (01/06/82)
Jennings, *Jennings Post Office*, 118 W. Plaquemine St. (05/20/82)

Lafayette Parish

Lafayette, *Gordon Hotel*, 108—110 E. Vermilion St. (06/25/82)

Lincoln Parish

Ruston vicinity, *Calhoun Farmhouse*, NE of Ruston on LA 821 (05/06/82)
Ruston, *Townsend House*, 410 N. Bonner St. (06/25/82)

Morehouse Parish

Bastrop, *Christ Episcoal Church*, 206 S. Locust (07/22/82)

Orleans Parish

New Orleans, *Bullitt-Longenecker, House*, 3627 Carondelet St. (10/22/82)
New Orleans, *Central City Historic District*, Roughly bounded by Pontchartrain Expwy., Louisiana, St. Charles and Claiborne Aves. (07/09/82)
New Orleans, *Hernsheim, Simon, House (Columns Hotel)*, 3811 St. Charles Ave. (06/24/82)
New Orleans, *Jung Hotel*, 1500 Canal St. (09/27/82)
New Orleans, *Lowe-Forman House*, 5301 Camp St. (06/29/82)
New Orleans, *Orpheum Theatre*, 125–129 University Pl. (06/11/82)
New Orleans, *Pessou House*, 6018 Benjamin St. (06/15/82)

Pointe Coupee Parish

Livonia vicinity, *El Dorado Plantation House*, Bayou Maringouin, LA 77 (03/24/82)
New Roads, *Pointe Coupee Parish Courthouse*, Main St. (10/07/82)

Ouachita Parish

West Monroe vicinity, *Allen-Barringer House*, SW of W Monroe off Elkins Rd. (05/03/82)
Monroe, *Masur House*, 901 3rd St. (07/22/82)

Rapides Parish

Boyce vicinity, *Blanchard House*, W of Boyce on Bayou Jean de Jean (07/22/82)
Lecompte vicinity, *St. John Baptist Church*, off LA 456 (06/25/82)

St. Landry Parish

Grand Coteau vicinity, *Frozard Plantation House*, S of Grand Coteau off LA 93 (06/12/82)
Grand Coteau, *Burleigh House*, Burleigh Lane (06/11/82)
Opelousas, *St. Landry Catholic Church*, 900 N. Union St. (05/03/82)
Washington vicinity, *Arlington Plantation House*, N of Washington off LA 103 (06/11/82)

St. Martin Parish

St. Martinville, *St. Martin Parish Courthouse*, S. Main St. (11/19/81)

St. Mary Parish

Baldwin vicinity, *Birg House*, off LA 182 (06/24/82)
Balwin, *Darby House*, 102 Main St. (06/11/82)
Baldwin, *Tillandsia*, 202 Charenton Rd. (06/11/82)
Centerville, *Cary, Joshua B., House*, US 90 and LA 317 (06/11/82)

St. Tammany Parish

Abita Springs, *Abita Springs Historic District*, LA 435, LA 36 and LA 59 (06/12/82)
Abita Springs, *Longbranch Hotel Complex*, Rangeline Rd. (06/24/82)
Covington, *Frederick House*, 236 Vermont St. (06/11/82)

Tangipahoa Parish

Amite, *Blythewood*, 205 Elm St. (08/25/82)
Hammond vicinity, *Carter House*, S of Hammond on Happywoods Rd. (08/11/82)
Tangipahoa, *Green Shutters*, Franklin St. (08/11/82)

Tensas Parish

Waterproof vicinity, *Burn, The*, N of Waterproof off LA 65 (08/11/82)

Terrebonne Parish

Houma, *Wesley House*, 1210 E. Main St. (08/11/82)

Vermilion Parish

Erath vicinity, *LeBlanc House*, N of Erath on LA 339 (04/15/82

Washington Parish

Angie vicinity, *Magee, Robert D., House*, W of Angie off SR 438 (08/11/82)
Mt. Hermon vicinity, *Magee, Nehemiah, House*, SW of Mt. Hermon (08/12/82)

Winn Parish

Winnfield, *Long, George Parker, House*, 1401 Maple St. (08/11/82)

MAINE

Androscoggin County

Auburn, *Rook Building*, 144–170 Main St. (01/28/82)

Aroostook County

Caribou, *McElwain House*, 2 Main St. (04/12/82)
Island Falls, *Sewall, William, House*, Main St. (04/12/82)

Cumberland County

Bar Harbor, *Sproul's Cafe*, 128 Main St. (02/04/82)
Freeport, *Mallett, E. B., Office Building*, Mill St. (02/19/82)
Gray, *Pennell Institute*, Lewiston Rd. (07/12/82)
Portland, *Lancaster Block*, 474 Congress St. (09/29/82)
Portland, *Leighton, Adam P., House*, 261 Western Promenade (02/11/82)
Portland, *Masonic Temple*, 415 Congress St. (02/11/82)
Portland, *North School*, 249–264 Congress Street (04/12/82)

Franklin County

Kingfield, *Norton, William F., House*, 1 Stanley Ave. (07/08/82)

Hancock County

Bar Harbor, *Reverie Cove*, Harbor Lane (02/19/82)
Bar Harbor, *Sproul's Cafe*, 128 Main St. (02/04/82)
Dedham vicinity, *Lucerne Inn*, Bar Harbor Rd., Rte 1A (08/16/82)

Kennebec County

Reed, G. W., Travellers Home, (02/11/82)
Augusta, *Bangs, Algernon, House*, 16 E. Chestnut St. (02/19/82)
Augusta, *Maine Insane Hospital*, Hospital St. (07/19/82)
Augusta, *Tappan-Viles House*, 154 State St. (02/11/82)
East Vassalboro, *East Vassalboro Grist and Saw Mill*, ME 32 (01/28/82)
Readfield, *Readfield Union Meeting House*, Church Rd. (07/08/82)
Waterville, *Lombard, Alvin O., House*, 95 Elm St. (02/19/82)
Waterville, *Professional Building*, 177 and 179 Main St. (02/19/82)
Winslow, *Shrewsbury Round Barn*, 109 Benton Ave. (02/19/82)

Knox County

Camden, *American Boathouse*, Atlantic Ave. (02/19/82)
Camden, *Norumbega Carriage House*, High St. (02/19/82)
North Haven and vicinity, *Amesbury, Joe, Place (Prehistoric Sites in North Haven TR)*, (03/11/82)
North Haven and vicinity, *Bortz-Lewis Site (Prehistoric Sites in North Haven TR)*, (03/11/82)
North Haven and vicinity, *Bull Rock (Prehistoric Sites in North Haven TR)*, (03/11/82)
North Haven and vicinity, *Cabot I Site (Prehistoric Sites in North Haven TR)*, (03/11/82)
North Haven and vicinity, *Crocker Site (Prehistoric Sites in North Haven TR)*, (03/11/82)
North Haven and vicinity, *Turner Farm II (Prehistoric Sites in North Haven TR)*, (03/11/82)
Vinalhaven, *Star of Hope Lodge*, Maine St. (02/19/82)

Lincoln County

Waldoboro, *Hutchins House*, 77 Main St. (02/19/82)
Wiscasset vicinity, *Parsons, Josiah K., Homestead*, Greenleaf Cove Rd. (02/04/82)

Oxford County

Fryeburg, *Barrows-Steadman Homestead*, 134 Main St. (04/12/82)
Paris, *Robinson-Parsons Farm*, Town Farm Brook Rd. (02/04/82)
Stow, *Brickett Place*, US 113 (07/28/82)

Penobscot County

Bangor, *Hammond Street Congregation Church*, Hammond and High Sts. (07/08/82)
Kingman, *Kingman, Romanzo, House*, Main St. (02/19/82)

Piscataquis County

Guilford, *Straw House*, Golda Ct. (02/19/82)

Sagadahoc County

Woolwich, *Reed, Robert, House*, ME 128 and Chop Point Rd. (02/11/82)

Somerset County

Evergreens, The, (02/08/82)
Norridgewock, *Norridgewock Free Public Library*, Sophie May Lane (02/04/82)
Skowhegan, *Bloomfield Academy*, Main St. (02/19/82)
Skowhegan, *Gould House*, 31 Elm St. (02/19/82)
Skowhegan, *Skowhegan Historic District*, Madison Ave., Water and Russell Sts. (02/19/82)

Waldo County

Archeological Site No. 29–64, (02/22/82)
Belfast, *Black Horse Tavern*, Searsport Ave. (02/11/82)

Washington County

Calais, *Hamilton, Thomas, House*, 70 South St. (02/04/82)
Calais, *St. Anne's Episcopal Church*, Church St. (07/08/82)
Calais, *Washburn, George, House*, 318 Main St. (02/11/82)
Cherryfield, *Campbell, Col. Samuel, House*, U.S. 1 (02/04/82)
Cherryfield, *Cherryfield Academy*, Main St. (02/19/82)
Eastport, *Eastport Historic District*, Water St. (06/01/82)
West Pembroke, *Best, Charles, House*, County Rd. (03/02/82)

York County

Kennebunk, *Smith, James, Homestead*, ME 35 (02/04/82)
Kennebunkport vicinity, *Clock Farm*, ME 9 and Goose Rocks Rd. (02/19/82)
North Berwick, *Hobbs, Thomas, Jr., House*, Wells St. (02/11/82)
Ocean Park, *Ocean Park Historic Buildings*, Temple Ave. (03/02/82)
Parsonsfield, *Blazo-Leavitt House*, ME 160 (02/19/82)
Saco, *Deering, J. G., House*, 371 Main St. (02/17/82)
Saco, *Jacobs Houses and Store*, 9–17 Elm St. (03/02/82)

MARYLAND

Baltimore (Independent City)

Hooper, James E., House, 100 E. 23rd St. (03/15/82)
Krug Iron Works, 415 W. Saratoga St. (04/29/82)
Little Montgomery Street Historic District, West Montgomery and Leadenhall Sts. (04/15/82)
Sharp Street Memorial United Methodist Church, 506–516 Dolphin St. (07/21/82)
St. James The Less Roman Catholic Church, Aisquith St. (03/15/82)
St. John the Evangelist Roman Catholic Church, 901 E. Eager St. (03/15/82)

Allegany County

Cumberland, *Haley, Francis, House*, 634 Maryland Ave. (07/08/82)
Cumberland, *Koon Thomas, House*, 221 Baltimore Ave. (07/08/82)

Baltimore County

Rushford, *Rushford City Mill (D. J. Tew Mill) (Fillmore County MRA)*, 301 Winona St. (04/27/82)
Ruxton, *St. John's Church*, 7538 Bellona Ave. (03/15/82)

Calvert County

Wallville vicinity, *Patterson's Archeological District*, Mackall Rd. (04/12/82)

Cecil County

Calvert vicinity, *Kirk, Elisha, House*, MD 273 (07/21/82)
Earleville vicinity, *St. Stephen's Episcopal Church*, N of Earleville on MD 282 (04/29/82)

Frederick County

Buckeystown, *Buckeystown Historic District*, MD 85 (04/06/82)
Buckeystown, Buckingham House and Industrial School Complex, Off MD 80 and MD 85 (05/20/82)
Jefferson vicinity, *Lewis Mill Complex*, 3205 Poffenberger Rd. (05/06/82)

Harford County

Fallston vicinity, *Rockdale*, N of Fallston at 1724 Carrs Mill Rd., (06/30/82)
Havre de Grace, *Havre de Grace Historic District*, Roughly bounded by Chesapeake, Bay, Susquehanna River, US 40, Stokes, Juniata and Superior Sts. (03/25/82)

Kent County

Still Pond, *Harper, George, Store*, MD 292 and Main St. (07/09/82)

Montgomery County

Brookville, *Clover Hill*, 21310 Zion Rd. (07/20/82)
Poolesville vicinity, *Valhalla*, 19010 White's Ferry Rd. (03/15/82)

Prince Georges County

District Heights vicinity, *Concord*, 8000 Walker Mill Rd. (05/12/82)
Hyattsville, *Hyattsville Historic District*, Off US 1 (03/25/82)

Talbot County

Oxford vicinity, *Otwell*, Otwell Rd. (03/15/82)
St. Michaels, *Saint Michaels Mill*, 100 Chew Ave. (07/15/82)
Tilghman Island vicinity, *Sharps Island Light*, (07/22/82)

Washington County

Hagerstown vicinity, *Wilson's Bridge*, U.S. 40 (03/15/82)

MASSACHUSETTS

Barnstable County

Chatham, *Port Royal House*, 008 Main St. (04/15/82)

Berkshire County

Adams, *Armory Block*, 39–45 Park St. (04/01/82)
Adams, *Barett, P. J., Block*, 70–76 Park St. (04/01/82)
Adams, *Berkshire Mill No. 1*, Hoosac St. (NE corner of Columbia St.), (04/01/82)
Adams, *Jones Block*, 49–53 Park St. (04/01/82)
Adams, *Mausert Block*, 19–27 Park St. (04/01/82)
Adams, *Park Street Firehouse*, 47 Park St. (01/28/82)
Adams, *Phillips Woolen Mill*, 71 Grove St. (09/30/82)
Adams, *Pittsfield & North Adams Passenger Station and Baggage & Express House*, 10 Pleasant St. (04/01/82)
Adams, *Simmons Block*, 88–90 Park St. (04/01/82)
Becket, *Becket Center Historic District*, MA 8, Hamilton and YMCA Rds. (08/11/82)
Great Barrington, *Searles Castle*, Main St. (04/15/82)
Lenox, *Church on the Hill*, Main St. (09/30/82)
Lenox, *Lenox Academy*, 75 Main St. (09/30/82)
Monterey, *Bidwell, Rev. Adonijah, House*, Royal Hemlocks and Art School Rds. (08/26/82)
New Marlborough, *New Marlborough Village*, MA 57, New Marlborough, Monterey and Southfield Rds. (09/30/82)
Pittsfield, *Wollison-Shipton Building*, 142-156 North St. (09/30/82)
Richmond, *Goodwood*, Summit Rd. (04/15/82)
Sandisfield, *Sage, Philemon, House*, MA 183 (08/31/82)
Stockbridge vicinity, *Wheatleigh*, West Hawthorne Rd. (04/06/82)
Stockbridge, *Glendale Power House*, MA 183 (06/24/82)

Bristol County

Fall River, *Unitarian Society, The*, 300 N. Main St. (05/13/82)
Fall River, *Fall River Waterworks*, Bedford St. (12/07/81)
Fall River, *Lafayette-Durfee House, 94 Cherry St. (04/15/82)*
New Bedford, *Dawson Building*, 1851 Purchase St. (09/30/82)
North Attleborough, *Fire Barn*, Commonwealth Ave. (01/28/82)

Essex County

Andover, *Abbot Tavern (Town of Andover MRA)* 70 Elm St. (06/10/82)
Andover, *Abbot, J. T., House (Town of Andover MRA)* 34 Essex St. (06/10/82)
Andover, *Abbot-Baker House (Town of Andover MRA)* 5 Argilla Rd. (06/10/82)
Andover, *Abbot-Battles House (Town of Andover MRA)* 31 Lowell St. (06/10/82)
Andover, *Abbot, Asa and Sylvester, House (Town of Andover MRA)* 15—17 Porter Rd. (06/10/82)
Andover, *Andover National Bank (Town of Andover MRA)* 23 Main St. (06/10/82)
Andover, *Andover Town Hall (Town of Andover MRA)* 20 Main St. (06/10/82)
Andover, *Arden (Town of Andover MRA)* 276 N. Main St. (06/10/82)
Andover, *Bailey, Timothy P., House (Town of Andover MRA)* 210 Chandler Rd. (06/10/82)
Andover, *Barnard Block (Town of Andover MRA)* 10—16 Main St. (06/10/82)
Andover, *Bradlee School (Town of Andover MRA)* 147 Andover St. (06/10/82)
Andover, *Chandler-Bigsby-Abbot House (Town of Andover MRA)* 88 Lowell St (06/10/82)
Andover, *Chandler-Hidden House (Town of Andover MRA)* 17 Hidden Rd. (06/10/82)
Andover, *Chickering House (Town of Andover MRA)* 28 Essex St. (06/10/82)
Andover, *Cochran, Jehiel, House (Town of Andover MRA)* 63 Burnham Rd. (06/10/82)
Andover, *Dascomb House (Town of Andover MRA)* 125 Dascomb Rd. (06/10/82)
Andover, *Flint Farm (Town of Andover MRA)* 85 Osgood St. (06/10/82)
Andover, *Follansbee House (Town of Andover MRA)* 459 Lowell St. (06/10/82)
Andover, *Frye, Nathan, House (Town of Andover MRA)* 166 N. Main St. (06/10/82)
Andover, *Gray, David, House (Town of Andover MRA)* 232 Salem St. (06/10/82)
Andover, *Harding, Sarah H., House (Town of Andover MRA)* 6—8 Harding St (06/10/82)
Andover, *Harnden Farm (Town of Andover MRA)* 261 Salem St. (06/10/82)
Andover, *Holt Farm (Town of Andover MRA)* 89 Prospect Rd. (06/10/82)
Andover, *Holt-Cummings-Davis House (Town of Andover MRA)* 07 Salem St. (06/10/82)
Andover, *Jenkins, Benjamin, House (Town of Andover MRA)* 362 Salem St. (06/10/82)
Andover, *Lincolnshire, The (Town of Andover MRA)* 22 Hidden Rd. and 28 Hidden Way (06/10/82)
Andover, *Manning House (Town of Andover MRA)* 37 Porter Rd. (06/10/82)
Andover, *Memorial Hall Library (Town of Andover MRA)* 2 N. Main St. (06/10/82)
Andover, *Musgrove Block (Town of Andover MRA)* 2 Main St. (06/10/82)
Andover, *Orlando (Town of Andover MRA)* 260 N. Main St. (06/10/82)
Andover, *Osgood Farm (Town of Andover MRA)* 116 Osgood St. (06/10/82)
Andover, *Pearson, Abiel, House (Town of Andover MRA)* 33 High St. (06/10/82)
Andover, *Perrin, William, House (Town of Andover MRA)* 464 River Rd. (06/10/82)
Andover, *Pillsbury-French House (Town of Andover MRA)* 103 Dascomb Rd. (06/10/82)
Andover, *Punchard, Benjamin, House (Town of Andover MRA)* 8 High St. (06/10/82)
Andover, *Rogers-Downing House (Town of Andover MRA)* 269 Highland Rd. (06/10/82)
Andover, *Russell House (Town of Andover MRA)* 28 Rocky Hill Rd. (06/10/82)
Andover, *Third Railroad Station (Town of Andover MRA)* 100 School St. (06/10/82)
Andover, *Ward, Richard, House (Town of Andover MRA)* 71 Lowell St. (06/10/82)
Andover, *Woodbridge House (Town of Andover MRA)* 293 Salem St. (06/10/82)
Danvers, *Rea-Proctor Homestead*, 180 Conant Farm (06/02/82)
Gloucester, *Central Gloucester Historic District*, Roughly bounded by Middle, Main, Center, Hancock, Short, Prospect and Pleasant Sts. (07/08/82)
Gloucester, *Stacy, George O., House*, 107 Atlantic Rd. (04/15/82)
Lawrence, *American Woolen Mill Housing District*, 300—328 Market St. (04/08/82)
Lawrence, *Gleason Building*, 349—351 Essex St. (04/15/82)
Lynn, *Fabens Building*, 312—314 Union St. (02/25/82)
Lynn, *Lynn Bank Block*, 21–29 Exchange St. (08/26/82)
Lynn, *Mowers' Block*, 7 Willow St. and 67—83 Blake St. (02/25/82)
Newburyport, *Dodge Building*, 19–23 Pleasant St. (08/26/82)
Peabody, *Felton, Nathaniel, Houses*, 43 Felton St. (Jr.) and 47 Felton St. (Sr.) (04/01/82)
Rockport, *Sewall-Scripture House*, 40 King St. (09/30/82)

Franklin County

Northfield, *King Philip's Hill*, (12/16/81)
Northfield, *Northfield Main Street Historic District*, Full length of Main St. from Millers Brook to Pauchaug Brook, (07/08/82)
Turner Falls, *Turner Falls Historic District*, Roughly bounded by CT River, Power Canal, 9th and L St. (05/02/82)

Hampden County

Springfield, *Forest Park Heights Historic District*, Off MA 21 (08/31/82)
Westfield, *Landlord Fowler Tavern*, 171 Main St. (08/11/82)
Westfield, *Octagon House, 28 King St. (04/01/82)*

Hampshire County

Belchertown, *Belchertown Center Historic District*, Main, Maple, Walnut, Park, and Jabish Sts. (08/02/82)
Belchertown, *Walker-Collis House*, 1 Stadler St. (09/30/82)
Hatfield, *Old Mill Site Historic District*, 48 and 50 Prospect St. (08/02/82)
Northampton, *Grove Hill Mansion (Dimock Estate)*, Florece Rd. and Front St. (08/11/82)
Ware, *Otis Company Mill No. 1*, E. Main St. (05/02/82)

Middlesex County

Billerica, *Manning Manse*, 56 Chelmsford Rd. (08/11/82)
Cambridge, *Aborn, John, House (Cambridge MRA)*, 41 Orchard St. (04/13/82)
Cambridge, *Almshouse (Cambridge MRA)*, 41 Orchard St (04/13/82)
Cambridge, *American Net and Twine Company Factory (Cambridge MRA)*, 155 2nd St. (04/01/82)
Cambridge, *Ash Street Historic District (Cambridge MRA)*, Ash St. and Ash St. Place between Brattle and Mount Auburn Sts. (04/13/82)
Cambridge, *Athenaeum Press (Cambridge MRA)*, 215 1st St. (04/13/82)
Cambridge, *B and B Chemical Company (Cambridge MRA)*, 780 Memorial Dr. (04/13/82)
Cambridge, *Barnes, James B., House (Cambridge MRA)*, 200 Monsignor O'Brien Hwy. (04/13/82)
Cambridge, *Berkeley Street Historic District (Cambridge MRA)*, Berkeley St. (04/13/82)
Cambridge, *Beth Israel Synagogue (Cambridge MRA)*, 238 Columbia St. (04/13/82)
Cambridge, *Bigelow Street Historic District (Cambridge MRA)*, Bigelow St. (04/13/82)
Cambridge, *Billings, Frederick, House (Cambridge MRA)*, 45 Orchard St. (04/13/82)
Cambridge, *Bottle House Block (Cambridge MRA)*, 204–214 3rd St. (04/13/82)
Cambridge, *Brattle Hall (Cambridge MRA)*, 40 Brattle St. (04/13/82)
Cambridge, *Building at 10 Follen Street (Cambridge MRA)*, 10 Follen St. (04/13/82)
Cambridge, *Building at 106–108 Inman St (Cambridge MRA)*, 106–108 Inman St. (04/13/82)
Cambridge, *Building at 42 Edward J. Lopez Avenue (Cambridge MRA)*, 42 Edward J. Lopez Ave. (04/13/82)
Cambridge, *Buildings at 110–112 Inman St. (Cambridge MRA)*, 110–112 Inman St. (04/13/82)
Cambridge, *Buildings at 15–17 Lee St. (Cambridge MRA)*, 15–17 Lee St. (04/13/82)
Cambridge, *Cambridge Public Library (Cambridge MRA)*, 449 Broadway St. (04/13/82)
Cambridge, *City Hall Historic District (Cambridge MRA)*, Massachusetts Ave., Bigelow and Temple Sts, Inman and Richard Allen Dr. (04/13/82)
Cambridge, *Colburn, Sara Foster, House (Cambridge MRA)*, 7 Dana St. (04/13/82)
Cambridge, *Conventual Church of St. Mary and St. John (Cambridge MRA)*, 980 Memorial Dr. (04/13/82)
Cambridge, *Cook, William, House (Cambridge MRA)*, 71 Appleton St. (04/13/82)
Cambridge, *Day, Anna, House (Cambridge MRA)*, 139 Cushing St. (04/13/82)
Cambridge, *Deane-Williams House (Cambridge MRA)*, 21–23 Fayette St. (04/13/82)
Cambridge, *Dodge, Edward, House (Cambridge MRA)*, 70 Sparks St. (04/13/82)
Cambridge, *East Cambridge Savings Bank (Cambridge MRA)*, 292 Cambridge St. (04/13/82)
Cambridge, *Farwell, R.H., House (Cambridge MRA)*, 2222–2224 Massachusetts Ave. (04/13/82)
Cambridge, *Fresh Pond Hotel (Cambridge MRA)*, 234 Lakeview Ave. (04/13/82)
Cambridge, *Frost, Robert, House (Cambridge MRA)*, 29–35 Brewster St. (04/13/82)
Cambridge, *Frost, Walter, House (Cambridge MRA)*, 10 Frost St. (04/13/82)
Cambridge, *Greek revival Cottage (Cambridge MRA)*, 59 Rice St. (04/13/82)
Cambridge, *Harvard Square Historic District (Cambridge MRA)*, Massachusetts Ave., Boylston and Brattle Sts. (04/13/82)
Cambridge, *Harvard Street Historic District (Cambridge MRA)*, Harvard St. Between Ellery and Hancock Sts. (04/13/82)
Cambridge, *Hastings Square Historic District (Cambridge MRA)*, Roughly bounded by Rockingham, Henry, Chestnut and Brookline Sts. (04/13/82)
Cambridge, *Henderson Carriage Repository (Cambridge MRA)*, 2067–2089 Massachusetts Ave. (04/13/82)
Cambridge, *Higginson, Colonel Thomas Wentworth, House (Cambridge MRA)*, 29 Buckingham St. (04/13/82)
Cambridge, *Howells, William Dean, House (Cambridge MRA)*, 37 Concord Ave. (04/13/82)
Cambridge, *Hoyt, Benjamin, House (Cambridge MRA)*, 134 Otis St. (04/13/82)
Cambridge, *Hubbard Park Historic District (Cambridge MRA)*, Hubbard Park, Mercer Circle and Sparks St. (04/13/82)
Cambridge, *Inman Square Historic District (Cambridge MRA)*, Hampshire, Cambridge, and Inman Sts. (04/13/82)
Cambridge, *Kidder-Sargent-McCrehan House (Cambridge MRA)*, 146 Rindge Ave. (04/13/82)
Cambridge, *Kingsley, Chester, House (Cambridge MRA)*, 10 Chester St. (04/13/82)
Cambridge, *Lamson, Rufus, House (Cambridge MRA)*, 72–74 Hampshire St. (04/13/82)
Cambridge, *Larches, The (Cambridge MRA)*, 22 Larch Rd. (04/13/82)
Cambridge, *Lechmere Point Corporation Houses (Cambridge MRA)*, 45–51 Gore St. and 25 3rd St. (04/13/82)
Cambridge, *Lowell School (Cambridge MRA)*, 25 Lowell St. (04/13/82)
Cambridge, *Mason, Josiah, Jr., House (Cambridge MRA)*, 11 Market St. (04/13/82)
Cambridge, *McLean, Isaac, House (Cambridge MRA)*, 2218 Massachusetts Ave. (04/13/82)
Cambridge, *Mead, Alpheus, House (Cambridge MRA)*, 2200 Massachusetts Ave. (04/13/82)
Cambridge, *Melvin, Isaac, House (Cambridge MRA)*, 19 Centre St. (04/13/82)
Cambridge, *Newman, Andrew, House (Cambridge MRA)*, 23 Fairmont St. (04/13/82)
Cambridge, *Norfolk Street Historic District (Cambridge MRA)*, Norfolk St. between Suffolk and Austin Sts. (04/13/82)
Cambridge, *Noyes, J.A., House (Cambridge MRA)*, 1 Highland St. (04/13/82)
Cambridge, *Odd Fellows Hall (Cambridge MRA)*, 536 Massachusetts Ave. (04/13/82)
Cambridge, *Old Cambridge Baptist Church (Cambridge MRA)*, 398 Harvard St. (04/13/82)
Cambridge, *Opposition House (Cambridge MRA)*, 2–4 Hancock Pl. (04/13/82)
Cambridge, *Prospect Congregational Church (Cambridge MRA)*, 99 Prospect St. (04/13/82)
Cambridge, *Read, Cheney, House (Cambridge MRA)*, 135 Western Ave. (04/13/82)
Cambridge, *Reardon, Edmund, House (Cambridge MRA)*, 195 Erie St. (04/13/82)
Cambridge, *River Street Firehouse (Cambridge MRA)*, 176 River St. (04/13/82)
Cambridge, *Sacred Heart Church, Rectory, School and Convent (Cambridge MRA)*, 6th and Thorndike Sts. (04/13/82)
Cambridge, *Salem-Auburn Streets Historic District (Cambridge MRA)*, Salem and Auburn Sts. (04/13/82)
Cambridge, *Sands, Ivory, House (Cambridge MRA)*, 145 Elm St. (04/13/82)
Cambridge, *Slowey, Patrick, House (Cambridge MRA)*, 73 Bolton St. (04/13/82)
Cambridge, *Soule, Lawrence House (Cambridge MRA)*, 11 Russell St. (04/13/82)
Cambridge, *Taylor Square Firehouse (Cambridge MRA)*, 113 Garden St. (04/13/82)
Cambridge, *Union Railway Car Barn (Cambridge MRA)*, 613–621 Cambridge St. (04/13/82)
Cambridge, *Upper Magazine Street Historic District (Cambridge MRA)*, Cottage, Magazine, William and Perry Sts. (04/13/82)
Cambridge, *Urban Rowhouse (Cambridge MRA)*, 40–48 Pearl St. (04/13/82)
Cambridge, *Urban Rowhouse (Cambridge MRA)*, 30–38 Pearl St. (04/13/82)
Cambridge, *Watson, Abraham, House (Cambridge MRA)*, 181–183 Sherman St. (04/13/82)
Cambridge, *Willis, Stillman, House (Cambridge MRA)*, 1 Potter Park (04/13/82)
Cambridge, *Winter Street Historic District (Cambridge MRA)*, Winter St. (04/13/82)
Cambridge, *Wyeth Brickyard Superintendent's House (Cambridge MRA)*, 336 Rindge Ave. (04/13/82)
Cambridge, *Wyeth, John, House (Cambridge MRA)*, 56 Aberdeen Ave. (04/13/82)
Cambridge, *Wyeth-Smith House (Cambridge MRA)*, 152 Vassal Lane (04/13/82)
Hudson, *Mossman, Col. Adelbert, House*, 76 Park St. (09/30/82)

Lowell, *Allen House*, 57 Rolfe St. (08/11/82)
Lowell, *South Common Historic District*, Roughly bounded by Summer, Gorham, Horndike, and Highland Sts. (08/10/82)
Lowell, *Wamesit Canal-Whipple Mill Industrial Complex*, 576 Lawrence St. (08/11/82)
Lowell, *Washington Square Historic District*, Roughly bounded by Merrimack, Park, Andover, Oak, Harrison, and Willow Sts. (08/11/82)
Melrose, *Melrose Town Center Historic District*, Main St. (04/01/82)
Newton, *Farlow and Kendrick Parks Historic District*, Roughly bounded by Franklin, Park, Church, Center and Wesley Sts. and Maple Ave. (07/08/82)
Newton, *First Baptist Church in Newton*, 848 Beacon St. (04/15/82)
Weston, *Hobbs, Isaac, House*, 87 North Ave. (06/01/82)
Winchester, *Sanborn House*, 15 High St. (12/14/81)

Norfolk County

Milton, *Belcher-Rowe House*, 26 Governor Belcher Lane (04/01/82)
Needham, *Lewis, Joshua, House*, 178 South St. (04/01/82)
Needham, *Mills, Davis, House*, 945 Central Ave. (04/01/82)
Needham, *Tolman-Gay House*, 1196 Central Ave. (06/01/82)
Needham, *Townsend House*, 980 Central Ave. (04/01/82)
Quincy, *Hancock Cemetery*, Hancock St. in Quincy Sq. (01/28/82)
Walpole, *Walpole Town Hall*, Main St. (10/08/81)
Weymouth, *Old South Union Church*, 25 Columbian St. (04/01/82)

Plymouth County

Brockton, *Curtis Building*, 105–109 Main St. (04/15/82)
Brockton, *Forest Avenue School*, Concord Ave. (07/15/82)
Brockton, *Goldthwaite Block*, 99–103 Main St. (04/15/82)
Brockton, *Howard Block*, 93–97 Main St. (04/15/82)
Brockton, *Lyman Block*, 63–91 Main St. (04/15/82)
Norwell, *Norwell Village Area Historic Distict*, MA 123 (06/02/82)
Plymouth, *Harlow, Sgt. William, Family Homestead*, 8 Winter St. (04/15/82)
Plymouth, *Plymouth Village Historic District*, Roughly bounded by Water, Main and Brewster Sts. (06/02/82)

Suffolk County

Boston (Charlestown), *Roughan Hall*, 15–18 City Sq. (04/15/82)
Boston (East Boston), *McKay, Donald, House*, 78–80 White St. (06/02/82)
Boston (Jamaica Plain), *Haffenreffer Brewery*, Germania St. (05/02/82)
Boston, *Adams-Nervine Asylum*, 990–1020 (06/01/82)
Boston, *Fields Corner Municipal Building*, 1 Arcadia St., 195 Adams St. (11/12/81)
Chelsea, *Chelsea Square Historic District*, Broadway, Medford, Tremont, Winnisimmett, Cross, Park and Beacon Sts. (04/08/82)
Chelsea, *Kimball, C. Henry, House*, 295 Washington St. (04/15/82)

Worcester County

Upton, *Knowlton Hat Factory*, 134 Main St. (06/01/82)
Grafton, *Willard House and Clock Museum*, 11 Willard St. (06/01/82)
Holden, *Rogers House*, 28 Boyden Rd. (06/01/82)
Leominster, *Monument Square Historic District*, Main and Water Sts., and Grove Ave. (07/08/82)
Leominster, *Wachusett Shirt Company*, 97–100 Water St. (07/08/82)
North Brookfield, *Camp Atwater (David Fisher Atwater Camp)*, Shore Rd. (04/15/82)
Petersham, *Petersham Common Historic District*, MA 32/122 (05/11/82)
Sturbridge, *Wight, Oliver, House*, Main St. (06/01/82)
Webster, *Main Street Historic District*, 175–299 and 228–274 Main St. (04/06/82)

Essex County

Andover, *Follansbee House (Town of Andover MRA)* 459 Lowell St. (06/10/82)

MICHIGAN

Arenac County

Omar, *Second Arsenac County Courthouse*, Central Ave. (04/15/82)

Baraga County

L'Anse vicinity, *Hebard–Ford Summer House*, NE of L'Anse (05/05/82)

Bay County

Bay City, *Bay County Building*, 515 Center Ave. (03/25/82)
Bay City, *Center Avenue Neighborhood Residential District*, Roughly bounded by Green and N. Madison Aves, 5th and 6th Sts. (04/22/82)
Bay City, *Midland Street Commercial District*, Roughly bounded by John, Vermont, Catherine and Litchfield Sts. (04/22/82)
Bay City, *Pere Marquette Railroad Depot, Bay City Station*, 919 Boutell Pl. (04/15/82)

Berrien County

Berrien Springs, *Old Berrien County Courthouse Complex*, (boundary increase, previously listed as Berrien Springs Courthouse), Cass, Kimmel, Madison, and Union Sts. (04/29/82)

Calhoun County

Marshall, *Prindle, William, Livery Stable (Marshall Town Hall)*, 323 W. Michigan Ave. (08/19/82)

Cass County

Marcellus vicinity, *Newton, George, House*, 20889 Marcellus Hwy. (05/12/82)

Chippewa County

Sault Ste. Marie, *Church of Our Saviour, Friend of Children*, Payment Settlement and Sugar Island (07/08/82)

Clare County

Farwell, *Hitchcock, George and Martha, House*, 205 E. Michigan St. (06/21/82)

Genessee County

Flint, *Knight, Morris A., House*, 1105 Church ST. (07/29/82)

Gogebic County

Ironwood, *Curry, Solomon S., House*, 631 E. McLeod Ave. (04/22/82)

Grand Traverse County

Traverse City vicinity, *Hedden Hall-(Porter Hotel)*, 18599 Old Mission Rd. (04/15/82)

Hillsdale County

Hillsdale vicinity, *Kirby, William R., Sr., House*, 377 State Rd. (07/20/82)
Hillsdale, *Hillsdale County Courthouse*, Howell St (06/11/82)

Houghton County

Houghton, *Douglass House*, Sheldon Ave. and Isle Royale St. (05/13/82)
Houghton, *Shelden-Dee Block*, Shelden Ave. and Isle Royale St. (04/22/82)
Lake Linden, *Bosch, Joseph, Building*, 302 Calumet Ave. (04/22/82)
Lake Linden, *Lake Linden Village Hall and Fire Station*, 401 Calumet Ave. (10/26/81)
South Range, *Kaleva Temple*, Trimountain Ave. (03/19/82)

Isabella County

Clarksville, *Clarksville Methodist Church (Nineteenth Century Churches in Clarksville TR)*, 334 Main St. (04/06/82)
Mount Pleasant, *St. John's Episcopal Church*, 206 W. Maple St. (04/22/82)

Kalamazoo County

Schoolcraft, *Thomas, Dr. Nathan M., House*, 613 East Cass St. (04/22/82)

Kent County

Grand Rapids, *Heartside Historic District*, Division, Commerce, and Ionia Aves., Fulton, Weston, Oakes, and Cherry Sts. (03/02/82)
Grand Rapids, *Third Reformed Church*, 1009 Hermitage St., SE (04/22/82)

Lapeer County

North Branch, *Pioneer State Bank No. 36*, 4046 Huron St. (04/22/82)

Lenawee County

Adrian vicinity, *Raisin Valley Friends Meetinghouse*, 3552 N. Adrian Hwy. (04/28/82)

Luce County

Newbery, *Luce County Sheriff's House and Jail*, 411 W. Harrie St. (04/27/82)

Mackinac County

St. Ignace, *Chambers, John, House*, 90 North State St. (04/22/82)

Macomb County

Mt. Clemens, *Grand Trunk Western Railroad, Mount Clemens Station*, 198 Grand St. (10/28/82)

Manistee County

Manistee, *Manistee Central Business District*, Roughly bonded by Maple, Washington, Water and River Sts. (05/07/82)

Menominee County

Menominee, *Chicago, Milwaukee, St. Paul's and Pacific Railroad Station*, 219 West Fourth Ave. (04/22/82)

Monroe County

Monroe, *East Elm-North Macomb Street Historic District (City of Monroe MRA)*, Roughly bounded by River Raisin, Lorain, Monroe and Macomb Sts. (05/06/82)
Monroe, *Old Village Historic District (City of Monroe MRA)*, MI 50 and MI 125 (05/06/82)
Monroe, *St. Mary's Church Complex Historic District (City of Monroe MRA)*, Elm Ave. and MI 125 (05/06/82)
Monroe, *Weis Manufacturing Company*, Union and 7th Sts. (10/26/82)

Muskegon County

Muskegon, *Amazon Hosiery Mill*, 530–550 W. Western Ave. (04/15/82)
Muskegon, *Muskegon YMCA Building*, 297 W. Clay Ave. (08/11/82)

Oakland County

Orchard Lake, *Orchard Lake Schools Historic District*, Indian Trail (03/19/82)

Ottawa County

Grand Haven, *Ferry, Edward P., House*, 514 Lafayette St. (03/19/82)

Saginaw County

Saginaw, *Bearinger Building (Center Saginaw MRA)*, 124 N. Franklin (07/09/82)
Saginaw, *Brockway, Abel, House (Center Saginaw MRA)*, 1631 Brockway (07/09/82)
Saginaw, *Carriage, Davis, House (Center Saginaw MRA)*, 519 N. Fayette (07/09/82)
Saginaw, *Central Warehouse (Center Saginaw MRA)*, 1800 N. Michigan (07/09/82)
Saginaw, *Cushway, Benjamin, House (Center Saginaw MRA)*, 1404 S. Fayette (07/09/82)
Saginaw, *East Genesee Historic Business District (Center Saginaw MRA)*, Bounded by Federal, Weadock, 2nd and Jones Sts. (07/09/82)
Saginaw, *East Saginaw Historic Business District (Center Saginaw MRA)*, Roughly bounded by Federal, N. Water, N. Washington and N. Franklin Sts. (07/09/82)
Saginaw, *Grove, The (Center Saginaw MRA)*, S. Washington (07/09/82)
Saginaw, *House at 1514 N. Michigan Street (Center Saginaw MRA)*, 1514 N. Michigan St. (07/09/82)
Saginaw, *Michigan Bell Building (Center Saginaw MRA)*, 309 S. Washington (07/09/82)
Saginaw, *North Jefferson Avenue Historic District (Center Saginaw MRA)*, Carroll and Jefferson Aves. (07/09/82)
Saginaw, *North Michigan Avenue Historic District (Center Saginaw MRA)*, Roughly bounded by Monroe, Fayette, N. Hamilton and W. Remington Sts. (07/09/82)
Saginaw, *Peters, Charles, Sr., House (Center Saginaw MRA)*, 130 N. 6th (07/09/82)
Saginaw, *Sacket, Russell, House (Center Saginaw MRA)*, 6104 Ct. (07/09/82)
Saginaw, *Saginaw Central City Expansion District (Center Saginaw MRA)*, Off MI 13 (07/09/82)
Saginaw, *Saginaw City Historic Business District (Center Saginaw MRA)*, Roughly bounded by Saginaw River, S. Michigan, Cleveland and Van Buren Aves. (07/09/82)
Saginaw, *South Jefferson Avenue Historic District (Center Saginaw MRA)*, Off MI 13 (07/09/82)
Saginaw, *South Michigan Avenue Historic District (Center Saginaw MRA)*, Roughly bounded by Fayette, Lyon, Lee and S. Hamilton Sts. (07/09/82)
Saginaw, *St. John's Episcopal Church (Center Saginaw MRA)*, 509 Hancock (07/09/82)
Saginaw, *Wenzel House (Center Saginaw MRA)*, 1203 S. Fayette (07/09/82)
Saginaw, *West Side Historic Residential District (Center Saginaw MRA)*, Roughly bounded by Mason, Madison, Harrison and Lyon Sts. (07/09/82)
Saginaw, *Wright, Ammi and William, House (Center Saginaw MRA)*, 207 Garden Lane (07/09/82)

Schoolcraft County

Manistique, *Manistique Pumping Station*, Deer St. (10/26/81)
Saginaw, *South Jefferson Avenue Historic District (Center Saginaw MRA)*, Off MI 13 (07/09/82)

St. Clair County

Marine City, *Marine City City Hall*, 300 Broadway St. (01/11/82)
Port Huron, *Harrington Hotel*, 1026 Military Street (04/22/82)
Port Huron, *Ladies of the Maccabees Building*, 901 Huron Ave. (04/22/82)

St. Joseph County

Three Rivers, *Downtown Three Rivers Commercial Historic District*, N. Main St., Michigan and Portage Aves. (04/29/82)

Washtenaw County

Ann Arbor vicinity, *Parker Mill Complex*, E of Ann Arbor at Geddes and Dixboro Rds. (08/04/82)
Ann Arbor, *Anderson, William, House*, 2301 Packard Rd. (08/19/82)
Ann Arbor, *Harris Hall*, 617 East Huron St. (04/22/82)
Ann Arbor, *Hoffstetter, Jacob, House*, 322 E. Washington St. (03/19/82)
Ann Arbor, *Methodist Episcopal Church Parsonage*, 322 E. Washington St. (03/18/82)
Ann Arbor, *St. Patrick's Parish Complex*, Northfield Church and Whitmore Lake Rds. (04/23/82)
Ypsilanti, *Brinkerhoff-Becker House*, 601 W. Forest Ave. (07/08/82)
Ypsilanti, *Ypsilanti Water Works Stand Pipe*, Summit and Cross Sts. (10/26/81)

Wayne County

Detroit, *Arden Park-East Boston Historic District*, Arden Park & E. Boston Aves. between Woodward and Oakland Aves. (04/29/82)
Detroit, *Boydell, William C., House*, 4614 Cass Ave (03/19/82)
Detroit, *Cathedral Church of St. Paul Complex (Religious Structures of Woodward Ave. TR)*, 4800 Woodward Ave. (08/03/82)
Detroit, *Cathedral of the Most Blessed Sacrament (Religious Structures of Woodward Ave. TR)*, 9644–9854 Woodward Ave. (08/03/82)
Detroit, *Central United Methodist Church (Religious Structures of* Woodward Ave. TR), Woodward Ave. E. Adams St. (08/03/82)
Detroit, *Central Woodward Christian Church (Religious Structures of Woodward Ave. TR)*, 9000 Woodward Ave. (08/03/82)
Detroit, *Coronado Apartments*, 3751–73 Second Ave. (04/22/82)
Detroit, *First Baptist Church of Detroit (Religious Structures of Woodward Ave. TR)*, 8801 Woodward Ave. (08/03/82)
Detroit, *First Unitarian Church of Detroit (Religious Structures of Woodward Ave. TR)*, 2870 Woodward Ave. (08/03/82)
Detroit, *Gethsemane Evangelical Lutheran Church*, 4461 Twenty-eighth St. (04/22/82)
Detroit, *Grand Riviera Theater*, 9222 Grand River Ave. (04/22/82)
Detroit, *Greektown Historic District*, Monroe Ave., between Brush and St. Antoine Sts. (05/06/82)
Detroit, *Lawyers Building*, 137 Cadillac Sq. (04/22/82)
Detroit, *Lee Plaza Hotel*, 2240 West Grand Blvd. (11/05/81)
Detroit, *Metropolitan United Methodist Church (Religious Structures of Woodward Ave. TR)*, 8000 Woodward Ave. (08/03/82)
Detroit, *North Woodward Congregational Church (Religious Structures of Woodward Ave. TR)*, 8715 Woodward Ave. (08/03/82)
Detroit, *St. John's Episcopal Church (Religious Structures of Woodward Ave. TR)*, Woodward Ave. at E. Fisher Freeway (08/03/82)
Detroit, *St. John's-St. Luke's Evangelical Church*, 2120 Russell St. (04/22/82)
Detroit, *St. Joseph's Episcopal Church (Religious Structures of Woodward Ave. TR)*, 8850 Woodward Ave. (08/03/82)
Detroit, *St. Joseph's Episcopal Church (Religious Structures of Woodward Ave. TR)*, 5930 Woodward Ave. (08/03/82)
Detroit, *State Savings Bank*, 151 W. Fort St. (03/19/82)
Detroit, *Temple Beth-El (Religious Structures of Woodward Ave. TR)*, 8801 Woodward Ave. (08/03/82)
Detroit, *Temple Beth-El (WSU Bonstelle Theatre) (Religious Structures of Woodward Ave. TR)*, 3424 Woodward Ave. (08/03/82)
Detroit, *The Clay School*, 453 Martin Luther King, Jr., Blvd. (07/08/82)
Detroit, *Washington Boulevard Historic District*, Washington Blvd., State and Clifford Sts. (07/15/82)
Detroit, *Woodward Ave. Baptist Church (Religious Structures of Woodward Ave. TR)*, 1464 Woodward Ave. (08/03/82)
Detroit, *Woodward Ave. Presbyterian Church (Religious Structures of Woodward Ave. TR)*, 8501 Woodward Ave. (08/03/82)
Grosse Pointe Farms, *Alger, Russell A., Jr., House*, 32 Lake Shore Dr. (07/08/82)
Highland Park, *First United Methodist Church (Religious Structures of Woodward Ave. TR)*, 16300 Woodward Ave. (08/03/82)
Highland Park, *Grace Evangelical Lutheran Church (Religious Structures of Woodward Ave. TR)*, 12375 Woodward Ave. (08/03/82)
Highland Park, *Highland Park Presbyterian Church (Religious Structures of Woodward Ave. TR)*, 14 Cortland St. (08/03/82)

Highland Park, *Trinity United Methodist Church (Religious Structures of Woodward Ave. TR)*, 13100 Woodward Ave. (08/03/82)
Plymouth, *Baker, Henry W., House*, 233 S. Main St. (04/22/82)
Edison Institute—Greenfield Village and the Henry Ford Museum (12/21/81) (NHL)

Wexford County

Cadillac, *Shay Locomotive*, Cass St. (10/20/81)

MINNESOTA

Aitkin County

Aitkin vicinity, *Swedish Evangelical Lutheran Bethlehem Church (Aitkin County MRA)*, Off SR 12 (04/16/82)
Aitkin, *Aitkin County Courthouse and Jail (Aitkin County MRA)*, 209 and 217 2nd St. NW (04/16/82)
Aitkin, *Aitkin Public Library (Aitkin County MRA)*, 121 2nd St. NW (04/16/82)
Aitkin, *Casey, Patrick, House (Aitkin County MRA)*, 4th St. SE and 2nd Ave. (04/16/82)
Aitkin, *Northern Pacific Depot (Aitkin County MRA)*, Minnesota Ave. (04/16/82)
Aitkin, *Potter/Casey Company Building (Aitkin County MRA)*, E Minnesota Ave. between 1st and 2nd Sts. NW (04/16/82)
Hill City, *National Woodenware Company Superintendent's Residence (Aitkin County MRA)*, SW Elm St. and Ione Ave. (04/16/82)
McGrath vicinity, *Arthyde Stone House (Aitkin County MRA)*, NE of McGrath (04/16/82)

Becker County

White Earth, *St. Benedict's Mission School*, S of White Earth on CR 133 (08/24/82)

Benton County

Gilman vicinity, *Esselman Brothers General Store (Benton County MRA)*, NW of Gilman (04/06/82)
Gilman, *Saints Peter and Paul Catholic Church Complex (Benton County MRA)*, State St. (04/06/82)
Ronneby vicinity, *Ronneby Charcoal Kiln (Benton County MRA)*, W of Ronneby (04/06/82
Sauk Rapids, *Robinson, Leonard, House (Benton County MRA)*, 202 2nd Ave. S (04/06/82)
St. Cloud vicinity, *Cota Round Barns (Benton County MRA)*, SR 40 (04/06/82)

Carver County

Chanhassen, *St. Hubertus Catholic Church*, Great Plains Blvd., and W. 78th St. (03/19/82)

Chippewa County

Montevideo, *Montevideo Public Library*, 125 N. 3rd St. (08/26/82)

Dodge County

Dodge Center vicinity, *Nelson, Perry, House (Dodge County MRA)*, SR 22 (04/16/82)
Hayfield vicinity, *Holtermann, Andrew, House (Dodge County MRA)*, SR 30, S side (04/16/82)
Kasson vicinity, *Carlson, Ole, House (Dodge County MRA)*, Hwy. 15 (04/16/82)
Kasson, *Eureka Hotel (Dodge County MRA)*, 3rd Ave. SW at 1st SW (04/16/82)
Kasson, *Kasson Municipal Building (Dodge County MRA)*, 12 W. Main (04/16/82)
Kasson, *Leuthold, Jacob, Jr., House (Dodge County MRA)*, 106 2nd Ave. NW (04/16/82

Fillmore County

Chatfield, *Chatfield Shreveport Municipal Building*, 724 McNeil St. (05/05/82)
Lanesboro, *Lanesboro Historic District (Fillmore County MRA)*, MN 16 250 (09/09/82)
Preston, *Fillmore County Jail and Carriage House*, Houston and Preston Sts. (03/05/82)
Rushford, *Rushford Wagon and Carriage Company (Fillmore County MRA)*, Elm St. (04/27/82)
Spring Valley vicinity, *Pietenpol, Bernard H., Workshop and Garage (Fillmore County MRA)*, Cherry Grove Village (04/27/82)
Spring Valley, *Spring Valley Mausoleum (Fillmore County MRA)*, Spring Valley Cemetery (04/27/82)
Spring Valley, *Spring Valley Public Library (Fillmore County MRA)*, 201 S. Broadway (04/27/82)
Spring Valley, *Steffens, Ephraim, House (Fillmore County MRA)* 404 N. Broadway (04/27/82)
Spring Valley, *Strong, William, Estate (Fillmore County MRA)*, 506 N. Huron Ave. (04/27/82)

Freeborn County

Alberta Lea, *Chicago, Milwaukee, St. Paul and Pacific Railroad Depot*, 606 S. Broadway (02/02/82)

Goodhue County

Red Wing, *Red Wing Residential Historic District*, Roughly bounded by W. Fifth, W. Main, Cedar and Dakota Sts. (04/15/82)
Red Wing, *St. James Hotel and Buildings*, Bush and Main Sts. (01/06/82)

Hennepin County

Eden Prairie, *Cummings, John R., Homestead*, 13600 Pioneer Trail (09/02/82)
Edina, *Country Club District*, Roughly bounded by Minnehaha Creek, U.S. 169, Arden Ave., W. 44th and 50th Sts. (04/26/82)
Excelsior, *Excelsior Fruit Growers Association Building*, 450 3rd St. (01/04/82)
Minneapolis, *Fire Station No. 18*, 2001 University Ave. SE (01/14/82)
St. Louis Park, *Peavy-Haglin Experimental Concrete Grain Elevator*, Hwy. 7 and 100, SE Corner, (01/17/83) (NHL)

Houston County

Caledonia, *Houston County Poor Home (Houston County MRA)*, Hwy 12 (04/06/82)
Caledonia, *Sprague, Ellsworth Ara and Robert David, Houses Houston County MRA)*, 204 and 224 W. Main St. (04/06/82)
Caledonia, *Williams, Spafford, Hotel (Barnes House) (Houston County MRA)*, E. Main at N. Marshall (04/06/82)
Eitzen vicinity, *Eitzen Stone Barn (Houston County MRA)*, S of Eitzen (04/06/82)
Eitzen vicinity, *Johnson, Charles, Flour Mill (Upper Mill) (Houston County MRA)*, NE of Eitzen (04/06/82)
Eitzen vicinity, *Portland Prairie Methodist Episcopal Church (Houston County MRA)*, Off MN 76 (04/06/82)
Eitzen, *Bunge, Christian, Jr., Store (Houston County MRA)*, Iowa Ave. at Main St. (04/06/82)
LaCrescent, *Cameron, Daniel, House (Houston County MRA)*, 429–435 S. 7th St. (04/06/82)

Itasca County

Calumet vicinity, *Gran, Frank, Farmstead (Itasca County MRA)*, Off CR 10 (04/22/82)
Coleraine vicinity *Hartley Sugar Camp (Itasca County MRA)*, SE of Coleraine (04/22/82)
Coleraine vicinity, *Oliver Iron Mining Company Buildings TR (Itasca County MRA)*, (04/22/82)
Coleraine, *Canisteo District (Aitkin County MRA)*, Aitkin
Coleraine, *Canisteo District General Office Building (Oliver Iron Mining Company Buildings TR (Itasca County MRA)*, 200 Cole Ave. (04/22/82)
Coleraine, *Coleraine Methodist Episcopal Church (Itasca County MRA)*, NW Gayley and Cole Aves. (04/22/82)
Coleraine, *General Superintendent's House (Oliver Iron Mining Company Buildings TR) (Itasca County MRA)*, Morrison Ave. (04/22/82)
Coleraine, *Northern Pacific Depot (Aitkin County MRA)*, Minnesota Ave. (04/16/82)
Deer River, *Itasca Lumber Company Superintendent's House (Itasca County MRA)*, 506 5th St. SE (04/22/82)
Marble, *Oliver Boarding House (Oliver Iron Mining Company Buildings TR) (Itasca County MRA)*, Jessie St. (04/22/82)

Itasca and Cass Counties

Deer River vicinity, *Winnibigoshish Lake Dam*, SR 9 (05/11/82)

Lac Qui Parle County

Dawson, *Commercial Bank Building*, Off US 212 (01/28/82)

LeSueur County

LeSueur vicinity, *Episcopal Church (LeSueur County MRA (additions))*, Ottawa (03/15/82)
LeSueur vicinity, *German Evangelical Salem Church (LeSueur County MRA additions))*, CR 156 (03/15/82)
LeSueur vicinity, *Methodist Church (LeSueur County MRA (additions))*, Ottawa (03/15/82)
LeSueur vicinity, *Needham-Hayes House (LeSueur County MRA (additions))*, Off SR 23 (03/15/82)
LeSueur vicinity, *Ottawa Stone Buildings (LeSueur County MRA (additions))*, SE of LeSueur (03/15/82)
LeSueur, *Cosgrove, C. N., House (LeSueur County MRA (additions))*, 228 S. 2nd (03/15/82)
LeSueur, *Smith-Cosgrove House (LeSueur County MRA (additions))*, 228 S Main St. (03/15/82)
Montgomery, *Hilltop Hall (LeSueur County MRA (additions))*, 206 N. 1st St. (03/15/82)
Montgomery, *Westerman Lumber Office and House (LeSueur County MRA (additions))*, 201 S. 1st St. (03/15/82)

New Prague, *First National Bank (LeSueur County MRA (additions))*, 112 E. Main (03/15/82)
New Prague, *Hotel Broz (LeSueur County MRA (additions))*, 212 W. Main (03/15/82)
Ottawa, *Ottawa Town Hall (LaSueur County MRA (additions))*, Ottawa (03/15/82)
Ottawa, *Patten Farmhouse (LeSueur County MRA (additions))*, Ottawa (03/15/82)
Ottawa, *Rinshed House (LeSueur County MRA (additions))*, Ottawa (03/15/82)
Ottawa, *Schwartz House and Barn (LeSueur County MRA (additions))*, Ottawa (03/15/82)
Waterville, *Union Hotel (LeSueur County MRA (additions))*, 201 Paquin St. E. (03/15/82)

Lincoln County

Lake Benton, *Lake Benton Opera House and Kimball Building*, Benton St. (04/22/82)

Lyon County

Cottonwood, *Norseth, Martin, House (Lyon County MRA)*, 86 E. Main (03/15/82)
Lynd, *Kiel & Morgan Hotel/Lyon County Courthouse (Lyon County MRA)*, River St. & SR 4 (03/15/82)
Marshall, *Gieske, William F., House (Lyon County MRA)*, 601 W. Lyon (03/15/82)
Marshall, *Masonic Timple/Delta Lodge No. 119 (Lyon County MRA)*, 325 W. Main (03/15/82)
Minneota, *Anderson, J. S., House (Lyon County MRA)*, 402 E. 2nd St. (03/15/82)
Minneota, *Anderson, O. G., & Co. Store (Lyon County MRA)*, Jefferson St. (03/15/82)
Minneota, *St. Paul's Evangelical Lutheran Church & Parsonage (Lyon County MRA)*, 412–414 E Lyon St. (03/15/82)
Tracy, *First National Bank (Lyon County MRA)*, 101 3rd St. (03/15/82)

McLeod County

Winsted, *Winsted City Hall*, 181 1st St., N (08/19/82)

Mower County

Austin, *Cook-Hormel House*, 208 4th Ave., NW (08/19/82)

Nobles County

Worthington, *Citizens' National Bank*, 326 10th St. (03/18/82)

Olmsted County

Chatfield, *White, Milo, House (Hazelwood)*, 122 Burr Oak St. (03/19/82)
Rochester vicinity, *Mayowood Historic District*, SR 125 (03/31/82)
Rochester, *Avalon Hotel*, 301 N. Broadway (03/19/82)

Polk County

Gentilly, *St. Peter's Church*, Off US 2 (08/19/82)

Pope County

Glenwood vicinity, *Sunset Beach Hotel*, SR 17 (02/11/82)
Glenwood vicinity, *Terrace Historic District (Pope County MRA), off State Hwy* 104 (04/01/82)
Glenwood, *Fremad Association Building (Pope County State Bank Building) (Pope County MRA)*, 2–22 S. Franklin (04/01/82)
Glenwood, *Glenwood Public Library (Pope County MRA)*, 108 1st Ave. (04/01/82)
Glenwood, *Pope County Courthouse (Pope County MRA)*, E. Minnesota St. (04/01/82)
Lowry, *Lowry Public School (Pope County MRA)*, Florence Ave. and Maple St. (04/01/82)
Sedan vicinity, *Iverson, Urjans, Cabin*, Off MN (02/11/82)
Starbuck, *Minnewaska Hospital (Pope County MRA)*, Wollan and Fifth Sts. (04/01/82)
Villard vicinity, *Pennie, Daniel, House (Pope County MRA)*, MN 27 (04/01/82)

Ramsey County

St. Paul, *Butler, Pierce and Walter, House*, 1345–1347 Summit Ave. (04/22/82)
St. Paul, *Finch, VanSlyck and McConville Dry Goods Company Building*, 366 Wacouta St. (02/01/82)
St. Paul, *Minnesota Boat Club Boathouse on Raspberry Island*, 1 S. Wabasha St. (02/04/82)
St. Paul, *St. Paul Women's City Club*, 305 St. Peter St. (03/19/82)

Rice County

Dundas, *Ault Store (Rice County MRA)*, 2nd St. (04/06/82)
Dundas, *Church of the Holy Cross (Rice County MRA)*, 2nd St. (04/06/82)
Dundas, *Martin House (Rice County MRA)*, Bridge and 1st Sts. (04/06/82)
Faribault, *Buck, Cassius, House (Rice County MRA)*, 124 1st Ave. SW (04/06/82)
Faribault, *Buckham, Thomas Scott, Memorial Library (Rice County MRA)*, Central Ave. and Division St. (04/06/82)
Faribault, *Cathedral of Our Merciful Saviour and Guild House (Boundary Increase)*, 515 NW Second Ave. (02/19/82)
Faribault, *Faribault City Hall (Rice County MRA)*, 208 1st Ave. NW (04/06/82)
Faribault, *Faribault Historic Commercial District (Rice County MRA)*, Central Ave, 2nd and 3rd Sts. (04/06/82)
Faribault, *Faribault Water Works (Rice County MRA)*, 7th St. NW (04/06/82)
Faribault, *Farmer Seed and Nursery Company (Rice County MRA)*, 818 NW 4th St. (04/06/82)
Faribault, *Hospital (Rice County MRA)*, Faribault State Hospital (04/06/82)
Faribault, *Hutchinson, John, House (Rice County MRA)*, 305 2nd St. NW (04/06/82)
Faribault, *Rice County Courthouse and Jail (Rice County MRA)*, 3rd St. and 2nd Ave. NW (04/06/82)
Faribault, *Rock Island Depot (Rice County MRA)*, 3rd St. and 1st Ave. NE (04/06/82)
Faribault, *Shattuck Historic District (Rice County MRA)*, Shumway Ave. (04/06/82)
Faribault, *St. Mary's Hall (Rice County MRA)*, 4th St., NE and 4th Ave. NE (04/06/82)
Faribault, *Steensland Library (Rice County MRA)*, St. Olaf College Campus (04/06/82)
Faribault, *Theopold Mercantile Co. Wholesale Grocery Building (Rice County MRA)*, 1st Ave. and 3rd St. NE (04/06/82)
Faribault, *Wilson, Hudson, House (Rice County MRA)*, 104 1st Ave. NW (04/06/82)
Nerstrand vicinity, *Bonde Farmhouse (Rice County MRA)*, CR 27 and MI Hwy. 246 (04/06/82)
Nerstrand vicinity, *Valley Grove (Rice County MRA)*, CR 29 off MI Hwy. 246 (04/06/82)
Nerstrand, *Nerstrand City Hall (Rice County MRA)*, Main St. (04/06/82)
Nerstrand, *Osmund Osmundson House (Rice County MRA)*, E. Nerstrand, N. Main Sts. (04/06/82)
Nerstrand vicinity, *Thorstein Veblen Farmstead*, NE of Nerstrand off MN 246, (12/21/81)(NHL)
Northfield vicinity, *Drake Farmhouse (Rice County MRA)*, CR 22 and 1 (04/06/82)
Northfield, *All Saints Church (Rice County MRA)*, Washington and 5th Sts. (04/06/82)
Northfield, *Lord, Drew H., House (Rice County MRA)*, 201 E. 3rd (04/06/82)
Northfield, *Scoville Memorial Library (Rice County MRA)*, 1st St. E. and College St. (04/06/82)
Northfield, *Skinner Memorial Chapel (Rice County MRA)*, 1st, Winona, and College Sts. (04/06/82)
Shieldsville, *St. Patrick's Catholic Church and Parsonage (Rice County MRA)*, CR 10 (04/06/82)
Webster vicinity, *Annunciation Church of Hazelwood (Rice County MRA)*, SR 46 (04/06/82)

Roseau County

Warroad, *Warroad Canadian National Railway Depot*, Main St. (04/06/82)

Scott County

New Prague, *St. Wenceslaus Church Complex*, E. Main St. (02/19/82)

Sibley County

Gibbon, *Gibbon City Hall*, 1st Ave. and 12th St. (08/19/82)
Henderson, *Poehler, August F., House*, 700 Main St. (02/04/82)

St. Louis County

Virginia, *Jukola Boardinghouse*, 201 N. 3rd Ave. (03/10/82)
Virginia, *Shirt Factory*, 305 S. 1st St. (02/04/82)

Stearns County

Avon, *Church of the Immaculate Conception (Ethnic Hamlet Churches: Stearns County Catholic Settlement TR) (Stearns County MRA)*, Off I 94 (04/15/82)
Belgrade, *Borgending, Christopher, House (Stearns County MRA)*, Washburn Ave. (04/15/82)
Cold Spring, *Hermanutz, Eugene, House (Cold Spring Brewers' Houses TR) (Stearns County MRA)*, 302 N. Red. River Ave. (04/15/82)
Cold Spring, *Oster, John, House (Cold Spring Brewers' Houses TR) (Stearns County MRA)*, 201 N. Red River Ave. (04/15/82)
Cold Spring, *Peters, Ferdinand, House (Cold Spring Brewers' Houses TR) (Stearns County MRA)*, 214 N. Red River Ave. (04/15/82)
Freeport, *Swany White Flour Mill and Miller's House (Stearns County MRA)*, Mary St. (04/15/82)
Holdingford vicinity, *Church of the Sacred Heart (Ethnic Hamlet Churches: Stearns County Catholic Settlement TR) (Stearns County MRA)*, Arban (04/15/82)
Kimball, *Kimball Prairie Village Hall (Stearns County MRA)*, Main St. and Hazel (04/15/82)

Rockville, *Clark and McCormack Quarry and House (Stearns County MRA)*, MN 23 at Pine St. (04/15/82)
Sauk Centre, *Palmer House Hotel*, 500 Sinclair Lewis Ave. (02/11/82)
St. Augusta, *St. Mary Help of Christians Church and Rectory (Ethnic Hamlet Churches: Stearns County Catholic Settlement TR) (Stearns County MRA)* CR 7 (04/15/82)
St. Cloud, *Benson, John N., House*, 402 6th Ave., S (02/11/82)
St. Cloud, *Bishop's House/Chancery Office (Stearns County MRA)*, 214 3rd Ave. S. (04/15/82)
St. Cloud, *Clarke, Nehemiah P., House (Stearns County MRA)*, 356 3rd Ave. S (04/15/82)
St. Cloud, *Fifth Avenue Commercial Buildings (Stearns County MRA)*, 14–30 5th Ave. S (even numbers only) (04/15/82)
St. Cloud, *First National Bank (Stearns County MRA)*, 501 St. Germain St. (04/15/82)
St. Cloud, *St. Cloud Public Library (Stearns County MRA)*, 124 5th Ave. S (04/15/82)
St. Cloud, *Stearns County Courthouse and Jail (Stearns County MRA)*, 1st St. and 8th Ave. N (04/15/82)
St. Joseph, *Church of St. Joseph and Rectory (Ethnic Hamlet Churches: Stearns County Catholic Settlement TR) (Stearns County MRA)*, Minnesota St. and College Ave. (04/15/82)
St. Joseph, *First State Bank (Stearns County MRA)*, 23 Minnesota St. W. (04/15/82)
St. Stephen, *Church of St. Stephen and Rectory (Ethnic Hamlet Churches: Stearns County Catholic Settlement TR) (Stearns County MRA)*, CR 2 (04/15/82)
St. Anthony vicinity, *Gogala, Anton, Farmstead (Stearns County MRA)*, SR 39 and MN 238 (04/15/82)

Stevens County

Morris, *Stanton, Lewis H., House (The Chimneys)*, 907 Park St. (08/19/82)

Wabasha County

Wabasha, *First Congregational Parsonage*, 305 W. 2nd St. (02/04/82)
Wabasha, *Grace Memorial Episcopal Church*, 206 E. 3rd St. (02/04/82)
Wabasha, *Wabasha Commercial District*, Roughly bounded by R.R. tracks, Bridge and Bailey Aves. and Second St. (04/15/82)
Wabasha, *Wabasha County Poor House*, Hiawatha Dr. (08/26/82)

Waseca County

Janesville, *Janesville Free Public Library*, 102 W. 2nd St. (08/19/82)
New Richland vicinity, *Vista Lutheran Church*, N of New Richland off MN 13 (08/25/82)
Waseca, *Armstrong, W. J., Company Wholesale Grocers*, 202 SW 2nd St. (08/19/82)
Waseca, *Aughenbaugh, W. J., House*, 831 NE 3rd Ave. (08/24/82)
Waseca, *Ward, R. Percy, House*, 804 E. Elm Ave. (08/19/82)
Waseca, *Waseca County Courthouse*, 307 N. State St. (09/02/82)
Waseca, *Wolf, W. R., House*, 522 2nd Ave. NE (08/24/82)

Washington County

Afton/Valley Creek, *Bolles, Erastus, House (Valley Creek Residences TR) (Washington County MRA)*, 1741 Stagecoach Trail (04/20/82)
Afton/Valley Creek, *Gilbert, Newington, House (Valley Creek Residences TR) (Washington County MRA)*, 1678 Stagecoach Trail (04/20/82)
East Cottage Grove, *Furber, J. P., House (Washington County MRA)* 7310 Lamar Ave. (04/20/82)
Lakeland, *Jackson, Mitchell, Farmhouse*, 16376 7th St. Lane South (02/19/82)
Stillwater, *Hersey, Roscoe, House*, 416 S. 45th St. (02/19/82)
Stillwater, *Jenks, Capt. Austin, House (Washington County MRA)*, 504 S. 5th St. (04/20/82)
Stillwater, *Lammers, Albert, House (Washington County MRA)*, 1306 S. 3rd St. (04/20/82)
Stillwater, *McKusick, Ivory, House (Washington County MRA)*, 504 N. 2nd St. (04/20/82)
Stillwater, *Minneapolis & St. Paul Suburban Railway Company Office & Power House (Washington County MRA)*, 516 N. Owens (04/20/82)
Stillwater, *Old Minnesota State Prison (Washington County MRA)*, Main and Laurel Sts. (04/20/82)
Stillwater, *Sauntry, William, House and Recreation Hall (Washington County MRA)*, 624 N. 4th St. and 625 N. 5th St. (04/20/82)
Stillwater, *St. Croix Lumber Mills (Stillwater Manufacturing Company) (Washington County MRA)*, 318 N. Main (04/20/82)
Stillwater, *Stussi, Henry, House (Washington County MRA)*, 9097 Mendel Rd. (04/20/82)
Stillwater, *Webster, Mortimer, House (Washington County MRA)*, 435 S. Broadway (04/20/82)

Winona County

Homer vicinity, *Rockledge*, US Highway 61 (08/26/82)
Winona, *Schlitz Hotel*, 129 W. 3rd St. (08/26/82)

MISSISSIPPI

Adams County

Natchez vicinity, *Cedar Grove*, SE of Natchez (03/19/82)
Natchez vicinity, *China Grove Plantation*, S of Natchez (04/07/82)
Natchez vicinity, *Foster's Mound*, NE of Natchez off US 61 (09/02/82)
Natchez vicinity, *Kingston Methodist Church*, SE of Natchez (05/13/82)
Natchez *Brandon, Gerald, IV, House*, 708 N Union St. (03/19/82)
Natchez *Dicks, John, House*, 802 N. Union St. (03/25/82)
Natchez *Keyhole House*, 1016 Main St. (03/25/82)
Washington vicinity, *Warren-Erwin House*, Palestine Rd. (03/19/82)

Amite County

Centreville vicinity, *Sunnyslope*, NE of Centreville (03/22/82)

Chickasaw County

Houston, *Judge Bates House*, S. Monroe St. (05/06/82)

Claiborne County

Lorman, *Alcorn State University Historic District*, Alcorn State University campus (05/17/82)

Clay County

West Point, *West Point Central City Historic District*, MS 50 (06/01/82)

DeSoto County

Olive Branch vicinity, *Miller Plantation House*, Miller Rd. (07/15/82)

Franklin County

Meadville, *Franklin County Courthouse*, Courthouse Sq. (12/17/81)

Hinds County

Jackson, *Merrill-Maley House*, 739 N. State St. (04/29/82)
Raymond vicinity, *McNair Plantation*, SE of Raymond on MS 18 (05/03/82)

Humphreys County

Lake City vicinity, *Slate Archaeological Site (22 HU855)*, (07/08/82)

Jackson County

Hurley vicinity, *DeGroote Folk House*, NE of Hurley off MS 613 (05/04/82)

Lowndes County

Columbus, *South Columbus Historic District*, U.S. 82 (06/08/82)

Madison County

Canton, *Canton Courthouse Square Historic District*, Center, Liberty, Peace and Union Sts. (06/30/82)
Tougaloo, *Boddie, John W., House*, Tougaloo College campus (05/13/82)

Marshall County

Holly Springs, *Chalmers Institute (Holly Springs MRA)*, W. Chulahoma Ave. (06/28/82)
Holly Springs, *Hillcrest Cemetery (Holly Springs MRA)* Center St. (06/28/82)
Holly Springs, *Malone House (Holly Springs MRA)*, 197 W. College Ave. (06/28/82)
Holly Springs, *Oakview (Rust College Infirmary) Holly Springs MRA)*, Rust College Campus, Rust Ave. (06/28/82)
Holly Springs, *Old Water and Electric Light Plant (Holy Springs MRA)*, 140 E. Falconer Ave. (06/28/82)

Oktibbeha County

Starkville, *Greensboro Street, Historic District*, Greensboro St. (06/14/82)

Tallahatche County

Charleston, *Lamb-Fish Bridge*, E. of Charleston (05/17/82)
Sumner, *Murphey-Jennings House*, 307 Walnut St. (03/25/82)

Warren County

Vicksburg, *Anchuca*, 1010 1st E. St. (03/22/82)
Vicksburg, *Davis-Mitchell House*, 901 Crawford St. (06/01/82)

Vicksburg, *Feld House*, 2108 Cherry St. (08/02/82)
Vicksburg, *Lane, John, House*, 905 Crawford St. (05/06/82)
Vicksburg, *Walnut Hills*, 1214 Adams St. (03/19/82)
Vicksburg, *Young-Bradfield House*, 913 Crawford St. (05/06/82)

Washington County

Greenville, *Finlay House*, 137 N. Poplar St. (04/27/82)
Greenville, *Old Delta Democrat Times Building*, 201–203 Main St. (03/25/82)

Wilkinson County

Centreville vicinity, *Forest Home Plantation*, SW of Centreville (03/19/82)
Woodville, *Woodville Historic District*, Roughly bounded by Prentiss, 2nd, College, Siglo, and Water Sts. (09/30/82)

Yalobusha County

Coffeeville, *Coffeeville Hotel*, (03/01/82)

MISSOURI

Atchison County

Tarkio, *Walnut Inn*, 224 Main St. (04/12/82)

Boone County

Columbia, *Pierce Pennant Motor Hotel*, 1406 Old US 40 W. (09/02/82)

Buchanan

Rushville vicinity, *Fenton, Enoch Madison, House (Edward Jackson Fenton House)*, SE of Rushville (04/12/82)
St. Joseph, *Miller-Porter-Lacy House*, 2912 Frederick Blvd. (09/09/82)
St. Joseph, *Richardson, John D., Dry Goods Company*, 300 N. 3rd St. (04/12/82)
St. Joseph, *St. Joseph Public Library*, 10th and Felix Sts. (09/20/82)
St. Joseph, *Vosteen-Hauck House*, 913 N. 2nd St. (09/23/82)

Calloway County

Fulton, *Westminster College Historic District*, Off Westminster Ave. (04/12/82)

Cape Girardeau County

Cape Girardeau, *St. Vincent De Paul Catholic Church*, 131 South Main St. (04/12/82)

Cass County

Harrisonville, *St. Peter's Episcopal Church*, 400 W. Wall St. (09/09/82)

Clay County

Kearney vicinity, *Claybrook House*, NE of Kearney (12/21/81)

Cooper County

Jamestown vicinity, *Dick-Kobel Homestead*, W of Jamestown (09/09/82)
Pleasant Green vicinity, *Prairie View*, E of Pleasant Green off MO 135 (09/20/82)

Daviess County

Gallatin, *Ray, A., Taylor House*, 212 W. Van Buren St. (04/12/82)

DeKalb County

Stewartsville vicinity, *Dalton-Uphoff House*, N of Stewartsville (04/12/82)
Weatherby vicinity, *Riggs, Absolom, House*, SR 1 (04/12/82)

Gasconade County

Hermann vicinity, *Vallet-Danuser House*, E of Hermann on MO 100 (09/23/82)

Greene County

Springfield, *Abou Ben Adhem Shrine Mosque*, 601 E. St. Louis (09/09/82)

Howard County

Fayette, *Oakwood*, 1 Leonard Ave. (09/23/82)
Fayette, *St. Mary's Episcopal Church*, 104 W. Davis St. (09/09/82)
Franklin vicinity, *Cedar Grove*, W of Franklin (07/19/82)
Glasgow, *Glasgow Presbyterian Church*, Commerce and 4th Sts. (09/09/82)

Jackson County

Kansas City, *Beth Shalom Synagogue*, 3400 The Paseo (09/09/82)
Kansas City, *Corrigan, Thos., Building*, 1828 Walnut St. (09/16/82)
Kansas City, *Fire Department Headquarters; Fire Station #2*, 1020 Central Ave. (09/02/82)
Kansas City, *Gate City National Bank*, 1111 Grand Ave. (09/02/82)
Kansas City, *Meyer, August, House*, 4415 Warwick Blvd. (09/09/82)
Kansas City, *Mutual Musicians Association Building*, 1823 Highland Ave. (12/21/81)(NHL)
Kansas City, *Webster School*, 1644 Wyandotte St. (09/02/82)
Kansas City, *West Eleventh Street Historic District*, Central and W. 11th Sts. (09/09/82)

Jasper County

Webb City, *Middle West Hotel*, 1 S. Main St. (09/16/82)

Laclede County

Lebanon, *Ploger-Moneymaker Place*, 291 Harwood Ave. (09/23/82)

Lafayette County

Higginsville vicinity, *Confederate Chapel, Cemetery and Cottage*, N of Higginsville (12/16/81)

Missouri County

Clayton, *Carrswold Historic District*, 1–26 Carrswold Dr. (09/09/82)

Moniteau County

California, *Old Barnhill Building*, 301 North High St. (04/12/82)
California, *Old California City Hall and Fire Station*, 101 North High St. (04/12/82)

Montgomery County

Starkenburg, *Shrine of Our Lady of Sorrows*, SR P (09/09/82)

Morgan County

Barnett vicinity, *Ratcliff, Jesse, House*, NE of Barnett (04/12/82)

Osage County

Rich Fountain, *Sacred Heart Catholic Church and Parsonage*, SR U (09/09/82)

Pemiscot County

Caruthersville, *Caruthersville Water Tower*, W. 3rd St. (09/09/82)

Pike County

Louisiana, *Luce-Dyer House*, 220 N. 3rd St. (09/23/82)

Ray County

Richmond, *Dougherty Auditorium*, 203 W. Main St. (09/16/82)

Shannon County

Eminence vicinity, *Alley Spring Roller Mill*, W of Eminence off MO 106 (12/08/81)

St. Charles County

New Melle, *St. Paul's Church*, SR D (09/09/82)
St. Charles, *Watson, Samuel Stewart, House*, 205 S. Duchesne Dr. (09/23/82)

St. Louis (Independent City)

Aubert Place (Fountain Park), Fountain Ave. between Walton Ave. and Kings Highway (09/30/82)
Barr Branch Library Historic District, 2500–2630 Lafayette Ave. (09/02/82)
Building at 1300 Washington Avenue, 1300–1310 Washington Ave. (09/02/82)
Butler House, 4484 W. Pine Blvd. (09/02/82)
Chemical Building, 721 Olive St. (03/19/82)
Des Peres School, 6307 Michigan Ave. (09/02/82)
Hargadine-McKittrick Dry Goods Building, 911 Washington Ave. (03/19/82)
Hotel Statler, 822 Washington Ave. (03/19/82)
Lincoln Trust Building, 706 Chestnut St. (03/19/82)
Lindell Real Estate Company Buidling, 1015 Washington Ave (03/19/82)
Phillips, Homer G., Hospital, 26101 Whittier St. (09/23/82)
Principia/Page-Park YMCA Gymnasium, 5569 Minerva Ave. (09/02/82)
S.S. Cyril and Methodius Historic District, I-70 (06/28/82)
Shaw Avenue Place, Roughly bounded by De Tanty St., S. Spring, Shaw and S. Grand Aves. (04/12/82)
Silk Exchange Building, 501–511 N. Tucker Blvd. (09/02/82)
Union Trust Company Building, 705 Oliver St. (06/17/82)
Wiltshire and Versailles Historic Building, 724 and 709 Skinker Blvd. (09/29/82)

St. Louis County

Clayton, *Brentmoor Park, Brentmoor and Forest Ridge District*, Big Bend and Wydown Blvds. (09/23/82)
Clayton, *Haarstick-Whittemore Houses*, 6420 and 6440 Forsyth Blvd. (09/02/82)
Clayton, *Shanley Building*, 7800 Maryland Ave. (09/20/82)
Glendale, *McPherson-Holland House*, 115 Edwin Ave. (09/16/82)
Kirkwood, *Grace Episcopal Church*, Taylor and Argonne Sts. (04/12/82)
Ladue, *Busch's Grover*, 9160 Clayton Rd. (09/09/82)
Normandy, *St. Vincent's Hospital*, 7301 St. Charles Rock Rd. (04/12/82)
St. Louis, *Shaw Avenue Place District*, Roughly bounded by De Tonty St., S. Spring, Shaw and S. Grand Aves. (04/12/82)
University City, *McGarry House*, 6965 Pershing Ave. (04/12/82)

University City, *Sutter-Meyer House*, 6620 Chamberlain Court (04/12/82)
Webster Groves, *Marshall Place Historic Place*, Marshall Pl. (06/17/82)
Webster Groves, *Rock House, Edgewood Children's Center*, 330 N. Gore (09/09/82)

Texas County

Plato vicinity, *Bates-Geers House*, E of Plato on Slabtown Rd. (09/23/82)

MONTANA

Cascade County

Vaughn vicinity, *Vaughn, Robert, Homestead (Captain Couch Ranch)*, Vaughn Cemetery Rd. (Cascade County Rd. (06/14/82)

Custer County

Miles City, *Miles, George M., House*, 28 S. Lake St. (02/17/82)

Deer Lodge County

Anaconda, *Washoe Theater*, 306 Main St. (04/30/82)

Fergus County

Lewistown, *St. Leo's Catholic Church*, 124 W. Broadway (05/06/82)

Gallatin County

Belgrade *Springhill School (One Room Schoolhouses of Gallatin County TR)*, NE of Belgrade (07/21/82)
Belgrade, *Maudlow School (One Room Schoolhouses of Gallatin County TR)*, Milwaukee Rd. (06/23/82)
Belgrade, *Pass Creek School (One Room Schoolhouses of Gallatin County TR), NE of Belgrade (07/21/82)*
Belgrade, *Reese Creek School (One Room Schoolhouses of Gallatin County TR)*, NE of Belgrade (07/21/81)
Bozeman, *Lower Bridger School (One Room Schoolhouses of Gallatin County TR)*, E of Bozeman (07/21/81)
Bozeman, *Malmborg School (One Room Schoolhouses of Gallatin County TR)*, E of Bozeman (07/21/81)
Bozeman, *Pine Butte School (One Room Schoolhouses of Gallatin County TR)*, W of Bozeman (07/21/81)
Bozeman, *Rea School (One Room Schoolhouses of Gallatin County TR)*, W of Bozeman (07/21/81)
Gallatin Gateway vicinity, *Crail Ranch Buildings*, Meadow Village (04/15/82)
Gallatin Gateway, *Anderson School (One Room Schoolhouses of Gallatin County TR)*, E of Gallatin Gateway (07/21/81)
Gallatin Gateway, *Cottonwood School (One Room Schoolhouses of Gallatin County TR)*, SE of Gallatin Gateway (07/21/81)
Gallatin Gateway, *Little Bear School (One Room Schoolhouses of Gallatin County TR)*, Bear Creek Rd. (04/15/82)
Gallatin Gateway, *Spanish Creek School (One Room Schoolhouses of Gallatin County TR), NW of Gallatin (07/21/81)*
Manhattan, *Dry Creek School (One Room Schoolhouses of Gallatin County TR), E of Manhattan (07/21/81)*
Sedan, *Sedan School (One Room Schoolhouses of Gallatin County TR)*, NE of Belgrade (07/21/81)
Three Forks *Ruby Theatre*, 212 Main St. (04/30/82)
Trident, *Trident School (One Room Schoolhouses of Gallatin County TR)*, S of Trident (07/21/81)

Glacier County

Browning vicinity, *Holy Family Mission*, (06/14/82)

Golden Valley County

Ryegate vicinity, *Grace Lutheran Church of Barber*, W. of Ryegate (02/01/82)

Granite County

Philipsburg vicinity, *Rock Creek Guard Station (Rock Creek Ranger Station) 24GN165*, W of Philipsburg on Hwy 348 and the Rock Creek Rd. (07/13/82)

Lake County

Post Creek vicinity, *Fort Connah Site*, US 93 (04/28/82)

Lewis and Clark Counties

Helena, *Silverman, Morris, House*, 412 N. Rodney St. (06/14/82)

Missoula County

Missoula, *Carnegie Public Library*, 335 N. Pattee St. (04/30/82)
Missoula, *Milwaukee Depot*, 250 Station Dr. (04/30/82)
Missoula, *St. Francis Xavier Church*, 420 W. Pine St. (04/28/82)

Powell County

Deer Lodge, *Deerlodge American Women's League Chapter House*, 802 Missouri Ave. (06/14/82)
Deer Lodge, *Trask Hall*, 703 5th Ave. (04/30/82)

Richland County

Sidney, *Peoples' Congregational Church*, 203 2nd Ave., SW. (04/30/82)

Valley County

Nashua, *Sargent, Charles C., House*, 615 Front St. (07/08/82)

Yellowstone County

Billings, *Moss, Preston B., House*, 914 Division St. (04/30/82)
Billings, *Prescott Commons*, Rimrock Rd. (04/30/82)

NEBRASKA

Burt County

Lyons vicinity, *Deutsche Ev. Luth. St. Johannes Kirche (BT00–9)*, (06/02/82)

Butler County

David City, *Taylor, Chauncey S., House*, 715 4th St. (06/25/82)

Colfax County

Schuyler, *Janecek, John, House*, 805 E. 8th St. (07/15/82)

Dodge County

Fremont, *Schneider, R.B., House*, 234 W. 10th St. (07/15/82)

Douglas County

Omaha, *First National Bank Building*, 300–312 16th St., and 1601–1605 Farnam St. (06/25/82)

Franklin County

Naponee, *First Congregat Church, U.C.C.*, Off NE 31C (09/14/82)

Hall County

Grand Island, *Cathedral of the Nativity of the Blessed Virgin Mary*, 204 S. Cedar St. (07/15/82)
Grand Island, *Roeser, Oscar, House*, 721 W. Koenig St. (6/25/82)

Jefferson County

Diller, *Colman House (JFO2–4)*, 501 Lavelle St. (06/25/82)

Kearney County

Axtell vicinity, *Salem Swedish Methodist Episcopal Church (KN00–2)*, SW of Axtell (07/29/82)

Knox County

Verdigre vicinity, *Rad Sladkovsky (C.S.P.S. Cis. 66; Z.C.B.J. Cis. 8) (KX09–1)*, (06/29/82)

Lancaster County

Lincoln, *Harris House*, 1630 K ST. (09/02/82)
Lincoln, *Rover-Williams House*, 407 N. 28th St. (06/14/82)
Lincoln, *Ryons-Alexander House*, 1835 Ryons St. (07/08/82)
Lincoln, *Temple of Congregation Binai Jeshurun*, 20 and South Sts. (06/25/82)
Lincoln, *Wyuka Cemetery*, 3600 O St. (07/19/82)

Nemaha County

Auburn, *First United Presbyterian Church of Auburn*, 1322 19th St. (07/15/82)

Platte County

Columbus, *Gottschalk, Frederick L. and L. Frederick, Houses*, 2022 17th St. (06/25/82)

Seward County

Bee, *States Ballroom*, Off NE 415 (10/14/81)
Seward, *Seward County Courthouse Square Historic District*, Roughly bounded by Jackson, 7th, and South Sts. (07/15/82)
Staplehurst vicinity, *Deutsche Evangelisch Lutherische Zion Kirche*, SW of Staplehurst (06/25/82)

Washington County

Blair, *Castetter, Abraham, House*, 1815 Grant St. (06/25/82)
Blair, *Crowell, C. C., Jr., House*, 2138 Washington St. (07/19/82)
Fontanelle, *Fontanelle Township Hall*, Off NE 91 (09/09/82)

Webster County

Red Cloud, *First Baptist Church (Willa Cather TR)*, 442 N. Seward St. (06/12/82)
Red Cloud, *Willa Cather Memorial Prairie (Willa Cather TR)*, S of Red Cloud on U.S. Hwy. 281 (06/12/82)

York County

Benedict vicinity, *Jeffery, W. S., Farmstead*, W of Benedict (07/26/82)

NEVADA

Carson City (independent city)

St. Charles Hotel—Muller's Hotel, 302–304–310 S. Carson St. (05/27/82)

Clark County

Boulder City, *Boulder Dam Hotel*, 1305 Arizona St. (07/13/82)
Boulder City, *Old Boulder City Hospital*, 701 Park Place (04/01/82)
Las Vegas vicinity, *Brownstone Canyon Archeological District*, (09/22/82)

Esmeralda County

Goldfield, *Goldfield Historic District*, Roughly bounded by 5th St., Miner, Spring, Crystal and Elliott Aves. (06/14/82)

Mineral County

Hawthorne, *Mineral County Courthouse*, 551 C St. (01/29/82)

Nye County

Tonopah and vicinity, *Bartlett, George A., House (Tonopah MRA)*, McQuillan and Booker Sts. (05/20/82)
Tonopah and vicinity, *Bass Building (Tonopha MRA)*, 119 St. Patrick (05/20/82)
Tonopah and vicinity, *Boak, Cada C., House (Tonopah MRA)*, Ellis St. (05/20/82)
Tonopah and vicinity, *Board and Batten Cottage (Tonopah MRA)*, Prospect St. (05/20/82)
Tonopah and vicinity, *Board and Batten Miners Cabin (Tonopah MRA)*, Oddie Ave. (05/20/82)
Tonopah and vicinity, *Brann Boardinghouse (Tonopah MRA)*, Bryan St. (05/20/82)
Tonopah and vicinity, *Brokers Exchange (Tonopah (MRA)*, 209–251 Brougher (05/20/82)
Tonopah and vicinity, *Brougher-Govan Block (Tonopah MRA)*, Main St. (05/20/82)
Tonopah and vicinity, *Burdick, E. E., House (Tonopah MRA)*, 248 Prospect St. (05/20/82)
Tonopah and vicinity, *Butler, Jim, Mining Company Stone Row Houses (Tonopah MRA)*, 314 Everett Ave. (05/20/82)
Tonopah and vicinity, *Clinton, Charles, Stone Row House (Tonopah MRA)*, 151 Central (05/20/82)
Tonopah and vicinity, *Combellack Adobe Row House (Tonopah MRA)*, Central St. (05/20/82)
Tonopah and vicinity, *Curtis, Uri B., House (Tasker L. Oddie House) (Tonopah MRA)*, Ellis St. (05/20/82)
Tonopah and vicinity, *Curtis, Uri B., House (Tonopah MRA)*, 169 Booker St. (05/20/82)
Tonopah and vicinity, *Dunham, Samuel C., House (Tonopah MRA)*, Belmont Ave. (05/20/82)
Tonopah and vicinity, *Frame Cottage (Tonopah MRA)*, 183 Prospect St. (05/20/82)
Tonopah and vicinity, *Golden, Frank, Block (Tonopah MRA)*, Brougher and Main Sts. (05/20/82)
Tonopah and vicinity, *Gregovich, John, House (Tonopah MRA)*, 101 Summit (05/20/82)
Tonopah and vicinity, *Kendall, Zeb, House (Tonopah MRA)*, 159 University Ave. (05/20/82)
Tonopah and vicinity, *Masterson, Dr., J. R., House (Tonopah MRA)*, Ohio Ave. and 2nd St. (05/20/82)
Tonopah and vicinity, *McDonald, Irving, House (Tonopah MRA)*, 191 Booker (05/20/82)
Tonopah and vicinity, *McKim, H. A., Building (Tonopah MRA)*, Main and Oddie Sts. (05/20/82)
Tonopah and vicinity, *Nevada-California Power Company Substation and Auxiliary Power Building (Tonopah MRA)*, Corner of Knapp and Cutting Sts. (07/26/82)
Tonopah and vicinity, *Nye County Courthouse (Tonopah MRA)*, McCulloch St. (05/20/82)
Tonopah and vicinity, *Nye County Mercantile Company Building (Tonopah MRA)*, 147 Main St. (05/20/82)
Tonopah and vicinity, *Raycraft, Arthur, House (Tonopah MRA)*, Booker St. (05/20/82)
Tonopah and vicinity, *Sawles, Judge W. A., House (Tonopah MRA)*, 155 Central St. (05/20/82)
Tonopah and vicinity, *Shaw, Cal Stone Row House (Tonopah MRA)*, Central St. (05/20/82)
Tonopah and vicinity, *Shaw, Cal., Adobe Duplex (Tonopah MRA)*, 129 Central (05/20/82)
Tonopah and vicinity, *Shields, E. R., House (Tonopah MRA)*, 351 St. Patrick (05/20/82)
Tonopah and vicinity, *Smith, J. E., Stone Duplex (Tonopah MRA)*, 415 Florence (07/26/82)
Tonopah and vicinity, *St. Marks P. E. Church (Tonopah MRA)*, 210 University Ave. (05/20/82)
Tonopah and vicinity, *State Bank and Trust Company (Tonopah MRA)*, 102 Brougher (05/20/82)
Tonopah and vicinity, *Stone Jail Building and Row House (Tonopah MRA)*, Water St. (05/20/82)
Tonopah and vicinity, *Tonopah Liquor Company Building (Tonopah MRA)*, Main St. (05/20/82)
Tonopah and vicinity, *Tonopah Mining Company Cottage (Tonopah MRA)*, Queen St. (05/20/82)
Tonopah and vicinity, *Tonopah Mining Company House (Tonopah MRA)*, Queen St. (05/20/82)
Tonopah and vicinity, *Tonopah Public Library (Tonopah MRA)*, 171 Central (05/20/82)
Tonopah and vicinity, *Tonopah Volunteer Firehouse and Gymnasium (Tonopah MRA)*, Brougher and Burro Sts. (05/20/82)
Tonopah and vicinity, *Tonopah-Extension Mining Company Power Building (Tonopah MRA)*, Main St. (05/20/82)
Tonopah and vicinity, *Verdi Lumber Company Building (Tonopah MRA)*, Main St. (05/20/82)
Tonopah and vicinity, *Water Company of Tonopah Building (Tonopah MRA)*, Burro and Brougher Avers. (05/20/82)
Tonopah and vicinity, *Wieland Brewery Building (Tonopah MRA)*, Mineral St. (05/20/82)

Pershing, Humboldt, and Washoe Counties

Northwestern Nevada vicinity, *Applegate–Lassen Trail* extends through portions of Pershing, Humboldt, and Washoe Counties, (12/21/81) (determined eligible for NHL designation)

Washoe County

Gerlach, *Gerlach Water Tower*, Main St. (10/29/81)
Reno, *Mackay School of Mines Building*, University of Nevada, Reno campus (04/01/82)
Reno, *Riverside Mill Company Flourmill*, 345 E. 2nd St. (08/18/82)
Reno, *Wingfield, George, House*, 219 Court St. (07/15/82)

NEW HAMPSHIRE

Belknap County

Gilford, *Kimball Castle (The Broads)*, Locke's Hill Rd. (08/16/82)
Laconia, *Laconia Passenger Station*, Veterans Sq. (01/11/82)

Carroll County

Moultonborough, *Freese's Tavern*, Main St. (04/29/82)
South Wolfeboro, *Union Church*, S. Main St. (04/29/82)

Cheshire County

Keene, *United Church of Christ in Keene*, 23 Central Sq. (03/09/82)
Surry, *Mason-Watkins House*, Off NH 12 (03/11/82)

Coos County

Gorham vicinity, *Crawford Depot*, Off US 302 (04/29/82)

Sargent's Purchase, Tip-Top House, Mt. Washington State Park (01/11/82)

Bethlehem, *Burt-Cheney Farm*, U.S. 302 (03/25/82)
Franconia vicinity, *Lovett's by Lafayette Brook (Lovett's Inn)*, S of Franconia on Profile Rd. (03/11/82)
Franconia, *Dow Academy*, Dow Ave. (08/31/82)
Littleton, *Thayer's Hotel*, 136 Main St. (03/09/82)
Plymouth, *Old Grafton County Courthouse*, 1 Court St. (04/29/82)

Hillsborough County

Hilluse, 308 NW. 8th St. (12/09/81)
Amherst, *Amherst Village Historic District*, NH 101 and NH 122 (08/18/82)
Hillsborough Center, *Barnes, Jonathan, House*, North Rd. (03/01/82)
Hollis, *Meetinghouse, The, Monument Sq.* (03/11/82)
Manchester, *Gay, Alpheus, House*, 184 Myrtle St. (03/09/82)
Manchester, *Varney School*, 84 Varney St. (01/11/82)
Milford, *Milford Cotton and Woolen Manufacturing Company*, 2 Bridge St. (08/18/82)
Wilton vicinity, *Cragin, Daniel, Mill*, W of Wilton at Jct. of Davisville Rd. and Burton Hwy. (03/23/82)
Wilton vicinity, *Whiting, Oliver, Homestead*, Old County Farm Rd. (03/09/82)
Wilton, *Wilton Public and Gregg Free Library*, Forest St. (01/11/82)

Merrimack County

Boscawen, *First Congregational Church of Boscawen (Congregational Meeting House)*, King St. (04/19/82)
Concord, *Chamberlin House*, 44 Pleasant St. (08/16/82)
Concord, *Farrington House*, 30 S. Main St. (03/09/82)

Concord, *Foster, Reuben, House and Cleaves, Perley, House,* 64 and 62 N. State St. (03/15/82)
Concord, *Leavitt Farm,* 103 Old Loudon Rd. (03/11/82)
Franklin, *Franklin Falls Historic District,* Roughly bounded by Bow, River, School, Aylers Sts. and Winnipesaukee River (08/19/82)

Rockingham County

Danville, *Danville Meetinghouse (The Hawke Meeting House),* N Main St. (04/19/82)
Derry, *Adams Memorial Building,* West Broadway (01/11/82)
Portsmouth, *Rockingham Hotel,* 401 State St. (03/11/82)
Portsmouth, *South Meetinghouse (South Ward Room),* Marcy St. and Meeting House Hill (04/19/82)
Windham, *Searles School and Chapel,* Range and Searles Rds. (01/11/82)

Strafford County

Barrington, *Canaan Chapel,* Aka Canaan Rd. (03/11/82)
Dover, *First Parish Church,* 218 Central Ave. (03/11/82)

Sullivan County

Plainfield, *Mothers' and Daughters' Club House,* Main St. (03/11/82)

NEW JERSEY

Atlantic County

Mays Landing, *Mays Landing Presbyterian Church,* Main St. and Cape May Ave. (04/20/82)

Bergen County

Edgewater, *Ferryboat Bing Hamton,* 725 River Rd. (07/09/82)
Upper Saddle River, *New North Reformed Low Dutch Church,* E. Saddle River Rd. at Old Stone Church Rd. (04/15/82)

Burlington County

Bordentown, *Bordentown Historic District,* In an irregular pattern within the City limits (06/14/82)
Burlington Township, *Green Hill Farm,* Oxmead and Deacon Rds. (07/08/82)
Chesterfield vicinity, *Holloway, James and Charles B., Farm Complex,* Newbold La. (07/08/82)
Medford Lakes, *Log Cabin Lodge,* Stokes and Tabernacle Rds. (04/12/82)
Mt. Laurel, *Evesham Friends Meeting House,* Morristown-Mt. Laurel and Hainesport-Mt. Laurel Rds. (Evesboro Rd.) (04/22/82)

Camden County

Collingswood, *Collingswood Theatre,* 843 Haddon Ave. (06/03/82)
Haddonfield, *Haddonfield Historic District,* Roughly bounded by Washington, Hopkins, Summit, and E. Park Aves., and Kings Hwy. (07/21/82)

Cape May County

Cape May, *Old Cape May County Courthouse Building,* N. Main St. (12/22/81)

Cumberland County

Bridgeton vicinity, *Spindrift Sailing Yacht,* S. of Bridgeton (04/22/82)

Essex County

East Orange, *Ambrose-Ward Mansion,* 132 S. Harrison St. (09/20/82)
Livingston, *Ward-Force House and Condit Family Cook House,* 366 S. Livingston Ave. (12/29/81)
Newark, *Home Office Building (Firemen's Insurance Company of Newark),* 8–12 Park Pl. (06/17/82)

Hudson County

Bayonne, *First Reformed Dutch Church of Bergen Neck (First Reformed Church of Bayonne),* Avenue C and 33rd St. (04/22/82)
Jersey City, *Jersey City High School,* 2 Palisade Ave. (06/01/82)
Jersey City, *Paulus Hook Historic District,* Greene, Washington, Grand, Sussex, Morris, Essex, Warren and York Sts. (06/21/82)

Hunterdon County

Clinton, *Dunham's Mill (Parry's Mill),* 7 Center St. (04/15/82)
Clinton, *Music Hall,* 23 W. Main St. (05/07/82)
Flemington vicinity, *Dart's Mill Historic District,* NE of Flemington on Rt. 523 (04/29/82)

Mercer County

Trenton, *St. Michael's Episcopal Church,* 140 N. Warren St. (04/29/82)

Middlesex County

New Brunswick, *Agnew, Thomas I., House,* Memorial Pkwy. (05/13/82)
New Brunswick, *Jarrard, Levi D., House,* George St., Douglass College Campus (04/22/82)
New Brunswick, *National Musical String Company,* 120 Georges Rd. (04/20/82)

Monmouth County

Allentown, *Allentown Historic District (Allens House),* N. and S. Main Sts. (06/14/82)
Asbury Park, *Steinbach-Cookman Building,* Cookman Ave. (07/08/82)
Red Bank, *Reckless, Anthony, Estate,* 164 Broad St. (06/03/82)
Sandy Hook, *Fort Hancock, U.S. Life Saving Station, Gateway National Recreation Area,* (11/30/81)

Morris County

Dover, *Blackwell Street Historic District,* Blackwell and Sussex Sts. (05/17/82)
Harding, *New Vernon Historic District,* Lee's Hill, Village, Mill Brook and Glen Alpin Rds. (07/08/82)
Towaco vicinity, *Van Duyne, James, Farm House,* 32 Waughaw Rd. (04/15/82)

Ocean County

Island Heights, *Island Heights Historic District,* Roughly bounded by Toms River, Summit and River Aves. (07/08/82)
Jackson Township, *Cassville Crossroads Historic District (Cassville MRA),* Jct. of CR 571 and 528 (08/26/82)
Lakewood, *Strand Theatre,* 400 Clifton Ave. (04/22/82)
Toms River, Birdsall, Amos Capt., House (Old Village of Toms MRA), 234 Washington St. (05/13/82)
Toms River, *Brant, A.A., House (Old Village of Toms MRA),* (05/13/82)
Toms River, *Crawford House (Old Village of Toms MRA),* 46 E. Water St. (05/13/82)
Toms River, *Horner House (Old Village of Toms MRA),* 44 E. Water St. (05/13/82)
Toms River, *Stewart House (Old Village of Toms MRA),* 57 E. Water St. (05/13/82)
Toms River, *Stoutenburgh-Minturn House (Old Village of Toms MRA), 86 E. Water St. (05/13/82)*

Passaic County

City of Passaic, *Aycrigg Mansion,* Main Ave. and Temple Pl. (04/29/82)
Clifton, *Vreeland, John and Anna, House (Hamilton House),* 971 Valley Rd. (05/13/82)
Passaic, *St. John's Evangelical Lutheran Church,* 140 Lexington Ave. (05/07/82)
Paterson, *Cooke, Frederick William, Residence,* 384 Broadway (07/08/82)

Somerset County

Bedminster, *Pluckemin Village Historic District,* US 206 and Burnt Mills Rd. (07/26/82)
Rocky Hill, *Rocky Hill Historic District,* Washington, Montgomery, and Princeton Aves. (07/08/82)

Sussex County

Sussex vicinity, *First Presbyterian Church of Wantage,* N of Sussex on NJ 23 (09/23/82)

Union County

Elizabeth, *St. John's Parsonage,* 633 Pearl St. (09/16/82)
Plainfield, *Hillside Avenue Historic District,* Hillside Ave. from Watchung Ave. to Martine Ave. (08/01/82)
Scotch Plain, *Stage House Inn,* Park Ave. and Front St. (04/15/82)

NEW MEXICO

Bernalillo County

Albuquerque, *Armijo, Juan Cristobal, Homestead,* 207 Griegos Rd. NE (09/30/82)
Albuquerque, *Employees' New Dormitory and Club,* Albuquerque Indian School Campus (07/26/82)
Albuquerque, *Garcia, Juan Antonio, House,* 7442 Edith Blvd. N.E. (09/28/82)
Albuquerque, *Gymnasium-Auditorium Building,* Albuquerque Indian School Campus (07/26/82)
Albuquerque, *Hudson House,* 817 Gold Ave., SW (02/24/82)
Albuquerque, *McCanna-Hubbell Building,* 418–424 Central, SW (05/13/82)
Albuquerque, *Old Armijo School,* 1021 Isleta Blvd., SE (09/16/82)
Albuquerque, *Saint Joseph 1930 Hospital,* 715 Grand NE. (05/27/82)
Albuquerque, *Spruce Park Historic District,* Roughly bounded by University Blvd., Grand Ave., Las Lomas Rd. and Cedar St. (07/06/82)
Albuquerque, *University of New Mexico Lodge, Building 219 Albuquerque Indian School,* Albuquerque Indian School Campus (07/26/82)
Albuquerque, *Washington Apartments,* 1002–1008 Central Ave., SW (02/19/82)

Albuquerque, *Werner-Gilchrist House*, 202 Cornell SE (08/02/82)
Los Ranchos vicinity, *Los Poblanos Historic District*, NM 194 (05/27/82)

Curry County

Clovis, *Clovis Baptist Hospital*, 515 Prince St. (02/05/82)

Dona Ana County

La Mesilla, *La Mesilla Historic District*, Roughly bounded by Calle del Norte, Calle del El Paso, Calle del Cura and Calleion Guerro (07/20/82)

Guadalupe County

Santa Rosa, *Casaus, Jesus M., House*, 628 3rd St. (04/01/82)
Santa Rosa, *Casaus, Jesus M., House*, 628 Third St. (04/01/82)

Lincoln County

Capitan vicinity, *Wizard's Root, (08/02/82)*

Santa Fe County

Cerrillos vicinity, *San Marcos Pueblo (L.A. 98)* (03/26/82)

Socorro County

Magdalena, *Aragon House (Magdalena MRA)*, 2nd and Oak Sts. (08/02/82)
Magdalena, *Bank of Magdalena (Magdalena MRA)*, 1st and Main Sts. (08/02/82)
Magdalena, *Gutierrez House (Magdalena MRA)*, 3rd and Popular Sts. (08/02/82)
Magdalena, *Hall Hotel (Magdalena MRA)*, 2nd and Spruce Sts. (08/02/82)
Magdalena, *Hilton House (Magdalena MRA)*, US 60 (08/02/82)
Magdalena, *Ilfeld Warehouse (Magdalena MRA)*, Main St. (08/02/82)
Magdalena, *Lewellen House (Magdalena MRA)*, 2nd and Chestnut Sts. (08/02/82)
Magdalena, *MacTavish House (Magdalena MRA)*, Elm St. (08/02/82)
Magdalena, *Magdaline House (Magdalena MRA)*, 3rd and Chestnut Sts. (08/02/82)
Magdalena, *Main Street Commercial Building (Magdalena MRA)*, Main St. (08/02/82)
Magdalena, *Salome Store (Magdalena MRA)*, 1st St. (08/02/82)
Magdalena, *Salome Warehouse (Magdalena MRA)*, 1st St. (08/02/82)

Taos County

Taos, *La Loma Plaza Historic District*, NM 240 (07/08/82)
Taos, *Taos Downtown Historic District*, NM 3 and NM 240 (07/08/82)
Taos, *Taos Inn*, Pueblo del Norte (02/05/82)

NEW YORK

Albany County

Albany, *Arnold, Benjamin Walworth, House and Carriage House*, 465 State St. and 307 Washington Ave. (07/26/82)
Albany, *Mansion Historic District*, Roughly bounded by Park Ave., Pearl, Eagle, and Hamilton Sts. (09/30/82)

Bronx County

Bronx, *Bronx Borough Courthouse*, E. 161st St., 3rd and Brook Aves. (02/25/82)
Bronx, *House at 175 Belden Street*, 175 Belden St. (06/03/82)
Bronx, *Park Plaza Apartments*, 1005 Jerome Ave. (06/03/82)
Bronx, *Public School 15*, 4010 Dyre Ave. (12/10/81)
New York City, *St. James' Episcopal Church and Parish House*, 2500 Jerome Ave. (09/30/82)

Broome County

Windsor, *Hotchkiss, Jedediah, House*, 10 Chestnut St. (06/03/82)

Chemung County

Elmira Heights, *Elmira Heights Village Hall*, 268 E. 14th St. (05/06/82)

Chenango County

Green, *Greene Historic District*, Chenango, Genesee, and Jackson Sts. (09/09/82)
South Otselic, *Newton Homestead*, Ridge Rd. (06/03/82)

Columbia County

Claverack, *Van Rensselaer, Jacob Rutsen, House and Mill Complex*, NY 23 (09/09/82)
Valatie, *Wild's Mill Complex*, U.S. 9 and NY 203 (06/14/82)

Delaware County

Delhi, *Murray Hill*, Murray Hill Rd. (06/03/82)

Dutchess County

Dover Plains, *Tabor-Wing House*, NY 22 and Cemetery Rd. (06/03/82)

Erie County

Clarence Center, Eshelman, J., and Company Store, 6000 Goodrich Rd. (05/06/82)

Essex County

Whallonsburg vicinity, *Essex County Home and Farm*, SW of Whallonsburg on NY 22 (09/23/82)

Jefferson County

Clayton, *Johnston, Capt. Simon, House*, 507 Riverside Dr. (06/17/82)

Kings County

Brooklyn, *68th Police Precinct Station House and Stable*, 4302 4th Ave. (06/03/82)
Brooklyn, *83rd Precinct Police Station and Stable*, 179 Wilson Ave. (04/14/82)
Brooklyn, *Boy's High School*, 832 Marcy Ave. (02/25/82)
Brooklyn, *Coney Island Fire Station/Pumping Station*, 2301 Neptune Ave (12/08/81)
Brooklyn, *Croyn, William B., House*, 271 9th St. (06/03/81)
Brooklyn, *Gage And Tollner Restaurant*, 372 Fulton St. (06/03/82)
Brooklyn, *Public School 108*, 200 Lindwood St. (12/10/82)
Brooklyn, *Public School 111 and Public School 9 Annex*, 249 Sterling Place and 251 Sterling Place (12/14/81)
Brooklyn, *Public School 65K*, 158 Richmond St. (12/10/81)
Brooklyn, *St. Luke's Protestant Episcopal Church*, 520 Clinton Ave. (09/16/82)

Montgomery County

Nelliston, Ehle House Site (Site No. A057-48-0001), (06/14/82)

New York County

New York City, *Candler Building*, 220 42nd St. and 221 41st St. (07/08/82)
New York, *Appellate Division Courthouse of New York State*, 27 Madison Ave. (07/26/82)
New York, *Baker, George F., Jr. and Sr. Residences*, 67, 69, and 75 E. 93rd St., (06/03/82)
New York, *Century Association Building*, 5-7 W. 43rd St. (07/15/82)
New York, *Church Missions House*, 281 Park Ave., S. (06/03/82)
New York, *Church of the Incarnation and Parish House*, 205-209 Madison Ave. (07/08/82)
New York, *Civic Club*, 243 E. 34th St. (09/16/82)
New York, *Douglas, Adelaide L. T., House*, 57 Park Ave. (07/15/82)
New York, *East 73rd Street Historic District*, 161-179 and 166-182 E. 73rd St. (07/22/82)
New York, *Former Emigrant Industrial Savings Bank*, 51 Chambers St. (02/25/82)
New York, *Former New York Life Insurance Company Building*, 346 Broadway (06/28/82)
New York, *House at 203 East 29 Street*, 201-203 E. 29th (07/08/82)
New York, *Houses at 146-156 East 89th Street*, 146-156 East 89th St. (06/03/82)
New York, *Houses at 26, 28 and 30 Jones Street*, 26, 28 and 30 Jones St. (06/03/82)
New York, *Houses at 326, 328 and 330 East 18th Street*, 326-330 E. 18th St. (09/30/82)
New York, *Knox Building*, 452 5th Ave. (06/03/82)
New York, *Lamb's Club*, 128 W. 44th St. (06/03/82)
New York, *Lanier, James F.D., Residence*, 123 E. 35th (06/03/82)
New York, *Loew, William Goadby, House*, 56 E. 93rd St. (07/15/82)
New York, *New York Presbyterian Church*, 151 W. 128th St. (06/03/82)
New York, *New York Public Library: Yorkville Branch*, 222 E. 79th St. (07/15/82)
New York, *Public School 157*, 327 St. Nicholas Ave., (12/10/82)

Oneida County

Barneveld, *Mappa Hall*, Mappa Ave. (05/12/82)
Clinton, *Clinton Village Historic District*, North, South, East, West Park Rows, Marvin, Williams, Chestnut, Fountain, College and Utica Sts. (06/14/82)

Onondaga County

Baldwinsville, *Oswego-Oneida Streets Historic District*, Oswego, East and West Sts., and Sunset Terr. (07/29/82)
Elbridge, *Elbridge Hydraulic Industry Archeological District (A067-49-0001-DO1)*, (06/15/82)
Fayetteville, *Genesee Street Hill-Limestone Plaza Historic District*, Roughly both sides of Genesee St., from Chapel St. to Limestone Plaza (07/29/82)
Syracuse, *Gillett, William J., House*, 515 W. Onondaga St. (05/06/82)

Oswego County

Oswego, *Franklin Square Historic District*, Roughly bounded by 3rd, 6th, Van Buren, and Bridge Sts. (08/04/82)
Schroeppel, *Schroeppel House*, Morgan Rd. (09/09/82)

Putnam County

Philipstown vicinity, *Old Albany Post Road*, US 9 (07/08/82)

Queens County

Queens, *Marine Air Terminal*, La Guardia Airport (07/09/82)

Richmond County

Rossville vicinity, *Sandy Ground Historic Archeological District (A085-01-2258-D03)*, (09/23/82)
Staten Island, *Brighton Heights Reformed Church*, 320 St. Mark's Pl. (08/03/82)
Staten Island, *LaTourette House*, Richmond Hill (03/05/82)
Staten Island, *Ward, Caleb T., Mansion*, 141 Nixon Ave. (07/26/82)
Tottenville vicinity, *Ward's Point Conservation Area (A085-01-0030)*, SW of Tottenville at Authur Kill and Hylan Blvd. (09/29/82)

Rockland County

Upper Nyack, *Upper Nyack Firehouse*, 330 N. Broadway (09/23/82)

Saratoga County

Ballston Spa, *Union Mill Complex*, NY Route 50, Milton Ave. (08/17/82)

Seneca County

Lodi, *Lodi Methodist Church*, S. Main and Grove Sts. (05/06/82)

St. Lawrence County

Brasher Falls, *Dr. Buck-Stevens House*, W. Main St. (05/17/82)
Morley, *Harrison Grist Mill*, NY345 (09/16/82)
Morristown, *Ford, Jacob, House (Morristown Village MRA)*, Northumberland St. (09/02/82)
Morristown, *Land Office (Morristown Library) (Morristown Village MRA)*, Main St. (09/02/82)
Morristown, *Miller, Paschal House (Morristown Village MRA)*, Main and Gouveneur Sts. (09/02/82)
Morristown, *Morristown Schoolhouse (Morristown Village MRA)*, Columbia St. (09/02/82)
Morristown, *Stocking, Samuel, House (Morristown Village MRA)*, 83 Gouveneur St. (09/02/82)
Morristown, *Stone Windmill (Morristown Village MRA)*, Morris St. (09/02/82)
Morristown, *United Methodist Church (Morristown Village MRA)*, Gouveneur St. (09/02/82)
Morristown, *Wright's Stone Store (Morristown Village MRA)*, Main St. (09/02/82)

Suffolk County

Brookhaven vicinity, *Smith Estate*, N of Brookhaven at Longwood and Smith Rds. (12/10/81)
Fort Salonga, *Fort Salonga (NYSDHP Unique Site No. A103-06-0036)*, (05/21/82)

Tompkins County

Ithaca, *St. James AME Zion Church*, 116-118 Cleveland Ave. (07/22/82)

Ulster County

Bruynswick vicinity, *Reformed Church of Shawangunk Complex*, Hoagerburgh Rd. (06/03/82)
Gardiner vicinity, *Tuthilltown Gristmill*, Albany Post Rd. (06/14/82)
Libertyville vicinity, *DuBois, Hendrikus, House*, 600 Albany Post Rd. (07/08/82)
Village of Saugerties, *Main-Partition Streets Historic District*, Roughly bounded by Main, Partition, Market and Jane Sts. (07/08/82)

Westchester County

Port Chester, *Bush-Lyon Homestead*, John Lyon Park, King St. (04/22/82)
Rye City, *Knapp, Timothy, House and Milton Cemetery*, 265 Rye Beach Ave. and Milton Rd. (06/14/82)
Tarrytown, *Foster Memorial A.M.E. Zion Church*, 90 Wildey St. (06/03/82)
Tarrytown, *Patriot's Park*, US 9 (06/14/82)
White Plains, *Friedlander, Leo, Studio*, 825 W. Hartsdale Rd. (07/29/82)
Yonkers, *Hart, Eleazer, House*, 243 Bronxville Rd. (07/29/82)
Yonkers, *St. John's Protestant Episcopal Church*, One Hudson St. (07/29/82)
Yonkers, *Yonkers Water Works*, Roughly bounded by Saw Mill River and Grassy Sprain Rds., and Gilmare Dr. (07/21/82)

NORTH CAROLINA

Alamance County

Burlington, *Menagerie Carousel*, Burlington City Park, S. Main St. (08/30/82)
Haw River, *Holt, Charles T., House*, 228 Holt St. (06/01/82)
Mebane vicinity, *White Furniture Company*, E. Center and N. 5th Sts. (07/29/82)

Alleghany County

Whitehead vicinity, *Crouse, Elbert, Farmstead*, S of Whitehead on Blue Ridge Parkway (07/29/82)

Beaufort County

Washington vicinity, *Rosedale*, NW of Washington off SR 1407 (04/29/82)

Bertie County

Lewiston, *St. Frances Methodist Church*, Off NC 308 (04/29/82)
Colerain vicinity, *Garrett-White House*, (06/28/82)
Merry Hill vicinity, *Hermitage, The*, N of Merry Hill (06/08/82)
Merry Hill vicinity, *Scotch Hall*, E of Merry Hill on SR 1511 (04/29/82)
Roxobel vicinity, *Oaklana*, NE of Roxobel off SR 1249 (04/15/82)
Roxobel, *Pineview*, Off SR 1249, (06/28/82)
Windsor vicinity, *Elmwood*, W of Windsor on SR 1101 (06/08/82)
Windsor vicinity, *Liberty Hall*, Off SR 1108 (06/08/82)
Windsor, *Freeman Hotel*, York and Granville Sts. (09/09/82)
Windsor, *Roosfield*, 212 W. Gray St. (06/20/82)

Buncombe County

Asheville, *Demens-Rumbough-Crawley House*, 31 Park Ave. (06/01/82)
Asheville, *Reynolds, Dr. Carl V., House*, 86 Edgemont Rd. (06/19/82)
Fairview vicinity, *Lanning, John A., House*, W of Fairview on SR 3128 (09/23/82)

Cabarrus County

Mount Pleasant, *Lentz Hotel*, College St. (06/14/82)

Camden County

Belcross vicinity, *Grandy, Caleb, House*, Off SR 1145 (04/29/82)

Chatham County

Farrington vicinity, *Stone, Joseph B., House*, SR 1008 (06/01/82)
Pittsboro vicinity, *Aspen Hall*, W of Pittsboro on US 64 (07/29/82)

Chowan County

Smalls Crossroads vicinity, *Cullins-Baker House*, NC 32 (04/29/82)

Clay County

Hayesville vicinity, *Spikebuck Town Mound and Village Site*, (06/17/82)

Cleveland County

Boiling Springs, *Hamrick, E. B., Hall*, Gardner-Webb College campus (07/12/82)
Polkville vicinity, *Lattimore John, House*, NW of Polkville on SR 1372 (06/28/82)
Shelby, *Masonic Temple Building*, 203 S. Washington St. (07/15/82)

Cumberland County

Fayetteville, *Confederate Breastworks*, 2300 Ramsey St. (10/07/81)
Fayetteville, *St. Joseph's Episcopal Church*, Ramsey and Moore Sts. (06/01/82)

Durham County

Durham, *Bullington Warehouse*, 500 N. Duke st. (06/30/82)
Durham, *Greystone*, 618 Morhead Ave. (06/01/82)

Edgecombe County

Pinetops vicinity, *Vinedale*, SW of NC 42/43 and SR 1122 (07/15/82)
Tarboro vicinity, *Cedar Lane*, N of Tarboro off NC 44 (04/15/82)

Forsyth County

Winston-Salem, *Gilmer Building*, 416-424 W. 4th St. (07/29/82)
Winston-Salem, *Rogers, James Mitchell, House*, 102 S. Cherry St. (07/15/82)

Gates County

Gates vicinity, *Freeman House*, N of Gates on US 13 (09/23/82)

Guilford County

Colfax vicinity, *Shaw-Cude House*, Off SR 2010 (06/01/82)
Greensboro vicinity, *Caldwell, David, Log College Site*, Between Cornwallis Dr., Hobbs and Holden Rds. (01/13/82)
Greensboro, *Dixon-Leftwich-Murphy House*, 507 Church St. (09/23/82)

Greensboro, *Downtown Greensboro Historic District*, Elm, S. Davie, S. Green, and E. and W. Washington Sts. (06/17/82)
Greensboro, *Hillsdale Brick Store*, NC 150 and SR 2347 (06/14/82)
High Point, *Kilby Hotel*, 627 E. Washington St. (04/22/82)
Oak Ridge vicinity, *Benbow, Charles, House*, S of Oak Ridge on NC 150 (06/19/82)
Oak Ridge vicinity, *Guilford Mill*, SE of Oak Ridge on NC 68 (06/02/82)

Halifax County

Brinkleyville vicinity, *Gray-Brownlow-Wilcox House*, S of Brinkleyville on NC 58 (06/03/82)
Enfield vicinity, *Branch, Samuel Warren, House*, NC 481 (06/14/82)

Harnett County

Dunn, *Howard, Kenneth L., House*, 400 S. Layton Ave. (06/19/82)

Haywood County

Lake Junaluska, *Lambeth Inn*, Lambeth Dr. (07/29/82)

Henderson County

Flat Rock vicinity, *Brookland*, N of Flat Rock on SR 1863 (06/19/82)

Hertford County

Cofield vicinity, *Deane House*, Off SR 1446 (04/15/82)
Como vicinity, *Vernon Place*, N of Como off US 258 (04/29/82)
Winton, *Gray Gables*, Main St. (06/01/82)

Iredell County

Statesville vicinity, *Falls-Hobbs House (Iredell County MRA)*, SR 1303 (06/24/82)
Statesville vicinity, *Feimster House (Iredell County MRA)*, SR 1516 (06/24/82)
Statesville vicinity, *Hargrave House (Iredell County MRA)*, NC 152 and NC 150 (06/24/82)
Statesville vicinity, *Waddle-Click Farm (Iredell County MRA)*, SR 2309 (06/24/82)

Jackson County

Balsam, *Balsam Mountain Inn*, SR 1700 and SR 1701 (07/15/82)
Cashiers vicinity, *Fairfield Inn*, U.S. 64 (06/14/82)

Johnston County

Selma, *Edgerton, Noah Edward, House (Selma, North Carolina MRA)*, 301 W. Railroad St. (06/24/82)
Selma, *Nowell-Baverburg-Oliver House (Selma, North Carolina MRA)*, 312 W. Anderson St. (06/24/82)
Selma, *Selma Graded School (Selma, North Carolina MRA)*, W. Richardson St. (06/24/82)
Selma, *Smith, William E., House (Selma, North Carolina MRA)*, 309 W. Railroad St. (06/24/82)
Selma, *Stevens, Everitt P., House (Selma, North Carolina MRA)*, SR 1003 (06/24/82)
Selma, *Union Station (Selma, North Carolina MRA)*, E. Railroad St. (06/24/82)

Macon County

Franklin, *Franklin Terrace Hotel*, 67 Harrison Ave. (07/29/82)
Franklin, *Siler, Jesse R., House*, 115 W. Main St. (04/29/82)

Martin County

Spring Green vicinity, *Jones, Jesse Fuller, House*, Off SR 1409 (04/29/82)

Mecklenburg County

Charlotte, *Mecklenburg Investment Company Building*, 233 S. Brevard St. (06/19/82)
Matthews, *Providence Presbyterian Church and Cemetery*, 10140 Providence Rd. (06/01/82)

Moore County

Aberdeen vicinity, *Blue, Malcolm, Farm*, Bethesda Rd. and Ernest L. Ives Dr. (06/01/82)
Aberdeen, *Blue, John, House*, 200 Blue St. (07/29/82)
Robbins vicinity, *Bryant, James, House*, On SR 1210 (04/15/82)

Nash County

Battleboro vicinity, *Bellamy-Philips House*, SR 1522 (07/12/82)
Nashville vicinity, *Rose Hill*, N of Nashville off NC 58 (04/28/82)
Rocky Mount vicinity, *Benvenue*, 330 Southern Blvd. (04/29/82)
Rocky Mount, *Rocky Mount Electric Power Plant*, 217 Andrews St. (07/15/82)

Pender County

Hampstead vicinity, *Velvidere Plantation House*, Off SR 1565 (06/14/82)

Person County

Bethel Hill vicinity, *Holloway-Walker Dollarhite House*, SR 1514 (06/01/82)
Roxboro, *Roxboro Male Academy and Methodist Parsonage*, 315 N. Main St. (07/29/82)

Pitt County

Greenville vicinity, *Greenwreath*, W of Greenville (04/29/82)
Greenville, *Long, Willian H., House*, 200 E. 4th St. (04/15/82)

Polk County

Tryon, *Pine Crest Inn*, Pine Crest Lane (04/15/82)

Rockingham County

Eden, *Bullard-Ray House*, 650 Washington St. (06/11/82)
Madison, *Academy Street Historic District*, Academy St. (07/15/82)
Madison, *Scales, Alfred Moore, Law Office*, 307 Carter St. (04/29/82)

Rowan County

Bear Poplar vicinity, *Wood Grove*, E of Bear Poplar on Sr 1743 (09/23/82)
Enochville vicinity, *Kerr, Gen. William, House*, NW of Enochville on SR 1353 (09/23/82)
Faith vicinity, *Shuping's Mill Complex*, S of Faith on NC 152 (09/23/82)
Five Points vicinity, *Corriher Grange Hall*, NW of Five Points on SR 1555 (09/23/82)
Mt. Ulla, *Rankin-Sherrill House*, NC 801 (09/23/82)
Salisbury, *Livingstone College Historic District*, W. Monroe St. (05/27/82)
Woodleaf vicinity, *St. Andrew's Episcopal Church and Cemetery*, NE of Woodleaf on SR 1950(06/19/82)

Rutherford County

Forest City vicinity, *Ledbetter, James Dexter, House*, Off US 74 (06/14/82)

Scotland County

Laurinburg, *Blue, Mag, House*, W of Laurinburg on SR 1118 (09/23/82)
Laurinburg, *Gill, Thomas J., House*, 203 Cronly St. (07/15/82)
Laurinburg, *Villa Nova*, SR 1438 (06/26/82)

Stokes County

Collinstown vicinity, *Jessup's Mill*, SR 4132 (07/15/82)
Germantown, *St. Philip's Episcopal Church*, NC 65 and 8 and SR 1957 (07/15/82)

Swain County

Cherokee vicinity, *Oconaluftee Archeological District*, (02/19/82)

Union County

Monroe, *Sikes, John, C., House*, 1301 E. Franklin St. (04/15/82)

Vance County

Townsville vicinity, *LaGrange*, S of Townsville off SR 1308 (04/27/82)

Watauga and Caldwell Counties

Blowing Rock, *Green Park Inn*, U.S. 321 (06/03/82)

Wayne County

Eureka, *Eureka United Methodist Church*, Church St. (06/26/82)

Wilkes County

Thurmond vicinity, *Elkin Creek Mill*, SR 2045 (04/29/82)
Wilkesboro, *Brown-Cowles House and Cowles Law Office (Wilkesboro MA)*, 200 and 106 E. Main St. (06/24/82)
Wilkesboro, *Federal Building (Wilkesboro MRA)*, 201 W. Main St. (06/24/82)
Wilkesboro, *Ferguson, J. T., Store (Wilkesboro MRA)*, 11 E. Main St. (06/24/82)
Wilkesboro, *Finley, Thomas B., Law Office (Wilkesboro MRA)*, Broad and North Sts. (06/24/82)
Wilkesboro, *Hemphill, J. L., House (Wilkesboro MRA)*, 203 N. Brook St. (06/24/82)
Wilkesboro, *Johnson-Hubbard House (Wilkesboro MRA)*, 113 E. Main St. (06/24/82)
Wilkesboro, *Wilkesboro Presbyterian Church (Wilkesboro MRA)*, 205 E. Main St. (06/24/82)
Wilkesboro, *Wilkesboro-Smithey Hotel (Wilkesboro MRA)*, Broad and E. Main Sts. (06/24/82)

Wilson County

Saratoga vicinity, *Scarborough, Maj. James, House*, NC 222 (06/14/82)
Wilson, *Cherry Hotel*, 333 E. Nash St. (06/26/82)
Wilson, *Davis-Whitehead-Harriss House*, 600 W. Nash St. (06/14/82)
Wilson, *Rountree, Moses, House*, 107 N. Rountree St. (04/26/82)

Yadkin County

Huntsville, *White House*, Shallowford Rd. (08/01/82)

Yancey County

Burnsville, *Nu-Wray Inn*, Off US 19E (04/15/82)

OHIO

Adams County

West Union, *Woods, Tet, Building*, 307 Main St. (03/25/82)

Allen County

Delphos, *Marks-Family House*, 233 North Franklin St. (04/01/82)

Ashland County

Jeromesville vicinity, *Lakefork School*, SE of Jeromesville (03/05/82)
Loudonville, *Garst, John, House*, NE of Loudonville on OH 95 (04/29/82)
Savannah vicinity, *Crittenden Farm*, NW of Savannah on US 224 and US 250 (04/22/82)

Athens County

Athens vicinity, *White's-Vale Mill*, OH 682 (07/29/82)
Athens, *Athens Downtown Historic District*, N. Court St. between Carpenter and Union Sts. and Congress and College Sts. (09/30/82)
Athens, *Sheltering Arms Hospital*, Clark St. (08/25/82)

Belmont County

Barnesville vicinity, *Tower Site (33–B1–15)*, (08/11/82)
Belmont, *Schooley, Dr. Lindley, House and Office*, Main St. (04/01/82)
Martin's Ferry, *Finney-Darrah House*, Scenary Hill (03/15/82)

Brown County

Ripley, *Red Oak Presbyterian Church*, Cemetery Rd. (08/17/82)
St. Martin, *Murphy, Daniel, Log House*, Anderson State Rd. (08/17/82)

Butler County

Hamilton, *St. Stephen Church and Rectory*, 224 Dayton St. (07/29/82)
Oxford, *Langstroth Cottage*, 303 Patterson Ave., (12/21/81) (NHL

Champaign County

Urbana, *Mosgrove, Dr. Adam, House*, 127 Miami St. (07/15/82)

Clark County

South Charleston vicinity, *Green Plain Monthly Meetinghouse*, Clifton Rd. (04/01/82)
Springfield, *St. Joseph Roman Catholic Church*, 802 Kenton St. (03/15/82)

Clermont County

New Richmond vicinity, *Roas-Ilhardt Farm and Winery*, N of New Richmond at 3233 Cole Rd. (09/16/82)
New Richmond, *Ross-Gowdy House*, 125 George St. (08/01/82)
Williamsburg vicinity, *McKever, Lewis, Farmhouse*, 4475 McKever Rd. (04/01/82)

Clinton County

Sabina, *Haines, Frank, House*, 149 West Elm St. (04/01/82)

Coschocton County

Plainfield, *Johnson, Thomas, House*, OH 541 (05/14/82)
Warsaw vicinity, *Chalfant Church*, S of Warsaw off OH 60 (03/15/82)

Cuyahoga County

Brecksville, *Snow, Russ and Holland, Houses*, 12911 and 13114 Snowville Rd. (09/28/82)
Cleveland, *Cleveland Warehouse District*, Roughly bounded by Front and Superior Aves., Railroad, Summit, 3rd, and 10th Sts. (09/30/82)
Cleveland, *Variety Store Building and Theatre*, 11601–11625 Lorain Avenue (04/01/82)
Gates Mills, *Keyt, Gideon, House*, Chagrin River and Deerfield Rds. (08/01/82)
Parma, *Stearns, Lyman, Farm*, 6975 Ridge Rd. (10/01//81)

Darke County

New Madison vicinity, *Walker, Cristopher C., House and Farm*, SW of New Madison, N of OH 121 (04/07/82)
Versailles vicinity, *English, William, House*, 11291 OH 47 (08/02/82)

Delaware County

Ashley vicinity, *Sharp, Samuel, House (Sharp's Run)*, 7436 Horseshoe Rd (07/29/82)
Westerville vicinity, *Sharp, Stephen, House*, N of Westerville on Africa Rd. (09/30/82)

Erie County

Sandusky, *Hotel Breakers*, Cedar Point, (04/22/82)

Fairfield County

Pickerington vicinity, *Doval, J. H., Farm*, 660 N. Hill Rd. (03/15/82)

Franklin County

Canal Winchester, *Canal Winchester Methodist Church*, S. Columbus and High St. (03/15/82)
Columbus, *Krumm House*, 975–979 S. High St. (09/30/82)
Columbus, *Long and Third Commercial Building*, 104–114 E. Long St. (07/01/82)
Columbus, *Rankin Building*, 22 W. Gay St. (03/10/82)
Lockbourne vicinity, *Herr, Christian S., House*, N of Lockbourne at 1451 Rathmell Rd. (03/05/82)

Gallia County

Ewington, *Ewington Academy*, Ewington Rd. (09/30/82)

Greene County

Fairborn, *Mercer Log House*, 41 N. 1st St. (10/16/81)
Yellow Springs, *Yellow Springs Historic District*, Roughly bounded by RR tracks, Yellow Springs-Fairfield Rd., High and Herman Sts. (04/01/82)

Guernsey County

Cambridge, *McCreary-Burnworth House*, 220 Highland Ave. (03/12/82)

Cuyaboga County

Cleveland, *Tiedemann, Hannes, House*, 4308 Franklin Blvd. (03/15/82)

Hamilton County

Cincinnati vicinity, *Salem Methodist Church Complex*, 6137 Salem Rd. (04/29/82)
Cincinnati, *Anderson Ferry*, Off U.S. 50 (see also Kentucky) (08/10/82)
Cincinnati, *Bramble, Ayres, L., House*, 4416 Homer Ave. (04/01/82)
Cincinnati, *Burdsal, Samuel, House*, 1342 Broadway St. (08/10/82)
Cincinnati, *Carew Tower (Starrett Netherland Plaza Hotel)*, W. 5th St. and Fountain Sq. (08/05/82)
Cincinnati, *Gilbert Row*, 2152–2166 Gilbert Ave. (05/13/82)
Cincinnati, *Goldsmith, Moses, Building*, 356 Bryant. (08/10/82)
Cincinnati, *Grace Church*, 3626 Reading Rd. (09/16/82)
Cincinnati, *Hadden Hall*, 3418 Readin Rd. (07/22/82)
Cincinnati, *Hulbert House and McAlpin Bridal Cottage*, 333 and 341 Lafayette Ave. (04/29/82)
Cincinnati, *Ratterman, Bernard, House*, 1349 Broadway. (09/30/82)
Cincinnati, *Ropes, Nathaniel, Building*, 917 Main St. (09/30/82)
Cincinnati, *St. Rosa Church*, 2501 Eastern Ave. (04/01/82)
Cincinnati, *Sycamore—13th Street Grouping*, 12th, 13th, and Sycamore Sts. (08/01/82)
Cincinnati, *Underwriters Salvage Corps*, 110–112 E. 8th St. (07/15/82)
Cincinnati, *Wright, Daniel Thew, House*, 3716 River Rd. (09/28/82)
Cincinnati, *Young Women's Christian Association of Cincinnati*, 9th and Walnut Sts. (09/16/82)
Loveland, *Shield's, Edwin M., House (William Johnston House)*, 220 Riverside Ave. (04/01/82)

Henry County

Napoleon, *St. Augustine's Catholic Church*, 221 E. Clinton St. (09/02/82)

Highland County

Hillsboro vicinity, *Trop Farm*, 6250 Mad River Rd. (04/01/82)
Hillsboro, *East Main Street Historic District*, E. Main and E. Walnut Sts. (08/01/82)
Hillsboro, *Lilley, Robert D., House*, 7915 OH 124. (08/17/82)
Hillsboro, *Mother Thompson House*, 133 Willow St. (08/01/82)

Hocking County

Logan vicinity, *Woodruff, William H., House*, 35330 Linton Rd. (07/29/82)

Holmes County

Lakeville vicinity, *DeYarmon, Joseph L. House*, SR 179 and SR 273. (05/04/82)

Jackson County

Pattonsville, *Keystone Furnace*, SR #9. (03/18/82)

Jefferson County

Smithfield, *Smithfield School*, High St. (10/16/81)

Steubenville, *Steubenville YMCA Building*, 214 N. 4th St. (06/01/82)
Wintersville vicinity, *Bantam Ridge School*, Bantam Ridge Rd. (10/01/81)

Lake County

Mentor, *Oliver, John G., House*, 7645 Little Mountain Rd. (10/01/81)

Licking County

Granville vicinity, *McClune's Villa*, 537 Jones Rd. (04/22/82)
Newark, *McNamar-McLure-Miller, Residence*, 124 W. Main St. (06/17/82)

Logan County

West Liberty, *Piatt, Abram S., House (Mac-A-Cheek) and Piatt, Donn S., House (Mac-O-Chee)*, Off OH 287 and OH 275. (05/03/82)

Lorain County

Elyria, *New York Central Freight House*, 412 E. River St. (06/01/82)
Kipton, *Union Church*, 511 Church St. (03/15/82)
Lorain, *St. Ladislaus Roman Catholic Church*, 2908 Wood Ave. (04/01/82)
Rochester vicinity, *Bradford, Henry, Farm*, N of Rochester on OH 511 (09/30/82)

Lucas County

Toledo, *Bush Street Historic District*, Bush and Erie Sts. (06/01/82)
Toledo, *Central YMCA*, 1110 Jefferson Ave. (04/15/82)

Mahoning County

Campbell, *Youngstown Sheet and Tube Company Housing*, Jackson and Chambers St. (06/01/82)

Medina County

Medina, *Blake, H. G., House*, 314 E. Washington St. (09/30/82)
Medina, *St. Paul's Episcopal Church*, 317 E. Washington St. (06/01/82)

Mercer County

Celinda vicinity, *Grand Lake St. Marys Lighthouse*, Grand Lake St. Marys-Northwood Addition. (06/02/82)

Monroe County

Woodsfield, *Mooney, William C., House*, 122 N. Paul St. (03/15/82)

Montgomery County

Dayton, *Biltmore Hotel*, 210 N. Main St. (02/03/82)
Dayton, *Hanitch-Huffman House*, 139 W. Monument Ave. (03/29/82)
Dayton, *Huffman Historic District*, Roughly bounded by E. 3rd., Hamilton, Van Lear and Beckel Sts. (08/24/82)

Morrow County

Fulton vicinity, *Brown, Samuel, P., House*, S of Fulton on Worthington-New Haven Rd. (03/15/82)

Muskingum County

Adamsville vicinity, *Denison, William, House*, 7115 Adamsville Rd. (OH 93) (04/29/82)
Mount Sterling, *Tavener-Sears Tavern*, Main St. (04/29/82)
New Concord vicinity, *McCully Log House*, N of New Concord on Wharton Lane. (03/15/82)
Zanesville, *Alameda Apartments*, 7th St. (06/17/82)
Zanesville, *Brighton-Drydon Historic District*, Dryden Rd., Brighton Blvd., Lexington and Stanberry Aves. (06/01/82)
Zanesville, *Johnston-Crossland House*, N. 7th St. (03/15/82)
Zanesville, *Lind Arcade*, 48 N. 5th St. (06/01/82)
Zanesville, *Smith, William R., House*, 920 Marietta St. (06/01/82)
Zanesville, *West View*, 444 Sunkel Blvd. (03/05/82)

Perry County

New Lexington, *Perry County Courthouse and Jail*, Main and Brown Sts. (10/08/82)

Pickaway County

Circleville vicinity, *Redlands*, 1980 N. Court St. (05/14/82)
South Bloomfield vicinity, *Renick Farm*, N of South Bloomfield on US 23. (03/05/82)

Portage County

Deerfield, *Diver, John, House and Storebuilding*, 9485 Akron-Canfield Rd. (09/16/82)
Kent, *Hopkins, Benjamin F., Stone Building*, Standing Rock Cemetery. (11/25/82)
Mantua, *Crafts William H., House*, 4619 W. Prospect St. (04/29/82)

Richland County

Butler vicinity, *Rummell Mill*, NE of Butler on SR 349. (04/07/82)
Mansfield vicinity, *Lewis, Samuel House*, 291 N. Stewart Rd. (06/01/82)
Perrysville vicinity, *Shambaugh, George, House*, Frontz Rd. (04/01/82)
Shelby, *Shelby Center Historic District*, E. and W. Main Sts. (05/13/82)

Scioto County

Portsmouth, *All Saints Episcopal Church*, 4th and Court Sts. (03/25/82)

Shelby County

Montra, *Emanuel Lutheran Church of Montra*, Montra Rd. (05/13/82)
Port Jefferson, *Port Jefferson School*, Wall and Spring Sts. (06/02/82)

Stark County

Canton, *Barber-Whitticar House*, 519 Cleveland Ave, SW. (07/15/82)
Canton, *Canton Public Library*, 236 3rd St., SW. (07/15/82)
Canton, *City National Bank Building*, 205 Market Ave., S (07/15/82)
Canton, *Dewalt Building*, 122 market Ave., N (07/15/82)
Canton, *Eagles' Temple*, 601 S. Market St. (07/15/82)
Canton, *First Reformed and First Lutheran Churches*, 901 and 909 E. Tuscarawas St. (09/28/82)
Canton, *Landmark Tavern*, 501 E. Tuscarawas St. (03/12/82)
Canton, *Old McKinley High School*, 800 N. Market St. (06/30/82)
Canton, *Onesto Hotel*, 2nd and Cleveland, NW (07/15/82)
Canton, *Schuffenecker, August Building*, 134 6th St. SW (09/02/82)
Canton, *Vicary House*, 3730 Market Ave. N. (03/15/82)
Hartville vicinity, *Stewart, Harry Bartlett, Property*, 13340 Congress Lake Rd. (04/29/82)
Massillon, *Fourth Street Historic District*, Roughly bounded by 3rd, 5th and Cherry St. and Federal Ave. (03/25/82)
Massillon, *Massillon Cemetery Building*, 1827 Erie St. S. (03/12/82)

Summit County

Akron, *Eagles Temple*, 131–137 E. Market St. (06/01/82)
Akron, *Stan Hywet Hall-Frank A. Seiberling House*, 714 N. Portage Path, (12/21/81) (NHL)
Peninsula vicinity, *Stanford, George, Farm*, 6093 Stanford Rd. (02/17/82)

Trumbull County

Champion vicinity, *Woodrow, William, House*, 138 Champion St., E (07/15/82)
Lordstown, *McCorkle, Almon G., House*, 1180 Saltsprings Rd. (03/10/82)

Tuscarawas County

Bolivar vicinity, *Lebold John, House, Smokehouse and Springhouse*, Rt. 1 (07/15/82)
Dover, *Reeves, Jeremiah, House and Carriage House*, 325 E. Iron Ave. (07/15/82)

Union County

North Lewisburg, *Fort The*, 26953 N. Lewisburg Rd. (07/06/82)

Van Wert County

Delphos, *Bredeick-Lang House*, 508 W. 2nd St (04/07/82)

Warren County

Franklin, *Butler, Charles, House*, 13 E. Jackson St. (04/29/82)

Wayne County

Wooster, *Old Wayne County Jail*, W. North St. (04/29/82)

Wood County

Bowling Green, *Floral Hall*, City Park on Conneaut Ave. (07/27/82)
North Baltimore, *North Baltimore Town Hall*, 207 North Main St. (10/29/81)

Wyandot County

Crawford, *Crawford, Col., Burn Site Monument*, NE of Crawford (04/15/82)

OKLAHOMA

Bryan County

Durant, *Wilson, J. L., Building*, 202 W. Evergreen St. (04/20/82)

Caddo County

Apache, *Amphlett Brothers Drug and Jewelry Store*, Evans and Coblake Ave., S. (05/11/82)

Canadian County

Yukon, *Mulvey Mercantile*, 425 W. Main (09/20/82)

Carter County

Ardmore, *Oklahoma, New Mexico and Pacific Railroad Depot*, N. Washington and NE. 3rd (07/22/82)
Ardmore, *Sayre-Mann House*, 323 SW F (05/11/82)

Choctaw County

Fort Towson, *Wilson, Willie W., House*, Cincinatti and Main Sts. (04/20/82)
Hugo vicinity, *Everidge Cabin and Cemetery*, SR (03/31/82)

Cleveland County

Norman, *Beta Theta Pi Fraternity House, The University of Oklahoma*, 800 S. Chautauqua Ave. (06/02/82)

Coal County

Lehigh vicinity, *Smallwood, Benjamin Franklin, House*, W. of Lehigh (03/10/82)

Creek County

Drumright vicinity, *Drumright Gasoline Plant No. 2*, N of Drumright (07/27/82)
Drumright vicinity, *Jackson, Barnett, No. 11 Oil Well*, S of Drumright (07/27/82)
Drumright, *Drumright, Aaron, House*, 403 S. Creek Ave. (06/17/82)
Drumright, *First United Methodist Church of Drumright*, 115 N. Pennsylvania Ave. (03/31/82)
Drumright, *Fulkerson, J.W., House*, 506 E Broadway (03/23/82)
Oilton vicinity, *Markham School and Teacherage*, SW of Oilton (04/21/82)
Oilton, *Meacham Building*, 102 East Main St. (04/21/82)

Garvin County

Wynnewood, *Hargis-Mitchell-Cochran House*, 204 E. Robert S. Kerr (06/02/82)

Jefferson County

Ringling vicinity, *San Bernardo (Taovayas Village*, (03/10/82)

Kay County

Ponca City, *Donahoe, Daniel J., House*, 302 S. 7th St. (03/10/82)
Ponca City, *Soldani Mansion*, 819 E. Central St. (06/01/82)

McIntosh County

Checotah, *Checotah Business District*, Gentry Ave. between W. 1st and W. Main Sts. and Broadway Ave. between Lafayette and Spaulding Aves. (09/13/82)
Eufaula vicinity, *First Soil Conservation District Dedication Site*, N. of Eufaula (09/20/82)

Muskogee County

Muckogee, *Robb, Andrew W., House*, 1321 Boston (05/11/82)
Muckogee, *Severs Hotel*, 200 N. State St. (09/12/82)

Oklahoma County

Oklahoma City, *Heierding Building*, 35 Harrison Ave. (03/10/82)
Oklahoma City, *Putnam Heights Historic Preservation District*, Georgia and McKinley Blvds., 35th, 37th, and 38th Sts. (06/02/82)
Oklahoma City, *Walcourt Building*, 1401 NE Walnut Ave. (03/19/82)
Oklahoma City, *Wells Fargo and Company Livery Stable*, 115 E. Reno Ave. (07/09/82)

Rogers County

Claremore, *Belvedere, The*, 100 N. Chickasaw Ave. (03/24/82)
Claremore, *Eastern University Preparatory School*, College Hill (02/19/82)
Claremore, *Meyer, Maurice, Barracks*, College Hill (03/01/82)
Oologah, *Oologah Bank*, 105 S. Maple St. (05/10/82)
Sageeyah vicinity, *Hanes Home*, off OK 88 (07/12/82)

Seminole County

Sasakwa, *Brown, Alice, House*, Chestnut St. (03/31/82)

Tulsa County

Tulsa, *Gillette Historic District*, Bounded by S. Yorktown and S. Lewis Aves, E. 15th and E. 17th Sts. (09/20/82)
Tulsa, *Gillette-Tyrell Building*, 423 S. Boulder Ave. (01/21/82)
Tulsa, *Holy Family Cathedral, Rectory, and School*, W. 8th St. and S. Boulder Ave. (02/11/82)
Tulsa, *Moore Manor*, 228 W. 17th Pl. (02/19/82)
Tulsa, *Petroleum Building*, 420 South Boulder St. (04/15/82)
Tulsa, *Tracy Park Historic District*, Roughly bounded by Norfolk, Peorian, 11th and 13th Sts. (09/20/82)

Wagoner County

Wagoner, *Cobb Building*, 203 E. Cherokee St. (09/13/82)
Wagoner, *Gibson, John W., House (Territorial Homes of Wagoner, Oklahoma TR)*, 402 S. McQuarrie (07/06/82)
Wagoner, *McAnally, William, House (Territorial Homes of Wagoner, Oklahoma TR*, 702 S.E. 7th St. (07/06/82)
Wagner, *McKinney, Collin, House (Territorial Homes of Wagoner, Oklahoma TR)*, 1106 S.E. 7th St. (07/06/82)
Wagoner, *Parkinson, Amos, House (Territorial Homes of Wagoner, Oklahoma TR)*, 601 N. Parkinson (07/06/82)
Wagoner, *Parkinson, Frederick, House (Territorial Homes of Wagoner, Oklahoma TR)*, 407 N.E. 3rd St. (07/06/82)
Wagoner, *St James Episcopal Church*, 303 S. Church St. (05/11/82)
Wagoner, *Way House (Territorial Homes of Wagoner, Oklahoma TR)*, 411 N.E. 2nd St. (07/06/82)

Washington County

Bartlesville, *LaQuinta*, 2201 Silver Lake Rd. (07/15/82)

Woods County

Alva, *Stine Building*, 601 Barnes St. (04/21/82)

OREGON

Baker County

Baker, *Rand, Ed, House*, 1700 4th St. (12/09/82)

Benton County

Corvallis, *Arnold, Earnest, House*, 806 SW 5th St. (12/02/81)
Corvallis, *Bosworth, Ralph Lyman, House*, 833 NW Buchanan Ave. (12/09/81)
Corvallis, *Farra, Dr. George R., House*, 660 SW Madison Ave. (12/09/81)
Corvallis, *First Congregational Church*, 8th and Madison Sts. (12/09/81)
Corvallis, *Hadley-Locke House*, 704 NW 9th St. (12/21/81)
Corvallis, *Hotel Benton*, 408 SW Monroe (05/17/82)
Corvallis, *Kline, Lewis G., House*, 308 NW 8th St. (12/09/81)
Corvallis, *Pernot, Dr. Henry S., House*, 242 SW. 5th St. (04/29/82)
Corvallis, *Pi Beta Phi Sorority House*, 3002 NW Harrison Blvd. (06/14/82)
Corvallis, *Taylor, George, House*, 504 SW. 6th St. (12/09/81)

Clackamas County

Canby, *Macksburg Lutheran Church*, 10210 S. Macksburg Rd. (06/14/82)
Mulino, *Howards Gristmill*, 20401 S. Hwy. 213 (12/10/81)
Oregon City vicinity, *Jackson, C.S. "Sam", Log House (Alder Lea)* 14999 S. Springwater Rd. (12/09/81)
Oregon City, *First Congregational Church of Oregon City (Atkinson Memorial Congregational Church)*, 6th and John Adams Sts. (06/26/82)

Clatsop County

Seaside vicinity, *Tillamook Rock Lighthouse*, SW of Seaside (12/09/81)

Deschutes County

Bend vicinity, *Boyd, Charles, Homestead Group*, N of Bend at 20410 Rivermall Ave. (06/31/82)

Douglas County

Roseburg, *Rice, Napoleon, House*, 709 Kane St. (12/09/81)

Hood River County

Hood River, *Waucoma Hotel*, 2nd St. (12/10/81)

Jackson County

Ashland, *Boslough-Claycomb House*, 1 Hillcrest St. (12/09/81)
Ashland, *Carter-Fortmiller House*, 514 Siskiyou Blvd. (12/21/81)
Ashland, *McCall, John, House*, 153 Oak St. (12/09/81)
Ashland, *Pracht, Humboldt, House*, 234 Vista St. (12/23/81)
Central point vicinity, *Bursell, Victor and Bertha, House*, 3075 Hanley Rd. (04/29/82)
Central Point, *Fiero, Conro, House (Woodlawn Acres)*, 4615 Hamrick Rd. (12/09/81)
Gol Hill vicinity, *van Hoevenberg, Henry, Jr., House*, 9130 Ramsey Canyon Rd. (12/10/81)
Jacksonville, *Bybee, Frank E., House*, 4491 Jacksonville Hwy. (12/09/81)
Medford, *Fredenbury, Andrew J., House*, 234 S. Holy St. (06/17/82)
Medford, *West Side Feed and Sale Stable*, 29 S. Grape St. (12/21/81)
Medford, *Wilkinson-Swem Building (Wilkinson, E. H., Building)*, 217 E. Main St. (06/26/82)

Josephine County

Grants Pass, *Calhoun, George, House,* 612 NW. 5th St. (12/02/81)
Grants Pass, *Clemens, Michael, House,* 612 NW. 3rd St. (04/29/82)
Grants Pass, *Kienlen-Harbeck Building,* 147 SW G St. (05/13/82)

Klamath County

Klamath Falls, *Benson, Judge Henry L., House,* 137 High St. (12/02/81)
Klamath Falls, *Winthrow-Melhase Block,* 4th and Main Sts. (06/14/82)

Lane County

Eugene, *Ax Billy Department Store (Ardel Building),* E. 10th Ave. and Willamette St. (08/26/82)
Eugene, *Calkines, Windsor W., House,* 588 E. 11th Ave. (12/09/81)
Eugene, *East Skinner Butte Historic District,* Pearl and High Sts., and 2nd and 3rd Aves. (09/23/82)
Eugene, *McDonald Theater Building,* 1004-1044 Willamette St. (08/26/82)
Eugene, *Quackenbush Hardware Store,* 160 E. Broadway (09/23/82)
Florence, *Kyle, William, and Sons, Building,* 1297 Bay St. (12/02/81)

Lincoln County

Newport, *Roper, Charles and Theresa, House (Hilan Castle)* 620 SW. Alder St. (12/09/81)

Linn County

Albany, *Hackleman Historic District,* Roughly bounded by Pacific Blvd., Lyons, 2nd and Madison Sts. (03/15/82)
Albany, *Ralston, John, House,* 632 Baker St., Se. (12/09/81)

Marion County

Aurora, *Bents, Frederick, House,* 22776 Bents Rd., NE. (12/09/81)
Butteville, *Scheurer, William Riley, House,* 23707 First St., NE (12/23/81)
Mt. Angel, *Queen of Angels Priory,* 840 S. Main St. (07/08/82)
Salem, *Boise, R. P., Building,* 217 State St. (12/02/81)
Salem, *Bush and Brey Block and Annex,* 179–197 Commercial St., NE (12/21/81)
Salem, *Cross, Curtis, House,* 1635 Fairmount Ave., S. (12/18/81)
Salem, *Farrar Building,* 351-373 State St. (08/26/82)
Salem, *Harding, Benjamin F., House,* 1043 High St., SE (12/21/81)
Salem, *Jones-Sherman House,* 835 D St, NE (12/21/81)
Salem, *Minto, John and Douglas, Houses,* 841, 835 and 821 Saginaw St., S. (12/18/81)
Salem, *Old Garfield School,* 528 Cottage St., NE. (12/02/81)
Salem, *Oregon State Forester's Office Building,* 2600 State St. (04/15/82)
St. Paul, *St. Paul Historic District,* Off OR 219 (03/15/82)
Stayton, *Paris Woolen Mill,* 535 E. Florence St. (12/21/81)

Multnomah County

Gresham, *Bethel Baptist Church,* 101 S. Main St. (04/15/82)
Portland, *Adams, Charles F., House,* 2363 NW. Flanders (12/09/81)
Portland, *Ayer-Shea House,* 1809 NW Johnson St. (06/14/82)
Portland, *Burke-Clark House,* 2610 NW Cornell Rd. (06/26/82)
Portland, *Corkish Apartments,* 2734–2740 SW. 2nd Ave. (12/02/81)
Portland, *Dayton Apartment Building,* 2056–2058 NW. Flanders St. (12/21/81)
Portland, *Henry, C.K., Building,* 309 S.W. 4th Ave. (05/13/82)
Portland, *Jacobs-Wilson House,* 6461 SE. Thorburn St. (12/10/81)
Portland, *Linnea Hall,* 2066 NW. Irving St. (12/02/81)
Portland, *Maegly, A. H., House,* 226 SW. Kingston St. (12/02/81)
Portland, *Meier and Frank Building,* 621 S.W. 5th Ave. (07/08/82)
Portland, *Mills, Lewis H., House,* 2039 NW Irving St. (06/26/82)
Portland, *Smith, Mary J. G., House,* 2256 NW. Johnson St. (12/02/81)
Portland, *Sovereign Hotel,* 710 SW. Madison St. (12/02/81)
Portland, *Waldo Block,* 431–433 SW. 2nd Ave. (04/29/82)

Polk County

Independence vicinity, *Wells, George A., Jr., House,* 106635 Buena Vista Rd. (12/22/81)

Umatilla County

Echo, *Bank of Echo Building,* 230 W. Main (04/15/82)
Pendleton, *Empire Block,* 21–37 SW. Emigrant Ave. (06/01/82)
Pendleton, *Hamley and Company Leather Goods Store,* 30 SE Court St. (06/09/82)
Pendleton, *Hendricks Building (K. O. T. M. Temple),* 309 S. Main St. (06/01/82)
Pendleton, *Masonic Temple,* 18 SW. Emigrant Ave. (06/01/82)
Pendleton, *Matlock-Brownfield Building,* 413–425 S. Main St. (06/01/82)
Pendleton, *Milarkey Building (Pendleton Drug Building)* 203 S. Main St. (09/23/82)

Wasco County

Shaniko, *Shaniko Historic District,* US 97 and OR 218 (03/18/82)

Washington County

Cornelius, *Sholes, Albert S., House,* 1599 S. Alpine St. (09/02/82)

Yamhill County

Lafayette, *Kelty, James M. and Paul R., House,* 675 3rd St. (09/23/82)
Sheridan, *Travelers Home,* 147 NE Yamhill St. (07/08/82)

PENNSYLVANIA

Allegheny County

Carnegie, *Carnegie, Andrew, Free Library,* 300 Beechwood Ave. (10/06/81)
Pittsburgh, *St. Boniface Roman Catholic Church,* East St. (11/17/81)

Armstrong County

Kittanning, *Armstrong County Courthouse and Jail,* Market and Jefferson Sts. (11/01/81)

Bedford County

New Enterprise, *New Enterprise Public School,* off PA 869 (10/06/81)

Berks County

Douglassville, *Boonecroft,* Oley Line Rd. (07/28/82)
Oley vicinity, *Reiff Farm,* SW of Oley on SR T454 (02/25/82)
Reading, *City Hall (Boys' High School),* 8th & Washington Sts. (04/13/82)
Reading, *Hampden Firehouse,* 1101 Greenwich St. (04/13/82)
Reading, *Reading Knitting Mills,* 350 Elm St. (04/13/82)
Reading, *Wilhelm Mansion and Carriage House,* 730 Centre Ave. (03/01/82)
Womelsdorf, *Womelsdorf Historic District,* Roughly bounded by Water, 4th, Franklin and Jefferson Sts. (03/10/82)

Bucks County

Buckingham vicinity, *Forest Grove Historic District,* Forest Grove and Lower Mountain Rds. (04/20/82)
Newton vicinity, *Twining Farm,* Buck Rd. (07/01/82)

Centre County

Wingate, *Fisher Farm Site (36Ce35),* (03/05/82)
State vicinity, *Tudek Site (36 CE 238),* (02/12/82)
Bellefonte, *McAllister-Beaver House,* 817 E. Bishop St. (02/24/82)
Blanchard vicinity, *Bechdel II, Christian, House,* S of Blanchard on Liberty Rd. (03/01/82)
Centennial vicinity, *Wilson, George, Homestead,* SW of Centennial on PA 550 (02/24/82)
Lemont, *Dale, Felix, Stone House,* Rt. 871 (04/20/82)
Wingate vicinity, *Fisher Farm Site (36Ce35),* (03/03/82)
Thornbury, *Barnard, William J., Residence (Thornbury Lodge),* 920 E. Street Rd. (07/21/82)

Chester County

West Chester, *West Chester State College Quadrangle Historic District,* Bounded by S. High St., Rosedale Ave., S. Church St., and College Ave. (10/08/82)

Clinton County

Lock Haven, *Memorial Park Site, (36 Cn 184)* (04/14/82)

Crawford County

Meadville, *Roueche House,* 702 Park Ave. (03/04/82)

Erie County

Erie, *Koehler, Jackson, Eagle Brewery,* 2131 State St. (04/13/82)
Erie, *Reed, Charles Manning Mansion,* 524 Peach St. (04/19/82)
Erie, *Warner Theater,* 811 State St. (04/13/82)

Fayette County

Connellsville, *Carnegie Free Library,* S. Pittsburg St. (10/08/81)
North Union, *Springer Farm,* PA 51 (07/23/82)

Franklin County

Chambersburg, *Chambersburg Historic District,* US 11 and US 30 (08/26/82)

Jefferson County

Brookville, *Taylor, Phillip, House,* Euclid Ave. (07/22/82)

Lancaster County

Shenks Ferry Site (36La2), (03/03/82)
Shultz-Funk Site (36La7 and 36La9) (03/03/82)
Ephrata, *Mountain Springs Hotel,* 320 E. Main St. (03/02/82)
Lancaster, *Hess, A. B., Cigar Factory, and Warehouses,* 231 N. Shippen St. (08/24/82)
Lancaster, *Lancaster Watch Company,* 901 Columbia Ave. (08/24/82)
Lancaster, *Yeates, Jasper, House,* 24–26 S. Queen St. (09/23/82)
Lititz, *Sutter, Johann Agust, House,* 17–19 E. Main St. (04/20/82)
Strasburg vicinity, *Electric Locomotive No. 4859,* PA 741 (08/19/82)

Lehigh County

Coopersburg, *Coopersburg Historic District,* Main St. and PA 309 (04/26/82)
Slatington, *Fireman's Drinking Fountain,* Main St. (11/09/81)

Lycoming County

Williamsport vicinity, *Archeological Site 36 LY 37,* (04/14/82)

Montgomery County

Elkins Park, *St. Paul's Episcopal Church,* Old York and Ashbourne Rds. (04/22/82)
Marlborough, *Bauern Freund Print Shop,* PA 63 (07/28/82)

Northampton County

Bath, *Steckel, Daniel, House,* 207 W. Northampton St. (03/08/82)
Easton, *Heller, William Jacob, House,* 501 Mixsell St. (04/20/82)
Easton, *State Theatre,* 454 Northampton St. (03/04/82)

Philadelphia County

Philadelphia, *1900 Rittenhouse Square Apartments,* 1900 S. Rittenhouse Sq. (07/28/82)
Philadelphia, *Anglecot, The,* Evergreen and Prospect Sts. (04/19/82)
Philadelphia, *Bell, John C., House,* 229 S. 22nd St. (04/13/82)
Philadelphia, *Benjamin Franklin Hotel,* 822–840 Chestnut St. (03/02/82)
Philadelphia, *Houses at 2000–2018 Delancey Street,* 2000–2018 Delancey St. (04/22/82)
Philadelphia, *Jayne, Horace, House,* 320 S. 19th St. (07/22/82)
Philadelphia, *Mayfair House,* 401 W. Johnson St. (04/07/82)
Philadelphia, *Philadelphia Stock Exchange,* 1409–1411 Walnut St. (08/31/82)
Philadelphia, *Reading Company Grain Elevator,* 411 N. 20th St. (03/10/82)
Philadelphia, *Shedwick, John, Development Houses,* 3433–3439 Lancaster Ave. (03/10/82)
Philadelphia, *St. Mark's Episcopal Church,* 1607–27 Locust St. (04/19/82)
Philadelphia, *Touraine, The,* 1520 Spruce St. (04/07/82)
Philadelphia, *Uptown Theater and Office Building,* 2240–2248 N. Broad St. (07/22/82)
Philadelphia, *Watson, Sally, House,* 5128 Wayne Ave. (03/10/82)

Schuylkill County

Pottsville, *Pottsville Downtown Historic District,* Roughly bounded by Laurel Blvd., Railroad, Morris and 4th Sts. (03/01/82)

Westmoreland County

United vicinity, *Sewickley Manor,* SR 64136 (04/19/82)

York County

York Spring Garden vicinity, *Nook, The (Francis Farquhar House),* 1101 Farquhar Dr. (03/01/82)

PUERTO RICO

Arecibo County

Arecibo, *Casa Ulanga,* #7 Gonzalo Marin St. (07/26/82)
Arecibo and Cabo Rojo, Calebra, Guanica, Guayama, Mona Island, Ponce, San Juan, San Juan and Vieques Island Vicinities, *Lighthouse System of Puerto Rico TR,* (10/22/81)
Arecibo vicinity, *Faro di Punta Borinquen (Lighthouse System of Puerto Rico TR,* (10/22/81)
Arecibo vicinity, *Faro di Punta higuero (Lighthouse System of Puerto Rico TR),* (10/22/81)

Cabo Rojo

Faro de los Morrillos de Cabo Rojo (Lighthouse System of Puerto Rico TR), 10(22/22/81)

Culebrita Island

Faro Isla de Culebritas (Lighthouse System of Puerto Rico TR), 10(22/22/81)
Guavama, vicinity, *Faro de Punta de las Figuras (Lighthouse System of Puerto Rico TR),*(10/22/81)
Guavama vicinity, *Faro de Punta dela Tuna (Lighthouse System of Puerto Rico TR),* (10/22/81)

Loiza County

Loiza, *Cueva de Los Indios,* PR 187 (08/24/82)

Mona Island

Faro di la Isla de la Mona (Lighthouse System of Puerto Rico TR), (10/22/81)
Ponce vicinity, *Faro de la Isla de Caja de Muertos (Lighthouse System of Puerto Rico TR),* (10/22/81)
Ponce vicinity, *Faro del Puerto de Ponce (Lighthouse System of Puerto Rico TR),* (10/22/81)
San Juan vicinity, *Faro de las Gabezas de San Juan (Lighthouse System of Puerto Rico TR),* (10/22/81)

San Juan

Faro de Morro (Lighthouse System of Puerto Rico TR), (10/22/81)
Superintendent of Lighthouses Dwelling (Lighthouse System of Puerto Rico TR), (10/22/81)

RHODE ISLAND

Newport County

Newport, *Bird's Nest, The,* 526 Broadway at One Mile Corner (08/07/82)

Providence County

Cumberland, *Jillson, Luke, House,* 2510 Mendon Rd. (08/12/82)
Cumberland, *St. Joseph's Church Complex,* 1303–1317 Mendon Rd. (08/12/82)
Cumberland, *Tower, Lewis, House,* 2199 Mendon Rd. (08/30/82)
Pawtucket, *Church Hill Industrial District,* Roughly bounded by S. Union, Pine, Baley, Commerce, Main, and Hill Sts. (08/12/82)
Woonsocket, *S'Eglise du Precieux Sang,* 94 Carrington Ave. and 61 Park Ave. (07/28/82)

Washington County

Narragansett, *Central Street Historic District (Narragansett Pier MRA),* Both sides of Central Street from 5th Ave. to Boon St. (08/18/82)
Narragansett, *Earlscourt Historic District (Narragansett Pier MRA),* Roughly bounded by Westmoreland, Noble, Woodward Sts., and Gibson Ave. (both sides) (08/18/82)
Narragansett, *Gardencourt (Narragansett Pier MRA),* 10 Gibson Ave. (08/18/82)
Narragansett, *Ocean Road Historic District (Narragansett Pier MRA),* Ocean and Wildfield Farm Rds., and Newton and Hazard Aves. (08/18/82)
Narragansett, *Towers Historic District (Narragansett Pier MRA),* Bounded by the Atlantic Ocean, Exchange Pl., Mathewson and Taylor Sts. (08/18/82)
New Shoreham, *Champlin, Peleg, House,* Rodman Pond Lane (06/01/82)
South Kingstown, *Perry, Commodore Oliver Farm,* 184 Post Rd. (08/26/82)

SOUTH CAROLINA

Abbeville County (also Greenwood County)

Abbeville vicinity, *Cedar Springs Historic District,* SR 33, SR 112 and SR 47 (03/25/82)
Due West, *Erskine College-Due West Historic District,* Main, Church, College, Bonner, Hayne, Washington, Cleveland, Depot, & Abbeville Sts. (03/19/82)

Aiken County

Aiken, *Chinaberry (Williams-Converse House),* 441 York St., SE (04/29/82)
Aiken, *St. Mary Help of Christians Church,* York St. and Park Ave. (03/25/82)
Aiken, *Willcox's,* Colleton Ave. (03/19/82)

Anderson County

Anderson vicinity, *McFall House,* SR 247 (08/28/82)

Bamberg County

Denmark vicinity, *Voorhees College Historic District,* Voorhees College Campus (01/21/82)

Beaufort County

Hilton Head vicinity, *Daufuskie Island Historic District,* SW of Hilton Head (08/02/82)

Berkeley County

Huger vicinity, *Cainhoy Historic District,* SE of Huger (03/11/82)
Moncks Corner vicinity, *Santee Canal,* NE of Moncks Corner (05/05/82)
Pinopolis, *Pinopolis Historic District North (Pinopolis MRA),* Lake View St. South to Lake Moultrie (08/19/82)
Pinopolis, *Pinopolis Historic District South (Pinopolis MRA),* CR 5 (08/19/82)

Pinopolis, *Robertson, William, House (Pinopolis MRA)*, CR 5 (08/19/82)

Calhoun County

St. Matthews, *Calhoun County Courthouse (Courthouses in SC Designed by William Augustus Edwards TR)*, S. Railroad Ave. (10/30/81)

Charleston County

Battery LeRoy (Civil War Defenses of Charleston TR), Riverland Dr., James Island (08/11/82
Battery No. 1 (James Island Siege Line) (Civil War Defenses of Charleston TR), Riverland Dr., James Island (08/11/82)
Battery No. 5 (Civil War Defenses of Charleston TR), James Island (08/11/82)
Battery Tynes (Civil War Defenses of Charleston TR), Stono River, James Island (08/11/82)
Fort Pringle (Civil War Defenses of Charleston TR), Riverland Dr., James Island (08/11/82)
Fort Trenholm (Civil War Defenses of Charleston TR), John's Island Airport (08/11/82)
Charleston vicinity, *Morris Island Lighthouse*, 6 mi. SE of Charleston (08/28/82)
Clark's Point vicinity, *Unnamed Battery No. 1 (Civil War Defenses of Charleston TR)*, James Island (08/11/82)
Edisto Island vicinity, *Seaside Plantation House*, Off SC 174 (01/21/82)
Edisto Island, *Edisto Island Baptist Church*, N of Edisto Island, on SC 174 (04/01/82)
Fort Johnson Estates, *Battery Cheves (Civil War Defenses of Charleston TR)*, James Island (08/11/82)
Hamlin Sound vicinity, *Fort Palmetto (Civil War Defenses of Charleston TR)*, Christ Church Parish (08/11/82)
Johns Islands, *Moving Star Hall*, River Rd. (08/17/82)
McClellanville vicinity, *Cape Romain Lighthouse*, SE of McClellanville on Lighthouse Island (11/12/82)
McClellanville, *McClellanville Historic District*, Pinckney, Lofton, Charlotte, Church, Water, Oak, Venning, Legare, Morrison, and Scotia Sts. (03/23/82)
Shaftsbury Townhouses vicinity, *Unnamed Battery (Civil War Defenses of Charleston TR)*, St. Andrew's Parish (08/11/82)

Chesterfield County

Chesterfield, *East Main Street Historic District (Chesterfield MRA)*, Hursey Dr., E. Main and Craig Sts. (05/04/82)
Chesterfield, *Lucas, Dr. Thomas E., House (Chesterfield MRA)*, 718 W. Main St. (05/04/82)
Chesterfield, *West Main Street Historic District (Chesterfield MRA)*, W. Main, Church and Academy Sts. (05/04/82)

Dillon County

Dillon, *Dillon County Courthouse (Courthouses in SC Designed by William Augustus Edwards TR)*, 1303 W. Main St. (10/30/81)

Florence County

Johnsonville vicinity, *Browntown*, SC 341 (08/28/82)

Georgetown County

Georgetown vicinity, *China Grove*, SC 512 (03/25/82)
Georgetown, *Minim Island Shell Midden (38GE46)*, (08/18/82)

Greenville County

Greenville, *American Cigar Factory (Greenville MRA)*, E. Ct. St. (07/01/82)
Greenville, *Chamber of Commerce Building (Greenville MRA)*, 130 S. Main St. (07/01/82)
Greenville, *Davenport Apartments (Greenville MRA)*, 400–402 E. Washington St. (07/01/82)
Greenville, *Earle, Col. Elias, Historic District (Greenville MRA)*, Earle, James, N. Main, and Rutherford Sts. (07/01/82)
Greenville, *Greenville Gas and Electric Light Company (Greenville MRA)*, 211 E. Broad St. (07/01/82)
Greenville, *Hampton-Pinckney Historic District Extension (Greenville MRA)*, Hampton, Lloyd, Hudson Sts., Butler and Asbury Aves. (07/01/82)
Greenville, *Isaqueena (Greenville MRA)*, 106 DuPont Dr. (07/01/82)
Greenville, *Lanneau-Norwood House (Greenville MRA)*, 417 Belmont Ave. (07/01/82)
Greenville, *Mills Mill (Greenville MRA)*, Mills and Guess Sts. (07/01/82)
Greenville, *Pettigru Street Historic District (Greenville MRA)*, Pettigru, Whitsett, Williams, Manly, E. Washington, Broadus, Toy, and Boyce Sts. (07/01/82)
Greenville, *Poinsett Hotel (Greenville MRA)*, 120 S. Main St. (07/01/82)
Greenville, *Williams-Earle, House, (Greenville MRA)*, 319 Grove Rd. (07/01/82)
Greenville, *Working Benevolent Temple and Professional Building (Greenville MRA)*, Broad and Fall Sts. (07/01/82)
Greer vicinity, *Barnwell, Arthur, House*, S. of Greer on SR 14 (03/19/82)

Greenwood County

Greenwood, *Vance-Maxwell House*, 158 E. Cambridge ST. (03/05/82)

Horry County

Bucksville vicinity, *Buck's Upper Mill Farm*, N. of Bucksville (03/25/82)

Jasper County

Ridgeland vicinity, *Church of the Holy Trinity*, SC 13 and SC 29 (03/25/82)
Ridgeland, *Jasper County Courthouse (Courthouses in SC Designed by William Augustus Edwards TR)*, Russel St. (10/30/81)

Kershaw County

Camden, *Kendall Mill Historic District*, Roughly bounded by RR tracks, Kendall Lake, Lakeshore Dr., McRae Rd., and Haile St. (03/19/82)
Camden, *Murchison House*, Kershaw County Rd. 12 (08/17/82)

Lancaster County

Kershaw vicinity, *Cauthen, Dr. William Columbus, House*, SR 75 (08/28/82)

Laurens County

Clinton, *Thornwell-Presbyterian College Historic District*, Presbyterian College Campus (03/05/82)
Laurens vicinity, *Dial, Allen, House*, SR 729 (01/21/82)

Lee County

Bishopville, *Lee County Courthouse (Courthouses in SC Designed by William Augustus Edwards TR)*, 123 Main St. (10/30/81)

Lexington County

Batesburg, *Batesburg Commercial Historic District (Batesburg-Leesville MRA)*, Granite, Oak, Pine, Church Sts., Rutland and N. Railroad Aves. (07/06/82)
Batesburg, *Bouknight, Simon, House (Batesburg-Leesville MRA)*, Saluda Ave. (07/06/82)
Batesburg, *Edwards, Broadus, House (Batesburg-Leesville MRA)*, 12 Peachtree St. (07/06/82)
Batesburg, *Hartley House (Batesburg-Leesville MRA)*, 305 E. Columbia Ave. (07/09/82)
Batesburg, *Historic Cartledge House (Batesburg-Leesville MRA)*, 305 Saluda Ave. (07/06/82)
Batesburg, *Jones, A. C., House (Batesburg-Leesville MRA)*, 104 Fair Ave. (07/06/82)
Batesburg, *McKendree, Mitchell, House (Batesburg-Leesville MRA)*, 310 Saluda Ave. (07/06/82)
Batesburg, *Rawl, John Jacob, House (Batesburg-Leesville MRA)*, Line St. (07/06/82)
Batesburg, *Rawl-Couch House (Batesburg-Leesville MRA)*, 22 Short St. (07/06/82)
Leesville, *Church Street Historic District (Batesburg-Leesville MRA)*, Church St. (07/06/82)
Leesville, *Hampton Hendrix Office (Batesburg-Leesville MRA)*, Leesville Ave. (07/06/82)
Leesville, *Hendrix, Henry Franklin, House (Batesburg-Leesville MRA)*, Hendrix Heights Plantation (07/06/82)
Leesville, *Herbert, Rev. Walter L., House (Batesburg-Leesville MRA)*, 506 Trotter St. (07/06/82)
Leesville, *Holman, J. B., House (Batesburg-Leesville MRA)*, N. Peachtee St. (07/06/82)
Leesville, *Leesville College Historic District (Batesburg-Leesville MRA)*, Railroad Ave., College, Peachtree, King, and Lee Sts. (07/06/82)
Leesville, *Mitchell, Crowell, House (Batesburg-Leesville MRA)*, Church St. (07/06/82)
Leesville, *Mitchell-Shealy House (Batesburg-Leesville MRA)*, 419 W. Church St. (07/06/82)
Leesville, *Yarborough, Rev. Frank, House (Batesburg-Leesville MRA)*, 810 Bernard St. (07/06/82)
Lexington, *Old Batesburg-Leesville High School (Batesburg-Leesville MRA)*, Summerland Ave. (07/06/82)

Marlboro County

Bennettsville vicinity, *Appin*, U.S. 15 (08/28/82)

McCormick County

Mount Carmel, *Mount Carmel Historic District*, SC 823 and SC 81 (06/22/82)

Newberry County

Chappells vicinity, *Moon-Dominick House*, NE of Chappells (03/22/82)

Oconee County

Newry, *Newry Historic District*, Broadway, River Ridge Rd., South, Branch, and Palmetto Aves. (03/19/82)

Orangeburg County

Eutawville vicinity, *Numertia Plantation*, E. of Eutawville (03/19/82)

Richland County

Columbia, *Babcock Building, South Carolina State Hospital*, Bull St. (10/30/81)
Columbia, *Bethel A.M.E. Church (Columbia MRA addition)*, 1528 Sumter St. (05/24/82)
Columbia, *Building at 303 Saluda Avenue (Columbia MRA addition)*, 303 Saluda Ave. (05/24/82)
Columbia, *Columbia Historic District II*, (boundary increase) Blanding, Laurel, Richland, Calhoun, Marion, Bull, Pickens, Henderson, and Barnwell Sts. (06/28/82)
Columbia, *Columbia Mills Building (Columbia MRA addition)*, on the Congaree River (05/24/82)
Columbia, *Taylor House (Columbia MRA)*, 1505 Senate St. (07/06/82)

Saluda County

Saluda, *Marsh-Johnson House*, Intersection of S-41-21 and S-41-37 (06/17/82)

Williamsburg County

Indiantown vicinity, *Wilson, John Calvin, House*, Off SC 512 (06/28/82)
Kingstree, *Kingstree Historic District (Kingstree MRA)*, Main, Hampton and Academy Sts. (06/28/82)

York County

McConnells vicinity, *Hightower Hall*, York County Rd 165 (06/28/82)
Rock Hill, *Anderson House*, 227 Oakland Ave. (05/13/82)

SOUTH DAKOTA

Beadle County

Carpenter vicinity, *Milford Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)
Huron vicinity, *Old Riverside Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)

Bon Homme County

Scotland, *Campbell, Gen. Charles T., House*, 611 4th St. (06/17/82)
Scotland, *St. Andrew's Episcopal Church*, 4th and Poplar Sts. (06/17/82)
Tabor vicinity, *Bon Homme Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)

Brookings County

Brookings, *Brookings City Hall*, 4th St. (06/17/82)

Brown County

Aberdeen, *Ward, Alonzo, Hotel*, 104 S. Main St. (06/17/82)

Frederick vicinity, *Aurland United Norwegian Lutheran Church*, SE of Frederick (04/16/82)

Butte County

Belle Fourche, *Belle Fourche Commercial Historic District*, 500-620 State St. and 606-622 5th Ave. (04/27/82)
Belle Fourche, *Bolles, Charles, House*, 919 State St. (07/01/82)
Belle Fourche, *Gay, Thomas Haskins, House*, 704 Harding (07/19/82)

Charles Mix County

Academy, *Church of Christ in LaRoche Township, SD 50 (07/01/82)*

Clay County

Vermillion, *First Baptist Church of Vermillion*, 101 E. Main St. (03/05/82)
Vermillion, *Willey, E. H., House*, 104 Court St. (06/17/82)

Codington County

Watertown, *Mathiesen House*, 914 N. Maple (02/01/82)

Custer County

Site No 39 Cu 510 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 511 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 512 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 513 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 514 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 515 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 516 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 Cu 91 (Rock Art in the Southern Black Hills TR) (05/20/82)
Custer, *First National Bank Building*, 6th St. and Mt. Rushmore Rd. (03/05/82)

Davison County

Mitchell, *Anderson, John F., House*, 323 N. Duff (07/01/82)
Mitchell, *Beckwith, Louis, House*, 1311 S. Duff Dr. (07/01/82)

Fall River County

Site No 30 FA 75 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 277 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 389 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 511 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 554 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 58 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 676 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 677 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 681 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 684 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 685 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 687 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 7 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 70 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 91 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 FA 94 (Rock Art in the Southern Black Hills TR), (05/20/82)

Hamlin County

Estelline, *Lohr, Charles and Mary, House*, 1705 State Ave. (07/19/82)

Hand County

Zell vicinity, *St. Mary's Church, School and Convent*, U.S. 212 (07/19/82)

Hanson County

Alexandria vicinity, *Old Rockport Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)

Harding County

Ludlow vicinity, *Lightning Spring 39HN204*, (06/02/82)

Hutchison County

Ethan vicinity, *New Elmspring Colony (Historic Hutterite Colonies TR)*, (06/30/82)
Menno, *Ulmer, J.W., House*, 611 5th St. (06/17/82)
Milltown vicinity, *Milltown Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)
Parkston vicinity, *Old Elmspring Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)
Scotland vicinity, *Old Maxwell Hutterite Colony (Historic Hutterite Colonies TR)*, (06/30/82)

Marshall County

Veblen vicinity, *Palestine Evangelical Lutheran Church*, NE of Veblen (03/05/82)

Meade County,

Sturgis vicinity, *Butte, Bear*, (12/21/81) (NHL)

Minnehaha County

Sioux Falls, *Blackstone Court Apartments*, 303 W. 12th St. (06/17/82)
Sioux Falls, *Kuehn, Andrew, Warehouse*, 401 N. Phillips Ave. (02/25/82)
Sioux Falls, *Shriver-Johnson Building*, 230 S. Phillips Ave. (06/17/82)

Pennington County

Site No 39 PN 57 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 PN 108 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 PN 438 (Rock Art in the Southern Black Hills TR) (05/20/82)
Site No 39 PN 439 (Rock Art in the Southern Black Hills TR) (05/20/82)
Keystone, *Byron, Lewis, House*, Cemetery Rd. (06/17/82)
Keystone, *Keystone Trading Company Store*, SD 40 (06/17/82)
Rapid City *Holmes, Zack, House*, 818 St. James St. (06/17/82)
Rapid City vicinity, *Johnson Siding, House and Sawmill*, Rimrock Hwy. (06/17/82)

Spink County

Ashton, *Ashton Methodist Church*, NE corner of 2nd Ave. and 2nd St., (06/17/82)
Frankfort vicinity, *Harlow Farmstead*, (02/26/82)
Frankfort vicinity, *Old Spink Colony (Historic Hutterite Colonies TR)*, *(06/30/82)*

Stanley County

Fort Pierre, *Carr, Jefferson Davis, House*, 236 W. 2nd Ave. (03/05/82)
Ft. Pierre vicinity, *Lower Antelope Creek Site (39ST106)*, (09/15/82)

Turner County

Hurley, *I.O.O.F. Hall, Hurley Lodge No. 75*, Center Ave. (07/01/82)

Union County

Elk Point, *Murtha, Charles, House and Brick Yard*, W. Main St. (02/01/82)

Yankton County

Yankton, *Bruce-Donaldson House*, 313 Pine St. (03/05/82)
Yankton, *Chicago, Milwaukee and St. Paul Depot*, 8th and Douglas Sts. (03/05/82)
Yankton, *Chicago, Milwaukee and St. Paul Depot*, 8th and Douglas Sts. (03/05/82)
Yankton, *Ellerman, Arthur C., House*, 708 W. 5th St. (03/05/82)
Yankton, *Yankton College Historic District*, 12th and Douglas Sts. (03/22/82)
Yankton, *Yankton Historic Commercial District*, Roughly bounded by 2nd, 4th, Pine and Broadway Sts. (06/23/82)

TENNESSEE

Bedford County

Shelbyville, *Frierson-Coble House*, 404 N. Jefferson St. (04/12/82)

Blount County

Louisville vicinity, *George, Samuel, House*, NE of Louisville on Topside Rd. (01/27/82)
Maryville, *Jones, David, House, 720 Tuckaleechee Pike (06/26/82)*
Maryville, *Maryville College Historic District*, Washington Street (09/09/82)

Bradley County

Cleveland, *St. Luke's Episcopal Church*, Ocoee and Central Sts., NW (04/12/82)

Carroll County

Trezevant vicinity, *Hillsman House*, Old Hinkledale-McKenzie Rd. (03/25/82)

Carter County

Watauga vicinity, *Range, Henry, House*, S of Watauga on Smallings Rd. (03/25/82)

Claiborne County

Speedwell vicinity, *Kincaid House*, NE of Speedwell on Russell Lane (03/22/82)
Tazewell vicinity, *Kesterson-Watkins House*, Cedar Fork Rd. (04/28/82)

Davidson County

Nashville, *Bush-Herbert Building*, 174 3rd. Ave., N. (03/25/82)
Nashville, *East Nashville Historic District*, Roughly bounded by Gallatin Pike, Edgewood Pl., N 16th and Russell Sts. (04/15/82)
Nashville, *Evergreen Place*, 1023 Joyce Lane (04/15/82)
Nashville, *Goodwill Manor (President's Residence, Tennessee A & I State College)*, 3500 Centennial Blvd., Tennessee State University (03/25/82)
Nashville, *Holly Street Fire Hall*, 1600 Holly St. (08/26/82)
Nashville, *Printers Alley Historic District*, Roughly bounded by 3rd and 4th Aves., Bank Alley, and both sides of Church St. (08/26/82)
Nashville, *Scarritt College Historic District*, 19th Ave., S. (08/26/82)
Nashville, *Woodland in Waverly Historic District*, Roughly bounded by I–65, 8th, Bradford and Wedgewood Aves. (03/25/82)

Dickson County

Sylvia vicinity, *Shule, Peter Paul, Barn*, Denny Rd. (05/13/82)

Fayette County

Somerville, *Somerville Historic District*, Court Square, and irregular pattern along N. Main St. (04/15/82)

Gibson County

Humboldt, *Dodson House*, 119 N 17th Ave. (03/25/82)
Trenton, *Taylor, Col. Robert Z., House*, 1008 S. College St. (04/12/82)
Trenton, *Trenton Historic District*, High, College, and Church Sts. (04/15/82)

Greene County

Greeneville vicinity, *Lowry, James, House*, Asheville Hwy. (03/25/82)

Grundy County

Altamont, *Northcutt, H. B., House*, TN 56 (03/23/82)
Monteagle, *Monteagle Sunday School Assembly Historic District*, Off U.S. 64, U.S. 41, and TN 56 (03/25/82)

Hamilton County

Chattanooga, *Isbester, Caleb, House*, 551 Oak St. (03/25/82)
Chattanooga, *St. Elmo Historic District*, Alabama, St. Elmo, and Tennessee Aves. (04/15/82)

Jefferson County

Chestnut Hill vicinity, *Hill-Hance House (Joseph Hill House)*, E of Chestnut Hill off US 411 (08/26/82)
Jefferson City vicinity, *Fairvue*, Andrew Johnson Hwy. (04/12/82)

Knox County

Knoxville, *Burwell Building/Tennessee Theater (Knoxville Banking and Trust Company Building)*, 600 S. Gay St. (04/01/82)
Knoxville, *Knoxville Iron Foundry Complex-Nail Factory and Warehouse*, 715 Western Ave., NW (03/25/82)
Knoxville, *Louisville and Nashville Freight Depot*, 700 Western Ave., NW (03/25/82)
Knoxville, *Louisville and Nashville Passenger Station*, 700 Western Ave., NW (03/25/82)
Knoxville, *Mall Building (Kern Building/Jersey Lily Saloon Building)*, 1–5 Market St. (08/26/82)
Knoxville, *Trinity Methodist Episcopal Church*, 416 Lovenia Ave. (08/26/82)

Lincoln County

Fayetteville vicinity, *Childress House*, 9 mi. W of Fayetteville on U.S. 64 (02/25/82)
Fayetteville, *Douglas, Hugh Bright, House*, 301 Elk Ave., N. (03/25/82)

Loudon County

Lenoir City, *Lenoir City Company*, Depot St. (03/19/82)
Loudon, *Cumberland Presbyterian Church of Loudon*, College St. (04/15/82)

Madison County

Jackson, *Farrar, Capt. H.P., House*, 161 West Orleans St. (04/15/82)

Marion County

South Pittsburg, *Hardy, Richard, Memorial School*, 1620 Hamilton Ave. (09/30/82)

Marshall County

Cornersville, *Cornersville Methodist Episcopal Church South*, 100 S Mulberry St. (04/15/82)
Mooresville, *Fitzpatrick House*, TN 50 A (08/26/82)

McMinn County

Niota vicinity, *Cate, Elijah, House*, W. of Niota on SR 1 (03/25/82)

Meigs County

Big Spring, *Cowan, James, House (Meigs County, Tennessee MRA)*, Old Bunker Hill Rd. (07/06/82)
Decatur, *Big Sewee Creek Bridge (Meigs County, Tennessee MRA)*, TN 58 and Center Point Rd. (07/06/82)
Decatur, *Buchanan House (Meigs County, Tennessee MRA)*, Vernon St. (07/06/82)
Decatur, *Decatur Methodist Church (Meigs County, Tennessee MRA)*, Vernon St. (07/06/82)
Decatur, *Eaves, S. S., House (Meigs County, Tennessee MRA)*, Eaves Ferry Rd. (07/06/82)
Decatur, *Godsey, Jim, House (Meigs County, Tennessee MRA)*, TN 30 (07/06/82)
Decatur, *Grubb, Jacob L., Store (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Decatur, *Kings Mill Bridge (Meigs County, Tennessee MRA)*, Big Sewee Rd. (07/06/82)
Decatur, *Locke House (Meigs County, Tennessee MRA)*, Concord Rd. (07/06/82)
Decatur, *Meigs County Bank (Meigs County, Tennessee MRA)*, Court Sq. (07/06/82)
Decatur, *Meigs County Courthouse (Meigs County, Tennessee MRA)*, Court Sq. (07/06/82)
Decatur, *Meigs County High School Gymnasium (Meigs County, Tennessee MRA)*, Brown St. (07/06/82)
Decatur, *Mount Zion Church (Meigs County, Tennessee MRA)*, Mt. Zion Hollow (07/06/82)
Decatur, *Rice-Marler House (Meigs County, Tennessee MRA)*, Goodfield Valley Rd. (07/06/82)
Decatur, *Smith, Robert H., Law Office (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Decatur, *Stewart, John, House (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Georgetown, *Hooper, Scott, Garage (Meigs County, Tennessee MRA)*, SR 1 (07/06/82)
Georgetown, *McKenzie Windmill (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)

Georgetown, *Rymer, Bradford, Barn (Meigs County, Tennessee MRA)*, SR 1 (07/06/82)
Georgetown, *Shiflett, G. W., Barn (Meigs County, Tennessee MRA)*, SR 1 (07/06/82)
Georgetown, *Shiflett, H. C., Barn (Meigs County, Tennessee MRA)*, SR 1 (07/06/82)
Georgetown, *Wood, Andy, Log House and Wood, Willie, Blacksmith Shop*, SR 1 (07/06/82)
Ten Mile vicinity, *Oak Grove Methodist Church (Meigs County, Tennessee MRA)*, Pinhook Ferroy Rd. (07/06/82)
Ten Mile, *Black, John M., Cabin (Meigs County, Tennessee MRA)*, Big Sewee Creek Rd. (07/06/82)
Ten Mile, *Culvahouse House (Meigs County, Tennessee MRA)*, River Rd. (07/06/82)
Ten Mile, *Ewing House (Meigs County, Tennessee MRA)*, River Rd. (07/06/82)
Ten Mile, *Feezell Barn (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Ten Mile, *Gettys, James R., House (Meigs County, Tennessee MRA)*, N. No Pone Valley Rd. (07/06/82)
Ten Mile, *Gettys, James R., Mill (Meigs County, Tennessee MRA)*, N. No Pone Valley Rd. (07/06/82)
Ten Mile, *Griffith, James Turk, House (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Ten Mile, *Holloway, Dr. D. W., House (Meigs County, Tennessee MRA)*, River Rd. (07/06/82)
Ten Mile, *Hutsell Truss Bridge (Meigs County, Tennessee MRA)*, Old Ten Mile Rd. (07/06/82)
Ten Mile, *Hutsell, Sam, House (Meigs County, Tennessee MRA)*, Old Ten Mile Rd. (07/06/82)
Ten Mile, *Johnson, R. H., Stable (Meigs County, Tennessee MRA)*, TN 58 (07/06/82)
Ten Mile, *MacPherson House (Meigs County, Tennessee MRA)*, off Hurricane Valley Rd. (07/06/82)
Ten Mile, *Patterson, Alexander, House (Meigs County, Tennessee MRA)*, Wood Lane (07/06/82)
Ten Mile, *Sharp, Elisha, House (Meigs County, Tennessee MRA)*, Old Ten Mile Rd. (07/06/82)
Ten Mile, *Surprise Truss Bridge (Meigs County, Tennessee MRA)*, Sewee Creek Rd. (07/06/82)

Montgomery County

New Providence vicinity, *Fort Defiance CSA (Fort Bruce USA)*, (02/04/82)
Clarksville, *Catholic Church and Rectory (Nineteenth Century Churches in Clarksville TRA)*, 716 Franklin St. (06/02/82)
Clarksville, *Clarksville Methodist Church (Nineteenth Century Churches in Clarksville TR)*, 334 Main St. (04/06/82)
Clarksville, *Methodist Episcopal Church South (Nineteenth Century Churches in Clarksville TR)*, 319 Madison St. (05/13/76)
Clarksville, *Presbyterian Church (Nineteenth Century Churches in Clarksville TR)*, 213 Main St. (04/30/76)
Clarksville, *St. Peter African Methodist Church (Nineteenth Century Churches in Clarksville TRA)*, 518 Franklin St. (04/06/82)
Clarksville, *Trinity Church and Rectory (Nineteenth Century Churches in Clarksville TRA)*, 317 Franklin St., (04/06/82)

Robertson County

Springfield vicinity, *Beeches, The (John Woodard House)*, SC 49 (03/25/82)

Shelby County

Arlington, *Arlington Historic District*, Brown, Campbell, Chester, Quintard, Greenlee, and Walker Sts. (05/17/82)
Memphis, *Calvary Episcopal Church and Parish House*, 102 N. 2nd St. (04/27/82)
Memphis, *Central Gardens Historic District*, Roughly bounded by Rembert St., York, Cleveland and Eastmoreland Aves. (09/09/82)
Memphis, *Central High School (Public Schools of Memphis 1902–1915 TR)*, 308 S. Bellevue Blvd. (09/17/82)
Memphis, *Court Square Historic District*, Roughly bounded by Riverside Dr., N. 2nd St., Madison and Jefferson Aves. (04/15/82)
Memphis, *Guthrie Elementary School (Public Schools of Memphis 1902–1915 TR)*, 951 Chelsea Ave. (09/17/82)
Memphis, *Hill, A. B., Elementary School (Public Schools of Memphis 1902–1915 TR)*, 1372 Latham St. (09/17/82)
Memphis, *Hotel Claridge*, 109 N. Main St. (04/29/82)
Memphis, *Lauderdale/Walker Elementary School (Public Schools of Memphis 1902–1915 TR)*, 995 S. Lauderdale St. (09/17/82)
Memphis, *Maury Elementary School (Public Schools of Memphis 1902–1915 TR)*, 272 N. Bellevue Blvd. (09/17/82)
Memphis, *Memphis Street Railway Company Office and Streetcar Complex*, 821 Beale St. (09/09/82)
Memphis, *Moore, William R., Dry Goods Building (Hein Building)*, 183 Monroe Ave. (06/26/82)
Memphis, *Newburger, Joseph, House*, 168 E. Parkway, South (04/29/82)
Memphis, *Peabody Elementary School (Public Schools of Memphis 1902–1915 TR)*, 2086 Young Ave. (09/17/82)
Memphis, *Rozelle Elementary School (Public Schools of Memphis 1902–1915 TR)*, 993 Roland St. (09/17/82)
Memphis, *Second Congregational Church*, 764 Walker Ave. (06/26/82)
Memphis, *South Main Street Historic District*, Roughly S. Main St. between Webster and Linden, and Mulberry Between Calhoun and Vance Aves. (09/02/82)
Memphis, *Stonewall Place Historic District*, Stonewall St. between Poplar Ave. and North Pkwy. (03/25/82)
Memphis, *Tennessee Club (Overall-Goodbar Building)*, 128–130 Court Avenue (04/22/82)
Memphis, *Toof Building*, 195 Madison Ave. (06/26/82)
Memphis, *Toof, John S., House*, 246 Adams Ave. (03/25/82)

Sumner County

Cottontown, *Bridal House*, Red River Rd. (02/04/82)
Gallatin, *Gallatin Presbyterian Church*, 167 W. Main St. (03/25/82)
Hendersonville vicinity, *Fite, Leonard B., House*, 1154 W. Main St. (03/25/82)

Warren County

McMinnville vicinity, *Falconhurst*, N of McMinnville on Faulkner Springs Rd. (06/26/82)
Rock Island vicinity, *Great Falls Cotton Mill*, W of Rock Island off US 705 (06/26/82)

Washington County

Limestone vicinity, *Telford, Thomas, House*, Old Jonesboro Water Plant Rd. (02/10/82)

Weakley County

Dresden, *Oakland*, SR 22 and TN 89 (04/22/82)
Greenfield vicinity, *Sims, Capt. William, House*, Rte. 2, Liberty Rd. (03/25/82)
Martin, *Ivandale*, 115 N McCombs St. (03/25/82)
Martin, *Lawler, W. T., House*, 229 University St. (03/25/82)
Martin, *Marshalldale*, 115 Ryan Ave. (03/25/82)

Williamson County

College Grove vicinity, *Bostick Female Academy*, Hwy. 41 A (04/15/82)
Franklin vicinity, *Meeting-of-the-Waters (Thomas Hardin Perkins House)*, NW of Franklin on Del Rio Pike (06/26/82)
Franklin vicinity, *Montpier (Nicholas Perkins House)*, NW of Franklin off Old Hillsboro Pike (06/26/82)
Franklin, *Hincheyville Historic District*, W. Main, Fair, 6th, 7th, 8th, 9th, and 10th Sts. (04/15/82)

Wilson County

Lebanon vicinity, *Camp Bell*, Coles Ferry Pike (04/15/82)

TEXAS

Anderson County

Frankston vicinity, *Saunders, A. C., Site, (41 AN 19)*, E. of Frankston off U.S. Hwy. 175 and 155 (07/15/82)
Palestine vicinity, *Pace McDonald Site (41AN51)* (06/12/82)

Bastrop County

Smithville, *Smithville Commercial Historic District*, 2nd, 3rd, and Main Sts. (06/17/82)

Bee County

Beeville, *Praeger Building*, 110 W. Corpus Christi St. (09/09/82)

Bexar County

San Antonio, *Bushnell*, 240 Bushnell (06/26/82)
San Antonio, *Central Trust Company Building*, 603 Navarro St. (06/11/82)

Bowie County

Texarkana, *Rialto Building*, 317 State Line Ave. (06/17/82)

Brown County

Brownwood, *Walter, J. A., House and Rogers, R. B., House*, 701 and 707 Center Ave. (07/19/82)

Chambers County

Wallisville, *Old Wallisville Town Site (Wallisville 41CH228, 41CH237–241, and 41CH243)*, I 10 (03/30/82)

Cherokee County

Jacksonville, *Newton, William Walter, House*, 401 N. Bolton St. (07/15/82)

Comal County

New Braunfels, *Breustedt, Andreas, House*, 1370 Church Hill Dr. (07/22/82)

Cooke County

Gainesville, *Cloud-Stark House*, 327 S. Dixon St. (08/01/82)

Denton County

Denton vicinity, *Cranston Site (41DN16) (19th-Century Pottery Kilns of Denton Co. TR)*, S of Denton off FM 2181 (08/21/82)
Denton vicinity, *Lambert, J. C., Site (41DN74) (19th-Century Pottery Kilns of Denton Co. TR)*, SE of Denton off FM 2181 (08/21/82)
Denton vicinity, *Roark-Griffith Site (41DN18) (19th-Century Pottery Kilns of Denton Co. TR)*, E of Denton off US 380 (08/21/82)
Denton vicinity, *Serren, A. H., Site (41DN75) (19th-Century Pottery Kilns of Denton Co. TR)*, S of Denton off FM 2181 (08/21/82)
Denton vicinity, *Wilson-Donaldson Site (41DN19) (19th-Century Pottery Kilns of Denton Co. TR)*, S of Denton off FM 2181 (08/21/82)

Ellis County

Waxahachie, *Rosemont House*, 701 S. Rogers (07/08/82)

Galveston County

Galveston, *Hagemann, John, House*, 3301 Ave. L (08/01/82)

Grimes County

Anderson vicinity, *Piedmont Springs Archeological Site*, NW of Anderson on Texas Farm Rd. (07/29/82)

Harris County

Houston, State National Bank Building, 412 Main St. (08/11/82)

Jeff Davis County

Fort Davis, *Grierson-Sproul House*, Court Ave. (08/11/82)

Jefferson County

Beaumont, *Jefferson County Courthouse*, 1149 Pearl St. (08/17/82)

Kerr County

Kerrville vicinity, *Tulahteka*, S of Kerrville on TX 16 (08/11/82)

Kimble County

Junction, *Brambletye*, Off SR 2291 (07/15/82)

Lubbock County

Lubbock, *Bacon, Warren and Myrta, House*, 1802 Broadway (07/15/82)

Lynn County

Tahoka, *Lynn County Courthouse*, Public Sq. (07/08/82)

McLennan County

Waco, *Cooper, Madison, House*, 1801 Austin Ave. (07/08/82)

Medina County

Quihi, *Scathoff House*, Quihi-Stormhill Rd. (08/09/82)

Midland County

Midland, *Brown-Dorsey House*, 213 N. Weatherford (08/17/82)

Orange County

Orange, *Lutcher Memorial Church Building*, 902 W. Green Ave. (09/09/82)

Palo Pinto County

Mineral Wells, *Baker Hotel*, 200 E. Hubbard St. (08/23/82)

Pecos County

Sheffield vicinity, *Canon Ranch Archeological District*, NW of Sheffield on I–10 (08/11/82)

Red River County

Kanawha, *Neely Site 41 RR 48*, SE of Kanawha on Little Pine Creek (08/20/82)

Robertson County

Hearne, *Allen, Robert C., House* 402 Cedar St. (08/11/82)

Smith County

Tyler, *Whitaker-McClendon House*, 806 W. Houston St. (08/02/82)

Somervell County

Glen Rose, *Barnard's Mill*, 307 S.W. Barnard St. (09/09/82)

Taylor County

Abilene, *U.S. Weather Bureau Building*, 1482 N. 1st St. (07/08/82)

Travis County

Austin, *Evans Industrial Building*, Huston-Tillotson College Campus, 1820 E. 8th (08/17/82)
Austin, *Sampson, George W., House*, 1003 Rio Grande (07/08/82)
Austin, *Smoot, Richmond Kelley, House*, 1316 W. 6th St. (08/12/82)

Walker County

Huntsville, *Thomason, John W., House*, 1207 Avenue J (08/11/82)

UTAH

Beaver County

Beaver, *Atkin, James, House (Beaver MRA)*, 280 W. 300 North (09/17/82)
Beaver, *Barton, William, House (Beaver MRA)*, 295 N. 300 East (09/17/82)
Beaver, *Beaver High School (Beaver MRA)*, 150 N. Main St. (09/17/82)
Beaver, *Beaver Opera House*, 55 E. Center St. (02/11/82)
Beaver, *Black, John, House (Beaver MRA)*, 595 N. 100 West (09/17/82)
Beaver, *Bohn, Joseph, House (Beaver MRA)*, 355 S. 200 West (09/17/82)
Beaver, *Cowdell, Enoch E., House (Beaver MRA)*, 595 N. 4th West (09/17/82)
Beaver, *Dalton, Charles A., House (Beaver MRA)*, 270 S. 1st West (09/17/82)
Beaver, *Dean, James Heber, House (Beaver MRA)*, 390 W. 500 North (09/17/82)
Beaver, *Erickson House (Beaver MRA)*, 290 N. 300 West (09/17/82)
Beaver, *Farnsworth, Julia P. M., Barn (Beaver MRA)*, 180 W. Center St. (rear) (09/17/82)
Beaver, *Farnsworth, Julia, House (Beaver MRA)*, 180 W. Center St. (09/17/82)
Beaver, *Fotheringham, Caroline, House (Beaver MRA)*, 290 N. 600 East (09/17/82)
Beaver, *Greenwood, William, House (Beaver MRA)*, 190 S. 1st West (09/17/82)
Beaver, *Grimshaw, John, House (Beaver MRA)*, 290 N. 200 East (09/17/82)
Beaver, *Harris, Louis W., Flour Mill (Beaver MRA)*, 915 E. 200 North (09/17/82)
Beaver, *Jones, Thomas, House (Beaver MRA)*, 635 N. 400 West (09/17/82)
Beaver, *Lee, John Ruphard, House (Beaver MRA)*, 195 N. 1st West (09/17/82)
Beaver, *Limb, Lester, House (Beaver MRA)*, 495 N. 400 West (09/17/82)
Beaver, *Meeting Hall (Beaver MRA)*, 1st N. and 3rd E. (09/17/82)
Beaver, *Morris, Andrew James, House (Beaver MRA)*, 110 N. 400 East (09/17/82)
Beaver, *Robinson, James E., House (Beaver MRA)*, 415 E. 400 North (09/17/82)
Beaver, *Smith, Seth W., House (Beaver MRA)*, 190 N. 600 East (09/17/82)
Beaver, *Stoney, Robert, House (Beaver MRA)*, 295 N. 400 West (09/17/82)
Beaver, *Structure at 490 E. 200 North (Beaver MRA)*, 490 E. 200 North (09/17/82)
Beaver, *Tattersall, Joseph, House (Beaver MRA)*, 195 N. 400 West (09/17/82)
Beaver, *Thompson, W. O., House (Beaver MRA)*, 415 N. 400 West (09/17/82)
Beaver, *Thompson, William, House (Beaver MRA)*, 160 E. Center St. (09/17/82)
Beaver, *Thompson, William, Jr., House (Beaver MRA)*, 10 W. 400 North (09/17/82)
Beaver, *Tolton, Edward, House (Beaver MRA)*, 210 W. 400 North (09/17/82)
Beaver, *Willden, John, House (Beaver MRA)*, 495 North 200 West (09/17/82)
Milford vicinity, *Frisco Charcoal Kilns*, W. of Milford off UT 21 (03/09/82)

Box Elder County

Grouse Creek, *Tanner, A. N., House*, Grouse Creek (02/11/82)

Cache County

Hyde Park, *Lee, John E., House*, 123 W. Center St. (02/11/82)
Hyrum, *Hanson, Soren, House*, 100 W. Main St. (02/11/82)
Logan, *Smith, William McNeil, House*, 116 S. 100 E St. (02/11/82)
Mendon, *Gardner, James, House*, 173 N. Main St. (02/11/82)
Providence, *Providence LDS Chapel and Meetinghouse*, 20 S. Main St. (02/11/82)
Smithfield, *Douglas General Mercantile*, 100 Main St. (08/04/82)
Wellsville, *Riggs, Zial, House*, 94 S. 100 E St. (02/11/82)

Carbon County

Price, *Parker and Wester Block (Mahleres-Siampenos Building)*, 85 W. Main St. (03/09/82)
Price, *Star Theatre*, 20 E. Main St. (08/09/82)
Spring Glen, *Topolovec Farmstead*, Main Street (08/09/82)

Davis County

Bountiful, *Green, James, House*, 206 N. 100 East St. (02/11/82)
Bountiful, *Townsend-Palmer House*, 515 S. 200 West St. (08/04/82)
Kaysville, *Barnes, John George Moroni, House*, 42 W. Center St. (02/11/82)
Kaysville, *Barnes, John R., House*, 10 S. 100 West St. (07/23/82)
Layton vicinity, *Layton, George W., House*, W. Gentile St. (07/23/82)

West Layton, *Layton, John Henry, House*, 663 W. Gentile St. (02/11/82)

Garfield, (also in Kane and San Juan Counties)

Escalante and vicinity, *Hole-in-the-Rock Trail*, A trail commencing at Escalante, Utah and terminating at Bluff, Utah (08/09/82)

Grand County

Cisco vicinity, *Robidoux Inscription*, (07/23/82)

Moab vicinity, *Pinhook Battleground*, E of Moab (03/01/82)

Iron County

Cedar City, *Hunter, Joseph S., House*, 86 E. Center St. (02/11/82)

Milford County

Milford vicinity, *Frisco Charcoal Kilns*, W of Milford off UT 21 (03/09/82)

Millard County

Hinckley, *Millard Academy*, Off US 6/50 (02/11/82)

Scipio, *Quarnberg, Peter, House*, Off UT 63 (07/26/82)

Salt Lake County

Midvale, *Salt Lake County Library*, 80 E. Center St. (07/26/82)

Salt Lake City, *Arbuckle, George, House*, 747 E. 17th S. St. (02/12/82)

Salt Lake City, *Baldwin, Charles, House*, 229 S. 1200 E. St. (02/11/82)

Salt Lake City, *Broadway Hotel, (Salt Lake City Business District MRA)*, 222 W. 3d S. (08/17/82)

Salt Lake City, *Brooks Arcade, (Salt Lake City Business District MRA)*, 260 S. State St. (08/17/82)

Salt Lake City, *Building at 592–98 W. 200 South, (Salt Lake City Business District MRA)*, 592–98 W. 200 N. (08/17/82)

Salt Lake City, *Capitol Hill Historic District*, Roughly bounded by Beck, Main and Wall Sts., 300 N. Victory Rd. and Capitol Blvd. (08/02/82)

Salt Lake City, *Central Warehouse, (Salt Lake City Business District MRA)*, 520 W. 200 S. (08/17/82)

Salt Lake City, *Cheesman, Morton A., House*, 2320 Walker Lane, (07/23/82)

Salt Lake City, *Clayton Building, (Salt Lake City Business District MRA)*, 214 S. State St. (08/17/82)

Salt Lake City, *Clift Building, (Salt Lake City Business District MRA)*, 272 S. Main St. (08/17/82)

Salt Lake City, *Cramer House, (Salt Lake City Business District MRA)*, 241 Floral St. (08/17/82)

Salt Lake City, *Felt Electric, (Salt Lake City Business District MRA)*, 165 S. Regent St. (08/17/82)

Salt Lake City, *Hotel Albert, (Salt Lake City Business District MRA)*, 121 S. W. Temple (08/17/82)

Salt Lake City, *Hotel Victor, (Salt Lake City Business District MRA)*, 155 W. 200 (08/17/82)

Salt Lake City, *Japanese Church of Christ, (Salt Lake City Business District MRA)*, 268 W. 100 (08/17/82)

Salt Lake City, *Kearns Building, (Salt Lake City Business District MRA)*, 132 S. Main St. (08/17/82)

Salt Lake City, *Smith-Bailey Drug Company Building, (Salt Lake City Business District MRA)*, 171 W. 200 (08/17/82)

Salt Lake City, *South Temple Historic District*, South Temple St. (07/14/82)

Salt Lake City, *Utah Slaughter Company Warehouse, (Salt Lake City Business District MRA)*, 370 W. 100 (08/17/82)

Salt Lake City, *Warehouse District, (Salt Lake City Business District MRA)*, 200 S. and Pierpont Ave. between 300 W. and 400 W. (08/17/82)

Salt Lake City, *Woodruff Villa (Woodruff, Wilford, Family Historic Residences TR)*, 1622 S 5th E. (07/14/82)

Salt Lake City, *Woodruff, Asahel Hart, House, (Woodruff, Wilford, Family Historic Residences TR)*, 1636 W. 5th, E (07/14/82)

Salt Lake City, *Woodruff, Wilford, Farm House (Woodruff, Wilford, Family Historic Residences TR)*, 1604 S. 5th, E (07/14/82)

West Jordan, *Gardner Mill*, 1050 W. 7800 South (09/29/82)

San Juan County

Blanding vicinity, *Grand Gulch Archeological District*, (06/14/82)

Bluff, *Nielson, Jens, House*, Off UT 47 (02/22/82)

Sanpete County

Ephraim, *Johnson-Nielson House*, 351 N. Main St. (07/26/82)

Manti, *Cox-Shoemaker-Parry House*, 50 N. 100 West St. (08/04/82)

Mount Pleasant, *Jensen, Frederick C., House*, 2nd West 2nd South (04/19/82)

Mount Pleasant, *Seely, John H., House*, 91 S. 5th West St. (03/09/82)

Pleasant, *Nielson, N. S., House*, 179 W. Main St. (07/26/82)

Summit County

Coalville, *Allen, Thomas L., House*, 98 N. Main St. (07/23/82)

Coalville, *Boyden, John, House*, 47 W. Center St. (02/11/82)

Hoytsville, *Hoyt, Samuel P., House*, Off I–80 (04/19/82)

Kamas vicinity, *Myrick, William and Martha, House*, N of Kamas (03/09/82)

Tooele County

Grantsville, *Grantsville First Ward Meetinghouse*, 297 Clark St. (02/11/82)

Uintah County

Vernal, *Curry, Lewis, House*, 189 S. Vernal Ave. (07/26/82)

Utah County

Goshen, *Morgan, David, House*, Off US 6 (02/19/82)

Lehi, *Austin, Thomas, House*, 427 East 500 North (07/26/82)

Lehi, *Lehi City Hall*, 51 N. Center St. (03/01/82)

Lehi, *Merrihew, Harry B., Drugstore (State Bank of Lehi)*, First West and Main Sts. (07/23/82)

Provo, *Booth, John E., House*, 50 W 500 N St. (02/11/82)

Provo, *Cluff, Harvey H., House*, 174 N. 100 East St. (08/04/82)

Provo, *Davies, Charles E., House*, 388 W. 300 North St. (08/04/82)

Provo, *Knight, Jessee, House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 185 E. Center St. (07/23/82)

Provo, *Knight-Allen House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 390 E. Center St. (07/23/82)

Provo, *Knight-Mangum House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 318 E. Carter St. (07/23/82)

Provo, *Maeser School*, 150 S. 500 E. (07/26/82)

Provo, *Ray, William H., House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 415 S. University (07/23/82)

Provo, *Silver Row*, 621–645 W. North St. (08/04/82)

Provo, *Taylor, Thomas N., House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 342 N. 500 West St. (07/23/82)

Provo, *Twelves, John R., House (Entreprenurial Residences of Turn-of-the-Century Provo TR)*, 287 E. 100 North St. (07/23/82)

Springville, *Hafen, John, House*, 956 S. Main St. (07/23/82)

Washington County

Springdale vicinity, *Zion Lodge Historic District*, N of Springdale in Zion National Park, (08/24/82)

Toquerville, *Forsyth, Thomas, House*, Off UT 15 (02/11/82)

Washington vicinity, *Southern Paiute Archeological District*, (08/11/82)

Weber County

Ogden, *Burch-Taylor Mill*, 4287 Riverdale Rd. (07/14/82)

Ogden, *Eccles Building*, 385 24th St. (07/14/82)

Ogden, *Madison Elementary School*, 2418 Madison Ave. (02/19/82)

Ogden, *Patton, Augustus B., House*, 1506 24th St. (02/19/82)

Ogden, *Smyth, Dennis A., House*, 635 25th St. (02/11/82)

Plain City, *Skeen, William D., House*, (08/09/82)

VERMONT

Caledonia County

Hardwick, *Downtown Hardwick Village Historic District*, Main, Church, Maple, and Mill Sts. (09/30/82)

Chittenden County

Burlington, *Lakeside Development*, Lakeside, Central, Conger, Wright, and Harrison Aves. (04/12/82)

Burlington, *Robinson, Daniel Webster, House*, 384 and 388 Main St. (04/22/82)

Charlotte, *McNeil Homestead*, Lake Champlain off VT F5 (06/17/82)

Franklin County

Fletcher, *Fletcher Union Church*, SR 1 (05/17/82)

Orange County

Brookfield vicinity, *Stratton's Inn*, E of Brookfield on East St. (07/29/82)

Rutland County

Pittsford, *Pittsford Green Historic District*, Main St. (05/13/82)
Rutland, *Proctor-Clement House*, Field Ave. (06/17/82)

Windham County

Bellows Falls, *Bellows Falls Downtown Historic District*, Depot, Canal, Rockingham, Bridge, Mill and Westminster Sts. (06/16/82)
Brattleboro, *Holbrook, Deacon John, House*, Corner Linden & Chapin Streets NE (03/19/82)
Guilford, *Christ Church*, Melendy Rd. and US 5 (05/13/82)
Guilford, *Guilford Center Meetinghouse*, Guilford Center Rd. (05/13/82)

Windsor County

Cavendish, *Iron Bridge at Howard Hill Road*, Howard Hill Rd. and VT 131 (09/09/82)
North Springfield, *Lockwood-Boynton House*, 1 School St. (05/04/82)
Windsor, *Fowler-Steele House*, N. Main St. (06/17/82)
Woodstock vicinity, *South Woodstock Village Historic District*, Both sides of VT 106, TH 61, and Church Hill Rd. (06/12/83)

VIRGIN ISLANDS

St. John Island

Maho Bay vicinity, *Petroglyph Site*, (07/08/82)
Reef Bay vicinity, *Petrogiph Site*, (07/07/82)

VIRGINIA

Accomack County

Accomac, *Accomac Historic District*, Business Rte. 13 (07/21/82)
Craddockville vicinity, *Bayly, Edmund, House*, Va 615 (06/28/82)
Pungoteague vicinity, *Shepherd's Plain*, W of Pungoteague, (06/28/82)

Albemarle County

Charlottesville vicinity, *Carrsbrook*, VA 1424 (07/08/82)
Charlottesville vicinity, *Ednam House*, US 250 (07/08/82)
Esmont vicinity, *Guthrie Hall*, N of Esmont on VA 719 (09/23/82)
Greenwood vicinity, *Emmanuel Church*, US 250 (07/08/82)
Scottsville vicinity, *Cliffside*, N of Scottsville on VA 6 (09/16/82
Shadwell vicinity, *Edgehill*, N of Shadwell on VA 22 (09/09/82)

Alexandria (Independent City)

Fort Ward, 4301 W. Braddock Rd. (08/26/82)

Allegany County

Callaghan, *Wood Hall*, VA 600 (07/26/82)
Covington, *Persinger House*, VA 788 (07/08/82)
Falling Spring vicinity, *Massie House*, US 220 (07/08/82)
Selma vicinity, *Oakland Grove Presbyteria Chruch*, VA 606 (07/08/82)

Augusta County

Greenville vicinity, *Bethel Green (James Bumgardner House)*, Rte 701 (06/26/82)
Greenville vicinity, *Clover Mount*, W of Greenvile on VA 674 (09/16/82)
Grottoes vicinity, *Harnsberger Octagonal Barn*, VA 256 and VA 865 (07/08/82)
Middlebrook vicinity, *Miller, A. J., House*, VA 639 (07/08/82)
Spottswood vicinity, *Alexander, James, House*, N of Spottswood on VA 671 (09/16/82)

Brunswick County

White Plains vicinity, *Brick House (Woodlands)*, VA 659 (07/08/82)

Buchanan County

Grundy, *Buchanan County Courthouse*, Walnut and Main Sts. (09/16/82)

Campbell County

Altavista vicinity, *Avoca*, N of Altavista on US 29 (09/16/82)
Forest vicinity, *Federal Hill*, S of Forest on VA 623 (09/09/82)
Gladys vicinity, *Shady Grove*, E of Gladys on VA 650 (08/26/82)
Rustburg, *Campbell County Courthouse*, US 501 (1,0/29/81)

Carroll County

Hillsville, *Carroll County Courthouse*, 515 Main St. (07/08/82)

Charlottesville (Independent City)

Charlottesville and Albermarle County Courthouse Historic District, Roughly bounded by Park, Water, Saxton, and Main Sts. (07/26/82)

Craig County

Craig Springs, *Craig Healing Springs*, VA 658 (07/21/82)

Danville (Independent City)

Danville Tobacco Warehouse and Residential District, Off U.S. 58 (07/14/82)

Dickenson County

Clintwood, *Dickenson County Courthouse*, Main and McClure Sts. (09/16/82)

Emporia (Independent City)

Village View, 221 Briggs St. (09/16/82)

Fairfax Country

Fairfax, *Fairfax County Courthouse and Jail (Boundary Increase)* 4000 Chain Bridge Rd. (10/01/81)

Fauquier County

Midland vicinity, *Germantown Archaeological Sites*, VA Route 602 (09/16/82)

Franklin (Independent City)

Elms, The, Clay St. (09/09/82)

Franklin County

Rocky Mount, *Woods-Meade House*, 118 Maple St. (07/08/82)

Frederick County

Bartonsville vicinity, *Hite, John, House*, US 11 (07/08/82)
Bartonville vicinity, *Springdale Mill Complex*, US 11 (07/08/82)

Giles County

Pearisburg, *Giles County Courthouse*, VA 100 and US 460 (09/09/82)

Gloucester County

Capahossic vicinity, *Holly Knoll—Robert R. Moton House*, (12/21/81) (NHL)

Greensville County

Cowie Corner vicinity, *Weaver House*, VA 614 (07/08/82)

Halifax County

Brookneal vicinity, *Indian Jim's Cave (Site 44 HA 18)*, (08/26/82)
Halifax, *Halifax County Courthouse*, Jct. US 360 and US 501 (09/16/82)

Hampton (Independent City)

Little England Chapel, 4100 Kecoughtan Rd. (07/08/82)

Harrisonburg (Independent City)

Hockman, Anthony, House, E. Market and Broad Sts. (07/08/82)
Rockinghan County Courthouse, Courthouse Square (09/16/82)

King William County

King William vicinity, *Pamunkey Indian Reservation Archaeological District*, S of King William (09/16/82)

Lexington (Independent City)

Mulberry Hill, Liberty Hall Rd. (09/09/82)

Loudoun County

Aldie vicinity, *Loudoun Agricultural and Mechanical Institute*, VA 650 (07/08/82)

Lynchburg (Independent City)

Court Street Baptist Church, 6th and Court Sts. (07/08/82)
First Baptist Church, 1100 Court St. (09/09/82)
Sandusky House, 757 Sandusky Dr. (07/26/82)
St. Paul's Church, 805 Clay St. (09/09/82)

Newport News (Independent City)

Boldrup Plantation Archaeological Site, (09/16/82)
First Denbigh Parish Church Archaeological Site (09/07/82)

Norfolk (Independent City)

Attucks Theatre (Attucks Theatre and Office Building), 1008–1012 Church St. (09/16/82)

Norfolk County

Norfolk, *Old Norfolk City Hall*, 235 E. Plume St. (10/29/81)

Northampton County

Eastville vicinity, *Kendall Grove*, VA 674 (06/21/82)
Eastville vicinity, *Westover*, VA 630 (06/26/82)

Orange County

Gordonsville vicinity, *Rocklands*, N of Gordonsville on VA 231, (09/23/82)
Somerset vicinity, *Frascati*, S of Somerset on VA 231, (06/26/82)

Pittsylvania County

Chatham, *Clerk's Office*, Main St. (07/08/82)

Chatham, *Pittsylvania County Courthouse*, US 29 (10/29/81)

Portsmouth (Independent City)

Truxtun Historic District, Portsmouth and Deep Creek Blvds., Manly, Dahlin, Hobson, Dewey and Bagley Sts. (09/16/82)

Prince William County

Manassas Park vicinity, *Conner House*, Conner Dr. (10/06/81)

Pulaski County

Pulaski, *Pulaski County Courthouse*, Main St. (07/06/82)

Rappahannock County

Washington vicinity, *Calvert Mill/ Washington Mill*, E of Washington on US 211 (09/02/82)

Richmond (Independent City)

Cathedral of the Sacred Heart, Floyd Ave. and Laurel St. (07/06/82)
Columbia, 1142 W. Grace St. (09/16/82)
First National Bank Building, 825–27 East Main St. (04/12/82)
Holly Lawn (Richmond Council of Garden Clubs House), 4015 Hermitage Rd. (08/26/82)
St. Alban's Hall, 300–302 E. Main St. (09/09/82)
St. Luke Building, 900 St. James St. (09/16/82)
Virginia Union University, 1500 N. Lombardy St. (07/26/82)

Richmond County

Richmond, *Almshouse, The*, 210 Hospital St. (10/29/81)

Roanoke (Independent City)

First National Bank, 101 S. Jefferson St. (06/14/82)
Harrison School, 523 Harrison Ave., NW (09/09/82)

Rockingham County

Grottoes, *Harnsberger, Stephen, Barn*, Holly Ave. (07/06/82)
Harrisonburg vicinity, *Earman, George, House*, 109 Pleasant Hill Rd. (07/15/82)

Salem County

Salem, *Academy Street School*, Academy St. (10/01/82)

Smyth County

Atkins vicinity, *Old Stone Tavern*, US 11 (07/06/82)

Southampton County

Newsoms, *Sunnyside*, VA 673 (07/06/82)

Spotsylvania County

Mineral vicinity, *Prospect Hill*, N of Mineral on VA 612 (09/09/82)

Staunton (Independent City)

Beverley Historic District, U.S. 250 and VA 254 (07/14/82)
Breezy Hill, 1220 N. Augusta St. (07/06/82)
Catlett House, 303 Berkeley Pl. (07/15/82)
Hoge, Arista, House, 215 Kalorma St. (07/15/82)
Merrillat, J. C. M., House, 521 E. Beverley St. (09/16/82)
Waverly Hill, 3001 N. Augusta St. (07/06/82)
Wharf Area Historic District, Boundary extended on E to Lewis Creek (07/19/82)
Michie, Thomas J., House, 324 E. Beverley St. (09/09/82)

Tazewell County

Tazewell vicinity, *Chimney Rock Farm*, VA 91 (07/06/82)
Tazewell vicinity, *Thompson, George Oscar, House*, U.S. 604 (06/28/82)
Bluefield vicinity, *St. Clair, Alexander, House*, (06/28/82)

Waynesboro (Independent City)

Fairfax Hall (Brandon Hotel/Fairfax Hall School), Winchester Ave. (09/09/82)

York County

Williamsburg vicinity, *Bruton Parish Poorhouse Archaeological Site*, (09/02/82)

WASHINGTON

Adams County

Ritzville, *Ritzville Carnegie Library (Carnegie Libraries of Washington TR)*, 302 W. Main St. (08/03/82)

Asotin County

Clarkston, *Clarkston Public Library (Carnegie Libraries of Washington, TR)*, 6th and Chestnut Sts. (08/03/82)
Pomeroy, *Indian Timothy Memorial Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Alpowa Creek (07/16/82)

Benton County

Prosser, *Prosser Steel Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Yakima River (07/16/82)

Chelan County

Leavenworth vicinity, *Penstock Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Wenatchee River, N of Leavenworth on US 2 (07/16/82)
Monitor vicinity, *West Monitor Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Wenatchee River (07/16/82)
Wenatchee, *Columbia River Bridge (Historic Bridges/Tunnels in Washington State TR)*, (07/16/82)
Wenatchee, *Wenatchee Carnegie Library (Carnegie Libraries of Washington TR)*, 2 S. Chelan St. (8/03/82)

Clallam County

Elwha, *Elwha River Bridge (Historic Bridges/Tunnels in Washington State TR)*, Old Hwy. 112 (07/16/82)
Sequim, *Dungeness River Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Dungeness River (07/16/82)

Clark County

Battle Ground vicinity, *Green, Albert and Letha, House and Barn*, 25716 NE Lewisville Hwy (02/19/82)
Ridgefield vicinity, *Basalt Cobblestone Quarries District (45–CL–113) Ridgefield National Wildlife Refuge* (12/14/81)
Ridgefield, *Ridgefield American Women's League Chapter House*, 408 N. 1st St. (08/02/82)
Vancouver, *Vancouver Public Library (Carnegie Libraries of Washington TR)*, 1511 Main St. (08/03/82)
Vancouver, *Vancouver-Portland Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Columbia River (07/16/82)
Yale, *Yale Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Lewis River, WA 502 (07/16/82)

Columbia County

Lyons Ferry, *Snake River Bridge (Lyons Ferry) (Historic Bridges/Tunnels in Washington State TR)*, N of SR 12 (07/16/82)

Cowlitz County

Longview, *Longview Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Columbia river (07/16/82)

Door County

Baileys Harbor, *Globe Hotel*, 8090 Main St. (01/28/82)

Douglas County

Douglas, *Lutheran St. Paul's Kirche*, Lake Ave. (04/12/82)

Ferry County

Curlew, *Curlew Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Kettle River (07/16/82)
Republic, *Creaser Hotel*, 702 South Jefferson St. (04/12/82)

Franklin County

Pasco, *Pasco Carnegie Library (Carnegie Libraries of Washington TR)*, 305 N. 4th St. (08/03/82)
Pasco, *Pasco-Kennewick Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Columbia river (07/16/82)

Grant County

Beverly, *Beverly Railroad Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Columbia River (07/16/82)

Grays Harbor County

Greenwood, *Wishkah River Bridge (Historic Bridges/Tunnels in Washington State TR)*, W. Wishkah Rd. (07/16/82)
Hoquiam, *Carnegie Library (Carnegie Libraries of Washington TR)*, 621 K St. (08/03/82)
Hoquiam, *Hoquiam River Bridge (Historic Bridges/Tunnels in Washington State TR)*, N of SR 12 (07/16/82)
Taholah, *Chow Chow Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Quinault River (07/16/82)

Jefferson County

Duckabush, *Duckabush River Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Duckabush River (07/16/82)
Port Townsend, *Gagen-Sherlock House*, 1906 Cherry St. (03/19/82)

King County

Auburn, *Auburn Public Library (Carnegie Libraries of Washington TR)*, 306 Auburn Ave. (08/03/82)

Kirkland, *Dr. Trueblood House (Kirkland Land Improvement Company TR)*, 127 7th Ave. (08/03/82)
Kirkland, *Loomis House (Kirkland Land and Improvement Company TR)*, 304 8th Ave. W. (08/03/82)
Kirkland, *Masonic Lodge Building (Kirkland Land and Improvement Company TR)*, 700 Market St. (08/03/82)
Kirkland, *Sears, Joshua, Building (Kirkland Land Improvement Company TR)*, 701 Market St. (08/03/82)
Medina, *Eddy, James G., House and Grounds*, 1005 Evergreen Point Rd. (02/19/82)
Seattle, *12th Avenue South Bridge (Historic Bridges/Tunnels in Washington State TR)*, Dearborn St. (07/16/82)
Seattle, *14th Avenue South Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Duwamish River (07/16/82)
Seattle, *Arboretum Sewer Trestle (Historic Bridges/Tunnels in Washington State TR)*, (07/16/82)
Seattle, *Aurora Avenue (Geo. Washington Mem.) Bridge (Historic Bridges/Tunnels in Washington State TR)*, SR 509, Aurora Ave. (07/16/82)
Seattle, *Ballard Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Lake Washington Ship Canal (07/16/82)
Seattle, *Colonial Hotel*, 1119–1123 1st Ave. (04/29/82)
Seattle, *Cowen Park Bridge (Historic Bridges/Tunnels in Washington State TR)*, 15th Ave. North (07/16/82)
Seattle, *Fremont Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Lake Washington Ship Canal (07/16/82)
Seattle, *Globe Building, Beebe Building and Hotel Cecil*, 1001–1023 1st Ave. (04/29/82)
Seattle, *Grand Pacific Hotel*, 1115–1117 1st Ave. (05/13/82)
Seattle, *Harvard-Belmont District*, Bellevue Pl., Broadway, Boylston and Harvard Aves. (05/13/82)
Seattle, *Hyde, Samuel, House*, 3726 E. Madison St. (04/12/82)
Seattle, *Immanuel Lutheran Church*, 1215 Thomas St. (02/25/82)
Seattle, *Kraus, Joseph, House*, 2812 Mt. Saint Helens Pl. (02/25/82)
Seattle, *M. V. Vashon*, Pier 52 (04/29/82)
Seattle, *Montlake Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Lake Union Ship Canal (07/16/82)
Seattle, *Mount Baker Ridge Tunnel (Historic Bridges/Tunnels in Washington State TR)*, E of WA 90 (07/16/82)
Seattle, *National Building*, 1006–1024 Western Ave. (04/29/82)
Seattle, *Nihon Go Gakko*, 1414 S. Weller St. (06/23/82)
Seattle, *Ravenna Park Bridge (Historic Bridges/Tunnels in Washington State TR)*, 20th Ave., Spans Ravenna Park Ravine (07/16/82)
Seattle, *Schmitz Park Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Schmitz Park Ravine (07/16/82)
Seattle, *Schooner Zodiac (Schooner California)* Lake Union Dry Dock (04/29/82)
Seattle, *Seattle Public Library (Fremont Branch) (Carnegie Libraries of Washington TR)*, 731 N. 35th St. (08/03/82)
Seattle, *Seattle Public Library (Green Lake Branch) (Carnegie Libraries of Washington TR)*, 7364 E. Green Lake Dr., N (08/03/82)
Seattle, *Seattle Public Library (Queen Anne Branch) (Carnegie Libraries of Washington TR)*, 400 W. Garfield St. (08/03/82)
Seattle, *Seattle Public Library (University Branch) (Carnegie Libraries of Washington TR)*, 5009 Roosevelt Way, NE (08/03/82)
Seattle, *Seattle Public Library (West Seattle Branch) (Carnegie Libraries of Washington TR)*, 2306 42nd Ave. SW (08/03/82)
Seattle, *University Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Lake Washington Ship Canal, (07/16/82)
Seattle, *Wagner Houseboat (The Old Boathouse)*, 2770 Westlake Ave., N (02/19/82)
Seattle, *Ye College Inn*, 4000 University Way, NE (02/25/82)

Kittitas County

Ellensburg vicinity, *Kinkade, John W., Farmstead*, Off U.S. 7B (02/25/82)
Ellensburg vicinity, *Nelson, Albert, Farmstead*, Manastash Rd. (02/25/82)

Klickitat County

Goldendale, *Goldendale Free Public Library (Carnegie Libraries of Washington TR)*, 131 W. Burgen (08/03/82)

Lewis County

Doty, *Doty Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Chehalis River (07/16/82)
Pe Ell vicinity, *Weyerhaeuser/Pe Ell Bridge (Historic Bridges/Tunnels in Washington State TR)*, S of Pe Ell, Spans Chehalis River (07/16/82)

Mason County

Eldon, *North Hamma River Bridges (Historic Bridges/Tunnels in Washington State TR)*, (07/16/82)
Eldon, *South Hamma River Bridges (Historic Bridges/Tunnels in Washington State TR)*, (07/16/82)
Shelton vicinity, *Vance Creek Bridge (Historic Bridges/Tunnels in Washington State TR)*, NW of Shelton (07/16/82
Shelton, *Goldsborough Creek Bridge (Historic Bridges/Tunnels in Washington State TR)*, WA 3 (07/16/82)
Shelton, *High Steel Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Skokomish South Fork (07/16/82)

Okanogan County

Grand Coulee, *Grand Coulee Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Columbia River (07/16/82)
Winthrop, *Waring, Guy, Cabin (The Castle)*, 285 Castle Ave. (03/19/82)

Pacific County

South Bend, *South Bend Carnegie Public Library (Carnegie Libraries of Washington TR)*, W. 1st and Pacific Sts. (08/03/82)

Pend Oreille County

Metaline Falls, *Idaho and Wash. Northern RR Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Pend Oreille River, off WA 31 (07/16/82)

Pierce County

Eatonville, *Galbraith, John, House*, 140 Oak St. E. (03/19/82)
Home, *Home School*, 6th and C Sts. (04/12/82)
Melmont, *Fairfax Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Carbon River, S of Wilkeson (07/16/82)
Purdy, *Purdy Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Henderson Bay (07/16/82)
Puyallup vicinity, *McMillin Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Puyallup River, WA 162 (07/16/82)
South Prairie, *Bisson, William, House*, Washington and Emery Sts. (02/19/82)
Tacoma, *Boatman-Ainsworth Hose*, 6000 12th St., SW (02/19/82)
Tacoma, *City Waterway Bridge (Historic Bridges/Tunnels in Washington State TR)*, 20th Ave., Spans Ravenna Park Ravine (07/16/82)
Tacoma, *East 34th Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, Pacific to A St. (07/16/82)
Tacoma, *North 21st Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, N. Fife and Oakes, Spans Buckley Gulch (07/16/82)
Tacoma, *North 23rd Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Buckley Gulch, N. Fife and Oakes (07/16/82)
Tacoma, *North 4th and Dock Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, Dock St. (07/16/82)
Tacoma, *Thornewood*, 8801, 8307 North Thorne Lane SW, 4 Thornewood Lane SW (03/18/82)

San Juan County

Orcas, *Orcas Hotel*, (08/24/82)

Skagit County

Anacortes, *Deception Pass (Historic Bridges/Tunnels in Washington State TR)*, Rte. 20 (07/16/82)
Burlington, *Burlington Carnegie Library (Carnegie Libraries of Washington TR)*, 901 Fairhaven St. (08/03/82)

Snohomish County

Lynnwood, *Keeler's Korner*, 16401 U.S. 99 (04/29/82)
Marysville, *Marysville Opera House*, 1225 3rd St. (02/25/82)

Spokane County

Mica, *American Firebrick Company*, WA 27 (03/09/82)
Spokane, *Spokane Public Library (East Side Branch) (Carnegie Libraries of Washington TR)*, 25 Altamont St. (08/03/82)
Spokane, *Spokane Public Library (Heath Branch) (Carnegie Libraries of Washington TR)*, 525 Mission St. (08/03/82)
Spokane, *Spokane Public Library (North Monroe Branch) (Carnegie Libraries of Washington TR)*, 925 W. Montgomery St. (08/03/82)
Spokane, *Sunset Boulevard Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Latah Creek (07/16/82)

Spokane, *Washington Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Spokane River (07/16/82)

Stevens County

Kettle Falls vicinity, *Hudsons Bay Gristmill Site on Colville River*, S of Kettle Falls on Greenwood Rd. (04/12/82)
Northport, *Red Mountain Railroad Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Little Sheep Creek (07/16/82)
Orient, *Orient Bridge (Historic Bridges/Tunnels in Washington State TR)*, Richardson Rd., Spans Kettle River (07/16/82)
Orin, *Winslow Railroad Bridge (Historic Bridges/Tunnels in Washington State TR)*, (07/16/82)

Thurston County

Olympia, *Olympia Public Library (Carnegie Libraries of Washington TR)*, S. Franklin and E. 7th (08/03/82)
Tumwater, *Capital Boulevard Crossing (Historic Bridges/Tunnels in Washington State TR)*, Spans Deschutes River (07/16/82)

Walla Walla County

College Place vicinity, *Saturno-Breen Truck Garden*, E of College Place on Rt. 5 (03/01/82)
Lowden, *Johnson Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Touchet River (07/16/82)
Walla Walla, *Ludwigs, George, House*, 125 Newell St. (04/12/82)
Walla Walla, *Small-Elliott House*, 314 E. Poplar St. (03/01/82)

Whatcom County

Acme, *Middle Fork Nooksack River Bridge (Historic Bridges/Tunnels in Washington State TR)*, Mosquito Lake Rd. (07/16/82)
Billingham, *Leopold Hotel*, 1224 Cornwall Ave. (02/19/82)

Whitman County

Colfax, *Manning-Rye Covered Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Palouse River (07/16/82)
Palouse, *F Street Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Palouse River (07/16/82)
Palouse, *McClure Bridge (Historic Bridges/Tunnels in Washington State TR)*, Spans Palouse River (07/16/82)
Rosalia, *Rosalia Railroad Bridge (Historic Bridges/Tunnels in Washington State TR)*, WA 271 (07/16/82)

WEST VIRGINIA

Brooke County

Bethany, *Bethany Historic District*, WV 67 (04/01/82)
Wellsburg, *Wellsburg Historic District*, WV 2 (04/01/82)

Cabell County

Huntington, *Cabel County Courthouse*, 5th Ave. and 8th St. (09/02/82)
Huntington, *U.S. Post Office and Courthouse*, 9th St. and 5th Ave. (04/15/82)

Calhoun County

Sand Ridge, *Alberts Chapel*, U.S. 119/33 (04/15/82)

Doddridge County

West Union, *Doddridge County Courthouse*, Court Sq (03/18/82)

Harrison County

Clarksburg vicinity, *Templemoor (Post-Crawford House)*, WV 20 (04/15/82)
Clarksburg, *Clarksburg Downtown Historic District*, (Boundary decrease, Pivotal Structure #44 removed), Roughly bounded by Elk Creek, 7th and Main Sts. (08/30/82)

Jefferson County

Charles Town vicinity, *Blakeley*, SR 13/3 (04/15/82)
Charles Town vicinity, *Rion Hall*, E of Charles Town off US 340 (09/20/82)
Leetown vicinity, *Bower The*, Warm Springs Rd. (04/15/82)
Shenandoah Junction vicinity, *Burr, Peter, House*, Warm Springs Rd. (04/09/82)
Shepherdstown vicinity, *Lucas, Capt. William and Lucas, Robert, House*, SE of Shepherdstown on SR 31 (09/02/82)

Kanawha County

Charleston, *Breezemont*, 915 Breezemont Dr. (04/15/82)
Charleston, *Littlepage Stone Mansion*, 1809 W. Washington St. (09/02/82)

Marion County

Farimont, *High Gate (James Edwin Watson House)*, 801 Fairmont Ave. (04/15/82)

Monongalia County

Morgantown, *Willey, Waitman T., House*, 128 Wagner Rd. (04/15/82)

Pendleton County

Franklin, *McCoy House*, Main St. (12/10/82)

Randolph County

Elkins, *Elkins, Senator Stephen Benton, House*, Davis and Elkins College Campus (09/02/82)

Taylor County

Grafton, *Grafton National Cemetery*, 431 Walnut St. (02/19/82)

Webster County

Replete vicinity, *Mollohan Mill*, S of Replete on SR 8 (09/02/82)

Wirt County

Burning Springs, *Ruble Church*, N of Burning Springs (04/09/82)

WISCONSIN

Adams County

Friendship, *Adams County Courthouse (County Courthouses of Wisconsin TR)*, 402 Main St. (03/09/82)

Ashland County

Ashland, *Ashland County Courthouse (County Courthouses of Wisconsin TR)*, 201 W. 2nd St. (03/09/82)

Bayfield County

Bayfield, *Reiten Boatyard*, Broad St. on the Waterfront (05/13/82)

Drummond vicinity, *Island Lake Camp*, Island Lake Rd. (03/12/82)

Buffalo County

Alma, *Alma Historic District (Alma MRA)*, Roughly bounded by RR tracks, 2nd, Swift and Cedar Sts. (05/13/82)
Alma, *Berni, Jacob, House (Alma MRA)*, 911 Riverside Dr. (05/13/82)
Alma, *Burlington Hotel (Alma MRA)*, 809 N. Main St. (05/13/82)
Alma, *Laue, Frederick, Jr., House (Alma MRA)*, 1109 S. Main St. (05/13/82)
Alma, *Senn, John L., House (Alma MRA)*, 611 S. 2nd St. (05/13/82)
Alma, *Steiner, John, Store (Alma MRA)*, 1101 S. Main St. (05/13/82)
Alma, *Tenny, Dr. J. T., House (Alma MRA)*, 305 N. 2nd St. (05/13/82)
Alma, *Walser, Ulrich, House (Alma MRA)*, 711 N. 2nd St. (05/13/82)

Burnett County

Yellow Lake vicinity, *Ebert Mound Group (47Bt28)*, (07/09/82)

Calumet County

Chilton, *Calumet County Courthouse (County Courthouses of Wisconsin TR)*, 206 Court St. (03/09/82)
Forest Junction, *Haese Memorial Village Historic District*, Milwaukee and Randolph Sts. (03/02/82)

Chippewa County

Chippewa Falls, *Marsh Rainbow Arch Bridge*, Spring St. (06/25/82)

Clark County

Greenwood, *Schofield, Robert, House*, 303 W. Schofield Ave. (09/09/82)

Columbia County

Columbus, *Lewis, Gov. James T., House*, 711 W. James St. (04/09/82)

Crawford County

Prairie du Chien vicinity, *Reed, Alfred, Mound Group (47Cr311)*, W. of Prairie du Chien (09/07/82)
Prairie du Chien, *Crawford County Courthouse (County Courthouses of Wisconsin TR)*, 220 N. Beaumont Rd. (03/09/82)

Dane County

Madison vicinity, *Mann, John, House*, 6261 Nesbitt Rd. (07/06/82)
Madison, *Biederstaedt Grocery*, 851–853 Williamson St. (03/25/82)
Madison, *Bowen, James B., House*, 302 S. Mills St. (03/01/82)
Madison, *Brittingham Park Boathouse*, N Shore Dr. (08/30/82)
Madison, *Cardinal Hotel*, 416 W. Wilson St. (09/02/82)
Madison, *Machinery Row (Brown Brothers' Business Block)*, 601–627 Williamson St. (04/12/82)
Madison, *Ott, John George, House*, 754 Jenifer St. (09/23/82)
Madison, *St. Patrick's Roman Catholic Church*, 404 E. Main St. (09/16/82)
Madison, *Machinery Row (Brown Brothers' Business Block)*, 601–627 Williamson St. (04/12/82)

Madison, *Ott, John George, House*, 754 Jenifer St. (09/23/82)
Madison, *St. Patrick's Roman Catholic Church*, 404 E. Main St. (09/16/82)
Madison, *State Office Building*, 1 W. Wilson St. (01/28/82)
Madison, *Suhr, John J., House*, 121 Langdon St. (06/17/82)
Rutland, *Graves, Sereno W., House (Graves Stone Buildings TR)*, 4006 Old Stage Rd. (09/29/82)
Rutland, *Hunt, Samuel, House (Graves Stone Buildings TR)*, 632 Center Rd. (09/29/82)
Rutland, *Lockwood Barn (Graves Stone Buildings TR)*, Old Stage Rd. (09/29/82)
Stoughton, *Stoughton Universalist Church*, 324 S. Page St. (09/30/82)

Dodge County

Juneau, *Dodge County Courthouse (County Courthouses of Wisconsin TR)*, 220 E. State St. (03/09/82)
Watertown, *Hartwig, Ferdinand C., House*, 908 Country Lane (06/17/82)

Door County

Baileys Harbor, *Globe Hotel*, 8090 Main St. (01/28/82)

Douglas County

Superior, *Douglas County Courthouse (County Courthouses of Wisconsin TR)*, 1313 Belknap St. (03/09/82)

Eau Claire County

Eau Claire, *Barnes Block*, 15–21 S. Barstow St. (01/22/82)
Eau Claire, *Steven House*, 216 Hudson Ave. (03/01/82)
Eau Claire, *Walter-Heins House*, 605 N Barstow St. (03/19/82)
Fairchild, *California Wine and Liquor Store*, 201 Farmers St. (03/01/82)

Grant County

Lancaster vicinity, *Bass Site (47Gt25)*, (09/09/82)
Platteville, *Evans, Jonathan H., House*, 440 W. Adams St. (06/01/82)

Green County

Monroe, *Monroe Commercial District*, Roughly bounded by 15th and 18th Aves., 9th and 13th Sts. (05/06/82)

Green Lake County

Green Lake, *Green Lake County Courthouse (County Courthouses of Wisconsin TR)*, 492 Hill St. (03/09/82)

Jefferson County

Jefferson vicinity, *Pitzner Site (47 Je 676)*, Martin Rd. (07/08/82)
Lake Mills, *Bean Lake Islands Archeological District (Rock Lake Marsh)*, (08/12/82)
Lake Mills, *Fargo, Enoch J., House*, 406 Mulberry St. (07/08/82)
Lake Mills, *Fargo, L. D., Public Library*, 120 E. Madison St. (01/18/82)

Kenosha County

Kenosha, *Kenosha County Courthouse and Jail (County Courthouses of Wisconsin TR)*, 912 56th St. (03/09/82)

La Crosse County

La Crosse, *Freight House*, 107–109 Vine St. (03/02/82)

Manitowoc County

Maribel, *Rock Mill*, Off U.S. 141 (06/21/82)
St. Nazianz, *Loretto Shrine Chapel (Colony of St. Gregory of Nazianzen TR)*, Off WI A (06/07/82)
St. Nazianz, *St. Gregory's Church (Colony of St. Gregory of Nazianzem TR)*, 212 Church St. (06/07/82)

Marathon County

Hamburg, *Fromm, Walter and Mabel, House*, Off WI 107 (06/17/82)
Wausau, *Miller, Henry, House*, 1314 Grand Ave. (06/14/82)
Wausau, *Wright, Ely, House*, 901 6th St. (03/01/82)

Marquette County

Montello, *Marquette County Courthouse (County Courthouses of Wisconsin TR)*, 77 W. Park St. (03/09/82)

Milwaukee County

Milwaukee, *Milwaukee News Building and Milwaukee Abstract Association Building*, 222 E. Mason St. (03/01/82)
Milwaukee, *Milwaukee County Courthouse (County Courthouses of Wisconsin TR)*, 901 N. 9th St. (03/09/82)

Monroe County

Sparta, *Monroe County Courthouse (County Courthouses of Wisconsin TR)*, 418 W. Main St. (03/09/82)

Oconto County

Oconto, *Oconto County Courthouse (County Courthouses of Wisconsin TR)*, 300 Washington St. (03/09/82)

Outagamie County

Greenville, *Greenville State Bank*, 252 Municipal Dr. (09/23/82)

Ozaukee County

Cedarburg, *Wayside House*, Washington Ave. (03/17/82)
Mequon, *Clark, Jonathan, House*, 13615 N. Cedarburg Rd. (06/02/82)
Mequon, *Reichert, John, Farmhouse*, 14053 N. Wauwatosa Rd. (07/01/82)

Pepin County

Durand, *Pepin County Courthouse and Jail (County Courthouses of Wisconsin TR)*, 307 W. Madison (03/09/82)

Pierce County

Ellsworth, *Pierce County Courthouse (County Courthouses of Wisconsin TR)*, 411 W. Main St. (03/09/82)

Polk County

Balsam Lake, *Polk County Courthouse (County Courthouses of Wisconsin TR)*, Main St. (03/09/82)
Balsam Lake, *Polk County Museum (County Courthouses of Wisconsin TR)*, Main St. (03/09/82)
St. Croix Falls vicinity, *Lamar Community Center*, NE of St. Croix Falls (03/01/82)

Portage

Stevens Point, *Fox Theater*, 1116–1128 Main St. (07/26/82)

Racine County

Racine, *Jonas, Karel, House*, 1337 N. Erie St. (03/01/82)
Racine, *Rickeman Grocery Building*, 415 6th St. (03/01/82)
Racine, *Upton Theater*, 1426–1430 Washington Ave. (03/01/82)
Racine, *Young Men's Christian Association Building*, 314–320 6th St. (03/01/82)
Waterford vicinity, *Beardsley, Elam, Farmhouse*, 5601 Northwest Hwy. (03/01/82)

Rock County

Footville, *Footville Condensery (Footville MRA)*, Beloit St. (05/07/82)
Footville, *Footville State Bank (Footville MRA)*, 158 Depot St. (05/07/82)
Footville, *Owen, William J., Store (Footville MRA)*, 220 Depot St. (05/07/82)
Footville, *Strang, Soloman J., House (Footville MRA)*, N. Gilbert St. (05/07/82)
Janseville, *Fredendall Block*, 33–39 S Main St. (03/25/82)

Sauk County

Baraboo, *Sauk County Courthouse (County Courthouses of Wisconsin TR)*, 515 Oak St. (03/09/82)
Lake Delton vicinity, *Peterson, Seth, Cottage*, Dell Ave. (11/09/81)

Sawyer County

Raddison vicinity, *Ojibwa Courier Press Building*, E of Raddison at 110 Ojibwa Mall (03/01/82)

Sheboygan County

Elkhart Lake, *Villa Laun*, 402 Lake Side Park Dr. (01/28/82)
Sheboygan, *Sheboygan County Courthouse (County Courthouses of Wisconsin TR)*, 615 N. 6th St. (03/12/82)

St. Croix County

Boardman vicinity, *Lewis Farmhouse*, Farm Dr. (03/19/82)
Hudson, *St Croix County Courthouse (County Courthouses of Wisconsin TR)*, 904 3rd St. (03/09/82)

Walworth County

Delavan vicinity, *Mile Long Site (47 WL–110)*, (Boundary decrease) (04/02/82)
Delavan, *Johnson, A.P., House*, 3455 S. Shore Dr. (07/09/82)

Washburn County

Spooner, *Siegner, George V., House*, 513 Dale St. (03/01/82)

Washington County

Hartford vicinity, *Ritger Wagonmaking and Blacksmith Shop*, 4928 WI 175 (06/01/82)
West Bend, *Washington County Courthouse and Jail (County Courthouses of Wisconsin TR)*, 320 S. 5th Ave. (03/09/82)

Waukesha County

Big Bend vicinity, *Goodwin-McBean Site (47Wk–184)*, (09/17/82)
Big Bend vicinity, *Peterson Site (47–Wk-189)*, (09/02/82)
Genesse Depot vicinity, *Johnston, William Lime Kiln (Lime Kilns of Waukesha County TR)*, (03/12/82)

Menomonee Falls, *Garwin Mace Lime Kilns (Lime Kilns of Waukesha County TR)*, Limekiln Park (03/12/82)
Menomonee Falls, *Mace, Garwin, Lime Kilns (Lime Kilns of Waukesha County TR)*, Limekiln Park (03/12/82)
Mukwonago vicinity, *Barfoth-Blood Mound Group (47 Wk-63)*, (09/02/82)
Oconomowoc vicinity, *Ahrens Frederick C. House*, S of Oconomowoc at 1505 N. Golden Lake Rd. (09/02/82)
Sussex vicinity, *Milwaukee Daily Sentinel (Lime Kilns of Waukesha County TR)*, Hwy. 164 (03/12/82)
Waukesha, *Hadfield County Lime Kilns (Lime Kilns of Waukesha County TR)*, N of Waukesha (03/12/82)
Waukesha, *Johnston, William, Lime Kiln (Lime Kilns of Waukesha County TR)*, E of Genesse Depot (03/12/82)
Waukesha, *Putney Block*, 301 W. Main St., 816 and 802 Grand Ave. (09/23/82)

Waupaca County

King vicinity, *Halfway House*, Potts Ave. (03/01/82)

Waushara County

Wautoma, *Waushara County Courthouse/ Waushara County Historical Museum (County Courthouses of Wisconsin TR)*, 209 St. Marie St. (03/09/82)

Winnebago County

Eureka vicinity, *Carpenter Site (47 Wn 246)*, NE of Eureka (04/07/82)
Oshkosh, *Amos House*, 1157 High Ave. (06/01/82)
Oshkosh, *Bowen, Abraham Briggs, House*, 1010 Bayshore Dr. (04/22/82)
Oshkosh, *Daily Northwestern Building*, 224 State St. (05/13/82)
Oshkosh, *Frontenac, The (The Frontenac Flats)*, 132–140 High St. and 9 Brown St. (04/22/82)
Oshkosh, *Lutz, Robert, House*, 1449 Knapp St. (05/27/82)
Oshkosh, *Winnebago County Courthouse (County Courthouses of Wisconsin TR)*, 415 Jackson St. (06/23/82)
Oshkosh, *Wisconsin National Life Insurance Building*, 220 Washington Ave. (04/29/82)
St. Croix, *St. Croix County Courthouse (County Courthouses of Wisconsin TR)*, 904 3rd St. (03/09/82)
Neenah, *Smith, Henry Spencer, House*, 706 E. Forest Ave. (06/25/82)

Dodge County

Watertown, *Hartwig, Ferdinand C., House*, 908 Country Lane (06/17/82)

Milwaukee County

Milwaukee, *Bay View Historic District*, Roughly bounded by Lake Michigan, Meredith, Superior, Nock, Wentworth, Pryol, Clair, RR tracks and Conway St. (08/23/82)

WYOMING

Fremont County

Dubois vicinity, *Brooks Lake Lodge*, Lower Brooks Lake-Shoshone National Forest (09/29/82)

Park County

Mammoth vicinity, *Obsidian Cliff Kiosk (Yellowstone National Park)*, (07/09/82)

Teton County

Madison Junction, *Madison Museum (Yellowstone National Park)*, Yellowstone National Park (07/09/82)

The following properties have been determined to be eligible for inclusion in the "National Register." Determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593, and the National Historic Preservation Act of 1966, as amended. Determinations of eligibility are also made on nominations for privately owned property where the owner or a majority of owners for properties with multiple owners object to listing.

Historic properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR, Part 800. Before an agency of the Federal Government may undertake any project which may have an effect on such an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Jackson County

Scottsboro, *Archeological Site #1Ja78*, (63.3)

Lowndes County

Burkville vicinity, *Graves Plantation Complex (Burkville MRA)*, (63.3)
Burkville vicinity, *Haigler Plantation Complex (Burkville MRA)*, (63.3)
Burkville vicinity, *Manack Depot Complex (Burkville MRA)*,(63.3)
Burkville vicinity, *McQueen Plantation Complex (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 152 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 321 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 337 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 339 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 341 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 346 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 355 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 289 (Burkville MRA)*, (63.3)
Burkville vicinity, *Site 1 Lo 311 (Burkville MRA)*, (63.3)
Burkville *Stone Plantation Complex (Burkville MRA)*, (63.3)
Burkville vicinity, *Union Methodist Church (Burkville MRA)*, (63.3)
Burkville vicinity, *Young-Naul Plantation Complex (Burkville MRA)*, (63.3)

ALASKA

Seward Division

Cooper landing vicinity, *Sqilantsu Archeological District*, (63.3)

ARIZONA

Apache County

AZ–I–25–10
AZ–I–25–13, (63.3)
AZ–I–25–7, (63.3)

Coconino County

Tuba City, *Tuba City School Properties—TC-3, TC–5, & TC–6*,
Grand Canyon Lodge,
North Rim Headquarters,
North Rim Inn and Campground,

Maricopa County

Perryville, *Alkali Ruin (AZT:11–3)*, (63.3)
Perryville, *Morrocco ruin* (AZT:11:9), (63.3)
Perryville, *Le Cienaga Ruin (AZT:11:10)*, (63.3)
Perryville, *Van Liere Ruin (AZT:11:1)*, (63.3)
Phoenix, *AZ:T:12 42–24 (ASM)*, (63.3)
Phoenix, *Calmark Project (Site: AZ:T:12–43)*, (63.3)
Phoenix, *Site AZ:T:12:42*,
Tempe, *Curt Miller House*

Mojave County

Red Lake Salt Cavern Gas Storage Project (22 Sites),

Pima County

Site AR–03–05–05–60,
Tucson, *Los Morteros Site*

Yavapai County

Prescott, *Santa Fe, Prescott and Phoenix Railroad Depot*

ARKANSAS

Benton County

Rogers vicinity, *Moser Farmstead Site*, (63.3)

Chicot County

Marie Saline Landing (3AS299), (63.3)

Marion County

Archeological Site 3 MR51, (63.3)

Montgomery County

Mt. Ida, *Site 3MN294*, (63.3)

Pulaski County

Little Rock, *Little Rock National Cemetery*, (63.3)

Union County

Bell Gin Site (3UN99), (63.3)

CALIFORNIA

Alameda County

Kings Daughters Home
Oakland, *San Antonio Adobe Headquarters Archeological Site*, (63.3)

El Dorado County

Glen Alpine Springs,
FS–05–03–51–43
FS–05–03–56–86

Fresno County

Fresno, *Kearney Boulevard*, (83.3)
Jensen Ranch

Humboldt County

Pilot Ridge Archeological/Historic District, (83.3)

Kern County

Pacific Crest National Scenic Trail
Kernville, *Rockhouse Basin Kennedy Meadows Segment of the South Fork Kern River MRA*

Lake County

Site CA–LAK–990,

Los Angeles County

Patriotic Hall, (83.3)
San Pedro City Hall, (83.3)
St. Johns Episcopal Church, (83.3)
St. Vincent de Paul Church, (83.3)
United Artists/Texaco Company Building, (83.3)
Long Beach, *302–320 Pine Avenue*, (83.3)
Los Angeles, *William S. Hart County Park*, (83.3)
Sierra Madre vicinity, *West Fork Ranger Station*, (83.3)

Mariposa County

Yosemite Hydroelectric Power Plant,

Monterey County

Carmel Early Start Reclamation Project,

Nevada County

Emmanuel Episcopal Church,
Grass Valley, *Old Main Post Office*,

Orange County

Archeological Site CA–Ora–498,
Archeological Site CA–Ora–824,
Irvine Agricultural Headquarters Complex, (83.3)
San Joaquin Hills District,
Santiago Creek District,
Huntington Beach, *Golden Bear Cafe*, (83.3)

Orange and San Diego Counties

San Mateo Archeological District (CA–ORA–22, CA–SD1–4282, CA–SD1–4535, CA–SD1–6435, (83.3)

Plumas County

Greenville vicinity, *Soda Rock*, (83.3)

San Bernardino County

No Name West Basin Archeological District,
Fort Irwin,
Ft. Irwin, *Archeological Site SBr–4240*, (83.3)
Ft. Irwin, *Archeological Site SBr–4241*, (83.3)
Ft. Irwin, *Archeological Site SBr–4242*, (83.3)
Ft. Irwin, *Archeological Site SBr–4520*, (83.3)

San Diego County

Agua Hedionda District,
Archeological Site CA–SDi–4538,
Archeological Site CA–SDi–6130,
Archeological Site CA–SDi–6138,
Archeological Site CA–SDi–6149,
Archeological Site CA–SDi–4529,
Archeological Site CA–SDi–7197,
Archeological Site CA–SDi–6654,
Sweetwater River Bridge Replacement, (83.3)
San Diego, *Ft. Rosecrans National Cemetery*,

San Francisco County

First Enterprise Bank, (83.3)
San Francisco, *126 King Street*, (83.3)
San Francisco, *128 King Street*, (83.3)
San Francisco, *52 Colin P. Kelly Street*, (83.3)
San Francisco, *698 2nd Street*, (83.3)
San Francisco, *California Warehouse*, (83.3)
San Francisco, *Cape Horn Warehouse*, (83.3)
San Francisco, *Herald Hotel*, (83.3)
San Francisco, *Hoopers South End Warehouse*, (83.3)
San Francisco, *Pier 38 Bulkhead Building*, (83.3)
San Francisco, *Pier 42 Bulkhead Building*, (83.3)
San Francisco, *Rosenberg Bros. Dried Fruit Warehouse*, (83.3)
San Francisco, *South End Warehouse*, (83.3)
San Francisco, *YMCA Building*, (83.3)

San Mateo County

St. Anthony's Church,

Santa Barbara County

Archeological Site CA–SBa–1117, (83.3)
Archeological Site CA–SBa–1542, (83.3)
Archeological Site CA–SBa–1544, (83.3)
Archeological Site CA–SBa–1547, (83.3)
Archeological Site CA–SBa–712, (83.3)
Stone Aqueduct–Alamo Pintado Road,

Santa Clara County

Archeological Site CA–SCL–128, (83.3)
Archeological Site CA–SCL–137, (83.3)
Archeological Site CA–SCL–288, (83.3)
Archeological Site CA–SCL–294, (83.3)
Archeological Site CA–SCL–296, (83.3)
Archeological Site CA–SCL–300, (83.3)
Archeological Site CA–SCL–302, (83.3)
Archeological Site CA–SCL–416, (83.3)
Archeological Site CA–SCL–68, (83.3)
Gilman Road Bridge,
San Jose, *2130, 2136, 2142, 2149 the Almada*, (83.3)
San Jose, *Kuwabara Hospital*, (83.3)
Circles of Circles Archeological District
Santa Clara, *1475 Washington Street*, (83.3)
Santa Clara, *1479 Lafayette Street*, (83.3)
Santa Clara, *3100 the Alamada*, (83.3)
Santa Clara, *741 Franklin*, (83.3)
Santa Clara, *Murguia Santa Clara Mission Site (CA–SCL–30)*, (83.3)
Santa Clara, *Santa Clara College (University Quadrangle)*, (83.3)

Solano County

Suisun City, *301 Morgan Street*, (83.3)
Suisun City, *501 Morgan Street*, (83.3)
Suisun City, *901 Main Street*, (83.3)

Sonoma County

Frederick H. Schlake Ranch, (83.3)

Stanislaus County

LaGrange, *Basso Ferry Bridge #38–61*, (83.3)
Dry Creek Bridge No. 38–54, (83.3)

Tulare County

Tule River Hydroelectric Complex, (83.3)

Ventura County

Center Street Bridge, (83.3)

COLORADO

Alamosa County

Closed Basin Archeological District,

Boulder County

Louisville, *Rock House*, (83.3)

Denver County

J. Solf Building (5DV325), (83.3)
Joseph Tobias Building (5DV327), (83.3)
Katz Building (5DV326), (83.3)
Midwest Steel and Iron Works Company (5DV339), (83.3)
San Rafael Historic District, (83.3)
Denver vicinity, *Holy Rosary Church Complex (5DV349)*, 47th Ave. and Pearl (83.3)
Denver, *Golda Meir House*, (83.3)
Denver, *Schinner House*, 2130 Downing (83.3)

Douglas County

The High Line Canal (5DA600), (83.3)

El Paso County

Colorado Springs, *Acacia Park Hotel*, (83.3)

Gunnison County

Gunnison, *Curecanti Archeological District*,

Jefferson County

Fillius Park Shelter House and Well House, (83.3)
Lime Kiln (5JF197), (83.3)

Lake County

Archeological Site 5LK329,
Archeological Site 5LK533,

LaPlata County

Durango, *Colorado Ute Power Plant*,

Logan County

Sterling, *Union Pacific Depot*,

Montezuma County

Anasazi Archeological District (Boundary Increase),

CONNECTICUT

Hartford County

Hartford, *Grist Mill*,

Litchfield County

Norfolk, *Rubly (Taylor, Alfredo S. C. TR)*, Litchfield Rd.

Middlesex County

East Haddam, *Gillette Castle*, (83.3)
Westbrook, *Messerschmidt Mill*, (83.3)

New Haven County

New Haven, *Quinnipiac Brewery*,
North Haven *Archeological Site MD–1*,
North Haven, *Archeological Site T24–1*,
North Haven, *Archeological Site T7–2*,

New London County

Baldwin Ridge Site,
East Lyme, *Rocky Neck Pavilion*, (83.3)
Groton, *Haley House*, (83.3)

Wasatch County

Strawberry Valley Historic District (Boundary Increase), (83.3)

Windham County

Putnam, *Putnam Town Hall*, (83.3)

DELAWARE

New Castle County

Deputy Farm (Vandergrift House),
Christiana vicinity, *W. N. Hawthorn Farmstead,* (63.3)
Wilmington, *Baltimore and Ohio Railroad Passenger Station,*

FLORIDA

Citrus County

Florida Project (16 Buildings),

Duval County

Jacksonville, *Acosta Bridge,* (63.3)

Hillsborough County

Marita Site (S HI 558), (63.3)
Ranch House Site (S HI 452), (63.3)
Tampa, *Seddon Island Scherzer Rolling Leaf Bescule Bridge,*

GEORGIA

Bibb County

Macon, *Arthur B. Moore House,* (63.3)
Macon, *Cherokee Heights Historic District,* (63.3)
Macon, *Fire Station Number 6,* (63.3)

Carroll County

McIntosh Reserve, (63.3)

Chattahoochee County

Fort Benning, *Central Lawson Bend Archeological District,* (63.3)

Floyd County

ES-949B-17, Rocky Mountain Pumped Storage Project Site ES-949E-6,

Fulton County

Atlanta, *Imperial Hotel,* 355 Peachtree St., NE (63.3)
Atlanta, *O'Keeffe High School,* (63.3)

Habersham County

Clarksville, *West-Jackson House,* 717 N. Washington St.

Haralson County

Haralson County Bridge, (63.3)

Harris County (also in Alabama, Lee County)

Goat Rock Hydroelectric Station,

Hart County

Hart County Bridge, (63.3)

McIntosh County

Darien, *Darien Archeological District,* (63.3)

Monroe County

Forsyth, *Maude Ferguson Home,*

Richmond County

The Tubman House, (63.3)

Union County

Smith Bridge, (63.3)

Ware County

Waycross, *Phoenix Hotel,*

HAWAII

Honolulu County

Honolulu, *Toyo Theater,*

Kauai County

Manalei, *Kamo'omaika'i Pend (Puu Poa Marsh),* (63.3)
Waimea, *Menchune Ditch (Kiki-a-Ola Ditch),* (63.3)

Maui County

Kaluasha, *Kaluasha Church,*

IDAHO

Bonner County

Old Town, *Old Town Bridge Replacement,* (63.3)

Fremont County

Marysville, *Fall River Bridge Replacement,* (63.3)

Gooding County

A. J. Wiley Hydroelectric Dam Project Site # 1OTF 352,
A. J. Wiley Hydroelectric Dam Project Site # 10GG1,
A. J. Wiley Hydroelectric Dam Project Site # 10TF351,

ILLINOIS

Adams County

Ursa vicinity, *Ursa Major Site (11-A-1006),* (63.3)

Adams/Marion Counties

Illinois Project, (63.3)

Cook County

Berwyn Suburban Station,
Chicago, *Buildings at 1359, 1361 and 1363 North Paulina Street,* (63.3)
Chicago, *Lincoln Park Refectory Building,*
Chicago, *Newberry Library,* (63.3)
Chicago, *St. Luke's Hospital Complex,*
Chicago, *St. Stanilaus Kostka Church,*
Hines, *Veterans Administration Medical Center,* (63.3)

Jo Daviess County

Site 11Jd128, (63.3)

Lake County

Highland Park, *Lacey, Kenneth, House (Highland Park MRA),* 3121 Date
Highland Park, *Goldberg, Julius, House (Highland Park MRA),* 185 Vine
Highland Park, *Mandel, Robert, House and Coachhouse (Highland Park MRA),* 1249, 1237 Sheridan Rd.
Highland Park, *Ravinia Station (Highland Park MRA),* 510 Roger Williams
Highland Park, *Sheridan-Park Apartments (Highland Park MRA),* 430 Park Ave.
Highland Park, *Watts, May T., House (Highland Park MRA),* 487 Groveland,
North Chicago, *Veterans Administration Medical Center-North Chicago,*

Livingston County

Dwight Chicago and Alton Railroad Depot,

Madison County

Alton, *Elm Ridge,* 1257 College Ave.

Montgomery County

Litchfield, *Wabash Railroad Depot,*

Pike County

Seyland Pike County Archeological District (63.3)

Stephensin County

Pratt Truss Bridge,

Winnebago County

Mowry Brown Property, (63.3)

INDIANA

Canyon County

Caldwell, *Miller, Samuel J. and Ora B. House,*

Porter County

Valparaiso, *Main Post Office-Valpariso,*

Vermilion County

Newport, *Vermilion County Courthouse,* (63.3)
Newport, *Vermilion County Jail,* (63.3)

Vigo County

Terre Haute, *Historic Resources of Downtown Terre Haute,*

Wayne County

Richmond, *Old Nicholson School,* (63.3)

IOWA

Cass County

Atlantic, *US Post Office Building,*

Hardin County

Eldora vicinity, *Double Intersection Pratt Truss Bridge,* (63.3)

Keokuk County

Site 13KK16, (63.3)

Linn County

Chain Lakes Bridge, (63.3)

Louisa County

Archeological Site #13LA140, (63.3)
Archeological Site #13LA249,
Archeological Site #13LA250, (63.3)
Archeological Site #13LA55, (63.3)
Archeological Site #13LA56, (63.3)
Archeological Site #13LA60, (63.3)

Polk County

Des Moines, *Don Hartog House,* (63.3)

KANSAS

Ellsworth County

Archeological site 14EW304 (Red Rock Canyon) Kansas Rock Art TR),

Shawnee County

Topeka, *Union Pacific Depot,*

Wyandotte County

Kansas City, *St. Mary's Church,*

KENTUCKY

Bell County

Pineville, *Pine Street Bridge,* (63.3)

Bracken County

KY 539 Highway Bridge, over North Fork Licking River (63.3)

Jefferson County

Louisville, *Convent of the Sisters of the Good Shepherd,* 2214 Bank St.
Louisville, *Electric Building,* 619 S. Fourth St.

Louisville, *Fincastle Building*, 301 W. Broadway (83.3)
Louisville, *Johnston, J. Stoddard, Elementary School*,
Louisville, *Kentucky Theatre*, 649–651 S. Fourth St. (83.3)
Louisville, *Taylor Trunk Building*, 611–617 S. Fourth St. (83.3)
Louisville, *Theatre Building*, 631 S. Fourth St.

Kenton County

Covington, *Covington Commercial District*,

Lewis County

Archeological Site 15 Lw 8, (83.3)

Madison County

Richmond, *Holloway House*, (83.3)

McCreary County

Blue Heron Coal Tipple (E020),
Roaring Paunch Creek Railroad Bridge (E021),
Yamacraw Kentucky & Tennessee Railway Bridge (E023),
Pike, Jefferson and various counties etc. 70 Bridges in Kentucky (Arch, Suspension, and Truss),

Pulaski County

Somerset, *Somerset Commercial Historic District*, 108–112 E MT. Vernon (83.30

Spencer County

Carrithers-Cochran House,

Tioga County

Covington Main Street District, (83.3)

LOUISIANA

Ascension Parish

Archeological Site 16AN24, (83.3]
Bocage, (83.3)

Catahoula Parish

Pool Lake Bayou Mound (16CT83), (83.3]
Pool Lake Bayou Mound (16CT83),

Ceddo Parish

Shreveport, *Shreveport Commercial Historic District*,

East Baton Rouge Parish

Zachary, *Port Hudson National Cemetery*, (83.3]

Grant Parish

Clear Creek Bay Indian Mound Site (16GR20),

Natchitoches Parish

Site 16NA37, (83.3]

Orleans Parish

New Orleans, *US Public Health Service Hospital*,

St. Charles Parish

Waterford Plantation Overseers House Site,
Waterford Plantation Workers Quarters Site,

MAINE

Waldo County

Searsport, *Kidders Point Sites #1 and #2*, (83.3]
Searsport, *Sears Island Sites #1 and #2*, (83.3]

MARYLAND

Baltimore (Independent City)

Addition to East Baltimore/Butcher's Hill Historic District, (83.3)
H & S Bakery Remains, (83.3]
Smith House, (83.3)

Frederick County

Frederick, *Frederick City Historic District (Boundary Increase)*, (83.3)

Harford County

Belcamp, *Bata Shoe Company Factory Complex*, (83.3]
Columbia, *Granite Park*, (83.3)

Howard County

Simpsonville, *Moundland*, (83.3)

Montgomery County

Glen Echo Park (6 sites),

Prince Georges County

Seat Pleasant, *Chesapeake Beach Railway Engine House*,

Washington County

Boonsboro, *Boonsboro Historic District*,
Funkstown, *10–12 West Baltimore Street*, (83.3]
Williamsport, *102 East Salisbury Street*, (83.3)

MASSACHUSETTS

Berkshire County

Adams, *L.L. Brown Paper Company*, (83.3)

Bristol County

Fall River, *Barnard Manufacturing Company*, (83.3)

Essex County

Andover, *Lower Shawsheen Railroad Bridge (Andover MRA)*,
Andover, *Upper Shawsheen Railroad Bridge (Andover MRA)*,

Franklin County

Buckland/Shelbourne Bridge, (83.3)

Hampden County

Chicopee, *Ames-Manufacturing Company*, (83.3]
Greenfield, *Greenfield Public Library*,
Westfield, *U.S. Whip Company Building*,

Lewis County

Morton vicinity, *Cowlitz Falls South Archeological Site 45LE209*, (83.3)

Middlesex County

Cambridge, *Charles Hick Sanders House (Cambridge MRA)*,
Camridge, *Daniel Snow House (Cambridge MRA)*,
Everett, *Old High School*, (83.3]
Newton, *Slade-hovey House*,

Plymouth County

Plymouth, *Plymouth Post Office Building*, (83.3]

Suffolk County

Boston, *Waverly Apartments*.

MICHIGAN

Alger county

Site 20AR189, (83.3]
Trout Point #1 Site, (83.3]

Clinton County

DeWitt, *102 East Webb Street*, (83.3]

Houghton County

Hancock, *A. J. Scott House*, (83.3]

Ionia County

Nicle Plate Road Bridge, (83.3]

Monroe County

New York Central River Raisin Railroad Bridge,
St. Mary's Academy Historic District,

Saginaw County

Saginaw, *Potter Street Railroad Station (Central Saginaw MRA)*,

Wayne County

Detroit, *Coronado Apartments*, 3751–3773 Second Ave.

MINNESOTA

Freeborn County

Albert Lea, *Old City Hall*,

Hennepin County

Minneapolis, *Monage Cottage*, (83.3]
Minneapolis, *Sanford, Moris House*,

Lyon County

Marshall, *Chicago and North Western Railroad Depot (Lyon County MRA)*,

Olmsted County

Fugle's, Mathew, Flour Mill,

Ramsey County

St. Paul, *Great River Road Project (Indian Mounds)*, (83.3)
St. Paul, *Junior Pioneer Association Building*, *(83.3)*
St. Paul, *Lowertown Historic District*, *(83.3)*

St. Louis County

Duluth, *Board of Trade Building*, (83.3]

Waseca County

Waldorf, *Duluth, St. Cloud, Glencoe and Mankato RR Depot, Main St.*
Waseca, *Eaco Mill*, 212 3rd Ave. NW

Washington County

Stillwater, *Minneapolis and St. Paul Suburban Railway, Company Office and Power House*,

MISSISSIPPI

LeFlore County

Greenwood, *Archeological Site 22LF667*,
Greenwood, *Archeological Site 22LF670*,

Marshall County

Warren and Jones Law Office (Wilkerson House) (Holly Springs MRA),

MISSOURI

Benton County

Lotterer Archeological Site #23BE1010,

Boone County
Columbia, *Site 23BO322,* (63.3)

Christian County
Site 23CN453, (63.3)
Site 23CN454, (63.3)
Site 23CN455, (63.3)
Site 23CN651, (63.3)

Cole County
Archeological Site 23CO317, (63.3)
Grays Creek Archeological District, (63.3)

Jackson County
Kansas City, *City Bank Building,* 1001 Grand Ave. (63.3)
Kansas City, *Lockridge Mansion,*

Pike County
Archeological Site 23 PI 76, (63.3)
Archeological Site 23 PI 77, (63.3)

St. Louis County
Chesterfield, *Archeological Site 23SL36–436,* (63.3)

Stoddard County
Archeological Site 23SO441,

Stone County
Archeological Site 13SN666, (63.3)

MONTANA

Big Horn County
Archeological Site 24BH1850, (63.3)
Archeological Site 24BH1030, (63.3)
Archeological Site 24BH1949, (63.3)
Archeological Site 24BH1975, (63.3)
Archeological Site 24BH307, (63.3)
Archeological Site 24BH1001, (63.3)
Spring Creek Archeological District (South Fork Spring Creek) (Boundary Increase), (63.3)

Blaine-Fargus County
Winifred vicinity, *Dauphin Rapids Historic District,* (63.3)

Broadwater County
Archeological Site 24BW629, (63.3)
Archeological Site 24BW633, (63.3)

Cascade County
Ryan Dam, (63.3)

Flathead County
Belton Railway Depot, (63.3)
Glacier Park Headquarters and Maintenance Area Historic District, (63.3)

Golden Valley County
Barber, *Barber Bridge,*

Jefferson County
Alta Mine (24JF486),
Bluebird Mine (24JF484), (63.3)
Boulder Lime Company Kiln C–04, (63.3)
Clara Zimmerman Homesteads, (63.3)
Comet Townsite B–105, (63.3)
Gray Eagle Mine Complex B–104, (63.3)
Gregory Mine (24JF480), 63.3)
Morning Glory Mine Complex B–70, (63.3)
Mt. Washington Mine (24JF481), (63.3)
Townshend, *24JF467,* (63.3)
Townshend, *24JF468,* (63.3)

Judith Basin County
Prehistoric Site #24JT104, (63.3)

Lewis and Clark County
Hauser Dam, (63.3)

Liberty County
Archeological Site 24LT26 (Meissner Hearths), (63.3)

Lincoln County
Site 24LN115, (63.3)
Li, *Kootenai Falls,* (63.3)
Park County
Springdale Bridge,

Phillips County
Clark Canyon Tipi Ring Site #24PH728, (63.3)

Powell County
Efraimson Homestead, (63.3)
Mullen Road Route,

Richland County
Snowdon Bridge, (63.3)

Roosevelt County
Mondak, *Mondak Townsite (24 RV102),* (63.3)

Rosebud County
24RB478 (Power Quarry Site), (63.3)
Archeological Site 24 RB288, (63.3)
Byers/Schaudel Homestead 4RB153, (63.3)
Cotant/Scott Site 24RB150, (63.3)
Jud McKelvey Homestead 24RB155, (63.3)
Karl Knoblock Homestead 24RB168, (63.3)
Ashland, *Fenceline Site,* Montco Mine Area
Ashland, *Iron Graveyard Site 24RB248,* Montco Mine Area
Ashland, *Jamies Site,* Montco Mine Area
Ashland, *King Creek Site 24RB221,* Montco Mine Area
Ashland, *Little Bone Site 24RB233,* Montco Mine Area
Ashland, *Lost Grave Site 24RB228,* Montco Mine Area
Ashland, *O'Dell Bison Jump Site 24RB234,* Montco Mine Area
Ashland, *Roof of the Tongue Site 24RB211,* Montco Mine Area
Ashland, *Scatter Site 24RB212,* Montco Mine Area
Ashland, *Three Rock Ring Site 24RB229,* Montco Mine Area
Ashland, *Yellow Leaf Site 24RB215,* Montco Mine Area
Birney, *Airport Site 24RB230,* Montco Mine Area
Birney, *Amid Creek Site 24RB249,* Montco Mine Area
Birney, *Autumn View Site 24RB251,* Montco Mine Area
Birney, *Bright Cloud Site,*
Birney, *Broken Tire Site 24RB217,* Montco Mine Area
Birney, *Katydid Site 24RB226,* Montco Mine Area
Birney, *Spirit Rock Site 24RB275,* Montco Mine Area
Colstrip vicinity, *Fadhl Homestead Site,* (63.3)
Colstrip vicinity, *Farley Lookout Site (24RB1053),* (63.3)
Colstrip vicinity, *Insite (24RB674),* (63.3)
Colstrip *Doc Taylor Place 24RB1065,* (63.3)
Colstrip *Muskrat Homestead 24RB887,*
Colstrip vicinity, *Castle Rock Post Office (24RB335),*
Colstrip vicinity, *Cooley Place (24RB1064),* (63.3)

Sanders County
Thompson's Falls, *Thompson's Falls,* (63.3)

Valley County
Fort Peck, *Fort Peck Original Residences Historic District,*

Yellowstone County
Billings, *Gilsdorf House,* (63.3)
Billings, *Kirks Grocery,* (63.3)
Billings, *Southside Historic District,* (63.3)
Billings, *Westside Historic District,* (63.3)

NEBRASKA

Dodge County
Ehler/Baker Farmstead,

NEVADA

Elko County
Archeological Site 26EK2309,

Washoe County
Lake Range Quarry Site,
Sparks, *Southern Pacific Railroad Repair Shops,*

NEW HAMPSHIRE

Cheshire County
Beech Hill Summer Home District,
Dublin, *Dublin Village Historic District,*
Dublin, *The Latin Quarter Historic District,*

NEW JERSEY

Bergen County
Edgewater, *Ford Motor Company Assembly Plant Complex (Boundary Increase),*

Burlington County
Burlington vicinity, *Oxmead Farm,*

Camden County
Camden, *Cooper, Benjamin, Ferry and Tavern,*

Cape May County
East Creek Mill Road,

Cumberland County
Bridgeton, *163-165 West Broad Street,* (63.3)

Gloucester County
Greenwich and West Deptford Twps. *Archeological Site A,* (63.3)

Hudson County
Hoboken, *800–810 Willow Avenue* (63.3)
Jersey City, *Stanley Theatre,*
Mercer County
Shady Brook Prehistoric Site (Historical Resources in Trenton and Bordentown),

Middlesex County
New Brunswick, *Main Post Office—New Brunswick,* (63.3)

Ocean County
Pine Beach Site (28 OC 17), (63.3)

Union County
Elizabeth, *St. Johns Parsonage,*

NEW MEXICO

Bernalillo County

Los Poblanos Historic District,
Albuquerque, *Albuquerque Indian Hospital,*
Albuquerque, *Archeological Site NM 1 14 11,*
Albuquerque, *Archeological Site NM 1 14 25,*
Albuquerque, *Archeological Site NM 1 14 26,*
Albuquerque, *Archeological Site NM 1 14 27,*
Albuquerque, *Archeological Site NM 1 14 28,*
Albuquerque, *Archeological Site NM 1 14 29,*
Albuquerque, *Archeological Site NM 1 14 30,*

Chaves County

Rio Feliz Bridge, (63.3)

Dona Ana County

Archeological Site NMSU808, (63.3)

Otero County

Archeological Site LA 19200, (63.3)
Archeological Site LA 22263, (63.3)
Archeological Site LA 22264, (63.3)
Archeological Site LA 22265,
Archeological Site LA 22266,
Archeological Site LA 22267, (63.3)
Archeological Site LA 22268, (63.3)
Archeological Site LA 22270, (63.3)
Archeological Site LA 22271, (63.3)
Archeological Site LA 29546, (63.3)
Archeological Site LA 30949,
Archeological Site LA 30951,
Archeological Site LA 30953,
Archeological Site LA 30955,

Rio Arriba County

Archeological Site LA34913 (Abiquiu Reservoir MRA) (63.3)
Archeological Site LA34914 (Abiquiu Reservoir MRA) (63.3)

San Juan County

Archeological Site #LA 14838, (63.3)
Archeological Site #LA 20225, (63,3)
Archeological Site #LA 20231, (63.3)
Brimhall Wash (LA 20237), (63.3)
DE-Na-Zin Archeological District, (63.3)
San Juan Archeological District,

Sandoval County

24 Archeological Sites-Rio Rancho Estates, (63.3)

Socorro County

Magdalena, *Dobson House (Magdalena MRA),*

Taos County

Archeological Site #10,
Archeological Site #17,
Archeological Site #7,
Archeological Site #9,

NEW YORK

Cattaraugus County

Salamanca, *Baltimore, Rochester and Pittsburgh Railroad Passenger Depot,* (63.3)
Salamanca, *Erie Railway Passenger Depot*

Monroe County

Rochester, *Driving Park Avenue Bridge,* (63.3)
Rochester, *Kirkstein Building,*

New York County

Governors Island

Building 400

New York, *Grand Central Post Office Building,*
New York, *The Morosco Theatre,* W 46th St. Between 8th Ave. and Broadway

Oneida County

Utica, *Utica Post Office and Courthouse*

Richmond County

Staten Island, *U.S. Public Health Service Hospital,*

Rockland County

Haverstraw, *Haverstraw Commercial District,*

Schenectady County

Schenectady, *Barney's Department Store,* (63.3)
Schenectady, *Franklin School,* (63.3)

Suffolk County

Brookhaven, *East Moriches Schoolhouse,* (63.3)
Brookhaven, *Presbyterian Church of the Moriches,* (63.3)

Sullivan County

Narrowsburg, *Stirna Site (Narrowsburg-North,* (63.3)
Narrowsburg, *Van Schoiek Site (Narrowsburg-South),* (63.3)

Washington County

Granville, *Building at 48 Main Street,* (63.3)

Westchester County

Montrose, *VA Medical Center,*
Tarrytown, *43 South Washington Street,*
Yonkers, *Public School No. 3,* (63.3)

NORTH CAROLINA

Alawance County

Burlington, *Alawance Hotel,* (63.3)

Cleveland County

Shelby, *Masonic Temple Building,* (63.3)

Durham County

Durham, *Johnston's Mills,* (63.3)
Durham, *Lipscomb's Mill,* (63.3)
Durham, *Orange Factory Archeological Remains,* (63.3)

Johnston County

Selma, *Waddell, Oliver, House,*

Madison County

Gahagan House, (63.3)

Washington County

Dunn, *Old Main Post Office,*

NORTH DAKOTA

Cass County

Fargo, *Powers Hotel,* (63.3)

Dunn County

Dickinson, *Lynch Knife River Flint Quarry National Historic District,*

NORTHERN MARIANA ISLANDS

Managaha Island

Saipan, *Managaha Historical District*

Trinian Island

North Field Historical Area, (63.3)

OHIO

Crawford County

Crestline, *Crestline F.O.E. Building,*

Cuyahoga County

Cleveland, *Anthony Carlin Mansion,* (63.3)
Cleveland, *L. N. Gross Building,* (63.3)

Franklin County

Columbus, *1000–02 S. High Street,* (63.3)
Columbus, *17–19 E. Stewart Avenue,* (63.3)
Columbus, *21–33 E. Stewart Avenue,* (63.3)
Columbus, *99 S. High Street,* (63.3)

Hamilton County

Cincinnati, *900–910 Central Avenue Buildings,* (63.3)
Cincinnati, *Brighton Car Barn Complex,* (63.3)
Cincinnati, *Central Avenue Buildings,* (63.3)
Cincinnati, *Goodall Building,* (63.3)
Cincinnati, *St. Paul's Church Historic District,*
Cincinnati, *Evanston School,* (63.3)
Wyoming, *Woodruff Building,*

Knox County

Properties in Martinsburg,

Lawrence County

Sybene, *Lock and Dam #28,* (63.3)

Washington County

Beverly, *306 Fifth Street*

Van Wert County

First United Methodist Church,

OKLAHOMA

Kay County

Ponca City, *Masonic Building,* 222 E. Grand Ave.

Wagoner County

Wagoner, *Parkinson, James, House (Territorial Homes of Wagoner, OK TR),*

OREGON

Deschutes County

Three Creek Meadow, (63.3)

Grant County

Granite, *Chinese Walls*

Jackson County

Pacific Telephone & Telegraph Company Building,

Lake County

East Lake Albert Archeological District (Boundary Increase),
Booth-Kelly Railroad Bridge,
Southern Pacific RR Passenger Station and Freight House,

Linn County

Archeological Site 35LIN120,
Blitz Archeological Site (35LIN147), (63.3)
Albany vicinity, *Hamilton, Joseph, Farm Group,*
Tangent, *Jenks Farm Group,*
Tangent, *Martin Werts House,*

Marion County

Olallie Meadow Cabin (Site #06EA32), Mt. Hood National Forest (63.3)

Salem, *Depot Addition Historic Neighborhood*, (63.3)

Union County

LaGrande vicinity, *Camp Carson Mine Historic District*,

Wallowa County

Wallowa Ranger Station District, (63.3)

PENNSYLVANIA

Bakerstown County

Pittsburgh, *Central Northside Historic District*,

Berks County

Resser Farm, (63.3)

Bucks County

Doylestown, *Aldie, William Mercer, Residence*, Dublin Pike and Easton Rd.
Doylestown, *Freta Farm*,
Plumstead Township, *Point Pleasant Historic District*, (63.3)

Dauphin County

Fox Ridge Historic District (Boundary Increase),
Steelton, *US Post Office—Steelton*,

Greene County

West Findley, *Fisher Site (Federal Nomination Returned)*,

Indiana County

Saltsburg, *Saltsburg Historic District*, (63.3)

Lancaster County

Lancaster, *Queen Vine Apartments*, 200 Blk. of W. Vine St.

Lehigh County

Allentown, *Industrial Valley Bank Building*, (63.3)
Allentown, *Old Allentown Historic District*, (63.3)

Montgomery County

Cold Point Historic District, (63.3)
Upper Providence Township, *Lockkeeper's House and Lock 60*, (63.3)

Philadelphia County

Philadelphia, *(1200 Block) Locust and (200 Block) S. 13th Street*, (63.3)
Philadelphia, *1100 Block of Pine Street*,
Philadelphia, *Breslyn Apartments*, 4624–42 Walnut St. and 201–13 S. 47th St.
Philadelphia, *Building #4 of the Philadelphia Naval Shipyard*, (63.3)
Philadelphia, *Houses at 200 Block S. Jessup and Quince Streets*, (63.3)
Philadelphia, *Taylor-Dickey Development Houses*, 2009–2047 N. 15th St.
Shrewsbury Borough, *Shrewsbury Historic District*,

Schuylkill County

Beusmans Lock #12, (63.3)

York County

Codorous, *Jefferson Historic District*,
Dover Township, *Conwego Hill Historic District*,
Hanover Junction, *Hanover Junction Railroad Station*, (63.3)
Peach Bottom Township, *Coulstontown Historic District*,
Peachbottom, *Delta Historic District*,
Penn, *Hanover Historic District*,

RHODE ISLAND

Providence County

Albion Historic District, (63.3)
Cumberland, *Ashton Historic District*, (63.3)
Cumberland, *Sassafras Site (RI #55)*, (63.3)
North Smithfield, *Woonasquatucket Site (RI-163)*,
Providence, *Providence Cove Lands Archeological District*,
Smithfield, *Three Dog Site (RI 151)*, (63.3)

Washington County

South Kingston, *Usquepaug Road Historic District*, (63.3)

SOUTH CAROLINA

Barnwell County

Archeological Site 38BR112,
Archeological Site 38BR269,
Archeological Site 38BR288, (63.3)
Archeological Site 38BR55,

SOUTH DAKOTA

Corson County

Mobridge vicinity, *Travis Site I (39CO213)*, NW of Mobridge on SD 12

Fall River County

Site #39 FA 73 (Rock Art Thematic),
Site #39 FA 96 (Rock Art Thematic),
Site #39 FA 678 (Rock Art Thematic),
Site # FA 89 (Rock Art Thematic),

Fall River/Pennington Counties

Rock Art Thematic Determination,

Minnebaba County

Sioux Falls, *Blackstone Apartments*,

TENNESSEE

Hamilton County

Chattanooga, *Martin Luther King Boulevard Commercial District*, (63.3)

Meigs County

Decatur, *Lillard, Jasper Worth, House and Tenant House (Meigs, County TN MRA)*,
Georgetown, *Shiflett, Marion, Barn (Meigs, County TN MRA)*,

Roane County

Site 40 RE 86,

Rutherford County

Murfreesboro, *East Main Street Historic District*, (63.3)

Scott County

Leatherwood Low-water Ford Bridge (E018),
O & W Railroad Whipple Truss Bridge (E009),
Toomy Stop Bridge (E007),

Shelby County

Memphis, *South Main Street Historic District*, (63.3)

Sullivan County

Bristol, *Shelby Street Station*, 656 Shelby St.

TEXAS

Bexar County

San Pedro Acequia (Unlined Portions),
San Antonio, *Brackenridge Park (12-acre portion)*, (63.3)
San Antonio, *San Antonio National Cemetery*, (63.3)
San Antonio, *Texas Theater*, 147–155 E. Houston St.

Cherokee County

Jacksonville, *Post Office Building—Jacksonville*,

Coleman County

Coleman, *United States Post Office*,

Concho and Runnels Counties

Stacy Archeological District, (63.3)

Denton County

Sanger vicinity, Lake Ray Roberts Area,

Hale County

US Post Office—Plainview,

Limestone County

US Post Office—Mexia,

McLennan County

Waco, *US Post Office—Waco*,

Novarro and Freestone Counties

91 Archeological Sites, Richland-Chambers Dam

Nueces County

Archeological Site 41NU185, (63.3)

Presidio County

Archeological Site 41PS109, (63.3)

Rusk County

Henderson, *Thomas Jefferson Walling Cabin*,

Wichita County

US Post Office—Wichita Falls,

Williamson County

Taylor, *Post Office—Taylor*,

UTAH

Carbon County

Price, *Moynier House*,

Davis County

Bountiful, *William Boulton House and Farmstead*,

Salt Lake County

Decker-Patrick Dry Goods Building (Salt Lake City Business District MRA),
Federal Reserve Bank (Salt Lake City Business District MRA),
First Security Bank Building (Salt Lake City Business District MRA),
Orpheum Theatre/Promised Valley Playhouse (Salt Lake City Business District (MRA),
Sears/Bennett Paint and Glass Company Building (Salt Lake City Business District MRA),
Shubrick Hotel (Salt Lake City Business District MRA),
Tribune Building (Salt Lake City Business District MRA),

Utah County

Provo, *Loose, Charles E. House*,

Provo Train Station,

VERMONT

Franklin County

Swanton, *Highgate Falls Archeological District,* (63.3)

VIRGINIA

Lynchburg (Independent City)

Daniel's Hill, (63.3)

Pittsylvania County

Danville, *Riverside Cotton Mills,* (63.3)

WASHINGTON

Clallam County

Storm King Ranger Station,

Clark County

Vancouver Lake's Archeological District, (63.3)

Douglas and Okanogan Counties

Lake Pateros Archeological District,

Franklin County

Joso Viaduct (Historic Bridges and Tunnels in Washington TR), Spans Snake River

King County

White, Justice William, House,
Veazey, Bridge #11, (63.3)

Kittitas County

Wallin Ditch, (63.3)

Spokane County

Spokane River Bridge (Historic Bridges and Tunnels in Washington TR), Spans Spokane River

WEST VIRGINIA

Wayne County

Huntington, *VA Medical Center,* (63.3)

WISCONSIN

Calumet County

Appleton, *Leath Building,*

Dane County

Madison, *West Madison Depot,*

Dodge County

Kekoskee vicinity, *Kekoskee Archeological District,* (63.3)

LaCrosse County

Onalaska, *Olson Site (47LC76),*

Manitowoc County

St. Mary's Convent (Colony of St. Gregory of Nazianzen TR),

Milwaukee County

Milwaukee, *East Center Street Natatorium,* 243 East Center St. (63.3)

Outagamie County

Appleton, *Lakeshore Depot,*

Rock County

Tiffany Stone Bridge,

Waukesha County

Su ssex Lime Kiln (Lime Kilns of Waukesha County TR),

Winnebago County

Chief Oshkosh Brewery,

WYOMING

Big Horn County

Bandit Site (48BH460), (63.3)

Campbell County

Casper, *Segment of the Bozeman Trail,* (63.3)
Wright, *Rochelle Archeological District,* (63.3)
Buckskin Mine Plan Area, (63.3)

Carbon County

Divide Sheep Camp, Medicine Bow National Forest

Converse/Campbell Counties

North Antelope Noncontiguous Archeological District, (63.3)

Johnson, Carbon, Sheridan, Hot Springs, Fremont, Albany, Sweetwater etc. Counties

Statewide Historical Evaluation of Truss Bridges (40 Bridges in Wyoming State).

[FR Doc. 83-2041 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-70-M

VOL
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ISS
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1983
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federal register

Tuesday
March 1, 1983

Part III

Department of the Interior

National Park Service

National Registry of Natural Landmarks

DEPARTMENT OF THE INTERIOR

National Registry of Natural Landmarks

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: This notice lists all natural landmarks currently included on the National Registry of Natural Landmarks. The listing provides information on each landmark's location, natural values, designation date, ownership, and owner agreement status. In the future only additions to the list will be published so this list should be retained for reference. Federal agencies should consider the existence and location of natural landmarks when assessing the impact of their actions on the environment under Section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321).

FOR FURTHER INFORMATION CONTACT: Mr. Frank Ugolini, Chief, Natural Landmarks Branch, Interagency Resource Management Division, National Park Service, Washington, D.C. 20240, (202) 523–4456.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the National Natural Landmarks Program in 1962 to identify and encourage the preservation of the full range of ecological and geological features that are nationally significant examples of the Nation's natural heritage. Potential natural landmarks are identified through studies conducted by the National Park Service (NPS) and other sources, evaluated by expert natural scientists, and, if judged nationally significant, designated as landmarks by the Secretary of the Interior. Once a landmark is designated, it is included on the National Registry of Natural Landmarks, which currently lists 543 natural landmarks.

The Natural Landmarks program has been administered by NPS since May 18, 1962 with the exception of the period from January 25, 1978 to May 31, 1981 when it was administered by the Heritage Conservation and Recreation Service (HCRS). HCRS was abolished May 31, 1981.

The act of designating an area as a natural landmark is not a land withdrawal and in no way affects the ownership of the site. It does not dictate the type or intensity of activity that may be undertaken in a landmark. Landmark preservation is often made possible only through the long-term commitment of public and private owners to protect an area's outstanding natural values. The Department encourages owners and managers to protect the nationally significant values of their landmarks, but this cooperation is voluntary and does not restrict the uses to which the land may be put. An owner who enters into a voluntary agreement with NPS to protect the landmark is eligible to receive a certificate which recognizes the special status of the area. A bronze plaque may also be presented for appropriate display on the site.

Federal agencies should consider the existence and location of natural landmarks when they assess the effects of their actions on the environment under Section 102(2)(c) of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321).

NPS prepares an annual report for the Secretary of the Interior to transmit to the Congress which identifies all natural landmarks with known or anticipated damage or threats to the integrity of their resources (90 Stat. 1940; 16 U.S.C. 1a–5).

National Registry of Natural Landmarks

The National Registry of Natural Landmarks includes nationally significant ecological and geological features in 48 States, American Samoa, Guam, Puerto Rico, and the Virgin Islands. Of the 543 landmarks listed on the National Registry of Natural Landmarks, one-half are administered solely by public agencies, e.g., Federal, State, county, or municipal governments. Almost one-third are owned entirely by private parties. The remaining natural landmarks are owned or administered by a mixture of public and private owners.

The following list contains all natural landmarks included on the National Registry of Natural Landmarks as of January 1, 1983. The landmarks are arranged alphabetically by State and county. The number of landmarks in each State is enclosed in parentheses following each State's name. A description of each landmark's location, natural values, designation date, ownership, and owner agreement status is provided. Each landmark's designation date is enclosed in parentheses ( ), and more than one date indicates that the area's boundary was changed after its original designation. Ownership data are arranged in the following arbitrary order and do not reflect the relative amount of land owned by any party: Federal, State, County, Municipal, Private. An asterisk (*) indicates that the owner(s) of a landmark have entered into a voluntary agreement to protect the area's natural values.

Because many natural landmarks are privately owned and/or not managed for public access, landowner permission must be obtained before a visit is made to these natural landmarks. The specific location for some landmarks is not provided because of an owner's request for minimum publicity and/or the fragility of the landmark's natural features.

Dated: January 6, 1983.

Russell E. Dickenson,

Director, National Park Service.

ALABAMA (6)

Baldwin County

MOBILE–TENSAW RIVER BOTTOMLANDS (extends into Mobile and Washington Counties)—Extends from Mobile Bay north for 35 miles. One of the most important wetlands in the Nation containing a variety of habitats, from mesic flood plains and freshwater swamps to brackish water marshes, supporting several rare and endangered species. (May 1974) Owner: State, Private

Franklin County

*DISMALS—Four miles northeast of Hackleburg. A sandstone gorge supporting a virgin, disjunct, montane climax forest containing exceptionally diverse plant life. (May 1974) Owner: Private

Limestone County

*BEAVERDAM CREEK SWAMP—Ten miles northeast of Decatur. A large protected tupelo gum swamp which occurs in the Interior Low Plateaus region, rather than its usual occurrence in the Gulf Coastal Plain region. (May 1974) Owner: Federal

Madison County

*SHELTA CAVE—Within the city limits of Huntsville. A large cave with an underground lake, noted for its complex, especially aquatic, fauna. (October 1971) Owner: Private

Marshall County

*CATHEDRAL CAVERNS—Four miles northeast of Grant. A series of large chambers containing impressive stalagmites, totem poles, dripstone slopes and walls, and flowing underground streams. (June 1972) Owner: Private

Mobile County

MOBILE-TENSAW RIVER BOTTOMLANDS (see *Baldwin County*)

Morgan County

NEWSOME SINKS KARST AREA—Between Morgan City and Union Hall. Classic example of karst development, containing more than 40 caves. (November 1973) Owner: Private

Washington County

MOBILE-TENSAW RIVER BOTTOMLANDS (see *Baldwin County*)

ALASKA (17)

*ANIAKCHAK CALDERA (ANIAKCHAK CRATER)—24 miles southeast of Port Heiden. One of the largest explosive

craters in the world, the area contains Surprise Lake, the headwaters of the Aniakchak River. (November 1967) Owner: Federal

*ARRIGETCH PEAKS—250 miles northwest of Fairbanks. Carved by glacial ice and running water, they illustrate several phases of alpine glacier activities. The Peaks reveal abrupt transitions from metamorphic to granitic rock, and contain both tundra and boreal forest. (April 1968) Owner: Federal

*BOGOSLOF ISLAND—25 miles north of Umnak Island in the Aleutian archipelago. Remnant of three volcanic eruptions, habitat for over 5,000 Steller's sea lions, and nesting ground for over 50,000 sea birds. (November 1967) Owner: Federal

*McNEIL RIVER STATE GAME SANCTUARY—200 miles southwest of Anchorage. Includes the mouth of the McNeil River with a series of low, shallow falls which afford good wading and visibility for brown bears fishing for salmon. (April 1968) Owner: State

*CLARENCE RHODE NATIONAL WILDLIFE RANGE—On the Bering Sea coast between Hooper Bay and Kipnuk. Excellent example of coastal and upland tundra habitat, and nesting grounds for over one-half of the world's population of black brant, cackling geese and emperor geese. (October 1968) Owner: Federal

*ILIAMNA VOLCANO—135 miles southwest of Anchorage. Example of a cone-shaped stratovolcano resembling in past history, composition, and appearance the volcanoes of the Pacific Northwest. (January 1976) Owner: Federal

*LAKE GEORGE—44 miles northeast of Anchorage. Most impressive "selfdumping" lake in the country. When the lake outlet is blocked by the Knik Glacier, the lake swells with water until summer. Then the dam breaks and the water is dumped in a spectacular torrent into the Knik River. (April 1967) Owner: Federal

*MALASPINA GLACIER—25 miles west of Yakutat. Largest piedmont glacier in North America and one of the largest outside the ice cap regions of the world. (October 1968) Owner: Federal

MIDDLETON ISLAND—155 miles southeast of Anchorage. Significant illustration of tectonic uplift as a result of earthquakes, containing important fossil evidence of the Pliocene and Pleistocene Epochs. (April 1968) Owner: Federal, Private

*MOUNT VENIAMINOF—20 miles northeast of Port Moller. Unique active volcano of uncommon size, an important calving ground for caribou, and only known glacier of the continent with an active volcanic vent in its center. (November 1967) Owner: Federal

*REDOUBT VOLCANO—110 miles southwest of Anchorage. An active stratovolcano, and the second highest of the 76 major volcanoes of the Alaska Peninsula and Aleutian Islands. Visible from Anchorage (January 1976) Owner: Federal

*SHISHALDIN VOLCANO—50 miles west of Cold Bay in the Aleutian archipelago. Tallest of known volcanoes of Unimak Island, active today and completely unpredictable. (November 1967) Owner: Federal

*SIMEONOF NATIONAL WILDLIFE REFUGE—In the Shumagin Island Group south of the Alaskan Peninsula. Ancestral hauling ground for sea otters. (October 1968) Owner: Federal

*UNGA ISLAND—500 miles southwest of Anchorage in the Shumagin Island Group. Fossil forest resulting from volcanic activity in the Tertiary Period. It is unknown how these tree specimens came to be on the island. (April 1968) Owner: Private

*WALKER LAKE—250 miles northwest of Fairbanks. Striking example of the geological and biological relationships of a mountain lake at the northern limit of forest growth on the southern slope of the Brooks Range, supporting a full range of ecological communities. (April 1968) Owner: Federal, Private

*WALRUS ISLANDS—375 miles southwest of Anchorage in Bristol Bay. Farthest southern primary haul-out area for walruses and the only remaining area in the United States where they haul out in appreciable numbers. Over 4000 have been counted here during the summer. (April 1968) Owner: State

*WORTHINGTON GLACIER—30 miles east of Valdez. Typical small valley glacier including fine examples of most glacial features from accumulation area to end moraine. Probably the most accessible glacier in Alaska. (October 1968) Owner: Federal, State

AMERICAN SAMOA (7)

*AUNUU ISLAND—Off the northeastern coast of Tutuila Island. Site of recent episodes of volcanism backed by a geologically recent tuff cone. (November 1972) Owner: Communal lands

CAPE TAPUTAPU—On the western tip of Tutuila Island. Natural exhibit of shoreline, offshore volcanic rocks and blowholes sculptured by heavy sea wave action. (November 1972) Owner: Communal lands

FOGAMAA CRATER—On the southwestern coast of Tutuila Island. One of very few illustrations of most recent episode of volcanism in American Samoa. (November 1972) Owner: Communal lands

*LEALA SHORELINE—On the southwestern coast of Tutuila Island. Special young flow of basalt interbedded with layers of tuff, illustrating erosion by wave action and covered with dense tropical vegetation. (November 1972) Owner: Communal lands

*MATAFAO PEAK—One and one-half miles south of the city of Pago Pago. Highest peak of Tutuila Island, one of five great masses of volcanic rocks extruded as molten magma during the major episodes of volcanism which created Tutuila Island. (November 1972) Owner: Communal lands

*RAINMAKER MOUNTAIN—Just east of Pago Pago Harbor. One of the same extrusions as Matafao Peak, and an outstanding example of several gigantic plugs which created Tutuila Island. (November 1972) Owner: Communal lands

VAIAVA STRAIT—On the north-central coast of Tutuila Island. Classic illustration of steep cliffs and erosion-resistant outliers formed by wave action on a volcanic mass. (November 1972) Owner: Communal lands

ARIZONA (5)

Cochise County

*RAMSEY CANYON—Seven miles south of Sierra Vista. A vertical-sided gorge containing a well-defined microclimatic habitat, which consists of an extension of Mexican flora and fauna into the American side of the International Boundary, and contains plants which normally occur only at higher elevations. (March 1963) Owner: Private

WILLCOX PLAYA—Eight miles southwest of Willcox. The dry remnant of Pluvial Lake Cochise whose natural deposits contain a rich record of climatic effects and fossil pollen during the pluvial periods of the Pleistocene. The largest "dry lake" in Arizona. (May 1966) Owner: Federal

Coconino County

*BARRINGER METEOR CRATER—15 miles west of Winslow. The largest impact crater yet discovered in the United States. Impact believed to have occurred some 22,000 years ago. (November 1967) Owner: Private

Mohave County

HUALAPAI VALLEY JOSHUA TREES—45 miles north of Kingman. Best existing display of Joshua tree species and a superb sample of a Mohave Desert ecological unit. (April 1967) Owner: Federal, State, Private

Navajo County

*COMB RIDGE—Only known location for tritylodont fossils in North America, supporting the theory of continental drift. (January 1976) Owner: Private (Navajo Indian Nation)

Santa Cruz County

*CANELO HILLS CIENEGA—One and one-half miles northwest of Canelo. The least disturbed extensive southwestern desert wet grasslands (cienega) along the United States-Mexican border. The area supports the only known population of Canelo lady's tresses, and is one of several areas that support the Gila chub and Gila sucker. (December 1974) Owner: Private

ONYX CAVE—Seven miles northwest of Sonoita. Considered to be the finest cave in Arizona. (May 1974) Owner: Private

*PATAGONIA-SONOITA CREEK SANCTUARY—Adjacent to Patagonia. Permanent stream-bottom habitat supporting rare aquatic biota, including the Gila Topminnow. Only known nesting spot in the country for the rare rosethroated becard. (January 1970) Owner: Private

ARKANSAS (5)

Desha County

*WHITE RIVER SUGARBERRY NATURAL AREA—Four miles northwest of the village of Snow Lake. Partially virgin forest containing excellent examples of three bottomland hardwood forest types and a wildlife population typical of the forest types present. (December 1974) Owner: Federal

Fulton County

MAMMOTH SPRING—Northeastern edge of Mammoth Spring village. Third largest spring in the Ozark Mountains, and a classic example of a spring orginating as a resurgent subterranean stream. (June 1972) Owner: State

Mississippi County

*BIG LAKE NATURAL AREA—Three miles east of Manila. Contains a significant amount of virgin timber, a mix of southern, Ozark and midwestern flora, and supports several threatened or endangered bird species. (December 1974) Owner: Federal

Polk County

*ROARING BRANCH RESEARCH NATURAL AREA—Four miles north of the village of Athens. Steep ravine contains a virgin mesophytic forest type representing a relict outlier of forests characteristic of Tennessee, Kentucky, and Indiana, and plant species rare in the Ouachitas. (December 1976) Owner: Federal

Saline County

*LAKE WINONA NATURAL AREA—30 miles west of Little Rock. Large virgin shortleaf pine forest reminiscent of those that once covered large areas of Arkansas. (December 1976) Owner: Federal

CALIFORNIA (30)

Amador County

BLACK CHASM CAVE—One mile south-southeast of Volcano. A small three-level cave containing an outstanding variety of speleothems and some of the best helictite formations in the West. (January 1976) Owner: Private

Contra Costa County

*MT. DIABLO STATE PARK—31 miles east of Berkeley. Contains the best examples of diapiric (igneous intrusion) geologic processes in the South Pacific Border natural region. One of the few places in the region where geologic strata of Jurassic, Cretaceous, and Tertiary age can be seen in an aggregate thickness of 42,000 feet. The park also possesses a great diversity of native plant species and associations. (May 1962) Owner: State

El Dorado County

*EMERALD BAY—10 miles south of Tahoe City. A vividly colored oval embayment of Lake Tahoe formed by moraines left as parallel glaciers receded. An outstanding example of glacial geology. (October 1968) Owner: State

Imperial County

ANZA-BORREGO DESERT STATE PARK (see *San Diego County*)

*IMPERIAL SAND HILLS—15 miles west of Yuma, Arizona. One of the largest dune patches in the United States. An outstanding example of dune geology and ecology in an arid land. (October 1966) Owner: Federal, Private

SAN FELIPE CREEK AREA—18 miles northwest of Westmoreland. Marsh area containing probably the last remaining perennial natural desert stream in the Colorado Desert. (May 1974) Owner: Federal, Private

Inyo County

*DEEP SPRINGS MARSH—20 miles southeast of Bishop. Possibly the only habitat for the black toad and an example of increasingly rare desert marsh. (May 1975) Owner: Private

FISH SLOUGH (extends into Mono County)—Eight miles north of Bishop. Large, essentially undisturbed desert wetland with rare or endangered desert wildlife which provides habitat for one native and several introduced endangered species. (May 1975) Owner: Federal, State, Municipal, Private

Kern County

SHARKTOOTH HILL—One of the most abundant, diverse and well-preserved fossil marine vertebrate sites in the world. (May 1976) Owner: Private

Los Angeles County

*RANCHO LA BREA—Hancock Park, Wilshire Boulevard, Los Angeles. World-famous natural asphalt tar pits in which Pleistocene animals became entrapped in their quest for fresh water. (March 1964) Owner: Municipal

Marin County

*AUDUBON CANYON RANCH—20 miles northeast of San Francisco. Largest known nesting area for great blue herons and American egrets on the West Coast. (October 1968) Owner: Private

Mendocino County

*ELDER CREEK—Four miles north of Branscomb. Largely undisturbed watershed containing large old stands of Douglas fir, broadleaf evergreens, and deciduous trees as well as wide variety of wildlife. (March 1964) Owner: Private

*PYGMY FOREST—Five miles south of Fort Bragg. Unique forests of low, stunted trees and shrubs caused by a complex ecological condition associated with underlying wave terraces and their unusual soils. (June 1969, November 1973) Owner: State

Mono County

FISH SLOUGH (see *Inyo County*)

Monterey County

*POINT LOBOS—Ten miles south of Monterey. An outstanding example of terrestrial and marine environments in close association, the only known habitat of Monterey cypress and variegated Brodiaea, and one of only two or three areas containing the Gowan's cypress and sea otter. It is a sanctuary for thousands of sea and shore birds. (April 1967) Owner: State

Riverside County

ANZA-BORREGO DESERT STATE PARK (see *San Diego County*)

Sacramento County

AMERICAN RIVER BLUFFS AND PHOENIX PARK VERNAL POOLS—Near Fair Oaks. Contains outstanding examples of rare plant community types—the blue oak woodlands and vernal pools. (January 1976): Owner: Federal, County, Private

COSUMNES RIVER RIPARIAN WOODLANDS—Southeast of Sacramento. Small remnant of a rapidly disappearing riparian woodland community type that once formed a major part of the California Central Valley. (January 1976) Owner: Private

San Benito County

*SAN ANDREAS FAULT—Illustrated at a site eight miles south of Hollister. One of the best locations illustrating earth displacement caused by small crustal movements is at the Cienega Winery where one-half of a building has moved eight inches in nine years. (April 1965) Owner: Private

San Bernardino County

AMBOY CRATER—Just west of the town of Amboy. Excellent example of a recent volcanic cinder cone with an unusually flat crater floor. (May 1973) Owner: Federal, Private

CINDER CONE NATURAL AREA—24 miles east of Baker. A complex of over 20 large cinder cones of recent origin with extensive and continuous lava flows. (May 1973) Owner: Federal, State

*MITCHELL CAVERN AND WINDING STAIR CAVE—23 miles northwest of Essex. Most important solution caverns known in the Mohave Desert region developed in the Bird Spring Formation of Permian age. Other caves are located within the landmark boundary. (May 1975) Owner: State

*RAINBOW BASIN—Eight miles north of Barstow. Contains significant fossil evidence of insects, larger Micoene mammals and mammal tracks, as well as deep erosion canyons with rugged rims. An outstanding example of geologic processes. (April 1966) Owner: Federal

*TRONA PINNACLES—Seven miles south of Argus. Relict form from ancient Ice Age lakes containing unique formations of calcium carbonate known as "Tufa". (November 1967) Owner: Federal

TURTLE MOUNTAINS NATURAL AREA—30 miles south-southwest of Needles. Two mountain sections entirely different in composition which illustrate past volcanic phenomena with superimposed sculpturing of mountain landforms by weathering and uplift. (May 1973) Owner: Federal, State

San Diego County

ANZA-BORREGO DESERT STATE PARK (extends into Imperial and Riverside Counties)—Almost all of this site is in eastern San Diego County. Largest desert State park in the Nation, it contains some of the best examples of the various desert biotic communities in the Colorado Desert and excellent examples of desert geological phenomena. (May 1974) Owner: State, Municipal, Private

*MIRAMAR MOUNDS—12 miles north of central San Diego. This area includes features called "mima mounds" which are found in only three or four locations in the country. Contains rare vernal pools found

only in California. (June 1972) Owner: Federal

TIJUANA RIVER ESTUARY—Between the city of Imperial Beach and the United States-Mexican International Boundary. One of the finest remaining saltwater marshes on the California coastline, containing three species of endangered birds and an important habitat for other wildlife, especially waterfowl. (May 1973) Owner: Federal, State, Municipal, Private

*TORREY PINES STATE RESERVE—Along the northwestern edge of San Diego city limits. Unique and undisturbed biological community supporting endangered bird species. Torrey pine forests occur naturally only here and on Santa Rosa Island, 175 miles to the northwest. High bluffs and sea cliffs are examples of geological processes. (May 1977) Owner: State

San Luis Obispo County

NIPOMO DUNES-POINT SAL COASTAL AREA (extends into Santa Barbara County)—Extends from Pismo Beach south for 17 miles. Contains the largest, relatively undisturbed coastal dune tract in California, supporting both rare and endangered plants and animals and great species diversity. Also contains one of the last remaining tracts of pristine rocky coastline in the South Coast Ranges. (May 1974) Owner: Federal, State, County. Private

San Mateo County

*ANO NUEVO POINT AND ISLAND—20 miles north of Santa Cruz. The only mainland breeding ground for the northern elephant seal in the world; also habitat for Steller sea lions, California sea lions, and harbor seals. The processes of wave cutting, geologic uplift, and sea level fluctuation are well represented along Ano Nuevo Point. (August 1980) Owner: State

Santa Barbara County

NIPOMO DUNES-POINT SAL COASTAL AREA (see *San Diego County*)

Siskiyou County

*MOUNT SHASTA—60 miles north of Redding. One of the world's largest and most impressive stratovolcanoes containing five glaciers and consisting of four distinct but overlapping cones. Second highest of the 15 main volcanoes in the Cascade Range; only Mt. Rainier is higher. (December 1976) Owner: Federal

Tulare County

*PIXLEY VERNAL POOLS—Six miles northeast of Pixley. One group of few remaining natural vernal pools containing certain endemic plant species. Over 26 families and 100 species are represented here. (November 1973) Owner: Private

COLORADO (11)

Clear Creek County

*SUMMIT LAKE—13 miles south-southwest of Idaho Springs. Habitat for a variety of rare alpine-arctic plants, some of which occur only here and at the Arctic Circle. (April 1965) Owner: County, Municipal

Douglas County

*ROXBOROUGH STATE PARK—20 miles southwest of Denver. Excellent example of the tilted and faulted sedimentary strata of the Colorado Front Range environment; contains fine exposures of hogbacks, unusual erosional patterns in Fountain Sandstone, and atypical occurrences of at least two front-range plant communities. (April 1980) Owner: State

El Paso County

*GARDEN OF THE GODS—Ten miles northeast of Pikes Peak. Outstanding illustration of the results of uplifting forces that produced the Front Range of the Rocky Mountains to the west, containing uncommon honey ants, and one of the best Colorado habitats for white-throated swifts, swallows, and canyon wrens. (October 1971) Owner: Municipal

Fremont County

GARDEN PARK FOSSIL AREA—One of the oldest and richest sites containing dinosaur, fish, crocodile, turtle, and mammal fossils in the United States. (November 1973) Owner: Federal

*INDIAN SPRINGS TRACE FOSSIL SITE—Best trace fossil locality in North America for illustrating the markings and movements of ancient animal life. (March 1979) Owner: Private

Hinsdale County

SLUMGULLION EARTHFLOW—Two miles south of Lake City. Seven-hundred-year-old, 1,000-acre landflow composed of volcanic rock which formed a dam that created Lake San Cristobal. A younger landflow, currently active, is moving as much as 20 feet per year along the path of the earlier flow. (October 1985) Owner: Federal, Private

Huerfano County

SPANISH PEAKS (extends into Las Animas County)—25 miles southwest of Walsenburg. One of the best exposed examples of igneous dikes known; dikes are formed when molten igneous material is forced into a fracture or fault before becoming solidified. There may be over 500 such dikes in the area. (January 1976) Owner: Federal, Private

Jefferson County

MORRISON FOSSIL AREA—Just north of Morrison. First major site for the discovery, in 1877, of giant dinosaur fossil bones in North America. The fossils represent nine species, seven of which were newly discovered. (December 1973) Owner: Municipal, Private

Las Animas County

RATON MESA—Ten miles south of Trinidad. Illustration of a mesa preserved by a thick lava cap which has resisted destruction from weathering and erosion. Only significant reference available illustrating the magnitude of erosion involved in developing the land surface of the Great Plains adjacent to the lower foothills of the Rocky Mountains. (April 1967) Owner: Private

SPANISH PEAKS (see *Huerfano County*)

Park County

*LOST CREEK SCENIC AREA—40 miles southwest of Denver. Illustrates structure of land through weathering along joint planes, containing spires, pinnacles, narrow ridges and steep narrow gorges. Lost Creek disappears and reappears at the surface at least nine times. (October 1966) Owner: Federal

Saguache County

RUSSELL LAKES—Ten miles south of Saguache. The most extensive bullrush marsh in Colorado, this area contains a number of shallow, largely alkaline lakes and supports large numbers of flora and fauna. The area is also an outstanding resting and breeding habitat for waterfowl. (May 1975) Owner: Private

CONNECTICUT (6)

Hartford County

*DINOSAUR TRACKWAY—Five miles south of Hartford. One of the largest known exposures of dinosaur tracks on a single bedding plane. From some 1,000 fossilized tracks, at least three types of reptiles have been identified. (April 1968) Owner: State

*McLEAN GAME REFUGE NATURAL AREAS—Four miles north-northwest of Simsbury. Two separate land tracks representing an excellent forest in southern New England, containing evidence of glacial activity and considerable species diversity. (November 1973) Owner: Private

Litchfield County

*BARTHOLOMEW'S COBBLE (extends into Berkshire County, Massachusetts)—One mile west of Ashley Falls, Massachusetts. Greatest natural concentration of ferns in the United States, containing 43 fern species and a remarkable assemblage of carefully documented plants and animals. (October 1971) Owner: Private

*BECKLEY BOG—Two and one-half miles southeast of Norfolk. The most southerly sphagnum-heath-black spruce bog in New England where peat moss underlies the bog up to a maximum depth of 51 feet. (May 1977) Owner: Private

BINGHAM POND BOG—One mile east of the New York State boundary. Extremely rare in Connecticut, an undisturbed cold northern spruce bog which is atypical due to the lack of sphagnum moss as a component of the floating mat on the bog. (May 1973) Owner: Private

*CATHEDRAL PINES—Near the southeast corner of Cornwall in the Berkshire Hills region. An old-growth white pine and hemlock forest which is the most massive single stand identified in the New England-Adirondacks natural region. (May 1982) Owner: Private

Middlesex County

CHESTER CEDAR SWAMP—Two miles west-southwest of Chester. One of the two finest remaining Atlantic white cedar swamps in Connecticut and an outstanding second-growth wooded swampland containing a small elongated pond with its adjacent bogland and some upland forest. (May 1973) Owner: State, Private

New London County

PACHAUG-GREAT MEADOW SWAMP—One and one-half miles northeast of Voluntown. Most extensive Atlantic white cedar swamp in Connecticut, and one of the two best, the area includes the Pachaug River and the Great Meadow Brook. (May 1973) Owner: State, Private

FLORIDA (17)

Alachua County

*DEVIL'S MILLHOPPER—Six miles northwest of Gainesville. An excellent example of karst topography in the Southeast and an important natural and historic site in the Alachua area. The generally dry sink is an example of several ecosystems with many microhabitats and major plant associations which demonstrate vertical zonation. (December 1974) Owner: State

PAYNES PRAIRIE—Southern edge of Gainesville. Largest and most diverse freshwater marsh in northern Florida and a major wintering ground for many species of waterfowl as well as habitat for other wildlife, including two endangered species. A superlative example of prairie formation in a karst area; contains the Alachua Sink, one of Florida's largest and most famous sinks. (December 1974) Owner: State, Private

SAN FELASCO HAMMOCK—The center of the site is nine miles northwest of Gainesville. Largest remaining example of northern Florida's climax forest ecosystem, the upland mesic hammock, containing an extraordinary diversity of botanical resources supporting high quality woodland wildlife habitat. (December 1974) Owner: State, Private

Baker County

*OSCEOLA RESEARCH NATURAL AREA—20 miles northeast of Lake City. Includes an undisturbed mixed hardwood swamp with associated pine flatwoods and cypress swamp. The flatwoods are excellent wildlife habitat, and the presence of virgin cypress is a rare feature. (December 1974) Owner: Federal

Collier County

*BIG CYPRESS BEND—One mile west of State Route 29 on Tamiami Trail (U.S. 41). Includes about 215 acres of undisturbed virgin cypress, sawgrass prairie, and palmetto hammocks. (October 1966) Owner: State

*CORKSCREW SWAMP SANCTUARY—25 miles southeast of Fort Myers. Largest remaining stand of virgin bald cypress in North America, containing a wide variety of flora, including pond cypress, wet prairie and pineland, and sanctuary for a considerable wildlife population. (March 1964) Owner: Private

Columbia County

*ICHETUCKNEE SPRINGS (extends into Suwanee County)—Ichetucknee Springs State Park, 22 miles southwest of Lake City. Illustration of a large artesian spring group and the geologic history of the Floridian aquifer from which Florida's great springs emanate, containing abandoned relict channels ancestral to the present underground solution channels. (October 1971) Owner: State

Jackson County

*FLORIDA CAVERNS NATURAL AREA—Two miles north of Marianna. Unique disjunct relict community from a former temperate hardwood forest which has remained intact and isolated since the end of the Wisconsin glacial period and probably longer. The cave harbors three species of bats, including the Indiana bat, an endangered species, which uses the cave for winter hibernation. (December 1976) Owner: State

Lake County

EMERALDA MARSH (extends into Marion County)—Ten miles northeast of Leesburg. Virtually undisturbed inland freshwater riverine sawgrass marsh supporting several species of waterfowl, and including endangered and threatened species. Also provides an important fishery. (December 1974) Owner: Private

Levy County

*MANATEE SPRINGS—Manatee Springs State Park, 50 miles west-southwest of Gainesville. Ranks about sixth in size among the great artesian springs of Florida in close proximity to karst sinkholes, with proven underground connections with the headspring, and connecting with the Suwanee River. (October 1971) Owner: State

*WACCASASSA BAY STATE PRESERVE—40 miles west of Ocala. Example of northern Florida coastal ecosystem, including transition from mangrove to salt marsh to brackish marsh to freshwater marsh along the Waccasassa River to hardwood hammock forest. Serves as habitat for at least three endangered species. (December 1976) Owner: State

Liberty County

*TORREYA STATE PARK—12 miles north of Bristol along the Apalachicola River. Very significant relict habitat for ancient flora, including stinkingcedar, Florida yew and Croomia, which are descendants of the Arcto-Tertiary Geoflora which existed some 63 million years ago. (December 1976) Owner: State

Marion County

EMERALDA MARSH (see *Lake County*)

*RAINBOW SPRINGS—Four miles north-northeast of Dunnellon. Second of Florida's great artesian springs on the basis of its rate of discharge, and first as a single outlet spring, with glass-bottom cruise boats for observing spring cavities and aquatic life. (October 1971) Owner: Private

*SILVER SPRINGS—Five miles northeast of Ocala. Largest spring group in the United States, with glass-bottom boat rides. (October 1971) Owner: Private

Martin County

*REED WILDERNESS SEASHORE SANCTUARY—Eight miles south of Stuart. Unaltered east coast of Florida seashore, including semitropical plant associations of mangrove swamps, coastal strand and shell mound types, encompassing northern portion of Jupiter Island, and providing increasingly rare nesting site for Atlantic loggerhead turtles. (November 1967) Owner: Federal

Monroe County

*LIGNUMVITAE KEY—One-half mile north of the U.S. 1 causeway near the northern end of Matecumbe Key. One of the highest keys in the Florida Key chain providing a wide range of habitat, from wave-washed exposures of Key Largo limestone to mangrove swamp. Most vegetation is tropical hammock forest, the largest and best example of the type known in the United States. (October 1968) Owner: State

Suwanee County

*ICHETUCKNEE SPRINGS (see *Columbia County*)

Wakulla County

*WAKULLA SPRINGS—15 miles south of Tallahassee. An independent freshwater ecosystem and one of the largest and deepest springs in Florida. Rich in aquatic vegetation, fish, turtles, alligators, and birds, lined with huge cypress trees and a well-developed hardwood hammock containing significant fossil evidence from earlier eras. (October 1966) Owner: Private

GEORGIA (12)

Bartow County

SAG PONDS NATURAL AREA—Five miles southeast of Adairsville. The six ponds illustrate the various stages of ecological succession. Unique for their combination of dissimilar vegetation, containing relict flora persisting from the Pleistocene and significant fossils, evidence of the development of life. (May 1974) Owner: Private

Charlton County

*OKEFENOKEE SWAMP (extends into Clinch and Ware Counties)—Okefenokee National Wildlife Refuge, the center of the site is 28 miles south of Waycross. Largest and most primitive swamp in the country containing a diversity of ecosystems, and a refuge for native flora and fauna including many uncommon, threatened and endangered species. (December 1974) Owner: Federal

Chatham County

*WASSAW ISLAND—14 miles south of Savannah, in the Atlantic Ocean. Only island of Golden Isles with an undisturbed forest cover and one of the few remaining examples of the sea island ecosystem with a high degree of integrity, illustrating the building of the island from the sands of the Coastal Plain, and supporting a wide array of unusual animals. (April 1967) Owner: Federal, Private

Clinch County

*OKEFENOKEE SWAMP (see *Charlton County*)

Columbia County

HEGGIE'S ROCK—17 miles northwest of Augusta. An undisturbed example of the

characteristic plant species, community zonation, and successional stages occurring on well-exposed granitic outcrops. (August 1980) Owner: Private

Effingham County

EBENEZER CREEK SWAMP—The center of the site is 22 miles north-northwest of Savannah. Best remaining cypress-gum swamp forest in the Savannah River Basin illustrating the relationship and interactions between river and creek, and providing spawning grounds for the anadromous striped bass and habitat for the American alligator. (May 1976) Owner: Private

Emanuel County

*CAMP E. F. BOYD NATURAL AREA—Eight miles southwest of Swainsboro. Representative of rapidly disappearing flood plain—upland sand ridge ecosystem of the Coastal Plain and habitat for several rare plants and endangered species (May 1974) Owner: Private

Floyd County

*MARSHALL FOREST—Near Rome. Loblolly pine-shortleaf pine forest believed to have originated following an intense fire at about the time the Cherokee Indians were forcibly removed to Oklahoma. Forest has a ten-acre stand of virgin yellow poplar. (May 1966) Owner: Private

Harris County

*CASON J. CALLAWAY MEMORIAL FOREST—One mile west of Hamilton. Outstanding example of transitional conditions between eastern deciduous and southern coniferous forest types, containing the entire Barnes Creek watershed, an unpolluted stream system. (June 1972) Owner: Private

McIntosh County

*LEWIS ISLAND TRACT—Eight miles west-northwest of Darien. One of the most extensive bottomland hardwood swamps in Georgia, containing stands of virgin bald cypress and associated swamp hardwood species, and supporting uncommon wildlife species. (May 1974) Owner: State

Rockdale County

*PANOLA MOUNTAIN—15 miles southeast of Atlanta. The most natural and undisturbed monadnock of exposed granitic rock in the Piedmont region. The area supports a variety of plant communities. (August 1980) Owner: State

Seminole County

SPOONER SPRINGS—14 miles west of Bainbridge. One of the largest and least disturbed sinkhole wetlands in Georgia, supporting an abundance of American alligators. (May 1974) Owner: Private

Tattnall County

*BIG HAMMOCK NATURAL AREA—Ten miles southwest of Glennville. Contains relatively undisturbed broadleaf evergreen hammock forest and includes rare and endangered species. (May 1976) Owner: State

Ware County

*OKEFENOKEE SWAMP (see *Charlton County*)

GUAM (4)

*FACPI POINT—On the southwestern coast of Guam. Site contains pillow lavas, intersecting dikes, and a massive seastack of black coralline limestone. An illustration of the major episode of volcanism which created Guam Island. (November 1972) Owner: Government of Guam

*FOUHA POINT—On the southwestern coast of Guam, one mile northwest of the village of Umatac. Contains exposures of volcanic rock with a nearby intertidal platform of two levels of coralline limestone. (November 1972) Owner: Government of Guam

*MOUNT LAMLAM—Three miles north-northwest of Umatac. Remnant of a great caldera, it is the third key site on Guam disclosing the major volcanism which created the island. (November 1972) Owner: Government of Guam

*PUNTAN DOS AMANTES—Two miles north of Tumon. Illustrates the limestone deposition and subsequent subterranean erosion phases of Guam's geologic history. The area contains a 370-foot high cliff exposure of massive limestone. (November 1972) Owner: Government of Guam

HAWAII (7)

Island of Hawaii

MAKALAWENA MARSH—Near Kawikahale Point. One of two remaining ponds in Hawaii that support a resident population of the endangered, nonmigratory Hawaiian stilt, nesting site for the Hawaiian coot, and the only known breeding site of the black-crowned night heron on the Island of Hawaii. (June 1972) Owner: Private

MAUNA KEA—25 miles west-northwest of the city of Hilo. Exposed portion of the highest insular mountain in the United States, containing the highest lake in the country and evidence of glaciation above the 11,000-foot level. Most majestic expression of shield volcanism in the Hawaiian Archipelago, if not the world. (November 1972) Owner: State

Island of Maui

IAO VALLEY— West of the city of Wailuku. Valley and volcanic rocks on its enclosing slopes illustrate the major episode of volcanism which created the western portion of the island. Amphitheater shape is due to erosion on the volcanic rocks of a great caldera. (November 1972) Owner: State, Private

*KANAHA POND—One mile west of Kahului Airport. Most important waterbird habitat in Hawaii, and one of the few remaining brackish-water ecosystems providing refuge for both resident and migratory bird populations. (June 1971) Owner: State

Island of Molokai

NORTH SHORE CLIFFS—Between the villages of Halawa and Kalaupapa. Finest exposures of ancient volcanic rocks resulting from the major episode of volcanism creating Molokai, among the most ancient in the Hawaiian Island chain. (November 1972) Owner: State, Private

Island of Oahu

*DIAMOND HEAD—In the city of Honolulu. One of the best exposed and preserved examples of a typical volcanic cone of altered basaltic glass. Shows the bedding structure of the cone and the character of the rock. (February 1968) Owner: Federal, State

KOOLAU RANGE PALI—Three miles south of Kaneohe. The Pali is to the Island of Oahu what the Great Western Divide is to Sequoia National Park. Faulting and stream erosion are among the principal processes which give the cliffs their configuration. (November 1972) Owner: Private

IDAHO (11)

Adams County

*SHEEP ROCK—In Payette National Forest, 35 miles northwest of Council and two miles east of the Snake River. Provides the best view of the horizontally layered lavas that represent successive flows on the Columbia River Basalt Plateau, and an unobstructed view of two contrasting series of volcanic rocks separated by a major unconformity—an important geologic phenomenon. (December 1976) Owner: Federal

Bingham County

HELL'S HALF ACRE LAVA FIELD (extends into Bonneville County)—The center of the site is 20 miles west of Idaho Falls. A complete, young, unweathered, fully exposed pahoehoe lava flow and an outstanding example of pioneer vegetation establishing itself on a lava flow. (January 1976) Owner: Federal, State

Blaine County

*GREAT RIFT SYSTEM (extends into Minidoka and Power Counties)—43 miles northwest of Pocatello. As a tensional fracture in the Earth's crust that may extend to the crust-mantle interface, the Great Rift System is unique in North America and has few counterparts in the world. It also illustrates primary vegetation succession on very young lava flows. (April 1968, August 1980) Owner: Federal

Bonneville County

HELL'S HALF ACRE LAVA FIELD (see *Bingham County*)

Butte County

*BIG SOUTHERN BUTTE—37 miles northwest of Blackfoot. The view from this butte illustrates the scope and dimensions of Quaternary volcanism in the western United States and the largest area of volcanic rocks of young age in the United States. (January 1976) Owner: Federal

Cassia County

CASSIA SILENT CITY OF ROCKS—16 miles southeast of Oakley. Contains monolithic landforms created by exfoliation processes on exposed massive granite plutons, and the best example of bornhardts in the country. (May 1974) Owner: Federal, State, Private

Elmore County

CRATER RINGS—Two adjacent and symmetrical pit craters that are among the few examples of this type of crater in the continental United States. The pit craters, which are volcanic crosbuits in which the lava column rises and falls, were formed by explosions followed by collapse. (April 1980) Owner: Federal

Fremont County

BIG SPRINGS—84 miles northeast of Rexburg. The only first-magnitude spring in the county which issues forth from rhyolitic lava flows. It is the source of the South Fork of the Henrys Fork River. (August 1980) Owner: Federal

Gooding County

NIAGARA SPRINGS—20 miles west of Twin Falls. The least developed of the large springs discharging into the Snake River from the Snake River Plain aquifer system. It is outstandingly illustrative of the enormous volume of water transmitted through this aquifer. (April 1980) Owner: Private

Jefferson County

MENAN BUTTES (extends into Madison County)—Ten miles west of Rexburg. Contains outstanding examples of glass tuff cones, which are found in only a few places in the world. Their large size and unusual composition make them particularly instructive of an unusual aspect of basaltic volcanism. (April 1980) Owner: Federal, Private

Madison County

MENAN BUTTES (see *Jefferson County*)

Shoshone County

HOBO CEDAR GROVE BOTANICAL AREA—12 miles northeast of Clarkia. An outstanding example of pristine western red cedar forest. Two communities are represented: cedar/Oregon boxwood on the uplands and cedar/fern on the lowlands. (April 1980) Owner: Federal

Twin Falls County

HAGERMAN FAUNA SITES—West and southwest of Hagerman. Contains the world's richest known deposits of Upper Pliocene age terrestrial fossils, therefore considered to be of international significance. (May 1975) Owner: Federal, State

ILLINOIS (16)

Alexander County

*HORSESHOE LAKE NATURE PRESERVE—11 miles northwest of Cairo. Contains diverse aquatic and terrestrial flora and fauna and mature stands of bald cypress. The site is on the migration corridor of many waterfowl, as well as being an overwintering site for thousands of Canada geese. (November 1972) Owner: State

Carroll County

*MISSISSIPPI PALISADES—North of Savanna. Topography containing deep V-shaped valleys, caves and sinks, massive cliffs along the Mississippi River, and supporting numerous species of plant and animal life. (November 1972) Owner: State

Cook County

*BUSSE FOREST NATURE PRESERVE—23 miles northwest of Chicago. Situated on the flood plain and morainal uplands along Salt Creek. One of the best remaining examples of mesic and dry-mesic upland forest in the Eastern Central Lowlands. The area has been protected for so long that there is no evidence of past logging throughout most of the site. (February 1980) Owner: County

Jackson County

LITTLE GRAND CANYON AREA—Ten miles west of Carbondale. Exceptional examples of a large box canyon with vertical overhanging walls. Contains a great diversity of ecosystems, including sandstone outcrops and overhangs, ravine slope forest, dry site oak-hickory forest, and hill prairies. The ravine is nationally known as a seasonal haven for a great variety of snakes that hibernate there. (February 1980) Owner: Federal

Johnson County

BUTTONLAND SWAMP (extends into Pulaski County)—32 miles south-southeast of Carbondale. Outstanding remnant of the swampy flood plain forest and open swamp that once covered an extensive area at the junction of the Mississippi and Ohio River valleys. Has many large trees including three trees larger than any on record for the species in the nation. (February 1980) Owner: Private

*HERON POND–LITTLE BLACK SLOUGH NATURAL AREA—25 miles south of Marion. This is the largest remaining cypress-tupelo swamp in Illinois. The site contains a heron rookery and the valley is an outstanding example of alluvial, colluvial, and lacustrine sedimentation within an entrenched meandering valley system. (November 1972, February 1980) Owner: State, Private

Lake County

*ILLINOIS BEACH NATURE PRESERVE—Illinois Beach State Park, three miles north-northeast of Waukegan. An area of beach ridges that supports a great diversity of natural communities, including savanna, sand prairie, wetland, and beach communities. Area supports over 60 species of animals and plants that are threatened or endangered in Illinois. (February 1980) Owner: State

*VOLO BOG NATURE PRESERVE—One and one-half miles north-northwest of Volo. This type of site is rare for Illinois. It contains many unusual or rare plants which are characteristic of the classic northern quaking bog. (November 1972) Owner: State

*WAUCONDA BOG NATURE PRESERVE—On the southern edge of the village of Wauconda. Mature bog that contains the farthest southern extension of bog vegetation in Illinois, representing an unusual biotic community in that region. (November 1972) Owner: State

McLean County

*FUNKS GROVE—11 miles southwest of Bloomington. Rare example of virgin forests once isolated on the prairies of the Midwest, illustrating a transition between oak-hickory association of the region and the western mesophytic association to the east. (May 1974) Owner: State, Private

Piatt County

*ALLERTON NATURAL AREA—23 miles southwest of Champaign. Example of rapidly disappearing Illinois stream valley ecosytem containing relatively undisturbed examples of bottomland and upland forests. (January 1970) Owner: State

Pope County

BELL SMITH SPRINGS—Shawnee National Forest. Fragile area containing some of the best examples of ecosystems typical of sharply dissected sandstone substrates. Also contains fine examples of landforms created by stream erosion and mass wasting. (February 1980) Owner: Federal

LUSK CREEK CANYON—15 miles south of Harrisburg. Excellent example of a gorge-like valley formed by mass wasting and stream erosion in lower Pennsylvanian sandstones. Also contains good examples of two major forest ecosystems; 10 endangered or threatened Illinois plant species occur here. (February 1980) Owner: Federal, State

Pulaski County

BUTTONLAND SWAMP (see *Johnson County*)

Union County

*GIANT CITY GEOLOGICAL AREA—Giant City State Park, 30 miles southwest of Harrisburg. Exceptional example of gravity sliding consisting of massive joint-bounded sandstone blocks of Pennsylvanian Age. Rich flora include xeric oak woods, oak-hickory and mesic forests dominated by sugar maple. (February 1980) Owner: State

*LaRUE–PINE HILLS ECOLOGICAL AREA—Shawnee National Forest. The center of the site is four miles north of Wolf Lake. The area contains one of the finest assemblages of diverse vegetation in the Midwest, representing species of northern, southern, eastern, and western affinities, including 40 species rare in Illinois. (May 1974) Owner: Federal, State, Private

Wabash County

*FOREST OF THE WABASH—Beall Woods Nature Preserve, three miles south of Mount Carmel. Essentially undisturbed upland and bottomland forests lying along the Wabash River. The upland stands are probably the finest remaining oak-hickory forest in this part of the country. (October 1965) Owner: State

INDIANA (28)

Crawford County

*WYANDOTTE CAVE—Harrison-Crawford State Forest, 30 miles west of New Albany. The cave has 23 miles of explored passageways, vertical relief encompassing several levels, huge rooms, gigantic

domepits, rubble breakdown and stalagmites. It is one of the great cave systems within the karst region of the east-central United States. (June 1972) Owner: State

Fayette County

*SHRADER-WEAVER WOODS—Seven miles northwest of Connersville. Outstanding presettlement beech-maple forest containing unusually large trees, such as a 50-inch diameter breast high (d.b.h.) burr oak and a 34-inch d.b.h. black maple. (May 1974) Owner: State

Floyd County

OHIO CORAL REEF (FALLS OF THE OHIO) (extends into Jefferson County, Kentucky—In the Ohio River between Jeffersonville, Indiana, and Louisville, Kentucky. Classic example of a Silurian and Devonian coral community from which nearly 900 nominal species have been founded on specimens collected here. The lower part of Jeffersonville limestone is composed of corals, matrix, and little else. (October 1966) Owner: State

Fountain County

*PORTLAND ARCH NATURE PRESERVE—Seven miles northeast of Covington. Contains massive crossbedded sandstone cliffs and a 7½-foot high natural bridge. Has many plant species unknown elsewhere in the State; some are relicts occurring here due to the unusual climate created by the canyon. (May 1973) Owner: State

Gibson County

HEMMER WOODS—Two miles northeast of Buckskin. Illustrates the transition from lowland to upland forest, containing one of the best mixed lowland stands remaining in Indiana, the largest known specimens of tulip tree in the State, and a great abundance of wildflowers. (November 1973) Owner: State, Private

Harrison County

HARRISON SPRING—Fragile area that has been vandalized in the past and is now closed to the public. Largest spring in Indiana and one of the best examples of alluviated cave springs in the United States due to its location in an abandoned meander loop, and the natural levee around its periphery. (February 1980) Owner: Private

Jefferson County

OFFICERS' WOODS—Seven miles northwest of Madison. One of the finest remnants of beech-maple forest south of the Wisconsin-age glacial boundary in Indiana. Two stands with slightly different composition, one of which contains an exceptionally high density of valuable black gum. (December 1974) Owner: Private

Lagrange County

*TAMARACK BOG NATURE PRESERVE—Pigeon River State Game Preserve, one mile southeast of the town of Mongo. Contains the largest, well-developed tamarack swamp-bog forest in Indiana supporting six distinct vegetation types and more than 34 mammal species. Also supports water birds, amphibians and fishes. (November 1973) Owner: State

Lake County

*HOOSIER PRAIRIE—Two miles southwest of Griffith. Last large tract of prairie near the eastern margin of the "Prairie Peninsula", containing a great diversity of community types. Almost 300 vascular plant species have been identified here. (May 1974) Owner: State

La Porte County

*PINHOOK BOG—Indiana Dunes National Lakeshore, four miles south of Waterford. A living demonstration of the textbook description of ecological succession from pond to woodland, lying within a bowl-shaped depression likely to be a glacial kettle, and surrounded by wooded hills. (October 1965) Owner: Federal

Lawrence County

*DONALDSON CAVE SYSTEM AND WOODS—Spring Mill State Park, five miles east of Mitchell. A tract containing 80 acres of prime virgin forest and a cave system associated with the Indiana karst region, including three separate units which are interconnected by underground passageways. (June 1972, November 1973) Owner: State

Montgomery County

BECKVILLE WOODS—Three miles south of Shannondale. One of the finest near-virgin remnant forests in the Tipton Till Plain of central Indiana, containing a great diversity of tree species due to a pronounced moisture gradient producing different habitats, and a great blue heron rookery. (December 1974) Owner: Private

*PINE HILLS NATURAL AREA—15 miles west-southwest of Crawfordsville. The tract is sharply dissected by deep, stream-carved canyons which have left narrow rock ridges or backbones, probably the most remarkable examples of incised meanders in the eastern United States. Contains a variety of habitats and a number of plant species considered to be Pleistocene relicts. (April 1968) Owner: State

Orange County

*PIONEER MOTHERS' MEMORIAL FOREST—Hoosier National Forest, one mile southeast of Paoli. One of the best examples of an original, undisturbed presettlement forest in Indiana containing the finest examples of forest-grown walnut trees in America. (May 1974) Owner: Federal

*RISE AT ORANGEVILLE—South of West Road in Orangeville. The State's second largest spring and the clearest illustration of subterranean stream resurgence in the famed Lost River karst area. (June 1972) Owner: Private

*TOLLIVER SWALLOWHOLE—Four miles north-northwest of Paoli. Extraordinary example of the disappearing stream aspect of karst topography. An elongated channel with a small opening at the bottom of the west end of the channel that opens into a segment of underground Lost River. (June 1972) Owner: Private

*WESLEY CHAPEL GULF—Two miles southeast of Orangeville. The most significant and spectacular feature of the Lost River Basin, one of the world's great karst areas. Probably the largest sinkhole in Indiana and a classic illustration of a uvala (feature formed by the coalescence of a series of sinkholes). (June 1972) Owner: Private

Owen County

HOOT WOODS—Three miles northwest of Freedom. Relatively undisturbed, isolated beech-maple forest where near climax conditions prevail. (November 1973) Owner: Private

Parke County

*ROCKY HOLLOW-FALLS CANYON NATURE PRESERVE—Turkey Run State Park, nine miles north of Rockville. Forest area containing virgin beech-maple stands, several steep sandstone gorges that harbor virgin boreal relict populations of eastern hemlock and Canada yew and some of the largest black walnut in the Midwest. (December 1974) Owner: State

Porter County

*COWLES BOG—Indiana Dunes National Lakeshore, 10 miles west of Michigan City. Illustrates marsh and bog, as well as transition to swamp and includes flora common to these habitats. (October 1965) Owner: Federal

*DUNES NATURE PRESERVE—Indiana Dunes State Park, along the the southeastern shore of Lake Michigan between Dune Acres and Beverly Shores. The best remaining example of undeveloped and relatively unspoiled dune landscape along the southern shore of Lake Michigan, a portion of which is known as the "Birthplace of American Ecology". Also contains Ancient Pines Nature Area, a prehistoric forest now exposed by dune blowouts. (December 1974) Owner: State

Putnam County

BIG WALNUT CREEK—35 miles west of Indianapolis. A branch of the Eel river formed as a result of glacial melt and postglacial water erosion, site contains one of the few stands in the State where beech, sugar maple and tulip poplar grow on alluvial Genesee soil. Includes relict species of a postglacial forest which occupied the area 5,000 to 6,000 years ago. (April 1968) Owner: State, Private

*FERN CLIFF—Seven miles southwest of Greencastle. Contains exceptional occurrences of mosses and liverworts including a noteworthy number of rare species. One of the best sites for bryophytes in the Central States. (February 1980) Owner: Private

Randolph County

CABIN CREEK RAISED BOG—14 miles east-southeast of Muncie. A fen (alkaline bog) elevated some 10 feet above the general flood plain level of Cabin Creek, supporting very rich flora, including many species at

or near their range limits. (December 1974) Owner: Private

*DAVIS-PURDUE AGRICULTURAL CENTER FOREST—13 miles northeast of Muncie. Best old-growth oak-hickory forest on the Tipton Till Plain and possibly one of the finest such forests in the eastern United States containing exceptionally large individuals of several tree species. (December 1974) Owner: State

Shelby County

*MELTZER WOODS—Two miles southwest of Blue Ridge. A presettlement forest now in dynamic equilibrium containing a juxtaposition of two contrasting forest types (beech-maple and lowland mixed forests) and exceptionally large individuals of several tree species. (November 1973) Owner: Private

Spencer County

*KRAMER WOODS—One and one-half miles southwest of Patronville. This area is the only example of Shumard's red oak-pin oak-hickory dominated stand of lowland mixed forest of any size in Indiana. (November 1973) Owner: Private

Vanderburgh County

*WESSELMAN PARK WOODS—Within the city limits of Evansville. Presettlement lowland mixed forest with the highest basal area per acre of any known stand in Indiana, dominated by sweet gum-tulip tree. (November 1973) Owner: Municipal

IOWA (5)

Clay County

*DEWEY PASTURE AND SMITH'S SLOUGH (extends into Palo Alto County)—Four miles north-northwest of Ruthven. Section of pothole lakes created during the last glacial epoch, containing considerable habitat diversity including wetlands, tallgrass prairie, and woodland supporting significant waterfowl population. (May 1975) Owner: State

Dickinson County

*CAYLER PRAIRIE—Five miles west of West Okoboji. An example of increasingly rare virgin prairie grassland; a unique outdoor laboratory. (October 1965) Owner: State

Dubuque County

*WHITE PINE HOLLOW PRESERVE—20 miles northwest of Dubuque. Only known remaining white pine tract in Iowa. (November 1967) Owner: State

Hamilton County

ANDERSON GOOSE LAKE—One mile east of Jewell. One of few essentially natural glacial pothole lakes remaining in the State, and important waterfowl habitat. (May 1975) Owner: Private

Howard County

*HAYDEN PRAIRIE—12 miles northwest of Cresco. A true prairie remnant where Iowa State University conducted research showing that true prairie declines when the quantity of litter exceeds annual herbage yield. Occasional burning or mowing corrects this, and gives minor plants an opportunity for establishment. (October 1965) Owner: State

Palo Alto County

*DEWEY PASTURE AND SMITH'S SLOUGH (see *Clay County*)

KANSAS (5)

Clark County

*BIG BASIN PRESERVE—13 miles west-northwest of Ashland. Excellent example of collapse feature formed by groundwater geological processes, and bluestem-grama prairie which is intensively grazed elsewhere in the central Great Plains. (March 1979) Owner: State

Douglas County

*BAKER UNIVERSITY WETLANDS—Three miles south of Lawrence. Undisturbed examples of wetland prairie, and breeding ground for pintails, mallards and Canada geese. (June 1969) Owner: Private

BALDWIN WOODS—11 miles south of Lawrence. A unique remnant oak-hickory stand approaching climax condition, located at the western edge of the eastern deciduous forest. (November 1980) Owner: Private

Gove County

*MONUMENT ROCKS NATURAL AREA—23 miles south of Oakley. This area includes pinnacles, small buttes, and spires of chalk of the Niobrara formation, erosional remnants of sediments deposited in the ancient Kansas sea of Cretaceous time, and is a rich source of fossils of Cretaceous marine animals. (October 1968) Owner: Private

Ottawa County

*ROCK CITY—Two and one-half miles southwest of Minneapolis. A unique cluster of about 200 great spherical sandstone concretions occurring in the midst of rolling farmland. (January 1976) Owner: Private

KENTUCKY (4)

Henderson County

HENDERSON SLOUGHS (extends into Union County)—Four miles northeast of Uniontown. One of the largest wetlands remaining in the State and an important habitat for waterfowl and other wildlife. Also the "home" of John James Audubon. (May 1974) Owner: Federal, State

Jefferson County

OHIO CORAL REEF (FALLS OF THE OHIO)—(see INDIANA)

Laurel County

*ROCK CREEK RESEARCH NATURAL AREA—Daniel Boone National Forest, two miles west of Baldrock. One of the few virgin hemlock-hardwood forests remaining in the State. (May 1975) Owner: Federal

Letcher County

*LILLEY CORNETT WOODS—25 miles southeast of Hazard. Probably the only surviving virgin tract of any size in the Cumberland Mountains section of the mixed mesophytic forest, which is characterized by a great variety of tree species. (June 1971) Owner: State

Menifee County

RED RIVER GORGE (extends into Powell and Wolfe Counties)—Daniel Boone National Forest, 50 miles east-southeast of Lexington. Contains examples of geological formations, including 41 natural bridges, and supports an extremely diverse flora, including endemic, rare and relict species. (January 1976) Owner: Federal, Private

Powell County

RED RIVER GORGE (see *Menifee County*)

Union County

HENDERSON SLOUGHS (see *Henderson County*)

Wolfe County

RED RIVER GORGE (see *Menifee County*)

MAINE (13)

Aroostook County

CRYSTAL BOG—Four miles southeast of Patten. One of the largest and most outstanding untouched sphagnum bogs in the State, containing stands of tamarack, black spruce and hemlock. (May 1973) Owner: Private

Cumberland County

*NEW GLOUCESTER BLACK GUM STAND—Two miles southwest of Upper Gloucester. Rare and outstanding small remnant of essentially virgin black gum-dominated swamp forest, near the northernmost limit for this species. (May 1975) Owner: Private

Franklin County

BIGELOW MOUNTAIN (extends into Somerset County)—The center of the site is six miles east of Stratton. One of the best and most representative alpine vegetation zones among lower elevation New England Mountains. (May 1975) Owner: State

Kennebec County

*COLBY-MARSTON PRESERVE—Two miles north of Belgrade. Classic example of a northern sphagnum bog with distinct and well-defined vegetation zonation. A kettle hole bog surrounded by hemlock—white pine and northern hardwood forests. (May 1973) Owner: Private

PENNY POND—JOE POND COMPLEX—Two and one-half miles south of Belgrade. Relatively untouched wetland area in a glacial outwash plain, containing a number of vegetative communities. (May 1973) Owner: Private

Lincoln County

MONHEGAN ISLAND—Ten miles south of Port Clyde, in the Atlantic Ocean. The northern half of the island is covered with dense, almost pure, red spruce forest. The island is located on the Atlantic flyway and supports a variety of bird species. (April 1966) Owner: Private

Penobscot County

*ORONO BOG—Six miles southwest of Old Town. An outstanding example of a northern sphagnum bog, and one of the

best natural orchid areas in Maine. (May 1973) Owner: Private

PASSADUMKEAG MARSH AND BOGLANDS—Two miles east of Passadumkeag. Passadumkeag Esker, or Enfield Horseback, a classic illustration of an esker, and one of the largest and finest unspoiled wetlands in the State. (May 1973) Owner: Municipal, Private.

Piscataquis County

*GULF HAGAS—14 miles east of Greenville. Significant illustration of the geological formation of a steep-walled, youthful gorge cut by a wild river through folded and tilted slates and siltstones, containing an excellent spruce-fir forest on the walls of the gorge. (April 1968) Owner: Private

*MOUNT KATAHDIN—Baxter State Park, 30 miles north of Millinocket. Outstanding example of glacial-geological features, such as kames, eskers, drumlins, kettleholes and moraines, containing virgin forests and alpine-tundra ecosystems surrounding unaltered lakes and streams. (November 1967) Owner: State

*THE HERMITAGE—Six miles northwest of Katahdin Iron Works. One of the very few undisturbed old-growth white pine stands left in all of New England. Also contains hemlock and northern hardwood stands. (May 1977) Owner: Private

Somerset County

BIGELOW MOUNTAIN (see *Franklin County*)

Washington County

*CARRYING PLACE COVE BOG—One and one-half miles south of South Lubec. One of the finest examples of coastal raised plateau bogs, of which there are only six undisturbed, fully featured examples in the nation. Also a fine example of a tombollo (tied island) eroded by the sea and encroached upon by a tidal beach. (April 1980) Owner: State

MEDDYBEMPS HEATH—Three miles west of Meddybemps. Outstanding example of a large, undisturbed northern bog, interspersed with small wooded islands. Area contains two major streams surrounded by vast, high heath shrub vegetation, and ringed with stands of black spruce and larch. (May 1973) Owner: Private

MARYLAND (6)

Baltimore County

*LONG GREEN CREEK AND SWEATHOUSE BRANCH—Gunpowder Falls State Park, two miles north of Perry Hall. Mature beech-tulip poplar-white oak forest representative of the climax mesic forest type in the region, containing an outstandingly rich herbaceous flora. (May 1977) Owner: State

Calvert County

*BATTLE CREEK CYPRESS SWAMP—On State Route 506, between Bowens and Port Republic. One of the most northerly cypress swamps in the country, containing a wide range of plant and animal life. (April 1965) Owner: Private

Cecil County

GILPIN'S FALLS—Seven miles northwest of Elkton. The area exposes a spectacular sequence of early Paleozoic rocks and probably the best outcrop of undeformed early paleozoic metavolcanic pillow basalts in the Middle Atlantic States. It is also a prime example of a Fall Zone stream. (August 1980) Owner: Private

Frederick County

*SUGAR LOAF MOUNTAIN—16 miles south of Frederick. Solutions to problems about age and structural relationships of rocks of the Piedmont Province are found here. Appears to be either an outlier to the east of the main mass of Catoctin Mountain or a root remnant of the ancient Appalachia land mass. (June 1969) Owner: Private

Garrett County

*CRANESVILLE SWAMP NATURE SANCTUARY (extends into Preston County, West Virginia)—Nine miles north of Terra Alta, West Virginia. Occupies a natural bowl where cool, moist conditions are conducive to plant and animal communities of more common northern locations. (October 1964) Owner: Private

Prince Georges County

BELT WOODS—15 miles east of Washington, D.C. One of few remaining old-growth upland forests in the Atlantic Coastal Plain physiographic province. An example of upland hardwood forest dominated by tulip poplar and white oak, supporting a dense and diverse bird population. (December 1974) Owner: Private

MASSACHUSETTS (9)

Berkshire County

*BARTHOLOMEW'S COBBLE—(see CONNECTICUT)

COLD RIVER VIRGIN FOREST—Mohawk Trail State Forest, nine miles southeast of North Adams. Probably the only virgin hemlock-northern hardwood forest in New England with the hemlocks and sugar maples exceeding 400 years in age. (April 1980) Owner: State

Bristol County

*ACHUSHNET CEDAR SWAMP—Northwestern edge of New Bedford. One of the State's largest, wildest and most impenetrable swamps, and an outstanding example of the diversity of conditions and species in the glaciated section of the oak-chestnut forest type. (June 1972) Owner: State

Dukes County

*GAY HEAD CLIFFS—On the western tip of Martha's Vineyard. An unusual cross section of Raritan and Magothy sediments of Cretaceous age and fossil-bearing sands of Miocene and either Pliocene or Pleistocene ages that rise as much as 150 feet above sea level, resting on the continental shelf and detached from the mainland. (October 1965) Owner: Municipal

Essex County

LYNNFIELD MARSH (extends into Middlesex County)—Between Wakefield and South Lynnfield. The area preserves the habitat requirements of many bird species and serves as breeding ground for the king rail and least bittern, rare species in the region. (June 1972) Owner: Municipal, Private

Franklin County

*HAWLEY BOG—One mile northwest of Hawley. Unspoiled cold northern boreal sphagnum-heath bog occupying an old shallow glacial lake basin which demonstrates bog succession from the central open water pond to the surrounding spruce-fir forest. (May 1974) Owner: State

Hampden County

*FANNIE STEBBINS REFUGE—Five miles south of Springfield. The area contains the only sizeable example of Connecticut River flood plain under preservation, exhibiting many successional stages including upland and flood plain forest, swamp, marsh, ponds, and meadows. (June 1972) Owner: Municipal, Private

Middlesex County

LYNNFIELD MARSH (see *Essex County*)

Nantucket County

MUSKEGET ISLAND—Five miles northwest of Nantucket Island. The only known locality where the Muskeget vole is found, and southernmost station where the grey seal breeds. The area supports an enormous nesting population of herring gulls and black-backed gulls. (April 1980) Owner: Municipal, Private

Plymouth County

NORTH AND SOUTH RIVERS—Centered about 20 miles southeast of Boston. Classic examples of drowned rivermouth estuaries, supporting at least 45 species of fish and many species of birds. The site contains salt marsh, brackish marsh and freshwater marsh areas. (May 1977) Owner: State, Municipal, Private

Worcester County

POUTWATER POND—North of Holden. An undisturbed sphagnum-heath bog in southern New England, illustrating ecological succession from open water in a glacial depression to upland forest. (June 1972) Owner: Private

MICHIGAN (11)

Bay County

*TOBICO MARSH—Tobico Marsh State Game Area, seven miles north of Bay City. Relatively undisturbed area with three distinct habitats: a wide expanse of open water, marshland, and a mixed hardwood forest used by large numbers of migrating waterfowl. (January 1976) Owner: State

Berrien County

GRAND MERE LAKES—Two miles southwest of Stevensville, the site contains four low areas created during the evolution of postglacial ancestors of Lake Michigan, providing a unique ecological area documenting the evolution of aquatic to terrestrial communities, surrounded by a buffer zone of dunes, and containing many

rare relict species. (April 1966) Owner: State, Private

WARREN WOODS NATURAL AREA—Three miles north of Three Oaks. Last known stand of virgin beech-maple forest in southern Michigan containing outstanding individual specimens of sycamore, beech, maple and other northern hardwoods. (November 1967) Owner: Private, leased to State

Cass County

*NEWTON WOODS—28 miles southwest of Kalamazoo. One of the last remaining old-growth oak-mixed hardwood stands on Michigan's lower peninsula. (January 1976) Owner: State

Ingham County

*TOUMEY WOODLOT—On the Michigan State University campus in East Lansing. An extremely rare example of a virgin stand of beech-maple forest serving as an important source for ecological research. (January 1976) Owner: State

Jackson County

*BLACK SPRUCE BOG NATURAL AREA—Ten miles northeast of Jackson. Boreal bog forest illustrating the last stage of succession in the sphagnum bog ecosystem, containing an excellent stand of black spruce. (December 1976) Owner: State

Marquette County

*DUKES RESEARCH NATURAL AREA—Upper Peninsula Experimental Forest, 17 miles southeast of Marquette. Undisturbed white cedar and mixed conifer swamp containing old-growth hardwood stands. (May 1974) Owner: Federal

Missaukee County

*DEAD STREAM SWAMP (extends into Roscommon County)—Houghton Lake State Forest, 30 miles northeast of Cadillac. A large example of a northern white cedar swamp considered to be the climax in bog forest development. (January 1976) Owner: State

Oakland County

*HAVEN HILL STATE NATURAL AREA—Highland State Recreation Area, 14 miles west of Pontiac. This area contains all of southern Michigan's principal forest types in one small tract, supporting 17 mammal and over 100 bird species. (January 1976) Owner: State

Roscommon County

*DEAD STREAM SWAMP (see *Missaukee County*)

ROSCOMMON VIRGIN PINE STAND—Ten miles east of Roscommon. A State natural area containing one of the best old-growth red-pine stands in the Superior Upland natural region, with evidence of fires in 1796, 1886, and 1928. (November 1980) Owner: State

Schoolcraft County

*STRANGMOOR BOG—Seney National Wildlife Refuge, southwest of Seney. One of the most southern, undisturbed, patterned or stringed bogs in the country, resulting from the underlying arrangement of sand knolls or extinct dunes on a sloping sand plain. (November 1973) Owner: Federal

MINNESOTA (8)

Anoka County

*CEDAR CREEK NATURAL HISTORY AREA—ALLISON SAVANNA (extends into Isanti County)—30 miles north of Minneapolis. Relatively undisturbed ecological area where three biomes meet (tall grass prairie, eastern deciduous forest and boreal coniferous forest), supporting 61 species of mammals and 183 species of birds. A nationally and internationally famous research center. (May 1975, February 1980) Owner: State, Private

Beltrami County

UPPER RED LAKE PEATLAND—The center of the site is 15 miles northwest of Waskish. One of the largest peatlands remaining in the conterminous United States illustrating a variety of geological features and plant associations, especially the dominant and rare string bog, and an outstanding habitat for wildlife including endangered species. (May 1975) Owner: Federal, State, Private, Indian trust (Red Lake Tribe

Big Stone County

*ANCIENT RIVER WARREN CHANNEL (extends into Traverse County, Minnesota and Roberts County, South Dakota) near Browns Valley. A channel cut by the Ancient River Warren during the Ice Age, containing the Hudson Bay-Gulf of Mexico divide with a lake on each side as evidence of the irregularities in Ice Age sedimentation. (April 1966) Owner: State, Private

Cass County

*PINE POINT RESEARCH NATURAL AREA—Chippewa National Forest, 20 miles southeast of Bemidji. Contains undisturbed stands of red pine and mixed pine that have been protected for over 70 years, as well as bald eagle and osprey nests. (February 1980) Owner: Federal

Clearwater County

*ITASCA NATURAL AREA—Itasca State Park, 30 miles southwest of Bemidji, the area contains some of the finest remaining stands of virgin red pine, spruce-balsam, and maple-basswood-aspen forest, supporting 141 bird and 53 mammal species, including bald eagles. (November 1965) Owner: State

Isanti County

*CEDAR CREEK NATURAL HISTORY AREA—ALLISON SAVANNA (see *Anoka County*)

Koochiching County

*LAKE AGASSIZ PEATLANDS NATURAL AREA—30 miles south of International Falls, an example of the extensive peatlands occupying the bed of ancient glacial Lake Aggassiz, illustrating the process of peat accumulation over about 11,000 years. The area contains Myrtle Lake Bog, which developed contrary to the usual successional process of lake filling, and is an excellent example of both raised and string bogs. (November 1965) Owner: State

Lake County

KEELEY CREEK NATURAL AREA—Superior National Forest, 12 miles southeast of Ely. The area contains a large tract of undisturbed mixed pine and black spruce forests with rare mature jackpine stands and significant upland bogs. (February 1980) Owner: Federal

St. Louis County

LAC LA CROIX RESEARCH NATURAL AREA—Boundary Waters Canoe Area, 24 miles northwest of Ely. This area consists of old-growth virgin pine forests, and contains most of the physiographic and ecological features characteristic of the Boundary Waters region. (February 1980) Owner: Federal

Traverse County

*ANCIENT RIVER WARREN CHANNEL (see *Big Stone County*)

MISSISSIPPI (5)

Calhoun County

*CHESTNUT OAK DISJUNCT—10 miles north of Bruce. An isolated chestnut oak stand well removed from its normal range, surrounded by loblolly pine forest. (October 1966) Owner: Private

Madison County

*MISSISSIPPI PETRIFIED FOREST—17 miles north of Jackson. A relatively undisturbed accumulation of ancient fir and maple driftwood which was buried in Teritary sands and subsequently covered with loess. Surface water has eroded gullies and exposed the logs. (October 1965) Owner: Private

Scott County

*BIENVILLE PINES SCENIC AREA—Bienville National Forest, south of the town of Forest. One of the largest, protected old-growth loblolly pine stands in the region. (May 1976) Owner: Federal

*HARRELL PRAIRIE HILL—Bienville National Forest, two miles southeast of the town of Forest. Tall grass prairie that is one of the last and most representative remnants of the Jackson Prairie, a disjunct of the Black Belt region in Mississippi and Alabama. (May 1976) Owner: Federal

Sharkey County

*GREEN ASH-OVERCUP OAK-SWEETGUM RESEARCH NATURAL AREAS—Delta National Forest, three noncontiguous tracts that are 18 miles west-northwest of Yazoo City. Contains three very rare remnants of virgin bottomland hardwood forest remaining in the Mississippi River delta region. Some of the oldest sweetgum stands are 250 to 300 years old. (May 1976) Owner: Federal

MISSOURI (14)

Barton County

*GOLDEN PRAIRIE—16 miles northeast of Carthage. Example of an essentially virgin tall grass prairie ecosystem providing habitat for many species of flora and fauna, including a large population of greater prairie chicken. (May 1975) Owner: Private

Callaway County

*TUCKER PRAIRIE—Seven miles north-northwest of Fulton. Virgin tall grass prairie occurring within the transition zone between the oak-hickory forest and typical tall grass prairie. (May 1975) Owner: Private

Camden County

CARROLL CAVE—Dendritic system of subsurface karst streams and tributaries. A dangerous cave which must not be visited without owner permission. (May 1977) Owner: Private

Clay County

*MAPLE WOODS NATURAL AREA—A nearly virgin sugar maple and mockernut hickory forest; the combination of these two forest species is rare in the region. (April 1980) Owner: State

Crawford County

*ONONDAGA CAVE—Five miles southeast of Leasburg. The cave contains an unusually large and varied number of speleothems and a ponded stream with a mean flow of about a million gallons per day. (April 1980) Owner: Private

Marion County

*MARK TWAIN AND CAMERON CAVES—Two miles southeast of Hannibal. Two caves on either side of a small valley, Cave Hollow, which are exceptionally good examples of the maze type of cavern development. (June 1972) Owner: Private

Oregon County

GREER SPRING—52 miles west of Poplar Bluff. The second largest spring in the Ozarks which discharges into a high quality, cascading stream. A very diverse forest surrounds the spring and river. (April 1980) Owner: Private

Phelps County

*MARAMEC SPRING—Maramec Spring Park, 8 miles southeast of St. James. One of the large springs in the Missouri Ozarks, and a source of water power from 1826 to 1877 for an ironworks, the ruins of which are still visible. (October 1971) Owner: Private

Ripley County

*CUPOLA POND—Mark Twain National Forest, 12 miles south-southeast of Fremont. One of the most ancient sinkhole ponds in the Ozark Plateaus, containing a nearly pure stand of disjunct water tupelo and very rare yellow-fringed orchids. (December 1974) Owner: Federal

St. Clair County

*TABERVILLE PRAIRIE—Two and one-half miles north of Taberville. One of the largest remaining virgin tall grass prairies containing typical prairie flora and fauna. (May 1975) Owner: State

Ste. Genevieve County

PICKLE SPRINGS—Seven miles east of Farmington. A deep, forested gorge containing one of the finest Pleistocene relict habitats in Missouri, supporting numerous relict herbaceous plant species including one rare moss of tropical affinity and several plant species characteristic of the Applachian Mountains. (May 1975) Owner: Private

Stone County

*MARVEL CAVE—50 miles south of Springfield. Dome-shaped sinkhole entrance and giant domepits below including one of the great dripstone units of all Ozark caves. (June 1972) Owner: Private

Taney County

*TUMBLING CREEK CAVE—A large, varied cave that contains the most diverse fauna known for any cave west of the Mississippi River, including a large colony of the endangered grey bat. This is a fragile cave that can be critically damaged by unsupervised visitation. (April 1980) Owner: Private

Warren County

WEGENER WOODS—One-quarter mile north of Holstein. Rare, essentially virgin oak-hickory-dominated forest in a condition of gradual change to a sugar maple-dominated forest, offering an opportunity to study the composition and dynamics of the presettlement condition of the eastern deciduous forest. (May 1975) Owner: Private

MONTANA (10)

Beaverhead County

*RED ROCK LAKES NATIONAL WILDLIFE REFUGE—Two miles north of Lakeview. Relatively undisturbed, high-altitude ecosystem types representative of presettlement conditions, including wetlands supporting waterfowl and several uncommon species. Instrumental in the survival of the trumpeter swan. (May 1976) Owner: Federal

Big Horn County

CLOVERLY FORMATION SITE—The area contains early Cretaceous vertebrate fossils. (November 1973) Owner: Indian Trust (Crow Tribe), Private

Carbon County

BRIDGER FOSSIL AREA—This site contains fossils of *deinonychus antirrhopus*, a new genus and species of carnivorous dinosaur which was only about 3 feet tall and 8 feet in length. (November 1973) Owner: Federal

Carter County

*CAPITOL ROCK—30 miles southeast of Ekalaka. Remnant of the once continuous blanket of Tertiary deposits that covered much of the Great Plains. Late Cretaceous, Paleocene, Oligocene, and Miocene strata are well displayed. (December 1976) Owner: Federal

Chouteau County

SQUARE BUTTE—49 miles east of Great Falls. An igneous rock intrusion between sedimentary beds (laccolith) which provides one of the best examples of banded magmatic rock in the United States, with a clear distinction between dark and light fractions. The butte's flat crest supports relatively natural grassland communities. (August 1980) Owner: Federal, Private

Gallatin County

MIDDLE FORK CANYON—30 miles north of Bozeman. The area illustrates rocks deformed by crustal movements that created the Rocky Mountains, and includes an outstanding example of a canyon cut across the grain of the geologic structure by a superposed stream. (May 1977) Owner: Federal, Private

Garfield County

HELL CREEK FOSSIL AREA—near Jordan. Fossils representative of large dinosaurs, including *Tyrannosaurus rex, Ankylosaurus magniventris, Brachychampsa fontana* (oldest known true alligator), and *Triceratops prorsus* (a horned dinosaur). (October 1966) Owner: Federal, Private

McCone County

BUG CREEK FOSSIL AREA—east-northeast of Hell Creek Fossil Area. The site contains small mammal fossils. Taken together with the Hell Creek Fossil Area, the two sites span the decline of dinosaurs and beginning of mammalian dominance. (May 1966) Owner: Federal

Sanders County

GLACIAL LAKE MISSOULA—12 miles north of Perma. This was the largest of several lakes impounded by the Cordilleran Ice Sheet during the Quaternary period containing flood ripples 15 to 50 feet high, 100 to 250 feet broad, and from 100 yards to one-half mile long. (May 1966) Owner: Private

Sheridan County

MEDICINE LAKE SITE—20 miles north of Culbertson. An exceptional example of the processes of continental glaciation, including till, outwash, eskers, kames, and terrace deposits. A variety of grassland plant and animal species is found here. (August 1980) Owner: Federal

NEBRASKA (2)

Cherry County

*VALENTINE NATIONAL WILDLIFE REFUGE—25 miles south of Valentine. One of the few remaining examples of the sandhill tall grass prairie ecosystem unique to the central Great Plains. It provides habitat for many rare species. (January 1976) Owner: Federal

Sarpy County

*FONTENELLE FOREST—One mile south of Omaha. The largest remaining stand of virgin forest in the State, also containing high bluffs, river flood plain of the Missouri

River and 20 acres of true prairie. (March 1984) Owner: Private

NEVADA (6)

Clark County

*VALLEY OF FIRE—35 miles northeast of Las Vegas. An outstanding example of overthrusting, a great fold has been exposed through erosion processes creating huge rock formations, deep canyons, and a great variety of colors. The area supports gila monsters in the northern extreme of their range. (April 1968) Owner: State

Elko County

RUBY MARSH (extends into White Pine County)—Ruby Lake National Wildlife Refuge, 50 miles south-southeast of Elko. One of the largest and finest natural wetlands in the State, and a stopover and nesting area for many migratory birds, including the greater sandhill crane and trumpeter swan. (November 1972) Owner: Federal

Nye County

*HOT CREEK SPRINGS AND MARSH—35 miles south of Lund. The White River springfish, a relict species, is found in large numbers here. The area is outstanding both as spring and wetland area. (November 1972) Owner: State

*ICHTHYOSAUR SITE—Within Berlin-Ichthyosaur State Park, 20 miles east of Gabbs. The only known site containing fossil remains of 37 of the largest form of ichthyosaur, some up to 45 feet in length. (May 1973) Owner: Federal

LUNAR CRATER—70 miles east-northeast of Tonopah. A 400-acre depression that is thought to have been formed by a past volcanic explosion, and one of two maars in the volcanic field of Pancake Range. (May 1973) Owner: Federal

TIMBER MOUNTAIN CALDERA—Nellis Air Force Gunnery Range and Nevada Test Site. A restricted area containing a remnant of an elliptical caldera developed in the late Miocene and early Pliocene, it covers 8 to 10 miles and is surrounded by a moat-like depression extending to the rim of an older caldera. (May 1973) Owner: Federal

White Pine County

RUBY MARSH (see *Elko County*)

NEW HAMPSHIRE (9)

Carroll County

*HEATH POND BOD—Two miles northeast of Center Ossipee. A prime, unspoiled example of bog succession from open water to sphagnum-heath-black spruce bog. (June 1972) Owner: State

*MADISON BOULDER—Three miles north of Madison. A rectangular granite boulder 83 feet long, 37 feet wide and 23 feet high. The largest known glacial erratic in North America. (January 1970) Owner: State

WHITE LAKE PITCH PINE—Seven miles northeast of Center Ossipee. A mature, undisturbed pitch pine and bear-oak forest which is becoming rare in the Northeast. (April 1980) Owner: State

Cheshire County

*RHODODENDRON NATURAL AREA—13 miles south of Keene. A portion of Rhododendron State Park in the New England-Adirondacks natural region, this is the largest and most viable stand of rhododendron known at the northern extension of the species' range. (May 1982) Owner: State

Coos County

EAST INLET NATURAL AREA—Northeast of the Second Connecticut Lake, 50 miles north of Berlin. Virgin spruce-fir forest and spruce-tamarack bog in one unit. Excellent for study of edaphic influences on environment. (June 1972) Owner: Private

*FLOATING ISLAND—Two and one-half miles east-northeast of Erroll. Superb ecological community illustrating characteristics of a bog, pond, and river complex. Last potential habitat in New Hampshire for two endangered species—osprey and bald eagle. (June 1972) Owner: Private

*PONDICHERRY WILDLIFE REFUGE—Two miles northeast of Whitefield Airport in Jefferson. A relatively stable bog-forest supporting an unusual variety of birdlife. (June 1972) Owner: State, Private

Grafton County

*FRANCONIA NOTCH—16 miles south of Littleton. A deep gorge formed by glacial movement, including landslide scars, talus slopes and stream-cut gorges. (June 1971) Owner: State

Strafford County

SPRUCE HOLE BOG—Two miles west-southwest of Durham. A complete ecological community occupying a true kettle hole, the last of six similar sites; five have been destroyed. (June 1972) Owner: Municipal

NEW JERSEY (10)

Cape May County

*STONE HARBOR BIRD SANCTUARY—In the southern end of Stone Harbor. The site is used exclusively as a sanctuary for birds and is probably the greatest single influence increasing the heron populations in New Jersey. (October 1965) Owner: Private

Essex County

RIKER HILL FOSSIL SITE—In Roseland. One of the only two known localities of major size along the Northeastern coast where large numbers of various kinds of dinosaurian footprints can be preserved *in situ*. (June 1971) Owner: County

Middlesex County

PIGEON SWAMP—About six miles south of New Brunswick, this 1,250-acre landmark contains a complex of habitats from open ponds to upland hardwood forest. It is significant because it contains a sizeable example of mature inner coastal plain lowland hardwood forest. (December 1976) Owner: State, Private

Morris County

*GREAT SWAMP—Great Swamp National Wildlife Refuge, seven miles south of Morristown. Great Swamp is a unique blend of unspoiled forest, swamp, and marshland with many kinds of wildlife. (May 1966) Owner: Federal

TROY MEADOWS—One-half mile from Troy Hills. The area contains the last unpolluted freshwater marsh of any size in this region. It is an important habitat for a variety of birds and animals. (November 1967) Owner: State, Private

Ocean County

*MANAHAWKIN BOTTOMLAND HARDWOOD FOREST—Manahawkin Fish and Wildlife Management Area, two miles southeast of Manahawkin. This site contains a mature bottomland hardwood forest dominated by sweetgum, red maple and black gum. It is one of the finest remaining examples of bottomland hardwood forests in the northern Atlantic Coastal Plain region. (January 1976) Owner: State

Passaic County

*GREAT FALLS OF PATERSON—In city of Paterson. The site is a unique illustration of a series of geological events and processes which influenced the present day landforms over a large area of north-central New Jersey. (April 1967) Owner: Municipal

Somerset County

*WILLIAM L. HUTCHESON MEMORIAL FOREST—Six miles west of New Brunswick. The site contains a virgin mixed oak upland forest dominated by white, red, and black oaks. It is probably the best example of an old-growth mixed forest in New Jersey. (December 1976) Owner: State

*MOGGY HOLLOW NATURAL AREA—Two miles east of Far Hills. A 90-foot gorge which formerly was the outlet for ancient glacial Lake Passaic. The area is a superlative illustration of a phase of Ice Age glaciation. (January 1970) Owner: Private

Warren County

*SUNFISH POND—Three miles northeast of the Delaware Water Gap. A spring-fed mountain lake surrounded by a hardwood forest. It is an outstanding illustration of glacial sculpture. (January 1970) Owner: State

NEW MEXICO (12)

Chaves County

BITTER LAKE GROUP—Nine miles northeast of Roswell. Contains sinkhole depressions formed by solution of gypsum-bearing rocks and supports shrub-grassland vegetation representative of the northern Chihuahuan Desert. (August 1980) Owner: Federal

*MATHERS RESEARCH NATURAL AREA—41 miles east of Roswell. The best example of shinnery oak-sand prairie community in the southern Great Plains natural region. (May 1982) Owner: Federal

MESCALERO SANDS SOUTH DUNE—41 miles east of Roswell. The best example of an active sand dune system in the southern

Great Plains natural region. A variety of successional stages from active dunes to a climax shinnery oak-sand prairie community is represented. (May 1982) Owner: Federal, State, Private

Dona Ana County

KILBOURNE HOLE—26 miles southwest of Las Cruces. An uncommon volcanic feature known as a maar, which is a depression caused by volcanic explosion that emits little volcanic material except gas. (May 1975) Owner: Federal, Private

Harding County

*BUEYEROS SHORTGRASS PLAINS—17 miles east of Bueyeros. An example of the blue grama-buffalograss prairie of the Great Plains considered to be typical of the pre-cattle-grazing era. Two of the three dominant natural grazing animals (antelope and prairie dogs) are still in the area. (February 1980) Owner: Private

Lincoln County

BORDER HILLS STRUCTURAL ZONE—24 miles west of Roswell. One of the several buckles on the Pecos slope located in otherwise gently dipping Permian strata. (February 1980) Owner: Federal, Private

*FORT STANTON CAVE—Seven miles west of Lincoln. The cave is characterized by very long and large open passages containing distinctive examples of selenite needles, starbursts, and velvet flowstone. (May 1974) Owner: Federal

*TORGAC CAVE—20 miles southeast of Corona. Significant because of its abundant and intricate gypsum speleothems. The branching stalactite and helictite are so distinctive that the cave lends its name to the type: Torgac stalactites. (May 1974) Owner: Federal

Rio Arriba County

*GHOST RANCH—South of Canjilon. The tract is predominantly shale and sandstone, and has yielded fossils, including many well-preserved skeletons of *Coelophsis*, the oldest and most primitive carnivorous dinosaur. (January 1976) Owner: Private

VALLES CALDERA (extends into Sandoval County)—30 miles northwest of Santa Fe. A large circular depression, 12 to 15 miles in diameter, with scalloped walls rising from a few hundred, to more than 2,000, feet above the present floor. It is one of the largest calderas in the world. (May 1975) Owner: Private

Sandoval County

VALLES CALDERA (see *Rio Arriba County*)

San Juan County

*SHIP ROCK—35 miles west of Farmington. Ship Rock is an outstanding example of an exposed volcanic neck accompanied by radiating dikes; it towers 1400 feet above the surrounding plain. (May 1975) Owner: Indian trust (Navajo Tribe)

Valencia County

GRANTS LAVA FLOW—Extends 25 miles south from Grants—A classic example of recent extrusive volcanism. It contains lava flows that appear very fresh and unweathered. Its gigantic pressure ridges, collapse depressions and lava tubes are outstanding. (July 1969) Owner: Federal, State, Private

NEW YORK (26)

Albany County

*BEAR SWAMP—Three miles south of Westerlo. A low, swampy woodland consisting of red maple, yellow birch, black ash, white elm, white pine, and hemlock. Its most outstanding feature is the great laurel covering 60 acres of the swamp. (May 1973) Owner: Private

Allegany County

*MOSS LAKE BOG—Two miles southwest of Houghton. The site is a classic example of a postglacial sphagnum bog invading and filling a small kettle lake, with the various stages of bog succession well illustrated. (May 1973) Owner: Private

Cattaraugus County

*DEER LICK NATURE SANCTUARY—Four miles southeast of Gowanda. The area includes a gorge that clearly illustrates exposed stratifications of the Onondaga Escarpment, and supports a mature northern hardwood forest. (November 1967) Owner: Private

Dutchess County

*THOMPSON POND—20 miles east of Kingston. The 75-acre, glacially created pond is not more than four feet deep, fringed by cattail marshes, with reeds and water lillies in deeper water. Well-developed ecosystems from the open pond to the mountain cliffs illustrate great ecological diversity. (May 1973) Owner: Private

Genesee County

*BERGEN-BYRON SWAMP—Between Bergen and Byron, 25 miles west of Rochester. This landmark consists of an area of some 2,000 acres that is unusually rich in plant and animal life. (March 1964) Owner: Private

*FOSSIL CORAL REEF—Four miles northwest of Le Roy. An exposed fossil site in an abandoned limestone quarry surrounded by woodland. It is extremely rich in fossil coral specimens. (November 1967) Owner: Private

*OAK ORCHARD CREEK MARSH (extends into Orleans County)—Iroquois National Wildlife Refuge, seven miles southeast of Medina. The area is a relatively undisturbed marsh that is rare for this part of New York State. (May 1973) Owner: Federal

Herkimer County

MOSS ISLAND—Within the city limits of Little Falls. The island is part of an uplifted fault block of ancient crystalline rock. It contains the best exposure of glacial age potholes eroded by meltwater floods in the eastern United States. (May 1976) Owner: State

Jefferson County

*DEXTER MARSH—Two miles southwest of Dexter. The site is a relatively undisturbed, extensive example of a large bay-head marsh complex at the eastern end of Lake Ontario. (May 1973) Owner: State

*IRONSIDES ISLAND (extends into St. Lawrence County)—In the St. Lawrence River, eight miles northeast of Alexandria Bay. A glacier-scoured granite knoll; the most significant feature is the breeding colony of great blue herons. (April 1967) Owner: Private

LAKEVIEW MARSH AND BARRIER BEACH—20 miles southwest of Watertown. One of the best and most extensive marshlands that lie in protected bays and behind barrier beaches along eastern Lake Ontario. The marsh-swamp-pond complex demonstrates great wetlands diversity. (May 1973) Owner: State

Livingston County

*FALL BROOK GORGE—One and one-half miles south of Geneseo. One of America's finest exposures of Upper and Middle Devonian age strata. Significant fossil remains are found at this site. (January 1970) Owner: Private

Monroe County

*HARTS WOODS—Ten miles southeast of Rochester. A rare remnant of the original beech-maple forest that once occupied a large glaciated area extending from southeastern Wisconsin to north-central New York. (June 1972) Owner: Municipal

*MENDON PONDS PARK—11 miles south of Rochester. A unique complex of glacial features including kames, eskers, esker fans, kettle holes, erratics, bogs, and ponds. (November 1967) Owner: County

Onondaga County

*ROUND LAKE—Green Lakes State Park, two miles northeast of Fayetteville. The site contains one of 11 meromictic lakes reported in the United States, and about 20 acres of outstanding virgin mesophytic forest that adjoin the lake. (May 1973) Owner: State

Orleans County

*OAK ORCHARD CREEK MARSH (see *Genesee County*)

Rockland County

*HOOK MOUNTAIN AND NYACK BEACH STATE PARK—One mile north of Nyack. The area contains a portion of the Palisade Sill. The geological features are deposits characteristic of the filling of basins that developed during rifting and opening of the North Atlantic Basin 180-200 million years ago. (April 1980) Owner: State

*IONA ISLAND MARSH—Two miles south of Fort Montgomery. A brackish estuarine marsh in a near natural state that fringes the Hudson River. Many rare plants are found here. (May 1974) Owner: State

St. Lawrence County

*IRONSIDES ISLAND (see *Jefferson County*)

Saratoga County

*PETRIFIED GARDENS—Four miles west of Saratoga Springs. The area includes the best exposure of fossil reefs made up of calcareous algae, known as cryptozoon,

which constitute a milestone in the evolution of plant life. (April 1967) Owner: Private

Seneca County

*MONTEZUMA MARSHES—Montezuma National Wildlife Refuge, four miles northeast of Seneca Falls. A marsh dominated by broadleaved cattail. A small 100-acre area within the site is one of the best examples of undisturbed swamp woodlands in New York or New England. (May 1973) Owner: Federal

Suffolk County

*BIG REED POND—Three miles west of Montauk Point. The freshwater pond supports a herd of whitetail deer and other wildlife, and has no extensive man-made development along its shoreline. (May 1973) Owner: County

GARDINER'S ISLAND—100 miles east of New York City, in Block Island Sound off Long Island. The island is a breeding ground for osprey and is an important habitat of other fauna, particularly waterfowl and shore birds. (April 1967) Owner: Private

*LONG BEACH, ORIENT STATE PARK—One mile south of Orient. One of the finest remaining examples in New York of a sandgravel spit illustrating succession from salt marsh to maritime forest. The area contains a breeding colony of common and roseate terns, species which are becoming scarce in other North Atlantic breeding grounds. (April 1980) Owner: State

Tompkins County

*McLEAN BOGS—One and one-half miles east-southeast of McLean. The bogs contain rare plant species and one of the best examples of a northern deciduous forest in New York. (May 1973) Owner: Private

Ulster County

*ELLENVILLE FAULT-ICE CAVES—Five miles southeast of Ellenville. The largest known exposed fault system in the United States, along with a series of ice caves formed from fault debris. (November 1967) Owner: Municipal

Wayne County

*ZURICH BOG—Nine miles north of Newark. A good example of northern bog and bog forest vegetation that is uncommon in north-central New York State. (May 1973) Owner: Private

Westchester County

*MIANUS RIVER GORGE—Two miles south of Bedford. An exceptional illustration of piedmont physiography and geomorphology. It contains an excellent climax hemlock forest. (March 1964) Owner: Private

NORTH CAROLINA (11)

Alleghany County

*STONE MOUNTAIN (extends into Wilkes County)—Stone Mountain State Park, nine miles southeast of Sparta. The best example of a monadnock in massive granite in North Carolina. Unique, endemic plants persist on the granite outcrops. (May 1974) Owner: State

Ashe County

LONG HOPE CREEK SPRUCE BOG (extends into Watauga County)—Ten miles north-northeast of Boone. One of the rarest plant communities of North Carolina and the Southeast, including American yew and buckbean. (May 1974) Owner: Private

*MOUNT JEFFERSON STATE PARK—One mile east of West Jefferson. The mountain's uppermost forest is virtually undisturbed northern red oak and represents one of the finest remaining examples of oak-chestnut forest in the Southeast. (May 1974) Owner: State

Beaufort County

GOOSE CREEK STATE PARK NATURAL AREA—Ten miles east of Washington. An excellent example of a gently sloping mainland undergoing rapid ocean transgression. Contains the following diverse ecological units: brackish creeks and marshes, marsh transition areas, river swamp forest, and low pine forests. (April 1980) Owner: State

Brunswick County

GREEN SWAMP—Nine miles north of Supply. The largest and most unique mosaic of wetland communities in the Carolinas. The site is also a refuge for rare animal species. (May 1974) Owner: Private

Dare County

NAGS HEAD WOODS AND JOCKEY RIDGE—One and one-half miles northwest of Nags Head on Bodie Island. The site illustrates the entire series of dune development and plant succession from shifting open dunes to forested stabilized dunes. (May 1974) Owner: State, County, Municipal, Private

Davie County

*ORBICULAR DIORITE—An unusual plutonic igneous rock consisting of hornblende, pyroxene, and feldspars. (August 1980) Owner: Private

Onslow County

BEAR ISLAND—Hammocks Beach State Park, 4 miles south-southeast of Swansboro. The area contains one of the largest and best examples of coastal aeolian landforms in the Atlantic Coastal Plain. Dune movement has created a dynamic landscape of outstanding scenic beauty. (April 1980) Owner: State

Surry County

*PILOT MOUNTAIN—Pilot Mountain State Park, 3 miles south of Pilot Mountain. A classic monadnock that harbors disjunct Blue Ridge Mountain vegetation. (May 1974) Owner: State

Wake County

*PIEDMONT BEECH NATURAL AREA—William B. Umstead State Park, 7 miles northwest of Raleigh. Perhaps the finest example of mixed mesophytic forest in the eastern Piedmont of North Carolina, with unusually fine climax stands of beech in portions of the site. (May 1974) Owner: State

Watauga County

LONG HOPE CREEK SPRUCE BOG (see *Ashe County*)

Wilkes County

*STONE MOUNTAIN (see *Alleghany County*)

Yancey County

*MOUNT MITCHELL STATE PARK—20 miles northeast of Asheville. Mount Mitchell (6,684 feet above sea level) is the highest mountain in the eastern half of the United States. The park has the most extensive stand of Fraser's fir remaining in America. (May 1974) Owner: State

NORTH DAKOTA (4)

Billings County

*TWO-TOP MESA AND BIG TOP MESA—14 miles northwest of Fairfield. Both mesas, one mile apart, are in a badlands terrain of sandstones, siltstones and clay. The mesas are characterized by an unbroken cover of grass on flat relief. (October 1965) Owner: Federal

Cavalier County

*RUSH LAKE—Five miles south of Hannah. A large, shallow, essentially undisturbed prairie pothole lake that is an important staging area for waterfowl. (May 1975) Owner: Private

Kidder County

SIBLEY LAKE—five miles north of Dawson. A large, permanent alkaline lake, it provides a breeding and resting area for one of the largest and most diverse waterbird populations found in pothole lakes in the State. (May 1975) Owner: State, Private

Stutsman County

FISCHER LAKE—25 miles northwest of Jamestown. Highly representative of the glacial moraine and pitted outwash plain surface of North Dakota. The area contains relatively undisturbed grasslands and lush prairie woodlands. (April 1980) Owner: State, Private

OHIO (23)

Adams County

*BUZZARDROOST ROCK–LYNX PRAIRIE–THE WILDERNESS—25 miles west of Portsmouth. The site contains a number of different plant associations, including many rare or uncommon species. Has an almost 50-year history of scientific observations. (April 1967, December 1974, February 1980) Owner: Private

SERPENT MOUND CRYPTOEXPLOSIVE STRUCTURE (extends into Highland and Pike Counties)—31 miles southwest of Chillicothe. A structure of undertermined origin exposed by differential erosion. It is the smaller of two such outstanding cryptoexplosive structures in the Interior Low Plateaus and is the classic American example. (February 1980) Owner: Private

Ashland County

*CLEAR FORK GORGE—Mohican State Park, four miles south of Loudonville. A

geologically significant area of the Mohican River Valley that clearly shows evidence of stream reversal due to the Wisconsin glacier. (November 1967) Owner: State

*CRALL WOODS—Five miles south-southwest of New London. A near-virgin remnant maple-basswood-beech hardwood forest representing the original vegetation found in Ohio's glaciated till plain. (December 1974) Owner: Private

Belmont County

*DYSART WOODS—11 miles southwest of St. Clairsville. The area contains one of the finest remaining samples of the once superb white oak forests of eastern Ohio. (April 1967) Owner: State

Butler County

*HUESTON WOODS (extends into Preble County)—Hueston Woods State Park, four miles north of Oxford. A noteworthy example of a beech-maple climax forest that has never been cut. (April 1967) Owner: State

Champaign County

*CEDAR BOG—Cedar Bog State Memorial, seven miles north of Springfield. An excellent example of a marl swamp, containing a white cedar stand preserved in virgin condition. (April 1967) Owner: Private

Cuyahoga County

*ARTHUR B. WILLIAMS MEMORIAL WOODS—Within Mayfield. The site contains a remarkably pristine remnant beech-maple forest, among the finest timber stands remaining in the state of Ohio. (December 1974) Owner: Municipal

*TINKERS CREEK GORGE—12 miles southeast of Cleveland. Oak-hickory and beech-maple-hemlock predominate in this virgin forest. (November 1967) Owner: Municipal

Delaware County

*HIGHBANKS NATURAL AREA (extends into Franklin County)—13 miles north of Columbus. A forested bluff overlooking the Olentangy River and containing a diverse and healthy herbaceous layer as well as outstanding examples of oak-hickory, beech-maple, and flood plain hardwood forests. The bluffs are crested with a disjunct acid xeric community of lichens and mosses. (February 1980) Owner: County

Erie County

*GLACIAL GROOVES STATE MEMORIAL—On Kelleys Island, 5 miles offshore from Marblehead. This area is made up of very large limestone glacial grooves that measure several feet in depth. (November 1967) Owner: Private

Fairfield County

*BLACKLICK WOODS—One mile south of Reynoldsburg. The tract is an outstanding example of relatively undisturbed, old-growth beech-maple and swamp forest communities of the type that once covered that flat till plain of central Ohio. (December 1974) Owner: County

Franklin County

*HIGHBANKS NATURAL AREA (see *Delaware County*)

Fulton County

*GOLL WOODS—Goll Woods State Forest, three miles northwest of Archbold. One of the best remaining examples of an oak-hickory-dominated forest in the State. (December 1974) Owner: State

Geauga County

*HOLDEN NATURAL AREAS (extends into Lake County)—30 miles east of Cleveland. A complex of three natural areas: Steblins Gulch, possessing geological formations of Chardon, Brea sandstone, Bedford and Cleveland types; Bole Forest, a northern hardwood virgin forest; and Hanging Rock Farm, a stand of natural northern hardwoods. The three areas serve as a unique control of arboretum lands abutting this landmark. (November 1967) Owner: Private

WHITE PINE BOG FOREST—Three miles south-southwest of Burton. The only remaining near-virgin remnant white pine boreal bog in Ohio. (January 1976) Owner: Municipal, Private

Greene County

*CLIFTON GORGE—Ten miles south of Springfield. The gorge is exemplary of interglacial and postglacial canyon-cutting into the dolomites of the Niagara Escarpment. (April 1967) Owner: State

*GLEN HELEN NATURAL AREA—In Yellow Springs. Yellow Springs has built a travertine bowl around its pool. Downstream, Yellow Spring Creek is deeply incised into the dolomitic base rock. Old-growth hardwoods dominate the surrounding valley. (October 1965) Owner: Private

Hamilton County

*HAZELWOOD BOTANICAL PRESERVE—One-half mile east of Hazelwood. The highly detailed study of its plant ecology by John G. Segelken, published in 1929, makes this area an ecological benchmark. (December 1974) Owner: State

Highland County

*FORT HILL STATE MEMORIAL—Three miles north-northwest of Sinking Spring. Possesses excellent outcrops of Silurian, Devonain, and Mississippian sedimentary bedrock, a natural bridge and an example of glacial stream reversal. (December 1974) Owner: Private

SERPENT MOUND CRYPTOEXPLOSIVE STRUCTURE (see *Adams County*)

Lake County

*HOLDEN NATURAL AREAS (see *Geauga County*)

*MENTOR MARSH—Near Painesville. The site consists of marsh vegetation, aquatic plants, swamp and bottomland forest, and upland forest. A migration stopover and year-round habitat for birds and mammals, the site is a rarity in heavily populated northern Ohio. (October 1964) Owner: State, Private

Licking County

*CRANBERRY BOG—20 miles east of Columbus. The dominant vegetation of this cranberry sphagnum bog is a relict of post-glacial time. It is a "floating island" in Buckeye Lake and is the only known bog of its type in existence. (October 1968) Owner: State

Pike County

SERPENT MOUND CRYPTOEXPLOSIVE STRUCTURE (see *Adams County*)

Portage County

MANTUA SWAMP—At the southeastern edge of Mantua. The area contains many different wetland communities including a flood plain swamp forest, cattail marshes, a beaver pond, and a relict boreal bog. (January 1976) Owner: State, Private

Preble County

HUESTON WOODS (see *Butler County*)

Wayne County

*BROWN'S LAKE BOG—11 miles southwest of Wooster. This site is well known to Ohio biologists and ecologists as one of the few, well-preserved, virgin boreal acid bogs remaining in a region where wetland has been drained for agricultural use. (April 1967) Owner: Private

OKLAHOMA (2)

Canadian County

DEVIL'S CANYON—22 miles west-southwest of El Reno. The disjunct flora containing many mesic plant species and the close proximity of two distinctly vegetation types, oak woodland-tall grass prairie ecotone and eastern deciduous forest vegetation, form a unique ecological community. (December 1974) Owner: Private

McCurtain County

*McCURTAIN COUNTY WILDERNESS AREA—The center of the site is 12 miles south of Smithville. The area's overall size and high degree of integrity make it a classic example of a xeric upland oak-pine forest. (December 1974) Owner: Federal, State

OREGON (4)

Deschutes County

*HORSE RIDGE NATURAL AREA—16 miles southeast of Bend. The area is distinguished by a high quality example of western juniper woodland in vigorous condition. (April 1967) Owner: Federal

*NEWBERRY CRATER—Deschutes National Forest, 24 miles south-southeast of Bend. The crater is a basin at the top of a dormant, though young, volcano which is the largest Pleistocene volcano east of the Cascade Range. (January 1976) Owner: Federal

Lake County

*FORT ROCK STATE MONUMENT—40 miles south-southeast of Bend. A striking example of a circular, fortlike volcanic outcrop. (January 1976) Owner: State

Multnomah County

*CROWN POINT—24 miles east of Portland. A promontory rising nearly vertically about 725 feet above the Columbia River. It provides a strategic vantage point for observing a classic illustration of riverine processes. (June 1971) Owner: State

PENNSYLVANIA (25)

Berks County

*HAWK MOUNTAIN SANCTUARY—30 miles north of Reading. It is a sanctuary for hawks migrating along its ridge and a fine example of the geology and ecology of the forested ridges of the eastern Appalachians. (October 1965) Owner: Private

Bucks County

*MONROE BORDER FAULT—Two miles south of Riegelsville. The fault illustrates an episode of orogenic compression in which Precambrian rocks were thrust northward over lower Paleozoic deposits. (August 1980) Owner: State

Carbon County

*HICKORY RUN BOULDER FIELD—Hickory Run State Park, five miles southeast of White Haven. A geologically significant field of unsorted, loosely packed boulders that resulted from periglacial conditions and that is unique in the country by reason of its large size and low (one percent) gradient. (November 1967) Owner: State

Centre County

*BEAR MEADOWS NATURAL AREA—Six miles southeast of State College. The area includes a shallow peat bog, and a surrounding buffer zone of typical Appalachian forest. The vast accumulation of pollen in the peat has helped understanding of vegetational and climatic changes in this region. (October 1965) Owner: State

Clarion County

*COOK FOREST—Cook Forest State Park, one mile north of Cooksburg. It is a significant relict of the forest type that once covered northern Pennsylvania. Eastern white pine predominates with some hemlock and mixed hardwood. (November 1967) Owner: State

Cumberland County

*FLORENCE JONES REINEMAN WILDLIFE SANCTUARY (extends into Perry County)—Eight miles northwest of Carlisle. The area is a large, protected ecological community that lies on the migration route of various hawks. (November 1972) Owner: Private

Erie County

*PRESQUE ISLE—Near Erie. The isle is actually a peninsula or "flying spit" formed by sands carried by the currents of Lake Erie. It is an impressive illustration of this type of formation. (November 1967) Owner: State

TITUS AND WATTSBURG BOGS—Two different bogs in excellent condition that are representative of their ecosystem types and noted for rare and unusual species among their rich but divergent floras. (May 1977) Owner: Private

Fayette County

*FERNCLIFF PENINSULA NATURAL AREA—Ohiopyle State Park, 20 miles southeast of Connellsville. This area is one of the best and most typical late successional forests in the Allegheny Mountains. (November 1972) Owner: State

Lancaster County

*FERNCLIFF WILDFLOWER AND WILDLIFE PRESERVE—Three miles west of Wakefield. The vegetation in the preserve, which is thought to be virgin, is an excellent example of a mixed mesophytic forest. (November 1972) Owner: Private

Lawrence County

*McCONNELL'S MILL STATE PARK—40 miles north of Pittsburgh. An outstanding geological example of land and watershed formation indirectly resulting from glacial diversion of a stream. (November 1972) Owner: State

Luzerne County

*THE GLENS NATURAL AREA (extends into Sullivan County)—In Ricketts Glen State Park, 25 miles east of Williamsport. A relict eastern deciduous forest containing examples of stream erosion and spectacular waterfalls. (April 1968) Owner: State

McKean County

*TIONESTA SCENIC AND RESEARCH NATURAL AREAS (extends into Warren County)—Allegheny National Forest, 7 miles south of Ludlow. The area is the largest virgin forest in the hemlock-white pine/northern hardwood forest regions of North America. (May 1973) Owner: Federal

Monroe County

TANNERVILLE CRANBERRY BOG—Five miles northwest of Stroudsburg. One of the best developed boreal bogs in Pennsylvania and perhaps the most southern black spruce-tamarack bog along the eastern seaboard. (December 1974) Owner: Private

Perry County

*BOX HUCKLEBERRY SITE—Two miles south of New Bloomfield. One of the few localities where the box huckleberry plant is found. (April 1967) Owner: State

*FLORENCE JONES REINEMAN WILDLIFE SANCTUARY (see *Cumberland County*)

*HEMLOCKS NATURAL AREA—Tuscarora State Forest, 12 miles south of Blain. A virgin forest that has more resemblance to the hemlock-northern hardwood forests than to the oak-chestnut forests in which it is located. (November 1972) Owner: State

*SUSQUEHANNA WATER GAPS—18 miles north of Harrisburg. An excellent, typical example of a geological process that produces water gaps. (April 1968) Owner: State

Philadelphia County

*TINICUM WILDLIFE PRESERVE—Philadelphia. The area contains representative tidal marsh flora and fauna and an excellent wildlife population. (October 1965) Owner: Federal

*WISSAHICKON VALLEY—Fairmount Park, Philadelphia. A virtually untouched valley, ecologically varied and complete, that exists within the bounds of one of America's great metropolitan complexes. (March 1964) Owner: Municipal

Snyder County

*SNYDER-MIDDLESWARTH NATURAL AREA—Five miles west of Troxelville. An outstanding example of a relict forest composed predominantly of hemlock, birch, and pine, with scattered oaks. (November 1967) Owner: State

Sullivan County

*THE GLENS NATURAL AREA (see *Luzerne County*)

Tioga County

*PINE CREEK GORGE—A 12-mile roadless stretch along Pine Creek between Ansonia and Blackwell. It contains superlative scenery, geologic and ecologic value, and is one of the finest examples of a deep gorge in the eastern United States. (April 1968) Owner: State

REYNOLDS SPRING AND ALGERINE SWAMP BOGS—Tioga State Forest, three miles south of Leetonia. Reynolds Spring Bog is one of the finest and most representative high mountain bogs in the Allegheny Mountains section of Pennsylvania. (December 1974) Owner: State

Warren County

*HEARTS CONTENT SCENIC AREA—Allegheny National Forest, 14 miles southwest of Warren. A virgin forest site consisting of white pine over 400 years old and hemlocks about 50 years younger. (May 1973) Owner: Federal

TAMARACK SWAMP—Four miles northeast of Columbus. A large headwater swamp occurring in a glacially blocked stream valley. The two bogs are the finest example of kettle hole bogs in this region. (May 1977) Owner: State

*TIONESTA SCENIC AND RESEARCH NATURAL AREAS (see *McKean County*)

Wayne County

*LAKE LACAWAC—25 miles east of Scranton. One of the southernmost lakes of glacial origin in the northeastern United States. (April 1968) Owner: Private

PUERTO RICO (5)

BANO DE ORO NATURAL AREA—Caribbean National Forest, six miles southwest of Luquillo. Contains virgin forest and is the only area in Puerto Rico with subtropical wet and rain forest and lower montane wet and rain forest, dwarf forest, and *Pterocarpus* in a contiguous area. Also contains many endemic plant and animal species. (April 1980) Owner: Federal

CABO ROJO—At the extreme southwestern tip of Puerto Rico. This scenic site includes an excellent example of a tombolo (tied island) with double spit, mangroves, beaches, reddish cliffs, xeric vegetation.

and seabird nesting habitat. (April 1980) Owner: Federal, Commonwealth of Puerto Rico

MONA AND MONITA ISLANDS—Two separate islands in the Caribbean, west of the main island of Puerto Rico. The sea caves on these islands are probably the largest, most extensive and most unusual in the world. The islands harbor a significant endemic biota and provide inportant seabird rookery areas. (May 1975) Owner: Federal, Commonwealth of Puerto Rico

PUERTO MOSQUITO—One mile east of Esperanza. A deep inlet in the cliffed southern coast of Vieques Island which is considered the best example of a bioluminescent bay in the United States. (August 1980) Owner: Federal, Commonwealth of Puerto Rico

RIO ABAJO FOREST—Nine miles south of Arecibo. An excellent example of karst topography with numerous sinkholes and well-developed tower karst. It is the only place in Puerto Rico where the great Eocene-Oligocene unconformity can be clearly seen. (February 1980) Owner: Commonwealth of Puerto Rico

RHODE ISLAND (1)

Washington County

*ELL POND—Two miles southwest of Rockville. A kettle hole lake bounded by a red maple-Atlantic white cedar swamp and by steep granitic monadnocks. The combination of a hydric plant community and a xeric plant community within such a small area provides an excellent opportunity for ecological research and education. (May 1974) Owner: State, Private

SOUTH CAROLINA (4)

Berkeley County

*FRANCIS BEIDLER FOREST (extends into Dorchester County)—35 miles northwest of Charleston. One of the last large virgin stands of bald cypress-tupelo gum swamp in the United States with five major community types providing for a rich diversity of species. (March 1979) Owner: Private

Dorchester County

*FRANCIS BEIDLER FOREST (see *Berkeley County*)

McCormick County

*JOHN DE LA HOWE FOREST—23 miles southwest of Greenwood. An old-growth stand of oak-pine forest protected against fire and timbering since 1797, and one of the best remaining examples of this type forest in the Piedmont. (January 1976) Owner: State

*STEVENS CREEK NATURAL AREA—Pleistocene relict ecosystem harboring flora considered unusual for its combination of plants in this southern location due to unique microenvironmental conditions. (March 1979) Owner: State

Richland County

CONGAREE RIVER SWAMP—20 miles southeast of Columbia. The most extensive, mature cypress-gum swamp and bottomland hardwood forest complex in the State and a sanctuary for wildlife. (May 1974) Owner: Federal, Private

SOUTH DAKOTA (12)

Brule County

*RED LAKE—Eight miles southeast of Chamberlain. One of the largest remaining natural and unmanipulated prairie pothole lakes, and a valuable waterfowl breeding and resting area. (May 1975) Owner: State

Charles Mix County

BIJOU HILLS—23 miles northwest of Platte. An excellent example of an erosional remnant of soft clays and shales capped by a channel sandstone and quartzite. (January 1976) Owner: Private

Custer County

*CATHEDRAL SPIRES AND LIMBER PINE NATURAL AREA—Custer State Park, 23 miles southwest of Rapid City. An excellent, rare example of joint-controlled weathering of granite, as well as a disjunct relict stand of limber pine. (May 1976) Owner: State

Fall River County

MAMMOTH SITE OF HOT SPRINGS—Within the city limits of Hot Springs. This two-acre tract contains one of the largest concentrations of mammoth remains in the United States, as well as bones of other vertebrates including peccary, bear, coyote, camel, and rodents. (August 1980) Owner: Private

Gregory County

*FORT RANDALL EAGLE ROOST—Directly below the Fort Randall Dam, on the Missouri River. Two endangered species, the bald and the golden eagles, use this site as a prime winter roosting area. (November 1967) Owner: Federal

Harding County

*THE CASTLES—20 miles east-southeast of Buffalo. Steep-walled, flat-topped buttes standing 200 to 400 feet above the surrounding prairie containing exposed rock of upper Cretaceous, Paleocene, Oligocene, and Miocene ages. Cretaceous and Tertiary beds contain a variety of flora and fauna fossils. (December 1976) Owner: Federal

Kingsbury County

*LAKE THOMPSON—Eight miles southeast of De Smet. Largest natural lake bed in South Dakota, containing a large undisturbed and unmanipulated marsh. Also an outstanding waterfowl breeding and resting area. (May 1975) Owner: State

Lake County

BUFFALO SLOUGH—20 miles north of Sioux Falls. An excellent example of a prairie pothole (a product of glacial activity), the surrounding native emergent vegetation, and native bluestem prairie. The area is used extensively by many species of waterfowl and small mammals. (August 1980) Owner: State

Marshall County

*SICO HOLLOW (extends into Roberts County)—Ten miles northwest of Sisseton. The area displays many facets of natural history, including the glacial story of the River Warren, pothole lakes on the upland of Coteau, grasslands and prairie, and ravines where eastern-type deciduous forests grow. Includes the eastern face of the escarpment of the Coteau des Prairies. (November 1967) Owner: State

Meade County

*BEAR BUTTE—Five miles north of Fort Meade. A cone-shaped mass of igneous rock standing alone, 1,300 feet above the surrounding plains, which illustrates the geological processes of igneous intrusion, folding and faulting, and exposure by differential erosion. (April 1965) Owner: State

Roberts County

*ANCIENT RIVER WARREN CHANNEL (see MINNESOTA)

COTTONWOOD SLOUGH–DRY RUN—Extends for 11 miles south of Victor. A glaciated finger outlet of the world's largest Pleistocene glacial lake, and a completely undisturbed wetland complex which includes potholes, streams, shallow open water, lakes, and marsh. (May 1975) Owner: State, Private

*SICO HOLLOW (see *Marshall County*)

Washabaugh County

*SNAKE BUTTE—Pine Ridge Reservation. One of two types of sand calcite deposits in the world. (November 1967) Owner: Indian Trust (Oglala Sioux Tribe)

TENNESSEE (13)

Coffee County

*ARNOLD ENGINEERING DEVELOPMENT CENTER NATURAL AREAS—Two non-contiguous tracts, respectively located four miles south-southeast and seven miles southeast of Manchester. Extremely rare virgin swamp forest and pristine example of an open marsh; both tracts contain disjunct plant species whose distribution is normally confined to the Coastal Plain province. (December 1974) Owner: Federal

*MAY PRAIRIE—Three and one-half miles southeast of Manchester. The largest and best relict prairie remaining in the State. (May 1974) Owner: State

Cumberland County

GRASSY COVE KARST AREA—Nine miles southeast of Crossville. One of the Nation's best illustrations of karst development and underground drainage, containing several smaller caves within the area (November 1973) Owner: Private

Franklin County

DICK COVE—Two and one-half miles northwest of Sewanee. A near-virgin forest important for study of mixed mesophytic region and western mesophytic region forest relationships. (May 1973) Owner: Private

Grundy County

CONLEY HOLE—Two miles southeast of Viola. One of the most spectacular and outstanding examples of a pit cave in the United States. This cave is dangerous, and

entrance is limited to adequately equipped, experienced speleologists. (November 1973) Owner: Private

*SAVAGE GULF—25 miles southeast of McMinnville. The best and largest virgin forest left in the mixed mesophytic region of the eastern deciduous forest. (June 1971) Owner: State

Hardeman County

*McANULTY'S WOODS—Within the city limits of Bolivar. Only known example in western Tennessee of the upland forests of the Mississippi Embayment section of the western mesophytic forest region. (May 1973) Owner: Private

Lake County

*REELFOOT LAKE (extends into Obion County)—16 miles west-southwest of Union City—an area of cypress swamps, saw-grass jungles, water lily glades and scattered bodies of open water formed in the winter of 1811–12 as a result of shocks known as the New Madrid earthquake, the most severe of any recorded in the country. The site contains domes, sunken lands, fissures, sinks, sand blows and large landslides. (May 1966) Owner: State

Monroe County

*LOST SEA (CRAIGHEAD CAVERNS)—Five miles southeast of Sweetwater. Cavern system including the largest known underground lake in the country, an abundance of crystal clusters called anthodites, stalactites and stalagmites, and a waterfall. The area once yielded bones and footprints of a giant Pleistocene jaguar. (November 1973) Owner: Private

Obion County

*REELFOOT LAKE (see *Lake County*)

Rhea County

*PINEY FALLS—Two miles north of Spring City. The area contains a rare virgin mixed mesophytic forest stand representative of the primeval eastern deciduous forest biome. (May 1974) Owner: State

Van Buren County

*BIG BONE CAVE—Five miles west-northwest of Spencer. Site of discoveries of the bones of *Megalonyx jeffersoni* and other extinct animals. (November 1973) Owner: State

Warren County

*CUMBERLAND CAVERNS (HIGGINBOTHAM AND HENSHAW CAVES)—Five miles east of McMinnville. One of the largest cave systems in the country. Two interconnecting caves known to be at least 16 miles in extent containing stalagmites and stalactites, helictites, flowstone, cave pearls, botryoidal coral, gypsum flowers, needles, and pure white gypsum snow, as well as a wide variety of cave life. (November 1973) Owner: Private

Wilson County

*CEDAR GLADES NATURAL AREA—Cedars of Lebanon State Forest, 10 miles south of Lebanon. Unique cedar glade community, a rare and endangered ecosystem. (November 1973) Owner: State

TEXAS (18)

Armstrong County

*PALO DURO CANYON STATE PARK (extends into Randall County)—22 miles south-southwest of Amarillo. Canyon cut by waters of a fork of the Red River contains cross-sectional views of sedimentary rocks representing four geological periods and some Triassic and Pliocene vertebrate fossils. (May 1976) Owner: State

Bailey County

MULESHOE NATIONAL WILDLIFE REFUGE—59 miles northwest of Lubbock. The area contains playa lakes (shallow, flat-bottomed depressions) and shortgrass grama grasslands characteristic of the High Plains. The lakes attract enormous seasonal concentrations of waterfowl. (August 1980) Owner: Federal

Bandera County

*LOST MAPLES STATE NATURAL AREA (extends into Real County)—61 miles northwest of San Antonio. An excellent illustration of Edwards Plateau flora and fauna, and a relict population of bigtooth maple. It contains the largest known nesting population of the rare golden-cheeked warbler. (February 1980) Owner: State

Blanco County

*LITTLE BLANCO RIVER BLUFF—The best example of the few remaining Edwards Plateau limestone bluff plant communities in the Great Plains natural region. The area supports diverse flora, including an estimated 250 species in 25 families. (May 1982) Owner: Private

Burnet County

*LONGHORN CAVERN—Longhorn Cavern State Park, 11 miles southwest of Burnet. A cavern formed in limestone of Ordivician age at least 450 million years old, unsurpassed as a natural exhibit of features such as crystals of calcite, potholes, solution domes, channels and pits of unusual geologic interest. (October 1971) Owner: State

Cameron County

BAYSIDE RESACA AREA—Laguna Atascosa National Wildlife Refuge, 28 miles north of Brownsville. The area contains an excellent example of resaca, or meandering channel, which supports a variety of vegetation including several types of coastal salt marsh communities, and a number of rare and unusual bird species which enter the United States only at the southern tip of Texas. (August 1980) Owner: Federal

Colorado County

*ATTWATER PRAIRIE CHICKEN PRESERVE—55 miles west of Houston in Attwater Prairie Chicken National Wildlife Refuge. The only significant segment of Gulf Coastal Prairie that has rejuvenated and restored itself through protection and proper range management. The area now provides habitat for the Attwater prairie chicken, an endangered species. (April 1968) Owner: Federal

Comal County

*NATURAL BRIDGE CAVERNS—16 miles west of new Braunfels. A multilevel cavern system replete with beautiful and unusual "fried egg" speleothems and intricate helictites. (October 1971) Owner: Private

Ector County

*ODESSA METEOR CRATER—Ten miles southwest of Odessa. One of only two known meteor sites in the country, the largest of two meteor impact craters at the site being 550 feet in diameter. Meteorites of nickel-iron composition have been found within the craters and two square miles north and northwest of them. (April 1965) Owner: County

Edwards County

DEVIL'S SINK HOLE—Nine miles northeast of Rocksprings. A deep, bell-shaped, collapsed limestone sink, the pit of which flares into an extensive system of passageways and caverns. It houses a colony of bats estimated to number in the tens of millions. (October 1972) Owner: Private

Gillespie County

*ENCHANTED ROCK (extends into Llano County)—12 miles southwest of Oxford. A classic illustration of a batholith and of the exfoliation process exposed on its dome-shaped surface, composed of coarse-grained pink granite uniform in composition and texture throughout, and unique in the Llano Uplift area. (October 1971) Owner: State

Hays County

*EZELL'S CAVE—Within the city limits of San Marcos. Biologically significant because it houses at least 36 species of cave fauna, including six endemic aquatic species and one major order of small crustaceans formerly thought to have been restricted to the Mediterranean area. (October 1971) Owner: Private

Hildago County

*SANTA ANNA NATIONAL WILDLIFE REFUGE—Seven miles south of Alamo. A living museum of the lowland forested area of the Lower Rio Grande Valley, containing jungle-like vegetation and providing habitat for over 300 species of birds and some rare mammals. (October 1966) Owner: Federal

Llano County

*ENCHANTED ROCK (see *Gillespie County*)

Montague County

GREENWOOD CANYON—Along a tributary of the Braden Branch. A rich source of Cretaceous fossils. (May 1975) Owner: Private

Randall County

HIGH PLAINS NATURAL AREA—Buffalo Lake National Wildlife Refuge, 26 miles southwest of Amarillo. A grama-buffalo shortgrass association representative of the High Plains region. (August 1980) Owner: Federal

*PALO DURO CANYON STATE PARK (see *Armstrong County*)

Real County

*LOST MAPLES STATE NATURAL AREA (see *Bandera County*)

Somervell County

*DINOSAUR VALLEY—Dinosaur Valley State Park, four miles west of Glen Rose. Fossil footprint trackways exposed in the bed of the Paluxey River and tributary creeks that give important information on the habits and locomotion methods of large dinosaurs. (October 1968) Owner: State

Sutton County

*CAVERNS OF SONORA—16 miles southwest of Sonora. The cave displays unusual formations, such as bladed helictites and coralloid growths. (October 1965) Owner: Private

Tarrant County

*FORT WORTH NATURE CENTER AND REFUGE—Within the city limits of Fort Worth. A portion of the larger refuge containing remnants of the Fort Worth Prairie, a unique oak-hickory forest association called cross timbers, riparian forest, and limestone ledges and marshes. (November 1980) Owner: Municipal

UTAH (4)

Emery County

*CLEVELAND-LLOYD DINOSAUR QUARRY—Seven miles east of Cleveland. The quarry has provided more than 10,000 fossil bones from at least seven different genera of the Jurassic Period and representing more than 60 individual animals. Restricted access. (October 1965) Owner: Federal

Garfield County

LITTLE ROCKIES—43 miles south-southeast of Hanksville. The area exhibits a particular type of igneous structure of fundamental significance in understanding geological processes, and represents the classic site of such formations to geologists around the world. (May 1975) Owner: Federal, State

Salt Lake County

*NEFFS CANYON CAVE—Wasatch National Forest. An extremely dangerous cave with no significant horizontal passages. Most passages dip steeply at a 45–60 degree gradient. The cave was formed by the capture of a surface stream. (May 1977) Owner: Federal

Washington County

*JOSHUA TREE NATURAL AREA—Ten miles southwest of St. George. The only Joshua tree forest in Utah and one of the northernmost stands of tree yuccas in the county. Contains vegetation and animals predominantly of Mohave Desert affinity. (October 1986) Owner: Federal

VERMONT (11)

Addison County

BATTELL BIOLOGICAL PRESERVE—Four miles east of Middlebury. A rare, undisturbed, virgin hemlock northern hardwoods climax forest. (May 1976) Owner: Private

*CORNWALL SWAMP—Two miles southeast of Cornwall. The largest, unbroken red maple swamp in the State. (November 1973) Owner: State, Private

LITTLE OTTER CREEK MARSH—Two miles north-northwest of Ferrisburg. An outstanding, unspoiled example of a shallow water marsh maintaining itself under prevailing natural conditions. (May 1973) Owner: State, Private

Bennington County

*FISHER-SCOTT MEMORIAL PINES—Two miles north of Arlington. A unique stand of old-growth white pine representing the culmination of the white pine subclimax forest in New England, containing the largest pines in Vermont. (May 1976) Owner: State

Chittenden County

*CAMEL'S HUMP (extends into Washington County)—Midway between Montpelier and Burlington. An exceptional illustration of the complex anticlinal deformation which formed the Green Mountains, and the altitude-related zonation of its biota, containing the second largest extent of alpine-tundra vegetation in Vermont. (April 1968) Owner: State

MOUNT MANSFIELD NATURAL AREA (extends into Lamoille County)—Three miles east of Underhill Center. An isolated, little-disturbed site with virgin spruce-fir forest on its upper slopes and an exceptional alpine tundra area on the summit ridge. (April 1980) Owner: State, Private

Franklin County

FRANKLIN BOG—One mile east-northeast of Franklin. A magnificent example of an unspoiled, large, cold northern sphagnum-heath bog. (May 1973) Owner: Private

Lamoille County

MOLLY BOG—Three and one-half miles northeast of Stowe. A beautiful, classic example of a small, early successional, absolutely unspoiled cold northern bog. (May 1973) Owner: State, Private

MOUNT MANSFIELD NATURAL AREA (see *Chittenden County*)

Orleans County

*BARTON RIVER MARSH—Three miles south of Newport. One of the best large, shallow, freshwater marshes in New England. (May 1973) Owner: State

*LAKE WILLOUGHBY NATURAL AREA—Town of Westmore. The deepest lake in Vermont, and an exceptionally fine example of a trough cut by glacial scouring, containing multiple examples of the work of glaciers. (November 1967) Owner: State

Rutland County

GIFFORD WOODS—Nine miles northeast of Rutland. A prime example of an undisturbed, old-growth northern hardwood climax forest. (April 1980) Owner: State

Washington County

*CAMEL'S HUMP (see *Chittenden County*)

VIRGINIA (9)

Accomack County

*VIRGINIA COAST RESERVE (extends into Northampton County)—Ten miles south of Assateague Island. An extensive, relatively undisturbed barrier island-lagoon complex serving as a valuable refuge for migratory shorebirds and waterfowl and for colonial nesting birds. (March 1979) Owner: Private

Augusta County

GRAND CAVERNS—On the southern edge of Grottoes. The Caverns contain unique shield formations as well as draperies, flowstone, stalactites and stalagmites. (November 1973) Owner: Regional Park Authority, Private

Bath County

BUTLER CAVE—BREATHING CAVE—One half mile north of Burnsville. A tract containing two major cave systems, a 40-foot waterfall, a natural bridge, unusually fine "floating" crystalline formations, and an underground lake. (November 1973) Owner: Private

King George County

*CALEDON STATE PARK—Five miles north-northeast of King George. One of the best examples of an old, undisturbed, oak-tulip poplar-dominated virgin upland forest in the country. (December 1974) Owner: State

Nansemond County

GREAT DISMAL SWAMP—20 miles southwest of Norfolk. A remnant of the original Great Dismal Swamp containing geological and ecological elements unique in the Nation, if not the world. The variety of flora and fauna makes it a superb outdoor laboratory for the study of ecological processes. (June 1972) Owner: Federal

Northampton County

*VIRGINIA COAST RESERVE (see *Accomack County*)

Page County

*LURAY CAVERNS—One and one-half miles west of Luray. A cave which is ornately decorated with cascades, columns, stalactites, stalagmites and pools. Discovered in 1878. (November 1973) Owner: Private

Rockbridge County

RICH HOLE—George Washington National Forest, 13 miles northwest of Lexington. An outstanding example of a "cove" hardwood forest. A well-protected watershed containing a virgin forest with remarkably large trees of several species. (December 1974) Owner: Federal, Private

Sussex County

*CHARLES C. STEIRLY NATURAL AREA—Two miles west of Dendron. An essentially virgin stand of climax bald cypress-water tupelo swamp forest. (December 1974) Owner: State

Virginia Beach

*SEASHORE NATURAL AREA—Virginia Beach. Parallel dunes densely wooded with two distinct forest types of semitropical character, and a sanctuary for abundant wildlife. (April 1965) Owner: State

VIRGIN ISLANDS (7)

St. Croix

GREEN CAY—Two-and-one-half miles east of Christiansted, one-quarter mile off St. Croix's northern shore. The cay is the nesting ground for the American oyster catcher, brown pelican and other shore birds. It is also one of the only two islands where the St. Croix ground lizard, now extinct on St. Croix and listed as an endangered species, still exists. (August 1980) Owner: Federal

SANDY POINT—One mile south of Frederiksted. The only place in the United States which is regularly used for nesting by the endangered leatherback sea turtle. In addition, unique sand spits enclose a salt pond at this site. (August 1980) Owner: Virgin Islands Government, Private

SALT RIVER BAY—Three and one-half miles northwest of Christiansted. The best remaining stands of mangrove in the Virgin Islands are found here, illustrating the zonation of red, black, and white mangrove. (February 1980) Owner: Virgin Islands Government, Private

VAGTHUS POINT—The best-known fossil locality for Upper Cretaceous rocks in the Virgin Islands. (February 1980) Owner: Private

St. John

LAGOON POINT—On the southeastern shore of St. John, between Johnson Bay and Friis Bay. An excellent example of a Caribbean fringing reef. The site also includes a mangrove area and a salt pond. (February 1980) Owner: Virgin Islands Government, Private

St. Thomas

COKI POINT CLIFFS—Three and one-half miles east of Charlotte Amalie. These sea cliffs are one of the rare localities on St. Thomas Island where fossils are found. (Febuary 1980) Owner: Virgin Islands Government, Private

WEST END CAYS—A group of cays off the western coast of St. Thomas Island. A high quality nesting area for many sea birds with different species on each cay. (February 1980, May, 1982) Owner: Virgin Island Government

WASHINGTON (10)

Asotin County

GRANDE RONDE FEEDER DIKES—25 miles south of Clarkston, the best example of basalt dikes, the congealed feeder sources of the Columbia River basalt plateau. The site illustrates how these flows originated by eruption along multiple fissures. (August 1980) Owner: Private

GRANDE RONDE GOOSENECKS—20 miles south of Asotin. A 1,500-foot deep canyon which follows a tortuous path along meanders, illustrating regional uplift and forced entrenchment of a stream. (April 1980) Owner: Federal, State, Private

Benton County

WALLULA GAP (extends into Walla Walla County)—16 miles south of Pasco. The largest, most spectacular, and most significant of the several large water gaps through basalt anticlines in the Columbia River basin. (August 1980) Owner: Federal, Public Hospital, Private

Clallam County

*POINT OF ARCHES—Ten miles south of Cape Flattery. Relatively isolated pristine spectrum of environmental conditions from rocky tidelands to climax upland vegetation, and an outstanding exhibit of sea action in sculpturing a rocky shoreline. (June 1971) Owner: Federal, State

Grant County

*GRAND COULEE—between Grand Coulee and Soap Lake. An illustration of a series of geological events including outpourings of lava, advance and recession of glacial ice, formation and retreat of waterfalls, and the cutting of the Columbia River channel. (April 1965) Owner: Federal, State, Private

Kittitas County

*GINKGO PETRIFIED FOREST—29 miles east of Ellensburg. Thousands of logs petrified in lava flows containing an unusually large number of tree species. Logs of the ginkgo tree, rarely found as fossil wood, are located here. (October 1965) Owner: State

UMTANUM RIDGE WATER GAP—14 miles north of Yakima. One of the anticlinal ridges in the Yakima Folded Ridges subsection of the Columbia Basin, illustrating the geological processes of tectonic folding and antecedent stream cutting. (November 1980) Owner: Federal, State, Private

Pierce County

NISQUALLY DELTA (extends into Thurston County)—15 miles east of Olympia. An unusually fine example of an estuarine ecosystem, and the only natural resting area for migratory waterfowl in the southern Puget Sound region. (June 1971) Owner: Federal, State, Private

Thurston County

*MIMA MOUNDS—One and one-half miles west of Little Rock. Prairie containing unusual soil pimples of black silt-gravel ranging in height from barely perceptible to a maximum of seven feet. (May 1966) Owner: State

NISQUALLY DELTA (see *Pierce County*)

Walla Walla County

WALLULA GAP (see *Benton County*)

Whitman County

STEPTOE AND KAMIAK BUTTES—50 miles south of Spokane. Isolated mountain peaks of older rock surrounded by basalt, rising above the surrounding lava plateau, part of outliers of Couer d'Alene Mountains of Idaho. (October 1965, April 1980) Owner: State, County, Private

WEST VIRGINIA (14)

Greenbrier County

GREENBRIER CAVERNS—Three miles southeast of Ronceverte, extending north and south of Organ Cave. The largest cave system in the State, containing seven caves, one of which, Organ Cave, is noted for its saltpeter troughs and vats. (November 1973) Owner: Private

*LOST WORLD CAVERNS—Two miles north of Lewisburg. Similar to Carlsbad Caverns in New Mexico, these caverns feature terraced pedestal-like stalagmites, flowstone, curtains, rimstone, domepits, and waterfalls. (November 1973) Owner: Private

Monroe County

GREENVILLE SALTPETER CAVE—One-quarter mile north of Greenville. The largest of the saltpeter caves in West Virginia, containing rimstone pools and saltpeter deposits. (November 1973) Owner: Private

Pendleton County

GERMANY VALLEY KARST AREA—Between Riverton and Mouth of Seneca. One of the largest cove or intermountain karst areas in the country, unique because all the ground water recharge and solution activities are linked with precipitation within the cove. (May 1973) Owner: Federal, Private

SENNETT-THORN MOUNTAIN CAVE SYSTEM—One-half mile northwest of Moyers. The cave includes rooms at various levels connected by crawlways and vertical shafts, waterfalls, and deep pits. (November 1973) Owner: Private

Pocahontas County

*CRANBERRY GLADES BOTANICAL AREA—Monongahela National Forest, five miles northwest of Hillsboro. The largest and best example of "cranberry glades" in West Virginia where natural cold air drainage and moist substrate have provided an ideal setting for a northern sphagnum bog, containing three major vegetation types: bog forest, shrub thickets, and open glade. (December 1974) Owner: Federal

*GAUDINEER SCENIC AREA (extends into Randolph County)—Monongahela National Forest, five miles north of Durbin. The best of the remaining virgin red spruce forests in the State. (December 1974) Owner: Federal

SWAGO KARST AREA—Three miles west of Marlington. A classic illustration of features associated with karst topography and terrain, including caverns and other passages. (November 1973) Owner: Federal, Private

Preston County

*CATHEDRAL PARK—Four miles west of U.S. 219 on U.S. 50. Contains a remnant virgin hemlock forest and dense thickets of great rhododendron. A cool, poorly drained site. (October 1965) Owner: State

*CRANESVILLE SWAMP NATURE SANCTUARY—(see MARYLAND)

Randolph County

*BLISTER RUN SWAMP—Monongahela National Forest, four miles northwest of Durbin. A good, high-altitude balsam fir swamp, probably the southernmost extension of this type forest, providing habitat for several uncommon and rare plants. (December 1974) Owner: Federal

*GAUDINEER SCENIC AREA (*see Pocohantas County*)

*SHAVERS MOUNTAIN SPRUCE-HEMLOCK STAND—Monongahela National Forest, seven miles northwest of Harman. An old-growth red spruce-hemlock stand called a "spruce flat", a disjunct component of the more northern hemlock-white pine-northern hardwood forest region. (December 1974) Owner: Federal

Tucker County

*BIG RUN BOG—Monongahela National Forest, seven miles east of Parsons. The area contains a relict Pleistocene high-altitude northern sphagnum-red spruce bog far south of its normal range, with large numbers of rare plants and animals. (December 1974) Owner: Federal

CANAAN VALLEY—Five miles east of Davis. A splendid "museum" of Pleistocene habitats, the area contains an aggregration of these habitats seldom found in the eastern United States, and is unique as a northern boreal relict community at this latitude by virtue of its size, elevation and diversity. (December 1974) Owner: Private

*FISHER SPRING RUN BOG—Monongahela National Forest, 11 miles southeast of Davis. An excellent example of a sphagnum-red spruce bog illustrating vegetation zonation. (December 1974) Owner: Federal

WISCONSIN (17)

Ashland County

KAKAGON SLOUGHS—Two miles north of Odanah. An excellent representative of a true freshwater delta by virtue of its large size, complex mixture of marsh, bog and dune vegetation types and undisturbed condition. Perhaps the finest marsh complex on the upper Great Lakes. (November 1973) Owner: Indian trust (Bad River Tribe), Private

Bayfield County

*MOQUAH BARRENS RESEARCH NATURAL AREA—Chequamegon National Forest, 16 miles west of Ashland. Representative of the jack pine-scrub oak barrens (savannas) of the glacial outwash area of northwestern Wisconsin. (February 1980) Owner: Federal

Buffalo County

CHIPPEWA RIVER BOTTOMS—One-half mile north of Wabasha, Minnesota. The largest single stand of bottomland hardwood forest along the once widespread post-glacial forest, including a large great blue heron rookery. (November 1973) Owner: Federal, State

Door County

*RIDGES SANCTUARY-TOFT'S POINT—MUD LAKE AREA—Two and one-half miles northeast of Baileys Harbor. A series of sand ridges and swales with associated boreal forest and bog vegetation, and unusually high species diversity, as well as the best mixed stand of large red and white pine, hemlock, and northern hardwoods on the western shore of Lake Michigan. (November 1967, May 1974) Owner: State, Private

Fond du Lac County

*SPRUCE LAKE BOG—Kettle Moraine State Forest, two miles northwest of Dundee. A superb, unspoiled example of a northern bog possessing a relict flora and fauna from early post-glacial times. (November 1973) Owner: State, Private

Forest County

BOSE LAKE HEMLOCK HARDWOODS—Nicolet National Forest, 13 miles east of Eagle River. A mature northern hardwood-hemlock stand containing the best virgin stand of hemlock in Wisconsin. (February 1980) Owner: Federal

Grant County

*WYALUSING HARDWOOD FOREST—Wyalusing State Park, six miles north of Bagley. The area exhibits high biological diversity illustrating nine major vegetation types, and contains several rare plant species and abundant wildlife, including some endangered species. (November 1973) Owner: State

Green County

ABRAHAM'S WOODS—A remnant of regional climax maple-basswood forest, rare in southern Wisconsin. (November 1973) Owner: State

Iowa County

AVOCA RIVER-BOTTOM PRAIRIE—47 miles west of Madison. The largest intact prairie in Wisconsin, containing a nearly full complement of species. (February 1980) Owner: State

Kenosha County

*CHIWAUKEE PRAIRIE—Five miles south of Kenosha. The best remaining wet prairie in the State, a remnant of once widespread vegetation along the southern shores of Lake Michigan, including several rare plant species. (November 1973) Owner: State, Private

Manitowoc County

POINT BEACH RIDGES—Eight miles northeast of Manitowoc. Alternating ridges and swales formed by previous water levels of Lake Michigan exhibit a range of successional vegetation states. (February 1980) Owner: State

Marquette County

*SUMMERTON BOG—Three miles southeast of Oxford. A relatively large, undisturbed, and floristically diverse area illustrating the slow, natural invasion of post-glacial plant communities into a predominantly relict glacial community, and providing habitat for many rare plant and animal species. (November 1973) Owner: Private

Oneida County

FINNERUD FOREST SCIENTIFIC AREA—An excellent representative of the northern coniferous forest complex. One of the few sizeable areas in the Lake States containing red pine forest over 100 years of age. (November 1973) Owner: State

Ozaukee County

CEDARBURG BOG—West of Saukville. The largest and most outstanding bog in southeastern Wisconsin, serving as a refugium for many northern species of plants and birds and providing habitat for a great variety of wildlife. (November 1973) Owner: State, Private

Sauk County

BARABOO RANGE—30 miles northwest of Madison. An example of an exhumed mountain range illustrating changing landscape through geologic time. The climate, soils, fauna and vegetation exhibit great local diversity. (February 1980) Owner: State, Private

Sawyer County

*FLAMBEAU RIVER HEMLOCK-HARDWOOD FOREST—Flambeau River State Forest, 20 miles southwest of Park Falls. The best and largest remnant of the old-growth conifer-hardwood forest in Wisconsin. Severely damaged by a windstorm in 1977, it is in progress of regeneration. (November 1973) Owner: State

Vernon County

KICKAPOO RIVER NATURAL AREA—Between Ontario and La Farge. The area contains the largest undisturbed concentration of exposed seeping sandstone in the State, and is a good example of a river in the Driftless Area with many entrenched meanders. A combination of geologic factors creates a multitude of microhabitats resulting in a highly diverse ecological situation supporting many flora species, some of which are endangered. (May 1975) Owner: Federal, State

WYOMING (7)

Albany County

BIG HOLLOW—Seven miles west of Laramie. A 40-square-mile wind deflation basin scoured out by high winds during a prehistoric dry period, considered the largest demonstrable example of its type in the 48 contiguous States. (November 1980) Owner: Federal, State, Private

*BONE CABIN FOSSIL AREA—One of the most significant sites for Jurassic terrestrial vertebrate fossils, including Jurassic mammals. (November 1973) Owner: Private

COMO BLUFF (extends into Carbon County)—Five miles east of Medicine Bow. Source of the first and best examples of Jurassic mammals and the discovery of 80 new vertebrate species. (May 1966, November 1973) Owner: Federal, State, Private

Big Horn County

*CROOKED CREEK NATURAL AREA—15 miles northeast of Lovell. A rich source of fossils of Early Cretaceous land vertebrates. (May 1966) Owner: Federal

Carbon County

COMO BLUFF (see *Albany County*)

Fremont County

RED CANYON—15 miles south of Lander. A classic example of a dissected cuesta, consisting of gently sloping plains bounded on one edge by an escarpment. (November 1980) Owner: Federal, State, Private

Niobrara County

LANCE CREEK FOSSIL AREA—25 miles north of Lusk. Represents one of the most fossiliferous continental deposits of Mesozoic age anywhere in the world. (April 1966, November 1973) Owner: Federal, State, Private

Teton County

*TWO OCEAN PASS—On the Continental Divide in Teton National Forest, 50 miles northeast of Jackson. Waters from the meadow at this pass divide to flow in opposite directions, toward the Gulf of Mexico and toward the Pacific Ocean. This is the point at which the Pacific Drainage cutthroat trout crossed the divide into the Mississippi Drainage. (October 1965) Owner: Federal

[FR Doc. 83-4847 Filed 2-28-83; 8:45 am]
BILLING CODE 4310-70-M

federal register

Tuesday
March 1, 1983

Part IV

Commodity Futures Trading Commission

Bankruptcy

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 190

Bankruptcy

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is adding a new Part 190 to its regulations which contains rules implementing the Bankruptcy Reform Act of 1978 ("Bankruptcy Act" or "Code") insofar as that legislation pertains to the liquidation of certain commodity firms. The Commission's new Part 190: (1) Defines the scope of "customer property," "member property," and "specifically identifiable property" as those terms are used in the commodities subchapter of the liquidation chapter of the Code; (2) establishes the method by which the business of a commodity firm is to be conducted or liquidated after a bankruptcy petition is filed, including the payment of margin with respect to open commodity positions and the delivery of physical commodities; (3) prescribes how customer claims are to be calculated, including which customer accounts may be aggregated and which may not; and (4) sets forth standards for the transfer of open commodity contracts and the cash, securities or other property margining such contracts. The rules also create certain disclosure and notice requirements to inform customers in advance of possible unexpected or avoidable consequences of commodity firm insolvencies. These final rules make certain technical changes to Part 190 as proposed by the Commission and also clarify the applicability of certain of the rules to commodity option transactions.

EFFECTIVE DATE: Effective as to petitions in bankruptcy filed on or after March 31, 1983, except that § 190.05(b) is effective May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Andrea M. Corcoran, Director, or Suzanne W. Ryder or Bruce A. Beatus, Attorneys, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On November 24, 1981, the Commission published and permitted 90 days for public comment on proposed rules to add a new Part 190 to its regulations which would, in the main, implement subchapter IV of Chapter 7 of the Bankruptcy Act which applies only to commodity broker liquidations. 46 FR 57535. To maximize public participation in the rulemaking process and at the request of several of the commentators, the Commission twice extended the comment period on the proposed regulations: first, to April 9, 1982 [1] and second, to May 15, 1982.[2] The Commission received eight written comments on the proposed bankruptcy rules on behalf of twelve commentators: two on behalf of four clearing corporations and one board of trade; one from a futures industry trade association; one from a committee of the American Bar Association; one on behalf of two related dealer option grantors; two from private law firms; and one from a trustee in a pending commodity broker bankruptcy case.

B. Discussion of Major Substantive Issues

1. *Customer Property.* Subchapter IV of Chapter 7 of the Code accords the customer of an insolvent commodity broker priority in the distribution of customer property.[3] Consequently, the protection customers will receive depends, to a significant extent, upon the scope of the definition of the term "customer property." That term is defined by the Code to mean "cash, a security, or other property, or proceeds of such cash, security, or property, received, acquired, or held by or for the account of the debtor, from or for the account of a customer * * *"[4] The statutory definition of that term also includes:

(A)(i) Property received, acquired, or held to margin, guarantee, secure, purchase, or sell a commodity contract;

(ii) Profits or contractual or other rights accruing to a customer as a result of commodity contract;

(iii) An open commodity contract;

(iv) Specifically identifiable customer property;

(v) Warehouse receipt or other document held by the debtor evidencing ownership of or title to property to be delivered to fulfill a commodity contract from or for the account of a customer;

(vi) Cash, a security, or other property received by the debtor as payment for a commodity to be delivered to fulfill a commodity contract from or for the account of a customer;

(vii) A security held as property of the debtor to the extent such security is necessary to meet a net equity claim based on a security of the same class and series of an issuer;

(viii) Property that was unlawfully converted and that is property of the estate; and

(ix) Other property of the debtor that any applicable law, rule, or regulation requires to be set aside or held for the benefit of a customer, unless including such property as customer property would not significantly increase customer property; but

(B) Not including property to the extent that a customer does not have a claim against the debtor based on such property.

Notwithstanding the breadth of this statutory definition, Congress also specifically authorized the Commission to determine by rule or regulation whether certain cash, securities, other property or commodity contracts should be included or excluded from the scope of customer property.[5]

Pursuant to this authority, the Commission is adopting § 190.08(a)(1)(ii)(J) which generally treats as customer property all cash, securities, or other property of the debtor's estate, including the debtor's trading or operating accounts and commodities of the debtor held as inventory, subject to properly perfected liens on such property of the debtor, but only to the extent that the property segregated on behalf of customers is insufficient to satisfy in full the claims of "public" customers.

Two of the commentators raised objections to the Commission's proposal on the grounds that: (1) It contravened the statutory definiton of customer property in Section 761(10) of the Code; (2) it was inconsistent with Section 766(j)(2) of the Code which generally provides that any portion of a customer's net equity claim not paid in full from customer property becomes a general claim against the debtor's other property; and (3) it would adversely affect the ability of commodity brokers to obtain credit.

The Commission believes that the Bankruptcy Act makes clear that the customer priority for commodities

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[1] 47 FR 8789 (March 2, 1982).

[2] 47 FR 16187 (April 15, 1982).

[3] 11 U.S.C. 766(h), (Supp. V 1981), *as amended by* the Bankruptcy Act Amendments, Pub. L. No. 97–222, Section 19(d), 96 Stat. 235, 240 (1982). (Hereinafter, this legislation will be referred to as the "Bankruptcy Act Amendments" or "Amendments" and only the section of the law amending the Code will be cited. In addition, all citations to the United States Code are to Supp. V 1981 unless otherwise indicated.)

[4] 11 U.S.C. 761(10), *as amended by* Section 10(4) of the Amendments.

[5] Section 20(a)(1) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. 24(a)(1).

customers is to be broader than a priority in the property actually segregated by the debtor in their behalf.[6] This intent is evident from the legislative history which, among other things, expressly states that the definition of customer property is to "include all property in customer accounts and property that should have been in those accounts but was diverted through conversion or mistake."[7] Moreover, ordinarily priorities are charges on the assets of the full estate.[8] The Commission concludes that by granting authority to the Commission to expand or contract "customer property," Congress sought to minimize the need for the trustee to trace property belonging to customers. Thus, the Commission believes its definition of customer property may establish presumptions with respect to certain property of the debtor which was not segregated so as to enable its return to customers.

The Commission does not find the legal objections raised by the comments to this interpretation particularly convincing.[9] First, the Commission notes that Congress specifically intended to reverse the result in the case of *Weis Securities, Inc.*, where only segregated property was accorded a customer priority.[10] Second, the definition of "customer"[11] includes persons (defined as holders of proprietary accounts by Commission Rule 1.3(y)) on behalf of whom property is not customarily segregated. Third, even if the shortfall in segregated funds was caused by a customer deficit resulting from default rather than outright conversion, the FCM holding that customer account would be obligated under present law to restore the amount of such deficit and thus maintain proper segregation out of its own funds or property. The Commission's treatment of customer property is thus entirely consistent with this obligation, which is an additional strong basis for following funds outside of segregation.

Moreover, even though several of the commentators disagreed with the Commission's proposal that the property available for distribution to customers should not be limited to property which is actually segregated for the benefit of customers, the commentators did not offer any specific suggestions as to how far the net should be cast to return customer property to the debtor's estate. Although the comments may generally be read to support the view that in the event of some showing of debtor wrongdoing beyond a mere shortfall in segregated funds the customer priority could be extended to the estate as a whole, they do not make such a suggestion expressly. In any event, the Commission believes that its interpretation is not inconsistent with this view, because as discussed above the existence of a shortfall in and of itself demonstrates wrongdoing or, at a minimum, noncompliance with Commission regulations. Further, under the Commission's treatment of customer property, the net equity claims of non-public customers will still be treated as general creditor claims if the segregated "customer property" is insufficient to satisfy all public customers. Finally, as previously discussed, the Code accords the Commission substantial flexibility in formulating a definition of customer property.

The Commission is therefore adopting the broad approach toward the scope of customer property which was contained in the original proposal. The Commission believes that the adoption of such an expansive definition is essential because the term "customer property" basically denotes the property which can be brought back into segregation for the benefit of customers in the event of a shortfall.

2. *Subordination of Insider Claims.* The commentators have questioned the Commission's authority to subordinate insider claims to customer claims in a commodity broker bankruptcy. This issue has been resolved, however, by Congress' recent enactment of technical and substantive changes to both the commodity broker liquidation provisions and the other commodity provisions of the Bankruptcy Code. Among other things, these amendments expressly subordinate insider to customer claims.[12]

3. *Delivery.* Proposed § 190.05(b) generally would require each contract market to adopt and enforce rules to permit the cash portion of the delivery of a physical commodity in fulfillment of a futures contract which has become deliverable to be effected directly between the customer of the debtor and the person identified by the clearing organization as the party on the other side of the delivery transaction without the intervention of the trustee and without including the commodity or payment for the commodity in the debtor's estate where the commodity has not yet become part of the estate.

Several commentators questioned the Commission's authority to adopt such a rule as they believed it might conflict with Section 365(e)(1) of the Bankruptcy Code. That section of the Code generally provides that an executory contract *of the debtor* may not be modified after the commencement of a bankruptcy proceeding solely because of a provision in the contract that conditions the contract upon the insolvency or financial condition of the debtor or on the commencement of a bankruptcy proceeding. Section 365(e)(1) is intended to prevent executory contracts (such as, for example, leases which are at lower than market rentals), which may be valuable assets of an estate, from being terminated upon the bankruptcy of a debtor obligee, even if the trustee were willing to continue to meet the debtor's contractual obligations thereon. The commentators expressed concern that the exclusion of a commodity broker from participation in the delivery phase of a futures contract would modify a contract solely because of the bankruptcy of the broker in contravention of Section 365(e)(1) of the Code, thereby placing persons involved in a commodity broker liquidation proceeding in the difficult position of having to choose between compliance with the rule or the Code.

The Commission believes, however, that this concern is unwarranted, as the prohibitions in Section 365 (e) (1) have no bearing on the proposal because the

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[6] *Id.*

[7] H.R. Rep. No. 95–595, 95th Cong., 1st Sess. 390–91 (1977).

[8] 11 U.S.C. 726.

[9] In support of its proposal, the Commission cited the presumption known as the "Rule of Knatchbull v. Hallett" (In re Hallett's Estate, 13 Ch. Div. 696) which is commonly employed to recover from a trustee monies or property which has been converted or misappropriated from a trust. 46 FR 57535, 57552 (Nov. 24, 1981). This rule, developed by the English courts, presumes that where a wrongdoer commingles his own funds in a bank account with those of another person and thereafter makes withdrawals from that account, the wrongdoer withdrew his own funds first. Several commentators, however, questioned the applicability of that rule to the creation of a customer priority against the general unsecured assets of the debtor. These commentators stated that the mere fact that the customer property of an estate is insufficient to satisfy the net equity claims of all public customers does not necessarily establish wrongdoing by the debtor or even unintentional wrongdoing. The Commission disagrees. For example, Rule 1.20 states that a futures commission merchant ("FCM") cannot use one customer's funds to margin, guarantee or secure the open positions of another customer which would be the result if segregated funds were not restored by the FCM.

[10] *Weis Securities, Inc.* [1975–1977 Transfer Binder] Comm. Fut. L. Rep. ¶20,108 (S.D.N.Y. 1975). *See* n. 7 *supra*.

[11] Commission Rule 1.3(k), 17 CFR 1.3(k).

[12] Section 19(d) of the Amendments amends 11 U.S.C. 766(h) by adding at the end thereof the following:

Notwithstanding any other provision of this subsection, a customer net equity claim based on a proprietary account, as defined by Commission rule, regulation, or order, may not be paid either in whole or in part, directly or indirectly, out of customer property unless all other customer net equity claims have been paid in full.

contract which would be affected is not a contract of the debtor. In this connection, despite the broker's obligations with respect to a commodity contract the broker itself is not really a party to a given futures contract, but rather is merely an agent or intermediary in the transaction. Moreover, the proposed rule would not terminate an executory contract or any right or obligation thereon; on the contrary, it would ensure that delivery on a futures contract in a delivery position at the time of bankruptcy was effected as if no bankruptcy had occurred with no diminishment of the value of the bankrupt estate as a result. This is because although the cash portion of the delivery would occur outside the estate, the "equity" in the commodity contract upon which delivery is made would remain in the estate and be available to be distributed pro rata. In effect, it is this equity which is the value of the contract, so it is merely the administration of deliveries which would be affected, with respect to which the Commission has ample authority under Section 20 of the Commodity Exchange Act.[13] Thus, it appears that the underlying contract is not modified by reason of commencement of a case. Indeed, although the proposed rule may require a modification of the procedures of the clearing organizations for effecting delivery upon a futures contract, it would not necessarily require a modification of the contract terms themselves. For these reasons, the Commission has retained the direction in the final rule to provide for delivery to occur outside a bankruptcy proceeding and, as suggested by several commentators and discussed below, has extended these provisions to apply to the exercise of options on physicals.

4. *Letters of Credit.* Section 190.08 (a) (1) (i) (E) of the proposed regulations required that the full proceeds of a letter of credit received, acquired, or held by the debtor to margin, guarantee, or secure a commodity contract be deemed customer property. Under this approach, the trustee would be required to draw the full value of a letter of credit posted as margin and treat the funds received as customer property, irrespective of the margin obligation secured thereby. The Commission's proposal recognizes that it is the letter of credit itself which is posted as original margin, and the standby feature of the letter only guarantees the payment of variation margin. In this connection, the Commission notes that letters of credit are not accepted by all exchanges and clearing corporations for use in meeting initial margin requirements.[14] Further, no commodity exchange or clearing corporation currently permits the posting of letters of credit to meet variation margin requirements.

Several of the commentators requested that the Commission amend its proposal to provide that letters of credit be drawn upon only in accordance with their terms and only to the extent of the margin owing by the depositor. This is necessary, the commentators argued, because to permit the trustee to bring the full proceeds of a letter of credit into the estate would impose a burden on customers who post letters of credit as security and would therefore discourage their use. These commentators further noted that the proposed rule would require a trustee to draw the full proceeds of letters of credit irrespective of their terms even though they generally condition payment on delivery of a certification that additional funds are required to margin or to cover a default with respect to a contract. The Commission, however, is not persuaded by this argument.

The Commission's proposal was intended to assure that customers using a letter of credit to meet original margin obligations would be treated no differently than customers depositing other forms of non-cash margin or customers with excess cash margin deposits. If letters of credit are treated differently than Treasury bills or other non-cash deposits, there would be a substantial incentive to use and accept such letters of credit as margin as they would be a means of avoiding the pro rata distribution of margin funds, contrary to the intent of the Code.[15] Further, the Commission notes that, in general, the letters of credit accepted by clearing organizations are unconditional, irrevocable instruments drawable in full upon demand and are, in effect, the equivalents of unrestricted sight drafts. The bank issuer of the letter of credit cannot refuse to pay upon it based upon nonperformance of an underlying contract.

In this connection, the Commission wishes to note that in the initial stages of drafting the provisions relating to the treatment of letters of credit, its Division of Trading and Markets contacted a number of the commodity clearing organizations. These clearing organizations indicated that upon first impression, if a member firm filed a petition in bankruptcy or were the subject of such a petition, the clearing organization would want the capability to draw the entire value of a letter of credit posted as margin without consideration of whether variation margin was owed and if so, the extent of deficiency. This is because if an inquiry as to the extent of the customer's obligation under the letter of credit were required, there would be the possibility that payment could be enjoined as inconsistent with the terms of the letter, thereby hampering the viability of such instruments as margin deposits. Moreover, as such letters constitute original margin, they in effect generally insure the clearing organization against nonpayment of obligations of the same class of customer of the clearing organization to the clearing organization. The Commission also notes that a trustee in a pending commodity broker liquidation proceeding expressly supported the Commission's determination that letters of credit be so treated. For all of these reasons the Commission believes that its original treatment of letters of credit is the most appropriate and the least subject to abuse.

In making this determination, the Commission also was guided by certain additional policy considerations. First, the Commission recognizes that standby letters of credit are not subject to banking reserve requirements and may be uncollateralized. In a period of major changes to the financial services which may be extended by banks and some corresponding uncertainty as to the wisdom of virtually unrestricted writing of standby letters, the Commission

[13] H.R. Rep. No. 95–595, 95th Cong., 1st Sess. 451 (1977).

[14] Specifically, the Commission notes that nine clearing corporations allow their members to post letters of credit to meet initial margin requirements: Coffee, Sugar & Cocoa Clearing Corporation, Chicago Mercantile Exchange, Board of Trade Clearing Corporation, Commodity Exchange Clearing Corporation, Kansas City Board of Trade Clearing Corporation, New York Futures Exchange, New York Mercantile Exchange, Commodity Clearing Corporation and the MidAmerica Commodity Exchange. By comparison, the New Orleans Commodity Exchange and the Minneapolis Grain Exchange do not allow their members to post letters of credit to meet initial margin requirements. In addition, four exchanges permit their members to accept letters of credit from customers to meet initial margin requirements. Those exchanges are: New York Futures Exchange, New Orleans Commodity Exchange, Chicago Mercantile Exchange and the MidAmerica Commodity Exchange. The following seven exchanges, however, do not permit their members to accept letters of credit from customers in meeting initial margin requirements: Coffee, Sugar & Cocoa Exchange, Inc., New York Mercantile Exchange, New York Cotton Exchange, Kansas City Board of Trade, Chicago Board of Trade, Commodity Exchange, Inc. and the Minneapolis Grain Exchange. Due to recent periods of volatility in the markets, many of the clearing organizations have reviewed their letter of credit policies and adopted or proposed additional stringent standards for letters of credit which are accepted as margin.

[15] *See* 11 U.S.C. 760.

believes that it would be unwise to adopt a policy which would further encourage the use of letters of credit and, indeed, their substitution for other forms of margin.[16] Second, it would be inherently unfair to treat letters of credit differently from other financial instruments such as Treasury Bills which have been deposited with commodity brokers as original margin. Third, encouraging the use of letters of credit would favor large customers at the expense of smaller market participants since only larger customers are permitted to make non-cash deposits of margin. This would contravene the spirit and intent of the Code's limitations on the return of specifically identifiable property which were intended to assure parity between customers with margining power and those without it.

The Commission does not believe that this rule will cause undue hardship as letters of credit need not be carried in amounts substantially greater than actual margin obligations. Thus, the amounts of letters of credit and the frequency of their review can be adjusted to ensure that the amount of funds affected by drawing upon the letter in the event of a commodity broker bankruptcy are commercially reasonable.

5. *Nontransferability of Omnibus Accounts.* Some commentators objected to the fact that, under the Commission's proposal, omnibus accounts would be required to be liquidated without an option to transfer. In the Preamble to the **Federal Register** release containing the proposed rules, the Commission explained that this would be required because of the difficulty of obtaining meaningful customer instructions with respect to the numerous individual positions which may comprise an omnibus account.[17] Upon further consideration of this issue and the comments which the Commission received, the Commission has determined to amend its position so as to permit the transfer of any omnibus account which is clearly denominated as a hedging account. The Commission believes such a denomination is now possible because, under rule 1.58,[18] information as to whether positions in an omnibus account are hedge positions should now be available to the carrying broker. Thus, an omnibus hedge account may be transferred so long as the fact that such an account is a hedge account is designated in the accounting records of the commodity broker as required by § 190.04(e)(1), provided that the carrying broker has previously obtained, as required by Rule 1.58, a written representation from the originating FCM that each position contained in such omnibus account is entitled to be margined as a hedge position.

6. *Transfer Complexity.* The Commission is aware that as a practical matter most of the complexity in the administration of a bankrupt estate will arise from the provisions for transfer on customer instruction which are required by the Bankruptcy Code.[19] Under the amendments to the Bankruptcy Code, however, commodity brokers have been granted virtually unfettered authority to liquidate open commodity contracts in the event of a commodity broker bankruptcy.[20] As it is expected that frequent use will be made of this authority, the occasions on which transfers will occur should be significantly reduced, thereby simplifying the adminstration of the debtor's estate. The Commission further notes that if transfers are in fact possible there is no good way to avoid complexity because the Code itself requires the value of property to fluctuate after the filing date and contains no provisions for the reclamation of property free of a pro rata distribution.

7. *Exchange-Traded Options.* At the suggestion of several of the commentators, the Commission has amended the proposed regulations to specify more clearly the treatment of exchange-traded option contracts upon bankruptcy. Where these amendments have been made, they are discussed in some detail below. The Commission believes these rules generally satisfy the concerns expressed by the commentators. Although the Commission is now adopting these amendments as final rules, the Commission and its staff will, of course, consider additional comments or inquiries relating to their application or interpretation. The Commission also wishes to note that whenever the term "option contract on a physical commodity" or other similar references to "options on physicals" are used herein, those terms do not include so-called "dealer options."

8. *Effect of Subchapter III and the Securities Investors Protection Act of 1970.* The Commission's assessment that the particular problems of the bankruptcy of a firm engaged in both securities and commodities brokerage activities are best handled on a case-by-case basis has been questioned by a number of commentators. Specifically, it has been urged that the Commission initiate discussions with the Securities Investors Protection Corporation ("SIPC") with a view to developing a joint approach to those problems that are likely to arise in connection with the liquidation of a firm that has such a dual business. In this regard, Commission staff initiated contacts with the staff of the Securities and Exchange Commission and SIPC concerning the Commission's proposed rules. No further comments on the Commission's rule proposal were received as a result of these discussions.

As presently structured, both subchapter III of Chapter 7, which governs the liquidation of securities brokers and subchapter IV will be applicable to the liquidation of such firms. In the majority of cases, however, a joint commodity broker-securities dealer will be liquidated under the Securities Investors Protection Act of 1970 ("SIPA") which provides for liquidation of securities brokers outside of a bankruptcy proceeding. The SIPA liquidation procedures establish a priority only for the customers of the debtor's securities business. Section 7(b) of SIPA, however, provides:

> To the extent consistent with the provisions of * * * [SIPA] or as otherwise ordered by the court, a trustee [in a SIPA liquidation] shall be subject to the same duties as a trustee in a case under chapter 7 of the * * * [code], including, if the debtor is a commodity broker, * * * the duties specified in subchapter IV of such chapter 7 * * *.[21]

It should be noted that subchapters III and IV are structured so that any customer property held by such a firm can be distributed as separate estates under the two subchapters.

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[16] In this connection, the Commission notes that there is increasing awareness by banks of the problems inherent in the issuance of letters of credit. *See, e.g.*, Salamon and Carrington, *Chase Halts Unsecured Letters of Credit to Securities Firms in the Wake of 2 Failures*, Wall St. J., Sept. 1, 1982, at 4, col. 3. The Commission also notes that while only two or three banks actually issue letters of credit for use in meeting margin obligations on commodity futures positions, the issues thereby implicated are broader than the question of the appropriate treatment to be accorded such letters in connection with a commodity broker bankruptcy proceeding. *See also* In re Twist Cap, Inc. 1 Bankr. 284–85 (D. Fla. 1979) (order temporarily restraining bank from honoring standby letters of credit held by creditors of debtor on the ground that the beneficiaries would receive a preference contrary to bankruptcy law).

[17] *See* proposed § 190.02(f)(1), 46 FR at 57559–60, n. 9 *supra*, and the related discussion concerning omnibus accounts, 46 FR at 57541.

[18] 17 CFR 1.58.

[19] 11 U.S.C. 765–66.

[20] Section 6(a) of the Amendments adding a new Section 556 to the Code. *See* n. 42 *infra* for text of Section 556.

[21] 15 U.S.C. 78fff–1(b).

The Commission is aware that the potential for an interpretation giving only limited recognition to subchapter IV under SIPA may well raise problems in implementing that subchapter in a joint bankruptcy. First, there may be questions as to which of the provisions of that subchapter constitute duties of the trustee. Second, disputes may also arise as to whether or not the duties imposed on the trustee by the Commission's bankruptcy regulations are duties of a SIPA trustee for purposes of a SIPA liquidation.

The Commission undoubtedly could require each regulated commodity firm to be structured as a legal entity separate from any affiliated securities firm. However, although this would at least partially solve the joint broker-dealer problem, the Commission believes that the adoption of such an approach at this time would be unnecessarily disruptive of accepted business practices and could have burdensome effects unwarranted by the low incidence of commodity firm bankruptcies. Indeed, the most sensible solution to this potential problem appears to have been suggested by the commentators. Thus, the Commission intends to instruct its staff to initiate discussions with SIPC with a view towards developing a common proposal or understanding as to the appropriate treatment of the joint commodity broker-securities dealer in bankruptcy. In this regard, the Commission is aware that the number of such joint firms is increasing and as a result the need for a satisfactory resolution of this matter may become even more apparent in the future.

9. *General.* Commentators generally agreed that the Commission should develop comprehensive regulations to govern commodity broker liquidations under subchapter IV of chapter 7 of the Code. A commodity broker, it must be remembered, may be a firm with a local, national or worldwide hedging and speculating clientele and the financial situation of such firms at the time of bankruptcy will vary in each case. Several commentators, however, noted the complexity of certain aspects of the regulatory scheme provided for by the proposed regulations and suggested that the Commission simplify them.

To the extent that this concern could be addressed consistently with the overall policy objectives underlying this part, the Commission has endeavored to do so in the final rules. For example, in response to comments, the rules make the deposit necessary to obtain the transfer or return of specifically identifiable property other than an open commodity contract consistent with that which must be made to obtain the transfer of a specifically identifiable commodity contract. *See* §§ 190.08(d) (1) and (2). The Commission also has reviewed and revised the final rules in light of its recent experience in bankruptcy proceedings. The Commission believes that the final rules provide a trustee in a commodity broker bankruptcy proceeding with clear and concise instructions for the liquidation or transfer of assets in a manner consistent with assuring customers the maximum recovery of their segregated funds and insulating the commodities markets and other market participants from undue and unnecessary disruption.

The Commission would note in this regard that the rules instruct the trustee as to what to do when confronted with the most complex scenario. The operative facts of a particular bankruptcy proceeding, of course, may make application of many of the regulations and procedures unnecessary, particularly as all commodity contracts often will have been liquidated prior to the filing date. Of course, if the trustee determines that the commodity broker holds no open customer positions or holds no specifically identifiable property, as defined herein, notice and procedures concerning these types of property can be disregarded. Moreover, if a "bulk" transfer of open positions can be completed within one or two days after the petition for bankruptcy is filed, notices to customers concerning instructions, as well as the liquidation provisions, will not come into effect. It is unlikely that transfers will be effected where there is a substantial shortfall in segregated funds. It is the existence of a shortfall which necessarily complicates the calculations necessary to determine the extent of property which may be transferred. However, if such a transfer is possible at all, it is highly likely that it will be orchestrated in such a short time. In this connection, the Commission notes that as many commentators requested reduction of time periods as requested their extension.

It is not the intent of the Commission to require the trustee to engage in useless activities or to expend debtor funds needlessly. Thus, as explained more fully below, the Commission has delegated to the Director of the Division of Trading and Markets broad discretion to grant a trustee an exemption from or extension of time to fulfill non-statutory deadlines. The Commission expects that such exemptions will not be granted on a routine basis, but rather in cases of hardship, such as in the liquidation of a particularly large firm.

II. Section by Section Analysis

This section discusses those proposed rules with respect to which comments were received and explains the Commission's response thereto. In addition, all other material changes which have been made in the final rules, even if not made in response to particular comments, are described. If no comments were received on a proposed rule and it was adopted as proposed, no analysis is provided.

Definitions

Bankruptcy Code. In its proposal, the Commission defined the term "Bankruptcy Code" in § 190.01(c) for convenience of reference to exclude certain provisions of the Bankruptcy Reform Act of 1978 and the Federal Rules of Bankruptcy Procedure which would not generally apply to commodity broker bankruptcies. Certain objections to this approach were raised on the ground that there was no reason to exclude some portions of the bankruptcy law. The reason for defining "Bankruptcy Code" in this manner is merely one of convenience—to permit easy reference in the Commission's rules to that part of the bankruptcy law which would generally govern commodity brokers. This short-hand reference has no substantive effect and has been retained as proposed in the final rules.

Commodity Contract. Proposed § 190.01(g) provided that the term "commodity contract" would have the same meaning as that set forth in section 761(4) of the Code. However, as one of the commentators correctly pointed out, prior to the recent amendents to the Code, that section failed to include commodity options in the definition of a "commodity contract" held by a clearing organization. Nonetheless, no revision to the Commission's proposed definition of "commodity contract" is necessary because this omission has been corrected by Section 16(2) of the Bankruptcy Act Amendments which amended Section 761 of the Code to read as follows:

(4) "Commodity contract" means—

* * * * *

(D) With respect to a clearing organization, contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, *or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;* (Emphasis added).

Thus, the Commission has adopted the definition of "commodity contract" as proposed.

Final net equity determination date. In proposed § 190.01(s), the Commission defined "final net equity determination date" as the latest of: (1) The day immediately after all commodity contracts for the account of customers of the debtor have been transferred, liquidated or satisfied by exercise or delivery, (2) the bar date for filing customer proofs of claim, or (3) the day following the disposition of all disputed claims. One commentator asked whether, under the Commission's proposed definition, it would be possible for the final net equity determination date to occur before the date on which all customer property had been returned or liquidated. As a practical matter, such property generally would be returned or liquidated prior to the bar date for filing customer proofs of claim. Rules 190.02(b)(1), 190.02(f)(2), and 190.03(c) require the early liquidation of specifically identifiable property which is not a commodity contract. Similarly, § 190.02(f)(3) requires the prompt liquidation of any other property held by the debtor which is not otherwise to be transferred or returned, or which has not previously been liquidated.

Rule 302(e) of the Federal Rules of Bankruptcy Procedure currently contemplates a bar date of six months after a bankruptcy filing for the filing of proofs of claim. Although under the Commission's rules the filing of a proof of claim as to property for which customer instructions are requested must occur very early,[22] the trustee need not require proofs of claim to be filed before the six month period has elapsed for other property.

Notwithstanding the foregoing, Section 761(17)(A) of the Code which defines net equity [23] could be read to mean that the value of property not liquidated, transferred, or returned prior to the liquidation, transfer, or identification for delivery of all commodity contracts would cease to fluctuate. The ambiguity lies with the meaning of the phrase "balance remaining." To alleviate this uncertainty, the Commission, pursuant to its authority to refine the net equity definition, has modified its definition of final net equity determination date, as suggested by the commentator. As such, the final rule provides that the final net equity determination date will be the later of four specified occurrences—the three events described above or the day immediately following the day on which all property other than commodity contracts held for the account of customers has been transferred, returned, or liquidated.

Foreign futures. In its proposal, the Commission tied the meaning of foreign futures (proposed §190.01(t)) to that contained in the Code.[24] It was suggested that the Commission clarify which contracts traded on foreign markets will be considered to be forward contracts and which will be considered to be futures contracts. This distinction is significant to a person with a claim based on a foreign contract because if such a contract is considered to be a futures contract, the claimant will be entitled to the customer priority which is not available to a customer holding a forward contract.[25] In this connection, it should be noted that the Bankruptcy Act does not define what a forward contract is nor does it give the Commission the authority to do so. The Commission, however, does not believe that establishing criteria for characterizing foreign futures contracts as either futures or forward contracts would be appropriate in view of the great diversity of contracts that are currently or will be traded in the future on foreign markets. Rather, such a determination is better made on a case-by-case basis by the courts.

House account. Proposed § 190.01(hh) defined "proprietary account" to mean any commodity account owned by the debtor. It was recommended, however, that the term "house account" be substituted for the term "proprietary account" to be consistent with industry practice and to avoid any confusion that might result from the use of the same term to mean two different things within the Commission's regulations. (The definition of proprietary account in Commission Rule 1.3(y) [26] has a broader scope than the definition proposed to be included in this Part 190.) The Commission believes that this is a sensible suggestion and the term house account has been substituted for proprietary account in final § 190.01(w).[27] In this connection, it should be noted that the language in Section 766(h) of the Code which expressly subordinates a customer claim based on a "proprietary account" to those of other customer [28] would apply to those accounts held by customers defined in the Part 190 rules as "non-public customers" and not to the re-named "house accounts" which are the property of the debtor and would be available to satisfy the claims of creditors in any event.

Illegal commodity contract. The Commission has determined to delete from the final rules as unnecessary its proposed definition in § 190.01(w) of an "illegal commodity contract" (*i.e.*, an off-exchange futures contract or a prohibited commodity option contract) as the bankruptcy courts may be unwilling to extend the customer priority to claims based on such contracts. *See, e.g., CoPetro Marketing Group, Inc. v. Commodity Futures Trading Commission,* 680 F. 2d 566 (9th Cir. 1982).

Non-public customer. The proposed definition of "non-public customer" incorporated by reference certain language in the Commission's existing definition of "proprietary account" contained in Rule 1.3(y).[29] One commentator suggested that the scope of the definition of "non-public customer" be broadened to include the minor dependents of certain persons described in Rule 1.3(y) where such dependents are the beneficiaries of a trust account carried by the debtor regardless of whether such children reside in the insider's household as is currently required by § 1.3(y)(vi). The Commission does not believe such a modification is warranted because the trustee currently has the authority to avoid transfers made by the debtor with the intent to hinder, delay or defraud any entity to which the debtor was or became obligated.[30] In addition, the simplicity which was sought by the Commission through using an existing definition would be lost. Thus, the definition of "non-public customer" has been adopted as proposed.[31]

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[22] *See* § 190.08(d)(4).

[23] Section 761, as amended by Section 16(10) of the Amendments, reads in pertinent part:

(17) "net equity means, subject to such rules and regulations as the Commission promulgates under the Act, with respect to the aggregate of all of a customer's accounts that such customer has in the same capacity—

(A) the balance remaining in such customer's accounts immediately after—

(i) all commodity contracts of such customer in such capacity have been transferred, liquidated, or become identified for delivery; and

(ii) all obligations of such customer to the debtor have been offset * * *.

[24] Section 761(11) of the Code provides: "foreign future" means contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a board of trade outside the United States.

[25] *See* Sections 761 (4) and (9) and 766(h) of the Code.

[26] 17 CFR 1.3(y).

[27] Proposed § 190.01(w) defining the term "illegal commodity contract" has been deleted (*see* discussion *infra*) and new § 190.01(w) contains the definition of "house account."

[28] *See* n. 12 *supra* for text of the addition to Section 766(h).

[29] 17 CFR 1.3(y).

[30] *See* Section 548 of the Code.

[31] *See* text accompanying n. 28 *supra* which explains that the recent amendment to Section 766(h) of the Code added by the Bankruptcy Act Amendments subordinates the claims of customers

Open commodity contract. An objection was raised to the point made by the Commission in the Federal Register release accompanying the proposed rules that the proposed definition of "open commodity contract" (§ 190.01(cc)) as a contract which has been established in fact would exclude bucketed trades.[32] The commentators were concerned that a customer who had unwittingly been the victim of bucketing by their broker might thus be unfairly penalized. However, the only relevance in these rules of this definition is to define a class of contracts eligible for transfer. The definition itself will not affect a customer's claim against the estate based on a trade which has been bucketed. As a contract which has never been executed on an exchange cannot be transferred, the Commission believes that the proposed definition of open contracts is appropriate and has adopted it as proposed.

Order of relief. Proposed § 190.01(dd) defines the term "order of relief" to mean the filing of a petition in bankruptcy in a voluntary case and the adjudication of bankruptcy in an involuntary case. In response to the comments received, the Commission is changing that term as used throughout Part 190 to "order for relief" to conform to the Code.

Principal contract. One commentator requested that the Commission amend the definition of "principal contract" contained in § 190.01(gg) of the proposed rules to add after the word "Commission" the words "or rules of a contract market which it is obligated to enforce." The commentator stated that this language was necessary to exclude from the definition those transactions which may be executed off the floor of a board of trade pursuant to rules which have not been specifically approved by the Commission but which the contract market is obligated to enforce in conformity with Rule 1.53.[33] The Commission agrees and the definition has been changed as requested. In this connection, the Commission notes that the need for this amendment is highlighted by the recent enactment of amendments to the Commodity Exchange Act which would in effect reduce the number of contract market rules which will require approval by the Commission.[34]

Specifically Identifiable Property. The proposed definition of the term "specifically identifiable property" (§ 190.01(ll), final § 190.01(kk)) provided that, among other things, an open commodity contract will be specifically identified to a customer if it can be identified from the books and records of the debtor as held for the account of that customer. One commentator noted, however, that proposed §§ 190.02(f)(1) and 190.08(d)(2) appeared to limit the commodity contracts eligible for transfer at customer request to futures contracts which are part of *bona fide* hedging transactions or to dealer option contracts. In order to make its intent clear that the contracts eligible for transfer are the same as those which are specifically identifiable (which are the ones which may be transferred upon customer instruction under the Code[35]), that commentator recommended that the Commission amend the definition of the term "specifically identifiable commodity contract" to conform it to the commodity contracts eligible for transfer at customer request.

The Commission believes that there is merit to this recommendation and has narrowed the definition of specifically identifiable commodity contracts to those which are contained in an account designated in the accounting records of the debtor as a hedge account in accordance with § 190.04(e)(1). In addition, the Commission has made that definition applicable to exchange-traded options by adding to the hedge positions transferable under the proposed rule those positions which are commodity option transactions which have been determined by the relevant contract market to be economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise pursuant to rules which have been adopted in accordance with the requirements of Rule 1.61(b)[36] and approved by the Commission pursuant to Section 5a(12)[37] of the Commodity Exchange Act. By amending § 190.01(kk) as set forth above, the Commission believes that greater certainty and direction will be provided to the trustee in the administration of the debtor's estate. The Commission also notes that this amendment recognizes that, in general, commodity contracts have no value or existence independent of the equity attributable to them. In contrast, contracts which have been entered into for hedging purposes have an intangible value separate and apart from any equity deposited with respect to them which results from their hedging function. It is for this reason that the Commission believes these are the only open contracts which should be treated as specifically identifiable contracts. The Commission is also modifying the term specifically identifiable property deposited with respect to deliveries in response to certain comments made concerning the procedures set forth in § 190.05. A full discussion of these changes is included in the preamble discussion of that section.

Other Definitional Comments. The Commission also received several additional comments regarding its proposed definitions in § 190.01. For example, one commentator noted that a number of the proposed rules refer to bona fide hedging transactions as defined in Rule 1.3 (z) of the Commission's regulations. However, § 190.04(e) of the proposed rules provides that notwithstanding Rule 1.3(z), a trustee may generally rely on the hedge account designation in a debtor's accounting records in determining whether an account is eligible for transfer at a customer's request. This commentator recommended that a special definition of hedge accounts be adopted for purposes of the bankruptcy rules.

The Commission does not believe that a special definition is warranted. The rules require that the customer's preference with respect to a hedging account be recorded, so as to enable the trustee to determine directly from the basic customer account records whether or not a contract is subject to a liquidation or transfer instruction. § 190.06(d)(2). It is not the Commission's intent to make the trustee responsible for incorrect designations, as the Commission believes that customers and commodity brokers should be responsible for making such designations correct in the first instance. The Commission does not, however, wish to free the FCM and the customer of their responsibility for making a correct designation upon which the trustee can be expected to rely. To do so would provide both an incentive and a means to avoid the limitations proposed by these regulations with respect to the transferability of positions.

The same commentator also suggested that the Commission should make clear whether the term "transfer," as used in the proposed rules, has the same meaning as in section 101(40) of the Code,[38] and in particular, to what extent

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holding proprietary accounts as defined by the Commission to be non-public customers to those of public customers.

[32] 46 FR at 57538, *supra* n. 9.

[33] 17 CFR 1.53.

[34] *See* Futures Trading Act of 1982, Pub. L. No. 97-444, § 216, 96 Stat. 2294 (amending 7 U.S.C. 7a(12)).

[35] 11 U.S.C. 766(a)(2) and 766(c).

[36] 17 CFR 1.61(b).

[37] 7 U.S.C. 7a(12), *as amended*, *supra* n. 34.

[38] Section 101 (40) has been redesignated as Section 101 (41) by § 1(a)(1) of the Amendments.

a liquidation would be considered a transfer. In this connection, the Commission notes that section 764(b)[39] of the Code, which permits the Commission to insulate certain transfers from avoidance, also provides for the separate treatment of liquidations. Presumably the Commission can characterize under that section what liquidations are protected transfers without being bound by other Code provisions. For this reason, the Commission does not intend that the definition of the term "transfer" in these rules to be coextensive with that in section 101(40) of the Code which provides a very broad definition for purposes of the preference section of the Code, which are not really germane to most of the subchapter IV provisions concerning transfers of commodity contracts. In addition, the Commission wishes to point out that to the extent these rules contemplate the insulation of certain transfers from avoidance by the trustee, they are very specific as to the intended scope of the term transfer.

Two commentators requested that several other terms used in the proposed rules be specifically defined, including the terms "commodity interest", "deficit" and "bulk transfer." In response to these suggestions, the Commission is deleting the term "commodity interest" wherever it occurs to avoid any possible confusion as to its meaning and substituting the defined term, "commodity contract." With respect to the use of the term "deficit," the Commission has provided further guidance in the sections of this release which discuss those rules in which that term is used. If no specific discussion appears, the Commission intends that the definition of that term shall be the same as that contemplated by Commission Rule 1.17.[40] Finally, the meaning of the term "bulk transfer" is implicit in the rules. That term is intended to encompass a transfer of all or a portion of the open commodity contracts of the debtor at one time other than upon an individual customer's instruction. Such transfers would generally be in accordance with section 764(b)(1) of the Code and §§ 190.06 (e) and (f) of this part.

Operation of the Debtor's Estate Prior to the Primary Liquidation Date

Notice to the Commission and to Designated Self-Regulatory Organization. Section 190.02(a)(1) of the proposed rules would have required that a commodity broker give notice to the Commission of a petition in bankruptcy filed by it or filed against it within Twenty-four hours after the filing. One of the commentators expressed concern that a clearing organization might be at risk in the exercise of its rights, such as the right to liquidate open commodity contracts within five days of the filing of the bankruptcy petition, if the required notice were not given but the clearing organization acted in good faith unaware of whether notice was given. In this connection, several commentators recommended that the Commission add to § 190.02(a)(1) an exculpatory clause to the effect that failure to give the required notice would not affect actions taken by a clearing organization in good faith. The Commission appreciates the clearing organizations' concerns but believes that the rights of a clearing organization do not hinge in this instance upon notice to the Commission and, furthermore, that recent amendments to the Code, and in particular the addition of Section 556,[41] provide adequate protections for clearing organizations. That section generally protects a clearing organization's right to liquidate a commodity contract pursuant to contractual agreement and to receive variation or maintenance margin payments from a trustee free of the stay provisions of the Code.[42]

It should also be noted that the time period allotted for the transfers of commodity contracts which may be protected from avoidance under Section 764(b) is set by statute which the Commission is without discretion to relax, and that the same amendments alleviate the most difficult timing problem under the Code. As originally enacted, in involuntary cases, the time period during which account transfers which could not be voided ran from the time of the filing of the petition rather than from the entry of the order for relief.[43] This provision has now been changed to the latter time period.[44]

Nonetheless, in response to the commentators' concerns, the Commission is providing that a contemporaneous notice of filing be given to the debtor's designated self-regulatory organization and suggests that the self-regulatory organizations also adopt their own rules to assure notice from a member debtor. Although some comments suggested that the debtor should be required to notify the clearing organizations of which it is a member, any carrying brokers with which it deals, and all self-regulatory organizations to which it belongs, the Commission believes that notice to a debtor's designated self-regulatory organization, the entity responsible for monitoring the financial status of the commodity broker, is sufficient.[45]

Other parties commenting on proposed § 190.02(a)(1) observed that it may not be possible for a commodity broker to give the required notice to the Commission within the prescribed 24-hour period after such filing. The Commission agrees that if an involuntary petition were filed on a Friday, for example, the commodity broker itself might not receive notice within the requisite 24 hours. Thus, the time requirement of this rule has been changed such that in the case of an involuntary petition, the commodity broker must notify the Commission and its designated self-regulatory organization as soon as possible after receiving notice of the filing, but no later than one business day thereafter.

With respect to a voluntary filing, the Commission has modified the language to state expressly that notice shall be given at least contemporaneously with the filing but may be given prior thereto. This raises no problems for the broker who will know when it intends to make such a voluntary application. In fact, the Commission strongly encourages the giving of advance notice in a voluntary case and wishes to underscore the fact that any such early notice will be kept confidential. Early notification of the

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[39] 11 U.D.C. 764(b).

[40] 17 CFR 1.17.

[41] Section 6(a) of the Amendments added section 556 to the Code.

[42] New section 556 (to be codified at 11 U.S.C. 556) reads as follows: "The contractual right of a commodity broker or forward contract merchant to cause the liquidation of a commodity contract, as defined in section 761(4), or forward contract because of a condition of the kind specified in section 365(e)(1) of this title, and the right to a variation or maintenance margin payment received from a trustee with respect to open commodity contracts or forward contracts, shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by the order of a court in any proceeding under this title. As used in this section, the term "contractual right" includes a right set forth in a rule or bylaw of a clearing organization or contract market or in a resolution of the governing board thereof."

The House Report accompanying this legislation states, however, that: "As used in this section [556], the right to liquidate a commodity contract is only the right to close out an open position. For example, the right to liquidate does not constitute the right to transfer cash, securities, or property held with respect to such contracts, except to the extent otherwise provided in this title."

H.R. Rep. No. 97-420, 97th Cong., 2d Sess. 586 (1982).

[43] *See* 46 FR at 57541, *supra* n. 9 (discussion of lengthy time lapse which could occur in an involuntary case between the filing of the petition and the adjudication of bankruptcy).

[44] Section 17(b) of the Amendments amending Section 764(b) of the Code.

[45] *See* Commission rules 1.3(ff) and 1.52, 17 CFR 1.3(ff) and 17 CFR 1.52. Of course, a vigilant designated self-regulatory organization should ordinarily be conscious of the approaching bankruptcy of one of its members.

Commission would be extremely important, for instance, in the case where a petition is filed late on a Friday afternoon. If so notified, the Commission could assist over the weekend in arranging transfers of accounts protected from avoidance by the trustee [46] so as to prevent a market reaction to the news of the bankruptcy from affecting the ability of the broker to effect such a transfer or from adversely affecting valuation. In general, early notice should assist in the prompt liquidation or transfer of open contracts held by the debtor.

One final point raised by the commentators with respect to proposed § 190.02(a)(1) was that, upon receipt of such notice, the Commission should designate a staff person to be available for consultation throughout the proceeding. In response to this and similar comments, the Commission has added a new provision, § 190.10(d) the final rules, which delegates to the Director of the Division of Trading and Markets or his designee most of the functions lodged with the Commission by the regulations.[47] For example, it authorizes the Director to monitor bankruptcy proceedings generally, to approve transfers of commodity contracts, and to extend or exempt a debtor from Commission-imposed time limits. In this connection, the Director may need to seek assistance from the heads of other units of the Commission and their staffs. (Commission staff has generally been available to assist trustees in connection with recent bankruptcies, the last of which was filed in 1980). However, trustees should be aware that the Commission would not be constrained to oppose a position taken by a trustee with which the Commission did not agree.

Notice as to Transfers under Section 764(b) of the Bankruptcy Code. Proposed § 190.02(a)(2) would have provided that by the close of business on the third business day after a petition in bankruptcy had been filed, the trustee, the applicable self-regulatory organization, or the commodity broker would be required to notify the Commission as to whether a "bulk" transfer of commodity contracts would be effected. (The final rule has been conformed to the recent amendment to Section 764(b) of the Code which makes this time period run from the date of the order for relief rather than from the filing of the petition.) [48]

One commentator recommended that a provision be added to proposed §§ 190.02(a)(2) to the effect that such a transfer would not be invalidated by the failure to give the required notice. However, the invalidation of such a transfer is precisely the result which the Commission intends. If no notice is required to insulate such transfers from later attack, there will be no incentive to inform the Commission and no way for the Commission to assure in advance that the transfer to be effected meets the pro rata requirements of these rules.

Another suggestion with respect to proposed § 190.02(a)(2) was that the Commission preclude the trustee from seeking a stay against a clearing organization. This point is now addressed by new Section 556 of the Code.[49] As already noted, that section expressly preserves the right of a carrying broker or clearing organization to liquidate a commodity contract free from the operation of the Code's stay provisions.

In fact, even independent of these rules, the very existence of Section 556 should create a strong incentive for persons affected by a bankruptcy to contact the Commission and the applicable carrying brokers and clearing organizations as soon as possible. In such a case, customers of the debtor, the commodity broker, and any potential transferee broker may need to provide prompt assurances that the carrying broker or clearing organization would not be exposed to undue risk during the negotiation and completion of a transfer of accounts and therefore need not exercise its right of liquidation. The existence of this section also means that customers with bargaining power, as a practical matter, may need to take an interest in providing such assurances at the time they enter into customer agreements.

One commentator requested that § 190.02(a)(2) be amended to permit a customer to order the liquidation or transfer of his contracts before the trustee undertook such action. This, however, would undermine the basic concept of a bankruptcy proceeding which is intended to ensure that no one obtains more than his pro rata share of the estate. The Commission notes that under these rules and the Code there is opportunity for customers to seek to control the disposition of open contracts and specifically identifiable property.[50]

Notice to Customers Concerning Instructions for Return of Specifically Identifiable Property Other Than Commodity Contracts. Proposed § 190.02(b)(1) would have required the trustee, within twenty-four hours of an order for relief, to publish a two-day notice to customers stating that all specifically identifiable property other than open contracts will be liquidated five days after the second-day notice if the customer has not instructed the trustee as to its return. The notice would be required to describe what constitutes specifically identifiable property in accordance with the Commission's definition.

Several commentators objected to the shortness of the twenty-four hour period, particularly if the order for relief were entered on a Friday, and suggested that one business day be substituted instead. The Commission agrees that twenty-four hours is not sufficiently flexible, and accordingly, has changed the requirement to two business days.[51] In this connection, the Commission also has provided exemptive relief from any non-statutorily imposed time limit contained in these rules.[52] This should further ease any hardship which might arise without discouraging the prompt action on the part of the trustee which is essential to the effective administration of a commodity broker bankruptcy.

An additional clarification is also required with respect to this section. Specifically, no notice need be given to owners or holders of dealer option contracts where the debtor is not a dealer option grantor. This is because such contracts are generally transferable without regard to the funded balance available to support their transfer.[53]

The Commission also wishes to point out that if a "bulk" transfer of open contracts is effected during the two business days following the entry of the order for relief, no § 190.02(b)(1) notice need be given to a customer whose specifically identifiable property has been transferred. Moreover, if a "bulk" transfer is completed after the notice has already been given requesting customer instructions as to the disposition of specifically identifiable property, those instructions must be forwarded to the transferee broker upon their receipt and the transferee must comply with them to the extent

[46] 11 U.S.C. 764(b), as amended.

[47] *See* discussion of this provision *infra*.

[48] Section 17(b) of the Amendments.

[49] *See* n. 42 *supra*.

[50] *See* § 190.02(b) of the rules and Section 765(a)(2) of the Code which require the trustee to seek customer instructions regarding the disposition of open contracts and specifically identifiable property.

[51] This two-day period has also been selected to conform to § 190.02(b)(2) so that the rules do not provide for numerous different time frames.

[52] § 190.10(b). The procedure under which such relief may be obtained is discussed more fully *infra*.

[53] *See also* § 190.06(f)(3)(i).

possible.[54] In such a case, the transferee is encouraged to contact those customers who may want to reevaluate their instructions in light of the transfer.

Other commentators thought that the language of the notice might lead to a misapprehension that open contracts and other property which are not specifically identifiable may not have to be liquidated. Minor technical amendments have been made to remove this misapprehension. In this connection and in response to specific comments requesting that the Commission provide a form of notice, the Commission has included a sample form which will satify the rule, if used, and which makes clear that liquidation can occur for other reasons.[55] In fact, § 190.02(b)(1), as adopted, specifically states that use of the sample notice provided by the Commission constitutes compliance with the notice requirement of § 190.02(b)(1).

On its own initiative, the Commission has made one other change to § 190.02(b)(1), as adopted, which requires that the notice also alert customers to the fact that, even if they instruct the trustee on a timely basis to return their property, it may nonetheless be liquidated it for any reason it has not been returned as requested. This amendment conforms the format of the section to that of § 190.02(b)(2).

Notice to Customers Concerning Instructions for Transfer or Liquidation of Certain Open Commodity Contracts. Proposed § 190.02(b)(2) required the trustee to request instructions from customers as to the preferred disposition of certain of their open contracts within forty-eight hours after entry of an order for relief. Commentators again suggested using two business days in case an order for relief were entered on a Friday. The Commission finds merit in this suggestion and has revised the final rule accordingly. Another commentator argued that such a time period was too short in general because typically the debtor's records are in disarray. Although sympathetic to this concern, the Commission believes a longer period of time would not be feasible. The number of customers who would have to be notified pursuant to this provision should not be too great, because only contracts contained in a hedging account for which a customer has not requested early liquidation are eligible for transfer on customer instructions.[56]

One commentor suggested that the Commission make clear that customers could direct the trustee to either transfer, if eligible, or liquidate their contracts before the expiration of the four business days subsequent to bankruptcy during which "bulk" transfers can be effected.[57] As noted above,[58] if a "bulk" transfer of all open contracts is arranged within two business days following the entry of the order for relief,[59] then the requirement of § 190.02(b)(2) to solicit customer instructions regarding the disposition of those open commodity contracts which are hedges would be unnecessary. In fact, to require the trustee to respond to instructions concerning individual accounts during the period immediately following a bankruptcy when the trustee might be negotiating with a potential transferee to accept a "bulk" transfer could hinder, or perhaps subvert entirely, that process. Of course, customers may send such instructions to the trustee, but he would not be required to honor them until expiration of the statutory period for "bulk" transfers or the conclusion of such a transfer.

One final recommendation with respect to proposed § 190.02(b)(2) was that it be revised to incorporate a description, in the rule itself, of those types of open contracts eligible for transfer by individual instruction, *i.e.*, bona fide hedge and dealer option contracts, rather than by allusion to § 190.02(f)(1). The Commission believes, however, that the reference to § 190.02(f)(1) is more precise as there are other conditions on transferability contained therein. Indeed, § 190.02(b)(2) would become too convoluted if the language of § 190.02(f)(1) were incorporated in full therein.

Notice to Customers Concerning Involuntary Bankruptcy Proceeding. Proposed § 190.0.2(b)(3) provided that in an involuntary bankruptcy proceeding, upon leave of the court, the trustee could notify customers of the proceeding and request customer instructions with respect to the disposition of certain property before entry of the order for relief. One commentator responded that the need to receive approval of the bankruptcy court was too burdensome given the restrictive time periods imposed by other provisions of the proposed rules. However, this potential difficulty has been eliminated by the Bankruptcy Act Amendments which changed the time during which "bulk" transfers can be effected in an involuntary case. As the order for relief is not entered until adjudication and as an adjudication would ordinarily take at least several weeks, even if uncontested,[60] ample time is now available for a trustee to obtain permission from the bankruptcy court before contacting customers.

Other minor technical changes have also been made to § 190.02(b)(3), as adopted. For reasons of style and precision, as noted above, the Commission deleted the language requesting customer instructions with respect to the "preferred disposition" of customer property, substituting instead a request for specific instructions as to the "return, liquidation or transfer" of such property.

Proof of Customer Claim. Section 190.02(d) of the proposed rules required the trustee to cause the proof of customer claim to set forth the bar date for its filing and to specify detailed information. Several commentators suggested that the degree of detail required was too burdensome, particularly with respect to customers who want to reclaim specifically identifiable property. The Commission believes that this is a valid concern and has amended § 190.02(d) to provide that the trustee need only request, in his discretion, that customers provide the information required by that rule to the extent reasonably possible. However, the Commission would like to make two points with respect to a proof of claim for specifically identifiable property. First, by definition, the property which is specifically identifiable is extremely limited. (§ 190.01(kk)). Second, if a customer were willing to pay full value into the estate under § 190.08(d)(1)(i) and (ii) to recover his specifically identifiable property, the trustee would need only proof of specific identification from the customer or the records of the debtor to process the claim. On the other hand, since the Code prohibits the return of specifically identifiable property which exceeds a customer's allowed pro rata share, if its return is sought under § 190.08(d)(1)(ii) the trustee will need detailed information from the

[54] *See* § 190.02(c). Rule 190.02(c) also answers a question posed by two of the commentators as to the extent to which customer instructions are binding on either the trustee or the transferee. As noted in the text, that rule provides that the transferee must comply with the instructions to the extent practicable. A similar standard would apply to the trustee.

[55] The sample notice appears in the Appendix to the rules.

[56] *See* §§ 190.01(kk)(2) and 190.02(f)(1).

[57] *See* Section 764(b) of the Code and § 190.02(a)(2).

[58] *See* discussion of § 190.02(b)(1).

[59] Two business days is the time period established by § 190.02(b)(2).

[60] *See, e.g.*, Jefferson National Investment Corporation, 80-00352 (Bank. Ct. M.D. Fla. 1980) in which the involuntary petition was filed on March 17, 1980 and the date set for the debtor's response was April 9, 1980. No order for relief could have been entered by the court before the date of the debtor's response.

customer to determine the funded portion of his estimated net equity.

In addition, one commentator was concerned that a public customer with a discretionary account could not render a description of "all transactions" for the 90-day period preceding the filing date as required by proposed § 190.02(d)(6). The Commission believes that there is merit to this concern and has consequently deleted that requirement from the final rules.

Transfers. Section 190.02(e)(1) of the proposed rules provided that the trustee for a commodity broker bankruptcy in a voluntary case must, as soon as possible, but in any event no later than four business days after the filing date, use its best efforts to effect a transfer of the open commodity contracts and equity held by the debtor for or on behalf of its customers. The Commission is making two changes to this provision. First, the term "order for relief" has been added in lieu of "filing date." Second, the paragraph has been amended to make that provision applicable to all cases. This is because as a result of the Bankruptcy Amendments the timing in both types of cases is now the same.[61]

In addition to certain suggested minor technical changes which have been made, the Commission received several other comments on this rule proposal. One commentator questioned the wisdom or desirability of holding hedge contracts open beyond the fourth business day inasmuch as the risk presented to the marketplace by such contracts is no less than for holding open speculative contracts. As stated in the Preamble to the proposed rules, however, the legislative history of the Code suggests that special treatment of hedge accounts was particularly intended.[62] This is because, as stated above, hedging accounts have an "intangible value" over and above the equity reflection of them.

Another commentator sugested reducing the four-day period. In this connection, the Commission notes that the Code (and the commodity Exchange Act) provide ample authority for the Commission to describe the period during which the trustee is required to operate the bankrupt estate and to determine the conditions for disposition of the property of the estate.[63] However, the Commission does not believe that sufficient justification exists to alter the four-day period proposed in § 190.02(e)(1) which is coincident with that established by the Code. First, this is the statutory limit during which such transfers are permitted free of a precise pro rate disposition. Of course, if the trustee determines no transfer is possible as in a case of severe under-segregation, then contracts may be liquidated as soon as such a determination is made. Indeed, the Commission would like to make clear that such transfers are generally expected to occur well before expiration of the four-day maximum. For example, as a practical matter, the Commission would not expect a clearing organization to wait more than one business day before closing out the open positions of an insolvent commodity broker unless the trustee or customers holding large positions provided sufficient assurances that variation margin payments would be met or of other security until such time as a transfer of those positions could be effected. Therefore, larger customers will need to act quickly in making appropriate arrangements if they are interested in transferring their open positions. In addition, pursuant to § 190.02(g)(3), the full amount of any margin payments made by a customer after the filing of a petition in bankruptcy is required to be credited to the funded balance of that customer's account. This should facilitate the payment of margin because such payments will not be diluted in a pro rata distribution.

The same commentator also expressed concern that the Commission in its discussion of proposed § 190.02(e) did not make sufficiently clear that Section 764(b) of the Code provides that the trustee may not avoid any transfer made within five days prior to the date of filing of the petition. In this regard, the Commission notes that its discussion of pre-bankruptcy transfers in the proposed rules directly addresses this commentator's concern.[64] Indeed, as the Commission has already pointed out, the Commission's minimum financial rules clearly contemplate that the transfer of customer accounts could occur in appropriate cases prior to bankruptcy. The operation of these rules would be severely impeded, absent a provision which allowed the Commission to insulate such transfers from avoidance as preferences, assuming that the transferor firm ultimately became bankrupt.[65] The regulations therefore provide that transfers which are made prior to the order for relief and which comply with § 1.17(a)(4)[66] of the Commission's rules, will be free from avoidance by the trustee notwithstanding the eligibility requirements of § 190.06(e). (§ 190.06(g)(1)). No change is therefore required to respond to the comment.

The same commentator further requested that the Commission make clear that a bulk transfer may consist of as many contracts as is feasible and not necessarily all contracts held by the debtor for its customers. The Commission notes, however, that § 190.06(f)(3) already makes clear that a trustee can effect a bulk transfer of less than all customer accounts. If the records of the debtor are in poor order, however, the trustee may deem it advisable not to make anything less than a bulk transfer except, of course, of certain dealer option contracts which can always be transferred, as noted above.[67]

Another commentator, in response to proposed § 190.02(e), requested that it be made explicit that the obligation of the trustee to seek to make transfers does not in any way inhibit the right of the clearing organization to liquidate any open positions of the bankrupt clearing member in accordance with its rules or by-laws. As already noted, the contractual right of the clearing organization to liquidate open positions has been made clear by the recent technical amendments to the Bankruptcy Code.[68]

A similar concern was also expressed with respect to proposed § 190.02(g)(1). It was noted that since "the trustee may make variation margin payments to a clearing member or to a clearing organization" prior to the primary liquidation date, the proposed rule may suggest that the trustee, in effect, enjoys the option to keep futures positions open and to not make variation margin payments. The Commission only requires the trustee to make payments of margin when payments are received after bankruptcy for that explicit purpose. Otherwise payment is at his option. Again, the Commission wishes to reiterate that the appropriate remedy for the clearing firm in this situation is to liquidate promptly all open positions pursuant to the authority granted by the amendments to the Bankruptcy Code.[69]

Liquidation or Offset. Section 190.02(f) of the proposed rules provides that, in a voluntary case, if no contracts are eligible for transfer pursuant to such section and no "bulk transfer" is possible under §§ 190.06(e) and (f), all

[61] Section 17(a) of the Amendments amended Section 764(a) of the Code.

[62] 46 FR at 57540, n.9 *supra.*

[63] *See* 11 U.S.C. 766 and 7 U.S.C. 24(a)(3).

[64] 46 FR at 57545, n. 9 *supra.*

[65] *See* 11 U.S.C. 764(b), *as amended,* n. 48 *supra.*

[66] 17 CFR 1.17(a)(4).

[67] *See* § 190.06(f)(3)(i).

[68] Section 6(a) of the Amendments added Section 556 to the Code, *see* n. 42 *supra.*

[69] *Id.*

open commodity contracts, except certain contracts which are hedges and are identified as such in specific records of the debtor and certain dealer option contracts, must be liquidated. The Commission received several comments on this provision. One commentator stated that the use of the Commission's current definition of bona fide hedging to identify the futures contracts eligible for transfer was too restrictive. That commentator requested that the commodity contracts eligible for transfer at customer request be broadened to include all hedging transactions involing futures or exchange-traded options, whether or not such transactions fall within the scope of Rule 1.3(z). The Commission believes that there is some merit to this comment. Thus, the Commission has amended § 190.02(f) to provide that commodity option transactions which have been determined by the contract market to be economically appropriate to the reduction of risks in the management of a commercial enterprise pursuant to rules which have been adopted in accordance with the requirements of § 1.61(b)(2) [70] and approved by the Commission pursuant to Section 5a(12) of the Commodity Exchange Act are eligible for transfer at customer request. This change would permit the transfer of those exchange-traded commodity option contracts which are not now subject to speculative position limits. The same commentator also stated that a hedger who wants his hedging positions held open for possible transfer in the event of the bankruptcy of the broker should be required to notify the broker prior to the entry of the order for relief. The Commission believes that such notice is already provided for by the rules. In this regard, § 190.06(d)(2) requires that FCMs maintain information in their accounting records concerning which hedge accounts should be transferred in bankruptcy. This section has been amended slightly but still permits a customer to provide the early notice suggested to be necessary by the commentator. The commentator further stated that the rules should also require the trustee to liquidate all hedging positions held by or through the debtor for which instructions are not timely received. Although § 190.03(b)(3) of the proposed rules so provided, §§ 190.02(f) and 190.02(b)(2) have been modified to make this point clearer. In addition, § 190.02(f)(1) has been amended to provide for the liquidation of a commodity contract which is either a long option on a physical which cannot be settled in cash and would be automatically exercised, has value, and would remain open beyond the last day for exercise, or is a short option on a physical which cannot be settled in cash. This change has been made to accommodate the rules to exchange-traded options as requested by the majority of commentators.[71]

Treatment of Open Commodity Contracts—Margin. Section 190.02(g)(1) of the proposed regulations authorized the trustee, in its discretion, to make margin payments on behalf of open commodity positions pending their liquidation regardless of whether they were specifically identifiable to a particular customer. However, the rules would not permit the trustee to make payments out of segregated funds on behalf of open commodity positions of the debtor or of non-public customers. One commentator recommended that the regulations make clear that the trustee has a duty both to liquidate any contracts for which the estate is not in a position to meet variation margin calls and to meet margin calls on any positions remaining open. The Commission would like to point out that the trustee's obligation to pay margin was originally intended by these rules to be discretionary because there existed a question as to whether the Code permitted the payment of margin with respect to open commodity positions that are not specifically identifiable. The recent amendments to the Code, however, explicitly provide that the trustee may meet all margin calls with respect to accounts held open by the debtor [72] and give the Commission the authority to prescribe rules in connection therewith.[73] Nonetheless, the Act clearly does not make the payment of margin an obligation imposed upon the trustee. This is because the remedy of a carrying broker or clearing organization of non-payment is liquidation, as made clear by section 556 of the Code. In addition, § 20 of the Commodity Exchange Act, as amended, gives the Commission clear authority to provide by rule or regulation the method by which the business of the commodity broker is to be conducted or liquidated after the filing of the petition.[74] Accordingly, § 190.02(g)(1) has been amended to provide that prior to the primary liquidation date, the trustee may, as appropriate, make variation or maintenance margin payments to any commodity broker carrying an account of the debtor. The trustee would be prohibited, however, from making margin payments from segregated customer funds for the benefit of the accounts of non-public customers or the debtor, or from making such payments for accounts which are in deficit which must be liquidated under § 190.02(g)(2).

Proposed § 190.02(g)(2) directed the trustee to make a margin call with respect to accounts which remain open for transfer pursuant to customer instructions as soon as possible and authorized the trustee to require that such calls be answered in one hour. In response to one commentator's suggestion, this subparagraph has been amended to make clear that a margin call may be made for any account pending liquidation, provided that no payments need be made to restore initial margin. Of course, if a margin call made by the trustee is not met, the trustee should liquidate the account.[75] This enables the trustee to take steps to prevent further erosion of the estate pending any bulk or partial transfer of customer accounts and also to keep such positions open if a transfer upon customer instructions is contemplated. Since open positions in an account with a negative net equity may not be transferred, the prompt liquidation of such accounts is required. As a practical matter, however, if the trustee does not take action to liquidate or transfer such accounts promptly, the open positions will be closed out by the carrying broker or clearing organization.

Proposed § 190.02(g)(3) stated that the full amount of any margin payment by a customer in response to a margin call by the trustee must be credited to the funded balance of the particular account for which it was made. Moreover, an amendment suggested to § 190.02(g)(1) makes clear that the trustee must make payments of margin if payments are received from customers. One commentator thought that it was unrealistic to expect customers to respond to margin calls from a trustee in bankruptcy. The Commission notes that the remedy for the customer in that case will be for him to direct the trustee to liquidate all his open positions. Several commentators also voiced concern that a customer who met a margin call from a trustee in bankruptcy would have his margin payment instantly diluted, thereby further reducing the funded balance in his account. The Commission wishes to make clear that such a result should not occur under the final rules.

[70] 17 CFR 1.61(b)(2).

[71] *See generally* Commission rules on exchange-traded options, 46 FR 54500 (Nov. 3, 1981) and 47 FR 56996 (Dec. 22, 1982).

[72] Section 6(a) of the Amendments added Section 556 to the Code, *see* n. 42 *supra*.

[73] Section 20(b) of the Amendments amends Section 20(a)(3) of the Commodity Exchange Act.

[74] 7 U.S.C. 24.

[75] § 190.02(g)(2).

Margin payments would not be distributed pro rata because, as in ordinary practice, they would be credited directly to the account for which they were made. Thus, the funded balance of a customer would be increased dollar-for-dollar for any margin payments and no dilution of the customer's funded balance would result. Minor adjustments have been made to the formula for calculating funded balance prior to the primary liquidation date to assure that result.[76]

Operation of Accounts Held Open for Transfer. Section 190.03 primarily addresses the operation, until liquidation is required, of any open contracts for which transfers may be made pursuant to instructions of a customer. Apart from certain technical changes which the Commission found unnecessary, a commentator noted that the requirement of proposed § 190.03 that new accounts be established for dealer options and hedging positions which are permitted to remain open after the primary liquidation date could be an unnecessary burden because the objective of that provision could be met by the generation of a new statement of account. The Commission agrees that the generation of such an account statement with the opening balance prescribed would satisfy its reasons for establishing new accounts and therefore has adopted the proposed change.

Proposed § 190.03(a)(4) provides that the full amount of any margin payments made by a customer subsequent to the primary liquidation date must be credited to the account for which it was made, so that such margin payments would not be subject to dilution in a pro rata distribution. The Commission is amending § 190.03(a)(4) to make clear that the trustee may make variation or maintenance margin payments with respect to the broker carrying any account referred to in § 190.03(a)(1), as appropriate, if such payments do not exceed the balance of the statement of account generated under that subparagraph to which such contracts are credited. The commentators noted that the rule, as proposed, could suggest that payments must be made to a clearing organization on a gross basis whereas most clearing organizations now clear on a net basis. The Commission did not intend by this rule to alter clearing procedures as they pertain to bankrupt estates and has modified the language of this provision to eliminate any such suggestion.

Proposed § 190.03(b) sets forth the terms upon which accounts which remain open pending customer instructions must be liquidated. One commentator requested that the Commission define the term "deficit" in this connection as there could be confusion as to whether that term meant a deficit in the "new" account. Deficit as used in § 190.03 is intended to mean that the new balance in the transfer account is at any time less than zero. The opening balance in such accounts must be equal to the funded balance of the customer on the primary liquidation date. If this balance were less than zero on that date, the contracts would be liquidated and no new transfer account would be generated despite the receipt of customer instructions. The Commission is, however, making explicit that a deficit means a deficit in the new account. In addition, in response to another commentator's suggestion, the Commission is making a minor technical revision to § 190.03(b) by deleting the words "for transfer" as that phrase is unnecessary and its deletion would not substantially affect the operation of the rule.

Operation of the Debtor's Estate—General

Compliance with Commodity Exchange Act. Proposed § 190.04(a), which is unchanged in the final regulations, requires a trustee to comply with the Commodity Exchange Act, as amended, ("Act")[77] and the Commission's regulations thereunder,[78] as if it were the debtor. One commentator argued that such a requirement added a significant burden to the estate and therefore should be deleted. The Commission, however, has no authority to relieve any person from compliance with the Act, nor does it believe that such an exemption would be desirable. In addition, if a particular provision of the Commission's rules is especially onerous, for good cause shown, a trustee may seek from the Commission, or the appropriate unit of the Commission, a "no-action" position or exemption.

Daily Funded Balance Computation. As proposed, § 190.04(b) required the trustee to compute a funded balance for each customer account which contains open commodity contracts as of the close of business each day subsequent to the filing date until the final liquidation date. One commentator objected that the burden imposed by this requirement was too great as contrasted with the benefit to be derived since the trustee would not need exact funded balance computations until a distribution is to be made. The Commission disagrees with this view on several grounds. First, it is incorrect that precise funded balance computations are not required until the time a distribution of funds is made. For example, pursuant to § 190.02(g)(2), the trustee must know the amount of the funded balance with respect to any account in which open commodity contracts are not required to be liquidated under § 190.02(f)(1) in order to determine if a margin call must be made. In addition, before making any transfers of open commodity contracts pursuant to Section 766 of the Code, § 190.06(d)(2) requires a customer requesting such transfer to first make a deposit with the trustee of a certain amount, the determination of which involves a calculation of the funded balances for each class of account of such customer.

Second, the funded balance calculation is merely an estimate of a customer's allowed claim as to any given class of account, and once the initial calculation is completed, adjustments should not be complicated. Before the primary liquidation date, the funded balance calculation for each customer account essentially consists of the percentage of assets of the estate available to pay such customer's claim plus adjustments to that amount for margin received to secure any open contracts. After the primary liquidation date, with respect to accounts which contain open contracts, the funded balance should exactly equal the balance in such customer's account statement which will be adjusted as a customer's statement would normally be adjusted for account activity. If there are no open contracts in a customer's account subsequent to the primary liquidation date, the Commission agrees that then there would be no need to actually compute the funded balance for each account until the time a distribution will be made unless events requiring subsequent adjustment, such as the recovery of funds, occur.

Although preserving the requirement of a daily calculation of funded balance, the Commission made one technical change to the final rule in changing the time when the computation must commence from the day following the filing date to the day following the entry of the order for relief. This change will have no effect in a voluntary bankruptcy because, in such a case, the filing of a petition in bankruptcy constitutes an order for relief.[79] As for an involuntary

[76] *See* § 190.07(c)(1)(ii).

[77] 7 U.S.C. 1 *et seq.* (1976 & Supp. V 1981), *as amended by* the Futures Trading Act of 1982, n. 34 *supra*.

[78] 17 CFR Chapter I.

[79] *See* Section 301 of the Code.

bankruptcy, this revision would remove an unnecessary requirement to calculate the funded balance of every open account each day during the period between the filing of the petition and the date the debtor is adjudicated bankrupt which is the date of entry of the order for relief.

Maintenance of Records. With respect to proposed § 190.04(c)(2) which required certain records of the trustee to be available to, among others, the parties to the bankruptcy proceedings, the Commission accepted the suggestion of one commentator to substitute the term "parties in interest" for the term "parties to the bankruptcy proceeding." The Commission accepted this suggestion because the former is a term of art used in several sections in the Code.[80]

Liquidation. Proposed § 190.04(d)(1) provided that liquidation of open contracts would be by open outcry except that, in appropriate cases, the Commission could permit liquidation or settlement by book entry as described therein. In response to one commentator's suggestion, in the final rule, the Commission deleted the word "futures" in the first line thereby broadening the scope of the provision to cover the liquidation of all open commodity contracts. As adopted, § 190.04(d)(1) has been divided into two paragraphs: one dealing with open outcry and the other concerning settlement by book entry. The Commission has retained, as proposed, the general requirement that liquidation must be by open outcry.[81] In addition, the Commission added, as a qualification to this general rule, the requirement of proposed § 190.04(d)(2) that any covered commodity which belongs to the debtor must be liquidated to the extent possible at the time of liquidation of its cover. The Commission has also incorporated in this rule the recommendation of several commentators as to the order of liquidation for all accounts. Consistent with that suggestion, under the amended rule a trustee must first liquidate "net" positions (*i.e.*, open contracts not "matched" on the books of the debtor by offsetting commodity contracts) and must thereafter liquidate "matching" long and short contracts in tandem. This is intended to reduce the exposure of the estate to loss.

The Commission has retained, in the second paragraph, the general provision on book entry liquidation—permitting liquidation by such method upon application to the Commission. The Commission has, however, refined the procedure for book entry contained in the rule. The proposed rule required that, for unmatched contracts, the execution price be equal to the average liquidation price for contracts in the same commodity for the same delivery month. As adopted, the rule provides instead that the execution price for such contracts is to be equal to the weighted average of the liquidation prices for contracts in the same commodity for the same delivery month and on the same contract market (an additional condition of identical offsetting contracts not formerly specified). By "weighted," the Commission simply means that weight would be given to the number of contracts offset at each liquidation price as follows. A conventional averaging of two prices—one at 20 and one at 30—would be 25 (50 divided by 2). Using a "weighted" average, each liquidation price would be multiplied by the number of contracts liquidated at that price before an average were determined. For example, if 5 contracts had been liquidated at a price of 20 to 10 at a price of 30, the weighted average would be calculated as follows:

$$\frac{5(20)+10(30)}{15}=26.67$$

Where there are no such "unmatched" open contracts, the execution price to be used in making book entries is to be the average of the opening and settlement prices of contracts in the same commodity for the same delivery month on the same contract market as of the close of business on the market day of the order for relief. It is expected that this will mitigate the market effect of the bankruptcy and also provide a fair and consistent valuation date.

Two other comments were made with respect to § 190.04(d)(1). The first was that if a clearing organization had an existing rule which was approved by the Commission and which provided for settlement or liquidation by book entry, then Commission approval should not be required because of the necessity for prompt action. The Commission believes, in general, that review is warranted, although where a clearing organization has such a rule in effect which is not inconsistent with § 190.04(d), the Commission would be disposed to follow it. Finally, one commentator requested that the rule be applied generally to clearing members which are not commodity brokers. The Commission notes, however, that § 1.38 currently permits contract markets to adopt rules concerning transactions which are noncompetitively executed.

Proposed § 190.04(d)(3) prohibited the trustee from purchasing new commodity contracts for customers except that, to prevent a material erosion in value, the trustee could cover uncovered inventory or contracts which could not be liquidated immediately because of limit moves or other market conditions, subject to Commission approval. Several commentators suggested that the provision be amended to clarify that the trustee may, however, enter into commodity contracts for the purpose of liquidating or closing out open contracts. The Commission concurs in this view and has amended the paragraph accordingly. The same parties also recommended that the prohibition against entering into new positions be further amended to permit the liquidation of a position in a month which is not trading because of position limits by means of a straddle into a month where the limit had not been reached. The Commission, in general, agrees with the view that the trustee should be able to take an offsetting position in a different month or strike price in order to extract a contract from a limit-up or a limit-down market, and has so amended the rule. Other commentators requested that a statement be added to the rule that the authority granted the trustee to effect cover transactions would not obligate the carrying broker or clearing organization to accept any such positions. The Commission does not believe such a qualification is warranted as there is no suggestion in this rule, or otherwise, that such an obligation would result. The final comment with respect to proposed § 190.04(d)(3) was a recommendation to delete the phrase "to prevent material erosion in value" which would have limited the cases in which cover transactions could be sought by the trustee on the ground that the use of the word "cover," by definition, establishes the necessary limitations. The Commission has accepted this recommendation but notes, in addition, that it believes cover transactions would generally be limited to this purpose.

Determination as to Bona Fide Hedges. Proposed § 190.04(e) (1)

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[80] *See, e.g.*, Section 303(g) enabling a "party in interest" to request that the court appoint an interim trustee in an involuntary bankruptcy, and Section 502(a), concerning the ability of a "party in interest" to object to the filing of a claim in a bankruptcy proceeding.

[81] Commission Rule 1.38(a) generally provides, subject to certain exceptions, that all purchases and sales of commodity contracts must be executed by open outcry. 17 CFR 1.38(a).

provided that, in determining which contracts are eligible to be held open for transfer pursuant to customer instruction, the trustee may rely on the designation in the accounting records of the commodity broker that the account on behalf of which a contract is held is a bona fide hedging account. One commentator suggested an addition to this rule that any contracts carried in a bona fide hedging account be deemed to be bona fide hedging positions to correspond with language in other Part 190 rules which speaks of "bona fide hedging positions." [83] The Commission believes there is merit in this proposal and has adopted it although with some modification to conform it to other changes made to the rules pertaining to those commodity contracts which may remain open for transfer. In the final provision, the Commission has added to § 190.04(e)(1) a statement that commodity contracts maintained in a designated hedge account may be treated as specifically identifiable. This corresponds to the revised language of § 190.02(f)(1)(ii) that, subsequent to the entry of the order for relief and after any "bulk" transfer is attempted, specifically identifiable commodity contracts for which instructions not to liquidate have been timely received in accordance with § 190.02(b)(2) and noted in the broker's accounting records, may remain open. [84]

Disbursements. Proposed § 190.04(e)(2) prohibited the trustee from making any disbursements to customers prior to the final distribution except with the approval of the bankruptcy court or in accordance with the provisions governing distribution of customer property contained in § 190.08(d). One commentator inquired whether meeting a margin call on an open contract was not a distribution on behalf of a customer, and if so, noted that § 190.08(d) does not address this situation. The Commission agrees that this matter needs to be clarified and has therefore added a provision to § 190.08(d) [84] that the trustee may make payments of margin to a carrying broker or a clearing organization on behalf of a customer to maintain an open contract, but as provided in § 190.04(e)(2) may not make any distributions to customers except with the approval of the court.

[83] *See, e.g.*, proposed § 190.02(f)(1)(ii) which exempted from the requirement to liquidate those open commodity contracts which are bona fide hedging positions. 46 FR at 57559–60, n. 9 *supra*.

[84] *See* discussion *supra* concerning the definition of specifically identifiable open contracts and the Commission's determination to make those contracts defined to be specifically identifiable coincident with those contracts eligible for transfer upon individual instructions.

[84] *See* § 190.08(d)(6).

Investment. The Commission has also adopted a stylistic change suggested by one of the commentators with respect to proposed § 190.04(e)(3) concerning the trustee's obligation to promptly invest the proceeds from the liquidation of open contracts and specifically identifiable contracts and the customer equity in accounts which remain open. The commentator suggested changing a reference in the rule from "such invested property" to "such obligations" to avoid any suggestion that the Commission was referring to the customer property itself. Although the Commission believes the reference could not really have been misinterpreted, it has nonetheless amended the rule as recommended.

Margin Calls. Proposed § 190.04(e)(4) provided that a reasonable time for meeting margin calls was deemed to be one hour or such greater period not to exceed one business day, as the trustee in his discretion determined. The Commission has accepted the comment offered by two parties that the rule should be clarified to apply only to margin calls issued by the trustee, and not to calls made to the trustee, who should not be given the discretion to wait up to one day to respond to a margin call received from a clearing broker or clearing organization.

Option Contracts. In its final rules, the Commission added a new paragraph (5) to § 190.04(e) which requires the trustee to use its best efforts to assure that a long option contract with value does not expire worthless. Such a rule is intended to remind the trustee that the exercise of such options with value is not necessarily automatic and that subject to the liquidation provisions, [85] he should attempt to maximize returns on options held by the estate. Of course, even absent a rule, this is an obligation of trustees generally.

Deliveries

General. Section 190.05 of the Commission's proposed regulations required that each contract market adopt rules to provide a mechanism for effecting deliveries outside the estate of a debtor so that the cash portion of a delivery transaction need not occur within a debtor's estate. As was explained in the Preamble to the proposed regulations, the differences in the delivery mechanisms of the different contract markets and the Commission's reluctance to interfere unnecessarily with such mechanisms, make it appropriate for each contract market to develop its own rules in this area. 46 FR at 57543. For the reasons given in the foregoing discussion of major issues and because of the complexity necessarily involved in achieving the proper treatment of a physical commodity or the price thereof which has been "captured" by the estate at the time of the order for relief, the Commission is adhering to the approach it originally proposed. The Commission understands that some contract markets already provide that delivery on the commodity underlying the contract not take place through the broker. (There is no need for a special rule on options on futures because if exercised into a futures contract, the rules for futures deliveries would apply.) It should be noted that the Commission's proposal calls only for effecting that portion of the delivery process which permits making or taking delivery on the commodity underlying and exchange-traded option on a physical commodity or a futures contract outside the estate. The proposal, which it is now adopting, in effect contemplates a separate settlement on the profit or loss in the futures or option contract which has been marked to market and on delivery or exercise, respectively. Thus, the procedure designed for effecting deliveries, as discussed more fully below, must be structured so that it does not reduce the equity of the estate in the commodity contract upon which delivery is made, which is property of the estate and must remain with the trustee for pro rata distribution. This is made clearer in the final rules by the addition of new § 190.05(a)(3), when read in conjunction with amended § 190.05(b)(2).

Notwithstanding the foregoing requirement, the Commission's proposal also dealt with property which had already become part of the estate (*i.e.*, which already had been deposited with the commodity broker) prior to bankruptcy. The commentators made several observations about the procedure for disposing of such property set forth in the Commission's proposed rules. First, they argued that although the rules provided a mechanism for extracting from the estate a physical commodity which had been previously deposited for the purpose of making or taking delivery, there was no similar mechanism for extracting the price of delivery of a commodity which had been paid into the estate prior to bankruptcy by either a payor, if delivery had taken place outside the estate, or by a payee who had previously tendered property to the estate for delivery. Second, they pointed out that the property or the price tendered to make or take delivery would only be recoverable on a pro rata basis and that this was essentially unfair

[85] *See* 190.02(f)(1).

because such property or price was in the nature of "new money," much like deposits of margin after bankruptcy. Such deposits would generally bring the margin deposited with the debtor up to 100% of the notice price of the contract, as compared to the usual margin deposit of 2 to 10% of the value of the contract during the period the contract is carried prior to delivery. Third, they suggested that the rules be amended to accommodate options.

Each of these comments and suggestions has been addressed in the final rules. At the outset, the Commission wishes to clarify, as requested by one commentator, that these rules for delivery apply only to contracts which cannot be settled in cash. This is because it is the practice to make settlement on such contract by a final variation payment. Thus, with respect to cash settlement, there is no separation between settlement on the futures or options contract profit or loss and settlement on the underlying physical commodity, as for other contracts upon which delivery is made. Also, these rules should apply to only a very limited number of contracts. As a practical matter, only approximately 3% of all contracts result in delivery. Moreover, the trustee is specifically directed not to permit contracts over which he has control to go into a delivery position (*e.g.*, futures and long options)[86] and to offset immediately those contracts over which he has not control and the exercise of which would result in delivery (*e.g.*, short option contracts on physical commodities which cannot be settled in cash).[87]

Treatment of Certain Property as Specifically Identifiable. In order to cover the permutations which the commentators thought were not covered by the proposed rules, the Commission is adding two new categories of specifically identifiable property which basically are intended to make the "price" deposited for making or taking delivery specifically identifiable property. These sections (§§ 190.01(kk) (4) and (5)), when read together with § 190.01(kk)(3), as amended by this release for clarity and for purposes of implementing the delivery account provision (discussed below), and also with § 190.05(c)(1), should make any property or cash which becomes captured by the estate incident to delivery specifically identifiable property. It is important to note at this juncture that both the person with a commodity account with the debtor and the other party to the delivery transaction would be customers of the debtor once any portion of the delivery took place through the estate and as such would have a net equity claim against the debtor for the property or cash deposited with respect to delivery. This is because the definition of "customer" contained in the Code specifically includes any entity which holds a claim against the debtor arising out of the making of taking of delivery in a commodity contract.[88] Therefore, property or the price of property trapped in the estate should be extractable under either §§190.01(kk) (3), (4) or (5), and would be extractable relatively promptly on instruction, as it would be specifically identifiable property subject to return on customer instruction under § 190.08(d)(1)(ii).

Also, it should be noted that it will be possible prior to delivery for the person who is not a customer of the debtor prior to delivery, but who is taking delivery, to take or receive the property, even if it is in the estate, with no impact on his basic obligations because the payment of cash for the physical will be a contemporaneous exchange for value. Upon relinquishing the physical, the estate will have the cash payment therefor and will be neither augmented nor depleted thereby. Similarly, this would be true for the person who is making delivery where the cash deposited in the estate for delivery is the equivalent of the property delivered. The problem arises from the other side of these transactions—in the first instance, how does the customer who is making delivery extract the cash paid into the estate by the other party; in the second case, how does the customer seeking delivery receive release of the physical? These cases are now covered by the amended rules.

Delivery Accounts. The question remains in most cases as to how to mitigate the dilution effect of the pro rata provisions of the Code with respect to property or cash captured by the estate in the absence of any category of property which can be reclaimed in full. In this connection, the Commission believes that the best solution—and the one suggested by the commentators—is the creation of a separate class of accounts denominated "Delivery Accounts." The Commission is, therefore, adding in § 190.05(a)(2), an account class denominated "delivery accounts," to the other account classes. This account class contains only the property referred to in §§ 190.01(kk) (3), (4) and (5).

Property segregated on behalf of a delivery account, under the allocation provisions, will be allocated only to that account class. This means that although this property will not be distributed to the extent its value exceeds a claimant's net equity claim and will be distributed pro rata among claimants with delivery claims which are of the same class, it will not be diluted by other types of customer claims.[89] This solution reduces the dilution effect of proration without offending the basic principle of proration of equivalent claims. The Commission's broad authority with respect to deliveries should be noted in this connection.[90]

The practical effect of this change is that although such property will be recoverable under the terms of § 190.08(d)(1)(ii), as a practical matter, the payment necessary to return to the estate any value in excess of the claimant's funded balance should be minimal in the absence of other claims of the debtor against such claimant. In this regard, the Commission wishes to note that although the language of § 190.08(d)(1)(ii) dos not specifically reflect this possibility, if an identifiable property claim is for cash the trustee may merely deduct the difference from the amount of money to be returned and need not require a deposit.

Other Comments Regarding Delivery Provisions. One further change was made to § 190.05 at the request to the commentators. Specifically, that section has been amended to make clear that not only does the trustee have the obligation to make delivery of property within the estate, but also that the party to whom delivery is to be made has the concomitant obligation to take delivery.

Finally, the commentators suggested substituting for the delivery system designed by the Commission a direction instead that the parties and the trustee default on all contracts in deliverable position upon bankruptcy. The Commission believes that the system it has adopted is preferable to this suggestion and further notes that it is not entirely clear that default claims would be entitled to the customer priority.

Transfers

General. Section 190.06 deals primarily with those transfers of accounts which occur before a bankruptcy filing, pursuant to exchange rules or the Commission's minimum financial rules,[91] and those transfers

[86] § 190.02(f)(1).
[87] *Id.*
[88] *See e.g.*, 11 U.S.C. 761(9)(A)(ii)(III) (futures) and 11 U.S.C. 761(9)(B)(ii)(II) (options).
[89] § 190.08(c)(1); *see also* § 190.05(c)(1).
[90] *See* 7 U.S.C. 24.
[91] *See* 17 CFR 1.17(a)(4).

which occur within five business days following a bankruptcy filing which may be protected by Commission action from reversal by the trustee.[93] Section 190.06(a) is designed to ensure that existing board of trade rules or ad hoc procedures for transferring accounts would not conflict with the proposed regulations. One commentator was concerned that under the proposed rule a contract market might be obligated to adopt a rule which would require a clearing member to accept positions which would cause the clearing member to exceed position limits applicable under either contract market or clearing organization rules. Under these rules, the Commission is not requiring a contract market to adopt any such rule. Furthermore, the Commission wishes to make clear that no action will be taken by the Commission against a clearing member that accepts a transfer of open positions from the debtor which causes the clearing member to exceed the applicable position limits, provided that any excess open positions are retransferred to another clearing member within a reasonable time.

Notice of Transfers. Section 190.06(b) now requires that a commodity broker notify the Commission before any transfer of customer accounts not upon customer request or not in the ordinary course of business. Several commentators suggested that if the rule is to apply to transfers which are not motivated by the financial condition of the transferor, considerations of fair notice require that it be located in a more general part of the regulations. The Commission believes that the rule is intended primarily to apply to those situations where the continued existence of the commodity broker is threatened and has changed the rule to provide that the Commission be notified if the transfer is not at the request of the customer or not in the ordinary course of business.

Section 190.06(c) imposes three special finanical requirements for the transferees of commodity accounts which are intended to facilitate transfers. Subparagraph (2) of that rule permits a transferee to accept open positions which are not accompanied by sufficient margin for those positions only if it deposits in segregation enough of its own money to eliminate the deficiency. Several commentators noted that any deficiency in the account is something that exists at the FCM level, not at the clearing organization level. Therefore, the commentators were unclear as to why the Commission was proposing to require the transferee to make a deposit with the clearing organization. Moreover, they noted that in view of net clearing, the transferred contract may, in fact, reduce the transferee's margin obligations to the clearing organization. The Commission believes that this is a valid concern and has modified § 190.06(c)(2) to eliminate the requirement that the transferee deposit an amount equal to the margin deficiency with the appropriate clearing organization or FCM, although as a practical matter payments of margin up the market chain may be required in order to effect a transfer.

In response to one commentator's suggestion, the Commission is adding the phrase "for which notice is given under § 190.06(b)(2)" to §§ 190.06(c) (3) and (4) to make clear that the transfers referred to in those subsections only apply to transfers in bankruptcy cases.

The Commission is also revising proposed §§ 190.06(d) (1) and (2) to make it clear that the customer must indicate at the time of entering its first hedge position whether, in the event of bankruptcy, the customer prefers that open commodity contracts held in a hedging account be liquidated by the trustee without seeking such customer instructions. The purpose of these provisions is to give customers who do not care to receive a notice of bankruptcy requesting instructions as to disposition of their specifically identifiable contracts, to say so at the outset. It also enables commodity brokers to identify those accounts for which such instructions should be obtained in a way that will be comprehensible by a trustee. Although some commentators thought this an unnecessary burden, in discussing the bankruptcy notice provisions other commentators indicated it was highly preferable to obtain such information, if possible, prior to bankruptcy. The rule has, however, been modified to remove the requirement that these instructions be obtained by customer agreement and instead requires the commodity broker to provide the customer with an opportunity to give such instructions at the time the first hedging position is entered.

Section 190.06(e)(1)(v) provides that accounts which are in deficit are ineligible for transfer. One commentator recommended that the term "deficit" be defined as its meaning is unclear. The definition of the term "deficit" is one of common parlance and, for purposes of these rules, means a net equity of zero or less. It should be noted that as long as the net equity of a customer is greater than zero, unless the debtor's estate is a no asset estate, the funded balance will be greater than zero. Moreover, if the net equity is reduced below zero, the funded balance would remain at zero, thereby explaining why "net equity" deficits lead to dilution of the estate.

Section 190.06(e)(2) provides that no monies or property may be transferred in respect of an account which would exceed the customer's funded balance, *i.e.*, the customer's pro rata share of the estate as estimated at the time of transfer, less the value of any property previously transferred. At the time the rules were proposed, the Commission stated that it was not necessary that the transfers be strictly pro rata, but rather should approximate, to the extent possible, the distribution which should be made in bankruptcy.[95] One commentator pointed out that the limitation on the value of property being transferred to the funded balance may create problems in that the exact funded balance in any account may not be known at the time a transfer is made. The Commission has therefore added language to § 190.06(e)(2) to clarify that for purposes of this section, the funded balance is to be determined based on available information. There would not necessarily be liability for overpayments if the transfers were determined after the fact to be not strictly pro rata because Section 764(b) does not necessarily require pro rata distribution.

Section 190.06(f)(1) make every dealer option contract held by the debtor transferable whether or not the FCM had properly segregated the purchase price of the option, unless the customer on whose behalf the option was held owed money to the FCM. In response to one commentator's discussion of that provision, the Commission is adding language to make clear that the amount of customer funds transferred with open dealer option positions includes the funded balance of the grantor's claim against the debtor for the segregated portion of the purchase price owing to it on the transferred options less a reasonable reserve. As technically it is the purchase price of such options which is segregated, minor technical amendments have been made to reflect this.[94]

Rule 190.06(f)(3) provides that a trustee can make a bulk transfer of less than all of the customer's open commodity accounts. A partial transfer may be effected by liquidating that

[93] *See* 764(b) of the Bankruptcy Act, *as amended by* § 17(b) of the Amendments.

[94] *See* Commission Rule 32.6, 17 CFR 32.6 (segregation in connection with commodity option transactions).

[95] 46 FR at 57545, n. 9 *supra*.

portion of the open commodity contracts held by a customer which represents sufficient equity to permit the transfer of the remainder. One commentator was concerned that since partial transfers can be made on different days during the administration of the estate, it is unclear how limiting the amount of property that may be transferred to the funded balance in any account would apply as, the commentator believed, the funded balance would change on a daily basis. The Commission wishes to correct this misunderstanding as to the calculation of a customer's funded balance. In this regard, the customer's funded balance is the percentage of the estate available on the primary liquidation date to satisfy that customer's full equity claim. Thus, the customer's funded balance would be the customer's pro rata share of the estate on the primary liquidation date. The customer's funded balance generally would not change during the course of the administration of the estate unless the information available to the trustee changes or property is recovered which would increase the overall value of the estate. The Commission notes, however, that a customer may file a net equity claim even if, for example, its entire funded balance is transferred, if that amount is less than his net equity claim. In the event that the trustee recovered additional property of the estate, that claim would enable the customer to receive his increased pro rata share.

The Commission is also making clear that in general dealer option contracts held by an FCM should be transferred unless retained by the trustee as an offset against a claim the trustee has against the customer. This is because such contracts cannot be liquidated readily.

In response to a commentator's suggestion, the Commission is making a minor clarifying change to § 190.06(f)(3)(i) by adding the words "the transfer of" after "prefer."

Section 190.06(g)(1) protects certain withdrawals from the estate which occur prior to the filing date. The Commission received several comments on this proposal. In this connection, two commentators requested that the term "collusion" in § 190.06(g)(1)(ii)(A) be either defined or left to statutory enactment. The Commission disagrees. The Commission expects that the bankruptcy judge will make a determination as to the existence and the proper definition of collusion between the customer and the debtor on a case-by-case basis after full consideration of all relevant facts.[96] It is noted that other commentators felt that knowledge of imminence of financial disruption and the acquisition of a greater portion of the estate than that to which the transferee would have been entitled would not be collusion and that therefore collusion is too difficult to prove. The Commission notes that although it currently believes that the "collusion" rule is viable, it may be required to reexamine this issue if the purpose of the Code to adjust claims equitably is thereby frustrated. The Commission is, however, amending § 190.06(g)(1)(ii) to delete the phrase "on behalf of its public customers" in order to make this section applicable to transfers by a public customer which is a commodity broker, regardless of whether the commodity broker is acting on behalf of its public customers. Thus, if a commodity broker undertakes a transfer in its capacity as a public customer, such transfer would be protected from avoidance provided that the commodity broker did not act in collusion with the debtor or the transfer is not disapproved by the Commission. However, if a customer which was a commodity broker only withdrew its proprietary and not its customer property from a bankrupt estate, "collusion" would seem likely.

One commentator also stated that this provision seems to reimpose the preferential transfer avoidance power available to a trustee under Section 547 of the Code notwithstanding the fact that Section 764(b) of the Code prevents the trustee from avoiding transfers approved by the Commission thereunder on any ground. Although the Commission has been granted broad authority to adopt regulations pursuant to Section 764(b), it would not approve such transfers if they were somehow fraudulent. However, it is unlikely that a post-bankruptcy transfer under Section 764(b) which met the Commission's pro rata requirement would be fraudulent. In addition, several commentators requested that the Commission adopt a time limit within which the Commission may disapprove any such transfers pursuant to § 190.06(g)(1)(ii)(B). The Commission does not believe that adoption of a time limit is required as the Commission will obviously have to respond quickly if a transfer is to be practicable. In this connection, the Commission is granting the Director of the Division of Trading and Markets delegated authority to make the determination as to whether or not "transfers" of this kind should be expressly disapproved by the Commission.[96]

Section 190.06(g)(2) provides that no post-filing transfer is protected from a trustee's avoidance powers unless the Commission is properly notified, does not disapprove and such transfer is made within the appropriate time frame. In commenting on § 190.06(g)(2)(i)(B), one commentator noted that no standards or time limits are imposed upon the Commission to disapprove transfers. It is argued that this fact may prevent a clearing organization from requiring a transfer of contracts within 5 days of the petition. The Commission, however, does not believe that the imposition of a time limit is warranted. As the clearing organization can always liquidate open commodity contracts the Commission will necessarily need to act promptly if a transfer of contracts is to be undertaken by the trustee. As discussed above, authority to review such transfers has been expressly delegated to the Director of the Division of Trading and Markets.[97] Other commentators remarked that there was no reason why the protection against voidability in §§ 190.06(g)(2)(i) and (ii) should be limited solely to preferences. The Commission agrees and has deleted the term "as a preference" from the rule. Finally, the Commission received comments stating that it is not clear what mechanism the Commission would use to effect a transfer. The Commission has therefore amended § 190.06(g)(2)(ii) to refer to those accounts which are transferred "at the direction of" the Commission. As that rule makes clear, the Commission is permitted to direct such transfers of customer accounts according to any terms and conditions which it may deem appropriate.

Section 190.06(g)(3) provides that withdrawals by a public customer which occurred in the ordinary course of business such as the routine settling of accounts, could not be attacked as voidable preferences. In response to one commentator's suggestion, the Commission is amending § 190.06(g)(3) to extend the protection against avoidance of transfers to public customers which are commodity brokers.[98]

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[96] Notz v. Gerstenberg & Co. (In re Chicago Discount Commodity Brokers, Inc.), 80–B–14472 (Bank. Ct. N.D. Ill.) (May 25, 1982) (motion for summary judgment denied because there remained genuine issues of material fact as to whether or not certain transfers were "made in the ordinary course of business" under § 547(c)(2)(C) of the Code and as to whether or not any of the transfers were "made according to ordinary business terms" under § 547(c)(2)(D) of the Code.)

[97] *See* §190.10(d).

[98] *Id.*

[99] *See* discussion *supra.*

Calculation of Allowed Net Equity

Equity Balance of Customer Account. Proposed § 190.07(b)(1)(i) prescribed the various items to be added together to obtain a calculation for "ledger balance," an element of the equity balance calculation required for each customer account. One of the items to be added to obtain this calculation is the cash proceeds of certain cash, securities, or other property held by the commodity broker. (*See* § 190.07(b)(1)(iii)(A)(*2*). A commentator proposed that this rule be specifically limited to the proceeds of property received in connection with commodity transactions; otherwise, the commentator noted, it could be read to apply to other unrelated transactions such as a securities transaction. The Commission is in full agreement with this comment and has so limited the application of the provision in the final rule.

Aggregation—Joint Accounts. Proposed § 190.07(b)(2)(x) provided that a joint account maintained with the debtor be deemed to be held in a separate capacity from any account held in an individual capacity by the participants in such account and from any other joint account, except that if a joint account were not transferred as permitted under § 190.06, a joint account would be deemed to be held in the same capacity as any other joint account held by identical participants and a participant's percentage interest in any joint account would be deemed to be held in the same capacity as an account held in an individual capacity by such participant. Two commentators raised the same two questions with respect to the proposed rule. One of the inquiries was whether the proposed aggregation rules for joint accounts were not inconsistent with Rule 1.22 which prohibits the use of one customer's funds to margin or settle the contracts of any customer.[99] The Commission does not believe there is a conflict between the two rules because the aggregation rules, in prescribing which accounts of a customer must be treated as being held in the same capacity, in essence define what is a "customer." Then, entirely consonant with § 1.22, § 190.07(b)(2)(xiii) expressly mandates that accounts held by a customer in a separate capacity are deemed to be accounts of different customers. Moreover, the aggregation rules do not come into effect until after the inception of a bankruptcy proceeding.

The second point raised by the commentators seems to reflect a misunderstanding of the proposed rule. The commentators appear to believe that the Commission's explanatory statement in the Preamble accompanying the proposed rules as to the effect of the rule [100] was inconsistent with the language of the provision. However, the Commission's statement in the Preamble only described the effect which the rule would have if identical parties had interests in more than one joint account; it did not make the additional point that, as the rule also requires, a participant's percentage interest in one or more joint accounts would also be aggregated with the participant's individual account interest. Thus, under the rule as both proposed and adopted, two account held by John and Mary, as husband and wife would be aggregated. Subsequently, the percentage interest of John and Mary in the remainder could be aggregated with their other individually-held accounts.

Setoffs. Rule 190.07(b)(3)(i), as proposed and as adopted, provides that the net equity of one customer account may not be offset against the net equity of any other. One commentator proposed that the Commission offset corporate and individual accounts where the controlling persons of the corporation also have individual accounts with the debtor. Such an approach, however, is not available to the Commission as it would be contrary to the Code and would also offend a basic principle of the doctrine of aggregation of accounts which generally requires that common forms of legal ownership be respected.[101]

A question was also raised as to the consistency of two provisions regarding setoffs—§§190.07(b)(3) (ii) and (b)(3)(iv). The former, as proposed, generally provided that any obligation which was not previously included in computing the equity of a customer and which was owed by a customer to a debtor would reduce the customer's net equity claim if any amount remained after being setoff against any obligation owed by the debtor to the customer. By contrast, proposed § 190.07(b)(3)(iv) provided that, to the extent any indebtedness of the debtor to the customer not included in the customer's net equity calculation exceeds any such indebtedness of the customer to the debtor, the customer claim constitutes a general creditor claim. The Commission notes, in response to the argument that the two sections are inconsistent, that they reflect two different legal concepts. The latter instruction embodies the notion of priorities, *i.e.*, whether a particular claim of a customer is entitled to priority treatment as a "customer claim" or not. The Code sets forth the parameters of the composition of a customer's net equity claim,[102] and any type of claim by a customer against the debtor not included therein constitutes a general claim against the estate, not a special customer claim to which priority in payment is provided. On the other hand, the former provision, requiring certain obligations of a customer to the debtor to be offset against the debtor's obligations to the customer and any balance remaining to the debtor's claim to be deducted from the customer's net equity claim, is prescribed by the Code in the definition of net equity.[103] In fact, in bankruptcy proceedings generally, the determination of net equity almost always involves setoffs of one class of claim against another.[104] The Commission therefore has retained the two provisions, as proposed, in full conformity with the dictates of the Code.

Net Equity of Accounts Which Remain Open Subsequent to the Primary Liquidation Date. Proposed §§ 190.07(b)(6) and 190.07(d)(1) and (2) required, with respect to a customer account containing commodity contracts which remain open after the primary liquidation, that certain identical adjustments be made to both the customer's net equity balance and the customer's funded balance to reflect activity in the account. One commentator argued that the application of any such gains and losses to both net equity and funded balance for events occurring prior to the primary liquidation date would produce a distorted result by counting such amounts twice as the term "net equity" is included in the ratio used for determining funded balance. This is correct and the Commission has made the necessary adjustment in the formula. Nonetheless, the Commission notes that the amount paid as margin apart from the formula must be added to both the customer's claim and the assets available to pay that claim dollar-for-dollar if it is not to be diluted. Thus, if customer A has a net equity claim of $10,000 and makes a margin payment of

[99] 17 CFR 1.22.

[100] 46 FR at 57549, n. 9 *supra*. The Commission there explained: "If * * * such [joint] accounts were required to be liquidated, the trustee in bankruptcy would be permitted to consider the underlying components of the account in making setoffs. To the extent two accounts had the same underlying participants, they could be combined or offset regardless of the various percentage interests owned by the participants."

[101] *See* 11 U.S.C. 763(a) and (c); *see also* 4 Collier, *On Bankruptcy*, ¶ 763.01 at 763–1 [15th ed. 1982].

[102] *See* 11 U.S.C. 761(17), *as amended*, n. 23 *supra*.

[103] *See* 11 U.S.C. 761(17)(A)(ii), *as amended*, n. 23 *supra*.

[104] *See* 11 U.S.C. 553.

$10,000 and that payment is not added to its net equity, to make the claim of A $20,000, the full $10,000 would be available to pay other customers. The reason the formula does not have to be adjusted for payments after the primary liquidation date is that it is computed as of the primary liquidation date.[105]

Calculation of Funded Balance. Proposed § 190.07(c)(1) contained a list of calculations to be performed to obtain a computation of each customer's funded balance. One commentator proposed adding a cross-reference to § 190.02(g)(3) which requires certain margin payments made by a customer to be credited to that customer's funded balance. The Commission agrees with this recommendation, but rather than adding a cross-reference, as suggested, has incorporated the substance of § 190.02(g)(3) directly into § 190.07(c)(1) itself.

Proposed § 190.07(d)(3), concerning certain adjustments required to be made to the funded balance calculation for operations subsequent to the primary liquidation date, required that any deficit not recovered against the customer on whose behalf it is incurred must be charged, in a proportionate amount, against the funded balance of each account which remains open on the date the deficit occurred. One commentator objected that this provision would unfairly penalize customers whose accounts contained open contracts and suggested instead that any such deficits be charged ratably to the funded balances of all customer accounts. The Commission appreciates the commentator's concern as to the impact of this rule. It should be remembered, however, that with respect to an account which remains open any profits which accrue subsequent to the primary liquidation date would be retained, whereas profits are not available with respect to those accounts which must be closed. In view of the potential additional benefits of maintaining open accounts and the bookkeeping problems associated with charging the full estate with such deficits, including persons who have previously obtained the return of their property,[106] the Commission has determined to adopt the rule as proposed. By this rule, the Commission hopes to minimize the already complex administrative and accounting responsibilities imposed on the trustee and to facilitate the liquidation process. In addition, as only certain customers are eligible to keep their contracts open for any significant time period during which margin payments must be made,[107] the number of persons affected by the requirements of § 190.07(d)(3) would not be great. Moreover, it should be noted that the affected parties will be aware of their potential liability in advance under this provision and may make their decision whether to keep an account open accordingly.

Valuation. Proposed § 190.07(e) prescribed various rules for valuing commodity contracts and other property held by or for a commodity broker for purposes of net equity computations. By that section, the trustee would also be permitted to use the average liquidation price of identical contracts and other property which were liquidated on the same date but which were not liquidated at the same price. One commentator suggested, and the Commission agrees, that a "weighted" average might be a more useful tool in that regard. The Commission's determination to accept a weighted average is based upon the reasons articulated above with reference to § 190.04(d)(1) concerning the method for valuing contracts for liquidation by book entry. The Commission there also added a provision permitting the use of a weighted average.

Proposed § 190.07(e)(1) provided in pertinent part that the value of an open commodity contract traded on a board of trade would equal the settlement price as of the close of business on the board of trade upon which it is traded except that if such a contract were transferred, its value would be determined as of the close of business on the date of its transfer. In response to a recommendation, the Commission has amended the requirement in the final rule concerning the valuation of contracts which are transferred such that their value would be determined at the time of transfer. The commentator had been concerned that the language of the proposal was confusing and might result in more than one valuation price as, for example, between the estate with respect to the transferee and the estate with respect to the customer.

Another comment regarding proposed § 190.07(e)(1) focused on its requirement that the value, for net equity purposes, of an exchange-traded contract which is liquidated be equal to the net proceeds of the liquidation. The commentator recommended instead that for such purposes, all exchange-traded contracts liquidated by the trustee be valued at the settlement price on the exchange where the contract is traded on the day prior to the entry of the order for relief. As explained by the commentator, such a requirement would eliminate differences in liquidation prices for identical contracts which result merely from the "vagaries of the market." The Commission, however, has no discretion in this regard. The Code defines net equity to mean, in pertinent part, the balance remaining in a customer's account immediately after all commodity contracts have been transferred, liquidated, or become identified for delivery.[108] Furthermore, if inequities result from valuing contracts at the time of liquidation, the introductory clause to § 190.07(e)(1) provides, as discussed earlier with reference to another comment, that if identical contracts (or other property) are liquidated on the same day but at different prices, the trustee may average the prices in computing each such customer's net equity. Thus, in its rule, the Commission has sought to make some accommodations for the "vagaries of the market." The Commission further wishes to remind commodity brokers generally that, regardless of what valuation date is chosen, there will be "winners and losers," *i.e.*, those persons which would have profited more or less if a different valuation date had been chosen.

Valuation of Principal Contracts. Proposed § 190.07(e)(2)(ii) established the procedure for valuing "principal" contracts (*i.e.*, contracts for which there is no established secondary market) where no cash price series had been approved by the Commission. Essentially, the proposal required that the value to be attributed to the underlying physical commodity would be, where no Commission-approved cash market series had been established, the lesser of the market value of the commodity on the local cash market most proximate to the debtor's principal place of business or the nearby delivery month price on a contract market which trades the commodity. It was suggested that the contract market value also be derived from the market most proximate to the debtor's principal place of business as was, in fact, stated in the Preamble[109] but overlooked in the rule, itself. This correction has been made in the final rule. In response to a further comment from the same party, the Commission has amended the rule to provide that where there is more than one local market trading the same commodity, the trustee should use the price of the most active market. In response to trustee

[105] *See* § 190.07(a).

[106] *See* §§ 190.02(b)(1) and 190.06(d)(1).

[107] *See* § 190.02(f)(1).

[108] Section 761(17)(A)(i) of the Code, *as amended*, n. 23 *supra*.

[109] *See* 46 FR at 57551, n. 9 *supra*.

concerns about the valuation date to use with respect to principal contracts, the Commission has also indicated that a principal contract should be valued as of the date of entry of the order for relief unless such contract has been specifically covered by the principal, in which case the valuation date should be the date the cover is liquidated. It is expected that, at least under current practice, the first alternative will be the most frequently applicable.

Valuation of Leverage Contracts. As proposed and as adopted, § 190.07(d)(2)(iv) provides that for leverage customers, notwithstanding the rules for valuing principal contracts, if the records of the debtor are insufficient to substantiate claims for profits and to identify losses, then the liquidation value of a leverage contract shall be deemed to be an amount equal to the total deposit made by a customer in respect to such contract. One commentator argued that leverage customers should have the same opportunity as other customers to present additional evidence in support of their claims. The Commission, however, disagrees with this view because only customers with records of profits would come forward to make claims. Thus, losses not apparent from the records of the debtor would go unaccounted.

Valuation of Bucketed Contracts. As proposed, § 190.07(e)(3) encompassed "illegal" contracts (*i.e.*, off-exchange futures contracts or prohibited commodity option contracts) as well as other contracts not actually established and provided that the value of an illegal contract or a futures contract which had not been established in fact would be equal to the value of the total deposit made by a customer in respect to such contract. As adopted, the reference to illegal contracts has been deleted consistent with the Commission's determination not to define illegal contracts in these rules.[110] Further, the Commission broadened the scope of the rule with respect to contracts not actually established by deleting the reference to "futures." The single commentator on this section contended that where a customer had obtained a final judgment based on a contract claim which, for example, awarded damages and such amount exceeded the customer's total deposit, the customer should be entitled to include such amount in his claim. However, the Code itself excludes such claims from customer property,[111] although they would constitute general creditor claims.

Allocation of Property and Allowance of Claims

Scope of Customer Property. One commentator requested that the Commission amend § 190.08(a) of the proposed rules to provide that funds and property segregated by a dealer option grantor pursuant to § 32.12(a)(3) (17 CFR 32.12(a)(3)) of the Commission's rules to cover the unrealized profits of option purchasers are not "customer property" under the Code unless the grantor is bankrupt. According to the commentator, the purpose of such an amendment would be to establish that these funds and property are not part of the estate of a bankrupt FCM which has sold the options to which they relate. The Commission is making no change to this provision. In this regard, the Commission notes that in the event a bankrupt FCM has sold options of a dealer option grantor, the dealer option grantor would be a customer of the FCM and would have a claim for the grantor's portion of the purchase price which is required to be segregated under Rule 32.12. If this were not the case, the grantor's claim could be interpreted to be a general creditor's claim which would be inconsistent with the Code's broad definition of customer in Section 761(9), as amended.

Two of the commentators remarked that with respect to the exclusions from customer property set forth in § 190.08(a)(2) it is difficult to understand how a claim against a debtor could ever constitute "customer property" since under Section 761(10) of the Code, the term "customer property" is defined as cash, securities, or other property received, acquired, or held by or for the account of the debtor. The Commission believes that the commentators may be correct in their observation. However, since persons may differ as to the meaning of the words "rights accruing to a customer as a result of a commodity contract * * *" (11 U.S.C. 761(1)(A)(ii)), the Commission has specifically excluded damage claims. Notably, this issue has been litigated in securities bankruptcies.[112] Another commentator requested that the Commission delete the term "rescission" from § 190.08(a)(2)(i) in order to alleviate any inconsistency between that provision and § 190.07(e)(3). The Commission believes that such a change would be particularly useful in light of its valuation rules for principal contracts and has amended § 190.08(a)(2)(i) accordingly.

Allocation of Property between Customer Classes. In commenting on proposed § 190.08(b), one commentator noted that if a non-public customer deposited margin which is the basis for a net equity claim in its account, there does appear not to be any reason why it should not be entitled to share in the customer estate to the same extent as public customers. The Commission wishes to point out that this concern has been directly addressed by the recent amendments to the Code which provide, among other things, that a customer net equity claim based on a proprietary account may not be paid either in whole or in part, directly or indirectly, out of customer property unless all other net equity claims have been paid in full.[113]

Distribution of Customer Property. Proposed § 190.08(d)(1) provides that specifically identifiable property (other than open commodity contracts) may be returned or transferred on behalf of the customer to which it is identified only if cash is first deposited with the trustee in an amount equal to the greater of (i) the full fair market value of such property on the date of its return or transfer or (ii) the balance due on the date of return or transfer of any loan by the debtor to the customer for which such property constitutes security. In this connection, several commentators expressed their opinion that proposed § 190.08(d)(1) is unnecessarily restrictive in that the customer must first deposit cash with the trustee in an amount equal to the full value of the property rather than merely depositing with the trustee cash equal to the difference between the value of the property and the customer's pro rata share of the estate.

In particular, these commentators questioned the Commission's contention with respect to its original proposal that no good estimate of a customer's pro rata share may be available in the early stages of a bankruptcy proceeding, especially as the Commission concedes that such an estimate may be made with respect to commodity contracts.[114] The Commission believes there is some merit to these concerns, but only in regard to specifically identifiable property which is not margining open commodity contracts. Accordingly, the Commission has determined to add a new subparagraph (ii) to § 190.08(d)(1) which would make the deposit necessary to obtain the transfer or return of

[110] *See* discussion *supra* in Definition Section.

[111] *See* Section 761(10) of the Code, *as amended*, n. 4 *supra*.

[112] *See* n. 101 and accompanying text at 46 FR at 57553, n. 9 *supra*.

[113] Section 19(d) of the Bankruptcy Act Amendments amending Section 766(h) of the Code.

[114] 46 FR at 57554, n. 9 *supra*.

specifically identifiable property other than an open commodity contract consistent with that which must be made to obtain the transfer of a specifically identifiable commodity contract. Because of this change, however, the Commission has narrowed the scope of § 190.01(kk)(6) so that customers cannot receive the early return of Treasury bills or other nonexempt securities as there is no policy reason to permit their early retrieval from the estate by their treatment as specifically identifiable property. The Commission is making no changes with respect to the amount of cash which must be deposited with the trustee in the case where the property is margining open commodity contracts. (§ 190.08(d)(1)(i)). As the commentators themselves pointed out, the requirements of proposed § 190.08(d)(1) are, of course, appropriate as commodity contracts cannot remain open without proper margin. The Commission's rules still provide that anyone who desires to do so may make a payment in full for the return of specifically identifiable property which will expedite completion of the proof of claim which is more complex if the trustee needs to establish actual net equity.[115]

Proof of Customer Claim. Proposed § 190.08(d)(4) provides that the trustee shall make no distribution prior to receipt of a completed proof of customer claim. One commentator suggested that the trustee should be permitted to release property upon receipt of the requisite information whether or not the proper form has been filed or upon receipt of less than full information if the trustee deems return appropriate in that instance. The Commission agrees with this comment and has amended § 190.08(d)(4) to provide that no distribution shall be made prior to receipt of a completed proof of customer claim as described in §190.02(d). As discussed above, § 190.02(d) has been amended to grant the trustee discretion in deciding the extent of information which is to be included in the customer proof of claim. Thus, § 190.08(d)(4), as amended, provides the trustee with discretion to determine whether a sufficient proof of customer claim has been received in order to make a distribution. Of course this determination would be subject to court supervision.

Member Property

Scope of Member Property. Section 190.09(b) delineates the scope of member property which may be used in the event of a clearing organization bankruptcy to pay that portion of the net equity claim of a member which is based on its house account. In the Preamble of the **Federal Register** release proposing these rules, the Commission noted that § 190.09(b) would treat any portion of a guaranty deposit of a member not needed to satisfy its obligations to the clearing organization as customer rather than member property to the extent that there was insufficient segregated property to satisfy claims based on clearing members' customer accounts.[116] The Commission received no comments objecting to this proposal. One commentator, however, requested that the Commission clarify the rule so that the purpose of the above-referenced preamble statement, which suggests that the guaranty deposit of one member could be applied net equity claims based on the customer accounts of other members, would be apparent from the rule itself. The Commission has added language to the final rule to make clear that a guaranty deposit of a member may be used to pay obligations of the clearing organization to customers of other members in the event of a clearing organization bankruptcy.

General

Notices. Proposed § 190.10(a) provided that all notices must be delivered to the Washington, D.C. office of the Commission for attention of the Director of the Division of Trading and Markets, and must be made by a telegram or similar rapid form of written communication. The Commission only received a stylistic suggestion from the commentators which the Commission has not accepted. The Commission wishes to reiterate, however, that although written notice is required, a commodity broker or trustee may, of course, contemporaneously notify the Commission by telephone in order to arrange transfers as expeditiously as possible.

Request for Exemption From Time Limit. The Commission has determined to amend its proposal by adding a new § 190.10(b). This new rule provides that the trustee or any person charged with the management of a commodity broker which has filed a petition in bankruptcy, or against which such a petition has been filed, may for good cause shown request from the Commission an exemption from, or extension of, any time limit prescribed by Part 190, with the exception that no such exemption or extension will be granted for any time period established under the Code. Sections 190.10 (b)(2) and (b)(3) set forth the terms and conditions under which such a request may be made. Section 190.10(b)(4) provides the Director of the Division of Trading and Markets with the sole authority to grant or deny such a request. In this regard, the Commission notes that this new rule is intended to provide a measure of flexibility to the operation of these rules. However, due to the fluctuating and often volatile nature of the commodity markets, the Commission generally anticipates that this section will be narrowly interpreted as it is primarily aimed at providing relief in extraordinary cases where unique hardship would otherwise occur, such as in the case of an extremely large commodity broker.

Delegation of Authority to the Director of the Division of Trading and Markets. The Commission also is adding a new § 190.10(d) to Part 190. (Proposed § 190.10(d) is redesignated as § 190.10(f) in the final rules). This new rule delegates to the Director of the Division of Trading and Markets and to such members of the Commission's staff acting under his direction as he may designate, the authority to perform all functions of the Commission set forth in Part 190 except the authority to approve or disapprove a withdrawal or settlement of a commodity account by a public customer pursuant to § 190.06(g)(3). It should be noted that § 190.19(d) empowers the Director of the Division of Trading and Markets to submit any matter which has been delegated to him under this rule to the Commission for its consideration whenever such action is deemed to be appropriate and specifically reserves to the Commission the right to exercise the authority delegated under this rule.

Forward contracts. Proposed § 190.10(c) expressly excluded forward contracts from the special protections accorded to customers by these regulations. One of the commentators stated that § 190.10(c) is unnecessary as the absence of any reference to forward contracts in the statutory definitions of the terms "commodity broker," "commodity contract," and "customer" of a commodity broker clearly establishes that claims based on forward contracts are not customer claims in commodity broker liquidation proceedings. In response, the Commission has retained the limiting language concerning forward contracts but has eliminated the definition which the commentator thought was too narrow or otherwise inaccurate. The Commission does not think it wise to leave it unclear whether its rules apply

[115] § 190.08(d)(1)(ii).

[116] 46 FR 57555–60, n. 9 *supra*.

to forward contracts. Prior to recent technical amendments, the Code referred to forward commodity contracts. The word "commodity" has now been eliminated from Code references to forward contracts.[117] Therefore, the Commission believes that a forward contract is a contract which is not a commodity contract, which is a defined term and thus no further definition is required.

Disclosure Statement. Proposed § 190.10(b) (final § 190.10(c)) is intended to advise customers who deposit non-cash margin of their right to its return upon the bankruptcy of the commodity broker. One commentator stated that this requirement should be eliminated because it concerns an area that is too complex for the average customer and thus would be meaningless. The Commission believes otherwise and wishes to reiterate its view that there is a special need for this disclosure document because a customer may ordinarily have the expectation that its right to the return of such property would be unaffected by the pro rata provisions of the Code. In view of the prior treatment of specifically identifiable securities in the bankruptcy of securities firms, this expectation would not be unreasonable and it is therefore imperative that appropriate disclosure to such customers be made. Again, the Commission wishes to note that such disclosure need only be made one time to each customer and only to those customers that deposit non-cash margin.

III. Effective Dates

The Part 190 rules are effective as to petitions in bankruptcy filed on or after 30 days from the date of this publication. The Commission, however, has delayed the effective date of § 190.05(b) until 90 days after the date of this publication to provide contract markets with sufficient time to adopt rules in accordance with the requirements set forth therein.

IV. Regulatory Flexibility Act Certification

In the proposal, the Chairman of the Commission certified, pursuant to the Regulatory Flexibility Act, that if the Part 190 rules where promulgated as proposed, they would not have a significant economic impact on a substantial number of small entities. However, the Commission specifically invited comment from any small firms which believed that these rules would have such an impact.[118] No comments were received on the certification. Accordingly, and for the reasons previously enumerated in the proposal, pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96-354, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the Part 190 rules will not have a significant economic impact on a substantial number of small entities.

V. Paperwork Reduction Act

As stated in the proposal, the Commission submitted to the Director of the Office of Management and Budget ("OMB"), concurrent with publication of the proposal, those proposed Part 190 rules which, if adopted, would contain the collection of information and recordkeeping requirements necessary to implement the Bankruptcy Act. This submission, which was made pursuant to the provisions of section 3504(h)(1) of the Paperwork Reduction Act of 1980 ("PRA"), Pub. L. No. 96-511, 94 Stat. 2817 (44 U.S.C. 3504(h)(1)), specifically sought approval of the information collection provisions of proposed §§ 190.04(e)(1), 190.06(b), 190.06(d), 190.10(a), and 190.10(b) (final § 190.10(c)) and the assignment of a control number. Approval from OMB was obtained and OMB control number 3038-0021 was assigned to the Commission's Part 190 regulations.[119]

VI.

List of Subjects in 17 CFR Part 190

Account class, Affiliate, Aggregation, Allocation, Allowed net equity, Bankrupt, Bankruptcy, Bona Fide Hedge, Claimant, Clearing organization, Commodity contract, Commodity option, Commodity option dealer, Customer claim, Customer priority, Customer property, Dealer option, Debtor, Delivery, Disbursement, Distribution, Equity, Filing date, Final net equity determination date, Foreign future, Foreign futures commission merchant, Funded balance, Futures commission merchant, House account, Illegal commodity contract, Insider, Involuntary, Joint account, Leverage contract, Leverage transaction merchant, Liquidation, Margin, Member property, Non-public customer, Notice, Open commodity contract, Option, Order for relief, Petition, Primary liquidation date, Principal contract, Proof of customer claim, Public customer, Security, Setoff, Specifically Identifiable Property, Transfer, Trustee, Valuation, Voluntary, Withdrawal.

TABLE OF DIFFERENCES BETWEEN PROPOSED AND FINAL RULES

Proposed rule	Final rule
§ 190.01(a)	Amended.
§ 190.01(f)	Amended.
§ 190.01(q)	Amended.
§ 190.01(s)	Amended.
§ 190.01(w)	Deleted; new § 190.01(w) added.
§ 190.01(dd)	Amended.
§ 190.01(ff)	Amended.
§ 190.01(gg)	Amended.
§ 190.01(hh)	§ 190.01(w).
§ 190.01(ii)	§ 190.01(hh); amended.
§ 190.01(jj)	§ 190.01(s).
§ 190.01(kk)	§ 190.01(jj).
§ 190.01(ll)	§ 190.01(kk); amended.
§ 190.01(mm)	§ 190.01(ll).
§ 190.01(nn)	§ 190.01(mm).
§ 190.02	Amended.
§ 190.02(a)(1)	Amended.
§ 190.02(a)(2)	Amended.
§ 190.02(b)(1)	Amended.
§ 190.02(b)(2)	Amended.
§ 190.02(b)(3)	Amended.
§ 190.02(b)(4)	Amended.
§ 190.02(c)	Amended.
§ 190.02(d)	Amended.
§ 190.02(d)(6)	Deleted.
§ 190.02(d)(7)	§ 190.02(d)(6).
§ 190.02(d)(8)	§ 190.02(d)(7).
§ 190.02(d)(9)	§ 190.02(d)(8).
§ 190.02(d)(10)	§ 190.02(d)(9).
§ 190.02(d)(11)	§ 190.02(d)(10).

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[117] *See, e.g.*, section 1(c) of the Amendments amending Section 101(38)(B)(iii) of the Code as so redesignated by section 1(a)(1) of the Amendments.

[118] 46 FR at 57556-57, n. 9 *supra*.

[119] Section 3507(f) of the PRA (44 U.S.C. 3507(f) (Supp. V 1981)) provides that no information collection request may be made without first obtaining from OMB a control number to be displayed upon such a request. As the information collection and recordkeeping requirements contained in the Part 190 rules do not prescribe the use of Commission forms, OMB has informed the Commission the publication of the assigned control number constitutes compliance with this requirement of the PRA. Section 3504(h)(3) of the PRA (44 U.S.C. 3504(h)(3) (Supp. V 1981)) generally requires the Commission to explain how any information collection provision contained in a final rule differs from the proposal and reflects comments made by the public or OMB. In this regard, minor technical and stylistic modifications were made to each such rule, but no changes were made which are material to the PRA.

More specifically, a question had been raised with respect to proposed § 190.06(b) as to the necessity for the requirement that the Commission be notified prior to any transfer of commodity contracts upon the request of a customer not in the ordinary course of business. As discussed more fully above, the Commission has clarified the final rule to require only advance notice of transfers which are not upon the request of a customer or not in the ordinary course of business. The Commission's concern is that it is these types of transfers which could be related to a firm's financial condition. In addition, the requirement in proposed § 190.06(d) that customers instruct their FCM as to their preferred disposition of hedge positions in the event of the FCM's bankruptcy and the FCM's corresponding obligation to record those instructions has been modified slightly. In the final rule, the FCM need only solicit such instructions at the time the customer enters into his first hedge transaction, not at the time he first opens his account, and the record of those instructions need only be kept in the FCM's accounting records and not in the customer agreement. Another change relevant to the PRA was to § 190.10(c) (proposed § 190.10(b)), which reduces the extent of the disclosure statement required to be provided by that section to certain customers; however, the requirement to furnish a disclosure statement to customers has been retained. No comments on any of the collection of information provisions in the proposed rules were received from OMB.

TABLE OF DIFFERENCES BETWEEN PROPOSED AND FINAL RULES—Continued

Proposed rule	Final rule
§ 190.02(d)(12)	§ 190.02(d)(11).
§ 190.02(d)(13)	§ 190.02(d)(12)
§ 190.02(e)(1)	Amended.
§ 190.02(e)(2)	Amended.
§ 190.02(f)	Amended.
§ 190.02(f)(1)	Amended.
§ 190.02(f)(2)	Amended.
§ 190.02(g)(1)	Amended.
§ 190.02(g)(2)	Amended.
§ 190.03(a)(1)	Amended.
§ 190.03(a)(2)	Amended.
§ 190.03(a)(3)	Amended.
§ 190.03(a)(4)	Amended.
§ 190.03(b)	Amended.
§ 190.03(b)(1)	Amended.
§ 190.03(b)(3)	Amended.
§ 190.03(b)(4)	Amended.
§ 190.03(c)	Amended.
§ 190.04(b)	Amended.
§ 190.04(c)(2)	Amended.
§ 190.04(d)(1)	§§ 190.04 (d)(1)(i) and (d)(1)(ii); amended.
§ 190.04(d)(2)	Incorporated in § 190.04(d)(1)(i).
§ 190.04(d)(3)	§ 190.04(d)(2), amended.
§ 190.04(e)(1)	Amended.
§ 190.04(e)(3)	Amended.
§ 190.04(e)(4)	Amended.
§ 190.04(e)(5)	New section.
§ 190.05(a)	§ 190.05 (a)(1), (a)(2) and (a)(3); new and amended.
§ 190.05(b)(1)	Amended.
§ 190.05(b)(2)	Amended.
§ 190.05(c)(1)	Amended.
§ 190.05(c)(2)	Amended.
§ 190.05(c)(3)	Amended.
§ 190.06(a)	Amended.
§ 190.06(b)	Amended.
§ 190.06(c)(2)	Amended.
§ 190.06(c)(3)	Amended.
§ 190.06(c)(4)	Amended.
§ 190.06(d)(1)	Amended.
§ 190.06(d)(2)	Amended.
§ 190.06(e)(1)	Amended.
§ 190.06(e)(2)	Amended.
§ 190.06(f)(1)	Amended.
§ 190.06(f)(3)	Amended.
§ 190.06(g)(1)	Amended.
§ 190.06(g)(2)	Amended.
§ 190.06(g)(3)	Amended.
§ 190.07(b)(1)	Amended.
§ 190.07(b)(2)(ix)	Amended.
§ 190.07(c)(1)	Amended.
§ 190.07(d)	Amended.
§ 190.07(e)(1)	Amended.
§ 190.07(e)(2)	Amended.
§ 190.07(e)(2)(ii)(B)	Amended.
§ 190.07(e)(3)	Amended.
§ 190.08(a)(2)(i)	Amended.
§ 190.08(a)(2)(v)	Amended.
§ 190.08(d)(1)(i)	Amended.
§ 190.08(d)(1)(ii)	Amended.
§ 190.08(d)(2)	Amended.
§ 190.08(d)(4)	Amended.
§ 190.08(d)(6)	New section.
§ 190.09(a)	Amended.
§ 190.09(b)	Amended.
§ 190.10(a)	Amended.
§ 190.10(b)	§ 190.10(c), § 190.10(c)(2), amended.
§ 190.10(c)	§ 190.10(e); amended.
§ 190.10(d)	§ 190.10(f).
§ 190.10(e)	§ 190.10(g); amended.
	New § 190.10(b) added.
	New § 190.10(d) added.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange act, as amended by the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983), and in particular sections 2(a), 4c, 4d, 4g, 5, 5a, 6a, 15, 19 and 20 thereof, 7 U.S.C. 2 and 4a, 6c, 6d, 6g, 7, 7a, 12a, 19, 23 and 24 (1976 & Supp. V 1981 and Pub. L. No. 97–444), and pursuant to the Bankruptcy Reform Act of 1978, as amended by the Bankruptcy Act Amendments, Pub. L. No. 97–222, 96 Stat. 235 (1982), and in particular, sections 362, 546, 548, 556 and 761–766 thereof, 11 U.S.C. 362, 546, 548, 556 and 761–766 (Supp. V 1981 as amended or added by Pub. L. No. 97–222), the Commission hereby revises Chapter I of Title 17 of the Code of Federal Regulations by adding a new Part 190. In adopting this Part 190, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anti-competitive means of achieving the regulatory objective of the Commodity Exchange Act.

Chapter I of 17 CFR is amended by adding a new Part 190 to read as follows:

PART 190—BANKRUPTCY

Sec.

190.01 Definitions.
190.02 Operation of the debtor's estate subsequent to the filing date and prior to the primary liquidation date.
190.03 Operation of the debtor's estate subsequent to the primary liquidation date.
190.04 Operation of the debtor's estate—general.
190.05 Making and taking delivery on commodity contracts.
190.06 Transfers.
190.07 Calculation of allowed net equity.
190.08 Allocation of property and allowance of claims.
190.09 Member property.
190.10 General.

Bankruptcy Appendix 1—Operation of the Debtor's Estate—Schedule of Trustee's Duties.

Bankruptcy Appendix Form 2—Request for Instructions Concerning Non-Cash Property Deposited With (Commodity Broker).

Bankruptcy Appendix Form 3—Request for Instructions Concerning Transfer of Your Hedge Contracts Held by (Commodity Broker).

Bankruptcy Appendix Form 4—Proof of Claims.

Authority: 7 U.S.C. 2 and 4a, 6c, 6d, 6g, 7a, 12a, and 24, and 11 U.S.C. 362, 546, 548, 556 and 761–766.

§ 190.01 Definitions.

For purposes of this part:

(a) "Account class" means each of the following types of customer accounts which must be recognized as a separate class of account by the trustee: futures accounts, foreign futures accounts, leverage accounts, commodity option accounts and delivery accounts as defined in § 190.05(a)(2): *Provided, however*, That to the extent that the equity balance, as defined in § 190.07, of a customer in a commodity option, as defined in § 1.3(hh) of this chapter, may be commingled with the equity balance of such customer in any domestic commodity futures contract pursuant to regulations under the Act, the aggregate shall be treated for purposes of this part as being held in a futures account.

(b) "Allowed net equity" means the amount calculated as allowed net equity in accordance with § 190.07(a).

(c) 'Bankruptcy Code" means, except as the context of the regulations in this part otherwise requires, those provisions of the Bankruptcy Reform Act of 1978, as amended from time to time, relating to ordinary bankruptcies (Chapters 1 through 5) and to liquidations (Chapter 7 with the exception of subchapter III), together with the federal rules of bankruptcy procedure relating thereto.

(d) "Business day" means weekdays, not including Federal holidays.

(e) "Clearing organization" shall have the same meaning as that set forth in Section 761(2) of the Bankruptcy Code and shall include any organization which clears commodity options which are traded on or subject to the rules of a contract market or a board of trade.

(f) "Commodity broker" means any person who is registered or required to register as a futures commission merchant under the Act including a person registered or required to be registered as such under Parts 32 and 33 of this chapter, and a "commodity options dealer," "foreign futures commission merchant," "clearing organization," and "leverage transaction merchant" with respect to which there is a "customer" as those terms are defined in this section.

(g) "Commodity contract" shall have the same meaning as that set forth in Section 761(4) of the Bankruptcy Code.

(h) "Commodity options dealer" shall have the same meaning as that set forth in Section 761(6) of the Bankruptcy Code.

(i) "Court" means the bankruptcy court having jurisdiction over the debtor's estate.

(j) "Cover" shall have the same meaning as that set forth in § 1.17(j) of this chapter.

(k) "Customer" shall have the same meaning as that set forth in Section 761(9) of the Bankruptcy Code.

(l) "Customer claim of record" means a customer claim which is determinable solely by reference to the records of the debtor.

(m) "Customer class" means each of the following two classes of customers which must be recognized by the trustee: public customers and non-public customers.

(n) "Customer property," "customer estate" are used interchangeably to

mean the property subject to pro rata distribution in a commodity broker bankruptcy which is entitled to the priority set forth in Section 766(h) of the Bankruptcy Code and includes certain cash, securities, and other property as set forth in § 190.08(a).

(o) "Dealer option" means an option granted, offered or sold pursuant to Section 4c(d) of the Act and the Commission's regulations thereunder.

(p) "Debtor" means an individual, association, partnership, corporation, or trust with respect to which a proceeding is commenced under subchapter IV of Chapter 7 of the Bankruptcy Code.

(q) "Equity" means the amount calculated as equity in accordance with § 190.07(b)(1).

(r) "Filing date" means the date a petition commencing a proceeding under the Bankruptcy Code is filed.

(s) "Final net equity determination date" means the latest of (1) the day immediately following the day on which all commodity contracts held by or for the account of customers of the debtor have been transferred, liquidated or satisfied by exercise or delivery, (2) the day immediately following the day on which all property other than commodity contracts held for the account of customers has been transferred, returned or liquidated, (3) the bar date for filing customer proofs of claim, or (4) the day following the disposition of all disputed claims.

(t) "Foreign future" shall have the same meaning as that set forth in Section 761(11) of the Bankruptcy Code.

(u) "Foreign futures commission merchant" shall have the same meaning as that set forth in Section 761(12) of the Bankruptcy Code.

(v) "Funded balance" means the amount calculated as funded balance in accordance with § 190.07(c).

(w) "House account" means any commodity account owned by the debtor.

(x) "In-the-money amount" means:

(1) With respect to a call option, the amount by which the valve of the physical commodity or the contract for sale of a commodity for future delivery which is the subject of the option exceeds the strike price of the option; and

(2) With respect to a put option, the amount by which the value of the physical commodity or the contract for sale of a commodity for future delivery which is the subject of the option is exceeded by the strike price of the option.

(y) "Joint account" means any commodity account held by more than one person and includes any account of a commodity pool which is not a legal entity.

(z) "Leverage transaction merchant" shall have the same meaning as that set forth in Section 761(14) of the Bankruptcy Code.

(aa) "Net equity" means the amount calculated as net equity in accordance with § 190.07(b).

(bb) "Non-public customer" means any person enumerated in § 1.3(y) of this chapter, who is defined as a customer under paragraph (k) of this section.

(cc) "Open commodity contract" means a commodity contract which has been established in fact and which has not expired, been redeemed, been fulfilled by delivery or exercise, or been offset by another commodity contract.

(dd) "Order for relief" means the filing of the petition in bankruptcy in a voluntary case and the adjudication of bankruptcy in an involuntary case.

(ee) "Premium" means the amount agreed upon between the purchaser and seller, or their agents, for the purchase or sale of a commodity option.

(ff) "Primary liquidation date" means the first business day immediately following the day on which all commodity contracts have been liquidated or transferred which are not being held open for later transfer in accordance with § 190.03.

(gg) "Principal contract" means a contract which is not traded on a board of trade, and includes leverage contracts and dealer options, but does not include transactions executed off the floor of a board of trade pursuant to rules approved by the Commission or rules which the board of trade is required to enforce, or pursuant to rules of a board of trade located outside the United States, its territories or possessions.

(hh) "Public customers" means any person defined as a customer under paragraph (k) of this section except a non-public customer.

(ii) "Security" shall have the same meaning as that set forth in Section 101(36) of the Bankruptcy Code.

(jj) "Short term obligation" means any security, note, or other obligation with a duration or maturity date of 180 days or less.

(kk) "Specifically identifiable property" means:

(1) With respect to the following property received, acquired, or held by or for the account of the debtor from or for the account of a customer to margin, guarantee or secure an open commodity contract:

(i) Any security which as of the filing date is:

(A) Held for the account of a customer;

(B) Rgistered in such customer's name;

(C) Not transferable by delivery; and

(D) Not a short term obligation; or

(ii) Any warehouse receipt, bill of lading or other document of title which as of the filing date:

(A) Can be identified on the books and records of the debtor as held for the account of a particular customer; and

(B) Is not in bearer form and is not otherwise transferable by delivery.

(2) With respect to open commodity contracts, and except as otherwise provided in paragraph (kk)(7) of this section, any such contract which:

(i) As of the filing date is identified on the books and records of the debtor as held for the account of a particular customer;

(ii) Is a bona fide hedging position or transaction as defined in § 1.3(z) of this chapter or is a commodity option transaction which has been determined by the contract market to be economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise pursuant to rules which have been adopted in accordance with the requirements of § 1.61(b) of this chapter and approved by the Commission pursuant to Section 5a(12) of the Commodity Exchange Act; and

(iii) Is in an account designated in the accounting records of the debtor as a hedging account in accordance with § 190.04(e)(1).

(3) With respect to warehouse receipts, bills of lading or other documents of title, or physical commodities received, acquired, or held by or for the account of the debtor for the purpose of making or taking delivery or exercise from or for the account of a customer, any such document of title or commodity which as of the filing date can be identified on the books and records of the debtor as received from or for the account of a particular customer as held specifically for the purpose of delivery or exercise.

(4) Any cash or other property deposited prior to bankruptcy to pay for the taking of physical delivery on a long futures contract or for payment of the strike price upon exercise of a short put or a long call option contract on a physical commodity, which cannot be settled in cash, in excess of the amount necessary to margin such commodity contract prior to the notice date or exercise date which cash or other property is identified on the books and records of the debtor as received from or for the account of a particular customer within three or less days of the notice date or three or less days of the exercise date specifically for the purpose of payment of the notice price upon taking

delivery or the strike price upon exercise.

(5) The cash price tendered for any property deposited prior to bankruptcy to make physical delivery on a short futures contract or for exercise of a long put or a short call option contract on a physical commodity, which cannot be settled in cash, to the extent it exceeds the amount necessary to margin such contract prior to the notice or exercise date which property is identified on the books and records of the debtor as received from or for the account of a particular customer within three or less days of the notice date or of the exercise date specifically for the purpose of a delivery or exercise.

(6) Notwithstanding paragraph (kk)(1) of this section, fully paid, non-exempt securities identified on the books and records of the debtor as held by the debtor for or on behalf of the commodity account of a particular customer for which, according to such books and records as of the filing date, no open commodity contracts were held in the same capacity.

(7) Open commodity contracts transferred in accordance with the provisions of § 190.06.

(8) Except as is otherwise specified in this paragraph (kk), no customer property may be treated as specifically identifiable property.

(ll) "Strike price" means the price per unit multiplied by the total number of units at which a person may purchase or sell the physical commodity or the contract of sale of a commodity for future delivery which is the subject of a commodity option.

(mm) "Trustee" means, as appropriate, the trustee in bankruptcy apointed to administer the debtor's estate and any interim or successor trustee.

§ 190.02 Operation of the debtor's estate subsequent to the filing date and prior to the primary liquidation date.

Subsequent to the filing date and prior to the primary liquidation date, the debtor's estate shall be operated as follows:

(a) *Notices to the Commission and Designated Self-Regulatory Organizations.*—(1) *General.* Each commodity broker which files a petition in bankruptcy shall, at or before the time of such filing, and each commodity broker against which such a petition is filed shall, as soon as possible, but no later than one business day after the receipt of notice of such filing, notify the Commission and such broker's designated self-regulatory organization in accordance with § 190.10(a) of the filing date, the court in which the proceeding has been filed, and the docket number assigned to that proceeding by the court.

(2) *Of transfers under Section 764(b) of the Bankruptcy Code.* As soon as possible, but in no event later than the close of business on the third business day after the order for relief, the trustee, the applicable self-regulatory organization, or the commodity broker must notify the Commission in accordance with § 190.10(a) whether such entity or organization intends to transfer or to apply to transfer open commodity contracts on behalf of the commodity broker in accordance with Section 764(b) of the Bankruptcy Code and §§ 190.06 (e) or (f).

(b) *Notices to customers.*—(1) *Specifically identifiable property other than commodity contracts.* The trustee must use its best efforts to promptly, but in no event later than two business days after entry of the order for relief, commence to publish in a daily newspaper or newspapers of general circulation approved by the court serving the location of each branch office of the commodity broker, for two consecutive days a notice to customers stating that all specifically identifiable property of customers other than open commodity contracts which has not otherwise been liquidated will be liquidated commencing on the fifth business day after the second publication date if the customer has not instructed the trustee in writing on or before the close of business on the fourth business day after the second publication date to return such property pursuant to the terms for distribution of specifically identifiable property contained in § 190.08(d)(1) and, on the tenth business day after such second publication date, if such property has not been returned in accordance with such terms on or prior to that date. Such notice must describe specifically identifiable property in accordance with the definition in this Part and must specify the terms upon which that property may be returned. Publication of the form of notice set forth in the Appendix to this Part will constitute sufficient notice for purposes of this paragraph (b)(1).

(2) *Request for instructions regarding transfer of open commodity contracts.* The trustee must use its best efforts to request promptly, but in no event later than two business days after entry of an order for relief, customer instructions concerning the transfer or liquidation of the specifically identifiable open commodity contracts, if any, not required to be liquidated under paragraph (f)(1) of this section. The request for customer instructions required by this paragraph (b)(2) must state that the trustee is required to liquidate any such commodity contract for which transfer instructions have not been received on or before the close of business on the fifth business day after entry of the order for relief, and any such commodity contract for which instructions have been received which has not been transferred in accordance with § 190.08(d)(2) on or before the close of business on the tenth business day after entry of the order for relief. A form of notice is set forth in the Appendix to this Part.

(3) *Involuntary cases.* Prior to entry of an order for relief, and upon leave of the court, the trustee appointed in an involuntary proceeding may notify customers of the commencement of such proceeding and may request customer instructions with respect to the return, liquidation or transfer of specifically identifiable property, including open commodity contracts.

(4) *Notice of bankruptcy and request for proof of customer claim.* The trustee must promptly notify each customer of record in writing that an order for relief has been entered and must instruct each such customer to file a proof of customer claim containing the information specified in paragraph (d) of this section. Such notice may be given separately from the notices required by paragraphs (b) (1) and (3) of this section.

(c) *Disposition of customer instructions in the event of a transfer pursuant to Section 764(b) of the Bankruptcy Code.* If the debtor's open commodity contracts have been, or are to be, transferred in accordance with Section 764(b) of the Bankruptcy Code and § 190.06, customer instructions previously received by the trustee with respect to open commodity contracts, or with respect to specifically identifiable property which is to be transferred with such contracts, shall be transmitted to the transferee of such contracts or property who shall comply therewith to the extent practicable.

(d) *Proof of customer claim.* The trustee shall cause the proof of customer claim form referred to in paragraph (b)(4) of this section to set forth the bar date for its filing and to request that customers provide, to the extent reasonably possible, information sufficient to determine a customer's claim in accordance with the regulations contained in this Part, including in the discretion of the trustee:

(1) The class of commodity account upon which each claim is based;

(2) The number of accounts held by each claimant, and the capacity in which they are held;

(3) The equity as of the filing date of each account based on commodity transactions in that account;

(4) Whether each account is a public or a non-public customer account;

(5) Whether any account is a discretionary account;

(6) A description of all claims against the debtor not based upon a commodity account of the claimant;

(7) A description of all claims of the debtor against the claimant not included in the equity of a commodity account of the claimant;

(8) A description of any deposits of money, securities or property with the debtor made by the claimant indicating the portion of such, if any, which was contained in the information provided in paragraph (d)(3) of this section and identifying any such property which would be specifically identifiable property as defined in § 190.01(kk).

(9) Whether the claimant is or was an "affiliate," "insider," or "relative" of the debtor as these terms are defined by Sections 101 (2), (25), and (34), respectively, of the Bankruptcy Code;

(10) The amount of the claimant's percentage interest in any joint account;

(11) Whether the claimant wishes to receive payment in kind, to the extent possible, for any claim for securities; and

(12) Copies of any documents which support the information contained in the proof of customer claim, including without limitation, customer confirmations, account statements, and statements of purchase or sale.

A proof of claim form which may be used by the trustee is set forth in the Appendix to this part.

(e) *Transfers*—(1) *All cases.* The trustee for a commodity broker must immediately use its best efforts to effect a transfer in accordance with §§ 190.06 (e) and (f) no later than the close of business on the fourth business day after the order for relief of the open commodity contracts and equity held by the commodity broker for or on behalf of its customers.

(2) *Involuntary cases.* A commodity broker against which an involuntary petition in bankruptcy is filed, or the trustee if a trustee has been appointed in such case, must use its best efforts to effect a transfer in accordance with §§ 190.06 (e) and (f) of all open commodity contracts and equity held by the commodity broker for or on behalf of its customers and such other property as the Commission in its discretion may authorize, on or before the close of business on the fourth business day after the filing date, and immediately cease doing business: *Provided, however,* That the commodity broker may trade for liquidation only, unless otherwise directed by the Commission, by any applicable self-regulatory organization or by the court: And, *Provided further,* That if the commodity broker demonstrates to the Commission within such period that it was in compliance with the segregation and financial requirements of this chapter on the filing date, and the Commission determines, in its sole discretion, that such transfer or liquidation is neither appropriate nor in the public interest, the commodity broker may continue in business subject to applicable provisions of the Bankruptcy Code and of this chapter.

(f) *Liquidation or Offset.* After entry of the order for relief and subject to paragraph (e) of this section, which requires the trustee to attempt to make certain transfers permitted by § 190.06 and Section 764(b) of the Bankruptcy Code, the following commodity contracts and other property held by or for the account of a debtor must be liquidated or offset by the trustee promptly and in an orderly manner, subject to limit moves and to applicable procedures under the Bankruptcy Code:

(1) *Open commodity contracts.* All open commodity contracts except:

(i) Dealer option contracts, if the dealer option grantor is not the debtor, which cannot be transferred on or before the close of business on the fourth business day after the order for relief; and

(ii) Specifically identifiable commodity contracts as defined in § 190.01(kk)(2) for which an instruction prohibiting liquidation is noted prominently in the accounting records of the debtor and timely received under paragraph (b)(2) of this section.

Notwithstanding the foregoing, an open commodity contract must be offset if: such contract is a futures contract which would otherwise remain open beyond the last day of trading, or the first day on which notice of intent to deliver may be tendered with respect thereto, whichever occurs first; such contract is a long option on a physical commodity which cannot be settled in cash and would be automatically exercised, has value and would remain open beyond the last day for exercise; such contract is a short option on a physical commodity which cannot be settled in cash; or, as otherwise specified in these rules.

(2) *Specifically identifiable property other than open commodity contracts.* Specifically identifiable property other than open commodity contracts to the extent that:

(i) The fair market value of such property is less than 90% of its fair market value on the date of entry of the order for relief; or

(ii) The trustee has not received instructions to return, or has not returned, such property upon the terms contained in § 190.08(d)(1) on or before the end of the period set forth in paragraph (b)(1) of this section.

(3) *All other property.* All other property not required to be transferred or returned pursuant to customer instructions which has not been liquidated in accordance with paragraphs (f)(1) and (f)(2) of this section.

(g) *Treatment of open commodity contracts.*—(1) *Margin payments by the trustee.* Prior to the primary liquidation date, the trustee may make variation and maintenance margin payments to a commodity broker carrying the account of the debtor, as appropriate, pending liquidation of any open commodity contracts required to be liquidated under paragraph (f)(1) of this section, whether or not such contracts are specifically identifiable to a particular customer: *Provided,* That

(i) No payments may be made on behalf of accounts which are in deficit.

(ii) No payments may be made on behalf of non-public customers or the debtor from funds which are segregated for the benefit of public customers.

(iii) The trustee must make margin payments if payments of margin are received from customers after bankruptcy in response to margin calls, and

(iv) No payments need be made to restore initial margin.

(2) *Margin calls.* The trustee, or in the case of an involuntary bankruptcy, the commodity broker against which the petition is filed or the trustee if a trustee has been appointed, must issue margin calls with respect to any account in which the funded balance less the value on the date of return or transfer of any property previously returned or transferred does not equal or exceed:

(i) 100% of the maintenance margin requirements of the applicable board of trade with respect to the open commodity contracts in such account; or

(ii) If there are no such maintenance margin requirements, 100% of the clearing organization margin requirements applicable to the open commodity contracts in such account; or

(iii) If there are no maintenance margin requirements or clearing organization margin requirements, then 50% of the initial margin applicable to the open commodity contracts in such account;

Provided, That no margin calls need be made by the trustee to restore initial margin. A margin call for such accounts should be made as soon as possible following the order for relief and the trustee shall be authorized, but not obligated, to liquidate any account for which such margin call is not met within a reasonable time as defined in § 190.04(e)(4); *Provided,* That the trustee must immediately liquidate any account which is in deficit.

(3) *Margin payments by the customer.* The full amount of any margin payment by a customer in response to a margin call under paragraph (g)(2) of this section must be credited to the funded balance of the particular account for which it was made.

§ 190.03 Operation of the debtor's estate subsequent to the primary liquidation date.

Subsequent to the primary liquidation date, accounts which contain open commodity contracts not required to be liquidated under § 190.02 (f)(1) shall be operated by the trustee as follows:

(a) *Operation of accounts held open for transfer.*—(1) *Establishment of transfer accounts.* On the primary liquidation date, the trustee must generate a new statement of account for each class of account of a customer which contains a commodity contract not required to be liquidated under § 190.02(f)(1). The opening balance of such statement must be equal to its funded balance, less the value on the date of its transfer or return of any property transferred or returned with respect to the net equity claim for such account prior to the primary liquidation date.

(2) *Accounting for transfer accounts.* The opening balance of any statement generated on the primary liquidation date in accordance with paragraph (a)(1) of this section must be adjusted for operations on or subsequent to the primary liquidation date in the same manner as the equity in a commodity futures account maintained for or on behalf of a customer would adjusted in the ordinary course of business prior to the filing date: *Provided, however,* That such statement of account must also be adjusted to reflect certain adjustments to the funded balance in accordance with § 190.07(c)(2), such that the balance in that account will always be equal to the funded balance of the claimant's net equity claim adjusted for corrections and subsequent operations less the value on the date of transfer or return of any property transferred or returned with respect to that claim prior to the primary liquidation date.

(3) *Margin Calls.* The trustee must promptly issue margin calls with respect to any account referred to under paragraph (a)(1) of this section in which the balance does not equal or exceed 100% of the maintenance margin requirements of the applicable board of trade with respect to the open commodity contracts in such account, or if there are no such maintenance margin requirements, 100% of the clearing organization margin requirements applicable to the open commodity contracts in such account, or if there are no maintenance margin requirements or clearing organization margin requirements, then 50% of the initial margin applicable to the commodity contracts in such account: *Provided,* That no margin calls need be made to restore initial margin.

(4) *Margin payments.* The trustee may make variation or maintenance margin payments to the broker carrying any account referred to in paragraph (a)(1) of this section as appropriate if such payments do not exceed the balance of the statement of account generated under paragraph (a)(1) of this section with respect to which such contracts are credited. Any customer for which commodity contracts remain open subsequent to the primary liquidation date will not be relieved of the obligation to make margin payments by reason of the bankruptcy of the commodity broker: *Provided,* That the full amount of any margin payment made by a customer subsequent to the primary liquidation date must be credited to the account referred to in paragraph (a)(1) of this section for which it was made.

(5) *Distribution.* No distribution of equity may be made to or on behalf of customers by the trustee with respect to an account established in accordance with paragraph (a)(1) of this section, except pursuant to paragraph (a)(4) of this section and to § 190.08(d).

(b) *Liquidation of open commodity contracts.* Commodity contracts held open by the trustee in accordance with paragraph (a)(1) of this section must be liquidated promptly and in an orderly manner, if:

(1) Any payment of margin would result in a deficit in the account in which they are held;

(2) The customer for, or on whose behalf, the account is held fails to meet a margin call within a reasonable time;

(3) The trustee has received no customer instructions with respect to such contract by the close of business on the fifth business day after entry of the order for relief;

(4) The commodity contract has not been transferred in accordance with § 190.08(d)(2) on or before the close of business on the tenth business day after entry of the order for relief; or

(5) The commodity contract would otherwise remain open beyond the last day of trading in such contract or the first day on which notice of delivery may be tendered with respect to such contract, whichever occurs first.

(c) *Liquidation of specifically identifiable property other than open commodity contracts.* All specifically identifiable property other than open commodity contracts which have not been liquidated prior to the primary liquidation date, and for which no customer instructions have been timely received must be liquidated, to the extent reasonably possible, no later than the close of business on the fifth business day after final publication of the notice referred to in § 190.02(b)(1). All other specifically identifiable property must be liquidated or returned, to the extent reasonably possible, no later than the close of business on the tenth business day after final publication of such notice.

§ 190.04 Operation of the debtor's estate—general.

(a) *Compliance with the Act and regulations.* Except as specifically provided otherwise in this Part, the trustee shall comply with all of the provisions of the Act and of the regulations thereunder as if it were the debtor.

(b) *Computation of funded balance.* Using the information available, the trustee must compute a funded balance for each customer account which contains open commodity contracts as of the close of business each day subsequent to the order for relief until the final liquidation date. Such computation must be completed prior to noon on the next business day.

(c) *Records.*—(1) *Maintenance.* Subject to the requirements of the Bankruptcy Code, records of the computations required by this Part shall be maintained in accordance with § 1.31 of this chapter by the trustee for the greater of the period required by § 1.31 of this chapter or for a period of one year after the close of the bankruptcy proceeding for which they were compiled.

(2) *Accessibility.* The records required to be maintained by paragraph (c)(1) of this section shall be available during business hours to the Court, parties in interest, the Commission and the United States Department of Justice. At any time on or after the filing date, the commodity broker, or the trustee if a trustee has been appointed, shall be required to give the Commission and the

United States Department of Justice immediate access to all records of the debtor, including records required to be retained in accordance with § 1.31 of this chapter and all other records of the commodity broker, whether or not the Act or this chapter would require such records to be maintained by the commodity broker.

(d) *Liquidation.*—(1) *Order of Liquidation.* (i) *Open Outcry.* Liquidation of open commodity contracts held for a house or a customer account by or on behalf of a commodity broker which is a debtor shall be accomplished in accordance with § 1.38 of this chapter: *Provided,* That to the extent reasonably possible the trustee shall first liquidate all net positions and shall subsequently liquidate all long and short positions in the same commodity in the same delivery month on the same contract market in tandem: and, *Provided further,* That any covered commodity owned by a debtor shall be liquidated, to the extent reasonably possible, at the same time as its cover.

(ii) *Book entry.* Notwithstanding paragraph (1), in appropriate cases, upon application by the trustee or the affected clearing organization, the Commission may permit offsetting open commodity contracts to be liquidated, or settlement on such contracts to be made, by book entry. Such book entry shall offset such trades on the books of the commodity broker using an execution price equal to the weighted average of the liquidation prices for contracts in the same commodity for the same delivery month on the same contract market which are not matched on the books of the commodity broker, or if there are no such unmatched contracts, using the average of the opening price and the settlement price of contracts in the same commodity for the same delivery month on the same contract market as of the close of business on the market day of the order for relief.

(2) *Liquidation only.* Nothing in this Part shall be interpreted to permit the trustee to purchase or sell new commodity contracts for customers of the debtor except to offset open commodity contracts: *Provided, however,* That the trustee may, in its discretion and with approval of the Commission, cover uncovered inventory or commodity contracts of the debtor which cannot be liquidated immediately because of price limits or other market conditions, or may take an offsetting position in a new month or at a strike price for which limits have not been reached.

(e) *Other matters.*—(1) *Determination as to bona fide hedges.* In determining which commodity contracts are eligible to be held open for transfer pursuant to customer instruction, the trustee may rely on the designation in the accounting records of the commodity broker that the account for or on behalf of which the contract is held is a hedging account. Commodity contracts maintained in a hedging account may be treated by the trustee as specifically identifiable.

(2) *Disbursements.* The trustee shall make no disbursements to customers prior to final distribution except with approval of the court or in accordance with § 190.08(d).

(3) *Investment.* The trustee shall promptly invest the equity resulting from the liquidation of commodity contracts, and the proceeds of the liquidation of specifically identifiable property, in obligations of the United States and obligations fully guaranteed as to principal and interest by the United States, and may similarly invest any customer equity in accounts which remain open in accordance with § 190.03: *Provided,* That such obligations are maintained in a depository located in the United States, its territories or possessions.

(4) *Margin calls—reasonable time.* Except as otherwise provided in this Part, a reasonable time for meeting margin calls made by the trustee shall be deemed to be one hour, or such greater period not to exceed one business day, as the trustee may determine in its sole discretion.

(5) *Management of Long Option Contracts.* Subject to the applicable liquidation provisions the trustee must use its best efforts to assure that a long option contract with value does not expire worthless.

§ 190.05 Making and taking delivery on commodity contracts.

(a) *General.* (1) In the event that the trustee is unable to liquidate an open commodity futures contract subject to physical delivery or an option on a physical commodity, which cannot be settled in cash, prior to the last day of trading in that contract as required by §§ 190.02(f)(1) and 190.03(b)(5), the trustee must use its best efforts to prevent property which is to be delivered for or on behalf of a customer to fulfill that contract, or property for which delivery is being taken with respect to a customer pursuant to that contract, from becoming part of the debtor's estate.

(2) Delivery accounts shall be any account prominently designated as such in the records of the debtor which contains only the specifically identifiable property associated with delivery set forth in § 190.01(kk) (3), (4), and (5).

(3) The portion of the price or the proceeds of a commodity contract upon delivery which is not specifically identifiable property under § 190.01(kk) (4) and (5) must be distributed pro rata under Section 766(h) of the Code.

(b) *Contract market rules for deliveries on behalf of a customer of a debtor.* Each contract market shall adopt, maintain in effect and enforce rules which have been approved by the Commission in accordance with Section 5a(12) of the Act and § 1.41 of this chapter, which:

(1) Permit the making and taking of delivery to fulfill a commodity futures contract for a physical commodity or an option on a physical commodity, which has not become part of the debtor's estate on the date of the entry of the order for relief but with respect to which commodity contract:

(i) Trading has ceased on the date of the entry of the order for relief;

(ii) Notice of delivery has been tendered on or before the date of the entry of the order for relief; or,

(iii) Trading ceases before it can be liquidated by the trustee, to be effected directly between the customer of the debtor and the person identified by the clearing organization as the party to whom delivery should be made or from whom delivery should be taken by such customer of the debtor without intervention of the trustee and without including such physical commodity or the payment for such physical commodity in any bankruptcy distribution: *Provided, however,* That such rules shall not relieve a customer of its obligation to make or take delivery for the sole reason that delivery must be made or taken from a commodity broker which is a debtor; and

(2) Recognize that the equity of a customer of the debtor in a commodity contract upon which delivery is made or taken must be included in the net equity claim of that customer and, as such, can only be distributed pro rata at the time of, and as part of, any distributions to customers made by the trustee.

(c) *Delivery made or taken within the debtor's estate.* (1) Any property in a delivery account which is part of the debtor's estate on the date of the order for relief may be returned under the terms set forth in § 190.08(d)(1)(ii).

(2) If the property to be delivered is part of the debtor's estate on the date of the order for relief and a customer of the debtor is required to make delivery, the trustee must make delivery in the same manner as if no bankruptcy had occurred and the party by whom delivery is taken must pay the full notice price or strike price for delivery.

(3) If delivery is to be made or taken on behalf of a house account the trustee must either make or take delivery, as the case may be, on behalf of the debtor's estate: *Provided,* That if the trustee, at any time, takes delivery of a physical commodity, the trustee must convert that physical commodity to cash as promptly as possible.

§ 190.06 Transfers.

(a) *Transfer rules.* No self-regulatory organization or clearing organization may adopt, maintain in effect or enforce rules which:

(1) Are inconsistent with the provisions of this Part;

(2) Interfere with the acceptance by its members of open commodity contracts and the equity margining or securing such contracts from futures commission merchants, or persons which are required to be registered as futures commission merchants, which are required to transfer accounts pursuant to § 1.17(a)(4) of this chapter; or

(3) Prevent the acceptance by its members of transfers of open commodity contracts and the equity margining or securing such contracts from futures commission merchants with respect to which a petition in bankruptcy has been filed, if such transfers have been apprved by the Commission.

Provided, however, That this paragraph shall not limit the exercise of any contractual right of a self-regulatory organization or clearing organization to liquidate open commodity contracts.

(b) *Notice.* If a futures commission merchant, or a person required to be registered as a futures commission merchant, intends to transfer commodity contracts held by or for a commodity broker from or for the account of a customer to another person registered as a futures commission merchant and such transfer is not upon the request of that customer or in the ordinary course of business, the transferor must notify the Commission:

(1) If no petition in bankruptcy has been filed, as soon as possible but in any event prior to effectuation of the transfer; or

(2) If a petition in bankruptcy has been filed by or against such transferor, no later than is required under § 190.02(a)(2).

(c) *Financial requirements for transferees.* (1) No transfer may be made which would cause the transferee to be in violation of the minimum financial requirements set forth in this chapter.

(2) A transferee may accept a transfer of open commodity contracts even though the money, securities and other property eligible for transfer under the regulations contained in this Part is insufficient to fully margin such positions, if the transferee agrees to accept the transfer subject to any loss due to the failure to recover such deficiency from the customers whose contracts it has accepted or from the estate of the debtor.

(3) The transferee of a commodity contract for which notice is given under § 190.06(b)(2) must keep that contract open one business day after its receipt, unless the customer for whom the transfer is made fails to respond within a reasonable time to a margin call for the difference between the margin transferred with such contract and the margin which such transferee would require with respect to a similar commodity contract held for the account of a customer in the ordinary course of business.

(4) No commission may be collected by the transferor with respect to the transfer of an open commodity contract for which notice is given under § 190.06(b)(2).

(d) *Customer instructions.*—(1) *Customer instructions.* A commodity broker must provide an opportunity for each customer to specify when undertaking its first hedging contract whether, in the event of bankruptcy, such customer prefers that open commodity contracts held in a hedging account be liquidated by the trustee without seeking customer instructions.

(2) *Record of customer instructions.* Each futures commission merchant must indicate prominently in the accounting records in which it maintains open trade balances any customer accounts which are hedging accounts for which the customer has not specified that it prefers open contracts to be liquidated in bankruptcy by the trustee without instruction.

(e) *Eligibility for transfer under Section 764(b) of the Bankruptcy Code.*—(1) *Accounts eligible for transfer.* Subject to the requirements of paragraph (e)(2) of this section, all accounts are eligible for transfer after the filing date pursuant to Section 764(b) of the Bankruptcy Code, except:

(i) House accounts or the accounts of general partners of the debtor if the debtor is a partnership.

(ii) Leverage accounts, if the debtor is the leverage transaction merchant with respect to such accounts;

(iii) Dealer option accounts, if the debtor is the dealer option grantor with respect to such accounts;

(iv) Accounts which contain no open commodity contracts; or

(v) Accounts which are in deficit.

(2) *Amount of equity which may be transferred.* In no case may money, securities or property be transferred in respect of any eligible account if the value of such money, securities or property would exceed the funded balance of such account based on available information as of the close of business on the business day immediately preceding transfer less the value on the date of return or transfer of any property previously returned or transferred with respect thereto.

(f) *Special rules for transfers under Section 764(b) of the Bankruptcy Code.*—(1) *Dealer options.*

(i) *Eligibility for transfer.* Prior to exercise, any dealer option contract held by or for the account of a debtor which is a futures commission merchant from or for the account of a customer may be transferred even if the funded balance available for transfer which is attributable to such contract does not equal 100% of the portion of the purchase price required to be segregated with respect to such contract: *Provided,* That a dealer option contract will be eligible for transfer only if any deficiency in the funded balance of the customer account in which it is held is not due to amounts owed by such customer to the debtor; and, *Provided further,* That the transferee of any dealer option contract need not segregate more than an amount equal to that portion of the purchase price due the grantor which is transferred with the contract which should be equal to the grantor's funded balance in the portion of the purchase price segregated less any reasonable reserve established by the trustee for the nonrecovery of overpayments.

(ii) *Obligation of the dealer option grantor.* In the event of the transfer of a dealer option contract pursuant to this section, the failure of the debtor futures commission merchant to segregate 100% of the purchase price due the grantor for such contract, or the failure of the dealer option grantor to collect 100% of such purchase price due the grantor, shall not excuse the dealer option grantor from its obligation to perform such contract in full upon its exercise, without any setoff or set aside for the premium deficiency.

(2) *Clearing Organizations.* Commodity contracts held by a clearing organization which is a debtor may not be transferred,

(3) *Partial transfers.*—(i) *Of the customer estate.* If all eligible customer accounts held by a debtor cannot be transferred under this section, a partial transfer may nonetheless be made. The Commission will not disapprove such a transfer for the sole reason that it was a

partial transfer if it would prefer the transfer of accounts, the liquidation of which could adversely affect the market or the bankrupt estate. Any dealer option contract held by or for the account of a debtor which is a futures commission merchant from or for the account of a customer which has not previously been transferred, and is eligible for transfer, must be transferred on or before the close of business on the tenth business day after entry of the order for relief.

(ii) *Of a customer account.* If all of a customer's open commodity contracts cannot be transferred under this section, a partial transfer of contracts may be made. A partial transfer may be effected by liquidating that portion of the open commodity contracts held by a customer which represents sufficient equity to permit the transfer of the remainder. If any commodity contracts to be transferred in a partial transfer are part of a spread or straddle, both sides of such spread or straddle must be transferred or neither side may be transferred.

(g) *Prohibition on avoidance of transfers under Section 764(b) of the Bankruptcy Code.*—(1) *Pre-relief transfers.* Notwithstanding the provisions of paragraph (e) of this section, the following transfers may not be avoided by a trustee:

(i) The transfer of commodity accounts prior to the entry of the order for relief in compliance with § 1.17(a)(4) of this chapter unless such transfer is disapproved by the Commission; or

(ii) The transfer prior to the order for relief by a public customer, including a transfer by a public customer which is a commodity broker, of commodity accounts held from or for the account of such customer by or on behalf of the debtor unless:

(A) The customer acted in collusion with the debtor or its principals to obtain a greater share of the bankrupt estate than that to which it would be entitled in a bankruptcy distribution; or

(B) The transfer is disapproved by the Commission.

(2) *Post-relief transfers.* On or after the entry of the order for relief, the following transfers to one or more transferees may not be avoided by the trustee:

(i) The transfer of a customer account eligible to be transferred under paragraph (e) or (f) of this section made by the trustee of the commodity broker or by any self-regulatory organization or clearing organization of the commodity broker:

(A) On or before the close of business on the fourth business day after the entry of the order for relief; and

(B) The Commission is notified in accordance with § 190.02(a)(2) prior to the transfer and does not disapprove the transfer; or

(ii) The transfer of a customer account at the direction of the Commission on or before the close of business on the fourth business day after the order for relief upon such terms and conditions as the Commission may deem appropriate and in the public interest.

(3) *Withdrawals prior to bankruptcy.* The withdrawal or settlement of a commodity account by a public customer including a public customer which is a commodity broker, prior to the filing date may not be avoided by a trustee unless:

(i) The customer making the withdrawal or settlement acted in collusion with the debtor or its principals to obtain a greater share of the bankruptcy estate than that to which such customer would be entitled in a bankruptcy distribution; or

(ii) The withdrawal or settlement is disapproved by the Commission.

(h) *Commission action.* Notwithstanding any other provision of this section, in appropriate cases and to protect the public interest, the Commission may:

(1) Prohibit the transfer of customer accounts; or

(2) Permit transfers of accounts which do not comply with the requirements of this section.

§ 190.07 Calculation of allowed net equity.

Allowed net equity shall be computed as follows: (a) *Allowed claim.* The allowed net equity claim of a customer shall be equal to the aggregate of the funded balances of such customer's net equity claim for each account class plus or minus the adjustments specified in paragraph (d) of this section.

(b) *Net equity.* Net equity means the total claim of a customer against the estate of the debtor based on the commodity contracts held by the debtor for or on behalf of such customer less any indebtedness of the customer to the debtor. Net equity shall be calculated as follows:

(1) *Step 1—Equity determination.* Determine the equity balance of each customer account by computing, with respect to such account, the sum of:

(i) The ledger balance;

(ii) The open trade balance; and

(iii) The current realizable market value, determined as of the close of the market on the last preceding market day, of any securities or other property held by or for the debtor from or for such account, plus accrued interest, if any.

(A) For the purposes of this paragraph (b)(1), the ledger balance of a customer account shall be calculated by adding:

(*1*) Cash deposited to purchase, margin, guarantee, secure, or settle a commodity contract;

(*2*) Except as is otherwise provided in this chapter, the cash proceeds of such cash, or of securities or other property referred to in papagraph (b)(1) of this section held from or for the customer by or for the account of the commodity broker; and

(*3*) Gains realized on trades, and

(B) Subtracting from the result:

(*1*) Losses realized on trades;

(*2*) Disbursements to or on behalf of the customer; and

(*3*) The normal costs attributable to the payment of commissions, brokerage, interest, taxes, storage, transaction fees, insurance and other costs and charges lawfully incurred in connection with the purchase, sale, exercise, or liquidation of any commodity contract in such account.

For purposes of this paragraph (b)(1), the open trade balance of a customer's account shall be computed by subtracting the unrealized loss in value of the open commodity contracts held by or for such account from the unrealized gain in value of the open commodity contracts held by or for such account.

(2) *Step 2—Customer determination (aggregation).* Aggregate the credit and debit equity balances of all accounts of the same class held by a customer in the same capacity. Paragraphs (b)(2)(i) through (b)(2)(xiii) of this section prescribe which accounts must be treated as being held in the same capacity and which accounts must be treated as being held in a separate capacity.

(i) Except as otherwise provided in this paragraph (b)(2), all accounts which are maintained with a debtor in a person's name and which, under this paragraph (b)(2), are deemed to be held by that person in its individual capacity shall be deemed to be held in the same capacity.

(ii) An account maintained with a debtor by a guardian, custodian, or conservator for the benefit of a ward, or for the benefit of a minor under the Uniform Gift to Minors Act, shall be deemed to be held in a separate capacity from accounts held by such guardian, custodian or conservator in its individual capacity.

(iii) An account maintained with a debtor in the name of an executor or administrator of an estate shall be deemed to be held in a separate capacity from accounts held by such

executor or administrator in its individual capacity.

(iv) Subject to paragraph (b)(2)(iii) of this section, an account maintained with a debtor in the name of a decedent, in the name of the decedent's estate, or in the name of the executor or administrator of such estate shall be deemed to be accounts held in the same capacity.

(v) An account maintained with a debtor by a trustee shall be deemed to be held in the individual capacity of the grantor of the trust unless the trust is created by a valid written instrument for a purpose other than avoidance of an offset under the regulations contained in this Part. A trust account which is not deemed to be held in the individual capacity of its grantor under paragraph (b)(2)(v) of this section shall be deemed to be held in a separate capacity from accounts held in an individual capacity by the trustee, by the grantor or any successor in interest of the grantor, or by any trust beneficiary, and from accounts held by any other trust.

(vi) An account maintained with a debtor by a corporation, partnership, or unincorporated association shall be deemed to be held in a separate capacity from accounts held by the shareholders, partners or members of such corporation, partnership or unincorporated association, if such entity was created for purposes other than avoidance of an offset under the regulations contained in this Part.

(vii) A hedging account of a person shall be deemed to be held in the same capacity as a speculative account of such person.

(viii) Subject to paragraph (b)(2)(ix) of this section, the futures accounts, leverage accounts, options accounts, and foreign futures accounts of the same person shall not be deemed to be held in separate capacities: *Provided, however,* That such accounts may be aggregated only in accordance with paragraph (b)(3) of this section.

(ix) An omnibus customer account of a futures commission merchant maintained with a debtor shall be deemed to constitute one account and to be held in a separate capacity from the house account and any other omnibus customer account of such futures commission merchant.

(x) A joint account maintained with the debtor shall be deemed to be held in a separate capacity from any account held in an individual capacity by the participants in such account, from any account held in an individual capacity by a commodity pool operator or commodity trading advisor for such account, and from any other joint account: *Provided, however,* That if such account is not transferred in accordance with § 190.06, it shall be deemed to be held in the same capacity as any other joint account held by identical participants and a participant's percentage interest therein shall be deemed to be held in the same capacity as any account held in an individual capacity by such participant.

(xi) An account maintained with a debtor in the name of a plan which, on the filing date, has in effect a registration statement in accordance with the requirements of Section 1031 of the Employee Retirement Income Security Act of 1974 and the regulations thereunder shall be deemed to be held in a separate capacity from an account held in an individual capacity by the plan administrator, any employer, employee, participant, or beneficiary with respect to such plan.

(xii) Except as otherwise provided in this section, an account maintained with a debtor by an agent or nominee for a principal or a beneficial owner shall be deemed to be an account held in the individual capacity of such principal or beneficial owner.

(xiii) Accounts held by a customer in separate capacities shall be deemed to be accounts of different customers. The burden of proving that an account is held in a separate capacity shall be upon the customer.

(3) *Step 3—Setoffs.* (i) The net equity of one customer account may not be offset against the net equity of any other customer.

(ii) Any obligation which is not required to be included in computing the equity of a customer under paragraph (b)(1) of this section, but which is owed by such customer to the debtor must be deducted from any obligation not required to be included in computing the equity of a customer which is owed by such debtor to the customer. If the former amount exceeds the latter, the excess must be deducted from the equity balance of the customer obtained after performing the preceding calculations required by paragraph (b) of this section: *Provided,* That if the customer owns more than two classes of accounts the excess must be offset against each positive equity balance in the same proportion as that positive equity balance bears to the total of all positive equity balances of accounts of different classes held by such customer.

(iii) A negative equity balance obtained with respect to one customer account class must be set off against a positive equity balance in any other account class of such customer held in the same capacity: *Provided,* That if a customer owns more than two classes of accounts such balance must be offset against each positive equity balance in the same proportion as that positive equity balance bears to the total of all positive equity balances in accounts of different classes held by such customer.

(iv) To the extent any indebtedness of the debtor to the customer which is not required to be included in computing the equity of such customer under paragraph (b)(1) of this section exceeds such indebtedness of the customer to the debtor, the customer claim therefor will constitute a general creditor's claim rather than a customer property claim, and the net equity therefor shall be separately calculated.

(v) The rules pertaining to separate capacities and permitted setoffs contained in this section must be applied subsequent to the entry of an order for relief; prior to the filing date the provisions of § 1.22 of this chapter and of Section 4d(2) of the Act shall govern what setoffs are permitted.

(4) *Step 4—Correction for distributions.* The value on the date of transfer or distribution of any property transferred or distributed subsequent to the filing date and prior to the primary liquidation data with respect to each class of account held by a customer must be added to the equity obtained for that customer for accounts of that class after performing the steps contained in paragraphs (b)(1)–(3) of this section: *Provided, however,* That if all accounts for which there are customer claims of record and 100% of the equity pertaining thereto are transferred in accordance with § 190.06 and Section 764(b) of the Bankruptcy Code, net equity shall be computed based solely upon those customer claims, if any, filed subsequent to bankruptcy which are not claims of record on the filing date.

(5) *Step 5—Correction for subsequent events.* Compute any adjustments to Steps 1 through 4 of this paragraph (b) required to correct misestimates or errors including, without limitation, corrections for subsequent events such as the liquidation of unliquidated claims at a value different from the estimated value previously used in computing net equity.

(6) *Step 6—Net equity of accounts which remain open subsequent to the primary liquidation date.* If the accounts of a customer contain commodity contracts which remain open subsequent to the primary liquidation date, the trustee must adjust the net equity obtained for that customer pursuant to the steps contained in paragraphs (b)(1)–(5) of this section as provided in paragraphs (d)(1) and (d)(2) of this section.

(c) *Calculation of funded balance.* "Funded balance" means a customer's pro rata share of the customer estate with respect to each account class available as of the primary liquidation date for distribution to customers of the same class.

(1) The funded balance of any customer claim shall be computed by:

(i) Multiplying the ratio of the amount the net equity claim less the amounts referred to in (1)(ii) of this section of such customer for any account class bears to the sum of the net equity claims less the amounts referred to in (1)(ii) of this secion of all customers for accounts of that class by the sum of:

(A) The value of the money, securities or property segregated on behalf of all accounts of the same class less the amounts referred to in (1)(ii) of this section;

(B) The value of any money, securities or property which must be allocated under § 190.08 to customer accounts of the same class; and

(C) The amount of any add-back required under paragraph (b)(4) of this section; and

(ii) The adding 100% of any margin payment made between the entry of the order for relief and the primary liquidation date.

(2) *Corrections to funded balance.* The funded balance must be adjusted, as of the primary liquidation date, to correct for subsequent events including, without limitation:

(i) Added claimants;

(ii) Disallowed claims;

(iii) Liquidation of unliquidated claims at a value other than their estimated value;

(iv) Recovery of property; and

(v) Deficits generated by the continued operation of accounts after the primary liquidation date which cannot be fully adjusted under paragraph (d) of this section.

(d) *Adjustments to funded balance for operations subsequent to the primary liquidation date.* If accounts of a customer contain commodity contracts which remain open subsequent to the primary liquidation date, the funded balance for each class must be adjusted until liquidation or transfer of all such open commodity contracts of that customer of the same class, as follows:

(1) Unrealized and realized gains and any receipts of margin with respect thereto must be added to the funded balance;

(2) Unrealized and realized losses, and the normal costs attributable to the payment of commissions, brokerage, interest, taxes, storage, transaction fees and other costs and charges lawfully incurred with respect to the maintenance or liquidation of such open commodity contracts, and any distributions must be subtracted from the funded balance; and

(3) Subject to claims against the trustee for failure to liquidate, any deficit which is not recovered from the customer on whose behalf it is incurred must be charged against the funded balance of each account which remained open on the date the deficit occurred in the same proportion as the funded balance of each account bears to all the funded balances of all accounts which remained open on that date.

(e) *Valuation.* In computing net equity, commodity contracts and other property held by or for a commodity broker must be valued as provided in this paragraph (e): *Provided, however,* That if identical commodity contracts, securities, or other property are liquidated on the same date, but cannot be liquidated at the same price, the trustee may use the weighted average of the liquidation prices in computing the net equity of each customer holding such contracts, securities or property.

(1) *Exchange-traded contracts.* The value of an open commodity contract which is traded on a board of trade shall be equal to the settlement price as of the close of business on the board of trade upon which it is traded: *Provided,* That if such contract is transferred its value shall be determined at the time of its transfer: and *Provided further,* That if such contract is liquidated, its value shall be equal to the net proceeds of liquidation.

(2) *Principal contracts.* The valuation date of principal contracts which are not transferred shall be the date of the order for relief unless there is specific property which constitutes cover by the principal for the principal contract in which case it shall be the date of liquidation of the cover. For purposes of valuing contracts for which there is no established secondary market:

(i) *Cash price series approved by Commission.* The market value of the physical commodity which is the subject of a principal contract shall be computed using a cash price series approved by the Commission for use by the dealer option grantor, in the case of dealer options, and by the leverage transaction merchant, in the case of leverage contracts.

(ii) *No cash price series approved by Commission.* If no applicable cash price series has been submitted to the Commission, or if such a cash price series has been submitted, but has not been approved by the Commission, the market value of the physical commodity which is the subject of a principal contract shall be equal to the lesser of:

(A) The market value of the physical commodity as of the close of business on the local cash market most proximate to the debtor's principal place of business; or

(B) The spot month settlement price on a contract market which trades contracts in that physical commodity most proximate to the debtor's principal place of business: *Provided,* That where there is more than one local market as described in paragraphs (e)(2)(ii) (A) or (B) of this section, the trustee should use the most active market.

(iii) *Special rule for valuing dealer options.* A dealer option which is in-the-money will be deemed to have been exercised for purposes of determining its value which shall be equal to the greater of:

(A) The in-the-money amount; or

(B) The premium paid for such option divided by the number of days contained in the option period and multiplied by the number of days remaining in such period on the liquidation date: *Provided,* That in the trustee's sole discretion, the trustee may reduce such value to an amount which does not exceed the average of the premiums recently paid for similar options granted by the same grantor. Any time value not reflected in this computation claimed by a customer must be treated as a general creditor's claim.

(iv) *Special rule for valuing leverage contracts.* Notwithstanding paragraphs (e)(2) (i) and (ii) of this section, if the records of the debtor are not sufficient to substantiate customer claims for profits and to identify the owners of contracts with losses, the liquidation value of a leverage contract shall be deemed to be an amount equal to the total deposit made by a customer in respect to such contract.

(3) *Bucketed contracts.* The value of a commodity contract which has not been established in fact shall be deemed to be equal to the value of the total deposit made by a customer in respect to such contract.

(4) *Securities.* The value of a listed security shall be equal to the closing price for such security on the exchange upon which it is traded. The value of over-the-counter securities traded pursuant to the National Association of Securities Dealers Automated Quotation system shall be equal, in the case of a long position, to the closing bid price and, in the case of a short position, to the closing asking price. The value of all other over-the-counter securities shall be equal in the case of a long position, to the average of the bid prices for long positions, and in the case of a short

position, to the average of the asking prices for the short positions. If liquidated prior to the primary liquidation date, the value of such security shall be equal to the net proceeds of its liquidation. Securities which are not publicly traded shall be valued by the trustee subject to approval of the court, using such professional assistance as the trustee deems necessary in its sole discretion under the circumstances.

(5) *Property.* Cash commodities held in inventory, as collateral or otherwise, shall be valued at their fair market value. Subject to the other provisions of this paragraph (e), all other property shall be valued by the trustee subject to approval by the court, using such professional assistance as the trustee deems necessary in its sole discretion under the circumstances: *Provided, however,* That if such property is sold, its value for purposes of the calculations required by this part shall be the net proceeds of such sale: *Provided further,* That the sale is made in compliance with all applicable statutes, rules and orders of any court or governmental entity with jurisdiction thereover .

§ 190.08 Allocation of property and allowance of claims.

The property of the debtor's estate must be allocated among account classes and between customer classes as provided in this section. The property so allocated will constitute a separate estate of the customer class and the account class to which it is allocated, and will be designated by reference to such customer class and account class.

(a) *Scope of customer property.* (1) Customer property includes the following:

(i) All cash, securities, or other property or the proceeds of such cash, securities or other property received, acquired, or held by or for the account of the debtor, from or for the account of a customer, including a non-public customer, which is:

(A) Property received, acquired or held to margin, guarantee, secure, purchase or sell a commodity contract;

(B) Open commodity contracts;

(C) Warehouse receipts, bills of lading, or other documents of title or property held or acquired by the debtor to fulfill a commodity contract;

(D) Profits or contractual rights accruing to a customer as the result of a commodity contract;

(E) The full proceeds of a letter of credit if such letter of credit was received, acquired or held to margin, guarantee, secure, purchase or sell a commodity contract;

(F) Property hypothecated under § 1.30 of this chapter to the extent that the value of such property exceeds the proceeds of any loan of margin made with respect thereto, and

(ii) All cash, securities, or other property which:

(A) Is segregated on the filing date;

(B) Is a security owned by the debtor to the extent there are customer claims for securities of the same class and series of an issuer;

(C) Is specifically identifiable to a customer;

(D) Is property of a type described in paragraph (a)(1)(i)(A) of this section which has been withdrawn and subsequently is recovered by the avoidance powers of the trustee;

(E) Represents recovery of any debit balance, margin deficit, or other claim of the debtor against a customer account;

(F) Was unlawfully converted but is part of the debtor's estate;

(G) Is property of the debtor that any applicable law, rule, regulation, or order requires to be set aside for the benefit of customers, unless including such property in the customer estate would not significantly increase the customer estate;

(H) Is property of the debtor's estate recovered by the Commission in any proceeding brought against the principals, agents, or employees of the debtor;

(I) Is proceeds from the investment of customer property by the trustee pending final distribution; or

(J) Is cash, securities or other property of the debtor's estate, including the debtor's trading or operating accounts and commodities of the debtor held in inventory, but only to the extent that the property enumerated in paragraphs (a)(1)(i)(E) and (a)(1)(ii)(A) through (a)(1)(ii)(H) of this section is insufficient to satisfy in full all claims of public customers.

(2) Customer property will not include:

(i) Claims against the debtor for damages for any wrongdoing of the debtor, including claims for misrepresentation or fraud, or for any violation of the Act or of the regulations thereunder;

(ii) Other claims for property which are not based upon property received, acquired or held by or for the account of the debtor, from or for the account of the customer;

(iii) Forward contracts;

(iv) Property delivered to or from a customer to or by another customer to fulfill a commodity contract held for or on behalf of either customer by the debtor if such delivery is effected pursuant to § 190.05 by a commodity broker other than the debtor;

(v) Property deposited by a customer with a commodity broker after the entry of an order for relief which is not necessary to meet the maintenance margin requirements applicable to the accounts of such customer; and

(vi) Property hypothecated pursuant to § 1.30 to the extent of the loan of margin with respect thereto.

(b) *Allocation of property between customer classes.* No portion of the customer estate may be allocated to pay non-public customer claims until all public customer claims have been satisfied in full. Any property segregated on behalf of non-public customers must be treated initially as part of the public customer estate and allocated under paragraph (c)(2) of this section.

(c) *Allocation of property among account classes.*—(1) *Segregated property.* Subject to paragraph (b) of this section, property held by or for the account of a customer, which is segregated on behalf of a specific account class, or readily traceable on the filing date to customers of such account class, must be allocated to the customer estate of the account class for which it is segregated or to which it is readily traceable.

(2) *All other property.* Money, securities and property received from or for the account of customers on behalf of any account class which is received on behalf of the customer estate and which cannot be allocated in accordance with paragraph (c)(1) of this section, must be allocated as of the primary liquidation date in the following order:

(i) To the estate of the account class for which, after the allocation required in paragraph (c)(1) of this section, the percentage of each public customer net equity claim which is funded is the lowest, until the funded percentage of net equity claims of such class equals the percentage of each public customer's net equity claim which is funded for the account class with the next lowest percentage of the funded claims; and then

(ii) To the estate of the two account classes referred to in paragraph (c)(2)(i) of this section so that the percentage of the net equity claims which are funded for each class remains equal until the percentage of each public customer net equity claim which is funded equals the percentage of each public customer net equity claim which is funded for the account class with the next lowest percentage of funded claims, and so forth, until the percentage of each public customer net equity claim which is funded is equal for all classes of accounts; and then,

(iii) Among account classes in the same proportion as the public customer net equity claims for each such account class bears to the total of public customer net equity claims of all account classes until the public customer claims of each account class are paid in full; and, thereafter,

(iv) To the non-public customer estate for each account class in the same order as is prescribed in paragraphs (c)(2) (i) to (iii) of this section for the allocation of the customer estate among account classes.

(d) *Distribution of customer property.*—(1) *Return or transfer of specifically identifiable property other than a commodity contract.* Specifically identifiable property other than an open commodity contract not required to be liquidated under § 190.02(f)(2) may be returned or transferred on behalf of the customer to which it is identified:

(i) If it is margining an open commodity contract, only if cash is first deposited with the trustee in an amount equal to the greater of the full fair market value of such property on the return date or the balance due on the return date on any loan by the debtor to the customer for which such property constitutes security; or

(ii) If it is not so margining an open contract, at the option of the customer, either pursuant to the terms of subparagraph (i) of this paragraph, or pursuant to the following terms: such customer first deposits cash with the trustee in an amount equal to the amount by which the greater of the value of the specifically identifiable property to be transferred or returned on the date of such transfer or return or the balance due on the return date on any loan by the debtor to the customer for which such property constitutes security, together with any other disbursements made, or to be made, to such customer, plus a reasonable reserve in the trustee's sole discretion, exceeds the estimated aggregate of the funded balances for each class of account of such customer less the value on the date of its transfer or return of any property transferred or returned prior to the primary liquidation date with respect to the customer's net equity claim for such account; *Provided,* That adequate security for the nonrecovery of any overpayments by the trustee is provided to the debtor's estate by the customer.

(2) *Transfers of specifically identifiable commodity contracts under Section 766 of the Bankruptcy Code.* Any specifically identifiable commodity contract which is not required to be liquidated under § 190.02(f)(1) or § 190.03(b), and which is not otherwise liquidated, may be transferred on behalf of a customer: *Provided,* That such customer must first deposit cash with the trustee in an amount equal to the amount by which the equity to be transferred to margin such contract together with any other transfers or returns of specifically identifiable property or disbursements made, or to be made, to such customer, plus a reasonable reserve in the trustee's sole discretion, exceeds the estimated aggregate of the funded balances for each class of account of such customer less the value on the date of its transfer or return of any property transferred or returned prior to the primary liquidation date with the respect to the customer's net equity claim for such account: and, *Provided further,* That adequate security for the nonrecovery of any overpayments by the trustee is provided to the debtor's estate by the customer.

(3) *Distribution in kind of specifically identifiable securities.* If any securities of a customer would have been specifically identifiable under § 190.01(kk)(6) if that customer had had no open commodity contracts, the customer may request that the trustee purchase or otherwise obtain the largest whole number of like-kind securities, with a fair market value (inclusive of transaction costs) which does not exceed that portion of such customer's allowed net equity claim that constitutes a claim for securities, if like-kind securities can be purchased in a fair and orderly manner.

(4) *Proof of customer claim.* No distribution shall be made pursuant to paragraphs (d)(1) and (d)(3) of this section prior to receipt of a completed proof of customer claim as described in § 190.02(d).

(5) *No differential distributions.* No further disbursements may be made to customers for whom transfers have been made pursuant to § 190.06 and paragraph (d)(2) of this section, until a percentage of each net equity claim equivalent to the percentage distributed to such customers is distributed to all public customers. Partial distributions, other than the transfers referred to in § 190.06 and paragraph (d)(2) of this section, made prior to the final net equity determination date must be made pursuant to a preliminary plan of distribution approved by the court, upon notice to the parties and to all customers, which plan requires adequate security to the debtor's estate for the nonrecovery of any overpayments by the trustee and distributes an equal percentage of net equity to all public customers.

(6) *Margin Payments.* The trustee may make margin payments on behalf of any account which do not exceed the funded balance of that account.

§ 190.09 Member property.

(a) *"Member property".* "Member property" means, in connection with a clearing organization bankruptcy, the property which may be used to pay that portion of the net equity claim of a member which is based on its house account.

(b) *Scope of member property.* Member property shall include all money, securities and property received, acquired, or held by a clearing organization to margin, guarantee or secure the proprietary account, as defined in § 1.3(y) of this chapter, of a clearing member: *Provided, however,* That any guaranty deposit or similar payment or deposit made by such member and any capital stock, or membership of such member in the clearing organization shall also be included in member property after payment in full of that portion of the net equity claim of the member based on its customer account and of any obligations due the clearing organization which may be paid therefrom in accordance with the by-laws or rules of the clearing organization, including obligations due from the clearing organization to customers or other members.

§ 190.10 General.

(a) *Notices.* Unless instructed otherwise, all mandatory or discretionary notices to be given to the Commission under this Part shall be directed to the Washington, D.C. headquarters of the Commission (2033 K Street, NW., Washington, D.C. 20581) and addressed to the Secretariat, for the attention of the Director of the Division of Trading and Markets. All such notices shall be in writing and shall be given by telegram or other similarly rapid means of communication. For purposes of this Part, notice to the Commission shall be deemed to be given only upon actual receipt.

(b) *Request for exemption from time limit.* (1) A trustee or any other person charged with the management of a commodity broker which has filed a petition in bankruptcy, or against which such a petition has been filed, may for good cause shown request from the Commission an exemption from, or extension of, any time limit prescribed by this Part 190: *Provided,* That no such exemption or extension will be granted for any time period established by the Bankruptcy Code, as amended, 11 U.S.C. 101 *et seq.*

(2) Such a request shall be made *ex parte* and by any means of

communication, written or oral: *Provided,* That an oral request shall be confirmed in writing within one business day and such confirmation shall contain all the information required by paragraph (b)(3) of this section. Any such request shall be directed to the person as provided in paragarph (a) of this section, and at the address provided therein.

(3) Such a request shall state the particular provision of the Part 190 rules with respect to which the exemption or extension is sought, the reason for the requested exemption or extension, the amount of time sought if the request is for an extension, and the reason why such exemption or extension would not be contrary to the purposes of the Bankruptcy Code and the Commission's Part 190 regulations promulgated thereunder.

(4) The Director of the Division of Trading and Markets, or such members of the Commission's staff acting under his direction as he may designate, on the basis of the information provided in any such request, shall determine, in his sole discretion, whether to grant, deny or otherwise respond to a request, and shall communicate that determination by the most appropriate means to the person making the request and to the bankruptcy court with jurisdiction over the case.

(c) *Disclosure statement for non-cash margin.* (1) No commodity broker may accept property other than cash from or for the account of a customer to margin, guarantee, or secure a commodity contract unless:

(i) The commodity broker first furnishes the customer with a separate written document which contains only the statement set forth in paragraph (c)(2) of this section in bold-faced print in at least ten point type; and

(ii) The commodity broker receives an acknowledgment, signed and dated by the customer, that it has received and understood the statement, which acknowledgment must be retained by the commodity broker for the greater of the period required in § 1.31 of this chapter or until the customer who executes such acknowledgment terminates or closes its account.

(2) The disclosure statement required by paragraph (c)(1) of this section is as follows:

This statement is furnished to you because Rule 190.10(c) of the Commodity Futures Trading Commission requires it:

1. YOU SHOULD KNOW THAT IN THE UNLIKELY EVENT OF THIS COMPANY'S BANKRUPTCY, PROPERTY, INCLUDING PROPERTY SPECIFICALLY TRACEABLE TO YOU, WILL BE RETURNED, TRANSFERRED OR DISTRIBUTED TO YOU, OR ON YOUR BEHALF, ONLY TO THE EXTENT OF YOUR PRO RATA SHARE OF ALL PROPERTY AVAILABLE FOR DISTRIBUTION TO CUSTOMERS.

2. NOTICE CONCERNING THE TERMS FOR THE RETURN OF SPECIFICALLY IDENTIFIABLE PROPERTY WILL BE BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION.

3. THE COMMISSION'S REGULATIONS CONCERNING BANKRUPTCIES OF COMMODITY BROKERS CAN BE FOUND AT 17 CODE OF FEDERAL REGULATIONS PART 190.

(3) The statement contained in paragraph (c)(2) of this section need be furnished only once to each customer to whom it is required to be furnished by this section.

(d) *Delegation of authority to the Director of the Division of Trading and Markets.* (1) Until such time as the Commission orders otherwise, the Commission hereby delegates to the Director of the Division of Trading and Markets, and to such members of the Commission's staff acting under his direction as he may designate, all the functions of the Commission set forth in this part except the authority to approve or disapprove a withdrawal or settlement of a commodity account by a public customer pursuant to § 190.06(g)(3).

(2) The Director of the Division of Trading and Markets may submit to the Commission for its consideration any matter which has been delegated to him pursuant to paragraph (d)(1) of this section.

(3) Nothing in this section shall prohibit the Commission, at its election, from exercising its authority delegated to the Director of the Division of Trading and Markets under paragraph (d)(1) of this section.

(e) *Forward contracts.* For purposes of this part, an entity for or with whom the debtor deals who holds a claim against the debtor solely on account of a forward contract will not be deemed to be a customer.

(f) *Notice of court papers pertaining to the operation of the estate.* The trustee shall promptly provide the Commission with copies of any complaint, motion, or petition filed in a commodity broker bankruptcy which concerns the disposition of customer property. Court papers shall be directed to the Washington, D.C. headquarters of the Commission addressed as provided in paragraph (a) of this section.

(g) *Other.* The Bankruptcy Code will not be construed by the Commission to prohibit a commodity broker from doing business as any combination of the following: futures commission merchant, commodity option dealer, foreign futures commission merchant or leverage transaction merchant, nor will the Commission construe the Bankruptcy Code to permit any operation, trade or business, or any combination of the foregoing, otherwise prohibited by the Act or by any rule, regulation or order of the Commission thereunder.

Bankruptcy Appendix 1—Operation of the Debtor's Estate—Schedule of Trustee's Duties

For the convenience of a prospective trustee, the Commission has constructed an approximate schedule of important duties which the trustee should perform during the early stages of a commodity broker bankruptcy proceeding. The schedule includes duties required by this Part, subchapter IV of Chapter 7 of the Bankruptcy Code as well as certain practical suggestions, but it is only intended to highlight the more significant duties and is not an exhaustive description of all the trustee's responsibilities. It also assumes that the commodity broker being liquidated is an FCM. Moreover, it is important to note that the operating facts in a particular bankruptcy proceeding may vary the schedule or obviate the need for any of the partiular activities.

All Cases

Date of Order for Relief

1. Assure that the commodity broker has notified the Commission and its designated self-regulatory organization ("DSRO") that a petition or order for relief has been filed (§ 190.02(a)(1)).

2. Attempt to estimate short-fall in customer segregated funds.

a. If there is a substantial short-fall of customer segregated funds, the trustee should:

i. Contact the DSRO and attempt to effectuate a transfer under Section 764(b) of the Code (hereinafter "bulk transfer"); notify the Commission for assistance (§§ 190.02(a)(2) and (e)(1), § 190.06(b)(2), (e), (f)(3), (g)(2), and (h)) but recognize that a bulk transfer is highly unlikely.

ii. If a bulk transfer cannot be effectuated, liquidate all customer commodity contracts, except dealer options and specifically identifiable commodity contracts which are bona fide hedging positions (as defined in § 190.01(kk)(2)) with instructions not to be liquidated. (*See* §§ 190.02(f) and 190.06(d)(1)). (In this connection, depending upon the size of the debtor and other complications of liquidation, the trustee should be aware of special liquidation rules, and in particular the availability under certain circumstances of book-entry liquidation (§ 190.04(d)(1)(ii)).

b. If there is a small short-fall of customer segregrated funds, negotiate with the DSRO to effect a bulk transfer; notify the Commission (§§ 190.02(a)(2) and (e)(1), 190.06(b)(2), (e), (f)(3), (g)(2), and (h)).

3. Whether or not a transfer has occurred, liquidate or offset open commodity contracts not eligible for transfer (*i.e.*, deficit accounts, accounts with no open positions) (§ 190.06(e)(1)).

4. Offset all futures contracts which would otherwise remain open beyond the last day of trading or first day on which notice of intent

to deliver may be tendered; offset long options on a physical commodity which cannot be settled in cash, have value and would be automatically exercised or would remain open beyond the last day of exercise; and offset all short options on a physical commodity which cannot be settled in cash (§ 190.02(f)(1)).

5. Compute estimated funded balance for each customer commodity account containing open commodity contracts (§ 190.04(b)) (daily thereafter).

6. Make margin calls if necessary (§ 190.02(g)(1)) (daily thereafter).

7. Liquidate or offset any open commodity account for which a customer has failed to meet a margin call (§ 190.02(f)(1)) (daily thereafter).

8. Commence liquidation or offset of specifically identifiable property described in § 190.02(f)(2)(i) (property which has lost 10% or more of value) (and as appropriate thereafter).

9. Commence liquidation or offset of property described in § 190.02(f)(3) ("all other property").

10. Be aware of any contracts in delivery position and rules pertaining to such contracts (§ 190.05).

First Business Day After the Entry of an Order for Relief

1. If a bulk transfer occurred on the date of entry of the order for relief:

a. Liquidate any remaining open commodity contracts, except any dealer option or specifically identifiable commodity contract [hedge] (*See* § 190.01(kk)(2) and § 190.02(f)(1)), and not otherwise transferred in the bulk transfer.

b. Primary liquidation date for transferred or liquidated commodity contracts (§ 190.01(ff)).

2. If no bulk transfer has yet been effected, continue attempt to negotiate bulk transfer of open commodity positions and dealer options (§ 190.02(c)(1)).

3. Provide the clearing house or carrying broker with assurances to prevent liquidation of open accounts available for transfer at the customer's instruction or liquidate all open contracts except those available for transfer at a customer's instruction and dealer options.

Second Business Day After the Entry of an Order for Relief

If no bulk transfer has yet been effected, request directly customer instructions regarding transfer of open commodity contracts and publish notice for customer instructions regarding the return of specifically identifiable property other than commodity contracts (§§ 190.02(b) (1) and (2)).

Third Business Day After the Entry of an Order for Relief

1. Last day on which to notify the Commission with regard to whether a bulk transfer in accordance with Section 764(b) of the Bankruptcy Code will take place (§ 190.02(a)(2) and § 190.08(e)).

2. Second publication date for customer instructions (§ 190.02(b)(1)) (publication is to be made on two consecutive days, whether or not the second day is a business day).

Fourth Business Day After the Entry of an Order for Relief

If not previously concluded, conclude transfers under § 190.06(e) and (f). *(See* § 190.02(e)(1) and § 190.06(g)(2)(i)(A)).

Fifth Business Day After the Entry of an Order for Relief

Last day for customers to instruct the trustee concerning open commodity contracts (§ 190.02(b)(2)).

Sixth Business Day After the Entry of an Order for Relief

Commence liquidation of open commodity contracts for which no customer instructions have been received (§ 190.02(b)(2)).

Seventh Business Day After the Entry of an Order for Relief

1. Customer instructions due to trustee concerning specifically indentifiable property (§ 190.02(b)(1)).

2. Primary liquidation date (§ 190.01(ff)) (assuming no bulk transfers and liquidation effected for all open commodity contracts for which no customer instructions were received by the close of business on the sixth business day).

3. Establishment of transfer accounts (§ 190.03(a)(1)) (assuming this is the primary liquidation date); mark such accounts to market (§ 190.03(a)(2) (daily thereafter until closed).

Eighth Business Day After the Entry of an Order for Relief

Commence liquidation of specifically identifiable property for which no customer intructions have been received (§ 190.02(b)(1)).

Ninth Business Day After the Entry of an Order for Relief

Complete liquidation to the extent reasonably possible of specifically identifiable property which has yet to be liquidated and for which no customer instructions have been received (§ 190.03(c)).

Tenth Business Day After the Entry of an Order for Relief

1. Liquidate or offset all remaining open commodity contracts (§ 190.02(b)(2)).

2. Transfer all open dealer option contracts which have not previously been transferred (§190.06(f)(3)(i)).

Eleventh Business Day After the Entry of an Order for Relief

If not done previously, notify customers of bankruptcy and request customer proof of claim (§ 190.02(b)(4)).

Thirteenth Business Day After the Entry of an Order for Relief

Commence liquidation of specifically identifiable property for which no arrangements for return have been made in accordance with customer instructions (§§ 190.02(b)(1), 190.03(c)).

Separate Procedures for Involuntary Petitions for Bankruptcy

1. Within one business day after notice of receipt of filing of the petition in bankruptcy, the trustee should assure that proper notification has been given to the Commission and the commodity broker's designated self-regulatory organization (§ 190.02(a)(1)); margin calls should be issued if necessary (§ 190.02(g)(2)).

2. On or before the fourth business day after the filing of a petition in bankruptcy, the trustee should use his best efforts to effect a transfer in accordance with §§ 190.06 (e) and (f) of all open commodity contracts and equity held for or on behalf of customers of the commodity broker (§ 190.02(e)(2)) unless the debtor can provide certain assurances to the trustee.

Bankruptcy Appendix Form 2—Request for Instructions Concerning Non-Cash Property Deposited With (Commodity Broker)

Please take notice: On (date), a petition in bankruptcy was filed by [against] (commodity broker). Those commodity customers of (commodity broker) who deposited certain kinds of non-cash property (see below) with (commodity broker) may instruct the trustee of the estate to return their property to them as provided below.

As no customer may obtain more than his proportionate share of the property available to satisfy customer claims, if you instruct the trustee to return your property to you, you will be required to pay the estate, as a condition to the return of your property, an amount determined by the trustee. If your property is not margining an open contract, this amount will approximate the difference between the market value of your property and your pro rata share of the estate, as estimated by the trustee, If your property is margining an open contract, this amount will be approximately the full fair market value of the property on the date of its return.

Kinds of Property To Which This Notice Applies

1. Any security deposited as margin which, as of (date petition was filed), was securing an open commodity contract and is:
—registered in your name,
—not transferable by delivery, and
—not a short-term obligation.

2. Any fully-paid, non-exempt security held for your account in which there were no open contracts as of (date petition was filed). (Rather than the return, at this time, of the specific securities you deposited with (commodity broker), you may instead request now, or at any later time, that the trustee purchase "like-kind" securities of a fair market value which does not exceed your proportionate share of the estate).

3. Any warehouse receipt, bill of lading or other document of title deposited as margin which, as of (date petition was filed), was securing an open commodity contract and:—can be identified in (commodity broker)'s records as being held for your account, and—is neither in bearer form nor otherwise transferable by delivery.

4. Any warehouse receipt bill of lading or other document of title, or any commodity received, acquired or held by (commodity broker) to make or take delivery or exercise from or for your account and which:—can be identified in (commodity broker)'s records as recieved from or for your account as held

specifically for the purpose of delivery or exercise.

5. Any cash or other property deposited to make or take delivery on a futures or options contract may be eligible to be returned. The trustee should be contacted directly for further information if you have deposited such property with (commodity broker) and desire its return.

Instructions must be received by (close of business on 4th business day after 2d publication date) or the trustee will liquidate your property. (If you own such property but fail to provide the trustee with instructions, you will still have a claim against (commodity broker) but you will not be able to have your specific property returned to you).

Note.—Prior to receipt of your instructions, circumstances may require the trustee to liquidate your property, or transfer your property to another broker if it is margining open contracts. If your property is transferred and your instructions were received within the required time, your instructions will be forwarded to the new broker.

Instructions should be directed to: (Trustee's name, address, telephone and/or telex number).

Even if you request the return of your property, you must also pay the trustee the amount he specifies and provide the trustee with proof of your claim before (close of business on the 10th business day after 2d publication date) or your property will be liquidated. (Upon receipt of customer instructions to return property, the trustee will mail the sender a form which describes the information he must provide to substantiate his claim).

Note.—The trustee is required to liquidate your property despite the timely receipt of your instructions, money, and proof of claim if, for any reason, your property cannot be returned by (close of business on the 10th business day after 2d publication date).

Bankruptcy Appendix Form 3—Request For Instructions Concerning Transfer of Your Hedge Contracts Held by (Commodity Broker)

United States Bankruptcy Court —— District of ——In re ——, Debtor, No. ——.

Please take notice: On (date), a petition in bankruptcy was filed by [against] (commodity broker).

You indicated when your hedge account was opened that the contracts (futures and/or options) in your hedge account should not be liquidated automatically in the event of the bankruptcy of (commodity broker), and that you wished to provide instructions at this time concerning their disposition.

Instructions to transfer your positions and a cash deposit (as described below) must be received by the trustee by (close of business on 5th business day after entry of order for relief) or your positions will be liquidated.

If you request the transfer of your contracts, prior to their transfer, you must pay the trustee in cash an amount determined by the trustee which will approximate the difference between the value of the equity margining your positions and your pro rata share of the estate plus an amount constituting security for the nonrecovery of any overpayments. In your instructions, you should specify the broker to which you wish your contracts transferred.

Be further advised that prior to receipt of your instructions, circumstances may, in any event, require the trustee to liquidate or transfer your contracts. If your contracts are so transferred and your instructions are received, your instructions will be forwarded to the new broker.

Note also that the trustee is required to liquidate your positions despite the timely receipt of your instructions and money if, for any reason, you have not made arrangements to transfer and/or your contracts are not transferred by (10 business days after entry of order for relief).

Instructions should be sent to: (Trustee's or designee's name, address, telephone and/or telex number). [Instructions may also be provided by phone].

Bankruptcy Appendix Form 4—Proof of Claim

[Note to trustee: As indicated in § 190.02(d), this form is provided as a guide to the trustee and should be modified as necessary depending upon the information which the trustee needs at the time a proof of claim is requested and the time provided for a response.]

Proof of Claim

United States Bankruptcy Court —— District of —— in re ——, Debtor, No. ——.

Return this form by —— or your claim will be barred (unless extended, for good cause only).

I. [If claimant is an individual claiming for himself] The undersigned, who is the claimant herein, resides at ——.

[If claimant is a partnership claiming through a member] The undersigned, who resides at ——, is a member of ——, a partnership, composed of the undersigned and ——, of ——, and doing business at ——, and is duly authorized to make this proof of claim on behalf of the partnership.

[If claimant is a corporation claiming though a duly authorized officer] The undersigned, who resides at —— is the —— of ——, a corporation organized under the laws of —— and doing business at ——, and is duly authorized to make this proof of claim on behalf of the corporation.

[If claim is made by agent] The undersigned, who resides at ——, is the agent of ——, and is duly authorized to make this proof of claim on behalf of the claimant.

II. The debtor was, at the time of the filing of the petition initiating this case, and still is, indebted to this claimant for the total sum of $——.

III. List EACH account on behalf of which a claim is being made by number and name of account holder[s], and for EACH account, specify the following information:

a. Whether the account is a futures, foreign futures, leverage, option (if an option account, specify whether exchange-trade or dealer), or "delivery" account (a "delivery" account is one which contains only documents of title, commodities, cash or other property identified to the claimant and deposited for the purpose of making or taking delivery on a commodity underlying a commodity contract or for payment of the strike price upon exercise of an option).

b. The capacity in which the account is held, as follows (and if more than one is applicable, so state):

1. [The account is held in the name of the undersigned in his individual capacity];

2. [The account is held by the undersigned as guardian, custodian, or conservator for the benefit of a ward or a minor under the Uniform Gift to Minors Act];

3. [The account is held by the undersigned as executor or administrator of an estate];

4. [The account is held by the undersigned as trustee for the trust beneficiary];

5. [The account is held by the undersigned in the name of a corporation, partnership, or unincorporated association];

6. [The account is held as an omnibus customer account of the undersigned futures commission merchant];

7. [The account is held by the undersigned as part owner of a joint account];

8. [The account is held by the undersigned in the name of a plan which, on the date the petition in bankruptcy was filed, had in effect a registration statement in accordance with the requirements of § 1031 of the Employee Retirement Income Security Act of 1974 and the regulations thereunder]; or

9. [The account is held by the undersigned as agent or nominee for a principal or beneficial owner (and not described above in items 1–8 of this II, b)].

10. [The account is held in any other capacity not described above in items 1–9 of this II, b. Specify the capacity].

c. The equity, as of the date the petition in bankruptcy was filed, based on the commodity transactions in the account.

d. Whether the person[s] (including a general partnership, limited partnership, corporation, or other type of association) on whose behalf the account is held is one of the following persons OR whether one of the following persons, alone or jointly, owns 10% or more of the account:

1. [If the debtor is an individual—

A. Such individual;

B. Relative (as defined below in item 8 of this III,d) of the debtor or of a general partner of the debtor;

C. Partnership in which the debtor is a general partner;

D. General partner of the debtor; or

E. Corporation of which the debtor is a director, officer, or person in control];

2. [If the debtor is a partnership—

A. Such partnership;

B. General partner in the debtor;

C. Relative (as defined in item 8 of this III,d) of a general partner in, general partner of, or person in control of the debtor;

D. Partnership in which the debtor is a general partner;

E. General partner of the debtor; or

F. Person in control of the debtor];

3. [If the debtor is a limited partnership—

A. Such limited partnership;

B. A limited or special partner in such partnership whose duties include:

i. The management of the partnership business or any part thereof;

ii. The handling of the trades or customer funds of customers of such partnership;

iii. The keeping of records pertaining to the trades or customer funds of customers of such partnership; or

iv. The signing or co-signing of checks or drafts on behalf of such partnership];

4. [If the debtor is a corporation or association (except a debtor which is a futures commission merchant and is also a cooperative association of producers)—

A. Such corporation or association;

B. Director of the debtor;

C. Officer of the debtor;

D. Person in control of the debtor;

E. Partnership in which the debtor is a general partner;

F. General partner of the debtor;

G. Relative (as defined in item 8 of this III.d) of a general partner, director, officer, or person in control of the debtor;

H. An officer, director or owner of ten percent or more of the capital stock of such organization];

5. [If the debtor is a futures commission merchant which is a cooperative association of producers—

Shareholder or member of the debtor which is an officer, director or manager];

6. [An employee of such individual, partnership, limited partnership, corporation or association whose duties include:

A. The management of the business of such individual, partnership, limited partnership, corporation or association or any part thereof;

B. The handling of the trades or customer funds of customers of such individual, partnership, limited partnership, corporation or association;

C. The keeping of records pertaining to the trade or funds of customers of such individual, partnership, limited partnership, corporation or association; or

D. The signing or co-signing of checks or drafts on behalf of such individual, partnership, limited partnership, corporation or association];

7. [Managing agent of the debtor];

8. [A spouse or minor dependent living in the same household of ANY OF THE FOREGOING PERSONS, or any other relative, regardless of residency, (unless previously described in items 1–B, 2–C, or 4–G of this III.d) defined as an individual related by affinity or consanguinity within the third degree as determined by the common law, or individual in a step or adoptive relationship within such degree];

9. ["Affiliate" of the debtor, defined as:

A. Entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities—

i. In a fiduciary or agency capacity without sole discretionary power to vote such securities; or

ii. Solely to secure a debt, if such entity has not in fact exercised such power to vote;

B. Corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor, or by an entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities—

i. In a fiduciary or agency capacity without sole discretionary power to vote such securities; or

ii. Solely to secure a debt, if such entity has not in fact exercised such power to vote;

C. Person whose business is operated under a lease or operating agreement by the debtor, or person substantially all of whose property is operated under an operating agreement with the debtor;

D. Entity that otherwise, directly or indirectly, is controlled by or is under common control with the debtor];

E. Entity that operates the business or all or substantially all of the property of the debtor under a lease or operating agreement; or

F. Entity that otherwise, directly or indirectly, controls the debtor; or

10. [Any of the persons listed in items 1–7 above of this III.d if such person is associated with an affiliate (see item 9 above) of the debtor as if the affiliate were the debtor].

e. Whether the account is a discretionary account. (If it is, the name in which the "attorney in fact" is held).

f. If the account is a joint account, the amount of the claimant's percentage interest in the account. (Also specify whether participants in a joint account are claiming separately or jointly).

IV. Describe all claims against the debtor not based upon a commodity account of the claimant (*e.g.*, if landlord, for rent; if customer, for misrepresentation or fraud).

V. Describe all claims of the DEBTOR against the CLAIMANT not already included in the equity of a commodity account[s] of the claimant (see III.c above).

VI. Describe any deposits of money, securities or other property held by or for the debtor from or for the claimant, and indicate if any of this property was included in your answer to III.c above.

VII. Of the money, securities, or other property described in VI above, identify any which consists of the following:

a. With respect to property received, acquired, or held by or for the account of the debtor from or for the account of the claimant to margin, guarantee or secure an open commodity contract, the following:

1. Any security which as of the filing date is:

A. Held for the claimant's account;

B. Registered in the claimant's name;

C. Not transferable by delivery; and

D. Not a short term obligation; or

2. Any warehouse receipt, bill of lading or other document of title which as of the filing date:

A. Can be identified on the books and records of the debtor as held for the account of the claimant; and

B. Is not in bearer form and is not otherwise transferable by delivery.

b. With respect to open commodity contracts, and except as otherwise provided below in item g of this VII, any such contract which:

1. As of the date the petition in bankruptcy was filed, is identified on the books and records of the debtor as held for the account of the claimant;

2. Is a bona fide hedging position or transaction as defined in Rule 1.3(z) of the Commodity Futures Trading Commission ("CFTC") or is a commodity option transaction which has been determined by the exchange to be economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise pursuant to rules which have been adopted in accordance with Rule 1.61(b) of the CFTC and approved by the CFTC; and

3. Is in an account designated in the accounting records of the debtor as a hedging account.

c. With respect to warehouse receipts, bills of lading or other documents of title, or physical commodities received, acquired, or held by or for the account of the debtor for the purpose of making or taking delivery or exercise from or for the claimant's account, any such document of title or commodity which as of the filing date can be identified on the books and records of the debtor as received from or for the account of the claimant specifically for the purpose of delivery or exercise.

d. Any cash or other property deposited prior to bankruptcy to pay for the taking of physical delivery on a long futures contract or for payment of the strike price upon exercise of a short put or a long call option contract on a physical commodity, which cannot be settled in cash, in excess of the amount necessary to margin such commodity contract prior to the notice date or exercise date which cash or other property is identified on the books and records of the debtor as received from or for the account of the claimant within three or less days of the notice date or three or less days of the exercise date specifically for the purpose of payment of the notice price upon taking delivery or the strike price upon exercise.

e. The cash price tendered for any property deposited prior to bankruptcy to make physical delivery on a short futures contract or for exercise of a long put or a short call option contract on a physical commodity, which cannot be settled in cash, to the extent it exceeds the amount necessary to margin such contract prior to the notice exercise date which property is identified on the books and records of the debtor as received from or for the account of the claimant within three or less days of the notice date or of the exercise date specifically for the purpose of a delivery or exercise.

f. Fully paid, non-exempt securities identified on the books and records of the debtor as held by the debtor for or on behalf of the commodity account of the claimant for which, according to such books and records as of the filing date, no open commodity contracts were held in the same capacity.

g. Open commodity contracts transferred to another futures commission merchant by the trustee.

VIII. Specify whether the claimant wishes to receive payment in kind, to the extent possible, for any claim for securities.

IX. Attach copies of any documents which support the information provided in this proof of claim, including but not limited to customer confirmations, account statements, and statements of purchase or sale.

This proof of claim must be filed with the trustee no later than ——, or your claim will

be barred unless an extension has been granted, available only for good cause.

Return this form to:
(Trustee's name (or designee's) and address)

_____

Dated:_____
(Signed)_____

Penalty for Presenting Fraudulent Claim. Fine of not more than $5,000 or imprisonment for not more than five years or both—title 18, U.S.C. § 152.

Issued in Washington, D.C. on February 18, 1983.

Jane K. Stuckey

Secretary of the Commission.

[FR Doc. 83-4692 Filed 2-28-83; 8:45 am]

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1983

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federal register

Tuesday
March 1, 1983

Part V

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Urban Development Action Grants; Revised Minimum Standards for Small Cities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-83-1209]

Urban Development Action Grants; Revised Minimum Standards for Small Cities

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1), the Department is providing Notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant program.

This notice revises the Notice published June 8, 1982 (47 FR 24820) because the five minimum standards of distress have now changed generally as a result of new data from the Bureau of the Census.

This Notice contains four lists: The first list identifies those cities which qualify as distressed communities based upon the new minimum standards; the second list identifies those cities which did not qualify when the June 1982 list was published but which do qualify now; the third list identifies those cities which were classified as distressed on the June 8, 1982 list, but which no longer qualify under the new minimum standards. The fourth list identifies those towns and townships which qualify as distressed communities based upon the new minimum standards.

EFFECTIVE DATE: This Notice replaces the June 8, 1982 Notice which listed the small cities which passed the previous minimum standards.

FOR FURTHER INFORMATION CONTACT: Frank Ridenour, Office of Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, Telephone: 202/755-6784. For information on the minimum distress standards of the data used to determine whether a community qualifies as distressed contact: Wendy Mellinger, Telephone 202/755-6042.

SUPPLEMENTARY INFORMATION: A Notice published by the Department on June 8, 1982 provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for small cities which met the standards published at that time.

Part I of this Notice now specifies the new minimum standards of physical and economic distress. Part II of this Notice contains a revised list of all the small cities which meet the new standards. Part III of this Notice lists those small cities which, based upon the new minimum standards, appear on the list in Part II but did not qualify when the June 1982 list was published. Part IV is a list of those cities which were classified as distressed on the June 1982 list but which no longer qualify under the new minimum standards. These cities listed in Part IV have a period of time, as specified in Part IV, during which they may submit Action Grant applications. Part V is a revised list of all towns and townships which meet the new standards.

The new minimum standards for poverty and per capita income are revised based on the 1980 Census. Previously, 1970 poverty data and 1977 per capita income data were used. The data for the other standards remain unchanged from last year except for small corrections mainly to the 1980 population to reflect boundary changes. The minimum distress thresholds for age of housing, population lag/decline, and job/lag decline have changed slightly to reflect small corrections and additions to the data.

This Notice is published pursuant to 24 CFR 570.452(b)(1).

I. A small city must pass three minimum standards of physical and economic distress, except, if the poverty is less than half the minimum standard, the city must pass four standards. The most current minimum standards of physical and economic distress are:

A. *Age of Housing.* At least 33.81 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on U.S. Census data, in order to meet this minimum standard;

B. *Per Capita Income.* The net increase in per capita income for the period 1969–1979 must have been $4062 or less, based on U.S. Census data, in order to meet this minimum standard;

C. *Population Lag/Decline.* For the period 1970–1980 the percentage rate of population growth (based on corporate boundaries in 1970 and as of the 1980 Census) must have been 1.13 percent or less, based on U.S. Census data, in order to meet the minimum standard;

D. *Job/lag/Decline.* The rate of growth in retail and manufacturing employment for the period 1972–1977 must have increased by 6.84 percent or less, based on U.S. Census data, in order to meet this minimum standard. If data are nor available for both retail and manufacturing employment, the percentage used will be the median for either retail employment or manufacturing employment, based upon the median for those cities on which both sets of data are available. If neither data source is available, this standard will not be considered;

E. *Poverty.* The percentage of persons within the applicant's juridiction at or below the poverty level must be 11.99 percent or more, based on U.S. 1980 Census data, in order to meet this minimum standard.

II. The following small cities meet the current minimum standards of physical and economic distress appropriate to their class.

Alabama

Abbeville
Addison
Akron
Altoona
Andalusia
Anderson
Ardmore
Ariton
Ashford
Ashland
Ashville
Attalla
Auburn
Autaugabille
Baileyton
Banks
Bay Minette
Bayou La Batre
Beatrice
Belk
Benton
Bessemer
Billingsly
Black
Blue Mountain
Blue Springs
Boligee
Bon Air
Brantley
Brent
Bridgeport
Brighton
Brilliant
Brookside
Brundidge
Calera
Camden
Camp Hill
Carbon Hill
Cardiff
Carrollton
Carrville
Castleberry
Cedar Bluff
Centre
Centreville
Chickasaw
Childersburg
Clanton
Cleveland
Clio
Coffeeville
Collinsville
Colony
Columbia
Cossada
Cordova
Cotttonwood
County Line (Covington County)
Courtland
Cuba
Dadeville
Daleville
Daphne
Dayton
Demopolis
Detroit
Dora
Douglas
Dozier
Dutton
Eclectric
Edwardsville
Elba
Eldridge
Elkmont
Epes
Ethelsville
Eufaula
Evergreen
Excel
Fairfield
Fairview
Faunsdale
Five Points
Flomaton
Florala
Forkland
Fort Deposit
Fort Payne
Franklin
Frisco City
Fruithurst
Fulton
Fyffe
Gainesville
Gantt
Gantts Quarry
Garden City
Georgiana
Glen Allen
Glenwood
Goldville
Good Hope
Goodwater
Gordo
Gordon
Goshen
Graysville
Greensboro
Greenville
Gurley
Guwin
Haleburg
Haleyville
Hammondville
Hartford
Hayneville
Headland
Helflin
Hillsboro
Hobson City
Hodges
Holly Pond
Hurtsboro
Jackson's Gap
Jasper
Kennedy
Kinsey
Kinston
Lafayette

Lakeview
Lanett
Langston
Leighton
Level Plains
Libertyville
Linden
Lipscomb
Lisman
Livingston
Lockhart
Louisville
Lowndesboro
Luverne
Madrid
Maplesville
Margaret
Marion
Maytown
McKenzie
McMullen
Memphis
Mentone
Midland City
Midway
Millport
Millry
Mooresville
Moses
Moundville
Mount Vernon
Mountainboro
Mulga
Napier Field
Nauvoo
Needham
Newbern
Newville
North Courtland
North Johns
Oak Hill
Oakman
Odenville
Opp
Orrville
Ozark
Paint Rock
Parrish
Pennington
Phenix City
Phil Campbell
Pickensville
Piedmont
Pinckard
Pine Apple
Pine Hill
Pollard
Prichard
Providence
Ranburne
Red Bay
Red Level
Reform
Repton
Ridgeville
River Falls
Roanoke
Rockford
Roosevelt City
Rosa
Rutledge
Samson
Sanford
Section
Selma
Sheffield
Silas
Sipsey
Slocomb
Somerville
South Vinemont
Stevenson
Sulligent
Sumiton
Summerdale
Talladega
Talledega Springs
Tallassee
Tarrant City
Thomaston
Town Creek
Toxey
Trafford
Triana
Troy
Tuscumbia
Tuskegee
Union
Union Grove
Union Springs
Uniontown
Valley Head
Vina
Vincent
Vredenburgh
Wadley
Walnut Grove
Waterloo
Waverly
Webb
Wedowee
West Blocton
Wetumpka
Whites Chapel
Wilton
Woodville
York

Alaska

Akhiok
Akiak
Akolmiut
Akutan
Alakanuk
Allakaket
Anaktuvuk Pass
Angoon
Anvik
Atmautluak
Brevig Mission
Buckland
Chefornak
Chevak
Chuathbaluk
Clark's Point
Deering
Diomede
Eagle
Eek
Ekwok
Elim
Emmonak
Fort Yukon
Fortuna Ledge
Gambell
Golovin
Goodnews Bay
Grayling
Haines
Holy Cross
Hughes
Huslia
Kaltag
Kivalina
Kobuk
Koyuk
Koyukuk
Kwethluk
Lower Kalskag
Mekoryuk
Napakiak
New Stuyahok
Newtok
Nightmute
Nikolai
Nondalton
Noorvik
Nulato
Old Harbor
Pilot Station
Port Alexander
Port Lions
Quinhagak
Russian Mission
Savoonga
Scammon Bay
Selawik
Shageluk
Shaktoolik
Sheldon Point
Shishmaref
St. Michael
St. Paul
Stebbins
Tanana
Teller
Tenakee Springs
Togiak
Toksook Bay
Tuluksak
Tununak
Unalakleet
Upper Kalskag
Wales
White Mountain
Yakutat

Arizona

Avondale
Bisbee
Clarkdale
Cottonwood
Douglas
Duncan
El Mirage
Eloy
Florence
Gila Bend
Globe
Guadalupe
Jerome
Miami
Nogales
Patagonia
Pima
San Luis
Somerton
South Tucson
St. Johns
Superior
Surprise
Thatcher
Tombstone
Wellton
Williams
Winslow

Arkansas

Adona
Alicia
Allport
Alma
Almyra
Alpena
Altheimer
Altus
Amagon
Amity
Antoine
Arkadelphia
Arkansas City
Ash Flat
Atkins
Aubrey
Augusta
Bald Knob
Bassett
Batesville
Bauxite
Bearden
Beaver
Beedeville
Bellevilla
Ben Lomond
Bentonville
Bergman
Big Flat
Bigelow
Biggers
Biscoe Town
Black Oak
Black Rock
Blevins
Blue Eye
Blue Mountain
Bluff
Blytheville
Bodcaw
Bonanza
Bond
Booneville
Bradford
Bradley
Branch
Brinkley
Brookland
Buckner
Burdette
Cale
Calico Rock
Calion
Camden
Caraway
Carlisle
Carthage
Casa
Cash
Cave City
Cave Springs
Charleston
Cherry Valley
Chester
Chidester
Clarendon
Clarksville
Clinton
Coal Hill
College City
Concord
Cotter
Cotton Plant
Cove
Coy
Crawfordsville
Crossett
Cushman
Daisy
Damascus
Danville
Dardanelle
Datto
De Queen
De Valls Bluff
De Witt
Decatur
Delaplaine
Delight
Dell
Denning
Dermott
Des Arc
Dierks
Dumas
Dyer
Earle
Edmondson
El Dorado
Elaine
Elkins
Elm Springs
Emerson
Emmet
England
Enola
Eudora
Eureka Springs
Evening Shade
Everton
Fifty Six
Fordyce
Foreman
Forrest City
Fouke
Fountain Hill
Franklin
Fulton
Garfield
Garland
Garner
Gateway
Gentry
Gilbert
Gillett
Gilmore
Glenwood
Gould
Grady
Grannis
Gravette
Green Forest
Greenway
Greenwood
Greers Ferry
Guion
Gum Springs
Gurdon
Hackett
Hamburg
Hardy
Harrell
Harrisburg
Harrison
Hartford
Hatfield
Havana
Haynes
Hazen
Heber Springs
Hector
Helena
Hermitage
Higginson
Holly Grove
Hope
Horatio
Hot Springs
Houston
Hughes
Humnoke
Humphrey
Hunter
Huntington
Huntsville
Huttig
Imboden
Jacksonport
Jasper
Jerome
Johnson
Joiner
Judsonia
Junction City
Keiser
Keo
Knobel
Lake City
Lake View
Lake Village
Lamar
Leachville
Leola
Lepanto
Leslie
Letona
Lewisville
Lincoln
Lockesburg
London
Lonoke
Lonsdale
Luxora
Lynn
Madison
Magazine
Magness
Magnolia
Malvern
Mammoth Spring
Mansfield
Marianna
Marie
Marked Tree
Marmaduke
Marshall
Marvell
Maynard
McCrory
McDougal
McGehee
McNeil
McRae
Mena
Menifee
Midland
Minturn
Mitchellville
Monette
Monticello
Montrose
Moro
Morrilton
Morrison Bluff
Mount Vernon
Mountain Pine
Mountainburg
Mountainview
Mulberry
Nashville
Newark
Nimmons
Norfolk
Norman
Norphlet
Oak Grove
Oak Grove Heights
Oden
Ogden
Oil Trough
Okolona
Ola
Omaha
Oscedla
Ozan
Palestine
Paragould
Paris
Parkdale
Parkin
Patterson
Peach Orchard
Perla
Piggott
Plainview
Pollard
Portia
Portland
Potterville
Powhatan
Prairie Grove
Prescott
Pyatt
Quitman
Ratcliff
Ravenden
Ravenden Springs
Reader
Rector
Reed
Reyno
Rison

Roe
Roodo
Rose Bud
Rosston
Rudy
Russell
Scranton
Sherrill
Shirley
Sidney
Smackover
Smithville
South Lead Hill
Sparkman
St. Charles
St. Francis
St. Paul
Stamps
Stephens
Strong
Success
Sulphur Rock
Sulphur Springs
Summit
Sunset
Swifton
Thornton
Tillar
Tollette
Tupelo
Turrell
Ulm
Van Buren
Vandervoort
Victoria
Vilonia
Viola
Wabbaseka
Waldenburg
Waldo
Waldron
Ward
Warren
Washington
Watson
West Helena
West Memphis
West Point
Western Grove
Wheatley
Wickes
Widener
Williford
Wilmot
Wilson
Wilton
Winchester
Winslow
Winthrop
Wynne
Yellville
Zinc

California

Adelanto
Amador
Arvin
Bell
Bell Gardens
Blue Lake
Calexico
Calipatria
Commerce
Conlog
Cudahy
Dinuba
Dorris
Etna
Eureka
Exeter
Farmersville
Fort Bragg
Fort Jones
Fowler
Gonzales
Grass Valley
Gridley
Hollister
Huntington Park
Huron
Industry
Ione
Irwindale
Isleton
King City
La Puente
Lake Elsinore
Lawndale
Lindsay
Live Oak
Lynwood
Maricopa
Marina
Maywood
Mendota
National City
Needles
Nevada City
Orland
Oroville
Paramount
Parlier
Point Arena
Red Bluff
San Fernando
San Joaquin
San Pablo
Sand City
Santa Paula
Selma
Sonora
Susanville
Tehama
Tulelake
Watsonville
Weed
Wheatland
Williams
Willits
Woodlake

Colorado

Aguilar
Alamosa
Alma
Antonito
Arriba
Ault
Bennett
Blanca
Boone
Branson
Brookside
Burlington
Calhan
Campo
Cedaredge
Center
Central City
Cheyenne Wells
Coal Creek
Cokedale
Commerce City
Cripple Creek
Crowley
Del Norte
Delta
Dolores
Eckley
Elizabeth
Evans
Flagler
Florence
Fort Lupton
Fowler
Fraser
Frederick
Garden City
Granada
Grover
Gunnison
Hartman
Haswell
Holly
Holyoke
Hooper
Hotchkiss
Hugo
Ignacio
Iliff
Johnstown
Julesburg
Keenesburg
Kim
Kiowa
Kit Carson
La Jara
La Junta
La Veta
Lamar
Las Animas
Limon
Manassa
Mancos
Manzanola
Milliken
Moffat
Monte Vista
Mountain View
Naturita
Nunn
Oak Creek
Olathe
Olney Springs
Orchard City
Ordway
Otis
Ouray
Ovid
Pagosa Springs
Paoli
Paetz
Pierce
Pitkin
Pritchett
Ramah
Raymer
Rico
Rockvale
Rocky Ford
Romeo
Rosedale
Saguache
San Luis
Sanford
Sawpit
Sedgwick
Seibert
Silver Cliff
Silverton
Simla
Springfield
Starkville
Sugar City
Superior
Telluride
Trinidad
Two Buttes
Victor
Walsenburg
Walsh
Ward
Westcliffe
Wiggins
Wiley
Williamsburg
Yampa
Yuma

Connecticut

Ansonia
Bantam
Colchester
Danielson
Jewett City
Middletown
Naugatuck
Putnam
Stafford Springs
Torrington
Willimantic

Delaware

Bethel
Blades
Bowers
Bridgeville
Cheswold
Clayton
Delaware City
Delmar
Ellendale
Farmington
Frankford
Frederica
Georgetown
Greenwood
Harrington
Laurel
Leipsic
Lewes
Little Creek
Magnolia
Middletown
Milford
Milton
Odessa
Seaford
Townsend
Woodside
Wyoming

Florida

Alachua
Alford
Altha
Apalachicola
Arcadia
Archer
Avon Park
Bay Lake
Bell
Blountstown
Bonifay
Bowling Green
Branford
Bronson
Bunnell
Bushnell
Campbellton
Carrabelle
Caryville
Cedar Key
Center Hill
Chattahoochee
Chiefland
Chipley
Cinco Bayou
Coleman
Cottondale
Crescent City
Crestview
Cross City
Davenport
De Land
Eatonville
Esto
Fanning Spring
Fellsmere
Florida City
Fort Meade
Fort Pierce
Fort White
Graceville
Greensboro
Greenville
Gretna
Groveland
Hampton
Hastings
Havana
Hawthorne
High Springs
Homestead
Horseshoe Beach
Interlachen
Inverness
Jasper
Jennings
Key West
La Crosse
Lake Butler
Lake City
Lake Hamilton
Lake Helen
Lake Wales
Laurel Hill
Lawtey
Lee
Live Oak
Madison
Malone
Marianna
Mascotte
Mayo
Micanopy
Monticello
Mulberry
Noma
Oak Hill
Oakland
Otter Creek
Palatka
Paxton
Perry
Pierson
Polk City
Ponce De Leon
Port St Joe
Quincy
Reddick
Sanford
Sebring
Sopchoppy
South Bay
South Flomaton
Springfield
St. Augustine
St. Leo
St. Marks
Starke
Trenton
Vernon
Waldo
Wausau
Wauchula
Webster
Welaka
Westville
Wewahitchka
White Springs
Wildwood
Williston
Worthington Springs
Zolfo Springs

Georgia

Abbeville
Adairsville
Adrian
Ailey
Alamo
Alapaha
Aldora
Allenhurst
Allentown
Alma
Ambrose
Americus
Andersonville
Arabi
Aragon
Arcade
Argyle
Arlington
Ashburn
Attapulgus
Auburn
Avalon
Avera
Bainbridge
Ball Ground
Barnesville
Bartow
Berwick
Baxley
Berlin
Between
Bibb City
Bishop
Blairsville
Blakely
Blue Ridge
Bluffton
Boston
Bostwick
Bowdon
Bowersville
Bowman
Braselton
Brinson
Bronwood
Brooks
Broxton
Brunswick
Buckhead
Buena Vista
Buford
Butler
Byromville
Byron
Cadwell
Cairo
Calhoun
Camilla
Canon
Canton
Carl
Carlton
Carnesville
Carrollton
Cartersville
Cave Spring
Cecil
Cedartown
Centralhatchee
Chatsworth
Chauncey
Chester
Claxton
Clayton
Clermont
Climax
Cobbtown
Cochran
Cohutta
Colbert
Coleman
Collins
Colquitt
Comber
Concord
Coolidge
Cordele
Covington
Crawford
Crawford
Cusseta
Cuthbert
Daisy
Dallas
Damascus
Danielsville
Danville
Darien
Davisboro
Dawson
Dawsonville
De Soto
Dearing
Decatur
Denton
Dexter
Doerun
Donalson
Doraville
Du Pont
East Ellij
East Poin
Eastman
Eatonton
Edison
Elberton
Ellaville
Ellenton
Ellijay
Enigma
Ephesus
Eton
Euharlee
Fitzgeral
Fleming
Flovilla
Flowery
Folkston
Forsyth
Fort Gai
Fort Val
Franklin
Garden
Gay
Geneva
Georgeto
Gibson
Gillsville
Girard
Glennvil
Glenwoo
Gordon
Grantvil
Greensb
Greenvil
Griffin
Gumbra
Guyton
Hagan
Hahira
Hamilto
Hampto
Harlem
Harrison
Hartwel
Hawkin
Helena
Higgsto
Hiltonia
Hoboke
Hogans
Homela
Homer
Homerv
Ideal
Ila
Industri
Irwinto
Jackson
Jackson
Jefferso

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Cordele
Covington
Crawford
Crawfordville
Cusseta
Cuthbert
Daisy
Dallas
Damascus
Danielsville
Danville
Darien
Davisboro
Dawson
Dawsonville
De Soto
Dearing
Decatur
Denton
Dexter
Doerun
Donalsonville
Doraville
Du Pont
East Ellijay
East Point
Eastman
Eatonton
Edison
Elberton
Ellaville
Ellenton
Ellijay
Enigma
Ephesus
Eton
Eubarlee
Fitzgerald
Flemington
Flovilla
Flowery Branch
Folkston
Forsyth
Fort Gaines
Fort Valley
Franklin
Garden City
Gay
Geneva
Georgetown
Gibson
Gillsville
Girard
Glennville
Glenwood
Gordon
Grantville
Greensboro
Greenville
Griffin
Gumbranch City
Guyton
Hagan
Hahira
Hamilton
Hampton
Harlem
Harrison
Hartwell
Hawkinsville
Helena
Higgston
Hiltonia
Hoboken
Hogansville
Homeland
Homer
Homerville
Ideal
Ila
Industrial City
Irwinton
Jackson
Jacksonville
Jeffersonville
Jersey
Junction City
Kingston
Kite
La Fayette
La Grange
Lake Park
Lakeland
Lavonia
Leary
Leesburg
Lenox
Lesile
Lexington
Lilly
Lincolnton
Linwood
Lithonia
Locust Grove
Loganville
Lone Oak
Lovejoy
Ludowici
Lula
Lumber City
Lumpkin
Luthersville
Lyerly
Lyons
Madison
Manassas
Manchester
Mansfield
Marshallville
Martin
Maxeys
McCaysville
McDonough
McIntyre
Meansville
Meigs
Menlo
Metter
Midville
Milledgeville
Millen
Milner
Mitchell
Molena
Monroe
Montezuma
Monticello
Montrose
Morganton
Morven
Moultrie
Mount Vernon
Nahunta
Naylor
Nelson
Newborn
Newington
Newnan
Newton
Nicholls
Norman Park
North High Shoals
Norwood
Oak Park
Ochlocknee
Ocilla
Odum
Oglethorpe
Oliver
Omaha
Omega
Parrott
Patterson
Pavo
Payne
Pearson
Pelham
Pembroke
Pinehurst
Pineview
Pitts
Plains
Portal
Porterdale
Poulan
Preston
Pulaski
Quitman
Ranger
Rayle
Rebecca
Reidsville
Remerton
Rentz
Resaca
Rest Haven
Reynolds
Rhine
Riceboro
Richland
Riddleville
Ringgold
Riverside
Roberta
Rochelle
Rockmart
Rocky Ford
Rome
Rossville
Royston
Rutledge
Sale City
Sandersville
Sardis
Sasser
Scotland
Screven
Sendia
Sharon
Shellman
Shiloh
Illuam
Smithville
Social Circle
Sparta
Stapleton
Stillmore
Summertown
Summerville
Sumner
Sunny Side
Surrency
Sycamore
Sylvania
Sylester
Talbotton
Talking Rock
Tallapoosa
Tarrytown
Taylorsville
Tennille
The Rock
Thomaston
Thomasville
Thomson
Tiger
Tignall
Toomsboro
Tridon
Ty Ty
Unadilla
Union Point
Uvalda
Varnell
Vidalia
Vienna
Villa Rica
Wadley
Waleska
Walnut Grove
Walthourville
Warm Springs
Warrenton
Warwick
Washington
Waverly Hall
Waycross
Waynesboro
Whigham
White Plains
Willacoochee
Williamson
Winder
Woodbine
Woodbury
Woodland
Woodville
Woolsey
Wrens
Wrightsville
Yatesville

Idaho

Aberdeen
Acequia
Albion
Ashton
Bancroft
Bellevue
Blackfoot
Bliss
Bloomington
Bonners Ferry
Buhl
Burley
Caldwell
Castleford
Challis
Clark Fork
Clayton
Clifton
Cottonwood
Dayton
Downey
Driggs
Dubois
East Hope
Eden
Elk River
Emmett
Glenns Ferry
Gooding
Grand View
Grangeville
Hagerman
Hauser Lake
Hollister
Jerome
Kellogg
Kendrick
Kooskia
Kootenai
Lapwai
Lava Hot Springs
Leadore
Mackay
Malta
Marsing
McCammon
Melba
Menan
Middleton
Midvale
Minidoka
Moscow
Mud Lake
Mullan
Nampa
New Plymouth
Newdale
Nezperce
Notus
Oakley
Oldtown
Onaway
Orofino
Oxford
Parma
Payette
Ponderay
Preston
Priest River
Rathdrum
Reubens
Rexburg
Rigby
Ririe
Roberts
Ruckland
Rupert
Salmon
Sandpoint
Shoshone
Smelterville
Spirit Lake
St. Anthony
Stanley
Stites
Tensed
Teton
Tetonia
Wallace
Wardner
Weippe
Weiser
Wendell
Weston
White Bird
Wilder
Worley

Illinois

Allerton
Alma
Alorton
Alsey
Alto Pass
Alton
Apple River
Argenta
Armington
Aroma Park
Ashley
Assumption
Astoria
Augusta
Ava
Avon
Baldwin
Bardolph
Barry
Batchtown
Bay View Gardens
Baylis
Beaverville
Beecher City
Belgium
Belknap
Belle River
Belleflower
Benlo
Bently
Benton
Berlin
Bingham
Birds
Bishop Hill
Blandinsville
Blue Island
Bluffs
Bone Gap
Bowen
Bridgeport
Broadwell
Brocton
Brooklyn
Brookport
Broughton
Browing
Brownstown
Brussels
Buckner
Buda
Bulpitt
Buncombe
Bureau Junction
Burnt Prairie
Bush
Cabery
Cairo
Calhoun
Camden
Camp Point
Carbondale
Carlinville
Carriers Mills
Carrollton
Caseyville
Cave-In-Rock
Central City
Centreville
Chandlerville
Charleston
Chicago Heights
Christopher
Clare
Claremont
Clay City
Clayton
Coalton
Cobden
Colchester
Colp
Columbus
Cowden
Creal Springs
Cutler
Cypress
Danville
De Kalb
Detroit
Dongola
Donnellson
Dorchester
Dover
Du Bois
Dupo
Durand
Eagarville
East Alton
East Carondelet
East Chicago Heights
East Gillespie
Eddyville
Edgewood
Eldorado
Eldred
Elizabethtown
Elkville
Ellis Grove
Enfield
Equality
Exeter
Fairfield
Fairmont City
Fairmount
Fayetteville
Fidelity
Fieldon
Fillmore
Flat Rock
Flora
Florence
Forest City
Freeman Spur
Freeport
Galatia
Garrett
Georgetown
Golconda
Golden
Goreville
Gorham
Grafton

Grand Tower
Grandview
Greenfield
Greenview
Griggsville
Hamburg
Handsboro
Hansford
Hanover
Hardin
Harrisburg
Harvel
Harvey
Havana
Herrick
Hidalgo
Hillview
Hodgkins
Homer
Hoopeston
Hopedale
Hull
Hume
Hurst
Indianola
Iola
Iroquois
Irving
Iuka
Ivesdale
Jeffersonville
Jetseyville
Johnston City
Joppa
Joy
Junction
Junction City
Kampsville
Kane
Karnak
Keenes
Keensburg
Keithsburg
Kewanee
Kilbourne
Kinderhook
Kinmundy
Kinsman
La Harpe
La Prairie
La Salle
Lawrenceville
Leaf River
Lenzburg
Lisbon
Litchfield
Littleton
Loami
Loda
London Mills
Longview
Lorraine
Lovington
Ludlow
Macedonia
Macomb
Madison
Maeystown
Magnolia
Mahanda
Manchester
Mapleton
Marietta
Mascoutah
Maunie
Maywood
McLeansboro
Mendon
Metcalf
Metropolis
Middletown
Milford
Mill Shoals
Milton
Monmouth
Montrose
Mound
Mound City
Mound Station
Mount Clare
Mount Erie
Mount Sterling
Meddy
Mulberry Grove
Muncie
Murphysboro
Nason
National City
Nauvoo
Nebo
New Athens
New Boston
New Burnside
New Canton
New Douglas
New Grand Chain
New Haven
New Minden
New Salem
Niantic
Noble
Nurrie
Norris City
North City
North Henderson
Oakland
Oblong
Ohlman
Old Shawneetown
Olmsted
Omaha
Onarga
Oquawka
Orient
Palmer
Palmyra
Paris
Papineau
Paris
Pearl
Pembroke
Phoenix
Pittsburg
Plainville
Pleasant Hill
Plymouth
Pocahontas
Potomac
Prairie City
Pulaski
Quincy
Ramsey
Rankin
Redmond
Richview
Ridgway
Rieboll
Ripley
Robbins
Rockbridge
Rockwood
Roodhouse
Rose Hill
Roseville
Rosiclare
Russville
Roxana
Royal Lakes
Royalton
Russellville
Sadorus
Sailor Springs
Sandoval
Sauget
Savanna
Scales Mound
Sciota
Scottville
Seaton
Secor
Sheldon
Shumway
Sidell
Simpson
Sims
Smithboro
Sorento
South Beloit
South Pekin
Spillertown
Springerton
St. David
St. Elmo
St. Johns
Standard City
Stewardson
Stonefort
Stoy
Strawn
Summerfield
Summit
Table Grove
Tennessee
Thawville
Thebes
Thompsonville
Tilton
Tower Hill
Ullin
Valley City
Valmeyer
Venice
Vermilion
Vermont
Vernon
Versailles
Victoria
Vienna
Virginia
Waggoner
Wamac
Washington Park
Wenonah
West Brooklyn
West City
West Frankfort
West Point
Westville
Wheeler
White Hall
Whiteash
Williamson
Williamville
Willow Hill
Wilsonville
Winchester
Witt
Woodlawn
Worden
Wyoming
Xenia
Zeigler

Indiana

Advance
Alamo
Alexandria
Alfordsville
Alton
Altona
Ambia
Amboy
Aurora
Austin
Bainbridge
Bedford
Bethany
Bicknell
Bloomfield
Blountsville
Boston
Brazil
Brook
Brooklyn
Brooksburg
Bruceville
Bryant
Cadiz
Cambridge City
Campbellsburg
Cannelburg
Cannelton
Carbon
Carlisle
Carthage
Cayuga
Centerville
Charlestown
Chrisney
Clarks Hill
Claypool
Clayton
Clinton
Connersville
Converse
Corydon
Crandall
Crawfordsville
Cromwell
Culver
Dana
Darlington
Decker
Dublin
Dugger
Dunkirk
Dupont
Earl Park
East Germantown
Economy
Edinburg
Edwardsport
Elnora
Elwood
English
Fairmount
Fountain City
Fowler
Fowlerton
Francisco
Franklin
Fredericksburg
French Lick
Garrett
Glenwood
Gosport
Grandview
Greencastle
Greensboro
Greensburg
Griffin
Hardinsburg
Harmony
Hartford City
Hillsboro
Holton
Hudson
Huntington
Jasonville
Jeffersonville
Jonesboro
Jonesville
Judson
Kennard
Knightstown
Knightsville
Knox
Laconia
Lagro
Laurel
Lawrenceburg
Leavenworth
Liberty
Linton
Little York
Logansport
Losantville
Lynn
Lyons
Madison
Marengo
Marion
Markleville
Martinsville
Mecca
Medaryville
Medora
Mellott
Merom
Michigan City
Michigantown
Milford
Milltown
Milton
Modoc
Mason
Monroe City
Montgomery
Montpelier
Mooreland
Moores Hill
Mooresville
Morgantown
Morocco
Mount Auburn
Mount Carmel
Napoleon
New Albany
New Amsterdam
New Castle
New Market
New Middleton
New Pekin
New Providence
Newberry
Newpoint
Newport
Newtown
North Grove
North Judson
North Liberty
North Vernon
Oakland City
Oaktown
Oldenburg
Orland
Osgood
Palmyra
Paoli
Paragon
Patriot
Pendleton
Pennville
Peru
Pierceton
Plainville
Plymouth
Portland
Ravenswood
Redkey
Richmond
Ridgeville
Ruschdale
Rockport
Rockville
Rosedale
Roseland
Royal Center
Rushville
Salamonia
Saltillo
Saratoga
Shelburn
Shelbyville
Shirley
Shoals
Sidney
Silver Lake
Spencer
Spiceland
Springport
Stinesville
Straughn
Summitville
Switz City
Tennyson
Thorntown
Tipton
Troy
Union City
Universal
Vernon
Versailles
Vevay
Vincennes
Wabash
Walkerton
Wallace
Washington
Waveland
West Baden
West College Corner
West Harrison
West Lebanon
West Terre Haute
Wheatfield
Wheatland
Whitestown
Whitewater
Wingate
Winona Lake
Winslow
Worthington

Iowa

Afton
Ainsworth
Akron
Albion
Alexander
Allerton
Alvord
Anthon
Aredale
Arion
Arispe
Arlington
Ashton
Athelstan
Auburn
Aurora
Ayrshire
Bagley
Baldwin
Bancroft
Barnes City
Batavia
Beaconsfield
Bedford
Belle Plaine
Blakesburg
Blencklon
Bonaparte
Boxholm
Bradgate
Brandon
Bridgewater
Brighton
Bronson
Burlington
Callender
Cantril
Carbon
Carpenter
Carson
Casey
Castalia
Castana
Center Junction
Centerville
Central City
Charles City
Charlotte
Charter Oak
Chatsworth

Chelsea
Cincinnati
Clare
Clarinda
Clayton
Clearfield
Clemons
Clermont
Clutier
Coggon
Coin
Colesburg
Colfax
Collins
Columbus City
Colwell
Conway
Corning
Correctionville
Corydon
Cotter
Crawfordsville
Cromwell
Cumberland
Curlew
Cylinder
Dallas
Danbury
Davis City
Dawson
Decatur City
Deep River
Delaware
Delhi
Deloit
Delta
Derby
Diagonal
Dickens
Dolliver
Dougherty
Drakesville
Dumont
Dundee
Dunlap
Eagle Grove
Earling
Earlville
Early
East Peru
Elberon
Eldon
Elliston
Ely
Estherville
Exira
Exline
Farnhamville
Fayette
Fenton
Floris
Fonda
Fontanelle
Fraser
Galt
Garden Grove
Garrison
Gillett Grove
Gilmore City
Graettinger
Grafton
Grand Junction
Grand River
Grandview
Grant
Gravity
Gray
Greeley
Green Island
Greenville
Griswold
Guthrie Center
Hamilton
Hanlontown
Hardy
Harpers Ferry
Harvey
Hastings
Havelock
Hawkeye
Hayesville
Hillsboro
Hopkinton
Hornick
Humeston
Imogene
Iowa Falls
Ireton
Jackson Junction
Jolley
Kamrar
Kellerton
Kensett
Kent
Keokuk
Keota
Kirkville
Kiron
Knierim
La Motte
Lacona
Lamont
Lanesboro
Lansing
Lawler
Le Roy
Leon
Letts
Libertyville
Lime Springs
Linden
Lineville
Linn Grove
Liscomb
Little Rock
Little Sioux
Littleport
Livermore
Logan
Lohrville
Lorimor
Lovilia
Lu Verne
Lucas
Lytton
Macedonia
Macksburg
Madrid
Magnolia
Manchester
Mapleton
Maquoketa
Marathon
Marble Rock
Marcus
Marne
Marquette
Martinsburg
Marysville
Mason
Masonville
Massena
Maxwell
Maysville
McClelland
McGregor
McIntire
Melcher
Melrose
Millerton
Milton
Missouri Valley
Mondamin
Monmouth
Moravia
Morley
Moulton
Mount Ayr
Mount Sterling
Murray
Mystic
Neola
New Albin
New Liberty
New Market
New Virginia
Nichols
North Washington
Northboond
Norway
Numa
Oakland
Oakville
Oelwein
Ollie
Onawa
Onslow
Orient
Oskaloosa
Ossian
Oto
Ottumwa
Oxford Junction
Panama
Panora
Paton
Persia
Peterson
Pierson
Pisgah
Pleasanton
Plover
Plymouth
Pocahontas
Pomeroy
Popejoy
Portsmouth
Postville
Primghar
Promise City
Prottvin
Pulaski
Randolph
Rathbun
Redding
Renwick
Rhodes
Richland
Ricketts
Rinard
Ringsted
Riverside
Riverton
Rock Falls
Rodney
Rome
Rose Hill
Russell
Ruthven
Salnla
Schleswig
Scranton
Searsboro
Seymour
Shannon City
Sharpsburg
Sibley
Sigourney
Smithland
Spillville
Springbrook
St. Anthony
St. Lucas
St. Olaf
Stacyville
Steamboat Rock
Stockton
Stratford
Strawberry Point
Swaledale
Tabor
Tama
Tennant
Thayer
Thompson
Thor
Thornburg
Thurman
Tingley
Toronto
Udell
Unionville
Ute
Vail
Van Wert
Villisca
Vining
Volga
Wadena
Walker
Wall Lake
Walnut
Washta
Waterville
Waucoma
Webster
Weldon
Wellsburg
Welton
Westphalia
What Cheer
Wheatland
Whittenmore
Whitten
Willey
Williams
Williamson
Winterset
Wiota
Woodburn
Yetter
Zwingle

Kansas

Abbyville
Abilene
Agenda
Alden
Alexander
Almena
Altoona
Anthony
Arcadia
Arlington
Arma
Atchison
Athol
Attica
Axtell
Barnard
Barnes
Bartlett
Barnett
Baxter Springs
Bazine
Beattie
Belpre
Benedict
Bern
Bison
Blue Mound
Blue Rapids
Bluff City
Bronson
Brownell
Buffalo
Burns
Burr Oak
Caldwell
Cambridge
Caney
Cassoday
Cawker City
Cedar
Centralia
Chapman
Chautauqua
Cherokee
Cherryvale
Chetopa
Circleville
Clay Center
Clifton
Climax
Clyde
Coffeyville
Collyer
Colony
Columbus
Concordia
Coolidge
Copeland
Corning
Cottonwood Falls
Council Grove
Courtland
Coyville
Cuba
Damar
Delphos
Denison
Denton
Dighton
Downs
Dresden
Dunlap
Durham
Dwight
Earlton
Edna
Elgin
Elk City
Elk Falls
Ellis
Elmore
Elwood
Emmett
Englewood
Ensign
Enterprise
Erie
Eureka
Fairview
Fall River
Florence
Fontana
Ford
Formoso
Fort Scott
Fredonia
Fulton
Galena
Gaylord
Geneseo
Geuda Springs
Glade
Glasco
Goff
Gove City
Green
Greenleaf
Grenola
Haddam
Hamilton
Hamlin
Hanover
Hardtner
Hazleton
Hepler
Herington
Herndon
Highland
Hillsboro
Holcomb
Holyrood
Horace
Horton
Howard
Humboldt
Hunter
Huron
Jamestown
Jennings
Jewell
Johnson City
Junction City
Kanorado
Kincaid
Kingman
Kiowa
Kirwin
La Harpe
Labette
Lane
Langdon
Latham
Le Roy
Leavenworth
Lebanon
Lenora
Leona
Leonardville
Leoti
Liebenthal
Lincoln Center
Lincolnville
Logan
Lone Elm
Lost Springs
Louisville
Lucas
Luray
Mahanka
Manhattan
Mankato
Mapleton
Marquette
McCracken
McCune
McDonald
McLouth
Meade
Menlo
Milan
Miltonvale
Minneola
Moline
Morland
Morrill
Morrowville
Mount City
Mount Valley
Mulberry
Mullinville
Munden
Muscotah
Narka
Natoma
Neosho Falls
Netawaka
New Cambria
Ninnescah
Norcatur
Norton
Oak Hill
Oakley
Offerle
Olmitz
Olsburg
Onaga
Oneida
Oswego
Ottawa
Palmer
Paradise
Park
Parker
Parsons
Partridge
Pawnee Rock
Paxico
Penalosa
Peru
Phillipsburg
Pittsburg
Plainville
Pleasanton
Plevna

Fortis
Powhattan
Prairie View
Prescott
Preston
Quenemo
Ramona
Randall
Rantoul
Raymond
Redfield
Republic
Reserve
Rexford
Richfield
Richmond
Rolla
Rush Center
Russell Springs
Sabetha
Savonburg
Scammon
Scandia
Schoenchen
Scranton
Selden
Severance
Severy
Seward
Sharon Springs
Smith Center
Soldier
Solomon
Spearville
St. Francis
Stafford
Stark
Sterling
Strong City
Summerfield
Sun City
Susank
Sylvan Grove
Sylvia
Tampa
Tescott
Thayer
Tipton
Treece
Troy
Turon
Tyro
Ulica
Virgil
Wakefield
Waldo
Wallace
Walnut
Waverly
Weir
West Mineral
Wetmore
Wheaton
White City
White Cloud
Whiting
Willard
Williamsburg
Wilson
Windom
Winona
Woodston
Zenda
Zurich

Kentucky

Adairville
Albany
Arlington
Auburn
Augusta
Barbourville
Bardstown
Bardwell
Burlow
Beattyville
Bedford
Bellevue
Benham
Berry
Blaine
Bloomfield
Bonnieville
Booneville
Bowling Green
Bradfordsville
Brodhead
Bromley
Brooksville
Brownsville
Burgin
Burkesville
Butler
Cadiz
Calhoun
California
Camargo
Campbellsburg
Campton
Caneyville
Carlisle
Carrollton
Carrsville
Catlettsburg
Cave City
Central
Clarkson
Clay
Clay City
Clinton
Cloverport
Columbia
Columbus
Concord
Corbin
Corinth
Corydon
Crab Orchard
Crofton
Cumberland
Cynthiana
Danville
Dawson Springs
Dayton
Dixon
Dover
Drakesboro
Earlington
Ekron
Elkhorn City
Elkton
Eminence
Eubank
Evarts
Ewing
Fairfield
Falmouth
Ferguson
Flemingsburg
Fleming-Neon
Fordsville
Foster
Fountain Run
Franklin
Frenchburg
Fulton
Georgetown
Germantown
Ghent
Glencoe
Gratz
Grayson
Guthrie
Hardinsburg
Harlan
Harrodsburg
Hartford
Hawesville
Hazard
Hazel
Hickman
Hiseville
Hodgenville
Horse Cave
Hustonville
Inez
Irvine
Irvington
Island
Jamestown
Jeffersonville
Junction City
La Center
La Fayette
Lancaster
Latonia Lakes
Lebanon
Lebanon Junction
Lewisburg
Livermore
Livingston
Lockport
London
Loretto
Louisa
Loyall
Ludlow
Manchester
Marion
Martin
Mayfield
Maysville
McHenry
McKee
Melbourne
Middlesborough
Midway
Millersburg
Milton
Monterey
Monticello
Morehead
Mortons Gap
Mount Olivet
Mount Sterling
Mount Vernon
Muldraugh
Munfordville
Murray
Nebo
New Castle
New Haven
Newport
Nicholasville
Oakland
Olive Hill
Owenton
Owingsville
Paducah
Paintsville
Paris
Pembroke
Perryville
Pikeville
Pineville
Pleasureville
Prestonville
Princeton
Providence
Ravenna
Richmond
Rockport
Russellville
Sacramento
Sadieville
Salem
Salt Lick
Salyersville
Sanders
Sandy Hook
Sardis
Science Hill
Scottsville
Sharpsburg
Shelbyville
Silver Grove
Smithland
Smiths Grove
Somerset
Sonora
South Carrollton
South Shore
Sparta
Springfield
St. Charles
Stamping Ground
Stanford
Taylorsville
Tollesboro
Tompkinsville
Trenton
Upton
Vanceburg
Vicco
Visalia
Wallins Creek
Walton
Warsaw
Water Valley
Mayland
West Liberty
West Point
Wheatcroft
Wheelwright
White Plains
Whitesburg
Wickliffe
Williamsburg
Willisburg
Winchester
Worthville

Louisiana

Abbeville
Abita Springs
Amite City
Angie
Arcadia
Arnaudville
Basile
Baskin
Bastrop
Belcher
Bernice
Bienville
Bogalusa
Bonita
Boyce
Bunkie
Calvin
Campti
Carencro
Castor
Chataignier
Chatham
Cheneyville
Choudrant
Church Point
Clarence
Clarks
Clayton
Clinton
Colfax
Colinston
Columbia
Converse
Cottonport
Coushatta
Crowley
Cullen
De Quincy
Delhi
Delta
Dodson
Donaldsonville
Dubach
East Hodge
Elizabeth
Elton
Epps
Erath
Eros
Estherwood
Evergreen
Farmerville
Ferriday
Fisher
Florien
Folsom
Forest
Forest Hill
Franklinton
Georgetown
Gibsland
Gilbert
Gilliam
Glenmora
Golden Meadow
Grand Coteau
Grand Isle
Grayson
Gretna
Grosse Tete
Gueydan
Hall Summit
Harrisonburg
Haynesville
Heflin
Henderson
Hodge
Homer
Hornbeck
Hosston
Independence
Iota
Jamestown
Jeanerette
Jonesboro
Jonesville
Junction City
Kaplan
Keatchie
Kentwood
Kinder
Krotz Springs
Lake Arthur
Lake Providence
Lecompte
Leesville
Leonville
Lillie
Lisbon
Livingston
Logansport
Longstreet
Lucky
Madisonville
Mamou
Mangham
Mansfield
Mansura
Maringouin
Marksville
Maurice
Melville
Mer Rouge
Merryville
Montgomery
Montpelier
Moreauville
Morse
Mound
Napoleonville
Natchex
New Roads
Newellton
North Hodge
Oak Grove
Oak Ridge
Oakdale
Oberlin
Oil City
Opelousas
Palmetto
Parks
Pioneer
Plain Dealing
Plaquemine
Pleasant Hill
Pollock
Ponchatoula
Powhatan
Provencal
Rayne
Rayville
Reeves
Richmond
Richwood
Ringold
Rodeline
Rodessa
Rosedale
Roseland
Saline
Sicily Island
Sikes
Simmesport
Sorrento
South Mansfield
Spearsville
Springfield
Springhill
St. Francisville
St. Joseph
Sun
Sunset
Tallulah
Tangipahoa
Tickfaw
Turkey Creek
Urania
Varnado
Ville Platte
Vivian
Washington
Waterproof
White Castle
Wilson
Winnfield
Winnsboro
Winnar
Woodworth
Youngsville
Zwolle

Maine

Augusta
Belfast
Biddeford
Brewer
Calais
Caribou
Eastport
Gardiner
Hallowell
Old Town
Presque Isle
Rockland
South Portland
Waterville

Maryland

Aberdeen
Annapolis
Barton
Berlin
Betterton
Brentwood

Brookeville
Brookview
Cambridge
Capitol Heights
Cecilton
Charlestown
Chesapeake City
Chestertown
Church Creek
Colmar Manor
Crisfield
Deer Park
Delmar
Denton
Eagle Harbor
East New Market
Elkton
Emmitsburg
Fairmount Heights
Federalburg
Friendsville
Fruitland
Grantsville
Greensboror
Hancock
Havre De Grace
Henderson
Kitzmillerville
Loch Lynn Heights
Lonaconing
Mardela Springs
Marydel
Midland
Mount Rainier
North Beach
North Brentwood
North East
Oakland
Perryville
Pocomoke City
Port Deposit
Princess Anne
Queen Anne
Ridgely
Rock Hall
Salisbury
Secretary
Snow Hill
St. Michaels
Sudlersville
Templeville
Union Bridge
Vienna

Massachusetts

Attleboro
Beverly
Chelsea
Everett
Gardner
North Adams
Northampton
Revere
Salem

Michigan

Addison
Ahmeek
Akron
Alanson
Albion
Allen
Alma
Alpena
Alpha
Applegate
Athens
Baldwin
Bancroft
Bangor
Baraga
Barryton
Beaverton
Bellevue
Bemmels
Berrien Springs
Bessemer
Beulah
Big Rapids
Bloomingdale
Breedsville
Bronson
Buckley
Burlington
Burr Oak
Cadillac
Calumet
Camden
Carney
Cars
Carsonville
Casnovia
Caspian
Cassopolis
Cedar Springs
Cement City
Central Lake
Charlotte
Cheboygan
Clarksville
Clayton
Clifford
Clio
Coleman
Coloma
Concord
Constantine
Copemish
Copper City
Crystal Falls
Custer
Daggett
Dansville
De Tour Village
Decatur
Deckerville
Dowagiac
Eagle
East Lake
Eau Claire
Ecorse
Edmore
Elberta
Elkton
Emmett
Empire
Escanaba
Essexville
Evart
Ferndale
Fife Lake
Fowler
Frankfort
Fremont
Gaastra
Gagetown
Galesburg
Galien
Garden
Gaylord
Gladstone
Gladwin
Gobles
Grant
Grayling
Hamtramck
Hancock
Hanover
Harbor Beach
Harbor Springs
Harrietta
Harrison
Harrisville
Hart
Hartford
Hastings
Hazel Park
Hesperia
Highland Park
Hillman
Hillsdale
Holland
Honor
Houghton
Howard City
Hubbardston
Hudson
Inkster
Ionia
Iron Mountain
Iron River
Ironwood
Kalkaska
Kinde
Kingsford
Laingsburg
Lake Linden
Lake Odessa
Lakeview
Lakewood Club
Lamer
Lapeer
Laurium
Lexington
Ludington
Luther
Lyons
Mackinac Island
Mackinaw City
Manceiona
Manistee
Manistique
Manton
Marcellus
Marine City
Marion
Marshall
Martin
McBain
McBride
Mecosta
Melvin
Meridon
Menominee
Merrill
Messick
Mimmie
Moreoci
Morley
Morrice
Mount Clemens
Mount Morris
Mount Pleasant
Muir
Munising
Nashville
New Haven
Newaygo
Newberry
Niles
North Adams
Norway
Oakley
Olivet
Onaway
Ontonagon
Otisville
Otsego
Owendale
Owosso
Perrinton
Petoskey
Pewamo
Pierson
Pinconning
Port Austin
Port Hope
Port Huron
Posen
Powers
Prescott
Ravenna
Reed City
River Rouge
Rose City
Rosebush
Sarenac
Sault Sainte Marie
Sebewaing
Shelby
Sherwood
South Haven
South Range
Springport
St. Ignace
St. Louis
Stambaugh
Stanton
Stanwood
Sterling
Suttons Bay
Tekonsha
Thompsonville
Three Rivers
Turner
Twining
Ubly
Union City
Unionville
Vandalia
Vanderbilt
Vassar
Wakefield
Walkerville
Watervliet
Wayland
West Branch
White Cloud
Whitehall
Whittemore
Wolverine
Woodland
Ypsilanti

Minnesota

Ada
Adrian
Aitkin
Akeley
Albany
Alberta
Aldrich
Alexandria
Alpha
Altura
Amboy
Argyle
Arlington
Askov
Avoca
Backus
Badger
Bagley
Barnum
Baudette
Beardsley
Bejou
Belgrade
Bellchester
Bellingham
Beltrami
Bemidji
Bena
Bertha
Bethel
Big Falls
Bigelow
Bingham Lake
Blackduck
Blomkest
Bluffton
Bock
Bovey
Boy River
Boyd
Braham
Brainerd
Breckenridge
Brewster
Brook Park
Brooks
Brusion
Browerville
Browns Valley
Brownsdale
Bruno
Buckman
Buffalo Lake
Callaway
Canby
Canton
Carlton
Cass Lake
Cedar Mills
Chandler
Clarissa
Clear Lake
Clearbrook
Clements
Clinton
Clitherall
Clontarf
Cloquet
Coates
Cobden
Comfrey
Conger
Correll
Cosmos
Cromwell
Crosby
Currie
Cyrus
Dalton
Danvers
De Graff
Deer Creek
Deer River
Deerwood
Delavan
Delhi
Denham
Dennison
Dent
Donaldson
Dumont
Dundee
Dunnell
Eagle Bend
Echo
Eden Valley
Edgerton
Effie
Elbow Lake
Elmdale
Elmore
Emily
Emmons
Erhard
Erskine
Evan
Evansville
Fairfax
Faribault
Farwell
Federal Dam
Felton
Fergus Falls
Fertile
Fifty Lakes
Finlayson
Flensburg
Floodwood
Florence
Foreston
Foston
Freeport
Frost
Garvin
Gary
Georgetown
Ghent
Gilman
Glenwood
Glyndon
Good Thunder
Goodridge
Grand Marais
Granite Falls
Green Isle
Grey Eagle
Grygla
Gully
Hadley
Hallock
Halma
Hammond
Hampton
Hanska
Harding
Hardwick
Harmony
Hatfield
Hazel Run
Henderson
Hendricks
Henning
Herman
Heron Lake
Hewitt
Hill City
Hillman
Hilltop
Hinckley
Hitterdal
Hoffman
Hokah
Holland
Holloway
Holt
Houston
Humboldt
Ihlen
International Falls
Ironton
Jackson
Jasper
Jeffers
Kelliher
Kellogg
Kennedy
Kenneth
Kensington
Kent
Kenyon
Kettle River
Kilkenny
Kimball
Kingston
La Porte
La Salle
Lake Benton
Lake Bronson
Lake Wilson
Lamberton
Lancaster
Lanesboro
Lastrup
Lengby
Leonard
Lewisville
Lismore
Little Falls
Littlefork
Long Beach
Longville
Lonsdale
Louisburg
Lowry

Lacan
Luverne
Mabel
Madison
Madison Lake
Magnolia
Mahnomen
Manhattan Beach
Mankato
Mapleview
Marietta
Maynard
McGrath
McGregor
McIntosh
McKinley
Meadowlands
Meire Grove
Menahga
Mendota
Mentor
Middle River
Milan
Millerville
Millville
Miltona
Minnesota City
Mizpah
Moose Lake
Morgan
Morris
Motley
Murdock
Nashua
Nassau
Nelson
New Auburn
New Germany
New Munich
New Trier
New York Mills
Newfolden
Nimrod
Norcross
Northome
Odessa
Ogema
Ogilvie
Okles
Onamia
Orr
Ortonville
Oslo
Ottertail
Palisade
Park Rapids
Parkers Prairie
Pelican Rapids
Pemberton
Pequot Lakes
Perham
Perley
Peterson
Pierz
Pillager
Pine City
Pine River
Pipestone
Porter
Quamba
Randall
Randolph
Ranier
Red Lake Falls
Remer
Revere
Richmond
Richville
Ronneby
Roscoe
Rose Creek
Roseau
Royalton
Rushford Village City
Ruthton
Sacred Heart
Sandstone
Sauk Centre
Seaforth
Sebeka
Sedan
Shafer
Shelly
Shevlin
Slayton
Sobieski
Solway
Spring Grove
Spring Hill
Springfield
St. Anthony
St. Hilaire
St. Martin
St. Rosa
St. Vincent
Staples
Starbuck
Steen
Stewart
Strandquist
Sunburg
Swanville
Tamarack
Taopi
Taunton
Tenstrike
Tower
Tracy
Trail
Trimont
Trommald
Twin Lakes
Ulen
Underwood
Upsala
Vergas
Verndale
Vernon Center
Vesta
Villard
Vining
Wabasha
Wabasso
Wadena
Waldorf
Walker
Walnut Grove
Walters
Waltham
Wanda
Watkins
Watson
Waubun
Waverly
Wells
West Union
Westbrook
Westport
Whalan
Wheaton
Williams
Willow River
Wilmont
Wilton
Winger
Winona
Winthrop
Wolf Lake
Wykoff

Mississippi

Abbeville
Aberdeen
Ackerman
Alligator
Amory
Angelia
Arcola
Artesia
Ashland
Bassfield
Bay Springs
Bay St. Louis
Beaumont
Belzoni
Benoit
Bentonia
Beulah
Big Creek
Blue Mountain
Blue Springs
Bolton
Boyle
Braxton
Brookhaven
Brooksville
Bruce
Bude
Burnsville
Byhalia
Caledonia
Canton
Carrollton
Cary
Centreville
Charleston
Chunky
Clarksdale
Coffeeville
Coldwater
Collins
Columbia
Columbus
Como
Courtland
Crawford
Crenshaw
Crosby
Crowder
Cruger
Crystal Springs
De Kalb
Decatur
Doddsville
Drew
Duck Hill
Dumas
Duncan
Durant
D'Lo
Ecru
Eden
Edwards
Ellisville
Enterprise
Ethel
Eupora
Falcon
Falkner
Fayette
Flora
Flowood
Forest
Friars Point
Gattman
Georgetown
Glendora
Gloster
Golden
Goodman
Greenville
Greenwood
Grenada
Gunnison
Guntown
Hatley
Hazlehurst
Heidelberg
Hickory
Hickory Flat
Hollandale
Holly Springs
Houston
Indianola
Inverness
Isola
Itta Bena
Iuka
Jonestown
Jumpertown
Kilmichael
Kosciusko
Kossuth
Lake
Lake Center
Lambert
Laurel
Leland
Lena
Lexington
Louin
Louise
Lula
Lumberton
Lyon
Maben
Macon
Magnolia
Marks
Mathiston
Mayersville
McComb
McCool
McLain
Meadville
Memphis
Meridian
Merigold
Metcalfe
Mize
Montrose
Moorhead
Morgan City
Mound Bayou
Mount Olive
Myrtle
Natchez
New Albany
New Augusta
New Houlka
Newport
Newton
North Carrollton
Noxapater
Oakland
Okolona
Osyka
Pace
Pachuta
Paden
Picayune
Pickens
Pittsboro
Plantersville
Polkville
Pope
Poplarville
Port Gibson
Potts Camp
Prentiss
Puckett
Quitman
Raleigh
Richton
Rienzi
Ripley
Rolling Fork
Rosedale
Roxie
Ruleville
Sallis
Sardis
Schlater
Scooba
Seminary
Shannon
Shaw
Shelby
Sherman
Shubuta
Shuqualak
Sidon
Silver City
Sledge
Starkville
State Line
Stonewall
Sturgis
Summit
Sumner
Sumrall
Sunflower
Taylorsville
Tchula
Terry
Tishomingo
Toccopola
Tremont
Tunica
Tutwiler
Tylertown
Union
Utica
Vaiden
Vardaman
Vicksburg
Walnut
Walnut Grove
Water Valley
Waynesboro
Webb
Weir
West
West Point
Winona
Winstonville
Woodland
Woodville
Yazoo City

Missouri

Adrian
Albany
Aldrich
Alexandria
Allendale
Altamont
Alton
Amazonia
Amity
Amorel
Amsterdam
Anderson
Annapolis
Anniston
Appleton City
Arbyrd
Arcadia
Arcola
Argyle
Armstrong
Arrow Rock
Asbury
Ash Grove
Atlanta
Aurora
Ava
Aville
Bakersfield
Baldwin Park
Baring
Barnard
Barnett
Bates City
Bell City
Belle
Bellflower
Benton
Benton City
Berger
Bernie
Bethany
Beverly Hills
Bevier
Bigelow
Billings
Birch Tree
Birmingham
Bismarck
Blackwater
Bland Blodgett
Blue Eye
Blythedale
Bogard
Bolckow
Bolivar
Boonville
Bourbon
Bowling Green
Bragg City
Brandsville
Brashear
Braymer
Breckenridge
Brimson
Bronaugh
Brookline
Browning
Brownington
Brunswick
Bucklin
Buffalo
Bunceton
Bunker
Burgess
Burlington Junction
Butler
Cabool
Cainsville
Caledonia
Calhoun
California
Callao
Camden
Campbell
Canalou
Canton
Cape Girardeau
Cardwell
Carrollton
Carterville
Carthage
Caruthersville
Caryton
Cassville
Catron
Cedar
Centertown
Centerview
Centerville
Chaffee
Chamois
Charlack
Charleston
Chilhowee
Chillicothe
Chula
Clarence
Clark
Clarksburg
Clarksville
Clarkton
Clever
Climax Springs
Clinton
Clyde
Cobalt City
Coffey
Cole Camp
Collins
Commerce
Conway
Cantar
Corning
Cosby

Craig
Crane
Creighton
Crocker
Cross Timbers
Curryville
Dalton
Darlington
De Soto
De Witt
Deepwater
Delta
Dennis Acres
Denver
Des Arc
Desloge
Diamond
Diehlstadt
Digins
Dixon
Doniphan
Downing
Duenweg
Eagleville
East Kansas City
East Prairie
Edina
El Dorado Springs
Eldon
Ellsinore
Elmer
Elmo
Elsberry
Elvins
Eminence
Eolia
Essex
Esther
Ethel
Eugene
Everton
Ewing
Excelsior Springs
Exeter
Fair Grove
Fair Play
Fairfax
Fairview
Fairview Acres
Fayette
Festus
Fillmore
Fisk
Flat River
Fleming
Flemington
Flordell Hills
Foley
Fordland
Foster
Frankford
Franklin
Fredericktown
Freeburg
Freistatt
Fulton
Gainesville
Galena
Gallatin
Galt
Garden City
Gasconade
Gentry
Gerald
Gerster
Gideon
Gilliam
Gilman City
Glasgow
Glenallen
Glenwood
Golden City
Goodman
Graham
Granby
Grand Pass
Grandin
Granger
Grant City
Green City
Green Ridge
Greencastle
Greenfield
Greentop
Guilford
Hale
Halfway
Hamilton
Hannibal
Hardin
Harris
Hartsburg
Hartville
Hawk Point
Hayti
Hayti Heights
Hayward
Haywood City
Henrietta
Hermitage
Higbee
Hillsdale
Hoberg
Holcomb
Holden
Holland
Holliday
Hollister
Holt
Homestown
Hopkins
Hornersville
Houstan
Houstonia
Howardville
Humansville
Hume
Humphreys
Hunnewell
Huntsville
Hurdland
Hurley
Iberia
Ionia
Iron Gates
Irondale
Ironton
Jacksonville
Jameson
Jamesport
Jerico
Springs
Jonesburg
Kahoka
Kennett
Keytesville
King City
Kingston
Kingsville
Kinloch
Kirksville
Knob Noster
Knox City
Koshkonong
La Belle
La Grange
La Monte
La Russell
Laddonia
Lamar
Lambert
Lanagan
Lancaster
Laredo
Leadington
Leadwood
Leasburg
Lebanon
Leeton
Leslie
Lewistown
Lexington
Liberal
Licking
Lilbourn
Linn
Linn Creek
Linneus
Lithium
Livonia
Lock Spring
Lockwood
Longtown
Louisburg
Louisiana
Lowry City
Lucerne
Ludlow
Lupus
Luray
Lutesville
Macks Creek
Madison
Malden
Malta Bend
Mansfield
Maplewood
Marble Hill
Marionville
Marquand
Marshfield
Marston
Martinsburg
Maryville
Maysville
Mayview
McFall
Meadville
Memphis
Mercer
Mesa
Metz
Mexico
Miami
Middletown
Midway
Milan
Mill Spring
Millard
Miller
Mindenmines
Mineral Point
Missouri City
Moberly
Montgomery City
Montrose
Morehouse
Morley
Morrison
Mosby
Moscow Mills
Mound City
Moundville
Mount Leonard
Mount Moriah
Mount Vernon
Mountain Grove
Mountain View
Naylor
Neck City
Neelyville
Nelson
Neosho
Nevada
New Cambria
New Florence
New Hampton
New Madrid
New Melle
Newark
Newburg
Newtonia
Newtown
Niangua
Noel
Northmoor
Norwood
Novinger
Oak Ridge
Oakland
Park
Olean
Orrin
Oronogo
Osborn
Osceola
Osgood
Otterville
Owensville
Pagedale
Paris
Parma
Parnell
Pascola
Pattonsburg
Paynesville
Penermon
Perry
Phillipsburg
Pickering
Piedmont
Pierce City
Pilot Grove
Pilot Knob
Pine Lawn
Pineville
Pocahontas
Pollock
Poplar Bluff
Portageville
Potosi
Powersville
Prairie Home
Preston
Princeton
Purcell
Purdin
Purdy
Puxico
Queen City
Quitman
Qulin
Raymondville
Rayville
Rea
Reeds
Reeds Spring
Revere
Rich Hill
Richards
Richland
Ridgeway
Risco
Ritchey
Rivermines
Riverview
Rocheport
Rockville
Rogersville
Rolla
Roscoe
Rosendale
Rush Hill
Russellville
Rutledge
Salem
Sarcoxie
Schell City
Sedalia
Seligman
Senath
Seneca
Seymour
Shelbina
Shelbyville
Sheldon
Sheridan
Silex
Skidmore
Slater
South Gifford
South Gorin
South Greenfield
South Lineville
South West City
Sparta
Spickardsville
Spring Valley
St. Clair
St. Elizabeth
St. James
St. John
St. Mary's
Stanberry
Stark City
Steele
Steelville
Stella
Stewartsville
Stockton
Stotesbury
Stotts City
Stoutland
Stoutsville
Stover
Strasburg
Sullivan
Summersville
Sumner
Sweet Springs
Syracuse
Tallapoosa
Taneyville
Tarkio
Thayer
Theodosia
Trenton
Triplett
Truesdail
Union
Union Star
Unionville
Unity Village
University City
Urbana
Valley Park
Van Buren
Velda Village
Verona
Versailles
Vinita Park
Vista
Waco
Wakenda
Walker
Walnut Grove
Wardell
Warrensburg
Warsaw
Washburn
Watson
Waverly
Waynesville
Weaubleau
Webb City
Wellston
Wellsville
West Line
West Plains
Westphalia
Wheatland
Wheaton
Whiteside
Williamsville
Willow Springs
Wilson City
Winfield
Winona
Wooldridge
Worth
Worthington
Wyaconda
Zalma

Montana

Alberton,
Anaconda-Deer-Lodge
Belt
Big Sandy
Bozeman
Bridger
Broadus
Broadview
Brockton
Browning
Butte-Silver Bow
Cascade
Chinook
Choteau
Circle
Clyde Park
Darby
Deer Lodge
Denton
Dillon
Dutton
Ekalaka
Eureka
Flaxville
Fromberg
Geraldine
Grass Range
Hamilton
Hardin
Harlem
Harlowton
Hingham
Hobson
Hot Springs
Ismay
Joliet
Jordan
Kevin
Lewistown
Libby
Lima
Lodge Grass
Melstone
Missoula
Neihart
Outlook
Philipsburg
Plains
Plevna
Polson
Poplar
Red Lodge
Roxford
Richey
Ronan
Roundup
Ryegate
Saco
Scobey
Shelby
St. Ignatius
Stevensville
Sunburst
Terry
Three Forks
Troy
Twin Bridges
West Yellowstone
Westby
White Sulphur Sprgs
Whitehall
Wibaux
Winifred
Winnett
Wolf Point

Nebraska

Able
Adams
Ainsworth
Albion
Alexandria
Alma
Alvo
Amherst
Ansley
Arapahoe
Arcadia
Arnold
Arthur
Ashton
Atlanta
Auburn
Ayr
Bancroft
Barneston
Bayard
Beaver City
Beaver Crossing
Belden
Belgrade
Belvidere
Benkelman
Bennington
Berwyn
Bladen
Bloomington
Blue Hill
Blue Springs
Brady
Brainard
Brewster
Bristow
Broadwater
Brock
Brownville
Brunswick
Burchard
Burr
Burwell
Bushnell
Butte
Callaway
Campbell
Carleton
Cedar Rapids
Chadron
Chambers
Chappell
Clarks
Clay Center
Clearwater
Cody
Cleridge
Comstock
Concord
Cowles
Crawford
Creighton
Crookston
Culbertson
Curtis
Dannebrog
Dawson
Decatur
Deweese
Diller
Dixon
Du Bois
Dunbar
Dunning
Dwight
Eddyville
Edgar
Elgin
Elk Creek
Ericson
Ewing
Fairbury
Falls City
Farnam
Farwell
Firth
Fordyce
Foster
Garland
Genoa
Gilead
Gordon
Grafton
Grant
Greeley Center
Gresham
Guide Rock
Hadar
Haigler
Hardy
Harrison
Harvard
Hastings
Hay Srpings
Heartwell
Hendley
Herman
Hershey
Holbrook
Holstein
Howells
Hubbard
Hubbell
Humboldt
Humphrey
Huntley
Hyannis
Imperial
Indianola
Inman
Ithaca
Jackson
Johnson
Johnstown
Julian
Kimball
Laurel
Lawrence
Lebanon
Lewellen
Liberty
Linwood
Litchfield
Long Pine
Lurtun
Louisville
Loup City
Luxton
Lyman
Lynch
Madrid
Malmo
Manley
Martinsburg
Maxwell
Mason City
McLean
Memphis
Merriman
Miller
Minatare
Mullen
Murdock
Naponee
Nebraska City
Nehawka
Nelson
Nemaha
Nenzel
Newcastle
Newman Grove
Newport
Niobrara
Norman
North Loup
Oak
Oakdale
Oakland
Oconto
Odell
Ohiowa
Ong
Orleans
Osmond
Osford
Page
Palisade
Palmer
Palmyra
Pawnee City
Peru
Pilger
Plainview
Plattsmouth
Polk
Prague
Primrose
Prosser
Ragan
Randolph
Ravenna
Raymond
Red Cloud
Republican City
Reynolds
Richland
Riverton
Rockville
Rosalie
Royal
Ruln
Rushville
Salem
Santee
Sargen
Scotia
Scotts Bluff
Scribner
Seneca
Shelby
Silver Creek
Snyder
Spalding
Springfield
St. Edward
St. Paul
Staplehurst
Stapleton
Steinauer
Sterling
Stockville
Strang
Stratton
Stuart
Superior
Surprise
Table Rock
Tarnov
Tecumseh
Tekamah
Terrytown
Thayer
Thurston
Tilden
Ulysses
Union
Upland
Verdel
Verdigre
Wakefield
Walthill
Waterbury
Wauneta
Wausa
Wayne
Western
Weston
Whitney
Wilsonville
Winnebago
Winnetoon
Winside
Wolbach
Wynot

Nevada

Caliente
Carlin
Fallon
Yerington

New Hampshire

Berlin

New Jersey

Audubon
Beverly
Bradley Beach
Brooklawn
Burlington
Chesilhurst
Clementon
Collingswood
Dover
East Newark
East Rutherford
Egg Harbor City
Elmer
Englishtown
Fairview
Fieldsboro
Freehold
Garfield
Glassboro
Gloucester City
Hackensack
Haledon
Hoboken
Island Heights
Keansburg
Kearny
Keyport
Lambertville
Lawnside
Linden
Mount Ephraim
National Park
Orange
Paulsboro
Pemberton
Penns Grove
Phillipsburg
Pine Hill
Pitman
Plainfield
Pleasantville
Prospect Park
Salem
Seaside Heights
South Amboy
South Toms River
Sussex
Swedesboro
Union Beach
West Cape May
West New York
West Wildwood
Westville
Wildwood
Woodbury
Woodlynne

New Mexico

Artesia
Belin
Bernalillo
Carrizozo
Causey
Central
Cimarron
Clayton
Columbus
Corona
Cuba
Des Moines
Dexter
Elida
Encino
Estancia
Floyd
Folsom
Fort Summer
Grady
Grenville
Hagerman
Hatch
House
Hurley
Jemez Springs
Lake Arthur
Las Vegas
Logan
Lordsburg
Magdalena
Maxwell
Melrose
Mesilla
Mosquero
Mountainair
Pecos
Portales
Raton
Reserve
Roy
San Jon
San Ysidro
Santa Rosa
Silver City
Socorro
Springer
Taos
Tatum,
Truth or Consequences
Tucumcari
Tularosa
Vaughn
Virden
Wagan Mound
Willard

New York

Adams
Addison
Afton
Albion
Alexander
Alexandria Bay
Almond
Altmar
Amsterdam
Andover
Angelica
Angola
Antwerp
Argyle
Arkport
Athens
Attica
Auburn
Avoca
Avon
Bainbridge
Ballston Spa
Barker
Batavia
Bath
Beacon
Belmont
Bloomingburgh
Bolivar
Boonville
Brewster
Bridgewater
Broadalbin
Brockport
Brownville
Brushton
Burdett
Burke
Camden
Camillus
Canajoharie
Canandaigua
Canaseraga
Canastota
Candor
Canisteo
Cape Vincent
Carthage
Cassadaga
Castile
Castleton-on Hudson
Castorland
Catskill
Cattaraugus
Celdron
Champlain
Chateaugay
Chatham
Chaumont
Cherry Creek
Clayton
Clayville
Cleveland
Clifton Springs
Clyde
Cohocton
Cohoes
Cold Brook
Corinth
Cortland
Coxsackie
Croghan
Cuba
Dansville
De Ruyter
Deferiet
Delanson
Deposit
Dexter
Dolgeville
Dresden
Dryden
Dundee
Dunkirk
Earlville
East Syracuse
Edwards
Ellenville
Ellicottville
Ellisburg
Elmira Heights
Endicott
Esperance
Fabius
Falconer
Farnham
Fillmore
Fleischmanns
Fonda
Forestville
Fort Ann
Fort Edward
Fort Johnson
Fort Plain
Frankfurt
Franklin

Franklinville
Freeport
Freeville
Fulton
Fultonville
Galway
Geneseo
Geneva
Glen Park
Gloversville
Gouverneur
Gowanda
Granville
Green Island
Greene
Greenport
Greenwich
Hagaman
Hamilton
Hammond
Hammondsport
Hancock
Hannibal
Harriman
Haverstraw
Hempstead
Herkimer
Hermon
Herrings
Heuvelton
Highland Falls
Hobart
Holland Patent
Holley
Homer
Hoosick Falls
Hornell
Hudson
Hudson Falls
Hunter
Ilion
Interlaken
Island Park
Ithaca
Jamestown
Jeffersonville
Johnson City
Johnstown
Jordan
Keeseville
Kingston
Kiryas Joel
Lackawanna
Lacona
Lake George
Lake Placid
Laurens
Le Roy
Liberty
Limestone
Lisle
Little Falls
Little Valley
Livonia
Lockport
Lodi
Long Beach
Lowville
Lyons
Lyons Falls
Malone
Mannsville
Marathon
Marcellus
Margaretville
Massena
Mayfield
McGraw
Mechanicville
Medina
Meridian
Middleburgh
Middleville
Milford
Millerton
Millport
Mohawk
Monticello
Moravia
Morris
Morristown
Mount Morris
Munnsville
Naples
Nassau
Nelliston
New Berlin
New Paltz
New Square
New York Mills
Newark
Newport
Nichols
North Collins
North Tonawanda
Northville
Norwich
Norwood
Nunda
Oakfield
Ogdensburg
Olean
Oneida
Oneonta
Oriskany
Oriskany Falls
Oswego
Ovid
Owego
Oxford
Palmyra
Parish
Patchogue
Peekskill
Penn Yan
Perry
Perrysburg
Philadelphia
Philmont
Phoenix
Pike
Pine Hill
Plattsburgh
Poland
Port Byron
Port Chester
Port Henry
Port Jervis
Port Leyden
Portville
Potsdam
Pulaski
Randolph
Red Creek
Red Hook
Rensselaer
Rensselaer Falls
Richburg
Richfield Springs
Richmondville
Richville
Riverside
Round Lake
Rouses Point
Rushville
Sackets Harbor
St. Johnsville
Salamanca
Salem
Saranac Lake
Saugerties
Savona
Schenevus
Schoharie
Schuylerville
Seneca Falls
Sharon Springs
Sherburne
Sherman
Silver Creek
Silver Springs
Sinan
Smyrna
Sodus
South Dayton
South Glens Falls
Speculator
Spencer
Springville
Stamford
Sylvan Beach
Tannersville
Theresa
Ticonderoga
Tivoli
Trumansburg
Tupper Lake
Unionville
Valley Falls
Van Etten
Victory
Waddington
Walden
Walton
Wampsville
Wappingers Falls
Warsaw
Waterford
Waterloo
Watertown
Waterville
Watervliet
Watkins Glen
Waverly
Wayland
Wellsburg
Wellsville
West Carthage
West Winfield
Westfield
Westport
Whitehall
Whitesboro
Wilson
Windsor
Wolcott
Woodhull
Woodridge
Yorkville

North Carolina

Ahoskie
Alamance
Alexander Mills
Alliance
Andrews
Arapahoe
Atkinson
Aulander
Aurora
Ayden
Bailey
Bakersville
Bath
Beaufort
Belhaven
Belmont
Belwood
Benson
Bessemer City
Bethel
Beulaville
Bladenboro
Bolivia
Bolton
Bridgeton
Brookford
Brunswick
Bryson City
Bunn
Burgaw
Burnsville
Calabash
Calypso
Cameron
Carrboro
Casar
Castalia
Cerro Gordo
Chadbourn
Clarkton
Clayton
Cleveland
Clinton
Cofield
Colerain
Columbia
Como
Conetoe
Conway
Cove City
Cramerton
Creswell
Dallas
Denton
Dillsboro
Dobbins
Dover
Drexel
Dunn
East Arcadia
East Laurinburg
East Spencer
Eden
Edenton
Elizabeth City
Elizabethtown
Elk Park
Ellenboro
Ellerbe
Elm City
Enfield
Erwin
Eureka
Fair Bluff
Fairmont
Faison
Falkland
Farmville
Fountain
Four Oaks
Franklinton
Fremont
Garland
Garysburg
Gaston
Gibson
Glen Alpine
Goldsboro
Granite Falls
Greenevers
Grimesland
Halifax
Hamilton
Hamlet
Harrells
Hassell
Haw River
Hayesville
Hazelwood
Henderson
Hendersonville
Hertford
Hillsborough
Hobgood
Hoffman
Holly Ridge
Holly Springs
Hot Springs
Jackson
Jamesville
Jonesville
Kelford
Kenly
Kings Mountain
Kinston
Kittrell
La Grange
Lansing
Lasker
Lattimore
Laurinburg
Lawndale
Leggett
Lenoir
Lewiston
Lexington
Liberty
Lilesville
Lincolnton
Linden
Littleton
Louisburg
Love Valley
Lowell
MacClesfield
Macon
Madison
Maggie Valley
Magnolia
Marion
Marshall
Maxton
Mayodan
Maysville
McAdenville
McDonald
McFarlan
Mebane
Micro
Middleburg
Middlesex
Milton
Monroe
Mooresboro
Mooresville
Morehead City
Morganton
Morven
Mount Airy
Mount Gilead
Mount Holly
Mount Olive
Murfreesboro
Murphy
Nashville
Navassa
New Bern
New London
Newton
Norlina
Norman
North Wilkesboro
Norwood
Oak City
Old Fort
Orrum
Oxford
Parkton
Parmele
Peachland
Pembroke
Pilot Mountain
Pineville
Pink Hill
Pittsboro
Plymouth
Polkton
Pollocksville
Powellsville
Princeton
Princeville
Proctorville
Randleman
Ranlo
Raynham
Red Oak
Red Springs
Reidsville
Rennert
Rhodhiss
Rich Square
Richlands
Roanoke Rapids
Robbins
Robersonville
Rockingham
Rocky Mount
Ronda
Roper
Roseboro
Rosman
Rowland
Roxboro
Roxobel
Ruth
Rutherfordton
Saluda
Saratoga
Scotland Neck
Selma
Seven Springs
Severn
Shelby
Simpson
Smithfield
Speed
Spindale
Spring Hope
Spring Lake
Spruce Pine
St. Pauls
Staley
Stantonsburg
Star
Statesville
Stoneville
Stovall
Tabor City
Tarboro
Taylorsville
Teachey
Thomasville
Trenton
Troy
Tryon
Turkey
Valdese
Vanceboro
Vandemere
Vass
Wade
Wadesboro
Wagram
Wake Forest
Wallace
Walnut Cove
Warrenton
Warsaw
Washington
Weldon
West Jefferson
Whitakers
Williamston
Wilson
Windsor
Winfall
Winterville
Winton
Youngsville
Zebulon

North Dakota

Abercrombie
Adams
Alamo
Alexander
Alice
Almont
Ambrose
Amenia
Amidon
Anamoose
Aneta
Arnegard

Ashley
Balta
Barton
Bathgate
Beach
Berlin
Binford
Bowbells
Bowdon
Braddock
Brinsmade
Bulte
Buxton
Calio
Canda
Carson
Cathay
Clifford
Cogswell
Columbus
Cooperstown
Courtenay
Crosby
Crystal
Dawson
Dazey
Deering
Dickey City
Dodge City
Donnybrook
Douglas
Drake
Drayton
Dunseith
Edgeley
Edinburg
Edmore
Elgin
Ellendale
Elliott
Esmond
Fairdale
Fessenden
Flasher
Flaxton
Forbes
Fordville
Forest River
Fort Ransom
Fort Yates
Fortuna
Fredonia
Fullerton
Gardena
Golva
Goodrich
Grafton
Granville
Great Bend
Grenora
Hague
Hamberg
Hankinson
Hannah
Hansboro
Harvey
Hatton
Havana
Hazelton
Hebron
Hoople
Hope
Hurdsfield
Inkster
Jud
Karlsruhe
Kathryn
Kenmare
Kensal
Kief
Kramer
Kulm
Lakota
Landa
Lawton
Lehr
Leith
Leonard
Lidgerwood
Lignite
Linton
Makoti
Mantador
Manvel
Marmarth
Martin
Max
Maxbass
Mayville
McClusky
McVille
Medina
Milton
Minto
Monango
Montpelier
Mooreton
Mott
Napoleon
Neche
New England
New Leipzig
New Town
Newburg
Nome
Noonan
Oberon
Parshall
Pekin
Petersburg
Pettibone
Pingree
Pisek
Plaza
Portl
Powers Lake
Ray
Regan
Regent
Robinson
Rolla
Ross
Ryder
Sanborn
Sarles
Selfridge
Sheldon
Sheyenne
Solen
Souris
St. John
Starkweather
Strasburg
Streeter
Sykeston
Tappen
Taylor City
Tolley
Toina
Towner
Turtle Lake
Tuttle
Upham
Valley City
Velva
Verona
Malhalla
White Earth
Willow City
Wilton
Wimbledon
Wing
Wishek
York
Zeeland

Ohio

Ada
Addyston
Adelphi
Adena
Albany
Alexandria
Alger
Alliance
Amanda
Amelia
Amesville
Amsterdam
Apple Creek
Arcadia
Arcanum
Arlington Heigths
Ashtabula
Athalia
Athens
Bainbridge
Bairdstown
Barberton
Barnesville
Barnhill
Batavia
Batesville
Beach City
Beallsville
Beaver
Bellaire
Belle Center
Belle Valley
Bellefontaine
Belmore
Bergholz
Bethel
Blakeslee
Bloomdale
Bloomingburg
Bloomingdale
Bowersville
Bowling Green
Bradford
Bredent
Brady Lake
Bridgeport
Brilliant
Brookville
Broughton
Buchtel
Buckeye
Burgoon
Butler
Cadiz
Caldwell
Caledonia
Cambridge
Camden
Campbell
Cardington
Casstown
Castine
Catawba
Cecil
Centerville
Chatfield
Chauncey
Cherry Fork
Chesapeake
Chesterville
Chili
Christianburg
Circleville
Clarksburg
Clarksville
Clifton
Clinton
Cloverdale
Clyde
Coal Grove
Coalton
Columbus Grove
Commercial Point
Conesville
Congress
Conneaut
Continental
Coolville
Corning
Corwin
Crestline
Crooksville
Crown City
Cumberland
Custar
Danville
Darbyville
Deersville
Delphos
Dennison
Deshler
Dexter City
Dillonvale
Dunkirk
East Cleveland
East Liverpool
Edgerton
Elgin
Elmwood Place
Empire
Fairborn
Fairport Harbor
Fairview
Fayetteville
Felicity
Fletcher
Fostoria
Franklin
Fredericksburg
Freeport
Fremont
Fulton
Fultonham
Galion
Gallipolis
Gann
Georgetown
Glenford
Glouster
Grand Rapids
Gratiot
Graysville
Greenfield
Greenwich
Grover Hill
Hamden
Hamersville
Hanging Rock
Harbor View
Harpster
Harrisburg
Harrisville
Harrod
Hartford
Harveysburg
Haviland
Hemlock
Higginsport
Highland
Hillsboro
Holgate
Holland
Hollansburg
Holloway
Hoytville
Irondale
Ironton
Jackson
Jacksonburg
Jamestown
Jeffersonville
Kelleys Island
Kent
Kimbolton
Kipton
Kirby
La Rue
Lakemore
Lakeview
Latty
Laurelville
Leetonia
Lewisburg
Lewisville
Lincoln Heights
Linndale
Lisbon
Lockbourne
Lockland
Lowell
Lowellville
Lower Salem
Lucas
Ludlow Falls
Lynchburg
Lyons
Macksburg
Magnetic Springs
Malinta
Malta
Manchester
Mantua
Marengo
Marion
Marseilles
Martinsville
Massillon
Matamora
McClure
McConnelsville
McGuffey
Melrose
Middleport
Midland
Mifflin
Milledgeville
Millersburg
Milton Center
Miltonsburg
Minerva
Montezuma
Morral
Morristown
Morrow
Mount Cory
Mount Gilead
Mount Pleasant
Mount Vernon
Mount Victory
Mowrystown
Murray City
Nashville
Nelsonville
Neville
New Alexandria
New Athens
New Bloomington
New Boston
New Concord
New Holland
New Lexington
New London
New Miami
New Paris
New Richmond
New Reigel
New Straitsville
Newburgh Heights
Newcomerstown
Newton Falls
Newtown
North Baltimore
North Fairfield
Norwich
Norwood
Oak Hill
Oakwood
Oberlin
Old Washington
Orangeville
Orient
Ostrander
Otway
Painesville
Palestine
Peebles
Philo
Piketon
Piqua
Plain City
Pleasant City
Pleasant Plain
Plymouth
Pomeroy
Port William
Portage
Portsmouth
Potsdam
Proctorville
Put-in-Bay
Quaker City
Quincy
Racine
Rarden
Rendville
Republic
Ripley
Rittman
Rock Creek
Rogers
Rome
Roseville
Roswell
Rushville
Russells Point
Russellville
Rutland
Sabina
Salem
Salesville
Salineville
Sandusky
Sarahsville
Sardinia
Savannah
Scio
Scott
Seaman
Senecaville
Shawnee
Shelby
Sherrodsville
Shiloh
Shreve
Smithfield
Somerset
Somerville
South Bloomfield
South Charleston
South Lebanon
South Salem
South Solon
Spencerville
Spring Valley
St. Bernard
St. Louisville
St. Paris
Stafford
Stockport
Stoutsville
Struthers
Summerfield
Sycamore
Syracuse
Tarlton
Tiffin
Tiro
Tremont City
Trimble
Uhrichsville
Union City
Uniopolis
Urbana
Urbancrest
Valley Hi
Vanlue
Versona
Versailles
Vinton
Warsaw
Washington
Wayne
Waynesburg
Wellston
Wellsville
West Alexa
West Elkto
West Farmi
West Leipsi
West Mans
Achille
Ada
Afton
Agra
Albion
Alderson
Aline
Allen
Altus
Anadarko
Antlers
Apache
Arapaho
Asher
Ashland
Atoka
Avant
Barnsdall
Bearden
Beggs
Bennington
Big Cabin
Billings
Binger
Blackburn
Blackwell
Blair
Boise City
Bokchito
Bokoshe
Boley
Boswell
Bowlegs
Boynton
Braggs
Braman
Bridgeport
Bristow
Broken Bow
Bromide
Brooksville
Bryant
Burbank
Burlington
Butler
Byars
Byron
Cache
Caddo
Calvin
Camargo
Cameron
Canadian
Caney
Carmen
Carnegie
Carney
Carrier
Carter
Castle
Cement
Centrahoma
Chandler
Checotah
Chelsea
Cheyenne
Clayton
Cleo
Cleveland

Versona
Versailles
Vinton
Warsaw
Washington
Wayne
Waynesburg
Wellston
Wellsville
West Alexandria
West Elkton
West Farmington
West Leipsic
West Mansfield
West Millgrove
West Rushville
West Union
Wilkesville
Williamsburg
Williamsport
Willshire
Wilmot
Winchester
Woodfield
Xenia
Zanesfield
Zanesville

Oklahoma

Achille
Ada
Afton
Agra
Albion
Alderson
Aline
Allen
Altus
Anadarko
Antlers
Apache
Arapaho
Asher
Ashland
Atoka
Avant
Barnsdall
Bearden
Beggs
Bennington
Big Cabin
Billings
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Blackburn
Blackwell
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Boise City
Bokchito
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Bowlegs
Boynton
Braggs
Braman
Bridgeport
Bristow
Broken Bow
Bromide
Brooksville
Bryant
Burbank
Burlington
Butler
Byars
Byron
Cache
Caddo
Calvin
Camargo
Cameron
Canadian
Caney
Carmen
Carnegie
Carney
Carrier
Carter
Castle
Cement
Centrahoma
Chandler
Checotah
Chelsea
Cheyenne
Clayton
Clea
Cleveland
Coalgate
Colbert
Colcord
Cole
Collinsville
Comanche
Commerce
Cooperton
Cornish
Council Hill
Covington
Coweta
Cowlington
Coyle
Cromwell
Custer City
Cyril
Dacoma
Davenport
Davidson
Davis
Deer Creek
Delaware
Depew
Devol
Dewar
Dewey
Dibble
Dill City
Disney
Dougherty
Drumright
Durant
Dustin
Eakly
Earlsboro
East Duke
Eldorado
Elmer
Elmore City
Erick
Eufaula
Fairfax
Fairland
Fanshawe
Faxon
Fletcher
Fort Cobb
Fort Gibson
Fort Towson
Foss
Foyil
Francis
Frederick
Gans
Garber
Garvin
Gate
Geary
Gene Autry
Gerty
Glencoe
Goodwell
Gore
Gotebo
Gould
Grandfield
Granite
Grayson
Greenfield
Guthrie
Halleyville
Hallett
Hanman
Hanna
Harris
Hartshorne
Haskell
Hastings
Haworth
Hendrick
Healdton
Heavener
Helena
Hendrix
Henryetta
Hitchita
Hobart
Huffman
Holdenville
Hulbert
Hollister
Hominy
Howe
Hugo
Hydro
Idabel
Indiahoma
Indianola
Jay
Jennings
Jones
Kaw
Kemp
Kendrick
Kenefic
Kenta
Ketchum
Kinta
Kiowa
Knowles
Knowles
Krebs
Lamar
Lamont
Langley
Langston
Le Flore
Lehigh
Lenapah
Leon
Lexington
Lima
Lindsay
Loco
Locust Grove
Lone Wolf
Longdale
Lookeba
Luther
Madill
Manchester
Mangum
Manitou
Mannsville
Maramec
Marble City
Marietta
Marland
Marlow
Marshall
Martha
Maud
May
McAlester
McIlrice
McCurtain
Medicine Park
Meridian
Miami
Milburn
Mill Creek
Moffett
Morris
Mountain Park
Mountain View
Mulhall
Muskogee
Nash
New Alluwe
Newkirk
Nicoma Park
Noga
North Miami
Nowata
Oakland
Oaks
Oakwood
Ochelata
Oilton
Okay
Okemah
Okmulgee
Oktaha
Olustee
Osage
Paden
Panama
Paoli
Pauls Valley
Pawhuska
Pawnee
Peoria
Perry
Phillips
Picher
Pittsburg
Pond Creek
Porter
Porum
Poteau
Prague
Quapaw
Quay
Quinlan
Quinton
Ralston
Ramona
Randlett
Rattan
Ravia
Red Oak
Red Rock
Redbird
Rentiesville
Ringling
Ripley
Roff
Roosevelt
Rosedale
Rush Springs
Ryan
Salina
Sapulpa
Sasakwa
Savanna
Sayre
Seiling
Seminole
Sentinel
Shamrock
Shamrock
Sharon
Shawnee
Shidler
Skedee
Slick
Smith Village
Smithville
Snyder
Soper
Sparks
Spavinaw
Spiro
St. Louis
Stidham
Stigler
Stilwell
Stonewall
Strang
Stringtown
Stroud
Stuart
Sulphur
Taft
Talihina
Tamaha
Tatums
Temple
Terlton
Terral
Texhoma
Texola
Thackerville
Tipton
Tishomingo
Tryon
Tullahassee
Tupelo
Tushka
Valley Brook
Valliant
Vera
Verden
Vian
Vinita
Wagoner
Wainwright
Wakita
Walters
Wanette
Wann
Wapanucka
Warwick
Washington
Watonga
Watts
Whurika
Wayne
Waynoka
Webb City
Wobbers Falls
Welch
Weleetka
Wellston
Westville
Wetumka
Wewoka
Whitefield
Wilburton
Willow
Wilson
Wister
Wright City
Wyandotte
Wynnewood
Yale
Yeager

Oregon

Amity
Banks
Bonanza
Carlton
Chiloquin
Coburg
Condon
Coquille
Cottage Grove
Cove
Creswell
Dallas
Dayville
Drain
Echo
Elgin
Falls City
Fossil
Garibaldi
Gervais
Glendale
Gold Hill
Grass Valley
Haines
Halfway
Halsey
Hammond
Huntington
Independence
Jefferson
Joseph
Klamath Falls
La Grande
Lebanon
Long Creek
Malin
Maupin
Milton Freewater
Mitchell
Monroe
Monument
Mount Angel
Mt. Vernon
Myrtle Point
North Powder
Nyssa
Oakland
Ontario
Paisley
Phoenix
Port Orford
Powers
Prescott
Redmond
Richland
Rockaway
Scio
Scotts Mills
Shaniko
Siletz
Sisters
Sodaville
St. Helens
Tillamook
Union
Vale
Vernonia
Wallowa
Wasco
Wheeler
Yoncalla

Pennsylvania

Addison
Albion
Alexandria
Aliquippa
Ambridge
Apollo
Arnold
Arona
Ashland
Ashley
Ashville
Athens
Atwood
Austin
Avis
Avoca
Avondale
Avonmore
Bangor
Barkeyville
Beallsville
Bear Lake
Beaver Falls
Belle Vernon
Bellefonte
Bellwood

Bentleyville
Benton
Bernville
Berrysburg
Berwick
Big Run
Blain
Bloomsburg
Blossburg
Boswell
Brackenridge
Braddock
Bradford
Briar Creek
Bridgeport
Bristol
Brownsville
Burnham
California
Callensburg
Canton
Carbondale
Carrolltown
Cassandra
Casselman
Cassville
Catawissa
Centerville
Centralia
Chest Springs
Chester Hill
Clairton
Clarendon
Clarion
Clarksville
Clearfield
Clifton Heights
Clymer
Coal Center
Coaldale
Coaldale
Coalmont
Coalport
Coatesville
Cochranton
Collingdale
Columbia
Colwyn
Confluence
Connellsville
Conshohocken
Corry
Coudersport
Courtdale
Cranesville
Cresson
Cressona
Curwensville
Dale
Danville
Darby
Dawson
Dayton
Delta
Dickson City
Donegal
Donora
Dudley
Dunbar
Duncansville
Duquesne
Dushore
East Brady
East Conemaugh
East Lansdowne
East McKeesport
East Pittsburgh
East Vandergrift
Eastvale
Eau Claire
Edinboro
Edwardsville
Ehrenfeld
Elco
Elderton
Eldred
Elizabethville
Elkland
Ellwood City
Emlenton
Emporium
Enon Valley
Etna
Everett
Everson
Factoryville
Fairchance
Falls Creek
Farrell
Flemington
Ford City
Forest City
Forksville
Forty Fort
Frackville
Frankfort Springs
Franklintown
Fredonia
Freeburg
Freedom
Freeland
Galeton
Gallitzin
Garrett
Gettysburg
Gilberton
Girardville
Glasgow
Glen Campbell
Glenfield
Great Bend
Green Lane
Greensboro
Halifax
Hallstead
Hanover
Hartleton
Harveys Lake
Hastings
Hawley
Hawthorne
Heidelberg
Herndon
Highspire
Hollidaysburg
Homestead
Honesdale
Hooversville
Hop Bottom
Hopewell
Huntingdon
Hydetown
Hyndman
Indiana
Ingram
Irvona
Jamestown
Jeannette
Jefferson
Jermyn
Jersey Shore
Jim Thorpe
Johnsonburg
Kane
Kingston
Kistler
Kittanning
Knoxville
Koppel
Kulpmont
Kutztown
Landisburg
Laneboro
Lansford
Lawrenceville
Le Raysville
Lebanon
Lehighton
Lewisberry
Lewisburg
Lewistown
Liberty
Ligonier
Linesville
Littlestown
Liverpool
Lock Haven
Lorain
Loretto
Luzerne
Lykens
Lyons
Mahaffey
Mahanoy City
Manna Choice
Mansfield
Mapleton
Marcus Hook
Marianna
Marklesburg
Markleysburg
Masontown
Matamoras
Mayfield
McAdoo
McClure
McCollennsburg
McDonald
McKees Rocks
McKeesport
McSherrystown
McVeytown
Meadville
Mercer
Mercersburg
Meshoppen
Meyersdale
Middleburg
Middleport
Midland
Milford
Mill Creek
Mill Hall
Millbourne
Millersburg
Millheim
Millvale
Milton
Minersville
Modena
Monongahela
Monroe
Montgomery
Montrose
Morrisville
Mount Carmel
Mount Jewett
Mount Oliver
Mount Union
Muncy
Myerstown
Nanticoke
Nanty Glo
Nescopeck
New Albany
New Alexandria
New Berlin
New Brighton
New Castle
New Florence
New Hope
New Kensington
New Lebanon
New Milford
New Paris
New Phila
New Ringgold
Newburg
Newell
Newport
Newton Hamilton
Newville
Nicholson
Norristown
North Braddock
North Irwin
Northumberland
Norwood
Oakland
Ohiopyle
Old Forge
Olyphant
Orbisonia
Osceola Mills
Oswayo
Oxford
Paint
Palo Alto
Parker
Parkesburg
Parryville
Patton
Penn
Petersburg
Philipsburg
Phoenixville
Pittston
Plains
Pleasantville
Plumville
Plymouth
Point Marion
Port Allegany
Port Matilda
Port Royal
Portage
Portland
Pottstown
Pottsville
Prospect Park
Punxsutawney
Railroad
Rankin
Renovo
Reynoldsville
Ridgway
Ringtown
Rockhill Furnace
Rockwood
Rome
Roseville
Rouseville
Royalton
Saegertown
Salisbury
Saltillo
Saltsburg
Saxton
Sayre
Scalp Level
Schellsburg
Schuylkill Haven
Seward
Shade Gap
Shamokin
Sharon Hill
Sharpsburg
Shenandoah
Shickshinny
Shinglehouse
Shippensburg
Shippenville
Shippingport
Shirleysburg
Silverdale
Slattington
Smethport
Smithfield
Snow Shoe
South Coatsville
South Connellsville
South Fork
South New Castle
South Renovo
South Waverly
Spangler
Spartansburg
Springboro
St. Clair
St. Clairsville
St. Petersburg
Starrucca
Stillwater
Stoystown
Strattanville
Strausstown
Stroudsburg
Summerville
Sunbury
Susquehanna Depot
Swissvale
Swoyersville
Sykesville
Sylvania
Tamaqua
Tarentum
Thompson
Three Springs
Throop
Tidioute
Timblin
Tioga
Titusville
Towanda
Tower City
Tremont
Trumbauersville
Tunkhannock
Tyrone
Ulysses
Union City
Union Dale
Uniontown
Unionville
Upland
Valencia
Vanderbilt
Vandergrift
Vintondale
Volant
Wall
Wallaceton
Wampum
Warren
Warrior Run
Washington
Watsontown
Wattsburg
Waynesburg
Weissport
Wellersburg
Wellsboro
Wellsville
West Brownsville
West Chester
West Conshohocken
West Easton
West Elizabeth
West Fairview
West Grove
West Hazleton
West Homestead
West Middlesex
West Pittston
West Reading
West York
Westfield
Westover
Wilkinsburg
Williamsburg
Wilmerding
Wilmore
Windber
Windsor
Worthington
Worthville
Wyalusing
Wyoming
Yeadon
York Haven
Youngstown

Rhode Island

Central Falls
Newport
Woonsocket

South Carolina

Abbeville
Allendale
Atlantic Beach
Bamberg
Batesburg
Belton
Bennettsville
Bethune
Bishopville
Blackaburg
Blackville
Blenheim
Bluffton
Bonneau
Bowman
Branchville
Brunson
Burnettown
Calhoun Falls
Camden
Cameron
Campobello
Carlisle
Central
Central Pacolet
Chappells
Cheraw
Chesnee
Chester
Chesterfield
City View
Clio
Clover
Cope
Cottageville
Coward
Cowpens
Cross Hill
Darlington
Denmark
Dillon
Donalds
Due West
Duncan
Eastover
Edgefield
Ehrhardt
Elko
Elloree
Estill
Eutawville
Fairfax
Fort Lawn
Fort Mill
Fountain Inn
Furman
Gaffney
Georgetown
Gifford
Gilbert
Govan
Great Falls
Greeleyville
Greenwood
Greer
Harleyville
Hartsville
Heath Springs
Hodges
Holly Hill
Hollywood
Inman
Iva
Jamestown

Johnston
Jonesville
Kershaw
Kingstree
Kline
Lake City
Lake View
Lamar
Lancaster
Landrum
Lane
Latta
Leesville
Liberty
Livingston
Lockhart
Lodge
Loris
Lowndesville
Lowrys
Luray
Lyman
Lynchburg
Manning
Marion
Mayesville
McBee
McColl
McConnells
McCormick
Meggett
Monetta
Mount Carmel
Mount Croghan
Mullins
Neeses
Newberry
North
Norway
Olanta
Olar
Orangeburg
Pacolet Mills
Pageland
Pamplico
Patrick
Paxville
Peak
Perry

Pickens
Pinewood
Plum Branch
Pomaria
Ravenel
Ridge Spring
Ridgeland
Ridgeville
Rowesville
Salley
Saluda
Sellers
Snelling
Society Hill
Springfield
St. George
St. Matthews
St. Stephen
Starr
Summerton
Summit
Sumter
Swansea
Sycamore
Tatum
Timmonsville
Trenton
Troy
Ulmer
Union
Vance
Varnville
Wagener
Wallace
Walterboro
Ward
Ware Shoals
West Union
Westminster
Whitmire
Williams
Windsor
Winnsboro
Woodford
Woodruff
Woodside
Yemassee
York

South Dakota

Aberdeen
Agar
Akaska
Alexandria
Alpena
Andover
Armour
Artas
Artesian
Ashton
Astoria
Avon
Baltic
Bancroft
Batesland
Belle Fourche
Belvidere
Blunt
Bonesteel
Bowdle
Bradley
Brandt
Brentford
Bridgewater
Bristol
Britton
Broadland
Brookings
Bryant
Buffalo
Buffalo Gap
Burke
Camp Crook
Canistota

Canova
Carthage
Castlewood
Centerville
Chamberlain
Claire City
Claremont
Clark
Clear Lake
Colome
Colton
Columbia
Conde
Corona
Custer
Dallas
Danie
Davis
De Smet
Deadwood
Delmont
Dolton
Draper
Dupree
Eagle Butte
Eden
Egan
Elkton
Emery
Erwin
Ethan
Eureka
Fairburn
Fairfax

Faith
Faulkton
Frankfort
Frederick
Garden City
Gary
Geddes
Gettysburg
Gleeham
Goodwin
Gregory
Grenville
Hayti
Hazel
Hermosa
Herreid
Herrick
Highland
Highmore
Hill City
Hitchcock
Hosmer
Hot Springs
Hoven
Howard
Hurley
Huron
Interior
Ipswich
Iroquois
Isabel
Java
Jefferson
Kimball
Kranzburg
Lake Andes
Lake Norden
Lake Preston
Lane
Langford
Lebanon
Lemmon
Leola
Lesterville
Letcher
Long Lake
Madison
Marion
Martin
Marvin
McIntosh
McLaughlin
Mellette
Menno
Midland
Miller
Mission
Mission Hill
Mobridge
Montrose
Morristown
Mount Vernon
Mundo
New Effington
New Underwood
New Witten
Newell
Nunda
Oacoma
Oldham
Olivet
Orient
Ortley

Parker
Parkston
Peever
Pierpont
Platte
Pollock
Presho
Pringle
Pukwana
Quinn
Ramona
Ravinia
Reliance
Revillo
Rockham
Roscoe
Scotland
Selby
Seneca
Sherman
Sisseton
South Shore
Spearfish
Spencer
Springfield
St. Francis
St. Lawrence
Stickney
Stockholm
Sturgis
Summit
Tabor
Timber Lake
Tolstoy
Toronto
Trent
Tripp
Turton
Twin Brooks
Tyndall
Utica
Veblen
Vermillion
Viborg
Vienna
Virgil
Volin
Wagner
Wakonda
Wall
Wallace
Ward
Warner
Wasta
Waubay
Wentworth
Wessington
Wessington Springs
Westport
White
White Lake
White River
Whitewood
Willow Lake
Wilmot
Winfred
Winner
Wolsey
Wood
Woonsocket
Worthing
Yale
Yankton

Tennessee

Adams
Adamsville
Alamo
Alcoa
Alexandria
Allardt
Altamont
Athens
Auburntown
Baileyton

Baxter
Beersheba Springs
Bell Buckle
Bells
Benton
Bethel Springs
Big Sandy
Bluff City
Bolivar
Brighton

Brownsville
Calhoun
Caryville
Centertown
Centerville
Charleston
Cleveland
Clifton
Coalmont
Copperhill
Cornersville
Cottage Grove
Covington
Cowan
Crab Orchard
Crossville
Cumberland City
Cumberland Gap
Dayton
Decherd
Denmark
Dickson
Dowelltown
Doyle
Dresden
Ducktown
Dyer
Dyersburg
Elizabethtion
Elkton
Englewood
Enville
Erin
Erwin
Ethridge
Etowah
Fayetteville
Finger
Friendship
Friendsville
Gainesboro
Gallaway
Gates
Gibson
Gilt Edge
Gleason
Gordonsville
Grand Junction
Graysville
Greenback
Greenfield
Harriman
Hartsville
Henderson
Henning
Henry
Hickory Valley
Hollow Rock
Hornbeak
Hornsby
Huntland
Huntsville
Iron City
Jacksboro
Jackson
Jamestown
Jefferson City
Jellico
Jonesboro
Kenton
La Follette
La Grange
Lake City
Lebanon
Lenoir City
Lewisburg
Liberty
Livingston
Loudon
Luttrell
Lynnville
Madisonville
Martin
Maryville

Mason
Maury City
Maynardville
McKenzie
McMinnville
Middleton
Minor Hill
Mitchellville
Morrison
Morristown
Moscow
Mosheim
Mount Pleasant
Mountain City
New Market
New Tazewell
Newbern
Newport
Niota
Oakdale
Oakland
Orlinda
Palmer
Paris
Parkers' Cross Road
Parrottsville
Petersburg
Philadelphia
Pikeville
Pleasant Hill
Powells Crossroads
Pulaski
Puryear
Ramer
Red Boiling Springs
Richard City
Ridgely
Ripley
Rives
Rockwood
Rossville
Rutherford
Rutledge
Saltillo
Samburg
Sardis
Saulsbury
Scotts Hills
Sharon
Silerton
Slayden
Smithville
Sneedville
Somerville
South Fulton
South Pittsburg
Sparta
Spencer
Spring City
Spring Hill
Springfield
Stanton
Stantonville
Surgoinsville
Sweetwater
Tazewell
Tellico Plains
Tiptonville
Toone
Tracy City
Trenton
Trimble
Union
Viola
Venore
Wartburg
Wartrace
Watauga
White Bluff
Whiteville
Whitwell
Williston
Yorkville

Texas

Abbott
Ackerly
Adrian
Alamo
Alba
Alpine
Alto
Alton
Amherst
Annona
Anthony
Arp
Asherton
Aubrey
Austwell
Avery
Bailey
Baird
Ballinger
Balmorhea
Bandera
Bangs
Bardwell
Bartlett
Bastrop
Bayview
Bealey
Beckville
Beeville
Bellevue
Bellmead
Bells
Benavides
Benjamin
Bertram
Big Sandy
Big Wells
Blanket
Bloomburg
Blooming Grove
Blue Ridge
Blum
Boerne
Bonham
Booker
Brackettville
Brady
Breckenridge
Bremond
Brenham
Brookshire
Brownsell
Brownwood
Bryson
Buckholts
Buffalo Gap
Burton
Byers
Bynum
Caddo Mills
Caldwell
Calvert
Cameron
Camp Wood
Campbell
Carbon
Carmine
Carrizo Springs
Castroville
Celeste
Celina
Center
Chandler
Channing
Charlotte
Chester
Childress
Chillicothe
Chireno
Christine
Cisco
Clarendon
Clarksville
Clint
Cockrell Hill
Coleman
Collinsville
Colmesneil
Colorado City
Comanche
Combes
Commerce
Coni
Coolidge
Cooper
Corrigan
Corsicana
Cotulla
Covington
Cransfills Gap
Crawford
Crockett
Crosbyton
Cross Plains
Crowell
Crystal City
Cuero
Cumby
Daihart
Dawson
De Kalb
De Leon
Dean
Decatur
Del Rio
Deport
Detroit
Devine
Dickens
Dilley
Dodd City
Dodson
Domino
Donna
Douglassville
Driscoll
Dublin
Eagle Lake
Eagle Pass
Earth
Easton
Ector
Edcouch
Eden
Edgewood
Edmonson
Edna
Electra
Elkhart
Ehmendorf
Elsa
Emhouse
Emory
Encinal
Ennis
Estelline
Evant
Fairfield
Falfurrias
Falls City
Fate
Fayetteville
Ferris
Flatonia
Florence
Floresville
Floydada
Franklin
Frankston
Fredericksburg
Frost
Gainesville
Ganado
Garrett
Garrison
Gatesville
Giddings
Goldsmith
Goldthwaite
Goliad
Gonzales
Goodlow
Goodrich
Goree
Gorman
Graford
Grand Saline
Grandview
Granger
Grapeland
Greenville
Gregory
Groesbeck
Groom
Groveton
Gustine
Hale Center
Hallettsville
Hallsburg
Hallsville
Hamilton
Hamlin
Happy
Hearne
Hedley
Hemphill
Hico
Hidalgo
Hillsboro
Holland
Hondo
Honey Grove
Hubbard
Hutto
Iredell
Italy
Itasca
Jacksonville
Jayton
Jefferson
Joaquin
Jourdanton
Junction
Karnes City
Kaufman
Kemp
Kendleton
Kenedy
Kennard
Kerens
Kingsville
Kirbyville
Kirvin
Knox City
Kosse
Krum
Kyle
La Coste
La Feria
La Grange
La Grulla
La Joya
La Villa
La Ward
Ladonia
Lakeview
Leakey
Leary
Leona
Leonard
Lexington
Linden
Lipan
Livingston
Lland
Lockhart
Lockney
Lometa
Lone Oak
Lorraine
Lorena
Los Fresnos
Lott
Lueders
Luling
Lyford
Mabank
Malone
Manor
Marfa
Marion
Marlin
Marquez
Mart
Mason
Matador
Mathis
Maud
McCamey
McKinney
McLean
Meadow
Megargel
Melvin
Memphis
Menard
Mercedes
Meridian
Merkel
Mertens
Mertzon
Mexia
Miland
Miles
Milford
Mineral Wells
Mingus
Mission
Monahans
Montgomery
Moody
Moore Station
Muran
Morgan
Morton
Moulton
Mount Calm
Mount Enterprise
Mount Vernon
Mullin
Munday
Naples
Natalia
Navasota
Nazareth
Nesbitt
New Deal
New Summerfield
New Waverly
Newcastle
Neylandville
Nixon
Nocona
Nordheim
Normangee
North Cleveland
Novice
Oakhurst
Oakwood
Ogleaby
Olton
Orange Grove
O'Donnell
Paducah
Paint Rock
Palmview
Paris
Pearsall
Pecan Gap
Pecos
Penelope
Petersburg
Pilot Point
Pineland
Point
Port Isabel
Post
Post Oak Bend City
Poteet
Powell
Premont
Presidio
Primera
Progreso Lakes
Putnam
Quanah
Quitaque
Ralls
Ranger
Raymondville
Refugio
Reklaw
Richland
Richland Springs
Rio Hondo
Rising Star
Roaring Springs
Robstown
Roby
Rochester
Rockport
Rocksprings
Rocky Mound
Rogers
Roma
Ropesville
Roscoe
Rosebud
Ross
Rotan
Round Top
Rowena
Royse City
Rule
Runge
Sabinal
San Augustine
San Diego
San Felipe
San Juan
San Marcos
San Patricio
San Perlita
San Saba
Sanger
Santa Anna
Santa Rosa
Schulenburg
Scottsville
Seven Oaks
Seymour
Shamrock
Shepherd
Shiner
Silsbee
Silverton
Sinton
Smiley
Smithville
Smyer
Somerville
Southmayd
Spofford
Springlake
Spur
St. Jo
Stamford
Stockdale
Strawn
Streetman
Sudan
Talco
Tatum
Taylor
Teague
Tehuacana
Tenaha
Terrell
Texhoma
Texline
Thorndale
Thornton
Thrall
Throckmorton
Timpson
Tioga
Tira
Toco
Tolar
Toyah
Trenton
Trinity
Troup
Tulia
Turkey
Tuscola
Uvalde
Valentine
Valley Mills
Van Alstyne
Van Horn
Venus
Vernon
Vinton
Waelder
Waller
Wallis
Waxahachie
Wellington
Wells
Weslaco
West Mountain
Westbrook
Westminster
Whitewright
Willis
Wills Point
Wilson
Windom
Winnsboro
Winona
Winters
Wolfe City
Woodsboro
Woodson
Wortham
Yantis
Yoakum
Yorktown
Zavalla

Utah

Alton
Antimony
Ballard
Beaver
Bicknell
Boulder
Cedar City
Centerfield
Circleville
Clawson
Cleveland
Cornish
Deweyville
Elsinore
Ephraim
Escalante
Eureka
Fayette
Fillmore
Garden City
Gencia
Glenwood
Gunnison
Hatch
Hildale
Holden
Hurricane
Kanarraville
Kanosh
Kingston

Koosharem
Leeds
Levan
Logan
Lynndyl
Manti
Meadow
Milford
Minersville
Monroe
Moroni
Mount Pleasant
Myton
Newton
Oak City
Ophir
Parowan
Portage
Santa Clara
Santaquin
Scipio
Scofield
South Salt Lake
Spring City
Springville
St. George
Sterling
Stockton
Toquerville
Torrey
Trenton
Vernon
Virgin
Wales
Yost

Vermont

Albany
Alburg
Barre
Barton
Bellows Falls
Bradford
Bristol
Cabot
Cambridge
Derby Center
Enosburg Falls
Hardwick
Jacksonville
Jeffersonville
Johnson
Ludlow
Lyndonville
Marshfield
Milton
Montpelier
Morrisville
Newbury
Newport
North Troy
North Westminster
Northfield
Orleans
Perkinsville
Pittsford
Plainfield
Poultney
Proctorsville
Richford
Richmond
Rutland
St. Albans
Stowe
Swanton
Waterbury
Wells River
West Burke
Westminster
Winooski

Virginia

Abingdon
Accomac
Alberta
Appalachia
Appomattox
Bedford
Blackstone
Bloxom
Boone Mill
Boydton
Boykins
Branchville
Bristol
Brodnax
Brookneal
Buchanan
Burkeville
Cape Charles
Capron
Charlotte Court House
Chase City
Chatham
Cheriton
Chilhowie
Chincoteague
Christiansburg
Claremont
Clarksville
Cleveland
Clifton Forge
Clinchport
Clover
Colonial Beach
Columbia
Covington
Craigsville
Damascus
Dendron
Dillwyn
Drakes Branch
Dungannon
Edinburg
Emporia
Exmore
Farmville
Fries
Galax
Gate City
Glade Spring
Glen Lyn
Gordonsville
Goshen
Gretna
Halifax
Hallwood
Harrisonburg
Hays
Hillsboro
Hillsville
Honaker
Iron Gate
Ivor
Keller
Kenbridge
La Crosse
Lawrenceville
Lexington
Luray
Martinsville
McKenney
Melfa
Middleburg
Mineral
Monterey
Mount Crawford
Mount Jackson
Nassawadox
New Castle
Newsoms
Nickelsville
Norton
Onancock
Orange
Painter
Pamplin City
Parksley
Pennington Gap
Phenix
Pocahontas
Pulaski
Quantico
Richlands
Round Hill
Saltville
Savia
Scottsburg
Scottsville
Shenandoah
St. Charles
Stanardsville
Stanley
Stony Creek
Strasburg
Suffolk
Tangier
The Plains
Toms Brook
Troutville
Virgilina
Wachapreague
Wakefield
Waverly
Woodstock

Washington

Aeolin
Bingen
Black Diamond
Carnation
Cathlamet
Centralia
Chelan
Clarkston
Cle Elum
Colville
Conconully
Concrete
Coulee City
Cusick
Darrington
Dayton
Deer Park
Duvall
Ellensburg
Everson
Farmington
Ferndale
George
Gold Bar
Goldendale
Grand Coulee
Granger
Hamilton
Hartline
Ilwaco
Index
Ione
Kelso
Kettle Falls
Kittitas
Latah
Long Beach
Lyman
Mabton
Malden
Mansfield
Mattawa
Metaline
Morton
Moses Lake
Mossyrock
Moxee City
Naches
Nespelem
Newport
North Bonneville
Northport
Oakville
Oroville
Prescott
Rainier
Raymond
Republic
Ridgefield
Riverside
Rock Island
Rockford
Roslyn
Roy
Sedro Woolley
Shelton
Skykomish
Soap Lake
South Prairie
Sprague
Springdale
Starbuck
Sultan
Sumas
Sumner
Tenino
Tieton
Toledo
Tonasket
Toppenish
Uniontown
Vader
Wapato
Washtucna
Wilkeson
Wilson Creek
Winlock
Winthrop
Yacolt
Yelm
Zillah

West Virginia

Addison
Albright
Alderson
Anawalt
Anmoore
Ansted
Auburn
Bath
Bayard
Beech Bottom
Belington
Benwood
Beverly
Blackville
Bluefield
Bradshaw
Bramwell
Buckhannon
Buffalo
Burnsville
Camden-on-Gauley
Cameron
Capon Bridge
Cass
Cedar Grove
Ceredo
Chapmanville
Charles Town
Chester
Clarksburg
Clay
Clendenin
Cowen
Danville
Davis
Davy
Delbarton
Durbin
Elizabeth
Elk Garden
Elkins
Fairmont
Fairview
Falling Springs
Farmington
Fayetteville
Flatwoods
Flemington
Follansbee
Fort Gay
Friendly
Gassaway
Gauley Bridge
Gilbert
Glenville
Grafton
Grantsville
Granville
Hambleton
Handley
Harrisville
Hartford City
Hedgesville
Henderson
Hendricks
Hinton
Hundred
Iaeger
Junior
Kenova
Kermit
Keyser
Keystone
Kimball
Layopolis
Lester
Littleton
Logan
Lost Creek
Lumberport
Man
Mannington
Marlington
Martinsburg
Masontown
Matewan
Matoaka
McMechen
Meadow Bridge
Mill Creek
Milton
Monongah
Moorefield
Morgantown
Moundsville
Mount Hope
Mullens
New Cumberland
Newburg
Nutter Fort
Oakvale
Osage
Paden City
Parsons
Paw Paw
Pax
Pennsboro
Petersburg
Peterstown
Philippi
Piedmont
Pine Grove
Princeton
Pullman
Rainelle
Ranson
Reedsville
Reedy
Rhodell
Richwood
Ridgeley
Riversville
Romney
Ronceverte
Rowlesburg
Salem
Sistersville
Smithfield
Sophia
Spencer
Star City
Sutton
Terra Alta
Thomas
Thurmond
Tunnelton
Union
War
Wardensville
Wayne
Welch
West Hamlin
West Liberty
West Union
Weston
Westover
Whitesville
Williamson
Womelsdorff
Worthington

Wisconsin

Algoma
Alma Center
Almond
Amherst Junction
Aniwa
Antigo
Arcadia
Ashland
Augusta
Avoca
Bagley
Barneveld
Bayfield
Bear Creek
Beaver Dam
Big Falls
Blanchardville
Bloomington
Blue River
Bowler
Boyceville
Butternut
Cable
Camp Douglas
Campbellsport
Cashton
Catawba
Cazenovia
Centuria
Chippewa Falls
Clayton
Clintonville
Conrath
Cornell
Couderay
Crandon
Curtiss
Dallas
Darlington
De Soto
Downing
Durand
Eagle River
Eastman
Ehlerson
Elroy
Ettrick
Fairchild
Fond du Lac
Frederic

Gays Mills
Gilman
Glenbeulah
Glenwood City
Granton
Gratiot
Hatley
Hayward
Hurley
Hustler
Ingram
Ironton
Kennan
Kewaunee
Kingston
La Farge
La Valle
Ladysmith
Linden
Lohrville
Lublin
Luck
Lyndon Station
Maiden Rock
Manitowoc
Marinette
Marquette
Mason
Mattoon
Mauston
Mellen
Melrose
Menomonie
Merrill
Merrillan
Merrimac
Milladore
Milltown
Mineral Point
Minong
Montello
Mount Hope
Necedah
Neillsville
Nelson
Nelsonville
Neshkoro
New Auburn
Nichols
Oconto
Oconto Falls
Ogdensburg
Ontario
Owen
Oxford
Phillips
Pittsville
Platteville
Portage
Pound
Prairie Farm
Prentice
Radisson
Randolph
Rewey
Rhinelander
Richland Center
Rio
Ripon
River Falls
Rock Springs
Rockland
Roshoft
Schofield
Siren
Soldiers Grove
South Wayne
Spooner
Stanley
Steuben
Stevens Point
Strum
Taylor
Tigerton
Tony
Turtle Lake
Viroqua
Walworth
Warrens
Wausaukee
Wautoma
Webster
Weyerhaeuser
Wheeler
White Lake
Whitehall
Whitewater
Wilton
Winter
Withee
Wonewoc

Wyoming

Albin
Big Piney
Clearmont
East Thermopolis
Fort Laramie
Frannie
Hulett
La Grange
Laramie
Lovell
Riverside
Rock River
Thayne

III. The following list contains the names of those small cities which meet the current minimum standards of physical and economic distress but which did not meet the standards as of the June 8, 1982 Notice.

Alabama

Addison
Ardmore
Auburn
Bay Minette
Belk
Bon Air
Brighton
Calera
Camden
Cardiff
Chickasaw
Childersburg
Cleveland
Colony
Coosada
County Line (Covington County)
Daphne
Elkmont
Excel
Fyffe
Gantts Quarry
Good Hope
Goshen
Gurley
Holly Pond
Jackson's Gap
Jasper
Kinsey
Lakeview
Level Plains
Needham
North Courtland
Odenville
Pollard
Providence
Ranburne
South Vinemont
Union Grove
Walnut Grove
Webb
Woodville

Alaska

Akutan
Atmautluak
Buckland
Clark's Point
Diomede
Eagle
Haines
Hughes
Huslia
Koyuk
Koyukuk
Nulato
Port Alexander
Port Lions
Russian Mission
St. Paul
Tanana
Unalakleet
Yakutat

Arizona

Florence
San Luis
Somerton
St. Johns

Arkansas

Almyra
Bald Knob
Batesville
Bauxite
Ben Lomond
Bentonville
Bigelow
Brookland
Carlisle
Cash
Concord
Crossett
Daisy
Danville
Delaplaine
Elkins
Elm Springs
Franklin
Grannis
Greenwood
Greers Ferry
Johnson
Judsonia
Keiser
Lepanto
Lonoke
Lonsdale
Magnolia
Marie
Marmaduke
McCrory
Minturn
Mulberry
Norphlet
Oak Grove Heights
Ogden
Ratcliff
Ravenden Springs
Rudy
Smackover
Summit
Thornton
Tollette
Ulm
Western Grove
Winchester
Wynne
Zinc

California

Arvin
Blue Lake
Corning
Cudahy
Fort Jones
Hollister
Huron
Irwindale
Live Oak
Lynwood
Marina
Maywood
Menlonia
National City
Needles
Orland
Red Bluff
San Pablo
Sonora
Watsonville
Williams
Willits

Colorado

Brookside
Burlington
Calhan
Cedaredge
Evans
Frederick
Grover
Haswell
Iliff
Johnstown
Keenesburg
Kiowa
Milliken
Mountain View
Olathe
Orchard City
Peetz
Raymer
Sawpit
Silver Cliff
Superior
Telluride
Two Buttes
Ward
Westcliffe
Wiley
Yampa

Connecticut

Colchester
Naugatuck
Stafford Springs

Blades
Clayton
Farmington

Delaware

Odessa
Townsend
Woodside

Florida

Bay Lake
Center Hill
Cinco Bayou
Coleman
Fanning Spring
Hastings
Homestead
Interlachen
Lake Hamilton
Paxton
Polk City
Springfield
Wildwood

Georgia

Allenhurst
Allentown
Between
Bowersville
Brinson
Byron
Carl
Cecil
Centralhatchee
Climax
Dawsonville
Dearing
Doraville
East Point
Ellijay
Elton
Euharlee
Gumbranch City
Hamilton
Hilltonia
Homeland
Industrial City
Lula
Lyerly
North High Shoals
Preston
Resaca
Rest Haven
Riverside
Rutledge
Sunny Side
Walnut Grove
Woolsey

Idaho

Albion
Bancroft
Bellevue
Bliss
Caldwell
Clayton
Clifton
Downey
Dubois
East Hope
Eden
Elk River
Grangeville
Hauser Lake
Hollister
Jerome
Lapwai
Leadore
Marsing
Melba
Mud Lake
Newdale
Nezperce
Oakley
Oldtown
Onaway
Orofino
Preston
Rathdrum
Reubens
Rexburg
Rigby
St. Anthony
Stanley
Tensed
Wallace
Wardner
Weippe
Wendell

Illinois

Allerton
Alsey
Argenta
Armington
Avon
Baldwin
Bardolph
Bay View Gardens
Bellflower
Berlin
Blandinsville
Blue Island
Broadwell
Brownstown
Bulpitt
Calhoun
Camp Point
Caseyville
Cisne
Donnellson
Dorchester
Dover
Dupo
Durand
Eagarville
East Alton
East Carondelet
Eddyville
Elizabethtown
Fairmount
Fayetteville
Grandview
Hodgkins
Homer
Jeffersonville
Keensburg
Littleton
Loami
Lula
Ludlow
Makanda
Mapleton
McLeansboro
Monmouth
Nason
Nauvoo
Niantic
Palmer
Pembroke
Prairie City
Ridgway
Rockbridge
Roxana
Sadorus

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Sauget
Seaton
Secor
South Pekin
Stoy
Strawn

Alexandria
Alfordsville
Boston
Brooklyn
Bruceville
Bryant
Cannelton
Clarks Hill
Corunna
Darlington
Fowler
Fowlerton
Garrett
Hardinsburg
Hillsboro
Jeffersonville
Jonesville
Judson
Kennard
Losantville
Martinsville
Merom
Michigantown
Milford

Ainsworth
Ayrshire
Baldwin
Boxholm
Bradgate
Callender
Central City
Coin
Columbus City
Colwell
Cotter
Cylinder
Dickens
Drakesville
Earlville
Ely
Farnhamville
Fenton
Fontanelle
Fraser
Gillett Grove
Grandview
Hanlontown
Havelock
Hayesville
Kiron
La Motte
Lamont
Letts
Madrid
Maquoketa
Marquette
Masonville
Maxwell

Abbyville
Barnard
Bartlett
Bassett
Copeland
Denton
Dighton
Ford
Geuda Springs
Hamilton
Hazelton
Holcomb
Horace
Humboldt
Valmeyer
Waggoner
Wenonah
West Brooklyn
Whiteash
Wyoming

Indiana

Milltown
Milton
Modoc
Morocco
Mount Auburn
Napoleon
New Market
North Liberty
North Vernon
Paragon
Pendleton
Ravenswood
Roseland
Salamonia
Saratoga
Spiceland
Springport
Summitville
Switz City
Versailles
Walkerton
Wheatfield
Whitestown
Whitewater

Iowa

Maysville
McClelland
Melrose
Mondamin
Neola
New Liberty
New Market
New Virginia
North Washington
Norway
Numa
Orient
Ossian
Panama
Persia
Rhodes
Rinard
Ringsted
Riverside
Rock Falls
Rodney
Searsboro
Stockton
Strawberry Point
Tennant
Thompson
Thornburg
Vining
Washta
Webster
Wellsburg
Westphalia
Wheatland
Winta

Kansas

Leona
Lincolnville
Mankato
McLouth
Minneola
Mound City
Muscotah
Niotaze
Norcatur
Oak Hill
Pawnee Rock
Penalosa
Richfield
Richmond
Severance
Stafford
Turon
Wakefield
Waldo

Bardstown
Barlow
Calhoun
Camargo
Carrollton
Clay City
Corbin
Danville
Eubank
Ferguson
Foster
Gratz
Hartford

Delta
Florien
Golden Meadow
Gretna
Kinder

Annapolis
Betherton
Brookeville
Brookview
Eagle Harbor

Addison
Alanson
Athens
Bancroft
Beaverton
Benzonia
Big Rapids
Bloomingdale
Breedsville
Buckley
Camden
Cedar Springs
Cement City
Central Lake
Clio
Coloma
Custer
Eagle
East Lake
Elberta
Emmett
Essexville
Fowler
Galesburg
Gladwin

Aldrich
Amboy
Arlington
Barnum
Beardsley
Belgrade
Bethel
Bigelow
Bluffton
Bock
Boy River
Braham
Brownsdale
Chandler
Clinton
Coates
Conger
Correll
Cosmos
Cromwell
Danvers
Wallace
Willard
Windom
Zenda

Kentucky

Hiseville
Jeffersonville
Manchester
McKee
Melbourne
Nicholasville
Oakland
Olive Hill
Salem
Sardis
Stamping Ground
Wayland
West Liberty

Louisiana

Leesville
Reeves
Richmond
South Mansfield
Turkey Creek

Maryland

East New Market
North Beach
North Brentwood
Sudlersville

Michigan

Gobles
Hanover
Hubbardston
Lake Odessa
Lakeview
Lakwood Club
Mackinaw City
Marshall
Martin
Melvin
Monroe
Morley
Mount Clemens
Mount Morris
Muir
Otisville
Owendale
Perrinton
Pewamo
Pinconning
Powers
Saranac
Suttons Bay
Vassar

Minnesota

Deer Creek
Deerwood
Dumont
Dunnell
Emily
Erskine
Evansville
Federal Dam
Fifty Lakes
Finlayson
Georgetown
Gilman
Glenwood
Hadley
Halma
Hammond
Hazel Run
Hill City
Hilltop
Hinckley
Humboldt
Ihlen
Jackson
Kennedy
Kenneth
Kimball
Lake Wilson
Littlefork
Long Beach
Longville
Lonsdale
Luverne
Madison Lake
Manhattan Beach
McGrath
McKinley
Meadowlands
Mendota
Murdock
New Germany
Nimrod
Ogilvie
Pemberton
Pequuot Lakes

Bay St. Louis
Caledonia
Carrollton
Collins
Dumas
Ecru
Falkner

Adrian
Arcola
Arrow Rock
Benton
Benton City
Bourbon
Brashear
Burgess
Carytown
Centertown
Chilhowee
Clark
Cosby
Duenweg
East Kansas City
Fair Grove
Fairview Acres
Flordell Hills
Gasconade
Greentop
Iron Gates
Jonesburg
Kingsville

Alberton
Big Sandy
Bozeman
Broadview
Cascade
Choteau
Darby
Deer Lodge
Denton
Dutton

Alvo
Ansley
Bennington
Bladen
Brewster
Brownville
Bushnell
Chappell
Clay Center
Clearwater
Ericson
Firth
Garland
Perley
Randolph
Ranier
Ronneby
Rose Creek
Royalton
Rushford Village City
Sedan
Shafer
Slayton
St. Hilaire
St. Vincent
Stewart
Taopi
Trimont
Trommald
Twin Lakes
Vernon Center
Wadena
Waubun
Whalan
Wilton
Wykoff

Mississippi

Flowood
Forest
Hatley
Lake Center
Potts Camp
Taylorsville

Missouri

La Russell
Lambert
Leasburg
Leslie
Luray
Midway
Neck City
Normandy
North Wardell
Northmoor
Paynesville
Pine Lawn
Revere
Ritchey
Revierview
St. John
Stewartsville
Stotesbury
Van Buren
Waco
Wakenda
Worthington

Montana

Hardin
Hingham
Hobson
Melstone
Missoula
Rexford
Ryegate
Sunburst
West Yellowstone

Nebraska

Grafton
Grant
Hardy
Hastings
Hershey
Humphrey
Huntley
Imperial
Ithaca
Jackson
Kimball
Lorton
Lousiville

Lashton
Madrid
Martinsburg
Memphis
Mullen
Nenzel
Norman
Palisade
Palmer
Palmyra
Ragan
Rosalie
Royal
Springfield
Staplehurst
Stapleton
Stockville
Strang
Thurston
Wakefield
Wauneta
Whitney

Nevada

Caliente
Carlin
Fallon

New Jersey

Audubon
Brooklawn
Chesilhurst
Clementon
Dover
Egg Harbor City
Fieldsboro
Glassboro
Island Heights
Keyport
National Park
Pine Hill
Pitman
Seaside Heights
South Toms River
Sussex
Westville
Woodbury

New Mexico

Elida
Grady
Grenville
Hatch
Hurley
San Jon
Socorro
Virden

New York

Alexander
Angelica
Barker
Bath
Bloomingburgh
Bridgewater
Brockport
Castorland
Chaumont
Cherry Creek
Cleveland
Coxsackie
Dundee
Fillmore
Fort Edward
Genesco
Haverstraw
Herrings
Holley
Hunter
Interlaken
Kiryas Joel
Lacona
Little Valley
Marathon
Marcellus
Meridian
Monticello
Mooers
Nassau
Oriskany
Parish
Perrysburg
Port Byron
Red Creek
Richburg
Richfield Springs
Rushville
Sackets Harbor
Savona
Sharon Springs
Silver Springs
Sylvan Beach
Tannersville
Trumansburg
Victory
Walden
Wampsville
Waterville
West Winfield
Whitesboro
Wilson
Windsor

North Carolina

Andrews
Bakersville
Brunswick
Carrboro
Casar
Dover
Elizabethtown
Eureka
Falkland
Garysburg
Granite Falls
Hillsborough
Love Valley
McAdenville
Micro
Nashville
New London
Newton
Old Fort
Pembroke
Rocky Mount
Salada
Staley
Stoneville
Valdese
Wade
Winterville
Zebulon

North Dakota

Alamo
Alexander
Almont
Amidon
Barton
Bowdon
Buxton
Dawson
Dazey
Drayton
Ellendale
Fairdale
Forest River
Granora
Hamberg
Harvey
Hoople
Inkster
Landa
Leonard
Makoti
Mantador
Manvel
Minto
Montpelier
Mooreton
Neche
New Town
Souris
Starkweather
Taylor City
Turtle Lake
Wishek

Ohio

Amelia

Amesville
Arcadia
Athalia
Bairdstown
Beach City
Bellefontaine
Bergholz
Blakeslee
Bloomdale
Brady Lake
Broughton
Burgoon
Caldwell
Camden
Castine
Cherry Fork
Congress
Continental
Coolville
Deersville
Fairborn
Fairport Harbor
Felicity
Fostoria
Franklin
Georgetown
Graysville
Hamersville
Harbor View
Harrisburg
Harrod
Haviland
Kelleys Island
Kipton
Lakemore
Latty
Linndale
Lockbourne
Lowellville
Manitou
Marengo
Marseilles
McClure
McGuffey
Mifflin
Millersburg
Nashville
Neville
Newtown
North Fairfield
Oakwood
Orangeville
Pleasant Plain
Plymouth
Potsdam
Put-in-Bay
Republic
Russellville
Sabina
Scott
Shelby
Shreve
Smithfield
Spring Valley
St. Bernard
Sycamore
Tiro
Uniopolis
Valley Hi
Verona
West Farmington
West Millgrove

Oklahoma

Ada
Agra
Alderson
Arapaho
Bearden
Billings
Burlington
Cameron
Carney
Cheyenne
Cole
Dill City
Foss
Hollister
Kemp
Manchester
McBride
Mill Creek
Nicoma Park
Ochelata
Oktaha
Perry
Quay
Ratliff
Ripley
Sharon
Smith Village
St. Louis
Stidham
Stringtown
Thackerville
Wainwright
Washington
Waurika
Wellston

Oregon

Carlton
Cove
Creswell
Dallas
Drain
Echo
Elgin
Fossil
Halsey
Hammond
Klamath Falls
La Grande
Lebanon
Maupin
Mt. Vernon
Myrtle Point
Phoenix
Port Orford
Prescott
Redmond
Siletz
St. Helens
Tillamook
Union
Wasco
Wheeler

Pennsylvania

Albion
Atwood
Avonmore
Beallsville
Bernville
Briar Creek
Casselman
Chest Springs
Chester Hill
Clarendon
Clifton Heights
Cochranton
Cranesville
Delta
Edinboro
Ehrenfeld
Elco
Emlenton
Flemington
Fredonia
Freeburg
Freedom
Hanover
Harveys Lake
Heidelberg
Herndon
Highspire
Hollidaysburg
Hydetown
Ingram
Jefferson
Koppel
Ligonier
Lorain
Lyons
Meshoppen
Milford
Millbourne
Norrisville
New Albany
New Alexandria
New Hope
Newburg
Nicholson
Parryville
Platea
Port Royal
Portland
Prospect Park
Roseville
Saltillo
Slattington
Stoystown
Sykesville
Sylvania
Ulysses
Valencia
Vintondale
Volant
Wall
Wattsburg
Wellersburg
West Conshohocken
West Fairview
West Homestead
West Pittston
Yeadon
York Haven
Youngstown

South Carolina

Central
Chappells
Fairfax
Govan
Holly Hill
Hollywood
Johnston
Kershaw
Liberty
Luray
McBee
Mount Croghan
Pamplico
Peak
Perry
Starr
Wagener
Woodside

South Dakota

Akaska
Baltic
Belle Fourche
Broadland
Castlewood
Clear Lake
Ethan
Fairburn
Glenham
Hayti
Hazel
Interior
Iroquois
Jefferson
Kranzburg
Letcher
Mission Hill
New Effington
New Witten
Oacoma
Oldham
Reliance
Sturgis
Tabor
Trent
Utica
Wakonda
Wall
Warner
Wentworth
Whitewood
Yale

Tennessee

Bell Buckle
Benton
Calhoun
Crab Orchard
Cumberland Gap
Friendship
Gallaway
Gordonsville
Grand Junction
Hartsville
Jonesboro
Maryville
Minor Hill
Moscow
Parkers' Cross Roads
Parrottsville
Richard City
Scotts Hills
Smithville
Sneedville
Toone
Wartburg
Watauga
White Bluff

Adrian
Alton
Aubrey
Beasley
Beckville
Booker
Caldwell
Celina
Childress
Cool
Dalhart
Dean
Dickens
Earth
Edgewood
Edmonson
Evant
Fairfield
Falls City
Fredericksburg
Gainesville
Ganado
Goldsmith
Hallsville
Happy
Kirvin
Leona
Lexington
Mabank
Megargel
Merkel
Mertzon
Monahans

Alton
Ballard
Bicknell
Cedar City
Clawson
Cornish
Elsinore
Escalante
Garden City
Genola
Glenwood
Hatch
Hildale
Hurricane
Kanarraville
Kingston

Bradford
Bristol
Cabot
Jacksonville
Johnson
Milton

Appomattox
Bonne Mill
Boykins
Branchville
Brookneal
Capron
Christiansburg
Dendron
Fries
Goshen
Gretna
Halifax

Carnation
Centralia
Chelan
Colville
Duvall
Farmington
Ferndale

Texas

Moore Station
Neshitt
North Cleveland
Palmview
Post Oak Bend City
Powell
Presidio
Progreso Lakes
Reklaw
Ross
Round Top
San Marcos
Sanger
Shamrock
Silsbee
Smyer
Southmayd
Teague
Texhoma
Texline
Thorndale
Throckmorton
Tira
Toco
Tolar
Tuscola
Valley Mills
Vinton
Weller
West Mountain
Winona
Yantis

Utah

Koosharem
Leeds
Minersville
Monroe
Oak City
Parowan
Santa Clara
Santaquin
Scipio
Scofield
Springville
St. George
Sterling
Torrey
Vernon

Vermont

North Westminster
Parkinsville
Plainfield
Richmond
Stowe

Virginia

Harrisonburg
Hillsville
Ivor
Kenbridge
Monterey
Mount Jackson
New Castle
Norton
Richlands
Shenandoah
Standardsville
Waverly

Washington

George
Gold Bar
Goldendale
Hamilton
Ilwaco
Kettle Falls
Long Beach
Mansfield
Mattawa
Moses Lake
Oakville
Palmer
Republic
Rock Island
Rockford

Beech Bottom
Blacksville
Ceredo
Chester
Cowen
Danville
Fairview
Friendly
Gauley Bridge
Grantsville

Barneveld
Bloomington
Boyceville
Clayton
Dallas
De Soto
Downing
Eastman
Frederic
Granton
Ironton
Kewaunee
Kingston
Luck
Manitowoc
Marquette

Big Piney
Clermont
Frannie
Laramie
Roy
Sedro Woolley
Shelton
South Prairie
Sumner
Tieton
Yacolt

West Virginia

Handley
Harrisville
Milton
Pine Grove
Ranson
Reedsville
Spencer
Star City
West Liberty

Wisconsin

Mason
Merrimac
Montello
Nelson
Nelsonville
Neshkoro
Nichols
Ogdensburg
River Falls
Rockland
Schofield
Strum
Tony
Walworth
Warrens
Wheeler

Wyoming

Lovell
Rock River
Thayne

IV. The following list contains the names of those small cities which met the minimum standards of physical and economic distress as of the June 8, 1982 Notice but which do not meet the current minimum standards. The final date for submission of an application by the cities listed below is August 31, 1983.

Alabama

Adamsville
Aliceville
Atmore
Avon
Beaverton
Berry
Branchville
Brewton
Chatom
Clayhatchee
County Line (Blount and Jefferson Counties)
Cowarts
Eutaw
Eva
Gaylesville
Geiger
Gilbertown
Grimes
Grove Hill
Guntersville
Hackleburg
Harpersville
Leesburg
Lineville
Loachapoka
Loxely
Lynn
Malvern
Monroeville
Myrtlewood
New Brockton
New Site
Newton
Notasulga
Owens Cross Roads
Petrey
Powells Crossroads
Russellville
Shiloh
Steele
Sylacauga
Thomasville
Valley City
Whitehall
Wilmer
Woodland

Akiachak
Aleknagik
Ambler
Aniak
Hoonah
Hooper Bay
Hydaburg
Kake
Kiana
Klawock

Fredonia
Hayden

Alexander
Austin
Banks
Beebe
Belefonte
Bethel Heights
Caldwell
Caulksville
Centerton
Central City
Corning
Dover
Dyess
Fisher
Flippin
Greenland
Griffithville
Guy
Hartman
Hickory Ridge
Higden
Highfill
Hoxie
Kensett
Kibler
Kingsland
Lafe
Lakeview
Little Flock

Artesia
Avenal
Blythe
Calistoga
Coachella
Colfax
Dunsmuir
Ferndale
Gardena
Healdsburg

Akron
Black Hawk
Brush
Canon City
Crawford
Creede
Crook
De Beque
Deer Trail
Durango
Eads
Eagle
Eaton
Erie
Fairplay
Fleming
Fort Morgan
Fruita
Genoa
Grand Junction
Haxtun

Alaska

Kotlik
Mountain Village
Nome
Ouzinkie
Pelican
Platinum
Port Heiden
Ruby
St. Mary's
Wainwright

Arizona

Prescott
Tolleson

Arkansas

Lonoke
Lowell
Manila
McCaskill
Mineral Springs
O'Kean
Pangburn
Patmos
Perry
Perryville
Pleasants Plains
Salem
Sedgwick
Siloam Springs
Stuttgart
Sulphco
Tinsman
Tontitown
Tramann
Tuckerman
Valley Springs
Weiner
Weldon West Fork
Whelen Springs
Wiederkehr
Willisville
Wilmar
Wooster

California

Loyalton
Montrovia
Newman
Orange Cove
Pacific Grove
Portola
Rio Dell
Soledad
Westmorland

Colorado

Hillrose
Jamestown
Leadville
Lyons
Manitou Springs
Merino
Montrose
New Castle
Norwood
Nucla
Paonia
Prospect Heights
Ridgway
Rye
Salida
Severance
Silver Plume
Stratton
Vona
Wray

Connecticut

Derby
Stonington

Delaware

Dagsboro
Felton
Newport
Ocean View
Selbyville
Smyrna
Viola

Florida

Belle Glade
Dade City
De Funiak Springs
Dunnellon
Everglades
Frostproof
Grand Ridge
Green Cove Springs
Greenwood
Haines City
Jay
McIntosh
Minneola
Newberry
Ocean Breeze Park
Oviedo
Pahokee
Palm Shores
Penney Farms
Pomona Park
Raiford
Shalimar
Sneads
South Miami
St. Cloud
St. Lucie
Umatilla
Weeki Wachee Springs

Georgia

Ariel
Alston
Arnoldsville
Bellville
Bethlehem
Blythe
Bogart
Camak
Chickamauga
Cleveland
Commerce
Corinth
Culloden
Demorest
Dillard
Douglas
Dublin
Edge Hill
Funston
Gainesville
Good Hope
Gray
Hapeville
Haralson
Hiawassee
Houlton
Jakin
Jefferson
Jesup
Louisville
Maysville
Milan
Moreland
Morgan
Mount Airy
Mount Zion
Mountain City
Nicholson
Nunez
Orchard Hill
Pendergrass
Pine Mountain
Ray City
Roopville
Shady Dale
Sharpsburg
Soperton
Sparks
Statesboro
Swainsboro
Tallulah Falls
Thunderbolt
Trenton
Tunnel Hill
Turin
Twin City
Valdosta
Van Wert
Watkinsville
West Point
White
Young Harris
Zebulon

Idaho

Arimo
Basalt
Cambridge
Council
Culdesac
Dietrich
Ferdinand
Filer
Franklin
Georgetown
Hamer
Harrison
Hazelton
Idaho City
Juliaetta
Kimberly
Malad City
Murtaugh
New Meadows
Paris
Parker
Paul
Peck
Richfield
Riggins
St. Charles
State Line
Swan Valley
Winchester

Illinois

Addieville
Adeline
Albion
Allenville
Altamont
Amboy
Anchor
Anna
Arenaville
Arlington
Arthur
Ashmore
Athens
Atkinson
Banner
Bisco
Brandstown
Beckemeyer
Bellmont
Biggsville
Bradford
Browns
Bryant
Buckley
Butler
Campbell Hill
Canton
Cantrall
Carterville
Carthage
Casey
Centralia
Chaplin
Chebanse
Cherry
Chesterfield
Cissna Park
Coal City
Compton
Coulterville
Crainville
Creston
Cullom
Dahlgren
Dallas City
De Land
De Witt
Depue
Divernon
Dixon
Donovan
Du Quoin
Dunfermline
Earlville
East Cape Girardeau
East Dubuque
Elizabeth
Elk Hart City
Ellisville
Ellsworth
Elvaston
Emden
Erie
Evansville
Farina
Farmersville
Ferris
Findlay
Fithian
Flanagan
Foosland
Franklin Grove
Fults
Galena
Gays
Gillespie
Gladstone
Golden Gate
Good Hope
Granite City
Grantfork
Grayville
Greenup
Greenville
Hammond
Hartford
Herrin
Hettick
Hillsboro
Hindsboro
Hollowayville
Hutsonville
Illiopolis
Ina
Industry
Ipava
Jacksonville
Jerseyville
Jewett
Johnsonville
Jonesboro
Kangley
Kansas
Kaskaskia
Kempton
Kenney
Keyesport
Kincaid
Kirkwood
La Fayette
Lakemoor
Lanark
Lebanon
Lewistown
Lima
Lincoln
Little York
Livingston
Lockport
Lomax
Lostant
Louisville
Lyndon
Malta
Marshall
Martinsville
Martinton
Mason City
Mattoon
McCook
Medora
Mill Creek
Milledgeville
Morrisonville
Mount Auburn
Mount Carroll
Mount Pulaski
Mount Vernon
Naplate
Naples
Neoga
Neponset
New Baden
New Bedford
New Berlin
Newman
Newton
Nilwood
Nokomis
Norn
Oakford
Odell
Odin
Ogden
Oglesby
Old Mill Creek
Old Ripley
Olney
Oregon
Palestine
Parkersburg
Patoka
Paxton
Pearl City
Pecatonica
Perry
Peru
Petersburg
Pierron
Pinckneyville
Pingree Grove
Pittsfield
Pontoosuc
Prairie du Rocher
Radom
Raleigh
Raritan
Raymond
Richmond
Ridge Farm
Rock Falls
Rockdale
Rushville
Salem
Saunemin
Schram City
Sesser
Shawneetown
Shelbyville
Sheridan
Smithfield
Sparland
Spring Bay
St. Francisville
St. Jacob
St. Peter
Staunton
Ste Marie
Sterling
Stockton
Stonington
Strasburg
Streator
Sublette
Sumner
Symerton
Tamaroa
Tamms
Taylor Springs
Taylorville
Thomson
Tilden
Toledo
Tonica
Tovey
Union Hill
Urbain
Valier
Vandalia
Venedy
Vergennes
Viola
Walnut Hill
Walshville
Waltonville
Washburn
Waterman
Waverly
Wayne City
Weldon
Wellington
Westfield
White City
Windsor
Winslow
Wood River
Woodhull
Woodland
Yale

Indiana

Akron
Argos
Attica
Battle Ground
Bloomingdale
Boonville
Boswell
Bunker Hill
Burnettsville
Burns Harbor
Cedar Grove
Clay City
Dayton
Dillsboro
Dunreith
Eaton
Elberfeld
Elizabeth
Farmersburg
Farmland
Fort Branch
Fremont
Greensfork
Hagerstown
Hamlet
Hartsville
Hazleton
Hymera
Ingalls
Jamestown
Kempton
Kewanna
Kingman
Kingsbury
La Paz
Lakeville
Lanesville
Larwill
Leesburg
Livonia
Mackey
Macy
Marshall
Mauckport
Mentone
Millhousen
Mitchell
Monterey
Montezuma
Mount Ayr
Mount Summit
Mount Vernon
New Harmony
North Salem
North Webster
Owensville
Oxford
Palmyra
Perrysville
Petersburg
Pine Village
Pravo
Poseyville
Princeton
Reynolds
Rising Sun
Rochester
Rome City
Russellville
Salem
Sandborn
Shamrock Lakes
Somerville
Spurgeon
St. Joe
St. Paul
Staunton
Stilesville
Sullivan
Sulphur Springs
Sunman
Tell City
Trafalgar
Utica
Veedersburg
Vera Cruz
Westport
Williamsport
Winamac
Windfall City
Wolcottville

Iowa

Ackworth
Adair
Alba
Algona
Alta
Alta Vista
Alton
Andover
Anita
Aplington

UMI
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Archer
Armstrong
Arnolds Park
Arthur
Aspinwall
Audubon
Avoca
Bassett
Battle Creek
Beacon
Beaman
Beaver
Bennett
Benton
Bertram
Bevington
Birmingham
Blairsburg
Blanchard
Bloomfield
Boutun
Braddyville
Brayton
Breda
Bristow
Buffalo
Bussey
Calmar
Calumet
Cascade
Chariton
Cherokee
Chester
Churdan
Clarion
Clarksville
Clinton
Clio
Coon Rapids
Coppock
Coulter
Cresco
Creston
Cushing
Dana
Dedham
Defiance
Delmar
Dexter
Dixon
Dow City
Dunkerton
Eddyville
Edgewood
Eldora
Elgin
Elk Horn
Elkader
Elkport
Emerson
Essex
Fairfield
Farley
Farmersburg
Farmington
Fertile
Floyd
Fort Dodge
Fremont
Garber
Garnavillo
Garwin
Gibson
Glidden
Goose Lake
Gowrie
Grand Mound
Granville
Greenfield
Guernsey
Guttenberg
Hamburg
Hancock
Hansell
Harcourt
Harper
Hartley
Hartwick
Hawarden
Hazleton
Hedrick
Henderson
Hepburn
Holland
Holy Cross
Hospers
Hubbard
Humboldt
Hurstville
Ionia
Irwin
Jamaica
Jewell Junction
Kanawha
Keosauqua
Keswick
Kimballton
Kingsley
Kinross
Kirkman
Ladora
Lake City
Lake View
Lakota
Larrabee
Latimer
Laurens
Ledyard
Lehigh
Leighton
Lenox
Lester
Lewis
Lidderdale
Lockridge
Lowden
Luana
Luther
Lynnville
Malcom
Mallard
Maloy
Malvern
Manilla
Manly
Manning
Manson
Marengo
Matlock
Maynard
Melvin
Meriden
Merrill
Meservey
Miles
Milford
Millersburg
Millville
Minburn
Minden
Mingo
Mitchell
Manson
Monticello
Montour
Moorhead
Moorland
Mount Auburn
Nashua
New Hampton
New Hartford
New Vienna
Newell
Newton
Nodaway
Nora Springs
North Buena Vista
North English
Odebolt
Ogden
Olds
Olin
Oneida
Orchard
Osage
Osceola
Osterdock
Ottosen
Owasa
Oxford
Packwood
Palmer
Parkersburg
Patterson
Paullina
Plan
Pleasantville
Prescott
Preston
Quasqueton
Radcliffe
Rake
Ralston
Randalia
Randall
Red Oak
Redfield
Remsen
Riceville
Rickardsville
Ridgeway
Rippey
Rock Valley
Rockwell
Rockwell City
Rodman
Roland
Rolfe
Rossie
Rowan
Royal Rutland
Rud
Salix
Sanborn
Sandyville
Schaller
Shambaugh
Sheffield
Shelby
Shenandoah
Sherrill
Silver City
Sioux Rapids
Soldier
South English
Spring Hill
St. Charles
St. Marys
Stanley
Stanton
Stockport
Stuart
Sully
Sumner
Superior
Swea City
Templeton
Terril
Thornton
Titonka
Toledo
Truesdale
Truro
Turin
Union
University Park
Van Horne
Varina
Vinton
Wallingford
Wapello
Webb
Webster City
West Bend
Westgate
Westside
Winfield
Woodbine
Woolstock
Worthington
Wyoming
Yale
Yorktown
Zearing

Kansas

Admire
Agra
Alma
Alta Vista
Altamont
Alton
Arkansas City
Ashland
Atlanta
Belle Plaine
Belleville
Belvue
Benton
Beverly
Bird City
Bogue
Bunker Hill
Burden
Burdett
Burlingame
Burlington
Burrton
Bushton
Canton
Cedar Vale
Chanute
Chase
Cimarron
Claflin
Clayton
Coats
Coldwater
Conway Springs
Cullison
Cunningham
Danville
Deerfield
Delia
Dexter
Douglass
Edmond
Effingham
El Dorado
Ellsworth
Esbon
Eskridge
Fowler
Frankfort
Frontenac
Galatia
Garden Plain
Garfield
Garnett
Gas
Gem
Girard
Glen Elder
Goessel
Grainfield
Greeley
Greensburg
Grinnell
Gypsum
Hanston
Harris
Hartford
Harveyville
Havana
Havensville
Hiawatha
Hollenberg
Holton
Hope
Hunnewell
Hutchinson
Independence
Iola
Jetmore
Kanopolis
Kensington
La Cygne
Lancaster
Lebo
Lecompton
Leon
Liberty
Lindsborg
Linwood
Little River
Long Island
Longton
Madison
Manter
Marion
Matfield Green
Mayetta
McFarland
Moran
Mount Hope
Nashville
Neodesha
Neosho Rapids
Ness City
New Albany
Nortonville
Ogden
Oketo
Olivet
Osage
Osawatomie
Oskaloosa
Overbrook
Oxford
Palco
Pomona
Potwin
Pretty Prairie
Quinter
Ransom
Reading
Riley
Rozel
Satanta
Sedan
Seneca
Simpson
Smolan
Speed
St. George
St. Marys
St. Paul
Stockton
Syracuse
Timken
Toronto
Tribune
Uniontown
Vermillion
Victoria
Viola
Wakeeney
Washington
Waterville
Webber
Westphalia
Willis
Wilmore
Winfield
Woodbine
Yates Center

Kentucky

Allen
Allensville
Bremen
Burnside
Caseyville
Centertown
Dycusburg
Eddyville
Fairview
Glasgow
Hanson
Hardin
Hollyvilla
Hyden
Jackson
Jenkins
Kenton Vale
Leitchfield
Mackville
Mentor
Morganfield
Powderly
Rochester
Russell Springs
Sebree
Slaughterville
Strathmoor Manor
Strathmoor Village
Sturgis
Uniontown
Washington
Waverly
Whitesville
Williamstown
Wilmore
Wingo

Louisiana

Addis
Anacoco
Athens
Atlanta
Benton
Breaux Bridge
Brusly Landing
Cankton
Cotton Valley
Covington
De Ridder
Delcambre
Dixie Inn
Downsville
Duson
Eunice
Fenton
Franklin
French Settlement
Grambling
Grand Cane
Greensburg
Hammond
Hessmer
Ida
Jennings
Kilbourne
Killian
Many
Marion
McNary
Mermentau
Minden
Mooringsport
Morganza
Natchitoches
Noble
Norwood
Plaucheville
Port Allen
Port Barre
Sarepta
St. Martinville
Stanley
Vinton
Welsh
West Monroe

Maine

Bath
Ellsworth
Saco

Maryland

Accident
Barclay
Burkittsville
Centreville
Chesapeake Beach
Church Hill
Clear Spring
Eldorado
Frostburg
Galestown
Glen Echo
Goldsboro
Hebron
Hillsboro
Keedysville
Lake
Millington
Myersville
New Market
Oxford
Pittsville
Preston
Seat Pleasant
Sharpsburg
Sharptown
Westernport
Woodsboro

Massachusetts

Melrose
Newburyport
Peabody

Michigan

Allegan
Ashley
Augusta
Bad Axe
Bear Lake
Boyne City
Brooklyn
Brown City
Byron
Carson City
Charlevoix
Chatham
Chesaning
Coldwater
Corunna
Dryden
East Tawas
Farwell
Free Soil
Freeport
Grand Haven
Ishpeming
Kaleva
Kent City
Kingston
Lake Angelus
Lake Ann
Lake City
Lincoln
Litchfield
Lime Pier
Maple Rapids
Marlette
Maybee
Mayville
Middleville
Millington
Minden City
Montgomery
Negaunee
New Buffalo
North Branch
Northport
Onekama
Paw Paw
Peck
Pellston
Pentwater
Petersburg
Pigeon
Reading
Richland
Rogers City
Scottville
Sheridan
South Rockwood
Tawas City
Traverse
Tustin
Vermontville
Waldron
Yale
Zeeland

Minnesota

Adams
Albert Lea
Alden
Alvarado
Appleton
Ashby
Atwater
Audubon
Austin
Balaton
Barnesville
Barrett
Battle Lake
Beaver Bay
Beaver Creek
Benson
Bird Island
Biwabik
Blooming Prairie
Bowlus
Brookston
Brownsville
Brownton
Buhl
Burtrum
Butterfield
Caledonia
Calumet
Campbell
Chisholm
Chokio
Clarkfield
Clearwater
Cokato
Comstock
Cook
Dakota
Darwin
Dassel
Dawson
Detroit Lakes
Dexter
Dilworth
Donnelly
Doran
Dover
Dovray
East Gull Lake
Easton
Ellsworth
Elba
Elgin
Elizabeth
Ellsworth
Elysian
Fountain
Foxhome
Franklin
Frazee
Freeborn
Garrison
Geneva
Gibbon
Glenville
Gonvick
Graceville
Granada
Greenbush
Greenwald
Halstad
Hancock
Hartland
Hendrum
Holdingford
Ima
Ivanhoe
Kasota
Kiester
Kinbrae
Kinney
Lafayette
Lake Henry
Lake Park
Lake Shore
Le Sueur
Leonidas
Lester Prairie
Lindstrom
Long Prairie
Lyle
Madelia
Manchester
Mantorville
Mazeppa
Medicine Lake
Melrose
Missville
Milaca
Milroy
Montgomery
Monticello
Morristown
Morton
Myrtle
Nevis
New Market
Niclavilla
North Redwood
Ormsby
Paynesville
Pease
Pennock
Pine Island
Plummer
Preston
Princeton
Regal
Renville
Rock Creek
Roosevelt
Round Lake
Rush City
Rushmore
Russell
Silver Lake
Sleepy Eye
South Haven
South International Falls
Spring Valley
Squaw Lake
St. Charles
St. Joseph
Stephen
Stordan
Sturgeon Lake
Taconite
Taylors Falls
Thomson
Tintah
Trosky
Twin Valley
Two Harbors
Urbank
Utica
Viking
Virginia
Wahkon
Warroad
Welcome
Wendell
Wilder
Willernie
Winnebago
Winton
Wolverton
Wood Lake
Woodstock
Wright

Mississippi

Beauregard
Booneville
Calhoun City
Cleveland
Hattiesburg
Leakesville
Learned
Liberty
Louisville
Morton
Newhebron
Oxford
Satartia
Sebastopol
Silver Creek
Slate Spring
Sylarena
Tillatoba
Walthall

Missouri

Advance
Alma
Annada
Arbela
Augusta
Aullville
Auxvasse
Baker
Bertrand
Bethel
Blackburn
Blairstown
Bloomsdale
Bonne Terre
Bosworth
Brookfield
Brooklyn Heights
Cairo
Cameron
Center
Centralia
Clarkdale
Clearmont
Clifton Hill
Concordia
Corder
Cottleville
Cowgill
Crystal City
De Kalb
Dearborn
Deerfield
Drexel
Dudley
Edgar Springs
Ellington
Elmira
Farmington
Flinthill
Ford City
Forest City
Freeman
Gibbs
Gunn City
Halleville
Halltown
Hartwell
Harwood
Herculaneum
Hermann
High Hill
Iatan
Jamestown
Jasper
Kidder
Kimmswick
Laclede
Lamar Heights
Latour
Leonard
Levasy
Lincoln
Mackenzie
Mann
Maitland
Marceline
Marshall
Mandun
Merwin
Milo
Mokane
Minett
Monroe City
Monticello
Mooresville
Morrisville
Napoleon
New Franklin
New London
Northwye
Novelty
Oregon
Orrick
Parkedale
Parkville
Passaic
Perryville
Phelps City
Pleasant Hill
Pleasant Hope
Poln
Portage Des Sioux
Prathersville
Ranick
Rhineland
Richmond
Rock Port
Rosebud
Rothville
Rushville
Salisbury
Savannah
Scott City
Sedgewickville
St. Cloud
Ste Genevieve
Sturgeon
Sunrise Beach
Taos
Tarsney Lakes
Theodosia Hills
Tina
Tindall
Tipton
Tracy
Troy
Turney
Tuscumbia
Urich
Vandalia
Vanduser
Vienna
Wayland
Weatherby
Wellington
Wentworth
Westboro
Weston
Wheeling
Whitewater
Windsor
Winston
Wittenberg
Wyatt

Montana

Big Timber
Boulder
Conrad
Culbertson
Cut Bank
Dodson
Fairfield
Fairview
Fort Benton
Froid
Glasgow
Kalispell
Livingston
Malta
Moore
Nashua
Opheim
Sheridan
Valier
Virginia City
Walkerville

Nebraska

Allen
Anselmo
Atkinson
Avoca
Axtell
Barada
Bartley
Bassett
Battle Creek
Bee
Beemer
Bellwood
Bennet
Bloomfield
Bridgeport
Broken Bow
Bruning
Bruno
Byron
Cairo
Cambridge
Carroll
Center
Chapman
Chester
Clarkson
Clatonia
Colon
Cook
Cordova
Cotesfield
Creston

Crofton
Dalton
Danbury
Davenport
David City
Daykin
De Witt
Deshler
Dodge
Douglas
Duncan
Edison
Elba
Elm Creek
Elmwood
Elyria
Emerson
Endicott
Exeter
Fairfield
Fairmont
Fort Calhoun
Franklin
Friend
Fullerton
Gibbon
Giltner
Gothenburg
Gross
Gurley
Hamlet
Hampton
Hartington
Hayes Center
Hemingford
Henry
Hoskins
Inglewood
Jansen
Kearney
Kenesaw
Kennard
Kilgore
Leigh
Lindsay
Lodgepole
Loomis
Lyons
Magnet
Marquette
Maxwell
Maywood
McGrew
Meadow Grove
Merna
Melford
Milligan
Mitchell
Monroe
Moorefield

Gabbs

Alpha
Branchville
Carteret
Clayton
Corbin City
Farmingdale
Princeton

Dora
Espanola
Hope
Loving

Alden
Aurora
Bemus Point
Blasdell

Morse Bluff
Murray
Naper
Neligh
Nora
North Bend
Obert
Orchard
Ord
Oshkosh
O'Neill
Petersburg
Pickrell
Pierce
Pleasant Dale
Pleasanton
Roca
Rogers
Ruskin
Saronville
Shelton
Shickley
Sholes
Shubert
Sidney
Smithfield
South Bend
Spencer
Springview
St. Helena
Stamford
Stanton
Steele City
Stella
Stromsburg
Sutherland
Sutton
Swanton
Talmage
Tamora
Taylor
Trenton
Trumbull
Uehling
Utica
Valparaiso
Verdon
Virginia
Wahoo
Wallace
Weeping Water
Wellfleet
West Point
Wilber
Wilcox
Winslow
Wisner
Wood Lake
Wymore

Nevada

Lovelock

New Jersey

Red Bank
Rockleigh
Roosevelt
South Belmar
South River
Woodbine

New Mexico

Moriarty
Texico
Williamsburg

New York

Bloomingdale
Bracton
Caledonia
Cambridge
Cato
Cayuga
Cazenovia
Clinton
Constableville
Cooperstown
Copenhagen
Corfu
Corning
Delevan
Dering Harbor
East Bloomfield
Elba
Elmsford
Evans Mills
Fair Haven
Farmingdale
Fredonia
Gilbertsville
Grand View-On-Hudson
Hillburn
Kenmore
Liverpool
Lynbrook
Madison
Mayville
Mexico
Middleport
Millbrook
Montour Falls
Mount Kisco
Nelsonville
Newark Valley
Nyack
Oneida Castle
Otego
Phelps
Port Dickinson
Prospect
Sag Harbor
Sandy Creek
Schaghticoke
Scotia
Sherrill
Sidney
Sinclairville
Sloatsburg
Solvay
South Corning
Tonawanda
Tuckahoe
Turin
Unadilla
Union Springs
Westhampton Beach

North Carolina

Albemarle
Autryville
Bayboro
Beargrass
Brevard
Canton
Carthage
Catawba
Cherryville
Columbus
Creedmoor
Dobson
Earl
East Bend
Everetts
Falcon
Franklin
Fuquay-Varina
Goldston
Granite Quarry
Grifton
Harmony
Harrellsville
Highlands
Hookerton
Huntersville
Indian Beach
Lake Lure
Music
Mount Pleasant
Newton Grove
Oakboro
Oriental
Pantego
Pine Level
Pinebluff
Pinetops
Ramseur
Rolesville
Rose Hill
Seaboard
Seagrove
Siler City
Siss
Southern Pines
Southport
Stanley
Stem
Swansboro
Sylva
Walstonburg
Waxhaw
Webster
Wilkesboro
Woodland
Yadkinville

North Dakota

Alsen
Antler
Ardoch
Ayr
Balfour
Bantry
Belfield City
Benedict
Berwick
Lisbon
Brocket
Bucyrus
Calvin
Canton City
Carrington
Cayuga
Christine
Cleveland
Coleharbor
Conway
Davenport
Devils Lake
Dunn Center City
Dwight
Egeland
Enderlin
Epping
Fairmount
Fingal
Gackle
Galesburg
Gardner
Glen Ullin
Golden Valley City
Halliday City
Hamilton
Hannaford
Hove Mobile Park
Jamestown
Killdeer City
Knox
La Moure
Lankin
Lansford
Larson
Leal
Lisbon
Litchville
Luverne
Maddock
Mapleton
Marion
Mercer
Merricourt
Milnor
Minnewaukan
Mountain
Mylo
Nekoma
New Rockford
New Salem
Niagara
Northwood
Osnabrock
Page
Palermo
Pillsbury
Reeder
Rhame
Richardson City
Rocklake
Rugby
Sawyer
Sentinel Butte
Sharon
Sherwood
South Heart City
Stanley
Tower City
Valley Township
Ventura
Walcott
Wales
Warwick
Wildrose
Wolford
Woodworth
Wyndmere
Zap City

Ohio

Aberdeen
Adamsville
Andover
Antioch
Aquilla
Arlington
Attica
Baltic
Beaverdam
Bellevue
Bellville
Belmont
Benton Ridge
Bettsville
Blanchester
Bolivar
Bowerston
Bremen
Brice
Buckland
Burkettsville
Butlerville
Byesville
Carroll
Castalia
Cheshire
Chesterhill
Chillicothe
Chippewa-on-the-Lake
Clay Center
Clayton
College Corner
Convoy
Coshocton
Covington
Cygnet
De Graff
Deer Park
Dellroy
Donnelsville
Dresden
East Palestine
East Sparta
Edison
Fairfax
Flushing
Fort Jennings
Fort Recovery
Frazeysburg
Galena
Gilboa
Glenmont
Gnadenhutten
Gordon
Grand River
Granville
Gratis
Green Camp
Hopedale
Huntsville
Ithaca
Jacksonville
Jenera
Jeromesville
Jerusalem
Johnstown
Kenton
Kettlersville
Killbuck
Kingston
Kirkersville
Lafayette
Lancaster
Leesburg
Leesville
Lindsey
Lithopolis
Logan
London
Lore City
Malvern
Marblehead
Martins Ferry
Martinsburg
Metamora
Midvale
Miller City
Millersport
Mineral City
Monroeville
Montpelier
Moscow
Mount Blanchard
Mutual
Navarre
Nellie
New Albany
New Bavaria
New Knoxville
New Rome
New Vienna
New Washington
New Weston
Newtonsville
Ney
North Bend
North Hampton
Ocia
Ottoville
Parral
Patterson
Paulding
Pleasantville
Polk
Port Clinton
Port Washington
Powhatan Point
Prospect
Rawson
Rayland
Richwood
Rio Grande
Rising Sun
Rushsylvania

Sinking Spring
South Webster
South Zanesville
Spencer
St. Martin
Straiton
Summitville
Thurston
Van Wert
Venedocia
Washingtonville
Waynesfield
Wellington
West Manchester
Wilmington
Woodlawn
Wren
Yellow Springs
Yorkville
Zaleski

Oklahoma

Addington
Alex
Alva
Ames
Amorita
Ardmore
Arkoma
Arnett
Bernice
Bessie
Blanchard
Bluejacket
Bray
Buffalo
Calumet
Canton
Canute
Cherokee
Chickasha
Claremore
Colony
Crescent
Crowder
Cushing
Dickson
Duncan
El Reno
Elk City
Fallis
Foraker
Gage
Goltry
Hickory
Hinton
Hitchcock
Hunter
Kiefer
Leedey
Loveland
Loyal
Maysville
Medford
Millerton
Mounds
Mutual
Nardin
Okarche
Orlando
Perkins
Putnam
Renfrow
Reydon
Ringwood
Rocky
Roland
Shady Grove
Shady Point
Silo Town
South Coffeyville
Sterling
Stratford
Strong City
Tecumseh
Thomas
Tonkawa
Tribbey
Vici
Warner
West Siloam Springs
Westport
Woodville
Wynona

Oregon

Adrian
Atelope
Ashland
Astoria
Athena
Baker
Berlow
City of The Dalles
Dayton
Donald
Elkton
Hood River
Hubbard
Ione
Lostine
Mansenita
Merrill
Prairie City
Rainier
Seneca
Silverton
Spray
Summerville
Sumpter
Waterloo
Weston
Willamina
Yachats
Yamhill

Pennsylvania

Adamsburg
Adamstown
Applewold
Avalon
Barnesboro
Beaver Meadows
Beavertown
Bedford
Bendersville
Berlin
Bessemer
Biglerville
Birmingham
Blairsville
Blawnox
Braddock Hills
Bridgewater
Brisbin
Broad Top City
Brockway
Bruin
Burlington
Butler
Callery
Cambridge Springs
Canonsburg
Carmichaels
Central City
Centre Hall
Centreville
Chalfant
Chambersburg
Charleroi
Cherry Tree
Cherry Valley
Claysville
Clintonville
Cokeburg
Collegeville
Connoquenessing
Conway
Coraopolis
Corsica
Crafton
Creekside
Dallas
Darlington
Derry
Dormont
Dravosburg
Driftwood
Du Bois
Duncannon
Dunlevy
Dunmore
Dupont
Duryea
Eagles Mere
East Berlin
East Side
Eddystone
Elgin
Elizabeth
Ellport
Ernest
Evans City
Export
Fairview
Fallston
Fayette City
Foxburg
Franklin
Franklin City
Freeport
Glassport
Glen Hope
Glenolden
Goldsboro
Gratz
Greenville
Grove City
Hallam
Hayesville
Homer City
Homewood
Houston
Houtzdale
Hunker
Hyde Park
Jackson Center
Jacksonville
Jeddo
Jefferson
Jessup
Jonestown
Juniata Terrace
Karns City
Kenhorst
Laporte
Larksville
Lincoln
Little Meadows
Manor
Manorville
Marietta
Marion Heights
McEwensville
McKean
Mechanicsville
Midway
Mifflintown
Monessen
Mount Penn
Mount Pleasant
Nesquehoning
New Baltimore
New Centerville
New Eagle
New Washington
Newburg
Newry
North Apollo
North Belle Vernon
North Charleroi
North East
North York
Oil City
Oklahoma
Orrstown
Palmerton
Pen Argyl
Pennsburg
Perkasie
Petrolia
Pine Grove
Pitcairn
Port Carbon
Rainsburg
Rimersburg
Rochester
Roscoe
Royersford
Saladasburg
Sandy Lake
Sankertown
Scottdale
Seven Valleys
Sewickley
Sharpsville
Sheakleyville
Sligo
Slippery Rock
Smicksburg
Smithton
Snydertown
South Bethlehem
South Greensburg
South Philipsburg
South Williamsport
Southwest Greensburg
Springdale
St. Marys
Steelton
Sugar Grove
Sugar Notch
Sugarcreek
Summerhill
Summit Hill
Tionesta
Townville
Trafford
Trainer
Troy
Tunnelhill
Turtle Creek
Ursina
Utica
Vandling
Verona
Versailles
Waterford
Waymart
Waynesboro
West Alexander
West Mayfield
West Sunbury
West Wyoming
Wheatland
Whitaker
Williamstown
Wilson
Woodbury
Wrightsville
Yorkana
Zelienople

South Carolina

Andrews
Beaufort
Chapin
Clinton
Conway
Cordova
Easley
Hemingway
Honea Path
Jefferson
Laurens
Nichols
Pacolet
Parksville
Prosperity
Reevesville
Richburg
Ridgeway
Salem
Santee
Scotia
Smyrna
Stuckey
Waterloo
West Columbia

South Dakota

Arlington
Aurora
Beresford
Big Stone City
Bison
Bruce
Bushnell
Cavour
Central City
Chancellor
Colman
Corsica
Cottonwood
Cresbard
Dell Rapids
Dimock
Doland
Elk Point
Estelline
Fairview
Farmer
Flandreau
Florence
Gayville
Hartford
Hecla
Henry
Hudson
Humboldt
Irene
Kadoka
Kennebec
La Bolt
Leaf
Lennox
Lily
Loyalton
Millbank
Mitchell
Monroe
Mound City
Northville
Onaka
Onida
Ree Heights
Rosholt
Roswell
Salem
Sinai
Stratford
Tulare
Vilas
Volga
White Rock

Tennessee

Arlington
Blaine
Braden
Burlison
Cedar Hill
Celina
Dover
Franklin
Gadsden
Halls
Lakeland
Lexington
Linden
Lynchburg
McLemoresville
Medina
Medon
Michie
Milledgeville
Monterey
Normandy
Obion
Oliver Springs
Oneida
Piperton
Pittman Center
Rockford
Savannah
Selmer
Sevierville
Soddy-Daisy
South Carthage
Townsend
Troy
Watertown
Woodland Mills

Texas

Alice
Alvarado
Alvord
Ames
Anahuac
Anton
Aquilla
Athens
Avinger
Parry
Barstow
Bayside
Blackwell
Blanco
Bonney
Bowie
Boyd
Broaddus
Bronson
Bronte
Brownsboro
Buda
Centerville
Chico
China
Cibolo
Clarksville City
Cleveland
Coahoma
Coffee City
Coldspring
Crandall
Dell City
Dorchester
Eastland
Edom
Eldorado
Eustace
Farmersville
Follett
Forsan
Fisco
Gallatin
Gary

George West
Gholson
Gilmer
Godley
Golinda
Gordon
Grandfalls
Grayburg
Gunter
Hart
Haslet
Henrietta
Huntington
Jasper
Jewett
Johnson City
Joshua
Krum
Lake Worth
Lamesa
Lampasas
Latexo
Lavon
Lawn
Lincoln Park
Lorenzo
Lovelady
Lowery Crossing
Malakoff
Marietta
Millsap
Mustang
Nome
Odem
Onalaska
O'Brien
Parlam
Pittsburg
Pleasanton
Plum Grove
Point Blank
Ponder
Poth
Pottsboro
Poynor
Quinlan
Quintana
Rice
Rissel
Rio Vista
Riverside
Rose City
Rusk
Sadler
Sansom Park Village
Savoy
Seagraves
Sealy
Slaton
Somerset
Stratford
Surfside Beach
Sweetwater
Taft
Tahoka
Three Rivers
Tom Bean
Trent
Trinidad
Walnut Springs
Weatherford
Weimar
Weinert
West
Wharton
Winfield
Woodville

Utah

Altamont
Amalga
Bear River City
Cannonville
Clarkston
Delta
Enterprise
Fairview
Fountain Green
Garland
Helper
Henefer
Henrieville
Hinckley
Honeyville
Joseph
Junction
Katnas
Leamington
Lewiston
Linden
Lua
Manila
Marysvale
Mayfield
Millville
Nephi
Orderville
Paragonah
Perry
Plymouth
Redmond
Richfield
Springdale

Vermont

Derby Line
Hyde Park
Newfane
Readsboro
Saxtons River

Virginia

Belle Haven
Berryville
Big Stone Gap
Boyce
Clintwood
Coeburn
Eastville
Elkton
Fincastle
Floyd
Grundy
Madison
Marion
Narrows
New Market
Occoquan
Pembroke
Purcellville
Rich Creek
Rural Retreat
St. Paul
South Boston
Staunton
Stephens City
Stuart
Surry
Victoria
Warrenton
Washington

Washington

Aberdeen
Almira
Buckley
Carbonado
Chewelah
Eatonville
Endicott
Granite Falls
Harrah
Hoquiam
Kahlotus
Krupp
La Conner
La Crosse
Lamont
Langley
Leavenworth
Marcus
Millwood
Oakesdale
Okanogan
Omak
Orting
Pe Ell
Pomeroy
Ritzville
Rosalia
Ruston
Snoqualmie
South Bend
St. John
Twisp
Waitsburg
Waterville
Wilbur

West Virginia

Belle
Bolivar
Bruceton Mills
Chesapeake
Eleanor
Ellenboro
Gary
Hamlin
Harpers Ferry
Hillsboro
Jane Lew
Leon
Marmet
Mason
Middlebourne
Montgomery
Montrose
Nitro
Northfork
Oak Hill
Pineville
Point Pleasant
Quinwood
Shepherdstown
Smithers
St. Marys
Stonewood
Valley Grove
Wellsburg
West Logan
West Milford
White Sulphur Springs
Winfield

Wisconsin

Adams
Alma
Arena
Argyle
Arpin
Auburndale
Barron
Benton
Birnamwood
Black Earth
Blair
Bloomer
Boscobel
Boyd
Brandon
Bruce
Buffalo
Cadott
Cambria
Cassville
Cecil
Chaseburg
Chetek
Chilton
Clear Lake
Clyman
Cobb
Coleman
Colfax
Dane
Dorchester
Doylestown
Dresser
Eden
Egg Harbor
Eland
Eleva
Elk Mound
Elmwood
Fairwater
Fennimore
Ferryville
Fontana-on-Geneva Lake
Forestville
Fountain City
Friendship
Friesland
Genoa
Gillett
Glen Flora
Greenwood
Highland
Hillsboro
Hixton
Huntsford
Iola
Johnson Creek
Juneau
Kaukauna
Kekoskee
Kendall
Knapp
Lake Nebagamon
Lone Rock
Loyal
Lynxville
Maxonanie
Menasha
Mondovi
Montfort
Mount Calvary
Mount Sterling
Muscoda
New Lisbon
Niagara
Norwalk
Oconomowoc Lake
Oliver
Osseo
Park Falls
Pepin
Peshtigo
Pigeon Falls
Plainfield
Plum City
Poplar
Port Washigton
Prairie Du Chien
Pulaski
Redgranite
Rib Lake
Rice Lake
Rockdale
Rudolph
Scandinavia
Sheldon
Shell Lake
Shiocton
Shullsburg
Sister Bay
Solon Springs
Spring Valley
St. Naziaz
Stetsonville
Stockbridge
Sullivan
Superior
Two Rivers
Union Center
Unity
Vesper
Viola
Waldo
Waupaca
Wauzeka
Westby
Westfield
Weyauwega
Williams Bay
Woodville
Wrightstown
Wyeville
Wyocena
Yuba

Wyoming

Byron
Cokeville
Cowley
Diam
Granger
Kaycee
La Barge
Meeteetse
Midwest
Sundance
Yoder

V. The following list contains the name of towns and townships which meet the minimum standards for physical and economic distress and which are in States where towns and townships may have powers comparable to the powers of municipalities. Each town and township is not listed with places in Section II because their eligibility as cities has not been determined under the criterion of 24 CFR 570.3(e), which requires that they (1) have powers and perform functions comparable to municipalities, (2) are closely settled and (3) have corporation agreements with all incorporated places within their boundaries. Requests for waivers of the closely settled requirement from towns and townships which meet all other requirements may be waived by the Secretary on a case by case basis.

Connecticut

Inc. Putnam Town, Windham County
Sterling Town, Windham County
Winchester Town, Litchfield County
Inc. Windham Town, Windham County

Maine

Abbot Town, Piscataquis County
Addison Town, Washington County
Albion Town, Kennebec County
Alexander Town, Washington County
Allagash Town, Aroostook County
Alna Town, Lincoln County
Amity Town, Aroostook County
Andover Town, Oxford County
Anson Town, Somerset County
Appleton Town, Knox County
Ashland Town, Aroostook County
Athens Town, Somerset County
Aurora Town, Hancock County
Avon Town, Franklin County
Baileyville Town, Washington County
Baldwin Town, Cumberland County
Bancroft Town, Aroostook County
Beals Town, Washington County
Beddington Town, Washington County
Belmont Town, Waldo County
Bethel Town, Oxford County
Bingham Town, Somerset County

Blaine Town, Aroostook County
Blanchard Plantation, Piscataquis County
Blue Hill Town, Hancock County
Boothbay Harbor Town, Lincoln County
Boothbay Town, Lincoln County
Bowdoin Town, Sagadahoc County
Bradford Town, Penobscot County
Bremen Town, Lincoln County
Bridgewater Town, Aroostook County
Brighton Plantation, Somerset County
Bristol Town, Lincoln County
Brooklin Town, Hancock County
Brooks Town, Waldo County
Brooksville Town, Hancock County
Brownville Town, Piscataquis County
Buckfield Town, Oxford County
Bucksport Town, Hancock County
Burlington Town, Penobscot County
Burnham Town, Waldo County
Cambridge Town, Somerset County
Canaan Town, Somerset County
Canton Town, Oxford County
Caratunk Plantation, Somerset County
Carmel Town, Penobscot County
Carroll Plantation, Penobscot County
Carthage Town, Franklin County
Cary Plantation, Aroostook County
Castle Hill Town, Aroostook County
Caswell Plantation, Aroostook County
Charleston Town, Penobscot County
Charlotte Town, Washington County
Chelsea Town, Kennebec County
Cherryfield Town, Washington County
Chester Town, Penobscot County
Chesterville Town, Franklin County
Clifton Town, Penobscot County
Clinton Town, Kennebec County
Columbia Falls Town, Washington County
Columbia Town, Washington County
Corinna Town, Penobscot County
Corinth Town, Penobscot County
Cornish Town, York County
Cornville Town, Somerset County
Crystal Town, Aroostook County
Cutler Town, Washington County
Cyr Plantation, Aroostook County
Damariscotta Town, Lincoln County
Danforth Town, Washington County
Deer Isle Town, Hancock County
Dennysville Town, Washington County
Detroit Town, Somerset County
Dexter Town, Penobscot County
Dixmont Town, Penobscot County
Dover Foxcroft Town, Piscataquis County
Dresden Town, Lincoln County
Drew Plantation, Penobscot County
Durham Town, Androscoggin County
Dyer Brook Town, Aroostook County
East Machias Town, Washington County
Easton Town, Aroostook County
Edgecomb Town, Lincoln County
Etna Town, Penobscot County
Eustis Town, Franklin County
Exeter Town, Penobscot County
Fairfield Town, Somerset County
Farmington Town, Franklin County
Fort Fairfield Town, Aroostook County
Fort Kent Town, Aroostook County
Frankfort Town, Waldo County
Franklin Town, Hancock County
Freedom Town, Waldo County
Garland Town, Penobscot County
Gilead Town, Oxford County
Gouldsboro Town, Hancock County
Grand Isle Town, Aroostook County
Grand Lake Stream Planta, Washington County
Greenfield Town, Penobscot County
Greenville Town, Piscataquis County
Hamlin Town, Aroostook County
Hancock Town, Hancock County
Harmony Town, Somerset County
Harrington Town, Washington County
Harrison Town, Cumberland County
Hartford Town, Oxford County
Hartland Town, Somerset County
Haynesville Town, Aroostook County
Hebron Town, Oxford County
Hersey Town, Aroostook County
Highland Plantation, Somerset County
Hiram Town, Oxford County
Hodgdon Town, Aroostook County
Hollis Town, York County
Hope Town, Knox County
Houlton Town, Aroostook County
Howland Town, Penobscot County
Industry Town, Franklin County
Island Falls Town, Aroostook County
Isle Au Haut Town, Knox County
Islesboro Town, Waldo County
Jackman Town, Somerset County
Jackson Town, Waldo County
Jefferson Town, Lincoln County
Jonesboro Town, Washington County
Jonesport Town, Washington County
Kenduskeag Town, Penobscot County
Kingfield Town, Franklin County
Knox Town, Waldo County
Lagrange Town, Penobscot County
Lebanon Town, York County
Lee Town, Penobscot County
Leeds Town, Androscoggin County
Levant Town, Penobscot County
Liberty Town, Waldo County
Limington Town, York County
Lincoln Town, Penobscot County
Lincolnville Town, Waldo County
Linneus Town, Aroostook County
Lisbon Town, Androscoggin County
Littleton Town, Aroostook County
Long Island Plantation, Hancock County
Lubec Town, Washington County
Ludlow Town, Aroostook County
Machias Town, Washington County
Machiasport Town, Washington County
Macwahoc Plantation, Aroostook County
Madawaska Town, Aroostook County
Madison Town, Somerset County
Madrid Town, Franklin County
Mapleton Town, Aroostook County
Mariaville Town, Hancock County
Mars Hill Town, Aroostook County
Masardis Town, Aroostook County
Meedybemps Town, Washington County
Medford Town, Piscataquis County
Merrill Town, Aroostook County
Mexico Town, Oxford County
Milbridge Town, Washington County
Monhegan Plantation, Lincoln County
Monroe Town, Waldo County
Monson Town, Pistacaquis County
Monticello Town, Aroostook County
Montville Town, Waldo County
Moose River Town, Somerset County
Moro Plantation, Aroostook County
Moscow Town, Somerset County
Mount Chase Plantation, Penobscot County
Mount Vernon Town, Kennebec County
Naples Town, Cumberland County
New Canada Plantation, Aroostook County
New Limerick Town, Aroostook County
New Portland Town, Somerset County
New Sweden Town, Aroostook County
New Vineyard Town, Franklin County
Newcastle Town, Lincoln County
Newfield Town, York County
Newport Town, Penobscot County
Nobleborough Town, Lincoln County
Northfield Town, Washington County
Northport Town, Waldo County
Oakland Town, Kennebec County
Old Orchard Beach Town, York County
Orland Town, Hancock County
Osborn Plantation, Hancock County
Otis Town, Hancock County
Otisfield Town, Oxford County
Owls Head Town, Knox County
Oxbow Plantation, Aroostook County
Oxford Town, Oxford County
Palermo Town, Waldo County
Palmyra Town, Somerset County
Paris Town, Oxford County
Parkman Town, Piscataquis County
Parsonfield Town, York County
Patten Town, Penobscot County
Pembroke Town, Washington County
Penobscot Town, Hancock County
Perham Town, Aroostook County
Perry Town, Washington County
Phillips Town, Franklin County
Phippsburg Town, Sagadahoc County
Pittsfield Town, Somerset County
Pittston Town, Kennebec County
Pleasant Ridge Plantation, Somerset County
Plymouth Town, Penobscot County
Portage Lake Town, Aroostook County
Porter Town, Oxford County
Prentiss Plantation, Penobscot County
Princeton Town, Washington County
Prospect Town, Waldo County
Rangeley Town, Franklin County
Reed Plantation, Aroostook County
Richmond Town, Sagadahoc County
Ripley Town, Somerset County
Robbinston Town, Washington County
Rome Town, Kennebec County
Roque Bluffs Town, Washington County
Rumford Town, Oxford County
Sabattus Town, Androscoggin County
Sandy River Plantation, Franklin County
Sanford Town, York County
Sangerville Town, Piscataquis County
Searsmont Town, Waldo County
Searsport Town, Waldo County
Sebec Town, Piscataquis County
Sedgwick Town, Hancock County
Sherman Town, Aroostook County
Skowhegan Town, Somerset County
Smithfield Town, Somerset County
Smyrna Town, Aroostook County
Solon Town, Somerset County
Somerville Town, Lincoln County
South Bristol Town, Lincoln County
Southport Town, Lincoln County
Springfield Town, Penobscot County
St. Agatha Town, Aroostook County
St. Albans Town, Somerset County
St. Francis Town, Aroostook County
St. John Plantation, Aroostook County
Stacyville Town, Penobscot County
Starks Town, Somerset County
Stetson Town, Penobscot County
Steuben Town, Washington County
Stockholm Town, Aroostook County
Stockton Springs Town, Waldo County
Stoneham Town, Oxford County
Stonington Town, Hancock County
Strong Town, Franklin County

Sullivan Town, Hancock County
Sumner Town, Oxford County
Surry Town, Hancock County
Swans Island Town, Hancock County
Swanville Town, Waldo County
Talmadge Town, Washington County
Temple Town, Franklin County
The Forks Plantation, Somerset County
Thorndike Town, Waldo County
Tremont Town, Hancock County
Troy Town, Waldo County
Turner Town, Androscoggin County
Union Town, Knox County
Unity Town, Waldo County
Upton Town, Oxford County
Van Buren Town, Aroostook County
Vanceboro Town, Washington County
Vienna Town, Kennebec County
Vinalhaven Town, Knox County
Wade Town, Aroostook County
Waldo Town, Waldo County
Waldoboro Town, Lincoln County
Wales Town, Androscoggin County
Waltham Town, Hancock County
Warren Town, Knox County
Washburn Town, Aroostook County
Washington Town, Knox County
Waterford Town, Oxford County
Webster Plantation, Penobscot County
Weld Town, Franklin County
Wellington Town, Piscataquis County
Wesley Town, Washington County
West Forks Plantation, Somerset County
West Paris Town, Oxford County
Westfield Town, Aroostook County
Weston Town, Aroostook County
Westport Town, Lincoln County
Whitefield Town, Lincoln County
Whiting Town, Washington County
Whitneyville Town, Washington County
Willmantic Town, Piscataquis County
Windsor Town, Kennebec County
Winn Town, Penobscot County
Winter Harbor Town, Hancock County
Winterport Town, Waldo County
Winterville Plantation, Aroostook County
Wiscasset Town, Lincoln County
Woodland Town, Aroostook County
Woodstock Town, Oxford County

Massachusetts

Adams Town, Berkshire County
Amherst Town, Hampshire County
Athol Town, Worcester County
Ayer Town, Middlesex County
Blackstone Town, Worcester County
Brookfield Town, Worcester County
Buckland Town, Franklin County
Charlemont Town, Franklin County
Clinton Town, Worcester County
Cummington Town, Hampshire County
Fairhaven Town, Bristol County
Gay Head Town, Dukes County
Goshen Town, Hampshire County
Great Barrington Town, Berkshire County
Hancock Town, Berkshire County
Hardwick Town, Worcester County
Heath Town, Franklin County
Hull Town, Plymouth County
Huntington Town, Hampshire County
Millbury Town, Worcester County
Millville Town, Worcester County
Monroe Town, Franklin County
Montague Town, Franklin County
New Braintree Town, Worcester County
Northfield Town, Franklin County
Plainfield Town, Hampshire County
Plymouth Town, Plymouth County
Provincetown Town, Barnstable County
Rockland Town, Plymouth County
Salisbury Town, Essex County
Sandisfield Town, Berkshire County
Southbridge Town, Worcester County
Sunderland Town, Franklin County
Webster Town, Worcester County
Wendell Town, Franklin County
West Springfield Town, Hampden County
Williamsburg Town, Hampshire County

Michigan

Adams Township, Arenac County
Inc. Adams Township, Houghton County
Inc. Aetna Township, Mecosta County
Aetna Township, Missaukee County
Inc. Akron Township, Tuscola County
Albion Township, Calhoun County
Inc. Allen Township, Hillsdale County
Allendale Township, Ottawa County
Allis Township, Presque Isle County
Inc. Allouez Township, Keweenaw County
Amber Township, Mason County
Amboy Township, Hillsdale County
Antioch Township, Wexford County
Arcada Township, Gratiot County
Arcadia Township, Manistee County
Arlington Township, Van Buren County
Arthur Township, Clare County
Arvon Township, Baraga County
Au Gres Township, Arenac County
Au Sable Township, Roscommon County
Au Train Township, Alger County
Austin Township, Mecosta County
Austin Township, Sanilac County
Bainbridge Township, Berrien County
Bangor Township, Van Buren County
Bark River Township, Delta County
Barton Township, Newaygo County
Bay Mills Township, Chippewa County
Beaver Township, Newaygo County
Belvidere Township, Montcalm County
Benton Township, Berrien County
Bergland Township, Ontonagon County
Bessemer Township, Gogebic County
Bethany Township, Gratiot County
Bismarck Township, Presque Isle County
Bliss Township, Emmet County
Bloomer Township, Montcalm County
Bloomfield Township, Huron County
Bloomfield Township, Missaukee County
Inc. Bloomingdale Township, Van Buren County
Blue Lake Township, Kalkaska County
Blue Lake Township, Muskegon County
Bois Blanc Township, Mackinac County
Inc. Boon Township, Wexford County
Breen Township, Dickinson County
Brevort Township, Mackinac County
Inc. Bridgehampton Township, Sanilac County
Briley Township, Montmorency County
Inc. Brookfield Township, Huron County
Broomfield Township, Isabella County
Brown Township, Manistee County
Bruce Township, Chippewa County
Buckeye Township, Gladwin County
Buena Vista Township, Saginaw County
Burleigh Township, Iosco County
Inc. Burlington Township, Lapeer County
Burnside Township, Lapeer County
Burt Township, Alger County
Burt Township, Cheboygan County
Butler Township, Branch County
Butman Township, Gladwin County
Butterfield Township, Missaukee County
Caldwell Township, Missaukee County
California Township, Branch County
Inc. Calumet Township, Houghton County
Inc. Camden Township, Hillsdale County
Carp Lake Township, Emmet County
Inc. Case Township, Presque Isle County
Inc. Casnovia Township, Muskegon County
Cedarville Township, Menominee County
Centerville Township, Leelanau County
Inc. Central Lake Township, Antrim County
Champion Township, Marquette County
Chandler Township, Huron County
Chapin Township, Saginaw County
Chase Township, Lake County
Cherry Valley Township, Lake County
Chippewa Township, Chippewa County
Chippewa Township, Mecosta County
Churchill Township, Ogemaw County
Clam Union Township, Missaukee County
Clarendon Township, Calhoun County
Clayton Township, Arenac County
Clearwater Township, Kalkaska County
Inc. Cleon Township, Manistee County
Cleveland Township, Leelanau County
Clinton Township, Oscoda County
Clyde Township, Allegan County
Coldwater Township, Isabella County
Inc. Colfax Township, Benzie County
Colfax Township, Oceana County
Coloma Township, Berrien County
Inc. Colon Township, St. Joseph County
Inc. Columbia Township, Tuscola County
Inc. Columbia Township, Van Buren County
Columbus Township, Luce County
Inc. Constantine Township, St. Joseph County
Covert Township, Van Buren County
Covington Township, Baraga County
Cross Village Township, Emmet County
Crystal Township, Oceana County
Cumming Township, Ogemaw County
Inc. Custer Township, Mason County
Dafter Township, Chippewa County
Inc. Daggett Township, Menominee County
Inc. Day Township, Montcalm County
Inc. Decatur Township, Van Buren County
Inc. Deep River Township, Arenac County
Inc. Deerfield Township, Mecosta County
Inc. Delaware Township, Sanilac County
Denver Township, Isabella County
Inc. Denver Township, Newaygo County
Dickson Township, Manistee County
Duncan Township, Houghton County
Echo Township, Antrim County
Eckford Township, Calhoun County
Eden Township, Mason County
Inc. Elba Township, Gratiot County
Elbridge Township, Oceana County
Inc. Elk Township, Sanilac County
Inc. Ellsworth Township, Lake County
Inc. Elmwood Township, Tuscola County
Emerson Township, Gratiot County
Inc. Emmett Township, St. Clair County
Ensign Township, Delta County
Enterprise Township, Missaukee County
Erwin Township, Gogebic County
Evart Township, Osceola County
Everett Township, Newaygo County
Evergreen Township, Sanilac County
Ewing Township, Marquette County
Fairfield Township, Lenawee County
Fairfield Township, Shiawassee County
Fairhaven Township, Huron County
Ferris Township, Montcalm County

Ferry Township, Oceana County
Inc. Fife Lake Township, Grand Traverse County
Flowerfield Township, St. Joseph County
Flynn Township, Sanilac County
Inc. Fork Township, Mecosta County
Franklin Township, Clare County
Franklin Township, Houghton County
Fremont Township, Isabella County
Inc. Fremont Township, Tuscola County
Friendship Township, Emmet County
Frost Township, Clare County
Ganges Township, Allegan County
Inc. Garden Township, Delta County
Garfield Township, Kalkaska County
Garfield Township, Mackinac County
Geneva Township, Midland County
Geneva Township, Van Buren County
Germfask Township, Schoolcraft County
Gibson Township, Bay County
Inc. Gilmore Township, Benzie County
Gladwin Township, Gladwin County
Golden Township, Oceana County
Goodwell Township, Newaygo County
Gore Township, Huron County
Grant Township, Cheboygan County
Grant Township, Grand Traverse County
Grant Township, Mason County
Grant Township, Mecosta County
Grant Township, Newaygo County
Greendale Township, Midland County
Greenland Township, Ontonagon County
Greenleaf Township, Sanilac County
Greenwood Township, Wexford County
Inc. Gustin Township, Alcona County
Haight Township, Ontonagon County
Hamilton Township, Van Buren County
Hancock Township, Houghton County
Inc. Hanover Township, Wexford County
Harris Township, Menominee County
Hart Township, Oceana County
Hartford Township, Van Buren County
Hartwick Township, Osceola County
Haynes Township, Alcona County
Hebron Township, Cheboygan County
Hematite Township, Iron County
Hendricks Township, Mackinac County
Inc. Hersey Township, Osceola County
Highland Township, Osceola County
Hinton Township, Mecosta County
Holland Township, Missaukee County
Holmes Township, Menominee County
Holton Township, Muskegon County
Home Township, Newaygo County
Inc. Homestead Township, Benzie County
Horton Township, Ogemaw County
Hudson Township, Mackinac County
Hulbert Township, Chippewa County
Huron Township, Huron County
Inc. Indianfields Township, Tuscola County
Inland Township, Benzie County
Interior Township, Ontonagon County
Inwood Township, Schoolcraft County
Inc. Iron River Township, Iron County
Jasper Township, Midland County
Jefferson Township, Hillsdale County
Jordan Township, Antrim County
Joyfield Township, Benzie County
Kasson Township, Leelanau County
Keeler Township, Van Buren County
Klacking Township, Ogemaw County
Inc. La Grange Township, Cass County
LaFayette Township, Gratiot County
Lake Township, Menominee County
Lakefield Township, Luce County
Lamotte Township, Sanilac County
Inc. Lawrence Township, Van Buren County
Inc. Leavitt Township, Oceana County
Inc. Lebanon Township, Clinton County
Lee Township, Allegan County
Leonidas Township, St. Joseph County
Limestone Township, Alger County
Lincoln Township, Arenac County
Lincoln Township, Isabella County
Lincoln Township, Newaygo County
Litchfield Township, Hillsdale County
Logan Township, Mason County
Logan Township, Ogemaw County
Long Rapids Township, Alpena County
Inc. Mackinaw Township, Cheboygan County
Inc. Mancelona Township, Antrim County
Manlius Township, Allegan County
Mansfield Township, Iron County
Maple Forest Township, Crawford County
Inc. Maple Grove Township, Manistee County
Maple Ridge Township, Delta County
Maple Valley Township, Sanilac County
Marengo Township, Calhoun County
Inc. Marion Township, Osceola County
Marion Township, Saginaw County
Inc. Marion Township, Sanilac County
Marquette Township, Mackinac County
Martiny Township, Mecosta County
Inc. Mason Township, Arenac County
Inc. Mastodon Township, Iron County
Matchwood Township, Ontonagon County
Mathias Township, Alger County
Mayfield Township, Grand Traverse County
Inc. McMillan Township, Luce County
McMillan Township, Ontonagon County
Inc. Meade Township, Huron County
Inc. Mecosta Township, Mecosta County
Medina Township, Lenawee County
Melrose Township, Charlevoix County
Mentor Township, Oscoda County
Merrill Township, Newaygo County
Metz Township, Presque Isle County
Meyer Township, Menominee County
Michigamme Township, Marquette County
Middle Branch Township, Osceola County
Millbrook Township, Mecosta County
Inc. Minden Township, Sanilac County
Moffatt Township, Arenac County
Moltke Township, Presque Isle County
Montmorency Township, Montmorency County
Moorland Township, Muskegon County
Mount Forest Township, Bay County
Mueller Township, Schoolcraft County
Munro Township, Cheboygan County
Inc. Mussey Township, St. Clair County
Inc. Nadeau Township, Menominee County
Nahma Township, Delta County
Nester Township, Roscommon County
Newberg Township, Cass County
Inc. Newfield Township, Oceana County
Inc. Newkirk Township, Lake County
Noble Township, Branch County
North Shade Township, Gratiot County
Norwich Township, Missaukee County
Norwich Township, Newaygo County
Nottawa Township, Isabella County
Inc. Nottawa Township, St. Joseph County
Novesta Township, Tuscola County
Inc. Nunda Township, Cheboygan County
Inc. Oliver Township, Huron County
Inc. Ontonagon Township, Ontonagon County
Orient Township, Osceola County
Inc. Oronko Township, Berrien County
Osceola Township, Houghton County
Osceola Township, Osceola County
Oscoda Township, Iosco County
Ossineke Township, Alpena County
Otto Township, Oceana County
Inc. Paradise Township, Grand Traverse County
Paris Township, Huron County
Inc. Penn Township, Cass County
Pentland Township, Luce County
Pickford Township, Chippewa County
Pine Township, Montcalm County
Pinora Township, Lake County
Pioneer Township, Missaukee County
Inc. Pipestone Township, Berrien County
Pittsford Township, Hillsdale County
Pleasant View Township, Emmet County
Pleasanton Township, Manistee County
Inc. Port Austin Township, Huron County
Portage Township, Houghton County
Portage Township, Mackinac County
Porter Township, Midland County
Inc. Posen Township, Presque Isle County
Prairieville Township, Barry County
Pulawski Township, Presque Isle County
Quincy Township, Houghton County
Reading Township, Hillsdale County
Readmond Township, Emmet County
Redding Township, Clare County
Reeder Township, Missaukee County
Reno Township, Iosco County
Inc. Reynolds Township, Montcalm County
Inc. Richland Township, Ogemaw County
Richmond Township, Marquette County
Richmond Township, Osceola County
Inc. Ridgeway Township, Lenawee County
Riga Township, Lenawee County
Rolland Township, Isabella County
Ronald Township, Ionia County
Rose Lake Township, Osceola County
Royal Oak Township, Oakland County
Inc. Rubicon Township, Huron County
Rudyard Township, Chippewa County
Rust Township, Montmorency County
Sand Beach Township, Huron County
Sauble Township, Lake County
Inc. Schoolcraft Township, Houghton County
Seney Township, Schoolcraft County
Seville Township, Gratiot County
Inc. Shelby Township, Oceana County
Sheridan Township, Clare County
Sheridan Township, Huron County
Sheridan Township, Mason County
Sheridan Township, Mecosta County
Sheridan Township, Newaygo County
Sherman Township, Huron County
Sherman Township, Keweenaw County
Inc. Sherman Township, Mason County
Sherman Township, Osceola County
Inc. Sherwood Township, Branch County
Sigel Township, Huron County
Sodus Township, Berrien County
South Arm Township, Charlevoix County
Inc. Speaker Township, Sanilac County
Springfield Township, Kalkaska, County
Inc. Springville Township, Wexford County
St. James Township, Charlevoix County
Standish Township, Arenac County
Stannard Township, Ontonagon County
Star Township, Antrim County
Stephenson Township, Menominee County
Sugar Island Township, Chippewa County
Summit Township, Mason County
Superior Township, Chippewa County
Sweetwater Township, Lake County
Sylvan Township, Osceola County

Inc. Tekonsha Township, Calhoun County
Thompson Township, Schoolcraft County
Torch Lake Township, Houghton County
Trout Lake Township, Chippewa County
Tory Township, Newaygo County
Turin Township, Marquette County
Inc. Turner Township, Arenac County
Inc. Tyrone Township, Kent County
Inc. Union Township, Branch County
Volinia Township, Cass County
Watersmeet Township, Gogebic County
Waverly Township, Cheboygan County
Inc. Webber Township, Lake County
Weesaw Township, Berrien County
Inc. Weldon Township, Benzie County
Wellington Township, Alpena County
Wexford Township, Wexford County
Wheatland Township, Mecosta County
Wheatland Township, Sanilac County
Whitefish Township, Chippewa County
Whitney Township, Arenac County
Wilcox Township, Newaygo County
Wilson Township, Alpena County
Wilson Township, Charlevoix County
Winfield Township, Montcalm County
Inc. Winsor Township, Huron County
Winterfield Township, Clare County
Wise Township, Isabella County
Wisner Township, Tuscola County
Wright Township, Ottawa County
Yates Township, Lake County

New Hampshire

Acworth Town, Sullivan County
Albany Town, Carroll County
Alexandria Town, Grafton County
Alstead Town, Cheshire County
Ashland Town, Grafton County
Bartlett Town, Carroll County
Bath Town, Grafton County
Bradford Town, Merrimack County
Bridgewater Town, Grafton County
Campton Town, Grafton County
Canaan Town, Grafton County
Center Conway Town, Carroll County
Center Harbor Town, Belknap County
Chatham Town, Carroll County
Columbia Town, Coos County
Croydon Town, Sullivan County
Dalton Town, Coos County
Deering Town, Hillsborough County
Dorchester Town, Grafton County
Dummer Town, Coos County
Durham Town, Strafford County
Eaton Town, Carroll County
Effingham Town, Carroll County
Farmington Town, Strafford County
Franconia Town, Grafton County
Grafton Town, Grafton County
Greenfield Town, Hillsborough County
Hill Town, Merrimack County
Holderness Town, Grafton County
Lancaster Town, Coos County
Landaff Town, Grafton County
Lempster Town, Sullivan County
Lincoln Town, Grafton County
Lisbon Town, Grafton County
Littleton Town, Grafton County
Lyman Town, Grafton County
Middleton Town, Strafford Town,
Nelson Town, Cheshire County
New Hampton Town, Belknap County
Northumberland Town, Coos County
Piermont Town, Grafton County
Plymouth Town, Grafton County
Springfield Town, Sullivan County
Stark Town, Coos County
Stewartstown Town, Coos County
Stratford Town, Coos County
Troy Town, Cheshire County
Wakefield Town, Carroll County
Warner Town, Merrimack County
Warren Town, Grafton County
Wentworth Town, Grafton County
Whitefield Town, Coos County
Winchester Town, Cheshire County
Woodstock Town, Grafton County

New Jersey

Belleville Township, Essex County
Commercial Township, Cumberland County
Deerfield Township, Cumberland County
Downe Township, Cumberland County
Fairfield Township, Cumberland County
Galloway Township, Atlantic County
Greenwich Township, Cumberland County
Hillside Township, Union County
Lawrence Township, Cumberland County
Lower Alloways Creek Township, Salem County
Mannington Township, Salem County
Montclair Township, Essex County
Mount Holly Township, Burlington County
Mullica Township, Atlantic County
Neptune Township, Monmouth County
North Bergen Township, Hudson County
Oldmans Township, Salem County
Oxford Township, Warren County
Pennsauken Township, Camden County
Pittsgrove Township, Salem County
Plumsted Township, Ocean County
Pohatcong Township, Warren County
Riverside Township, Burlington County
Shrewsbury Township, Monmouth County
Washington Township, Burlington County
Weehawken Township, Hudson County
Woolwich Township, Gloucester County

New York

Inc. Adams Town, Jefferson County
Inc. Addison, Steuben County
Inc. Albion Town, Orleans County
Inc. Albion Town, Oswego County
Inc. Alexander Town, Genesee County
Inc. Alexandria Town, Jefferson County
Allen Town, Allegany County
Alma Town, Allegany County
Inc. Altamont Town, Franklin County
Altona Town, Clinton County
Amboy Town, Oswego County
Amenia Town, Dutchess County
Inc. Amsterdam Town, Montgomery County
Ancram Town, Columbia County
Inc. Andes Town, Delaware County
Inc. Andover Town, Allegany County
Inc. Angelica Town, Allegany County
Annsville Town, Oneida County
Inc. Antwerp Town, Jefferson County
Inc. Arcadia Town, Wayne County
Argyle Town, Washington County
Arietta Town, Hamilton County
Ashland Town, Greene County
Inc. Athens Town, Greene County
Attica Town, Wyoming County
Inc. Au Sable, Clinton County
Inc. Augusta Town, Oneida County
Ana Town, Oneida County
Inc. Avoca Town, Steuben County
Inc. Avon Town, Livingston County
Inc. Bainbridge Town, Chenango County
Baldwin Town, Chemung County
Bangor Town, Franklin County
Barrington Town, Yates County
Inc. Barton Town, Tidga County
Bath Town, Steuben County
Beekmantown Town, Clinton County
Belfast Town, Allegany County
Belimont Town, Franklin County
Inc. Benton Town, Yates County
Berlin Town, Rensselaer County
Bethany Town, Genesee County
Bethel Town, Sullivan County
Birdsall Town, Allegany County
Blenheim Town, Schoharie County
Inc. Bolivar Town, Allegany County
Bolton Town, Warren County
Bombay Town, Franklin County
Inc. Boonville Town, Oneida County
Bovina Town, Delaware County
Boylston Town, Oswego County
Bradford Town, Steuben County
Brandon Town, Franklin County
Inc. Brant Town, Erie County
Brasher Town, St. Lawrence County
Inc. Bridgewater Town, Oneida County
Brookfield Town, Madison County
Inc. Burke Town, Franklin County
Burlington Town, Otsego County
Inc. Burns Town, Allegany County
Inc. Butler Town, Wayne County
Cairo Town, Greene County
Inc. Cambridge Town, Washington County
Inc. Camden Town, Oneida County
Cameron Town, Steuben County
Inc. Canajoharie Town, Montgomery County
Inc. Candor Town, Tidga County
Caneadea Town, Allegany County
Inc. Canisted Town, Steuben County
Inc. Canton Town, St. Lawrence County
Carlton Town, Orleans County
Caroga Town, Fulton County
Caroline Town, Tompkins County
Inc. Carrollton Town, Cattaraugus County
In. Castile Town, Wyoming County
Inc. Centerville Town, Allegany County
Inc. Champion Town, Jefferson County
Inc. Chateaugay Town, Franklin County
Inc. Chautauqua Town, Chautauqua County
Chemung Town, Chemung County
Inc. Cherry Creek Town, Chautauqua County
Inc. Cherry Valley Town, Otsego County
Chester Town, Warren County
Inc. Chesterfield Town, Essex County
Cincinnatus Town, Cortland County
Claire Town, St. Lawrence County
Inc. Clayton Town, Jefferson County
Clifton Town, St. Lawrence County
Clinton Town, Clinton County
Clymer Town,Chautauqua County
Colchester Town, Delaware County
Cold Spring Township, Cattaraugus County
Inc. Collins Town, Erie County
Columbia Town, Herkimer County
Columbus Town, Chenango County
Conesville Town, Schoharie County
Inc. Conewango Town, Cattaraugus County
Conquest Town, Cayuga County
Constable Town, Franklin County
Copake Town, Columbia County
Inc. CorinthTown, Saratoga County
Inc. Covert Town, Seneca County
Inc. Coxsackie Town, Greene County
Inc. Croghan Town, Lewis County
Crown Point Town, Essex County
Cuyler Town, Cortland County
Dansville Town, Steuben County
Danube Town, Herkimer County

Day Town, Saratoga County
Inc. Dayton Town, Cattaraugus County
Inc. De Kalb Town, St. Lawrence County
De Peyster Town, St. Lawrence County
Inc. De Ruyter Town, Madison County
Deatur Town, Otsego County
Deerpark Town, Orange County
Delaware Town, Sullivan County
Inc. Denmark Town, Lewis County
Denning Town, Ulster County
Inc. Diana Town, Lewis County
Dickinson Town, Franklin County
Inc. Dix Town, Schuyler County
Dresden Town, Washington County
Dunkirk Town, Chautauqua County
Durham Town, Greene County
Eagle Town, Wyoming County
East Otto Town, Cattaraugus County
Inc. Easton Town, Washington County
Edmeston Town, Otsego County
Inc. Edwards Town, St. Lawrence County
Elizabethtown Town, Essex County
Ellenburg Town, Clinton County
Inc. Ellicottville Town, Cattaraugus County
Ellington Town, Chautauqua County
Inc. Ellisburg Town, Jefferson County
Enfield Town, Tompkins County
Ephratah Town, Fulton County
Erin Town, Chemung County
Esopus Town, Ulster County
Essex Town, Essex County
Exeter Town, Otsego County
Inc. Fairfield Town, Herkimer County
Inc. Fallsburg Town, Sullivan County
Farmersville Town, Cattaraugus County
Fenner Town, Madison County
Fine Town, St. Lawrence County
Florence Town, Oneida County
Fort Covington Town, Franklin County
Inc. Fort Edward Town, Washington County
Fowler Town, St. Lawrence County
Inc. Frankfort Town, Herkimer County
Inc. Franklin Town, Delaware County
Franklin Town, Franklin County
Inc. Franklinville Town, Cattaraugus County
Freetown Town, Cortland County
Fremont Town, Steuben County
Fremont Town, Sullivan County
French Creek Town, Chautauqua County
Friendship Town, Allegany County
Fulton Town, Schoharie County
Inc. Gainesville Town, Wyoming County
Inc. Galen Town, Wayne County
Genesee Falls Town, Wyoming County
Genesee Town, Allegany County
Genoa Town, Cayuga County
Georgetown Town, Madison County
Inc. German Flatts Town, Herkimer County
German Town, Chenango County
Gilboa Town, Schoharie County
Inc. Gouverneur Town, St. Lawrence County
Granger Town, Allegany County
Inc. Granville Town, Washington County
Inc. Green Island Town, Albany County
Greenfield Town, Saratoga County
Inc. Greenwich Town, Washington County
Greenwood Town, Steuben County
Greig Town, Lewis County
Grove Town, Allegany County
Groveland Town, Livingston County
Guilford Town, Chenango County
Hadley Town, Saratoga County
Hague Town, Warren County
Halcott Town, Greene County
Hamden Town, Delaware County
Inc. Hamilton Town, Madison County
Inc. Hammond Town, St. Lawrence County
Inc. Hancock Town, Delaware County
Inc. Hannibal Town, Oswego County
Inc. Hanover Town, Chautauqua County
Hardenbergh Town, Ulster County
Harford Town, Cortland County
Inc. Harmony Town, Chautauqua County
Inc. Harpersfield Town, Delaware County
Inc. Harrietstown Town, Franklin County
Harrisburg Town, Lewis County
Hartford Town, Washington County
Inc. Hartland Town, Niagara County
Hartsville Town, Steuben County
Hartwick Town, Otsego County
Hebron Town, Washington County
Henderson Town, Jefferson County
Inc. Herkimer Town, Herkimer County
Inc. Hermon Town, St. Lawrence County
Highland Town, Sullivan County
Hinsdale Town, Cattaraugus County
Hopkinton Town, St. Lawrence County
Horicon Town, Warren County
Hornby Town, Steuben County
Inc. Horseheads Town, Chemung County
Inc. Hounsfield Town, Jefferson County
Howard Town, Steuben County
Inc. Hume Town, Allegany County
Humphrey Town, Cattaraugus County
Inc. Hunter Town, Greene County
Independence Town, Allegany County
Ischua Town, Cattaraugus County
Italy Town, Yates County
Jasper Town, Steuben County
Jay Town, Essex County
Jefferson Town, Schoharie County
Inc. Jerusalem Town, Yates County
Johnsburg Town, Warren County
Junius Town, Seneca County
Inc. Kingsbury Town, Washington County
Kortright Town, Delaware County
Inc. Lake George Town, Warren County
Lake Luzerne Town, Warren County
Inc. Lake Pleasant Town, Hamilton County
Lawrence Town, St. Lawrence County
Inc. Le Roy Town, Genesee County
Lebanon Town, Madison, County
Inc. Lenox Town, Madison County
Leon Town, Cattaraugus County
Lewis Town, Essex County
Lewis Town, County
Inc. Leyden Town, Lewis County
Inc. Liberty Town, Sullivan County
Lincklaen Town, Chenango County
Lisbon Town, St. Lawrence County
Inc. Lisle Town, Broome County
Little Falls Town, Herkimer County
Inc. Little Valley Town, Cattaraugus County
Inc. Lodi Town, Seneca County
Long Lake Town, Hamilton County
Lorraine Town, Jefferson County
Inc. Lowville Town, Lewis County
Inc. Lyme Town, Jefferson County
Lyndon Town, Cattaraugus County
Inc. Lyons Town, Wayne County
Macomb Town, St. Lawrence County
Inc. Madison Town, Madison County
Madrid Town, St. Lawrence County
Inc. Malone Town, Franklin County
Inc. Mamakating Town, Sullivan County
Inc. Manheim Town, Herkimer County
Mansfield Town, Cattaraugus County
Inc. Marshall Town, Oneida County
Martinsburg Town, Lewis County
Inc. Maryland Town, Otsego County
Masonville Town, Delaware County
Inc. Massena Town, St. Lawrence County
McDonough Town, Chenango County
Inc. Mentz Town, Cayuga County
Meredith Town, Delaware County
Inc. Mexico Town, Oswego County
Inc. Middletown Town, Delaware County
Milan Town, Dutchess County
Inc. Milo Town, Yates County
Inc. Minden Town, Montgomery County
Minerva Town, Essex County
Inc. Mohawk Town, Montgomery County
Inc. Moira Town, Franklin County
Montague Town, Lewis County
Montezuma Town, Cayuga County
Inc. Mooers Town, Clinton County
Inc. Moravia Town, Cayuga County
Inc. Moriah Town, Essex County
Inc. Morristown Town, St. Lawrence County
Inc. Mount Morris Town, Livingston County
Napoli Town, Cattaraugus County
Inc. New Berlin Town, Chenango County
Inc. New Brehem Town, Lewis County
New Lisbon Town, Otsego County
Inc. New Paltz Town, Ulster County
Inc. Norfolk Town, St. Lawrence County
Inc. North Collins Town, Erie County
Inc. North Dansville Town, Livingston County
North Harmony Town, Chautauqua County
North Hudson Town, Essex County
Inc. Northampton Town, Fulton County
Norway Town, Herkimer County
Inc. Oakfield Town, Genesee County
Ohio Town, Herkimer County
Olean Town, Cattaraugus County
Inc. Oppenheim Town, Fulton County
Orange Town, Schuyler County
Orleans Town, Jefferson County
Orwell Town, Oswego County
Inc. Oswegatchie Town, St. Lawrence County
Otselic Town, Chenango County
Inc. Ovid Town, Seneca County
Inc. Paris Town, Oneida County
Parishville Town, St. Lawrence County
Inc. Perry Town, Wyoming County
Inc. Perrysburg Town, Cattaraugus County
Inc. Persia Town, Cattaraugus County
Inc. Philadelphia Town, Jefferson County
Piercefield Town, St. Lawrence County
Pierrepont Town, St. Lawrence County
Inc. Pike Town, Wyoming County
Pinckney Town, Lewis County
Pitcairn Town, St. Lawrence County
Pitcher Town, Chenango County
Pittsfield Town, Otsego County
Plainfield Town, Otsego County
Plymouth Town, Chenango County
Inc. Portland Town, Chautauqua County
Inc. Potsdam Town, St. Lawrence County
Inc. Potter Town, Yates County
Prattsburg Town, Steuben County
Prattsville Town, Greene County
Preston Town, Chenango County
Providence Town, Saratoga County
Pulteney Town, Steuben County
Putnam Town, Washington County
Inc. Randolph Town, Cattaraugus County
Rathbone Town, Steuben County
Red House Town, Cattaraugus County
Redfield Town, Oswego County
Inc. Remsen Town, Oneida County
Rensselaerville Town, Albany County
Inc. Richfield Town, Otsego County
Richford Town, Tioga County
Inc. Richland Town, Oswego County
Inc. Richmondville Town, Schoharie County
Inc. Ridgeway Town, Orleans County

Rochester Town, Ulster County
Rockland Town, Sullivan County
Rodman Town, Jefferson County
Rose Town, Wayne County
Roseboom Town, Otsego County
Rossie Town, St. Lawrence County
Roxbury Town, Delaware County
Rushford Town, Allegany County
Russell Town, St. Lawrence County
Inc. Russia Town, Herkimer County
Inc. Salem Town, Washington County
Salisbury Town, Herkimer County
Inc. Sandy Creek Town, Oswego County
Inc. Sangerfield Town, Oneida County
Savannah Town, Wayne County
Inc. Schoharie Town, Schoharie County
Schroon Town, Essex County
Schuyler Falls Town, Clinton County
Sempronius Town, Cayuga County
Inc. Seneca Falls Town, Seneca County
Seneca Town, Ontario County
Sennett Town, Cayuga County
Seward Town, Schoharie County
Inc. Shandaken Town, Ulster County
Inc. Sharon Town, Schoharie County
Shawangunk Town, Ulster County
Inc. Shelby Town, Orleans County
Inc. Sherburne Town, Chenango County
Inc. Sherman Town, Chautauqua County
Inc. Sidney Town, Delaware County
Smithfield Town, Madison County
Inc. Smyrna Town, Chenango County
Inc. Sodus Town, Wayne County
Solon Town, Cortland County
Southport Town, Chemung County
Inc. Spencer Town, Tioga County
Springfield Town, Otsego County
St. Johnsville Town, Montgomery County
Inc. Stamford Town, Delaware County
Stark Town, Herkimer County
Stephentown Town, Rensselaer County
Inc. Sterling Town, Cayuga County
Steuben Town, Oneida County
Inc. Stockbridge Town, Madison County
Inc. Stockton Town, Chautauqua County
Stony Creek Town, Warren County
Stratford Town, Fulton County
Summerhill Town, Cayuga County
Summit Town, Schoharie County
Inc. Sweden Town, Monroe County
Taghkanic Town, Columbia County
Taylor Town, Cortland County
Inc. Theresa Town, Jefferson County
Inc. Thompson Town, Sullivan County
Thurman Town, Warren County
Inc. Ticonderoga Town, Essex County
Inc. Trenton Town, Oneida County
Troupsburg Town, Steuben County
Truxton Town, Cortland County
Inc. Turin Town, Lewis County
Tuscarora Town, Steuben County
Tyrone Town, Schuyler County
Inc. Van Etten Town, Chemung County
Venice Town, Cayuga County
Victory Town, Cayuga County
Inc. Vienna Town, Oneida County
Virgil Town, Cortland County
Inc. Waddington Town, St. Lawrence County
Inc. Walton Town, Delaware County
Warren Town, Herkimer County
Warrensburg Town, Warren County
Inc. Waterloo Town, Seneca County
Watertown Town, Jefferson County
Waverly Town, Franklin County
Inc. Wawarsing Town, Ulster County
Wayne Town, Steuben County
Wells Town, Hamilton County
Inc. Wellsville Town, Allegany County
West Almond Town, Allegany County
West Sparta Town, Livingston County
Inc. West Turin Town, Lewis County
West Union Town, Steuben County
Western Town, Oneida County
Inc. Westfield Town, Chautauqua County
Westford Town, Otsego County
Inc. Westport Town, Essex County
Westville Town, Franklin County
Wethersfield Town, Wyoming County
Wheeler Town, Steuben County
Inc. Whitehall Town, Washington County
Willet Town, Cortland County
Williamstown Town, Oswego County
Willing Town, Allegany County
Inc. Wilna Town, Jefferson County
Inc. Wirt Town, Allegany County
Inc. Wolcott Town, Wayne County
Inc. Woodhull Town, Steuben County
Worcester Town, Otsego County
Worth Town, Jefferson County

Pennsylvania

Abbott Township, Potter County
Addison Township, Somerset County
Albany Township, Bradford County
Aleppo Township, Greene County
Allegheny Township, Potter County
Allegheny Township, Butler County
Allegheny Township, Cambria County
Allegheny Township, Somerset County
Allegheny Township, Venango County
Annin Township, McKean County
Anthony Township, Lycoming County
Apolacon Township, Susquehanna County
Ararat Township, Susquehanna County
Armagh Township, Mifflin County
Armstrong Township, Lycoming County
Athens Township, Crawford County
Auburn Township, Susquehanna County
Banks Township, Carbon County
Banks Township, Indiana County
Barnett Township, Forest County
Barnett Township, Jefferson County
Barr Township, Cambria County
Bart Township, Lancaster County
Bastress Township, Lycoming County
Beaver Township, Clarion County
Beaver Township, Crawford County
Beaver Township, Jefferson County
Beaver Township, Synder County
Beccaria Township, Clearfield County
Bedford Township, Bedford County
Belfast Township, Fulton County
Benezette Township, Elk County
Benton Township, Columbia County
Berlin Township, Wayne County
Bethel Township, Fulton County
Bigler Township, Clearfield County
Bingham Township, Potter County
Black Township, Somerset County
Blaine Township, Washington County
Boggs Township, Clearfield County
Brady Township, Clearfield County
Brady Township, Huntingdon County
Bradys Bend Township, Armstrong County
Bratton Township, Mifflin County
Brecknock Township, Lancaster County
Broad Top Township, Bedford County
Brookfield Township, Tioga County
Brooklyn Township, Susquehanna County
Brush Creek Township, Fulton County
Buckingham Township, Wayne County
Buffington Township, Indiana County
Burlington Township, Bradford County
Burrell Township, Armstrong County
Burrell Township, Indiana County
Butler Township, Luzrne County
Cambridge Township, Crawford County
Canaan Township, Wayne County
Canoe Township, Indiana County
Canton Township, Bradford County
Carbon Township, Huntingdon County
Casade Township, Lycoming County
Cass Township, Huntingdon County
Cass Township, Schuylkill County
Castanea Township, Clinton County
Center Township, Greene County
Center Township, Synder County
Ceres Township, McKean County
Chapman Township, Synder County
Chatham Township, Tioga County
Cherryhill Township, Indiana County
Clay Township, Huntingdon County
Clearfield Township, Cambria County
Clinton Township, Wyoming County
Clover Township, Jefferson County
Clymer Township, Tioga County
Coal Township, Northumberland County
Cogan House Township, Lycoming County
Colebrook Township, Clinton County
Colerain Township, Lancaster County
Colley Township, Sullivan County
Columbia Township, Bradford County
Conyngham Township, Luzerne County
Covington Township, Tioga County
Cowanshannock Township, Armstong County
Cromwell Township, Huntingdon County
Croyle Township, Cambria County
Cumberland Valley Township, Bedford County
Cummings Township, Lycoming County
Curtin Township, Centre County
Damascus Township, Wayne County
Davidson Township, Sullivan County
Dean Township, Cambria County
Deerfield Township, Tioga County
Delaware Township, Juniata County
Derry Township, Montour County
Dimock Township, Susquehanna County
Dreher Township, Wayne County
Dublin Township, Huntingdon County
Dunbar Township, Fayette County
Duncan Township, Tioga County
Dyberry Township, Wayne County
Earl Township, Lancaster County
East Bethlehem Township, Washington County
East Cameron Township, Northumberland County
East Fallowfield Township, Crawford County
East Finley Township, Washington County
East Mahoning Township, Indiana County
East Norwegian Township, Schuylkill County
East Nottingham Township, Chester County
East Providence Township, Bedford County
East St. Clair Township, Bedford County
East Taylor Township, Cambria County
East Vincent Township, Chester County
Eden Township, Lancaster County
Elder Township, Cambria County
Eldred Township, Warren County
Elk Creek Township, Erie County
Elk Lick Township, Somerset County
Elk Township, Tioga County
Elkland Township, Sullivan County
Elkland Township, Tioga County
Fairhope Township, Somerset County

Fairmont Township, Luzerne County
Falls Township, Wyoming County
Fannett Township, Franklin County
Farmington Township, Tioga County
Fawn Township, York County
Fishing Creek Township, Columbia County
Forks Township, Sullivan County
Foster Township, Schuylkill County
Franklin Township, Bradford County
Franklin Township, Columbia County
Franklin Township, Fayette County
Franklin Township, Huntingdon County
Franklin Township, Lycoming County
Franklin Township, Susquehanna County
Freedom Township, Adams County
Freehold Township, Warren County
Freeport Township, Greene County
Fulton Township, Lancaster County
Gaines Township, Tioga County
Gallitzin Township, Cambria County
Genesee Township, Potter County
Georges Township, Fayette County
German Township, Fayette County
Gibson Township, Susquehanna County
Gilmore Township, Greene County
Girard Township, Clearfield County
Goshen Township, Clearfield County
Grant Township, Indiana County
Granville Township, Bradford County
Gray Township, Greene County
Green Township, Indiana County
Greene Township, Clinton County
Greene Township, Greene County
Greenfield Township, Blair County
Greenville Township, Somerset County
Greenwood Township, Clearfield County
Greenwood Township, Columbia County
Greenwood Township, Crawford County
Greenwood Township, Juniata County
Gregg Township, Centre County
Grove Township, Cameron County
Gulich Township, Clearfield County
Haines Township, Centre County
Hamilton Township, McKean County
Hamilton Township, Tioga County
Hamlin Township, McKean County
Harford Township, Susquehanna County
Harmony Township, Susquehanna County
harrison Township, Bedford County
Harrison Township, Potter County
Hebron Township, Potter County
Hector Township, Potter County
Henderson Township, Jefferson County
Henry Clay Township, Fayette County
Herrick Township, Bradford County
Hickory Township, Forest County
Highland Township, Chester County
Highland Township, Clarion County
Highland Township, Elk County
Hopewell Township, Bedford County
Hopewell Township, Cumberland County
Hopewell Township, Huntingdon County
Hubley Township, Schuylkill County
Huston Township, Blair County
Huston Township, Centre County
Jackson Township, Columbia County
Jackson Township, Greene County
Jackson Township, Perry County
Jackson Township, Susquehanna County
Jackson Township, Tioga County
Jackson Township, Venango County
Jefferson Township, Lackawanna County
Jenks Township, Forest County
Jordan Township, Clearfield County
Jordan Township, Lycoming County
Juniata Township, Bedford County
Juniata Township, Huntingdon County
Karthaus Township, Clearfield County
Kimmel Township, Bedford County
King Township, Bedford County
Kingsley Township, Forest County
Knox Township, Clearfield County
Lack Township, Juniata County
Lackawannock Township, Mercer County
Lake Township, Luzerne County
Lake Township, Mercer County
Lamar Township, Clinton County
Larimer Township, Somerset County
Lathrop Township, Susquehanna County
Lawrence Township, Tioga County
Le Boeuf Township, Erie County
Leacock Township, Lancaster County
Lebanon Township, Wayne County
Lehigh Township, Lackawanna County
Lehman Township, Luzerne County
Lemon Township, Wyoming County
Lenox Township, Susquehanna County
Leroy Township, Bradford County
Lewis Township, Lycoming County
Lewis Township, Union County
Liberty Township, Mckean County
Liberty Township, Susquehanna County
Liberty Township, Tioga County
Licking Creek Township, Fulton County
Licking Township, Clarion County
Limerick Township, Montgomery County
Limestone Township, Union County
Lincoln Township, Bedford County
Litchfield Township, Bradford County
Little Beaver Township, Lawrence County
Little Britain Township, Lancaster County
Logan Township, Huntingdon County
Londonderry Township, Bedford County
Lower Augusta Township, Northumberland County
Lower Chichester Township, Delaware County
Lower Turkeyfoot Township, Somerset County
Lower Yoder Township, Cambria County
Lumber Township, Cameron County
Luzerne Township, Fayette County
Madison Township, Clarion County
Madison Township, Lackawanna County
Mahandy Township, Schuylkill County
Mahoning Township, Lawrence County
Manchester Township, Wayne County
Mann Township, Bedford County
Marion Township, Butler County
Marion Township, Centre County
McCalmont Township, Jefferson County
McHenry Township, Lycoming County
McIntyre Township, Lycoming County
McNett Township, Lycoming County
Mehoopany Township, Wyoming County
Menallen Township, Fayette County
Menno Township, Mifflin County
Metal Township, Franklin County
Middlebury Township, Tioga County
Middletown Township, Susquehanna County
Miles Township, Centre County
Mill Creek Township, Mercer County
Mill Creek Township, Lebanon County
Miller Township, Perry County
Millstone Township, Elk County
Monongahela Township, Greene County
Monroe Township, Bedford County
Monroe Township, Bradford County
Monroe Township, Wyoming County
Montgomery Township, Indiana County
Morris Township, Greene County
Morris Township, Huntingdon County
Morris Township, Tioga County
Mount Carmel Township, Northumberland County
Mount Pleasant Township, Wayne County
Napier Township, Bedford County
Nelson Township, Tioga County
Nescopeck Township, Luzerne County
New Castle Township, Schuylkill County
Newport Township, Luzerne County
Nicholson Township, Fayette County
Nicholson Township, Wyoming County
North Mahoning Township, Indiana County
North Union Township, Schuylkill County
Northeast Madison Township, Perry County
Norwich Township, Mckean County
Oakland Township, Susquehanna County
Oliver Township, Mifflin County
Oregon Township, Wayne County
Orwell Township, Bradford County
Osceola Township, Tioga County
Oswayo Township, Potter County
Otto Township, McKean County
Overton Township, Bradford County
Paradise Township, Lancaster County
Penn Township, Huntingdon County
Perry Township, Clarion County
Perry Township, Snyder County
Piatt Township, Lycoming County
Pike Township, Bradford County
Pike Township, Potter County
Pine Township, Armstrong County
Pine Township, Columbia County
Pine Township, Indiana County
Pine Township, Lycoming County
Pittsfield Township, Warren County
Plains Township, Luzerne County
Pleasant Valley Township, Potter County
Plymouth Township, Luzerne County
Polk Township, Jefferson County
Porter Township, Jefferson County
Preston Township, Wayne County
Pulaski Township, Beaver County
Rayburn Township, Armstrong County
Putnam Township, Tioga County
Reade Township, Cambria County
Redbank Township, Armstrong County
Redstone Township, Fayette County
Reilly Township, Schuylkill County
Rice Township, Luzerne County
Richhill Township, Greene County
Richland Township, Clarion County
Richmond Township, Tioga County
Ridgebury Township, Bradford County
Rockdale Township, Crawford County
Rome Township, Bradford County
Rome Township, Crawford County
Ross Township, Luzerne County
Roulette Township, Potter County
Rush Township, Susquehanna County
Rutland Township, Tioga County
Sadsbury Township, Lancaster County
Salem Township, Clarion County
Salem Township, Wayne County
Salisbury Township, Lancaster County
Saltlick Township, Fayette County
Saville Township, Perry County
Schuylkill Township, Schuylkill County
Scott Township, Wayne County
Scrubgrass Township, Venango County
Shade Township, Somerset County
Shamokin Township, Northumberland County
Sharon Township, Potter County
Shippen Township, Tioga County
Shirley Township, Huntingdon County

Shrewsbury Township, Sullivan County
Smith Township, Washington County
Smithfield Township, Bradford County
Smithfield Township, Huntingdon County
South Creek Township, Bradford County
South Versailles Township, Allegheny County
South Woodbury Township, Bedford County
Southampton Township, Bedford County
Southampton Township, Somerset County
Southwest Township, Warren County
Sparta Township, Crawford County
Spring Township, Snyder County
Springfield Township, Bradford County
Springfield Township, Erie County
Springfield Township, Fayette County
Springhill Township, Fayette County
Springhill Township, Greene County
Springville Township, Susquehanna County
Spruce Hill Township, Juniata County
Standing Stone Township, Bradford County
Sterling Township, Wayne County
Steuben Township, Crawford County
Stevens Township, Bradford County
Stewart Township, Fayette County
Stonycreek Township, Somerset County
Stowe Township, Allegheny County
Sullivan Township, Tioga County
Summit Township, Somerset County
Susquehanna Township, Cambria County
Susquehanna Township, Juniata County
Sylvania Township, Potter County
Taylor Township, Fulton County
Tell Township, Huntingdon County
Terry Township, Bradford County
Thompson Township, Fulton County
Thompson Township, Susequehanna County
Tinicum Township, Delaware County
Tioga Township, Tioga County
Tionesta Township, Forest County
Toboyne Township, Perry County
Toby Township, Clarion County
Tod Township, Huntingdon County
Todd Township, Fulton County
Towanda Township, Bradford County
Tremont Township, Schuylkill County
Troy Township, Bradford County
Turbett Township, Juniata County
Tuscarora Township, Bradford County
Tuscarora Township, Juniata County
Ulysses Township, Potter County
Union Township, Clearfield County
Union Township, Fulton County
Union Township, Mifflin County
Union Township, Snyder County
Union Township, Tioga County
Union Township, Union County
Upper Mahantonga Township, Schuylkill County
Upper Mifflin Township, Cumberland County
Upper Turkeyfoot Township, Somerset County
Upper Tyrone Township, Fayette County
Venango Township, Butler County
Walker Township, Juniata County
Warren Township, Bradford County
Warren Township, Franklin County
Washington Township, Clarion County
Washington Township, Greene County
Washington Township, Snyder County
Wayne Township, Armstrong County
Wayne Township, Greene County
Wayne Township, Lawrence County
Wayne Township, Mifflin County
Wells Township, Bradford County
Wells Township, Fulton County
West Beaver Township, Snyder County
West Bethlehem Township, Washington County
West Buffalo Township, Union County
West Carroll Township, Cambria County
West Finley Township, Washington County
West Keating Township, Clinton County
West Lebanon Township, Lebanon County
West Mahandy Township, Schuylkill County
West Mahoning Township, Indiana County
West Perry Township, Snyder County
West Providence Township, Bedford County
West Taylor Township, Cambria County
Westfield Township, Tioga County
Wharton Township, Fayette County
Wharton Township, Potter County
White Township, Cambria County
Whiteley Township, Greene County
Wilmington Township, Mercer County
Wilmot Township, Bradford County
Windham Township, Bradford County
Windham Township, Wyoming County
Wood Township, Huntingdon County
Woodbury Township, Bedford County
Woodbury Township, Blair County
Wyalusing Township, Bradford County
Zerbe Township, Northumberland County

Rhode Island

New Shoreham Town, Washington County
Warren Town, Bristol County
West Warwick Town, Kent County

Vermont

Addison Town, Addison County
Inc. Albany Town, Orleans County
Inc. Alburg Town, Grand Isle County
Andover Town, Windsor County
Athens Town, Windham County
Bakersfield Town, Franklin County
Barnet Town, Caledonia County
Inc. Barton Town, Orleans County
Belvidere Town, Lamoille County
Benson Town, Rutland County
Berkshire Town, Franklin County
Bethel Town, Windsor County
Bloomfield Town, Essex County
Braintree Town, Orange County
Brattleboro Town, Windham County
Bridport Town, Addison County
Brighton Town, Essex County
Inc. Bristol Town, Addison County
Brownington Town, Orleans County
Inc. Burke Town, Caledonia County
Inc. Cabot Town, Washington County
Inc. Cambridge Town, Lamoille County
Canaan Town, Exxes County
Charleston Town, Orleans County
Chelsea Town, Orange County
Corinth Town, Orange County
Coventry Town, Orleans County
Craftsbury Town, Orleans County
Danby Town, Rutland County
Danville Town, Calendonia County
Inc. Derby Town, Orleans County
Duxbury Town, Washington County
East Haven Town, Essex County
Eden Town, Lamoille County
Inc. Enosburg Town, Franklin County
Fair Haven Town, Rutland County
Fairfield Town, Franklin County
Fairlee Town, Orange County
Fletcher Town, Franklin County
Franklin Town, Franklin County
Glover Town, Orleans County
Granby Town, Essex County
Greensboro Town, Orleans County
Groton Town, Caledonia County
Guildhall Town, Essex County
Halifax Town, Windham County
Inc. Hardwick Town, Caledonia County
Highgate Town, Franklin County
Holland Town, Orleans County
Hubbardton Town, Rutland County
Inc. Hyde Park Town, Lamoille County
Ira Town, Rutland County
Irasburg Town, Orleans County
Jamaica Town, Windham County
Inc. Johnson Town, Lamoille County
Leicester Town, Addison County
Lincoln Town, Addison County
Lowell Town, Orleans County
Inc. Ludlow Town, Windsor County
Lunenburg Town, Essex County
Inc. Lyndon Town, Caledonia County
Maidstone Town, Essex County
Inc. Marshfield Town, Washington County
Montgomery Town, Franklin County
Morgan Town, Orleans County
Inc. Morristown Town, Lamoille County
Newark Town, Caledonia County
Newport Town, Orleans County
Norton Town, Essex County
Orange Town, Orange County
Orwell Town, Addison County
Pawlet Town, Rutland County
Peacham Town, Caledonia County
Inc. Plainfield Town, Washington County
Plymouth Town, Windsor County
Inc. Poultney Town, Rutland County
Putney Town, Windham County
Reading Town, Windsor County
Inc. Richford Town, Franklin County
Rochester Town, Windsor County
Inc. Rockingham Town, Windham County
Roxbury Town, Washington County
Royalton Town, Windsor County
Ryegate Town, Caledonia County
Sharon Town, Windsor County
Sheffield Town, Caledonia County
Sheldon Town, Franklin County
St. Johnsbury Town, Caledonia County
Starksboro Town, Addison County
Inc. Stowe Town, Lamoille County
Strafford Town, Orange County
Sudbury Town, Rutland County
Sutton Town, Caledonia County
Inc. Swanton Town, Franklin County
Thetford Town, Orange County
Topsham Town, Orange County
Townshend Town, Windham County
Inc. Troy Town, Orleans County
Tunbridge Town, Orange County
Vershire Town, Orange County
Victory Town, Essex County
Walden Town, Caledonia County
Waltham Town, Addison County
Wardsboro Town, Windham County
Washington Town, Orange County
Inc. Waterbury Town, Washington County
Waterville Town, Lamoille County
Wells Town, Rutland County
West Fairlee Town, Orange County
West Rutland Town, Rutland County
Westfield Town, Orleans County
Inc. Westminister Town, Windham County
Westmore Town, Orleans County
Weybridge Town, Addison County
Wheelock Town, Caledonia County
Inc. Whitingham Town, Windham County
Williamstown Town, Orange County

Windsor Town, Windsor County
Wolcott Town, Lamoille County
Woodbury Town, Washington County
Woodford Town, Bennington County
Worcester, Washington County

Puerto Rico

Adjuntas Municipio
Aguada Municipio
Aguas Buenas Municipio
Aibonito Municipio
Anasco Municipio
Arroyo Municipio
Barceloneta Municipio
Barranquitas Municipio
Cabo Rojo Municipio
Camuy Municipio
Canovanas Municipio
Catano Municipio
Cayey Municipio
Ceiba Municipio
Ciales Municipio
Cidra Municipio
Coama Municipio
Comerio Municipio
Corozal Municipio
Culebra Municipio
Dorado Municipio
Fajardo Municipio
Florida Municipio
Guanica Municipio
Guayama Municipio
Guayanilla Municipio
Gurabo Municipio
Hatillo Municipio
Hormigueros Municipio
Humacao Municipio
Isabela Municipio
Jayuya Municipio
Juana Diaz Municipio
Juncos Municipio
Lajas Municipio
Lares Municipio
Las Marias Municipio
Las Piedras Municipio
Loiza Municipio
Luquillo Municipio
Manati Municipio
Maricao Municipio
Maunabo Municipio
Moca Municipio
Morovis Municipio
Naguabo Municipio
Naranjito Municipio
Orocovis Municipio
Patillas Municipio
Penuelas Municipio
Quebradillas Municipio
Rincon Municipio
Rio Grande Municipio
Sabana Grande Municipio
Salinas Municipio
San German Municipio
San Lorenzo Municipio
San Sebastian Municipio
Santa Isabel Municipio
Toa Alta Municipio
Utuado Municipio
Vega Alta Municipio
Vega Baja Municipio
Vieques Municipio
Villalba Municipio
Yabucoa Municipio
Yauco Municipio

Dated: February 23, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 83-4013 Filed 2-28-83; 8:45 am]

BILLING CODE 4210-29-M

federal register

Tuesday
March 1, 1983

Part VI

Department of the Interior

Fish and Wildlife Service

Peregrine Falcons in North America; Proposed Reclassification; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Proposed Reclassification of the Peregrine Falcons in North America

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to reclassify from Endangered to Threatened the Arctic peregrine falcon (*Falco Peregrinus tundrius*). The Service finds that sufficient evidence has been gathered over the past several years warranting a proposal to make these changes. The Service also proposes to clarify the status of the American peregrine falcon (*Falco peregrinus anatum*) in some areas of its range. Any other free-flying peregrine falcon within the coterminous 48 States would also be protected from illegal take under Similarity of Appearance provisions proposed here. The Service requests comments and other information upon this proposed rule. These rules are proposed under the Endangered Species Act of 1973, as amended, and are based upon the completion of a status review required by the Act every 5 years.

DATE: Comments must be submitted on or before May 31, 1983.

ADDRESSES: Comments and other information should be mailed to the Director (OES), U.S. Fish and Wildlife Service, Washington, DC 20240. Comments and supporting documents are available to the public for inspection during normal business hours by appointment in Suite 500, 1000 N. Glebe Rd., Arlington, Virginia (phone 703–235–1975). Individuals submitting comments and other information should refer to this specific proposed rule in all correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703–235–2771).

SUPPLEMENTARY INFORMATION:

Background

The Service is required to conduct a status review of each species listed at 50 CFR 17.11 and 17.12 at least once every 5 years. This requirement stems from the amendments to Section 4 of the Endangered Species Act of 1973 signed into law on November 10, 1978. The rules at 50 CFR 424.20 implement this requirement of the amended Act. Subsequently, the Service published a Notice of Review for all species listed prior to 1975 in the **Federal Register** of May 21, 1979 (44 FR 29566–29577) that included the two subspecies of North American peregrine falcons—American and Arctic. This proposal is based upon data accumulated in the Service's Office of Endangered Species through June 1982.

The American peregrine falcon *(Falco peregrinus anatum)* and the Arctic peregrine falcon *(F. p. tundrius)* were added to the U.S. Department of the Interior's list of foreign Endangered species on June 2, 1970 (35 FR 8495) and to the native list on October 13, 1970 (35 FR 16047). The basis for adding two of the three North American subspecies to this list was the realization, in the late 1960's that DDT and its metabolites (hereafter referred to only as DDT) was having a direct negative impact on these falcons' survival: falcons no longer nested from Minnesota eastward to the Canadian Maritimes and south to Georgia, and those nesting in western Canada and United States and northward into the Arctic were heavily contaminated and likely to become extinct in the near future. Only the Peale's peregrine falcons *(F. p. pealei)* nesting from the Aleutian Islands east and south to Vancouver Island were found to be reproducing at near normal levels with only traces of DDT.

Materials and information recorded or otherwise preserved over the previous decades clearly showed the effects of this contamination immediately after World War II when DDT was first used extensively. Most of the falcons in eastern United States and southern Canada failed to produce young by the mid-1950's, although a few survived into the late 1960's. The total surviving population (excluding the Peale's peregrine falcons) was then estimated at no more than a few hundred pairs north of Mexico.

Following the 1960's came a period of intensive studies to develop possible management practices to save the remaining falcons and restore the extirpated populations. The Service estimates that about 10 million dollars were expended on peregrine falcons in North America during the 1970's by the U.S. and Canadian Federal governments, many States and Provinces, several conservation organizations, and countless private citizens and businesses. Associated with these recovery efforts were efforts by other environmental interests that resulted in the ban on most DDT uses in the United States in 1972.

Recent studies have focused on the breeding ecology of peregrines with specific investigations into organochlorine contamination levels of individual birds, their eggs, and prey species. Other studies have been aimed at finding the principal wintering grounds of these falcons (and their prey species) by banding. These and other studies have shown that DDT has been the main cause for decline of these falcons, although other causes have been known during this century. There have been only a few localized cases of habitat loss (i.e., nesting ledges) or chronic depredations for falconry purposes. Losses from accidents, shootings, and other similar causes do not appear to have significantly affected the whole population of peregrine falcons in North America. Only environmental contaminants have threatened their continued existence.

With the decline in DDT usage in North America the peregrine falcon populations of northern North America (e.g., Alaska, northern Canada, Greenland) are no longer threatened with extinction in the foreseeable future. The reproductive rate of these falcons has shown a gradual improvement in the Arctic over the past 5–6 years. Generally, rates in most sampled areas have gone from approximately 1.0 or less young produced per active pair to approximately 2.0 young per active pair. An apparent cline, increasing from west to east, has been observed: highest average productivity is usually observed in Greenland, the lowest in northern Alaska and northwestern Canada, with local variations (both lows and highs) seemingly the rule rather than the exception.

Although the use of DDT still continues where many of these birds apparently winter, the Service has recent samples showing less than 10% of the adult female falcons migrating into the Arctic each spring have levels of DDT contamination sufficient to reduce their natural reproductive potential. Based upon blood contaminant loads only, the other 90% should be capable of normal reproductive rates. The Service believes that the wintering and spring migration periods are when the female falcons obtain the bulk of the contamination that will affect their eggshell quality. That is, Arctic peregrine falcons return in May and almost immediately start nesting. Only the DDT acquired prior to egg formation can affect the eggs.

In mid-summer of 1981 eight nesting female American peregrine falcons were randomly selected and trapped in central Alaska by the Service. All showed some DDT contamination in their blood. Three had significant levels. Those three had a total of 11 young and one cracked egg in their nests. These samples were obtained while the females were hunting food for their

young. At this time the birds are under maximum stress and probably show their lowest body weights each year (highest would be expected on migration and a moderate weight would be expected in the winter) so measurement of any deposited or recently acquired DDT could be higher.

Previous nesting ground data on levels of contamination were based upon recovered unhatched eggs. Such eggs do not reflect the overall contamination level of the entire population, since they are not a random sample of all eggs being produced. There are some individual females that are very contaminated and rarely hatch a single egg each year.

Other biological data have been gathered for the western United States and Mexico. Some of these data indicate an increasing rate of productivity and recruitment. Particularly in Mexico and California, and possibly Arizona and New Mexico, populations are showing good productivity, although the number of pairs is still well below historic levels. Productivity in this region is now averaging about 1.8 young per nest attempt, while an average of 2.0 young per attempt has been recorded for Alaskan *anatum* in the past 4 years.

The productivity of the peregrine falcons from Oregon and Colorado east and north into central Canada is generally the lowest in North America and is probably not adequate to maintain that population at even the present very low numbers of pairs. From Colorado to southern Yukon Territory the natural productivity (some nests are augmented by biologists) averages about 1.0 young falcon produced per active attempt. Productivity from the few pairs thought or known to remain in eastern Canada below the tree line (northern Manitoba to Labrador) is largely unknown.

Another series of studies has concentrated upon migrating falcons, particularly along the Alantic and Gulf coasts. Comparisons based upon equal units of effort show there has been an increase in the numbers of falcons observed moving south each fall and north each spring over the past 5–6 years. For example, counts at Assateague Island, Maryland–Virginia, averaged 25 falcons per 100 hours of observation in the falls of 1970–1974. From 1975 to 1978 the average was 56 per 100 hours. From 1979 to 1981 the counting rates averaged 108 per 100 hours. The numbers of falcons counted in migration at this one site doubled each subsequent period.

The timing of this upward trend may be explained by facts concerning the age of maturation and probable peak productivity of female peregrine falcons. Normally, falcons start laying eggs in their third summer and probably average 3–4 more years of productivity. With the cessation of most DDT use in the U.S. in 1972, a few years would be needed for the falcon population to start to show any decrease in overall contamination levels. Productivity would be expected to start increasing as succeeding generations become less contaminated.

Based upon bandings and their recoveries, the Service estimates about 99% of the fall migrants on the Atlantic and Gulf of Mexico coasts originate in the Arctic and sub-Arctic regions from western Alaska to western Greenland. Reliable statistical estimates have been difficult to obtain, but the Service believes that a minimum of several thousand peregrine falcons are being produced each summer in the higher latitudes of North America (approximately north 60° N. Lat.). Estimates by some researchers have ranged to over 20,000 falcons being produced in some recent summers.

These estimates of the total production in northern North America are based upon a calculation known as the Lincoln Index. Several assumptions have to be made in order to utilize this method of estimating the production of young falcons each year. First, there are no significant differences in survivorship from July through October between banded and unbanded young. (That is, if 20 percent of the banded young die in that period, then the same percentage of unbanded yound die.) Second, the migration routes and behavior are the same for both banded and unbanded young. Third, the banded and unbanded migrant young are not trapped out of proportion to each other at various banding stations south of Canada. (That is, neither type is more easily trapped than the other, since neither have seen the trapping devices before.) Fourth, the numbers of young produced south of about 55° N. Latitude are very few and compose a small fraction of total production in North America (perhaps several hundred, at most). Fifth, the proportion of young falcons caught on their first migration that were already banded (i.e., Alaska, northern Canada, Greenland) to the total trapped is equal to the proportion of banded to unbanded young reaching 3–6 weeks of age in northern North America.

The Lincoln Index may be written as follows:

$$P = \frac{(n_1 + 1)\ (n_2 + 1)}{(R_2 + 1)} - 1$$

Where,

P = Total production estimate of young falcons reaching about 3–6 weeks of age in North America (north of 55° N. Lat., excluding Gulf of Alaska region) and Greenland

n_1 = Total yound wild peregrine falcons banded at about 3–6 weeks of age in above area

n_2 = Total falcons trapped south of Canada and east of 100° W. Long. in their first fall migration (September 15 to October 30)

R_2 = Number of falcons in n_2 which were banded as part of n_1

When more than one year is included, the *P* values can be averaged. The Service has compiled banding and trapping records for the period of 1976 through 1981. The most recent data may be slightly incomplete, since all records have not yet been completely entered into the banding files at the Bird Banding Laboratory, Laurel, Maryland. The few records that may be missing from this tabulation, will not dramatically change the estimate. We believe that all recaptures (R_2) have been reported by our cooperating banders by now. An increase in this last value would have a very measurable and negative effect upon the estimate.

Below is a tabulation of the data for the years 1976 through 1981 (P is rounded to nearest 50):

Year	n_1	n_2	R_2	P
1976	23	120	0	2,900
1977	88	216	1	9,700
1978	71	225	2	5,450
1979	148	434	2	21,850
1980	281	216	2	20,400
1981	314	257	3	21,100
Total	925	1461	10	

Using these data, the Lincoln Index equation yields an average of about 13,550 young falcons produced to near fledgling age in northern North America for the years 1976–1981, inclusive. Although several adjustments to these figures might be made, the Service simply wishes to indicate that there is a large number of *Falco peregrinus* being produced in this region in recent years: certainly more than several thousand and possibly as many as 22,000. The precise number is not germane beyond demonstrating that this bird is not now in danger of extinction.

Factors Affecting the Species

The Service proposes to reclassify the Arctic peregrine falcon (*Falco peregrinus tundrius*) from Endangered to Threatened. The Service's listing regulations (50 CFR Part 424) provide for a review of the five factors below when reclassifying (or listing or delisting) a species (§ 424.11):

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Utilization for commercial, sporting, scientific, or educational purposes at levels that detrimentally affect it;

(3) Disease or predation;

(4) Absence of regulatory mechanisms adequate to prevent the decline of a species or degradation of its habitat; and

(5) Other natural or manmade factors affecting its continued existence.

The Service has studied the relevant information available for *Falco peregrinus* in North America and summarizes this information for each of these five factors below:

(1) *Habitat.* Peregrine falcons prefer high cliffs or bluffs for nest sites. There are numerous records of pairs nesting in this century on manmade ledges (e.g., tall buildings, bridges, towers). The feeding requirements (small- to medium-sized birds) are general enough so that no specific prey species are needed by this falcon, only prey abundance. Prey species are usually common birds such as those frequently associated with water (e.g., marshes, lakes, rivers) such as colonial seabirds, smaller waterfowl, shorebirds (plovers, sandpipers, etc.), and small gulls. Other major groups include doves and pigeons, jays, flickers, and open ground-nesting songbirds (longspurs, sparrows, pipits, larks, etc.).

Losses of nest sites have not posed any overall problem to this falcon. Over the years a few sites have been lost directly or indirectly because of water, highway, energy, or other projects. Most of the abandoned nest sites still exist, and many are now occupied by other large birds (e.g., owls, hawks, ravens), which could possibly be evicted by any returning pair of peregrine falcons. Similarly, habitats for prey species have been altered to some degree in some areas. Most nest sites for the falcons still show an abundance of available prey, although the species composition may have changed. No significant losses of habitat have occurred within the range of the Arctic peregrine falcon.

(2) *Overutilization.* Presently, it is not legal in the United States to sell, buy, or barter peregrine falcons. Undocumented stories of high prices paid for some peregrine falcons in the past have misled many into thinking this species is an extrordinarily valuable commercial item in the world. The Service finds the world market value of peregrines has usually ranged from $150 to $2,500 per bird in the past decade, based usually upon degree of training, source of stock, and age and sex of the bird. This compares to the $5,000 to $20,000 paid for some other highly prized wildlife. Falconers in the Middle East (a group frequently mentioned to be needing peregrine falcons) generally prefer other species of large falcons for hunting purposes. Removal of young falcons from some specific nest sites has been of only local importance in the past in the possible reduction of peregrine falcon numbers.

Captive-produced peregrine falcons may meet much of the future demand for birds to be used in falconry when restoration efforts for extirpated and other populations have been largely satisfied. This will probably not be a major source for falconry purposes for some time, perhaps later in this decade. This rule will have no effect on the import or export for commercial purposes of peregrine falcons.

(3) *Disease or Predation.* Peregrine falcons suffer from natural diseases and predation as do most other forms of wildlife. No significant or serious disease or predation problems have been found in any populations of North American peregrine falcons, and no problems are anticipated.

(4) *Regulatory Mechanisms.* The present Federal falconry regulations (§§ 21.28 and 21.29) became effective January 1, 1978. These require the individual marking of captive raptors and have been shown to adequately provide for enforcement and possession of raptors for falconry. The Endangered Species Act of 1973, as amended, the regulations issued under the Migratory Bird Treaty Act, and the efforts of law enforcement agents have been effective in controlling the illegal take of falcons in the United States over the past decade. Similar protective measures are in effect in most of Canada. Such efforts are expected to continue at Federal and State levels.

All *Falco peregrinus* are covered under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Service has previously rejected a petition to move the Arctic peregrine falcon to Appendix II (see 47 FR 7190–7192; February 17, 1982). These proposed rules would not affect any *Falco peregrinus* under CITES.

Critical Habitat (50 CFR 17.95) was designated in 1977 at several nesting sites in California for American peregrine falcons that were in areas of potential energy development. Such sites are protected under the Critical Habitat provisions of Section 7 of the Endangered Species Act. Other nest sites and significant migration or wintering habitats, which are not designated at 50 CFR 17.95(b) as Critical Habitat, may be indirectly protected from adverse Federal actions affecting the falcons under the "jeopardy" provision of Section 7 of the Act. This provision requires all Federal agencies to insure that any action that they authorize, fund, or carry out, is not likely to jeopardize the continued existence of a listed species. Thus, Section 7 prohibits Federal agencies from adversely affecting American or Arctic peregrine falcon habitat which is not designated as Critical Habitat, if such action was considered likely to jeopardize the continued existence of either listed peregrine falcon.

Some of the peregrine falcon habitats that have been frequent subjects of consultations between the Service and other Federal agencies are coastal wetlands along the coasts of the Atlantic Ocean and Gulf of Mexico. Such habitats are well recognized as areas which attract large numbers of migrant, and sometimes wintering, falcons every year. Such areas will continue to receive such protection so long as any Endangered or Threatened peregrine falcons are expected to be found there on a regular basis.

(5) *Other Factors:* The major factor affecting the continued existence of most of the troubled populations of peregrine falcons in the world today is the use of various persistent chemical compounds, principally DDT. North American *Falco peregrinus* not exposed to significant amounts of DDT are not showing reproductive failures that could affect the population's continued existence. At DDT concentrations above 15–20 ppm wet weight in eggs, reproductive failures have been documented in peregrines. Thus far, the Peale's peregrine falcons of the Gulf of Alaska have not shown a significant contamination level or impaired reproduction.

The peregrines of the British Isles, like the Peale's falcons, are nonmigratory (although some of their prey are migratory). The British falcons were substantially reduced by the 1960's because of high chemical contamination. With the elimination of the contamination source in the United Kingdom, old nest sites have been reoccupied, and this population of falcons has now returned to levels that approach or may even exceed all previous censuses, including pre-World War II. This last case clearly shows the dramatic effects of certain chemical compounds of *Falco peregrinus.*

Fewer than 10% of the several hundred adult female falcons trapped on the Texas Gulf Coast (a major concentration area in the spring and fall) have shown a significant level of

DDT contamination. In fact, there has been a tendency for these falcons to show even lower levels of contamination with each successive spring. The Service is uncertain if this is a significant change or only a sampling bias and/or a temporary trend noted over a few years. As indicated above, the numbers of falcons counted in the fall migrations has increased substantially following these recent samples of lower contamination levels taken in the spring.

Samples of eggs from the Arctic (and elsewhere) have been biased in the past by the fact that mostly unhatched or nonviable eggs were obtained. Addled falcon eggs would be expected to contain higher average levels of DDT and other compounds than randomly taken, freshly laid eggs. Because addled eggs are not a random sample, they would not reflect the true frequency and level of contamination in the population as a whole. The samples of blood from randomly trapped falcons provide a far more accurate index of overall contamination levels and frequency in these falcons. The Service concludes that while some female falcons (about 10%) are still significantly contaminated prior to egg laying, the remainder of the northern birds should be producing reasonable numbers of young falcons in recent summers. This latter analysis is based upon 430 blood samples from peregrines trapped in spring and fall migrations in the past 4 years.

This level of contamination still poses a problem to the falcon population, but it does not pose a major threat which clearly could cause the extinction of the falcon in the foreseeable future. Because the possibility of this level of DDT contamination continuing or even increasing remains, the Service will not consider the complete delisting of the Arctic peregrine falcon at this time.

The numbers of birds counted and banded each fall along the main migration routes indicate to the Service that a significant number of young peregrine falcons are, in fact, being produced in the northern part of North America. Both fall observations and bandings indicate that at least half, and probably three-quarters, are birds hatched that year.

A few banded birds have been recovered during the winter months from the populations south of the Arctic. Alberta peregrine falcons have been recovered during the winter in Central America south to northern Venezuela and Colombia. Birds originating from further south (the Rocky Mountains of the United States) may winter only as far south as Mexico or rarely to Costa Rica, while some may winter at lower elevations in the American Southwest. Oregon and Washington birds are thought to winter near their nesting territories or south along the Pacific Coast into California. California birds seem to be largely nonmigratory, although some of the pairs nesting in the higher mountains probably winter in nearby lowlands. Falcons from Arizona, New Mexico, western Texas, and north central Mexico have not been banded in substantial numbers and recoveries during the winter period are nonexistent.

North American peregrine falcons, and many other avian species with similar distribution, show a "leap-frog" wintering pattern where the more northern nesting populations winter the furthest south and the further south nesting birds tend to move less and less. The southernmost birds (particularly if nesting south of about 40° N. Lat.) become largely sedentary, although young and adults may wander some distance during the winter. Thus, adults peregrine falcons from the southern Rocky Mountains and into Mexico may either wander into the lowlands or even coastal areas (Gulfs of California and Mexico) or remain within a hundred miles of their nest sites. Immatures from these probably nonmigratory populations (i.e., those largely south of Oregon, Nevada, Utah, and Colorado) may wander hundreds of miles during their first year before returning to the general vicinity of their natal areas.

Precisely where the various populations of falcons obtain their DDT is unclear. Part of this problem is related to the seasonal distribution and identity of their principal prey species. The prey composition seems to vary with season, locale, and individual falcon preferences. All populations of North American peregrine falcons show varying levels of contamination, with the Peale's falcon showing the least.

Summary of Status

The various populations *Falco peregrinus* found nesting in North America (including Mexico and western Greenland) are presently classified as three subspecies: (1) *F.p. pealei* (coastal British Columbia north and west through the Aleutian Islands, intergrades with *F.p. anatum* in western Washington and inland in the coastal ranges of British Columbia and southern Alaska westward to the vicinity of Bristol Bay; largely non-migratory, but some birds wander most winters as far south as the California coast), (2) *F. p. tundrius* (nests in Arctic North America: lands draining into the Arctic Ocean and north of the treeline from the Bering Straits east to the west coast of Greenland; intergrades to varying degrees with *F. p. anatum* from the upper Yukon River Valley eastward through the taiga region of boreal America to the Ungava Peninsula; winter from southern U.S. south throughout all of Central and South America to central Chile and Argentina), and *F. p. anatum* (nests from central Alaska, central Yukon Territory, northern Alberta and Saskatchewan east to the Maritimes and south [excluding coastal areas north of Columbia River] throughtout western Canada and United States to Baja California, Sonora, and the highlands of central Mexico; intergrades in the zones of contact with the other two subspecies, as indicated above; no nesting reported from Oklahoma and central Texas southward into eastern Mexico and east to northwestern Georgia and north along the coastal plain to the Chesapeake Bay; populations nesting in Mississippi River, Great Lakes, and Atlantic drainages south of the St. Lawrence River have been extirpated [ca.1960]; winters from southern United States south to about central South America, mostly in Mexico and Central America; eastern and southwestern United States and Mexico populations largely nonmigratory with some individuals wandering a few hundred miles from nesting sites).

The subspecies *pealei* has been largely unaffected by either DDT or other contaminants. Peale's peregrine falcon has never been considered for listing under the Endangered Species Act (or previous legislation) by the Service. No future change in its present status is foreseen, and the Service does not intend to propose any change for this subspecies.

The American peregrine falcon *F. p. anatum* now numbers a few hundred pairs, mostly in California and Mexico. Perhaps 125 pairs are in Alaska (mostly Yukon River drainage). More than a dozen are known (and probably many more exist) in the Yukon Territory. Less than a dozen active pairs are known from Alberta and adjacent areas of western Canada. Possibly another few dozens are spread over the rest of central and eastern Canada. Less than 100 active, known pairs remain in the coterminous United States outside of California. California had 39 known pairs in 1981, while another dozen or more may be present. Along the west coast of Baja California and in the Gulf of California area are perhaps 75 pairs of peregrine falcons. The highlands of Mexico are also thought to have about 100 pairs, although only about 20 pairs are known. The total number of *anatum*

(Canada, Alaska and coterminous United States, and Mexico) is estimated at 500–550 pairs.

Productivity in the United States (excluding Alaska, California, Arizona, and possibly New Mexico) and Canada has been marginal. This productivity level is barely capable, and may not be in some areas, of at least maintaining the present low population level and threatens the continued existence of the American peregrine falcon in these areas. From California and Arizona south into Mexico the falcons appear to be maintaining themselves with little or no significant overall increases in population numbers. This subspecies would remain Endangered under this proposed rule.

Because of the broad zones of intergradation between *anatum* and each of the other two North American races, the distributional limits of *anatum* need to be more clearly defined to insure appropriate protective measures under the Endangered Species Act. Subspecies by their very nature interbreed where they meet. Only rarely can they be clearly separated in all (even 90 percent) cases by experts in that group of animals. (Scientists generally apply a subspecific name when at least 70 or 75 percent of one geographic sample can be separated from 98 percent of all others of that species. In the case of *Falco peregrinus* it is frequently impossible to identify individual falcons to the subspecific level: plumage characters and sizes broadly overlap in North America, particularly in the zones of intergraduation outlined above. The use of *anatum* and *tundrius* will be clarified under this proposal in the use of some geographical limits and their nomenclature. The Service still follows the concept of three subspecies of *Falco peregrinus* in North America as defined by most avian taxonomists.

From all the studies made over the past several decades the Service concludes that the arctic peregrine falcon (*F.p. trundrius*) is not now threatened with extinction throughout a significant portion of its range. Nevertheless, so long as DDT and other compounds which affect peregrine falcons are being used in large quantities in various localities in the Western Hemisphere *and* so long as a significant number (more than 5 percent) of the females show significant amounts (more than 15 ppm DDT wet weight in eggs or comparable values in other tissues) of contamination, these Arctic falcons are still threatened with becoming endangered.

The definitions of Endangered and Threatened species at § 424.02 of this title are stated as follows:

"Endangered species" means a species which is in danger of extinction throughout all or a significant portion of its range.

"Threatened species" means any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.

The term "species" as used under the Act includes subspecies and populations of vertebrates and does not necessarily refer to the biological "species" used by the scientific community.

As indicated previously, the Service believes that for the past several summers many thousands of Arctic peregrine falcons (plus some *anatum* and intergrades from the taiga and boreal regions of North America) fly south through the United States to winter as far as Argentina and Chile. The vast majority of these fall migrants intercept the coastlines of the Atlantic Ocean and Gulf of Mexico. Lesser numbers of falcons pass down the Pacific Coast as well as along the Rocky Mountains. Birds are largely scattered over their migration routes until they reach the coasts where several dozens a day may be counted at the correct time and place.

Similarity of Appearance

Since the mid-1970's approximately 1000 peregrine falcons have been released to the wild in Canada and the United States in an effort to restore extirpated populations and bolster remnant populations. These captive-produced falcons have originated from a variety of wild stocks, including both New and Old World populations. Some of the released falcons have been produced from stocks presently classified as Endangered together with the unlisted stocks. The released birds are readily identified as peregrine falcons, but they are not readily identifiable as to subspecies or genetic background. Crosses between the various stocks are made both in the propagation facilities and later when the released birds breed in the wild.

Pursuant to the "Similarity of Appearance" provisions of Section 4(e) of the act, species (or subspecies or other groups of wildlife) which are not considered to be Endangered or Threatened may nevertheless be treated as such for the purpose of providing protection to a species that is biologically Endangered or Threatened. Under this Similarity of Appearance provision (implemented by § 17.50) the Service must find: (a) that the species so closely resembles in appearance an Endangered or Threatened species that enforcement personnel would have substantial difficulty in identifying listed from unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the Endangered or Threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the purposes of the Act.

The released stocks of peregrine falcons are almost inseparable from wild birds by nearly any generally accepted means. Even with the band numbers (all are marked prior to release) the managers of the production facilities cannot always determine the genetic stock used to produce a particular individual. (Several semen donors are sometimes used to artifically inseminate the female). A few of these released falcons as well as wild birds have been found shot or trapped by unauthorized individuals in the past few years. The Service has found it difficult to prosecute an individual for the take of a released peregrine falcon under the Endangered Species Act because of the status of some of these subspecies used for stocking purposes. In other cases, falcons are claimed to be the unlisted Peale's peregrine falcon when, in fact, they could be either of the listed subspecies but misidentified. It is clear that these falcons had been shot, trapped, or otherwise taken without any forehand knowledge that these were, in fact, unlisted or listed stocks.

Therefore, the Service, in order to further the purposes of the Act, finds the following: (1) Enforcement personnel, as well as nearly all other persons, would be unable to routinely separate the presently listed stocks (i.e., American or Arctic peregrine falcons) from the unlisted stocks; (2) also, enforcement personnel would not always be able to separate the Endangered American peregrine falcon from the Threatened Arctic peregrine falcon, if the latter becomes so classified; and (3) that the illegal take of any peregrine falcons in areas where listed populations occur would be without regard for, or forehand knowledge of, the status of that particular individual falcon, and thus poses direct and indirect threats to the wild native birds.

The Service proposes to list all free-flying *Falco peregrinus*, not otherwise identifiable as a listed subspecies, to be Endangered under the Similarity of Appearance provision in the 48 coterminous States. As an example, Arctic peregrine falcons found in the 48 coterminous States, but not positively identifiable as such, would be treated as Endangered.

References

There have been many scientific papers, books, administrative reports, recovery plans, letters, petitions, and other documents used in the preparation of this proposed rule. Some of these documents have been prepared for future publication in appropriate scientific journals. Others are still part of ongoing research or management projects and constitute only interim reports of data gathered to date. Some of the documentation goes back several decades while some has been obtained as recently as last summer. The Service is unable to provide a brief list of these hundreds of sources within this Federal Register document. Persons interested in examining these materials may see and copy them as they see fit at the Service's Office of Endangered Species by appointment during normal business hours (703–235–1975).

Five-Year Review

This proposal is a direct result of more than two years of intensive data gathering by the Service for the five-year review required under Section 4 of the Act. This review of the status of a listed species must be conducted at least once every five years (50 CFR 424.20), starting November 10, 1978. The final review of the large numbers of documents submitted in response to the Notice of Review (44 FR 29566–29577) was made in late 1981. The Service wishes to express its gratitude to the hundreds of persons; organizations; Federal, Provincial, and State agencies; and the Canadian Wildlife Service who all have contributed data, suggestions, and other information towards this review over the past three years.

Effects of This Proposed Rule if Finalized

This rule, if made final, would change the status at 50 CFR 17.11 of the Falcons now listed under "Arctic peregrine falcon, *Falco peregrinus tundrius*" from Endangered to Threatened. These rules would formally recognize the relative security of this population from being no longer in danger of extinction throughout a significant portion of its range.

If finalized as proposed, these rules would clarify the status of the subspecies *anatum* and *tundrius* and use some geographic limits for the Endangered *Falco peregrinus anatum* as well. One of the areas with persistent problems as to the identification (*ergo*, status) of some falcons has been the Olympic Peninsula of Washington. A few pairs of falcons nest there, and other falcons are seen in migration or during the winter. The Service believes that most of the nesting birds and some of the non-nesting birds are only an extension of the endangered populations to the east and south. The nesting pairs in this area have been identified as *pealei* by some authorities and *anatum* by others. The Service follows the view that this is an Endangered population and for the purposes of the Act should be so classified. Therefore, under this rule all peregrine falcons found nesting in Washington, not just those east of the Olympic Peninsula, would be recognized as American peregrine falcons and, therefore, treated as Endangered for the purposes of the Act.

The rules, if finalized, would also treat all peregrine falcons found in the wild in the coterminous 48 States and not otherwise determined to be either *anatum* or *tundrius* as Endangered under the Similarity of Appearance provisions (§ 17.50). Anyone taking, attempting to take, or otherwise possessing a *Falco peregrinus* in an illegal manner would be subject to penalty under Section 11 of the Act. For example, a peregrine is shot by a person, but the bird is subsequently determined to be a released bird of uncertain genetic origin. That person would be subject to these Federal regulations as if he had taken an Endangered species. There would be no difference in penalties for the illegal take of an Endangered versus Threatened species.

The taking of all peregrine falcons within the jurisdiction of the United States is subject to the Migratory Bird Treaty Act (16 U.S.C. 703–711), as amended. However, the Migratory Bird Treaty Act provides less protection and penalties than does the Endangered Species Act.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in the conservation of the North American peregrine falcons, Endangered or Threatened. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposals are hereby solicited. Comments from other affected countries and from all the States' (except Hawaii), Puerto Rico's and the Virgin Islands' conservation agencies are also being sought.

Specific information which is being requested includes, but is not limited to: (1) Biological or other relevant data concerning any threat (or lack thereof) to the peregrine falcons covered in this proposal; (2) information on environmental impacts that would result from the rule; and (3) possible alternatives to these proposed rules. The Service recommends that persons making a detailed review of this proposal also refer to other referenced sections and parts of 50 CFR.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposed rule. This is on file in the Service's Office of Endangered Species (Mail: U.S. Fish and Wildlife Service (OES), Washington, DC 20240), 1000 N. Glebe Road, Arlington, VA. This document may be examined by appointment during regular business hours and copied, if desired, at no charge at this office. A determination will be made before the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 and 40 CFR Parts 1500–1508.

Primary Author

The primary author of this proposal is Jay M. Sheppard of the Service's Office of Endangered Species (703–235–1975, address above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulatory Promulgation

PART 17—[AMENDED]

Accordingly, the Service proposes to amend Part 17 of Title 50 of the Code of Federal Regulations as follows:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1241; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. Amend the table at § 17.11(h) by revising the entries of the "Falcon, American peregrine" and "Falcon, Arctic peregrine" and adding the entry, Falcon, peregrine under "BIRDS" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Falcon, American peregrine	*Falco peregrinus anatum*	Central Alaska, across north-central Canada to central Mexico, winters south to South America.	Entire, including all nesting peregrine falcons in Washington.	E	2, 3	17.95(b)	NA
Falcon, Arctic peregrine	*Falco peregrinus tundrius*	Alaska to Greenland, winters south to South America.	Entire	T	2,3	NA	NA
Falcon, peregrine	*Falco peregrinus* (when not identifiable as *anatum* or *tundrius*).	Worldwide, except Antarctica and most Pacific Islands.	Wherever found in the wild in the coterminous 48 States.	E(S/A)		NA	NA

Dated: January 20, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-5811 Filed 3-30-83; 8:45 am]

BILLING CODE 4310-55-M

Reader Aids

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1983

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
March 1	March 16	March 31	April 15	May 2	May 31
March 2	March 17	April 1	April 18	May 2	May 31
March 3	March 18	April 4	April 18	May 2	June 1
March 4	March 21	April 4	April 18	May 3	June 2
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CFR CHECKLIST; 1982/83 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1982/83. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Food Safety and Inspection Service

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Rules and Regulations

Federal Register
Vol. 48, No. 42
Wednesday, March 2, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 399, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 20–26, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: Effective for the period February 20–26, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manly, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1982. The committee met by telephone on February 23, 1983, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the Act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.699 Lemon Regulation 399 (48 FR 7153) is revised to read as follows:

§ 910.699 Lemon regulation 399.

The quanity of lemons grown in California and Arizona which may be handled during the period February 20, 1983 through February 26, 1983, is established at 250,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: February 25, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 83-5355 Filed 3-1-83; 8:45 am]
BILLING CODE 3410-02-M

Animal and Plant Health Inspection Services

9 CFR Part 97

[Docket No. 83-013]

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. J. L. Ellis, Executive Officer, Veterinary Services, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 857, Hyattsville, MD 20782, 301–436–8511.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. This amendment

merely reflects such changes and serves to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1982 ed.), as amended May 28, 1982 (47 FR 23429–23431), and November 18, 1982 (47 FR 51855), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding an entry for Minot, North Dakota, in appropriate alphabetical sequence to read as shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

(In hours)

Location covered	Served from Metropolitan area	
	Within	Outside
Add:		
North Dakota		
Minot	1	

(84 Stat. 501 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the Federal Register.

Done at Washington, D.C., this 24th day of February, 1983.

Norvan L. Mayer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-5306 Filed 3-1-83; 8:45 am]

BILLING CODE 3410-34-M

Packers and Stockyards Administration

9 CFR Part 201

General Bonding Regulations

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document revises two of the general bonding regulations, 201.29 and 201.30. The revised bonding regulations require all dealers and market agencies buying on commission subject to the Packers and Stockyards Act to file a surety bond or bond equivalent. The minimum acceptable bond is $10,000.

A new regulation, 201.35, permits market agencies, dealers and packers to file irrevocable letters of credit and trust agreements in satisfaction of the bond requirement.

EFFECTIVE DATE: Sections 201.29 and 201.35 April 1, 1983. Section 201.30 effective July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Jack Brinckmeyer, Financial Protection Branch, telephone (202) 447–4366.

SUPPLEMENTARY INFORMATION: Proposed changes in regulations 201.29 and 201.30 relating to bonding of small volume dealers and market agencies were published initially in the Federal Register on February 1, 1982 (47 FR 4668). In light of the overwhelming public disapproval of the proposed bonding exemption for small volume buyers of livestock, as reflected in the comments received, regulation § 201.29 was modified and republished along with regulations §§ 201.30 and 201.35 on August 24, 1982 (47 FR 36852). Thirty comments were filed in response to the August notice, the majority of which endorsed all proposals announced therein. The comments filed concerning regulations §§ 201.29 and 201.30 in response to the February notice were evaluated in detail in the August publication and reviewed again in connection with the latest notice.

Requirement To File and Maintain Bond

All comments responding to regulation 201.29 as reproposed endorsed the requirement that all market agencies, dealers, and packers subject to the Act file and maintain a surety bond. No comments were received opposing the regulation. The Administration has determined that regulation 201.29 as re-proposed will be adopted as a final rule.

Amount of Bond

Fourteen of the comments received in response to the August proposal responded to the suggested revisions to regulation 201.30. Twelve of these comments supported the proposed revisions to regulation § 201.30, which sets forth the method of calculating the amount of required bond coverage for persons subject to the Act. No comments opposed the $10,000 minimum bond level and two comments offered formula changes.

One response recommended a formula that would increase the minimum bond by basing it on the actual number of days during the week each buyer purchased livestock, rather than the average of 2 days' purchases as proposed. The latter formula is preferred as it is keyed to the prompt payment requirements of the Act.

Another comment questioned the divisor change in the bond formula for market agencies selling on commission, and the factual basis for raising the 10 percent excess calculation from $50,000 to $75,000 on dealer and order buyer bonds. That comment also expressed strong objection to the overall bond formula, stating that the formula did not address "alleviation of risk," as no "business worth" factor was included in the bond calculation.

By this proposal, the Administration is not changing the divisor used to determine the amount of bond coverage required for market agencies selling on commission. The wording of the present regulation, "the actual number of auction sales at which livestock was sold," has been long interpreted to be the number of days on which auction sales are conducted and not the number of sales conducted. The proposed wording is designed to clarify and to insure that the amount of bond will accurately reflect the volume of business conducted on the days livestock was sold.

With respect to the application of the 10 percent calculation to bond coverage levels in excess of $75,000, during 1980, prior to the first published recommendation to modify regulation 201.30, the agency prepared a draft impact analysis which evaluated alternate bond formulas for dealers and order buyers. In that analysis, excess factors were applied to varying "break points" including $50,000, $75,000, and

$200,000. The percent factor was also varied from 10 percent to 20 percent. A 6-year period was used for purposes of analysis. A review of the claims filed on the bonds of dealers and order buyers during the 6-year test period showed that 15 percent of the bonds on which claims were filed were in excess of $50,000, and represented 38.8 percent of the total dollars claimed on all bonds. Bonds in the amount of $55,000, $60,000, or $65,000 represented 61 percent of the bonds over $50,000 and accounted for 31 percent of the total dollars claimed on all bonds. If the proposed $75,000 "break point" had been in effect during the period studied, an additional 12 percent of the bonds over $50,000 would have been sufficient to pay the claims filed. The increase in the amount of bond coverage would have provided at least $427,000 in additional funds for the payment of filed bond claims. The agency has determined, therefore, that increasing the "break point" to $75,000 will increase bond coverage in the area where a large percentage of the bonds had been of insufficient proportion to pay the claims filed.

The inclusion of a net worth factor in the bond formula was recommended as a means of further alleviating financial risk in livestock purchase and sales transactions. The Administration has considered several alternative bonding formulas besides the one proposed. However, it has concluded that the value of livestock purchased provides the best basis for establishing the required amount of bond coverage. Net worth is not an indicator of solvency under the Packers and Stockyards Act, nor the buyer's ability to pay promptly for livestock purchases. Further, a positive net worth in no way guarantees payment, as does the bond, in the event of a buyer's failure to pay. Additionally, net worth may fluctuate with changes in business activities, asset values, and market conditions. Certainly, a seller may choose to consider net worth or "business worth" before deciding to sell livestock to any buyer. The Administration, however, has determined, for the reasons stated above, that the inclusion of the net worth of the buyer as a factor in the bond formula would not improve the formula proposed, would result in increased risk to livestock sellers, and would increase the reporting requirements and paperwork costs associated with compliance and monitoring of the bonding requirements. The Administration has determined that regulation § 201.30 as proposed will be adopted as a final rule.

The Administration bases its bond coverage calculations on the business volume figures submitted on the annual report. Inasmuch as most persons subject to the Act's bonding requirements report their business on a calendar year basis and file their annual reports on or before April 15, the effecive date of regulation § 201.30 will be July 1, 1983. That effective date will allow those persons required to change their bonds based on 1982 business volume sufficient time to obtain the necessary coverage. If the effective date were established prior to this April filing, it is possible that the bond amount would need to be changed twice within a short period of time. Therefore, in order to reduce paperwork for the affected industry, surety companies, and the agency, the July 1, 1983, effective date will be used.

Letter of Credit As Bond Equivalent

Of the 27 comments filed with respect to the letter of credit proposal, 25 comments strongly supported the proposal to permit the use of irrevocable letters of credit to fulfill the bonding requirements of the Act. Twelve of the supportive comments were received from individual packers predominantly located in the southwestern United States. The only negative comments were filed by persons involved in insurance underwriting who stand to lose business as a result of the proposal. One such comment suggested that the proposed letter of credit and trust agreement were too lengthy and that the actual mechanics of administering the program would require much more paperwork than the traditional bond or trust fund agreement. However, the use of an irrevocable letter of credit in lieu of a bond or trust fund agreement is optional for the registrant or packer, who would certainly evaluate the costs associated therewith before electing this option.

While indicating no specific objection to letters of credit, the comment by the Surety Association of America nonetheless stated that bonds had proven effective over time, that bonds offered the advantage of prequalification expertise, and warned that in recent court cases bankruptcy judges enjoined the honoring of letters of credit. Other authorities show such injunctions to be erroneous and reversible. The agency does not believe the threat of such injunctions sufficient to warrant withdrawal of the proposed regulation. With respect to the financial prequalification of the bond applicant by the surety, the agency has been informed that similar prequalification procedures will be exercised by those financial institutions issuing such letters of credit. Finally, the comment stated that letters of credit provided inadequate protection against invalid claims because said letters of credit are payable on demand. The trust agreement which accompanies the letter of credit will provide the necessary protection against invalid claims. The trustee must determine that funds are in fact due the claimant before the trustee can pay them. Also, the principal may contest claims as it sees fit.

The Ohio Department of Agriculture recommended that the issuer of the letter of credit be prohibited from acting as trustee under the trust agreement. The discretion given to the trustee is so limited and the provisions for legal action by the claimant so broad that this arrangement is unlikely to cause a serious conflict of interest. Secondly, the Ohio Department of Agriculture suggested that the trustee be required to give advance notice of his intent to resign. A sentence has been added to paragraph (1) of the trust agreement to clarify that the trustee would continue to be obligated to act after resignation and until a successor trustee is appointed so that there will be no period of time without a trustee authorized and obligated to act.

A question was raised with respect to the "therefore clause" in the proposed trust agreement form and the provision allowing reimbursement and compensation to the trustee from the trust funds. The proposed trust agreement, as printed in the Federal Register, contained a typographical error, which has been corrected in this notice. This correction should answer the question raised concerning the "therefore" clause. The new trust agreement provides for trustee reimbursement and compensation. However, under the other arrangements, bond trustees are presently allowed reasonable fees and expenses. Such compensation has been awarded in the past without being specified under the other arrangements. When the suggested surety bond and trust fund agreement in lieu of bond forms are reprinted, the inclusion of such provision will be considered.

The Administration has determined that regulation § 201.35 will be adopted as a final rule with the clarifying changes described herein.

Executive Order

It has been determined that the provisions of the regulations relating to bonding of market agencies and dealers and the new regulation concerning

irrevocable letters of credit are not "major" rules as defined by section 1(b) of E.O. 12291.

The rules will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets. Accordingly, regulatory impact analyses are not required.

Regulatory Flexibility Act

B. H. (Bill) Jones, Administrator, Packers and Stockyards Administration, has determined that the rules will not have a significant economic impact on a substantial number of small entities. For those registrants required to increase bond coverage from $5,000 to $10,000, the cost of this increased bond coverage, approximately $50 per year per registrant, is insignificant.

Paperwork Reduction Act of 1980

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the reporting or recordkeeping provisions that are included in this rule have been submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained.

List of Subjects in 9 CFR Part 201

Reporting and recordkeeping requirements, Stockyards, Surety bonds, Trade practices.

Accordingly, Part 201, Chapter II of Title 9 of the Code of Federal Regulations is amended and revised as set forth below:

PART 201—[AMENDED]

1. Section 201.29 is revised to read as follows:

§ 201.29 Market agencies, packers and dealers required to file and maintain bonds.

(a) Every market agency, packer, and dealer, except as provided in paragraph (d) herein, and except packer buyers registered as dealers to purchase livestock for slaughter only, shall execute and maintain a reasonable bond on forms approved by the Administrator containing the appropriate condition clauses, as set forth in § 201.31 of the regulations, applicable to the activity or activities in which the person or persons propose to engage, to secure the performance of obligations incurred by such market agency, packer, or dealer. No market agency, packer, or dealer required to maintain a bond shall conduct his operations unless there is on file and in effect a bond complying with the regulations in this part.

(b) Every market agency buying on a commission basis and every dealer buying for his own account or for the accounts of others shall file and maintain a bond. If a registrant operates as both a market agency buying on a commission basis and as a dealer, only one bond to cover both buying operations need be filed. Any person operating as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer shall file and maintain separate bonds to cover his selling and buying operations.

(c) Each market agency and dealer whose buying operations are cleared by another market agency shall be named as clearee in the bond filed and maintained by the market agency registered to provide clearing services. Each market agency selling livestock on a commission basis shall file and maintain its own bond.

(d) Every packer purchasing livestock, directly or through an affiliate or employee or a wholly-owned subsidiary, except those packers whose annual purchases do not exceed $500,000, shall file and maintain a reasonable bond. In the event a packer maintains a wholly-owned subsidiary or affiliate to conduct its livestock buying, the wholly-owned subsidiary or affiliate shall be registered as a packer buyer for its parent packer firm, and the required bond shall be maintained by the parent packer firm.

2. Section 201.30 is revised to read as follows:

§ 201.30 Amount of market agency, dealer and packer bonds.

(a) *Market agency selling livestock on commission.* To compute the required amount of bond coverage, divide the dollar value of livestock sold during the preceding business year, or the substantial part of that business year, in which the market agency did business, by the actual number of days on which livestock was sold. The divisor (the number of days on which livestock was sold) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $50,000, the amount of bond coverage need not exceed $50,000 plus 10 percent of the excess over $50,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage for a market agency selling on commission be less than $10,000 or such higher amount as required to comply with any State law.

(b) *Market agency buying on commission or dealer.* The amount of bond coverage must be based on the average amount of livestock purchased by the dealer or market agency during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the dealer or market agency or both did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of the bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any State law.

(c) *Market agency acting as clearing agency.* The amount of bond coverage must be based on the average amount of livestock purchased by all persons for whom the market agency served as a clearor during a period equivalent to 2 business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased by all persons for whom the market agency served as a clearor during the preceding business year, or substantial part of that business year, in which the market agency acting as clearing agency did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of bond coverage must be the next multiple of $5,000 above the amount so determined. When the computation exceeds $75,000, the amount of bond coverage need not exceed $75,000 plus 10 percent of the excess over $75,000, raised to the next $5,000 multiple. In no case shall the amount of bond coverage be less than $10,000 or such higher amount as required to comply with any State law.

(d) *Packer.* The amount of bond coverage must be based on the average amount of livestock purchased by the packer during a period equivalent to 2

business days. To compute the required amount of bond coverage, divide the total dollar value of livestock purchased during the preceding business year, or substantial part of that business year, in which the packer did business, by one-half the number of days on which business was conducted. The number of days in any business year, for purposes of this regulation, shall not exceed 260. Therefore, the divisor (one-half the number of days on which business was conducted) shall not exceed 130. The amount of the bond coverage must be the next multiple of $5,000 above the amount so determined. In no case shall the amount of bond coverage for a packer be less than $10,000.

(e) If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock before the date of the application, the value of the livestock handled, if representative of future operations, must be used in computing the required amount of bond coverage. If the applicant for registration is a successor in business to a registrant formerly subject to these regulations, the amount of bond coverage of the applicant must be at least that amount required of the prior registrant, unless otherwise determined by the Administrator. If a packer becomes subject to these regulations, the value of livestock purchased, if representative of future operations, must be used in computing the required amount of bond coverage. If a packer is a successor in business to a packer formerly subject to these regulations, the amount of bond coverage of the successor must be at least that amount required of the prior packer, unless otherwise determined by the Administrator.

(f) Whenever the Administrator has reason to believe that a bond is inadequate to secure the performance of the obligations of the market agency, dealer or packer covered thereby, the Administrator shall notify such person to adjust the bond to meet the requirements the Administrator determines to be reasonable.

3. A new § 201.35 is added to read as follows:

§ 201.35 Letters of credit as bond equivalents.

(a) Any packer, market agency, or dealer required to maintain a surety bond under these regulations may elect to maintain, in whole or partial substitution for such surety bond, one or more irrevocable letters of credit on which a trustee is authorized to draw funds subject to a trust agreement. The amount of such letters of credit, surety bond, trust fund agreement, or combination thereof, must be the total amount of the surety bond otherwise required under these regulations.

(b) Any such letter of credit must be issued by a national bank or a bank insured by the Federal Deposit Insurance Corporation.

(c) The trustee on any such trust agreement must be a person financially responsible, independent of the packer, market agency or dealer, and satisfactory to the Administrator.

(d) Any letter of credit issued pursuant to this section must be received by the trustee authorized to draw funds on it, and a photographically reproduced copy of such letter of credit, and a fully executed duplicate of such trust agreement, and of any endorsement, rider, amendment, indemnity agreement, or other attachment to such trust agreement, must be filed with the Regional Supervisor for the area of the packer's, market agency's, or dealer's principal place of business.

(e) Such letters of credit and trust agreements to which funds drawn thereunder would be subject must be on the following forms:

(Identification of bank and, if desired, branch, division, department, etc.)

Irrevocable Transferable Standby Letter of Credit

Our letter of credit no.———. (if desired:) This number must be mentioned on all drafts and correspondence.

Date:

To: (Identification of Trustee), as Trustee under a certain Trust Agreement, effective on (date), to which (packer, market agency or dealer) is a party, or successor Trustee under the same Trust Agreement.

This credit is transferable, one or more times, but only to a successor Trustee designated by the Packers and Stockyards Administration, United States Department of Agriculture, under the same Trust Agreement. Any such transfer shall govern all rights of the Trustee, including the entire amount which remains available under this credit at the time of such transfer.

Sight draft or drafts should be drawn on us, your draft or drafts drawn at sight bearing the clause, "drawn under (bank) standby letter of credit no.—— dated ——— up to the aggregate amount of $——."

Any such draft must be accompanied by drawer's signed statement, "drawer will dispose of funds received under the accompanying draft in accord with the Trust Agreement effective on (date) to which (packer, market agency or dealer) is a party." We will not be responsible for drawer's disposition of funds received by drawer.

If any such draft is drawn by a successor Trustee under the same Trust Agreement, it must be accompanied by a copy of the letter of the Packers and Stockyards Administration, United States Department of Agriculture, designating such drawer as successor Trustee. We will not be responsible for verifying the authenticity of any such document which appears on its face to be authentic.

Except as otherwise specifically provided herein, any such draft need not be accompanied by any other document.

This credit may not be modified without the written approval of the Administrator, Packers and Stockyards Administration, United States Department of Agriculture.

(Either:)

Any such draft must be received by us on or before (expiration date). We hereby agree with drawers, endorsers, and bona fide holders of all drafts drawn hereunder and in compliance herewith that such drafts will be duly honored at sight upon presentation to us. (if desired:) The amount of any draft drawn hereunder must be endorsed on the reverse side of this letter of credit by the negotiating bank, and any such draft must be accompanied by a signed statement that an appropriate notation has been made, or by this letter.

(Or, if desired, the preceding paragraph may read as follows:)

Any such draft must be received by us on or before (expiration date). We hereby agree with drawers of all drafts drawn hereunder and in compliance herewith that such drafts will be duly honored at sight upon presentation to us. (if desired:) This letter must be presented with any such draft, for endorsement of the amount of such draft on the reverse side of this letter.

Except as provided above, this credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 revision), International Chamber of Commerce Publication No. 290.

Authorized Signature.

Trust Agreement for Use With One or More Letters of Credit in Lieu of Bond Required of Livestock Market Agencies, Dealers and Packers Under the Packers and Stockyards Act, 1921, as Amended and Supplemented

Whereas the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented, and the regulations issued thereunder by the Secretary of Agriculture, acting through the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, hereinafter known as the Administrator, require a good and sufficient surety bond or its equivalent of market agencies, dealers, and packers as defined in said Act to cover their obligations as such; and

Whereas ———, hereinafter known as the principal, is engaged in business as a market agency, dealer, or packer as defined in that Act and ———, hereinafter known as the trustee, accepts the obligations of the trustee hereunder;

Now, therefore, the principal has obtained or will obtain, from one or more banks, one or more irrevocable letters of credit, under which the trustee may draw funds from such banks, for the account of the principal, for the following purposes and subject to the following conditions:

Applicable if Principal Sells on Commission

(1) If the principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by the principal.

Applicable if Principal Buys on Commission or as Dealer

(2) If the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by the principal for his own account or for the accounts of others, and if the principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

Applicable if Others Clear Through Principal

(3) If the principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by other such registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

Applicable if Principal Buys as a Packer

(4) If the principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by the principal for his own account.

Conditions ——— and ——— were deleted prior to execution and are not part hereof.

If such condition or conditions are met, then funds drawn by the trustee hereunder shall not be liable, but if there shall be any defaults, failures, or neglects under any one or more of said conditions, then such funds shall be liable, subject to the following terms, conditions and limitations:

(a) Any person damaged by failure of the principal to comply with any condition of this agreement, in a transaction occurring on or after the effective date of this agreement and before the termination date of this agreement in accord with its provisions, may recover under this agreement in accord with and subject to its provisions. Acts, omissions or failures of authorized agents or representatives of the principal or persons whom the principal shall knowingly permit to represent themselves as acting for the principal shall be taken and construed to be acts, omissions or failures of the principal and to be within the protection of this agreement to the same extent and in the same manner as if they were the personal acts of the principal.

(b) The trustee shall not be liable to pay any claim for recovery under this agreement if it is not in writing and received by either the trustee or the Administrator within 120 days from the date of the transaction of which the claim is based. Whichever of these persons receives such a claim shall notify the other such person and the principal at the earliest practicable date.

(c) The trustee, upon determination that funds are due to a claimant, shall draw funds pursuant to a letter of credit obtained by the principal under this agreement, as necessary to pay what is due to the claimant, up to the amount of such letter, and pay such funds to the claimant, except as otherwise provided hereinafter. The trustee, prior to paying any funds to any claimant, shall determine the total amount due to all claimants under this agreement. If such total amounts exceeds the total of funds which can be drawn by the trustee under letter(s) of credit obtaining by the principal under this agreement, the trustee shall distribute such funds pro rata among the claimants to which funds are due. Payment by the trustee to any such claimant and acceptance by any such claimant of such payment from the trustee shall discharge the trustee, and reduce the amount of funds subject to this agreement, as to such claimant and in the amount of such payment.

(d) If the principal seeks an order of a court to enjoin the honoring of a draft drawn by the trustee, or an order of a court to enjoin payment by the trustee of a claim, or both, the trustee shall notify the claimant and the Administrator. In any such action the trustee shall not be obligated to defend; the claimant at his own expense may defend in the name of the trustee.

(e) Any claimant under this agreement may maintain suit in his own name and at his own expense against the trustee and, if desired, the principal, to recover under this agreement even though such claimant is not a party named in this agreement, except as provided hereinafter. The trustee shall not be liable to pay any claim for recovery under this agreement if it is not in writing and received by the trustee or the Administrator within 120 days from the date of the transaction on which it is based, or if the claimant commences suit against the trustee thereon in less than 180 or more than 547 days (which is approximately 18 months) of the date of the transaction on which the claim is based. The principal and the trustee hereby waive every defense, if any there be, based on the fact that any such claimant is not a party or privy to this agreement. In any such action brought by a claimant against the trustee, the trustee shall not be obligated to defend; the principal or any other claimant at his own expense may defend in the name of the trustee.

(f) If any draft of the trustee under a letter of credit obtained by the principal under this agreement is not honored by the bank on which it is drawn, the trustee shall notify the claimant and the Administrator. The claimant may at his own expense bring legal action in the name of the trustee to compel payment under the letter of credit to the trustee for disposition under this agreement. The trustee shall not be obligated to prosecute in any such action.

(g) If one irrevocable letter of credit obtained by the principal under this agreement is replaced by another in the same form issued by the same bank under which the trustee can draw the same or a greater amount at the same or a later time than under the former such letter of credit, the trustee may surrender the former in exchange for the latter. In exchange for the entire amount which can be drawn by the trustee under any such letter of credit, the trustee may surrender such letter. The trustee may dispose of any such letter which has expired. The trustee shall not, without written approval of the Administrator, otherwise surrender or dispose of any letter of credit obtained by the principal under this agreement.

(h) If any letter of credit obtained by the principal under this agreement is about to expire and has not been replaced by another in the same form issued by the same bank under which the trustee can draw the same or a greater amount at a later time than under the expiring letter of credit, the trustee, unless the Administrator shall in writing state that this is unnecessary, shall obtain the full amount of such expiring letter of credit before it expires.

(i) This agreement may be terminated by either the trustee or the principal, by delivering, to the other such person and the Administrator, written notice of termination stating or describing a termination date. The termination date shall not be less than 30 days after the date such notice of termination is received by the Administrator unless the Administrator in writing approves an earlier termination date. Transactions occurring after the termination date may not be the basis of claims under this agreement. The trustee shall deliver such notice upon receipt of any claim for recovery under this agreement unless the principal informs the trustee that action will be taken to contest the claim. The trustee, unless otherwise directed in writing by the Administrator, shall, before the termination date, draw the full amount which can be drawn under every letter of credit obtained by the principal hereunder.

(j) During times when the trustee holds funds which have been obtained under this agreement, the trustee shall invest such funds in the name of the trustee in fully negotiable obligations of or guaranteed by the United States, or in deposits in national banks or other banks insured by the Federal Deposit Insurance Corporation, or as otherwise approved in writing by the Administrator. The trustee shall not be obligated to maximize interest received on such funds. Interest received by the trustee on such funds shall be disposed of by the trustee in the same manner as such funds. The trustee shall not expend such funds except as follows:

(1) Such funds may be used to pay taxes due on account of interest received by the trustee on such funds;

(2) Such funds may, with the written approval of the Administrator, be used to pay reasonable expenses and compensation of the trustee;

(3) Such funds may be paid to claimants to whom such funds are due under this agreement;

(4) Such funds determined not to be needed to pay claimants under this agreement may, with the written approval of the Administrator, be returned to the bank from which such funds are obtained for credit to the account of the principal.

(k) No amendment, endorsement, rider, or modification of this agreement shall be effective unless it is in writing, a fully executed duplicate of it is received by the Administrator, and either 30 days shall elapse after the date the duplicate is received by the Administrator or the Administrator shall state in writing that he has no objection to it. Termination of the clearance of a registrant under condition clause 3 of this agreement may be accomplished by a rider deducting the name of such registrant.

(l) The trustee may resign by delivering written notice of resignation to the Administrator. The Administrator is hereby authorized to designate a person to act as trustee under this agreement if the trustee designated herein or a successor trustee resigns, or fails or is unable to act or serve. Immediately upon such designation by the Administrator, the prior trustee shall transfer all letters of credit obtained by the principal hereunder, and shall pay over all funds drawn under such letters of credit and in the possession of the prior trustee, to the person so designated by the Administrator. Such transfer and payment shall discharge the prior trustee from all obligation hereunder to draw funds after such transfer under any letter of credit so transferred, or to disburse any funds so paid, and from all other obligations accruing under this agreement after such transfer and payment. Resignation shall not operate to discharge the prior trustee from obligations accruing under this agreement prior to such transfer and payment.

(m) The term "person" as used in this agreement shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals and the heirs, executors, administrators, successors, or assigns thereof.

(n) Any reference herein to one letter of credit shall be deemed to apply to multiple letters of credit if obtained by the principal under this agreement.

(o) Any notice or document required to be given to or filed with the Administrator under this agreement may be given to the Regional Supervisor, Packers and Stockyards Administration, for the region of the principal's residence or principal place of business. Any approval, authorization, designation or other action by the Administrator under this agreement may be taken or performed by such Regional Supervisor or by the Administrator.

This agreement shall become effective on the —— day of ——, 19 —.

Signature of Trustee

Signature of Principal

(7 U.S.C. 204, 228(a))

Done at Washington, D.C., this 23rd day of February 1983.

B. H. (Bill) Jones,

Administrator, Packers and Stockyards Administration.

[FR Doc. 83-5307 Filed 3-1-83; 8:45 am]

BILLING CODE 3410-KD-M

FEDERAL ELECTION COMMISSION

11 CFR Part 110

[Notice 1983-5]

Disclaimer Notices

AGENCY: Federal Election Commission.

ACTION: Transmittal of regulations to Congress.

SUMMARY: FEC regulations at 11 CFR 110.11 governing the inclusion of disclaimer notices in political communications and advertising have been revised and transmitted to Congress pursuant to 2 U.S.C. 438(d). The revisions clarify the Act's requirements for the use of disclaimers on solicitations and on communications expressly advocating the election or defeat of a clearly identified candidate. Further information on the precise changes made is contained in the supplementary information which follows.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: The revisions are based upon the Commission's experience in administering 2 U.S.C. 441d and on public comment received in response to the Commission's Notice of Proposed Rulemaking (47 FR 3796; January 27, 1982).

2 U.S.C. 438(d) requires that any rule or regulation prescribed by the Commission to implement Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on February 25, 1983.

Explanation and Justification for 11 CFR 110.11(a)

The Commission has revised subsection (a) of 11 CFR 110.11 to address several issues that have arisen concerning the current regulation. Overall, the language of this subsection has been redrafted to more closely follow 2 U.S.C. 441d.

Subsection (a)(1) has been revised to more clearly indicate that all communications that expressly advocate the election or defeat of a candidate or that solicit contributions must contain a disclaimer if they are made through a form of general public political advertising. References to posters and yard signs have been included in the list of media which trigger the notice requirement. In addition, the last sentence of this subsection now requires that the disclaimer appear on the front face of communications, such as those on billboards, that only have a front side viewed by the public.

Subsections (a)(1) (i) and (ii) generally follow 2 U.S.C. 441d(a) (1) and (2). Subsection (a)(1)(iii) has been redrafted to more closely follow 2 U.S.C. 441d(a)(3).

Subsection (a)(1)(iv) has been revised to contain two subsections. Subsection (A) now covers solicitations directed to the general public made on behalf of a political committee that is not a candidate's authorized committee. Subsection (B) exempts solicitations by a separate segregated fund from the disclaimer notice requirement when the solicitation is for contributions to the separate segregated fund. This latter provision incorporates into the regulations the Commission's opinion in Advisory Opinion 1980-71.

A new second sentence has been added to subsection (a)(2), exempting communications made using means on which inclusion of a disclaimer would be impracticable. Examples of such means are skywriting and watertowers.

The Commission notes that 2 U.S.C. 435(b), which required committees to include a notice on all literature and advertising stating that a copy of the committee's reports were on file with and available from the Commission, was repealed by Congress in the 1979 Amendments to the Federal Election Campaign Act, effective January 8, 1980. Pub. L. 96-187.

List of Subjects in 11 CFR Part 110

Campaign funds, Political committees, Political candidates.

PART 110—[AMENDED]

11 CFR Part 110 is amended by revising § 110.11(a) to read as follows:

§ 110.11 Communications; advertising.

(a)(1) Except as provided at 11 CFR 110.11(a)(2), whenever any person makes an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate,

or that solicits any contribution, through any broadcasting station, newspaper, magazine, outdoor advertising facility, poster, yard sign, direct mailing or any other form of general public political advertising, a disclaimer meeting the requirements of 11 CFR 110.11(a)(1) (i), (ii), (iii) or (iv) shall appear and be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication. Such person is not required to place the disclaimer on the front face or page of any such material, as long as a disclaimer appears within the communication, except on communications, such as billboards, that contain only a front face.

(i) Such communication, including any solicitation, if paid for and authorized by a candidate, an authorized committee of a candidate, or its agent, shall clearly state that the communication has been paid for by the authorized political committee; or

(ii) Such communication, including any solicitation, if authorized by a candidate, an authorized committee of a candidate or an agent thereof, but paid for by any other person, shall clearly state that the communication is paid for by such other person and, is authorized by such candidate, authorized committee or agent; or

(iii) Such communication, including any solicitation, if made on behalf of or in opposition to a candidate, but paid for by any other person and not authorized by a candidate, authorized committee of a candidate or its agent, shall clearly state that the communication has been paid for by such person and is not authorized by any candidate or candidate's committee.

(iv)(A) For solicitations directed to the general public on behalf of a political committee which is not an authorized committee of a candidate, such solicitation shall clearly state the full name of the person who paid for the communication.

(B) For purposes of this section, whenever a separate segregated fund solicits contributions to the fund from those persons it may solicit under the applicable provisions of 11 CFR Part 114, such communication shall not be considered a form of general public advertising and need not contain the disclaimer set forth in 11 CFR 110.11(a)(1)(iv)(A).

(2) The requirements of 11 CFR 110.11(a)(1) do not apply to bumper stickers, pins, buttons, pens and similar small items upon which the disclaimer cannot be conveniently printed. The requirements of 11 CFR 110.11(a)(1) do not apply to skywriting, watertowers or other means of displaying an advertisement of such a nature that the inclusion of a disclaimer would be impracticable.

Dated: February 25, 1983.

Danny Lee McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-5290 Filed 3-1-83; 8:45 am]

BILLING CODE 6715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2290-2]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA)

ACTION: Final rule.

SUMMARY: The EPA announces final rulemaking on a revision to the Ohio State Implementation Plan (SIP) for Volatile Organic Compounds (VOC). The revision is a variance from the December 31, 1982, SIP deadline for achieving final compliance with emission limits, applicable to the Standard Register Company, for a surface coating line and spray booth for painting miscellaneous metal parts at its Dalton facility. The SIP revision allows the Standard Register Company additional time to convert to high-solids paints and extends the final compliance date to December 31, 1983. EPA's action is based upon a request from the State of Ohio to approve a revision to its SIP.

DATE: This action will be effective May 2, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine McMahan at (312) 353-0396 before visiting the Region V Office).

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written Comments Should be Sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Uylaine McMahan, (312) 353-0396.

SUPPLEMENTARY INFORMATION: On October 22, 1982, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the Standard Register Company. The revision is in the form of a variance for an extended compliance time schedule to convert to high-solids paints for a surface coating line and spray booth for painting miscellaneous metal parts. The surface coating line and spray booth are located at the Standard Register Company in Montgomery County.

Under the existing Federally approved SIP a surface coating line and spray booth for painting miscellaneous metal parts are subject to the compliance schedule contained in Ohio Administrative Code (OAC) Rule 3745-21-04(C)(28) and emission limits contained in OAC Rule 3745-21-09(U)(1)(a)(iv). Final compliance is required by December 31, 1982.

In lieu of the requirements contained in OAC Rule 3745-21-04(C)(28) the State is requesting an extended compliance time schedule for the Standard Register Company to convert to high-solids paints. The final compliance date contained in the variance is December 31, 1983, for the surface coating line and spray booth at this facility.

The variance contains a compliance schedule which includes legally enforceable increments of progress toward compliance. To ensure reasonable progress in achieving compliance for a surface coating line and spray booth for painting miscellaneous metal parts, compliance schedules were established for the calendar year 1982 and 1983. The revised compliance schedule contains the following increments of progress: (a) submittal of a final control plan by October 22, 1982; (b) conversion of french gray color line to high-solids paints by March 31, 1983; (c) conversion of cinnamon air dry and bake enamels to high-solids paints by June 30, 1983; (d) conversion of all remaining baking enamels to high-solids paints by September 30, 1983; and (e) final compliance achieved by December 30,

1983. The Standard Register Company is required to submit a report to the State two weeks after each of the milestone dates listed above.

When the Ohio SIP was approved in 1980, it was determined that the Standard Register Company would achieve the December 31, 1982, compliance date through the use of waterborne coatings. However, the amount of time necessary for waterborne coatings to dry would be such that the parts and the line would require more space than is available at this facility. Due to the low amount of VOC emitted by the coating operation, add-on control equipment prohibitively costly for this facility. These problems render waterborne coatings technicallly and economically infeasible as RACT for this facility.

The technology for high-solids paints is available, as is the application. The Standard Register Company believes that its suppliers can overcome some minor problems which now exist and make a coatings switch to high-solids by December 31, 1983.

The Montgomery County area is currently designated as urban nonattainment for ozone. The approved 1979 ozone attainment demostration in the SIP for this area originally showed a growth cushion of 2761 tons of VOC emissions. This demonstration relied on use of the rollback model and current and comprehensive VOC emission inventories. This cushion has been revised by Ohio EPA to reflect the impact of new sources, variance requests and shutdowns since approval of the 1979 Ozone SIP. The growth cushion is now 2250 tons per year of VOC emissions. If a variance for Standard Register Company is approved, the cushion at the end of 1982 will still be 2244 tons of VOC. Thus, attainment and maintenace of the ozone standard will not be jeopardized. Once compliance has been achieved, the six tons per year of VOC emitted by the Standard Register Company will be added back to the growth cushion.

EPA has reviewed this variance and the State's documentation concerning RACT for this source and concurs with the State's conclusion. In addition, EPA has reviewed the existing Ozone SIP for Montgomery County and determined that its growth cushion will not be jeopordized. EPA is, therefore, approving this variance.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on May 2, 1983. However, if we receive notice by April 1, 1983 that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709). Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 2, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note:—Incorporation by reference of the State Implementation Plan for the State of Ohio, was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended as follows:

Subpart KK—Ohio

1. Section 52.1870 is amended by adding paragraph (c)(50) as follows:

§ 52.1870 Identification of the plan.

* * * * *

(c) * * *

(50) On October 22, 1982, the Ohio Environmental Protection Agency submitted a revision to its Ozone SIP for the Standard Register Company. The revision request is in the form of a variance for an extended compliance time schedule for a surface coating line and spray booth for painting miscellaneous metal parts. Final compliance is changed from December 31, 1982 to December 31, 1983.

* * * * *

[FR Doc. 83-5306 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2298-4]

40 CFR Part 52

Revision to State of Oregon State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice, EPA today announces its approval of a revision to the Oregon State Implementation Plan (SIP) which was received by EPA on August 10, 1982. This revision amends the Motor Vehicle Emission Control Test Criteria Methods and Standards (OAR 340–34–320 through 24–350) as it relates to Oregon Vehicle Inspection Program. EPA is approving the amendments because these changes will improve the operational providers of the testing program.

DATE: This action will be effective on April 1, 1983, unless notice is received before 30 days after date of publication that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A–82–19), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460;

Air Programs Branch, Environment Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101;

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207.

Copy of the State's submittal is Located at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Loren McPhillips, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone, (206) 442–7369, FTS, 399–7369.

SUPPLEMENTARY INFORMATION:

On June 24, 1980, EPA published in the Federal Register (45 FR 42265) final rulemaking on Part D revisions to the Oregon SIP. As part of that action, EPA approved the ongoing Portland inspection and maintenence (I/M)

program on the condition that the Oregon Department of Environmental Quality (DEQ) submit adequate operating rules for this program by July 15, 1980. DEQ responded on July 28, 1980 by submitting a SIP revision which included regulations OAR 340-24-300 through 340-24-350 and on January 2, 1981 EPA approved in the Federal Register (46 FR 36) this revision.

On August 10, 1982, DEQ submitted amendments to the Motor Vehicle Emission Control Test Criteria Methods and Standards (OAR 340-24-320 through 24-350) as part of the Vehicle Inspection Program rules. These amendments include minor revisions to certain definitions and test procedures and incorporate a clarification to DEQ's engine change policy. EPA hereby approves the amendments because these changes will improve the operational procedures and will not affect the programs effectiveness.

The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establish a comment period.

Under Section 307(b)(1) of the Clean Air Act, a judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication of this notice. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP approval under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981).

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of the Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Secs. 110 and 172, Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1982.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart MM—Oregon

Section 52.1970 is amended by adding paragraph (c)(59) as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(59) On August 16, 1982 the State of Oregon Department of Environmental Quality submitted a revision to OAR 340-24-300 to 24-350 (Vehicle Inspection Program Rules).

[FR Doc. 83-5971 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[PP2F2635/R534; PH-FRL 2312-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-(8-Methoxy-4,8-Dimethylnonyl)-4-(Methylethyl) Benzene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance of residues for the insect growth regulator 1-(8-Methoxy-4,8-dimethylnonyl)-4-(1-methylethyl) benzene when used on pastures and range grass for the control of red imported fire ants.

This regulation to eliminate the need to establish a maximum permissible level for residues of the insect growth regulator was requested by Stauffer Chemical Company.

EFFECTIVE DATE: March 2, 1983.

ADDRESS: Written objections may be submitted to the: Hearing clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Divison (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of March 17, 1982 (Federal Register/Vol. 47, No. 52/Wednesday, March 17, 1982) which announced that Stauffer Chemical Company, 1200 South 47th Street, Richmond, Calif. 94804, had filed a pesticide petition (2F2635) with the EPA which proposed that an exemption from the requirement of a tolerance be established for residues of the insect growth regulator 1-(8-Methoxy-4,8-dimethylnonyl)-4-(1-methylethyl) benzene to control red imported fire ants on fields, fallow pasture or crops. Subsequently, the petition was amended to delete crops and include only pasture and range grass.

No comments were received in response to this notice of filing.

The active ingredient 1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl) benzene in this product is an insect growth regulator which acts slowly to reduce fire ant colonies. This insect growth regulator does not exhibit direct toxic effects to fire ants; it acts by disrupting the endocrinological functions of the fire ants. When it is picked up by the worker ants as food and brought to the nest, and fed by trophallaxis to the larvae, the larvae develop into nonviable sexuals, therefore, shifting the caste development from workers to sexuals. Consequently, this leads to the disappearance of the workers which ultimately leads to a decline in food gathering, brood tending, colony maintenance and eventually death of the colonies.

1-(8-methoxy-4,8-dimethylnonyl)-4-(1-methylethyl) benzene is a bait formulation which consists of 1.2% active and 98.8% inert ingredients. A relatively low application rate is recommended at 4.8 grams of active ingredient per acre two times per year.

The data submitted for referenced in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the exemption from the requirement of a tolerance for this petition included:

- Acute oral toxicity (rats)—LD_{50}>5g/kg
- Acute dermal toxicity (rabbits)—LD_{50}>2g/kg
- Primary dermal and ocular irritation studies showing no irritation in the ocular study and only moderate irritation in the dermal study
- Mutagenicity evaluation in Salmonella typhimurium with no mutagenic potential
- In-vitro mutagenicity study
- Mouse lymphoma foreward mutation study—negative
- Liver enzyme induction study
- Teratogenicity study—Negative
- Interim 90-day subchronic study (rats) showing an apparent no-observed-effect level (NOEL) of 10 mg/kg/day

The above tests did not show any deleterious effects that would indicate a cause for alarm by the use of this product. However, additional data has been requested. The following is a list of studies to be submitted after Conditional Registration:

Toxicology

- Final Report on 90-Day Feeding Study (Rat)—due May 1983
- Teratogenicity Study (Rabbit)—due Dec. 1983
- 90-Day Feeding Study (Dog)—due Sept. 1984

Actions being taken to obtain the lacking information are:

- The petitioner has been advised of the data that are lacking, and has agreed in writing to submit all data by the specified dates and not to contest tolerance revocation in the event the results of the data indicate unreasonable adverse effects as stated in 40 CFR 162.11.

Finally, the use will be permitted under a conditional registration, and may be terminated quickly should additional data not be provided or should some unreasonable adverse effects be identified during the review of new data and information.

Considering the beneficial role of this compound in fire ant control management, the reduction of more hazardous pesticides and the inherent target species specificity of this compound, the Agency concludes that the benefits of use far exceed any risk postulated under worst case possibilities.

The toxicity data reviewed in support of the exemption from the requirement of a tolerance is adequate to support an exemption from the requirement of a tolerance for the insect growth regulator 1-(8-Methoxy-4,8-dimethylnonyl)-4-(1-methylethyl) benzene when used on pasture and range grass.

The pesticide is considered useful for the purpose for which the exemption is sought, and it is concluded that the exemption from the requirement of a tolerance will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of March 9, 1982.

Effective on: March 2, 1983.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: February 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.1079 to read as follows:

§ 180.1079 1-(8-Methoxy-4,8-dimethylnonyl)-4-(methylethyl) benzene; exemptions from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the insecticide 1-(8-methoxy-4,8-dimethylnonyl)-4-(methylethyl) benzene when used for fire ants control on pasture and range grass.

[FR Doc. 83-4994 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2648/R518] [PH-FRL 2313-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity artichokes. This regulation to establish a maximum permissible level for residues of the insecticide in or on artichokes was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: March 2, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA. 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA is issued a notice of proposed rulemaking published in the Federal Register of January 5, 1983 (48 FR 484) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2648 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodity artichokes at 0.2 ppm.

There were no comments on requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 409(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 17, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.379 is amended by adding and alphabetically inserting the raw agricultural commodity artichokes to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Artichokes	0.2
* * * * *	

[FR Doc. 83-5282 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

41 CFR Part 15-1

[OA-FRL 2312-8]

General

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is revising its procurement regulation relating to debarred, suspended and ineligible bidders. The intended effect of this revision is to eliminate Agency regulations duplicating intended Federal Procurement Regulations.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: Lawrence E. Sawler, Procurement and Contracts Management Division (PM-214), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202/382-5182).

SUPPLEMENTARY INFORMATION: (a) The Office of Federal Procurement Policy issued a Policy Letter on June 24, 1982, on Government-wide Debarment, Suspension and Ineligibility.

(b) This Policy Letter sets forth in Appendix A the Government-wide policies for debarment and suspension of Government contractors and provides for a consolidated listing of debarments and suspensions. In addition, it provides for a listing of contractors that have been declared ineligible pursuant to statutory authority.

(c) Amendments to the Federal Procurement Regulations will be made in order to implement this policy.

(d) The EPA has determined that its current procurement regulations contain duplications and conflicts with the Policy Letter.

(e) This rule deletes those policies and procedures in the EPA procurement regulation pertaining to debarred, suspended and ineligible bidders.

(f) The Agency has not invited public comments on this rule as its purpose is to reduce the proliferation of regulations and administrative burdens associated with debarred, suspended and ineligible bidders.

(g) The Office of Management and Budget (OMB) has exempted this regulation from the requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

List of Subjects in 41 CFR Part 15-1

Conflict of interest, Government procurement, Environmental protection.

PART 15-1—[AMENDED]

For the reasons set out in the preamble, 41 CFR Part 15-1 is amended as follows:

1. The table of contents for Part 15-1 is amended by removing the contents of Subpart 15-1.6—Debarred, Suspended and Ineligible Bidders.

Subpart 15-1.6—[Removed]

2. Subpart 15-1.6 is removed in its entirety.

Dated: December 28, 1982.

John P. Horton,

Assistant Administrator for Administration.

[FR Doc. 83-5283 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Circular No. 2521]

43 CFR Part 3800

Surface Management of Unpatented Mining Claims Located on the Public Lands; Amendments Affecting Special Category Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will maintain a special protection for special category lands contained within the public lands while lessening the burden on mining claimants by removing the requirement for a plan of operation for certain of those areas.

EFFECTIVE DATE: April 1, 1983.

ADDRESS: Any suggestions or inquiries should be sent to: Director (520), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Eugene Carlat, (202) 343-6537.

SUPPLEMENTARY INFORMATION: The proposed rulemaking amending the existing regulations on Surface Management of Unpatented Mining Claims Located on the Public Lands was published in the Federal Register on March 22, 1982 (47 FR 12197). Comments were invited for a 45-day period during which 68 comments were received. The comments came from the following sources: 51 individuals; 12 associations, including one that represented 6 different groups; 2 companies identified with the mining industry; 2 Federal agencies; and one local government. The comments have been carefully reviewed as part of the decisionmaking process on this final rulemaking.

In summary, the final rulemaking retains the mandatory requirement for filing a plan of operations for mining operations, irrespective of the areal extent of the surface disturbance, located in areas designated for controlled or limited use in the California Desert Conservation Area;

existing and potential components of the Wild and Scenic Rivers System; Areas of Critical Environmental Concern; components of the National Wilderness Preservation System; and areas closed to off-road vehicle use. It removes the requirement for filing a plan of operations for disturbance of five acres or less on lands designated for moderate use and intensive use by the California Desert Conservation Area plan; in areas where off-road vehicle use is limited; and for lands encompassed in valid existing right areas within lands withdrawn from operation of the mining laws. In its place, as is the case for all other public lands, operations that disturb more than five acres must have an approved plan before starting operations and notices must be filed for operations that would disturb 5 acres or less 15 days prior to commencement of operations.

The final rulemaking also provides that a properly filed notice affecting 5 acres or less and any plans of operations properly filed and approved, will constitute authorization for the use of off-road vehicles, avoiding the need to acquire separate authorization for such use.

In general, the comments suggested that the changes made by the proposed rulemaking may not have struck a reasonable balance between efforts to reduce the administrative burden on mining claimants, and the need to prevent unnecessary and undue degradation on special category lands. Some comments applauded the changes made by the proposed rulemaking, with a few of those comments requesting only minor changes.

One of the comments stated the view that a regulatory impact analysis should have been completed on this rulemaking. An environmental assessment was completed on the proposed rulemaking. That assessment showed that the proposed changes would have some impact on the human environment, but that impact would not be significant. Operations conducted under a notice must include reclamation of surface disturbance. Operators must not knowingly disturb Federal property, cultural resources, fossils or threatened or endangered species. Inspection of reclaimed operations by Bureau of Land Management personnel is mandatory under the regulations. The protection afforded by a notice and the requirement for a plan would, in the judgment of the Bureau, provide public lands comprehensive protection, including those no longer subject to mandatory plans of operations. The changes made by the final rulemaking further enhance this view by the retention of the requirement for the filing of a plan of operations on those special category lands that have legislative mandates regarding their significance. Therefore, no regulatory impact analysis has been prepared on this rulemaking.

Comments on the specific sections of the proposed rulemaking will be discussed in connection with the specific section to which they relate.

Section 3809.1–3

The proposed rulemaking would have deleted the mandatory requirement for the filing of a plan of operations for operations located within special category lands. The majority of the comments objected to deleting the requirement for the filing of a plan of operations on such lands because: (1) The lands are sensitive and highly susceptible to unnecessary or undue degradation; (2) an operator, through ignorance or intent, could cause unnecessary or undue degradation; and (3) a perception that the Bureau of Land Management's limited manpower and general unwillingness to adopt tough enforcement measures will not act as a deterrent. In response to those comments, and as a result of the legislative mandates relating to special category lands, the final rulemaking continues to require the filing of a plan of operations for any operation, other than casual use, in designated special category lands; however, the number of special category areas have been reduced in the final rulemaking. Those categories that have been eliminated (California Desert Conservation Area lands classed as moderate or intensive use areas, lands designated for "limited" off-road vehicle use, and areas of valid existing rights within lands withdrawn from the operation of the mining laws), are adequately protected under notice requirements and do not require the additional scrutiny of plans of operations for disturbance to five acres or less.

Paragraph (a) is amended by the final rulemaking to clarify when operations conducted under a notice will not be allowed. When proposed operations overlap or are contiguous to unreclaimed project areas that are a result of operations conducted under a previous notice, the operator is required to file a plan of operations. This requirement will not apply to those cases where non-contiguous project areas disturb five acres or less and are covered by individual notices.

In order to have paragraph (b) of § 3809.1–3 conform to the requirements of the existing regulations, the final rulemaking adds language that states that a properly filed notice of disturbance of five acres or less will constitute authorization for use of off-road vehicles in connection with any operations. The requirement to reclaim lands disturbed in furtherance of mining operations conducted under a notice, plus the mandatory inspection by the authorized officer reduce the amount of paperwork that an operator needs to file. This is a continuance of the clear intent of the existing regulations when they were initially promulgated in 1980.

A number of comments objected to the change made by the proposed rulemaking in paragraph (f) § 3809.1–3 which requires the authorized officer to issue a notice of noncompliance in connection with activities that fail to comply with the existing regulations as they relate to the prevention of undue or unnecessary degradation or completion of reclamation. The final rulemaking gives the authorized officer discretion on the issuance of the notice of noncompliance. This change makes the regulations less burdensome and makes them a better management tool.

Section 3809.1–4

Several of the comments objected to eliminating the mandatory filing of a plan of operations within special category lands as being directly counter to the intent of Congress on the treatment of designated wilderness areas, wild and scenic river areas, designated Areas of Critical Environmental Concern and areas closed to off-road vehicle use. After a review of the legislative mandate relating to special category lands, the final rulemaking retains the requirement for a plan of operations for all of the special category lands described above, as well as for areas designated as controlled or limited use areas by the California Desert Conservation Area plan. Eliminated from such category are lands classified by the California Desert Conservation Area plan as moderate or intensive use areas, lands designated for "limited" off-road vehicle and areas of valid existing rights within withdrawn lands. Those lands under wilderness review will still be subject to the provisions of 43 CFR Subpart 3802. This change will reduce the administrative burden on the public and the Bureau of Land Management, while ensuring adequate protection for special category lands. The change made by the final rulemaking will affect only a small number of mining operations which will be more than offset by the protection afforded lands that have characteristics that should be protected.

A new paragraph (e) has been added to § 3809.1–4 by the final rulemaking that makes it clear that the filing and approval of a plan of operations constitutes authorization for use of an off-road vehicle under the provision of 43 CFR PArt 8340. This change is in keeping with the intent of the existing regulations and reduces the administrative burden on the using public.

Section 3809.1–9

A few comments objected to the removal by the proposed rulemaking of the provision for a nationwide bond in paragraph (d) of § 3809.1–9. After a careful review of the comments and the capabilities of the Bureau of Land Management to administer a nationwide bonding system for unpatented mining claims, the final rulemaking retains the nationwide bonding system.

Editorial changes and technical corrections have been made as needed.

The principal author of this final rulemaking is Eugene Carlat, Division of Minerals and Geothermal Resources, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by this final rulemaking have a uniform impact on all entities having unpatented mining claims located on the public lands. The changes should, in fact, reduce the regulatory burden on all those affected by the requirements of 43 CFR Subpart 3809.

The information collection requirements contained in 43 CFR Subpart 3809 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0104.

List of Subjects for 43 CFR Part 3800

Administrative practice and procedure, Environmental protection, Public lands—mineral resources, Wilderness areas.

Under the authority of section 2319 (30 U.S.C. 22) and 2478 (43 U.S.C. 1201) of the Revised Statutes and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 3800, Group 3800, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
February 10, 1983.

PART 3800—LANDS AND MINERALS SUBJECT TO LOCATION

Subpart 3809—Surface Management

Note.—The information collection requirements contained in this subpart have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004–0104. This information is needed to permit the authorized officer to determine if a plan of operations is needed to protect the public lands and their resources and to determine if the plan of operations, if one is required, is adequate. The obligation to respond is required to obtain a benefit.

§ 3809.0–5 [Amended]

1. Section 3809.0–5 is amended by:

a. Amending paragraph (b) by removing the words "or limited"; and

b. Amending paragraph (k) by inserting in the last sentence of the paragraph immediately after the phrase "Wild and Scenic Rivers," the phrase "areas designated as part of the National Wilderness System administered by the Bureau of Land Management".

§ 3809.1–3 [Amended]

2. Section 3809.1–3 is amended by:

a. Amending paragraph (a) by inserting in the second sentence after the phrase "a subsequent notice" the phrase "covering substantially the same ground";

b. Amending paragraph (b) by adding at the end of the paragraph the sentence "Notices properly filed under this section constitute authorization under part 8340 of this title (Off-Road Vehicles)."; and

c. Revising paragraph (f) to read:

(f) Failure of the operator to prevent undue or unnecessary degradation or to complete reclamation to the standards described in this subpart may cause the operator to be subject to a notice of noncompliance as described in § 3809.3–2 of this title.

§ 3809.1–4 [Amended]

3. Section 3809.1–4 is amended by:

a. Revising paragraph (b)(1) to read:

* * * * *

(b) * * *

"(1) Lands in the California Desert Conservation Area designated as 'controlled' or 'limited' use areas by the California Desert Conservation Area plan;";

b. Removing paragraph (b)(5) in its entirety; and

c. Renumbering paragraph (b)(6) as paragraph (b)(5) and amending it by removing the phrase "or 'limited'".

4. Section 3809.1–4 is amended by adding a new paragraph (c) to read:

* * * * *

"(c) Plans properly filed and approved under this section constitute authorization under part 8340 of this title (Off-Road Vehicles)."

§ 3809.2–1 [Amended]

5. Section 3809.2–1(c) is amended by removing the phrase "in § 3809.1–6(a)" and replacing it with the phrase "in § 3809.1–6".

§ 3809.2–2 [Amended]

6. Section 3809.2–2(e)(2) is amended by adding at the end the phrase "after notification to the authorized officer of such discovery."

§ 3809.4 [Amended]

7. Section 3809.4(b) is amended by inserting after the phrase "within 30 days after the date of" the phrase "receipt of".

[FR Doc. 83–5280 Filed 3–1–83; 8:45 am]
BILLING CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Forty-Eighth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., March 1, 1983, and continuing in effect until 11:59 p.m., July 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:
M. F. Clemens, Jr., (202) 275-7840 or 275-1559.

SUPPLEMENTARY INFORMATION:

Decided: February 24, 1983.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting at Item 13., the authority for The Brandon Corporation (BRAN), to operate between Clay Center and Manhattan, Kansas, at the request of the carrier. Appendix A is further revised by deleting at Item 21.B., the authority for the Burlington Northern Railroad (BN), to operate at Okeene, Oklahoma. This property has been leased to the North Central Oklahoma Railway (NCOK). Also revised is the Cadillac and Lake City Railway's (CLK) authority to operate 6.23 miles at Colorado Springs, Colorado, which property has been sold to Denver and Rio Grande Western Railroad. All succeeding items beyond 12 are renumbered accordingly in this appendix.

Appendix A is further revised in this order, by adding at Item 18.C, the authority for NCOK to extend its operation to Homestead, Oklahoma, and at Item 18.D., between North Enid and Ponca City, Oklahoma, as described in the appendix.

An application has been received from COE requesting interim authority in Iowa, Nebraska, Kansas, and Missouri, over Rock Island lines which, in some cases, presently have rail service. COE has been requested to provide additional information to the Board on these overlapping operations, as well as certification of the right to do business in Kansas, Missouri, and Iowa, and compensation arrangements with the Trustee. Further action on COE's application has been suppended pending the receipt of the requested information.

Appendix B of Forty-Third Revised Service Order No. 1473 is unchanged and is incorporated into this order by reference.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order No. 1473.

Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thrity days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1983.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1983, unless otherwise modified,

amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 95–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A

RI Lines Authorized To Be Operated by Interim Operators

1. *Peoria and Pekin Union Railway Company (PPU):*

A. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

2. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

3. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

4. *Chicago and North Western Transportation Company (CNW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From East Des Moines, Iowa (milepost 350.8) to West Des Moines, Iowa (milepost 394.34).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 37.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 434.5) to Royal, Iowa (milepost 362).

M. From Dows (milepost 123.4) to Forest City, Iowa (milepost 159.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. At Sibley, Iowa.

P. At Hartley, Iowa.

Q. From Carlisle to Indianola, Iowa.

R. At Omaha, Nebraska, (between milepost 502 to milepost 504).

5. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

B. From Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

6. *Missouri Pacific Railroad Company (MP):*

A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. From Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

7. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

8. *Cadillac and Lake City Railway Company (CLK):*

A. From Poplar Street (milepost 0.76) to and including junction with DRGW Belt Line (milepost 3.99) all in the vicinity of Denver, Colorado.

*B. From Colorado Springs (milepost 602.7) to Caruso, Kansas (milepost 430.0) a distance of 172.7 miles.

C. Over-head rights from Caruso, Kansas (milepost 430.0) to Colby, Kansas (milepost 387.0), a distance of approximately 43 miles, in order to effect interchange with the Union Pacific Railroad.

9. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.11) to Henry, Illinois (milepost 128.94) a distance of approximately 12.8 miles.

10. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

11. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.80) to Blue Island, Illinois (milepost 16.61), and yard track 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, (milepost 18.8) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights and to effect interchange at the Kensington and Eastern Yard.

12. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

B. At St. Joseph, Missouri.

13. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1).

B. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

14. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 0.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage is currently leased to the CNW, see Item, 5.E.).

E. From East Des Moines, Iowa (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance 113.79 miles.

F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. [This trackage is currently leased to the MILW, see Item 6.D.].

G. From Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35).

H. From Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.

I. At Rock Island, Illinois including 20th Street Yard.

J. From Altoona to Pella, Iowa.

15. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

16. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. From Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

17. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

B. From Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.

C. From Belleville (milepost 226.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.

18. *North Central Oklahoma Railway, Inc. (NCOK):*

A. From Mangum, Oklahoma (milepost 97.2) to Anadarko, Oklahoma (milepost 16.14).

B. From El Reno, Oklahoma (milepost 515.0) to Hydro, Oklahoma (milepost 553.0) a distance of approximately 38 miles.

*C. From Geary, Oklahoma (milepost 0.0) to Homestead, Oklahoma (milepost 42.8) a distance of approximately 43 miles.

*D. From North Enid, Oklahoma (milepost 0.30) to Ponca City, Oklahoma (Milepost 54.8) a distance of approximately 54.5 miles.

19. *South Central Arkansas Railway, Inc. (SCAR):*

A. From El Dorado, Arkansas (milepost 90) to Ruston, Louisiana (milepost 154.77).

*20. *Burlington Northern Railroad Company (BN):*

A. At Burlington, Iowa (milepost 0 to milepost 2.06).

2. *Fort Worth and Denver Railway Company (FWD):*

A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.

B. At North Fort Worth, Texas (mileposts 603.0 to 611.4).

22. *Omaha, Lincoln and Beatrice Railway Company (OLB):*

A. At Lincoln, Nebraska (milepost 559.16) to (milepost 561.37).

23. *Enid Central Railway Company, Inc. (ENIC):*

A. From North Enid, Oklahoma (Milepost 0.12) to Ponca City, Oklahoma (Milepost 54.8).

24. *Texas North Western Railway Company (TNW):*

A. From Hardesty, Oklahoma (milepost 119.20) to Liberal, Kansas (milepost 152.35) a distance of approximately 33.15 miles.

* Changed.

* Added.

[FR Doc. 83-5211 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 30209-24]

Pacific Coast Groundfish Fishery

Correction

In FR Doc. 83-4050 beginning on page 6715 in the issue of Tuesday, February 15, 1983, make the following correction.

On page 6715, third column, fifth line in the "SUPPLEMENTARY INFORMATION" paragraph, "January 4, 1983" should read "January 4, 1982.".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 48, No. 42
Wednesday, March 2, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103 and 109

Powers and Duties of Service Officers; Availability of Service Records; Employment Authorization; Excludable or Deportable Aliens

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The proposed rule would revise the regulations relating to the imposition of bond conditions against employment in the case of aliens who are in exclusion or deportation proceedings. The rule sets forth conditions under which employment may be authorized. The decision to waive a no-work rider on a bond will lie with the district directors. The revisions will eliminate the present cumbersome procedures by which Regional Commissioners are authorized to impose bond conditions against employment.

DATE: Comments must be received on or before April 4, 1983.

ADDRESS: Please submit written comments in duplicate to the Commissioner of Immigration and Naturalization Service, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT: For General Information Contact: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536 Telephone: (202) 633-3048.

For Specific Information Contact: Michael J. Heilman, Associate General Counsel, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536 Telephone (202) 633-2520.

SUPPLEMENTARY INFORMATION: The proposed rule revises the procedure for imposing a condition against unauthorized employment in an appearance and delivery bond. The present rule authorizes the imposition of such a condition with the prior approval of the Regional Commissioner. The proposed rule would allow automatic imposition of this condition without referral to the Regional Commissioner.

The proposed rule also sets forth conditions which must be met by the alien in deportation or exclusion proceedings where that alien desires release on bond with employment authorized. Factors to be considered in imposing and waiving bond conditions include: The adverse effect of the alien's employment on U.S. citizens and permanent residents, the numbers of aliens engaged in illegal employment, the recentness of the alien's arrival, the likelihood of discretionary relief, and the effect on U.S. citizen or permanent resident dependents.

These revisions are consistent with the general principle that employment of aliens in the United States is to be strictly controlled to safeguard the interests of U.S. citizens and permanent resident aliens.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This would not be a major rule as defined by Section 1(b) of E.O. 12291.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegation, Bonding, Bonds, Surety bonds.

8 CFR Part 109

Aliens, Employment.

Accordingly, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 103—POWER AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

1. In § 103.6, paragraphs (a)(2)(ii) and (a)(2)(iii), would be revised to read as follows:

§ 103.6 Surety bonds.

(a) * * *

(2) * * *

(ii) *Condition against unauthorized employment.* A condition barring employment shall be included in an appearance and delivery bond in connection with a deportation proceeding or bond posted for the release of an alien in exclusion proceedings, unless upon application by the alien the District Director determines that employment is appropriate.

(iii) *Factors to be considered.* Only those aliens who upon application under § 109.1(b) of this chapter establish compelling reasons for granting employment authorization may be authorized to accept employment. Among the factors to be considered when imposing bond conditions are:

(A) Safeguarding employment opportunities for United States citizens and lawful permanent resident aliens;

(B) Impact upon and dislocation of American workers by the employment of aliens;

(C) The number of aliens involved in performing unauthorized employment:

(D) Prior immigration violations relating to acceptance of unauthorized employment of the alien;

(E) The likelihood of continued violations with the same employer;

(F) The recentness of the alien's arrival in the United States;

(G) The acceptance of the unauthorized employment shortly after the alien's arrival;

(H) Whether there is a reasonable basis for considering discretionary relief; and

(I) Whether a United States citizen or lawful permanent resident spouse or children are dependent upon the alien for support, or other equities exist.

* * * * *

(Sec. 103, of the Immigration and Nationality Act, as amended (8 U.S.C. 1103))

PART 109—EMPLOYMENT AUTHORIZATION

1. In § 109.1, a new paragraph (b)(8) is added to read as follow:

§ 109.1 Classes of aliens eligible.

* * * * *

(b) * * *

(8) Any excludable or deportable alien who has posted an appearance and delivery bond may be granted temporary employment authorization if the District Director determines that employment is appropriate under § 103.6(a)(2)(iii) of this chapter.

* * * * *

(Sec. 103, 245(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1103, 1255(c)))

Dated: Febuary 15, 1983.

Alan C. Nelson,

Commissioner, Immigration and Naturalization.

[FR Doc. 83-5280 Filed 3-1-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 83-004P]

Removal of Kidneys From Mature Chickens and Mature Turkeys

AGENCY: Food Safety and Inspection Service.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend the Federal poultry products inspection regulations to require the removal of kidneys from mature chicken and mature turkey carcasses after the inspectors complete their post-mortem inspection of the poultry viscera, but before completion of eviscerating operations, and to prohibit the use of such kidneys for human food. It appears that the concentration of cadmium found in these kidneys causes them to become adulterated under the Poultry Products Inspection Act. Cadmium is a toxic metal associated with kidney damage in humans and is, therefore, injurious to human health. Prohibiting kidneys from mature chicken and mature turkey carcasses to be used for human food would prevent a substantial amount of cadmium from entering the American diet. Additionally, the Agency proposes amending the definition of "Ready-to-Cook poultry" to include the removal of kidneys from mature chickens and mature turkeys.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral Comments may be made to Dr. John C. Prucha, (202) 447-3219. (See also "Comments" under SUPPLEMENTARY INFORMATION.)

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined in accordance with executive Order 11291 that this proposed rule is not a "major rule". It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not have a significant adverse effect on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Five options were considered during the developmental phases of this regulatory action. These options included removal of kidneys from all poultry, or from all poultry destined for mechanical deboning; or from all mature chickens and turkeys destined for mechanical deboning; or from all mature poultry; or from all mature chickens and turkeys. The option of removal of kidneys from all mature chickens and mature turkey carcasses was selected as the most efficient and least costly option. This option would be relatively easy to enforce, yet its focus is narrow without being burdensome to the industry. It focuses on only those birds with a high probability of having kdineys contaminated with unacceptably high levels of cadmium.

There are two types of costs which would be incurred by the poultry industry due to the removal of kidneys as proposed. The first is increased personnel costs due to the fact that additional manpower must be used on the production line to remove the kidneys. The second is product cost due to the loss of yield from the weight of the kidneys. Total industry costs are estimated to range between $1.5 million and $1.9 million annually. These figures assume total recovery of such kidneys compared to total loss under the proposal. They may be inflated due to the fact that the costs do not reflect that kidneys are presently being removed from some poultry being exported. No significant impacts are expected on competition, innovation or foreign trade due to the fact that only 5 percent of all chickens slaughtered and 1 percent of all turkeys slaughtered will be affected.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because the proposal only requires the removal of kidneys from mature chickens and mature turkeys at the time of slaughter. It does not address all processed poultry products. It is anticipated that this will not have a significant economic impact because it affects less than 5 percent of the poultry slaughtered under Federal inspection (less than 5 percent of all chickens slaughtered and only 1 percent of all turkeys slaughtered).

Comments

Interested persons are invited to submit written comments concerning this proposal. The Agency is particularly interested in receiving additional scientific data on the effect of cadmium ingestion on the human body, the cadmium content of the kidneys of mature poultry, and the potential adverse health effects to humans of cadmium from that source. This information will be reviewed by the Agency in determining whether to promulgate a final rule.

Written comments should be sent in duplicate to the Regulations Office. Comments should reference the docket number which appears in the heading of this document. Any person desiring an opportunity for oral presentation of views on this proposal must make such request to Dr. Prucha so that arrangements may be made for such views to be presented. A transcript will be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

The Food Safety and Inspection Service is proposing to amend the Federal poultry products inspection regulations to provide for the removal of kidneys from the carcasses of mature chickens and mature turkeys after USDA inspectors complete their post-mortem inspection of the poultry viscera, but before completion of eviscerating operations, and to prohibit the use of such kidneys for human food. The available data indicates that the kidneys of mature poultry are an adulterant because of their cadmium concentration and should be considered to be unfit for human food.

Toxicity of Cadmium

Cadmium is associated with acute and chronic health problems in humans. Acute toxic effects have been manifested in man through kidney, lung, and bone disorders. However, chronic kidney disease is the principal human health hazard associated with ingestion. The human body does not excrete all the cadmium ingested which results in its accumulation primarily in the kidneys and liver. The earliest sign of kidney disease is the presence of low molecular weight proteins in the urine. Normally, there should be no proteins in the urine. Their presence indicates that the kidneys are not properly filtering the plasma and conserving essential blood components. In addition, the damaged kidneys cannot excrete toxic waste products, with the result that these waste products accumulate in the body and eventually result in uremic poisoning. Once cadmium induced kidney disease begins, it is likely to continue even when exposure to the cadmium has stopped, because of the low rate of excretion. The accumulated cadmium continues to affect functional kidney tissue. (Ref. 1).

Cadmium accumulates in the body with age. Infants are virtually free of cadmium. In January of 1979 the Environmental Protection Agency (EPA) released a study on cadmium toxicity. Their findings suggest that by age 50 a daily cadmium consumption of 60 mcg (micrograms) will have resulted in kidney damage in 1 percent of the population. They further estimate that daily ingestion of 80 to 100 mcg will result in kidney damage in 2.5 to 5 percent of the population by age 50. (Ref. 2).

In experimental animals, high cadmium levels have been associated with hypertension, testicular atrophy, teratomas, and chromosome abnormalities. (Ref. 3). Further, when an animal's diet is deficient in calcium or protein, there is an increased cadmium accumulation in the kidneys and liver. (Ref. 4). The correlation between similar acute and chronic ailments in humans is uncertain but several scientists have recommended that research in this area be continued.

Cadmium in Food

Some exposure to cadmium is unavoidable. It is present in air, water, and soil and becomes incorporated in various human food products. Grains, such as wheat, soybeans, and rice, absorb and concentrate cadmium from the soil in which they are grown. The cadmium is then accumulated in the kidneys of poultry or other animals eating the grain. With the exception of environmental exposure in certain industrial areas, the largest concentration of cadmium comes to people through food. (Ref. 5).

In 1972, an expert committee for the Food and Agriculture Organization/World Health Organization (FAO/WHO) examined the issue of cadmium toxicity and its accumulation in the body. They proposed that the maximum acceptable level of dietary cadmium for an adult should not exceed 400 to 500 mcg per week (57 to 71 mcg per day), from all sources. (Ref. 6).

Cadmium Levels in Poultry Kidneys

On June 29, 1979, the Agency published a notice in the **Federal Register** (44 FR 37965) of the availability of a report entitled "Health and Safety Aspects of the Use of Mechanically Deboned Poultry" (MDP). The section of the report addressing the cadmium issue noted the very high concentration of cadmium in the kidneys of mature chickens. The report stated that use of these kidneys in processed products increases the potential for adverse health effects to consumers because of the contribution those kidneys make to the levels of cadmium in consumers' diets. The report recommended a prohibition against the use of mature chicken kidneys in MDP. (Ref. 7).

The report contained a discussion of the findings of chemical analyses, which were the basis of the authors' recommendations. Samples of kidneys from young chickens (broilers) and mature chickens (laying hens) were analyzed to determine if the cadmium earlier detected in MDP could have resulted from inclusion of the kidneys. The data from these analyses showed sharp increases in the cadmium content of the kidneys with age. The average value for cadmium in young chickens was 0.05 mcg/g (micrograms per gram) with the highest value being 0.18 mcg/g. The average in mature chicken kidneys was 0.80 mcg/g with the highest value being 2.78 mcg/g. The results indicated a 16-fold increase in the amount of cadmium present in mature chicken kidneys when compared to young chicken kidneys. (Ref. 8). After the 1979 report was issued kidneys were sampled from mature turkeys (breeders) with similar results. The average value of cadmium in mature turkeys was 1.0 mcg/g with the highest value being greater than 4 mcg/g.

When the kidneys from mature chickens and mature turkeys are incorporated into the MDP the cadmium present in these tissues is also included in the product. One poultry frankfurter prepared from mature chicken MDP could contribute up to 3.5 mcg of cadmium to the diet. (This calculation is based on the assumption that each frankfurter weighs 1.6 ounces and that 80 percent of the weight is MDP prepared from mature chickens.) As stated in the 1979 report, if the average amount of cadmium in MDP prepared from raw foul backs with kidneys was calculated to be 0.096 mcg/g, then one such frankfurter could contribute 8 percent of the recommended maximum acceptable amount for an adult. Furthermore, depending upon an individual's dietary habits and age, the additional cadmium present in MDP containing mature poultry kidneys may contribute a much greater proportion of that person's acceptable daily intake. The 1979 report states:

> [I]ntakes of cadmium from use of MDP made from fowl with kidneys were projected to range from 5 to 28 percent of the acceptable daily intake (ADI) for infants, and 5 to 27 percent of the ADI for children ages 6 to 12. These amounts are excessive for a food group [meat, poultry, fish] which provides overall only 5 percent of the daily body burden of cadmium. (Ref. 9).

The June 29, 1979, notice also solicited comments on the findings in the report. Fifty-two of those commenting discussed the health and safety aspects of MDP. Of these, twenty-four generally addressed the issues of cadmium and/or poultry kidneys. Two comments stated that there was insufficient evidence, at this time, to prohibit the use of mature chicken kidneys in processed products. Nine concurred with the recommendation for removal. One of these also suggested the removal of mature turkeys kidneys. One commenter preferred controlling the cadmium content of the finished product. However, seven comments stated that even if there was cadmium present it was only in trace amounts. Four of these went on to question the figures used by the Agency to represent consumption and challenged the figures as being inflated.

Poultry Processing Practices and Technology

Poultry kidneys are not marketed separately as a food item and are generally not removed during poultry eviscerating operations. However, the kidneys can be removed by suction, which would reduce the yield by approximately ½ oz. (14.2 gms) in mature chickens and ¾ oz. (21.3 gms) in mature turkeys.

Generally, the machinery used to produce MDP finely grinds the carcass and extrudes the soft tissue through a fine sieve, leaving behind most of the

bone. This results in kidneys being bleeded into the other tissues making up the MDP.

MDP is used as an ingredient in an increasing volume of poultry products. A poultry industry survey conducted by the Agency indicates that MDP has been used in poultry products in the United States since 1965, and its use has increased greatly since 1976. In 1976, approximately 195 million pounds of MDP were produced. Production increased to about 330 million pounds in 1979. MDP is used in poultry sausage products such as chicken frankfurters and chicken bologna.

AS MDP is used in more food items and poultry sausage products gain increased usage, more people will become increasingly exposed to this source of dietary cadmium.

Based on a total diet study FDA estimated that in the United States, the average daily intake of cadmium for adults was 36.9 mcg, in 1977. (Ref. 10). This was based on composite samples of foods as they were prepared for consumption. FDA has also calculated levels of cadmium for specific commodities. By combining their results, FDA estimated that the daily intake is about 57 mcg per day. These results were of similar magnitude and reasonably close to those proposed by FAO/WHO as being in the tolerable range. Neither of FDA's estimates were based on a selection of food items that included poultry frankfurters or other foods likely to contain MDP.

Based on the above information, the Agency estimates that the average level of cadmium intake that will produce renal damage is between 2 and 20 times the current levels from all sources, and that for some individuals cadmium intakes may already be at the critical level. This very narrow margin of safety indicates that it would be prudent to reduce the levels of cadmium in foods where practical. This becomes increasingly important as the estimated dietary levels of cadmium are likely to increase as poultry food items containing MDP become more popular.

Reducing the Level of Cadmium Intake From Poultry

Although vegetables, including grains, are the most common source of cadmium, in the diet, the metal in these foods is present at only very small levels and is uniformly distributed in such products. There is no reasonable means to reduce cadmium exposure from these sources. However, cadmium is concentrated at very high levels in the kidneys of mature poultry. These organs have not traditionally been considered to be human food. Preventing the incorporation of mature chicken and turkey kidneys into MDP and other poultry products will prevent an additional, relatively high, exposure of consumers to cadmium from this source.

Although it is generally known that cadmium is widespread in the environment, albeit at higher concentrations in certain urban and industrial areas, the data available provide no scientific basis for discriminating between the kidneys of mature poultry on the basis of geographical origin. Furthermore, an attempt to discriminate among mature poultry kidneys from flocks in various regions of the country, or on any other basis, would lead to inspection and compliance costs which are not warranted by the relatively small amount of product involved.

Removal of kidneys after post-mortem inspection of the viscera and before completion of the eviscerating operations would prevent processed poultry products from becoming a major additional source of cadmium in the human diet.

For the sake of clarity the Agency is also proposing to amend § 381.1(b)(44) of the regulations (9 CFR 381.1(b)(44)) which defines "ready-to-cook poultry." This is poultry which has undergone processing to remove all unsuitable parts and organs and is ready for marketing. This proposed change would merely reference the proposed revision requiring the removal of kidneys from affected poultry, which would appear in new § 381.65(d) of the regulations (9 CFR 381.65(d)).

References

1. Friberg, L., G. F. Nordberg and V. B. Vouk, eds., Handbook on the Toxicology of Metals, 21: 355, 1979.

2. U.S. Environmental Protection Agency, "Health Assessment Document for Cadmium," January, 1979, pp. I 28–30, (EPA-600/8–79–003).

3. Friberg, Nordberg, and Vouk, pp. 369–372.

4. Sandstead, Herald H., Chairman, et al, "Cadmium, Zinc, and Lead," Geochemistry and the Environment, 1974, p. 47.

5. Ibid, 44.

6. Food and Agricultural Organization of the United Nations, "Evaluation of Certain Food Additives and the Contaminents Mercury, Lead and Cadmium," Sixteenth Report of the Joint FAO/WHO Expert Committee on Food Additives, April 1972, p. 23.

7. Murphy, Elizabeth W., et al, Food Safety and Quality Service, "Health and Safety Aspects of the Use of Mechanically Deboned Poultry," June 1978, pp. 6–7.

8. Ibid, pp. 22–23.

9. Ibid, p. 28.

10. U.S. Department of Health and Human Services, Food and Drug Administration, "Compliance Program Report of Findings, FY 77 Total Diet Studies-Adult" (7320.32), December 1980, p. 15.

(The reports referenced above are available for inspection in the Regulations Office, Hearing Clerk's office.)

On the basis of the data discussed above, it appears that the high concentration of cadmium in the kidneys of mature chickens and mature turkeys render each such kidney unfit for human food and otherwise adulterated under the Poultry Products Inspection Act (21 U.S.C. 453(g)) and, therefore, the kidneys of mature chickens and mature turkeys should not be permitted to be used for human food.

Therefore, the Agency proposes to revise § 381.1(b)(44) and add a new paragraph to § 381.65 of the Federal poultry products inspection regulations (9 CFR 381.1(b)(44) and 381.65). It would require that the kidneys of mature chickens and mature turkeys be removed from their carcasses after the inspectors complete their post-mortem inspection of the viscera, but before completion of the eviscerating operations, and would prohibit the use of such kidneys for human food.

Indexing Terms. As required by 1 CFR 18.20 (46 FR 1762, January 22, 1981), the following are the indexing terms for this regulation:

List of Subjects in 9 CFR Part 381

Definitions, Preparation of products, poultry and poultry products.

Accordingly, Part 381 of the Federal poultry products inspection regulations would be amended to read as follows:

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

1. The authority citation for Part 381 reads as follows:

Authority: Section 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 et seq.); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and Subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1254).

2. Section 381.1(b)(44) would be revised to read as follows:

§ 381.1 Definition.

* * * * *

(b) * * *

(44) *Ready-to-cook poultry.* "Ready-to-cook poultry" means any slaughtered poultry free from protruding pinfeathers, vestigial feathers (hair or down as the case may be) and from which the head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and in

the case of poultry as defined in § 381.170(a)(1) (vi), (vii) and (2)(iv) kidneys have been removed as required for certain mature poultry by § 381.65(d), and with or without the giblets, and which is suitable for cooking without need of futher processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry or other parts of poultry such as reproductive organs, head, or feet that are suitable for cooking without need of further processing.

3. Section 381.65 would be amended by adding a new paragraph (d) to read as follows:

§ 381.65 Operations and procedures, generally.

* * * * *

(d) Kidneys of mature chickens and mature turkeys (poultry defined in § 381.170(a)(1)(vi) and (vii) and (2)(iv)) shall be removed from their carcasses after the inspectors complete their post-mortem inspection of the poultry viscera, but before completion of the eviscerating operations, and shall not be used for human food.

* * * * *

Done at Washington, DC, on February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-5397 Filed 3-1-83; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

14 CFR Part 320

[Economic Reg. Docket 41303; Order 83-2-116]

Procedures for Awarding Japanese Charter Authorizations

February 28, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Shortening of answer period for petition for rulemaking.

SUMMARY: The CAB is shortening the answer period to a petition filed by Flying Tiger Lines to amend the transfer/penalty mechanism for Japan charter authorizations. Because this year's authorizations must be used by September 30, 1983, prompt action is essential if the CAB is to permit unwanted authorizations to be turned in and be redistributed to other interested parties.

DATES: Adopted February 28, 1983. Answers to petition due no later than 4 p.m., March 9, 1983.

FOR FURTHER INFORMATION CONTACT: George Wellington, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5676.

SUPPLEMENTARY INFORMATION:

Order Shortening Answer Period

On February 23, 1983, The Flying Tiger Line Inc. (FTL) petitioned the Board for institution of a rulemaking proceeding to amend the transfer/penalty mechanism in 14 CFR Part 320, *Procedures for awarding Japanese charter authorizations*. The full text of the petition is as follows:

Petition for Rulemaking

The Flying Tiger Line Inc. (Flying Tigers) hereby requests, pursuant to Part 302.38 of the Board's Rules of Practices, that the Board institute a rulemaking proceeding to revise procedures for awarding authorizations to conduct charter operations to Japan (PR-251,[1] 14 CFR § 320) as set forth below:

1. By Regulation PR-251, September 20, 1982, the Board established procedures for allocating among eligible U.S. carriers the 300 charter authorizations provided for in the Memorandum of Understanding (MOU) signed with the Government of Japan on September 7, 1982. The Board assumed that "U.S. carrier demand to obtain the limited * * * authorizations was likely to be far in excess of the 300 flights available." (Regulation PR-251, p. 1.) To encourage maximum use of the authorizations, the Board established a transfer/penalty mechanism which permitted carriers to transfer slots and imposed substantial penalties for non-use of any authorizations by year-end (September 30) of each of the three years covered by the MOU. By this means the Board hoped to promote vigorous competition among several carriers in the Japan charter market and full use of the rights obtained from the Government of Japan.

2. Because of a number of factors, U.S. carriers are not making maximum use of the rights secured under the MOU. World-wide economic conditions have significantly dampened the market for U.S.-Japan passenger charter programs. Moreover, the penalty on the transfer of grandfather slots has created a disincentive to the disposition of those authorizations to a line-haul carrier which could, in conjunction with a tour operator, package a program to Japan. Nearly five months into the first year of the program, few of the authorized charters have taken place and, to our knowledge, only limited use of the remaining authorizations is contemplated. It is now clear that given existing conditions, the carriers holding slots have found no practical way to utilize most of them this year. On the other hand, there may be carriers which—if more slots were available to them—could work with a major tour operator to mount an effective Japan passenger charter program over the next six months.

Under the current allocation procedures, therefore, these valuable rights will be substantially wasted during the first year. To avoid this result, it is proposed that the Board amend PR-251 to provide for a limited "window" period during the coming weeks within which carriers holding more authorizations than currently anticipated needs demand may turn them back to the Board without penalty. These excess slots could then be immediately distributed by lottery or any other method the Board deems proper.

3. The proposed amendment would provide other carriers the opportunity to establish charter operations to Japan and maximize the potential for immediate and full use of the rights obtained in the MOU.

4. The proposal would require the addition of a new § 320.19 and conforming amendments as follows:

1. New § 320.19.

Section 320.19 Turn Back of Authorizations

(a) Any carrier holding charter authorizations awarded or acquired by it under this part may turn back any or all of those authorizations to the Board without penalty between ——— and ———.

(b) The Board will promptly redistribute the charter authorizations returned under this subsection to carriers eligible under § 320.12(a).

(c) Any charter flight authorization obtained under subsection (b) of this section shall not continue beyond September 30 of the allocation year in which it was so obtained.

2. Conforming amendments.

Section 320.4 Charter Authorizations

(a) * * *

(b) * * *

(1) A charter flight authorization for an allocation year that has not been used by September 30 of that year *and has not been turned back as provided in § 320.19* will result in a penalty of a forfeiture of two charter flight authorizations for the remaining allocation years, as provided in § 320.15.

(2) * * *

(3) *A charter flight authorization obtained under § 320.19 shall not continue beyond September 30 of the allocation year in which it was so obtained.*

(4) * * *

Wherefore, the Flying Tiger Line Inc. respectfully requests that the Board institute rulemaking proceedings to provide a limited "window" period for the return of excess authorizations without penalty and for such other and different relief as may be appropriate.

Respectfully submitted,

Joel Stephen Burton,

Counsel for The Flying Tiger Line Inc.

Dated: February 23, 1983.

Section 302.38(a) of the Rules of Practice in Board Proceedings provides a 30-day period for interested persons to file and answer to a petition for rulemaking. This order shortens the answer period.

The charter authorizations for a given year distributed under Part 320 are only

[1] 47 FR (42932) October 1, 1982.

good for a 1-year period ending September 30. If any action is to be taken in response to FTL's petition, prompt action is essential. Unwanted charter authorizations would have to be turned in and distributed to other interested parties with sufficient lead-time for the new parties to plan, advertise and conduct the flights before September 30 of this year. The Board is particularly sensitive to the fact that the peak season for passenger travel is rapidly approaching, and that carriers and tour operators wishing to obtain an authorization would need to finalize their plans as soon as possible. The Board, therefore, is shortening the answer period to the petition in order to expedite this proceeding and to determine if further rulemaking action is required.

Accordingly, the Civil Aeronautics Board:

(1) Shortens the answer period to Flying Tiger's petition from March 25, 1983, to 4 p.m., March 9, 1983.

(2) Copies of this Order will be served to all certificated air carriers and persons on the Service List for Docket 40901.

(Secs. 101, 203, 204, 401, 402, 403, 404, 406, 412, 901, 1001, 1002, 1005, Pub. L. 85-726, as amended, 72 Stat. 737, 742, 743, 754, 757, 758, 760, 763, 770, 783, 788, 794; 49 U.S.C. 1301, 1323, 1324, 1371, 1373, 1374, 1376, 1382, 1471, 1481, 1482, 1485)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5381 Filed 3-1-83; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122, 123 and 264

[SWH-FRL 2311-8]

Hazardous Waste management System; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period for proposed rule.

SUMMARY: On February 8, 1983, EPA published in the **Federal Register** a proposed rule concerning certain procedures for issuing permits for hazardous waste management facilities under the Resource Recovery and Conservation Act. This rule would made the permit effective for the designated operating life of the facility and the post-closure period for a land disposal facility and would give EPA and authorized States increased opportunities for reopening a permit to make changes in permit conditions. The RCRA Permit Advisory Committee requested EPA to extend the public comment period by 30 days so that the Committee can respond to the proposed rule. The purpose of this notice is to extend the public comment period on that proposed rule until May 11, 1983. The public comment period was originally due to end on April 11, 1983.

DATE: Comments must be received on or before May 11, 1983.

ADDRESSES: Comments should be addressed to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460 (202) 382-4487. Comments should identify the regulatory docket number as "Section 122.9—Duration of Permits".

The public docket for this proposed rule is located in Room S-269C, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. and is available for viewing from 9:00 a.m. to 4:00 p.m. Monday through Friday excluding holidays.

FOR FURTHER INFORMATION CONTACT: Amy Mills, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 or call (202) 382-4755 or the RCRA Hotline at (800) 424-9346 or (202) 382-3000.

SUPPLEMENTARY INFORMATION: On February 8, 1983, EPA published a proposed rule that would change the effective life of a permit issued under the Resource Conservation and Recovery Act (RCRA) to a hazardous waste management facility from ten years to the designated lifetime of the facility and the period of post-closure care for land disposal facilities. The proposed rule also gave EPA and authorized States increased opportunities for reopening permits during the life of the permit. The time period for public comment was sixty days.

One week after the proposed rule was published, the RCRA Permit Advisory Committee held its first meeting. The Committee was established under the auspices of the Federal Advisory Committee Act (FACA) in order to provide EPA with expert advice and provide recommendations on effective and responsive permit policies and procedures. At the February 16, 1983 meeting, the Committee adopted a motion requesting that EPA extend the public comment period by thirty days so that the Committee can respond to the proposed rule. This request was made because it would be impossible for the Committee to formulate its recommendations and hold the necessary public meetings, with public notice (as required under FACA), in the original sixty day comment period.

In order to allow time for the Committee and the interested public to comment, EPA is extending the comment period on the proposed rule until May 11, 1983.

Dated: February 21, 1983.

Michael A. Brown,

Acting Assistant Administrator.

[FR Doc. 83-5368 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3710, 3720, 3730, 3740, 3800, 3810, 3820, 3830, 3840, 3850, 3860 and 3870

Acquisition of Rights and Development of Mineral Resources; Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of comment period on intent to propose rulemaking.

SUMMARY: A notice of intent to propose rulemaking requesting the public to comment on regulations dealing with acquisitions of rights and development of mineral resources under the mining laws (30 U.S.C. 22 et seq.) and other Special Acts of Congress was published in the **Federal Register** on December 27, 1982 (47 FR 57521). That notice requested that comments be submitted by February 1, 1983. A notice of extension extending the comment period to March 1, 1983, was published in the **Federal Register** on January 31, 1983 (48 FR 4296). Due to requests to further extend the comment period, this notice extends the comment period for an additional 60 days to May 1, 1983.

DATE: Comments should be submitted by May 1, 1983. Comments received or postmarked after this date may not be considered in the decisionmaking process on a proposed rulemaking.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

February 28, 1983.

[FR Doc. 83-5309 Filed 3-1-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

Swordfish Fishery Management Plan; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council, Gulf of Mexico Fishery Management Council, Caribbean Fishery Management Council, New England Fishery Management Council, and Mid-Atlantic Fishery Management Council will hold public hearings to allow for input on the Swordfish Fishery Management Plan.

DATES: Written comments will be accepted until April 18, 1983. See Supplementary Information for dates of hearings scheduled in the South Atlantic and Gulf of Mexico management areas. Dates and cities for the Caribbean, New England, and Mid-Atlantic public hearings have been selected and a notice of specific locations will be published at a later time.

ADDRESS: Send comments to: David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407, or Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

See Supplementary Information for times and locations of hearings.

FOR FURTHER INFORMATION CONTACT: David H. G. Gould, (803–571–4366) Executive Director, South Atlantic Fishery Management Council; or Jack T. Brawner, (813–893–3141) Regional Director, Southeast Region.

SUPPLEMENTARY INFORMATION: The hearings will deal with a fishery management plan which establishes a management regime for swordfish in the fishery conservation zone from Maine through Texas, including Puerto Rico and the U.S. Virgin Islands. Plan objectives and management measures are directed toward alleviating the following problems:

1. Growth overfishing is expected and could become intense.

2. Competition exists between users of domestic drift gill nets and other gear; also between domestic and Japanese longliners; and

3. Large amounts of swordfish are incidentally caught by Japanese tuna longliners.

Optimum yield is the harvest that will not exceed the maximum yield-per-recruit (YPR) for female swordfish that occurs with the predominant method of harvest (longlines). The Council proposes the following management measures:

Data Year: January 1 through December 31.

Fishing Year: June 1 through May 31.

Core Management Measures

1. The variable season closure will cap fishing mortality at the maximum YPR for female swordfish. Based on the 1980 analysis, this will require restricting fishing mortality at approximately what occurred in 1980. This method will result in a number of closed days in each Council area.

2. Data will be collected from a sample of fishermen indicating their intent to fish by sending a letter to the National Marine Fishery Service, Southeast Regional Director. All vessels selected to be sampled are required to participate. The sampling program will use an on-board technician who collects data for YPR analysis (sex, size, age, indicators), data for other stock assessment techniques, and incidental catch.

Regional Management Measures

1. Minimum of 20 percent sampling of all commercial and recreational swordfishing boats in the Mid-Atlantic Region.

2. Prohibition of gill nets in the New England and Mid-Atlantic Regions.

3. Inclusion or exclusion of rod and reel fishing for the variable season closure.

4. Exclusion of the new England harpoon fishery from the variable season closure.

Foreign Fishing Management Measures

1. There is no allowable foreign fishing for swordfish. Foreign fishing measures address the foreign incidental catch of swordfish when targeting species exempt from the Magnuson Act (tuna) or species covered by a Governing International Fisheries Agreement.

2. Adoption of existing requirements for observers on foreign vessels and that all hooked swordfish be released.

3. Adoption of existing area closures for foreign longliners.

4. A declining quota on the number of swordfish that can be hooked by foreign fishing based on 1980 Japanese data.

5. Accelerated phaseout of foreign hooked swordfish when the first domestic closure is required by an amount sufficient to make the domestic closure unnecessary.

6. The incidental catch of swordfish by foreign fishing for species covered by a Governing International Fisheries Agreement is limited to the 1979 level.

Public Hearings: The scheduled public hearings in the South Atlantic and Gulf of Mexico areas are as follows:

Date	South Atlantic	Gulf of Mexico
March 15...	Key West High School, C-Wing Auditorium, 21099 Flagler Ave., Key West, FL.	Key West High School, C-Wing Auditorium, 2100 Flagler Ave., Key West, FL.
	S.C. Wildlife & Marine Resources Auditorium, Ft. Johnson Rd., Charleston, SC.	Community Center, Mesier St., Port Aransas, TX.
March 16...	Sea Gardens Resort, 615 N. Ocean Blvd., Pompano Beach, FL.	Holiday Inn, 115208 Gulf Blvd., Madeira Beach, FL.
	Savannah Science Museum, 4405 Paulsen St., Savannah, GA.	Jury Assembly Room, 722 Moody, Galveston, TX.
March 17...	Holiday Inn on the Beach, 2600 N. Highway A1A, Ft. Pierce, FL.	Best Western Bayside Inn 711 W. Beach Drive, Panama City, FL.
	Holiday Inn, 1300 N. Atlantic Ave., Ft. Canaveral/Cocoa Beach, FL.	Landmark Motor Hotel, (Capri Room), 2601 Severn Ave., New Orleans/ Metairie, LA.
March 29...	Georgetown Public Library Auditorium, 702 Highmarket St., Georgetown, SC.	
March 30...	Marine Resources Center, Bogue Banks, Morehead City/Atlantic Beach, NC.	
March 31...	Marine Resources Center, Manteo, NC.	

All hearings will be from 7:30–10:00 p.m. and will be tape recorded with the tapes filed as the official transcript of the hearing.

Selected dates and cites for public hearings in the Caribbean, New England, and Mid-Atlantic areas are as follows:

Caribbean

April 6, St. Thomas, U.S. Virgin Islands
April 8, Mayaguez, Puerto Rico

Mid-Atlantic

March 28, Hampton, VA
March 29, Ocean City, MD
March 30, Atlantic City, NJ
March 31, Riverhead, NY

Caribbean

April 6, St. Thomas, U.S. Virgin Islands
April 8, Mayaguez, Puerto Rico

New England

April 7, Portland, ME
April 8, Plymouth, MA
April 11, Westport, MA
April 12, Galilee, RI

Dated: February 23, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-5199 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 42
Wednesday, March 2, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-307]

Availability of a Site-Specific Environmental Analysis for the USDA Cooperative Gypsy Moth Supression and Regulatory Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of the availability of a site-specific environmental analysis for the proposed treatment areas in California.

SUMMARY: This gives notice of the availability of a site-specific environmental analysis for the proposed treatment areas in Alameda, Contra Costa, Los Angeles, Marin, San Mateo, and Santa Clara Counties in California.

ADDRESSES: Requests for a copy of this document should be addressed to California Department of Food and Agriculture, Division of Plant Industry, 1220 N. Street, Room A 350, Sacramento, California 95814. A copy is available for public inspection at this same address and in Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, Hyattsville, MD 20782, (301) 436-8295.

SUPPLEMENTARY INFORMATION: The USDA draft Programmatic Environmental Impact Statement (PEIS) for the Cooperative Gypsy Moth Suppression and Regulatory Program was submitted to the Environmental Protection Agency (EPA) on November 26, 1980. The public comment period for this document closed January 25, 1981. The final Programmatic Environmental Impact Statement (PEIS) was filed with the EPA on March 6, 1981, and a notice of availability of this document was published in the **Federal Register** on April 28, 1981. The final PEIS was supplemented by a document published in the **Federal Register** on May 14, 1981 (46 FR 2666–2667). The PEIS discussed the national Gypsy Moth Suppression and Regulatory Program and noted that annual site-specific environmental documents would be prepared for the proposed treatment areas. A site-specific environmental analysis for the proposed treatment areas in Alameda, Contra Costa, Los Angeles, Marin, San Mateo, and Santa Clara Counties in California has been prepared. The document discusses the environmental effects of the program for approximately 900 acres that are proposed to be treated in these counties in the State of California. None of the treatment options discussed for possible use in such proposed treatment areas pose any significant adverse impact upon the environment of the areas. Further, there are no unique characteristics or aspects of or within the proposed treatment areas that would place it outside the scope of considerations addressed in the PEIS.

Done at Washington, D.C., this 28th day of February 1983.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspection Service.

[FR Doc. 83-5437 Filed 3-1-83; 10:04 am]
BILLING CODE 3410-34-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

February 23, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447-6201.

New

- Food and Nutrition Service
Child Nutrition Labeling Program
On occasion
State or local governments and businesses or other institutions: 5,200 responses; 3,900 hours; not applicable under 3504(h)
Lorraine Molofsky (703) 756-3585

Revised

- Agriculture Marketing Service
Marketing Order No. 985, Regulating the Handling of Spearmint Oil Produced in the Far West
On occasion, annually, biennially
Farms: 1,404 responses; 158 hours; not applicable under 3504(h)
Robert R. Boersma (202) 447-2256

Extension

- Agricultural Marketing Service
Reporting Requirements Under the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products
FV-159, 356, 468
Annually
State and local government and businesses: 12,421 responses; 652 hours; not applicable under 3504(h)
Joe A. Fly (202) 447-4693
- Federal Grain Inspection Service

Application for Inspection Under the Agricultural Marketing Act of 1948
IN 201
On occasion
Business: 24,000 response; 2,000 hours; not applicable under 3504(h)
Lewis Lebakken, Jr. (202) 382–1736
Marshall L. Dantzler,
Acting Statistical Clearance Officer.
[FR Doc. 83-5211 Filed 3-1-83; 8:45 am]
BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Docket 41071]

Akron/Canton Airlines Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled matter is assigned to be held at the Civil Aeronautics Board on March 9, 1983, at 10:00 a.m. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties including the Bureau of Domestic Aviation are instructed to submit on or before March 3, 1983, one copy to each party and prospective party and six copies to the judge of: (1) A proposed statement of issues; (2) proposed stipulations; (3) proposed requests for additional information and evidence; (4) statements of positions; and (5) proposed procedural dates.

Dated at Washington, D.C., February 24, 1983.

William A. Kane, Jr.,
Administrative Law Judge.
[FR Doc. 83-5202 Filed 3-1-83; 8:45 am]
BILLING CODE 6320-01-M

[Order No. 83-2-85; Docket 41077]

Application of American International Airways, Inc.; Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting the American International Airways, Inc. Fitness Investigation, 83–2–85 Docket 41077.

SUMMARY: The Board is instituting an investigation to determine the fitness of American International Airways, Inc. to engage in interstate and overseas air transportation of persons, property, and mail, except for all-cargo service in Alaska and Hawaii.

DATES: Petitions to intervene should be filed in Docket 41077, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, by March 14, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41077, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on the person listed in the attachment to Order 83–2–85, and on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: Joseph W. Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428; (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–2–85 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–2–85 to that address.

By the Bureau of Domestic Aviation: February 24, 1983.

Phillis T. Kaylor,
Secretary.
[FR Doc. 83-5201 Filed 3-1-83; 8:45 am]
BILLING CODE 6320-01-M

[Order 83–2–88; Docket 41306]

Application of Unicorn Air, Ltd. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting the Unicorn Air, Ltd. Fitness Investigation, 83–2–89, Docket 41306.

SUMMARY: The Board is instituting an investigation to determine the fitness of Unicorn Air, Ltd. to engage in interstate and overseas scheduled air transportation of persons, property, and mail and foreign scheduled air transportation of persons, property, and mail between all U.S. points and points in the Federal Republic of Germany, Belgium, and the Netherlands. If the carrier is found to be fit, it will receive certificates of public convenience and necessity authorizing such air transportation.

DATES: Persons wishing to intervene in the *Unicorn Air, Ltd. Fitness Investigation* shall file their petitions in Docket 41306 by March 14, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41306 addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Rhonda Starck or Larry Kravor, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5035 or 5203.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–2–89 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–2–89 to that address.

By the Civil Aeronautics Board: February 24, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-5200 Filed 3-1-83; 8:45 am]
BILLING CODE 6320-01-M

Commuter Fitness Determination

The Board is proposing to find the following carriers fit, willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
83–2–87	Nevada County Aviation, Inc.	Mar. 16, 1983.
83–2–86	Montauk Caribbean Airways, Inc. and Ocean Reef Airways, Inc.	Mar. 17, 1983.
83–2–88	Chesapeake Transport, Inc.	Do.

All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

For Further Information Contact: Ms. Carolyn S. Kramp for Orders 83–2–87 and 83–2–86 at (202) 673–5918; and Mr. Joseph Bolognesi for Order 83–2–88 at (202) 673–5333; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

By the Civil Aeronautics Board: February 24, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-5204 Filed 3-1-83; 8:45 am]
BILLING CODE 6320-01-M

[Order 83-2-94]

Fitness Determination of Air Logistics of Alaska, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 83-2-94).

SUMMARY: The Board is proposing to award a certificate of public convenience and necessity to Air Logistics of Alaska, Inc., authorizing it to engage in the interstate and overseas air transportation of persons, property, and mail as well as all-cargo service in the Anchorage-Iliamna, Alaska market. The Board has tentatively decided that Air Logistics is fit, willing, and able to provide the service.

DATES: Objections: All interested persons having objections to the Board issuing the proposed certificate shall file, and serve upon all persons listed below no later than March 17, 1983, a statement of objections, together with a summary of testimony, statistical data, and material expected to be relied upon to support the objections.

ADDRESSES: Responses or additional data should be filed in Docket 41091, and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served on all persons listed in Attachment B to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5345.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-2-94 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-2-94 to that address.

By the Civil Aeronautics Board: February 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5280 Filed 3-1-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-2-88; Docket 41305]

OCS America Inc.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 83-2-88, Docket 41305.

SUMMARY: The Board proposes to deny authority to operate as a foreign freight forwarder in interstate air transportation to OCS America Inc., a Japanese air freight forwarder, because the Government of Japan does not allow U.S. citizens to obtain like authority in that country.

Objections: All interested persons having objections to the Board's tentative findings and conclusions as described in the order cited above, shall, no later than March 22, 1983, file in Docket 41305 a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, to the Ambassador of Japan in Washington, D.C., and to the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board may enter an order which would make final the Board's tentative findings and conclusions and deny the requested foreign freight forwarder registration to the applicant.

Addresses for Objections:

Docket 41305, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, or

OCS America Inc., c/o Richard Linn, Esq., Wender Murase & White, 1120 20th Street, N.W., Washington, D.C. 20036.

To get a Copy of the Complete Order: Request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Dean L. Johnson (202) 673-5371, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: February 24, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5281 Filed 3-1-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Negative Countervailing Duty Determination; Fresh Asparagus From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary negative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are not being provided to producers or exporters in Mexico of fresh asparagus, as described in the "Scope of Investigation" section of this notice. If this investigation proceeds normally, we will make our final determination by May 9, 1983.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Julia E. Hathcox, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (20) 377-1273 or 377-0184.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is no reason to believe that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to producers or exporters in Mexico of certain fresh asparagus, as described in the "Scope of Investigation" section of this notice.

Case History

On November 3, 1982, we received a petition from the California Asparagus Growers' Association, Washington Asparagus Growers' Association, Michigan Asparagus Growers' Association, and Imperial Valley Asparagus Growers' Association, filed on behalf of the fresh asparagus industry in the United States. The petition alleges that the government of Mexico bestows bounties or grants upon the production or exportation of fresh asparagus within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and, on November 23, 1982, we initiated a countervailing duty investigation. We stated that we expected to issue a preliminary determination on or before December 26, 1982.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, where as here the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine

whether imports of this product cause or threaten material injury to a U.S. industry.

On December 6, 1982, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. On December 22, 1982, we presented a letter clarifying certain points in our questionnaire, to the government of Mexico in Washington, D.C.

On December 17, 1982, we received from the government of Mexico a request for the postponement of the preliminary determination to the extent permitted by the law. The government of Mexico made this request upon the basis that the case is "extraordinarily complicated" under section 703(c)(1)(B) of the Act.

On January 7, 1983, we announced our intention to postpone the preliminary countervailing duty investigation involving fresh asparagus until not later than February 22, 1983. We determined, under section 703(c)(1)(B) of the Act, that the case is extraordinarily complicated because the alleged subsidy practices are numerous and complex, because the issues involved are novel, and there are numerous firms whose activities must be investigated. We determined that the government of Mexico was cooperating, that the other parties concerned were cooperating, and that additional time was necessary to make the preliminary determination.

On January 14, 1983, we received from the government of Mexico a response to our contervailing duty questionnaire regarding fresh asparagus. The response stated that Mexican producers or exporters of fresh asparagus: (a) Had not benefited from, (b) had not applied for or received, or (c) were not eligible for any of the benefits referred to by the petitioners' allegations. In accordance with our proceducers, we sent on February 9, 1983, a supplemental questionnaire to the government of Mexico. We also informed the petitioners and other interested parties that they, too, now had additional time to comment. On February 16, 1983, we received from the government of Mexico the response to our supplemental questionnaire regarding fresh asparagus. Following our notification of the extension of the comment period, we also received comments, including additional allegations, from the petitioners' counsel on February 14, 1983, and a letter from counsel for the Imperial Valley Asparagus Growers' Association. The Mexcian government's response provided additional information regarding certain programs, and again stated that producers or exporters of fresh asparagus had not received benefits under any of the alleged programs or practices.

Scope of Investigation

The product covered by this investigation is fresh asparagus currently is imported under item 137.9520 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

The period for which we are measuring subsidization is January 1, 1982 to September 30, 1982.

Analysis of Programs

I. Program Determined Preliminarily Not To Be Used or for Which Producers or Exporters of This Product Are Not Eligible

A. *Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).* The Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX) is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions which establish contracts for lines of credit with manufacturers and exporters.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. In previous final countervailing duty determinations regarding Mexico, we have found the FOMEX program to confer benefits constituting bounties or grants.

The government of Mexico has stated that producers or exporters of fresh asparagus are not eligible for FOMEX financing because FOMEX does not provide loans to agricultural products and that only manufactured articles may qualify for FOMEX financing. We will further investigate to determine if producers or exporters of the subject merchandise receive benefits constituting bounties or grants through the FOMEX program.

B. *Certificados de Promocion Fiscal (CEPROFI).* In 1979 the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits, which are called Certificates of Fiscal Promotion (CEPROFI), are used to promote the NIDP goals, which include increased employment, regional decentralization, industrial development, and the promotion of small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes. CEPROFI certificates are granted for carrying out investments in "priority" industrial activities. The amount of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of the investment in new plants and equipment, or the value of the purchase of capital goods produced in Mexico. In previous final countervailing duty determinations regarding Mexico, we have found the CEPROFI program to provide benefits constituting bounties or grants.

Petitioners allege that producers or exporters of fresh asparagus may receive benefits constituting bounties or grants under the tax and developmental aspects of the CEPROFI program. The response of the Mexican government states no Mexican producer or exporter of fresh asparagus has applied for or received any CEPROFI. We will investigate further to determine the applicability of the CEPROFI program to producers or exporters of fresh asparagus. (See Sections III B–E).

C. *Import Duty Reductions and Exemptions.* Petitioners allege that companies establishing facilities in the border zone are eligible for import duty reductions or exemptions on raw material, machinery, and equipment. Petitioners also allege that companies or producers capable of demonstrating increased export volume may receive a reduction or exemption on imported machinery or equipment used in the manufacture of exported products. Petitioners also allege producers or exporters of fresh asparagus benefit from their location in areas which are declared free zones and into which merchandise may be imported duty free.

The government of Mexico states that no Mexican producer or exporter of fresh asparagus has benefitted from any import duty reduction or exemption. According to the Mexican government's response, the two largest Mexican producing and exporting associations of fresh asparagus are located in the states of Baja California and Sonora.

We are aware that Baja California and portions of Sonora have been

declared free zones by the government of Mexico. According to Mexico's Industrial Development Plan (Abridged Version), certain portions of the states of Baja California and Sonora have been designated as priority areas for industrial urban development. According to this plan, certain portions of the state of Guanajuato have also been designated as priority areas for industrial urban development. According to the Mexican government's response, other producers and exporters of fresh asparagus are located in the state of Guanajuato.

In a previous final countervailing determination, we have determined that import duty reductions or exemptions on machinery, spare parts, or tools confer benefits constituting bounties or grants. (Certain Iron-Metal Construction Castings from Mexico, February 17, 1983). We determine that import duty reductions and exemptions on raw materials and auxiliary materials physcially incorporated into the final product do not confer benefits constituting bounties or grants. See the Department's regulations (paragraph 3, annex 1 of 19 CFR Part 355) which provide that the nonexcessive drawback, rebate or remission of duties on imported items physcially incorporated in the final product is not a subsidy, but that the drawback, rebate or remission of duties on imported capital goods or items not physically incorporated (e.g. capital equipment) is a subsidy. We will seek further information to determine whether producers or exporters of fresh asparagus from Mexico receive import duty reductions or exemptions on machinery, spare parts, or tools.

D. *The Sistema Alimentario Mexicano (SAM) Program.* According to publicly available information, the SAM program, established in March 1980, is an effort on the part of the Mexican government to guarantee a minimum level of nutrition for the Mexican populace and to achieve independence for Mexico in the food sector. In order to achieve this minimum level of nutrition, the SAM program focuses upon the production, processing, marketing and consumption of those items defined by the National Institute of Nutrition as being included in the "basic food basket" for Mexico. In order to foster the availability of basic food products, the SAM program provides numerous services, including the subsidization of inputs in these basic foods, increasing the guaranteed prices for basic foodstuffs, increasing credit to the agricultural sector and developing technology suitable to the needs of Mexico's small farmers.

Petitioners allege that under the SAM program Mexican producers or exporters of fresh asparagus received the following benefits which could constitute bounties or grants: (a) Duty reductions for producers on imports of raw materials for the production and distribution of goods covered by the SAM program; (b) tax credits for investments in vehicles used to distribute basic goods; (c) reductions on business income tax rates for companies in the agricultural sector or such companies which process their basic product; (d) preferential loans granted to Mexican agriculture; (e) credits for crop insurance and marketing reorganization; (f) credits to producers selling products at prices fixed by the government.

In its responses of January 14 and February 16, 1983, the government of Mexico stated that since eligibility for the SAM program is limited to basic foodstuffs and that fresh asparagus is considered a luxury item in Mexico, producers or exporters of fresh asparagus in Mexico have not received any benefits through the SAM program.

We will continue to seek information regarding the SAM program and its possible applicability to the producers or exporters of fresh asparagus.

E. *Preferential Loans Granted to Mexican Agriculture.* Petitioners allege that producers or exporters of fresh asparagus have received benefits which could constitute bounties or grants through preferential financing provided to Mexican agriculture, specifically through the National Bank of Rural Credit. Petitioners and interested parties further allege that preferential financing is also being provided to producers or exporters of fresh asparaus through two other institutions: the Fund Established in Relation to Agriculture (FIRA) and the Guarantee and Development Fund for Agriculture, Livestock and Poultry (FONDO).

According to publicly available information, the FIRA is a series of trusts administered by the Bank of Mexico. These trusts were established to support farming and livestock sectors and agriculture-related industries through the provision of fixed asset investment loans and working capital loans. These trusts guarantee up to 80 percent of loans granted by the banking system to low-income producers.

Public information also states that the FONDO, a specialized trust, encourages credit institutions to finance farmers. It does this through financial backing and technical assistance services. The National Bank of Rural Credit provides long- and short-term loans to farmers and livestock producers. The National Bank of Rural Credit receives direct support from the Trust Funds of Support and Promotion to the Agricultural and Livestock Industry.

Respondents have stated that no producer or exporter of fresh asparagus has been granted loans by the National Bank of Rural Credit. Further, the government of Mexico states that no producer or exporter of fresh asparagus has received any preferential loans under any other government loan program. Because the petitioners did not raise until February 14, 1983, the issue of possible preferential financing for fresh asparagus producers or exporters through the FONDO and FIRA, we will seek further information regarding these allegations before the issuance of our final countervailing duty determination. We will continue to seek information to determine whether producers or exporters of fresh asparagus have received preferential financing through these organizations under the auspices of the SAM program or independently of that program.

F. *Discounts on Fertilizers, Insecticides, Seeds, and Fuels.* Petitioners allege that producers or exporters of fresh asparagus have received discounts on fertilizers, insecticides, seeds, and fuel. Petitioners and interested parties point out that fertilizer production in Mexico is a government monopoly and that the entire petroleum industry of Mexico is controlled by the government. Respondents state producers and exporters of fresh asparagus have not received any benefits from any program intended to assist basic agricultural products, including the SAM program.

We preliminarily determine the general availability of petroleum products in Mexico at government-controlled prices does not confer a benefit constituting a bounty or grant. Further, we determine preliminarily that government operation of the petroleum/fertilizer industry in Mexico does not *per se* confer a benefit constituting a bounty or grant. We have no evidence that preferential prices for the above products were provided to producers or exporters of fresh asparagus. We will seek further information as to whether benefits constituting bounties or grants are conferred upon a specific industry or group of industries through government-controlled petroleum prices or government operation of the petroleum/fertilizer industry in Mexico.

We will continue to seek information to determine whether producers or exporters of fresh asparagus have

received benefits which might constitute bounties or grants through discounts or fertilizers, insecticides, seeds, or fuel.

II. Program Preliminarily Determined to Be Suspended And Not Used Recently

Certificado de Devolucion de Impuestos Indirectos (CEDI). The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOFIN) documentation with respect to each individual shipment of qualifying exports. SECOFIN processes the application and instructs the Ministry of Treasury to issue the CEDI's in the amount specified. The CEDI's are non-transferable and may be applied against a wide range of federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

We have determined in the past that the CEDI program is countervailable. The government of Mexico notified us that, as of August 25, 1982, it has discontinued the eligibility of all products for the CEDI program. Because the CEDI program has been suspended, the Department preliminarily determines that it is not being used.

III. Programs for Which Additional Information is Needed

A. *Irrigation Projects.* Petitioners allege that the producers or exporters of fresh asparagus from Mexico receive benefits constituting bounties or grants through government financing of and operation of irrigation projects. In addition, petitioners and interested parties allege that Mexican producers or exporters of fresh asparagus receive benefits constituting bounties or grants from water provided by the government at subsidized rates. Petitioners and interested parties state that 40 percent of all irrigated land in Mexico is currently located in the northwest section of the country. In particular, they allege that the Mexicali, Baja California area is a major beneficiary of Mexican government irrigation projects in the northwest of Mexico.

In its response to our supplemental countervailing duty questionnaire, the government of Mexico states that the irrigation projects of the Mexican government have not been installed for the purpose of asparagus growing. The Mexican government states that over one half of the water needs of asparagus producers or exporters in Mexicali is served by canals and that this service must be paid for on a water usage rate established on a water district basis and are uniform for all agricultural products and growers within each water district. The Mexican government further states that the remainder of the asparagus producers in the Mexicali area, as well as in the Guanajuato and Sonora areas of production, use deep wells drilled at the cost of the producers themselves.

While irrigation *per se* may not be considered a subsidy, it could be targeted in such a way as to confer a benefit constituting a bounty or grant. We will seek further information to determine if, in this case, such targeting exists.

We will seek further information regarding the Mexican government's participation in the construction and operation of irrigation facilities in order to determine if such participation provides benefits which could constitute bounties or grants to producers or exporters of fresh asparagus from Mexico. In addition, we will seek further information regarding petitioners' and interested parties' allegation that Mexican asparagus producers or exporters receive benefits which would constitute bounties or grants through the provision of water resources, resulting from activities of the Mexican government.

B. *Investment Credits for New Machinery.* Petitioners allege that producers or exporters of fresh asparagus may receive investment credits for the acquisitions by purchasers located in border areas of new machinery and equipment manufactured in Mexico. Respondents state that producers or exporters have not received any such credits through the CEPROFI program. We will continue to seek further information to determine whether producers or exporters of fresh asparagus have received benefits which might constitute bounties or grants through such investment credits provided through the CEPROFI program or any other program existing independently of the CEPROFI program.

C. *Credits to Promote Employment.* Petitioners allege that producers or exporters of fresh asparagus may receive credits provided to promote increased employment or to maintain pre-devaluation employment. Respondents state that producers or exporters of fresh asparagus do not receive such credits as they have not applied for or received CEPROFI. We will continue to seek information to determine whether producers or exporters of fresh asparagus receives under any program such credits which could provide benefits constituting bounties or grants.

D. *Incentives for the Establishment of Plants.* Petitioners allege that producers or exporters may receive special incentives if they are companies establishing manufacturing plants in the border areas. Respondents state that producers or exporters of fresh asparagus have not received such incentives under CEPROFI. We will seek information to determine whether producers or exporters of fresh asparagus receive under any program such incentives which may provide benefits constituting bounties or grants.

E. *Accelerated Depreciation for Construction.* Petitioners alleged that producers or exporters of fresh asparagus may be eligible for accelerated depreciation for the construction of wholesale warehouses in the border area. Respondents state producers or exporters of fresh asparagus have not received such as they have not applied for or received any CEPROFI. We will seek information to determine if producers or exporters of fresh asparagus have received through any program such accelerated depreciation which could provide a benefit constituting a bounty or grant.

Verification

In accordance with section 776(a) of the Act, we will verify all the information used in making our final determination.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on March 29, 1983, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by March 22, 1983. Oral presentations will be limited to issues raised in the briefs. All written

views should be filed in accordance with 19 CFR 355.34 within 30 days of this notice's publication, at the above address and in at least 10 copies.

Dated: February 22, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5380 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-DS-M

Disposition of Application for Duty-Free Entry of Scientific Article; Rensselaer Polytechnic Institute

Docket Number 82-00203 (published at 47 FR 27369, June 24, 1982) is a duplicate of Docket Number 82-00279 (published at 47 FR 30680, August 23, 1982). These applications were filed by the Rensselaer Polytechnic Institute. Accordingly, we have discontinued processing of Docket Number 82-00203.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-5381 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-DS-M

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Certain Iron-Metal Construction Castings From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determination and countervailing duty order.

SUMMARY: We have determined that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings, as described in the "Scope of Investigation" section of this notice. The net bounty or grant is 2.85 percent *ad valorem*.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Julia E. Hathcox, Office of Investigations, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-5495 or 377-0184.

SUPPLEMENTARY INFORMATION:

Final Determination and Order

Based upon our investigation we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended, (the Act) are being provided to manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings as described in the "Scope of Investigation" section of this notice. We determined the net bounty or grant to be 2.85 percent *ad valorem*.

Case History

On September 10, 1982, we received a petition from counsel on behalf of 11 domestic manufacturers of certain iron-metal construction castings. Those manufacturers are: Alhambra Foundry, Allegheny Foundry Company, Campbell Foundry Company, E. B. Mortiz Foundry, East Jordan Iron Works, Inc., LeBaron Foundry Company, Memphis Machine Works, Neenah Foundry Company, Pinkerton Foundry Company, U.S. Foundry and Manufacturing Corporation, and Vulcan Foundry, Inc. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on September 30, 1982, we initiated a countervailing duty investigation. We stated that we expected to issue a preliminary determination on or before December 6, 1982.

Since Mexico is not a "country under the agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Because the subject merchandise is nondutiable and there is no "international obligation" within the meaning of section 303(a)(2) of the Act which requires an injury determination for nondutiable merchandise from Mexico, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

On October 8, 1982, we presented a questionnaire concerning the petitioner's allegations to the government of Mexico in Washington, D.C.

On December 6, 1982, we preliminarily determined that the government of Mexico was providing its manufacturers, producers, or exporters of certain iron-metal construction castings with benefits that are bounties or grants within the meaning of the countervailing duty law (47 FR 53700). This determination was based upon the best information available as we had not, at the time, received a response to our questionnaire. On December 27, 1982, January 4 and 13, 1983, we received responses to our countervailing duty questionnaire from the Mexican government. On January 17–28, 1983, we verified in Mexico the response submitted by the Mexican government.

Our notice of preliminary determination gave interested parties an opportunity to submit oral or written views. We held a public hearing on January 12, 1983, at which counsel for the petitioners, counsel for the Mexican respondents, and a representative from the Mexican Embassy participated.

Scope of Investigation

The merchandise covered by this investigation is certain iron-metal construction castings, including manhole covers, rings and frames, catch basin frames and grates, cleanout covers and grates, meter boxes, and valve boxes. These castings are commonly called municipal or public works castings. This merchandise is currently classifiable under item numbers 657.0950 of the *Tariff Schedules of the United States Annotated (TSUSA)* and under TSUSA item number 657.0990. These products enter the United States duty-free.

The period for which we are measuring subsidization is from January 1, 1982, to September 30, 1982.

Analysis of Programs

In its response, the government of Mexico provided data for the applicable period. Based upon our analysis of the petition, the response to our questionnaire, our verification, and oral and written comments by interested parties, we determine the following.

I. Programs Determined to Confer Bounties or Grants

We determine that bounties or grants are being provided to manufacturers, producers, or exporters in Mexico of certain iron-metal construction castings under the programs listed below.

A. Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX).—FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as the trustee. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

The producers, manufacturers, and exporters of certain iron-metal construction castings obtained loans from the Fund for the Promotion of Mexican Manufactured Products (FOMEX) for two purposes: pre-export (production) financing and export financing.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30 percent national content in direct production costs; (3) loans granted for pre-export must be in Mexican currency, while loans for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the loans. We found that the maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent in the currency of the country of importation.

We verified the Mexican government's response that certain iron-metal construction castings firms had received pre-export financing or export financing from FOMEX. We verified that, in this case, export financing was provided at the maximum interest rate of 6 percent and pre-export financing at the maximum interest rate of 8 percent. We determined the receipt of pre-export and export financing through FOMEX to be countervailable as it constitutes a bounty or grant through the provision of loans for export purposes, at interest rates significantly less than the interest rates for commercially available loans.

We used as benchmarks for the commercial rate of interest in Mexico the national average commercial rate for comparable short-term peso or dollar-denominated loans, as applicable during January through September 1982. We have determined that during the first nine months of 1982, comparable peso loans were available at an average interest rate of 59.32 percent, and comparable dollar-denominated loans were available at an average interest rate of 21.16 percent. The peso rate and the dollar rate were determined from information supplied by the Department of the Treasury.

For those FOMEX loans obtained by manufacturers during the period January 1, 1982 to September 30, 1982, we computed the difference in interest rates between the FOMEX loans and that which would have been incurred had the loans been made at the benchmark commercial rates of interest. We allocated the amount of benefits for all pre-expert FOMEX loans over the value of total exports to the United States of the subject merchandise. We allocated the amount of benefit for FOMEX export financing loans to the United States for the merchandise under investigation exported over the value of such exports during the same period.

We determine the net amount of the benefit for loans granted for pre-exports to be 0.12 percent *ad valorem* and the net amount of benefit for export financing to be 2.43 percent *ad valorem*, for a total bounty or grant under the program of 2.55 percent *ad valorem*.

B. Fund for Industrial Development (FONEI).—FONEI is a specialized financial development fund, administered by the Bank of Mexico, which grants long-term preferential credit for the creation, expansion or modernization of enterprises in order to foster the efficient production of industrial goods, the production of goods capable of competing in the international market, and industrial decentralization.

We determine that FONEI confers a benefit which constitutes a bounty or grant within the meaning of the countervailing duty law upon the producers, manufacturers or exporters of iron-metal construction castings from Mexico. FONEI benefits are not generally available. The program provides preferential financing, at interest rates below prevailing commercial rates only for approved projects (i.e., those determined to meet the program's objectives).

Among FONEI's objectives is to promote industrial decentralization. FONEI funds are only available for projects located outside of Zone III, the area of controlled industrial growth (Mexico City, Guadalajara, and Monterrey). Promotion of relocation of an industry in order to avoid congestion and environmental problems constitutes a bounty or grant under U.S. law. We further note that this objective also is among the types of programs cited as domestic subsidies in Article 11.1 of the GATT Subsidies Code.

We verified the Mexican government's response that a manufacturer, producer, or exporter of the merchandise subject to this investigation did receive FONEI preferential financing. This loan was obtained in 1977 for a period of 7 years.

We used as our benchmark for the commercial rate of interest in Mexico, the national average commercial rate for comparable peso-denominated loans as applicable in 1977. We have used as best available information for this rate 15.25 percent which was obtained from the Diario official of July 1977.

We computed the difference in payment stream between the FONEI loan and that which would have been incurred had this loan been made at the benchmark commercial rate of interest. We allocated the amount of benefit of this loan ove all of the companies' total value of sales of all products during the period January 1, 1982 to September 30, 1982.

We determine that the net amount of the bounty or grant to be 0.17 percent *ad valorem*.

C. Guarantee and Development Fund for Medium and Small Industries (FOGAIN).—We determine that the Guarantee and Development Fund for Medium and Small Industries (FOGAIN) program confers a benefit which constitutes a bounty or grant within the meaning of the countervailing duty law upon the producers, manufacturers, or exporters of iron-metal construction castings from Mexico. The FOGAIN program provides preferential financing at interest rates below prevailing rates to small and medium sized businesses. This interest rate varies depending upon: (a) Whether a small or medium business has a designated priority status, and (b) the geographical location of the business. Small and medium businesses with priority designation, located within specific zones targeted for industrial growth, receive the most preferential rate. Medium sized businesses, not designated as priority and located within the area of controlled industrial growth, may receive the most adverse FOGAIN interest rate. We determine this program to be countervailable because of its provision of preferential financing based on the designations of certain industries as priority industries and based upon regional targeting indicated by the varying interest rates. We verified that the manufacturer, producer, or exporter of iron-metal construction castings listed in the Mexican response as having received financing through FOGAIN.

We used as our benchmark for the non preferential rate in Mexico the national average commercial rate for comparable peso-denominated loans as applicable in 1981. The manufacturer, producer, or exporter of iron-metal construction castings listed as having received FOGAIN financing obtained this financing in 1981. We have determined, as best available information, that in 1981, the comparable peso loans were available at an interest rate of 43.77 percent. This

rate was supplied by the Department of the Treasury.

We computed the difference in payment stream between FOGAIN loans and that which would have been incurred had the loans been made at the benchmark commercial rate of interest. We allocated the amount of benefit of the loans over all of the companies' total value of sales of all products during the period January 1, 1982 to September 30, 1982. We determine the net amount of the bounty or grant to be 0.13 percent *ad valorem*.

D. State Tax Incentive.—Petitioners allege that business entities may receive partial or total exemption from state taxes, or free or low-priced land incentives for establishing or expanding industry. We verified that only in one instance did an exporter of iron-metal construction castings receive a partial exemption of a state tax. This was a small percentage over the amount of each worker's wages. This exemption was granted to this firm as it is an exporter. Because this benefit is tied to the export performance of this producer, this confers a countervailable benefit. We calculated the amount resulting from the exemption given this firm and allocated the amount of the benefit over all of the companies' total exports of the subject merchandise to the United States during the period January 1, 1982 to September 30, 1982. We determine the net amount of the bounty or grant to be .0008 percent *ad valorem*.

E. Import Duty Reductions and Exemptions.—We determine that the program for import duty reductions or exemptions applicable to imported machinery, spare parts or tools into free zones on border areas would, to the extent utilized, confer a benefit constituting a bounty or grant upon the manufacturers, producers, or exporters of iron-metal construction castings. (See paragraph 3 of Annex 1 to the countervailing duty regulations). Since such import duty exemptions and reductions are contingent upon location in free zones or border areas, they provide bounties or grants for industries located in those zones. Because of the proximity of the manufacturers, producers, or exporters of iron-metal construction castings to the United States-Mexican border, we recognize the possibility of such importation. However, we have determined that the iron-metal construction castings industry in Mexico is primarily labor-intensive. Based upon our verification, the production facilities used in the manufacture of this product do not appear to have been imported. During the course of our verification, we did obtain some information that indicates the possibility that small amounts of tools may have been imported. We will review the applicability of this program in the annual reviews under section 751 of the Act.

II. Program Determined to Confer a Bounty or Grant But Not Applicable to the Investigation

Certificado de Promocion Fiscal (CEPROFI).—In 1979, the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which sets forth broad economic goals for the country. Tax credits, which are called CEPROFIs, are used to promote the NIDP goals, which include increased employment, the promotion of regional decentralization, and industrial development particularly of small and medium sized firms. CEPROFI certificates are non-transferable tax certificates of a set value which may be used for a five-year period to pay federal taxes.

One Mexican producer of the merchandise under investigation received a CEPROFI certificate during the period for which we are measuring subsidization. During the course of our verification, we determined that the receipt of this CEPROFI was based upon the production of a merchandise not subject to this investigation and a related increase in employment. Since the CEPROFI was provided for a product not under investigation, we determined that, while CEPROFI in previous cases has been determined countervailable, the company receiving this CEPROFI did not receive a benefit related to the merchandise under investigation.

III. Program Determined To Be Suspended

Certificado de Devolucion de Impuesto (CEDI).—The CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of the exported merchandise or, if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product. The Secretary of Commerce of Mexico is responsible for setting the CEDI rate, which is not published. Exporters are required to apply for each CEDI by providing to the Ministry of Commerce (SECOFIN) documentation with respect to each individual shipment of qualifying exports. SECOFIN processes the application and, on approval, instructs the Ministry of Treasury to issue the CEDIs in the amount specified. The CEDIs are non-transferable and may be applied against a wide range of various federal tax liabilities (including payroll taxes, value added taxes, federal income taxes, and import duties) over a period of five years from the date of issuance.

The government of Mexico suspended the eligibility of the products under investigation for CEDI tax rebates by an executive order published on August 25, 1982, in the *Diario Oficial de la Federacion* (Diario Oficial). The order abrogates prior executive orders which contained the lists of products eligible to receive CEDI certificates. Suspension of the eligibility to apply for the CEDI was effective one day after publication of the executive order in the *Diario Oficial*.

Although exporters of the merchandise under investigations received benefits under the CEDI program during the period for which we are measuring subsidization, the CEDIs ceased to be available after August 25, 1982. Because the exporters used the CEDI certificates on a current basis, the iron-metal construction castings that were accorded benefits under this program are not likely to enter the United States on or after the date of the suspension of liquidation of the merchandise.

Therefore, although the CEDI program is countervailable, we are not setting a cash deposit rate. If this program were to be reactivated, the Department will review its applicability in the annual reviews under section 751 of the Act.

Programs Determined Not To Confer Bounties or Grants

A. Government Control of Mexican Iron and Steel Industries.—Petitioners claim that all benefits or grants provided by the government to the iron and steel industry of Mexico confer a benefit to the iron-metal construction castings industry as the iron and steel industry may produce such castings or provide material input into the merchandise under investigation. We verified that the exporters of iron-metal construction castings are not related to Mexican iron and steel producing companies. We believe that benefits bestowed upon the manufacturer of an input, are not passed on to a purchaser if the sales are transacted at "arms length". In such a transaction, we believe it is reasonable to assume that the seller, for example a Mexican iron or steel producer, does not pass forward any benefits to an unrelated purchaser. Furthermore, in many instances, those companies which we verified purchased scrap iron inputs originating in the United States. Therefore, we determine that no bounty or grant was conferred upon iron-metal construction castings manufacturers.

producers, or exporters through government control of the Mexican iron and steel industry.

B. Dual Level Currency Exchange.—At verification, we determined that Mexican exporters who receive U.S. dollars for their products must deposit these dollars in accounts where they are exchanged for pesos at a "controlled" rate. Currently, the controlled rate is significantly less than the "free" rate of exchange.

According to public information, most imports are also purchased at the controlled rate, while others may be purchased at the "free" rate. Therefore, we determine and have verified that exporters of iron-metal construction castings do not benefit from the dual level currency exchange system. Depending upon the required import, they may even find themselves in a detrimental position as a result of the dual level currency exchange system.

C. Free Zone and In-Bond Assembly Programs.—Petitioners allege that 100 percent foreign-owned companies producing iron-metal construction castings located in the Mexican "free zones" of Baja California and Sonora may move merchandise, materials and equipment into and from these zones without the payment of import duties. Petitioners further allege that companies located outside the free zones and border area may temporarily import machinery, equipment, and materials without paying customs duties. We found none of the iron-metal construction castings firms verified by us to be foreign-owned. We did verify that certain firms producing and exporting iron-metal construction castings are located in Mexican "free zones" and that one company does perform in-bond processing. In the case of in-bond processing, the firm may import material duty-free under bond, but such material must be exported within a certain time limit or pay customs duty. In the case of exporters of the subject merchandise located in "free zones," permits must be obtained for any importations and payment must be made if the merchandise is sold into Mexico (See DOC position on Respondent's Comment 1).

D. Mexican Credit Insurance (COMESEC).—Petitioners allege that Mexican manufacturers receive through COMESEC commerical risk insurance at preferential rates for exports. COMESEC is a company founded by law and owned by private insurance companies. COMESEC provides export insurance. In conformity with the Department's previous determinations (47 FR 57632) *Final Affirmative Countervailing Duty Determinations and Countervailing Duty Orders: Toy Balloons (Including Punchballs) and Playballs from Mexico),* we determine that COMESEC does not provide a bounty or grant to manufacturers, producers, or exporters of the subject merchandise. In the previous case, it was verified that COMESEC experiences an operating profit on insurance activities.

Programs Determined Not To Be Used

A. Government-Financed Facilities.—Petitioners allege that government-financed facilities, including housing, developed to attract labor to the United States-Mexican border area provide a benefit to industries located in this area. The firms selected for on-site verification are located in the United States-Mexican border area. We verified that firms, regardless of the industry, must pay a certain percentage, based on an employee's wage into a government fund, a portion of which is allocated to government housing and other social services.

Such housing and services are provided through a national program. They are not provided specifically for the iron-metal construction castings industry, nor are they provided for any specific region. Based on our verification, we found that manufacturers, producers, or exporters do not participate in any government program providing government-financed facilities which could be construed to be a bounty or grant.

B. Mexican Institute for Foreign Trade (IMCE).—Created by law published December 31, 1970 in the Diario Official, IMCE has as its organizational purpose the promotion of the foreign trade of Mexico and the coordination of efforts stimulating foreign trade. In addition, IMCE functions as an advisory board in the previously mentioned matters. IMCE has a number of functions which include organizing and directing trade fairs abroad, promoting the visits of foreign trade missions to Mexico, carrying out investigations to identify national products or services which could be in demand abroad, and providing exporters with technical assistance. We verified the Mexican government's response that none of the companies exporting the merchandise under investigation used any of the services offered by IMCE. The IMCE Mexico City office provided us with certification that none of the manufacturers, producers, or exporters of the subject merchandise received IMCE services and that one foundry, a non-exporter, requested information from IMCE regarding merchandise not subject to this investigation.

C. Trust for Industrial Parks, Cities, and Commerical Centers (FIDEIN).—Operating under the Nacional Financiera, this program is aimed at the development of industrial parks an cities. We verified the Mexican government's response that none of the companies exporting the merchandise under investigation were eligible for any benefits relating to being located in industrial parks. We verified that manufacturers, producers, or exporters of iron-metal construction castings are not located in industrial parks.

D. National Preinvestment Fund for Studies and Projects (FONEP).—FONEP is a trust administered by the Nacional Financiera. Its primary objective is to assist firms to invest in economic feasibility studies.

Petitioners allege that FONEP is one of the specialized programs through which the Mexican government assists the manufacturers, producers and exporters of iron-metal construction castings in the production of exports and in the promotion of exports. We verified the Mexican government response on FONEP that none of the companies exporting the merchandise under investigation used any services offered by FONEP.

E. Favorable Tax Treatment.—Petitioners allege that some Mexican industries, such as the construction industry, receive special incentives specifically favorable tax treatment in the form of special rates or tax filing procedures. We verified the Mexican government's response that iron-metal construction castings manufacturers, producers, or exporters do not receive any special treatment regarding favorable methods of taxation, such as special rates or filing procedures.

F. Discounts on Industrial Energy and Basic Petrochemicals.—Petitioners allege that firms constructing new industrial installations may have benefited from discounts on industrial energy and basic petrochemicals. We verified that the manufacturers, producers or exporters of the subject merchandise did not receive discounts on basic petrochemicals or industrial energy supplies.

G. Fondo Nacional de Fomento Industrial (FOMIN).—Petitioner allege that FOMIN provides producers, manufacturers, or exporters of the subject merchandise with a bounty or grant. FOMIN operates as a trust fund, providing funding to certain companies through either stock acquisition or the provision of convertible loans at rates below those of commercial lending institutions. We verified the Mexican government's response that

manufacturers, producers, or exporters of the subject merchandise do not receive benefits through FOMIN.

Petitioner's Comments

Comment 1: The establishment of foreign exchange controls provides a subsidy to Mexican manufacturers in the form of preferential exchange rates.

DOC Position: It is the DOC's understanding that Mexican companies which export to the United States and receive payment in U.S. dollars must place those dollars in accounts where they are exchanged into pesos at the "controlled" rate which is significantly less than the "free" rate of exchange. This exchange rate system became operational at the end of 1982. It is our understanding that firms requiring U.S. imports can purchase most imports at the controlled market rate. Some imports, however, must be purchased at the free market rate. Given the required purchase of pesos at the controlled rate with dollars from exports, this dual level currency exchange system cannot be considered countervailable. At best, the dual currency exchange system would not be beneficial to exporters as it places certain restrictions on their use of foreign exchange. At worst, the dual currency exchange system could prove detrimental to exporters should they find it necessary to purchase any imports at the free rate.

Comment 2: The rescheduling of foreign debts constitutes a subsidy by providing a benefit through the postponement, delay or rescheduling of such debts.

DOC Position: The fact that the Mexican Government rescheduled official financial obligations is not relevant for purposes of the countervailing duty law. Only the preferential rescheduling of private debt could give rise to a bounty or grant.

Comment 3: The FOMEX program falls within the category of a countervailable subsidy.

DOC Position: We agree. FOMEX Loans have been found to be countervailable by the DOC, in other investigations, and benefits have been calculated on the basis of commercially available rates. Although those companies which received FOMEX loans in the past have stated they will not reapply for such loans, this program is still operational and still available to those who have received benefits from it during the period. Unlike CEDI, it has not been suspended and, unlike certain other programs, it was used by certain firms in the period for which we are measuring subsidization. Therefore, we have determined that FOMEX loans are countervailable in this case.

Comment 4: Discounts on industrial energy supplies available to firms which are located in certain geographic regions and which produce export items are countervailable.

DOC Position: During the course of our verification at the government and at the company level, we determined that the manufacturers, producers, or exporters as listed in the Mexican government's response did not receive such discounts.

Comment 5: The CEDI program has been determined to be countervailable and, if reactivated, it would form part of any future review.

DOC Position: The CEDI program as it existed in the past was found to be countervailable by the Department in previous investigations. On August 25, 1982, we were notified by the government of Mexico that the CEDI program was suspended for all products. Should CEDI be reactivated either in its past form or in some modified form, it would become the object of reviews under section 751 of the Act.

Respondent's Comments

Comment 1: Mexico does not provide an import duty reduction for raw materials or equipment used in the iron-metal construction castings. Further, the free trade zones of Baja California, and Sonora, along with the in-bond processing practice, are not countervailable.

DOC Position: The Department's regulations (paragraph 3, annex 1 of 19 CFR Part 355) provide that the nonexcessive drawback, rebate or remission of duties on imported items physically incorporated in the final product is not a subsidy, but that the drawback, rebate or remission of duties on imported capital goods or items not physically incorporated (e.g. capital equipment) is a subsidy. For further information see section I–E.

Comment 2: The Mexican government does not provide benefits to exporters of iron-metal castings in the form of government housing provided specifically for that industry.

DOC Position: During the course of our verification, we determined that business entities must pay a certain percentage of an employee's wage to the government for the purpose of contributing to a social service fund which provides reasonable cost housing. Such housing is generally available, and it is the individual's decision as to whether to apply for government housing. Therefore, we determine that this practice does not provide a benefit which would confer a bounty or grant upon the manufacturers, producers, or exporters of iron-metal construction castings.

Comment 3: Loans offered by the government of Mexico under the FONEI program are not countervailable domestic bounties or grants.

DOC Position: FONEI loans are not available to industries located in the areas of controlled industrial growth that is, Mexico City, Monterrey, and Guadalajara. FONEI loans are regionally targeted inasmuch as they are not available to industries located in all parts of Mexico. Therefore, we determine that FONEI loans do provide a benefit which confers a bounty or grant upon the recipients.

Comment 4: FOGAIN does not constitute a countervailable domestic subsidy.

DOC Position: FOGAIN provides preferential financing to small and medium sized businesses. The FOGAIN interest rate varies based upon the type of industry receiving the loan and the location of the business entity. We determine that the FOGAIN program provides a benefit which constitutes a bounty or grant as it provides preferential financing based upon priority designation and upon geographical location.

Comment 5: The Department should establish zero rates for those firms which requested such rates and indicated they had not applied for nor had they received benefits during the period for which we are measuring subsidization. The Department should also establish zero rates for those companies which, even though they received benefits conferring bounties or grants during the period for which we are measuring subsidization, have stated they will not apply for or receive such benefits in the future.

DOC Position: In accordance with our procedures, we generally establish a country-wide rate for each of those programs which we determine to be countervailable and for which we calculated a net bounty or grant. It has been a long-standing practice of the Department to set country-wide rates except in exceptional circumstances not present here. In this case, the requests for zero-rate treatment were not submitted in a timely or adequate fashion. We are therefore not accepting these certifications.

The firms which received benefits constituting bounties or grants but stated they would not do so in the future did, under the Act, have the opportunity to participate in entering into a suspension agreement whereby their activities with regard to these bounties or grants could be monitored by the

Department. These firms did receive benefits during the period for which we are measuring subsidization, therefore, we have found those benefits to be countervailable.

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During this verification, we followed normal procedures, including inspection of manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.34(a)). Oral and written views have been received and considered.

The suspension of liquidation ordered in our preliminary affirmative determination shall remain in effect until further notice. The net bounty or grant is 2.85 percent *ad valorem*. As required by section 706(a)(3), we are directing the United States Customs Service to require a cash deposit in the amount indicated above for each entry of the subject merchandise entered or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register, and to assess countervailing duties in accordance with sections 706(a)(1) and 751 of the Act. The net amount of bounties or grants is smaller than the 40.53 percent *ad valorem* bounty or grant preliminarily determined. Section 707 of the Act provides that the difference between the deposit of an estimated countervailing duty and the final assessed duty under a countervailing duty order shall be refunded for entries of merchandise entered, or withdrawn from warehouse, for consumption prior to the date of publication of this notice.

The Department intends to conduct administrative reviews within 12 months of publication of this determination as provided in section 751 of the Act.

This notice is published pursuant to sections 303 and 780 of the Act (19 U.S.C. 1303, 1671e).

Dated: February 17, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-5529 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-25-M

Frozen Concentrated Orange Juice from Brazil; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of suspension of investigation.

SUMMARY: The Department of Commerce has decided to suspend the countervailing duty investigation involving frozen concentrated orange juice from Brazil. The basis for the suspension is an agreement by the government of Brazil to offset with an export tax all benefits which we find to be subsidies on frozen concentrated orange juice exported to the United States.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-3003.

SUPPLEMENTARY INFORMATION:

Case History

On July 14, 1982, we received a petition from Florida Citrus Mutual, filed on behalf of the U.S. growers of oranges for processing into frozen concentrated orange juice. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Brazil of frozen concentrated orange juice.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation, and on August 2, 1982, we initiated a countervailing duty investigation (47 FR 37172). We stated that we expected to issue a preliminary determination by October 7, 1982. We subsequently determined that the investigation is "extraordinarily complicated," as defined in section 703(c) of the Act, and postponed our preliminary determination for 65 days until December 13, 1982 (47 FR 49698).

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiation. On September 9, 1982, the ITC preliminarily determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 39740).

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. On December 1, 1982, we received the response to that questionnaire.

On December 13, 1982, we issued our preliminary determination in this investigation (47 FR 56525). We stated in our preliminary determination that the government of Brazil was providing its manufacturers, producers, or exporters of frozen concentrated orange juice with benefits that constitute subsidies. The programs preliminarily determined to bestow subsidies were:

- Preferential working capital financing for exports.
- Income tax exemption for export earnings.

On January 25, 1983, the Department initialed a proposed agreement to suspend the countervailing duty investigation involving frozen concentrated orange juice from Brazil. The basis for the proposed agreement was that the government of Brazil would offset by an export tax the entire amount of benefits we found to confer subsidies on frozen concentrated orange juice exported to the United States.

In compliance with the procedural requirements of section 704(e) of the Act, we discussed with the parties to the proceeding the proposed agreement and provided them a copy of the proposed agreement.

Scope of Investigation

The product covered by this investigation is frozen concentrated orange juice as currently provided for in item 165.35 of the *Tariff Schedules of the United States*.

There are nine known producers and exporters in Brazil of frozen concentrated orange juice to the United States. We have received information from the government of Brazil regarding three of these companies, Cargill Industrial Ltda. (CARGILL), Citrosuco Paulista S.A. (CITROSUCO) and Succocitrico Cutrale S.A. (CUTRALE), which represented over 85 percent of exports of this product to the United States during a recent, representative period—calendar year 1981.

The period for which we are measuring subsidization is that fiscal year for each company which most closely corresponds to calendar year 1981. That period is March 1, 1981 to February 28, 1982 for CARGILL; and May 1, 1981 to April 30, 1982 for CITROSUCO and CUTRALE. We have referred to these periods as fiscal year 1981 in this notice.

Changes Since the Preliminary Determination

Preferential Working Capital Financing for Exports: Resolution 674

On February 11, 1983, the government of Brazil notified the Department that the Banco do Brasil rate for discounting accounts receivable had increased from 59.6 percent to 72 percent effective January 3, 1983. In addition, effective January 11, 1983, the tax on financial transactions was reduced from 6.9 percent to 4.6 percent. These changes result in a subsidy rate differential of 32.6 percent rather than 22.5 percent as stated in the preliminary determination with respect to frozen concentrated orange juice. Consequently, since the rate established for purposes of the suspension is prospective, we will use 32.6 percent as the applicable differential in determining the subsidy rate from this program.

Petitioner's Comments

The Department has consulted with the petitioner, and has received no comments from them concerning the proposed suspension agreement. However, we did receive comments from the petitioner with respect to our preliminary determination.

Comment 1

The petitioner disagrees with the methodologies employed by the Department in the determination of the net subsidy stemming from the preferential working capital financing program. The petitioner alleges that access to preferential short-term financing has significantly enhanced the long-term market position of the Brazilian exporters of frozen concentrated orange juice. They argue that because of these alleged long-term benefits, the Department should equate the benefits received under this program to capital benefits and calculate the subsidy rate in a manner similar to that used to calculate the net subsidy for preferential long-term loans or capital grants. They suggest that rather than allocate the benefits of this program only to exports in the year in which such financing was received, the Department should employ a present value methodology to allocate to the review period benefits of financing received "during the past five years." They do not suggest, however, a period of time over which financing should be allocated.

Further, the petitioner argues that the benchmark used by the Department in determining the net subsidy for this program was incorrect. The petitioner argues that the Department should compound the monthly or quarterly rate for discounting accounts receivable in order to establish an effective annual rate as a comparable benchmark for financing received under this program. In addition, they argue that the department failed to account for alleged compensating balances on these short-term loans (although illegal in Brazil).

DOC Position

The Department has in previous cases used a present value methodology to calculate the benefits stemming from long-term loans in order to match the flow of benefits more directly to the production of goods under investigation. In such instances the benefits were either allocated over the life of the loan or over the average useful life of the asset(s) purchased with the loan(s). The loans which were received by the processors of frozen concentrated orange juice under the preferential working capital financing program had a duration of less than one year and, by their nature, were not tied to assets. Likewise, the loans did not have any of the characteristics of capital grants; the amounts received are repayable and they are not tied to assets.

Therefore, the Department believes that it is inappropriate to determine the value of the benefits of this program using the present value of a cumulation of short-term loans as if they had long-term benefits for which the financial markets ordinarily account in the structure of interest rates based on maturity of instruments.

The conceptual basis for the Department's calculations of the amount of the subsidy is based on the following: (1) That the sale of an account receivable constitutes the purchase of an asset by a bank, in which the bank absorbs the risk of non-payment; (2) that once the sale is completed, the seller has no further obligation (such as repayment with interest) to the bank; and (3) that a series of sales of accounts receivable is not equivalent to rolling over a loan where interest on the original loan is compounded. As a result, the discount rate we have used is a simple rate and additive.

If the sale of an account receivable does in fact have more the character of a loan than the sale of an asset, we may have to reassess our position. We will investigate this matter further in the course of montoring the agreement and make any necessary adjustments in the calculation of the interest differential and net subsidy.

Concerning the argument that the Department has not accounted for compensating balances when determining the net subsidy stemming from this program, we have found no evidence of compensating balances in company records. The only deductions from the value of the receivables noted during verification were the discount, the tax on financial transactions and a commission on the transactions.

Respondent's Comments

Comment 1

The respondent argues that the benefits from preferential working capital financing are realized by a borrower at the time the cost of a loan is paid. Consequently, they argue that the Department should calculate the net subsidy based upon the date of repayment of such loans rather than to prorate the benefit throughout the duration of the loans.

DOC Position

In the notice of final results of administrative review of the countervailing duty order on certain scissors and shears from Brazil (47 FR 10266), we noted that the government of Brazil argued for the allocation of the benefits from these loans throughout the duration of the loans rather than to assign them to the period in which the loan was received. The government stated that the method of assigning the entire benefit to the period in which the loan was received did not fully allow for factors, such as increased or decreased exports from one period to another, factors, which affect the *ad valorem* value of the benefit. We agreed with the government of Brazil's argument and prorated the benefits throughout the duration of the loan. At that time we stated that when each year there is a substantial growth in the value of exports over the previous year, the allocation of the whole loan to the period in which it was received can create a distortion and overstate the value of the benefit. Likewise, in similar circumstances, the allocation of the whole loan to the period in which it is repaid can understate the value of the benefit. Therefore, we have not changed the methodology as stated in the preliminary determination.

Comment 2

The respondent argues that the benefit from the income tax exemption for export earnings should be reduced by 26 percent, the amount of taxes which corporate taxpayers may direct into certain investment funds. The corporations then receive stock for their investment. Respondent claims that had the companies subject to the investigation paid additional taxes, absent the income tax exemption program, they would have elected to

direct 26 percent of such taxes to the investment funds.

DOC Position

It is speculative to assume that the concerned companies would take part in a voluntary investment program. Moreover, the fact that the government of Brazil administers two programs exempting taxes on earnings under differing terms and conditions does not argue that the amount of the countervailable benefit under the export program should be adjusted. Consequently, the Department believes that the proper basis for calculating the benefit from this program is 100 percent of the amount of taxes saved by the companies which participated in it.

Comment 3

The respondent argues that the Department should offset the amount of any subsidies from countervailable programs by the amount of an export tax paid on the export of frozen concentrated orange juice and by the amount of a government imposed increase in the price which exporters of frozen concentrated orange juice must pay for oranges.

During the period for which we are measuring subsidization, exporters paid a 10 percent tax upon exportation of frozen concentrated orange juice. In June 1982 the government also established minimum prices which purchasers must pay for oranges. In conjunction with the establishment of those minimum prices, the export tax was reduced to one percent, the rate currently in effect. They state that processors of frozen concentrated orange juice are contractually bound "to comply with the current system for the foreign sale of frozen concentrated orange juice and to the terms that make up the (strandard) agreement for setting supply prices of raw material (fruit)" in order to obtain export licenses and any financial incentives from exporting the product under investigation. Therefore, they argue that the Department should allow offsets for the export tax and the minimum price for oranges under section 771(6)(A) as application fees, deposits, or similar payments paid in order to qualify for or to recieve the subsidy.

The respondent also cites two other conditions to which a company must agree in order to obtain export licenses, namely, export quotas and minimum export prices. All of these conditions, the export tax, minimum price for raw materials, export quotas and minimum export prices are part of a policy of "diversification" by which the government of Brazil controls the exportation of certain products such as frozen concentrated orange juice, coffee, cocoa, sugar and other items.

The respondent also suggests that the Department should allow offsets for a three percent "excise equalization tax" imposed by the State of Florida and for duties paid to the United States government upon importation of frozen concentrated orange juice.

DOC Position

The government of Brazil has used certain mechanisms in its policy of diversification to restrain the exportation of certain agricultural commodities. The restraints on frozen concentrated orange juuce were imposed in 1979 and have varied widely in their application since then, apparently in reaction to differing market conditions. The purpose of such restraints counters the purpose of export incentives, to expand trade. That they are imposed suggests that any financial "burdens" which result from these restraints serve another purpose than to act as applications or fees to qualify for export incentives.

The policies of restraint and expansion not only differ in purpose but also in operation. As has been noted, the restraints have varied substantially since their inception. Such controls can be further modified in nature (currently a mixture of monetary and quantitative controls), in the extent of their application, or even as to their existence. Such modifications are related to market conditions rather than to qualification for export incentives. As has been shown in previous countervailing duty investigations involving Brazilian products for which no such controls exist, the working capital financing and the income tax exemption for export earnings programs have operated independently of these controls, without any application fees or other payments which allegedly stem from such controls. The controls exist as basic conditions under which the frozen concentrated orange juice may be exported, regardless of the participation, or extent of participation of the exporters of frozen concentrated orange juice in any financial incentive program. As such, the Department considers any cost resulting from these controls to be in the nature of a general expense borne by the exporter, rather than an application fee, deposit or similar payment paid to qualify for, or to receive, the benefit of any specific subsidy program. Therefore, we have not offset the gross subsidy amount of any countervailible program by the costs of these controls. Concerning the export tax imposed under these controls, we are indifferent as to the amount (or existence) of such a tax as it relates to the export tax to be established under the terms of the suspension as long as the latter is sufficient to offset completely the amount of the net subsidy determined by the Department to exist with respect to the subject product. In addition, the Department does not consider taxes imposed by the state of Florida and customs duties imposed by the U.S. Government to constitute offsets under the Act.

Suspension of Investigation

The Department consulted with the petitioner with respect to the proposed suspension agreement. We have determined that the agreement will offset the subsidies completely with respect to the subject merchandise exported directly or indirectly to the United States, that the agreement can be monitored effectively, and that the agreement is in the public interest. Therefore, we find that the criteria for suspension of an investigation pursuant to section 704 of the Act have been met. The terms and conditions of the agreement, signed February 24, 1983, are set forth in Annex 1 to this notice. Pursuant to section 704(f)(2)(A) of the Act, the suspension of liquidation of all entries, entered or withdrawn from warehouse, for consumption of frozen concentrated orange juice from Brazil effective November 19, 1982, as directed in our notice of "Preliminary Affirmative Countervailing Duty Determination, Frozen Concentrated Orange Juice from Brazil," is hereby terminated.

Any cash deposits on entries of frozen concentrated orange juice from Brazil pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

The Department intends to conduct an administrative review within 12 months of the anniversary date of publication of this suspension as provided in section 751 of the Act.

Notwithstanding the suspension agreement, the Department will continue the investigation if we receive such a request in accordance with section 704(g) of the Act within 20 days after the date of publication of this notice.

This notice is published pursuant to section 740(f)(1)(A) of the Act.

Dated: February 24, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

Annex I—Suspension Agreement; Frozen Concentrated Orange Juice

Pursuant to section 704 of the Tariff Act of 1930, as amended (the Act), and section

355.31 of the Commerce Regulations, the United States Department of Commerce (the Department) and the government of Brazil enter into the following suspension agreement (the agreement) on the basis of which the Department shall suspend its countervailing duty investigation initiated on August 2, 1982 (47 FR 37172) with respect to frozen concentrated orange juice from Brazil. The agreement shall be in accordance with the terms and provisions set forth below.

A. Scope of the Agreement

The agreement applies to frozen concentrated orange juice manufactured in Brazil and exported, directly or indirectly, from Brazil to the United States (hereinafter referred to as the "subject product"), as currently provided for in item 165.35 of the *Tariff Schedules of the United States*.

B. Basis of the Agreement

1. The government of Brazil hereby agrees to offset completely the amount of the net subsidy determined by the Department in this proceeding to exist with respect to the subject product. The offset shall be accomplished by an export tax applicable to the subject product exported on or after April 30, 1983. The export tax shall offset completely any benefits found to exist with respect to the following programs:

(a) Preferential working capital financing for exports.

(b) Income tax exemption for export earnings.

(c) Any other program subsequently determined by the Department to constitute a subsidy under the Act to the subject product.

The Department shall officially notify the government of Brazil of any determination made with respect to items (a) through (c) above.

2. The government of Brazil certifies that no new or equivalent benefits shall be granted on the subject product as a substitute for any benefits offset by the agreement.

3. The offset of these benefits does not constitute an admission by the government of Brazil that such benefits are subsidies within the meaning of the U.S. countervailing duty law.

4. The government of Brazil agrees that from the effective date of the suspension of the investigation and until the imposition of an export tax no later than April 30, 1983 that completely offsets the net subsidy determined by the Department to exist, the rate of exports of the subject product will not exceed the average monthly rate of exports to the United States in the period June 1981–May 1982. Exports in excess of this quantity will constitute a violation of the agreement pursuant to section 704(i) of the Act.

C. Monitoring of the Agreement

1. The government of Brazil agrees to supply to the Department documentation concerning the method and time of payment of the export tax and other information the Department deems necessary to demonstrate that it is in full compliance with the agreement.

2. The government of Brazil shall notify the Department if any exporters of the subject product which benefit from the programs described in paragraph B.1 regarding the manufacture, production or export of the subject product transship the subject product through third countries to the United States.

3. The government of Brazil shall certify to the Department within 15 days after the first day of each three-month period beginning on July 1, 1983 whether it continues to be in compliance with the agreement by offsetting completely the net subsidy referred to in paragraph B.1 and whether it has substituted any new or equivalent benefits for the benefits offset by the agreement. The first certification shall include the period April 30, 1983—June 30, 1983. Failure to supply such information or certification in a timely fashion may result in the immediate resumption of the investigation or issuance of a countervailing duty order.

4. The government of Brazil shall permit such verification and data collection as is requested by the Department in order to monitor the agreement. The Department will request such information and perform such verification periodically pursuant to administrative reviews conducted under section 751 of the Act.

5. The government of Brazil shall promptly notify the Department, with appropriate documentation, of any change in the amount of benefits to the subject product, of any change in the rate of the export tax, or if it decides to alter or terminate its obligations with respect to any of the terms of the agreement.

D. Violation of the Agreement

If the Department determines that the agreement is being or has been violated or no longer meets the requirements of section 704(b) or (d) of the Act, then section 704(i) shall apply.

E. Effective Date

The effective date of the agreement is the date of publication.

Signed on this 24th day of February 1983 for the Government of Brazil.

José Alfredo Graça Lima,

First Secretary of the Brazilian Embassy.

I have determined that the provisions of paragraph B completely offset the subsidies that the government of Brazil is providing with respect to frozen concentrated orange juice exported directly or indirectly from Brazil to the United States and that the provisions of paragraph C ensure that this agreement can be monitored effectively pursuant to section 704(d) of the Act. Furthermore, I have determined that the agreement meets the requirements of section 704(b) of the Act and suspension of the investigation is in the public interest.

Department of Commerce.

Judity H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5355 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-DS-M

Investigation of Imports of Bolts, Nuts and Large Screws of Iron or Steel

AGENCY: Office of Industrial Resource Administration, International Trade Administration, Commerce.

ACTION: Notice of the completion of the investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) to determine the effects on the national security of imports of bolts, nuts and large screws of iron or steel.

SUMMARY: An investigation was conducted under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of bolts, nuts and large screws of iron or steel (excluding mine roof bolts but including lag screws and bolts). It was found that bolts, nuts and large screws of iron or steel are not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. Accordingly, no action to adjust imports was recommended. A final report was sent to the President by the Secretary of Commerce on February 10, 1983. The Department of Defense concurred in this finding.

Background

On February 11, 1982, the Secretary of Defense requested that the Secretary of Commerce conduct an investigation to determine the effects on the national security of imports of nuts, bolts and large screws of iron or steel (excluding mine roof bolts, but including lag screws and bolts). The petition was accepted and a notice was published in the **Federal Register**, 47 FR 13540, March 31, 1982, advising the public that an investigation was being conducted under the authority of Section 232, of the Trade Expansion Act of 1962, as amended. Interested parties were invited to submit written comments.

In his petition, the Secretary of Defense stated that, ". . . data indicates that a significant shortfall in our industrial capability as related to national defense needs existed in 1977. The situation probably has worsened since that time because our mobilization requirements have increased (over 6 percent), and the output of the domestic industrial base has not improved."

The investigation was undertaken in accordance with International Trade Administration Regulation 15 C.F.R. Part 350, "Effect of Imported Articles on the National Security."

Public Comments

Six comments were received pertaining to this investigation. Commenters recognized the malaise suffered by the domestic industry; two commenters attributed the industry's problems to imports. The remaining blamed general economic conditions. The Industrial Fastener Institute, the industry's trade association, stated that survival of the U.S. fastener industry is important to the national security.

The public record concerning this investigation, including the Secretary's report to the President, will be maintained in the International Trade Administration's Freedom of Information Records Inspection facility, Room 4102 (202–377–3031), U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20230. Copies of entire report are also available in Room 3875, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, D.C. 20230.

The Executive Summary of the report of the investigation follows.

Executive Summary

The Department of Commerce initiated this investigation to determine the effect on the national security of imports of nuts, bolts and large screws of iron or steel (excluding mine roof bolts, but including lag screws and bolts) under the authority of Section 232 of the Trade Expansion Act of 1962, as amended (19 USC 1862), as the result of a February 11, 1982, request from the Secretary of Defense.

After assessing relevant data as required by the statute, we have concluded that the nuts, bolts and large screws of iron or steel investigated here are not being imported into the U.S. in such quantities or under such circumstances as to threaten to impair our national security. During a mobilization imports of fasteners would be reliable, would comprise an important part of our required supply of industrial fasteners and would augment our domestic production. The decline in productive capacity in the U.S. industrial fastener industry, consequently, does not pose a threat to our national security. The industry's difficulties are due not only to import penetration, but also to general economic conditions, and the general economic recovery can be expected to help the industry significantly.

This investigation concerned imports of the following industrial fastener categories as defined by the Tariff Schedules of the United States (TSUS):

Item No.

646.4920 Lag screws or bolts (of iron or steel)
646.5400 Bolts and bolts and their nuts imported in the same shipment (of iron or steel)
646.5600 Nuts (of iron or steel)
646.6320 Cap screws (of iron or steel) having shanks or threads over 0.24 inch in diameter
646.6340 Other screws with shanks or threads over 0.24 inch in diameter (of iron or steel)

Nuts, bolts and large screws or iron or steel, commonly called industrial fasteners, are mechanical devices designed specifically to hold, join, couple or assemble multiple components. Most U.S. industries require such fasteners. Leading users of nuts, bolts and large screws include the automobile, construction, industrial equipment and home appliance industries.

The Department of Commerce regulations governing Section 232 mandate certain criteria for determining the effects of imports on the national security including:

(1) Requirements of the direct defense, indirect defense and civilian sectors of the national economy;

(2) domestic production needed for projected national defense needs;

(3) capacity of domestic industries to meet projected national defense needs;

(4) existing and anticipated availability of labor (skilled and unskilled), raw materials, production equipment and facilities, and other supplies and services essential to the national defense;

(5) growth requirements of domestic industries to meet national defense requirements;

(6) quantity, quality and availability of imports;

(7) impact of foreign competition on the economic welfare of any essential domestic industry;

(8) serious effects of imports on the possible displacement of domestic products, unemployment, decrease in revenues to the government, loss of investments, loss of specialized skills and loss of productive capacity;

(9) any other relevant factors that may weaken the national economy; and

(10) other factors relevant to the national security in light of any unique circumstances associated with each case.

In order to determine if imports of nuts, bolts, and large screws of iron or steel are threatening the national security, the investigation began by determining the U.S. national security requirements (direct defense, indirect defense, and civilian) for such items. Identification of requirements was based upon the guidance in National Security Directive 47 which states that maintenance of the capacity to mobilize resources efficiently and effectively in the event of a national emergency is of fundamental importance to U.S. national security. The directive further states that the broadly defined crisis scenarios are to serve as the principal basis for mobilization planning.

We determined that this investigation could most appropriately be conducted using the scenario developed for National Defense Stockpile planning. Therefore, requirements calculations were made under the assumed emergency conditions it contains.

The Department of Defense (DOD) provided the Federal Emergency Management Agency (FEMA) with defense mobilization expenditure levels based on that scenario, from which FEMA derived direct defense and indirect defense production requirements of fasteners. FEMA calculated civilian production requirements for fasteners based on the defense requirements mentioned above taking into account austerity in consumption patterns and other pertinent considerations and assumptions.

With requirements defined, the next step was to examine the possible sources for meeting them: 1) Domestic production and 2) reliable imports.

Approximately 100 companies produce nuts, bolts and large screws in the U.S. Original equipment manufacturers (OEMs), *i.e.*, manufacturers of major consumer end-products and industrial equipment, predominantly automotive and machinery manufacturers, receive the bulk of the fastener shipments. Distributors purchase the remainder. Business in the fastener industry is cyclical, closely tied to demand for manufacturing and consumer durables. When the economy is good and demand for durables is high, the fastener industry flourishes. When the economy turns down and demand for durables shrinks, the fastener industry suffers. The industry is currently in a cyclical downturn.

Poor market condidtions have forced various U.S. fastener manufacturers to either alter their product mix, consolidate with other companies, spin off unprofitable operations or go out of business. In general, import penetration has led firms to either eliminate or reduce their production of smaller diameter standard fasteners, and to

concentrate their manufacture on more specilized fasteners.

The data collected show that during mobilization, while current domestic production capacity can meet defense requirements, additional supply wouuld be required to meet civilian needs. The shortfall could be reduced in the following ways: 1) surge in domestic production, 2) reliable imports, or 3) a combination of the two.

Historically, the fastener industry has been able to surge its production in times of high demand such as World War II (when it nearly doubled), the Korean conflict and the Vietnam involvement. Lack of skilled labor could be a major constraint to expanding the industry during a mobilization. However, there is evidence that one of the principal reasons the industry has been able to surge in the past is due to the practice of labor hoarding, in which industry finds it more cost effective, even in times of declining demand, to retain its skilled labor force rather than to institute layoffs and train new workers later when demand increases again. Therefore, although the Department of Labor reports that proficiency in skilled workers requires three to eight years to attain, industry analysis indicates that in surge times, labor increases have been comprised largely of unskilled or semi-skilled people (requiring some on-the-job training) who augment the skilled labor pool.

The number of workers in the fastener industry has fallen steadily for the last three years: 23 percent fewer workers were employed in 1982 than in 1979. The decline is not wholly due to imports, but to general sluggishness of the economy. Numerous investigations conducted by the Department of Labor from 1976 to 1981 under the Trade Adjustment Assistance Program, found that 51.6 percent of the laid-off workers had been affected adversely by imports.

During a mobilization one could assume that with the addition of sufficient skilled workers and semi or unskilled workers, with some on-the-job-training, production could be brought up to its maximum capacity. The addition of more machinery and plant space could increase production somewhat, although availability of skilled labor would remain a limiting factor.

Expansion in the fastener industry has been hampered by high interest rates and restructuring to meet import competition. A high proportion of currently idle machinery is over 15 years old. A large amount of used machinery is inventoried in the free world; hence, there exists an active used equipment market.

Sufficient new machinery with technically up-to-date automated controls can be built in the U.S. by several firms to increase domestic production capacity by just under one-third during the mobilization year and by approximately one-third to two-thirds during subsequent years. Similar machinery could be produced in Japan, Germany, Italy and other countries. Production machinery and fasteners cold be shipped to the U.S. during the mobilization year when no shipping losses are anticipated.

The relationship of imports to the shortfall was studied to determine if imports are casual to the shortfall of domestic production compared to requirements. This assessment of imports included an analysis of the 13½-year trend (1969–June 1982) of producer shipments, domestic production, imports, consumption, domestic production capacity, domestic capacity utilization, and the reported price differentials between domestic and imported products. Market penetration by imported products was studied by ploting the ratio of imports to apparent consumption over the 13½-year period.

Imports, although currently down in absolute terms, have increased as a share of the domestic market, from 21 percent of apparent consumption in 1969 to 53.7 percent in the first half of 1982 (by weight).

The State Department has determined that our major foreign suppliers are politically reliable, an indication that their exports of fasteners to us would not be interrupted in time of mobilization or conflict. Principal foreign fastener suppliers in recent years are: Japan, Taiwan, Canada, India, Germany, Italy, The Netherlands and Australia. (In 1981, fifty-one percent (by weight) of U.S. imports of fasteners came from Japan.) Under the terms of the scenario, which specifies that shipping losses from the major exporting countries in Asia would be minimal, our principal Asian suppliers are also considered geographically reliable, whereas Western Europe is not, given predicted shipping losses in the North Atlantic, imports from Canada are assumed to be assured due to our common border and to the mobilization agreements in place between us. During mobilization and conflict, large quantities of fasteners also could be purchased from Argentina, Brazil, and Mexico, if these countries are able to surge their production.

Because Japan and the other Asian suppliers are dependent upon imports of iron ore, coking coal and other factors of production (except labor) to make steel, their reliability as exporters of fasteners to the U.S. could hinge on their ability to obtain raw materials. Under surge conditions, the U.S. could, if necessary, produce a surplus of these steels and could supply friendly countries which manufacture fasteners for us with fastener grade steel if those countries could not procure the steel elsewhere.

The bulk of U.S. fastener imports are "standards," rather than "specials." Standard fasteners are multipurpose products which are normally mass produced in long production runs. Special fasteners are designed and produced to fit a particular purchaser's requirements, and are usually not inventoried except at the request of an end-user. The ratio of domestic consumption of standards to specials was 3 or 4 to 1 in the late 1950s and is reportedly 2 to 1 today. Results of the analysis of data for this investigation verify that (by weight) imported and domestic standard fasteners comprise 65–70 percent of the market and special fasteners comprise 30–35 percent of the market. OEMs consume an estimated 90 percent of the specials and more than 50 percent of the standards.

Currently depressed economic conditions and imports of lower priced high volume type standards are about equally responsible for the recent declines in capacity utilization rates for the U.S. industrial fastener industry. The decline can also be explained by the domestic industry's shift into specials production which first became apparent in 1975. Specials production usually results in more downtime because of frequent equipment changeovers or "set-ups" and often longer set-up times. The U.S. is competitive and self-sufficient in specials production, however, only 20 percent of the standards (in terms of pieces) used in the U.S. are domestically produced.

During peacetime, specialization in product lines among friendly nations is not detrimental; in this situation market forces work to bring about the lowest cost for each type of product.

Conclusion

The report shows that there would be a shortfall in domestic fastener supplies to meet scenario-based requirements. Domestic producers of the industrial fasteners under investigation can, in surge and conflict years, meet only the defense requirements for these products. Imports can help us reduce the shortfall in requirements for civilian production. The analysis has shown that most of our foreign sources are politically reliable, due to their stable pro-U.S. governments;

and that their geographic locations, in light of projected shipping losses under the scenario, make them reliable in practice, as well. While it is true that the domestic industry has declined, general economic conditions contributed greatly, and import penetration alone is not causal to its reduced capacity.

FOR FURTHER INFORMATION CONTACT: Robert F. Kan, Program Manager, Resource Assessment Division, Office of Industrial Resource Administration, ITA, U.S. Department of Commerce, Room 3875, Washington, DC 20230 (202–377–3795).

(Sec. 232, Trade Expansion Act of 1962, as Amended, 19 U.S.C. 1862)

Dated: February 25, 1983.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 83-5237 Filed 3-25-83; 2:30 pm]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Modification To General Permit; Federation of Japan Salmon Fisheries Cooperative Associations

Notice is hereby given that pursuant to the provisions of Section 216.24(b)(4) of the Regulations Governing the Taking and Importing of Marine Mammals, Section 14 of the North Pacific Fisheries Act of 1954 as amended (16 U.S.C. 1034), and Special Condition B–2 of the Permit, the Category 5 General Permit issued on May 7, 1981, to the Federation of Japan Salmon Fisheries Cooperative Associations, is hereby modified as detailed below.

1. Condition B–2 is deleted and replaced by:

"2. This permit shall be valid from 0001 hours, June 10, 1981, to 2400 hours, June 9, 1987, subject to annual review by the Assistant Administrator for Fisheries. This review will be based in part on reports required herein and on other information available to the Assistant Administrator for Fisheries. The terms, conditions, limitations on take, number of observers, and duration may be modified by the Assistant Administrator for Fisheries in such a manner as he deems consistent with and necessary to carry out the purposes of the Marine Mammal Protection Act of 1972."

2. Condition 8 is deleted and replaced by:

"8. The Permit Holder shall provide appropriate funding each year to carry out fully a joint research program on Dall's porpoise and other marine mammals incidentally taken in the fishery."

3. Condition 9 is deleted and replaced by:

"9.a. Within 30 days of the close of each mothership salmon fishery season, the Permit Holder will submit to the Assistant Administrator for Fisheries the number and species of all marine mammals taken by each mothership fleet both inside and outside the U.S. fishery conservation zone."

"b. Within 120 days of the close of each mothership salmon fishery season, the Permit Holder will submit to the Assistant Administrator for Fisheries, a report detailing what gear modifications were tested either by operating catcherboats or by research vessels performing under actual fishing conditions; the percentages of the catcherboats which operated with modified gear; the effect such modified gear had on the incidental taking of Dall's porpoise and other marine mammals; the effect the modified gear had on the catch of the various target species of salmon; the cost of producing the modified equipment for that season; and a best estimate of the cost to outfit the entire fleet with the modified gear."

4. Condition B–10 is renumbered as B–11 and a new condition B–10 is added as follows:

"10. The Assistant Administrator for Fisheries shall determine the fishing gear or techniques or both which will offer the most practical and effective opportunity for reducing porpoise mortality and shall specify to the Permit Holder which gear or techniques will be required. The Permit Holder shall install the designated fishing gear or adopt techniques or both, which are designed to reduce porpoise mortality into the fleet as specified timetable.

A. A 25 per centum of the mothership-based salmon catcherboat fleet by the commencement of the 1984 salmon fishing season;

B. 50 per centum of the mothership-based salmon catcherboat fleet by the commencement of the 1985 salmon fishing season; and

C. 75 per centum of the mothership-based salmon catcherboat fleet by the commencement of the 1986 salmon fishing season.

These modifications become effective on February 24, 1983.

The General Permit as modified and supporting documentation pertaining to the modifications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Services, Room 412, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: February 24, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-5282 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-22-M

United States Travel and Tourism Administration

Travel and Tourism Advisory Board; Cancellation of Meeting

On February 15, 1983, notice was given in the Federal Register (pp. 6750–9), that the Travel and Tourism Advisory Board would meet on March 3, 1983. On February 25, 1983 (p. 8113) the agenda for this meeting was printed in the Federal Register. Notice is hereby given that the scheduled March 3, 1983 Travel and Tourism Advisory Board meeting is now cancelled.

Christine Hathaway, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202–377–0136), will respond to public requests for information.

Peter McCoy,

Under Secretary, Travel and Tourism Department of Commerce.

[FR Doc. 83-5287 Filed 3-1-83; 8:45 am]

BILLING CODE 3510-11-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange Soybean Meal and Soybean Oil Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The MidAmerica Commodity Exchange ("MCE") has applied for designation as a contract market in both soybean meal and soybean oil. The Commission has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly, making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MCE soybean meal and soybean oil futures contracts.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254–7303.

Copies of the terms and conditions of the MCE proposed soybean meal and soybean oil futures contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the MCE in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the MCE in support of its applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by May 2, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on February 25, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-5236 Filed 3-1-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket 83-C0001]

Suomen Trikoo Oy d/b/a Finnwear; Consent Order Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a Consent Order Agreement under the Flammable Fabrics Act.

SUMMARY: Under requirements of 16 CFR 1605.13, the Commission must publish in the **Federal Register** consent agreements which it provisionally accepts under the Flammable Fabrics Act. Published below is a provisionally-accepted Consent Order Agreement with Suomen Trikoo Oy, doing business as Finnwear, a corporation organized and existing under the laws of the country of Finland.

DATES: Any interested person may ask the Commission not to accept this agreement by filing a written request with the Office of the Secretary by March 17, 1983.

ADDRESS: Persons wishing to comment on this Consent Order Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Stephen E. Joyce, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6626.

Dated: February 23, 1983

Sadye E. Dunn,

Secretary

SUPPLEMENTARY INFORMATION:

In the Matter of SUOMEN TRIKOO OY d/b/a FINNWEAR, CPSC Docket No. 83–C0001.

Consent Order Agreement

SUOMEN TRIKOO OY, doing business as Finnwear (hereinafter "Finnwear"), a corporation organized and existing under the laws of the country of Finland, enters into this Consent Order Agreement (hereinafter, "Agreement") with the staff (hereinafter, the "Staff") of the Consumer Product Safety Commission (hereinafter the "Commission") pursuant to the procedure for consent order agreements contained in § 1605.13 of the Commission's Procedures for Investigations, Inspections, and Inquiries under the Flammable Fabrics Act (FFA), 16 CFR Part 1605.

This Agreement and Order is for the sole purpose of settling the allegations of the staff that Finnwear has imported into the United States and sold certain noncomplying children's sleepwear, in violation of the Flammable Fabrics Act and the standards, rules, and regulations thereunder as more fully set forth in the Complaint accompanying this Agreement.

Finnwear and the Staff Agree:

1. The Consumer Product Safety Commission has jurisdiction in this matter under the following Acts: the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); The Federal Trade Commission Act (15 U.S.C. 1191 *et seq.*); the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*); and the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*)

2. Finnwear is a corporation, organized and doing business under the laws of the country of Finland; engaged in the manufacture for sale and importation into the United States of articles of children's playwear considered by the Commission to be sleepwear; and has its principal place of business and address located at Box 65, 33101 Tampere, Finland.

3. For the purpose of this Consent Order Agreement only and without any admission on its part of a violation of any of the Acts or regulations cited in this Paragraph 3, Finnwear will not contest the Commission's allegations that it is now and has been engaged in one or more of the following:

a. The manufacture for sale, the sale, or the offering for sale, in commerce, or the importation into the United States, and the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after sale or shipment in commerce, of a product, fabric, or related material which is subject to the requirements of the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Standard for Flammability of Children's Sleepwear; Sizes 0 through 6X (FF 3–71), and the implementing rules and regulations (16 CFR Part 1615); or

b. The importation into the United States, or the manufacture for sale, the sale, or the offering for sale, of a product made of fabric or related material, which has been shipped or received in commerce and which is subject to the requirements of the Flammable Fabrics Act, the Standard for the Flammability of Children's Sleepwear; Sizes 0 through 6X (FF 3–71), and the implementing rules and regulations; or

c. The manufacturing for sale, or the offering for sale, in commerce, or the importation into the United States, and the introduction, delivery for introduction, transportation or causing to be transported, in commerce, or the sale or delivery after sale or shipment in commerce, of a product, fabric, or related material which is subject to the requirements of the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*), the Standard for the Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74), and the implementing rules and regulations (16 CFR part 1616); or

d. The importation into the United States, or the manufacture for sale, the sale, or the offering for sale, of a product made of fabric or related material, which has been shipped or received in commerce, and which is subject to the Flammable Fabrics Act, the Standard for Flammability of Children's Sleepwear; Sizes 7 through 14 (FF 5–74), and to the implementing rules and regulations.

4. This Agreement is for settlement purposes only and does not constitute an admission by Finnwear that the law has been violated, and is conditioned on the Commission's issuance of the Order (hereinafter, the "Order") contained in this Agreement. Therefore, if this Agreement is not accepted by the Commission, it may not used against Finnwear in adjudicative proceedings, either administrative or judicial.

5. Finnwear waives (a) all requirements for findings of fact and conclusions of law in the

disposition of this matter, and (b) administrative and judicial review of the facts and proceedings, including the validity of this Agreement; provided, however, that in any action or proceeding relating to a violation of the Order, Finnwear may challenge the interpretation of the Order or the violation thereof. This Agreement and the Complaint accompanying the Agreement may be used in interpreting the Order. Except for the express waivers contained in this Agreement, Finnwear retains all other rights to which it may be entitled under applicable law.

6. The provisions of the Order shall become effective upon receipt by Finnwear of written notice that the Commission has accepted the Agreement and issued the Order.

7. Violation of the provisions of the Order may subject Finnwear to a civil penalty of not more than $10,000 for each such violation.

8. The Commission shall have jurisdiction in this matter for purposes of implementing and enforcing this Agreement and Order only. Venue for any action based on an alleged violation of the Order shall be in the United States district courts for the Southern District of New York. All notices and service of process upon Finnwear may be made by certified or registered mail to the following address: Box 65, 33101 Tampere, Finland, attention: International Marketing Manager; and by certified or registered mail to the firm of Gilbert, Segall and Young, 430 Park Avenue, New York, New York 10022, attention Thomas Silbiger, Esquire. Finnwear shall notify the Secretary of the Commission in writing of any change in these addresses and of any change in the persons designated to receive said notices and service of process.

9. The Commission may disclose the terms of this Consent Order Agreement.

10. The requirements of this Order are in addition to, and not to the exclusion of, other remedies such as criminal penalties which may be pursued under section 7 of the FFA.

11. No agreement, understanding, representation or interpretation not contained in this Agreement or Order may be used to vary or contradict the terms of the Order.

Upon acceptance of this Agreement, the Commission may issue the following Order:

Order

I

It is hereby ordered that Finnwear consider before importing or selling any style garment, subject to this Order: (a) The nature of the product and its suitability for use by children for sleeping or activities related to sleeping, (b) the manner in which the product is distributed or promoted, and (c) the likelihood that the product will be used by children primarily for sleeping or activities related to sleeping.

II

It is further ordered that from the date this Order becomes effective, Finnwear, its officers, directors, authorized agents, assigns, successors, authorized representatives and authorized employees, directly or through any corporation, subsidiary, division or other device, forthwith cease and desist from selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after sale or shipment in commerce, the following styles of garments irrespective of color and trim which the Commission staff has alleged do not comply with the Standard for Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71), 16 CFR Part 1615, or the Standard for Flammability of Children's Sleepwear: Sizes 7 through 14 (FF 5-74), 16 CFR Part 1616:

A. A one-piece mid-calf or longer "A" line gown with or without sleeves and with or without a collar. Attachment "A" is a photograph of the type gown that is the basis for this prohibition.

B. A one-piece garment with or without a collar and with sleeves, attached feet, a zipper or other front closure (e.g. button, snaps) made of ribbed knit, filling knit or stretch terry fabric. Attachment B is a photograph of the style of garment that is the basis for this prohibition.

C. A one-piece gown with a draw-string bottom with or without sleeves and with or without a collar. Attachment "C" is a diagram of an example of this type of garment.

D. A two-piece color-coordinated garment, including a bottom with attached feet, a top with sleeves, and with or without a collar, both pieces made of the same ribbed knit, filling knit or stretch terry fabric. Attachment "D" is a diagram of an example of this type of garment.

III

It is further ordered that this Order shall expire at such time the Commission revokes the foregoing Standards or there is a ruling or determination modifying the Standards or their implementation so that they are no longer considered by the Commission to apply to the aforementioned garments.

Dated: October 4, 1982.

Suomen Trikoo Oy

By Orvo Laine, Personnel Manager.

Gustav Söderlund,

International Marketing Manager.

Dated: October 20, 1982.

Stephen E. Joyce,

Counsel for the Commission Staff.

[FR Doc. 83-5301 Filed 3-1-83; 8:45 am]

BILLING CODE 6355-01-M

[CPSC Docket No. 83-1]

Sun and Sand Imports, Ltd., a Corporation, and Guido Muller, Individually

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a Complaint under the Flammable Fabrics Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the Federal Register Complaints which it issues. Printed below is a Complaint in the matter of Sun and Sand Imports, Ltd., a corporation, and Guido Muller, individually.

Dated: February 24, 1983.

Sheldon D. Butts,

Acting Secretary.

SUPPLEMENTARY INFORMATION:

In the Matter of SUN AND SAND IMPORTS, LTD., a corporation, and GUIDO MULLER, individually. COMPLAINT CPSC Docket No. 83-1.

Nature of Proceedings

The Consumer Product Safety Commission (Commission) has reason to believe that Sun and Sand Imports, Ltd., a corporation, and Guido Muller, its president, (Respondents) are subject to and have violated provisions of the Flammable Fabrics Act, as amended (FFA); the Federal Trade Commission Act, as amended (FTCA); the Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71), 16 CFR Part 1615, Subpart A, and the implementing rules and regulations, 16 CFR Part 1615, Subpart B.

It appears to the Commission, from factual information available to its staff, that it is in the public interest to issue this Complaint. Therefore, by virtue of the authority vested in the Commission by Section 30(b) of the Consumer Product Safety Act, as amended, 15 U.S.C. 2051, 2079(b), the Commission, pursuant to Section 5 of the FFA, 15 U.S.C. 1194, and Section 5 of the FTCA, 15 U.S.C. 45, and in accordance with the Commission's Rules of Practice for Adjudicative Proceedings, hereby issues this Complaint, and states its charges as follows:

Charges

1. Respondents are engaged in the importation and sale of Children's Sleepwear: Sizes 0 through 6X and have their office and principal place of business located at 1441 Broadway, Room 1415, New York, New York 10018.

2. Guido Muller is President of Sun and Sand Imports, Ltd. and controls its acts, practices and policies.

3. At the times the infractions and violations charged herein occurred, Respondents were engaged in the importation into the United States and in the introduction, into commerce, and in the sale or shipment in commerce of wearing apparel as the terms "commerce" and "wearing apparel" are defined in the FFA Sections 2 (b) and (d), 15 U.S.C. 1191 (b) and (d).

4. Respondents have been engaged in the importation into the United States, and caused to be transported in commerce, Children's Sleepwear: Sizes 0 through 6X that are subject to and fail to conform to the requirements of this Standard in violation of Section 3 of the FFA, 15 U.S.C. 1192.

5. Pursuant to Section 3 of the FFA, 15 U.S.C. 1192, the aforesaid violative acts and practices of Respondents are unlawful and constitute unfair methods of competition and unfair and deceptive practices in commerce under the FTCA.

Relief Sought

Wherefore, the premises considered, the Commission hereby issues this Complaint on the seventh day of February 1983, seeking an Order to Cease and Desist future violations of the FPA.

Dated: February 7, 1983.

By the Commission:

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone: (301) 492–6621.

[FR Doc. 83-5205 Filed 3-1-83; 8:45 am]

BILLING CODE 6355-01-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. 82-1]

Determination of a Controversy With Respect to the Distribution of 1981 Cable Royalty Fees

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

SUMMARY: The Copyright Royalty Tribunal declares a controversy concerning the distribution of the 1981 cable royalty fees.

EFFECTIVE DATE: March 2, 1983.

FOR FURTHER INFORMATION CONTACT: Commissioner Edward W. Ray, Chairman, Copyright Royalty Tribunal, (202) 653–5175.

SUPPLEMENTARY INFORMATION: At a public meeting on November 22, 1982, after reviewing and considering comments from claimants, the Tribunal adopted a motion, effective March 2, 1983, declaring in accordance with 17 U.S.C. 111(d)(5)(B) the existence of a controversy concerning the distribution of the 1981 cable royalty fees. A proceeding to determine the distribution of such fees is commenced as of March 2, 1983. As in previous proceedings, Phase I will determine the distribution of royalty fees to categories of claimants, while Phase II will resolve any disputes among claimants in each category.

The Tribunal directs claimants or their authorized representatives who wish to participate in Phase I to inform the Tribunal of such intention not later than April 1, 1983.

Edward W. Ray,

Commissioner, Chairman.

February 23, 1983.

[FR Doc. 83-5206 Filed 3-1-83; 8:45 am]

BILLING CODE 1410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

March 25, 1983, Friday, Plaza West, Rosslyn, VA.—The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 24, 1983.

[FR Doc. 83-5213 Filed 3-1-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Delay in Release of Initial Wholesale Power Rate Proposal

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of delay in release of initial wholesale power rate proposal.

BPA File Number: WP–83

Bonneville Power Administration (BPA) requests that all comments and documents which become part of the Official Record compiled in the process of adjusting wholesale power rates contain the file number designation WP–83.

SUMMARY: BPA is in the initial stages of developing adjusted rates for wholesale power which will become effective November 1, 1983. On January 28, 1983, (48 FR 4028) BPA announced its intent to revise wholesale power rates and requested suggestions, advice, and recommendations from interested persons to be used to assist in the development of the wholesale power rate proposal. On February 17, 1983, (48 FR 7001) BPA announced its intent to revise marketing and transmission rates applied to Hanford extension energy. In each case, BPA also indicated an intent to have its initial proposed rates formulated and published in February 1983. Delays have occurred in the preparation of the initial wholesale power and Hanford extension energy marketing proposals and publication is now expected to occur on March 20, 1983. The initial proposal for a marketing rate for Hanford extension energy will be included in the initial wholesale power rate proposal. The initial proposal for transmission rates for Hanford extension energy will be included in BPA's initial transmission rate proposal which is expected to be published on March 28, 1983. The notice announcing the availability of BPA's proposal wholesale power and Hanford extension energy marketing rates will also include a schedule for public and formal hearings as specified in Secton 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

FOR FURTHER INFORMATION CONTACT:

Ms. Kathleen S. Johnson, Public Involvement, P.O. Box 12999, Portland, Oregon 97212; 503–230–3478. Oregon callers may use 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Popular, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: BPA, an agency of the U.S. Department of Energy, is the Federal electric power marketing agency in the Pacific Northwest. BPA markets hydroelectric

power from 30 U.S. Army Corps of Engineers and U.S. Bureau of Reclamation projects on the Columbia River and its tributaries, as well as thermal power it acquires from non-Federal interests in the region. In addition, BPA owns, operates, and maintains the nation's largest high-voltage transmission system grid.

BPA supplies about 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. It sells power to 161 customers, including publicly, cooperatively, and privately owned utilities, Federal and State (California) agencies, and electroprocess and other Northwest industries. The power is sold at wholesale to BPA utility customers for resale to ultimate consumers, and directly to BPA's industrial and Federal agency customers. In addition, BPA sells power which is surplus to the needs of the Pacific Northwest to customers outside the region.

The rate that BPA charges its customers must produce revenues that are sufficient to repay, with interest, the Federal investment in generation and transmission facilities, as well as conservation, and to pay BPA's operation and maintenance expenses, its purchased power costs, and certain other miscellaneous expenses. Inflation, high interest rates, and contract obligations have created substantial increases in BPA's costs.

BPA's last wholesale power rate increase became effective on an interim basis on October 1, 1982. The developmental process for the 1983 wholesale power rate proposal will be similar to that used to develop the 1982 wholesale power rates. BPA is preparing current repayment studies to determine the extent to which anticipated repayment requirements for operating year 1983 would exceed expected revenues collected under the current rates. Following a determination of the increase in revenues that will be necessary to meet repayment requirements, BPA will develop various studies to be used in designing rates. BPA also will evaluate the environmental effects of the proposed rates.

In developing the rate proposal, BPA will consider the six ratemaking standards of Section 111 of the Public Utility Regualtory Policies Act (PURPA, Pub. L. 95-617). This Act requires each utility whose total retail sales exceed 500 million kilowatt-hours in a calendar year to consider ratemaking standards with respect to conservation of power, optimal and efficient use of facilities and resources, and equity in establishing rates for all electric consumers. Section 111 is applicable to BPA because of BPA's direct sales to Federal agencies and industrial customers. The six ratemaking standards of Section 111 were adopted by BPA on November 19, 1979 (44 FR 66949). The standards regard: (1) Cost of service; (2) declining block rates; (3) time-of-day rates; (4) seasonal rates (5) interruptible rates; and (6) load management techniques. Other factors BPA will consider in designing the 1983 wholesale power rates include conservation, renewable resource acquisitions, consumer understanding, ease of administration, fiscal responsibility, environmental protection, and continuity of rates.

BPA is also considering the need for a two-staged wholesale power rate increase for BPA customers, as appropriate, to take effect November 1, 1983, and July 1, 1984.

Following publication of the initial rate proposal in the **Federal Register**, both public and formal hearings will be conducted by BPA on the proposal. The Honorable Seymour Wenner, retired Administrative Law Judge, is designated the hearing officer for the wholesale power rate adjustment proceedings. Written comments also will be accepted. Following the hearings BPA will announce its final proposed wholesale power rates. The Administrator will submit the final rate proposal to the Federal Energy Regulatory Commission for approval on a interim basis and ultimately for final confirmation and approval.

Issued in Portland, Oreg., February 23, 1983.

Marvin Klinger,

Acting Administrator.

[FR Doc. 83-5488 Filed 3-1-83; 10:19 am]

BILLING CODE 6450-01-M

Delay in Release of Initial Transmission Rate Proposal

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of delay in release of initial transmission rate proposal.

BPA File Number: TR-83.

BPA requests that all comments and documents which become part of the Offical Record compiled in the process of adjusting transmission rates contain the file number designation TR-83.

SUMMARY: Bonneville Power Administration (BPA) is in the initial stages of developing adjusted rates for the transmission of electric power of other entities over Federal facilities and for the transmission of Hanford extension energy. It is presently anticipated that the adjusted rates will become effective November 1, 1983. On January 28, 1983, (48 FR 4027) BPA announced its intent to revise transmission rates and requested comments and recommendations from the public to be used to assist in the development of the transmission rate adjustment proposal. On February 17, 1983, (48 FR 7001) BPA announced its intent to revise marketing and transmission rates applied to Hanford extension energy. In each notice, BPA also indicated an intent to have its initial proposed rated formulated and published in February 1983. Delays have occurred in the preparation of the initial transmission and Hanford extension energy transmission proposals and publication is now expected to occur March 28, 1983. The initial proposal for rates for the transmission of Hanford extension energy will be included in the initial transmission rate proposal. The initial proposal for a marketing rate for Hanford extension energy will be included in BPA's initial wholesale power rate proposal which is expected to be published March 28, 1983. The notice announcing the availability of BPA's proposed transmission and Hanford extension energy transmission rates will also include a schedule for public and formal hearings as specified in Section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act). These hearings will give interested persons an opportunity to present both oral and written comments on the proposal.

FOR FURTHER INFORMATION CONTACT:

Ms. Kathleen S. Johnson, Public Involvement, P.O. Box 12999, Portland, Oregon 97212; 503-230-3478. Oregon callers may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington, 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3900.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 378.
Mr. Richard D. Cheed, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.
Mr. Thomas Wagenhoffer, Snake River Area Manager, West 201 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.
Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: BPA, as an agency of the U.S. Department of Energy, owns and operates the Federal Columbia River Transmission System (FCRTS), which includes approximately 80 percent of the capacity of the high-voltage electric transmission system within the Pacific Northwest. The FCRTS integrates and transmits electric power from Federal or non-Federal generating units. BPA also provides interregional transmission services to its customers outside the Pacific Northwest. BPA is now undertaking studies to support changes to the current transmission rates and rate designs.

The current rates apply to four types of transmission service which generally involve: (1) Transmission service for firm electric power from points of generation to load or between other points of supply and delivery (current contracts provide this service for periods of up to 50 years); (2) transmission service for firm electric power on a postage-stamp rate basis; (3) transmission service for non-firm energy (current contracts for this service provide for short-term energy transfers and usually provide for termination by the customer on 1 year's notice and by BPA on 3 years' notice); and (4) transmission service for firm electric power over specified transmission facilities. BPA also will examine the adequacy of current charges for other transmission related services.

The anticipated transmission rate adjustments are needed to cover increasing FCRTS costs. Normally, transmission costs are small compared to a utility's total costs, and BPA expects that the increase in FCRTS revenues will have minimal impact on ultimate power costs to the consumer.

The anticipated transmission rate adjustments are being developed concurrently with a proposed transmission policy which is expected to be completed in early 1983. These rate adjustments will reflect that policy.

The present transmission rates have been approved by the Federal Energy Regulatory Commission (FERC) on an interim or final basis until BPA's 1983 rates become effective. The revenues now being collected under these rates are subject to refund, pending a final ruling by FERC.

Following publication of the initial proposal in the Federal Register, both general public and formal hearings will be conducted by BPA. The Honorable Seymour Wenner, retired Administrative Law Judge, is designated the hearing officer for the transmission rate adjustment proceedings. Written comments will also be accepted. Following the hearings BPA will announce its final proposed transmission rate schedules. The Administrator will submit the final rate proposal to the FERC for approval on an interim basis and ultimately for final confirmation and approval.

Issued in Portland, Oreg., February 23, 1983.

Marvin Klinger,
Acting Administrator.

[FR Doc. 83-5467 Filed 3-1-83; 10:19 am]
BILLING CODE 6450-01-M

Energy Information Administration

Changes to Reporting and Recordkeeping Requirements

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of changes to the inventory of Department of Energy reporting and recordkeeping requirements.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) hereby gives notice to respondents and other interested parties of changes to the inventory of current energy information collections as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

The listing that follows this notice indicates changes made during the quarter from October 2, 1982, to January 1, 1983, to the inventory of current DOE information collections published in the Federal Register (47 FR 55,410; December 9, 1982). The listing includes new information collections approved by the Office of Management and Budget (OMB), collections extended, discontinued or allowed to expire, and changes to continuing information collections. For each new requirement, requirement extended, and requirement discontinued, the current DOE control or form number, the title, and the OMB control number and approval expiration date are listed by DOE sponsoring office. If applicable, the appropriate Code of Federal Regulations citation is also listed. Also, information collections not utilizing structured forms are designated by an asterisk (*) placed to the right of the control or form number.

FOR FURTHER INFORMATION CONTACT: Carolyn Sinclair, EI–73, Energy Information Administration, Mail Stop 1H–023, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–2313.

Single blank copies of those collections utilizing structured forms may be obtained by contacting the National Energy Information Center, EI–20, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585; (202) 252–8800.

Issued in Washington, D.C., February 25, 1983.

J. Erich Evered,
Administrator, Energy Information Administration.

NEW DOE INFORMATION COLLECTIONS APPROVED BY OMB

DOE No.	Title	MB control No.	Expiration date	CFR Citation
Conservation and Renewable Energy				
CE-146	Schools and Hospitals Grant Program	19040005	Nov. 30, 1985	NA.
CE-459	Technical Assistance and Energy Conservation Measures Grant Report Forms	19040071	do	NA.
Energy Information Administration				
EIA-163	Domestic Crude Oil First Purchase Report	19050143	Dec. 31, 1983	NA.
EIA-7B4	Nonresidential Building Energy Consumption Survey—Original Building Form	19050148	June 30, 1986	NA.
EIA-7B5	Nonresidential Building Energy Consumption Survey—Update Building Form	19050146	do	NA.
EIA-7B5C	Nonresidential Building Energy Consumption Survey—Energy Supplier Form	19050145	Apr. 30, 1985	NA.
EIA-805	Weekly Refinery Report	19050070	Jan. 31, 1986	NA.

NEW DOE INFORMATION COLLECTIONS APPROVED BY OMB—Continued

DOE No.	Title	OMB control No.	Expiration date	CFR Citation
EIA-801	Weekly Bulk Terminal Report	19050070	do	NA.
EIA-802	Weekly Product Pipeline Report	19050071	do	NA.
EIA-803	Weekly Crude Oil Stocks Report	19050073	do	NA.
EIA-804	Weekly Imports Report	19050072	do	NA.
EIA-810	Monthly Refinery Report	19050027	do	NA.
EIA-811	Monthly Bulk Terminal Report	19050028	do	NA.
EIA-812	Monthly Product Pipeline Report	19050029	do	NA.
EIA-813	Monthly Crude Oil Report	19050030	do	NA.
EIA-816	Monthly Natural Gas Liquids Report	19050109	do	NA.
EIA-817	Monthly Tanker and Barge Movement Report	19050019	do	NA.
EIA-820	Annual Refinery Report	19050067	do	NA.
EIA-826	Electric Utility Company Monthly Statement	19050144	Dec. 31 1983	NA.
	Economic Regulatory Administration			
ERA-830R*	Electric Utility Conservation Plans	19030078	July 31, 1984	NA.
	Federal Energy Regulatory Commission			
FERC-6	Annual Report of Oil Pipeline Companies	19020022	Sept. 30, 1984	18 CFR 357.2, 361, 352.

* Indicates collections not utilizing structured forms.

DOE INFORMATION COLLECTION EXTENDED

DOE No.	Title	OMB control No.	Expiration date	CFR citation
	Energy Information Administration			
EIA-1	Weekly Coal Monitoring Report—General Industries and Blast Furnaces	19050112	Nov. 30, 1985	NA.
EIA-3	Quarterly Coal Consumption Report Manufacturing Plants	19050115	Dec. 31, 1983	NA.
EIA-4	Weekly Coal Monitoring Report—Coke Plants	19050113	Nov. 30, 1985	NA.
EIA-5	Coke Plant—Quarterly	19050003	Dec. 31, 1983	NA.
EIA-20	Weekly Telephone Survey of Coal Buying Electric Utilities	19050114	Nov. 30, 1985	NA.
EIA-25	Prime Supplier's Monthly Report	19050126	Jan. 31, 1983	NA.
EIA-141	National Survey of Fuel Purchases for Vehicles—Purchase Log and Supplementary Questionnaire	19050068	Oct. 31, 1985	NA.
EIA-172	Sales of Fuel Oil and Kerosene	19050016	Aug. 31, 1983	NA.
EIA-174	Sales of Liquefied Petroleum Gases	19050016	Dec. 31, 1983	NA.
EIA-429	National Survey of Fuel Purchases For Vehicles—Background Questionnaire	19050060	Oct. 31, 1985	NA.
EIA-460	Petroleums Industry Monthly Report for Product Prices	19050022	Jan. 31, 1983	NA.
	Environmental Protection, Safety, and Emergency Preparedness			
EP-417	Power System Emergency Report	19030045	Mar. 31, 1983	10 CFR 205.351.
	Economic Regulatory Administration			
ERA-60	Monthly Imports Report	19030054	Jan. 31, 1985	NA.
	Federal Energy Regulatory Commission			
FERC-121	Application for Determination of Maximum Lawful Price Under the Natural Gas Policy Act of 1978	19020036	Dec. 31, 1984	18 CFR 274 Subpart B.
FERC-423	Monthly Report of Cost and Quality of Fuels for Electric Plants	19020064	Sept. 30, 1983	18 CFR 141.61.
FERC-510*	Application for Surrender of License	19020058	July 31, 1985	18 CFR 6.2.
FERC-511*	Application for Transfer of License	19020059	do	18 CFR 9.
FERC-515*	Electric Licenses—Declaration of Intention	19020078	Aug. 31, 1985	18 CFR 24.1.
FERC-555*	Records Retention Requirements	19020006	Dec. 31, 1983	18 CFR 125, 158, 160.1, 270.108, 277.210.
FERC-556*	Small Power Production and Cogeneration Facilities Application and Notice Requirements	19020075	July 31, 1985	18 CFR 292.
	General Counsel			
GC-496A	Application for Nonexclusive Patent License	19010232	Nov. 30, 1985	10 CFR 781.
GC-496B	Application for Exclusive or Partially Exclusive Patent License	19010232	do	10 CFR 781.
GC-496C	Inquiry as to Usage of Licensed Subject Matter	19010232	do	10 CFR 781.

* Indicates collections not utilizing structured forms.

DOE INFORMATION COLLECTIONS DISCONTINUED OR ALLOWED TO EXPIRE

DOE No.	Title	OMB Control No.	Discontinued date	CFR Citation
	Conservation and Renewable Energy			
CF-457BR*	Urban Waste Demonstration Facilities Guarantee Program	19040029	Dec. 31, 1982	10 CFR 796.
CS-438	Technical Assistance and Energy Conservation Measures Report Forms	19040011	Nov. 30, 1982	10 CFR 600.14,455.6,.63.
CS-476	Subcontractor's Survey	19040008	Oct. 31, 1982	NA.
CS-486R-A*	Municipal Waste Reprocessing Demonstration Facilities Program Evaluation, Assessment, and Reporting Guidelines.	19040021	do	NA.
CS-486R-B*	Municipal Waste Processing Demonstration Facilities Program Evaluation, Assessment, and Reporting Guidelines.	19040021	do	NA.
CS/AF-709R*	Data Requirements for Regulations for Loan Guarantees for Alcohol Fuels, Biomass and Municipal Waste Energy Projects.	19040069	do	10 CFR 709.7(a)(5),.15.
EIA-145	Grant Application for Technical Assistance and Energy Conservation Measures	19040065	do	10 CFR 455.60.

DOE Information Collections Discontinued or Allowed to Expire—Continued

DOE No.	Title	OMB Control No.	Discontinued date	CFR Citation
Energy Information Administration				
EIA-38	Financial Reporting System	19050054	Dec. 31, 1982	NA.
EIA-170	Tanker and Barge Shipments of Crude Oil and Petroleum Products Between PAD Districts	19050019	do	NA.
EIA-176	Supply and Disposition of Natural Gas—Distributors	19050017	Mar. 31, 1982	NA.
EIA-177	Capacity of Petroleum Refineries	19050067	Dec. 31, 1982	NA.
EIA-627	Annual Quantity and Value of Natural Gas Report	19050122	Nov. 30, 1982	NA.
EIA-764A	Petroleum Product Sales Identification Survey	19050133	Dec. 31, 1982	NA.
EIA-764B	Petroleum Product Sales Identification Survey (EIA-172 Respondents)	19050129	do	NA
Environmental Protection, Safety, and Emergency Preparedness				
EIA-767(2)	Steam Electric Plant Air and Water Quality Control Data	19050137	Nov. 30, 1982	NA.
Economic Regulatory Administration				
ERA-162	Domestic Crude Oil First Purchaser's Report	19030063	Dec. 1, 1982	NA.
EIA-64	Natural Gas Liquids Operations Report	19050109	Jan. 1, 1983	NA.
EIA-87	Refinery Report	19050027	Dec. 31, 1982	NA.
EIA-88	Bulk Terminal Stocks Report	19050028	do	NA.
EIA-89	Pipeline Products Report	19050029	do	NA.
EIA-90	Crude Oil Stocks Report	19050030	do	NA.
EIA-161	Weekly Refinery Report	19050069	do	NA.
EIA-162	Weekly Bulk Terminal Stocks of Finished Products	19050070	do	NA.
EIA-163	Weekly Pipeline Stocks of Finished Products	19050071	do	NA.
EIA-194	Crude Oil Stocks Report	19050072	do	NA.
Federal Regulatory Commission				
EIA-767(1)	Steam Electric Plant Air and Water Quality Control Data	19020034	Nov. 30, 1982	18 CFR 141.59.
FERC-6	Electric Utility Company Monthly Statement	19020031	Nov. 1, 1982	18 CFR 141.25.
FERC-514*	Electric License—Change in Land Right	19020078	Nov. 30, 1982	NA.
FERC-517*	Electric Rates—Formal Investigations (Rate Level)	19020097	Dec. 31, 1982	18 CFR 35.13.
FERC-522*	Electric License—Federal Rates	19020088	Oct. 31, 1982	18 CFR 300.10-.11.
FERC-565*	General Interrogatory-Oil Fuel Purchase Practices	19020117	Dec. 31, 1982	NA.
FERC-575*	Louisiana First Use Tax: Refund Procedures for Primary and Secondary Pipelines	19020153	do	NA.
International Affairs				
MB-10.4, SER-1.	Unclassified Activities in Foreign Atomic Energy Programs	19010005	Oct. 31, 1982	10 CFR PT 110.
Power Marketing Administration				
BPA-474-A	Solar Domestic Hot Water Pilot Program—Initial Customer Contact Questionnaire	19010112	Dec. 31, 1982	NA.
BPA-474-B	Site Visit Report	19010112	do	NA.
BPA-474-C	System Installation Report	19010112	do	NA.
BPA-474-D	System Inspection and Acceptance Report	19010112	do	NA.
BPA-474-E	Monitoring Equipment Installation Report	19010112	do	NA.
BPA-474-F	Solar Domestic Hot Water Pilot Program—Financial Summary Statement	19010111	do	NA.

*Indicates collections not utilizing structured forms.

Changes in Continuing DOE Information Collections

DOE No. as previously listed	Change
CE-426	Replaced by CE-426.
EIA-6A	Replaced by EIA-782B.
EIA-23	Form revised.
EIA-25	Replaced by EIA-782C.
EIA-84	Replaced by EIA-816.
EIA-87	Replaced by EIA-810.
EIA-88	Replaced by EIA-811.
EIA-89	Replaced by EIA-812.
EIA-90	Replaced by EIA-813.
EIA-119A	Form revised.
EIA-141	Form revised.
EIA-145	Replaced by CE-445.
EIA-161	Replaced by EIA-800.
EIA-162	Replaced by EIA-801.
EIA-163	Replaced by EIA-802.
EIA-194	Replaced by EIA-803.
EIA-165	Replaced by EIA-804.
EIA-170	Replaced by EIA-817.
EIA-177	Replaced by EIA-820.
EIA-428	Form revised.
EIA-460	Replaced by EIA-782A.
EIA-717	Form revised.
EIA-182	Replaced by EIA-182.
FERC-516*	Consolidates requirements previously listed under FERC-517 and FERC-518.
GC-406A	Form revised.
GC-406B	Form revised.

Changes in Continuing DOE Information Collections—Continued

DOE No. as previously listed	Change
GC-406C	Form revised.

*Indicates collections not utilizing structured forms.

[FR Doc. 83-5369 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Coordinating Subcommittee on Petroleum Inventories and Storage Capacity; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), 86 Stat. 770)], notice is hereby given of the following advisory committee meeting:

Name: Coordinating Subcommittee of the Committee on Petroleum Inventories and Storage Capacity.

Date and Time: Wednesday, March 9, 1983—10:00 a.m.

Place: Ten Penn Center, Board Room, 27th Floor, 1801 Market Street, Philadelphia, Pennsylvania.

Contact: Jimmie L. Peterson, Director, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, Forrestal Building, Room 2H-059, Washington, D.C. 20585, telephone 202: 252-9601.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to petroleum inventories and petroleum storage product capacities.

Tentative Agenda:

- Discuss and prepare a preliminary scope, methodology, and timetable for the study for the consideration of the NPC Committee on Petroleum Inventories and storage capacity.
- Discuss any other matters pertinent to the overall assignment from the Secretary.
- Public comment.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda

items should contact Jimmie L. Peterson at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4 p.m., Monday through Friday, except federal holidays.

Issued at Washington, D.C., on February 25, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-5248 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Subcommittee on Petroleum Inventories and Storage Capacity; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), 86 Stat. 770)), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Petroleum Inventories and Storage Capacity, National Petroleum Council.

Date and Time: Friday, March 18, 1983—2:00 p.m.

Place: The Madison Hotel, Mount Vernon Room, Fifteenth and M Streets, NW., Washington, D.C.

Contact: Jimmie L. Peterson, Director, Office of Oil and Gas, Energy Information Administration, U.S. Department of Energy, Forrestal Building, Room 2H–056, Washington, D.C. 20585, telephone 202–252–5401.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to petroleum inventories and petroleum product storage capacities.

Tentative Agenda:

- Discuss the scope of the study to be conducted in response to the Secretary of Energy's request for an analysis of petroleum inventories and storage capacity.
- Discuss an organizational structure for the study.
- Discuss a timetable for completion of the study.
- Discuss any other matters pertinent to the overall assignment from the Secretary.
- Public comment. (10 minute rule).

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Jimmie L. Peterson at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on February 25, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-5250 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Pride Refining, Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Pride Refining, Inc. (Pride) and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by: April 1, 1983.

ADDRESS: Sent comments to: Donald A. Muncy, Deputy Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird, Suite 200E, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: Donald A. Muncy, Deputy Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird, 200E, Dallas, Texas 75247, 214/767–7561. (Copies of the Consent Order may be obtained free of Charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On February 2, 1983, the ERA executed a proposed Consent Order with Pride Refining, Inc. of Abilene, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the Federal Register requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Pride Refining, Inc., with its home office located in Abilene, Texas, is a firm engaged in the refining of crude oil and the sale of covered petroleum products as well as other petroleum related activities, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Pride's transactions involving petroleum products during the period January 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"), the ERA and Pride entered into a Consent Order, the significant terms of which are as follows:

A. The Consent Order is intended by the signatories to settle the civil issues between DOE and Pride relating to Pride's compliance with the Federal petroleum price and allocation regulations during the period from January 1, 1973 through January 28, 1981.

B. ERA conducted a through audit to determine Pride's compliance during the period covered by this Consent Order with the Federal petroleum price and allocation statutes, regulations and requirements. ERA and Pride disagree in several respects concerning the proper application of such Federal petroleum price and allocation statutes, regulations and requirements to Pride's activities during the settlement period. Pride and ERA each believes that its respective positions on the legal issues underlying suvh disagreement are meritorious. Nether Pride nor ERA disallows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, Pride maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by Pride nor a finding by ERA of any violation by Pride of any statute or regulation.

II. Refunds

A. Disposition of Refunds

Under the Consent Order, Pride Refining, Inc., will pay the sum of $800,000 to the administrator of the ERA. The administrator will hold the funds in an appropriate account pending a determination by the DOE of the disposition of the funds in accordance with applicable statutes and regulations. Payment is to be made in three installments of $200,000 each, the first payment on or before thirty days after the effective date of the Consent Order, the second on or before July 31, 1983, and the third on or before March 31, 1984. If payments are not made within the specified periods of time, Pride agrees to pay installment interest on the unpaid balance. Upon full satisfaction of the terms and conditions of this Consent Order by Pride, the DOE releases Pride and its affiliates from any civil claims that the DOE may have arising out of the specified transactions during the period covered by this Consent Order.

The foregoing provisions for payment of the refund amount were concurred in after ERA attempted to determine and identify all injured parties. These attempts were unsuccessful due to the nature of the business transactions in which Pride was engaged during the settlement period. Pride's activities were of such a nature so as to make it impossible to identify specific parties who or which may have been injured.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Pride Refining, Inc. Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on 30 days after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 23rd day of February 1983.

Ben Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-5200 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

University Programs Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: University Programs Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and Time: March 21, 1983, from 9 a.m. to 5 p.m.

Place: Department of Energy, Room 8E-080, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

Contact: Joan Snodderly, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-6033.

Purpose of the Parent Board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative Agenda:

- Discussion of draft outline of report
- Briefings on DOE university programs
- Presentations by representatives from research community

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Joan Snodderly at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on February 24, 1983.

J. R. Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-5200 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in March 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its fourth meeting on Thursday, March 10, 1983, starting at 10:00 a.m., in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 22, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-5244 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Miscible Displacement Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Miscible Displacement Task Group of

the Committee on Enhanced Oil Recovery will meet in March 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Miscible Displacement Task Group meeting follows:

The Miscible Displacement Task Group will hold its fourth meeting on Wednesday, March 16, 1983, starting at 9:00 a.m., in Room 1603, Mobile Exploration and Production Services, Inc., 7200 North Stemmons Freeway, Dallas, Texas.

The tentative agenda for the Miscible Displacement Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Miscible Displacement Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Miscible Displacement Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable privision will be made for their apperance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 22, 1983.

Donald L. [redacted],

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-5240 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Thermal Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Thermal Task Group of the Committee on Enhanced Oil Recovery will meet in March 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Thermal Task Group meeting follows:

The Thermal Task Group will hold its fourth meeting on Monday, March 21, 1983, starting at 8:30 a.m., in the Venice Room, Guest Quarters Galleria West, 5353 Westheimer, Houston, Texas.

The tentative agenda for the Thermal Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from Secretary of Energy.

The meeting is open to the public. The Chairman of the Thermal Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Thermal Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on February 22, 1983.

Donald L. [redacted],

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-5241 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

Procurement and Assistance Management Directorate

AGENCY: Department of Energy.

ACTION: Notice of suspension and proposed debarment.

SUMMARY: This notice announces that the Department of Energy (DOE) has suspended Alexandria Printing and Photo Service, an affiliate of Earl P. Postell, who was suspended on December 13, 1982, from participating in any new DOE contract or subcontract (*see*, 47 FR 56004 (December 20, 1982)). In addition, Alexandria Printing and Photo Service has been advised that DOE proposes to debar it for a period not to exceed three years beginning on March 3, 1983, or such later date as a final DOE decision to debar is entered.

DATE: The suspension became effective on February 23, 1983, and shall last until the proposed debarment becomes effective or for 12 months, whichever occurs earlier.

FOR FURTHER INFORMATION CONTACT: James Nelson, Procurement and Assistance Management Directorate, Room 1I–018, Forrestal Building, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone 202/252–1150.

SUPPLEMENTARY INFORMATION: The suspension and proposed debarment actions are being taken in accordance with the procedures set forth in Federal Procurement Regulations (FPR) Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43662 (October 4, 1982), and the DOE Procurement Regulations (DOE–PR), 41 CFR Subpart 9–1.6. In addition to the Alexandria Printing and Photo Services, the other known affiliates of Earl R. Postell, affected by a previous suspension and proposed debarment action are E&P Associates, Inc., and Alexandria Graphics and Reproduction Service. Mr. Postell's address is 418 Hume Avenue, Alexandria, Virginia 22301. The address of all the known affiliates is the same: 418 Hume Avenue, Alexandria, Virginia 22301.

During the period of suspension and subsequent debarment, DOE will neither accept nor consider a bid or proposal submitted by Mr. Postell or by any organization with which he is affiliated. In addition, DOE will not approve any new contract between him or any such affiliated organization and a DOE contractor.

The suspensions and proposed debarments are based on Mr. Postell's November 2, 1982, indictment by a Federal Grand Jury in the United States

District Court for the Eastern District of Virginia and January 21, 1983, conviction in the United States District Court for the Eastern District of Virginia, Alexandria Division, for violation of Title 18 of the United States Code, 1341 and 2, Mail Fraud, Section 201(g) Bribery, and Title 26, United States Code 7206, False Income Tax Return. Mr. Postell has requested a hearing which has been scheduled for March 3, 1983.

As required under DOE–PR 9–1.602, Mr. Postell and the above named affiliated organizations have been placed on the DOE Consolidated List of Debarred, Suspended, and Ineligible Contractors which is distributed periodically to DOE Contracting Officers. DOE has also notified the General Services Administration (GSA) of this suspension action. When the proposed debarment becomes effective, GSA shall be notified in accordance with FPR Temporary Regulation No. 65, 41 CFR Subpart 1–1.6, 47 FR 43692 (October 4, 1982).

Issued in Washington, D.C., on February 23, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 83-5267 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF–313; PH–FRL 2313–8]

Pesticide, Food, and Feed Additive Petitions; Penick Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202. Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF–313) and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filing

FAP 9H5210. Penick Corporation, 1050 Wall St. West, Lydhurst, NJ 07071. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide resmethrin ([5-(phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate) in or on foods at 3.0 parts per million (ppm) resulting from the application of the insecticide in food processing and storage areas. (PM–17, Franklin D. R. Gee, 703–557–2690).

PP 3F2822. E. I. du Pont de Nemours & Co., Wilmington, DE 19898. Proposes amending 40 CFR 180.253 by establishing tolerances for the residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate in or on the commodity caneberries at 6.0 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–12, Jay Ellenberger, 703–557–2386).

PP 3F2823. American Hoechst Corp., Agricultural Division, Route 202–206, North Somerville, NJ 08876. Proposes amending 40 CFR 180.236 by establishing a tolerance for the residues of the fungicide triphenyltin hydroxide in or on the commodity soybeans at 0.05 ppm. The proposed analytical method for determining residues is by gas chromatography with a flame-photometric detector. (PM–21, Henry Jacoby, 703–557–1900).

FAP 3H5384. American Hoechst Corp. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the fungicide triphenyltin hydroxide in or on the commodity soybean soapstock at 0.15 ppm. (PM–21, Henry Jacoby, 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 22, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-5220 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

[SWH–FRL 2314–3]

RCRA Permit Advisory Committee; Open Meeting

Notice is hereby given of a meeting of Task Force A of the RCRA Permit Advisory Committee. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (Appendix I), *et seq.* Establishment of the Committee was announced in the **Federal Register** on September 23, 1982. The Task Force was established at the first open meeting of the Committee held on February 15, 1983 as announced in the **Federal Register** on January 27, 1983.

The Task Force meeting will be held on Wednesday, March 30, 1983, at 10:00 a.m. at the U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. in rooms 3906 and 3908. Estimated time of adjournment is 4:00 p.m.

The purpose of the meeting is to explore various recommendations regarding implementation of land disposal permit programs and possible revisions to guidance and training documents relating to storage, treatment, and disposal programs. Any findings will be submitted to the RCRA Permit Advisory Committee for consideration at its next meeting.

This meeting is open to the public. Any member of the public wishing to submit a written statement to the Committee should deliver copies to the Executive Secretary at the meeting. Advance comments on specific subjects may be submitted to Study Group Chairpersons as follows:

Land Disposal programs—Ms. Mary A. Bishop, Senior Analyst, Environmental Department, International Paper Company, 77 West 45th Street, New York, New York 10036.

Incineration/Storage and Treatment programs—Mr. Michael L. Esarey, Environmental Engineer, Environmental Affairs, Eli Lilly and Company, 307 East McCarty Street, Indianapolis, Indiana 46285.

Anyone wishing to make a brief oral statement must indicate this to the Executive Secretary at the opening of the meeting. Oral statements will be heard as time permits.

For further information contact Burl J. Snow, Task Force Chairperson,

Industrial Solid Waste Section, Texas Department of Water Resources, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78711, (512) 475–2041 or Susan Mann, Executive Secretary, U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460, WH–563, (202) 382–4493.

Dated: February 23, 1983.

Lewis Crampton,

Acting Assistant Administrator.

[FR Doc. 83-5342 Filed 3-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: *Title of Information Collection:* Consolidated Reports of Condition and Consolidated Reports of Income (Mutual Savings Banks).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact the Office of the Executive Secretary, telephone (202) 389–4351.

SUPPLEMENTARY INFORMATION: The proposed information collection pertains to changes in the Consolidated Reports of Condition and Consolidated Reports of Income (Call Reports) filed by mutual savings banks. The proposed changes to the Report of Condition are to commence with the reports that will be filed as of March 31, 1983, while the changes to the Report of Income will commence with the reports that will be filed as of June 30, 1983.

The proposal calls for the addition of new preprinted line items to the Report of Condition for FDIC notes and bank net worth certificates issued in accordance with the provisions of the Garn-St Germain Depository Institutions Act of 1982, and related additions to the Report of Income for collecting data on the interest income and expense of these instruments as well as the amounts of net worth certificates issued during the reporting period.

The change will enable the FDIC or other user of the call report to determine whether a mutual savings bank's surplus accounts have been bolstered by FDIC assistance under the Garn-St Germain Depository Institutions Act.

It is estimated that this information collection will create an annual reporting burden on all mutual savings banks of less than 10 hours a year.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-5221 Filed 3-1-83; 8:45 am]

BILLING CODE 6714-01-M

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: Title of Information Collection: Consolidated Reports of Condition and Consolidated Reports of Income (State banks not members of Federal Reserve).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact the Office of the Executive Secretary, telephone (202) 389–4351.

SUPPLEMENTARY INFORMATION: The proposed information collection pertains to changes in the Consolidated Reports of Condition and Consolidated Reports of Income (Call Reports) filed by state nonmember commercial banks. The proposed changes are to commence with the call reports that will be filed as of March 31, 1983.

The changes involve two areas in the call reports: (1) Two new memoranda items in Schedule F—Deposits and a modification of an existing memorandum item to provide information on savings deposits by category of instrument, and (2) a new preprinted line item on the balance sheet of the Report of Condition designed to capture the book value of "Intangible Assets" separately from "Other assets" and a related addition to the Report of Income for the amortization expense of these assets.

The changes involving the memoranda items will enable the FDIC to isolate recently authorized rate-sensitive savings deposits from regulated rate savings deposits, and thus to identify banks that exhibit a trend toward excessive reliance on more costly rate-sensitive savings deposits to fund their operations. The change involving the preprinted line item will assist the FDIC in monitoring bank capital in relation to our guidelines for capital adequacy.

It is estimated that these information collections will create an annual reporting burden of 3,400 hours for all state nonmember commercial banks.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-5222 Filed 3-1-83; 8:45 am]

BILLING CODE 6714-01-M

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: *Title of Information Collection:* Consolidated Reports of Condition and Consolidated Reports of Income (Mutual Savings Banks)

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and

Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact the Office of the Executive Secretary, telephone (202) 389-4851.

SUPPLEMENTARY INFORMATION: The proposed information collection pertains to changes in the Consolidated Reports of Condition and Consolidated Reports of Income (Call Reports) filed by mutual savings banks. The proposed changes to the Report of Condition are to commence with the reports that will be filed as of March 31, 1983, while the changes to the Report of Income will commence with the reports that will be filed as of June 30, 1983.

The changes involve two areas in the call reports: (1) A new memorandum item in the balance sheet of the Report of Condition from which one can derive the amount of rate-sensitive savings deposits, and (2) a new preprinted line item on the balance sheet of the Report of Condition designed to capture the book value of "Intangible Assets" separately from "Other Assets" and a related addition to the Report of Income for the amortization expense of these assets.

The change involving the new memorandum item will enable the FDIC to isolate recently authorized rate-sensitive savings deposits from regulated rate savings deposits, and thus to identify savings banks that exhibit a trend toward excessive reliance on more costly rate-sensitive savings deposits to fund their operations. The change involving the preprinted line item will assist the FDIC in monitoring savings bank capital in relation to our guidelines for capital adequacy.

It is estimated that these information collections will create an annual reporting burden of 200 hours for all 464 mutual savings banks.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-5223 Filed 3-1-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Suburban Bancorp, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Suburban Bancorp, Inc.*, Palatine, Illinois; to acquire 98 percent or more of the voting shares of Suburban Bank of Barrington, Barrington, Illinois. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Comments on this application must be received not later than March 24, 1983.

Board of Governors of the Federal Reserve System, February 24, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5202 Filed 3-1-83; 8:45 am]

BILLING CODE 6210-01-M

BankEast Corp.; Proposed Acquisition of The Wolfeboro Savings Bank

BankEast Corporation, Manchester, New Hampshire, has applied, pursuant to sections 4(c)(8) and 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and §§ 1842(a)(3)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Wolfeboro Savings Bank, Wolfeboro, New Hampshire.

Applicant states that the proposed subsidiary would engage in the activities of a guaranty savings bank. These activities would be performed from offices of Applicant's subsidiary in Wolfeboro, New Hampshire, and the geographic areas to be served are the towns of Wolfeboro, Tuftonboro, and Ossipee, New Hampshire and the surrounding area.

Interested persons are invited to comment on the application. Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 24, 1983.

Board of Governors of the Federal Reserve System, February 24, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5200 Filed 3-1-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First Guaranty Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that applications. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Guaranty Corporation*, Martin, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of The First Guaranty Bank, Martin, Kentucky. Comments on this application must be received not later than March 22, 1983.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *South Taylor County Bancshares, Inc.*, Tuscola, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First State Bank in Tuscola, Tuscola, Texas.

Comments on this application must be received not later than March 21, 1983.

Board of Governors of the Federal Reserve System, February 24, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5301 Filed 3-1-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed De Novo Nonbank Activities, Fleet Financial Group, Inc., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island (mortgage banking and insurance agency activities; Maine): To engage through its direct subsidiary, Fleet Mortgage Corp. (formerly Mortgage Associates, Inc.), in the origination, sale and servicing of residential mortgage loans, commercial mortgage loans and loans secured by junior liens on residential real estate and the sale of mortgage life and mortgage accident and health insurance directly related to extensions of credit. These activities would be conducted from a new office to be located in South Portland, Maine serving the State of Maine. Comments on this application must be received not later than March 23, 1983.

B. *Federal Reserve Bank of Cleveland* (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania (financing activities; Colorado): To engage through its subsidiary, The Kissell Company, in making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. These activities would be conducted from an office in Rifle, Colorado, serving the counties of Garfield and Rio Balanco, Colorado. Comments on this application must be received not later than March 22, 1983.

C. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Central Pacific Corporation*, Bakersfield, California (mortgage activities; California): To engage through its subsidiary, Bankers' Funding Corp., in making, acquiring, selling, packaging and servicing residential and commercial mortgage loans and services incidental thereto. These activities would be conducted from a *de novo* office to be established in Cupertino, California, serving Northern California. Comments on this application must be received not later than March 23, 1983.

2. *Pacific Western Bancshares*, San Jose, California (data processing activities; California, Arizona, Hawaii, Nevada, New Mexico, Oregon, Utah, Washington): To engage through a subsidiary, Pacific Western Information Systems, in providing bookkeeping or data processing services, providing and maintaining data bases and facilities for the internal operations of the holding company and its subsidiaries; storing and processing other banking, financial, or related economic data, such as payroll, accounts receivable/payable, trust and fiduciary accounting, and billing services to the holding company, its subsidiaries and correspondents and customers of those subsidiaries, non-affiliated banks, thrifts and others on an indirect and direct contract basis; providing other data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means for banking, financial or economic data; selling by-products of permissible data processing activities; providing excess capacity on data processing and transmission facilities; leasing data processing and data transmission hardware and software and acting as agent, broker or advisor in obtaining or providing equipment within permissible limits and to the extent required to support the previously mentioned activities. These activities would be conducted from an office in San Jose, California, serving California, Arizona, Hawaii, Nevada, New Mexico, Oregon, Utah and Washington. Comments on this application must be received not later than March 18, 1983.

3. *Rainier Bancorporation*, Seattle, Washington (lending and insurance activities; Washington State): To establish a *de novo* office of Rainier Industrial Loan Company and a *de novo* office of Rainier Credit Company at a shared location in Renton, Washington. The activities in which the *de novo* office of Rainier Credit Company proposes to engage are: the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; and acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owned by debtors and with regard to consumer credit related property and casualty insurance on personal property subject to security agreements with Rainier Credit Company. The *de novo* office of Rainier Industrial Loan proposes to engage in operating as an office of an industrial loan company in the manner authorized by state law, including the following activities: the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; and acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Industrial Loan Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the

amount owned by debtors and with regard to consumer credit related property and casualty insurance on personal property subject to security agreements with Rainier Industrial Loan Company. Both Rainier Industrial Loan Company and Rainer Credit Company have engaged in the insurance activities proposed in this notice prior to May 1, 1982, and thereby qualify for the grandfather privileges of section 601(D) of the Garn-St Germain Act. Comments on this application must be received not later than March 22, 1983.

4. *U.S. Bancorp*, Portland, Oregon (consumer loan activities; Citrus Heights, Concord and Stockton, California): To engage through its existing indirect subsidiary, Bancorp Credit Services, Inc., in the making, acquiring, and servicing of loans and other extensions of credit, either secured or unsecured, for its own account or the account of others, including, but not limited to consumer loans, installment sales contracts and other forms of receivables; making investments and acting as insurance agent with regard to credit life and disability insurance, property and casualty insurance, solely in connection with extensions of credit by Bancorp Credit Services, Inc. Bancorp is in conformance with the provisions of §§ 225.4(a)(1), 225.4(a)(3), and 225.4(a)(9)(i) of Regulation Y. These activities will be conducted from offices located in Citrus Heights, Concord, and Stockton, California. The primary service areas to be served by the proposed offices will be surrounding segments of Citrus Heights, Concord and Stockton, California. Comments on this application must be received not later than March 23, 1983.

Board of Governors of the Federal Reserve System, February 22, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5288 Filed 3-1-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Reintroduction of "Focal Points" Planning Session; Open Meeting

On March 14, 1983, the Division of Health Education, Center for Health Promotion and Education, Centers for Disease Control, will convene an open meeting for a work group to provide recommendations for reinstituting publication of *Focal Points* on a subscription basis. The group will consider content, format, and marketing strategies appropriate to meeting its purpose and establishing it on a subscription basis. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 9:00 a.m., room B19, building 3, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

For further information, please contact: Andrea Lawrence, Division of Health Education, Center for Health Promotion and Education (1-106A), Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333; Telephones: FTS: 236-3452, Commercial: 404/329-3452.

Dated: February 25, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83-5214 Filed 3-1-83; 8:45 am]

BILLING CODE 4160-18-M

Office of Human Development Services

President's Committee on Mental Retardation; Meeting

PROGRAM: Quarterly Full Committee Meeting.

TIMES AND DATES:

March 14, 1983 from 9:00 a.m. to 5:00 p.m.;

March 15, 1983 from 9:00 a.m. to 5:00 p.m.;

March 16, 1983 from 9:00 a.m. to 3:00 p.m.

PLACE: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Ave. N.W., Washington, D.C., March 14 and 15: Kansas Room; March 16: Vermont Room.

STATUS: The meeting will be open to the public. An interpreter for the deaf will be provided if requested in advance. All locations are accessible to the disabled.

MATTERS TO BE CONSIDERED: (1) Reports by Steering Committee and Executive Director. (Day 1)

(2) Presentations by Developmental Disabilities Groups on Legislative and Critical Issues. (Day 1)

(3) Sub-Committee Work Groups: Family and Community Services, Full Citizenship, Prevention, and Systems Simplification and Coordination. (Day 1)

(4) Reports of Sub-Committees. (Day 2)

(5) Research Directions and Issues. (Day 2)

(6) Resolutions and Recommendations. (Day 3)

(7) Discussion: Are we on the cutting edge of issues and problems? (Day 3)

CONTACT PERSON FOR MORE INFORMATION: Mr. M. Mark Snyderman, Special Assistant, R.O.B. #3, Room 4025, 7th and D Streets, SW., Washington, D.C. 20201; (202) 245-8563.

Dated: February 22, 1983.

Fred J. Krause,

Executive Director

[FR Doc. 83-5300 Filed 3-1-83; 8:45 am]

BILLING CODE 4130-01-M

National Institutes of Health

Respiratory and Applied Physiology Study Section; Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, Pub. L. 92-463, 86 Stat. 770-776, the National Institutes of Health announces the establishment of the Respiratory and Applied Physiology Study Section by the Secretary, Department of Health and Human Services.

The Respiratory and Applied Physiology Study Section shall advise the Secretary, the Assistant Secretary for Health, and the Director, National Institutes of Health, regarding applications for grants-in-aid for research and research training awards and proposals relating to lung function in the normal and diseased states, exercise, muscle function, and environmental influences on the body.

Authority for this committee shall terminate on August 31, 1984, unless the Secretary, HHS, formally determines that continuance is in the public interest.

Dated: February 10, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83-5216 Filed 3-1-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Report on Bis (2-Chloro-1-Methylethyl) Ether

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis study of bis(2-chloro-1-methylethyl) ether (BCMEE), also known as bis(2-chloroisopropyl) ether (BCPE), a betahaloether that has been used extensively in paint and varnish removers, spotting agents, and cleaning solutions. BCMEE has also been used as an intermediate in the manufacture of dyes, resins, and pharmaceuticals and has been added to soap solutions to aid in textile cleaning.

Bis(2-chloro-1-methylethyl) ether (containing about 30 per cent 2-chloro-1-methylethyl(2-chloropropyl) ether) was

administered in corn oil by gavage to B6C3F$_1$ mice (0, 100, or 200 mg/kg) five times a week for 103 weeks. Under these conditions bis(2-chloro-1-methylethyl) ether was carcinogenic for B6C3F$_1$ mice causing increased incidences of alveolar/bronchiolar adenomas in males and females and hepatocellular carcinomas in males. In addition, the occurrence of a low incidence of squamous cell papillomas or carcinomas in the stomach or forestomach of females (a rare tumor in B6C3F$_1$ mice) was probably associated with the administration of bis(2-chloro-1-methylethyl] ether.

Copies of this report—*Carcinogenesis Bioassay of Bis(2-chloro-1-methyl-ethyl) Ether (gavage study)* (T.R. 238)—are available without charge by writing to: NTP Public Information Office, M.D. B2-04, Box: 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS 629-3991.

Dated: February 23, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-5218 Filed 3-1-83; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program; Availability of Carcinogenesis Report on Zearalenone

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis study of zearalenone, a veterinary non-steroidal anabolic estrogenic compound and naturally-occurring mycotoxin which, under some climatic conditions, may contaminate barley, oats, wheat, and corn.

Zearalenone was given in the diets of F344/N rats (0, 25, or 50 ppm) and of B6C3F$_1$ mice (0, 50, or 100 ppm) for 103 weeks. Under these conditions, there was no evidence of carcinogenicity in male or female F344/N rats. For B6C3F$_1$ mice there was some evidence of carcinogenicity—increased incidences of pituitary gland adenomas in male and female mice, and increased incidences of hepatocellular adenomas in female mice.

Copies of this report—*Carcinogenesis Bioassay of Zearalenone in F344/N Rats and B6C3F$_1$ Mice (Feed Study)* (T.R. 235)—are available without charge by writing to: NTP Public Information Office, M.D. B2-04, Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS 629-3991.

Dated: February 23, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-5217 Filed 3-1-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14839-A]

Alaska Native Claims Selection

On November 14, 1974, Kongnikilnomuit Yuita Corporationat, for the Native village of Bill Moore's, filed selection application F-14839-A, as amended, under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (Supp. IV, 1980), for the surface estate of certain lands in the vicinity of Bill Moore's, including lands within the Clarence Rhode National Wildlife Range (Public Land Order (PLO) 4584) 34 FR 1143.

On December 2, 1980, Sec. 303(7) of Pub. L. 96-487, the Alaska National Interest Lands Conservation Act, established the Yukon Delta National Wildlife Refuge consisting of the Clarence Rhode National Wildlife Range (PLO 4584) and additions thereto.

Kongnikilnomuit Yuita Corporationat, in its November 14, 1974 application, excluded several bodies of water. Because certain of these water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under section 11(a)(1) and available for selection by the village pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4 (b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in the November 14, 1974 application are considered selected by Kongnikilnomuit Yuita Corporationat.

As to the lands described below, selection application F-14839-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a) of ANCSA, aggregating approximately 64,068 acres, is considered proper for acquisition by Kongnikilnomuit Yuita Corporationat and is hereby approved for conveyance pursuant to section 14(a) of ANCSA:

Lands Outside Public Land Order 4584

(Clarence Rhode National Wildlife Range)

Now known as the Yukon Delta National Wildlife Refuge.

Seward Meridian, Alaska (Unsurveyed)

T. 33 N., R. 74 W.,
Secs. 4 to 9, inclusive.
Containing approximately 3,821 acres.

T. 33 N., R. 75 W.,
Secs. 1 to 4, inclusive;
Sec. 5, excluding Native allotment F-18760 Parcel B;
Secs. 6 and 7;
Sec. 8, excluding Native allotment F-18374 Parcel C;
Secs. 9 to 12, inclusive;
Sec. 16, excluding Native allotment F-18761 Parcel B;
Sec. 17;
Sec. 18, excluding Native allotment F-18757 Parcel B;
Sec. 19, excluding Native allotment F-18830 Parcel C;
Sec. 20, excluding Native allotments F-18686 Parcel C and F-18758 Parcel A;
Secs. 21 and 28;
Sec. 29, excluding Native allotment F-18781 Parcel C;
Secs. 30 and 31;
Sec. 32, excluding Native allotment F-18372 Parcels B and C;
Sec. 33, excluding Native allotment F-18759 Parcel D.
Containing approximately 14,800 acres.

T. 31 N., R. 76 W.,
Secs. 3, 4, and 5;
Secs. 8 and 9.
Containing approximately 3,200 acres.

T. 32 N., R. 76 W.,
Secs. 3 to 6, inclusive;
Sec. 7, excluding Native allotment F-18284;
Sec. 8, excluding Native allotment F-18754 Parcel C;
Sec. 9;
Sec. 10, excluding Native allotment F-18344 Parcel D;
Sec. 15;
Sec. 16, excluding Native allotment F-17095 Parcel A;
Sec. 17;
Sec. 18, excluding Native allotment F-18254;
Secs. 19 to 22, inclusive;
Sec. 27 to 34, inclusive.
Containing approximately 14,898 acres.

T. 33 N., R. 76 W.,
Sec. 1;

Sec. 2, excluding Native allotment F–16760 Parcel A;
Secs. 3 to 6, inclusive;
Sec. 7, that portion outside PLO 4584;
Sec. 8;
Sec. 9, excluding Native allotment F–16732 Parcel D;
Secs. 10 to 16, inclusive;
Sec. 17, excluding Native allotments F–16733 Parcel C and F–19140 Parcel B;
Sec. 18, that portion outside PLO 4584, excluding Native allotments F–18280, F–18427, F–18669, and F–16733 Parcel C;
Sec. 19, excluding Native allotments F–16238 and F–18629;
Sec. 20, excluding Native allotment F–19140 Parcel B;
Secs. 21 to 36, inclusive.

Containing approximately 21,001 acres.

T. 32 N., R. 77 W.,
Secs. 1, 12, and 13;
Secs. 24, 25, and 36.

Containing approximately 3,840 acres.

T. 33 N., R. 77 W.,
Sec. 1, that portion outside PLO 4584, excluding Native allotment F–16283;
Sec. 24, that portion outside PLO 4584, excluding Native allotment F–16735;
Sec. 25, that portion outside PLO 4584, excluding Native allotment F–16756 Parcel C.

Containing approximately 200 acres.
Aggregating approximately 62,366 acres outside PLO 4584.

Lands Within Public Land Order 4584

(Clarence Rhode National Wildlife Range) Now known as the Yukon Delta National Wildlife Refuge.

Seward Meridian, Alaska (Unsurveyed)

T. 33 N., R. 70 W.,
Sec. 7, that portion within PLO 4584;
Sec. 18, that portion within PLO 4584, excluding Native allotment F–17085 Parcel B.

Containing approximately 300 acres.

T. 33 N., R. 77 W.,
Secs. 1 and 13, those portions within PLO 4584;
Sec. 24, that portion within PLO 4584, exluding Native allotment F–16735;
Sec. 25, that portion within PLO 4584.

Containing approximately 1,375 acres.
Aggregating approximately 1,675 acres within PLO 4584.
Total aggregated acreage approximately 64,065 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Mangement to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F–14639–EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: Lands are under applications pending further adjudication. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)).

There are no easements to be reserved to the United States pursuant to section 17(b) of the Alaska Native Claims Settlement Act.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, section 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to section 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of section 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that (a) the above described lands which were, on December 18, 1971, within the boundaries of the Clarence Rhode National Wildlife Range (PLO 4584), now known as the Yukon Delta National Wildlife Refuge (Pub. L. 96–487), remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above named corporation, is reserved to the United States; and

4. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kongnikilnomuit Yuita Corporationat (for the village of Bill Moore's) is entitled to conveyance of 69,120 acres of land selected pursuant to section 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 64,063 acres. The remaining entitlement of approximately 5,057 acres will be conveyed at a later date.

Pursuant to section 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above, excluding those lands which, on December 18, 1971, were withdrawn by PLO 4584, and which are reserved thereby as a national wildlife refuge, shall be issued to Calista Corporation when the surface estate is conveyed to Kongnikilnomuit Yuita Corporationat (for the village of Bill Moore's) and shall be subject to the same conditions as the surface conveyance, except for those provisions under section 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native Village shall be subject to the consent of Kongnikilnomuit Yuita Corporationat. This conveyance to Calista Corporation will include the subsurface estate of those lands outside of PLO 4584, which were withdrawn, subject to valid existing rights, as the Yukon Delta National Wildlife Refuge by Pub. L. 96–487, on December 2, 1980. Section 12(a)(1) of ANCSA provides that when a village corporation selects the surface estate of lands within the National Wildlife Refuge System, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by section 11(a) within the region. The total amount of wildlife refuge system lands withdrawn prior to December 18, 1971 which have been approved for conveyance to Kongnikilnomuit Yuita Corporationat is approximately 1,675 acres, which is less than the 69,120 acres permitted by section 12(a)(1) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week

for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until April 1, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kongnikilnomuit Yuita Corporationat, Bill Moore's Slough, Via Kotlik, Alaska 99620

Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

[illegible],
Acting Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-5360 Filed 3-1-83; 8:45 am]
BILLING CODE 4310-84-M

Nevada; Classification Partially Vacated

Correction

In FR Doc. 83–3803 beginning on page 6789, in the issue of Tuesday, February 15, 1983, second column, in the land description, the second line should read: "Sec. 8, N½SE¼."

BILLING CODE 1505-01-M

Minerals Management Service

Outer Continental Shelf Mid-Atlantic; Proposed Oil and Gas Lease Sale No. 76; Correction

Notice is hereby given of corrections to the Proposed Notice of Sale appearing in the **Federal Register** of December 23, 1982, at 47 FR 57408–57430. There has been no increase in the area of the proposed sale or in specific blocks over what was announced in a December 20, 1982, letter to the Governors of the affected States. Listed on page 57417, under Official Protraction Diagram No. NJ 18–8, Chincoteague, are block numbers 28–41 and 213–217. These block numbers should be changed to 36–41 and 212–217 respectively. Listed on page 57421 under 13(a), Official Protraction Diagram No. NJ 18–8, Chincoteague, are block numbers 86–85. These block numbers should be changed to 80–85. Also on page 57421, a block listing did not print properly: Under Official Protraction Diagram No. NJ 19–1, Block Canyon, the last block numbers should read 406–400.

On page 57423, under Stipulation No. 2, the first line should read, "to be included in all leases resulting from this sale for the following blocks:"; the word "*except*" has been deleted. Listed on page 57426 under Stipulation No. 5, Official Protraction Diagram No. NJ 18–8, Chincoteague, are block numbers 213–217. These block numbers should be changed to 212–217.

In the fourth paragraph on page 57429, under section 14, Information to Lessees, is a listing of block numbers which were offered in Sale No. 59 and reoffered in Sale No. RS–2, but were not leased. The following is an expanded listing reflecting block numbers which were previously offered.

Mass Movement

NJ 18–3

733 NW¼SW¼, S½SE¼, NE¼SE¼
734 W½SW¼
735 SW¼
777 N½NE¼
778 NW¼, W½NE¼, SE¼NE¼
779 SW¼NW¼, N½SW¼, SE¼NE¼, N½SE¼, SE¼SE¼
781 SE¼, E½SW¼, SW¼SW¼, S½NE¼, SE¼NW¼
821 SE¼NW¼, NE¼SW¼, SE¼NE¼, N½SE¼
822 NE¼SW¼, SE¼NW¼, NE¼, N½SE¼
823 S½NW¼, NE¼NW¼, N½SW¼, NE¼, SW¼SE¼
824 SE¼, SW¼, S½NE¼, S½NW¼
865 NW¼NE¼, SE¼NE¼, NE¼SE¼
866 W½NW¼, SE¼NW¼, SW¼, W½SE¼
867 SE¼NW¼, NE¼SW¼, S½NE¼, N½SE¼
906 NW¼
909 E½NE¼
910 W½NW¼, NE¼NW¼, NE¼, SE¼, SE¼SW¼
911 S½, S½NW¼, NW¼NW¼, S½NE¼, NE¼NE¼
954 NW¼SW¼, NE¼NW¼, N½NE¼, SE¼NE¼
990 SW¼NW¼, N½SW¼
993 NE¼SE¼
994 SW¼, W½SE¼

NJ 18–6

22 E½NE¼
23 S½NW¼, NW¼NW¼, N½SW¼, W½SE¼
26 N½NE¼, SE¼NE¼
28 SE¼SE¼
108 SW¼NE¼, NW¼SE¼
113 SE¼SE¼
114 SW¼SW¼
157 NE¼NE¼
453 SE¼
454 S½NW¼
490 NE¼SE¼
497 NW¼, NW¼NE¼, NW¼SW¼
548 S½SW¼, NE¼SW¼
627 N½NW¼
800 SW¼SE¼
975 SW¼SW¼

NJ 18–8

304 SE¼SE¼
305 SW¼SW¼
348 E½NE¼, E½SE¼

NJ 18–9

50 N½NE¼
90 SE¼SW¼
133 E½NE¼, NE¼SE¼

Shallow Faults

NJ 18–3

864 SE¼NE¼
865 NW¼NW¼
909 S½SE¼
910 S½NE¼, W½NW¼, NW¼SE¼
911 NE¼NE¼, S½NE¼, SW¼SW¼, E½SW¼, NW¼SE¼
952 NE¼SE¼
954 NE¼NE¼
995 SE¼SE¼

NJ 18–6

197 N½SE¼, SW¼SE¼
330 N½SW¼, SW¼SW¼

373 NE¼NE¼
848 N½NW¼, SW¼NW¼, NE¼SW¼, NW¼SE¼

Dated: February 25, 1983.

Robert L. Elsen,

Acting Director, Minerals Management Service.

[FR Doc. 83-5288 Filed 3-1-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 367]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 154 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278; or Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirement of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constued to mean that the Commisson has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub No.	Name of Railroad, contract No., and specifics	Review Board [1]	Decided date
817	Southern Pacific Transportation Co., ICC-SP-C-0275, (Petroleum coke)	1	2-23-83
818	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St., Paul and Pacific Railroad Co., ICC-MILW-C-0340, (Liquid)	2	2-23-83
820	Denver and Rio Grande Western Railroad Co., ICC-DRGW-C-0097-S, (Canned goods)	2	2-23-83
821	Chesapeake and Ohio Railway Co., ICC-CO-C-0097, Supplement 2, (LPG)	1	2-23-83
822	Southern Pacific Transportation Co., ICC-SP-C-0404, (Mentanol)	2	2-23-83
824	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0329, (Bituminous coal)	1	2-23-83
825	Baltimore and Ohio Railroad Co., ICC-BO-C-0130, (Malt)	2	2-23-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5199 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15121]

Motor Carriers; Greentree Transportation Company—Purchase Exemption—Midamerican Freight, Inc.; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Greentree Transportation Company (Greentree) (No. MC-158698), L. B. Foster Company (Foster) (of which Greentree is a wholly owned subsidiary), and Midamerican Freight, Inc. (Midamerican) (No. MC-160960), seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by Greentree of the operating rights of Midamerican.

Note.—A temporary authority (TA) application has been filed.

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2378, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative, Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603

Comments should refer to No. MC-F-15121.

FOR FURTHER INFORMATION CONTACT: Joyce Lannon, (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 23, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5223 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15127; OP4F-104]

Motor Carriers; Roadway Express, Ltd.—Purchase Exemption—Harkema Express Lines, Limited

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures For Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Roadway Express, Ltd. (Roadway), which holds no authority, and Harkema Express Lines, Limited (Harkema) (MC-140611) seek an exemption from the requirement of prior regulatory approval for the purchase by Roadway of all of Harkema's operating rights. Roadway Services, Inc., a non-carrier holding company, which controls Roadway Express, Ltd. and also controls Roadway Express, Inc. (MC-2202), seeks authority to acquire control of said rights through the transaction. An application to temporarily manage Harkema has been filed.

DATE: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative, William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20814

Comments should refer to No. MC-F-15127.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free

of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 24, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5232 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated in the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a major common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-076

Decided: February 23, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 5723 (Sub-12), filed January 5, 1983. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Rd., Ossining, NY 10562. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733 Investment Bldg., Washington, DC 20005, 202-783-3525. Over regular routes, transporting *passenger (1)* between North Salem and New York, NY: from North Salem over NY Hwy 121 to Cross River, then over NY Hwy 35 to junction NY Hwy 124, near South Salem, then over NY Hwy 124 to Pound Ridge, then over NY Hwy 172 to Bedford Village, then over NY Hwy 22 to junction Interstate Hwy 684, then over Interstate Hwy 684 to junction Interstate Hwy 287, then over Interstate Hwy 287 to junction Interstate Hwy 87, then over Interstate Hwy 87 to the exit at 138th St. in New York, NY, then west on 138th St over the Madison Ave Bridge to 5th Ave, then south on 5th Ave to intersection with Broadway at 23rd St, then south on Broadway to Battery Park, then over Greenwich St to intersection Trinity Place, then over Trinity Place to intersection with Church St, to intersection Sixth Ave, then over Sixth Ave to intersection 23rd St, then over 23rd St to intersection Madison Ave, then over Madison Ave to 138th St, and return to North Salem over the same route beginning at Interstate Hwy 87, (2) between Croton Falls, NY and junction NY Hwy 22 and Interstate Hwy 684: from Croton Falls over NY Hwy 22 to Purdys, NY, then over NY Hwy 116 to junction US Hwy 202, then over US Hwy 202 to Somers, then over NY Hwy 100 to junction NY Hwy 138, then over NY Hwy 138 to Golden's Bridge, then over NY Hwy 22 to junction NY Hwy 35, then over NY Hwy 35 to junction NY Hwy 117, then over NY Hwy 117 to junction NY Hwy 120, then over NY Hwy 120 to Chappaqua, then over NY Hwy 120 to

junction NY Hwy 22, then over NY Hwy 22 to junction Interstate Hwy 684, and return over the same route, (3) between Cross River and Bedford Village, NY, over NY Hwy 121, and (4) serving all intermediate points on routes (1) through (3) above.

Note.—Applicant seeks to provide regular-route surface only in interstate or foreign commerce.

MC 150812 (Sub-722), filed January 31, 1983. Applicant: NORTH AMERICAN VAN LINES, INC. 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Standard Oil of Indiana, of Chicago, IL.

MC 149822 (Sub-4), filed January 31, 1983. Applicant: VAUGHAN CARTAGE COMPANY, INC., 116 Cooley Industrial Park, LaGrange, GA 30241. Representative: W. H. Tomlinson, 1001 19th St., Suite B, Columbus, GA 31901, 404–322–6424. Transporting *carpet, carpet tile and carpet roll goods*, between points in Troup County, GA, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, under continuing contract(s) with Interface Flooring Systems, Inc., of LaGrange, GA, and its wholly owned subsidiary Interface Flooring Systems, (Canada), Inc., of Ontario Canada.

MC 156173 (Sub-1), filed January 10, 1983. Applicant: ARNIE M. ARNDO, 3302 Ivy, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd, Rapid City, SD 57702, 605–343–4208. Transporting (1) as a *Common Carrier, contractors materials*, between points in SD and WY, on the one hand, and, on the other, points in IA, MN, and ND; and (2) a *Contract Carrier, general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with (a) Hills Materials Company, of Rapid City, SD, and (b) Hubbard Milling Company, of Mankato, MN.

MC 139823 (Sub-1), filed February 3, 1983. Applicant: ROBERT AND GLORIA ROBERTS, d.b.a. SIERRA CORRUGATED, 157 Clover Lane, Medford, OR 97501. Representative: J. Jaeger, 289 Sharp Circle, Suite 4, Roseville, CA 95678, 916–786–6018. Transporting (1) *food and related products*, (2) *plumbing supplies and related products*, (3) *chemicals and related products* (4) *pulp, paper, and related products* (5) *printed matter*, (6) *foam and plastics*, (7) *metal products*, (8) *forest products*, and (9) *lumber and wood products*, between points in CA, OR, WA, NV, AZ, ID, UT, MT, WY, CO, NE MN, IA, IL, IN, OH, and PA.

MC 150823, filed January 26, 1983. Applicant: CHUCK COX TRUCKING, P.O. Box 132, Wells, NV 89835. Representative: Charles L. Cox, 6821 S. 1140 W., Midvale, UT 84107, 801–255–9255. Transporting *ores, minerals and mill products, clay, concrete, glass or stone products, equipment and building materials, chemicals and related products, metal products and machinery*, between those points in the U.S. in and west of AR, LA, OK, MO, KS, NE, SD, and ND (except AK and HI).

MC 150824, filed January 31, 1983. Applicant: ARNESON WHOLESALERS, INC., 700 East Broadway, Viroqua, WI 54665. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165282, filed January 28, 1983. Applicant: RCJ ASSOCIATES, INC., P.O. Box 7402, Baltimore, MD 21227. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baltimore, MD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–7223.

Volume No. OP3-05

Decided: February 28, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

W–414 (Sub-12), filed February 3, 1983. Applicant: THE OHIO RIVER COMPANY, a Corporation, 1400 330 Building, Cincinnati, OH 45202. Representative: Richard A. Zellner, 800 National City E. 6th Building, Cleveland, OH 44114, (216) 621–0150. As a contract carrier, by water, transporting *iron and steel articles and scrap*, by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of towage, between ports and points along the Illinois Waterway, Mississippi River, Ohio River, Missouri River, Tennessee River, Cumberland River, Arkansas-Verdigris Waterway, Gulf Intracoastal Waterway from St. Marks, Florida to Brownsville, Texas, and all tributaries and connecting ship channels.

MC 2895 (Sub-67), filed February 4, 1983. Applicant: ADIRONDACK TRANSIT LINES, INC., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 4000 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Over regular routes, transporting *passengers*, (1) between New York, NY, and the port of entry on the International Boundary line between the U.S. and Canada near Rouses Point, NY, serving the off-route points of New Paltz, Kingston, Saugerties, Clifton Park, Saratoga, Glens Falls, Lake George, Warrensburg, Chestertown, Pottersville, Schroon Lake, Elizabethtown, Keeseville, and Plattsburgh, NY: from New York over Interstate Hwy 495 to junction NJ Hwy 3, then over NJ Hwy 3 to junction NJ Hwy 17, then over NJ Hwy 17 to the NJ-NY State line, then over NY Hwy 17 to junction Interstate Hwy 87, then over Interstate Hwy 87 to the port of entry on the International Boundary line between the U.S. and Canada near Rouses Point; (2) between junction NJ Hwy 17 and the Garden State Parkway, and junction Interstate Hwy 87 and the Garden State Parkway, over the Garden State Parkway; (3) between junction Interstate Hwys 95 and 295, and junction Interstate Hwy 80 and NJ Hwy 17: From junction Interstate Hwys 95 and 295 over Interstate Hwy 95 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction NJ Hwy 17; (4) between junction NY Hwy 17 and Interstate Hwy 87, and the port of entry on the International Boundary line between the U.S. and Canada near Rouses Point, NY: from junction NY Hwy 17 and Interstate Hwy 87 over NY Hwy 17 to junction NY Hwy 208, then over NY Hwy 208 to junction NY Hwy 32, then over NY Hwy 32 to junction U.S. Hwy 9W, then over U.S. Hwy 9W to junction U.S. Hwy 9, then over U.S. Hwy 9 to the port of entry on the International Boundary line between the U.S. and Canada near Rouses Point; (5) between junction NY Hwy 17 and Interstate Hwy 287, and Freeport, NY, serving the off-route points of Nanuet, White Plains, New Rochelle, Queens Village, Mineola, Hempstead, and Freeport, NY: from junction NY Hwy 17 and Interstate Hwy 287 over Interstate Hwy 287 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction NY Hwy 25, then over NY Hwy 25 to junction NY Hwy 25B, then over NY Hwy 25B to Mineola, then over unnumbered hwys and city streets to Freeport; (6) between junction NY Hwy 32 and U.S. Hwy 9W, and Oneonta, NY: from junction NY Hwy 32 and U.S. Hwy 9W over NY Hwy 32 to junction NY

Hwy 28A, then over NY Hwy 28A to junction NY Hwy 200, then over NY Hwy 200 to junction NY Hwy 23, then over NY Hwy 23 to Oneonta; (7) between junction NY Hwys 28 and 200, and junction NY Hwy 23 and U.S. Hwy 9W, over NY Hwy 23; (8) between junction U.S. Hwy 9 and NY Hwy 9N, and junction U.S. Hwy 9 and NY Hwy 22: from junction U.S. Hwy 9 and NY Hwy 9N over NY Hwy 9N to junction NY Hwy 22, then over NY Hwy 22 to junction U.S. Hwy 9; (9) between junction U.S. Hwy 9 and NY Hwy 28, and Massena, NY: from junction U.S. Hwy 9 and NY Hwy 28 over NY Hwy 28 to junction NY Hwy 30, then over NY Hwy 30 to junction NY Hwy 3, then over NY Hwy 3 to junction NY Hwy 192, then over NY Hwy 192 to junction NY Hwy 30, then over NY Hwy 30 to junction NY Hwy 37, then over NY Hwy 37 to Massena; (10) between Rooseveltown, NY and the port of entry on the International Boundary line between the U.S. and Canada near Rooseveltown, over unnamed bridge and unnumbered hwys; (11) between Westport, NY and junction NY Hwys 192 and 192A: From Westport over NY Hwy 9N to junction NY Hwy 73, then over NY Hwy 73 to junction NY Hwy 86, then over NY Hwy 86 to junction NY Hwy 192A, then over NY Hwy 192A to junction NY Hwy 192; (12) between Gloversville, NY and Albany, NY: from Gloversville over NY Hwy 30A to junction NY Hwy 5, then over NY Hwy 5 to Albany; (13) between New York, NY, and junction Interstate Hwys 87 and 287, near Elmsford, NY: from New York over city streets to junction Interstate Hwy 87, then over Interstate Hwy 87 to junction Interstate Hwy 287; (14) between Keene, NY and Underwood, NY, over NY Hwy 73; (15) between Ohioville, NY and Lake Minnewaska, NY, over NY Hwy 299; (16) between Albany, NY and Syracuse, NY: from Albany over Interstate Hwy 90 to junction Interstate Hwy 690, then over Interstate Hwy 690 to Syracuse; (17) between junction Interstate Hwy 90 and NY Hwy 30, and Amsterdam, NY, over NY Hwy 30; (18) between junction Interstate Hwy 90 and NY Hwy 30A, and Fonda, NY, over NY Hwy 30A; (19) between junction Interstate Hwys 90 and 790, and Utica, NY, over Interstate Hwy 790; (20) between junction Interstate Hwys 90 and 481, and Syracuse, NY: from junction Interstate Hwys 90 and 481 over Interstate Hwy 481 to junction Interstate Hwy 690, then over Interstate Hwy 690 to Syracuse; and (21) between junction Interstate Hwys 90 and 81, and Syracuse, NY, over Interstate Hwy 81; serving all intermediate points on the above routes.

Note.—(1) Applicant seeks to provide regular-route service in interstate or foreign commerce and in interstate commerce under 47 U.S.C. 10922(c)(2)(B) over the same route;

(2) Applicant intends to tack this authority with its existing authority; and

(3) Applicant presently holds in MC 2535 Sub-45 existing interstate authority in routes (16) thru (21).

MC 2934 (Sub-133), filed February 4, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 2998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry [same address as applicant] (317) 875–1142.Transporting *electronic equipment and components*, between points in the U.S., under continuing contract(s) with Texas Instruments, Inc., of Austin, TX.

MC 31024 (Sub-43), filed February 4, 1983. Applicant: NEPTUNE WORLD WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, NY 10805. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017 (212) 532–5100. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Merrill Lynch Relocation Management, Inc., of White Plains, NY.

MC 41404 (Sub-167), filed February 4, 1983. Applicant: ARGO-COLLIER TRUCK LINES, CORPORATION, P.O. Box 440, Martin, TN 38237. Representative: Mark Horne (same address as applicant) (901) 587–9502. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MO, MS, NC, OH, SC, TN, VA, and WI.

MC 67234 (Sub-79), filed February 3, 1983. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105 (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Picker International, of Highland Heights, OH.

MC 138104 (Sub-112), filed February 4, 1983. Applicant: MOORE TRANSPORTATION CO., INC., 3500 N. Grove St., Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (718) 731–8431. Transporting (1) *lumber and wood products*, and (2) *building and construction materials*, between points in the U.S. (except AK and HI).

MC 141344 (Sub-5), filed February 3, 1983. Applicant: ALLEN TRANSPORT CORPORATION, Route 4, Box 155C, Glen Allen, VA 23060. Representative: Paul D. Collins, 7761 LakeForest Dr., Richmond, VA 23235 (804) 745-0418. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 145655 (Sub-9), filed February 2, 1983. Applicant: TYSON FOODS, INC., 2210 Oaklawn, Springdale, AR 72764. Representative: Jack R. Anderson, Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103 (918) 583-0000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146454 (Sub-3), filed February 4, 1983. Applicant: GUY DERRYBERRY, d.b.a. DERRYBERRY TRUCK & IMPLEMENT CO., Route 3, Lexington, TN 38351. Representative: Elmer L. Stewart Lexington, TN 38351 (901) 968–2066. Transporting *farm and industrial machinery*, between points in AL, AR, IL, IA, KY, LA, MS, MO, TN, TX, and WI.

MC 156715 (Sub-3), filed February 4, 1983. Applicant: WILLIAM F. BRAUN MILK HAULING, INC., 202 N. Second St., Hackler, IL 62248. Representative: Linda S. Braun, 320 Country Village Lane, Hecker, IL 62248 (618) 473–2917. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mid State Dairy, of St. Louis, MO.

MC 160534 (Sub-3), filed February 4, 1983. Applicant: DALLAS G & C EXPRESS, INC., 14001 Goldmark, Suite 242, Dallas, TX 75240. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in AR, CO, LA, NM, OK, and TX.

MC 162214, filed February 3, 1983. Applicant: SAUER & SONS TRANSPORT, LTD., General Delivery, Picture Butte, Alberta, Canada TOK 1VO. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60603 (312) 641–1944. In foreign commerce only, transporting *Food and related products*, between ports of entry on the international boundary line between the United States and Canada, in ID, MT, MN, ND, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164604, filed February 2, 1983. Applicant: G.N.C. TRUCKING INC. 1400 Lakeshore Drive, Menasha, WI 54952. Representative: James A. Spiegel, Olde

Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273–1003. Transporting *paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Great Northern Corporation, of Appleton, WI.

MC 166035, filed February 2, 1983. Applicant: COM–TECH TRANSFER, INC., 21W180 Hill Ave. Glen Ellyn, IL 60137. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603 (312) 263–2306. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of agricultural supplies, forest products, and lumber and wood products, between points in IL, IN, KY, MI, OH, and WI.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–105

Decided: February 23, 1983.

By the Commission, Review Board No. 3, Members Joyce, Krock, and Dowell.

MC 111650, (Sub-21), filed February 4, 1983, Applicant: FRANK LAMBIE, INC. pier 79 N. River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting (1) *paper and related products*, Between points in Hampden County, MA, on the one hand, and, on the other New York, NY, under continuing contract(s) with Linweave, Inc., of Holyoke, MA, and (2) *Automobile and truck parts*, between points in Bergen County, NJ, on the one hand, and, on the other, points in CT, under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

[FR Doc. 83–5231 Filed 3–1–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).

The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–64

Decided: February 24, 1983.

MC 36364 (Sub-16), filed February 3, 1983. Applicant: MISSOURI, KANSAS & OKLAHOMA COACH LINES, INC., d.b.a. M. K. & O. LINES, 321 S. Cincinnati St., Tulsa, OK 74103. Representative: Robert W. Allen (same address as applicant), (918) 582–2261. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 136635 (Sub-134), filed February 1, 1983. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3995, Gastonia, NC 28053. Representative: W. C. Sutton (same address as applicant), (800) 845–4551. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166044, filed February 2, 1983. Applicant: H. H. HILLIARD, P.O. Box 643, Luray, VA 22835. Representative: Harry Hilliard (same address as applicant), (703) 743–6750. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166065, filed February 4, 1983. Applicant: NATIONAL COMMERCIAL SERVICES CO., INC., 2400 Financial

Center, Des Moines, IA 50309. Representative: William L. Fairbank (same address as applicant), (515) 282–3525. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166085, filed February 4, 1983. Applicant: L. J. LEASING CORP., P.O. Box 228, Flourtown, PA 19031. Representative: Maxwell A. Howell, 2554 Massachusetts Ave. NW., Washington, DC 20008, (202) 483–8633. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166195, filed February 8, 1983. Applicant: CHARLES A. PAYNE, d.b.a. SOUTHERN CHARTER COMPANY, 1810 Decatur Hwy., P.O. Box 552, Fultondale, AL 35068. Representative: Charles A. Payne (same address as applicant), (205) 853–8959. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–82

Decided: February 22, 1983.

MC 126198 (Sub-21(A)), filed February 7, 1983. Applicant: MICHAUD TRUCKING INCORPORATED, P.O. Box 54, Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, 502–589–5400. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–126198 Sub 21(B) published in this same issue.

MC 155069, filed February 4, 1983. Applicant: RIVER CITY TOURS, INC., 2853 Stephens Lane, El Dorado Hills, CA 95630. Representative: Don H. Lee (same address as applicant), 916–933–0848. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166078, filed February 3, 1983. Applicant: BEVIANO CHARTERED SERVICE, INC., 1103 N. Wood Ave., Linden, NJ 07036. Representative: Joseph Beviano (same address as applicant), 201–486–2505. Transporting *passengers* in charter and special operations, beginning and ending at points in NJ, and extending to points in CT, DE, MA, MD, NY, PA, RI, VA and DC.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–5228 Filed 3–1–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note:—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–241

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–58 TA), filed February 10, 1983. Applicant: Allied Van Lines, Inc., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, 2120 S. 25th Avenue, Broadview, IL 60153. *Contract* irregular: household goods between points in the U.S. (except AK and HI) under a continuing contract with Aetna Life and Casualty and its subsidiaries of Hartford, Connecticut.

MC 81779 (Sub-4–4 TA), filed February 14, 1983. Applicant: PAUL JOHNSON, INC., 340 West Adams Street Waterman, IL. 60556 Representative: E. Stephen Heisley, 1919 Pennsylvania Avenue, NW., Suite 500, Washington, DC 20006. *Metal products, machinery, chemicals and related products, lumber and related products,* and *food and related products,* between points in WI, IL, IN, IA, MI, OH, NJ, and Omaha, NE on the one hand, and, on the other, points in the United States (except AK and HI) for 270 days. An underlying ETA application seeks 120 days authority. Supporting shippers: Carlson Fertilizer Company, P.O. Box 137, Lee, IL 60530 Alexander Lumber Co., Inc., P.O. Box 283, Shabbona, IL 60550 Rossi Pizza Co., Inc., 228 W. Lincoln Street, Waterman, Il 60556 F.D.L. Foods, Inc., P.O. Box 45, Rochelle, IL 61068.

MC 117322 (Sub-4–1 TA), filed, February 10, 1983. Applicant: LESTER NOVOTNY, d.b.a. CHATFIELD TRUCKING, Route 2, Box 58, Chatfield, MN 55923. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Contract irregular: *Fiberglass and plastic products* between Fillmore and Olmstead Counties, MN. on the one hand and points in the U.S. (except AK and HI) on the other under a continuing contract with AFC, Inc. of Chatfield, MN.

MC 139139 (Sub-4–1TA), filed February 14, 1983. Applicant: LESTER GRAY, P.O. Box 372, Bemidji, MN 56601. Representative: Richard P. Anderson, P.O. Box 2561, Fargo, ND 58108. *Lumber and wood products* from the facilities of Par-Mark Fence Co. at or near Kelliher, MN to points in IA. Supporting shipper: Par-Mark Fence Co., Kelliher, MN 56650.

MC 142779 (Sub-4–3TA), filed February 14, 1983. Applicant: WEIER TRUCKING & AIR FREIGHT, INC., 4948 S. 2nd St., Milwaukee, WI 53207. Representative: Roland W. Weier, 4948

S. 2nd St., Milwaukee, WI 53207. *Metal, Wooden, Plastic products, Plumber's goods, Automotive parts, Health care products, materials and supplies, Electronic equipment and parts and Building materials,* between points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper(s): There are 11 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Chicago, IL.

MC 151823 (Sub-4–2TA), filed February 14, 1983. Applicant: PETER C. POKORSKI, d.b.a. PETE'S TRUCKING, 3533 South 10th Street, Manitowoc, WI 54220. Representative: Michael S. Varda, 121 South Pinckney Street, Madison, WI 53703. *Such commodities as are dealt in or used by manufacturers and distributors of malt beverages,* between Memphis, TN, on the one hand, and, on the other, points in WI for 270 days. Supporting shippers: Beer's Beverage, Inc., 754 Airport Road, Menasha, WI 54952; Choice Beer Sales, Inc., 1211 East Richmond, Shawano, WI 54166; Bayside Distributing, Inc., 491 West Front Street, Peshtigo, WI 54157; and Kay Beer Distributing, Inc., 1850 Enterprise Drive, DePere, WI 54115.

MC 165982 (Sub-4–1TA), filed February 14, 1983. Applicant: STEVEN M. SATTLEY, d.b.a. SATTLEY TRUCKING, 302 E. Second St., Kell, IL. 62853. Representative: same as applicant. *Coal and coal products,* between points in IL, IN, KY, and MO. An ETA has been filed. Supporting shipper: Phoenix Coal Co., 2340 River Rd., Suite 102, Des Plaines, IL 60018.

MC 166210 (Sub-4–1TA), filed February 10, 1983. Applicant: EMERGENCY DELIVERY, INC., 8900 S. Octavia Ave., Bridgeview, IL 60455. Representative: John T. O'Connell, 521 S. LaGrange Rd., LaGrange, IL 60525, (312) 352–7220. Transporting *general commodities* between points in IL on the one hand, and, on the other, points in IN. Supporting shippers: LoveJoy Electronics, 5411 Walnut, Downers Grove, IL 60515.

MC 166224 (Sub-4–1TA), filed February 14, 1983. Applicant: THE DELONG CO., INC., One Delco Drive, Clinton, WI 53525. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. *Coke,* in bulk, from Joliet, IL to the Rock River Generating Station at or near Beloit, WI. An underlying ETA seeks 120 day authority. Supporting shipper: Wisconsin Power & Light Company, 222 West Washington Avenue, Madison, WI 53701.

MC 39443 (Sub-4–1TA), filed February 14, 1983. Applicant: THOMPSON INC., 3904 Broadway, Quincy, IL 62301. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Coal* from Marion County, MO to Randolph County, MO. Supporting shipper: Downan Enterprises, P.O. Box 620, Shawneetown, IL 62984.

MC 135154 (Sub-4–6TA), filed February 16, 1983. Applicant: BADGER LINES, INC., 2480 South 5th Street, Milwaukee, WI 54207. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. *Contract:* Irregular; *General commodities* (except household goods, classes A & B explosives and commodities in bulk) between points in the U.S. in and east of MN, IA, NE, KS, OK and TX under a continuing contract with National Automotive & Rubber Marketing, Inc. of Huntington Woods, MI 48070. An underlying ETA seeks 120 days authority. Supporting shipper: National Automotive & Rubber Marketing, Inc., 13303 Hart, Huntington Woods, MI 48070.

MC 156863 (Sub-4–2TA), filed February 17, 1983. Applicant: ROSE CARTAGE SERVICE, INC., 17711 Paxton Avenue, Lansing, IL 60438. Representative: Edward G. Finnegan, Ltd., 134 N. LaSalle Street, Suite 1016, Chicago, IL 60602. *Steel and aluminum; raw materials used by steel mills in the manufacture of steel; steel mill by-products; and steel and aluminum products* between points in IL, IN, MI, OH, and WI. Applicant intends to utilize its existing equipment in providing service under the requested extension of its authority held under ICC Docket MC–156863. There are four Supporting Shippers' Affidavits attached hereto which may be reviewed at the Interstate Commerce Commission Regional Office in Chicago, IL, as follows: Molten Steel Products, Inc., 11426 South Perry Avenue, Chicago, IL 60628, Brian K. Lenard, Purchasing and Shipping Supervisor, (312) 264–3035; Holland Steel and Fabricating Corp., 18707 Burnham Avenue, Lansing, IL 60438, David McRoberts, President, (312) 895–4300; William R. Heuer and Associates, 917 West Sixth Street, Michigan City, IN 46360, William R. Heuer, President, (219) 874–3836; Dietrich Industries, Inc., P.O. Box 748, Hammond, IN 46325, Mike Kosiara, Traffic Manager, (219) 932–1585.

MC 157196 (Sub-4–1TA), filed February 14, 1983. Applicant: DONALD M. BISCOE, d.b.a. BISCO TRUCKING, 10473 80th Street South, Cottage Grove, MN 55016. Representative: James E. Ballenthin, 1016 Conwed Tower, 444 Cedar Street, St. Paul, MN 55101. *Dross and silicon,* between the facilities of Spectro Alloys Corporation located at or near Rosemount, MN, on the one hand, and, on the other, points in IL, IN and WI. Supporting shipper: Spectro Alloys Corporation, 13220 Doyle Path, Rosemount, MN 55068.

MC 157458 (Sub-4–2 TA), filed February 14, 1983. Applicant: CLARENCE KRESSIN, d.b.a. KRESSIN TRUCKING, Route 1; Box 116, Jim Falls, WI 54748. Representative: Nancy J. Johnson, Attorney, 103 East Washington Street; Box 218, Crandon, WI 54520. Authority sought: (1) *Honey* from Waxahachie, TX, Lancaster, PA, Onsted, MI and Sioux City, IA; (2) *Molasses* from the Newark, NJ and New Orleans, LA Commercial Zones; and (3) *Corn syrup* from the Chicago, IL Commercial Zone and Cedar Rapids, IA to Stanley, WI. Supporting shipper: Henkel Corporation, 4620 W. 77th St., Minneapolis, MN 55435.

MC 161512 (Sub-4–1 TA), filed February 16, 1983. Applicant: GRAPEVINE EXPRESS, RR #1, Box 143, Granville, 61326. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Food and kindred products between Hoopeston and Princeville, IL, Hessmer, LA, Turkey, NC and Mayville, WI on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Joan of Arc Company, Inc., 2231 W. Altorfer, Peoria, IL 61615.

MC 162610 (Sub-4–13 TA), filed February 17, 1983. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 8424 West 47th Street, Lyons, IL 60534. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Avenue, Suite 1700, Chicago, IL 60601. *Contract; irregular: Such commodities* as are dealt in by manufacturers and distributors of toys and electronic games, from Des Plaines, IL to points in the U.S. (except AK and HI), under continuing contract(s) with Playskool, Inc.—Division of Milton Bradley Co. of Chicago, IL. Supporting shipper: Playskool, Inc., Division of Milton Bradley Co., 4501 West Augusta Boulevard, Chicago, IL 60651.

MC 166289 (Sub-4–1 TA), filed February 16, 1983. Applicant: LEE HANSEN HAULING, 1707 4th Avenue SE., Austin, MN 55912. Representative: Lee Hansen (same address as above). *Contract* irregular: *Crushed Rock, Washed Concrete Stone, Washed Sand.* Between St. Anager, IA, on the one hand, and, on the other, Freeborn County, MN, and Mower County, MN. Supporting shipper: L. R. Falk Co., St. Anager, IA, Box 189 50472.

MC 166290 (Sub-4–1 TA), filed February 16, 1983. Applicant: MARATHON CHEESE CORPORATION, P.O. Box 185, Marathon, WI 54448. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Paper and paper products from Brokaw, WI to points in MN, IA and IL. An underlying ETA seeks 120 days authority. Supporting shipper: Wausau Paper Mill Company, Main Street, Brokaw, WI 54417.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 141385 (Sub-5–1TA), filed February 15, 1983. Applicant: PENNER FEED & SUPPLY, INC., Inman Industrial Park, P.O. Box 476, Inman, KS 67546. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ. *Contract* irregular *Food and related products* between points in KS on the one hand, and, on the other, points in the US except AK and HI. Supporting shipper: Rustoo Sales, Albuquerque, NM.

MC 149088 (Sub-5–6TA), filed February 14, 1983. Applicant: TRANSPORTATION, INC., P.O. Box 320, Ottawa, KS 66067. Representative: Jesse F. Davis, 3917 East Funston, Wichita, KS 67218. *Aluminum sulphate in bulk (in pneumatic tanks or hoppers)* between Bastrop, LA and Coffeyville, KS. Supporting shipper: Penn State Industries, Topeka, KS.

MC 154458 (Sub-5–3TA), filed February 14, 1983. Applicant: QUALITY DELIVERY, INC., 4900 Deramus, Kansas City, MO 64120. Representative: Alex M. Lewandowski, 1221 Baltimore, Ste. 600, Kansas City, MO 64105. *General commodities (except Classes A and B explosives, household goods commodities in bulk and commodities which, because of size and weight require the use of special equipment),* between points in MO, KS, OK, AR, IL, IA and NE. Supporting shippers: B & E Product Sales, Grandview, MO; The Gillette Company, St. Paul, MN; Shaklee Corp., San Francisco, CA; Willamette, Kansas City, MO.

MC 156328 (Sub-5–7TA), filed February 14, 1983. Applicant: U.S. TRANSPORTATION LTD., 334 NW Greenwood, Ankeny, IA 50021. Representative: James R. Snyder, (same as above). *Food and related products,* between points in the U.S. (except AK and HI). Supporting shipper: Tone Brothers, Des Moines, IA.

MC 161124 (Sub-5–3TA), filed February 14, 1983. Applicant: C. TILE TRANSPORTATION, INC., P.O. BOX 2475, Ft. Worth, TX 76113. Representative: Dean O'Leary (same address as above). *Foodstuffs and related items used in the manufacture, distribution and sale thereof except commodities in bulk or in tank vehicles,* between Baltimore, Baltimore City, Howard, Anne Arundel Counties, MD; Harris County, TX; Cook, Will Counties, IL; and Huron County, MI. Supporting shipper: Searle Food Resources Inc., Park Forest South, IL.

MC 166228 (Sub-5–1TA), filed February 14, 1983. Applicant: STANNARDS INC. D.B.A., STANNARDS MOVING & STORAGE, 220 East Tenth Street, Coralville, IA 52241. Representative: Deane E. Stannard (same address as above). *Used household goods* for the account of the U.S. Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense.

MC 114737 (Sub-5–3TA), filed February 17, 1983. Applicant: O & A TEX-PACK EXPRESS, INC., 1313 Avenue E, Lubbock, Texas 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, Texas 79408. Common, regular. General commodities (except class A and B explosives, commodities in bulk, and household goods) between Santa Fe and Raton NM: from Santa Fe over Interstate Hwy 25 to Raton and return over the same route serving all intermediate points. Restriction: Said operations are restricted to the transportation of packages or articles each weighing not more than 100 pounds. Supporting shipper: Sterling Drug Inc., Dallas, Texas.

Note.—Applicant intends to tack and interline.

MC 146853 (Sub-5–16TA), filed February 16, 1983. Applicant: HAWKEYE WOODSHAVINGS, INC., Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Plastic products and such commodities as are dealt in or used in the manufacture and distribution of plastic products,* between Chicago, IL and Indianapolis and South Bend, IN, on the one hand, and, on the other, Polk County, IA. Supporting shipper: Kemin Industries, Inc., Des Moines, IA.

MC 146943 (5–4TA), filed February 17, 1983. Applicant: TEJAS OESTE TRUCK LINES INC., 143 Chelsea, El Paso, TX 79905. Representative: Greg J. Evans, 143 Chelsea, El Paso, TX 79905. Contract, Irregular, *general commodities, freight of all kinds, including bulk commodities requiring special equipment,* under continuing contract with Cygnus Corp. Between El Paso, TX and points in NM and AZ. Supporting shipper: Cygnus Corp., El Paso, TX.

MC 165466 (Sub-5–2TA), filed February 17, 1983. Applicant: RICHARD GILBERT d.b.a. GILBERT & SONS, Route 4, Box 528, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54857, Oklahoma City, OK 73154. *Metal products and machinery,* between the facilities of Worthing Group, McGraw-Edison Co., at or near Shawnee, OK on the one hand, and, on the other, points in CA, LA, NY and TX. Supporting shipper: Worthing Group, McGraw-Edison Co., Shawnee, OK.

MC 165466 (Sub-5–3TA), filed February 17, 1983. Applicant: RICHARD GILBERT d.b.a. GILBERT & SONS, Route 4, Box 528, Tecumseh, OK 74873. Representative: William P. Parker, P.O. Box 54857, Oklahoma City, OK 73154. *Metal brake parts,* between the facilities of Kelsey Axle and Brake Division, Kelsey Hayes Company, at or near Seminole, OK on the one hand, and, on the other, points in CA and OR. Supporting shipper: Kelsey Axle and Brake Division, Kelsey Hayes Company, Seminole, OK.

MC 165777 (Sub-5–2TA), filed February 18, 1983. Applicant: ROGERS TRUCKING, INC., Star Route, Purdum, NE 69157. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Meats, meat products, meat by-products,* and *articles distributed by meat packinghouses,* from Darr and Norfolk, NE to points in AL, AZ, AR, FL, GA, KS, KY, LA, MS, NM, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV. Supporting shipper: Dugdale of Nebraska, Inc., Cozad, NE.

MC 166069 (Sub-5–1TA), filed February 17, 1983. Applicant: MAGNUM HOTSHOT, 17921 Creekwood Lane, Choctaw, OK 73020. Representative: Randall D. Gaither, (same as applicant). Contract; Irregular. *Machinery, Pumps, and related commodities,* between Shawnee, OK, on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper: Dresser Industries, Westech Division of Pacific Pumps, Shawnee, OK.

MC 166120 (Sub-5–2TA), filed February 16, 1983. Applicant: COMPASS CARRIERS, INC., 1517 East Aurora, Des Moines, IA 50313. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract;* Irregular. *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between the Des Moines, IA commercial zone, on the one

hand, and, on the other, points in MO, KS, NE, SD, MN, IL, TX, and WI. Supporting shipper: Load Locators Ltd., Des Moines, IA.

MC 106321 (Sub-5-1TA), filed February 10, 1983. Applicant: SIERRA STAGE COACHES, INC., Post Office Box 1016, Seabrook, TX 77586. Representative: Thomas F. Sedberry, Post Office Box 2023, (78768), Austin, TX 78701. Privately-funded motor common carrier of passengers special transportation: *Passengers, in charter and special operations,* between points in Harris and Galveston Counties, on the one hand, and on the other, points in the U.S. (excluding AK and HI). Supporting shippers: Pier House, Inc., Lakewood Yacht Club, Clear Lake Chamber of Commerce (Bay Area Chamber of Commerce, Seabrook, TX; Four Seasons, Galveston, TX.

MC 106327 (Sub-5-1TA), filed February 10, 1983. Applicant: KANSAS SATELLITE SYSTEMS, INC., Box 52, Eskridge, KS 66423. Representative: Clyde N. Christey, 1010 Tyler, Suite 110-L, Topeka, KS 66612. Contract; Irregular. *Television satellite antenna supplies, components and parts thereof and materials and supplies used in the manufacture, installation, sale and distribution* thereof. Between points in Johnson County, KS, on the one hand, and on the other, points in the U.S. (except AK & HI). Supporting shipper: Mark IV R & D, Hawkeye Satellite Div. of Mark Twain Marine Industries, Stanley, KS.

MC 106331 (Sub-5-1TA), filed February 18, 1983. Applicant: D & S TRUCK LINES, INC., Box 248, Thayer, KS 66776. Representative: Clyde N. Christey, 1010 Tyler, Suite 110-L, Topeka, KS 66612. Contract; Irregular. *Fertilizers,* From the facilities of N-Ren near Pryor, OK, the facilities of Phillips Petroleum Co. and Cominco American, Beatrice, NE, Farmland Industries near Lawrence, KS, W.R. Grace & Co. near Wichita, KS, the pipeline terminal located near Conway, KS, the barge facilities at Port of Catoosa, OK, the facilities of Atlas Fertilizer Co. near Joplin, MO, the facilities of American Cyanamid near Helena, AR, the facilities of Olin Chemical Co., and Agrico Chemical Co., near Brunswick, MO, and the facilities of Agrico Chemical Co., Allied Chemical Co., and First Mississippi in the Kansas City, KS/MO. Commercial zone, the facilities of Allied Chemical Co. near LaPlatte, NE and the facilities of Chem-Quick & Conserve located in the Commercial zone of Tulsa, OK.; Lea & Eddy Counties, NM and Calhoun County, FL and Polk County, FL to points in KS east of U.S. Highway 81 & U.S. Interstate Highway I-135, points in MO south of U.S. Interstate 70 and west of U.S. Highway 63 and points in OK north of U.S. Interstate 40 & east of U.S. Interstate Highway 35. Supporting shipper: W-G Fertilizer, Inc. Thayer, KS.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5220 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-SCFC-83]

Motor Carriers; Finance Applications

Decided: February 23, 1983.

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please Direct Status Inquiries To Team 3, (202) 275-5223.

MC-FC-81099. By decision issued February 23, 1983 under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to ROBERT NORTON, Jefferson, SD, of Certificate No. MC-59304 issued January 11, 1972, to DEAN HOFFMAN, Jefferson, SD, authorizing the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Big Sioux, Brule, Civil Bend, Elk Point, Jefferson, Richland, Sioux Valley and Spink Townships, Union County, SD, and those in Fairview and Praire Center Townships, Clay County, SD, on the one hand, and, on the other, Sioux City, IA. No temporary authority application has be filed. Representative: ROBERT NORTON, Box 388, Jefferson, SD 57038, (605) 966-5898.

[FR Doc. 83-5225 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28640 (Sub-8)]

Rail Carriers; Chicago, Milwaukee, St. Paul and Pacific Railroad Co.—Reorganization—Acquisition by Grand Trunk Corporation; Availability of Market Impact Analyses

February 24, 1983.

The Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (MILW) has filed with its Reorganization Court the Market Impact Analyses and related verified statements that will be Appendix III to its Amended Plan of Reorganization. Under the Amended Plan, Grand Trunk Corporation will acquire control of the reorganized MILW. The Reorganization Court referred the Market Impact Analyses and testimony to the Commission in advance of referring the Amended Plan and other supporting documentation, which are due to be filed with the Commission by March 31, 1983.

This notice does not constitute a formal acceptance of the Analyses under the Commission's consolidation procedures in 49 CFR Part 1180. We will publish notice when the Amended Plan is formally accepted. Appropriate procedures will be established to

facilitate discovery, and a procedural schedule will be set for filing comments and responses to the Amended Plan.

Persons interested in obtaining advance copies of the Market Impact Analyses and testimony should contact either:

Robert H. Wheeler, Isham, Lincoln & Beale, 3 First National Plaza, Chicago, IL 60602

or

Basil Cole, Robert P. vom Eigen, Dechart, Price & Rhoads, 1730 Pennsylvania Avenue, NW., Washington, DC 20006

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5239 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30107]

Rail Carriers; Western Maryland Railway Company—Abandonment Exemption—in Tucker County, WV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Western Maryland Railway Company of a 1.59-mile segment of track between Thomas and Coketon, in Tucker County, WV, subject to the standard labor protective conditions.

DATES: This exemption will be effective on April 1, 1983. Petitions to stay the effectiveness of the decision must be filed by March 14, 1983, and petitions for reconsideration must be filed by March 22, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioners' representative: Rene J. Gunning, Western Maryland Railway Company, Suite 2204, 100 North Charles Street, Baltimore, MD 21201.

Pleadings should refer to Finance Docket No. 30107.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227 12th and Constitution Ave., NW, Washington, DC 20423 (202) 289-4357—DC metropolitan area (800) 424-5403—Toll free for outside the DC area.

Decided: February 23, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5240 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-2849 beginning on page 4563 in the issue of Tuesday, February 1, 1983, make the following correction:

On page 4564, middle column, the second paragraph under **Volume No. OP-2-039, Missouri Pacific Truck Lines, Inc.,** now designated "MC 69734 (Sub-76)" should have been designated "MC 69723 (Sub-76)".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83-3282 beginning on page 5813 in the issue of Tuesday, February 8, 1983, make the following corrections:

1. On page 5820, middle column, the first paragraph under **Volume No. OP5-35, Atlas Van Lines, Inc.,** now designated "MC 79658 (Sub-6)" should have been designated "MC 79658 (Sub-46)".

2. On the same page, third column, the third complete paragraph, **Trenton Truck Leasing Service, Inc.,** the MC number was omitted. It should have read "MC 165719".

3. On page 5821, first column, fourth complete paragraph, **Cargo Express Co., Inc.,** in the 10th line, "Ban Zandt" should have read "Van Zandt", and in the 12th line "BL should have read "FL".

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Commission on Security and Economic Assistance; Establishment

In order to establish the Commission on Security and Economic Assistance the Federal Advisory Committee Act, as amended, 5 U.S.C. App. the following determination and description of the nature and purpose are hereby published:

1. *Determination.* M. Peter McPherson, as the Acting Director of the International Development Cooperation Agency, and the Administrator for the Agency for International Development, signed the following determination, dated January 26, 1983:

The Commission on Security and Economic Assistance is needed to make recommendations concerning the use of adequate resources for the conduct of U.S. foreign policy.

Accordingly, I hereby determine pursuant to the provisions of the Federal Advisory Committee Act that establishment of the commission is in the public interest.

2. *Description.* The Commission shall be composed of not more than twenty-five members appointed by the Secretary of State. The Commission shall review relevant analyses of the current and long-term trends in the foreign assistance program and make recommendations on these matters.

The Commission shall terminate November, 1983, unless extended.

For further information contact: Mr. Jan W. Miller, Office of the General Counsel (202) 632-8428.

Dated: February 22, 1983.

Jan W. Miller,

Assistant General Counsel.

[FR Doc. 83-5198 Filed 3-1-83; 8:45 am]

BILLING CODE 6116-01-M

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the third meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on March 17 and 18, 1983.

The purpose of the meeting is to assist AID in implementing the components of the Title XII program by providing a two way communications link for concerns of AID and concerns of the universities. The meeting will be addressing several of the issues identified in JCARD's "Program of Work Plan for 1983."

The Executive Committee will meet from 9:00 a.m. to 12:00 noon on March 17; and the full JCARD will meet from 1:00 p.m. to 5:00 p.m. on March 17 and from 9:00 a.m. to 12:00 noon on March 18. The meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to

the extent the time available for the meeting permits.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D.C. 20523 or telephone him at (202) 632–8532.

Dated: February 25, 1983.

John Stovall,

A.I.D. Advisory Committee Representative, Joint Committee Agricultural Research and Development, Board for International Food and Agricultural Development.

[FR Doc. 83-5337 Filed 3-1-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-138]

Certain Automatic Turret Rewinders; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 24, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Compensating Tension Controls, Inc., 11 York Avenue, West Caldwell, New Jersey 07006. The complaint alleges unfair methods of competition and unfair acts in the importation of certain automatic turret rewinders into the United States, or in their sale, by reason of alleged infringements of claims 1, 2, 3, and 6 of U.S. Letters Patent 3,930,620. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure and industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 17, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation is instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain automatic turret rewinders into the United States, or in their sale, by reason of alleged infringement of claims, 1, 2, 3, and 6 of U.S. Letters Patent 3,930,620, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Compensating Tension Controls, Inc., P.O. Box 1137, 11 York Avenue, West Caldwell, New Jersey 07006.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

IMC America, Inc., 128 East King Street, York, Pennsylvania 17403;

IMC Trading B.V. Hogeweyselaan, 73, 1380 Ab, Weesp, Netherlands; or

Arabin GmbH, Biengartenweg 19, 6306 Langoons-Cleeberg, Federal Republic of Germany.

(c) Samuel Bailey, Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., room 126, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to § 201.16(d) and 210.21(a) of the rules (19 CFR 201.15(d) and 19 CFR 210.21(a)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey, Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1273.

By order of the Commission.

Issued: February 23, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5273 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: February 23, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-5274 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated, Welding, Cutting, and Heating Equipment and Component Parts Thereof; Extension of Time for Commission Decision on Whether To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Extension of time for Commission decision on whether to review initial determination in the

above-referenced investigation.

SUPPLEMENTARY INFORMATION: On February 7, 1983, the presiding officer issued an initial determination denying complainant Victor Equipment Co.'s request for temporary relief in the above-referenced investigation. On February 18, 1983, complainant Victor Equipment Co. and the Commission investigative attorney filed petitions for review of the initial determination.

Pursuant to §§ 201.14(b) and 210.53(b)(2) of the Commission's Rules of Practice and Procedure, the Commission has extended the time for a Commission decision on whether to grant or deny review by fifteen (15) days. *See* 19 CFR 201.14(b); 47 FR 25137 (June 10, 1982), to be codified at 19 CFR 210.54(b). The new deadline for Commission action is March 9, 1983.

Copies of the presiding officer's initial determination, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: February 22, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5276 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–137]

Certain Heavy-Duty Staple Gun Tackers; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: February 18, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-5272 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731–TA–118 and 119 (Preliminary)]

Certain Lightweight Polyester Filament Fabric From Japan and the Republic of Korea

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury [2] by reason of imports from Japan and the Republic of Korea of certain lightweight polyester filament fabric [3] which is alleged to be sold in the United States at less than fair value (LTFV).

Background

On January 4, 1983, counsel for the American Textile Manufacturers Institute, Inc. and certain member companies filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry is materially retarded by reason of imports from Japan and the Republic of Korea of certain lightweight polyester filament fabric which is allegedly being sold at LTFV.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the **Federal Register** on January 12, 1983 (48 FR 1359). The conference was held in Washington, D.C. on January 26, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on February 18, 1983. A public version of the Commission's report, *Certain Lightweight Polyester Filament Fabric from Japan and the Republic of Korea* (investigations Nos. 731–TA–118 and 119 (Preliminary), USITC Publication 1350, 1983), contains the views of the Commissioners and information developed during the investigations.

By Order of the Commission.

Issued: February 18, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5277 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Haggart determines that there is a reasonable indication of material injury and therefore does not reach the issue of reasonable indication of threat of material injury.

[3] For the purposes of this determination the term "certain lightweight polyester filament fabric" means polyester fabric, other than fabric of polyester strip, provided for in items 338.5009, 338.5011, 338.5012, 338.5013, and 338.5015, of the Tariff Schedules of the United States Annotated.

[Investigation 701–TA–179 through 181 (Final)]

Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod From Brazil

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation.

EFFECTIVE DATE: February 7, 1983.

SUMMARY: On January 27, 1983, the United States Department of Commerce suspended its countervailing duty investigation on hot-rolled stainless steel bar, cold-formed stainless steel bar, and stainless steel wire rod (certain stainless steel products) from Brazil (48 FR 4703, February 2, 1983). The basis for the suspension is an agreement by the government of Brazil to offset completely the amount of the net subsidy with an export tax applicable to the subject merchandise. Accordingly, the United States International Trade Commission hereby gives notice of the suspension of its countervailing duty investigation involving the subject certain stainless steel products, provided for in items 606.90, 607.26, and 607.43 of the Tariff Schedules of the United States, from Brazil (investigation No. 701–TA–179 through 181 (Final)), and cancellation of the public hearing scheduled for February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Schechter (202–523–0300), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

By order of the Commission.

Issued: February 25, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5270 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-195 and 196 (Final)]

Stainless Steel Sheet, Strip, and Plate From the United Kingdom

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with these investigations.

EFFECTIVE DATE: February 24, 1983.

SUMMARY: As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that the Government of the United Kingdom is providing directly or indirectly, subsidies to the manufacturers, producers or exporters in the United Kingdom of certain steel products within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. 1671), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 705(b) of the Act (19 U.S.C. 1671(b)) to determine whether an industry in the United States is materially injured or is threatened with material injury or the establishment of an industry in the United States is materially retarded, by reason of allegedly subsidized imports from the United Kingdom of the specified merchandise:

Stainless steel sheet and strip, provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the tariff Schedules of the United States Annotated (TSUSA) (investigation No. 701–TA–195 (Final)),

Stainless steel plate, provided for in TSUSA items 607.7605 and 607.9005 (investigation No. 701–TA–196 (Final)).

Unless the investigations are extended, the Department of Commerce will make its final subsidy determinations on or before April 20, 1983, and the Commission will make its final injury determinations June 9, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen A. Vastagh (202–523–0283), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.

On November 22, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of stainless steel strip, sheet, and plate from the United Kingdom. The preliminary investigations were instituted in response to a petition filed on October 7, 1982, by members of the Tool & Stainless Steel Industry Committee (since renamed: Specialty Steel Industry of the United States), and the United Steelworkers of America.

Participation in the Investigations

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigations (as identified by the service list, and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff Report

A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on April 19, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a joint hearing in connection with these investigations and Inv. Nos. 731–TA–92 (Final), Stainless Steel Sheet and Strip from the Federal Republic of Germany, and 731–TA–95 (Final), Stainless Steel Sheet and Strip from France, beginning at 10:00 a.m. on May 4, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 12, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on April 18, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 20, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24), and must be submitted not later than the close of business on May 12, 1983.

Written Submissions

As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before May 12, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 33682, August 4,

1982), and part 201, subparts A through E (19 CFR part 201, and amended by 47 FR 33682, August 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: February 25, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5271 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

[322-154]

U.S. Trade-Related Employment; Investigation

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-154 for the purpose of estimating the labor content of U.S. exports and of U.S. imports. This trade-related employment will be estimated for U.S. trade with all other countries and for U.S. trade with particular trading partners, including Japan, the European Community, the newly industrializing countries, the less development countries, and the nonmarket economies.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Donald Rousslang, Chief, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-0075).

SUPPLEMENTARY INFORMATION: *Public Hearing:* A public hearing will be held in connection with the investigation. At least 60 days prior to the hearing, a **Federal Register** notice will be posted giving the time and place. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at a public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

Written Submissions: In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submission requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than June 23, 1983. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: February 23, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5273 Filed 3-1-83; 8:45 am]

BILLING CODE 7020-02-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Enrolled Actuary Examinations

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Proposed restructure of examination program.

SUMMARY: This notice contains a proposal by the Joint Board for the Enrollment of Actuaries to restructure its examination program. It also accords the public an opportunity to comment on the proposal.

DATE: Comments must be in writing and must be received on or before May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Executive Director, Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220, 202-634-5135.

SUPPLEMENTARY INFORMATION: The Joint Board for the Enrollment of Actuaries (Joint Board) is responsible for the enrollment of individuals who wish to perform actuarial services under the Employee Retirement Income Security Act of 1974 (ERISA). Consistent with that mandate, regulations governing eligibility for enrollment have been promulgated by the Joint Board. Those regulations appear at 20 CFR Part 901. An individual who wishes to be enrolled may qualify for that status by successfully completing two examinations offered by the Joint Board—one in basic actuarial mathematics and one in pension actuarial mathematics. The examinations have been offered in their current format since the year 1977.

The enactment of ERISA has resulted in the adoption of a large body of implementing regulations. In addition, new legislation affecting the private pension system has been enacted. The emergence of new laws and regulations has resulted in a belief by the Joint Board that its current examination structure is not adequate to meet its responsibility to be assured that those who qualify for enrollment have demonstrated competence in the pension law which is relevant to the performance of pension actuarial services.

The matter was discussed by the Advisory Committee on Actuarial Examinations and the public at a meeting held for that purpose on November 17, 1982. A great deal of further consideration has been given the issues involved, and it is felt that a redesign of the examination program is needed to adequately test prospective enrolled actuaries.

Executive Order 12291

Since there is no modification to regulations contemplated, Executive Order 12291 does not affect this Notice.

Regulatory Flexibility Act

Since there is no modification to regulations contemplated, the Regulatory Flexibility Act does not affect this Notice.

Drafting Information

The principal author of the notice is Mr. Leslie S. Shapiro, Executive Director, Joint Board for the Enrollment of Actuaries.

Proposed Modification

The Joint Board for the Enrollment of Actuaries has under consideration a restructuring of the examinations it offers under 20 CFR 901.13(c)(1) and 901.13(d)(1). The need for restructure is based on the emerging body of law under the Employee Retirement Income Security Act of 1974 (ERISA) and subsequent Congressional acts affecting the private pension system and the enrolled actuary's responsibilities. The current pension actuarial examination, one of the two a prospective enrolled actuary must pass in order to satisfy the knowledge requirement of eligibility for enrollment, does not provide sufficient opportunity in its syllabus to test a candidate's knowledge of pension law.

As a result of discussion at a public meeting held on November 17, 1982 and a great deal of evaluation, the Joint Board and its examination co-administrators, the Society of Actuaries and the American Society of Pension Actuaries, contemplate redesigning the pension actuarial examination to cover only pension law and its application to specific problems. The basic actuarial

examination, the other qualifying examination, also will be restructured. In addition to its including questions on compound interest and life contingencies (as it currently does), the basic examination will contain basic pension mathematics questions, i.e. questions relating to traditional pension mathematics without regard to ERISA. The basic examination would be extended in length—from four hours to at least five hours. As indicated, the subject matter would be divided between a compound interest/life contingencies segment and a basic pension mathematics segment. A minimum standard of achievement would be expected for each segment.

It is the Joint Board's current intention to offer each examination once a year—the basic examination in the spring and the pension examination in the fall. The restructured examinations would begin in 1984, and appropriate transition credit would be accorded persons who have successfully completed either the basic or pension examination before the commencement of the new examination program. The Joint Board is contemplating the following recommendations for such transition credit.

(1) A person who has successfully completed the pension actuarial examination before the onset of the restructured program (before 1984) will satisfy the basic knowledge requirement of the Joint Board's regulations if he or she passes the compound interest/life contingencies segment of the basic examination. The period for carrying the credit would extend for two years from the onset of the program (1984 and 1985).

(2) A person who has successfully completed the basic actuarial examination before the onset of the restructured program (before 1984) will satisfy the pension knowledge requirement of the Joint Board's regulations if he or she passes the basic pension mathematics segment of the basic examination and the restructured pension examination. The period for carrying the credit would extend for two years from the onset of the program (1984 and 1985).

The above is subject to approval by the respective co-administrators of the examination. The concepts of the proposal reflect the views expressed at the November 17, 1982 public meeting. However, the Joint Board continues to welcome public comment on the restructure. Views and recommendations of the public therefore are encouraged.

There will be no substantive changes to the examination program for 1983. However, candidates should note the type of calculators that will be allowed: All persons using calculators are required to utilize those which: (1) Have self-contained power sources; (2) are noiseless; (3) are non-programmable by the user; (4) have no alpha-numeric storage capability; and (5) have no printing capability.

Notices with greater detail will be furnished each examination candidate.

Winfield C. Burley,

Chairman, Joint Board for the Enrollment of Actuaries.

[FR Doc. 83-5234 Filed 3-1-83; 8:45 am]

BILLING CODE 4810-25-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Museum Services Board; Meeting

AGENCY: Institute of Museum Services.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 18, 1983.

ADDRESS: Directors' Board Room, Third Floor, National Air and Space Museum, 6th Street and Independence Ave., SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jackie Mulholland, Executive Assistant to the National Museum Services Board, 330 C St., SW., Room 4006, Washington, D.C. (202) 245-0413.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under Title II of the Museum Services Act of the "Arts, Humanities, and Cultural Affairs Act of 1976", Pub. L. 94-462. The Board is established to have the responsibility for the general policies with respect to the powers, duties and authorities vested in the Institute under this title.

The meeting of the Board is open to the public on March 18, 1983 from 10:00 a.m. to 4:30 p.m. The Agenda includes:

1. Introduction: Ambassador C. Douglas Dillon
2. Minutes of Board Meetings, 3 December 1982, 23 October 1982
3. Report of Regulations Committee Final Regulations
4. MAP Program
5. 1983 MAP Application Packet
6. IMS Logo
7. Director's Report
   - Budget
   - Inter-Agency Agreements
   - Personnel
   - Move
8. Other Business
   - Future Board Meeting Dates
   - Advise Board members of directive that they shall continue to serve until their successors are qualified for office.

Records are kept of all Board meetings and proceedings, and are available for public inspection at the office of the Institute of Museum Services, Room 4006, 330 C Street, SW., Washington, D.C. (202) 245-0413, from the hours of 9:00 a.m. to 5:30 p.m. Monday through Friday.

Dated: February 25, 1983.

Lilla Tower,

Director, Institute of Museum Services.

[FR Doc. 83-5234 Filed 3-1-83; 8:45 am]

BILLING CODE 4000-02-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

American Iron and Steel Institute, et al.; Notice of Decision Not To Initiate an Investigation Under Section 301 of the Trade Act of 1974

On December 16, 1982, a petition for relief under Section 301 of the Trade Act of 1974 was filed by the American Iron and Steel Institute (AISI), et al. The petition alleged that the Government of Japan, by entering into a bilateral agreement to limit steel exports to the European Coal and Steel Community (ECSC) has acted inconsistently with provisions of the General Agreement on Tariffs and Trade (GATT) and the U.S.-Japan Treaty of Friendship, Commerce and Navigation. It further alleges that the Japanese industry is able to maintain a competitive advantage by reason of an undervalued yen. The petition was conditionally withdrawn on January 31, 1983 and refiled, in its original form, on February 23, 1983.

On February 25, 1983, the United States Trade Representative (USTR) decided not to initiate an investigation on the basis of the AISI petition on the grounds that information sufficient to warrant an investigation has not been presented. This decision is without prejudice to the petitioners' ability to refile a petition containing all necessary information to support the allegations contained therein.

The petition adequately demonstrates the existence of a bilateral agreement to restrain steel exports between the Government of Japan and the ECSC which, in USTR's view, is inconsistent with the provisions of Article XI of the GATT. However, the petition fails to present evidence to demonstrate that U.S. benefits arising under the GATT have been nullified or impaired by reason of the GATT-inconsistent

measure. The petition does not include specific information relating to the impact on petitioners and on U.S. commerce arising from the alleged foreign practices as required by 15 CFR 2006.1(f).

USTR is nevertheless concerned that the Japan-ECSE arrangement could cause nullification or impairment of U.S. benefits under GATT. For this reason, USTR raised this issue in recent talks with the Government of Japan. Following those talks the Government of Japan stated its intention not to cause such nullification or impairment through any government action, including the establishment of conditions of export. Both governments agreed to consult as appropriate on the full range of steel trade issues of concern to either party. The U.S. has indicated its intention to pursue its GATT rights vigorously whenever it believes our benefits are being nullified or impaired. Thus, the decision not to initiate an investigation at this time and on the basis of the information contained in the AISI petition in no way limits possible future actions in regard to the issues raised by the petition.

Joanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 83-5886 Filed 3-1-83; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19632; File No. SR-NYSE-83-7]

Self-Regulatory Organizations; Proposed Rule Change; New York Stock Exchange, Inc.

Relating to the revisions to the Specialist Performance Evaluation Questionnaire ("SPEQ"), concerning the Exchange's specialist performance evaluation system and the administration of Exchange Rule 103A.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 15, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a revised Specialist Performance Evaluation Questionnaire which is a tool used by the Exchange's Market Performance Committee in the specialist performance evaluation system of the Exchange and by the Allocation Committee as the primary criterion in the allocation decision-making process.

II. Self-Regulatory Organization's Statement of the Purposes of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to file the changes to the SPEQ which is distributed quarterly to Floor brokers who are asked to rate and provide comments on the performance of specialists with whom they deal most frequently. Information derived from the SPEQ is used both for initial stock allocations, and in reallocation proceedings pursuant to Rule 103A. In addition, information derived from the SPEQ plays an important role in assisting the Market Performance Committee and the Exchange staff in identifying areas where Floor brokers perceive specialist performance is weak and as a basis for counselling specialists in need of improvement.

The principal changes to the SPEQ concern: (1) A decrease in the number of questions from eight to five, (2) new language for each question designed to encourage brokers to support their numerical evaluations with substantive comments about individual stocks or specialists, (3) explanatory descriptions of the specialists' functions being evaluated have been added to the SPEQ, (4) an increase in the rating scale from 1 to 5 points to 1 to 7 points, with clarification as to the meaning of each numerical evaluation, (5) each question will have equal weight and the specialist unit's overall grade will be based on the combined evaluations of the responding brokers on all five questions, and (6) the format of the Questionnaire.

The statutory basis for the rule changes being requested is Section 6(b)(5) and Section 11A(a)(1)C(ii) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to facilitate transactions in securities, perfect the mechanism of a free and open market, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

This rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for

inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 23, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5220 Filed 3-1-83; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

February 24, 1983.

In the matter of applications of the Midwest Stock Exchange, Inc.; for unlisted trading privileges in certain securities; Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

C3, Inc.
Common Stock, $.01 Par Value (File No. 7-5525)
Pantry Pride, Inc.
Common Stock, $.01 Par Value (File No. 7-5520)
US Air Group
Common Stock, $1 Par Value (File No. 7-5527)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 17, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5219 Filed 3-1-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Georgia; Region IV; Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, will hold a public meeting from 9:00 a.m. to 4:00 p.m. on Thursday, April 28, 1983, at the Holiday Inn, I-20 at Washington Road, 1075 Stevens Creek Road, Augusta, Georgia 20907, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1720 Peachtree Road, NW., Atlanta, Georgia 30309; (404) 881-4749.

Dated: February 24, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5279 Filed 3-1-83; 8:45 am]

BILLING CODE 8025-01-M

Tennessee; Region IV; Advisory Council; Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Nashville, will hold a public meeting from 9:00 a.m. on Wednesday, April 27, 1983, at Blount National Bank Building, 200 East Broadway, Maryville, Tennessee, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Robert M. Hartman, Acting District Director, U.S. Small Business Administration, Suite 1012 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219. Telephone (615) 251-5850.

Dated: February 24, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5278 Filed 3-1-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 6-83]

Series H-1988 Note; Interest Rate

The Secretary announced on February 23, 1983, that the interest rate on the notes designated Series H-1988, described in Department Circular—Public Debt Series—No. 6-83 dated February 16, 1983, will be 9⅞ percent. Interest on the notes will be payable at the rate of 9⅞ percent per annum.

Washington, February 24, 1983.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 83-5194 Filed 3-1-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 43
Wednesday, March 2, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

Open Commission Meeting, Thursday, March 3, 1983

February 24, 1983.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 3, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* In re petition by AT&T for amendment of Part 2 of the FCC Rules and regulations. *Summary:* Commission consideration of a Report and Order to amend Parts 2 and 21 to modify the calculation of necessary bandwidths for frequency modulated microwave radio relay systems.

Common Carrier—2—*Title:* Interconnection Arrangements Between and Among Domestic and International Record Carriers: Store-and-forward and TWX/Telex Conversion (CC Docket No. 82–122). *Summary:* A June 11, 1982 Tentative Decision had proposed terms for interconnection of record carriers' store-and-forward and TWX/Telex conversion facilities, as required by the Record Carrier Competition Act of 1981, and invited comment. Subsequently, informal meetings among the carriers where held under Commission sponsorship, and thereafter further comment was accepted. The Commission will consider resolution of the store-and-forward and TWX/Telex interconnection issues.

Common Carrier—1—*Title:* Petitions for reconsideration or clarification of the Commission's Interim Order in CC Docket No. 82–122, 89 FCC 2d 928 (1982). *Summary:* The Interim Order established terms for interconnection of record carriers, as required by the Record Carrier Competition Act of 1981. The Commission will consider the issues raised by the petitions for reconsideration of that order.

Video—1—*Title:* "Application for Review" (CAR–19062–01) filed June 9, 1982, by Warner Amex Cable Communications, Inc. *Summary:* Warner Amex Cable Communications, Inc. seeks Commission review of the action taken by the Chief of the Cable Television Bureau, granting Cable Dallas, Inc. a construction permit for a CARS station.

Video—2—*Title:* "Application for Review" (CSR–1860, 1873) filed December 4, 1981 by King Broadcasting Company, licensee of Station KGW–TV (NBC, Channel 8), Portland, Oregon. *Summary:* King Broadcasting Company, licensee of Station KGW–TV (NBC, Channel 8), Portland, Oregon, seeks Commission review of the action taken by the Chief of the Cable Television Bureau in *KOIN–TV, Inc.* (Portland, Oregon), Mimeo No. 299, 50 RR 2d 715 (1981).

Video—3—*Title:* "Request for Tax Certificate" (CSR–2075) filed February 4, 1982, by Fetzer Broadcasting Company. *Summary:* Fetzer Broadcasting Company, pursuant to Section 1071 of the 1954 Internal Revenue Code, requests issuance of a tax certificate in connection with the sale of Wolverine Cablevision, Inc.

Video—4—*Title:* License Renewal Application, as supplemented, of WHYY, Inc. for noncommercial educational television Station WHYY–TV, Wilmington, Delaware. *Summary:* The Commission considers a "complaint" filed against WHYY–TV by the Broadcast and Communications Committee of the City Council of Wilmington, Delaware.

Hearing—1—Revision of § 1.115 of the Commission's Rules concerning applications for review of final Review Board Decisions.

Hearing—2—Revision of § 1.115(e)(3) of the Commission's Rules concerning applications for review of hearing designation orders issued pursuant to delegated authority.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: February 24, 1983.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-339-83 Filed 3-28-83; 12:41 pm]
BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 7, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Request for extension of time to relocate the main office:

Auburn Savings Bank, Auburn, New York, for an extension of time within which to relocate its main office from 72–74 Genesee Street to 91–95 Genesee Street, Auburn, New York.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-339-83 Filed 3-28-83; 2:26 pm]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 7, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for assistance under section 13(c) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–391–83 Filed 3–28–83; 3:51 pm]

BILLING CODE 6714–01–M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 25, 1983.

TIME AND DATE: 10 a.m., Thursday, March 3, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. UMWA v. Secretary of Labor, Docket No. LAKE 82–70–R.
   (Issues include whether the judge erred in holding that a representative of miners lacks statutory authority to contest the Secretary's vacation of a section 104(d)(1) withdrawal order.)

It was determined by a unanimous vote of Commissioners that the Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–390–83 Filed 3–28–83; 11:33 am]

BILLING CODE 6735–01–M

5

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 7848, Thursday, February 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, February 28, 1983.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed acquisition of computers within the Federal Reserve System. (This item was originally announced for a meeting on February 14, 1983.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: February 28, 1983.

James McAfee,

Associate Secretary of the Board.

[S–392–83 Filed 3–28–83; 3:50 pm]

BILLING CODE 6210–01–M

6

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m. Wednesday, March 9, 1983.

PLACE: Board hearing room, eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of February, 1983.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practical time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary; telephone (202) 523–5920.

Date of Notice: February 28, 1983.

[S–393–83 Filed 3–28–83; 3:50 pm]

BILLING CODE 7550–01–M

7

NUCLEAR REGULATORY COMMISSION

Meeting

DATE: Week of February 28, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Tuesday, March 1:*

2:30 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting) (As announced)

Wednesday, March 2:

10:00 a.m.:
Discussion/Possible Vote on Contested Issues in Waterford Full Power Proceeding (Closed—Exemption 10) (As announced)

2:00 p.m.:
Briefing on Staff Actions Regarding Location of Emergency Operations Facilities (Public Meeting) (As announced)

Thursday, March 3:

10:00 a.m.:

Briefing on Nuclear Data Link (Public Meeting) (Additional item)

2:00 p.m.:
Briefing on Activities of Committee to Review Generic Requirements (CRGR) (Public Meeting) (As announced)

3:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. UCS Objection to Commission Meeting Re TMI–1 Seismic Concerns as Violating *Ex Parte* Prohibition (As announced)

Friday, March 4:

10:00 a.m.:
Discussion of Possible Enforcement Action (Closed—Exemption 5) (As announced)

2:00 p.m.:
Status and Discussion of Shoreham (Closed—Exemption 10) (Additional item)

ADDITIONAL INFORMATION:

On February 24 the Commission voted 4–0 (Commissioner Asselstine not present) to hold Status and Discussion of Shoreham, held that day.

Affirmation of (a) Waste Confidence Order, (b) Rule on Extended Spent Fuel Storage, and (c) Regulations to Implement Pub. L. 97–415 scheduled for February 24, *postponed.*

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

February 24, 1983.

Walter Magee,

Office of the Secretary.

[S–287–83 Filed 2–28–83; 11:45 am]
BILLING CODE 7590–01–M

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federal register

Wednesday
March 2, 1983

Part II

Department of Health and Human Services

Health Care Financing Administration

Medicare Program; Payment for Physician Services Furnished in Hospitals, Skilled Nursing Facilities, and Comprehensive Outpatient Rehabilitation Facilities; Final Rule With Comment Period

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Payment for Physician Services Furnished in Hospitals, Skilled Nursing Facilities, and Comprehensive Outpatient Rehabilitation Facilities.

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These rules revise the regulations that govern Medicare coverage and reimbursement for services of physicians who practice in providers such as hospitals, skilled nursing facilities (SNFs), and comprehensive outpatient rehabilitation facilities (CORFs).

The regulations incorporate our decisions on the proposed rules published October 1, 1982 (47 FR 43578), based on public comments and our analysis of those comments and the issues they raised. The regulations set forth basic criteria for distinguishing physician services reimbursable on a reasonable charge basis from physician services reimbursable only on a reasonable cost basis, establish how the amounts reimbursed will be determined on both charge and cost bases, set limits on the amounts reimbursable on a reasonable cost basis to providers for physician services, and establish more specific criteria for determining the basis and amount of payment for the services of anesthesiologists, radiologists, and pathologists.

DATES: Effective Date: These rules are effective for physician services furnished on or after May 31, 1983. (Note: 42 CFR 405.550(e), affecting agreements under which physicians assume some or all of the operating costs of a provider department, contains provisions indicating that it will not be applied until June 30, 1983, for services furnished under agreements established on or after July 1, 1966, and until March 2, 1985; for services furnished under agreements established before July 1, 1966.

COMMENT DATE: To assure consideration, comments must be received by April 1, 1983.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPP–192–FC, P.O. Box 17073, Baltimore, Maryland 21235.

In commenting, please refer to file code BPP–192–FC. If you prefer, you may deliver your comments to Room 132 East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland, or to Room 309–G Humphrey Building, 200 Independence Ave., SW., Washington, D.C.

Comments will be available for public inspection, beginning approximately three weeks after publication, in Room 309–G of the Department's offices at 200 Independence Ave., S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION, CONTACT: Leonard Peshkin (301) 594–1115.

SUPPLEMENTARY INFORMATION:

Overview

On October 1, 1982, we proposed to make significant changes in the regulations that govern Medicare payment for physician services in providers (47 FR 43578). In response to our request for public comment on these proposed regulations, we received over 3500 substantive comments, many of which were detailed and technical. This document responds to those comments, announces our decisions on the issues raised by our October 1, 1982 proposals, and sets forth final regulations that implement those decisions.

Because of the number and complexity of the comments we received on our October 1, 1982 proposals, this document is necessarily lengthy. To assist readers in referring to our discussion of specific issues, we have provided the table of contents set forth below.

We wish to note at this point that the major substantive differences between the proposed and final regulations are that: (1) These final regulations will not require the application of reasonable compensation equivalent (RCE) limits in determining Medicare Part B reasonable charge payment for physician services to patients; and (2) These final regulations will permit Part B reasonable charge payment to be made for up to four (rather than only two) concurrent anesthesia procedures. In addition, we are providing a delayed effective date for certain provisions that apply where services are furnished under lease agreements. These issues and others are discussed more fully in the following material.

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I. Background

A. Statutory Authority and Requirements

The Medicare program was established in 1965 by the addition of Title XVIII to the Social Security Act. Under sections 1102 and 1871 of the Act, the Secretary has broad authority to issue regulations as necessary to carry out the efficient administration of the insurance programs under Title XVIII. This authority is exercised consistently with section 1801 of the act, which prohibits any Federal officer or employee from interfering with the practice of medicine; the manner in which medical services are provided; the selection or compensation of any officer or employee of any institution, agency, or person providing health services; or the administration or operation of any provider of health care services.

The Social Security Amendments of 1965 established two insurance programs. These are a Hospital Insurance Program, which is governed by the statutory provisions of Part A of Title XVIII (sections 1811 through 1818), and a Supplementary Medical Insurance Program, which is governed by Part B of Title XVIII (sections 1831 through 1844). Miscellaneous provisions in Part C of Title XVIII establish definitions and rules applicable to both insurance programs.

Under Part A, beneficiaries are eligible to have certain covered provider services paid for, including inpatient hospital services, as specified in section 1812 of the Act. Section 1814(b) requires that the Medicare program pay providers of services for Part A services an amount that is the lesser of the provider's customary charges for those services or the reasonable cost of those services. (This rule is subject to certain exceptions as specified in section 1814(b).) Since most providers' customary charges for services exceed the costs of the services, Medicare generally pays providers for their services on a reasonable cost basis. "Reasonable cost" is defined in section 1861(v). Section 1861(b) of the Act defines inpatient hospital services, and excludes services to outpatients and medical and surgical services of physicians from that definition.

Under Part B, beneficiaries are eligible to have medical and other health services which have been furnished to them, as specified in section 1832, reimbursed. The definition of "medical and other health services" in section 1861(s) includes outpatient hospital and CORF services and "physicians' services".

Section 1861(q) of the Act defines "physicians' services" as professional services performed by physicians (defined in section 1861(r) to include doctors of medicine or osteopathy, dentists, dental surgeons, and, in regard to certain functions, podiatrists, optometrists, and chiropractors), including surgery, consultation, and home, office, and institutional calls, but excluding services furnished by interns and residents.

Part B services furnished by a provider, such as a hospital or SNF, excluding physicians' services furnished in a provider to individual patients, are reimbursed based on the lesser of the reasonable cost of, or the customary charges with respect to, the services in accordance with section 1833(a)(2) of the Act. (CORF services are reimbursed based on the costs that are reasonable and related to the cost of furnishing the services in accordance with section 1833(a)(3) of the Act.) Since most providers' charges exceed their costs, payment is generally made on a reasonable cost basis. Reasonable costs, under either Part A or Part B, are determined under the rules in section 1861(v).

Title XVIII includes no definition of reasonable charge comparable to that for reasonable cost. Instead, the basic rules on payment of reasonable charges for physicians' services are set forth in section 1842(b)(3) of Part B. (Section 1842(b)(6) includes additional rules applicable to payment for physicians' services furnished in a teaching hospital.) Section 1842(b)(3) requires each Medicare Part B carrier to ensure that payments made on a charge basis are determined to be reasonable on, among other things, the basis of comparison with the physician's customary charges for similar services, as well as with the prevailing charges in the locality for similar services.

It is apparent from the nature of the comparisons a carrier is required to make in determining the reasonableness of charges that payment on a reasonable charge basis should be related to a particular covered service furnished to a particular eligible beneficiary. Our original regulations, therefore, distinguished between a physician's professional services of benefit to patients generally, which constitute services furnished to or on behalf of the provider and are reimbursable to the provider on a reasonable cost basis (under Part A for inpatients and under Part B for outpatients), and "physician's services" reimbursable on a reasonable charge basis under Part B. This distinction is implicit in the definition of "physicians' services" given in 1861(q) of the Act, which lists, as examples of the kinds of services covered by the definition, services that are identifiable services to particular patients. We have always held that a physician's service reimbursable on that basis is "an identifiable service requiring performance by a physician in person, which contributes to the diagnosis of the condition of the patient * * *, or contributes to the treatment of such patient." (42 CFR 405.483(a).)

Since the beginning of the program, some physicians have disagreed with the appropriateness of treating some services performed by physicians as reimbursable only on a reasonable cost basis. These physicians hold that it was the intent of Congress that all physicians' professional services be reimbursed on a reasonable charge basis under Part B. In part, they base their argument on the fact that the statute, in defining "physicians' services" at section 1861(q), did not explicitly refer to such services as being furnished by a physician in person to an individual patient. However, we believed that the statute was intended to be interpreted in the way we have described, and since the beginning of the Medicare program our regulations have been framed accordingly.

In 1967, Congress legislated certain adjustments to the newly enacted Medicare program. The legislative history of one of these provisions (Sec. 131 of Pub. L. 90–248) observed that: "Physicians' charges for services to individual Medicare patients are covered under the [supplementary] medical insurance program. On the other hand, the compensation that some physicians receive from or through a hospital for services which benefit patients generally (for example, administrative services, committee work, teaching, research, and general supervision) as well as other costs the hospital incurs in providing covered services (for example, salaries of technicians employed by the hospital, overhead, and equipment) are reimbursable under the hospital insurance program." S. Rep. No. 744, 90th Congr., 1st Sess. 66 (1967). This

showed the correctness of our interpretation of the original act.

This intent was reaffirmed by Congress when it enacted Section 948 of the Medicare and Medicaid Amendments of 1980, Pub. L. 96-499, which added Section 1842(b)(6) to the Social Security Act (42 U.S.C. 1395u(6)). Section 1842(b)(6) was enacted to ensure that charges under Part B are not billed for educational or supervisory services of physicians in teaching hospitals. The legislative history explains: "The Medicare program, Title XVIII of the Social Security Act is comprised of two complementary programs—the Hospital Insurance program [Part A] which generally pays for institutionally provided services * * * such as hospital care, and the Supplementary Medical Insurance program [Part B] which pays for physician, diagnostic, and ambulatory services. This structure raised several administrative questions when applied to the nation's teaching hospitals where the physicians provide both professional medical services to individual patients and educational and supervisory services to the hospital itself. Essentially, the bipartite structure of the medical program necessitated that the dual activities of these teaching physicians be clearly separated for reimbursement purposes between the Hospital Insurance and Supplementary Medical Insurance components of Medicare. * * * [When the physician provides] only educational or supervisory services * * * the costs of the services are included in the reimbursement from the hospital component of Medicare." Although this provision pertains specifically to problems that arose in the teaching hospital setting, it expresses the longstanding intent to treat physician services to individual patients differently from physician services to providers. Congress has clearly long understood the Medicare program to require this distinction and has repeatedly acted upon this understanding in amending the statute.

Most importantly, our interpretation of the intent of the original Medicare statute was squarely reaffirmed when Congress provided, in section 108 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248; enacted September 3, 1982), for the addition of a new section 1887 of Title XVIII of the Social Security Act, and a conforming change to section 1861(v)(7). Section 1887 deals explicitly with distinguishing between physicians' professional services to patients and services to providers. This section specifies that, in reimbursing the services of provider-based physicians, we must apply certain standards of reasonableness to the costs providers incur for physician services to the providers. (Generally, physicians are considered "based" in a hospital or other provider if they receive compensation from the provider or another entity for services furnished in the provider.) Section 1887(a)(1) directs the Secretary to issue regulations setting forth criteria for services furnished by physicians in hospitals and SNFs that distinguish services:

(A) Which constitute professional medical services which are personally rendered for an individual patient by a physician and which contribute to the diagnosis or treatment of an individual patient and which may be reimbursed as physicians' services under part B, and

(B) Which constitute professional services which are rendered for the general benefit to patients in a hospital or skilled nursing facility and which may be reimbursed only on a reasonable cost basis.

This statutory language differed somewhat from that in our existing regulations, which define, at 42 CFR 405.483(a), a physician's professional service to a patient as "an identifiable service requiring performance by a physician in person, which contributes to the diagnosis of the condition of the patient * * *, or contributes to the treatment of such patient." Senator Robert Dole, chairman of the Senate Finance Committee, explained that intent of this provision when he presented the bill's final version for Senate approval:

While this provision has been slightly modified in conference, the intent in making this change remains the same. Under the amendment, the Secretary is required to differentiate those services that require a physician to personally perform in the diagnosis or treatment of a patient's illness from those activities that are of a general administrative nature. General administrative services—such as supervision of personnel who perform clinical laboratory tests—and those services that do not require a physician to perform in person are to be reimbursed as a hospital service on a cost basis. These distinctions will assure the appropriate source of payment, while continuing to reimburse physicians a reasonable amount for the services they perform. Our intention was not to penalize but rather to create some equity between the way we pay physicians generally and the way we pay those who are hospital based." (Congressional Record, vol. 128, No. 115, August 19, 1982. S10902.)

Therefore, the intent underlying that in section 1887(a)(1) is closely allied to that expressed on our existing regulations.

In addition to requiring improved distinctions between physicians' services to individual patients and to providers, section 1887 includes provisions requiring that, in determining reasonable cost reimbursement for physician services to providers, only those costs be recognized as reasonable that:

- Are related to the amount of time actually spent by a compensated physician in furnishing such services (section 1887(a)(2)(A)); and
- Do not exceed the reasonable compensation equivalent for such services, as established in regulations (section 1887(a)(2)(B)).

Section 1887(a)(2)(C) authorizes the Secretary to grant exceptions to providers that cannot recruit or maintain an adequate number of physicians on account of these reimbursement limits (that is, the reasonable compensation equivalents). Such exceptions would allow the provider to be reimbursed for compensation higher than the limit in order to ensure adequate physician services.

B. Proposed Regulations

On October 1, 1982, we published a Notice of Proposed Rulemaking (NPRM) to implement section 1887(a) (47 FR 43578) and to make other changes in our regulations governing reimbursement of services furnished by provider-based physicians. We initially provided a 30-day period for public comment on the NPRM. However, on November 1, 1982, we published a notice to extent the public comment period through November 16, 1982 (47 FR 49415).

In addition to implementing the provisions of section 1887(a) of the Social Security Act, we had several other objectives in developing the NPRM published on October 1, 1982. One of the objectives was to correct the payment problems indicated by studies, cited in the NPRM preamble, that showed that Medicare was paying unreasonably high amounts in some cases for services furnished by provider-based physicians. These studies also showed that Medicare sometimes inadvertently paid for a single service as both a hospital service and a physician service. These excessive and duplicate payments arose most often in payments for the services of physicians who practice primarily in providers, such as radiologists, anesthesiologists, and pathologists.

To deal with these problems, we concluded that we need to:

- Improve implementation of the statutory requirement that the professional services a physician may perform for a provider that benefit patients generally (such as managerial

and quality control activities) be reimbursed (subject to the lesser of cost or charges rule in section 1814(b) of the Act) only on a reasonable cost basis (from the Part A Trust Fund for inpatients and from the Part B Trust Fund for outpatients) and that "physicians' services" personally rendered for individual patients be paid for only on a reasonable charge basis (from the Part B Trust Fund);

- Ensure that payments for service furnished by provider-compensated physicians are reasonable in amount;
- Avoid duplicate payments for a single service from both Part A and Part B Trust Funds as both a provider and a physician service; and
- Impose billing and payment procedures that fulfill these objectives and that are administratively sound, simple, and efficient.

The underlying prerequisite for realizing all these objectives is to differentiate between those physicians' services that may be reimbursed on a reasonable charge basis, and those which should be reimbursed to a provider on a reasonable cost basis.

To achieve these objectives, the October 1, 1982 NPRM set forth proposed new regulations that would:

- Restate and clarify the general rules governing payments to providers for the reasonable costs of compensating physicians.
- Restate the criteria that must be met for a physician's service to be paid for on a reasonable charge basis; that is, generally, that the service:
  - —must be personally furnished for an individual patient by a physician;
  - —ordinarily requires performance by a physician, and is not frequently and consistently furnished by nonphysicians; and
  - —contributes to the diagnosis or treatment of an individual patient.
- Provide that when a physician assumes some or all of the costs of furnishing services in a provider to the provider's patients, only "physicians' services" to individual patients may be paid for on a reasonable charge basis, and that the costs of the nonphysician inputs in providers must be paid through the provider on a reasonable cost basis.
- Establish prospective limits, adjusted by specialty and location, on the amount of physician compensation paid by a provider that we would consider reasonable in determining Medicare payments for physician services to both providers and individual beneficiaries. Of course, the compensation limits would apply only to amounts paid by Medicare to the provider. The provider and physician remain free to negotiate and enter into whatever compensation agreements they wish. In addition, we would allow exceptions to the compensation limits for providers unable to recruit physicians under the established compensation levels.
- Establish specific rules for coverage, as well as rules for determining the amounts of reasonable charge payments for services by certain medical specialists, as follows:
  - —Radiologists' services—in determining reasonable charges to account for the differences between services furnished in an office where the physician incurs overhead costs and services furnished in a provider where the provider bears much of those costs.
  - —Anesthesiologists' services—allow payment on a reasonable charge basis for a physician's services for up to two concurrent procedures; in determining reasonable charges, account for services that are furnished by a nurse anesthetist employed by the provider, rather than the anesthesiologist.
  - —Pathologists' services—specify pathology services considered to meet the conditions for reasonable charge payment as "physicians' services", excluding clinical laboratory services that are not performed by a physician in person for individual patients and do not require performance by a physician.
  - —Eliminate a billing form (HCFA–1554) now used by providers to bill for physician services. This form does not contain sufficient information to permit carriers to identify services appropriately paid on a charge basis.

C. Number and Types of Public Comments

We received well over 7500 pieces of correspondence in response to publication of the NPRM. While over 4000 of these were requests to extend the comment period, we also received 3516 substantive comments that had been postmarked by November 16, and more than 200 additional substantive comments postmarked after the close of the comment period. We divided the substantive comments into rough categories by type, considering the nature and viewpoint of the commenter, as follows:

Category of commenters	Number posted timely
1. Associations, attorneys, consultants and accountants	196
2. Hospitals, medical schools, and clinics	186
3. Pathologists	1208
4. Radiologists	82
5. Anesthesiologists	87
6. Other physicians	212
7. Nonphysician health personnel, such as medical technologists and nurse anesthetists	1484
8. Miscellaneous commenters, including patients, beneficiaries, and the general public	139
Total	3516

This breakdown may be used only for rough comparisons, since many comments could potentially have been assigned to more than one category. For example, a laboratory director could be considered to be commenting personally or on behalf of a hospital, or an officer of a local medical society could be commenting personally or on behalf of the membership. Further, some letters were probably counted more than once, since we may have incorporated in our files several copies addressed to HCFA, the Secretary, Congressmen, and others.

In addition to commenting specific provisions of the NPRM, a number of individuals and organizations expressed concern regarding the need for revised regulations and the relationship of our proposals to the provisions of the Medicare law. To respond to these commenters' concerns, and to forestall further confusion regarding the basis and purpose of these regulations, we are providing the discussion set forth in section III below.

We have analyzed the comments on the NPRM, and have continued our own analyses of reimbursement patterns, practices, and problems. As a result of these analyses, we have made some revisions of the proposed rules, and are publishing them now as final rules. In sections IV through XI of this preamble, and, where appropriate, in the Appendixes to this document, we discuss the comments received on specific NPRM proposals, set forth our responses to those comments, and describe the changes made in the rules as a result of them.

II. Major Features of Final Regulations

We have revised the final regulations somewhat to improve their clarity and to incorporate changes we believe are needed based on the comments we received. The final regulations set forth below reflect one major substantive change from the proposal, in that they do not provide for the application of RCE limits in determining Part B reasonable charge payments for physician services to patients. In view of the issues raised by our proposal to apply the RCE limits to those payments,

and the concerns expressed by commenters on this proposal, we have decided not to apply these limits at this time.

In addition to making this major change, we have:

- Restated the required criteria for a physician's service to be reimbursable on a reasonable charge basis, deleting the requirement that such services not be "frequently and consistently furnished by a nonphysician";
- Refined our methodology for establishing compensation equivalent limits, resulting in somewhat lower levels of mean annual full-time equivalent income;
- Allowed for adjustments to the RCE limits to account for the costs of malpractice insurance, continuing medical education, and professional memberships;
- Revised the criteria governing concurrent anesthesiology services reimbursable on a reasonable charge basis to allow such reimbursement for up to four concurrent procedures, providing that the other criteria are met;
- Restated the required criteria for a pathology consultation to be reimbursable on a reasonable charge basis, taking into consideration comments on establishing normal ranges for test results; and
- Decided to delay the application of the requirement related to leased departments or services an additional 30 days for services furnished under agreements established on or after July 1, 1966 and two years for services furnished under agreements established before July 1, 1966.

We have also reconsidered our previous proposal, put forth in the NPRM, to extend combined billing, allowing all physician specialties to use this billing method. We are now considering eliminating combined billing altogether, and are so proposing in this document. See the discussion of billing in section VI. E. of this preamble.

III. General Comments

A. Need for Revised Regulations and Payment Procedures

Several commenters questioned the need for our proposed changes in the regulations and suggested that our proposals be withdrawn.

As explained in the NPRM, we believe our original program regulations set forth valid general principles for implementing the statutory requirements regarding payment for services of physicians in providers. However, the payment rules contained in those regulations are not sufficiently explicit to implement fully the Medicare law, and, of course, do not take into account all of the provisions of new section 1887 of the Act. In order to implement section 1887, we must issue regulations that distinguish more clearly between the services of physicians in providers that may be reimbused on a charge basis, and those that should be reimbursed on a cost basis as provider services. In addition, the existing regulations do not deal with the differences in the ways certain specialists (such as anesthesiologists, radiologists, and pathologists) practice medicine in provider settings. For these reasons it has been difficult, under existing regulations, to develop and apply effective tests of reasonableness that can be used in determining payment for services of physicians in providers.

Additionally, since the publication of the original regulations in 1966, several developments have occurred that greatly affect the manner in which services of physicians in provider settings are reimbursed. First, many radiologists and pathologists who previously had been paid by providers for their services to provider patients began to bill charges to the Medicare carrier or the patient for their services. Second, physicians' financial agreements with providers became more complex. Finally, it became a more common practice for anesthesiologists to involve nonphysician anesthetists more extensively in the delivery of anesthesia services, and to bill the carrier or the patient for the anesthetists services as physician services. We believe these developments in many cases have resulted in increases in the level of Medicare payment for services of physicians in provider settings beyond appropriate levels of "reasonableness", in duplicative payments from both trust funds, in payments from the wrong trust fund, and in inappropriate charges to Medicare beneficiaries for inpatient hospital services and other provider services.

Therefore, these revised regulations set forth general conditions for reasonable cost and charge payments for services of all physicians in providers and provide additional conditions and tests of reasonableness for determining reasonable charge payments for anesthesiology, radiology, and laboratory services. In addition, we plan to reform our current billing procedures by eliminating billing by a provider on behalf of a physician of compensation-related charges for physician services on the HCFA–1554 billing forms, and by requiring additional information to be submitted with certain other billings.

B. Scope of the Regulations

In the October 1, 1982 NPRM, we proposed to apply the revised rules to "institutional providers", described in that document as hospitals and SNFs. Since that publication, we have issued final regulations for CORFs, enabling them to participate as providers in the Medicare program (47 FR 56282; December 15, 1982). In the preamble to those final rules, we stated that we would apply the same rules for reimbursement of physician compensation costs as are used for hospitals and SNFs. (Even though section 1887 does not explicitly require us to apply these rules in determining payment for physician services to CORFs, we believe their application is needed to implement the CORF legislation properly and, in particular, to ensure that Medicare does not pay amounts for services to CORFs that would be considered unreasonable for similar services to hospitals and SNFs.) Therefore, we are including CORFs in these final rules.

We received several comments asking whether the regulations would apply to nursing homes or rehabilitation hospitals, in addition to acute care hospitals. We wish to make clear that, except with respect to the services discussed in the immediately following paragraph, these final regulations apply to all services, whether furnished to an individual patient or to a provider for the general benefit of patients, that a physician furnishes in a hospital, SNF, or CORF. The hospitals affected include all facilities certified as hospitals under sections 1861 (e), (f), and (g) of the Act, including psychiatric and tuberculosis hospitals.

The one exception to the applicability of these regulations is those physician services reimbursable under Part B on a reasonable charge basis, furnished in a teaching setting, for which the determination of reasonable charges is also governed by our regulations at 42 CFR 405.520 through 405.525. Those regulations apply when teaching physicians, interns or residents are involved in the delivery of the physician's services. In addition, if the provider is a teaching hospital, it may elect reasonable cost reimbursement for all physician services to its Medicare patients, under regulations at 42 CFR 405.465.

Because of problems related to the administration of the regulations relating specifically to teaching hospitals, and to implement section 1861(b)(7) of the Social Security Act (as amended by section 948 of Pub. L. 98–

498), we also plan to publish, in a separate document, proposed regulations which would establish special new rules on charge payment for services of physicians in teaching hospitals. Those new rules would supersede 42 CFR 405.520 and 405.521 when they become effective.

Several teaching hospitals and medical schools commented that certain provisions of the NPRM should not be applied to their situations without qualification. We agree. Therefore, we have clarified our discussion below of those provisions of those regulations to avoid misunderstanding, and to make clear, where appropriate, that we will not extend those provisions of these final regulations to teaching settings, pending a comprehensive analysis of proper reimbursement policy for teaching hospitals through rulemaking procedures. However, with the exception of those provisions, the other requirements of these regulations will apply to both teaching and non-teaching providers.

Some hospitals have also commented that the NPRM did not make clear whether the proposed new rules would replace the rules for reimbursement of physician services related to outpatient maintenance dialysis services, where the physicians furnishing such services are compensated through a hospital-based dialysis facility. Our current regulations governing these payments are at 42 CFR 405.542. We have also proposed to amend those regulations, in an NPRM published February 12, 1982 (47 FR 6556). In any event, we expect payment for such physician services to be governed by § 405.542, not these rules.

IV. Distinguishing Physician Services to Providers From Physician Services to Individual Patients

A. General Rules

1. *Introduction.* These regulations implement section 1887(a)(1) of the Act by providing criteria that clearly distinguish between physicians' services to an individual patient, which are reimbursable on a reasonable charge basis under Part B, and physicians' services to a provider, which are reimbursable only on a reasonable cost basis. The regulations specify certain criteria that must be met for a physician service to be reimbursable on a reasonable charge basis. Generally, a physician service furnished in a provider that does not meet these criteria will be paid for, as a provider service, on a reasonable cost basis. Thus, except for physician services that are clearly not covered under either Part A or Part B of Medicare, such as research, all physician services furnished for the benefit of Medicare beneficiaries would be reimbursable.

Physician services to providers, that is, services of physicians that do not meet the conditions for charge payment but benefit a provider or its patients generally, always have been considered provider services under our regulations. The costs of these services have been allowed as provider costs, and have been reimbursable only on a reasonable cost basis. Some physicians have disagreed with this policy in that they believe that all professional activities of physicians should be reimbursed on a reasonable charge basis under Part B, whether or not they are specific services to individual patients, and have billed accordingly. Procedures for determining payment for these physician services have not been effective because of the relative lack of specificity in the criteria for distinguishing between the services of physicians in providers that qualify for charge payment, and those that are to be paid for only on a cost basis. As a result, those regulations have not been implemented uniformly enough in all parts of the country or in all settings in in the same part of the country. We believe these problems have led to improper payments for some services because carriers and intermediaries have difficulty making the comparisons needed to ensure that cost and charge payments are reasonable and do not duplicate each other.

2. *Historical Background.* Because of these problems, particularly in regard to payment for pathology services, on March 11, 1980 we published a notice in the Federal Register (45 FR 15550) that announced that we would, effective July 1, 1980, uniformly enforce the regulations at 42 CFR 405.483(a) with respect to services of hospital-based physicians. In that notice, we stated our specific intent to apply these regulations in making payments for clinical laboratory services in providers, to preclude Part B reasonable charge payment for clinical laboratory services furnished in providers to provider patients. Our decision to preclude Part B payment on a reasonable charge basis for these services was based on our understanding of the distinctions in the statute and regulations between physician services and provider services.

The College of American Pathologists, along with other groups and individuals, filed a lawsuit in the U.S. District Court for the Eastern District of Arkansas, Western Division, challenging the effect of the March 11, 1980, notice. In June 1980, the court entered a preliminary injunction against the Department preventing implementation of the notice to deny reimbursement on a reasonable charge basis under Medicare Part B for a physician's professional component of clinical laboratory procedures until the issues raised in the lawsuit were decided. Following a request by HCFA for clarification of the preliminary injunction, the court issued a revised injunction in November 1980. The revised injunction limited the scope of application of the original injunction to instances in which, prior to the court's preliminary injunction, a physician was receiving reasonable charge reimbursement under Part B of Medicare for a professional component of such clinical pathology procedures, had received such reimbursement, or had applied to receive such reimbursement.

On October 6, 1981, HCFA published a notice in the Federal Register (46 FR 49126) withdrawing the March 11, 1980 notice. We stated in that withdrawal notice that we would reassess the policies governing reimbursement for the services of hospital-based physicians and rulemaking. At the same time, the Department filed a motion with the U.S. District Court to dismiss the May 1980 suit. On October 1, 1982, the court issued an order allowing us to engage in rulemaking without being restrained in any way by the preliminary injunction.

After the withdrawal of the March 11, 1980 notice, we proceeded to develop draft proposed regulations addressing problems related to physician services furnished in provider settings, including improved criteria for distinguishing physician services to providers from services to patients. While these draft proposals were undergoing review, Congress added a new section 1887 to the Social Security Act.

3. *Allowable Costs of Physician Services to Providers.* Physician services to the provider are defined in section 1887(a)(1)(B) as "professional services which are rendered for the general benefit to patients in a hospital or skilled nursing facility * * *". As noted above, we have extended the application of these rules to CORFs, as well as to hospitals and SNFs. These physician services to the provider represent activities that benefit the provider or the patients generally or that do not require performance by a physician. They include, but are not limited to, teaching or supervision of professional or technical personnel, administration or management of a hospital department, quality control activities, and work schedule planning.

The costs of physician services to the provider are allowable if—

- The services do not meet the criteria for reasonable charge reimbursement;
- The services do not include physician availability services (except for reasonable availability services furnished for emergency rooms);
- The provider has incurred a cost for the services; and
- The costs of the services meet the requirements in our cost reimbursement regulations, including at 42 CFR 405.451 regarding costs related to patient care.

4. *Standby and availability services.*

Comment: Some physicians, particularly anesthesiologists, have expressed concern about the proposed elimination of physician availability and standby services from allowable provider costs (proposed § 405.460(a)(2)). They believe we should distinguish between physician "availability" and "standby" services.

Response: We agree. The cited section of the proposed regulation was intended to apply to situation in which a hospital incurs costs in connection with a physician's being generally available to furnish services if a need should arise. The expense attributable to such availability is currently reimbursable as an allowable cost only when it is incurred by a provider in connection with an emergency room agreement that meets very specific criteria. Our proposed rule continues this policy. Also, we do not intend to restrict payment for "standby" services when a physician is physically present in an operating suite monitoring the patient's condition, making medical judgments regarding the patient's anesthesia needs, and ready to furnish anesthesia services, as necessary, to a specific patient who is known to be in potential need of such services. For example, when an aged individual is given a local anesthetic for performance of a surgical procedure because of the general state of his or her health, it is also recongized that it may become necessary to administer general anesthesia during the operation, and an anesthesiologist may be physically present in the operating suite and standing by to furnish the services as needed. Such services may be payable on a reasonable charge basis.

Although in the NPRM we referred to both standby and availability services, the final regulations refer only to availability services. This is not a change of policy but a clarification of terms. Despite sometimes inconsistent past usage, we wish to make clear that "standby services" are related to services for a particular patient, and the physician's services resulting from such standby are reimbursable on a reasonable charge basis. "Availability services" are general services related to expectations of need by unspecified patients, such as provided by emergency rooms. Such availability services are reimbursable on a reasonable cost basis, but only when the costs of the services are incurred in connection with an emergency room agreement that meets certain specific criteria.

5. *Physician services reimbursable on a reasonable charge basis.* As proposed in the NPRM, the criteria for determining whether physician services furnished in a provider would be reimbursable on a reasonable charge basis were:

- The services must be personally furnished for an individual patient by a physician;
- The services must contribute directly to the diagnosis or treatment of an individual patient; and
- The services ordinarily require performance by a physician, and are not frequently and consistently furnished by nonphysicians.

Section 1887(a)(1) authorizes the Secretary to establish criteria to implement the distinction between the services described in section 1887(a)(1)(A) and (B). These criteria are implicit both in the language of section 1887(a)(1)(A) and the underlying intent evidenced by its legislative history.

The third criterion we proposed would have expanded on the existing regulations by adding qualifying language to the physician performance requirement, stating that such services must not be frequently and consistently furnished by nonphysicians. We proposed this for two reasons: first, to avoid the appearance of precluding coverage as physicians' professional medical services of any services that are sometimes performed by nonphysicians; second, to avoid paying for services at a level appropriate for physicians if those services are frequently and consistently (and more economically) furnished by nonphysicians.

B. Summary of Comments

We received many comments on the inclusion of the third criterion in the NPRM. By far the majority of commenters have objected to it. The most frequently raised argument against this criterion asserts that the imposition of these requirements would exceed the intent and statutory authority of section 1887.

Several commenters argued that the proposed provision stating that the services must "ordinarily require performance by a physician and are not frequently and consistently furnished by nonphysicians" was not included in either the statute or Conference Report as a basis for determining whether or not Part B reasonable charge reimbursement should be made for physician services. They pointed out that in considering the provision of H.R. 4961 that was enacted as section 108 of Pub. L. 97-248, the Conference Committee's only change was to remove language that could possibly be used to justify the proposed limitation. These commenters contend that our reinsertion of this requirement in the proposed regulation appears to exceed statutory authority and Congressional intent as reflected in section 108 of Pub. L. 97-248.

Commenters also argued that the third criterion causes increased confusion and uncertainty, in that the use of the words "ordinarily", "frequently" and "consistently" raises interpretive problems. For example, these terms may imply that a percentage test might be applied to this coverage determination. One commenter argued that the word "ordinarily" seems to imply that, if in a majority of cases the services are required to be performed by a physician, the services are covered as physician services to individual patients, whereas the words "frequently" and "consistently" seem to imply that if the service is performed by a significant number, but less than a majority, of nonphysicians, the service would never be covered as a physician service to individual patients.

Other commenters made various points in opposition to the existence of such criteria at all. Some physicians disagree with the statute itself, in that they believe that professional activities of physicians should be reimbursed on a reasonable charge basis under Part B, whether or not they are specific services to individual patients. Other commenters expressed uncertainty as to the result of a determination that certain services were not reimbursable on a reasonable charge basis. Some seemed to believe that our intent was not to reimburse them at all, rather than to distinguish services reimbursable on a cost basis from those reimbursable on a charge basis.

Finally, the conclusion of some commenters can best be summarized by quoting the comments submitted by the American Medical Association:

> In our view, the provisions of § 405.550 violate § 1801 of the Act and improperly attempt to control the practice of medicine by reaching the result that a service performed by a physician is not a physician service. Carried to its eventual conclusion and if

applied to the practice of medicine generally, this provision would disqualify many physician services and, in effect, redefine the practice of medicine across the country.

C. Response to Comments

First, we wish to make clear that we do not intend to redefine the practice of medicine, or to disqualify physician services for reimbursement. Our regulations govern only how services furnished to Medicare beneficiaries are paid for, that is, whether on the basis of costs or charges, or from the Part A or Part B trust funds, and how the amounts to be paid are determined. We wish to assure both physicians and the public that all physician services, whether services to individual patients, or services to providers, that are covered under the Medicare program will still be reimbursable under these regulations.

Section 108 of Pub. L. 97–248 clearly requires the Secretary to establish in regulations criteria to determine which services furnished by physicians in hospitals may be reimbursed on a reasonable charge basis under Part B. There is an obvious need to distinguish between the administrative type services that benefit patients generally, e.g., managing a department, quality control, etc., that physicians furnish in hospitals that are properly classified as hospital services reimbursable on a reasonable cost basis, and the services furnished by physicians to individual patients that are reimbursable on a reasonable charge basis. The latter type of services, which we refer to as "physicians' services," are covered only under Part B of Medicare (sections 1832(a)(1), 1861(s)(1)) and, therefore, may be reimbursed only on a reasonable charge basis.

Section 108 directs the secretary to develop criteria for distinguishing between physicians' services to individual patients reimbursable on a reasonable charge basis and professional services of physicians that benefit patients generally. In developing these criteria, in these regulations we incorporated the statute's descriptive language that physicians' services are personally rendered for an individual patient and that they contribute to that patient's diagnosis or treatment. The third requirement, that the service ordinarily requires performance by a physician, further implements the first two requirements. Indeed, as indicated in the legislative history, it is implicit in the statutory language. In addition, it ensures that payment for a service at a level appropriate for physicians is warranted.

We proposed to add language to that of the statute (that is, that "services ordinarily require performance by a physician, and are not frequently and consistently furnished by nonphysicians') because we believe that this criterion expresses the underlying intent of Congress as reflected in the legislative history, and is implicit in the language of sections 1887(a)(1)(A). In some cases, this principle can be clearly applied, such as to physicians working as administrators. Admittedly, in other cases application is more difficult, such as when a physician supervises other health care personnel in the immediate delivery of services.

Because we still hold that this distinction is essential and necessary to implementation of the statute, we are retaining the requirement that, to be reimbursable on a reasonable charge basis, a service must "ordinarily require performance by a physician". However, we have revised the third criterion of the regulation by deleting "and are not frequently and consistently furnished by nonphysicians." Based on comments received, we agree that it would be difficult to administer this part of the third requirement. It is not essential to determine the degree to which a service is performed by nonphysicians in order to decide whether the service requires performance by a physician.

We believe retaining the qualifier "ordinarily", referring to performance by a physician, will be beneficial to all parties concerned in the determinations of whether particular services qualify for reasonable charge reimbursement. An absolute rule would provide no flexibility to permit determinations that services may be reimbursed on a charge basis when in a relatively few situations or circumstances the particular service is being safely performed by nonphysicians. We recognize that there is a continuous evolutionary process in the practice of medicine whereby nonphysicians are trained by physicians to perform services that previously were performed only by physicians. This evolutionary process can result in cost savings and more efficient utilization of physicians' time. We want our criterion to be consistent with this process, particularly to continue to recognize as physicians' services those services that are in the changing process but for which the service does not always require performance by a physician.

We are confident that we, the Medicare contractors, and their medical staffs will be able to apply this criterion in consultation with outside sources of expert medical advice. The vast majority of services reimbursable on a charge basis are readily identifiable, and the cases for which identification is difficult or questionable should be satisfactorily resolvable.

V. Payment for Physician Services to Providers

A. Allocation and Reporting of Compensation Costs

Section 1887(a)(2)(A) of the Act requires that only the part of the total physician compensation cost that is allocated to professional services of the physician to the provider (that is, services related to the physician's professional medical expertise, not for services that may reasonably be furnished by nonphysicians, such as business management, to which the general reimbursement rules are applicable) be considered an allowable provider cost for professional services and taken into account in determining reimbursement to the provider. To implement this, under these regulations, a provider will be able to obtain payment for physician compensation costs only if it can demonstrate to the satisfaction of its Medicare intermediary that a significant and measurable proportion of the physician's time is devoted to services to the provider.

To be paid on this basis, the provider must submit a written allocation agreement between the provider and the compensated physician (that is, any physician who receives compensation, as defined in the regulations, by or through the provider or another organization, such as an organization related to the provider, for furnishing services in the provider) showing the respective amounts of time the physician spends in furnishing physician services to the provider, physician services to patients, and services that are not reimbursable under Medicare. Time records, or other documentation that supports the allocation, must be available for verification by the intermediary upon request.

For purposes of determining these costs, "physician compensation" includes monetary payments, fringe benefits, deferred compensation, and other items of value (but excluding free office space related to treatment of private patients, or billing and collection services) a provider or other organization furnishes a physician in return for the physician's services to it. Other provider costs related to the services, including the capital and operating costs for the space (including office space), equipment, personnel, and other resource inputs necessary to produce the services, are not included in the allocation agreement and are not

covered by the compensation equivalance limits.

In the NPRM, we referred to compensation as paid to a physician by "a provider or other entity (such as a medical school or other organization related to the provider)". However, comments showed that this language resulted in confusion, especially regarding the application of these rules to teaching hospitals. Therefore, we have revised the description of compensation costs in § 405.481(a) by indicating that an "other entity" is an organization related to the provider within the meaning of 42 CFR 405.427.

Except as described in section V. C. below, we will attribute a physician's compensation to all the services the physician furnishes, both to patients and to the provider, in direct proportion to the amounts of time the physician spends in furnishing each type of service. Further, we will recognize only those allocations that are agreed to by both the provider and the physician (rather than an allocation from solely the physician or provider). Generally, effort reports are not acceptable as documentation, since effort usually cannot be quantified as can time. However, as discussed below, an intermediary may accept effort reports if the resulting reimbursement will not differ significantly.

Providers that obtain payment based on an allocation agreement and supporting documentation are required to maintain the time records, or other information they used to prepare the allocation, in a form that permits it to be validated by the intermediary or the carrier. In addition, the provider must report the time allocation data to the intermediary on an annual basis on a form developed by HCFA, and retain each allocation, and the information on which it is based, for at least four years after the end of the cost reporting period to which it applies. (We had proposed requiring record retention for five years, but have revised the time limit to be consistent with the latest OMB guidelines.)

Comment: The Blue Cross Association asked, in reference to the definition of compensation, about the appropriate treatment of payments made to the provider by a physician to cover bad debts and courtesy or professional allowances.

Response: We do not intend that a provider be reimbursed on a basis of gross compensation when it is effectively paying out a lesser amount. For example, to the extent that a physician pays the hospital an amount intended to be used for bad debts attributable to the physician services to patients, that amount must be used to reduce the physician compensation in which Medicare shares. See § 2108.9 of the Medicare Provider Reimbursement Manual (HCFA Pub. 15–1).

Comment: Commenters asked several questions about the documentation and preparation of allocation agreements. Some inquired whether they must be prepared prospectively, or whether they could be retroactively based on actual time worked. Commenters also wanted to know what sort of time studies or records would be accepted as a basis for agreements.

Response: The allocation agreement should be prepared prospectively, although historical records may be the basis of the estimated prospective allocation. If an estimate becomes unacceptable to the provider or physician on the basis of later experience, they may revise the agreement. Generally, this would occur where the volume of services changes, there is a change in the number of physicians who practice in the department or there are other factors that substantially affect the operation of the department. The intermediary must be notified promptly of all such revisions. Generally, the allocations should be based on a reasonable estimate of the manner in which physicians (considered either as individuals or as a department) spend time. If the allocation of time in a particular case is atypical, or if the allocation does not appear to reflect an understanding of the manner in which physicians' services are covered under Medicare, the intermediary should request time studies or other documentation for verification.

Comment: The Healthcare Financial Management Association suggested that we should indicate that daily time records are not required to allocate physician compensation.

Response: Generally, daily time records will not be necessary to make the allocation required by § 405.481. However, if the intermediary has a question about how the physician is spending the time for which payment is sought, the intermediary will require substantiating information, such as time records.

Comment: some hospitals have commented that the National Institutes of Health, in the administration of grants, require effort reports while Medicare requires time allocation reports. They contend that effort reports should be acceptable for use by Medicare.

Response: It has been Medicare policy that time, not effort, should be the basis for determining payments for the services of physicians because time can be quantified, effort cannot. Further, section 1887(a)(2)(A) of the Act specifies that costs must be apportioned on the basis of time actually spent by a physician in furnishing services to the provider. However, effort reports may be used by a hospital and its physicians if the intermediary and carrier determine that Medicare payments will not differ significantly by use of effort reports, i.e., that in the individual case, effort can be equated to time. If the intermediary determines, however, that there is a difference between reported effort and actual time that affects Medicare payments, time reports must be used.

B. Assumed Allocation of All Compensation to Patient Services

Many, if not all, compensated physicians have some administrative and supervisory responsibilities related to services they furnish in a provider, but in many cases these services do not constitute a significant or measurable portion of a physician's activities. In these cases, the physician's compensation is almost entirely related to services he or she furnishes to individual patients, rather than to services to the provider. For the many physicians who spend, for example, less than 10 percent of their time on such services to the provider, the difficulty of identifying those services and documenting the time devoted to them may be excessive considering the relatively small amount of compensation cost that would be allocated to those services.

Therefore, if a provider and a compensated physician agree that the amount of compensation attributable to services that the physician furnishes to the provider is negligible, such as 10 percent or less of the compensation, they may omit furnishing an allocation agreement, so long as the provider claims no cost for such services. We will assume that 100 percent of the services of the physician are services to individual patients that are reimbursable on a reasonable charge basis under Part B.

C. Allocation of All Compensation to Provider Services

In contrast to the situation of those physicians whose time is devoted almost completely to furnishing services to individual patients, some physicians are compensated by a provider solely for the services that the physician furnishes to the provider. In these cases, the entire amount of the compensation is an allowable provider cost, and is

reimbursable, to the extent it is reasonable, on a cost basis. If, in addition to furnishing services to the provider, the physician also furnishes services to individual patients of the provider, two conditions must be met for the entire amount of a physician's compensation to be attributed to services to the provider. First, the provider must certify in writing, with its allocation agreement, that the compensation is attributable solely to the physician's services to the provider. Second, the physician must bill for all of his or her physician services furnished to individual patients and personally receives the payment from such billings. If a physician returns collections for such services to the provider, the provider certification that the physician is paid by the provider only for provider services is not supported. In such a case, the provider must submit an allocation showing the way the physician actually spends his or her time. (Of course, if the physician does not furnish any services to the provider's patients, only the first condition need be met.) In either case, the provider must still keep the time records and other documentation necessary for the intermediary to determine that the physician's compensation is reasonable in view of the time devoted to furnishing the services being reimbursed.

Comment: Proposed § 405.481(d)(2) included a provision that, in addition to billing all patients, a physician must "retain" the payments for physician's services as a condition of allocating all compensation to provider services. Some commenters, including a number of teaching hospitals, objected to that proposed requirement.

Response: Physician compensation generally must be allocated among physician services to providers, physician services to patients, and physician activities, such as funded research, that are not reimbursable under Part A or Part B of Medicare. This allocation is needed to help assure that Medicare Trust Fund liability for physician services under Part A and Part B is appropriately determined. We proposed the provision requiring retention of payments of charges to ensure that there was adequate evidence when the physician is compensated only for his or her services to providers. The proposed requirement was related only to the "attribution of compensation" to all the services furnished by a physician in a provider. It was not intended to affect the determination of charges for an attending physician's services in a teaching hospital made in accordance with 42 CFR 405.521. To clarify this, we have revised the phrasing of the final provision to require only that the physician must personally receive the payments. This will meet the evidentiary requirement that the NPRM provision was intended to establish.

Comment: Many commenters inquired how this provision would be applied to teaching hospitals.

Response: It is common among teaching physicians to authorize their hospital, a medical school or practice plan to bill on their behalf for their services to patients, using charges unrelated to their compensation. Current Medicare policy in Intermediary Letter No. 372 (entitled "Part B Payments for Services of Supervising Physicians in a Teaching Setting", (April, 1969) recognizes the appropriateness of this practice. Further, section 948 of Pub. L. 96–499 (entitled "Reimbursement of Physicians' Services in Teaching Hospitals") authorizes the Secretary to determine customary charges for physicians' services in teaching hospitals using charges unrelated to their compensation. We are not proposing to change this Medicare policy regarding determining customary charges for physician services in teaching hospitals by this rule. A proposed rule implementing section 948 of Pub. L. 96–499 will be published in the **Federal Register** in 1983. It will further clarify this issue and, among other things, provide additional methods for determining customary charges for physician services in teaching hospitals. The similarities and differences between appropriate requirements for teaching hospitals and for hospitals generally will be resolved through rulemaking at that time.

D. Effect of Failure To Submit an Allocation Agreement

In the preamble to the NPRM, we stated that payment for the services of the physician in the provider would be made based on the presumptive allocation, unless an allocation agreement is submitted to show that a different allocation is more accurate because a significant and measurable portion of the physician's time is devoted to services to the provider.

The intent of that proposal was to establish incentives for providers and physicians to agree on how physician compensation was to be allocated. Thus, we were proposing to treat 100 percent of a physician's compensation as related to patient services in two separate types of cases, when the amount of services to the provider was negligible, and also when no allocation agreement was made available to the intermediary. This was made clear in the proposed regulation text by the separate provision for both cases, the assumed allocation requirements being in proposed § 405.481(e), whereas the compliance incentive requirements were in the proposed § 405.481(f)(2). However, the nature of the comments we received showed that our intent was not always understood.

If a provider and physician cannot agree on a compensation allocation, or for other reasons the provider fails to submit a written allocation agreement, the intermediary will assume, for purposes of determining the reasonable costs of the provider, that 100 percent of the physician's compensation cost is allocated to services to individual patients. This assumption will have two effects. First, the provider will not be paid the Medicare portion of the costs of compensation for services the physician furnishes to the provider, and which would otherwise be reimbursable on a reasonable cost basis. Second, payment to the physician on a reasonable charge basis will be limited to payment for services, furnished to individual patients, that meet the criteria for reasonable charge payment. Thus, if a physician furnished and was compensated for a significant amount of services to a provider, and yet the two parties could not reach an agreement as to the allocation of compensation for those services, both parties could be at risk for the value of the services. Medicare would not reimburse the hospital for the cost of the physician's administrative, supervisory, and teaching services, and would reimburse the physician (or the individual Part B claimant) on a charge basis only for services to individual patients, which do not include those administrative, supervisory, and teaching services.

E. Cost of Certain Provider Services to Physicians

Some physicians and providers have entered into agreements under which the providers furnish office space for private practice or furnish billing and collection services for the physician. These costs are different from the costs incurred by providers in compensating physicians to furnish services to provider patients, and different from the costs discussed in section V. F., below, in that they are related to services to nonprovider patients. Although these services (office space, billing, collection) are furnished by the provider to the physician, they are related to the physician's services to the physician's patients, not provider services to provider patients. The costs incurred by

a provider in providing office space and billing and collection services related to private patients are not allowable costs for determining the reimbursement to the provider. Rather, these represent overhead costs related to production of services furnished to nonprovider patients. Ordinarily, a physician would incur and bear these costs as part of an office-based practice in which the physician's services were furnished to individual patients. Therefore, the costs are reflected in the amounts office-based physicians charge for their services to individual patients, and should be paid for only under that reasonable charge reimbursement.

Our experience is that such arrangements, regarding billing, collections, and office space, can make it difficult to determine payment on the proper basis from the appropriate trust fund. Therefore, to ensure that we pay providers only for the costs of producing services to be furnished to provider patients, we are requiring that the costs for these services to physicians be excluded from allowable costs.

Comment: Some commenters indicated that a provider bills a fee for their services and retains a percentage of collections to cover costs associated with furnishing the services such as salaries of provider employed nonphysician personnel. They ask whether this practice may continue.

Response: The carrier may make reasonable charge reimbursement for physician services to individual patients only as specified in these rules. The provider must claim reimbursement for costs associated with producing services furnished to its own patients from its intermediary. If a provider acts as billing agent for a physician, the costs of producing those billing and collection services must be identified and excluded from the provider's allowable costs. To the extent that the intermediary or carrier have included elements of hospital costs in the customary charge profiles of physicians, or elements of physician overhead among provider costs these data must be revised and corrected to assure that all reimbursement is attributed correctly. The manner in which a physician pays a provider for acting as his or her billing agent is outside the scope of these regulations, as long as these regulations, and other program regulations such as those on assignment and reassignment are observed. (42 CFR 405.1668 and 405.1680).

Comment: One commenter expressed a belief that the NPRM provisions affecting Medicare payment for billing costs were inconsistent. The commenter pointed out that under the NPRM, Medicare would continue to pay its share of billing costs when a provider submits combined bills to the intermediary (using the HCFA–1453 and HCFA–1483) for the services of compensated physicians. However, according to the NPRM, if a provider bills for these services to the carrier (using the HCFA–1500), Medicare would not include an amount to cover the provider's billing costs in the compensation-related customary charges for the physician's services. Similarly, other commenters pointed out that many physicians who practice solely in a provider, such as radiologists, and who do not have a compensation agreement with the provider, include an element representing their billing and collection costs in determining the amounts they bill for services furnished to their patients.

Response: It is substantially more expensive for a provider or physician to bill the carrier, since the form required to do so is significantly more detailed than the forms used for combined billing. Further, our administrative costs are considerably higher for processing claims submitted on the HCFA–1500.

In consideration of these comparative costs, we designed our NPRM proposal to avoid creating a situation in which physicians, who have the option of using either method, had no incentive to choose the less costly method. Physicians who are not compensated by providers for the services they are billing for do not have a choice of billing methods, and can recover their overhead costs only through the charges they bill. Other things being equal, we did not believe it reasonable to encourage the use of a more costly billing method by paying its costs.

However, we are now proposing to eliminate combined billing. If we do so, physicians would no longer have a choice of billing methods. In this situation, we must reconsider the effects of various ways of treating billing costs, and welcome comments and data on this. Based on these comments, and our own further analysis, we will make needed changes when we issue final regulations on combined billing.

F. Effect of Physician's Assumption of Operating Costs

Some physicians (or entities to which physicians are related or by which they are employed) enter into an agreement (such as a lease or concession agreement) with the provider, under which the physician furnishes physician services in the provider and assumes some or all of the operating costs of the department in which the services are furnished. (Note that these situations are distinct from those described in section V.E. above, in that the services are furnished to provider patients.) In the past, we have permitted physicians who have entered into agreements of this type to claim Medicare Part B reasonable charge payment as payment in full for all services furnished in the provider department including the technical input and overhead costs of producing those services.

However, this practice has led to increasing problems. Since the beginning of the Medicare program, there have been significant changes in the health care marketplace. Third-party cost-based reimbursement has grown to be the dominant method by which health care services are paid for. The rapid increase of health care costs, relative to cost increases in the rest of the economy, has produced a number of local, State, and Federal strategies to contain those costs. In turn, many providers have adopted various means of maximizing their reimbursement from major payors such as Medicare. In this context, we believe that our long-standing policy related to lease or concession agreements has afforded an opportunity for providers and other parties to make financial arrangements that advantage them at significant cost to the Medicare program. Therefore, in the NPRM, we proposed to require that all provider services be reimbursed on a reasonable cost basis, even when furnished through a department operated under a lease, or some other agreement, such that a physician or other entity assumes operating costs normally incurred by a provider.

Under the regulations now being adopted, the basis for payment for operating costs incurred in furnishing the services is the reasonable cost incurred by the lessee. That is, the costs of the other, technical, inputs involved in the delivery of the service (space, equipment, nonphysician personnel, etc.) will be reimbursed by the intermediary to the provider on a reasonable cost basis, not to the physician or other entity that has assumed these operating costs. As is the case with other costs generally, we will recognize these costs only if the provider actually incurs them (that is, has a legal obligation to reimburse the lessee for them).

Our regulations also require the physician or other entity to make its books and records available both to the provider and to the intermediary to permit verification of these costs. This is

necessary to fulfill the requirement that payments be supported by available data. This is not overly intrusive because the close connection inherent in the relationship between a hospital or other provider and its leased departments. This close connection makes it appropriate to treat them as related-parties for these payment purposes. The Secretary's authority to do this is in addition to the authority granted under section 1861(v)(1)(I), regarding access to records of provider's subcontractor for services. Section 1861(v)(1)(I) furnishes additional authority when the lessee furnishes services to the provider valued at $10,000 or more.

Comment: Some commenters protested that, in view of this proposal, they may wish to reconsider and renegotiate leases and other agreements, and that this could be a complex process requiring considerable time.

Response: We are not requiring either providers or other parties to alter existing agreements, although we recognize that some may wish to do so. Generally, we are allowing 120 days for affected parties to prepare for the implementation of this requirement. However, where an agreement predates Medicare, we are allowing a 2 year delay of application of this provision. See section VIII. B. of this preamble for a discussion of the implementation date of this provision.

Comment: Some commenters asked what procedures will be followed by the intermediary in determining Medicare reimbursement when a physician, e.g., a radiologist, or an entity has a lease arrangement with a provider and bills the provider for the technical component of services furnished to Medicare patients.

Response: In these circumstances, the hospital will include the amount it pays the leasing physician or entity among its Medicare costs. These costs are reimbursable to the extent they are reasonable. In determining reasonable costs, the intermediary can audit the fiscal records of the lessee to determine actual costs.

Comment: Some commenters were strongly opposed to this proposal. Sometimes a physician or entity contracts to furnish certain diagnostic services (such as EKGs) to provider patients and bears the costs of equipment, supplies, and nonphysician personnel necessary to produce those services. The commenters believe that in such a case, the physician (or entity) should be able to bill for (and be reimbursed on a Part B reasonable charge basis) amounts that reflect both the nonphysician input costs and the professional services (such as interpretation of the diagnostic tests) performed by the physician.

Response: When a Medicare patient is furnished services in a provider that are covered under the Medicare program as provider services, we must pay the provider for those services on a reasonable cost basis. When a service is billed for on a reasonable charge basis, the amounts billed are subject to reasonable charge screens and the amount paid by Medicare may be significantly less than the amount billed. In addition, beneficiaries would be liable for 20 percent coinsurance for inpatient hospital services reimbursable on a reasonable charge basis. It is not in accord with the statute, nor is it equitable, for the amounts subject to these reductions and liabilities to vary between beneficiaries depending on the financial agreement between the providers and the contracting entities from which the beneficiaries obtain services. In addition, this rule is designed to eliminate incentives to maximize reimbursement through spinning off hospital services to lessees and contractors. Congress intended that hospital services be reimbursed on a cost basis, rather than a charge basis.

Comment: It is possible for a physician or other entity to contract to furnish services to provider patients (e.g., EKGs and radiology services) and to agree to bill the provider a single amount for each service that would include payment for both nonphysician input costs and the physician's professional services. In such a case, could the provider be subsequently reimbursed by its intermediary on the basis of the total amounts paid to the contracting entity?

Response: No. In view of our decision to propose the elimination of combined billing, we believe that it is not feasible to adopt this suggestion. Under this proposal, we would require all physicians' services reimbursable on a reasonable charge basis to be billed using the HCFA–1500. If we were to continue and extend combined billing, it is possible that we could allow this as an optional billing method, provided that instructions could be implemented under which the amounts for services reimbursable on a charge basis were separately identified by the billing party. However, this will not be possible under the proposed billing changes, since the bills for the physicians' services to individual patients will be submitted on a separate form to carriers, not to the provider's intermediary.

V. Payment for Physician Services to Individual Patients

A. Customary and Prevailing Charges

In accordance with section 1842(b)(3) of the Act, carriers must determine whether physicians' charges for Part B services are reasonable, taking into consideration each physician's customary charge for specific services, and the prevailing charges of other physicians billing for similar services furnished to beneficiaries in the locality. The current regulations for determining customary charges in general are at 42 CFR 405.503, and the regulations on prevailing charges are at 42 CFR 405.504. In making these comparisons, we also consider the amount a physician usually accepts as payment for a service to be his or her charge for that service, regardless of a different amount that he or she may have claimed on a particular bill. Carriers have flexibility in determining customary and prevailing charges, since they have substantial discretion in seeking sources of data, establishing comparison groupings, and using relative value scales. (A relative value scale is the result of an analysis of the comparative values of the various physician services in relation to some base service.)

Under these regulations, the carriers will establish separate customary and prevailing charges for services for which there are two separate payment levels based on setting, such as is the generally accepted practices in billing for electrocardiograms (EKGs) and other services. Carriers will accumulate the charge data for physician services furnished in a provider separately from services furnished in a physician's office. If a particular physician has both an office-based practice and a provider-based practice, the carrier will keep separate the charge data for such services furnished in each practice. Based on data for these services, the carrier will establish separate customary charge profiles and calculate separate customary and prevailing charges (in accordance with the general rules on reasonable charge payment at 42 CFR 405.501 through 405.508), based on setting.

B. Compensation-Related Customary Charges

As discussed above, under the Medicare statute and the existing general rules on determination of reasonable charges (at 42 CFR 405.501 through 405.508), a carrier determines whether a physician's charge for a service furnished to a beneficiary is reasonable by taking into consideration

both the physician's customary charges and the prevailing charges of other physicians. (Prevailing charges are based on the customary charge of all physicians in a locality for that service.) If a physician is compensated by a provider for physician services to individual patients furnished in the provider, and neither the physician nor the provider charges any patients (or patients' insurers) separately for the physician's services, there are no identifiable customary charges for the physician's services.

To establish and apply the required standards of reasonableness to charges for services furnished by compensated physicians, the existing regulations (42 CFR 405.485) state that the carrier computes compensation-related charges based on the assumption that the part of a physician's compensation allocated to patient care services represents the aggregation of the physician's customary charge for patient care services.

These compensation-related charges have been billed on the HCFA–1554, and have not been used by carriers in making the prevailing charge comparisons necessary to determine whether such charges are reasonable. Rather, under existing regulations at 42 CFR 405.485, the intent has been to use these charges to return to the provider the full amount of the Medicare share of the provider's costs of physician compensation.

Under the rules now being adopted, as proposed in the NPRM, when services are furnished to individual patients by a compensated physician and combined billing is not used, the carrier will derive customary charges for physician services to patients from the compensation the physician receives for the services. However, the carrier will also include these compensation-related customary charges, which will now be billed on the HCFA–1500, in determining prevailing charges for the services of physicians in the locality. The carrier will develop compensation-derived charges based on the portion of the compensation allocated to services to individual patients on an item-by-item basis, considering the frequency with which the various services are furnished and the relative values assigned to each service. (In the NPRM, we discussed basing compensation-related charges on compensation limits that we proposed to apply to payment for physicians' services reimbursable on a reasonable charge basis. However, as explained in section VII of this preamble, we are not so limiting these payments at this time.)

Under these regulations, the carrier will use the value of compensation and fringe benefits paid by an organization, including a medical school, to determine customary charges when appropriate, that is, when there is no other basis for determining customary charges. (See the discussion of comments in section VI. D., below, for other permissible bases for determining customary charges in a teaching hospital setting.) For example, if a physician who is paid by a medical school to furnish services in a hospital does not have noncompensation-related customary charges that are applicable to his or her services, the carrier will base payment on the compensation he or she receives from the medical school.

C. Effect of Change of Compensation Agreement on Customary Charges

A physician who has been compensated by or through a provider (or other entity, such as an organization related to the provider, or any organization through which provider patients received patient services and through which physicians are compensated) for physician services to individual patients may choose to end his or her compensation agreement applicable to services furnished to all patients and bill all patients, or their insurers, directly for his or her services. In this case, the carrier will continue to determine the physician's customary charges on the basis of the former compensation agreement until sufficient charge data have been accumulated to enable the carrier to establish a customary charge profile. The regulations specify that the carrier must have charge data from at least 3 months of the calendar year preceding the annual reasonable charge update (which is required by law to occur on July 1 of each year) before establishing a customary charge profile on the basis of the physician's actual charges to his or her patients. If all the patients are not billed on the same basis, or if some patients or their insurers do not pay the charges, Medicare reimbursement would be determined on a compensation-related basis.

Comment: One commenter pointed out that the NPRM did not provide for situations in which a physician who had been billing directly for his or her services to individual patients entered into a compensation agreement under which a provider compensated the physician for those services. The commenter inquired how we would determine compensation-related charges without historical data for that physician.

Response: The commenter correctly identified an omission, which we have now provided for in these final regulations. In such a case, during the first year under the new compensation agreement the total reimbursement for services to individual patients may not exceed what the payment would have been for a similar volume of services under the physician's former billing practice.

D. Elimination of Reimbursement for Physicians' Services Using a Schedule of Charges Unrelated to Compensation

Under existing regulations at 42 CFR 405.480(c), we have permitted an established separately identified schedule of charges unrelated to compensation to serve as the basis for customary charges for services to individual patients furnished by compensated physicians. In NPRM, we proposed to eliminate this reimbursement policy, and we are doing so in these final regulations.

Some hospitals bill amounts for services of compensated physicians that exceed the compensation the physicians receive for the services. The inclusion in charges of amounts that exceed the physicians' compensation for the services enables the hospital to realize a profit from the services of compensated physicians. Our usual reasonable charge rules (under which carriers generally consider only the customary, prevailing, and actual charges for services) have not been effective in preventing payment of unreasonably high charges. Further, it is not reasonable to pay more for a service than the physician receives for furnishing it. In addition, it is consistent with our policies for determining reasonable charges for physicians generally to consider the actual compensation for a service to represent the physician's customary charge. This places payment to provider-compensated physicians on a more equal footing to payments to physicians generally, for whom only amounts they actually reasonably expect to receive qualify as customary charges. Therefore, we believe it is necessary to recognize as reasonable only those charges that would return to the provider the cost of compensating the physician for the services being billed for. (This in no way prevents the provider from billing the beneficiary any amount it wishes.)

As noted above, we are planning separate proposed regulations revising our regulations for reimbursement for the services of physicians, in teaching hospitals. These regulations would implement the provisions of section 948 of the Omnibus Reconciliation Act of 1980, and make other needed changes. Since the determination of customary charges for the services of physicians in teaching hospitals is covered under a separate provision of law, we will

continue to recognize the use of separately identified schedules of charges for physician services furnished in teaching hospitals, consistent with the policies and procedures contained in Intermediary Letter Number 372, until any changes in this policy are effected through the planned rulemaking for teaching hospitals.

Comment: One law firm, which counts a number of providers and physicians among its clients, offered several legal arguments in opposition to this change in our regulations. They argued that elimination of this payment basis is discriminatory and, therefore, violates the equal protection rights guaranteed to all persons under the law. It was described as discriminatory in two ways: first, this provision discriminates against non-teaching hospital providers, by not affording them the same options and opportunities as teaching hospitals; second, it does not apply the same principle to other employers of physicians, such as physician service corporations or partnerships. The commenter also argued that this change disregards the specific provisions of section 1842 of the Act that describe how reasonable charges are to be determined. The commenter states that section 1842 does not permit consideration of a physician's employee/employer relationships and agreements in determining the reasonableness of his or her charges.

Response: In making this change, we are relying on the broad discretion granted the Secretary of HHS by the Medicare law to determine the level of charges that will be considered reasonable, as well as the statutory provision regarding customary charges, discussed above. This authority is implemented in part by our current regulations at 42 CFR 405.502(a)(7), which specifically authorize consideration of additional, unspecified factors that may be found necessary and appropriate in judging whether charges for specific items or services are inherently reasonable. Inherent reasonableness is a basic premise governing all Medicare program payments.

Generally, it is not reasonable for Medicare, as an insurer, to pay amounts for physician services greater than what the physician agrees to accept for his or her services. Since the fiscal records of a provider such as a hospital are available to us, it is feasible to determine the amounts that their compensated physicians accept for their services. Under our general principle, in the absence of specific authority, requirements, or circumstances to the contrary, we believe we should pay no more than those amounts. (Moreover, Medicare payments to providers, with the exception of the return on equity, are limited to costs. Medicare does not fund provider profits, apart from the return on equity.

In the case of teaching hospitals, section 948 of Pub. L. 98-499 specifically directs the Secretary to establish by regulation methods of determining the customary charges for the services of teaching physicians that may result in total payments exceeding the amounts accepted directly for those services by the physicians. Congress authorized this level of payment to help further the special role of teaching hospitals in our nation's health care system. Further, our policies governing reimbursement in this setting are being reviewed currently and the final policy will be set through public rulemaking in the near future.

In the case of nonprovider employers of physicians, the fiscal records necessary to determine the amounts accepted by physicians for their services are not generally available to us. We have no source of data to determine the extent to which the amounts these physicians accept differ substantially from the amounts charged for their services. Therefore, we have no means for assessing the inherent reasonableness of such charges, and rely only on the usual comparisons of actual, customary and prevailing charges.

With respect to the provisions of section 1842, we wish to note that this policy is consistent with the statutory customary charge requirements. In addition, this policy is warranted based on general considerations of reasonableness. Section 1842 describes certain considerations the carriers should make in determining reasonable charges, including customary and prevailing charge comparisons. Section 1842 does not, however, limit considerations solely to these criteria. For example, Medicare carriers should also compare charges for services to Medicare beneficiaries to charges for services to other patients in making a reasonable charge determination. This also is a general test of inherent reasonableness.

Therefore, despite the arguments advanced, we continue to believe that it is generally unreasonable, and inconsistent with section 1842, for Medicare to pay more for a physician's service than the physician has agreed to accept. Finally, the legislative history of section 1842(b)(6), as discussed in section I.A. above, shows an intention that payments for services to patients by provider-based physicians generally be based on the physician's compensation.

Comment: Some commenters asserted that when the provider previously used a separately identified schedule of charges to bill for the services of a compensated physician, and the physician terminates his or her compensation arrangement with the provider, the provider's separately identified schedule of charges should be recognized as the physician's customary charges.

Response: We agree with the comment. If the physician is no longer compensated by the hospital for the services he or she furnished to all patients and the charges were properly established, the carrier may treat the hospital's previously established separately identified schedule of charges as customary charges for that physician.

Comment: Some commenters claimed that the proposal under which separately identified schedules of charges for physicians' services will no longer be recognized as "customary charges" for compensated physicians infringes on a hospital's right to realize a profit on charges for the services of physicians who are compensated by the hospital.

Response: Neither the original Medicare statute, nor the newly established section 1887 of the statute, authorizes the Secretary to reimburse more for physicians' services than is inherently reasonable or more than the physician agrees to accept for his or her services. For the reasons discussed above, we disagree.

E. Changes in Billing Methods for Reasonable Charge Payment

1. *Summary of Current Billing Procedures.* Under Medicare, physicians who accept assignment bill the Medicare carrier for services to Medicare patients. In the past, we have allowed three methods of billing charges. Each method has depended on use of a particular billing form.

The HCFA-1500 (and its predecessor, the HCFA-1490) is used when a physician identifies specific charges for specific services. It has also been used by providers who have identified a separate schedule of charges for physicians whom they employ. The charges identified on the HCFA-1500 represent the fees-for-service generally used in billing for physicians' services to all types of third party and private payers. It is used by physicians who accept assignment of the beneficiary's claim for Medicare reimbursement (see 42 CFR 405.251(b)) and by beneficiaries

whose physicians do not accept assignment (42 CFR 405.251(a).

The HCFA–1554 has been used by some providers to bill compensation-related charges for services furnished to provider patients by physicians compensated by the provider for furnishing those services. In these cases, some providers (or physicians) have not identified a separate charge for each physician service. The calculation of compensation-related charges under existing regulations has been intended to result in total payments to the provider equal to the compensation paid to the physician. Using the HCFA–1554, the compensation-related customary charge for the physician service can generally be computed in one of three ways: the per diem method, the uniform optional percentage method, or the item-by-item method. (See section 8017 of the Medicare Carriers Manual, HCFA Publication 14.) Under the per diem method or the uniform optional percentage method, no specific physician service or its charge is identified; the identification occurs only under the item-by-item method. Upon receipt of the claim, the carrier simply checks the reported billed amounts with the physician compensation data on record and makes appropriate payments. These payments are in turn reported to the provider's intermediary. At the provider's cost settlement, the intermediary compares the amounts paid to the actual allowable costs of compensation, and makes adjustments as necessary.

From the provider's point of view, the advantage of the HCFA–1554 was that, for a particular patient, the hospital could list the charges of various ancillary service departments, such as radiology, cardiology, and laboratory, without having to separately identify each service and list a charge for it.

The HCFA–1490 (now replaced by the HCFA–1500) and the HCFA–1554 were introduced at the inception of the Medicare program. The third method, commonly called combined billing, uses the standard hospital inpatient and outpatient billing forms (the HCFA–1453 and HCFA–1483, respectively) and was introduced subsequent to the 1967 amendments to the Medicare statute (Pub. L. 90–248, enacted January 2, 1968).

Physician and provider services must usually be billed separately, in order to facilitate payment from the correct trust fund and application of deductible coinsurance requirements. Under section 131 of Pub. L. 90–248, the reimbursement rate for certain radiology and pathology services furnished to hospital inpatients by a physician in the field of radiology or pathology was set at 100 percent of the reasonable charges, as opposed to 80 percent under the original Medicare statute. Since there was no need in these cases to determine beneficiary liability for deductible and coinsurance amounts, the payments for these services were allowed to be included on the provider's bills, with no identification of separate charges for physician services.

Program guidelines permit the use of combined billing only where the departmental physicians are compensated by the hospital on a salary or a single uniform percentage of charges basis. The principal advantages of combined billing are that: (1) It frees the hospital from having to compute charges for hospital-based physician services, and (2) billing for departmental services both the institutional component and the physician component can be carried out through a single billing form.

2. *Changes in Billing Procedures and Forms.* As a result of changes in physician reimbursement due to both changes of law and regulations, we are making a number of significant changes in billing.

First, section 112 of Pub. L. 97–248 eliminated the provisions in the Social Security Act that required us to pay 100 percent of the reasonable charges for pathology and radiology services furnished to hospital inpatients. As a result, we needed to decide whether to eliminate or extend combined billing, as discussed below. After review of these issues, we proposed, in the NPRM, to extend combined billing as an option for all specialties of physician services furnished in providers, subject to the proviso that reimbursement under combined billing would be subject to a reasonable compensation limit. We have since decided not to impose such a limit, and have therefore reconsidered the proposed NPRM provision. As a result, we now propose to eliminate combined billing altogether, as explained below. However, until a final decision is made about implementing this proposal, we will continue to recognize combined bills submitted under existing instructions. (Of course, providers and physicians submitting combined bills must do so in conformity with the other provisions of these final regulations.)

We also proposed elimination of the HCFA–1554. Since the services billed for on this form are frequently not separately itemized, use of the form severely restricts carriers' ability to compare actual charges billed to the customary and prevailing charges for similar services in the locality. This has contributed to the payment problems described above.

As a result of elimination of the HCFA–1554, providers which act as billing agents for physicians must submit bills for services furnished by compensated physicians either by using combined billing (HCFA–1453 or 1483), or by submitting itemized bills specifying services and charges on a HCFA–1500. (As explained elsewhere in this preamble, a provider will be permitted to bill for services on the HCFA–1500 only when it is acting as the billing agent for a physician.) We believe this will enable carriers and intermediaries to evaluate more effectively the requests for payment they receive.

Some providers charge for services on an all-inclusive-rate basis. That is, they generally charge patients a single per diem rate that covers both physician and hospital services. Therefore, these providers do not separate the costs for provider and physician services to patients on a patient-by-patient basis. We believe that the provider cost report (HCFA–2552) provides all the information we need to determine payment to these providers accurately. As a result, elimination of HCFA–1554 billing will help reduce paperwork for both these providers and the carriers.

3. *Proposed Elimination of Combined Billing.* Before the enactment of Pub. L. 97–248, combined billing was limited to physicians' services in the field of pathology and radiology furnished under assignment to hospital inpatients, and to physicians' services furnished under assignment to hospital outpatients. In all these cases, combined billing was easily feasible because the Medicare program paid the same proportion of the costs and charges determined to be reasonable for the services furnished. That is, outpatient hospital services were generally reimbursed at 80 percent of reasonable costs, corresponding to the 80 percent of reasonable charges reimbursable for related physicians' services. Similarly, Medicare paid 100 percent of the reasonable costs of inpatient hospital services, while related radiology and pathology services were reimbursed at 100 percent of the reasonable charges, without regard for beneficiary coinsurance and deductible obligations, in accordance with section 131 of Pub. L. 90–248 (enacted January 2, 1968).

Section 112 of Pub. L. 97–248 subjected inpatient radiology and pathology services under assignment to the same deductible and coinsurance requirements as other Part B services. We then had to consider either ending combined billing, or, if we could find a way to handle related beneficiary

liabilities for deductible and coinsurance amounts, continuing it. However, if we continued it, it would have to be extended to all physicians, since many physicians desired to use it, and there were no longer special reimbursement rules for certain services of radiologists and pathologists. This last was our proposal in the NPRM, in connection with the requirement that reimbursement under the combined billing method for physicians' services to individual patients would be subject to the RCE limits.

As a result of our decision not to apply the RCE limit to charges for services to individual patients, we have decided not to extend combined billing as proposed in the NPRM. Without such a limit, the intermediaries receiving combined bills would not have an adequate means of testing them for the reasonableness of physicians' charges, since the usual customary and prevailing charge screens applied by carriers would be inapplicable. (This has been a longstanding problem with combined billing.) Although the 1967 Social Security Amendments permitted combined billing in the expectation that this would simplify reimbursement procedures and claims processing for both providers and intermediaries, these improvements never materialized, as noted in the legislative history of section 112 of Pub. L. 97–248 (S. Rep. 97–494, page 19). Therefore, we have proposed to eliminate combined billing altogether. This would result in all charges for services to individual patients being billed to carriers on the HCFA–1500, which requires the itemization needed to apply prevailing and customary charge screens.

Considering the NPRM proposal to extend combined billing to all physicians, we believe that we should not eliminate combined billing without affording the public the opportunity for comment. Therefore, we are providing an additional 30-day comment period on these regulations, and proposing to change our administration practice by eliminating combined billing entirely and requiring all physicians' services reimbursable on a reasonable charge basis to be billed for on form HCFA–1500. This itemized bill will enable our carriers to make the necessary comparisons of actual amounts billed to customary and prevailing charges for similar services, and to determine whether the amounts of such charges are reasonable.

We expect significant comment on this proposal. If we decide to proceed and eliminate this billing method, we will publish an additional notice announcing that decision. If feasible, we will do this before these regulations become effective, in order to implement the elimination of combined billing at the same time as the provisions of these regulations. Until a notice announcing this decision is published, we will continue to recognize combined bills submitted under existing instructions.

VII. Reasonable Compensation Equivalent Limits

A. General Rules for Setting Reasonable Compensation Equivalents (RCEs)

Allowable compensation for services furnished by physicians to providers that are reimbursable on a reasonable cost basis will be subject to limits for Medicare reimbursement purposes. (We proposed in the NPRM to apply such limits to payments related to compensation for services reimbursable on a reasonable charge basis, but are not doing so in these final regulations.) Under these limits, Medicare program reimbursement will be determined based on the lower of the actual cost of the services to the provider (that is, the compensation to the physician, whatever the form) or a reasonable compensation equivalent (RCE). These limits will apply to reasonable costs payable from the Part B trust fund, for CORF and hospital outpatient services, as well as to the costs of inpatient services payable under Part A.

If a physician receives any compensation from the provider for his or her physician services to providers, reasonable cost reimbursement to the provider for the costs of compensation allocated to those services will be limited by the RCE limit. The RCE limits will not be applied to reimbursement for services furnished to individual patients that are reimbursable on a reasonable charge basis, even if the physician agrees to accept compensation (e.g., from a hospital) for those services, except in teaching hospitals that elect to be reimbursed for such services on a reasonable cost basis in accordance with section 1861(b)(7) of the Act. If the physician is compensated only for services to the provider, the RCE limit will be applied to reimbursement to the provider on a reasonable cost basis for the entire cost of compensating the physician for those services. (See section V. A. above for the definition of compensation and rules for allocating it among types of physician services.)

The limits apply equally to all physician services to providers that are reimbursable on a cost basis under Medicare and for which physicians are compensated by the provider, not just to services of radiologists, anesthesiologists, and pathologists.

The actual methodology for establishing RCE limits is not part of the regulation text. Instead, our regulations establish a general authority to develop, publish, and apply limits. The regulations provide that we will base the limits on the best available data and publish them annually. Notices describing the methodology and setting forth the limits will be published in accordance with established Departmental procedures.

Comment: Several commenters expressed uncertainty as to which provider costs would be subject to the RCE limits, specifically inquiring if they applied only to Part A costs.

Response: Hospital, SNF and CORF payments for physician services to providers are subject to the RCE limits. Inpatient hospital and SNF benefits are generally payable on a Part A reasonable cost basis; outpatient hospital and CORF benefits are reimbursed at 80 percent of reasonable costs under Part B. Both Part A and Part B provider costs for physician services are subject to the RCE limits.

Comment: In the NPRM, we proposed to apply RCE limits to physician services to individual patients for which a physician accepted compensation from or through the provider. Many commenters declared that, although the statute requires us to impose RCE limits on reimbursement for physician services to the provider, to extend these limits to charges for services to individual patients exceeds the authority and intent of the statute.

Response: As indicated previously, we will not apply RCE limits to compensation for physicians' services reimbursable on a reasonable charge basis. Numerous comments on our proposal to apply RCE limits to compensation-related charges have pointed out the difficulty of implementing this, both in terms of technical problems and in view of anticipated great difficulties with such limits being accepted by the medical community. As a result, we have decided not to implement such limits at this time. However, although section 1887 does not require reasonable compensation equivalent limits to be applied to reimbursement for physician compensation for services to individual patients, we believe the Secretary has the authority to apply these limits to that reimbursement. In the NPRM, we set forth in detail the basis of this authority and our reasons for proposing to apply the RCE limits to compensation for these services. Our decision not to apply the

RCE limits to compensation-related charges in these final regulations does not indicate that we have decided that there is not sufficient authority to do so.

Instead, as part of our ongoing review and analysis of the physician reimbursement system, we will monitor and study the level of physician reimbursement under these changes. If necessary, we will later propose other means of testing the reasonableness of charges for physicians' services to patients received through combined billing (HCFA–1453 and 1483) or as compensated-related charges (HCFA–1500). However, the Medicare carrier (and the intermediary when it functions as a carrier in the case of combined billing) has the authority under 42 CFR 405.502(a)(7) to impose other criteria of reasonableness, if, in the individual case, it finds it necessary and appropriate to judge whether the charge for a specific item or service is inherently reasonable.

Comment: A number of commenters protested that, in setting RCE levels on a basis that excluded the overhead costs of private practice, we gave no consideration to overhead expenses incurred by physicians regardless of practice setting, such as the costs of malpractice insurance, professional memberships, and continuing medical education.

Response: We recognize that adjustments are necessary in some cases to take such factors into consideration. However, for a physician with an office-based practice in addition to his other provider/based activities, these costs would be included in the overhead for the private practice. Therefore we are instructing intermediaries that they may adjust an individual physician's RCE limit upward, provided that the physician is engaged in full-time provider practice. This adjustment should be related to actual costs incurred by physicians, up to 5 percent of the limit, to take into consideration the costs of membership in professional societies and continuing education.

We have limited this adjustment to a maximum of 5 percent of the limit, based on our review of data on physician practice costs. However, much of the available data, such as the PSP, does not itemize such costs in a useful manner. Therefore, we plan to monitor the requests made to intermediaries for such adjustments, as well as our sources of information on such costs. If we find this adjustment to be too generous, or inadequate, we will make changes as appropriate.

In addition to the above adjustment, an intermediary may make an appropriate adjustment to the RCE limit to take the cost of malpractice insurance into account. To the extent malpractice insurance is shown to be related to a physician's (or a group of physicians') services to provider patients, the intermediary may, as appropriate, adjust RCE limits upward to reflect malpractice expense incurred by either a provider or a physician.

In making this adjustment, the intermediary will determine the ratio of that portion of compensated physician time spent in furnishing services in the provider (both to the provider and to provider patients) to the physician's total working time, and adjust the total malpractice expense proportionately. The amount of malpractice expense attributed to compensated services will be added to the RCE limit after the limit is adusted by the ratio of the physician's time spent in furnishing provider services to the time spent in furnishing all services compensated by the provider. Thus, if a physician's sole practice is that related to the compensation, the proportionate amount of malpractice cost may be added to the time-adjusted RCE limit.

Comment: Some commenters argued that reasonable physician compensation varied in response to factors not allowed for in our RCE methodology, under which limits are adjusted only for specialty, location, and hours worked. They point out that staffing patterns and levels vary widely, with significantly different resulting costs.

Response: In reviewing the cost of physician compensation for services to the provider, the intermediary will not be limited to merely applying the RCE limit based on existing staffing, but will consider the inherent reasonableness of the arrangement. For example, we generally would consider it unreasonable for a hospital to compensate physicians in a particular department for a number of administrative/managerial hours greatly in excess of the hours utilized in comparable departments in other hospitals.

Comment: Generally, physicians are considered "based" in a hospital or other provider if they receive compensation from the provider. These regulations provide RCE limits on providers' compensation to physicians for services the physicians furnish to providers. Do these limits apply to the compensation to a physician who serves solely as the administrator of a hospital or skilled nursing facility or the chief of a medical staff?

Response: No. The limits apply only to physicians who direct a provider department in which the physician's expertise is required or who furnish other services, such as participating in utilization review committee or quality control activities, or whose personal services to patients are reimbursed on a reasonable cost basis (as elected by a teaching hospital under 42 CFR 405.465). For example, they supersede the salary equivalent limit of $30,000 in 42 CFR 405.465(d).

Comment: Several commenters inquired what recourse a provider would have if it disagreed with the RCE determinations of its intermediary.

Response: The intermediary's determinations of allowable costs under the RCE limit are subject to the same appeal procedures as other intermediary determinations, on accordance with regulations at 42 CFR Part 405, Subpart R, "Provider Reimbursement Determinations and Appeals". If a provider believes that an intermediary's determination is inconsistent with Medicare policy, as shown through regulations, guidelines, and instructions, and if the amounts involved meet the requirements of Subpart R, the provider may appeal the determination in the same manner as an intermediary determination relative to any other provider cost. Providers should first direct their requests for exceptions and adjustments to the intermediary.

Comment: Do the RCE limits apply to compensation to physicians who furnish end-stage renal disease (ESRD) services or who are directors of ESRD facilities?

Response: Reimbursement for compensation to physicians who furnish ESRD services or who are directors of ESRD facilities will be governed by the final regulations resulting from the proposed rules published in the Federal Register February 12, 1982 (47 FR 6550).

Comment: Some commenters asked whether the RCE limits would be applied in determining the reasonable costs of physicians' services to a provider in a hospital emergency room.

Response: Yes. The costs the provider incurs in compensating physicians for emergency room supervisory and administrative services would be subject to the RCE limit. Also, any amount guaranteed a physician to be available in an emergency room to furnish services would be subject to these limits because the physician's availability is a service to the provider and its patients generally. Thus, as a cost of the provider for furnishing outpatient services, the hospital's guarantee payment to the physician is allowable by Medicare on a reasonable cost basis under Part B. However, if the provider and emergency room physician agreed that the amounts of time and

compensation related to administrative and supervisory services were negligible, and if the intermediary found this assumption acceptable, we would consider all of the physician's compensation to be related to physician services to individual patients reimbursable on a reasonable charge basis. Thus, Medicare would not reimburse the hospital on a reasonable cost basis for these physicians' services.

Some physicians who furnish services in hospital emergency rooms may contract with the hospital to be guaranteed a minimum level of compensation to be available to handle emergencies. If the total charges billed by or on behalf of the physician for physicians' services fall short of the guaranteed amount, Medicare program operating guidelines provide that, under certain specified conditions, the program will recognize its proportionate share of the unmet guarantee.

While program operating guidelines indicate that the guaranteed level of compensation must be reasonable, the guidelines do not provide for a specified dollar amount. Effective with the implementation of these regulations, intermediaries will have authority to use the RCE limits as a standard to measure the reasonableness of the guaranteed level of compensation in ER rooms.

Comment: One commenter argued that a provider's costs of physician compensation should include all elements of value received by the physician under the contractual relationship with the provider, and that our exclusion of provider-furnished billing and collection services, and office space to treat private patients, interferes with the right of providers and physicians to negotiate contracts without governmental interference.

Response: A physician and provider may negotiate all aspects of their contractual relationship to their mutual satisfaction. These agreements, however, do not bind Medicare eligibility, coverage, and reimbursement policy. Medicare is not a party to such agreements. There are limitations on Medicare eligibility, coverage, and reimbursement policy which are based on the provisions of the statute and the regulations. The purpose of these regulations is to clarify the extent of Medicare reimbursement for the services physicians furnish to providers of services. The fact that Medicare reimbursement does not recognize or reflect all aspects of a compensation agreement between a physician and a provider does not constitute government interference with contractual relationships between physicians and hospitals.

Comment: Will the RCE limits be applied where the only financial relationship between the physician and the provider is that the physician utilizes the provider as billing and collection agent?

Response: No. The RCE limits apply only where the provider incurs physician compensation costs for services reimbursable on a reasonable cost basis, that is, for physician services that may be included among the provider's services, such as hospital services within the meaning of 1861(b) of the Act.

Comment: Is the reasonable compensation equivalent limit to be applied to the physician's compensation inclusive or exclusive of services that are not covered by Medicare?

Response: Both the physician's time and the portion of his or her compensation attributed to noncovered services are excluded in determining the amount of compensation subject to the RCE limits.

Comment: One commenter argued that where the compensation received by the physician includes payment for some noncovered services, such as research, Medicare should reimburse for the total amount so long as the compensation is less than the reasonable compensation equivalent limit.

Response: The costs of compensation for services that are not covered by Medicare, such as research, cannot be reimbursed because Medicare does not have the legal authority to pay for such services.

Comment: Do the RCE limits have an effect on what a non-Medicare insurer may pay for a physician's service furnished in a provider?

Response: The RCE limits provide the basis upon which the Medicare program will pay its proportionate share for services of general benefit to Medicare beneficiaries. The hospital may bill the non-Medicare patient's insurer whatever it chooses; the RCE would not be controlling. It should be pointed out, however, that the State Medicaid program could choose to use the RCE as its basis for payment of services provided Medicaid hospital patients.

B. Methodology for Establishing RCE Limits

The methodology for establishing RCE limits is based on an internal working paper developed by HCFA's Office of Research and Demonstrations, "A Methodology for Determination of Reasonable FTE Compensation for Hospital-Based Physicians", by James R. Cantwell and Williams J. Sobaski (Working Paper #OR-32, revised December 1982). Copies of this paper are available on request from: ORD Publications, Office of Research and Demonstrations, Health Care Financing Administration, Oak Meadows Building, 1-E-9, 6340 Security Boulevard, Baltimore, MD 21207 (301) 597-3422.

Our methodology for establishing reasonable levels of compensation includes five steps, as follows:

1. *Estimating national average income for all physicians.* We estimated the national average (mean) income for all physicians using 1979 physician net incomes from the American Medical Association (AMA) Periodic Survey of Physicians (PSP), published by the AMA in its *Profile of Medical Practice, 1981.* We also reviewed other data sources and found these to be generally consistent with the PSP data. However, considering the type of compensation limits we are establishing, we found the PSP data to be the best available for our purposes.

Since the original working paper on which this methodology is based was prepared, in January, 1982, the AMA began publishing results from its Socio-Economic Monitoring System (SMS), which has apparently replaced the PSP. In the final version of the working paper, we have used the SMS estimates of 1981 average net earnings of all specialties as a comparison point to check the accuracy of our forecasting on the net earnings.

However, for purposes of calculating FTE earnings relationships between specialties and for localities, we must continue to use the data published from the 1980 *PSP*. That is to say, for FTE estimation it is necessary to have annual work hours data per specialty and locality which underlie the estimated national average for all physicians. Results from the 1980 *PSP* as published in the 1981 *Profile of Medical Practice*, represents the latest source from which all suitable data are available. (National average 1981 earnings estimates for specialties have been published from the newer SMS, but they were not accompanied by work hours data per locality.)

Comment: Some commenters, including the College of American Pathologists, questioned the use of the PSP survey data, gathered largely from office-based physicians, for establishing estimates of reasonable FTE compensation for hospital-based physicians.

Response: The universe sampled by PSP *included* both office-based and hospital-based physicians and excluded *only* those physicians who are full-time salaried employees of institutions. The AMA has commented that full-time

salaried physicians are not a majority among any of the hospital-based specialties.

We believe that, on theoretical grounds, use of these data is appropriate because there should be no significant distinctions in FTE net income per specialty arising from the type of compensation arrangement, unless some significant force, which favors full-time salaried physicians, results in distorted market behavior. The growth in other forms of compensation among these specialist suggests that no such force is at play.

Comment: Other commenters have stated that higher income-earning physicians are disinclined to respond to practice income surveys, even when sponsored by medical organizations, resulting in a downward bias of the survey results.

Response: We believe that data published by *Medical Economics* from their independent survey of what by-and-large is the same universe as used in *PSP* and *SMS* refutes this. In a recent issue of *Medical Economics*, a bi-weekly business and investment magazine intended for the physician market, it was shown that many physicians reported 1981 net pre-tax earnings of $200,000 or more, including 16 percent of responding radiologists, 7 percent of responding anesthesiologists, and 5 percent of responding pathologists.

Comment: Yet other commenters suggested that we use the most recently available hospital cost report data, gathered on the HCFA–2552, as a basis for deriving RCE limits.

Response: The cost reports do not contain information on the number of full-time equivalent physicians in a department. This is critical to establishing the reasonable compensation equivalent limits.

2. *Projecting future year incomes.* As our second step, we projected physicians' 1979 base net income levels to appropriate future years (that is, to 1982 and 1983) to account for changes in net income levels occurring after the period for which we have data. To make this calculation, we needed to determine an appropriate inflation factor to project 1982 and 1983 estimated net income levels, on the basis of 1970 to 1980 data. We considered several methods, including using the compound growth rate found in the PSP averages for the period 1970 to 1979, or using the medical component of the Consumer Price Index (CPI). However, we believe we can achieve more accurate projections by using the historical relationship (1970–1980) between physician incomes and the CPI, and projecting this using forecasts of the CPI for future years.

Comment: Based on review of out working paper, the AMA raised serious concerns over the use of only 1970 and 1979 "real incomes" as the basis for prospective future "real incomes."

Response: The original working paper included a discussion of why that approach was taken. However, on further review undertaken as a result of AMA comments, we now concede that it is preferable to take into account all recent data on incomes. Accordingly, we have revised the forecasting formula to take into account all observations of income from 1970 through 1980, but incorporating an adjustment for the period of the economic stabilization program—1971–1973. This is discussed further below.

3. *Adjusting for specialty differences in physician earnings.* In our third step, we determined the relationship between average net income for all physicians (estimated in step 1) and net incomes of certain categories of specialist physicians that are commonly compensated by providers for services furnished to Medicare beneficiaries.

We did this by calculating adjustment factors based on the 1979 PSP average net income by specialty. This resulted in separate specialty adjustors for the following specialty categories:

- General and family practice;
- Internal medicine;
- Surgery;
- Pediatrics;
- Obstetrics/Gynecology;
- Radiology;
- Psychiatry; and
- Anesthesiology.

In order to develop an adjustment factor for pathologists, who are not separately reported in the PSP data, we used compensation relationships between the income of radiologists and pathologists as reported in a HCFA sponsored study. (Bruce Steinwald, "Hospital Based Physicians: Current Issues and Descriptive Evidence". *Health Care Financing Review*, Volume 2, Issue 1, Summer 1980. Pages 63–75.) Based on this study, we set the pathologist adjustment factor at 95.4 percent of the radiology adjustment factor. (In the NPRM, we erroneously used 93 percent as an adjustor relating pathologist and radiologist incomes. This was noticed by commenters and has been corrected.)

Comment: Numerous respondents indicated that the schedule of specialties is too narrow. Some noted that there are several distinct sub-specialties in internal medicine. Others indicated that from what was published, they could not tell whether their specialty was to be considered "surgical" or "other."

Response: We agree in principle that it would be appropriate to construct "adjustors" for each sub-specialty. However, the base data we used are published only for specialty-types. Information concerning the AMA's classification of specialties into specialty types for presentation of the 1980 PSP results has been added to the revised working paper.

We believe that the AMA's classification of specific specialties into specialty groups reflects their concern for statistical validity of the published averages. Standards of reliability for the PSP data appearing in the *Profile of Medical Practice* require that two conditions be met. First, each estimate must be based on more than five observations. Second, the estimate must be at least twice its standard error. Many averages for each particular sub-specialty might not meet that test.

HCFA has gathered practice and income data for 17 specialties for 1976, 1977, and 1978 from which additional adjusters might have been determined. However, HCFA's survey was conducted primarily for purposes of evaluating the Medicare Economic Index and similar medical economics research. The results have not been as widely disclosed or scrutinized over time as have been the AMA published data. Also, while most of HCFA's survey results appear to be consistent with the findings of AMA and *Medical Economics* surveys, HCFA's study suggests a much larger number of practice hours per week than the other surveys. Accordingly, using HCFA's data would have generally resulted in lower FTE annual earnings estimates that are found from within AMA data.

Comment: The College of American Pathologists suggested in their comments, based on the Steinwald paper, that the 95.4 percent ratio of pathologists' income to radiologists' income is only one of four possible values, 112.1, 95.3, 95.4, and 101.2.

Response: The value of 95.4 is the ratio of pathologists' adjusted net income per hour of medical activity to that for radiologists' ($35.83 for pathologists and $37.55 for radiologists for the period 1976–1977 combined). The value of 112.1 and 101.2 each result from separate studies of only two States or political jurisdictions. The value of 112.1 is from Missouri and the District of Columbia using 1972 income data (General Accounting Office, "A Proposal for Disclosure of Contractual and Financial Arrangements between Hospitals and Their Medical

Specialists," April 30, 1975). The value of 101.2 is from Oklahoma and Louisiana using 1978 income data (Department of Health and Human Services, Office of the Inspector General, Audit Agency, "Report on Need for More Restrictive Policy and Procedures Covering Medicare Reimbursement for Medical Services Provided by Hospital-Based Physicians," 1980). Either of these two values, 112.2 or 101.2 would be inappropriate to use since the data are from such a restricted sample.

The value of 95.3 is from a December 1977 final report prepared by Arthur Andersen and Company for the Health Care Financing Administration. The data in that report are based on each of the selected hospitals' fiscal year 1975 accounts. The value is within one tenth of a percent of the 95.4 percent used in the working paper. The value of 95.4 was used because it is based on more recent data (1976–1977) than the Arthur Andersen study.

Comment: The American Medical Association questions whether the 1979-based specialty adjustors are appropriate for other, expecially for future, years.

Response: We have not yet been able to rigorously test this. Given possible income redistribution effects of rapidly changing technology, we would, of course, prefer to use only the latest available data on the issue. To help assure that the concerns of commenters are fully considered, we intend to monitor forthcoming reports and data. We will develop revised adjustors if it become necessary.

4. *Adjusting for geographic differences in physicians earnings.* Using the specialty-specific adjustors, we also adjusted for differences in costs between types of geographic locations. Again, we used the PSP data on income differences according to location in three types of areas:

- Metropolitan Greater than One Million (includes all counties in Standard Metropolitan Statistical Areas (SMSAs) with 1,000,000 or more inhabitants),
- Metropolitan Less than One Million (includes all counties in SMSAs with 50,000 to 999,999 inhabitants, and all counties considered potential SMSAs in AMA's master data file), and
- Non-Metropolitan (includes all counties not in either of the above groups).

This step yielded a set of three specialty-location adjustors for each specialty category.

Comment: The American Hospital Association, the American Medical Association and other respondents commented that use of only three locality types was inappropriate. AMA recommended use of the same hospital area wage index by SMSA and State as is used for adjusting Medicare's hospital cost limits. AMA suggested that geographic regions also be taken into account.

Response: In developing the working paper, HCFA's Office of Research did give serious considerations to recommending use of the hospital area wage index. However, they found that use of that index would result in adjustments which would have significantly lowered the FTE estimate in rural areas for each specialty type. This would be inconsistent with the AMA published norms and HCFA's own survey results, which show that FTE earnings of some specialists are higher in rural localities than in metropolitan localities. Also, theoretically, the physician service market is much more national in character than the market for hospital wage employees. Finally, the base data as published by the AMA provides only locality or census division as a basis for regional refinement. Undoubtedly, use of more refine (smaller) regional organizations with AMA PSP date (were that possible) would result in very imprecise estimates of averages for each of the over 300 SMSAs.

In principle, we would not object to estimating three locality factors for each census division, but we cannot do so from published data available to us. From the data published from the 1980 PSP, we could make one of two choices for a regional adjustment. Either the three locality classes, or the nine census divisions.

Theoretically, we expect that differences in the distribution of physicians among the three kinds of localities explain a significant portion of the observed differences in average earnings between census divisions by specialty. Also, the market for physicians is largely nationwide in character. Thus, we believe that using the three locality classes is more appropriate than using the nine census divisions. It would not be appropriate to use both published locality and published census division averages because to do so would result in double-counting locality effects.

If we possessed the underlying PSP date, it would be possible to construct averages for most of the twenty-seven (three locality-types for each of the nine census divisions) cells for each specialty type. However, not all of the 27 cells would have large enough numbers of reporting physicians to enable us to derive meaningful or valid averages.

5. *Standardizing adjusted physician earnings to a FTE basis.* Finally, we modified the specialty-location adjustors for variations among specialities in hours worked per year. Because of significant variations in the number of hours worked per year by specialty, this step is necessary to make accurate estimations of FTE specialty — average incomes by location based on the average income of all physicians. We made this calculation using PSP data on hours practiced per week and year, by specialty and location. this allowed us to calculate the average hours practiced per year by specialty and location, which we then related to a standard full-time-equivalent work year of 2080 hours. We used these ratios to weight the specialty-location adjustors from step 4.

Comment: Numerous respondents questioned the relevance of standardizing physician earnings to a 2080 hour work year, indicating that in medicine such a work year is not the norm. Some implied it was punitive—because it assumed no vacation time or continuing education time. Others apparently construed this part of the methodology to imply a requirement that a provider have a compensated physician on duty during all operating hours, and therefore concluded it was excessive, in that there do not exist enough physicians in some specialties to provide 8,760 annual hours of physician service in each hospital.

Response: Standardization was used, following normal analytic conventions, to present a basis for more uniform comparisons. Application of the FTE estimates will take into account the actual work hours circumstances, such that the Medicare compensation, limit for a physician who practices 50 hours per week will be based on an amount at least twenty-five percent *higher* than that shown for his specialty-type in the FTE estimate schedule. Likewise, for the physician who practices 30 hours per week, Medicare compensation limits could be based on an amount twenty-five percent *lower* than that shown for his specialty-type.

There is no intent to require any particular levels of staffing or to penalize any physician as a result of compensible vacations or educational sessions. Had we chosen to use average hours worked per week times 52 (rather than the average number of weeks worked) as a basis for standardizing, this would have resulted in an overall reduction in the published limits, and a different set of specialty and locality adjusters, which would have rewarded specialties which practice fewer weeks

per year and penalized those which work more weeks per year. Similarly, we might have ignored differences in hours worked per week, thus advantaging specialties with shorter work weeks than others. Use of the 2080 annual hours technique provides an equalization of advantages and disadvantages.

The 2080 technique should not be construed as a normative standard for staffing operations in hospitals. Staffing should be a function of the needs of the hospital's patient, goals and objectives, in interaction with the supply of physicians and their alternative earnings opportunities.

6. *Exclusion of Adjusters for Productivity, Skill, Competence, Expertise, Duration of Service, Etc.* Several respondents noted that the methodology did not take into account earnings differences due to differences in individual physicians productivity, skill, competence, expertise, or duration of service. This could not be done from the source data, nor would it necessarily be appropriate to attempt to incorporate them. In fact, it is highly unlikely that a high correlation exists between the level of annual net earnings and the relative technical proficiency of a physician, could anyone accurately measure the latter. No respondent suggested how such measures might be accurately calculated and applied for the intended purpose.

There appear to be many younger physicians whose practice earnings exceed those of many more experienced physicians in the same specialty; hence duration of service does not appear to be pertinent.

7. *Resulting RCE Levels.* By proceeding through these five steps we were able to produce an array of estimated 1982 and 1983 average annual FTE compensation levels for 9 specialty categories by type of location. This array is given in Table I. We considered several different levels of reasonable compensation limits, using some percentage of these FTE levels. We are proposing to set RCE limits, adjusted by the proportion of a FTE year actually worked, at these average annual incomes, because we believe they represent reasonable levels of net annual income by specialty and location.

TABLE I.—ESTIMATES OF FTE ANNUAL AVERAGE NET COMPENSATION LEVELS FOR 1982 AND 1983 [1]

Specialty	Non-Metropolitan areas		Metropolitan areas less than one million		Metropolitan areas greater than one million	
	1982	1983	1982	1983	1982	1983
Total	91,800	97,600	97,700	[illegible]	90,800	97,100
GP/FP	72,900	78,100	[illegible]	74,900	70,900	76,000
Int Med	78,800	[illegible]	78,800	84,400	84,700	90,700
Surgery	93,800	100,200	104,400	111,800	106,400	113,900
Pediatrics	67,000	71,700	77,800	83,300	71,900	77,000
OB/Gyn	[illegible]	[illegible]	[illegible]	105,600	100,500	107,600
Radiology	111,300	119,200	118,200	126,600	115,200	123,400
Psychiatry	70,800	76,000	72,900	78,100	76,800	84,400
Anesthesiology	85,700	91,800	102,400	109,700	102,400	109,700
Pathology	106,400	113,900	112,300	120,300	110,300	118,200

[1] All figures are rounded to the nearest $100.

These estimates are significantly lower than those published in the NPRM. (See Table II below.) This difference is the result of reconsidering our projection techniques based on AMA's comments. The NPRM estimates were based on a projection using "real income" data from 1970 and 1979 as base points of a trend line. This produced a line that conformed closely to Consumer Price Index (CPI) data, and which was not distorted by the artificially restricted price levels of the 1970–1973 economic stabilization period. However, as AMA pointed out, we did not demonstrate that physician incomes for 1970 and 1979 were representative of physician incomes in other years.

TABLE II.—NPRM ESTIMATES OF 1982 AND 1983 FTE ANNUAL AVERAGE NET COMPENSATION LEVELS [1]

Specialty	Non-Metropolitan areas		Metropolitan areas less than one million		Metropolitan areas greater than one million	
	1982	1983	1982	1983	1982	1983
Total	87,400	[illegible]	93,700	98,500	96,900	102,100
GP/FP	77,900	[illegible]	74,800	78,800	75,800	79,900
Int Med	[illegible]	[illegible]	84,200	[illegible]	[illegible]	[illegible]
Surgery	100,000	105,400	111,600	117,600	113,700	[illegible]
Pediatrics	71,600	75,500	[illegible]	[illegible]	[illegible]	[illegible]
OB/Gyn	[illegible]	115,400	[illegible]	112,100	[illegible]	113,200
Radiology	119,000	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Psychiatry	75,800	79,900	[illegible]	[illegible]	[illegible]	[illegible]
Anesthesiology	91,600	[illegible]	[illegible]	115,400	[illegible]	115,400
Pathology [2]	113,500	[illegible]	[illegible]	127,100	117,500	[illegible]

[1] Rounded to the nearest $100.
[2] Corrected from the NPRM estimates based on revised pathology adjustor.

As a result of these and other comments, we decided that it would be more accurate to project future (that is, post 1979) income levels on the basis of a regression analysis of the relation between CPI and physician income levels for *all* years between 1970 and 1980 (using a dummy variable with a value of 1 for the economic stabilization years). The following equation, explained in more detail in our revised working paper, was used to estimate relationships for the period 1970 to 1980.

$Yt = {}_1D + {}_2CPIt$

Yt = physicians' net income in year t

D=a dummy variable taking a value of 1 for the economic stabilization years (1971–1973) and 0 otherwise.
CPIt=Consumer Price Index for all urban consumers in year t.

AMA's PSP data for 1970–1980 were used to obtain ordinary least squares estimates of the parameters of this equation.

The results are:

Yt=3534.32 D+343.664 CPI
(t=2.66) (t=84.008)
R²=.9758

The equation explains 97.58 percent of the observed variation in physicians' net incomes between 1970–1980.

TABLE III.—COMPARISON OF AMA/PSP PHYSICIAN'S NET INCOME ESTIMATES WITH ESTIMATES DERIVED FROM EQUATION

Year	AMA/PSP net income estimate	Equation estimate	Difference
1970	$41,600	$40,000	−1,600
1971	45,300	45,200	−100
1972	47,200	49,600	2,400
1973	48,600	49,300	700
1974	52,000	50,800	−1,200
1975	56,400	55,400	−1,000
1976	[1]58,500	58,600	100
1977	61,200	62,400	1,200
1978	65,500	67,200	1,700
1979	78,400	74,700	−3,700
1980	[1]82,800	84,800	4,000
1981	[1]93,000	93,600	600

[1] Projected by the physician respondent.
[2] From the AMA's Socioeconomic Monitoring System.

In Table III we compare AMA's PSP estimates for the years 1970 to 1982 with the estimates derived from the above equations (described as equation I' in working paper #OR–32, which includes more detailed discussion). Note that both series show great changes around 1979, which indicate the extent to which it is inappropriate to base estimates solely on 1970 and 1979 base years.

In addition to the annual estimates above, we used a near-term forecast of the consumer price index (CPI) to forecast physician net income for 1982. The resulting figure of $98,500 may be compared with an estimate of $95,500 that would result from projecting the AMA/PSP 1979 estimate by the compound rate that occurred between 1970 and 1980, 6.8 percent.

B. *Other Comments on the RCE Methodology. Comment:* Many respondents observed that the working paper estimates average FTE *pre-tax* earnings *after* deduction of practice expenses from gross earnings.

Response: The respondents are correct. However, physicians incur relatively low levels of practice expense related to activities for which they are compensated by providers. As discussed above, we are allowing in these final regulations adjustments to take into account expenses for malpractice insurance, continuing medical education, and professional memberships.

Comment: Several commenters noted that although the working paper on the RCE methodology illustrated three sets of limits in its discussion of "reasonableness", it made no particular recommendation. These commenters requested a justification of our choice of the mean estimated net income as a limit.

Response: The earnings "mean" is a consistently, significantly higher amount for each specialty than the "median" (reaching a differernce of 15 percent for radiologists and pathologists). Hence, we judge it high enough to encompass a large majority of physicians in each specialty type; overall, roughly sixty percent.

Increasing the limits beyond the mean might have encouraged unwanted pressure to escalate physician compensation. Several telephone callers from the hospital community expressed concern that the proposed schedules themselves provide amounts which exceed the salaries generally paid full-time staff physicians.

Comment: Several respondents recommended use of a relative value method by pathologists in lieu of the FTE limits policy.

Response: It is not feasible to use such a method at this time. We do not have any data that show the relative inputs of supervisory, administrative, and other such activities of a physician in a hospital laboratory department as they relate to individual services produced by that department. No methodology has been suggested for applying reasonable compensation equivalency limits on the basis of a relative value system, rather than time. We believe it is inherently reasonable to base such limits on time, just as it is reasonable (as well as required by section 1887(a)(2)(A)) to relate the cost of compensation for physician services to a provider to the time the physician actually spends furnishing such services. However, we would be willing to consider applying reasonable compensation limits on a basis related to the relative values of various services to the provider, is such a system is developed.

We are sponsoring research on alternative methods for developing relative value scales for physician services. We expect that the results of this study, being undertaken by the Urban Institute, will provide a basis for developing better tools for analyzing and determining reasonable charges for services to Medicare patients, and possibly form better bases for developing experimental reimbursement methods. Those who favor application of relative value scales as an alternative to the proposed RCE limits on Medicare reimbursement of physician services to Medicare beneficiaries may wish to respond to HCFA's periodic solicitations of applications for grants to conduct reimbursement research and experiments.

C. Updating the RCE Limits

The RCE limits will be updated annually on the basis of updated economic index data. When we do this without revising the methodology for computing the limits, we will publish a single general notice in the **Federal Register**, setting forth the new limits and their effective date. We will not publish a notice proposing revised limits for public comment unless there is good cause due to unforeseen problems with the limits or the data. However, if we change the methodology by which limits are calculated or the way in which they are applied, we will publish the proposed changes in methodology in a **Federal Register** notice in accordance with the Department's established rulemaking procedures.

This update procedure is dependent on accurate, timely, and reliable economic index data, and a good method of updating the base year limits. We considered several different options for annually updating the limits, taking into account two major aspects of forecasting physician compensation levels: (1) Base year data on physicians' incomes, and (2) expected changes from a selected base level.

We believe that retaining the PSP data for calendar 1979 as the base year is appropriate for the next few years. We will continue to monitor available data on this subject. As the specialty and location-specific supply and demand for physicians change over time, it may become necessary to move to a more current base, but until monitoring demonstrates the need, we believe the 1979 base should be used.

Our research (see ORD Working Paper #32 cited above) indicates that physician net income deflated by the Consumer Price Index (CPI) is nearly constant over time. Consequently, it was suggested that near term physician net income could be estimated from forecasts of the CPI. We used a Data Resources, Inc. (DRI) forecast to project the PSP 1979 data to 1982, providing the base for the limits. We will use a method similar to that in the RCE methodology (see pages 5 and 6 of the above-cited working paper). Thus we

will apply Data Resources, Inc. CPI forecasts for 1981 and subsequent years from *Data Resources Cost Forecasting Review* to the 1980 Periodic Survey of Physicians (1979 income data) in the same manner that the 1982 and 1983 estimates were generated.

D. Application of RCE Limits

We will use the RCE levels to compute the Medicare program's reimbursement when the physician is compensated by the provider or other related organization for administrative, supervisory, and other provider services that are reimbursable under Medicare. In applying the RCE limits, the intermediary will assign each compensated physician to the most appropriate specialty category. If no specialty category is appropriate, for example, in determining the reasonable cost for a full-time physician administration of an emergency room physician, the intermediary will use the RCE level for the "Total" category, which is based on income data for all physicians. The intermediary will determine the appropriate geographic area classification, given in appendix II to this document.

If the physician's contractual compensation covers all duties, activities, and services furnished to the provider or to its patients and the physician is employed full-time, the appropriate specialty compensation limit will be used and adjusted by the physician's allocation agreement to arrive at the program's allowable costs (inpatient Part A and outpatient Part B) for physician compensation. In the absence of an allocation agreement, we generally will assume that 100 percent of the compensation was related to services reimbursable on a Part B reasonable charge basis, and that there are no allowable costs for the physician's services to the provider.

When a physician's compensation from the provider represents payment only for administrative, supervisory, and other provider services (that is, the physician bills fees for all medical/surgical services furnished to individual patients), then the appropriate specialty compensation limit will be used and adjusted by the percentage of the physician's time spent in furnishing administrative, supervisory, and other provider services.

If a physician is employed by a provider to furnish services of general benefit to patients reimbursable on a reasonable cost basis on other than a full-time equivalent basis, then the reasonable compensation limit will be adjusted upward or downward to reflect the percentage of time his or her actual hours related to a full-time-equivalent work year of 2080 hours.

Comment: When the reasonable compensation equivalent methodology is applied on a departmental basis, the proposed rule provides that a weighted departmental allocation agreement be used. Under the same set of facts, if the aggregate departmental compensation is less than the reasonable compensation equivalent, could the individual provider-based physician allocation agreements be used to allocate the physicians' actual compensation amounts?

Response: Yes. Generally it is intended that the physician time allocation will be developed separately for each physician. The option that permits developing an aggregated allocation for all of the physicians in larger hospital departments is intended to facilitate administration and reduce paperwork. Under the optional method, the compensation of the physicians is aggregated and averaged before the RCE is applied; the time allocation is applied to the result of this calculation, not to the actual compensation of each physician. For example, a hospital is located in a metropolitan area having a population greater than one million, and its laboratory department furnishes only clinical laboratory services (that is, all services are reimbursable on a cost basis) and has a staff of five physicians. The director receives $160,000 per year. The other four physicians each receive $80,000 per year. The total annual compensation for all five physicians is $480,000.

If the RCE limit were applied to each physician's compensation individually, the cost of the director's compensation would not be fully allowed, since it exceeds the applicable limit from Table I above ($118,200). However, if the allocations are aggregated, the aggregate limit for the department is $571,000 (5×$118,200) all the compensation for the department is an allowable cost. The provider and its physicians may elect to aggregate the allocation agreement.

E. Exceptions to the RCE Limits

Some hospitals, particularly but not exclusively small or rural hospitals, may be unable to recruit or maintain an adequate number of physicians at a compensation level within the prescribed limits. In accordance with section 1887(a)(2)(C) of the Act, if a hospital is able to demonstrate to the intermediary its inability to recruit or maintain physicians at a compensation level allowable under the RCE limits (as documented, for example, by unsuccessful advertising through national medical or health care publications), then the intermediary may grant an exception to the reasonable compensation limits established under these rules. The procedures for this exceptions process will be included in the implementation instructions.

Comment: Some commenters, including the American Hospital Association, suggested that the RCE limits exception process should be described in more detail, specifically to account for circumstances in which a hospital seeks to retain the services of a preeminent or exceptionally qualified physician.

Response: We do not concur. The RCE limit applies to services furnished by a physician to a hospital, such as, administration, supervision, quality control activities, etc. These services can appropriately be furnished by any physician, to the extent permitted by State licensure. It is not intended for Medicare to address the qualifications of one physician, vis-a-vis another.

F. Initial Implementation of the RCE Limits

These limits will apply to services furnished and portions of cost reporting periods occurring on or after [90 days from the date of publication]. The applicable schedule of annual RCE limits is determined by the beginning date of the provider's cost reporting period. That is, if the provider's cost reporting period begins during calendar year 1982, the 1982 RCE limits apply to all compensation for physicians in that portion of the period occurring on or after the effective date of these regulations. For provider's cost reporting period beginning in calendar year 1983, the 1983 RCE limits will be applied. If a provider has a short cost reporting period, such as frequently occurs due to a change of ownership or operations, the applicable RCE limits are determined by the first day of the cost reporting period, and are adjusted by the ratio of the length of the short period to a standard year.

VIII. Agreements Between Physicians and Providers

A. Noninterference With Contractual Agreements

In the NPRM, we made clear that the policies we were proposing would leave physicians and hospitals free to negotiate the kind of financial agreement, such as salary, fees, or compensation based on a percentage of either gross or net charges, that best suits their circumstances.

These regulations deal only with how Medicare reimbursement should be

computed. They are neutral both as to financial agreements and as to the manner in which medicine is practiced. We believe this implements both the noninterference provisions in section 1801 of the Act, in that the regulations would not interfere with physician and provider decisions to utilize their resources in any manner they choose, and the statutory requirement that Medicare reimbursement be reasonable, and be made in accordance with the statute's classifications and definitions.

Because the noninterference requirements of section 1801 of the Act refer to all Medicare program regulations and policies, we did not believe it was necessary to continue to repeat them in regulatory language, as the existing regulations do at 42 CFR 405.401. This is not a change of policy so much as a result of changes in common rulemaking practices. One of our administrative objectives is to issue regulations that are no longer, more complex, or more discursive than necessary. Therefore, in drafting the regulations text for the NPRM, we omitted that language from § 405.401 that we believed was inessential.

B. Effect of Regulations on Existing Contractual Agreements

Comments: Several commenters inquired whether physicians or entities which lease hospital departments would be permitted a transitional period during which they may terminate or adjust their arrangements.

Response: Generally, these final rules will be effective for services furnished on or after May 31 1983. Section 405.550(e), which requires the overhead incurred by leased departments to be reimbursed on a reasonable cost basis through the provider, contains provisions indicating that it will not be applied until June 30, 1983.

This provides 90 and 120 day delays respectively, during which parties may renegotiate arrangements if they believe it is necessary or appropriate.

However, the Medicare rules do not require that lease arrangements be terminated. They only specify how and to what extent Medicare will make payment. However, some providers that have longstanding arrangements, predating Medicare, under which many of their services are furnished through leased departments, have indicated that they may wish to change this in view of the requirements of these final regulations. Due to the extended tenure of their arrangements, some of these providers have informed us that terminating their existing arrangements will be unusually difficult, and that 120 days does not provide adequate time for the extensive changes required.

We believe it would be unreasonable for us to influence an immediate disruption of these longstanding arrangements. However, we do not want to grant an extended delay of application of these needed requirements to all the providers that have initiated such lease arrangements in recent years. Due to the general growth of third party reimbursement, State rate-setting, and various cost containment measures, many such arrangements have been established to maximize cost reimbursement, or to otherwise seek a reimbursement advantage, rather than due to inherent efficiencies or quality-related consequences of the arrangements. This has greatly contributed to the problems which this provision is intended to address. However, we believe it is clear that, in the case of providers with arrangements established before the inception of the Medicare program, these arrangements were originated with different objectives.

Therefore, § 405.550(e) includes a provision indicating that we will delay for two years, during which time these entities will continue to be reimbursed essentially as before, applying these revised rules to a lease arrangement entered into before July 1, 1966, when Medicare became effective. This should provide adequate time for the parties to the lease to adjust their arrangements in a manner that ensures that delivery of services is not disrupted and that the providers can be adequately reimbursed for services they furnish Medicare patients.

C. Agreements Concerning Physician Billing

(1) *Provider billing for physician services under combined billing.* Combined billing is a special type of billing arrangement that was developed to avoid the need to prepare and process separate bills for physician services furnished in hospital departments, such as radiology departments, in which patients receive large numbers of services, relative to other departments. Under combined billing, the charges for both the physician services and the hospital services furnished in a hospital department are aggregated (i.e., "combined") and billed for by the hospital on its inpatient or outpatient billing forms (the HCFA–1455S and the HCFA–1483, respectively). Payment for both types of services is made by the Medicare intermediary and, at settlement of the hospital's cost report, an adjustment is made to assure that payment for physician services is made from the Part B trust fund, as required by the Medicare law.

Under existing policy, we have permitted combined billing only for hospital inpatient or outpatient services (excluding psychiatric services) furnished by departments in which all physicians are compensated by the hospital on a salary or a single uniform percentage of charges basis. With respect to inpatient services, combined billing has been available only for radiology and pathology services.

In the NPRM we proposed allowing inpatient combined billing to physician specialties other than radiology or pathology (e.g. cardiology) provided the physicians in such departments were compensated on a salary or a single uniform percentage of departmental charge basis and this represented the only method of billing for physicians' services in such departments. We have reconsidered that proposal, as discussed in section VI. E. and are now proposing instead to eliminate combined billing. However, as a result of changes made by section 112 of Pub. L. 97–248, the Medicare program now pays only 80 percent of the reasonable charges for all physicians' services, including radiology and pathology. Therefore, it is necessary in the interim before final rules on combined billing are published for the hospital to identify on the hospital claim form the aggregate charges for physician services. The hospital will be allowed to use the per diem or uniform percentage methods to compute these physician charges.

(2) *Effect of physician billing charges for services to a provider. Comment:* In the preamble to the proposed rules, we stated that if the Medicare beneficiary is inappropriately billed by a physician, a provider or other entity for services that did not meet the conditions for Part B reasonable charge payment (i.e., for provider services), the provider's participation agreement with the Secretary could be terminated in accordance with the regulations at 42 CFR Part 489. Several commenters objected to this, arguing that it is not equitable to expect the providers to "police" the Medicare program.

Response: A provider participating in the Medicare program must have entered into an agreement with the Secretary under section 1866 of the Act. In entering into this agreement, the hospital agrees not to charge any individual for services for which the individual is entitled to have payment made to the provider by Medicare, except for appropriate deductible and copayment amounts. It is the provider's responsibility to assure that its

agreement is not violated. Physicians and other practitioners (e.g., CRNAs) who furnish services in the provider can only do so to the extent permitted by the provider. The agreement under section 1866 of the Act is between the provider and the Secretary; individual practitioners are not a party to the agreement. However, the provider can require adherence to Medicare rules by such individuals as a condition for the right to perform services for the provider, or take other appropriate steps to assure that its agreement with the Secretary is not violated. Particularly in the case of provider-based physicians, the interrelationships between the provider and those physicians are so close, that to conclude that the provider has no responsibility, control, or influence over the activities of those physicians is simplistic.

When services are covered as provider services and reimbursed on a reasonable cost basis, we make payments only to the provider. We wish to ensure that when we make such payments for services that do not meet the conditions for reasonable charge payments, neither the physician nor the provider seeks further payment from either the program or beneficiaries. This particularly applies to physician services that are services to the provider rather than services to individual patients. Therefore, we will treat inappropriate billing of the carrier or the beneficiary, by the physician, the provider, or another entity, as a violation of the provider agreement of the provider in which the services were furnished. In such a case, the provider agreement could be terminated in accordance with the regulations at 42 CFR Part 489.

IX. Anesthesiology Services

A. Personnel Administering Anesthesia

Because of the predominant practice pattern, we use the term "anesthesiologist" in this preamble to denote any physician functioning in the capacity of an anesthesiologist. However, these rules apply to any physician who furnishes, directs, or supervises anesthesia services regardless of that physician's practice specialization or board-certification. This could include not only a doctor of medicine or osteopathy but also a doctor of dental or oral surgery, or a doctor of podiatry, provided that the physician directing or supervising the anesthesia is legally authorized to perform such a function in the particular State.

In many hospitals, actual administration of anesthesia to patients is performed by certified registered nurse anesthetists, (CRNAs), or by anesthesia assistants (AAs) functioning as physician extenders, who work under the direction of an anesthesiologist, or, as noted above, by physicians who do not specialize in anesthesiology. Frequently, the directing physician is the surgeon or oral surgeon who is performing the surgical procedure for which anesthesia is required.

Comment: The American Society of Anesthesiologists (ASA) suggested that we include in the final regulations a definition of "anesthesiologist", and phase the requirements of the regulations, particularly the proposed § 405.552, in terms of an anesthesiologist's, rather than a "physician's", performance of certain functions.

Response: Title XVIII, the Medicare statute, does not restrict coverage of services furnished by a physician (as defined in section 1861(q)) based on that physician's training, medical specialty, or board certification. Generally, States do not so restrict the activities of physicians through their licensure requirements, either. Further, section 1801 of the Act specifically forbids interference in the practice of medicine. In view of these considerations, we do not believe it appropriate to make such a restriction, especially through reimbursement regulations.

Comment: The ASA also asserted that Medicare should not make separate payments for anesthesia services furnished by dentists, oral surgeons, and podiatrists. They suggest that these individuals do not have the academic background, training, and clinical experience to qualify them independently to provide anesthesia for surgical procedures or to supervise nonphysicians in administering such procedures. They also stated that Medicare should, for similar reasons, not pay a separate charge for anesthesia services furnished by a non-physician anesthetist under the direction of the physician performing a surgical procedure.

Response: In accordance with section 1861(r) of the statute, anesthesia services furnished by these individuals are covered Medicare services with respect to functions which they are legally authorized to perform by the State in which the services are furnished. These rules are not intended to restrict or interfere with State licensure requirements regarding the administration of anesthesia.

Comment: The ASA pointed out that the NPRM discussed only the administration of anesthesia. Many anesthesiologists furnish pain management, respiratory care, and other services not discussed in the NPRM. They inquired whether additional criteria would be issued concerning those services.

Response: Those and other physician services not specifically identified in the regulations are not subject to special criteria. To be reimbursable on a reasonable charge basis, however, those services must meet the general criteria at 42 CFR 405.550(b).

Comment: The NPRM spoke in terms of the physician directing the services of CRNAs. However, some commenters pointed out that there are increasing numbers of anesthesia assistants (AAs) who, functioning as physicians' assistants in anesthesiology, administer anesthesia under physician direction. Other commenters also asked how the proposed rules would apply to anesthesia services furnished by a resident (or by CRNAs or AAs in training) under the direction of a physician.

Response: In recognition of these situations, we have revised and clarified the rule to meet these circumstances. We did not intend our proposed rules to suggest that we were attempting to change current medical practice, employment, or education patterns. The individual in the physician's employ could be a CRNA or other qualified individual, consistent with State law and license requirements. The individual employed by a hospital and directed or supervised by a physician could be a CRNA, resident or other qualified individual.

B. Payment for Concurrent Anesthesia Services

By using the services of more than one CRNA or AA, an anesthesiologist may direct or supervise anesthesia administration to two or more patients at the same time. In such cases, a question arises as to whether the level of the physician's involvement in each procedure is sufficient to justify classifying the services as physician services to individual patients and paying for them on a reasonable charge basis. To the extent that an anesthesiologist is performing essentially supervisory duties, rather than furnishing physician services to an individual patient, the services should be reimbursed on a reasonable cost basis.

This raises several controversial issues, which were differently approached, with resulting different suggestions for resolution, by various groups of commenters. As a result of

their suggestions, we reviewed several alternatives to the provisions proposed in the NPRM.

Some commenters requested us to pay CRNAs directly for their services, on a reasonable charge basis. There is no authority in title XVIII to do this and, therefore, it is not an available option.

Other commenters believe that we should pay a supervising physician on a charge basis, regardless of the number of concurrent services performed by nonphysician anesthetists. This essentially reflects the current practice of the carriers. This is also an administratively simple option, but our experience shows that it is subject to abuse, and sometimes results in unreasonably high payment levels. Further, adoption of this option would not be supported by the principles we must implement for distinguishing physician services to individual patients from physician services to providers, and would clearly contradict the policy we are establishing regarding payment for pathology services. Finally, if we determined that we considered anesthesia services furnished by CRNAs, with minimal direct physician input, to be reimbursable on a reasonable charge basis, it would seem logical to extend that principle and reimburse the anesthetists directly.

The necessary rejection of the above two positions led us to carefully examine the middle ground between them. First, it is clear that an anesthesiologist's personal administration of anesthesia is a physician's service reimbursable on a reasonable charge basis, as is administration of anesthesia by a single anesthetist under immediate physician direction. It is also clear that physicians perform many functions related to the care of each individual patient both before and after the administration of anesthesia itself. These pre- and post-anesthetic functions are generally incorporated into the concept of a single service, and are included in a single bill.

We did not believe it would be acceptable to propose to pay physicians for anesthesia services on a charge basis only if the anesthesia were administered by the physician or incident to his or her services. Therefore, in the NPRM we proposed to distinguish, for reimbursement purposes, between "medical direction" and "supervision".

"Supervision" is a general activity, primarily concerned with monitoring performance of the anesthetists, with significantly diminished direct involvement of the anesthesiologist in delivery of services to the patient. "Medical direction" includes substantial direct involvement of the anesthesiologist in each anesthesia procedure.

Under the NPRM provisions, an anesthesiologist's services would meet our definition of "medical direction" and qualify for charge reimbursement if the anesthesiologist:

- Performs a pre-anesthetic examination and evaluation;
- Prescribes the anesthesia plan;
- Personally participates in the most demanding procedures in the anesthesia plan, including induction and emergence;
- Ensures that any procedures in the anesthesia plan that he or she does not perform are performed by a qualified individual;
- Monitors the course of anesthesia administration at frequent intervals;
- Remains physically present and available for immediate diagnosis and treatment of emergencies;
- Provides indicated postanesthesia care; and
- Does not perform any other services personally while he or she is directing those procedures.

The NPRM criteria for "medical direction" also included a provision that, to qualify for reasonable charge reimbursement, a physician must direct no more than two concurrent procedures. This was intended to establish specific criteria for determining that a physician's involvement in each service was adequate to justify treating the services as physician services to individual patients, and thus warrant payment on a reasonable charge basis.

Although the other criteria were generally not criticized by commenters, the provision limiting concurrent services to two was strongly criticized. A few commenters were critical of the entire approach, on various medical or economic bases, but they offered no viable suggestions to otherwise implement the distinction between physician services to providers and patients, while making adequate allowance for current physician distribution and practice patterns. Far more commenters found the general concept acceptable, but suggested increasing the number of allowed concurrent procedures to four or more.

It is clear that when a physician is supervising a large number of services that are actually being furnished by other individuals, that the services should not be considered to be "personally rendered" in accordance with section 1887(a)(1)(A). We must establish some dividing line, such as between "medical direction" and "supervision" in order to implement the statute. We have consulted a number of experts and professionals, and, on the basis of our experience and discussions, we believe there is a consensus among anesthesiologists, including the American Society of Anesthesiologists (ASA), that at some point involvement in concurrent procedures diminishes a physician's involvement to the point that it should not be considered a physician's service to an individual patient.

Many of the anesthesiologists and non-physician anesthetists who commented on the NPRM stated that we should allow more than two concurrent procedures. Most frequently, commenters suggested that we allow four, rather than two. A few commenters suggested larger numbers, some even preferring a variable number, to be adjusted in view of physician competence or patient condition. A variable number was clearly beyond our technical ability to impose or administer, and we early determined allowing more than four concurrent procedures would have severely tested the general consensus.

We reviewed the arguments for allowing either two or four concurrent procedures very carefully. It is clear that on some grounds two is preferable, particularly in consideration of the statutory distinction we are making. However, it has been rightly pointed out to us that larger numbers are common practice, especially in areas underserved by anesthesiologists. Allowing four would be widely acceptable, and would result only in minor changes from current practice. We believe that to routinely allow four concurrent anesthesia procedures to be reimbursed on a reasonable charge basis would not greatly compromise the criteria we are establishing to implement the statutory distinction between a physician's service rendered to a individual patient and a physician's service of general benefit to patients. Therefore, we have decided to revise the requirements proposed in the NPRM, in view of the predominant opinion expressed by commenters.

These final regulations specify that if an anesthesiologist meets the other conditions for charge payment but supervises more than four anesthesia procedures concurrently, the anesthesiologist's services are considered supervisory (as opposed to medical direction) services furnished to the provider in which the procedures are performed. The provider will be paid for the allowable costs of those services on a reasonable cost basis by the intermediary. Reimbursement to the

provider for those services of the anesthesiologist is subject to the RCE limits.

Comment: The ASA pointed out that while limiting the number of concurrent anesthesia procedures a physician may medically direct (and for which he or she may receive reasonable charge payment) may be appropriate in surgical cases, exceptions should be made for medical emergencies and obstetrical patients in labor.

Response: We do not expect that a physician who is directing the administration of anesthesia to four surgical patients would be involved *routinely* in furnishing any additional services to other patients. However, addressing an emergency of short duration in the immediate area, or administering an epidural or caudal anesthetic to ease labor pain, or periodic, rather than continuous monitoring of an obstetrical patient, would not substantially diminish the scope of control exercised by the physician in directing the administration of anesthesia to the surgical patients. However, the carriers will periodically review hospital records to ensure that such circumstances do not occur frequently, are of short duration and do not constitute a diminution of the physician's involvement in the surgical procedure. Any questions regarding diminution of the physician's involvement in surgical care will be resolved by the carrier's medical staff.

Comment: The American Association of Nurse Anesthetists (AANA) was especially concerned that the limitation of concurrent procedures reimbursable on a charge basis not be linked to presumptions about the quality of anesthesia services furnish by non-physician anesthetists under a physician's general supervision.

Response: The distinction we are making is between physician services to providers and individuals, not between good and bad anesthesia services. Anesthesia administered by non-physician anesthetist is a covered service, reimbursable on a reasonable cost basis whenever it is not included in reimbursement for a physician's service on a charge basis. Therefore the criteria for "medical direction" should not be interpreted as standards of practice or standards of quality, but rather as a description of those elements of common medical practice that are expected to be present when a physician has significant involvement with an individual patient.

Comment: The AANA also commented that the proposed rule did not distinguish clearly enough between "medical direction" and "supervision" with respect to anesthesia services. The association pointed out that the only distinction made in the proposed rule between the two sets of circumstances is the number of concurrent procedures.

Response: In the case of more than four concurrent procedures, where the services of the physician are classified as supervision rather than direction, the physician is not required to "personally participate in the most demanding procedures in the anesthesia plan, including induction and emergence" (§ 405.555(a)(1)(iii)). Therefore, § 405.552(b) has been modified to indicate that where the anesthesiologists' services are supervisory (more than four concurrent procedures), subparagraphs (iii) and (vii) of paragraph (a)(1) may be met through subparagraph (iv), i.e., ensuring that a qualified individual performs any procedures in which the physician does not personally participate.

Comment: One commenter pointed out that the NPRM did not discuss payment for personal performance by a physician of a single anesthesia procedure.

Response: We believe that the NPRM was sufficiently clear that such a service would be reimbursable on a reasonable charge basis as a physician's service to an individual patient (47 FR 43588). We were concerned to make provision for circumstances that required special and explicit treatment. The proposed § 405.552(a) was unambiguous in this matter.

Comment: Legislation considered by the Congress in 1979 (S. 505), provided for payment of anesthesia services in a manner similar to the proposed regulations, but Congress did not enact those provisions. Some commenters questioned whether, in view of this congressional decision, HCFA has authority to adopt these provisions, particularly the provision allowing reasonable charge reimbursement only if the anesthesiologist were directing no more than two concurrent anesthesia procedures.

Response: The Secretary has the authority to determine which services are properly covered under Part A and which under Part B of Medicare. This authority is inherent in the authority granted the Secretary to implement the Medicare statute. (See sections 1102 and 1871 of the Act.) In addition, section 1887(a)(1) of the Act, which these regulations implement, requires the Secretary to establish criteria that distinguish physician services to individual patients reimbursable on a reasonable charge basis from physician services to the provider. Furthermore, the legislative history of section 1887 reflects an intention that the Secretary develop specific conditions, appropriate to particular physician specialties, for determining when a physician's involvement in a patient care service is sufficient to justify treating it as a physician's service to an individual patient reimbursable on a reasonable charge basis. (S. Rep. 97-494, page 22.) In addition, the failure of Congress to enact S. 505 does not mean that Congress determined that the Secretary does not have this authority or that Congress opposes this policy. It merely indicates that Congress took no actions to require the Secretary to do what he has discretion to do on his own.

Comment: The ASA suggested that the performance of certain routine tasks not reflected in our proposed criteria, such as receiving patients entering the operating suite for the next surgery, checking on or discharging patients in the recovery room and handling scheduling matters, could be appropriately undertaken by a physician while directing concurrent procedures.

Response: We agree that a physician may appropriately receive patients entering the operating suite for the next surgery while directing concurrent anesthesia procedures. However, checking or discharging patients in the recovery room and handling scheduling matters is not compatible with our reimbursing the physician on a reasonable charge basis for directing concurrent anesthesia procedures. The time devoted to such activities potentially can be extensive and would diminish the degree of involvement in the concurrent care beyond levels acceptable for purposes of reasonable charge reimbursement.

Comment: The ASA pointed out that in some instances one member of a group practice of anesthesiologists may perform a pre-anesthetic examination of patients scheduled for surgery the following day, and another anesthesiologist actually may perform or medically direct the procedures. They asked whether this form of practice would constitute a physician service to a Medicare patient.

Response: Yes, if the anesthesiologists are in group practice. However, a physician member of the group would have to perform all of the component parts of the anesthesia services; they could not be performed, for example, by an anesthesiology resident. Also, the medical record must specifically show that the services were furnished and identify the physician(s) who furnished them.

Comment: Proposed section 405.552 of the NPRM stipulates that the carrier would reimburse a physician for

concurrent anesthesiology procedures furnished to patients in a provider on a reasonable charge basis if certain conditions were met (§§ 405.552 and 405.550(b)). However, if the physician were involved in more than the allowed number of procedures concurrently, it is not clear from either the NPRM preamble or regulations text whether Medicare would recognize for reasonable charge payment *all* of the physician services provided by the anesthesiologist up to and including induction of the patient, or if those services would also be considered "physician services to the provider".

Response: All of the reasonable and necessary services personally furnished by a physician, up to and including induction of the patient, qualify for reasonable charge reimbursement by the carrier. Only those services furnished during the period of time subsequent to induction of the patient (when more than four concurrent procedures are performed) are considered physician services to the provider, payable to the hospital on a reasonable cost basis by the intermediary.

C. Use of CRNAs Employed by Providers

To better separate payment for provider and physicians' services, we will adjust the amount of charge payment for physician services in which a CRNA or AA delivers anesthesia to take into account whether the CRNA or AA is employed by the provider or the physicians. This adjustment is needed to take into account the costs of compensating the CRNAs or AAs that are borne by the hospital. We will continue to pay the physician on the basis of reasonable charges for the professional services furnished to an individual patient, including the concurrent direction of not more than four CRNAs.

Currently, most anesthesiologists base their charges for patient services on a combination of procedure-specific unit values plus units for factors such as time. These units are generally drawn from studies of the relative values of medical and surgical services, by groups such as the Blue Shield Association. Where anesthesiologists base their charges on this method, the Medicare carriers use the same method to determine reasonable charges for anesthesiology services.

Under this method, a physician's charge for a particular service is constructed by:

- Determining the base value units for the specific procedure performed; and
- Adding time units representing the period from the time beginning when the anesthesiologist prepares the patient for induction, and ending when the anesthesiologist is no longer in personal attendance on the patient.

The sum is then multiplied by a conversion factor representing the physician's customary charge for a unit of professional service. The resulting dollar figure is the physician's actual charge for the service. Each time unit generally represents a 15 minute interval per patient. For example, if a physician devotes 90 minutes to a normal patient undergoing a procedure with a base value of 3, the physician's charge would be nine (3 base units+6 time units) times that physician's conversion factor.

Under these regulations, we will allow reasonable charge payment for physician-directed anesthesia services furnished by no more than four provider-employed CRNAs or AAs by calculating the procedure unit values plus no more than one time unit for each half hour, or fraction thereof, devoted to a given procedure. We require the anesthesiologist (or other entity legally entitled to bill for the services) to state on the billing form or on the claim for payment whether the CRNA or AAs was employed by the physician, and whether no more than four concurrent procedures were furnished by CRNAs or AAs under the physician's direction. If the physician (or other billing entity) affirms that both conditions were met, the carrier will pay on a reasonable charge basis for the administration of anesthesia at the usual rate. If the physician did not employ the CRNA or AA, the carrier will pay reasonable charges determined at the adjusted rate. In both cases, the procedure-specific values of the base units will be the same. Only the time-unit component of the charge will be adjusted if the physician did not employ the CRNA or AA. Neither the "shared servant" nor the "borrowed servant" doctrines would affect the use of adjusted reasonable charge standards in these cases. We wish to make clear that we would pay the physician on the basis of one time unit for each 15 minute interval or fraction thereof, only if the CRNA or AA is the actual employee of the physician. If a CRNA is an independent contractor, then he or she would seek payment through the provider, not the physician or the Medicare patient.

Comment: The proposed rules assumed that a CRNA would be employed by either a hospital or a physician. However, many CRNAs are independent contractors who do not have an employment relationship with either a hospital or a physician. How can these CRNAs be reimbursed for their services?

Response: If a CRNA is an independent contractor, the CRNA should charge the hospital for services he or she furnishes to Medicare beneficiaries. The hospital may be reimbursed for these services on a reasonable cost basis. For Medicare reimbursement purposes, the CRNA may not directly bill either the Medicare beneficiary or the beneficiary's carrier.

Comment: Several commenters, including the AANA, suggested that the final regulations provide that an anesthesiologist be permitted to contract with a CRNA, rather than employ one, and be paid an unadjusted reasonable charge for anesthesia services furnished with the CRNA.

Response: We have not accepted this suggestion. Our current policy permits a physician to include in his or her charge a charge for a service furnished by a nonphysician employee. When there is an employer-employee relationship, the employee's services are covered "incident to" the physician's services. The test used is the common law definition of employer-employee relationship. This test is applied to section 1861(s)(1) of the Social Security Act, the "incident to" provision, which permits charges for services of kinds commonly furnished in physicians' offices to be included in physicians' bills. If an anesthesiologist subcontracts with a certified registered nurse anesthetist, who is actually an independent contractor, the relationship would not constitute an employer-employee relationship for purposes of the "incident to" provision. In addition, as explained elsewhere in this preamble, neither the "share servant" nor the "borrowed servant" doctrines apply.

Comment: Some commenters asked whether the final regulations would consider the anesthetist to be an employee of the anesthesiologist for purposes of allowing a larger number of time units where in fact both the anesthetist and the anesthesiologist are employed by a professional corporation.

Response: Yes, if the "professional corporation" consists of a group practice of physicians who are compensated for their services in the provider solely by that corporation. However, if the organization is a "professional service corporation" or other organization established to bill for services of physicians who are compensated by a hospital or other entity such as a medical school, the anesthetists would not be considered to be employees of the physician.

Comment: The ASA points out that, in some States, physicians use 10 or 12 minute time units rather than the 15-minute unit measure mandated for use by the proposed section 42 CFR 405.553(b). They ask whether Medicare carriers in these States will adjust reimbursement accordingly.

Response: Yes, The Medicare carriers will adjust the customary and prevailing charge screens applicable for anesthesia services when they implement this rule. In making this adjustment, the carriers will ensure that in a 1-hour period the value of four 15-minute intervals will not be less than would have been allowed if the hour had consisted of five 12-minute intervals or six 10-minute intervals.

Comment: Some commenters pointed out that some anesthesiologists do not construct their charges by the method described in the NPRM. They asked how these rules would be applied to anesthesiologists who do not presently charge on the basis of base and time units.

Response: Physicians may determine their charges in any way they wish. However, except for those physicians in the State of Texas, it has, generally, been the practice of physicians who furnish anesthesia services to determine their charges using base and time units. These rules establish the method that all Medicare carriers will use to determine reasonable charges for anesthesiologists' services, regardless of how physicians determine their actual charges.

X. Radiology Services

A. Identifying Physician Radiology Services

In the field of radiology, there are particular difficulties in determining which services furnished in a radiology department constitute physician services to individual patients and may be reimbursed on a reasonable charge basis. These difficulties arise in determining whether services "ordinarily require performance by a physician". Many routine radiological services are commonly performed by qualified technical personnel, although they may on some occasions also be performed by a physician.

In the case of radiology services furnished in a physician's private office or another nonprovider setting, this distinction is unimportant for Medicare reimbursement purposes, since all payments are made to the radiologist on a Part B reasonable charge basis, and are calculated in part on the basis of the prevailing charges for similar services of other radiologists in the locality. However, because provider services (in this case, services commonly furnished by nonphysician technical personnel) must be paid for on a reasonable cost basis, identifying physician radiology services is important in the case of radiology services furnished in providers.

Under these regulations, only services that meet our criteria for reasonable charge payment will be classified as physician services and paid for on a reasonable charge basis from the Part B Trust Fund. Activities that ordinarily do not requirement performance by a physician will be classified as provider services and be paid for on a reasonable cost basis.

Comment: Some commenters asked us to give examples of services which do not qualify as physicians' services reimbursable on a reasonable charge basis mainly because they are performed by nonphysicians.

Response: Supervision and administration of a hospital radiology department as well as the technical procedures involved in the taking of an X-ray do not qualify as physician's services reimbursable on a reasonable charge basis. Further examples of such services are: disposing of radiation waste, and radiobioassay and nuclides radiobioassay tests when furnished in a radiology department.

B. Level of Payment for Radiology Services

Under these regulations, a carrier will determine payment for radiology services furnished in a provider using, where feasible, prevailing charge screens that reflect charges for similar services furnished in provider settings. In addition, physicians' charges for each radiology service furnished in a provider will be subject to a special test of reasonableness, expressed as a percentage of the prevailing charge for that service used for the office-based setting. Specifically, the reasonable charge determined for a physician radiology service furnished in a provider may not exceed 40 percent of prevailing charge established for the same procedure furnished in an office setting. We believe that this will assure that the payment level for radiology services furnished in the provider is reasonable and related to the component of charges for services furnished in an office setting that is attributable the physician's own services to individual patients.

Comment: In connection with the 40 percent test for radiology services contained in the proposed section 405.555, what does the term "* * * similar services furnished in a nonprovider setting * * *" refer to?

Response: The carrier will determine which services are subject to the 40 percent test of reasonableness according to its procedure terminology and coding system. Radiology services identified as those generally furnished in physicians' offices and clinics in the area would be subject to the additional test of reasonableness when furnished in a hospital setting.

Comment: Wood, Lucksinger and Epstein, a major law firm involved in representing providers and provider-based physicians, says that hospital radiologists have certain overhead expenses and that the 40 percent test of reasonableness assumes they have none.

Response: The 40 percent test of reasonableness does not reflect an assumption that hospital radiologists bear no overhead. Rather, it reflects differences we estimate exist between overhead in hospital and office practices. The 40 percent allowance includes the usual expenses of direct-billing radiologist, e.g., malpractice insurance, billing and collection services, etc. It does not need to be adjusted further.

Comment: The proposed rule states that the reasonable charge for the physician's inhospital radiology services not exceed 40 percent of the prevailing charge for similar services performed in physicians' offices. Instead of using a fixed percentage rule, couldn't percentages be developed by the carrier for each procedure on an individual locality basis?

Response: When the proposed rule was published in the Federal Register, we specifically requested interested parties to submit data to support other, possibly more refined methods, of determining the inherent reasonableness of charges for inhospital physicians' radiology services. A number of groups and individuals suggested that the 40 percent test was inappropriately restrictive. We also have received the results of a preliminary HCFA study of 15 hospitals in three different regions that indicates that the 40 percent test may be unreasonably liberal. We continue to believe that the data we discussed in the NPRM indicate that the level of this limit is reasonable. However, we also believe we should continue to study the issue to determine whether the level of the test should be changed. If additional statistically valid information is obtained, we may propose further refinements in this test of reasonableness. In this regard, we again invite the public, including professional organizations, to develop data that would be helpful for this

purpose. We wish to emphasize, however, that the purpose of this and the other Part B charge limitations we are imposing is to limit Medicare Part B charge payments to what is reasonable.

Comment: The American College of Radiology (ACR) challenged the 40 percent test of reasonableness because they indicate that total hospital costs are higher than total office costs.

Response: It is not the cost of the radiology services that is at issue; it is the reasonable charge for the interpretation. Even though hospital costs for the technical components of a service may be higher than the costs for similar services furnished in a non-hospital office, Medicare's liability for interpretation should be the same because the service furnished by the physicians in interpreting the result of the test is the same.

Comment: The proposed section 405.555(c) states that special rules for determining reasonable charges for radiology services will apply to services furnished in a "* * * hospital radiology department or any other setting that is part of a provider * * *." What criteria are used to determine if a particular setting is "part of a provider?"

Response: Generally, a department or facility is part of a provider if it:

- Is located in the provider, or is operated under the supervision of the provider or the provider's medical staff; and
- Serves the provider's patients.

The purpose of determining whether the facility or department is part of a provider is to ensure that reimbursement is made from the proper trust funds. If the facility is a department of the provider, the overhead costs and operating expenses may be reimbursed only on a reasonable cost basis to the provider. Only charges for the physicians' services may be billed and reimbursed under Part B.

XI. Pathology Services

A. Differentiating Physician and Provider Services: Anatomical Pathology

The laboratory services received by provider patients can be classified either as anatomical pathology services, or as clinical pathology services. Anatomical pathology generally requires examination of body tissue, fluid or cells by the pathologist (or another physician functioning in the capacity of a pathologist) or other direct participation by the pathologist in the performance of the service. In the NPRM, we described anatomical pathology services as generally falling in three subcategories:

- Histopathology (gross and microscopic examination of organ tissue or bone);
- Cytopathology (examination of fluid or cells, including cytogenetics, but generally excluding hematology); and
- Oral pathology.

Since anatomical pathology services are personally furnished for an individual by a physician, ordinarily require performance by a physician, and contribute to the diagnosis of an individual patient's condition, these services are classified under Medicare as physician services, and are paid for on a reasonable charge basis under Medicare Part B, under both existing regulations and these revised regulations.

Comment: Autopsies are considered anatomic pathology services. Does this mean Medicare will pay under Part B on a reasonable charge basis for these services?

Response: While autopsies may be classified as anatomical pathology services, they are not covered under Medicare as physicians' services to patients, since the beneficiary is deceased. An autopsy does not contribute to the diagnosis or treatment of an individual patient's condition. However, the costs of these services are allowable for purposes of determining reasonable cost reimbursement for provider services.

B. Differentiating Physician and Provider Services: Clinical Laboratory Services

Clinical laboratory services generally include microbiological, serological, chemical, hematological, biophysical, cytological, immunohematological, and pathological examinations performed on material derived from the human body. These services are performed to provide information for the diagnosis, prevention, or treatment of a disease, or for assessment of a medical condition, and are performed both in independent laboratories and in hospital laboratories. Most clinical laboratory services are routinely performed by nonphysicians, such as medical technologists, laboratory technicians or, in the case of some tests, by automated laboratory equipment, and do not require performance by a physician.

In regard to this matter, the American Society of Medical Technology points out in its comments on our proposed rule: "* * * that even the accreditation rules used by the College of American Pathologists (CAP) for its laboratory inspection and accreditation program also clearly permit independent clinical laboratories to be directed by non-physician personnel."

In support, they quote Standard III of CAP's accreditation program, which states in part:

> The director of an independent laboratory shall be a physician with training and experience in pathology, or a clinical scientist with adequate training and experience in clinical laboratory work who meets the requirements of a laboratory director under the Clinical Laboratoy Improvement Act of 1967.

To the extent that clinical laboratory services do not ordinarily require performance by a physician, our existing regulations, at 42 CFR 405.483(a), have prohibited paying for them on a Part B reasonable charge basis. However, those regulations have not been implemented uniformly, and carriers in some areas have improperly paid Part B reasonable charges for clinical pathology services to provider patients. As discussed in section IV. Above, we attempted, through a notice published on March 11, 1980, to establish uniform implementation and preclude payment on a reasonable charge basis for all clinical pathology services furnished in providers to provider patients.

We have reconsidered this position and are now revising our regulations to specify that under certain conditions Medicare will pay Part B reasonable charges for some clinical laboratory services. The rules governing payment for laboratory services apply to all such services furnished in the provider, including, for example, a pulmonary function department. Under these regulations, the carrier will pay for clinical laboratory services on a charge basis only if the services are personally furnished for an individual patient by a physician, ordinarily require performance by a physician, and directly contribute to the diagnosis or treatment of an individual patient.

The regulations list the following as physician laboratory services that we recognize as meeting the above criteria and, therefore, as reimbursable on a reasonable charge basis:

- Anatomical pathology services;
- Services performed by a pathologist in personal administration of test devices, isotopes, or other materials to an individual patient; and
- Consultations that meet certain criteria.

The last two items on this list include those clinical laboratory services that would meet our tests for payment on the basis of reasonable charges.

Comment: The CAP asserts that every clinical pathology procedure for every patient depends on the professional medical services performed by the

pathologist. They claim that these services are "personally rendered" by the pathologist and "contribute to the diagnosis or treatment" of each individual patient for whom a laboratory test is performed. More specifically, they claim that the pathologist establishes ranges of normalcy for each clinical procedure and must be prepared to analyze results and consult with the attending physician. In addition, as a physician, the pathologist evaluates and prescribes procedures and equipment, professionally directs the laboratory and verifies test results.

Response: Section 1887 requires the Secretary to determine in regulations those services of a physician that constitute professional medical services, that are personally rendered for an individual patient by a physician, and that may be reimbursed on a reasonable charge basis under Part B.

The services for which the commenter seeks reasonable charge payment are specific clinical laboratory tests. Each test has a code number for identification, and when the carrier is billed, the test is so identified. The items billed, that is, the coded services, are rarely "personally rendered" by the physician. The tests are run by technologists, often using automated equipment.

The laboratory physician is required to do nothing with regard to a specific test. He does not order the test, perform the test, or interpret the results; he does nothing for the individual patient that he would not have done if that specific patient had not been admitted to the hospital. Direction, administration, quality control activities, setting standards, and similar activities are services furnished by both physician and nonphysician laboratory directors. Such services, in themselves, do not require performance by a physician.

The services that are "personally rendered" by the laboratory physicians are not the individual tests. The personal services include establishing ranges of normalcy, supervising employees, ordering equipment, establishing quality control procedures, and, in some instances, analysis of results and the discussion of procedures and results with patients' attending physicians. These services also are furnished by both physician and nonphysician laboratory directors and do not require performance by a physician in person. Even though a physician may direct the laboratory and furnish the indicated services, it is not necessary for a physician to do so.

Further, these activities are not done for individual patients, but are professional services rendered for the general benefit of patients. These are administration and supervision of the laboratory department. They are done for the general benefit of all patients utilizing the laboratory. Only discussions with attending physicians and analysis of results may present involvement of the laboratory physician in activities for an individual patient sufficient to qualify as physicians' services reimbursable on a reasonable charge basis. These qualify when they are part of necessary medical consultations.

Comment: If a hospital pathologist continued to bill separately for all clinical laboratory services furnished to non-Medicare patients and received reimbursement from the hospital for such services to Medicare patients, would the compensation received from the hospital be considered to be for services to Medicare and non-Medicare patients?

Response: No. If the hospital reimburses a physician solely for services to Medicare patients, the hospital's reasonable cost for these services is totally a Medicare cost.

Comment: Will the final regulations provide for the carriers to grant equity adjustments to customary and prevailing charge profiles for the pathologist's anatomical pathology and consultative pathology services?

Response: Equity adjustments to customary charges for a pathologist's services will be made by carriers on the same basis as adjustments are made for other physicians. Equity adjustments are not made to prevailing charges.

Comment: One commenter informed us of its belief that some hospital laboratory physicians have made efforts to have hospital rules on laboratory services revised to require attending physicians to request a consultation from a laboratory physician on each patient's laboratory services. This is intended to result in those services being reimbursable on a reasonable charge basis.

Response: These rules specify how and to what extent Medicare will pay for laboratory services furnished in provider settings. They are not subject to modifications by hospital or medical staff rules, nor by State or local law or regulation. Such attempts to circumvent these rules may be made, but we do not expect them to be widespread. To be a covered service, a laboratory consultation must be medically necessary. A significant change in practice pattern, or a difference between otherwise comparable hospitals, would be cause for close review.

Comment: The same commenter also reported allegations that some physicians would seek to evade these rules through misrepresentation of their services.

Response: When instances of misrepresentation are reported to us, we will investigate and take appropriate action.

If it later seems that this problematic practice has increased in response to these regulations, we will initiate tighter review procedures.

Comment: Some commenters suggest that we should allow a physician or entity that incurs the cost of operating a laboratory on a hospital's premises to be reimbursed on a reasonable charge basis for all diagnostic laboratory services furnished by that laboratory to hospital patients, as we do an independent laboratory.

Response: An independent laboratory may bill Part B directly for any laboratory services it is certified to perform for Medicare patients. The Medicare regulations in 42 CFR Part 405, Subpart M, specify the conditions for coverage of services of independent laboratories. In particular, the regulations of 42 CFR 405.1310(a)(1) provide that a laboratory that is located in a hospital and serves the hospital's patients is not an independent laboratory. Thus, a laboratory of this type is not an independent laboratory for Medicare purposes merely because a physician (or other entity) assumes all the costs of operating the laboratory, leases only space from the hospital, and also serves community patients. On the contrary, it is considered a hospital laboratory. Since it is a hospital laboratory, the costs incurred to operate it, and to furnish services to hospital patients, are hospital costs and Medicare reimbursement is on a reasonable cost basis notwithstanding the lease arrangement.

Comment: A number of commenters have indicated that we should permit laboratories in hospitals to be certified as independent laboratories. As such, they could bill for all the services they furnish on a charge basis.

Response: We do not concur. The regulations at 42 CFR 405.1310 state, in pertinent part:

(a) *Independent Laboratory.* An independent laboratory performing diagnostic tests means one which is independent both of the attending physician's office and of a hospital which meets at least the requirement specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) Is located in a hospital which meets at least the

requirements specified in 1861(e) of the Act to qualify for emergency hospital services under 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff, and (2) serves the hospital's patients, is not an independent laboratory. (42 CFR 405.1310)

We will ask our carriers and intermediaries to assure that reimbursement is made appropriately for laboratory services furnished in both independent and hospital laboratory settings.

C. Criteria for Identifying Pathology Consultations Reimbursable on a Reasonable Charge Basis

In the NPRM, we described pathology consultations that would be reimbursable on a reasonable charge basis as consultations, including those in connection with clinical pathology services, that—

- Are requested by the patient's attending physician;
- Relate to a test result that lies outside the normal range established by the laboratory;
- Result in a written narrative report; and
- Require the exercise of medical judgment by the pathologist.

Our intent in proposing these criteria was twofold. First, section 1861(q) of the Act explicitly recognizes consultations as physicians' services to individual patients reimbursable on a reasonable charge basis. Therefore, we wish to ensure that consultations are paid for on the appropriate basis from the correct trust fund. Second, although our past practice for reimbursing consultations has presented no problem in regard to most physician specialties, we recognize that our changes in reimbursement policy for physician laboratory services to specifically allow payment on a reasonable charge basis for these consultations raises problems in distinguishing pathology consultations reimbursable on a reasonable charge basis. We must be careful to avoid permitting laboratory reports to be described routinely as "consultations".

Comment: Many pathologists, in commenting, described situations in which a test result had stimulated the pathologist to initiate contact with a patient's attending physician. They asked whether an allowance would be made in the final regulations to recognize as clinical consultations these consultations that are initiated by the pathologist.

Response: No. Laboratory personnel, including the director, are expected from time to time to contact a patient's attending physician to report the result of individual tests or to suggest additional testing. This is a routine activity that is undertaken by both physician and nonphysician laboratory directors. It does not constitute a clinical consultation. However, if, in the course of such a contact, the attending physician requested a consultation from the pathologist, and if that consultation met the other criteria in the regulations and was properly documented, it would be reimbursable on a reasonable charge basis. The requirement that the attending physician initiate the consultation is consistent with our longstanding policy on consultations.

Comment: Many pathologists criticized our proposed provision limiting consultations to situations in which a test result "lies outside the normal range", and suggested that the final rules recognize as "consultations" instances where the test result may be "normal" but the result is inconsistent with other diagnostic tests or the patient's overall clinical evaluation.

Response: We agree with this comment and have revised the final regulations to reflect it. This section now provides that a consultative pathology service must "relate to a test result that lies outside the clinically significant normal or expected range in view of the condition of the patient." This would include clinically significant changes of test results within a normal range.

Accordingly, the patient's attending physician (or a consulting physician who has ordered tests as part of his or her consultation), may request a consultation with the laboratory physician even if an individual test is within normal limits, but is inconsistent with the results of other diagnostic studies or the patient's overall clinical evaluation. The basis for requesting the consultation in any case would be that the attending physician is not able to make or confirm a diagnosis, and needs the assistance of the specialist's medical judgment. In light of this, we expect that claims for Part B reasonable charge payment for consultations will be limited to those occasions that clearly require the exercise of serious medical judgment by pathologist in a particular case. Patient's physicians are responsible for ensuring that all consultations ordered are medically necessary. A consultation would not include those discussions, such as discussions between an attending physician and the laboratory physician regarding additional testing or questions regarding the meaning of specific test. These do not meet our criteria for physicians' services to individual patients, nor have these services traditionally been billed to patients as discrete physicians' services. We believe we are correct in our view that being available for informal discussions of tests is among the responsibilities of the laboratory director in his or her capacity as director, and that such discussions occur whether the laboratory director is a physician or nonphysician.

Comment: Some commenters suggested that, instead of defining clinical consultations for which reasonable charges would be paid, it would be preferable for HCFA to develop a list of those laboratory procedures that could be reimbursed on a reasonable charge basis.

Response: We do not believe that certain clinical laboratory procedures require personal performance by a physician, apart from personal administration of materials to patients. There is no consensus that certain procedures require a physician to run the test. As for interpretation of test results, generally, any clinical laboratory test may be interpreted by a patient's attending physician, if that physician is familiar with it. However, new tests are constantly developed and adopted, and attending physicians may require assistance from the laboratory director to determine the meaning of tests. Instruction concerning tests is a general responsibility of laboratory directors, and occurs whether the director is a physician or a nonphysician.

In addition, we are recognizing reimbursement on a reasonable charge basis for consultations. This will meet the needs of attending physicians for medical assistance in interpreting new or unfamiliar tests, and relating these to the conditions of individual patients. Determinations by carrier medical staff as to the appropriateness of consultations allows consideration of local patterns of practice and test adoption.

Further, there is a lack of consensus even among pathologists, as to whether a given test requires performance by a physician. Even if we agreed that there were certain procedures that require this, it would not be possible to maintain a listing of such tests, due to variations between providers and localities in adopting tests. As a result, any uniform listing would of necessity disregard many local practices. The updating problem would be immense, both in adding new tests promptly, so as to avoid inadvertently failing to cover them appropriately, and in deleting other tests, which due to increased familiarity of attending physicians, or technological improvements in laboratory procedure,

no longer require performance by a physician. We believe that any listing would have to be constructed using the same essential criteria we have included in our regulations. By establishing these regulatory criteria, we are able to avoid the administrative difficulties of developing and updating such a listing.

XII. Implementation and Interaction With Other Regulations

A. Effective Date and Implementation

These final regulations generally will be effective for services physicians furnish in providers on or after May 31, 1983. However, as discussed above, § 405.550(e), affecting agreements under which physicians (or other entities) assume some or all of the operating costs of a provider department, contains provisions indicating that it will not be applied until June 30, 1983, for lease agreements established on or after July 1, 1980, and until March 2, 1985, for agreements established before that date.

B. Interaction With Other Regulations

1. *Hospital Cost Limits and Rate of Increase Targets.* On September 30, 1982, HCFA published two documents implementing section 101 of Pub. L. 97–248. These documents were "Medicare Hospital Reimbursement Reforms: Limitations on Reimbursable Costs and the Rate of Hospital Cost Increases" (47 FR 43282), and "Schedule of Limits on Hospital Inpatient Operating Costs for Cost Reporting Periods Beginning on or after October 1, 1982" (47 FR 43296). These documents implemented controls on both the maximum reimbursable amount for hospital inpatient operating costs, calculated on a per discharge basis, and the amount of annual increase of these same costs that would be recognized for Medicare reimbursement purposes.

Comment: A number of commenters, including several of the major associations such as The American Hospital Association, expressed concern that the additional costs a hospital incurs as a result of Part A reimbursement for services provided to a hospital by pathologists and other physicians could cause the hospital to exceed the cost limits and the rate-of-increase ceiling.

Response: We are aware that this condition may arise to the extent these costs are not included in either the cost data used to establish the cost limits or in the hospital's base year costs used to determine the target amount. However, we believe that section 101 of Pub. L. 97–248, and the current regulations at 42 CFR 405.460 and 42 CFR 405.463 which implement the legislation, address this concern. Specifically, 405.460(h) of the regulations provides that HCFA may adjust the amount of a hospital's inpatient operating costs to take into account factors which could result in a significant distortion in the operating costs of inpatient hospital services. Section 405.463(h) provides for a similar adjustment with respect to the rate-of-increase provision in order to take into account distortions either in a hospital's base period or a period subject to the rate-of-increase limit. While those regulations mainly contemplate situations where hospital actions result in a lowering of costs, the adjustments could be applied in any circumstances where costs are distorted. It should also be noted that a number of exceptions are provided under both the expanded cost limits and the rate-of-increase control provisions.

We believe that the cost limit and target rate of increase regulations permit us to make exceptions or adjustments, as appropriate, to account for any increase in costs that a hospital may incur as a result of the changes mandated by the new regulations on payment of physicians services furnished in institutional providers of services. An adjustment or an exception to account for increased costs would, of course, depend on the extent to which the costs are reasonable, attributable to the circumstances specified, separately identified by the hospital, and verified by the intermediary.

2. *Regulations prohibiting recognition of payments under certain percentage arrangements.* Section 109 of Pub. L. 97–248 added paragraph (b) to section 1887 of the Act, established by section 108 of Pub. L. 97–248. Section 1887 prohibits recognition, except as specified in section 1887(b)(2) of the Act, of certain percentage arrangements for purposes of determining Medicare reimbursement on a reasonable cost basis. This provision could be applied to percentage-based physician compensation (for services to providers that benefit patients generally) if reasonable compensation equivalent limits are not applied to those costs in accordance with section 1887(a)(2)(B). However, since these final regulations do establish RCE limits for such physician services to providers, we will continue to recognize the costs of compensation determined on a percentage basis for such services. The regulations that we are currently developing to implement section 1887 will, therefore, not be applied to reimbursement for physicians' services to providers in these circumstances.

3. *Regulations on Access to Books, Documents, and Records of Sub-contractors.* On December 30, 1982, HCFA published new final rules implementing section 952 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499). The document was "Medicare Program; Access to Books, Documents and Records of Subcontractors" (47 FR 56280). Section 952 amended section 1861(v)(i) of the Act by adding a new paragraph (I). The new provision requires that, in order for the costs of services furnished under a contract between a provider and subcontractor to be included as reasonable costs for Medicare reimbursement purposes, the contract (if its costs or value over a 12-month period is $10,000 or more) must contain a clause allowing the Secretary of the HHS and the Comptroller General to have access, upon request, to the contract, and to the books, documents, and records of the subcontractor that are necessary to verify the costs of services furnished under the contract. Those regulations, however, do not indicate how reasonable costs will be determined by intermediaries. Rather, they describe the criteria and procedures the Department would use to obtain access to affected books, documents, and records.

Our October 1, 1982 NPRM contained a provision stating that where a physician or other entity enters into a lease arrangement with a provider, the intermediary will reimburse the provider, to the extent the provider incurs a cost, on a reasonable cost basis for the costs associated with producing these services, including overhead, supply, and equipment costs, and the costs of employing nonphysician personnel. The physician or other entity will make its books and records available to the provider and the intermediary.

As discussed above, we are retaining this provision in these final regulations because our regulations describe how our contractors will determine proper program payments under lease arrangements and access to the books and records of the leasing entity or the leasing physician is necessary to the determination of reasonable cost.

If we deleted these provisions and instead relied only on the provisions of section 1861(v)(1)(I), our objective would not be achieved.

XIII. Other Required Information

A. Reporting and Recordkeeping Requirements and Burden

1. Section 405.481 of these regulations contains information collection requirements that are subject to OMB review under section 3504(h) of the Paperwork Reduction Act of 1980 (Pub.

L. 96-511). As required by the Act, we sent these sections to OBM for review and comment. We received no OBM comments in the 60 days following publication, and have now submitted a copy of this final rule to OMB for their review of the information collection requirements.

Under § 405.481(g), a provider is required to retain each allocation agreement, and the time records or other documentation on which the agreement was based, for a period of at least four years following the close of the cost reporting period to which the allocation applies. In addition, the provider must report the physician's time allocation data to the intermediary or carrier on an annual basis.

The allocation agreement and reporting required by this section have been approved by OMB, under existing regulations, under approval number 0938-0179. We are developing a new HCFA form to replace the current forms used to collect this data, which are intermediary forms approved under the contractor information collection category. The new HCFA form will also be submitted to OMB for review and approval.

2. In applying for an exception to the RCE limits, a provider must document its problems in recruiting or maintaining physicians, its efforts in recruitment, and the basis for the revised RCE level it is requesting.

3. In submitting a claim for payment, an anesthesiologist (or a physician functioning in the capacity of an anesthesiologist) is required to indicate on the claim form: (i) Whether (and how many) other anesthesia services were furnished at the same time; and (ii) whether the anesthesia service was furnished by a CRNA employed by the physician.

4. Since we are eliminating the HCFA-1554 claim form, the services which would have been claimed on that form have to be claimed on the HCFA-1500 (or under combined billing using either the HCFA-1453 or HCFA-1483, if we do not also eliminate that billing method). Providers and physicians switching from the HCFA-1554 to combined billing will not experience any greater burden; their reporting burden will be reduced. However, the HCFA-1500 does require significantly greater information than the HCFA-1554 in that services furnished must be separately identified, and physicians (and providers who act as billing agents for physicians) may find the use of the HCFA-1500 more burdensome.

5. We are also proposing to eliminate combined billing, using forms HCFA-1453 and HCFA-1483. If we implement this proposal, all the services currently billed on the HCFA-1554 and by combined billing will be billed on the HCFA-1500. Because this form requires more information, and the number of separate billings would be increased substantially, the reporting burden on physicians (and providers who act as billing agents for physicians) would be increased.

B. Other Changes

The following regulations text includes minor changes not discussed in this preamble. These changes are not substantive. They concern mainly titles, coding, and authority citations, and are needed to conform these rules to other amendments of the Medicare regulations in separate Federal Register documents.

C. Impact Analyses

Appendix I, which is printed immediately following the text of the regulations, sets forth our analyses of the projected impact and effect on small businesses of these regulations.

D. Public Comments

We invite comments on new issues raised in this document that were not addressed in the NPRM published September 30, 1982. In particular, we request comments on our proposal to eliminate combined billing, and on the delayed implementation of § 405.550(e), concerning lease arrangements. Because of the large number of comments we receive, we cannot acknowledge or respond to them individually.

These final regulations have already been published as an NPRM, and we have responded to comments received on the proposed rules in this document. Therefore, in preparing forthcoming documents related to these regulations, we do not expect to respond a second time to comments to which we have already appropriately responded in this document. However, we will respond to comments on new issues raised by the preamble of these final regulations in an appropriate future Federal Register publication.

List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

42 CFR Part 405 is amended as set forth below:

1. The title and §§ 405.480 to 405.482 of the table of contents of Subpart D, are revised and §§ 405.483–405.488 are removed as follows:

* * * * *

Subpart D—Principles of Reimbursement for Providers, Outpatient Dialysis, and Services Furnished by Physicians in Institutional Providers

* * * * *

405.480 Payment for services of physicians to providers: General rules.
405.481 Allocation of physician compensation costs.
405.482 Limits on compensation for services of physicians in providers.

2. The authority citation for Subpart D is revised to read as follows:

Authority: Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), 1871, 1881, 1886, and 1887 of the Social Security Act as amended (42 U.S.C. 1302, 1395f(b), 1395g 1395l(e), 1395x(v), 1395hh, 1395rr, 1395ww, and 1395xx).

3. In Subpart D, the title of the subpart and §§ 405.480 through 405.482 are revised, and §§ 405.483 through 405.488 are removed, as follows:

Subpart D—Principles of Reimbursement for Providers, Outpatient Dialysis, and Services Furnished by Physicians in Institutional Providers

* * * * *

§ 405.480 Payment for services of physicians to providers: General rules.

(a) *Allowable Costs.* Except as specified otherwise in §§ 405.486, 405.485, or 405.486, costs a provider incurs for services of physicians are allowable only if the following conditions are met:

(1) The services do not meet the conditions in § 405.556(b) regarding reasonable charge reimbursement for services of physicians to an individual patient of a provider;

(2) The services do not include physician availability services, except for reasonable availability services furnished for emergency rooms;

(3) The provider has incurred a cost for salary or other compensation it furnished the physician for the services; and

(4) The costs incurred by the provider for the services meet the requirements in § 405.451 regarding costs related to patient care.

(b) *Allocation of costs.* In determining its costs of services that meet the conditions for payment in paragraph (a) of this section, the provider must follow the rules in § 405.481 regarding allocation of physician compensation costs.

(c) *Limits on allowable costs.* In determining its payments to a provider for the costs of services that meet the conditions for payment in paragraph (a) of this section, the intermediary must apply the limits on compensation set forth in § 405.482.

§ 405.481 Allocation of physician compensation costs.

(a) *Definition.* For purposes of this subpart, "physician compensation costs" means monetary payments, fringe benefits, deferred compensation and any other items of value (excluding office space or billing and collection services), a provider or other organization furnishes a physician in return for the physician's services. Other organizations are entities related to the provider within the meaning of 42 CFR 405.427, or entities that furnish services for the provider "under arrangements" within the meaning of the Act.

(b) *General rule on allocation of physician compensation costs.* Except as provided in paragraph (d) of this section, each provider that incurs physician compensation costs must allocate those costs, in proportion to the percentage of total time that is spent in furnishing each category of services, between:

(1) Physician services to the provider (as described in § 405.480);

(2) Physician services to patients (as described in § 405.550); and

(3) Activities of the physician, such as funded research, that are not reimbursable under either Part A or Part B of Medicare.

(c) *Allowable physician compensation costs.* Only costs allocated to reimbursable physician services to the provider (as described in § 405.480) are allowable costs to the provider under this subpart.

(d) *Allocation of all compensation to services to the provider.* Generally, the total physician compensation received by a physician will be allocated among all services furnished by the physician, unless:

(1) The provider certifies that the compensation is attributable solely to the physician's services to the provider; and

(2) The physician bills all of his or her patients for the physician services he or she furnishes to those patients and personally receives the payment from such billings. If returned directly or indirectly to the provider or an organization related to the provider within the meaning of § 405.427, these payments are not compensation for physician services to the provider.

(e) *Assumed allocation of all compensation to patient services.* If the provider and physician agree to accept the assumed allocation of all the physician's services to direct services to individual patients as described under § 405.550(b), a written allocation agreement is not required.

(f) *Determination and payment of allowable physician compensation costs.* (1) Except as provided under paragraph (e) of this section, the intermediary will reimburse the provider for these costs only if:

(i) The provider submits to the intermediary a written allocation agreement between the provider and the physician that specifies the respective amounts of time the physician spends in furnishing physician services to the provider, physician services to patients, and services that are not reimbursable under either Part A or Part B of Medicare; and

(iii) The compensation is reasonable in terms of the time devoted to these services.

(2) In the absence of a written allocation agreement, the intermediary will assume, for purposes of determining reasonable costs of the provider, that 100 percent of the physician's compensation cost is allocated to services to patients as specified in paragraph (b)(2) of this section.

(g) *Recordkeeping requirements.* Except for services furnished in accordance with the assumed allocation under paragraph (e) of this section, each provider that claims payment for services of physicians under this subpart must:

(1) Maintain the time records or other information it used to allocate physician compensation in a form that permits the information to be validated by the intermediary or the carrier;

(2) Report the information on which the physician compensation allocation is based to the intermediary or the carrier on an annual basis, and promptly notify the intermediary or carrier of any revisions to the compensation allocation; and

(3) Retain each physician compensation allocation, and the information on which it is based, for at least four years after the end of each cost reporting period to which the allocation applies.

§ 405.482 Limits on compensation for services of physicians in providers.

(a) *Compensation to be limited.* HCFA will establish limits on the amount of compensation paid to physicians by providers that will be recognized as reasonable in determining the amount of reimbursement for physician services to providers, as described in § 405.480(a). Compensation that a physician receives for activities that may not be paid for under either Part A or Part B of Medicare will not be considered in applying these limits.

(b) *Methodology for establishing limits.* HCFA will establish a methodology for determining reasonable annual compensation equivalents, considering average physician incomes by specialty and type of location, to the extent possible using the best available data.

(c) *Application of limits.* If the level of compensation exceeds the limits established under paragraph (b) of this section, Medicare payment will be based on the level established by the limits.

(d) *Adjustment to the limits.* The intermediary may adjust limits established under paragraph (b) of this section to account for costs incurred by the physician or the provider related to malpractice insurance, professional memberships, and continuing medical education.

(1) For the costs of membership in professional societies and continuing medical education, the intermediary may adjust the limit by the lesser of:

(i) The actual cost incurred by the provider or the physician for these activities; or

(ii) 5 percent of the appropriate limit.

(2) For the cost of malpractice expenses incurred by either the provider or the physician, the intermediary may adjust the reasonable compensation limit by the cost of the malpractice insurance expense related to the physician's service to provider patients.

(e) *Exception to limits.* An intermediary may grant a provider an exception to the limits established under paragraph (b) of this section only if the provider can demonstrate to the intermediary that it is unable to recruit or maintain an adequate number of physicians at a compensation level within those limits.

(f) *Notification of changes in methodologies and payment limits.* (1) Before the start of a cost reporting period to which limits established under this section will be applied, HCFA will publish a notice in the **Federal Register** that sets forth the amount of the limits

and explains how the limits were calculated.

(2) If HCFA proposes to revise the methodology by which payment limits under this section are established, HCFA will publish a notice, with opportunity for public comment, to that effect in the **Federal Register**. The notice would explain the proposed basis for setting limits, specify the limits that would result, and state the date of implementation of the limits.

(3) Revised limits updated by applying the most recent economic index data without revision of the limit methodology will be published in a notice in the **Federal Register** without prior publication of a proposal or public comment period.

§§ 405.483–405.488 [Removed]

4. The table of contents of Subpart E is amended by adding new §§ 405.550–405.557, and a center heading immediately preceding them, as follows:

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervisory Physicians

* * * * *

Services of Physicians in Providers

Sec.

405.550 Conditions for payment of charges for physician services to patients in providers: General provisions.
405.551 Reasonable charges for physician services in providers: General provisions.
405.552 Conditions for payment of charges: Concurrent anesthesiology services.
405.553 Reasonable charges for anesthesiology services.
405.554 Conditions for payment of charges: Radiology services.
405.555 Reasonable charges for radiology services.
405.556 Conditions for payment of charges: Physician laboratory services.
405.557 Reasonable charges for physician laboratory services.

* * * * *

5. The authority citation for subpart E is revised to read as follows:

Authority: Secs. 1102, 1832, 1833(a), 1842(b), 1861(b), 1861(v), 1871, 1881, and 1887 of the Social Security Act, as amended (42 U.S.C. 1302, 1395k, 1395l(a), 1395u(b), 1395x(b), 1395x(v), 1395hh, 1395rr and 1395xx).

6. In Subpart E, §§ 405.550 through 405.557, and a center heading immediately preceding them, are added to read as follows:

* * * * *

Services of Physicians in Providers

405.550 Conditions for payment of charges for physician services to patients in providers: General provisions.

(a) *Scope.* This section implements section 1887(a)(1) of the Act by providing general conditions that must be met in order for services furnished by physicians in providers to be paid for on the basis of reasonable charges under this subpart. Section 405.551 sets forth general requirements for determining the amounts of payment for services that meet the conditions of this section. Sections 405.552 through 405.557 set forth additional conditions for payment and rules for determining reasonable charges for physician services in the specialities of anesthesiology, radiology, and pathology (laboratory services).

(b) *Conditions for payment for services of physicians to provider patients.* The carrier will pay for services of physicians to patients of providers on a reasonable charge basis only if the following requirements are met:

(1) The services are personally furnished for an individual patient by a physician;

(2) The services contribute directly to the diagnosis or treatment of an individual patient;

(3) The services ordinarily require performance by a physician; and

(4) In the case of anesthesiology, radiology, or laboratory services, the additional requirements in §§ 405.552, 405.554, or 405.556 must be met.

(c) *Services of physicians to providers.* If a physician furnishes services in a provider that do not meet the requirements in paragraph (b) of this section but are related to the provision of patient care by the provider, the intermediary will pay for those services, if otherwise covered, under the rules in §§ 405.480 and 405.481 on reasonable cost payment for physician services to providers.

(d) *Effect of billing charges for physician services to a provider* (1) If services performed by a physician may be paid for under the reasonable cost rules in §§ 405.480 and 405–481, neither the provider nor physician may seek charge payment for the carrier, beneficiary, or another insurer.

(2) The carrier will not pay on a reasonable charge basis for services furnished by a physician to an individual patient that do not meet the conditions in §§ 405.552, 405.554, and 405.556.

(3) If the physician, the provider, or another entity bills the carrier or the beneficiary for physician services to the provider, as described in section § 405.480(a), the provider in which and to which the services were furnished may be considered to have violated its provider participation agreement, and that agreement may be terminated. See Part 489 of this chapter for rules governing provider agreements.

(e) *Effect of physician's assumption of operating costs.* (1) *Rules on payment.* If a physician or other entity enters into an agreement (such as a lease or concession) with a provider, under which the physician (or entity) assumes some or all of the operating costs of the provider department in which the physician furnishes physician services in the provider, the following rules apply:

(i) The carrier will make reasonable charge payments only for a physician's services to an individual patient.

(ii) The intermediary will reimburse the provider, to the extent the provider incurs a cost, on a reasonable cost basis for the costs associated with producing these services, including overhead, supply, and equipment costs, and the costs of employing nonphysician personnel.

(iii) The physician (or other entity) must make its books and records available to the provider and the intermediary as necessary to verify the nature and extent of the costs of the services furnished by the physician (or other entity).

(2) *Date of application.* (i) For services furnished under agreements entered into before July 1, 1966, the rules in paragraph (e)(1) of this section are applicable March 2, 1985.

(ii) For services furnished under agreements entered into on or after July 1, 1966, the rules in paragraph (e)(1) of this section are applicable June 30, 1983.

§ 405.551 Reasonable charges for physician services in providers: General provisions.

(a) *Scope.* The carrier determines reasonable charges for physican services to patients in providers in accordance with the general rules governing reasonable charge payment in §§ 405.501 through 405.508, except as provided in the following paragraphs of this sections.

(b) *Application in certain settings.* (1) *Teaching hospitals.* In determining the amount of payment for physician services to individual patients in a teaching hospital, the carrier applies the rules in § 405.521 in addition to those in this section.

(2) *Hospital-based ESRD facilities.* In determining the amount of payment for physician services to individual patients furnished in a hospital-based end-stage

renal disease (ESRD) facility certified under Subpart U of this Part, the carrier will apply the rules in § 405.542 instead of those in this section.

(c) *Customary and prevailing charges for physician services in provider settings.* (1) The carrier will calculate customary and prevailing charges for physician services furnished to individual patients in providers, in accordance with the general rules in §§ 405.501 through 405.508, separating, when appropriate, charges for physician services furnished in provider-based practices and physician services furnished in office-based practices.

(2) The carrier will apply the appropriate prevailing charge screens in determining reasonable charges for physician services, considering the setting.

(d) *Compensation-related charges.* In developing customary charges for physician services furnished in providers by physicians compensated by the provider or a related organization for those services, the carrier will establish a schedule of charges related to that part of the physician's compensation that is allocated to physician services to individual patients under § 405.481. (In a teaching hospital, compensation-related charges may be based on payments made, to the physician for services furnished to patients in the hospital, by a political subdivision, university, or medical school, irrespectively of whether it is a related organization.) The carrier generally will use the compensation paid to the physician during the hospital's most recently ended cost reporting period for this purpose. If this information is unavailable from the intermediary, the intermediary will make a reasonable estimate of a fair compensation amount based on what is paid for similar services in another hospital.

(2) The carrier develops compensation-related charges on an item-by-item basis, considering the frequency with which the various services are furnished, and the relative values assigned to each service in a relative value study.

(3) The intermediary may pay the provider, for physicians' services to an individual patient, on the basis of a single per diem, per visit, or other time-related rate, if the provider, or the particular department in which the services are furnished, has a uniform all-inclusive rate for services to patients.

(e) *Change of agreements.* If a physician who has been compensated by or through a provider (or other entity) for physician services to individual patients ends his or her compensation agreement and instead bills all patients, or their insurers, directly for his or her services, the carrier will determine the physician's customary charges on the basis of the former compensation agreement until the carrier has accumulated charge data from at least 3 months of the calendar year preceding the annual reasonable charge update. However, if a physician terminates a direct billing arrangement and enters into a compensation agreement with a provider, the carrier will determine compensation-related customary charges in accordance with paragraph (d) of this section except that during the first year, the total payments made on the basis of the compensation-related charges may not exceed what total payment would have been under the physician's former direct billing practice.

(f) *Rules for certain specialties.* In determining the amount of payment for anesthesiology or radiology services furnished by a physician to an individual patient, the carrier will apply the rules in this section and in §§ 405.553 and 405.555 in addition to the general rules governing reasonable charges at §§ 405.501 through 405.508.

§ 405.552 Conditions for payment of charges: Concurrent anesthesiology services.

(a) *Direction of concurrent procedures.* The carrier will reimburse a physician for concurrent anesthesiology services furnished to patients in a provider on a reasonable charge basis only if the services meet the conditions for reasonable charge payment in § 405.550(b) and the following additional conditions are met:

(1) For each patient, the physician—

(i) Performs a pre-anesthetic examination and evaluation;

(ii) Prescribes the anesthesia plan;

(iii) Personally participates in the most demanding procedures in the anesthesia plan, including induction and emergence;

(iv) Ensures that any procedures in the anesthesia plan that he or she does not perform are performed by a qualified individual;

(v) Monitors the course of anesthesia administration at frequent intervals;

(vi) Remains physically present and available for immediate diagnosis and treatment of emergencies; and

(vii) Provides indicated postanesthesia care.

(2) The physician directs no more than four anesthesia procedures concurrently, and does not perform any other services while he or she is directing the concurrent procedures.

(b) *Supervision of more than four procedures concurrently.*—If the physician is involved in furnishing more than four procedures concurrently, or is performing other services while directing the concurrent procedures, the concurrent anesthesia services are physician services to the provider in which the procedures are performed. In such cases, the physician is not required to meet the criteria of paragraphs (a)(1)(iii) and (vii) of this section personally, but must ensure that a qualified individual performs any procedure in which the physician does not personally participate. In these cases, the intermediary will pay for the services under the rules in §§ 405.480 and 405.481 on reasonable cost payment for physician services to providers.

§ 405.553 Reasonable charges for anesthesiology services.

(a) *General rule.*—In determining reasonable charge payment for anesthesiology services that meet the conditions in § 405.552(a), the carrier will follow the rules in paragraph (b) or (c) of this section.

(b) *Anesthetist employed by anesthesiologist.*—(1) If the anesthetist who administers anesthesia under the direction of the anesthesiologist is employed by the anesthesiologist, the carrier will determine the amount of payment for the services under the reasonable charge rules for physician services in providers in § 405.551 and the general reasonable charge rules in §§ 405.501 through 405.508.

(2) In determining reasonable charges for these anesthesia services, the carrier will allow for no more than one time unit for each 15 minute interval, or fraction thereof, beginning from the time the anesthetist begins to prepare the patient for induction of anesthesia, and ending when the patient may be safely placed under post-operative supervision and the anesthetist is no longer in personal attendance.

(3) If a physician constructs his or her charges using time units of other than 15 minutes, the carrier will adjust the customary and prevailing charge screens to ensure that in a one-hour period the value of four 15-minute intervals will not be less than would have been allowed if the entire hour had consisted of intervals of another length, such as five 12-minute intervals or six 10-minute intervals.

(c) *Anesthetist not employed by anesthesiologist.*—If the anesthetist who administers anesthesia under the direction of the anesthesiologist is not employed by the anesthesiologist, the carrier will determine reasonable

charges for the services by allowing no more than one time unit for each 30 minute interval, or fraction thereof, beginning from the time the anesthetist begins to prepare the patient for induction of anesthesia, and ending when the patient may be safely placed under post-operative supervision and the anesthetist is no longer in personal attendance.

§ 405.554 Conditions for payment of charges: Radiology services.

(a) *Services to patients.*—The carrier will reimburse radiology services furnished by a physician to an individual patient on a reasonable charge basis only if the services meet the conditions for reasonable charge payment in § 405.550(b) and are identifiable, direct, and discrete diagnostic or therapeutic services to an individual patient, such as interpretation of X-ray plates, angiograms, myelograms, pyelograms, or ultrasound procedures.

(b) *Services to providers.*—The carrier will not pay on a reasonable charge basis for physician services to the provider (for example, administrative or supervisory services) or for provider services needed to produce the X-ray films or other items that are interpreted by the radiologist. However, allowable costs for such services will be paid to the provider by the intermediary. (See § 405.480 for provider costs, and § 405.551(e)(2) for costs borne by a physician, such as under a lease or concession agreement.)

§ 405.555 Reasonable charges for radiology services.

(a) *General rule.*—In determining payment for radiology services that meet the conditions for payment of charges in § 405.554, the carrier will follow the rules in paragraph (b) or (c) of this section.

(b) *Services not furnished in providers.*—If the services are furnished in a radiologist's office, a freestanding radiology clinic, or any other setting that is not part of a provider, the carrier will determine the amount of payment for the services under the general reasonable charge rules in §§ 405.501 through 405.508.

(c) *Services furnished in providers.*—If the services are furnished in a hospital radiology department or any other setting that is part of a provider, the following rules apply:

(1) The carrier will determine the amount of payment under the reasonable charge rules for physician services in providers in § 405.551 and the general reasonable charge rules in §§ 405.501 through 405.508.

(2) The carrier may not reimburse a physician for a radiology service furnished in a provider an amount that exceeds 40 percent of the prevailing charge for a similar service furnished in a nonprovider setting.

§ 405.556 Conditions for payment of charges: Physician laboratory services.

(a) *Physician laboratory services.*—The carrier will reimburse laboratory services furnished by a physician to an individual inpatient on a reasonable charge basis only if the services meet the conditions for reasonable charge payment in § 405.550(b) and are—

(1) Anatomical pathology services;

(2) Consultative pathology services that meet the requirements in paragraph (b) of this section; or

(3) Services performed by a physician in personal administration of test devices, isotopes, or other materials to an individual patient.

(b) *Consultative pathology services.* For purposes of this section, consultative pathology services must—

(1) Be requested by the patient's attending physician;

(2) Relate to a test result that lies outside the clinically significant normal or expected range in view of the condition of the patient;

(3) Result in a written narrative report included in the patient's medical record; and

(4) Require the exercise of medical judgment by the consultant physician.

§ 405.557 Reasonable charges for physician laboratory services.

The carrier will reimburse a physician for laboratory services that meet the conditions for reasonable charge payment in § 405.556(a) under the reasonable charge rules for physician services in providers in § 405.551 and the general reasonable charges rules in §§ 405.501 through 405.508.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance Program; No. 13.774, Medicare-Supplementary Medical Insurance Program)

Dated: January 19, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: February 1, 1983.

Richard S. Schweiker,

Secretary.

[Editorial Note.—Appendices I and II will not appear in the Code of Federal Regulations.]

Appendix I.—Regulatory Impact Analysis and Regulatory Flexibility Analysis

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I. Introduction/Summary

The following analysis examines the expected effect of these rules. It considers the reductions in projected program expenditures, the benefits and costs experienced by affected parties, and the impact on small entities. In addition, we describe several possible alternative means of accomplishing the objectives of the proposal. This analysis should be read in conjunction with the preamble to these rules.

We believe that physicians furnishing radiology, anesthesiology, and pathology services will be the most heavily affected by the implementation of these regulations. However, Medicare hospitals, skilled nursing facilities,

comprehensive outpatient rehabilitation facilities, and physicians (including those in specialties other than radiology, anesthesiology, and pathology) who provide professional services to those providers will also be affected, although not significantly.

The aggregate projected effects on Medicare expenditures of the provisions discussed in this analysis are as follows:

PATHOLOGY, RADIOLOGY, AND ANESTHESIOLOGY SERVICES PROJECTED CHANGE IN EXPENDITURES

[In millions]

Fiscal year	Part A	Part B	Net savings
1983	$16	−$45	−$61
1984	60	−179	−119
1985	69	−184	−115
1986	74	−182	−108
1987	87	−260	−116
1988	100	−285	−135

This regulatory impact analysis differs somewhat from the analysis that accompanied the proposed regulations. Some of these differences resulted from the elimination of the proposed RCE limits on physician services to individual patients, the increase from two to four in the number of concurrent procedures an anesthesiologist may supervise and still receive reasonable charge reimbursement, and the inclusion of the effects of the proposed elimination of combined billing. In addition, we revised our cost estimates to reflect a different projected effective date of May 1, 1983, revised economic assumptions (e.g., expected inflation in Medical care costs), and more recent program data. Because of these changes, it is not meaningful to compare these estimates with previously published estimates.

We also have included responses to selected comments on the initial analysis.

We wish to note that while the provisions of these regulations that deal with services under lease agreements have delayed effective dates, we expect only a relatively small number of providers and physicians to be affected by these provisions. To simplify the preparation of these estimates, we assumed a single effective date for all provisions. Because of the limited impact of the provisions with delayed effective dates, we do not believe this assumption will significantly affect the accuracy of the estimates.

We also wish to note that the effective date of most provisions will be 90 days after publication. However, the actual publication date could not be known at the time that this analysis was prepared. Therefore, we assumed that the regulations would be published by February 1, 1983, and would be effective by May 1, 1983. However, a difference of several days between the projected and actual effective dates will not have a significant effect on our estimates.

In addition to the projected reductions in program expenditures, we expect that in the long term these regulations may result in minimal reductions in claims processing costs resulting from a net reduction in claims volume. However, in the short term we expect these savings to be more than offset by increased costs associated with the implementation of these regulations. These costs include the costs of modifying carrier claims processing systems and of processing erroneously submitted claims, and higher average claims processing costs. To the extent that these regulations do not result in the elimination or decreased use of combined billing, additional claims processing volume reductions would be realized and claims processing cost savings would be increased.

Because we cannot accurately quantify all of these factors, we cannot estimate the savings in administrative costs. (We provided estimates of administrative savings in the initial regulatory impact analysis, but because they did not include all of these factors, they did not actually reflect the impact of these final regulations.)

Our analysis projects that the benefits of these regulations will exceed their costs. Further, with the exception of pathologists, our analysis indicates that the projected effect of these regulations on physicians and institutional providers is not significant, considering the size of revenue reductions relative to their total revenues.

II. Purpose of Analysis

A. Executive Order 12291

Executive order 12291 requires that a regulatory impact analysis be performed on any major rule. A "major rule" is defined as one which would:

- Result in annual effect on the national economy of $100 million or more;
- Result in a major increase in costs or prices for consumers, any industries, any governmental agencies, or any geographic regions; or
- Have significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act requires that a regulatory flexibility analysis be prepared unless the regulation would not have a significant impact on a substantial number of small entities. For purposes of the Regulatory Flexibility Act, small entities are:

- Small businesses, defined as small business concerns under the Small Business Act;
- Small organizations, defined as not-for-profit enterprises which are independently owned and operated and not dominant in their field; or,
- Small governmental jurisdictions, defined as jurisdictions of less than fifty thousand population.

C. Discussion

These regulations will affect program expenditures for certain physicians' services. We estimate expenditures for those services furnished will be nearly $1.3 billion and nearly $1.5 billion in fiscal year 1983 in fiscal year 1984, excluding the effect of these regulations. Our projections show that implementation of these provisions will reduce expenditures by $119 million in fiscal year 1984 and could produce annual program savings of $135 million by fiscal year 1988. We believe these regulations will have effects in fiscal year 1984 that will meet the criteria for determining that a regulatory impact analysis is required. Further, the significant impact these regulations are expected to have on pathologists indicate that a regulatory flexibility analysis is also required. Therefore, to meet the requirement of E.O. 12291 and the Regulatory Flexibility Act, we prepared this analysis.

III. Nature of Problem

Studies have shown that some physicians who provide services to hospitals or hospital patients receive very high compensation relative to the value of the services provided or the income received by other physicians.

For example, a September 24, 1980 report by the Office of the Inspector General (Audit Control No. 06-02001) states that:

- Average fiscal year 1978 compensation per full-time equivalent radiologist in one Louisiana hospital reached $306,802.
- Average cost of compensation to pathologists in audited hospitals per patient day in fiscal year 1978 ranged from $2.72 to $13.15.
- At some hospitals, over a two-year period, compensation to pathologists increased by 102 percent.

compensation to radiologists 74 percent and compensation to anesthesiologists by 111 percent.

The report concluded that: "There were extreme variations in the amounts of compensation paid hospital-based specialists at hospitals of similar size, type, and location. While some of these variations may be explained by differences in the scope of services rendered and the intensity of care, our analysis showed that most of the variations are the result of the widely differing compensation agreements."

In a HCFA working paper, "A Methodology for Determination of Reasonable FTE Compensation for Hospital-Based Physicians" (#OR–32; revised December 1982) Cantwell and Sobaski projected annual compensation in calendar 1983 for physicians in metropolitan areas over 1,000,000 population, based on American Medical Association data. (See Table I in the preamble of these regulations.) The mean projected compensation for all physicians was $97,100. However, anesthesiologists' mean compensation was $169,700; pathologists' mean compensation was $118,200; and radiologists' mean compensation was $123,400. The only other specialties with mean compensation higher than the mean for all physicians were surgery at $113,900 and ob-gyn at $107,600.

We believe that there are several factors which account for the relatively high compensation of physicians who provide services to hospitals and hospital patients:

(1) There are barriers to competition. Hospitals that compensate physicians have had insufficient incentive to constrain the costs of this compensation, since retrospective cost reimbursement covers the portions of those costs attributable to services furnished to Medicare beneficiaries. Further, patients frequently are not aware of the degree of personal involvement in the provision of services for which they have been charged.

(2) Some of these physicians charge amounts for their services that, while apparently competitive with the charges of other physicians for similar services furnished in offices, are unreasonable considering the lower costs experienced by physicians practicing in hospitals. Physicians whose practices are based in hospitals either may bill for their services on a fee-for-service basis, or may seek compensation through the hospital under salary and percentage compensation arrangements. Regardless of the method of billing or compensation, hospitals often pay much of the overhead and equipment costs associated with the services of physicians providing services in hospitals. Many of these physicians charge fees lower than those of physicians providing services in offices, whose revenue from charges must cover overhead and equipment costs. However, not all of the savings associated with lower overhead are passed along to the consumer. Thus, fee-for-service billing by physicians who do not fully reflect their reduced overhead costs in their charges increases the amounts consumers (including the Medicare program and Medicare beneficiaries, to the extent they are responsible for coinsurance amounts and reasonable charge reductions) must pay for the services of these physicians.

(3) Physicians providing services in hospitals provide services to hospitals as well as to patients, such as administrative and quality control activities. Other examples of such services would include pathologists who supervise the performance of routine laboratory tests and anesthesiologists who supervise the administration of anesthesia by certified registered nurse anesthetists. This contributes to two problems. First, under Medicare, physicians' services to individual patients must be paid for on the basis of reasonable charges, while physicians' services to hospitals must be paid for on a reasonable cost basis. Therefore, even when a hospital and physician view the physician's compensation as a whole, for purposes of Medicare reimbursement, we need to have an adequate mechanism for allocating this compensation to different types of services. Second, our experience shows that there have been many instances in which services furnished by hospital personnel have been billed for as physicians' services, as if a supervising physician had furnished the services personally. As a result, we sometimes pay for these services twice: Once to the hospital for the costs of the technical personnel and other inputs involved in producing the services, and a second time to the supervising physician.

(4) Because physicians compensated by hospitals may use three different billing methods, it is administratively difficult to determine their prevailing charges, and to determine whether charges are reasonable.

IV. Regulations

These regulations deal with the problem of compensation to physicians providing services in hospitals by making some fundamental changes in reimbursement for their services. (These regulations also apply to services provided by physicians in skilled nursing facilities and comprehensive rehabilitation outpatient facilities. Although this ensures consistency in reimbursement principles for all types of institutional providers, we are not aware at this time of problems in physician compensation practices in skilled nursing facilities or comprehensive outpatient rehabilitation facilities. Further, our data primarily reflects physician services furnished in hospitals. Therefore, we are limiting our analysis to physicians providing services in hospitals.)

These regulations will:

- Establish prospective reasonable compensation equivalent (PCE) limits, adjusted by specialty and location, on the amount of physician compensation we consider reasonable in determining Medicare payments for physician services to providers. (We will allow exceptions to the compensation limits for providers unable to recruit physicians at a cost below the established limit levels.)
- Establish specific conditions for services performed by physicians to be considered services to individual patients (as opposed to services to hospitals), which may be paid on a charge basis, as well as rules for determining the amounts of reasonable charge payments for certain specialized medical services, as follows:

—Radiology services—apply a special test of reasonableness to physicians' charges to account for the differences between services furnished in offices, where the physician incurs overhead costs, and services furnished in a provider, where the provider bears much of those costs.

—Anesthesiology services—allow reasonable charge payment for a physician's services only when the physician directs no more than four concurrent anesthesia procedures; adjust reasonable charges when services are furnished by a nurse anesthetist employed by the provider.

—Pathology services—specify those pathology services that are considered to meet the conditions for reasonable charge payment as "physicians' services", excluding clinical laboratory services that do not require performance by a physician in person.

—Other services—provide that when physician services are furnished through a leased department, only "physicians' services" may be paid for on a reasonable charge basis, and that the costs of the nonphysician inputs must be paid through the provider on a reasonable cost basis.

- Eliminate a billing form (HCFA–1554), used by providers to bill for

physicians' services, and propose to eliminate combined billing, which has permitted providers to include charges for certain physicians' services to individual patients on billing forms HCFA–1453 and HCFA–1483. These billing methods do not permit our carriers and intermediaries to make the comparisons necessary to determine reasonable charges. (Although combined billing has not yet been eliminated, since this is only proposed in the preamble to these regulations, our cost estimates are based on the assumption that we will proceed to eliminate combined billing effective with the implementation of the other provisions of these regulations.)

V. Benefits and Costs of Provisions Affecting Pathology Services

A. Introduction

Some pathologists are now paid a salary or other aggregate compensation by hospitals. This salary or aggregate compensation may include payment for services to individual patients and for services benefiting the hospital. With the physician's authorization, the hospital may use combined billing. Under this billing method, the hospital bills the intermediary a single charge for departmental services which does not differentiate the physician's services to patients from hospital services. Alternatively, the hospital may submit bills for physician services to patients to the carrier and bills for hospital services to the intermediary. Pathologists not paid a salary or other aggregate compensation for their services to individual patients may bill the carrier or the beneficiary directly for those services. Some pathologists have been billing a physician's fee (usually a small amount) for each service, whether or not it actually requires personal performance by a physician. Their customary practice has been to charge these relatively small amounts for all services, instead of charging larger amounts only in those instances in which they are actually involved in the service. These regulations make it clear that this practice violates our rules.

These regulations will result in most clinical laboratory services being reimbursed as hospital services from the Part A trust fund. This will reduce the reimbursement to pathologists from Medicare and from Medicare beneficiaries on the basis of charges, and increase reimbursement to providers on a cost basis, subject to the application of the RCE limits.

B. Benefits and Costs

1. *Benefits.*

a. The regulations will limit Federal reimbursment to hospitals for the costs of compensating pathologists for services to the hospital. The Federal savings related to the provision of services to hospitals by pathologists will be the difference, if any, between the compensation the pathologists have been receiving for those services and the appropriate RCE limits as set by these regulations, times the proportion of Medicare patients in the hospital, less the increase in expenditures resulting from decreased beneficiary coinsurance.

b. Federal savings described in the preceding paragraph will be reduced to the extent that pathologists direct hospital business to independent laboratories, thereby decreasing the services performed in hospitals which will be subject to these provisions.

c. These regulations, by requiring reimbursement to hospitals on a cost basis for many pathologists' services, instead of by separate claims submitted to Medicare, will reduce Federal costs to process these claims.

d. Effective October 1, 1982, Medicare payment for physicians' services to hospital inpatients furnished by physicians in the field of pathology, which are covered under Part B, was reduced from 100 percent to 80 percent of the reasonable charge. Part A reimbursement for these services remains 100 percent of reasonable costs for hospital inpatients and 80 percent of reasonable costs for hospital outpatients. For services formerly reimbursed as services to patients which these regulations define as services to hospitals, Medicare beneficiaries will benefit by avoiding paying the 20 percent coinsurance and, for claims which would have been unassigned, the difference between actual charge and the amount Medicare would have considered a reasonable charge.

2. *Costs.*

a. We believe these regulations may result in the reduction of the compensation that some pathologists would otherwise be paid by hospitals. However, to the extent that a hospital chooses to compensate pathologists more than the applicable RCE limits set by these regulations, revenues of the hospital will be reduced instead. The total revenue reduction for pathologists and hospitals combined will be an amount similar to the Federal savings described in paragraph 1.a. above.

b. We estimate that carriers will have implementation costs for modifying systems to identify erroneously submitted claims for services to hospitals, for processing erroneously submitted HCFA–1500s and HCFA–1554s, for processing claims erroneously submitted by beneficiaries, and for developing screens to enable them to determine the reasonableness of claims for those clinical laboratory and consultation services reimbursable on a charge basis. Also, carriers will have ongoing costs for maintaining these new screens.

c. Because we consider that many payments being made to physicians for clinical laboratory tests would be inappropriate under these regulations, we estimate these regulations will increase Federal costs by an amount significantly less than the reduction in beneficiary copayment described in paragraph 1.d., above.

C. Discussion

Of all hospital-based physicians, pathologists are now most likely to be paid a salary or other aggregate compensation. Further, our regulations classify the majority of pathology services as services to hospitals, rather than services to patients. Therefore payments for most pathology services will be subject to the RCE limits set under these regulations.

We project that these regulations will have the following effects on program expenditures for pathology services furnished in providers:

PATHOLOGY SERVICES PROJECTED CHANGE IN EXPENDITURES

[In millions]

Fiscal year	Part A	Part B	NHI savings
1983	$1	$−21	$−20
1984	3	−77	−74
1985	0	−59	−59
1986	−4	−39	−43
1987	−3	−40	−43
1988	−2	−47	−49

These program savings will result in a corresponding, but somewhat greater, reduction in physician revenues from pathology services. The reduction will be somewhat greater because the figures in this table include increased Federal expenditures for amounts that formerly would have been reimbursed through the coinsurance paid by Medicare beneficiaries. According to American Medical Association (AMA) data, there are approximately 11,000 hospital-based pathologists. We project that the average fiscal year 1984 net income for pathologists will be $125,000. Based on projected program savings, we estimate that these regulations will reduce the average pathologist's income by 5.4 percent. We expect that very high-earning pathologists may be most strongly affected, and that many

physicians of average or lower income will experience no revenue reductions.

VI. Benefits and Costs of Provisions Affecting Radiology Services

A. Introduction

Some radiologists are now paid a salary or other aggregate compensation by hospitals. This salary or aggregate compensation may include payment for services to patients and for services benefiting the hospital. With the physician's authorization, the hospital may use combined billing. Under this billing method, the hospital bills the intermediary a single charge which does not differentiate physician services to patients from hospital services.

Alternatively, the hospital may submit bills for physician services to individual patients to the carrier and bills for hospital services to the intermediary. Radiologists not paid a salary or other aggregate compensation for their services to patients bill the carrier directly for these services.

B. Benefits and Costs

1. *Benefits.*

a. These regulations will reduce Federal reimbursement on a charge basis for radiology services furnished to individual patients in a provider setting. For radiologists using fee-for-service billing, the Federal savings with respect to any radiologist's service will be the difference, if any, between the amount of the radiologist's charge now considered reasonable under Medicare and 40 percent of the prevailing charge for the same procedure in an office setting.

b. These regulations will also limit Federal reimbursement to hospitals for the costs of compensating radiologists for services to the hospital. The Federal savings related to the provision of services to hospitals by radiologists will be the difference, if any, between the compensation the radiologists have been receiving for these services and the appropriate RCE limits set by these regulations, multiplied by the proportion of Medicare patients in the hospital.

c. Effective October 1, 1982, Medicare payment for physicians' services to hospital inpatients furnished by physicians in the field of radiology, which are covered under Part B, was reduced from 100 percent to 80 percent of the reasonable charge. (Part A reimbursement for these services remains 100 percent of reasonable costs.) For any services formerly reimbursed as services to patients which these regulations will define as services to hospitals, Medicare beneficiaries will benefit by avoiding paying the 20 percent co-insurance and, for claims which would have been unassigned, the difference between the actual charge and the amount Medicare would have considered a reasonable charge.

2. *Costs.*

a. These regulations will reduce revenues of radiologists by an amount identical to the Federal savings described in paragraph 1.a. above.

b. We believe that the regulations will reduce the compensation that some radiologists would otherwise be paid by hospitals. However, to the extent that a hospital chooses to compensate radiologists at levels higher than the applicable RCE limits set by these regulations, revenues of the hospital will be reduced instead. The total reduction of revenues of hospitals and radiologists will be an amount similar to the Federal savings described in paragraph 1.b. above.

c. We estimate that carriers will have implementation costs for developing screens to enable them to limit reimbursement to 40 percent of the prevailing charge for the same procedure in an office setting. Also, carriers will have ongoing costs for maintaining these screens.

C. Discussion

Radiologists generally use fee-for-service billing rather than be paid a salary or other aggregate compensation. However, we expect the RCE limits to affect the portion of salary or other aggregate compensation related to services to providers for the minority of radiologists who are compensated on this basis. We expect significant increases in the amounts paid for services radiologists furnished to providers. Currently, few radiologists are paid by providers for their administrative and quality control activities. Rather, they receive their income primarily from charges for services furnished to individual patients. We expect that the reductions in physician revenue resulting from the 40 percent test of reasonableness will cause these radiologists to seek to enter compensation agreements with providers, under which they would be paid for the services they furnish the providers. Payment to the providers for the costs of this compensation would be subject to the RCE limits.

We project that these regulations will have the following effects on program expenditures for radiology services furnished in providers:

RADIOLOGY SERVICES—PROJECTED CHANGE IN EXPENDITURES

(In millions)

Fiscal year	Part A	Part B	Net savings
1983	30	$-11	$-5
1984	35	-44	-11
1985	42	-55	-13
1986	47	-62	-15
1987	54	-70	-16
1988	61	-80	-19

These program savings may be reflected in a corresponding reduction in physician revenues from radiology services. However, we believe that most physicians will not be significantly affected. According to AMA data, there are approximately 19,850 hospital-based radiologists. We project that the average fiscal year 1984 net income for radiologists will be $131,000. Based on projected program savings, we estimate that these regulations will reduce the average radiologist's income by only 0.8 percent. We expect that the small proportion of very high-earning radiologists will be most strongly affected, and that many physicians of average or lower income will experience no revenue reductions.

VII. Benefits and Costs of Provisions Affecting Anesthesiology Services

A. Introduction

Some anesthesiologists are now paid a salary or other aggregate compensation by hospitals. Other anesthesiologists bill patients on a fee-for-service basis.

The regulations will result in some anesthesiology services that are now reimbursed on a Part B reasonable charge basis being reimbursed as hospital services from the Part A trust fund. This will reduce the reimbursement to anesthesiologists from Medicare and Medicare beneficiaries on a charge basis, and increase reimbursement to providers on a cost basis, subject to the application of the RCE limits.

B. Benefits and Costs

1. *Benefits.*

a. These regulations will limit Federal reimbursement for anesthesiology services. The Federal savings related to the provision of services to hospitals by anesthesiologists will be the difference, if any, between the total amount paid on a fee-for-service basis and the aggregate RCE limits set by this regulation, multiplied by the proportion of Medicare patients in the hospital, less the increase in expenditures resulting from decreased beneficiary co-insurance.

b. For any procedure billed on a fee-for-service basis in which the anesthesiologist directed a nurse anesthetist employed by a hospital, the Federal savings, if any, will be the difference between the anesthesiologist's fee and the fee which would have been charged if each time unit used to construct the charge represented each half-hour, or fraction thereof, of duration of the procedure. (Each time unit would generally represent 15 minutes without this regulation.)

c. For services formerly reimbursed as services to patients which these regulations will define as services to hospitals, Medicare beneficiaries will benefit by avoiding paying the 20 percent co-insurance and, for claims which would have been unassigned, the difference between actual charge and the amount Medicare would have considered reasonable.

d. To the extent that anesthesiologists do not continue to supervise more than four procedures concurrently, patient anesthesia risk will be reduced due to the more intensive professional supervision of the procedure.

2. *Costs.*

a. By requiring certain services to be reimbursed as services to the provider, and, in addition, subjecting such costs to the provider to the RCE limits, we believe these regulations will reduce the revenues that some anesthesiologists would otherwise receive for services to Medicare beneficiaries. However, to the extent that a hospital chooses to compensate anesthesiologists more than the applicable RCE limits set by these regulations, revenues of the hospital will be reduced instead. The total reduction of revenues of hospitals and anesthesiologists will be an amount similar to the Federal savings described above in paragraph 1.a.

b. The regulations will also reduce revenues of anesthesiologists by an amount equal to the Federal savings described in paragraph 1.b. above.

c. These regulations will increase Federal costs by an amount similar to the reduction in beneficiary copayment described in paragraph 1.c. above.

d. We estimate that carriers will have implementation costs for modifying their systems to accommodate additional data on the employment of nurse anesthetists and for developing screens for determining the reasonableness of charges based on employment of nurse anesthetists. Also, carriers will have ongoing costs for maintaining these screens.

e. We are requiring additional reporting on our billing forms relating to the number of concurrent procedures and the employment status of nonphysician anesthetists. This will increase the burden and costs of billing for physicians and for providers that act as their billing agents.

C. Public Comments on Benefits and Costs of Anesthesiology Provisions

Comment: Some commenters suggested that there is insufficient evidence that more intensive supervision by anesthesiologists reduces risk.

Response: We agree that the point at which less intensive supervision results in unacceptable increased risk has not been conclusively demonstrated. However, the provision limiting the number of concurrent services reimbursable on a reasonable charge basis is being adopted primarily for reimbursement, not quality of care, purposes. We are not prohibiting anesthesiologists from continuing to supervise more than a certain number of concurrent procedures.

Nurse anesthetists are not currently accepted as independent practitioners (with concomitant billing privileges) and it is commonly accepted, admittedly not without dissent, that supervision of an anesthetist by a qualified anesthesiologist affords some reduction of risk, as compared to an absence of such supervision. In our view, there is no time during an entire procedure in which risk-creating complications cannot develop. Therefore, despite the best efforts of the anesthesiologist, for any procedure for which he or she is not continuously present, there is a chance that he or she will be absent during a time his or her presence could reduce risk. Although an anesthesiologist supervising a number of concurrent procedures would clearly attempt to be present during the riskiest part of each procedure, the greater the number of procedures being supervised concurrently, the greater the chance of an unanticipated complication occurring. We conclude that more intensive physician involvement generally reduces risk, although the significance of the reduction cannot be quantified.

Comment: One commenter stated that anesthesiologists were likely to attempt to offer solely services defined as physician services to individual patients under these regulations, i.e., that anesthesiologists would generally cease to supervise more than the specified number of nurse anesthetists concurrently. In our initial regulatory impact analysis, we stated that, to the extent anesthesiologists did not continue to supervise more than two procedures concurrently, their reduced productivity might result in delays in providing medical services requiring anesthesia. The commenter identified several additional possible short-term effects. On the one hand, the commenter suggested that anesthesiologists might provide less intensive supervision of some patients (especially non-Medicare patients) in order to assure that they comply with the definition of patient services by providing more intensive supervision of other procedures. On the other hand, the commenter also suggested that if scheduling difficulties were too great, anesthesiologists could decide to provide services only to non-Medicare patients, leaving unsupervised nurse anesthetists to care for Medicare beneficiaries. The commenter suggested that in the long term behavioral changes resulting from these regulations would, by substituting more intensive supervision for less intensive supervision, increase the demand for anesthesiologists and, as a result, increase the cost of their services. The commenter concluded that, rather than implement our definition of patient services, we should revise billing procedures to limit reimbursement based on the intensity of supervision.

Response: We do not believe that anesthesiologists will change their behavior significantly in response to these regulations. In general, a producer will be indifferent between two purchasers of a product at identical prices. Therefore, at identical prices, anesthesiologists should be indifferent to receiving reimbursement from a patient or from a hospital. (Actually, these regulations distinguish services to patients from services to hospitals. However, since an anesthesiologist may choose to provide either type of service, the anesthesiologist should remain indifferent.)

We believe the apparent preference of some anesthesiologists for providing services to patients is because hospitals are in general more prudent purchasers of these services than patients. Clearly, only hospitals can be aware of the actual average intensity of supervision provided by anesthesiologists. By establishing a limit on the number of concurrent procedures an anesthesiologist may perform and still bill patients, we also limit the additional income anesthesiologists can realize by not reflecting the intensity of supervision in their charges to patients. Under these circumstances, we expect anesthesiologists to accept reimbursement from hospitals, since the incentive to seek reimbursement from patients will no longer exist. With their acceptance of hospital reimbursement,

demand for anesthesiologists will not increase.

D. Discussion

Compared to radiologists and pathologists, anesthesiologists are more likely to use fee-for-service billing. We believe the Federal savings generated by this regulation will stem primarily from reducing reimbursement if a nurse anesthetist not employed by the anesthesiologist is used.

We project that these regulations will have the following effects on program expenditures for anesthesiology services furnished in providers:

ANESTHESIOLOGY SERVICES PROJECTED CHANGE IN EXPENDITURES

(In millions)

Fiscal year	Part A	Part B	Net savings
1983	$5	$−13	$−8
1984	22	−56	−34
1985	25	−70	−44
1986	31	−91	−60
1987	36	−93	−57
1988	41	−108	−67

These program savings will result in a corresponding, but somewhat greater, reduction in physician revenues from anesthesiology services. The reduction will be somewhat greater because the figures in this table include increased Federal expenditures for amounts that formerly would have been reimbursed through the coinsurance paid by Medicare beneficiaries. However, we believe that most physicians will not be significantly affected. According to AMA data, there are approximately 14,400 hospital-based anesthesiologists. We project that the average fiscal year 1984 net income for anesthesiologists will be $110,500. Based on projected program savings, we estimate that these regulations will reduce the average anesthesiologist income by 2.1 percent. We expect that the small proportion of very high-earning anesthesiologists will be most strongly affected, and that many physicians of average or lower income will experience no revenue reductions.

VIII. Benefits and Costs of Provisions Affecting Other Specialties

A. Introduction

Some physicians other than those in the specialties of pathology, radiology, and anesthesiology provide services to hospitals. Reimbursement for these services will also be affected by the RCE limits.

B. Benefits and Costs

1. *Benefits.* The regulations will limit Federal reimbursement to hospitals for the costs of compensating these physicians for services to the hospital. The Federal savings in any hospital will be the difference, if any, between the compensation these physicians have been receiving for those services and the appropriate RCE limits set by these regulations, multiplied by the proportion of Medicare patients in the hospital.

2. *Costs.* The regulations will reduce revenues of hospitals by an amount equal to the Federal savings described in the preceding paragraph, and may, as a result, reduce the compensation these hospitals choose to pay to physicians.

C. Discussion

HCFA does not have data on the amounts hospitals pay to physicians other than those in the specialties of pathology, radiology, and anesthesiology for services to hospitals. (The physician income data on which the RCE limits are based do not identify the sources of the income, and therefore cannot be used to estimate hospitals' payments to physicians.) Therefore, we cannot quantitatively estimate the costs and benefits of these provisions of the regulations. However, we do not believe the effect of these provisions will be significant.

IX. Benefits and Costs of Provisions Affecting Billing Procedures

A. Introduction

These regulations eliminate use of the HCFA–1554 billing form, and propose to eliminate combined billing using the HCFA–1453 and HCFA–1483. The HCFA–1554 was used by hospitals to submit claims to carriers for services provided to patients by physicians compensated for these services by the hospital. The HCFA–1554 did not require itemized billing. Combined billing has been used by providers to include charges for certain physician services, especially radiology and pathology services, on the provider's bill. Charges billed by this method have not been subjected to customary and prevailing charge screens.

B. Benefits

1. We believe elimination of the HCFA–1554 will assist us in assuring that hospitals do not receive reimbursement for the services of compensated physicians in excess of the compensation. Because we do not have data on the extent to which this now occurs, we can not quantify the benefits of this provision. However, we believe that this practice would become more prevalent as a response to other provisions of these regulations.

2. We believe that elimination of combined billing will enable us to test the reasonableness of all charges for physicians' services furnished to Medicare beneficiaries. This will avoid creating incentives for physicians to shift to combined billing to escape the effects of carrier charge reductions using customary and prevailing charge screens.

C. Costs

1. We expect that hospitals will, to the extent they have been receiving reimbursement for services of compensated physicians that exceeds the compensation, experience a loss of revenue. As noted in item IX.B.1., we are not able to quantify this revenue loss.

2. We estimate that carriers and intermediaries will have implementation costs for obtaining necessary data and that carriers will have implementation costs for developing compensation-related charge screens.

3. We estimate that carriers will have additional ongoing costs for maintaining and using these screens, increased costs due to the higher average cost to process the HCFA–1500 compared to the HCFA–1554, and increased costs for processing claims formerly included in combined billing.

These ongoing costs would vary depending on whether or not we eliminate combined billing. If we do not eliminate combined billing, we expect that these costs would be significantly higher, since maintaining parallel optional billing methods entails the additional costs of changes between billing methods, and the additional recordkeeping necessary to ensure that such changes do not result in unreasonable levels of payment.

4. The HCFA–1500 requires more detailed information than either the HCFA–1554 or the forms used for combined billing. The increase in the number of separate claims filed on the HCFA–1500 will result in added reporting burden and cost for physicians, and for providers that act as their billing agents.

X. Net Benefits

A. Quantifiable Net Benefits

As discussed above, the initial effect of these regulations will result in a variety of reductions in Medicare spending, which to some extent will be offset by corresponding reductions in hospital and physician revenues. In the near term, therefore, these changes will have no net effect on the economy as a whole.

B. Non-Quantifiable Net Benefits

Although most of the quantifiable benefits of these regulations will be offset by equivalent costs, several other net benefits can be identified.

1. These regulations will better assure that Medicare reimbursement is limited to the reasonable costs of hospitals and reasonable charges of physicians as required by the Medicare statute.

2. These regulations will provide disincentives for continued high inflation in the cost of services of hospital-based physicians. Hospitals will not be reimbursed for unreasonable costs of services provided to them by these physicians. This will increase their motivation to negotiate reasonable compensation arrangements. Further, the regulation will result in a clearer definition in the nature of services to individual patients for which hospital-based physicians may charge. This will facilitate comparison by consumers and increase the degree to which hospital-based physicians are subject to marketplace forces.

3. In the long term, these regulations will reduce, but not significantly, Medicare claims processing costs.

4. The regulations, by defining more clearly what are services to hospitals and what are services to patients, will provide for the continued integrity of the Part A and Part B trust funds.

5. A reduction in Medicare expenditures will also improve the integrity of the trust funds.

6. A reduction in Federal expenditures in the near term will reduce the Federal deficit, with associated benefits to the economy.

XI. Effect on Small Entities

A. Magnitude of Medicare Reimbursement Reductions

Although these regulations will affect many hospitals and physicians, the net effect on particular entities will usually be quite small. The expected fiscal year 1984 net program savings of $119 million must be considered in comparison to the total reimbursement to pathologists, radiologists, and anesthesiologists, which is nearly $1.3 billion per year. Similarly, the shift of payment from a charge to a cost basis, which is expected to increase Part A expenditures by $60 million in fiscal year 1984, must be seen in relation to total Part A payments, which will exceed $20 billion that year. Thus, though the absolute value of the projected savings may seem large, they are not substantial when viewed as a proportion of the total costs of these programs.

B. Effect on Physicians

For purposes of the Regulatory Flexibility Act, we consider all self-employed physicians to be small entities. (Physicians providing services to hospitals commonly consider themselves independent contractors, not employees.) We believe that these regulations will have a significant effect on only a small number of self-employed physicians. Pathologists will be most strongly affected.

First, available data show that mean compensation for hospital-based physicians is considerably higher than median compensation. Because a small number of physicians have dramatically high incomes, skewing the average, the majority of these physicians earn less than the average. We expect that these regulations will primarily affect the small group of high-earning physicians. For physicians now providing services on a charge basis which these regulations define as services to hospitals, the effect of these regulations will depend on the compensation they negotiate with the hospitals to which they provide these services.

Second, as discussed above, we have made estimates of fiscal year 1984 income of pathologists, radiologists, and anesthesiologists, and projected the amount by which our expected program savings will reduce the average revenue of certain specialist physicians. (Note again that average income is significantly above median income for these physician groups, so that the majority of physicians will be affected by even lesser amounts.) These estimates and projected effects are as follows:

Specialty	Net income	Estimated program savings as percent of income
Pathology	$125,000	5.4
Radiology	$131,000	0.8
Anesthesiology	$119,000	2.1

C. Effect on Hospitals

For purposes of the Regulatory Flexibility Act, we consider all non-profit hospitals and most for-profit hospitals to be small entities. We estimate that these regulations will have a significant impact on only a small number of these hospitals.

As explained in the preceding section, most physicians earn less than the limits set by this regulation. Further, these regulations will limit reimbursement to a hospital for the costs of services provided by physicians to it only if the mean salary or aggregate compensation to physicians in a department in the hospital exceeded the limits. Finally, there is an exception to the limits for hospitals which can show they were unable to obtain the services of needed physicians at compensation levels less than the limits.

D. Public Comments on Effect of Regulations on Employment of Nurse Anesthetists

Comment: Some commenters objected to our failure to consider the effects of these regulations on the employment of nurse anesthetists.

Response: Since nurse anesthetists are employees, not independent health professionals, we do not consider them to be small entities for purposes of the analysis requirements of the Regulatory Flexibility Act. However, as explained earlier, we do not expect these regulations to result in significant changes in the behavior of anesthesiologists. It follows from this that there will not be significant changes in the employment of nurse anesthetists.

XII. Alternative Options Considered

A. Anesthesiology

1. We considered requiring that a physician personally perform all anesthesiology services to be covered as physician's services, instead of allowing physicians to bill for medical direction of up to four CRNAs as physicians' services. We rejected this option because it could be detrimental to those hospitals in which the majority of anesthesia services are furnished by CRNAs. If it were chosen, many anesthesiologists might be less inclined to function as supervisors of CRNAs, and could choose to provide only Part B covered services, thereby providing less supervision and direction to patients who continue to receive anesthesia services from CRNAs.

2. In deciding to cover medical direction as a physician's service when an anesthesiologist provides concurrent medical direction to more than four CRNAs, we considered reimbursing each service at a lesser level. This option is similar to the one recommended in the NPRM, except for the number of CRNAs to be directed and the reduction in reimbursement. We rejected this option because it would be administratively complex to implement and monitor.

3. We also gave consideration to covering concurrent medical direction of up to two CRNAs as a physician's Part B

service while allowing cost reimbursement for supervising additional CRNAs at the same time. We rejected this option because it would be difficult to monitor and prevent fraud and abuse if the physician is receiving payments from Part A and Part B for simultaneously supervising and directing the services of CRNAs.

B. Radiology

1. We considered reimbursing radiologists under Part B only for services to patients, not allowing payment for supervisory or administrative services. We rejected this option because it would not recognize legitimate hospital costs when the physician furnishes services to the hospital for which he or she is compensated.

2. We considered allowing the current array of lease agreements. Most lease agreements, however, currently allow the radiologist to bill for both services to patients and services to the hospital. We rejected this option because we would still be unable to determine if the component of the charge relating to patients services was reasonable. Further, we would be unable to determine whether our payment for the resource inputs exceeds actual costs.

C. Pathology

1. An option we reviewed was to cover physicians' services under Part B, but to not allow additional reimbursement for supervisory and administrative services on a reasonable cost basis. We rejected this option because it is not consistent with the current practice of medicine and would result in a decrease in quality of care.

2. We considered proposing that laboratory services obtained for hospital inpatients from an outside laboratory always be provided "under arrangements" under section 1861(w)(1) of the Social Security Act. HCFA would pay the hospital the latter's reasonable cost for the laboratory services obtained "under arrangements", which would be the lesser of the amount billed to the hospital by the supplier, the amount paid by the hospital, or 100 percent of the prevailing charge for similar services reimbursed on a charge basis. The beneficiary is not subject to the 20 percent Part B coinsurance for services furnished "under arrangements". We rejected this option because we do not believe that we have sufficiently clear statutory authority to impose such a requirement. Therefore, we decided to review this proposal separately, and possibly to seek statutory changes in support of it, instead of including it in these regulations.

Appendix II—Geographic Area Classifications for RCE Limits

As discussed in the preamble, we are adjusting the reasonable compensation equivalent (RCE) limits to account for differences in salary levels by location, as well as by specialty. In our methodology for establishing limits, and in the limits as set forth in Table I, we have classified geographic areas into three types: non-metropolitan, metropolitan areas with less than one million population, and metropolitan areas with greater than one million population. The following table identifies by type of location the geographic areas affected, enabling providers, physicians, Medicare fiscal intermediaries and carriers, and other members of the public to determine which RCE limit level will apply in specific areas. Table IV lists all Standard Metropolitan Statistical Areas (SMSAs) and potential SMSAs[1] and their constituent counties, and identifies whether their population is less than or greater than one million. Potential SMSAs are designated by asterisks in Table IV. All counties not lised in Table IV, and all other affected U.S. possessions and territories not part of a State, are considered non-metropolitan areas.

Comments: A number of commenters noted that the table of SMSAs published with the NPRM differed substantially from the table published with the most recent hospital cost limits (47 FR 43298; September 30, 1982). Others identified omissions and the need for corrections.

Response: We have corrected this table using the best and most recent data available. It now includes all SMSAs used for the hospital cost limit schedules, as well as potential SMSAs as incorporated in the AMA/PSP data base. However, various sources for population size differ, and population estimates change over time. Any provider that believes it is disadvantaged by this table of geographic area classifications may submit more recent data to its intermediary. The intermediary may, on the basis of this data, use a revised area classification, provided only that it uses the same classification for all providers in an area.

[1] A potential SMSA is one that does not meet all the requirements of the Office of Statistical Policy and Standards of the U.S. Department of Commerce, but which is considered a prime candidate to achieve SMSA status in the near future. The SMSA compositions and potential SMSA designations are based on those used by the American Medical Association (AMA) in its Periodic Survey of Physicians.

TABLE IV

SMSA	Counties	Type of location	
		Less than 1 million	Greater than 1 million
Abilene, Texas	Callahan, Jones, Taylor	X	
Akron, Ohio	Portage, Summit	X	
Albany, Georgia	Dougherty, Lee	X	
Albany, New York	Albany, Montgomery, Rensselaer, Saratoga, Schenectady	X	
Albuquerque, New Mexico	Bernalillo, Sandoval	X	
Alexandria, Louisiana	Grant, Rapides	X	
Allentown, Pennsylvania	Pennsylvania—Carbon, Lehigh, Northampton, New Jersey—Warren	X	
Altoona, Pennsylvania	Blair	X	
Amarillo, Texas	Potter, Randall	X	
Anaheim, California	Orange		X
Anchorage, Alaska	3rd Judicial Division	X	
Anderson, Indiana	Madison	X	
*Anderson, South Carolina	Anderson	X	
Ann Arbor, Michigan	Washtenaw	X	
Anniston, Alabama	Calhoun	X	
Appleton, Wisconsin	Calumet, Outagamie, Winnebago	X	
Arecibo, Puerto Rico	Arecibo	X	
Asheville, North Carolina	Buncombe, Madison	X	
*Athens, Georgia	Clarke, Madison, Oconee, Oglethorp	X	
Atlanta, Georgia	Butts, Cherokee, Clayton, Cobb, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Walton.		X

TABLE IV—Continued

SMSA	Counties	Type of location	
		Less than 1 million	Greater than 1 million
Atlantic City, New Jersey	Atlantic	X	
Augusta, Georgia	Georgia—Columbia, Richmond, South Carolina—Aiken	X	
Austin, Texas	Hays, Travis, Williamson	X	
Bakersfield, California	Kern	X	
Baltimore, Maryland	Anne Arundel, Baltimore, Baltimore City, Carroll, Harford, Howard		X
*Bangor, Maine	Penobscot	X	
Baton Rouge, Louisiana	Ascension, East Baton Rouge, Livingston, West Baton Rouge	X	
Battle Creek, Michigan	Barry, Calhoun	X	
Bay City, Michigan	Bay	X	
Beaumont, Texas	Hardin, Jefferson, Orange	X	
Bellingham, Washington	Whatcom	X	
*Benton Harbor, Michigan	Berrien, Cass	X	
Billings, Montana	Yellowstone	X	
Biloxi, Mississippi	Hancock, Harrison, Stone	X	
Binghamton, New York	New York—Broome, Tioga, Pennsylvania—Susquehanna	X	
Birmingham, Alabama	Jefferson, Shelby, St. Clair, Walker	X	
Bismarck, North Dakota	Burleigh, Morton	X	
Bloomington, Illinois	McLean	X	
Bloomington, Indiana	Monroe	X	
Boise, Idaho	Ada	X	
Boston, Massachusetts	Massachusetts—Essex, Middlesex, Norfolk, Plymouth, Suffolk New Hampshire— Rockingham.		X
Bradenton, Florida	Manatee	X	
*Bremerton, Washington	Kitsap	X	
Bridgeport, Connecticut	Fairfield	X	
Brownsville, Texas	Cameron	X	
Bryan, Texas	Brazos	X	
Buffalo, New York	Erie, Niagara		X
Burlington, North Carolina	Alamance	X	
*Burlington, Vermont	Chittenden	X	
Caguas, Puerto Rico	Caguas	X	
Canton, Ohio	Carroll, Stark	X	
Casper, Wyoming	Natrona	X	
Cedar Rapids, Iowa	Linn	X	
Champaign, Illinois	Champaign	X	
Charleston, South Carolina	Berkeley, Charleston, Dorchester	X	
Charleston, West Virginia	Kanawha, Putnam	X	
Charlotte, North Carolina	Gaston, Mecklenburg, Union	X	
Charlottesville, Virginia	Albemarle, Charlottesville, Fluvanna, Greene	X	
Chattanooga, Tennessee	Tennessee—Hamilton, Marion, Sequatchie, Georgia—Catoosa, Dade, Walker	X	
*Cheyenne, Wyoming	Laramie	X	
Chicago, Illinois	Cook, Du Page, Kane, Lake, McHenry, Will		X
Chico, California	Butte	X	
Cincinnati, Ohio	Ohio—Clermont, Hamilton, Warren, Indiana—Dearborn, Kentucky—Boone, Campbell, Kenton.		X
Clarksville, Tennessee	Tennessee—Montgomery, Kentucky—Christian	X	
Cleveland, Ohio	Cuyahoga, Geauga, Lake, Medina		X
Colorado Springs, Colorado	El Paso, Teller	X	
Columbia, Missouri	Boone	X	
Columbia, South Carolina	Lexington, Richland	X	
Columbus, Georgia	Georgia—Chattahoochee, Muscogee (or Columbus), Alabama—Russell	X	
Columbus, Ohio	Delaware, Fairfield, Franklin, Madison, Pickaway		X
Corpus Christi, Texas	Nueces, San Patricio	X	
Cumberland, Maryland	Maryland—Allegany, West Virginia—Mineral	X	
Dallas, Texas	Collin, Dallas, Denton, Ellis, Hood, Johnson, Kaufman, Parker, Rockwall, Tarrant, Wise.		X
*Danville, Illinois	Vermilion	X	
*Danville, Virginia	Pittsylvania	X	
Davenport, Iowa	Iowa—Scott, Illinois—Henry, Rock Island	X	
Dayton, Ohio	Greene, Miami, Montgomery, Preble	X	
Daytona Beach, Florida	Volusia	X	
Decatur, Illinois	Macon	X	
Denver, Colorado	Adams, Arapahoe, Boulder, Denver, Douglas, Gilpin, Jefferson		X
Des Moines, Iowa	Polk, Warren	X	
Detroit, Michigan	Lapeer, Livingston, Macomb, Oakland, St. Clair, Wayne		X
Dubuque, Iowa	Dubuque	X	
Duluth, Minnesota	Minnesota—St.Louis, Wisconsin—Douglas	X	
Eau Claire, Wisconsin	Chippewa, Eau Claire	X	
Elkhart, Indiana	Elkhart	X	
Elmira, New York	Chemung	X	
El Paso, Texas	El Paso	X	
*Enid, Oklahoma	Garfield	X	
Erie, Pennsylvania	Erie	X	
Eugene, Oregon	Lane	X	
Evansville, Indiana	Indiana—Gibson, Posey, Vanderburgh, Warrick, Kentucky—Henderson	X	
Fargo, North Dakota	North Dakota—Cass	X	
Fayetteville, Arkansas	Benton, Washington	X	
Fayetteville, North Carolina	Cumberland	X	
Flint, Michigan	Genesee, Shiawassee	X	
Florence, Alabama	Colbert, Lauderdale	X	
Florence, South Carolina	Florence	X	
Fort Collins, Colorado	Larimer	X	
Fort Lauderdale, Florida	Broward		X
Fort Meyers, Florida	Lee	X	
Fort Smith, Arkansas	Arkansas—Crawford, Sebastian, Oklahoma—Le Flore, Sequoyah	X	
Fort Walton Beach, Florida	Okaloosa	X	
Fort Wayne, Indiana	Adams, Allen, De Kalb, Wells	X	
Fresno, California	Fresno	X	
Gadsden, Alabama	Etowah	X	

TABLE IV—Continued

SMSA	Counties	Type of location	
		Less than 1 million	Greater than 1 million
Gainesville, Florida	Alachua	X	
Galveston, Texas	Galveston	X	
Gary, Indiana	Lake, Porter	X	
Glens Falls, New York	Warren, Washington	X	
Grand Forks, North Dakota	North Dakota—Grand Forks, Minnesota—Polk	X	
Grand Rapids, Michigan	Kent, Ottawa	X	
Great Falls, Montana	Cascade	X	
Greeley, Colorado	Weld	X	
Green Bay, Wisconsin	Brown	X	
Greensboro, North Carolina	Davidson, Forsyth, Guilford, Randolph, Stokes, Yadkin	X	
Greenville, South Carolina	Greenville, Pickens, Spartanburg	X	
*Hagerstown, Maryland	Washington	X	
Hamilton, Ohio	Butler	X	
Harrisburg, Pennsylvania	Cumberland, Dauphin, Perry	X	
Hartford, Connecticut	Hartford, Middlesex, Tolland		X
*Hattiesburg, Mississippi	Forrest, Lamar	X	
Hickory, North Carolina	Alexander, Catawba	X	
Honolulu, Hawaii	Honolulu	X	
Houston, Texas	Brazoria, Fort Bend, Harris, Liberty, Montgomery, Waller		X
Huntington, West Virginia	West Virginia—Cabell, Wayne, Kentucky—Boyd, Greenup, Ohio—Lawrence	X	
Huntsville, Alabama	Limestone, Madison, Marshall	X	
Indianapolis, Indiana	Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, Shelby		X
*Iowa City, Iowa	Johnson	X	
Jackson, Michigan	Jackson	X	
Jackson, Mississippi	Hinds, Rankin	X	
*Jackson, Tennessee	Madison	X	
Jacksonville, Florida	Baker, Clay, Duval, Nassau, St. Johns	X	
Jacksonville, North Carolina	Onslow	X	
*Jamestown, New York	Chautauqua	X	
Janesville, Wisconsin	Rock	X	
Jersey City, New Jersey	Hudson	X	
Johnson City, Tennessee	Tennessee—Carter, Hawkins, Sullivan, Unicoi, Washington, Virginia—Bristol, Scott, Washington.	X	
Johnstown, Pennsylvania	Cambria, Somerset	X	
*Joplin, Missouri	Jasper, Newton	X	
Kalamazoo, Michigan	Kalamazoo, Van Buren	X	
Kankakee, Illinois	Kankakee	X	
*Kannapolis, North Carolina	Cabarrus, Rowan	X	
Kansas City, Missouri	Missouri—Cass, Clay, Jackson, Platte, Ray, Kansas—Johnson, Wyandotte		X
Kenosha, Wisconsin	Kenosha	X	
Killeen, Texas	Bell, Coryell	X	
Knoxville, Tennessee	Anderson, Blount, Knox, Union	X	
Kokomo, Indiana	Howard, Tipton	X	
La Crosse, Wisconsin	La Crosse	X	
Lafayette, Indiana	Tippecanoe	X	
Lafayette, Louisiana	Lafayette	X	
Lake Charles, Louisiana	Calcasieu	X	
Lakeland, Florida	Polk	X	
Lancaster, Pennsylvania	Lancaster	X	
Lansing, Michigan	Clinton, Eaton, Ingham, Ionia	X	
Laredo, Texas	Webb	X	
*Las Cruces, New Mexico	Dona Ana	X	
Las Vegas, Nevada	Clark	X	
Lawrence, Kansas	Douglas	X	
Lawton, Oklahoma	Comanche	X	
Lewiston, Maine	Androscoggin	X	
Lexington, Kentucky	Bourbon, Clark, Fayette, Jessamine, Scott, Woodford	X	
Lima, Ohio	Allen, Auglaize, Putnam, Van Wert	X	
Lincoln, Nebraska	Lancaster	X	
Little Rock, Arkansas	Pulaski, Saline	X	
Long Branch, New Jersey	Monmouth	X	
Longview, Texas	Gregg, Harrison	X	
Lorain, Ohio	Lorain	X	
Los Angeles, California	Los Angeles		X
Louisville, Kentucky	Kentucky—Bullitt, Jefferson, Oldham, Indiana—Clark, Floyd	X	
Lubbock, Texas	Lubbock	X	
Lynchburg, Virginia	Amherst, Appomattox, Campbell	X	
Macon, Georgia	Bibb, Houston, Jones, Twiggs	X	
Madison, Wisconsin	Dane	X	
Manchester, New Hampshire	Hillsborough	X	
*Manitowoc, Wisconsin	Manitowoc	X	
Mansfield, Ohio	Richland	X	
*Marion, Indiana	Grant	X	
Mayaguez, Puerto Rico	Mayaguez	X	
McAllen, Texas	Hidalgo	X	
Medford, Oregon	Jackson	X	
Melbourne, Florida	Brevard	X	
Memphis, Tennessee	Tennessee—Shelby, Tipton, Arkansas—Crittenden, Mississippi—Desoto	X	
*Meridian, Mississippi	Lauderdale	X	
Miami, Florida	Dade		X
*Michigan City, Indiana	La Porte	X	
Midland, Texas	Midland	X	
Milwaukee, Wisconsin	Milwaukee, Ozaukee, Washington, Waukesha		X
Minneapolis, Minnesota	Minnesota—Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, Wright, Wisconsin—St. Croix.		X
*Missoula, Montana	Missoula	X	
Mobile, Alabama	Baldwin, Mobile	X	
Modesto, California	Stanislaus	X	
Monroe, Louisiana	Ouachita	X	

TABLE IV—Continued

SMSA	Counties	Type of location	
		Less than 1 million	Greater than 1 million
Montgomery, Alabama	Autauga, Elmore, Montgomery	X	
Muncie, Indiana	Delaware	X	
Muskegon, Michigan	Muskegon, Oceana	X	
Nashville, Tennessee	Cheatham, Davidson, Dickson, Robertson, Rutherford, Sumner, Williamson, Wilson.	X	
Nassau, New York	Nassau, Suffolk		X
New Bedford, Massachusetts	Bristol	X	
New Brunswick, New Jersey	Middlesex	X	
New Haven, Connecticut	New Haven	X	
New London, Connecticut	New London	X	
New Orleans, Louisiana	Jefferson, Orleans, St. Bernard, St. Tammany		X
New York, New York	Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, Westchester, New Jersey—Bergen.		X
Newark, New Jersey	Essex, Morris, Somerset, Union		X
*Newark, Ohio	Licking	X	
*Newburgh, New York	Orange	X	
Newport News, Virginia	Gloucester, Hampton City, James City, Newport News, York	X	
Norfolk, Virginia	Virginia—Chesapeake, Nansemond, Norfolk, Portsmouth, Virginia Beach City, North Carolina—Currituck.	X	
Northeast Pennsylvania, Pennsylvania	Lackawanna, Luzerne, Monroe	X	
Ocala, Florida	Marion	X	
Odessa, Texas	Ector	X	
Oklahoma City, Oklahoma	Canadian, Cleveland, McClain, Oklahoma, Pottawatomie	X	
*Olympia, Washington	Thurston	X	
Omaha, Nebraska	Nebraska—Douglas, Sarpy, Iowa—Pottawatomie	X	
Orlando, Florida	Orange, Osceola, Seminole	X	
Owensboro, Kentucky	Daviess	X	
Oxnard, California	Ventura	X	
Panama City, Florida	Bay	X	
Parkersburg, West Virginia	West Virginia—Wirt, Wood, Ohio—Washington	X	
Pascagoula, Mississippi	Jackson	X	
Paterson, New Jersey	Passaic	X	
Pensacola, Florida	Escambia, Santa Rosa	X	
Peoria, Illinois	Peoria, Tazewell, Woodford	X	
Petersburg, Virginia	Dinwiddie, Prince George	X	
Philadelphia, Pennsylvania	Pennsylvania—Bucks, Chester, Delaware, Montgomery, Philadelphia, New Jersey—Burlington, Camden, Gloucester.		X
Phoenix, Arizona	Maricopa		X
Pine Bluff, Arkansas	Jefferson	X	
Pittsburgh, Pennsylvania	Allegheny, Beaver, Washington, Westmoreland		X
Pittsfield, Massachusetts	Berkshire	X	
*Pocatello, Idaho	Bannock, Power	X	
Ponce, Puerto Rico	Ponce	X	
Portland, Maine	Cumberland, Sagadahoc	X	
Portland, Oregon	Oregon—Clackamas, Multnomah, Washington, Washington—Clark		X
Portsmouth, New Hampshire	New Hampshire—Rockingham, Strafford Maine—York	X	
Poughkeepsie, New York	Dutchess	X	
Providence, Rhode Island	Bristol, Kent, Providence, Washington	X	
Provo, Utah	Utah	X	
Pueblo, Colorado	Pueblo	X	
*Quincy, Illinois	Adams	X	
Racine, Wisconsin	Racine	X	
Raleigh, North Carolina	Durham, Orange, Wake	X	
*Rapid City, South Dakota	Meade, Pennington	X	
Reading, Pennsylvania	Berks	X	
Redding, California	Shasta	X	
Reno, Nevada	Washoe	X	
Richland, Washington	Benton, Franklin	X	
Richmond, Virginia	Charles City, Chesterfield, Goochland, Hanover, Henrico, Powhatan, Richmond	X	
Riverside, California	Riverside, San Bernardino		X
Roanoke, Virginia	Botetourt, Craig, Roanoke	X	
Rochester, Minnesota	Olmsted	X	
Rochester, New York	Livingston, Monroe, Ontario, Orleans, Wayne	X	
Rockford, Illinois	Boone, Winnebago	X	
Sacramento, California	Placer, Sacramento, Yolo		X
Saginaw, Michigan	Saginaw	X	
St. Cloud, Minnesota	Benton, Sherburne, Stearns	X	
St. Joseph, Missouri	Andrew, Buchanan	X	
St. Louis, Missouri	Missouri—Franklin, Jefferson, St. Charles, St. Louis, St. Louis City, Illinois—Clinton, Madison, Monroe, St. Clair.		X
Salem, Oregon	Marion, Polk	X	
Salisbury, North Carolina	Cabarrus, Rowan	X	
Salinas, California	Monterey	X	
Salt Lake City, Utah	Davis, Salt Lake, Tooele, Weber	X	
San Angelo, Texas	Tom Green	X	
San Antonio, Texas	Bexar, Comal, Guadalupe		X
San Diego, California	San Diego		X
San Francisco, California	Alameda, Contra Costa, Marin, San Francisco, San Mateo		X
San Jose, California	Santa Clara		X
San Juan, Puerto Rico	Bayomen, Carolina, Catano, Guaynabo, San Juan, Tru, Jllo Alto		X
Santa Barbara, California	Santa Barbara	X	
Santa Cruz, California	Santa Cruz	X	
*Santa Fe, New Mexico	Santa Fe	X	
Santa Rosa, California	Sonoma	X	
Sarasota, Florida	Sarasota	X	
Savannah, Georgia	Bryan, Chatham, Effingham	X	
Seattle, Washington	King, Snohomish		X
Sharon, Pennsylvania	Mercer	X	
*Sheboygan, Wisconsin	Sheboygan	X	

TABLE IV—Continued

SMSA	Counties	Type of location	
		Less than 1 million	Greater than 1 million
Sherman, Texas	Grayson	X	
Shreveport, Louisiana	[illegible], Caddo, Webster	X	
Sioux City, Iowa	Iowa—Woodbury, Nebraska—Dakota	X	
Sioux Falls, South Dakota	Minnehaha	X	
South Bend, Indiana	Marshall, St. Joseph	X	
Spokane, Washington	Spokane	X	
Springfield, Illinois	Menard, Sangamon	X	
Springfield, Massachusetts	Hampden, Hampshire	X	
Springfield, Missouri	Christian, Greene	X	
Springfield, Ohio	Champaign, Clark	X	
State College, Pennsylvania	Centre	X	
Steubenville, Ohio	Ohio—Jefferson, West Virginia—Brooke, Hancock	X	
Stockton, California	San Joaquin	X	
Syracuse, New York	Madison, Onondaga, Oswego	X	
Tacoma, Washington	Pierce	X	
Tallahassee, Florida	Leon, Wakulla	X	
Tampa, Florida	Hillsborough, Pasco, Pinellas		X
Terre Haute, Indiana	Clay, Sullivan, Vermillion, Vigo	X	
Texarkana, Arkansas	Arkansas—Little River, Miller, Texas—Bowie	X	
Toledo, Ohio	Ohio—Fulton, Lucas, Ottawa, Wood, Michigan—Monroe	X	
Topeka, Kansas	Jefferson, Osage, Shawnee	X	
Trenton, New Jersey	Mercer	X	
Tucson, Arizona	Pima	X	
Tulsa, Oklahoma	Creek, Mayes, Osage, Rogers, Tulsa, Wagoner	X	
Tuscaloosa, Alabama	Tuscaloosa	X	
Tyler, Texas	Smith	X	
Utica, New York	Herkimer, Oneida	X	
Vallejo, California	Napa, Solano	X	
*Victoria, Texas	Victoria	X	
Vineland, New Jersey	Cumberland	X	
Visalia, California	Tulare	X	
Waco, Texas	McLennan	X	
Washington, D.C.	D.C.—District of Columbia, Maryland—Charles, Montgomery, Prince Georges. Virginia—Alexandria, Arlington, Fairfax, Loudoun, Prince William.		X
Waterloo, Iowa	Black Hawk	X	
*Wausau, Wisconsin	Marathon	X	
West Palm Beach, Florida	Palm Beach	X	
Wheeling, West Virginia	West Virginia—Marshall, Ohio, Ohio—Belmont	X	
Wichita, Kansas	Butler, Sedgwick	X	
Wichita Falls, Texas	Clay, Wichita	X	
Williamsport, Pennsylvania	Lycoming	X	
Wilmington, Delaware	Delaware—New Castle, Maryland—Cecil, New Jersey—Salem	X	
Wilmington, North Carolina	Brunswick, New Hanover	X	
[illegible], Massachusetts	Worcester	X	
Yakima, Washington	Yakima	X	
York, Pennsylvania	Adams, York	X	
Youngstown, Ohio	Mahoning, Trumbell	X	
Yuba City, California	Sutter, Yuba	X	

*Potential SMSA, as indicated in geographic data source used in AMA's PSP

[FR Doc. 83-5059 Filed 2-25-83; 8:45 am]

BILLING CODE 4125-03-M

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federal register

Wednesday
March 2, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operations Under A Federal Program for the State of North Carolina

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 933

Surface Mining and Reclamation Operations Under a Federal Program for the State of North Carolina

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in North Carolina. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on May 2, 1983 at the address below. A public hearing will be held on April 4, 1983. Requests to testify at the hearing should be received by March 30, 1983. If commenters request a hearing date later than that set, the hearing may be rescheduled; any new date will be announced by a notice in the Federal Register.

ADDRESSES: Written comments must be mailed or hand-delivered to: Administrative Record R&I—29, Tennessee Field Office, Office of Surface Mining, 530 Gay Street, SW, Knoxville, Tennessee 37902.

The public hearing on the proposed program will be held at the Holiday Inn, Highway 421, Sanford, North Carolina, beginning at 8:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–5866. James A. Curry, Tennessee Field Office, Office of Surface Mining, Knoxville, Tennessee, (615) 673–4504.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above in "ADDRESSES."

Public Comment Period

The comment period on the proposed program will extend until May 2, 1983. All written comments must be received at the location above under "ADDRESSES" by close of business on that date.

All written comments received, a transcript of the public hearing, summaries of meetings held at the request of any person or organization to receive advice or recommendations concerning the proposed program with representatives of OSM, and other documents comprising the administrative record on the Federal program for North Carolina will be made available for public review during regular business hours at the location listed above.

OSM appreciates any and all comments on the proposal, but those that would be most useful should be as specific as possible, focus on the issues of this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal. Nor can OSM ensure consideration of written comments received after the comment period ends or those delivered to an address other than that specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by March 30, 1983, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce, or maintain an approved State program.

North Carolina has identifiable coal reserves, but has not submitted a program to the Secretary to obtain primary regulatory responsibility. The Director, therefore, has decided to propose this Federal program for North Carolina.

This decision does not necessarily imply any expectation of imminent mining in North Carolina. It instead recognizes that the Act prohibits coal exploration or surface coal mining in States which do not have either an approved State program or a fully promulgated Federal program. Accordingly, OSM believes it prudent to put the required regulatory framework into place so that any future coal exploration or mining may be conducted in North Carolina legally, without unnecessary delay, and in an environmentally sound manner.

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (§ 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment affected by surface mining operations which neither the Act nor the Secretary's regulations protect, then those State standards are specifically preserved. Thus, the Secretary believes

that the requirements of Section 505(b) can best be met by identifying North Carolina laws and regulations which impose equivalent or more stringent environmental controls and by listing them in § 933.700(e).

Also, in promulgating a program for a State, Section 504(g) specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by Section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, a Federal program, according to Section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L, and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761, 762, and 764), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 58080). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15463 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2826–2829 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59934 (December 7, 1981); 47 FR 32942 (July 30, 1982); 47 FR 33431 (August 2, 1982); 47 FR 35620 (August 16, 1982); and 47 FR 38486 (August 31, 1982); 47 FR 44942 (October 12, 1982); 47 FR 47212 (October 22, 1982); 47 FR 51316 (November 13, 1982); 48 FR 1166 (January 10, 1983); and 48 FR 2266 (January 18, 1983).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the Federal Register on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77455); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1610, 80–1611, 80–1612, 80–1613, and 80–1623. The Appeals are presently pending before the appellate court.

North Carolina Federal Program

As mentioned above, when promulgating a Federal program for a State, the Secretary is required by Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed North Carolina laws and regulations to determine whether they suggest that special provisions may be necessary or appropriate based on special terrain or other physical conditions in the State. The results of the review are found under the section below entitled "Detailed Discussion." OSM solicits comments on special provisions that should be promulgated and the basis for those provisions.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority" and to "The State regulatory authority," which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act. The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This proposed program for North Carolina would not change these responsibilities.

Explanation of Cross-Referencing

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards, to list other State laws requiring permits for which coordination is required, and to recognize unique or unusual physical conditions affecting surface coal mining and reclamation in a State, OSM

believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

In January, 1981, the Secretary directed that the Department review all existing regulations in order to eliminate those which are burdensome, excessive and unnecessary. Review of the permanent program regulations was initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1700 (January 13, 1982). See also, e.g., revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981) and OSM's inspection and enforcement regulations, 30 CFR Parts 842, 843, and 845, 47 FR 35620 (August 16, 1982).

In order to take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "Part 762 of this Chapter * * * shall apply to surface coal mine operations" (see proposed § 933.762). One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determined that special conditions were necessary for a particular State. A notice appeared in the Federal Register on July 13, 1982, 47 FR 30267, advising the public that any change in a permanent program rule would also result in a corresponding change in all Federal programs, absent special conditions. The notice invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any State so that the final permanent program rule would be tailored for each State's Federal program as necessary.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed for an individual State's Federal program which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section of that State's Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. (30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining would be included in the North Carolina Federal program by a cross-reference under § 933.764, to provide a petition process on non-Federal and non-Indian lands in that State.)

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981) (proposed).

Content and Organization of the Program

The content and organization of the proposed Federal program for North Carolina would generally follow the permanent program regulations. But, as discussed above, instead of the full text appearing, each section of this proposed program would only include reference to the pertinent permanent program regulation. Sections 933.700 (e) and (f) respectively list State statutes that are more stringent than, and those that are inconsistent with, the Act. Where specific provisions are needed for any proposed Federal program for a State which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section.

Detailed Discussion

In order to fulfill the Secretary's obligation under Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions in each State, OSM has reviewed North Carolina laws and regulations. OSM is of the opinion that there are statutes which, in certain circumstances, impose more stringent environmental controls than are provided for under the Act or the Federal regulations. Section 933.700(e) of the proposed Federal program for North Carolina lists the North Carolina laws which OSM has tentatively identified as setting more stringent land use and environmental controls for surface mining. Those more stringent North Carolina statutes are summarized as follows:

(a) North Carolina General Statute (NCGS) 74–51, concerning conditions under which a mining permit may be granted, contains provisions which are not found in the Act or the Federal regulations. The North Carolina Department of Natural Resources and Community Development may deny a permit for a mining operation which will have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area. OSM proposes to alter the following sections as they apply to this Part 933: 30 CFR 761.11(c) would be amended by adding the phrase "forest, recreation area," after the phrase "publicly owned park," 30 CFR 761.12(f)(1) would be amended by adding the phrase "forest, recreation area," after the phrase "public park," and 30 CFR 780.31 and 784.17 would be amended by adding, "forest, or recreation areas" after the phrase "public parks."

NCGS 74–51 also provides that permit approval may be conditioned on a "requirement of visual screening, vegetative or otherwise, so as to screen the view of the operation from public highways, public parks, or residential areas where the Department finds such screening to be feasible and desirable." As these sections are more stringent, OSM proposes to add to §§ 780.31 and 784.17 paragraphs requiring that mining operations visible from public parks, public highways, or residential areas include in the plan of operations, measures to be taken to screen the operation from the view of public parks, public highways, or residential areas or reasons why such screening measures are either not feasible or not desirable.

(b) North Carolina mining laws and regulations apply to mining operations affecting an area greater than one acre, while the Act applies to those mining operations affecting an area greater than two acres, § 528(2). To the extent that North Carolina mining law and regulations apply to coal mining operations not regulated by the Surface

Mining Control and Reclamation Act, they would not be preempted by this Federal program for North Carolina. Also, the mining of peat, an activity which is to commence in the State, is not subject to regulation under the Surface Mining Control and Reclamation Act. It may, however, be subject to regulation under the State's mining laws and regulations because it includes the mining of substances other than those minerals listed. NCGS 74–49(6). Regulation of peat mining under the North Carolina Mining Act of the 1971 would not interfere with achievement of the purposes of the Federal Act.

(c) Dam Safety Law of 1967, NCGS 143–215.23 through 143–215.37, and Title 15 North Carolina Administrative Code, Subchapter 2K, Dam Safety, include requirements for certification and inspection of water impoundments and diversions.

(d) Geophysical Exploration regulations, Title 15, North Carolina Administrative Code, Subchapter 5C, applies to any coal exploration involving the use of explosives.

In accordance with 30 CFR 736.23, OSM believes that those North Carolina statutes and rules listed in Section 933.700(f) of the proposed Federal program interfere with the attainment of the goals and purposes of the Act and the permanent program rules thereunder. Thus, OSM proposes that the following North Carolina statutes and rules be preempted and superseded when the proposed Federal program takes effect:

(a) North Carolina Mining Act of 1971 (NCGS 74–46 through 74–68) insofar as it applies to the surface coal mining operations affecting more than two acres. North Carolina law would continue to apply to the mining of minerals and substances other than coal, and to coal mining operations which affect two acres or less.

(b) Title 15 North Carolina Administrative Code, Subchapters 5A, 5B, and 5F, Mining and Mineral Resources insofar as they apply to surface coal mining operations already more than two acres. These regulations would continue to apply to the mining of minerals and substances other than coal and to coal mining operations that affect two acres or less.

These North Carolina laws and regulations represent the main body of North Carolina law relating to the exploration and surface mining of minerals and the reclamation of mined land. The North Carolina Department of Natural Resources and Community Development and the North Carolina Mining Commission have statutory responsibility for administering and enforcing the laws and rules pertaining to surface mining. To a limited extent, North Carolina requires the reclamation of surface mined lands. A close review of these North Carolina statutes and rules indicates that they are not consistent with the Act or the Federal permanent program rules and that they interfere with the attainment of the goals and purposes of the Act. Thus, OSM proposes that the North Carolina statutes and rules described above no longer be applicable to the regulation of coal exploration, surface coal mining operations or the reclamation of surface coal mined lands in North Carolina, except as they pertain to operations affecting two acres or less or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

Paragraph (g) of § 933.700 authorizes the Secretary to grant a limited variance from the performance standards of the permanent program rules based on a showing by a permit applicant or permittee that compliance with a particular performance standard is not necessary due to the unique nature of North Carolinia terrain, climate, biological, chemical, or other relevant physical conditions. This provision gives effect to Section 504(a) which directs the Secretary to take into consideration, in promulgating a Federal program for a State, the aforementioned physical characteristics. In promulgating Federal programs for a State, the Secretary reviews State laws to determine whether any would interfere with achievement of the purposes of a Federal program and must be superseded and whether any establish more stringent standards for environmental protection and must be preserved. The presumption is that State laws are a reflection of the particular environmental conditions in the State. There may, however, be conditions present which are not specifically covered by State law, but which must be deferred to pursuant to the requirement in Section 504(a). Paragraph (g) authorizes the Secretary to do so. The variance that may be granted must be shown by a permit applicant to be based on the special environmental conditions not found in any other State in order to be granted. It is not a general variance authorization. Congress did not provide for a general variance from standards set in the Act. Congress was concerned that States not be allowed to grant variances from Federally-set minimum standards. This variance would be granted by the Secretary through OSM and would be tied to unique or special environmental conditions found in a State for which a Federal program is promulgated.

To coordinate the Federal program permitting process under the Act with the permitting requirements imposed by other Federal statutes and those of North Carolina § 933.770, the proposed Federal program tentatively identifies the various permits, statutes, and rules which may, expressly or impliedly, impact on coal exploration and surface coal mining and reclamation under the proposed Federal program. The following permits, statutes, and rules are pertinent and are listed in § 933.770.

(a) NCGS 143–211 through 143–215.114 set forth requirements for the protection of air and water resources. (1) A permit is required from the Environmental Management Commission of the Department of Natural Resources and Community Development for any outlet into the waters of the State, pursuant to NCGS 143–215.1. (2) A permit may be required by the local government authority for any obstruction to a floodway pursuant to NCGS 143–215.57. (3) The Dam Safety Act, NCGS 143–215.23 through 143–215.37 and Dam Safety Regulations, Title 15, North Carolina Administrative Code, Subchapter 2K, require that notice be provided to the Department of Natural Resources and Community Development at least ten days prior to the construction of any dam and that a certificate of approval of the dam, if necessary, be obtained from the Department in accordance with NCGS 143–215.26 and Title 15, Subchapter 2K. (4) An air pollution control permit may be required pursuant to NCGS 143–215.108. (5) Mining operations must maintain air and water quality reporting systems as required by NCGS 143–215.63 through 143–215.69.

(b) The Coastal Area Management Act, NCGS 113A–100 through 113A–128, requires a permit from the Secretary of Natural Resources and Community Development for a mining operation in any area of environmental concern designated pursuant to this Act.

(c) A permit is required for dredging or for filling in or about estuarine water on State-owned lakes, in accordance with the provisions of NCGS 113–229. The obstruction of navigable water is regulated by NCGS 76–40 and 76–41.

(d) Mining operations must comply with any applicable land use regulations adopted in a soil conservation district pursuant to Section 139–9 of the Soil Conservation District Law, NCGS 139–1 *et seq.*

(e) NCGS 153A–128 requires compliance with any county ordinance or regulation concerning the possession,

storage, use or conveyance of explosives. NCGS 14–248.1 regulates the sale, delivery and storage of explosives and imposes criminal sanctions for violations of the statute. NCGS 14–50 through 14–50.1 impose criminal sanctions for the improper use of explosives.

(f) Title 15, North Carolina Administrative Code, Subchapter 5C, Geophysical Exploration, requires a permit for all coal exploration involving the use of explosives.

(g) NCGS 14–284.2 prohibits the dumping of toxic substances without a permit and imposes criminal sanctions for violations.

Other North Carolina laws with which compliance is required but which do not require a permit or license have not been listed. No decision has been made as to whether they are more stringent than standards in the Federal permanent program regulations or whether they interfere with achievement of the purpose of the Federal Act and regulations. However, public comment is invited on whether they should be so identified.

NCGS 113.265 prohibits the obstruction, pollution or diminution of the natural flow of water through a fish hatchery. NCGS 113.293 prohibits the obstruction of rivers and creeks in a manner preventing the passage of fish. Pursuant to NCGS 113.263, the Wildlife Resource Commission may inspect proposals and specifications for dams having an adverse impact upon fish within the State. Mining operations using pesticides must comply with the Pesticide Control Law, NCGS 143–434 through 143–441.

Mining operations must comply with NCGS 136–90 through 136–95 concerning obstruction and drainage of State highways and public roads. Mining operations must comply with any applicable county noise regulations issued pursuant to NCGS 153A–133. Any person desiring to mine mineral deposits on State lands under a body of water must comply with Title 15, North Carolina Administrative Code, Subchapter 5E.

OMB Review

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only when ten or more respondents are expected. If in the future the number of respondents appear to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

List of Subjects in 30 CFR Part 933

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by Courtney W. Shea, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

February 3, 1983.

OSM proposes to amend 30 CFR Chapter VII by adding Part 933 to read as follows:

PART 933—NORTH CAROLINA

Sec.

933.700 North Carolina Federal Program.
933.701 General.
933.707 Exemption for coal extraction incident to Government-financed highway or other construction.
933.761 Areas designated unsuitable for surface coal mining by Act of Congress.
933.762 Criteria for designating areas as unsuitable for surface coal mining operations.
933.764 Process for designating areas unsuitable for surface coal mining operations.
933.770 General requirements for permit and exploration procedures.
933.771 General requirements for permits and permit applications.
933.776 General requirements for coal exploration.
933.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
933.779 Surface mining permit applications—minimum requirements for information on environmental resources.
933.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
933.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
933.783 Underground mining permit applications—minimum requirements for information on environmental resources.
933.784 Underground mining applications—minimum requirements for reclamation and operation plan.
933.785 Requirements for permits for special categories of mining.
933.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
933.787 Administrative and judicial review of decisions on permit applications.
933.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
933.795 Small operator assistance.
933.800 General requirements for bonding of surface coal mining and reclamation operations.
933.815 Performance standards—coal exploration.
933.816 Performance standards—surface mining activities.
933.817 Performance standards—underground mining.
933.818 Special performance standards—concurrent surface and underground mining.
933.823 Special performance standards—operations on prime farmland.
933.824 Special performance standards—mountaintop removal.
933.826 Special performance standards—operations on steep slopes.
933.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
933.828 Special performance standards—in situ processing.
933.842 Federal inspections.
933.843 Federal enforcement.
933.845 Civil penalties.
933.850 Blaster training and certification.

Authority: Pub. L. 95–87, The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, 91 Stat. 445 *et seq.*

§ 933.700 North Carolina Federal Program.

(a) This part contains all rules that are applicable to surface coal mining operations in North Carolina which have been adopted under the Surface

Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the North Carolina Federal program.

(c) The rules in this part apply to all surface coal mining operations in North Carolina conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in North Carolina.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of North Carolina laws and regulations provide, where applicable, for more stringent environmental control and regulation of some aspects of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not be construed to be inconsistent with the Act unless in a particular instance the rules in this chapter are found by OSM to establish more stringent environmental controls.

(1) North Carolina General Statute (NCGS) 74–51, concerning conditions under which a mining permit may be granted, authorizes the North Carolina Department of Natural Resources and Community Development to deny a permit for a mining operation which will have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area and may condition permit approval on a requirement of visual screening, vegetative or otherwise, so as to screen the view of the operation from public highways, public parks, or residential areas where the Department finds such screening to be feasible and desirable, or determines that such screening measures are either not feasible or not desirable.

(2) North Carolina mining laws and regulations apply to mining operations affecting an area greater than one acre. To the extent that North Carolina mining law and regulations apply to coal mining operations not regulated by the Surface Mining Control and Reclamation Act, they are not preempted by this Federal program for North Carolina.

(3) North Carolina Dam Safety Law of 1967, North Carolina General Statutes (NCGS) 143–215.23 through 143–215.37.

(4) Geophysical Exploration regulations, Title 15, North Carolina Administrative Code, Subchapter 5C, applies to any coal exploration involving the use of explosives.

(f) The following are North Carolina laws and regulations that generally interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded to the extent that they regulate coal exploration or surface coal mining and reclamation operations. Other North Carolina laws may in an individual situation interfere with the purposes and achievements of the Act, and may be preempted and superseded as they affect a particular coal exploration or surface mining operation by publication of the notice to that effect in the Federal Register.

(1) North Carolina Mining Act of 1971, as amended, NCGS 74–46 through 74–68, except for the extent that the Mining Act is preserved as provided in paragraph (e) of this section.

(2) Title 15, North Carolina Administrative Code, Subchapters 5A, 5B, and 5F Mining and Mineral Resources, except to the extent that regulations are perceived as provided in paragraph (e) of this section.

(g) The Secretary may grant a limited variance from the performance standards of §§ 933.800 through 933.828 of this Part if the applicant for coal exploration approval or a surface mining permit submitted pursuant to §§ 933.770 through 933.788 of this Part can demonstrate in the application that: (1) Such variance is necessary because of the unique nature of the State's terrain, climate, biological, chemical, or other relevant physical conditions; and (2) that the proposed alternative will achieve equal or greater environmental protection than does the performance requirement from which the variance is requested.

§ 933.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining and reclamation operations in North Carolina.

§ 933.707 Exemption for coal extraction incident to Government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 933.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated Unsuitable for Coal Mining by Act of Congress, with the exception of §§ 761.11(c) and 761.12(f)(1), shall apply to surface coal mining and reclamation operations, beginning one year after the effective date of this program. For the purposes of Part 933, the following §§ 761.11(c) and 761.12(f)(1) shall replace the existing §§ 761.11(c) and 761.12(f)(1).

(c) On any lands which will adversely affect any publicly owned park, forest, recreation area, or any places included on, or eligible for listing on, the National Register of Historic Places, unless approved jointly by the regulatory authority and the Federal, State, or local agency with jurisdiction over the park, forest, recreation area, or places;

(f)(1) Where the proposed surface coal mining operation may adversely affect any public park, forest, recreation area, or any places included on, or eligible for listing on, the National Register of Historic Places, the regulatory authority shall transmit to the Federal, State, or local agencies with jurisdiction over, or a statutory or regulatory responsibility for, the park, forest, recreation area, or historic place a copy of the completed permit application containing the following:

(i) A request for that agency's approval or disapproval of the operators;

(ii) A notice to the appropriate agency that it must respond within 30 days from receipt of the request.

§ 933.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mining and reclamation operations.

§ 933.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base inventory systems, public information, and regulatory responsibilities shall apply to surface coal mining and reclamation operations beginning one year after the effective date of this program.

§ 933.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to coal exploration and surface coal mining and reclamation operations.

(b) The Secretary shall coordinate, to the extent practicable, the issuance of the following permits, leases and/or certificates required by the State of North Carolina: water discharge permit (NCGS 143–215.1); water use permits in a capacity use area (NCGS 143–215.5); an approval of dam construction (NCGS 143–215.108); an air pollution control permit (NCGS 143–215.26, Title 15, North Carolina Administrative Code, Subchapter 2K); air and water quality reporting systems (NCGS 143–215.63—143–215.69); a geophysical exploration permit (Title 15, North Carolina Administrative Code, Subchapter 5C); a development permit for operations in an area of environmental concern designated pursuant to the Coastal Area Management Act (NCGS 113A–100—113A–128); a dredging or filling permit issued by the Department of Natural Resources and Environmental Protection (NCGS 113–229); a permit for dumping of toxic substances (NCGS 14–284.2); compliance with any applicable land use regulations adopted in a soil conservation district (NCGS 139–9); and compliance with any county ordinance regarding explosives (NCGS 153A–128).

(c) No person shall be granted a permit to conduct exploration which results in the removal of more than 250 tons of coal or shall conduct surface coal mining unless that person has acquired all required permits, leases, and/or certificates listed in paragraph (b) of this section.

§ 93.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with Section 736.25 of this chapter.

§ 933.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) OMS shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but that more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 933.778 Surface mining permit application—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface mining and reclamation operations.

§ 933.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 933.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who make application to conduct surface coal mining and reclamation operations, except that for the purpose of Part 933, the paragraph in § 780.31 shall be replaced by the following two paragraphs:

(a) For any public parks, forest, or recreation areas, or historic places that may be adversely affected by the proposed operations, each plan shall describe the measures to be used to minimize or prevent these impacts and to obtain approval of the regulatory authority and other agencies as required in 30 CFR 761.12(f).

(b) Each application for an operation which will be visible from any public park, public highway, or residential area shall include measures to be taken to screen the operation from the view of public parks, public highways and residential areas, or shall set forth the reasons why such screening measures are either not feasible or not desirable.

§ 933.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 933.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 933.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground coal mining except that for the purposes of Part 933, the paragraph in § 784.17 shall be replaced by the following two paragraphs:

(a) For any public parks, forest, or recreation areas, or historic places that may be adversely affected by the proposed operation, each plan shall describe the measures to be used to minimize or prevent these impacts and to obtain approval of the regulatory authority and other agencies as required in 30 CFR 761.12(f).

(b) Each application for an operation which will be visible from any public park, public highway, or residential area shall include measures to be taken to screen the operation from the view of public parks, public highways and residential areas, or shall set forth the reasons why such screening measures are either not feasible or not desirable.

§ 933.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 933.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 933.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525 and 526 of the Act.

§ 933.788 Permit reviews, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 933.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 933.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 933.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 933.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 933.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

§ 933.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground coal mining operations.

§ 933.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 993.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 933.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 933.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 933.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or Near Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 933.828 Special performance standards—In situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 933.842 Federal inspections.

(a) Part 828 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) OSM will furnish a copy of any inspection report written pursuant to this part to the North Carolina Department of Natural Resources and Community Development upon request.

§ 933.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) OSM will furnish a copy of each enforcement action and order to show cause issued pursuant to this part to the North Carolina Department of Natural Resources and Community Development upon request.

§ 933.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

§ 933.850 Blaster training and certification.

Part 850 of this chapter, Program for Blaster Training and Certification, shall apply to any person who conducts coal exploration or surface coal mining operations.

[FR Doc. 83-5189 Filed 3-1-83; 8:45 am]
BILLING CODE 4310-05-M

VOL
48
ISS
42
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1983
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federal register

Wednesday
March 2, 1983

Part IV

Department of Health and Human Services

Office of Human Development Services

Grants for State and Community Programs on Aging and to Indian Tribes for Supportive and Nutritional Services; Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Parts 1321 and 1328

Grants for State and Community Programs on Aging and to Indian Tribes for Supportive and Nutritional Services

AGENCY: Office of Human Development Services (HDS), HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administration on Aging (AoA), in the Office of Human Development Services, proposes new and revised regulations. The bases for these are the passage of the Older Americans Act Amendments of 1981 and the Department's commitment to regulatory reform.

These proposed rules supplement Titles III and VI of the Act by establishing the following requirements and procedures:

- Under Title III:

—Submission of State plans
—Designation of planning and service areas, including designation of additional planning and service areas (PSA) in a single State planning and service area

- Under Title VI:

—Submission of application
—Designation of service area

- Under both Titles

—Service requirements
—Hearing procedures

DATE: Comments must be received on or before May 2, 1983.

ADDRESSES: Address comments in writing to Commissioner on Aging, Administration on Aging, Room 4639 HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Agencies and organizations are requested to submit comments in duplicate. Beginning two weeks from today, the public may review the comments submitted in response to this notice in Room 4639, HHS North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, between the hours of 9 a.m. and 4 p.m. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Floyd Godfrey, (202) 472–3042

or

Anita Shalit, (202) 245–0641.

SUPPLEMENTARY INFORMATION:

Background

1. *History of Program.*—The Older American Act was first enacted in 1965. On December 29, 1981, the President signed the Older American Act Amendments of 1981, Pub. L. 97–115. The Act was amended nine times between 1965 and 1981.

As first enacted, the Act authorized funding under Title III to support in each State a State Agency on Aging. Title III also provided funds for each State agency to initiate local community projects to provide social services to older persons. In fiscal year 1966, the total appropriation under the Act was $7.5 million.

In 1972, a new Title VII was enacted which authorized funds for local community projects to provide nutrition services to the elderly. The projects were designed to provide older persons aged 60 and older with at least one hot nutritious meal five or more days a week. Emphasis in the projects was placed on service to older persons with greatest economic need, and on reducing the isolation of old age.

A second major change occurred in 1973. The amendments revised the Title III State Grant Program by requiring the State agency to: (1) Divide the entire State into planning and service areas, (2) determine in which areas an area plan would be developed, and (3) designate an area agency on aging to develop and administer the plan in each area. The 1973 amendments also added a new Title V to the Act which authorized the Commissioner to make grants directly to local community agencies to pay part of the cost of the construction, acquisition, renovation, alteration, or initial staffing of facilities for use as multipurpose senior centers.

The 1975 amendments specified that priority services be provided under State plans: access, in-home services, and legal services. These amendments also added a new section 303(b)(3)(A) to the Act. This section authorized the Commissioner to withhold a portion of a State's allotment and to grant it directly to an Indian tribe if he or she determined that the State had failed to provide benefits to older Indians that were equivalent to those provided to non-indian older persons and that the Indians would be better served by a direct grant. This provision was never used.

The 1978 amendments consolidated under Title III the social services, nutrition services, and multipurpose senior center programs formerly authorized under Titles III, V and VII. This consolidation was designed to eliminate duplicative and overlapping functions that had been conducted under each Title. It also reemphasized the concept of a single focal point for service delivery within each community. The 1978 amendments enacted a new Title VI, a new direct grant program to Indian tribal organizations for older Indians.

2. *1981 Amendments.*—The 1981 amendments made several technical amendments to the Act and reinforced the basic direction established under the 1978 amendments. The new amendments also made several significant changes in both the Title III and Title VI programs. Most of the changes expand the capacity of State/area agencies and tribal organizations through increased administrative flexibility.

Title III

State and area plans.—The 1981 amendments provide States with greater flexibility in the development and submission of State plans. The amendments require that States submit to the Commissioner a plan for a two, three, or four year period as determined by the State agency, with such annual revisions as are necessary. Previously, three year State plans were required.

Long-Term Care Facilities.—Under section 302 of the Act, the definition of long-term care facilities subject to the Title III State ombudsman program is expanded to include any category of institutions regulated by a State pursuant to the provisions of section 1616(e) of the Social Security Act, also known as the Keys Amendment.

Balance of State Designation.—Any State designated as a single planning and service area prior to October 1, 1980 has the option of designating one or more additional planning and service areas within the State and, at the same time, continuing to function as the area agency for the balance of the State.

Priority services.—Each area agency must expend an "adequate proportion," rather than 50 percent, of its Part B supportive services allotment for access, in-home and legal services. The State agency has the responsibility for determining what constitutes "adequate proportion" and may waive the requirement for expending an "adequate proportion" of an area agency's Part B allotment for these services if the area agency demonstrates that the services being provided in the planning and service area for any specific category of service are sufficient to meet the need.

Meals for handicapped non-elderly and volunteers.—Nutrition services may be made available to the handicapped or disabled non-elderly individuals who reside in housing facilities occupied primarily by the elderly at which congregate nutrition services are provided. In addition, meals may be

offered to individuals providing volunteer services during meal hours on the same basis as meals are provided to older persons.

Nutrition services contributions.—Nutrition services contributions may be used to increase the number of meals served by a project, to facilitate access to meals, and to provide other supportive services directly related to nutrition services. In the past, contributions could be used only to increase the number of meals served.

20 percent transfer between Part B supportive services and Part C nutrition services.—A State may elect to transfer up to 20 percent of the funds appropriated for any fiscal year between the Part B and Part C programs for use as the State considers appropriate. The State shall notify the Commissioner of any such transfer.

Former Title VII projects.—All nutrition services contracts awarded after September 30, 1982 must be awarded through competitive processes. When there is no evidence of improved quality of services and cost effectiveness by another bidder, preference shall be given to the provider who received funds under Title VII of the Act as of September 30, 1978.

Title VI

Eligibility for services.—Eligibility for Title VI supportive and nutritional services has been changed from "Indians who are aged 60 and older" to "older Indians." However, the tribal organization must continue to represent at least 75 individuals who are 60 years of age or older in order to be eligible to receive a Title VI grant.

Legal and ombudsman services.—Legal and ombudsman services are no longer mandated under Title VI. However, each Title VI applicant that proposes to provide these services must assure that such services will be substantially in compliance with the requirements for legal and ombudsman services under Title III.

Evaluation of projects.—The prior requirement that evaluation of Title VI projects must be done by nonprofit private organizations has been amended to remove any mention of the type of organization which must conduct the evaluation.

Withholding and realloting Title III funds.—The former section 604(d) provided that, whenever the Commissioner approved an application to a tribal organization under Title VI, the Commissioner was required to withhold from the Title III allotment of the State an amount attributable to the older Indians to be served under the approved Title VI grant who were also counted for the purpose of determining the State's allotment under Title III. The Commissioner was required to reallot the sums withheld in accordance with the provisions of section 304(b). The 1981 amendments repealed section 604(d).

3. *Development of proposed Titles III and VI regulations.*—These proposed rules revise the current Title III and Title VI regulations, published March 31, 1980, and July 18, 1980, respectively, and incorporate appropriate provisions necessary to implement the 1981 Amendments to the Older Americans Act. Since the proposed rules supplement rather than repeat the Act, they shoud be reviewed in conjunction with the appropriate sections of the Act. Where applicable, we have referenced the appropriate section of the Act in these regulations.

In conjunction with the Administration's effort to reduce regulatory burden and to provide States and area agencies with greater flexibility to respond to the needs of their respective populations, the Department established several rulemaking principles to be applied in the development of regulations.

These principles are as follows:

- Consistency with Congressional intent;
- Non-duplication of clearly established statutory provisions;
- Elimination of regulatory provisions which do not serve a compelling Federal interest;
- Maximum flexibility to State, local and tribal governments;
- Elimination of fraud, abuse, waste and inefficiency; and
- Cost containment.

These principles provided the structural framework used by the Administration on Aging in developing the proposed rules to implement the 1981 Amendments to the Act.

The application of these principles to the current Title III and Title VI regulations resulted in the reduction of the combined Titles III and VI regulations from 134 sections to 42 sections for a total of 92 sections removed. Of the 92 sections removed, 62 were removed because they substantially repeat the statute and 30 were removed to provide States and Indian tribes with greater flexibility in the development and operation of Older Americans Act programs. Thirty sections under Title III and twelve sections under Title VI were maintained or revised either to provide flexibility or protect a compelling Federal interest. The result is a significantly abbreviated set of proposed rules which give States and tribal organizations broad authority and responsibility for administering programs under the OAA. Through the comment process we hope to identify any additional statutory provisions that should be addressed either in final regulations or future program guidance.

Because these proposed regulations involve extensive redesignation, revisions and deletions, we have based the format of the preamble on the 1978 regulations. State and local administrators, practitioners and others working with the field of aging are, through experience, familiar with the old format. The following table shows the transition from the old regulation to the proposed rules. It outlines whether a subsection has been removed, revised, or redesignated.

REDESIGNATION TABLE.—TITLE III—45 CFR PART 1321

Current section	Proposed action	New section
Subpart A	No change	
1321.1	Revised	
1321.3	do	
1321.5	do	
Subpart B	Removed	
1321.15	Revised	1321.17.
1321.19	do	1321.19.
Subpart C	Redesignated	Subpart B.
1321.21	Removed	
1321.23	Revised	1321.5.
1321.25	do	1321.9.
1321.27	do	1321.11.
1321.29	do	
1321.31	Revised	1321.13.
1321.33	Removed	
1321.35	Revised	1321.15.
1321.37	Removed	
Subpart D	Redesignated	Subpart C.
1321.41	Removed	
1321.43	do	
1321.45	do	
1321.47	do	
1321.49	Revised	1321.24.
1321.51	Removed	
1321.53	Revised	1321.27.
1321.55	do	1321.29.
1321.57	do	1321.31.
1321.59	do	1321.33.
Subpart E	Removed	
Subpart F	do	
1321.85	Redesignated	1321.25.
Subpart G	Removed	
Subpart H	Redesignated	Subpart D.
1321.101	do	1321.35.
1321.103	Removed	
1321.105	Revised	1321.26.
1321.107	Removed	
1321.109	Revised	1321.37.
1321.111	do	1321.39.
1321.113	Removed	
1321.115	do	
1321.121	do	
1321.123	Revised	1321.25.
1321.125	Removed	
1321.129	do	
1321.131	do	
1321.133	do	
1321.135	do	
1321.137	do	
1321.141	do	
1321.143	do	
1321.145	do	
1321.147	do	
1321.151	Revised	1321.43.
1321.161	Removed	
1321.171	do	
Subpart I	do	
1321.181	Redesignated	1321.28.
1321.207	do	1321.21.
Subpart J	do	Subpart E.
1321.231	Revised	1321.45.

REDESIGNATION TABLE.—TITLE III—45 CFR PART 1321—Continued

Current section	Proposed action	New section
1321.233	Removed	
1321.235	....do	
1321.237	....do	
1321.239	....do	
1321.241	....do	
1321.243	....do	
1321.245	....do	
1321.247	....do	
1321.249	....do	
1321.251	....do	
1321.253	....do	
1321.255	....do	
1321.257	....do	
1321.259	....do	
1321.261	....do	
1321.263	....do	
1321.265	Retained	1321.47
1321.267	....do	1321.49.
1321.269	Revised	1321.51.

REDESIGNATION TABLE.—TITLE VI—45 CFR PART 1328

Current section	Proposed title	New section
1328.1	Revised	
1328.3	....do	
1328.5	....do	
1328.7	Removed	
1328.9(l)	Redesignated	1328.7
1328.9(m)	....do	1328.7
1328.11	Removed	
1328.13	Revised	1328.9
1328.15	....do	1328.11
1328.17	....do	1328.13
1328.19	Removed	
1328.21	Revised	1328.15
1328.23	Removed	
1328.25	Revised	1328.17
1328.27	Removed	
1328.29	....do	
1328.31	Revised	1328.3
1328.33	Removed	
1328.35	....do	
1328.37	....do	
1328.39	....do	
1328.41	....do	
1328.43	Revised	1328.19
1328.45	....do	1328.21
1328.47	Removed	
1328.49	Revised	1328.23
1328.51	Removed	

Section by Section Discussion of the Major Changes of the NPRM

Title III

Subpart A—Introduction

Subpart A summarizes the purpose of Title III as set forth in 301(a) of the Act. We would retain § 1321.1 because the Administrative Procedure Act, 5 U.S.C. 553(c) requires a basis and purpose statement in regulations, and this section provides a convenient implementation of this requirement. This subpart also contains definitions of terms not in the statute as well as applicability of other regulations.

In § 1321.3, *Definitions*, we would remove those terms which are defined in the statute including area agency, Administration on Aging, Commissioner, community focal point for service delivery, comprehensive and coordinated system, Indian tribal organization, Indian tribe, long-term care facility, nonprofit, planning and service area, reservation, State, State agency and unit of general purpose local government.

We propose to set forth those definitions formerly codified in other sections of the Title III regulations including administrative action and altering, renovating and constructing of multipurpose senior centers. The definition of altering or renovating would be revised to limit such activities to no more than double the square footage of the original facility and all physical improvements. We would retain the definitions of greatest economic and social need because the terms are widely accepted by the aging network and practitioners.

Their common usage forms the basis for comparability of data nationwide. Minor technical changes are proposed in other definitions for purposes of clarification.

In § 1321.5, *Applicability of other regulations*, we have proposed to add 45 CFR Part 16, Procedures of the Departmental Grant Appeals Board. Also, we have proposed to add 45 CFR Part 100, Intergovernmental Review of Department of Health and Human Services Programs and Activities which was published as an NPRM (48 FR 3140, January 24, 1983) and is scheduled for publication as final on or before April 30, 1983. Part 100: (1) Proposes a new intergovernmental consultation system to replace the consultation system developed under the Office of Management and Budget Circular A–95 as it applies to HHS programs; and (2) provides States the opportunity to simplify, consolidate or substitute State plans for Federally required State plans. The area agencies' responsibilities under A–95 had been included under 45 CFR 1321.67(b) which is being deleted. Part 100 implements Executive Order 12372, Intergovernmental Review of Federal Programs (47 FR 30959, originally published on July 16, 1982).

Subpart B—State Agency Designation, Organization, and Functions

Subpart B, as constituted in the regulations of March 31, 1980, would be removed. Section 1321.11, *Designation and functions of the State agency*, would be removed because it duplicates section 305(a) of the statute. Section 1321.13, *Organization of State agency*, § 1321.15(a), *State agency administration*, and §1321.17, *Staffing*, would be removed to provide States with greater flexibility to organize and administer the Title III program. Although States have discretion regarding organization and administration of the program, we expect that States will continue to have an administrative structure which is visible and responsive to the needs of the States' elderly population. We believe that the development and communication of written policies and functional statements will facilitate this. We propose therefore, to revise and redesignate §§ 1321.15(b) and (c) relative to development of written policies and a functional statement. These regulations would be incorporated in the new Subpart B, as § 1321.15.

We propose to make technical revisions in section 1321.19, *Confidentiality and disclosure of State agency information*. This section would be redesignated section 1321.19 under the new Subpart B. We would retain confidentiality requirements to assure continued applicability to all Title III activities and to clarify the State's responsibility for the development of confidentiality procedures.

Subpart C—The State Plan

Sections 1321.21, *What is a State plan* and 1321.33, *Approval or disapproval of a State plan and plan amendments*, would be removed because they are duplicated either in the statute or other Title III regulatory sections. Section 1321.23, *Duration and format of the State plan*, would be revised to permit States to use a State plan format of their own choice. This section would be redesignated § 1321.8. Section 1321.37, *Effective dates and expenditures under an approved State plan or amendment*, would be retained in § 1321.8.

Section 1321.29, *Development and review of the State plan and plan amendments*, would also be removed in the interest of providing States with greater management flexibility. Currently, § 1321.29 requires consultation with area agencies on the State plan, public hearings and State plan review by the State advisory council. These provisions implement section 307(a)(1) of the statute requiring that the State plan be based on area plans and section 305(a)(2)(B) of the statute requiring that the State agency take into account the views of recipients of supportive and nutrition services in development and administration of the State plan. The Administration on Aging continues to emphasize the importance of these statutory functions; however, we would propose to leave to State discretion the methods of implementing these provisions.

In § 1321.25, *Content of the State plan*, we propose to remove those provisions that duplicate sections 305 and 307 of the statute and requirements that are

addressed elsewhere in the regulations. It is now § 1321.9. Section 1321.25(d)(3) would be revised by removing the provisions concerning non-Federal support for services and the advisory role of older persons because they are adequately addressed in the statute. The remaining provisions of § 1321.25(d)(3) would be included as State plan assurances.

In § 1321.25, we would revise the requirement to document the designation of the State agency. We would include as a State plan requirement the indentification by the State of the single State agency that has been designated to develop and administer the plan. This provision implements the statutory requirement of section 305(a) that the State designate a State agendy "in accordance with the regulations of the Commissioner." We would retain State plan information requirements pertaining to program objectives, resource allocation plan, and identification of planning and service area boundaries. In addition, we woud include a series of assurances which are essential requirements for State participation in the Title III program. These information requirements and assurances represent the basic program and administrative framework for the development and operation of the State's Title III program. We believe that these State plan components are necessary for effective program administration and as a vehicle for communicating the State's Title III agenda to the public. Older people, especially, need to be kept informed and have a right to know about programs affecting them, and the State Plan becomes the central public document through which they obtain this knowledge.

This Notice of Proposed Rulemaking does not solicit comments on the new State plan assurance recently published in the **Federal Register** regarding funding of program development and coordination activities as costs of supportive services. Since this new assurance is not affected by passage of the 1981 Amendments to the Act and was recently subject to public comment prior to publication as a final rule, it is considered duplication to republish the rule for public comment at this time. The recently published rule remains in effect and will be retained as a State plan assurance in the final Title III regulations.

We did consider proposing to add a new assurance in § 1321.9(e)(6) which would require the State through its Chief Executive Officer or designee to certify to the Commissioner on Aging that it is in compliance with the requirements of the Keys Amendment, section 1616(e) of the Social Security Act, and implementing regulations at 45 CFR Part 1397. However, after careful analyses and considerable review within the Department, we have decided not to include Key's Amendment requirements under these regulations. In addition, 45 CFR Part 1397 will be revised and published separately from Older Americans Act regulations.

In § 1321.27, now § 1321.11, we propose to remove the requirements concerning plan amendments due to statutory changes or judicial actions. Plan amendments would automatically be required in those circumstances, and our regulation is accordingly not necessary. The provision requiring amendments when there is a change in the designation of the State agency would be retained. Amendments are also required for changes in assurances. We proposed to remove the amendment requirements regarding changes in Statewide program objectives. We concluded that such amendments would be unreasonable since State plans may be in effect for periods of up to 4 years and are expected to change in response to changes in area plans and Statewide needs assessments. We would not retain the amendment requirements regarding changes in PSA designations because the Administration on Aging does not approve planning and service area boundaries.

We propose to require States to notify the Commissioner if the State plan is amended and to submit the amended portion of the plan. However, if the State proposes to amend the plan to change the State agency designation or assurances, this amendment must be submitted to the Commissioner for approval.

Section 1321.31, *Submission of the State plan and plan amendments to the Commissioner for approval,* and § 1321.35, *How a State agency is notified,* would be retained and revised to allow the governor to have a designee sign the plan and receive notifications from the Commissioner. These sections have been redesignated § 1321.13 and 1321.15 respectively.

Finally, we proposed to add two new sections to the new State plan Subpart. Section 1321.8, *State plan information and duration,* allows the State to collect information for the plan in any manner and to decide on the duration of the plan. We think that this will provide States with greater flexibility and reduces the paperwork burden. Section 1321.10, *Public participation on State plan development,* reemphasizes the need to consider the views of all older individuals in developing State plans.

Subpart D—State Agency Responsibilities

Section 1321.41, *Advocacy responsibilities: general,* and § 1321.45, *Service delivery systems responsibilities: general,* would be removed from the regulations because they are substantially duplicated in sections 305 and 307 of the statute or in these proposed regulations.

Except for the definition of "Administrative Action," § 1321.43, *Long-term care ombudsman program,* would be removed from the regulations because it duplicates the provisions of section 307(a)(12) of the statute. The definition of "Administrative Action" would include a minor technical revision and be a part of § 1321.3, *Definitions.*

Section 1321.47, *State advisory council on aging,* would be removed. Section 305(a)(2)(B) of the statute is sufficiently clear regarding requirements for obtaining the views of recipients of supportive and nutrition services in connection with matters involving the development and administration of the State plan. However, we think that this requirement is so important that we propose to retain the requirement in § 1321.10, *Public participation in State plan development,* requirement States to obtain the view of older persons. Rather than prescribing specific methods and procedures for obtaining these views, we proposed to allow States flexibility to use the methods and procedures they find most effective. However, we believe that the designation and active involvement of State advisory councils on aging, comprised of significant numbers of older persons, continues to be one of the most effective means of obtaining these views.

Section 1321. 49, *Intrastate funding formula,* would be revised and is now the new § 1321.21. We would delete from regulations those funding formula criteria that are included in section 305(a) of the statute. We propose to eliminate the regulatory provision requiring that an identical base be provided to each area agency in order to give States greater flexibility in the development of a formula. Formerly, § 1321.49 also included the statutory provision of section 307(a)(3)(B) requiring allocation to rural areas in the State of at least 105 percent of the amount spent under Titles III, V and VII of the Act for services in rural areas in Fiscal Year 1978. This provision would not be mentioned in these new regulations because the statute clearly requires its implementation. Inclusion in

the intrastate funding formula criteria is implicit since all Title III funds must be allocated to area agencies based on such a formula. Finally, the new regulations would retain in § 1321.24 the requirement that the intrastate funding formula reflect consideration of older persons in greatest social or economic need. Emphasis on older persons in greatest social or economic need is a major component of the Title III program that is not elsewhere addressed in the statute or regulations in connection with the intrastate funding formula.

Section 1321.51, *State agency hearings*, would be removed in the proposed regulations. Section 307(a)(5) of the statute clearly provides that the State agency will afford an opportunity for a hearing upon request to any area agency, any service provider, or any applicant to provide services. Specific hearing procedures are eliminated from the proposed regulations to provide each State with flexibility to use those hearing procedures it deems most appropriate.

Section 1321.55, *Appeal to the Commissioner;* § 1321.57, *Intrastate planning and service area;* and, § 1321.59, *Single State planning and service area*, would be revised to delete those provisions which are included in sections 305 and 308 of the statute. We are proposing to revise the remaining portions of these sections. They are now §§ 1321.29, 1321.31 and 1321.33.

These revised sections are based on section 305 of the Act. Section 305(b)(1) requires a State agency to give an opportunity for a hearing, on application, to any unit of general purpose local government with a population of 100,000 or more that applies for designation as a planning and service area. Section 305(b)(4) requires the Commissioner to give an opportunity for a hearing to any unit, region, area, or Indian reservation that is denied designation as a planning and service area by the State. States that elect to apply to the Commissioner to request designation as an interstate planning and service area under section 305(b)(3), to request continued single planning and service area designation under section 305(a)(1)(E), or to designate one or more additional planning and service areas under section 305(b)(5) must, also, meet the hearing requirements in sections 305(b)(1) and 305(b)(4) of the Act.

Except for those States that have been approved to function as a single planning and service area, all States have designated planning and service areas, as required in section 305(a)(1)(E) of the Act. Therefore, we do not anticipate that a great number of States will want to change planning and service area designations, nor do we encourage such changes. However, the statute contains a clear preference for division into planning and service areas, and grants appeal rights to applicants for planning and service designation. We believe that these statutory provisions cannot be meaningfully implemented unless the State's decision to continue its present division or its present designation as a single planning and service area State, or to apply for balance of State designation, is subject to some scrutiny and challenge by local entities that would like to apply for planning and service designation. We are requiring, pursuant to the statutory provision in section 305(a)(1)(E), that States be divided in accordance with guidelines issued by the Commissioner, that the procedures for application and approval or denial of planning and service area designations be completed prior to final approval of the State's request for continued single planning and service area, or interstate planning and service area designation. We anticipate that these policies will avert major interruptions in the implementation of State and area activities under approved plans. These proposed regulations would require State agencies to follow policies which would complete the hearing requirements for denial of planning and service area designation to general purpose local government and other entities specified under section 305(b)(1) and 305(b)(4) of the Act before the submission of a State plan or plan amendments. Upon request from an applicant whose request for planning and service area designation has been denied by a State, the Commissioner would hold a hearing and approve or disapprove the decision of a State agency within 60 days of the applicant's request for a hearing. At the same time the Commissioner would also make a decision with respect to the State's application for continued single planning and service area or interstate planning and service area designation. Once the Commissioner has made a decision, the State would incorporate that decision in the next State plan it develops. The revised §§ 1321.27 through 1321.33 should be reviewed in conjunction with the revised § 1321.7 of the regulations. Section 1321.7 would require State agencies to notify the Commissioner of their intention either to maintain or amend planning and service area boundaries before State plan submission and to submit details of their proposal to the general public (including older persons, government officials, and the aging services network). Sections 1321.27 through 1321.33 would be retained to clarify those administrative and procedural requirements contained in section 305(b) of the Act.

We think that most State agencies will not have to carry out these procedural requirements. The procedure would terminate and no further action on the part of the State would be required if no applications are received by a State agency after the State's notification to the Commissioner; a State agency approves an application after receiving it; an applicant does not appeal a State agency denial; a State agency approves an application after an appeal; or an applicant does not appeal a State hearing denial to the Commissioner.

Subpart E—Area Agency Designation, Organization, Functions

Subpart E would be removed from the Title III regulations in its entirety. Section 1321.61, *Designation and functions of area agencies*, and § 1321.63, *Types of agencies that may be an area agency*, would be removed specifically because they largely duplicate provisions in sections 305 and 306 of the statute and to provide greater State flexibility. Although we have removed the specific requirement for preference to Indian tribal organizations because it is not required by the statute, we emphasize that tribal organizations are considered general purpose local governments and as such, are entitled to consideration for area agency designation.

Section 1321.65, *Organization of the area agency;* § 1321.67, *Area agency procedures* and § 1321.69, *Staffing*, would be removed in the interest of providing States with flexibility to prescribe administrative procedures in these areas. However, we emphasize the continued importance of these issues and strongly encourage States to address them in the development of policies as prescribed in the proposed Title III regulations, § 1321.15, *State agency administration.*

Subpart F—The Area Plan

This Subpart from § 1321.71 through § 1321.83 would be deleted either because the provisions are adequately addressed in the statute or to give States greater flexibility in Statewide program management. Section 1321.85, *Withdrawal of area agency designation and continuity of services*, would be retained in the new § 1321.25 with technical changes and a revision in § 1321.85(d). This revision gives the Commissioner discretion to extend the period of time in which a State must designate an area agency.

Subpart G—Area Agency Responsibilities

This subpart would be eliminated in its entirety. Area agencies would be given flexibility to determine composition of their advisory councils within the categories of older individuals, their representatives, local officials, and the general public. However, we believe that area agencies will recognize the extensive and important contributions of older people in designating their advisory councils.

Subpart H—Service Requirements

Section 1321.107, *Outreach, training and coordination requirements;* § 1321.115, *Advisory role to service providers of older persons;* and § 1321.135, *Funding and use requirements* would be deleted from the Title III regulations in the interest of giving States greater flexibility to provide area agencies and service providers with appropriate guidance in these areas.

The following sections would be deleted from the Title III regulations because they duplicate provisions of the statute: § 1321.125, *Federal labor standards;* § 1321.129, *Length of use of an acquired or constructed facility;* § 1321.131, *Special conditions for acquiring by purchase or constructing a facility;* § 1321.133, *Prohibition on sectarian use of a facility,* § 1321.137, *Recapture of payments for acquired or constructed facilities;* and § 1321.171, *Transportation agreements.*

Section 1321.101, *State agency approval of area agency subgrants or contracts*, would be revised. Section 1321.101(a) which prohibits prior State agency review of area agency subgrants or contracts with public or private nonprofit agencies or organizations would be retained as § 1321.35 because we believe a uniform Federal requirement is necessary to preserve the statutory authority of area agencies.

The first part of § 1321.101(b) regarding prior State agency approval of proposed area agency contracts with profitmaking organizations would be deleted because it duplicates section 212 of the statute. It should be noted that the part of § 1321.101(b) that requires profitmaking organizations to demonstrate clear superiority is no longer in effect because Congress removed this provision when it revised the former section 213 of the statute under the Omnibus Budget Reconciliation Act of 1981 (section 606(c), Pub. L. 97–35).

Section 1321.103, *Direct provision of services by State and area agencies*, would also be deleted from the new regulations. We are proposing to remove regulations implementing the statutory restriction at section 307(a)(10) of the Act on direct service delivery by State and area agencies. We added those requirements to the regulations when nutrition services were consolidated under Title III and when we had reason to believe that Federal regulation was necessary to ensure that direct delivery would be the exception rather than the rule, and that services under the Act would be furnished to the extent possible by private providers rather than by Title III administrative agencies. It is now almost two and one half years since those regulations were published. We believe that in most cases this principle has been firmly established, and that States have adopted procedures to restrict direct delivery carefully. Since section 307(a)(10) provides that the State agency must judge when direct delivery is necessary to assure an adequate supply, we believe that it is now appropriate for us to eliminate uniform Federal requirements in this area. We are, therefore, proposing to leave to the judgment of the State agency which criteria to use with respect to direct delivery.

By removing this section, we would also be deleting the definitions for "effectively and efficiency," the tests for adequate supply of services, and the requirement for the provision of services funded under other programs to provide States with flexibility in these areas. In order to assure adherence to the intent of this statutory provision, we want to emphasize the importance of State established criteria governing the direct provision of services.

Section 1321.105, *Licensure and safety requirements*, would be revised and included in a new § 1321.26, *Statewide licensure and safety requirements*, applicable to the provision of all services would be included as an assurance in the proposed § 1321.9, *Content of State plan.*

Section 1321.109, *Preference for older persons with greatest economic or social need*, would be replaced by § 1321.37. The provision requiring preference to older persons in greatest economic or social need and the prohibition on use of means tests in the delivery of services would be incorporated as assurances in the proposed § 1321.9, *Content of State plan.* Methods that can be used to meet the preference requirement, such as location of services, would be deleted as regulatory requirements. States may wish to communicate these and other methods to area agencies and service providers in the process of providing guidance on the provision and location of services. We would retain the prohibition against means testing because the legislative history of the Act has consistently stressed that is congressional intent that no means tests be imposed, and because it has been our consistent policy that income screening may not be used to deny or limit receipt of services under the Act.

Section 1321.111, *Contributions for services under the area plan*, would be retained as § 1321.9 as an assurance with technical revisions. This section would be retained in order to emphasize the need to increase program income, especially during this time of diminished resources. At the same time, it is important to assure that contributions by participants are voluntary and not required, either implicitly or explicitly, as a condition for receiving services.

Section 1321.113, *Maintenance of non-Federal support for services*, would be removed. States have responsibility for meeting their non-Federal maintenance of effort requirements. The manner in which they do so, is a State option, and removal of this section provides flexibility for individual States to develop the most appropriate way.

Section 1321.121, *Multipurpose senior centers*, would be deleted except for the definitions of "altering" or "renovating" and "construction" which would be included in § 1321.3, *Definitions.* The remainder of this section would be eliminated because it duplicates provisions of section 307(a)(14) and section 321(b) of the statute. We would retain § 1321.123(a), which requires compliance with applicable State and local building codes, etc., for the same reason that we would require compliance with any State and local standards for other services: to help ensure the protection for Title III participants of safety requirements that a State has decided are appropriate. We would retain § 1321.123(d) because it specifies the manner in which the State meets the statutory requirement of consultation with the Department of Housing and Urban Development on the technical adequacy of proposed senior center alterations or renovations. Section 1321.123(a) and 1321.123(d) are retained in § 1321.26.

In § 1321.41 which concerns the provision of home delivered nutrition services, we would delete all of those provisions which are duplicated in the statute. In addition, we would eliminate all regulatory material regarding congregate meals in the interest of providing States with greater flexibility. We think that States have successfully operated congregate nutrition services

programs for a number of years. Therefore, we believe that a combination of this experience and the State's promulgation of proper and efficient policies and procedures for delivery of congregate nutrition services will negate the need for continued Federal regulation in this area.

With respect to the furnishing of home delivered nutrition services, section 337 of the Act states that the Commissioner, in consultation with a variety of organizations, shall develop minimum criteria of efficiency and quality for the furnishing of home delivered meal services. In accordance with this statutory requirement, we developed a series of regulatory provisions for eligibility, selection of nutrition services providers, and other special requirements. We are proposing to retain these requirements, but not to impose additional ones, because our experience has not indicated that additional requirements are necessary.

In § 1321.151, *Legal services*, we propose to remove all provisions which duplicate sections 302(4) and 307(a)(15) of the Act. We would retain in the proposed regulations those standards for grantee selection that must be promulgated by the Commissioner pursuant to section 307(a)(15)(B) of the Act. In compliance with the provisions of section 307(a)(15)(ii), we propose to retain specific restrictions and regulations promulgated under the Legal Services Corporation Act. We would make them applicable by adapting the appropriate Parts of 45 CFR Chapter 1600. In order to assure consistent application of the Legal Services Corporation Act regulations, we propose that all provisions of the enumerated Parts be adapted.

We have adapted all of Parts 1604, 1608, 1609 and 1612. Specifically, these Parts would revise existing Title III regulatory requirements as follows:

A. Part 1604

- Compensated outside practice of law is permitted when the attorney is newly employed and has a professional responsibility to close cases from a previous law practice, is acting pursuant to an appointment under a court rule or practice of equal applicability to all attorneys in the jurisdiction, and remits to the provider all compensation received.
- Section 1604.2 defines an attorney as a person who is employed full-time in legal assistance activities.

B. Part 1608

- No provider or employee shall use a political test or qualification in making a decision, taking an action or performing a function.
- No provider or employee shall contribute or make available Older Americans Act funds, personnel or equipment to any political party, campaign, ballot measure, initiative or referendum.
- No attorney shall engage in any political activity or any activity to provide voters with transportation to the polls.

C. Part 1609

- Fee-generating cases may be accepted by the provider in cases rejected by local attorneys, emergency circumstances, and appointment by the court.
- Fees may be charged and accepted when awarded or approved by the court.
- Out of pocket costs and expenses associated with recovery of damages, other than statutory benefits, may be accepted if the client agrees and the case meets requirements for accepting fee-generating cases.
- A provider may require clients to pay court costs if the court determines that the client is not a pauper. A provider may also accept fees in a case that was initiated prior to the adoption of this part or when acting as co-counsel with a private attorney.

D. Part 1612

- The area agency on aging shall have the authority to suspend or terminate financial assistance to a provider who fails to insure that its employees refrain from activities prohibited by the Older Americans Act of Part 1612 of this Title.
- Older Americans Act funds cannot be used by legal service providers to influence executive or administrative orders or regulations of a Federal, State or local agency.
- A provider shall advise employees of their legal responsibilities, establish procedures for determining violations and establish policies for determining sanctions.
- The provider shall consult with the area agency on aging before suspending or terminating an employee for violation of legal services regulations.

It should be noted that on November 8, 1982, the Legal Services Corporation issued proposed rules containing revisions to Part 1600. It is our intent to adapt appropriate subparts of the final Legal Services Corporation Act regulations. Finally, we would retain the regulatory provision which allows a legal services provider to ask about an older person's financial circumstances as a part of the process of providing legal advice.

Section 1321.161, *Information and referral services*, would be removed from the regulations entirely. All of these provisions are duplicated in the statute except for that relating to confidentiality in the provision of information and referral services. We propose to include a State plan assurance which requires confidentiality of information about older persons in the delivery of all services, including information and referral in § 1321.9, which was § 1321.25.

Subpart I—Fiscal Requirements

The following sections would be deleted from the Title III regulations because they are adequately addressed in the statute: § 1321.181, *Allotments and grants to States;* § 1321.183, *Area agency allotments;* § 1321.193, *Allowable use of funds for State and area plan administration;* § 1321.195, *Additional funds for State plan administration;* § 1321.197, *Obligation and reallotment;* § 1321.199, *Federal financial participation;* § 1321.201, *Non-Federal share requirements*, § 1321.203, *Source of non-Federal share*, § 1321.205 *State agency maintenance of effort;* and § 1321.213, *Federal reviews and audits.*

Section 1321.185, *Expenditures in rural areas*, would be removed from the regulations. The provision requiring that the State agency annually spent in rural areas at least 105 percent of the amount spend for services to older persons during fiscal year 1978 is adequately addressed in the statute. The definition of "rural area" would be removed from the Title III regulations in order to permit States to establish a definition which appropriately reflects the specific and unique characteristics of its population density and geography.

Section 1321.187, *Fifty percent priority service requirement*, would be deleted from the regulations. Congress changed the requirement that area agencies must spend at least 50 percent of their Part B allotment for activities associated with access, in-home, and legal services. Section 306(a)(2) of the statute now provides greater flexibility to States and requires that each area plan provide assurances that an adequate proportion of the Part B allotment be expended for delivery of these services and that some funds be expended in each category of service. The statute retains in section 306(b) the State agency option to grant a waiver in any category of service if the area agency demonstrates that sufficient services are being provided. Since this option is clearly specified in the statute, we have not provided for it in the proposed regulations. The former § 1321.187(b) of the Title III regulations

required that States develop criteria that an area agency must satisfy in order to obtain a waiver. Although this would no longer be stated in regulatory form, we continue to believe that this is an appropriate responsibility of the State agency.

Section 1321.189, *Long-term care ombudsman program,* would be deleted from the Title III regulations because it is adquately addressed in section 304(d)(1)(B) and section 307(a)(18) of the statute. Section 307(a)(18) retains the provision that a State use annually at least one percent of its Part B allotment, or $20,000, whichever is greater, for carrying out the ombudsman program. However, it should also be noted that section 304(d)(1)(B) provides States with greater flexibility by allowing States to determine an additional amount of Part B funds for this purpose. We propose not to provide States with regulatory guidance on amounts considered to be adequate for the ombudsman program. We think that States should give significant attention to long-term care issues in the State and make every effort to allocate amounts which enable the ombudsman program to operate effectively.

We propose to revise § 1321.191, *Transfer between congregate and home-delivered nutrition services funds under the State plan,* to allow States the flexibility to transfer from one allotment to the other 20 percent or less, rather than the 15 percent or less previously allowed under this section. This change is consistent with the statutory provision in section 308(b)(6) which permits a State to transfer not more than 20 percent of its annual allotments between programs under part B and part C of Title III. The remainder of this section would be retained and be redesignated § 1321.23.

We propose to retain the provisions of § 1321.207, *Restriction on delegation of authority to other agencies,* and redesignate these provisions under § 1321.21 of the proposed regulations. We think it is necessary to continue to clarify that State and area agencies are precluded from joint funding under the Act except for transportation as authorized under section 306(c) of the Act, or except where they are the lead agencies. The statute requires that State and area agencies be the sole agencies for awarding and administering funds under this part. Accordingly, State and area agencies may not delegate this authority to another agency. Sections 1321.215 through 1321.223 provide information about various Federal reviews and audits. This material would be deleted from the Title III regulations because it is adequately addressed in OMB Circular A–102.

Subpart J—Hearings Procedures for State Agencies

We propose to substitute the present Subpart J with the existing 45 CFR Part 213. Part 213 contains the rules of procedure for hearings under other State plan programs administered by the Department. We are proposing this change in the interest of ensuring that States are subject, to the extent possible, to uniform hearing procedures under the various State plan programs administered by the Department. It is in the new § 1321.45. In order to conform to existing Title III standards, we have retained or substituted Title III program specific language, as appropriate. Section 1321.265, *When a decision is effective;* § 1321.267, *How the State may appeal;* and § 1321.269, *How the Commissioner may reallot the State's withheld payments* have been retained.

Section by Section Discussion of the Major Changes in Title VI

We would retain § 1328.1 because the Administrative Procedure Act, 5 U.S.C. section 553(c) requires a basis and purpose statement in regulations, and this section provides a convenient implementation of that requirement.

The following provisions would be deleted from the Title VI regulations because they are adequately addressed in the statute and/or appropriate guidance is provided in the Title III regulations: § 1328.23, *Ombudsman services;* § 1328.29, *What senior center activities may be funded;* § 1328.33, *Use requirements;* § 1328.37, *Surplus education facilities from the Bureau of Indian Affairs;* § 1328.47, *Application disapproval;* and § 1328.51, *Prohibition on consideration of program benefits as personal income.*

Section 1328.11, *Advisory Council,* would be deleted from the Title VI regulations in the interest of providing tribal organizations with greater flexibility to administer the title VI program in accordance with the unique needs and other characteristics of the tribe's older population. Section 1328.39, *Preapplication requirements,* and § 1328.41, *Determination of eligibility,* would be deleted because our administrative experience indicates these requirements are not appropriate for an ongoing program.

Section 1328.7, *Tribal organization eligibility,* would be deleted from the regulations because the provisions are adequately addressed in the statute except for § 1328.7(a)(3) (i) and (ii). These provisions require that a tribal organization document its ability to deliver supportive and nutrition services to older persons and that the tribal organization has effectively administered supportive and nutrition services within the last 3 years. These provisions would be retained in § 1328.19.

Tribal Organization Requirements

Section 1328.9 would be removed. Paragraph (a), as indicated above, defines the concept of a "service area" and is now included in § 1328.3, *Definitions.*

Paragraph (k) which concerns providing opportunities to older Indians to contribute to the cost of services is now incorporated in § 1328.9, *Contributions.* Paragraphs (l) and (m) address confidentiality issues and would be included in a redesignated § 1328.7, *Confidentiality and disclosure of information.* It is proposed, also, that those requirements for outreach and coordination be deleted to provide flexibility and the prohibition against means testing be moved to the section on application requirements as an assurance. In the current regulations these requirements are specified in paragraph (g), (h) and (t). All other paragraphs of § 1328.9 would be removed either to provide greater tribal flexibility or because they duplicate statutory or other regulatory provisions.

General Services Requirements

Section 1328.19, *General services requirements* would be removed from the regulations. Section 1328.19(a), which requires that the tribal organization ensure that all activities funded are provided in compliance with the requirements of this part and other applicable regulations, is contained in the standard OMB application. The remaining provisions of this section would be deleted to provide tribal organizations with greater flexibility to administer the Title VI program. We want to emphasize that tribal organizations continue to have a responsibility to assure preferences required under section 7(b) of the Indian Self-Determination and Education Assistance Act.

Definitions

We propose to delete from the regulations the definitions for "Commissioner," "legal services," "long-term care facility" and "State agency" because they duplicate provisions of either Title III or Title VI of the statute. The definition of "nonprofit" would be deleted because it is not necessary for implementation of the Title VI regulations. The definitions of "Indian

tribe," "Indian reservation," and "tribal organization" would be retained; they differ from the definitions in section 102(6) of the Act in that the Title VI definition is limited to federally recognized tribes and reservations. The definitions of "altering" or "renovating" and "acquiring" as used with regard to multi-purpose senior centers are redesignated from § 1328.31 of the Title VI regulations to § 1328.3. The definition of an "older Indian" is revised to reflect the deletion of a specific age requirement in section 603 of the statute. The definition of "service area" would be expanded to incorporate § 1328.9(a) of the current Title VI regulations which provides clarifying information about the concept of a "service area" under the Title VI program.

Applicability of Other Regulations

We propose to add to the list Part 80 and Part 81 which concern non-discrimination requirements.

Contributions

Section 1328.13 would be retained as § 1328.9 to assure that grantees continue to use these criteria for the collection, safeguarding and use of participant contributions. The proposed section includes some minor technical changes which conform with the Title III statutory revisions relative to nutrition services contributions.

Prohibition Against Supplantation

Section 1328.15 would be retained as § 1328.11 without change. This provision is retained to assure that Older Americans Act funds are used for the purpose of expanding services to older Indians.

Required and Optional Services

Section 1328.17 would be significantly condensed and is now § 1328.13. Paragraph (a) would be deleted because the statute clearly states that delivery of nutrition services and information and referral services are required. Further, the statute is clear that legal services and ombudsman services are optional activities that the tribe may conduct in accordance with the needs of its older population. In addition, paragraph (b) would be deleted because we do not think that this list of optional services is comprehensive enough to reflect all the services that may be necessary for the welfare of older Indians.

In revising § 1328.11, therefore, we proposed to provide language which permits tribes to deliver any supportive services deemed appropriate by the tribe, based on the needs assessment. Finally, paragraph (c) would be deleted from the regulations because requirements for needs assessment are adequately addressed in section 604(a)(1) of the Act.

Nutrition Services

Section 1328.21 would be revised as § 1328.15 Paragraph (b) concerning food requirements for all nutrition services providers and paragraph (c) concerning type and frequency of meals served would be deleted to give tribes greater flexibility in the provision of nutrition services. Paragraph (a), eligibility of the spouses of older Indians for receiving nutrition services; paragraph (d) USDA assistance for nutrition services; and paragraph (e) food stamps would be revised and retained in order to clarify applicability of these provisions to the Title VI program. We also refer to the Title III provisions regarding nutrition services to non-elderly handicapped Indians who reside in housing facilities for the elderly and to individuals providing volunteer services during meal hours. These provisions would be included in the Title VI regulations to assure clear understanding of their applicability to Title VI.

Legal Services

Section 1328.23 would be removed because the Act no longer mandates that tribal organizations provide legal services. However, tribal organizations have the option of providing legal services substantially in compliance with the requirements under the Title III regulations. If a tribal organization decides to provide legal services under its Title VI grant, we would require that legal services providers comply fully with the Legal Services Corporation regulations and restrictions proposed under Title III, since we believe that full compliance with these provisions is appropriate for all legal services funded under the Act. We would require only substantial compliance with the standards for selection of legal services providers because we believe full compliance may not be feasible for some tribal organizations that want to provide legal services.

Information and referral

Section 1328.25 would be revised as § 1328.17. Paragraph (a) is deleted because it is adequately addressed in the statute. Paragraph (b) which concerns provision of information and referral services in the principal language spoken by older Indians would be removed from section 1328.25. It is proposed for inclusion in section 1328.19 as a general application assurance for all supportive and nutrition services. Paragraphs (c), (d) and (e) would be retained as § 1328.17 with minor technical revisions.

Definitions

Section 1328.31 would be deleted from the Title VI regulations. However, it is proposed that the definitions of "altering" or "renovating" and "acquiring" be included in § 1328.3, *Definitions.*

Health and safety requirements

Section 1328.35 would be deleted from Title VI regulations. However, we propose to include health and safety requirements under proposed § 1328.13, *Optional services,* and § 1328.19, *Application requirements.*

Application requirements

Section 1328.43 would be revised as § 1328.19 to delete those subsections that are contained in the standard application format approved by the Office of Management and Budget and those that substantially repeat the statute. We propose to delete these subsections to provide tribes with greater flexibility in administering the Title VI programs and to reduce the paperwork burden. We propose to retain and incorporate in § 1328.17 those requirements that establish a basic framework for developing a Title VI application, as follows: program objectives; a geographic description of service area boundaries; documentation of tribal organization ability to deliver supportive and nutrition services; assurances on methods to ensure that eligible participants do not receive Title III services, the tribe represents at least 75 older Indians, compliance with applicable State and local licensure requirements and, where possible, the use of staff fluent in the language spoken by the participants; a tribal resolution which authorizes application for a Title VI grant; and the signature of the principal tribal official.

Application Approval

Section 1328.45, now § 1328.21, would be revised to delete paragraph (a). The provisions in paragraph (a) repeat the requirements in 45 CFR Part 74, previously referenced under § 1328.3 of this part. The provisions in paragraphs (b) and (c) would be retained to clarify the difference between Title VI grant awards and formula grant awards under Title III.

Hearing procedures

Section 1328.49 would be retained as § 1328.23, with minor technical revisions. We propose to retain these hearing rules and procedures in accord

with the requirements of section 604(d)(3) of the Act, which require the Commissioner to establish regulations governing hearings on denial of application. However, a hearing decision by or on behalf of the Commissioner, under this part, does not preclude an applicant from exerting its appeal rights under 45 CFR Part 16, after a decision has been given.

Impact Analysis

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this proposed rule does not constitute a major rule because it will not: have an annual effect on the economy of $100 million or more; result in major increase in costs or process for consumers, any industries, any governmental agency or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, Pub. L. 96–354, requires that an agency prepare a regulatory flexibility analysis for a proposed or final rule if the rule would have a significant economic impact on a substantial number of "small entities," i.e. small businesses, small non-profit organizations, or small governmental jurisdictions.

Although actual delivery of services may be provided in some circumstances by proprietary, public and not-for-profit agencies or organziations under contract to the State agency, the responsibility for meeting the requirements of these regulations is on the State agencies, which are not "small entities" within the meaning of the Act. This proposed rule will impose no significant burdens on States or other affected parties and will provide flexibility to States in implementing the provisions of the Act. For these reasons, the Secretary hereby certifies that these regulations will not have a significant impact on a substantial number of small entities.

Recordkeeping and Reporting Requirements

Sections 1321.7–1321.13 and 1328.19 of this proposed rule contain information collection requirements. As required by Section 3504(h) of the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears in this preamble, and to the Office of Information and Regulatory Affairs OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, Attn: Desk officer for HHS.

List of Subjects

45 CFR Part 1321

Administrative practice and procedure, Aged, Grant programs—social programs, Nutrition, Reporting and recordkeeping requirements.

45 CFR Part 1328

Administrative practice and procedure, Aged, Grant programs—Indians, Grant programs—social programs, Indians, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

(Catalog of Federal Domestic Assistance Program Numbers: 13.633 Special Progams for Aging, Title III Parts A and B—Grants on Aging; 13.635 Special Programs for Aging, Title III Part C—Nutrition Services); (13.655 Special Programs for Aging—Title VI—Grants for Indian Tribes)

Dated: January 17, 1983.

Lennie-Marie P. Tolliver,

Commissioner on Aging.

Approved: January 19, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved January 26, 1983.

Richard S. Schweiker,

Secretary of Health and Human Services.

Accordingly, for the reasons set forth in the preamble we propose to amend 45 CFR Chapter XIII, as follows:

1. In Subchapter C, Part 1321 is revised to read as follows:

PART 1321—GRANTS TO STATE AND COMMUNITY PROGRAMS ON AGING

Subpart A—Introduction

Sec.

1321.1 Basis and purpose of part.
1321.3 Definitions.
1321.5 Applicability of other regulations.

Subpart B—The State plan

1321.7 Amendment of planning and service areas.
1321.8 Duration, format and effective date of the State plan.
1321.9 Content of State plan.
1321.10 Public participation in State plan development.
1321.11 Amendments to the State plan.
1321.13 Submission of a State plan to the Commissioner for approval.
1321.15 Notification of State plan approval.
1321.17 State agency administration.
1321.19 Confidentiality and disclosure of information.

Subpart C—State Agency Responsibility

1321.21 Restriction on delegation of authority to other agencies.
1321.23 Transfer between congregate and home-delivered nutrition service allotments.
1321.24 Intrastate Funding formula.
1321.25 Withdrawal of area agency designation.
1321.26 Licensure and safety.
1321.27 Designation of planning and service areas.
1321.29 Appeal to Commissioner.
1321.31 Interstate planning and service area.
1321.33 Single State planning and service area.

Subpart D—Service Requirements

1321.35 Area agency subparts or contracts.
1321.37 Greatest economic or social need preference.
1321.39 Service contributions.
1321.41 Home-delivered nutrition services.
1321.43 Legal services.

Subpart E—Hearing Procedures for State Agencies

1321.45 Scope.
1321.47 When a decision is effective.
1321.49 How the State may appeal.
1321.51 How the Commissioner may reallot the State's withheld payments.

Authority: Title III of the Older Americans Act (42 U.S.C. 3021 through 3030g).

Subpart A—Introduction

§ 1321.1 Basis and purpose of part.

(a) This part prescribes requirements State agencies must meet to receive grants to develop comprehensive and coordinated systems for the delivery of supportive and nutrition services under Title III of the Older Americans Act, as amended (Act). These requirements include—

(1) Designation and responsibilities of State agencies;

(2) State plans and amendments;

(3) Services delivery; and

(4) Hearing procedures for applicants for planning and services area designation.

(b) The requirements of this part are based on Title III of the Act. Title III provides for formula grants to State agencies on aging under approved State plans for the development of comprehensive and coordinated systems for the delivery to older persons of supportive services, including multipurpose senior centers, and nutrition services. Each State agency designates planning and service areas in the State, and makes a subgrant or contract under an approved area plan to one area agency in each planning and

service area. Area agencies in turn make subgrants or contracts to service providers.

§ 1321.3 Definitions.

"Act" means the Older Americans Act of 1965 as amended.

"Administrative action," as used in section 307(a)(12)(A) of the Act with respect to the investigation and resolution of complaints under long-term care ombudsman programs, means any action or decision made by an owner, employee, or agent of a long-term care facility, or by a government agency, which affects the provision of service to residents covered under the long term care program.

"Altering" or "renovating," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means making modifications to or in connection with an existing facility which are necessary for its effective use as a center. These may include renovation, repair, or expansion which is not in excess of double the square footage of the original facility and all physical improvements.

"Constructing," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means building a new facility, including the costs of land acquisition and architectural and engineering fees.

"Department" means the Department of Health and Human Services.

"Fiscal year," as used in section 303 and 304 of the Act with respect to authorization of appropriations, uses of funds and allotment, and Federal share, means the Federal Fiscal Year.

"Greatest economic need," as used in section 305(a)(2)(E) and elsewhere in the Act with respect to the provision of services to older individuals, means the need resulting from an income level at or below the poverty line revised each year by the Secretary of the Department of Health and Human Services.

"Greatest social need," as used in section 305(a)(2)(E) and elsewhere in the Act with respect to the provision of services to older individuals, means the need caused by non-economic factors which include physical and mental disabilities, language barriers, cultural or social isolation including that caused by racial or ethnic status (for example Black, Hispanic, American Indian, and Asian American) which may restrict an individual's ability to perform normal daily tasks or which threaten his or her capacity to live independently.

"Human services," as used in § 1321.33(a)(1) of this Part, with respect to criteria for designation of a statewide planning and service area, means social, health, or welfare services.

"Means test," as used in the provision of services, means the use of an older person's income or resources to deny or limit that person's receipt of services under this part.

"Multipurpose senior center," as used in section 321(b) of the Older Americans Act with respect to grants to States under State plants approved under section 307, means a community or neighborhood facility for the organization and provision of a broad spectrum of services including health, social, nutritional, and educational services, and a facility for recreational and group activities for older persons.

"Reservation," as used in section 305(b)(4) of the Older Americans Act with respect to the designation of planning and service areas, means any federally or State recognized Indian tribe's reservation, pueblo, or colony, including reservations in Oklahoma, Alaskan Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), and Indian allotments.

"Service provider," as used in section 306(a)(1) of the Older Americans Act with respect to the provision of supportive and nutrition services, means an entity that is awarded a subgrant or contract from an area agency to provide services under the area plan.

§ 1321.5 Applicability of other regulations.

The following regulations apply to all activities under this Part:

(a) Title 45 of the Code of Federal Regulations:

(1) Part 100—Intergovernmental Review of Department of Health and Human Service Programs and Activities. (This Part was published as an NPRM (48 FR 3140, January 24, 1983) in accordance with Executive Order 12372 (47 FR 30959, July 16, 1982) and is scheduled for publication as final on or before April 30, 1983.)

(2) Part 16—Procedures of the Departmental Grant Appeals Board;

(3) Part 74—Administration of Grants, except Subpart N;

(4) Part 80—Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;

(5) Part 81—Practice and Procedures for Hearings under Part 80;

(6) Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Benefits from Federal Financial Participation; and

(7) Part 90—Nondiscrimination on the Basis of Age.

(b) Title 5, CFR Part 900, Subpart F.

Subpart B—The State Plan

§ 1321.7 Amendment of planning and service areas.

Prior to the Commissioner's final approval of a State plan, under these regulations, the following requirements must be completed:

(a) A notice of intent either to maintain or amend the designation of existing planning and service area geographic boundaries must be received by the Commissioner before the submission of the State plan.

(b) A State agency must submit to the general public (including older persons, government officials, and the aging services network) the details of the State's intention to maintain or amend the designation of existing planning and service area boundaries, at least 30 days following the notice of intent to the Commissioner.

§ 1321.8 Duration, format and effective date of the State plan.

A State may use its own judgment as to the format to use for the plan, how to collect information for the plan, and whether the plan will remain in effect for two, three, or four years.

(a) An approved State plan or amendment becomes effective on the date designated by the Commissioner.

(b) An agency may not make expenditures under a new plan or amendment until it is approved.

§ 1321.9 Content of State plan.

To receive a grant under this part, a State must have an approved State plan as prescribed in section 307 of the Act. In addition, to meeting the requirements of section 307, a State plan must include:

(a) Identification by the State of the single State agency that has been designated to develop and administer the plan.

(b) Statewide program objectives to implement the service delivery requirements under Title III of the Act and any objectives established by the Commissioner through the rulemaking process.

(c) A resource allocation plan indicating the proposed use of all Title III funds directly administered by a State agency, and the distribution of Title III funds to each planning and service area.

(d) Identification of the geographic boundaries of each planning and service area.

(e) Each of the assurances required in sections 305 and 307 of the Act, and provisions that the State meets each of the requirements under §§ 1321.5 through 1321.43 of this part, and the

following assurances as prescribed by the Commissioner:

(1) Preference is given to older persons in greatest social or economic need in the provision of services under the plan;

(2) Procedures to ensure that all services under this part are provided without use of any means tests;

(3) All services provided under Title III meet any existing State and local licensure and safety requirements for the provision of those services; and

(4) Older persons are provided opportunities to contribute voluntarily to the cost of services.

1321.10 Public participation in State plan development.

The State must consider the views of older persons in developing its State plan.

§ 1321.11 Amendments to the State plan.

If the State intends to amend any provision of its plan required under § 1321.9 (a) and (e), it must submit its proposed amendment to the Commissioner for approval. If the State changes any of the provisions of its plan required under §§ 1321.9(b) through 1321.9(d), it shall amend the plan and notify the Commissioner. A State need submit only the amended portions of the plan.

§ 1321.13 Submission of a State plan to the Commissioner for approval.

Each State plan must be signed by the Governor or his/her designee and submitted to the Commissioner to be considered for approval at least 45 calendar days before the proposed effective date of the plan.

§ 1321.15 Notification of State plan approval.

(a) The Commissioner approves a State plan by notifying the Governor or his/her designee in writing.

(b) When the Commissioner proposes to disapprove a State plan, the Commissioner notifies the Governor in writing, giving the reasons for the proposed disapproval, and informs the agency that it has 60 days to request a hearing on the proposed disapproval following the procedures specified in Subpart E.

§ 1321.17 State agency administration.

(a) A State agency must have and follow written policies to carry out its activities under this part at the State and area level. A State agency must keep its policies current, and revise them as necessary.

(b) A State must have on file for review a functional statement of the manner in which an agency performs all of its functions under this part.

§ 1321.19 Confidentiality and disclosure of information.

(a) A State agency must have procedures to protect the confidentiality of information about older persons collected in the delivery of services. The procedures must ensure that no information about an older person, or obtained from an older person by a service provider or the State or area agencies, is disclosed by the provider or agency in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal, State, or local monitoring agencies.

(b) A State agency is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

Subpart C—State Agency Responsibility

§ 1321.21 Restriction on delegation of authority to other agencies.

A State or area agency may not delegate to another agency the authority to award or administer funds under this part.

§ 1321.23 Transfer between congregate and home-delivered nutrition service allotments.

(a) A State agency may, without the approval of the Commissioner, transfer between allotments up to 20 percent of a State's separate allotments for congregate and home-delivered nutrition services.

(b) A State agency may apply to the Commissioner to transfer from one allotment to the other a portion exceeding 20 percent of a State's separate allotments for congregate and home-delivered nutrition services. A State agency must:

(1) Specify the percent which a State agency proposes to transfer from one allotment to the other;

(2) Specify whether the proposed transfer is for the entire period of a State plan or a portion of a plan period; and

(3) Specify the purpose of the proposed transfer.

§ 1321.24 Intrastate funding formula.

The State agency, after consultation with all area agencies in the State, must develop and use an intrastate funding formula for the allocation of funds to area agencies under this part. The formula must reflect the proportion among the planning and service areas of persons age 60 and over in greatest economic or social need. The State agency must review and update its formula as often as a new State plan is submitted for approval.

§ 1321.25 Withdrawal of area agency designation.

(a) In carrying out section 305 of the Act, a State must withdraw the area agency designation whenever it, after reasonable notice and opportunity for a hearing, finds that—

(1) An area agency does not meet the requirements of this part;

(2) An area plan or plan amendment is not approved; or

(3) There is substantial failure in the provisions or administration of an approved area plan to comply with any provision of the Act or of this part.

(b) If a State agency withdraws an area agency's designation under paragraph (a) of this section it must—

(1) Provide a plan for the continuity of services in the affected planning and service area; and

(2) Designate a new area agency in the planning and service area in a timely manner.

(c) If necessary to ensure continuity of services in a planning and service area, the State agency may, for a period up to 180 days after its final decision to withdraw designation of an area agency—

(1) Perform the responsibilities of the area agency; or

(2) Assign the responsibilities of the area agency to another agency in the planning and service area.

(d) The Commissioner may extend the 180 day period if a State agency—

(1) Notifies the Commissioner in writing of its action under (c);

(2) Requests an extension; and

(3) Demonstrates to the satisfaction of the Commissioner a need for the extension.

§ 1321.26 Licensure and safety.

The State must ensure: (a) That, in making awards for multipurpose senior center activities, the area agency will ensure that the facility complies with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

(b) The technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under this part, by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility

is structurally sound and complies with all applicable local or State ordinances, laws, or building codes. In absence of these codes, the State agency must assure compliance with Chapter 23 of the Uniform Building Code, or Chapter 12 of the Standard Building Code.

§ 1321.27 Designation of planning and service areas.

(a) In designating planning and service areas, a State agency must meet all the requirements in § 1321.7.

(b) Any unit of general purpose local government, region within a State recognized for areawide planning, metropolitan area, or Indian reservation may make application to the State agency to be designated as a planning and service area, in accordance with State agency procedures.

(c) A State agency must approve or disapprove any application submitted under paragraph (b) of this section.

(d) Any applicant under paragraph (b) of this section whose application for designation as a planning and service area is denied by a State agency, may appeal the denial to the State agency, under procedures specified by the State agency.

(e) If the State denies an applicant for designation as a planning and service area under paragraph (b), the State must provide a hearing on the denial of the application, if requested by the applicant, as well as issue a written decision.

§ 1321.29 Appeal to Commissioner.

This section sets forth the procedures the Commissioner follows for providing hearings to applicants for designation as a planning and service area, under § 1321.27(b), whose application is denied by the State agency.

(a) Any applicant for designation as a planning and service area under § 1321.27(b) whose application is denied, and who has been provided a hearing and a written decision by the State agency, may appeal the denial to the Commissioner in writing within 30 days following receipt of a State's hearing decision.

(b) The Commissioner holds a hearing, and issues a written decision, within 60 days following receipt of an applicant's written request to appeal the State agency hearing decision to deny the applicant's request under § 1321.27(b).

(c) When the Commissioner receives an appeal, the Commissioner requests the State Agency to submit:

(1) A copy of the applicant's application for designation as a planning and service area;

(2) A copy of the written decision of the State; and

(3) Any other relevant information the Commissioner may require.

(d) The procedures for the appeal consist of—

(1) Prior written notice to the applicant and the State agency of the date, time and location of the hearing;

(2) The required attendance of the head of the State agency or designated representatives;

(3) An opportunity for the applicant to be represented by counsel or other representative; and

(4) An opportunity for the applicant to be heard in person and to present documentary evidence.

(e) The Commissioner may—

(1) Deny the appeal and uphold the decision of a State agency;

(2) Uphold the appeal and require a State agency to designate the applicant as a planning and service area; or

(3) Take other appropriate action, including negotiating between the parties or remanding the appeal to the State agency after initial findings.

(f) The Commissioner upholds the decision of the State agency if it followed the procedures specified in § 1321.27, and the hearing decision is not manifestly inconsistent with the purposes of this part.

(g) The Commissioner's decision to uphold the decision of a State agency does not extend beyond the period of the approved State plan.

§ 1321.31 Interstate planning and service area.

(a) Before requesting permission of the Commissioner to designate an interstate planning and service area, the Governor of each State must execute a written agreement that specifies the State agency proposed to have lead responsibility for administering the programs within the interstate planning and service area and lists the conditions, agreed upon by each State, governing the administration of the interstate planning and service area.

(b) The lead State must request permission of the Commissioner to designate an interstate planning and service area.

(c) The lead State must submit the request together with a copy of the agreement as part of its State plan or as an amendment to its State plan.

(d) Prior to the Commissioner's approval for States to designate an interstate planning and service area, all applicable requirements and procedures in §§ 1321.7, 1321.27, and 1321.29 of this part, must be met.

(e) If the request is approved, the Commissioner increases the allotment of the State with lead responsibility for administering the programs within the area and reduces the allotment(s) of the State(s) without lead responsibility by one of these methods:

(1) Reallotment of funds in proportion to the number of individuals age 60 and over for that portion of the interstate planning and service area located in the State without lead responsibility; or

(2) Reallotment of funds based on the intrastate funding formula of the State(s) without lead responsibility.

§ 1321.33 Single State planning and service area.

(a) The Commissioner approves the application of a State which was, on or before October 1, 1980, a single planning and service area, to continue as a single planning and service area if the State agency demonstrates that:

(1) The State is not already divided for purposes of planning and administering human services; or

(2) The State is so small or rural that the purposes of this part would be impeded if the State were divided into planning and service areas; and

(3) The State agency has the capacity to carry out the responsibilities of an area agency, as specified in the Act.

(b) Prior to the Commissioner's approval for a State to continue as a single planning and service area, all the requirements and procedures in §§ 1321.7, 1321.27, and 1321.29 must be met.

(c) If the Commissioner approves a State's application under paragraph (a) of this section:

(1) The Commissioner notifies the State agency to develop a single State planning and service Area Plan which meets the requirements of sections 306 and 307 of the Act.

(2) A State agency must meet all the State and area agency function requirements specified in the Act.

(d) If the Commissioner denies the application because a State fails to meet the criteria or requirements set forth in paragraphs (a) or (b) of this section, the Commissioner notifies the State that it must follow procedures in section 305(A)(1)(E) of the Act to divide the State into planning and service areas.

Subpart D—Service Requirements

§ 1321.35 Area agency subgrants or contracts.

The State agency may not require the area agency to submit to it for prior review or approval any proposed subgrants or contracts with public or private nonprofit agencies or organizations.

§ 1321.37 Greatest economic or social need preference.

Each area agency on aging must establish priorities and methods for serving older persons with greatest economic or social need. Such methods may include location of services and specialization in the types of services most needed by these groups to meet this requirement. However, means tests may not be used.

§ 1321.39 Service contributions.

This section applies to the requirements and procedures for collecting contributions.

(a) Each service provider must:

(1) Provide each older person with an opportunity to contribute voluntarily to the cost of the service;

(2) Protect the privacy of each older person with respect to his or her contribution;

(3) Establish appropriate procedures to safeguard and account for all contributions;

(4) Use all supportive services contributions only to expand the services provided under this part; and

(5) Use all nutrition services contributions only to expand services as provided under section 307(a)(13)(C)(ii) of the Act.

(b) Each service provider may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the provider must consider the income ranges of older persons in the community and the provider's other source of income. However, means tests may not be used.

(c) A service provider that receives funds under this part may not deny any older person a service because the older person will not or cannot contribute the cost of the service.

§ 1321.41 Home-delivered nutrition services.

The area agency may award home-delivered nutrition services funds under this part to provide meals and other nutrition services as follows:

(a) Eligibility—

(1) A person age 60 or over who is homebound by reason of illness, incapacitating disability, or is otherwise isolated, is eligible to receive a home delivered meal;

(2) The spouse of the older person, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the area agency, receipt of the meal is in the best interest of the homebound older person.

(b) Selection of home-delivered meals providers—

(1) The area agency may make awards for home-delivered nutrition services to a provider that furnishes either or both congregate or home delivered nutrition services.

(2) The area agency, to the extent feasible, must give preference in making awards for home-delivered nutrition services to providers that meet the requirements of section 307(a)(13)(H) of the Act.

(c) Each provider must:

(1) With the consent of the older person, or his or her representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the older person or the household in imminent danger;

(2) Where feasible and appropriate, make arrangements for the availability of meals to older persons in weather related emergencies;

(3) Assist participants in taking advantage of benefits under other programs.

§ 1321.43 Legal services.

This section applies to conditions legal service providers must meet to provide legal services under section 307(a)(15) of the Act.

(a) The area agency must award funds to the legal services provider(s) that most fully meet the standards in this subsection. The legal services provider(s) must—

(1) Have staff with expertise in specific areas of law affecting older persons in economic or social need, for example, public benefits, institutionalization and alternatives to institutionalization;

(2) Demonstrate the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with economic or social need;

(3) Demonstrate the capacity to provide support to other advocacy efforts, for example, the long-term care ombudsman program;

(4) Demonstrate the capacity to deliver legal services to institutionalized, isolated, and homebound older individuals effectively; and

(5) Demonstrate the capacity to provide legal services in the principal language spoken by clients in areas where a significant number of clients do not speak English as their principal language.

(b) Under the Older Americans Act and these implementing regulations, each legal service provider and its attorneys and employees must comply with the following regulations promulgated under the Legal Services Corporation Act. This paragraph (b) explains how HHS proposes to adapt regulations in 45 CFR Chapter XVI. If HHS publishes a rule, the adapted text will be codified and published in full in this subchapter.

(1) 45 CFR Part 1604—Outside Practice of Law, except that: (i) In § 1604.1, "Act" is replaced by "Older Americans Act."

(ii) In § 1604.2, "recipient" is replaced by "provider" and "the Corporation" is replaced by "Older Americans Act funds."

(2) 45 CFR Part 1608—Prohibited Political Activities, except that:

(i) "Corporation" in § 1608.1 and § 1608.2 is replaced by "Older Americans Act".

(ii) "recipient" in § 1608.2 and § 1608.3 is replaced by "provider".

(iii) Section 1608.3(a) shall read: "No provider shall use any political test or qualification in making any decision, taking any action, of performing any function under the Older Americans Act". Section 1608.3(b) shall read: "No provider shall contribute or make available Older Americans Act funds, or any personnel or equipment . . . referendum".

(iv) In § 1608.4(a) "Corporation or a" is deleted and "recipient" is replaced by "provider".

(v) As first used in § 1608.4(b), "Corporation" is replaced by "Older Americans Act." "Corporation of a" is deleted and "recipient" is replaced by "provider".

(vi) In § 1608.5 "Act" is replaced by "Older Americans Act", "Corporation" is replaced by "area agency on aging" and "recipient" is replaced by "provider".

(vii) In § 1608.6 "Act" is replaced by "Older Americans Act".

(3) 45 CFR Part 1609—Fee-Generating Cases, except that: (i) "recipient" is replaced by "provider" in all sections.

(ii) "Corporation" in § 1609.3 is replaced by "Older Americans Act".

(iii) "Act" in § 1609.5(a)(2) is replaced by "Older Americans Act", and "Corporation" is replaced by "area agency on aging".

(4) 45 CFR Part 1612—Restriction on Certain Activities, except that:

(i) "recipient" is replaced by "provider".

(ii) "Corporation" in § 1612.1(b) is replaced by "Older Americans Act".

(iii) "Act" in § 1612.2 is replaced by "Older Americans Act". "Corporation" in § 1612.2(b)(1)(iii) is replaced by the word "these".

(iv) "Corporation" in § 1612.4(a) is replaced by "Older Americans Act". In § 1612.4(a)(3) "Act" is replaced by

"Older Americans Act" and "Corporation" is replaced by "area agency on aging". Corporation in § 1012.4(d)(3) is replaced by "area agency on aging".

(v) "Area agency on aging" replaces "Corporation" in § 1012.5(a) shall read: "The area agency on aging shall have authority in accordance with its procedures": (references to Part 1000 and Part 1623 of these regulations are stricken). In § 1012.5(b), the phrase "consistent with the notice and hearing requirements of section 1011 of the Act", is stricken. In § 1012.5(b)(3), "General Counsel of the Corporation" is replaced with "area agency on aging".

(c) A legal service provider may not require an older person to disclose information about income or resources as a condition for providing legal services under this part.

(d) A legal service provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

(e) Nothing in this section is intended to prohibit an attorney or staff attorney from providing any form of legal assistance to an eligible client, or to interfere with the fulfillment of any attorney's professional responsibilities to a client.

Subpart E—Hearing Procedures for State Agencies

§ 1321.45 Scope.

(a) Hearing procedures for State plan disapproval, as provided for in section 307(c) and section 307(d) of the Act are subject to the provisions of 45 CFR Part 213 with the following exceptions:

(1) Section 213.1(a); § 213.32(d); and § 231.33 do not apply.

(2) Reference to SRS Hearing Clerk shall be read to mean HDS Hearing Clerk.

(3) References to Administrator shall be read to mean Commissioner on Aging.

(b) Instead of the scope described in § 213.1(a), hearing procedures described in this subpart apply to nature and opportunity for a hearing on:

(1) Disapproval of a State plan or amendment;

(2) Determination that a State agency does not meet the requirements of this part;

(3) Determination that there is a failure in the provisions or the administration of an approved plan to comply substantially with Federal requirements.

§ 1321.47 When a decision is effective.

(a) The Commissioner's decision specifies the effective date for AoA's reduction and witholding of the State's grant. This effective date may not be earlier than the date of the Commissioner's decision or later than the first day of the next calendar quarter.

(b) The decision remains in effect unless reversed or stayed on judicial appeal, or until the agency or the plan is changed to meet all Federal requirements, except that the Commissioner may modify or set aside his or her decision before the record of the proceedings under this subpart is filed in court.

§ 1321.49 How the State may appeal.

A State may appeal to the U.S. Court of Appeals which has jurisdiction in the State the final decision of the Commissioner disapproving the State plan or plan amendment, finding noncompliance, or finding that a State agency does not meet the requirements of this part. The State must file the appeal within 30 days of the Commisioner's final decision.

§ 1321.51 How the Commissioner may reallot the State's withheld payments.

The Commissioner disburses funds withheld from the State directly to any public or nonprofit private organization or agency, or political subdivision of the State, that has the authority and capacity to carry out the functions of the State agency and submits a State plan which meets the requirements of this part and which contains an agreement to meet the non-federal share requirements.

2. In Subchapter C, Part 1328 is revised to read as follows:

PART 1328—GRANTS TO INDIAN TRIBES FOR SUPPORTIVE AND NUTRITIONAL SERVICES

Sec.

1328.1 Basis and purpose of part.
1328.3 Definitions.
1328.5 Applicability of other regulations.
1328.7 Confidentiality and disclosure of information.
1328.9 Contributions.
1328.11 Prohibition against supplantation.
1328.13 Optional services.
1328.15 Nutrition services.
1328.17 Information and referral.
1328.19 Application requirements.
1328.21 Application approval.
1328.23 Hearing procedures.

Authority: Title VI of the Older Americans Act (42 U.S.C. 3057).

§ 1328.1 Basis and purpose of part.

This part implements Title VI of the Older Americans Act, as amended, by establishing the requirements that an Indian tribal organization must meet in order to receive a grant to provide supportive and nutrition services to older Indians and to acquire, alter, or renovate a facility for use as an Indian multipurpose senior center. This part also prescribes application and hearing requirements and procedures for these grants.

§ 1328.3 Definitions.

"Acquiring," as used in section 307(a)(14) of the Act, means obtaining ownership of an existing facility in fee simple or by lease for 10 years or more for use as a multipurpose senior center.

"Act" means the Older Americans Act of 1965, as amended.

"Altering" or "renovating," as used in section 307(a)(14) of the Act with respect to multipurpose senior centers, means making modifications to or in connection with an existing facility which are necessary for its effective use as a center. These may include renovation, repair, or expansion which is not in excess of double the square footage of the original facility and all physical improvements.

"Budget period," as used in § 1328.19 of this part, means the intervals of time into which a period of assistance (project period) is divided for budgetary and funding purposes.

"Department," means the Department of Health and Human Services.

"Indian reservation," means the reservation of any Federally recognized Indian tribe, including any band, nation, pueblo, or rancheria, any former reservation in Oklahoma, any community on non-trust land under the jurisdiction of an Indian tribe, including a band, nation, pueblo, or rancheria, with allotted lands or lands subject to a restriction against alienation imposed by the United States, and Alaskan Native regions established, pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688).

"Indian tribe," means any Indian tribe, band, nation, or organized group or community, including any Alaska Native Village, regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement act (85 Stat. 688) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b).

"Means test," as used in the provision of services, means the use of an older Indian's income or resources to deny or limit that person receipt of services under this part.

"Older Indians," as used in § 1328.9 and elsewhere in this part, means those individuals who have attained the minimum age as identified by the tribe for services under section 603 of the Act.

"Project period," as used in § 1328.19 of this part, means the total time for which a project is approved for support, including any extensions.

"Service area," as used in § 1328.9(b) and elsewhere in this part, means that geographic area approved by the Commissioner in which the tribal organization provides supportive and nutritional services to older Indians residing there. A service area may include all or part of the reservation and any portion of a county or counties which have a common boundary with the reservation. A service area may also include a non-contiguous area is the designation of such an area will further the purpose of the Act and will provide for more effective administration of the program by the tribal organization.

"Service provider," means any entity that is awarded a subgrant or contract from a tribal organization to provide services under this part.

"Tribal organization," as used in § 1328.7 and elsewhere in this part, means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. Provided that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each Indian tribe shall be a prerequisite to the letting or making of the contract or grant. (25 U.S.C. 450b).

§ 1328.5 Applicability of other regulations.

The following regulations in Title 45 of the Code of Federal Regulations apply to all activities under this part:

(a) Part 16—Procedures of the Departmental Grant Appeals Board;

(b) Part 74—Administration of Grants, except subpart N;

(c) Part 75—Informal Grant Appeals Procedures;

(d) Part 80—Nondiscrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services: Effectuation of Title VI of the Civil Rights Act of 1964;

(e) Part 81—Practice and procedures for hearings under Part 80; and

(f) Part 84—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving Benefits from Federal Financial Participation.

§ 1328.7 Confidentiality and disclosure of information.

A tribal organization must have confidentiality and disclosure procedures as follows:

(a) A tribal organization must have procedures to ensure that no information about an older Indian, or obtained from an older Indian by any provider of services is disclosed by the provider of such services in a form that identifies the person without the informed consent of the person or of his or her legal representative, unless the disclosure is required by court order, or for program monitoring by authorized Federal or tribal monitoring agencies.

(b) A tribal organization is not required to disclose those types of information or documents that are exempt from disclosure by a Federal agency under the Federal Freedom of Information Act, 5 U.S.C. 552.

§ 1328.9 Contributions.

(a) Each tribal organization must—

(1) Provide each older Indian with a free and voluntary opportunity to contribute to the cost of the service;

(2) Protect the privacy of each older Indian with respect to his or her contribution;

(3) Establish appropriate procedures to safeguard and account for all contributions;

(4) Use all supportive services contributions to expand the services provided under this part; and

(5) Use all nutrition services contributions only to expand services as provided under section 307(a)(13)(c)(ii) of the Act.

(b) Each tribal organization may develop a suggested contribution schedule for services provided under this part. In developing a contribution schedule, the tribal organization must consider the income ranges of older Indians in the service area and the tribal organization's other sources of income. However, means tests may not be used.

(c) A tribal organization that receives funds under this part may not deny any older Indian a service because the older Indian will not or cannot contribute to the cost of the service.

§ 1328.11 Prohibition against supplantation.

A tribal organization must ensure that the activities provided under a grant under this part will be in addition to, and not in substitution for, comparable activities provided without Federal assistance.

§ 1328.13 Optional services.

(a) A tribal organization may provide all the services mentioned under Part B, of the Older Americans Act, and any other supportive services that are necessary for the general welfare of older Indians.

(b) If an applicant elects to provide multipurpose senior center activities or uses any of the funds under this part for acquiring, altering or renovating a multipurpose senior center facility, it must comply with the following requirements:

(1) The tribal organization must comply with all applicable local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

(2) The tribal organization must assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center assisted under this part. The tribal organization assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes. In absence of these codes, the tribal organization must assure compliance with Chapter 23 of the Uniform Building Code, or Chapter 12 of the Standard Building Code.

(c) If an applicant elects to provide legal services, it must substantially comply with the requirements in § 1321.43(a) and legal services providers must comply fully with the requirements in § 1321.43(b).

§ 1328.15 Nutrition services.

(a) In addition to providing nutrition services to older Indians, a tribal organization may—

(1) Provide nutrition services to the spouses of older Indians;

(2) Provide nutrition services to non-elderly handicapped or disabled Indians who reside in housing facilities occupied primarily by the elderly, at which congregate nutrition services are provided; and

(3) Offer a meal, on the same basis as meals are provided to older Indians, to individuals providing volunteer services during meal hours.

(b) Each tribal organization is entitled to receive cash payments in lieu of donated foods for all or any portion of its entitlement available under section 311(a)(4) of the Act.

(1) To receive cash or commodities, the tribal organization must have an agreement to be a distributing agency with the U.S. Department of Agriculture's Food and Nutrition Service (FNS).

(2) The tribal organization must comply with the requirements of 7 CFR Part 250 General Regulations and Policies-Food Distribution, for participation in USDA programs.

(c) Where applicable, the tribal organization must work with agencies responsible for administering other programs to facilitate participation of older Indians.

§ 1328.17 Information and referral.

A tribal organizations must—

(a) Establish or have a list of all services that are available to older Indians in the service area.

(b) Maintain a list of services needed or requested by the older Indians; and

(c) Provide assistance to older Indians to help them take advantage of available services.

§ 1328.19 Application requirements.

A tribal organization must have an approved application. The application must be submitted as prescribed in section 604 of the Act and in accordance with the Commissioner's instructions for the specified project and budget periods. The application must provide for—

(a) Program objectives, as set forth in section 604(a)(5) of the Act, and any objectives established by the Commissioner;

(b) A description of the geographic boundaries of the service area proposed by the tribal organization;

(c) Documentation of the ability of the tribal organization to deliver supportive and nutrition services to older Indians, or documentation that the tribal organization has effectively administered supportive and nutrition services within the last 3 years;

(d) Assurances as prescribed by the Commissioner, including assurances that—

(1) A tribal organization has methods and procedures to ensure that older Indians represented under the grant do not receive services under Part 1321 for the period of the grant;

(2) A tribal organization represents at least 75 individuals who have attained 60 years of age or older;

(3) A tribal organization will comply with all applicable State and local licensure and safety requirements for the provision of those services;

(4) If a substantial number of the older Indians residing in the service area are of limited English-speaking ability, the tribal organization will utilize the services of workers who are fluent in the language spoken by a predominant number of older Indians;

(5) Procedures to ensure that all services under this part are provided without use of any means tests; and

(6) A tribal organization will comply with all requirements set forth in §§ 1328.7 through 1328.17.

(e) A tribal resolution(s) authorizing the tribal organization to apply for a grant under this part; and

(f) Signature by the principal official of the tribe.

§ 1328.21 Application approval.

Approval of any application under section 604(e) of the Act, shall not commit the Commissioner in any way to make additional, supplemental, continuation, or other awards with respect to any approved or portion thereof.

§ 1328.23 Hearing procedures.

In meeting the requirements of section 604(d)(3) of the Act, if the Commissioner disapproves an application from an eligible tribal organization, the tribal organization may file a written request for a hearing with the Commissioner.

(a) The request must be postmarked or delivered in person within 30 days of the date of the disapproval notice. If it requests a hearing, the tribal organization must submit to the Commissioner, as part of the request, a full written response to each objection specified in the notice of disapproval, including the pertinent facts and reasons in support of its response, and any and all documentation to support its position. Service of the request must also be made on the individual(s) designated by the Commissioner to represent him or her.

(b) The Administration on Aging will have the opportunity to respond within 30 days to the merits of the tribal organization's request.

(c) The Commissioner notifies the tribal organization in writing of the date, time and place for the hearing.

(d) The hearing procedures include the right of the tribal organization to—

(1) A hearing before the Commissioner or an official designated by the Commissioner;

(2) Be heard in person or to be represented by counsel, at no expense to the Administration on Aging;

(3) Present written evidence prior to and at the hearing, and present oral evidence at the hearing if the Commissioner or designated official decides that oral evidence is necessary for the proper resolution of the issues involved, and

(4) Have the staff directly responsible for reviewing the application either present at the hearing, or have a deposition from the staff, whichever the Commissioner or designated official decides.

(e) The Commissioner or designated official conducts a fair and impartial hearing, takes all necessary action to avoid delay and to maintain order and has all powers necessary to these ends.

(f) Formal rules of evidence do not apply to the hearings.

(g) The official hearing transcript together with all papers, documents, exhibits, and requests filed in the proceedings, including rulings, constitutes the record for decision.

(h) After consideration of the record, the Commissioner or designated official issues a written decision, based on the record, which sets forth the reasons for the decision and the evidence on which it was based. The decision is issued within 60 days of the date of the hearing, constitutes the final administrative action on the matter and is promptly mailed to the tribal organization.

(i) Either the tribal organization or the staff of the Administration on Aging may request for good cause an extension of any of the time limits specified in this section.

[FR Doc. 83-4587 Filed 2-1-83; 8:45 am]
BILLING CODE 4135-01-M

Federal Register

Wednesday
March 2, 1983

Part V

Department of the Interior

Office of the Secretary

Onshore Minerals Management; Regulations and Notice of Transfer of Functions

DEPARTMENT OF THE INTERIOR

Office of the Secretary

30 CFR Parts 200, 211, 221, 226, 231, 270, 271, and 290

Transfer of Responsibility and Authority

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of transfer of functions.

SUMMARY: On December 3, 1982, the Secretary of the Interior issued an order transferring all onshore minerals management functions of the Minerals Management Service (MMS), not relating to royalty management, to the Bureau of Land Management (BLM). Those functions are governed by the regulations cited above. They are now the responsibility of the BLM and until the regulations can be adequately modified to reflect this change they will be administered by and through the Director, Bureau of Land Management, with regard to onshore minerals management other than royalty management activities. Otherwise all actions and authorities shall continue under the regulations and operating procedures as written.

FOR FURTHER INFORMATION CONTACT: George F. Brown, Deputy Associate Director, Onshore Minerals Operations, (703) 860–6483, or Dale E. Zimmerman, Assistant to the Deputy Director for Energy and Minerals Resources, (202) 343–4437.

SUPPLEMENTARY INFORMATION: On December 3, 1982, the Secretary of the Interior issued Order No. 3087. This Order was amended on February 7, 1983, and is published elsewhere in this issue of the **Federal Register**. The order as amended consolidates all onshore minerals management functions on Federal and Indian lands, in the Bureau of Land Management. The elements of the rules which relate to royalty management are not transferred and remain the responsibility of the Minerals Management Service. The authorization is restated below. Because the onshore operating regulations of Title 30 CFR Chapter II, vest authority and responsibility in specifically designated officials of the Department and those officials no longer are located within the organization cited, this notice is necessary.

Until the operating portions of the above regulations are redesignated as rules administered by the Director, Bureau of Land Management, in Title 43 of the CFR, all functions, authorities and responsibilities will continue to be performed and enforced by the appropriate field personnel under the authorities cited in each Part and Secretarial Order 3087, as amended. On all matters relating to minerals management, except royalty management, reference to the Director in the cited regulations shall mean the Director, Bureau of Land Management, and reference to Assistant Secretary, Shall mean Assistant Secretary, Land and Water Resources. The regulations in Title 30 CFR will be redesignated and modified as expeditiously as possible.

Under the authority of 5 U.S.C. 301, effective December 3, 1982 the Directors, Bureau of Land Management and Minerals Management Service are each hereby authorized to administer the provision in Parts 200, 211, 221, 226, 231, 270, and 271, Title 30 of the Code of Federal Regulations which relate to their respective responsibilities as delegated in Order No. 3087, as amended. The Director, Bureau of Land Management is also authorized to administer Part 290 of Title 30 of the Code of Federal Regulations as it relates to appeals of non-royalty decisions pertaining to onshore Federal lands.

Dated: February 22, 1882.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 83–5240 Filed 3–1–83; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF THE INTERIOR

Transfer of Minerals Management Functions

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). On December 3, 1982 and February 7, 1983, the Secretary of the Interior issued orders which abolished the Minerals Management Board and consolidated the onshore minerals management functions of the Department. The orders effecting these changes are published in their entirety below.

Additional information may be obtained from Richard R. Hite, Deputy Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4502.

Dated: February 22, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Order No. 3087

Subject: Organizational Restructuring of the Department of the Interior Minerals Management Functions.

Section 1. *Purpose.* The purpose of this Order is to abolish the Minerals Management Board, to describe the permanent organizational placement of the Minerals Management Service (MMS) and to consolidate onshore minerals management functions. This organizational restructuring will consolidate minerals management functions to achieve management efficiencies and to integrate multiple land use responsibilities to permit comprehensive resource planning and management.

Section 2. *Authority.* This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Section 3. *Minerals Management Board.* The Minerals Management Board, established by Secretarial Order 3071, January 19, 1982, is abolished.

Section 4. *Organizational Placement.* The Minerals Management Service reports to the Assistant Secretary—Energy and Minerals, who exerises Secretarial direction and supervision over the MMS.

Section 5. *Transfer of Functions.* All functions related to royalty and mineral revenue management, including collection and distribution, within the Bureau of Land Management (BLM) are the responsibility of the MMS. All MMS onshore minerals management functions on non-Indian lands, including resource evaluation, approval of drilling permits and mining or production plans, inspection and enforcement, are transferred to the BLM. Those functions now performed by the MMS which are being transferred to the BLM will, in the case of their application to Indian lands, be similarly transferred from the MMS to the Bureau of Indian Affairs.

This Order does not change the responsibilities of the Office of Surface Mining Reclamation and Enforcement under the Surface Mining Control and Reclamation Act.

Section 6. *Revocation.* Secretarial Order No. 2948, dated October 6, 1972, Division of Responsibility Between the BLM and the USGS for Administration of the Mineral Leasing Laws—Onshore, is hereby revoked.

Section 7. *Administrative Provisions.* The Assistant Secretary—Policy, Budget and Administration, will take appropriate steps to effect the transfer of administrative and other functions, personnel, funds and property to implement the provisions of this Order.

Section 8. *Effective Date.* This Order is effective immediately. Its provisions will remain in effect until publication of the Departmental Manual or until it is amended, superseded or revoked, whichever occurs first. However, in the absence of the foregoing actions, the provisions of this Order will terminate and be considered obsolete on June 1, 1983.

Dated: December 3, 1982.

James G. Watt,

Secretary of the Interior.

Order No. 3087, Amendment No. 1

Subject: Organizational Restructuring of the Department of the Interior Minerals Management Functions.

Section 5 of the Secretary's Order No. 3087, dated December 3, 1982, is amended to read as follows:

"Sec. 5. *Transfer of Functions.* All functions related to royalty and mineral revenue management are the responsibility of the Minerals Management Service. Those collection and distribution functions within the Bureau of Land Management which are related to royalty and mineral revenue management are transferred to the Minerals Management Service. All Minerals Management Service onshore minerals management functions on Federal and Indian lands, including resource evaluation, approval of drilling permits and mining or production plans, inspection and enforcement, are transferred to the Bureau of Land Management.

"This Order does not change the responsibilities of the Office of Surface Mining Reclamation and Enforcement under the Surface Mining Control and Reclamation Act."

Dated: February 7, 1983.

Jim Watt,

Secretary of the Interior.

[FR Doc. 83-5241 Filed 3-1-83; 8:45 am]

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Vol. 48, No. 43
Thursday, March 3, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Orange Juice; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a portion of the USDA's amendment to the United States Standards for Grades of Orange Juice appearing on pages 55455–55463 in the **Federal Register** of December 10, 1982, with respect to soluble orange solids in sweetened canned orange juice and with respect to color in orange juice from concentrate.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This document corrects a portion of the USDA's amendment to the United States Standards for Grades of Orange Juice appearing on pages 55455–55463 in the **Federal Register** of December 10, 1982, with respect to soluble orange solids in sweetened canned orange juice and with respect to color in orange juice from concentrate. Errors appear in Table I and in Table VIII. Table I should not specify a minimum soluble orange solids requirement and Table VIII should specify different requirements under very good color and under good color.

PART 52—[AMENDED]

§ 52.1557 [Corrected]

Accordingly, Table I in the United States Standards for Grades of Orange Juice, § 52.1557, is corrected to remove "soluble orange solids, exclusive of sweetener (percent by weight of finished product): Minimum. 10.5 and 10.0." Table VIII of the standards is corrected to read:

Color	Very good. (Not as good as OJ 5 but much better than OJ 6).	Good. (Fails Grade A, but not off color)

These changes are made only to make corrections in the amendment. It has been determined that good cause is found, under the administrative procedure provision of 5 U.S.C. 533, that notice and other public procedure with respect to this correction are impracticable and unnecessary. Furthermore, good cause is found for making this correction effective upon publication in the **Federal Register.**

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1625)).

Done at Washington, D.C. on February 28, 1983.

Eddie F. Kimbrell,
Deputy Administrator, Commodity Services.

[FR Doc. 83-5436 Filed 3-2-83; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Special Purpose Exemption

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule permits handling of smaller size grapefruit for conversion into fresh juice under certain conditions including the requirements that such grapefruit pack 64 count in 7/10 bushel cartons and grade at least U.S. No. 1. Such action is designed to develop a fresh juice outlet for smaller size grapefruit.

DATES: Interim rule effective February 28, 1983, through March 31, 1983. Comments which are received by March 15, 1983, will be considered prior to issuance of a final rule to become effective April 1, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Texas grapefruit crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This interim rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this interim rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

This interim rule revises the administrative rules for Texas grapefruit (Subpart—Rules and Regulations), to permit the use of smaller sized grapefruit for fresh juice (juice prepared without pasteurization or preservative treatment). Under this marketing order, fresh grapefruit shipments are subject to minimum grade and size requirements. Under the order grapefruit used for fresh juice (fruit for conversion into juice without pasteurization or preservative treatment) are considered fresh shipments and therefore are subject to

the marketing order requirements. The interim rule would permit the use of smaller sized grapefruit for fresh juice, with appropriate safeguards. The objective of this action is to encourage use of Texas grapefruit for fresh (not pasteurized) juice. The Texas citrus industry is experiencing difficulty in marketing its grapefruit crop this season, particularly in the processing sector. Therefore, they are attempting to develop a new outlet for the fruit. The Texas Valley Citrus Committee met on January 25, 1983, and recommended this action.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this interim rule is based became available and the time when this interim rule must become effective in order to effectuate the declared policy of the Act is insufficient. It is necessary to effectuate the declared purposes of the Act to make this interim rule effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 906

Marketing agreement and orders, Oranges, Grapefruit, Texas.

Therefore, Subpart—Rules and Regulations (§§ 906.120–906.151) are amended as follows (this interim rule expires March 31, 1983, and will not be published in the annual Code of Federal Regulations):

1. Section 906.120(b) is amended by revising the last sentence to read as follows:

§ 906.120 Fruit exempt from regulations.

* * * * *

(b) * * * Fruit for conversion into juice without pasteurization or preservative treatment, as herein described, shall be deemed fresh fruit and subject to all regulations under this part unless handled in accordance with § 906.124.

* * * * *

2. A new § 906.124 is added to read as follows:

§ 906.124 Grapefruit for fresh juice.

During the period February 28, 1983, through March 31, 1983, any handler may, without regard to § 906.40 and the regulations issued thereunder, handle grapefruit for conversion into juice without pasteurization or preservative treatment, under the following conditions:

(a) Grade, size, container, and inspection requirements:

(1) Such grapefruit shall grade at least U.S. No. 1.

(2) Such grapefruit shall be packed 64 count in 7/10 bushel cartons: *Provided,* That the diameter range shall be from 3 inches to 3⅝ inches.

(3) Such grapefruit shall meet pack requirements as specified in (a)(1)(ii) of § 906.340 (47 F.R. 56311): *Provided,* That such cartons shall be prominently marked with the words "For Juice Only" on both end panels of the carton in letters not less than ¾ inch high.

(4) Such grapefruit shall be shipped only if an appropriate inspection certificate has been issued for such fruit within 48 hours prior to the time of shipment.

(5) Such grapefruit shall be shipped by the handler directly to an approved juicer as provided in paragraph (b) of this section, and such grapefruit shall not be offered for resale or otherwise diverted into normal channels of trade for fresh fruit, and shall be used only for conversion into juice.

(6) *Terms:* The term U.S. No. 1 shall mean the same as in the U.S. Standards for Grades of Grapefruit, Texas and States other than Florida, California, and Arizona, (7 CFR 51.620–51.653); and the term 7/10 bushel carton shall mean a closed fully telescopic fiberboard carton with inside dimensions of 16½ × 10¾ × 9½ inches, described in Freight Container Tariff 2G as container No. 6506.

(b) Reporting and recordkeeping requirements are as follows:

(1) *Approved Juicer.* Any person who desires to acquire 64 count grapefruit as an approved juicer shall, prior thereto, file an application with the committee on a form approved by it, which shall contain, but not be limited to, the following information: name and address of applicant; location of store or stores where conversion is to take place, approximate quantity of 64 count grapefruit to be used each month; a statement that the grapefruit will be used only for conversion into fresh juice at the store, and will not be resold or disposed of in fresh fruit channels; and agree to submit such reports as are required by the committee. Such application shall be investigated by the committee staff. After such investigation, the staff shall report its findings to the committee or to its delegated subcommittees. Based upon the staff report and other information, the committee, or its delegate, shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed on the list of approved juicers.

(2) *Certification by approved juicer.* Upon request of the committee, each approved juicer shall submit to the committee on or before the 10th day of each month a report of the 64 count grapefruit used during the preceding calendar month. Each report shall contain a certification to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(3) *Disqualification.* The committee or delegated subcommittee, may suspend or revoke permission to handle grapefruit as an approved juicer whenever a juicer uses grapefruit inconsistent with these provisions.

(4) *Diversion report.* (i) Each handler who ships 64 count grapefruit to approved juicers for conversion shall report to the committee on a diversion report the following: name and address of the juicer's place of business where the 64 count grapefruit was shipped; the net weight or container count of such grapefruit; truck license number or rail car initial and number; inspection certificate number; and such other information as the committee may require.

(ii) Each such handler shall prepare four copies of the diversion report and sign them. The original copy shall be submitted to the committee within seven days of shipment. One copy shall be retained by the handler. One copy shall be given to the party transporting the fruit who shall deliver it to the approved juicer. The approved juicer shall record on that copy of the diversion report the actual net weight or container count of 64 count grapefruit received and forward such copy to the committee office. One copy shall be submitted to the approved juicer along with the invoice.

(5) Handlers and approved juicers shall maintain records substantiating reports of the disposition of 64 count grapefruit filed with the committee and make such records available to authorized representatives of the committee at their business offices at any reasonable time during business hours. Records include copies of all applicable purchase orders, sales contracts, or disposition documents together with any other information which the committee may deem necessary to determine the disposition of 64 count grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 28, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-5439 Filed 3-2-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 568]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 4–March 10, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 1, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is light.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.868 is added as follows:

§ 907.868 Navel orange regulation 568.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 4, 1983 through March 10, 1983, are established as follows:

(a) District 1: 1,300,000 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 2, 1983.

D. S. Kuryloski,

Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-5707 Filed 3-2-83; 11:53 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1944

Section 504 Rural Housing Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) revises its regulation regarding Section 504 Rural Housing loans and grants to correct an error of omission. The intended effect of this revision is to make the program operable in areas where 50 percent of area median income is so low that loans cannot be authorized because there is no repayment ability. This revision will provide very-low-income families with assistance to substantially improve their living environment by removing health and safety hazards from their homes.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Nancy Monesson, Program Specialist, Farmers Home Administration, USDA, Room 5347, South Agriculture Building, 14th and Independence, SW., Washington, D.C. 20250, telephone (202) 382–1474.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been designated nonmajor. This determination is based on the fact that there will be little, if any, increase in cost to the Government or to the borrowers affected by this regulation. The changes made will assure that very-low-income people, historically served by this program, and for whose benefit the program was designed, will not be excluded because of unintentionally restrictive language in the income eligibility requirements. This is accomplished by providing for a maximum income range for eligibility that does not go below $5,000.

The only alternative action considered was to make no change in the existing regulations, which has the effect of denying all 504 housing loans in areas where 50 percent of area median income is too low to repay a loan at one (1) percent.

FmHA has determined that an emergency situation exists which warrants publication without opportunity for a prior public comment period on this final action.

The Agency's inadvertent failure to include an adjustment in the maximum income eligibility requirement has created an undue hardship on very-low-income families. The correction will enable the Agency to continue to serve a large number of very-low-income families, excluded under the present regulation language, having no alternative means of making repairs to their homes to remove safety and health

hazards. For example: Families living in areas covered by Ponce, Puerto Rico, which includes 12 separate counties, are eligible only when their adjusted family incomes do not exceed $1,800 a year. The correction will permit the program to serve families in those areas having adjusted family incomes up to $5,000. Therefore, the decision to publish this revision as an emergency final rule without prior public comment has been determined to be in the best interest of the public.

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final rule are impracticable and contrary to the public interest; and good cause is found for making this emergency final rule effective less than 30 days after this document is published in the **Federal Register**.

This regulation does not directly affect any FmHA programs or projects which are subject to A–95 clearinghouse review. The Catalog of Federal Domestic Assistance program affected is: 10.417, Very Low-Income Housing Repair Loans and Grants.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1944

Aged, Grant programs—housing and community development, Home improvement, Loan programs—housing and community development.

PART 1944—[AMENDED]

Therefore, Subpart J of Part 1944, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

1. In § 1944.453, paragraph (l) is revised to read as follows:

§ 1944.453 Definitions.

* * * * *

(l) *Very low income.* An adjusted annual income that is 50 percent of median income for each designated area as set forth in Exhibit C to Subpart A of Part 1944 of this chapter, but not to exceed $11,500.

2. In § 1944.458, paragraph (a)(4) is revised to read as follows:

§ 1944.458 Eligibility requirements.

(a) * * *

(4) *Income.* The applicant must have an adjusted income less than that needed by a typical applicant in the area to repay a Section 502 loan with interest credit. The maximum adjusted income for eligibility is 50 percent of area median income as set forth in Exhibit C to Subpart A of Part 1944 of this chapter, or $5,000, whichever is greater, but is not to exceed $11,500.

* * * * *

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: January 7, 1983.

Michael E. Brunner,

Acting Administrator, Farmers Home Administration.

[FR Doc. 83-5443 Filed 3-2-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Rich International Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Rich International Airways, Inc. to the list of carriers which have entered into agreements with the Service to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.3 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization Service entered into an agreement with Rich International Airways, Inc. on February 18, 1983 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely makes an editorial change to the listing of transportational lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restriction.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by: Adding in alphabetical sequence, "Rich International Airways, Inc.".

(Sec. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: February 25, 1983.

Perry A. Rivkind,

Associate Commissioner for Management, Immigration and Naturalization Service.

[FR Doc. 83-5442 Filed 3-2-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 12553; Amdt. No. 1 to Special Conditions No. 23–48–WE–15]

Special Conditions; Piper PA–60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: This amendment to Special Conditions No. 23–48–WE–15 permits their application to Piper Aircraft Corporation (Piper) Models PA–60–601P, PA–60–602P, and PA–60–700P airplanes as well as future derivative PA–60 pressurized airplanes. The FAA has determined that these Special Conditions, originally developed for pressurized Aerostar Model 600/601 airplanes when the Type Certificate

(TC) was held by Ted Smith Associates, are also applicable to the aforementioned airplanes as well as future derivative PA-60 airplanes. The amendment will allow future PA-60 derivative airplanes to be added to the TC without revising the Special Condition document.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Olson, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106; Telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The certification basis for the Piper Model PA-60-601P airplane is as follows: Part 23 of the Federal Aviation Regulations (FAR), effective February 1, 1965 through Amendment 23-6, effective August 1, 1967; Amendment 23-7 § 23.1091, effective August 13, 1969; Amendment 23-14 §§ 23.929 and 23.1419, effective November 19, 1973; Amendment 23-18 §§ 23.1093 and 23.1193, effective March 17, 1977; Amendment 23-23 § 23.1416, effective December 1, 1978; Part 36 of the FAR, effective December 1, 1969 through Amendment 36-9; Special Federal Aviation Regulation (SFAR) 27, effective February 1, 1974; and Special Conditions No. 23-48-WE-15.

The certification basis for the Piper Model PA-60-602P airplane includes all applicable requirements of the Model PA-60-601P airplane and the following: Amendment 23-7 § 23.1041, effective August 13, 1969 and Amendment 23-21 § 23.1043, effective January 6, 1978.

The certification basis for the Piper Model PA-60-700P airplane includes all applicable airworthiness requirements of the Model PA-60-602P airplane and the following: Amendment 23-7 §§ 23.207, 23.909, and 23.1527, effective August 13, 1969; Amendment 23-14 §§ 23.201, 23.203, 23.205 and 23.435, effective November 19, 1973; Amendment 23-17 § 232.1143, effective February 1, 1977; Amendment 23-18 § 23.901, effective March 17, 1977; Amendment 23-20 §§ 23.1301 and 23.1351, effective September 1, 1977; Amendment 23-21 § 23.1047, effective January 6, 1978; Part 36 of the FAR effective December 1, 1969, through Amendment 36-12; Special Conditions No. 23-48-WE-15, Docket No. 12553, issued February 7, 1973, including Amendment No. 1.

Background

On November 5, 1980, the Piper Aircraft Corporation's Vero Beach Division, P.O. Box 1328, Vero Beach, Florida 32960, submitted an application to amend TC No. A17WE to add a new Model PA-60-700P airplane in the normal category. This new airplane, like its predecessor pressurized models, PA-60-601P and PA-60-602P, is a high-performance, turbocharged, twin-engine, mid-wing aircraft with seats for six occupants. The Model PA-60-700P differs from the PA-60-601P and PA-60-602P models in that engine power has been increased from 290 to 350 horsepower and maximum gross weight has been increased from 6000 to 6200 pounds.

TC No. A17WE, originally issued to Ted Smith Associates for the Aerostar Model 600, has been amended to include growth models and was eventually transferred to the Piper Vero Beach Division. In the development process, pressurization was added and Special Conditions were developed for the novel or unusual design features associated with an outward opening external cabin door. These Special Conditions, No. 23-48-WE-15, which were issued on February 7, 1973, provide a level of safety equivalent to that required by Part 23 of the FAR and were necessary because the applicable airworthiness regulations did not contain adequate or appropriate safety standards for such an outward opening cabin door on a pressurized airplane. The Special Conditions for type certification of the Piper PA-60-601P airplane are applicable to Piper Models PA-60-602P and PA-60-700P airplanes and other PA-60 series airplanes for the same novel or unusual features for which these Special Conditions were developed. Accordingly, this amendment extends the applicability status of Special Conditions No. 23-48-WE-15 to all pressurized Piper PA-60 series airplanes, as appropriate, to Type Certificate No. A17WE without revising the Special Condition document. This does not preclude the application of later amendments under the provisions of § 21.101(b)(1) of the FAR or the issuance of Special Conditions that may be necessary under the provisions of § 21.101(b)(2) of the FAR for future PA-60 series airplanes.

Coordination

The applicant and other interested persons have been given an opportunity to participate in the making of these Special Conditions. Notice No. SC-82-7-CE was published in the **Federal Register** on January 20, 1983, and no comments were received.

List of Subjects in 14 CFR Part 21

Aviation safety, Aircraft, Air transportation, Safety.

The Special Condition Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA hereby amends Special Conditions No. 23-48-WE-15 which were issued on February 7, 1973 to Ted Smith Associates for type certification of the Aerostar Model 601P airplane under Type Certificate No. A17WE is hereby amended by amending its applicability to read as follows:

Special Conditions for the type certification of Piper PA-60 series airplanes under Type Certification No. A17WE.

(Sec. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.28 and § 11.29(b) of the Federal Aviation Regulations (14 CFR 11.28 and 11.29(b)).

Issued in Kansas City, Missouri, on February 23, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-5287 Filed 3-3-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-05-AD; Amdt. 39-4577]

Airworthiness Directives; Boeing Models 707/720/727/737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document revises an existing Airworthiness Directive (AD) which requires the installation of a leading edge position aural warning system on Boeing Model 707/720/727/737 Series airplanes, on or before March 31, 1983. This revision makes two changes to the AD: (1) Modifications that have been found acceptable are listed, and (2) the compliance time for the Models 727 and 737 airplanes is being extended to December 26, 1983, provided the cockpit procedure described herein is adopted.

DATE: Effective March 7, 1983.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Systems & Equipment Branch, ANM-130S, Seattle Aircraft

Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2500. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 80-22-12, Amendment 39-3951 (45 FR 70230, October 23, 1980), requires the installation of leading edge device logic which will provide aural warning when the leading edge devices have not been extended prior to takeoff. This AD applies to Boeing Model 707/720/727/737 series airplanes and requires that the modification be completed on or before March 31, 1983. Recently, the Air Transport Association of America (ATA) petitioned the FAA for an alternate compliance date for this AD, to allow operators additional time to complete the required modifications on 727 and 737 series airplanes. This request was made for the following reasons:

1. Late delivery of Boeing service bulletins and modification kits prevented some airlines from accomplishing the modification during regularly scheduled maintenance visits. Accomplishment of the modification by March 31, 1983, would require substantial down-time, resulting in loss of public service and revenue to the airlines.

2. Revision of the AD will eliminate the need for numerous individual airline petitions for extension and would make the alternate compliance available to all 727 and 737 operators.

Extension of the compliance time would be predicated on the adoption of a cockpit procedure, prior to takeoff, which would assure that the leading edge devices are in the proper position. This new procedure, described below, would accomplish the same result in the interim as the airplane modification, and thus provide an equivalent level of safety during the additional time period prior to the modification. The cockpit procedure described for the Models 727 and 737 is not possible for the Models 707 and 720 because these airplanes are not equipped with a leading edge device annunciator panel, and therefore, these airplanes are not included within the extension.

Since this revision provides additional information and grants an extension in compliance time, it is clarifying and relieving in nature, and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by revising AD 80-22-12, Amendment 39-3951 (45 FR 70230, October 23, 1980), to read as follows:

Boeing: Applies to Model 707, 720, 727, and 737 series airplanes certificated in all categories. Compliance time as follows: To assure the flight crew has positive warning when the leading edge devices are not extended for takeoff, accomplish the following unless already accomplished:

A. On or before March 31, 1983, except as provided for in paragraph C., below, install leading edge device logic that will provide aural warning when the leading edge devices have not been extended prior to takeoff in accordance with the following:

(1) (For Boeing 707/720 Series Airplanes) Boeing Service Bulletin No. 3404, Revision 2, dated January 21, 1983, or other previous or subsequent FAA approved revisions.

(2) (For Boeing 727 Series Airplanes) Boeing Service Bulletin No. 727-31-50, Revision 1, dated January 15, 1982, or other previous or subsequent FAA approved revisions.

(3) (For Boeing 737 Series Airplanes) Boeing Service Bulletin No. 737-31-1038, Revision 3, dated October 29, 1982, or other previous or subsequent FAA approved revisions.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. This modification may be delayed until December 26, 1983, for the Model 727 and 737 series airplanes, provided the following cockpit checklist procedure, as implemented by each operator, is FAA approved by the appropriate Principal Operations Inspector: "The Leading Edge Device (LED) annunciator panel must be observed and must indicate proper leading edge device position prior to each takeoff."

D. Modification of the airplane in accordance with paragraph A or B, above, constitutes terminating action for this AD. Once the modification is completed, the special cockpit procedure described in paragraph C, above, may be discontinued.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective March 7, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this document involves an amendment that is clarifying and relieving in nature and does not impose any additional burden on any person. Therefore: (1) It is not major under Executive Order 12291 (46 FR 13193; February 19, 1981), and (2) it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because its anticipated impact is so minimal, it does not warrant preparation of a regulatory evaluation. I certify that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act because it involves few, if any, small entities.

Issued in Seattle, Washington, on February 18, 1983.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 83-5125 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-112-AD; Amdt. 39-4578]

Airworthiness Directives; British Aerospace BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to British Aerospace BAC 1-11 200 and 400 series airplanes that would require inspection for cracks and repair, as necessary, of the windshield glazing frame. Cracks have been found in several airplanes with as low as 22,000 hours time in service. If left unrepaired, these cracks could lead to failure of the adjacent fuselage frame and loss of cabin pressurization.

DATE: Effective April 4, 1983.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway

South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority of the United Kingdom has classified British Aerospace BAC 1–11 Alert Service Bulletin 53–A–PM5425, Issue 3, as mandatory. A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspections and repairs, if necessary, of the windshield glazing frame was published in the **Federal Register** on January 9, 1978. The comment period closed on February 24, 1978. Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. U.S. Air provided comments as follows:

1. All U.S. Air BAC 1–11 aircraft are being inspected every "B" check (approximately 1,125 landings). To preclude special scheduling and an unjustifiable economic impact on the current inspection program, the repetitive inspection frequency should be 1,200 landings;

2. The proposed AD does not provide credit for all previous repetitive inspections; and

3. U.S. Air has issued an Engineering Order to accomplish BAC Service Bulletin 53–PM–5525. This modification reinforces the lower frame segment across the windshield center-post. The proposed AD does not consider this modification for terminating the repetitive inspections.

The FAA concurs that the repetitive inspection interval may be increased to 1,200 landings without jeopardizing safety, and credit should be given for previously accomplished inspections and modifications. These items have been incorporated into the AD.

It is estimated that 50 airplanes will be affected by this AD, that it will take approximately 200 manhours per airplane to accomplish the required inspections and modifications, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $6,000 per airplane. Based on these figures, the total cost impact of this AD is estimated to be $650,000. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After review of the available data, including the above comments, the FAA has determined that air safety and the public interest require the adoption of the proposed amendment with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace: Applies to BAC 1–11 200 and 400 series airplanes, certified in all categories. Compliance is required as indicated, unless already accomplished. to detect cracking of the windshield glazing frame and prevent possible failure of the adjacent fuselage frame, accomplish the following:

A. For airplanes that have accumulated less than 25,000 total landings on the effective date of this AD, comply with the following:

1. Prior to the accumulation of 15,000 landings or within the next 500 landings after the effective date of this AD, whichever occurs later, unless accomplished within the previous 2,000 landings, visually inspect the windshield glazing frame for cracks internally and externally in accordance with the instructions contained in paragraph 4 entitled "Guidance to Operators" of British Aerospace Alert Service Bulletin 53–A–PM5425, Issue 3, dated February 20, 1978 (hereinafter referred to as the service bulletin).

2. Repeat the inspection specified in paragraph A.1 of this AD at intervals not to exceed 2,500 landings from the last inspection until 25,000 landings are accumulated and thereafter comply with the inspection interval specified in paragraph B of this AD.

B. For airplanes that have accumulated 25,000 landings or more on the effective date of this AD, inspect the area in accordance with paragraph 4 entitled "Guidance to Operators" of the service bulletin within the next 400 landings after the effective date of this AD, unless accomplished within the last 800 landings, and thereafter continue to inspect the area at intervals not to exceed 1,200 landings from the last inspection.

C. If cracks are found during any inspection required by this AD that do not extend forward of the cutouts for the windshield wiper shafts, accomplish the repair modification specified in BAC Modification PM2857, Part (a).

1. Within the next 750 landings after discovery of the cracks on airplanes with less than 25,000 landings at the time of the inspection.

2. Within the next 250 landings after discovery of the cracks on airplanes with 25,000 or more landings at the time of the inspection.

D. If cracks are found during any inspection required by this AD that extend forward of the cutouts for the windshield wiper shafts (refer to Figure 1 of the service bulletin), accomplish the repair modification specified in BAC Modification PM2857, Part (a), prior to further flight.

E. Incorporation of BAC Modification PM2857, Part (a), or PM3346 or PM5525 eliminates the repetitive inspection requirement of this AD and constitutes terminating action.

F. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

H. For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's time in service by the operator's fleet average from takeoff to landing for the airplane type.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective April 4, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington, on February 18, 1983.

David E. Jones,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–5124 Filed 3–3–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–9]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Control Zone and Transition Area, Moultrie, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Moultrie, Georgia, control zone and transition area by correcting the geographical coordinates of the airport and the name of the airport. No change in airspace is intended by this action.

DATES: Effective Date: 0901 G.m.t., April 14, 1983. Comments must be received on or before April 1, 1983.

ADDRESSES: Send comments on the rule in the triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, GA 30320. The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, GA 30344, telephone (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves technical corrections to the description of the control zone and transition area and, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to correct the geographical coordinates of Moultrie Municipal Airport and to correct the name of the airport upon which controlled airspace is predicated. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Advisory Circular AC 70–3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need for a regulation to properly list the geographical coordinates of the airport and to correct the name of Moultrie-Thomasville Airport to Moultrie Municipal Airport so that the description of the control zone will be technically correct. The corrections are so minor and nonsubstantive, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone, Transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) are further amended, effective 0901 G.m.t., April 14, 1983, as follows:

Moultrie Municipal Airport, GA—Revised

By amending 71.171 in the description of the Moultrie, GA, control zone by deleting the words, "* * * Moultrie-Thomasville Airport (lat. 31°04'58"N., long. 83°48'15"W.) * * *", and substituting for them the words, "* * * Moultrie Municipal Airport (Lat. 31°05'05" N., Long. 83°48'12"W.) * * *".

By amending 71.181 in the description of the Moultrie, GA, transition area by deleting the words, "* * * Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.) * * *", and substituting for them the words, "* * * Moultrie Municipal Airport (Lat. 31°05'05" N., Long. 83°48'12" W.) * * *".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on February 14, 1983.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 83–5128 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82–AGL–25]

Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The nature of this Federal action redescribes both the control zone and transition area designated for Brainerd, Minnnesota. The intended effect of this action is to accommodate a new NDB Runway 23 instrument approach procedure while, at the same time, returning some designated airspace to a non-controlled status. Also, it ensures segregation of aircraft using instrument approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The development of an NDB Runway 23 approach procedure for Brainerd-Crow Wing County Airport requires that the current designated airspace for Brainerd, Minnesota, be altered to ensure the procedure is contained within controlled airspace, although the minimum descent altitude for the procedure may be established below the floor of the 700 foot controlled airspace. During the review for the alteration, it was noted that current procedures at Brainerd-Crow Wing County Airport do not require all of the designated airspace in effect. This action returns designated airspace to a non-controlled status involving two main areas approximately 6 miles by 6 miles in size. One area is located northwest of Brainerd-Crow Wing and the other is southeast of Brainerd-Crow Wing. Both areas extend approximately from the 8 mile radius to the 14 mile radius of Brainerd-Crow Wing County Airport.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 57497 of the Federal Register dated December 27, 1982, the FAA

proposed to amend §§ 71.171 and 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the control zone and transition area airspace near Brainerd, Minnesota. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

Except for editorial changes, this amendment is the same as that proposed in the notice. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70-3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) are amended, effective 0901 G.m.t., April 14, 1983, as follows:

Brainerd, MN

Within a 5-mile radius of Brainerd-Crow Wing County Airport (latitude 46°23'52" N, longitude 94°08'12" W.); within 2 miles each side of the Brainerd Runway 23 localizer course extending from the 5-mile radius zone to 5.5 miles northeast of the airport. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen and continuously published in the Airport/Facility Directory.

Brainerd, MN

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'52" N, longitude 94°08'12" W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655)) and 14 CFR 11.69).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on February [illegible], 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83-6286 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Benchmark Survey of U.S. Direct Investment Abroad—1982

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: This action amends the rules to provide for the conduct of a statistical survey, the BE-10, Benchmark Survey of U.S. Direct Investment Abroad—1982, as required by the International Investment Survey Act of 1976.

EFFECTIVE DATE: These rules are effective March 3, 1983.

ADDRESS: The forms will be mailed to prospective respondents during the first two weeks of March, 1983; persons subject to the reporting requirements who have not received forms by the end of March, should request forms by writing to International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 or by calling (202) 523-0632 during office hours—7:30 a.m. to 4:00 p.m. Washington, D.C. time.

FOR FURTHER INFORMATION CONTACT: For information concerning the rules, contact George R. Kruer, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, (202) 523-0657.

SUPPLEMENTARY INFORMATION: The International Investment Survey Act of 1976, 22 U.S.C. 3101-3108, requires that a benchmark survey of U.S. direct investment abroad be conducted covering 1982. The last such survey covered 1977.

In the September 30, 1982 Federal Register, Volume 47, No. 190, (47 FR 43074) the Bureau of Economic Analysis (BEA) published a notice of proposed rulemaking soliciting written public comments on the proposed rules and the draft report forms. Simultaneously, the draft report forms and associated instructions were submitted to the Office of Management and Budget (OMB) for approval pursuant to the Paperwork Reduction Act. Meetings were held with interested parties under OMB auspices. All comments received in the meetings and in writing to both OMB and BEA were considered in preparing the final rules and final report forms. Numerous changes were made to the report forms to effect a substantial reduction in the reporting burden and to increase the usefulness of the data. However, the changes did not result in any substantive changes to the proposed rules in preparing these final rules. The change in the definition of "U.S. Reporter," as contained in the final rule, is for clarification purposes only and is not intended to change the scope of the definition.

The OMB number for the approved BE-10 survey is 0608-0049, and the expiration date is 12/31/83.

BEA has determined that these final rule changes are not "major" under Executive Order 12291. The public use burden will be undertaken within the Department of Commerce proposed FY 1983 Information Collection Budget ceiling.

Regulatory Flexibility Act—The provisions of the Regulatory Flexibility Act relating to preparation of a regulatory flexibility analysis were not applicable to the rule changes because the changes will not have a significant economic impact on a substantial number of small entities. The exemption level, as approved, will eliminate reporting for most small businesses.

Accordingly, the General Counsel, Department of Commerce, has certified under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that these rule changes will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States, Penalties, Reporting requirements, United States investments abroad.

(5 U.S.C. 301, 22 U.S.C. 3101-3108, and Executive Order 11961)

Part 806 is therefore modified as set forth below.

George Jaszi,

Director, Bureau of Economic Analysis.

PART 806—[AMENDED]

15 CFR Part 806 is amended as follows:

1. In § 806.14(a), paragraph (2) is revised to read as follows:

§ 806.14 U.S. direct investment abroad.

(a) *Specific definitions.*

* * * * *

(2) "U.S. Reporter" means the U.S. person which has direct investment in a

foreign business enterprise, including a branch. If the U.S. person is an incorporated business enterprise, the U.S. Reporter is the fully consolidated U.S. domestic enterprise consisting of (i) the U.S. corporation whose voting securities are not owned more than 50 percent by another U.S. corporation, and (ii) proceeding down each ownership chain from that U.S. corporation, any U.S. corporation (including Domestic International Sales Corporations) whose voting securities are more than 50 percent owned by the U.S. corporation above it.

* * * * *

2. Section 806.16 is revised to read as follows:

§ 806.16 Rules and regulations for BE–10, Benchmark Survey of U.S. Direct Investment Abroad—1982.

A BE–10, Benchmark Survey of U.S. Direct Investment Abroad, will be conducted covering 1982. All legal authorities, provisions, definitions, and requirements contained in § 806.1 through 806.13, 806.14 (a), (b), (c), (d) and (g)(2) are applicable to this Survey. Specific additional rules and regulations for the BE–10 Survey concerning who must report and forms required are given below.

(a) *Basic requirement*—A BE–10 report is required from every U.S. person having a foreign affiliate—that is, every U.S. person having direct or indirect ownership or control of at least 10 per centum of the voting stock of an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise—at any time during the U.S. person's 1982 fiscal year. A business enterprise's 1982 fiscal year is the enterprise's financial reporting year that has an ending date in calendar year 1982. For a person that does not have a financial reporting year, or does not have a financial reporting year ending in calendar year 1982, its 1982 fiscal year is deemed to be the same as calendar year 1982. Reports are required even though the foreign business enterprise may have been established, acquired, seized, liquidated, sold, expropriated, or inactivated during FY 1982.

(b) *Form BE–10A (Report for U.S. Reporter).* (1) Filing—A completed Form BE–10A is required from each U.S. Reporter (see definition). Exception: When a U.S. business enterprise owns a foreign affiliate and the U.S. business enterprise is owned more than 50 per centum by a U.S. individual, the report should be filed by, and Form BE–10A data should be for, the business enterprise rather than the individual. Any direc transactions with, or positions in, the foreign affiliate by the individual must be included in the U.S. business enterprise's report.

(2) Partial exemption when all foreign affiliates are exempt—When there are foreign affiliates, but all are exempt from filing Form BE–10B, then only items 1 through 4 of Form BE–10A, and Form BE–10A SUPPLEMENT, which lists exempt foreign affiliates, must be completed and filed.

(3) Partial exemption based on type of U.S. Reporter—U.S. Reporters that are religious, charitable, or other nonprofit organizations and individuals who directly own a foreign affiliate are required to file Form BE–10A, completing in Part I (Identification of U.S. Reporter), only items 1, 2, 8, 9, and 12; the remaining items in Part I and all items in Part II (Financial and Operating Data of U.S. Reporter) need not be completed.

(c) *Form BE–10B (Report for Foreign Affiliate).* (1) Filing—A U.S. person is required to file one Form BE–10B for each foreign affiliate which is not exempt pursuant to (2) below. (Under those limited conditions where foreign affiliates may be consolidated, the consolidated entity is considered to be one foreign affiliate.) To determine whether, for purposes of reporting, a given foreign business enterprise is considered its foreign affiliate, a U.S. person should sum its percentages of voting ownership through all lines, or chains of ownership, direct and indirect. If the resulting sum is at least 10 percent, then the enterprise is the U.S. person's foreign affiliate and, unless otherwise exempt, must be reported. In the case of a line of indirect ownership, the U.S. person's percentage ownership in a given foreign business enterprise should be computed as its direct ownership percentage in the first foreign business enterprise in the chain, multiplied by that first enterprise's direct ownership percentage in the second enterprise in the chain, multiplied by the second enterprise's direct ownership percentage in the third enterprise in the chain, multiplied by the corresponding percentages for all other intervening enterprises in the chain, multiplied by the last intervening enterprise's direct ownership percentage in the given foreign business enterprise. To illustrate, suppose that the U.S. person owned 50 percent of foreign business enterprise A directly, and that A owned 75 percent of foreign business enterprise B that, in turn, owned 80 percent of foreign business enterprise C. Then the U.S. person's percentage of indirect ownership of B would be 37.5 percent (the product of the first two percentages), its indirect ownership of C would be 30 percent (the product of all three percentages), and B and C (as well as A) would be considered the U.S. person's foreign affiliates.

(2) Total exemption—A Form BE–10B need not be filed if the foreign affiliate's total assets, sales or gross operating revenues excluding sales taxes, and not income after provison for foreign income taxes, are each (i.e., all three are) less than $3,000,000.00 (positive or negative), and the foreign affiliate does not own another foreign affiliate for which a Form BE–10B must be filed. If the latter condition is not met, then Form BE–10B must be filed for the foreign affiliate holding the equity interest regardless of the value of its assets, sales, or net income. That is, all affiliates upward in a chain of ownership must be reported. An affiliate's receivables due from its parent may not be eliminated from total assets when applying the exemption criteria.

(3) Number of Forms BE–10B required—If two or more U.S. Reporters jointly own a foreign affiliate, directly or indirectly, each U.S. Reporter must submit a Form BE–10B for the affiliate. The U.S. Reporter having the highest percentage ownership (direct and indirect combined) in the foreign affiliate must file a Form BE–10B in which all Parts, including either Part IV or Part V as required, have been completed; and the other U.S. Reporter(s) must file a Form BE–10B in which only Part I, items 1 through 25, and Part III, if there is direct ownership or direct financial positions or transactions, have been completed. If the ownership percentages are the same, the U.S. Reporters must decide among themselves which one will submit the complete report.

(4) Foreign affiliate consolidation—In cases where the recordkeeping system of the foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following conditions apply:

(i) The affiliates are in the same BEA 3-digit industry, as defined in the *Direct Investment Industry and Foreign Trade Classifications Booklet;* or

(ii) The affiliates are integral parts of the same business operation. For example, if German affiliate A manufactures tires and a majority of its sales are to German affiliate B which produces autos, then affiliates A and B may be consolidated.

Under no circumstances may a U.S. Reporter consolidate foreign affiliates in different countries.

(d) *Relationship between Forms BE–10A and BE–10B.* The term "U.S. Reporter" as defined means the fullyy consolidated U.S. domestic enterprise; therefore, on Form BE–10B, when data on trade and financial relationships between the U.S. Reporter and the foreign affiliate are requested, the data must reflect the foreign affiliate's relationship with the entire U.S. enterprise, not merely with one division, operating unit, or part.

(e) *Specialized report forms for banks*—Specialized report forms have been adopted for banks (that is, for business enterprises over 50 percent of whose total revenues are generated by activities classified in DI industry code 600), because much of the information on banks' foreign activities which is requested on the standard forms is already being reported to other agencies of the Federal Government. The specialized report forms are designed to yield only such additional information as is deemed necessary. Use of specialized Forms BE–10A BANK and BE–10B BANK is at the discretion of BEA; in situations where their possible use is not clear-cut, permission must be secured from BEA in advance of filing.

(1) Form BE–10A BANK has been developed for reporting by a U.S. Reporter that is a bank or a bank holding company. It is not to be used by a U.S. Reporter that may technically be classified as a bank holding company because of an interest in a banking activity, but that has over 50 percent of it revenues generated by non-bank activities. (Activities of subsidiaries that may not be banks but that provide support to the parent company, such as real estate subsidiaries set up to hold the office building occupied by the parent company, are considered bank activities.)

(2) Form BE–10B BANK is for reporting of a foreign affiliate that is a bank and in which the U.S. Reporter holds a direct and/or indirect ownership interest. However, a foreign bank affiliate of the U.S. Reporter in which the U.S. Reporter holds only an indirect ownership interest of 50 percent or less is exempt from being reported on Form BE–10B BANK, but must be listed on Form BE–10A SUPPLEMENT. Incorporated foreign bank affiliates in which the U.S. Reporter holds a direct equity interest, or an indirect equity interest of more than 50 percent, must be separately reported. All branch banks of the U.S. Reporter in a given foreign country must be consolidated on one Form BE–10B BANK even if it is the Reporter's practice to report data for these branches separately on Federal Reserve Form FR105f or on Comptroller of the Currency Form CC7610–09.

(3) A U.S. Reporter that is a bank, but that has a nonbank foreign affiliate, must file a Form BE–10A BANK for itself and a standard Form BE–10B for the nonbank foreign affiliate.

(4) A U.S. reporter that is not a bank, but that has a bank foreign affiliate, must file a standard Form BE–10A for itself and a Form BE–10B BANK for the bank foreign affiliate.

(5) Banks located on U.S. military bases abroad and servicing base personnel are not considered "foreign" and a Form BE–10B BANK should *not* be filed for them.

(6) The specialized report forms, where their use is permitted, replace the standard forms, and the regulations and instructions should be so construed.

(f) *Due date*— BE–10 reports comprising both Form BE–10A and Form(s) BE–10B are due on the following dates:

June 30, 1983—U.S. Reporter required to file less than 20 Forms BE–10B

July 31, 1983—U.S. Reporter required ato file 20 to 99 Forms BE–10B

August 31, 1983—U.S. Reporter required to file 100 or more Forms BE–10B

(g) Inquiries concerning the BE–10 Survey should be directed to: Bureau of Economic Analysis (BE–50, SSB), U.S. Department of Commerce, Washington, D.C. 20230, or phone (202) 523–0632 during office hours—7:30 a.m. to 4:00 p.m. Washington, D.C. time

[FR Doc. 83–5484 Filed 3–2–83; 8:45 am]

BILLING CODE 3510–25–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3103]

ConAgra, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires an Omaha, Neb. manufacturer and seller of bakery and hard wheat flour, among other things, to timely divest seven specified flour production facilities to a Commission-approved buyer(s), capable of maintaining the facilities as competitive entities. Additionally, the order prohibits the company from acquiring, for a period of ten years, any interest in any flour milling plant in eleven western states without prior Commission approval.

DATE: Complaint and order issued February 16, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, Thomas J. Campbell, Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATION: On Thursday, Aug. 12, 1982, there was published in the **Federal Register**, 47 FR 35004, a proposed consent agreement with analysis In the Matter of ConAgra, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stocks or Assets: § 13.5 Acquiring corporate stocks or assets; 13.5–20 Federal Trade Commission Act.

List of Subjects in 16 CFR Part 13

Wheat flour.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83–5421 Filed 3–2–83; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket 9118]

Indiana Federation of Dentists; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: This Final Order, among other things, prohibits an Anderson, Ind. dental association ("IFD") from engaging in any action or course of conduct having the effect of requiring or organizing dentists to refuse to submit

[1] Copies of the Complaint and the Decision and Order filed with the original document.

radiographs or other materials requested by third-party payers for use in benefit determinations or to deal with a third-party payer in a certain way. The order also forbids IFD from engaging in any action that compels a third-party payer to deal with or operate in a certain way in connection with dental health care benefits programs; or whose purpose is to influence a customer's choice of dentists based on the degree of non-cooperation between such dentists and a third-party payer. Additionally, the association is required to timely mail to each of its members a copy of the Commission order together with a letter advising that IFD has abandoned all policies and guidelines that fail to conform to the provisions of the order, and that members are free to deal with dental health care programs and payers as they see fit.

DATES: Complaint issued October 18, 1978. Final Order issued February 17, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, L. Barry Costilo, Washington, D.C. 20580. (202) 724-1197.

SUPPLEMENTARY INFORMATION: In the Matter of Indiana Federation of Dentists, an unincorporated association. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13 are as follows: Subpart—Coercing and Intimidating: § 13.350 Customers or prospective customers; § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods; § 13.430 To enhance, maintain or unify prices. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures.

List of Subjects in 16 CFR Part 13

Dental associations, Dental health care services, Dental x-rays.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance therewith, is as follows:

In the Matter of INDIANA FEDERATION OF DENTISTS, an unincorporated association. Docket No. 9118.

Final Order

This matter, having been heard by the Commission upon the appeal of respondent from the Initial Decision, and upon briefs and oral argument thereof and opposition thereto, and the Commission for the reasons stated in the accompanying Opinion having determined to deny the appeal of respondent Indiana Federation of Dentists.

It is ordered that the Initial Decision of the administrative law judge be adopted as Findings of Fact and Conclusions of Law except to the extent inconsistent with the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist is hereby entered.

I

It is ordered that the following definition shall apply in this Order: "third-party payer" means any entity that provides a program of reimbursement for dental health care services to employees or members of any other organization, and any person who provides evaluative services in connection with any such reimbursement program.

II

It is further ordered that respondent, its successors or assigns, and its officers and representatives shall cease and desist from engaging in any activity, course of conduct, practice, or policy that in whole or in part:

A. Requests, urges, recommends or suggests that dentists, or has the purpose or effect of requiring or organizing dentists to: (1) Refuse to submit radiographs or other pre-treatment or post-treatment reports, analyses, and materials in response to a third-party payer's request for use in benefit determination; or (2) refuse to deal in any particular way with any one or more third-party payers;

B. Compels, threatens, or coerces any third-party payer to operate or deal in any way in connection with dental health care benefits program; or

C. Has the purpose of causing or inducing consumers to choose dentists who do not cooperate with third-party payers, or influencing to any degree consumers' choice of dentists based on the degree or manner of non-cooperation between such dentists and any third-party payer or payers.

III

It is further ordered that nothing contained herein shall be deemed: (1) To prohibit members of IFD, acting individually and not at the encouragement or inducement of IFD, from dealing with third-party payers in the way each sees fit; or (2) to prohibit respondent from adopting *bona fide* guidelines concerning the exposure of dental patients to radiation.

IV

It is further ordered that, within thirty (30) days after this Order becomes final, respondent shall mail to each of its members a copy of the Commission Order in this matter, as well as a letter, in the form shown as "Appendix A" to this Order, advising that respondent has abandoned all policies, guidelines, principles, work rules and statements that directly or indirectly request, urge, recommend or suggest that dentists, or have the purpose or effect of requiring or organizing dentists to: (1) Refuse to submit radiographs or other pre-treatment or post-treatment reports, analyses, and materials in response to a third-party payer's request for use in benefit determination; or (2) refuse to deal in any particular way with any one or more third-party payers. The letter shall further advise that dentists are free to choose to deal with any such programs and payers in such manner as they decide individually. Respondent shall also mail a copy of the Order and the letter to every person who joins respondent within three (3) years of the date of service of this Order;

V

It is further ordered that, within sixty (60) days after service of this Order, and annually on the anniversary date of the original report, for each of the five (5) years thereafter, respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to any proposed change in it, such as dissolution or other action resulting in the emergence of a successor organization, which may affect compliance obligations arising out of this Order.

By the Commission, Commissioner Douglas not participating.

Issued: February 17, 1983.

Benjamin I. Berman,

Acting Secretary.

Appendix "A"

(Respondent's Letterhead)

Dear Doctor: As you may be aware, the Federal Trade Commission has issued an order against the Indiana Federation of Dentists. This order requires, in essence, that the Indiana Federation of Dentists cease and desist from certain activities that are concerned with dental health care benefits programs and cooperation by dentists with the administrators of such programs. The order also requires that you be sent a copy of the order and this letter.

You are hereby notified that the Indiana Federation of Dentists has abandoned all policies, guidelines, and principles that directly or indirectly request, urge, recommend or suggest that dentists, or have the purpose or effect of requiring or organizing dentists to: (1) refuse to submit radiographs or other pre-treatment or post-treatment reports, analyses, and materials in response to a third-party payer's request for use in benefit determination; or (2) refuse to deal in any particular way with any one or more third-party payers. You are further notified that you are free to choose to deal with any such payers and programs in such manner as you decide individually.

A copy of the FTC's order is enclosed.

Sincerely.

President

Enclosure

[FR Doc. 83-5423 Filed 3-2-83; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint, Initial Decision, Opinion of the Commission and Final Order filed with the original document.

16 CFR Part 13

[Docket 9129]

Michigan State Medical Society; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission

ACTION: Final Order

SUMMARY: This Final Order, among other things, requires an East Lansing, Mich. medical society to cease from entering into agreements with its members to affect the amount, manner of calculating or terms of reimbursement for physical services; and to refrain from influencing its members to refuse to enter into any participation agreement not acceptable to the Society or its members; or to complete the claim forms used by any third-party payer. The Society is barred from entering, either on its own behalf or on behalf of its members, into any agreement with a third-party payer that concerns the amount, manner of calculation, or terms of reimbursement; and from influencing, by any means, a member's decision to accept or reject a participation agreement. The order also bars the association from engaging in any action having the effect of coercing, compelling or inducing a third-party payer to accept the position taken by the Society regarding the terms or conditions of a participation agreement. Additionally, the association is required to publish provisions of the order in a prescribed manner and to provide current and future members with a copy of the order.

DATES: Complaint issued July 27, 1979. Final Order issued February 17, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS–6, M. Elizabeth Gee, Washington, D.C. 20580. (202) 724–1303.

SUPPLEMENTARY INFORMATION: In the Matter of Michigan State Medical Society, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.350 Customers or prospective customers. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.410 To eliminate competition in conspirators' goods. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–40 Furnishing information to media.

List of Subjects in 16 CFR Part 13

Medical associations, Medical services, Physicians' agreements.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance therewith, is as follows:

In the Matter of MICHIGAN STATE MEDICAL SOCIETY, a corporation. Docket No. 9129.

Final Order

This matter having been heard by the Commission upon the appeal of respondent from the Initial Decision, and upon briefs and oral argument in support thereof and in opposition thereto, and the Commission having determined for the reasons stated in the accompanying Opinion to deny the appeal of respondent:

It is ordered that the Initial Decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent inconsistent with the accompanying Opinion. Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered that the following Order to Cease and Desist be, and it hereby is, entered.

I

It is ordered that for purposes of this order the following definitions shall apply:

A. "MSMS" means Michigan State Medical Society, its House of Delegates, Council, committees, officers, representatives, agents, employees, successors and assigns.

B. "Third-party payer" means any person, corporation, government agency or other entity which agrees to pay for or reimburse all or part of any expense for physicians' services incurred by another person or group of persons. "Third-party payer" includes, but is not limited to, Blue Cross and Blue Shield of Michigan, and Medicaid.

C. "Medicaid" means the program of health care for indigent persons created by Title XIX of the Social Security Act, entitled "Grants to States for Medical Assistance Programs," 42 U.S.C. 1396 *et seq.* (1976 & Supp. III 1979), including regulations, policies and procedures of Michigan that implement the program in Michigan.

D. "Reimbursement" means money paid by a third-party payer for physicians' services.

E. "Physician" means a doctor of medicine or of osteopathy.

F. "Participation agreement" means any agreement between a third-party payer and a physician in which the third-party payer agrees to pay the physician for the provision of physicians' services and in which the physician agrees to accept payment from the third-party payer for the provision of physicians' services.

II

It is further ordered that MSMS shall cease and desist from:

A. Entering into or attempting to enter into any agreement or understanding, either express or implied, with any MSMS members to affect or attempt to affect the amount, manner of calculating, or terms of reimbursement, including but not limited to, any agreement or understanding that:

1. Any MSMS members will cancel or refuse to enter into participation agreements;

2. Any MSMS members will refuse to complete claim forms used by any third-party payer;

3. MSMS can act on behalf of any members through proxy, power of attorney, or otherwise, to cancel or refuse to enter into any participation agreement; or

4. Any MSMS members will sign or enter into participation agreements only on terms acceptable to MSMS or to any other MSMS member.

B. Advocating, suggesting, urging, advising, inducing or recommending that any MSMS members engage in any action to affect or attempt to affect the amount, manner of calculating, or terms of reimbursement, including, but not limited to, advocating, suggesting, urging, advising, inducing or recommending that any MSMS members:

1. Cancel or refuse to enter into any participation agreement with any third-party payer;

2. Refuse to complete claim forms used by any third-party payer;

3. Agree to permit MSMS to act on behalf of any MSMS members through proxy, power of attorney, or otherwise, to cancel or refuse to enter into any participation agreement; or

4. Sign or enter participation agreements only on terms acceptable to MSMS or to any other MSMS member.

C. Entering into or attempting to enter into any agreement or understanding, either on its own behalf or as representative of any of its members, with any third-party payer concerning the amount, manner of calculating, or terms of reimbursement, or concerning the decision of any of its members jointly to accept or reject the terms or conditions of any participation agreement.

D. Making any express or implied threat of acts by any MSMS members, or engaging in any other acts, with the purpose or effect of coercing, compelling or inducing any third-party payer to accept a position taken by MSMS or any MSMS members concerning the amount, manner of calculating, or terms of reimbursement, or the terms or conditions of any participation agreement.

III

It is further ordered that this Order shall not be construed to prevent MSMS from:

A. Participating in professional peer review of fees charged by individual physicians in individual cases.

B. Exercising rights permitted under the First Amendment to the United States Constitution to petition any federal or state government executive agency or legislative body concerning legislation, rules or

[1] Copies of the Complaint, Initial Decision, Opinion of the Commission, Concurring Statement of Commissioner Pertschuk, Concurring Statement of Commissioner Bailey and the Final Order filed with the original document.

procedures, or to participate in any federal or state administrative or judicial proceeding.

C. Providing information or views, on its own behalf or on behalf of its members, to third party payers concerning any issue, including reimbursement.

IV

It is further ordered that MSMS:

A. Mail a copy of this Decision and Order to each of its component societies, each of its specialty sections, and a copy of the Order to each of its members within thirty days following service of this Order.

B. Publish this Order in an issue of *Michigan Medicine* published no later than 60 days after the date the Order is served, and in the first *Medigram* published after the Order is served. The Order shall be published in the same type size normally used for articles which are published in *Michigan Medicine* and in the *Medigram*.

C. For a period of three years, provide each new MSMS member with a copy of this Order at the time the member is accepted into membership.

D. Require, as a condition of affiliation with MSMS, that any component society or specialty section agree by action taken by its governing body to be bound by the provisions of Parts I–III of this Order.

V

It is further ordered that MSMS shall file a written report with the Commission within ninety days of the date of service of this Order, and annually on the anniversary date of the original report for each of the five years thereafter, and at such other times as the Commission may by written notice to MSMS require, setting forth in detail the manner and form in which it has complied with this Order.

It is further ordered that MSMS shall notify the Commission at least thirty days prior to any proposed change to itself, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change which may affect compliance with this Order.

By the Commission, Commissioner Douglas not participating.

Issued: February 17, 1983.

Benjamin I. Berman,

Acting Secretary.

Attachments: Concurring Statements of Commissioners Pertschuk and Bailey.

Concurring Statement of Commissioner Pertschuk

I agree fully with the Commission's opinion except that I join Commissioner Bailey in concluding that the conduct should have been judged *per se* unlawful. Because I believe a determination that a *per se* analysis should have been applied here is somewhat more difficult than in other cases, it may be useful to elaborate on how that determination should have been made.

In *Broadcast Music*,[1] the Supreme Court indicated that, once an arrangement has been identified as "price-fixing," it is *per se* unlawful; however, such a determination "will often, but not always, be a simple matter."[2] In that case, in fact, the Court found that a blanket licensing scheme in which composers agreed on a single price for use of all their compositions should not be condemned as unlawful *per se* even though it might be price-fixing in a "literal sense."[3] The rationale for inquiring about competitive effects under a rule of reason analysis was, in part, that there were tenable arguments that the arrangement could help competition because it amounted to a separate product that was not available to the entertainment media by offerings of individual composers.

In *Maricopa*[4] the Court examined an arrangement in which foundations for medical care, composed of competing physicians, adopted maximum fee schedules after consulting with local medical societies and submitting proposed schedules to a vote of the entire membership of the foundations. The foundations had arranged with approved insurers that the insurers would agree to pay any charges up to the approved maximums and that the member physicians would accept these reimbursement levels as payment in full. Unlike the licensing arrangement in *Broadcast Music*, however, the Court found that this arrangement offered no tenable arguments of procompetitive benefits. It did not amount to a new risk-sharing entity in competition with other insurers, but essentially was "an agreement among hundreds of competing doctors concerning the price at which each will offer his own services to a substantial number of consumers."[5]

Here we examine conduct by competing physicians which amounted to a threatened refusal to deal with health insurers unless reimbursement rates were fixed at particular levels. The most that can be said for MSMS' agreement was that, technically, it did not directly establish the fees that competing physicians charged, but only the fees that the insurers paid. Yet, because of the great importance of third party payments, not only in Michigan, but all across the country, reimbursement levels have become the cost central aspect of price in health care transactions. The novelty of medical price-fixing is that all of us who pay health insurance premiums or taxes are victims, not merely those who receive services.

There is not even an argument here that MSMS' conduct was aimed at establishing a new competitive entity or that the efforts to force insurers to pay uniform levels of fees across the state led to efficiencies in fee determination, as was half-heartedly proposed in *Maricopa*.[6] Thus, this case is actually much stronger than *Maricopa* in justifying *per se* condemnation of MSMS' attempt to force changes in reimbursement levels.

I do not quarrel with the Commission opinion's careful assessment of the nature of the commercial transactions here and a limited examination of proffered justifications. This analysis is a necessary predicate to concluding that the arrangement fits "into the horizontal price fixing mold."[7] Once that determination is made, however, as I believe it should have been, a conclusion that the conduct is unlawful *per se* necessarily follows.

Concurring Statement of Commissioner Bailey

If I could agree that price-fixing by medical doctors should be subject to a rule of reason analysis (Slip Op. at 34), I would agree completely with the majority opinion. I believe the analysis conducted in the opinion convincingly demonstrates that MSMS' fee-related concerted behavior cannot be justified as procompetitive or as having no conpetitive effects.

However, the Supreme Court has clearly and consistently told us that once it is determined that a collaboration fosters price-fixing, no examination of alleged procompetitive justifications for that behavior is warranted. Further, "the nature of [the collaborators'] occupation, standing alone, does not provide sanctuary from the Sherman Act * * *" *Goldfarb v. Virginia State Bar*, 421 U.S. 773, 787 (1975). Very recently, in *Arizona v. Maricopa County Medical Society*, 102 S. Ct. 2466 (1982), the Court applied this principle to a combination of competing physicians who were found to have engaged in maximum fee setting and unequivocally concluded that "the fact that doctors [were] parties to the price fixing agreement" could not change the analysis. 102 S. Ct. at 2475.

Here we are faced with collective actions that were intended to influence directly third party payments to physicians.[8] (Slip Op. 31)

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[1] Broadcast Music, Inc. v. Columbia Broadcasting System, Inc., 441 U.S. 1 (1979).

[2] *Id.* at 9.

[3] *Id.* at 8.

[4] Arizona v. Maricopa Medical Society, 50 LW 4687 (June 15, 1982) (80-419).

[5] *Id.* at 4692.

[6] *Id.* at 4692.

[7] *Id.* at 4693. This limited examination is for the purpose of determining the essential nature of the restraint, not overall competitive effects and "[t]he scrutiny occasionally required must not merely subsume the rule of reason [citing *Professional Engineers*] or else we should apply the rule of reason from the start." *Broadcast Music* at 19, fn. 33.

[8] In my opinion, only in its claim that it fought reductions in Medicaid payments in order to preserve quality of care for low-income patients did respondent raise a colorable alternative explanation for its conduct. However, as the majority opinion clearly describes, the record will not support this assertion: MSMS' true purpose in threatening a

Because those payments represent the bulk of physicians' service fees, the doctors' united front had the potential to inhibit price and nonprice competition both among doctors and among insurance companies. (Slip Op. 33, 35) I do not see room in the long line of precedent on price-fixing for an artificial distinction between conduct which involves direct fee setting and conduct which tampers with the method of setting fees. Therefore I would not qualify the description of the conduct before us by saying it "approaches the kind of behavior that previously has been classified as *per se* illegal". (Slip Op. 34) I think such conduct must, under present law, be viewed as classic price fixing.

Any combination which tampers with price structures is engaged in an unlawful activity * * * to the extent that [members of the price-fixing group] raised, lowered or stabilized prices they would be directly interfering with the free play of market forces. *United States v. Socony Vacuum Oil Co.*, 310 U.S. 150, 218 (1940) *quoted in Maricopa*, 102 S. Ct. at 2474.

Therefore, I would have forgone inquiry into whether MSMS' fee-related collective activities had actual or potential offsetting benefits to competition.

[FR Doc. 83-5422 Filed 3-2-83; 8:45 am]

BILLING CODE 6750-01-M

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boycott of the program was to increase physician reimbursements. (Slip Op. 16–19) Therefore the Medicaid incidents must be characterized as merely another battle in respondent's long campaign against third party influence on doctors' pricing practices.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Incremental Pricing Regulations Implementing the Incremental Pricing Provision of the Natural Gas Policy Act of 1978; Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426; (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Issued: February 25, 1983.

In the matter of publication of prescribed incremental pricing acquisition cost threshold of the NGPA of 1978; Docket No. RM79–14.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of March 1983 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282.

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

CALENDAR YEAR 1980

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130 Percent of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.560

CALENDAR YEAR 1981

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.891	$1.909	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.098	2.112
130 Percent of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.290	8.010	9.010	9.430	9.360	9.260	8.960	8.700	8.930	8.980

CALENDAR YEAR 1982

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.129	$2.129	$2.139	$2.149	$2.159	$2.169
NGPA Section 102 Threshold	3.003	3.033	3.063	3.093	3.112	3.132	3.152	3.178	3.200	3.224	3.249	3.274
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234	2.244
130 Percent of No. 2 Fuel Oil in New York City Threshold	9.150	9.340	9.470	9.340	9.260	8.000	8.170	8.070	8.660	8.950	8.840	8.890

CALENDAR YEAR 1983

	Jan.	Feb.	Mar.									
Incremental Pricing Threshold	$2.179	$2.187	$2.195									
NGPA Section 102 Threshold	3.298	3.321	3.344									
NGPA Section 109 Threshold	2.254	2.262	2.270									
130 Percent of No. 2 Fuel Oil in New York City Threshold	8.420	8.520	8.620									

FR Doc. 83-5310 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 140

Reimbursement; Temporary Matching Fund Waiver

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This emergency regulation prescribes procedures for a temporary waiver of State matching fund requirements as mandated by section 145 of the Surface Transportation Assistance Act of 1982 (STAA of 1982). Section 145 allows a State to request an increase in the Federal share (normally 75–80 percent) of the construction costs of a qualifying Federal-aid highway project based upon a certification by the Governor of that State that sufficient funds are not available to pay the cost of the non-Federal share of the project. The provisions permit a State to receive up to 100 percent Federal funds for a project for a period through September 30, 1984; thereby allowing States the necessary time to adjust funding levels in order to meet the recently expanded Federal-aid highway program.

EFFECTIVE DATE: This final rule is effective March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Harvey C. Wood, Chief, Federal/States Financial Management Branch, (202) 426-0563 or Mr. Frank L. Calhoun, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 6, 1983, the President signed into law the STAA of 1982 (Pub. L. 97-424, 96 Stat. 2097). Section 145 requires regulations to be established which would provide procedures under which a State may request a waiver of its normal share of the construction cost of a qualifying Federal-aid highway project provided the Governor of the State certifies that sufficient funds are not available to pay the cost of the non-Federal share of the project. The regulation provides for an available period for the waiver through September 30, 1984, as well as repayment procedures. Since the provisions of section 145 of the STAA of 1982 were effective on January 6, 1983 (enactment of the STAA of 1982), and current regulations do not provide for such a temporary waiver, immediate promulgation of this regulation is required. For these reasons, it has been determined that circumstances warrant the issuance of an emergency regulation so as to immediately implement section 145 of the STAA of 1982.

Discussion of Regulation

Section 140.301 Purpose.

This section states the purpose of Subpart A, which is to implement section 145 of the STAA of 1982.

Section 140.303 Applicability.

The increased Federal share will apply to qualifying projects, as defined in the regulations, which are authorized prior to September 30, 1984, as specified by the statute.

Section 140.305 Definitions.

This section defines "Governor" to clarify that this provision is applicable to Puerto Rico and the District of Columbia, as well as all fifty States.

The section takes the definition from the statute of "qualifying project." Title 23 U.S.C. 106(a) is the provision for approval of plans, specifications, and estimates and 23 U.S.C. 117 is the certification acceptance provision.

Section 104.307 Submission of Certification by Governor.

This section contains the statutory requirement for certification by the Governor which is the initial step in requesting an increased Federal share.

The format of the certification is not prescribed by this regulation thus providing the Governor with flexibility as to the type of certification best suiting the State's situation.

Section 140.309 Request and approval of increase in Federal share.

The second step in requesting an increasing Federal share takes place when the State highway agency submits a request for authorization to proceed with work (23 CFR 630.114). This section establishes the basic procedures for requesting an increase in the Federal share which vary little from the regular procedures for requesting Federal participation in a project.

The FHWA recognizes that some qualifying projects will not be completed prior to September 30, 1984, at which time the State will be required to match its share of projects costs. This section provides the State with an option to request an obligation of Federal funds, only on the increased Federal share, based on the amount of costs the State expects to incur prior to September 30, 1984, instead of the total project costs. The State is still required to fully obligate the regular Federal share. For example, the State requests 100 percent Federal participation on an Interstate project (normally 90 percent participation) with an estimated cost of $10,000,000. Federal funds of $9,000,000 must be obligated for the regular Federal share. If the State estimates that only 50 percent of the project costs will be incurred by September 30, 1984, it may request that only 50 percent of the increased Federal share amount be obligated. In this case, instead of obligating $1,000,000 of Federal funds on the increased Federal share, only $500,000 would be obligated. The State would still be reimbursed for 100 percent of project costs incurred until September 30, 1984.

Paragraph (b) of this section identifies the fund categories that are presently available for matching fund waiver requests. The States are asked, where possible, to limit requests for matching fund waivers to projects funded from these categories although qualifying projects funded from other categories will be approved with prior concurrence from the FHWA Office of Fiscal Services.

Paragraph (c) of this section requires a statement to be included on the project

agreement, PR–2, submitted by the State which establishes the Federal share and amount of Federal funds requested by the State. The statement also establishes that claims paid after September 30, 1984, shall be at the regular Federal pro rata share.

Paragraph (d) of this section allows the State to use its normal billing procedures to claim reimbursement for the increased Federal share. The State is required to pro rate the costs claimed to the regular Federal share, and the non-Federal share, if any. This is necessary for FHWA to account for the amount reimbursed on the increased Federal share.

Section 140.311 Limitations on amount for qualifying projects.

This section reiterates the statute establishing the maximum amounts that can be obligated on qualifying projects in each State.

For the State's convenience and public information, FHWA has computed the amounts specified by the law and they are included as Appendix A of this regulation.

Paragraph (c) of this section clarifies that the amount obligated on a qualifying project is the amount obligated on both the regular Federal share and the increased Federal share as stated in the law. This total amount will be charged against the limitation.

Section 140.313 Repayment of the increased Federal share.

This section reiterates the statute's requirements for repaying the increased Federal share. The States are required to advise FHWA by September 1, 1984, regarding its intentions for making repayment or having deductions made to its apportionments. This is necessary to allow sufficient administrative time for adjusting project records prior to September 30, 1984.

Paragraphs (b) through (e) of this section merely restate the statutory requirements of section 145 for repayment or deduction of apportionments and impose no additional administrative requirements.

The FHWA has determined that this document responds to an emergency situation and for the reasons stated, Executive Order 12291 does not apply and it is impracticable for the agency to follow the procedures of the regulatory policies and procedures of the Department of Transportation. Therefore, good cause exists for publication as a final rule without notice and opportunity for comment and without a 30-day delay in effective date.

The FHWA will prepare, as soon as practicable, a regulatory evaluation/ regulatory flexibility analysis. The evaluation will be available for inspection by contacting Mr. Harvey C. Wood at the address provided under the heading "For Further Information Contact."

In consideration of the foregoing, and under the authority of 23 U.S.C. 315; section 145, Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2097 and 49 CFR 1.48(b), the FHWA is amending Part 140 of title 23, Code of Federal Regulations by adding thereto a new Subpart C, to read as set forth below.

List of Subjects in 23 CFR Part 140

Accounting, Highways and roads, Grant programs—transportation.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The coordination process provided in OMB Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs apply to this program.)

Issued: February 25, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

As added, Subpart C reads as follows:

PART 140—REIMBURSEMENT

Subpart C—Temporary Matching Fund Waiver

Sec.

140.301 Purpose.
140.303 Applicability.
140.305 Definitions.
140.307 Submission of certification by Governor.
140.309 Request and approval of increase in Federal share.
140.311 Limitations on amount for qualifying projects.
140.313 Repayment of the increased Federal share.
Appendix A—Maximum obligation amounts for matching fund waiver projects authorized prior to September 30, 1984.

Authority: Section 145, Pub. L. 97–424, 96 Stat. 2097; 23 U.S.C. 315; 49 CFR 1.48(b).

Subpart C—Temporary Matching Fund Waiver

§ 140.301 Purpose.

The purpose of this regulation is to prescribe procedures for administering section 145 of the Surface Transportation Assistance Act of 1982, providing for a temporary waiver of State matching fund requirements.

§ 140.303 Applicability.

The provisions of this subpart are applicable to qualifying projects as defined herein during the period January 6, 1983, and ending September 30, 1984.

§ 140.305 Definitions.

(a) As used in this subpart:

"Governor" means the Governor of any one of the fifty States, or Puerto Rico, and includes the Mayor of the District of Columbia.

"Qualifying project" means a project approved under 23 U.S.C. 106(a), or a project for which the United States becomes obligated to pay under 23 U.S.C. 117 for which the Governor has submitted a certification as set forth in this subpart.

"Increased Federal share" means the portion of the approved Federal share which is in excess of the regular Federal share that would have been approved if a matching fund waiver had not been requested.

§ 140.307 Submission of certification by Governor.

The Governor of the State shall submit a certification, in writing, to the Federal Highway Administration (FHWA) Division Administrator certifying that sufficient funds are not available to pay the cost of the non-Federal share of a qualifying project, taking into account all State and local funds that are available for obligation on Federal-aid highway projects. Funds encumbered or committed to other existing programs are considered unavailable for matching purposes.

§ 140.309 Request and approval of increase in Federal share.

(a) The State Highway agency (SHA) may submit a request in writing to the FHWA Division Administrator for an increase in the Federal share of a qualifying project up to and including 100 per centum at the time the SHA submits a request for an authorization to proceed with work under § 630.114 of this title. The request shall specify the amount of regular Federal funds and the amount of the increased Federal share desired. To maximize the obligation of Federal funds, the amount obligated for the increased Federal share may be based on the estimated costs to be incurred by the State before September 30, 1984, instead of the total estimated project costs. The FHWA letter of authorization to proceed with work shall set forth the approved pro rata share and the amount of Federal funds obligated.

(b) The State should, to the extent possible, limit requests for an increased Federal share to projects funded from the following major categories in order to simplify fiscal control:

Interstate
Interstate Discretionary
Interstate Resurfacing (4R)

Interstate Substitution (highway projects only)
Consolidated Primary
Rural Secondary
Urban System
Bridge Replacement and Rehabilitation
Rail-Highway Crossings
Hazard Elimination

Qualifying projects funded from other categories will be approved with prior concurrence from the FHWA, Office of Fiscal Services.

(c) The SHA in submitting the project agreement, Form PR–2, pursuant to § 630.304 of this title, shall include in it the following provision:

The Federal-aid participation is increased to ——— percent for reimbursement claims paid on or before September 30, 1984, in accordance with Pub. L. 97–424, section 145. The additional Federal funds requested total $———. Claims paid after September 30, 1984, shall be at the regular Federal pro rata share of ——— percent.

(d) The State may claim reimbursement for the increased Federal share as a part of its normal billing procedures. Participating costs incurred by the State on qualifying projects shall be charged on a pro rata basis to the regular Federal share, increased Federal share, and non-Federal share, if any.

§ 140.311 Limitations on amount for qualifying projects.

(a) The total amount which may be obligated for qualifying projects in any State under this subpart shall not be greater than the excess of (1) the sum of the amount of obligation authority distributed to the State for fiscal year 1983, plus the amount of the minimum allocation available to the State under 23 U.S.C. 157, if any, over (2) the amount of obligation authority distributed to the State for fiscal year 1982 under section 3(b) of the Federal-Aid Highway Act of 1981.

(b) The amounts determined under paragraph (a) of this section have been computed by the FHWA and set forth in Appendix A of this subpart.

(c) The total amount obligated on both the regular Federal share and the increased Federal share shall be charged to this limitation.

§ 140.313 Repayment of the increased Federal share.

(a) The State shall repay the amount of the increased Federal share made pursuant to this subpart on or before September 30, 1984. If such repayment is not made by the State, the FHWA shall make the deductions as provided in paragraph (b) of this section. The State shall advise the FHWA Division Administrator by September 1, 1984, regarding its intentions for making repayments or having deductions made to its apportionments.

(b) If the total amount of the increased Federal share is not repaid on or before September 30, 1984, deductions shall be made from the State's fiscal year 1985 and fiscal year 1986 apportionments which are made under 23 U.S.C. 104(b), excluding the apportionment for Interstate construction under 23 U.S.C. 104(b)(5)(A). The total amount deducted shall be the amount reimbursed to the State on the increased Federal share of all qualifying projects. In each of the fiscal years, one-half of the total deduction shall be made from these apportionments on a pro rata basis.

(c) The total amount deducted in accordance with paragraph (b) of this section shall be reapportioned to those States which did not receive an increased Federal share under this subpart and to those States which have made repayment under this section. These reapportioned funds shall be distributed by the FHWA in accordance with the apportionment formula established for the Federal-aid primary system in 23 U.S.C. 104(b)(1). The reapportioned amount shall supplement the States' primary system apportionments for fiscal years 1985 and 1986.

(d) The apportionments made on October 1, 1984, and October 1, 1985, shall subsequently be adjusted by the FHWA in order to reflect the deductions made under paragraph (b) of this section and the reapportionments made under paragraph (c) of this section.

(e) The FHWA shall deposit all repayments made by a State under paragraph (a) of this section to the Highway Trust Fund and shall credit the repayments to the appropriate apportionment accounts of the State.

APPENDIX A TO SUBPART C OF PART 140—MAXIMUM OBLIGATION AMOUNTS FOR MATCHING FUND WAIVER PROJECTS AUTHORIZED PRIOR TO SEPT. 30, 1984

[Thousands of dollars]

State	Amount
Alabama	559,556
Alaska	34,806
Arizona	40,368
Arkansas	37,209
California	334,562
Colorado	47,615
Connecticut	47,358
Delaware	13,231
Florida	90,754
Georgia	78,309
Hawaii	16,980
Idaho	18,969
Illinois	131,496
Indiana	120,714
Iowa	37,966
Kansas	48,427
Kentucky	41,313
Louisiana	38,770
Maine	14,459
Maryland	54,090
Massachusetts	49,563
Michigan	149,622
Minnesota	38,087
Mississippi	57,051
Missouri	102,423
Montana	34,894
Nebraska	32,196
Nevada	13,332
New Hampshire	12,554
New Jersey	88,941
New Mexico	30,329
New York	192,239
North Carolina	100,369
North Dakota	5,038
Ohio	196,379
Oklahoma	73,055
Oregon	37,783
Pennsylvania	127,060
Rhode Island	16,112
South Carolina	54,224
South Dakota	22,704
Tennessee	83,583
Texas	314,109
Utah	28,114
Vermont	10,331
Virginia	88,096
Washington	88,187
West Virginia	40,860
Wisconsin	88,015
Wyoming	23,296
District of Columbia	6,590
Puerto Rico	13,259
Total	3,292,345

[FR Doc. 83-5465 Filed 3-2-83; 8:45 am]
BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 100

[CGD11 CR-03-83]

Establishment of Special Local Regulations for "Parker Enduro"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Parker Enduro Regatta on the Colorado River. This event will be held on 5 and 6 March 1983, at Lake Moovalya. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 5 March 1983, and terminate on 6 March 1983.

FOR FURTHER INFORMATION CONTACT: Lt N. M. Turner, Commander (bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been

published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information: The principal individuals involved in drafting this rule are Lt Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulations: Parker Area Chamber of Commerce "Parker Enduro Regatta" will be conducted beginning March 5, 1983, on the Colorado River at Lake Moovalya. This event will have 100 inboard/outboard jet boats 14- to 25-feet in length that could pose hazards to life. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation: These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section

§ 100.1103 Parker Area Chamber of Commerce/Parker Enduro.

(a) *Regulated Area.* The following regulated area will be closed intermittently to all vessel traffic from 11:30 AM to 4:30 PM on 5 March 1983 and from 8:00 AM to 3:30 PM on 6 March 1983: That portion of the Colorado River/Lake Moovalya Ah-Villa County Park/Roadrunner Resort to Approximately ½ mile south of Bluewater Marina.

(b) *Special Local Regulations.* (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454, 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: February 15, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83-5412 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Hampton Roads, Va.; Regulation 83-04]

Safety Zone Regulations; Croatan Sound, N.C.

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard established a safety zone in Croatan Sound, North Carolina, in the vicinity of the US–64 bridge on February 11, 1982. This zone was established to prevent further damage to and the possible collapse of the US–64 bridge which was severely damaged by a collision with a tug and tow on November 5, 1982. Adverse weather conditions have delayed repairs to the bridge and make it necessary to continue the previously established safety zone beyond its original termination date of February 1, 1983. Entry into this zone is prohibited except as otherwise stated.

EFFECTIVE DATE: This regulation becomes effective on February 1, 1983. It terminates when repairs to the US–64 bridge are completed or March 15, 1983, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander W. K. Six, Chief, Port Operations Department, Coast Guard Marine Safety Office, Hampton Roads, Norfolk, Virginia 23510, (804) 441–3296.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard the bridge, watercraft and their occupants.

Drafting Information: The drafter of this regulation is Lieutenant Commander W. K. Six, project officer for the Captain of the Port.

Discussion of Regulation: To prevent possible damage to watercraft, their occupants, and the US–64 bridge, no watercraft will be permitted to enter, remain in, moor in, or transit this safety zone unless specifically authorized by the Captain of the Port, Hampton Roads, Virginia. This action is necessary due to the heavy damage sustained by the bridge in a collision with a tug and tow. The sustained damage is of such a degree that another collision or excessive wake may cause the failure of the entire bridge structure. This rule is in response to a request by the North Carolina Department of Highways for Coast Guard assistance in precluding vessels from transiting the area.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

In consideration of the foregoing, Part 165 of title 33, Code of Federal Regulations, is amended by adding a new § 165.515 to read as follows:

§ 165.515 Safety zone: Croatan Sound, North Carolina.

(a) *Location.* The following area is a safety zone: The water under and one hundred yards on either side of the US–64 bridge over the Croatan Sound.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part. No person may enter or operate any tug and tow within this zone. No person may enter or operate any vessel through the channel span, or the two adjacent spans within this zone.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: February 1, 1983.

D. C. O'Donovan,

Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads, U.S. Coast Guard.

[FR Doc. 83-5411 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-14-M

PANAMA CANAL COMMISSION

35 CFR Parts 103, 113, 119, and 123

Revised Shipping and Navigation Rules for the Panama Canal; Correction

AGENCY: Panama Canal Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects the effective date contained in the final regulations implementing Revised Shipping Navigation Rules for the Panama Canal which were published February 15, 1983 (48 FR 6708).

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, (202) 724–

0104, or Mr. Dwight A. McKabney, General Counsel, Panama Canal Commission, telephone in Balboa Heights, Republic of Panama, 52–7511.

SUPPLEMENTARY INFORMATION: Accordingly, the Panama Canal Commission is correcting 48 FR 6708 dated February 15, 1983 as follows:

"**EFFECTIVE DATE:** February 15, 1983:" is corrected to read "**EFFECTIVE DATE:** March 17, 1983."

Dated: February 24, 1983.

Michael Rhode, Jr.,

Secretary.

[FR Doc. 83-5359 Filed 3-3-83; 8:45 am]

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1819/R527; PH-FRL 2316-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dinoseb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the pesticide dinoseb in or on the raw agricultural commodity lentils. The regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested, pursuant to a petition, by the Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: March 3, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716 B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule published in the **Federal Register** of February 2, 1983 (48 FR 4678) that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 6E1819 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Idaho and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, proposed the establishment of a tolerance for residues of the pesticide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on the raw agricultural commodity lentils at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e))

Dated: February 24, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.281 is revised to read as follows:

§ 180.281 Dinoseb; tolerances for residues.

Tolerances are established for residues of the herbicide, insecticide, and fungicide dinoseb (2-*sec*-butyl-4,6-dinitrophenol) from application of its phenol or its readily hydrolyzable salts (alkanolamine salts, ammonium salt, or sodium salt) in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa	0.1(N)
Alfalfa, hay	0.1(N)
Almonds	0.1(N)
Almonds, hulls	0.1(N)
Apples	0.1(N)
Apricots	0.1(N)
Barley, forage	0.1(N)
Barley, grain	0.1(N)
Barley, straw	0.1(N)
Beans	0.1(N)
Beans, forage	0.1(N)
Beans, hay	0.1(N)
Birdsfoot, trefoil	0.1(N)
Birdsfoot, trefoil, hay	0.1(N)
Blackberries	0.1(N)
Blueberries	0.1(N)
Boysenberries	0.1(N)
Cherries	0.1(N)
Citrus	0.1(N)
Clover	0.1(N)
Clover, hay	0.1(N)
Corn, fodder	0.1(N)
Corn, forage	0.1(N)
Corn, fresh (inc. sweet K+CWHR)	0.1(N)
Corn, grain (inc. popcorn)	0.1(N)
Cotton, forage	0.1(N)
Cottonseed	0.1(N)
Cottonseed, hulls	0.1(N)
Cucurbits	0.1(N)
Currants	0.1(N)
Dates	0.1(N)
Figs	0.1(N)
Filberts	0.1(N)
Garlic	0.1(N)
Gooseberries	0.1(N)
Grapes	0.1(N)
Hops	0.1(N)
Lentils	0.1
Loganberries	0.1(N)
Nectarines	0.1(N)
Oats, forage	0.1(N)
Oats, grain	0.1(N)
Oats, straw	0.1(N)
Olives	0.1(N)
Onions	0.1(N)
Peaches	0.1(N)
Peanuts	0.1(N)
Peanuts, forage	0.1(N)
Peanuts, hay	0.1(N)
Peanuts, hulls	0.1(N)
Pears	0.1(N)
Peas	0.1(N)
Peas, forage	0.1(N)
Peas, hay	0.1(N)
Pecans	0.1(N)
Plums (prunes)	0.1(N)
Potatoes	0.1(N)
Raspberries	0.1(N)
Rye, forage	0.1(N)
Rye, grain	0.1(N)
Rye, straw	0.1(N)
Soybeans	0.1(N)
Soybeans, forage	1.0
Soybeans, hay	1.0
Strawberries	0.1(N)
Vetch	0.1(N)
Vetch, hay	0.1(N)
Walnuts	0.1(N)
Wheat, forage	0.1(N)
Wheat, grain	0.1(N)
Wheat, straw	0.1(N)

[FR Doc. 83-5563 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 1-3, 1-7, 1-15

[FPR Amdt. 228]

Federal Procurement Regulations; Revisions to Negotiated Overhead Rate Clauses and Contract Cost Principles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment revises a number of contract cost principles applicable to commercial organizations and several instructions regarding the use of contract clauses. Most of the revisions to the cost principles deal with accounting for unallowable costs and unallowable directly associated costs and are based on concept introduced in Cost Accounting Standard 405 and the Defense Acquisition Regulation (DAR). The revisions dealing with contract clauses are designed to achieve compatibility with earlier FPR changes. All revisions are intended to achieve substantial Government-wide uniformity in the treatment of contract costs.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

SUPPLEMENTARY INFORMATION: The contract cost principle revisions made in this amendment are summarized as follows:

(1) A new section on accounting for unallowable costs is added, the most significant provisions of which:

(a) Establish special identification requirements for unallowable costs and unallowable directly associated costs;

(b) Specify that unallowable costs be subject to the same accounting principles governing cost allocability as allowable costs;

(c) Set forth principles for satisfying the unallowable cost identification and visibility requirements; and

(d) Provide guidance concerning the determination and accounting treatment of unallowable directly associated costs.

(2) The cost principles dealing with bad debts, entertainment costs, interest and other financial costs, and professional and consultant service costs are revised to substitute the term "directly associated costs" for the term "related costs." This was done to conform the language of these cost principles to revised terminology introduced in the new section on accounting for unallowable costs (see paragraph (1), above).

(3) The cost principle on organization costs is revised to specifically exclude activities whose purpose is providing compensation from the ambit of unallowable organization costs.

List of Subjects

41 CFR Part 1-3

Cost accounting standards, Government procurement, Procurement by negotiation, Small purchases, Types of contracts.

41 CFR Part 1-7

Contract clauses, Government procurement.

41 CFR Part 1-15

Cost principles, Government procurement.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.7—Negotiated Overhead Rates

Section 1-3.704-1 is revised to read as follows:

§ 1-3.704-1 Contracts with concerns other than educational institutions.

Insert the following clause in contracts with concerns other than educational institutions when postdetermined negotiated overhead rates are to be used pursuant to this subpart.

Negotiated Overhead Rates—Postdetermined

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment,"[1] the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

[1] The contracting agency may substitute the title of its own parallel clause when the title is other than "Allowable Cost, Fixed Fee, and Payment."

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with[2] ——— as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification of this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(End of clause)

PART 1-7—CONTRACT CLAUSES

Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts

Section 1-7.203-9 is revised to read as follows:

§ 1-7.203-9 Negotiated overhead rates.

Insert the appropriate clause set forth in § 1-3.704 under the conditions prescribed therein.

Subpart 1-7.4—Cost Reimbursement Type Research and Development Contracts

Section 1-7.402-3 is amended to add paragraph (b)(7) as follows:

§ 1-7.402-3 Allowable cost, fee, and payment.

* * * * *

(b) * * *

[2] In paragraph (c), insert the reference which is appropriate to the agency: The appropriate subpart of Part 1-15 and, if applicable, the corresponding agency regulations, or any special "Allowable Cost" clause in the contract, which lists allowable and unallowable costs.

(7) In contracts with nonprofit organizations subject to the cost principles in Subpart 1–15.6, substitute Subpart 1–15.6 in paragraph (a)(1)(i) of prescribed in paragraph (a), of this section.

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

The table of contents for Part 1–15 is amended to add one entry under Subpart 1–15.2 as follows:

Subpart 1–15.2—Contracts with Commercial Organizations

Sec.

* * * * *

1–15.201–6 Accounting for unallowable costs.

* * * * *

Subpart 1–15.2—Contracts With Commercial Organizations

1. Section 1–15.201–6 is added to read as follows:

§ 1–15.201–6 Accounting for unallowable costs.

(a) Costs that are expressly unallowable or mutually agreed to be unallowable, including mutually agreed to be unallowable directly associated costs, shall be identified and excluded from any billing, claim, or proposal applicable to a Government contract. This requirement may be satisfied by any form of cost identification which is adequate for purposes of contract cost determination and verification.

(b) Costs which specifically become designated as unallowable, or as unallowable directly associated costs of unallowable costs, as a result of a written decisions furnished by a contracting officer pursuant to contract disputes procedures, shall be identified if included in or used in the computation of any billing, claim, or proposal applicable to a Government contract. This identification requirement applies also to any costs incurred for the same purpose under like circumstances as the costs specifically identified as unallowable under either this paragraph or paragraph (a) of this section.

(c) All unallowable costs covered by paragraphs (a) and (b) of this section shall be subject to the same cost accounting principles governing cost allocability as allowable costs. In circumstances where these unallowable costs normally would be part of a regular indirect cost allocation base or bases, they shall remain in such base or bases.

(d) Where the total of the allocable and otherwise allowable costs exceeds a limitation-of-cost or ceiling-price provision in a contract, full direct and indirect cost allocation shall be made to the contract cost objective in accordance with established cost accounting practices and standards which regularly govern a given entity's allocations to Government contract cost objectives. In any determination of unallowable cost overrun, the amount thereof shall be identified in terms of the excess of allowable costs over the ceiling amount, rather than through specific identification of particular cost items or cost elements.

(e) The detail and depth of records required as backup support for proposals, billings, or claims shall be that which is adequate to establish and maintain visibility of identified unallowable costs (including directly associated costs), their accounting status in terms of their allocability to contract cost objectives, and the cost accounting treatment which has been accorded such costs. Adherence to this cost accounting principle does not require that allocation of unallowable costs to final cost objectives be made in the detailed cost accounting records. It does not require that unallowable costs be given appropriate consideration in any cost accounting determinations governing the content of allocation bases used for distributing indirect costs to cost objectives. Unallowable costs involved in the determination of rates used for standard costs, or for indirect cost proposals or billing, need be identified only at the time rates are proposed, established, revised, or adjusted.

(f)(1) A directly associated cost is any cost which is generated solely as a result of the incurrence of another cost, and which would not have been incurred had the other cost not been incurred. When an unallowable cost is incurred, its directly associated costs are also unallowable.

(2) If a directly associated cost is included in a cost pool which is allocated over a base that includes the unallowable cost with which it is associated, the direclty associated cost shall remain in the cost pool, Since the unallowable costs will attract its allocable share of costs from the cost pool, no further action is required to assure disallowance of the directly associated cost. In all other cases, the directly associated costs, if material in amount, must be purged from the cost pool as unallowable costs.

(3) In determining the materiality of a directly associated cost, consideration should be given to the significance of (i) the actual dollar amount, (ii) the cumulative effect of all directly associated costs in a cost pool, or (iii) the ultimate effect on the cost of Government contracts.

(4) Salary expenses of employees who participate in activities which generate unallowable costs shall be treated as directly associated costs to the extent of the time spent on the proscribed activity, provided the costs are material in accordance with paragraph (f)(3) of this section (except when such salary expenses are, themselves, unallowable). The time spent in proscribed activities should be compared to total time spent on company activities (estimated when actual time records are not available), to determine if the costs are material. Time spent by employees outside the normal working hours should not be considered except when it is evident that an employee engages so frequently in company activities during periods outside normal working hours as to indicate that such activities are a part of his regular duties.

(5) When a selected item of cost under § 1–15.205 provides that directly associated costs be unallowable, it is intended that such directly associated costs be unallowable only if determined to be material in amount in accordance with the criteria provided in paragraphs (f)(3) and (f)(4) of this section, except in those situations where allowance of any of the directly associated costs involved would be considered to be contrary to public policy.

2. Section 1–15.205–2 is revised to read as follows:

§ 1–15.205–2 Bad debts.

Bad debts, including losses (whether actual or estimated) arising from uncollectible customers' accounts and other claims, and any directly associated costs such as collection costs and legal costs, are unallowable.

3. Section 1–15.205–11 is revised to read as follows:

§ 1–15.205–11 Entertainment costs.

Costs of amusement; diversion; social activities; and any directly associated costs such as meals, lodging, rentals, transportation, and gratuities, are unallowable (but see § 1–15.205–10 and § 1–15.205–43).

4. Section 1–15.205–17 is revised to read as follows:

§ 1–15.205–17 Interest and other financial costs.

. Interest on borrowings (however represented), bond discounts, costs of financing and refinancing capital (net worth plus long-term liabilities), legal and professional fees paid in connection with the preparation of prospectuses, costs of preparation and issuance of

stock rights, and directly associated costs are unallowable except for interest assessed by State or local taxing authorities under the conditions set forth in § 1–15.205–41. (But see § 1–15.205–24.)

5. Section 1–15.205–23 is revised to read as follows:

§ 1–15.205–23

Organization costs.

(a) Except as provided in paragraph (b) of this section, expenditures in connection with (1) planning or executing the organization or reorganization of the corporate structure of a business, including mergers and acquisitions, or (2) raising capital (net worth plus long-term liabilities) are unallowable. Such expenditures include but are not limited to incorporation fees and costs of attorneys, accountants, brokers, promoters and organizers, management consultants, and investment counsellors, whether or not employees of the contractor. Unallowable "reorganization" costs include the cost of any change in the contractor's financial structure, excluding administrative costs of short-term borrowings for working capital, resulting in alterations in the rights and interests of security holders whether or not additional capital is raised.

(b) The cost of activities primarily designed for the purposes of providing compensation will not be considered organization costs subject to this section, but will be governed by § 1–15.205–6. These activities include the acquisition of stock for (1) executive bonuses, (2) employee savings plans, and (3) employee stock ownership plans.

6. Section 1–15.205–31 is amended to revise paragraph (d) to read as follows:

§ 1–15.205–31 Professional and consultant service costs—legal, accounting, engineering, and other.

* * * * *

(d) Costs of legal, accounting, and consulting services, and directly associated costs, incurred in connection with organization and reorganization, defense of antitrust suits, and the prosecution of claims against the Government, are unallowable. Costs of legal, accounting, and consulting services, and directly associated costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the contract. (Also see § 1–15.205–23.)

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: February 19, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–5440 Filed 3–2–83; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6353

[A–12828]

Arizona; Partial Revocation of Reclamation Project Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will partially revoke six Executive orders and one Departmental order which withdrew certain lands in Arizona for the Hassayampa Project. This action will lift the withdrawals on 17,559.28 acres of public lands near Wickenburg, Arizona. Of this total, 17,046.00 acres would be opened to surface entry and 15,270.03 would be opened to mining. All lands affected by this order have been and will remain open to mineral leasing.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Orders dated July 25, 1941, March 27, 1943, April 7, 1944 (two orders), September 14, 1945, and July 3, 1946, and the Departmental order dated March 30, 1956, which withdrew lands for the Hassayampa Project, are hereby revoked insofar as they affect the following described lands:

Gila and Salt River Meridian

T. 5 N., R. 3 W.,
- Sec. 18, NW¼NE¼SE¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
- Sec. 19, lots 1, 2, W½NE¼, E½NW¼;
- Sec. 20, E½NE¼.

T. 9 N., R. 3 W.,
- Sec. 1, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼;
- Sec. 2, lots 1, 2, S½NE¼, SE¼;
- Sec. 11, E½;
- Sec. 14, E½NE¼, N½NW¼, NW¼SE¼;
- Sec. 15, S½;
- Sec. 16, S½SW¼;
- Sec. 17, S½S½;
- Sec. 19, S½NE¼, SE¼;
- Sec. 20, N½, SW¼;
- Sec. 21, lots 1, 2, N½NE¼, SW¼NE¼, NW¼, E½SW¼, SE¼SE¼;
- Sec. 22, NW¼, NW¼SW¼;
- Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
- Sec. 31, lots 2, 3, 4, 8, 9, 10, NE¼NW¼, SE¼SW¼.

T. 6 N., R. 4 W.,
- Sec. 3, lots 9, 10;
- Sec. 11, SW¼SW¼;
- Sec. 14, W½;
- Sec. 15, NE¼NE¼, E½SE¼;
- Sec. 22, E½E½;
- Sec. 23, NW¼NE¼, SW¼NW¼, W½SW¼.

T. 7 N., R. 4 W.,
- Sec. 19, W½NE¼;
- Sec. 20, NE¼NW¼, S½SW¼;
- Sec. 28, SW¼SW¼;
- Sec. 29, SW¼NE¼;
- Sec. 33, E½NE¼, NE¼SE¼.

T. 8 N., R. 4 W.,
- Sec. 1, lots 1 to 5, inclusive, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
- Sec. 2, lots 1, 3, 4, S½N½, N½S½, SW¼SW¼, SE¼SE¼;
- Sec. 3, S½NE¼, SE¼;
- Sec. 4, lots 3 to 6, inclusive;
- Sec. 6, lots 1 to 16, inclusive;
- Sec. 10, E½;
- Sec. 11, lot 1, E½, NW¼NW¼, S½NW¼, SW¼;
- Sec. 12, all;
- Sec. 13, N½NE¼NE¼, SW¼NE¼NE¼, E½NW¼NE¼, E½W½NW¼NE¼, W½NW¼, W½W½E½NW¼, W½NW¼SW¼;
- Sec. 14, N½, N½S½, N½S½SW¼, SW¼SW¼SW¼, NW¼SW¼SE¼;
- Sec. 15, all;
- Sec. 18, lots 6, 7, E½SW¼, SE¼.

T. 9 N., R. 4 W.,
- Sec. 25, E½;
- Sec. 33, S½;
- Sec. 34, all;
- Sec. 35, N½, SW¼;
- Sec. 36, N½.

T. 8 N., R. 5 W.,
- Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
- Sec. 9, all;
- Sec. 10, all;
- Sec. 11, all;
- Sec. 12, W½;
- Sec. 13, lots 1 to 4, inclusive, W½NE¼, W½;
- Sec. 14, N½, N½S½;
- Sec. 15, all;
- Sec. 23, NE¼NW¼, NW¼SW¼.

The area described contains 17,559.28 acres in Maricopa and Yavapai Counties.

2. At 10:00 a.m. on April 13, 1983, the unappropriated, unreserved public lands described in paragraph 1 shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on April 13, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Of the lands described in paragraph 1, the surface estate of the following

lands has been conveyed out of Federal ownership. Therefore, these lands will not be open to the operation of the public land laws.

T. 5 N., R. 3 W.,
Sec. 18, NW¼NE¼SE¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 19, lots 1, 2, W½NE¼, E½NW¼;
Sec. 20, E½NE¼.
T. 7 N., R. 4 W.,
Sec. 20, NE¼NW¼;
T. 8 N., R. 5 W.,
Sec. 14, W½NW¼NE¼NE¼;

The area described contains 513.28 acres in Maricopa and Yavapai Counties.

4. At 10:00 a.m. on April 13, 1983, the unappropriated, unreserved public lands described in paragraph 1 shall be open to the operation of the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

5. Of the lands described in paragraph 1, the following lands were restored to mineral entry by Restoration Orders dated November 12, 1954 and November 21, 1958:

T. 7 N., R. 4 W.,
Sec. 20, W½SW¼SW¼;
T. 8 N., R. 5 W.,
Sec. 1, lots 1 to 7, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 11, N½, SW¼, NW¼SE¼;
Sec. 12, W½;
Sec. 13, lots 1 to 4, inclusive, W½NE¼, W½;
Sec. 14, E½NE¼, SW¼NE¼, NW¼NW¼, NE¼SW¼, N½SE¼.

The area described contains 2,289.25 acres in Maricopa and Yavapai Counties.

6. All lands described in this order have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5999 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6354

[ORE-06396]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order which withdrew certain lands for use as a stock driveway. This action will restore 1,025.17 acres of land to operation of the public land laws generally.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1967 of September 1, 1959, which withdrew the following described public land for a stock driveway is hereby revoked:

Willamette Meridian

T. 33 S., R. 18 E.,
Sec. 7, E½NE¼, N½SW¼NE¼, and N½SE¼NW¼;
Sec. 8, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 9, lots 4 to 8, inclusive;
Sec. 10, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 13, N½S½ and SW¼SW¼;
Sec. 14, S½NW¼ and that portion of the NE¼SE¼ lying south of a line with the bearing of North 64°35' W., beginning 1,144 feet north of the Section corner common to sections 13, 14, 23, and 24;
Sec. 15, N½NE¼.

The area described contains approximately 1,025.17 acres in Lake County.

2. At 7:30 a.m., on April 13, 1983, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:30 a.m., on April 13, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land has been and continues to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5350 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6355

[NM 42701-WR]

New Mexico; Revocation of Stock Driveway No. 58, New Mexico No. 7

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 160 acres for a stock driveway. The land lies within the Carson National Forest and thus is subject only to such forms of surface use as may by law be made of national forest lands. However, the land remains closed to disposal by an existing powersite classification. It has been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Dolores Vigil, New Mexico State Office, 505-988-6538.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of February 4, 1919, creating Stock Driveway No. 58, New Mexico No. 7, lying wholly within the Carson National Forest, is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 24 N., R. 4 E.,
Sec. 4, W½W½.

The area described contains 160 acres in Rio Arriba County.

2. The land has been and will remain open to mining and mineral leasing, and also to such forms of surface use as may by law be made of national forest lands. However, Powersite Classification No. 371 will continue to close the land to disposal.

Inquiries concerning the lands should be addressed to Chief, Lands Unit, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5352 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6357

[I-15303]

Idaho; Partial Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes the Secretarial Order of June 19, 1922, affecting 1,547.37 acres of land withdrawn for stock driveway purposes. This action will restore the lands to

operation of the public land laws. The lands have been and will remain open to mining and mineral leasing.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208–334–1597.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of June 19, 1922, which withdrew public lands for use and designation as Stock Driveway No. 157, is hereby partially revoked as it affects the following described lands:

Boise Meridian, Idaho

T. 2 S., R. 38 E.,
Sec. 33, lots 4 and 5, W½SE¼.
T. 3 S., R. 38 E.,
Sec. 4, lots 7, 8 and 9.
T. 4 S., R. 39 E.,
Sec. 4, W½NE¼;
Sec. 21, NW¼;
Sec. 36, SE¼NW¼.
T. 5 S., R. 40 E.,
Sec. 1, S½SW¼;
Sec. 5, SW¼SW¼.
Sec. 6, SE¼SW¼,
Sec. 8, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 11, SW¼NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 12, NW¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, SW¼NE¼, S½NW¼.

The area described contains 1,547.37 acres in Bingham and Caribou Counties.

2. At 7:45 a.m. on April 13, 1983, the lands described in paragraph 1 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on April 13, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will remain open to the mining and mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5353 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6358

[CA 8193 WR]

California; Revocation of Stock Driveway Withdrawal No. 53

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes the remaining 40 acres of a withdrawal of land used for a stock driveway. It restores the land to operation of the public land laws generally. The land has been and remains open to mining and mineral leasing.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Larry Weitzel, California State Office 916–484–4431.

SUPPLEMENTARY INFORMATION: By virture of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretary's Order of December 13, 1918, which withdrew lands for Stock Driveway Withdrawal No. 53 (California No. 3), is hereby revoked as to the remaining described land:

Mount Diablo Meridian

T. 22 N., R. 16 E.,
Sec. 10, SE¼NW¼.

The area described contains 40 acres in Plumas County.

2. At 10 a.m. on April 13, 1983, the land, shall be open to operation of the public land laws generally, subject to valid existing rights the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 13, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5354 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6359

[A–12885]

Arizona; Partial Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes a Secretarial order which withdrew lands for the Colorado River Storage Project, Arizona. The affected lands total 3,828.51 acres for which the State of Arizona has filed an application under the State Indemnity Lieu Program. Consequently, the entire tract will remain closed to surface entry and mining. The lands have been and will remain open to mineral leasing until consummation of the transfer to the State.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mario L. Lopez, Arizona State Office, 602–261–4774.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Managment Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated May 8, 1919, which withdrew lands for the Boulder Canyon Reservoir, Colorado River Storage Project, is hereby revoked insofar as it affects the following described lands:

Gila and Salt River Meridian

T. 29 N., R. 20 W.,
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½.

The areas described aggregate 3,828.51 acres in Mohave County.

2. All lands described in paragraph 1 have been classified for state selection purposes and will not be open to other appropriation under the public land laws, including the mining laws.

3. The lands have been and will remain open to applications and offers under the mineral leasing laws until consummation of the transfer to the State of Arizona.

Inquiries concerning the public lands should be addressed to the Arizona State Director, Bureau of Land Management, U.S. Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5361 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6360

[R-4634]

California; Reservoir Site Restoration No. 48, Partial Revocation of Reservoir Site Reserve No. 17

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive Order which withdrew national forest lands for Reservoir Site Reserve No. 17. The affected 3,581 acres remain withdrawn from mining by the Act of May 29, 1928, but will be opened to such other forms of disposition as may be made of national forest lands.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Marie Getsman, California State Office, 916-484-4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of June 8, 1926, which withdrew national forest lands for reservoir site purposes is hereby revoked insofar as it affects the following described lands:

San Bernardino Meridian

Angeles National Forest

T. 1 N., R. 9 W.,
- Sec. 6, SE¼SW¼;
- Sec. 7, SE¼SW¼NE¼, W½NE¼NW¼, and SW¼SE¼;
- Sec. 8, NW¼NW¼;
- Sec. 18, SE¼ of lot 1, lot 2, and SE¼NW¼.

T. 2 N., R. 9 W.,
- Sec. 19, N½, SW¼;
- Sec. 20, W½NE¼, SW¼NW¼ and NW¼SE¼;
- Sec. 21, SE¼NE¼;
- Sec. 22, N½SE¼SE¼, N½S½SE¼SE¼, and SE¼SE¼SE¼SE¼;
- Sec. 23, SW¼SW¼
- Sec. 25, N½, and N½S½;
- Sec. 26, lots 1, 2, 4 and 5, N½NE¼, S½SW¼NE¼, NE¼SE¼NE¼, E½NW¼ SE¼NE¼, S½SE¼NE¼, and S½SE¼NW¼.
- Sec. 27, lots 1 and 2, NE¼NE¼NE¼NE¼, SE¼NE¼, and W½NW¼;
- Sec. 28, lots 2 and 3, and S½N½;
- Sec. 29, S½NW¼;
- Sec. 30, S½NE¼, and E½NW¼.

T 2 N., R. 10 W.,
- Sec. 13, SE¼SW¼, and SW¼SE¼;
- Sec. 22, SE¼NE¼, and SE¼;
- Sec. 23, SW¼NE¼, S½NW¼, N½SW¼, and SE¼;
- Sec. 24, W½NE¼, SE¼NE¼, W½, and SE¼.

The above lands aggregate approximately 3,581 acres in Los Angeles County, California.

2. All of the lands remain withdrawn from location and entry under the mining laws under the Act of May 29, 1928, 45 Stat. 956; however, at 10 a.m. on April 13, 1983, the lands will be opened to such other forms of disposition as may be made of national forest lands. The lands have been and will remain open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

Dated: February 22, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-5356 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

Oversight of the Radio and TV Broadcast Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order amends radio and TV broadcast station regulations in Volume III, Parts 73 and 74 of the rules of the FCC. Amendments are made to delete certain regulations, correct inaccurate rule texts, contemporize certain requirements and to execute editorial revisions as needed for purposes of clarity and ease of understanding.

DATE: Effective March 4, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Mass Media Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 73

Radio broadcast.

47 CFR Part 74

Radio.

Order

Adopted: February 10, 1983.

Released: February 18, 1983.

In the Matter of Oversight of the Radio and TV Broadcast Rules.

1. In this *Order*, the Commission focuses its attention on the oversight of its radio and TV broadcast rules. Modifications are made herein to update, delete, clarify or correct broadcast regulations as described in the following amendment summaries:

(a) The Department of Communications, Government of Canada, has submitted to the FCC a revised version of its AM conductivity map ("Ground Conductivity Map," dated January 1980). This map replaces the "Provisional Ground Conductivity Map" dated June 1960. Groundwave studies for any AM application tendered to the FCC after January 1, 1983, which involve Canada, must be based on the January, 1980 "Ground Conductivity Map." References to the old Canadian map are made in Section 73.183(c) and Note 2 which follows it, and in this *Order* we make appropriate amendments in the rule text to reflect the change to the 1980 map.

A change is also made in Note 1 to § 73.183(c), deleting the statement that USA M3 ground conductivity maps may be obtained from the Superintendent of Documents, Government Printing Office. The GPO no longer offers M3 maps. (See appendix item 1.)

(b) In the Report and Order in the Low Power TV proceeding in BC Docket 78-253 the change adopted in § 73.3594(f) was inadvertently misstated. It is corrected via this *Order*. (See appendix item 2.)

(c) In § 73.3597, Procedures on transfer and assignment applications, there are a number of inaccuracies in the text. Separately the textual errors are not significant; however, collectively they provide good reason to modify and clarify the affected paragraphs. Such rewrite is accomplished herein. (See appendix item 3.)

(d) With the adoption of the Report and Order in General Docket 80-603, the Commission established policy pertaining to Direct Broadcast Satellites. This subject and pertinent citations are added to the Listing of Policies in Part 73. The listing is designated § 73.4091, Direct Broadcast Satellites. (See appendix item 4.)

(e) In Part 74, only Subpart D (Remote Pickup Broadcast Stations) and Subpart H (Low Power Auxiliary Stations) address the procedure to be followed by the licensee when operation of an auxiliary station is permanently discontinued. In Subparts D and H the licensee is directed to "forward the station license to the FCC in Washington, D.C. for cancellation."

Permanent discontinuance of operation is defined as "a station which is not operated for a period of one year. * * *" In Subparts E (Aural Broadcast STL and Intercity Relay Stations) and F (TV Auxiliary Broadcast Stations) no discontinuance procedures are stated. However, the permanent discontinuance of operation of the STL's and relay stations have, in the past, been noted and cancelled when, at license renewal time for the main stations, the licensee failed to apply for renewal of auxiliaries. (Failure to renew a remote pickup or low power auxiliary has also served the same "cancellation notice" function.)

Two minor complications have arisen which seriously weaken, at renewal time, this procedure:

The use of the new simplified renewal application, FCC Form 303–S, presumes renewal has been requested for the licensee's currently authorized auxiliary stations *unless specifically indicated to the contrary.* Lack of such "indication" guarantees renewal of the auxiliary. We believe that, inadvertently, the potential for retaining a no-longer-used auxiliary station is great under this system. Since the 303–S has no specific question regarding the licensee's application for auxiliary station renewal the procedure requires the licensee to request cancellation of the auxiliary authorization in a separate document filed with the Form 303–S. The potential for failing to overtly make this request is obvious.

Couple to this situation the extension of station license periods to 7 years and 5 years for radio and TV respectively, and the dormancy period for unused, but uncancelled, auxiliary licenses increases greatly.

As a result of the above, the FCC records no doubt show a much lower inventory of auxiliary frequencies to persons searching our records for such availabilities. Our records, very possibly, may reflect a greater channel usage than actually exists. To alleviate this potential for inaccuracy in channel usage (and provide an accurate inventory for those searching for frequencies), we duplicate the discontinuance of operation and license cancellation procedures of Subparts D and H in Subparts E (Aural STL) and Intercity Relay Stations) and F (TV Auxiliary Broadcast Stations). Licensees are herein directed, in §§ 74.532 and 74.632, to return the station license to FCC, Washington, D.C. if operation of the station is permanently discontinued. (See appendix items 5 and 6.)

(f) Subpart I of Part 74 contains the regulations pertaining to Instructional TV Fixed Service (ITFS). This service, at its inception, was called "Educational TV Fixed Station," and thereby was often confused with noncommercial educational television in Part 73. To clearly identify the services, the ITFS designation was made. The old terminology survives in 74.937(f) where reference is made to "* * * a new educational television fixed station. * * *" It is corrected to read ITFS herein. (See appendix item 7.)

(g) The following subject titles are corrected in the Alphabetical Index in Part 73:

Multiplex ownership: should read
Multiple ownership
Multiple subcarriers, Use of: should read
Multiplex subcarriers, Use of

(See appendix item 8.)

2. No substantive changes are made herein which impose additional burdens or remove provisions relied upon by licensees or the public. We conclude, for the reasons set forth above, that these revisions will serve the public interest.

3. These amendments are implemented by authority designated by the Commission to the Chief, Mass Media Bureau. Inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, prior notice of rulemaking, effective date provisions and public procedure thereon are unnecessary pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B).

4. Since a general notice of proposed rulemaking is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, It is ordered, That pursuant to Sections 4(i) 303(r) and 5(d)(1) of the Communciations Act of 1934, as amended, and §§ 0.71 and 0.283 of the Commission's Rules, Parts 73 and 74 of Volume III of the FCC Rules and Regulations are amended as set forth in the attached appendix, effective.

6. For further information on this *Order,* contact Steve Crane, (202) 632–5414, Mass Media Bureau.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

Federal Communications Commission.

Laurence E. Harris,

Chief, Mass Media Bureau.

Appendix

PART 73—[AMENDED]

1. In § 73.183, paragraph (c) and Notes 1 and 2 which follow it, are revised to read as follows:

§ 73.183 Groundwave signals.

* * * * *

(c) In all cases where measurements taken in accordance with the requirements are not available, the groundwave strength must be determined by means of the pertinent map of ground conductivity and the groundwave curves of field strength versus distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved. Figure M3 (see Note 1) shows the conductivity throughout the United States by general areas of reasonably uniform conductivity. When it is clear that only one conductivity value is involved, Figure R3 of § 73.190, which is a replica of Figure M3 and contained in these standards, may be used; in all other situations Figure M3 must be employed. It is recognized that in areas of limited size or over a particular path, the conductivity may vary widely from the values given; therefore, these maps are to be used only when accurate and acceptable measurements have not been made. (For determinations of interference and service requiring a knowledge of ground conductivities in Mexico, Annex XIV–C to the Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcasting Band (535–1605 kHz), Mexico, D.F., 1968, may be used. Similarly, for values of ground conductivity in Canada, a map issued by the Department of Communications, Government of Canada entitled "Ground Conductivity Map," dated January, 1980, may be used. Where different conductivities appear in the maps of two countries on opposite sides of the border, such differences are to be considered as real, even if they are not explained by geophysical cleavages. A uniform ground conductivity of 10 millimhos per meter may be assumed for Cuba.)

Note 1.—Figure R3 in § 73.190 is a replica of Figure M3. Figure M3, which is incorporated in these Standards by reference, was derived by indicating ground conductivity values in the United States on the United States Albers equal area projection map (based on standard parallels 29½° and 45½°; North American datum; scale 1/2,500,000).

Note 2.—Copies of "Ground Conductivity Map" may be obtained by contacting the Chief, Broadcast Applications Engineering Division, Department of Communications, 300 Slater Street, Ottawa, Ontario K1A 0C8, Canada. Cost is $100.00, Canadian. Remittance should be made by check or money order payable to Receiver General for Canada.

* * * * *

2. Section 73.3594 is amended by revising paragraph (f) as follows:

§ 73.3594 Local public notice of designation for hearing.

* * * * *

(f) When an application for a low power TV, TV translator, FM translator, or FM booster station which is subject to the provisions of § 73.3580 is designated for hearing, the applicant shall give notice of such designation as follows: Notice shall be given at least once during the 2-week period immediately following release of the FCC's order, specifying the time and place of the commencement of the hearing in a daily, weekly or biweekly publication having general circulation in the community or area to be served. However, if there is no publication of general circulation in the community or area to be served, the applicant shall determine an appropriate means of providing the required notice to the general public, such as posting in the local post office or other public place. The notice shall state:

* * * * *

3. Section 73.3597 is amended by revising paragraphs (c)(1)(i) and (ii), (d)(1) and (2), the introductory text of (d)(3), and (d)(3)(vi) and (4) as follows:

§ 73.3597 Procedures on transfer and assignment applications.

* * * * *

(c) (1) * * *.

(i) "Unbuilt station" refers to an AM, FM, or TV broadcast station or a low power TV station for which a construction permit is outstanding, and, regardless of the stage of physical completion, for which program tests have not commenced or, if required, been authorized.

(ii) "Seller" includes the assignor(s) of a construction permit for an unbuilt station, the transferor(s) of control of the holder of such construction permit, and any principal or such assignor(s) or transferor(s) who retains an interest in the permittee or acquires or reacquires such interest within 1 year after commencing program tests.

* * * * *

(d) (1) Whenever an agreement for the assignment of the construction permit of an unbuilt station or for the transfer of control of the permittee of an unbuilt station, or any arrangement or understanding incidental thereto, provides for the retention by the seller of any interest in the station, or for any other actual or potential benefit to the seller in the form of loans or otherwise, the question is raised as to whether the transaction involves actual or potential gain to the seller over and above the legitimate and prudent out-of-pocket expenses allowable under paragraph (c)(2) of this section. In such cases the FCC will designate the assignment or transfer applications for evidentiary hearing. However, a hearing is not mandatory in cases coming within (d)(2) below.

(2) It is not intended to forbid the seller to retain an equity interest in an unbuilt station which he is transferring or assigning if the seller obligates himself, for the period ending 1 year after commencing program tests, to provide that part of the total capital made available to the station, up to the end of that period, which is proportionate to the seller's equity share in the permittee, taking into account equity capital, loan capital, and guarantees of interest and amortization payments for loan capital provided by the seller before the transfer or assignment. This condition will be satisfied.

* * * * *

(3) In cases which are subject to the requirements of (d)(2)(i), (ii) and (iii) above:

* * * * *

(vi) The provisions of (d)(3)(iv) and (v) above shall cease to apply 1 year after commencing program tests.

(4) Applications subject to this paragraph (d) will, in any event, be designated for evidentiary hearing in any case where the agreements, arrangements or understandings with the seller provide for the seller's option to acquire equity in the station or to increase equity interests he retains at the time of the assignment or transfer of control. An evidentiary hearing will similarly be held in any case in which the assignee(s), transferee(s) or any of their principals, or any person in privity therewith, has an option to purchase all or part of the seller's retained or subsequently acquired equity interests in the station.

4. New § 73.4091 is added to the Policy listings in Subpart H, Part 73 to read as follows:

§ 73.4091 Direct broadcast satellites.

(a) See Report and Order, General Docket 80-603, FCC 82-285, adopted June 23, 1982. 90 FCC 2d 676; 47 FR 31555, July 21, 1982.

(b) See Memorandum Opinion and Order, FCC 82-427, adopted September 23, 1982. 91 FCC 2d

(c) See Memorandum Opinion and Order, FCC 82-498, adopted November 4, 1982. 91 FCC 2d

PART 74—[AMENDED]

5. Section 74.532 is amended by adding new paragraph (e) as follows:

§ 74.532 Licensing requirements.

* * * * *

(e) In case of permanent discontinuance of operation of a station licensed under this Subpart, the licensee shall forward the station license to the FCC, Washington, D.C., 20554, for cancellation. A station which is not operated for a period of one year is considered to have been permanently discontinued.

6. Section 74.632 is amended by adding new paragraph (f) as follows:

§ 74.632 Licensing requirements.

* * * * *

(f) In case of permanent discontinuance of operation of a station licensed under this Subpart, the licensee shall forward the station license to the FCC, Washington, D.C., 20554, for cancellation. A station which is not operated for a period of one year is considered to have been permanently discontinued.

7. Section 74.937 is amended by revising paragraph (f) to read as follows:

§ 74.937 Antennas.

* * * * *

(f) The power gain compared to an isotropic antenna and the directive properties of the transmitting and receiving antennas proposed to be employed, as well as the geometric distribution of the transmitting and receiving points, shall be supplied with each application for a new ITFS fixed station or for changes in the antenna facilities of an existing station.

8. The following subject titles in the alphabetical index of Part 73 are corrected as follows:

Multiplex ownership should read Multiple ownership.

Multiple subcarriers, Use of should read Multiplex subcarriers, Use of.

[FR Doc. 83-5128 Filed 3-2-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. MC-96 (Sub-2)]

Passenger Broker Entry Control

AGENCY: Interstate Commerce Commission.

ACTION: Discontinuance of proceeding.

SUMMARY: The Commission is discontinuing this proceeding because the Bus Regulatory Reform Act of 1982 exempts passenger brokers from licensing requirements.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew L. Lyon (202) 275–7805, or Howell I. Sporn (202) 275–7691.

SUPPLEMENTARY INFORMATION: In this proceeding the Commission previously adopted rules: (1) Simplifying the procedure for obtaining a passenger broker license, (2) revising the Commission's regulations by increasing the passenger broker surety bond requirement, and (3) adding a consumer notice requirement. The decision adopting the rules appeared at 44 FR 70167, December 6, 1979, as corrected at 44 FR 74838, December 18, 1979.

The United States Court of Appeals for the District of Columbia Circuit stayed the decision and the adopted rules pending review. Upon completion of review and affirmance of the Commission's decision, the stay was lifted, thereby enabling the Commission to implement the rules. The Commission delayed implementation due to legislation pending in the Congress dealing with bus passenger operations and passenger brokers. No further action has been taken by the Commission.

The Bus Regulatory Reform Act of 1982 (Bus Act) was signed into law on September 20, 1982, and became effective November 19, 1982. Section 14 of the Bus Act exempts passenger brokers from licensing requirements and gives the Commission power to impose on passenger brokers such requirements for bonds or insurance or both as the Commission determines are needed. Consequently, the Commission no longer has authority to implement the application rules and the consumer notice requirement adopted in this proceeding. Accordingly, the rules adopted as a result of this proceeding which were codified at 49 CFR Parts 1045B and 1046 were removed in Ex Parte No. 55 (Sub-No. 56) (47 FR 53260, November 24, 1982). Also, implementation of the increased bond requirement is inappropriate as the Commission recently decided not to reinstitute any bond or insurance requirement for passenger brokers at this time, in Ex Parte No. MC–5 (Sub-No. 4), *Passenger Broker Surety Bonds or Insurance*, 133 M.C.C. 57 (1983).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

This proceeding is discontinued.

This decision is issued pursuant to authority in 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5110 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Amdt. 195–26, Docket PS–72]

Transportation of Hazardous Liquids by Pipeline Retention of Radiographic Film

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule deletes the requirement in § 195.234(g) to retain radiographic film for 3 years after a line is placed in service and to map the location of the radiographed welds. The existing rule does not enhance safety but does impose a significant cost burden.

EFFECTIVE DATE: April 4, 1983.

ADDRESS: Copies of this amendment may be obtained from the Dockets Branch, Room 8426, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Frank Robinson, 202–426–2392.

SUPPLEMENTARY INFORMATION: Under the requirements of § 195.234, at least 10 percent of the girth welds made daily on a pipeline must be nondestructively tested to determine the acceptability of the welds. In addition, 100 percent of the girth welds that are located in specified areas (where a defect might occur or a spill could have serious consequences) must be nondestructively tested. To assure compliance with these testing requirements, § 195.234(g) requires that a record be kept for 3 years of welds that have been nondestructively tested, showing, if practicable, the location of the weld, and including the developed film for welds tested by radiography. Besides serving as a check on compliance, MTB believes that the intent § 195.234(g) is that retained radiographs would be advantageous in analyzing any leak that might develop in a radiographed weld.

In addition to the § 195.234(g) requirement, § 195.266(a) requires that a complete record be kept for the life of the facility showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected weld.

Two persons petitioned MTB to delete the radiograph retention requirement from § 195.234(g). In a letter dated September 21, 1977 (Pet. 77–11), Consolidated X-Ray Service Corporation requested that § 195.234(g) be made identical to the comparable recordkeeping requirement for gas pipelines set forth in § 192.243(f), which does not require retention of radiographs, or the exact location of each weld. Consolidated argued that the requirement for gas pipelines should be sufficient for liquid pipelines, since the construction methods (i.e., materials used, welding practices, and inspection techniques) are the same for the two types of pipelines.

Consolidated also pointed out that although radiograph retention was initially proposed for inclusion in § 192.243(f) (35 FR 1112), it was deleted in the final rule (35 FR 13248) in favor of the current, more general requirement on grounds that the "retention of X-ray film would present a substantial clerical burden and will not prove too valuable in accident investigation."

Colonial Pipeline Company, by letter dated October 17, 1978, also requested that the requirement to retain weld radiographs be deleted from § 195.234(g). Colonial argued that the objective of radiographic inspection of girth welds is to control the quality of welding, and that this objective is met by immediately bringing any problems that are detected to the attention of the welders. Thus, Colonial concluded, a weld radiograph loses its usefulness after a weld is initially accepted or rejected. In further argument against the need to retain radiographs beyond their initial interpretation, Colonial argued that a record of film interpretation and subsequent disposition of the weld, combined with a metallurgical examination, would be sufficient to explain any weld failure that might occur. Colonial also said the burdens associated with radiograph retention (the clerical tasks of rolling, marking, transporting, and storing film as much as 132 inches in length) are costly, and the time spent by inspectors who perform these tasks reduces their effectiveness in visually inspecting and interpreting film of additional welds.

A notice of proposed rulemaking (NPRM) was published on October 4, 1982 (47 FR 43745), proposing to delete § 195.234(g) based on the information

contained in the petitions and other information given in the notice.

Twenty-one commenters responded to the notice: the American Petroleum Institute (API), the American Gas Association (AGA), the Interstate Natural Gas Association of America (INGAA), five gas pipeline companies, and thirteen liquid pipeline companies. All of the commenters supported the deletion of § 195.234(g). Additionally, at a meeting in Washington, D.C., on December 17, 1981, the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) supported deletion of the rule. The Committee report is available for public review and copying.

In view of the information contained in the petitions together with other information given in the notice, the support of the THLPSSC and the 21 commenters, the MTB believes that § 195.234(g) is unnecessary for pipeline safety and imposes a $3.20 million annual cost burden. For these reasons MTB deletes § 195.234(g) in this final rule.

Since this final rule will have a positive effect on the economy of less than $100 million a year, will result in a cost savings to consumers, industry, and government agencies, and no adverse effects are anticipated, the action is not "major" under Executive Order 12291 or "significant" under Department of Transportation procedures.

Based on the facts available concerning the impact of this rulemaking action, I certify pursuant to section 605 of the Regulatory Flexibility Act, that the action will not have a significant economic impact on a substantial number of small entities. Few, if any, small entities will be affected by this rule.

List of Subjects in 49 CFR Part 195

Pipeline safety, Girth welds, Nondestructive testing, Radiographic inspection, Radiographic film, Mapping girth welds, Recordkeeping, and Record retention period.

PART 195—[AMENDED]

§ 195.234 [Amended]

For reasons given above, 49 CFR Part 195 is amended by removing § 195.234(g).

(49 U.S.C. 2002; 49 CFR 1.53, and Appendix A to Part 1)

Issued in Washington, D.C. on February 24, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-5360 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-60-M

Federal Highway Administration

49 CFR Part 387

[BMCS Docket No. MC-94-1; Amdt. No. 81-9]

Minimum Levels of Financial Responsibility for Motor Carriers; Technical Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Technical correction to final rule.

SUMMARY: An emergency regulation which revised the existing minimum levels of financial responsibility requirements for motor carriers to implement provisions required by section 406 of the Surface Transportation Assistance Act of 1982 (STAA of 1982) was published in the **Federal Register** on February 7, 1983 (48 FR 5559). A technical correction is being made to the final rule which adds three commodities to the commodity transported column of both "Schedule of Limits" charts included in §§ 387.9 and 387.15 of 49 CFR. The three commodities were inadvertently omitted from the charts upon publication of the emergency regulation.

EFFECTIVE DATE: January 6, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, 202-426-9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0346, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The final rule implementing the provisions required by section 406 of the STAA of 1982 (Pub. L. 97-424, 96 Stat. 2097) was published in the **Federal Register** on February 7, 1983 (48 FR 5559). In revising the charts showing the schedule of limits, any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials, were inadvertently omitted from paragraph (2), commodity transported column. Therefore, § 387.9 and § 387.15 are being amended to reinstate these commodities in paragraph (2) of both "Schedule of Limits" charts. For clarity and convenience, both charts are being reproduced in full and corrected.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. The economic impact, if any, anticipated as a result of this action is so minimal, a full regulatory evaluation is not required.

Under the criteria of the Regulatory Flexibility Act, it is certified that this rulemaking does not have a significant economic impact on a substantial number of small business entities.

Notice and opportunity for comment are not required under the regulatory policies and procedures of the DOT because it is not anticipated that such action would result in the receipt of useful information. Also, because the emergency final rule was effective January 6, 1983, these technical corrections are effective on January 6, 1983.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety)

List of Subjects in 49 CFR Part 387

Hazardous materials transportation, Insurance, Motor carriers, Surety bonds.

(Sec. 406, Pub. L. 97-424, 96 Stat. 2097; 49 CFR 1.48 and 301.60)

Issued on: February 24, 1983.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

In consideration of the foregoing, the FHWA is amending Part 387 of title 49, Code of Federal Regulations, to read as set forth below.

PART 387—[AMENDED]

1. The "Schedule of Limits" chart in § 387.9, is amended to read as follows:

§ 387.9 Financial responsibility minimum levels.

* * * * * * *

SCHEDULE OF LIMITS

[Public liability]

Type of carriage*	Commodity transported	July 1, 1981	July 1, 1983
(1) For-hire (In interstate or foreign commerce)	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity) Class A or B explosives or poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity) or (In intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (In interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

*NOTE.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

2. The "Schedule of Limits" chart in Illustration I of § 387.15 is amended to read as follows:

§ 387.15 Forms.

SCHEDULE OF LIMITS

[Public liability]

Type of carriage*	Commodity transported	July 1, 1981	July 1, 1983
(1) For-hire (In interstate or foreign commerce)	Property (nonhazardous)	$500,000	$750,000
(2) For-hire and Private (In interstate, foreign, or intrastate commerce).	Hazardous substances, as defined in 49 CFR 171.8, liquefied compressed gas, or compressed gas transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk (any quantity) Class A or B explosives or poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000
(3) For-hire and Private (In interstate or foreign commerce: in any quantity) or (In intrastate commerce: in bulk only).	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000
(4) For-hire and Private (In interstate or foreign commerce).	Any quantity of Class A or B explosives; any quantity of poison gas; or large quantity radioactive materials as defined in 49 CFR 173.389.	1,000,000	5,000,000

*NOTE.—The type of carriage listed under numbers (1), (2), and (3) apply to vehicles with a gross vehicle weight rating of 10,000 pounds or more. The type of carriage listed under number (4) applies to all vehicles with a gross vehicle weight rating of less than 10,000 pounds.

Note.—This table showing the schedule of limits may appear at the bottom or on the reverse side of Form MCS–90.

[FR Doc. 83–5251 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–22–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1201, 1207 and 1241

Indexing the Annual Operating Revenues of Railroads and Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Rule related notice.

SUMMARY: The Interstate Commerce Commission has adopted a methodology for indexing gross annual operating revenues for railroads and motor carriers of property to eliminate the effects of inflation from the classification process. The Commission's price deflator formula will provide assurances that carriers are moved to a higher classification because of real business expansion, and not from inflationary consequences.

The annual average Railroad Freight Price Index will be used as the railroad deflator. The annual average Producer Price Index for all commodities will be used as the motor carrier deflator. Each index is developed by the Bureau of Labor Statistics. The base years for railroads and motor carriers are 1978 and 1980, respectively. The indexes and deflators are listed in the **SUPPLEMENTARY INFORMATION** section of this Notice.

DATE: Effective for carrier classifications beginning January 1, 1983.

ADDRESSES: Copies of this notice may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., N.W., Washington, D.C. 20423; (202) 289–4357—D.C. Metropolitan Area, (800) 424–5403—toll free for outside D.C. area.

FOR FURTHER INFORMATION CONTACT: Leonardo A. Rodriguez or William G. Norris (202) 275–7448.

SUPPLEMENTARY INFORMATION: By Final Rule in Docket No. 38559, Railroad Classification Index, served and published in the **Federal Register** on January 20, 1983 (48 FR 2542) and Final Rule in Docket No. 38377, Indexing the Annual Operating Revenues of Motor Carriers of Property, served on October 7, 1982, and published in the **Federal Register** on October 12, 1982 (47 FR 44731), the Commission revised the method of classifying railroads and motor carriers of property for accounting and reporting purposes. The new methodology continues to classify carriers based on gross operating revenues. However, a price deflator formula was adopted to assess whether a carrier's gross operating revenue increases are caused by inflation or a real business expansion. Both Final Rules stated that the Commission would publish the deflators in the **Federal Register.** The deflators for 1980, 1981 and 1982 are:

	Railroads		Motor carriers of property	
	Railroad freight index		Producer prices index	
	Index	Deflator percent	Index	Deflator percent
1978	213.1			
1980	234.5	74.90	252.4	
1981	327.6	65.05	275.5	91.62
1982	351.4	60.64	291.0	88.82

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5115 Filed 3–2–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No. 43
Thursday, March 3, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1910 and 1944

Individual Credit Reports

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations for the ordering and processing of individual credit reports by collecting a credit report fee from the applicant before credit reports are ordered rather than including a credit report fee as part of the loan. The amendment is needed to reduce unnecessary cost to the Government for credit reports obtained in conducting the credit investigation of individual applicants, their partners, cosigners, or individual members of associations. The intended effect of the action is to establish collection procedure which will reduce the costs to FmHA for this service without placing undue financial burden on the loan applicants.

DATE: Comments must be received on or before May 2, 1983.

ADDRESSES: Submit all written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington D.C. 20250. All written comments made pursuant to this notice will be available for public inspection during regular hours at the above address.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Deputy Director, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5347, South Agriculture Building, 14th and Independence, SW, Washington, D.C 20250, telephone (202) 382-1462.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291, and has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, organizations, government agencies or geographic region There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets, since it does not affect FmHA loan eligibility or loan servicing requirements.

The FmHA program or projects which are affected by this regulation should be carried out in accordance with 7 CFR Part 3015, "Intergovernmental Review of the Department of Agriculture Programs and Activities."

The Catalog of Federal Domestic Assistance programs affected are:

CFDA No. and program title

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans (Rural Housing Loans-Section 502-Insured)
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.515 Rural Rental Housing Loans
10.416 Soil and Water Loans (SW Loans)
10.417 Very Low-Income Housing Repair Loans and Grants
10.419 Watershed Protection and Flood Prevention Loans
10.422 Business and Industrial Loans
10.428 Economic Emegency Loans
10.429 Above-Moderate Income Housing Loans (Guaranteed Rural Housing Loans)

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Credit reports are obtained whenever the responsible FmHA official determines that the credit report information is needed to determine the eligibility of applicants. The reports are purchased from credit report companies under contract with the Government. The average contract price for Fiscal Year (FY) 82 was approximately $18.50 per basic report. However, this amount was increased by the cost of "supplemental" or "antecedent" reports when these were needed to complete the 2-year reporting period required in the contract. Payments for credit reports received are made by the FmHA Finance Office for monthly billings submitted by the contractors. Under the present FmHA regulations, to recover the cost of the reports, FmHA applicants, whose loans are approved, are charged a $12 fee per report.

The fee is deducted from the loan check at the Finance Office if only one report was ordered and received. If two or more reports were obtained or if no loan check is issued, as in the case of transfers and assumptions, the loan closing official collects at loan closing, $12 for each credit report obtained. The cost of credit reports for unsuccessful applicants is borne by FmHA. Credit reports obtained for servicing actions are charged to the loan account as a servicing expense. Under these authorities, the cost to FmHA for the credit report service during the last four fiscal years was as follows:

Fiscal year	Amount paid to contractors	Amount collected from borrowers	Expense incurred by FmHA
1978	$2,149,896	$778,512	$1,371,384
1979	2,329,745	922,045	1,407,700
1980	2,114,675	877,985	1,236,690
1981 [1]	2,532,545	747,551	1,784,994

[1] In FY-81, FmHA paid for a total of 156,000 reports at approximately $16.23 per report, and collected from borrowers for approximately 62,300 reports at $12 per report.

The loss to the Government in obtaining the credit report service is further discussed in an audit completed by the Office of the Inspector General in early 1982. It recommends that FmHA amend its regulations to require all loan applicants to pay a nonrefundable fee before credit reports are ordered, and increase the fee charged to the applicant to an amount sufficient to recover the

contracting charges for the reports. Based on the above, the following alternatives were considered in preparing this proposed rule:

Alternative 1.—Continue with present FmHA policies and procedures but increase the fee charged successful applicants to an amount comparable to the average cost of credit reports for the fiscal year. With this option, the amount recovered will be increased; however, there will be no recovery for funds invested by FmHA to purchase credit reports for unsuccessful applicants.

Alternative 2.—Collect the actual cost of credit reports obtained, at loan closing. The results of this option will be similar to those in option 1.

Alternative 3.—Collect from the loan applicant before a credit report is ordered, a fee comparable to the average cost of the credit report for the fiscal year except for Section 504 of RH loan applicants where the credit report fee charged applicant will be included as part of the FmHA loan. This option was selected as it will conserve funds from the Rural Housing Insurance Fund, the Agricultural Credit Insurance Fund, and the Rural Development Insurance Fund. The disadvantage of this option is that, although the process is simplified, the number of staff hours used in processing, is increased. However, the extra cost of operation is offset by the extra amount of funds recovered. Consider the following for FY–81:

Amount Paid by FmHA to contractors for 156,000 credit reports purchased, $2,532,545
Amount that would have been recovered under Option 3 at $16 average cost/credit report for the fiscal year (156,000×$16), $2,496,000 (approx.)
Less cost of extra man-hours that would have been used under Option 3 (156,000×.25×$6) where 156,000 represents fees collected; .25 hours is the time spent in processing a collection; and $6 is the cost/hour, $234,000
Net FmHA recovery under Option 3 ($2,496,000 −$234,000), $2,262,000 (approx.)
Total loss to FmHA under Option 3 ($2,532,545 −$2,262,000), $270,545 (approx.)

The amendment applies to prospective applicants as well as applicants on the waiting lists for individual FmHA loans whose loan documents have not been submitted to the FmHA Finance Office for fund obligation prior to the effective date of the final rule. Other administrative changes are included in the proposal.

The FmHA proposes to amend Subpart B of Part 1910, Chapter XVIII, Title 7, Code of Federal Regulations, as follows:

1. Revise § 1910.52(a) by deleting the reference to the Department of Housing and Urban Development and inserting such reference, if applicable, in paragraph (a) of Exhibit A (available in any FmHA office).

2. Delete § 1910.52(c).

3. Rember § 1910.52(d) as "(c)," remove the reference to a $12 credit report fee charged the applicant from the paragraph and insert the amount charged in paragraph (a) of Exhibit A.

4. Renumber § 1910.52(e) as "(d)," and make reference in the second sentence to the "Director, Directives and Administrative Services Division."

5. Insert a new § 1910.52(e) for the procedure to be followed in obtaining addresses of credit bureaus serving other states.

6. Revise § 1910.53 to indicate that a credit report fee will be collected from the loan applicant before a credit report(s) is ordered, except in the case of Section 504 Rural Housing loan applicants where the credit report fees for credit reports needed to complete the credit investigation will be included as part of the FmHA loan.

7. Revise § 1910.54 to add the definitions of "applicant" and "County Supervisor," and renumber other paragraphs in the section, accordingly.

8. Revise § 1910.55(e) to list adverse items that should be excluded from the credit report under the provisions of paragraph 605 of the Fair Credit Reporting Act.

9. Delete § 1910.58 as the information is now contained in § 1910.53(b).

10. Revise § 1910.59 to change the title of the section to "Type of credit report to be ordered," and to limit the authority for ordering "individual" credit reports only and discontinue the authority for ordering the more costly "joint" reports.

11. Revise § 1910.61 to clarify the procedure to be used in processing unacceptable credit reports and/or incorrect billing data from credit report contractors.

12. Revise § 1910.62(a) to delete reference to the inclusion of a credit report fee as part of the FmHA loan and to update the Truth in Lending requirements.

13. Delete § 1910.62 (b) and (c) as the collection of fees from the loan applicant is described in § 1910.53.

List of Subjects

7 CFR Part 1910

Administrative practice and procedure, Applications, Credit, Government contracts, Loan programs—agriculture, Loan programs—housing and community development, Low- and moderate-income housing, Marital status discrimination, Reporting and recordkeeping requirements, Sex discrimination.

7 CFR 1944

Administrative practice and procedure, Aged, Fair housing, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low- and moderate-income housing, Migrant labor, Mortgages, Nonprofit organizations, Rent subsidies, Reporting and recordkeeping requirements, Rural areas.

Therefore, as proposed, Chapter XVIII of Title 7, Code of Federal Regulations is amended as follows:

PART 1910—GENERAL

Subpart A—Receiving and Processing Applications

1. Section 1910.3 is amended by adding a new paragraph (m) to read as follows:

§ 1910.3 Receiving applications.

* * * * *

(m) Fees for the total amount charged for individual credit reports as indicated in paragraph (a) in the "General" section of Exhibit A (available in any FmHA office) of Subpart B of this Part, will be collected from the loan applicants before credit reports are ordered, except in the case of Section 504 Rural Housing loan applicants where the total amount charged will be included as part of the FmHA loan. In cases where a fee cannot be collected from the applicant, the application will be handled as prescribed in paragraphs (d), (e), and (f) of § 1910.4 of this subpart.

Subpart B—Credit Reports (Individual)

2. Subpart B of Part 1910 is amended by revising § 1910.51 through § 1910.100 and Exhibit B to read as follows:

Subpart B—Credit Reports (Individual)

Sec.

1910.51 Purpose.
1910.52 General.
1910.53 Policy.
1910.54 Definitions.
1910.55 Contractor bureau requirements.
1910.56–1910.58 [Reserved]
1910.59 Type of credit report to be ordered.
1910.60 Processing order tickets.
1910.61 Invoicing and payments
1910.62 Loan documentation procedure.
1910.63 Unsatisfactory contractor performance.
1910.64 Confidential handling of credit reports.
1910.65–1910.100 [Reserved]
Exhibit A [1]

[1] Exhibits A–E do not appear in the Code of Federal Regulations.

Exhibit B
Exhibit C
Exhibit D
Exhibit E

Subpart B—Credit Reports (Individual)

§ 1910.51 Purpose.

This Subpart describes the policies and procedures for obtaining individual type credit reports. Credit reports will be ordered when needed to determine the eligibility of applicants requesting Farmers Home Administration (FmHA) loans.

§ 1910.52 General.

(a) FmHA obtains credit reports from credit reporting companies listed in Exhibit A of this Subpart (available in any FmHA office) or in other credit report contracts authorized by the Contracting Officer, FmHA. County Supervisors are cautioned to order only from those firms. Furthermore, special reports, supplemental employment reports, joint reports, commercial credit reports, and special services are not authorized.

(b) Credit reports may be ordered under the provisions of this Subpart only by FmHA employees.

(c) Regardless of the amount of the fee charged the Government, the cost charged the applicant for each credit report is as indicated in paragraph (a) in the "General" section of Exhibit A. (This figure is not to be confused with the schedule of charges of the credit report contractors appearing in the Exhibit A).

(d) The Finance Office will furnish each County, District and State Office with address rosters of the Credit Bureau Reports, Inc. (CBR) affiliate bureaus serving this area. Addresses of other contractors may be requested from the Director, Directives and Administrative Services Division, National Office, when needed.

(e) The County Supervisor may call the Finance Office (FTS 279–4423, or for non-FTS offices, commercial 314–425–4423) for the addresses of credit bureaus serving the area of residence of out-of-state loan applicants.

(f) Whenever Exhibit A does not list a contractor for a particular town or area, the County Supervisor may request, through the State Director, that the National Office (Attn: Directives and Administrative Services Division) establish a contract source for that town or area. Meanwhile, § 1910.4 (a)(1), (2), (4), (5), (6) and (7) of Subpart A of this Part will be followed in conducting the credit investigation.

(g) Exhibit B is a sample format of an order ticket which is printed by, and at the expense of, the contractor and supplied to County Offices. CBR order ticket forms are supplied to the County Office through the Finance Office. If additional CBR order tickets are needed, they may be requisitioned from the Finance Office in accordance with § 2024.103 of FmHA Instruction 2024–C (available in any FmHA office). Order ticket forms of firms other than CBR may be ordered from the nearest local office of the contractor. Order tickets of one contractor must not be used to order credit reports from another contractor. Only FmHA employees may use these order tickets. They will not be supplied to brokers, lenders, packagers, etc.

(h) Exhibits C, D and E (available in any FmHA Office), show the type of credit information that contractors must furnish on manual and computerized forms.

§ 1901.53 Policy.

(a) A credit report fee as indicated in paragraph (a) in the "General" section of Exhibit A of this Subpart will be charged the loan applicant for every credit report ordered. For example, if one credit report is ordered, the amount shown will be charged. However, if two credit reports are ordered (e.g., for the applicant and the coapplicant), the amount shown times 2, will be the total amount charged the applicant, and so on.

(b) When credit reports are needed (except for Section 504 Rural Housing loans), the total amount charged will be collected (preferably, in money order or check) from the loan applicant before credit reports are ordered, and:

(1) The County Supervisor will acknowledge receipt of the credit report fee by using Form FmHA 451–1, "Acknowledgment of Cash Payment" (available in any FmHA office). Collections for credit report fees will be submitted to the Finance Office on Form FmHA 451–2, "Schedule of Remittances," as miscellaneous changes, Code–2.

(2) Additional credit reports ordered to update the applicant's credit will be handled as prescribed in paragraphs (a) and (b) of this section.

(3) If a credit report fee was collected and a credit report will not be ordered, the County Supervisor will submit to the Finance Office, Attention 360–D1, a memorandum, subject, "Request for Refund, Loan Applicant(s) ——, ——, ——," accompanied by copies of Form FmHA 452–2 for such collections.

(c) No credit reports will be ordered in servicing loans. An investigation needed to complete the action, will be conducted by the County Supervisor.

(d) When credit reports are ordered for Section 504 RH loan applicants, the total amount charged will be included as part of the FmHA loan, and:

(1) The total amount charged will be entered and identified as "credit report(s)" in line item number "25" of Form FmHA 444–2, "Single Family Housing Fund Analysis."

(2) Form FmHA 1940–1, "Request for Obligation of Funds," will be coded "1" in the "Credit Report" block. Block 22 (Amount of Loan), will be increased by the total amount charged for credit reports. CAUTION: If the fee charged for the credit report(s) will cause the maximum $7,500 authorized for this type of loan to be exceeded, the credit report(s) will not be ordered and the credit investigation will be completed as prescribed in § 1910.4 (a)(1), (2), (4), (5), (6), and (7) of Subpart A of this Part.

(3) Additional credit reports ordered to update the applicant's credit, will be handled as prescribed in paragraph (d) of this section and correction, if needed, made in space "26" of Form FmHA 440–57, "Acknowledgement of Obligated Funds Check Request."

(4) The Finance Office will deduct from the loan check, the total amount charged for credit reports before the loan check is issued.

(5) If a credit report(s) is ordered and received and the loan will not be closed, FmHA will bear the cost of the report(s).

(e) The County Supervisor will determine the need and be responsible for ordering credit reports. These will be obtained whenever the credit information from a credit report would be helpful or needed to determine the eligibility of a loan applicant and when it appears that the credit report will not have to be updated before loan closing. Credit reports will not be ordered when:

(1) The information available indicates that a loan will not be made. In this respect, County Supervisors must train their staffs in the proper evaluation of loan applications to preclude the ordering of unnecessary credit reports.

(2) An applicant resides in a remote area and the credit bureau would not be able to provide sufficient or conclusive credit information. However, County Supervisors are cautioned that information relative to judgments, garnishment of wages, foreclosures and bankruptcies can better be obtained from credit reports as opposed to searches conducted by the County Supervisor.

(3) The applicant's needs can be met with a loan not exceeding $7,500 and the County Supervisor determines on the basis of the information available that the applicant does not have debts other than those reported. However, credit reports will be ordered if they are

essential to complete the credit investigation.

(f) "Individual" credit reports will be ordered as opposed to the more costly "joint" reports, which are no longer authorized.

§ 1910.54 Definitions.

For the purpose of this Subpart, the following definitions apply:

(a) "Antecedent Report" is a previous residence report required when the minimum two year up-to-date credit coverage is not available in the bureau's reporting territory. The report contains information from another bureau located in an area outside of the area covered by the reporting bureau.

(b) "Applicant" also includes coapplicant(s), spouse, cosigner, each individual in an association, and general partner(s) in a partnership.

(c) "Basic report" is a report that does not include supplemental or antecedent information and which contains all credit and public record information available covering no less than a two-year period.

(d) "County Supervisor" also includes the County Supervisor's authorized representative and other authorized FmHA officials. The term also means Area Loan Specialist in Alaska.

(e) "Individual Report" is a report providing information on one person only. It may be supplemented by "antecedent and/or "supplemental credit reference" reports to provide all the information required by the two-year report period.

(f) "Joint Report" is a report providing information on both spouses (partners in marriage). This type of report is not authorized for FmHA.

(g) "Order ticket" (Exhibit B of this Subpart) is the form used for ordering a credit report.

(h) "Report period" is the two-year period before the date the credit report is prepared.

(i) "Repository" is an entity engaged in gathering, recording, and updating information relative to the credit history of individuals in an area. The area covered may encompass several towns, cities, counties, or parts of counties.

(j) "Special services" are any services which are not included in § 1910.54 (a), (c), (e), and (k) of this Subpart and which will result in additional cost.

(k) "Supplemental Credit Reference Report" is a report which is required when the applicant lives in the bureau's reporting area but, because of shopping patterns, credit references are located in another bureau's reporting area.

§ 1910.55 Contractor bureau requirements.

(a) Unless the contract states otherwise, the contractor must provide all credit and public record information available for the report period as defined in § 1910.54(h) of this Subpart.

(b) The contractor must provide all information specified in Exhibit C, D, or E, except that employment information need not be reported.

(c) The contractor must make appropriate certifications regarding check and/or source of public records and credit record history.

(d) The trade or credit history portion of the report must cover a minimum of two years brought up to date. Accounts must be rated to indicate past and current payment records and original amount, monthly installment, and unpaid balance of the debt. All additional available account information must be furnished. The contractor must clear bank, savings and loan, and credit union accounts and clear all local references indicating the date the account was cleared. The contractor should contact the applicant to obtain any additional information necessary to provide a quality report.

(e) Public record information must be obtained by special check of public records or, as an equivalent, from accumulated and regularly filed records of a qualified legal reporting service. All items of public record information must be reported except that adverse items (e.g., bankruptcies that antedate the report by more than fourteen years; suits, judgments, paid tax liens, accounts placed for collection, records of arrest, indictments, convictions of crime, and any other adverse items which antedate the report by more than seven years) are to be excluded as provided under paragraph 605 of the Fair Credit Reporting Act. For purposes of these contracts all adverse items may be excluded which outdate the report by seven years.

(f) Reports which do not require antecedent information shall be delivered by the contractor within eight working days of receipt of the order or twelve working days when antecedent information is required.

§§ 1910.56–1910.58 [Reserved]

§ 1910.59 Type of credit report to be ordered.

Pursuant to the Equal Credit Opportunity Act (ECOA), credit bureaus will maintain credit information in three different forms on a married couple: individual accounts on each spouse, joint accounts covering both spouses, and undesignated accounts (those accounts not designated by the credit grantor as either individual or joint accounts). However, only "individual" reports as defined in § 1910.54(e) of this Subpart may be ordered by FmHA. If credit report information is needed on the spouse and others to complete the credit investigation, a separate "individual" report request which will be paid by the applicant, is prepared for each person as opposed to the more costly "joint" or "special services" reports. Exhibit B, of this Subpart will be used for this purpose.

§ 1910.60 Processing order tickets.

Order tickets will be processed as follows:

(a) An original and 3 copies of Exhibit B of this Subpart will be prepared, except that an extra copy will be furnished when requested by a credit bureau. A copy will be kept in the applicant's file. The original and the remaining copies will be sent to the credit bureau serving the place of residence of the applicant.

(b) All appropriate entries on the order ticket will be completed. Extra entries for "special services," which would result in additional costs, are prohibited.

(c) The "former name," "previous residence address" and "how long residence" blocks must be completed. If an applicant has resided less than two years at the present address, the previous address block must be completed so that the contractor will know where to obtain an antecedent report.

(d) USDA/FmHA should appear on the order ticket with State and County Office Code, applicant's social security number, if available, and loan fund code. Loan fund codes are listed in Exhibit A of FmHA Instruction 450.1 (available in any FmHA Office). If an applicant is to receive more than one type of loan, use the loan fund code for the largest loan.

§ 1910.61 Invoicing and payments.

(a) Optional procedure #1 (Applicable to Credit Bureau Reports, Inc., only).

(1) The contracting bureau returns a copy of the order ticket (with billing block filled in) to the FmHA office with each credit report, and sends a monthly statement to the Finance Office with one copy of each order ticket attached.

(2) The County Supervisor reviews the report, verifies the billing data against the schedule of charges in Exhibit A of this Subpart, and proceeds as follows:

(i) If the report is acceptable and the billing data correct, the "Receipt" certification block on the order ticket is

completed and the order ticket is sent to the Finance Office.

(ii) If the report is not acceptable and/or the billing data is incorrect, the County Supervisor will contact the reporting bureau for corrections. Regardless of the results of the contact, the County Supervisor will submit immediately to the Finance Office (Attn.: FC–360–D1), for flagging action on payment, the following:

(A) A memorandum stating the reasons for not accepting the credit report and/or for changing the billing data on the order ticket.

(B) A copy of the order ticket with corrected billing data, and

(C) A copy of the credit report.

(3) The Finance Office matches order tickets received from the contracting bureau against those verified and received from the FmHA office, and makes payment accordingly.

(b) Optional procedure #2 (Applicable to contracting bureau other than Credit Bureau Reports, Inc.).

(1) Contractor sends a monthly invoice to the FmHA office with a copy of the order ticket attached to support each credit report charge.

(2) FmHA personnel verify the billing data against the schedule of charges shown in Exhibit A of this Subpart or in other credit report contracts authorized by the Contracting Officer, FmHA. If acceptable, a stamp or handwritten certification and signature is placed on the invoice to the effect that services were satisfactorily rendered and that it is approved for payment. The invoice with attachments is then sent to the Finance Office. The Finance Office makes payment to the contracting bureau.

(c) In all cases:

(1) When a credit report is received without an order ticket attached, the County Supervisor will contact the reporting bureau to ensure that FmHA is not being billed for credit reports ordered by parties other than FmHA. Such reports are not encouraged as they frequently result in extra expenses to the loan applicant and extra work for the County Supervisor in verifying the authenticity of the information in the report.

(2) If a report is not acceptable and/or the billing data is incorrect, the County Supervisor will contact the reporting bureau for corrections. If no agreement is reached, the County Supervisor will submit to the National Office, Directives and Administrative Services Division, for review and final determination, the items listed in paragraph (a)(2)(ii) of this Section. After reviewing that case, the National Office authorizes the Finance Office (by memorandum) to make, readjust, or deny payment to the contracting bureau. A copy of the memorandum is also sent to the FmHA office involved. Order tickets received in the Finance Office which do not match those received from the contracting bureau, will be returned to the responsible FmHA field office for reconciliation and compliance with the procedures set forth in this paragraph.

(3) The credit report approval date and cost is posted to the order ticket copy kept in the applicant's file.

§ 1910.62 Loan documentation procedure.

(a) The credit report fees collected will be promptly remitted to the Finance Office in accordance with paragraph (b) of this section. When Form FmHA 1940–41, "Truth in Lending Disclosure Statement," Form FmHA 440–58, "Estimate of Settlement Costs, " or Form FmHA 1940–59, "Settlement Statement," is required, the cost of the credit report will be entered on these forms in accordance with instructions contained in the appropriate Forms Manual Inserts (FMI) for the forms.

(b) Any funds collected as payment for credit reports will be handled in accordance with FmHA Instruction 1951–B and the FMI for Form FmHA 451–2 (available in any FmHA office). The loan fund code should appear on the "Schedule of Remittances." Such payments will not reduce the amount due on the borrower's loan indebtedness.

§ 1910.63 Unsatisfactory contractor performance.

The County Supervisor will monitor credit reports received for promptness, completeness, and adequacy and discuss any deficiencies found with the reporting bureau for the correction of such deficiencies. In the case of recurring deficiencies, the County Supervisor will request the State Director to contact the bureau's parent office in an attempt to improve the bureau's performance. If adequate response is not obtained, the State Director will report the problem to the Contracting Officer in the Directives and Administrative Services Division of the National Office.

§ 1910.64 Confidential handling of credit reports.

The confidential information furnished to FmHA in a credit report shall be used as an aid in conducting business and is based on information obtained by the credit bureau from sources deemed reliable. Disclosures of information contained in the credit report to the consumer will be made by the credit bureau making the report as required by the Fair Credit Reporting Act, Public Law 91–508, except that FmHA must make credit reports available to the subject of the report in response to a request made under the Privacy Act of 1974. Requests from credit parties, including credit bureaus, concerning information about FmHA borrowers or applicants will be handled in accordance with the provisions of FmHA Instruction 2018–F (available in any FmHA office).

§§ 1910.65–1910.100 [Reserved]

BILLING CODE 3410–07–M

FmHA Instruction 1910-B
Exhibit-B

SAMPLE FORMAT
USDA-FmHA REQUEST FOR FACTUAL DATA REPORT
(Order Ticket for Individual Report)

Date Requested:_____, 19__ Loan Fund Code_____

Contractor's Name and Address	Mail Report in Duplicate to:
_____	_____
_____	_____
_____	_____

Case No.:_____ Social Security No.:___ ___ _____

Subject's Name:_____
(Surname) (Given Name) (Middle Initial)

Subject's Former Name:_____
(Surname) (Given Name) (Middle Initial)

Subject's Residence Address:_____
(House No., Street, R.F.D.) (City)

_____
(State) (ZIP Code) (How Long)

Subject's Previous Residence Address:_____
(House No., Street, R.F.D.) (City)

_____
(State) (ZIP Code) (How Long)

Age or Date of Birth:_____ Subject's Occupation_____

Employer's Name and Address:_____

Spouse's Name_____

ALL CREDIT AND TRADE REFERENCES GIVEN BY SUBJECT

Name of Firm	Account No.	Address	City	State

By requesting this report, it is agreed that the information received will be for our use and will not be divulged to anyone other than the named USDA-Farmers Home Administration, except as required by Public Laws 91-508, 93-579, and 94-239, and the contract.

BILLING CODE 3410-07-C

PART 1944—HOUSING

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

§ 1944.3 [Amended]

3. Section 1944.3(b)(9) is amended by removing the words "credit reports."

4. Section 1944.26 is amended by revising paragraph (c)(1) to read as follows:

§ 1944.26 Application processing.

* * * * *

(c) * * *

(1) Selected applicants will be notified that they have not more than 30 days in which to submit the necessary material (including the amount the applicant must pay to FmHA for each credit report needed to complete the credit investigation) to continue the processing of the loan. When credit reports will be ordered, the notification must also indicate that the credit report fee paid by the applicant is non-refundable after credit reports have been ordered. The amount charged the applicant for each credit report is as prescribed in paragraph (a) in the "General" section of Exhibit A (available in any FmHA office) of Subpart B of Part 1910 of this Chapter.

* * * * *

Subpart J—Section 504 Rural Housing Loans and Grants

5. Section 1944.456 is amended by revising paragraph (i) to read as follows:

§ 1944.456 Loan and grant purposes.

* * * * *

(i) Payment of incidental expenses such as fees for credit reports, surveys, title clearance, loan closing, and architectural or other technical services. When a credit report(s) is essential to complete the credit investigation, a credit report fee as prescribed in paragraph (a) in the "General" section of Exhibit A (available in any FmHA office) of Subpart B of Part 1910 of this Chapter, will be included in the FmHA loan for each credit report ordered. The amount included in the loan check for credit reports, will be deducted from the loan check at the Finance Office before the first loan check is issued. If a credit report is ordered and received and the loan will not be closed, FmHA will bear the cost of the report.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; Sec. 10, Pub. L. 93–357, 88 Stat. 392; delegation of authority by the Under Secretary for Rual Development, 7 CFR 2.70; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23)

Dated: January 28, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83–5164 Filed 3–2–83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AGL-28]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action amends the Circleville, Ohio, transition area description by deleting the Lockborne AFB exclusion currently contained in the published description.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before April 7, 1983.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-28, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: This action amends the Circleville, Ohio, transition area description by deleting all reference to Lockborne AFB as currently referenced in the published Circleville, Ohio, description. The exclusion is no longer necessary. The Lockborne AFB has been renamed Rickenbacker AFB and airspace associated with Rickenbacker AFB will be contained in a later docket in connection with a revised Columbus, Ohio, transition area description. (The Columbus, Ohio, description also references Lockborne AFB and also requires revision.) This action amends only the Circleville, Ohio, transition area description.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-28." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public

Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Circleville, Ohio.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Circleville, Ohio

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00"N., longitude 82°58'55"W.)

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on February 16, 1983.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 83–6196 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 73

[Airspace Docket No. 83–ASO–3]

Proposed Amendment to Restricted Area R–3004, Fort Gordon, GA

Correction

In FR Doc. 83–3700 beginning on page 6991 in the issue of Thursday, February 17, 1983, make the following correction.

In column three, paragraph three, line six should read "82°12'15" W.; to lat. 33°22'53" N., long.".

BILLING CODE 1505–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8976]

Borden, Inc.; Proposed Order Modification With Statement To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Agreed Order In Settlement of Judicial Review Proceedings.

SUMMARY: In settlement of judicial review proceedings resulting from the entry of a Commission cease and desist order after full adjudicatory proceedings, this agreed modification, accepted subject to final Commission approval, would require a producer of processed lemon juice to refrain, for a period of seven years, from pricing its product below its variable costs for the product in any sales district. "Variable costs" would be defined as all costs which the firm could have chosen not to incur during the relevant time period. The relevant time period would consist of all consecutive fiscal quarters in which the firm's prices failed to cover it total costs, and thus would vary with the duration of any price reduction. The firm would also be required to file annual compliance reports detailing its market share, costs and net revenues. The proposed order would take the place of an order previously entered by the Commission, which was affirmed by a court of appeals in a judgment that is the subject of a pending petition for a write of certiorari in the Supreme Court. *In the Matter of Borden, Inc.*, 92 F.T.C. 669, 778, 832 (1978) affirmed *Borden, Inc.* v. *FTC*, 674 F. 2d 498 (1982), petition for a writ of certiorari filed August 25, 1982, Sup. Ct. No. 82–328.

DATE: Comments must be received on or before April 4, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CD, Barbara A. Clark, Washington, D.C. 20580, (202) 634–4793.

SUPPLEMENTARY INFORMATION: Pursuant to Section 5(c)–(k) of the Federal Trade Commission Act, 38 Stat. 719–721, as amended, 15 U.S.C. 45(c)–(k) and an order of the Commission entered on February 25, 1983 notice is hereby given that the following agreed order to cease and desist, having been accepted by the Commission in settlement of litigation, subject to final approval, has, in the exercise of the Commission's discretion, been placed on the public record for a period of thirty [30] days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

Proposed Order

The Commission having considered the proposal of Borden, Inc., to terminate the pending proceedings for judicial review of the order to cease and desist entered herein on November 7, 1978; and the Commission and Borden having agreed upon the provisions of a final order modifying the order of November 7; accordingly,

It is hereby ordered, that the Commission's Order in this matter, dated November 7, 1978, is hereby revised to read as follows:

Order

It is ordered, that Respondent, in connection with the production, marketing and sale of processed lemon juice in or affecting commerce, as "commerce" is defined in the Federal Trade Commission act, shall forthwith cease and desist from:

Selling ReaLemon brand reconstituted lemon juice at a price or prices so that Respondent's net revenue during any fiscal quarter for any sales district is below Respondent's variable cost of the product sold in that quarter and sales district.

For purposes of this Order only, the following definitions shall apply:

A. "Total cost" means the sum of all costs properly attributable to sales made by Respondent of ReaLemon brand reconstituted lemon juice during the relevant fiscal quarter in the relevant sales district.

1. "Total cost," and its various elements, shall be calculated in the same manner as reflected in Respondent's accounting records as of January 1, 1983. With respect to elements of cost incurred over

geographic markets that do not coincide with Respondent's sales districts, such elements of cost shall, be allocated to a sales district on the basis of unit volume sold during the relevant quarter in the relevant sales district, or on the basis of identifiable factors that make allocation to a particular sales district proper, or on the basis of a combination of these two approaches. Similarly, with respect to allocations of elements of cost which, as of January 1, 1983, were made only annually, such elements of cost shall be apportioned to the relevant quarter on the basis of the unit volume sold during that quarter in the relevant sales district, or on the basis of identifiable factors that make allocation to a particular quarter proper, or on the basis of a combination of the these two approaches. The methods of allocation chosen shall be uniform for all sales districts and for all quarters for which an annual compliance report must be submitted. The methods shall not be changed without prior notice to the Commission.

2. The cost of spot television advertising purchased for a station in a particular sales district shall be allocated to the sales district in which the station is located. The costs of all television advertising other than spot television shall be allocated to the relevant sales district for the relevant time period on the basis of the volume of unit sales in that district.

B. "Variable cost" means the sum of all cost included within total costs which Respondent could have avoided during the relevant time period.

1. A cost, whether an element of cost or a portion of an element of cost, shall be considered as one which Respondent could have avoided if, during any part of the relevant time period, Respondent could have chosen not to incur that cost consistent with prudent business practices, and without violating contractual or other legal commitments.

2. The relevant time period, for any fiscal quarter and sales district in which Respondent's net revenue in that quarter and sales district was below its total cost, shall be the period composed of the quarter and any consecutive preceding quarters in which Respondent's net revenue in that sales district was also below its total cost. The relevant time period for any other fiscal quarter and sales district shall be the period composed of that quarter.

C. "Net revenue" means gross revenue to Respondent resulting from sales of ReaLemon brand reconstituted lemon juice, net of returns and allowances, cash discounts, and trade promotions. "Net revenue" and its various elements shall be calculated in the same manner as reflected in Respondent's accounting records as of January 1, 1983.

D. "Fiscal quarter" means the period which coincides with Respondent's standard accounting quarters.

E. "Sales district" means each of the geographic subdivisions of the country, designated, identified and used as such by Respondent in its sales and accounting records (currently twenty-two (22)). If the sales district are changed, the Commission will be notified.

F. "Trade promotions" means discounts or other financial incentives to the grocer or wholesaler, such as buying allowances or retailer coupons. "Trade promotions" (regardless of the manner in which that term is used by Borden in its accounting records) shall not be considered as a "cost" and shall be considered a reduction in net revenue.

G. "Unit" means one case of 12 bottles of ReaLemon brand reconstituted lemon juice in the 32 ounce size, or an equivalent volume of ReaLemon brand reconstituted lemon juice bottled in different sizes.

H. "Respondent" means Borden, Inc., its successors and assigns, officers, agents, representatives, and employees, directly or indirectly, or through any corporation, subsidiary, affiliate, division, or other device.

It is further ordered, that this Order shall remain in effect for seven years from the date it becomes final. During that period, Respondent shall file annual compliance reports with the Commission within 60 days of the end of its fiscal year. Each annual report shall include, for each sales district in which Respondent sold ReaLemon brand reconstituted lemon juice: (a) Copies of A. C. Nielsen market survey reports, or substantially similar market survey reports, detailing the quarterly and annual market shares of ReaLemon brand reconstituted lemon juice and the quarterly and annual market shares of its branded and private label competitors, (b) an accounting quarterly of its total costs for ReaLemon brand reconstituted lemon juice, and (c) an accounting quarterly of its net revenue from sales of ReaLemon brand reconstituted lemon juice.

Each annual report shall also include, for each sales district and fiscal quarter in which Respondent's net revenue for such sales district and fiscal quarter was below its total cost, proof that Respondent's net revenue in that district and quarter exceeded Respondent's variable costs of the product sold in that district and quarter.

Statement of the Commission on the Proposed Order Modification in Borden, Inc., To Aid Public Comment

The Federal Trade Commission has provisionally determined to accept an agreement from Borden, Inc. to settle the pending proceedings for judicial review of a previous Commission order.

The proposed order modification has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this time will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

In its opinion and final order in this case, the Commission found that Borden, Inc., had violated Section 2 of the Sherman Act, 15 U.S.C. 2, and consequently, Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, by monopolizing the market for processed lemon juice in the United States.[1] *In the Matter of Borden, Inc.*, 92 F.T.C. 669, 778, 832 (1978). On respondent's petition for review, the United States Court of Appeals for the Sixth Circuit affirmed and enforced the Commission's order. *Borden, Inc.* v. *FTC*, 674 F. 2d 498 (1982). On August 25, 1982, Borden filed a petition for a writ of certiorari in the Supreme Court of the United States seeking review of the court of appeals judgment. Sup. Ct. No. 82-328. That petition is still pending. After it was filed, the Commission and respondent undertook negotiations looking to a mutually acceptable disposition of the important questions of competitive policy raised in this matter. That process has culminated in the proposed order attached hereto, which the Commission is contemplating entering as soon as it reacquires jurisdiction over this case.[2] To that end, the Commission

[1] The Commission decided this case solely under the standards of monopolization developed under Section 2 of the Sherman Act, as comprehended within Section 5 of the Federal Trade Commission Act. It expressly noted that it did not address other possible grounds for liability under Section 5 of the FTC act. 92 F.T.C. at 781, n.4.

[2] The Commission has no jurisdiction to change its prior order so long as the record in the case is before the courts on judicial review. The Commission's power to modify or set aside its order in whole or in part continues only "until the record in the proceeding has been filed in a court of appeals of the United States." 15 U.S.C. 45(b), (c). Thereafter, the Commission does not reacquire jurisdiction to alter, modify or set aside its order until all proceedings on judicial review are completed, including any proceedings on petition for a writ of certiorari in the Supreme Court. 15 U.S.C. 45(g). The Commission's invitation and

is making the text of the proposed order available for public comment for 30 days.[3]

The Commission has determined to settle the pending litigation that resulted from its decision and order of November 7, 1978 because its prior decision herein does not set forth a satisfactory, cost-based standard for predation under Section 2 of the Sherman Act and Section 5 of the Federal Trade Commission Act. Continue defense of that decision in the pending proceeding before the Supreme Court would therefore be inconsistent with the Commission's present view of the matter. Since the court of appeals' judgment was based on grounds to which the Commission no longer adheres, the Commission plans to request the Solicitor General to advise the Supreme Court that the petition for a writ of certiorari should be granted, and that the decision of the court of appeals should be vacated with instructions to remand the case to the Commission. Upon remand, the Commission proposes to enter the attached order in settlement of the litigation, and of the Commission's complaint against respondent.

The Commission is of the view that the standard of conduct it applied to Borden's competitive behavior is inconsistent with the purposes of Section 2 of the Sherman Act and Section 5 of the Federal Trade Commission Act because it may discourage dominant firms from vigorously competing. Subsequent to its ruling in this case, the Commission held in *E. I. du Pont de Nemours & Co.*, 96 F.T.C. 653, 750–751 (1980):

> Antitrust policy wisely disfavors monopoly, but it also seeks to promote vigorous competitive behavior. Indeed, the essence of the competitive process is to induce firms to become more efficient and to pass the benefits of the efficiency along to consumers. That process would be ill-served by using antitrust to block hard, aggressive competition that is solidly based on efficiencies and growth opportunities, even if monopoly is a possible result. Such a view, we believe, is entirely consistent with the "superior skill, foresight and industry" exception in [*United States* v. *Aluminum Company of America*, 148 F. 2d (C.A. 2 1948)] and subsequent cases, for those decisions clearly indicate that monopoly may be lawfully created by superior competitive ability.

That standard informs the Commission's present view of this case.

A. Product Differentiation

The Commission found that Borden had "manipulated"—*i.e.*, reduced— the premium price that consumer preference had conferred upon its brand, in those areas of the national market in which it faced direct competition. In short, Borden reduced prices in order to defend its market share in response to a competitive challenge. The Commission found Borden's price reductions to be unlawful in part because, in the Commission's view, the ReaLemon trademark and the premium price it commanded reflected a form of "spurious product differentiation." 92 F.T.C. at 805. The Commission believed that processed lemon juices are not substantially different, that (apart from advertising cost advantages) producers of processed lemon juice are equally efficient, and that consumer preferences for the ReaLemon brand constituted a significant barrier to entry protecting Borden's monopoly position. 92 F.T.C. at 800, 695, 721.

The Commission recognizes that brand preferences and advertising costs may affect the costs of entry. The conditions of entry, in turn, are one of several factors that may affect the appropriate standard for determining whether any given price reduction is predatory—although, as we discuss blow, experts are far from agreed on the question of what sort of standard to use or how such effects ought to be taken into account. Compare, e.g., P. Joskow & A. Klevorick, *A Framework for Analyzing Predatory Pricing Policy*, 89 *Yale L. J.* 213, 249 (1979), with Y. Brozen, *Concentration and Public Policy* 216–65 (1982). Among the factors that have been suggested as relevant to this inquiry are the extent of any differences between the promotional costs faced by later entrants and those faced by the dominant firm when it originally established its brand (see R. Schmalansee, *Product Differentiation Advantages of Pioneering Brands*, 72 *Am. Econ. Rev.* 349 (1982)); and the extent to which promotional expenditures represent sunk costs which could not be recovered by an unsuccessful entrant (cf. W. Baumol & R. Willing, *Fixed Costs, Sunk Costs, Entry Barriers, and Sustainability of Monopoly*, 96 *Q.J. Econ.* 405, 418–19 (1981)).

However, the Commission did not analyze brand preferences and promotional costs as neutral factors affecting the conditions of entry, and thereby affecting the appropriate predation standard.[4] Instead, the Commission apparently viewed product differentiation as something pernicious in and of itself, which rendered suspect *any* attempt by Borden to respond to Golden Crown's competition by reducing price. In the commission's view, the fact that Borden's price cuts were made from the position of strength reflected by its price premium was itself enough to remove those price cuts from the category of "ordinary marketing methods available to all," and turn them instead into illegal predatory pricing. 92 F.T.C. at 803.

This approach not only unduly limits the ability of an established brand to compete by reducing prices, it also misperceives the nature of product differentiation and of the price premiums reflecting consumer familiarity with or acceptance of an established brand. While such premiums may indeed affect the conditions of entry, they also serve important competitive functions. An integral part of the competitive process—i.e., the process by which consumers select the mix of goods and services they most prefer—is the cost to consumers of becoming informed about a brand's advantages and availability. An established brand is one which has invested capital to reduce those costs, having acquainted most consumers with the product and its quality. The premium accruing to a brand name is thus a form of good will, whose value can be measured by the strength of consumers' preference for that brand. See, e.g., T. Nagle, *Do Advertising-Profitability Studies Really Show that Advertising Creates a Barrier to Entry?*, 24 *J. L. & Econ.* 333 (1981). Federal statutory policy with respect to trademarks expressly encourages and protects this form of good will. 15 U.S.C. 1127.

In this case, consumers were willing to pay a premium price in reliance upon Borden's familiar and successfully advertised trademark. That willingness reflected a marketplace judgment about interbrand competition, which "is the primary concern of antitrust law." *Continental TV* v. *GTE Sylvania*, 433 U.S. 36, 52, n.14 (1977). From an economic standpoint, cost efficiencies achieved with respect to the image value of a successfully advertised product are in many ways similar to cost efficiencies achieved in any other

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consideration of public comment on the proposed settlement is not inconsistent with the court's exclusive jurisdiction because such action affects only the Commission's position in the litigation.

[3] A public comment period is not required by the Commission's rules, as this is neither a consent agreement terminating an administrative complaint pursuant to Rule 3.7S nor a modification of a final order pursuant to Rule 2.51. However, because of the importance of the issues involved in this matter, the Commission has chosen to seek public comment voluntarily.

[4] Thus, while Commissioner Pitofsky believed that entry conditions justified application of an average total cost rather than an average variable cost standard, he had to concur separately to express that view. 92. F.T.C. at 817–832.

aspect of its production and distribution. Professor Scherer, in the passage adopted by the Commission (92 F.T.C. at 804), conceded as much.[5]

The Commission's decision did not adequately weigh the competitive advantages of Borden's product differentiation and antitrust law's promotion of interbrand competition. Instead, it assumed that consumer preference for Borden necessarily constituted an *anticompetitive* barrier protecting Borden's monopoly position from erosion by new entrants. Moreover, it therefore barred Borden from reducing its prices in competetive markets until its monopoly position had disappeared, *i.e.*, until enough consumers were buying competing brands to neutralize Borden's brand advantage. 92 F.T.C. 805–809, 832–833. This indefinite restraint on price competition, as Commissioner Clanton observed, "threatens to prolong unduly the interval over which consumers must pay higher prices and during which less efficient firms are sheltered from competition." 92 F.T.C. at 814. Because the Commission's analysis of Borden's brand advantage appears to be inconsistent with the purposes of the antitrust laws to promote vigorous competition, as recognized in its *du Pont* decision, the Commission can no longer defend this aspect of its opinion.

B. Geographic Price Differentiation

The Commission also considers the treatment of geographic price discrimination in its prior opinion to be unsound. The opinion recognized (92 F.T.C. 804, n.38*) that "price discrimination among different geographic markets does not of itself constitute a violation of Section 2 of the Sherman Act or Section 5 of the FTC Act." The fact that Borden may have charged lower prices than elsewhere to retailers in areas where it faced competition could not produce competitive injury to those retailers, or to Borden's customers located outside those markets, because the former do not compete with the latter. Nor can such price differences have caused any injury to competing producers of lemon juice within those markets, at least absent proof that Borden was subsidizing its losses in competitive markets with its profits in monopoly markets. Although the Commission stated in its opinion that Borden in part subsidized its price cuts with continued monopoly pricing elsewhere 92 F.T.C. at 802, as Judge Kennedy observed (674 F. 2d at 519), the Commission made no specific finding to support its statement; it presumed what had not been proved.

The only effect of Borden's geographic price differences was to confront Borden's competitors with prices lower than Borden charged in markets where they did not compete. Any losses they suffered, therefore, resulted not from "discrimination," but from the absolute level of Borden's prices in the markets where they actualy competed. When a dominant firm like Borden, that operates nationally, is threatened with loss of market share by the aggressive price rivalry of competitors, common sense and sound antitrust policy should recognize, as did Commissioners Pitofsky and Clanton, that the firm's local price reductions can be "a wholesome part of the competitive process" (92 F.T.C. at 818–822). Otherwise such firms would be required to maintain uniform monopoly prices nationwise in order to protect competitors, a paradoxical and anticompetitive result. Thus, in the Commission's present view, only if Borden's responsive pricing in locally competitive markets had been below lawfully permissible cost levels, would there have been a basis for finding unlawful monopolization.[6]

C. Respondent's Intent

The Commission's opinion condemned Borden's "pricing very close to average variable cost" (92 F.T.C. 804) as "exclusionary in intent and effect" *(id.)* and therefore unlawful because of Borden's monopoly market share. See *United States* v. *Griffith*, 334 U.S. 100, 107 (1948); *American Tobacco Co.* v. *United States*, 328 U.S. 781, 809, 811 814 (1946); *United States* v. *Grinnell Corp.*, 384 U.S. 563 (1966). This condemnation, however, is merely a conclusory characterization. Such pricing should be legally "exclusionary" only if it is at sub-cost levels that Section 2 condemns as predatory. Borden's intent to compete in defense of its market share was to be expected, and, not surprisingly, was clearly shown by its marketing plans. In *du Pont*, however, (96 F.T.C. at 727) the Commission held that efforts to win every sale are not enough to evidence an intent to exclude in the sense condemned by *Griffith, American Tobacco Co.* and *Grinnell*. The line between "intent to exclude" and "intent to acquire market share" is too attenuated to be reliably drawn solely from documentary evidence of management's state-of-mind. Executives on the front line of the competitive struggle are notoriously prone to overzealous hyperbole, and "[a]fter all, competition consists of winning business from rivals." *MCI Communication Corporation, et al.* v. *American Telephone and Telegraph Company*, 1982–83 Trade Cases ¶ 65, 137 (7th Cir. January 12, 1983), at 71,374. See also Posner, *Antitrust Law: An Economic Perspective*, 189–190 (1976); Areeda, *1982 Supplement to Antitrust Law*, ¶ 714.2c. The proof of Borden's intent reflects these uncertainties. Thus, as Commissioner Clanton and Pitofsky noted (92 F.T.C. at 814, 818), it is actual pricing behavior, rather than executive plans, that constitute the best evidence as to whether or not Borden had an intent to exclude. Judge Kennedy was correct, therefore when she observed: "Borden surely meant to obtain as much of the reconstituted lemon juice market as it could, but that is the very essence of normal competition, a goal that we approve even for a monopolist" (Pet. App 35a). As noted in the *du Pont* case, *supra*, this is a view now shared by the Commission.

D. Comparison With Rival's Costs

The court of appeals read the Commission's opinion as condemning price manipulation by a monopolist if such conduct forces its *competitors* to price below *their own* average variable cost. 674 F. 2d at 515–516. This interpretation cannot be squared with the competitive process protected by the Sherman Act. That statute protects price competition because it is "the central nervous system of the economy." *United States* v. *Socony-Vacuum Oil Co.*, 310 U.S. 150, 224 n. 59 (1940). In effect, the court of appeals rule would require dominant firms to raise a price umbrella over competitors by maintaining minimum prices set with reference to their competitors' costs rather than their own.

Such a rule would turn the competitive process upside down by requiring dominant firms to maintain prices at monopoly levels, and by

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[5] The Commission had relied upon Professor Scherer's observation that while an image advantage permitting the maintenance of a price premium is like a unit cost advantage, temporary price cutting that excludes "'producers handicapped only by an inferior brand image is socially undesirable.'" Scherer, *Predatory Pricing and the Sherman Act: A Comment*, 89 *Harv. L. Rev.* 869, 880 (1976). Professor Scherer's disapproval of image advantage exclusionary pricing, however, did not rest on economic factors. He observed in a sentence omitted from the passage quoted by the Commission that "[a]ssessing the social efficacy of such cases calls for strong non-economic value judgments." *Id.* The Commission agrees with Judge Kennedy's dissent in the court of appeals (674 F. 2d at 519, n.2) that social values unrelated to the protecting of competition are not a concern of tribunals acting under the Sherman Act.

[6] The Commission did not, in finding liability, invoke the Robinson-Patman Act or the reasoning of *Utah Pie Co.* v. *Continental Baking Co.*, 386 U.S. 685 (1967).

depriving consumers of the benefits of price competition. Price competition induces firms to maximize their profits by achieving cost efficiencies in production, marketing (including advertising), and distribution. Lower costs enable them to price at levels which will capture market share from their rivals. If firms must price with reference to their rivals' costs, the entire mechanism by which competitive pricing produces cost efficiency is destroyed. The reasons are explained in Commissioner Pitofsky's concurring opinion (92 F.T.C. at 821):

> A rule that prevents a monopolist from cutting price in response to new or augmented competition requires the monopolist to wait passively as small, perhaps less efficient arrivals take business away. During this time, consumers who continue to buy from the monopolist are paying higher prices because the law prevents the monopolist from pursuing its own best business interest by instituting price reductions that may be possible due to its efficiency. New entrants protected by a legally mandated umbrella price may themselves charge higher prices than would otherwise be the case—sufficiently below the monopolist price to take some of its business but sufficiently high to make supra-competitive profits themselves. Pursuing this scenario, the whole industry may become economically inefficient for the period of time the administered price umbrella is in effect. Finally, a legally mandated umbrella price generates extremely burdensome administrative problems in supervising the monopolist's prices policies.

The court of appeals' approval of umbrella pricing is directly attributable to the ambiguities in the Commission's opinion. The Commission expressly stated that "the ALJ did not find that 'ReaLemon' was sold below cost, nor do we * * *" (92 F.T.C. at 804).[7] On the other hand, the Commission also stated that "while it does not appear that ReaLemon was sold below average variable cost, at least not as a consistent course of conduct, it does appear that Borden sold below average total cost, when fixed costs are added in" (92 F.T.C. at 807). The Commission then indicated that to the extent Borden priced below average total cost, it violated the rule against this practice proposed by Professor Posner [8] (92 F.T.C. at 804, 805). But it never expressly adopted this rule as a basis of decision. As the court of appeals correctly observed (678 F. 2d at 515), the Commission made no choice between average variable and average total cost rules. Instead, it based its decision on a determination that "in any event, the effect of Borden's spurious product differentiation, making it necessary for competitors to sell considerably below ReaLemon, created a circumstance where even prices above marginal cost could, as the record indicates (I.D. 194–200), be predatory in the sense that even equally efficient competitors could be driven from the market." 92 F.T.C. at 805. Thus, the Commission's holding did not at all rest on a pricing standard based on the seller's costs, but instead, on the costs of the seller's competitors. The Commission's holding invited the umbrella pricing rule, based on "manipulation" of Borden's premium price, that was adopted by the court of appeals. 674 F. 2d 515–516.

In a subsequent decision, another panel of the Sixth Circuit, distinguishing the Borden case, has stated that "Borden was found to be predatorially pricing by setting its prices below average total cost." *Richter Concrete Corp. et al.* v. *Hilltop Concrete Corp., et al.*, 1982–83 Trade Cas. ¶ 65,003, at 70,591, n.6 (1982). The *Richter* panel, however, was of the view that mere proof of pricing below average total cost is insufficient to support an inference of predatory pricing. Instead, it read the *Borden* decision as condemning Borden's below cost pricing because of presence of other factors as well: Borden's geographic price discrimination; its 90% market share; the high entry barrier due to consumer preference to ReaLemon; and Borden's subjective intent to eliminate competition. *Id.* As we have shown above, however, the Commission's discussion of these additional factors, either jointly or severally, did not necessarily establish a predatory intent to foreclose competition within the meaning of Section 2. Thus, insofar as the court's affirmance of the Commission's decision might be read as resting upon Borden's pricing below average total cost, the Commission's prior opinion failed to set forth a reasoned explanation of why such pricing is improper.[9]

E. Conclusion

The proper standard for determining predatory pricing continues to be a subject of debate among economists and in the courts. See J. Brodley & G. Hay, *Predatory Pricing: Competing Economic Theories in the Evolution of Legal Standards*, 66 Cornell L. Rev. 738, 740 (1981). The courts that have considered the matter have looked to some measure of marginal or incremental costs because "when a price floor is set substantially *above* marginal or incremental costs, a price umbrella is created which allows less efficient rivals to remain in the market sheltered from full price competition." *MCI Communications Corp.* v. *American Telephone & Telegraph Co., supra*, at 71,378 *(emphasis in original)*. *Accord, Northeastern Telephone Co.* v. *AT&T*, 651 F. 2d 76, 87–90. Most courts have used average variable costs as a factor against which to test an alleged predator's pricing levels, but almost always have expressed a willingness to consider other factors. *MCI Communications Corp., supra*, at 71,379–71,382. See *e.g., Chillicothe Sand & Gravel Co.* v. *Martin Marietta Corp.*, 615 F. 2d 427 (7th Cir. 1980). Some movement away from emphasis on short-run marginal costs has now appeared in the decisions. E.g., *MCI Communications Inc.* v. *American Telephone & Telegraph Co., supra; William Inglis & Sons Baking Co.* v. *ITT Continental Baking Co.*, 668 F. 2d 1014 (9th Cir. 1981), *cert. denied*, 103 S. Ct. 58 (1982). See Note, *Predatory Pricing: The Retreat from the AVC rule and the Search for a Practical Alternative*, 22 *B. C. L. Rev.* 467 (1981). Because all incremental costs vary in the long run, the debate has increasingly focused on what costs are to be attributed to a particular operation, and over what period of time. There has been a deep concern for the goal of developing practically administrable standards that can be used by courts, counsel and businessmen. See *Areeda, 1982 Supplement to Antitrust Law*, ¶¶710'–721'.

For the reasons given above, the Commission's discussion of these issues in its earlier opinion has not clarified them; nor has it articulated reasons consistent with sound antitrust policy for finding Borden liable for monopolization under Section 2 of the Sherman Act. The Commission therefore believes that the public interest would not be served by defending its earlier opinion in the Supreme Court. Instead, the Commission has provisionally agreed to a settlement of the litigation, and proposes to modify the order to prohibit Borden from pricing its ReaLemon product below its variable costs in any sales district. "Variable costs" are defined as all costs which Borden could have chosen not to incur

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[7] The Commission apparently was referring to the absence of pricing below average variable cost. It agreed with the ALJ's findings in this respect (92 F.T.C. 753–754, and 800).

[8] R. Posner, Antitrust Law: An Economic Perspective 188–193 (1976).

[9] We note also that the Sixth Circuit's subsequent explanation of *Borden* in *Richter* appears to be more consistent with Commissioner Pitofsky's concurring opinion, than with the Commission's ruling. The Commission expressed no agreement with Commissioner Pitofsky's proposal that the average total cost test be adopted as the rule of decision in this case. His concurrence was apparently necessary because the majority was not adopting such a test.

during the relevant time period. The relevant time period will consist of all consecutive fiscal quarters in which Borden's prices failed to cover its total costs, and thus will vary with the duration of any challenged price reduction.

The Commission is not here deciding that the standard imposed by this order is necessarily the appropriate standard in all instances for finding a violation of the antitrust laws as an initial matter.[10] Nor are we deciding that this order is necessarily the exclusive model for the relief to be granted in future predatory pricing cases. The proposed order reflects the particular circumstances of this case, including the fact of a Commission decision based on grounds which can no longer be defended, and the difficulty of re-opening this now stale record or re-litigating the case under a more appropriate standard of liability. The Commission believes that this order represents an appropriate settlement of the pending litigation.

Benjamin I. Berman,

Acting Secretary.

Separate Statement of Commissioner David A. Clanton

While I join in the Commission's decision today, I feel compelled to correct some misimpressions about that decision that could be created by the separate statements of my fellow Commissioners. Focusing on the fact that the proposed settlement only prohibits Borden from pricing below variable costs, Commissioner Bailey, for example, states that the Commission is now endorsing this standard as the appropriate one for judging antitrust liability as an initial matter.

Clearly, that is not what the Commission has decided. In fact, I share many of Commissioner Bailey's concerns about adopting such a standard as the sole test of antitrust liability,* as would (I believe) my fellow Commissioners in the majority. This is why the Commission did not make such a decision, and why the final paragraph of the Commission's Statement explicity disclaims any such decision. Similarly, as that paragraph also makes abundantly clear, we are not deciding that the proposed settlement represents the appropriate remedial order to enter in every case where antitrust liability has already been found. While some in the private sector may wish to ignore those disclaimers, and persist in the belief that the Commission nevertheless has made such a decision, I can at least point out that they do so at their own peril.

The reason the Commission is provisionally accepting the proposed settlement has to do with the alternatives available at this stage of the litigation. One option, asking that the case be remanded to the Commission, is impractical due to the staleness of the record and the difficulties and expense of a new trail. Another option, defending the Commission's original decision before the Supreme Court, would also require us to defend the Commission's original order. That order prohibited Borden from pricing "below cost" without even attempting to define which costs were included in the relevant standard—and, if that were not enough, added a similarly undefined prohibition against charging "unreasonably low prices." ** The third option, of course, is to accept the proposed settlement.

Thus, the comments that will be most useful to the Commission will be those that compare the proposed order with the possible alternatives, and make a recommendation on that basis. To assist in those comments, I have attached the order currently pending in this case as an appendix to this statement.

Current Order (92 F.T.C. at 832–33)

It is ordered, that Borden, Inc., and its successors and assigns, officers, agents, representatives and employees, directly or indirectly, or through any corporation, subsidiary, affiliate, division or other device, in connection with the production, marketing and sale of processed lemon juice in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Granting price reductions, directly or indirectly, which result in different net prices among Borden's ReaLemon customers, whether or not such customers compete in the same geographic area, which differences in price are not attributable to differing costs of manufacture, sale or delivery, and the effect of which is to hinder, restrain or eliminate competition between respondent Borden and its competitors in the production, marketing and sale of processed lemon juice;

(2) Selling ReaLemon lemon juice below its cost or at reasonably low prices, the effect of which is to hinder, restrain or eliminate competition between respondent Borden and its competitors in the production, marketing and sale of processed lemon juice;

(3) Granting promotional allowances or payments of any kind for customers' promotional services, the effect of which is to hinder, restrain or eliminate competition between respondent Borden and its competitors in the production, marketing and sale of processed lemon juice.

It is further ordered, that Borden, Inc., shall within sixty (60) days from the date this order becomes final, and every year thereafter for a period of ten (10) years, submit a detailed written report of its actions, plans and progress in complying with the provisions of this order, and fulfilling its objectives.

Dissenting Statement of Commissioner Pertschuk Concerning Proposed Order Modification in Borden, Inc., Docket No. 8978

February 25, 1983.

A majority of the Commission has voted to take the extraordinary step of weakening an order on the Commission's own initiative, after the order has been upheld by the court of appeals. The agreement adopted by the majority is a retreat to an order standard that is extremely lenient in allowing future predation by a monopolist, unduly ambiguous, and at odds with sound reasoning in recent court opinions. Moreover in order to implement this agreement, the Commission in essence is asking the Supreme Court—highly improperly in my view—to take cases that have long passed from an agency's jurisdiction and return them so that a new administration can re-decide them to apply its prevailing philosophy retroactively as well as prospectively. I cannot support, for proponents of any view, this approach to the administration of justice.

The majority seeks to modify the current *Borden* order in four principal ways: (1) changing the prohibition on below cost pricing to prohibit only pricing below "variable costs"; (2) dropping any prohibition of discriminatory pricing by geographic area; (3) dropping the provision on anticompetitive promotional allowances; and (4) including a 7 year sunset provision. What's left of the Commission's order is a cryptic provision prohibiting pricing below "variable costs," plus a novel definition of variable costs as those costs which are "avoidable, consistent with prudent business practices." This rubric actually changes the conventional concept of variable costs altogether and opens the door for Borden to construe it as narrowly as possible.

Before I discuss the legal and economic shortcomings as well as the administrative problems in the order, it is worthwhile to describe the steps which led to this "settlement." The Commission's order in *Borden* was affirmed by the court of appeals in early 1982. Borden petitioned for certiorari to the Supreme Court in August 1982, and the Commission's response was due to the Court in 30 days. Rather than oppose the petition as would have been the normal case, the Justice Department, on the Commission's behalf, asked for a series of extensions to accommodate "Settlement" discussions. During this period of negotiations, the draft orders exchanged between our staff and Borden grew steadily weaker (weaker than Borden originally proposed in fact) until the final agreement was reached. We have received no staff analysis of or recommendations on the legal and economic issues in the case, though the Bureau of Competition has forwarded a narrowly focused analysis of compliance problems in interpreting and enforcing the agreement. During this period, the makeup of the Commission changed so as to produce

[10] The order therefore should not be read as approving all future pricing activity by Borden which does not violate the order, or as attempting to immunize such pricing from any future antitrust challenge. The fact that certain conduct has not been prohibited by a particular Commission order does not mean that that conduct could not still violate the general prohibitions of the antitrust laws.

* See my concurring opinion in the original Borden decision, 92 F.T.C. at 813.

** To avoid creating the same misimpression I objected to earlier, I should point out that Commissioners Pertschuk's and Bailey's perference for defending the original order does *not* mean that they endorse the terms of that order as the appropriate standard for determining antitrust liability as an initial matter, or even as the appropriate model for relief in future predation cases where liability is found. The same understanding should be brought to the Commission's acceptance of the terms of the proposed settlement.

majority support for this agreement. In short, this settlement was not the result of a compromise to avoid further litigation, producing a compromise applicable only to this case, but a decision to change the order on policy grounds.

The *Borden* case presents a good example of why there is a rule against predatory pricing. The record in the case showed Borden was a monopolist with a 90% market share. While one brand of reconstituted lemon juice is for all practical purposes, virtually identical with any other, the ReaLemon trademark, which Borden promoted heavily, constituted a long-standing barrier to entry. Borden's rivals and retailers alike recognized that as a result of this advantage, Borden was able to charge up to 30% more than equally efficient competitors and remain competitive. Borden priced differently in different geographic areas. It charged monopoly prices in areas where it faced no real market challenge and used selective price cuts to discipline or threaten competition in areas where it did face a competitive threat. Borden's internal documents reflected an intention to price selectively so as to eliminate its major rival in many areas—Golden Crown. This combination of factors makes a particularly strong case for concluding that Borden had crossed over the line from healthy aggressive pricing to anticompetitive predation likely to maintain the concentrated lemon juice market as the province of an almost total monopolist.

In articulating the standard of liability, the Commission quite properly did not focus solely on a comparison of prices and costs but considered other factors, including Borden's monopolist position, the difficulty of entry caused by its brand name advantage, the pattern of geographic price discrimination, and Borden's predatory intent. The Commission also clearly found that Borden had sold below average total costs. (92 F.T.C. at 807) Although the Commission was not unanimous in stating a standard for liability, it was unanimous in concluding Borden had engaged in predatory pricing. I do not believe many courts would quarrel with the essential holding that pricing at or near average variable costs by a monopolist, in a market with significant barriers to entry, and coupled with geographic price discrimination and predatory intent constitutes a violation of both Section 2 of the Sherman Act and Section 5 of the FTC Act. As the majority points out, it is true that the Commission did not establish any single cost-based standard for predation. But doing so would have been exceedingly difficult given the lack of legal or economic consensus in this area; it also would have been unnecessary, given that the evidence showed Borden violated even a very conservative standard of predation.

I would not defend each and every sentence in the Commission's 1978 opinion. If it were to be written today, with the benefit of further thinking and caselaw on predation, I would advocate that some passages be written differently. (I would venture, however, that this is the case for almost all opinions and all Commissioners. The conventional route for refining past opinions is to restate the principles in the next one.) While I concede that the court of appeals opinion reviewing the case went too far in claiming that the Commission's standard was based on *competitors'* costs (674 F. 2d at 515–516), the court clarified its holding in a subsequent opinion.[11]

The Commission's statement also criticizes the opinion in *Borden* by suggesting that the opinion condemned product differentiation through advertising as "something pernicious in and of itself." (Majority statement at 5) I do not think that is a fair statement of the Commission's position in *Borden*. Advertising was significant in *Borden* because it created a barrier to entry, a view that has been supported by the courts.[12] Any language in the opinion which may suggest otherwise is not my view or, to the best of my knowledge, the view of the Commissioners who joined the opinion. While the advertising may have had some positive effects as well, its antitrust significance here is that by serving to erect a barrier to market entry by firms producing an indistinguishable product by equally efficient methods, it fostered a situation in which unassisted market forces could not readily redress any attempts by Borden to exploit its monopoly power. And, the record in this case is clear that Borden did engage, successfully, in such efforts.

There is not yet a consensus about the proper standard for predation, but one point is clear: The reasoned opinions point away from the narrow, virtually impossible to meet average variable cost standard initially proposed by Professors Areeda and Turner in 1975. As Professors Brodley and Hay have pointed out, this standard, while appearing to offer a simple formulation consistent with economically efficient resource allocation, has the distinct disadvantage (for small firms trying to break into a market) that "it holds dominant firm pricing per se legal."[13] Consequently, virtually every recent appellate decision has declined to adopt a strict average variable cost rule for all situations.[14] While the Areeda-Turner rule is overly lenient as a standard for predation, the agreement adopted by the majority of the Commission, though using some terminology borrowed from Areeda-Turner, sets out an even more permissive standard—one that would mean a violation in this or any other industry would rarely occur and even more rarely could be proven.

In understanding the Commission's standard, it is important to note that, though the term "variable costs" is used, the standard is far from the standard conception of the term. The revised order actually prohibits *total* variable costs from exceeding total revenues in a single quarter in a single sales district. This is a very different idea from prohibiting pricing of products below the *average* variable cost per unit (a surrogate for marginal cost), and it leads to easy avoidance of the standard. For example, in a single sales district (there are 22 in the country) Borden could price very low in some cities, far below average variable costs, while compensating by selling at monopoly prices elsewhere in the district. Second, Borden could sell products from a very profitable area at selectively low prices into a district where a new entrant was trying to break in. The lower prices for these sales would reduce revenue for the district but not enough to violate the standard. In short, the idea seems to be that a potential predator must obey the law on *average*, rather than in particular situations. This novel approach is analogous to a speeder pleading with the highway

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[11] The Sixth Circuit characterized its Borden holding in Richter Concrete Corp. v. Hilltop Concrete Corp., 1982–83 Trade Cas. ¶65,003 (1982). "Borden was found to be predatorially pricing by setting its prices below average total cost." *Id.* at 70,591, n.6.

[12] Berkey Photo, Inc. v. Eastman Kodak Co., 603 F.2d. 263, 287 (2d Cir. 1979), *cert. denied*, 444 U.S. 1093 (1980).

[13] J. Brodley and G. Hay, "Predatory Pricing: Competing Economic Theories and the Evolution of Legal Standards," 66 Cornell L. Rev. 738, 793 (1981). As Brodley and Hay point out, the Areeda-Turner rule led to several difficulties. First, cost determination proved to be exceedingly complex in adjudication. Second, some adjustments had to be made in using the average variable cost as a surrogate for marginal cost to remain consistent with the economic theory of the rule itself. Third, several writers have rejected the Areeda-Turner rule even on efficiency grounds. Finally, the rule made it extremely difficult for plaintiffs to prove a violation. *Id.* at 788. Professor Williamson has called the rule "a defendant's paradise." Predatory Pricing: A Strategic and Welfare Analysis," 87 Yale L.J. 284, 305 (1977). For an excellent review of trends in predation law, *see* J. Hurwitz and W. Kovacic, "Judicial Analysis of Predation: The Emerging Trends," 35 Vanderbilt L. Rev. 63 (January 1982).

[14] The Ninth Circuit has recently stated in some instances pricing above average total costs could be predatory. Transamerica Computer Co., Inc. v. I.B.M. Corp., [1983] TRADE REG. REP. (CCH) ¶65,218 (9th Cir.). In Northeastern Tel. Co. v. Am. Tel. & Tel. Co., 651 F. 2d 767, 788 (2d Cir. 1981), the Second Circuit said "the relationship between a firms prices and its marginal costs provides the best single determinant of predatory pricing" but applied this presumption only to a "run of the mill case." The Fifth Circuit in International Air Ind., Inc. V. American Excelsior Co., 517 F. 2d 714, 724 (1978), required a showing of below average variable cost pricing or pricing below the short-run profit maximizing price when barriers to entry make such predation worthwhile. The Seventh Circuit in Chillicothe Sand & Gravel v. Martin Marietta Corp., 615 F. 2d 427, 432 (1980), viewed average variable cost as a useful factor but expressly indicated willingness to "consider the presence of other factors." The Eighth Circuit in Superturf, Inc. V. Monsanto Co., 660 F. 2d 1275, 1281 (1981), expressly noted that a monopolist who prices above average variable cost "may still be held to have engaged in a predatory act." The Ninth Circuit in Cal. Computer Products v. Intern. Business Machines, 613 F. 2d 727, 743 (1979), noted "that refinement of the marginal or average variable cost test will be necessary as future cases arise," and expressly declined to "foreclose the possibility that a monopolist who reduces prices to some point above marginal or average variable cost might still be held to have engaged in a predatory act because of other aspects of its conduct." The Tenth Circuit in Pac. Eng. & Prod. Co. of Nev. v. Kerr-McGee Corp., 551 F. 2d 790, 797, cert. denied, 434 U.S. 879 (1977), found average variable costs to be "extremely beneficial," but nevertheless refused to base its test for predation solely on cost, and indicated it would look to other factors as well.

patrolman that he has driven under 55 on average—an argument no doubt herefelt by the speeder but rarely recognized by the law.

The second difference between the Commission's "variable cost" idea and the conventional notion of variable costs is that "variable" in the agreement actually means "avoidable" by Borden and only then when avoiding expenses is consistent with "prudent business practice." What this will come to mean in real life is subject to much speculation, but one thing seems certain: much of Borden's advertising and labor expenses—costs Areeda and Turner have presumptively included in variable costs—will be excluded in Borden's own calculations on the grounds that it was "imprudent" to cancel them. Indeed, it would be hard for this Commission, or any other "outsider" to disagree with Borden's own experts and executives about what is prudent and avoidable for Borden.

I will not discuss in detail other substantive and administrative problems with the order, with one exception—the seven year sunset provision. The original *Borden* order, as is typically the case, was not limited in duration. Our rules provide that respondents may petition to modify orders based on changed conditions, but a ban on predatory practices or any other practice found to violate Section 5 has traditionally been permanent. One irony of the sunset is that because of the leniency of the Commission's order—much more permissive than the current state of the law—Borden is "subjected" to a less stringent standard than binds other monopolists until the sunset provision expires. If the Commission tries to sue Borden on the basis of *another* standard (as the Commission's statement suggests in fn. 10) Borden will no doubt argue that it was conforming to the Commission's order, that the Commission never would incorporate in any order a conduct standard lower than the recognized threshold of legality, and any transgression of any more restrictive standard was done in good faith. Under these circumstances, I am surprised Borden did not hold out for a permanent order.

The Commission now asks the Supreme Court to grant an extension for public comment on this agreement. While I surely support the opportunity for the public to comment, I respectfully believe that the Court should deny the Commission's request. A majority of the Commission is willing to circumvent the lengthy litigation in this matter in order to substitute a legal and policy approach held by the current administration. While I respect the right of the majority to decide the next opinion and to submit its views on that opinion to a court of appeals, I sincerely hope that the Court will not countenance what is in effect a dismissal of this matter by granting the Commission's request. Regardless of the legal merits, I consider it unseemly for this Commission to ask the Supreme Court to help it dismiss a case and vacate existing opinions in the matter five years after the case has left the Commission's jurisdiction, simply to accommodate the views of the administration in power. If accepted, this request threatens to set an unwise precedent for all agencies which, having undergone a change of philosophy and administration want to undo the efforts of past administrations in matters that, without the Supreme Court's aid, are no longer within its grasp.

The majority is doing much more by accepting this agreement than quibbling about language in the Commission's or Court of Appeals' opinions. It is trying to point predation law in a different direction—toward a solely cost-based standard that will be infrequently violated in real life and even less frequently proved. While it may appeal to some as embodying the height of economic rationality, as a practical matter, the standard in this order would take the Commission out of the business of policing predation.

Dissenting Statement of Commissioner Patricia P. Bailey on Proposed Order in Borden Inc., Docket 9278

I cannot agree with many of the policy pronouncements in the majority's statement, and I have only slight hope that the public comment period will resolve my concerns about the wisdom and efficacy of this consent.

Were I deciding *Borden* today, I might well write a different opinion from the one of four years ago (in which I was not a participant), because of both my own views and the evolving state of the law. However, the 1978 opinion is by no means susceptible of the majority's criticism that it embraces a "standard of conduct [which is] inconsistent with the purposes of Section 2 of the Sherman Act and Section 5 of the Federal Trade Commission Act." (Majority Statement, p. 3). On the contrary, *Borden*, whatever its arguable deficiencies, is within the mainstream of judicial and academic opinion which looks at a variety of factors, in addition to "below cost" pricing, to evaluate predatory intent and dangerous probability of success.

The evil of *Borden*, it seems, is that the case "does not set forth a satisfactory cost-based standard for predation." (*Id.*) Judging from this language and the proposed consent, the majority feels that a variable cost standard, and only a variable cost standard, should determine liability on a predation theory. This flies in the face of every [15] recent circuit court decision on predatory pricing and the Commission's own recent examination of dominant firm behavior.

Since 1975 there has been "a virtual explosion in the legal and economic literature dealing with predatory pricing." J. Brodley & G. Hay, *Predatory Pricing: Competing Economic Theories and the Evolution of Legal Standards*, 66 Cornell L. Rev. 738, 740 (1981) At least nine different economic theories for detecting predation have been advanced,[16] and the courts have been both selective and idiomatic in applying these tests.[17] However, the circuits are united in refusal to find that prices above average variable cost but below average total cost are conclusively lawful regardless of market conditions.[18] Rather, each case has indicated that pricing above average variable cost but below average total cost may be unlawful if other factors demonstrate predatory intent and injury to competition. Among the factors which have been mentioned are (1) market conditions which would thwart or aid monopolization, notably the height of entry barriers: *William Inglis & Sons v. ITT Continental Baking Co.*, *supra* at 933; *Northeastern Tel. Co. v. AT&T Co.*, 651 F. 2d 76, 88–89 (2d Cir. 1981), *cert. denied*, 102 S. Ct. 1438 (1982); *International Air Industries, Inc.*,

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[15] The majority opinion in MCI Communications Corp. v. American Tel. & Tel. Co., 1982–83 Trade Cas. ¶65,127 (7th Cir. 1983) comes close to placing definitive reliance on a cost standard; however the standard referred to, long-run incremental cost, is considerably more inclusive than a variable cost standard, and particularly the variable cost standard proposed by the majority of this Commission.

[16] The seminal discussion recommended a short-run marginal cost pricing rule using average variable cost as a practical surrogate for marginal cost. P. Areeda & D. Turner, Predatory Pricing and Related Practices of Section 2 Under the Sherman Act, 88 Harv. L. Rev. 697 (1975). This proposal was challenged for disregarding the risk that a dominant firm can successfully pursue a strategy of sacrificing short-term profit for long-term benefits in order to exclude actual or threatened competition. F. Scherer, Predatory Pricing and the Sherman Act: A Comment, 89 Harv. L. Rev. 869 (1976) (offering an economic model for testing cost based rules and suggesting a broad rule-of reason approach). Other commentators proposed long-run pricing rules that emphasized different cost factors. R. Posner, Antitrust Law: An Economic Perspective, 194–196 (1976) (presumptively condemning sales below average total cost with intent to exclude a competitor); P. Joskow & A. Klevorick, A Framework for Analyzing Predatory Pricing Policy, 89 Yale L.J. 213 (1979) (proposing a two-tier test: only if monopolistic conditions exist in the market may pricing below the average variable cost be conclusively illegal, or pricing below average total cost be presumptively illegal under specified conditions). Other economists recommend approaches focusing on output changes or the timing of price cuts. O. Williamson, Predatory Pricing, a Strategic and Welfare Analysis, 87 Yale L.J. 284 (1977) (barring dominant firms from expanding output or selling below full cost to forestall entry); W. Baumol, Quasi-Permanence of Price Reductions: A Policy of Prevention of Predatory Pricing, 89 Yale L.J. 1 (1979) (barring price increases by a dominant firm for a specified period after its price cuts drive competitors from the market). Although not proposing a specific legal standard, two commentators have drawn attention to the prerequisites for successful entry-deterrance conduct. Salop, Strategic Entry Deterrance, 69 Am. Econ. Rev. 335 (1979); Spence, Entry, Capacity, Investment and Oligopolistic Pricing, 8 Bell J. Econ. 534 (1977). And finally, in fairness, I should note that at least one commentator has argued that there should be no standard at all, since no problem exists. R. Bork, The Antitrust Paradox 154 (1978).

[17] J. Hurwitz & W. Kovacic, Judicial Analysis of Predation: the Emerging Trends, 35 Vanderbilt L. Rev. 63 (1982).

[18] Most circuit courts have indicated that prices above average total cost are presumptively, if not *per se*, legal. *See, e.g.*, Chillicothe Sand & Gravel Co. v. Martin Marietta Corp., 615 F. 2d 427 (7th Cir. 1980); International Air Indus., Inc., v. American Excelsior Co., 517 F. 2d 714, 723 (5th Cir. 1975), *cert. denied*, 424 U.S. 943 (1976). *But see* Transamerica Computer Co., Inc. v. I.B.M. Corp., 1982-Trade Reg. Rep. (CCH) ¶65,218 (9th Cir.), holding that prices above average total cost are not presumptively legal. The circuits treat prices below average variable cost as presumptively illegal. *See, e.g.*, William Inglis & Sons Baking Co. v. ITT Continental Baking Co., 652 F. 2d 917, 930–940 (9th Cir. 1981), *cert. denied*, 51–2383, Oct. 4, 1982.

supra, 517 F. 2d at 724; (2) independent proof of predatory intent: *SuperTurf Inc. v. Monsanto Co.*, 660 F. 2d 1275 (8th Cir. 1981); *O. Hommel Co. v. Ferro Corp.*, 659 F. 2d 340, 348–50 (3rd Cir. 1981), *cert. denied*, 102 S. Ct. 1711 (1982); *William Inglis & Sons Baking Co., supra* at 942–43; *Chillicothe Sand & Gravel Co., supra* at 433; (3) overall market capacity: *Pacific Engineering & Production Co. v. Kerr-McGee Corp.*, 551 F. 2d 790, 796–97 (10th Cir.), *cert. denied*, 434 U.S. 879 (1977); *William Inglis & Sons Baking Co. v. ITT Continental Baking Co.*, 461 F. Supp. 410, 418–419 (N.D. Cal. 1978), *aff'd in part and rev'd in part*, 652 F. 2d 917 (9th Cir. 1981). In addition, it is of course an antitrust truism that a firm with monopoly power may not be permitted the same latitude of conduct as its smaller rival. *U.S. v. Aluminum Company of America*, 148 F. 2d 416 (2d Cir. 1945); *United States v. United Shoe Machinery Corp.*, 110 F. Supp. 295 (D. Mass 1953). Courts have consistently acknowledged the need to protect equally efficient competitors from abuses of monopoly power.

The *Borden* opinion, as I read it, states that the record contains proof of (1) monopoly power; (2) anticompetitive intent, manifest in Borden documents which identify the threat Golden Crown posed to ReaLemon and present a calculated strategy for blocking Golden Crown at key entry points in order eventually to regain the pricing discretion of the pre-entry period; [19] (3) other conduct, which was arguably anticompetitive in the overall context, such as geographic price discrimination, local market saturation promotions, and high-impact regional advertising; (4) high barriers to entry in the form of ReaLemon's extraordinary brand image; (5) findings that Golden Crown lemon juice essentially matched ReaLemon in quality (thus indicating that the ReaLemon consumer franchise probably did not reflect current product superiority); and (6) findings that Golden Crown was as efficient as ReaLemon. With so many 'plus factors', particularly the evidence on noncompetitive market structure with vulnerable local competitors and direct evidence of predatory intent, surely the strictest possible cost standard is not required. The Commission did not, after all, find that Borden engaged in ephemeral price reductions, only slightly below its average total cost. Rather it found that Borden priced so far below ATC, for significant stretches of time, that it approached its average variable cost line—and crossed it if advertising expenses are counted as variable costs.[20] (see summary in Commissioner Pitofsky's concurring opinion, 92 FTC at 830–831).

The rule of reason approach in Borden—careful scrutiny of market structure, defendant's pricing levels and other conduct, available proof of intent and actual competitive consequences—is the approach I would bring to allegations of predation, and the one which I thought the Commission had reaffirmed in *E.I. DuPont de Nemours & Co.*, 96 F.T.C. 653, 745–46 (1980). I see no need to truncate predation analysis by attaching conclusive presumptions to comparisons of prices and costs. As Judge Wood has recently pointed out, economic and accounting evidence can be just as inexact and ambiguous as evidence of intent gleaned from documents and conduct. *MCI Communications Corp. v. American Tel. and Tel. Co.*, 1982–83 Trade Cas ¶ 65,137 (7th Cir., 1983) (dissent). The two weak components need each other.

I am also troubled by implications in the majority statement that geographic price discrimination is inherently procompetitive. This seems to me contrary to the letter and policy of the Robinson-Patman Act, which we should strive to reconcile with the other antitrust laws. While geographically selective price reductions can be a legitimate response to competition,[21] they can also be a highly effective monopolization strategy, as the Supreme Court has long recognized: If this method of competition were approved, the pattern for growth of monopoly would be simple. As long as the price warfare was strictly intrastate, interstate business could grow and expand with impunity at the expense of local merchants. The competitive advantage would then be with the interstate combines, not by reason of their skills or efficiency but because of their strength and ability to wage price wars. *Moore v. Mead's Fine Bread Co.*, 348 U.S. 115, 119 (1955).

See also U.S. v. Grinnell Corp., 284 U.S. 563, 570, 576 (1966). Many of the current commentators on the predation issue have focussed on the effectiveness of a multimarket strategy. *See, generally*, Salop, ed. *Strategy, Predation and Antitrust Analysis*, (1981); R. Posner, *Antitrust Law: An Economic Perspective*, 62–65, 176–80 (1976). Accordingly, I would not automatically approve geographic price discrimination, but would carefully examine it in light of other conduct to determine if other indicia of an attempt to lessen competition or monopolize are present.

If the majority are incorrect for their exclusive reliance on a cost standard as the determinant of liability, they are doubly incorrect in their choice of the cost standard on which they rely. Even courts which have placed the most reliance on a cost-based standard for predation have looked to *average* variable costs. This order looks only to total variable costs, assessed, moreover, in multi-state markets. These markets are defined, not by competitive realities, but by the boundaries of Borden's sales districts. Currently there are 22, but the order permits Borden to increase or decrease this number at will. As long as total revenues exceed total variable costs, Borden is absolved of wrongdoing. Many, if not most, predation cases have alleged a smallish target market—a city or county area.[22] Yet Borden is now free to confront rivals in such areas with an absolute giveaway program, so long as sales in the remaining parts of the sales district bring total revenues above total variable costs. I would like to hear from some producers of reconstituted lemon juice about their vulnerability to a less-than-sales-district sized price war.

Compounding this problem, the order appears to allow Borden to play a shell game when allocating costs to individual sales districts and time periods. Allocations can be made without prior FTC approval, and without any limitation as to frequency. The order says costs may be allocated according to "identifiable factors that make allocations to a particular sales district proper", but gives virtually no guidance[23] on the precise method of allocation. I would welcome comments for corporate accountants on the feasibility of using such flexibility to hide predatory pricing.

Finally, the order is defective in a practical sense: it appears that compliance monitoring and enforcement will require *de novo* investigations and trial. The essential problem is that the order does not define "variable cost" with any specificity. A cost will qualify as variable if it is "avoidable" consistent with "prudent business practice." I fear that in assessing avoidability, our staff would have to look at market definition and market power in order to know if Borden's actions were prudent under the circumstances. Moreover, on costs which traditionally are seen as variable (such as advertising or labor) it would seem that the burden of proof has shifted; on Borden's mere say-so, our staff now must show that each element of each category of cost was not avoidable, rather than Borden's showing why the characterization does not apply. Since Borden has the most control over the evidence on point, it will be an uphill struggle for our compliance staff.

To the extent that Borden can argue that certain costs, although traditionally considered marginal, nonetheless cannot be avoided consistent with prudent business practices, the standard by which Borden will be judged could be less than acutal marginal cost. It is ironic that Areeda and Turner instituted the search for a cost threshold from a desire to find an objective and workable standard for distinguishing between pricing above or below marginal cost, which they concluded is "the economically sound division between acceptable, competitive behavior and 'below-cost' predation". P. Areeda and D. Turner, *supra* at 716. Today the Commission abandons the quest for objectivity and manageability and endorses a test which rests so much on Borden's subjective conclusions that even the relationship to marginal cost is attenuated.

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[19] In other words, Borden's price reductions were not simply a response to lower priced competition. They reflected an internal strategy to give up short-term profits in order to eliminate competition and recoup thereafter—the textbook definition in predation. P. Areeda and D. Turner, *supra*, at 698.

[20] The proposed order allows Borden to claim many advertising costs as fixed. I disagree with this provision. I see no unique circumstances in this case or industry which would warrant deviation from the normal practice, endorsed by Areeda and Turner, of presuming that advertising costs are variable. P. Areeda & Turner, III Antitrust Law, 173 (1978).

[21] See discussion by Commissioner Pitofsky in his concurring opinion in *Borden*, 92 FTC at 820–822.

[22] Indeed, Borden's "Golden Crown Strategy" was aimed at specific metropolitan areas and geographic regions. 92 FTC at 727–728, 733–756.

[23] The exception is contained in provision A2, regarding certain costs of television advertising.

Lastly, I am not as sanguine at the majority about the chances of this consent being declared devoid of precedential significance. Most consents are indeed *sui generis*; but this one, accompanied by a lengthy statement full of sweeping statements on the "correct" application of predation theory, seems destined to play a continuing jurisprudential role. We may be able to erase it from our institutional memory (although I doubt that companies seeking equity and parity will allow us to do so uncontested), but we can hardly dictate its use in private actions.

One further aspect of this matter concerns me apart from the actual merits of the settlement or the majority's theories on predatory pricing. What we have here is not a standard settlement. What we have here is a proposal, couched in terms of a settlement, to repudiate the Court of Appeal's decision affirming the 1978-Commission's final decision in order to allow the 1983-Commission to redecide the case. The Supreme Court is being asked to facilitate this change in the Commission's decision, not by rendering a decision on the merits, but by performing the purely administrative function of returning the matter to the agency's jurisdiction so that the agency can change its mind. such an effort seriously distorts the proper relationship of a federal agency to the judiciary, and sets a highly visible precedent for any agency, any time it undergoes a change in administration or guiding principles, to petition the courts to reach backward in time to rewrite opinions long completed and to nullify independent judicial efforts long since expended.

The reality of the Commission's position is not that, since 1978, the law of predatory pricing has become clear; it has not. In any event the terms of the settlement do not conform to any previously expressed standards of law in the area. Rather, the composition of a federal agency has changed, and it now believes its view of predatory pricing is "better" than the one applied earlier.[24] Whether or not this is true, the Commission ought to be content to use its newer view of the law to guide its decision on current matters. By such a process, comment on older cases may be offered, new precedent issued, and the course of the law possibly shifted. To go beyond the bounds of this traditional power, however, is to disrupt the orderly process of jurisprudence—an expansionist view of this agency's role to which I do not subscribe. It is noteworthy, moreover, that this "better" view of the law had not surfaced at the Federal Trade Commission even as recently as February 1982, when, after briefing and argument by Commission attorneys, the Court of Appeals issued its affirmance of the 1978 FTC Opinion. Indeed, the Commission did not see fit to "educate" the Sixth Circuit about these new views even after it received the Court's "favorable" decision, and when that Court still could have modified its opinion or reheard the case *en banc*. Because the only purpose of the extention now requested is to permit the Commission to subsequently ask this Court to help it implement its agreement with Borden, I would urge that the request be denied.

[24] If it were at all clear (1) that the Commission applied the wrong legal standard to this case in 1978, or (2) that the Court of Appeals in 1982 repeated or added to the alleged error in its affirmance of the Commission, (3) or that a "correct" standard applicable to predatory pricing had emerged judicially, or (4) that the Commission itended to apply any such judicially endorsed standard—I might be more sympathetic to the majority's position.

Separate Statement of Commissioner George W. Douglas in the Matter of Borden, Inc., Docket No. 8978

I wholeheartedly concur with the majority statement in support of the revised order for the simple reason that it seeks to correct what has proven to be an egregiously bad order founded on a tortured economic treatment of advertising as an entry barrier, an erroneous concept of geographic price discrimination, and an undefined cost-based standard for predation. Indeed, of all the issues explored in the minority comments and in the majority's statement, the one point that stands clear is that none of the five Commissioners is satisfied with the original decision and order in the case.

First, in the Commission's original, 1978 order, Borden was prohibited from pricing its ReaLemon brand of reconstituted lemon juice "below its costs" or at "unreasonably low prices" (92 FTC 669 at 833). The language used was so vague and undefined ("costs" were not defined at all) that upon appeal the Sixth Circuit Court was able to read into the order a prohibition against Borden from pricing its product at any level that would cause its competitors to price below *their* average variable costs (674 F. 2d 496, at 515–516).

Clearly, forcing Borden to erect a price umbrella over its competitors' heads in effect turns the economic theory of competitive markets on its head, to the extent that under the guise of promoting competition, the Commission would require market leaders to maintain prices above competitive levels so as to enable other firms successfully to market products perceived by consumers as inferior.

Second, I am not at all persuaded by Commissioner Bailey's and Pertschuk's concerns that the cost standard referenced in the modified order is either vague or unenforceable; rather, in comparison with the original order, it is a model of clarity, setting forth with as much direction as possible a cost based standard that comports with traditional economic concepts.

Third, I dispute Commissioner Pertschuk's claim that the revised order is "at odds with sound reasoning in recent court opinions." To the contrary, the revised order is well-attuned to the prevailing tendency of courts to employ more clearly delineated cost-based tests—especially variable cost standards—in evaluating pricing conduct. Indeed, to cling to the language and reasoning of the Commission's original order would confound sound economic principles, and would ignore the basic direction of judicial analysis over the past eight years. In my judgment the Federal Trade Commission should enforce the antitrust laws with the *best* economic evidence and insight available, whether found in court opinions or elsewhere. In this instance the Commission modifies an order which has become, through its own mistaken rationale, through its vagueness, and through its interpretation by the Sixth Circuit, paradoxically anticompetitive in itself.

[FR Doc. 83-5468 Filed 3-1-83; 10:21 am]
BILLING CODE 6750-01-M

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16 CFR Part 429

Regulatory Flexibility Act for Review of Trade Regulation Rule on Cooling-Off Period for Door-to-Door Sales

AGENCY: Federal Trade Commission.

ACTION: Proposed rule, request for comments.

SUMMARY: The Federal Trade Commission (FTC), in accordance with the Regulatory Flexibility Act and publication of a Plan for Periodic Review of Commission Rules, 46 FR 35118 (1981), is soliciting comments and data on whether the Rule on Cooling-Off Period for Door-to-Door Sales has had a significant economic impact on substantial number of small entities and if it has, whether the Rule should be amended to minimize any significant economic impact on small entities. Another Notice is being published simultaneously soliciting comments on two studies relating to the effects of the Rule on industry and consumers.

DATE: All comments and data should be received by the Commission no later that April 4, 1983.

ADDRESS: Comments should be sent to Secretary, Federal Trade Commission, Washington, D.C. 20580. Comments should be identified as "RFA" comments.

FOR FURTHER INFORMATION CONTACT: Lewis Franke, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, Phone 202–376–2891.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 et seq. (RFA) requires that the FTC conduct periodic review of the Rules which have or will have a significant economic impact upon a substantial number of small entities.

The Rule on a Cooling-Off Period for Door-to-Door Sales makes it an unfair or deceptive act or practice for sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business to fail to furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days from the date of the transaction

and to give the buyer a full refund of any downpayment upon the buyer's cancellation.

The Rule requires a seller to furnish the buyer with a completed receipt or copy of a contract pertaining to the sale with a summary notice informing the buyer of the right to cancel the transaction. The Rule also requires the seller to furnish the buyer with a completed Notice of Cancellation in duplicate to be attached to the contract or receipt and which is easily detachable. The Rule was promulgated October 26, 1972, 37 FR 22933 (1972). This Rule is being reviewed by the FTC in accordance with the periodic review requirement of RFA.

The purpose of the statutory periodic review is limited to determining whether the Rule should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the Rule upon a substantial number of such small entities.

In order to conduct the periodic review of this Rule pursuant to RFA the FTC poses the following questions for public comment. The Commission requests that the factual data (e.g., economic and accounting information, statistical analysis, surveys, studies, etc.) upon which submitted comments are based be included with the comments.

(1) Has the Rule had a significant economic impact (costs and/or benefits) on a substantial number of small entities? Please describe the details of any such significant negative and/or positive economic impact.

(2) Is there a continued need for the Rule?

(3)(a) What burdens, if any, does complicance with the Rule place on small entities?

(b) To what extent are these burdens ones which small entities would also experience under a voluntary policy of giving consumers the right to cancel within a specified time?

(4) What changes, if any, should be made to the Rule which would minimize the economic impact on small entities?

(5) To what extent does the Rule overlap, duplicate or conflict with other other Federal and with state and local governmental rules?

(6) Have technology, economic conditions or other factors changed in the area affected by the Rule since its promulgation in 1972 and, if so, what effect do these changes have on the Rule or those covered by it?

List of Subjects in 16 CFR Part 429

Trade practices.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 83-5573 Filed 3-2-83; 8:45 am]

BILLING CODE 6750-01M

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16 CFR Part 429

Review of Certain Studies on Trade Regulations Rule on Cooling-Off Period for Door-to-Door Sales

AGENCY: Federal Trade Commission.

ACTION: Request for comments on studies.

SUMMARY: The Federal Trade Commission (FTC) is soliciting comments on two studies of the effects of the Rule on industry and consumers that the FTC is releasing to the public. One study is entitled "An Impact Evaluation of the Cooling-Off Period for Door-to-Door Sales Trade Rule," conducted by Market Facts, Inc. The general purpose of this study was to evaluate nationwide consumer experiences when purchasing goods or services from door-to-door salespeople. The second study, by Walker Research, Inc., is entitled "Three Day Cooling-Off Period Trade Regulation Rule Evaluation Study," whose purpose was to collect data from industry relating to the costs and benefits of the Rule.

Pursuant to the Regulatory Flexibility Act, another Notice is being published simultaneously soliciting comments on the economic impact of the Rule on small business.

DATE: All comments and data should be received by the Commission no later than April 4, 1983.

ADDRESS: Comments should be sent to Secretary, Federal Trade Commission, Washington, D.C. 20580. Copies of both studies are available for distribution by the FTC Public Reference Branch Room 130. Comments relating to the studies should be marked "Study Comments."

FOR FURTHER INFORMATION CONTACT: Lewis Franke, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, Phone 202-376-2091.

SUPPLEMENTARY INFORMATION: Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46, empowers the Commission to make public from time to time information obtained by it as is in the public interest.

The Rule on a Cooling-Off Period for Door-to-Door Sales makes it an unfair or deceptive act or practice for sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business to fail to furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days from the date of the transaction and to give the buyer a full refund of any downpayment upon the buyer's cancellation.

The Rule requires a seller to furnish the buyer with a completed receipt or copy of a contract pertaining to the sale with a summary notice informing the buyer of the right to cancel the transaction. The Rule also requires the seller to furnish the buyer with a completed Notice of Cancellation in duplicate to be attached to the contract or receipt and which is easily detachable. The Rule was promulgated October 26, 1972, 37 FR 22933 (1972).

Some industry members have indicated an interest in modifying the Rule to permit the use of a one-contract form which incorporates all of the right to cancel disclosures and further may be used by the buyer for cancellation purposes. The Walker Research industry study indicates that the printing of cancellation forms is one of the increased costs caused by the Rule (See pages 33-39 of the Walker Research, Inc. Study). The FTC has on previous occasions rejected industry proposals on the grounds that the two form notice is easier for the buyer to use and insures the buyer of a record of the transaction. The continued viability of this rationale may be affected by the findings of the Market Facts consumer survey concerning the extent that consumers invoke the Rule. (See page III-28 of the Market Facts Study, Inc. and page 7 of the Walker Research, Inc. Study.)

Further, some industry members have suggested that "money back guarantee" transactions should be excluded from the Rule requirements. In the past the FTC has rejected this proposal. Certain findings of the industry survey (see page 7 of the Walker Research Study) concerning direct selling firm "money back guarantee" policies, and of the consumer survey (see pp. III-41 through III-46 of the Market Facts Study) concerning consumer interpretations of the term "money back guarantee" may provide additional information on the desirability of excluding these transactions from the Rule.

The following questions relate to those two issues of industry concern, and to others about which the Commission seeks information:

(1)(a) Would modify the Rule to permit a contract form or receipt combining the notice of the right to cancel with the form used by the consumer to cancel reduce costs?

(b) Would a combined notice/cancellation form significantly lessen the protection consumers now have?

(c) Would such modifications reduce paperwork and costs? If so how?

(d) Would printing new forms increase costs?

(e) Could a one-form contract or receipt be devised that would provide the consumer with a permanent record of the transaction? (Businesses and other members of the public are encouraged to submit sample forms incorporating the above modifications.)

(2)(a) How does industry define a "money back guarantee"?

(b) How do consumers understand the term "money back guarantee"? Does the term mean that the transaction may be cancelled by the consumer at any time without giving a reason?

(c) Should "money back guarantee" transactions be exempted from the Rule requirements?

(d) Should there be only certain limited circumstances under which this type of transaction would be exempted? What are they?

(e) How would the buyer be informed of the right to cancel?

(3) Should the Rule be more limited in its application? For example, should party plan sales be exempted from the Rule's coverage? (See page III–2 of Market Facts Study.) Should the exempted amount be raised from $25.00 to account for inflation that has occurred since the Rule's promulgation?

(4) Should the Rule be broadened to cover, for example, telephone solicitations? (See page III–47 of Market Facts Study.)

(5) Are firms presently complying with the rule? In what ways are firms not complying with the rule? Are certain types of firms not complying with the rule? (See pages III–32, III–38 through 39, Table III–15 of the Market Facts Study.)

(6) Are some types of firms experiencing significantly higher rates of cancellation within 3 days than other types? If so, what factors explain this difference? (See pages 42–45 of the Walker Research study.)

Comments would also be appreciated on the methodology and conclusions of the two studies.

List of Subjects in 16 CFR Part 429

Trade practices.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 83-5659 Filed 3-2-83; 8:45 am]

BILLING CODE 6750-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1145

Proposed Rule To Regulate Under the CPSA a Risk of Injury That May Be Presented by Certain Mesh-Sided Cribs and Play Yards

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is investigating the possibility that certain play yards (playpens) and portable cribs with mesh sides may present a potential hazard of asphyxia from airway blockage or chest compression if an infant becomes entrapped between the base or floor of the play yard or crib and the mesh side, in a pocket which forms when a side of the play yard or crib is not fully raised. The Commission proposes, should regulatory action become necessary regarding the possible risk of asphyxia by airway blockage or chest compression which may be associated with these products, to use the procedures of the Consumer Product Safety Act rather than those of the Federal Hazardous Substances Act. The Commission preliminarily determines that this transfer is in the public interest because, in the event the Commission believes that a risk of asphyxia by airway blockage or chest compression is associated with those products, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

DATE: Comments concerning this proposal must be received in the Office of the Secretary by April 4, 1983.

ADDRESS: Comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492–6800.

FOR FURTHER INFORMATION CONTACT: Lynn Lichtenstein, Trial Attorney, Division of Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492–6626.

SUPPLEMENTARY INFORMATION: By this notice, the Commission proposes to regulate under the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*), a possible risk of asphyxia by airway blockage or chest compression that may be associated with certain play yards (playpens) and portable cribs with mesh sides, which are described in detail below.

Section 30(d) of the CPSA (15 U.S.C. 2079(d) governs these proposed rules. That section provides:

> A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act * * * may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act.

A. Background

In 1982, the Commission received two reports of infant deaths associated with play yards (playpens) with mesh sides. The product involved in these incidents utilized metal tubing to form a frame which supports a floor, generally of pressed wood, approximately 5¾ to 6½ inches above the surface on which the play yard is placed during use. A thin pad covers the floor of the play yard.

The play yard is enclosed on all four sides by means of an open mesh fabric. The mesh fabric sides extend down from the top of the play yard toward the floor. Approximately two or three inches above the floor, the mesh fabric is sewn to a strip of material, sometimes called a draft shield. The draft shield is attached to the floor of the play yard.

The tubular frame of the play yard is constructed in such a manner that at least one of the sides can be lowered when the product is in use.

The two fatalities associated with play yards of this type reported in 1982 involved infants aged 2½ months and 3½ months. Both of these incidents occurred when the infants was left in a play yard of the type described above with one of the sides lowered.

When one side of the play yard is in a lowered position, the mesh fabric and draft shield on that side becomes slack and forms a pocket at the level of the floor of the play yard. If an infant moves or falls off the edge of the play yard floor into the pocket formed by the mesh side and draft shield, the weight of the infant creates a downward force on the pocket.

Because the floor of the play yard is approximately 5¾ to 6½ inches above the level of the surface on which the play yard rests, the infant becomes trapped in the pocket formed by the mesh side and draft shield. The downward force created by the infant's weight causes the pocket to constrict and the infant is pressed against the pocket alone or against the edge of the play yard floor.

In one of the cases reported in 1982, the infant's face was pressed against the draft shield apparently with sufficient force to block passage of air into the nose or mouth. In the other case, the compression force against the infant's chest was great enough to interfere with the infant's ability to breathe. In either

of these events, asphyxia—loss of consciousness from too little oxygen—may result. If asphyxia continues for a period of three to five minutes, loss of oxygen may result in permanent brain damage. If asphyxia continues for a longer period, death will ensue.

In 1982, the Commission also received a report of an infant death associated with a portable crib with mesh sides. The crib involved in this incident is similar in design and construction to the play yards described above. However, the legs of the portable crib can be adjusted so that the floor of the crib may be raised to approximately 18 inches above the surface on which the crib is placed, and the crib mattress, which covers the crib floor, is somewhat thicker than the pad used with the play yard.

The same risk of injury is associated with portable cribs with mesh sides as the one described in the discussion of play yards. When a side of the crib is lowered, the mesh fabric and draft shield on that side form a pocket near the crib floor. If an infant is left in such a crib with one side lowered, and moves or falls off the mattress into the mesh pocket, the weight of the infant will cause the pocket to constrict. Constriction of the pocket will press the infant's face or body against the draft shield, the floor of the crib, the edge of the mattress, or the mesh itself, resulting in asphyxia. As stated above, asphyxia can cause permanent brain damage or death.

In addition to the crib fatality reported in 1982, the Commission has reports of four similar infant deaths; two in 1978, one in 1977, and one in 1973. All of these earlier deaths appear to have resulted from asphyxia.

B. Regulation Under FHSA

At this time, the play yards and portable cribs described above could be subject to regulation by the Consumer Product Safety Commission under provisions of the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) as articles intended for use by children.

The Commission has issued requirements for full-size baby cribs at 16 CFR 1500.18(a)(13) and Part 1508, and for non-full-size cribs at 16 CFR 1500.18(a)(14) and Part 1509 under provisions of the FHSA. However, the play yards and cribs described in this notice are not subject to requirements for full-size cribs because they do not have the dimensions of a "full-size crib" as that term is defined at 16 CFR 1508.1, and are specifically excluded from the requirements for non-full-size cribs by provisions of 16 CFR 1509.2(b)(1). Additionally, the risk of injury described in this notice is not addressed by the requirements for full-size or non-full cribs in 16 CFR 1500.18(a) (13) or (14), Part 1508, or Part 1509.

In accordance with provisions of section 3(e) through (i) of the FHSA (15 U.S.C. 1262 (e), (f), (g), (h), (i)), the Commission could begin a proceeding for the issuance of a rule to declare that the play yards and portable cribs with mesh sides which are described in this notice present a mechanical hazard. If issued on a final basis, such a rule would have the effect of classifying these children's products as "banned hazardous substances" as that term is used in section 2(a)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)), and would prohibit the distribution or sale of these products in the United States, as well as their importation into this country. If a children's article presents an "imminent hazard," provisions of section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)) authorize the Commission to issue an immediate order declaring the product to be a banned hazardous substance pending completion of a proceeding to issue a banning rule.

A final rule issued under provisions of sections 3 (e) through (i) of the FHSA would also make the products in question subject to provisions of section 15 of the FHSA (15 U.S.C. 1274). That section authorizes the Commission to determine, after affording all interested persons opportunity for a hearing, that notification to the public of the hazard presented by a product which is a "banned hazardous substance" is necessary in order to adequately protect the public. That section also authorizes the Commission, after affording all interested persons opportunity for a hearing, (which could be combined with a hearing regarding the need for public notification), to require the manufacturer, distributor or dealer of a product which is a banned hazardous substance to elect to repair or replace the product or to refund the purchase price of the product.

However, the provisions of section 15 of the FHSA concerning public notification and corrective action would be applicable to the products which are the subject of this notice only if the Commission had first issued a rule under provisions of section 3(e) through (i) of the FHSA to announce the Commission's determination that the products present a mechanical hazard. A proceeding to issue such a rule is complex and time-consuming.

Such a proceeding is initiated by publication of an advance notice of proposed rulemaking in the **Federal Register** to invite comments from all interested persons about the risk of injury associated with the product which is the subject of the proceeding and possible means of addressing that risk of injury, including voluntary standards now in existence or which might be developed. If, after consideration of all information received in response to the advance notice of proposed rulemaking, the Commission decides to continue the proceeding, publication of a second notice in the **Federal Register** is required to propose the rule and invite written comments on the proposal. The Commission must then analyze all comments received in response to the proposal and publish a third notice in the **Federal Register** to issue the rule on a final basis.

C. Regulation Under CPSA

The CPSA has provisions for requiring public notification of substantial hazards which may be presented by these articles and for ordering corrective action to be taken with regard to them without the necessity of first completing a rulemaking proceeding.

Additionally, the CPSA has provisions which authorize the Commission in certain cases to obtain an administrative order for public notification of the hazard presented by a product and for repair, or replacement of the product, or refund of the purchase price of the product without any necessity of first completing a rulemaking proceeding. The FHSA has no corresponding provisions.

Section 15 of the CPSA (15 U.S.C. 2064) confers upon the Commission the authority to order public notification of the hazard presented by a product if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that notification is required in order to adequately protect the public from that substantial product hazard. Additionally, section 15 of the CPSA authorizes the Commission to order any manufacturer, importer, distributor, or retailer of a product to elect to repair or replace the product, or to refund the purchase price of the product, if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that issuance of such an order is in the public interest.

If the products described in this notice were subject to regulations under the CPSA, no requirement for rulemaking would exist in order to invoke the provisions of section 15 of that Act.

Additionally, provisions of section 12 of the CPSA (15 U.S.C. 2061) authorize the Commission to file an action in a United States district court against a manufacturer, importer, distributor, or retailer of a consumer product which presents an imminent and unreasonable risk or death or severe personal injury. The court has the authority to order the recall of the product, its repair or replacement, or refund of the purchase price. The court also has authority to order a firm to undertake extensive notification efforts to advise purchasers and the general public of the nature of the risk and of the firm's obligation for remedial action. The Commission may file an action under section 12 of the CPSA without any requirement for having first undertaken a rulemaking proceeding. As noted above, no corresponding provisions exist in the FHSA.

Because notification to the public of any hazard which may be presented by the products described in this notice and remedial action with regard to those products could be accomplished more expeditiously under the CPSA than under the FHSA, the Commission has preliminarily determined that it would be in the public interst to regulate under the CPSA rather than the FHSA any risk of asphyxia by airway blockage or chest compression which may be associated with those products if an infant becomes entrapped between the mesh side and the floor, or in the mesh of a play yard; or between the mesh side and the floor, or in the mesh of a play yard; or between the mesh side and the floor, or the edge of the mattress, or in the mesh of a portable crib.

As noted above, the FHSA has provisions for issuance of an immediate order to declare a children's article to be a banned hazardous substance if it presents an "imminent hazard." However, some products may present a "substantial product hazard" warranting issuance of an order for public notification and corrective action, without amounting to an "imminent hazard" as that term is used in section 3(e)(2) of the FHSA.

In making the preliminary determination set forth above, the Commission has decided that notwithstanding provisions of section 3(e)(2) of the FHSA, use of the procedures of the CPSA may lead to more expeditious notification and corrective action than might be obtained by following the procedures of the FHSA.

If the Commission issues the rule proposed below on a final basis, and thereafter determines that a standard or regulation may be needed to address any risk of asphyxia by blockage or compression which these products may present, the CPSA would also authorize the Commission to issue a standard or banning rule. Procedures for issuance of a standard are set forth in sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058); procedures for issuance of a banning rule are in sections 8 and 9 of the CPSA (15 U.S.C. 2057, 2058).

D. Impact on Small Businesses

Section 603 of the Regulatory Flexibility Act (RFA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the impact of any proposed rule on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the agency certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The regulation proposed below, if issued on a final basis, will not by itself impose any legal or other obligation on any person or firm. The rule would simply express the Commission's determination that any action taken to eliminate or reduce the risk of injury with which it is concerned will be taken following the procedures set forth in the CPSA rather than the FHSA.

If the Commission issues a final rule based on the proposal published below, and then determines that it should act to eliminate or reduce the risk or injury which is the subject of the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Since a final rule based on the proposal imposes no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

E. Environmental Considerations

The regulation proposed below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

F. Conclusion and Proposal

After consideration of the information set forth above, and provisions of the FHSA and the CPSA, the Commission hereby proposes to regulate under the CPSA rather than the FHSA the possible risk of asphyxia by airway blockage or chest compression which may be associated with the play yards and portable cribs described in this notice if infants become entrapped between the mash side and the floor, or in the mesh of such play yards; or between the mesh side and the floor or mattress, or in the mesh of such portable cribs. Until issuance of any final regulations under section 30(d) of the CPSA, the Commission has authority to regulate under the FHSA any risk of injury described in this notice which these products may present.

List of Subjects in 16 CFR Part 1145

Administrative practice and procedure, Consumer protection, Infants and children.

PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

Therefore, under provisions of the Consumer Product Safety Act (section 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat 703; 15 U.S.C. 2079(d)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding new §§ 1145.11 and 1145.12, as follows:

§ 1145.11 Certain play yards (play pens) with mesh sides: risk of asphyxia from airway blockage or chest compression.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, the possible risk of asphyxia from airway blockage or chest compression that may be associated with play yards (play pens) with mesh sides.

(b) Therefore, if the Commission finds regulation to be necessary, any such play yards (play pens) shall be regulated only under one or more provisions of the Consumer Product Safety Act.

§ 1145.12 Certain portable cribs with mesh sides; risk of asphyxia from airway blockage or chest compression.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, the possible risk of asphyxia from airway blockage or chest compression that may be associated with portable cribs with mesh sides.

(b) Therefore, if the Commission finds regulation to be necessary, any such

portable cribs shall be regulated only under one or more provisions of the Consumer Product Safety Act.

Interested persons are invited to submit written comments by April 4, 1983. Comments may be accompanied by written data, views, and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, eighth floor, 1111 18th Street, NW., Washington D.C., between 8:30 a.m. and 5:00 p.m. Monday through Friday.

(Sec. 30(d), Pub. L. 92–573, 86 Stat. 1207, as amended Pub. L. 94–284, 90 Stat. 503, Pub. L. 97–35, 95 Stat. 703; 15 U.S.C. 2079(d))

Dated: February 28, 1983.

Sheldon Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83–5441 Filed 3–3–83; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR Part 401

Seaway Regulations, Miscellaneous Amendments

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Proposed rule.

SUMMARY: The Saint Lawrence Seaway Development Corporation and its counterpart agency, the St. Lawrence Seaway Authority of Canada, publish joint Seaway Regulations. As a result of discussions with the St. Lawrence Seaway Authoirty, it has been determined that a number of the existing regulations need clarification. Therefore the Seaway Corporation proposes to amend 33 CFR Part 401, Subpart A.

DATES: Comments received by April 18, 1983 will be considered.

ADDRESS: Interested parties may submit written comments to the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662 (Attn: General Counsel). Persons who want the receipt of their comments acknowledged in writing may submit a stamped self-addressed postcard for this purpose.

FOR FURTHER INFORMATION CONTACT: Frederick A. Bush, General Counsel, (315) 764–3245.

SUPPLEMENTARY INFORMATION: As a result of discussions with its counterpart agency, the Saint Lawrence Seaway Development Corporation proposes to amend the joint Seaway Regulations for the reasons set forth in the summary.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

In § 401.3, paragraph (d)(1) will be reworded to clearly indicate that the dimensions addressed in the regulations are set out in the block diagram.

Section 401.9 will be revised to remove any question that 19.8 m applies to the overall length of the vessel.

In the table in § 401.1C(c), the column heading, "Ship's Overall Length", will be changed to "Overall Length of Vessels", and the information in this column will be revised to eliminate any misunderstanding regarding the vessel's dimensions that are covered by the regulations, and to assure that all dimensions are included.

In § 401.12(a)(5), the word "lines" will replace the word "wires" to bring it into conformity with other areas of that section, and as in § 401.10, the information under the column, "Overall Length of Vessels", will be revised for the reason previously stated.

In § 401.15, the phrase "in overall length" will be added for clarity.the intent of the regulation.

In § 401.40, paragraph (c) will be reworded in order to more clearly define the intent of the regulation.

Section 401.45 will be revised to clearly indicate that the regulation is concerned with the speed of a vessel entering a lock chamber.

In § 401.47, paragraph (c) will be reworded to conform to paragraph (c) of § 401.40.

In the table to § 401.48 items 2. (a), (b), (d) and (e), the phrase "in overall length" will be added for clarity.

In § 401.51, the regulation will be divided into two paragraphs to make it easier to understand.

In § 401.74, the addresses of the Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority will be added for the convenience of the user.

In § 401.80, a phrase will be added citing Schedule III as the schedule which the vessel owner may look to for compliance with this regulation.

In § 401.82, the word "nearest" will be added to indicate that a vessel extending more than 33.5 m above water level must furnish precise information concerning its height to the nearest Seaway station. As previously written, the regulation had been interpreted to mean that any Seaway station could be contacted, while the intent was to require that it be reported to the nearest Seaway station.

Paragraph (b)(2) of § 401.97 will be reworded to indicate that the Saint Lawrence Seaway Tariff of Tolls is an agreement between the governments of the United States and Canada.

This proposed regulation involves a foreign affairs function of the United States; therefore Executive Order 12291 does not apply to this rulemaking. The Saint Lawrence Seaway Development Corporation certifies that, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), this proposed rule will not have a significant impact on a substantial number of small entities. The Seaway Regulations relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators, and therefore any resulting costs will be borne primarily by foreign vessels. On the other hand, the economic benefits derived from a safe and efficiently operated St. Lawrence Seaway are considerable. Finally, the Corporation has determined that this rulemaking is not a major Federal action affecting the quality of the human environment under the National Environmental Policy Act, and therefore an environmental impact statement is not required.

PART 401—[AMENDED]

For the stated reasons, it is proposed to amend the Seaway Regulations as follows.

1. In § 401.3, paragraph (d)(1) is revised to read as follows:

§ 401.3 Maximum vessel dimensions.

* * * * *

(d) * * *

(1) A vessel having a beam width of less than 23.16 m and having dimensions exceeding the limits set out in the block diagram illustrated in Appendix I shall not transit a lock except in accordance with a permit to transit issued by the Authority.

2. In § 401.9, paragraph (a) is revised to read as follows:

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than 19.8 m in overall length, shall be equipped with VHF (very high frequency) radiotelephone equipment.

* * * * *

3. In § 401.10, the table in paragraph (c) is revised as follows:

§401.10 Mooring lines.

* * * * *

(c) * * *

Overall length of vessels	Length of mooring line	Breaking strength
40 m or more but not more than 60 m.	110 m	89 kN.
More than 60 m but not more than 90 m.	110 m	134 kN.
More than 90 m but not more than 120 m.	110 m	178 kN.
More than 120 m but not more than 150 m.	110 m	250 kN.
More than 150 m but not more than 223.5 m.	110 m	300 kN.

4. In § 401.12, paragraph (a)(5) and the table are revised to read as follows:

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) * * *

(5) Every vessel shall have a minimum of two spare mooring lines available and ready for immediate use.

* * * * *

TABLE

Overall length of vessels	For mooring lines nos. 1 and 2	For mooring lines nos. 3 and 4
80 m or more but not more than 90 m.	Between 10 m and 35 m from the stem.	Between 10 m and 25 m from the stem.
More than 90 m but not more than 120 m.	Between 12 m and 30 m from the stem.	Between 15 m and 35 m from the stem.
More than 120 m but not more than 150 m.	Between 12 m and 35 m from the stem.	Between 15 m and 40 m from the stem.
More than 150 m but not more than 180 m.	Between 15 m and 40 m from the stem.	Between 20 m and 45 m from the stem.
More than 180 m but not more than 223.5 m.	Between 20 m and 50 m from the stem.	Between 20 m and 50 m from the stem.

5. Section 401.15 is revised to read as follows:

§ 401.15 Stern anchors.

Every vessel of more than 110 m in overall length, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

6. Section 401.40 is amended by revising paragraph (c) to read as follows:

§ 401.40 Entering a lock.

* * * * *

(c) No vessel shall use thrusters when passing a lock gate.

7. Section 401.45 introductory text is revised to read as follows:

§ 401.45 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked in an emergency, a signal consisting of five blasts on a horn shall be given,

* * * * *

8. In § 401.47, paragraph (c) is revised to read as follows:

§ 401.47 Leaving a lock.

* * * * *

(c) No vessel shall use thrusters when passing a lock gate.

9. In the table to § 401.48, items 2. (a), (b), (d) and (e) are revised to read as follows:

§ 401.48 Turning basins.

* * * * *

2. * * *

(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to 107 m in overall length.

(b) Turing Basin No. 2—Between Lock 7 and Guard Gate for vessels up to 180 m in overall length.

* * * * *

(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to 170 m in overall length.

(e) For vessels up to 80 m in overall length.:

* * * * *

10. Section 401.51 is revised to read as follows:

§ 401.51 Signalling approach to a bridge.

(a) Unless a vessel's approach has been recognized by a flashing signal, the master shall signal the vessel's presence to the bridgemaster by VHF radio when it comes abreast of any of the bridge whistle signs.

(b) The signs referred to in paragraph (a) of this section shall be placed at distances varying between 670 m and 1,500 m upstream and downstream from movable bridges at sites other than lock sites.

11. In § 401.74, paragraph (a) is revised to read as follows:

§ 401.74 Transit declaration.

(a) A Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662, or the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario K6J 3P7, shall be forwarded to the Corporation or the Authority by the representative of a vessel, other than a pleasure craft of not more than 317.5 tonnes, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

* * * * *

12. In § 401.80, paragraph (a) is revised to read as follows:

§ 401.80 Reporting dangerous cargo.

(a) The master of any explosive vessel or hazardous cargo vessel shall report to a Seaway station, as set out in Schedule III, the nature, quantity, and IMCO classification of the dangerous cargo and where it is stowed on the vessel.

* * * * *

13. Section 401.82 is revised to read as follows:

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than 33.5 m above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the nearest Seaway station.

14. In § 401.97, paragraphs (b)(2) and (e)(1) are revised to read as follows:

§ 401.97 Closing procedures.

* * * * *

(b) * * *

(2) It reports at the applicable calling in point referred to in paragraph (c) of this section within a period of 96 hours after the clearance date in that navigation season, it furnishes the applicable operational surcharge established by agreement between the United States and Canada, known as the *St. Lawrence Seaway Tariff of Tolls*, and the transit is authorized by the Corporation and the Authority.

* * * * *

(e) * * *

(1) At the time of such entry or departure, report to the nearest Seaway station the furthermost destination of the vessel's voyage and any intermediate destinations within that section; and

* * * * *

(68 Stat. 93–96, 33 U.S.C. 981–990, as amended and Sections 4, 5, 6, 7, 8, 12 and 13 of SEC. 2 of Pub. L. 95–474, 92 Stat. 1471)

Issued at Washington, D.C. on February 22, 1983.

Saint Lawrence Seaway Development Corporation.

D. W. Oberlin,

Administrator.

[FR Doc. 83–5357 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

Medicaid Program; Medicaid Management Information Systems; Conditions of Approval and Reapproval and Procedures for Reduction of Federal Financial Participation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposal adds to regulations new conditions and procedures for initial approval and for reapproval of Medicaid Management Information Systems (MMIS) to update

the regulations to reflect additional requirements added by section 901 of the Mental Health Systems Act of 1980 (Pub. L. 96–398). The proposal specifies procedures for reducing the level of Federal financial participation in a State's administrative expenditures when a State fails to meet the conditions for initial operation, initial approval or reapproval of an MMIS.

It also proposes procedures with respect to waivers of the conditions of approval and reapproval and to appeals of adverse decisions. These provisions are intended to improve States' MMIS, and to ensure efficient system operations, and to detect cases of fraud, waste, and abuse effectively.

DATES: To assure consideration, comments should be mailed by May 2, 1983.

ADDRESS: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO–11–P, P.O. Box 17073, Baltimore, Md. 21235.

If you prefer, you may deliver your comments to room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, Washington, D.C. or to Room 132, East High Rise, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO–11–P.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309–G of the Department's office at 200 Independence Avenue, SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT:

Charles R. Booth, Initial Approvals and System Requirements (301) 594–5415, or

Newton Dikoff, Reapprovals and Performance Standards (301) 594–8190.

SUPPLEMENTARY INFORMATION:

I. Background

A. Medicaid Management Information Systems

A Medicaid Management Information System (MMIS) is a mechanized system of claims processing and information retrieval used in State Medicaid programs under title XIX of the Social Security Act (the Act). The system is used to process Medicaid claims and to retrieve and produce utilization data and management information about recipients and services. Under section 1903(a)(3)(A) of the Act and regulations at 42 CFR 433.112, Federal financial participation (FFP) is available at a rate of 90 percent in State expenditures for design, development, installation or improvement of the systems. (As with all Medicaid FFP rates, the rates presented in this preamble and in the regulations are subject to any adjustment that occurs under sections 1903 (s) and (t) of the Act.) Similarly, under section 1903(a)(3)(B) of the Act and 42 CFR 433.113, FFP is available at 75 percent for operation of an approved MMIS. These rates are higher than the normal matching rate of 50 percent under section 1903(a)(7) of the Act for general administrative operations of the State agency.

Over the past few years, it has become evident that these systems have the potential for saving millions of Medicaid dollars through improved program management and the detection of fraud, waste and abuse. However, the optimal potential can be realized only if the systems are fully operational and updated from time to time to meet program needs. (Future updates that are being considered include uniform billing, uniform diagnostic and procedure coding, and modified Medicaid quality control programs for claims processing. These updates are subject to required public notice and comment.) Thus, in order to assure the maximum savings that efficient computerized administrative systems can offer, Congress enacted legislation to promote their efficient use.

B. Title IX of the Mental Health Systems Act of 1980

Title IX of Pub. L. 96–398, the Mental Health Systems Act of 1980, added a new paragraph (r) to section 1903 of the Social Security Act (42 U.S.C. 1396b(r)). That legislation requires each State with a Medicaid program, with certain exceptions, to have an approved operating MMIS before established deadlines and, if the State fails to do so, prescribes FFP reductions by increments in the funding available under section 1903(a) (2) and (7) of the Act. (Those sections provide 75 percent FFP for compensation and training of skilled medical professional and support staff, and 50 percent FFP for general administrative expenditures.) The legislation also imposes new conditions for approval and reapproval of systems and prescribes FFP reductions by increments for failure to meet the conditions. However, the law requires HCFA to waive the FFP reductions and modify deadlines if it determines that a State has good cause for being unable to comply or the State cannot comply due to circumstances beyond its control. We are required to report to Congress all waivers of FFP reductions, the bases for the determinations, and modifications of deadlines.

Because the basic requirements of section 1903(r) of the Act were sufficiently complete and clear to take effect without regulations, we have already put into effect the portions of that section for which we had to act by specific dates. We notified the States of the statutory requirements well before the deadlines. Part of the proposed regulations supplement the existing MMIS regulations and reflect these statutory changes.

However, other issues arising from section 1903(r) have not been resolved by the terms of the statute. (For example, the statute does not specify the mechanisms by which a State may challenge adverse determinations under section 1903(r).) These regulations propose procedures that will resolve these ambiguities. In the interim, we have acted in accordance with the proposed procedures pending publication of a final rule.

C. Evaluating Performance

HCFA's approach in evaluating performance for both initial approval and yearly reapproval is based on a two-step process. First, an MMIS must meet specific system requirements that govern its structure and composition. The structure and composition have been designed to further program objectives. For example, the claims processing subsystem must have the ability to identify third party liability and assure that Medicaid is the payor of last resort.

The second step involves applying performance standards to both system operating procedures and the information that the system produces, to determine whether the system is performing in an acceptable manner. Performance standards establish levels of achievement in terms of accuracy, timeliness, and cost.

Although system requirements are currently the same for both initial approval and yearly reapproval, the present performance standards differ.

D. Yearly Performance Reviews

The basic purpose of the reviews for MMIS is to improve the effectiveness and efficiency of the Medicaid program on both an individual State basis and nationwide.

Approved systems must meet performance standards, current system requirements and other conditions of reapproval, or be subject to FFP reductions.

In accordance with section 1903(r)(6)(C) of the Act, however, we did not reduce FFP for States that failed to meet the reapproval conditions before the yearly review we conducted in fiscal year 1982 (from October 1, 1981 through September 30, 1982). We conducted a "dry run" review of most of the approved MMIS during fiscal year 1981, to see if they met the conditions of reapproval. The "dry run" enabled us to develop a systems performance data base, and to assist the States in developing and improving their systems, as the law requires. (We reviewed them against the then proposed conditions of reapproval in order to give States an informational advance evaluation of their performance, before we conducted a review in fiscal year 1982 that resulted in FFP reductions in six States.) We used the data base from the dry run to refine our review methodology and established empirically-based numerical scores for acceptable performance.

The initial "dry run" review gave the States a "no risk" opportunity through September 30, 1981 to determine if their systems met the conditions of reapproval and to correct detected weaknesses in their MMIS operations. Beginning with fiscal year 1982, we started conducting reviews during each Federal fiscal year that could result, at the end of that year, in determinations to reduce FFP for the following year.

Current system requirements and performance standards for MMIS yearly reapproval have been published in Part 11 of the State Medicaid Manual (SMM). (Before October 1982, the performance standards had not been included in Part 11.) We had previously furnished the States with the seven standards, 15 elements, and 54 factors that we used for the MMIS yearly reapproval reviews for FY 82.

E. Publication of Conditions of Approval and Reapproval

We published a notice with comment period on the performance standards for reapproval (with all the standards and elements, and several illustrative factors) on June 30, 1981, in the **Federal Register** (46 FR 33653) as part of the implementation plan for reviewing previously approved State systems. The performance standards for reapproval have been added as Chapter 4 to Part 11 of the State Medicaid Manual (the successor to Part 7 of the Medical Assistance Manual). Part 11 of the SMM now contains both the performance standards (including their factors and elements) for reapproval and system requirements for initial approval and reapproval. Any changes made in these standards and requirements or any additional standards or requirements will appear in Part 11 of the SMM.

Although we do not anticipate that the performance standards will change frequently, the elements, factors, and related aspects of the conditions for reapproval may be modified from time to time to reflect new information and the results of experience. Moreover, when necessary we plan to add new system requirements or other conditions appropriate for the proper and efficient operation of an MMIS. We intend to solicit public comment on future proposed substantive changes to be made in Part 11 of the SMM by publishing notices in the **Federal Register**. However, due to the technical nature of the MMIS performance standards and requirements, and our belief that MMIS is of interest only to a very limited audience, we would not publish in the **Federal Register** the text of the proposed changes or the changes which are finally adopted. We would summarize the changes to be made in the **Federal Register** notice, and make the text available to the States and to any other interested parties who request it. HCFA's response to any comments received would be the subject of a subsequent **Federal Register** notice that would also announce any modifications in the changes originally proposed to be made in Part 11 of the SMM. Of course, the text of the changes would be made available to the public.

As part of the process for development of the performance standards for reapproval to be used during fiscal year 1984, and in view of the recent publication of the performance standards in Part 11, we are at this time requesting comments on all of Part 11, which now contains all the conditions for initial approval and annual reapproval of MMIS. States have already been provided with copies of Part 11. Other interested individuals may obtain a copy of Part 11 of the SMM by telephoning the Inquiries Staff of the Bureau of Program Operations at (301) 594–8715. Individuals with questions concerning reapproval procedures or performance standards should call Newton Dikoff (301) 594–8190. For questions concerning procedures for initial approval or system requirements call Charles R. Booth (301) 594–5415. Comments should be submitted by the deadline for submitting comments on this notice of proposed rulemaking and to the same address, as stated above.

II. Major Provisions of the Regulations

The provisions of the proposed regulations would update the regulations to reflect the additional requirements of section 1903(r) of the Act and would amend 42 CFR Part 433, Subpart C, Mechanized Claims Processing and Information Retrieval Systems. The references in this preamble to specific sections are to those in the proposed rule, which makes some numbering and other technical changes in the current rules.

A. Initial Operation

As required by section 1903(r)(1) of the Act, these regulations would require a State (unless a waiver is obtained) to have in operation an MMIS system that the State detailed in an advance planning document (APD) that was approved by the Secretary. Section 1903(r)(1) of the Act requires the system to have been in operation by the earlier of: (1) September 30, 1982; or (2) the last day of the sixth month following the date specified for operation of the system in the State's most recently approved APD submitted before October 7, 1980 (the date of enactment of Pub. L. 96–398). This means that a State that submitted an APD after October 7, 1980, had to have its system operating by September 30, 1982. If the State submitted an APD before October 7, 1980 that was approved by the Secretary and that contained an operating date before March 1, 1982, the system must have been operating by the last day of the sixth month following the specified operating date. These deadlines were delayed only if the Secretary determined that the State was unable to comply for good cause or for circumstances beyond its control (see sections II–M and II–N below).

When system operation begins, the State receives 50 percent FFP in its expenditures for system operation until the system is approved. The FFP in State expenditures for system operation increases to 75 percent, effective with the first day of the calendar quarter after the system was determined to be operating satisfactorily. This 75 percent rate may be given retroactive effect if we determine the system to have been operational for an entire calendar quarter before the quarter in which the system received its initial approval.

If a system had not been in operation by the specified deadline, HCFA would have reduced the rate of FFP in both State expenditures for skilled medical personnel and staff (section 1903(a)(2)) and general administrative expenses (section 1903(a)(7)) by 5 percentage points for every two-quarter period of non-operation beyond the deadline described above. (The rate of FFP under section 1903(a) (2) and (7) would not have been reduced more than 25 percentage points for each type of FFP.)

However, of the seven States that do not now have operating systems, requirements for four States were waived under section 1903(r)(7), and another State has requested a waiver under that section. Section 1903(r)(7) provides waivers for operating an MMIS in certain States with small populations. Also, HCFA has granted two States six-month waivers of the FFP reductions for good cause under section 1903(r)(8).

B. Initial Approval of an Operating System

As required by section 1903(r)(2) of the Act, these regulations would require that a State have an operating system initially approved by HCFA by the last day of the fourth quarter that begins after the date on which HCFA establishes that the system became operational.

Section 1903(r)(3) (A) of the Act provides retroactive funding (at the 75 percent rate under section 1903(a)(3)) for operation of an approved system from the first quarter beginning after the system became operational. If a system were operating but not approved by the specified deadline, HCFA would reduce FFP in State expenditures under section 1903(a) (2) and (7) by 5 percentage points each for every two-quarter period for which the system is operating but not approved beyond that deadline. Again, the rate of FFP may not be reduced more than 25 percentage points for each type of FFP.

If the State were subjected to a reduction of FFP under section 1903(a) (2) and (7) of the Act because it did not meet the deadline for initial approval by HCFA, section 1903(r)(3)(B) requires that the State be subjected to reductions in the retroactive FFP otherwise available for operating an approved system under section 1903(a)(3)(B). That section also requires that funding must be reduced by five percentage points for every two-quarter period beyond the deadline for initial approval. Funding of the system for the quarters following the quarter in which the system is initially approved will be at the 75 percent rate specified in section 1903(a)(3) of the Act (and is not subject to reduction under section 1903(r)(3)(B) of the Act).

In order to minimize the accumulation of the FFP reductions that could occur if there is a delay in the approval process, we would continue the current practice under which a State contacts HCFA when its system has been in operation between three and six months and requests initial approval of the system. At that time, we would review and evaluate State-furnished information developed by the system and schedule an on-site visit.

We have found that we need at least six months of claims processing data to evaluate the system performance properly. We believe this amount of data is necessary to validate statistically provider and patient profiles that provide specific information on use of covered types of services and to evaluate the overall performance of the system. Because States frequently begin processing claims three months before the system becomes fully operational, six months of claims processing data generally is available three months after a system becomes operational.

When States that are now without an operating system or that wish to replace a currently approved system submit their request for approval, they should submit their request with the supporting documentation within three months after the system begins operating to allow us the needed time to complete our evaluation within the first year of system operation.

If a State were unable to submit the data necessary for initial approval by the end of three months after the system becomes operational, the State could possibly be entitled to a waiver of reduction of FFP under section 1903(r)(B)(A). We recommend that, where appropriate, we be notified at this point of the State's possible entitlement to a waiver, rather than after the year ends, to avoid a needless disruption in the level of FFP available to the State. Procedures for waiving FFP reductions are explained in paragraphs II–M and II–N of this document.

All State systems that were approved by HCFA as operational before October 8, 1980, are deemed to be initially approved, unless the approved system is no longer in operation. If a system discontinues operation, and the State does not replace the system with another approved system or does not intend to renew operations of the system, FFP paid under section 1903(a) (2) and (7) would be reduced as required under section 1903(r)(2)(C) unless the State is entitled to a waiver. A waiver of the requirement for an approved operating system is available only to States that meet the criteria in paragraph II–L of this document.

C. Appeals of Initial Operations and Approval Decisions

An agency may appeal reductions in FFP resulting from the denial of an initial approval and reductions in FFP for expenses of the system for initial operations under the procedures of the Departmental Grant Appeals Board contained in 45 CFR Part 16 (governing reconsiderations of disallowances of claims for FFP under section 1903 of the Act).

D. Replacement Systems

We can foresee that a State may want to discontinue operating an approved system in order to replace it with a more efficient one or for other appropriate reasons. Under the proposed regulations, replacement systems would have to be approved by HCFA in accordance with the initial approval conditions. HCFA would require that the State file an APO that contains: (1) The date the new system will become operational; and (2) a plan that assures an orderly transition from the system being replaced.

FFP would be available at 90 percent in expenditures for the design, development and installation of the replacement system if the State owns the software. (Software includes computer programs, procedures, and associated documentation that is part of the MMIS.) FFP for automated equipment (hardware) and services are governed by Departmental regulations beginning at 45 CFR 95.601. While the replacement system is being prepared to become operational, we would continue to fund, at 75 percent, the already approved operating system. When a replacement system becomes operational, FFP would be available at 50 percent of expenditures for operation of the replacement system until we approve it. At that time, increased FFP would be available at 75 percent retroactively to the date HCFA determines the replacement system met all conditions for initial approval. However, although a State may be operating both systems for a limited period of time, FFP would be available at 75 percent for only one system at any time. (FFP would be available at 50 percent for the other operating system.)

E. Replacement of System Operators

A State may replace the operator of an approved MMIS at any time. (Either a State organization or an outside contractor may be responsible for operating an MMIS.) FFP continues to be available at 75 percent for an approved operating system regardless of who operates it. Although we require the State to notify us before a change of operators, there are no additional HCFA requirements. The following Departmental requirements apply also: 45 CFR Part 74, Administration of Grants, and 45 CFR Part 95, which prescribes the conditions under which the Department will provide FFP for the costs of automated data processing.

F. New Conditions of Approval and Reapproval.

In order to receive 75 percent FFP for operation of an MMIS, States must meet, in addition to current requirements of 42 CFR 433.113 (which would be redesignated as § 433.116), the following requirements added by section 1903(r) of the Act for approval and for reapproval, which would be added to the regulations by these proposed regulations. For initial approval, the statute specifies the following:

1. The system must be capable of developing provider, physician, and patient profiles that are sufficient to provide specific information as to the use of covered types of services and items, including prescribed drugs.

A similar condition is currently contained in 42 CFR 433.113(g), although that section does not use the same wording as the statute. The regulations address themselves only to "provider and patient profiles," rather than "provider, physician, and patient profiles." However, because a physician is a provider as defined by the Medicaid program, the effect of the proposed regulations is the same as that of the statute. Also, the current section requires the profiles for "program management and utilization review purposes." Again, we believe the current language of the regulations encompasses the statutory purpose as providing "specific information as to the use of covered types of services and items, including prescribed drugs." Accordingly, we are not proposing to modify the existing language in regulations.

2. The State must provide that information on probable fraud or abuse obtained from, or developed by, the system, is made available to the State's Medicaid fraud control unit (if any) certified under section 1903(q) of the Act.

This condition is already a State plan requirement in other Medicaid regulations (42 CFR 455.21, "Cooperation with State Medicaid fraud control units"). We propose, however, to add it as a new paragraph (h) both to the initial approval conditions for MMIS contained in redesignated 42 CFR 433.116 and to the reapproval conditions for MMIS contained in a new 42 CFR 443.119, with the appropriate cross-reference.

3. The system must meet all performance standards and other conditions for initial approval that HCFA develops and about which it notifies the States.

Except as explained above, there would be no changes in the existing conditions in the regulations for initial approval specified in redesignated 42 CFR 433.116 (c) through (g) and Part 11 of the SMM.

For reapproval, States would be required to meet the first two requirements above, and, also, performance standards and other conditions for reapproval that HCFA is required to develop under section 1903(r)(6) (B) to (F) of the Act. These would include the system requirements in Part 11 of the SMM. The initial list of performance standards that must be met for reapproval was issued earlier to all the States and published in the **Federal Register** on June 30, 1981 (46 FR 33653). It was also published in the SMM. For purposes of clarity, we propose to have separate regulations specifying conditions for initial approval and conditions for reapproval. Current regulations do not clearly distinguish between them.

Also, HCFA is considering revising the claims processing quality control (MQC) program in the future. Our proposal would add a claims processing quality control component as an additional condition for MMIS approval and annual reapproval. The claims processing quality control component would measure whether the State paid only those claims: (1) That are for covered services, (2) that are for recipients who are on the eligibility roles, (3) that are for eligible providers, (4) that are not duplicate claims, and (5) that are within the appropriate fee schedule.

Separate Medicaid quality control claims processing requirements would then be eliminated for States with MMIS since the substance of the claims processing quality control program would be incorporated into the MMIS conditions and performance review.

This component's specific requirements would vary depending on the most recent quality indicators of State claims processing operations. States with documented poor performance would be required to use the Medicaid quality control claims processing review program (generally referred to as MQC II) that nine States are currently using on a demonstration basis.

We would authorize MMIS States with documented superior claims processing operations to submit alternative claims processing review programs, which they may use if they receive our approval based upon the program's effectiveness, efficiency, and economy.

We would also require non-MMIS States with documented superior claims processing operations to use MQC II, and allow a 60 percent reduction in sample size.

If adopted, we plan to use this claims processing quality control component as part of the initial approval and reapproval process starting in fiscal year 1984. The claims processing requirements that HCFA will propose should reduce the sampling requirements and overall burden to States by 50 percent. However, the full effect of this burden reduction will apply only to States that are fully successful in maintaining low error rates for claims processing programs.

Before adopting this component as an additional MMIS requirement, we would follow the notice and comment procedure outlined in section I–E of this notice. As is true for other MMIS activities, only systems-related functions would be funded at more than 50 percent FFP. We are encouraging States to put into place the claims processing quality control component in fiscal year 1983, using the MQC II system or an alternative system if the State qualifies for that option.

After analysis and consideration of the public comments on the claims processing quality control proposal and the MMIS changes proposed in this document, we plan to publish final requirements. At that time, if practical, we would combine in a single **Federal Register** document all claims processing quality control requirements with the final rule that involves conditions of MMIS approval and reapproval and procedures for reduction of FFP.

G. Reapproval: Basis for and Amount of Reduction.

Section 1903(r)(4)(B) of theAct requires us to reduce FFP to no more than 70 percent, but not less than 50 percent, for an MMIS that fails to meet the conditions of reapproval. We may not reduce FFP by more than 10 percent points in any four-quarter period. That is, a State whose system fails to meet the conditions of reapproval three years in a row and that is subject to the maximum potential reduction each year would receive 65 percent FFP the first year, 55 percent FFP the second year, and 50 percent the third year. In such a case, only 50 percent FFP would be available to the State until it meets the conditions of reapproval in a subsequent yearly review period.

Under the proposed regulations, we would reduce FFP by increments from 75 percent to 50 percent of State expenditures, in accordance with the statutory provisions, if successive yearly reviews of a State's MMIS operations show that the system no longer meets

the requirements for reapproval specified in new 42 CFR 433.119 (performance standards, system requirements, and other conditions of reapproval).

If the State system were to fail to meet requirements in place during the evaluation period, the State would be subject to a reduction in FFP. To avoid a further reduction in FFP because of the requirements, the State would be required to demonstrate that the system met the requirements during the next annual review, when the system would be examined to see if the requirements were met.

H. Reapproval: Notice of Results of Review.

During each yearly review, we evaluate performance for each State's MMIS over a period of at least six months. We are continuing to provide technical assistance, as in the past, to enable States to correct system deficiencies. As early as possible in the first quarter after the end of the fiscal year under review, we notify each State whether its system has met the conditions of reapproval. If the system failed to meet these conditions, the notice would include—

1. A statement that the State's FFP for systems operation will be reduced, and the percentage to which it is reduced, for the four quarters immediately following the quarter in which the notice is issued;
2. The findings of fact on which we made our determination; and
3. A statement that State claims in excess of the reduced FFP rate will be disallowed and that any such disallowance will be appealable to the Grant Appeals Board.

I. Reapproval: Timing, Duration and Restoration of the FFP Reduction.

By law (section 1903(r)(4)(B) of the Act), the first review that could result in a reduction of FFP to a State could not begin before Federal fiscal year 1982 (October 1, 1981 to September 30, 1982). Under the regulations, review periods would continue to coincide with Federal fiscal years and any reduction of FFP would begin in the January following the end of the fiscal year.

States with systems approved before October 1, 1981, received 75 percent FFP for MMIS operation for the four quarters of fiscal year 1982 in addition to the following quarter in which we issued our annual review determinations. No decision to reduce FFP under the reapproval provisions of section 1903(r) of the Act was made before the fifth quarter and any reduction became effective after that quarter. States with systems initially approved on or after October 1, 1981 also received at least five quarters of 75 percent FFP. For example, if a system was initially approved in June 1982, retroactive to January 1, 1982, there was no review of the system (for purposes of determining FFP reductions) during the remainder of that fiscal year. FFP at 75 percent for MMIS operation would be effective for the three quarters (January-September) of that year, the following full fiscal year, and at least the first subsequent quarter of the next fiscal year.

HCFA interprets section 1903(r) of the Act to establish the mechanism under which States that have had their MMIS disapproved will have their FFP reduced for at least four quarters after the quarter in which the disapproval is made and up to the first quarter beginning after the system is reapproved. Section 1903(r)(4)(A) of the Act requires us to review at least once each fiscal year; we are making a review determination only once each fiscal year. We will continue to conduct the required regular yearly reviews in all States to determine whether systems receiving reduced funding subsequently meet the conditions of reapproval, and whether systems receiving full funding continue to meet those conditions.

As we make regular review determinations once each fiscal year, we would not resume full FFP for a system receiving reduced funding until we complete the next regular yearly review that results in a favorable determination. Yearly review determinations actually take effect after the end of the fiscal year (i.e., we would resume 75 percent FFP for MMIS operation, or reduce it if applicable, effective the following January).

Under the proposed regulation, a State that receives reduced FFP because of deficiencies found during the review process could receive the withheld amount retroactively, if the next yearly review determination shows that the system then meets all conditions of reapproval. The restoring of withheld FFP would also be subject to HCFA's judgment that return of the funds would improve the effective administration of the State's plan. This provision for retroactive adjustment is intended as an incentive for States to correct the system deficiencies as soon as possible.

Under section 1903(r)(4)(C) of the Act and these regulations, HCFA could restore FFP retroactively for as many as four quarters that immediately precede the quarter in which the State's system is reapproved. However, we are not required to restore funds for any quarter.

Because section 1903(r)(4)(C) of the Act precludes restoration of the withheld FFP for more than these four quarters, the withheld FFP would be lost permanently for the year in question if the subsequent yearly review showed the system still failing to meet any condition of reapproval.

HCFA's decisions to restore FFP, and the number of quarters of the restoration are discretionary and, therefore, not subject to appeal to the Grant Appeals Board. In making these decisions, we would consider any relevant information, such as the amount of improvement shown as a result of the latest yearly review.

During the period in which a State receives FFP for MMIS operation at a reduced rate, claims by the State for FFP at any higher level for MMIS would be disallowed; i.e., the State would not be eligible to receive 75 percent FFP for MMIS funding.

J. Reconsideration by the Departmental Grant Appeals Board.

States have the opportunity to request a reconsideration from the Board of the disallowance of claims for FFP. Where FFP for MMIS expenditures is reduced or the section 1903(a) (2) and (7) FFP is reduced because of the State's failure to meet the requirements of section 1903(r) of the Act, the State could request Grant Appeals Board review of the resulting disallowance by filing a written request with the Board. This request should be filed with a copy of the disallowance letter, within 30 days from the date of that letter. By requesting a reconsideration of the disallowance, the State could challenge the basis of the decision to reduce FFP. However, under this process, the State would not be able to make this challenge until after the end of the first quarter in which FFP is reduced.

The Board would be able to verify the accuracy of the computation of the amount of FFP that has been disallowed from a State's claim.

However, the Board would not review the specific percentage used in reducing the State's FFP because of failure to meet MMIS conditions of reapproval except to determine whether the percentage reduction is outside the range of discretion provided to HCFA under the statute (section 1903(r)(4)(B) of the Act).

As stated earlier, HCFA's decision whether to restore FFP, and the number of quarters' restoration of FFP, would not be subject to appeal before the Board.

If the reduction of FFP goes into effect, the reduction continues pending a Board review of the disapproval of the State's MMIS. If the Board subsequently

reverses the disallowance, the case would be remanded to HCFA to restore withheld FFP retroactively.

K. Notification to States of Changes in Conditions of Approval and Reapproval.

Currently, changes in conditions of approval may be announced only once a year. We publish a notice in the **Federal Register** describing the proposed revision, and respond in the **Federal Register** to comments on revisions making substantive changes. We propose to continue to follow this procedure. Systems requirements used for reapproval would be published in the **Federal Register** in the same manner.

Also, we propose to publish changes in performance standards and other conditions for reapproval in the SMM after first publishing a notice in the **Federal Register** advising the public of the changes and inviting comment, and after responding to the comments received, if any, in a subsequent **Federal Register** notice. Under section 1903(r) of the Act, we are required to inform the States of conditions of reapproval at least three months before the beginning of the review period in which the procedures, standards and other conditions will be used. Although we might publish changes in performance standards several times during the year, they would not be effective until the next fiscal year's review and then only if they are published at least three months before the fiscal year begins.

L. Waiver of Conditions for Initial Operation and Approval

HCFA will continue to waive the requirements for initial approval and for operating an MMIS for States with small populations if a State has demonstrated to HCFA's satisfaction that an MMIS would not significantly improve the efficiency of the administration of the State plan. Under section 1903(r)(7) of the Act, only a State that had fewer than one million residents in 1976 (as reported by the Bureau of Census), and total Medicaid expenditures (including FFP) of less than $100 million in fiscal year 1976 (as reported by the State for the period of October 1, 1975 through September 30, 1976) is entitled to receive this waiver.

To obtain the waiver, a State must submit the applicable information stated in the immediately preceding paragraph.

If HCFA determines, after granting a waiver of MMIS requirements, that an MMIS would significantly improve the administration of a State Medicaid program, the law requires HCFA to withdraw the waiver and prepare a timetable for State compliance. This timetable must be comparable with the time period allowed under the statute for initial approval of other operating systems, which is two years. During this period, a State must submit an APD, which will specify the proposed operating date of the system. The requirements for approval of an operating system will apply to a system required by HCFA after a waiver is withdrawn.

Section 1903(r)(7)(A)(ii) also directs the Secretary to waive these requirements for the Commonwealths, territories, and possessions of the United States under the same conditions as described above for States with small populations. Additionally, section 1108(c) of the Act limits the total amount of FFP that is available to Guam, Puerto Rico, the Virgin Islands and the Northern Mariana Islands to fixed amounts. (There is no ceiling on the availability of FFP in the States). Historically, these territories have received the entire fixed amount each year. Because additional FFP is not available for developing or operating an approved system, as it is for States, we believe that to require these jurisdictions to comply with the proposed MMIS regulations would not significantly improve the efficiency of the administration of their Medicaid programs. We reach this conclusion since, under these circumstances, any MMIS expenditures in these jurisdictions would invariably result in a diminution of Federal funds available for providing services and administering other aspects of their Medicaid programs. Therefore, without necessity for a further showing, we granted waivers of MMIS requirements to Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

M. Waiver of Reductions for Good Cause

Under these regulations, HCFA would waive the FFP reductions if we determine that a State is unable to comply with a requirement of these regulations for good cause. Under the law, no waiver of an FFP reduction for good cause can exceed two quarters.

N. Waiver of Reductions Due to Circumstances Beyond the Control of the State

HCFA would waive the FFP reductions for a period during which a State is unable to comply due to circumstances beyond its control. This situation would exist when a State or the contractor responsible for the MMIS is without fault in being unable to comply; e.g., a natural disaster occurred or a delay was caused by HCFA. We would also defer all remaining deadlines for the initial approval process for the same length of time.

III. Regulatory Impact Analyses

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this rule does not constitute a major rule because it will not have an annual impact on the economy of $100 million or more, result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions, or otherwise meet the thresholds of the Executive Order.

These proposed regulations would not result in any significant economic impact. The regulations implement statutory provisions, and we estimate that the annual impact of the statutory provisions will be no more than $25 million. We do not expect the statutory requirements for initial approval to result in any additional expenditures because 42 States and the District of Columbia already operate approved systems; two States have approved APDs and are currently installing their systems; four States with Medicaid programs have received waivers from compliance with the MMIS requirements; and the waiver of one State is pending. Territories are not subject to the MMIS requirements. Also, neither the statutory provisions nor these proposed regulations would have an impact on the cost of replacement systems.

However, if all currently approved MMIS systems were found deficient during the next yearly review, the maximum payment reduction to States could amount to $25 million.

Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that these proposed regulations will not have a significant economic impact on a substantial number of small entities. As defined by the Regulatory Flexibility Act, a "small entity" includes the term "small governmental jurisdiction", which means "governments of cities, counties, towns, townships, villages, school districts or special districts, with a population of less than fifty thousand." No State meets this definition, and as these regulations only affect States, a regulatory flexibility analysis is not required.

IV. Response to Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them

individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

V. Reporting Requirements

The system requirements contained in 42 CFR 433.122(b), 433.116, 433.117, and 433.123 of this proposed rule contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these information collection requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Administrator at the address that appears in this preamble, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, D.C. 20503, ATTN: Desk Officer for HHS.

The system requirements were approved on April 4, 1982 by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). The OMB approval number is 0938–0247, and the expiration date was December 31, 1982. HCFA has applied for reapproval, and the request is currently pending in OMB.

List of Subjects in 42 CFR Part 433

Administrative practice and procedure, Assignment of rights, Claims, Contracts (agreements), Cost allocation, Federal financial participation, Federal matching provision, Grant-in-aid program—health, Mechanized claims processing and information retrieval systems, Medicaid, State fiscal administration, Third party liability.

PART 433—[AMENDED]

42 CFR Part 433, Subpart C is amended as set forth below:

1. The Table of Contents is revised to read as follows:

Subpart C—Mechanized Claims Processing and Information Retrieval Systems

Sec.
433.110 Basis, purpose, and applicability.
433.111 Definitions.
433.112 FFP for design, development, installation, or improvement of mechanized claims processing and information retrieval systems.
433.113 Reduction of FFP for failure to operate a system and obtain initial approval.
433.114 Procedures for obtaining initial approval; notice of decision.
433.116 FFP for operation of mechanized claims processing and information retrieval systems.
433.117 Initial approval of replacement systems.
433.119 Conditions for yearly reapproval; notice of decision.
433.120 Procedures for reduction of FFP after yearly approval review.
433.121 Reconsideration of the decision to reduce FFP after the yearly review.
433.122 Reapproval of a disapproved system.
433.123 Notification of changes in system requirements, performance standards or other conditions for approval or reapproval.
433.127 Termination of FFP for failure to provide access to claims processing and information retrieval systems.
433.130 Waiver of conditions of initial operation and approval.
433.131 Waiver for noncompliance with conditions of approval and reapproval.

2. Section 433.110 is revised to read as follows:

§ 433.110 Basis, purpose, and applicability.

(a) This subpart implements the following sections of the Act:

(1) Section 1903(a)(3) of the Act, which provides for FFP in State expenditures for the design, development, or installation of mechanized claims processing and information retrieval systems and for the operation of certain systems. Additional HHS regulations and HCFA procedures for implementing these regulations are in 45 CFR Part 74, 45 CFR Part 95, Subpart F, and Part 11, State Medicaid Manual; and

(2) Section 1903(r) of the Act, which—(i) Requires reductions in FFP otherwise due a State under section 1903(a) if a State fails to meet certain deadlines for operating a mechanized claims processing and information retrieval system or if the system fails to meet certain conditions of approval or conditions of reapproval;

(ii) Requires at least an annual Federal performace review of the mechanized claims processing and information retrieval systems; and

(iii) Allows waivers of conditions of approval, conditions of reapproval, and FFP reductions under certain circumstances.

(b) The requirements under section 1903(r) of the Act do not apply to Puerto Rico, Guam, the Virgin Islands and the Northern Mariana Islands.

3. Section 433.111 is amended by reprinting the introductory text of the section for the convenience of the reader and revising the first definition to read as follows:

§ 433.111 Definitions.

For purposes of this section:

"Advance Planning Document (APD)" means a written plan of action to acquire the proposed system. Content requirements for the APD are in 45 CFR Part 95, Subpart F, and in Part 11 of the State Medicaid Manual (SMM).

* * * * *

4. Section 433.112 is amended by changing the words "the Administrator" to "HCFA" wherever they appear, and by revising the introductory text of paragraph (6) and paragraphs (b) (2) and (7) to read as follows:

§ 433.112 FFP for design, development, installation or improvement of mechanized claims processing and information retrieval systems.

* * * * *

(b) HCFA will approve the system if the following conditions are met:

* * * * *

(2) The system meets the system requirements and performance standards for initial approval in Part 11, State Medicaid Manual, as periodically amended.

* * * * *

(7) The costs of the system are determined in accordance with 45 CFR 74.171.

* * * * *

§ 433.116 [Redesignated from § 433.113]

5. Section 433.113 is redesignated as § 433.116.

6. A new § 433.113 is added to read as follows:

§ 433.113 Reduction of FFP for failure to operate a system and obtain initial approval.

(a) Except as waived under §§ 433.130 or 433.131, FFP will be reduced as specified in paragraph (b) of this section unless the Medicaid agency has in continuous operation a mechanized claims processing and information retrieval system that meets the following conditions:

(1) The APD for the system was approved by HCFA;

(2) The system is operational by the earlier of—

(i) September 30, 1982; or

(ii) The last day of the sixth month following the date specified for operation in the State's most recently approved APD that was submitted before October 7, 1980; and

(3) The system is initially approved by the last day of the fourth quarter that begins after the date the system became operational as determined by HCFA.

(b) HCFA wll reduce FFP in expenditures for compensation and training of skilled professional medical personnel and support staff under

section 1903(a)(2) of the Act, and for general administration under section 1903(a)(7) of the Act, by the following increments applied separately to those two categories of expenditures:

(1) Five percentage points for the first two quarters beginning after a deadline in paragraph (a) of this section;

(2) An additional five percentage points during each additional two-quarter period, through the quarter in which the State achieves compliance with the conditions for initial operation or initial approval of an operating system. FFP reductions will not exceed 25 percent for each type of reduction.

(c) HCFA will reduce FFP, otherwise available for operating an approved system under 1903(a)(3)(B), for every two-quarter period beyond the deadline for initial approval. No reduction will be made after the quarter during which the system is initally approved.

§ 433.127 [Redesignated from § 433.114]

7. Section 433.114 is redesignated as § 433.127.

8. A new § 433.114 is added to read as follows:

§ 433.114 Procedures for obtaining initial approval; notice of decision.

(a) To obtain initial approval, the Medicaid agency must inform HCFA in writing that the system meets the conditions specified in § 433.116 (c) through (h).

(b) If HCFA disapproves the system, or determines that the system met requirements for initial approval on a date later than the date required under § 433.113(a)(3), the notice will include—

(1) The findings of fact upon which the determination was made; and

(2) The procedures for appeal of the determination in the context of a reconsideration of the resulting disallowance, to the Departmental Grant Appeals Board.

§ 433.123 [Redesignated from § 433.115]

9. Section 433.115 is redesignated as § 433.123.

10. The redesignated § 433.116 is amended by revising paragraphs (a), (b), (c), and (h) to read as follows:

§ 433.116 FFP for operation of mechanized claims processing and information retrieval systems.

(a) Subject to § 433.113(c), FFP is available at 75 percent of expenditures for operation of a mechanized claims processing and information retrieval system approved by HCFA, from the first day of the calendar quarter after the date the system met the conditions of initial approval, as established by HCFA (including a retroactive adjustment of FFP if necessary to provide the 75 percent rate beginning on the first day of that calendar quarter).

(b) HCFA will approve the system operation if the conditions specified in paragraphs (c) through (h) of this section are met.

(c) The conditions of § 433.112(b) (1) through (4) and (7) through (9), as periodically modified under § 433.112(b)(2), must be met.

* * * * *

(h) If the State has a Medicaid fraud control unit certified under section 1903(q) of the Act and § 455.300 of this chapter, the Medicaid agency must have procedures to assure that information on probable fraud or abuse that is obtained from, or developed by, the system is made available to that unit. (See § 455.21 of this chapter for State plan requirements.)

11. New §§ 433.117, 433.119, 433.120, 433.121 and 433.122 are added to read as follows:

§ 433.117 Initial approval of replacement systems.

(a) A replacement system must meet all conditions of initial approval of a mechanized claims processing and information retrieval system.

(b) The agency must submit an APD that includes—

(1) The date the replacement system will be in operation; and

(2) A plan for orderly transition from the system being replaced to the replacement system.

(c) FFP is available at—

(1) 90 percent in expenditures for design, development, and installation in accordance with the provisions of § 433.112; and

(2) 75 percent in expenditures for operation of an approved replacement system in accordance with the provisions of § 433.116(b) through (h), from the date that the system met the conditions of initial approval, as established by HCFA.

(d) FFP is available at 75 percent in expenditures for the operation of an approved system being replaced until the replacement system is in operation and approved.

§ 433.119 Conditions for yearly reapproval; notice of decision.

(a) HCFA will review yearly each system operation initially approved under § 433.114 and reapprove it for FFP at 75 percent of expenditures if the following conditions are met:

(1) The system meets the conditions of §433.112(b) (1), (3), (4), and (7) through (9).

(2) The system meets the conditions of §433.116 (d) through (h).

(3) The system meets the performance standards for reapproval and the system requirements in Part 11 of the State Medicaid Manual as periodically amended.

(b) HCFA will issue to each Medicaid agency, by the end of the first quarter after the fiscal year of the review, a written notice informing the agency whether its system is reapproved or disapproved. If the system is disapproved, the notice will also include—

(1) HCFA's decision to reduce FFP for system operations, and the percentage to which it is reduced, beginning with the next calendar quarter;

(2) The findings of fact upon which the determination was made; and

(3) A statement that State claims in excess of the reduced FFP rate will be disallowed and that any such disallowance will be appealable to the Grant Appeals Board.

§ 433.120 Procedures for reduction of FFP after yearly reapproval review.

(a) If HCFA determines after the yearly review that the system no longer meets the conditions of reapproval in § 433.119, HCFA will reduce FFP for system operations for at least four quarters. However, no system will be subject to reduction of FFP for at least the first four quarters after the quarter in which the system is initially approved as eligible for 75 percent FFP.

(b) HCFA will reduce FFP in expenditures for system operations from 75 percent to no more than 70 percent and no less than 50 percent; however, HCFA will not reduce FFP by more than 10 percent in any four-quarter period. The percentage to which the FFP is reduced will depend primarily on the following criteria:

(1) The number of conditions judged unsatisfactory;

(2) The extent to which conditions were not met; and

(3) The significance of the unsatisfactory conditions in overall mechainized claims processing and information retrieval system operations.

§ 433.121 Reconsideration of the decision to reduce FFP after the yearly review.

(a) The agency appeal to the Departmental Grant Appeals Board, under 45 CFR Part 16, a disallowance concerning a reduction in FFP claimed for system operation caused by a disapproval of the State's MMIS. If the Board finds such a disallowance to be appropriate, the discretionary determination to reduce FFP by a particular percentage amount (instead of by a lesser percentage) is not subject to

review by the Board unless the percentage reduction exceeds the range authorized by section 1903(r)(4)(B) of the Act.

(b) The decisions concerning whether to restore any FFP retroactively and the actual number of quarters for which FFP will be restored under § 433.122 of this subpart are not subject to administrative appeal to the Grant Appeals Board under 45 CFR part 16.

(c) An agency's request for a reconsideration before the Board under paragraph (a) of this section does not delay implementation of the reduction in FFP. However, any reduction is subject to retroactive adjustment if required by the Board's determination on reconsideration.

§ 433.122 Reapproval of a disapproved system.

When FFP has been reduced under § 433.120(a), and HCFA determines upon subequent yearly review that the system meets all current performance standards, system requirements and other conditions of reapproval, the following provisions apply:

(a) HCFA will resume FFP in expenditures for system operations at the 75 percent level beginning with the quarter following the yearly review determination that the system again meets the conditions of reapproval.

(b) HCFA may retroactively waive a reduction of FFP in expenditures for system operations if HCFA determines that the waiver could improve the administration of the State Medicaid plan. However, HCFA cannot waive this reduction for any quarter before the fourth quarter immediately preceding the quarter in which HCFA issues the determination (as part of the yearly review process) stating that the system is reapproved.

12. The redesignated § 433.123 is revised to read as follows:

§ 433.123 Notification of changes in system requirements, performance standards or other conditions for approval or reapproval.

(a) Whenever HCFA modifies system requirements or other conditions for approval under § 433.112 or § 433.116, or performance standards or other conditions of reapproval under § 433.119, HCFA will—

(1) Publish a notice in the **Federal Register** making available the proposed changes for public comment;

(2) Respond in a subsequent **Federal Register** notice to comments received; and

(3) Issue the new or modified standards or conditions in the State Medicaid Manual.

(b) For changes in system requirements or other conditions for approval, HCFA will allow an appropriate period for Medicaid agencies to meet the requirement determining this period on the basis of the requirement's complexity and other relevant factors.

(c) For performance standards and other conditions for reapproval, HCFA will notify Medicaid agencies at least one calendar quarter before the review period to which the new or modified standards or conditions apply.

13. New §§ 433.130 and 433.131 are added to read as follows:

§ 433.130 Waiver of conditions of initial operation and approval.

(a) HCFA will waive requirements for initial operation and approval of systems under § 433.113 for a State meeting the requirements of paragraph (b) of this section and that had a 1976 population of less than one million and made total Federal and State Medicaid expenditures of less than $100 million in fiscal year 1976. Population figures are those reported by the Bureau of the Census. Expenditures for fiscal year 1976 are those reported by the State for that year.

(b) To be eligible for this waiver, the agency must submit its reasons to HCFA in writing and demonstrate to HCFA's satisfaction that an MMIS will not significantly improve the efficiency of the administration of the State plan.

(c) If HCFA denies the waiver request, the notice of denial will include—

(1) The findings of fact upon which the denial was made; and

(2) The procedures for appeal of the denial.

(d) If HCFA determines, after granting a waiver, that an MMIS would significantly improve the administration of the State Medicaid program, HCFA may withdraw the waiver and require that a State obtain initial approval of an MMIS within two years of the date of waiver withdrawal.

§ 433.131 Waiver for noncompliance with conditions of approval and reapproval.

If a State is unable to comply with the conditions of approval or of reapproval and the noncompliance will cause a percentum reduction in FFP, HCFA will waive the FFP reduction in the following circumstances:

(a) *Good Cause.* If HCFA determines good cause, HCFA will waive the FFP reduction. A waiver for good cause will not extend beyond two consecutive quarters.

(b) *Circumstances beyond the control of a State.* The State must satisfactorily explain the circumstances that are beyond its control. When HCFA grants the waiver, HCFA will also defer all other MMIS deadlines for the same length of time that the waiver applies.

(Sec. 1102 of the Social Security Act; 42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 12, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: December 16, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-5383 Filed 3-3-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2560

Alaska Occupancy and Use; Requirements for Occupancy and Use of a Native Allotment; Withdrawal

AGENCY: Burau of Land Management, Interior.

ACTION: Notice of Withdrawal of Proposed Rulemaking.

SUMMARY: Notice is hereby given of the withdrawal of the proposed rulemaking that would have provided a procedure for carrying out the policy of the Department of the Interior regarding the requirement for 5 years for use and occupancy of a Native allotment under the Alaska Native Allotment Act, as amended, published in the **Federal Register** on August 6, 1980 (45 FR 52303). The Department has determined that the requirements contained in the proposed rulemaking are not needed, but can be carried out through procedures set out in Bureau of Land Management's Manual.

DATE: This withdrawal is effective March 3, 1983.

ADDRESS: Suggestions or inquiries should be sent to: Director (311), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Sue Wolf, (202) 343-6511.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

February 28, 1983.

[FR Doc. 83-5382 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 20870; FCC 83-38]

Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Policies and procedures concerning objective need showings for applications requesting an additional one-way frequency for one-way signaling stations are being proposed. The present rules do not provide applicants with sufficient information as to what is required in need showings before applications can be granted. Applicants requesting an additional one-way frequency must show that the existing or projected grade of service is .50 before an additional channel is granted. The proposed standards are concurrently being adopted as an interim rule.

DATES: Comments must be received on or before April 4, 1983 and Replies on or before May 4, 1983.

ADDRESS: Secretary's Office, Rm. 222, FCC, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carmen A. C. Borkowski, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Communications common carriers, Mobile radio service, Radio common carriers.

Adopted: January 27, 1983.

Released: February 14, 1983.

In the matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service; CC Docket No. 20870; Further notice of proposed rulemaking.

1. In this notice we propose to adopt objective need standards for one-way service. We think the public interest will benefit from the adoption of objective need standards for one-way service. In a *Third Report and Order* in this proceeding adopted concurrently with this *Further Notice* we found that objective need standards promote efficient use of a limited spectrum. Our present rules for one-way service do not provide a specific methodology to be followed in demonstrating need for proposed facilities, this has created excessive administrative burdens and delays in authorizing facilities to the public. Accordingly, we are proposing that objective need standards governing one-way applications requesting an additional frequency be adopted.[1] In addition, these objective one-way need standards were adopted concurrently as an interim rule pending the conclusion of this rulemaking proceeding. *See* Rules Section in todays Fed. Reg.[2] The experience we have gained from using objective need standards for two-way service demonstrate to us that one-way standards are also needed. Although one way service is different from two-way service, one-way stations are much more heavily loaded, average air time per transmission is much less and storage techniques are commonly used—in some areas much is the same. Accordingly, the procedures we are proposing for one-way frequencies are substantially the same as the ones we adopted in the *Third Report and Order* for the two-way frequencies, except for the grade of service level, which will be 0.50. Applications for one additional paging channel will be granted, if the application shows that the existing system's present grade of service is 0.50 or greater or that the existing grade of service is 0.40 or greater with a projected grade of service of 0.50 or greater. This rulemaking is largely a formalization and clarification of existing procedures. As in the case of two-way service, we tentatively fined that adoption of objective need standards for one-way service is in the public interest. Applicants will be certain as to what is required to obtain and additional frequency. Objective need standards will promote efficient use of a limited spectrum and permit authorizing facilities to the public in an expeditious and efficient manner. Accordingly, we invite comments on this proposal.

Regulatory Flexibility Act—Initial analysis

2. *Reasons for Action and Objective.* These rules are being proposed in order to give greater clarity to the Commission's processing standards with respect to need showings for an additional one-way frequency in the DPLMRS. The rules will ease regulatory burdens for small entities. The objectives are to streamline, clarify and codify existing regulations and policies and to provide service to the public in the most efficient and expeditious manner possible.

3. *Legal Basis.* The authority for this proposed rulemaking is contained in Sections 4 and 303 of the Communications Act of 1934, as amended.

4. *Small Entities Affected and Potential Impact.* The impact of the proposed rule revisions will be on all DPLMRS applicants and licensees and on members of the public receiving mobile service. Existing and potential applicants for this service range in size from single individuals and small partnerships to large multimillion dollar corporations. The proposed rules will clarify requirements and simplify and reduce the paperwork and administrative procedures for obtaining an additional one-way frequency and serving the public.

5. *Relevant Federal Rules which Overlap, Duplicate or Conflict with this Action.* None

6. *Reporting, Record-Keeping and Compliance Requirements.* This action will reduce the reporting and recordkeeping requirements. This action will reduce the reporting and recordkeeping requirements. Licensees will no longer be required to submit demographic or statistical studies and other methods of evidencing need used in the past. The same level of engineering and other technical skills will be required as is presently necessary to properly submit an application in these radio services.

7. *Alternatives that would lessen impact.* We have considered the alternative of exempting small businesses from the proposed rule. This would not establish an easier standard for receiving an additional channel, therefore, it would not lessen adverse economic impact on these entities. Therefore, we have opted for lessening the regulatory burdens on small entities by clarifying our rules.

8. Interested parties are invited to submit written comments on their views concerning the adoption of objective need standards for an additional one-way frequency to the Federal Communications Commission, Washington, D.C. 20554. Comments should address specifically with supportive data actual channel usage for tone/voice, tone only, tone/optical readout and mixed, or a combination thereof as well as specific recommendations concerning channel loading standards for the previously cited units.[3]

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[1] In General Docket No. 80-183, First Report and Order, 89 FCC 2d 1337 (1982), we eliminated the requirement of demonstrating public need for the proposed facilities for applications requesting one initial one-way frequency. We also established that initial and additional frequencies would be limited to no more than one at a time.

[2] Applications which fail to demonstrate need in accordance with the interim standards will be returned as unacceptable for filing pursuant to § 22.20 of the Rules.

[3] In this regard comments can rely on business judgment and/or historical experience with supportive data or evidence.

9. Comments should be submitted in accordance with Rule § 1.419, 47 CFR 1.419 Comments should be submitted by April 4, 1983. Reply comments by May 4, 1983. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments, pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. Pending the conclusion of this rulemaking proceeding, we will follow the objective need standards of the interim rule adopted concurrently with this Further Notice.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-5420 Filed 3-2-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-716; RM-4102; RM-4140]

TV Broadcast Stations in Anchorage and Seward, Alaska; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding involving the assignment of VHF Television Channel 5 and/or Channel 9 to Anchorage, Alaska, and the substitution of Channel 8 for unused Channel 9 at Seward, Alaska (47 FR 49416). Alaska 13 Corporation requests the additional time to file reply comments.

DATE: Reply comments must be filed on or before February 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

In the Matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Anchorage and Seward, Alaska); BC Docket No. 82-716, RM-4102, RM-4140; Order.

Adopted: January 25, 1983.
Released: February 7, 1983.

1. On October 14, 1982, the Commission adopted a Notice of Proposed Rule Making, 47 FR 49416, published November 1, 1982, in response to petitions filed by the State of Alaska and by Pioneer Broadcasting Company, Inc., proposing two options. The first proposal was to reassign Channel 9 from Seward to Anchorage on a reserved basis, to assign Channel 5 to Anchorage, Alaska, and to substitute Channel 8 for unused Channel 9 at Seward. The second option proposed to reassign Channel 9 from Seward to Anchorage as an unreserved assignment, with a reservation on Channel 5 at Anchorage instead, and to substitute Channel 8 for Channel 9 in Seward. The reply comment deadline is currently January 27, 1983.

2. On January 19, 1983, counsel for Alaska 13 Corporation (licensee of Station KIMO (TV), Anchorage, Alaska) filed a request seeking additional time in which to file reply comments to and including February 7, 1983. Counsel states that according to the comments filed January 11 and 13, 1983, the State of Alaska Division of Telecommunications Systems and Alaska Public Broadcasting Commission have withdrawn from this proceeding. As a result, it is not clear whether Alaska Public Television intends to pursue the allocation of Channel 9 to Anchorage. The requested extension would permit any other party, who wishes to withdraw, additional time to do so thereby saving the Commission and commenting parties from expending resources to address comments from parties no longer interested in the proceeding.

3. We believe that the requested extension of time is justified in order to provide interested parties an opportunity to respond to comments filed in this proceeding. It does not appear that any party involved in this proceeding would be adversely affected by the extension of time..

4. Accordingly, it is ordered, That the date for filing reply comments in BC Docket No. 82-716 is extended to and including February 7, 1983.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-5417 Filed 3-2-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 43
Thursday, March 3, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Allegheny Front RARE II Further Planning Area Oil-Gas Operations by Non-Federal Owners of Prior Severed Mineral Rights, Allegheny National Forest, Warren County, Pennsylvania; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service will prepare an environmental impact statement to determine possible effects on wilderness and other values of various proposals for oil or gas development by non-Federal owners of mineral rights severed at the time or prior to the acquisition by the Government of the 8,696 acres of National Forest lands comprising the RARE II Allegheny Front Further Planning Area. Approximately 95% of such mineral rights are privately owned.

The current proposal is for 28 new oil-gas wells for immediate development. Companies intend additional developments and production that will include road construction, installation of storage tanks and powerlines and other facilities commonly used for local oil-gas production. The mineral owners claim the legal right to carry out these activities pursuant to the severance documents.

A range of alternatives will be considered. They will include; denying access for mineral operations; acquisition and subordination of the mineral rights; and issuance of permits for the operations. Each alternative must address potential operational impacts for the entire Further Planning Area. However, the final decision of whether or not to recommend the Allegheny Front for wilderness study will either be made legislatively or as a part of the Allegheny National Forest Planning Process, according to Section 6 National Forest Management Act.

Federal, State and local agencies, special interest groups, organizations and individuals will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

The Forest Supervisor will hold a public meeting in his office at the Allegheny National Forest; Warren, PA, April 5, 1983 at 7:00 p.m.

The responsible official is Regional Forester Steve Yurich, USDA-Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin.

Analysis is expected to take seven months. The draft environmental impact statement should be available in July 1983. The final environmental impact statement is scheduled for completion in November 1983.

Written comments and suggestions concerning the analysis should be sent to John P. Butt, Forest Supervisor, Spiridon Building, Box 847, Warren, Pennsylvania 16365 by April 8, 1983.

Questions about the proposed action and environmental impact should be directed to James Schuler, District Ranger, Sheffield Ranger District, Sheffield, PA 16347 Telephone: (814) 968-3232.

Dated: February 23, 1983.

Larry Hanson,
Deputy Regional Forester.

[FR Doc. 83-5328 Filed 3-2-83; 8:45 am]
BILLING CODE 3410-11-M

Modoc National Forest Grazing Advisory Board; Meeting

The Modoc National Forest Grazing Advisory Board will meet at 1:00 p.m., March 23, 1983, in the Conference Room of the Supervisor's Office at 441 North Main Street, Alturas, California.

The purpose of this meeting is to discuss Stewardship projects with Range Betterment Funds on the Warner Mountain Ranger District.

The meeting will be open to the public. Persons who wish to attend or who would like further information should notify William E. Britton, Modoc Supervisor's Office, telephone 916-233-5811. Written statements may be filed with the Board before or after the meeting.

Glenn Bradley,
Forest Supervisor.
February 23, 1983.
[FR Doc. 83-5329 Filed 3-2-83; 8:45 am]
BILLING CODE 3410-11-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Discussion on Utilization of Discretionary Funds in FY 1983; Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of ATBCB meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) has scheduled a meeting to be held from 1:00 p.m. to 5:00 p.m., Tuesday, March 8, 1983, to take place in the Main Hall of the Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C. 20024. Portions of the meeting on ATBCB discretionary funds for FY 1983 will be open only to ATBCB members and Federal agency staff.

Items to be considered are as follows: Discussion on the utilization of ATBCB discretionary funds in FY 1983; courtroom accessibility policy; safe transport of disabled air travelers; status report on ATBCB retreat; resolution regarding the voting accessibility act.

DATE: March 8, 1983—1:00 p.m.—5:00 p.m.

ADDRESS: Main Hall, Disabled American Veterans (DAV) National Service and Legislative Headquarters, 807 Maine Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information (202) 245-1591 (voice or TDD).

Committee meetings of the ATBCB will be held on Monday, March 7, 1983, and Tuesday morning, March 8, in the Hubert Humphrey Building. Contact Larry Allison, Director of Public Information (202)245-1591 (voice or TDD), for further information.

Wm. Bradford Reynolds,
Chairperson.
[FR Doc. 83-5451 Filed 3-2-83; 8:45 am]
BILLING CODE 4000-07-M

CIVIL AERONAUTICS BOARD

[Order 83-2-104; Docket 41302]

Air Canada; Proposed U.S.-Canada "Seat Sale" Fares; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of February, 1983.

By tariff revisions filed January 21, 1983, for effectiveness February 25, Air Canada has proposed new low "Seat Sale" fares on all of its North American routes except Canada-Florida. The proposed roundtrip fares would be available for travel through June 20, 1983, and would be priced at $79 for markets up to 500 miles, $119 for 501 to 1,500 miles, $169 for 1,501 to 2,300 miles, and $209 for markets of more than 2,300 miles. The "Seat Sale" would be subject to a 21-day advance-purchase requirement, a first-Sunday/30-day minimum/maximum stay provision, capacity and day-of-travel restrictions, and a 100 percent cancellation penalty.

Despite the relatively short duration and restrictive conditions of the "Seat Sale" fares, we believe that the proposal would offer significant benefits to the traveling public. The Air Canada initiative is particularly encouraging since low-fare options have been fairly limited in U.S.-Canada markets, compared to U.S. domestic routes. The Government of Canada has repeatedly rejected innovative low-fare filings by U.S. carriers in the market, including tariffs which represent *bona fide* competitive responses to Canadian carrier filings. It is this continuing reluctance on the part of the Canadian aviation authorities to permit competitive pricing by U.S. carriers that prompts our present concern with Air Canada's "Seat Sale" fares.

Specifically, since April 1980, Continental Air Lines has repeatedly sought Canadian government approval for tariffs establishing interline fares between Canada and the South Pacific (via Los Angeles) at levels that match the Canada-South Pacific fares Canadian Pacific Air Lines currently offers (via Honolulu). In addition, a number of U.S. carriers have now filed competitive responses to Air Canada's "Seat Sale" fares. Many of these "Seat Sale" filings have apparently now been approved, but the Canadian authorities have repeatedly blocked Continental's efforts to compete with C P Air on the Canada-South Pacific routes. Despite our persistent efforts to resolve the matter by negotiation, Continental's diligent attempts to develop an acceptable fares package, and our ready approval of comparable U.S.-South Pacific tariffs by C P Air, the Canadian authorities continue to deny Continental the right to match C P Air's Canada-South Pacific fares. While we welcome the Canadian government's acceptance of U.S. carriers' "Seat Sale" fares, their continued reluctance to permit the same competitive pricing freedom with respect to Continental's Canada-South Pacific fares makes it imperative that we take action at this point.

Our policy is to allow most new low-fare filings that would encourage greater use of air transportation and offer a wider array of choices for the consumer. Consequently, we would normally conclude that we should not suspend the "Seat Sale" proposal, based on a number of factors: (1) The Air Canada filing would provide significant public benefits, albeit for a short period of time; (2) the Canadian and U.S. traveling public should not be denied the benefits of any low fares by any carrier; and (3) our permissiveness would have the effect of conveying to our Canadian friends an open-minded attitude toward permissive filings by all carriers. We hope that cooperation between our two governments will produce an environment that would provide the public with low fares and permit any carrier on either side to file prices in an open competitive regime without arbitrary government intervention. In the interim, we cannot allow Canadian carriers to dictate fare levels unilaterally, in any major market.

In this case, we believe it is essential for us to take action in order to effectively preserve the public's right to low fares in these markets. The public stands to gain much more over the long run by our firm support of the right of competitive carriers to provide a variety of fare choices which make air travel available to more consumers and expand the total market, than they would be unqualified approval of these temporary Canadian fares.

We have concluded, therefore, that the public interest requires a suspension of Air Canada's proposal.

Accordingly, under the Federal Aviation Act of 1958, as amended, particularly sections 102, 204(a), 403, 801 and 1002(j) thereof,

1. We shall institute an investigation to determine whether the fares and provisions set forth in Appendix A hereof, and rules and regulations or practices affecting such fares and provisions, are or will be discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend the tariff provisions specified in the attached Appendix,[1] and defer their use from February 25, 1983, to and including February 24, 1984, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [2] and it shall become effective on February 25, 1983.

4. We shall file copies of this order in the aforesaid tariffs and serve them upon Air Canada, American Airlines, Inc., Canadian Pacific Air Lines, Ltd., Continental Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Republic Airlines, Inc., United Air Lines, Inc., and Western Airlines, Inc.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor, [3]

Secretary.

[FR Doc. 83-5425 Filed 3-2-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-2-113; Docket 41320]

Application of Classic Air, Inc. for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting a Fitness Investigation of Classic Air, Inc., 83-2-113, Docket 41320.

SUMMARY: The Board is issuing an order instituting a fitness investigation of Classic Air, Inc.

DATES: Persons wishing to file requests for additional evidence or petitions to intervene in the Classic Air, Inc. Fitness Investigation shall file their petitions in Docket 41320 by March 10, 1983, and serve such filings on all persons listed below.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in the Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

In addition, copies of such filings should be served on: Classic Air, Inc.; the Mayors and Airport Managers of Los Angeles, Lake Tahoe, California, Las

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[1] *Note.*—The appendix is filed as part of the original document.

[2] We submitted this order to the President on February 23, 1983. We received notification that the President did not intend to disapprove the Board's Order on February 24, 1983.

[3] All members concurred.

Vegas and Grand Canyon; the Arizona Department of Transportation, the California Transportation Commission and the Nevada Public Service Commission; the Federal Aviation Administration; the Department of Justice; and the Department of Transportation.

Service will also be required on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT:
Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5333.

SUPPLEMENTARY INFORMATION:
The Complete text of Order 83–2–113 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–2–113 to that address.

By the Bureau of Domestic Aviation:
February 28, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-5434 Filed 3-2-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 209]

Resolution and Order Approving the Application of the Huntsville-Madison County Airport Authority for a Foreign-Trade Zone in Huntsville, Ala., Within the Huntsville Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Huntsville-Madison County Airport Authority, filed with the Foreign-Trade Zones Board (the Board) on July 30, 1982, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Huntsville, within the Huntsville Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended,and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry to the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Huntsville-Madison County Airport Authority (the Grantee) has made application (filed July 30, 1982) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Huntsville, within the Huntsville, Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, Therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 83 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zone Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 24th day of February 1983, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,
Chairman and Executive Officer.

Attest:

John J. De Ponte,
Executive Secretary.

[FR Doc. 83-5450 Filed 3-2-83; 8:45 am]
BILLING CODE 3510-25-M

[Order No. 208]

Resolution and Order Approving the Application of the City of Mobile, Alabama, for a Foreign-Trade Zone in Mobile, Within the Mobile Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18,

1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Mobile, Alabama, filed with the Foreign-Trade Zones Board (the Board) on January 4, 1982, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Mobile, within the Mobile Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which building may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to § 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Exceutive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant To Establish, Operate, and Maintain a Foreign-Trade Zone in Mobile, Alabama

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the City of Mobile, Alabama (the Grantee) has made application (filed January 4, 1982) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone in Mobile, within the Mobile Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR Part 400) are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 82 at the location mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone site in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 24th day of February 1983, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest: John J. Deponte,

Executive Secretary.

[FR Doc. 83-5449 Filed 3-2-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Disposition of Applications for Duty-Free Entry of Scientific Articles

In view of the requirements of schedule 8, Part 4, Headnote 1, Tariff Schedules of the United States, which provide that articles imported under Tariff item 851.60 be used exclusively for noncommercial purposes for a period of five years after entry, and U.S. Customs Service ruling CON 5–02 CO:R:E:E:E: 720803 KP dated December 17, 1982 providing that instruments which enter the United States for investigational purposes pursuant to the Food and Drug Administration regulation 21 CFR Part 812 involve commercial use and therefore are not eligible for duty-free entry under item 851.60, the processing of the applications listed below has been permanently suspended. No further applications involving instruments subject to the 21 CFR Part 812 shall be accepted for processing.

Docket No. 81–00268. Applicant: A.T. & S.F. Memorial Hospitals, Inc., 600 Madison, Topeka, KS 66607. Instrument: MBB–A Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: July 14, 1982.

Docket No. 82–00225. Applicant: University of Maryland Hospital, Divison of Gastroenterology, Room N3W148, 22 S. Greene Street, Baltimore, MD 21201. Instrument: MBB-AT Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: May 24, 1982.

Docket No. 82–00324. Applicant: Memorial Sloan-Kettering Cancer, Urologic Service, Department of Surgery, Memorial Hospital, 1275 York Ave., New York, NY 10021. Instrument: MBB-AT Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: August 5, 1982.

Docket No. 82–00348. Applicant: Saint Joseph Hospital, Division of Gastroenterology, 7620 York Road, Towson, MD 21204. Instrument: MBB-AT Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: September 16, 1982.

Docket No. 82–00350. Applicant: University of Arkansas for Med. Sciences, Division of Gastroenterology.

Univ. Hospital (Room 3D29) 4301 West Markham, Slot 567, Little Rock, AR 72205. Instrument: MBB–AT Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: September 16, 1982.

Docket No. 82–00353. Applicant: Hektoen Institute for Medical Research, Division of Gastroenterology, Cook County Hospital, 1835 W. Harrison, Chicago, IL 60612. Instrument: MBB-AT Medilas 2 YAG Coagulation Laser and Accessories. Application received by U.S. Customs Service: September 20, 1982.

Docket No. 82–00374. Applicant: Tampa General Hospital, Gastroenterology, Center, Davis Islands, Tampa, FL 33606. Instrument: MBB-AT Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: October 5, 1982.

Docket No. 83–30. Applicant: Arziona Family Planning Service, 3412 N. 4th Avenue, Phoenix, AZ 85013. Instrument: MBB–A Medilas 2 YAG Coagulation Laser. Application received by U.S. Customs Service: October 20, 1982.

Docket No. 82–00380. Applicant: Willis Eye Hospital, 9th and Walnut Streets, Philadephia, PA 19107. Instrument: Q-Switched ND YAG Laser. Application received by U.S. Customs Service: October 5, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-5419 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Cotton Yarn From Peru

AGENCY: International Trade Administration, Commerce.

ACTION: Amendment to the final affirmative countervailing duty determination and countervailing duty order.

SUMMARY: On February 1, 1983, we published a final affirmative countervailing duty determination and countervailing duty order on cotton yarn from Peru (48 FR 4508). Due to a mathematical error in the calculation of the CERTEX rate, the benefit provided by CERTEX is lowered, and therefore, the net bounty or grant provided on the export of cotton yarn from Peru is lowered by the same amount.

In the "Final Determination" section of the notice, we stated: "The estimated net bounty or grant is 38.288 percent of the f.o.b. value of the export of cotton yarn." This should read: "The estimated net bounty or grant is 37.956 percent of the f.o.b. value of the export of cotton yarn."

In the "CERTEX" section of the notice paragraph 11, we stated: "Since the above-described linkage has not been demonstrated, we have determined that the CERTEX payments must be considered as conferring bounties or grants in the amount of 26.298 percent of the f.o.b. value of the export in the amount of 26.298 percent of the f.o.b. value of the export for all exporters of cotton yarn, regardless of area of production." This should read: "* * * in the amount of 25.966 percent * * *"

In the "Administrative Procedures" section of the notice we stated: "The net bounty or grant is 38.288 percent of the f.o.b. value of the export of cotton yarn." This should read: "The net bounty or grant is 37.956 percent of the f.o.b. value of the export of cotton yarn."

This amendment corrects the three sections quoted: No other information in the February 1, 1983 determination is affected by this amendment.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent P. Kane or Melissa G. Skinner, Office of Investigations Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone: (202) 377–5414 or 3530.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-5282 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Bend Research, Inc., having a place of business at Bend, Oregon an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Composite Membrane for Reverse Osmosis," U.S. Patent Application Serial No. 259,349 filed May 1, 1981 and its continuation application filed December 8, 1982. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, P.O. Box 1423, Springfield, Virginia 22151. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: February 23, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-5333 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of the Army Historical Advisory Committee; Notice of Meeting

1. In accordance with Section 10(A)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting: Name of Committee: Department of the Army Historical Advisory Committee.

Date: 29 April 1983.

Place: Conference Room, 8222–C Casimir Pulaski Building, 20 Massachusetts Ave., NW., Washington, D.C.

Time: 1000–1140; 1345–1515.

Proposed Agenda: 1000–1140—Review of historical activities; 1345–1515—Discussion of activities and executive session of the committee.

Purpose of meeting: The committee will review the past year's historical activities based on reports and manuscripts received throughout the year and formulate recommendations through the Chief of Military History to the Chief of Staff, US Army and the Secretary of the Army for advancing the purpose of the Army Historical Program.

2. Meetings of the Advisory Committee are open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing, at least five days prior to the meeting of their intention to attend the April 29 meeting.

3. Any members of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits, the Committee Chairman may allow public presentations or oral statements at the meeting.

4. All communications regarding this Advisory Committee should be addressed to LTC Grady A. Smith, Advisory Committee Management Officer for the Chief of Military History, HQS Department of the Army, Washington, D.C. 20314.

Dated: February 1, 1983.

Grady A. Smith,

LTC, AGC, Executive Officer.

[FR Doc. 83-5510 Filed 3-2-83; 8:45 am]

BILLING CODE 3710-08-M

United States Army Medical Research and Development Advisory Committee Blood Preservation and Substitutes Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Blood Preservation and Substitutes.

Date of Meeting: March 18, 1983.

Time and Place: 0830 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presidio of San Francisco, CA.

Proposed Agenda: This meeting will be open to the public from 0830 to 1000 hrs for the administrative review and discussion of the scientific research program of the Blood Preservation and Substitutes Group, Letterman Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), United States Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1015-1700 hrs for the review, discussion and evaluation of individual programs and projects conducted by the US army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presidio of San Francisco, CA 94129 (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83-5575 Filed 3-2-83; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Mississippi and Louisiana Estuarine Areas, Freshwater Diversion into Lakes Maurepas, Pontchartrain and Borgne, and Mississippi Sound

AGENCY: U.S. Army Engineer District, New Orleans, DOD.

ACTION: Notice of Intent to Prepare A Draft Invironmental Impact Statement.

SUMMARY: 1. *Proposed Action.* The proposed work to be analyzed in this statement is the diversion of Mississippi River water into estuarine areas at three potential locations in southeastern Louisiana. The purposes of the proposed work include improvement of wildlife and fisheries production, reduction of saltwater intrusion, enhancement of vegetative growth, and restoration of coastal wetlands. The potential diversion sites are at the following locations, all in southeastern Louisiana:

a. Through the eastbank levee at approximately river mile 128, then via a dredged canal within the Bonnet Carre' Spillway to Lake Pontchartrain, a distance of about 6 miles.

b. Through the Inner Harbor Navigation Canal at about mile 92.6 to Lake Pontchartrain, the Gulf Intracoastal Waterway, and Mississippi River Gulf Outlet.

c. Through the eastbank levee at approximately river mile 84, then via a dredged canal to Lake Borgne, a distance of about 5 miles.

2. *Alternatives.*

a. Measures considered to meet study planning objectives included freshwater diversions, saltwater barriers, regulating alterations of wetlands, filling open water areas, establishing sanctuaries, and managing fish and wildlife. Freshwater diversion was concluded to be the most effective measure to achieve the objectives.

b. A total of 13 freshwater diversion sites were investigated. The 13 sites have been screened to 3 sites based on engineering, socioeconomics, and environmental considerations.

c. The no action alternative is also being considered. However, this would not be accepted because no action would allow continued deterioration of the estuarine environment of coastal Louisiana.

3. *Scoping Process.*

a. Two initial public meetings were held on February 1st and 9th, 1978 at Gulfport, Mississippi and New Orleans, Louisiana, respectively. A coordination meeting was held on April 23, 1980 with representatives of Federal, state, and local agencies interested in freshwater diversion to discuss the status of the study and the planned course of action. Ad hoc interagency meetings were held on May 28 and June 22-24, 1982 to develop objectives for enhancing fish and wildlife resources through freshwater diversion. Various informal meetings were held and more will be held with representatives of Federal and state fish and wildlife agencies, local interests, environmental groups, and other special interest groups.

b. Significant issues to be addressed in the draft EIS include coastal wetland deterioration, adverse and beneficial impacts of freshwater diversion on the estuarine ecosystem, water quality, project costs, real estate requirements, effects of diversion on local drainage, impacts on the human environment and cultural and historical resources.

c. The US Fish and Wildlife Service has provided a planning aid report on the proposed action. In the future, the agency will provide a Fish and wildlife Coordination Act Report.

d. Periodic reviews will be held with US Fish and Wildlife Service and other Federal, state and local agencies.

4. *Scoping Meetings.* The public meeting is scheduled for November 1983. Public distribution of notices relatives to the study will be provided.

5. *Availability.* The draft EIS is scheduled to be available to the public in October 1983.

ADDRESS: Questions concerning the proposed action and draft EIS can be directed to Dennis L. Chew, US Army Corps of Engineers District, New Orleans, Planning Division, Post Office Box 60267, New Orleans, Louisiana 70160, telephone (504) 838-2523.

Dated: February 23, 1983.

Robert C. Lee,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-5420 Filed 3-2-83; 8:45 am]

BILLING CODE 3710-84-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Icicle Creek Hydropower Study

AGENCY: U.S. Army Corps of Engineers, Seattle District, DoD.

ACTION: Notice of Intent to prepare a draft environmental impact statement (DEIS) for a study called the Icicle Creek Hydropower Study. Icicle Creek is a tributary to the Wenatchee River in central Washington.

SUMMARY:

a. *Proposed Action.* The Corps of Engineers began this feasibility study in September 1982. The purpose of the study is to determine the feasibility of meeting a portion of future projected Pacific Northwest electrical energy needs through hydopower development of Icicle Creek in Chelan County, Washington. At present, the most promising hydropower alternative would involve construction of a small diversion dam near river mile (R.M.) 11 of Icicle Creek. The dam would create a small, constant pool with a surface area of 1 acre or less. From the dam a penstock would extend downsteam to a powerhouse near R.M. 6. When electricity from the powerhouse is needed, water would be diverted into the penstock and would run through the powerhouse turbines, and then the water would be discharged back into the creek near R.M. 6. The maximum installed capacity of the powerhouse would be between 40 and 80 megawatts, and the average annual energy that could be produced would be between 300,000 and 500,000 megawatt hours. As the feasibility study progresses, these capacity and energy estimates will be refined. Powerlines from the powerhouse to the local power grid would also be required.

b. *Alternatives.* Other alternatives which would produce or conserve electricity will be investigated.

c. *Public Involvement and Review.* A coordination letter describing the study, hydropower alternatives, potential impacts, and specific future Icicle Creek studies will be sent to interested agencies and groups in February 1983. Public meetings, workshops, and agency meetings will be scheduled throughout the feasibility study.

d. *Significant Issues.* The following two main issues have surfaced to date. These issues and others will be addressed in the DEIS.

(1) Icicle Creek is important for its fish, wildlife, recreation, and esthetic values. A hydropower plan must be developed which will not have serious adverse impacts to these values.

(2) Icicle Creek has annual variations in flow which do not correspond to the annual variations in Pacific Northwest Electricity demand. During periods of peak electricity demand, Icicle Creek flows will sometimes be meager, and during periods of lesser demand, Icicle Creek flows will sometimes be relatively large. A cost-effective hydropower plan must be developed around this constraint.

e. *Other Environmental Review and Consultation Requirements.* The study is being coordinated with the U.S. Fish and Wildlife Service and will satisfy requirements of the Fish and Wildlife Coordination Act and Section 7(c) of the Endangered Species Act. Section 404 of Public Law 92–500 requires an evaluation of the effects of activities on aquatic ecosystems involving the discharge of dredged or fill material in waters of the United States. A "Section 404b evaluation," which discusses the plan's potential impacts on the Icicle Creek aquatic ecosystem, will be developed.

f. *Availability of DEIS.* The DEIS is presently scheduled to become available to the public in the summer of 1985.

g. *Address.* Information about the proposed action and DEIS can be obtained by contacting: Mr. Paul Cooke, Environmental Resources Section, Seattle District, Corps of Engineers, Post Office Box C–3755, Seattle, Washington 98124, Telephone (206) 764–3624 (FTS 399–3624).

Dated: February 24, 1983.

Norman C. Hintz,

Colonel, Corps of Engineers District Engineer.

[FR Doc. 83-5429 Filed 3-2-83; 8:45 am]

BILLING CODE 3710-GB-M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research; Rehabilitation Engineering Centers

AGENCY: Department of Education.

ACTION: Application Notice for Transmittal of Applications for Fiscal Year 1983.

Applications are invited for new Rehabilitation Engineering Centers for fiscal year 1983 under the National Institute of Handicapped Research in the three priority areas stated below.

Authority for this program is contained in Section 204(b)(2) of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602 (29 U.S.C. 762(b)(2)).

The following three priorities were announced as final priorities, pursuant to Departmental regulations and procedures, on August 25, 1982. An application notice soliciting applications to compete for funding under these three priorities as well as other NIHR final priorities for fiscal year 1983 was also published in the **Federal Register** on August 25, 1982 (47 FR 32768 and 37281).

However, very few applications were received in response to these three priorities and those that were received were deemed inadequate for funding as a result of the Department's scientific and technical review process. Applications which were received under these three priorities were considered to be not fully responsive to the substantive research requirements of the priorities. Areas of deficiency in these applications included failure to focus on rehabilitation aspects of the research issue; inadequately defined programs of research, particularly in terms of interdisciplinary components; inadequately developed approaches to evaluation; and, in some cases, failure to propose senior staff sufficiently qualified by background and prior experience.

Nevertheless, the Secretary is convinced of the importance of these three priority areas to the advancement of rehabilitation research and to meeting critical needs of handicapped individuals. Therefore, the Secretary is reannouncing these three final funding priorities. No changes have been made in the wording of the priorities. Applicants who submitted applications in the earlier competition are invited to submit new applications as are all other interested eligible agenices and organizations.

Closing Date for Transmittal of Applications

Applications for grant awards must be mailed or hand delivered by May 6, 1983.

Applications Delivered By Mail

Any applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.133, 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing, consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered. Amendments received after the closing

date also will not be considered in the review of the application.

Applications Delivered By Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information

Awards are made under this program to States and public or private agencies and organizations including institutions of higher education.

NIHR is authorized to support research and related activities under several program authorities. The priorities identified in this Notice cover research and related activities to be conducted through Rehabilitation Engineering Centers.

Rehabilitation Engineering Research Centers (RECs) conduct coordinated programs of advanced research of an engineering or technological nature. RECs are also encouraged to develop systems for the exchange of technical and engineering information and to improve the distribution of technological devices and equipment to handicapped individuals. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Ideally each REC conducts a program of research, scientific evaluation, and training that advances the state-of-the-art in technology or its application, contributes substantially to the solution of rehabilitation problems, and becomes an acknowledged Center of excellence in a given subject area. RECs are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other Centers. RECS generally conduct training programs to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of or contribution to undergraduate and graduate texts and curricula, in-service training, continuing education, and distribution of information and appropriate technology.

Rehabilitation Engineering Research Centers will be funded for periods up to 60 months. Funding Priorities for RECs (3).

Improving Personal Licenses Vehicled and Transportation

Mobility for handicapped persons is seriously impaired by problems of accessibility to mass transit. Alternative transportation resources are often the only viable option. Personal vehicles can be an option for many handicapped individuals, but there are many issues of design, operation, cost and safety to be resolved.

A Center in this area must design equipment to modify personal vehicles; establish safety and performance criteria for vehicular equipment matched to the capabilities of disabled drivers (especially the most severely disabled); study access and safety systems to determine the most appropriate devices and combinations of devices for disabled drivers; and initiate a program of training of disabled drivers to utilize appropriate equipment and modifications best suited to their needs.

The Secretary intends to fund at least one REC in this area in an amount up to $500,000.

Improving Rehabilitation of Low Back Pain

Disability as a result of low back pain is one of the most common handicapping conditions affecting millions of Americans and limiting their productivity. Very little systematic, coordinated research has been focused upon the rehabilitation of persons with chronic low back syndrome. It is anticipated that a substantial improvement of low-back-related disability can result from concentrated, coordinated research which combines the efforts of medical and engineering scientists.

The REC in this area will design and develop methods and equipment to quantify low back pain; evaluate existing, and design new orthotic systems, including electrical stimulation for the mitigation of back and neck pain; evaluate the effectiveness of electrical stimulation for the control of low back pain and for increasing muscular strength to stabilize the low back; and evaluate existing exercise regimens and design new ones to reduce the incidence of low back pain.

The Center must also develop new equipment and methods for training persons to manage low back pain, including electrical and biofeedback systems, and develop modified seating and other components to reduce low back pain.

The Secretary intends to fund at least one REC in this are in an amount up to $500,000.

Development of New Generation Hearing Aids

Hearing aids can be used to various degrees of satisfaction by those persons impaired by conductive, sensorineural, mixed and central hearing losses.

Hearing aids technology has advanced to a state where it could benefit from additional research to improve the quality of amplification and frequency responses produced and the clarity of sound perceived by the user.

Such a Center shall develop performance evaluation standards and evaluate all currently available hearing aids systems for quantity and quality of amplification and frequency responses relating to conductive, sensorineural, mixed and central hearing losses; develop new concepts in hearing aids using the latest technologies for sound reproduction and pattern recognition of messages; develop diagnostic and prescriptive instruments and common prescriptive criteria to optimize use of residual hearing and hearing enhancement; and evaluate newly-developed hearing aids.

The Secretary intends to fund at least one REC in this area in an amount up to $400,000.

The Secretary intends to fund at least one grant or cooperative agreement in each of these three areas, assuming satisfactory applications and continued availability of funds. However, this Notice does not bind the U.S. Department of Education to fund projects in any or all of these areas, or to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulation.

Application Forms

Application forms and further information may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 330 C Street, SW., Washington, D.C. 20202. (Attention: Peer Review Unit); 202/245-0555.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance

requirement beyond those imposed under the statute and regulations.

Applicable Regulations

Regulations governing the program include the following:

(A) Education Department General Administrative Regulations (EDGAR) 34 CFR Parts 74, 75, 77, and 78; and

(B) Applicants for fiscal year 1983 grants should base their applications on Section 204(b)(2) of the Act, applicable NIHR regulations in 34 CFR Parts 350 and 353 and EDGAR.

FOR FURTHER INFORMATION CONTACT: For further information, contact Ms. Edythe Glazer, National Institute of Handicapped Research, U.S. Department of Education, Switzer Office Building, Room 3511, 330 C Street, SW., Washington, D.C. 20202. Telephone: 202/245-0555, TTY for deaf individuals 202/472-4217.

(29 U.S.C. 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: February 28, 1983.

Douglas A. Fenderson, Ph. D.,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 83-5627 Filed 3-2-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Women's Educational Programs

AGENCY: National Advisory Council on Women's Educational Programs, Ed.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule for a Demonstration Site Visit, and proposed agenda of a meeting of the National Advisory Council on Women's Educational Programs, and its Executive, Civil Rights, Federal Policies, Practices, and Programs, and Women's Educational Equity Act Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: March 25, 1983, 8:00 a.m. to 9:30 p.m. and March 26, 1983, 8:00 a.m. to 3:00 p.m.

ADDRESS: The meetings will be held at Airport Hilton Inn, I-40 at Guilford-Jamestown Road; Greensboro, North Carolina.

FOR FURTHER INFORMATION CONTACT: Sharon Petersen, Administrative Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street NW., Suite 416, Washington, D.C. 20004, (202) 376-1038.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 95-561. The Council is mandated to: (a) Advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The Executive Committee meeting will meet March 25, 1983, from 7:30 a.m. to 9:30 a.m. at the Airport Hilton Inn, I-40 at Guilford-Jamestown Road, Greensboro, North Carolina.

The demonstration site visit will be held March 25, 1983, from 11:00 a.m. to 3:30 p.m. at the Reidsville City School System Demonstration site in Reidsville, 920 Johnson Street, Reidsville, N.C. and at nearby schools.

The Civil Rights Committee, Women's Educational Equity Act Program Committee and the Federal Policies, Practices and Programs Committee, will meet March 25, 1983, from 7:00 p.m. to 9:30 p.m. at the Airport Hilton Inn, I-40 at Guilford-Jamestown Road, Greensboro, North Carolina.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 8:00 a.m. to 9:30 a.m. on March 25, 1983 and from 8:00 a.m. to 3:00 p.m. on March 26, 1983 at the Airport Hilton Inn, I-40 at Guilford-Jamestown Road, Greensboro, North Carolina. The agenda includes reports of the Executive Committee and Executive Director; Civil Rights, Federal Policies, Practices, and Programs, and Women's Educational Equity Act Program Committees; old and new business; and planning for future meetings.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 425 13th Street NW., Suite 416, Washington, D.C. 20004.

Signed at Washington, D.C., on February 28, 1983.

Rosemary Thomson,

Executive Director.

[FR Doc. 83-5681 Filed 3-2-83; 8:45 am]

BILLING CODE 4000-01-M

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92-463), Section 10(a)(2).

DATE: March 27, 1983 at 2:00 p.m. through March 28, 1983 at 3:00 p.m.

ADDRESS: Washington Hilton Hotel, 1919 Connecticut Avenue, NW., Washington, D.C. March 27 (2:00 p.m. to 5:00 p.m.); and Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C. March 28 (9:00 a.m. to 3:00 p.m.)

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202-245-8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education on priorities for the improvement of postsecondary education . . . and on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda include:

—On March 27, the Board will participate in a public forum on "Priorities for Improvement," a special event marking the 10th anniversary of the Fund, held in conjunction with the Annual Meeting of the American Association for Higher Education.

—On March 28, the Board will address special efforts in conjunction with math, science, and technology

education issues, and examine progress to date of this year's Mina Shaughnessy Scholars Program, and the Final Year Dissemination and Comprehensive Program competitions.

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th and D Streets, SW., Room 3100, Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal Holidays.

Dated: February 18, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-5430 Filed 3-2-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, January 27, 1983.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, January 27, 1983 (48 FR 3801).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20585 (202) 252-2308

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503 (202) 395-7340

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503 (202) 395-3807

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., February 28, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOD FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
BPA: BPA-787A-C	Pacific Northwest Residential Energy Survey	New	On Occasion	Voluntary	A—Households. B—Electric Utilities. C—Natural Gas Companies.	A-8100 B-56 C-8	A-8100 B-448 C-48	BPA-787A-C will collect information on residential units and their energy consumption. The survey will be conducted between April 1983 and February 1984. The data will be used to forecast energy demand and plan resources to meet the anticipated demand. The data will be published by the Bonneville Power Administration.
CE: CE-189P,C,S	Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Materials Utilization.	Extension	Annually	Mandatory	Corporations consuming more than one billion Btu's of Energy per year in SIC codes 201-399.	15,204	167,750	The information collected on Form CE-189P,C,S will be used by the Integrated Energy Systems Branch at the Office of Industrial Programs to prepare the report on the Industrial Energy Efficiency Improvement Program required by Public Law 95-619.
EIA: EIA-6	Coal Distribution Report.	Extension	Quarterly	Mandatory	All companies that owned or purchased and distributed in excess of 50,000 tons of coal during the prior year.	1,450	14,500	Form EIA-6 collects data on the origin of coal produced and purchased by coal production district; distribution by consumer category; shipment by method of transportation and by state of destination; other uses; and stocks of coal. The data are published quarterly in the Coal Distribution Report.

DOD Forms Under Review By OMB—Continued

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
FERC: FERC-534	Application for Production Related Costs	Extension	On Occasion	Mandatory	Natural gas producers, interstate pipeline companies, intrastate pipeline companies and local distribution companies.	9,852	75,037	Information collected on Form FERC-534 is needed by the FERC to review producer claims for certain extraordinary costs which are incurred after gas is produced at the well-head and which are not included in NGPA price categories.
FPC-12	Power System Statement.	New—(expired more than 6-months previous).	Annually	Mandatory	Electric Utilities	420	84,000	Form FPC-12 is used to gather technical data on individual power systems for use in staff analyses related to hydroelectric licensing, proposed mergers, proposed interconnections, and wholesale rate investigations. Data are also used for statistical purposes in Energy Information Administration publications.

*This notice does not contain information collection requirements contained in regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act.

[FR Doc. 83-5399 Filed 3-2-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-6-000]

Arkansas Louisiana Gas Co., a division of Arkla, Inc.; Request Under Blanket Authorization

February 25, 1983.

TAke notice that on October 4, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Tennessee 71151, filed in Docket No. CP83-6-000 a request as amended October 12, 1982, November 22, 1982, and December 14, 1982, pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate three sales taps on its jurisdictional facilities to permit direct sales of gas under the authorization issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Arkla proposes the construction and operation of sales taps to permit direct sales as follows:

Customer name	Annual sale Mcf	Arkla jurisdictional line	End use
Robert Carter, Stephens, Ark.	90	SM-23	Domestic purposes at new home.
Dennis Mason, Magnolia, Ark.	90	KM-47	Domestic purposes at new home.
Sally Roosevelt, Sheridan Ark.	90	AM-19	Domestic purposes at trailer at new home.

Arkla states that the impact of service to the new customers would be *de minimis* upon Arkla's peak day and annual deliveries, which during 1981 were 1,645,087 Mcf and 446,542,880 Mcf, respectively. Arkla also indicates it projects no curtailment to any class of customer on the entire Arkla system during the next winter.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-5400 Filed 3-2-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-62-000]

Arkansas Louisiana Gas Co., a division of Arkla, Inc.; Request Under Blanket Authorization

February 25, 1983.

Take notice that on November 4, 1982, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-62-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to construct and operate a sales tap on its jurisdictional Line JM-2 to permit direct sales of gas under the authorization issued in Docket Nos. CP82-384-000 and CP82-384-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Arkla proposes to construct and operate a sales tap to permit direct sales of gas to Nibco Inc. of Augusta, Arkansas, which would use an estimated 109,560 Mcf annually and 1,760 Mcf on a peak day for manufacturing plumbing equipment.

Arkla states that the impact of service to the new customer would be *de minimis* upon Arkla's peak day and annual deliveries, which during 1981

were 1,645,087 Mcf and 446,542,880 Mcf, respectively. Arkla also indicates it projects no curtailment to any class of customer on the entire Arkla system during the next winter.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5401 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[RP81-18-019]

High Island Offshore System; Tariff Revision

February 25, 1983.

Take notice that on February 15, 1983, High Island Offshore System (HIOS) tendered for filing Seventh Revised Sheet No. 4 to Original Volume No. 1 of its F.E.R.C. Gas Tariff.

HIOS states that the purpose of this filing is to reflect the further revision of its rates in compliance with the settlement of its rate proceeding in Docket No. RP81-18-001, as approved in the Commission's order issued June 3, 1982. Such further revision results from the partial settlement of the U-T Offshore Seytem's (U-TOS) rate proceeding in Docket No. RP81-20-001, approved by Commission Order dated December 1, 1982. Pursuant to this partial settlement, U-TOS has made a refund to HIOS for the period January 1, 1981 through November 30, 1982, and reduced its charge to HIOS under Rate Schedule X-1 of its F.E.R.C. Gas Tariff for the period commencing December 1, 1982.

It is stated that HIOS will pass through to its Shippers the refund it has received from U-TOS for the period January 1, 1981 through November 30, 1982. Also, HIOS will refund to its Shippers the difference between the rates shown on Seventh Revised Sheet No. 4 and the rates actually billed and collected for the period commencing December 1, 1982.

HIOS has requested a waiver of Part 154 of the Commission's Regulations under the Natural Gas Act to the extent necessary to permit Seventh Revised Sheet No. 4 to be accepted for filing and made effective on December 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5402 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-189-000]

Montana-Dakota Utilities Co., Application

February 25, 1983.

Take notice that on February 4, 1983, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-189-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and associated services rendered in connection with the purchase, transportation and exchange of natural gas under an agreement with Colorado Interstate Gas Company (CIG) dated January 24, 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the 4-inch tap connection to the South Big Coulee lateral, Stillwater County, Montana, which consists of a 4-inch valve, drip and 2-inch blow-off valve. It is stated that the subject tap connection was used to allow deliveries of natural gas from CIG's Brickley #29-4-20 well in the South Big Coulee area. Applicant asserts that gas production has ceased from the Brickley #29-4-20 well, and therefore, the facilities and services authorized in Docket No. CP75-284 are no longer required.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5403 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-16-003]

National Fuel Gas Supply Corp.; Proposed Tariff Change

February 25, 1983.

Take notice that on February 16, 1983, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Forty-first Revised Sheet No. 4, proposed to be effective February 1, 1983.

National states that the purpose of this revised tariff sheet is to comply

with Commission order dated February 3, 1983, requiring that National reflect any downward modification in its pipeline suppliers and the elimination of the $6.4 million undercollection in the current surcharge. National further states that Substitute Forty-first Revised Sheet No. 4 reflects a decrease in National's rate of 15.42 cents per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214, of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5404 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-59-003]

Northern Natural Gas Co.; Filing

February 25, 1983.

Take notice that on February 15, 1983, Northern Natural Gas Company (Northern) tendered for filing, in compliance with the Commission's "Order Accepting For Filing And Suspending Proposed Tariff Sheets Subject To Refunds And Conditions" issued December 17, 1982, additional information regarding the Northern's filing in Docket No. TA83-1-59-000.

Ordering Paragraph (B) of the Commission's Order required a recalculation of interest on producer refunds made to Northern. Attached to the instant filing as Appendix A is a narrative and supporting schedules detailing the adjustment.

Ordering Paragraph (C) required an adjustment to Account No. 191 for costs associated with an exchange transaction with Getty Oil. Northern states that this adjustment would result in a rate increase. To avoid this consequence, Northern proposes that the rate treatment and accounting entries detailed on Appendix B to the filing, pursuant to which any required adjustments to the instant filing would be deferred with interest, and reflected in Northern's next PGA filing.

Northern requests that this filing be accepted as compliance with the December 17, 1982 Order.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214, of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5405 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-008, (PGA83-1, IPR83-1, DCA83-1]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 25, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 15, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Third Substitute Sixty-fourth Revised Sheet No. 14
Second Substitute Sixty-fourth Revised Sheet No. 14A
Second Substitute Sixty-fourth Revised Sheet No. 14B
Second Substitute Sixty-fourth Revised Sheet No. 14C
Second Substitute Sixty-fourth Revised Sheet No. 14D

The above sheets are being issued in substitution for those sheets filed January 25, 1983 which reflected a revision to Texas Eastern's semiannual PGA tracking adjustment to be effective February 1, 1983 filed on December 30, 1982. The above sheets are being filed in compliance with Ordering Paragraph (A)(i) of the Commission's Order issued January 31, 1983 in Docket No. TA83-1-17-003 (GPGA83-1, IPR83-1, DCA83-1). Ordering Paragraph (A)(i) requires Texas Eastern to revise its February 1, 1983 PGA filing to reflect the proper pipeline supplier rates. The above sheets reflect reductions from all three of Texas Eastern's pipeline suppliers, Southern Natural Gas Company, Texas Gas Transmission Corporation and United Gas Pipe Line Company. The impact of these rate reductions from pipeline suppliers is a decrease of $.115/dth in the demand component of Texas Eastern's rates and a decrease of $.0047/dth in the commodity component of Texas Eatern's rates.

The proposed effective date of the above tariff sheets is February 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before March 4, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5406 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-178-000]

Texas Gas Transmission Corp.; Request Under Blanket Authorization

February 25, 1983.

Take notice that on January 31, 1983, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP83-178-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) to add a new delivery point under the authorization issued in Docket No. CP82-407-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Texas Gas states that it would construct and operate a delivery point located on its Slaughters-Montezuma Main Line in Warrick County, Indiana, to serve Southern Indiana Gas and

Electric Company (SIGECO), an existing customer of Texas Gas, pursuant to a service agreement dated September 1, 1970. It is indicated that the maximum volume of natural gas delivered during the first year would be 85,000 Mcf with proposed maximum annual deliveries reading approximately 500,000 Mcf at the proposed point. It is stated that the gas would be for residential and small commercial service. It is asserted that the addition of this delivery point would not increase SIGECO's contract demand and would be without detriment to Texas Gas' existing customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5407 Filed 3-2-83; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted To Office of Management and Budget for Review

On February 24, 1983 the Federal Communications Commission submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place, NW., Washington, D.C. 20503.

Title: Ownership Report
Form No.: FCC 323
Action: Extension
Respondents: All licensees and permittees of AM, FM and TV Commercial broadcast stations
Estimated Annual Burden: 5, 046 Responses; 80,736 Hours.
Title: Application for Ship Radio Station License and Temporary Operating Authority
Form No.: FCC 506/506-A
Action: Extension
Respondents: Individuals, associations, partnerships, corporations and local governmental entities eligible to hold a radio station authorization in the ship radio service
Estimated Annual Burden: 67,500 Responses; 22,500 Hours.
Title: Application for Renewal of Radio Station License
Form No.: FCC 574-R
Action: New
Respondents: Businesses and State and local governments applying for renewal of their radio station licenses in the Land Mobile and General Mobile Radio Services
Estimated Annual Burden: 40,000 Responses; 2,667 Hours. This renewal application will be in the form of a computer-generated mailer sent to licensees 90 days prior to expiration. The data need only be verified or corrected and mailed to FCC.
Title: Supplemental Return Notice for the General Mobile Radio Service
Form No.: FCC 6024-B
Action: New
Respondents: Individuals, associations, partnerships and corporations eligible to hold a radio station authorization in the General Mobile Radio Service
Estimated Annual Burden: 250 Responses; 62 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-5348 Filed 3-2-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee)

February 25, 1983.

Task Group A-1 of Working Group A: U.S. Requirements

Chairman: W. Naleszkiewicz (301) 652-4660
Date: Tuesday, March 8, 1983
Time: 9:30 A.M. - 4:30 P.M.
Location: Federal Communications Commission, 2025 M Street, NW., Room 7317. Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-5345 Filed 3-2-83; 8:45 am]

BILLING CODE 6712-01-M

Meeting of the Telecommunications Industry Advisory Group Steering Committee

Pursuant to Section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group Steering Committee scheduled to meet on Tuesday, March 15, 1983. The meeting will be held at 9:30 a.m. in Conference A (10th Floor) at AT&T located at 1120 20th Street NW., Washington, D.C. and will be open to the public.

The agenda is as follows:

I. Review of Minutes of Previous Meeting
II. General Administrative Matters
III. Presentation of Plant Account Model
IV. Consideration of Revenue Account Proposals
V. Other Business
VI. Presentation of Oral Statements
VII. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee objectives. Anyone not a member of the Steering Committee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-5346 Filed 3-2-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Income and Other Accounts Subcommittee

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of two meetings of the Telecommunications Industry Advisory Group's (TIAG) Income and Other Accounts Subcommittee Scheduled to meet on Thursday, March 17, 1983, and Thursday, March 31, 1983. Each meeting will begin at 9:30 a.m. and will be open to the public. The meeting locations are as follows:

Thursday, March 17, 1983

Federal Communications Commission, Room #7317, 2025 M Street, NW., Washington, D.C.

Thursday, March 31, 1983

GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, NW., Washington, D.C.

The agenda are as follows:
I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659–3484) at least five days prior to the meeting date.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83–6347 Filed 3–3–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council; Meeting

February 28, 1983.

Pursuant to Section 10(a) of Pub. L. 92–463, entitled the Federal Advisory Committee Act, notice is hereby given to the Meeting of the Federal Savings and Loan Advisory Council on Tuesday, April 5, Wednesday, April 6, and Thursday, April 7, 1983. The meeting will commence at 10:30 a.m. April 5; 9:15 a.m. April 6; and 9:00 a.m. April 7. The meetings will be held at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., Bank Board Conference Room, Sixth Floor.

Tuesday, April 5

10:30 a.m.—Opening of Council Meeting
12:00 Noon—Lunch
1:30 p.m.—Subcommittees begin
- Deliberations
- Current Value Reporting
- The Role of the Bank Board in the New Economic and Regulatory Environment
- Performance Evaluation System for District Banks

5:00 p.m.—Adjourn

Wednesday, April 6

9:15 a.m.—Subcommittees Complete Work on Resolutions
12:00 Noon—Lunch
1:15 p.m.—Council Initiates Discussion and Votes on Resolutions
5:00 p.m.—Adjourn

Thursday, April 7

9:00 a.m.—Presentation and Discussion of Resolutions to the Chairman and Board Members
11:30 a.m.—Lunch
1:00 p.m.—Adjourn

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Richard T. Pratt,

Chairman.

[FR Doc. 83–6413 Filed 3–3–83; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 23, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Department and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Reviewer—Richard Sheppard—Officer of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Request for implementation of new report

1. Report title: Report on Total Foreign Exchange Turnover.
Agency form No.: FR 3026
Frequency: One-time
Reporters: Selected foreign exchange brokers and banking institutions. SIC Code: 602, 605
Small businesses are not affected.
General description of report:
Respondent's obligation to respond is voluntary; a pledge of confidentiality is promised [5 U.S.C. 552(b)(4) and (b)(8)].

This information is needed to provide the Federal Reserve System with information about the growth of the U.S. foreign exchange market as well as changes in the practices and structure of the market.

Board of Governors of the Federal Reserve System, February 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83–5298 Filed 3–2–83; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commence *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York. (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited*, each a bank holding company whose principal office is in London, England (leasing activities; Arizona, Arkansas, Colorado, Louisiana, New Mexico, Oklahoma and Texas): To engage through their subsidiary, Barclays American/Leasing, Inc. ("BAL"), in lease financing of personal property by means of leases that meet the standards of Section 225.4(a)(6) of Regulation Y. This activity would be conducted from an office of BAL located in Houston, Texas, serving customers in the States of Arizona, Arkansas, Colorado, Louisiana, New Mexico, Oklahoma and Texas. This notification is for the relocation of an existing office located in Houston, Texas. Comments on this application must be received not later than March 25, 1983.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *The Wachovia Corporation*, Winston-Salem, North Carolina (mortgage banking and insurance activities; North Carolina): To engage, through its subsidiary, Wachovia Mortgage Company, in providing mortgage banking services, including the origination and processing of residential, construction, development, and income property mortgage loans, the purchase and sale or placement of mortgage loans, the administration and servicing of mortgage loans, the management and sale of properties acquired through foreclosure or transfers in lieu of foreclosure, and acting as agent for credit life and accident and health insurance and for property and casualty insurance related to extensions of credit. Property and casualty insurance will be offered pursuant to the grandfather provision in section 601(D)(i) of the Garn-St Germain Depository Institutions Act. Such activities will be conducted at an office in Wilson, North Carolina, serving the Wilson, Rocky Mount, and Goldsboro, North Carolina markets. Comments on this application must be received not later than March 25, 1983.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30301:

1. *First Bankers Corporation of Florida*, Pompano Beach, Florida (management consulting activities, central and southern Florida): To engage, through its subsidiary, The First Bankers Management Group, Inc., in providing management consulting advice to bank and nonbank depository institutions, including, but not limited to, advice concerning bank operations, systems and procedures; computer operations and mechanization; implementation of electronic funds transfer systems; site planning and evaluation; bank mergers and the establishment of new branches; operation and management of a trust department; international banking; foreign exchange transactions; purchasing policies and practices; cost analysis, capital adequacy and planning; auditing; accounting procedures; tax planning; investments, to the extent permitted by Regulation Y promulgated by the Federal Reserve Board; credit policies and administration, including credit documentation, evaluation, and debt collection; product development, including specialized lending provisions; marketing operations, including research, market development and advertising programs; personnel operations, including recruiting, training, evaluation and compensation; and security measures and procedures. These activities would be conducted from offices in Pompano Beach, Florida, serving central and southern Florida. Comments on this application must be received not later than March 25, 1983.

D. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Intermountain Bancorporation*, Columbia Falls, Montana (data processing activities; Montana): To engage through its subsidiary, Data-Mont in providing bookkeeping or data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable or billing services. These activities would be conducted from an office in Columbia Falls, Montana, serving the State of Montana. Comments on this application must be received not later than March 24, 1983.

2. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; North Carolina): To engage through its subsidiaries, Dial Finance Company of North Carolina, Dial Credit Company of North Carolina and First Dial, Inc., in the activities of consumer and commercial finance, and the sale of credit related insurance, including credit life, credit accident and health and property and credit related casualty insurance related to extensions of credit by Dial Finance Company of North Carolina, Dial Credit Company of North Carolina and First Dial, Inc. These activities would be conducted from a new office in Raleigh, North Carolina, serving Raleigh, North Carolina. Comments on this application must be received not later than March 24, 1983.

E. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation*, San Francisco, California (financing, servicing, and insurance activities; *de novo* office; Illinois): To engage, through its indirect subsidiary, FinanceAmerica Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to businesses, making loans and other extensions of credit secured by real and personal property, and offering credit-related life and credit-related accident and health insurance directly related to extensions

of credit by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. These activities will be conducted from a *de novo* office located in Mount Vernon, Illinois, serving the entire State of Illinois. Comments on this application must be received not later than March 25, 1983.

2. *Torrey Pines Group,* Solana Beach, California (mortgage banking activities; California, western United States): To engage, through its subsidiary, Torrey Pines Equity Corp., in mortgage banking activities, including negotiating, making, acquiring, servicing, selling, buying and/or exchanging for its own account or for the account of others, real property sales contracts and promissory notes secured directly or collaterally by liens on real property or such other extensions of credit as would be made or arranged by a mortgage banking company. This activity would be conducted from an office located in Solana Beach, California. These activities would be performed in the states of California, Arizona, Nevada, New Mexico, Texas, Utah, Oregon, Florida and Washington. Comments on this application must be received not later than March 25, 1983.

Board of Governors of the Federal Reserve System, February 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5300 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Home National Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Home National Corporation,* Milford, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of The Home National Bank of Milford, Milford, Massachusetts. Comments on this application must be received not later than March 25, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *DeKalb Financial Corp.,* Waterloo, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank, Waterloo, Indiana. Comments on this application must be received not later than March 25, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *North Central Financial Corporation,* Melbourne, Arkansas; to become a bank holding company by acquiring 80 percent of the voting shares of The Bank of North Arkansas, Melbourne, Arkansas. Comments on this application must be received not later than March 25, 1983.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Shawsville Bancorp, Inc.,* Shawsville, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Shawsville, Shawsville, Virginia. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Richmond. Comments on this application must be received not later than March 25, 1983.

Board of Governors of the Federal Reserve System, February 25, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-5299 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; Carlisle Corp. et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvement Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Carlisle Corporation's proposed acquisition of all assets of Numeridex, Incorporated.	Feb. 3, 1983.
(2) Primos Production's proposed acquisition of certain assets of Petro-Lewis Corporation.	Feb. 4, 1983.
(3) International Business Machines Corporation's proposed acquisition of certain voting securities of Intel Corporation.	Do.
(4) The Rank Organisation Public Limited Company's proposed acquisition of certain voting securities of Telecom Plus International, Inc.	Feb. 3, 1983.
(5) Electronics Data Systems Corporation's proposed acquisition of all voting securities of Business Records Corporation.	Feb. 8, 1983.
(6) Perpetual Corporation's, (Lewis Allbritton, UPE) proposed acquisition of all assets of Leake Industries, Inc.	Do.
(7) DWG Corporation's proposed acquisition of certain voting securities of Graniteville Company.	Feb. 7, 1983.
(8) Paul W. Dillon's proposed acquisition of certain voting securities of The Kroger Company.	Feb. 10, 1983.
(9) Horizon Savings and Loan Company's proposed acquisition of all voting securities of Permanent Savings & Loan Association.	Do.
(10) General Host Corporation's proposed acquisition of all voting securities of Frank's Nursery & Crafts, Inc.	Do.
(11) Hampshire Investments, Inc.'s proposed acquisition (Lisa Garrett, UPE) of all voting securities of Stater Brothers Markets, (Petrolane, Incorporated, UPE).	Feb. 15, 1983.
(12) Cintas Corporation's (Richard T. Farmer, UPE) proposed acquisition of assets of Valley Industrial Services, (Petrolane, Incorporated, UPE).	Do.
(13) Crane Company's proposed acquisition of all voting securities of Kentucky-Tennessee Clay Company.	Feb. 16, 1983.
(14) Goldome Bank for Savings's proposed acquisition of all voting securities of United National Corporation.	Do.
(15) Dov Groseman's proposed acquisition of all assets of Gould, Inc.	Feb. 15, 1983.
(16) The Charter Company's proposed acquisition of all voting securities of Northeast Petroleum Industries, Inc.	Feb. 17, 1983.
(17) The Charter Company's proposed acquisition of certain voting securities of Tesoro Petroleum Corporation.	Do.

Transaction	Waiting period terminated effective
(18) The Wichita Coca-Cola Bottling Company's (Frank M. Lete, UPE) proposed acquisition of all assets of the Midwest Division of the Coca-Cola Bottling Company of New York.	Do.
(19) Kidde Incorporated's proposed acquisition of certain voting securities of Victor Technologies, Incorporated.	Do.
(20) Clayton and Dubilier, Inc.'s proposed acquisition of all assets of the Printing Equipment Sector of Harris Corporation and all voting securities of Harris Marinoni S.A., Harris do Brasil-Industriart Comercio Ltda and Harris Gesell Schaft, m.b.H.	Feb. 22, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-5349 Filed 3-2-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Solicitation Offer and Award (Contract for Building Services), GSA Form 1467

AGENCY: General Services Administration.

ACTION: Notice of Information Collection; Extension.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the extension of an information collection request for the continued collection of data.

DATES: Comments on the information collection requests must be submitted on or before March 23, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Shirley Scott, GSA (202) 566–1181.

SUPPLEMENTARY INFORMATION: The information collection is used to solicit bids for building service contracts, report on socio-economic programs, and to determine compliance with Federal regulations. The estimated annual number of responses is 12,500; each response requires an estimated 15 minutes to prepare. A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20450, telephone 566–1164.

Dated: February 18, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-5414 Filed 3-2-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Adolescent Family Life Demonstration Projects; Delegation of Authority

Notice is hereby given that on December 9, 1982, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health, with authority to redelegate, all the authority vested in the Secretary under Title XX of the Public Health Service Act, as amended (42 U.S.C. 300z *et seq.*) concerning adolescent family life demonstration projects. The delegation to the Assistant Secretary for Health excluded the authority under section 2009(a) to reserve not less than one per centum and not more than three per centum of appropriated funds for the evaluation of adolescent family life demonstration projects, the authority to promulgate regulations, and the authority to submit reports to the Congress.

Dated: February 23, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-5445 Filed 3-2-83; 8:45 am]

BILLING CODE 4160-17-M

Miscellaneous; Delegation of Authority

Notice is hereby given that on December 9, 1982, the Secretary of Health and Human Services delegated to the Assistant Secretary for Health all the authority under Title V of the Public Health Service Act, as amended (42 U.S.C. 219 et seq.) concerning certain functions of the Public Health Service. The delegation to the Assistant Secretary for Health excluded:

(1) The authority under section 501 to accept gifts of real property subject to a reverter clause. Offers of property shall not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance.

(2) The authority under section 508 concerning the transfer of funds between appropriations.

(3) The authority under section 513 to determine the portions, but not more than one per centum, of appropriations to be set aside for evaluation programs. This exclusion does not affect the authority to award grants and contracts for evaluation projects which have been approved by the Assistant Secretary for Planning and Evaluation.

(4) The authority to promulgate regulations and submit reports to the Congress.

The Assistant Secretary for Health may redelegate all authorities delegated to him under Title V except the authority to accept offers of real property.

Previous delegations made by the Secretary to the Assistant Secretary for Health under Title V (33 FR 4694 and 33 FR 16412) have been superseded. However, provision has been made for redelegations of authority made under these superseded delegations to continue in effect pending further redelegations, provided they are consistent with the delegation to the Assistant Secretary for Health.

Dated: February 23, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-5444 Filed 3-2-83; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Proposed Availability of Funding for Targeted Assistance Grants for Services for Refugees in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), SAA, HHS.

ACTION: Notice of proposed availability of funding for targeted assistance grants for refugee services in high-need local areas.

SUMMARY: This notice announces the proposed availability of funds and award procedures for targeted assistance project grants for services to refugees under the Refugee Resettlement Program (RRP) in localities with large refugee populations, high refugee concentrations, and high use of assistance, and where specific needs exist for supplementation of currently available resources. In FY 1983, funds are expected to be available for targeted assistance grants.

DATE: Comments on the requirements and procedures set forth in this notice will be considered if received by April 14, 1983.

ADDRESS: Address written comments, in duplicate, to: David Howell, Office of Refugee Resettlement, Room 1332, Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: David Howell, (202) 472–6510.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for targeted assistance grants for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of currently available resources for services to this population.

A total of at least $30,000,000 in funds which Congress has designated for this purpose is currently expected to be available for targeted assistance for refugees. (A separate announcement will be made for targeted assistance for Cuban and Haitian entrants.)

The purpose of the proposed grants is to provide to unemployed refugees who reside in qualifying counties direct services which are intended to result in economic self-sufficiency and reduced dependency. Funds awarded under this proposed program are intended to support projects which enhance refugee employment potential and increase the ability of refugees to find and retain jobs. Innovative approaches to accomplish this objective will be entertained and are encouraged.

Funds awarded under this targeted assistance program will be generally related to the existence of and relative extent of refugee need in each qualifying county, as indicated by a qualification and allocation formula (described in this notice), and to the quality and quantity of refugee services proposed, as documented in applications. It is intended that if an application is deficient, comment and technical assistance will be provided to the applicant by the granting agency in order that a proposal can be developed which will merit the award of funds at the level determined by the allocation formula. An award of funds will be made only if, and to the extent that, an application is determined acceptable by the Director of ORR.

II. Authorization

Targeted assistance projects would be funded under the authority of section 412(c) of the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (Pub. L. 96–212), 8 U.S.C. 1522(c).

III. Eligible Grantees

The Department proposes to limit eligible grantees to those agencies of State governments which are responsible for the refugee program under 45 CFR 400.5 (except that under certain circumstances—see section VII, below—a grant could be made directly to a local entity). It is proposed that the above mentioned State agency submit proposals on behalf of the county governments of the qualified counties in that State. In the absence of a statewide county system, or in the absence of an appropriate county-level refugee program agent or agency and with the concurrence of the county government, the State may designate a city or other entity, either public or private nonprofit, to administer the targeted assistance funds for a qualified local area. It is further proposed that the county government or other designated entity develop the targeted assistance proposal according to local needs and capabilities and that the proposed activities be required to be identified and planned in cooperation with voluntary refugee resettlement agencies, the business community, and refugees in that area. In submitting proposals on behalf of qualified local entities in the State, the State agency would provide assurance that the proposed activities do not duplicate existing refugee support service activities in the targeted localities and would certify that not less than 95% of each locality's allocated amount would be passed through to the designated administering entity.

Applications submitted in response to this notice are not subject to review by State and areawide clearinghouses under the procedures in Part I of Office of Management and Budget Circular No. A–95.

IV. Qualification and Allocation Formula

The Department proposes a two-stage formula for qualification for, and allocation of, targeted assistance funds. The first stage of the proposed formula defines the qualification of counties for targeted assistance through the use of four equally-weighted criteria which have been selected to collectively indicate local conditions and problems which the proposed program is intended to address. In order to qualify for application for targeted assistance funds, a county would be required to be above the median or above a selected cutoff point of jurisdictions for which data were reviewed (as described in section V, below) in three of the four following criteria: (1) The number of refugees placed in the county during Federal fiscal years 1980–82; (2) the ratio of the overall county population to the refugees in item (1), above; (3) the number of refugees in the county who were receiving cash assistance under the programs of aid to families with dependent children program (AFDC), including the unemployed parent (UP) portion of that program, and refugee cash assistance (RCA) on October 1, 1982; and (4) the ratio of refugees in item (3) to the number of refugees in item (1). A county which places above the cutoff point in any three of the above categories would qualify to apply for targeted assistance funds. It would then be included in the list of qualifying localities for determination of its targeted assistance allocation. Discussion of the derivation and use of data is presented in section V, below.

The second stage of the proposed targeted assistance formula is designed to reflect the relative level of need for funds among those counties which have qualified to apply under the formula's first stage. It proposes that the relative degree of need of each qualified locality is best indicated by the number of refugees residing in that locality who are not self-sufficient. Therefore the Department proposes the following single criterion as the basis for the allocation of targeted assistance funds among the eligible counties: The number of refugees residing in the country who have been in the United States 36 months or less and who were receiving cash assistance under AFDC, AFDC–UP, or RCA on October 1, 1982. (These data are adopted to represent refugee need for targeted assistance services on a basis which makes some adjustment for the variation in caseloads caused by State-to-State assistance program differences. Thus the presence or absence of General Assistance is neutralized in the calculation.) A county's allocation would be the proportion of available funds which equals that county's proportion of all such refugee recipients residing in all counties which have qualified to apply for targeted assistance funds under the first stage of the formula. Further discussion of the data and proposed allocation amounts are presented in section VI, below.

The proposed two-stage formula separates qualification for the targeted assistance program from the proposed amount to be allocated to each qualifying locality in order to obtain a high degree of sensitivity to need and of equity in the distribution of available resources.

In summary, the Department recognizes that local need for targeted assistance funds may be reflected in several different, if interrelated, factors. It proposes that such need be addressed in a manner which, to the extent measurable, takes into account both the variety and cumulative impact of those factors. Therefore the first stage of the proposed formula allows for differences in local circumstances and problems by measuring each of four factors separately. It then selects qualified localities by identifying those which exhibit consistently high indications of need across most of the criteria.

With respect to the second stage of the formula, the Department considers the purpose of this program to be to provide self-sufficiency-related services to refugees in all qualifying areas on an equitable basis. Therefore the amount of funds allocated to each county is proposed as a proportion of the available funds which is equal to each county's proportion of the refugees in all qualifying counties who are not self-sufficient.

V. Discussion of Data and Application of Criteria

This section discusses the development and application of the four criteria and explains the data bases used to derive them. A table is included to show which counties were considered and how they scored on each criterion.

The Department proposes to use the county as the basic unit to which the criteria are applied. This insures that uniform units are compared nationwide. All relevant data are available at the county level, which is not the case with other possible units. The county is thought to be a meaningful local unit in which need for additional services to the resident refugee population can be identified and addressed.

An initial list of counties was developed which could be screened according to the proposed criteria. From ORR's data system, all counties that received more than 900 initial resettlements of Southeast Asian refugees during either of two time periods were listed. The time periods were October 1979 through December 1980 (a 15-month period during which 196,057 refugees arrived) and January 1981 through September 1982 (a 21-month period during which 175,243 arrived). Thus, all counties were listed that received more than approximately one-half of one percent of the new arrivals in either time period. Together, these time periods constitute the entire 36-month period considered in the allocation of funds for social services for FY 1983. The number of counties meeting this initial criterion was 40. (Washington, D.C., was treated as a county for this purpose.)

The ORR refugee data system contains information on the refugee's initial place of resettlement as recorded in documents carried by the refugee at the time of arrival in the U.S. The system contains records on 99 percent of the Southeast Asian refugees who arrived during the 3-year period considered. The county of arrival could not be identified (although the State was identified) for about 15 percent of those who arrived during 1980, 6 percent of those who arrived during 1981, and 1 percent of those arriving in 1982. Because of this, arrival numbers by county are somewhat understated; however, the "unknown" placements are distributed proportionately across all of the States, and no county is thought to suffer a relative disadvantage due to the missing information.

Consideration was confined to Southeast Asian refugees primarily because this population is in greatest need for targeted assistance services, but also because comparable data are not available at the county level for other groups of refugees over the 3-year period. (Data available to the Department indicate that Southeast Asian refugees have a higher rate of cash assistance use and lower employment rates than other refugee groups; however, eligibility for participation in targeted assistance projects would *not* be confined to Southeast Asian refugees.)

This initial list was compared with three other lists of places thought to be significantly affected by their refugee populations, as compiled by three organizations: The Committee on Migration and Refugee Affairs of the American Council of Voluntary Agencies for Foreign Service, Inc. (ACVA), the National Association of Counties, and the U.S. Conference of Mayors. In cases where these lists referred to a non-county entity, the county thought to best approximate the organization's meaning was used. From the ACVA list, places designated as either "impacted" or "sensitive" were considered. All counties so identified were added to the ORR list, unless they had clearly been named as "impacted" due to the presence of Cuban/Haitian entrants rather than refugees. While all lists showed substantial overlap, the review of these additional three sources resulted in the addition of 20 more counties to ORR's initial list of 40. In this way, 60 counties were screened according to the proposed criteria.

Criterion 1, the number of Southeast Asian refugees initially resettled in the county during FY's 1980, 1981, and 1982, appears in Column B of Table 1. The median of Criterion 1 for the counties screened is 2,066.5. Criterion 2 appears in Column E of the same table; it consists of the county population according to the 1980 U.S. Census divided by the refugee arrival figure in Column B and may be interpreted as persons per refugee. The median of Criterion 2 is 244.5. Criterion 3, the number of refugees receiving ORR-reimbursed AFDC, AFDC–UP, or RCA benefits as of October 1, 1982, appears in Column D. The source of this information was the counties themselves. (Counties that did not meet the first two criteria, and thus would not be eligible in any case, were not asked to supply this information.) The cutoff point for Criterion 3 was established at 1,000, in order to insure a sizable pool of refugees needing services. Criterion 4, the ratio of refugees receiving assistance as shown in Column D to refugees initially resettled in the county as shown in Column B, appears in Column F. The cutoff point for Criterion 4 was established at 50 percent, the approximate national average dependency rate. This criterion should not be interpreted as a dependency rate, for several reasons: (1) It does not include all types of assistance; (2) refugees of all nationalities are compared only with Southeast Asians in the population base; (3) no effort was made to correct the base population figure for secondary migration. However, the Department feels that Criterion 4 is a good measure of the *relative* need for additional services in the area; and it is an indirect indicator of secondary migration since secondary migrants would be included in the cash assistance data.

It is possible that some counties which have experienced extreme growth in refugee population due to net secondary in-migration may, in fact, qualify for targeted assistance funds if secondary arrivals are considered. In most circumstances, counties with notable secondary migration already qualify on the basis of initial placements, or would not qualify under any circumstance because secondary migrants do not sufficiently increase the local refugee population. However, in the event that uncommonly high numbers of secondary arrivals would, by their presence and use of cash assistance, qualify a county which has not met the criteria for qualification as presented in this proposed notice, the granting agency will consider an adjustment of the local refugee population figure.

If State and county officials believe that a county would qualify on the basis of secondary migration, State officials should submit a letter containing supporting evidence. The following evidence is requested:

- As of 10/1/82, the total numbers of refugees in the county who has been in the U.S. 36 months or less and who were receiving refugee cash assistance (RCA), aid to families with dependent children (AFDC, including AFDC–UP), and general assistance (GA) (each category *must be* separately reported);
- If possible, statistics on the proportion of the cash assistance caseload that consists of persons initially resettled out of the county and/or out of the State.
- The best available information on the amount of in-migration and out-migration of refugees experienced by the county, with emphasis on the past two years. Discussion should be confined to the population entering since October 1, 1979, and should clearly identify what refugee groups are being discussed. The evidence should include a description of the information collection system(s) used by the State and/or county, including data sources, time period covered, timeliness, and validation procedures. Surveys or other special studies can only be considered if they are submitted for review.

Letters must be received by 30 days from date of publication of this notice to be considered. Address letters, in duplicate to: Linda Gordon, Office of Refugee Resettlement, Room 1332, Switzer Building, 330 C Street, SW., Washington, D.C. 20201.

The qualification of additional counties for the proposed targeted assistance program would necessarily increase the number of refugees to be used in calculating the proportionate allocation of funds. Such an adjustment would, therefore, reduce slightly the individual allocations to each of the other qualifying counties below the amount indicated in this notice.

Application of these four criteria resulted in the identification of 25 counties that meet three of the four criteria and therefore qualify for the proposed program.

While recognizing that differing views may exist, we believe that these criteria comprise good indicators of high-need counties and that the proposed cutoff points establish a reasonable basis for identifying those counties which have the greatest needs and would qualify for targeted assistance funds. The basic intent of the proposed targeted assistance program is to concentrate the available funds in those areas which have the greatest need for funds in addition to those provided under the social services allocations and where there are appreciable numbers of unemployed and dependent refugees on whose behalf special self-support efforts are required.

VI. Proposed Allocations

The proposed allocation to be available for targeted assistance are shown in Column H of Table 1.

TABLE 1.—COUNTIES FOR PROPOSED TARGETED ASSISTANCE PROGRAM AND FORMULA CALCULATION

(A) County, state	(B) Arrivals 10/79–9/82	(C) 1980 Census (000)	(D) Cash assistance 10/1/82	(E) Population ratio	(F) Percent receiving assistance	(G) Formula base [a]	(H) Proposed allocation
Alameda, CA	*4924	1105	*7481	*224	*152	7,481	$1,357,898
Los Angeles, CA	*29088	7478	*35272	257	*121	35,272	6,543,766
Orange, CA	*13909	1932	*16810	*139	*121	16,810	3,118,642
Sacramento, CA	*3950	783	*6402	*198	*162	6,402	1,187,718
San Diego, CA	*10441	1862	*12529	*178	*120	12,529	2,324,418
San Francisco, CA	*11259	679	*8948	*80	*79	8,948	1,660,060
San Joaquin, CA	*2825	347	*8716	*123	*309	8,716	1,617,019
Santa Clara, CA	*10207	1295	*12593	*127	*123	12,593	2,336,291
Denver, CO	*2943	491	*1987	*167	*68	1,987	368,634
Honolulu, HI	*3709	763	*1826	*206	49	1,826	338,765
Cook, IL	*7127	5253	*6723	737	*94	6,723	1,247,271
Sedgwick, KA	*2929	367	*1848	*125	*63	1,848	342,847
Orleans, LA	*2432	557	*1062	*229	44	1,062	197,025
Suffolk, MA	*6555	650	*3788	*99	*58	3,788	702,781
Hennepin, MN	*2193	941	*2881	429	*131	2,881	534,602
Ramsey, MN	*5573	460	*3951	*83	*71	3,951	733,001
New York, NY	*4606	1428	*4641	297	*97	4,641	861,012
Multnomah, OR	*7404	563	*3711	*76	*50	3,711	688,476
Philadelphia, PA	*7322	1688	*3453	*231	47	3,453	640,611
Providence, RI	*2356	571	*2171	*242	*92	2,171	402,770
Harris, TX	*12130	2410	*4140	*199	34	4,140	768,065
Salt Lake, UT	*5118	619	*1273	*121	25	1,273	236,171
Arlington, VA	1954	153	*1935	*78	*99	1,935	358,967
Fairfax, VA [b]	*2179	729	*1784	335	*82	1,784	330,973
King, WA	*9461	1270	*5780	*134	*61	5,780	1,072,323

Note.—An asterisk (*) beside a figure indicates county meets that criterion.
[a] Number of refugees receiving AFDC, AFDC–UP, and RCA as of October 1, 1982.
[b] Includes independent cities of Alexandria, Fairfax, and Falls Church.

VII. Eligible Projects

In applying for targeted assistance funds on behalf of a qualified county in the State, a State agency would be required to certify that: (1) The proposed activities do not duplicate existing services available under Federal funding for the Refugee Resettlement Program (RRP); (2) the State will make available to the county or designated local entity not less than 95% of the amount of the award for purposes of implementing the proposed activities; (3) the State's authorization to the county or designated local entity to use funds awarded will be made within 45 days of the State's receipt of the notification of the grant award, or, in lieu of this, the State may recommend that the award be granted directly to the eligible entity; (4) the proposal was developed through a local process which involved meaningful consultation with appropriate public and private groups involved in resettlement, including representation from voluntary refugee resettlement agencies, the business community, and refugees in the local area; and (5) proposed services will be designed for and made available only to refugees in the qualifying counties who are unemployed.

In developing a proposal, a county or designated local entity would be required to set forth in detail: (1) Evidence of specific needs and

definition of targeted population; (2) a statement of specific employment objectives for use of the funds in increasing refugee self-sufficiency in the area; (3) a description of the strategy proposed to achieve these objectives; including detailed discussion of individual program activities, number of clients to be served, and the integration and/or coordination of proposed activities with the overall refugee service system in the area; (4) an estimation of anticipated outcomes achieved within 6 months from date of grant award and 12 months from such date; (5) a description of program monitoring and evaluation of the proposed activities; and (6) a detailed budget, including itemization by individual project, and containing a local administration cost not to exceed 10% of the amount allowed for the county by the formula.

Allowable activities include any activity permissible under section 412(c) of the INA which is directly related to the furtherance of refugee economic self-sufficiency by aiding refugees in finding and retaining jobs, increasing refugee employability potential, and/or enhancing refugee job market possibilities. Creative approaches to such activities are encouraged. Allowable activities would include, for example, job development, job placement, business and employer incentives (such as on-site employee orientation and vocational English training, or bilingual supervisor assistance), business technical assistance, short-term job training specifically related to opportunities in the local economy, and on-the-job training. Stipened programs are allowable if justification is provided for support of enrollees and if not more than 30% of the cost of such a project is allocated for stipends. Use of targeted assistance funds for venture capital, either as grants or loans, is specifically not allowed. Support services, such as day care and transportation, are allowable when specifically necessary to enable clients to participate in the targeted assistance program. Proposals which include voluntary corporate participation and a generally high degree of business involvement are especially welcomed.

VIII. Criteria for Evaluating Applications

In developing targeted assistance proposals, counties or designated local entities must consider and spell out clearly the appropriateness of the proposed activities to the local economy, the appropriateness of the proposed activities for the refugee population(s) in the area, and the relationship of the proposed activities to existing refugee services carried out with Federal funds.

Targeted assistance grant applications will be evaluated on the following criteria:

1. Certification by the State agency that, for each local entity on whose behalf an application is being submitted, the five conditions listed in the first paragraph of section VII, above, have been met.

2. Documentation of specific needs for targeted assistance projects and discussion of characteristics of anticipated refugee client population.

3. Description of specific employment objectives for use of funds, including justification that the proposed objectives are appropriate to the needs of the proposed refugee clients and the local economy and will result in jobs and employment of the clients.

4. Results anticipated within 6 months from date of grant award and 12 months from such date.

5. Justification of the strategic approach to achieving the stated objectives, including complementarity among targeted assistance activities and with other existing refugee services.

6. Adequacy of justification for and description of each specific activity that is proposed.

7. Adequacy of proposed plan for determination of measurable, performance-based project outcomes on a semiannual basis.

8. Description of the local planning process which was used to develop the proposal, including identification of interests and sectors represented.

9. Assurance that services will be provided by qualified non-profit or for-profit agencies or individuals.

10. Reasonableness of estimated costs in relation to anticipated results.

ORR proposes to allow 45 days from the date of publication of the final notice for the submittal of applications.

IX. Review, Technical Assistance, and Award Procedure

Applicants will be evaluated on a non-competitive basis by a review panel of experts according to the criteria above, and in accordance with the HHS Grants Administration Manual (chapter 1–55). Applications will be reviewed in terms of the amount allowable to the eligible entity under the proposed formula. The Department will provide technical assistance to an eligible entity if it is necessary in order to develop a proposal which warrants the award of funds at the proposed allocation amount and if such assistance is requested on behalf of the eligible entity by the applying State agency.

Awards for targeted assistance programs will be made on the basis of the acceptability of proposals submitted on behalf of eligible entities and within the amounts allowed by the proposed allocation formula. The panel will make recommendations regarding acceptability of applications to the Director of the Office of Refugee Resettlement (ORR). Determination of the acceptability of applications, determination of whether an award will be made to a State or local entity, decisions to provide technical assistance, and determination of award amounts are at the discretion of the Director of ORR.

X. HHS Regulations That Apply

The following HHS regulations apply to grants under this Notice:

42 CFR Part 441, Subparts E and F, Services: Requirements and limits applicable to specific services—Abortions and Sterilizations:

45 CFR Part 16, Department grant appeals process.

45 CFR Part 74, Administration of grants.

45 CFR Part 75, Informal grant appeals procedures.

45 CFR Part 80, Nondiscrimination under programs receiving Federal assistance through the Department of Health, Education, and Welfare effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81, Practice and procedure for hearings under Part 80 of this title.

45 CFR Part 84, Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.

XI. Reporting and Recordkeeping

Section VII of this announcement establishes reporting requirements which necessitate OMB review and approval. HHS will seek OMB approval of these requirements.

Applications for these grants are to be submitted on Form SSA–96 which has current OMB approval (OMB No. 0960–0184). In completing Form SSA–96, States must address the evaluation criteria listed in Section VIII.

(Catalog of Federal Domestic Assistance No. 13.814, Refugee Assistance State Administered Programs)

Dated: February 25, 1983.

John A. Svahn,

Commissioner of Social Security.

[FR Doc. 83–5289 Filed 3–3–83; 8:45 am]

BILLING CODE 4190–11–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Shakopee Mdewakanton Sioux Community Resolution and Ordinance Regulating the Sale and Distribution of Intoxicating Beverages

February 18, 1983.

This Notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the following Resolution and Ordinance relating to the application of the Federal Indian Liquor Laws on the Shakopee Mdewakanton Indian Reservation, Minnesota, was duly adopted on December 12, 1982, by the Shakopee Mdewakanton General Council which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

John W. Fritz,

Assistant Secretary—Indian Affairs.

Liquor Ordinance

WHEREAS, The General Council of the Shakopee Mdewakanton Sioux Community has the power under the Constitution of the Shakopee Mdewakanton Sioux Community to promulgate resolutions governing the conduct of Business in the community; and

WHEREAS, The Shakopee Mdewakanton Sioux Community is desirous of establishing liquor outlets on the reservation; and

WHEREAS, A community liquor ordinance is necessary before such liquor outlets can be established;

NOW THEREFORE BE IT RESOLVED, that the Shakopee Wdewakanton Sioux Community hereby approves of the attached liquor ordinance for the Shakopee Mdewakanton Sioux Community; and

BE IT FURTHER RESOLVED, that this ordinance shall be given to the Minnesota Sioux Area Field Office for forwarding to Washington for publication in the Federal Register at the earliest possible date; and

BE IT FURTHER RESOLVED, that this resolution may be rescinded or amendment only by an affirmative vote of at least two-thirds (⅔) of the eligible voting members of the community.

CERTIFICATION: This resolution was passed by a vote of *twenty-five* (25) yes, *one* (1) no, *two* (2) abstentions, with a quorum present, at a duly called special meeting of the General Council held December 12, 1982 at the Shakopee Sioux Community Center Building.

/s/ Norman M. Crooks, Chairman

/s/ Amy E. Stade, Secretary-Treasurer

Shakopee Mdewakanton Sioux Community Liquor Ordinance

Section I. Definitions

A. "License" shall mean permission to operate an off-sale retail liquor outlet on the Shakopee Mdewakanton Sioux Reservation issued under the provisions of the ordinance.

B. "Vendor" shall mean a person holding a current valid license.

C. "Liquor Commissioner" shall mean a person appointed by the Shakopee Mdewakanton Sioux Community General Council to oversee liquor sales operations on the Reservation.

Section II. Liquor Commissioner

A. The term of the Liquor Commissioner shall be two years from the date of his/her appointment.

B. The liquor Commissioner must be a member of the Shakopee Mdewakanton Sioux Community 21 years of age or older.

C. The liquor Commissioner shall report at least monthly to the General Council on liquor sale operations within the reservation, shall promptly upon receipt remit any excise taxes, application or license fees collected to the Treasurer, and shall perform all other duties as set forth in this ordinance.

Section III. Licenses

There is hereby authorized to be issued a maximum of five annual licenses to operate as off-sale vendors under the terms and conditions of this ordinance.

1. Licenses shall be for the term of one year or less, running from the date of issuance to December 31 of the calendar year of issuance.

2. A fee for issuance of a license shall be $1000.00 payable upon receipt of the license.

3. Application procedure.

a. An applicant for a license must be a member of the Shakopee Mdewakanton Sioux Community 21 years of age or older.

b. The applicant shall complete an application form, as provided by the Liquor Commissioner, and shall submit it to him/her within 20 days after announcement that one or more licenses under this ordinance are available for issuance.

c. The applicant shall accompany his/her application with:

i. A non-refundable application fee of $10.00.

ii. Proof that the applicant's financial assets exceed his/her liabilities by an amount equal to or greater than *$5000.00.*

d. Twenty days after announcement that one or more licenses are available, the Liquor Commissioner shall declare the application period closed, shall promptly reject any incomplete application notifying the applicant at once, and shall proceed to evaluate the balance of the applications for the available licenses, according to the information contained therein and accompanying documents. He/she shall issue the available license(s) to the applicant(s) most qualified to operate as a vendor under the terms and conditions of this ordinance.

4. Upon receipt of a license hereunder, an applicant shall post a bond in an amount, to be established by the Liquor Commissioner annually, sufficient to ensure payment to the Community of the projected annual excise tax.

Section IV. Excise Tax

A. There is hereby imposed an excise tax on the sale of each bottle or other container of liquor sold by a vendor in the amount of *.5 cents a bottle* and case, .10 cents a keg.

B. Each vendor must file, with the Liquor Commissioner, a complete report of sales during a month and remit the excise tax on such sales. Such report and remittance must be made no later than the 15th day of the month following that to which the report applies.

Section V. Operation Under License

A. The license issued hereunder shall authorize the vendor to operate a retail sales outlet for the sale of unopened and sealed liquor or beer only.

B. All vendors must conform their operations to those laws of the State of Minnesota relating to the sale or possession of intoxicating beverages or beer as indicated in Minnesota Statutes Annotated.

C. A vendor must keep complete and accurate records of inventory, sales, payroll, taxes paid and withheld, and all other facets of business operations. The books and records maintained by each vendor operating under a license shall be open for inspection by the Liquor Commissioner at all times during normal business hours.

Section VI. Revocation or Suspension of License

A. The Liquor Commissioner may suspend a license issued under this ordinance for violation of any of the terms of this ordinance.

1. For failure to submit the report or remit the excise tax required by Section IV(B), or for refusal to permit inspection of books or records as required by Section V(C), such suspension shall cease upon compliance with the indicated section.

2. No suspension shall continue for more than ninety days, provided, however, that the Liquor Commissioner may make a recommendation at any time to the General Council that a license be revoked.

B. The General Council may revoke a license issued under this ordinance for violation of any of the terms of this ordinance.

1. Upon receiving a request, from the Liquor Commissioner or his/her assistant, to consider revocation of a license, the General Council shall schedule the matter for a hearing at a regular or special meeting of the General Council.

2. The General Council shall provide written notice at least 3 days in advance to the vender that revocation of his/her licenses will be considered.

3. The General Council shall permit statements or testimony by any person wishing to give such at the revocation hearing.

4. The General Council may, by majority vote revoke a license.

C. One prior license revocation shall not prevent a person, otherwise qualified, from applying for a subsequent license under Section III. Two prior license revocations shall render a person ineligible from applying for subsequent licenses.

[FR Doc. 83-5940 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Group 807]

California; Filing of Plat of Survey

February 17, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately.

Mount Diablo Meridian, California

T. 8 N., R. 9E.

2. This plat, representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and certain mineral surveys, and the survey of the subdivision of sections 13, 24, 25, and 26, T. 8 N., R. 9 E., MDM, under Group 807, California, was accepted January 27, 1983.

3. The plat will immediately become the basic record describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-5320 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 726]

California; Filing of Plat of Survey

February 17, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian, California

T. 11 N., R. 6 E.

2. This plat, representing the dependent resurvey of a portion of the Second Standard Parallel North, on the south boundary of T. 11 N., R. 6 E., a portion of the west boundary, a portion of the subdivisional lines, and certain mineral survey boundaries in sections 30 and 31, and the survey of the subdivision of section 31, and the metes and bounds survey of Lots 19 and 20, section 31, T. 11 N., R. 6 E., Humboldt Meridian, under Group No. 726, California, was accepted January 28, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U.S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-5321 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 719]

California; Filing of Plat of Survey

February 15, 1983

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 13 N., R. 7 W.

2. This plat, representing the survey of the Sulphur Bank Rancheria in section 5 and 6, T. 13 N., R. 7 W., MDM, under Group No. 719, California, was accepted February 7, 1983.

3. The plat immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-5322 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 757]

California; Filing of Plat of Survey

February 16, 1983.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

San Bernardino Meridian, California

T. 7 N., R. 7 W.

2. These plats, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of sections 2, 3, and 4, Township 6 North, Range 7 West, the dependent resurvey of a portion of the south boundary, a portion of the subdivisional lines, and the survey of the subdivision of sections 33, 34, and 35, Township 7 North, Range 7 West, San Bernardino Meridian, under Group No. 757, California, were accepted February 7, 1983.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. The plats have been placed in the open files and are available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge

Chief, Records and Information Section.

[FR Doc. 83-5319 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 83-5]

Draft Environmental Statement; Clear Creek Shale Oil Project; Colorado

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a DEIS for the proposed Clear Creek Shale Oil Project.

DATE: Comments will be accepted until May 3, 1983.

ADDRESS: Comments should be sent to: Chevron EIS Team Leader, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

FOR FURTHER INFORMATION CONTACT: Bob Kline, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501, (303) 243-6552.

SUPPLEMENTARY INFORMATION: The BLM prepared a DEIS on the proposed Clear Creek Shale Oil Project in northwest Colorado. The project would produce 100,000 barrels per day (bpd) of shale oil. The DEIS analyzes the proposal,

three major project configurations, a 50,000 bpd production rate alternative, and various alternative configurations of discrete actions as part of the overall proposal. The DEIS analyzes the environmental and socioeconomic impacts of the proposal and alternatives.

AVAILABILITY: Single copies of the Draft EIS may be obtained at the above address: Public reading copies are also available at the following locations:

Mesa County Public Library, Grand Junction, CO 81501
Mesa College Library, Grand Junction, CO 81501
Conservation Library, Denver Public Library, 1537 Broadway, Denver, CO 80203
Garfield County Public Library, Glenwood Springs, CO 81601

Public meetings to receive oral and/or written comments on the proposed project will be held at 7:30 P.M. at the following locations.

April 4, 1983

Grand Junction—BLM Office, 764 Horizon Drive

April 5, 1983

DeBeque—DeBeque School, Minter Ave.

April 6, 1983

Rifle—Rifle High School Auditorium, 1353 Prefontaine

April 7, 1983

Denver—Ramada Inn Foothills, Winchester Room, 11595 W. 6th Ave

Oral comments will be limited to 10 minutes and should be accompanied with a written synopsis of the comments.

Dated: February 24, 1983.

George C. Francio,

Bureau of Land Management, State Director.

[FR Doc. 83-5327 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

1982 Amendments to the California Desert Plan and Eastern San Diego County Management Framework Plan; Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(c), of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a Final Environmental Impact Statement (FEIS) concerning the 1982 Amendment review of the California Desert Plan and the Eastern San Diego County Management Framework Plan (MFP). Forty-nine amendments were accepted for consideration. The amendments propose changes in both general plan guidelines and in site-specific measures. The latter include changes in vehicle access restrictions, Areas of Critical Environmental Concern (ACECs), grazing allotments, wilderness suitability recommendations, and multiple-use class designations. Under the preferred alternative, 28 amendments would be accepted as proposed, nine amendments would be accepted with modifications, and 12 would be rejected.

Comments on the FEIS are being solicited from public agencies and interested individuals and organizations. The Bureau invites written comments on the statement to be submitted by May 10, 1983, to the following address. Use of any other address may result in comments not being processed. 1982 Plan Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, CA 92507, Telephone (714) 351-6386

A limited number of copies of the Final Environmental Impact Statement are available upon request at the address listed above. Copies are also available for review at two other locations:

USDI—Bureau of Land Management, 2800 Cottage Way, Rm. E-2841, Sacramento, CA 95825
USDI—Bureau of Land Management, 1725 Eye Street, NW., Suite 906, Washington, D.C. 20240

For any further information contact Gerald E. Hillier, District Manager, (714) 351-6394.

Dated: February 24, 1983.

Ed Hastey,

State Director.

[FR Doc. 83-5328 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[Public Lands Exchange I-17821]

Public Lands Exchange; Idaho.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action, I-17821—Exchange, Public Lands in Cassia County, Idaho.

SUMMARY: The following described lands have been examined and identified as suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

Legal Description

T. 13 S., R. 25 E.
Sec. 28: SE¼SW¼

T. 16 S., R. 25 E.
Sec. 11: S½SE¼SW¼NE¼NE¼, S½S½SE¼NE¼NE¼, N½SE¼, NE¼SW¼
Sec. 12: S½SW¼SW¼NW¼NW¼, SE¼SW¼NW¼NW¼, SW¼SE¼NW¼NW¼
T. 16 S., R. 26 E.
Sec. 1: SE¼
Sec. 14: W½SW¼
Sec. 15: SW¼

Totaling 570.00 acres of public land.

In exchange for these lands the Federal Government will acquire the following described lands from Roscoe Ward:

Boise Meridian, Idaho

Legal Description

T. 15 S., R. 26 E.
Sec. 4: SE¼SW¼, S½SE¼
Sec. 9: NE¼NE¼
Sec. 10: N½NW¼, SE¼NW¼, SW¼NE¼
T. 16 S., R. 26 E.
Sec. 15: W½NE¼
Sec. 23: NE¼NE¼

Totaling 440 acres of private land.

The purpose of this exchange is to acquire privately-owned lands which are chiefly valuable for wildlife habitat, livestock grazing, and access. The public interest will be well served by making the exchange which is consistent with local govermental planning and zoning regulations and with Federal programs and planning. The values of the lands to be exchanged are approximately equal. If necessary, the acreage will be adjusted, or money will be paid, not to exceed 25% of the total value of the public lands, to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the public lands are:

1. A reservation to the United States for rights-of-way for ditches and canals pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. Reserving to the United States a right-of-way over and across a strip of land 66 feet in width along the west boundary of the SE¼SW¼ Sec. 28, T. 13 S., R. 25 E. for the full use as a road by the United States of America, its licensees and permittees, including the right of access and use for and by the people of the United States generally, to lands owned, administered, or controlled by the United States.

3. The patent will be issued recognizing that they lie within a floodplain and as such the patentees or their successors will be limited by section 3(d) of Executive Order 11988 of May 24, 1977 from seeking compensation from the United States or its agencies in

the event existing or future facilities on the patents are damaged by floods.

4. All minerals are reserved to the United States.

5. The lands are subject to valid existing rights.

No reservations or conditions exist on the private lands to be conveyed to the United States.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregation will terminate as provided by the above cited regulation.

Detailed information concerning the exchange, including the environmental analysis and the record of public discussions, is available for review at the Burley District Office, 200 S. Oakley Highway, Burley, Idaho 83318.

For a period of 45 days interested parties may submit comments to the Burley District Office, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318.

Dated: February 22, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83-5325 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

Management Framework Plan; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Planning Activity.

SUMMARY: The Management Framework Plan for the South Bearpaw Management Unit, southern Blaine County in Montana, will be amended during 1983. The purpose of the amendment is to determine the future management for the Ervin Ridge Wild Free Roaming Horse Herd. Alternatives to be considered will include no action, management at some population level, or removal of the wild horses. No preferred alternative has been identified at this time. Public participation will be sought throughout the development of an Environmental Analysis. Meetings will be held with interested parties at their request and mailings will solicit public comment during February, March and August, 1983. Issues expected to be considered include: management feasibility, potential for conflict with livestock grazing, potential for conflict with wildlife habitat requirements, and economic factors.

FOR FURTHER INFORMATION CONTACT: Donald F. Ryan, Area Manager, Bureau of Land Management, Havre Resource Area, Drawer 911, Havre, Montana 59501, 406-265-5891.

Dated: February 22, 1983.

Donald F. Ryan,

Area Manager.

[FR Doc. 83-5318 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico, Albuquerque District, New Mexico; District Advisory Council Meeting

The second meeting of the re-chartered Albuquerque District Advisory Council will be held April 26-27, 1983, starting in Farmington and ending in Albuquerque with attendance at the San Juan River Regional Coal Team meeting April 27. The Advisory Council meeting on April 26 will consist of a briefing-tour of public resources in the Bisti Coal region, departing the Holiday Inn, Farmington, 600 East Broadway, at 8:30 a.m. The tour will also include an explanation of the Rio Puerco Resource Area's water supply system, and will end in Albuquerque around 5 p.m. On April 27, the Advisory Council will attend the San Juan River Regional Coal Team meeting at the Albuquerque Convention Center, Ballroom A, starting at 9 a.m.

This council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976 and the Rangelands Improvement Act of 1976.

The public is welcome to attend all portions of this meeting, although transportation for the tour is arranged only for District Advisory Council members. Statements by the public may be made to the Advisory Council at 8:30 a.m. April 27 in Ballroom A, Albuquerque Convention Center.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

[FR Doc. 83-5323 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 24850 (Wash.)]

Realty Action; Sale Public Land in Yakima County, Washington

This Notice amends the original Notice of Realty Action published January 6, 1983 (48 FR 743). The sale date scheduled for March 8, 1983, is cancelled. The sale will be rescheduled at a later date. Sealed bids received for the originally scheduled March 8, 1983, sale date will be returned. Information about the sale is available at the BLM, Spokane District Office, East 4217 Main Avenue, Spokane, WA 99202.

Date of Issuance: February 22, 1983.

Roger W. Burwell,

District Manager.

[FR Doc. 83-5324 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Wednesday, March 30, 1983. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Review of Proposed Allotment Management Plans, (2) Rangeland Planning Proposals, (3) Rangeland Betterment Projects, (4) General Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by March 25, 1983. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 25, 1983.

Dennis Curtis,

Acting District Manager.

[FR Doc. 83-5430 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

[M-55661]

Notice of Realty Action—Exchange of Public and Private Lands in Custer County, Montana

February 25, 1983.

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M–55061, Exchange of Public and Private Lands in Custer County.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Montana Principal Meridian

T. 9 N., R. 53 E.,
Sec. 29: NE¼
T. 8 N., R. 54 E.,
Sec. 8: NW¼NE¼, S½NE¼, SE¼

Aggregating 440 acres of public lands.

In exchange for these lands, the United States will acquire the following described lands:

Montana Principal Meridan

T. 9 N., R. 52 E.,
Sec. 14: S½NW¼, SW¼, W½SE¼

Aggregating 320 acres of private lands and a Public Access Easement across other private lands allowing legal access to the above described lands. This Easement contains 20.66 acres of private lands.

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, District Manager,P. O. Box 940, Miles City, Montana 59301. Any comments will be evaluated by the BLM, Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to this exchange, including the environmental assessment and land report, is available for review at the Miles City District Office, West of Miles City, Montana.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. All mineral ownerships under the public and private lands involved will remain with the present owners.
3. All valid existing rights (e.g., rights-of-way, easements and leases of record).
4. The exchange is based on appraised fair market values on the public and private lands and the access easement involved in this action.

This exchange is consistent with Bureau of Land Management policies; planning and state and local officials have been contacted. The public interest will be served by completion of this exchange.

Ray Brubaker,
District Manager.

[FR Doc. 83–5431 Filed 3–3–83; 8:45 am]
BILLING CODE 4310–84–M

[U-060]

Utah; Resource Management Plan/ Environmental Impact Statement

February 25, 1983.

AGENCY: Bureau of Land Management, Moab District, Grand Resource Area, Utah.

ACTION: Notice of Availability of Draft Resource Management Plan/ Environmental Impact Statement (RMP/ EIS).

This notice amends the Federal Register Notice published on February 14, 1983, page 6593. Due to printing delays, the comment period has been shifted forward. The comment period will begin on March 16 and end on June 13. Comments received by June 13 will be considered in the preparation of the Final RMP/EIS for the Grand Resource Area. All other information remains as stated in the original notice.

FOR FURTHUR INFORMATION CONTACT: Colin P. Christensen, Grand Resource Area Manager, (801) 259–6183.

Kenneth V. Rhea,
Associate District Manager.

[FR Doc. 83–5432 Filed 3–3–83; 8:45 am]
BILLING CODE 4310–84–M

[W-84029]

Wyoming; Invitation for Coal Exploration License; Ark Land Company

Ark Land Company, a wholly owned subsidiary of Arch Mineral Corporation, hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Sweetwater County, Wyoming:

T. 14 N., R. 102 W., 6th Prin Mer
Sec. 1: Lots 5, 6, 7, 8, S½N½, S½
Sec. 2: Lots 5, 6, 7, 8, S½N½, S½
Sec. 3: Lots 5, 6, 7, 8, S½N½, S½
Sec. 4: Lots 5, 6, 7, S½N½, N½S½, S½SE¼, SE¼SW¼
Sec. 5: SE¼NE¼, N½SE¼
Sec. 8: SE¼
Sec. 9: All
Sec. 10: E½NE¼, NE¼SE¼, S½S½
Sec. 11: All
Sec. 12: All
Sec. 13: All
Sec. 14: All
Sec. 15: All
Sec. 17: All
Sec. 18: Lots 5, 6, 7, 8, E½W½, E½
Sec. 19: Lots 5, 6, 7, E½NW¼, NE¼, NE¼SW¼, N½SE¼
Sec. 20: N½, N½S½
Sec. 21: N½, N½S½
T. 14 N., R. 103 W., 6th Prin Mer
Sec. 13: All
Sec. 24: N½, N½S½
T. 15 N., R. 102 W., 6th Prin Mer
Sec. 5: SE¼, E½SW¼
Sec. 8: N½NE¼, SE¼NE¼, NW¼, N½SW¼
Sec. 15: N½, SW¼, W½SE¼
Sec. 17: NW¼SE¼, S½S½
Sec. 18: E½E½
Sec. 20: W½, W½E½
Sec. 27: N½NE¼, SW¼NE¼, SE¼, S½ SW¼
Sec. 28: SE¼NE¼, E½SE¼
Sec. 33: NE¼SE¼, S½SE¼
Sec. 34: All
Sec. 35: All

Containing 14,533.12 acres.

All of the coal in the above lands consists of unleased Federal coal.

The purpose of the exploration program is to obtain information about the coal resources and to gather environmental data within the boundaries of the aboved described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under serial number W–84029): Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001, and the Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

This notice of invitation will be published in this newspaper once each week for two consecutive weeks beginning the week of March 14, 1983, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Ark Land Company, no later than 30 days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Ark Land Company, Attn: Mr. Jack Cully, Manager Western Exploration Division, P.O. Box 340, Hanna, Wyoming 82327, and the Bureau of Land Management, Wyoming State Office, Branch of Energy Minerals, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43

Code of Federal Regulations, § 3410.2–1(c)(1).

J. Stan McKee,

Acting Chief, Branch of Energy Minerals.

[FR Doc. 83-5434 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Fourth Regular Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: By this notice, the Service extends the comment period of its **Federal Register** notice of February 7, 1983, (48 FR 5603). That notice requested information and comments on the Service's proposed negotiating positions for the fourth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

ADDRESSES: Information and comments on proposed negotiating positions should be sent to the Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240. Written information and comments received by the Service will be open to the public inspection during normal business hours at the Federal Wildlife Permit Office, Room 620, 1000 N. Glebe Road, Arlington, Virginia.

DATE: The Service will consider information and comments (in reponse to its February 7, 1983, **Federal Register** notice) received by March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Telephone: 703/235–2418.

SUPPLEMENTARY INFORMATION: On February 15, 1983, the Service held a public meeting to receive information and comments on its proposed negotiating positions for the fourth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora to be held in Gaborone, Botswana, April 19–30, 1983. At that meeting, several persons requested that the Service's notice, which announced the meeting and published the proposed negotiating positions (48 FR 5603), be amended to extend the comment period to March 15, 1983, in order to allow the public sufficient time to adequately respond to the request for information and comments.

The Service believes the request for an extension of the comment period to March 15, 1983, to be reasonable. Therefore, the Service hereby extends the comment period of its **Federal Register** notice of February 7, 1983, to March 15, 1983.

This notice was prepared by Arthur Lazarowitz, Federal Wildlife Permit Office.

Dated: February 25, 1983.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-5271 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 043, Block 88, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that is it available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local govenments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 23, 1983.

John L. Ranking,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-5314 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0246, Block 101, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 25, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-5315 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0254, Block 150, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 25, 1983

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6316 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit Agreement No. 14–08–001–3915, submitted on February 10, 1983, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Bay Marchand Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekends 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 22, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6317 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities if proposes to conduct on Lease OCS–G 1119, Block 52, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–46720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 23, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-5433 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ODECO Oil & Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 043, Block 88, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

§ 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 23, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-5453 Filed 3-2-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP1-FC-73]

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1161.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

MC-FC-81251. By decision of February 24, 1983, issued under 49 U.S.C. 10321, the property brokers regulations at 49 CFR 1045, and the transfer rules at 49 CFR Part 1161, Board Number 3 approved the acquisition of control of EMPLOYEE TRANSFER CORPORATION (ETC), of Chicago, IL, a property broker operating pursuant to License No. MC-159301 and Sub-No. 1 thereunder by THE EQUITABLE LIFE HOLDING CORPORATION (EQUITABLE), of New York, NY, a non-carrier. ETC is a wholly-owned subsidiary of LINCOLN NATIONAL CORPORATION, also a non-carrier. ETC is authorized to engage in operations, in interstate or foreign commerce as a broker of (1) general commodities (except household goods) between points in the United States and (2) household goods, between points in the coterminous United States. Representative: Robert J. Gallagher, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036.

[FR Doc. 83-5300 Filed 3-2-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perfrom the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's

other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–69

Decided: February 18, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 108570 (Sub-7), filed February 1, 1983. Applicant: L & L COACH LINES, INC., 519 Maryland Ave., Hagerstown, MD 21740. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739–4660. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 115660 (Sub-7), filed February 2, 1983. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner 342 Madison Ave., New York, NY 10137 (212) 366–0300. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159661, filed February 7, 1983. Applicant: ANCHOR TOURS, INCORPORATED, 3473 Johnson Drive, Lithonia, GA 30058. Representative: Stephen Monroe, (same address as applicant) (404) 979–2100. Transporting *passengers*, in charter and special operations, beginning and ending at points in GA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165770, filed January 17, 1983. Applicant: ECOLE TRANSPORTATION CORP., 231 West Lincoln Ave., Mount Vernon, NY 10550. Representative: Norman Turk, 225 Broadway, New York, NY 10007, (212) 619–1540. Transporting *passengers*, in charter and special operation, between points in Westchester County, NY, on the one hand, and, on the other points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165801, filed January 20, 1983. Applicant: RACINE BROKERAGE SERVICES, INC., 952 Brookstown Ave., P.O. Box 5127, Wionston-Salem, NC 27113. Representative: W. L. Trull (same address as applicant) (919) 727–0516. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 165951, filed February 7, 1983. Applicant: ATLANTIC COACH LINES, INC., 2519 Gresham Rd., SE., Atlanta, GA 30316. Representative: Mark S. Gray, 1006 South Tower, 225 Peachtree St., NE., Atlanta, GA 30303, (404) 523–1717. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165961, filed January 28, 1983. Applicant: ROBERT R. BOCKERT, 6317 N.E. 30th Ave., Vancouver, WA 98665. Representative: Robert R. Bockert (same address as applicant), (206) 573–0401. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166000, filed January 31, 1983. Applicant: CHARLES E. SULLIVAN, 350 Spring Green Rd., Warwick, RI 02886. Representative: Charles R. Reilly, 391 Davisville Rd., North Kingstown, RI 02852, (401) 884–0669. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166021, filed February 2, 1983. Applicant: VISTA CHARTER SERVICE, INC., 1045 Crest View Rd., Vista, CA 92083. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166051, filed February 1, 1983. Applicant: THOMAS J. MURPHY d.b.a. T. M. BROKERAGE, Forty Carver Ave., Westwood, NJ 07675. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223–5900. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166060, filed February 4, 1983. Applicant: SHORT LINES TRANSIT, INC., 1305 East Benson Highway, Tucson, AZ 85714. Representative: Louis W. Baracsi, 70 West Cushing St., Tucson, AZ 85701, (602) 624–2301. Transporting *passengers*, in charter and special operations, beginning and ending at points in AZ, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166080, filed February 4, 1983. Applicant: CHARLES R. WANN SR., d.b.a. J & C ENTERPRISES, 795 6th St., Penrose, CO 81240. Representative: Charles R. Wann, Sr. (same address as applicant) (303) 372–6844. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP1–71

Decided: February 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 460 (Sub-11), filed February 4, 1983. Applicant: OKLAHOMA TRANSPORTATION COMPANY, 1206 Exchange Ave., Oklahoma City, OK 73106. Representative: Robert W. Allen (same address as applicant) (405) 239–6831. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 139270 (Sub-1), filed February 8, 1983. Applicant: OTTERTAIL COACHES, INC., 318 West Maple, Fergus Falls, MN 56537. Representative: A. L. Fitch (same address as applicant) (218) 739–3393. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 107450 (Sub-5), filed February 8, 1983. Applicant: METROPOLITAN COACH CORPORATION, 1617 Brook Rd., Richmond, VA 23220. Representative: Calvin F. Major, 200 West Grace St., Suite 115, P.O. Box 5010, Richmond, VA 23220 (804) 649–7591. Transporting *passengers*, in charter and special operations, between points in the U.S. (including AK, but excluding HI).

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 144621 (Sub-56), filed January 24, 1983. Applicant: COLUMBINE

CARRIERS, INC., 52275 U.S. Hwy 31 North, P.O. Box 66, South Bend, IN 46624. Representative: Charles J. Kimball, 605 Capitol Life Center, 1600 Sherman St., Denver, CO 80203 (303) 839–5856. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 154651 (Sub-1), filed February 9, 1983. Applicant: WILLIE MACK, INC., 549 Jackson Avenue, Elizabeth, NJ 07201. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904 (201) 572–5551. Transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 153171 (Sub-1), filed February 4, 1983. Applicant: TWENTY FIRST CENTURY BUS SERVICE CORP., d.b.a. TWENTY FIRST CENTURY TOURS, 1756 Ocean Avenue, New York, NY 11716. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10173 (212) 755–9500. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166041, filed February 3, 1983. Applicant: RHODE ISLAND MOTOR COACH CO., INC., 261 Warren Ave., East Providence, RI 02914. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103 (413) 781–8205. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166030, filed January 31, 1983. Applicant: LIFE LINE TOURS, INC., 112 Park Drive, Cranford, NJ 07016. Representative: Ann Stemmer (same address as applicant) (201) 276–8912. Transporting *passengers*, in charter operations, beginning and ending at Manhattan, Bronx, Queens, Brooklyn and Staten Island, NY, and points in NJ, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166040, filed February 3, 1983. Applicant: VALLERY FREIGHT LINES, INC., 12301 West Freeway, P.O. Box 12301, Fort Worth, TX 76126. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332–4718. As a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 166101, filed February 4, 1983. Applicant: DAVID BENEUX, P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same address as applicant), (501) 997–1083. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166220, filed February 9, 1983. Applicant: MARK AND JOAN KLEIN, P.O. Box 155, Mead, WA 99021. Representative: Mark Klein (same address as applicant), (509) 466–9051. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202–275–7289.

Volume No. OP2–077

Decided: February 23, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 115432 (Sub-8), filed January 31, 1983. Applicant: PAWTUXET VALLEY BUS LINES, INCORPORATED, 76 Industrial Lane, West Industrial Lane. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076, 201–322–5030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165612, filed January 10, 1983. Applicant: BERRY BROS. BUS SERVICE, INC., 7920 Becket St., Norfolk, VA 23518. Representative: Edward L. Berry (same address as applicant), 804–588–4962. Transporting *passengers*, in charter and special operations, beginning and ending at Chesapeake, Virginia Beach, Norfolk, Portsmouth, Newport News, Hampton, Poquoson, Suffolk, and Williamsburg, VA, and Elizabeth City, NC, points in Isle of Wright, Sussex, James City, York, Surry, North Hampton, Accomack, and South Hampton Counties, VA, and Dare, Currituck and Hertford Counties, NC, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 165983, filed January 31, 1983. Applicant: WYO–NEBR. SECURITY COURIER SERVICE, INC., 1413 East Overland, Scottsbluff, NE 69361. Representative: George A. Sommer, 118 West 18th St., Scottsbluff, NE 69361, 308–632–7833. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–107

Decided: February 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 946 (Sub-8), filed February 10, 1983. Applicant: FERDINAND ARRIGONI, INC. dba NEW YORK BUS SERVICE, 3320 Hutchinson Ave., Bronx, NY 10475. Representative: Samuel B. Zinder, 98 Cutter Mill Rd., Great Neck, NY 11021 (516) 482–0881. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 12907 (Sub-1), filed February 15, 1983. Applicant: KERRVILLE TOURS, INC., 429 Sidney Baker St., Kerrville, TX 78028. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767 (512) 472–8800. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 53666 (Sub-3), filed February 17, 1983. Applicant: J. MEREDITH BUS CO., 109 Brick Rd., Marlton, NJ 08053. Representative: Raymond A. Thistle, Jr., Five Cottman Court, 426 Cottman St., Jenkintown, PA 19046 (215) 576–0131. Transporting *passengers*, in special and charter operations, beginning and ending at points in CT, DE, MD, NJ, NY, PA, RI, VA, WV, and DC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 96336 (Sub-3), filed February 17, 1983. Applicant: CAVALIER TRANSPORTATION CO., INC., 1621 N. 28th St., Richmond, VA 23223. Representative: Calvin F. Major, 200 W. Grace St., P.O. Box 5010, Richmond, VA 23220 (804) 649–7591. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148177 (Sub-1), filed February 15, 1983. Applicant: T & T BUS COMPANY, INC., R.D. #2, Caton Rd., Corning NY 14830. Representative: Jeremy Kahn,

Suite 733 Investment Bldg., 1511 K St., NW, Washington, DC 20005 (202) 783–3525. Transporting *passengers*, in charter and special operations, beginning and ending at points in PA and NY, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166287, filed February 16, 1983. Applicant: GEORGE F.K. KERKOW d.b.a. STRATFORD LIMOUSINE SERVICE, 515 Henry Ave., Stratford, CT 06497. Representative: George F. K. Kerkow (same address as applicant) (203) 375–3685. Transporting *passengers*, in charter and special operations, beginning and ending at points in CT and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166296, filed February 16, 1983. Applicant: MICHAEL AUSTIN NOFTZ d.b.a. MIKE NOFTZ, 789 Madison, P.O. Box 428, Lafayette, OR 97127. Representative: Mervyn Noftz, Rt. 3, Box 3661, Red Bluff, CA 96080, (916) 529–3173. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

[FR Doc. 83-6011 Filed 3-2-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the Exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich
Secretary.

Please direct status inquiries to Team one at (202) 275–7992.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Volume No. OP1–70

Decided: February 16, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2060 (Sub-18), filed February 3, 1983. Applicant: PINE HILL-KINGSTON BUS CORP., P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. *Over regular routes*, transporting *passengers*, (1) between Rome and New York, NY, from Rome over NY Hwy 49 to Utica, then over Interstate Hwy 90 to NY Hwy 28, then over NY Hwy 28 to Interstate Hwy 87, then over Interstate Hwy 87 to NY Hwy 17, then over NY Hwy 17 to the NY–NJ State line, then over NJ Hwy 17 to NJ Hwy 3, then over NJ Hwy 3 to Interstate Hwy 495, then over Interstate Hwy 495 to New York, and return over the same route, serving the off-route point of Herkimer, NY, (2) between Mt. Tremper, NY, and junction NY Hwys 375 and 28, from Mt. Tremper over NY Hwy 212 to Woodstock, NY, then over NY Hwy 375 to NY Hwy 28, and return over the same route, (3)

between Oneonta and Kingston, NY, from Oneonta over NY Hwy 28 to NY Hwy 296, then over NY Hwy 296 to NY Hwy 23A, then over NY Hwy 23A to NY Hwy 32, then over NY Hwy 32 to Interstate Hwy 87, then over Interstate Hwy 87 to Kingston, and return over the same route, (4) between Kingston, NY, and junction NY Hwys 32 and 17, from Kingston over U.S. Hwy 9W to NY Hwy 32, then over NY Hwy 32 to NY Hwy 17, and return over the same route, (5) between Kingston, NY, and junction NY Hwy 299 and Interstate Hwy 87, from Kingston over NY Hwy 32 to New Paltz, NY, then over NY Hwy 299 to Interstate Hwy 87, and return over the same route, (6) between junction NY Hwy 17 and Interstate Hwy 287 and Freeport, NY from junction NY Hwy 17 and Interstate Hwy 287 over Interstate Hwy 287 to Interstate Hwy 95, then over Interstate Hwy 95 to Interstate Hwy 295 then over Interstate Hwy 295 to NY Hwy 25, then over NY Hwy 25 to NY Hwy 25B, then over NY Hwy 25B, to Mineola, then over Mineola Blvd, Franklin Ave., Henry St., Greenwich St., Nassau Rd., and Main St. to Freeport, and return over the same route serving the off-route points of Nanuet, White Plains, New Rochelle, Queens Village, Mineola, and Hempstead, NY, (7) between junction Interstate Hwy 287 and Garden State Parkway and junction Interstate Hwys 287 and 295, from junction Interstate Hwy 287 and Garden State Parkway over Garden State Parkway to Interstate Hwy 80 then over Interstate Hwy 80 to Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwys 95 and 295, and return over the same route, (8) between junction NY Hwys 23 and 23A and Shandaken, NY, from junction NY Hwys 23 and 23A over NY Hwy 23A to Lexington, NY then over NY Hwy 42 to Shandaken, and return over the same route, and (9) between New York, NY, and junction Interstate Hwys 87 and 287 near Elmsford, NY, from New York over city streets to Interstate Hwy 87, then over Interstate Hwys 87 to Interstate Hwy 287, and return over the same route, serving all intermediate points in connection with routes (1) to (9) above.

Note.— Applicant intends to tack the sought rights to its existing authority. Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 2110 (Sub-15), filed February 7, 1983. Applicant: BOWLUS TRUCKING CO., INC., 200 County Rd. 143, Fremont, OH 43420. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614)–889–2531. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 9251 (Sub-6), filed February 7, 1983. Applicant: S & M TRUCK LINE, INC., P.O. Box 813, Mt. Angel OR 97362. Representative: John A. Anderson, Suite 801—The 1515 Bldg., 1515 SW. Fifth Ave., Portland OR 97201 (503) 227–4586. Transporting *food and related products*, between points in WA, OR, and CA, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, ID, and UT.

MC 15100 (Sub-4), filed February 7, 1983. Applicant: JOHN DeGRAND & SON, INC., 32 Hood Terrace, West Haven, CT 06516. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103 (203) 278–1330. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in VT, ME, NH, MA, CT, RI, NY, NJ, PA, MD, DE, VA, NC, SC, and DC.

MC 47171 (Sub-227), filed February 7, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803)879–2103. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Signode Corp., of Glenview, IL.

MC 52861 (Sub-94), filed February 7, 1983. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: James W. Moore (same address as applicant) (216) 659–9381. Transporting *bulk commodities, and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with The David J. Joseph Company, of Cincinnati, OH.

MC 155311 (Sub-1), filed January 14, 1983. Applicant: SUNCO CARRIERS, INC., 2029 West Memorial Blvd., P.O. Box 2811, Lakeland, FL 33803. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328 (404) 256–4320. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 117940 (Sub-375), filed February 4, 1983. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359 (612) 479–1864. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA Consolidators, Inc. and ITOFCA, Inc., each of Downers Grove, IL.

MC 133611 (Sub-8), filed February 7, 1983. Applicant: H. E. MCCONNELL AND H. E. MCCONNELL, II d.b.a. H. E. MCCONNELL & SON TRUCKING COMPANY, 5117½ East Broadway, North Little Rock, AR 72114. Representative: James M. Duckett, 221 W. 2nd St., Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *plastic products*, between points in TX, on the one hand, and, on the other, points in AR, LA, MS, and OK.

MC 134121 (Sub-5), filed February 11, 1983. Applicant: ROBERT FRANK DEASON, d.b.a. DEASON GRAIN COMPANY, P.O. Box 365, Lewisburg, TN 38091. Representative: Roland M. Lowell, 5th Floor, 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting (1) *paper and paper products*, between points in TN, on the one hand, and, on the other, points in AL, GA and MS, and (2) *metal products*, between points in TN, on the one hand, and, on the other, points in AL, GA, KY, IL, IN, MI, MS, OH, OK and SC.

MC 142011 (Sub-8), filed January 21, 1983. Applicant: LEISURE TIME TOURS, INC., 4 Leisure Lane, Mahwah, NJ 07430. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, (201) 836–1144. Over regular routes, transporting *passengers*, between Cockeysville, MD, and Atlantic City, NJ, from Cockeysville over Interstate Hwy 83 to junction Interstate Hwy 695, then over Interstate Hwy 695 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction MD Hwy 272, then over MD Hwy 272 to junction MD Hwy 40, then over MD Hwy 40 to junction DE Hwy 896, then over DE Hwy 896 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 295, then over Interstate Hwy 295 via the DE Memorial Bridge, to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over the Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 144330 (Sub-97), filed February 1, 1983. Applicant: UTAH CARRIERS, INC., 2023 Wall Ave., Ogden, UT 84401. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *building materials and construction materials*, between points in the U.S. (except AK and HI).

MC 145930 (Sub-11), filed February 4, 1983. Applicant: WILLIAM R. MOROG

d.b.a. JONICK & CO., 1840 Idaho Ave., Lorain, OH 44052. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146630 (Sub-5), filed February 4, 1983. Applicant: SAWDUST SIERRA, INC., 2996 Timber Lane, Verona, WI 53593. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086 Madison, WI 53705–0086 (608) 238–3119. Transporting (1) *paper and paper products and printed matter,* between points in Waukesha County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products,* between points in Green and Lafayette Counties, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148791 (Sub-40), filed February 7, 1983. Applicant: TRANSPORT-WEST, INC., 1850 S 1100 W, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110 (801)–531–1777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Aspen Distribution, of Salt Lake City, UT.

MC 151911 (Sub-1), filed February 25, 1983. Applicant: HARREL R. BRIGGS AND SARAH BRIGGS, Route 9, Box 1648, Plant City, FL 33566. Representative: Frank L. Willard, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510 (804)–627–0070. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with the Smithfield Packing Co., of Smithfield, VA, and Nabisco Brands, Inc., of Parsippany, NJ.

MC 158310 (Sub-2), filed February 7, 1983. Applicant: STEWARD BROS. TRANSPORTATION, INC., Umpqua Star Route, Box 208A, Oakland, OR 97462. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103 (817) 332–4718. Transporting *building materials, lumber and wood products, forest products, and metal products,* between points in AL, AR, AZ, CA, CO, FL, GA, IL, IN, IA, ID, KS, KY, LA, MS, MO, MT, NE, NV, NC, OR, OK, SC, TN, TX, UT, WA, and WY.

MC 160680 (Sub-1), filed February 8, 1983. Applicant: L.G.H. TRUCKING, INC., 710 Ventura St. N., Salem, OR 97303. Representative: John A. Anderson, Suite 801, The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201 (503) 227–4566. Transporting *food and related products, and pulp, paper and related products,* between points in OR, WA, ID and CA.

MC 162610 (Sub-2), filed February 7, 1983. Applicant: JETM DISTRIBUTION SYSTEMS, INC., 8424 W. 47th St., Lyons, IL 60534. Representative: Thomas M. O'Brien, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United States Cold Storage, of Lyons, IL, Miller Potato Company, of Blue Island, IL, Dry Storage Corporation, of Des Plaines, IL, Kitchens of Sara Lee, Inc., of Deerfield, IL, Columbus McKinnon Corp., of Broadview, IL, and Goodman Equipment Corporation and Playskool, Inc., both of Chicago, IL.

MC 163721, filed February 2, 1983. Applicant: CHAPARRAL EQUIPMENT, LEASING AND RENTAL, INC., 2845 Workman Mill Road, Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Interstate Freight Service, Inc., of Downey, CA.

MC 164790, filed February 1, 1983. Applicant: ROLAND WEAVER d.b.a. WEAVER TRUCKING COMPANY, P.O. Box 327, Vernon, TX 76384. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154 (405)–424–3301. Transporting *road and bridge construction materials,* between points in OK and TX.

MC 165411, filed January 26, 1983. Applicant: NORTHUMBERLAND LINES, INC., 16 Riverview, Mankato, MN 56001. Representative: Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101 (612) 224–9454. Over regular routes, transporting *passengers,* between Mankato, MN, and Rochester, MN, from Mankato over MN Hwy 22, to junction MN Hwy 109, then over MN Hwy 109 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Rochester, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 165941, filed January 27, 1983. Applicant: JAYMAC TRUCKING CO., 11 Willow Place, Albertson, NY 11507. Representative: Abel Jack Schwartz, One Old Country Rd., Carle Place, NY 11514 (516)–742–9192. Transporting *furniture and fixtures,* between points in NY, on the one hand, and, on the other, points in NY, NJ, PA, MA, CT, RI, ME, VT and NH.

MC 166091, filed February 4, 1983. Applicant: MCQUADE TRANSPORT, INC., P.O. Box 1355, Bismarck, ND 58502–1355. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502–2056 (701)–223–5300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ND, on the one hand, and, on the other, points in the U.S. (except HI).

MC 166141, filed February 8, 1983. Applicant: TOM H. HOVINGH, 11686 40th Ave., Allendale, MI 49401. Representative: Paul D. Borghesani, Suite 300, Communicana, Bldg., 421 South Second St., Elkhart, IN 46516 (219) 293–3597. Transporting (1) *food and related products,* between points in Elkhart County, IN, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber and wood products,* between points in Kent County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166161, filed February 8, 1983. Applicant: D. S. LYNCH ENTERPRISES, INC., 195 East Valley Blvd. #4, Rialto, CA 92326. Representative: Daniel S. Lynch (same address as applicant) (714) 877–0845. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with D. W. R. Transportation, Inc., of Mentone, CA.

Volume No. OP1–72

Decided: February 23, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–661, filed January 28, 1983. Applicant: EDWARD DIETIKER, VELDA DIETIKER AND CHARLES DIETIKER, d.b.a. DOOR–TO–DOOR MOVING AND STORAGE, 918 La Beaume St., St. Louis, MO 63102. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., NW., Washington, DC 20006. As a *freight forwarder* in connection with the transportation of *household goods, unaccompanied baggage and used automobiles,* between points in the U.S. (except VT and WV). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption

from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 1, Room 2379.

MC 11220 (Sub-237), filed February 7, 1982. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Ave., Memphis, TN 38101. Representative: James J. Emigh, P.O. Box 59, Memphis, TN 38101 (901) 775–2042. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cotter & Company, of Chicago, IL.

MC 57880 (Sub-29), filed February 7, 1983. Applicant: ASHTON TRUCKING CO., P.O. Box 472, Monte Vista, CO 81144. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264 (303) 861–4028. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sun Valley Waterbeds, Inc., of Phoenix, AZ.

MC 111401 (Sub-627), filed February 8, 1983. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73702. Representative: Alvin J. Meiklejohn, Jr., 1660 Lincoln Street, Suite 1600, Denver, CO 80264 (303) 861–4028. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Vulcan Materials Co., of Birmingham, AL.

MC 143730 (Sub-11), filed February 4, 1983. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Drive, New Castle, DE 19270. Representative: Richard M. Ochroch, 316 South 16th St., Philadelphia, PA 19102 (215) 735–2707. Transporting *general commodities* (except classes A and B explosives and household goods and commodities in bulk), between points in ME, NH, VT, NY, MA, CT, RI, PA, NJ, DE, MD, WV, VA, NC, SC, GA, FL, AL, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146590 (Sub-11), filed February 8, 1983. Applicant: J.R.P., INC., 1300 Island Ave., McKees Rocks, PA 15136. Representative: Sally A. Davoren, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of its permits held in No. MC–146590 Sub Nos. 2, 3, 5, 6, 7, 8X, 9 and 10.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in No. MC–146590 Sub-Nos. 2, 3, 5, 6, 7, 8X, 9 and 10 to common carrier authority.

MC 147101 (Sub-5), filed February 7, 1983. Applicant: LDF, INC., 30 Enterprise Ave., Secaucus, NJ 07094. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Freight Brokers, Inc., of Charlotte, NC.

MC 149560 (Sub-1), filed February 9, 1983.

Applicant: BRYSON INDUSTRIAL SERVICES, INC., 108, White Oak Lane, Lexington, SC 29072. Representative: Anne Greene (same address as applicant) (803) 796–6408. Transporting *clay, cat litter and oil and grease absorbents,* between point in Sumter County, SC, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Mid-Florida Mining Company, of Lowell, FL.

MC 148281 (Sub-19), filed February 2, 1983. Applicant: SUSANA TRANSPORT SYSTEM, INC., 2845 Workman Mill Rd. Whittier, CA 90601. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Interstate Freight Service, Inc., of Downey, CA.

MC 149111 (Sub-5), filed February 11 ,1983. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 1200 Lebanon Road, West Mifflin, PA 15122. Representative: Salley A. Davoren, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222 (412) 471–3300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Genco Transportation Services, Inc., of West Mifflin, PA.

MC 151841 (Sub-1), filed February 3, 1983.s Applicant: R. L. HARRISON TRUCKING CO., INC., 1107 Airlane Drive, Benton, AR 72015. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th Street, N.W., Washington, DC 20004 (202) 347–8862. Transporting (1) *alcoholic beverages,* between points in the U.S. (expxept AK and HI), and (2) *such commodities* as are dealt in by wholesale and retail grocery houses, between points in AR, TN, AL, GA, MS, KY, MO, LA, FL and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159401 (Sub-1), filed February 2, 1983. Applicant: JOHNSON DISTRIBUTORSHIP, INC., Route 1, Box 920 AA, Flagstaff, AR 86001. Representative: Joe E. Fresquez, 403 N. Agassiz, P.O. Box 910, Flagstaff, AR 86002 (602) 779–6146. Transporting *general commodities* (except classes A and B explosives), between points in AZ.

MC 153610 (Sub-3), filed February 4, 1983. Applicant: LEASEWAY TRUCKING, INC., 1101–31st St. Downers Grove, IL 60515. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with The Goodyear Tire & Rubber Company, of Akron, OH.

MC 160361 (Sub-1), filed February 8, 1983. Applicant: INDUSTRIAL TRANSPORT, LTD., 1445 South Main St., Waterbury, CT 06706. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108 (617) 742–3530. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, NC, NJ and NY, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, TN and MS.

MC 161980 (Sub-1), filed January 31, 1983. Applicant: TERS, INC., d.b.a. TRANSPORT ELECTRIC P.O. Box 2286, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408 (806) 763–9555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, OK, KS, AL, IL, MO, CO, AR, IA, WA, WI, AZ, CA, LA, MS, GA, NM, IN, OR, and UT.

MC 165990, filed January 31, 1983. Applicant: LEE BRUMFIELD, d.b.a. SOUTHERN IDAHO SUPPLY, Rt. 7, Box 197, Blackfoot, ID 83221. Representative: Kevin M. Clark, 2417 Bank Dr., Ste. 8,

Boise, ID 83705, (208)–7714. Transporting (1)(a) *building materials* (b) *construction supplies*, (c) *fertilizers, and* (d) *chemicals, between points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY, and (2) coal*, between points in ID, NV, OR, and UT.

MC 166011 filed February 1, 1983. Applicant: BANKSTON TRUCK LINES, INC., Route 1, Box 27, Bankston, AL 35542. Representative: John R. Frawley, Jr., 120 Summit Parkway, Suite 200, Birmingham, AL 35209–4786 (205) 942–9116. Transporting *general commodities* (except classes A and B explosives, household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Jim Segrest & Associates, Inc., of Dolomite, AL.

MC 166061, filed February 3, 1983. Applicant: BARRY M. B OEDEL, d.b.a., NATIONAL SHIPPERS EXPRESS, P.O. Box 445, New Ulm, MN 56073. Representative: William S. Rosen, 1016 Conwed Tower, 444 Cedar St., St. Paul, MN 55101, (612) 227–7731. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166111, filed February 9, 1983. Applicant: LEE SARTIN TRUCKING CO., INC., Box 152, Naugatuck, WV 25685. Representative: Lee Sartin, Jr., Rt. 1, Box 139, Kermit, WV 25674, (304) 393–3272. Transporting (1) *mandoseals*, (2) *rockdust*, (3) *gravel, and* (4) *concrete, blocks*, between points in the U.S., under continuing contract(s) with Marrowbone Development Company, of Naugatuck, WV.

MC 166121, filed February 4, 1983. Applicant: BHL TRANSPORT, INC., 777 West Putnam Avenue, Greenwich, CT 06830. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 166130, filed February 7, 1983. Applicant: DICK'S TOWING & ROAD SERVICE, INC., 2012 S. 146th St., Seattle, WA 98168. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *motor vehicles*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 166150, filed February 7, 1983. Applicant: VANS CARTAGE, INC., 145 S. St. Clair Street, Toledo, OH 43602. Representative: Michael M. Briley, 1200 Edison Plaza, P.O. Box 2088, Toledo, OH 43603, (419) 255–8220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IL, IN, MI and OH.

MC 166180, filed February 8, 1983. Applicant: SAMMET TRUCKING CO., R.R. #5, Upper Sandusky, OH43351. Representative: Homer F. Sammet, (same address as applicant) (419) 294–1342. Transporting *clay, concrete, glass or stone products*, between points in Wyandot County, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166181, filed February 9, 1983. Applicant: COLES & MYERS, INC., 906 South 12th Street, Bethany, MO 64424. Representative: Tom B. Kretsinger, Jr., 20 East Franklin, Liberty, MO 64068 (816) 781–6000. Transporting *petroleum and petroleum products*, between points in MO and KS.

MC 166201, filed February 9, 1983. Applicant: D. L. SPIVEY TRUCKING, 1209 Carolina Rd., Suffolk, VA 23434. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 840–8565. Transporting *forest products and lumber and wood products*, between Franklin, Newport News, and Norfolk, VA, and points in Halifax and Hertford Counties, NC, on the one hand, and, on the other, those points in the U.S. in and east of MS, TN, KY, IL and WI.

MC 166211, filed February 10, 1983. Applicant: MICHIGAN BOAT CARTAGE, INC., 28210 Harper, St. Clair Shores, MI 48081. Representative: Frank J. Kerwin, 24055 Jefferson, Suite 200, P.O. Box 319, St. Clair Shores, MI 48080, (313) 777–0400. Transporting *boats, boat cradles, and parts for boats*, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202–275–7030.

Volume No. OP2–078

Decided: February 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 47002 (Sub-12), filed January 26, 1983. Applicant: EARL E. LOFLAND, INC., d.b.a. WEBER MOVING & STORAGE, 601 Garasches Lane, Wilmington, DE 19801. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209 703–522–0900. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 109763 (Sub-15), filed January 25, 1983. Applicant: WOLF'S BUS LINES, INC., P.O. Box 235, York Springs, PA 17372. Representative: Lloyd R. Persun, 1801 North Front St., P.O. Box 729, Harrisburg, PA 17108–0729, 717–232–6701. Transporting *passengers*, between Gettyburg, PA and Atlantic City, NJ, over (a) U.S. Hwy 30, (b) U.S. Hwy 42, (c) U.S. Hwy 40, (d) U.S. Hwy 322, (e) Interstate Hwy 81, (f) Interstate Hwy 70, (g) Interstate Hwy 695, (h) Interstate Hwy 95, (i) Interstate Hwy 295, (j) Atlantic City Expressway, and (k) New Jersey Turnpike, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 138762 (Sub-58), filed January 10, 1983. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59401, 406–452–6415. Transporting (1) *chemicals and related products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) points in Spartanburg County, SC, (b) Louisville, KY, and points in Marshall County, IL, Salem County, NJ, and Lorain County, OH, (c) Detroit, MI, and points in Bay County, MI, (d) points in TX, LA, and MD, (e) points in AL, AR, GA, IL, IN, IA, KY, LA, MN, MS, MO, NC, PA, SC, TN, VA, and WI, (f) points in OH, IL, MI, NJ, PA, WI, MO, WV, IN, and MN, (g) points in Ascension Parish, LA, (h) points in NY, (i) points in Shelby County, TN, (j) Buffalo, NY, and points in Venango, Beaver, and Montgomery Counties, PA, and Hudson County, NJ, (k)(1) points in Bay County, FL, and Webster Parish, LA, and (2) points in Polk County, GA, (l)(1) points in AR, and (2) points in Gray County, TX, (m) Detroit, MI, and points in Bay County, MI, (n) points in Kent County, DE, and (o) St. Louis, MO, Baltimore, MD, and points in Adams County, IL; (2) *food and related products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) points in Rockingham County, NH, and (b) points in Shelby County, OH; (3) *commodities in bulk*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) Cleveland, OH, Pittsburgh, PA, and points in Beaver County, PA, and (b) points in Bay County, FL, and Webster Parish, LA; (4) *petroleum, natural gas and their products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) points in MI, OH, and IN, and (b) points in NY; (5) *chemicals and related products, and petroleum, natural gas and their products*, between

ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) New Orleans, LA, and points in Harris, Jefferson, Bexar, and Galveston Counties, TX, and East Baton Rouge and Plaquemines Parishes, LA, and (b) points in Jefferson, Montgomery, and Travis Counties, TX; and (6) *building materials,* between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other (a) points in Bay County, MI, (b) Cleveland, OH, Pittsburgh, PA, and points in Beaver County, PA, and (c) Cleveland, OH.

Note.—Applicant currently holds authority in Certificate No. MC–136762 (Sub-No. 55X) to perform the above-described service only through ports of entry in Michigan and New York. The purpose of this application is to allow applicant to use all ports of entry.

MC 146123 (Sub-2), filed January 26, 1983. Applicant: MIDWEST CARGO SYSTEMS, INC., 1932 South Wentworth Ave., Chicago, IL 60616. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL 60601, 312–332–5106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, MI, MO, MN, and WI.

MC 147492 (Sub-13), filed January 24, 1983. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: Sandra H. Roberson, (same address as applicant), 504–246–8221. Transporting *pulp, paper and related products, plastic, plastic products, cloth, aluminum foil, and matches,* between points in the U.S. (except AK and HI).

MC 165273, filed January 13, 1983. Applicant: THOMAS J. LESKO, d.b.a. LESKO TRANSPORTATION, 6614 7th St., Kenosha, WI 53142. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203. Transporting (1) *meats and meat products and meat byproducts,* (2) *rubber and plastic products,* (3) *metal products,* and (4) *fiberglass products,* between Kenosha, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165672, filed January 13, 1983. Applicant: OMNI TRANSPORTATION COMPANY, INC., P.O. Box 233 Hwy 32, Oakhaven Industrial Park, Hope, AR 71801. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, 501–375–9151. Transporting *building materials and metal products,* between points in AR, TX, OK, KS, MO, TN, LA, MS, and AL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the Following, please direct Status calls to Team 4 at 202–275–7669.

Volume No. OP4–106

Decided: February 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 51146(Sub-866), filed January 11, 1983. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A DuJardin, (same address as applicant), (414) 498–7623. Transporting *such commodities* as are dealt in, or used by, manufacturers and distributors of printed matter, pulp, paper and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of printed matter, pulp, paper and related products.

MC 111397 (Sub-141), filed January 15, 1983 Applicant: DAVIS TRANSPORT, INC., 1345 S. 4th St., Paducah, KY 42001. Representative: H. S. Melton, Jr., P.O. Box 7406, Paducah, KY 42001, (502) 442–5442. Transporting *food and related products,* between points in Wayne County, MI, on the one hand, and, on the other, points in U.S. (except AK and HI).

MC 119787 (Sub-14), filed February 15, 1983. Applicant: F. W. GROVES TRUCKING COMPANY, Route 4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *those commodities which because of their size or weight require the use of special handling or equipment,* between points in the U.S. (except AK and HI).

MC 135046 (Sub-28), filed February 10, 1983. Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S DuPont Hwy., Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of Permit Nos. MC–135046 Sub 22, issued April 30, 1982, and MC–135046 Sub P–27X, issued November 18, 1982, together with all underlying superseded permits. This is a conversion application filed under 49 U.S.C. 10925 (e).

MC 135306 (Sub-11), filed February 11, 1983. Applicant: DAN'S TRANSIT, INC., 7860 E Pleasant Valley Rd., Independence, OH 44131. Representative: David A. Turano, 100 E Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Toledo, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 140487 (Sub-7), filed February 15, 1983. Applicant: YELLOWSTONE TRUCKING, INC., 1212 Appleway, Coeur d'Alene, ID 83814. Representative: Reed L. Sherar, 242 Cervantes, Lake Oswego, OR 97034, (503) 636–5520. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, IA, ID, IL, IN, KS, KY, MI, MN, MO, MT, ND, NE, NJ, NM, NV, NY, OH, OK, OR, PA, SD, TX, UT, WA, WI, WV, and WY.

MC 145947 (Sub-6), filed February 17, 1983. Applicant: INTERCO FREIGHT SYSTEMS, INC., 3201 N Hwy 67, Suite J2, Mesquite, TX 75150. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091, (703) 860–8521. Transporting *building materials and plumbing supplies,* between points in the U.S. (except AK and HI).

MC 166276, filed February 16, 1983. Applicant: OMAHA BEDDING & COUCH MANUFACTURING COMPANY, INC., d.b.a. OBEDCO TRANSPORTATION CO., 4011 S. 60 St., Omaha, NE 68117. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *such commodities* as are dealt in by furniture stores, between Omaha, NE, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Nebraska Furniture Mart, Inc., of Omaha, NE.

MC 166297, filed February 17, 1983. Applicant: WAGONS WEST, INC., 3 West Main, P.O. Box 790159, Vernal, UT 84079. Representative: James Waymire, (same address as applicant), (801) 789–4891. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Overland Trading Co., Inc., of Vernal, UT.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–81

Decided: February 22, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–589 (Sub-1), filed February 7, 1983. Applicant: GOLDEN COAST FORWARDING, LTD., 3600 S. Western Ave., Chicago, IL 60609. Representative: H. Barney Firestone, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, 312–263–1600. As a freight forwarder, in connection with the transportation of

general commodities, between points in CA, OR and WA, on the one hand, and, on the other, points in MN.

MC 35628 (Sub-449), filed February 10, 1983. Applicant: IMFS, INC., d.b.a. INTERSTATE SYSTEM, 110 Ionia Ave., NW., Grand Rapids, MI 49503. Representative: Michael P. Zell, (same address as applicant), (616) 774–0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with AMCA International/ Consumer Products Division, of Bowling Green, KY, General Electric Company, of Bridgeport, CT, Herman Miller, Inc., of Zeeland, MI, Chrysler Corporation, of Detroit, MI, C & H Distributors, Incorporated, of Milwaukee, WI, Child World, Inc., of Avon, MA, Watts Regulator Company, of Lawrence, MA, and F. W. Woolworth Co., and DCA Food Industries, Inc., both of New York, NY.

MC 41098 (Sub-94), filed February 9, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006, (202) 833–8884. Transporting *household goods* between points in the U.S., under continuing contract(s) with Miller Brewing Company, of Milwaukee, WI.

MC 79858 (Sub-55), filed February 8, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812–424–2222. Transporting *household goods*, between points in the U.S. under continuing contract(s) with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, NJ.

MC 106359 (Sub-11), filed January 31, 1983. Applicant: EMPIRE TRAILWAYS, INC., 384 East Avenue, Rochester, NY 14607. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Over *regular* routes, transporting *passengers*, in intrastate, interstate or foreign commerce, (1) between the port of entry on the international boundary line between the United States and Canada near Niagara Falls, NY, and Buffalo, NY, over Interstate Hwy 190, (2) between Syracuse, NY, and Erie, PA, from Syracuse over Interstate Hwy 690 to junction Interstate Hwy 90, then over Interstate Hwy 90 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, serving Weedsport and Dunkirk, NY and Northeast, PA, as off-route points, (3) between junction Interstate Hwy 90 and Interstate Hwy 490 (Interchange 45) and junction Interstate Hwy 90 and Interstate Hwy 490 (Interchange 47) over Interstate Hwy 490, (4) between junction Interstate Hwy 90 and New York Hwy 98 and Batavia, NY, over New York Hwy 98, (5) between junction Interstate Hwy 90 and New York Hwy 33 and Buffalo, NY, over New York Hwy 33, (6) between junction Interstate Hwy 90 and New York Hwy 179 and Buffalo, NY, from junction Interstate Hwy 90 and New York Hwy 179 over New York Hwy 179 to junction New York Hwy 5, then over New York Hwy 5 to Buffalo, and return over the same route, (7) between junction Interstate Hwy 90 and U.S. Hwy 20 and Erie, PA, over U.S. Hwy 20 and (8) between Cleveland, OH, and Erie, PA, from Cleveland over Interstate Hwy 90 to junction Interstate Hwy 79, then over Interstate Hwy 79 to Erie, and return over the same route, serving Austinburg, OH, as an off-route point, and serving all intermediate points in routes (1) through (8) above.

Note.—(1) Applicant intends (a) to tack this authority with its existing authority, and (b) to cancel No. MC–108359 Sub 7 issued February 18, 1982, and (2) Applicant seeks to provide regular route service in interstate and foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 126198 (Sub-21) (B), filed February 7, 1983. Applicant: MICHAUD TRUCKING INCORPORATED, P.O. Box 54, Iron Mountain, MI 49801. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, 502–589–5400. Transporting *furniture and fixtures*, and *lumber*, between points in Dickinson County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant also seeks authority in MC–126198 Sub 21 (A) published in this same issue.

MC 133959 (Sub-18), filed February 7, 1983. Applicant: ALBAUGH TRUCK LINE, INC., 123 Main St., Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA Consolidators, Inc., of Downers Grove, IL.

MC 134439 (Sub-6), filed February 2, 1983. Applicant: JAMES G. FERNEYHOUGH, d.b.a. J.G.F. TRUCKING COMPANY, P.O. Box 2173, Lynchburg, VA 24501. Representative: Calvin F. Major, 200 W. Grace St., P.O. Box 5010, Richmond, VA 23220, 804–649–7591. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Weyerhaeuser Company of Chicago, IL.

MC 144168 (Sub-8), filed February 7, 1983. Applicant: R. E. GARRISON TRUCKING, INC., P.O. Box 186, Cullman, AL 35055. Representative: Michael M. Knight, (same address as applicant), (202) 734–1470. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in AL, AZ, AR, CA, FL, GA, IL, IN, KY, LA, MI, MS, NC, NV, OH, SC, TN, NM, TX, WI, KS, CO, MO, NE, OK, OR, WA, UT, and PA.

MC 144189 (Sub-19), filed February 3, 1983. Applicant: CORPORATE TRANSPORT, INC., 107 7th North St., Liverpool, NY 13088. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443, 804–224–0773. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in the U.S. (except AK and HI).

Note.—The applicant seeks to convert its contract authority to common authority.

MC 149049 (Sub-3), filed January 28, 1983. Applicant: MOTORWAY FREIGHT SYSTEMS, INCORPORATED, 22 West Columbus St., Pickerington, OH 43147. Representative: Frank L. Calvary, 3600 N. Star Rd., Columbus, OH 43221, (614) 459–4248. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 152959 (Sub-3), filed February 4, 1983. Applicant: MOBILE EXPRESS, INC., 6000 Gum Springs Rd., Longview, TX 75607. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with Mobile Transportation, Inc., of Longview, TX.

MC 153628 (Sub-3), filed February 3, 1983. Applicant: WIND RIVER TRUCKING, INC., 309 Second Ave., NW., Park City, MT 59063. Representative: Charles M. Williams, 1600 Sherman St., No. 665, Denver, CO 80203,303–839–5856. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 154648 (Sub-2), filed February 8, 1983. Applicant: WAYNE PHILLIPS, INC., P.O. Box 648, Pharr, TX 78577. Representative: Wayne Phillips (same address as applicant), 512–787–0071. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161678 (Sub-3), filed February 3, 1983. Applicant: CAPE TRANSIT CORP., 5501 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Elliott Bunce, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209, (703) 522–0900. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the route in No. MC 161678 (Sub-No. 1), in part, as follows: To operate over the route between Ocean City, MD and Atlantic City, NJ to provide intrastate service at all intermediate points between North Cape May, NJ and Atlantic City, NJ.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

MC 163899 (Sub-1), filed February 8, 1983. Applicant: L & M TRANSPORTATION, INC., 2 Inverness Circle, Fairport, NY 14450. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting *rubber and plastic products* between points in Middlesex County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166099, filed February 3, 1983. Applicant: HARRY L. REEVES & JAMES T. REEVES, d.b.a., REEVES MOBILE HOME TOWING, 2141 Washington Way, Longview, WA 98632. Representative: Harry L. Reeves, (same address as applicant), (206) 636–4460. Transporting *mobile homes and modular buildings*, between points in OR and WA.

MC 166168, filed February 8, 1983. Applicant: JERRY CLARK, INC., d.b.a., INDUSTRY MOTOR XPRESS, 18145 E. Valley, La Puente, CA 91744. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in AZ, CA, CO, ID, MT, NV, NM, OK, OR, TX, UT, WA, and WY.

MC 166169, filed February 8, 1983. Applicant: SUNDANCE TRANSPORTATION, 1357 Milne Lane, Midvale, UT 84047. Representative: Gordon Jensen (same address as applicant), (801) 942–4340. Transporting (1) *ores*, (2) *minerals*, and (3) *such commodities* as are dealt in by mining, milling, and energy exploration industries, between points in the U.S. (except AK and HI), under continuing contract(s) with All-Minerals Corporation, of Murray, UT.

MC 166199, filed February 9, 1983. Applicant: SIOUX TANK LINE, INC., Highway 10 West, P.O. Box 130, Orange City, IA 51041. Representative: George L. Hirschbach, 920 West 21 St., P.O. Box 155, South Sioux City, NE 68776. (402) 494–5466. Transporting *commodities in bulk*, between points in IL, IA, KS, MN, MO, ND, and SD.

[FR Doc. 83–5312 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP3–63]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 24, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 116314 (Sub-34)X, filed February 9, 1983. Applicant: MAX BINSWANGER TRUCKING, P.O. Box 3284, Santa Fe Springs, CA 90670. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (213) 483–4700. Lead certificate and Subs 6, 10, 11, 13, 14, 15, 17, 20, 21, 23, 24, 26, 28, 29, 32, and 33: (1) broaden cement, empty cement containers, cement, in bulk, in hopper-type vehicles, cement, in bags, pozzolan, in bulk, fly ash and bottom ash, in bulk, to "building materials and commodities in bulk"; (2) broaden parts of counties, cities and/or facilities as follows: Creal, Colton, and Victorville, CA (San Bernardino and Kern Counties); Gabbs, Hawthorne, and Yerington, NV (Nye, Mineral and Lyon Counties); Mohave County, AZ north of the Colorado River (Mohave County); Yuma and Mohave Counties, AZ on and north of Interstate Hwy 10 and south of the Colorado River (Yuma and Mohave Counties); plantsite at Gorman, CA (Los Angeles County); Monolith, CA (Kern County); Panaca, NV (Lincoln County); Creal, CA (Kern County); Yuma County, AZ, located south of Interstate Hwy 10 (Yuma County); Colton, CA (San Bernardino and Kern Counties); Victorville, CA (San Bernardino County); Crestmore and Oro Grande, CA (Riverside and San Bernardino Counties); ports of entry at or near Calexico, Tecate, and San Ysidro, CA (Imperial and San Diego Counties); points in Los Angeles Harbor Commercial Zone, CA (Ventura and Los Angeles Counties); plantsite at Moapa, NV (Clark County); Port Huenome, CA (Ventura County); (3)(a) in Subs 14, 23, and 24, delete the exception of Gabbs, Hawthorne and Yerington, NV; (b) in Sub 23 delete the exception of that part of Yuma County, AZ, on and north of Interstate Hwy 10; and (c) in Sub 24 delete the exception of Yuma, AZ and those parts of Yuma and Mohave Counties, AZ on and north of Interstate Hwy 10; (4) delete the restriction in Sub 17 having a prior movement by rail; and (5) broaden one-way movement to radial authority in the lead and all Subs.

[FR Doc. 83–5310 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 357]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and,to determine their lawfullness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
819	Atlanta & Saint Andrews Bay Railway Co. Exemption for Contract Tariffs ICC-ASAB-C-001 (used empty malt liquor containers), and ICC-ASAB-C-002 (spoiled malt liquors)	3	02-25-83
826	Norfolk and Western Railway Co. Exemption for Contract Tariff ICC-NE-C-0046 (iron or steel sheet and skelp)	3	02-25-83
827	Missouri Pacific RR Co. Exemption for Contract Tariff ICC-MP-C-0039, Supp. 3 (acetylene)	1	02-25-83
828	Soo Line RR Co. Exemption for Contract Tariff ICC-SOO-C-023, Supp. 2 (molten sulphur)	2	02-25-83
829	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0A10 (plastic pipe)	3	02-25-83
830	Illinois Central Gulf RR Co. Exemption for Contract Tariff ICC-ICG-C-0072 (sulphuric acid)	3	02-25-83
831	Southern Pacific Transportation Co. Exemption for Contract Tariff ICC-SP-C-0406 (soybean meal)	1	02-25-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5307 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30109]

Illinois Central Gulf Railroad Company—Merger Exemption—New Orleans Great Northern Railway Company; Exemption

February 24, 1983.

Illinois Central Gulf Railroad Company (ICG) and its subsidiary New Orleans Great Northern Railway Company (NOGN) jointly filed a notice of exemption of the proposed merger of NOGN into ICG. The Railway Labor Executives' Association (RLEA) filed a protest in opposition which also requests that should the exemption be granted, labor conditions be imposed.

ICG owns more than 98 percent of NOGN's stock and has oprated NOGN as a leased line since 1933. NOGN uses the rental fee, its only income, to pay the interest on its Income Debentures. After the merger, ICG will, in lieu of paying the rental fee, assume NOGN's interest expense and pay interest directly to the holders of the Debentures, and will assume payment of the principal due in 2032. ICG now holds over 50 percent ($2,123,500) of that debt. (In Finance Docket No. 30110 ICG has filed an application to assume liability for these Debentures.)

ICG also will surrender for cancellation NOGN First Mortgage Bonds it owns in the total principal amount of $6,077,000, which constitutes the entire amount outstanding. These bonds, due July 1, 1983, are secured by a lien on all of NOGN's property. They are pledged as collateral under another mortgage, and their cancellation would be effected by substituting NOGN's property as direct collateral; this would eliminate the need for refinancing.

On the merger date, the separate corporate existence of NOGN shall cease and all shares of its stock owned by ICG shall be canceled. ICG will satisfy the claim of each remaining shareholder by a cash payment in an amount equal to the appraised fair market value as determined by an independent appraisal, less any indebtedness.

This is a transaction within a corporate family and will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Therefore, the proposed transaction is the type specifically exempted from the necessity for prior review and approval by 49 CFR 1180.2(d)(3).

The parties indicate that NOGN has no employees other than its officers and directors, who are also officers of ICG. However, as a condition to use of the exemption any employee of ICG or NOGN affected by this transction shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5308 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15017]

Integrated Transportation Systems, Inc.; Control Exemption; Multitrans, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the acquisition by Integrated Transportation Systems, Inc. (Integrated), and in turn, Donald R. Sheehy, Dennis C. Papa, and James J. Koegel who jointly control Integrated, of control of MultiTrans, Inc. (MC-160611). Messrs. Sheehy, Papa, and Koegel also control NewTrans, Inc., which owns all of the stock of Jones Motor Co., Inc. (MC-4963).

DATE: This exemption is effective on April 2, 1983. Petitions for reconsideration must be filed by March 23, 1983. Petitions for stay may be filed by March 14, 1983.

ADDRESSES: Send pleadings to (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423,

and

(2) Petitioner's representative, Robert C. Bamford, Suite 1301, 1601 Wilson Boulevard, Arlington, VA 22209.

Pleadings should refer to No. MC–F–15017.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision served concurrently in No. MC–F–15017. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423; or call (202) 289–4357 in the D.C. metropolitan area; or (800) 424–5403, Toll-free outside the D.C. area.

Decided: February 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5313 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278

or

Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
823	Southern Pacific Transportation Co., ICC–SP–C–0405 (Sulphate of potash), via Ports of Long Beach, Los Angeles, Oakland, Sacramento, San Diego, CA and British Columbia, Canada	3	2–23–83
812	Norfolk and Western Railway Co., ICC–NW–C–0047, (Grain products)	2	2–23–82

[1] Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5327 Filed 3–1–83; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–125 and 126; Preliminary]

Potassium Permanganate From the People's Republic of China and Spain

AGENCY: International Trade Commission.

ACTION: Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

EFFECTIVE DATE: February 22, 1983.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China and Spain of potassium permanganate, provided for in item 420.28 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Carpenter, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202–523–0399.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on February 22, 1983, on behalf of the Carus Chemical Co., a U.S. producer of potassium permanganate. The Commission must make its determination in the investigations within 45 days after the date of the filing of the petition, or by April 8, 1983 (19 CFR 207.17).

Participation

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

Service of Documents

The Secretary will compile a service list from the entries of appearance filed in the investigations. Any party submitting a document in connection with the investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 47 FR 13791, Apr. 1, 1982), serve a copy of the nonconfidential version of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR § 201.16(b)), as amended by 47 FR 33682, Aug. 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certification of service will not be accepted by the Secretary.

Written Submission

Any person may submit to the Commission on or before March 23, 1983, a written statement of information pertinent to the subject matter of these

investigations (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8, as amended by 47 FR 13791, Apr. 1, 1982).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m., on March 21, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. Robert Carpenter (202–523–0399), not later than March 17, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Public Inspection

A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 13791, Apr. 1, 1982, and 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Carpenter.

This notice is published pursuant to section 207.12 of the Commission's rules (19 CFR 207.12).

Issued: February 25, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–5387 Filed 3–3–83; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Correction to Notice of a Consent Decree in an Action Under the Clean Water Act; Bethlehem Mines Corp.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on December 28, 1982, a consent decree in *United States v. Bethlehem Mines Corporation,* Civil Action No. 82–5724 was lodged in the United States District Court for the Eastern District of Pennsylvania.

A previous Federal Register notice, 48 FR 4080 (January 28, 1983) regarding this decree contained several inaccuracies due to clerical error. This notice corrects those inaccuracies.

The consent decree concerns the discharge of pollutants, primarily total suspended solids, in violation of the Clean Water Act at four outfalls or streams of water in the vicinity of the Panther Valley Division strip mines of Bethlehem Mines Corporation (a division of Bethlehem Steel Corporation) located in Carbon and Schuylkill Counties in Eastern Pennsylvania. The consent decree requires that Bethlehem commence and complete construction of a water treatment facility to treat discharges from Outfalls 001 and to monitor discharges from Outfalls 003, the Lausanne Tunnel.

The decree may be examined at the Office of the United States Attorney, 3310 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, at the Region III office of the Environmental Protection Agency, 6th and Walnut Streets, Philadelphia, Pennsylvania, 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $1.70 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20530, and should refer to *United States v. Bethlehem Mines Corporation,* Department of Justice Reference No. 90–5–1–1–1653.

Sincerely,

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83–5335 Filed 3–3–83; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Hoskins Drug Co.; Revocation of Registration

On November 24, 1982, the Deputy Assistant Administrator, Office of Drug Control Drug Enforcement Administration, directed an Order to Show Cause to Hoskins Drug Company, 4130 Rozells Ferry Road, Charlotte, North Carolina 28216, seeking to revoke DEA Certificate of Registration A93193517 previously issued to Hoskins Drug Company. The statutory predicate for the order under 21 U.S.C. 824(a)(2) was the conviction on June 9, 1982, in the United States District Court for the Western District of North Carolina of Ralph Clayton Robinson, the owner of Hoskins Drug Company, of felony offenses relating to controlled substances. Thirty days have elapsed since the receipt of the order and no offense has been received. Therefore, the Acting Administrator finds under 21 CFR 1301.54(d) that Hoskins Drug Company has waived its right to a hearing in this matter and enters his final order under 21 CFR 1301.57.

The Acting Administrator finds tht Ralph Clayton Robinson was convicted of one count of conspiracy to distribute Schedule IV controlled substances in violation of 21 U.S.C. 846; two counts of possession with intent to distribute Schedule IV controlled substances in violation of 21 U.S.C. 841(a)(1); two counts of distribution of Schedule IV controlled substances in violation of 21 U.S.C. 841(a)(1); and one count of intentionally, knowingly and unlawfully omitting material information from records required to be made, kept and filed under 21 U.S.C. 827(a)(3) and 21 CFR 1304.24, in violation of 21 U.S.C. 843(a)(4)(A). The Acting Administrator, upon examination of the investigative file in this matter, finds that Robinson

and Jimmy Wayne Bryant, the pharmacist at Hoskins Drug Company, supplied quantities of controlled substances to George Gaddy, Jumenia Watts, and Johnnie Mae Dunlap Gaddy. These people in turn shipped the controlled substances via air freight to Indianapolis, Indiana where they were sold by a local drug dealer. In October 1981, two shipments were seized in Indianapolis containing a total of approximately 1,000 dosage units of Talwin (gluthetimide), a Schedule IV controlled substance. Agents of the North Carolina State Bureau of Investigation (SBI) Diversion Investigation Unit (DIU) conducted an audit of Hoskins Drug Company in November 1981. That audit revealed shortages of approximately 4,500 dosage units of Talwin, 4,200 dosage units of Valium (diazepam), a Schedule IV controlled substance and approximately 325 dosage units of Dilaudid (hydromorphone), a Schedule II narcotic.

The investigation revealed diversion of controlled substances from Hoskins Drug Company since November, 1980. On April 5, 1982, a grand jury sitting in the Western District of North Carolina handed up a six count indictment against Robinson. Following a jury trial, Robinson was convicted on all six counts. On June 9, 1982, the Honorable Robert D. Potter, U.S.D.J., sentenced Robinson to two years incarceration on count one, and one year incarceration on count six to run consecutively with the sentence imposed in count one for a total of three years incarceration plus a mandatory one year special parole term.

The Acting Administrator finds that revocation of the Certificate of Registration issued to Hoskins Drug Company is the appropriate action in this matter. In *Big T Pharmacy, Inc.*, Docket No. 80-34, 47 FR 51830 (1982), the Acting Administrator stated that pharmacies must operate through the agency of natural persons owners, stockholders, pharmacists or other key employees. When such persons misuse the pharmacy's registration by diverting controlled substances obtained thereunder, and when those individuals are convicted as a result of that diversion, the pharmacy's registration becomes subject to revocation under 21 U.S.C. 824, just as if the pharmacy itself had been convicted. That logic is compelling in this case. Ralph Clayton Robinson and Jimmy Wayne Bryant diverted Talwin from Hoskins Pharmacy at a time when abuse of Talwin and pyribenzamine was widespread in the Midwest. See *Odie Pharmacy*, 48 FR 356 (1983). The Acting Administrator concludes that the sale of highly abused controlled substances by the owner of a DEA registered pharmacy is not consistent with the high degree of trust which DEA must expect of pharmacies registered under the Controlled Substances Act.

The Acting Administrator notes that Robinson has sold his interest in Hoskins Drug Company to Yates Palmer, a Registered Pharmacist, who was not involved in the diversion of controlled substances from the pharmacy. DEA has granted Hoskins Drug Company's application for registration with Mr. Palmer as owner upon the understanding that Ralph Clayton Robinson will exercise no control or influence on the operation of Hoskins Drug Company or any successor.

It is the decision of the Acting Administrator to revoke the Certificate of Registration previously issued to Hoskins Drug Company. Accordingly, under the authority vested in the Attorney General by Section 304 of the Controlled Substances Act, as redelegated to the Acting Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that DEA Certificate of Registration A93193517 previously issued to Hoskins Drug Company be and is hereby revoked.

Dated: February 18, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-5485 Filed 3-2-83; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substance; Registration

By Notice dated November 17, 1982, and published in the **Federal Register** on November 24, 1982 (47 FR 53155), Norac Company, Inc., 405 South Motor Avenue, Azusa, California 91702, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention amd Control Act of 1970 and Title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: February 22, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-5484 Filed 3-2-83; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 82-24]

Herbert W. Schein, M.D., Jericho, New York; Hearing

Notice is hereby given that on September 14, 1982, the Drug Enforcement Administration, Department of Justice, issued to Herbert W. Schein, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke Certificate of Registration AS9439767 issued to him under Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, March 15, 1983 in the U.S. Tax Court Courtroom, Room 208, 26 Federal Plaza, New York, New York.

Dated: February 24, 1983.

Francis M. Mullen, Jr.,

Drug Enforcement Administration.

[FR Doc. 83-5486 Filed 3-2-83; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-21]

Intent to Grant an Exclusive Patent License; Energy Transport

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to Energy Transport, of LaJolla, California, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,343,772 for a "Thermal Reactor" which was issued on August 10, 1982, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the

NASA Patent Licensing Regulations, 14 CFR Part 1425, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by March 2, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: February 23, 1983.

John E. O'Brian,

Deputy General Counsel.

[FR Doc. 83-5304 Filed 3-3-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-20]

Intent To Grant an Exclusive Patent License; Li-Cor, Inc.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to Li-Cor, Incorporated of Lincoln, Nebraska, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,011,854 for a "Mount for Continuously Orienting a Collector Dish in a System Adapted to Perform Both Diurnal and Seasonal Solar Tracking" which was issued on March 15, 1977, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by May 2, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: February 23, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-5305 Filed 3-3-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-22]

Intent To Grant an Exclusive Patent License; Solar Electric Systems, Inc.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to Solar Electric Systems, Incorporated, of San Diego California, a limited, exclusive, royalty-bearing, revocable license to practice the following inventions:

U.S. Patent No. 4,217,633: Solar Cell System Having Alternating Current Output; issued August 12, 1980

U.S. Patent No. 4,335,503: Method of Making a High Voltage V-Groove Solar Cell; issued June 22, 1982

U.S. Patent No. 4,341,918: High Voltage Planar Multi Junction Solar Cell; issued July 27, 1982

U.S. Patent No. 4,360,701: Heat Transparent High Intensity, High Efficiency Solar Cell; issued November 23, 1982.

The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentation. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by May 2, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: February 23, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-5301 Filed 3-3-83; 8:45 am]

BILLING CODE 7510-01-M

[Notice 83-19]

Intent To Grant an Exclusive Patent License; SunWind, Ltd.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Intent to Grant an Exclusive Patent License.

SUMMARY: NASA hereby gives notice of intent to grant to SunWind, Ltd., of Sebastopol, California, a limited, exclusive, royalty-bearing, revocable license to practice the invention described in U.S. Patent No. 4,100,331 for "Dual Membrane, Hollow Fiber Fuel Cell and Method of Operating Same" which issued on July 11, 1978, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the exclusive license unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentations. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Assistant General Counsel for Patent Matters whether to grant the exclusive license.

DATE: Comments to this notice must be received by May 2, 1983.

ADDRESS: National Aeronautics and Space Administration, Code GP–4, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John G. Mannix, Director of Patent Licensing, (202) 755–3954.

Dated: February 23, 1983.

S. Neil Hosenball,

General Counsel.

[FR Doc. 83-5304 Filed 3-3-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL CAPITAL PLANNING COMMISSION

Revised Procedures for Public Participation

AGENCY: National Capital Planning Commission.

ACTION: Notice of adopted procedures.

SUMMARY: The Commission's Revised Procedures for Citizen Participation were published in the **Federal Register** on September 3, 1980 (45 FR 58450). These procedures are being revised again as part of the Commission's on-going effort to facilitate public input into its deliberations. By substituting "public" for "citizen," these revisions reflect a shift from a more narrow focus on citizen groups to a broader effort on the part of the Commission to solicit views and comments on proposed plans it is considering from a wide range of public and private entities. Aside from editorial changes and reorganization of the material, the only substantive change in these revised procedures is in the section dealing with Federal elements of the Comprehensive Plan. The Commission's current procedures refer to preliminary staff reports and background studies developed prior to the draft of a proposed element and solicit public comments on those early reports and studies. These revisions omit a specific reference to the material developed at the pre-draft stage. The revisions represent the Commission's current practice in considering Federal elements of the Comprehensive Plan, but do not preclude public input in the pre-draft stage.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Samuel K. Frazier, Jr., Public Affairs Officer, National Capital Planning Commission, 1325 G Street NW., Washington, D.C. 20576, telephone 202/724–0174.

SUPPLEMENTARY INFORMATION: The proposed procedures were published for comment in the **Federal Register** on October 22, 1982 (47 FR 46910) with a deadline for comment of November 22, 1982. No comments were received.

Revised Procedures for Public Participation

The following procedures are designed to help members of the public make their views known to the National Capital Planning Commission on planning and related matters which come before it.

With what matters does the Commission deal?

The Commission is the central planning agency for the Federal Government in the National Capital Region, which includes the District of Columbia; Montgomery and Prince George's Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities within the geographic area bounded by such counties. It reviews and acts upon development plans and programs submitted by Federal agencies, the District of Columbia Government and, in some cases, regional agencies and local governments in the Washington suburbs. It also acts on plans and programs prepared by its staff. For the sake of simplicity, these procedures use the word "plan" to cover all matters reviewed and acted upon by the Commission.

How would you know when the Commission will consider a plan in which you are interested?

The Secretary to the Commission (telephone: 202/724–0206) provides scheduling information regarding items on the Commission's agenda. The office of the Secretary can tell you when a particular plan will be considered by the Commission and, upon request, will provide an annual schedule of Commission meeting dates. Each month, approximately three weeks before a Commission meeting, the Secretary issues a notice called "Tentative Agenda Items" (TAI). It lists items the Commission is tentatively scheduled to act upon at one of its next several meetings. There is no charge for the TAI. Those wishing to be placed on the mailing list should contact the Public Affairs Officer (telephone: 202/724–0174).

What documents are available?

Many plans are accompanied by supporting documents, including environmental information in the form of an assessment or impact statement. An environmental assessment contains a brief discussion of the plan, of alternatives, and of the environmental impacts of the proposed plan and alternatives. An environmental impact statement covers in more detail the items specified for an environmental assessment. The public may review these documents at the Commission's offices and may obtain copies in accordance with its Freedom of Information Act regulations. Each agenda item before the Commission for action is accompanied by a written recommendation by the Commission's Executive Director. The document, called an Executive Director's Recommendation or EDR, includes the rationale for the recommendation, a description of the plan, and a summary of environmental information. The EDR is ordinarily available from the Public Affairs Officer on the Monday before each Commission meeting.

Other helpful documents are located in the Commission's Central Files. They may be obtained from the Commission's Records Management Officer by requesting materials by file number as shown on the TAI.

How do you express your views to the Commission?

Approximately two weeks after the TAI is published, the Executive Director's Recommendations (EDR) is prepared for each item scheduled for action at the next Commission meeting. All written comments received in a timely fashion will be considered by the Executive Director in the preparation of the EDR.

Anyone who wishes to speak at a Commission meeting must notify the Public Affairs Officer prior to the date specified in the TAI. Agenda items on which no member of the public has asked to speak and the Executive Director has recommended Commission approval may be placed on the "Consent Calendar" and acted upon without presentation or discussion at the Commission meeting. Registering to speak prior to the deadline in the TAI insures that the Commission will hear oral presentations and that registrants will be notified if an item has been removed from the agenda for a particular meeting.

What if you wish to express your views on an item but cannot attend the meeting at which it will be discussed?

Submission of written views on any item is welcomed up to the time of its consideration by the Commission. However, the Secretary to the Commission can insure that copies of written statements will be reproduced and distributed to each member of the Commission only if such statements are received by noon of the day preceding the day of the meeting.

What should your statement contain?

A wide variety of plans come before the Commission. Members of the public can effectively make their views known to the Commission if they understand the scope of the Commission's authority and direct their comments accordingly. Therefore, the following is a brief description of the Commission's major functions and, for each function, the type of review the Commission will give the item.

(a) Comprehensive Plan for the National Capital

The Comprehensive Plan for the National Capital consists of: (1) "Federal elements" prepared and adopted by the Commission, and (2) "District elements"

prepared by the Mayor, adopted by the Council of the District of Columbia, and reviewed by the Commission.

(1) *Federal Elements and Amendments Thereto.* Federal elements deal with Federal activities and interests in the development of the National Capital. When a proposed element or amendment is prepared, the Commission authorizes its circulation for review and comment to Federal, District, regional, and local agencies and those organizations and individuals who have expressed an interest in the element. Public comments, written and oral, are welcome at this stage.

(2) *District Elements and Amendments Thereto.* District elements deal with land use, transportation, public works, and other issues related to the development of the District of Columbia. Following adoption by the Council of the District of Columbia, District elements are reviewed by the Commission to determine their effect on Federal activities and interests in the National Capital Region.

The Commission will entertain comments from the public only on the impact a District element or amendment would have on Federal interests or functions. Comments on other aspects of such elements or amendments should be presented to the Mayor and/or the Council during the District's preparation and adoption of such elements or amendments.

(b) Federal Capital Improvements Program

Each year the Commission prepares and adopts a Federal Capital Improvements Program which contains the Commission's recommended capital program for Federal agencies in the National Capital Region over the next five years. Members of the public are invited to make planning-related comments, either orally or in writing, during the circulation and adoption stages.

(c) Federal and District of Columbia and Other Local Plans

(1) *Federal Plans.* Federal agenices are urged to develop a process for public participation where there is a potential for the Federal plans to have an impact on adjacent communities. Where appropriate and as requested by the sponsoring agency, Commission staff may be involved in such a process. In addition, members of the public may express their views before the Commission when it reviews the agency submission.

(2) *District Plans.* Various plans are submitted by the District to the Commission for recommendation or approval. Consistent with the objectives of the District of Columbia Self-Government and Governmental Reorganization Act (the "Home Rule" Act), the Commission limits its review of most District plans to a "Federal interest" review. Accordingly, public comments on such plans should be correspondingly limited. There is, however, no such limitation on plans for District public buildings in the central area of the District of Columbia.

The Commission may participate in zoning cases either at the Zoning Commission's prehearing or public hearing stage or after the hearing, when proposed Zoning Commission action has been referred to the Commission as required by law. The Commission may also participate in cases before the Board of Zoning Adjustment. Commission review of zoning matters is limited to: (1) The effect of the proposed zoning on Federal activities and interests in the National Capital and (2) the consistency of the proposed zoning with adopted elements of the Comprehensive Plan for the National Capital. Written or oral comments within these limits are welcomed.

(3) *Other Local Plans in the Maryland and Virginia Portions of the Region.* On occasion the Commission reviews plans prepared by local jurisdictions in the Region and proposed zoning actions where there may be an impact on Federal facilities or interests. Its role is to make recommendations only. Comments by members of the public should be limited to the effect on the plan or proposed zoning on the Federal Establishment or other Federal interests in the National Capital Region. The Commission has approval powers over plans for certain parklands purchased with Federal grant-in-aid funds. If such a plan is before the Commisison for approval, comments from members of the public are not so limited.

Daniel H. Shear,

Secretary to the Commission.

[FR Doc. 83-5339 Filed 3-2-83; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Artists in Education Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92–463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Artists in Education Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 83-5384 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Dance Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92–463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A–63) notice is hereby given that renewal of the Dance Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 83-5365 Filed 3-3-83; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a) (4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959 (a) (4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Design Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the Standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5366 Filed 3-3-83; 8:45 am]

BILLING CODE 7537-01-M

Expansion Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Expansion Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the Standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5367 Filed 3-3-83; 8:45 am]

BILLING CODE 7537-01-M

Federal Graphics Evaluation Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Federal Graphics Evaluation Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. In response to requests from top management of Federal agencies, the Committee reviews the quality of printed and graphic materials and makes expert recommendations for improvements. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5368 Filed 3-3-83; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Inter-Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5369 Filed 3-3-83; 8:45 am]

BILLING CODE 7537-01-M

Literature Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Literature Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities

include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5390 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Media Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5391 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a) (4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a) (4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Museum Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5392 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4), and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Music Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5393 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Office for Partnership Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Office for Partnership Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5374 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel: Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Theater Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5385 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Renewal

In accordance with the provision of the Federal Advisory Committee Act (Pub. L. 92-463), Section 10(a)(4) of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(a)(4) and Paragraph 9 of Office of Management and Budget Circular A-63) notice is hereby given that renewal of the Visual Arts Advisory Panel has been approved by the Chairman of the National Endowment for the Arts for a period of 2 years until February 9, 1985. The Committee's objectives and scope of activities include the formulation of expert advice and recommendations to the Chairman, National Endowment for the Arts and the National Council on the Arts with respect to: (a) Applications submitted to the National Endowment for the Arts for Federal grant assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, and (b) policies and programs of the National Endowment for the Arts. This Committee shall report to the National Endowment for the Arts, National Foundation on the Arts and the Humanities.

This charter will be filed with the standing Committees of the Senate and the House of Representatives having legislative jurisdiction over the Endowment and to the Library of Congress.

Dated: February 22, 1983.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-5386 Filed 3-2-83; 8:45 am]

BILLING CODE 7537-01-M

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506.

DATE: March 23, 1983.

TIME: 9:00 a.m. to 5:00 p.m.

ROOM: 1023.

PROGRAM: This meeting will review the applications submitted for the Planning and Assessment Studies Program, Office of Planning and Policy Assessment, for projects beginning after July 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial and financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate the implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 83-5400 Filed 3-2-83; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit 2, located in Rock Island County, Illinois. The amendment is effective as of the date of issuance.

The amendment changes provisions of the Technical Specifications pertaining to the reactor protection system delay and response times, and the average power range monitor gain adjustment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact

statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated May 12, 1981 (2) Amendment No. 78 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-5361 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275OL; 50-323 OL]

Pacific Gas & Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Rescheduling of Oral Argument

Notice is hereby given that the oral argument in this proceeding previously scheduled for Thursday, March 3, 1983, has been rescheduled for *9:30 a.m. on Wednesday, March 16, 1983,* in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: February 24, 1983.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-5360 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co.; Allegheny Electric Cooperative, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the facility) located in Luzerne County, Pennsylvania. This amendment grants changes to Technical Specifications 6.5.2.8.e and 6.5.2.8.f to conform with requirements in Title 10 of the Code of Federal Regulations, to correct the NRC addressee for submittal of monthly operating reports in Technical Specification 6.9.1.6, and to correct a typographical error in Technical Specification Table 3.3.3-1. This amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commissions' regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for the amendment dated December 10, 1982 and February 8, 1983; (2) Amendment No. 11 to License NPF-14 dated February 24, 1983; and (3) the Commission's evaluation dated February 24, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of February 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-4304 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 87 and 87 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The revised TSs permit changes to the surveillance requirements allowing an alternate method of performing the core spray loop flow rate test.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated December 1, 1982, (2) Amendment No. 87 to License No. DPR-44 and Amendment No. 87 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-5365 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-443-OL; 50-444-OL; ASLBP 82-471-02-OL]

Public Service Co. of New Hampshire, et al. (Seabrook Station, Units 1 and 2); Order Scheduling Prehearing Conference

February 24, 1983.

Pursuant to 10 CFR 2.752, the Board hereby schedules a prehearing conference to commence on Thursday, March 17, 1983, at 1:30 p.m. and terminate no later than 6:00 p.m., Friday, March 18, 1983. This conference will be held at the McCormick Federal Building, Post Office Square, Room 208, Boston, Massachusetts. Representatives of all parties, interested States, and interested municipalities are directed to attend.

At the prehearing conference, each representative must be familiar with all details of the case and possess complete authority to enter into any necessary agreements, including settlement agreements and stipulations. The parties shall be prepared to discuss the pending motions for summary disposition, as well as other matters specified in 10 CFR 2.752(a)(1)–(6) and pertaining to admitted contentions.[1] In particular, the intervenors representing States and municipalities involved in formulating emergency plans shall be prepared to state and discuss their authority to make commitments with respect to those plans. In addition, the Board requests that the NRC Staff arrange for the presence of a FEMA representative at this prehearing conference.

It is so ordered.

For the Atomic Safety and Licensing Board.

Helen F. Hoyt,

Chairperson, Administrative Judge.

Bethesda, Maryland.

[FR Doc. 83-5366 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

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[1] The matters for consideration specified in 10 CFR 2.752 are:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. The amendment provides for extended operation of the plant up to 3,000 hours within specified power levels. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated January 31, 1983, (2) Amendment No. 11 to Facility Operating License No. NPF-12, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 11 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of February 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-5367 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361 and 50-362]

Southern California Edison Co., et al.; Notice of Issuance of Amendments; Facility Operating License Nos. NPF-10 and NPF-15

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. NPF-10, and Amendment No. 3 to Facility Operating License NPF-15 to Southern California Edison Company (SCE), San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Units 2 and 3 (the facility) located in San Diego County, California. These amendments are effective February 18, 1983.

The amendments modify the Technical Specifications to change the flow rate of the control room emergency air cleanup system from 1500 cfm±+10% to 2050±+150 cfm. These amendments were requested by the SCE letters of February 11 and 16, 1983.

Issuance of these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Prior public notice of these amendments is not required because the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) Southern California Edison Company's letters dated February 11 and 16, 1983, (2) Amendment No. 14 to Facility Operating License No. NPF-10, (3) Amendment No. 3 to Facility Operating License NPF-15,

and (4) the Commissioner's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., an the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of items (2), (3) and (4) may be obtained upon request address to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of February, 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-5368 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-345]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies TS Table 3.3-3 to permit defeat of the essential bus feeder breaker undervoltage trips for up to one minute when starting a reactor coolant pump or circulating water pump. The defeat will be accomplished through the use of a push button activated bypass circuit.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 23, 1979, as supplemented August 31, 1981, and March 19, 1982, (2) Amendment No. 52 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC, and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-5369 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies Table 3.7-3 to delete safety related snubber 33A-GCB-4-H5 which has been replaced by a sway strut.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rule and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For futher details with respect to this action, see (1) the application for amendment dated January 18, 1982, as supplemented Octover 28, 1982, (2) Amendment No. 53 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-5370 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment modifies the TSs to eliminate the requirement for Thirty Day Written Reports under certain conditions. This change is consistent with applicable portions of Regulatory Guide 1.16. The amendment also clarifies the surveillance requirement applicable to the reactor coolant system pressure isolation valves by indicating that leak testing can be accomplished in

combination with a closed containment isolation valve.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amemdment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1981, (2) Amendment No. 54 to License No. NPF–3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83–5371 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–271]

Vermont Yankee Nuclear Power Corporation; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR–28, issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications with respect to limiting conditions of operation for the standby liquid control system and administrative controls related to organizational structure.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated July 22, September 27, and December 7, 1982 (2) Amendment No. 75 to License No. DPR–28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301. A copy of item (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83–5372 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–029]

Yankee Atomic Electric Company; Systematic Evaluation Program; Availability of Draft Integrated Plant Safety Assessment Report for the Yankee Nuclear Power Station

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Draft Integrated Plant Safety Assessment Report related to Yankee Nuclear Power Station, which is operated by Yankee Atomic Electric Company in Framingham, Massachusetts.

The report documents the review completed under the Systematic Evaluation Program (SEP). The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety. The review has provided for (1) an assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Yankee plant was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety. Equipment and procedural changes have been identified as a result of the review.

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301 for inspection and copying. Single copies of this report (Document No. NUREG–0825) may be requested from the U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 10th day of February 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83–5374 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–29]

Yankee Atomic Electric Company; Yankee Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR–3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance. However, the Technical Specification provisions approved by the amendment, except Specification 3/4 12–1, are to become effective October 1, 1983.

Specification 3/4 12-1 is effective immediately.

The amendment approves Technical Specification provisions which have been developed for the purpose of keeping releases of radioactive material to unrestricted areas during normal operations, including expected operational occurrences, as low as reasonably achievable.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 16, 1979, and supplements thereto dated July 30, 1982, September 30, 1982, November 8, 1982 and December 6, 1982, (2) Amendment No. 80 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 16th day of February, 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-5273 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 10-12, 1983, in Room 1046, 1717 H Street NW., Washington, DC. Notice of this meeting was published in the **Federal Register** on March 3, 1983.

The agenda for the subject meeting will be as follows:

Thursday, March 10, 1983

8:30 A.M.-8:45 A.M.: Opening Remarks (Open)—The ACRS Chairman will report briefly on matters of current interest regarding ACRS activities.

8:45 A.M.-12:30 P.M. and 1:30 P.M.-6:00 P.M.: Clinch River Breeder Reactor (Open)—The members will hear and discuss the report of the ACRS project subcommittee and consultants who may be present regarding the request for a Construction Permit for this facility.

Members of the NRC Staff and representatives of the Applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this project.

Friday, March 11, 1983

8:30 A.M.-9:30 A.M.: Regionalization of NRC Activities (Open)—Members of the Committee will meet with representatives of the NRC and discuss proposed regionalization of NRC Staff activities.

Portions of this session will be closed as necessary to discuss information that relates solely to the internal personnel rules and practices of the agency.

9:30 A.M.-12:00 Noon: Clinch River Breeder Reactor (Open)—The Members will hear and discuss the report of the ACRS project subcommittee and consultants who may be present regarding the request for a Construction Permit for this facility.

Members of the NRC Staff and representatives of the Applicant will make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information related to this project.

1:00 P.M.-1:30 P.M. Future ACRS Activities (Open)—The Members will discuss anticipated subcommittee and full Committee activities.

1:30 P.M.-5:30 P.M. Catawba Nuclear Power Station Units 1 and 2 (Open)—The Members of the Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for an operating license for this facility.

Members of the NRC Staff and representatives of the Applicant will also make presentations and respond to questions regarding this matter.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this session.

Saturday, March 12, 1983

8:30 A.M.-12:30 P.M. Preparation of ACRS Reports to NRC (Open/Closed)—The Committee Members will discuss proposed ACRS reports and recommendations regarding matters considered during this meeting. In addition, the Members will discuss proposed ACRS comments regarding proposed changes in the NRC regulatory process as well as concerns regarding the impact of LOCA's on hydraulic control unit line integrity.

Portions of this session will be closed as necessary to discuss information that will be involved in an adjudicatory proceeding.

1:30 P.M.-3:30 P.M. ACRS Subcommittee Activity (Open)—Recent/ongoing activities of ACRS Subcommittees will be discussed, including those related to decay heat removal from nuclear systems, consideration of Class 9 accidents in the regulatory process, steam generator tube repairs and restart of the TMI-1 nuclear station and the NRC Systematic Evaluation Program.

3:30 P.M.-4:00 P.M. Concluding Session (Open)—Complete discussion of miscellaneous items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 1982 (47 FR 43474). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the

ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information [5 U.S.C. 552b(c)(4)], and information which will be involved in an adjudicatory proceeding [5 U.S.C. 552 b(c)(10)] and information that relates solely to the internal personnel rules and practices of the agency [5 U.S.C. 552 b(c)(2)].

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 p.m. EST.

Dated: February 25, 1983.

John C. Hoyle,

Advisory Committee Management officer.

[FR Doc. 83–5376 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting with the Groupe Permanent (France)

Representatives of the Groupe Permanent and the Advisory Committee on Reactor Safeguards (ACRS) will meet March 24, and 25, 1983, Room 1046, at 1717 H Street, NW, Washington, DC. The Groupe Permanent and the ACRS will exchange views regarding existing and proposed regulatory policies, practices and criteria for the regulation of nuclear facilities.

The meeting will be closed to public attendance to ensure the security of information identified and supplied by a foreign government in confidence (Sunshine Act Exemption 4). In order to receive and consider this information, the ACRS must be able to engage in frank discussion with representatives of the Groupe Permanent (France) and its advisory body on reactor safety. For the reason just stated, such a discussion would not be possible if held in public session.

I have determined, therefore, that it is necessary to close this meeing to permit the ACRS to obtain information necessary in carrying out its statutory responsibilities. The authority for such closure is Exemption (4) of the Sunshine Act, 5 U.S.C. 552b(c)(4).

Further information can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Raymond F. Fraley (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 24, 1983

John C. Hoyle,

Advisory Committee Management Officer

[FR Doc. 83–5370 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Qualification Program for Safety-Related Equipment; Reschedule

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment scheduled for March 8, 1983 has been rescheduled for March 15, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, February 23, 1983 (48 FR 7661).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 24, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–5377 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Regulatory Policy and Procedures; Meeting

The ACRS Subcommittee on Regulatory Policy and Procedures will hold a meeting on March 16, 1983, Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittee will continue its review of matters related to nuclear regulatory reform.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

Wednesday, March 16, 1983—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee members may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and others regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634–3265) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 25, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–5380 Filed 3–2–83; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on March 18 and 19, 1983, Room 1046, 1717 H Street, NW., Washington, D.C. The Subcommttee will review the Department of Energy's proposed general guidelines for recommendation of high-level waste (HLW) repository sites. Notice of this meeting was published February 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, March 18, 1983–8:30 a.m. Until the Conclusion of Business

Saturday, March 19, 1983–8:30 a.m. Until the Conclusion of Business

Discussion of the topics noted above.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

For further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 25, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-5378 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

Request for Public Comment on Planned Studies of Quality Assurance Programs for Construction of Nuclear Power Plants Required by Pub. L. 97–415, NRC Authorization Act

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The NRC invites public comment on methods of improving the quality of nuclear power plant construction. The NRC Authorization Act, Section 13, Quality Assurance, for fiscal years 1982 and 1983, directs the NRC to conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear power plants, and to undertake a pilot program to review and evaluate certain alternative concepts. The Act directs the NRC to obtain the comments of the public in conducting the study. The NRC is to provide a report to Congress on the results of the study and pilot program and on the recommendations and/or actions taken to improve quality assurance and quality control programs for nuclear power plants under construction. Sections 13(b), 13(c), and 13(d) of the NRC Authorization Act are reproduced under Supplementary Information below.

The NRC will consider public comments provided in response to this **Federal Register** Notice as input into the quality assurance studies required by the NRC Authorization Act.

DATES: Submit comments by May 1, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except to comments received on or before this date.

ADDRESS: Send comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attn: Docketing and Service Branch.

Hand deliver comments to Room 1121, 1717 H Street NW., Washington, D.C. between 8:15 a.m. and 5:00 p.m.

Examine comments received at: The NRC Public Document Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Harpster, Chief, Quality Assurance Branch, Division of Quality Assurance, Safeguards, and Inspection Programs, Office of Inspection and Enforcement, (301) 492–4774.

SUPPLEMENTARY INFORMATION: The following paragraphs have been reproduced from the NRC Authorization Act, Sections 13(b), 13(c), and 13(d):

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"13(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and

"13(b) The Commission shall conduct a study of existing and alternative programs for improving quality assurance and quality control in the construction of commercial nuclear powerplants. In conducting the study, the Commission shall obtain the comments of the public, licensees of nuclear powerplants, the Advisory Committee on Reactor Safeguards, and organizations comprised of professionals having expertise in appropriate fields. The study shall include an analysis of the following:

(1) providing a basis for quality assurance and quality control, inspection, and enforcement actions through the adoption of an approach which is more prescriptive than that currently in practice for defining principal architectural and engineering criteria for the construction of commercial nuclear powerplants;

(2) conditioning the issuance of construction permits for commercial nuclear powerplants on a demonstration by the licensee that the licensee is capable of independently managing the effective performance of all quality assurance and quality control responsibilities for the powerplant;

(3) evaluations, inspections, or audits of commercial nuclear powerplant construction by organizations comprised of professionals having expertise in appropriate fields which evaluations, inspections, or audits are more effective than those under current practice;

(4) improvement of the Commission's organization, methods, and programs for quality assurance development, review, and inspection; and

(5) conditioning the issuance of construction permits for commercial nuclear powerplants on the permittee entering into contracts or other arrangements with an independent inspector to audit the quality assurance program to verify quality assurance performance.

For purposes of paragraph (5), the term 'independent inspector' means a person or other entity having no responsibility for the design or construction of the plant involved. The study shall also include an analysis of quality assurance and quality control programs at representative sites at which such programs are operating satisfactorily and an assessment of the reasons therefor.

13(c) For purposes of -

(1) determining the best means of assuring that commercial nuclear powerplants are constructed in accordance with the applicable safety requirements in effect pursuant to the Atomic Energy Act of 1954; and

(2) assessing the feasibility and benefits of the various means listed in subsection (b);

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the Commission shall undertake a pilot program to review and evaluate programs that include one or more of the alternative concepts identified in subsection (b) for the purposes of assessing the feasibility and benefits of their implementation. The pilot program shall include programs that use independent inspectors for auditing quality assurance responsibilities of the licensee for the construction of commercial nuclear powerplants, as described in paragraph (5) of subsection (B). The pilot program shall include at least three sites at which commercial nuclear powerplants are under construction. The Commission shall select at least one site at which quality assurance and quality control programs have operated satisfactorily, and at least two sites with remedial programs underway at which major construction, quality assurance, or quality control deficiencies (or any combination thereof) have been identified in the past. The Commission may require any changes in existing quality assurance and quality control organizations and relationships that may be necessary at the selected sites to implement the pilot program.

13(d) Not later than fifteen months after the date of the enactment of this Act, the Commission shall complete the study required under subsection (b) and submit to the United States Senate and House of Representatives a report setting forth the results of the study. The report shall include a brief summary of the information received from the public and from other persons referred to in subsection (b) and a statement of the Commission's response to the significant comments received. The report shall also set forth an analysis of the results of the pilot program required under subsection (c). The report shall be accompanied by the recommendations of the Commission, including any legislative recommendations, and a description of any administrative actions that the Commission has undertaken or intends to undertake, for improving quality assurance and quality control programs that are applicable during the construction of nuclear powerplants."

BILLING CODE 7590-01-C

Dated at Washington, D.C., this 24th day of February 1983.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Safeguards, Office of Inspection and Enforcement.

[FR Doc. 83-5585 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

Document Drafting Handbook; Recordkeeping Requirements; Office of Management and Budget

AGENCY: Commission.

ACTION: Notice.

SUMMARY: The Commission has received from the Office of Management and Budget (OMB) the following proposal for collection of information under the Paperwork Reduction Act of 1980.

1. Type of submission: Revision
2. The title of the information collection: Document Drafting Handbook
3. The form number if applicable: None
4. How often the collection is required: Periodically
5. Who will be required or asked to report: NRC licensees
6. An estimate of the number of responses: 1,000
7. An estimate of the total number of hours needed to complete the requirement or request: 160,000
8. An indication whether section 3504(h), Public Law 96-511 applicable: Not applicable
9. Abstract: The Handbook will reduce the burden for NRC licensees distributed with NRC regulations containing recordkeeping requirements extending the time period for the number of annual reports required.

Copies of the proposed revision can be inspected or obtained for the asking at the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. Comments may be submitted to the OMB Desk Officer, Mr. Jefferson B. Hill, (202) 395-3084, Office of Information and Regulatory Affairs, Room 8585.

Dated at Washington, D.C., this 24th day of February 1983.

Dated at Bethesda, Maryland, this 18th day of February 1983.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Division of Quality Assurance, Safeguards, and Inspection Programs, Office of Inspection and Enforcement.

[FR Doc. 83-5375 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) the following information collection requirements for reclearance under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: Revision and reduction.

2. The title of the information collection: 10 CFR Part 32 "Transfers of Radioactive Consumer Products."

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: NRC Licensees.

6. An estimate of the number of responses: 200.

7. An estimate of the total number of hours needed annually to complete the requirement or request: A reduction of 160 hours.

8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: The final rule would reduce the reporting burden on licensed distributors of consumer products containing byproduct materials by extending the reporting period, on the number of products distributed, from an annual report to a report every 5 years.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340. NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 24th day of February 1983.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83-5362 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals will hold its next meeting at 9:30 a.m., March 17, 1983. This meeting will take place at the office of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW, Washington, D.C. and will be open for public observation. The Committee established this meeting date at its last meeting which was held on February 25, 1983, in public session. Advance notice is also given that the Committee has tentatively set March 24, 1983 as an additional meeting date. The need for this meeting will be determined at the March 17 session.

At these meetings, the committee will continue its review of administrative proposals for reforming the NRC's licensing process for nuclear plants. Transcripts of all meetings are made available for public inspection and copying at NRC's Public Document Room, 1717 H Street, NW, Washington, D.C.

Further information on the meetings may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. (Telephone 202/634-1465).

Dated at Washington, D.C., this 28th day of February, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-5446 Filed 3-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 27-48]

US Ecology, Inc.; Special Nuclear Material License Amendment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance of special nuclear material disposal license amendment.

SUMMARY: On January 28, 1983 the U.S. Nuclear Regulatory Commission (NRC) issued Amendment 3 to NRC License No. 16-19204-01 to US Ecology, Inc. (previously Nuclear Engineering Co.) The license allows for the receipt and disposal of special nuclear material (SNM) at US Ecology's low level waste disposal facility located on the Hanford Reservation near Richland, Washington. The amendment was developed primarily to provide increased compatibility with the State of Washington license for disposal of by-product and source material, to clarify licensee responsibilities with regard to site closure and decommissioning, and to define procedures for license termination following cessation of burial operations.

NRC has determined that the amended license will not result in any significant impact on the environment and therefore does not require preparation of an environmental impact statement. An environmental impact appraisal was prepared upon issuance of the license in 1979 and is available for public inspection.

ADDRESSES: The amended license and environmental impact appraisal are available for public inspection at the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555, and at the Richland Public Library Reference Department, Swift and Northgate Streets, Richland, Washington 99352.

FOR FURTHER INFORMATION CONTACT: Mr. Edward F. Hawkins, Acting Chief, Low-Level Waste Licensing Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 427-4433.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission, on January 28, 1983, issued to US Ecology, Inc., (formerly Nuclear Engineering Co.) an amendment to its license to receive and dispose by burial, special nuclear material at its commercial low level waste disposal facility located in the Hanford Reservation near Richland, Washington. (US Ecology's corporate headquarters are located at 9200 Shelbyville Road, Louisville, Kentucky 40207). The recently issued amendment amends License No. 16-19204-01 in its entirety. All information concerning this license can be located in NRC Docket No. 27-48.

NRC has determined that issuance of the amended license will result in no significant environmental impact and therefore does not require the preparation of an environmental impact statement (EIS). The SNM license, as amended, authorizes disposal of waste containing small amounts of uranium-233 and Uranium-235. Wastes containing plutonium in concentrations

greater than 100 nanocuries per gram are prohibited from the site.

Disposal of by-product and source material at the site is licensed by the State of Washington Department of Social and Health Services. That agency is also the site landlord. Preparation of this amendment has been coordinated with Washington State officials and is consistent with conditions of the state by-product and source material license, which was renewed October 11, 1982.

Conditions of this amendment clearly specify license obligations with regard to closure and decommissioning of the Hanford low level waste disposal facility and further specify licensee obligations beyond the license expiration date pending formal NRC licensing action.

The Commission finds that issuance of the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the requirements of Title 10, Chapter 1, Code of Federal Regulations.

Dated at Washington, D.C. this 23rd day of February 1983.

For the Nuclear Regulatory Commission.

Edward F. Hawkins,

Acting Branch Chief, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 83-5407 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the Agency has made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Room 405, 1129 Twentieth Street, NW., Washington, D.C. 20527; Telephone (202) 653-2818, or

OMB Reviewer: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503; Telephone (202) 395-7231.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: New.

Title: OPIC Opportunity Bank Company Profile.

Form Number: OPIC-82.

Frequency of Use: Other—once per investor.

Type of Respondent: Business or other institutions (except farms).

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. Companies.

Number of Responses: 500.

Reporting Hours: ¼ hour per response.

Federal Cost: $2,647.50.

Authority for Information Collection: Section 234(d) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): OPIC-82 will provide the OPIC Opportunity Bank with detailed and current data on U.S. companies seeking investment opportunities overseas. It will be made available in an effort to promote and encourage U.S. investment overseas.

Dated: February 16, 1983.

Leo H. Phillips, Jr.,

Office of the General Counsel.

[FR Doc. 83-5334 Filed 3-3-83; 8:45 am]

BILLING CODE 3210-01-M

POSTAL RATE COMMISSION

Visit; Laurel, Maryland

February 23, 1983.

Notice is hereby given that Chairman Steiger, Commissioners Bright and Crutcher, and a number of staff members will receive a guided tour by United Parcel Service staff at the UPS facility in Laurel, Maryland, on Thursday, February 24, 1983. A report will be on file in the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 83-5336 Filed 3-3-83; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A83-16; Order No. 486]

Cantil, Calif., Filing of Appeal

February 24, 1983.

In the matter of Cantil, California 93519, Ross R. Rogers, Petitioner; Docket No. A83-16; Notice and Order of Filing of Appeal.

On February 10, 1983, the Commission received an appeal letter from Mr. Ross R. Rogers ("Petitioner") concerning the United States Postal Service's decision to consolidate the Cantil, California, post office. Mr. Rogers' letter effectively requests the review provided by section 404(b) of the Postal Reorganziation Act (39 U.S.C. 404(b)).[1]

The petition sets out the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with the applicable law and its regulations for the consolidation of post office.[2]

Upon preliminary inspection, the Petitioner's letter appears to present the following issues of law:

1. The effect of such consolidation on the community served by such post office (39 U.S.C. 404(b)(2)(A)); the Petitioner states that: "[t]he United States Post Office, is important for the survival of this Cantil area farming community."

2. Whether such consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining (39 U.S.C. 404(b)(2)(C))]; the Petitioner questions the qualifications of candidates being considered to operate the planned community post office (CPO).

Other issues of law may become apparent when the Commission has had

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 42 FR 59079-86 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

the opportunity to examine the record made by the Postal Service. The record may be found to resolve adequately one or more of the issues presented by the Petitioner's letter.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issues described above and/or any further issues of law disclosed by the record in this case. In the event that the Commission finds such a memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Commission orders that:

(A) The appeal letter from Mr. Ross R. Rogers be accepted as a petition for review pursuant to secton 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

By the Commission.

David F. Harris,

Secretary.

Appendix

February 10, 1983—Filing of Petition.
February 24, 1983—Notice and Order of Filing of Appeal.
February 25, 1983—Filing of Record by Postal Service (*see* 39 CFR 3001.113(a)).
March 2, 1983—Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).
March 14, 1983—Petitioner's Initial Brief (*see* 39 CFR 3001.115(a)).
March 29, 1983—Postal Service Answering Brief (*see* 39 CFR 3001.115(b)).
April 13, 1983—(1) Petitioner's Reply Brief should Petitioner choose to file one (*see* 39 CFR 3001.115(c)); (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
June 10, 1983—Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 83-5337 Filed 3-3-83; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19529]

Advisory Committee on Tender Offers; Establishment and Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of establishment of the Securities and Exchange Commission Advisory Committee on Tender Offers.

SUMMARY: The Chairman of the Commission, with the concurrence of the other members of the Commission, has established the Securities and Exchange Commission Advisory Committee on Tender Offers, which is to conduct an examination of tender offers and other related regulations and practices and to recommend to the Commission any legislative and/or regulatory changes the Committee may consider to be in the best interest of all shareholders (i.e., shareholders of all corporations, whether potential bidders, target companies or by-standers).

DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Linda C. Quinn, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549; (202) 272-2579.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. I, and the regulations thereunder, the Commission has ordered publication of this notice that Chairman John S. R. Shad, with the concurrence of the other members of the Commission, has established an advisory committee, under the Federal Advisory Committee Act, which is designated the Securities and Exchange Commission Advisory Committee on Tender Offers. Chairman Shad certifies that he has considered carefully the establishment of this Committee and, with the concurrence of the other members of the Commission, has found the creation of this Committee to be in the public interest in that it will assist the Commission in the performance of its responsibilities under the federal securities laws.

The Advisory Committee is authorized to examine tender offer and other regulations and practices. Issues that may be considered by the Advisory Committee include: (1) The economic implications of tender offers and other acquisition techniques on the economy in general and specifically with respect to bidders, subject companies, investors and the securities markets; (2) the need for, and the nature and objectives of, regulation of such activities; (3) the regulatory means to accomplish these objectives, weighing the costs against the benefits of such a regulatory response; and (4) possible recommendations to the Commission with respect to legislative and/or regulatory amendments to the current laws to effect such regulatory response.

The Advisory Committee shall conduct its operations in accordance with the provisions of the Federal Advisory Committee Act.

The duties of the Committee shall be solely advisory and shall extend to submitting reports and recommendations to the Commission.

The Securities and Exchange Commission shall provide any necessary support services required by the Advisory Committee.

The Advisory Committee shall meet at such intervals as are necessary to carry out its functions. It is estimated that the meetings of the full committee generally will occur no more frequently than at four week intervals.

The Advisory Committee shall terminate at the end of ten months from the date of its establishment unless, prior to such time, its charter is renewed in accordance with the Federal Advisory Committee Act, or unless the Chairman, with the concurrence of the other members of the Commission, determines that continuance of the Advisory Committee no longer is in the public interest.

A copy of the Charter of the Committee has been filed with the Chairman of the Commission, the Senate Committee on Banking, Housing, and Urban Affairs, and the House of Representatives Committee on Energy and Commerce. A copy of the Charter also has been furnished to the Library of Congress and placed in the Commission's Public Reference Room for public inspection.

By the Commission.

Dated: February 24, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5455 Filed 3-3-83; 8:45 am]
BILLING CODE 8010-01-M

Advisory Committee on Tender Offers; Meeting

This is to give public notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, 10(a), that the Securities and Exchange Commission Advisory Committee on Tender Offers will conduct a meeting on March 18, 1983, at the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C., beginning at

10:00 a.m. This meeting will be open to the public.

This will be the first meeting of the Advisory Committee. The purpose of the meeting is to review the objectives and responsibilities of the Advisory Committee and to establish plans for the orderly progression of the Committee's work.

Further information on this matter may be obtained by writing: Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, United States Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

Dated: February 25, 1983.

George A. Fitzsimmons,

Advisory Committee, Management Officer.

[FR Doc. 83-5450 Filed 3-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22960; 70-6944]

New England Electric System et al.; Short-Term Notes

February 23, 1983.

In the matter of: New England Electric System, Granite State Electric Company, Manchester Electric Company, Massachusetts Electric Company, The Narragansett Electric Company, New England Power Company, New England Power Service Company, 25 Research Drive, Westborough, Massachusetts 01581; Notice of proposed issuance and sale of short-term notes to banks and commercial paper, open account advances from the system money pool, and exception from competitive bidding.

New England Electric System ("NEES"), a registered holding company, and six of its subsidiaries, Granite State Electric Company ("Granite"), Manchester Electric Company ("Manchester"), Massachusetts Electric Company ("Mass Electric"), The Narragansett Electric Company ("Narragansett"), New England Power Company ("NEP"), and New England Power Service Company ("NEPSCO"), have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9(a), 10, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) thereunder.

The above-named subsidiaries propose, through March 31, 1984, to borrow from the system money pool and/or the banks listed below, and/or, in the case of Mass Electric and NEP, to issue commercial paper up to the following maximum outstanding amounts: Granite—$6,000,000; Manchester—$300,000; Mass Electric $18,500,000; Narragansett—$20,000,000; NEP—$195,000,000; and NEPSCO—$5,000,000. The authorization limit for NEP includes outstanding short-term bonds issued to finance pollution control facilities (HCAR No. 22775 (December 14, 1982)). The proceeds of the proposed borrowings are to be used: (i) To pay then outstanding notes initially issued to banks, NEES, and/or dealers in commercial paper and/or borrowings from the money pool; (ii) to provide new money for capitalizable expenditures (or to reimburse the treasury therefor); (iii) to refund bonds, pending permanent refinancing, and (iv) other corporate purposes.

Although the borrowing companies have no formal credit agreements with banks, they have made informal arrangements for lines of credit for various purposes, including support of commercial paper. The bank borrowings will be from a group of 48 banks, evidenced by notes maturing in less than one year from the date of issuance. The effective interest cost of such borrowings will be not greater than the effective interest cost of borrowings at the bank's base or prime lending rate with compensating balance requirements of 10% of the line of credit and 10% of the borrowings thereunder. It is stated that based on compensating balance requirements of about 10% to 20%, or fees equivalent thereto, the effective interest cost of bank borrowing would be approximately 12.2% to 13.8% per annum, assuming a base lending rate of 11%.

Mass Electric and NEP propose to issue and sell commercial paper during the period through March 31, 1984, directly to one or two dealers in commercial paper. The dealers, as principals, will reoffer such commercial paper to not more than 100 of their respective customers. The commercial paper issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to the issuer, and the issuer's cash requirements at the time of issuance. The terms of the commercial paper will not provide for prepayment prior to maturity. The commercial paper will be purchased by the dealer from the issuer at a discount which will not be in excess of the discount then prevailing for commercial paper of comparable quality and maturity. The dealer will initially reoffer the commercial paper at a discount rate of not more than ⅛ of 1% per annum less than the prevailing discount rate to the issuer.

The borrowing companies propose to reduce their need for outside borrowing through the continued use of the system money pool. Under the money pool, surplus funds that may be available from day to day in the treasuries of certain of the NEES System subsidiaries are used to make loans to subsidiaries in need of short-term funds. Each member determines each day, on the basis of cash flow projections, the amount of surplus funds it has available for contribution to the pool. The surplus funds are transferred to NEPSCO which administers the pool as agent for the member companies. Loans from the pool are made pursuant to open account advances. Borrowing companies pay a monthly rate based upon the rate the borrower would otherwise have to pay an outside lender. Those companies able to issue commercial paper will pay the weighted monthly average of the rates on outstanding commercial paper of all subsidiaries. During any month when no such commercial paper is outstanding, the rate is the monthly average of the rate for high grade 30-day commercial paper sold through dealers by major corporations as published in the *Wall Street Journal*. Borrowing members without the ability to issue commercial paper will pay interest at a rate of 125 basis points above the rate paid by members who do have the ability to issue commercial paper but in no event greater than the monthly average of the base lending rate of the First National Bank of Boston. The terms of the money pool are being amended to add Manchester, a new subsidiary, to permit NEES to lend to the pool, and to increase the investments currently permitted for excess funds.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 21, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5457 Filed 3-2-83; 8:45 am]
BILLING CODE 8010-01-M

[File No. 22-12280]

Pan American World Airways, Inc.; Application and Opportunity for Hearing

February 25, 1983.

Notice is hereby given that Pan American World Airways, Inc. (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of NCNB National Bank of North Carolina ("NCNB") under a proposed indenture which is to be qualified under the Act is not so likely to involve a material conflict of interest with the trusteeships of NCNB under two indentures previously qualified under the Act as to make it necessary in the public interest or for the protection of investors to disqualify NCNB from acting as trustee under any one or more of the three indentures.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section) it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of Section 310(b) provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or other indentures under which other securities of such obligor are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Applicant alleges that:

1. A single Registration Statement was filed on February 28, 1977 (Registration No. 2-58297) covering $26,500,000 principal amount of 11½% Secured Equipment Certificates, Series A, due May 15, 1994 and $26,500,000 principal amount of 11½% Secured Equipment Certificates, Series B, due May 15, 1994 (collectively, the "Series A and Series B Secured Equipment Certificates").

2. A Registration Statement was filed on January 25, 1983 (Registration No. 2-81488), covering $100,000,000 principal amount of % Convertible Secured Trust Notes Due 1998 (the "Trust Notes").

3. The Series A and Series B Secured Equipment Certificates were issued pursuant to two separate trust indentures qualified under the Act between the Applicant and NCNB as Trustee.

4. The Trust Notes will be issued pursuant to a trust indenture to be qualified under the Act between the Applicant and an indenture trustee. The Applicant desires to appoint NCNB as Trustee under such proposed indenture (the "Trust Notes Indenture").

5. The proceeds from the sale of the Series A and Series B Secured Equipment Certificates were used to provide long-term financing for approximately 70% of the purchase price of two Boeing 747SP aircraft—one aircraft in each of the two trusts. The balance of the purchase price was provided by independent equity investors pursuant to leveraged lease arrangements. The indentures under which the Series A and Series B Secured Equipment Certificates were issued were each amended to reflect the leveraged lease arrangements (the indentures so amended being collectively, the "Previous Indentures"). The principal and interest on the Series A and Series B Secured Equipment Certificates is payable out of rentals owed by the Applicant on the related aircraft. With respect to the Trust Notes, the proceeds will be used to finance the purchase by the Trustee from the Applicant of aircraft now owned by the Applicant, following which the Trustee will lease such aircraft back to the Applicant. The indenture trustee will retain legal title to the aircraft until such time as all principal and interest due on the Trust Notes has been paid or duly provided for, at which time title to the aircraft shall vest in the Applicant.

6. With respect to the aircraft financed through the proceeds of the Series A and Series B Secured Equipment Certificates, pending delivery of each aircraft, NCNB held the proceeds in segregated accounts as security for the Series A and Series B Secured Equipment Certificates issued with respect to such aircraft. The Series A and Series B Secured Equipment Certificates are secured by a security interest in the related aircraft and the right of NCNB to receive rentals on the aircraft payable by the Applicant.

Since the aircraft securing the Series A and Series B Secured Equipment Certificates are not owned by the Applicant, they are not among the aircraft that will be purchased by the Trustee from the Applicant under the Trust Notes Indenture, nor could such aircraft be substituted therefor. Should NCNB have occasion to proceed against the security under one of the three indentures (assuming it is appointed Trustee under the Trust Notes), such action would not affect the security, or the use of any security, under either of the other two indentures.

7. The difference in the provisions of the Previous Indentures and the Trust Notes Indenture are not likely to involve NCNB in a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify NCNB from acting as trustee under one or more of the three indentures.

The Applicant waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's Rules or Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at the Public Reference Room, 450 Fifth Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than March 22, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest, or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5456 Filed 3-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19544; File No. SR-CBOE-83-1]

Self-Regulatory Organizations; Proposed Rule Change By Chicago Board Options Exchange, Inc.; Relating to Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 10, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

Position Limits

Rule 4.11. Except with the prior written permission of the President or his designee, no member shall make, for any account in which it has an interest or for the account of any customer, an opening transaction on any exchange in any option contract dealt in on the Exchange if the member has reason to believe that as a result of such transaction the member or its customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated in respect of an aggregate position in excess of 2,[0]*500 or 4,000* option contracts (whether long or short) of the put class and the call class on the same side of the market [covering] *respecting* the same underlying security, combining for purposes of this position limit long position in put options with short positions in call options, and short positions in put options with long positions in call options, or such other number of option contracts as may be fixed from time to time by the Board as the position limit for one or more classes or series of options. Reasonable notice shall be given of each new position limit fixed by the Board, by posting notice thereof on the bulletin board of the Exchange. *Whether a limit is 2500 or 4000 option contracts shall be determined in the manner described in Interpretation .02 below.*

* * * Interpretations and Policies:

.01 The following examples illustrate the operation of position limits established by Rule 4.11:

(a) Customer A, who is long [2]*4,000* XYZ calls, may at the same time be short [2]*4,000* XYZ calls, since long and short positions in the same class of options (i.e., in calls only, or in puts only) are on opposite sides of the market and are not aggregated for purposes of Rule 4.11.

(b) Customer B, who is long [2]*4,000* XYZ calls, may at the same time be long [2]*4,000* XYZ puts. Rule 4.11 does not require the aggregration of long call and long put (or short call and short put) positions, since they are on opposite sides of the market.

(c) Customer C, who is long [1]*3,500* XYZ calls, may not at the same time be short more than 500 XYZ puts, since the [2]*4,000* contract limit applies to the aggregation of long call and short put positions in options covering the same underlying security. Similarly, if Customer C is also short [1]*3,200* XYZ calls, he may not at the same time be long more than 800 puts, since the [2]*4,000* contract limit applies separately to the aggregation of short call and long put positions in options covering the same underlying security.

.02 The 2500 option contract limit applies to those options having an underlying security that does not meet the requirement for the 4000 option contract limit. To be eligible for the 4000-contract limit, either the most recent six-month trading volume of the underlying security must have totalled at least 20,000,000 shares; or the most recent six-month trading volume of the underlying security must have totalled at least 15,000,000 shares and the underlying security must have at least 60,000,000 shares currently outstanding. Every six months, the Exchange will review the status of underlying securities to determine which limit should apply. The 4000 limit will be effective on the date set by the Exchange, while any change from a 4000 to a 2500 limit will take effect after the last expiration then trading, unless the requirement for a 4000 limit is met at the time of the intervening six-month review.

Exercise Limits

Rule 4.12. Except with the prior written permission of the President or his designee, no member shall exercise, for any account in which it has an interest or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange where such member or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five consecutive business days aggregate long positions in excess of 2,[0]*500 or 4,000* option contracts of that class of options or such other number of option contracts as may be fixed from time to time by the Board as the exercise limit for that class of options. Reasonable notice shall be given of each new exercise limit fixed by the Board by posting notice thereof on the bulletin board of the Exchange. *Whether a limit is 2500 or 4000 option contracts shall be determined in the manner described in Interpretation .02 to Rule 4.11.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to expand position and exercise limits in order to add to market depth and liquidity.

In 1978 the Special Study of the Options Markets recommended that existing Exchange rules, which limited the size of options positions held by market participants, be reviewed and that their relaxation or elimination be considered. As a result of re-examination of position limits, as suggested in that Study, the Exchange proposed rule changes which were adopted in October of 1980 to raise position and exercise limits from 1,000 to 2,000 contracts. In view of the increased use of the options markets and the experience gained during the two years since the position limits were increased in 1980, the Exchange believes that it is appropriate at this time to increase the position and exercise limits.

The Commission made the following statements in its release approving the position and exercise limit increase in 1980. (Release No. 34-17237) The Exchange believes that these statements also apply to this proposed increase.

* * * there is substantial reason to believe that the current ceiling serves to constrict significantly the options activities of certain market professionals and institutions, possibly to the detriment of market depth and liquidity. In addition, the Commission believes that the surveillance capabilities of the options exchanges with respect to large options positions should minimize the possibility of manipulation. Finally, the Commission believes that the information and experience gained from approval of the proposed modification will enhance the ability of the options exchanges and the Commission to responsibly propose and effectively evaluate possible further modifications * * *.

It should be noted that position limits cannot be justified as a protection against financial exposure. While unhedged larger positions do entail larger financial risks, position limits are cumbersome and ineffective mechanisms for limiting those risks. Rather, those rules which have been designed specifically to limit risk exposure should be used for this purpose, namely, suitability, margin, and net capital rules.

The change from 2000 to 2500 option contracts is minimal, especially in view of the Exchange's experience to date with the 2000-contract limit. The change from 2000 to 4000 option contracts involves standards that are a protection against possible manipulation. These standards insure that only option contracts having an underlying security that has either very high trading volume or high trading volume and a high number of shares outstanding will receive the higher limit. The standards mean that the options and stocks involved are significantly less susceptible to manipulation. To be eligible for the 4000-contract limit, either the most recent six-month trading volume of the underlying security must have totalled at least 20,000,000 shares; or the most recent six-month trading volume of the underlying security must have totalled at least 15,000,000 shares and the underlying security must have at least 60,000,000 shares currently outstanding.

Every six months, the Exchange will review the status of underlying securities to determine which limit should apply. Two new lists shall be published in the Exchange Bulletin. The 4000 limit will be effective on the date set by the Exchange, which date will allow time for appropriate notice to be given. Any change from a 4000 to a 2500 limit will take effect after the last expiration then trading, unless the requirement for a 4000 limit is met at the time of the intervening six-month review.

The basis for this proposed rule change in section 6(b)(5), in that the change would increase market depth and liquidity, which is in the public interest, while continuing to protect investors from manipulative activity.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 25, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5459 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19536; File No. SR-MSE-83-2]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.; Relating to a Change in MSE's Transaction Fee Schedule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 15, 1983, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the proposed revision to the transaction fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

MSE's trading floor support systems that have been developed and installed on Midwest have dramatically increased MSE's capacity and efficiency. The new fee schedule reflects the diminished incremental cost to MSE as volume increases in processing trades. The new price schedule will provide price

incentives to firms encouraging an increase in order flow to the Midwest in all trade size categories.

The proposed fee revision, effective March 1, 1983, affects only agency transactions. The range for both item charges and value charges have been greatly expanded. The previous item charge rate for round lots which started at $0.45 has been reduced. The new rates start at $0.25 and as daily trade volume increases the charge per trade decreases.

The proposed change in fees is consistent with Section 6(b)(4) of the Securities Exchange Act of 1934, in that it provides for the equitable allocation of reasonable dues, fees and other charges among MSE's members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 24, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A

CURRENT MSE AGENCY TRANSACTION FEES

Items/month	Rate	Value charge	Rate
0 to 1,000	0.45	0.0 to 7.5	0.12
1,001 to 2,000	.35	7.5 to 25.0	.10
2,001 and over	.25	25.0 and over	.08

PROPOSED MSE AGENCY TRANSACTION FEE SCHEDULE

Item charge		Value charge	
Items/month	Rate	Accum. value/month[1]	Rate[2]
0 to 400	0.25	0.0 to 5.0	0.14
401 to 800	.20	5.0 to 10.0	.13
801 to 1,200	.15	10.0 to 15.0	.12
1,201 to 1,600	.10	15.0 to 20.0	.11
1,601 to 2,000	.05	20.0 to 25.0	.10
2,001 to 2,400	.00	25.0 to 50.0	.09
2,401 to 2,800	−.05	50.0 to 150.0	.085
2,801 to 3,200	−.10	150.0 to 300.0	.08
3,201 to 3,600	−.15	300.0 to 450.0	.075
3,601 to 4,000	−.20	450.0 to 550.0	.07
4,001 and over	−.25	550.0 to 650.0	.065
		650.0 and over	.06

[1] In millions.
[2] Per $1,000.

[FR Doc. 83-5454 Filed 3-3-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34–19537; File No. SR–MSE–83–1]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.; Relating to Claims for Reports.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 7, 1983, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article XXX, Rule 15 of the Rules of the Midwest Stock Exchange, Incorporated is hereby amended as follows:

Additions italicized—[Deletions Bracketed]

Article XXX

Claims for Reports

Rule 15. All claims for reports must be made timely as follows:

(a) All claims which involve erroneous comparisons must be made within [10] *five* business days of the original trade date.

(b) All claims relative to the omission of a report which was properly due must be made within [10] *five* business days of the date the order should have been executed.

(c) No change in text.

(d) No change in text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Satement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed five day limit on making claims regarding comparisons is in accordance with all other principal exchanges and the NASD. The proposed change will help resolve uncompared trades on a more timely basis.

The proposed rule change is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 in that it is designed to facilitate the settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 24, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5453 Filed 3-2-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/507]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Orgainzation for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 18, 1983, 10:00 a.m. in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, maritime, and leased channel services in order to develop U.S. positions to be taken at upcoming international Study Groups I, III, and SMM (Mobile Maritime Service) meetings.

Members of the general public may attend the meeting subject to the instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C. 20554, telephone (202) 632-3214.

Dated: February 24, 1983.

William J. Lowell,

Chairman, International Telegraph and Telephone Consultative Committee.

[FR Doc 83-5446 Filed 3-2-83; 8:45 am]

BILLING CODE 4710-07-M

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Act of 1933 and Public Utility Regulatory Policies Act of 1978; Proposed Modification of Guidlines on Dispersed Power Production

AGENCY: Tennessee Valley Authority TVA).

ACTION: Notice of proposed modification of TVA's guidelines on dispersed power production.

SUMMARY: On April 20, 1981 TVA adopted a policy to encourage dispersed power production in the Tennessee Valley region and an interim program and guidlines to assist TVA and the distributors of TVA power in implementation of the policy. The policy, program, and guidelines encompass congeneration and small power production facilities included under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. No., 95-617) (PURPA). On September 22, 1982 TVA approved a revised purchase price schedule to be available until October 1, 1983, and extended its Experimental Cogeneration Program until October 1, 1983. TVA is now considering a modification in the guidelines.

DATE: Comments in writing must be received by 5 p.m., March 21, 1983, to be assured of being considered.

ADDRESS: Written comments should be sent to R. C. Crawford, Director, Division of Energy Use and Distributor Relations, Tennessee Valley Authority, 840 Power Building, Market Street, Chattanooga, Tennessee 37401.

FOR FURTHER INFORMATION CONTACT: Dawn S. Ford, Tennessee Valley Authority, 400 West Summit Hill Drive, EPB5, Knoxville, Tennessee 37902, (615) 632-44402.

SUPPLEMENTARY INFORMATION: TVA's current guidelines on dispered power production were printed in the **Federal Register** on October 25, 1982 (47 FR. 47355).

TVA is considering a proposed modification of these guidelines with regard to purchases of power from qualifiying facilities located outside the area in which TVA or its distributors are a source of power supply under provisions of the TVA Act. The proposed modification provides for (1) Negotiated prices for energy purchases from these facilities with such prices not to exceed TVA's costs that would be avoided by such purchases and (2) metering costs for these qualified facilities to be the responsibility of the owners of the facilities.

The proposed modification to the guidelines is shown below.

Dated: February 23, 1983.

W. F. Willis,

General Manager.

Proposed Modification to Guidelines

A.3.a. Until October 1, 1983, qualified producers, with facilities located within the area in which TVA or the distributors of TVA power are a source of power supply under provisions of the TVA Act, will have the option of (1) Receiving payments for the output of their facilities billed under the experimental pricing schedule (see Experimental Price Schedule DPP-XR) or (2) any alternative pricing schedule that TVA may publish for use by itself and the distributors of TVA power prior to that date.

Qualified producers, with facilities located outside the area in which TVA or the distributors of TVA power are a source of power supply and that are able to make arrangements with connecting utility systems to supply their output to TVA's power system, will receive payments for energy based upon a negotiated price. The price agreed upon is not to exceed the avoided cost of energy to the TVA system. The amount of capacity payments will be based upon a negotiated price with the price agreed upon not to exceed the value of such capacity in offsetting TVA's capacity needs over the term of the contract.

A.6.a. Owners of qualified facilities will be required to pay for any additional transmission or distribution costs (including the costs of metering, system protection and safety equipment) to the extent that such costs are in excess of those that the distributors of TVA power and TVA would have incurred if the qualified producers' output had not been purchased. Until October 1, 1983, under the provisions of the Experimental Cogeneration Program, TVA will continue to pay the cost of cogeneration metering installations for facilities qualifying thereunder that are located within the area in which TVA or its distributors are a source of power supply. Owners of qualified cogeneration facilities located outside this area will be wholly responsible for metering installations, including costs.

[FR Doc. 83-5838 Filed 3-3-83; 8:45 am]
BILLING CODE 6120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Automotive Gasoline (AUTOGAS) in General Aviation Aircraft; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Public Meeting.

SUMMARY: This notice announces the schedule, location procedures, and dates of a public meeting to solicit and review information on the use of automotive gasoline (AUTOGAS) in general aviation aircraft.

DATE: The meeting will be held on April 5 and 6, 1983, beginning at 8:00 a.m. and planned adjournment of 5:00 p.m.

ADDRESS: The meeting will be held at the Federal Aviation Administration, National Headquarters, Auditorium third floor, 800 Independence Ave, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: The FAA, Aircraft Certification Division, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7330.

SUPPLEMENTARY INFORMATION: Since the recent Supplemental Type Certificate (STC) approval was granted to the Experimental Aircraft Association (EAA) for use of AUTOGAS (to ASTM Specification D-439) to the Cessna 150 aircraft, additional applications have been received for use of AUTOGAS in other aircraft.

The objective of the meeting is:

1. To advise the public on criteria used for the initial AUTOGAS approval, and explore if there are means of simplifying future approvals.

2. Solicit discussions on the distribution system of AUTOGAS versus aviation gasoline, and how this impacts the current requirement that the pilot-in-command insure use of fuel to ASTM Specification D-439.

3. The potential impact of future change to ASTM Specification D-439 on current approval or subsequent approvals.

4. Gather input on concerns related to potential use in aircraft systems more complex than the Cessna 150.

The above agenda items should not be construed as a limitation on what may be discussed at the meeting. Participants are free to propose any other items of concern to the subject. A copy of the finalized agenda will be available at the registration desk. Additional agenda items should be presented at the registration desk. If approved, they will be added to the agenda as time permits.

Request To Make Presentation

Persons planning to present data and/or position papers at the meeting are requested to provide the FAA New England Region, ANE-100, Burlington, Massachusetts 01803, an outline of the presentation by March 25, 1983. The outline should contain an estimate of the time needed to make the presentation and any audio visual equipment required. Presentations will be scheduled on a first-come first-served basis as time permits within the meeting schedule.

Meeting Procedures:

Persons planning to attend the conference should be aware of the following procedures which are established to facilitate the workings of the meeting:

1. As space is limited, advance reservations are suggested. Please contact Mr. George Mulcahy at (617) 273-7351 to indicate your intent to attend the meeting.

2. Sessions will begin at 8:00 a.m. (local time) on both Tuesday and Wednesday. All meetings will be open to all persons on a space available basis. If necessary to complete the agenda, sessions may be extended to evenings. If practicable, the meeting may be accelerated to enable adjournment in less than the time scheduled.

3. Statements made by the FAA participants at the meeting will be made to facilitate discussion and should not be taken as expressing a final FAA position.

Issued in Burlington, Massachusetts, on February 18, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-5289 Filed 3-3-83; 8:45 am]
BILLING CODE 4910-13-M

[Summary Notice No. PE-83-5]

Petitions for Exemption; Summary of Petitions Received Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice not the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 23, 1983.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916,

FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on February 25, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23548	Owensboro Aviation	14 CFR 93.113	To permit petitioner to conduct fixed wing Special VFR within the Louisville (Standiford) Airport Traffic Control Zone. Petitioner's operations are pipeline patrol.
19113	Capitol Air, Inc. formerly Capitol Int'l. Airways, Inc.	14 CFR portions of Part 121	To extend Exemption 2746 to permit petitioner to continue to conduct scheduled passenger service over routes authorized by the Civil Aeronautics Board (CAB) utilizing the flight control dispatch procedures and communication procedures of Part 121 that are applicable to supplemental air carriers.
19259I	Kenmore Air Harbor, Inc.	14 CFR 141.37(e), and para. 3(b)(4) of Appendix D of Part 141.	To extend Exemption 2376B which permits petitioner to use a seadrome without permanent runway lights for night training flights involving seaplanes. In addition, it permits credit toward flight instruction for cross-country night flights in seaplanes with a landing in a body of water less than 100 miles from the point of departure, provided that those flights include a landing at a point other than the point of departure and the flights are round-trip cross-country flights to a point more than 100 miles from the point of departure.
21350	The Coastal Corp.	14 CFR 61.58(c)	Extension and amendment to Exemption 3249 to permit the petitioner's flightcrews to complete their entire 24-month pilot-in-command check in an FAA-approved simulator, subject to certain conditions and limitations. The amendment would delete the B–707 aircraft from the exemption because it is currently operating under a Part 121 certificate.
23436	AirLifeLine of Texas, Inc	14 CFR 61.118(a)	To amend Exemption 3678 which permits petitioner's volunteer pilots who hold private pilot certificates to be reimbursed for fuel, oil, and maintenance expenses while serving on petitioner's official missions. The amendment would also allow instrument flight rule (IFR) and visual flight rule (VFR) operations at night provided the aircraft are properly equipped and the pilots meet current requirements. The amendment would also permit operation of the aircraft in accordance with inspection requirements of § 91.169(a) (1) and (2).
18238	Flying Tiger Line, Inc. (FT)	14 CFR Parts 21, 43, 61, 63, 91 and 121	To extend Exemption 2602 to permit petitioner to temporarily substitute DC–8–63F aircraft under lease with Flugleider H.F. (FHF), and to permit FT to use the DC–8 aircraft even though it does not have exclusive use of such aircraft.
15194	Compania Mexicana de Aviacion, S.A.	14 CFR Parts 61 and 63	To extend Exemption 2195, as amended to permit petitioner, to operate four leased U.S.-registered aircraft using an FAA-approved continuous airworthiness maintenance program and the B–727 master minimum equipment list.
22561	Alaska Int'l. Air	14 CFR 121.211(e)(2)	To permit petitioner to operate its five L–382 aircraft without each flight deck station being equipped with a combined safety belt and shoulder harness that meets the applicable requirements of § 25.785.
20048	Chalk Int'l. Airlines	14 CFR 135.175(a)	To renew Exemption 3007A to permit petitioner to operate its Grumman Mallard G–73 aircraft in direct day visual flight rule (VFR) flights in large multiengine aircraft between certain points, without having approved airborne weather radar equipment installed in the aircraft.
23481	San Juan Airlines	14 CFR 135.261	To permit petitioner to conduct medical evacuation flights from the islands to an appropriate medical facility without complying with the flight and duty time requirements of § 135.261.
23521	Singapore Airlines (SIA)	14 CFR portions of Part 21	To permit petitioner, a foreign air carrier which holds operations specification under Part 129, to operate and maintain two U.S.-registered Boeing 747–300 aircraft using an FAA-approved minimum equipment list (MEL).

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23389	American Int'l. Airways	14 CFR portions of Part 121	To permit petitioner to engage in scheduled domestic or flag air carrier operations utilizing flight release authority in lieu of dispatching authority. *Withdrawn 12/28/82.*
23342	Israel Aircraft Industries, Ltd	14 CFR 25.832	To permit petitioner to operate the Westwind Model 1125 above flight level 180 for nonrevenue operations without complying with the cabin ozone concentration requirements. *Denied 2/9/83.*
23362	Arabian American Oil Company	14 CFR 91.200(b)	To permit petitioner to operate its F–27 airplanes for an indefinite period without a combined safety belt and shoulder harness at the flight-deck station that would normally accommodate an observer. *Granted 2/18/83.*
23443	Royale Airlines	14 CFR 43.3 and 43.7	To permit petitioner to acquire aircraft parts which were overhauled in Canada. *Granted 2/10/83.*
23502	Air One, Inc.	§ 121.311(f)	To permit petitioner to operate its B–727–100 aircraft during takeoff and landing without each flight attendant having a seat in the passenger compartment that meets the seat standard requirements. *Granted 2/10/83.*
23293	Air National, Inc.	14 CFR 121.311(F)	To permit petitioner to operate its DC–9 aircraft without each flight attendant having a seat for takeoff and landing that meets the requirements of § 25.785. *Granted 2/17/83.*
23394	Ports of Call Travel Club	14 CFR 91.303	To allow petitioner to operate up to nine noncomplying Boeing 707 aircraft from 1/1/85 until 1/1/88 without meeting the noise compliance requirements. *Denied 1/4/83.*
23452	Douglas Aircraft Co. obo Alitalia Airlines (Alitalia)	14 CFR 11.53 and 603 of the Act	To amend Exemption 3675 to include two additional subsidiary carriers of Alitalia under that exemption which allows the operation of 9 leased, U.S.-registered Douglas DC–9–30 aircraft, utilizing FAA-approved minimum equipment list (MEL). *Granted 2/24/83.*
23507	Peachtree Dekalb Flight Academy, Inc.	14 CFR 61.109 and 61.129	To allow aviation students, of Peachtree Dekalb Flight Academy, Inc., to use certain private or commercial cross-country experience gained prior to 7/1/83, under the old rules, to meet the current requirements. *Granted 2/23/83.*

[FR Doc. 83–5238 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–13–M

National Airspace Review Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–7 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: develop and review a base for application of proposed U.S. Airspace Classification.

DATE: Beginning March 21, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591. By March 18, 1983, Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on February 24, 1983.

Anthony Borden,

Acting Manager, Special Projects Staff.

[FR Doc. 83–5126 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the National Motor Carrier Advisory Committee will hold a meeting on March 17 and 18, 1983, beginning at 9:00 a.m. both days, in Washington, D.C., at the Department of Transportation's Headquarters Building, 400 Seventh Street, SW., Washington, D.C., Room 2230. The meeting is open to the public.

The first day of this meeting, March 17, will be devoted to a discussion of the statement of FHWA interpretation and policy published in the **Federal Register** February 3, 1983 (48 FR 5210), addressing truck size and weight provisions contained in the Surface Transportation Assistance Act of 1982 and the DOT Appropriations Act of 1982.

The agenda for March 18 will include: Standardization of the heavy duty vehicle inspection process for issuance of safety inspection stickers; presentation by the Dump Transport Industries Association on special bridge formula weight problems of end dump semi-trailer combinations; discussion of the future role of the Advisory Committee with regard to achieving uniformity in State motor carrier regulations; and briefings on the study of alternatives to tax on use of heavy trucks, and the study regarding longer combination vehicles. A meeting of the Subcommittee on the Heavy Truck Accident Causation and Safety Study is also scheduled for March 18.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Stapleton, Acting Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC–20, Room 4224, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–0634. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: February 23, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 83–5192 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket Nos. LI–82–3, LI–82–5, LI–82–9]

Petitions for Exemptions; Southern Pacific Transportation Co., et al.

Notice is hereby given that six petitioners have submitted requests for temporary or permanent waivers of compliance with the Locomotive Safety Standards (49 CFR Part 229).

The individual petitions for waiver of compliance with these standards are described below. The description of each petition indicates the nature and extent of the relief requested as well as the information that has been submitted in support of that petition.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g. FRA Waiver Petition Docket Number LI–82–3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before March 31, 1983, will be considered before final action is taken. All comments will be available both before and after the closing date for comments, during regular business hours (8:30 a.m.–5:00 p.m.), in room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Southern Pacific Transportation Company

[FRA Waiver Petition Docket No. LI–82–3]

The Southern Pacific Transportation Company (SP) seeks a permanent waiver of compliance for 119 of its locomotives with the requirement in § 229.55(c) of the Locomotive Safety Standards (49 CFR 229.55(c) that the minimum brake cylinder pressure shall be 30 pounds per square inch. To forestall thermal damage to wheels on eleven locomotives used in commuter service, SP has reduced the brake cylinder pressure produced by the automatic brake valve to 28 pounds. To obtain the proper braking ratios and permit retention of the clasp brake shoe arrangement on approximately 100 road locomotives that have been converted from cast iron brake shoes to composition brake shoes, SP has installed a J–84–B relay valve; as a result, the automatic brake valve on these locomotives produces only 28 pounds of brake cylinder pressure. To make the braking force on four slug locomotives used in hump yard service compatible with the braking force of their MP 15 control locomotives and

prevent slid flat wheels on the slug locomotives, SP has equipped four MP 15 AC control locomotives with 6–N–6 distributing valves, which produce 27 pounds of brake cylinder pressure. SP contends that none of these reductions in brake cylinder pressure have created a hazard or resulted in a decrease in safety and that adjustment of the brake cylinder pressures to 30 pounds or higher would result in exceeding the recommended braking ratios for these locomotives.

Chevron U.S.A. Inc.

[FRA Waiver Petition Docket No. LI–82–5]

Chevron U.S.A. seeks a permanent waiver of compliance with the requirement in § 229.23(a) of the Locomotive Safety Standards that its locomotive, as part of each periodic inspection, be positioned so that its entire underneath portion may be safely inspected. The locomotive operates on track within and near its refinery at Pascagoula, Mississippi. Inspections of the traction motors and undercarriage of its single locomotive have been safely performed at the refinery by the Railway Supply Company since 1974. In view of the safe, frequent and thorough inspections that have been performed using existing facilities, Chevron believes that the cost of building an inspection pit is not justified.

The Mary Lee Railroad

[FRA Waiver Petition Docket No. LI–82–6]

The Mary Lee Railroad, operated by Jim Walter Resources, Inc. of Birmingham, Alabama, seeks a permanent waiver of compliance with the requirement in § 229.117 of the Locomotive Safety Standards that its four locomotives be equipped with speed indicators. These locomotives operate primarily on track within a Jim Walter Resources installation but also operate over 13 miles of L & N Railroad track. Although the maximum authorized speed on the L & N track is 25 mph, the average speed of these locomotives is less than 15 mph during Mary Lee operations

The Massena Terminal Railroad Company

[FRA Waiver Petition Docket No. LI–82–7]

The Massena Terminal Railroad Company of Massena, New York, seeks a permanent waiver of compliance with the requirement of § 229.123 of the Locomotive Safety Standards that locomotives be equipped with an end plate, a pilot or a snowplow. Its two locomotives are operated primarily in switching service within an Aluminum Company of America installation and also on 2.5 miles of mainline track. It believes that bringing its locomotives into compliance with this requirement would serve no safety purpose.

Indiana & Ohio Railroad

[FRA Waiver Petition Docket No. LI–82–8]

The Indiana & Ohio Railroad Company seek a permanent waiver of compliance with the requirement of § 229.123 that its one locomotive be equipped with an end plate, a pilot or a snowplow. It has experienced no acts of vandalism involving the placing of objects on track since it began operations in June 1979. Moreover, since its trains do not exceed a speed of 10 mph, they would have sufficient time to stop if such an incident should occur. Accordingly, it believes that complying with this requirement would be an unwarranted expense and would not improve safety.

Roblin Steel Company

[FRA Waiver Petition Docket No. LI–82–9]

The Roblin Steel Company of North Tonawanda, New York, seeks a permanent waiver of compliance with the requirement of § 229.123 that its two locomotives be equipped with an end plate, a pilot or a snow plow. Except for weekly switching on about one-quarter of a mile of Conrail track, these locomotives are used exclusively in a Roblin facility that is completely fenced and patrolled by a security force. Since it has not experienced any pertinent incidents or accidents in its operations, Roblin believes that modifying its locomotives to comply with this requirement is economically infeasible and would not enhance the safety of its operation.

(Secs. 1, 2, 5, 9, 36 Stat. 913, 914, 45 U.S.C. 22, 23, 28, 34; sec. 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655 (e) and (f); § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c))

Issued in Washington, D.C., February 17, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83–5088 Filed 3–2–83; 8:45 am]
BILLING CODE 4910–06–M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that The Connecticut Bank and Trust Company, N.A., with offices at One Connecticut Plaza, Hartford, Connecticut 06115, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: February 23, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83–5143 Filed 3–2–83; 8:45 am]
BILLING CODE 4910–81–M

Removal From Roster of Approved Trustees

Notice is hereby given that the Connecticut Bank and Trust Company, with offices at Hartford, Connecticut, an approved Trustee, was merged into The State National Bank of Connecticut as of December 31, 1982. The surviving bank continues under the charter of The State National Bank of Connecticut and has been renamed The Connecticut Bank and Trust Company, N.A.

The Connecticut Bank and Trust Company, N.A. is an approved Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30, and has assumed all of the Vessel or Shipyard Financing Trusts of the Connecticut Bank and Trust Company.

Therefore, pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30 The Connecticut Bank and Trust Company is removed from the Roster of Approved Trustees.

This notice is effective as of December 31, 1982.

Dated: February 23, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83–5144 Filed 3–2–83; 8:45 am]
BILLING CODE 4910–81–M

[Docket No. S–734]

Participation By Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application; Archon Shipping, Inc.

Notice is hereby given that by application of February 25, 1983, Archon Shipping, Inc. (Archon) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its bareboat chartered vessel, TT *Brooklyn* to operate for six months in the Alaskan oil trade. The 225,000 deadweight ton *Brooklyn*, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama. The vessel would operate under sub-time charter from American Petrofina, Incorporated to Exxon Shipping Company (Exxon)

National Airspace Review Advisory Committee; Meeting

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1) notice is hereby given of a meeting of Task Group 1–7 of the Federal Aviation Administration (FAA) National Airspace Review Advisory Committee. The agenda for this meeting is as follows: develop and review a base for application of proposed U.S. Airspace Classification.

DATE: Beginning March 21, 1983, at 11 a.m., continuing daily, except Saturdays, Sundays, and holidays, not to exceed three weeks.

ADDRESS: The meeting will be held at the Federal Aviation Administration, conference room 7 A/B, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: National Airspace Review Program Management Staff, room 1005, Federal Aviation administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 426–3560. Attendance is open to the interested public, but limited to the space available. To insure consideration, persons desiring to make statements at the meeting should submit them in writing to the Executive Director, National Airspace Review Advisory Committee, Air Traffic Service, AAT–1, 800 Independence Avenue, SW., Washington, D.C. 20591. By March 18, 1983, Time permitting and subject to the approval of the chairman, these individuals may make oral presentations of their previously submitted statements.

Issued in Washington, D.C. on February 24, 1983.

Anthony Bordon,

Acting Manager, Special Projects Staff.

[FR Doc. 83–5126 Filed 3–3–83; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

National Motor Carrier Advisory Committee; Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA announces that the National Motor Carrier Advisory Committee will hold a meeting on March 17 and 18, 1983, beginning at 9:00 a.m. both days, in Washington, D.C., at the Department of Transportation's Headquarters Building, 400 Seventh Street, SW., Washington, D.C., Room 2230. The meeting is open to the public.

The first day of this meeting, March 17, will be devoted to a discussion of the statement of FHWA interpretation and policy published in the **Federal Register** February 3, 1983 (48 FR 5210), addressing truck size and weight provisions contained in the Surface Transportation Assistance Act of 1982 and the DOT Appropriations Act of 1982.

The agenda for March 18 will include: Standardization of the heavy duty vehicle inspection process for issuance of safety inspection stickers; presentation by the Dump Transport Industries Association on special bridge formula weight problems of end dump semi-trailer combinations; discussion of the future role of the Advisory Committee with regard to achieving uniformity in State motor carrier regulations; and briefings on the study of alternatives to tax on use of heavy trucks, and the study regarding longer combination vehicles. A meeting of the Subcommittee on the Heavy Truck Accident Causation and Safety Study is also scheduled for March 18.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Stapleton, Acting Executive Director, National Motor Carrier Advisory Committee, Federal Highway Administration, HCC–20, Room 4224, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–0834. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: February 23, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 83–5192 Filed 3–3–83; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket Nos. LI–82–3, LI–82–5, LI–82–9]

Petitions for Exemptions; Southern Pacific Transportation Co., et al.

Notice is hereby given that six petitioners have submitted requests for temporary or permanent waivers of compliance with the Locomotive Safety Standards (49 CFR Part 229).

The individual petitions for waiver of compliance with these standards are described below. The description of each petition indicates the nature and extent of the relief requested as well as the information that has been submitted in support of that petition.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment since the facts do not appear to warrant it. All communications concerning these petitions must identify the appropriate Docket Number (e.g. FRA Waiver Petition Docket Number LI–82–3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before March 31, 1983, will be considered before final action is taken. All comments will be available both before and after the closing date for comments, during regular business hours (8:30 a.m.–5:00 p.m.), in room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Southern Pacific Transportation Company

[FRA Waiver Petition Docket No. LI–82–3]

The Southern Pacific Transportation Company (SP) seeks a permanent waiver of compliance for 119 of its locomotives with the requirement in § 229.55(c) of the Locomotive Safety Standards (49 CFR 229.55(c) that the minimum brake cylinder pressure shall be 30 pounds per square inch. To forestall thermal damage to wheels on eleven locomotives used in commuter service, SP has reduced the brake cylinder pressure produced by the automatic brake valve to 28 pounds. To obtain the proper braking ratios and permit retention of the clasp brake shoe arrangement on approximately 100 road locomotives that have been converted from cast iron brake shoes to composition brake shoes, SP has installed a J–84–B relay valve; as a result, the automatic brake valve on these locomotives produces only 28 pounds of brake cylinder pressure. To make the braking force on four slug locomotives used in hump yard service compatible with the braking force of their MP 15 control locomotives and

prevent slid flat wheels on the slug locomotives, SP has equipped four MP 15 AC control locomotives with 6–N–6 distributing valves, which produce 27 pounds of brake cylinder pressure. SP contends that none of these reductions in brake cylinder pressure have created a hazard or resulted in a decrease in safety and that adjustment of the brake cylinder pressures to 30 pounds or higher would result in exceeding the recommended braking ratios for these locomotives.

Chevron U.S.A. Inc.

[FRA Waiver Petition Docket No. LI–82–5]

Chevron U.S.A. seeks a permanent waiver of compliance with the requirement in § 229.23(a) of the Locomotive Safety Standards that its locomotive, as part of each periodic inspection, be positioned so that its entire underneath portion may be safely inspected. The locomotive operates on track within and near its refinery at Pascagoula, Mississippi. Inspections of the traction motors and undercarriage of its single locomotive have been safely performed at the refinery by the Railway Supply Company since 1974. In view of the safe, frequent and thorough inspections that have been performed using existing facilities, Chevron believes that the cost of building an inspection pit is not justified.

The Mary Lee Railroad

[FRA Waiver Petition Docket No. LI–82–6]

The Mary Lee Railroad, operated by Jim Walter Resources, Inc. of Birmingham, Alabama, seeks a permanent waiver of compliance with the requirement in § 229.117 of the Locomotive Safety Standards that its four locomotives be equipped with speed indicators. These locomotives operate primarily on track within a Jim Walter Resources installation but also operate over 13 miles of L & N Railroad track. Although the maximum authorized speed on the L & N track is 25 mph, the average speed of these locomotives is less than 15 mph during Mary Lee operations

The Massena Terminal Railroad Company

[FRA Waiver Petition Docket No. LI–82–7]

The Massena Terminal Railroad Company of Massena, New York, seeks a permanent waiver of compliance with the requirement of § 229.123 of the Locomotive Safety Standards that locomotives be equipped with an end plate, a pilot or a snowplow. Its two locomotives are operated primarily in switching service within an Aluminum Company of America installation and also on 2.5 miles of mainline track. It believes that bringing its locomotives into compliance with this requirement would serve no safety purpose.

Indiana & Ohio Railroad

[FRA Waiver Petition Docket No. LI–82–8]

The Indiana & Ohio Railroad Company seek a permanent waiver of compliance with the requirement of § 229.123 that its one locomotive be equipped with an end plate, a pilot or a snowplow. It has experienced no acts of vandalism involving the placing of objects on track since it began operations in June 1979. Moreover, since its trains do not exceed a speed of 10 mph, they would have sufficient time to stop if such an incident should occur. Accordingly, it believes that complying with this requirement would be an unwarranted expense and would not improve safety.

Roblin Steel Company

[FRA Waiver Petition Docket No. LI–82–9]

The Roblin Steel Company of North Tonawanda, New York, seeks a permanent waiver of compliance with the requirement of § 229.123 that its two locomotives be equipped with an end plate, a pilot or a snow plow. Except for weekly switching on about one-quarter of a mile of Conrail track, these locomotives are used exclusively in a Roblin facility that is completely fenced and patrolled by a security force. Since it has not experienced any pertinent incidents or accidents in its operations, Roblin believes that modifying its locomotives to comply with this requirement is economically infeasible and would not enhance the safety of its operation.

(Secs. 1, 2, 5, 9, 36 Stat. 913, 914, 45 U.S.C. 22, 23, 28, 34; sec. 6 (e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655 (e) and (f); § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c))

Issued in Washington, D.C., February 17, 1983.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 83–5086 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–06–M

Maritime Administration

Approval of Applicant as Trustee

Notice is hereby given that The Connecticut Bank and Trust Company, N.A., with offices at One Connecticut Plaza, Hartford, Connecticut 06115, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

Dated: February 23, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83–5143 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–81–M

Removal From Roster of Approved Trustees

Notice is hereby given that the Connecticut Bank and Trust Company, with offices at Hartford, Connecticut, an approved Trustee, was merged into The State National Bank of Connecticut as of December 31, 1982. The surviving bank continues under the charter of The State National Bank of Connecticut and has been renamed The Connecticut Bank and Trust Company, N.A.

The Connecticut Bank and Trust Company, N.A. is an approved Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30, and has assumed all of the Vessel or Shipyard Financing Trusts of the Connecticut Bank and Trust Company.

Therefore, pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30 The Connecticut Bank and Trust Company is removed from the Roster of Approved Trustees.

This notice is effective as of December 31, 1982.

Dated: February 23, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 83–5144 Filed 3–2–83; 8:45 am]

BILLING CODE 4910–81–M

[Docket No. S–734]

Participation By Vessels Built With Construction-Differential Subsidy In the Carriage of Crude Oil in the Domestic Trade; Application; Archon Shipping, Inc.

Notice is hereby given that by application of February 25, 1983, Archon Shipping, Inc. (Archon) requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its bareboat chartered vessel, TT *Brooklyn* to operate for six months in the Alaskan oil trade. The 225,000 deadweight ton *Brooklyn*, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama. The vessel would operate under sub-time charter from American Petrofina, Incorporated to Exxon Shipping Company (Exxon)

during the six-month period and would commence Alaskan service on or about May 27 to June 5, 1983.

Archon advised that, to its knowledge, no suitable Jones Act tonnage is available which can provide the full shipping capacity requested by Exxon in the Alaskan oil trade.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration Room 7300A, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR Part 250, published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and desires to protest such application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama should submit such protest in writing, in triplicate, to the Secretary, Martitime Administration, Washington, D.C. 20590.

Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidy (CDS))

Dated: February 28, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Acting Secretary.

[FR Doc. 83-5206 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-733]

Participation By Vessels Built With Construction-Differential Subsidy in the Carriage of Crude Oil in the Domestic Trade; Application—New York Tankers, Inc.

Notice is hereby given that by application of February 18, 1983, New York Tankers, Inc. requested permission under section 506 of the Merchant Marine Act, 1936, as amended, and Part 250 of Title 46 of the Code of Federal Regulations, for its chartered vessel, *New York*, to operate for six months in the Alaskan oil trade. The 284,100 deadweight ton *New York*, which was built with construction-differential subsidy (CDS), would carry crude oil from Valdez, Alaska, to Panama and/or the U.S. Gulf/Caribbean for oncarriage only to a U.S. port. The vessel would be under time charter to Pierce Tanker Corporation which would charter the vessel to SPC Shipping, Inc., a subsidiary of SOHIO, during the six-month period and would commence Alaskan service on or about May 9, 1983.

The applicant advised that it has been informed that no other suitable vessels are available to fill the transportation requirements to be met by the *New York*.

Interested parties may inspect the application in the Office of the Secretary, Maritime Administration, Room 7300A, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in 46 CFR Part 250, published in the **Federal Register** issue of June 29, 1977 (42 FR 33035), and desires to protest such application as it pertains to the carriage of oil in the domestic trade from Alaska to Panama, should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Any person, firm, or corporation who desires to protest the application as it pertains to the carriage of oil in the domestic trade from Alaska directly to the U.S. Gulf/Caribbean should submit the protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20590.

Protests must be received within five working days after the date of publication of this Notice in the **Federal Register**. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Maritime Administrator. Within five working days after the due date for the applicant's response, the Maritime Administrator will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Maritime Administrator will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.800 Construction-Differential Subsidy (CDS))

Dated: February 25, 1983.

By Order of the Maritime Administrator.

Georgia P. Stamas,

Acting Secretary.

[FR Doc. 83-5410 Filed 3-2-83; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-732]

United States, Lines, Inc. and Farrell Lines Inc.; Application

Notice is hereby given that, by application dated January 26, 1983, United States Lines, Inc. (USL) and Farrell Lines Incorporated (Farrell) have jointly requested the necessary Maritime Administration approvals for USL or its designee to acquire four 1712 TEU C8 container vessels from Farrell, together with Farrell's service rights on Trade Route (TR) 16 (U.S. Atlantic and Gulf/Australia and New Zealand) and that portion of Farrell's Operating-Differential Subsidy Agreement, Contract No. MA/MSB-352, relating to TR 16. The four vessels to be acquired by USL are the *Austral Pioneer, Austral Puritan, Austral Envoy, and Austral Entente.*

USL intends to transfer the four container vessels acquired from Farrell to TR 5-7-8-9/11 (U.S. Atlantic/Western Europe), substituting them for eight C6 Leader class vessels of approximately 1013 TEU now employed on the transatlantic route. The C8 vessels are expected to be modified and will have a TEU capacity of approximately 2200 TEU after modification. USL is currently authorized to provide a minimum of 52 and a maximum of 105 subsidized sailings per year on the TR 5-7-8-9/11 service. USL is also authorized to provide a maximum of 110 non-subsidized sailings per year on TR 5-7-8-9/11 (minus the number of subsidized sailings actually made). The minimum and maximum sailing limitations on the route will remain the same after deployment of the four C8 vessels. However, due to the significantly greater TEU capacity of these vessels, each complete voyage of a C8 vessel will count as two voyages toward the minimum and maximum sailing limitations, both subsidized and non-subsidized.

With regard to TR 16, any service provided by USL on the route during the first 12 months after the close of the transaction will be on an unsubsidized basis. Thereafter, USL will be entitled to subsidy for such service on TR 16. Any service provided by USL on TR 16,

whether subsidized or unsubsidized, will not exceed Farrell's present maximum sailing limitation on the route.

Interested parties may inspect the foregoing application during normal business hours in the Office of the Secretary, Maritime Subsidy Board, Room 7300–B, Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. Interested parties who desire to comment on the application may submit their views to the Secretary, Maritime Subsidy Board, in triplicate, on or before 5:00 p.m. on March 11, 1983.

(Catalog of Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

Dated: February 28, 1983.

By order of the Maritime Subsidy Board.

Georgia P. Stamas,

Acting Secretary.

[FR Doc. 83–5409 Filed 3–3–83; 8:45 am]

BILLING CODE 4910–81–M

Office of the Secretary

Minority Business Resource Center Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held March 21, 1983, at 10:00 a.m. until 1:00 p.m. in Room 2230–32 at the Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590. The agenda for the meeting is as follows:

—Report on Program Management Center program
—MBE objectives

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource Center, 400 7th Street, SW, Washington, D.C. 20590, telephone (202) 426–2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on February 22, 1983.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 83–5184 Filed 3–3–83; 8:45 am]

BILLING CODE 4810–62–M

DEPARTMENT OF TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period February 18 through February 24, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB review listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0027
Form Number: 927
Title: Proof of Worthlessness of Mineral Rights or Geothermal Deposits

OMB Number: 1545–0511
Form Number: RC MW 3–564
Title: Records Request

OMB Number: 1545–0115
Form Number: 1099–MISC
Title: Statement for Recipients of Miscellaneous Income
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Alcohol, Tobacco and Firearms

OMB Number: 1512–0103
Form Number: ATF F 2035 (5130.14)
Title: Notice of Transfer of Untaxpaid Beer

OMB Number: 1512–0141
Form Number: ATF F 2635 (5620.8)
Title: Claim—Alcohol and Tobacco Taxes

OMB Number: 1512–0138
Form Number: ATF F 2605 (5120.20)
Title: Certification of Tax Determination—Wine

OMB Number: 1512–0045
Form Number: ATF F 27–C (5130.10)
Title: Brewers Notice

OMB Number: 1512–0083
Form Number: ATF F 1582–B (5130.6)
Title: Draw-back on Beer Exported

OMB Number: 1512–0119
Form Number: ATF F 2149/2150 (5200.14)
Title: Notice of Removal of Cigars, Cigarettes, or Cigarette Papers or Tubes

OMB Number: 1512–0035
Form Number: ATF F 5000.21
Title: Referral of Information
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

OMB Number: 1557–0081
Form Number: None
Title: Interagency Call Report
OMB Reviewer: Richard Sheppard (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Floyd Sandlin,

Chief, Information Resources Management Branch.

[FR Doc. 83–5452 Filed 3–3–83; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 43
Thursday, March 3, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Federal Election Commission	5
Federal Home Loan Bank Board	6
Federal Maritime Commission	7, 8
Federal Reserve System	9, 10
International Trade Commission	11
Securities and Exchange Commission	12
Uniformed Services University of the Health Sciences	13

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:20 p.m. on Friday, February 25, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the application of ComBank/Apopka, Apopka, Florida; ComBank/Fairvilla, Fairvilla, Florida; ComBank/Pine Castle, Pine Castle, Florida; ComBank/Union Park, Union Park, Florida; ComBank/Winter Park, Winter Park, Florida; and ComBank/Seminole County, Casselberry, Florida, insured State nonmember banks for consent to merge with Freedom Savings and Loan Association, Tampa, Florida, a State chartered stock savings and loan association, under the charter and title of Freedom Savings and Loan Association.

At that same meeting, the Board of Directors considered a recommendation with respect to the initiation and conduct of cease-and-desist proceedings against insured banks (names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and discussed the potential for arranging a purchase of certain assets of and an assumption of the liability to pay deposits made in American City Bank, Los Angeles, California, which was closed by the Acting Superintendent of Banks for the State of California on February 25, 1983.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–299–83 Filed 3–1–83; 2:57 pm]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 8:45 p.m. on Sunday, February 27, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in American City Bank, Los Angeles, California, which was closed by the Acting Superintendent of Banks for the State of California on February 25, 1983; (2) accept the bid for the transaction submitted by Central Bank, Oakland, California; (3) approve the application of Cental Bank, Oakland, California, for consent to purchase the assets of and assume the liability to pay deposits made in American City Bank, Los Angeles, California, and to establish the seven offices of American City Bank as branches of Central Bank; (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction; (5) approve the application of American Asian Bank, San Francisco, California, for consent to purchase the assets of and to assume the liability to pay deposits made in the South Bay office of Central Bank, Oakland, California, and to establish that office as a branch; (6) approve the application of Valley State Bank, Los Angeles (Van Nuys), California, for consent to purchase the assets of and assume the liability to pay deposits made in the San Fernando Valley office of Central Bank, Oakland, California, and to establish that office as a branch; (7) approve the application of Bank of San Pedro, Los Angeles (San Pedro), California, for consent to purchase the assets of and assume the liability to pay deposits made in the Long Beach office of Central Bank, Oakland, California, and to establish that office as a branch; and (8) approve the application of Bank of Los Angeles, Los Angeles, California, for consent to purchase the assets of and assume the liability to pay deposits made in the Beverly Hills office of Central bank, Oakland, California, and to establish that office as a branch.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–299–83 Filed 3–1–83; 2:57 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2 p.m. on Monday, February 28, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Applications of Arlington Five Cents Savings Bank, Arlington, Massachusetts, for Federal deposit insurance, and for consent to purchase the assets of and assume the liability to pay deposits made in Tanners National Bank of Woburn, Woburn, Massachusetts, and to establish the three offices of Tanners National Bank of Woburn as branches of Arlington Five Cents Savings Bank.

Application of The Savings & Trust Company of Pennsylvania, Indiana, Pennsylvania, for consent to merge, under its charter and title, with UniBank, Brookville, Pennsylvania, and to establish the four offices of UniBank as branches of the resultant bank.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities: Edwards, Roberts & Winterstein, Oklahoma City, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-300-83 Filed 3-1-83; 2:57 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, February 28, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Notice of Acquisition of Control:
Southeast Mississippi Bank, Quitman, Mississippi.

By the same majority vote, the Board further determined that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-301-83 Filed 3-1-83; 2:57 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 8, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:
Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 10, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1983-5: Ronnie G. Flippo, Member of Congress
Draft AO 1983-6: Thomas O. Miller, General Manager, Jacksonville Hilton
Proposed notice of rulemaking for General Election Regulations
Legislative recommendations
Management Report—December 1982, first quarter 1983
Budget execution report for January 1983
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-302-83 Filed 3-1-83; 3:37 pm]

BILLING CODE 6715-01-M

6

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 8390, Monday, February 28, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Thursday, March 3, 1983 at 10 a.m.:

Atlantic Federal Savings and Loan Association ("Atlantic Federal"), Fort Lauderdale, Florida
First American Federal Savings and Loan Association ("First American"), Asheboro, North Carolina
Fortune Federal Savings and Loan Association ("Fortune"), Clearwater, Florida
Glendale Federal Savings and Loan Association ("Glendale"), Glendale, California
Home Savings of America, a Federal Savings and Loan Association ("Home"), Los Angeles, California
Poughkeepsie Savings Bank, FSB ("Poughkeepsie"), Poughkeepsie, New York

[No. 20, February 28, 1983]

[S-293-83 Filed 2-28-83; 5:04 pm]

BILLING CODE 6720-01-M

7

FEDERAL MARITIME COMMISSION:

TIME AND DATE: 9 a.m., March 1983.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTER TO BE CONSIDERED: Portion open to the public:

1. Agreement No. 5700-29: Modification of the New York Freight Bureau to provide for intermodal ratemaking—Request for further hearing.

Portion closed to the public:

1. Docket No. 81-64: Midland Pacific Shipping Company, Inc.—Independent Ocean Freight Forwarder License No. 1299; Leyden Shipping Corporation—Independent Ocean Freight Forwarder License No. 829; Person & Weidhorn, Inc.—Independent Ocean Freight Forwarder License No. 122—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-295-83 Filed 3-1-83; 8:45 am]

BILLING CODE 6730-01-M

8

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 7848, February 24, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 2, 1983.
CHANGE IN THE MEETING: Addition of the following item to the closed session:

1. Request of Coordinated Caribbean Transport, Inc. for Acceptance as a Signatory to Agreement No. 10041 (U.S. Atlantic Peru Trade).

[S-296-83 Filed 3-1-83; 12:32 pm]
BILLING CODE 6730-01-M

9

FEDERAL RESERVE SYSTEM
(Board of Governors)
TIME AND DATE: Approximately 11 a.m., Wednesday, March 9, 1983, following a recess at the conclusion of the open meeting.
PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.
STATUS: Closed.
MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 1, 1983.
James McAfee,
Associate Secretary of the Board.

[S-294-83 Filed 3-1-83; 3:47 pm]
BILLING CODE 6210-01-M

10

FEDERAL RESERVE SYSTEM
Board of Governors
TIME AND DATE: 10 a.m., Wednesday, March 9, 1983.
PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.
STATUS: Open.
MATTERS TO BE CONSIDERED:

1. Proposal to reduce requirements for reporting of deposits by small depository institutions.
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassetts will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassett by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 1, 1983.
James McAfee,
Associate Secretary of the Board.

[S-295-83 Filed 3-1-83; 3:48pm]
BILLING CODE 6210-01-M

11

INTERNATIONAL TRADE COMMISSION
TIME AND DATE: 2:30 p.m., Tuesday, March 8, 1983.
PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.
STATUS: Open to the public.
MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–123 (Preliminary) (Certain Flat-Rolled Carbon Steel Products from Brazil)—briefing and vote.
6. Investigation 104–TAA–13 (Rayon Staple Fiber from Sweden)—briefing and vote.
7. Investigations 731–TA–120, –121, and –122 (Certain Tapered Roller Bearings and Parts Thereof from Japan, The Federal Republic of Germany, and Italy)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-294-83 Filed 3-28-83; 3:06 pm]
BILLING CODE 7020-02-M

12

SECURITIES AND EXCHANGE COMMISSION
"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).
STATUS: Closed meetings.
PLACE: 450 5th Street NW., Wasington, D.C.
DATE PREVIOUSLY ANNOUNCED: Friday, February 18, 1983.
CHANGES IN THE MEETING: Additional items. The following additional item will be considered at a closed meeting scheduled for Tuesday, March 1, 1983, at 10 a.m.

Regulatory matter bearing enforcement implication.
Regulatory matter regarding financial institution.

The following additional item will be considered at a closed meeting scheduled for Thursday, March 3, 1983, following the 10 a.m. open meeting.

Consideration of amicus participation.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

February 28, 1983.

[S-297-83 Filed 3-1-83; 2:14 pm]
BILLING CODE 8010-01-M

13

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES
Meeting
TIME AND DATE: 8 a.m., March 14, 1983.
PLACE: Uniformed Services University of the Health Sciences, Room D3–001, 4301 Jones Bridge Road, Bethesda, Maryland 20814.
STATUS: Open.
MATTERS TO BE CONSIDERED: 8 o'clock Meeting—Board of Regents:

(1) Approval of Minutes, 17 January 1983; (2) Faculty Appointments; (3) Report—Admissions; (4) Report—Associate Dean for Operations—Budget; (5) Report—President, USUHS—(a) National Institutes of Health Overhead, (b) Certification of Award of Ph.D. Degree, (c) Graduate Education, (d) Continuing Education, (e) Disaster Research Institute, (f) Proposal for Foundation for Advancement of Military Medicine, (g) Response to Lambird Letter, (h) Revision of Sabbatical Policy, (i) Benefits for Non-resident Aliens; (6) Comments by the Chairman of the Board—Committee Structure—Changes in General Procedures and Delegations of the Board of Regents New Business.

SCHEDULED MEETINGS: May 21, 1983.
CONTACT PERSON FOR MORE INFORMATION: Frank Reynolds, Executive Secretary of the Board 202/695–1052.

M. S. Healy,
OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

March 1, 1983.

[S-303-83 Filed 3-1-83; 3:36 pm]
BILLING CODE 3810-01-M

federal register

Thursday
March 3, 1983

Part II

Department of Defense

Defense Acquisition Regulation

DEPARTMENT OF DEFENSE

32 CFR Parts 1-39

[DAC 76-41]

Defense Acquisition Regulation

AGENCY: Defense Department.

ACTION: Final rule.

SUMMARY: This document publishes changes to the Defense Acquisition Regulation contained in the Code of Federal Regulations. The changes are the same as those in Defense Acquisition Circular 76-41. Some of the changes include ratification of irregular procurements; debarment and suspension; deletion of DAR 3-709, Lobbying Costs; increased thresholds for cost or pricing data; reimbursement of fees paid to the SBA under the Surety Bond Guarantee Program; facilities; compensation for personal services; ports of embarkation used in bid evaluations; distribution of contract modifications, change in payment office; reporting of sales of industrial plant equipment to small business; and editorial corrections. Also included in this document are certain blanket deviations, approved by the Military Services and appropriate Defense agencies, covering nonprofit organizations and the Canadian Commercial Corporation with respect to cost and pricing data and certification thereof.

EFFECTIVE DATE: December 27, 1982.

FOR FURTHER INFORMATION CONTACT: J. Brannan, Director, Defense Acquisition Regulatory Council, Room 3C257, Pentagon, Washington, D.C. 20301, telephone (202) 697-7266.

SUPPLEMENTARY INFORMATION:

Background

The Defense Acquisition Regulation (DAR) is codified in Title 32, Parts 1-39, Volumes I, II, and III, of the Code of Federal Regulations (CFR). The August 1, 1981 revision of the CFR is the most recent edition of that title. It reflects amendments to the 1976 edition of the DAR made by Defense Acquisition Circulars 76-1 through 76-27.

The Department of Defense announced the promulgation of the 1979 CFR edition in the **Federal Register** of December 31, 1979 (44 FR 77158), and also announced at that time that subsequent amendments to the DAR would be published in the **Federal Register.**

Defense Acquisition Circular 76-41

This document contains amendments to the Defense Acquisition Regulation in the form of replacement pages which were included in DAC 76-41, issued December 27, 1982. The following is a summary of the amendments:

Ratification of Irregular Procurements. The DAR Council has developed coverage which establishes procedures on ratification of unauthorized commitments.

Debarment and Suspension. DAR Section I, Part 6, has been revised to implement Section 914, Pub. L. 97-86 in consonance with OFPP Policy Letter 82-1. This change completes the revision announced by Item III of DAC 76-36. Essentially, Section 914 prohibits a Military Department from soliciting offers from, awarding contracts to, extending an existing contract with, or approving a subcontract award under the consent-to-subcontract provisions of a prime contract for, any concern or individual known to have been debarred or suspended by another Federal agency, unless a compelling reason exists for such action. The policy letter applies similar restrictions to other executive branch agencies, tasks the General Services Administration with establishing a Government-wide consolidated list of debarred, suspended and ineligible contractors, and prescribes policies and procedures for imposing debarment and suspension. Among other things, the revision specifically defines "contractor," "conviction," and "legal proceedings," broadens the causes for which debarment or suspension may be imposed by an official below the Secretarial level, provides procedural guidance on imposing debarment and suspension, and expressly states that DOD actions will be effective throughout the executive branch.

Deletion of DAR 3-709, Lobbying Costs. In light of recent changes to DAR 15-205.51, Lobbying Costs, it has been determined that coverage in DAR 3-709 is not required; therefore, 3-709 is deleted.

Increased Thresholds for Cost or Pricing Data, Pub. L. 97-86. When Pub. L. 97-86 raised the threshold for cost or pricing data, various sections of the DAR were revised by Departmental instructions. Because of the urgency to effect those changes which had the most immediate impact on Department of Defense procurement, the changes published by Departmental instructions did not represent a complete list of every citation where the threshold figure should be increased. With this DAC, changes are made in Sections III, VII, VIII, and XXIII, consistent with Pub. L. 97-86. It should be noted that those portions of the above-referenced Departmental instructions which deal with the threshold increase are superseded by the replacement pages furnished with this DAC.

Reimbursement of Fees Paid to the SBA Under the Surety Bond Guarantee Program. DAR 7-602.7(e) is modified to provide for reimbursement to small business contractors for guarantee fees paid to the SBA under its Bond Guarantee Assistance Program.

Facilities. DAR 7-1601.8 is revised to include in the Facilities clause the requirement for a fire detection and reporting system, to comply with policy as stated in the Personal Property Traffic Management Regulation (PPTMR), DOD 4500.34R.

Compensation for Personal Services. DAR 15-205.6(f), Deferred Compensation, has been revised to include coverage for Employee Stock Option Plans (ESOPs). Subject to certain conditions, contributions to ESOPs are allowable, except that amounts contributed to an ESOP arising from either: (i) An additional investment tax credit (see 1975 Tax Reduction Act—TRASOPs); or (ii) a payroll based tax credit (see Economic Recovery Act of 1981—PAYSOPs) are unallowable.

Ports of Embarkation Used in Bid Evaluations. DAR 19-213.1(b) is revised to grant authority to the contracting officer to limit ports in connection with shipments of less than 10,000 pounds.

Distribution of Contract Modifications, Change in Payment Office. DAR 20-401(e) is revised to provide that contract modifications be furnished the original or losing payment office as well as the added/new payment office.

Reporting of Sales of Industrial Plant Equipment (IPE) to Small Business. It has been determined that the requirement of reporting of small business data shown in DAR 24-206.1(k) is no longer necessary. As a result, the coverage cited above is deleted.

Editorial Corrections. Corrections are made to Annex II to DAR (ASPR) Supplement No. 3. Corrections to typographical errors, administrative oversight, or other editorial changes are included. (It is noted that Supplements are not included in the CFR.)

Because the Defense Acquisition Regulation concerns agency management, public property, and contracts, it is not necessary to issue proposed rules for public comment. Neither is it necessary to delay the effective date until 30 days after the date of publication of these rules, 5 U.S.C. 533 (a) and (d). The amendments became effective on December 27, 1982.

How to Use Replacement Pages

Reproduced at the end of this document are replacement pages from DAC 76–41. The number at the top of each page (for example, 1:82–A) identifies the page from the Regulation which is being replaced. The number at the bottom of the page is a reference to the last appearing numbered paragraph on that page, or if none shows, on a preceding page. The vertical line in the right margin indicates where the amendment is located.

List of Subjects in 32 CFR Parts 1 Through 39

Government procurement.

Adoption of Amendments

Therefore, the Defense Acquisition Regulation contained in the August 1, 1981 edition of 32 CFR Parts 1–39, Volumes I, II, and III, is amended in the DAR paragraphs indicated by substitution of the replacement pages listed in the table.

DAR paragraph	Replacement pages
Volume I	
1–407	1:83, 1:84
1–600	1:90
1–601	1:90
1–602	1:90, 1:91, 1:92
1–603	1:92
1–603.1	1:92
1–603.2	1:93
1–604	1:93
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1–604.2	1:94
1–604.3	1:94
1–605	1:94
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1–605.3	1:96, 1:96–A, 1:96–B
1–605.4	1:96–B
1–605.5	1:96–B, 1:97
1–606	1:97
1–606.1	1:97
1–606.2	1:97–A
1–606.3	1:97–A, 1:97–B, 1:97–C
1–606.4	1:97–C
1–606.5	1:97–C
1–607	1:98
1–608.1	1:98
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1–609.5	1:100
1–609.6	1:101
1–609.7	1:101
1–609.8	1:101
1–610	1:101, 1:102
1–905.3	1:162
1–906	1:165
3–106.2	3:2
3–709 (deleted)	3:109
3–801.5	3:112
3–807.3	3:123, 3:124
3–807.4	3:125
3–807.6	3:127
3–808.2	3:143
3–811	3:157–A
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7–103.2	7:3
7–104.23	7:58
7–104.29	7:71, 7:72
7–104.41	7:91
7–104.42	7:92, 7:93
7–104.89	7:130
7–203.2	7:171
7–203.6	7:181
7–304.1	7:242
7–402.6	7:251, 7:252
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7–602.3	7:273
7–602.4	7:274
7–602.7	7:276
7–1801.8	7:427
7–1902.2	7:444
7–1909.2	7:460
8–206	8:9
8–213.2	8:21
15–205.6	15:19, 15:21–A, 15:21–B
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19–213.1	19:12
20–306.2	20:28
20–401	20:36
23–201.1	23:9
24–206.1 (k) deleted)	24:24

Changes to DAR Supplement No. 3—not in CFR:

Annex II, page S3:29

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

February 23, 1983.

BILLING CODE 3810-01-M

(xlvii) perform quality assurance;
(xlviii) maintain surveillance of flight operations;
(xlix) assure contractor compliance with applicable safety requirements;
(l) Reserved;
(li) in connection with classified contracts, administer those portions of the Industrial Security Program designated as ACO responsibilities in the ISR and ISM (See Appendix C, Industrial Security Regulation, DoD 5220.22-R, for partial listing of primary responsibilities (also see 1-320).);
(lii) make payments on assigned contracts (but see 20-706);
(liii) assign and perform supporting administration;
(liv) assure timely submission of required reports;
(lv) will advise and assist defense contractors regarding their priorities and allocations responsibilities and assist defense purchasing activities in processing requests for special assistance and for priority ratings for privately-owned capital equipment;
(lvi) process and execute novation and change of name agreements in accordance with Section XXVI, Part 4;
(lvii) when authorized by the purchasing office, negotiate or negotiate and execute supplemental agreements accelerating or decelerating contract delivery schedules;
(lviii) when authorized by the purchasing office, negotiate or negotiate and execute supplemental agreements providing for the de-obligation of unexpended dollar balances considered excess to known contract requirements;
(lix) determine adequacy of prime contractor's Disclosure Statements;
(lx) determine whether prime contractor's Disclosure Statements are in compliance with Section XV and Cost Accounting Standards; except that the Tri-Service Contracting Officer shall have full authority for determinations related to CAS 420 for those contractors with which the Tri-Service Contracting Officer negotiates advance agreements pursuant to 15-205.3 and 15-205.35.
(lxi) determine contractor compliance with Cost Accounting Standards and Disclosure Statements, if applicable; except that the Tri-Service Contracting Officer shall have full authority for determinations related to CAS 420 for those contractors with which the Tri-Service Contracting Officer negotiates advance agreements pursuant to 15-205.3 and 15-205.35.
(lxii) negotiate price adjustments and execute supplemental agreements pursuant to the Cost Accounting Standards clauses in 7-104.83;
(lxiii) perform post award surveillance of contractor progress toward demonstration of Cost/Schedule Control Systems to meet the Cost/Schedule Control Systems Criteria (see 7-104.87), provide assistance in the review and acceptance of contractors' Cost/Schedule Control Systems, and perform post acceptance surveillance to insure continuing operation of contractors' accepted systems;

(lxiv) when authorized by the purchasing office, issue amended shipping instructions and, when necessary, negotiate and execute supplemental agreements incorporating contractor proposals resulting from the amended shipping instructions;
(lxv) when authorized by the purchasing office, issue change orders and negotiate and execute resultant supplemental agreements under contracts for ship construction, conversion and repair;
(lxvi) issue contract modifications requiring the contractor to provide packing, crating and handling services on excess Government property. When the ACO determines it to be in the Government's best interests, he may secure such services from other than the contractor in possession of the property;
(lxvii) approve contractor acquisition/fabrication of special test equipment as provided in paragraph (b) of the clause in 7-104.26;
(lxviii) negotiate and execute contractual documents for settlement of cancellation charges under multi-year contracts;
(lxix) evaluate and monitor contractor's procedures for complying with the Restrictive Markings on Technical Data clause in 7-104.9(p);
(lxx) monitor the contractor's costs as set forth in 20-1000;
(lxxi) issue Notice of Intent to Disallow or Not Recognize Costs (see 15-206);
(lxxii) negotiate forward pricing rate agreements;
(lxxiii) analyze quarterly limitation on payments statements and recover overpayments from the contractor;
(lxxiv) when authorized by the contracting office, negotiate changes to interim billing prices;
(lxxv) when authorized by the contracting office, negotiate and definitize adjustments to contract prices resulting from exercise of an Economic Price Adjustment clause; and
(lxxvi) with the exception of changes in accounting and appropriation data which must be issued by the procuring activity, issue administrative changes (DAR 26-101(a)(i)).

Contracting functions not designated as contract administration functions shall remain the responsibility of the contracting office.

1-407 Ratification of Unauthorized Commitments.

(a) *Authority.* Only contracting officers acting within the scope of their authority (see 1-402) may enter into contracts on behalf of the Government. Subject to the limitations in (d) below, the Head of the Contracting Activity may ratify an unauthorized commitment, *Provided*:
(i) the Government has obtained a benefit resulting from

the Chief of the Purchasing Office shall take one or more of the follow-

systems;

the unauthorized commitment; (ii) the Head of the Contracting Activity could have granted authority to enter into the commitment at the time it was made and still has the power to do so; and (iii) the resulting contract would otherwise have been proper if made by an authorized contracting officer.

(b) *Policy.*

(1) The authority of (a) above may be delegated in accordance with Departmental procedures, *Provided*, that in no case shall this authority be delegated below the Chief of the Contracting Office.

(2) DoD components shall process unauthorized commitments using the ratification authority set forth herein in lieu of referral of such actions to the General Accounting Office for resolution as *quantum meruit/quantum valebat* claims.

(c) *Definitions.*

(1) *Ratification*, as used in this paragraph 1-407, means the act of approving an unauthorized commitment, by an official who has the authority to do so, for the purpose of paying for supplies or services provided to the Government as a result of the unauthorized commitment.

(2) *Unauthorized commitment*, as used in this paragraph 1-407, means an agreement that is not binding solely because the Government representative who made it lacked the authority to enter into a contract on behalf of the Government.

(d) *Limitations Upon Exercise of Authority.* The authority in (a) above may be exercised only where—

(1) supplies or services have been provided to and accepted by the Government;

(2) the contracting officer determines the price to be fair and reasonable;

(3) the contracting officer recommends payment and legal counsel concurs in the recommendation;

(4) funds are available and were available at the time the unauthorized commitment was made;

(5) administrative settlement of the unauthorized commitment would not involve a claim subject to resolution under the Contract Disputes Act of 1978.

(e) Cases that are not ratifiable under this paragraph 1-407 may be subject to resolution as recommended by the General Accounting Office under its claim procedure (4 GAO 5.1), or as authorized by DAR Section XVII. Legal advice should be obtained in these cases.

propriety, the Chief of the Purchasing Office shall take one or more of the following actions, or other action, as may be appropriate:

(i) if an award has not been made or bid or offer has not been accepted, determine whether the bid or offer should be rejected;

(ii) if an award has been made or bid or offer has been accepted, take action to enforce the covenant in accordance with its terms; i.e., as the best interest of the Government may appear, annul the contract without liability or recover the amount of the fee involved;

(iii) consider the bidder's or offeror's future eligibility as a contractor; or

(iv) consider referring the case to the Department of Justice.

1-508.4 *Reports.* A report shall be made in accordance with 1-608 when the Chief of the Purchasing Office recommends referral to the Department of Justice under 1-508.3(iv).

1-509 Preservation of Records.

(a) Each Department shall preserve as a permanent record for enforcement or report purposes, the original executed copy of any representation and completed Standard Form 119, or statement in lieu of form, together with a record of any other pertinent data, including data as to action taken. There shall be no regular retirement of any Standard Form 119 maintained in this record by any procuring activity. However, in any case where the receipt of a new Standard Form 119 makes previously received information obsolete, the obsolete information may be destroyed.

(b) The second copy of Standard Form 119, or statement in lieu of form, shall be filed with and shall remain a part of the contract file.

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Part 6—Debarment, Suspension, and Ineligibility

1-600 Scope of Part.

(a) This Part:

(1) prescribes policies and procedures governing the debarment and suspension of contractors for the causes given in 1-605 and 1-606;

(2) provides for the listing of debarred and suspended contractors, and of contractors declared ineligible (see the definition of "ineligible" in 1-602(j)); and

(3) sets forth the treatment to be accorded to contractors listed as debarred or suspended, as well as those listed as having been declared ineligible.

(b) This Part does not govern or otherwise apply to the exclusion of contractors from Federal grant or assistance programs, or prescribe policies or procedures governing declarations of ineligibility.

(c) For the purpose of this Part, the authorized representatives of the Secretaries are:

(1) in the Army, an Assistant Judge Advocate General;

(2) in the Navy, the Chief of Naval Material;

(3) in the Air Force, the Deputy Chief of Staff, Research, Development and Acquisition;

(4) in the Defense Logistics Agency, the General Counsel;

(5) in the National Security Agency, The Director;

(6) in the Defense Communications Agency, the General Counsel;

(7) in the Defense Nuclear Agency, the Director; and

(8) in the Defense Mapping Agency, the General Counsel.

1-601 Policy.

(a) Departments shall solicit bids and proposals from, award contracts to, renew or otherwise extend the duration of an existing contract, and approve or consent to subcontracts, with responsible contractors only. Debarment and suspension are discretionary actions which, taken in accordance with this Part, are appropriate means to effectuate this policy.

(b) The serious nature of debarment and suspension requires that they be imposed only in the public interest, for the Government's protection and not for purposes of punishment. Debarment and suspension shall be imposed to protect the Government's interest, and only for the causes and in accordance with the procedures set forth in this Part.

1-602 Definitions.

(a) *Adequate evidence* means information sufficient to support the reasonable belief that a particular act or omission has occurred.

(b) *Affiliates.* Business concerns or individuals are affiliates if, directly or indirectly, (1) either one controls or can control the other; or (2) a third controls or can control both.

(c) *Authorized representative* means an official who has been designated by and authorized to act on behalf of the Secretary concerned for the purposes of this Part (see 1-600(c)), including, but not limited to, acting as a debarring or suspending official.

(d) *Consolidated List of Debarred, Suspended and Ineligible Contractors* means a list compiled, maintained and distributed by the General Services Administration, containing the names of contractors that have been debarred or suspended by a department or agency of the Government, as well as contractors that have been declared ineligible pursuant to other regulatory, or statutory, authority.

(e) *Contractor* means any individual or other legal entity that: (1) submits bids or proposals for or is awarded, or reasonably may be expected to submit bids or proposals for or be awarded, a Government contract or a subcontract under a Government contract; or (2) conducts business with the Government as an agent or representative of another contractor.

(f) *Conviction* means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, and includes a conviction entered upon a plea of nolo contendere.

(g) *Debarment* means action taken by a debarring official under 1-605 to exclude a contractor from Government contracting and Government-approved subcontracting for a reasonable, specified period; a contractor so excluded is *debarred*.

(h) *Debarring Official* means the Secretary concerned or an official authorized to impose debarment.

(i) *Indictment* means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

(j) *Ineligible*, as used in this Part, means excluded from Government contracting (and subcontracting, if appropriate) pursuant to statutory, Executive Order, or regulatory authority other than this Part or Subpart 1-1.6 of the Federal Procurement Regulations. For example, contractors excluded pursuant to the Davis-Bacon Act and its related statutes and implementing regulations, the

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Service Contract Act, the Equal Employment Opportunity Acts and Executive Orders, the Walsh-Healey Public Contracts Act, the Buy American Act, and the Environmental Protection Acts and Executive Orders are *ineligible*.

(k) *Legal proceedings* mean any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term also includes appeals from such proceedings.

(l) *Preponderance of the evidence* means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(m) *Suspending Official* means the Secretary concerned or an official authorized to impose suspension.

(n) *Suspension* means action taken by a suspending official under 1-605 to disqualify a contractor temporarily from Government contracting and Government-approved subcontracting; a contractor so disqualified is *suspended*.

1-603 Establishment and Maintenance of Records and Lists of Debarred, Suspended and Ineligible Contractors.

1-603.1 *Consolidated List of Debarred, Suspended and Ineligible Contractors.*

(a) The General Services Administration (GSA) is responsible for—

(1) compiling and maintaining a current, consolidated list of contractors debarred, suspended or declared ineligible by Federal agencies or by the General Accounting Office;

(2) revising and distributing the list quarterly and issuing monthly supplements to Federal agencies and the General Accounting Office; and

(3) providing in the list the name and telephone number of the official responsible for maintenance and distribution of the list.

(b) Each Department shall—

(1) notify GSA, within 5 working days after debarring or suspending a contractor or modifying or rescinding such an action, of the information set forth in 1-603.2;

(2) notify GSA of the names and addressees of the organizations within the Department that are to receive the consolidated list and the number of copies to be furnished to each; and

(3) direct inquiries concerning listed contractors to the agency or other Governmental authority that took the action.

1-603.2 *Departmental Records.* At a minimum, each Department shall maintain records relating to each contractor it has debarred or suspended that contain the following information:

(a) the contractor's name and address;

(b) the cause for the action (see 1-605 and 1-606);

(c) the effective date of the action and, in the case of debarments, the termination date for each listing; and

(d) the name and telephone number of the Department's point of contact for the action.

1-604 Effect of Listing.

1-604.1 *General.*

(a) Departments shall not solicit bids or proposals from, award contracts to, renew or otherwise extend the duration of an existing contract with, or approve or consent to subcontracts (when such approval or consent is required) with a contractor known to have been debarred or suspended by any Military Department or Federal agency, unless the Secretary concerned or his authorized representative grants an exception pursuant to (1) and (2) below. For the purpose of this Part, knowledge of the debarment or suspension of a contractor exists if there is actual knowledge of such status, as for example when such status is ascertained from the consolidated list.

(1) Prior to initiating a pre-award survey or any of the procurement actions set forth in (a) above, the consolidated list shall be reviewed. Bids received from any listed contractor in response to an Invitation for Bids shall be opened (see DAR 2-402), entered on the Abstract of Bids (see DAR 2-403), and rejected (see DAR 2-404) unless the Secretary concerned or his authorized representative determines in writing that there is a compelling reason to make an exception. Proposals, quotations or offers received from any listed contractor shall not be evaluated for award or included in the competitive range, and discussions shall not be conducted with such offeror, unless the Secretary concerned or his authorized representative determines in writing that there is a compelling reason to make an exception.

(2) When a Department makes an exception, a notice describing the exception shall be forwarded to the GSA Office of Acquisition Policy. Some examples of circumstances that may constitute a compelling reason include: (i) the property or services to be acquired are available only from the listed contractor; (ii) the urgency of the requirement dictates that the Department deal with the

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contractor; (iii) the contractor and the Department have entered an agreement covering the same events which resulted in the listing and the agreement includes a decision by the Department not to debar or suspend the contractor; and (iv) for such other reasons related to the national defense which require continued business dealings with the listed contractor.

(b) Ineligible contractors are excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the applicable statute, Executive Order, or regulation. Departments shall not solicit bids or proposals from, award contracts to, renew or otherwise extend an existing contract with, or approve or consent to subcontracts (when such approval or consent is required) with a contractor known to be ineligible, for the period of the ineligibility, to the extent the particular procurement action is prohibited by the terms of the declaration.

1-604.2 *Continuation of Current Contracts.* Notwithstanding the listing of a contractor for the causes set forth in this Part, Departments may continue contracts or subcontracts in existence at the time the contractor was debarred or suspended, unless the Secretary concerned or his authorized representative directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by Departmental contracting and technical personnel and by counsel to assure the propriety of the proposed action.

1-604.3 *Restrictions on Subcontracting.* When a debarred or suspended contractor is proposed as a subcontractor for any subcontract subject to Government consent (see 7-104.23 and 7-203.8), consent shall not be given unless the Secretary concerned or his authorized representative states in writing the compelling reasons for the consent.

1-605 Debarment.

1-605.1 *General.*

(a) The debarring official may, in the public interest, debar a contractor for any of the causes contained in 1-605.2, using the procedures in 1-605.3. The existence of a cause for debarment under 1-605.2, however, does not necessarily require that the contractor be debarred; the seriousness of the contractor's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(b) Debarment of a contractor constitutes debarment of all divisions or other organizational elements of the

contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. Debarment extends to affiliates of the contractor, only if they are (1) specifically named and (2) given written notice of the proposed debarment and an opportunity to respond (see 1-605.3(c)).

(c) A contractor's debarment shall be effective throughout the executive branch of the Government, unless the Secretary of the Military Department or other Federal agency taking the procurement action, or his authorized representative, states in writing the compelling reason for continued business dealings between that Department or agency and the contractor.

(d) If no suspension is in effect under 1-606 at the time debarment is proposed by a Department, bids or proposals shall not be solicited from, contracts shall not be awarded to, existing contracts shall not be renewed or otherwise extended with, and subcontracts shall not be consented to or approved for the contractor by any DoD component pending a debarment decision unless the Secretary concerned or his authorized representative states in writing the compelling reason to do so.

1-605.2 *Causes for Debarment.* The debarring official may debar a contractor for any of the causes listed in (a) through (c) following:

(a) conviction of or civil judgment for—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of bids or proposals; or

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of a Government contractor or subcontractor.

(b) violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(1) willful failure to perform in accordance with the terms of one or more contracts; or

(2) a history of failure to perform, or of unsatisfactory performance of, one or more contracts.

(c) Any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.

1-605.3 *Procedures.*

(a) *Investigation and Referral.* Matters appropriate for the debarring official's consideration shall be reported promptly to that official in accordance with the provisions of 1-608.

(b) *Decisionmaking Process.*

(1) Any Departmental procedures that may be established to implement the debarment decisionmaking process of this Part shall be as informal as practicable.

(2) The contractor (and any specifically named affiliates) shall be given an opportunity to submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment.

(3) In actions not based upon a conviction or judgment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the proposed debarment, factfinding shall be conducted. The official conducting the factfinding shall—

(i) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any person the Department presents; and

(ii) ensure that a record of the factfinding is transcribed and made available at cost to the contractor upon request, unless the contractor and the Department, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of Proposal to Debar.* The contractor and any specifically named affiliates shall be advised, by certified mail, return receipt requested—

(1) that debarment is being considered;

(2) of the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(3) of the cause(s) relied upon under 1-605.2 for proposing debarment;

(4) that, within 30 days after the receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts;

(5) that the Department's procedures governing debarment decisionmaking are contained in Section I, Part 6 of the Defense Acquisition Regulation;

(6) of the potential effect of the proposed debarment; and

(7) if no suspension is in effect under 1-606, that bids or proposals shall not be solicited from, contracts shall not be awarded to, existing contracts shall not be renewed or otherwise extended, and subcontracts shall not be consented to or approved for the contractor by any Department pending a debarment decision unless the Secretary concerned or his authorized representative states in writing the compelling reason to do so.

(d) *Debarring Official's Decision.*

(1) In actions based upon a conviction or judgment, or in which there is no genuine dispute over material facts, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor. If no suspension is in effect under 1-606, the decision shall be made within 30 working days after receipt of any information and argument submitted by the contractor, unless the debarring official extends this period for good cause.

(2) In actions in which factfinding is conducted as to disputed material facts, written findings of fact shall be prepared. The debarring official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The debarring official may refer matters involving disputed material facts to another official for findings of fact. The debarring official shall accept any such findings unless he specifically determines them to be arbitrary and capricious or clearly erroneous.

(ii) The debarring official's decision shall be made after the conclusion of factfinding with respect to disputed facts.

(3) In any action in which the proposed debarment is not based upon a conviction or civil judgment, the facts establishing the cause for debarment must be proved by a preponderance of the evidence.

(e) *Notice of Debarring Official's Decision.*

(1) If the debarring official decides to impose debarment, the contractor and any affiliates involved shall be given prompt notice by certified mail, return receipt requested—

(i) referring to the notice of proposed debarment;

(ii) specifying the reasons for debarment;

(iii) stating the period of debarment, including effective dates (see 1-605.4); and

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(iv) advising that the debarment is effective throughout the executive branch of the Government unless the Secretary of the Military Department or other Federal agency taking the procurement action, or his authorized representative, states in writing the compelling reason for continued business dealings between that Department or agency and the contractor.

(2) If debarment is not imposed, the debarring official shall promptly notify the contractor and any affiliates involved of that decision, by certified mail, return receipt requested.

1-605.4 *Period of Debarment.*

(a) Debarments shall be for a period sufficient to protect the Government's interest. Generally, a debarment should not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(b) The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of 1-605.3 above shall be followed to extend the debarment.

(c) The debarring official may reduce the period or extent of debarment, upon the contractor's request, supported by documentation, for reasons such as—

(1) newly discovered material evidence;

(2) reversal of the conviction or judgment upon which the debarment was based;

(3) bona fide change in ownership or management; or

(4) elimination of other causes for which the debarment was imposed.

1-605.5 *Scope of Debarment.*

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the contractor who participated in, knew of, or had reason to know of, the contractor's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

1-606 Suspension.

1-606.1 *General.*

(a) The suspending official may, in the public interest, suspend a contractor for any of the causes in 1-606.2, using the procedures in 1-606.3.

(b) Suspension is a serious action to be imposed on the basis of adequate evidence, pending the completion of an investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, consideration should be given to how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

(c) Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are (1) specifically named and (2) given written notice of the suspension and an opportunity to respond (see 1-606.3(c)).

(d) A contractor's suspension shall be effective throughout the Executive branch of the Government, unless the Secretary of the Military Department or other Federal agency taking the procurement action, or his authorized representative, states in writing the compelling reason for continued business dealings between that Department or agency and the contractor.

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1-606.2 *Causes for Suspension.*

(a) The suspending official may suspend a contractor suspected, upon adequate evidence, of—

(1) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;

(2) violation of Federal or State antitrust statutes relating to the submission of bids or proposals;

(3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a Government contractor or subcontractor.

(b) Indictment for any of the causes in paragraph (a) above constitutes adequate evidence for suspension.

(c) The suspending official may upon adequate evidence also suspend a contractor for any other cause of so serious or compelling a nature that it affects the present responsibility of a Government contractor or subcontractor.

1-606.3 *Procedures.*

(a) *Investigation and Referral.* Matters appropriate for the suspending official's consideration shall be reported promptly to that official in accordance with the provisions of 1-608.

(b) *Decisionmaking Process.*

(1) Any Departmental procedures that may be established to implement the suspension decisionmaking process shall be as informal as practicable. These procedures shall afford the contractor (and any specifically named affiliates) an opportunity, following the imposition of suspension, to submit, in person, in writing or through a representative, information and argument in opposition to the suspension.

(2) In actions not based on an indictment, if it is found that the contractor's submission in opposition raises a genuine dispute over facts material to the suspension and if no determination has been made, on the basis of Department of Justice advice, that substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced, factfinding shall be conducted. The official conducting factfinding shall—

(i) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses and confront any person the Department presents; and

(ii) ensure that a record of the factfinding is transcribed and made available at cost to the contractor upon request, unless the contractor and the Department, by mutual agreement, waive the requirement for a transcript.

(c) *Notice of Suspension.* When a contractor and any specifically named affiliates are suspended, they shall be immediately advised by certified mail, return receipt requested—

(1) that they have been suspended and that the suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government, or (ii) seriously reflecting on the propriety of further Government dealings with the contractor; any such irregularities shall be described in terms sufficient to place the contractor on notice without disclosing the Government's evidence;

(2) that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue;

(3) of the cause(s) relied upon under 1-606.2 for imposing suspension;

(4) of the effect of the suspension (see 1-606.1(d));

(5) that, within 30 days after receipt of the notice, the contractor may submit, in person, in writing or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts; and

(6) that factfindings to determine disputed material facts will be conducted unless (i) the action is based on an indictment or (ii) a determination is made, on the basis of Department of Justice advice, that the substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(d) *Suspending Official's Decision.*

(1) In actions (i) based on an indictment, (ii) in which the contractor's submission does not raise a genuine dispute over material facts; or (iii) in which factfinding to determine disputed material facts has been denied on the basis of Department of Justice advice, the suspending official's decision shall be based on all the information in the administrative record, including any submission made by the contractor.

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(2) In actions in which factfinding is conducted as to disputed material facts, written findings of fact shall be prepared. The suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record.

(i) The suspending official may refer matters involving disputed material facts to another official for findings of fact. The suspending official shall accept any such findings, unless he specifically determines them to be arbitrary and capricious or clearly erroneous.

(ii) The suspending official's decision shall be made after the conclusion of factfinding with respect to disputed facts.

(3) The suspending official may modify or terminate the suspension or leave it in force (for sample reasons, see 1-605.4(c)). However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of suspension by any other Department or the imposition of debarment by any Department.

(4) Prompt written notice of the suspending official's decision shall be sent to the contractor by certified mail, return receipt requested.

1-606.4 *Period of Suspension.*

(a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in this paragraph 1-606.4.

(b) If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

(c) The suspending official shall notify the Department of Justice of the proposed termination of the suspension at least 30 days before the 12-month period expires to give it an opportunity to request an extension.

1-606.5 *Scope of Suspension.*

The scope of suspension shall be the same as that for debarment (see 1-605.5), except that the procedures of 1-606.3 shall be used in imposing the suspension.

1-607 Interchange of Information. Debarment or suspension of a contractor by one Department can have an adverse impact on the missions of other Departments with which the contractor does business. Accordingly, if it appears that there is the potential for such an adverse impact, the cognizant debarring or suspending official should solicit the comments of those Departments that he believes could be affected before taking action. A Department that believes it could be affected by the proposed action should comment directly to the cognizant debarring or suspending official. If several Departments independently are contemplating a debarment or suspension action against the same contractor, consideration should be given to designating one Department as the lead agency for making the decision.

1-608 Reporting.

1-608.1 *Situations Where Reports Are Required.* A report incorporating the information required by 1-608.2 shall be prepared by the contracting officer when:

(i) a contractor has committed, or is suspected of having committed, any of the acts described in 1-605.2 and 1-606.2;

(ii) a report is required by 1-111.1 (this does not concern reports required to be submitted to the Department of Justice on identical bids under Executive Order 10936, dated 24 April 1961 (see 1-114));

(iii) a report is required by 1-508.4 (contingent fees);

(iv) a report is required by 8-207 (termination settlements);

(v) Buy American Act violations are suspected (see 18-510); or

(vi) a contractor is suspected of attempting to evade the prohibitions or debarments or suspensions imposed under this Regulation by changes of address, multiple addresses, formation of new companies, or by other devices.

1-608.2 *Contents of Reports.* Each report prepared pursuant to 1-608 shall contain the name and telephone number of the individual assigned to the case as the point of contact for the activity making the report, and shall include substantially the following information, where available:

(i) name and address of the contractor;

(ii) names of the principal officers, partners, owners, or managers;

(iii) all known affiliates, subsidiaries, or parent firms, and the nature of the affiliation;

(iv) description of the contract or contracts concerned, including the contract number, and all office identifying numbers or symbols, the amount of each contract, the degree of completion, the amount paid the contractor and the amount still due, and the percentage of work to be completed;

(v) the status of vouchers;

(vi) whether the contract has been assigned pursuant to the Assignment of Claims Act, and if so assigned, the name and address of the assignee and a copy of the assignment;

(vii) whether any other contracts are outstanding with the contractor or any of his affiliates, and if so, the amount of such contracts, whether they are assigned pursuant to the Assignment of Claims Act, and the amounts paid or due on such contracts;

(viii) a complete summary of all pertinent evidence;

(ix) a recommendation as to the continuation of all current contracts with a full explanation of the reason for such recommendation, or if no recommendation is made, the reason therefor;

(x) an estimate of damages, if any, sustained by the Government as a result of the action of the contractor, including an explanation of the method used in making the estimate;

(xi) the comments and recommendations of the contracting officer and of each successive echelon as to (A) whether the contractor should be suspended or debarred, (B) whether any limitations should be applied to such action, and (C) the period of any debarment; and

(xii) as an inclosure, a copy of the contract (or contracts) or pertinent excerpts therefrom, appropriate exhibits, testimony or statements of witnesses, copies of assignments, and other relevant documentation, such as affidavits, copies of investigative reports and certified copies of indictments and judgments.

1-608.3 *Addresses and Copies of Reports.* Reports shall be submitted in three complete copies, including inclosures, to the authorized representatives of the Secretaries concerned (see 1-600(c)), unless otherwise provided by Departmental procedures. Additional copies without inclosures may be required by Departmental procedures for other addressees.

1-609 Procurement Outside United States.

1-609.1 *General.* The foregoing provisions of this Part shall be applied by overseas commanders to procurement outside the United States and its possessions, whenever possible, and as modified by the following provisions, with due consideration to laws or customs of the foreign countries concerned.

1-609.2 *Responsibilities and Area Coverage.* The Commander in Chief, United States European Command (CINCEUR), the Commander in Chief, Pacific (CINCPAC) and the Commander in Chief, Southern Command (USCINCSO), or the Commanders of a component command which each of these unified commanders may designate, shall establish and maintain a consolidated list of offshore suppliers to whom contracts will not be awarded and from whom bids or proposals will not be solicited. The CINCEUR consolidated list will include names in the North Atlantic and Mediterranean areas, including all of Europe, North Africa, and the Middle East. The CINCPAC consolidated list

will include names in the Far East and Pacific Ocean areas, excluding the United States and its possessions. The USCINCSO consolidated list will include names in Central and South America, excluding possessions. All other overseas commanders shall utilize and contribute to such lists as appropriate to their geographical location or areas in which they award contracts. Lists shall not be established or maintained except as provided above.

1-609.3 *Information Contained on Overseas Lists.* The list shall show as a minimum the following information:

(i) names and addresses of those contractors to whom contracts shall not be awarded and from whom bids or proposals shall not be solicited (Names will be set forth alphabetically with appropriate cross reference where more than one name is involved in a single action or where a parent contractor in one country is known to control subsidiaries, branches, or agencies in the same or other countries.);

(ii) basis or authority for each action;

(iii) extent of restrictions imposed;

(iv) termination date for each debarred listing; and

(v) originating activity, component, or agency.

1-609.4 *Maintenance and Distribution of Lists.* The lists shall be kept current by issuance of notices of additions or deletions and by periodic reprinting. Copies of the lists shall be distributed to contracting officers as the unified commanders and their component commanders direct. CINCEUR, CINCPAC, and CINCSOUTH shall exchange lists directly. Copies shall also be furnished the Deputy Under Secretary of Defense (Acquisition Management), OUSD(R&E), the Assistant Secretary of Defense (International Security Affairs), and the authorized representative of the Secretaries (see 1-600(c)).

1-609.5 *Basis of Addition of Contractors to Lists.* In addition to the names of offshore contractors which may be included on the lists as falling into the categories outlined in 1-604, the names of contractors abroad shall be included on the list in the following additional categories:

(i) those who are "designated nationals" under the Foreign Assets Control Regulations;

(ii) those found by the Assistant Secretary of Defense (International Security Affairs) or his authorized representative to have engaged in improper East-West trade activity;

(iii) those found by the Assistant Secretary of Defense (International Security Affairs) or his authorized representative to be ineligible because they do not meet the political or security criteria;

(iv) those found by the United States Diplomatic Mission or a Country Team (consisting of members of the United States Diplomatic Mission in the country or countries in which the contractors are located) to be ineligible because they do not meet the labor-political criteria; and

(v) those who for other causes of a serious and compelling nature are so designated by the unified commander.

1–609.6 *Treatment To Be Accorded Contractors in Debarred or Ineligible Status.* The provisions of 1–604 shall be complied with, if applicable. In addition, contracts shall not be awarded to, nor shall bids or proposals be solicited from or furnished to contractors abroad which come within the categories in 1–609.5. With respect to 1–609.5(i), an exception may be made only by the Secretary of the Treasury. With respect to 1–609.5 (ii), (iii), and (iv), an exception may be made by the Assistant Secretary of Defense (International Security Affairs) or his authorized representative.

1–609.7 *Causes and Conditions For Which Unified Commanders May Place Names on the Consolidated List.* CINCEUR, CINCPAC, and CINCSOUTH, or their designated component commanders are authorized to place on the list names of contractors doing business within the areas for which they are responsible, for any of the causes and under the conditions set forth in 1–609.5 and 1–609.6. Overseas commanders or unified commanders overseas other than CINCEUR, CINCPAC, and CINCSOUTH, are similarly authorized to designate contractors in their command areas and shall promptly notify CINCEUR, CINCPAC, or CINCSOUTH, as appropriate, of such action, furnishing the information required by 1–609.3. CINCEUR, CINCPAC, or CINCSOUTH shall add the names to his consolidated list. The listing shall operate to deny contracts and subcontracts (when Government approval is required) to such contractors throughout the Department of Defense. Unified commanders shall be notified of the action based on causes and under conditions set forth in 1–609.5 and 1–609.6 through the "Economic Defense List," transmitted by the Department of Commerce through State Department channels, which contains the names of contractors affected or by direct communication from the Office of the Assistant Secretary of Defense (International Security Affairs).

1–609.8 *Liaison With United States Diplomatic Missions.* The Chief of the United States Diplomatic Mission, or such attache or other officer as he directs, in the country where the contractor concerned is located, shall be notified of actions contemplated under the foregoing paragraphs which may have important political significance. In cases of contemplated action against a branch or subsidiary in one or more countries, the Chief of the United States Diplomatic Mission in each country, including that in which the parent or principal is located, will be notified.

1–610 Use of Lists.

(a) Due to the length of the lists, the numerous revisions, and the distances involved, as well as the infrequent contracting by offices with suppliers outside their respective areas, the United States, CINCEUR, CINCPAC, and CINCSOUTH consolidated lists shall not be distributed to contracting officers outside the area covered by the respective lists. However, no contracts shall be awarded by contracting officers to suppliers without ascertaining that the names of the contractors involved do not appear on the consolidated list for the geographical area in which the contractor is located. All lists shall be held for reference in each of the Departments, and in offices designated by CINCEUR, CINCPAC, and CINCSOUTH, and shall be utilized in accordance with procedures established by them.

(b) When a contracting officer becomes aware that a prospective contractor proposes to furnish products of a concern that has been placed on an overseas list in accordance with 1–609.5(i), (iii), or (v), the matter shall be referred to the authorized representatives of the Secretaries concerned.

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1-903.4 *Ability to Meet Certain Minimum Standards.* Except to the extent that a prospective contractor proposes to perform the contract by subcontracting (see 1-906), acceptable evidence of his "ability to obtain" such things as resources, equipment, facilities, and personnel (see 1-903.1(i) and 1-903.2) shall normally be a commitment or explicit arrangement, which will be in existence at the time the contract is to be awarded, for the rental, purchase or other acquisition of such resources, equipment, facilities, or personnel.

1-904 Determinations of Responsibility and Nonresponsibility.

1-904.1 *Requirement.* No purchase shall be made from, and no contract shall be awarded to, any person or firm unless the contracting officer first makes an affirmative determination that the prospective contractor is responsible within the meaning of 1-902. The signing of the contract by the contracting officer constitutes such a determination; therefore, he must assure himself that the applicable requirements of 1-903 are met before signing the contract or order. When a certificate of competency has been issued, the factors covered by the certificate of competency may be accepted by the contracting officer without further inquiry. When a bid or offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, a determination of nonresponsibility shall be made, signed, and placed in the file. The determination of nonresponsibility shall set forth the basis of the determination. In making a determination of responsibility or nonresponsibility for purchase or contract awards of $100,000 and over, performance data should be acquired and considered when the contracting officer deems it necessary. Supporting documents or reports, including any pre-award survey reports (see 1-905.4) and SBA certificate of competency (see 1-705.4), shall be included in the contract file.

1-904.2 *Affiliated Concerns.*

(a) Affiliated concerns (see 2-201(a)B(ii) and (b)(xvii) shall be considered as separate entities in determining whether the one of them which is to perform the contract meets the applicable standards for a responsible prospective contractor (but see 1-701.1 with respect to status as a small business concern).

(b) Notwithstanding the above, the record of performance and integrity of affiliated concern which may adversely affect the responsibility of the prospective contractor shall be considered by the contracting officer when making a determination of responsibility.

1-904.3 *Acquisitions From Concerns in Qualifying Countries.* Awards to concerns in qualifying countries are subject to this Part 9 (see 6-1403.1(b)). A Canadian firm proposed by the Canadian Commercial Corporation (CCC) as its subcontractor generally shall be accepted by the contracting officer under the provisions of 1-906 as the basis for his determination under 1-904.1. In cases where the firm proposed by CCC is so accepted, pre-award survey forms need not be completed. When the CCC proposal is not consistent with other information which may be available to the contracting officer, he shall request from CCC and any other sources whatever additional information or plant surveys he may deem necessary to make the determination of responsibility of sources proposed by CCC. Such additional data may be requested on the pre-award survey forms or on any other forms. Upon request, CCC shall be furnished an explanation of the reasons for rejection of its proposed firm.

1-905 Procedures for Determining Responsibility of Prospective Contractors.

1-905.1 *General.*

(a) Before making a determination of responsibility (see 1-904), the contracting officer shall have in his possession or obtain information sufficient to satisfy himself that a prospective contractor currently meets the minimum standards set forth in 1-903, to the extent that such standards are applicable to a specific procurement.

(b) Maximum practicable use shall be made of currently valid information on file or within the knowledge of personnel in the Department of Defense. Each Department, shall at such level and manner as it deems appropriate, maintain useful records and experience data for the guidance of contracting officers in the placement of new procurement, and shall inform its contracting officers and the other Departments of the means of access thereto. Notwithstanding this direction contract administration offices shall maintain files of information reflecting upon the ability of contractors to perform Government contracts successfully.

(c) Any purchasing office becoming aware of circumstances which, for any reason, casts doubt upon the ability of a contractor to perform contracts successfully, shall immediately advise the cognizant contract administration office. A contract administration office, upon being notified by a purchasing office of unfavorable information affecting a contractor under its cognizance, or upon developing unfavorable information during the course of contract administration activities, shall advise the purchasing offices of the other Departments. When a contract administration office is requested to perform a pre-award survey and it has been notified of the existence of unfavorable information relative to the contractor, it shall obtain the details including full supporting information. Careful and full consideration shall be given such information. If a contract administration office becomes aware of a prospective contract award to a contractor about whom unfavorable information exists and no pre-award survey has been requested, it shall (i) immediately notify the purchasing office concerned, and (ii) secure the details of such unfavorable information as if it were performing a pre-award survey and advise the purchasing office concerned. The purchasing office shall give full consideration to such advice in determining whether an award should be made.

(d) Generally, information necessary to make determinations of responsibility shall be obtained only concerning prospective contractors within range for an award.

1-905.2 *When Information Will Be Obtained.* Generally, information regarding the responsibility of a prospective contractor (including pre-award surveys (see 1-905.4) when deemed necessary) shall be obtained promptly after bid opening or receipt of proposals. However, in negotiated procurements, especially those involving research and development, such information may be obtained before the issuance of requests for proposals. Notwithstanding the foregoing, information regarding financial resources (see 1-903.1(i)) and performance capability (see 1-903.1 (ii)) shall be obtained on as current a basis as feasible with relation to the date of contract award.

1-905.3 *Sources of Information.* Information regarding the responsibility of prospective contractors shall be sought among the following sources:

(i) The Consolidated List of Debarred, Suspended and Ineligible Contractors (see 1-604.1(a)).

GENERAL PROVISIONS

1-906 Subcontractor Responsibility.

(a) To the extent that a prospective contractor proposes to perform the contract by subcontracting, determinations of prospective subcontractors' responsibility may be necessary in order to determine the responsibility of the prospective prime contractor. Determinations concerning prospective subcontractor's responsibility shall generally be a function performed by the prospective prime contractor. (But see 1-604.3.) A prospective prime contractor may be required to (i) indicate, in writing, the responsibility of proposed subcontractors, or (ii) show evidence of an acceptable and effective purchasing and subcontracting system which encompasses a method for determining subcontractor capability.

(b) Notwithstanding the general responsibility of a prospective contractor to demonstrate the responsibility of his prospective subcontractors, it may be in the Government's best interest to make a direct determination of the responsibility of one or more prospective subcontractors prior to award of the prime contract. Examples of when this may be particularly suitable are the procurements of (i) medical items, (ii) supplies or services which are so urgently needed that it is necessary for the Government to go beyond the normal process in determining contractor responsibility, and (iii) supplies or services, a substantial portion of which will be subcontracted. The determination of responsibility of a proposed subcontractor by the Government shall be based on the same factors as are applicable in a determination of responsibility of a prospective prime contractor.

1-907 Disclosure of Pre-Award Data. Except as provided in 1-329, data including information obtained from a pre-award survey, accumulated for purposes of determining the responsibility of a prospective contractor shall not be released outside the Government and shall not be made available for inspection by individuals, firms, or trade organizations (see 1-329.3(c)(5)). Such data may be disclosed to, or summarized for, other elements within the Government on their request, and shall be made available to Department of Defense procurement personnel upon request in accordance with 1-905.1. Prior to making a determination of responsibility, such data may be discussed with the prospective contractor as determined necessary by the purchasing office. After an award, the findings of the pre-award survey may be discussed by the contracting officer with the company surveyed as provided in 2-408 and 3-508, or if appropriate, by the head of the contract administration office or his designee.

GENERAL PROVISIONS

Part 10—Publicizing Procurement Actions

1-1001 General Policy. It is Department of Defense policy to increase competition by publicizing procurements which offer competitive opportunities for prospective prime contractors or subcontractors, thus assisting small business and labor surplus area concerns and broadening industry participation in Defense procurement programs.

1-1002 Dissemination of Information Relating to Invitations for Bids and Requests for Proposals.

1-1002.1 *Availability of Invitations for Bids and Requests for Proposals at the Contracting Office.* A reasonable number of copies of invitations for bids and requests for proposals, which are required to be publicized in the *Commerce Business Daily*, including specifications and other pertinent information, shall be maintained at the contracting office. Upon request, prospective contractors not initially solicited may be mailed or otherwise provided copies of such invitations for bids or requests for proposals to the extent they are available. However, for any contract to be let by any department, it shall provide to any small business concern upon its request: (i) a copy of bid sets and specifications with respect to such contract; (ii) the name and telephone number of an employee of such department to answer questions with respect to such contract; and (iii) adequate citations to each major Federal law or departmental rule with which such business concern must comply in performing such contract. When a solicitation for proposals has been limited as a result of a determination that only a specified firm or firms possess the capability to meet the requirements of an acquisition, requests for proposals shall be mailed or otherwise provided upon request for firms not solicited, but only after advice has been given to the firm making the request as to the reasons for the limited solicitation and the unlikelihood of any other firm being able to qualify for a contract award under the circumstances; but see 4-106.2. In addition, to the extent that invitations for bids or requests for proposals are available, they shall be provided on a "first-come-first-served" basis, for pick up at the contracting office, to publishers, trade associations, contracting information services, and other members of the public having a legitimate interest therein (for construction, see 18-205(c)); otherwise the contracting office will make copies available to members of the public pursuant to Appendix L. In determining the "reasonable number" of copies to be maintained, the contracting officer shall consider, among other things, the extent of initial solicitation, reproduction costs, the nature of the acquisition, whether access to classified matter is involved, the anticipated requests for copies based upon responses to synopses and other means of publication in previous similar situations, and the fact that publishers and others who disseminate information regarding proposed acquisitions normally

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SECTION III

PROCUREMENT BY NEGOTIATION

Part 1—Use of Negotiation

3-100 Scope of Part. This Part deals with the nature and use of negotiation as distinguished from formal advertising, and with limitations upon that use.

3-101 General.

(a) Pursuant to the authority of 10 U.S.C. 2304(a), procurement may be effected by negotiation under any one of the exceptions (1) through (17) set forth in Part 2 of this Section. However, procurement shall be made by formal advertising when such method is feasible and practicable, even though existing conditions and circumstances would otherwise satisfy the requirements of Part 2 of this Section.

(b) When supplies or services are to be procured by negotiation, offers shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the supplies or services to be procured.

(c) No contract shall be entered into as a result of negotiation unless a business clearance or approval as is prescribed by applicable Departmental procedures has been obtained.

(d) Negotiated procurements shall be on a competitive basis to the maximum practical extent. When a proposed procurement appears to be necessarily noncompetitive, the contracting officer is responsible not only for assuring that competitive procurement is not feasible, but also for acting whenever possible to avoid the need for subsequent noncompetitive procurements. This action should include both examination of the reasons for the procurement being noncompetitive and steps to foster competitive conditions for subsequent procurements, particularly as to the availability of complete and accurate data, reasonableness of delivery requirements (1-305.2(a)), and possible breakout of components for competitive procurement. Except for procurement of electric power or energy, gas (natural or manufactured), water, or other utility services, and procurement of educational services from nonprofit institutions, contracts in excess of $25,000 shall not be negotiated on a noncompetitive basis without prior review at a level higher than the contracting officer to assure compliance with this subparagraph.

3-102 Reserved.

3-103 Records and Reports of Negotiated Contracts. In addition to the records and reports described in 1-308, 3-211.4, and 3-216.4, each Department is required to maintain a record of the total value of all contracts negotiated by it during each fiscal year under each of the circumstances permitting negotiation enumerated in Section III, Part 2. These records, and reports based thereon, are maintained through the Department of Defense Procurement reporting system described in 1-110 and Section XXI, Part 1.

3-104 Aid to Small Business and Minority Concerns in Negotiated Procurements. When negotiation is conducted, consideration shall be given to the size

and minority status of the business concerns, and when subcontracting is consistent with the best interests of the Government, the extensive use of subcontractors shall be a favorable factor. See Section I, Part 7, and 1-322.

3-105 Aid to Labor Surplus Area Concerns in Negotiated Procurements. When negotiation is conducted, consideration shall be given as to whether the prospective supplier is a labor surplus area concern. See Section I, Part 8.

3-106 Presolicitation Notices and Conferences.

3-106.1 *General.* This Part describes a procedure which may be used as a preliminary step to negotiated procurements where the cost of preparing a formal solicitation and response would be substantial for both the Government and industry. This procedure is designed to develop sources for procurement; permit the Government to solicit for preliminary information based on a general description of the supplies or services involved; permit prospective offerors to submit proposals without undue expenditure of effort, time, and money; and to explain complicated specifications and requirements to interested firms. The presolicitation conference shall not be used as a method for prequalification of offerors, and may be used only when approved at a level higher than the contracting officer.

3-106.2 *Presolicitation Procedure.*

(a) When a presolicitation notice is used it shall be prepared by the contracting officer and forwarded to all known potential offerors. It shall at least request an expression of interest in the contemplated procurement and shall designate a time for submission of responses. In cases of complex procurement, it may also request information pertaining to management, engineering, and production capabilities. Each notice shall define as explicitly as possible the information to be furnished by the offeror and shall indicate whether it is contemplated that the presolicitation notice will be followed by a conference and a formal solicitation. Detailed drawings, specifications, or plans shall not normally be included in a presolicitation notice. The presolicitation notice shall be synopsized in accordance with 1-1003. See 1-309 for solicitations for informational or planning purposes; 2-205.6 for pre-invitation notices in formally advertised procurements; and 2-207 and 3-504 for pre-bid and pre-proposal conferences, respectively.

(b) All of those responding to the presolicitation notice shall be advised of the details of any pending presolicitation conference. The presolicitation conference shall be conducted by procurement personnel, and attended by technical and legal personnel as appropriate. All prospective offerors attending the conference shall be furnished copies of the solicitation, unless they decline to participate in the procurement. If it is determined to proceed with the procurement without a conference, those responding to the presolicitation notice shall be furnished a formal solicitation, except those who decline to participate. In addition, a copy of the solicitation shall be furnished to any prospective offeror who requests one (but see 1-604 and 1-609.6).

(c) All prospective contractors shall be furnished identical information in connection with the proposed procurement. Care shall be taken to safeguard any information received in confidence. (See 1-1004.)

3-107 Offeror Response Time. The guidance in 2-202.1 shall be applied to negotiated procurements.

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sidered final for the affected contract closed prior to the final overhead settlement. No adjustment shall be made against, or the affect of any quick closeout allowed to impact, other contracts for any over or under recovery disclosed at the time of final overhead rate determination.

Part 8—Price Negotiation Policies and Techniques

3-800 Scope of Part. This Part sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and those subcontracts which are subject to consent by the Government. The principles in this Part apply to negotiation of prices on all types of contracts and to revised prices as well as initial prices.

3-801 Basic Policy.

3-801.1 *General.* It is the policy of the Department of Defense to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government. Good pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

3-801.2 *Responsibility of Contracting Officers.*

(a) Contracting officers, or their authorized representatives acting within the scope of their authority, are the exclusive agents of their respective Departments to enter into and administer contracts on behalf of the Government in accordance with ASPR and Departmental procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall avail himself of all appropriate organizational tools such as the advice of specialists in the fields of contracting, finance, law, contract audit, packaging, engineering, traffic management, and price analysis.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills. He shall not, however, transfer his own responsibilities to them. Thus, determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer. For certain acquisitions, it may be necessary to convene a formal "Should Cost" (see 1-337) team of specialists to evaluate the contractor's cost projections, supporting standards, and other in-plant management, operational, and performance practices, on which cost projections are based.

(c) When the contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall (i) determine the feasibility of developing an alternate source of supply, or (ii) take any other action within his authority. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall refer the prospective procurement to higher authority. Such referral shall include a complete statement of the attempt made to resolve the matter. With regard to a contractor's refusal to provide cost or pricing data, see 3-807.5.

(d) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others being:

(i) an engineering appraisal of the need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors, and

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(ii) the preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all of the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. When the contracting officer does not adopt audit or other specialist recommendations that have particular significance on the contract price, comments should be included in the record of the negotiation.

(e) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance by audit or other representatives at the negotiation meeting.

(f) Contracting offices shall cover the disposition of each audit report as follows:

(i) For the audit report where the procurement action was finalized, the cognizant auditor shall be notified in accordance with the requirement of 3-811.

(ii) For those situations where the audit report is related to a cancelled or unsuccessful procurement action, the cognizant auditor shall be notified in writing.

3-801.3 *Responsibility of Requirements and Other Logistics Personnel in Purchasing Offices.* Personnel other than the contracting officer, who determine type, quality, quantity, and delivery requirements for items to be purchased, can influence the degree of competition obtainable and exert a material effect upon prices. Failure to determine requirements in sufficient time to allow:

(i) a reasonable period for preparation of requests for proposals;

(ii) preparation of quotations by offerors;

(iii) contract negotiation and preparation; or

(iv) adequate manufacturing lead time,

causes delays in deliveries and uneconomical prices. Requirements issued on an urgent basis or with unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired competition.

3-801.4 *Responsibility of Pricing Personnel in Purchasing Office.*

(a) The contract pricing team available to support the PCO in the review and analysis of pricing proposals includes the price analyst, negotiator, buyer, project engineer, and liaison auditor at the purchasing office.

(b) The price analyst or negotiator supporting the contracting officer may be designated to develop a Government pricing objective prior to the negotiation. This includes the responsibility for determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for consolidating pricing data, including cost and price analyses, historical cost or pricing data, independent government cost estimates, economic analyses and the like. The advice and assistance of the price analyst/negotiator should always be obtained when complex pricing techniques are indicated, including the use of con-

tract types involving the skillful balancing of price, cost and performance incentive arrangements. In many instances, he will be in the best position to conduct the price negotiation.

3-801.5 *Responsibility of Field Pricing Support Personnel.*

(a) *Field Pricing Support.* Field pricing support involves analysis of the contractor's price proposal by any or all of the field technical and professional specialists including, but not limited to, the Plant Rep/ACO; contract auditor; price analyst; quality assurance personnel, engineers; and legal and small business specialists. The Plant Rep/ACO is the team manager for all PCO requests for field pricing support. Therefore the PCO shall send all requests for field pricing support to the cognizant field contract administration activity; generally, the Plant Representative (Plant Rep) for the Services and the Administrative Contracting Officer (ACO) for DCAS(DLA). However, there shall be no constraints on the lines of communication with the PCO/ACO and contract auditor interface.

(b) *Field Pricing Reports on Contract Price Proposals.*

(i) Prior to negotiation of a contract or modification resulting from a proposal in excess of $500,000, when the price is based on cost or pricing data (3-807.3) submitted by the contractor, the contracting officer (PCO or ACO) or authorized representative shall request a field pricing report (which usually includes an audit review by the contract audit activity), unless information available to the contracting officer is considered adequate to determine the reasonableness of the proposed cost or price. Whenever available data is considered adequate for a reasonableness determination, the contracting officer shall document the contract file to reflect the basis of the determination. Information of the type described in (i) through (vi) below, which is often available to the contracting officer from the Plant Rep/ACO or from the Procurement Liaison Auditor (PLA), should be useful in determining the extent of any field pricing support that is needed.

(i) In-house engineering determination of level of effort required in connection with research and development or study contracts.

(ii) Audited cost information from contract awards in process, or recently negotiated contracts.

(iii) Adequately reviewed data on proposed subcontracts items which constitute the major portion of the prime contract price proposal.

(iv) Prices of standard commercial items which constitute the major portion of the prime contract price proposal.

(v) Special forward pricing formulas or rates such as for support items, or forecast overhead rates, prescribed in an existing advance agreement.

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(i) actual costs previously incurred by the contractor or offeror;
(ii) either his last prior cost estimate or a series of prior estimates for the same or similar items;
(iii) current cost estimates from other possible sources;
(iv) prior estimates or historical costs of other contractors manufacturing the same or similar items; and
(v) forecasts or planned expenditures.

(4) Forecasting future trends in costs from historical cost experience is of importance, but care must be taken to assure that the effect of past inefficient or uneconomical practices are not projected into the future. An adequate cost analysis must include an evaluation of trends and changes in circumstances, if any, and their effect on future costs.

3-807.3 *Requirement for Cost or Pricing Data.*

(a) When appropriate, the contracting officer shall require the contractor to submit, either actually or by specific identification in writing, cost or pricing data in support of his proposal. The contracting officer also shall require the contractor, in circumstances specified in (b) below, to certify, using the certificate set forth in 3-807.6, that the cost or pricing data submitted are accurate, complete, and current. Cost or pricing data shall not be required merely in anticipation of post-award review of the contract.

(b) Cost or pricing data are required as part of a proposal leading to, and certification is required prior to:

(i) the award of any negotiated contract (except for unpriced actions such as letter contracts) expected to exceed $500,000 in amount;
(ii) the pricing of any modification to any formally advertised or negotiated contract whether or not cost or pricing data were required in connection with the initial pricing of the contract when the modification involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000. (For example, the requirement applies to a $150,000 modification resulting from a reduction of $350,000 and an increase of $200,000, or as another example, when the modification results in no change in contract price because there is an increase of $1 million and a reduction of $1 million. However, this requirement shall not apply when unrelated and separately priced changes for which cost or pricing data would not be required are included in the same modification for administrative convenience.);
(iii) the award of any negotiated contract not expected to exceed $500,000 in amount, or any contract modification not expected to exceed $500,000 in amount to any contract whether or not cost or pricing data were required in connection with the initial pricing of the contract, provided the contracting officer considers that the circumstances warrant such action;

unless the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The requirements under (i) and (ii) above may be waived in exceptional cases when the Secretary (or, in the case

of a contract with a foreign government or agency thereof, the Head of a Contracting Activity) authorizes such waiver and states in writing his reasons for such determination. A copy of each waiver shall be sent to the Assistant Deputy Under Secretary of Defense for Acquisition (ADUSD(A)), OUSD(R&E).

(c) Unless required to be submitted on one of the termination forms set forth in 16-700, data will be submitted on the DD Form 633. The requirement for submission of cost or pricing data is met when all cost or pricing data reasonably available to the contractor have been submitted or identified in writing at the time of agreement on price. The data shall be submitted to the contracting officer or his representative. There is a clear distinction to be made between "submitting" cost or pricing data and merely "making available" books, records and other documents without identification. The latter does not constitute submission of cost or pricing data.

(d) Certified cost or pricing data shall not be requested prior to the award of any contract anticipated to be for $25,000 or less (but see 22-1007) and generally should not be requested for modifications in those amounts. There should be relatively few instances where certified cost or pricing data and the inclusion of defective pricing clauses would be justified in awards between $25,000 and $500,000. In most such awards, the administrative costs will outweigh the benefits which might otherwise accrue from receipt of certified cost or pricing data; hence all other means of determining reasonableness of price should be utilized. When less than complete cost analysis (*e.g.*, analysis of only specific factors) will provide a reasonable pricing result on awards under $500,000 without the submission of complete cost or pricing data, the contracting officer shall request only that data which he considers adequate to support the limited extent of the cost analysis required and he will not require certification.

(e) When it is anticipated from the outset that there will be adequate price competition, cost or pricing data shall not be requested regardless of the dollar amount involved. If, after cost or pricing data were initially requested and received, it is determined that adequate price competition does exist, the data need not be certified. As a general rule, cost or pricing data should not be requested when it has been determined that proposed prices are, or are based on, established catalog or market prices of commercial items sold in substantial quantities to the general public or are prices set by law or regulation. When, however, despite the existence of an established catalog or market price of commercial items sold in substantial quantities to the general public, the contracting officer finds that the price is not reasonable and supports such finding by an enumeration of the facts upon which it is based, cost or pricing data may be requested if necessary to establish a reasonable price; *provided*, that such finding is approved by the Chief of the Purchasing Office.

(f) When economic price adjustment provisions are included in competitive procurements, see 3-404.3(e).

3-807.4 *Subcontractor Cost or Pricing Data.*

(a) Any contractor who is required to submit and certify cost or pricing data shall be required to submit accurate, complete and current cost or pricing data from prospective subcontractors in support of each subcontract cost estimate included in the contractor's submission. This submission shall be required whenever the contracting officer considers such subcontractor data necessary for pricing the prime contract, or, in any event, whenever such subcontractor cost estimate is either (i) $1,000,000 or more, or (ii) both more than $500,000 and more than 10 percent of the prime contractor's proposed contract price. This submission is not required if the contractor demonstrates to the satisfaction of the contracting officer that a prospective subcontract will be based on adequate price competition, or that a prospective subcontract estimate is based on an established catalog or market price of a commercial item sold in substantial quantities to the general public, or a price set by law or regulation. Except for subcontracts within (i) or (ii) above, any such requirement for subcontractor cost or pricing data may be limited by the contracting officer to particular subcontract items or classes of items. However, in the case of subcontracts of $500,000 or less, any such requirement shall be subject to the limitations for contracts of $500,000 or less as set forth in 3-807.3(d). Submission of subcontractor cost or pricing data from more than one subcontractor for each subcontract item shall not ordinarily be required, provided that the contractor's subcontract cost estimate is based upon the cost or pricing data of the subcontractor who is most likely to get the subcontract. Notwithstanding the foregoing, the contractor shall submit other data pertaining to subcontract costs, including other subcontractor quotations.

(b) Prospective subcontractor cost or pricing data shall be accurate, complete and current as of the same date specified in the contractor's certificate. The contractor shall be responsible for updating a prospective subcontractor's data to the above date from the time of original submission by the subcontractor. Failure by the contractor to submit subcontract cost or pricing data may be cause for disqualification of the contractor from further consideration for award of the proposed contract. When the contractor has generally complied with such subcontract cost or pricing data requirements, his failure to do so for particular subcontracts in exceptional cases may be excused by the contracting officer. Such excuse, except when limited to an allowance of additional time, shall be approved by the Chief of the Purchasing Office. For each prospective subcontract so excused, the contracting officer shall either (i) allow additional time for submission of subcontract cost or pricing data up to the date of agreement upon the prime contract price; (ii) withdraw the requirement for subcontract cost or pricing data if he deems that cost or pricing data submitted by the contractor is adequate to support the subcontract estimate; (iii) reserve such subcontract item for future pricing; (iv) consider another contract type; or (v) make other arrangements to provide an adequate basis for agreement upon contract price. Also, for each subcontract so excused, the contractor shall remain obligated to obtain subcontractor cost or pricing data.

(c) These requirements, modified as appropriate to relate to a higher tier subcontractor rather than the prime contractor, shall apply to lower tier subcontracts under subcontracts for which subcontractor cost or pricing data are required.

(d) The contractor shall be required to support subcontract cost estimates below the minimum set forth in (a)(i) and (ii) above, by any data or information needed to establish a reasonable contract price.

(e) Any contractor who has been required to submit and certify cost or pricing data also shall be required to obtain cost or pricing data from his subcontractors under the circumstances set forth in the appropriate clause in 7-104.42, notwithstanding any prior submission from subcontractors. The requirements for submission of subcontractor cost or pricing data for subcontracts may be waived in exceptional cases when the Secretary (or his designee in cases when the subcontract is with a foreign government or agency thereof or is for less than $1 million) authorizes such waiver and states in writing his reasons for such determinations. A copy of each waiver shall be sent to the Assistant Deputy Under Secretary of Defense for Acquisition, Office of the Under Secretary of Defense, Research and Engineering.

(f) Cost or pricing data furnished by a subcontractor or a prospective subcontractor must be submitted to the prime contractor or higher-tier subcontractor. It is the responsibility of the prime contractor and higher-tier subcontractor to review and evaluate the subcontract proposal and supporting cost or pricing data and furnish the results of such review and evaluation to the Government as part of their cost or pricing data submission.

3-807.5 *Refusal to Provide Cost or Pricing Data.* If cost or pricing data from the contractor are required to permit adequate analysis of the contractor's proposal and the contractor has refused to provide such data, the contracting officer shall use those means available to him in attempting to secure such data. If the contractor persists in his refusal to provide necessary data, the contracting officer shall withhold making the award or price adjustment. In such event, he shall refer the procurement action to higher echelons of the Department. Such referral shall include a complete statement of the attempts made to resolve the matter, including (i) steps taken to secure essential cost or pricing data, (ii) efforts to secure the contractor's cooperation in the establishment of a satisfactory business relationship, (iii) any assurances offered, such as agreements to adequately safeguard information furnished, and (iv) a statement concerning the practicability of obtaining the supplies or services from another source.

3-807.6 *Certificate of Current Cost or Pricing Data.*

(a) When a Certificate of Current Cost or Pricing Data is required, the certificate set forth below shall be included in the contract file along with the memorandum of the negotiation, see 3-811. The contractor shall be required to submit only one certificate which shall be submitted as soon as practicable after agreement is reached on the contract or modification price.

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data as defined in ASPR 3-807.1(a)(1) submitted, either actually or by specific identification in writing (see ASPR 3-807.3(a)) to the Contracting Officer or his representative in support of . * are accurate, complete, and current as of (day) (month) (year) **

This certification includes the cost or pricing data supporting any advance agreement(s) and forward pricing rate agreements between

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the offeror and the Government which are part of the proposal.

Firm .....
Name .....
Title .....
Date of Execution ..... ***

(End of certificate)

* Describe the proposal, quotation, request for price adjustment or other submission involved, giving appropriate identifying number (*e.g.*, RFP No. . . . . .)

** The effective date shall be the date when price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator if the contractor had information reasonably available at the time of agreement, showing that the negotiated price is not based on accurate, complete and current data.

*** This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed to.

(b) Because the certificate pertains to "cost or pricing data," it does not make representations as to the accuracy of the contractor's judgment on the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

(c) Whenever a Certificate of Current Cost or Pricing Data is required, the applicable clause in 7-104.29 shall be included in the contract.

(d) Although Cost or Pricing Data were requested in the solicitation, a Certificate of Current Cost or Pricing Data shall not be requested in connection with the award of any contract of any dollar value where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(e) The exercise of an option at the price established in the initial negotiation in which certified cost or pricing data were used, does not require re-certification.

(f) Negotiated final pricing actions such as total final price agreements under fixed price incentive and redeterminable contracts, final overhead rate settlements under cost type contracts, or partial termination settlement agreements under any type of contract are contract modifications for which certified cost or pricing data are required. A certificate shall be submitted as soon as practicable after agreement is reached on the amount of the modification. That certificate is required when the amount of the total final price agreement exceeds $500,000 or partial termination settlement agreement plus the estimate to complete exceeds $500,000.

(g) A Certificate of Current Cost or Pricing Data is not a substitute for examination and analysis of the contractor's proposal.

(h) Data supplied during negotiation of an advance agreement and FPRA's (see 15-107 and 3-807.8) will not be certified at the time of agreement. When an advance agreement is used in partial support of a later contractual action which does require certification, the price proposal certificate will cover both the data

originally supplied to support the advance agreement referenced on the DD Form 633 and all data required to update the specific price proposal data to the time of agreement on the contract price.

3-807.7 ***Adequate Price Competition, Catalog or Market Prices and Prices Set by Law or Regulation.*** For the purpose of paragraphs 3-807 and 15-205.22(e), the terms "adequate price competition", "established catalog or market prices of commercial items sold in substantial quantities to the general public", and "prices set by law or regulations" shall be construed in accordance with the following general guidelines.

(a) ***Adequate Price Competition.***

(1) Price competition exists if offers are solicited and (i) at least two responsible offerors, (ii) who can satisfy the requirements, (iii) independently contend for a contract to be awarded to the responsive and responsible offeror submitting the lowest evaluated price, (iv) by submitting priced offers responsive to the expressed requirements of the solicitation. Whether there is price competition for a given procurement is a matter of judgment to be based on evaluation of whether each of the foregoing conditions is satisfied. Generally, in making this judgment, the smaller the number of offerors, the greater the need for close evaluation.

(2) If the foregoing conditions (i) through (iv) are met, price competition shall be presumed to be "adequate" unless it is determined that:

(i) the solicitation was made under conditions that unreasonably deny to one or more known and qualified offerors an opportunity to compete;

(ii) the low competitor has such a determinative advantage over the other competitors that he is practically immune to the stimulus of competition in proposing a price (*e.g.*, a determinative advantage because substantial costs, such as start up or other nonrecurring expenses, have already been absorbed in connection with previous sales, thus placing the competitor in a preferential position); or

(iii) the lowest final price is not reasonable and this finding is supported by an enumeration of the facts upon which it is based; *provided*, that such finding is approved at a level above the contracting officer.

(3) A price is "based on" adequate price competition if it results directly from such competition or, if price analysis (not cost analysis) shows clearly that the price is reasonable in comparison with current or recent prices for the same or substantially the same items procured in comparable quantities under contracts awarded as a result of adequate price competition (*e.g.*, (i) exercise of an option in a contract for which there was adequate price competition if the option price has been determined to be reasonable in accordance with 1-1505(d) and (ii) an item normally is procured competitively but in a particular situation only one offer is solicited or received, and the price clearly is reasonable in comparison with recent purchases of comparable quantities for which there was adequate price competition).

(4) Prices based on adequate price competition exempt offerors from the requirements for submission and certification of cost or pricing data. (***But see 3-1200 for CAS requirements.***)

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(i) Architect-engineering contracts;
(ii) Management contracts for operation and/or maintenance of Government facilities;
(iii) Construction contracts;
(iv) Contracts primarily requiring delivery of material supplied by subcontractors;
(v) Termination settlements;
(vi) Cost-plus-award-fee contracts;
(vii) Contracts not expected to exceed $500,000; and
(viii) Unusual pricing situations where the weighted guidelines method has been determined to be unsuitable. Such exceptions shall be justified in writing and shall be authorized by the head of the contracting activity.

(2) If the contracting officer makes a written determination that the pricing situation meets any of the circumstances set forth above and that application of the manufacturing weighted guidelines will result in an inequitable profit objective, other methods for establishing the profit objective may be used. These methods shall be supported in a manner similar to that used in the weighted guidelines (profit factor breakdown and documentation of profit objectives); however, investment or other factors that would not be applicable to the contract shall be excluded from the profit objective determination. It is intended that the methods will result in profit objectives for noncapital intensive contracts that are below those generally developed for capital intensive contracts.

(c) *Application to Subcontracts.* The prime contractor may use the weighted guidelines or a structured approach that discriminates among different levels of investment if the acquisition would be subject to the weighted guidelines under a prime contract. (For applicability see 3-1300.1(c).) If the acquisition falls into one of the exceptions to the weighted guidelines in 3-808.2(b)(1), the prime contractor may use another method to establish profit objectives. In the absence of a structured approach that discriminates among different levels of investment, similar to the weighted guidelines, the profit objective will be reduced by the amount of facilities capital cost of money allowed in accordance with 15-205.50.

(d) *Limitation.* In the event this or any other method would result in establishing a fee objective in violation of limitations established by statute or this regulation, the maximum fee objective shall be the percentage allowed pursuant to such limitations. (See 3-405.) No local administrative ceilings on profit shall be permitted.

3-808.3 *Profit Objective.*

(a) A profit objective is that part of the estimated contract price objective or value which, in the judgment of the contracting officer, is appropriate for the acquisition being considered, covering the profit or fee element of the price objective. This objective should realistically reflect the total overall task to be performed and the requirements placed on the contractor. Prior to the negotiation of a contract, change order, or contract modification where cost analysis is undertaken, the negotiator shall develop a profit objective. The weighted

guidelines method, if applicable, shall be used for developing this profit objective. If a change or modification is of a relatively small dollar amount and is basically the same type of work as required in the basic contract, the application of the weighted guidelines method will generally result in a profit objective similar to the profit objective in the basic contract and, therefore, this basic rate may be applied to the contract change or modification. In cases where the change or modification calls for substantially different work, then the basic contract profit and the contractor's effort may be radically changed and a detailed analysis is necessary. Also, if the dollar amount of the change or contract modification is very significant in comparison to the contract dollar amount, a detailed analysis shall be made.

(b) Development of a profit objective should not begin until after a thorough—

(i) review of proposed contract work;
(ii) review of all available knowledge regarding the contractor, pursuant to Section I, Part 9, including capability reports, audit data, preaward survey reports and financial statements, as appropriate; and
(iii) analysis of the contractor's cost estimate and comparison with the Government's estimate or projection of cost.

3-808.4 *Profit Factors.*

(a) The following factors shall be considered in all cases in which profit is to be specifically negotiated. The weight ranges listed after each factor shall be used in all instances where the weighted guidelines method is used.

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(iii) a contractor's or subcontractor's failure to comply with applicable Cost Accounting Standards or to follow consistently his disclosed cost accounting practices has resulted, or may result in, any increased cost paid by the Government; and

(iv) a contractor's or subcontractor's proposed price changes, submitted as a result of changes made to previously disclosed or established cost accounting practices, are fair and reasonable.

(6) Procedures for Identifying Contractors' Unallowable Costs.

(i) The establishment, maintenance, and consistent use of procedures for identifying and segregating unallowable costs, which will assure compliance with CAS 405 and 15-201.6, will benefit both the Government and contractors. Such procedures may vary between plants or divisions of a contractor due to size, mix of business and complexity of organization. Some of the advantages of sound procedures are that:

(A) a greater degree of confidence can be placed on the accuracy and reliability of contractors' proposals, billings and claims;

(B) they expedite the negotiation process; and

(C) they may reduce the scope of reviews performed by audit and other technical and procurement personnel.

(ii) The responsible Federal Contract Audit organization shall review contractors' procedures and practices in conjunction with other contract audit activities. Deficiencies shall be reported to the cognizant ACO, and, as appropriate, PCOs having substantial business with the contractor. Among the matters to be considered in determining the adequacy of a contractor's procedures are its policy, practices and techniques for:

(A) assignment of responsibilities within the contractor's organization for reviewing and approving claims against the Government;

(B) identification of unallowable costs (expressly unallowable, mutually agreed to be unallowable or specifically designated as unallowable by written decision of the contracting officer) together with the individual employees incurring such costs;

(C) identification and computation of directly associated costs;

(D) assurance that unallowable and directly associated costs are not included in estimated costs proposed, or incurred amounts claimed by the contractor;

(E) coordination and communication between the elements of the contractor's organization that prepare proposals and claims and those responsible for identifying unallowable and directly associated costs; and

(F) assuring the adequacy of the documentation maintained by the contractor identifying the unallowable costs together with directly associated costs.

(iii) Documentation in support of the contractor's procedures shall be made available to authorized Government personnel. (See 3-801.5(b)(7).)

3-810 Exchange of Information. In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between Departments, bureaus, technical services, and other procuring activities since it will provide uniformity of treatment of major issues and it may aid in the resolution of particularly difficult or controversial issues.

3-811 Record of Price Negotiation.

(a) At the conclusion of each negotiation of an initial or a revised price, the contracting officer shall promptly prepare or cause to be prepared, a memorandum, setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of the initial or revised price, including the current status of the contractor's procurement system. The memorandum should include an explanation of why cost or pricing data was, or was not, required (see 3-807) and, if it was not required in the case of any price negotiation in excess of $500,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required (3-807.6), the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the contracting officer in determining his total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which the contracting officer recognized in the negotiation that any cost or pricing data submitted by the contractor was inaccurate, incomplete, or non-current; the action taken by the contracting officer and the contractor as a result; and the effect, if any, of such defective data on the

7-103.2 *Changes.*

CHANGES (1998 JAN)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change, *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of clause)

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29) and the audit clause required by 7-104.41.

7-103.3 *Extras.*

EXTRAS (1949 JUL)

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

(End of clause)

7-103.4 *Variation in Quantity.*

(a) Insert the following clause.

VARIATION IN QUANTITY (1949 JUL)

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

(End of clause)

(b) In accordance with 1-325, insert the following clause.

EXTENT OF QUANTITY VARIATION (1965 APR)

The permissible variation under the clause of the General Provisions entitled "Variation in Quantity" shall be limited to:

Increase (Insert:.....% or None)

Decrease (Insert:.....% or None)

This increase or decrease shall apply to.....*

(End of clause)

* Insert in the blank the designation(s) to which the percentages apply, such as: (1) the total contract quantity; (2) item 1 only; (3) each quantity specified in the delivery schedule of the "Time of Delivery" clause; (4) the total item quantity for each destination; (5) the total quantity of each item without regard to destination.

7-103.5 *Inspection.*

(a) The following clause shall be inserted in all fixed-price supply contracts, except as provided in (b) and (c) below.

INSPECTION (1982 NOV)

(a) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder and shall tender to the Government, for acceptance, only supplies that have been inspected in accordance with said inspection system and have been found by the Contractor to be in conformity with contract requirements. As part of such system, the Contractor shall prepare records evidencing all inspections made pursuant thereto and the outcome thereof. Such records shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract. The Government may perform such reviews and evaluations as are reasonably necessary to ascertain compliance with this paragraph. These reviews and evaluations shall be conducted in a manner that will not unduly delay the contract work. The right of review, whether exercised or not, does not relieve the Contractor of the obligations under the contract.

(b) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance. However, the Government assumes no contract obligation to perform any inspection and test for the benefit of the Contractor unless specifically set forth elsewhere in this contract.

(c) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby; or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

EQUAL OPPORTUNITY PRE-AWARD CLEARANCE OF SUBCONTRACTS (1971 OCT)

Notwithstanding the clause of this contract entitled "Subcontracts," the Contractor shall not enter into a first-tier subcontract for an estimated or actual amount of $1,000,000 or more without obtaining in writing from the Contracting Officer a clearance that the proposed subcontractor is in compliance with equal opportunity requirements and therefore is eligible for award.

(End of clause)

7-104.23 *Subcontracts.*

(a) The following clause shall be inserted in all fixed-price type contracts, in accordance with 23-201.

SUBCONTRACTS (1982 DEC)

(The provisions of this clause do not apply to firm fixed-price contracts and fixed price contracts with economic price adjustment provisions. However, the clause does apply to unpriced modifications under such contracts.)

(a) As used in this clause, the term "subcontract" includes but is not limited to purchase orders, changes and/or modifications thereto.

(b) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract if the Contractor's procurement system has not been approved by the Contracting Officer and if the subcontract:

(i) is to be a cost-reimbursement, time and materials, or labor-hour contract which it is estimated will involve an amount in excess of twenty-five thousand dollars ($25,000) including any fee;

(ii) is proposed to exceed one hundred thousand dollars ($100,000); or

(iii) is one of a number of subcontracts, under this contract, with a single subcontractor for the same or related supplies or services which, in the aggregate, are expected to exceed one hundred thousand dollars ($100,000).

(c) The advance notification required by paragraph (b) above shall include:

(i) a description of the supplies or services to be called for by the subcontract;

(ii) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the competition obtained;

(iii) the proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) the subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data, when such data and certificates are required by other provisions of this contract to be obtained from the subcontractor;

(v) identification of the type of subcontract to be used;

(vi) a memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not required, and, if it was not required in the case of any price negotiation in excess of $500,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current; the action taken by the contractor and the subcontractor as a result; and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the contractor's total price objective, the memorandum shall explain this difference;

(vii) when incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time; and

(viii) the Subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

(d) The Contractor shall not enter into any subcontract for which advance notification to the Contracting Officer is required by this clause, without the prior written consent of the Contracting Officer, *provided* that the Contracting Officer, in his discretion, may ratify in writing any subcontract. Such ratification shall constitute the consent of the Contracting Officer required by this paragraph.

(e) Neither consent by the Contracting Officer to any subcontract or any provisions thereof nor approval of the Contractor's procurement system shall be construed to be a determination; (i) of the acceptability of any subcontract terms or condition, (ii) of the acceptability of any subcontract price or of any amount paid under any subcontract, or (iii) to relieve the Contractor of any responsibility for performing this contract; unless such approval or consent specifically provides otherwise.

(f) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(g) The Government reserves the right to perform contractor procurement system reviews as set forth in ASPR Section XXIII.

(End of clause)

(b) Insert the following additional subparagraph to the clause in (a) above in accordance with 23-201.1(b)(iii).

(h) Notwithstanding approval of the Contractor's procurement system, the Contractor shall not enter into certain subcontracts or classes of subcontracts set forth elsewhere in this contract without the prior written consent of the Contracting Officer. With respect to subcontracts so identified, the advance notification requirements of paragraph (b) above shall be fully applicable even though the Contractor's system has been approved and those subcontracts are within the scope of the approval.

7-104.24 *Government Property.*

(a) *Government Property Clause.* Except as provided in (b) through (d) and (f) below, insert the following clause when a Department is to furnish to the contractor, or the contractor is to acquire Government property.

GOVERNMENT PROPERTY (FIXED PRICE) (1968 SEP)

(a) *Government-Furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of

7-104.28 *Civility.*

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7-104.28 *Quality Program.* In accordance with 14-304, insert the following clause.

QUALITY PROGRAM (1967 AUG)

The Contractor shall provide and maintain a quality program acceptable to the Government for supplies and services covered by this contract. The quality program shall be in accordance with the edition of Military Specification MIL-Q-9858 in effect on the date of this contract.

(End of clause)

7-104.29 *Price Reduction for Defective Cost or Pricing Data.*

(a) The following clause shall be inserted in negotiated contracts which when entered into exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition the contracting officer shall include this clause in other negotiated contracts for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with 3-807.3(b)(iii) in connection with the initial pricing of the contract, or for which he has obtained partial cost or pricing data in accordance with 3-807.3(d).

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA (1970 JAN)

If any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because:

(i) the Contractor furnished cost or pricing data which was not complete, accurate and current as certified in the Contractor's Certificate of Current Cost or Pricing Data;

(ii) a subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments" or any subcontract clause therein required, furnished cost or pricing data which was not complete, accurate and current as certified in the subcontractor's Certificate of Current Cost or Pricing Data;

(iii) a subcontractor or prospective subcontractor furnished cost or pricing data which was required to be complete, accurate and current and to be submitted to support a subcontract cost estimate furnished by the Contractor but which was not complete, accurate and current as of the date certified in the Contractor's Certificate of Current Cost or Pricing Data; or

(iv) the Contractor or a subcontractor or prospective subcontractor furnished any data, not within (i), (ii) or (iii) above, which was not accurate as submitted;

the price or cost shall be reduced accordingly and the contract shall be modified in writing as may be necessary to reflect such reduction. However, any reduction in the contract price due to defective subcontract data of a prospective subcontractor when the subcontract was not subsequently awarded to such subcontractor, will be limited to the amount (plus applicable overhead and profit markup) by which the actual subcontract, or actual cost to the Contractor if there was no subcontract, was less than the prospective subcontract cost estimate submitted by the Contractor, *provided* the actual subcontract price was not affected by defective cost or pricing data.

Note: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor, *provided* that they are consistent with ASPR 23-203 relating to Disputes provisions in subcontracts. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

(End of clause)

(b) Insert the following clause in all contracts, both formally advertised and negotiated, which when entered into exceed $500,000 except those containing the clause in (a) above.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS (1982 DEC)

(a) This clause shall become operative only with respect to any modification of this contract which involves aggregate increases and/or decreases in costs plus applicable profits in excess of $500,000 unless the modification is priced on the basis of adequate competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause is limited to defects in data relating to such modification.

(b) If any price, including profit, or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because:

(i) the Contractor furnished cost or pricing data which was not complete, accurate and current as certified in the Contractor's Certificate of Current Cost or Pricing Data;

(ii) a subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments" or any subcontract clause therein required, furnished cost or pricing data which was not complete, accurate and current as certified in the subcontractor's Certificate of Current Cost or Pricing Data;

(iii) a subcontractor or prospective subcontractor furnished cost or pricing data which was required to be complete, accurate and current and to be submitted to support a subcontract cost estimate furnished by the Contractor but which was not complete, accurate and current as of the date certified in the Contractor's Certificate of Current Cost or Pricing Data; or

(iv) the Contractor or a subcontractor or prospective subcontractor furnished any data, not within (i), (ii) or (iii) above, which was not accurate, as submitted;

the price shall be reduced accordingly and the contract shall be modified in writing as may be necessary to reflect such reduction. However, any reduction in the contract price due to defective subcontract data of a prospective subcontractor, when the subcontract was not subsequently awarded to such subcontractor, will be limited to the amount (plus applicable overhead and profit markup) by which the actual subcontract, or actual cost to the Contractor if there was no subcontract, was less than the prospective subcontract cost estimate submitted by the Contractor, *provided* the actual subcontract price was not affected by defective cost or pricing data.

Note: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor, *provided* that they are consistent with ASPR 23-203 relating to Disputes provisions in subcontracts. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

(End of clause)

(c) The requirement for inclusion of the above clauses in contracts with foreign governments or agencies thereof may be waived in exceptional cases by the Head of a Procuring Activity, stating in writing his reasons for such determination.

assent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

(End of clause)

The interest rates established by the Secretary of the Treasury will be published in the Federal Register every six months. The current rate may also be obtained from the Departmental Contract Finance Office representative.

7-104.40 *Competition in Subcontracting.* The following clause shall be included in all negotiated contracts over $10,000, except in firm fixed-price contracts where award is on the basis of effective price competition or where prices are established by law or regulation, and except in small purchases made pursuant to 3-600.

COMPETITION IN SUBCONTRACTING (1963 APR)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

(End of clause)

7-104.41 *Audit by Department of Defense.*

(a) Insert the following clause in all contracts (except those entered into by formal advertising which are not expected to exceed $100,000, and except small purchases made pursuant to 3-600).

AUDIT BY DEPARTMENT OF DEFENSE (1982 DEC)

(a) *General.* The Contracting Officer or his representatives shall have the audit and inspection rights described in the applicable paragraphs (b), (c) and (d) below.

(b) *Examination of Costs.* If this is a cost reimbursement type, incentive, time and materials, labor hour, or price redeterminable contract, or any combination thereof, the Contractor shall maintain, and the Contracting Officer or his representatives shall have the right to examine books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. Such right of examination shall include inspection at all reasonable times of the Contractor's plants, or such parts thereof, as may be engaged in the performance of this contract.

(c) *Cost or Pricing Data.* If the Contractor submitted cost or pricing data in connection with the pricing of this contract or any change or modification thereto, unless such pricing was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the Contracting Officer or his representatives who are employees of the United States Government shall have the right to examine all books, records, documents and other data of the Contractor related to the negotiation, pricing or performance of such contract, change or modification, for the purpose of evaluating the accuracy, completeness and currency of the cost or pricing data submitted. Additionally, in the case of pricing any change or modification to formally advertised contracts, the Comptroller General of the United States or his representatives who are employees of the United States Government shall have such rights. The right of examination shall extend to all documents necessary to permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(d) *Reports.* If the Contractor is required to furnish Contractor Cost Data Reports (CCDR), Contract Fund Status Reports (CFSR), or Cost Performance Reports (CPR) the Contracting Officer or his representatives shall have the right to examine books, records, other documents, and supporting materials, for the purpose of evaluating (i) the effectiveness of the Contractor's policies and procedures to produce data compatible with the objectives of these reports, and (ii) the data reported.

(e) *Availability.* The materials described in (b), (c) and (d) above shall be made available at the office of the Contractor, at all reasonable times, for inspection, audit, or reproduction, until the expiration of three (3) years from the date of final payment under this contract or such lesser time specified in Appendix M of the Armed Services Procurement Regulation, and for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (1) and (2) below:

(1) If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for a period of three (3) years from the date of any resulting final settlement.

(2) Records which relate to appeals under the "*Disputes*" clause of this contract, or litigation, or the settlement of claims arising out of the performance of this contract, shall be made available until such appeals, litigation, or claims have been disposed of.

(f) The Contractor shall insert a clause containing all the provisions of this clause, including this paragraph (f), in all subcontracts exceeding $10,000 hereunder, except altered as necessary for proper identification of the contracting parties and the Contracting Officer under the Government prime contract.

(End of clause)

(b) In the case of consolidated facilities contracts, facilities acquisition contracts and facilities use contracts, paragraph (b) of the clause should be amended to read:

(b) *Examination of Costs.* The Contractor shall maintain, and the Contracting Officer and his representatives shall have the right to examine, books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly (1) all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract and (2) the use of, and charges for the use of, the facilities. Such right of examination shall include inspection at all reasonable times of the Contractor's plants, or such parts thereof, as may be engaged in the performance of this contract.

7-104.42 *Subcontractor Cost or Pricing Data.*

(a) The following clause shall be inserted in all negotiated contracts expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The contracting officer may include this clause, with appropriate reduction in the dollar amounts included therein, in other negotiated contracts where a Certificate of Current Cost or Pricing Data is required (see 3-807.3(b)(iii)) in connection with initial pricing of the contract.

SUBCONTRACTOR COST OR PRICING DATA (1982 DEC)

(a) The Contractor shall require subcontractors hereunder to submit, actually or by specific identification in writing, cost or pricing data under the following circumstances: (i) prior to the award of any subcontract the amount of which is expected to exceed $500,000 when entered into; (ii) prior to the pricing of any subcontract modification which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000; except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that to the best of their

knowledge and belief, the cost and pricing data submitted under (a) above is accurate, complete,

(c) The requirement for inclusion of the above clauses in contracts with

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knowledge and belief, the cost and pricing data submitted under (a) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each subcontract hereunder which exceeds $500,000 when entered into except where the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of $500,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any modification made pursuant to one or more provisions of this contract which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000. The requirements of this clause shall be limited to such contract modifications.

(b) The Contractor shall require subcontractors hereunder to submit, actually or by specific identification in writing, cost or pricing data under the following circumstances: (i) prior to award of any subcontract, the amount of which is expected to exceed $500,000 when entered into; (ii) prior to the pricing of any subcontract modification which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000; except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that to the best of their knowledge and belief the cost and pricing data submitted under (b) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $500,000 when entered into.

(End of clause)

(b) Insert the following clause in all contracts, both formally advertised and negotiated, which exceed $500,000 other than those described in (a) above:

SUBCONTRACTOR COST OR PRICING DATA—PRICE ADJUSTMENTS (1982 DEC)

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any modification made pursuant to one or more provisions of this contract which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000. The requirements of this clause shall be limited to such modifications.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances: (i) prior to the award of any subcontract the amount of which is expected to exceed $500,000 when entered into; (ii) prior to the pricing of any subcontract modification which involves aggregate increases and/or decreases in costs plus applicable profits expected to exceed $500,000; except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify that to the best of their knowledge and belief the cost and pricing data submitted under (b) above is accurate, complete, and current as of the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract which exceeds $500,000.

(End of clause)

(c) The requirement for inclusion of the above clauses in contracts with foreign governments or agencies thereof may be waived in exceptional cases by the Head of a Procuring Activity, stating in writing his reasons for such determination.

7-104.43 *Reserved.*

7-104.44 *Value Engineering (VE).*

(a) In accordance with 1-1704, insert the following clause:

VALUE ENGINEERING (1982 OCT)

(a) *Applicability.* This clause applies to any Value Engineering Change Proposal (VECP) developed, prepared, and submitted by the Contractor.

(b) *Definitions.*

(1) "Acquisition savings" means savings resulting from the application of VECPs to contracts awarded by the same contracting office or its successor for essentially the same unit. Acquisition savings include:

(i) instant contract savings, which are the net cost reductions on this, the instant contract, and which are equal to the unit cost reduction multiplied by the number of units affected by the VECP, less the Contractor's allowable development and implementation costs (on service contracts, the unit cost reduction is multiplied by the labor-hour rate agreed upon for the tasks involved; then the Contractor's allowable development and implementation costs are subtracted from the total);

(ii) concurrent contract savings, which are measurable net reductions in the prices of other contracts of the contracting office in existence at the time the VECP was accepted; and

(iii) future contract savings, which are the product of the unit cost reduction under the instant contract, adjusted to consider the effects of learning, quantities, or other similar factors, multiplied by

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derstanding, the Contracting Officer may waive all or part of the provisions hereof concerning [illegible]istration and review.

(End of clause)

7-104.88 *Advertising and Coupon Redemption for Military Resale Activities.* To preclude any implied endorsement by military resale activities of commercially advertised products, insert the following clause in all solicitations and resulting contracts for supplies purchased for resale.

ADVERTISING AND COUPON REDEMPTION FOR MILITARY RESALE ACTIVITIES (1974 APR)

The Contractor will not represent in any manner, expressed or implied, that the products purchased hereunder are approved or endorsed by any element of the United States Government. Any advertisement by the Contractor, including price-off coupons, which refers to a military resale activity shall contain the following statement:

"This advertisement is neither paid for nor sponsored, in whole or in part, by any element of the United States Government."

(End of clause)

7-104.89 *Engineering Change Proposals (ECP's).* In accordance with 26-205, the following is a sample clause:

ENGINEERING CHANGE PROPOSALS

(a) The Contracting Officer may at any time, in writing, request the Contractor to prepare and submit an Engineering Change Proposal (ECP) as that term is defined in MIL-STD-480, within the scope of this contract, as hereafter set forth. Upon receipt of such request, the Contractor shall submit to the Contracting Officer the information specified by, and in the format required by paragraph 4 of, MIL-STD-480.

(b) Any Contractor ECP shall set forth a "not to exceed" price* and delivery adjustment or a "not less than" price* and delivery adjustment, acceptable to the Contractor if the Government subsequently orders such ECP. If ordered, the equitable increase shall not exceed, nor shall the equitable decrease be less than, such "not to exceed" or "not less than" amounts.** This paragraph does not preclude any revision(s) or correction(s) of an ECP in accordance with paragraph 4.10 and 4.11 of MIL-STD-480. Concurrently with the submission of any ECP under this contract in which the proposed aggregate cost is $500,000 or greater, the Contractor shall submit to the Contracting Officer a completed DD Form 633 . At the time of agreement upon the price of the ECP, the Contractor shall submit a signed Certificate of Current Cost or Pricing Data.

(End of clause)

The Contracting Officer may include, in the circumstances in 26-205(b), the following paragraph.

(c) If the price * adjustment proposed for any Contractor-originated ECP (excluding any Government-requested ECP or Value Engineering Change Proposal) is *** (percent of the contract price *) (or $ ***) or less, such change shall be made at no adjustment of the contract price * .

* Use term suitable to type of contract.

** In cost-reimbursement type contracts, replace this sentence with the following sentence:

Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to ex-

ceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

*** To be negotiated.

7-104.90 *Change Order Accounting.* In accordance with 26-205, the following is a sample clause:

CHANGE ORDER ACCOUNTING

When the Contracting Officer estimates that the cost of a change or series of related changes will exceed $100,000, he may require change order accounting. The Contractor, for each such change or series of related changes, shall maintain separate accounts, by job order or other suitable accounting procedure, of all incurred segregable, direct costs (less allocable credits), of work, both changed and not changed, allocable to the change. Such accounts shall be maintained until the parties agree to an equitable adjustment for the change order.

(End of clause)

7-104.91 *Contracts Conditioned Upon the Availability of Funds.* In accordance with 1-318, insert one of the following clauses:

(a) *Availability of Funds.*

AVAILABILITY OF FUNDS (1962 SEP)

Funds are not presently available for this procurement. The Government's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the contract purposes can be made. No legal liability on the part of the Government for payment of any money shall arise unless and until funds are made available to the Contracting Officer for this procurement and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

(End of clause)

(b) *Availability of Funds for Next Fiscal Year.*

AVAILABILITY OF FUNDS FOR NEXT FISCAL YEAR (1975 JUN)

Funds are not presently available for performance under this contract beyond .....

The Government's obligation for performance of this contract beyond this date is contingent upon the availability of appropriated funds from which payment for the contract purposes can be made. No legal liability on the part of the Government for payment of any money for performance under this contract beyond ..... shall arise unless and until funds are made available to the Contracting Officer for such performance and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

(End of clause)

7-104.92 *Time of Delivery.*

(a) Policy and procedures regarding time of delivery are set forth in 1-305. Examples of time of delivery clauses for invitations for bids are set forth below. They may be modified or other clauses may be used to state particular delivery requirements or any special procedures to be used in the evaluation, rejection or award process as regards time of delivery. These clauses also may be suitably modified for use in negotiated procurements when appropriate.

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In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-203.3 *Limitation of Cost or Funds.*

(a) The following clause shall be inserted in all fully funded cost-reimbursement type supply contracts.

LIMITATION OF COST (1966 OCT)

(a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of this contract, exclusive of any fee, will be greater or substantially less than the then estimated cost hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving his revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the Schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the Schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased, the Government and the Contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of costs incurred by each.

(End of clause)

(b) The following clause shall be used in all cost-reimbursement type supply contracts which are to be incrementally funded.

LIMITATION OF FUNDS (1966 OCT)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost.

(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the allotted amount will cover, are specified in the Schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the Schedule, exclusive of any fee. The Contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total actually allotted to the contract.

(c) If at any time the Contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the total amount then allotted to the contract, the Contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the Schedule. Sixty (60) days prior to the end of the period specified in the Schedule, the Contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the Schedule or otherwise agreed to by the parties. If, after such notification additional funds are not allotted by the end of the period set forth in the Schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the Contractor, terminate this contract pursuant to the provisions of the Termination clause on such date. If the Contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge his obligations hereunder for a period extending beyond such date, he shall specify the later date in his request, and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the Contractor shall not be obligated to continue performance under the contract (including actions under the Termination clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the Contractor in writing that such allotment amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the Schedule, such estimated cost shall be correspondingly increased. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the Contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; *unless* the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the amount allotted in the Schedule in the absence of a statement in the change order, or other contractual modification, increasing the amount allotted.

SUBCONTRACTS (1982 DEC)

(a) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract (as used in this clause, the term "subcontract" includes, but is not limited to, purchase orders, changes, and/or modifications thereto) which (i) is cost-reimbursement type, time and materials or labor-hour, or (ii) is fixed-price type and exceeds in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $10,000 or of any items of industrial facilities.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement type, time and materials, or labor-hour, and would involve an estimated amount in excess of $10,000, including any fee, or (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a) above shall include:

(1) a description of the supplies or services to be called for by the subcontract;
(2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;
(3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof;
(4) the subcontractor's current, complete, and accurate cost of pricing data and Certificate of Current Cost or Pricing Data, when such data and certificate are required by other provisions of this contract, to be obtained from the subcontractor;
(5) identification of the type of subcontract to be used;
(6) a memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of the memorandum shall be retained in the contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not required, and, if it was not required in the case of any price negotiation in excess of $500,000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current, the action taken by the contractor and the subcontractor as a result, and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;

Secretary and approved by the Contracting Officer; (iii) its contracts with the Department of the Navy, *The Department*.) When the Government has assumed liability for subcontracts, the term "*Contractor*" in this paragraph (b) shall include subcontractors.

(c) No payment shall be made by the Government under this clause unless the amount thereof shall first have been certified to be just and reasonable by the Secretary or his representative designated for such purpose. The rights and obligations of the parties under this clause shall survive the termination, expiration, or completion of this contract. The Government may discharge its liability under this paragraph by making payments to the Contractor or directly to parties to whom the Contractor may be liable.

(d) With the prior written approval of the Contracting Officer, the Contractor may include in any subcontract under this contract, the same provisions as those in this clause, whereby the Contractor shall indemnify the subcontractor against any risk defined in this contract to be unusually hazardous or nuclear in nature. Such a subcontract shall provide the same rights and duties, and the same provisions for notice, furnishing of evidence or proof, and the like, between the Contractor and the subcontractor as are established by this clause. The Contracting Officer may also approve similar indemnification of subcontractors at any tier upon the same terms and conditions. Subcontracts providing for indemnification within the purview of this clause shall provide for the prompt notification to the Contracting Officer of any claim or action against, or of any loss by, the subcontractor which is covered by this clause, and shall entitle the Government at its election, to control or assist in the settlement or defense of any such claim or action. The Government shall indemnify the Contractor with respect to his obligations in subcontractors under subcontract provisions thus approved by the Contracting Officer. The Government may discharge its obligations under this paragraph by making payments directly to subcontractors or to parties to whom the subcontractor may be liable.

(e) If insurance coverage or other financial protection program approved by the Secretary is reduced, the liability of the Government under this clause shall not be increased by reason of such reduction.

(f) The Contractor shall (i) promptly notify the Contracting Officer of any claim or action against, or of any loss by, the Contractor or any subcontractor which reasonably may be expected to involve indemnification under this clause, (ii) furnish evidence or proof of any claim, loss or damage covered by this clause in the manner and form required by the Government, and (iii) immediately furnish to the Government copies of all pertinent papers received by the Contractor. The Government may direct, control or assist in the settlement or defense of any such claim or action. The Contractor shall comply with the Government's directions, and execute any authorizations required in regard to such settlement or defense.

(End of clause)

7-303.63 *Preference for United States Flag Air Carriers.* In accordance with 1-336.1(b), insert the clause in 7-104.95.

7-303.64 *Privacy Act.* In accordance with 1-327.1, insert the clause in 7-104.96.

7-303.65 *Preference for Domestic Specialty Metals.* In accordance with 7-104.93, insert the applicable clause therein.

7-303.66 *Exclusionary Policies and Practices of Foreign Governments.* In accordance with 6-1312, insert the clause in 7-104.97.

7-303.67 *Hazardous Material Identification and Material Safety Data.* In accordance with 1-323.2(b), insert the clause in 7-104.98.

7-303.68 *Overseas Distribution of Defense Subcontracts.* In accordance with 1-340, insert the clause in 7-104.78.

7-303.69 *Reserved.*

7-303.70 *Limitation on Sales Commissions and Fees for Foreign Governments.* In accordance with 6-1305.6, insert the clause in 7-104.107.

7-304 Additional Clauses. The following clauses shall be inserted in fixed-price research and development contracts in accordance with Departmental procedures when it is desired to cover the subject matter thereof:

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7–304.1 *Changes.*

CHANGES (1965 JUN)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications; (ii) method of shipment or packing; and (iii) place of inspection, delivery, or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for performance of, this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (i) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of clause)

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted, may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3–807.6) and shall assure the contract includes or is modified to include a defective pricing data clause (see 7–104.29).

7–304.2 *Alterations in Contract.* The clause in 7–105.1(a) may be inserted.

7–304.3 *Approval of Contract.* The clause in 7–105.2 may be inserted.

7–304.4 *Bill of Materials.* In accordance with 7–105.6, the clause set forth therein may be inserted.

7–304.5 *Notice of Shipments.* The clause in 7–105.4 may be inserted.

7–304.6 *Reports of Work.* In accordance with 7–404.6, the clause set forth therein may be inserted.

7–304.7 *Liquidated Damages.* In accordance with 1–310, the clause in 7–105.5 may be inserted.

7–304.8 *Reserved.*

7–304.9 *Reserved.*

7–304.10 *Warranties.* In accordance with 1–324, an appropriate warranty may be inserted.

7–304.11 *Stop Work Orders.* In accordance with 7–105.3, the clause set forth therein may be inserted.

7–304.12 *Term of Performance or Delivery Date.* Insert a clause in accordance with 1–305.5. Clauses in 7–104.92 shall be used as a guide.

of time specified in the preceding sentence except as provided in (d) below. Except as provided in paragraph (c) below, the allowability of the cost of any such replacement or correction shall be as provided in the clause of this contract entitled "Allowable Cost and Payment." Corrected articles shall not be tendered again for acceptance unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to perform such replacement or correction, the Government (i) may by contract or otherwise perform such replacement or correction and charge to the Contractor any increased cost occasioned the Government thereby, or (ii) in the case of articles not delivered, may require the delivery of such articles, or (iii) may terminate this contract for default. Failure to agree to the amount of any such increased cost to be charged to the Contractor shall be deemed to be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(b) The following clause shall be inserted in all contracts subject to this Part when the clause in (a)(1) above is not used.

INSPECTION (1959 FEB)

The Government, through any authorized representatives, has the right at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection, or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

(End of clause)

(c) When it is desired to require contractors to maintain an inspection system in accordance with Military Specification MIL-I–45208 (see 14–303), the clause set forth in (a) above shall be included in the contract except that the following shall be added as the third sentence of paragraph (a):

The inspection system shall be in accordance with the edition of Military Specification MIL-I–45208 in effect on the date of this contract. (1967 AUG)

7–402.6 *Assignment of Claims.* In accordance with 7–103.8, insert the clause therein.

7–402.7 *Examination of Records.* In accordance with 7–104.15, insert the clause therein. In the case of research and development contracts with nonprofit institutions and subcontracts thereunder, and pursuant to procedures approved by the Comptroller General, original documentary evidence in support of costs of the transportation of things will not be required pursuant to said clause.

7–402.8 *Subcontracts.*

(a) In accordance with the requirements in 23–201.2, and subject to the instructions in (b) and (c) below, insert the following clause.

SUBCONTRACTS (1982 DEC)

(a) The Contractor shall notify the Contracting Officer reasonably in advance of entering into any subcontract (as used in this clause, the term "subcontract" includes, but is not limited to, purchase orders, changes, and/or modifications thereto) which (i) is cost-reimbursement type, time and materials or labor-hour, or (ii) is fixed-price-

type and exceeds in dollar amount either $25,000 or five percent (5%) of the total established cost of this contract, (iii) provides for the fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $10,000 or of any items of industrial facilities; or (iv) has experimental, developmental, or research work as one of its purposes.

(b) In the case of a proposed subcontract which (i) is cost-reimbursement, time and materials, or labor-hour which would involve an estimated amount in excess of $25,000, including any fee, (ii) is proposed to exceed $100,000, or (iii) is one of a number of subcontracts under this contract with a single subcontractor for the same or related supplies or services which, in the aggregate are expected to exceed $100,000, the advance notification required by (a) above shall include:

(1) a description of the supplies or services to be called for by the subcontract;
(2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;
(3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof;
(4) the subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract to be obtained from the subcontractor;
(5) identification of the type of subcontract to be used;
(6) a memorandum of negotiation which sets forth the principal elements of the subcontract price negotiations. A copy of this memorandum shall be retained in the Contractor's file for the use of Government reviewing authorities. The memorandum shall be in sufficient detail to reflect the most significant considerations controlling the establishment of initial or revised prices. The memorandum should include an explanation of why cost or pricing data was, or was not required, and, if it was not required in the case of any price negotiation in excess of $ 500 000, a statement of the basis for determining that the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. If cost or pricing data was submitted and a certificate of cost or pricing data was required, the memorandum shall reflect the extent to which reliance was not placed upon the factual cost or pricing data submitted and the extent to which this data was not used by the Contractor in determining the total price objective and in negotiating the final price. The memorandum shall also reflect the extent to which it was recognized in the negotiation that any cost or pricing data submitted by the subcontractor was not accurate, complete, or current, the action taken by the Contractor and the subcontractor as a result, and the effect, if any, of such defective data on the total price negotiated. Where the total price negotiated differs significantly from the Contractor's total price objective, the memorandum shall explain this difference;
(7) when incentives are used, the memorandum of negotiation shall contain an explanation of the incentive fee/profit plan identifying each critical performance element, management decisions used to quantify each incentive element, reasons for incentives on particular performance characteristics, and a brief summary of trade-off possibilities considered as to cost, performance, and time, and
(8) the subcontractor's Disclosure Statement or Certificate relating to Cost Accounting Standards when such data are required by other provisions of this contract to be obtained from the subcontractor.

Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

(End of clause)

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted, may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-404.2 *Alterations in Contract.* In accordance with 7-105.1(a), insert the clause therein.

7-404.3 *Approval of Contract.* In accordance with 7-105.2, insert the clause therein.

7-404.4 *Bill of Materials.* In accordance with 7-103.6, insert the clause therein.

7-404.5 *Stop Work Orders.* The clause in 7-105.3, if modified as prescribed in 7-205.6, is authorized for use under the criteria and in accordance with the instructions in 7-105.3.

7-404.6 *Reports of Work.*

REPORTS OF WORK (1966 JUL)

(a) The Contractor shall submit reports making full disclosure of all work done and the results thereof, in the manner, at the times, and to the extent set forth in the Schedule, *provided* that, unless otherwise specified in the Schedule, the Contractor shall submit such reports in triplicate from time to time as requested and upon completion (or earlier termination) of the work. Except as may be otherwise specified in the Schedule, or unless the Contractor is otherwise instructed, the Contractor shall, upon completion (or earlier termination) of the work, deliver any working drawings and specifications of any prototypes as may have been developed.

(b) If the Contractor becomes unable to complete the contract work and to deliver at the time specified in the Schedule because of technical difficulties, notwithstanding the exercise of good faith and diligent efforts in performance of the work, he shall give the Contracting Officer written notice of the anticipated delays with reasons therefor not less than forty-five (45) days before the completion date specified in the Schedule or within such time as the Contracting Officer deems sufficient. When notice is so required, the Contracting Officer may, in his discretion, extend the time specified in the Schedule for such period as he deems advisable.

(End of clause)

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In the above clause, the words "[ ]" shall be inserted in the blank space provided in paragraph (a) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (b) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (c) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (d) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (e) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (f) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (g) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (h) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (i) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (j) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (k) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (l) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (m) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (n) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (o) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (p) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (q) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (r) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (s) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (t) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (u) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (v) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (w) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (x) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (y) of the clause. The words "[ ]" shall be inserted in the blank space provided in paragraph (z) of the clause.

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In the above clause, the words "Task Order" or other appropriate designation may be substituted for the word "Schedule," as appropriate. Subparagraph (a) may be used without subparagraph (b). The last sentence of subparagraph (b) may be omitted.

7-404.7 *Title and Risk of Loss.* In accordance with 7-103.6, insert the clause therein.

7-404.8 *Term of Performance or Delivery Date.* Insert a clause in accordance with 1-305.5. Clauses in 7-104.92 shall be used as a guide.

7-404.9 *Warranty of Technical Data.* In accordance with 1-324.6, insert the clause in 7-104.9(o).

(i) in the specifications (including drawings and designs);
(ii) in the method or manner of performance of the work;
(iii) in the Government-furnished facilities, equipment, materials, services, or site; or
(iv) directing acceleration in the performance of the work.

(b) Any other written order or an oral order (which terms as used in this paragraph (b) shall include direction, instruction, interpretation or determination) from the Contracting Officer, which causes any such change, shall be treated as a change order under this clause, *provided* that the Contractor gives the Contracting Officer written notice stating the date, circumstances, and source of the order and that the Contractor regards the order as a change order.

(c) Except as herein provided, no order, statement, or conduct of the Contracting Officer shall be treated as a change under this clause or entitle the Contractor to an equitable adjustment hereunder.

(d) If any change under this clause causes an increase or decrease in the Contractor's cost of, or the time required for, the performance of any part of the work under this contract, whether or not changed by any order, an equitable adjustment shall be made and the contract modified in writing accordingly: *Provided, however*, That except for claims based on defective specifications, no claim for any change under (b) above shall be allowed for any costs incurred more than 20 days before the Contractor gives written notice as therein required: *And provided further*, That in the case of defective specifications for which the Government is responsible, the equitable adjustment shall include any increased cost reasonably incurred by the Contractor in attempting to comply with such defective specifications.

(e) If the Contractor intends to assert a claim for an equitable adjustment under this clause, he must, within 30 days after receipt of a written change order under (a) above or the furnishing of a written notice under (b) above, submit to the Contracting Officer a written statement setting forth the general nature and monetary extent of such claim, unless this period is extended by the Government. The statement of claim hereunder may be included in the notice under (b) above.

(f) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

(End of clause)

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-602.4 *Differing Site Conditions.*

DIFFERING SITE CONDITIONS (1968 FEB)

(a) The Contractor shall promptly, and before such conditions are disturbed, notify the Contracting Officer in writing of: (1) subsurface or latent physical conditions at the site differing materially from those indicated in this contract, or (2) unknown physical conditions at the site, of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in this contract. The Contracting Officer shall promptly investigate the conditions, and if he finds that such conditions do materially so differ and cause an increase or decrease in the Contractor's cost of, or the time required for, performance of any part of the work under this contract, whether or not changed as a result of such conditions, an equitable adjustment shall be made and the contract modified in writing accordingly.

(b) No claim of the Contractor under this clause shall be allowed unless the Contractor has given the notice required in (a) above; *provided*, however, the time prescribed therefor may be extended by the Government.

(c) No claim by the Contractor for an equitable adjustment hereunder shall be allowed if asserted after final payment under this contract.

(End of clause)

In accordance with 10 U.S.C. 2306(f), prior to the pricing of any modification pursuant to the "Differing Site Conditions" clause that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-602.5 *Termination for Default—Damages for Delay—Time Extensions.* In accordance with 8-709, insert the following clause.

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS (1969 AUG)

(a) If the Contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in this contract, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the Contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. In such event the Government may take over the work and prosecute the same to completion, by contract or otherwise, and may take possession of and utilize in completing the work such materials, appliances, and plant as may be on the site of the work and necessary therefor. Whether or not the Contractor's right to proceed with the work is terminated, he and his sureties shall be liable for any damage to the Government resulting from his refusal or failure to complete the work within the specified time.

(b) If fixed and agreed liquidated damages are provided in the contract and if the Government so terminates the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until such reasonable time as may be required for final completion of the work together with any increased costs occasioned the Government in completing the work.

(c) If fixed and agreed liquidated damages are provided in the contract and if the Government does not so terminate the Contractor's right to proceed, the resulting damage will consist of such liquidated damages until the work is completed or accepted.

(d) The Contractor's right to proceed shall not be so terminated nor the Contractor charged with resulting damage if:

(1) The delay in the completion of the work arises from unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including but not restricted to, acts of God, acts of the public enemy, acts of the Government in either its sovereign or contractual capacity, acts of another Contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, or delays of subcontractors or suppliers arising from unforeseeable causes beyond the control and without the fault or negligence of both the Contractor and such subcontractors or suppliers; and

(2) The Contractor, within 10 days from the beginning of any such delay (unless the Contracting Officer grants a further period of time before the date of final payment under the contract), notifies the Contracting Officer in writing of the causes of delay. The Contracting Officer shall ascertain the facts and the extent of the delay and extend the time for completing the work when, in his judgment, the findings of fact justify such an extension, and his findings of fact shall be final and conclusive on the parties, subject only to appeal as provided in the "Disputes" clause of this contract.

(e) If, after notice of termination of the Contractor's right to proceed under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the delay was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, in the foregoing circumstances, this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes".

(f) The rights and remedies of the Government provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (d)(1) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

(End of clause)

During a period of national emergency, paragraph (d) of the above clause may be changed by deleting the word "unforeseeable" and inserting the phrase "other than normal weather", after the word "causes" wherever it appears. When Standard Form 23A is used, the words "Disputes clause of this contract" in the above clause need not be substituted for "Clause 6 of these General Provisions".

7-602.6 *Disputes.*

(a) Except as provided in (b) below, insert the following clause:

DISPUTES (1964 JUN)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the head of the agency involved. The decision of the head of the agency or his duly authorized representative for the determination of such appeals shall be final and conclusive. This provision shall not be pleaded in any suit involving a question of fact arising under this contract as limiting judicial review of any such decision to cases where fraud by such official or his representative or board is alleged: *Provided, however*, that any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) above. Nothing in this contract, however, shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

(End of clause)

In accordance with Departmental procedures, the foregoing clause may be modified to provide for intermediate appeal in overseas areas. The decision shall, if mailed, be sent by certified mail, return receipt requested.

(b) In procurements to be performed outside the United States, its possessions and Puerto Rico, when it is anticipated that the contractor will be a foreign firm, one of the clauses provided for in 7-103.12(b) will be inserted in accordance with the instructions therein.

(c) The form in which the contracting officer shall notify the contractor of

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(c) The form in which the contracting officer shall notify the contractor of his decision under the Disputes clause is set forth in 1-314.

7-602.7 *Payments to Contractor.* Insert the following clause.

PAYMENTS TO CONTRACTOR (1982 DEC)

(a) The Government will pay the contract price as hereinafter provided.

(b) The Government will make progress payments monthly as the work proceeds, or at more frequent intervals as determined by the Contracting Officer, on estimates approved by the Contracting Officer. If requested by the Contracting Officer, the Contractor shall furnish a breakdown of the total contract price showing the amount included therein for each principal category of the work, in such detail as requested, to provide a basis for determining progress payments. In the preparation of estimates the Contracting Officer, at his discretion, may authorize material delivered on the site and preparatory work done to be taken into consideration. Material delivered to the Contractor at locations other than the site may also be taken into consideration (1) if such consideration is specifically authorized by the contract and (2) if the Contractor furnishes satisfactory evidence that he has acquired title to such material and that it will be utilized on the work covered by this contract.

(c) In making such progress payments, there shall be retained 10 percent (10%) of the estimated amount until final completion and acceptance of the contract work. However, if the Contracting Officer finds that satisfactory progress was achieved during any period for which a progress payment is to be made, he may authorize such payment to be made in full without retention of a percentage. Also, whenever the work is substantially complete, the Contracting Officer shall retain an amount he considers adequate for the protection of the Government and, at his discretion, may release to the Contractor all or a portion of any excess amount. Furthermore, on completion and acceptance of each separate building, public work, or other division of the contract, on which the price is stated separately in the contract, payment may be made therefor without retention of a percentage.

(d) All material and work covered by progress payments made shall thereupon become the sole property of the Government, but this provision shall not be construed as relieving the Contractor from the sole responsibility for all material and work upon which payments have been made or the restoration of any damaged work, or as waiving the right of the Government to require the fulfillment of all of the terms of the contract.

(e) The Contractor shall, upon request, be reimbursed for the entire amount of premiums paid for performance and payment bonds (including coinsurance and reinsurance agreements, when applicable) and for any fees paid to the Small Business Administration under the Surety Bond Guarantee Program, after furnishing evidence of full payment.

(f) Upon completion and acceptance of all work, the amount due the Contractor under this contract shall be paid upon the presentation of a properly executed voucher and after the Contractor shall have furnished the Government with a release of all claims against the Government arising by virtue of this contract, other than claims in stated amounts as may be specifically excepted by the Contractor from the operation of the release. If the Contractor's claim to amounts payable under the contract has been assigned under the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), a release may also be required of the assignee.

(End of clause)

7-602.8 *Assignment of Claims.*

ASSIGNMENT OF CLAIMS (1976 OCT)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Unless otherwise provided in this contract, payments to assignees of any moneys due or to become due under this contract shall not, to the extent provided in said

	Government's Est Maximum Daily Requirement	Government's Minimum Acceptable Daily Capability	Bidder's Guaranteed Daily Capability
Outbound (Schedule I)			
Area _____	GCWT _____	GCWT _____	GCWT _____
Inbound (Schedule II)			
Area _____	GCWT _____	GCWT _____	GCWT _____
Intra-City Area (Schedule III)			
Area _____	NCWT _____	NCWT _____	NCWT _____

(Repeat for each area listed)

(End of clause)

7-1601.8 *Facilities.*

FACILITIES (1982 DEC)

(a) As the minimum standard for qualifications of a Contractor's warehouse, it must have either (i) an acceptable automatic sprinkler system; or (ii) a supervised fire detection and reporting system. Installed fire protective systems must be accredited by the cognizant fire insurance rating organization for insurance rate credit. Additionally, the facility will be protected by an adequate water supply for fire fighting and a fire department which is responsive 24 hours a day. Statements from the cognizant fire insurance rating organization, municipal fire department, or local authority, having jurisdiction, will be used as a basis for determining the sufficiency or adequacy of a fire fighting water supply and the responsiveness of a fire department to protect a facility.

(b) The following information shall be furnished by the Contractor upon receipt of award:

Evidence of the following kinds and minimum amounts of insurance covering work herein to be performed by the Contractor. The Contractor shall maintain at least the minimum coverage stated below* throughout the contract period. Each policy shall contain an indorsement that cancellation or material change in the policy shall not be effective until after a 30-day written notice is furnished to the Contracting Officer.

(1) Workmen's Compensation Insurance $*.....

(2) Comprehensive General Liability Insurance $*.....

(3) Automobile Liability Insurance $*.....

(End of clause)

*The insurance coverage specified in 10-801 is the minimum insurance required. Additional coverage and higher limits may be required by the Contracting Officer.

7-1601.9 *Performance.*

PERFORMANCE (1977 APR)

(a) The services called for hereunder shall be performed in conformance with the latest issue of MIL-STD 212, "Preparation of Household Goods for Shipment or Storage and Related Services," in effect on date of the solicitation, for Schedules I and II, unless otherwise directed by the Contracting Officer. The following are desired minimum stowage factor standards in stuffing of shipping containers:

(1) For Federal Specification PPP-B-580 containers — 5.7 net lbs. per gross cubic foot of container cube.

(2) For air cargo containers — 8.9 net lbs. per gross cubic foot of container cube.

Failure to meet the above standards may be cause for rejection of the services performed unless the Contractor can demonstrate the standards cannot be met. (The term "stuffing" as related to containers means loading of personal property into shipping containers.)

(b) Labor employed to perform pickup and delivery, inventorying, packing, crating, weighing, marking, loading, drayage, unpacking, blocking, bracing, and other services described herein shall be competent in the performance of such services.

(c) Inventory of shipment shall be accomplished pursuant to provisions of the latest issue of MIL-STD 212 in effect on date of solicitation.

(d) All services shall be performed in accordance with the priority order established by the Contracting Officer.

(e) MIL-STD 212, "Military Standard-Preparation of Household Goods for Shipment and Storage and Related Services," and applicable specifications referred to therein are available for reference in the local procurement or transportation offices.

(f) When pickup of shipments is part of line-haul service, the Contractor shall perform loading on freight carrier's equipment at Contractor's facility.

(End of clause)

7-1601.10 *Time Requirements.*

TIME REQUIREMENTS (1970 MAY)

(a) The Contractor shall commence containerization of household goods or unaccompanied baggage at owner's residence or Contractor's facility on the date specified by the Contracting Officer. If containerization is ordered at Contractor's facility, the household goods or unaccompanied baggage shall be picked up on the date and within the hours specified. Unless a longer period is authorized by the Contracting Officer, the maximum containerization time allowed at the Contractor's facility shall be three (3) working days following specified pickup date for household goods and two (2) working days following specified pickup date for unaccompanied baggage.

(b) The Contracting Officer or his designated representative shall normally give the Contractor notice to commence containerization or to pick up household goods or baggage shipments at least twenty-four (24) hours prior to the date specified.

(c) Delivery or removal of household goods or unaccompanied baggage to or from owner's residence, or containerization of household goods or unaccompanied baggage at owner's residence, shall commence between the hours of 8:00 a.m.-12m. (noon) or 12m. (noon) - 5:00p.m. as specified, Monday through Friday, officially declared National, State or local holidays excluded. The Contracting Officer may authorize performance of services at other times when agreed to by the owner or his authorized agent and the Contractor.

(d) The Contractor shall accept and pick up inbound shipments of household goods, or unaccompanied baggage, effect delivery thereof to the destination, and shall unload and unpack the same on the date and within the hours specified by the Contracting Officer during the working hours set forth above. The Contractor will notify the Contracting Officer upon arrival of a shipment but no later than the morning of the next workday. Delivery shall be effected within two (2) working days following date of receipt or notification of arrival unless otherwise specified.

(End of clause)

7-1601.11 *Demurrage.*

DEMURRAGE (1970 MAY)

The Contractor shall be liable for all demurrage, detention, or other charges accruing as a result of his failure to load or unload trucks, freight cars, freight terminals, vessel piers, or warehouses within the free time allowed under applicable rules and tariffs.

(End of clause)

Part 19—Service Contracts

7-1900 Scope of Part. This Part sets forth uniform contract clauses for service contracts as defined in 7-1901.

7-1901 Applicability.

(a) As used throughout this Part, the term "*service contract*" means any contract entered into either by formal advertising or negotiation which calls directly for a contractor's time and effort rather than for a concrete end product. See 22-101(a).

(b) Service contracts are generally found in areas involving the following:

(i) maintenance, overhaul, repair, servicing, rehabilitation, salvage, and modernization or modification of supplies, systems and equipment;
(ii) maintenance, repair, rehabilitation, and modification of real property;
(iii) installation of equipment obtained under separate contract;
(iv) operation of Government-owned equipment, facilities, and systems;
(v) engineering and technical services;
(vi) housekeeping and base services;
(vii) transportation and related services;
(viii) training and education;
(ix) photographic, printing and publication services;
(x) mortuary services;
(xi) test services;
(xii) data processing;
(xiii) warehousing; and
(xiv) stevedoring.

(c) Clauses applicable to service contracts in general appear in this part. Additional clauses for special types of service contracts appear in other parts of this section. "*Service contracts*," as used herein, does not include purchase orders (but see 7-1903.12 and 7-1903.13), short form negotiated supply and service contracts (see 16-102.2(c)), letter contracts (but see 7-802 and 3-408(a)), notices of award, or supplemental agreements which do not effect new procurement. This term does not include contracts for construction of buildings, bridges, roads, or other kinds of real property, contracts for architect or engineer services, contracts for experimental, developmental or research work, contracts for facilities provided by the Government under facilities contracts as defined in 7-701 and Section XIII, or any other contracts for which these clauses are not appropriate. However, there are service contracts in which performance involves construction, research and development, or other specified factors. In such cases, see the particular parts of this section containing additional applicable clauses. When a contract is partly a firm fixed price contract and partly a fixed price incentive contract, the clauses required for both types of contracts shall be included. When any provision is applicable only to firm fixed price items, or only to items subject to incentive price revision, such provision shall be so labeled.

7-1902 Required Clauses for Fixed Price Service Contracts. The following clauses shall be inserted in all fixed price service contracts, unless otherwise provided elsewhere in this section for specific types of services.

7-1902.1 *Definitions.* In accordance with 7-103.1, insert the clause therein.

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7-1902.2 *Changes.* Insert the following clause in all fixed price service contracts except stevedoring contracts. (See Part 10.)

CHANGES (1971 NOV)

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in the definition of services to be performed, and the time (*i.e.*, hours of the day, days of the week, etc.) and place of performance thereof. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change, *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(End of clause)

In the foregoing clause, the period of "30 days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29) and the audit clause required by 7-104.41.

7-1902.3 *Extras.* Insert the clause in 7-103.3.

7-1902.4 *Inspection of Services.*

INSPECTION OF SERVICES (1971 NOV)

(a) All services (which term throughout this clause includes services performed, material furnished or utilized in the performance of services, and workmanship in the performance of services) shall be subject to inspection and test by the Government, to the extent practicable at all times and places during the term of the contract. All inspections by the Government shall be made in such a manner as not to unduly delay the work.

(b) If any services performed hereunder are not in conformity with the requirements of this contract, the Government shall have the right to require the Contractor to perform the services again in conformity with the requirements of the contract, at no additional increase in total contract amount. When the services to be performed are of such a nature that the defect cannot be corrected by reperformance of the services, the Government shall have the right to (i) require the Contractor to immediately take all necessary steps to ensure future performance of the services in conformity with the requirements of the contract; and (ii) reduce the contract price to reflect the reduced value of the services performed. In the event the Contractor fails promptly to perform the services again or to take necessary steps to insure future performance of the services in conformity with the requirements of the contract, the Government shall have the right to either (i) by contract or otherwise have the services performed in conformity with the contract requirements

(c) The Contractor shall notify the Contracting Officer of any increases claimed under this clause within thirty (30) days after the effective date of the wage change, unless this period is extended by the Contracting Officer in writing. In the case of any decrease under this clause, the Contractor shall promptly notify the Contracting Officer of such decrease but nothing herein shall preclude the Government from asserting a claim within the period permitted by law. The notice shall contain a statement of the amount claimed and any other relevant data in support thereof, which may reasonably be required by the Contracting Officer. Upon agreement of the parties, the contract price or contract unit price labor rates shall be modified in writing. Pending agreement on or determination of, any such adjustment and its effective date, the Contractor shall continue performance.

(d) The Contracting Officer or his authorized representative shall, until the expiration of three (3) years after final payment under the contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor.

(End of clause)

7-1906 Incentive Price Revision Clauses. When it is determined in accordance with Section III, Part 4, to provide for incentive price revision, the applicable clause in 7-108 may be included.

7-1907 Price Redetermination Clauses. When it is determined in accordance with 3-404.5 or 3-404.6 to use a fixed price contract providing for redetermination of price, the applicable clause in 7-109 may be included.

7-1908 Clauses for Contracts Involving Furnishing of Supplies. In service contracts which involve the furnishing of supplies, the following clauses shall be included in addition to those prescribed in 7-1902. In addition, applicable clauses in 7-104, 7-105 and 7-106 shall be included. Any clause applicable only to services or only to supplies shall be so labeled.

Changes clause in 7-103.2;
Variation of Quantity clause in 7-103.4;
Inspection clause in 7-103.5;
Title and Risk of Loss clause in 7-103.6;
Discounts clause in 7-103.14;
Walsh-Healey Public Contracts Act clause in 7-103.17.

7-1909 Required Clauses for Cost Reimbursement Type Service Contracts. The following clauses shall be included in all cost reimbursement type service contracts unless otherwise provided elsewhere in this section for specific types of services.

7-1909.1 *Definitions.* In accordance with 7-103.1, insert the clause therein.

7-1909.2 *Changes.*

CHANGES (1971 NOV)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in the definition of services and tasks to be performed, and the time (*i.e.*, hours of the day, days of the week, etc.) and place of performance thereof.

(b) If any such changes cause an increase or decrease in the estimated cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(i) in the estimated cost or delivery schedule, or both;
(ii) in the amount of any fixed fee to be paid to the Contractor; and
(iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly.

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Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; *provided*, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, except as provided in paragraph (c) below, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the Contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

(End of clause)

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be varied in accordance with Departmental procedures. In accordance with 10 U.S.C. 2306(f), prior to the pricing of any change order that is expected to exceed $500,000, except when the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, the contracting officer shall require the contractor to furnish a Certificate of Current Cost or Pricing Data (see 3-807.6) and shall assure that the contract includes or is modified to include a defective pricing data clause (see 7-104.29).

7-1909.3 *Limitation of Cost or Funds.* In accordance with 7-203.3, insert the appropriate clause therein.

7-1909.4 *Allowable Cost, Fee and Payment.*

(a) Except as provided in (b) below, insert the clause in 7-203.4(a). See additional instructions in 7-203.4(c).

(b) When, pursuant to 3-405.4, incentive revision of the fee in a cost reimbursement service contract is to be provided, insert the clause in 7-203.4(b). See additional instructions in 7-203.4(c).

7-1909.5 *Inspection of Services (Cost Reimbursement).*

INSPECTION OF SERVICES—COST REIMBURSEMENT (1971 NOV)

(a) All services (which term throughout this clause includes services performed, material furnished or utilized in the performance of services, and workmanship in the performance of services) shall be subject to inspection and test by the Government, to the extent practicable at all times and places during the term of the contract. All inspections by the Government shall be made in such a manner as not to unduly delay the work.

(b) If any services performed hereunder are not in conformity with the requirements of this contract, the Government shall have the right to require the Contractor to perform the services again, in conformity with the requirements of the contract, without payment of additional fee. When the services to be performed are of such a nature that the defect cannot be corrected by re-performance of the services, the Government shall have the right to (i) require the Contractor to immediately take all necessary steps to ensure future performance of the services in conformity with the requirements of the contract, and (ii) reduce any fee payable under the contract to reflect the reduced value of the services performed. In the event the Contractor fails promptly to perform the services again or to take the necessary steps to ensure future performance of the services in conformity with the requirements of the contract, the Government shall have the right

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(ii) extent of the termination, point at which work is stopped, and status of any plans, drawings, and information which would have been delivered had the contract been completed;
(iii) status of any continuing work;
(iv) obligation of the contractor to terminate subcontracts and general principles to be followed in settlement of subcontractor claims;
(v) names of subcontractors involved and the respective dates termination notices were issued to them;
(vi) contractor personnel handling, and methods for, review and settlement of subcontractor claims;
(vii) arrangements for transfer of title and delivery to the Government of any materials required by the Government;
(viii) general principles and procedures to be followed in the protection, preservation, and disposition of contractor's and subcontractor's termination inventory, including the preparation of termination inventory schedules;
(ix) contractor accounting practices and preparation of DD Form 546 (Schedule of Accounting Information) (8-802.9);
(x) form in which settlement proposals shall be submitted;
(xi) accounting review of settlement proposals;
(xii) any requirement for interim financing in the nature of partial payments;
(xiii) tentative time schedule for negotiation of the settlement, including submission of settlement proposals, termination inventory schedules, and accounting information schedules by the contractor and subcontractors; and
(xiv) actions taken by the contractor to minimize impact upon employees affected adversely by the termination (see paragraph 7 of the letter notice in 8-801.2).
(xv) obligation of the contractor to furnish accurate, complete and current cost or pricing data and to certify to that effect in accordance with 3-807.6(f) prior to execution of the termination settlement agreement in excess of $500,000.

8-206.1 *Termination Status Report.* Upon receipt of the termination notice, it is the responsibility of the contract administration office to prepare DD Form 1598, Contract Termination Status Report, and transmit two copies to the purchasing office and one copy to the headquarters office to which the contract administration office is directly responsible. In addition, these reports shall be furnished on a quarterly basis for the quarters ending March, June, September, and December, within 30 days after the end of the respective quarter, and upon closing of the termination case. This reporting requirement is assigned Report Control Symbol: DD (I&L) (Q&AR) 1411.

8-206.2 *Release of Excess Funds.* An estimate of funds required to settle the termination claim will be made by the TCO at the earliest practicable date. Except in cases where (i) the contract price of items terminated is $1,000 or less, or (ii) the estimated amount of excess funds available is $1,000 or less, funds obligated under the contract in excess of an estimated amount required for settlement will be released to the purchasing office within 30 days after receipt of the

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termination notice by the TCO. Amounts of less than $1,000 shall be released upon request from the purchasing office. Continuous surveillance of required funds will be maintained by the TCO to permit timely release of any additional excess funds. In all cases, funds will be released within 10 days after the amount required for settlement has been determined by the TCO. A recommended format for release of excess funds is in 8–807. If it appears that the previous releases of excess funds have resulted in a shortage of the amount which will be required for settlement, the TCO will inform the purchasing office and request by letter the reinstatement of funds, which will be provided within 30 days thereafter.

8–206.3 *Termination Case File.* A separate termination case file shall be established and maintained for each individual termination by the TCO responsible for negotiating final settlement. Such file shall include records of all actions relative to the settlement. (See 1–308.)

8–207 Fraud or Other Criminal Conduct. Whenever the TCO has reason to suspect fraud or other criminal conduct in connection with the settlement of a terminated contract, he shall discontinue all negotiations with the contractor and shall report the facts in accordance with 1–111.

8–208 Audit of Prime Contract Settlement Proposals and of Subcontract Settlements.

(a) Each settlement proposal of $10,000 or over submitted by a prime contractor shall be referred by the TCO to the Defense Contract Audit Agency for appropriate examination and recommendation. The TCO may, when circumstances indicate the necessity therefor, refer settlement proposals of less than $10,000 to such agency. The TCO's referral shall be in writing, indicate any specific information or data which the TCO desires to have developed, and include any facts or circumstances within the knowledge of the TCO which will assist the Defense Contract Audit Agency in the accomplishment of its function. The auditor shall develop such information and may make such further accounting review as he deems appropriate. The Defense Contract Audit Agency shall submit written comments and recommendations to the TCO. In claims of less than $10,000 where a formal examination of the settlement proposal is not warranted, a desk review will be performed by the TCO or a qualified member of his staff. A written summary of the review will be incorporated in the termination case file.

(b) Subcontract settlements submitted by a contractor to the TCO for approval or ratification in accordance with 8–209 shall be referred to the Defense Contract Audit Agency for review and recommendations if (i) the settlement involves $25,000 or more unless an accounting review of the settlement proposal has been performed by the Defense Contract Audit Agency; or (ii) the TCO considers an accounting review in whole or in part, desirable. The requirement for review under (i) or (ii) does not relieve the prime contractor or higher tier subcontractor of the responsibility for performing an accounting review. The Defense Contract Audit Agency shall submit written comments and recommendations to the TCO.

(c) The responsibility of the contractor set forth in 8–209.1 for settlement of immediate subcontractors' settlement proposals applies equally to prime contractors and subcontractors and includes responsibility for performing accounting

The invoice or voucher, if proper, shall be approved by the TCO by noting thereon the following:

Payment in the amount of $.....approved.

8–213.2 *Final Payment.*

(a) *Negotiated Settlement.* Upon execution of a settlement agreement, a voucher or invoice showing the amount agreed upon, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. A copy of the settlement agreement shall be attached to the voucher or invoice.

(b) *Settlement by Determination.* In the event of a settlement by determination:

(i) if the contractor has not appealed the determination a voucher or invoice showing the amount so determined to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment; or

(ii) if the contractor has appealed the determination, a voucher or invoice showing the amount finally determined on such appeal to be due, less any portion previously paid, shall be prepared and presented to the disbursing officer for payment. Pending determination of any appeal, an invoice or voucher pursuant to (i) above may be presented to the disbursing officer for payment, without prejudice to the rights of either party on the appeal.

(c) *Interest.* No interest shall be paid by the Government on the amount due under a settlement agreement or a settlement by determination.

8–214 Cost Principles. The cost principles and procedures set forth in the applicable Part of Section XV shall, subject to the general policies set forth in 8–301, (i) be used in claiming, negotiating, or determining costs relevant to termination settlements under fixed price and cost reimbursement type contracts with other than educational institutions; and (ii) be a guide for the negotiation of settlements under fixed price or cost reimbursement type contracts for experimental, developmental or research work with educational institutions (but see 15–103(iii)).

8–215 Settlement of Unadjusted Contract Changes.

(a) Prior to settlement of a completely terminated contract, the TCO shall obtain from the purchasing office a list of all unadjusted contract changes pertaining thereto. The TCO shall settle, as part of final settlement, all unadjusted contract changes after obtaining the recommendations of the purchasing office concerning such changes.

(b) When the contract has been partially terminated, any outstanding unadjusted contract changes will be handled by the purchasing office. However, delegation may be made by the PCO to the TCO.

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TERMINATION OF CONTRACTS

8-216 Terminated Contracts With Canadian Commercial Corporation.

(a) The termination and settlement of contracts with the Canadian Commercial Corporation shall be effected in accordance with the provisions of (i) the Letter of Agreement between the Department of Defence Production (Canada) and the United States Department of Defense (6-1401(a)); (ii) policies in Section VI, Part 5, and Section VIII; and (iii) the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada).

(b) The termination claim of Canadian Commercial Corporation shall be submitted in the form prescribed in 8-802, and shall reflect the amount of settlements with subcontractors. The letter transmitting the claim shall certify that (i) subcontract settlements with Canadian subcontractors have been approved by the Contracts Settlement Committee of the Department of Defence Production (Canada), if required pursuant to the Manual of Procedure on Termination of Contracts, Department of Defence Production (Canada), and (ii) that disposition of inventory has been completed. The TCO shall prepare an appropriate settlement agreement pursuant to the provisions of 8-210 and 8-805.

(c) All Canadian subcontracts shall be settled by the Canadian Commercial Corporation pursuant to 6-504.3. Schedules listing serviceable or usable contractor inventory shall be submitted by the Canadian Commercial Corporation to the TCO for screening in accordance with the provisions of 24-205. Transfer instructions resulting from screening procedures shall be submitted to the Canadian Commercial Corporation for action. At the expiration of the screening period, the TCO shall advise the Canadian Commercial Corporation to proceed with disposition of contractor inventory determined to be surplus to the requirements of the Government. The settlement of Canadian subcontracts shall not be subject to approval or ratification by the TCO, except that in cases that result in a proposed negotiated settlement in excess of the total contract price of the prime contract, ratification of the proposed settlement by the United States PCO, evidenced by a contract modification increasing the contract price and obligating required additional funds shall be obtained by the TCO prior to final settlement.

(d) Termination claims submitted by United States subcontractors and suppliers normally should be referred by the Canadian Commercial Corporation to the TCO (normally DCASR, Cleveland) for settlement in accordance with this Section and Section XXIV. Upon completion of all settlement action, the TCO shall advise the Canadian Commercial Corporation of the amount of the net settlement agreed upon, which shall be included in the termination claim submitted pursuant to (b) above. Execution of a settlement agreement with the subcontractor shall be the responsibility of the Canadian Commercial Corporation.

8-217 Settlement of Terminated Contracts With Incentive Provisions.

(a) *FPI Contracts.* The settlement of terminated contracts containing an incentive clause shall be in accordance with the provisions of paragraph (i) of the clause in 7-108.1.

(1) *Partial Termination.* Under a partial termination of a FPI contract, the TCO shall negotiate a settlement pursuant to the termination for convenience clause, as provided in paragraph (i) of the clause in 7-108.1 and paragraph (k) of the clause in 7-108.2. The application of the incentive price revision provisions to completed items accepted by the Government, including any for which reimbur-

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(i) valuation placed on the stock transferred shall be the fair market value at the time of transfer, determined upon the most objective basis available; and

(ii) accruals for the cost of stock prior to the issuance of such stock to the employees shall be subject to adjustment according to the possibilities that the employees will not receive such stock and their interest in the accruals will be forfeited.

(e) *Stock Options.* (CWAS-NA) The cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(f) *Deferred Compensation.* (CWAS-NA)

(1) As used herein, deferred compensation includes all remuneration, in whatever form, for which the employee is not paid until after the lapse of a stated period of years or the occurrence of other events as provided in the plans, except that it does not include normal end of accounting period accruals. It includes (i) contributions to pension (including early retirement), annuity, stock bonus, and profit sharing plans, (ii) contributions to disability, withdrawal, insurance, survivorship, and similar benefit plans, and (iii) other deferred compensation, whether paid in cash or in stock.

(2) Deferred compensation is allowable only to the extent that:

(i) it is, together with all other compensation paid to the employee, reasonable in amount; and

(ii) it is paid pursuant to an agreement entered into in good faith between the contractor and employees before the services are rendered, or pursuant to a plan established and consistently applied thereafter by the contractor. Pension plans and other types of deferred compensation not covered by Part 415, Appendix O, are also subject to the provisions of (A), (B), and (C) below. Deferred compensation covered by Part 415, Appendix O, is not subject to the limitations of the Internal Revenue Code and regulations thereunder, but is subject to the provisions of (D) and (E) below. Employee Stock Ownership Plans (ESOP) are considered pension plans and are covered by the funding and forfeiture provisions of (A) below (subparagraphs *a*, *c*, and *d*), and the provisions of (F) below.

(A) it is deductible for the same fiscal year for Federal income tax purposes under Section 404 (excluding subsection (a)(5)) of the Internal Revenue Code of 1954 as amended and the regulations of the Internal Revenue Service, *provided*, that

a. normal costs of pension plans incurred subsequent to the effective date of this paragraph, not funded in the year incurred, and pension costs or adjustments of previous years (past service) allocable to the current accounting period but not funded in such period shall not be allowable in subsequent years (except that a payment made to a fund by the time set for filing of the Federal income tax return for any taxable year shall be deemed to have been made during such taxable year). However, any portion of pension cost computed for a cost accounting period that is deferred pursuant to a waiver granted under the provisions of ERISA as set forth in CAS 412.50(C)(3) will be allowable in the future accounting period(s) in which the funding takes place.

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The allowability of such deferred contributions will be limited to the amounts that would have been allowed, had the funding been made in the year the costs were incurred;

b. the determination of allowable costs shall take into consideration the method of valuing pension fund assets as provided for in CAS 413.50(b). Any significant adjustment resulting from the actuarial valuation falling outside of the market value corridors will be amortized (i) in equal amounts over a 15-year period when the immediate gain actuarial cost method is used, or (ii) over the remaining average lives of the workforce if the spread gain actuarial cost method is used;

c. under contracts not subject to Cost Accounting Standards, abnormal forfeitures due to significant reduction in the contractor's level of employment, which are foreseeable and which can be currently evaluated with reasonable accuracy, by actuarial or other sound computation, shall be reflected by an adjustment of costs otherwise allowable; where abnormal forfeitures were not taken into account previously, appropriate credit shall be given to the Government pursuant to 15-201.5;

d. any amount paid or funded and deductible in any year under Section 404 (excluding Section 404(a)(5)) of the Internal Revenue Code of 1954 as amended prior to the time it becomes allowable under this paragraph (A) shall be applied to future years, in order of time, as if actually paid and deductible in such years;

e. increased normal and past service costs caused by delay in funding the actuarial liability beyond 30 days after each quarter of the year to which such costs are assignable, are unallowable. If a composite rate is used to allocate pension liability between the segments of a company and if, because of differences in the timing of the funding by segments, an inequity exists, allowable normal cost and past service costs will be limited to that particular segment's calculation of pension costs as provided in CAS 413.50(c)(5). Determination of unallowable costs shall be made in accordance with the actuarial method used in calculating the normal and past service costs;

f. the allowability of the cost of indemnification of the Pension Benefit Guaranty Corporation (PBGC), pursuant to Section 4062 or 4064 of the Employee Retirement Income Security Act of 1974 (ERISA), because of the termination of an employee deferred compensation plan will be considered on a case-by-case basis; *providing* that if insurance was required by the PBGC pursuant to Section 4023 of ERISA, it was so obtained, and the indemnification payment is not recoverable thereunder. Consideration under the foregoing circumstances will be primarily for the purpose of appraising the extent to which the indemnification payment is allocable to Government work; and if a beneficial or other equitable relationship exists, the Government will participate, provisions of 15-205.16(a)(3) and 15-205.16(b) notwithstanding, in the indemnification payment to the extent of its fair share.

or

(B) It is deductible in the same fiscal year for Federal income tax purposes under Section 404(a)(5) of the Internal Revenue Code of 1954 as amended and the regulations of the Internal Revenue Service, except that the costs of unfunded pension and retirement benefits paid directly to, or on behalf of, former employees shall be allowable only to the extent the contractor demonstrates that such costs, together with any pension and retirement costs allowed pursuant to (A) above, do not exceed the amount that would be allowable under (A) above if the contractor were providing for equivalent benefits on an actuarial basis in the current period. Amounts paid to employees under pay-as-you-go plans as an inducement for early retirement should be treated as supplemental pension plans under this provision. To be allowable, these costs must be incurred under a well defined plan which the contractor consistently follows thereafter. The scale of payments to the retired employees should be reasonable, the costs should be computed in accordance with this provision, and the costs should be allocated according to the contractor's system of accounting for pension costs.

(C) It complies with the provisions of Part 412 and Part 413, Appendix O, which are incorporated here in their entirety; and when any of the contractor's contracts are subject to Cost Accounting Standards, these provisions will apply, commencing with the contractor's fiscal year as prescribed by Part 412.80 and Part 413.80, Appendix O. The amount of deferred compensation costs which may be allowed shall not, however, exceed the amount determined under the provisions of the standard, subject to the cost limitations and exclusions set forth in subparagraphs (A) and (B) above.

(D) It complies with the provisions of Part 415, Appendix O, which are incorporated herein in their entirety; and when any of the contractor's contracts are subject to Cost Accounting Standards Board standards, these provisions will be applicable commencing with the contractor's fiscal year as prescribed by the terms of Part 415.80, Appendix O. The amount of deferred compensation cost which may be allowed shall not, however, exceed the amount determined under the provisions of Part 415, Appendix O, except that the cost of options to employees to purchase stock of the contractor or of an affiliate is unallowable.

(E) Deferred compensation payments to employees under awards made prior to the effective date of Part 415, Appendix O, are allowable to the extent they would have been allowable under 15-205.6, dated 1 July 1976.

(F) An ESOP is an individual stock bonus plan designed specifically to invest in the stock of the employer corporation. The contractor's contributions to an Employee Stock Ownership Trust (ESOT) may be in the form of cash, stock, or property.

a. Costs of an ESOP are allowable subject to the following conditions:

(i) Contributions (by the contractor) in any one year may not exceed 15 percent (25 percent when a money purchase plan is included) of salaries and wages of employees participating in the plan in any particular year.

(ii) The contribution rate (ratio of contribution to salaries and wages of participating employees) may not exceed the last approved contribution rate except when approved by the contracting officer based upon justification provided by the contractor. When no contribution was made in the previous year for an existing ESOP or when a new ESOP is first established, and the contractor proposes to make a contribution in the current year, the contribution shall be subject to the approval of the contracting officer.

(iii) When a plan or agreement exists wherein the liability for the contribution can be compelled for a specific year, the expense associated with such liability is assignable only to that period. Any portion of the contribution not funded by the time set for filing of the Federal income tax return for that year or any extension thereof shall not be allowable in subsequent years.

(iv) When a plan or agreement exists wherein the liability for the contribution cannot be compelled, the amount contributed for any year is assignable to that year, provided the amount is funded by the time set for filing of the Federal income tax return for that year.

(v) When the contribution is in the form of stock, the value of the stock contribution shall be limited to the fair market value of the stock on the date that title is effectively transferred to the trust. Cash contributions shall be allowable only when the contractor furnishes evidence satisfactory to the contracting officer demonstrating that stock purchases by the ESOT are or will be at a fair market price; e.g., makes arrangements with the trust permitting the contracting officer to examine purchases of stock by the trust so he may determine that prices paid are at fair market value. When excessive prices are paid, the amount of the excess will be credited to the same indirect cost pools that were charged for the ESOP contributions in the year in which the stock purchase occurs. However, when the trust purchases the stock with borrowed funds which will be repaid over a period of years by cash contributions from the contractor to the trust, the excess price over fair market value shall be credited to the indirect cost pools pro rata over the period of years during which the contractor contributes the cash used by the trust to repay the loan. When the fair market value of unissued stock or stock of a closely held corporation is not readily determinable, the valuation will be made on a case-by-case basis taking into consideration the guidelines for valuation used by the IRS.

b. Amounts contributed to an ESOP arising from either (i) an additional investment tax credit (see 1975 Tax Reduction Act - TRASOPs); or (ii) a payroll based tax credit (see Economic Recovery Act of 1981 - PAYSOPs) are unallowable.

(g) *Fringe Benefits.* (CWAS) Fringe benefits are allowances and services provided by the contractor to its employees as compensation in addition to regular wages and salaries. The cost of fringe benefits, including, but not limited to, the cost of vacations, sick leave, holidays, military leave, employee insurance, and supplemental unemployment benefit plans; is allowable, if reasonable and consistent with the following.

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15-205.6
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(1) On contracts subject to CAS, the costs of compensated personal absence must be measured and allocated in accordance with Part 408 of Appendix O (CAS 408, Accounting for the Cost of Compensated Personal Absence). For all fringe benefits not addressed by the provisions of CAS 408, the criteria in (2) below apply.

(2) On contracts not subject to CAS, the cost of all fringe benefits are allowable to the extent that they are required by law, employer-employee agreement, or an established policy of the contractor.

(h) *Severance Pay.* (CWAS) See 15-205.39.

(i) *Training and Education Expenses.* (CWAS) *See 15-205.44.*

(j) Costs which are unallowable under other paragraphs of this Part 2 of Section XV shall not be allowable under 15-205.6 solely on the basis that they constitute personal compensation.

(k) *Backpay Resulting from Violations of Federal Labor Laws.* (CWAS-NA) Backpay may result from a negotiated settlement, order or court decree which resolves a violation of Federal labor laws. Such backpay falls into two categories; one requiring the contractor to pay employees additional compensation for work performed for which they were underpaid, and the other resulting from other violations such as when the employee was improperly discharged, discriminated against or other circumstances for which the backpay was not additional compensation for work performed. Backpay resulting from underpaid work is compensation for the work performed and is allowable. All other backpay is unallowable.

15-205.7 *Contingencies.* (CWAS-NA)

(a) A contingency is a possible future event or condition arising from presently known or unknown causes, the outcome of which is indeterminable at a present time.

(b) In historical costing, contingencies are not normally present since such costing deals with costs which have been incurred and recorded on the contractor's books. Accordingly, contingencies are generally unallowable for historical costing purposes. However, in some cases, as for example, terminations, a contingency factor may be recognized which is applicable to a past period to give recognition to minor unsettled factors in the interest of expeditious settlement.

(c) In connection with estimates of future costs, contingencies fall into two categories:

(i) Those which may arise from presently known and existing conditions, the effects of which are foreseeable within reasonable limits of accuracy; *e.g.*, anticipated costs of rejects and defective work; in such situations where they exist, contingencies of this category are to be included in the estimates of future cost so as to provide the best estimate of performance costs; and

(ii) those which may arise from presently known or unknown conditions, the effect of which cannot be measured so precisely as to provide equitable results to the contractor and to the Government; *e.g.*, results of pending litigation, and other general business risks. Contingencies of this category are to be excluded from cost estimates under the several items of cost, but should be disclosed separately, including the basis upon which the contingency is computed in order to facilitate the negotiation of appropriate contractual coverage. (See, for example, 15-205.16, 15-205.20, and 15-205.39.)

15-205.8 *Contributions and Donations.* (CWAS-NA) Contributions and donations are unallowable.

15-205.9 *Depreciation.* (CWAS-NA)

(a) Depreciation is a charge to current operations which distributes the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life and shall be evidenced by the actual or estimated retirement and replacement practice of the contractor.

(b) Contractors having contracts subject to Cost Accounting Standard 409 of Appendix O (CAS 409, Depreciation of Tangible Capital Assets) must adhere to the provisions of that Standard for all CAS covered contracts, and may elect to adopt the Standard for all uncovered contracts. All provisions of CAS 409 are applicable if the election is made. When CAS 409 is applicable, its provisions supersede any conflicting provisions of this cost principle. Once electing to adopt CAS 409 for uncovered contracts, contractors must continue to follow its provisions until notification is received of final acceptance of all deliverable items on all open DoD negotiated contracts. The principles which follow are applicable to those contracts to which CAS 409 is not applied.

(c) Normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost *provided* the contractor is able to demonstrate that such costs are reasonable and allocable to the contract. Subject to (f) and (g) below:

(i) Depreciation will ordinarily be considered reasonable if the contractor follows depreciation policies and procedures which:

(A) are consistent with the policies and procedures he follows in the same cost center in connection with his business other than Government business;

(B) are reflected in his books of accounts and financial statements; and

(C) are used by him for Federal income tax purposes, and are acceptable for such purposes;

(ii) Where the depreciation reflected on a contractor's books of account and financial statements differs from that used and acceptable for Federal income tax purposes, reimbursement shall be based upon the cost of the asset to the contractor amortized over the estimated useful life of the property using depreciation methods (straight line, sum of the years' digits, etc.) acceptable for income tax purposes. Allowable depreciation shall not exceed the amounts used for book and statement purposes and shall be determined in a manner consistent with the depreciation policies and procedures followed in the same cost center in connection with his business other than Government business.

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(iii) Depreciation for reimbursement purposes in the case of tax-exempt organizations shall be determined on the basis outlined in (ii) above.

(d) Special considerations are required for assets acquired prior to the effective date of this principle where, on the effective date of this principle, the undepreciated balance of such assets resulting from depreciation policies and procedures used previously for Government contracts and subcontracts is different from the undepreciated balance of such assets on the books and financial statements. Generally, the undepreciated balance for contract cost purposes shall be depreciated over the remaining life using the methods and lives followed for book purposes. The aggregate depreciation on any asset allowable after the effective date of this 15-205.9 shall not exceed the cost basis of the asset less any depreciation allowed or allowable under prior procurement regulations.

(e) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in (a) above, vary with volume of production or use of multishift operations.

(f) In the case of emergency facilities covered by certificates of necessity, a contractor may elect to use normal depreciation without requesting a determination of "true depreciation", or may elect to use either normal or "true depreciation" after a determination of "true depreciation" has been made by an Emergency Facilities Depreciation Board. The method elected must be followed consistently throughout the life of the emergency facility. When an election is made to use normal depreciation, the criteria in (c) above shall apply for both the emergency period and the post-emergency period. When an election is made to use "true depreciation", the amount allowable as depreciation:

(i) with respect to the emergency period (five years), shall be computed in accordance with the determination of the Emergency Facilities Depreciation Board and allocated rateably over the full five year emergency period; *provided* no other allowance is made which would duplicate the factors, such as extraordinary obsolescence, covered by the Board's determination; and

(ii) after the end of the emergency period, shall be computed by distributing the remaining undepreciated portion of the cost of the emergency facility over the balance of its useful life *provided* the remaining undepreciated portion of such cost shall not include any amount of unrecovered "true depreciation."

(g) No depreciation, rental, or use charge shall be allowed on property acquired at no cost from the Government by the contractor or by any division, subsidiary or affiliate of the contractor under a common control.

(h) The depreciation on any item which meets the criteria for allowance at a "price" in accordance with 15-205.22(e) may be based on such price, *provided* the same depreciation policies and procedures are used for costing purposes for all business of the using division, subsidiary or organization under common control.

(i) No depreciation or rental shall be allowed on property fully depreciated by the contractor or by any division, subsidiary or affiliate of the contractor under a common control; however, a reasonable charge for the use of fully depreciated

19-208.3 *FOB Destination.*

(a) When the supplies will or may be purchased f.o.b. destination (see 19-104.2(d)), the clause in 7-104.71 shall be included in the contract. When only f.o.b. destination bids or proposals are desired, the solicitation shall specify that bids or offers submitted on a basis other than f.o.b. destination will be rejected as nonresponsive. When the supplies will or may be purchased f.o.b. destination and inspection and acceptance will be at origin, the contract shall also include the clause in 7-104.76.

(b) When procurement is on an f.o.b. destination basis, special care shall be taken to observe the requirements of 14-305.3 as to place of inspection; also see 14-306 and 14-307 as to place of acceptance.

19-208.4 *Destination Unknown.*

(a) When the exact destination of the supplies to be purchased is not known, but the general location of the expected users can be reasonably established, the purchase request shall designate a place or places as the tentative point(s) to which transportation costs will be computed, stating estimated quantities for each tentative destination. The solicitation shall provide that bids or proposals shall be submitted f.o.b. origin only (see 19-104.2(c)(1)(ii)) and that shipment shall be made on Government bills of lading. The clause contained in 7-104.70 and the "*Destination Unknown*" and the "*F.O.B. Origin — Carload and Truckload Shipments*" provisions in 7-2003.24(a) and (b) shall be included to:

(i) establish that destinations are tentative and only for the purpose of evaluating bids or proposals;

(ii) establish that bids (offers) will be solicited on basis of f.o.b. origin only; and

(iii) control subsequent shipping weights.

(b) When the purchasing office and the requesting activity determine that it is impracticable to estimate any tentative or general delivery points for the purpose of evaluating transportation costs, proposals shall be solicited f.o.b. origin only (see 19-104.2(c)(1)(ii)) and evaluation will be made without regard for transportation costs. In such cases, insert the provision in 7-2003.70 in the solicitation.

The contract file shall be documented with justification for such solicitation provision and this paragraph shall be cited. The clauses in 7-104.70 and 7-104.72 shall be included in the contract.

19-209 Required Shipping Weights. Solicitations which may result in f.o.b. origin contracts shall include the "*F.O.B. Origin — Carload and truckload Shipments*" provision in 7-2003.24(b). This will provide agreement as to appropriate freight costs for evaluation of bids or proposals, and assure that contractors produce economical shipments of agreed size (see 19-208.2(a)).

19-210 Guaranteed Shipping Weights and Dimensions. When shipping weights and dimensions are required to evaluate offers as to transportation costs, the "*Guaranteed Maximum Shipping Weights and Dimensions*" provision in 7-2003.16 shall be included in the solicitation.

19-211 Transportation Responsibilities of Contractors.

(a) The clause in 7-104.73 shall be included in contracts for supplies which may be shipped in carload lots by rail. The clause specifies that carload shipments shall be loaded, blocked and braced by the contractor in accordance with standards published by the Association of American Railroads.

(b) If the nature of the supplies or safety, environmental, or transportability factors require special methods for securing the supplies on the carrier's equipment, or only a special mode of transportation or type vehicle is appropriate (see 19-103), the solicitation shall set forth such detailed methods.

19-212 Shipping Point(s) Used in Evaluation of FOB Origin Bids. The "*Shipping Point(s) Used in Evaluation of F.O.B. Origin Bids (Or Proposals)*" provision in 7-2003.24(c) shall be included in solicitations which may result in f.o.b. origin contracts to assure application of appropriate freight costs in evaluating bids or proposals. This provision should be supported by an additional provision as part of the solicitation, to require prospective contractors to specify the location of their actual shipping point(s) (street address, city, state, and zip code) from which supplies will be delivered to the Government in accordance with the contract's f.o.b. origin terms. To assure appropriate rail routing for shipments from or to the contractor's shipping point, each prospective contractor shall also be required to specify whether his shipping point has a private railroad siding and the name of the rail carrier serving it. When the shipping point does not have a private siding, the name and address of the nearest public rail siding and carrier serving it shall be specified.

19-213 Shipments to Ports.

19-213.1 *Solicitation/Contract Provisions.*

(a) When supplies are for known destinations outside the continental United States, the CONUS port of loading or point of exit (aerial or water) and the Water Port of Debarkation which serves the overseas destination shall be listed in the solicitation for transportation evaluation purposes.

(b) When a contract will not generate any shipment for which an Export Release is required (less than 10,000 lbs., etc.; see paragraph 202024 of the Military Traffic Management Regulation (AR 55-355, NAVSUP 4600.70, MCO 4600.14A, AFM 75-2, DLAR 4500.3), only the CONUS ports which serve the overseas destination shall be listed in the solicitation (see DoD Regulation 4500.32-R, Appendix N), except that the responsible contracting officer may limit the water ports listed when such limitation is considered necessary to meet delivery or other requirements.

(c) Except for contracts to which (b) above applies, other CONUS ports which meet the eligibility criteria compatible with the nature and quantity of the supplies, their destination, type of carrier required, and specified overseas delivery dates also may be listed in the solicitation for evaluation purposes. This will permit bidders or offerors, who are geographically remote from the port which normally serves the overseas destination, to be competitive as far as transportation costs are concerned. Ports of loading to be included in the solicitation may be determined through coordination with the headquarters of the Military Traffic Management Command serving the area in which the purchasing office is located.

(d) Unless logistics requirements limit the ports of loading to those ports listed in the solicitation, the solicitation shall provide that the bidder or offeror may nominate additional ports (including ports in Alaska and Hawaii) more favorably located to his shipping point, and that these ports shall be considered in the evaluation of bids or proposals; *provided*, however, that these ports must possess all requisite capabilities of the listed ports in relation to the supplies being procured. Under these circumstances, the "*Evaluation of Export Bids (Or*

20-308.2 *Criteria for Establishing.* This two position alpha/numeric control code is required for Military Standard Contract Administration Procedures (MILSCAP) processing and may also be used in contracts administered by each Service/Agency. Under MILSCAP, the ACRN is required to associate the Accounting Classification Trailer Record, the Supplies Schedules Data Record and the Services Line Item Data Record with the long line accounting classification. The reference number is also used to associate the various record formats of the Contract Payment Notice as described in Chapter 9 of the MILSCAP Manual, DoD 4105.63-M.

20-308.3 *Procedures for Using the Accounting Classification Reference Number (ACRN).*

(a) The ACRN will be any combination of a two position alpha/numeric code assigned discretely to each accounting classification within each contract. The letters "I" and "O" shall not be used.

(b) This code will be shown as a detached prefix to the long line accounting classification number in the Accounting and Appropriation Data block and/or Section K (Contract Administration Data) of the contract, except that accounting classification numbers included in the contract only for the information of the Transportation Officer for citation on Government bills of lading for shipment at Government expense of items on an f.o.b. origin contract need not be prefixed with an ACRN. In the case of modifications to contracts/orders which have been previously assigned a long line accounting classification number(s), only the ACRN(s) assigned to that number(s) need be shown in the Accounting and Appropriations Data block and/or Continuation Sheet(s) of the modification.

(c) If more than one ACRN is assigned in the contract, the ACRN shall also be shown in the contract Schedule as follows:

(i) The ACRN shall be shown adjacent to the identity code of each "Ship To/Mark For," unless the procedure in (ii) or (iii) below is used. Only one ACRN may be assigned to the same "Ship To/Mark For" within the same contract line or subline item number, except in rare cases when multiple accounting classifications apply to a single unit so the quantity cannot be subdivided to relate to a single accounting classification. In such case, the contract shall provide sufficient information under the heading "Payment Instructions for Multiple Fund Accounting Citations" to permit proper payment and fund accounting;

(ii) If only one accounting classification applies to a subline item, the ACRN may be shown in the Supplies/Services column near the subline item description;

(iii) If only one accounting classification applies to a line item, the ACRN may be shown in the Supplies/Services column near the line item description; and

(iv) The ACRN shall be shown in the contract Schedule in the following manner:

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(v) For cost reimbursement type contracts the provisions of this paragraph (c) do not apply.

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(d) The purchasing office executing a contract, basic ordering agreement, or blanket purchase agreement is responsible for control of assignment of ACRNs pertaining thereto. Contract or agreement provisions which provide for the issuance of contract modifications (including provisioned item order modifications), calls, orders, or work requests by organizations other than the purchasing office executing the contract or agreement will contain instructions for ACRN assignment. This may be accomplished by individual assignments as funds are cited, by assignment of blocks of ACRNs to offices authorized to issue contract modifications, calls, orders or work requests or by some other appropriate method. In no case, however, will an ACRN apply to more than one long line accounting classification in a contract. The authority to control ACRN assignment shall not be delegated to another office by the purchasing office issuing the contract or agreement.

20–309 Indefinite Delivery Type Contracts.

(a) When an indefinite delivery type contract includes provisions wherein the price of an item is determined at the time a delivery order is issued based on such factors as the quantity to be ordered, (*e.g.*, 10–99 at $1.00, 100–249 at $.98, and 250 or more at $.95), the FOB provision, the destination, or the type pack required in the delivery order, it shall not be necessary to assign a separate line item number in the indefinite delivery type contract to each price for the same item. Each line or subline item in the individual delivery order, however, shall cite only one of the unit prices in the indefinite delivery type contract.

(b) Except as noted in (a) above, criteria for contract line item assignment (see 20–303) shall be applicable to indefinite delivery type contracts.

Part 4—Distribution of Procurement Documents

20–401 Distribution of Procurement Documents.

(a) The basic contract shall be distributed in accordance with (d) below. In the interest of limiting distribution of modifications to only those offices which have an interest therein, the contract distribution list accompanying the contract shall be annotated by the purchasing office to indicate those offices which should receive copies of contract modifications.

(b) The contracting officer executing a contract or modification is responsible for complete distribution of the document within ten working days after execution. The purchasing office shall, upon assignment of the contract, furnish the contract administration office the contract distribution list and shall provide changes to the list as they occur.

(c) Except as provided in this paragraph and in (d)(i)(C) below, the procuring contracting officer shall maintain the original executed procurement document in the official contract file. The original of each modification executed by the ACO or TCO shall be provided to the PCO. Unless otherwise directed by the Department concerned, the original executed copies of orders under Basic Ordering Agreements (3–410.2) and the original executed provisioning orders (4–302.2) shall be maintained by the office issuing the orders.

(d) Copies of contracts (including agreements) shall be distributed as specified below:

(i) one signed copy or one reproduced copy of the signed contract and each modification thereto to:
  (A) the contractor (this copy shall be stamped "Duplicate Original");
  (B) the contract administration office;
  (C) the payment office, except the original executed order and, as required by Departmental regulations, additional copies of a purchase order for open market purchases of $10,000 or less, delivery order(s), and Federal Supply Schedule orders, and each modification thereto shall be distributed to the payment office. For those assigned to DCAS, only the original executed order is required which shall be sent directly to the DCAS payment office (not with the CAO copies);
  (D) each accounting and finance office (funding office) whose funds are cited in the contract;

(ii) in addition to the distribution in (i) above, additional copies shall be distributed as follows:
  (A) four copies to the contract administration office (distribution shall be effected simultaneously with the copy furnished in (d)(i)(B) above;
  (B) one copy to each consignee indicated in the contract (a transshipping terminal is not a consignee);
  (C) one copy to the appropriate transportation office when required by 19–402 and additional copies as required by Departmental regulations;
  (D) ten copies to the MIPR initiating activity in the case of coordinated procurement;

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(E) two copies directly to the contract administration office cognizant of each manufacturing location where contract administration services will be required (see DoD Directory of Contract Administration Services Components 4105.59H), when administration of the contract is performed at other than the place of manufacture;

(F) one copy of each of the following type contracts and of each modification thereto to the appropriate Defense Contract Audit Agency (DCAA) field audit office (listed in the DCAA Directory—Headquarters and Field Offices):

(I) cost reimbursement; time and materials, or labor-hour contract;

(II) fixed price contract with redetermination, incentive, economic price adjustment or cost allowability provisions;

(III) any other contract which requires audit service

(if there is a question as to the appropriate DCAA field audit office, contracting officers may request the assistance of the DCAA procurement liaison auditor or the nearest DCAA field audit office); and

(G) one copy to the CAO ADP point, except when the DODAAD code (see DoD Directory 4105.59H) is the same as that of either the CAO or payment office.

(e) When a payment office is added to, or changed under, an existing contract by modification, a copy of the basic contract and all modifications thereto shall be furnished to the added/new payment office. A copy of the modification affecting such addition or change shall also be furnished to the original or losing payment office. When a contract administration office, an accounting and finance office (funding office), a consignee or other activity is added by a modification, the contracting officer shall determine the extent to which each activity is concerned with the basic contract and modifications and make distribution accordingly.

(f) Distribution of modifications issued pursuant to 20-204.3(a)(ii)(B) and 20-204.4(b)(ii) may be limited to the following:

(i) Contractor;

(ii) Receiving Activity;

(iii) Contract Administration Office;

(iv) Payment Office;

(v) CAO ADP point in accordance with (d)(ii)(G) above.

(g) Distribution of overhead rate agreements issued pursuant to 3-705 may be limited to the contractor and the executing contracting officer.

(h) When the purchasing office retains responsibility for administration of a contract containing the Cost Accounting Standards clause (7-104.83(a)), one copy of the contract shall be forwarded to the Contract Administration Office (Attn: ACO) cognizant of the contractor's facility (see DoD Directory 4105.59H). The following notation will be inserted in bold print on the face of the contract: **"FOR COST ACCOUNTING STANDARDS ADMINISTRATION ONLY".** (See 3-1208(c) for contracts at facilities under the cognizance of a non-DoD organization.)

(i) Distribution of contract modifications generated by mechanical means (computer program) may be limited to the following: (1) Contractor, one copy; (2) CAO, one copy; New Payment Office, one copy; (4) PCO, one copy; (5) Funding Activities, one copy to each.

Part 2—Requirement for Consent to Subcontracts

23-200 Scope of Part. This Part sets forth the requirements for consent to subcontracts which includes but is not limited to purchase orders, changes and/or modifications thereto.

23-201 Subcontract Clauses.

23-201.1 *Clause Entitled "Subcontracts" for Fixed-Price Contracts.*

(a) The clause set forth in 7-104.23 shall be inserted in all fixed-price type contracts.

(b) The clause may be modified to:

(i) lower the $500,000 threshold set forth in (ii) and (iii) of paragraph (b) of the clause when it is determined that closer surveillance of subcontracting is desirable because of such factors as the nature of the industry involved, the criticality of work which will probably be subcontracted, the absence of competition in placing the prime contract, uncertainties as to the adequacy of the contractor's procurement system, or the novelty of the supplies or services being procured;

(ii) delete the requirement for advance notification of, or consent to, any subcontracts which were evaluated during negotiations except in contracts for major system acquisition (as defined in 1-201.41) or subsystems or components thereof;

(iii) require extraordinary Government surveillance in exceptional cases of subcontracts or classes of subcontracts selected during negotiation. In this event, insert as paragraph (h) of the clause in 7-104.23(a), the additional paragraph in 7-104.23(b).

23-201.2 *Clause Entitled "Subcontracts" for Cost-Reimbursement and Letter Contracts.*

(a) The appropriate clause entitled "*Subcontracts*" from either 7-203.8 or 7-402.8 shall be included in all cost-reimbursement and letter contracts.

(b) (1) Under cost-reimbursement and letter contracts, other than facilities contracts, consent is required for:

(i) subcontracts for fabrication, purchase, rental, installation, or other acquisition of special test equipment having a value in excess of $1,000 or of any items of industrial facilities; and

(ii) subcontracts for research and development (where the clause in 7-402.8 is used).

(2) Consent is also required for the following additional subcontracts under cost-reimbursement and letter contracts, unless the contractor's procurement system has been approved except in contracts for major systems acquisition (as defined in 1-201.41) or subsystem or components thereof, notwithstanding procurement system approval, consent will be required:

(i) cost-reimbursement, time and materials or labor-hour subcontracts; and

(ii) fixed-price subcontracts exceeding either $25,000 or 5% of the total estimated prime contract price.

(3) See 7-702.33 or 7-703.25 for requirements for approval of subcontracts under facilities contracts.

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SUBCONTRACTING POLICIES AND PROCEDURES

(e) Purchases by a contractor from General Services Administration supply sources, under a written authorization by the contracting officer (see 5-906), shall be treated as having been made with the consent of the contracting officer as required by the clause set forth in 7-204.28 or 7-403.23.

(d) In exceptional circumstances, certain subcontracts or classes of subcontracts may be selected during negotiation for extraordinary Government surveillance. In such circumstances, insert as subparagraph (k) of the clause in 7-203.8(a), the additional paragraph in 7-203.8(b), or as subparagraph (k) of the clause in 7-402.8(a), the provision set forth under 7-402.8(b).

23-201.3 *Subcontracts Clause for Time and Materials and Labor-Hour Contracts.* See 7-901.10 for requirements for approval of subcontracts under time and materials and labor-hour contracts.

23-201.4 *Clause Entitled "Equal Opportunity Pre-award Clearance of Subcontracts".* The clause in 7-104.22 shall be inserted in all contracts containing any of the "Subcontracts" clauses prescribed by this paragraph 23-201.

23-202 Consent to Subcontracts.

(a) Early surveillance and involvement in the prime contractor's procurement planning process including the development of the technical requirements for the subcontracts, particularly under major system acquisition (as defined in 1-201.41), is essential for more knowledgeable evaluation of proposed subcontracts submitted for consent. The contracting officer shall seek such assistance and advice necessary to fulfill this requirement. He shall consider the following in his review:

(i) the technical justification for selection of the particular supplies, equipment, or services;

(ii) whether the decision to enter into the proposed subcontract is consistent with the contractor's approved "make-or-buy" program, if any (see 3-902);

(iii) whether the proposed subcontract will require the use of Government-furnished facilities and, if so, whether proper consideration has been obtained;

(iv) the responsibility of the proposed subcontractor (see 1-906);

(v) the basis for selecting the proposed contractor, including the price competition obtained;

(vi) any cost or price analysis or price comparisons accomplished, with particular attention to whether cost or pricing data are accurate, complete, and current, and to whether any required certification has been obtained (see 3-807.3 and 7-104.42);

(vii) the effectiveness of subcontract management by the prime contractor;

(viii) the appropriateness of the type of subcontract used (see Section III, Part 4) to include whether and to what extent considerations have been given to provisions for economic price adjustment;

(ix) the estimated total extent of subcontracting, including procurement of parts and materials;

(x) the extent to which the prime contractor obtains assurance of the adequacy of the subcontractors' procurement system;

PERSONAL PROPERTY IN POSSESSION OF CONTRACTORS

of its non-specific meaning to the trade, the term "salvage" risks downgrading of the property in the bidder's viewpoint and shall not be used.

(e) *Lotting* shall be in accordance with the following:

(i) unused items shall be lotted by make or manufacturer, except when quantities or dollar values are small;

(ii) commercially similar items shall be lotted together when practicable;

(iii) used and unused items shall be lotted separately, unless the quantity, value, or nature is such that it is uneconomical to sell separately;

(iv) within the bounds of economical considerations, the size of lots shall be influenced by an effort to encourage bidding by small businesses or individuals;

(v) no lot shall be so small that the administrative cost of selling will be disproportionate to the anticipated proceeds;

(vi) an alternate bid for groups of items or for the entire offering may be solicited by use of an additional item described as follows:

Item ..... (Alternate Bid)
This item consists of all property listed and described in Items ..... to ....., inclusive. Award under this item may be made only if the highest acceptable bid on this item is equal to, or greater than, the total of the highest acceptable bids on Items ..... to ....., inclusive.

(f) *Basis of Sale* shall be:

(i) *Unit Price Basis.* Items offered for sale shall require the bid price to be stated in terms of the quantity or weight generally applied by industry in the commercial sale of such items.

(ii) *Lot Price Basis.* When a sales offering is made on a lot price basis, bids shall be requested only for the entire lot. Use of the lot price basis shall be held to a minimum, since it precludes adjustments. The lot price basis shall be used only when property cannot be sold by unit measure or the potential monetary recovery is small.

(g) *Format of Invitation.* In large sales, a summary list of items offered shall be set forth and used as an item bid sheet, with detailed item descriptions on attached sheets.

(h) *Bidder's Lists.* The plant clearance officer shall assure that commodity bidder's lists sufficient to obtain adequate competition in the sale of contractor inventory are maintained. The plant clearance officer may obtain additional listings, as required, from the Defense Surplus Bidder's Control Office (DSBCO), 50 North Washington Street, Battle Creek, Michigan 49016. Use of listings maintained by DSBCO is encouraged when extremely large quantities of property, special commodities, or unusual geographic location is involved.

(i) *Auction, Spot Bid, and Retail Sales.* Auction, spot bid, and retail sales shall not be utilized for selling contractor inventory, unless approved on an individual case basis by the departmental headquarters of the administering activity.

(j) *Market Impact.* Contracting Officers or plant clearance officers shall submit data to DLSC relative to the proposed sale of machine tools of any one type on hand at any single location in minimum condition N3, E1, or O1 with a total acquisition cost exceeding $250,000. Sales data shall include the Plant Equipment

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Code (PEC) number, noun description, quantity, location of property, and the proposed method of sale. DLSC shall advise the contracting officer or plant clearance officer within five working days whether or not sale proposal is approved. Priority for sales approval shall be given in those instances where plant clearance or other expedited actions are involved.

24-206.2 *Competitive Sales.*

(a) *General.* Surplus contractor inventory shall be offered for sale on a competitive basis except as provided in 24-206.3. To the extent feasible, subcontractors and suppliers should be solicited when additional competition is likely to result. The plant clearance officer shall provide the contractor with instructions relative to the method of soliciting bids and the basis for offering the property for sale (*i.e.*, serviceable or scrap). In determining the sales method to be used, the plant clearance officer shall consider the expected sales proceeds (based on previous experience and current market) versus the cost of conducting the sale. When he determines that an individual sale will be uneconomical, the material to be sold shall be (i) combined with other material offered for sale, (ii) disposed of through the contractor's approved production generated scrap disposal procedure (see 24-204.4), or (iii) abandoned. Case files will be documented to show the basis for the decision. The contractor's overall program, including all forms and procedures, shall be evaluated by the plant clearance officer and shall be subject to his surveillance. To the extent necessary, the plant clearance officer may reserve the right to approve individual sales offerings prior to distribution. Pursuant to 24-102(xvi) when the the plant clearance officer determines that sale services are required, such service will be arranged for by the plant clearance officer directly with the organization requested to provide the service. The plant clearance officer will justify and document this need. These documents shall be a part of the plant clearance case file. The agreement reached will provide for the Defense Surplus Sales Office or General Services Administration Regional Office to return total proceeds to the plant clearance officer for crediting in compliance with 24-206.4(c).

(b) *Solicitation of Bids.* Contractors shall solicit bids by formal invitations, unless informal bid procedures have been approved by the plant clearance officer as provided in (2) below:

(1) *Formal Bid Procedures.*

(i) bids shall be solicited a minimum of 15 calendar days in advance of the opening of bids to allow bidders an adequate opportunity to inspect the property and prepare and formally submit bids;

ANNEX II

DOUBLE SAMPLING PLAN

(90% Confidence of rejecting lots having 10% or more defectives)

Lot Range	Sample Size 1	Accept if Defects in Sample 1 Are	Reject if Defects in Sample 1 Are	Continue With Sample 2 if Defects in Sample 1 Are	Sample Size 2	Accept if Sum of Defects in Samples 1 and 2 Equals or is Less Than	Reject if Sum of Defects in Samples 1 and 2 Equals or Exceeds
1-18	All	0	1	-	-	-	-
19-50	18	0	1	-	-	-	-
51-90	21	0	2	1	11	1	2
91-150	25	0	3	1 or 2	25	3	4
151-400	32	0	4	1, 2 or 3	33	3	4
401-10,000	34	0	4	1, 2 or 3	34	3	4

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PROPERTY ADMINISTRATION

ANNEX III—TABLE OF RANDOM NUMBERS

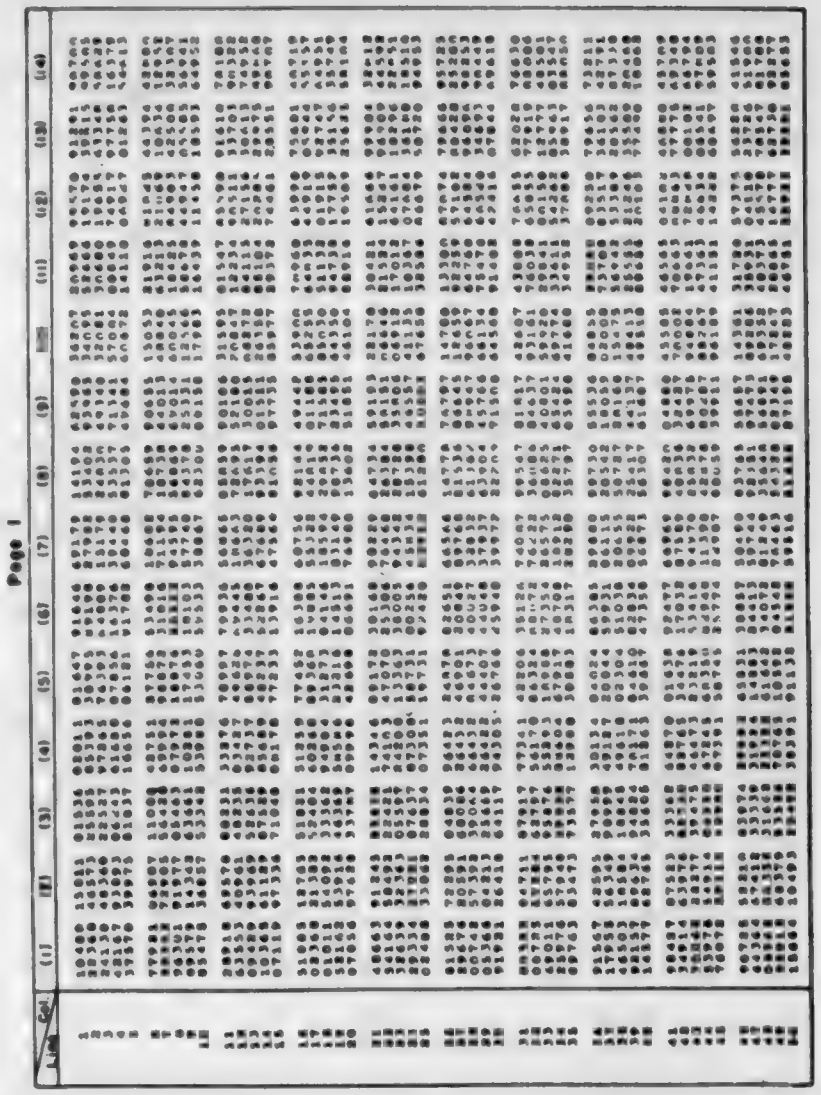

U.S. GOVERNMENT PRINTING OFFICE: 1983 381-335

ARMED SERVICES PROCUREMENT REGULATION

[FR Doc. 83-5288 Filed 3-2-83; 8:45 am]

[FR Doc. 83-5835 Filed 3-2-83; 8:45 am]

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Thursday
March 3, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Permanent Regulatory Program; Federal Enforcement During Oversight of Approved State Programs; Policy Statement

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 843

Surface Mining and Reclamation Operations; Permanent Regulatory Program; Federal Enforcement During Oversight of Approved State Programs

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Statement of policy.

SUMMARY: Notice is given that the Department of the Interior has determined that the Surface Mining Control and Reclamation Act requires a federal inspector to issue a notice of violation to an operator if the state has been notified of the existence of a violation and has failed to take appropriate action or show good cause for such failure within ten days of notification (ten day notice).

FOR FURTHER INFORMATION CONTACT: William Schmidt, Assistant Director, Inspection and Enforcement, Office of Surface Mining, U.S. Department of the Interior, Washington, D.C. 20240; (202–343–4225).

SUPPLEMENTARY INFORMATION: On March 13, 1979, OSM published regulations (44 FR 14901 *et seq.*) implementing the permanent regulatory program of Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1251–1279. One subsection of those regulations addressed a federal inspector's authority to issue notices of violation and "failure to abate" cessation orders under Section 521(a)(3) of SMCRA in situations in which the coal mine where the violation existed was located in a state with an approved state program. The relevant provision, 30 CFR 843.12(a)(2), which resolved this question states:

> When, on the basis of any Federal inspection other than one described in paragraph (a)(1) of this section, an authorized representative of the Secretary determines that there exists a violation of the Act, the State program, or any condition of a permit or an exploration approval required by the Act or the State program which does not create an imminent danger or harm for which a cessation order must be issued under 30 CFR 843.11, the authorized representative may give a written report of the violation to the State and the person responsible for the violation, so that appropriate enforcement action can be taken by the States. Where the State fails within ten days after notification to take appropriate action to cause the violation to be corrected, or to show good cause for such failure, the authorized representative may reinspect and, if the violation continues to exist, shall issue a notice of violation or cessation order, as appropriate. No additional notification to the State by the Office is required before the issuance of a notice of violation, if previous notification was given under 30 CFR 842.11(b)(1)(ii)(B).

On December 1, 1981, the Department indicated that it intended to reconsider the issue as part of its new rulemaking to revise the inspection and enforcement regulations for the permanent regulatory program. 46 FR 58464. However, as a result of a settlement agreement in *National Wildlife Federation v. Watt*, Civil Action No. 82–0320 (D.D.C.) the Department agreed to consider the issue in the Environmental Impact Statement (EIS) to be done in connection with the regulatory review currently underway at the Department of the Interior. Consequently, the Department deferred consideration of the issue in the inspection and enforcement final rule published on August 16, 1982. 47 FR 35620. The issue was analyzed in OSM's Final Environmental Impact Statement OSM EIS–1: Supplement. This notice serves as the record of decision based upon the EIS and is consistent with the preferred alternative published in Volume III of the EIS.

Statement of Policy

Upon examination of the issue, the Department has concluded that the regulation contained at 30 CFR 843.12(a)(2) was properly and lawfully promulgated; therefore there is no need to reconsider the issue.

It is the Department's opinion, as set forth in the original preamble to 30 CFR 843.12, that "Congress did (not) intend OSM to sit idly by while . . . violations ripen into imminent hazards." 44 FR 15302, March 13, 1979. Rather as the preamble stated, the legislative history indicates that when "an OSM inspector discovered a violation at the mine, he must report the violation to the operator and the state and give the state 10 days to take appropriate action to require the operator to correct the violation. If the State takes such action, OSM does nothing further." 44 FR 15303. However, if the state fails to take adequate action or show good cause for such failure, OSM under 30 CFR 843.12 shall issue a notice violation. As the preamble further stated, in situations where "the State had already been given an opportunity to take 'appropriate action' and had failed to do so in ten days, the OSM inspector could issue the notice on the spot without re-referring the case to the State." 44 FR 15303.[1]

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

[FR Doc. 83–5462 Filed 3–3–83; 8:45 am]

BILLING CODE 4310–05–M

[1] As the Office of Surface Mining has previously stated in papers filed with the Interior Board of Surface Mining and Reclamation Appeals, any OSM determination as to the adequacy or inadequacy of state action or whether an OSM inspection is required as a result of a citizen complaint is reviewable by the Office of Hearings and Appeals without regard to the existence, or invocation, of state administrative or judicial remedies. See Reply in Opposition, *Donald St. Clair, et al v. OSM*, IBSMA No. 82–33 at 11.

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Part IV

Department of Energy

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products Test Procedures for Dishwashers; Final Rule

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-82-130]

Energy Conservation Program for Consumer Products; Test Procedures for Dishwashers

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy hereby amends its test procedures for dishwashers in order to accurately determine the estimated annual operating cost and the energy factor for dishwashers that operate with 120°F inlet water and to revise the representative average-use cycle to reflect current consumer use. These test procedures are a part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act. Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station CE-113.1, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-9127; or

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC-33, 1000 Independence Avenue, S.W., Washington, D.C. 20585; (202) 252-9510.

SUPPLEMENTARY INFORMATION:

A. Background

On October 1, 1977, the Department of Energy (DOE) assumed the authority of the Federal Energy Administration (FEA) for the energy conservation program for consumer products, under Section 301 of the Department of Energy Organization Act (DOE Act) (Pub. L. 95-91). The energy conservation program for consumer products was established by FEA pursuant to Title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163). Subsequently, the Act was amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95-619). References in this notice to "the Act," or to sections of the Act, refer to the Energy Policy and Conservation Act as amended by NECPA.

Section 323 of the Act requires that standard methods of testing be prescribed for covered products. Test procedures appear at 10 CFR Part 430, Subpart B. Test procedures for dishwashers were prescribed on August 3, 1977 (42 FR 39964, August 8, 1977).

Dishwashers are generally designed to operate with 140°F inlet water. The 140°F inlet water is generally recommended by dishwasher detergent manufacturers to ensure good cleaning performance by their products. The test procedures prescribed by DOE are based on dishwashers using 140°F inlet water. Three manufacturers, who make "water heating" dishwashers, i.e., dishwashers that use 120°F inlet water, requested DOE to exclude these dishwashers from the prescribed test procedures. The Hobart Corporation (Hobart) filed an application for exception with the DOE Office of Hearings and Appeals (OHA) on September 5, 1979 for its Model KD-19 dishwasher. OHA granted an exception to Hobart on February 26, 1980. Norris Industries (Norris) applied to the Assistant Secretary for Conservation and Renewable Energy for a test waiver on November 5, 1980.[1] The Secretary granted the waiver for Norris' LER series dishwasher (46 FR 35719, July 10, 1981). The General Electric Company (GE) applied for a test waiver for its "T" series dishwasher which uses 120°F inlet water. The Secretary granted a waiver to GE for its "T" series dishwasher on May 28, 1982 (47 FR 23543).

As a result of the petitions from Hobart, Norris, and GE, DOE directed the National Bureau of Standards (NBS) to investigate the manufacturers' claims that the prescribed test procedures do not properly determine the energy consumption for water heating dishwashers which use 120°F inlet water. NBS has provided its recommendations to DOE. These recommendations are discussed later in this document.

In a separate action unrelated to the petitions discussed above, the Association of Home Appliance Manufacturers (AHAM) and the Procter and Gamble Company (P&G) presented data to DOE that showed an annual average use for dishwashers of 322 cycles per year. They requested that DOE change the representative annual use cycle for dishwashers from 416 cycles per year to 322 cycles per year. The representative annual use cycle is used to determine the estimated annual operating cost.

Amended test procedures were proposed for dishwashers by a notice issued on May 27, 1982 (47 FR 26143, June 17, 1982). A public hearing was held on July 21, 1982.

B. Discussion

1. *Representative Average-Use Cycle.* The Association of Home Appliance Manufacturers and eight other commenters agreed that the representative average-use cycle be changed to 322 cycles per year. No comments were received that disagreed with the proposed change. Today's final rule prescribes a representative average-use cycle of 322 cycles per year for determining the estimated annual operating cost for dishwashers.

2. *Warm Water Dishwashers.* GE commented that dishwashers that can operate satisfactorily on 120°F inlet water do so because the 120°F inlet water is heated internally by the dishwasher to a level sufficient to achieve excellent washing and drying results. GE further stated that "water heating dishwashers" may be a more appropriate term for these dishwashers instead of "warm water dishwashers" as was used in the proposed rule. Water at 120°F is generally perceived to be hot—not warm.

Hobart, Design and Manufacturing Corporation (D&M), Sears, Roebuck and Co. (Sears), and Whirlpool Corporation (Whirlpool) stated that it is important to identify that heating must take place during the normal cycle washing phase(s) for proper washing performance, although it is not necessary that all of the water used during the normal cycle be heated. These commenters stated that at least one wash phase and at least one rinse phase be thermostatically-controlled. These thermostatically-controlled wash and rinse phases will delay the normal cycle until the wash or rinse water has been heated to its required temperature. Dishwashers that use 140°F water typically do not have thermostatically-controlled water heaters; these dishwashers generally heat the water continuously for all wash and rinse phases.

[1] DOE amended the energy conservation program for consumer products by notice issued September 18, 1980 (45 FR 64108, September 29, 1980) so that the Assistant Secretary for Conservation and Renewable Energy can temporarily waive test procedure requirements for a particular covered product. Waivers may be granted when design characteristics for the particular product either prevent testing of the product according to prescribed test procedures, or lead to results so unrepresentative of the product's true energy consumption characteristics as to provide materially inaccurate comparative data to consumers.

Accordingly, DOE has revised the proposed definition to reflect the commentor's concerns. That definition provides:

"Water heating dishwasher" means a dishwasher that can operate at nominal inlet water temperature of 120°F by providing thermostatically-controlled internal water heating in at least one wash phase and one rinse phase of the normal cycle.

D&M, Sears, and Whirlpool recommended that DOE delete the requirement of no consumer interaction to activate the internal water heater. These commenters believed that the consumer should decide whether he wants the internal water heater activated during the normal cycle. Furthermore, D&M and Sears mentioned that their water heating dishwashers have optional switches to override the thermostat to the internal water heater of the dishwasher during the normal cycle to give the consumer added flexibility in washing dishes. The internal water heater should be on continuously when the thermostat has been disengaged. These dishwashers might not qualify as water heating dishwashers. Therefore, today's final rule deletes all requirements concerning no consumer interaction in the definition for water heating dishwashers.

GE commented that any dishwasher that could provide any amount of heat during the normal cycle would qualify as a water heating dishwasher under the proposed definition. GE recommended that a minimum criteria regarding water heating capability be specified in order to resolve this problem. Hobart recommended a definition which included the phrase "which provides internal water heating during some portion of the washing period(s) of the normal cycle in order to raise the water temperature to that recommended by detergent manufacturers (currently 140°F)." this would specify that the water be heated to a specific temperature, which in this case would be 140°F. Norris commented that a specified temperature rise would be too restrictive. For example, some water heating dishwashers generate steam in order to heat dishes. The steam directly heats the dishes and indirectly heats water. A definition based on heating water to a specified temperature could exclude these steam dishwashers from the water heating dishwasher category. DOE agrees that a specified temperature rise would restrict manufacturers' designs. Therefore, today's final rule does not include a requirement of a specified temperature rise of heating the water used by a dishwasher.

3. *Water heating Dishwasher Credit.* The June 17, 1982 notice proposed a 50 percent credit for dishwashers that use 120°F inlet water. D&M, Sears, Whirlpool, and The Maytag Company (Maytag) agreed that a 50 percent credit be allowed. D&M and Sears commenters stated that their dishwashers employ internal water heating as an optional feature—the user can select to use the internal water heaters. These commenters agreed with the rationale in the proposed rule that proposed a 50 percent credit.

GE, Hobart, and Norris commented that the 50 percent credit would misinform consumers and advocated a 100 percent credit. They contended that consumers are likely to either leave the thermostat settings for their water heaters at 140°F or lower the settings to 120°F, but are not likely to repeatedly adjust the water heater thermostat setting. The proposed averaging formula, based on 50 percent, would therefore result in measures of energy usage that are not representative of the expected operating conditions for these dishwashers. Norris commented that if the user followed the manufacturer's directions, his energy use would be lower; and if he did not lower the water heater thermostat setting, his energy use would be higher. Determining the energy use by an averaging formula, or by a partial credit, would misrepresent the true energy use to all consumers.

DOE has reviewed the comments concerning whether a 50 percent credit should be allowed for water heating dishwashers. Hobart presented data from customers who purchased water heating dishwashers. The data show that 40 percent of the people turned their thermostat setting on the water heater down after they purchased the dishwashers; 20 percent already had lowered their thermostat setting on the water heater; and 40 percent left the thermostat setting on the water heater alone because of the slow recovery time of the water heater, the longer cycling time of the dishwasher, or the lack of information concerning the adjustability of water heater thermostat setting. Hobart commented that water heating dishwashers should not be penalized because of these problems. Furthermore, about 96 percent of people who lowered the water heatef thermostat setting were satisfied with the performance of their dishwashers.

The basis for determining energy use should be that which is most representative for the majority of consumers. Manufacturers of water heating dishwashers generally recommend that the thermostat setting on the water heater be lowered to 120°F. Hobart's data show that the majority of consumers do operate water heating dishwashers at a reduced water heater thermostat setting. In order to determine measures of energy use that truly are representative for the majority of consumers, today's final rule prescribes a 100 percent credit for water heating dishwashers.

4. *Test Load.* Norris, Whirlpool, and Columbus Products Company (Columbus) commented that water heating dishwashers should be tested using a standard test load of dishes. These manufacturers believed that water heating dishwashers would use more energy when operated with a load of dishes than without. For example, tests for one water heating dishwasher conducted by NBS determined that, with a test load, the per cycle energy use increased by about 6.6 percent for 120°F inlet water. (See National Bureau of Standards, "Test Results for a Dishwasher with Reduced Inlet Water Temperature," February 1981.) Whirlpool commented that a test load is not burdensome, that the major dishwasher manufacturers have several sets of dishes in order to conduct the test as prescribed in AHAM Standard DW–1, and recommended that DOE prescribe this AHAM test load in the final rule.

Norris presented test data for its water heating dishwashers as shown in Table 1. The data only includes the electrical energy used by the dishwasher and does not include the energy used by the water heater in heating the water. Under a test load, the electrical energy use increased by about 21 percent when 120°F water was used. It was not necessary to include the energy used by the water heater because the difference in the per cycle energy use is due to the presence of a dishload. The dishwasher would use the same amount of per cycle water energy consumption for a cycle with and without a load of dishes.

Based upon this data, DOE believes that the energy use of water heating dishwashers is affected by the presence of a load of dishes. Today's final rule prescribes that water heating dishwashers shall be tested with a test load of dishes and that the test load shall be as specified in Section 6.1.1 of AHAM Standard DW–1.

However, today's final rule prescribes that dishwashers which use 140°F water be tested without a test load. Testing by NBS had determined that the per cycle energy use for these dishwashers is not affected by the presence of a load of dishes. Testing with and without a load of dishes result in an insignificant

difference in energy use. (*See* the National Bureau of Standards, "Test Results for a Dishwasher with Reduced Inlet Water Temperature," February 1981.)

TABLE 1.—ELECTRICAL ENERGY USE FOR WATER HEATING DISHWASHERS

Inlet water (degrees Fahrenheit)	Dishload	Electrical energy use (kilowatt/cycle)	
		Model A	Model B
120	No	0.534	0.637
120	Yes	0.767	0.773

5. *Water Temperature.* Hobart and Maytag commented that the tolerance of ±5°F for the nominal 120°F inlet water specification could result in a large potential error in determining the estimated annual operating cost for water heating dishwashers. Hobart also commented that a temperature range of 118°F to 122°F was granted in the GE test procedure waiver (47 FR 23543, May 28, 1982). In the GE waiver, it was determined that a tolerance of ±5°F could result in a 0.12 kWh per cycle variation in the total per-cycle energy consumption and in a 4.5 percent variation in the estimated annual operating cost. A tolerance of ±2°F was granted to Hobart in its waiver request for its Model KD–19 dishwasher (45 FR 31343, June 15, 1981). Both Hobart and GE concurred that a tolerance of ±2°F was acceptable and not burdensome. DOE also believes that a tolerance of ±2°F is not burdensome. The potential error for a tolerance of ±2°F would be less than 2 percent. Therefore, today's final rule specifies that the inlet water temperature be maintained between 118°F and 122°F for dishwashers to be tested at a nominal 120°F inlet water temperature.

Hobart and Maytag also commented that the tolerance of ±5°F for the nominal 140°F inlet water specification also be reduced. Dishwashers that operate with 140°F inlet water typically do not have thermostatically-controlled water heaters. The error introduced by the ±5°F tolerance is expected to be small because the energy usage during a cycle should be unaffected by variations in the inlet water temperature. However, DOE has determined that a change to the ±5°F tolerance is not warranted. Thus, today's final rule specifies that the inlet water temperature be maintained between 135°F and 145°F for dishwashers to be tested at a nominal 140°F inlet water temperature.

6. *Per Cycle Water Energy Consumption.* D&M commented that dishwashers generally use a rubber flow washer to control the amount of water used during a cycle. The washer is contoured to flex under changes in water pressure. The washer may flex differently for 120°F inlet water than for 140°F inlet water. This could possibly result in different flow rates and consequently different water consumption values for 120°F inlet water compared to 140°F inlet water. D&M recommended that the per cycle water energy consumption be based on the average of the two flow rates.

DOE has reviewed the comment. However, since today's final rule prescribes only the 120°F inlet water test for water heating dishwashers, there is no need to compute an average flow rate.

7. *Machine and Dishload Temperature.* Whirlpool commented that, at the end of a cycle, both the dishwasher and test load contain residual heat that will give dishwashers with thermostatically-controlled water heaters a "head start" if a new test is conducted immediately thereafter. Testing should be done done with the dishwasher and the test load initially at room temperature. Section 2.5 of the existing test procedure specifies that the dishwasher be at room ambient temperature at the start of each test cycle. In today's final rule, Section 2.5 has been expanded to include prescribing that the test load be at room ambient temperature at the start of each test cycle.

8. *Performance Test.* GE commented that the existing dishwasher test procedure does not measure dishwashing performance. The company stated that a performance test, which it believes is required under the Act, is mandatory in order to protect consumers from purchasing dishwashers with poor cleaning performance. GE further commented that such a performance test would be extremely difficult to develop and unduly burdensome to conduct. GE recommended that DOE rescind the existing dishwasher test procedure because it cannot measure dishwashing performance and, further, determine that no performance test can be developed which would not be unduly burdensome to conduct. This would result in no standardized testing procedure for dishwashers.

Section 323(a)(4) of the Act states that test procedures shall be prescribed to determine the estimated annual operating cost and at least one other measure of energy consumption that is likely to assist consumers in making purchasing decisions. The Act does not require DOE to evaluate performance characteristics of a product in developing test procedures. Testing by NBS, as well as by various manufacturers, has shown that the dishwasher test procedures do lead to results that are truly representative of the machine's energy use. Test procedures do provide materially appropriate comparative data to assist consumers in purchasing decisions. DOE has fulfilled the legislative requirements of the Act since the dishwasher test procedure does fairly and accurately test the energy use characteristics.

Other manufacturers strongly disagreed with GE's contention that DOE should develop a performance test. Performance tests rely heavily on judgement factors such as visual acuity, attentiveness, tactile sensitivity, and test scoring experience. Norris commented that dishwashing performance should best be left to the marketplace. DOE believes that it would be extremely difficult to quantify these subjective factors into one test that is easily repeatable (testing in one laboratory) and reproducible (testing among laboratories).

Hobart commented that dishwashing performance can be determined in many ways. For example, in order to fully determine dishwashing performance, Hobart uses the following in-house tests: (1) A redeposit test; (2) a test for soil removal from light to heavy soils; (3) three soak tests for encrusted foods; (4) a consumer panel test; (5) a test for spotting and filming for natural and artificial soils; and (6) a drying performance test. These tests generally develop comparative rankings and are not easily repeatable nor reproducible. Hobart recommended that these types of performance tests be excluded from the dishwasher test procedure.

In the past, test procedures have not included dishwashing performance. Hobart stated that dishwasher detergent manufacturers generally design their products for optimum cleaning performance for dishwashers that use 140°F inlet water. Therefore, DOE did not have to include a performance test for dishwashers that use 140°F inlet water because the dishwasher detergent manufacturers ensure that dishwashing performance with 140°F inlet water is clearly acceptable to consumers.

Manufacturers have generally commented that dishwashing performance should be excluded from the dishwasher test procedure. DOE believes in allowing manufacturers to determine, for themselves, whether the dishwashing performance for water heating dishwashers is acceptable. A similar precedent for this concept has already been established in the definition of a normal cycle. The

dishwasher test procedure allows manufacturers to decide which cycle should be considered as the normal cycle for their dishwasher. Section 1.3 of the test procedure states that the normal cycle means the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes, including the power-dry feature.

9. *Commercial Standards.* Today's final rule prescribes that a load of dishes be used when testing water heating dishwashers. One section from a commercial standard, AHAM Standard DW–1, is used to specify the test load.

Under section 301 of the DOE Act, DOE is required to comply with section 32 of the Federal Energy Administration Act of 1974 (FEA Act) (Pub. L. 93–275), as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70).

Section 32 (a) and (b) of the FEA Act provide that:

(a) If any proposed rule by the Administrator contains any commercial standards, or specifically authorizes or requires the use of any such standards, then any general notice of the proposed rulemaking shall:

(1) Identify, by name, the organization which promulgated such standards; and

(2) State whether or not, in the judgment of the Administrator, such organization complied with the requirements of subsection (b) in the promulgation of such standards.

(b) An organization complies with the requirements of this subsection in promulgating any commercial standards if:

(1) It gives interested persons adequate notice of the proposed promulgation of the standards and an opportunity to participate in the promulgation process through the presentation of their views in hearings or meetings which are open to the public;

(2) The membership of the organization at the time of the promulgation of the standards is sufficiently balanced so as to allow for the effective representation of all interested persons;

(3) Before promulgating such standards, it makes available to the public any records or proceedings of the organization, and any documents, letters, memorandums, and materials relative to such standards; and

(4) It has procedures allowing interested persons to:

(A) Obtain a reconsideration of any action taken by the organization relating to the promulgation of such standards, and

(B) Obtain a review of the standards (including a review of the basis or adequacy of such standards).

The findings required of DOE by section 32 of the FEA Act serve to alert the public and DOE to the use and Background of commercial standards in a proposed rulemaking and, through the comment and hearing process, allow interested persons to make known their views regarding the appropriateness of the use of those particular commercial standards in that proposed rulemaking. Any negative finding does not reflect a determination by DOE of the advisability of using a particular standard for part of the test procedure regulation.

As noted above, the final rule contains elements of a commercial standard, AHAM Standard DW–1, promulgated by a nongovernmental organization, AHAM. DOE has reviewed AHAM Standard DW–1 and determined that the standard was developed in a manner that comports with the requirements of Section 32(b) of the FEA Act. Moreover, in accordance with section 32(c), DOE has consulted with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of this standard on competition before prescribing final test procedures. Both the Attorney General and the Chairman of the FTC have determined that this standard would have no adverse effect on competition.

10. *Miscellaneous.* After careful consideration of all comments and further consultation with NBS, DOE has incorporated into the final rule some editorial and minor technical changes that were not discussed above. For example, the word "Administrator" is replaced by the word "Secretary" throughout section 430.22. Another change is that the specific heat of water is changed from 8.1966 to 8.20 Btu's per gallon per degree Fahrenheit, in section 4.2.1.

C. Environmental, Regulatory Impact, and Small Entity Impact Reviews

1. *Environmental Review.* The Department has reviewed today's final rule in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), the Council of Environmental Quality Regulations implementing the procedural provisions of NEPA (40 CFR Part 1500 et seq.), and the Department's own NEPA guidelines (45 FR 20694, March 26, 1980, as amended by 47 FR 7976, Feb. 23, 1982) to determine if an environmental impact statement (EIS) or an environmental assessment (EA) is required.

Today's final rule serves only to standardize the measurement of energy usage for dishwashers. The action of prescribing these revised test procedures will not result in any environmental impacts. Because it is clear that today's final rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, DOE has determined that neither an EA nor an EIS is required.

2. *Regulatory Impact Review.* The final rule has been reviewed in accordance with Executive Order 12291 which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. The Executive Order also requires that regulatory impact analyses be prepared for "major rules." The Executive Order defines a major rule as any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule would only make minor changes in the test procedures for dishwashers. Therefore, DOE has determined that this final rule does not come within the definition of a major rule.

In accordance with Section 3(c)(3) of the Executive Order, which applies to rules other than major rules, the final rule was submitted to OMB for review without a regulatory impact analysis. OMB has concluded its review in accordance with Section 3(3)(2)(C) of the Executive Order.

3. *Small Entity Review.* The Regulatory Flexibility Act (Pub. L. 96–354) requires that an agency prepare a final regulatory analysis to be available at the time the final rule is published. This requirement does not apply if the agency "certifies that the final rule will not * * * have a significant economic impact on a substantial number of small entities."

This rule only affects manufacturers of dishwashers. There are not a substantial number of small entities that manufacture dishwashers. Moreover, the changes made would not have significant economic impacts, but rather

would reduce the testing burdens on all entities.

Therefore, pursuant to Section 605(b), DOE certifies that this final rule would not have a "significant economic impact on a substantial number of small entities."

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

In consideration of the foregoing, Part 430 of Chapter II of Title 10, Code of Federal Regulations, is amended as set forth below, effective April 4, 1983.

Issued in Washington, D.C., February 22, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

Provisions of 10 CFR Part 430, § 430.22 and Appendix C are amended as follows:

Authority: Sect. 323, Pub. L. 94–163, 89 Stat. 917 as amended by Pub. L. 95–619, 92 Stat. 3206 (42 U.S.C. 6293).

§ 430.22 [Amended]

1. Section 430.22 paragraph (c) is amended by removing the words "416 cycles per year" and inserting, in their place, the words "322 cycles per year" in the following places:

(a) Section 430.22(c)(1)(i);
(b) Section 430.22(c)(1)(ii);
(c) Section 430.22(c)(2)(i); and
(d) Section 430.22(c)(2)(ii).

2. Section 430.22 paragraphs (a) through (o) are amended by removing the word "Administrator" and inserting, in its place, the word "Secretary."

3. Appendix C to Subpart B of Part 430 is revised to read as follows:

Appendix C to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers

1. *Definitions.*—1.1 "Cycle" means a sequence of operations of a dishwasher which performs a complete dishwashing operation, and may include variations or combinations of the functions of washing, rinsing and drying.

1.2 "Cycle type" means any complete sequence of operations capable of being preset on the dishwasher prior to the initiation of machine operation.

1.3 "Normal cycle" means the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes including the power-dry feature.

1.4 "Power-dry feature" means that function in a cycle in which electrically generated heat is introduced into the washing chamber for the purpose of improving the drying performance of the dishwasher.

1.5 "Truncated normal cycle" means the normal cycle interrupted to eliminate the power-dry feature after the termination of the last rinse operation.

1.6 "Water heating dishwasher" means a dishwasher that can operate at a nominal inlet water temperature of 120°F by providing thermostatically-controlled internal water heating in at least one wash phase and one rinse phase of the normal cycle.

2. *Testing conditions.*—2.1 *Installation.* Install the dishwasher in accordance with the manufacturer's instruction, except that undercounter dishwashers need not be installed under a counter.

2.2 *Electrical supply.* Maintain the electrical supply to the dishwasher within two percent of 115 volts and within one percent of its nameplate frequency as specified by the manufacturer.

2.3 *Water temperature.*

2.3.1 *Dishwashers to be tested at a nominal 140°F inlet water temperature.* Maintain the water supply temperature between 135°F and 145°F.

2.3.2 Dishwashers to be tested at a nominal 120°F inlet water temperature. Maintain the water supply temperature between 118°F and 122°F.

2.4 *Water pressure.* Maintain the pressure of the water supply between 32.5 and 37.5 pounds per square inch.

2.5 *Ambient and machine temperature.* Maintain the room ambient air temperature between 70°F and 85°F, and assure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle.

2.6 *Load.*

2.6.1 *Dishwashers to be tested at a nominal 140°F inlet water temperature.* The dishwasher shall be tested on the normal cycle and the truncated normal cycle without a test load.

2.6.2 *Dishwashers to be tested at a nominal 120°F inlet water temperature.* The dishwasher shall be tested on the normal cycle and the truncated normal cycle with a test load as specified in section 6.1.1 of AHAM Standard DW–1.

3. *Test cycle and measurements.*

3.1 *Test cycle.* Perform a test cycle by establishing the testing conditions set forth in 2 of this Appendix, setting the dishwasher to the cycle type to be tested, initiating the cycle and allowing the cycle to proceed to completion.

3.2 *Machine electrical energy consumption.*

3.2.1 *Dishwashers that operate with a nominal 140°F inlet water temperature, only.* Measure the machine electrical energy consumption, M, specified as the number of kilowatt-hours of electrical energy consumed during the entire test cycle using a water supply temperature as set forth in 2.3.1 of this Appendix. Use a kilowatt-hour meter having a resolution no larger than 0.001 kilowatt hours and a maximum error no greater than one percent.

3.2.2 *Dishwashers that operate with a nominal inlet water temperature of 120°F.* Measure the machine electrical energy consumption, Me, specified as the number of kilowatt-hours of electrical energy consumed during the entire test cycle using a water supply temperature as set forth in 2.3.2 of this Appendix. Use a kilowatt-hour meter having a resolution no larger than 0.001 kilowatt-hours and a maximum error no greater than one percent.

3.3 *Water consumption.* Measure the water consumption specified as the number of gallons delivered to the dishwasher during the entire test cycle, using a water meter having a resolution no larger than 0.1 gallon and a maximum error no greater than 1.5 percent for all water flow rates from one to five gallons per minute and for all water temperatures encountered in the test cycle.

3.4 *Report values.* State the reported values of machine electrical energy consumption and water consumption as measured.

4. *Calculation of derived results from test measurements.*—4.1 *Per-cycle water energy consumption using electrically heated water.*

4.1.1 *Dishwashers that operate with a nominal 140°F inlet water temperature, only.* Calculate for the cycle type under test the per-cycle water energy consumption using electrically heated water, We, expressed in kilowatt-hours per cycle and defined as:

$$We = V \times T \times K,$$

where

V = reported water consumption in gallons per cycle for the cycle type under test.
T = nominal water heater temperature rise = 90°F.
K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.00240.

4.1.2 *Dishwashers that operate with a nominal inlet water temperature of 120°F.* Calculate for the cycle type under test the per cycle water energy consumption using electrically heated water, We, expressed in kilowatt-hours per cycle and defined as:

$$We = V \times T' \times K$$

where

V and K are defined in 4.1.1 of this Appendix and T' = nominal water heated temperature rise = 70°F.

4.2 *Per cycle water energy consumption using gas-heated or oil-heated water.* 4.2.1 *Dishwashers that operate with a nominal 140°F inlet water temperature, only.* Calculate for the cycle type under test the per cycle water energy consumption using gas-heated or oil-heated water, We, expressed in Btu's per cycle and defined as:

$$We = V \times T \times C/e.$$

where

V and T are defined in 4.1.1 of this Appendix, and
C = specific heat of water in Btu's per gallon per degree fahrenheit = 8.20
e = nominal gas or oil water heater recovery efficiency = 0.75.

4.2.2 *Dishwashers that operate with a nominal inlet water temperature of 120°F.* Calculate for the cycle type under test the per cycle water energy consumption using gas-

heated or oil-heated water, Wg, expressed in Btu's per cycle and defined as:

$$W_g = V \times T' \times C/e$$

where
V and T' are defined in 4.1.2 of this Appendix, and C and e are defined in 4.2.1 of this Appendix.

4.3 *Per-cycle machine electrical energy consumption.*

4.3.1 *Dishwashers that operate with a nominal 140°F inlet water temperature, only.* Use the measured value recorded in 3.2.1 as the per-cycle machine electrical energy consumption, *M*, expressed in kilowatt-hours per cycle.

4.3.2 *Dishwashers that operate with a nominal inlet water temperature of 120°F.* Use the measured value recorded in 3.2.2 as the per-cycle machine electrical energy consumption, *m*, expressed in kilowatt-hours per cycle.

4.4 *Total per-cycle energy consumption.* Calculate for the cycle type under test the total per-cycle energy consumption, *E*, expressed in kilowatt-hours per cycle, and defined as the sum of the per-cycle machine electrical energy consumption, *M*, plus the per-cycle water energy consumption of electrically-heated water, *W*, calculated for the cycle type, determined according to 4.3 and 4.1 respectively.

[FR Doc. 83-5255 Filed 3-2-83; 8:45 am]
BILLING CODE 6450-01-M

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Vol. 48

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Vol. 48 No. 44

federal register

Friday
March 4, 1983

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Federal Register
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SECOND CLASS NEWSPAPER

VOL
48
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MR
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Intergovernmental Personnel Act Programs; Standards for a Merit System of Personnel Administration

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The U.S. Office of Personnel Management (OPM) is revising the Standards for a Merit System of Personnel Administration. With this revision, OPM adopts the merit principles of the Intergovernmental Personnel Act as the basic personnel management requirement for administering all Federal intergovernmental assistance programs that require, by statute or by regulation, that the State or local agency receiving the assistance maintain a merit system of personnel administration. In addition, OPM establishes new procedures for assuring compliance with the Standards. OPM's approach to administration of the Standards relies primarily on certification of agreement to comply by State and local chief executives. OPM affirms the responsibility of chief executives to assure compliance of their jurisdictions with the Standards. However, OPM will retain ultimate authority to interpret the Standards and make determinations of noncompliance with them.

The revision is in keeping with the spirit of Executive Order 12372, Intergovernmental Review of Federal Programs. It will: (1) Better implement the requirement of the Intergovernmental Personnel Act to minimize Federal intervention in State and local personnel administration; (2) remove unnecessarily burdensome and costly restrictions on State and local merit personnel systems; (3) effect cost savings by eliminating the need for dual personnel systems that the existing Standards have led some State and local governments to maintain; (4) recognize the voluntary progress of State and local governments, over the years, in developing modern personnel systems and in voluntarily implementing the intent of the Standards, thus making detailed Federal requirements no longer necessary; (5) encourage innovation and allow for diversity in merit systems as required in the Intergovernmental Personnel Act; (6) recognize fully the rights, powers, and responsibilities of State and local governments; and (7) provide State and local governments more flexibility in administering their merit personnel systems, while maintaining protections where there is a Federal interest in promoting proper and efficient administration of Federal grants.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Terry W. Culler, (202) 254–3134.

SUPPLEMENTARY INFORMATION: Under section 208(a) of the Intergovernmental Personnel Act, as amended, the U.S. Office of Personnel Management (OPM) is responsible for prescribing personnel standards which are to be followed by State and local governments as a condition of participation in Federal assistance programs which require of personnel administration on a merit basis for persons engaged in carrying out such programs.

Consistent with OPM's experience with State and local government implementation of the intent of the Standards, the requirement of the Intergovernmental Personnel Act itself that Federal intervention be minimized, and the President's goal to reduce unnecessary regulatory burdens on State and local governments, OPM reviewed its regulations carefully to identify unnecessary requirements.

As a result of this review, OPM published a proposed revision of its regulations in the May 11, 1982, Federal Register (47 FR 20142) for a 60-day public comment period.

Comments were received from 105 sources, including State and local governments, public interest groups, professional organizations, employee organizations, and individuals. The following summarizes the comments, suggestions and actions taken.

Appropriate Level of Regulatory Detail

The proposed revision removed detailed regulatory requirements and guidance and substituted the broad statements of principle found in the Act itself. A number of commentors agreed that the revision would ensure merit-based personnel administration while increasing State and local government efficiency and cost effectiveness. Other commentors suggested that broad statements of principle lack definition and invite inappropriate application. Some commentors were concerned that, without detailed guidance, Federal grantor agencies might impose inconsistent and possibly conflicting requirements on State and local jurisdictions. Other commentors were concerned that some State and local governments would misuse the flexibilities of the proposed revision to the detriment of proper and efficient administration of Federal grants.

Particular areas of concern were: (1) Criteria for exemption of personnel from standards coverage; (2) substitution of the IPA merit principles for more detailed guidance contained in the existing regulations; and (3) removal of the Uniform Guidelines on Employee Selection Procedures from the Standards.

OPM appreciates the concerns outlined above, but believes that standardized, detailed requirements restrict flexibility, discourage innovation, and constitute an unwarranted regulatory burden on State and local governments. The problems which remain can best be dealt with through the joint State and local-Federal compliance process outlined in these regulations. In accordance with concerns about conflicting Federal policies, however, OPM has revised § 900.604(b)(3) and § 900.605 to make it clear that OPM has sole responsibility, aside from State and local chief executives, for interpretation of the Standards, and that OPM will review issues regarding compliance with the Standards. OPM believes that prudent exercise of its oversight role will strike the best balance between State and local needs for flexibility and the Federal need to ensure proper and efficient grants administration.

With regard to EEO, these Standards recognize equal employment opportunity requirements insofar as they apply by

statute to State and local jurisdictions under Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, the State and Local Fiscal Assistance Act and other relevant laws. The Uniform Guidelines continue to apply to State and local governments through other appropriate regulations, and are duplicative and unnecessary in these regulations. Equal employment opportunity is specifically retained as a Standard under § 900.603(e).

Compliance Provisions

Some commentors suggested that the compliance provisions of the proposed revisions did not provide for a sufficient oversight role for OPM. Particular areas of concern were self-certification of compliance by State and local chief executives and the lack of a detailed review process. OPM has not changed the proposal for self-certification. OPM believes that self-certification, combined with effective resolution of compliance issues, will allow it to focus its efforts on improving those personnel systems with severe problems. The 1979 revision of Merit Standards regulations also provided for self-certification.

With regard to OPM's complaints review process, OPM agrees that there should be a mechanism for surfacing compliance issues and that all parties concerned should be informed of the specific procedures to be used in reviewing complaints. OPM is therefore adding a new section, § 900.606, which indicates that specific guidance will be published in the Federal Personnel Manual System and in other relevant publications.

State/Local Compliance Relationship

Several comments received made it clear that the provisions allowing for State supervision of local government certifications were confusing. In some States, State agencies have supervised compliance of local jurisdictions with the Merit Standards. OPM has no objection to a continued State/local supervisory relationship, should it be acceptable to the parties involved. The May 11 proposed revision therefore allowed for States to continue to collect local certifications of compliance. Comments made it clear that this provision was subject to misinterpretation. For example, some commentors apparently thought that OPM was promoting State supervision of local government merit personnel administration. Others apparently believed OPM intended to conduct reviews of State supervisory activities. Form OPM's point of view, each chief executive is responsible for ensuring compliance of his/her jurisdiction with the Standards. However, OPM wishes to minimize Federal interference in State and local relationships. It has no objection to continued State supervision of local governments; neither does it intend to promote such supervision. OPM has, therefore revised § 900.604(a) to delete all regulatory reference to the relationship between State and local governments.

Employee Protections

A number of employee organizations have suggested that the proposed revision will result in a weakening of employee protections. OPM does not believe that this will happen since State and local governments have, over the years, made considerable progress in implementing the intent of the Standards. However, should any abuses of merit principles occur, OPM will resolve them through its complaints review process. With this revision, OPM is reducing Federal regulation. These Standards *in no way* require or encourage State or local governments to reduce employee protections.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulations.

Regulatory Flexibility Act

The purpose of this revision is to eliminate unnecessary and burdensome requirements on State and local governments. It places no new requirements on State and local governments. However, it will allow State and local governments to make certain changes in their personnel operations, should they find such changes to be desirable.

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

List of Subjects in 5 CFR Part 900

Administrative practice and procedure, Civil rights, Equal employment opportunity, Government employees, Grant programs—education, Handicapped, Intergovernmental relations.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR Part 900 by revising Subpart F to read as follows:

PART 900—INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

* * * * *

Subpart F—Standards for a Merit System of Personnel Administration

Sec.
900.601 Purpose.
900.602 Applicability.
900.603 Standards for a merit system of personnel administration.
900.604 Compliance.
900.605 Establishing a merit requirement.
900.606 Publication of procedures to implement merit requirements.
Appendix A to the Standards for a Merit System of Personnel Administration.

Authority: 42 U.S.C. 4728, 4763; E.O. 11589, 3 CFR Part 557 (1971–1975 Compilation).

Subpart F—Standards for a Merit System of Personnel Administration

§ 900.601 Purpose.

(a) The purpose of these regulations is to implement provisions of Title II of the Intergovernmental Personnel Act of 1970, as amended, relating to Federally required merit personnel systems in State and local agencies, in a manner that recognizes fully the rights, powers, and responsibilities of State and local governments and encourages innovation and allows for diversity among State and local governments in the design, execution, and management of their systems of personnel administration, as provided by that Act.

(b) Certain Federal grant programs require, as a condition of eligibility, that State and local agencies that receive grants establish merit personnel systems for their personnel engaged in administration of the grant-aided program. These merit personnel systems are in some cases required by specific Federal grant statutes and in other cases are required by regulations of the Federal grantor agencies. Title II of the Act gives the U.S. Office of Personnel Management authority to prescribe standards for these Federally required merit personnel systems.

§ 900.602 Applicability.

(a) Sections 900.603–604 apply to those State and local governments that are required to operate merit personnel systems as a condition of eligibility for Federal assistance or participation in an intergovernmental program. Merit personnel systems are required for State and local personnel engaged in the administration of assistance and other intergovernmental programs, irrespective of the source of funds for their salaries, where Federal laws or regulations require the establishment and maintenance of such systems. A

reasonable number of positions, however, may be exempted from merit personnel system coverage.

(b) Section 900.605 applies to Federal agencies that operate Federal assistance or intergovernmental programs.

§ 900.603 Standards for a merit system of personnel administration.

The quality of public service can be improved by the development of systems of personnel administration consistent with such merit principles as—

(a) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.

(b) Providing equitable and adequate compensation.

(c) Training employees, as needed, to assure high quality performance.

(d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

(e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age or handicap and with proper regard for their privacy and constitutional rights as citizens. This "fair treatment" principle includes compliance with the Federal equal employment opportunity and nondiscrimination laws. (f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

§ 900.604 Compliance.

(a) *Certification by Chief Executives.* (1) Certification of agreement by a chief executive of a State or local jurisdiction to maintain a system of personnel administration in conformance with these Standards satisfies an applicable Federal merit personnel requirements of the Federal assistance or other programs to which personnel standards on a merit basis are applicable.

(2) Chief executives will maintain these certifications and make them available to the Office of Personnel Management.

(3) In the absence of certification by the chief executive, compliance with the Standards may be certified by the heads of those State and local agencies that are required to have merit personnel systems as a condition of Federal assistance or other intergovernmental programs.

(b) *Resolution of Compliance Issues.* (1) Chief executives of State and local jurisdictions operating covered programs are responsible for supervising compliance by personnel systems in their jurisdictions with the Standards. They shall resolve all questions regarding compliance by personnel systems in their jurisdictions with the Standards. Findings and supporting documentation with regard to specific compliance issues shall be maintained by the chief executive, or a personal designee, and shall be forwarded, on request, to the Office of Personnel Management.

(2) The merit principles apply to systems of personnel administration. The Intergovernmental Personnel Act does not authorize OPM to exercise any authority, direction or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee.

(3) if a chief executive is unable to resolve a compliance issue to the satisfaction of the Office of Personnel Management, the Office will assist the chief executive in resolving the issue. The Office of Personnel Management, as authorized by section 208 of the Intergovernmental Personnel Act, will determine whether personnel systems are in compliance with the Standards and will advise Federal agencies regarding application of the Standards and recommend actions to carry out the purpose of the Act. Questions regarding interpretation of the Standards will be referred to the Office of Personnel Management.

§ 900.605 Establishing a merit requirement.

Federal agencies may adopt regulations that require the establishment of a merit personnel system as a condition for receiving Federal assistance or otherwise participating in an intergovernmental program only with the prior approval of the Office of Personnel Management. All existing regulations will be submitted to the Office of Personnel Management for review.

§ 900.606 Publication of procedures to implement merit requirements.

Procedures to implement these merit requirements will be specified in the Federal Personnel Manual System and other relevant publications of the Office of Personnel Management.

Appendix A to the Standards for a Merit System of Personnel Administration

Part I: The following programs have a statutory requirement for the establishment and maintenance of personnel standards on a merit basis.

Program, Legislation, and Statutory Reference

Food Stamp, Food Stamp Act of 1977, as amended; 7 U.S.C. 2020(e)(6)(B).

National Health Planning and Resources Development, Public Health Service Act (Title XV), as amended by the National Health Planning and Resources Development Act of 1974, section 1522, on January 2, 1975; 42 U.S.C. 300m–1(b)(4)(B).

Old-Age Assistance, Social Security Act (Title I), as amended by the Social Security Act Amendments of 1939, section 101, on August 10, 1939; 42 U.S.C. 302(a)(5)(A).[1]

Employment Security (Unemployment Insurance and Employment Services), Social Security Act (Title III), as amended by the Social Security Act Amendments of 1939, section 301, on August 10, 1939, and the Wagner-Peyser Act, as amended by Pub. L. 81–775, section 2, on September 8, 1950; 42 U.S.C. 503(a)(1) and 29 U.S.C. 49d(b).

Aid to Families with Dependent Children, Social Security Act (Title IV–A), as amended by the Social Security Act Amendments of 1939, section 401, on August 10, 1939; 42 U.S.C. 602(a)(5).

Aid to the Blind, Social Security Act (Title X), as amended by the Social Security Act Amendments of 1939, section 701, on August 10, 1939; 42 U.S.C. 1202(a)(5)(A).[1]

Aid to the Permanently and Totally Disabled, Social Security Act (Title XIV), as amended by the Social Security Act Amendments of 1950, section 1402, on August 28, 1950; 42 U.S.C. 1352(a)(5)(A).[1]

Aid to the Aged, Blind or Disabled. Social Security Act (Title XVI), as amended by the Public Welfare Amendments of 1962, section 1602, on July 25, 1962; 42 U.S.C. 1382(a)(5)(A).[1]

Medical Assistance (Medicaid), Social Security Act (Title XIX), as amended by the Social Security Amendments of 1965, section 1902, on July 30, 1965; 42 U.S.C. 1396(a)(4)(A).

State and Community Programs on Aging (Older Americans), Older Americans Act of 1965 (Title III), as amended by the Comprehensive Older Americans Act Amendments of 1978, section 307 on October 18, 1978; 42 U.S.C. 3027(a)(4).

Adoption Assistance and Foster Care, Adoption Assistance and Child Welfare Act of 1980; 42 U.S.C. 671(a)(5).

Part II: The following programs have a regulatory requirement for the establishment and maintenance of personnel standards on a merit basis.

Program, Legislation, and Regulatory Reference

Occupational Safety and Health Standards, Williams-Steiger Occupational Safety and Health Act of 1970; Occupational Safety and

[1] Pub. L. 92–603 repealed Titles I, X, XIV, and XVI of the Social Security Act, effective January 1, 1974, except that "such repeal does not apply to Puerto Rico, Guam, and the Virgin Islands."

Health State Plans for the Development and Enforcement of State Standards; Department of Labor, 29 CFR 1902.3(h).

Occupational Safety and Health Statistics, Williams-Steiger Occupational Safety and Health Act of 1970; BLS Grant Application Kit, May 1, 1973, Supplemental Assurance No. 15A.

Child Welfare Services, Social Security Act (Title IV–B); 45 CFR 1392.49(c).

Development Disabilities Services and Facilities Construction, Developmental Disabilities Services and Facilities Construction Act, as amended by Pub. L. 95–602, on November 6, 1978; 45 CFR 1386.21.

Emergency Management Assistance, Civil Defense Act of 1950 (Title II), as amended; 44 CFR 302.5.

Comprehensive Employment and Training Act, Comprehensive Employment and Training Act of 1973; 29 CFR 98.14(a).

Part III: The following programs have personnel requirements which may be met by a merit system which conforms to the Standards for Merit Systems of Personnel Administration.

Program, Legislation, and Reference

Disability Determination Services, Social Security Act (Titles II and XVI), as amended; SSA Disability Insurance State Manual, Part IV, § 425.1.

Health Insurance for the Aged (Medicare), Social Security Act (Title XVIII), especially as amended by the Health Insurance for the Aged Act, on July 30, 1965; SSA State Operations Manual, Part IV section 4510(a).

[FR Doc. 83-6004 Filed 3-3-83; 8:45 am]
BILLING CODE 4325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272, 273, and 274

[Amendment No. 243]

Food Stamp Program; Duplicate Participation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This rulemaking implements two food stamp provisions of the Omnibus Budget Reconciliation Act of 1982. State agencies will be required to establish systems which assure that no individual receives food stamps in more than one jurisdiction within the State. In addition, State agencies will have to ensure that recipients of Supplemental Security Income (SSI) in SSI cash-out States and participants in cash-out demonstration projects do not also receive food stamps. The objective of cross checking for duplicate participation is to reduce program cost, abuse, and waste. This rulemaking also corrects an error relative to the household definition made in the interim rule published on December 14, 1982 (47 FR 55903) entitled Eligibility Criteria and Reduction or Termination of Benefits.

DATES: Sections 272.1(g)(59) and 274.1(d) (except the recordkeeping requirements in § 274.1(d)(1) which are under review at OMB) are effective April 4, 1983, to be fully implemented no later than October 1, 1983. The correction appearing in § 273.1(a)(iv) is effective retroactive to September 8, 1982. Comments on this interim rulemaking must be received on or before June 2, 1983 to be assured of consideration in the final rulemaking process.

ADDRESS: Comments should be submitted to Thomas O'Connor, Acting Chief, Program Design and Rulemaking Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 706.

FOR FURTHER INFORMATION CONTACT: If you have any questions, contact John Knaus, Acting Supervisor, State Agency Management and Control Section, at the above address or telephone at (703) 756–3431.

SUPPLEMENTARY INFORMATION:

Classification

Justification for Publishing as Interim Rule. This rulemaking is being published as an interim rule consistent with the mandate of Section 193 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253, enacted on September 8, 1982). Section 193 mandates that the provisions of Pub. L. 97–253 including those addressed in this rule are effective as of the date of enactment. For this reason Robert E. Leard, Acting Administrator of the Food and Nutrition Service, pursuant to 5 U.S.C 553, has determined that prior public comment on this rule is impracticable and contrary to the public interest and that good cause exists for making this rule effective less than 60 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Executive Order 12291. The Department has reviewed this rule under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has classified the rule as "not major."

Regulatory Flexibility Act. This interim rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Robert E. Leard, Acting Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The proposed changes will affect State agencies and a relatively small number of food stamp recipients.

Recordkeeping Requirements. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB). The public will be notified of approval from OMB of the recordkeeping requirements contained within this interim rule through publication of a final rulemaking.

Prevention and Detection of Duplicate Participation

Background

The Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253, enacted on September 8, 1982), requires State agencies to establish a system that will prevent any person from receiving multiple benefits in the Food Stamp Program. Section 172 of that Act establishes requirements for checking that no individual receives food stamps in more than one jurisdiction within the State. Comparing records to determine that a person was not receiving benefits in more than one project area would also detect whether a person was receiving excessive program benefits through multiple applications or being counted as members of more than one participating household within one jurisdiction. Section 174 requires State agencies to establish a system that will verify that an individual does not receive both food stamps and benefits in lieu of coupons as part of SSI cash-out or a cash-out demonstration project.

There are several requirements in the food stamp regulations to prevent a person from receiving multiple benefits. Section 273.3 states that no individual

may participate as a member of more than one household or in more than one project area, in any month (unless an individual is a resident of a shelter for battered women and children and was a member of a household containing the person who abuse him or her). No individual who receives Supplemental Security Income benefits and/or State supplementary payments as a resident of the States of California or Wisconsin is eligible to receive food stamps. As stated in Section 273.20, their SSI payments have already been increased to include the value of the food stamp allotment. Likewise, persons who receive a check instead of coupons as part of the SSI/elderly cash-out demonstration project, as described in § 282.12, cannot also receive food stamps.

Even though there have been rules against duplicate participation, there has been no requirement to systematically check for it. In many States there is not even an elementary system to ensure that the recipient is not concurrently a recipient in another jurisdiction within the same State. Conversely, a number of State agencies have already been doing increasingly sophisticated work in computer matching to detect participation across project area and other jurisdictional lines.

Such computer matching is an important tool in the detection and prevention of mistakes or fraud. Computers are a fast, efficient and accurate way to review enormous amounts of data. They can quickly review numerous food stamp records to determine if the same individual appears more than once. Once apparently contradictory information is exposed, verification or investigative efforts can then determine whether possible error or intentional misrepresentation exists. Computers can detect individuals who are receiving multiple program benefits and deter others from trying to defraud the system.

Once a State agency has acquired an automated system to detect duplicate participation, it will probably be able to use the system for other purposes. Analysis of information obtained through the computer may show trends of errors where corrective action can be taken to correct program vulnerabilities or improve program efficiency.

The Data Base

This regulation requires State agencies to establish a system to detect whether any individual is receiving multiple benefits. Such a system must use names and social security numbers at a minimum and may include other identifiers. While the Department is not, at this time, requiring the use of individuals' birth dates, it is strongly recommending that State agencies consider using this identifier. Several State agencies currently operating systems to detect duplicate participation have determined date of birth to be a useful identifier and use it in their systems.

The system must check all individuals participating in the Food Stamp Program within the State, not just the heads of households. While the search would not necessarily have to be done by computer, an automated system clearly would be the most efficient method.

When State Agencies Must Search for Duplicate Participants

The law requires that State agencies *periodically* verify that an individual does not receive coupons in more than one jurisdiction within the State. The law also specifies that verification to prevent persons receiving both coupons and cash-out assistance must be done "where necessary, but no less often than annually." Of the States which currently run a system for detecting multiple benefits, most test prior to authorization of benefits.

The Department is interested in receiving comments about how often verification should be done—what is feasible and cost effective. In this interim rulemaking the Department is requiring that the checks be made, at a minimum, at the time of certification, recertification and whenever a change in household composition occurs. However, the Department realizes that some State agencies already have computer systems in place to check for multiple benefits and in some States it may be more efficient to periodically compare the records of all individuals on file rather than doing it at the time of certification. Therefore, if checking at the time of certification, recertification and changes is incompatible with an existing system, equipment, or the State's plans for a system, then, at a minimum, the State agency must check for duplicate participants quarterly. The Department will reconsider the timeframes based on the comments received.

Action on "Hits"

If a duplicate is found prior to approving an application for food stamps, the State agency would deny the application. If the individual has already been receiving duplicate benefits, the State agency would process a claim. In either case, the State could also proceed with an administrative disqualification hearing or referral for prosecution, if deemed appropriate.

If matching of records shows an excessive proportion of individuals receiving multiple benefits, the State agency should take further corrective action. For example, if the State agency runs quarterly comparison of all individuals in the file according to social security numbers and finds an excessive number of duplicate participants, then the State agency might want to consider requiring the check for duplicates prior to certification or distributing more information to the public about the penalties for intentional misrepresentation.

Funding

State agencies planning, enhancing and/or developing automated systems can obtain 75 percent matching funding for this activity. For more information about 75 percent matching funding, interested State agencies can refer to § 277.18 of the Food Stamp regulations or request information from their respective FNS Regional Offices.

Correction of Household Definition Error

The Department is correcting in this rule an error made in the Eligibility Criteria and Reduction or Termination of Benefits rule which was published, as an interim rulemaking in the **Federal Register** on December 14, 1982 (47 FR 55903). In § 273.1(a)(1)(iv), the last sentence should read "However, the income (all income included under 273.9 (b)) of the others with whom the individual resides (excluding the income of such individual's spouse) cannot exceed 165 percent of the *proverty line.*" (Emphasis added). This is consistent with Section 146(c)(2) of Pub. L. 97–253. While the discussion on this subject in the preamble of the December 14, 1982 rulemaking is correct, the rule says "165 percent of the Food Stamp Program's gross monthly income eligibility standard."

Implementation

The provisions in this rule on duplicate participation become effective 30 days following publication. Some State agencies are already operating a system to check for duplicate participation; others will be able to modify existing systems. Still others will need time to acquire computer equipment and design the programs. The regulations require State agencies to begin planning and have the system fully operational by October 1, 1983. The Conference report about this legislation states, "The conferees recognize that not

all States currently have the computer capability to begin immediate, comprehensive statewide control. In the interim, all States are expected to implement this control to the extent of their current capability and to proceed systematically toward upgrading their capabilities to achieve total State coverage of all participants by the control system." See Conf. Rep. No. 97–759, 97th Congress, 2nd Sess., p. 69, [1982].

Therefore, unless a State agency has submitted a request for a waiver which shows why a delay is necessary and a plan that shows how implementation can be achieved by a later date, the Department expects all State agencies to have implemented this system by October 1, 1983. Implementation means having a system designed, having information on current participants stored inthe data base, and the running of checks according to the required timeframes.

The correction made to § 273.1(a)(1)(iv), relating to household definition, is effective retroactive to September 8, 1982, pursuant to Section 193 of Pub. L. 97–253. State agencies are already aware of this retroactive implementation date since it was discussed in the December 14, 1982 interim rule. In addition, State agencies are, for the most part, aware of this error and are already implementing this provision based on 165 percent of the poverty line.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

Accordingly, 7 CFR Parts 272, 273, and 274 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, a new paragraph (g)(59) is added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(59) Amendment No. 243. (i) State agencies may implement this Duplicate Participation rule at anytime, but shall implement this rule Statewide no later than October 1, 1983. FNS will consider requests for waivers to this timeframe on a State-by-State basis if the State establishes good cause through submission of written justification of the need for a longer timeframe and submits a plan that shows when the system will be implemented.

(ii) State agencies shall implement the correction made to Section 273.1(a)(1)(iv) retroactive to September 8, 1982.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.1 the last sentence in paragraph (a)(1)(iv) is revised to read as follows:

§ 273.1 Household Concept.

(a) *Household definition.*

(1) * * *

(iv) * * * However, the income (all income included under 273.9(b)) of the others with whom the individual resides (excluding the income of such individual's spouse) cannot exceed 165 percent of the poverty line.

* * * * *

PART 274—ISSUANCE AND USE OF FOOD COUPONS

3. In § 274.1, a new paragraph (d) is added to read as follows:

§ 274.1 State agency issuance responsibilities.

* * * * *

(d) *State monitoring of duplicate participation.*

(1) The State agency shall establish a system and implement other measures where necessary to assure that an individual does not receive multiple benefits in the Food Stamp Program. Checks to detect multiple benefits shall be made at the time of certification, recertification and whenever a change in household composition occurs. However, if the State agency can show that these timeframes are incompatible with its system, then the State agency shall check for duplicate benefits at least quarterly. To identify such individuals, the system shall use names and social security numbers at a minimum, and other identifiers as appropriate (use of individuals' dates of birth is strongly recommended).

(i) The system shall be designed to verify that an individual does not receive food stamps in more than one jurisdiction within the State. The system should also be designed to detect individuals participating in more than one household within the State.

(ii) If the State agency provides assistance in lieu of coupons for SSI recipients or for households participating in cash-out demonstration projects, the system shall verify that an individual does not receive both coupons and other benefits provided in lieu of coupons.

(2) State agencies shall develop follow-up procedures and corrective action requirements, including timeframes within which action should be taken, to be applied to data obtained from matching for duplicate participation. Follow-up actions shall include, but not be limited to the adjustment of benefits and eligibility, and the filing of claims, as appropriate.

(3) FNS reserves the right to review State agencies' use of data obtained from matching for duplicate participation and may require State agencies to take additional specific action to ensure that such data is being used to protect program integrity.

(91 Stat. 958 (7 U.S.C. 2011–2029); Secs. 172 and 174 of Pub. L. 97–253, 96 Stat. 780 (7 U.S.C. 2020))

Dated: February 23, 1983.

Robert E. Leard,

Acting Administrator.

[FR Doc. 83-6000 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim rule.

SUMMARY: This Interim Rule, which is applicable to the 1983 through 1985 crops of peanuts, sets forth the regulations for: (1) Establishing State and farm poundage quotas and farm yields; (2) providing for transfers of quota; (3) determining undermarketings; (4) identifying marketings; (5) determining marketing penalties; and (6) handling marketing violations. These regulations are necessary in order to implement amendments made to the Agricultural Adjustment Act of 1938 and

the Agricultural Act of 1949 by the Agriculture and Food Act of 1981 (Pub. L. 97–98, 95 Stat. 1213, approved December 22, 1981). The most significant provisions of these regulations relate to quota reductions for farms from which the farm poundage quota was leased to another farm and produced by a different farm operator.

EFFECTIVE DATE: March 4, 1983. Comments must be received on or before April 4, 1983, in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, DC. 20013.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon (ASCS) 202–382–0154. The Impact Analysis describing the options considered in developing this rule is available upon request.

SUPPLEMENTARY INFORMATION: This Interim Rule has been reviewed under USDA procedures and Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this Interim Rule applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

A notice of proposed rulemaking and request for public comments on the poundage quota and marketing regulations for the 1983 through 1985 crops of peanuts was published in the **Federal Register** (47 FR 50706) on November 9, 1982. The usual comment period provided by the Department of Agriculture is 60 days. However, because the planting season for peanuts begins in March and farmers need to know their poundage quota so that they can make financial arrangements before planting, the comment period was shortened to 45 days and ended on December 27, 1982.

This Interim Rule revises the proposed rules in several aspects, principally with respect to poundage quota reductions for the 1983 crop and the establishment of the last date for spring transfers (pre-planting quota transfers). Because of the reduction revision and the large number of comments that issue has produced, it has been decided to solicit additional comment. For that reason, an Interim Rule has been adopted instead of a Final Rule. Although additional comment is solicited, the Department does not believe such added comment is mandated. Among other reasons, the reduction issue and the concerns it raises were set forth in the proposal published on November 9, 1982, as well as in the proposed and final rules issued with respect to the 1982 crop. Further, the reduction method adopted in this Interim Rule for the 1983 crop of peanuts is the same method which was adopted for the 1982 crop. Publishing a revised Notice of Proposed Rulemaking with regard to the method of reducing the poundage was considered. However, it has been determined that an Interim Rule should be published as an alternative to allow for the preparation of quota notices to permit planting decisions to be made by growers. Delay, among other things, would make it difficult, if not impossible, to meet the April 15 contract deadline for "additional peanuts" which is established by statute. Since there have already been significant comments made with respect to the provisions of this Interim rule and since the planting season is approaching, it has been further determined that the comment period for this Interim Rule should be limited to 30 days from the date of publication of the rule in the **Federal Register**. If the provisions of this Interm Rule are changed as a result of the comments received, the Department will consider undertaking such measures as may be feasible and practicable to off-set hardships caused by a change.

Background

The Agriculture and Food Act of 1981 (the "1981 Act"), which was enacted on December 22, 1981, amended the Agricultural Adjustment Act of 1938 (the "1938 Act") and the Agricultural Act of 1949 (the "1949 Act") to make significant changes in the administration of the peanut production and price support program. Changes required by the 1981 Act were incorporated into the regulations governing 1982 poundage quotas (7 CFR 729.111 through 729.164) in a final rule published April 13, 1982 (47 FR 15966), and in an interim rule, governing the marketing of peanuts (7 CFR 729.165 through 729.210) published August 31, 1982 (47 FR 38259).

This Interim Rule sets forth the procedures for the establishment of farm poundage quotas and other terms and conditions of the program affecting the production and marketing of peanuts. This includes transfers of quotas, determination of yields, identification of marketings, and the determination, assessment, and review of marketing penalties. These regulations are basically the same as the regulations which were applicable to the 1982 crop, with the exception of the manner in which the individual farm poundage quotas will be determined for the 1984 and 1985 crops and the dates for making transfers of farm poundage quota. These regulations will be codified at 7 CFR 729.211 through 729.306.

Statutory Requirements

Section 358 of the 1938 Act, as amended by the 1981 Act, provides that there shall be a national poundage quota for each marketing year as follows: 1,200,000 tons for 1982: 1,167,300 tons for 1983; 1,134,700 tons for 1984; and 1,100,000 tons for 1985. The national poundage quota is apportioned to individual States on the basis of each State's share of the national poundage quota for the 1981 marketing year. The State poundage quota is then apportioned to individual farms. Section 358(1)(2) of the 1938 Act provides that the yearly reductions in the State poundage quotas:

"* * * shall insofar as practicable and on such fair and equitable basis as the Secretary may by regulation prescribe, be accomplished by reducing the farm poundage quota for each farm in the State to the extent that the farm poundage quota has not been produced on such farm. For purposes of the foregoing sentence, the farm poundage quota shall be considered as not having been produced on a farm to the extent that: (i) During any crop year immediately preceding the crop year for which the adjustment is being made, such quota was not actually produced on the farm because there was inadequate tillable cropland available on the farm to produce such quota; or (ii) during any two of the three crop years immediately preceding the crop year for which the adjustment is made, (I) such quota was not actually produced for any other reason (other than natural disasters or such other reasons as the Secretary may prescribe), or (II) such quota was produced but by another operator on a farm to which the poundage quota (or the acreage allotment upon which such poundage quota was based) was transferred by lease. To achieve the reduction in the State poundage quota in any marketing year, the reductions in farm poundage quotas shall be made first under clause (i) of the preceding sentence and, if

necessary, under clause (ii)(I) and then clause (ii)(II) thereof * * *."

Basically, the 1938 Act sets forth farm poundage quota reduction categories for the purpose of establishing priorities in determining individual farm poundage quota reductions. The first category ("category 1") is for farms which did not actually produce peanuts on the farm because there was inadequate tillable cropland available on the farm to produce the quota quantity in the preceding crop year. The second category ("category 2") consists of those farms where peanuts were not actually produced in two out of the three preceding years, except in those situations where peanuts were not produced because of a natural disaster or such other reasons as are prescribed by the Secretary. The third category ("category 3") contains those farms for which the quota quantity was produced but by another operator on a farm to which the quota (or the allotment on which the quota was based) has been transferred by lease two out of the three preceding years. The third category also covers hybrid situations in which during the three-year base period a farm had both nonproduction of quota quantity and transfers of quota by lease to another operator on another farm. The fourth category ("category 4") consists of all farms which were not reduced to a zero poundage quota under the first three categories. These priorities are not absolute as the 1938 Act, as amended, requires the Secretary to make poundage reductions in accordance with such regulations as the Secretary determines to be fair and equitable.

General Summary of Comments

A total of 308 comments were received with respect to the notice of proposed rulemaking from individuals and entities in 12 States prior to the close of business January 4, 1983, when comments were no longer accepted. A total of 303 comments were received from farmers, 17 from grower and farm organizations, 2 from manufacturers, 10 from Congressmen, 8 from Senators, 2 from financial entities, 1 from a State Deparment of Agriculture and 25 from other entities.

The majority of comments centered around one issue; the reduction in quota on farms for which the quota quantity was produced but by another operator on a farm to which the quota has been transferred by lease for two of the three preceding years. Many comments urged fair and equitable treatment in accomplishing poundage quota reductions by reducing poundage quotas uniformly for all quota holders. Others requested that producers should be given one more year in which to grow peanuts in order to adjust to the 1981 amendments. Most of these respondents implied that after they had produced the quota on the farm for two years (1982 and 1983) the proposed method of poundage quota reductions which entailed separating out category 3 for the 1983 crop would be acceptable. Five organizations representing a large number of producers favored the proposed method of reducing poundage quotas as did 2 producers, 1 Senator, and 1 Congressman.

Comments on Specific Issues

I. Reduction in Individual Farm Poundage Quotas

A. *Provisions of the Proposed Rule.* For the 1983 through 1985 crops, the proposed rule defined the categories of farms in which the poundage quota reductions would be made and the order of reductions as follows:

1. *Category 1. Inadequate Tillable Cropland.* Under the proposed rule, adequate tillable cropland is land determined by the county committee for the preceding crop year to be: (a) Suitable for the production of peanuts; and (b) land on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable for the production of peanuts includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or other noncrop uses as determined by the county committee.

2. *Category 2. Nonproduction of the quota during two of the three preceding years.* In this category, the proposed rule provides that farm poundage quota will be reduced for the current year to the extent that the county committee determines that peanuts were not actually produced during two of the three years of the base period, except when the county committee determines that the quota quantity was not produced because of natural disaster.

3. *Category 3. Farms from which quota was transferred by lease.* Category 3 as defined in the proposed rule applies to situations in which the farm poundage quota was produced two of the three preceding years but by another operator on a farm to which the poundage quota was transferred by lease. This is the largest of the first three categories (poundage-wise). The lease and transfer authority under which such leases were executed was added to the 1938 Act by Pub. L. 90-211, 81 Stat. 658, December 18, 1967, and requires the owner and operator of the transferring farm to approve the transfer. In addition, Section 358a(b)(4) of the 1938 Act, as amended, provides that: "no transfer of allotment shall be effective until a record thereof is filed with the county committee of the county in which such transfer is made and such committee determines that the transfer complies with the provisions of this section." The record used by ASCS to accomplish the transfer is Form ASCS-375, Record of Transfer of Allotment or Quota. This record shows the names of the operator and owner of the transferring farm and the name of the owner or operator (but not both) of the receiving farm. The proposed rule provides that ASCS-375, as well as other similar records, will be used in making determinations for potential reductions in category 3. Transfers between farm tracts within a reconstituted farm (combined worksheet) and leasing arrangements which did not involve a transfer are not treated as being in category 3, since these arrangements are not transfers of farm poundage quota by one operator to a different operator on a different farm.

However, the proposed rule treats "hybrid situations" as being in category 3. A hybrid situation can occur when during the three base period years (the three years preceding the crop year for which a poundage quota reduction is made) a farm has both nonproduction of the farm poundage quota and production of farm poundage quota by another operator on a farm to which the farm poundage quota (or portion thereof) was transferred by lease. The proposed rule takes into account the potential cumulative effect of both nonproduction and leasing of poundage quota, and provides a method for allocating reductions in the farm poundage quota between category 2 and category 3. It would also prevent duplication of reduction in both categories. It is not anticipated that there are a significant number of farms in the hybrid situation.

4. *Category 4. Quotas not reduced to zero in categories 1, 2 or 3.* Under the proposed rule, a uniform State factor would be determined and applied against the preliminary farm poundage quotas on all farms not reduced to zero in the first three reduction categories. This differed from the rule adopted for the 1982 crop of peanuts whereby, because of the difficulty at that time of determining the impact of doing otherwise, it was decided that a uniform factor would be applied to all farms whose quota was not reduced to zero under the first two categories. Because

each State's reduction will be made independently of other States, the application and size of the factor provided for in the proposed rule would vary between States. Included in the fourth category under the proposed rule are farms that received a partial reduction in one or more of categories 1, 2, or 3 and still retained farm poundage quota.

B. *Comments.* As mentioned in the general summary of comments, a vast majority of the comments addressed the issue of reductions in category 3, with about 98 percent opposing the proposal to reduce category 3 independently. Most respondents requested that 1983 poundage quota reductions be made across the board for all quota holders. Many respondents suggested that, under the provisions of the 1938 Act, as amended, which authorizes the Secretary of Agriculture to make reductions in the poundage quota on such fair and equitable basis as the Secretary may by regulation prescribe, reductions should be made in the same manner used for the 1982 crop of peanuts. These respondents felt that producers should be given one more year in which to produce the quota on the farm for which the quota was established.

C. *Analysis and Conclusion.* Upon reconsideration of the collected data with respect to the impact of poundage quota reductions and upon consideration of the comments which were received regarding the proposed rule, it has been determined that the rules which were applicable to the 1982 crop of peanuts for making poundage quota reductions should be continued for one additional crop year. This determination has been made in accordance with the provisions of Section 358 of the 1938 Act, as amended, which permit the Secretary to make reductions in poundage quotas on such fair and equitable basis as the Secretary may by regulation prescribe. The supplemental information issued with the proposed rule notes that category 3, if broken out separately for the 1983 crop, will produce reductions at 23 percent of the nationwide category 3 quota. The proposed rule failed to take into full account, however, that this is an average. Poundage quota reductions are made on a State-by-State basis. This means that the actual reduction factor superimposed on individual category 3 farm quotas will vary by State depending on the quota-composition of each individual State. The collected data indicates that the reductions will range from 0 percent in some small (poundage-wise) peanut-growing States and 16 percent in Texas, one of the principal peanut-growing States, to about 98 percent in Georgia and 100 percent in Virginia, both principal peanut-growing States. This creates widely disparate treatment for farms otherwise identically situated in the same category; i.e., farms having actively-produced quotas which have tillable acreage readily available for the production of peanuts and which are thus within the group of farms for which the statutory poundage quota reductions ultimately seek to benefit, those being farms with actual farmland in the traditional sense (land committed to seasonal crops).

Specifically, if the method specified in the proposed rule for reducing poundage quotas for the 1983 crop of peanuts were to be adopted, many farms would lose half or all of their quota, while others would suffer no reduction or a relatively small reduction.

These disparities are compelling not only in light of the nature of the land involved but also because cropping decisions for tillable acreage may have been made for any one or several of a number of reasons and such decisions may have been temporary and fortuitous. Further, the statistical disparities which would be created for the 1983 crop year in category 3 would, insofar as actively-produced quotas are concerned, be a matter essentially confined to category 3. In all but one State, with a very few number of farms, the quota for category 1 (the only other actively-produced quota category of the first three categories) was wholly eliminated by the poundage reductions which were made for the 1982 crop. In the category 1 State where only a partial reduction occurred with respect to the 1982 crop, category 1 farms absorbed the full 1982 reduction. The 1982 poundage quota reduction was the most substantial of all of the reductions mandated by the 1981 amendments to the 1938 Act. Moreover, the few category 1 farms which suffered only a partial reduction in 1982 should additively be subject to an additional reduction for the 1983 crop year.

There have been some variances in the degree of reductions in category 2. However, that category, as well, is small. Thus, the variations and number of quota holders affected are small and the variations are relatively isolated. Further, category 2 involves uniquely different considerations as that category involves quotas which were not actually produced and lack of production suggests that there is an absence of need for production, a lack of ability to produce, or that local conditions, including the possibility of producing other crops, makes peanut production unattractive. However, the Department has taken steps to avoid unfairness in the application of category 2 reductions since the rules applicable to the 1982 crop and those made applicable here to the 1983 through 1985 crops make special provision for an exemption from category 2 reductions for extraordinary circumstances, such as where the farm has been in the eminent domain pool.

The disparities which would occur by separating out category 3 for the 1983 crop year would be permanent in most cases since farms where the poundage quota was not reduced for the 1983 crop, or farms where quotas were not reduced to the same extent as farms more severely affected, might well be free of any reduction in future years since tillable cropland on farms in category 3 can be easily re-committed to peanut production. Production of the quota on the farm for the 1983 crop combined with such production for the 1982 crop would put the farm in category 4 for quota reduction purposes for the 1984 and 1985 crop years.

Beyond the statistical disparities, separation of category 3 without a second year of adjustment would create distinctions between otherwise identical growers with actively-produced quotas based on cropping decisions in the base period which involved no significant change in land use and which may have been fortuitous. The amendments to the 1938 Act made in 1981, however, seek to tie actively-produced quotas to tillable cropland and continuation of the 1982 crop rules simply leave the decision to the producer of which crop is the most beneficial to produce. By contrast, a failure to adopt the procedure for making poundage quota reductions which was applicable to the 1982 crop would essentially accomplish no more than create a small windfall for some tillable acreage at the expense of other tillable acreage. Also, drastic cuts in areas where the poundage quotas are subject to a reduction in category 3 is relatively large as opposed to other areas where the reductions in poundage quotas would be low could, in light of the large size of the poundage quota in category 3, seriously impact on well-established local markets in a disporportionate fashion. Such distortions would harm all persons dependent on such markets. These effects, as well, would be permanent. Under the 1938 Act, as amended, transfers of poundage quotas from one county to another are severely restricted. Present sales of poundage quotas in the same county, however,

would not avoid these problems since such transfers bring with them the quota history of the selling farm. Among those harmed, as well, would be those farmers who may have been confused about the effect of forthcoming poundage quota reductions and purchased poundage quotas in 1982; such farmers would not, with respect to the 1983 crop, have a two-year history of growing poundage quotas on the land on which the quota was established and would be subject to quota reductions of up to 100 percent. Adopting for one additional year the procedure which was applicable to the 1982 crop for making poundage quota reductions should provide growers with sufficient time to adjust their farming operations to avoid these problems.

On drawing a balance from all of these factors taken together, it has been decided that the most appropriate procedure for making poundage quota reductions for the 1983 crop is the same procedure which was applicable for the 1982 crop year. Accordingly, the proposed regulations (specifically, 7 CFR 729.233) have been so revised. In those States where categories 1 and 2 do not absorb the full reduction for the 1983 crop, a uniform percentage factor will be applied to those farms whose quota is not reduced to zero in those categories. For the 1984 and 1985 crops, the method for making poundage quota reductions set forth in the proposed rule is adopted.

II. Reserves for Corrections to Quota Reductions

A. *Provisions of the Proposed Rule.* In proposing separate categories 3 and 4 for quota reduction priority, it was decided to propose two separate reserve pools for making corrections in quota reductions in each State. One reserve, not to exceed 1 percent of the basis quota allocated to the State, was for correcting errors in the calculation of quota reductions. A second special reserve, also limited to 1 percent of the State's allocation of basic quota, was for quota reduction exemptions in category 3 for special considerations applicable to the 1983 crop year.

B. *Comments.* No specific comments were received with respect to this provision.

C. *Conclusion.* Since the same quota reduction categories are being adopted for the 1983 crop as were used for the 1982 crop, it has been determined that the two reserves are no longer necessary. Combining categories 3 and 4 in 1983 eliminates the need for the special reserve for exemptions in 1983. In addition, since farmers will have had 2 years to produce the quota on the farm to which it was established, a special reserve will not be necessary for the 1984 and 1985 crops. Therefore, this Interim Rule adopts for the 1983 through 1985 crops, a reserve not to exceed 1 percent of each State's poundage quota.

III. Calculation of the Farm Poundage Quota Reduction in Categories

A. *Provisions of the Proposed Rule.* It was proposed that the calculation of farm poundage quota reductions would be accomplished by individual categories in order of priority. In category 1, as proposed, the reduction would equal the percentage of nonproduction of the farm poundage quota that is attributable to inadequate tillable cropland during the previous crop year, times the *preliminary* farm poundage quota. (The preliminary farm poundage quota is equal to the farm poundage quota for the farm for the immediately preceding crop year.)

In category 2, as proposed, the reduction will be based on the average of the two highest percentages of nonproduction of the farm poundage quota during the three base period years. The amount of the reduction would equal: (1) The product of the average percent *times* the preliminary farm poundage quota, *minus* (2) the amount of any reduction made under category 1, to the extent that this subtraction does not bring the reduction to a figure less than zero. The amount of reduction under category 1 is subtracted in order to prevent a duplication of reductions between the two categories. Otherwise, the cumulative effect of reductions in categories 1 and 2 could cause the farm poundage quota to be reduced below the amount of actual production of peanuts on the farm during the base period years.

In category 3, as proposed, the reduction would be based on the average of the two highest percentages of the combined amount of quota produced by lease by another operator and nonproduction of the farm poundage quota. This procedure accommodates both the pure category 3 situation and the hybrid situation discussed above. The amount of the reduction would equal: (1) The product of the average percentage *times* the preliminary farm poundage quota, *minus* (2) the amount of any reductions made under category 1 and category 2. As above, the amount of reductions under category 1 and category 2 are subtracted to prevent duplication of reductions between categories.

The proposed rule set forth an example of how the calculations described above would be made.

B. *Comments and Discussion of Comments.* No specific comments were received on the method for calculating the reduction of farm poundage quotas, although the majority of comments opposed giving reductions in category 3 priority over reductions in category 4.

C. *Conclusion.* In view of the adoption of one method of making reductions in 1983 (combining categories 3 and 4) and another method specified in 1984 and 1985 (separate categories 3 and 4), the method for calculating the reduction of farm poundage quotas will be the method specified in the proposed rule for crop years 1984 and 1985. The 1983 reduction will be calculated using the same method as was used for the 1982 crop.

IV. Final Date for Filing Spring Transfers

A. *Provisions of the Proposed Rule.* Due primarily to difficulties experienced in contracting for additional peanuts for crushing or export, it was proposed to establish April 1 as the date for filing for "spring transfers" (i.e., pre-planting transfers of quota).

B. *Comments.* Only a small number of respondents addressed this issue with about half favoring the proposal and the others recommending a later date, such as June 14 and July 31. The major objection was that such an early date did not give producers adequate time to complete plans such as financial and planting arrangements.

C. *Conclusion.* After consideration of the comments regarding the proposed filing date, a decision was made to adopt a compromise date in the Interim Rule. As adopted, the final date for filing a spring transfer will be the date established by the State committee but not later than the final planting date. This will give producers the time needed to complete all spring transfers prior to the end of the normal planting date in the State.

V. Reduction or Waiver of Penalty

A. *Provisions of the Proposed Rule.* Under the proposed rule, the producer had the right of appeal to the State committee and to the Deputy Administrator in accordance with appeal procedures set forth at 7 CFR Part 780 for any penalties assessed against the producer.

B. *Comments.* No specific comments were received on this provision.

C. *Conclusion.* Section 359(f)(2) of the 1938 Act, as amended, provides as follows:

> The Secretary shall authorize, under such regulations as the Secretary shall prescribe, the county committees established under Section 8(b) of the Soil Conservation and Domestic Allotment Act to waive or reduce marketing penalties provided for under this

subsection in cases in which such committees determine that the violations that were the basis of the penalties were unintentional or without knowledge on the part of the parties concerned. Errors in weight that do not exceed one-tenth of 1 per centum in the case of any one marketing document shall not be considered. (7 U.S.C. 1359(f)(2)).

In addition, Section 359(k)(4) of the 1938 Act, as amended, provides that:

Notwithstanding any other provision of law, the liability for and the amount of any penalty assessed under this section shall be determined in accordance with such procedures as the Secretary by regulations may prescribe * * * (7 U.S.C. 1359(1)(4)).

This Interim Rule implements these provisions of the 1938 Act in the following manner. First, the county committees are authorized to waive or reduce penalties in appropriate circumstances in accordance with guidelines issued by the Deputy Administrator, State and County Operations, ASCS. However, the Deputy Administrator may require that waivers or reductions be reviewed by the State committee or the Deputy Administrator in order to assure a reasonable degree of uniformity in the implementation of this authority throughout all the peanut producing areas. The reviewing authority may require the county committee to redetermine the amount of the waiver or reduction of penalties if the reviewing authority determines the action of the county committee was not in conformity with the guidelines and instructions issued by the Deputy Administrator.

Second, the rule provides that no penalty shall be assessed for errors in net weight as reported on each ASCS-1007 (Inspection Certificate and Sales Memorandum) that do not exceed one-tenth of one percent. This exemption is not applicable to cases involving fraud or conspiracy.

Third, the rule sets forth procedures whereby a producer may appeal the assessment of a penalty or request a reduction in a penalty. Initially, a penalty is assessed by the county committee. If the producer wishes to contest liability for the penalty, or to request a reduction in the penalty, or both, the producer must file a request for reconsideration with the county committee. The appeal will then be heard by the county committee in accordance with the appeal procedures set forth at 7 CFR Part 780. To allow for the correction of errors in cases where a decision adverse to the producer is rendered, the producer may further appeal the county committee determination in the manner prescribed in Part 780.

Overall Summary

After having given careful consideration of all comments received, the proposed rule is adopted in this Interim Rule as proposed except for the modifications discussed above and for minor technical changes or corrections of typographical errors.

However, since several of the items adopted were substantially different than proposed, it was decided to issue these regulations as an Interim Rule. This will give the public the opportunity to comment on the regulations as adopted in this Interim Rule.

List of Subjects in 7 CFR Part 729

Poundage quotas, Penalties, Reporting requirements.

Interim Rule

PART 729—[AMENDED]

Accordingly, 7 CFR Part 729 is amended as set forth below:

1. The title "Subpart—Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 and Subsequent Crops of Peanuts" is revised to read "Subpart—Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 through 1981 Crops of Peanuts".

2. The text of 7 CFR 729.1 is revised to read as follows:

§ 729.1 Basis and purpose.

(a) The regulations contained in this subpart are issued in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 *et seq.*) and are applicable to peanuts for the 1978 through 1981 crops. They govern the establishment of farm acreage allotments and marketing quotas, farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, and the keeping of records, and making reports incident thereto.

(b) The allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops (37 FR 2645 and 37 FR 3629, as amended) are superseded but remain effective with respect to the 1972 through 1977 crops of peanuts.

3. The text of 7 CFR 729.7(b)(2) is revised to read as follows:

§ 729.7 Determination of farm peanut history acreage.

* * * * *

(b) * * *

(2) Farm acreage allotment times the national quota factor for the 1978 through 1981 crop years.

* * * * *

4. The subheading of 7 CFR 729.46(b)(2) is revised to read as follows:

§ 729.46 Penalty rate.

* * * * *

(b) * * *

(2) *1979 through 1981 marketing years.*

* * *

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5. A new subpart is added to 7 CFR Part 729, as follows:

Subpart—Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

General

Sec.
729.211 Basis and purpose.
729.212 Extent of calculations and rule of fractions.
729.213 Definitions.
729.214 Types of peanuts.
729.215 Supervisory authority of State committee.
729.216–729.219 [Reserved].

State Poundage Quota, Farm Poundage Quota, Notice To Farm Operator and Appeals

729.220 Instructions and forms.
729.221 Determination of State poundage quota.
729.222 Reserves for corrections.
729.223 Determination of preliminary farm poundage quota.
729.224 Determination of farm poundage quota.
729.225 Determination of undermarketings.
729.226 Determination of effective farm poundage quota.
729.227 Determination of farm yield.
729.228 Determination of farm yield for reconstituted farm.
729.229 Approval of farm poundage quota and notice to farm operator.
729.230 Erroneous notice of effective farm poundage quota.
729.231 Request for reconsideration or appeal.
729.232 Farms with one acre or less of peanuts.
729.233–729.239 [Reserved].

Transfers of Farm Poundage Quota

729.240 Transfer by sale or lease.
729.241 Transfer by owner or operator.
729.242 Transfer within State.
729.243 Witness of signatures.
729.244 Filing record of transfer and time for filing.
729.245 Maximum period of transfer.
729.246 Transfer not to be approved.
729.247 Consent of lienholder.
729.248 Transfer to and from the same farm (subleasing).
729.249 Effect of permanent transfer on determination of farm poundage quota.
729.250 County committee action.
729.251 Withdrawal of minor revision.
729.252 Recomputation of previously approved multiple year transfer.
729.253 Amendment of multiple year transfer agreements approved on or before December 22, 1981.
729.254–729.264 [Reserved]

Marketing Cards and Producer Identification Cards

Sec.
729.265 Issuance of cards.
729.266 Claim stamping marketing cards.
729.267 Invalid cards.
729.268–729.270 [Reserved]

Marketing Penalties

729.271 Basic penalty rate.
729.272 Peanuts on which penalties are due.
729.273 Peanuts on which penalties are not to be assessed.
729.274 Persons to pay penalty.
729.275 Payment of penalty.
729.276 Lien for penalty.
729.277 Assessment of penalties.
729.278 Reduction or waiver of penalty.
729.279 Appeals.
729.280 Failure to comply with program.
729.281–729.285 [Reserved]

Producer Identification and designation of Peanuts Marketed

729.286 Identification of producer marketings.
729.287 Designation of peanuts.
729.288–729.289 [Reserved]

Producer Records and Reports

729.290 Report of marketing green peanuts.
729.291 Report of acquisition of seed peanuts.
729.292 Peanuts marketed to persons who are not registered handlers.
729.293 Report on marketing card.
729.294 Report of production and disposition.
729.295–729.299 [Reserved]

Handler's Registration, Responsibilities and Records

729.300 Registration of handlers.
729.301 Records and reports required of handlers.
729.302 Persons engaged in more than one business.
729.303 Penalty for failure to keep records and make reports.
729.304 Examination of records and reports.
729.305 Length of time records and reports are to be kept.
729.306 Information confidential.

Authority: Secs. 301, 357, 358, 358a, 359, 372, 373, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 61 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended, Secs. 801, 802, 803, 804, 805, 91 Stat. 944, as amended, 95 Stat. 1248, (7 U.S.C. 1301, 1357, 1358, 1358a, 1359, 1372, 1373, 1375, as amended); Sec. 108A, 96 Stat. 1254 (7 U.S.C. 1445c–1).

Subpart—Poundage Quota and Marketing Regulations for 1983 Through 1985 Crops of Peanuts

General

§ 729.211 Basis and purpose.

The regulations contained in this subpart are issued in accordance with the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, and are applicable to the 1983 through 1985 crops of peanuts. They govern the establishment of farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, the collection and refund of penalties, the keeping of records, and the making of reports incident thereto.

§ 729.212 Extent of calculations and rule of fractions.

Computations shall be rounded according to Part 793 of this chapter. The terms set forth below shall be expressed as follows:

(a) Acreage in acres and tenths of acres.

(b) Penalties or damages in dollars and cents.

(c) The quantity of peanuts produced, considered produced and marketed; a preliminary farm poundage quota; a farm poundage quota; an effective farm poundage quota; a farm yield; and an actual yield per acre, in whole pounds.

(d) Factors as a four place decimal except where a different place decimal factor is established by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, (hereinafter referred to as the "Deputy Administrator").

§ 729.213 Definitions.

The definitions in and provisions of Parts 718, 719, and 720 of this chapter are hereby incorporated by reference in these regulations unless the context or subject matter or the provisions of these regulations require otherwise. References to other parts of this chapter or title include any amendments to the referenced parts. Unless the context or subject matter require otherwise, the following words and phrases, as used in this subpart and in all related instructions and forms shall mean:

(a) *Additional peanuts.* Any peanuts which are marketed from a farm other than peanuts marketed or considered marketed as quota peanuts.

(b) *Areas.*—(1) The southeastern area consisting of Puerto Rico, the U.S. Virgin Islands, and the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The southwestern area consisting of the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming and all territories and possessions of the United States not otherwise assigned.

(3) The Virginia-Carolina area consisting of the District of Columbia and the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Base period.* The 3 calendar years immediately preceding the year for which a farm poundage quota is being established.

(d) *Buyer.* A person who:

(1) Buys or otherwise acquires peanuts in any form;

(2) Markets, as a commission merchant, broker, cooperative, agent, or in any other capacity, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(3) Receives peanuts as collateral for or in settlement of a price support loan.

(e) *Considered produced.* The number of pounds of peanuts to be considered produced for the current year or for a base period year for use in computing a future farm poundage quota. Considered produced pounds for a farm will be the sum of the pounds (limited to the farm poundage quota less the pounds of peanuts marketed) which:

(1) Were not produced because of a natural disaster as determined by the county committee in accordance with instructions issued by the Deputy Administrator; or

(2) Were equal to the farm poundage quota on a farm where the farm was either purchased, or a transfer by sale was approved, or the farm was acquired by an agency having the right of eminent domain, after the latest normal planting date for peanuts for the county, and only to the extent that such farm poundage quota was produced or otherwise conidered produced on the farm to which allocated during the following crop year.

(f) *Cropland.* Land on a farm which is determined by the county committee to be suitable for the production of peanuts and on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or

other noncrop uses as determined by the county committee.

(g) *Crushing.* The processing of peanuts: (1) To extract oil for food uses and meal for feed uses, or (2) into flakes for domestic food uses other than peanut butter, candy, confections or other traditional domestic edible uses.

(h) *Director.* The Director, or Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Domestic edible use.* Domestic edible use means, for purposes of the regulations found in this part: (1) Use for milling to produce domestic food peanuts (including the processing of peanuts into flakes for traditional domestic edible uses); (2) use of peanuts for seed, excluding unique strains which are not commercially available and which are used for the production of green peanuts; and (3) use of peanuts on a farm.

(j) *Effective farm poundage quota.* The quota determined in accordance with § 729.226.

(k) *Excess peanuts.* The quantity of peanuts marketed or considered marketed for domestic edible use in the current marketing year in excess of the effective farm poundage quota.

(l) *False identification.* False identification shall include the following:

(1) Identifying or permitting the identification of peanuts at time of marketing as having been produced on a farm other than the farm of actual production; or

(2) Marketing or permitting the marketing of peanuts from a farm without identifying the peanuts with a peanut marketing card issued for the farm; or

(3) Permitting the use of the peanut marketing card for the farm to record a marketing of peanuts when, in fact, no peanuts were marketed from the farm.

(m) *Farm poundage quota.* The quota determined in accordance with § 729.224.

(n) *Farm yield.* The farm yield determined in accordance with § 729.227.

(o) *Farmers stock peanuts.* Dug peanuts produced in the United States which have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material, loose shelled kernels, and access moisture) from the condition in which picked or threshed peanuts are customarily marketed by producers.

(p) *Final acreage.* The acreage on the farm from which peanuts are produced as determined and adjusted in accordance with Part 718 of this chapter.

(q) *Green peanuts.* Peanuts which, before drying or removal of moisture from the peanuts either by natural or artificial means, are marketed by the producer for consumption exclusively as boiled peanuts.

(r) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(s) *Loan additional peanuts.* Peanuts which are not eligible for marketings as quota peanuts, are not subject to delivery to fulfill a contract for additional peanuts, and which are pledged as collateral for price support loan at the additionl loan rate.

(t) *Marketed.* To dispose of peanuts (including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form) by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "market", "marketing", and "for market" shall have corresponding meanings to the term "marketed" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts, for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to the producer by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery. Delivery shall be deemed to have occurred when unloaded at the delivery point. Any peanuts retained on the farm for seed or other use shall be considered marketings of quota peanuts or marketings for domestic edible use.

(u) *Marketing year.* For each crop of peanuts, the period begining August 1 of the current year and ending July 31 of the following year.

(v) *National poundage quota.* 1,167,300 tons for 1983; 1,134,700 tons for 1984; and 1,100,000 tons for 1985.

(w) *Peanuts.* All peanuts produced, excluding: (1) Any peanuts which were not dug or were not picked or threshed before or after marketing from the farm; and (2) any peanuts marketed by the producer for consumption exclusively as boiled peanuts before drying or removal of moisture from such peanuts by natural or artificial means (referred to as "green peanuts"). If a lot of farmers stock peanuts has been inspected by the Federal-State Inspection Service at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in traditional peanut producing States in the southeastern and southwestern areas, those being Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, Oklahoma, that part of South Carolina in the southeastern area, and Texas; and moisture in excess of 8 percent for peanuts grown elsewhere). If the lot of peanuts is not inspected by the Federal-State Inspection Service, the quantity in the lot shall be the gross weight thereof. If shelled peanuts are marketed by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of the shelled peanuts by 1.5.

(x) *Planted acreage.* The final acreage of peanuts on a farm determined in accordance with the provisions of Part 718 of this chapter.

(y) *Preliminary farm poundage quota.* The quota determined in accordance with § 729.223.

(z) *Produced.* The total pounds of peanuts dug.

(aa) *Quota peanuts.* Peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. This includes all peanuts which are dug on a farm except the following: (1) Green peanuts; (2) peanuts which are placed under loan at the additional support rate and not redeemed by the producer; (3) peanuts which are marketed under a contract between a handler and a producer for exportation and/or crushing.

(bb) *Seed sheller.* A person who in the course of his usual business operations shells peanuts for producers for use as seed for the subsequent year's crop.

(cc) *Segregation 1 peanuts.* A lot of farmers stock peanuts which: (1) Has at least 99 percent peanuts of one type; (2) has not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay; and (3) is free from visible Aspergillus flavus mold.

(dd) *Undermarketings.* The number of pounds determined in accordance with § 729.25.

(ee) *Yield per acre or actual yield.* The actual yield per acre for the farm obtained by dividing the total production of peanuts for the farm by the final acreage of peanuts.

§ 729.214 Types of peanuts.

The generally known types of peanuts have identifying characteristics as follows:

(a) *Runner type peanuts.* These peanuts are commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or

Runner. They are produced principally in the southeastern peanut producing area of the United States and are identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel having shells fairly thick and strong, with shallow veining and corrugation, and seeds crowed in pod with adjacent ends sharply shouldered.

(b) *Spanish type peanuts.* These peanuts are commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish. They are produced principally in the southeastern and southwestern peanut producing areas of the United States and are identified by the following general characteristics: Typically two-seeded pods which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep, and seed globular to oval and practically smooth.

(c) *Valencia type peanuts.* These peanuts are commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia. They are produced principally in Tennessee and New Mexico and are identified by the following general characteristics: Typically three- or four-seeded, and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation, and seeds globular to oval.

(d) *Virginia type peanuts.* These peanuts are commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia. They are produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and are identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods which are roughly cylindrical, with veining and corrugation deep, and seeds are cylindrical with pointed ends, length two or three times diameter, and practically smooth.

§ 729.215 Supervisory authority of State committee.

The State committee shall take any action required to be taken by the county committee which the county committee fails to take. The State committee shall correct or require the county committee to correct any action taken by the county committee which is not in accordance with this subpart. The State committee shall also require the county committee to withhold taking any action which is not in accordance with this subpart.

§§ 729.216–729.219 [Reserved]

State Poundage Quota, Farm Poundage Quota, Notice to Farm Operator and Appeals

§ 729.220 Instructions and forms.

The Director shall cause to be prepared and issued such forms and instructions as are necessary for carrying out the regulations in this subpart. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.221 Determination of State poundage quota.

The State poundage quota shall be the State's share of the current year's national poundage quota calculated to equal the percentage of the 1981 national poundage quota allocated to farms in the State.

§ 729.222 Reserves for corrections.

For the purpose of correcting errors, the State committee shall establish a reserve not to exceed 1 percent of the State poundage quota. If the amount of poundage quota necessary to correct errors is in excess of the reserve established by the State committee, such errors may nevertheless be corrected with the approval of the Deputy Administrator. However, the Deputy Administrator may require the State committee to recalculate the farm poundage quotas for all farms in the State if the Deputy Administrator determines that the amount of poundage quota necessary to correct errors is substantially in excess of the reserve. In such case, the State committee shall reissue corrected farm poundage quotas for all farms in the State and such corrected farm poundage quota shall be considered the farm poundage quota for the farm for all purposes.

§ 729.223 Determination of preliminary farm poundage quota.

The preliminary farm poundage quota shall be the farm poundage quota established for the farm for the preceding year.

§ 729.224 Determination of farm poundage quota.

The farm poundage quota shall be the preliminary farm poundage quota adjusted downward for poundage quota reductions as required by this section, plus permanent adjustments from reserves and permanent transfers.

(a) *1983 poundage quota reduction.*—(1) *Poundage quota reduction.* For the 1983 crop year, the preliminary farm poundage quota for each farm shall be reduced by the county committee in the following order of priority to the extent necessary, in whole or in part, to accomplish the reduction in the total of the preliminary farm poundage quotas for the State to the State poundage quota less the amount withheld for the reserve for the current marketing year.

(i) *Inadequate tillable cropland.* The preliminary farm poundage quota shall be reduced for a farm to the extent the county committee determines that the farm did not have adequate tillable cropland to produce the farm poundage quota during the preceding crop year. Farms on which there is inadequate tillable cropland as the result of performance of a conservation practice shall not be exempt from poundage quota reductions under this paragraph. If the constitution of the farm differs from the constitution of the farm for the preceding year, an individual determination shall be made for each separately identifiable farm tract as it was constituted during the preceding crop year.

(ii) *Quota not produced.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that the farm poundage quota for such farm was not produced or considered produced during any two years of the base period. If the constitution of the farm differs from the constitution of the farm for any one or more years of the base period, an individual determination shall be made for each separately identifiable farm tract as it was constituted for that year of the base period.

(iii) *Calculation of farm poundage quota reductions under paragraphs (a)(1)(i) and (a)(1)(ii).* (A) The amount of the farm poundage quota reduction made under paragraph (a)(1)(i) of this section shall equal the amount of the farm poundage quota that was not produced on the farm during the previous crop year because of inadequate tillable cropland.

(B) The amount of the farm poundage quota reduction made under paragraph (a)(1)(ii) of this section shall equal: (1) The preliminary farm poundage quota times the average of the two highest percentages of the farm poundage quota that was not produced or considered produced during two of the three years of the base period minus (2) the amount of any reduction under paragraph (a)(1)(i) of this section, to the extent that this subtraction does not bring the reduction to a figure less than zero.

(iv) *Application of State factor.* (A) If the cumulative totals of individual farm poundage quota reductions computed in accordance with paragraph (a)(1)(iii)(A) or (a)(1)(iii)(B) of this section are more than the required reduction (including amounts withheld for the reserve) in the State poundage quota for the 1983 crop year, a uniform State factor shall be determined by the State committee and multiplied times the reductions of farm poundage quotas computed for the farms in the category for which the farm poundage quota reduction exceeds the total of the required reduction for the State, so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for the reserve.

(B) If the cumulative total of individual farm poundage quota reductions computed pursuant to paragraphs (a)(1)(iii)(A) and (a)(1)(iii)(B) of this section are less than the required reduction (including amounts withheld for the reserve) in the State poundage quota for the 1983 crop year, a uniform State factor shall be determined by the State committee and multiplied times the preliminary farm poundage quotas on the remaining farms in the State (including those not reduced to zero by reductions made pursuant to paragraphs (a)(1)(iii)(A) and (a)(1)(iii)(B) of this section), so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for the reserve.

(2) *Permanent adjustments.* The preliminary farm poundage quota, after adjustments under paragraph (a)(1) of this section, if any, shall also be adjusted by the county committee to reflect permanent transfers or adjustments from reserves as set forth in this subpart.

(b) *1984 and 1985 poundage quota reductions*—(1) *Poundage quota reductions.* For crop years 1984 and 1985, the preliminary farm poundage quota for each farm shall be reduced by the county committee in the following order of priority to the extent necessary, in whole or in part, to accomplish the reduction in the total of the preliminary farm poundage quotas for the State to the State poundage quota less the amount withheld for reserves for the current marketing year.

(i) *Inadequate tillable cropland.* The preliminary farm poundage quota shall be reduced for a farm to the extent the county committee determines that the farm did not have adequate tillable cropland to produce the farm poundage during the preceding crop year. Farms on which there is inadequate tillable cropland as the result of performance of a conservation practice shall not be exempt from poundage quota reductions under this paragraph. If the constitution of the farm differs from the constitution of the farm for the preceding crop year, an individual determination shall be made for each separately identifiable farm tract as it was constituted during the preceding crop year.

(ii) *Quota not produced.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that the farm poundage quota for such farm was not produced or considered produced during any two of the base period years. If the constitution of the farm differs from the constitution of the farm for any one or more of the years of the base period, an individual determination shall be made for each separately identifiable farm tract as it was constituted for that year of the base period.

(iii) *Quota transferred by lease and produced on another farm by a different farm operator.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that any of the following situations apply:

(A) For two or more of the years of the base period: (1) The farm poundage quota was transferred, in whole or in part, as the result of a lease which was filed before or during the normal planting period for peanuts, i.e., leases filed before the time prescribed in accordance with the provisions of § 729.30(b)(1) for crop year 1981, by July 31 for crop year 1982, and by the final planting date established by the State committee for crop years 1983 and 1984, and (2) was produced or considered produced on a receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm; or

(B) The farm poundage quota: (1) Was transferred, in whole or in part, as the result of a lease which was filed during the normal planting period for peanuts as determined in accordance with § 729.30(b)(1) for the crop year 1981, by July 31 for crop year 1982, the final planting date as established by the State committee for crop years 1983 and 1984, and was produced or considered produced on the receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm for 2 or more years of the base period, and (2) was not 100 percent produced or considered produced in 1 or more of the same base period years.

(C) The farm poundage quota: (1) Was not 100 percent produced or considered produced in 2 or more of the years of the base period; and (2) was transferred in whole or in part, as a result of a lease which was filed during the normal planting period for peanuts as determined in accordance with the provisions of § 729.30(b)(1) for the crop year 1981, by July 31 for crop year 1982, and by the final planting date established by the State committee for crop years 1983 and 1984, and was produced or considered produced in part on a receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm in 1 or more of the same base period years.

(D) The farm poundage quota: (1) Was transferred, in whole or in part, as the result of a lease which was filed during the normal planting period for peanuts as determined in accordance with the provisions of § 729.30(b)(1) for the crop year 1981, by July 31 for crop year 1982, and by the final planting date established by the State committee for 1983 and 1984 crop years, and was produced or considered produced on the receiving farm and the operator of the receiving farm was a different person than the operator of the transferring farm for 1 or more of the base period years; and (2) was not 100 percent produced or considered produced in 1 or more of the other base period years.

If the constitution of the farm differs from the constitution of the farm for any one or more of base period years, an individual determination shall be made for separately identifiable farm tracts as they were constituted for that year of the base period.

(2) *Calculation of farm poundage quota reductions for the 1984 and 1985 crop years under paragraphs (b)(1)(i), (b)(1)(ii) and (b)(1)(iii).* (i) The amount of the farm poundage quota reduction made under paragraph (b)(1)(i) of this section shall equal the preliminary farm poundage quota times the percentage of the farm poundage quota that was not produced on the farm during the previous crop year because of inadequate tillable cropland.

(ii) The amount of the farm poundage quota reduction made under paragraph (b)(1)(ii) shall equal: (A) The preliminary farm poundage quota times the average of the two highest percentages of the farm poundage quota that was not produced or considered produced during two of the three base period years, minus (B) the amount of any reduction under paragraph (b)(2)(i) of this section, to the extent that this subtraction does

not produce a reduction figure of less than zero.

(iii) The amount of the farm poundage quota reduction made under paragraph (b)(1)(iii) shall equal: (A) The product of the preliminary farm poundage quota times the average of the two highest percentages of the sum of the combined farm poundage quota which, during two of the three base period years, was produced or considered produced by another operator to which the farm poundage quota was transferred by lease and was not produced or considered produced, minus (B) the amount of any reduction calculated under paragraphs (b)(2)(i) and (b)(2)(ii) of this section, to the extent that this subtraction does not produce a reduction figure of less than zero.

(3) *Application of State factor.* (i) If the cumulative totals of individual farm poundage quota reductions computed in accordance with paragraph (b)(2) of this section are more than the required reduction (including amounts withheld for reserves) in the State poundage quota for the current year, a uniform State factor shall be determined by the State committee and multiplied times the reductions of farm poundage quotas computed for the farms in the category for which the farm poundage quota reduction exceeds the total of the required reduction for the State, so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for reserves.

(ii) If the cumulative total of individual farm poundage quota reductions computed pursuant to paragraph (b)(2) of this section are less than the required reduction (including amounts withheld for reserves) in the State poundage quota for the current year, a uniform State factor shall be determined by the State committee and multiplied times the preliminary farm poundage quotas on the remaining farms in the State (including those not reduced to zero through reductions computed pursuant to paragraph (b)(2) of this section), so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for reserves.

(4) *Permanent adjustments.* The preliminary farm poundage quota, after adjustments under paragraphs (b)(2) and (b)(3) of this section, if any, shall be adjusted by the county committee to reflect permanent transfers or adjustments from reserves as set forth in this subpart.

§ 729.225 Determination of undermarketings.

(a) *Actual undermarketings.* Actual undermarketings are the number of pounds by which the total marketings of quota peanuts from the farm during previous marketing years (excluding any marketing year before the marketing year for the 1980 crop) were less than the total amount of the applicable effective farm poundage quotas (disregarding adjustments for undermarketings from prior marketing years) for such marketing years. For purposes of the foregoing sentence, total marketings of quota peanuts for any marketing year shall be the larger of: (1) The total production of segregation 1 peanuts on the farm for such year, or (2) the total amount of quota peanuts which were marketed or considered marketed from the farm. However, the total marketings of quota peanuts for any marketing year shall not exceed the effective farm poundage quota for that farm for such year.

(b) *Effective undermarketings.* (1) If 10 percent of the national poundage quota for the marketing year to which the actual undermarketings are to be applied is equal to or greater than the actual undermarketings on all farms, the effective undermarketings for the farm shall be the same as the actual undermarketings.

(2) If the conditions in paragraph (b)(1) of this section are not applicable, the actual undermarketings will be apportioned to each farm in such manner that the effective undermarketings: (i) Will not be less than the smaller of the actual undermarketings or 10 percent of the farm poundage quota; (ii) will not be more than the actual undermarketings; and (iii) will be apportioned so as to cause, insofar as practicable, the total of the effective undermarketings on all farms to equal 10 percent of the national poundage quota for the marketing year to which the effective undermarketings are to be applied.

§ 729.226 Determination of the effective farm poundage quota.

The effective farm poundage quota shall be the farm poundage quota adjusted for temporary transfers and effective undermarketings.

§ 729.227 Determination of farm yield.

The farm yield established for a farm for which a farm poundage quota is established for the current year shall be the farm yield established for the farm for the immediately preceding year. If a farm yield is not established for a farm on which a farm poundage quota is established, the county committee shall establish a farm yield in accordance with instructions issued by the Deputy Administrator.

§ 729.228 Determination of farm yield for reconstituted farm.

For reconstitutions which are effective after farm yields have been established, the farm yield shall be determined as follows:

(a) *Combination*—(1) *Quota farm.* The farm yield for combined quota tracts shall be the weighted average of the farm yields for the tracts being combined.

(2) *Quota and nonquota farm.* A combined farm shall be assigned the farm yield of the tract with an established quota if placed in combination with a nonquota tract even though a farm yield previously had been established for such nonquota tract.

(3) *Nonquota farms.* The farm yield for combined nonquota tracts shall be established by the county committee in accordance with § 729.227 even though a farm yield had been previously established for such tracts.

(b) *Divisions*—(1) *No identifiable tracts having tract yield established.* The farm yield shall be the same for each tract as the farm yield for the parent farm.

(2) *Identifiable tracts with tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is divided from the parent farm.

(3) *Division of an identifiable tract having a tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is being divided.

§ 729.229 Approval of farm poundage quota and notice to farm operator.

(a) *Approval.* Each farm yield, preliminary farm poundage quota, farm poundage quota, and effective farm poundage quota shall be determined under the supervision of, and approved by, the county committee of the county in which the farm is administratively located, subject to the concurrence of the State committee or a representative of the State committee. The initial notice of farm poundage quota shall not be mailed to a farm operator until the farm poundage quota has been approved. A revised notice may be mailed without the aforementioned approval in any case resulting from: (1) A farm reconstitution which does not require allocation of additional poundage quota; or (2) a transfer by lease, sale, owner or operator, of poundage quota.

(b) *Notice to farm operator.* (1) As soon as possible after the farm

poundage quota or the effective farm poundage quota is approved, an official notice of such quota shall be mailed to the farm operator.

(2) If a farm poundage quota is reduced to zero for the current year, the county committee shall mail to the farm operator a notice of such determination.

(3) A revised notice of farm poundage quota or the effective farm poundage quota shall be mailed to the farm operator as soon as possible after the county committee determines that an incorrect notice has been mailed or the county committee takes an action which requires a revision of the previously determined quota.

(4) The notice to the operator shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper have an interest in the farm for which the quota is established.

§ 729.230 Erroneous notice of effective farm poundage quota.

If the official notice of effective farm poundage quota issued for a farm erroneously stated a quota larger than the correct effective farm poundage quota, the quota shown on the erroneous notice shall be used as the effective farm poundage quota. Such quota shall serve as the basis for marketing penalty computations for the farm for the current marketing year only if the county committee determines and the State Executive Director concurs that: (1) The error was not so substantial as to place the operator on notice thereof; and (2) the operator was not notified of the correct effective farm poundage quota prior to marketing peanuts as quota peanuts in excess of the correct effective farm poundage quota. Notwithstanding the foregoing, undermarketings for farms for which the erroneous notice of the effective farm poundage quota is applied shall be determined on the basis of the correct effective farm poundage quota for the farm.

§ 729.231 Request for reconsideration or appeal.

Any producer who is dissatisfied with the initial determination of the farm poundage quota or the effective farm poundage quota which is established for such farm may file a request for reconsideration with the county committee in accordance with Part 780 of this Chapter. Such request must be filed no later than 15 days after the producer receives the notice of the farm poundage quota or effective farm poundage quota. If after reconsideration the producer remains dissatisfied with the determination, the producer may appeal such determination to the State committee in accordance with Part 780 of this Chapter. Determinations rendered by the State committee with respect to the determination of individual farm poundage quotas and effective farm poundage quotas shall be final and there shall be no further administrative appeal.

§ 729.232 Farms with one acre or less of peanuts.

Peanuts produced on a farm on which the acreage of peanuts is one acre or less are eligible to be marketed for domestic edible use provided that all producers that share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

§§ 729.233-729.239 [Reserved]

Transfers of Farm Poundage Quota

§ 729.240 Transfer by sale or lease.

The owner and operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer for sale or lease of all or any part of the farm poundage quota to any other owner or operator of a farm in the same county. The receiving farm need not have a farm poundage quota. If the owner(s) and operator of the farm from which the transfer by sale or lease is to be made are different persons, each shall execute the record of transfer. However, only the owner(s) or operator of the receiving farm is required to execute the record of transfer.

§ 729.241 Transfer by owner or operator.

The owner or operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer to transfer the farm poundage quota from such farm to another farm owned or controlled by the applicant: (a) In the same county; or (b) in a county that is contiguous to the transferring county in the same State if the receiving farm had a farm poundage quota established for the 1981 crop.

§ 729.242 Transfer within State.

Notwithstanding the provisions of §§ 729.240 and 729.241, a transfer of a farm poundage quota by sale, lease or by the owner or operator, may be made to any other farm in the same State, pursuant to instructions issued by the Deputy Administrator, in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, New Mexico and Tennessee.

§ 729.243 Witness of signatures.

A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations, or who may be unduly inconvenienced, may be waived provided the county office mails Form ASCS-375 or such other form approved by the Deputy Administrator to such person for the required signature. In the case of a transfer by sale, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

§ 729.244 Filing record of transfer and time for filing.

No transfer of any quota under this section shall become effective until a record of transfer, determined by the county committee to be in compliance with the provisions of this subpart, has been executed on Form ASCS-375 or such other form approved by the Deputy Administrator and filed within the time periods set forth in this section with the county committee in the county where the farms are administratively located.

(a) *Record of transfer filed by the final planning date (spring transfers).* In order to be effective during the normal planting period, a record of transfer shall be filed on or before the final planting date for the area or State as established by the State committee, but not later than June 15. A record of transfer filed after the final planting date established by the State committee but prior to July 1 may be considered to be timely filed if the county committee finds that: (i) The lease was agreed upon no later than the final planting date established by the State committee, and (ii) the record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

(b) *Record of transfer filed after the final planting date (fall transfer).* A record of transfer which is filed after the final planting date established by the State committee but by July 31 shall be considered a fall transfer and shall not become effective until August 1. A record of transfer which is filed after July 31 shall not become effective unless filed not later than December 31 of the current year. A record of transfer filed after December 31 but prior to January 31 may be considered timely filed by December 31 if the county committee, with approval of the State committee,

finds that: (1) The transfer was agreed upon no later than December 31, and (2) the record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

§ 729.245 Maximum period of transfer.

(a) *Owner transfer.* (1) An owner transfer may be approved to a farm owned by such person for a temporary period (but not beyond the 1985 marketing year) or permanently. (2) An owner transfer to a farm controlled by such person may be approved for only one year.

(b) *All other transfers.* Transfers by lease and by operator may only be approved for one year. Multiyear leases and permanent operator transfers shall not be permitted.

§ 729.246 Transfer not to be approved.

The county committee shall not approve:

(a) A transfer of poundage quota by sale if poundage quota was transferred to the transferring farm by sale within the 3 preceding crop years.

(b) Temporary transfers by an operator for more than one year.

(c) Permanent transfers by an operator.

(d) Transfers filed after the normal planting date for more than 1 marketing year.

(e) Transfers of actual or effective undermarketings.

(f) Transfers of poundage quota to farms with inadequate tillable cropland to produce the poundage quota.

§ 729.247 Consent of lienholder.

A transfer of poundage quota from a farm which the county committee has been informed is subject to a mortgage or other lien shall not be approved unless the transfer is agreed to in writing by the lienholder.

§ 729.248 Transfer to and from the same farm (subleasing).

(a) *Record of transfer filed on or before the final planting date.* Generally the county committee shall not approve a record of transfer which is filed (or considered filed) on or before the final planting date established by the State committee if the approval would result in a transfer both to and from the farm during the period ending on the final planting date of the same crop year. However, a record of transfer may be approved if a poundage quota is transferred temporarily from a farm for 1 or more years (and the transfer remains in effect) and the farm is subsequently combined with another farm that is otherwise eligible to receive poundage quota by transfer.

(b) *Record of transfer filed after the final planting date.* A temporary transfer of poundage quota either to or from a farm (but not both) may be approved by the county committee if a record of temporary transfer is filed after the final planting date regardless of whether a record of transfer which was filed on or before the final planting date is in effect for such farm. However, the producers on the transferring farm must certify, and the county committee must determine that: (1) The poundage quota to be transferred is not more than will be required to market the entire production of peanuts from the farm as quota peanuts in the current year, (2) the acreage of peanuts planted on the transferring farm was equal to at least 80 percent of the acreage determined by dividing the effective farm poundage quota by the larger of the current farm yield or the highest actual yield for the farm for any one of the preceding three crop years, and (3) the production of peanuts was limited to less than the effective farm poundage quota because of conditions beyond the control of the producer.

§ 729.249 Effect of permanent transfer on determination of farm poundage quota.

The quota, pounds produced, pounds considered produced, pounds transferred and produced on a receiving farm for both the transferring farm and the receiving farm shall be adjusted for the current year and for the 2 preceding years to reflect the applicable increase or decrease in the farm poundage quota and other historical data or farm practices affecting the determination of farm poundage quotas.

§ 729.250 County committee action.

(a) *Approval of transfer.* The county committee shall approve the transfer of poundage quota only if it determines that a timely filed record of transfer has been received and that the transfer complies with the requirements of this subpart. A transfer shall not be effective until approved by the county committee. The county committee may delegate authority to the county executive director and to other county office employees to approve transfers of poundage quotas.

(b) *Notice of revised quotas.* A revised notice of farm poundage quota must be issued for each farm affected by the transfer of farm poundage quota.

(c) *Cancellation of transfer.* (1) A transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled effective as of the date of approval. However, the cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement or the transfer approval was made in error by the county committee, and (ii) The parties to the transfer agreement were not notified of the cancellation prior to the marketing of quota peanuts in excess of the revised effective farm poundage quota.

(2) Where cancellation of a transfer is required, the county committee shall issue revised notices of poundage quota showing the reasons for cancellation.

§ 729.251 Withdrawal or minor revision.

Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the peanut program will not be impaired, the county committee may permit withdrawal or minor revisions of a transfer upon written request by all parties to the transfer. A temporary transfer may be withdrawn or revised before peanuts are harvested during any year of the agreement. A permanent transfer may be withdrawn or revised before peanuts are harvested only during the first year of the agreement.

§ 729.252 Recomputation of previously approved multiple year transfer.

For a multiple year temporary transfer approved on or before December 22, 1981, the county committee shall annually recompute the transfer by limiting the poundage quota transferred to the smaller of: (a) The poundage quota initially transferred, or (b) the farm poundage quota for the transferring farm.

§ 729.253 Amendment of multiple year transfer agreements approved on or before December 22, 1981.

Notwithstanding any other provision in this subpart, a multiple year temporary transfer approved on or before December 22, 1981, shall not be effective for the 1982 through 1985 crop years unless an amended record of transfer is filed. The county committee shall notify the operator of both the transferring farm and the receiving farm of the requirement for filing an amended record of transfer in order for the previously filed transfer agreement to remain in effect. The amended record of transfer must be filed at the county ASCS office within 30 days from the date of notification by the county committee that an amended transfer agreement is required. The amended agreement shall be on the basis of the

farm poundage quota established for the applicable crop year.

§ 729.254-729.264 [Reserved]

Marketing Cards and Producer Identification Cards

§ 729.265 Issuance of cards.

(a) *Issuance of marketing cards.* A marketing card (ASCS–1002) shall be issued in the name of the farm operator for each farm on which peanuts are produced in the United States in the current year for use by each producer on the farm for marketing such producer's share of the peanuts produced. However, a marketing card issued for experimental peanuts shall be issued in the name of the experiment station and a marketing card issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the names of other interested producers.

(b) *Issuance of producer identification cards.* A producer identification card shall be issued in the same name that is entered on the marketing card(s) for each eligible farm. The producer identification card will be used to identify the farm on which the peanuts were produced and the card must accompany each lot of peanuts when offered for sale. Producer identification cards shall be issued at the time the marketing cards are issued.

(c) *Person authorized to issue cards.* The county executive director shall be responsible for the issuance of marketing cards and producer identification cards.

(d) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the peanuts available for marketing from a farm shall be entitled to the use of the marketing and identification cards for marketing such producer's proportionate share of the peanuts produced on the farm.

(2) Any person who succeeds, in whole or in part, to the share of a producer in the peanuts available for marketing from a farm shall, to the extent of such succession, have the same rights to the use of the marketing and identification cards and bear the same liability for penalties as the original producer.

(e) *Data on marketing card and supplemental card.* (1) Before issuance, the following data and information must be entered on the marketing card in the spaces provided: (i) The effective farm poundage quota; (ii) the pounds of additional peanuts contracted and the handler number of the contracting handler, if applicable; and (iii) the converted basic penalty rate determined in accordance with § 729.272(b), if applicable.

(2) A supplemental marketing card bearing the same name identification as shown on the original marketing card may be issued for a farm if an original or supplemental marketing card is returned to the county office. The balance of the poundage quota from the returned marketing card shall be entered as the effective farm poundage quota on the supplemental card.

(3) Two or more marketing cards may be issued for a farm if the farm operator specifies in writing the amount of the poundage quota (not to exceed the balance of poundage quota available) which is to be assigned to each card.

(4) The face of the marketing card shall show the entry "Eligible for Buyback" if the farm operator authorizes the handler to purchase peanuts under the "Immediate Buyback" purchase as provided in Part 1446 of this Chapter. Two or more marketing cards may be issued for a farm if the producer wishes to obtain an additional card for purposes of indicating or not indicating "Eligible for Buyback."

(5) Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

(f) *Data on producer identification cards.* (1) The identification card issued in the name of the farm operator shall be embossed to show the: (i) Name and address of the farm operator; and (ii) State, county code, and farm serial number. If an embossed identification card is not available, the above information shall be entered by the county ASCS office.

(2) A farm operator may receive as many identification cards as may be needed at any one time to accompany each lot of peanuts offered for sale until such time as the peanuts are inspected and an ASCS–1007 has been executed by the inspection service.

(3) After the identification card is returned to the farm operator, it may be used again to identify another lot of peanuts.

(g) *Replacing a lost, stolen, or destroyed marketing card.* A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen: *Provided,* That the farm operator gives immediate written notice of such fact and furnishes a satisfactory report of the quantity of peanuts which was marketed using the marketing card prior to the time such card was lost, stolen, or destroyed.

§ 729.266 Claim stamping marketing cards.

If a person is indebted to the United States and the indebtedness is listed on the county office claim record, any marketing card issued for the farm on which the person has an interest as a producer shall bear the notation "U.S. Claim" or "PPQ" (peanut poundage quota) followed by the amount of the indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the notation. A notation showing "PPQ" as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty and accrued interest is paid, the United States has a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to farm poundage quotas in which the person liable for payment of the penalty has an interest. Peanut poundage quota liens shall be collected and paid to the Agricultural Stabilization and Conservation Service prior to making collection for any other lien or claim. A notation showing "U.S. Claim" shall constitute notice to any peanut buyer that, to the extent of the indebtedness shown, and subject to prior liens, the net proceeds from any price support loan or purchase settlement due the debtor must be paid to the Agricultural Stabilization and Conservation Service. The acceptance and use of a marketing card bearing a notation concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action. A lien-free or claim-free marketing card shall be issued by the county ASCS office when the lien or claim has been paid.

§ 729.267 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) Any entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) An erasure or alteration has been made and not initialed by the county executive director.

(b) *Validating invalid cards.* If a marketing card is invalid because an entry is not made as required, the farm operator or other producer shall return the marketing card to the county office. Except for an incorrect entry of the

converted basic penalty rate determined in accordance with § 729.272(b), the marketing card may be made valid by entering data previously omitted or by correcting any incorrect data previously entered. The county executive director shall initial each correction made on the marketing card. An invalid card, if not validated, shall be canceled and a replacement card shall be issued.

§§ 729.268–729.270 [Reserved]

Marketing Penalties

§ 729.271 Basic penalty rate.

The basic penalty rate is 140 percent of the national average support level for quota peanuts, as determined for the marketing year in which the peanuts were produced.

§ 729.272 Peanuts on which penalties are due.

A penalty is due at the basic penalty rate on:

(a) The quantity of peanuts which is marketed or considered to be marketed from a farm for domestic edible use in excess of the effective farm poundage quota for the farm.

(b) All peanuts marketed from the farm, if the certified acreage differs from the measured acreage by more than the tolerance provided in Part 718 of this Chapter: *Provided,* that such penalty shall be paid on each lot of peanuts marketed from a farm based on a converted basic penalty rate as shown on the marketing card. The converted basic penalty rate shall be determined by: (1) Calculating the percentage of incorrect certification; and (2) multiplying the percentage by the basic penalty rate per pound.

(c) All peanuts produced on a farm for which the producer: (1) Failed to certify peanut acreage as provided in Part 718 of this Chapter; or (2) refused to permit entry on the farm to authorized representatives of the Secretary for the purpose of determining the acreage of peanuts on the farm.

(d) The quantity of peanuts marketed without identification by a valid marketing card.

(e) The quantity of peanuts falsely identified, as determined by the county committee with the concurrence of the State committee.

(f) All peanuts, the disposition of which the producer has failed to account for to the satisfaction of the county committee. The quantity of peanuts subject to penalty under this provision shall be the amount of peanuts determined by the county committee to have been marketed or considered marketed from the farm for domestic edible use in excess of the effective farm poundage quota for that farm.

(g) All additional peanuts marketed as contract additional peanuts in excess of the pounds contracted on CCC–1005 between the producer and handler as provided in Part 1446 of this title of the Code of Federal Regulations. Any penalty collected pursuant to this paragraph may be refunded to the extent that the total of all marketings for domestic edible use from the farm for such marketing year do not exceed the farm's effective farm poundage quota.

§ 729.273 Peanuts on which penalties are not to be assessed.

(a) *Error in weight.* A penalty is not due and shall not be collected if the error in net weight as reported on each ASCS–1007, Inspection Certificate and Sales Memorandum, does not exceed one-tenth of 1 percent. However, in the case of fraud or conspiracy, a penalty shall be due for any error in the net weight, regardless of the size of the error.

(b) *Peanuts grown on State prison farms.* No penalty shall be collected on peanuts grown on State prison farms for consumption within such State prison system.

(c) *Peanuts grown for experimental purposes.* No penalty shall be collected on the marketings of any peanuts which are grown only for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly-owned experiment station. However, the director of the publicly-owned agricultural experiment station must furnish the State Executive Director a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(1) Name and address of the publicly-owned experiment station;

(2) Name of the owner, and name of the operator if different from the owner, of each farm in the State on which peanuts are grown for experimental purposes only;

(3) The acreage of peanuts grown on each farm for experimental purposes only; and

(4) A signed statement that such acreage of peanuts was grown on each farm only for experimental purposes and was necessary for carrying out experimentation, and that the peanuts were produced under the direction of representatives of the publicly-owned experiment station..

(d) *Unique strains used to plant green peanut acreage.* Seed peanuts shall not be subject to penalty if the county committee determines, based upon guidelines furnished by the Deputy Administrator, that such peanuts are unique strains, are not commercially available, and are used to plant green peanut acreage.

§ 729.274 Persons to pay penalty.

(a) *Marketings to handlers.* The handler is liable for the penalty due on peanuts which the handler buys or otherwise acquires from a producer. The handler may deduct the penalty from the price paid to the producer. If a handler fails to collect the penalty due on any marketing of peanuts from a farm, the handler and each of the producers on the farm shall be held jointly and severally liable for the amount of the penalty.

(b) *Other marketings.* The producer is liable for the penalty due on any peanuts marketed to persons who are not peanut handlers.

(c) *Penalty for error on marketing card.* The producer and the handler are jointly and severally liable for any penalties which may be due if the handler made an error or failed to properly record the pounds of peanuts marketed on the producer's marketing card and such error resulted in the effective poundage quota or the pounds contracted in accordance with Part 1446 of this Chapter to be exceeded.

(d) *Notice to affected parties.* Penalties shown on a farm marketing card shall be deemed to be notice to all affected parties of such penalties in addition to such notice as is by operation of law charged to all parties by the publication of these and all other regulations applicable to the peanut program. Further, all affected parties shall be deemed to be on notice that penalties are due when the marketings of peanuts for domestic edible use exceed the effective poundage quota indicated on the marketing card.

§ 729.275 Payment of penalty.

(a) A draft, money order, or check made payable to the Agricultural Stabilization and Conservation Service, may be used to pay any penalty, other indebtedness, or interest thereon. A draft or check shall be received subject to collection and payment at face value. The penalty becomes due on the date of marketing, or in the case of false identification or failure to account for the disposition of peanuts, the date the producer is notified of the false identification or the failure to account, as applicable.

(b) The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of interest charged CCC for its borrowings by the United States Treasury on the date such penalty became due. Interest shall accrue from the date the penalty was due if the penalty is not remitted by Monday of the third calendar week following the week in which the penalty is assessed in accordance with § 729.277. For cases of false identification or failure to account, if the penalty is not paid within 15 days after receipt of written notice by the person liable for such penalty, interest shall accrue from the date of receipt of the written notice by such person.

§ 729.276 Lien for penalty.

A lien on the crop of peanuts on which the penalty is incurred, and on any subsequent crops of peanuts subject to poundage quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States until the penalty is paid. The lien on a subsequent crop takes precedence over all other claims as of the time the debt is entered on a county claim record in the county ASCS office for the county in which the subsequent crop is grown. Each county ASCS office shall maintain a list of peanut marketing penalty liens on subsequent crops which have been entered on the county claim record. The list shall be available for examination upon written request by an interested person.

§ 729.277 Assessment of penalties.

Any producer, farm operator, or handler against whom a penalty is assessed in accordance with this subpart, shall be notified of the penalty assessment in writing by the appropriate county committee. Such notice shall state the amount of the penalty and the basis upon which the penalty is being assessed. The notice shall also state that the person against whom the penalty is being assessed has the right to appeal the assessment of the penalty in accordance with §§ 729.278 and 729.279.

§ 729.278 Reduction or waiver of penalty.

(a) *General.* The county committee may, in accordance with instructions and guidelines issued by the Deputy Administrator, reduce or waive any penalty required to be assessed by this subpart in cases in which the county committee determines that the violations upon which the penalties were based were unintentional or without knowledge on the part of the parties concerned.

(b) *Time of reduction or waiver.* The county committee may reduce or waive a penalty either before or after it has been assessed formally in accordance with § 729.277. In those instances where the county committee makes the reduction or waiver prior to formal assessment, the notice of assessment issued under § 729.277 shall state the amount of reduction or waiver and the basis upon which the reduction or waiver was made.

(c) *Appeal procedure.* Any person against whom a penalty is assessed under this subpart may request that the penalty be reduced or waived in accordance with instruction and guidelines issued by the Deputy Administrator and the procedures set forth under § 729.279.

(d) *Review authority.* The Deputy Administrator may, either upon his own motion or in response to appeals which are being taken under § 729.279, require that any determination of a county committee with regard to the reduction or waiver of penalties be reviewed by the State committee or the Deputy Administrator for the purpose of maintaining consistency between different counties in the application of this authority. The Deputy Administrator or the State committee may require a county committee to reverse or otherwise modify its previous determination if the Deputy Administrator or State committee determines that the county committee's previous determination was not made in accordance with the instructions and guidelines issued by the Deputy Administrator. Any person who is adversely affected by any action of the Deputy Administrator or State committee taken under this paragraph may appeal such action by filing a request for reconsideration with the State committee or Deputy Administrator, as appropriate, in accordance with the procedures set forth in Part 780 of this Chapter.

§ 729.279 Appeals.

Any person who is dissatisfied with the penalties assessed by the county committee may file a written request for reconsideration with the county committee in accordance with Part 780 of this chapter. Such request must be filed no later than 15 days after such person receives the notice of assessment issued pursuant to § 729.277. Adverse determinations rendered by the county committee may be appealed administratively in accordance with the procedures set forth in Part 780 of this Chapter.

§ 729.280 Failure to comply with program.

Any producer who relied on the advice of a representative of the Secretary in rendering performance under this subpart which the producer believed in good faith met the requirements of the program as set forth in these regulations may file a request for review of an adverse county committee ruling in accordance with instructions and guidelines issued by the Deputy Administrator. This authority, however, does not extend to cases where the producer knew or had sufficient reason to know that the action or advice of the representative of the Secretary upon which the producer relied was improper or erroneous, or where the adverse action is based on changes made in the statutory authority of the program or changes in regulations issued for the program.

§§ 729.281–729.285 [Reserved.]

Producer Identification and Designation of Peanuts Marketed

§ 729.286 Identification of producer marketings.

The producer must identify each lot of peanuts offered for marketing through a handler by furnishing to the handler the farm operator identification card (ASCS–1003) and the peanut marketing card (ASCS–1002) which was issued for the farm on which the peanuts were produced.

§ 729.287 Designation of peanuts.

Any marketings of peanuts which are not inspected by the Federal-State Inspection Service prior to marketing shall be deemed to be a marketing of quota peanuts. If a lot of peanuts is inspected by the Federal-State Inspection Service, the producer shall designate to the handler whether the lot of peanuts is to be marketed as quota, loan additional, or contract additional peanuts as defined in Part 1446 of this Chapter. The designation must be made within the time allowed by the handler but not later than the close of inspection of the first workday (excluding Saturday, Sunday, or legal holiday) after the peanuts are inspected. In the absence of a designation, any segregation 1 peanuts shall be marketed in the following order of priority:

(a) As quota peanuts to extent of the unused poundage quota on the peanut marketing card which is used to identify the peanuts for marketing;

(b) As contract additional peanuts to the extent of the unused contract poundage balance on the peanut marketing card which is used to identify the peanuts for marketing if the peanuts are being marketed through the contracting handler; or

(c) As loan additional peanuts.

§§ 729.288–729.289 [Reserved.]

Producer Records and Reports

§ 729.290 Report of marketing green peanuts.

(a) The operator of each farm from which green peanuts are marketed shall report the marketing of green peanuts. The operator shall make the report by filing Form ASCS–1011 at the county ASCS office of the county in which the farm is administratively located. The report shall show for the farm:

(1) The number of acres on the farm planted from seed stocks of peanuts;

(2) The acreage on the farm from which peanuts were marketed as green peanuts; and

(3) The name and address of the buyer to or through whom each lot of green peanuts was marketed and the quantity in each lot marketed and the date marketed. However if green peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file any report of the marketing of green peanuts as required by this section or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts produced on the farm which will subject the producer to marketing penalties as set forth in § 729.272.

§ 729.291 Report of acquisition of seed peanuts.

(a) If peanuts are planted on a farm in the current year and the seed peanuts were acquired by purchase or gift, the farm operator shall file a report with the county ASCS office of the acquisition(s) of the seed peanuts. The report must be filed by the farm operator at the time a report of planted acreage of peanuts is made in accordance with provisions of Part 718 of this Chapter. The report shall include:

(1) The name and address of the handler or person from whom peanuts were purchased or obtained as a gift for the purpose of planting the peanut acreage on the farm in the current year;

(2) The pounds of peanuts acquired for seed;

(3) The basis (farmer's stock or shelled) of determining the quantity acquired;

(4) The type of peanuts acquired; and

(5) The date of acquisition.

(b) Unique strains of peanuts that are not commercially available and are retained on a farm to plant 1986 through 1985 crops of green peanuts shall also be reported to the county ASCS office.

§ 729.292 Peanuts marketed to persons who are not registered handlers.

(a) If peanuts are marketed to persons other than registered peanut handlers, the operator of the farm on which the peanuts were produced shall file a report of the marketings by executing Form ASCS–1011, Report of Acreage and Marketing of Peanuts to Nonestablished Buyers. The ASCS–1011 must be mailed or delivered to the county executive director of the county in which the farm is administratively located within 15 days after the marketing of peanuts from the farm has been completed. If peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, a daily or weekly summary of the quantity marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file an ASCS–1011 as required or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts on the farm and may result in the assessment of marketing penalties, as provided in § 729.272.

(c) All peanuts marketed to persons other than registered handlers shall be considered as marketings of quota peanuts.

§ 729.293 Report on marketing card.

The farm operator shall return each peanut marketing card to the issuing county ASCS office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. At the time the last marketing card for a farm is returned, the farm operator shall execute the certification on the marketing card as to the pounds of peanuts retained for seed or other use. Failure to return a marketing card or failure to execute the certification of the quantity of peanuts retained for seed or other uses shall constitute failure to account for the disposition of peanuts marketed from the farm for which marketing penalties may be assessed as provided in § 729.272, unless a satisfactory report of disposition is furnished to the county committee.

§ 729.294 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the farm operator or any producer on the farm shall furnish, upon written request by certified mail from the State Executive Director, a report of production and disposition of the peanuts grown on the farm to the State committee. The report must be filed on ASCS–1010, Report of Production and Disposition, within 15 days after the request is mailed. The report shall show:

(1) The final acreage of peanuts on the farm;

(2) The total production of peanuts on the farm; and

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds in each lot, and the date marketed: *Provided however*, That where peanuts are marketed in small lots to persons who are not established buyers, the report may be made as either a daily or weekly summary of the number of pounds marketed and the place of marketing may be reported in lieu of the name and address of each buyer; and

(4) The quantity and disposition of peanuts not marketed.

(b) Failure to file the ASCS–1010 as requested or the filing of an ASCS–1010 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for the production and disposition of peanuts produced on the farm for which marketing penalties may be assessed, as provided in § 729.272.

§§ 729.295–729.299 [Reserved]

Handler's Registration, Responsibilities and Records

§ 729.300 Registration of handlers.

(a) *Registration requirements.* Each person who plans to acquire peanuts for processing or resale shall register as a handler in accordance with the provisions of this section prior to the acquisition of any peanuts.

(b) *Persons acquiring noninspected peanuts.* A person who has not registered under the provisions of paragraph (c) of this section and who plans to buy or otherwise acquire peanuts for processing or resale prior to the peanuts being inspected by a duly authorized inspector of the Federal-State Inspection Service must register with the State ASCS office of the State in which the person will operate as a handler, or if operating in more than one State, the State of residence or principal business location. A person may register by completing an MQ–96, Application for Peanut Handler Card, and submitting it to the appropriate State ASCS office.

(c) *Persons acquiring inspected peanuts.* A person who plans to acquire peanuts that have been inspected by a duly authorized inspector of the Federal-State Inspection Service must register as a handler by completing an MQ–96,

Application for Peanut Handler Card, and submitting it to the Virginia, Georgia, or Texas State ASCS Office in the marketing area in which the handler is located.

(d) *Peanut buyer card and buying point card.* The office through which a handler registers will issue an embossed peanut buyer card on which will be entered the handler's registration number, name and address. The buyer card will be used by the handler for identification when the handler buys or sells peanuts. A buying point identification card will be issued by ASCS to the Federal-State Inspection Service for delivery to each handler who operates a buying point at which peanuts are inspected. The buying point card will be embossed with a number and used to identify the physical location of the buying point at which the peanuts are inspected.

§ 729.301 Records and reports required of handlers.

Each handler shall keep records and make reports as required by this section.

(a) *Marketing records.* The handler shall maintain the following records with respect to each lot of farmer's stock peanuts which the handler acquires for his own account:

(1) Farm number (including State and county code) of the farm on which peanuts were produced (obtained from producer's identification card or marketing card), or if purchased from a handler, the handler's number;

(2) Name of seller;

(3) Date of marketing;

(4) Pounds of peanuts marketed as commercial quota or contract additional;

(5) Type of peanuts; and

(6) Amount of penalty due and amount collected from the producer.

(b) *Resales.* Each handler who resells farmer's stock peanuts shall keep records of:

(1) The name and address of the buyer;

(2) The handler number of the buyer if the peanuts are sold to a handler;

(3) The date of the sale;

(4) The type of peanuts sold; and

(5) The pounds (net weight) of peanuts sold.

(c) *Inspected peanuts.* If a lot of peanuts was inspected by the Federal-State Inspection Service, the handler shall complete ASCS–1007, Inspection Certificate and Sales Memorandum, on which the following information must be entered:

(1) Name and address of the farm operator and the State and county code and farm number of the farm on which the peanuts were produced if the peanuts are marketed by the producer, or the handler number if the peanuts are marketed by a handler;

(2) Buying point number assigned to identify the physical location of the buying point at which the peanuts were marketed;

(3) Name, address, and handler number of the handler, or the association number, name and address if the peanuts are accepted for loan through the association;

(4) Net weight of the peanuts;

(5) Net weight of peanuts marketed as either loan quota, loan additional, commercial quota or contract additional;

(6) Date of purchase; and

(7) Amount of penalty collected.

(d) *Noninspected peanuts.* A handler who purchases farmer's stock peanuts which have not been inspected by the Federal-State Inspection Service shall complete ASCS-1030, Report of Purchase of Noninspected Peanuts, for each lot of farmer's stock peanuts purchased. The handler shall complete the ASCS-1030 to show the following:

(1) The name and address of the seller;

(2) Name and address of farm operator and the State and county code and farm number if the peanuts are purchased from the producer of the peanuts, or if the peanuts are purchased from a handler, the ASCS-1030 shall show the handler's name, address, and registration number;

(3) The type of peanut purchased;

(4) The date of purchase;

(5) Quantity purchased; and

(6) Method of determining the weight.

After the required information has been recorded, the seller shall sign and date the ASCS-1030. The handler shall use ASCS-1030-P, Handler's Report of Purchases of Noninspected Peanuts, to transmit the ASCS-1030 to the State ASC committee in the State in which the handler's business is located. The ASCS-1030's shall be transmitted weekly.

(e) *Marketing card entries.* Immediately after each lot of peanuts is marketed, the handler shall make the following entries on the marketing card from the ASCS-1007 or ASCS-1030:

(1) The ASCS-1007 serial number which identifies the lot of peanuts, or the date of marketing if the peanuts were not inspected;

(2) The net pounds marketed;

(3) The unused poundage quota balance remaining after the marketing;

(4) The unused contract additional poundage balance remaining after the marketing;

(5) The handler's number or, for loan peanuts, the association number;

(6) For inspected peanuts, the buying point number;

(7) Type of peanuts marketed; and

(8) Any penalties or claims collected.

(f) *Transmittal of penalties.* Form ASCS-1012 Peanuts, "Buyer's Transmittal of Claims and/or Marketing Penalty," shall be used by a handler to transmit a collection of a penalty or a claim. Each collection shall be sent to the county ASCS office which issued the marketing card. The transmittal shall be made within two weeks after the end of the week in which the collection is made.

(g) *Peanuts shelled for a producer.* The handler shall maintain records of peanuts shelled for a producer as follow:

(1) Date of shelling;

(2) Name and address of the producer for whom the peanuts were shelled;

(3) State and county code and farm number of the farm on which the peanuts were produced;

(4) Quantity of peanuts (farmer's stock basis) shelled;

(5) Quantity of shelled peanuts retained by the sheller; and

(6) Quantity returned to the producer.

(h) *Peanuts dried for a producer.* The handler shall maintain records of peanuts dried for a producer as follows:

(1) State and county code and farm number of the farm on which the peanuts were produced;

(2) Name and address of the producer for whom peanuts were dried; and

(3) Quantity dried (weight after drying, farmer's stock basis) and date drying is completed.

(i) *Green peanuts purchased from producer.* Each buyer of green peanuts shall report on Form ASCS–1011 the purchase of green peanuts, except small lot purchases such as street sales, local market sales, and grocery store sales. The report of the purchase of green peanuts by the buyer shall subject the buyer to a review of the purchase and sales records. Any buyer of green peanuts who fails to keep records as required by this section shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $500. Each buyer shall keep the following records of green peanuts purchased:

(1) Date of purchase;

(2) Name and address of producer selling green peanuts;

(3) Name and address of farm operator and farm number (including State and county code) of the farm on which the green peanuts were produced; and

(4) Pounds of green peanuts purchased.

§ 729.302 Persons engaged in more than one business.

Any person who is required under this subpart to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business, shall keep such records for each business.

§ 729.303 Penalty for failure to keep records and make reports.

Any person, who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agency marketing peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, or any farmer engaged in the production of peanuts, who fails to make any report or keep any record as required under this subpart or who makes any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.304 Examination of records and reports.

The Deputy Administrator, the Director of the Tobacco and Peanuts Division, the State Executive Director, or any person authorized by any one of such persons, and any auditor or agent of the Officer of Inspector General, is authorized to examine any records pertinent to the peanut poundage quota program. Upon request from any such person, any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any farmer engaged in the producer of peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under investigation which relates to the provisions of this subpart.

§ 729.305 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained for a period of 3 years after the end of the marketing year. Records shall be kept for such longer periods of time as may be requested in writing by the State Executive Director, or the Director of the Tobacco and Peanuts Division.

§ 729.306 Information confidential.

All data requested and obtained by the Secretary which are required in accordance with the provisions of this subpart shall be kept confidential by all employees of the U.S. Department of Agriculture. Such data shall be released only at the discretion of the Deputy Administrator and then only in a suit or administrative hearing under Title III of the Agricultural Adjustment Act of 1938, as amended.

Signed at Washington, D.C. on February 25, 1983.

John R. Block,

Secretary.

[FR Doc. 83-5408 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 770

Special Program of Payment in Kind for Acreage Diversion for 1983 Crops of Wheat, Corn, Grain Sorghum, Upland Cotton, and Rice

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule provides for a payment-in-kind program for acreage diversion for the 1983 crops of wheat, corn, grain sorghum, rice and upland cotton. Under the program, producers will be offered a quantity of a commodity as compensation for diverting acreage normally planted to that commodity in addition to that being taken out of production under the 1983 acreage reduction and cash land diversion programs for wheat, corn, grain sorghum, rice and upland cotton previously announced. The Department has determined that the diversion of this additional acreage from the production of such crops is necessary to adjust the total national acreage of such commodities to achieve desirable production goals and that producers should be compensated by receipt of like commodities. This final rule amends an interim rule which was published with respect to a payment-in-kind program on January 12, 1983 (48 FR 1478), setting forth the requirements for program participation and the manner in which payment in kind will be made available.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Grant B. Buntrock, ASCS, 202-447-7041.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Department of Agriculture procedures implementing Executive Order 12291 and Secretary's Memorandum No. 15121 and has been classified as "major" since the program will have an annual effect on the economy exceeding $100 million.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Department is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the payment-in-kind program has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Department has prepared a Final Regulatory Impact Analysis of this regulation. Copies of the analysis are available to the public from Director, Analysis Division, Agricultural Stabilization and Conservation Service, USDA, Room 3741, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250.

The title and number of the federal assistance programs to which this rule applies are: Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Rice Production Stabilization, 10.065; and Wheat Production Stabilization, 10.056; as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Department is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking

with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the payment-in-kind program has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, air quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The Department is preparing a Final Regulatory Impact Analysis of this regulation. Copies of the analysis will be available to the public after signup, including processing of whole base bids, has been completed and data has been finalized. Copies can be obtained from Director, Analysis Division, Agricultural Stabilization and Conservation Service, USDA, Room 3741, South Agriculture Building, 14th and Independence Avenue, SW., Washington, D.C. 20250.

The title and number of the federal assistance programs to which this rule applies are: Cotton Production Stabilization, 10.052; Feed Grain Production Stabilization, 10.055; Rice Production Stabilization, 10.065; and Wheat Production Stabilization, 10.058; as found in the Catalog of Federal Domestic Assistance.

Program Authorization

The Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, authorizes the Secretary to make land diversion payments to producers of wheat, feed grains, upland cotton, and rice if the Secretary determines that the payments are necessary to assist in adjusting the total national acreage of the commodities to desirable goals. The Commodity Credit Corporation Charter Act gives the Corporation broad authority to support the price of agricultural commodities, stabilize agricultural commodity markets, and remove and dispose of agricultural surpluses. In accordance with these authorities, an interim rule was published in the **Federal Register** on January 12, 1983, providing for a payment-in-kind program for acreage diversion for the 1983 crops of wheat, corn, grain sorghum, upland cotton, and rice. The interim rule invited public comments on the provisions of the program by February 11, 1983.

Discussion of Comments

The Department received 498 comments from 335 farmers, 46 farm input suppliers, 53 private citizens, 15 farm organizations, 15 commodity associations, 7 government (local/state/national) officials or organizations, 4 conservation organizations and 23 miscellaneous respondents.

Over 65 percent of the comments received were concerned with one or more of the following issues:

(a) *Inclusion of barley and/or oats in the program.* Barley and oats are not included in the 1983 payment-in-kind program. The primary reason for their exclusion is that the proportions of ending stocks to use are not as severely out of line with historical levels as is the situation with the other commodities. Moreover, the announced acreage reduction and cash land diversion program for oats and barley is expected to assist in reducing stocks to more reasonable levels. This adjustment along with that for other grains will improve price prospects for barley and oats.

(b) *Allow summer fallow producers to grow nonprogram crops on diverted acres under the payment-in-kind program or designate fallow acres under the program.* Permitting producers to designate land which is fallowed in 1983 as conservation use acreage for 1983 means that other commodities could be grown on the land which was fallowed in a previous year. These commodities could include other program commodities, if the producers were not participating in the acreage reduction and cash land diversion program for the commodity. If the production of certain commodities on designated conservation use acreage were permitted, other acreage would then be available to produce program commodities. This would impair the effectiveness of the payment-in-kind program in achieving the goal of reducing overall production.

(c) *Provide for making payments in kind available early, mainly for feed or to clear storage space.* Payments in kind are intended to compensate producers who have reduced their acreages which would have otherwise been planted to the 1983 crops of wheat, corn, grain sorghum, upland cotton, or rice. Accordingly, quantities of these commodities which are made available as payment-in-kind are considered to be 1983 production. Therefore, payments in kind are scheduled to be available beginning with the normal harvest date for the 1983 crops of these commodities in each area. Earlier release of these commodities could distort the usual seasonal price patterns for both old crop and new crop commodities.

(d) *Decrease the maximum acreage to be diverted under the payment-in-kind program and the acreage reduction and cash land diversion programs from 50 percent to between 30 and 35 percent.* The overall majority of farm input suppliers commenting on the payment-in-kind program suggested a reduction in the percentage of the total acres which are permitted to be diverted under the payment-in-kind program and the acreage reduction and cash land diversion program. The 50 percent limitation on program crop acreage is determined based upon the total of the farm acreage bases which are established for the commodity in the county and not on the total acreage which was planted to that commodity in the county in 1982. The unlikely occurrence of 100 percent participation in both the acreage reduction and cash land diversion program and at the maximum level in the 10 to 30 percent of the base payment-in-kind program would be necessary in order to achieve a 50 percent diversion of each program crop base. Currently, it is estimated that participation in the payment-in-kind program will range between 60 to 90 percent. It is likely that less than 15 percent of total cropland will be withdrawn from production under both programs.

(e) *Eliminate the farm program yield and/or use the county average to determine the quantity of payments in kind.* The regulations governing the commodity programs which are found at 7 CFR Part 713 require the use of program yields. Producers who are dissatisfied with their established yields for wheat, corn, and grain sorghum are given the opportunity to prove their actual yields. Further, it would be inequitable to producers who have yields above the county average to use individual yields to achieve a weighted county average and to assign each person a yield which is identical to that county average yield.

(f) *Convert a portion of the payment-in-kind acres into permanent conservation use acres.* The payment-in-kind program is a one-year program although it may be extended an additional year to meet program objectives. Under the annual commodity programs announced by the Department, producers are encouraged to implement permanent conservation practices. Such producers receive assurances that the acreage on which permanent conservation practices are installed and maintained can be used to meet program requirements for each crop year through 1985 if a conservation use acreage requirement is in effect.

(g) *Include popcorn in the acreage reduction and cash land diversion program and the payment-in-kind*

program. A resolution by the Nebraska Popcorn Growers with a statement of support signed by 77 producers requested that popcorn be treated as corn for program purposes. Popcorn has not historically been considered to be corn for the purposes of the feed grain program. Acreage which is devoted to popcorn is not, and never has been, used in determining the acreage base for a farm under the feed grain program. Consequently, it has been determined that this acreage is not eligible for payments in kind nor is the acreage of popcorn charged against the acreage of corn which is permitted to be grown by a producer on the farm under the payment-in-kind program.

Other comments concerned tenant rights, warehouse locations, the quality of the grain to be received as payment in kind, the abolition of the payment limitation, distribution of program benefits, the effects on related industries, and the general administration of the program.

Those commenting also requested the addition of other crops under the payment-in-kind program, deficiency payments on grain which is made available as payment-in-kind, and adjustments in disposal deadlines. In particular, private citizens were concerned about feeding starving people with surplus stocks, conservation opportunities under the program, and the need for and cost of farm programs in general.

These comments and all others received were considered in developing the final rule.

Amendments to the Interim Rule

It has been determined after further review that certain technical revisions and clarifications should be made with respect to the provisions of the interim rule which were published at 7 CFR Part 770. It is not believed that these changes are of such significance that further public comment would be warranted. Further, it is imperative that a final rule be published as soon as possible so that the terms and conditions of the payment-in-kind program can be finalized and producers can make a reasoned judgment as to whether they should participate in the program for the 1983 crops. The following is an explanation of the changes which have been made to the interim rule:

(a) Section 770.2(a)(3) of the interim rule provides that a producer who is participating in the payment-in-kind program and who has an outstanding CCC price support loan will be required to redeem a quantity of the commodity which is pledged as collateral for such loan which equals the quantity of the commodity which the producer is otherwise entitled to receive from the Department as payment in kind and sell such quantity to the Department. The Department will purchase the commodity from the producer at a price which equals the cost which the producer incurs in liquidating the loan; i.e., principal, interest, liquidated damages, and other applicable charges. In some instances, it may be to the advantage of the producer, the Department, or both to make different arrangements with respect to the liquidation of a quantity of the commodity pledged as collateral for a loan and the purchase of such quantity by the Department. Accordingly, this section has been revised to permit different arrangements to be mutually agreed upon and specified in the contract between the producer and the Department.

(b) Section 770.3(a)(1) of the interim rule has been amended to clarify that if the entire acreage base for a commodity on the farm has been accepted for payment-in-kind purposes, payment in kind will not be made with respect to that portion of the farm acreage base which is otherwise eligible for cash land diversion payments. Since the Omnibus Budget Reconciliation Act of 1982 provides that cash land diversion payments shall be made for a specific percentage of the farm acreage base on participating farms for the 1983 crops of wheat, feed grains, and rice, any payments in kind which are made with respect to the same acreage would represent double compensation.

(c) In some instances, county ASCS offices have found it beneficial to establish an appointment schedule for enrollment, during the course of which producers have the opportunity to submit a whole base bid for a commodity on a farm under the payment-in-kind program. In such cases, it would be unfair to break ties between identical bids according to the time the bid was received. Accordingly, § 770.5(c) of the interim rule has been revised to provide that if identical whole base bids have been submitted to the county ASCS office where an appointment procedure has been utilized, a lottery shall be used to determine the priority by which such bids should be ranked.

(d) The interim rule did not provide for a succession in interest to payments in kind, except when a producer dies, disappears, or is declared to be incompetent. Accordingly, a new paragraph (d) has been added to § 770.6 to provide for the succession of interest to payments in kind in other situations.

(e) The interim rule did not provide for assignments of payments in kind. It has been determined that the Department will honor an assignment of a payment in kind, without regard to the purposes of such assignment, if the producer (as assignor) and assignee agree to such assignment and execute the appropriate form. Therefore, a new paragraph (e) has been added to § 770.6 to authorize the making of such assignments for payment-in-kind purposes.

(f) The interim rule did not specify that payments in kind will be made without regard to claims or liens. A similar provision is applicable to other program benefits which are made available to producers under commodity programs. Thus, a new paragraph (f) has been added to § 770.6 setting forth this provision with respect to payments in kind.

Information collection requirements contained in this regulation (§§ 770.1 through 770.6) have been approved by OMB under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0092.

List of Subjects in 7 CFR Part 770

Cotton, Feed grains, Price support program, Wheat, Rice.

Final Rule

PART 770—[AMENDED]

Accordingly, the interim rule published at 48 FR 1476 is hereby adopted as a final rule, with the following changes:

1. Section 770.2 is amended by revising the introductory text of paragraph (a)(3) to read as follows:

§ 770.2 Obligations of operators and producers.

(a) * * *

(3) If the operator of a farm or any other producers on the farm have outstanding farmer owned reserve loans obtained prior to January 12, 1983, or regular price support loans, for which they have pledged as security a commodity which the Department is obligated to pay them under the contract, at the time they request payment of the commodity, they must, unless otherwise agreed upon between the producer and the Department and provided for in the contract, sell to the Department a quantity of the commodity which equals the quantity of such commodity which the Department is obligated to pay them, at a price which is equal to the cost of liquidating the loan or portion of the loan for which the quantity sold to the Department is pledged, subject to the following adjustments:

* * * * *

2. Section 770.3 is amended by revising the second sentence of paragraph (a)(1) to read as follows:

§ 770.3 Obligations of the Department.

(a) * * *

(1) * * * The quantity shall be the yield for the farm for a commodity multiplied by the acreage devoted to a conserving use under the contract that would otherwise have been planted to that commodity, less the acreage on the farm which is eligible for cash land diversion payments, multiplied by 95 percent for wheat and 80 percent for corn, grain sorghum, upland cotton, and rice, except that in the case of contracts awarded on a competitive bid basis, the percentage shall be the percentage bid by the operator and any other producers.

3. Section 770.5 is amended by revising the second sentence in paragraph (c) to read as follows:

§ 770.5 Contracting procedures.

* * * * *

(c) * * * In the case of identical bids, they shall be ranked in the order received or, where an appointment procedure was utilized by the county ASCS office during the course of which producers submitted bids, a lottery shall be conducted to determine the order by which such bids should be ranked.* * *

4. Section 770.6 is amended by adding new paragraphs (d), (e), and (f) to read as follows:

§ 770.6 Miscellaneous provisions.

* * * * *

(d) When any person who had an interest as a producer in the commodity or would have had an interest in the commodity as a producer if the commodity had been planted (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after a contract has been executed, any payment in kind which is due and owing shall be divided between the predecessor and successor on such basis as the predecessor, successor, and the Department agree is fair and equitable, the contract shall be revised accordingly, and the successor shall sign the revised contract.

(e) Assignments with respect to quantities of a commodity which can be received by a producer as payment in kind will be recognized by the Department only if such assignment is made on Form CCC–479, Assignment of Payment-In-Kind, executed by the assignor and assignee, and filed with the county committee.

(f) Except as provided in paragraph (e) of this section, any payment in kind or portion thereof which is due any person shall be made without regard to questions of title under State law, and without regard to any claim of lien against the commodity, or proceeds thereof, which may be asserted by any creditor.

Signed at Washington, D.C., on February 25, 1983.

John R. Block,

Secretary.

[FR Doc. 83-5739 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 401; Lemon Reg. 398, Amdt. 2]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 6–12, 1983, and increases the quantity of lemons that may be shipped during the period February 13–19, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 6, 1983, and the amendment is effective for the period February 13–19, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50190), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on March 1, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the period March 6–12, 1983. The committee reports the demand for lemons is good. The committee met by telephone on February 16, 1983, to consider the current and prospective conditions of supply and demand and recommended an increase in the quantity of lemons deemed advisable to be handled during the period February 13–19, 1983.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.701 is added as follows:

§ 910.701 Lemon Regulation 401.

The quantity of lemons grown in California and Arizona which may be handled during the period March 6, 1983, through March 12, 1983, is established at 250,000 cartons.

2. Section 910.698 Lemon Regulation 398 (48 FR 5210; 7153) is revised to read as follows:

§ 910.698 Lemon Regulation 398.

The quantity of lemons grown in California and Arizona which may be handled during the period February 13, 1983, through February 19, 1983, is established at 285,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-5832 Filed 3-3-83; 11:55 am]

BILLING CODE 3410-02-M

FEDERAL ELECTION COMMISSION

11 CFR Part 114

[Notice 1983–5]

Nonpartisan Communications by Corporations and Labor Organizations

AGENCY: Federal Election Commission

ACTION: Transmittal of regulations to Congress.

SUMMARY: FEC regulations at 11 CFR 114.3 and 114.4 governing contributions and expenditures by corporations and labor organizations for nonpartisan communications have been revised and transmitted to Congress pursuant to 2 U.S.C. 438(d). The revisions were initiated to incorporate into the regulations several advisory opinions which the Commission has issued in this area. The Commission has also considered public comments received in response to its Advance Notice of Proposed Rulemaking (45 FR 56349; August 25, 1980) and Notice of Proposed Rulemaking (46 FR 44964; September 8, 1981).

The revisions clarify the classes of persons to whom nonpartisan communications may be made under each section and indicate the types of communications which are permissible. They also expand the types of publications which may be distributed to the general public by corporations and labor organization to include nonpartisan voting records and voter guides. Further information on the revised regulations is contained in the supplementary information which follows.

EFFECTIVE DATE: Further action, including the announcement of an effective date, will be taken by the Commission after these regulations have been before the Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, 1325 K Street, NW., Washington, D.C. 20463, (202) 523–4143 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: 2 U.S.C. 438(d) requires that any rule or regulation prescribed by the Commission to carry out the provisions of Title 2, United States Code, be transmitted to the Speaker of the House of Representatives and the President of the Senate prior to final promulgation. If neither House of Congress disapproves of the regulations within 30 legislative days of their transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on March 1, 1983.

Explanation and Justification of 11 CFR 114.3 and 114.4

Section 114.3 Disbursements for Communications in Connection with a Federal Election to Restricted Class.

Section 114.3(a) General.

Paragraph (a)(1) sets forth the basic rule of 2 U.S.C. 441b(b)(2)(A), which allows corporations and labor organizations to communicate with their restricted class on any subject. A corporation's restricted class includes its stockholders, executive and administrative personnel and their families. the restricted class of labor organizations has been redefined in this subsection to include the organizations' executive and administrative personnel and their families, as well as members and their families. This inclusion is consistent with the legislative intent "that unions, insofar as they are employers, stand in the same shoes as corporations."

See, generally, H.R. Conf. Rep. No. 1057, 94th Cong., 2d Sess. 64 (1976).

This paragraph also distinguishes between the communications that may be made to the restricted class and those that may be made to the general public as permitted under 11 CFR 114.4. Finally, language has been added to paragraph (a)(1) to make it clear that national banks and corporations organized pursuant to a Congressional enactment may not make contributions or expenditures for partisan communications to the general public in connection with any election, including State and local elections.

Paragraph (a)(2) clarifies the application of § 114.3 to incorporated membership organizations, incorporated trade associations, incorporated cooperatives, and corporations without capital stock. The restricted class of these organizations has been redefined to include families of members. This addition is consistent with the provisions defining the restricted classes of corporations and unions under 2 U.S.C. 441b, both of which include families.

Section 114.3(b) Reporting Partisan Communications.

This paragraph generally follows current § 114.3(b) while clarifying which disbursements for communications to the restricted class must be reported.

Section 114.3(c) Means of Making Partisan Communications.

This paragraph generally follows current § 114.3(c), but explains that the kinds of communications listed in this subsection are examples of those for which disbursements must be reported under paragraph (b).

Section 114.3(c)(1) Partisan Publications.

Paragraph (c)(1) generally follows current § 114.3(c)(1). However, paragraph (c)(1)(ii) has been revised to state that a corporation or labor organization may use brief quotations from speeches or other materials prepared by a candidate in expressing its own views under this section.

Section 114.3(c)(2) Partisan Candidate and Party Appearances.

Paragraph (c)(2) expands current § 14.3(c)(2) by eliminating the requirements that a meeting at which a candidate or party representative appears to address members of the sponsor's restricted class be one that is "regularly scheduled" and "primarily held for other purposes." In addition, this paragraph now permits the presence of employees who are outside the restricted class, a limited number of invited guests and observers, and representatives of the news media at such meetings. At the Commission's public hearing on these regulations the presence of such persons was described as a necessary element of such meeting and, therefore, the Commission was urged to provide an exception for them under this section. The Commission notes, however, that this provision is limited to those employees necessary to administer the meeting. Similarly, the presence of invited guests and observers is limited to speakers, recipients of awards and other persons specially invited to attend such a meeting and is not intended to permit a sponsor to invite large numbers of persons outside the solicitable class, such as rank and file employees of a corporation, whose presence would otherwise trigger the rules governing nonpartisan appearances under § 114.4.

Section 114.3(c)(3) Partisan Phone Banks.

Paragraph (c)(3) generally follows current § 114.3(c)(3).

Section 114.3(c)(4) Partisan Registration and Get-Out-The-Vote Drives.

Paragraph (c)(4) generally follows current § 114.3(c)(4).

Section 114.4 Expenditures for Communications in Connection With a Federal Election to the Restricted Class and the General Public.

Section 114.4(a) Nonpartisan Communications by a Corporation or Labor Organization to its Restricted Class.

Section 114.4(a)(1) General.

Paragraph (a)(1)(i) makes clear that corporations and labor organizations may make the nonpartisan communications permitted under this section just to their restricted class if they so choose. It also clarifies the distinction between this section and § 114.3, which describes communications that may only be made to the restricted class. As in § 114.3, this section adds "executive and administrative personnel" to the restricted class of labor organizations.

Paragraph (a)(1)(ii) was added to clarify the application of this section to incorporated membership organizations, incorporated trade associations, incorporated cooperatives and corporations without capital stock. These organizations are treated as corporations for the purpose of making the communications to the general public permitted under §114.4 (b) and (c). As in § 114.3, the restricted class of these organizations has been expanded to include families of members.

Section 114.4(a)(2) Nonpartisan Candidate and Party Appearances on Corporate Premises or at a Meeting, Convention or Other Function.

This section generally follows current § 114.4(b)(1) but has been revised to include meetings, conventions or other functions sponsored by the corporation, regardless of whether they are held on corporate premises. Also, the category of Presidential and Vice Presidential candidates that may request to appear at such meetings is more specifically defined under paragraph (a)(2)(ii) than in the current regulations to reduce the burden on sponsoring organizations that must provide a forum under this rule.

It should be noted that the operation of this subsection involves appearances in connection with a federal election. Such appearances can be distinguished from those in which an incumbent, who may also be a "candidate" under the Act, is requested to appear in his or her capacity as an officeholder at a public meeting sponsored by a corporation or labor organization. If the discussion at the meeting is limited to issues of concern to the sponsoring organization or its industry and avoids any reference to campaign activity, the sponsor may finance the meeting without triggering the "equal opportunity to appear" requirements of this paragraph. *See* e.g., Advisory Opinion 1980–22.

Section 114.4(a)(3) Nonpartisan Candidate and Party Appearances on Labor Organization Premises or at a Meeting, Convention or Other Function.

This section generally follows current § 114.4(b)(2) and, like § 114.4(a)(2), has been expanded to include nonpartisan candidate and party appearances at meetings, conventions or other functions sponsored by the labor organization which are not held on its premises.

Section 114.4(b) Nonpartisan Communications by Corporations and Labor Organizations to the General Public.

Section 114.4(b)(1) General.

This paragraph clarifies that the communications described in § 114.4(b) may be made to the general public. It also permits the sponsor of a communication made under this section to identify itself or include its logo on materials prepared and distributed under this section, consistent with the Commission's decision in Advisory Opinion 1980–55.

Section 114.4(b)(2) Nonpartisan Registration and Voting Communications.

This paragraph has been added to incorporate the Commission's decision in Advisory Opinion 1980–20 into the regulations. It broadens the class of persons to whom a nonpartisan registration or voting communication may be made to include members of the general public. Under current § 114.4(c)(1), such communications are limited to employees of the corporation or labor organization.

Paragraph (b)(2)(i) contains three factors that the Commission may consider in determining whether a communication made under this section is nonpartisan. The first two factors generally follow current § 114.4(c)(1)(ii) but permit the list of candidates, if included, to name only those running for a particular seat or office rather than requiring the sponsor to print all the candidates on the official ballot. The third factor generally follows current § 114.4(c)(1)(i).

Paragraph (b)(2)(ii) expands the list of media through which a communication may be made under this section from that set forth in current § 114.4(c)(1).

Section 114.4(b)(3) Official Registration and Voting Information.

This paragraph generally follows the provisions of current § 114.4(c)(2).

Paragraph (b)(3)(iii) has been included consistent with the Commission's decision in Advisory Opinion 1980–55. That paragraph provides that a corporation or labor organization may donate funds to State or local election administrators to pay for the printing and distribution costs of official registration materials and voter information.

Section 114.4(b)(4) Voting Records.

This paragraph permits corporations and labor organizations to prepare and distribute nonpartisan voting records which contain a factual recital of an incumbent's or candidate's vote on bills and other measures. The preparation and distribution of such voting records under this paragraph may not be for the purpose of influencing a Federal election.

Section 114.4(b)(5) Voter Guides.

Under this paragraph, corporations and labor organizations may prepare and distribute nonpartisan voter guides which describe a candidate's position on campaign issues. Corporations and labor organizations may submit questions to candidates on one or more campaign issues and then print their responses. To ensure the nonpartisanship of such publications, this paragraph lists six factors which the Commission may consider in determining whether a particular voter guide is nonpartisan. These factors are intended to be illustrative, not exhaustive, and are based in part upon factors articulated by the Internal Revenue Service in Revenue Rulings 78–248 and 80–282. The first factor in paragraph (b)(5)(i) is whether the questionnaires are sent to all candidates running for a particular office. With regard to Presidential and Vice Presidential candidates however, only those candidates seeking a major party's nomination or who are on the general election ballot in enough States to win a majority of the electoral votes need be included. While permitting the sponsoring organization to impose restrictions on the length of the candidates' responses, paragraph (b)(5)(ii) requires that the sponsor reprint the candidates' responses

without change or additional comment. If the candidates' responses exceed the stated word limit, the sponsor may choose to print the responses either in their entirety or after deleting that part of each response which exceeds the word limit.

Furthermore, under paragraph (b)(5)(iii), the Commission may consider whether the wording of the questions is slanted to suggest the sponsor's viewpoint on any issue. The next factor, in paragraph (b)(5)(iv), concerns whether the voter guide expresses an editorial opinion or indicates support for or opposition to any candidate or political party. Paragraph (b)(5)(v) would permit the inclusion of biographical information on each candidate in the voter guide, such as schools attended, degrees earned, past employment and any office held. The sponsoring organization would also be allowed to limit the number of words on this information. Finally, paragraph (b)(5)(vi) concerns whether the voter guide is distributed in the geographic area in which the sponsoring organization normally operates.

Section 114.4(c) Nonpartisan Registration and Get-Out-The-Vote Drives.

Section 114.4(c)(1) Requirements for Conducting Nonpartisan Drives.

This paragraph generally follows current § 114.4(d). References to civic and nonprofit organizations in the current provisions of § 114.4(d) have been changed in the revised regulations to "nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c)(3) or (4) and which does not support, endorse or oppose candidates or political parties." In addition, this subsection now permits co-sponsorship by a State or local election agency. To meet the requirement that the drive be "conducted" by the tax-exempt organization or election agency, one or more persons from such co-sponsors must participate in the administration of the drive. This requirement does not preclude, however, the presence of corporate or labor organization personnel or members to assist in the activity. Paragraph (c)(1)(ii) allows corporations and labor organizations to set up a table or rack on their own premises for distributing official voting information without co-sponsorship with a tax-exempt organization.

Section 114.4(c)(2) Donation of Funds.

This paragraph incorporates the Commission's decision in Advisory Opinion 1980–55 into the regulations by providing that corporations and labor organizations may donate funds to State or local election administrators and nonpartisan tax-exempt organizations to defray the costs of registration and voting drives conducted by such officials and organizations.

Section 114.4(c)(3) Use of Personnel and Facilities.

This paragraph generally follows the provisions of current § 114.4(d)(3).

Section 114.4(c)(4) When Co-sponsorship Not Required.

This paragraph has been added to incorporate the Commission's decision in Advisory Opinion 1980–45. Pursuant to this subsection, a nonpartisan tax-exempt organization may conduct registration and voting drives without the need for a co-sponsor.

Section 114.4(c)(5) Identification of Drive Sponsors.

This paragraph requires that any materials produced for use in connection with a registration or get-out-the-vote drive aimed at the general public contain the names of all the sponsors of the drive.

Section 114.4(d) Incorporated Membership Organizations, Incorporated Trade Associations, Incorporated Cooperatives and Corporations Without Capital Stock.

This paragraph permits corporations without capital stock, and incorporated membership organizations, trade associations and cooperatives to invite candidates, their representatives or the representatives of political parties to address the members or employees of the organization subject to the requirements of § 114.4(a)(2).

Conforming Amendments

Several conforming amendments have been made to other sections of Part 114. These amendments reflect the addition of a labor organization's executive and administrative personnel and the families of members of a membership organization to the restricted class of each type of organization.

List of Subjects in 11 CFR Part 114

Business and industry, Elections, Labor.

11 CFR Part 114 is amended as follows:

PART 114—[AMENDED]

1. By revising §§ 114.3 and 114.4 (a)–(d) to read as follows:

§ 114.3 Disbursements for communications in connection with a Federal election to restricted class.

(a) *General.* (1) A corporation may make communications including partisan communications to its stockholders and executive or administrative personnel and their families on any subject. A labor organization may make communications including partisan communications to its members and executive or administrative personnel and their families on any subject. Corporations and labor organizations may also make the nonpartisan communications permitted under 11 CFR 114.4 to their restricted class or any part of that class. No corporation or labor organization may make contributions or expenditures for partisan communications to the general public in connection with a federal election and no national bank or corporation organized by authority of any law of Congress may make contributions or expenditures for partisan communications to the general public in connection with any election to any political office including any State or local office.

(2) An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may communicate with its members and executive or administrative personnel, and their families, as permitted in 11 CFR 114.3(a) (1) and (c), and shall report disbursements for partisan communications as required by 11 CFR 100.8(b)(4) and 104.6.

(b) *Reporting Partisan Communications.* Disbursements for partisan communications made by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or administrative personnel and their families shall be reported in accordance with 11 CFR 100.8(b)(4) and 104.6 if the communications expressly advocate the election or defeat of a clearly identified candidate.

(c) *Means of Making Partisan Communications.* The means of making partisan communications for which disbursements must be reported under 11 CFR 114.3(b) include, but are not limited to, the examples set forth in 11 CFR 114.3(c) (1) through (4).

(1) *Partisan Publications.* Printed material of a partisan nature may be distributed by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or

administrative personnel and their families, provided that:

(i) The material is produced at the expense of the corporation or labor organization; and

(ii) The material constitutes a communication of the views of the corporation or the labor organization, and is not the republication or reproduction in whole or in part, of any broadcast, transcript or tape or any written, graphic, or other form of campaign materials prepared by the candidate, his or her campaign committees, or their authorized agents. A corporation or labor organization may, under this section, use brief quotations from speeches or other materials of a candidate that demonstrate the candidate's position as part of the corporation's or labor organization's expression of its own views.

(2) *Partisan Candidate and Party Appearances.* A corporation may allow a candidate or party representative to address its stockholders and executive or administrative personnel, and their families, at a meeting, convention or other function of the corporation. A labor organization may allow a candidate or party representative to address its members and executive or administrative personnel, and their families, at a meeting, convention or other function of the labor organization. Employees outside the restricted class of the corporation or labor organization who are necessary to administer the meeting, limited invited guests and observers, and representatives of the news media may also be present during a candidate or party representative appearance under this section. The candidate or party representative may ask for contributions to his or her campaign or party, or ask that contributions to the separate segregated fund of the corporation or labor organization be designated for his or her campaign or party. The incidental solicitation of persons outside the corporation's or labor organization's restricted class who may be present at the meeting as permitted by this section will not be a violation of 11 CFR 114.5(g).

(3) *Partisan Phone Banks.* A corporation may establish and operate phone banks to communicate with its stockholders and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate or candidates, and a labor organization may establish and operate phone banks to communicate with its members and executive or administrative personnel, and their families, urging them to register and/or vote for a particular candidate or candidates.

(4) *Partisan Registration and Get-Out-The-Vote Drives.* A corporation may conduct registration and get-out-the-vote drives aimed at its stockholders and executive or administrative personnel, and their families, or a labor organization may conduct registration and get-out-the-vote drives aimed at its members and executive or administrative personnel, and their families. Registration and get-out-the-vote drives include providing transportation to the polls. Such drives may be partisan in that individuals may be urged to register with a particular party or to vote for a particular candidate or candidates, but assistance in registering or voting may not be withheld or refused on a partisan basis, and if transportation or other services are offered in connection with a registration or get-out-the-vote drive, such transportation or services may not be withheld or refused on a partisan basis.

§ 114.4 Expenditures for communications in connection with a Federal election to the restricted class and the general public.

(a) *Nonpartisan Communications by a Corporation or Labor Organization to its Employees or its Restricted Class.* (1) *General.* (i) A corporation may make the nonpartisan communications permitted under 11 CFR 114.4 (b) and (c) to its stockholders, executive or administrative personnel, other employees, and their families. A labor organization may make such communications to its members, executive or administrative personnel, other employees, and their families. Communications which a corporation or labor organization may make only to its solicitable class are found at 11 CFR 114.3.

(ii) An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may make the communications permitted under 11 CFR 114.4 (b) and (c) to its members, executive or administrative personnel, other employees, and their families, as provided by 11 CFR 114.4(d). The organizations covered under this section will be treated as corporations for the purpose of making communications to the general public under 11 CFR 114.4 (b) and (c).

(2) *Nonpartisan Candidate and Party Appearances on Corporate Premises or at a Meeting, Convention or Other Function.* Corporations may permit candidates, candidates' representatives or representatives of political parties on corporate premises or at a meeting, convention, or other function of the corporation to address or meet stockholders, executive or administrative personnel, and other employees of the corporation, and their families, under the conditions set forth in 11 CFR 114.4(a)(2) (i) through (v).

(i) If a candidate for the House or Senate or a candidate's representative is permitted to address or meet employees, all candidates for that seat who request to appear must be given the same opportunity to appear;

(ii) If a Presidential or Vice Presidential candidate or candidate's representative is permitted to address or meet employees, all candidates for that office who are seeking the nomination of a major party or who are on the general election ballot in enough States to win a majority of the electoral votes and who request to appear must be given the same opportunity to appear;

(iii) If representatives of a political party are permitted to address or meet employees, representatives of all political parties which had a candidate or candidates on the ballot in the last general election or which are actively engaged in placing or will have a candidate or candidates on the ballot in the next general election and who request to appear must be given the same opportunity to appear;

(iv) A corporation, its stockholders, executive or administrative personnel, or other employees of the corporation or its separate segregated fund shall make no effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party in conjunction with any appearance by any candidate or party representative under this section; and

(v) A corporation, its stockholders, executive or administrative personnel or other employees of the corporation or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

(3) *Nonpartisan Candidate and Party Appearances on Labor Organization Premises or at a Meeting, Convention or Other Function.* A labor organization may permit candidates, candidates' representatives or representatives of political parties on the labor organization's premises or at a meeting, convention, or other function of the labor organization to address or meet members, executive or administrative personnel, and other employees of the labor organization, and their families, if the conditions set forth in 11 CFR

114.4(a)(2) (i) through (iii) and 11 CFR 114.4(a)(3) (i) and (ii) are met.

(i) An official, member, or employee of a labor organization or its separate segregated fund shall not make any effort, either oral or written, to solicit or direct or control contributions by members of the audience to any candidate or party representative under this section.

(ii) An official, member, or employee of a labor organization or its separate segregated fund shall not, in conjunction with any candidate or party representative appearance under this section, endorse, support or oppose any candidate, group of candidates or political party.

(b) *Nonpartisan Communications by Corporations and Labor Organizations to the General Public.*—(1) *General.* A corporation or labor organization may make the communications described in 11 CFR 114.4(b) (2) through (5) to the general public. The corporation or labor organization may include its logo or otherwise identify itself as the sponsor of the communication.

(2) *Nonpartisan Registration and Voting Communications.* A corporation or labor organization may make nonpartisan registration and get-out-the-vote communications to the general public.

(i) For purposes of 11 CFR 114.4(b)(2), the following are factors that the Commission may consider in determining whether a registration or get-out-the-vote communication is nonpartisan:

(A) It neither names nor depicts any particular candidate(s) or it names or depicts all candidates for a particular Federal office without favoring any candidate(s) over any other(s);

(B) It names no political party(s) except that it may include the political party affiliation of all candidates named or depicted under 11 CFR 114.4(b)(2)(i)(A);

(C) It is limited to urging acts such as voting and registering and to describing the hours and places of registration and voting.

(ii) A corporation or labor organization may make communications permitted under this section through posters, billboards, broadcasting media, newspapers, newsletters, brochures, or similar means of communication with the general public.

(3) *Official Registration and Voting Information.* (i) A corporation or labor organization may distribute to the general public, or reprint in whole and distribute to the general public, any registration or voting information, such as instructional materials, which has been produced by the official election administrators.

(ii) A corporation or labor organization may distribute official registration-by-mail forms to the general public if registration by mail is permitted by the applicable State law.

(iii) A corporation or labor organization may donate funds to State or local agencies responsible for the administration of elections to help defray the costs of printing or distributing registration or voting information and forms.

(iv) The information and forms referred to in 11 CFR 114.4(b)(3) (i) through (iii) must be distributed in a nonpartisan manner, and the corporation or labor organization may not, in connection with the distribution, endorse, support, or otherwise promote registration with or voting for a particular party or candidate.

(4) *Voting Records.* A corporation or labor organization may prepare and distribute to the general public the nonpartisan voting records of Members of Congress as long as the preparation and distribution is not for the purpose of influencing a Federal election. For the purpose of this section, a nonpartisan voting record that may be distributed is a publication which describes in a nonpartisan manner bills and other legislative measures voted on by Congress and which states the factual record of each officeholder's votes on such bills and measures.

(5) *Voter Guides.* A corporation or labor organization may prepare and distribute to the general public nonpartisan voter guides consisting of questions posed to candidates concerning their positions on campaign issues and the candidates' responses to those questions. The following are factors that the Commission may consider in determining whether a voter guide is nonpartisan:

(i) The questions are directed to all of the candidates for a particular seat or office, giving the candidates equal time to respond, except that in the case of Presidential and Vice Presidential candidates the questions may be directed only to those candidates seeking the nomination of a major party or to those appearing on the general election ballot in enough States to win a majority of the electoral votes;

(ii) The voter guide reprints verbatim the responses of each candidate to whom questions were sent, without any additional comment, editing, or emphasis, although the sponsoring organization may impose limitations on the number of words per response when the questions are initially sent to the candidates for their comments;

(iii) The wording of the questions presented does not suggest or favor any position on the issues covered;

(iv) The voter guide expresses no editorial opinion concerning the issues presented nor does it indicate any support for or opposition to any candidate or political party;

(v) The sponsor may ask each candidate to provide biographical information such as education, employment positions, offices held, and community involvement and may impose a limitation on the number of words per submission; and

(vi) The voter guide is made available to the general public in the geographic area in which the sponsoring organization normally operates.

(c) *Nonpartisan Registration and Get-Out-The-Vote Drives.*—(1) *Requirements for Conducting Nonpartisan Drives.* (i) A corporation or labor organization may conduct nonpartisan voter registration drives which are not limited to its restricted class if the conditions in paragraphs (c)(1)(i) (A) through (C) of this section are met. A corporation or labor organization may conduct nonpartisan get-out-the-vote drives, such as by transporting people to the polls, which drives are not limited to its restricted class if the conditions of paragraphs (c)(1)(i) (A) through (C) of this section are met.

(A) The corporation or labor organization shall jointly sponsor the drives with a nonprofit organization which is exempt from Federal taxation under 26 U.S.C. 501(c) (3) or (4) and which does not support, endorse or oppose candidates or political parties, or with a State or local agency which is responsible for the administration of elections;

(B) The activities shall be conducted by the tax-exempt organization or by persons authorized by the State or local agency; and

(C) These services shall be made available without regard to the voter's political preference.

(ii) For the purposes of 11 CFR 114.4(c)(1)(i)(B), a corporation or labor organization which provides space on the corporation's or labor organization's premises for a table, rack or booth from which official registration or voting information is distributed to the general public, and which provides its employees or members to aid in the distribution of such materials, shall not be considered to be "conducting" a registration or voting drive.

(2) *Donation of Funds.* A corporation or labor organization may donate funds to be used for nonpartisan registration

drives to State or local agencies responsible for the administration of elections and to nonprofit organizations which are exempt from Federal taxation under 26 U.S.C. 501(c) (3) or (4), and which do not support, endorse or oppose candidates or political parties.

(3) *Use of Personnel and Facilities.* A nonpartisan tax-exempt organization, or person authorized by a State or local agency, in conducting nonpartisan registration and get-out-the-vote activities, may utilize the employees and facilities of a corporation or the employees or members and facilities of a labor organization.

(4) *When Co-Sponsorship Not Required.* A nonprofit organization which is exempt from federal taxation under 26 U.S.C. 501(c) (3) or (4) and which does not support, endorse or oppose any candidates or political parties may conduct nonpartisan voter registration and get-out-the-vote activities on its own without a co-sponsor.

(5) *Identification of Drive Sponsors.* All materials prepared for distribution to the general public in connection with the registration or voting drive shall include the full names of all drive sponsors.

(d) *Incorporated Membership Organizations, Incorporated Trade Associations, Incorporated Cooperatives and Corporations Without Capital Stock.* An incorporated membership organization, incorporated trade association, incorporated cooperative or corporation without capital stock may permit candidates, candidates' representatives or representatives of political parties to address or meet members and employees of the organization, and their families, on the organization's premises or at a meeting, convention or other function of the organization, provided that the conditions set forth in 11 CFR 114.4(a)(2) (i) through (v) are met.

(e) *Nonpartisan Candidate Debates.*

* * * * *

Conforming Amendments

2. By revising §§ 114.1 (a)(2)(i), (a)(2)(ii), (c), and (c)(2)(iv) to read as follows:

§ 114.1 Definitions.

(a) * * *

(2) * * *

(i) Communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and executive or administrative personnel, and their families, on any subject;

(ii) Nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families or by a labor organization aimed at its members and executive or administrative personnel, and their families;

* * * * *

(b) * * *

(c) "Executive or administrative personnel" means individuals employed by a corporation or labor organization who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(1) * * *

(2) * * *

(iv) Individuals who may be paid by the corporation or labor organization, such as consultants, but who are not employees, within the meaning of 26 CFR 31.3401(c)-1, of the corporation or labor organization for the purpose of income withholding tax on employee wages under Internal Revenue Code of 1954, section 3402.

* * * * *

3. By revising § 114.5(g) (2) and (1) as follows:

§ 114.5 Separate segregated funds.

* * * * *

(g) * * *

(2) A labor organization, or a separate segregated fund established by a labor organization is prohibited from soliciting contributions to such a fund from any person other than its members and executive or administrative personnel, and their families.

* * * * *

(1) *Methods permitted by law to labor organizations.* Notwithstanding any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members and executive or administrative personnel.

4. By revising § 114.7 (a), (e) and (h) as follows:

§ 114.7 Membership organizations, cooperatives or corporations without capital stock.

(a) Membership organizations, cooperatives, or corporations without capital stock, or separate segregated funds established by such persons may solicit contributions to the fund from members and executive or administrative personnel, and their families, of the organization, cooperative, or corporation without capital stock.

* * * * *

(e) There is no limitation upon the number of times an organization under this section may solicit its members and executive or administrative personnel, and their families.

* * * * *

(h) A membership organization, cooperative, or corporation without capital stock may communicate with its members and executive or administrative personnel, and their families, under the provisions of § 114.3 of this part.

* * * * *

5. By revising § 114.8 (h) and (i) as follows:

§ 114.8 Trade associations.

* * * * *

(h) *Communications other than solicitations.* A trade association may make communications, other than solicitations, to its members and their families under the provisions of § 114.3 of this part. When making communications to a member which is a corporation, the trade association may communicate with the representatives of the corporation with whom the trade association normally conducts the association's activities.

(i) *Trade association employees.* (1) A trade association may communicate with its executive or administrative personnel and their families under the provisions of § 114.3 of this part; a trade association may communicate with its other employees under the provisions of § 114.4 of this part.

(2) A trade association may solicit its executive or administrative personnel and their families under the provisions of § 114.5(g) of this part; a trade association may solicit its other employees under the provisions of § 114.6 of this part.

Dated: March 1, 1982.

Danny Lee McDonald,

Chairman, Federal Election Commission.

[FR Doc. 83-5888 Filed 3-3-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 270, 273, 284 and 340

[Docket No. RM77-22-004]

Rate of Interest on Amounts Held Subject to Refund for Oil Pipelines and Elimination of Undertaking Requirements for Gas Pipelines and Producers

Issued February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purposes of further consideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants rehearing for the limited purpose of further consideration of a petition for rehearing and clarification, and a petition for reconsideration of Order No. 273. Order No. 273 is a final rule which was issued December 28, 1982 (48 FR 1279, January 12, 1983). It establishes regulations respecting refund payments with interest by oil pipeline companies and eliminates undertaking requirements for natural gas pipelines and producers.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Federal Energy Regulatory Commission, Office of General Counsel, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION: On December 28, 1982, the Federal Energy Regulatory Commission (Commission) issued the "Final Rule Respecting the Rate of Interest on Amounts Held Subject to Refund for Oil Pipelines, and Eliminating the Undertaking Requirements for Gas Pipelines and Producers" (Order No. 273, 48 FR 1279, January 12, 1983). The final rule provided the requirements for refund payments, with interest, by oil pipeline companies under the Commission's jurisdiction. The refund interest rate is the prime rate charged by commercial banks for short-term business loans. It applies to all amounts held on or after the effective date of this final rule, including those in the *Trans Alaska Pipeline System (TAPS)* case (Docket No. OR78-1). In addition, this final rule provided for the compounding of interest rates on a quarterly basis and provided the procedures for refunds in the case of joint tariffs. In regard to natural gas pipelines and producers, the final rule revised the requirements for a motion and eliminated the requirements for an undertaking that must be complied with before a suspended rate could become effective.

On January 27, 1983, the State of Alaska and the owners of the Trans Alaska Pipeline System (TAPS) filed, respectively, a petitions for rehearing and clarification of Order No. 273, and a petition for reconsideration of that rule. In order to have sufficient time to consider the issues raised in these petitions, the Commission grants rehearing of Order No. 273 solely for the purpose of further consideration.

The Commission Orders:

Rehearing of Order No. 273 is granted for the limited purpose of further consideration of the issues raised in the petition for rehearing and reconsideration. This action does not constitute a grant or denial of the petitions on their merits in whole or part. As provided in § 385.713(d) of the Commission's regulations, no answers to these petitions will be entertained by the Commission because this Order does not grant rehearing on any substantive issues.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5807 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

INTERNATIONAL TRADE COMMISSION

19 CFR Parts 201, 210 and 211

Practice and Procedure; Clarification

AGENCY: United States International Trade Commission.

ACTION: Interim rules; amendment and clarification; request for comments.

SUMMARY: On June 10, 1982, the Commission published amendments to Part 210 of its Rules of Practice and Procedure (19 CFR Part 210) providing procedures in investigations under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) for initial determinations by the presiding officer and discretionary Commission review. 47 FR 25134. Since the amended rules have been in effect it has come to the Commission's attention that certain provisions require alteration in order better to effectuate the smooth functioning of the new procedures. These rules are effective as of the date of publication as interim rules pending the receipt of public comments and the issuance of final rules.

EFFECTIVE DATES: March 4, 1983. Comments will be considered if received within thirty days of publication of this notice. The procedures amended by these interim rules are applicable only to section 337 investigations instituted subsequent to June 10, 1982.

ADDRESS: Comments should conform with Commission rule 201.8 (19 CFR 201.8) and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C., telephone 202-523-0819.

SUPPLEMENTARY INFORMATION: Authority for adoption of these interim rules is contained in 19 U.S.C. 1335 and the Administration Procedure Act, 5 U.S.C. 551, et seq.

In accordance with the Regulatory Flexibility Act, it is hereby certified that these interim rules will not have a significant economic impact on a substantial number of small entities. These rules are intended only to refine previously adopted procedural rules that are intended to make it less costly and time consuming for all private parties, including small entities, to participate in Commission section 337 proceedings.

Explanation of Amendments

Since the effective date of the Commission's amended rules establishing the initial determination procedures for section 337 investigations, it has become apparent that certain revisions to those procedures are necessary to effectuate them fully. Four principal changes are made in the present amendements: (1) Clarification that the Federal agencies specified in 19 U.S.C. 1337(b)(2) and § 210.53(e) of the Commission's Rules of Practice and Procedure, as well as parties, will be entitled to an additional three days for taking action in response to documents served by mail; (2) provision for making a record on, and consideration by the presiding officer of, the public interest with respect to motions for termination on the basis of an agreement or consent order; (3) application of the initial determination procedures to terminations by agreement or consent order under § 210.51 (c) and (d); and (4) lengthening of the period in which the Commission may order review of initial determinations not concerning permanent relief to the same 30-day period now provided for initial determinations on issues relating to permanent relief.

Section 201.16 Service of process and other documents.

Subsection (d) is amended to clarify that the Federal agencies that the Commission is required to consult with and seek advice from, 19 U.S.C. 1337(b)(2) and § 210.53(e), are entitled to three additional days in which to respond to a document served upon them by mail. This clarification is necessary because of the short time limits for submission of agency comments on initial determinations under § 210.53(e).

Section 210.14 Commission action, public interest factor, and bonding.

While subsection (b) continues the Commission practice of not permitting discovery on the public interest issue, subsection (b) is amended to allow the presiding officer to take information and to consider and make findings regarding the effect on the public interest of a proposed settlement by agreement of the parties on a consent order. This change is deemed advisable because prior practice involving comment on proposed agreement or consent order terminations by the public and other Federal agencies has not always yielded as fully developed a record on the public interest factors as is desirable.

Section 210.51 Termination of investigation.

Subsection (c) is amended in order to render procedures on motions for termination by licensing or other agreement consistent with the initial determination process. This change to the more expeditious initial determination rules will not adversely affect the public interest. Concerned Federal agencies will continue to be afforded an opportunity to comment, as will nonmoving parties to the investigation and the public at large. The Commission believes that these opportunities for comment, together with the explicit public interest findings by the presiding officer now provided for in § 210.14, insure adequate consideration of the public interest in deciding motions for termination by licensing or other agreement.

Section 210.53 Initial determination.

Experience has demonstrated that 15 days is too short a time for Commission consideration of initial determinations under § 210.53 (b) and (c) regarding issues other than permanent relief. Consequently, subsection (h)(1) has been revised and subsection (h)(2) removed in order to provide a 30-day review period for all initial determinations. The amended rule would still allow a more expedited review if required by the circumstances of a given investigation.

Section 210.54 Petition for review.

Section 210.55 Commission review on its own motion.

Paragraph (b) of § 210.54 and § 210.55 have been revised to eliminate references to § 210.53(h)(2), which has been deleted by these amendments.

Section 211.20 Opportunity to submit proposed consent order.

Section 211.21 Settlement by consent.

Paragraph (b) of § 211.20 and all three paragraphs of § 211.21 are amended in order to render procedures on motions for termination by consent order agreement consistent with the initial determination process. This change to the more expeditious initial determination rules will not adversely affect the public interest. Concerned Federal agencies will continue to be afforded an opportunity to comment, as will nonmoving parties to the investigation and the public at large. The Commission believes these opportunities for comment, together with the explicit public interest findings by the presiding officer now provided for in § 210.14, insure adequate consideration of the public interest in deciding motions for termination by consent order agreement.

List of Subjects

19 CFR Part 201

Administrative practice and procedure, Freedom of information, Privacy, Seals and insignia, Sunshine Act, Classified information, Confidential business information, Investigations, Lawyers.

19 CFR Parts 210 and 211

Administrative practice and procedure, Customs duties and inspection, Imports, Investigations.

PART 201—[AMENDED]

19 CFR Part 201 is amended as set forth below.

1. In § 201.16, paragraph (d) is revised to read as follows:

§ 201.16 Service of process and other documents.

* * * * *

(d) *Additional time after service by mail.* Whenever a party or Federal agency or department has the right or is required to do some act or take some proceedings within a prescribed period after the service of a document upon it and the document is served upon it by mail, three (3) days shall be added to the prescribed period, except that when mailing is to a person located in a foreign country, ten (10) days shall be added to the prescribed period.

PART 210 [AMENDED]

19 CFR Part 210 is amended as set forth below.

1. In § 210.14 paragraph (b) is revised to read as follows:

§ 210.14 Commission action, public interest factor, and bonding.

* * * * *

(b) Unless otherwise ordered by the Commission, the presiding officer shall not take evidence or other information or hear arguments from the parties and other interested persons with respect to the subject matter of paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section. However, with regard to settlements by agreement or consent order under § 210.51(c) and (d), the parties may file statments regarding the impact of the proposed settlement on the public interest, and the presiding officer may in his discretion hear argument, although no discovery may be taken with respect to issues relating solely to the public interest. Thereafter, the presiding officer shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

2. In § 210.51 paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 210.51 Termination of investigation.

* * * * *

(c) *Settlement by licensing or other agreement.* (1) An investigation before the Commission may be terminated as provided in paragraph (a) of this section on the basis of a licensing or other agreement entered into between the complainant (all of the complainants if there is more than one) and one or more of the respondents. A motion for termination by such parties shall contain copies of the licensing or other agreement and any agreements supplemental thereto and an affidavit executed by the parties stating that there are no other agreements, written or oral, expressed or implied, between such parties concerning the subject matter of the investigation. If the licensing or other agreement contain confidential business information within the meaning of § 201.6 of the Commission's rules, a copy of the

agreement with such information deleted shall accompany the motion.

(2) The motion, licensing or other agreement and any agreements supplemental thereto, and affidavit shall be certified by the presiding officer to the Commission with an initial determination regarding the motion for termination. If the licensing or other agreement of the initial determination contains confidential business information, copies of the agreement and initial determination with confidential business information deleted shall be certified to the Commission simultaneously with the confidential versions of such documents. The Commission shall promptly publish a notice in the **Federal Register** stating that an initial determination has been received terminating the respondent or respondents in question on the basis of a licensing or other agreement, that nonconfidential versions of the initial determination and the agreement are available for inspection in the Office of the Secretary, and that interested persons may submit written comments concerning termination of the respondents in question within ten (10) days of the date of publication of the notice in the **Federal Register**. An order of termination based upon such licensing or other agreement shall not constitute a determination as to violation of section 337.

* * * * *

(3). In § 210.53, paragraph (h) is revised to read as follows:

§ 210.53 Initial determination.

* * * * *

(h) *Effect.* An initial determination shall become the determination of the Commission thirty (30) days after the service thereof, unless the Commission, within thirty (30) days after the date of filing of the initial determination, shall have ordered review of the initial determination or certain issues therein pursuant to § 210.54(b) or § 210.55, or by order shall have changed the effective date of the initial determination.

* * * * *

4. In § 210.54, paragraph (b)(1) is revised to read as follows:

§ 210.54 Petition for review.

* * * * *

(b) *Grant or denial of review.* (1) The Commission shall decide whether to grant, in whole or in part, a petition for review within thirty (30) days of the filing of the initial determination, or by such other time as the Commission may order.

* * * * *

5. § 210.55 is revised to read as follows:

§ 210.55 Commission review on its own motion.

Within the time provided in § 210.53(h), the Commission on its own initiative may order review of an initial determination or certain issues therein when at least one of the participating Commissioners votes for ordering review. The standards for granting review of an initial determination are set forth in § 210.54(a)(2). In its order, the Commission shall establish the scope of the review and the issues that will be considered and make provisions for filing of briefs and oral argument if deemed appropriate by the Commission. The order and notice that the Commission has directed review on its own initiative shall be served by the Secretary on all parties, the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and such other departments and agencies as the Commission deems appropriate.

PART 211—[AMENDED]

19 CFR Part 211 is amended as set forth below.

1. In § 211.20, paragraph (b) is revised to read as follows:

§ 211.20 Opportunity to submit proposed consent order.

* * * * *

(b) *Subsequent to institution of an investigation.* In investigations under section 337, a proposal to settle a matter by consent shall be submitted as a motion to the presiding officer to terminate an investigation under § 210.51 together with a consent order agreement which incorporates a proposed consent order. If the consent order agreement contains confidential business information within the meaning of § 201.6 of the Commission's rules, a copy of the agreement with such information deleted shall accompany the motion. The proposed agreement shall comply with the requirements of § 211.22. At any time prior to commencement of a hearing as provided in § 210.41(a)(1), the motion may be filed jointly by all of the following: (1) All private complainants, (2) the Commission investigative attorney, and (3) one or more respondents. However, upon request and for good cause shown, the presiding officer may consider such a motion during or after a hearing. The filing of the motion shall not stay proceedings before the presiding officer unless the presiding officer so orders. The presiding officer shall promptly file with the Commission an initial determination regarding the motion for termination. If the initial determination contains confidential business information, a copy of the initial determination with such information deleted shall be filed with the Commission simultaneously with the filing of the confidential version of the initial determination. The Commission shall promptly publish a notice in the **Federal Register** stating that an initial determination has been received terminating the respondent or respondents in question on the basis of a consent order agreement, that nonconfidential versions of the initial determination and consent order agreement are available for inspection in the Office of the Secretary, and that interested persons may submit written comments concerning termination of the respondents in question within ten (10) days of the date of publication of the notice in the **Federal Register**. Pending disposition by the Commission of a consent order agreement, a party may not, absent good cause shown, withdraw from the agreement once it has been submitted pursuant to this section.

2. Section 211.21 is revised to read as follows:

§ 211.21 Settlement by consent.

(a) After the initial determination on the motion for termination based on a consent order agreement has been filed with the Commission, the Commission shall promptly serve copies of the nonconfidential version of the initial determination and the proposed consent order agreement on the Department of Health and Human Services, the Department of Justice, and the Federal Trade Commission, and such other departments and agencies as the Commission deems appropriate.

(b) The Commission, after considering the effect of the consent order upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers in the manner provided by § 210.14(a)(4), shall dispose of the initial determination according to the procedures of §§ 210.54–210.56. An order of termination based upon a consent order agreement shall not constitute a determination as to violation of section 337. The Commission shall publish in the **Federal Register** and serve on all parties notice of its action together with a statement of reasons in support thereof. Should the Commission reject the proposed agreement and deny the motion, the parties are in no way bound by their

proposal in later actions before the Commission.

Issued: February 25, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-5300 Filed 3-3-83; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 77N-0331]

Nine Natural Cheeses; Revision Based on International Standards of Identity

Correction

In FR Doc. 83-1842, beginning on page 2736 in the issue of Friday, January 21, 1983, make the following correction.

On page 2739, first column, twentieth line from the bottom of the page, "expended" should read "expanded".

BILLING CODE 1505-01-M

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21 CFR Part 176

[Docket No. 82F-0174]

Indirect Food Additives; Paper and Paperboard Components

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of diethylene glycol dibenzoate as a plasticizer in polymeric substances used in the manufacture of paper and paperboard for direct contact with dry food. This action responds to a petition by Velsicol Chemical Corp.

DATES:

Effective March 4, 1983.

Objections by April 4, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice in the **Federal Register** of July 13, 1982 (47 FR 30291), FDA announced that a food additive petition (FAP 2B3632) had been filed by Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611, proposing that the food additive regulations be amended to provide for the safe use of 2,2'-oxybis(ethanol) dibenzoate as a plasticizer in polymeric substances in the manufacture of paper and paperboard for use in direct contact with dry food.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. The agency believes that the common name of the additive, diethylene glycol dibenzoate, should be listed in the regulation rather than the less familiar CAS name 2,2'-oxybis(ethanol)dibenzoate, which was used in the filing notice.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging, Paper and paperboard.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 176 is amended in § 176.180(b)(2) by alphabetically inserting a new item in the list of substances to read as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

§ 176.180 Components of paper and paperboard in contact with dry food.

* * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* *
Diethylene glycol dibenzoate (CAS Reg. No. 120-55-8).	For use only as a plasticizer in polymeric substances.
* * *	* *

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 4, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 4, 1983.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: February 25, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5356 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 81F-0332]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Lubricants With Incidental Food Contact

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of an antioxidant in lubricants that have incidental food

contact. This action responds to a petition by the Ciba-Geigy Corp.

DATES: Effective March 4, 1983; objections by April 4, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice in the **Federal Register** of November 24, 1981 (46 FR 57647), FDA announced that a petition (FAP 1B3583) had been filed by the Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10352 (formerly Ardsley, NY 10502), proposing that the food additive regulations be amended to provide for the safe use of thiodiethylenebis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as an antioxidant in lubricants that have incidental food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents the FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.3570(a)(3) by inserting a new item alphabetically in the list of substances, to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§178.3570 Lubricants with incidental food contact.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Thiodiethylenebis(3,5-di-tert-butyl-4-hydroxy-hydrocinnamate) (CAS Reg. No. 41484-35-9).	For use as an antioxidant at levels not to exceed 0.5 percent by weight of the lubricant.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 4, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 4, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: Feburary 23, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5199 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by International Multifoods Corp. providing for safe and effective use of 120-milligram diethylcarbamazine citrate chewable tablets for prevention of heartworm disease and control of ascarid infections in dogs, and treatment of ascarid infections in dogs and cats. The firm also holds approval for use of tablets containing 60 and 180 milligrams of diethylcarbamazine citrate for the same conditions of use.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: International Multifoods Corp., 1200 Multifoods Bldg., 8th and Marquette Sts., Minneapolis, MN 55402, filed supplemental NADA 118–032 which provides for use of 120-milligram diethylcarbamazine citrate chewable tablets for prevention of heartworm disease (*Dirofilaria immitis*) in dogs, as an aid in control of ascarids (*Toxocara canis*) in dogs, and as an aid in the treatment of ascarid infections in dogs and cats (*T. canis* and *Toxascaris leonina*, respectively). The supplement is approved and the regulations are amended to reflect the approval.

The firm currently holds approval for use of tablets containing 60 and 180 milligrams of diethylcarbamazine citrate for the same conditions of use.

Approval of this supplement does not change the approved conditions of use of the drug. It merely provides for a tablet containing a drug concentration which facilitates dosing those animals that are intermediate in size to those for whom the 60- and 180-milligram tablets are designed. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original application.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.622c is amended by revising paragraph (b)(4) to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.622c Diethylcarbamazine citrate chewable tablets.

* * * * *

(b) * * *

(4) For 012518, use of 60-, 120-, or 180-milligram tablets as in paragraph (c)(2)(i) of this section.

* * * * *

Effective date. March 4, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 28, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-5477 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is adding a new subsection to its pre-release review procedures to permit the administrative hearing examiner to act for the Regional Commissioner in converting a presumptive parole date to an effective parole date where there is no finding of misconduct nor any allegation of new criminal conduct and no other modification of the release date appears warranted. This procedure is intended to expedite case processing.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, United States Parole Commission, Office of the General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Tel: (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Parole Commission is amending its procedures for pre-release reviews to allow the administrative hearing examiner to act for the Regional Commissioner to convert a presumptive parole date to an effective parole date where there has not been a finding of misconduct by an institutional disciplinary committee or any allegation of new criminal conduct and no other modification of the release date appears warranted.

This procedural change is intended to relieve the Regional Commissioner of the administrative burden of reviewing a case where there has been no change since the Commissioner last reviewed the case. The revision is expected to increase efficiency of case processing and thereby reduce costs; it makes no substantive change in the standard of review utilized by the Commission in converting presumptive parole dates to effective parole dates.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.14(b)(4) is added as follows:

§ 2.14 Subsequent proceedings.

* * * * *

(b) * * *

(4) Where: (i) There has been no finding of misconduct by an Institutional Disciplinary Committee nor any allegation of criminal conduct since the last hearing; and (ii) no other modification of the release date appears warranted, the administrative hearing examiner may act for the Regional Commissioner under paragraph (b)(2) of this section to approve conversion of the presumptive parole date to an effective date of parole.

* * * * *

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: February 16, 1983.

Benjamin F. Baer,

Chairman, Parole Commission.

[FR Doc. 83-5570 Filed 3-3-83; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Parole Commission is amending its procedures for reviewing travel requests by parolees to allow designated Commission staff to approve or disapprove such requests in certain cases rather than have all such cases referred to the Regional Commissioner. This change is intended to make the Commission's procedures more flexible and expedite case processing.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Toby Slawsky, United States Parole Commission, Office of the General Counsel, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, Tel: (301) 492-5959.

SUPPLEMENTARY INFORMATION: The Parole Commission is amending its rule at 28 CFR 2.41 to allow designated Commission staff to review requests by parolees to travel in certain cases. This procedural change is intended to reduce the Regional Commissioner's workload and give the Commission added administrative flexibility in reviewing travel requests thereby increasing efficiency and reducing costs.

Lists of Subjects in 28 CFR Part 2

Administrative practice and procedures, Prisoners, Probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.41 is amended by revising the introductory text of paragraph (a), and paragraph (b) as follows:

§ 2.41 Travel approval.

(a) The probation officer may approve travel outside the district without approval of the Commission in the following situations:

* * * * *

(b) Specific advance approval by the Commission is required for other travel outside the district, including any travel outside the contiguous forty-eight states, employment requiring recurring travel

more than fifty miles outside the district (except employment at offshore locations), and vacation travel outside the district exceeding thirty days. A request for such permission shall be in writing and must demonstrate a substantial need for such travel.

* * * * *

I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: February 15, 1983.

Benjamin F. Baer,

Chairman, Parole Commission.

[FR Doc. 83-5878 Filed 3-3-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Approval of Permanent Program Amendments From State of Indiana Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 914 by removing certain conditions of approval of the Indiana permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Indiana has submitted provisions to OSM which satisfy conditions found at 30 CFR 914.11 (a)(1), (a)(2) in part, (a)(3)–(5), (b)(1), (b)(3) in part, (b)(4)–(6), (c), (d), (e), (f), (g)(2), and (f) of the Secretary's approval of July 26, 1982 (47 FR 32071–32108). Indiana has also requested additional time to meet part of condition (b)(3), as explained later in this notice. This document also amends 30 CFR Part 914 by amending the Secretary's approval of other amendments to Indiana's regulations that were submitted as program amendments under the provisions of 30 CFR 732.17.

After providing opportunity for public comment and conducting a thorough review of the program amendments, the Secretary of the Interior has determined that the modifications to the Indiana program satisfy conditions (a)(1), (a)(2) in part, (a)(3)–(5), (b)(1), (b)(3) in part, (b)(4)–(6), (c), (d), (e), (f), (g)(2), and (i) of the Secretary's approval, and that the additional modifications meet the requirements of SMCRA and the Federal permanent program regulations. Accordingly, the Secretary of the Interior has removed these conditions from his approval of the Indiana program and approved the additional modifications. The Secretary has also decided to extend the deadline to July 1, 1983, to allow Indiana to meet the remaining parts of conditions (a)(2) and (b)(3).

Part 914 of 30 CFR Chapter VII is being amended to implement this decision.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. McNabb, Director, Indiana Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program and the Secretary's Conditions of Approval

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, **Federal Register** (47 FR 32071–32108).

The nine minor conditions of approval agreed to by the Secretary and the State of Indiana are set forth below:

Condition (a) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require productivity levels for post-mining land use as required by 30 CFR 817.111(b);

(2) Require the design criteria for diversions as required by 30 CFR 816.43 and 817.43;

(3) Provide criteria for steep slope mining and variance from approximate original contour in a manner no less effective than the requirements of 30 CFR 826.15 and assure that no general variance for approximate original contour will be allowed;

(4) Delete the provisions for hilltop removal found in 310 IAC 12–6–149, and assure that no permits for hilltop removal are granted; and

(5) Require the protection of fish and wildlife in a manner no less effective than that required by 30 CFR 816.97 (a), (c), and (d) and 817.97 (a), (c), and (d).

Condition (b) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require a plan for control and treatment of surface and ground water drainage and impose ground water limits on pollutants in the discharges as required by 30 CFR 780.21(b);

(2) Require that each permit application require the applicant to certify that all reclamation fees due under 30 CFR 870.12 have been paid;

(3) Require that each permit application contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface or underground mining activities including all the information required by 30 CFR 778.19 and 782.19;

(4) Require the narrative analysis of "the known history of any previous uses before mining," as required by 30 CFR 779.22 and 30 CFR 783.22;

(5) Require information concerning utility and capacity of reclaimed land for all lands, and not just those where an alternative land use is proposed as required by 30 CFR 780.23;

(6) Provide criteria for permit requirements for steep slope mining and variance from approximate original contour in a manner no less effective than 30 CFR 785.16.

Condition (c) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require that the notice of intent to explore, when less than 250 tons of coal will be removed, include a description of the practices proposed to be followed to protect the environment as required by 30 CFR 776.11(b)(6);

(2) Require that core drilling and drilling of boreholes during coal exploration activities be conducted in accordance with Section 512(a)(2) of SMCRA and in a manner no less effective than 30 CFR 815.15(j).

Condition (d) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require that the criteria for the determination that a pattern of violations exists or has existed meet the requirements of 30 CFR 843.13 and require that lack of diligence be considered with regard to unwarranted failure to comply;

(2) Require that the conference officer have the authority to increase a penalty as required by 30 CFR 845.18(b)(3);

Condition (e) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require the replacement of a bond for long term operations 120 days prior to the expiration of the existing permit as required by 30 CFR 801.13(b);

(2) Change the phrase "suspension of revocation" to "suspension or revocation" in Indiana rule 310 IAC 12–4–10(e)(1) to correct the typographical

error and make the Indiana rule no less effective than 30 CFR 806.12(e)(6)(i);

(3) Require that the advertisement published by the bond release applicant contain notice of the public right of participation as required by 30 CFR 807.11(b)(7).

Condition (f) requires Indiana to submit copies of promulgated rules or otherwise amend its program to:

(1) Require that no extension of an abatement period will be allowed unless it meets the criteria of 30 CFR 843.12(f), and

(2) Require the issuance of a cessation order where the operation fails to meet an interim step in abatement as required by 30 CFR 843.12(d).

Condition (g) requires Indiana to submit:

(1) Copies of a statutory amendment or to otherwise amend its program to require that a petitioner would only have to present evidence which would "tend to establish allegations of fact," to be in accordance with Section 522(c) of SMCRA and no less effective than 30 CFR 764.13(b)(2), and

(2) Copies of promulgated rules or otherwise amend its program to require that the Director of the Indiana Department of Natural Resources (IDNR) must use the information in the data base and inventory system in reaching decisions to designate lands unsuitable as required by 30 CFR 764.19, and to provide for the right for any person to intervene up to within three days prior to the hearing as required by 30 CFR 764.16(c).

Condition (h) requires Indiana to submit statutory amendments or otherwise amend its program to:

(1) Provide for the award of attorney and expert witness fees in surface mining related common law damage actions as required by Section 510(f) of SMCRA, and

(2) Provide for administrative review of a permit or any final decision of the regulatory authority in accordance with the provisions of Section 514(c) of SMCRA and in a manner no less effective than the requirements of 30 CFR Part 787.

Condition (i) requires Indiana to submit copies of promulgated rules or otherwise amend its program to provide for justification of positions exempted from conflict of interest requirements and make its provision no less effective than 30 CFR 705.11(d).

In accepting the Secretary's conditional approval, Indiana agreed to satisfy conditions (a), (b)(1), (b)(3)–(6), (c), (d), (e), (f), (g)(2), and (i) by December 31, 1982.

Condition (b)(2) was removed by the Secretary on December 17, 1982 (47 FR 56493–56494).

Conditions (g)(1) and (h) require legislative action and are scheduled to be met by September 30, 1983.

II. Discussion of the Amendments and Deadline Extension for One Condition

On December 9, 1982, OSM received a set of regulation amendments from the IDNR intended to meet conditions (a)(1), (a)(2) in part, (a)(3)–(5), (b)(1), (b)(3) in part, (b)(4)–(6), (c), (d), (e), (f), (g)(2), and (i). See IN–291.

In the State's transmittal letter the Director, IDNR, stated that due to an error the revisions to Indiana rule 310 IAC 12–3–83 were omitted. Those changes were necessary to comply with the part of condition (b)(3) requiring each underground permit application to contain a list of all other licenses and permits needed by the applicant to conduct the proposed underground mining activities, as required by 30 CFR 782.10.

The Director, IDNR, also indicated that the required state procedure to make those changes was initiated on November 19, 1982, with an anticipated promulgation date as early as May 30, 1983.

Additionally, the proposed modification contained changes to seven other State rules that were not related to the conditions of approval. These rules are: 310 IAC 12–3–1, 12–3–21, 12–3–59, 12–3–81, 12–3–102, 12–5–24, and 12–5–90.

OSM published a notice in the Federal Register on December 27, 1982, announcing receipt of the amendment and inviting public comment on whether the proposed program modifications corrected the deficiencies (47 FR 57511–57513). The Secretary's notice also requested comments on the other proposed amendments to Indiana's rules and on OSM's proposed July 1, 1983, deadline extension for Indiana to meet the remaining part of condition (b)(3). The public comment period ended January 26, 1983. A public hearing scheduled for January 17, 1983, was not held because no one expressed a desire to present testimony.

On February 16, 1983, the Administrator of the Environmental Protection Agency gave her written concurrence on the December 9, 1982, amendments to the Indiana program.

III. Secretary's Findings

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Indiana on December 9, 1982, meet the requirements of SMCRA and 30 CFR Chapter VII as set forth below.

A. Findings on Conditions

1. Condition (a)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, Indiana rule 310 IAC 12–5–123(b) did not address productivity levels for post-mining land use (See Finding 13.8, 47 FR 32075). The Secretary now finds that Indiana has amended rule 310 IAC 12–5–123(b) to require that all revegetation be carried out in a manner that encourages a prompt vegetative cover and recovery of productivity levels compatible with the approved post-mining land use. Accordingly, the Secretary finds that Indiana rule 310 IAC 12–5–123(b) is no less effective than 30 CFR 817.111(b).

2. Condition (a)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules omitted the design criteria for diversions (see Finding 13.9, 47 FR 32075). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–5–18 and 12–5–84 to contain design criteria for diversions in a manner no less effective than 30 CFR 816.43 and 817.43.

The Secretary notes that Finding 13.9 of the Secretary's notice of conditional approval of the Indiana program states that Indiana rules 310 IAC 12–5–19 and 12–5–85 should also be amended to require design criteria for stream channel diversions. While the intent of the Secretary's finding was to ensure that the Indiana rules provided design criteria that are no less effective than 30 CFR 816.44 and 817.44, condition (a)(2) did not clearly state this requirement. The Secretary now finds that Indiana rules 310 IAC 12–5–19 and 12–5–85 need to be amended to include the design criteria for stream channel diversions in order to be no less effective than 30 CFR 816.44 and 817.44.

3. Condition (a)(3)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not provide the criteria for steep slope mining and variances from approximate original contour found at 30 CFR 826.15 (See Finding 13.15, 47 FR 32076). The Secretary now finds that Indiana has amended rule 310 IAC 12–5–152 to contain provisions which are no less effective than 30 CFR 826.15.

4. Condition (a)(4)

The Secretary found that in the Indiana program conditionally approved

on July 26, 1982, the Indiana rules allowed for a "hilltop removal" exemption from the approximate original contour requirements and that the exemption was not provided for under the Federal rules (See Finding 13.16, 47 FR 32076). The Secretary now finds that Indiana has repealed rule 310 IAC 12–5–149 so as to disallow the "hilltop removal" exemption. The Indiana program is now no less effective than the Federal rules.

5. Condition (a)(5)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not contain provisions specified in 30 CFR 816.97(a), (c) and (d) and 817.97(a), (c) and (d) concerning the protection of fish and wildlife, including requirements that the best technology currently available be used to minimize adverse impacts (See Finding 13.17, 47 FR 32076).

The Secretary now finds that Indiana has amended its rules at 310 IAC 12–5–51 and 12–5–115 to meet the requirements of 30 CFR 816.97 and 817.97, except that Indiana has omitted the language of 30 CFR 816.97(d)(2) and 817.97(d)(2) concerning the disruption of wildlife migratory routes by fencing. The Secretary finds this omission acceptable because no large animal migratory trails exist in Indiana according to the Director, IDNR. *See* IN–0268. Thus, the Secretary finds Indiana rules 310 IAC 12–5–51 and 12–5–115 no less effective than 30 CFR 816.97 and 817.97.

6. Condition (b)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require a plan for control and treatment of surface and ground water drainage and did not impose ground water limits on pollutants in the discharges, as required by 30 CFR 780.21(b) (See Finding 14.16, 47 FR 32078). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–47(b) to include these provisions in a manner no less effective than 30 CFR 780.21(b).

7. Condition (b)(3)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules omitted a requirement that each permit application contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface or underground mining activities including all the information required by 30 CFR 778.19 and 782.19 (See Finding 14.23, 47 FR 32079). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–25 to meet the requirements of 30 CFR 778.19, but that Indiana did not amend rule 310 IAC 12–3–63 to meet the requirements of 30 CFR 782.19.

8. Condition (b)(4)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require the narrative analysis of the known history of any previous uses of the land before mining, as required by 30 CFR 779.22 and 783.22 (See Finding 14.24, 47 FR 32079). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–37(a) and 12–3–74(a) to include these requirements in a manner no less effective than 30 CFR 779.22 and 783.22.

9. Condition (b)(5)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require information concerning utility and capacity of reclaimed land for all lands, and not just those where an alternative land use is proposed, as required by 30 CFR 780.23 (See Finding 14.25, 47 FR 32079). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–48 to include these requirements in a manner no less effective than 30 CFR 780.23.

10. Condition (b)(6)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not provide the same criteria for permit requirements for steep slope mining and variance from approximate original contour as prescribed by 30 CFR 785.16 (See Finding 14.26, 47 FR 32079–32080). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–97 to include these requirements in a manner no less effective than 30 CFR 785.16.

11. Condition (c)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require that the notice of intent to explore, when less than 250 tons of coal will be removed, include a description of the practices proposed to be followed to protect the environment, as required by 30 CFR 776.11(b)(6) (See Finding 15.2, 47 FR 32080). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–3–12(c)(2) to include these requirements in a manner no less effective than 30 CFR 776.11(b)(6).

12. Condition (c)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require that core drilling and drilling of boreholes during coal exploration activities be conducted in accordance with Section 512(a)(2) of SMCRA and in a manner no less effective than 30 CFR 815.15(j) (See Finding 15.4, 47 FR 32080). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–5–3 to require all coal exploration be conducted in a manner that meets the performance standards. Therefore, the Secretary finds that Indiana rule 310 IAC 12–5–3 contains provisions which are consistent with Section 512(a)(2) of SMCRA and no less effective than 30 CFR 815.15(j).

13. Condition (d)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1983, the Indiana rules did not specify the criteria for the determination that a pattern of violations exists, or has existed, as required by 30 CFR 843.13 and did not require that lack of diligence be considered with regard to unwarranted failure to comply (See Finding 17.13, 47 FR 32081). The Secretary now finds that Indiana has amended rule 310 IAC 12–6–6.5 to include these requirements in a manner no less effective than 30 CFR 843.13.

14. Condition (d)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not specify that the conference officer have the authority to increase a penalty, as required by 30 CFR 845.18(b)(3) (See Finding 17.15, 47 FR 32082). The Secretary now finds that Indiana has amended rule 310 IAC 12–6–16(b)(3)(ii) to allow the conference officer to raise a penalty. Thus, the Indiana rule is no less effective than 30 CFR 845.18(b)(3).

15. Condition (e)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require the replacement of a bond for long term operations 120 days prior to the expiration of the existing permit, as required by 30 CFR 801.13(b) (See Finding 18.5, 47 FR 32082). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–4–5 to include these requirements in a manner no less effective than 30 CFR 801.13(b).

16. Condition (e)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules contained a typographical error which could have a substantive effect (See Finding 18.9, 47 FR 32083). Indiana has corrected the phrase "suspension of revocation" to read "suspension or revocation" in Indiana rule 310 IAC 12–4–10(e)(1). The Indiana rule is now no less effective than 30 CFR 806.12(e)(6)(i).

17. Condition (e)(3)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require that the advertisement published by the bond release applicant contain notice of the public right of participation, as required by 30 CFR 807.11(b)(7) (See Finding 18.12, 47 FR 32083). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–4–16 to contain this requirement in a manner no less effective than 30 CFR 807.11(b)(7).

18. Condition (f)(1)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules allowed an extension of the period for abatement under a notice of violation beyond ninety days under certain circumstances not allowed under 30 CFR 843.12 (See Finding 19.3, 47 FR 32084). Indiana has amended its rules at 310 IAC 12–6–6(f) to limit an extension of the period for abatement to those circumstances allowed under the Federal rules.

Indiana rule 310 IAC 12–6–6(f)(4) states that the abatement period may be extended beyond 90 days where climate conditions preclude abatement within 90 days, or where, due to climate conditions, abatement within 90 days clearly:

(i) Would cause more environmental harm than it would prevent; or

(ii) Requires action that would violate safety standards established by statute or regulation under the Mine Safety and Health Act (MSHA).

Taken literally, the Indiana rule could be interpreted to tie the provisions to meet MSHA requirements in paragraph (4)(ii) to climate conditions. The Secretary notes that the Federal rules at 30 CFR 843.12(f)(4) contained identical language at the time Indiana drafted its rule, but that the Federal rules have since been clarified to separate the requirements to meet MSHA standards from climate conditions (See 47 FR 35638, August 16, 1982). The Secretary has reviewed the Indiana rule in light of the changes made to the Federal counterpart and finds Indiana's rule acceptable with the understanding that Indiana will interpret and apply its rule so as to distinguish the requirement to meet MSHA standards from climate conditions in a manner no less effective than 30 CFR 843.12(f) (4) and (5).

Accordingly, the Secretary now finds that Indiana has amended its rules at 310 IAC 12–6–6(f) to limit an extension of the period for abatement to those circumstances allowed under the Federal rules. Indiana rule 310 IAC 12–6–6(f) is now no less effective than 30 CFR 843.12.

19. Condition (f)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require the issuance of a cessation order where the operator fails to meet an interim step in abatement, as required by 30 CFR 843.12(d) (See Finding 19.3, 47 FR 32084). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–6–6(d) to meet this requirement in a manner no less effective than 30 CFR 843.12(d).

20. Condition (g)(2)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require that the Director of the Indiana Department of Natural Resources must use the information in the data base and inventory system in reaching decisions to designate lands unsuitable, as required by 30 CFR 764.19, and to provide for the right for any person to intervene up to within three days prior to the hearing, as required by 30 CFR 764.16(c) (See Finding 21.3, 47 FR 32085). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–2–7 and 12–2–9 to meet these requirements in a manner no less effective than 30 CFR 764.19 and 764.16(c).

21. Condition (i)

The Secretary found that in the Indiana program conditionally approved on July 26, 1982, the Indiana rules did not require the State to provide for the justification of positions exempted from conflict of interest requirements in order to meet the requirements of 30 CFR 705.11(d) (See Finding 23, 47 FR 32087). The Secretary now finds that Indiana has amended its rules at 310 IAC 12–7–4(f) to meet this requirement in a manner no less effective than 30 CFR 705.11(d).

B. Findings on Other Amendments

1. Indiana rule 310 IAC 12–3–1 has been amended by Indiana to clarify the requirements for continued operation under interim permits within the permanent regulatory program. The Secretary finds Indiana rule 310 IAC 12–3–1 to be no less effective than 30 CFR 771.11 and 771.13.

2. Indiana rules 310 IAC 12–3–21 and 12–3–59 have been amended to allow any person the right to inspect the documents upon which a permit applicant bases his or her right to mine. The Secretary finds Indiana rules 310 IAC 12–3–21(b)(4) and 12–3–59(b)(4) to be no less effective than 30 CFR 778.15 and 782.15.

3. Indiana rule 310 IAC 12–3–81 has been amended to reference the performance standards for water quality standards and effluent limitations pertaining to underground mining. The Secretary finds Indiana rule 310 IAC 12–3–81 to be no less effective than 30 CFR 784.14.

4. Indiana rule 310 IAC 12–3–102(c) has been amended to set forth the permitting and performance standard compliance requirements for in situ processing activities. The Secretary finds Indiana rule 310 IAC 12–3–102(c) to be no less effective than 30 CFR 785.22(c).

5. Indiana rules 310 IAC 12–5–24 and 12–5–90 have been amended to require a routine inspection of all dams and embankments meeting the size or other criteria of 30 CFR 77.216(a) by a qualified registered professional engineer, or by someone under the supervision of a qualified registered professional engineer. The Secretary finds Indiana rules 310 IAC 12–5–24(f) and 12–5–90(f) to be no less effective than 30 CFR 816.49(f) and 817.49(f).

C. Non-substantive Corrections to Indiana's Regulations

Indiana has revised certain parts of its rules to make non-substantive, primarily typographical, changes. The Secretary finds the corrections consistent with SMCRA and 30 CFR Chapter VII.

IV. Public Comments

The response to public comments received are set forth below.

1. The Bureau of Mines commented that the phrase "to the extent possible" should be removed from Indiana rules 310 IAC 12–5–51 (a) and (d) and 12–5–115 (a) and (d). As used in the Indiana rules, the phrase "to the extent possible" applies to the requirement that the best technology currently available be used to minimize disturbances to fish and wildlife. The Secretary will not require

Indiana to delete the phrase because the identical language is also used in the Federal rules at 30 CFR 816.97 (a) and (d) and 817.97 (a) and (d). Thus, Indiana's provisions are no less effective than the Federal rules.

2. The Mine Safety and Health Administration (MSHA) commented that Indiana rule 310 IAC 12–5–18(f) which sets forth hydrologic balance requirements for diversions omits an MSHA requirement that the regulatory authority grant approval prior to diverting water underground. The Secretary notes that Indiana's rule was approved in the July 28, 1982, conditional approval of the Indiana program and has not been changed since then. Indiana rule 310 IAC 12–5–18(f) meets all of the requirements of 30 CFR 816.43(g); accordingly, no further change is required.

3. MSHA commented that Indiana rule 310 IAC 12–5–24(f) requires dams and embankments to be inspected by a qualified registered professional engineer, or someone under the supervision of a qualified registered professional engineer, whereas MSHA requires the site to be inspected only by "the qualified person". Indiana rule 310 IAC 12–5–24(f) includes the language of 30 CFR 816.49(f) which requires such sites to be inspected by a qualified registered professional engineer, or by someone under the supervision of a qualified registered professional engineer. Thus, Indiana rule 310 IAC 12–5–24(f) is no less effective than 30 CFR 816.49(f); therefore, no further change is required.

4. MSHA commented that Indiana rule 310 IAC 12–5–24(i) requires all modifications to design plans to be sent to the Director, IDNR, whereas MSHA also requires that such modifications be approved prior to construction on these sites. Indiana rule 310 IAC 12–5–24(i) states, in part, that the Director, IDNR, shall approve the plans before modifications begin. The Indiana rule is no less effective than 30 CFR 816.49(i); therefore, no further change is required.

5. Several comments were received which expressed support for the approval of Indiana's December 9, 1982, program amendments. Additionally, acknowledgements were received from the following government agencies.

Department of the Interior

Bureau of Land Management, Bureau of Mines, Bureau of Reclamation, Fish and Wildlife Service, National Park Service

Department of Agriculture

Science and Education, Soil Conservation Service

Department of the Army

U.S. Army Corps of Engineers

Department of Labor

Mine Safety and Health Administration

Council on Environmental Quality

The disclosure of government agency comments is made pursuant to Section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Secretary's Decision

Accordingly, the Secretary, based on the above findings, is approving the December 9, 1982, amendments to the Indiana program and is removing conditions (a)(1), (a)(2) in part, (a)(3)–(5), (b)(1), (b)(3) in part, (b)(4)–(6), (c), (d), (e), (f), (g)(2) and (i).

The Secretary is modifying condition (a)(2) to require Indiana to add to its rules the design criteria for stream channel diversions required by 30 CFR 816.44 and 817.44 for the reasons set forth above in the finding for condition (a)(2). The Secretary is giving Indiana until July 1, 1983, to amend its rules to meet this condition. Indiana has agreed to make the necessary changes to its rules by July 1, 1983. See IN–0310. This deficiency is considered minor because of the short period of time involved for the State rule to be amended.

With respect to condition (b)(3), the Secretary is extending, until July 1, 1983, the deadline for Indiana to meet the remaining part of the condition concerning the requirements of 30 CFR 782.19. The Secretary has decided that this deficiency remains minor because the State's underground mining permit application requires the identification of all other necessary licenses and permits, and because Indiana is proceeding to correct the deficiency. Indiana has agreed to make the necessary changes to its rules by July 1, 1983. See IN–0316.

VI. Procedural Matters

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary had determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need by prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 914 of Title 30 is amended as set forth herein.

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary for Energy and Minerals.

PART 914—INDIANA

1. The authority citation for Part 914 is:

Authority: Pub. L. 95–87; Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. 30 CFR 914.10 is revised to read as follows:

§ 914.10 State regulatory program approval.

(a) The Indiana State program, as submitted on March 3, 1980, as amended and clarified on June 4, 1980, as resubmitted on September 28, 1981, and clarified on December 8, 1981, April 8, 1982, May 18–19, 1982, and May 26, 1982, is conditionally approved, effective July 29, 1982. Beginning on that date, the Indiana Department of Natural Resources shall be deemed the regulatory authority in Indiana for all surface coal mining and reclamation operations and all coal exploration operations on non-Federal and non-Indian lands. Only surface coal mining and reclamation operations on non-Federal and non-Indian lands shall be subject to the provisions of the Indiana permanent regulatory program. Beginning on December 17, 1982, the program includes program amendments submitted on September 1, 1982. Beginning on March 4, 1983, the program includes program amendments submitted on December 9, 1982.

(b) Copies of the approved program, together with copies of the letter of the Department of Natural Resources agreeing to the conditions of 30 CFR 914.11, are available at:

Office of Surface Mining, 1100 L Street, NW., Room 5315, Washington, DC 20240
Office of Surface Mining, 46 East Ohio Street, Indianapolis, Indiana 46204
Indiana Department of Natural Resources, 309 W. Washington Street, Suite 202, Indianapolis, Indiana 46204

3. Section 914.11 is amended by removing and reserving paragraphs (a)(1), (a)(3) through (a)(5), (b)(1), (b)(2), (b)(4) through (b)(6), (c)(1) and (c)(2), (d)(1) and (d)(2), (e)(1) through (e)(3), (f)(1) and (f)(2), (g)(2), and (i). Also, the introductory text of paragraphs (a) and (b) and paragraphs (a)(2) and (b)(3) are revised to read as follows:

§ 914.11 Conditions of State regulatory program approval.

* * * * *

(a) Termination of the approval found in § 914.10 will be initiated on July 1, 1983, unless Indiana submits to the Secretary by that date, copies of promulgated rules or otherwise amends its program to:

* * * * *

(2) Required the design criteria for stream channel diversions as required by 30 CFR 816.44 and 817.44.

* * * * *

(b) Termination of the approval found in § 914.10 will be initiated on July 1, 1983, unless Indiana submits to the Secretary by that date, copies of promulgated rules or otherwise amends its program to:

* * * * *

(3) Require that each permit application contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface or underground mining activities including all the information required by 30 CFR 782.19.

* * * * *

[FR Doc. 83-5994 Filed 3-3-83; 8:45 am]
BILLING CODE 4310-05-M

PANAMA CANAL COMMISSION

35 CFR Part 103

Panama Canal Transit Booking System

AGENCY: Panama Canal Commission.

ACTION: Final rule; revocation of interim rule.

SUMMARY: This rule announces permanent implementation of a transit booking system which will be available on a voluntary basis to all Canal customers. The intent of the rule is to provide improved service to users and to increase Canal efficiency. The effect of this action is to implement a system in which a limited number of vessels may be provided with more timely transit of the Canal, upon payment of a special charge. This document also revokes the interim rule of January 21, 1982, as the test of the transit booking system and the comment period have been completed.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT:

Michael Rhode, Jr., Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004, Telephone (202) 724-0104;

Captain George T. Hull, Marine, Director, Panama Canal Commission, Telephone: (Republic of Panama) 52-7917.

SUPPLEMENTARY INFORMATION: On December 4, 1980, the Panama Canal Commission published a notice of proposed rulemaking in the **Federal Register** (45 FR 80313) proposing to amend its regulations concerning the order of passage of vessels through the Panama Canal, by establishing and testing a new plan for scheduling vessels. The plan involved scheduling vessel transits based upon reservations and advance notice of expected arrival time. On January 30, 1981, the Canal Commission published an interim rule in the **Federal Register** (46 FR 9942) in order to establish the terms under which there was to be conducted a test of the plan for scheduling vessels passing through the Canal. During a 32-day comment period, comments were received from fourteen interested parties. Those comments were considered and discussed in the notice announcing the interim rule.

On May 11, 1981, the Canal Commission determined that the test of the proposed transit booking system should be suspended, as it had proven to be unsuccessful in the manner in which it was then implemented. On December 8, 1981, the Canal Commission published a proposed rule in the **Federal Register** (46 FR 60013) proposing a revised transit booking system, taking into account the agency's experience with the reservation system that was tested under the January 30, 1981, interim rule. The proposed rule announced a test of the revised system, to begin in January 1982, and solicited comments from interested parties. On January 21, 1982, the Canal Commission published in the **Federal Register** (47 FR 2991) a revocation of the expired interim rule of January 30, 1981 and announced a new interim rule, to be tested during a period of 120 days. As a result of comments received from interested parties during the comment period (December 8, 1981, through January 7, 1982), the new interim rule announced further changes in the proposed system.

The test of the transit booking system, which began on January 25, 1982, was interrupted on February 2 because of traffic congestion unrelated to booking. The test resumed March 15 and was continued to its successful completion on July 7, 1982. In conducting the test, both objective test data and subjective comments (obtained by means of a questionnaire sent to Canal users) were collected. Following an evaluation and consideration of the data and comments obtained during the test of the new system, the Commission Administrator, on December 27, 1982, recommended that the agency's nine-member Board consider favorably the adoption of the transit booking system on a permanent basis. At its quarterly meeting in January 1983, the Board unanimously approved putting into effect the new system on or about April 1, 1983.

The purpose of this rule is to implement, on a permanent basis a revised system concerning the scheduling of vessels passing through the Panama Canal. This document also revokes the January 21, 1981 interim rule concerning the test of the booking system. The former practice was to use the time of arrival of a vessel at either terminus of the Canal as consideration for fixing the order in which the vessel would be placed in the daily transit schedule. Deviations from that sequence were due generally to considerations of safety, the capacity of the locks and channel, and the availability of equipment and personnel. There has been also a longstanding rule that preference be given to passenger vessels and to the warships of all nations. In addition, pursuant to the 1977 Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, the warships of the United States and the Republic of Panama may be given even more expeditious handling than other warships.

The Panama Canal Transit Booking System modifies the practice of scheduling vessel transit by time of arrival and enables vessels to obtain a timely transit with the payment of a fee. The system allows for a limited number of openings to be available for booking each day and, in addition, imposes a cancellation charge that becomes progressively higher as the reservation date draws nearer, and a fee forfeiture penalty for booked vessels that do not transit as scheduled. Under the booking system, there are two periods during which reservations can be made for any given day. The preference for passenger

vessels and warships has not been altered.

The scheduling of vessel transits based upon reservations should result in a traffic pattern in which there is less variation from day to day in the number of arrivals. Such uniformity can increase Canal efficiency by making possible a more nearly continuous flow of vessel traffic. The change in the scheduling system should reduce the waiting time for vessels at the Canal. For those using the booking system, it should obviate the need for steaming at higher speed merely to obtain a rise to a higher position in the transit schedule. Fuel consumption should be reduced in such cases.

During a course of the second test, and until 30 days following its conclusion, comments were once again solicited from interested parties. In addition, a questionnaire [submitted to the Office of Management and Budget (see 47 FR 26284) and approved for information collection under the Paperwork Reduction Act of 1980] was sent to those operators whose vessels transit the Canal. A total of 108 questionnaires were returned and the comments contained therein, along with the other written comments received from interested parties, were analyzed and given careful consideration by the Commission.

The subject of the amount of the booking fee generated the most comments. As a result of earlier comments, in January 1982, the fee had been reduced from $0.35 to $0.26 per Panama Canal gross ton. The weighted average of all respondents to the recent questionnaire suggested reducing the fee an additional $0.09 to $0.17 per Panama Canal gross ton. While the Commisson acknowledges the views of respondents, it considers it necessary to retain a booking fee that will provide a degree of control over the system and prevent over subscription. Furthermore, a sizeable reduction in the fee is likely to avert the system's utility to those Canal users for whom the system was designed (operators with the greatest need for timely transit), and it could prove unpopular with non-users who either want no booking system or prefer that the fee be high for those who use it. The fee of $0.23 per Panama Canal gross ton was selected since it addresses the needs of Canal users, is representative of the threshold at which the users recognize the utility of the system, and assures sufficient control over the system. Accordingly, this rule fixes the amount of the fee for use of the system at that figure.

Some comments suggested that the system discriminates by nationality, type of vessel, and geographic location (short-haulers versus long-haulers). The test system was structured to include participation by everyone. Results show an even distribution of usage by nationality, type of vessel, and geographic location of last port of call. During the 4-month test, vessels of 40 nations utilized the system. Data by type of vessel indicates no evidence of discrimination; differences in utilization are attributable to chance occurrence. The system also provides more than half (56 percent) of the bookings during the second period in order to preclude potential problems for short-haulers. Test data show that a high percentage of bookings were made by vessels sailing from a port approximately one day away from the Panama Canal. In summary, the key elements required to book a vessel are efficient operations and advance planning on the part of Canal users, and there is no apparent discrimination by location, nationality, or vessel type.

The booking system rules contain a general provision that the Commission may suspend or discontinue the system, in whole or in part, if necessary for the safe or efficient operation of the Canal. The Marine Director's notice to shipping concerning specific details of the system provides that the Commission may suspend acceptance of booking whenever the backlog of waiting ships exceeds ninety vessels. Comments received were almost evenly divided between those who preferred no suspension of the system at ninety vessels and those that agreed with that determination. The rule, however, was incorporated into the system as a safeguard against unforeseen circumstances.

Many comments were made concerning the number of bookings and their allocation between large and small vessels. The comments indicated overall satisfaction with the allocation proposed. There is also ample reason for limiting the number of daily booking openings to a maximum of 10 because it helps maintain, within an acceptable range, the differences in Canal water time between participants and nonparticipants in the system.

Other comments from interested parties showed substantial agreement with the $1,500 minimum booking fee and with the length and number of the time periods during which a vessel could be booked for transit. Additional comments concerning the midnight arrival requirement and the substitution of one booked vessel for another were previously addressed in the interim rule for January 21, 1982 (47 FR 2091).

Favorable comments submitted during and subsequent to the test indicate that the system enhanced customer satisfaction by helping those operators who need expeditious transit the most, without causing undue delay on others. Advantages commonly cited by operators were the ability to maintain reliable schedules, to reduce the investment in the fleet, to minimize fuel consumption, and to compete favorably with landbridges and other alternatives which have grown in importance over the last few years.

The Commission has determined previously that this is not a major rule as defined under Section 1(b) of Executive Order 12291, dated February 17, 1981. Furthermore, the Regulatory Flexibility Act is inapplicable since this rule concerns a Commission service and the rates to be charged for such service (5 U.S.C. 601(2)).

The information collection requirement contained in this rule (i.e., the form which is required to be completed to request a booking under § 103.8(c), or to request a cancellation under § 103.8(g)) has been reviewed by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and has been assigned OMB Control Number 3207–0001.

List of Subjects in 35 CFR Part 103

Panama Canal, Vessels, Order of transit, Advance reservations, Booking system.

Accordingly, for the reasons set forth above, the interim rule of January 21, 1982 (47 FR 2091) concerning the order of passage of vessels through the Panama Canal is revoked and Part 103 of Title 35, Code of Federal Regulations, is amended as follows:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

1. The authority citation for Part 103 is revised to read as follows:

Authority: Section 1601 of Public Law 96–70, 93 Stat. 492; E.O. 12173, 44 FR 69271; E.O. 12215, 45 FR 36043.

2. Section 103.8 is revised to read as follows:

§ 103.8 Preference in the transit schedule; order of transiting vessels.

(a) *General.* Except as provided in § 103.9 of this part, and subject to the limitations imposed by Article III of the 1901 Treaty to Facilitate the Construction of a Ship Canal, entered into by the United States and Great Britain, and by Articles II and VI of the 1977 Treaty Concerning the Permanent

Neutrality and Operation of the Panama Canal, between the United States and the Republic of Panama, vessels arriving for transit of the Canal will be placed in the transit schedule in accordance with the rules in this section.

(b) *Definitions.* As used in this section:

(1) "Booked for transit" means that a vessel has been assigned a date on which it will be moved through the Panama Canal.

(2) "Regular transit" means the movement through the Canal of a vessel that has not been booked for transit.

(c) *Transit bookings.* There will be two periods during which bookings may be made for a given date. In the first period, a limited number of bookings (not to exceed seven) will be available between 21 days and 4 days prior to the date of intended transit. In the second period, an additional number of bookings (not to exceed nine), plus any first-period bookings not taken or any bookings which have been canceled, will be available on the third and second days prior to the date of transit. The Canal authorities may cease accepting requests for bookings during times of high traffic congestion at the Canal. If there is a loss in Canal capacity, the number of bookings available may be reduced. The specific order of transit will be determined by the Canal authorities. Except as provided herein, a vessel may not transit prior to the date for which it has been booked, unless the Canal authorities determine that an early transit would promote efficiency of the Canal and would not result in delay for any regular transits. In the event that a vessel transits prior to the date for which it is booked, the fee will be retained by the Commission. Substitution of booked transits will be permitted under conditions specified by the Canal authorities.

(d) *Preference.* If, on any day during the first period, or on either day of the second period, requests exceed the number of bookings remaining available, preference for the remaining bookings will be given in the following order:

(1) First, vessels carrying primarily perishable cargoes, in the order of frequency of transit during a specified period;

(2) Second, all other vessels in the order of frequency of transit during a specified period;

(3) If, under the procedure in the preceding two paragraphs, two or more vessels are found to have an equal number of transits, then preference will be given to the vessel having transited most recently.

(e) *Fees.* The fee for booking shall be $0.23 per Panama Canal Gross Ton. The minimum fee for any vessel is $1,500.

(f) *Penalties.* (1) When a vessel that is subject to transit restrictions (e.g., clear-cut; clear-cut daylight), has been booked for transit and does not arrive at a terminus of the Canal by midnight (2400 hours) of the day prior to the intended transit, the booking fee will be forfeited. Similarly, the fee will be forfeited if a booked vessel, that is not subject to such transit restrictions, does not arrive prior to noon (1200 hours) of the day of intended transit. In either case, upon arrival, the vessel will be placed in the regular transit schedule. This forfeiture will not occur if late arrival is due to *force majeure* or delay for humanitarian purposes. The booking fee will also be forfeited if the vessel arrives on time but cannot or, at the operator's election, does not, transit as scheduled when the agency is ready to proceed. In these latter cases, the Canal authorities shall have discretion to waive the forfeiture where it is established that the delay was due to external causes that the vessel operator could not reasonably have anticipated.

(2) Failure to provide complete and accurate information on the request form may result in rejection of the booking and forfeiture of the fee.

(3) If the vessel does not begin its transit on the day for which it has been booked due to a decision by the Canal authorities, its operator thereafter, at any time prior to the day that the vessel has subsequently been scheduled to make a delayed transit, may elect to receive a refund of the fee, in which case the vessel will be listed on the regular transit schedule. In the alternative, the operator may elect to have the Commission retain the fee, in which case the vessel will be transited on a preferred basis.

(4) When a vessel booked for transit is delayed by a decision of the Canal authorities, and that delay could result in the vessel's failure to arrive on time for a subsequent transit which was booked before the delay was encountered, the vessel's agent may, within 24 hours of completion of the delayed transit, request:

(i) Change of the second booking to another date (if bookings are available on the requested date); *or*

(ii) Cancellation of the second booking, without charge, and inclusion in the regular schedule.

(5) A vessel will be deemed to have transited the Canal on the day for which it has been booked if it arrives at the first set of locks prior to 2400 hours that day and its in-transit time (ITT) is 18 hours or less. In-transit time begins when the vessel enters the first set of locks at either terminus of the Canal, and ends when the vessel departs the last set of locks at the opposite terminus. The booking fee will be refunded whenever ITT, through no fault of the vessel, exceeds 18 hours.

(g) *Cancellation.* A transit that is booked may be canceled if notice of cancellation is received by the Canal authorities at least two days prior to the day of intended transit. A charge will be assessed for such cancellations, however, in accordance with the following schedule:

Date of cancellation	Cancellation charge (the greater of)
Over 15 days prior to transit	20 percent of booking fee or $500.
15 to 11 days prior to transit	40 percent of booking fee or $750.
10 to 7 days prior to transit	60 percent of booking fee or $1,000.
6 to 2 days prior to transit	80 percent of booking fee or $1,250.

Cancellation of bookings later than two days prior to the date of intended transit will be subject to the forfeiture rule stated in paragraph (f)(1) of this section.

(h) *Regular transits.* Vessels which are not booked for transit will be dispatched through the Canal in the order determined by the Canal authorities. Priority of arrival at a terminal port does not give a vessel the right to pass through the Canal ahead of another that may arrive later; however, the time of arrival will be a consideration in fixing the order of passage. Generally, regular transits will equal or exceed one-half of the total number of vessels moved through the Canal on any given day.

(i) *Suspension.* The Canal authorities may suspend or discontinue, in whole or in part, the transit booking system established by this section if they determine that its continuation may adversely affect the safe or efficient operation of the Canal.

Dated: March 1, 1983.

Michael Rhode, Jr.,

Secretary.

[FR Doc. 83-5981 Filed 3-3-83; 8:45 am]

BILLING CODE 3640-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2303-4]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA announces final rulemaking on revisions to the Michigan State Implementation Plan (SIP). These revisions approve Consent Orders No. 03–1982 and 13–1982 for the General Motors (GM) Corporation, Hydra-Matic Division, and the Diamond Crystal Salt Company, respectively. These Consent Orders consist of detailed compliance schedules containing increments of progress dates for reducing particulate emissions which will help provide for attainment of the total suspended particulate [TSP] national ambient air quality standards (NAAQS) by December 31, 1982.

EFFECTIVE DATE: This action will be effective May 3, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of these revisions to the Michigan SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revisions and other materials relating to this rulemaking are available for inspection at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48910.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: On September 8, 1982 and September 21, 1982, the Michigan Department of Natural Resources (MDNR) submitted Consent Orders for the Hydra-Matic Division, GM Corporation (No. 03–1982), and the Diamond Crystal Salt Company (No. 13–1982) as revisions to the Michigan SIP. These Consent Orders were issued to comply with Michigan's Rule 336.331 which requires Boiler No. 5 of each plant to meet a particulate emission limit of 0.30 pound by December 31, 1982.

The Hydra-Matic Division, GM Corporation, is located in Ypsilanti Township, Washtenaw County, which is designated attainment for the NAAQS for TSP. Consent Order No. 03–1982, submitted to EPA on September 8, 1982, requires the installation of air pollution control devices to be used to control the particulate emissions from the company's Boiler No. 5. The device should meet a limit of no more than 0.30 pound of particulate matter per 1,000 pounds of exhaust gases corrected to 50 percent excess air. The Consent Order provides a compliance schedule containing increments of progress dates and a final compliance date of November 1, 1982. At this time, Boiler No. 5 is believed to be meeting the 0.30 pound mass limit.

The Diamond Crystal Salt Company is located in the City of St. Clair, County of St. Clair, which is designated attainment for TSP except for a portion of Port Huron which is designated nonattainment for the secondary NAAQS for TSP. Consent Order No. 13–1982, submitted to EPA on September 21, 1982, stipulates that a device be installed to control particulate emissions from the company's Boiler No. 5. The device should meet a limit of no more than 0.30 pound of particulate matter per 1,000 pounds of exhaust gases corrected to 50 percent excess air. The Consent Order provides a compliance schedule containing increments of progress dates and a final compliance date of December 18, 1982. To reduce particulate emissions from Boiler No. 5, the company has upgraded its existing multiclone by installing a sidestream separator with a baghouse. The baghouse is designed to cut emissions down from about 0.60 pound to under 0.30 pound mass limit. At this time Boiler No. 5 is believed to be meeting the 0.30 pound mass limit.

EPA has reviewed Consent Order No. 03–1982 for the Hydra-Matic Division, GM Corporation, and Consent Order No. 13–1982 for the Diamond Crystal Salt Company, and believes that each source has complied with the provisions of its Consent Order.

These Consent Orders will contribute to the maintenance of air quality in Washtenaw County and St. Clair County.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on May 3, 1983. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, *then* EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

This notice is issued under authority of Sections 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X—Michigan

Section 52.1170 is amended by adding paragraphs (c)(63) and (c)(64) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(63) On September 8, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 03–1982, between the Hydra-Matic Division, General Motors Corporation and the Michigan Air Pollution Control Commission. The Consent Order establishes a compliance

schedule containing increments of progress dates and a final date of November 1, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

(64) On September 21, 1982, the State of Michigan submitted as a SIP revision Consent Order No. 13–1982, between the Diamond Crystal Salt and the Michigan Air Pollution Control Commission. the Consent Order establishes a compliance schedule containing increments of progress dates and a final date of December 18, 1982 for Boiler No. 5 to comply with Michigan's R336.331.

[FR Doc. 83-6286 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-3 FRL 2285-5]

Approval of Revision to Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the Virginia State Implementation Plan which incorporates an alternate control program (bubble) for J. W. Fergusson and Sons, Inc. The alternate control program will result in substantially reduced volatile organic compound (VOC) emissions from J. W. Fergusson's Castlewood Road Printing Plant located in Richmond, Virginia. EPA approves this revision since it meets the requirements of section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51.

EFFECTIVE DATE: This action will be effective on May 3, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Mr. James E. Sydnor of EPA Region III's Air Programs and Energy Branch [address below]. Copies of the SIP revision and accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs and Energy , Branch, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106, ATTN: Mr. Raymond D. Chalmers

The Office of the Federal Register, 1100 L Street, NW., Rm. 8401, Washington, D.C. 20400

Virginia State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, Virginia 23219, ATTN: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Mr. Raymond D. Chalmers at the Region III address stated above or call 215/597–8309.

SUPPLEMENTARY INFORMATION: The Commonwealth of Virginia requested, on August 19, 1982, that EPA approve a revision to the Virginia State Implementation Plan (SIP) pertaining to J. W. Fergusson & Son's rotogravure printing plant in Richmond, Virginia. The revision incorporates into the SIP an alternative emission control program (bubble) which Virginia and J. W. Fergusson have agreed upon. Under the alternate control program J. W. Fergusson agrees to maintain its plant's total volatile organic compound (VOC) emissions at a level substantially below that permitted by the State's SIP.

J. W. Fergusson's Castlewood Road Printing Plant presently has five installed presses. The Virginia SIP sets the allowable emissions for these five presses at 463 tons of VOC per year. The Company, in the alternate control program, agrees to maintain VOC emissions from the five presses at or below 187 tons per year. The Company will accomplish this by controlling emissions from its plant's four largest presses to 157 tons per year or less using a vapor recovery system. Virginia agrees to allow the Company to operate the fifth press with the only limitation on its emissions being that it cannot operate more than 8 hours per day. This press will emit no more than 30 tons per year under this limitation.

EPA believes this SIP revision will result in substantial environmental benefit. EPA has reviewed the revision and has determined that it meets the requirements of section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51. In addition, EPA has determined that the alternative emission reduction plan was developed in accordance with EPA's Emissions Trading Statement Policy of April 7, 1982 (47 FR 15076). Accordingly, EPA approves the revision. EPA is revising 40 CFR 52.2420 as indicated below to incorporate this revision into the Virginia SIP. The public is advised that this action will be effective 60 days from the publication date of this notice. However, if EPA receives notice within 30 days that someone wishes to submit adverse or critical comments, EPA will withdraw this action and will publish subsequent notices before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)). Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects of 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: February 18, 1983.

Anne B. Gorsuch,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Title 40, Code of Federal Regulations, is amended by adding paragraph (c)(72) to § 52.2420 as follows:

Subpart VV—Virginia

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(72) An alternate control program for J. W. Fergusson Co.'s Castlewood Road Printing Plant in Richmond, VA submitted to EPA on August 19, 1982.

[FR Doc. 83-6285 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[Docket No. 5; A–2–FRL 2306–5]

Revision to Virgin Islands Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces approval by the Environmental Protection Agency (EPA) of a request

from the Virgin Islands to revise its implementation plan. This action has the effect of allowing Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC), located on the Island of Saint Croix, to continue using fuel oil with a maximum sulfur content of 1.5 percent, by weight. The current sulfur content limitation contained in the Virgin Island's regulations is 0.50 percent, by weight. However, MMA and HOVIC have been permitted to burn 1.5 percent sulfur content fuel oil under a variance which has been in effect since May 1980.

Under the provisions of the Virgin Islands' submittal, the use of the higher sulfur content fuel oil will be permitted to continue for up to one year from the date of today's notice. Receipt of this implementation plan revision request from the Virgin Islands was announced in the **Federal Register** on November 22, 1982 at 47 FR 52472, where its provisions are fully described.

EFFECTIVE DATE: March 4, 1983.

ADDRESSES: Copies of the Virgin Islands submittal are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Office of the Federal Register, 1101 L Street, NW., Room 8401, Washington, D.C. 20408

Government of the Virgin Islands of the United States, Department of Conservation and Cultural Affairs, Office of the Commissioner, Charlotte Amalie, St. Thomas, Virginia Islands 0081

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Acency, Region II Office, 26 Federal Plaza, New York, New York 10278 (212) 264–2517.

SUPPLEMENTARY INFORMATION: On Septemer 13, 1982 the Commissioner of the Virgin Islands Department of Conservation and Cultural Affairs submitted to the Environmental Protection Agency (EPA) a request to revise its implementation plan for attaining and maintaining national ambient air quality standards. The proposed revision dealt with an administrative order which would allow Martin Marietta Alumina (MMA) and Hess Oil Virgin Islands Corporation (HOVIC) to continue using fuel oil with a sulfur content of 1.5 percent, by weight, at certain of their fuel burning sources.

Both MMA and HOVIC are located in the Southern Industrial Complex on the Island of Saint Croix. Sources in this location currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. However, the regulation provides for a variance to this limit if the applicant can demonstrate that the use of a higher sulfur content fuel oil will not interfere with attainment and maintenance of national ambient air quality standards. Based on an application made in February 1980 and approved by EPA on May 2, 1980 (45 FR 29293), and a second application in April of 1981 which was approved by EPA on September 3, 1981 (46 FR 44188) MMA and HOVIC have been permitted to burn 1.5 percent sulfur content fuel. The proposed revision will continue this variance and remain in effect for up to one year from March 4, 1983.

A notice of proposed rulemaking on this action was published in the **Federal Register** on November 22, 1982 (47 FR 52472). The reader is referred to this November 22 notice for a detailed description of the Virgin Islands revision request. In its November 22 notice EPA advised the public that comments would be accepted as to whether the proposed revision to the Virgin Islands implementation plan should be approved or disapproved. During the comment period, which ended on December 22, 1982, EPA received no comments.

In an effort to expedite the processing of this SIP revision EPA used a review procedure known as "parallel processing." Under this procedure EPA proposed its action essentially at the same time as the action was proposed by the Virgin Islands. As described in EPA's notice of proposed rulemaking, approval of this request was contingent upon the Virgin Islands finally adopting its proposal in a substantially unchanged form. On January 12, 1983 the Virgin Islands submitted to EPA for final approval its "administrative order" affecting MMA and HOVIC in a form identical to that originally submitted to EPA on September 13, 1982.

Based on EPA review of the Virgin Islands submittal, EPA has concluded that no violations of national ambient air quality standards or any applicable Prevention of Significant Deterioration increment will occur as a result of the use of higher sulfur content oil at MMA and HOVIC. Therefore, the revision meets the requirements of section 110 of the Clean Air Act, including section 110(a)(2)(E), and is approved.

This action is being made immediately effective because it imposes no hardship on the affected sources, and no purpose would be served by delaying its effective date.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within sixty days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provsion of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981) the attached rule constitutes a SIP approval under section 110 within the terms of the January 27 certification. This action only approves an action by the Virgin Islands Government. It imposes no new requirements. In addition, this action applies to only two sources.

The Office of Management and Budget (OMB) has exempted this regulation from the OMB requirements of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: February 25, 1983.

Anne M. Burford,

Administrator, Environmental Protection Agency.

Note.—Incorporation by reference of the Implementation Plan for the Virgin Islands was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations is amended as follows:

Subpart CCC—Virgin Islands

Section 52.2770 is amended by adding new paragraph (c)(13) as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) * * *

(13) Revision submitted on January 12, 1983 by the Commissioner of the Department of Conservation and Cultural Affairs of the Government of the Virgin Islands of the United States which grants an "administrative order" under Title 12 V.I.C. section 211 and Title 12 V.I.R.&R. sections 204–26(d). This "administrative order" relaxes, until one year from the date of EPA approval, the sulfur-in-fuel-oil limitation to 1.5 percent, by weight, applicable to Martin Marietta Alumina and the Hess Oil Virgin Islands Corporation, both located in the Southern Industrial Complex on the Island of Saint Croix.

[FR Doc. 83–5587 Filed 3–3–83; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 81

[A–5–FRL 2308–4]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the Total Suspended Particulate (TSP) designation for portions of Hamilton County from nonattainment to attainment of National Ambient Air Quality Standards (NAAQS). This revision is based on a request from the State of Ohio to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant a change.

EFFECTIVE DATE: This action will be effective May 3, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886–6088.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of EPA has promulgated the NAAQS attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever available data warrant a change.

According to EPA's policy, Section 107 designation changes for TSP should utilize all available data, including both modeling and monitoring data. The monitoring data must show:

(1) Eight consecutive quarters of recent, representative ambient air quality data with no violations of the appropriate NAAQS, or

(2) Four consecutive quarters of the most recent, representative ambient air quality data with both (a) no violation of the appropriate NAAQS and (b) an air quality improvement that results from legally enforceable emission reductions.

When modeling information is available it should be used to demonstrate the representativeness of the monitoring data, as well as support the revised designation. The primary TSP NAAQS is violated when, in a year, either: (1) The geometric mean value of TSP concentration exceeds 75 micrograms per cubic meter of air (75 $\mu g/m^3$ (the annual primary standard), or (2) the second-high 24-hour concentration of TSP exceeds 260 $\mu g/m^3$ (the 24-hour primary standard). The 24-hour secondary TSP NAAQS is violated when, in a year, the second-high 24-hour concentration of TSP exceeds 150 $\mu g/m^3$.

On March 3, 1978 (43 FR 8962), EPA designated Hamilton County as follows for TSP:

Primary Nonattainment—Area bounded on the east by I–71, on the south by the Ohio River, on the west by the Cincinnati city limits, and on the north by the north/west boundaries of the Cities of Cincinnati, Lockland, Lincoln Heights, Evendale, and Blue Ash.

Attainment—Area #1: Area located both south and east of US 50, and north and east of SR 125,

Area #2: Cities of Forest Park, Greenhills, Mt. Healthy, N. College Hill, Wyoming, Woodlawn Glendale, Springdale, Sharonville, and Loveland; and the Townships of Colerain, Springfield, Sycamore, and Symmes.

Secondary Nonattainment—Remainder of the County.

On November 4, 1982, the Ohio EPA requested that EPA revise the TSP designation of Hamilton County as follows:

Primary Nonattainment—Area bounded on the east by US 42, on the south by the Ohio River, on the west by Anderson Ferry Road north to US 52, US 52 east to North Bend Road, and on the north by North Bend Road east to SR 747, SR 747 north to SR 126, and SR 126 east to US 42.

Attainment—Remainder of County.

To support the redesignation request, the Ohio EPA submitted quality assured monitoring data summaries for 1980 and 1981 and raw data for January-August 1982. During this period, violations have only been measured at the monitors located in the area Ohio requests to maintain as nonattainment. The data from the sites located in the requested attainment areas, including several sites located just outside the proposed primary nonattainment area show no violations of either the primary or the secondary standard. Therefore, the monitoring data support the Ohio EPA's request to redesignate portions of Hamilton County to attainment for TSP.

To further verify that the monitoring data are representative, EPA also considered a county-wide TSP modeling analysis (performed by the State as part of their Part D Total Suspended Particulate SIP) and a previous EPA site-specific modeling analysis for the Cincinnati Gas and Electric Miami Fort plant (the dominant source in the southwest portion of the county). The two modeling analyses demonstrate the representativeness of the monitors and support the proposed redesignation.

EPA's review of the submitted TSP monitoring data, and the available modeling information support the Ohio EPA's request for redesignating portions for Hamilton County to attainment for TSP. Therefore, EPA is redesignating Hamilton County as requested by the Ohio EPA.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on May 3, 1983. However, if we receive notice by 30 days from the date of this notice that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 5709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) Clean Air Act, as amended (42 U.S.C. 7407).)

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP", the entry for Hamilton County should be revised to read as follows:

§ 81.336 [Amended]

OHIO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • • • • • •				
Hamilton:				
Area bounded on the east by US 42, on the south by the Ohio River, on the west by Anderson Ferry Road north to US 52, US 52 east to North Bend Road, and on the north by North Bend Road east to SR 747, SR 747 north to SR 126, and SR 126 east to US 42.	X			
The remainder of Hamilton County				X
• • • • • • •				

[FR Doc. 83-5686 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 4700

[Circular No. 2522]

Wild Free-Roaming Horse and Burro Protection, Management and Control; Amendment To Provide a Fee for Adoption

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes fee levels for the adoption of wild free-roaming horses or burros, and requires that a portion of the fee accompany each application filed by the person wishing to take custody of a horse or burro, and that the applicant pay the cost of transportation to the point of pick up. It also requires the applicant to sign a cooperative agreement for the maintenance and protection of adopted animals.

EFFECTIVE DATE: March 4, 1983.

ADDRESS: Any inquiries or suggestions should be sent to: Director (250), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: A proposed rulemaking on adoption fees for wild free-roaming horses and burros was published in the **Federal Register** on July 26, 1982 (47 FR 32408), with a 60-day comment period. A total of 199 comments were received during the comment period, with 152 from individuals, 11 from representatives of associations organized to protect wild horses and burros, 9 from representatives of humane societies and other animal welfare associations, 4 from wildlife associations, 4 from agricultural and grazing associations, 2 from environmental groups, 8 from State governments, 2 from ranch or ranch-related companies, 3 from representatives of State-Federal cooperative extension services, 2 from members of Coordinated Resource Management Planning Committees in Nevada, one from a United States Senator, and one from a private attorney. Several of the commenters represented more than one type of organization, so the sum of the classes of comments does not equal the total number of comments.

None of the commenters objected to the idea of adoption fees. However, opposition to the proposed fee level for horses was expressed in 84 percent of the comments, primarily because the writers believed the proposed fee for horses would reduce the number of animals adopted, limit removal of excess wild horses from the public lands, make it difficult for fixed or lower income individuals to adopt animals, equal or exceed the local market value of domestic horses, lead to destruction of healthy animals, and increase adoption program costs. On the other hand, 10 percent of the responses indicated support for this fee. The reasons for support most frequently expressed were that it would increase both the cost-effectiveness of the program and the possibility of humane treatment for adopted animals, would have no effect on adoption demand, and would allocate program costs to those who benefit from the program.

The proposed $25 nonrefundable advance payment was addressed in 112 comments, with 89 opposing the advance payment. Five of the opponents supported a lower payment of from $2 to $15 per application. Twenty-three comments supported the proposed advance payment, primarily because it would discourage individuals who are not serious about adopting from filing applications.

The comments will be dealt with in more detail in the following section-by-section discussion of the proposed and final regulations.

Section 4740.4–3(d)(1). A total of 54 commenters suggested modifications of the amount of the custodial fee charged for the adoption of wild horses and burros. Twenty others supported the proposed custodial fees for horses and burros. Of those suggesting modifications, most favored reductions to fees ranging from $25 to $155 for horses and from $35 to less than $100, including transportation, for burros. Three comments suggested setting the fee to ensure full cost recovery. Several others suggested sliding scales or other flexible fees.

Based upon the comments, the purpose of the fees, and our analysis of the costs of the program, we have

concluded that a non-varying custodial fee of $125 plus transportation costs is appropriate for the adoption of wild horses, and that the proposed fee of $75 plus transportation costs is appropriate for burros. These fee levels will permit an increase in the number of horses adopted, continued recovery of a portion of the Federal costs of the program from those directly benefiting, and a reduction in the cost of maintaining animals awaiting adoption. The analysis showed that the number of burros adopted was not reduced by the establishment of the $75 fee on January 1, 1982.

While no comments opposed the imposition of a fee to cover transportation costs, several suggested reducing the charge to various levels considerably less than actual costs. One suggested setting a uniform transportation fee of no more than $50, regardless of destination. These suggestions have been considered but not determined feasible. Transportation is provided as a service only to adopters who do not choose to pick up animals at a holding facility near the point of capture. It would not be fair to charge adopters living nearby a transport fee, thus making them subsidize those whose actual costs would be greater than the fee charged. Transporting the animals in bulk to an eastern or midwestern adoption center reduces the costs to adopters in those regions below what they would incur if they themselves transported individual animals from, and their equipment to and from, a western holding facility.

No comments addressed the exception from custodial fees for unweaned offspring under 6 months of age accompanying the mothers. No commenters mentioned unweaned orphan foals, as distinguished from unweaned foals accompanied by mares or jennies and although it is considered unnecessary to mention them in the regulations, they are also not subject to custodial fees because of the special and expensive care that must be provided them. Few such unweaned orphans have been found in the wild horse and burro program.

Accordingly, § 4740.4–3(d)(1) has been adopted in the final rulemaking as proposed, except that the custodial fee for horses has been changed from $200 to $125.

Section 4740.4–3(d)(2). There were no comments on the proposed section, which did not change from the existing § 4740.4–2(d) except in punctuation, format and numbering. The proposed section has been adopted in the final rulemaking.

Section 4740.4–2. This proposed new section, which requires an application for adoption of a horse or burro to be accompanied by a nonrefundable advance payment of $25, attracted many comments. Of those who opposed the advance payment provision, all but two stated no reason. These two comments stated respectively that the cost of processing the advance payment check would be greater than the amount collected, and that no one would apply if the advance payment were required. Other comments suggested modifying the advance fee provision. Some suggested making it refundable in cases where applications are rejected; others suggested making it one-third of the custodial fee for the animal; still others suggested lowering the fee.

The $25 advance payment is necessary to discourage frivolous applications from individuals who are not prepared to adopt animals or who are not seriously interested in doing so. Reducing the number of noncommitted applicants will reduce the administrative costs both of processing such applications and of notifying those applicants of available animals. The required payment will reduce the number of "no-shows" at adoption centers, remind individuals of the serious commitment they are making by adopting an animal, and encourage them to evaluate more carefully their desire and ability to care for and maintain an animal before applying.

After careful consideration, the $25 advance payment provision has been adopted in the final rulemaking, and required to be made by guaranteed remittance (money order, certified check, cashier's check, etc.) to avoid unnecessary costs of processing applications with checks made on insufficient funds or on which payment has been stopped.

Language has also been added to the final rulemaking allowing individuals with applications on file at the time of this final rulemaking to maintain their applications by submitting the $25 advance payment within 30 days.

The Secretary has found that the public interest requires this final rulemaking to be made effective immediately. Because it reduces the custodial fee for the adoption of wild horses, setting the effective date of the final rulemaking the customary 30 days after publication would discourage adoptions during that 30-day interval. This would require the Bureau of Land Management to maintain unadopted horses for an additional 30 days at approximately $2500 per day, based on the number of animals now on hand. Postponing the effective date would harm the public by causing them to delay their acquisition of horses. In addition, because the Bureau intends to refund the difference between the amounts paid before the effective date of this rulemaking and the custodial fee for adoption set by this rulemaking, making the effective date 30 days from publication would add to the costs of the program by requiring the Bureau to collect the larger fee even though in 30 days it would have to refund a portion of it.

The principal author of this final rulemaking is John S. Boyles, Division of Wild Horses and Burros, assisted by the staff of the Office of Legislation and Regulatory Management.

It has been determined that this final rulemaking is not a major Federal action having a significant effect on the quality of the human environment and that no detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

This rulemaking sets a fee for the adoption of wild free-roaming horses and burros, uniform for everyone wishing to adopt, and has no different impact on small entities than on individuals or large entities.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1004–0042.

List of Subjects in 43 CFR Part 4700

Advisory committees, Aircraft, Intergovernmental relations, Penalties, Public lands, Range management, Wild horses and burros, Wildlife.

Under the authority of the Act of December 15, 1971, as amended (16 U.S.C. 1331–1340), the Act of June 28, 1934 (43 U.S.C. 315–315r) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 4700, Group 4700, Subchapter D, Chapter II of Title 43 of the Code of Federal

Regulation is amended as set forth below.

David G. Houston,
Acting Assistant Secretary of the Interior.
January 11, 1983.

PART 4700—[AMENDED]

1. Part 4700 is amended by adding immediately after the heading the note:

Note.—The information collection requirements of 43 CFR Part 4700 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance numbers 1004–0042 and 1004–0046. The information will be used to determine whether applicants for adoption and taking title to wild free-roaming horses and burros should be given custody of or title to such animals. The obligation to respond is required to obtain a benefit.

2. Section 4740.4–2 is renumbered § 4740.4–3 and is amended by revising paragraph (d) to read:

§ 4740.4–3 [Amended]

* * * * *

(d) Before wild free-roaming horses or burros are transferred, the applicant shall:

(1) Pay a custodial fee of $125 for each horse and $75 for each burro, except there shall be no custodial fee for an unweaned offspring under 6 months of age accompanying its mother, plus any transportation costs incurred for the transportation of the animals to the point of pickup; and

(2) Sign a cooperative agreement that incorporates provisions for custodial maintenance, including, but not limited to, provisions for proper maintenance of the animals and protection from inhumane treatment and commercial exploitation.

3. A new § 4740.4–2 is added to read:

§ 4740.4–2 Applications.

Any qualified person, organization or government agency wishing to take custody of a wild free-roaming horse or burro shall file an application with the Denver Service Center of the Bureau of Land Management. The application shall be filed on a form approved by the Director, Bureau of Land Management, and shall be accompanied by a nonrefundable advance payment of $25 by guaranteed remittance. In order to maintain an application filed with the Bureau before the effective date of this section, the applicant shall submit an advance payment of $25 by guaranteed remittance no later than 30 days after the effective date of this section. If custody of a wild free-roaming horse or burro is granted by the authorized officer, the advance payment shall be applied against the custodial fee required to be paid at the time the cooperative agreement required by § 4740.4–3 of this title is executed.

[FR Doc. 83-5365 Filed 3-3-83; 8:45 am]
BILLING CODE 4310-84-M

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43 CFR Public Land Order 6356

[M 10562 (SD)]

South Dakota; Revocation of Presidential Proclamation Dated February 2, 1925

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Presidential proclamation which established a 20,613.20-acre game refuge in Harding County, South Dakota. Three hundred twenty acres, including its mineral estate, will be transferred to the State of South Dakota; 5,974.29 acres of national forest land will be opened to appropriate forms of surface disposition and mining; 80 acres of national forest lands will remain withdrawn as a recreation area; and the reserved mineral interest in 1,385 acres of land will be opened to mining. This order has only a record clearing effect on the remaining land which has passed into private ownership.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office 406–657–6633.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Presidential Proclamation of February 2, 1925, which withdrew public lands in the following described area in South Dakota, partly within the Custer National Forest, for use as a game refuge, is hereby revoked in its entirety:

Black Hills Meridian

T. 18 N., R. 7 E.,
Secs. 13 to 36, inclusive.
T. 18 N., R. 8 E.,
Secs. 17 to 20, inclusive;
Sec. 21, W½;
Secs. 29 to 32, inclusive.

The areas described aggregate 20,613.20 acres of land in Harding County, including 7,067.32 acres within the boundary of the Custer National Forest.

2. Of the lands in paragraph 1, the following described lands including mineral interests have been approved for transfer to the State of South Dakota under the provisions of Revised Statutes 2275 and 2276, 43 U.S.C. 851, 852 (1976), and are hereby made available for that purpose:

Black Hills Meridian

T. 18 N., R. 7 E.,
Sec. 17, S½N½ and NW¼SW¼;
Sec. 19, NE¼NE¼;
Sec. 20, NW¼NW¼;
Sec. 22, SW¼NW¼.

The area described contains 320 acres in Harding County.

3. At 8 a.m. on April 13, 1983, the following described lands included in those listed in paragraph 1 will be open to such forms of disposition as may by law be made of national forest lands, including mineral location and entry under the United States mining laws, subject to valid existing rights and the requirements of applicable regulations:

Custer National Forest Black Hills Meridian

T. 18 N., R. 7 E.,
Sec. 24, S½N½ and S½;
Sec. 25 and 36, all.
T. 18 N., R. 8 E.,
Sec. 17, W½E½, SE¼NE¼, E½W½, SW¼NW¼, W½SW¼, and E½SE¼;
Sec. 18, NW¼NE¼, E½SW¼NE¼, E½NW¼ SW¼NE¼,SE¼NE¼, N½SE¼, and SE¼SE¼;
Sec. 19, lots 2, 3, and 4, NE¼NE¼; E½NW¼, and S½SE¼SE¼;
Sec. 20, E½, E½W½, SE¼SW¼NW¼, E½W½SW¼, and SW¼SW¼SW¼;
Sec. 21, W½;
Secs. 29 to 32 inclusive.

The areas described aggregate 5, 974.29 acres in Harding County.

An additional 80 acres of national forest lands described as the NW¼NW¼ of Section 17 and the NE¼NE¼ of Section 18, T. 18 N., R. 8 E., will remain segregated by virtue of Public Land Order No. 1429 as part of Reva Gap Camp.

4. Of the lands listed in paragraph 1 the reserved mineral interest in the following described lands shall at 8 a.m. on April 13, 1983, be open to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law.

Black Hills Meridian

T. 18 N., R., 7 E.,
Sec. 13, SE¼NW¼;
Sec. 14, W½E½, SE¼NW¼, NE¼SW¼, and NE¼SE¼;
Sec. 15, N½;
Sec. 17, NE¼SW¼ and N½SE¼;
Sec. 23, S½NE¼ and W½SE¼;
Sec. 24, N½NE¼;
Sec. 32, S½NE¼ and SE¼NW¼;
Sec. 33, SW¼NW¼ and NW¼SW¼.
T. 18 N., R. 8 E.,
Sec. 18, W½NW¼SW¼NE¼ and SW¼SW¼NE¼;
Sec. 19, SE¼SW¼, NE¼SE¼, SW¼SE¼, and N½SE¼SE¼;
Sec. 20, W½NW¼SW¼ and NW¼SW¼ SW¼.

The areas described aggregate 1,385 acres in Harding County.

5. The lands described in paragraph 1, except as provided in paragraphs 2 and 3, as well as the surface estate of the lands in paragraph 4, have been conveyed from United States ownership and will not be restored to operation of the public land laws including the mining laws.

6. The Federal mineral interests have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: February 22, 1983.

Carrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-6341 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Louisiana: Tangipahoa Parish	Tangipahoa Parish [2]	220206	760418, emergency; 830202, regular	760117
Maryland: Kent County	Betterton, town of	240095	750515, emergency; 830202, regular	750124
Michigan:				
Calhoun County	Bedford, township of	260052	750630, emergency; 830202, regular	740816
Leelanau County	Elmwood, township of	260113	750702, emergency; 830202, regular	740820
Antrim County	Milton, township of	260037	750910, emergency; 830202, regular	770706
Oakland County	Waterford, charter township of	260264	740816, emergency; 830202, regular	740816
Missouri:				
Charlton County	Brunswick, city of	290074	751112, emergency; 830202, regular	740329
Clinton County	Plattsburg, city of	290106	750331, emergency; 830202, regular	740524
Mississippi: Rankin County	Richland, city of	280298	761109, emergency; 830202, regular	760428
New Jersey:				
Cape May County	Lower, township of	340153	740609, emergency; 830202, regular	740719
Sussex County	Sussex, borough of	340457	750715, emergency; 830202, regular	740814
New Mexico: Chaves County	Chaves County [3]	350126	830202, emergency; 830202, regular	760513
New York: Greene County	Hunter, town of	360292	761112, emergency; 830202, regular	760709
Ohio:				
Jefferson County	Brilliant, village of	390297	750613, emergency; 830202, regular	740106
Licking County	Pataskala, village of	390336	750305, emergency; 830202, regular	761006
Oklahoma: Grady County	Alex, town of	400093	760820, emergency; 830202, regular,	761126
Pennsylvania: Blair County	Snyder, township of	421393	750610, emergency; 830202, regular	750110
New Jersey:				
Sussex County	Andover, township of	340527	750221, emergency; 830204, regular	741220
Warren County	Frelinghuysen, township of	340564	750530, emergency; 830204, regular	741122

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area[1]	Hazard area identified
Ohio:				
Cuyahoga County	Fairview Park, city of	390108	750624, emergency; [illegible], regular	740116
Cuyahoga County	Orange, village of	[illegible]737	770216, emergency; [illegible], regular	750416
Pennsylvania:				
Wayne County	Clinton, township of	422182	751113, emergency; [illegible], regular	741122
Mercer County	Findley, township of	421866	750612, emergency; [illegible]	740913
Susquehanna County	Uniondale, borough of	422584	[illegible]911, emergency; 830204, regular	760124
Mercer County	Wilmington, township of	421878	[illegible]909, emergency; [illegible], regular	760207
Mercer County	Worth, township of	422492	790731, emergency; [illegible], regular	750124
Arkansas: Ashley County	Ashley County	050003	830207, emergency; [illegible], regular	771115
Michigan:				
Charlevoix County	Charlevoix, city of	[illegible]057	741213, emergency; 830211, regular	760907
Calhoun County	Convis, township of	260652	751205, emergency; 830211, regular	0
Calhoun County	Marshall, township of	260642	751009, emergency; 830211, regular	0
New York: Steuben County	Thurston, town of	361213	791114, emergency; 830211, regular	741025
Pennsylvania:				
Northampton County	East Allen, township of	420881	731019, emergency; 830211, regular	0
Chester County	London Grove, township of	422274	741017, emergency; 830211, regular	741122
Berks County:	Sinsuestown, borough of	[illegible]152	790731, emergency; 830211, regular	750124
Virginia: Grayson County	Fries, town of	510215	750811, emergency; 830211, regular	741220
Arizona: Pima County	Pima County[2]	[illegible]078	741002, emergency; 830215, regular	770822
Illinois: Will County	Channahon, village of	170699	750912, emergency; 830215, regular	740329

Total is: 37.
[1]Key for reading 4th column (effective date): First two digits designate the year; Middle two digits designate the month; Last two digits designate the day.
[2]Disaster Community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5887 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6495]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0237.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR CFR Part 59 et seq.).

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

PART 65—[AMENDED]

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations is amended as follows:

1. Section 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) Flood Hazard Boundary Maps (FHBM's).

The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5140	41 FR 50990
40 FR 17015	41 FR 13362
40 FR 20798	41 FR 17720
40 FR 46102	42 FR 8805
40 FR 53578	42 FR 29433
40 FR 56672	42 FR 46226
41 FR 1478	42 FR 64076

43 FR 24019
44 FR 615
44 FR 6363
44 FR 16465
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
45 FR 12421
45 FR 29651
45 FR 31319
45 FR 34120
45 FR 49570
46 FR 13285
46 FR 13805
46 FR 20176
46 FR 28778
46 FR 46610
47 FR 3121
47 FR 18869
47 FR 29657
47 FR 47569
48 FR 9264

(b) *Flood Insurance Rate Maps (FIRM's).*

The following is a cumulative list of withdrawals pursuant to the Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
45 FR 12421
45 FR 49570
46 FR 20176
46 FR 46610
47 FR 3121
47 FR 18869
47 FR 29657

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name, No.	County	Hazard ID date	Rescission date	Reason
FL	Town of McIntosh, 120575	Marion	5-27-77	Jan. 24, 1983	2
FL	Town of Raiford, 120593	Union	5-29-78	do	2
MI	Village of Boyne Falls, 260371	Charlevoix	10-22-76	do	2
MI	Village of Oakley, 260502	Saginaw	9-26-75	do	2
MI	Township of Marcellus, 260367	Cass	11-26-76	do	2
MI	Township of Osceola 260413	Houghton	9-26-75	do	2
MI	Township of Pickford, 260376	Chippewa	5-20-77	do	2
MI	Township of Rudyard, 260377	Chippewa	10-15-76	do	2
MI	Township of Soo, 260378	Chippewa	11-26-76	do	2
MI	Township of Superior, 260380	Chippewa	6-17-77	do	2
AK	North Slope Borough, 020024	Barrow-North Slope Division.	9-23-80	do	6

Key to symbols

E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.

R The community is participating in the Regular Program.

1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.

3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.

4. The community lacked land-use authority over the special flood hazard area.

5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.

6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.

7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.

8. The T&E or H&E Map was rescinded.

9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

10. Miscellaneous.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: February 7, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5533 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5923]

Letter of Map Amendment for the City of Las Vegas, Nevada Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 325276, Panel 0020B, published on October 21, 1980, in 45 FR 69451, indicates that any structures to be located on Charleston Heights Tract No. 51–F1, recorded as Instrument No. 793928, on January 13, 1978, in Book 21, page 28 of Plats, Official Records Book No. 834 of the Clark County, Nevada Records, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0020B is hereby corrected to reflect that any structures to be located on the above-mentioned property are not within the Special

Flood Hazard Area identified on October 21, 1980. Any structures built on the property will be located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 USC 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5804 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 46

Exemption of Certain Research and Demonstration Projects From Regulations for Protection of Human Research Subjects

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (the Department or HHS) is including among the types of research specifically exempt from the application of the regulatory requirements of 45 CFR Part 46 (protection of human research subjects) research and demonstration projects conducted under the Social Security Act and other federal statutory authority and designed to study certain public benefit or service programs, the procedures for obtaining benefits or services under those programs, and possible changes or alternatives to those programs or procedures, including changes in methods or levels of payment. These demonstration and service projects are already subject to procedures which provide for extensive review by high level officials in various program administration offices. Review by an Institutional Review Board (IRB), as required under Part 46, would be duplicative and burdensome to state and local agencies and to other entities participating in demonstration projects. Removal of this unnecessary layer of review will not only reduce the cost of the projects but help to avoid unnecessary delays in project implementation. However, in order to ensure the continued protection of human subjects participating in such research activity, the Department is adding a specific requirement of written, informed consent in any instance, not reviewed by an IRB, in which the Secretary determines that the research activity presents a danger to the physical, mental or emotional well-being of a participant.

EFFECTIVE DATE: These regulations are effective April 4, 1983.

FOR FURTHER INFORMATION CONTACT: F. William Dommel, Jr.; (301) 496–7163.

SUPPLEMENTARY INFORMATION: In a notice of proposed rulemaking (NPRM), published March 22, 1982, 47 FR 12276, the Department proposed to exempt certain research and demonstration projects from coverage of the Regulations for the Protection of Human Subjects, 45 CFR Part 46. The research activity proposed for exemption from the regulations generally involves public benefit or service programs under the Social Security Act and other similar programs administered by the Department. Such projects typically study proposed or possible changes in levels of benefits or services or in the systems and procedures for delivering such benefits or services to recipients. As indicated in the NPRM, the Department now believes that such research activity is fundamentally different from the experiments and projects otherwise covered by the Part 46 regulations, which typically involve biomedical or behavioral research.

The NPRM noted that the Department had previously proposed to exempt this class of research activity from the Part 46 regulations. 44 FR 47688 (August 14, 1979). However, when the regulations were published in final form, they continued to cover these activities. 46 FR 8366, 8370 (January 26, 1981). As a result, research and demonstration projects carried out under the Social Security Act and other statutes for the purpose of studying possible changes in benefit levels or in procedures for delivery of benefits have been subject to a requirement of review by an Institutional Review Board (IRB). The Department's experience has been that this additional layer of review for such projects is duplicative and needlessly burdensome in light of the substantial review process to which they are already subjected by state and federal officials. Furthermore, the Department has found such review by an IRB—which generally focuses on ethical questions arising from biomedical and behavioral research—to be unnecessary and inappropriate in the context of adjustments to benefit and service programs.

In view of these considerations, the Department proposed to exempt this class of research activity from the Part 46 regulations. In doing so, we indicated the following statutory authorities for conducting such research activity as among those which would be exempt from the regulations if the proposed exemption were adopted: Sections 420, 445, 1110(a), 1115 and 1875 of the Social Security Act; section 201 (a) and (b) and section 505 of the Social Security Disability Amendments of 1980, Pub. L. 96–265; section 402(a) of the Social Security Amendments of 1967, as amended (codified at 42 U.S.C. 1395b–1); section 222(a) of the Social Security Amendments of 1972 (codified at 42 U.S.C. 1395b–1 note); section 649 of Pub. L. 97–35 (Head Start Act); section 4 of Pub. L. 93–247, as amended (Child Abuse Prevention and Treatment Act); section 145 of Pub. L. 94–103, as amended (Developmental Disabilities Assistance and Bill of Rights Act); section 805 of Pub. L. 93–644, as amended (Native American Program Act of 1974); sections 421–425 of Pub. L. 93–29, as amended (Older Americans Act of 1965). Section 702 of the Social Security Act is another example of a statutory authority for conducting research which would be exempt from the Part 46 regulations under the exemption we proposed.

We have now carefully considered the comments received in response to the NPRM. These comments are analyzed and addressed below. As indicated, nothing in the comments led us to conclude that this class of research activity should, as a matter of policy, be subject to IRB review as provided by the Part 46 regulations. Moreover, in contrast to biomedical and behavioral research sponsored or conducted by the Department under the Public Health Service Act, there is no statutory requirement that such research activities be reviewed by an IRB.

Nevertheless, the Department does have an obligation, pursuant to the conditions imposed upon its continuing appropriations, to ensure that research activity not present a danger to the physical, mental or emotional well-being of participants. See, e.g., section 412, Pub. L. 93–517. In order to make clear that we will continue to fulfill that obligation and also in response to certain of the comments received, we are adding language to Part 46 to clarify that, with respect to research activity involving public benefit programs now to be exempted from IRB review, the Department will include in its review of such proposed research activity consideration of the effects on participants. To the extent that the proposed activity is determined to pose a danger to the participants, informed consent in writing will be required. This clarification will apply only to those projects which were previously subject to IRB review but are now exempt. All other categories of exempt research set forth in § 46.101(b) will continue not to be subject to any requirement of review for purposes of protecting human subjects since these other categories involve little or no possibility of risk to participants. See 46 FR 8367 (January 26, 1981).

In addition, our review of the proposal and the comments has led us to adopt another refinement to the final regulation. In the NPRM, we indicated that we were deleting entirely the provision in § 46.116(c) which permitted waiver of informed consent by IRB's in certain situations involving Federal, state or local benefit or service programs. The proposed deletion of this provision was prompted by the recognition that this waiver authority would not be needed in circumstances covered by the new exemption—*i.e.*, research or demonstration projects involving public benefit or service programs "conducted by or subject to the approval of" this Department. However, the new exemption does not reach similar projects conducted by or subject to the approval of state or local governments. There was no intention to impose additional burdens on such research carried out under the auspices of state or local government. Accordingly, we have determined that it would be appropriate to continue providing the authority under § 46.116(c) for an IRB to waive informed consent in circumstances where a research or demonstration project involves public benefit or service programs and where the project is conducted by or subject to the approval of state or local governments. The language of the new § 46.116(c) has been amended slightly to conform to the language of the new exemption.

Response to Comments

We received approximately 50 comments in response to the proposed exemption. Most of these comments came from advocacy groups who regularly represent, in court and otherwise, persons whose benefits might be affected by the research projects proposed to be exempted from the Part 46 regulations, and most of them opposed the exemption for one reason or another. Favorable comments were received from several States which generally agreed with the analysis in the NPRM that IRB review of such projects was burdensome and duplicative. Below we have summarized, discussed and responded to the major comments, organized by topic, which were submitted in opposition to the proposed exemption.

1. Some commenters objected to the fact that we did not publish in the notice of proposed rulemaking an exhaustive list of every statutory demonstration authority to which the exemption would pertain. According to these commenters, fairness required a complete listing of every statute pursuant to which a demonstration project might be conducted exempt from the regulations. This suggested approach ignores the fact that the regulations themselves are couched in terms of broad categories of research. In listing the statutory authorities subject to the proposed exemption, we provided prominent examples of the types of authority which would be exempt. In view of the large number of statutory authorities, which are frequently augmented by legislation, we believe that an effort to provide an exhaustive list could be misleading since such a list would inevitably be incomplete. Thus, we did not attempt to catalogue all exempt authorities since the clear intent of the proposed exemption is to cover all projects falling within its terms, whether or not they were specifically referenced in the notice of proposed rulemaking.

2. A few commenters asserted that the list of statutory authorities subject to the proposed exemption was in fact inaccurate because section 505 of the Social Security Disability Amendments of 1980, Pub. L. 96–265, requires that projects conducted thereunder be subject to the Department's regulations for the protection of human subjects. Such comments appear to be based on a misunderstanding as to the scope of the demonstration authority enacted by section 505. That statute created a new demonstration authority relating to the work activity of disabled beneficiaries under the old-age, survivors and disability insurance program. This new authority is not required to be covered by the Department's regulations governing informed consent and the protection of human subjects. However, section 505 also amended section 1110 of the Social Security Act to add a new subsection (b) providing authority to waive requirements of Title XVI (the Supplemental Security Income program) for the purposes of carrying out demonstration projects. The statute expressly provides that projects conducted pursuant to this authority are subject to "the requirements for informed consent established by the Secretary for use in any experimental, pilot, or demonstration project in which human subjects are at risk." Thus, we recognize that demonstration projects carried out under section 1110(b) are required to be covered by the Part 46 regulations, and for that reason they were not included among the authorities to which the proposed exemption would apply.

3. A number of the comments referred to the decision of the court in *Crane* v. *Mathews*, 417 F. Supp. 532 (N.D. Ga. 1976), as contrary to the proposed exemption. In that case, Georgia Medicaid recipients challenged a demonstration project permitting the state to impose copayments for medical services pursuant to a waiver of statutory provisions otherwise barring such copayments. The plaintiffs alleged, among other things, that the Department's then effective regulations for protection of human subjects required that such projects be first reviewed by an IRB. The court agreed and enjoined the project pending IRB review in accordance with the regulations.

In fact, contrary to the suggestion of these comments, the *Crane* court did not hold that demonstration projects under the Social Security Act were required to be subject to the Part 46 regulations. Instead, the court simply found that the regulations as then in effect were intended to cover such demonstration projects, at least as they pertained to imposition of copayments upon Medicaid recipients. Furthermore, the court in no way concluded that the recipients were placed at risk by the demonstration project. Nothing in the *Crane* decision can be read as mandating the retention of Part 46 coverage in the case of the demonstration projects which we are now exempting from the regulations.

4. Several comments took issue with the manner in which the notice of

proposed rulemaking discussed our statutory authority to regulate experiments other than biomedical and behavioral research. We noted that the principal authority for the Part 46 regulations was section 474 of the Public Health Service Act, which requires the Secretary to establish regulations governing "the conduct of biomedical and behavioral research involving human subjects" and specifies that an IRB shall be the vehicle for review of such research. In so noting, we in no way meant to imply that we lacked statutory authority to regulate the sorts of experiments and demonstration projects which we now are exempting from IRB review under the Part 46 regulations. As the court held in *Crane* v. *Mathews*, it is clearly within the broad rulemaking authority of the Secretary to regulate activity of that nature. However, in exempting it from IRB review, we felt it appropriate to distinguish this activity from biomedical and behavioral research, where we are mandated by statute to impose such review.

Other comments suggested that certain demonstration projects under the Social Security Act which we are now exempting from IRB review in fact feature considerable biomedical or behavioral aspects, thus bringing them within the scope of section 474's mandate. While the phrase "biomedical and behavioral research" is susceptible to broad interpretation, we see no indication that Congress intended the requirements of section 474 to apply to the demonstration projects subject to the proposed exemption. When passing legislation providing waiver or demonstration authority under the Social Security Act, Congress has made explicit those circumstances in which it believes that human subjects should be protected by an additional layer of regulatory review. See, for example, section 1110(b) of the Social Security Act. Thus, we believe that it is totally consistent with the intent of Congress in passing section 474 that we exempt from IRB review projects involving social welfare and benefit programs. The court in *Crane* v. *Mathews* agreed with our view that section 474 does not require regulation of such projects. See 417 F. Supp. at 545.

5. Some comments objected that the proposed exemption did not give sufficient consideration to the recommendations of the various National and Presidential Commissions that have studied the issue of protection of human subjects. We believe that we have addressed the major concerns of those Commissions and their findings. The Commissions have focused principally on problems stemming from biomedical and behavioral research involving human subjects. Nevertheless, we have experimented with broader use of IRB review. As we indicated in the notice of proposed rulemaking, our experience with IRB review led us to conclude that it was in fact unnecessary and burdensome in the context of research concerning benefit programs under the Social Security Act and otherwise. Throughout this process, we have continued to consider, evaluate and place great weight upon the comments of these Commissions. In fact, as discussed below, dialogue with the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research has also continued with respect to the proposed exemption.

6. Among the commenters was the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. The Commission noted that review by state and federal officials did not precisely "duplicate" IRB review unless the reviewers included persons independent of program management, including non-government personnel and persons with expertise in "ethical" aspects of research. Recognizing that "informed consent" requirements could easily frustrate social policy experiments of the sort proposed for exemption, the Commission nevertheless suggested that this concern could be addressed by the waiver provisions in the regulations. In the Commission's view, however, such waivers should be issued by an IRB rather than by the decision of either state or federal program officials. The Commission also suggested that research projects covered by the proposed exemption can create medical risks as well as risks of non-physical intrusions into personal or confidential matters and that such risks should be considered by an IRB. The Commission expressed particular concern about research entailing reduction of benefits to certain recipients while others, similarly situated, continue to receive a higher level of benefits. In light of this concern, the Commission proposed an alternative exemption which would not include such research. Thus, under the Commission's alternative, research projects in any way limiting or reducing the benefits to which recipients would otherwise be entitled would continue to be subject to IRB review.

We have considered the Commission's comments with particular care in recognition of its statutory mandate in the area of ethical problems in research. We have decided, however, not to follow the Commission's suggestion that the exemption be limited to those research projects not entailing reduction of benefits. A review of the research projects covered by the proposed exemption reflects that many, if not most, of them could be construed as reducing benefits in one way or another. Accordingly, adoption of the Commission's alternative would not adequately address the concerns which prompted us to propose the exemption.

We do not agree with the Commission's belief that the "ethical" aspects of research in benefits programs will go unreviewed unless nongovernmental individuals with expertise in the ethics of research participate in consideration of proposed studies. The questions raised by research involving government benefits are significantly different from those raised by biomedical and behavioral research. IRB's are typically constituted to deal with the special ethical and other problems involved in biomedical and behavioral research. In contrast, ethical and other problems raised by research in benefit programs will be addressed by the officials who are familiar with the programs and responsible for their successful operation under state and federal laws. The risks identified by the Commission can be sufficiently evaluated by those program officials.

7. Some comments disagreed with the NPRM's conclusion that IRB review was duplicative and unnecessary in the context of the research projects proposed for exemption. These comments focused on the need for an independent reviewing body to ensure that recipient rights were properly considered and expressed doubt as to the ability of state officials in particular to fulfill that role. In our view, these comments ignore the fundamental difference between such research projects and biomedical and behavioral research. In contrast to the latter, which may result in either significant physical invasions or intrusions upon the privacy of participants, research in public benefit programs typically involves alterations in eligibility criteria, benefit levels or delivery systems. These are matters not falling within the expertise of IRB members but instead within the knowledge and experience of program officials at both the state and federal levels. In the course of promulgating regulations for the various programs at issue, these officials are regularly called upon to make decisions of the same sort, entailing determinations as to which

persons may or may not receive benefits and at what levels. In that sense, the research projects proposed for exemption do not differ substantially from the normal program activity administered by these officials. Furthermore, with the addition of clarifying language to the Part 46 regulations, there will be a well-defined responsibility of federal program officials to take into consideration potential risks to the health and safety of participants in research activity before making decisions whether or not to approve particular projects.

With respect to the adequacy of review by state program officials, we have no basis to question either the competency or sincerity of state personnel. In any event, research proposals by the states receive thorough review by federal officials experienced in the various programs. It is significant to note that the major Medicaid research authority—section 1115 of the Social Security Act—specifically provides that projects thereunder be consistent with the purposes of the program. In reviewing state proposals, federal officials will be mindful, as always, of this injunction.

8. Certain comments suggested that, in proposing to exempt from IRB review research projects involving public benefit programs, we somehow sought to circumvent congressional intent and impose program limits which had been rejected by Congress. More specifically, these comments referred to legislative proposals to permit more extensive use of copayments in the Medicaid program. In fact, any research project involving copayments will not benefit from the exemption since the Secretary has already exercised his discretion to waive application of Part 46 to such projects, pursuant to his authority under 45 CFR 46.101(e). See 47 FR 9208 (March 4, 1982). This provision of the regulations allows the Secretary to waive IRB review for any particular research activity or class of research activity. Thus, the status of co-payments and other similar cost-sharing devices in the Medicaid program will be unaffected by the new exemption. It should also be noted that the recently enacted Tax Equity and Fiscal Responsibility Act includes specific provisions governing demonstration projects involving Medicaid copayments.

9. A few comments asserted that the proposed exemption was contrary to the due process or equal protection clauses of the Constitution because of the possible impact which exempted demonstration projects could have on disadvantaged groups without adequate opportunity for a hearing. The function of IRB's, however, is not to provide individual claimants with any "due process" right to be heard. At most, IRB's review in a general way broad-based demonstration projects specifically authorized by statute. In our view, an individualized hearing of the sort which typically is associated with "due process" is not appropriate in this context. To the extent that a "hearing" of any sort is called for, the review provided by state and federal program officials is more than adequate to serve that function.

The proposed exemption also raises no issue of equal protection. The only result of the exemption will be that projects involving public benefit programs will not be subject to IRB review while those involving biomedical or behavioral research are. This disparate treatment of different kinds of research activities is, we believe, completely rational and justified in light of the substantially different character of biomedical and behavioral research. Thus, we do not view this different treatment as violative of equal protection.

10. A small number of the comments took issue with the conclusion that Executive Order 12291 was inapplicable to the NPRM. These comments basically argued that the cost to beneficiaries of Medicaid co-payments alone would exceed the Executive Order's threshold figure of $100 million or more in annual effect on the economy. Even if this assertion were accurate, the proposed exemption has no direct effect on projects involving co-payments because they have, as noted above, already been exempted from Part 46 coverage pursuant to the Secretary's waiver authority. Moreover, it is not the IRB review provided by Part 46 which controls the financial impact on Medicaid beneficiaries or other participants in research activity. Instead, program officials—at both the state and federal levels—make the decisions which influence the level of benefits by proposing and approving demonstration projects involving their programs. Thus, the proposed exemption has no direct bearing on any financial impact which may occur as a result of such projects.

Impact Analysis

Economic Impact on Small Entities

The Secretary certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354. Thus, a regulatory flexibility analysis is not required.

Classification of Rule Under E.O. 12291

The Secretary has determined that this rule is not a "major rule" under Executive Order 12291 and thus a regulatory impact analysis is not required. The Secretary's determination is based on the finding that the proposed rule would not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 45 CFR Part 46

Civil rights, Government contracts, Grant programs—health, Prisoners, Research, Safety.

Dated: August 26, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Richard S. Schweiker,

Secretary.

PART 46—PROTECTION OF HUMAN SUBJECTS

For the reasons set out in the preamble, Part 46 of 45 CFR is amended as set forth below.

1. Section 46.101 is amended by adding a new paragraph (b)(6) and a new paragraph (i) to read as follows:

§ 46.101 To what do these regulations apply?

* * * * *

(b) * * *

(6) Unless specifically required by statute (and except to the extent specified in paragraph (i)), research and demonstration projects which are conducted by or subject to the approval of the Department of Health and Human Services, and which are designed to study, evaluate, or otherwise examine: (i) Programs under the Social Security Act, or other public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for

benefits or services under those programs.

* * * * *

(i) If, following review of proposed research activities that are exempt from these regulations under paragraph (b)(6), the Secretary determines that a research or demonstration project presents a danger to the physical, mental, or emotional well-being of a participant or subject of the research or demonstration project, then federal funds may not be expended for such a project without the written, informed consent of each participant or subject.

2. Section 46.116(c) is revised to read as follows:

§ 46.116 General requirements for informed consent.

* * * * *

(c) An IRB may approve a consent procedure which does not include, or which alters, some or all of the elements of informed consent set forth above, or waive the requirement to obtain informed consent provided the IRB finds and documents that:

(1) The research or demonstration project is to be conducted by or subject to the approval of state or local government officials and is designed to study, evaluate, or otherwise examine: (i) Programs under the Social Security Act, or other public benefit or service programs; (ii) procedures for obtaining benefits or services under those programs; (iii) possible changes in or alternatives to those programs or procedures; or (iv) possible changes in methods or levels of payment for benefits or services under those programs; and

(2) The research could not practicably be carried out without the waiver or alteration.

[FR Doc. 83-5968 Filed 3-3-83; 8:45 am]
BILLING CODE 4150-04-M

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45 CFR Part 96

Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule amends current regulation at 45 CFR 96.112(b) to allow continued funding of the Community Services Block Grant (CSBG) in the territories of Guam and American Samoa during Fiscal Year (FY) 1983. This change was made necessary by the limitations imposed on CSBG funding by section 138 of Pub. L. 97-276.

DATES: This rule is effective March 4, 1983. To assure consideration, comments should be submitted by April 4, 1983.

ADDRESS: Submit comments to Spencer L. Lott, II, Director, Office of State and Project Assistance, Office of Community Services, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Spencer L. Lott, II, (202) 254-7030.

SUPPLEMENTARY INFORMATION: Section 675(c)(2)(A)(i) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) ("the Act") required each State receiving funds under the CSBG to use at least 90 percent of its FY 1982 funds to make grants to "eligible entities" (as defined in section 673(1) of the Act) or to organizations which serve migrant or seasonal farmworkers. "Eligible entities" are primarily organizations which had been designated during FY 1981 as community action agencies or community action programs under the Economic Opportunity Act of 1964. For FY 1983 and subsequent years, section 675(c)(2)(A)(ii) of the Act afforded States greater flexibility in the use of their funds to make grants to non-profit private community organizations which serve migrant or seasonal farmworkers, or to political subdivisions within the States.

The territories of Guam and American Samoa do not have any organizations within their jurisdictions which meet the definitions of "eligible entities". Thus they were seemingly precluded from using more than 10 percent of their FY 1982 CSBG funds. Therefore, the final block grant regulations published by this Department of July 6, 1982 (47 FR 29472), explained that because Congress had not intended such a result, States or territories with no eligible entities could distribute their FY 1982 allotments using the funding criteria applicable for FY 1983, as specified in section 675(c)(2)(A)(ii).

However, section 138 of Pub. L. 97-276 imposed a new limitation which in effect extends to FY 1982 funding limitations through FY 1983, by requiring that States pass through 90 percent of their allotments to "eligible entities" or to organizations that serve migrant or seasonal farmworkers during FY 1983 as well. Thus under the current regulation these territories are once again arguably prevented from distributing most of their CSBG funds. We do not believe that this result was intended by Congress. Consequently, we are amending 45 CFR 96.112(b) to allow these territories to distribute their allotments according to the original requirements which would have been applicable under section 675(c)(2)(ii) of the Act.

Because of the limited time available in which territories may obligate FY 1983 funds, we believe that it would be impracticable and contrary to the public interest to delay availability of funds to the affected territories during the time necessary to conduct a rulemaking proceeding. Moreover, since this rule merely extends an existing rule to take into account the extension of the underlying statutory provision, we believe it is unnecessary to solict public comment. Accordingly, we find that good cause exists to waive the requirement for prior opportunity for comment. For the same reason, and because the rule relieves a restriction, we are making the regulation effective immediately, instead of allowing the customary 30-day delayed effective date. Although we are not soliciting public comment prior to publication of the rule, comments may be submitted as stated above, and appropriate changes will be made in the rule based on any comments received.

Regulatory Impact

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects. The Department concludes that this regulation which allows Community Services Block Grant funding for the territories of Guam and American Samoa during Fiscal Year 1983 is not a major rule within the meaning of the Executive Order because it does not have an effect on the economy of $100 million or more or otherwise met the threshold criteria. It merely sets forth the terms and conditions for spending appropriated funds. In this case, the effect of this regulation change is not to determine whether or not money will be spent, but the procedure by which it will be spent, and it is that effect—which is negligible—against which the threshold criterion is applied. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. The primary impact of this regulation is on the territories of Guam and American Samoa, which are not "small entities" within the meaning of the Act. Because this regulation provides the two

territories with great authority to prescribe management, organization, funding and eligibility practices for service delivery, it does not directly impact small entities, either favorably or adversely. Instead, impacts will depend on future decisions of the two territories.

We are not required to perform a regulatory impact analysis where the effect of the proposed regulation is speculative, and will be caused by decisions made independently of the Federal government. Therefore, the Secretary hereby certifies that a regulatory flexibility analysis is not required.

List of Subjects in 45 CFR Part 96

Administrative practice and procedure, Aged, Alcoholism, Child welfare, Community action program, Drug abuse, Energy, Grant programs—energy, Grant programs—health, Grant programs—Indians, Grant programs—social programs, Health, Indians, Investigations, Low and moderate income housing, Maternal and child health; Mental health programs, Public health, Reporting and recordkeeping requirements, Social security.

PART 96—[AMENDED]

For the reasons set forth in the preamble, Title 45, § 96.112(b) of the Code of Federal Regulations is amended to read as follows:

§ 96.112 Community Services Block Grant.

* * * * *

(b) A State or territory that does not have any eligible entity" as that term is defined in section 673(1) of the Reconciliation Act (42 U.S.C. 9902), as amended by section 17 of Pub. L. 97–115 (December 19, 1981), or any other entity for which funding is allowed under Section 138 of Pub. L. 97–276, may distribute its allotment for the Fiscal Year beginning October 1, 1982 according to section 675(c)(2)(A)(ii) of the Reconciliation Act.

* * * * *

Dated: February 2, 1983.

Harvey R. Vieth,

Director, Office of Community Services.

Dated: February 14, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-5880 Filed 3-3-83; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 90

Amendment of the Commission's Rules Pursuant to Its Unregulatory Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission is amending the Rules concerning the land mobile radio services so as to eliminate those that are now unnecessary or outdated and to bring others into agreement with rules that were amended previously in other rulemaking actions.

EFFECTIVE DATE: March 4, 1983.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Arthur C. King, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure.

47 CFR Part 90

Private land mobile radio services.

In the matter of amendment of Parts 0, 1, and 90 of the Commission's rules and regulations pursuant to the Commission's Unregulatory Program.

Order

Adopted: February 3, 1983.

Released: February 15, 1983.

1. This Order is intended to simplify the rules by deleting unnecessary or outdated rule sections in Parts 0, 1, and 90 of the Commission's Rules and Regulations, by relaxing restrictions, and by making editorial corrections where necessary.

2. The affected rule sections are: §§ 0.401, 1.923, 1.951, 1.952, 90.3, 90.17, 90.19, 90.21, 90.35, 90.41, 90.45, 90.49, 90.51, 90.63, 90.67, 90.73, 90.75, 90.91, 90.127, 90.129, 90.135, 90.157, 90.175, 90.238, 90.251, 90.255, 90.555, and 90.560.

3. We conclude that the adoption of the amendments set forth in the Appendix will serve the public interest, and inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose, we conclude that notice and public procedure thereon are unnecessary and contrary to the public interest. We also conclude that the effective date of these rule changes shall be the date on which they are published in the **Federal Register**. Authority for this action is set forth in the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. § 553(b)(3)(B), and (d).

4. Inasmuch as a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

5. Therefore, it is ordered, That pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and the authority delegated to the Managing Director by § 0.231 of the Commission's Rules, 47 CFR 0.231, the Commission's Rules and Regulations are amended as set forth in the attached Appendix effective upon publication in the **Federal Register.**

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

PART 0—[AMENDED]

A. Part 0 of the Commission's Rules and Regulations is amended as follows:

1. Section 0.401 is amended by the removal of paragraph (g) in its entirety and the substitution of [Reserved] and by the revision of paragraph (e)(1) to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(e) * * *

(1) The mailing address of the Gettysburg Data Processing Center and the Private Radio Bureau Licensing Division is: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

* * * * *

(g) [Reserved]

PART 1—[AMENDED]

B. Part 1 of the Commission's Rules and Regulations is amended as follows:

1. Section 1.923(a) is revised to read as follows:

§ 1.923 Waiver of construction permit requirement.

(a) A construction permit is not required for any station in the Private Radio Services. However, certain private radio facilities must be constructed within the time periods specified in Part 90. See, however, § 1.1311(c).

* * * * *

2. Section 1.951 is revised to read as follows:

§ 1.951 How applications are distributed.

Licensing Division. All applications for radio stations in the following services:

(a) *Aviation and Marine Branch.* Aviation Radio Services applications: Air Carrier Aircraft, Private Aircraft, Airdrome Control, Aeronautical Enroute, Aeronautical Fixed, Operational Fixed (Aviation), Aeronautical Utility Mobile, Radionavigation (Aviation), Flight Test, Flying School, Aeronautical Public Service, Civil Air Patrol, Aeronautical Advisory, Aeronautical Metropolitan, Aeronautical Search and Rescue Mobile, and Aeronautical Multicom.

Marine Radio Services applications: Public Coast Stations, Limited Coast Stations, Stations on Land in the Maritime Radiodetermination Service, Fixed Stations associated with the Maritime Mobile Service, Stations operated in the Land Mobile Service for maritime purposes, Stations on Shipboard in the Maritime Services, and Public Fixed Stations in Alaska.

(b) *Land Mobile Branch.* Industrial Radio Services applications: Business, Forest Products, Industrial Radiolocation, Manufacturers, Motion Picture, Petroleum, Power, Relay Press, Special Industrial and Telephone Maintenance.

Land Transportation Radio Services applications: Motor Carrier, Railroad, Taxicab, and Automobile Emergency.

Public Safety Radio Services applications: Fire, Forestry-Conservation, Highway Maintenance, Local Government, and Police.

Special Emergency Radio Service applications: Medical services, rescue organizations, physically handicapped, veterinarians, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities.

(c) *General Radio Branch:* Amateur, Citizens Band, Radio Control, General Mobile, Disaster.

3. Section 1.962(b) is amended to reflect sub-title changes and to add radio services as follows:

§ 1.962 How file numbers are assigned:

* * * * *

(b) * * *

Industrial Services

IB—Business.
IF—Forest Products.
IX—Manufacturers.
IM—Motion picture.
IP—Petroleum.
IY—Relay Press.
IS—Special Industrial.
IT—Telephone Maintenance.
IW—Power.

Radiolocation Service

RS—Radiolocation.

* * * * *

PART 90—[AMENDED]

C. Part 90 of the Commission's Rules and Regulations is amended as follows:

1. Section 90.3 is removed in its entirety and [Reserved] is substituted as follows:

§ 90.3 [Reserved]

2. Section 90.17 is amended by the addition of new language to paragraph (a) to read as follows:

§ 90.17 Local Government Radio Service.

(a) Eligibility. Any territory, possession, state, city, county, town or similar governmental entity, including a district and an authority, but not including a school district or authority or a park district or authority except as provided for in § 90.242, is eligible to hold authorizations in the Local Government Radio Service to operate radio stations for transmission of communications essential to official activities of the licensee.

* * * * *

3. Section 90.19 is amended by the modification of paragraph (c) Article 5(g) to read as follows:

§ 90.19 Police Radio Service.

* * * * *

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

* * * * *

4. Section 90.21(b), the Fire Radio Service Frequency Table, is amended to read as follows:

§ 90.21 Fire Radio Service.

* * * * *

(b) * * *

Frequency or band	Class of station(s)	Limitations
*	*	*
460.525	Base or Mobile	8
460.550	do	8
460.575	do	
460.600	do	
460.625	do	
465.525	Mobile	8
465.550	do	8
465.575	do	
465.600	do	
465.625	do	
*	*	*

5. Section 90.35 is amended by the removal of paragraph (c) and the substitution of [Reserved] to read as follows:

§ 90.35 Medical Services.

(a) * * *

(c) [Reserved]

6. Section 90.41 is amended by the removal of paragraph (c) and the substitution of [Reserved] to read as follows:

§ 90.41 Disaster Relief Organizations.

* * * * *

(c) [Reserved]

7. Section 90.45 is amended by the removal of paragraph (b) and the substitution of [Reserved] to read as follows:

§ 90.45 Beach Patrols.

* * * * *

(b) [Reserved]

8. Section 90.49 is amended by the removal of paragraph (c) and the substitution of [Reserved] to read as follows:

§ 90.49 Communications standby facilities.

* * * * *

(c) [Reserved]

9. Section 90.51 is amended by the removal of paragraph (b) and the substitution of [Reserved] to read as follows:

§ 90.51 Emergency repair of public communications facilities.

* * * * *

(b) [Reserved]

10. Section 90.63 is amended by amending paragraphs (c) and revising (d) (6) to read as follows:

§ 90.63 Power Radio Service.

* * * * *

(c) * * *

Power Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
*	*	*
154.46375	do	6,7,21
*	*	*

* * * * *

(d) * * *

(6) This frequency is available for assignment to multiple address fixed stations employing omnidirectional antennas used for Power Utility peak load shaving and shedding and to mobile stations used for the remote control of objects and devices. The maximum power that may be authorized to fixed stations is 300 watts output, and the maximum power that may be authorized for mobile stations is 1 watt output. This frequency may also be

assigned to operational fixed stations employing directional antenna systems (front-to-back ratio of 20 dB) when such stations are located at least 120 km. (75 mi.) from the boundaries of any urbanized area of 200,000 or more population. (U.S Census of Population, 1960). The maximum power output of the transmitter for such fixed stations may not exceed 50 watts. A1, A2, A9, F1, F2, or F9 emission may be authorized.

11. Section 90.67(b) is the Forest Products Radio Service Frequency Table, is amended as follows:

§ 90.67 Forest Products Radio Service.

* * * * *

(b) * * *

Forest Products Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
* * * * *		
43.18	do	2
* * * * *		
152.465	do	2, 28
* * * * *		
154.625	Base or Mobile	5
157.725	Mobile	29
157.740	Base or Mobile	5
* * * * *		
457.000	do	5
457.025	do	2
457.075	do	2
* * * * *		

12. Section 90.73(c) is amended in the Special Industrial Radio Service Frequency Table, as follows:

§ 90.73 Special Industrial Radio Service.

* * * * *

(c) * * *

Special Industrial Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitation
43.18	do	2, 34
* * * * *		
457.000	do	5
457.025	do	2
457.075	do	2
* * * * *		

* * * * *

13. Section 90.75 (b), the Business Radio Service Frequency Table, and (f) are amended to read as follows:

§ 90.75 Business Radio Service.

* * * * *

(b) * * *

Business Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Megahertz:		
27.43	Base or Mobile	1,2
27.45	do	1,2
27.47	do	1,2
27.49	do	1,3
* * * * *		
450.875	do	1,2,28,39,40
451.150	do	1,2,28,39,40
* * * * *		

* * * * *

(f) Limitation on itinerant operation. Base or mobile stations being utilized in itinerant operation will be authorized only on base or mobile frequencies designated for itinerant operation under § 90.75(c)(3), or on other frequencies not designated for permanent use.

14. Section 90.91(b) is amended in the Railroad Radio Service Frequency Table as follows:

§ 90.91 Railroad Radio Service.

* * * * *

(b) * * *

Railroad Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
* * * * *		
72.56	do	2
72.60	do	2
* * * * *		

* * * * *

15. Section 90.127(a) is amended to reflect the new address in Gettysburg, Pennsylvania for submission of applications as follows:

§ 90.127 Filing of applications.

(a) All applications for station authorizations and related correspondence shall be submitted to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

* * * * *

16. Section 90.129 is amended by the removal of paragraphs (d) and (l) and the substitution of [Reserved] to read as follows:

§ 90.129 Supplemental information to be routinely submitted with applications.

* * * * *

(d) [Reserved]

* * * * *

(l) [Reserved]

* * * * *

17. Section 90.135(b) (6) and (7) are amended to remove the reference to Form 425 and to reflect the new address in Gettysburg, Pennsylvania as follows:

§ 90.135 Modification of license.

* * * * *

(b) * * *

(6) In case of a change listed in paragraph (b) (1) or (2) of this paragraph, the licensee shall promptly notify the Commission of such change. The notice, which may be in letter form, shall contain the name and address of the licensee as they appear in the Commission's records, the new name or address, the call signs and classes of all radio stations authorized to the licensee under this part and the radio service in which each station is authorized. The Notice shall be sent to, Federal Communications Commission, Gettysburg, Pennsylvania 17325 and to the Engineer in Charge of the Radio District in which the station is located, and a copy shall be maintained with the license of each station until a new license is issued.

(7) In the case of a change listed in paragraph (b) (3), (4), or (5) of this paragraph the licensee shall promptly notify the Commission within 30 days of the change. The notice shall be filed on the appropriate application form (FCC Form 574), and shall be sent to: Federal Communications Commission, Gettysburg, Pennsylvania 17325.

18. Section 90.157 is revised to read:

§ 90.157 Discontinuance of station operation.

If a station licensed under this part discontinues operation on a permanent basis, the licensee shall forward the station license to the Commission for cancellation. For the purposes of this section, any station which has not operated for 1 year or more is considered to have been permanently discontinued.

19. Section 90.175 is amended by the removal of paragraph (e)(4) and the substitution of [Reserved].

§ 90.175 Frequency coordination requirements.

* * * * *

(e) * * *

* * * * *

(4) [Reserved]

20. Section 90.238(e) of the rules is revised to read as follows:

§ 90.238 Telemetry operations.

* * * * *

(e) Frequencies separated by 12.5 kHz from regularly assignable frequencies in the 450–470 MHz band, which are listed at 90.267(b), except that frequencies separated by 12.5 kHz from frequencies in the 460.650–460.875 MHz and 465.650–465.875 MHz bands are also available in the Business Radio Service for one-way, non-voice biomedical telemetry

operation in hospitals, or in medical or convalescent centers.

* * * * *

21. Section 90.251 is revised to remove references to the 27 MHz band as follows:

§ 90.251 Scope.

This subpart sets forth special requirements applicable to the use of certain frequencies (4383.8 kHz) or frequency bands (72–76, 216–220, 450–470, and 1427–1435 MHz).

§ 90.255 [Reserved]

22. Section 90.255 is removed in its entirety and [Reserved] is substituted to read as follows:

23. Section 90.555(b) is amended to read as follows:

§ 90.555 Combined frequency listing.

* * * * *

(b) Combined frequency list:

Frequency	Services	Limitations
* * * * *		
Megahertz		
* * * * *		
35.00–35.01	IB, IF, IM, IP, IS, IT, IW, IX, IY.	Do.
35.02	IB, PS	Low Power (2W.).
35.04	IB	Itinerant.
* * * * *		
151.145	PO, IB	Do.
* * * * *		

24. Section 90.560 is removed in its entirety and [Reserved] is substituted to read as follows:

§ 90.560 [Reserved]

[FR Doc. 83-5418 Filed 3-3-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 22

[CC Docket No. 20870; FCC 83-36]

Public Mobile Radio Services; Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Interim rule.

SUMMARY: Policies and procedures concerning objective need showings for applications requesting an additional one-way frequency for one-way signaling stations are being proposed. The present rules do not provide applicants with sufficient information as to what is required in need showings before applications can be granted. Applicants requesting an additional one-way frequency must show that the existing or projected grade of service is .50 before an additional channel is granted. The proposed standards are being adopted on an interim basis.

EFFECTIVE DATE: Interim rule effective April 4, 1983.

ADDRESS: Secretary's Office, Rm. 222, FCC, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carmen A. C. Borkowski, (202) 632–6450.

SUPPLEMENTARY INFORMATION: List of Subjects in 47 CFR Part 22

Communications common carriers, Mobile radio service, Radio common carriers.

In the matter of regulatory policies and procedures for the Domestic Public Land Mobile Radio Service (CC Docket No. 20870).

Interim Rule

Adopted January 27, 1983.

Released: February 14, 1983.

By the Commission:

1. In a Further Notice of Proposed Rulemaking adopted on January 27, 1983 we adopted objective need standards for one-way service. *See* Proposed Rules Section in the **Federal Register** issue for Thursday, February 3, 1983. In addition, we adopt the objective one-way need standards as an interim rule pending the conclusion of this rulemaking proceeding.[1] The experience we have gained from using objective need standards for two-way service demonstrate to us that one-way standards are also needed. Use of the interim standards will assist us in determining the proper objective standards for one-way service if objective standards are adopted on a longer term basis.

2. The authority for this rulemaking is contained in Section 4 and 303 of the Communications Act of 1934, as amended.

3. Pending the conclusion of this rulemaking proceeding, we will follow the objective need standards presented in Appendix I on an interim basis. The interim rule becomes effective 30 days after publication of this document in the **Federal Register.**

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

[1] Applications which fail to demonstrate need in accordance with the interim standards will be returned as unacceptable for filing pursuant to § 22.20 of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix I—Interim Rule

PART 22—[AMENDED]

47 CFR Part 22 is revised as follows:

1. Section 22.16 (c) is added to read as follows:

§ 22.16 Objective need standards.

* * * * *

(c) Applications for one additional paging channel will be granted as follows:

(1) If the application shows that the existing system's present grade of service is 0.50 or greater or that the existing grade of service is 0.40 or greater with a projected grade of service of 0.50 or greater, the additional channel will be granted.

(2) Procedures to determine grade of service:

(i) Separate § 22.516 data shall be submitted for tone-only units, tone-voice and tone-optical readout.

(ii) For each § 22.516 submission, the bouncing busy-hour occupied time of a system shown by the § 22.516 study shall be divided by the number of units in the system to derive a basic reckoning factor for projecting traffic in a proposed system. This reckoning factor shall be in minutes per unit (MPU), *i.e.,* the time a system is on the air during the busy hour divided by the number of units presently authorized to use that system.

(iii) A unit shall be considered as generating traffic in a proposed system if it falls into one of three categories:

(A) Present subscriber units,

(B) Subscriber units for which there are written held orders, and

(C) Subscriber units projected through the use of a valid statistical survey.

(iv) The number of units included in paragraph (c)(2)(iii) (B) and (C) of this section, above shall be discounted by 20 percent.

(v) The MPU shall be multiplied by the total of the units included in paragraph (c)(2)(iii) of this section, as discounted, and divided by 60 to estimate, in Erlangs, the expected traffic in the proposed system.

(vi) Referring to the Erlang C Table, the expected grade of service level shall be calculated for each proposed system. A determination of whether an additional channel will be authorized will be based on the grade of service so calculated.

[FR Doc. 83-5419 Filed 3-3-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Parts 81 and 83

[PR Docket No. 82-611; FCC 83-68]

Amendment of the Commission's Rules To Specify the Circumstances Under Which Limited Coast Stations May Be Exempted From the Watch Requirement on 156.8 MHz and To Authorize the Use of Marine VHF Channel 88A in the Lake Michigan Area

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document specifies the circumstances under which limited coast stations may be exempted from the requirement to maintain a watch on 156.8 MHz, and allows the use of simplex marine VHF Channel 88A in the Lake Michigan area. This action will relieve limited coast stations of an unnecessary burden, and in Lake Michigan it will provide the public with an additional marine channel. This rule making will further the Commission's objective of providing service to the public in the least burdensome and most efficient manner possible.

EFFECTIVE DATE: March 28, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 81

Coast stations, Radio, Telephone.

47 CFR Part 83

Ship stations, Great Lakes.

In the matter of amendment of Parts 81 and 83 of the Commission's rules to specify the circumstances under which limited coast stations may be exempted from the watch requirement on 156.8 MHz and to authorize the use of marine VHF Channel 88A in the Lake Michigan area. (PR Docket No. 82-611).

Report and Order

(Proceeding Terminated)

Adopted: February 17, 1983.

Released: February 23, 1983.

By the Commission:

Summary

1. In this Report and Order we are amending Parts 81 and 83 of the Commission's rules: (1) To specify the circumstances under which limited coast stations are exempted from the requirement to maintain a watch on 156.8 MHz; and (2) to make simplex marine VHF Channel 88A (157.425 MHz) available for commercial intership communications in the Lake Michigan area beyond 75 miles of the United States/Canada border.

The 156.8 MHz Watch Requirement for Limited Coast Stations

2. Limited coast stations are maritime radio stations on land which serve the operational and business needs of ships, including the transmission of safety communications. They do not provide a public correspondence service.

3. The frequency 156.8 MHz is designated as the distress, safety and calling frequency in the VHF maritime mobile service. As a calling frequency, 156.8 MHz is the frequency on which contact can be made with ship and coast stations. After contact is made the parties shift to a working frequency. Although this operating procedure is permitted, whenever practicable, contact between ship stations and limited coast stations is made directly on the appropriate ship-shore working frequency to reduce unnecessary communications on 156.8 MHz. Distress and safety messages are also transmitted on 156.8 MHz. By designating the distress frequency as the calling frequency, the rules ensure that a maximum number of stations will be listening at any given time.

4. Under § 81.191(d)(1) of the Commission's rules, each limited coast station licensed to transmit by telephony in the band 156–162 MHz shall, during its hours of service for telephony, maintain an efficient watch on the frequency 156.8 MHz whenever such station is not being used for transmission on that frequency. However, the Commission may exempt any limited coast station from this watch requirement if it considers that the circumstances demonstrate that the watch is duplicated by public coast stations or Government coast stations having continuous hours of service.

5. In the Notice of Proposed Rule Making in this proceeding [1] (hereafter NPRM) we proposed to amend the rules to exempt most limited coast stations from the watch requirement. The Commission previously exempted public coast stations (which provide public correspondence service) from this watch in areas where coverage is provided by the Coast Guard or other Government entities. The Coast Guard maintains a continuous watch on 156.8 MHz along the entire coast of the United States. Therefore, in the case of limited coast stations located on the coast, a general exemption was proposed. The criteria proposed are identical to those under which the Commission presently exempts public coast stations from the 156.8 MHz watch requirement. Limited coast stations servicing inland waters would continue to be exempted from the 156.8 MHz watch requirement on a case by case basis where it is shown that Federal, State or Local Government stations maintain the watch.

6. No comments were received in response to the Notice of Proposed Rule Making.

7. We conclude that the amendment proposed in the NPRM to exempt VHF limited coast stations from the requirement to maintain watch on 156.8 MHz is in the public interest. This amendment will eliminate a watch requirement imposed on the maritime public which duplicates coverages provided by Federal, State or Local Government stations.

Frequency Allocation in the Lake Michigan Area

8. In 1976 the Commission changed the status of frequencies 157.425 (commercial intership frequency) and 162.025 MHz (Government frequency) to form duplex marine VHF Channel 88.[2] Section 83.351(b)(55) was amended and a new paragraph (b)(72) was added to except vessels plying the Great Lakes and St. Lawrence Seaway from the category of vessels permitted to use simplex Channel 88A for commercial intership communications. In the same action the newly formed duplex channel was made available to ship stations plying the Great Lakes and St. Lawrence Seaway for public correspondence communications with Canadian coast stations (see § 2.106, footnote US223, and § 83.351(b)(72) of the rules).

9. The Great Lakes area includes Lakes Superior, Huron, Erie, Ontario and Michigan. With the exception of Lake Michigan, all the lakes border on both the United States and Canada. Lake Michigan is located totally within the bounds of the United States and as a result, except at the northern end of the lake, is beyond the range of communication with Canadian coast stations. Consequently, simplex Channel 88A could be used in much of Lake Michigan without the need to coordinate with Canada.

10. In the NPRM we proposed to limit the broad language used in paragraphs (b)(55) and (72) of § 83.351, thereby permitting the use of simplex Channel 88A for commercial intership

[1] PR Docket No. 82-611, released August 31, 1982. 47 FR 40187.

[2] Report and Order, Docket No. 20638, adopted November 23, 1976, 41 FR 54490, 62 FCC 2d 445.

communications in the Lake Michigan area beyond 75 miles of the United States/Canada border. In view of Lake Michigan's internal location, we saw no reason why the public should be deprived of the use of this additional channel.

11. As indicated above, no comments were filed in the proceeding. We continue to believe that the availability of this additional marine channel on Lake Michigan is in the public interest. Therefore, we are amending the rules as proposed.

Summary of Action

12. In summary, we are: (1) Revising § 81.191 to provide a general exemption from the requirement to maintain a listening watch on 156.8 MHz for all limited coast stations serving coastal waters; and (2) revising § 83.351 to make Channel 88A (157.425 MHz) available for intership communications on Lake Michigan beyond 75 miles of the United States/Canada border.

13. The rule amendments proposed in this proceeding, while expected to benefit the maritime public as described above, will not result in a significant economic impact on any person or entity. Therefore, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

14. Regarding questions on matters covered in this document contact Robert H. McNamara, (202) 632–7175.

15. Accordingly, it is ordered, that under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), the Commission's rules are amended as set forth in the Appendix, effective March 28, 1983.

16. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

In § 81.191 paragraph (d) is removed and reserved and paragraph (c) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations.

* * * * *

(c) All coast stations not serving inland lakes, rivers and bays (i.e., inland waters) shall be exempt from the channel 16 watch requirement. However, each coast station located on inland waters (exclusive of the Great Lakes which are exempt) licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class F3 emission on the frequency 156.800 MNz whenever such station is not being used for transmission on that frequency. An exemption will be granted to any inland water coast station from compliance with this requirement when it has been demonstrated that an efficient watch on 156.800 MHz is maintained over 95% of the coast station's service area by Federal, State or Local Government stations. Such a request for an exemption must include a chart showing the receiving service area of the inland water coast station by the method specified in Subpart R of this part of the rules. The location by coordinates, to the nearest minute, and the receiving service area of the government station maintaining the continous watch on 156.800 MHz must be indicated on the same chart. The receiving service area of these stations shall be calculated using criteria specified in Subpart R of this part of the rules. Where the station(s) providing the 156.800 watch over the service area of an exempt station temporarily discontinues that watch, the exempt coast station upon receiving notice of this condition, shall maintain the watch on 156.800 MHz during the down period. However, in the case of automated maritime communications systems, compliance with this "back-up" watch requirment shall only require the use of existing facilities, when not otherwise being utilized, and shall not be construed as necessitating additional equipment or circuits.

(d) [Reserved]

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

In § 83.351(b) (55) and (72) are revised to read as follows:

§ 83.351 Frequencies available.

* * * * *

(b) * * *

(55) Except within 75 miles of the United States/Canada border on the Great Lakes and St. Lawrence Seaway, available for intership and commercial communications. Except on the Great Lakes, also available for communications between commerical fishing vessels and associated aircraft while engaged in commerical fishing activities.

* * * * *

(72) Within 75 miles of the United States/Canada border on the Great Lakes and St. Lawrence Seaway, 157.425 MHz is half of the duplex pair designated as Channel 88. In this area, Channel 88 is available for use by ship stations for public correspondence communications.

* * * * *

[FR Doc. 83-5413 Filed 3-3-83; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-14)]

Rail General Exemption Authority—Miscellaneous Agricultural Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Final rule and exemption.

SUMMARY: The Commission is adopting rules, which were proposed at 47 FR 50311, November 5, 1982, to exempt the transportation by rail of all farm products (STCC No. 01) not previously exempt, with the exception of grain (STCC No. 0113), soybeans (01144), and sunflower seeds (0114940), and in addition exempts stemmed or redried tobacco; cottonseed hulls; cotton linters; honey, comb, granulated or strained, or heat treated to retard granulation and beeswax; cotton, carded, dyed or not dyed, but not spun, woven, or knitted, but including cotton lap; mattress felt, nec, cjors, not finished wool, nec, scoured, including camels hair or mohair, or mohair or wool clips or tags; and flax fibre, from the provisions of Subtitle IV of Title 49 U.S.C.; except that carriers shall continue to comply with the Commission's accounting and reporting requirements and shall include in their annual reports a brief statement of operations under this exemption authority. The Commission has examined the distribution (particularly

by rail) of the commodities proposed for exemption and has determined the continued regulation of these commodities no longer appears necessary to serve the Nation's transportation policy objectives or to protect shippers from abuse of market power by the railroads.

DATE: Effective April 4, 1983.

COMMENTS: Comments by persons opposed to the exemption of stemmed or redried tobacco (STCC No. 214) cottonseed hulls (STCC No. 2091425); cotton linters (STCC Nos. 20915 and 2299926); honey, comb, granulated or strained, or heat treated to retard granulation (STCC No. 2099941) and beeswax (STCC No. 2842337); cotton, carded, dyed or not dyed, but not spun, woven, or knitted, but including cotton lap (STCC No. 2281130); mattress felt, nec, cjors, not finished (STCC No. 2291174); wool, nec, scoured, including camels hair or mohair, or mohair or wool clips or tags (STCC No. 2297135); and Flax Fibre (STCC No. 2299522); shall be filed with the Secretary of the Commission on or before March 24, 1983.

ADDRESS: An original and 10 copies, if possible, of each submission should be forwarded to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, (202) 275–7428.

FOR FURTHER INFORMATION CONTACT: Leland L. Gardner or Robert Lundy, Office of Transportation Analysis, Interstate Commerce Commission, Washington, DC 20423, (202) 275–0611 or 275–6853.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy of the decision, write to: TS Infosystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

This rule is issued under the authority of Sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and Section 10505 of Title 49 (49 U.S.C. 10505).

List of Subjects in 49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Intermodal transportation, Railroads.

Dated: February 17, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons and Gradison. Vice Chairman Sterrett dissented in part with a separate expression.

Agatha L. Mergenovich,

Secretary.

Vice Chairman Sterrett, dissenting in part:

I disagree with the majority's decision not to exempt sunflower seeds. I believe this refusal represents a step backward in the Commission's use of the broad exemption authority conferred in the Staggers Act.

The evidence here indicates that the railroads are competing seriously for sunflower seed traffic. Rates have been reduced and new unit train and multiple car rates have been established. While I am sympathetic to and understand the shipper's concerns, we have been given no reason to believe deregulation will cause an abrupt change in the railroads' present marketing and pricing practices. Moreover, even if abuses were to develop in the future, we have ample authority to make corrective action. Indeed, the legislative history of the Staggers Act directs us to adopt a liberal exemption policy, reviewing exemptions *after* the fact to correct any abuses that may occur.

Appendix

Revisions to the Code of Federal Regulations

PART 1039—[AMENDED]

49 CFR Part 1039 is revised by removing § 1039.11 and by revising § 1039.10 to read as follows:

§ 1039.10 Exemption of agricultural commodities except grain, soybeans, and sunflower seeds.

The rail transportation of the commodities listed below is exempt from the provisions of Subtitle IV of Title 49, except that carriers must continue to comply with Commission accounting and reporting requirements, including a brief statement in their annual reports of operations under this exemption, and must maintain copies of rates, charges, rules or regulations, for traffic moved under this exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 14)], within 30 days, of the fact that they are using the exemption. All tariffs pertaining to the transportation of these miscellaneous commodities will no longer apply except to the extent adopted by carrier quotations. The categories of commodities which are exempt under this decision, by Standard Transportation Commodity Code (STCC) number are:

01	Farm products, with the exception of grain (STCC No. 0113), soybeans (STCC No. 01144), and sunflower seeds (STCC No. 0114940).
09	Fresh fish and other marine products.
20–412–27	Citrus pomace.
20–712–12	Shelled walnuts.
20–914–25	Cottonseed hulls.
20–915	Cotton linters.
20–999–41	Honey, comb, granulated or strained, or heat treated to retard granulation.
214	Stemmed or redried tobacco.
22–811–30	Cotton, carded, dyed or not dyed, but not spun, woven or knitted, but including cotton lap.
22–911–83	Mattress felt, nec, cjors, not finished.
22–911–74	Felts, ication, nec.
22–971–35	Wool, nec, scoured.
22–995–22	Flax fibre.
22–999–26	Cotton linters, bleached or dyed.
28–423–37	Beeswax.

and shall embrace all articles assigned additional digits. The STCC shall be those code numbers in effect as of January 1, 1979, as shown in Standard Transportation Commodity Code Tariff 1–G, ICC STCC 6001–C. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

[FR Doc. 83–5828 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 48, No 44
Friday, March 4, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 960

Federal Executive Boards

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management is issuing proposed rules for the organization and functions of Federal Executive Boards. Federal Executive Boards were established pursuant to a Presidential directive of November 10, 1961, which charged the Chairman of the former Civil Service Commission to arrange for the establishment of a Board in each of the Commission's administrative regions and to continue similar associations in other centers of Federal activity. Since then the Boards have been the responsibility, variously, of the Civil Service Commission and its successor, the Office of Personnel Management, and the Bureau of the Budget and its successor, the Office of Management and Budget. On June 7, 1982, the Executive Office of the President transferred authority for Federal Executive Board functions to the Office of Personnel Management. The rules proposed in this notice are intended to carry into effect the directive of the President that Federal Executive Boards be organized and operated to achieve better interagency coordination of Federal activity and to better communications between Government officials in Washington and in the field.

DATE: Comments must be received on or before April 4, 1983.

ADDRESS: Send or deliver comments to Joseph A. Morris, General Counsel, United States Office of Personnel Management, Room 5H30, Washington, D.C., 20415.

FOR FURTHER INFORMATION CONTACT: Roger Pilon, Special Assistant to the General Counsel, (202) 632-5423.

SUPPLEMENTARY INFORMATION:

Federal Executive Boards were created by the President to improve Federal management activities within major metropolitan centers across the country. Currently established in 26 cities that are major centers of Federal activity, the Boards are composed of the highest local officials of each Federal agency in those metropolitan areas. For several years, the Boards were jointly administered by the Civil Service Commission and the Bureau of the Budget. On June 7, 1982, the Executive Office of the President transferred authority for all Federal Executive Board functions to the Office of Personnel Management.

Federal Executive Boards are important organizational structures for outreach from Washington to Federal Government operations in the field. They function in four general areas: (1) Provision of a forum for the exchange of information between Washington and the field about programs, management methods, and administrative problems, (2) coordination of local approaches to national programs and such local interagency programs as may be approved by the Director; (3) communication from Washington to the field of management initiatives and other concerns for the improvement of coordination; and (4) referral to the national level of problems that cannot be resolved locally. These rules will provide a clear structure for the efficient organization and operation of Federal Executive Boards and will eliminate ambiguities and unnecessary activities that might interfere with the full development of the Boards as instruments of effective Government management and communication.

In view of the need to place the operations of Federal Executive Boards on a regular basis, and of the desirability of receiving the seasonable comments of Federal executives and other interested persons, the Director finds good cause for setting the comment period at 30 days.

E.O. 12291, Federal Regulations

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulations, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects the organization and operation of Federal Executive Boards.

List of Subjects in 5 CFR Part 960

Government employees, Organization and functions (Government agencies).

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM proposes to amend 5 CFR by adding Part 960 to read as follows:

PART 960—FEDERAL EXECUTIVE BOARDS

Sec.

960.101 Definitions.
960.102 Authority and status.
960.103 Location.
960.104 Membership.
960.105 Officers and organization.
960.106 OPM leadership.
960.107 Authorized activities.
960.108 Additional rules and directives.

Authority: Memorandum of the President for Heads of Departments and Agencies (November 10, 1961).

§ 960.101 Definitions.

For purposes of this Part:

(a) The term "Director" means the Director of the United States Office of Personnel Management.

(b) The term "Executive agency" means a department, agency, or independent establishment in the Executive Branch.

(c) The term "metropolitan area" means a geographic zone surrounding a major city, as defined and delimited from time to time by the Director.

(d) The term "principal area officer" means, with respect to an Executive agency, the senior official of the Executive agency who is located in a

metropolitan area and who has no superior official within that metropolitan area other than in the Regional Office of the Executive agency. Where an Executive agency maintains facilities of more than one bureau or other subdivision within the metropolitan area, and where the heads of those facilities are in separate chains of command within the Executive agency, then the Executive agency may have more than one principal area officer.

(e) The term "principal regional officer" means, with respect to an Executive agency, the senior official in a Regional Office of the Executive agency.

(f) The term "special representative" means, with respect to an Executive Agency, an official who is not subject to the supervision of a principal regional officer or a principal area officer and who is specifically designated by the head of the Executive Agency to serve as the personal representative of the head of the Executive Agency.

§ 960.102 Authority and status.

Federal Executive Boards are established by direction of the President in order to strengthen the management and administration of Executive Branch activities in selected centers of field operations. Federal Executive Boards are organized and function under the authority of the Director.

§ 960.103 Location.

Federal Executive Boards have been established and shall continue in the following metropolitan areas: Albuquerque-Santa Fe, Atlanta, Baltimore, Boston, Buffalo, Chicago, Cincinnati, Cleveland, Dallas-Fort Worth, Denver, Detroit, Honolulu, Houston, Kansas City, Los Angeles, Miami, Minneapolis-St. Paul, New Orleans, New York, Newark, Philadelphia, Pittsburgh, Portland, St. Louis, San Francisco, and Seattle. The Director may, from time to time, dissolve, merge, or divide any of the foregoing Federal Executive Boards, or establish new Federal Executive Boards, as he may deem necessary, proper, or convenient.

§ 960.104 Membership.

(a) *Presidential Directive.* The President has directed the heads of agencies to arrange for the leading officials of their respective agencies' field activities to participate personally in the work of Federal Executive Boards.

(b) *Members.* The head of every Executive agency shall designate, by title of office, the principal regional officer, if any, and the principal area officer or officers, if any, who shall represent the agency on each Federal Executive Board; and by name and title of office, the special representative, if any, who shall represent the head of the agency on each Federal Executive Board. Such designations shall be made in writing and transmitted to the Director, and may be transmitted through the Chairmen of the Federal Executive Boards. Designations may be amended at any time by the head of the Executive agency.

(c) *Alternate Members.* Each member of a Federal Executive Board may designate an alternate member, who shall attend meetings and otherwise serve in the absence of the member. An alternate member shall be the deputy or principal assistant to the member or another senior official of the member's organization.

§ 960.105 Officers and organization.

(a) *By-Laws.* A Federal Executive Board shall adopt by-laws or other rules for its internal governance, subject to the approval of the Director. Such by-laws and other rules may reflect the particular needs, resources, and customs of each Federal Executive Board, provided that they are not inconsistent with the provisions of this Part or with the directives of the President or the Director. To the extent that such by-laws and other rules conflict with these provisions or the directives, of the President or the Director, such by-laws and other rules shall be null and void.

(b) *Chairman.* Each Federal Executive Board shall have a Chairman, who shall be elected by the members from among their number, and who shall serve for a term of office not to exceeed one year.

(c) *Staff.* As they deem necessary and proper, members shall, from time to time, designate personnel from their respective organizations to serve as the staff, or otherwise to participate in the activities, of the Federal Executive Board. Other personnel may be engaged, by appointment, contract, or otherwise, only with the approval of the Director.

(d) Unless otherwise expressly provided by law, by directive of the President or the Director, or by the by-laws of the Federal Executive Board, every committee, subcommittee council, and other sub-unit of the Federal Executive Board, and every affiliation of the Federal Executive Board with external organizations, shall expire upon expiration of the term of office of the Chairman. Such a committee, subcommittee, council, other sub-unit, or affiliation may be reestablished or renewed by affirmative action of the Federal Executive Board.

(e) *Board Actions.* Actions of a Federal Executive Board shall be taken only with the approval of a majority of the members thereof. This authority may not be delegated. All activities of a Federal Executive Board shall conform to applicable laws and shall reflect prudent uses of official time and funds.

§ 960.106 OPM leadership.

(a) *Role of the Director.* The Director is responsible to the President for the organizational and programmatic activities of the Federal Executive Boards. The Director shall direct and oversee the operations of Federal Executive Boards consistent with law and with the directives of the President. He may, from time to time, consult with, and require the advice of, the Chairmen, members, and staff of the Federal Executive Boards.

(b) *Role of the Director's Regional Representatives.* The Chairman of each Federal Executive Board shall report to the Director through the Director's Regional Representative, an official of the Office of Personnel Management. The Director's Regional Representatives shall oversee the activites of, and periodically visit and meet with, the Federal Executive Boards.

(c) *Communications.* The Office of Personnel Management shall maintain channels of communication from the Director through the Director's Regional Representatives to the Chairmen of the Federal Executive Boards, and between and among the Federal Executive Boards through the Director and the Director's Regional Representatives. Any Executive agency may use these channels to communicate with the Director and with the Federal Executive Boards. Chairmen of Federal Executive Boards may communicate with the Director on recommendations for action at the national level, on significant management problems that cannot be addressed at the local level, and on other matters of interest to the Executive Branch.

(d) *Reports.* Each Federal Executive Board shall transmit to the Director, over the signature of its Chairman, an annual work plan and an annual report to the Director on the significant programs and activities of the Federal Executive Board in each fiscal year. Each work plan shall set forth the proposed general agenda for the succeeding fiscal year. The work plan shall be subject to the approval of the Director. Each annual report shall describe and evaluate the proceeding fiscal year's activities. The first such annual report, for Fiscal Year 1982, and the first such work plan, for Fiscal Year 1983, shall be submitted together on May 1, 1983. The work plan for Fiscal Year 1984 shall be submitted on July 1,

1983, and the annual report for fiscal year 1983 shall be submitted on January 1, 1984. Subsequent annual report shall be submitted on January 1 and subsequent annual report work plans shall be submitted on July 1 in every year thereafter. In addition, members of Federal Executive Boards shall keep the headquarters of their respective Executive agencies informed of their activities by timely reports through appropriate agency channels.

(e) *Conferences.* The Director may, from time to time, convene regional and national conferences of Chairman and other representatives of Federal Executive Boards.

§ 960.107 Authorized activities.

(a) Each Federal Executive Board shall serve as an instrument of outreach for the national headquarters of the Executive Branch to Executive Branch activities in the metropolitan area. Each Federal Executive Board shall consider common management and program problems and develop cooperative arrangements that will promote the general objectives of the Government and of the several Executive agencies in the metropolitan area. Efforts of members, alternates, and staff in those areas shall be made with the guidance and approval of the Director; within the range of the delegated authority and discretion they hold; within the resources available; and consistent with the missions of the Executive agencies involved.

(b) Federal Executive Board shall: (1)— Provide a forum for the exchange of information between Washington and the field and among field elements in the metropolitan area about programs and management methods and problems; (2) develop local coordinated approaches to the development and operation of programs that have common characteristics; (3) communicate management initiatives and other concerns from Washington to the field to achieve better mutual understanding and support; and (4) refer problems that cannot be solved locally to the national level.

(c) Subject to the guidance of the Director, the Federal Executive Boards shall be responsible for:

(1) Presidential initiatives on management reforms such as priority items on the agendas of the Vice President's Task Force on Regulatory Relief and the President's Task Force on Private Sector Initiatives; personnel initiatives of the Office of Personnel Management; programs led by the Office of Management and Budget, such as Reform '88 and the President's Council on Integrity and Efficiency; and facilities planning led by the General Services Administration;

(2) The local Combined Federal Campaign, under the direction of the Director;

(3) The sharing of technical knowledge and resources in finance, internal auditing, personnel management, automated data processing applications, interagency use of computer installations, and similar commonly beneficial activities;

(4) The pooling of resources to provide, as efficiently as possible, and at the least possible cost to the taxpayers, common services such as employee first-aid, cardiopulmonary resuscitation ("CPR"), CPR training, preventative health programs, assistance to the aging, blood donor programs, and savings-bond drives;

(5) Encouragement of employee initiative and better performance through special recognition and other incentive programs, and provision of assistance in the implementation and upgrading of performance management systems;

(6) Emergency operations, such as under hazardous weather conditions; responding to blood donation needs; and communicating related leave policies;

(7) Such other programs, projects, and operations as may be set forth in the annual work plan approved by the Director.

(d) The Office of Personnel Management shall advise Federal Executive Boards on activities in the areas of performance appraisal and incentives, interagency training programs, the educational development of Government employees, improvement of labor-management relations, equal employment opportunity, the Federal Women's Program, the Federal Equal Opportunity Recruitment Program, the Hispanic Employment Program, the Veterans Employment Program, and selective placement programs for handicapped individuals.

(e) The Director may, from time to time, direct one or more of the Federal Executive Boards to address such specific programs or undertake such cooperative as he may deem necessary or proper.

§ 960.108 Additional rules and directives.

The Director may, from time to time, issue further rules and guidance for, and directives to, the Federal Executive Boards through the Federal Personnel Manual System and other appropriate instruments.

[FR Doc. 83-6585 Filed 3-3-83; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Proposed Amendment to Standards for Sorghum

AGENCY: Federal Grain Inspection Service USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for the periodic review of existing regulations, the Federal Grain Inspection Service, (FGIS) proposes to amend the U.S. Standards for Sorghum by redefining the classes to permit a larger proportion of the sorghum crop to be graded White Sorghum. The definition of the class White Sorghum would be made less restrictive by permitting white-colored sorghum with dark spots which cover 25.0 percent or less of the kernel to be considered White Sorghum. An additional descriptive term for pericarps is also proposed. By easing the color restrictions in the class White Sorghum, more sorghum would be available for buyers who prefer to use white-colored sorghum for food, feed, or industrial purposes. Other miscellaneous changes of a nonsubstantive nature are proposed.

DATE: Comments must be submitted on or before May 3, 1983, public meeting April 4, 1983, 1:00 p.m. to 4:00 p.m.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Unit USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250; telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Public Meeting

The public meeting will be held in the auditorium at the Texas A&M Research and Extension Center, Corpus Christi, Texas. The Center is 3 miles west of the airport on State Highway 44.

Representatives from the sorghum industry and other interested parties are invited to attend the scheduled public meeting. Marketing and utilization of sorghum will be discussed. A question and answer period will follow the presentation and written comments will be accepted.

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities because most users of sorghum inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Review of Standards

The review of the standards included a determination of the continued need for the standards; a review of changes in marketing factors and functions affecting the standards; and a review of changes in technology and economic conditions in the area affected by the standards and their application through the incorporation of grading factors or tests which better indicate grain quality. The objective was to assure that the standards continued to serve the needs of the market to the greatest possible extent.

Comments including data, views, and arguments are solicited from interested parties. Pursuant to section 4(b) of the United States Grain Standards Act (7 U.S.C. 76(b)), upon request, such information may be presented orally in an informal manner. A public meeting is being held as indicated above. It should be noted that pursuant to section 4(b) of the Act, no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator, the public health, interest, or safety requires that they become effective sooner.

Prior to 1974, the classes White, Yellow, and Brown Sorghum were permitted to contain up to 10 percent of sorghum of any other color, singly or combined. An excess of 10.0 percent of kernels of any other color would grade a lot as Mixed Sorghum. Colored spots upon kernels otherwise white in color did not affect their classification as White Sorghum.

Effective in 1974, changes proposed by sorghum breeders and producers of sorghum seed were made in the definition of the sorghum classes to upgrade the class White Sorghum as a premium quality product which could be used as a food-grade, feed, and industrial commodity. Changes included, (1) A tightening of requirements to permit not more than 2.0 percent of sorghum of any other color in the class White Sorghum, (2) classing as Yellow Sorghum all white-colored sorghum containing colored spots, and (3) retaining in Yellow Sorghum the 10.0 percent limit for other classes but considering only Brown Sorghum as other classes. At that time it was recognized that only a limited acreage of White Sorghum was produced in the United States but it was anticipated that with new White Sorghum varieties available, they would become more acceptable to producers with the adopted changes to the standards.

The first change made effective in 1974 was not unique, since the class White Corn incorporates an identical requirement. It created an evenly-colored class, not adulterated with a significant amount of kernels of other colors. The second and third changes made effective in 1974 modified the class Yellow Sorghum to contain a mixture of white and yellow kernels to be used for food or feed purposes in which the purity of pericarp color is not as important. The second change also had the effect of limiting the certification of the class White Sorghum because almost all white-colored sorghum contained a few colored spots, thereby disqualifying white-colored sorghum from being classed White Sorghum.

It has been presently determined that very little, if any, white-colored sorghum will grow to maturity without developing one or more colored spots on the pericarp. Spots develop on the pericarp as a result of staining, through contact with the glume, or as a result of insects feeding on the immature kernels. FGIS is in agreement with sorghum specialists at Texas A&M University that: (1) White-colored sorghum containing spots covering 25% or less of the kernel would be acceptable as White Sorghum, (2) sorghum with translucent pericarps which present a white or a slightly yellowish or waxy color would also be classed as White Sorghum provided they do not exceed the limitation of the class, and (3) since sorghum specialists have found that in Brown Sorghum the color on the subcoat ranges from a brown to a purplish hue, the term pigmented subcoat is more descriptive.

White-colored sorghum containing spots covering 25% or less of the kernel would be acceptable as White Sorghum because such levels would meet optimum market satisfaction as well as permit inspections to be performed with a minimum of difficulty.

Presently the definitions of white and yellow sorghum do not include translucent pericarps. Translucent pericarps are pericarps which are so thin that one can see through them; the kernels often appear to be slightly yellow. However, these pericarps are actually white pericarps. Inclusion of translucent pericarps in the definition of White Sorghum would have the effect of classifying as White Sorghum kernels that which presently would be classified as Yellow Sorghum. The proposed change in White Sorghum would necessitate a similar concurrent change in Yellow Sorghum.

Therefore, FGIS is proposing that: (1) White-colored sorghum containing spots which singly or in combination cover 25.0 percent or less of the kernel be classed as White Sorghum, (2) sorghum with translucent pericarps be included in the definition of White and Yellow Sorghum, and (3) the definition of Brown Sorghum be changed to sorghum with brown pericarps or pigmented subcoats.

At the time the 1974 changes were adopted, markets for white-colored sorghum had not been developed. This marketing situation continued until recently. Markets for white-colored sorghum are being developed, and it is anticipated that export volums could reach significant levels if adequate supplies could be made available by U.S. producers. To do so, the standards need to provide a classification of White Sorghum which contains criteria which could be met by currently-grown commercial varieties.

A nonsubstantive change to the order of the definitions in § 810.552(b)(1) through (4) is being made for clarity and consistency with other grain standards.

No further changes to the sorghum standards are being proposed pursuant to the review of the standards referenced herein. However, it is anticipated that changes will be proposed in the near future revising the basis of determination for odor for the sorghum standards as well as in the standards for wheat, corn, barley, rye, flaxseed, and triticale.

List of Subjects in 7 CFR Part 810

Export and Grain.

Accordingly, it is proposed that § 810.552 be amended by revising paragraph (b) of the United States Standards for Sorghum to read as follows:

PART 810—[AMENDED]

§ 810.552 Definitions of other terms.

* * * * *

(b) *Classes.* The following four classes:

(1) *White Sorghum.* Sorghum with white or translucent pericarps. Such sorghum containing spots which singly or in combination cover 25.0 percent or less of the kernel shall be considered as White Sorghum. White Sorghum shall contain not more than 2.0 percent (singly or combined) of kernels of sorghum of other colors.

(2) *Yellow Sorghum.* Sorghum with yellow, salmon-pink, red, white, or translucent pericarps, which contains not more than 10.0 percent of sorghum with brown pericarps or pigmented subcoats, and which does not meet the requirements for the class White Sorghum.

(3) *Brown Sorghum.* Sorghum with brown pericarps or pigmented subcoats which contains not more than 10.0 percent of sorghum of other colors.

(4) *Mixed Sorghum.* Sorghum which does not meet the requirements for any of the classes White Sorghum, Yellow Sorghum, or Brown Sorghum.

* * * * *

(Secs. 5, 16, Pub. L. 94-582, 90 Stat. 2869, 2884 (7 U.S.C. 76, 87(e))

Dated: February 17, 1983.

Kenneth A. Gilles,

Federal Grain Inspection Service.

[FR Doc. 83-5886 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-EN-M

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7 CFR Part 810

Proposed Revision to the Basis of Determination of Odor for Wheat, Corn, Barley, Rye, Sorghum, Flaxseed, and Triticale

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes that the standards for wheat, corn, barley, rye, sorghum, flaxseed, and triticale be revised so the determination of odor may be performed either prior to or after mechanical cleaning of the sample of grain to be inspected. The Official U.S. Standards for Grain specify that the odor determination for all grains be performed before the removal of any material from the sample to be inspected. However, checking the odor of samples of grain which have not been mechanically cleaned may adversely affect the health of grain inspectors who repeatedly make this determination over a long period of time. Certain components, both natural and introduced, are commonly found in grain and if inhaled can be potentially harmful. Providing the grain inspector with the option of determining odor on the mechanically cleaned sample would reduce the degree of risk to grain inspectors for inhalation of certain elements in grain samples, while not affecting the accuracy of the inspection results and final grade.

DATE: Comments must be submitted on or before May 3, 1983.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management, USDA, FGIS, Room 0667 South Building, 14th and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., (address above) telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because the action will not markedly change the overall inspection procedure or adversely affect the accuracy of inspection results. Changing the basis of determination of odor in the standards for wheat, corn, barley, rye, sorghum, flaxseed, and triticale would offer an alternative which provides a greater measure of safety than the present method of determining odor in grain while maintaining the accuracy required in the inspection process. Inspections are performed by FGIS delegated states and designated official agencies. These limited number of delegated states and designated official agencies are not considered small entities because they are dominant in their areas of operation based upon the mandated delegation/designated process under the Grain Standards Act. Further, most users of official services are not considered to be small entities.

Review of Standards

Standards for wheat, corn, barley, oats, rye, sorghum, flaxseed, soybeans, triticale, and mixed grain (7 CFR Part 810) have been established under the authority of the United States Grain Standards Act, (7 U.S.C. 71 *et. seq.*, the Act). Comments including data, views, and arguments are solicited from interested persons. Pursuant to section 4(b) of the Act, (7 U.S.C. 76(b)), upon request, such information may be presented orally in an informal manner. It should be noted that pursuant to section 4(b) of the Act no standards established or amendments or revocations of standards under the Act are to become effective less than one calendar year after promulgation, unless in the judgment of the Administrator the public health, interest or safety requires that they become effective sooner.

FGIS has determined that the health and safety aspects involved with this proposal would warrant an effective date of less than one calendar year after promulgation and therefore anticipates that these proposed revisions, if adopted, will be made effective 30 days after promulgation.

The U.S. Standards for Grain specify that odor is a grade determining factor and must be performed prior to removal of any material from the sample of grain, i.e., on the basis of the sample as a whole, grain as a whole, or test portion of the original sample.

The standards for wheat, corn, barley, rye, sorghum, flaxseed, and triticale include procedures to mechanically clean samples of grain by use of the Carter Dockage Tester or any other equipment approved by the Administrator. The standards for oats, soybeans, and mixed grain do not, however, include a process to mechanically clean samples which are officially inspected.

To correctly determine if an odor is present in a sample of grain, the inspector must thoroughly smell the grain. However, determining odor on the sample before it is mechanically cleaned may result in the inhalation of potentially irritating and/or toxic materials such as grain dust, molds, and pesticides. Repeated inhalation may result in irritation or blockage of the nasal passages.

Grain dust is a constituent normally found in small quantities in samples of harvested grain. Molds and pesticides are not present in all lots or samples of grain but are commonly found. Mold commonly occurs in grain which is not

stored under optimum conditions. Pesticides and their residues are found in grain which has been treated to prevent or eliminate insect or other infestation.

All of these properties may represent a potential health hazard to the grain inspector if inhaled repeatedly over a long period of time. Grain dust is known to be an irritant to the respiratory system. Dust also acts as a carrier of molds which have the potential for causing respiratory diseases. Pesticides and their residues may be potentially harmful or toxic, even in low concertrations, if inhaled repeatedly.

The option to mechanically clean grain prior to the determination of odor would reduce the potential health hazard to the grain inspector. Extracting dockage from wheat, barley, rye, flaxseed, and triticale; dockage and that part of the broken kernels, foreign material, and other grains which will pass through a ¾ inch triangular-hole sieve from sorghum; and broken corn and foreign material (BCFM) from corn, cleans the grain by eliminating a large portion of the grain dust and foreign matter and has a tendency to aerate the grain. Aeration hastens the dissipation of insecticides and other pesticides, if present, and helps reduce the concentration to which the grain inspector may be exposed when determining odor.

The absence of a procedure to mechanically clean soybeans, oats, and mixed grain necessitates that odor determinations of these grains be performed on the grain as a whole, that is, the test portion of the original sample. This should not, however, have any effect on the health of grain inspectors. Although a sizable number of soybean inspections are performed, this grain is seldom treated with pesticides and generally contains less dust than the other types of grain. The total number of official oat and mixed grain inspections performed is low compared to the total number of inspections performed on the majority of the other grains for which standards have been established. In fiscal year 1981 oats and mixed grain inspections comprised approximately 0.8 and 0.4 percent, respectively, of the total number of grain inspections performed by official inspection agencies, delegated states, and FGIS: therefore, the frequency of contact with grain dust and pesticides through inspection of these grains is minimal. Therefore, no changes are proposed for the soybeans, oats and mixed grain standards at this time.

No adverse effects on the grain marketing process would be expected if the basis of determination of odor in the standards for wheat, corn, barley, rye, sorghum, flaxseed, and triticale is revised. Few contaminants could impart an odor to a sample of grain prior to cleaning but leave no trace of odor, the concentration of seeds in the sample is usually high and a carry-over of odor to the grain occurs. If an odor was suspected in a mechanically cleaned sample, the separations could be recombined after the other inspection procedures are completed and the odor checked again. FGIS Instructions will be revised to address this situation.

Included also in this proposal are miscellaneous nonsubstantive changes to make "Basis of determination" plural in §§ 810.203, 810.303, 810.352(a), 810.553, and 810.653, and to delete the word "grade" in § 810.409(a). These nonsubstantive changes are being made to achieve uniformity in format and structure of all the standards under the Act.

List of Subjects in 7 CFR Part 810

Exports, Grain.

PART 810—GRAIN STANDARDS

Accordingly, it is proposed that § 810.203; § 810.303(b) and (c); § 810.352(a); § 810.409(a); § 810.506; § 810.553; and § 810.653 (b) and (c) be revised.

1. Section 810.203 is proposed to be revised to read as follows:

United States Standards for Barley

Principles Governing the Application of the Standards

§ 810.203 Basis of determinations.

Each determination of dockage, moisture, temperature, garlic, live weevils or other insects injurious to stored grain, crotalaria seeds, large stones, castor beans, broken glass, animal filth, an unknown foreign substance, a commonly recognized harmful or toxic substance, and otherwise distinctly low quality shall be upon the basis of the grain as a whole. Each determination of heat-damaged kernels, white aleurone layers in Six-rowed Malting Barley; and blue aleurone layers in Six-rowed Blue Malting Barley shall be determined on a test portion of pearled, dockage-free barley. All other determinations shall be on a test portion of barley when free from dockage, except the determination of odor shall be upon either the basis of the grain as a whole or the grain when free from dockage.

United States Standards for Wheat

Principles Governing Application of Standards

2. Section 810.303 (b) and (c) are proposed to be revised as follows:

§ 810.303 Basis of determinations.

(a) *Distinctly low quality.* * * *

(b) *Certain quality determinations.* Each determination of rodent pellets, bird droppings, other animal filth, broken glass, castor beans, crolataria seeds, dockage, garlic, live weevils or other insects injurious to stored grain, moisture, temperature, an unknown foreign substance, and a commonly recognized harmful or toxic substance shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain when free from dockage; except that the determination of heat-damaged kernels, damaged kernels (total), and foreign material shall be upon the basis of the grain when free from dockage and shrunken and broken kernels; and the determination of odor shall be upon either the basis of the sample as a whole or the grain when free from dockage.

* * * * *

United States Standards for Corn

3. Section 810.352(a) is proposed to be revised as follows:

§ 810.352 Principles governing the application of the standards.

* * * * *

(a) *Basis of determinations.* Each determination of class, damaged kernels, heat-damaged kernels, flint corn, and flint and dent corn shall be upon the basis of the grain after the removal of the broken corn and foreign material. All other determinations shall be upon the basis of the grain as a whole, except the determination of odor shall be upon either the basis of the grain as a whole or the grain after removal of the broken corn and foreign material.

* * * * *

United States Standards for Rye

4. Section 810.409(a) is proposed to be revised as follows:

§ 810.409 Grade factors; definitions.

(a) *Basis of determinations.* Each determination of dockage, temperature, garlic, and live weevils or other insects injurious to stored grain shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from

dockage, except the determination of odor shall be upon either the basis of the grain as a whole or the grain when free from dockage.

* * * * *

United States Standards for Flaxseed

5. Section 810.506 is proposed to be revised as follows:

§ 810.506 Basis of determinations.

Each determination of moisture, test weight per bushel, heat-damaged flaxseed, and damaged flaxseed shall be upon the basis of the grain after the removal of that part of the dockage which can be removed readily by the use of appropriate sieves and cleaning devices. All other determinations shall be upon the basis of the grain as a whole, except the determination of odor shall be on either the basis of the grain as a whole or the grain after the removal of that part of the dockage which can be removed readily by the use of approved sieves and cleaning devices.

United States Standards for Sorghum

Principles Governing Application of Standards

6. Section 810.553 is proposed to be revised as follows:

§ 810.553 Basis of determinations.

Each determination of broken kernels, foreign material, and other grains shall be determined on a test portion of the grain sample when free from dockage. Each determination of class, damaged kernels, heat-damaged kernels, and stones shall be determined on a test portion of the grain sample when free from dockage, and that part of the broken kernels, foreign material, and other grains which will pass through a ⅞₄ inch triangular-hole sieve (see § 810.552(k)). All other determinations shall be on a test portion of the original sample, except the determination of odor shall be on either a test portion of the original sample or a test portion of the grain sample when free from dockage, and that part of the broken kernels, foreign material, and other grains which will pass through a ⅞₄ inch triangular-hold sieve.

United States Standards for Triticale

Principles Governing The Application of the Standards

7. Section 810.653 (b) and (c) are proposed to be revised as follows:

§ 810.653 Basis of determinations.

(a) *Distinctly low quality* * * *

(b) *Certain quality determinations.* Each determination of rodent pellets, bird droppings, other animal filth, broken glass, castor beans, crotalaria seeds, dockage, garlic, live weevils or other insects injurious to stored grain, moisture, temperature, an unknown foreign substance, and a commonly recognized harmful or toxic substance shall be upon the basis of the sample as a whole.

(c) *All other determinations.* All other determinations shall be upon the basis of the grain when free from dockage; except that the determination of heat-damaged kernels, damaged kernels (total), material other than wheat or rye, and foreign material (total) shall be upon the basis of the grain when free from dockage and shrunken and broken kernels; and the determination of odor shall be upon either the basis of the sample as a whole or the grain when free from dockage.

* * * * *

(Secs. 5, 10, Pub. L. 95–583, 90 Stat. 2860, 2884 (7 U.S.C. 76, 87 (e)))

Dated: February 17, 1983.

Kenneth A. Gilles,

Administrator.

[FR Doc. 83-5571 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-EN-M

Food Safety and Inspection Service

9 CFR Parts 317, 318, and 319

[Docket No. 79-714E]

Requirements for Cured Pork Products; Updating of Provisions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 10, 1982, the Food Safety and Inspection Service (FSIS) published in the **Federal Register** (47 FR 50900–50914) a proposed rule which, if adopted, would modernize the regulatory program assuring that cured pork products are accurately labeled at all stages of commerce. Information has been received which suggest that the original comment period may not be adequate to permit a thorough discussion of this proposal. In view of the importance of the proposed rule FSIS is hereby extending the comment period for 45 days.

DATE: Comments must be received on or before April 25, 1983.

ADDRESS: Written comments to: Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Mr. B. F. Dennis, Director, Processed Products Inspection Division, Meat and Poultry Inspection Technical Services, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–3840.

SUPPLEMENTARY INFORMATION: On November 10, 1982, the Food Safety and Inspection Service (FSIS) published a proposed rule which, if adopted, would amend the sections of the meat inspection regulations assuring that cured pork products are accurately labeled at all stages of commerce. The proposal would modernize the regulations by requiring that labeling statements be based on the style and type of product; that standards specifying a minimum meat protein content on a fat free basis (PFF) present in the finished cured pork products replace the current standards limiting the amount of added water and other substances; and that restrictions on optional ingredients in the standard for "chopped ham" be eliminated. Compliance procedures to assure conformance with the proposed standards were also proposed, as were provisions for relabeling and/or processing products not in conformance with regulatory standards. Interested persons were given until March 10, 1983, to submit comments on these proposed changes.

FSIS has received information indicating that the original comment period may not be sufficient for a full discussion of the issues presented in the proposal. In view of the importance of this proposal and since FSIS is interested in developing a complete record prior to taking any final action, the Administrator has decided to extend the comment period for an additional 45 days. In all other respects, the proposed rule as published on November 10, 1982, is unaffected by this notice.

Done at Washington, DC, on: February 28, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-5698 Filed 3-3-83; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 140

Financial Protection Requirements and Indemnity Agreements; Removal of Appendices A Through H

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations pertaining to financial protection requirements and indemnity agreements by removing Appendices A through H from 10 CFR Part 140. Appendix A contains the Facility Form nuclear liability insurance policy provided by certain licensees as evidence of financial protection required under the Price-Anderson Act. Appendices B through H, except for Appendix F, are standard form indemnity contracts. The purpose of this amendment is to make the information contained in the Appendices available in the form of a Regulatory Guide and to remove unnecessary detail from the regulations.

DATE: Submit comments by April 4, 1983. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send Comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Services Branch.

FOR FURTHER INFORMATION CONTACT: Ira Dinitz, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 492-9884.

SUPPLEMENTARY INFORMATION: In a Federal Register notice published on February 18, 1981 (46 FR 12750), the Commission sought public comment on the question of whether it should reconsider its traditional approach of publishing in 10 CFR 140.91 (Appendix A to Part 140) the entire Facility Form of nuclear liability insurance policy (and endorsements to that policy) furnished by certain licensees as evidence of financial protection. The Commission requested comments on the alternative approach of publishing only those provisions of the policy and endorsements relating to the NRC responsibilities for protection of the public.

After evaluating comments received on that notice, as well as further consideration of this issue, the Commission decided that because of the level of detail in the Facility Form policy and the fact that this policy is merely one form which would be acceptable to the Commission rather than the required form, it would be more appropriate to publish Appendix A as a Regulatory Guide. Further, the Commission has also decided that, in the interest of making the regulations less detailed, Appendices B through H should also be removed from 10 CFR Part 140 and published as a Regulatory Guide. Appendices B, C, D, E, G, and H are standard form indemnity contracts executed by the Commission and its licensees. Appendix F is not a form of indemnity agreement but a determination by the Commission of what the boundaries of indemnity locations should encompass when multiple reactors exist as part of a single operating station. References to the Appendices in the text of Part 140 will also be deleted.

Commissioner Asselstine disagrees with the Commission majority's decision to issue a proposed rule to delete Appendices A through H to 10 CFR Part 140 from the Commission's regulations. He agrees with the advice of the NRC's Committee to Review Generic Requirements (CRGR) that this decision creates the potential for protracted licensing hearings by permitting case-by-case litigation on the forms of indemnity contracts and insurance agreements. Commissiner Asselstine believes that as a fundamental concept of regulatory reform, the Commission should seek to resolve issues generically through rulemaking where possible, thereby reducing the number of issues that must be addressed on a case-by-case basis in individual plant licensing proceedings. He believes the Commission majority's action in this instance directly violates that concept. Commissioner Asselstine would particularly appreciate comments on the potential for duplicative and protracted litigation in individual licensing proceedings if the proposed rule to eliminate Appendices A through H is made final.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.), the NRC has made a determination that this rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed rule affects in part two named nuclear liability insurance underwriting pools. These two pools are the only ones in the U.S. writing nuclear liability policies, and do not fall within the definition of a small business found in section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121.

List of Subjects in 10 CFR Part 140

Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C 553, notice is hereby given that adoption of the following amendments to 10 CFR Part 140 is contemplated.

The authority citation for this document is: Sec. 161, Pub. L. 83-703, 68 Stat. 948, as amended (42 U.S.C. 2201), and Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

§§ 140.91—140.108 [Removed]

1. Appendices A, B, C, D, E, F, G, H, (§ 140.91 through § 140.108) are removed.

2. In § 140.2, paragraph (c) is revised to read as follows:

§ 140.2 Scope.

* * * * *

(c) (1) Subpart E of this part sets forth the procedures the Commission will follow and the criteria the Commission will apply in making a determination as to whether or not there has been an extraordinary nuclear occurrence. Subpart E is included in this part pursuant to Pub. L. 89-645 (80 Stat. 891).

(2) Pursuant to Pub. L. 89-645 (80 Stat. 891), the Commission also requires certain facility licensees to have and maintain financial protection (e.g., nuclear energy liability insurance policies) and execute indemnity agreements with the Commission. These documents include provisions requiring the licensees to waive certain defenses in the event of an extraordinary nuclear occurrence. These provisions provide additional assurance of prompt compensation under available indemnity and underlying financial protection for injury or damage resulting from the hazardous properties of radioactive materials or radiation. They in no way detract from the protection to the public otherwise provided under this part.

§ 140.9 [Removed]

3. Section 140.9 is removed.

4. In §140.15, paragraphs (a)(1)–(2) are revised to read as follows:

§ 140.15 Proof of financial protection.

(a) (1) Licensees who maintain financial protection in whole or in part in the form of liability insurance shall (with respect to that insurance) provide proof of financial protection that consists of a copy of the liability policy (or policies) together with a certificate by the insurers issuing that policy that states that the copy is a true copy of a currently effective policy issued to the licensee.

(2) Proof of financial protection may alternatively consist of a copy of the declarations page of a nuclear energy liability policy issued to the licensee: Provided, that the insurers have filed that policy form with the Commission. The licensee shall include with the declarations page a certificate in which the insurers state that the copy is a true copy of the declarations page of a currently effective policy. The insurers shall also identify the policy (including endorsements) by reference to the policy form they have filed with the Commission.

* * * * *

§ 140.20 [Amended]

5. In § 140.20, paragraphs (f) (1) (i)-(ii) and (f) (2) are removed, and paragraph (f) (3) is redesignated paragraph (f).

6. Section 140.22 is revised to read as follow:

§140.22 Commission guarantee and reimbursement agreements.

Each licensee required to have and maintain financial protection for each nuclear reactor as determined in § 140.11 (a) (4) shall execute an indemnity agreement with the Commission that provides for Commission payment of deferred premiums and licensee reimbursement to the Commission.

§ 140.52 [Amended]

7. In § 140.52, paragraphs (b) (1)–(2) are removed, and paragraph (b) (3) is redesignated as paragraph (b).

§140.72 [Amended]

8. In § 140.72, paragraphs (b) (1)–(2) are removed, and paragraph (b) (3) is redesignated as paragraph (b).

Dated at Washington, DC this 25th day of February 1983.

For the Nuclear Regulatory Commission.

Samuel Chilk,

Secretary of the Commission.

[FR Doc. 83-5944 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 939

[Docket No. 30105-04]

La Parguera National Marine Sanctuary

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: These proposed regulations define which activities are allowed and which are prohibited within the proposed La Parguera National Marine Sanctuary, the procedures by which persons may obtain permits for research of activities normally prohibited, and the penalties for committing prohibited acts without a permit. The purpose of designating the La Parguera National Marine Sanctuary is to protect and preserve a representative cross-section of tropical habitat and a coral reef ecosystem in its natural state and to regulate uses within the Sanctuary to insure the health and well-being of the coral and associated flora and fauna.

DATES: Comments will be accepted until May 3, 1983. After the close of the comment period and review of comments received, final regulations will be published in the Federal Register.

ADDRESS: Send comments to Dr. Nancy Foster, Deputy Chief, Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 3300 Whitehaven Street, NW., Washington, D.C. 20205.

FOR FURTHER INFORMATION CONTACT: Edward Lindelof, 202/634–4236.

SUPPLEMENTARY INFORMATION: Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, 16 U.S.C. 1431–1434 (the Act) authorizes the Secretary of Commerce, with Presidential approval, to designate ocean waters as far seaward as the outer edge of the continental shelf as marine sanctuaries to preserve or restore distinctive conservation, recreational, ecological, or aesthetic values. Section 302(f)(1) of the Act directs the Secretary to issue necessary and reasonable regulations to control any activities permitted within a designated marine sanctuary. The authority of the Secretary to administer the provisions of the Act has been delegated to the Assistant Administrator for Ocean Services and Coastal Zone Management within the National Oceanic and Atmospheric Administration, U.S. Department of Commerce (the Assistant Administrator).

In May 1979, six sites were nominated for consideration as a National Marine Sanctuary by the Department of Natural Resources (DNR), Commonwealth of Puerto Rico. The sites were Cordillera/Culebra/Vieques, Salinas/Jobos, Cayo Berberia/Caja de Muertos, La Parguera, Mona/Monito Islands and Desecheo Island. Information was distributed to the public for comment on the feasibility of these sites as marine sanctuaries. As a result of public review, three sites were selected for further analysis: Cordillera/Culebra/Vieques, La Parguera, and Mona/Monito Islands. In May 1981, an Issue Paper was distributed and workshops held on the final three sites.

Following the workshops a decision was made by NOAA and DNR to develop draft regulations, a draft management plan and draft environmental impact statement (DEIS) on the proposed La Parguera site. The regulations found herein are also included as part of the draft management paln/DEIS. The public review period for the management plan/DEIS runs concurrently with this comment period. Following the end of the comment period final regulations, a final environmental impact statement and management plan will be developed for public review. The next step is review and approval by the President after which the Secretary of Commerce formally designates the area as a national marine sanctuary and the final regulations take effect. The Governor of Puerto Rico then has 60 days to disapprove the designation or any of its terms and both Houses of Congress also have 60 days to adopt a concurrent resolution which disapproves the designation or any of its terms.

The proposed sanctuary contains hundreds of species of marine organisms including Caribbean corals, endangered and threatened sea turtles, significant mangrove stands and diverse tropical fuana and floral communities. The area provides exceptional recreational experiences and unique scientific value as an ecological, recreational and aesthetic resource.

Other Matters

Executive Order 12291 (E.O. 12291) defines a "major rule" as "any regulation that is likely to result in (1) an annual effect on the economy of $100 or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic

regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete in domestic or export markets." The economic activity supported by the area within the sanctuary consists of a diversity of small scale commercial and recreational activities.

Most of the activities in the sanctuary are not affected by sanctuary regulations; the economic impacts on affected activities in the sanctuary are minor and regulations do not restrict recreational activities. Because the impact of the regulations on economic interests is minor or because the activities are not regulated at all, the Assistant Administrator has determined that this is not a "major rule" under E.O. 12291. For the same reasons, the Assistant Administrator has determined that the proposed rules will not have a significant economic impact on small entities in the sanctuary under the Regulatory Flexibility Act. These regulations will impose no information collection requirements of the type covered by Pub. L. 96-511 on affected State governments. Publication does not constitute major Federal action significantly affecting the quality of the human environment.

List of Subjects in 15 CFR Part 939

Administrative practice and procedure, Environmental protection, Marine resources, and Natural resources.

Dated: February 25, 1983.

William Matuszeski,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

(Federal Domestic Assistance Catalog Number 11.419, Coastal Zone Management Program Administration)

Accordingly, Part 939 is proposed to be added as follows:

PART 939—LA PARGUERA NATIONAL MARINE SANCTUARY DRAFT REGULATIONS

Sec.

939.1 Authority.
939.2 Purpose.
939.3 Boundaries.
939.4 Definitions.
939.5 Management and enforcement.
939.6 Allowed activities.
939.7 Activities prohibited or controlled.
939.8 Other authorities.
939.9 Penalties for commission of prohibited acts.
939.10 Permit procedures and criteria.
939.11 Appeals of administrative action.

Authority: Secs. 302(f) and (g) and 303, Pub. L. 92-532, 86 Stat. 1061 and 1062; 16 U.S.C. 1431-1434.

§ 939.1 Authority.

The Sanctuary will be designated by the Secretary of Commerce pursuant to the authority of Section 302(a) of the Marine Protection, Research and Sanctuaries Act of 1972 as amended (the Act). The following regulations are issued pursuant to the authorities of Sections 302(f), 302(g) and 303 of the Act.

§ 939.2 Purpose.

The purpose of designating the La Parguera National Marine Sanctuary is to protect and preserve a representative cross-section of tropical habitat and a coral reef ecosystem in its natural state and to regulate uses within the Sanctuary to insure the health and well-being of the coral and associated flora and fauna.

§ 939.3 Boundaries.

The sanctuary consists of a 68.27 square nautical mile area of the Caribbean Sea off southwest Puerto Rico. The exact boundaries are:

Pt. No.	*Latitude and Longitude*	
1-1	N17°57'15.00"	W67°12'50.00"
1-2	N17°56'20.36"	W67°11'52.00"
1-3	N17°52'58.51"	W67°11'52.00"
1-4	N17°52'54.79"	W67°11'09.16"
1-5	N17°52'56.19"	W67°10'10.18"
1-6	N17°52'32.19"	W67°09'30.74"
1-7	N17°51'53.88"	W67°08'38.85"
1-8	N17°51'39.22"	W67°07'55.81"
1-9	N17°51'39.21"	W67°07'00.57"
1-10	N17°51'51.82"	W67°05'57.46"
1-11	N17°52'05.29"	W67°05'27.63"
1-12	N17°52'08.29"	W67°04'38.59"
1-13	N17°52'33.66"	W67°04'05.56"
1-14	N17°52'41.86"	W67°03'14.86"
1-15	N17°52'25.95"	W67°02'46.07"
1-16	N17°52'32.05"	W67°02'28.82"
1-17	N17°52'53.65"	W67°02'03.24"
1-18	N17°53'10.06"	W67°01'16.09"
1-19	N17°53'08.68"	W67°00'42.29"
1-20	N17°53'19.81"	W66°59'33.56"
1-21	N17°53'51.37"	W66°58'00.00"
1-22	N17°56'43.00"	W66°58'00.00"

§ 939.4 Definitions.

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration (NOAA).

(b) "Assistant Administrator" means the Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, National Oceanic and Atmospheric Administration or his/her successor, or designee.

(c) "Secretary" means the Secretary of the Department of Natural Resources, Commonwealth of Puerto Rico.

(d) "Persons" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any State or local unit of the government.

(e) "The Sanctuary" means the La Parguera National Marine Sanctuary.

§ 939.5 Management and Enforcement.

The National Oceanic and Atmospheric Administration (NOAA) has primary responsibility for the management of the Sanctuary pursuant to the Act. The Puerto Rico Department of Natural Resources (DNR) will assist NOAA in the administration of the Sanctuary, and act as the onsite manager, in conformance with the draft Designation Document between DNR and NOAA. DNR shall conduct surveillance and enforcement of these regulations pursuant to 16 U.S.C. 1432(f)(4), or other appropriate legal authority.

§ 939.6 Allowed Activities.

All activities except those specifically prohibited by § 939.7 may be carried on within the Sanctuary subject to all prohibitions, restrictions, and conditions imposed by other authorities.

§ 939.7 Activities Prohibited or Controlled.

(a) Unless permitted by the Assistant Administrator in accordance with § 939.10, or as may be necessary for the national defense, or to respond to an emergency threatening life, property or the environment, the following activities are prohibited or controlled within the Sanctuary. All prohibitions and controls must be applied consistently with international law. Refer to § 939.9 for penalties for commission of prohibited acts.

(1) *Taking and Damaging Natural Resources.* (i) No person shall break, cut, or similarly damage or destroy the coral, bottom formation, or any marine plant, except institutions conducting scientific or educational activities that were exempted pursuant to Article 4 of the Regulations to Control the Extraction, Possession, Transportation, and Sale of Coral Resources in Puerto Rico (under authority conferred by Law No. 23 of June 20, 1972 and Law No. 83 of May 13, 1936, as amended). These eligible institutions are the University of Puerto Rico, Administration of Regional Colleges, Interamerican University, Catholic University, Center for Energetic and Environmental Research,

Environmental Quality Board, and the Puerto Rico Department of Natural Resources.

(ii) No person shall cut, damage, or similarly destroy any red mangrove *(Rhizophora mangle)* except as part of a program of routine channel maintenance.

(iii) No person shall use poisons, electrical charges, explosives, or similar methods to take any marine animal or plant.

(iv) There shall be a presumption that any items listed in this paragraph found in the possession of a person within the Sanctuary have been collected or removed from the Sanctuary.

(2) *Operation of Vessels.* (i) No vessel shall approach closer than 200 feet to a fishing vessel or a vessel displaying a diving flag except at a maximum speed of three knots.

(ii) No vessel or person shall interfere with any fishing activity.

(iii) All vessels from which diving operations are being conducted shall fly in a conspicuous manner, the international code flag alpha "A."

(3) *Discharging of Polluting Substances.* No person shall litter, deposit, or discharge any materials or substances of any kind except:

(i) Indigenous fish or fish parts;

(ii) Cooling waters from vessels;

(iii) Effluents from marine sanitation devices allowable under Coast Guard standards.

(iv) On a temporary basis, sewage from existing shoreline houses known as casetas with recognized permits from COE. This exception shall expire upon the completion and operation of an area wide sewage collection and treatment system or until the expiration of the Memorandum of Understanding between the Governor of Puerto Rico and the U.S. Army Corps of Engineers for the La Parguera area dated June 13, 1978, whichever is earlier.

(4) *Underwater Trails.* (i) No person shall fish within the underwater trails.

(ii) No person shall mark, deface, or injure in any way, or displace, remove, or tamper with underwater trails, signs, markers, or buoys.

(5) *Removing or Damaging Cultural Resources.* No person shall remove, damage, or tamper with any historical or cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts.

(6) *Damage to Fish Traps.* No person shall disturb, harm, or tamper with any legal fishing gear, nets, traps, or pots.

(7) *Taking of Sea Turtles.* (i) No person shall ensnare, entrap, or fish any sea turtle while it is a threatened or endangered species as defined by the Endangered Species Act of 1973.

(ii) No person shall possess or use any nets or similar fishing gear with a mesh size in excess of eight inches.

(b) The prohibitions in this section will be applied to foreign persons and vessels only in accordance with recognized principles of international law, including treaties, conventions and other international agreements to which the United States is signatory.

§ 939.8 Other Authorities.

No license, permit or other authorization issued pursuant to any other authority may validly authorize any activity prohibited by § 939.7 unless such activity meets the criteria stated in § 939.10(a), (c) and (d) and is specifically authorized by the Assistant Administrator.

§ 939.9 Penalties for Commission of Prohibited Acts.

Section 303 of the Act authorizes the assessment of a civil penalty of not more than $50,000 for each violation of any regulation issued pursuant to the Act, and further authorizes a proceeding in rem against any vessel used in violation of any such regulation. Procedures are set out in Subpart D of Part 922 of this chapter. Subpart D is applicable to any instance of a violation of these regulations.

§ 939.10 Permit Procedures and Criteria.

Under special circumstances where the prohibited activity is research or education needed to better understand the Sanctuary environment and improve management decisionmaking and judged not to cause long-term or irreparable harm to the resources, a permit may be granted by NOAA in cooperation with the Secretary of DNR.

(a) Any person in possession of a valid permit issued by the Assistant Administrator in cooperation with the Secretary of the Department of Natural Resources, Commonwealth of Puerto Rico in accordance with this section may conduct the specific activity in the Sanctuary including any activity specifically prohibited under § 939.7 if such activity is (1) research related to the resources of the Sanctuary, (2) to further the educational value of the Sanctuary, or (3) for salvage or recovery operations.

(b) Permit applications shall be addressed to the Assistant Administrator, ATTN: Sanctuary Programs Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235. An application shall include a description of all activities proposed, the equipment, methods, and personnel (particularly describing relevant experience) involved, and a timetable for completion of the proposed activity. Copies of all other required licenses or permits shall be attached.

(c) In considering whether to grant a permit, the Assistant Administrator shall evaluate such matters as (1) the general professional and financial responsibility of the applicant; (2) the appropriateness of the methods being proposed to the purpose(s) of the activity; (3) the extent to which the conduct of any permitted activity may diminish or enhance the value of the Sanctuary as a source of recreation, education, or scientific information; and (4) the end value of the activity.

(d) Permits may be issued by the Assistant Administrator for activities otherwise prohibited under § 939.7. In addition to meeting the criteria in § 939.10 (a) and (c), the applicant must also satisfactorily demonstrate to the Assistant Administrator that: (1) The activity shall be conducted with adequate safeguards for the environment, and (2) the environment shall be returned to the condition which existed before the activity occurred. A permit issued according to the provisions for an otherwise prohibited activity shall be appropriately conditioned, and the activity monitored to ensure compliance.

(e) In considering an application submitted pursuant to this Section, the Assistant Administrator shall seek and consider the view of the Secretary of the Department of Natural Resources. The Assistant Administrator may also seek and consider the views of any other person or entity, within or outside of the Federal Government, and may hold a public hearing, as he/she deems appropriate.

(f) The Assistant Administrator may, at his/her discretion, grant a permit which has been applied for pursuant to this section, in whole or in part, and subject to such condition(s) as deemed necessary, and shall attach to any permit grant for research related to the Sanctuary stipulations to the effect that: (1) The Assistant Administrator, Secretary of Department of Natural Resources, or their designated representatives may observe any activity permitted by this section; and (2) any information obtained in the research site shall be made available to the public; and/or the submission of one or more reports of the status of progress of such activity may be required.

(g) A permit granted pursuant to this section is nontransferable.

(h) The Assistant Administrator may amend, suspend or revoke a permit granted pursuant to this section, in whole or in part, temporarily or indefinitely if, in his/her view, the permit holder (the Holder) had acted in violation of the terms of the permit or of the applicable regulations; or the Assistant Administrator may do so for other good cause shown. Any such action shall be communicated in writing to the Holder, and shall set forth the reason(s) for the action taken. The Holder in relation to whom such action has been taken may appeal the action as provided for in § 939.11.

§ 939.11 Appeals of Administrative Action.

(a) The applicant for a permit, the Holder, or any other interested person (hereafter Appellant) may appeal the granting, denial, conditioning or suspension of any permit under § 939.10 to the Administrator of NOAA. In order to be considered by the Administrator, such appeal shall be in writing, shall state the action(s) appealed and the reason(s) therefor, and shall be submitted within 30 days of the action(s) by the Assistant Administrator. The Appellant may request an informal hearing on the appeal.

(b) Upon receipt of an appeal authorized by this section, the Administrator may request the Appellant, and the permit applicant or Holder if other than the Appellant, to submit such additional information and in such form as will allow action upon the appeal. The Administrator shall decide the appeal using the criteria set out in § 939.10 (a), (c), and (d) any information relative to the application on file, any information provided by the Appellant, and such other consideration as is deemed appropriate. The Administrator shall notify the Appellant of the final decision and the reason(s) therefor, in writing normally within 30 days of the date of the receipt of adequate information required to make the decision.

(c) If a hearing is requested or, if the Administrator determines that one is appropriate, the Administrator may grant an informal hearing before a Hearing Officer designated for that purpose, after first giving notice of the hearing in the **Federal Register**. Such hearing shall normally be held no later than 30 days following publication of the notice in the **Federal Register** unless the Hearing Officer extends the time for reasons deemed equitable. The Appellant, the applicant or permit holder, if different, and, other interested persons may appear personally or by counsel at the hearing and submit such material and present such arguments as determined appropriate by the Hearing Officer. Within 30 days of the last day of the hearing, the Hearing Officer shall recommend a decision in writing to the Administrator.

(d) The Administrator may adopt the Hearing Officer's recommended decision, in whole or in part, or may reject or modify it. In any event, the Administrator shall notify the interested persons of his/her decision, and the reason(s) therefore in writing within 30 days of receipt of the recommended decision of the Hearing Officer. The Administrator's decision shall constitute final action for the Agency for the purposes of the Administrative Procedure Act.

(e) Any time limit prescribed in this section may be extended by the Administrator for good cause for a period not to exceed 30 days, either upon his/her own motion or upon written request from the Appellant, permit applicant or Holder, stating the reason(s) therefore.

[FR Doc. 83-5430 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-22-M

FEDERAL TRADE COMMISSION

16 CFR Parts 3 and 4

Rules of Practice for Adjudicative Proceedings and Miscellaneous Rules

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Trade Commission proposes to amend its rules of Practice so that non-attorney experts may participate personally in the cross-examination of other experts in the same discipline. The commission has tentatively concluded that, in some cases, cross-examination by a non-attorney expert will elicit more precise and useful information from an expert witness than would cross-examination by an attorney. This notice invites comment on the desirability of greater participation by non-attorney experts than at present and on the rule revisions that would permit such participation.

DATE: Written comments must be received on or before April 18, 1983.

ADDRESS: Send comments to the Secretary, Federal Trade commission, 6th & Pennsylvania Ave., NW., Washington, D.C. 20580. Comments will be available for public inspection in Room 130 at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Bruce G. Freedman, Deputy Assistant General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3521.

SUPPLEMENTARY INFORMATION: The Commisson's current rules governing the conduct of adjudicatory proceedings are written on the assumption that only attorneys participate personally in the examination of witnesses. While experts in various professional disciplines often advise the attorneys in a case, they do not themselves participate in hearings, except as witnesses.

The Commission believes that there may well be value in allowing a more active role by non-attorney experts. In particular, permitting one expert to cross-examine another may yield a sharper delineation of issues, and especially a quicker and more precise identification of areas of agreement and disagreement, than if the questions are posed by an attorney who lacks technical expertise in the particular discipline. See Miller, Regulators and Experts: A Modes Proposal, Regulation, Nov./Dec. 1977, at 36.

The proposed rule preserves the Administrative Law Judge's control over the proceeding by requiring the law judge's permission before a non-attorney may participate personally. In addition, both the expert and the attorney who designates the expert to conduct cross-examination will be held accountable for the latter's adherence to the same legal and ethical standards as apply to an attorney interrogator. See 16 CFR 3.42(c)(6), (d).

List of Subjects

16 CFR Part 3

Administrative practice and procedure.

16 CFR Part 4

Administrative practice and procedure, Freedom of Information, Privacy, Sunshine Act.

For these reasons, Part 3, Subpart E, and Part 4 of Chapter I of Title 16, Code of Federal Regulations, are proposed to be amended as follows.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

1. By revising § 3.43 to read as follows:

§ 3.43 Evidence.

* * * * *

(g) Excluded evidence. When an objection to a question propounded to a witness is sustained, the questioner may make a specific offer of what he expects to prove by the answer of the witness, or the Administrative Law Judge may, in his discretion, receive and report the

evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

PART 4—MISCELLANEOUS RULES

2. By adding § 4.1(a)(3) to read as follows:

§ 4.1 Appearances.

(a) * * *

(3) At the request of counsel representing any party in an adjudicative proceeding, the Administrative Law Judge may permit an expert in the same discipline as an expert witness to conduct all or a portion of the cross-examination of such witness.

* * * * * *

(15 U.S.C. 46(g))

Dated: February 23, 1983.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

Separate Statement of Commissioner Bailey

By this notice, the Commission proposes to change its rules in order to allow non-attorney experts to cross-examine expert witnesses in the same discipline during Commission adjudicative proceedings. I am concerned about the proposal for a variety of reasons and would appreciate comments on the following questions:

(1) What is the nature of the problem addressed by this proposal that would be alleviated by the change?

(2) Have respondents in Commission trials experienced any disadvantage in the presentation of their cases attributable to inadequate cross-examination of experts by attorneys?

(3) Are any potential problems posed by allowing a non-attorney expert to participate in a trial as both witness and advocate?

(4) Does the proposed change authorize non-attorneys to engage in the practice of law? In a related vein, does this proposal expand or alter the scope of legal representation under Section 555(b) of the Administrative Procedures Act?

(5) How would the term "same discipline" be defined in the context of qualifying experts for giving testimony and conducting cross-examination? Reference, where possible, to specific examples from past Commission cases in which experts were used would be helpful in this regard.

(6) According to the proposed change in Rule 4.1(a), an expert (in the same discipline as an expert witness) may be permitted "to conduct all *or a portion* of the cross-examination of such witness." (emphasis added) Are any issues of fairness raised by a rule which would allow and even encourage two (or more) persons representing the government to cross-examine a witness?

(7) Questioning of an expert witness by another expert in the field has apparently been used successfully in proceedings to gather "legislative" facts, particularly in the context of scientific and technological fact-finding (*e.g.*, in such areas as nuclear power, environmental protection, public health and transportation). Are there any studies or actual experiences with this technique in the context of adjudicative proceedings where one party may be subject to a cease and desist order, or other similar relief?

(8) According to the notice " . . . [B]oth the expert and the attorney who designates the expert to conduct cross-examination will be held accountable for the latter's adherence to the same legal and ethical standards as apply to an attorney interrogator." (a) What, in practical effect, is the meaning of that phrase? (b) Can a non-attorney be held personally accountable for ethical standards applicable to attorneys? (c) As regards a respondent, in particular, does the attorney remain the party accountable for the conduct of a respondent's case?

(d) Should this change be made, would it be advisable or necessary to expect or require non-attorney examiners to be trained in the rules of evidence and procedures?

(e) Should the non-attorney examiner be subject to the same evidentiary objections as an attorney?

(f) Should the non-attorney examiner, or the attorney designating him or her, be responsible for defending against objections to questions?

(9) Especially where more than one "expert" may appear for either party, would this change impose additional burdens on the proceedings in terms of delay, confusion or potential clarity of the record?

(10) The purpose of the proposed rules change is said to be to "yield a sharper delineation of issues, and especially a quicker and more precise identification of areas of agreement and disagreement." Is that purpose likely to be fulfilled by this proposal, given the general purpose of cross-examination? Why or why not?

(11) Are there any additional constitutional, procedural or ethical concerns raised by this proposal?

[FR Doc. 83-5798 Filed 3-3-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-186 (Colorado-35)]

High-Cost Gas Produced From Tight Formations; Colorado

February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the "J" Sand Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

I. Background

On January 31, 1983, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the "J" Sand Formation located in Adams, Arapahoe, and Elbert Counties, Colorado, be designated as a tight formation. Colorado also submitted to the Commission on February 15, 1983, an order which corrected the land description of the original order. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that the "J" Sand Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation underlies portions of Adams, Arapahoe, and Elbert Counties, Colorado. The area of concern is located approximately 12 miles east of the city of Denver, Colorado, and consists of approximately

223,040 acres of fee and state lands. The "J" Sand ranges in thickness from 40 to 95 feet beginning from the base of the "D" Sand and extends to the top of the Skull Creek Shale. The average depth to the top of the "J" Sand Formation is 8,100 feet.

III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG–37, Order No. NG–37–1 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that the "J" Sand Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submtted in Docket No. RM79–76–186 (Colorado-35), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(169) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(121) through (168) [Reserved]

(169) *"J" Sand Formation in Colorado.* RM79–76–186 (Colorado-35).

(i) *Delineation of formation.* The "J" Sand Formation is located in Adams, Arapahoe, and Elbert Counties, Colorado, approximately 12 miles east of the city of Denver. The "J" Sand Formation underlies Township 2 South, Range 63 West, Sections 7, 18, 19, 30, 31 and S½ of Section 32; Township 2 South, Range 64 West, Sections 10 through 15, 22 through 27, and 34 through 36; Township 2 South, Range 65 West, Sections 25 through 36; Township 3 South, Range 63 West, Sections 1 through 12; Township 3 South, Range 64 West, All; Township 3 South, Range 65 West, All; Township 4 south, Range 64 West, Sections 1 through 30 and 32 through 36; Township 4 South, Range 65 West, Sections 1 through 30; Township 5 South, Range 63 West, All; Township 5 South, Range 64 West, Sections 1 through 5, 8 through 17, 20 through 29, and 32 through 36; Township 6 South, Range 63 West, Sections 1 through 35; Township 6 South, Range 64 West, Sections 1 through 5, 8 through 17, 20 through 29, and 34 through 36; Township 7 South, Range 63 West, Sections 4 through 9, 16 through 21, and 28 through 33; Township 7 South, Range 64 West, Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36.

(ii) *Depth.* The "J" Sand Formation ranges in thickness from 40 to 95 feet, and begins at the base of the "D" Sand and extends to the top of the Skull Creek Shale. The average depth to the top of the "J" Sand Formation is 8,100 feet.

[FR Doc. 83-5935 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79–76–185 (New Mexico-21)]

High-Cost Gas Produced From Tight Formations; New Mexico

February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Uner section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formantions. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Abo Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Victor Zabel, (202) 357–8016.

SUPPLEMENTARY INFORMATION:

I. Background

On January 23, 1983, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Abo Formation located in San Miguel, Torrance, Guadalupe, DeBaca, Lincoln, and Chaves Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Abo Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Abo Formation is defined as being from the base of the Yeso Formation, vertically downward to the top of the Huecó Limestone, or in the absence of said Hueco lime, to the top of the Pennsylvanian Limestone, or in the absence of both Hueco lime and Pennsylvanian lime, to the top of the Pre-Cambrian, provided however, that tongues of the Hueco lime overlain and underlain by the Abo mudstones, sand or shales, shall be considered to be part of the Abo Formation. The average depth to the top of the Abo is 3,025 feet. The average thickness of the formation throughout the recommended area is 1,058 feet.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7596 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Abo Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-185 (New Mexico-21), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(168) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(121) through (167) [Reserved]

(168) *Abo Formation in New Mexico.* RM79-76-185 (New Mexico-21).

(i) *Delineation of formation.* The Abo Formation is located in San Miguel County: Townships 10 and 11 North, Ranges 14 and 15 East; Torrance County: Townships 1 through 9 North, Ranges 14 and 15 East; Guadalupe County: Townships 2 through 4 North, Ranges 16 through 19 East, Township 5 North, Ranges 16 through 23 East, Township 6 North, Ranges 16 through 24 East, and Township 7 through 11 North, Ranges 16 through 26 East; DeBaca County: Townships 1 through 4 North, Ranges 20 through 27 East, Township 5 North, Ranges 24 through 26 East, Township 6 North, Ranges 25 and 26 East, Township 1 South, Ranges 20 through 27 East, Township 2 South, Ranges 20 and 21 East, and Township 3 South, Range 21 East; Lincoln County: Township 1 North, Ranges 16 through 19 East, Townships 1 through 5 South, Ranges 14 through 19 East, Township 6 South, Ranges 15 through 20 East, Township 7 through 9 South, Ranges 15 through 20 East, excepting, however, all lands within the Capitan Wilderness Area, Townships 10 and 11 South, Ranges 15 through 20 East, and Townships 12 and 13 South, Ranges 17 through 20 East; Chaves County: Township 3 South, Range 20 East, Townships 4 and 5 South, Ranges 20 and 21 East, and Township 14 South, Ranges 17 through 21 East, NMPM, containing some 5,775,360 acres, more or less, and designated by New Mexico as the Pecos Slope Extension area.

(ii) *Depth.* The Abo Formation, for designation as a tight formation in the Pecos Slope Extension Area, shall be defined as being from the base of the Yeso Formaton vertically downward to the top of the Hueco Limestone, or in the absence of said Hueco lime, to the top of the Pennsylvanian Limestone, or in the absence of both Hueco lime and Pennsylvania lime, to the top of the PreCambrian, provided however, that tongues of the Hueco lime overlain and underlain by the Abo mudstones, sand or shales, shall be considered to be part of the Abo Formation. The average

depth to the top of the Abo Formation is 3,025 feet. The average thickness of the Abo Formation is 1,058 feet.

[FR Doc. 83-5803 Filed 3-3-83; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-172 (Texas—21 Addition)]

High-Cost Gas Produced From Tight Formations; Texas

February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the James Limestone Formation located in Nacogdoches and Shelby Counties, Texas be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On December 27, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the James Limestone Formation located Nacogdoches and Shelby Counties, Texas, be designated as a tight formation. The Commission previously adopted a recommendation that the James Limestone Formation in parts of San Augustine and Shelby Counties, Texas be designated as a tight formation [Order No. 246, issued August 4, 1982, in Docket No. RM79-76-106 (Texas—21)]. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the James Limestone Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the James Limestone Formation located in Nacogdoches and Shelby Counties, Texas, Railroad Commission District 6, be designated as a tight formation. The James Limestone in east Texas is included as a subdivision of the Trinity Group of Lower Cretaceous (Commanchean) age. The top of the James Lime ranges from approximately 7,150 feet to 7,425 feet subsea in depth. The James Lime overlies the Pine Island Shale and underlies the Bexar Shale.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the James Limestone Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submited in Docket No. RM79-76-172 (Texas—21 Addition) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(92) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(92) *James Limestone Formation in Texas.* RM79–76 (Texas—21). * * *

(ii) *Nacogdoches and Shelby Counties.*

(A) *Delineation of formation.* The James Limestone Formation is found in all of Nacogdoches and Shelby Counties, east Texas.

(B) *Depth.* The depth to the top of the James Limestone Formation ranges from approximately 7,150 feet to 7,425 feet subsea.

[FR Doc. 83-5804 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79–76–164 (Texas–32)]

High-Cost Gas Produced from Tight Formations; Texas

February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that a portion of the Granite Wash Formation in the Anadarko Basin be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On December 13, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that a portion of the Granite Wash Formation in the Anadarko Basin located in Ochiltree, Lipscomb, Roberts, Hemphill and Wheeler Counties, Texas be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Granite Wash Formation in the Anadarko Basin be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that a portion of the Granite Wash Formation of the Anadarko Basin located in the panhandle area of Texas, Railroad Commission District 10, be designated as a tight formation. The recommended area includes all of Hemphill and Roberts Counties; all sections north of an east-west line passing through the southern boundary of Section 21, Block A–9 in Wheeler County with the exception of Section 3, 5 and 6 of the A.B. & M. Survey and Section 4, Block L of the J. M. Lindsey Survey; Sections 45 through 396 of Block 43, H & TC RR Survey, southern Lipscomb and Ochiltree Counties; and Sections 89 through 152 of Block 13, T & NO RR Survey, southern Ochiltree County.

The top of the Granite Wash Formation varies in depty from 6,934 feet in Roberts County in the northwest part of the designated area to 11,386 feet in Wheeler County to the southeast and thickness from north to south toward the Amarillo uplift which bounds the Anadarko Basin on the south. The Granite Wash Formation has been subdivided into the A–1, A, B, C, D, E, F, G, and H zones based on wireline log characteristics. Although some granite wash type clastics may occur above the A–1 zone, the interval recommended is from the top of the A–1 zone to the base of the Granite Wash Formation. The type log, the log of the Diamond Shamrock Corporation's Leslie Webb "M" No. 1 well, located in Section 191, Block C, Hemphill County, shows a complete section of the Granite Wash Formation from zone A–1 through zone H. On the log, the Granite Wash Formation is the interval between 9,664 feet and 10,850 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on October 13, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas futher asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the portion of the Granite Wash Formation in the Anadarko Basin as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–164 (Texas—32) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission.

Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(164) to read as follows:

§271.703 Tight formation.

* * * * *

(d) *Designated tight formations.* * * *

(121) through (163) [Reserved]

(164) *Granite Wash Formation in the Anadarko Basin in Texas.* RM79–76 (Texas—32).

(i) *Delineation of formation.* The Granite Wash Formation in the Anadarko Basin is located in the panhandle area of Texas, Railroad Commission District 10. The designated area includes all of Hemphill and Roberts Counties; Sections 45 through 396 of Block 43, H & TC RR Survey, Lipscomb and Ochiltree Counties; Sections 89 through 152 of Block 13, T & NO RR Survey, Ochiltree County; and all sections north of an east-west line passing through the southern boundary of Section 21, Block A–9 in Wheeler County except Sections 3, 5, and 6, A.B. & M. Survey, and Section 4, Block L, J.M. Lindsey Survey.

(ii) *Depth.* The Granite Wash Formation is that interval from the top of the A–1 zone to the base of the Granite Wash Formation. The top of the A–1 zone ranges in depth from 6,934 feet in Roberts County to 11,386 feet in Wheeler County.

[FR Doc. 83–5806 Filed 3–3–83; 8:45 am]
BILLING CODE 6717–01–M

18 CFR Part 271

[Docket No. RM 79–76–170 (Texas–33)]

High-Cost Gas Produced from Tight Formations: Texas

February 28, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commssion is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commssion determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 C.F.R. § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Devonian/Strawn/Detrital Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On December 23, 1982, the railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that a portion of the Devonian/Strawn/Detrital Formation locate in Crockett and Terrell Counties, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that a portion of the Devonian/Strawn/Detrital Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Devonian/Strawn/Detrital Formation encountered in northeast Terrell County and adjoining portions of western Crockett County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommended area includes:

Terrell County

Sections 10–31, 73, Block 1, I & GN RR. Co. Survey;
Section 19, Mrs. M. E. Hope Survey;
Section 21, J. M. Anderson Survey;
Section 22, C. M. Shaw Survey (J. D. Blair);
Section 23, P. H. Terry Survey;
Section 24, Mrs. N. King Survey;
Section 1, Block A–4, J. McMurty Survey;
Section 2, Block A–4, A. C. W. Survey;
Section 3, Block A–4, P. L. Kinman Survey;
Section 4, Block A–4, F. Baumgarner Survey;
Section 5, Block A–4, J. H. Felps Survey;
Section 6, Block A–4, J. L. Cunningham Survey;
Section 7, Block A–4, J. A. Manes Survey;
Section 8, Block A–4, Mrs. A. Pride Survey;
Section 9, Block A–4, Mrs. L. Martin Survey;
Section 10, Block A–4, I. N., Bloodworth Survey;
Section 11, Block A–4, J. E. R. Survey;
Sections 1–12, Block 178, TM RR Survey;
Sections 1–38, Block B–2, CCSD & RGNG Survey.

Crockett County

Sections 24–38, 40–42, 45, 48–50, Block 2, I&GN RR Co. Survey;
Sections 39–46, Block ST, TC RR Survey;
Sections 199, 200, L & SV Survey;
Section 48, Block ST, T C RR Survey;
Sections 13–20, Block 2, J. H. Gibson Survey;
Sections 99, 100, Block NN, GC & SF Survey;
Section 22, Block NN–2, Wm. Hornsbuckle (A–4873)
Section 48½, J. B. Brown Survey;
Section 1, Block NN, L. G. Moses;
Section 2, Block NN, W. L. Lacy Survey;
Sections 3, 4, Block NN, Robert Rankin Survey;
Sections 22–35, Block 1, I & GN RR Co. Survey;
Sections 14, 22–24, west half of 25, Block 20, University Lands Survey.

The top of the Strawn section of the recommended formation is encountered at measured depths ranging from 6,442

feet in the east to 10,200 feet in the southwest, with a calculated average depth of 9,246 feet. The Strawn varies in thickness from 28 feet in the northeast to 205 feet in the western portion of the recommended area. The top of the Detrital section is measured at depths ranging from 8,520 feet in the east to 10,310 feet in the southwest. The thickness of the Detrital varies from 46 feet in the east to 230 feet in the southwest. The top of the Devonian section of the recommended formation is encountered at measured depths ranging from 8,570 fet in the east to 10,900 feet in the southwest. The Devonian varies in thickness from 275 feet in the north central portion of the recommended area to 600 feet in the northwest. In the western one third of the recommended area, the Detrital and Devonian sections of the recommended formation are separated by a wedge of Mississippian age rock units up to 500 feet thick.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the recommended portion of the Devonian/Strawn/Detrital Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–170 (Texas—33) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301—3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(165) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(121) through (164) [Reserved]

(165) *Devonian/Strawn/Detrital Formation in Texas.* RM79–76–170 (Texas 33).

(i) *Delineation of formation.* The Devonian/Strawn/Detrital Formation is found in northeast Terrell County and adjacent portions of western Crockett County in Texas. The designated area consists of the listed portions of the following Terrell County surveys: Sections 10–31, 73, Block 1, I & GN RR Co.; Section 19, Mrs. M. E. Hope; Section 21, J. M. Anderson; Section 22, C. M. Shaw (J. D. Blair); Section 23, P. H. Terry; Section 24, Mrs. N. King; Section 1, Block A–4, J. McMurty; Section 2, Block A–4, A. C. W.; Section 3, Block A–4, P. L. Kinman; Section 4, Block A–4, F. Baumgarner; Section 5, Block A–4, J. H. Felps; Section 6, Block A–4, J. L. Cunningham; Section 7, Block A–4, J. A. Manes; Section 8, Block A–4, Mrs. A. Pride; Section 9, Block A–4, Mrs. L. Martin; Section 10, Block A–4, I. N., Bloodworth; Section 11, Block A–4, J. E. R.; Sections 1–12, Block 176, TM RR; Sections 1–38, Block B–2, CCSD & RGNG; and the following, Crockett County surveys: Sections 24–38, 40–42, 45, 48–50, Block 2, I&GN RR Co.; Sections 39–46, Block ST, TC RR; Sections 199, 200, L & SV; Section 48, Block ST, TC RR; Sections 13–20, Block 2, J. H. Gibson; Sections 99, 100, Block NN, GC & SF; Section 22, Block NN–2, WM. Hornsbuckle (A–4873); Section 48½, J. B. Brown; Section 1, Block NN, L. G. Moses; Section 2, Block NN, W. L. Lacy; Sections 3, 4, Block NN, Robert Rankin; Sections 22–35, Block 1, I & G N RR Co.; Sections 14, 22–24, west half of 25, Block 28, University Lands.

(ii) *Depth.* The top of the Strawn section of the Devonian/Strawn/Detrital ranges from a measured depth of 8,442 feet in the east to 10,200 feet in the southwest. The Strawn varies in thickness from 28 feet in the east to 205 feet in the west. The top of the Detrital section ranges from a measured depth of 8,520 feet in the east of 10,310 feet in the southwest. The Detrital varies in thickness from 46 feet in the east to 230 feet in the southwest. The top of the Devonian section ranges from a measured depth of 8,570 feet in the east to 10,900 feet in the southwest. The Devonian varies in thickness from 275 feet in the north central to 600 feet in the northwest. In the western third of the designated area the Detrital and Devonian sections are separated by a wedge of Mississippian age rock units up to 500 feet thick.

[FR Doc. 83-5803 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-173 (Texas—34)]

High-Cost Gas Produced From Tight Formations; Texas

February 28, 1983

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Pettit Lime Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 14, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 15, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On December 27, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Pettit Lime Formation located in Leon, Houston, and Cherokee Counties in the eastern part of the state of Texas, excluding the Navarro Crossing (Pettit) Field in Houston County and the Reklaw (Pettit) Field in Cherokee County, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Pettit Lime Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Pettit Lime Formation encountered in the eastern portion of the state of Texas, in Leon, Houston, and Cherokee Counties in Railroad Commission Districts 5 and 6, excluding the Navarro Crossing (Pettit) Field in Houston County and the Reklaw (Pettit) Field in Cherokee County, be designated as a tight formation. The Pettit Lime Formation is part of the Lower Glen Rose series of Cretaceous age. It is usually encountered at depths ranging from 8,500 feet to 11,000 feet. Thickness varies from approximately 200 feet on the west in Leon County to 1,000 feet on the east in Sabine County.

The Pettit Lime Formation is overlain by the Pine Island shale and is the lowest member of the Glen Rose group.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on June 19, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Pettit Lime Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 14, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–173 (Texas-34), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 15, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentve price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams, Director,
Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d) (166) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(119) through (165) [Reserved] * * *

(166) *Pettit Lime Formation in Texas.* RM79–76 (Texas-34)

(i) *Delineation of formation.* The Pettit Lime Formation is located in Leon, Houston and Cherokee Counties, Texas, Railroad Commission Districts 5 and 6. The designated area does not include

the Navarro Crossing (Pettit) Field in Houston County and the Reklaw (Pettit) Field in Cherokee County.

(ii) *Depth.* The depth to the top of the Pettit Formation ranges from 8,500 feet to 11,000 feet. Thickness varies from approximately 200 feet on the west in Leon County to 1,000 feet on the east in Sabine County.

[FR Doc. 83-5801 Filed 3-3-83; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-178 (Texas—35)]

High-Cost Gas Produced From Tight Formations, Texas; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Devonian, Fusselman and Montoya Formations be designated as tight formations under § 271.703(d).

DATE: Comments on the proposed rule are due on April 15, 1983.

Public Hearing: no public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 16, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8511,

or

Walter W. Lawson, (202) 357-8550.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking by Director, OPRR

Issued: March 1, 1983.

I. Background

On January 14, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Devonian, Fusselman and Montoya Formations, located in Reeves County, Texas, be designated as tight formations. Pursuant to § 271.703(c)(4) of the regulations, this notice of proposed rulemaking is hereby issued to determine whether Texas' recommendation that the Devonian, Fusselman, and Montoya Formations be designated as tight formations should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Devonian, Fusselman and Montoya Formations in the Nine Mile Draw Field area of Reeves County, Texas (Railroad Commission District 8), be designated as tight formations. The recommended area lies within the Delaware Basin of west Texas and is located approximately 18 miles southwest of the town of Pecos, Texas, encompassing approximately 18 square miles.

The Devonian Formation lies beneath the Woodford Shale and just above the Silurian. The top of the Devonian formation varies between measured depths of 13,080 feet and 14,120 feet, with a uniform thickness of approximately 100 feet.

The top of the Silurian age Fusselman formation is encountered between measured depths of 13,340 feet and 14,396 feet, with a thickness of approximately 80 feet. The top of the Montoya Formation is encountered between measured depths of 13,395 feet and 14,490 feet, with an average thickness of 475 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formations without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of these formations will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No, RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Devonian, Fusselman and Montoya Formations, as described and delineated in Texas' recommendation as filed with the Commission, be designated as tight formations pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 15, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM 79-76-178 (Texas-35) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to who communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 16, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (c)(167) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(121) through (166) [Reserved]

(167) *Devonian, Fusselman and Montoya Formations in Texas.* RM79–76 (Texas-35). (i) *Delineation of formation.* The Devonian, Fusselman and Montoya Formations are located in the Nine Mile Draw Field area of Reeves County, Texas, Railroad Commission District 8. The designated area consists of Sections 12, 13, 24, 25, 36, and 37 of T&P RR Block 55, and Sections 5, 6, 11, 12, 13, 14, 17, 18, 19, 20, 21, and 22 of T&P RR Block 54, TWP 7, Reeves County, Texas.

(ii) *Depth.* The top of the Devonian Formation is encountered between the measured depths of 13,080 and 14,120 feet, with an approximate thickness of 100 feet. The Fusselman Formation is encountered between the measured depths of 13,340 and 14,396 feet, with an approximate thickness of 80 feet. The Montoya Formation is encountered between the measured depths of 13,395 and 14,490 feet, with an approximate thickness of 475 feet.

[FR Doc. 83-5804 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 79P-0349]

Cheese and Cheese Products; Proposal To Permit Use of Antimycotics on Surface of Bulk Cheeses and To Provide for Declaration of Animal, Plant, and Microbial Enzymes as "Enzymes"

Correction

In FR Doc. 83–1660 beginning on page 2779 in the issue of Friday, January 21, 1983, make the following corrections.

1. On page 2779, third column, second line under **FOR FURTHER INFORMATION CONTACT,** "(HHF–215)" should read "(HFF–215)".

2. On page 2781, third column, the second line of § 133.155(f), should read: "usual name of each of the".

3. On page 2782, first column, fifth line of § 133.161(f), "or" should read "of".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Parts 170, 172, 181, and 573

[Docket No. 77N-0222]

Uses of Sodium Nitrite, Sodium Nitrate, Potassium Nitrite, and Potassium Nitrate; Withdrawal of Proposed Rule and Proposed Declaration That No Prior Sanction Exists

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposals.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing the proposed rules that the agency published on November 3, 1972 and December 21, 1979 on the prior-sanctioned status of the use of nitrates and nitrites in red meat and poultry products. The 1972 proposal also proposed to delete certain "non-essential" uses of nitrates and nitrites. In the **Federal Register** of January 14, 1983, FDA published a final rule that the use of nitrates and nitrites in red meat and poultry products is prior sanctioned as a result of approvals issued by the United States Department of Agriculture (USDA) under the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA) prior to September 6, 1958.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 3, 1972 (37 FR 23456), FDA published a proposed rule to delete certain "non-essential" uses of nitrates and nitrites and to codify prior sanctions for the use of nitrates and nitrites in meat and poultry products. As used in this document, the term "nitrates" includes sodium and potassium nitrate, and the term "nitrites" includes sodium and potassium nitrite.

FDA's proposal to codify prior sanctions for the use of nitrates and nitrites in meat and poultry products was based on the agency's presumption that USDA had sanctioned these uses under the FMIA (21 U.S.C. 451 et seq.) and the PPIA (21 U.S.C. 71 et seq.), respectively, prior to September 6, 1958.

Although USDA confirmed that it had sanctioned the use of nitrates and nitrites in red meat under the FMIA prior to 1958, in 1977 USDA advised FDA that a prior sanction did not exist under the PPIA for the use of nitrates and nitrites in poultry products. FDA searched its files and failed to find any evidence that the agency had issued such a prior sanction under the Federal Food, Drug, and Cosmetic Act (FFDCA). Therefore, in the **Federal Register** of December 21, 1979 (44 FR 75662), FDA published a proposed rule to declare that no prior sanction exists for the use of nitrates and nitrites in poultry products.

In that proposal, FDA solicited comments from all interested persons, especially those who believed that a prior sanction exists under the FFDCA. FDA indicated that if the agency received comments relating to the question of whether USDA had issued a prior sanction, it would forward those comments and any supporting documentation to USDA for consideration and for any action USDA deemed appropriate.

In response to that proposal, FDA received from the Special Poultry Research Committee (SPRC) a submission that related primarily to the SPRC's contention that USDA had issued a prior sanction for the use of nitrates and nitrites in poultry products. FDA sent this submission to USDA. After reviewing the submission, USDA concluded that it had sanctioned this use under the PPIA before the enactment of the Food Additives Amendment of 1958.

Thus, USDA has advised FDA that the use of nitrates and nitrites in both cured meat and poultry products is subject to prior sanctions.

Section 201(s)(4) of the FFDCA (21 U.S.C. 321(s)) defines a "prior-sanctioned substance" as follows:

> (4) any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following);

When USDA has determined that it has issued a prior sanction for a substance under the FMIA or the PPIA, that substance may be used under that sanction, regardless of whether FDA has issued a parallel prior sanction under the FFDCA. Consequently, USDA's determination that it has issued a prior sanction for nitrates and nitrites in poultry products under the PPIA makes it unnecessary for FDA to determine whether it had issued such a prior sanction under the FFDCA. Therefore,

FDA is withdrawing the December 21, 1979 proposal.

In addition, USDA's determination eliminates the need to adopt the prior sanction regulations that FDA proposed in the November 3, 1972 **Federal Register** document. As explained in the **Federal Register** document published on January 14, 1983 (48 FR 1702), the agency has decided merely to codify the determinations made by USDA. Thus, FDA is withdrawing the portion of the November 3, 1972 notice that deals with the prior sanction issue.

In the 1972 **Federal Register** document FDA also proposed to delete "non-essential" uses of nitrates and nitrites. This proposal was made because of information that these substances may react with secondary and tertiary amines to form harmful nitrosamines in food and in the human gastrointestinal tract. The agency proposed to limit the uses of nitrates and nitrites to those that are necessary for inhibiting the growth of *C. botulinum* and for obtaining the essential characteristics of cured meats. "Non-essential" uses that FDA proposed to delete include (1) sodium nitrite in canned pet food containing meat or fish under § 121.223 (recodified as §573.700 in the **Federal Register** of September 10, 1976; 41 FR 38618), (2) sodium nitrate in smoked cured sablefish, salmon, and shad under § 121.1063, (3) sodium nitrite in smoked tuna fish products under § 121.1064, and (4) potassium nitrate in cod roe under § 121.1132 (recodified as §§ 172.170, 172.175, and 172.160, respectively, in the **Federal Register** of March 15, 1977; 42 FR 14302).

FDA has decided to withdraw this portion of the 1972 proposal also. Ten years have passed since the agency proposed to delete the "non-essential" uses of nitrate and nitrite, and in the intervening period many scientific studies have been undertaken regarding the effects of nitrates and nitrites in food. It would be inappropriate for FDA to proceed at this time to delete the "non-essential" uses, as proposed in 1972, without thoroughly evaluating the scientific data that have been produced and presenting the conclusions the agency has reached on the basis of those data for public comment. The agency has decided that there are significant issues that it must reconsider before taking any action to delete the previously permitted uses of nitrate and nitrite salts. The agency is therefore withdrawing the proposed regulations that would have deleted the "non-essential" uses of these substances. If the agency decides after reconsidering these uses that further regulatory action is necessary, the agency will publish an appropriate proposal in a future issue of the **Federal Register**.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 701(a), 52 Stat. 1055, 72 Stat. 1784 (21 U.S.C. 321(s) and 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), FDA is withdrawing the proposal published in the **Federal Register** of November 3, 1972 (37 FR 23456) to codify prior sanctions for the use of nitrates and nitrites in meat and poultry products and to delete certain "non-essential" uses of nitrates and nitrites and the proposal published in the **Federal Register** of December 21, 1979 (44 FR 75662) to declare that no prior sanction exists under the Federal Food, Drug, and Cosmetic Act for the use of nitrates and nitrites in poultry products. The rulemaking proceedings begun by these proposals are terminated.

Dated: February 20, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-6478 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 184

[Docket No. 78N-0281]

Magnesium Carbonate, Magnesium Chloride, Magnesium Hydroxide, Magnesium Oxide, Magnesium Phosphate, Magnesium Stearate, and Magnesium Sulfate; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83-1683 beginning on page 2782 in the issue of Friday, January, 21, 1983, make the following corrections.

1. On page 2788, second column, second line of § 184.1431(a), "No. 1390-48-4" should read "No. 1309-48-4".

2. On page 2788, third column, eleventh line of § 184.1434(b), "29418", should read "20418".

BILLING CODE 1505-01-M

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21 CFR Part 357

[Docket No. 79N-0378]

Antheimintic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 83-2331 appearing on page 4003 in the issue of Friday, January 28, 1983, make the following correction:

In the heading of the document, reference to the docket number was omitted. It should have read "[Docket No. 79N-0378]".

BILLING CODE 1505-01M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary of Housing—Federal Housing Commissioner

24 CFR Part 203

[Docket No. R-83-1071]

One-Time Mortage Insurance Premium

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish a new system for collecting mortgage insurance premiums in connection with certain single family mortgages which HUD insures under section 203 of the National Housing Act. At present, mortgage insurance premiums under section 203 are set at ½ percent per year of the amount of the outstanding principal obligation of the loan, and are collected on a monthly basis. Under the proposed system, the Borrower would pay a one-time premium when the mortgage loan is colsed. This payment would purchase insurance coverage for the entire life of the insured loan, and most of it could be added to the mortgage amount and amortized along with the underlying loan. The premium would be based upon the projected costs payable from the insurance reserves, discounted to present value.

As required by section 201(b) of the Omnibus Budget Reconciliation Act of 1982, provision would be made for the refund of unearned premiums if the mortgage insurance is terminated in the early years of the mortgage. Provision would also be made for the payment of distributive shares to borrowers under the new premium system who terminate their mortgage insurance in the later years of the mortgage. The rule would specify the manner of determinig and paying distributive shares, and would provide for their payment on the same basis to mortgagors, irrespective of whether their primiums were paid under the current or the proposed system. The new system would be available for mortgages which are insured pursuant to applications for conditional commitments received on or after the rule's effective date and which are

obligations of the Mutual Mortgage Insurance Fund.

The proposed rule would also implement the authority contained in section 201 for the 1982 Reconciliation Act to increase the otherwise-determined maximum dollar mortgage amounts by the amount of the one-time premium, and to exclude the premium amount from "cost of acquisition" for purposes of determining minimum downpayment requirements.

DATE: Comment Due Date: Comments must be submitted on or before May 3, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General counsel, Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Arnold H. Diamond, Director, Office of Financial Management, Room 6188, 451 tth Street, SW., Washington, D.C. 20410, telephone number (202) 426-4325. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 203(c) of the National Housing Act authorizes HUD to fix mortgage insurance premium (MIP) charges for the insurance of mortgages under title II of the Act, and to require payment of one or more of these charges at the time the mortgage is insured. HUD proposes to implement this authority by establishing a one-time MIP collection system for mortgages insured prusuant to applications for conditional commitments received on or after the rule's effective date and which are obligations of the Mutual Mortgage Insurance Fund (MMIF) under 24 CFR Part 203.

The Part 203 MMIF programs include HUD's basic home mortgage insurance program under section 203(b) of the Act, mortgage insurance for single family homes in outlying areas under section 203(i), mortgage insurance for single-unit cooperatives under section 203(n), and graduated payment mortgages under section 245. Single family mortgages insured on a coinsurance basis pursuant to section 244 are also obligations of the MMIF in 24 CFR Part 204. Although this proposed rule would not apply to Part 204, HUD intends to include the one-time MIP provisions in a general revision of Part 204 currently under development as a proposed rule. The proposed rule also would not apply to "open-end" advances insurable under 24 CFR 203.44. Insured "open-end" advancers can be made with respect to mortgages previously insured under section 203 to cover certain repairs and improvements. Given the little activity under this authority and potential issues with respect to charging a one-time payment for the insurance of advances which may be spread out in time well into the life of the underlying loan, the Department is still considering the feasibility and desirability of extending the one-time premium concept to this authority. The Department invites comment on this question.

This proposed rule would not cover insuring authorities under section 203 which are obligations of the General Insurance Fund or the Special Risk Insurance Fund, or other National Housing Act single family programs. HUD intends to bring these programs under the new system by separate rulemaking.

At present, MIP's under the section 203 single family authorities are set at ½ percent per year of the amount of the outstanding principal obligation of the loan at any time, and are collected on a monthly basis. Under the proposed system, the borrower would pay a premium, when the mortage loan is closed, representing the total premium obligation for the insured loan. The premium would be based upon the projected costs payable from the MMIF reserves, discounted to present value.

The proposed system has a number of advantages, which may be summarized as follows. The system would make possible a matching of Fund income against default losses that is safer than the present system. Precollection of MIP's would enable HUD to cover the period of maximum individual insurance risk—the early years of the loan term—and recognizes the fact that risk declines with the seasoning of the mortgage loan portfolio. Mortgage insurance operations of private companies and certain nations with FHA-type programs all use some variation of precollection.

Lump-sum collection would also afford improved cash management opportunities. It would provide the Fund a source of interest-free funds for immediate investment by HUD in interest-bearing securities. The proposal would also eventually substantially reduce HUD's present accounting workload of periodic billing, collection, and allocation of premiums amortized as a separate component of the mortgage as those mortgages terminate over the years. Finally, it would relieve lenders of the burden of collecting and remitting to HUD monthly installment mortgage insurance premiums as they are received, as is required by section 530 of the National Housing Act, when mortgages subject to section 530 terminate.

In proposing this rule, HUD had to address two fundamental issues: can the proposed MIP collection system be implemented without impairing the current affordability of FHA mortage insurance to low- and moderate-income homebuyers, and can it be operated on a financially and actuarially sound basis?

With respect to homeowner affordability, buyers would have the option of paying the up-front premium in cash, or of adding part of it—up to practically the entire amount, as explained below—to the amount of the mortgage and having this amount amortized along with the underlying loan. The rule would implement the authority provided in section 201 of the Omnibus Budget Reconciliation Act of 1982 to increase the otherwise applicable maximum dollar mortgage amount by the amount of the premium payment added to the mortgage, and to exclude the MIP from "cost of acquistion" for purposes of determining mimimum downpayment requirements. These provisions would assure that implementation of the proposal would not reduce the amount of house a buyer could purchase or result in an increase in the required downpayment, except for such small amounts as may result from application of maximum loan-to-value ratios (as explained below). Moreover, the increase in the monthly debt service required to repay the amount borrowed to pay for the up-front premium may be less than the monthly mortgage insurance premium that would otherwise have been collected for the mortgage.

In addition to statutory provisions directly addressing downpayment requirements, the amount of the required downpayment is also affected by maximum loan-to-value ratios. For example, section 203(b)(2) of the National Housing Act provides that insured loans may not exceed an amount equal to the sum of 97% of the first $25,000 of the "appraised value" of the property and 95% of the "appraised value" in excess of $25,000. No amendment to this and other loan-to-value ratio requirements was included in the 1982 Reconciliation Act. By long-standing administrative practice, the Department has calculated maximum loan-to-value ratios on a basis which included closing costs in "appraised value." Consistent with this practice, the Department intends to include also the amount of the up-front premium as an element of "appraised value" for the

purpose of calculation of the maximum loan-to-value ratio. The result of this will be that in the case of loans which are at the maximum ratio before consideration of the up-front premium, the required downpayment will be increased by the percentage resulting from the applicable loan-to-value ratio (5% in the case of a loan covered by the ratio provision cited above where the value exceeds $25,000). The rule would, however, exclude any part of the one-time premium which is amortized from the lender's originating and closing fees under 24 CFR 203.27.

The Department's practice of including closing costs in "appraised value," and the fact that this practice alone could result in a loan-to-value ratio in excess of 100% when based on selling price, was disclosed to Congress in connection with its consideration of the amendments adopted in the 1982 Reconciliation Act. An expectation by Congress that the up-front mortgage premium would result in further increases in the loan-to-value ratio when considered on the basis of selling price is explicitly evidenced in the Conference Report on the 1982 Reconciliation Act. Accordingly, the Department believes that inclusion of the up-front premium as an element of "appraised value" is permissible and consistent with Congressional expectations.

With respect to the actuarial soundness of the proposed rule, adding the amount of the MIP to the principal obligation of the loan increases the loan-to-value ratio based on selling price, as noted above. Research on the subject shows a positive correlation between high loan-to-value ratios and the incidence of default. Depending upon the amount of premium needed by HUD and rates of appreciation in home purchase prices and values, the proposed rule may result in an indebtedness in excess of the property's value during the first few years of the mortgage term. Clearly, such a situation could increase the risk to the Fund.

One factor mitigating that risk is the rule's provision that refunds of unearned premiums, which are normally available to mortgagors upon early termination of the insurance contract, would not be available to defaulting mortgagors. The loss of a potentially large refund offers a disincentive to default in cases where negative equity might otherwise dispose mortgagors to early default.

As an additional "fail-safe," the rule would require that the premium, refund, and distributive share amounts be determined in accordance with sound financial and actuarial practice. In addition, the proposed rule would give HUD explicit discretion to reinstitute use of the present MIP system, during such periods as HUD may find it appropriate, if HUD determines that use of the one-time MIP during such periods would not be consistent with sound financial and actuarial practice or would significantly increase financial burdens on mortgagors. This "fail-safe" feature is consistent with the admonition in the Conference Report on the 1982 Reconciliation Act that, if the new system is not actuarially sound, HUD preserve the current affordability of FHA insurance.

Specific provisions of the proposed rule would work as follows.

Calculation of the One-time Premium

The amount of the one-time MIP would equal the amount of the mortgage to be insured, multiplied by the applicable premium percentage. This percentage would be determined in accordance with sound financial and actuarial practice, taking into account the costs projected by HUD to be payable out of the reserves of the MMIF, discounted at a rate of interest determined by HUD. Costs would include insurance claim losses, salaries and expenses attributable to the Fund, and refunds of unearned premiums (discussed below). The discount rate would equal the rate of return expected to be earned by investment of the Fund's reserves. In accordance with section 203(c) of the National Housing Act, however, the discount rate could not exceed the rate of interest specified in the mortgage to be insured. The applicable premium percentage would be published by notice in the Federal Register at least once a year.

Switching to a MIP calculated on the basis of projected costs to the Fund would provide a sounder basis for determining the necessary MIP than does the present method of applyiing ½ percent per year to the average outstanding balance of the loan. Moreover, moving to a cost-basis calculation would reduce the effective premiums for mortgages insured under the rule by approximately 12 percent. In accordance with section 203(c) of the National Housing Act, application of the premium percentage determined under the proposed system could not result in a MIP in excess of an amount equivalent to 1 percent per year of the amount of the principal obligation of the mortgage outstanding at any time.

Premium Refunds

Section 201(b) of the 1982 Reconciliation Act amended section 203(c) of the National Housing Act to provide for a refund, where appropriate, of a portion of the one-time MIP paid, where the principal obligation of the loan is paid before the number of years on which the premium's discounted value was based, or where the property is sold subject to the mortgage or is sold and the mortgage is assumed before that time. The Secretary has determined that it is appropriate to provide for refunds of unearned premiums only where the contract of insurance covering the mortgage is terminated by payment of the mortgage in full or by voluntary termination.

In the case of other transfers of the property in which the insured loan remains outstanding, the mortgage insurance would remain in force. Because the total MIP obligation has been satisfied, the purchaser would not be required to make an additional MIP payment, but would be entitled to a refund or distributive share if he or she subsequently terminated the mortgage insurance contract. Typically, the sales price negotiated between the purchaser and seller would reflect this, providing the seller with what, in effect, would be a "refund" of a portion of the MIP he or she paid. Moreover, it would be administratively infeasible and would present actuarial problems to provide for a refund of the MIP while the mortgage is still an obligation of the Fund. For these reasons, HUD has determined that refunds would be appropriate only where the mortgage insurance contract has been terminated.

The proposed rule requires HUD to provide for a refund to the borrower of a portion of the one-time MIP, if the insurance contract is terminated voluntarily or by payment in full of the mortgage within 11 years from the date the mortgage was endorsed for insurance. The amount of the refund would be determined by multiplying the amount of the one-time MIP paid by the applicable premium refund percentage for mortgages insured in the year the mortgage was endorsed for insurance. The applicable percentage would be determined for each year in an equitable manner and in accordance with sound financial and actuarial practice, taking into account projected salaries and expenses, prospective losses generated by insurance claims, expected future payments of premium refunds and the impact on the insurance reserve resulting from the premium refunds. Refund percentages would be published by notice in the Federal Register at least annually.

HUD has decided that a mortgagor should not be entitled to receive both a distributive share and a refund or an unearned premium because if the

mortgagor receives a refund, he or she forgoes his or her prospective claim for a share of the Participating Reserve Account Surplus. Since the proportion of the premium recouped by the mortgagor in the 12th year of amortization is greater through receipt of a distributive share, as compared to a premium refund, premium refunds will be payable only during the first 11 policy years.

Distributive Shares

Section 205(c) of the National Housing Act authorizes HUD to distribute to mortgagors a share of the MMIF's Participating Reserve Account upon termination of the contract of insurance without payment of a claim. This reflects the mutuality feature of the Fund, and represents the homeowner's share of the net earnings to the Fund. Shares are required to be equitable and determined in accordance with sound actuarial and accounting practice, and are only paid with respect to mortgages that have been contributing premium income for 11 or more years.

The proposed rule would amend § 203.423 of 24 CFR to make eligible for distributive shares mortgagors who pay the proposed one-time MIP and to provide for a uniform method of calculating the shares for all mortgagors. Under the rule, shares could be paid if the contract of insurance is terminated after 11 years from the date the mortgage was endorsed for insurance. The amount of the distributive share would be determined by multiplying the amount of the premium or premiums paid by the applicable distributive share percentage for mortgages insured in the year the mortgage was endorsed for insurance. This percentage would be determined in an equitable manner and in accordance with sound financial and actuarial practice, taking into account the cumulative actual financial and actuarial experiences through the end of the most recent fiscal year. The applicable percentage would be published by notice at least annually in the Federal Register.

Payment of Refunds and Distributive Shares

Under existing practice, the Department is responsible for notifying mortgagors of eligibility to receive a distributive share by sending a notice to the mortgagor's last known address as provided by the mortgagee upon termination of insurance. The share is paid upon application of the mortgagor. The proposed rule would simplify this procedure by simply requiring mortgagors to apply to HUD within three years of the termination of the insurance contract for either a refund or a distributive share. To provide for an orderly transition to the new system, mortgagors who are eligible for a distributive share before the rule's effective date would be given three years for such date in which to submit their applications.

This rule constitutes a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981 (Executive Order 12291). The rule does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, nor does it significantly adversely effect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. However, analysis of the proposed rule indicates that it would have an annual effect on the economy of $100 million or more. However, the Director of the Office of Management and Budget, pursuant to section 6(a)(4) of Executive Order 12291, has waived the requirement of section 3 of the Executive Order with respect to the proposed rule. This waiver is based on the Director's determination that the function of the regulatory impact analysis has largely been fulfilled by the extensive joint examination of this initiative undertaken by OMB and HUD, during the past year, together with the Department's report prepared for the Senate and House Banking Committees on the methodology used in determining the one-time premium.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC. 20410.

This rule was listed as Item H–139–82 under the Office of Housing in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48428) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The catalog of Federal Domestic Assistance program numbers are 14.117, 14.118 and 14.181.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. To the extent the rule has any impact on small entities—in this instance small mortgage lenders—the impact should be positive in the long run, since one-time premiums will reduce the recordkeeping and paperwork burden associated with the regular submission to HUD of periodic premium payments.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting or recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation.

List of Subjects in 24 CFR Part 203

Home improvement, Loan programs: housing and community development, Mortgage insurance, Solar energy.

Accordingly, it is proposed that 24 CFR Part 203 be amended as follows:

PART 203—[AMENDED]

1. By adding a new paragraph (d) to § 203.18b, to read as follows:

§ 203.18b Increased mortgage amount.

* * * * *

(d) The dollar limitations provided in § 203.18(a)(1) and in this section (as such amounts may be increased by §§ 203.18a and 203.29) shall be increased by the amount of any one-time mortgage insurance premium paid pursuant to § 203.280 of this part.

2. By revising paragraph (a)(1) of § 203.19 to read as follows:

§ 203.19 Mortgagor's minimum investment.

(a) * * *

(1) In all cases (except those involving a veteran meeting the requirements of § 203.18(a)(3)), the minimum investment shall be at least three percent of the Commissioner's estimate of the cost of acquisition (excluding the amount of any one-time mortgage insurance premium payable pursuant to § 203.280) or such larger amount as the Commissioner may determine.

* * * * *

3. By revising paragraph (a) of § 203.22 to read as follows:

§ 203.22 Payment of insurance premiums or charges; prepayment privilege.

(a) *Payment of periodic insurance premiums or charges.* Except with

respect to mortgages for which a one-time mortgage insurance premium is paid pursuant to § 203.280 of this part, the mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth of the annual mortgage insurance premium payable by the mortgagee to the Commisoner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

* * * * *

4. By revising paragraph (a)(1) of § 203.24 to read as follows:

§ 203.24 Application of payments.

(a) * * *

(1) Premium charges under the contract of insurance (other than a one-time mortgage insurance premium paid pursuant to § 203.280), and charges for open-end advances;

* * * * *

5. By revising paragraph (a) of § 203.26 to read as follows:

§ § 203.26 Mortgagor's payments when mortgage is executed.

(a) The mortgagor must pay to the mortgagee, upon execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, the estimated taxes, special assessments, flood insurance premiums, if required, and fire and other hazard insurance premiums for the period beginning on the last date on which each such charge would have been paid under the normal lending practices of the lender and local custom (if each such date constitutes prudent lending practice), and ending on the due date of the first full installment payment under the mortgage, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment under the mortgage or, where applicable, the one-time mortgage insurance premium payable pursuant to § 203.280.

* * * * *

6. By revising subdivisions (i) and (ii) of paragraph (a)(2) of § 203.27 to read as follows:

§ 203.27 Maximum charges, fees or discounts.

(a) * * *
(2) * * *

(i) $20 or one percent of the original principal amount of the mortgage (excluding any one-time mortgage insurance premium paid pursuant to § 203.280), whichever is the greater; or

(ii) $350 or two and one-half percent of the original principal amount of the mortgage (excluding any one-time mortgage insurance premium paid pursuant to § 203.280), whichever is the greater, with respect to mortgages on property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction.

* * * * *

7. By revising paragraph (k) of § 203.43c to read as follows:

§ 203.43c Eligibility of mortgages involving a dwelling unit in a cooperative housing development.

* * * * *

(k) The mortgagee shall collect from the mortgagor upon the execution of the mortgage (1) a sum that will be sufficient to pay the mortgage insurance premium for the period beginning on the date of the closing of the loan and ending on the date of the first monthly payment under the mortgage or (2), where applicable, the one-time mortgage insurance premium payable pursuant to § 203.280.

* * * * *

§ 203.44 Amended.

8. By removing, in paragraph (d) of § 203.44, the reference to "§ 203.289" and by substituting in lieu thereof "§ 203.270".

9. By adding, immediately after the undesignated center heading entitled "Mortgage Insurance Premiums—In General", new § § 203.259 and 203.259a, to read as follows:

§ 203.259 Method of payment of MIP

The payment of any MIP under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures at par plus accrued interest.

§ 203.259a Scope.

For mortgages which are insured pursuant to applications for conditional commitments received on or after (insert effective date) and which are obligations of the Mutual Mortgage Insurance Fund under this part, the Commissioner shall charge a one-time MIP pursuant to § 203.280. The periodic MIP provisions of § § 203.260 through 203.269 shall not apply to these mortgages, except that the Commissioner shall have discretion to reinstitute use of the periodic MIP, during such period as the Commissioner may find it appropriate, if the Commissioner determines that use of the one-time MIP would not be consistent with sound financial and actuarial practice or would significantly increase financial burdens on mortgagors. Any such reinstitution of the periodic MIP, as well as any reinstitution of the one-time MIP, shall apply only with respect to mortgages insured pursuant to applications for conditional commitments received after such date as the Commissioner shall specify.

10. By adding, immediately after § 203.259a, a new undesignated center heading, to read as follows:

Mortgage Insurance Premiums—Periodic Payment

11. By revising § § 203.260 through 203.268, to read as follows:

§ 203.260 Amount of mortgage insurance premium (periodic MIP).

The mortgagee shall pay to the Commissioner an initial MIP in an amount equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the first year of amortization. After payment of the initial MIP, the mortgagee shall pay to the Commissioner an amount equal to one-half of one percent of the average outstanding principal obligation of the mortgage for the 12-month period preceding each subsequent anniversary date of the beginning of amortization.

§ 203.261 Calculation of periodic MIP.

The amount of any periodic MIP shall be calculated in accordance with the original amortization provisions of the mortgage, without taking into account delinquent payments, prepayments, agreements to postpone payments, or agreements to recast the mortgage.

§ 203.262 Due date of periodic MIP.

The full initial or annual MIP shall be due on the anniversary date of the beginning of amortization.

§ 203.263 Adjustment of initial MIP.

If the Mortgage Insurance Certificate was issued prior to the beginning of amortization, the initial MIP shall be adjusted to include an additional premium from the date of issuance of the Mortgage Insurance Certificate to the date of the beginning of amortization. If the Mortgage Insurance Certificate was issued in the second half of the amortization year, the initial MIP shall be adjusted to include only that part of the premium year from the date of the issuance of the Mortgage Insurance Certificate to the first anniversary date of the beginning of amortization.

§ 203.264 Payment of periodic MIP.

(a) *Time of Payment.* Any portion of the periodic MIP received by the mortgagee from the mortgagor on or after September 1, 1982 shall be paid to the Commissioner on or before the tenth day of the month following the month in which it was received, provided that the full initial or annual MIP shall be due on the anniversary date of the beginning of amortization and payable not later than ten days after such date even if not collected by the mortgagee from the mortgagor.

(b) *Payment of Outstanding MIP.* All MIP that have been collected by mortgagees from mortgagors prior to September 1, 1982, but not remitted pursuant to an annual HUD billing shall be remitted to the Commissioner not before September 1, 1982, but not later than September 10, 1982. All annual MIP bills received by mortgagees from HUD prior to September 1, 1982 shall be paid on their specified due dates.

§ 203.265 Mortgagee's late charge and interest.

(a) Periodic MIP which are remitted to the Commissioner after the payment dates prescribed by §§ 203.262 and 203.264 shall include a late charge of four percent of the amount paid.

(b) In addition to the late charge provided in paragraph (a), the mortgagee shall pay interest on any periodic MIP which are remitted to the Commissioner more than 20 days after the payment dates prescribed in § 203.264. Such interest rate shall be paid at a rate set in conformity with the Treasury Fiscal Requirements Manual.

§ 203.266 Periodic covered by periodic MIP.

The initial MIP shall cover the period beginning with the date of the issuance of a Mortgage Insurance Certificate and ending on the next anniversary of the beginning of amortization. Subsequent premium payments shall cover the twelve-month period preceding each subsequent anniversary date.

§ 203.267 Duration of periodic MIP.

The mortgagee shall pay MIP to the Commissioner until the deed to the Commissioner is filed for record or the contract of insurance is terminated.

§ 203.268 Pro rata payment of periodic MIP.

(a) If the insurance contract is terminated before the due date of the initial MIP, the mortgagee shall pay a portion of the MIP prorated from the following dates to the date of termination:

(1) From the beginning of amortization if the Mortgage Insurance Certificate is issued in the first half of the amortization year, or

(2) From the date of the issuance of the Mortgage Insurance Certificate if the Certificate is issued at any time prior to the beginning of amortization or during the second half of the amortization year.

(b) If the insurance contract is terminated after the due date of the initial MIP, the mortgagee shall pay a portion of the current annual MIP prorated from the due date of the last annual MIP to the date of termination.

(c) A pro rata MIP shall not be due or payable where the mortgagee notifies the Commissioner that foreclosure or other action to acquire the property has been completed and that the property will not be conveyed to the Commissioner in exchange for insurance benefits. Any MIP due and paid after the institution of foreclosure or the date the property was otherwise acquired by the mortgagee will be refunded to the mortgagee upon receipt by the Commissioner of the notice from the mortgagee that the property will not be conveyed to the Commissioner.

§ 203.269 [Redesignated as § 203.270] and § 203.270 [Redesignated as § 203.269]

12. By redesignating § 203.269 as § 203.270, and § 203.270 as § 203.269, and by adding a new undesignated center heading immediately after § 203.269 as redesignated, to read as follows:

Open-end Insurance Charges—All Mortgages

13. By revising § 203.270 as redesignated, to read as follows:

§ 203.270 Open-end insurance charges.

(a) *Required charge.* In the case of an insured open-end advance the mortgagee shall pay to the Commissioner an open-end insurance charge.

(b) *Payment of charge for mortgages with periodic MIP.* The amount of any insured open-end advance shall be added to the average outstanding principal obligation of the mortgage for the purpose of determining the amount of periodic MIP as provided in §§ 203.260 through 203.268, except that the initial additional charge shall be prorated to cover the period beginning with the first day of the month following the issuance of a certificate evidencing the insurance of the open-end advance and ending on the due date of the next MIP.

(c) *Payment of charge for mortgages with one-time MIP.* In the case of a mortgage with a one-time MIP pursuant to § 203.280, the insurance charge shall be in an amount equal to ½ percent per annum of the outstanding principal obligation of the open-end advance. Sections 203.260 through 203.268 shall apply to the open-end charge on a mortgage with a one-time MIP, except that all references to amortization dates shall refer to amortization dates of the open-end advance, references to MIP shall refer to the open-end insurance charge, and references to outstanding principal obligation of the mortgage shall refer to outstanding principal obligation of the open-end advance.

(d) *Method of payment—all mortgages.* The payment of any open-end insurance charge under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures issued by the Mutual Mortgage Insurance Fund at par plus accrued interest.

14. By adding, immediately after § 203.270, a new undesignated center heading and new §§ 203.280—203.282, to read as follows:

Mortgage Insurance Premiums—One-Time Payment

§ 203.280 One-time MIP.

For mortgages for which a one-time MIP is to be charged in accordance with § 203.259a, the mortagee shall, at the time of and as a condition to the endorsement of the mortgage for insurance, pay to the Commissioner for the account of the mortgagor a premium representing the total obligation for the insuring of the mortgage by the Commissioner.

§ 203.281 Calculation of one-time MIP.

(a) The amount of the one-time MIP shall equal the amount of the mortgage to be insured multiplied by the applicable premium percentage.

(b)(1) The Commissioner shall determine the applicable premium percentage in accordance with sound financial and actuarial practice, taking into account the costs projected by the Commissioner to be payable out of the reserves of the Mutual Mortgage Insurance Fund, discounted at a rate of interest determined by the Commissioner, but not to exceed the interest rate specified in the mortgage. For purposes of this determination, (i) costs shall include insurance claim losses, salaries and expenses attributable to the Fund, and refunds of unearned premiums pursuant to § 203.282 of this subpart, and (ii) the discount rate shall equal the rate of return expected to be earned by investment of the reserves to the Fund.

(2) Application of the premium percentage determined under this paragraph shall not result in a MIP in excess of an amount equivalent to 1 per

centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments.

(c) The applicable premium precentage will be published by notice at least annually in the **Federal Register.**

§ 203.282 Refund of one-time MIP.

(a) The Commissioner shall provide for the refund to the mortgagor of a portion of the MIP paid pursuant to § 203.280 if the contract of insurance covering the mortgage is terminated within eleven years from the date the mortgage is endorsed for insurance, by payment in full or by voluntary termination approved by the Commissioner.

(b) The Commissioner shall determine the amount of the premium refund by multiplying the amount of the premium paid at the time the mortgage was insured by the applicable premium refund percentage for mortgages insured in the year the mortgage was endorsed for insurance. The Commissioner shall determine the applicable premium refund percentage for each year in an equitable manner and in accordance with sound financial and actuarial practice, taking into account (1) projected salaries and expenses, (2) prospective losses generated by insurance claims, (3) expected future payments of premium refunds, and (4) the impact on the insurance reserve resulting from the premium refunds.

(c) The applicable premium refund percentages will be published by notice at least annually in the **Federal Register.**

(d) To qualify for a refund, the mortgagor shall submit an application to the Commissioner within three years of the date of the termination of the insurance.

15. By revising § 203.402, paragraph (d), to read as follows:

§ 203.402 Items included in payment—conveyed properties.

* * * * *

(d) Periodic MIP or open-end insurance charges;

* * * * *

16. By revising § 203.423 to read as follows:

§ 203.423 Distribution of distributive shares.

(a) The Commissioner may provide for the distribution to the mortgagor of a share of the participating reserve account if the contract of insurance is terminated, after eleven years from the date the mortgage was endorsed for insurance, by payment in full or by voluntary termination approved by the Commissioner.

(b) The Commissioner shall determine the amount of the distributive share by multiplying the amount of the premium or premiums paid by the applicable distributive share percentage for mortgages insured in the year the mortgage was endorsed for insurance. The Commissioner shall determine the applicable distributive share percentage in an equitable manner and in accordance with sound financial and actuarial practice, taking into account the cumulative actual financial and actuarial experiences through the end of the most recent fiscal year.

(c) The applicable distributive share percentages will be published by notice at least annually in the **Federal Register.**

(d) To qualify for a distributive share, the mortgagor shall submit an application to the Commissioner within the later of three years from (insert effective date) or the date the contract of insurance is terminated.

Authority: (Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d), sec. 211, National Housing Act (21 U.S.C. 1715b).

Dated: January 28, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-6077 Filed 3-3-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[EE-111-80]

Public Inspection of Exempt Organization Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the public inspection of returns of certain tax exempt organizations. The regulations clarify the rules relating to the disclosure of certain information of exempt organizations. Additionally, the regulations reflect changes made by Pub. L. 96-603 and Pub. L. 95-488.

DATE: Written comments and requests for a public hearing must be delivered or mailed by May 3, 1983.

ADDRESSES: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T:EE-111-80, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: William D. Gibbs of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3430 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Procedure and Administration Regulations (26 CFR Part 301) under section 6104(b).

Statutory Provision

Section 6104(b) provides for the disclosure to the public of the information required to be furnished by sections 6033, 6034, and 6058. However, the section does not authorize the disclosure of the name or address of any contributor to any organization or trust that is required to furnish such information. This exception does not apply to any private foundation, as defined in section 509(a).

Nondisclosure of Certain Information

The proposed regulation continues the rule that the names and addresses of contributors to an organization (other than a private foundation) will not be made available to the public.

However, the amounts of contributions and bequests to such an organization shall be disclosed to the public unless disclosure can reasonably be expected to identify the name or address of any contributor. This amendment is necessary to reflect current Service procedure with respect to the disclosure of the amounts of contributions and bequests to organizations or trust that are not private foundations.

Comments and Requests for a Public Hearing

Before adopting this proposed regulation, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner has determined that this proposed regulation is not a

major regulation for purposes of Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of this regulation is Mary M. Levontin of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Disclosure of information.

Proposed Amendments to the Regulations

PART 301—[AMENDED]

The proposed amendments to 26 CFR Part 301 are as follows:

Paragraph 1. Paragraph (a)(3) of § 301.6104(b)–1 is removed.

Par. 2. Paragraphs (b) and (c) of § 301.6104(b)–1 are designated as paragraphs (c) and (d) and the following new paragraph (b) is inserted in the appropriate place:

§ 301.6104(b)–1 Publicity of information on certain information returns and annual reports.

* * * * *

(b) *Nondisclosure of certain information.*—(1) *Names and addresses of contributors.* The names and addresses of contributors to an organization other than a private foundation shall not be made available for public inspection under section 6104 (b).

(2) *Amounts of contributions.* The amounts of contributions and bequests to an organization shall be available for public inspection unless the disclosure of such information can reasonably be expected to identify any contributor. Notwithstanding the preceding sentence, the amounts of contributions and bequests to a private foundation shall be available for public inspection.

(3) *Foreign organizations.* The names, addresses, and amounts of contributions or bequests of persons who are not citizens of the United States to a foreign organization described in section 4948 (b) shall not be made available for public inspection under section 6104(b).

(4) *Confidential business information.* Confidential business information of contributors to any trust described in section 501(c)(21) (black lung trusts) shall not be available for public inspection under section 6104(b) provided:

(i) A request if filed with the office with which the trustee filed the documents in which the information to be withheld is contained,

(ii) Such request clearly specifies the information to be withheld and the reasons supporting the request for withholding, and

(iii) The Commissioner determines that such information is confidential business information.

Information such as the contributor's estimated total liability for black lung benefits, the contributor's coal pricing policies, or any background information necessary to establish estimated total liability or coal pricing policies are examples of confidential business information that shall not be disclosed to the public under this subparagraph.

Par. 3. Paragraph (c), as redesignated paragraph (d), of § 301.6104(b)–1 is amended by striking out "6033 and 6034 and the annual report required by section 6056" and inserting in lieu thereof "6033, 6034, and 6058" in subparagraph (2) and by striking out "or 6056" and inserting in lieu thereof "or 6058" in subparagraph (3).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83–5580 Filed 3–3–83; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

Abandoned Mine Land Program; Grants—Administrative Procedures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining (OSM) proposes to amend portions of the abandoned mine land reclamation rules relating to the administrative procedures for State Reclamation Grants. The proposed amendment will eliminate provisions concerning "Recipients' Release" and "Recipients' Assignments of Refunds, Rebates and Credits" when closing out grants. OSM proposes to eliminate forms OSM–62 and OSM–63. This would reduce the number of forms required from the recipient for closing out OSM financial assistance grants. In OSM's effort to reduce the paperwork burden on the recipient as much as possible, it was decided that the forms were unnecessary.

DATES: Written comments must be received on or before 5 p.m. April 14, 1983 at the address listed under **"ADDRESSES"**.

Meetings may be scheduled at the address listed under **FOR FURTHER INFORMATION CONTACT** between 9 a.m. and noon and 1 p.m. and 4 p.m. Monday through Friday excluding holidays. Any person interested in a meeting with OSM should contact Don Willen, Chief, Division of Grants Administration, for an appointment at the address or phone number listed under **"FOR FURTHER INFORMATION CONTACT"**.

ADDRESSES: Comments may be mailed or hand carried to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record Number (AML–28), Room 5315, 1100 L Street, N.W., Washington, D.C. 20240, Telephone (202) 343–7896.

FOR FURTHER INFORMATION CONTACT: Donald W. Willen, Chief, Division of Grants Administration, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue N.W., Washington, D.C. 20240, Telephone (202) 343–7951 or 343–4225.

SUPPLEMENTARY INFORMATION

Background

The Abandoned Mine Land Reclamation (AMLR) Program was established under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87 (the "Act") in response to concern over extensive environmental damage caused by the failure of past coal mining activities to adequately reclaim disturbed lands. Funds are generated by a fee imposed on each ton of coal produced. Congress then appropriates the funds for: (1) Grants to States and Indian tribes to plan and carry out reclamation programs and projects; (2) for Federal reclamation projects carried out by the Secretary of the Interior through OSM and other Interior agencies; and (3) for the Rural Abandoned Mine Program (RAMP) administered by the Secretary of Agriculture and carried out by the Soil Conservation Service.

Proposed Rule Revisions

Section 886.20 presently reads as follows:

§ 886.20 Administrative procedures.

The agency shall follow administrative procedures governing accounting, payment, property, and related requirements contained in Office of Management and Budget Circular No. A–102 and use the following forms: OSM–60 (Report of Government Property), OSM–62 (Recipients' Release), and OSM–63 (Recipients Assignments of Refunds, Rebates and Credits).

OSM is proposing to revise 30 CFR 886.20 to eliminate forms OSM–62 and OSM–63. This would reduce the number of forms required from the recipient for closing out OSM financial assistance grants. In OSM's effort to reduce the paperwork burden on the recipient as much as possible, it was decided that the forms were unnecessary.

Form OSM–62 was developed to release OSM from all obigations under the grant or cooperative agreement funding being closed out. OSM Proposes that this information be provided in the grantee's transmittal letter at the time the grantee submits the final close out report.

The transmittal letter will indicate that the recipient discharges the Government from all obligations arising from the agreement, unless any exceptions are noted. Information on audit exceptions will also be included.

The purpose of Form OSM–63 is to provide OSM with a statement indicating that OSM will be entitled to its share and payment of all refunds, rebates, and credits arising from the performance of the agreement.

OSM will be certain that a statement will be included in each grant agreement that will suffice for form OSM–63. This statement will indicate that OSM will be entitled to its share and payment of all refunds, rebates and credits arising from the performance of the agreement.

Procedural Matters

The following determinations have been made by OSM in reference to the proposed rule change:

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility act (5 U.S.C. 601 et seq.).

The Department of the Interior has determined, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), that this action will not have a significant effect on the human environment and an Environmental Impact Statement need not be prepared.

The information collection requirements in the existing AMLR rules were approved by OMB under 44 U.S.C. 3507 and assigned clearance number 1029–0059.

Form OSM–62 was assigned number 1029–0077 and Form OSM–63 was assigned number 1029–0068.

Author of Rule Change: Carole L. Battle, Division of Grants Administration, Telephone: (202) 343–7921.

List of subjects in 30 CFR Part 886

Coal mining, Grant program natural resources, Reporting requirements, Surface mining, Underground mining.

For the reasons set forth in this preamble, 30 CFR 886.20 is proposed to be revised, as set forth herein.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

Dated: February 3, 1983.

PART 886—STATE RECLAMATION GRANTS

Section 886.20 is revised to read as follows:

§ 886.20 Administrative procedures.

The agency shall follow administrative procedures governing accounting, payment, property, and related requirements contained in Office of Management and Budget Circular No. A–102 and use the following form: OSM–60 (Report of Government Property).

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-5663 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 948

Public Comment Period and Opportunity for Public Hearing on an Amendment to the West Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on an amendment submitted by the State of West Virginia to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed program amendment consists of proposed regulations to revise and replace those approved and currently in force as emergency regulations.

This notice sets forth the times and locations that the proposed amendment is available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendment and information pertinent to the public hearing.

DATES: Written comments must be received on or before 4 p.m. on April 4, 1983. A public hearing on the proposal will be held from 7 p.m. to 9 p.m. on March 28, 1983, at the OSM Charleston Field Office listed below under "**ADDRESSES**". Any person interested in making an oral or written presentation at the hearing should contact Mr. David H. Halsey at the OSM Charleston Field Office by the close of business on March 18, 1983. If no one has contacted Mr. Halsey to express an interest in participating in the hearing by that date, the hearing will not be held. If only one person has so contacted Mr. Halsey, a public meeting, rather than a hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301

See "**SUPPLEMENTARY INFORMATION**" for addresses where copies of the West Virginia program amendment and administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: Mr. David H. Halsey, Director, Charleston Field Office, Office of Surface Mining, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158.

SUPPLEMENTARY INFORMATION: Copies of the West Virginia program amendment, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining, Charleston Field Office, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347–7158

Office of Surface Mining, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240, Telephone: (202) 343–7896
West Virginia Department of Natural Resources, Room 630, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348–6160

In addition, copies of the amendment are available for inspection and copying during regular business hours at the following locations:

Office of Surface Mining, Morgantown Area Office, Post Office Box 886, Morgantown, West Virginia 26505, Telephone: (304) 291–4004
Office of Surface Mining, Beckley Area Office, 119 Appalachian Drive, Beckley, West Virginia 25801, Telephone: (304) 255–5265

On February 16, 1983, the State of West Virginia submitted to OSM an amendment to its conditionally approved permanent regulatory program. The West Virginia program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 FR 5915–5956). The proposed program amendment consists of proposed regulations to revise and replace those approved and currently in force as emergency regulations. In addition, West Virginia indicated that the proposed regulations do not incorporate the provisions of the Technical Handbook of Standards and Specifications for Mining Operations as regulation as done in the State's conditionally approved program. Instead, design criteria have been incorporated into the proposed regulations and, where necessary, appropriate references made to the Technical Handbook. The Technical Handbook now serves as a technical guideline, rather than regulation. Therefore, this amendment deletes the Technical Handbook from regulation and incorporates it as a program element.

In accordance with the provisions of 30 CFR 732.17, OSM is seeking comments from the public on the adequacy of the proposed program amendment. Upon the close of the public comment period, the Director of the Charleston Field Office will forward transcripts, public comments and a recommendation to the Director of OSM.

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an Exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 948

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 1, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-6003 Filed 3-3-83; 8:45 am]
BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans Educational Assistance Program Basic Eligibility Criteria; Refund of Participant's Contributions

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations, issued jointly by the VA (Veterans Administration) and Department of Defense, are designed to implement those provisions of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). They make the eligibility criteria for this program more restrictive. These regulations will implement the applicable provisions of this law.

DATES: Comments must be received on or before April 4, 1983. In keeping with Pub. L. 97–66, the VA and Department of Defense propose that these regulations be made effective October 17, 1981.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

All written comments received will be available for public inspection at this address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until April 13, 1983. Anyone visiting Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any of these comments will be received in the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: The proposed regulations provide additional criteria which individuals must meet before they can establish basic eligibility to educational benefits under chapter 32, Title 38, United States Code. They also expand the circumstances under which a participant in the Post-Vietnam Era Veteran's Educational Assistance Program may receive a partial refund of his or her contributions. These policy changes are required by law.

The agencies have determined that these proposed regulations contain no major rules as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. They will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed regulations therefore are

exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

These regulations will affect only individual VA benefit recipients. They will have no significant impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Catalog of Federal Domestic Assistance number for the program affected by these proposed regulations is 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—Education, Loan programs—Education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 11, 1983.
Approved: February 7, 1983.
By direction of the Administrator.
Everett Alvarez, Jr.,
Deputy Administrator.
R. Dean Tice,
Deputy Assistant Secretary of Defense.

PART 21—[AMENDED]

1. Section 21.5040 is revised as follows:

§ 21.5040 Basic eligibility.

(a) *Individuals not on active duty.* Whether an individual has basic eligibility under 38 U.S.C. ch. 32 for educational assistance depends upon when he or she entered the military service, the length of that service, and the character of that service (38 U.S.C. 1602; Pub. L. 97–66, 95 Stat. 1026).

(b) *Service requirements for all individuals not an active duty.* (1) An individual not on active duty—

(i) Must have entered the military service after December 31, 1976;

(ii) Must not have and must not have had basic eligibility under 38 U.S.C. ch. 34;

(iii) Must have received an unconditional discharge or release under conditions other than dishonorable from any period of service upon which eligibility is based;

(iv) Must either have—

(A) Served on active duty for at least 181 continuous days, or

(B) Been discharged or released from active duty for a service-connected disability.

(2) The Veterans Administration will consider that the veteran has an unconditional discharge or release if—

(i) The individual was eligible for complete separation from active duty on the date a discharge or release was issued to him or her, or

(ii) The provisions of § 3.13(c) of this chapter are met.

(3) The provisions of § 3.12 of this chapter as to character of discharge and § 3.13 of this chapter as to conditional discharges are applicable (38 U.S.C. 1603).

(c) *Additional active duty service requirements for some individuals not on active duty—Chapter 32.* (1) Unless exempted by paragraph (d) of this section, perons who originally enlist in a regular component of the Armed Forces after September 7, 1980, or who enter on active duty after October 16, 1981 (either as an enlisted member or an officer) to be eligible under 38 U.S.C. ch. 32, must first complete the shorter of—

(i) 24 continuous months of active duty, or

(ii) The full period for which the individual was called or ordered to active duty.

(2) For the purpose of paragraph (c)(1) of this section the Veterans Administration considers that an enlisted person originally enlisted in a regular component of the Armed Forces on the date he or she entered on active duty even though he or she may have signed a delayed-entry contract on an earlier date.

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(d) *Individuals exempt from additional active duty requirements.* (1) An individual who originally enlists in a regular component of the Armed Forces after September 7, 1980, or who enters on active duty after October 16, 1981 (either as an enlisted member or officer), will be eligible to receive benefits under 38 U.S.C. ch. 32 based upon the ensuing period of active duty, and is exempt from the provisions of paragraph (c) of this section if he or she subsequently—

(i) Is discharged or released from active duty—

(A) Under 10 U.S.C. 1173 (hardship discharge), or

(B) Under 10 U.S.C. 1171 (early-out discharge), or

(C) For a disability incurred in or aggravated in line of duty; or

(ii) Is found by the Veterans Administration to have a service-connected disability which gives the individual basic entitlement to disability compensation as described in § 3.4(b) of this chapter. Once the Veterans Administration makes this finding, the exemption will continue to apply even if the disability subsequently improves and becomes noncompensable.

(2) An individual who enters on a period of active duty after October 16, 1981 is also exempt from the provisions of paragraph (c) of this section if he or she—

(i) Previously completed a continuous period of active duty of at least 24 months, or

(ii) Was discharged or released from a previous period of active duty under 10 U.S.C. 1171 (early-out discharge).

(3) In computing time served for the purpose of this paragraph, the Veterans Administration will exclude any period during which the individual is not entitled to credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(e) *Savings provision.* An individual may become a participant and establish basic eligibility under the provisions of this section based upon a period of active duty service which began October 16, 1981. He or she would not lose the basic eligibility based upon that period of service if, following a release from active duty, the individual reenters on active duty after October 16, 1981 and fails to meet the requirements of paragraph (c) of this section or qualify for an exemption under paragraph (d) of this section. He or she will receive a refund of any contributions he or she may make to the fund during the second period of active duty. See § 21.5065 (38 U.S.C. 1602, 3103A; Pub. L. 97–66, 95 Stat. 1026).

(f) *Individuals on active duty.* To establish basic eligibility under 38 U.S.C. ch. 32 for educational assistance an individual on active duty—

(1) Must have entered into military service after December 31, 1976 (38 U.S.C. 1602),

(2) Must have served on active duty for a period of 181 or more continuous days after December 31, 1976, and

(3) If not enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, must have completed the lesser of the following two periods of active duty: (38 U.S.C. 1631(b))

(i) The individual's first obligated period of active duty which began after December 31, 1976, or

(ii) The individual's period of active duty which began after December 31, 1976, and which is 6 years in length,

(4) If enrolled in a course, courses or a program of education leading to a secondary school diploma or equivalency certificate, the individual—

(i) Must be an enlisted member of the Armed Forces,

(ii) Must be a participant

(iii) Must be training during the last 6 months of his or her first period of active duty, or any time thereafter, and

(5) If he or she originally enlisted after September 7, 1980, must have completed at least 24 months of his or her original enlistment (38 U.S.C. 1631(b), 10 U.S.C. 977).

2. Section 21.5065 is revised as follows:

§ 21.5065 Refunds without disenrollment.

(a) *Refunds made without disenrollment following a discharge or release under dishonorable conditions*— (1) *A discharge or release under dishonorable conditions may result in a partial refund of contributions.* If an individual who would have been eligible, but for the fact of his or her re-enlistment, for the award of a discharge or release under conditions other than dishonorable at the time he or she completed an obligated period of service, later receives a discharge or release under dishonorable conditions, the Veterans Administration may refund a portion of his or her contribution (38 U.S.C. 101, 1623).

(2) *Amount of refund.* The Veterans Administration shall refund to the individual all of his or her remaining contributions made to the fund after the individual completed the obligated period of service (38 U.S.C. 101, 1623).

(3) *Date of refund.* The Veterans Administration shall refund all monies due the individual—

(i) On the date of the individual's discharge or release from active duty; or

(ii) Within 60 days of receipt by the Veterans Administration of notice of the individual's discharge or release, whichever is later (38 U.S.C. 101, 1623, 1632).

(b) *Refunds made without disenrollment following a short period of active duty.* (1) An individual who has contributed to the fund during more than one period of active duty may be required to receive a refund of those contributions made during the most recent period of active duty. When an individual who meets all the criteria in paragraph (b)(2) of this section is discharged, the Veterans Administration will refund all contributions he or she made during the most recent period of active duty unless the individual meets one or more of the criteria stated in either paragraph (b) (4) or (5) of this section. If he or she meets one of those criteria, the contributions will not be refunded unless the individual voluntarily disenrolls.

(2) Unless a compulsory refund is prohibited by paragraph (b) (4) or (5) of this section, the Veterans Administration will refund all contributions made by an individual during the most recent period of active duty when the individual—

(i) Completed at least one period of active duty before the most recent one during which he or she established entitlement to Post-Vietnam Era Veterans' Educational Assistance;

(ii) Reentered on his or her most recent period of active duty after October 16, 1981;

(iii) Contributed to the fund during his or her most recent period of active duty; and

(iv) Is discharged.

(3) The circumstances which prohibit an automatic refund of monies contibuted during the individual's most recent period of active duty do not relate only to the most recent period of active duty which began after October 16, 1981, but also to the individual's prior periods of active duty regardless of whether they began before, after or on October 16, 1981.

(4) Meeting one or more of the following criteria concerning periods of active duty before the most recent one will be sufficient to prohibit a compulsory refund of contributions made during the most recent period of active duty. The individual—

(i) Before the most recent period of active duty began, completed at least one continuous period of active duty of at least 24 months, or

(ii) Was discharged or released under 10 U.S.C. 1171 (early-out discharge) from any period of active duty before the most recent one.

(5) Meeting one or more of the following criteria concerning the most recent period of active duty will be sufficient to prohibit a compulsory refund of contributions made during the most recent period of active duty. The individual—

(i) For the most recent period of active duty completes 24 months of continuous active duty, or the full period for which the individual was called or ordered to active duty, whichever is shorter; or

(ii) Is discharged or released from the most recent period of active duty under 10 U.S.C. 1171 (early-out discharge) or 11173 (hardship discharge); or

(iii) Is discharged or released from the most recent period of active duty for a disability incurred or aggravated in line of duty; or

(iv) Has a service-connected disability which give him or her basic entitlement to disability compensation as described in § 3.4(b) of this chapter.

(6) In computing time served for the purpose of this paragraph, the individual is not entitled for credit for service as specified in § 3.15 of this chapter. However, those periods will be included in determining if the service was continuous.

(7) The Veterans Administration shall refund all monies due the individual—

(i) On the date of the individual's discharge or release from active duty; or

(ii) Within 60 days of receipt of notice by the Veterans Administration of the individual's discharge or release, whichever is later.

(38 U.S.C. 1602, 1623, 1632, 3103A; Pub. L. 97–66, 95 Stat. 1026).

[FR Doc. 83-5516 Filed 3-3-83; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[SWH-FRL-2314-6]

Proposed National Priorities List, Appendix B of the National Oil and Hazardous Substances Contingency Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency ("EPA") proposes to add to the proposed National Priorities List (47 FR 58476) one additional site, Times Beach, Missouri. The National Priorities List ("NPL") was proposed on December 30, 1982, as an amendment to the National Oil and Hazardous Substances Contingency Plan ("NCP") (47 FR 31180). The NCP was promulgated as required by Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") which also required that the NCP include a list of national priorities among the known or threatened releases of hazardous substances, pollutants or contaminants in the United States, and that the list be revised at least annually. The NPL identifies priority releases for Fund-financed remedial action and enforcement under CERCLA. EPA is taking this step pursuant to the requirement of CERCLA. Placement of Times Beach on the NPL at this time allows the Agency an opportunity to evaluate the widest range of long and short term responses to the release, taking into account the threat to public health and current dislocation of most residents and businesses.

DATE: Comments must be submitted on or before April 4, 1983.

ADDRESSES: Comments on this action may be mailed to Russell H. Wyer, Director, Hazardous Site Control Division, Office of Emergency and Remedial Response (WH–548–E), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. The public docket for the NPL will contain the applicable Hazard Ranking System score sheets for the Times Beach site as well as a Documentation Record.

FOR FURTHER INFORMATION CONTACT: Sylvia Lowrance 382–2203.

SUPPLEMENTARY INFORMATION: The NPL was proposed on December 30, 1982. Subsequent to its proposal, the Times Beach site came to the Agency's attention as a serious candidate for inclusion on the NPL.

The Time Beach, Missouri, site was one of over 100 sites in the State of Missouri at which dioxin contamination was suspected in November 1982. Extensive sampling by EPA in Times Beach in late November–early December 1982 confirmed the presence of dioxin along roadway areas. After the area was flooded in December, EPA returned to re-sample the area and again confirmed the presence of dioxin in residences and yards as well as the roadway areas.

The second round of sampling provided adequate data to assess the nature and extent of the release and to assist in determining its priority for Fund-financed response as required by § 300.66(b) of the National Contingency Plan. The results of the scoring indicated Times Beach should be placed on the NPL.

The decision to add Times Beach to the NPL immediately rather than waiting for the first update stems from the serious nature of the problem. Dioxin is one of the most toxic substances known to man; it is carcinogenic and suspected to have effects on reproductive systems. The area where the dioxin is located was completely flooded and most of the residents are in temporary housing awaiting a determination of the appropriate action necessary to deal with the release. Placement of Times Beach on the NPL at this time allows the Agency an opportunity to evaluate the widest range of long and short term responses to the release, taking into account the threat to public health and current dislocation of most residents and businesses.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous material, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Dated: February 22, 1983.

Anne M. Burford,

Administrator.

PART 300—[AMENDED]

It is proposed to add an additional site on the National Priorities List which is Appendix B, a proposed amendment to 40 CFR Part 300. The site would appear as the next to last site in Group 5, as follows:

GROUP 5

EPA region	State	City/county	Site name	Response status*
07	MO	Times Beach	Times Beach	D.

* V=Voluntary or Negotiated Response, F=Federal and State Responses, E=Federal and State Enforcement, D=Actions to be Determined.

[FR Doc. 83-5487 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 48, No. 44
Friday, March 4, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 82-078]

Disqualification Under the Horse Protection Act

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of disqualification.

SUMMARY: This notice is to advise the general public and the horse industry of certain individuals who have been disqualified under the Horse Protection Act, for specified terms, from showing or exhibiting any horse, and from judging or managing any horse show, exhibition, sale, or auction.

FOR FURTHER INFORMATION CONTACT: Dr. A. E. Hall, Chief Staff Veterinarian, Interstate Inspection and Compliance Staff, Federal Building, Room 806, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8695.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act (15 U.S.C. 1825(c)) provides authority for disqualifying persons from showing or exhibiting any horse, and from judging or managing any horse show, exhibition, sale, or auction. This document gives notice that the following individuals have been disqualified, for the terms specified, from showing or exhibiting any horse, and from judging or managing any horse show, exhibition, sale, or auction.

1. Name: Don Bain
   Address: Ooltewah, Tennessee
   Disqualification Period: March 1, 1982, through February 28, 1983
2. Name: Steve Smith
   Address: Emporia, Kansas
   Disqualification Period: March 1, 1982, through February 28, 1983
3. Name: Rodney W. Dick
   Address: Franklin, Tennessee
   Disqualification Period: June 1, 1982, through May 31, 1985

Any person who knowingly fails to obey a disqualification order shall be subject to a civil penalty of not more than $3,000 for each violation. Any horse show, exhibition, sale, or auction, or its management, which knowingly allows any disqualified person to judge, manage, or participate in a horse show, exhibition, sale, or auction in violation of a disqualification order shall be subject to a civil penalty of not more than $3,000 for each violation.

Done at Washington, D.C., this 28th day of February 1983.

Norvan L. Meyer,
Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-5572 Filed 3-3-83; 8:45 am]
BILLING CODE 3410-34-M

Office of the Secretary

Privacy Act of 1974; Amendment of Existing Systems of Records

AGENCY: Department of Agriculture.

ACTION: Notice of amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act System of Records: USDA/FNS–5, Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps. The amendment updates information in the Privacy Act System of Records and provides for automation of subcategories of data within the system. A full description of the existing System of Records was last published in the Federal Register on November 2, 1978, at 43 FR 51302.

EFFECTIVE DATE: The amendment to the USDA/FNS Privacy Act System of Records is effective April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph M. Scordato, Privacy Act Officer, Administrative Services Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Telephone (703) 756–3234.

SUPPLEMENTARY INFORMATION: The Department maintains a System of Records relating to individuals investigated for fraud or other unlawful activities involving food stamps. The system is currently maintained manually through file folders indexed by name, State and fiscal year of receipt. The amendment provides for automation of subcategories of data within the system. The Department is presently establishing an automated data base containing information on individuals disqualified from participation in the Food Stamp Program for intentional Program violation. The amendment also updates certain information in the system to reflect changes which have occurred in the intervening years since it was last published in full, such as changes in addresses and authority for maintenance of the system.

Dated: February 25, 1983.

John R. Block,
Secretary.

USDA/FNS-5

SYSTEM NAME:

Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps—USDA/FNS.

SYSTEM LOCATION:

Office of the Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, 3101 Park Center Drive, Room 1138, Alexandria, Virginia, 22302, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Burlington, Massachusetts which covers the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; Denver, Colorado which covers the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming; Robbinsville, New Jersey which covers the States of Delaware, District of Columbia, Maryland, New Jersey, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

78 Stat. 703 as amended; 7 U.S.C. 2011–2029; and 7 CFR 271–273.

* * * * *

STORAGE:

Records are maintained in file folders and in an on-line, direct access computer file at the addresses listed above.

RETRIEVABILITY:

Records are indexed by name, Social Security number, State and, in the case of the manual records, by fiscal year of receipt.

SAFEGUARDS:

Manual records are kept in either locked file cabinets or locked offices. The computer discs will have a password master file access and the discs will be kept in locked filing cabinets or locked offices in a secured area.

RETENTION AND DISPOSAL:

Manual records will be retained in active files until the end of the fiscal year following the fiscal year in which the investigations are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal. The computer files are to be maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Administrator for Family Nutrition Programs, Food and Nutrition Service, United States Department of Agriculture, Alexandria, Virginia 22302 (703–756–3026), or the appropriate Regional Food Stamp Program Director at the address listed above.

* * * * *

[FR Doc. 83-6284 Filed 3-3-83; 8:45 am]
BILLING CODE 3410-30-M

Soil Conservation Service

Environmental Impact; Spring Lake Watershed, Illinois

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Spring Lake Watershed, McDonough County, Illinois.

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, 301 North Randolph Street, Champaign, Illinois 61820, Telephone (217) 398–5267.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, John J. Eckes, States Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns are erosion, sedimentation, water quantity, and resource base degradation. The planned works of improvement include conservation tillage systems, terraces, diversions, outlets, land conversion, critical area treatment, grassed waterways, grade stabilization structures, field borders, wildlife habitat management, and livestock exclusion.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting John J. Eckes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 16, 1983.

John J. Eckes,

State Conservationist.

[FR Doc. 83-6044 Filed 3-3-83; 8:45 am]
BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Brown University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00346. Applicant: Brown University, Division of Biology and Medicine, Box G, Providence, Rhode Island 02912. Instrument: Digamax Gas Mixing Pump Type 2M 303/a–F 110V/60Hz. Manufacturer: H. Wosthoff, KG, West Germany. Intended use of instrument: See Notice on page 41411 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument produces three component gas mixtures, such as Oxygen, Carbon Dioxide and Nitrogen, to plus or minus three percent accuracy. The Department of Health and Human Services advises in its memorandum dated December 29, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-5618 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

University of Massachusetts at Amherst; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00314. Applicant: University of Massachusetts at Amherst, Amherst, MA 01003. Instrument: Minispin with Pocket Computer complete with Printer and Interface. Manufacturer: Molspin Ltd., United Kingdom. Intended use of instrument: See Notice on page 41797 in the **Federal Register** of September 22, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is a portable instrument with a sensitivity of better than 0.1×10^{-6} electromagnetic units per cubic centimeter. The National Bureau of Standards advises in its memorandum dated January 18, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-5613 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

University of Rochester; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00320. Applicant: University of Rochester, 601 Elmwood Avenue, Rochester, NY 14642. Instrument: Pulsating Bubble Surfactrometer without Recorder and Accessories. Manufacturer: Surfactometer International, Canada. Intended use of instrument: See Notice on page 41798 in the **Federal Register** of September 22, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument makes measurement at body temperature and humidity as well as at a normal breathing rate. The Department of Health and Human Services advises in its memorandum dated December 29, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purpose as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director,

Statutory, Import Programs Staff.

[FR Doc. 83-5615 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

Carbon Steel Wire Nails From Japan; Announcement of Second Quarter Monitoring Prices

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of Second Quarter 1983 Monitoring Prices for Carbon Steel Wire Nails from Japan.

SUMMARY: The Department of Commerce continues to monitor imports of carbon steel wire nails from Japan in accordance with an August 11, 1981 memorandum of understanding which expires two years from its inception. The Department announces that second quarter 1983 monitoring prices for carbon steel wire nails from Japan have declined 1.5 percent from the first quarter 1983 levels. The second quarter 1983 monitoring price applies to those products exported to the United States on or after April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Juanita S. Kavalauskas, Agreements Compliance Division, Import Administration, Room 3099, Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3793.

SUPPLEMENTARY INFORMATION: In compliance with a memorandum of understanding submitted August 10, 1981, Japanese nail manufacturers provided assurances that all contracts for the sale of carbon steel wire nails to the United States below trigger prices ceased on or about March 5, 1981, and that all sales of the product for a two year period beginning August 11, 1981 would be made at prices at or above the relevant trigger prices.

The Japanese nail manufacturers agreed to supply all costs of production and transportation information necessary to monitor the import prices. The Japanese manufacturers agreed that if the Trigger Price Mechanism (TPM) were terminated or suspended prior to the two year period, they would continue to provide TPM type cost information through the Japanese Ministry of International Trade and Industry (MITI) in order that the Department of Commerce could continue to calculate monitoring prices. The TPM was suspended January 11, 1982 and trigger price monitoring was

reinstated only for stainless steel round wire products in April 1982.

Commerce will continue to monitor imports of certain carbon steel wire nails from Japan through the use of Special Summary Steel Invoices to assure compliance with the second quarter 1983 price levels.

For its calculation of monitoring price levels the dollar/yen exchange rate the Department uses to convert Japanese steel producers' yen-denominated production cost to dollars is the average of the 36 months preceding the calculation and publication of the quarter's monitoring price levels. The exchange rate used in the Department's second quarter 1983 production cost estimate is 232 yen to the dollar (the yen/dollar exchange rate average for February 1980 through January 1983).

Commerce's dollar valued estimate of the current production cost to Japan's wire nail producers declined 1.5 percent from the first quarter 1983 level, due to a decline in the cost of wire rod.

Other Charges

The second quarter 1983 carbon steel wire nail monitoring prices are an estimate of the Japanese nail manufacturers' production cost plus the cost of transporting to the United States and handling in the United States. Thus, charges for ocean freight, interest, handling and insurance must be added to the production costs described above and reflected in monitoring price base and extras the freight and handling charges remain unchanged from first quarter 1983 levels. Interest charges have been adjusted to reflect the current prime interest rate.

A list of the carbon steel wire nails subject to monitoring and applicable base prices and extras are reproduced in the Appendix to this notice.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 1, 1983.

Appendix—Monitoring Prices for Carbon Steel Wire Nails From Japan

AISI CATEGORY 20

[2d quarter base price per metric ton—$383]

Charges to CIF	Ocean freight	Handling	Interest
Pacific Coast	$51	$8	$6
Gulf Coast	65	5	12
Atlantic Coast	70	4	12
Great Lakes	78	8	14

Insurance 1% of base price + extras + ocean freight.

Extras:

1. General Extras.

2. Regular and Semi-Regular Wire Nails.

3. Smooth Shank Specialty Wire Nails Special Order Size Extras.

4. Ring, Screw and Fluted Shank Specialty Wire Nails Special Order Size Extras.

1. General.

	Extras
A. Machine use quality	28
B. Packing standard 50 lb. carton (bread):	
100 lb. carton	Base.
1 lb. × 50	215
5 lb. × 10	129
C. Palletizing	17
D. Quantity:	
Less than 2,400 lb. per: Size, order, marking, destination, shipment	14

BILLING CODE 3510-25-M

Size Extra

(3) Bright Finishing Nails Cupped Head

Regular and Semi-Regular Nail Extras ($/M.T.)

Regular and Semi-Regular Nail Extras ($/M.T.)

		Size Extra
(1) Bright Common Nails		
2 d ASWG	# 15 x 11/64" x 1"	$ 91
3 d	# 14 x 13/64" x 1-1/4"	75
4 d	# 12-1/2 x 1/4" x 1-1/2"	61
5 d	# 12-1/2 x 1/4" x 1-3/4"	50
6 d	# 11-1/2 x 17/64" x 2"	33
7 d	# 11-1/2 x 17/64" x 2-1/4"	31
8 d	# 10-1/4 x 9/32" x 2-1/2"	26
9 d	# 10-1/4 x 9/32" x 2-3/4"	26
10 d	# 9 x 5/16" x 3"	22
12 d	# 9 x 5/16" x 3-1/4"	22
16 d	# 8 x 11/32" x 3-1/2"	18
20 d	# 6 x 13/32" x 4"	Base
30 d	# 5 x 7/16" x 4-1/2"	31
40 d	# 4 x 15/32" x 5"	31
50 d	# 3 x 1/2" x 5-1/2"	31
60 d	# 2 x 17/32" x 6"	37
(2) Bright Smooth Box Nails		
2 d ASWG	# 15-1/2 x 3/16" x 1"	$110
3 d	# 14-1/2 x 7/32 x 1-1/4"	89
4 d	# 14 x 7/32" x 1-1/2"	72
5 d	# 14 x 7/32" x 1-3/4"	57
6 d	# 12-1/2 x 17/64" x 2"	44
7 d	# 12-1/2 x 17/64" x 2-1/4"	43
8 d	# 11-1/2 x 19/64" x 2-1/2"	37
9 d	# 11-1/2 x 19/64" x 2-3/4"	37
10 d	# 10-1/2 x 5/16" x 3"	31
12 d	# 10-1/2 x 5/16" x 3-1/4"	31
16 d	# 10 x 11/32" x 3-1/2"	29
20 d	# 9 x 3/8" x 4"	26
30 d	# 9 x 3/8" x 4-1/2"	44
40 d	# 8 x 13/32" x 5"	44
(3) Bright Finishing Nails Cupped Head		
3 d ASWG	# 15-1/2 x # 12-1/2 x 1-1/4"	$109
4 d	# 15 x # 12 x 1-1/2"	87
5 d	# 15 x # 12 x 1-3/4"	80
6 d	# 13 x # 10 x 2"	53
8 d	# 12-1/2 x # 9-1/2 x 2-1/2"	50
9 d	# 12-1/2 x # 9-1/2 x 2-3/4"	50
10 d	# 11-1/2 x # 8-1/2 x 3"	44
12 d	# 11-1/2 x # 8-1/2 x 3-1/4"	44
16 d	# 11 x # 8 x 3-1/2"	43
(4) Bright Casing Nails		
2 d ASWG	# 15-1/2 x # 12-1/2 x 1"	$125
3 d	# 14-1/2 x # 11-1/2 x 1-1/4"	99
4 d	# 14 x # 11 x 1-1/2"	76
5 d	# 14 x # 11 x 1-3/4"	69
6 d	# 12-1/2 x # 9-1/2 x 2"	51
7 d	# 12-1/2 x # 9-1/2 x 2-1/4"	50
8 d	# 11-1/2 x # 8-1/2 x 2-1/2"	44
9 d	# 11-1/2 x # 8-1/2 x 2-3/4"	44
10 d	# 10-1/2 x # 7-1/2 x 3"	43
12 d	# 10-1/2 x # 7-1/2 x 3-1/4"	43
16 d	# 10 x # 7 x 3-1/3"	37
(5) E/G (Electro Galvanized) Common Nails		
2 d ASWG	# 15 x 11/64" x 1"	$194
3 d	# 14 x 13/64" x 1-1/4"	176
4 d	# 12-1/2 x 1/4" x 1-1/2"	163
5 d	# 12-1/2 x 1/4" x 1-3/4"	152
6 d	# 11-1/2 x 17/64" x 2"	121
7 d	# 11-1/2 x 17/64" x 2-1/4"	117
8 d	# 10-1/4 x 9/32" x 2-1/2"	111
9 d	# 10-1/4 x 9/32" x 2-3/4"	111
10 d	# 9 x 5/16" x 3"	107
12 d	# 9 x 5/16" x 3-1/4"	107
16 d	# 8 x 11/32" x 3-1/2"	104
20 d	# 6 x 13/32" x 4"	87
30 d	# 5 x 7/16" x 4-1/2"	117
40 d	# 4 x 15/32" x 5"	117
50 d	# 3 x 1/2" x 5-1/2"	117
60 d	# 2 x 17/32" x 6"	125

			Size Extra
		(6) E/G Smooth Box Nails	
2 d	ASWG	# 14-1/2 x 3/16" x 1"	$213
3 d		# 14-1/2 x 7/32" x 1-1/4"	192
4 d		# 14 x 7/32" x 1-1/2"	174
5 d		# 14 x 7/32" x 1-3/4"	159
6 d		# 12-1/2 x 17/64" x 2"	133
7 d		# 12-1/2 x 17/64" x 2-1/4"	131
8 d		# 11-1/2 x 19/64" x 2-1/2"	125
9 d		# 11-1/2 x 19/64" x 2-3/4"	125
10 d		# 10-1/2 x 5/16" x 3"	117
12 d		# 10-1/2 x 5/16" x 3-1/4"	117
16 d		# 10 x 11/32" x 3-1/2"	115
20 d		# 9 x 3/8" x 4"	111
30 d		# 9 x 3/8" x 4-1/2"	133
40 d		# 8 x 13/32" x 5"	133
		(7) E/G Finishing Nails Cupped Head	
3 d	ASWG	# 15-1/2 x # 12-1/2 x 1-1/4"	$211
4 d		# 15 x # 12 x 1-1/2"	190
5 d		# 15 x # 12 x 1-3/4"	181
6 d		# 13 x # 10 x 2"	141
8 d		# 12-1/2 x # 8-1/2 x 2-1/2"	137
9 d		# 12-1/2 x # 9-1/2 x 2-3/4"	137
10 d		# 11-1/2 x # 8-1/2 x 3"	133
12 d		# 11-1/2 x # 8-1/2 x 3-1/4"	133
16 d		# 11 x # 8 x 3-1/2"	131
20 d		# 10 x # 7 x 4"	125
		(8) E/G Casing Nails	
2 d	ASWG	# 14-1/2 x # 12-1/2 x 1"	$227
3 d		# 14-1/2 x # 11-1/2 x 1-1/4"	203
4 d		# 14 x # 11 x 1-1/2"	178
5 d		# 14 x # 11 x 1-3/4"	170
6 d		# 12-1/2 x # 9-1/2 x 2"	140
7 d		# 12-1/2 x # 9-1/2 x 2-1/4"	138
8 d		# 11-1/2 x # 8-1/2 x 2-1/2"	133
9 d		# 11-1/2 x # 8-1/2 x 2-3/4"	133
10 d		# 10-1/2 x # 7-1/2 x 3"	131
12 d		# 10-1/2 x # 7-1/2 x 3-1/4"	131
16 d		# 10 x 7 x # 3-1/3"	125

			Size Extra
		(9) H/D (Hot Dip Galvanized) Common Nails	
2 d	ASWG	# 15 x 11/64" x 1"	$337
3 d		# 14 x 13/64" x 1-1/4"	320
4 d		# 12-1/2 x 1/4" x 1-1/2"	306
5 d		# 12-1/2 x 1/4" x 1-3/4"	296
6 d		# 11-1/2 x 17/64" x 2"	264
7 d		# 11-1/2 x 17/64" x 2-1/4"	261
8 d		# 10-1/4 x 9/32" x 2-1/2"	255
9 d		# 10-1/4 x 9/32" x 2-3/4"	255
10 d		# 9 x 5/16" x 3"	252
12 d		# 9 x 5/16" x 3-1/4"	252
16 d		# 8 x 11/32" x 3-1/2"	248
20 d		# 6 x 13/32" x 4"	230
30 d		# 5 x 7/16" x 4-1/2"	261
40 d		# 4 x 15/32" x 5"	261
50 d		# 3 x 1/2" x 5-1/2"	261
60 d		# 2 x 17/32" x 6"	269
		(10) H/D Smooth Box Nails	
2 d	ASWG	# 15-1/2 x 3/16" x 1"	$357
3 d		# 14-1/2 x 7/32" x 1-1/4"	336
4 d		# 14 x 7/32" x 1-1/2"	317
5 d		# 14 x 7/32" x 1-3/4"	303
6 d		# 12-1/2 x 17/64" x 2"	277
7 d		# 12-1/2 x 17/64" x 2-1/4"	275
8 d		# 11-1/2 x 19/64" x 2-1/2"	269
9 d		# 11-1/2 x 19/64" x 2-3/4"	269
10 d		# 10-1/2 x 5/16" x 3"	261
12 d		# 10-1/2 x 5/16" x 3-1/4"	261
16 d		# 10 x 11/32" x 3-1/2"	258
20 d		# 9 x 3/8" x 4"	256
30 d		# 9 x 3/8" x 4-1/2"	277
40 d		# 8 x 13/32" x 5"	277
		(11) H/D Finishing Nails Cupped Head	
3 d	ASWG	# 15-1/2 x # 12-1/2 x 1-1/4"	$355
4 d		# 15 x # 12 x 1-1/2"	334
5 d		# 15 x # 12 x 1-3/4"	325
6 d		# 13 x # 10 x 2"	284
8 d		# 12-1/2 x # 9-1/2 x 2-1/2"	281
9 d		# 12-1/2 x # 9-1/2 x 2-3/4"	281
10 d		# 11-1/2 x # 8-1/2 x 3"	277
12 d		# 11-1/2 x # 8-1/2 x 3-1/4"	277
16 d		# 11 x # 8 x 3-1/2"	275
20 d		# 10 x # 7 x 4"	269

		Total Extra	Size Extra	H/D Extra		Size Extra
					(15) Cement Coated Coolers Nails	
2 d	ASWG				# 15 x 11/64" x 1"	$337
3 d					# 14 x 13/64" x 1-1/4"	320
4 d					# 12-1/2 x 1/4" x 1-1/2"	306
5 d					# 12-1/2 x 1/4" x 1-3/4"	296
6 d					# 11-1/2 x 17/64" x 2"	264
7 d					# 11-1/2 x 17/64" x 2-1/4"	261
8 d					# 10-1/4 x 9/32" x 2-1/2"	255
9 d					# 10-1/4 x 9/32" x 2-3/4"	255
10 d					# 9 x 5/16" x 3"	252
12 d					# 9 x 5/16" x 3-1/4"	252
16 d					# 8 x 11/32" x 3-1/2"	248
20 d					# 6 x 13/32" x 4"	230
30 d					# 5 x 7/16" x 4-1/2"	261
40 d					# 4 x 15/32" x 5"	261
50 d					# 3 x 1/2" x 5-1/2"	261
60 d					# 2 x 17/32" x 6"	269
					(16) Cement Coated Sinkers Nails	
2 d	ASWG				# 15-1/2 x 3/16" x 1"	$357
3 d					# 14-1/2 x 7/32" x 1-1/4"	336
4 d					# 14 x 7/32" x 1-1/2"	317
5 d					# 14 x 7/32" x 1-3/4"	303
6 d					# 12-1/2 x 17/64" x 2"	277
7 d					# 12-1/2 x 17/64" x 2-1/4"	275
8 d					# 11-1/2 x 19/64" x 2-1/2"	269
9 d					# 11-1/2 x 19/64" x 2-3/4"	269
10 d					# 10-1/2 x 5/16" x 3"	261
12 d					# 10-1/2 x 5/16" x 3-1/4"	261
16 d					# 10 x 11/32" x 3-1/2"	258
20 d					# 9 x 3/8" x 4"	256
30 d					# 9 x 3/8" x 4-1/2"	277
40 d					# 8 x 13/32" x 5"	277

		Total Extra	Size Extra	H/D Extra
(12) H/D Casing Nails				
2 d ASWG	# 15-1/2 x # 12-1/2 x 1"	$371	($125)	($246)
3 d	# 14-1/2 x # 11-1/2 x 1-1/4"	345	(99)	(246)
4 d	# 14 x # 11 x 1-1/2"	322	(76)	(246)
5 d	# 14 x # 11 x 1-3/4"	315	(69)	(246)
6 d	# 12-1/2 x # 9-1/2 x 2"	281	(51)	(230)
7 d	# 12-1/2 x # 9-1/2 x 2-1/4"	280	(50)	(230)
8 d	# 11-1/2 x # 8-1/2 x 2-1/2"	274	(44)	(230)
9 d	# 11-1/2 x # 8-1/2 x 2-3/4"	274	(44)	(230)
10 d	# 10-1/2 x # 7-1/2 x 3"	273	(43)	(230)
12 d	# 10-1/2 x # 7-1/2 x 3-1/4"	273	(43)	(230)
16 d	# 10 x # 7 x 3-1/3"	267	(37)	(230)

		Size Extra
(13) Cement Coated Box Nails		
4 d ASWG	# 15 x 13/64" x 1-3/8"	$116
4-1/2 d	# 15 x 7/32" x 1-1/2"	116
5 d	# 15 x 7/32" x 1-5/8"	96
6 d	# 13-1/2 x 1/4" x 1-7/8"	84
7 d	# 13-1/2 x 1/4" x 2-1/8"	82
8 d	# 12-1/2 x 17/64" x 2-3/8"	72
9 d	# 12-1/2 x 17/64" x 2-5/8"	72
10 d	# 11-1/2 x 19/64" x 2-7/8"	65
(14) Cement Coated Corkers Nails		
3 d ASWG	# 15 x 3/16" x 1-1/4"	$121
4 d	# 13-1/2 x 7/32" x 1-1/2"	93
5 d	# 13-1/2 x 7/32" x 1-5/8"	84
6 d	# 12-1/2 x 1/4" x 1-7/8"	72
7 d	# 12-1/2 x 1/4" x 2-1/8"	69
8 d	# 11 x 9/32" x 2-3/8"	63
9 d	# 11 x 9/32" x 2-5/8"	63
10 d	# 10 x 5/16" x 2-7/8"	59
12 d	# 10 x 5/16" 3-1/8"	57
16 d	# 9 x 11/32" x 3-3/8"	56
20 d	# 7 x 3/8" x 3-7/8"	50
30 d	# 6 x 13/32" x 4-3/8"	63
40 d	# 5 x 7/16" x 4-7/8"	63
50 d	# 4 x 15/32" x 5-3/8"	63
60 d	# 3 x 1/2" x 5-7/8"	72

		Size Extra
(15) Cement Coated Coolers Nails		
3 d ASWG	# 15-1/2 x 3/16" x 1-1/8"	$121
4 d	# 14 x 7/32" x 1-3/8"	93
5 d	# 13-1/2 x 15/64" x 1-5/8"	84
6 d	# 13 x 1/4" x 1-7/8"	72
7 d	# 12-1/2 x 17/64" x 2-1/8"	69
8 d	# 11-1/2 x 9/32" x 2-3/8"	63
9 d	# 11-1/2 x 9/32" x 2-5/8"	63
10 d	# 11 x 19/64" x 2-7/8"	59
(16) Cement Coated or Vinyl Coated Sinkers Nails		
3 d ASWG	# 15-1/2 x 11/64" x 1-1/8"	$121
4 d	# 14 x 13/64" x 1-3/8"	93
5 d	# 13-1/2 x 7/32" x 1-5/8"	84
6 d	# 13 x 15/64" x 1-7/8"	72
7 d	# 12-1/2 x 1/4" x 2-1/8"	69
8 d	# 11-1/2 x 17/64" x 2-3/8"	63
10 d	# 11 x 9/32" x 2-7/8"	59
12 d	# 10 x 5/16" x 3-1/8"	57
16 d	# 9 x 11/32" x 3-1/4"	56
20 d	# 7 x 3/8" x 3-3/4"	50
30 d	# 6 x 13/32" x 4-1/4"	63
40 d	# 5 x 7/16" x 4-3/4"	63
60 d	# 3 x 1/2" x 5-3/4"	72
(17) Cement Coated Apple Box Nails		
5 d ASWG	# 14 x 15/64" x 1-5/8"	$ 96
5-1/2 d	# 14 x 15/64" x 1-3/8"	96
(18) Cement Coated Fruit Box Nails		
4 d ASWG	# 15 x 7/32" x 1-3/8"	$116
(19) Cement Coated Orange Box Nails		
4 d ASWG	# 15 x 7/32" x 1-1/4"	$116
(20) Cement Coated Egg Case Nails		
3 d ASWG	# 15 x 7/32" x 1-1/8"	$130

			Size & E/G Extra
		(21) Bright Barbed Roofing Nails	
ASWG	#	11 x 7/16" x 1"	$116
	#	11 x 7/16" x 1-1/4"	105
	#	11 x 7/16" x 1-1/2"	93
	#	11 x 7/16" x 1-3/4"	87
	#	11 x 7/16" x 2"	69
	#	12 x 3/8" x 1"	142
	#	12 x 3/8" x 1-1/4"	127
	#	12 x 3/8" x 1-1/2"	117
	#	12 x 3/8" x 1-3/4"	108
	#	12 x 3/8" x 2"	93
		(22) E/G (Electro Galvanized) Barbed Roofing Nails	
ASWG	#	11 x 7/16" x 1"	$156
	#	11 x 7/16" x 1-1/4"	143
	#	11 x 7/16" x 1-1/2"	130
	#	11 x 7/16" x 1-3/4"	125
	#	11 x 7/16" x 2"	105
	#	12 x 3/8" x 1"	178
	#	12 x 3/8" x 1-1/4"	166
	#	12 x 3/8" x 1-1/2"	156
	#	12 x 3/8" x 1-3/4"	150
	#	12 x 3/8" x 2"	130

			Total Extra	Size Extra	Head Extra
		(23) Bright Duplex Head Nails			
6 d	ASWG	# 11-1/2 x 17/64" x 1-3/4"		$ 95	
8 d		# 10-1/4 x 9/32" x 2-1/4"		84	
10 d		# 9 x 5/16" x 2-3/4"		84	
16 d		# 8 x 11/32" x 3"		72	
		(24) Bright Smooth Joist Hanger Nails			
	ASWG	# 11 x 9/32" x 1-1/4"		$ 98	
		# 10-1/4 x 9/32" x 1-1/2"		95	
		# 9 x 5/16" x 1-1/2"		95	
		(25) Tempered Hardened Steel Concrete Nails			
	ASWG	# 9 x 3/16" x 1"	$253	($109)	($144)
		# 9 x 3/16" x 1-1/2"	249	(105)	(144)
		# 9 x 3/16" x 2"	235	(91)	(144)
		(26) Bright Smooth Shank Drywall Nails			
	ASWG	# 12-1/2 x 19/64" x 1-1/8"		$105	
		# 12-1/2 x 19/64" x 1-3/8"		103	
		# 12-1/2 x 19/64" x 1-1/2"		98	
		(27) Bright Barbed Shank Plywood Nails			Barbed Extra
	ASWG	# 9 x 5/16" x 2"	$ 92	($ 80)	($12)
		# 9 x 5/16" x 2-1/8"	92	(80)	(12)
		# 9 x 5/16" x 2-1/2"	88	(76)	(12)
		# 10-1/4 x 9/32" x 1-1/4"	98	(86)	(12)
		(28) Bright Barbed Shank Joist Hanger Nails			
	ASWG	# 11 x 9/32" x 1-1/4"	$ 99	($ 87)	($12)
		# 10-1/4 x 9/32" x 1-1/2"	94	(82)	(12)
		# 9 x 5/16" x 1-1/2"	94	(82)	(12)
		(29) Bright Barbed Shank Truss Nails			
	ASWG	# 11 x 9/32" x 1-1/2"	$ 99	($ 87)	($12)

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3. Smooth Shank Specialty Nails Extras ($/M.T.)

		Total Extra	Size Extra	C.C. Extra	Head Extra
	(30) C.C. (Cement Coated) Plaster Board Nails				
ASWG	# 13 x 19/64" x 1"	$133	($107)	($26)	
	x 1-3/8"	133	(107)	(26)	
	x 1-1/2"	129	(103)	(26)	
	# 13 x 11/32" x 1-1/2"	161	(103)	(26)	($32)
	x 1-3/4"	161	(103)	(26)	(32)
	# 13 x 3/8" x 1-1/2"	161	(103)	(26)	(32)
	x 1-3/4"	161	(103)	(26)	(32)
	(31) C.C. Smooth Shank Drywall Nails				
ASWG	# 12-1/2 x 19/64" x 1-3/8"	$129	($103)	($26)	
	x 1-1/2"	124	(98)	(26)	
	# 12-1/2 x 1/4" x 1-3/8"	129	(103)	(26)	
	x 1-1/2"	124	(98)	(26)	
	# 12-1/2 x 11/32" x 1-1/2"	156	(98)	(26)	($32)
	(32) C.C. Barbed Shank Truss Nails				Barbed Extra
ASWG	# 11 x 9/32" x 1-1/2"	$131	($ 93)	($26)	($12)
	(33) C.C. (or Vinyl Coated) Barbed Drywall Nails				Barbed Extra
ASWG	# 14 x 1/4" x 1-1/4"	$145	($107)	($26)	($12)
	# 13 x 19/64" x 1-1/8"	141	(103)	(26)	(12)
	# 12-1/2 x 19/64" x 1-1/2"	136	(98)	(26)	(12)
	(34) Phosphate Coated Drywall Nails (Flat Head)				Phosphate Extra
ASWG	# 14 x 1/4" x 1-1/4"	$164	($107)		($57)
	# 13 x 19/64" x 1-5/8"	160	(103)		(57)

		Total Extra	Size Extra	Phosphate Extra	Full Cup Extra
	(35) Phosphate Coated Drywall Nails (Full Cup Head)				
ASWG	# 14 x 1/4" x 1-1/4"	$188	($107)	($ 57)	($24)
	# 13 x 9/32" x 1-3/8"	184	(103)	(57)	(24)
	# 13-1/2 x 19/64" x 1-5/8"	180	(99)	(57)	(24)
	(36) H/D Galv. Smooth Siding Nails			H/D Extra	
7 d ASWG	# 11-1/2 x 7/32" x 2-1/4"	$314	($ 84)	($230)	
8 d	# 11-1/2 x 7/32" x 2-1/2"	306	(76)	(230)	
	(37) Sterilized Blued Plaster Board Nails			Blued Extra	Head Size Extra
ASWG	# 13 x 19/64" x 1"	$179	($107)	($ 72)	
	x 1-1/8"	179	(107)	(72)	
	x 1-1/2"	175	(103)	(72)	
	# 13 x 3/8" x 1"	211	(107)	(72)	($32)
	(38) Sterilized Blued Lath Nails			Blued Extra	
3 d ASWG	# 15 x 11/64" x 1-1/8"	$205	($133)	($ 72)	
	(39) Sterilized Blued Shingle Nails			Blued Extra	
ASWG	# 15 x 7/32" x 1-1/4"	$205	($133)	($ 72)	

		Total Extra	Size Extra	E/G Extra
(40) E/G Smooth Siding Nails				
5 d ASWG	# 14 x 1-3/4"	$206	($105)	($101)
6 d	# 12-1/2 x 2"	178	(91)	(87)
7 d	# 12-1/2 x 2-1/4"	178	(91)	(87)
8 d	# 11-1/2 x 2-1/2"	171	(84)	(87)
(41) E/G Shingle Nails				
3 d ASWG	# 14 x 1/4" x 1-1/4"	$206	($105)	($101)
4 d	# 13 x 1/4" x 1-1/2"	199	(98)	(101)
(42) E/G Plaster Board Nails				
ASWG	# 13 x 19/64" x 1"	$208	($107)	($101)
	x 1-1/4"	208	(107)	(101)
	x 1-1/2"	199	(98)	(101)
(43) E/G Smooth Joist Hanger Nails				
ASWG	# 9 x 5/16" x 1-1/4"	$196	($ 95)	($101)
	x 1-1/2"	180	(93)	(87)
	# 10-1/4 x 9/32" x 1-1/4"	197	(96)	(101)

		Total Extra	Size Extra	E/G Extra	Barbed Extra
(44) E/G Barbed Shank Joist Hanger Nails					
ASWG	# 8 x 11/32" x 2"	$175	($ 76)	($ 87)	($12)
	# 9 x 5/16" x 1-1/2"	190	(91)	(87)	(12)
	# 10-1/4 x 9/32" x 1-1/2"	194	(95)	(87)	(12)
	# 11 x 19/64" x 1-1/4"	197	(98)	(87)	(12)

		Total Extra	Size Extra	E/G Extra	Barbed Extra
(45) E/G Barbed Shank Plywood Nails					
ASWG	# 10-1/4 x 7/16" x 1-7/8"	$194	($ 95)	($ 87)	($12)
(46) E/G Barbed Shank Truss Nails					
ASWG	# 11 x 9/32" x 1-1/2"	$197	($ 98)	($ 87)	($12)
(47) E/G Barbed Shank Siding Nails					
ASWG	# 14 x 3/16" x 1-3/4"	$218	($105)	($101)	($12)
	# 13-1/2 x 5/32" x 1-1/2"	211	(98)	(101)	(12)

		Total Extra	Size Extra	E/G Extra	T.H. Extra
(48) E/G Tempered Hardened Steel Concrete Stub Nails					
ASWG	# 9 x 5/16" x 1"	$354	($109)	($101)	($144)
	x 1-1/2	350	(105)	(101)	(144)
	x 2"	322	(91)	(87)	(144)

		Total Extra	Size Extra	E/G Extra	Paint Extra	Barbed Extra
(49) E/G Barbed Shank Painted Siding Nails						
ASWG	# 12-1/2 x 3/16" x 2"	$353	($ 91)	($ 87)	($163)	($12)
	x 2-1/2	353	(91)	(87)	(163)	(12)
	# 13 x 3/16" x 1-1/4"	307	(106)	(101)	(163)	(12)
	x 1-1/2"	381	(105)	(101)	(163)	(12)
	x 2"	357	(95)	(87)	(163)	(12)

SPECIAL ORDER SIZE EXTRAS FOR SMOOTH SHANK SPECIALTY NAILS
($/M.T.)

Length	Gauge 4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2	17-18
1/2			127						
5/8			110				146	156	174
3/4			101		116	121	136	150	166
7/8			98		109	113	128	144	159
1-1-3/8			95	98	101	105	121	136	
1-1/2-1-7/8			91	93	96	99	113	128	
2-2-3/8		91	87	87	91	95	109		
2-1/2-3		87	84	80	84	87			
3-1/8-4	84	84	76						
4-1/8-5	80	80	68						
5-1/8 up	76	76							

Note: Size extras determined from this table apply only to items 30-49.

3. Ring, Screwed and Fluted Shank Nail Extras ($/M.T.)

		Total Extra	Size Extra	E/G Extra
	(50) Bright Annular Threaded Drywall Nails			
ASWG	# 12-1/2 x 19/64" x 1-3/8"	$186		
	# 12-1/2 x 19/64" x 1-1/2"	178		
	# 12-1/2 x 19/64" x 1-5/8"	178		
	# 12-1/2 x 1/4" x 1"	186		
	# 12-1/2 x 1/4" x 1-1/4"	186		
	(51) Bright Ring Shank Underlay Nails			
ASWG	# 13 x 3/16" x 1"	$246		
	# 13 x 3/16" x 1-1/4"	242		
	# 13 x 3/16" x 1-3/4"	219		
	# 12-1/2 x 3/16" x 1-1/4"	186		
	# 12-1/2 x 3/16" x 1-3/8"	186		
	# 12-1/2 x 7/32" x 1"	186		
	# 12-1/2 x 7/32" x 1-1/4	186		
	# 12-1/2 x 7/32" x 1-1/2"	186		
	# 12-1/2 x 1/4" x 1-1/4"	186		
	# 12-1/2 x 1/4" x 1-3/8"	186		
	# 12-1/2 x 1/4" x 2"	174		
	# 14 x 3/16" x 1"	356		
	(52) E/G Annular Threaded Drywall Nails			
ASWG	# 12-1/2 x 19/64" x 1-1/4"	$287	($186)	($101)
	# 12-1/2 x 19/64" x 1-3/8"	287	(186)	(101)
	# 12-1/2 x 19/64" x 1-1/2"	280	(179)	(101)
	# 12-1/2 x 19/64" x 1-5/8"	279	(178)	(101)
	# 13 x 19/64" x 1"	347	(246)	(101)
	# 13 x 19/64" x 1-5/8"	320	(219)	(101)
	(53) E/G Annular Threaded Shake Nails			
ASWG	# 13 x 3/16" x 1-1/2"	$358	($257)	($101)
	# 13 x 3/16" x 1-3/4"	358	(257)	(101)
	# 13 x 3/16" x 2"	301	(200)	(101)

		Total Extra	Size Extra	Blued Extra
	(54) Blued Annular Threaded Drywall Nail			
ASWG	# 12-1/2 x 19/64" x 1-1/4"	$258	($186)	($72)
	# 12-1/2 x 19/64" x 1-3/8"	258	(186)	(72)
	# 12-1/2 x 19/64" x 1-1/2"	250	(178)	(72)
	# 12-1/2 x 19/64" x 1-5/8"	250	(178)	(72)
	(55) Blued Annular Threaded Underlay Nails			
ASWG	# 14-1/2 x 3/16" x 1"	$435	($363)	($72)
	# 14 x 3/16" x 1"	428	(356)	(72)
	# 14 x 3/16" x 1-1/4"	420	(348)	(72)
	# 13 x 3/16" x 1"	318	(246)	(72)
	# 13 x 3/16" x 1-3/4"	291	(219)	(72)
	# 12-1/2 x 7/32" x 1-1/4"	258	(186)	(72)
	# 12-1/2 x 7/32" x 1-1/2"	258	(186)	(72)
	(56) C.C. Annular Threaded Drywall Nails			C.C. Extra
ASWG	#12-1/2 x 19/64" x 1-1/4"	$212	($186)	($26)
	#12-1/2 x 19/64" x 1-3/8"	212	(186)	(26)
	#12-1/2 x 19/64" x 1-1/2"	204	(178)	(26)
	#12-1/2 x 19/64" x 1-5/8"	204	(178)	(26)
	#13 x 19/64" x 1"	272	(246)	(26)
	#13 x 19/64" x 1-1/4"	272	(246)	(26)
	(57) H/D Annular Threadnd Shake Nails			H/D Extra
ASWG	# 14 x 5/32" x 1-3/8"	$571	($341)	($230)
	# 14 x 5/32" x 1-3/4"	556	(326)	(230)
	# 13 x 5/32" x 2"	428	(198)	(230)
	# 12-1/2 x 13/64" x 2-1/2"	400	(170)	(230)

		Total Extra	Size Extra
	(58) Tempered Hardened Steel Ring Shank Pole Barn Nails		

		Total Extra	Size Extra	
(58) Tempered Hardened Steel Ring Shank Pole Barn Nails				T.H. Extra
ASWG	# 7 x 3/8" x 4"	$322	($178)	($144)
	# 7 x 3/8" x 5"	352	(208)	(144)

(59) Bright Drive Screw Nails (Regular Steel C-1023)

ASWG	# 12 x 1/4" x 1-1/2"	$174
	# 12 x 1/4" x 2"	170
	# 11-1/2 x 9/32" x 2-1/4"	166
	# 11 x 9/32" x 2-1/4"	166
	# 11 x 9/32" x 2-1/2"	159
	# 10 x 5/16" x 3"	159

(60) Bright Drive Screw Nails (Stiff Stock C-1030)

				Grade Extra
ASWG	# 11-1/2 x 9/32" x 2"	$194	($166)	($28)
	# 11-1/2 x 9/32" x 2-1/4"	194	(166)	(28)
	# 11 x 9/32" x 2-1/2"	187	(159)	(28)

(61) Bright Drive Screw Nails (Stiff Stock C-1040)

				Grade Extra
ASWG	# 11-1/2 x 9/32" x 2"	$197	($166)	($31)
	# 11-1/2 x 9/32" x 2-1/4"	197	(166)	(31)
	# 11 x 9/32" x 2-1/2"	190	(159)	(31)

(62) C.C. Drive Screw Nails (Regular Steel C-1023)

				C.C. Extra
ASWG	# 12 x 1/4" x 1-1/2"	$200	($174)	($26)
	# 11-1/2 x 9/32" x 2"	192	(166)	(26)
	# 11-1/2 x 9/32" x 2-1/4"	192	(166)	(26)
	# 11 x 9/32" x 2-1/2"	185	(159)	(26)
	# 10 x 5/16" x 3"	185	(159)	(26)
	# 9 x 5/16" x 3-1/2"	185	(159)	(26)

	Total Extra	Size Extra	T/H Extra	
(63) Tempered Hardened Steel Drive Screw Nails				
ASWG # 11-1/2 x 9/32" x 2-1/4	$307	($164)	($143)	
# 11 x 9/32" x 2-1/2"	301	(158)	(143)	
(64) Tempered Hard Steel Drive Screw Flooring Nails				
6 d # 11-1/2 x 13/64" x 2"	$307	($164)	($143)	
7 d # 11-1/2 x 13/64" x 2-1/4"	307	(164)	(143)	
8 d # 11-1/2 x 13/64" x 2-1/2"	301	(158)	(143)	
(65) Bright Annular Threaded Truss Nails				
ASWG # 11 x 9/32" x 1-1/2"	$169	($169)		
(66) Tempered Hardened Steel E/G Screw Siding Nails				E/G Extra
7 d ASWG # 11-1/2 x 7/32" x 2-1/4"	$393	($164)	($143)	($ 86)
8 d ASWG # 11-1/2 x 7/32" x 2-1/2"	395	(166)	(143)	(86)
(67) Tempered Hardened Steel Fluted Masonry Nails				
ASWG # 9 x 5/16" x 1"	$336	($193)	($143)	
x 1-1/4"	336	(193)	(143)	
x 1-1/2"	327	(184)	(143)	
x 2"	320	(177)	(143)	
x 2-1/2"	302	(159)	(143)	
(68) Tempered Hardened Steel H/D Galv. Screw Siding Nails				H/D Extra
7 d ASWG # 11-1/2 x 7/32" x 2-1/4"	$393	($164)	($143)	($ 86)
8 d ASWG # 11-1/2 x 7/32" x 2-1/2"	388	(159)	(143)	(86)

SPECIAL ORDER SIZE EXTRAS FOR RING, SCREWED AND FLUTED SHANK SPECIALTY NAILS
($/M.T.)

	Gauge							
Length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2
3/4			235				409	
7/8			219			281	385	417
1-1-3/8			200	178	186	242	352	377
1-1/2-1-7/8			194	170	181	219	338	360
2-2-3/8			186	166	174	198	302	
2-1/2-3		166	166	161	166	181		
3-1/8-4	211	166	166					
4-1/2 up	227	200						

Note: Size extras determined from this table apply only to items 50-68.

[FR Doc. 83-5548 Filed 3-3-83; 8:45 am]
BILLING CODE 3510-25-C

Vitamin K From Spain; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On November 19, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review of the countervailing duty order on vitamin K from Spain. The review covered the period January 1, 1981 through December 31, 1981. The notice stated that the Department had preliminarily determined the net subsidy to be 3.09 percent *ad valorem*.

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Tom Hodge, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 52206) the preliminary results of its administrative review of the countervailing duty order on vitamin K from Spain (41 FR 50419, November 16, 1976). The Department has now completed that administrative review.

Scope of the Review

The merchandise covered by the review is vitamin K, commercially known as menadione sodium bisulfite, imported directly or indirectly from Spain. Such imports are currently classifiable under item 412.6420 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1981 through December 31, 1981 and two programs: (1) A rebate upon exportation of indirect taxes, under the Desgravacion Fiscal a la Exportacion; and (2) an operating capital loans program.

Final Results of the Review

Interested parties were invited to comment on our preliminary results. We received no comments. Based on our analysis, the final results of our review are the same as those presented in the notice of preliminary results of review.

The Department will instruct the Customs Service to assess countervailing duties in the amount of the net subsidy, 3.09 percent of the f.o.b. invoice price, on all shipments of vitamin K from Spain exported on or after January 1, 1981 and on or before December 31, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act of 1930 ("the Tariff Act"), the Department will instruct the Customs Service to collect cash deposits of estimated countervailing duties of 2.78 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department intends to conduct the next administrative review by the end of November 1983. The amount of countervailing duties to be imposed on exports made during 1982 will be determined in that review. Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after January 1, 1982.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: February 24, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–5507 Filed 3–3–83; 8:45 am]

BILLING CODE 3510–25–M

High-Capacity Pagers From Japan; Postponement of Final Decision and Postponement of Hearing

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of final antidumping determination and postponement of hearing.

SUMMARY: This notice informs the public that the Department of Commerce has received a request from Matsushita Communication Industrial Co., Ltd. ("MCI") that the final determination be postponed until not later than 135 days after the date of the preliminary determination, as provided for in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), and that the Department will postpone its final determination as to whether high-capacity pagers from Japan have occurred at less than fair value until not later than June 16, 1983.

The hearing, originally scheduled for March 4, 1983, at 10:00 a.m., in Conference Room 6802, has been postponed. The new hearing date is April 8, 1983, at 10:00 a.m., in conference room 3708. The prehearing briefs will be due on April 1, 1983.

MCI is qualified to make this request since it is an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation. The additional time is necessary to enable MCI to prepare adequately for the hearing and to prepare the relevant briefs, which must address several issues raised by this investigation.

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Import Administration Specialist, Office of Investigations, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202) 377–3464).

SUPPLEMENTARY INFORMATION: On September 15, 1982, the Department of Commerce published notice in the **Federal Register** (47 FR 40679) that it was initiating under section 732(b) of the Tariff Act of 1930 (19 U.S.C. 1673a(b)) an antidumping investigation to determine whether high-capacity pagers from Japan are being or are likely to be sold at less than fair value. The Department published an affirmative preliminary determination on February 1, 1983 (48 FR 4498). The notice stated that, unless the investigation were extended, the Department would issue a final determination not later than April 11, 1983. Section 735(a)(2) of the act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if an exporter who accounts for a significant proportion of the merchandise which is the subject of the investigation requests an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than June 16, 1983.

This notice is published pursuant to section 735(d) of the Act.

Dated: February 23, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5663 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

National Fire Codes: Request for Proposals for Revisions of Standards

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of request for proposals.

SUMMARY: The National Fire Protection Association (NFPA) proposes to revise some of its fire safety standards and requests proposals from the public to amend existing NFPA fire safety standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its standards. The publication of this notice of request for proposals by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Interested persons may submit proposals on or before the dates listed with the standards.

ADDRESS: Richard E. Stevens, Vice President & Chief Engineer, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Richard E. Stevens, at above address, (617) 328-8290.

SUPPLEMENTARY INFORMATION:

Background

The National Fire Protection Association (NFPA) develops fire safety standards which are known collectively as the National Fire Codes.

Federal agencies frequently use these standards as the basis for developing Federal regulations concerning fire safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Request for Proposals

Interested persons may submit amendments, supported by written data, views, or arguments to Richard E. Stevens, Vice President & Chief Engineer, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Each person who submits a proposal must include his or her name and address, must identify the notice, and must give reasons for the proposal. The NFPA will consider any proposal that it receives on or before the date listed with the standard.

The NFPA will publish a copy of each written proposal that it receives and the disposition of each proposal by the NFPA Committee as the Technical Committee Report. The NFPA will send a copy of the Technical Committee Report to each person who submits a proposal.

Ernest Ambler,

Director, National Bureau of Standards.

Aviation:	
NFPA 409-1979, Aircraft Hangers	July 22, 1983.
NFPA 421-1973, Aircraft Interior Fire Protection Systems.	July 22, 1983.
Building Construction:	
Proposed NFPA 105, Smoke and Draft Control Door Assemblies.	July 22, 1983.
NFPA 204M-1982, Smoke and Heat Venting.	(Open).
NFPA 205MT-1973, Plastics in Building Construction.	(Open).
NFPA 206M-1976, Building Areas and Heights.	July 22, 1983.
NFPA 220-1979, Types of Building Construction.	July 22, 1983.
NFPA 241-1980, Safeguarding Building Construction and Demolition Operations.	July 22, 1983.
NFPA 703-1979, Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials.	July 22, 1983.
Carbon Dioxide: NFPA 12-1980, Carbon Dioxide Extinguishing Systems.	July 22, 1983.
Chemicals and Explosives:	
NFPA 40-1982, Cellulose Nitrate Motion Picture Film.	Dec. 31, 1985.
NFPA 40E-1981, Pyroxylin Plastic	July 15, 1984.
NFPA 43A-1980, Liquid and Solid Oxidizing Materials.	July 15, 1984.
Proposed NFPA 43B, Organic Peroxide.	July 15, 1984.
NFPA 43C-1980, Gaseous Oxidizing Materials.	July 15, 1984.
NFPA 43D-1980, Pesticides in Portable Containers.	July 15, 1984.
NFPA 45-1982, Laboratories Using Chemicals.	June 30, 1984.
NFPA 490-1980, Ammonium Nitrate	July 15, 1984.
NFPA 493-1978, Intrinsically Safe Process Control Equipment.	Jan. 15, 1984.
NFPA 495-1982, Explosive Materials	Dec. 31, 1984.
NFPA 496-1982, Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations.	Jan. 15, 1984.
NFPA 497-1975, Classification of Class 1 Hazardous Locations for Electrical Installations in Chemical Plants.	Jan. 15, 1984.
NFPA 497M-1983, Group Classification of Flammable and Combustible Vapors and Combustible Dusts.	Jan. 15, 1984.
NFPA 498-1982, Explosives Motor Vehicle Terminals.	Dec. 31, 1984.
Combustible Metals:	
NFPA 48-1981, Magnesium	June 30, 1985.
NFPA 482-1982, Zirconum	June 30, 1985.
NFPA 481-1982, Titanium	June 30, 1985.
Criteria for Accreditation of Fire Protection Education Programs: Proposed NFPA 1461, Criteria for Accreditation of Fire Protection Education Programs.	July 22, 1983.
Dust Explosion Hazards:	
NFPA 65-1980, Processing and Finishing of Aluminum.	(Open).
NFPA 651-1980, Manufacture of Aluminum or Magnesium Powder.	(Open).
Emergency Power Supplies: NFPA 110-1983, Emergency Power Supplies.	July 22, 1983.
Explosion Protection Systems:	
NFPA 68-1978, Explosion Venting	July 22, 1983.
NFPA 69-1978, Explosion Prevention Systems.	July 22, 1983.
Finishing Processes:	
NFPA 33-1982, Spray Application Using Flammable and Combustible Materials.	July 22, 1983.
NFPA 34-1982, Dipping and Coating Processes Using Flammable and Combustible Liquids.	July 22, 1983.
Fire Department Equipment:	
NFPA 1901-1979, Automotive Fire Apparatus.	July 22, 1983.
Proposed NFPA 1903, Testing Fire Dept. Pumpers.	July 22, 1983.
NFPA 1904-1980, Fire Dept. Aerial Ladders and Elevating Platforms.	Nov. 1, 1983
Fire Hazards of Materials: NFPA 704-1980, Identification of Fire Hazards of Materials.	July 22, 1983.
Fire Hazards in Oxygen-Enriched Atmospheres: NFPA 53M-1979, Fire Hazards in Oxygen-Enriched Atmospheres.	July 22, 1983
Fire Hose:	
NFPA 1962-1979, Care, Use and Maintenance of Fire Hose Including Connections and Nozzles.	July 22, 1983
Proposed NFPA 1964-1985, Nozzles and Tips for Use in Fire Fighting.	Jan. 13, 1984
Fire Safety in Race Track Stable Areas: NFPA 150-1979, Fire Safety in Race Track Stables.	Jan. 13, 1984.
Fire Service Professional Standards Development for Fire Fighter Qualifications:	
NFPA 1003-1978, Airport Fire Fighter Professional Qualifications.	July 22, 1983.
Proposed NFPA 1004, Fire Fighter Medical Technician.	July 22, 1983.
Fire Safety for Recreational Vehicles:	
NFPA 501C-1982, Recreational Vehicles.	Jan. 13, 1984.
NFPA 501D-1982, Recreational Vehicle Parks.	Jan. 13, 1984.
Flammable Liquids:	
NFPA 32-1979, Drycleaning Plants	July 22, 1983.
NFPA 36-1978, Solvent Extraction Plants.	July 22, 1983.
NFPA 385-1979, Tank Vehicles for Flammable and Combustible Liquids.	July 22, 1983.
NFPA 386-1979, Portable Shipping Tanks.	July 22, 1983.
Forest:	
Proposed NFPA 297, Telecommunication Systems, Principles and Practices for Rural and Forestry Fire Services.	July 22, 1983.
Proposed NFPA 298, Air Operations for Forest, Brush and Grass Fires.	July 22, 1983.
Libraries, Museums and Historic Buildings:	
NFPA 910-1980, Protection of Library Collections from Fire.	Jan. 13, 1984.
NFPA 911-1980, Protection of Museum Collections from Fire.	Jan. 13, 1984.
Liquefied Natural Gas: NFPA 59A-1979, Liquefied Natural Gas.	July 22, 1983.
Loss Prevention Procedures and Practices:	
NFPA 27-1981, Organization, Training and Equipment of Private Fire Brigades.	Dec. 31, 1984.
NFPA 601-1981, Guard Service in Fire Loss Prevention.	Dec. 31, 1984.
NFPA 601A-1981, Guard Operations in Fire Loss Prevention.	Dec. 31, 1984.
Marine Fire Protection:	
NFPA 87-1980, Construction and Protection of Piers and Wharves.	July 22, 1983.
Proposed NFPA 307, Operation of Marine Terminals.	July 22, 1983.
Mining Facilities: NFPA 121-1981, Mobile Surface Mining Equipment.	July 22, 1983.
Motor Vehicle and Highway Fire Protection: NFPA 502-1981, Limited Access Highways, Tunnels, Bridges, Elevated Roadway and Air Right Structures.	July 22, 1983.
Protective Equipment for Fire Fighters:	
NFPA 1971-1981, Protective Clothing for Structrual Fire Fighting.	Nov. 1, 1983.
Proposed NFPA 1974, Protective Boots for Fire Fighters.	Nov. 1, 1983.
Proposed NFPA 1975, Station Uniforms.	Nov. 1, 1983.
NFPA 1981-1981, Self Contained Breathing Apparatus.	Nov. 1, 1983.
Proposed NFPA 1983, Personnel Ropes.	Nov. 1, 1983.
Pyrotechnics:	
NFPA 1121L-1982, Model State Fireworks Law.	July 1, 1985.
NFPA 1122-1982, Code for Unmanned Rockets.	July 1, 1985.

NFPA 1123–1982, Public Display of Fireworks.	July 1, 1985.
NFPA 1124, Fireworks (existing NFPA 44A–1974).	April 1, 1983.
Proposed NFPA 1125, Sale and Use of Fireworks.	April 1, 1983.
Signaling Systems:	
Proposed NFPA 72FT–1985, Emergency Communication Systems for High Rise and Other Occupied Buildings.	July 22, 1983.
Proposed NFPA 72G–1985, Audible and Visual Signaling Appliances for Protective Signaling Systems.	July 22, 1983.
Storage:	
NFPA 231–1979, Indoor General Storage.	May 15, 1983.
NFPA 231C–1980, Rack Storage of Materials.	(Open).
Water Extinguishing Systems:	
NFPA 13–1982, Installation of Sprinkler Systems.	July 22, 1983.
Proposed NFPA 13S, Limited Protection Sprinkler Systems for Small Buildings.	July 22, 1983.
NFPA 14–1982, Standpipe and Hose Systems.	(Open).
NFPA 20–1982, Fire Pumps	(Open).
NFPA 22–1981, Water Tanks	April 1, 1983.

[FR Doc. 83-5642 Filed 3-3-83; 8:45 am]

BILLING CODE 3510-13-M

National Fire Codes: Request for Comments on NFPA Technical Committee Reports

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The National Fire Protection Association (NFPA) revises existing standards and adopts new standards twice a year. At its fall meeting in November or its annual meeting in May, the NFPA acts on recommendations made by its technical committees.

The purpose of this notice is to request comments on the technical reports which will be presented at NFPA's 1983 Fall Meeting. The publication of this notice by the National Bureau of Standards (NBS) on behalf of NFPA is being undertaken as a public service; NBS does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

DATES: Technical Committee Reports will be available for distribution February 25, 1983. Comments received on or before May 13, 1983, will be considered by the NFPA before final action is taken on the proposals.

ADDRESS: The 1983 Fall Technical Committee Reports are available from NFPA, Publications Department, Batterymarch Park, Quincy, Massachusetts 02269. (No charge for single copies.) Comments on the reports should be submitted to Richard E. Stevens, Vice President & Chief Engineer, NFPA, Batterymarch Park, Quincy, Massachusetts 02269.

FOR FURTHER INFORMATION CONTACT: Richard E. Stevens, at above address, (617) 328–9290.

SUPPLEMENTARY INFORMATION:

Background

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations concerning fire safety. The NFPA standards are known collectively as the National Fire Codes. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Meeting in November or at the Annual Meeting in May of each year. The NFPA invites public comment in its Technical Committee Reports.

Request for Comments

Interested persons may participate in these revisions by submitting written data, views, or arguments to Richard E. Stevens, Vice President & Chief Engineer, NFPA, Batterymarch Park, Quincy, Massachusetts 02269. Commentors may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his or her name and address, identify the notice, and give reasons for any recommendations. Comments received on or before May 13, 1983, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by September 26, 1983, prior to the Fall Meeting.

A copy of the Technical Committee Documentation will be sent automatically to each commentor. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Fall Meeting, November 14–17, 1983, at the Orlando Hyatt, Orlando, Florida, by NFPA members.

Ernest Ambler,

Director, National Bureau of Standards.

Action at the NFPA Fall Meeting in November 1983 is being proposed on the NFPA standards listed below:

1983 Fall Meeting—Technical Committee Reports

Committee	Document	Action
Aviation:		
Aircraft Rescue Fire Fighting	NFPA 412, Evacuating Foam Fire Fighting Equipment on Aircraft Rescue and Fire Fighting Vehicles.	R.
Chimneys and Other Heat and Vapor Removal Equipment:		
Chimneys, Fireplaces and Venting Systems for Heat Producing Appliances	NFPA 97M, Glossary of Terms Relating to Chimneys, Vents & Heat Producing Appliances.	O–P.
	NFPA 211, Chimneys, Fireplaces, Vents and Solid Fuel Appliances	O–P.
Venting Systems for Cooking Appliances	NFPA 96, Removal of Smoke and Grease-laden Vapors from Commercial Cooking Equipment.	O–P.
Cutting and Welding Practices	NFPA 51B, Cutting and Welding Processes	O–P.
Dust Explosion Hazards:		
Agricultural Dusts	NFPA 61A, Manufacturing and Handling Starch	O–C.
	NFPA 61C, Feed Mills	O–C.
	NFPA 61D, Milling of Agricultural Commodities for Human Consumption	O–C.
Fundamentals of Dust Explosion and Control	NFPA 66, Pneumatic Conveying Systems for Feed, Flour, Grain and Other Agricultural Dusts.	W.
	NFPA 650, Pneumatic Conveying Systems for Combustible Materials	N–O.
Electrical Metalworking Machine Tools, Plastics Machinery and Mass Production Industrial Equipment.	NFPA 79, Metalworking Machine Tools and Plastics Processing Machinery	O–P.
Fire Department Organization	NFPA 1201, Organization for Fire Services	O–C.
Fire Service Training	NFPA 13E, Fire Department Operations in Properties Protected by Sprinkler and Standpipe Systems.	O–P.
Fire Tests	NFPA 252, Door Assemblies	O–P.
	NFPA 253, Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source.	O–P.
	NFPA 255, Surface Burning Characteristics of Building Materials	O–P.
	NFPA 262, Electrical Tubing and Insulated and Jacketed Wiring	O–P.

1983 FALL MEETING—TECHNICAL COMMITTEE REPORTS—Continued

Committee	Document	Action
Health Care Facilities	NFPA 99, Health Care Facilities Code (incorporating existing NFPA 3M, Emergency Preparedness; NFPA 56A, Inhalation Anesthetics; NFPA 56B, Respiratory Therapy; NFPA 56C, Laboratories; NFPA 56D, Hyperbaric Facilities; NFPA 56E, Hypobaric Facilities; NFPA 56G, Inhalation Anesthetics in Ambulatory Care Facilities; NFPA 56HM, Home Use of Respiratory Therapy; NFPA 56K, Medical Surgical Vacuum Systems; NFPA 76A, Essential Electrical Systems; NFPA 76B, Safe Use of Electricity; NFPA 76C, High Frequency Electricity).	O–C.
Industrial and Medical Gases	NFPA 50A, Gaseous Hydrogen Systems at Consumer Sites	O–P.
	NFPA 51A, Acetylene Cylinder Charging Plants	O–P.
Liquefied Petroleum Gases	NFPA 58, Liquefied Petroleum Gases at Utility Gas Plants	O–P.
Marine Fire Protection	NFPA 302, Motor Craft	O–C.
	NFPA 303, Marinas and Boatyards	O–P.
Mining Facilities	NFPA 120 (existing NFPA 653), Coal Preparation Plants	O–C.
Motor Vehicle and Highway Fire Protection	NFPA 512, Truck Fire Protection	O–P.
	NFPA 513, Motor Freight Terminals	O–P.
Ovens and Furnaces	NFPA 86C, Industrial Furnaces Using a Special Processing Atmosphere	O–C.
Public Fire Services Communications	NFPA 1221, Public Fire Service Communications	O–C.
Rural Fire Prevention and Control	NFPA 1231, Water Supplies for Suburban and Rural Fire Fighting	O–C.
Signaling Systems:		
Household Fire Warning Equipment	NFPA 74, Household Fire Warning Equipment	O–P.
Protective Signaling Systems	NFPA 72H, Testing Fire Alarm Systems	N–O.
Storage:		
	231E, Storage of Baled Cotton	N–O.
General Storage	NFPA 231F, Storage of Roll Paper	N–O.
Water Extinguishing Systems:		
Private Water Supply Piping Systems	NFPA 24, Private Fire Service Mains and their Appurtenances	O–P.

Types of Action

Proposed Action on Official Documents
- O–P Partial Amendments
- O–C Complete Revision

Proposed Action on New Documents
- N–O Official Adoption

Proposed Action on Tentative Documents
- T–O Official Adoption

Other Proposed Action
- R Reconfirmation
- W Withdrawal

[FR Doc. 83-5841 Filed 3-3-83; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA Commerce.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to report on Swordfish Fishery Management Plan (FMP) public hearings, to date; update the Snapper-Grouper FMP and review activities to date on the Billfish and Calico Scallop FMP's; give a tentative review of the remaining FY 83 budget and discuss other management business as necessary.

DATE: The public meetings will convene on Monday, March 21, 1983, at approximately 1:30 p.m., and will adjourn on Thursday, March 24, 1983, at approximately noon.

ADDRESS: The public meetings will take place at the Council's Headquarters Office, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: March 1, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-5840 Filed 3-3-83; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Export Visa Requirement for Down and Feather-Filled Apparel From India

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Requiring an export visa for down and feather-filled apparel in Categories 353, 354, 653, and 654, produced or manufactured in India.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 21, 1982 between the Government of the United States and India now includes coverage of down and feather-filled apparel. Accordingly, on and after the effective date of this action, it will be necessary for shipments of these products to be visaed by the Government of India in the same manner as other categories of textile products subject to this agreement are currently required to be visaed.

EFFECTIVE DATE: April 15, 1983 for goods exported on and after that date.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On February 9, 1981, there was published in the **Federal Register** (46 FR 11571) a letter dated February 4, 1981 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which permitted entry, effective on February 9, 1981 and until further notice, of down and feather-filled jackets, coats and vests in Categories 353, 354, 653, and 654, produced or manufactured in certain specified countries, including India, without an export visa. This agreement now covers down and feather-filled apparel. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements further amends the directive of February 4, 1981 to the Commissioner of Customs to require export visas for these products.

produced or manufactured in India, effective on April 15, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

March 1, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This letter further amends, but does not cancel, the letter of February 4, 1981, which directed you to waive, effective on February 9, 1981 and until further notice, the export visa requirement for feather-filled apparel in Categories 353, 354, 653, and 654 from designated countries, including India.

Effective on April 15, 1983 and until further notice, an export visa will be required for merchandise in Categories 353, 354, 653, and 654, produced or manufactured in India and exported on and after that date.

The actions taken with respect to the Government of India and with the respect to imports of cotton and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Comissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-5511 Filed 3-3-83; 8:45 am]
BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERLY HANDICAPPED

Procurement List 1983 Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1983 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 4, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On July 23, 1982, August 6, 1982, and November 12, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 31915, 47 FR 34181, 47 FR 51180) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101):

After consideration of the revelant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the services listed.

c. The actions will result in authorizing small entities to provide services procured by the Government.

Accordingly, the following services are hereby added to Procurement List 1983:

SIC 7699

Commissary Shelf Stocking, Naval Training Center, Great Lakes, Illinois
Commissary Shelf Stocking, Naval Air Station, Brunswick, Maine
Commissary Shelf Stocking, Naval Construction Battalion Center, Gulfport, Mississippi
Commissionary Shelf Stocking, Naval Administrative Unit, Scotia, New York
Commissionary Shelf Stocking, Naval Air Station, Whidbey Island, Oak Harbor, Washington

C. W. Fletcher,

Executive Director.

[FR Doc. 83-5649 Filed 3-3-83; 8:45 am]
BILLING CODE 6820-33-M

Procurement List 1983 Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: April 6, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7690

Folders, Chapel Program, 7690-00-NSH-0001, 7690-00-NSH-0002 (Illustrative Sheets), (Requirements for Wright-Patterson AFB, Ohio only)

Class 8465

Sheath, Tool, Pulaski, 8465-01-067-9999
Sheath, Plastic, Axe, 8465-01-110-2078

SIC 7349

Janitorial/Custodial Services, Roth Building, Social Security Administration Complex, 5536 Caswell Road, Baltimore, Maryland
Janitorial/Custodial Services, U.S. Army Reserve Center and U.S. Readiness Group, Fort Snelling, Minnesota

C. W. Fletcher,

Executive Director.

[FR Doc. 83-5650 Filed 3-3-83; 8:45]
BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy, Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Vistors, United States Military Academy
Date of Meeting: 26 April 1983
Place of Meeting: Washington, D.C. (Exact location TBD)
Time of Meeting: 9:30 a.m.
Proposed Agenda: Election of officers; selection of Executive Committee; scheduling of meetings for remainder of year; and identification of areas of interest for 1983.

All proceeding are open. For further information contact Colonel D. P. Tillar, Jr., United States Military Academy, West Point, N.Y. 10996.

For the Board of Visitors:

D. P. Tiller, Jr.,

Executive Secretary, Board of Visitors.

[FR Doc. 83-5976 Filed 3-3-83; 8:45 am]

BILLING CODE 3710-03-M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension (Adjustment to burden only)

Application for Uniformed Services Identification and Privilege Card (DD Form 1172).

Application for Uniformed Services Identification and Privilege Card by retired members, survivors, and other qualified personnel.

Individuals; 204,000 respondents; 51,000 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This survey is under contract.

March 1, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6000 Filed 3-3-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Nuclear Waste Policy Act of 1982; Public Hearing To Announce Proposal To Nominate Basalt Waste Isolation Project Site, Washington; for Characterization Studies

AGENCY: Department of Energy.

ACTION: Notice of public hearing and solicitation of comments.

SUMMARY: The U.S. Department of Energy has identified a potentially acceptable site in Washington State for a high level radioactive waste repository and proposes to nominate this site for site characterization pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). Pursuant to section 112, an Environmental Assessment will accompany such nomination. Further, a Site Characterization Plan will be developed if the site is approved by the President as a candidate site. The site, referred to as the Basalt Waste Isolation Project (BWIP) site, is located near Richland, Washington on the Department of Energy's Hanford Site. A major objective of the site characterization activity will be the acquisition of geologic information necessary for the evaluation of the suitability of the BWIP site for a repository. Site characterization activities at all candidate sites must be completed within the next four years to support a Departmental recommendation to the President and subsequent Presidential recommendation of a site for a repository to the Congress by March 31, 1987. This notice establishes the hearing date and location, and a public comment period to solicit comments on the nomination, issues to be included in an Environmental Assessment supporting the nomination, and issues to be addressed in the Site Characterization Plan.

DATES: The Hearing is scheduled for March 25, 1983, from 9:00 a.m. to 12:00 noon, 2:00 p.m. to 5:00 p.m., and 7:00 p.m. to 9:00 p.m.

Written requests to schedule time for oral presentation are due by March 20, 1983. Written comments on issues being addressed in the hearing are due by March 31, 1983.

ADDRESSES: The Hearing will be held at the Federal Building, Auditorium, 825 Jadwin Avenue, Richland, Washington.

FOR FURTHER INFORMATION CONTACT: For requests to speak at the hearing, and copies of the draft environment assessment and site characterization report: B. J. Melton, U.S. Department of Energy, Richland Operations Office, P.O. Box 550, Richland, Washington 99352; (509) 376-7162.

Written comments should be submitted to: J. William Bennett, Director, Geologic Repository Division, Nuclear Waste Policy Act Project Office, U.S. Department of Energy, Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION:

Public Hearings

A hearing will be conducted by the Department of Energy (DOE) in Richland, Washington on March 25, 1983. The purpose of this Hearing is to inform residents of the area around the Hanford Site in Washington State of the proposed nomination of the Basalt Waste Isolation Project (BWIP) Site for site characterization. In addition, and pursuant to section 112(b)(2) of the Nuclear Waste Policy Act of 1982, the Department will solicit and receive recommendations of such residents with respect to issues that should be addressed in the Environmental Assessment required by Section 112(b)(1)(E) of the Nuclear Waste Policy Act of 1982, to accompany such nomination, and the Site Characterization Plan described in Section 113(b)(1) of that Act. The BWIP site is located on the DOE managed Hanford Site near Richland, Washington.

Site characterization work at Hanford has been ongoing since 1976. The principal borehole at Hanford was approved in May 1982, and the Exploratory Shaft was begun in November 1982. An environmental assessment for Basalt Waste Isolation Project Exploratory Shaft construction was prepared by the DOE and issued in September of 1982 to meet the requirements of the National Environmental Policy Act of 1969. A finding of no significant impact (FONSI) was published in the **Federal Register** on September 16, 1982. The Nuclear Waste Policy Act of 1982 establishes a new requirement that an environmental assessment evaluating specific issues contained in the Act be prepared. Under the terms of the Act, site characterization work may continue at this site while certain requirements of the Act are being implemented.

Presentations

Parties interested in providing oral presentations at the Hearing may request time not to exceed ten minutes for the purpose of delivering that presentation. A type-written copy of the presentation is requested and should be delivered to the presiding officer before being presented at the Hearing.

Requests for scheduled presentation must be written and mailed or delivered so as to be received at the address noted above no later than March 20, 1983. A person scheduled to appear at the hearing will be notified by DOE of his or her participation. Requests to speak should include a telephone number where the person can be reached up to the day of the hearing.

Individuals who do not make advance requests to speak at the Hearing may register to speak with the presiding officer prior to the start of the Hearing. An opportunity to speak will be provided to these individuals if time permits. However, time for these unscheduled presentations will be limited, depending on the number of requests received and time available.

Written Comments

Parties may also submit written comments on the proposed nomination; the issues to be addressed in the Environmental Assessment; and the issues to be addressed in any Site Characterization Plan. These comments will be added to the Hearing transcript and constitute the official Departmental record of the Hearing. Written comments should be mailed to reach the address noted above by March 31, 1983.

Conduct of Hearing

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the Hearing. Questions may be asked only by those conducting the Hearing. Cross examination of persons presenting statements will not be permitted. Any further procedural rules needed for the proper conduct of the Hearing will be announced by the presiding officer.

Transcripts of the Hearing will be made, and the entire record of the Hearing, including the transcripts, will be retained by DOE and made available for inspection at the public document room, Richland Operations Office, Federal Building, Richland, Washington. Any person may purchase a copy of the transcript of the Hearing from the reporter so identified by the presiding officer.

Additional copies of the complete transcripts will also be available at the public document centers noted below.

Albuquerque Operations Office, National Atomic Museum, Kirkland Air Force Base East, Albuquerque, New Mexico;
Chicago Operations Office, Room 1136, 175 West Jackson Boulevard, Chicago, Illinois;
Idaho Operations Office, 2753 South Highland Drive, Las Vegas, Nevada;
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee;
San Francisco Operations Office, Wells Fargo Building, 1333 Broadway, Oakland, California;
Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina; or
Department of Energy, Freedom of Information Office, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C.

Document Availability

Prior to enactment of the Nuclear Waste Policy Act of 1982, DOE prepared in November 1982, a Site Characterization Report for the BWIP site and submitted that report to the Nuclear Regulatory Commission, as required by 10 CFR Part 60. That report would form the basis for the Site Characterization Plan required by Section 113 of the Act. DOE has also prepared a draft of the Environmental Assessment for the BWIP site required by section 112(b)(1)(E) of the Act to accompany the nomination of the site for site characterization. That section of the Act also specifies what must be included in that Environmental Assessment. Also pursuant to Section 112 of the Act, DOE issued Proposed General Guidelines for Recommendation of Sites for Nuclear Waste Repositories in the **Federal Register** on February 7, 1983, (48 FR 5670).

DOE is making both the November 1982 Site Characterization Report and a draft of the Environmental Assessment available to facilitate participation by the public in providing comments and recommendations on issues to be addressed in the hearing.

Issued in Washington, D.C. on February 28, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 83–5652 Filed 3–3–83; 8:45 am]
BILLING CODE 6450–01–M

Energy Information Administration

Proposal for "Underground Gas Storage Report," Form EIA–191

AGENCY: Energy Information Administration, DOE.

ACTION: Request for Comments on Proposed Form EIA–191, "Underground Gas Storage Report."

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy (DOE) is proposing an extension of Form EIA–191, "Underground Gas Storage Report." The form and instructions are reproduced following this Notice. Interested persons are asked to review the form and instructions and provide comments in the format prescribed below.

DATE: Written comments must be submitted within 30 days of publication of this Notice.

ADDRESS: Comments should be sent to Mr. Gordon Koelling at the address listed immediately below.

FOR FURTHER INFORMATION CONTACT: Gordon W. Koelling, Reserves and Natural Gas Division, Office of Oil and Gas, Energy Information Administration, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6305.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Request for Comments.

I. Background

Form EIA–191 requests data on the location, ownership, capacity, and operations of all active underground natural gas storage facilities operated by companies not subject to Federal Energy Regulatory Commission (FERC) jurisdiction. The same data on underground natural gas storage facilities operated by companies subject to FERC jurisdiction are collected on the essentially identical Form FPC–8, "Underground Gas Storage Report." Data received on both forms are merged by EIA in a unified data processing system which provides coverage for all underground natural gas storage operators in the United States.

II. Request for Comments

Form EIA–191 is reproduced following this Notice. Prospective respondents and other interested parties should comment on the form within 30 days following the publication of this Notice. The following general guidelines are provided to assist in the preparation of responses:

(As a potential data provider.)

A. Are the instructions and definitions clear and sufficient?

B. Can the data be submitted using the definitions included in the instructions?

C. Can the data be submitted in accordance with the response time specified in the instructions?

D. How many hours, including time for preparation and administrative review, will your company require to compete and submit the form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collections? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

(As a potential user.)

A. Can your company analysts use data at the levels of detail indicated on the form?

B. For what purposes would you use these data? Be specific.

C. How could the form be improved to better meet your specific data needs?

D. Are there alternative sources of data and do you use them? What are their deficiencies?

EIA is also interested in receiving comments from persons as to their views on the need for the collection of this information at all.

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. on February 25, 1983.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

Instructions for Filing Underground Gas Storage Report

General Information

I. *Purpose.*

Form EIA–191 provides date collection on the location, ownership, capacity, and operations of all active underground storage facilities operated by intrastate companies.

II. *Who Must Submit.*

All companies not subject to Federal Energy Regulatory Commission (FERC) jurisdiction that operate underground natural gas storage fields in the United States must provide the information requested.

III. *When to Submit.*

Information requested must be provided within five days after the following dates: the first and fifteenth day of each of the months December through March; and the first day of the months of April through November.

IV. *Where to Submit.*

(1) The report should be sent to the following address: Energy Information Administration: EI–441, Mail Station: BE–079, U.S. Department of Energy, Washington, D.C. 20585, Attention: Form EIA–191.

(2) Requests for futher information and/or additional forms may be directed to the address above, or you may phone (202) 252–6305.

V. *Sanctions.*

This mandatory report is authorized by the Federal Energy Administration Act (Pub. L. 93–275). Failure to report may result in criminal fines, civil penalties, or other sanctions as provided by law.

VI. *Provisions Regarding Confidentiality.*

The information contained on these forms may be (i) information which is exempt from disclosure to the public under the exemption for trade secrets and confidential commercial information specified in the Freedom of Information Act (5 U.S.C. 552(b)(4)) (FOIA) or (ii) prohibited from public release by 18 U.S.C. 1905. However, before a determination can be made that particular information is within the coverage of either of these statutory provisions, the person submitting the information must make a showing satisfactory to the Department concerning its confidential nature.

Therfore, you should state briefly and specifically (on an element by element basis, if possible), in a letter accompanying your submission of the form, why you consider the information concerned to be a trade secret or other proprietary information, whether such information is customarily treated as confidential by your company and the industry, and the type of competitive harm that would result to your company from disclosure of the information. In accordance with the provisions of 10 CFR 1004.11 of DOE's FOIA regulations, DOE will determine whether any information submitted should be withheld from public disclosure.

If DOE receives a response and does not receive a request, with substantive justification, that the information submitted should not be released to the public. DOE may assume that the respondent does not object to disclosure to the public of any information submitted on the form.

A new written justification need not be submitted each time the EIA–191 is submitted if:

a. Views concerning information items identified as privileged or confidential have not changed; and

b. A written justification setting forth respondent's views in this regard was previously submitted.

In accordance with the cited statutes and other applicable authority, the information must be made available, upon request, to the Congress or any Committee of Congress, to the General Accounting Office, and other Congressional agencies authorized by law to receive such information.

Definitions

Note.—These definitions were taken in part from the American Gas Association Committee on Underground Storage Annual Report.

1. *Base (Cushion) Gas*—The volume of gas needed as a permanent inventory to maintain adequate reservoir pressures and deliverability rates throughout the withdrawal season. All native gas is to be included in the base gas volume.

2. *Injections*—The volume of gas injected during the applicable reporting period.

3. *Native Gas*—Gas in place at the time that the reservoir was converted to storage as contrasted to injected gas.

4. *Reservoir Capacity*—The present developed capacity of the storage reservoir excluding contemplated future development.

5. *Total Gas in Storage*—The sum of base gas and the working gas.

6. *Withdrawals*—Total volume of gas withdrawn during the applicable reporting period.

7. *Working (Top Storage) Gas*—The volume of gas in the reservoir above the designed level of the base. It may or may not be completely withdrawn during any particular withdrawal season. Conditions permitting, the total working capacity could be used more than once during any season.

Specific Instructions

Note.—Items which are self-explanatory are not discussed below.

Part I Identification Data.

Item No.	Instruction
Column (b).....	Enter the reporting company's DOE Code. If you do not presently have a DOE Code, EIA will assign you one. However, prior to your Code Assignment, please submit this form leaving the DOE Code blank.

Part II Gas Storage Report.

Gas Storage Data—Enter the volume of gas (thousands cubic feet at 14.73 psia and 60 degrees Fahrenheit) as required on the form. All information requested in this part of the form must be reported each time the form is submitted. (See definitions at the beginning of the Instructions.)

Data Reported—Due to the limited time allowed for reporting, it is recognized that some companies may have to estimate part of all of the data filed for the reporting period. Enter a check mark in the appropriate box to indicate whether the data reported are actual or estimated.

Joint Ownership. When the operator is also a co-owner of any storage reservoir, he/she shall report the gas in storage owned by non-operating co-owners in Part II B. Respondents to this report who are co-owners in storage reservoirs which they do not operate shall report that portion of their gas in storage in Part II D.

Item No.	Instruction
Columns (a), (b), (c), (d).	Balances Nov. 1 are the balances on hand for Base Gas, Working Gas, Total Gas in Storage and Native Gas included in Column (a) at the beginning of the storage withdrawal year commencing November 1.
Columns (e), (f).	Nov. 1 to date are the accumulated injections and withdrawals for the current storage period from November 1 to the end of the report period.
Columns (a), (b), (c), (d), (e), (f)..	Report period are the balances on hand at the end of the report period for Base Gas, Working Gas, Total Gas in Storage and Native Gas included in Column (a) and Injections and Withdrawals made during the report period.
A	Report all gas owned by respondent in storage reservoirs which he/she operates.
B	Report all gas belonging to, stored for, and delivered for the account of a customer or others under storage service or similar contracts including gas belonging to companies that are subject to FERC jurisdiction.
D	Report respondent's gas in reservoirs operated by others. (Respondent's total stored gas should equal A plus D and Part II.)
E	Operators of gas storage reservoirs that are in the development stage shall report in Part II E the gas balances and volumes injected and withdrawn for these storage reservoirs included in Part II A and B. Reservoirs are considered to be in the development stage until such time as withdrawals for regular (authorized) services have commenced.

Part III Certification.

This part must be completed each time the form is submitted. Enter the name and title of the individual designated by the company to sign the certification. This individual must sign in the spaces provided on the form and enter the date of signing.

Part IV Respondent Identification data.

Item No.	Instruction
Column (b).....	See Instruction for Part I.

Part V Name, Location and Capacity of Underground Storage Reservoirs

Item No.	Instruction
A.....	Complete information for Part V is required only on your initial report. Any changes or additions to information initially reported should be reported on subsequent submissions. *Important:* If Part V does not contain enough lines to provide the data requested, reproduce the page before data are entered and provide the requested data on the additional sheet(s). (1) Enter as indicated, the Field and Reservoir Name, the respondent's percentage ownership, the State and county location of the reservoir and the reservoir capacity in thousands of cubic feet at 14.73 psia, 60 degrees Fahrenheit, for all reservoirs operated by the respondent and represented by the reported gas storage data.
	(2) If the respondent's percentage ownership entered in Column C is less than 100 percent, enter as indicated in Part VII the name(s) of the other co-owner(s) of the reservoir and the percentage owned by each.

Part VI Respondent Identification Data.

Item No.	Instruction
Column (b).....	See Instructions for Part I.

Part VII Co-Owners of Storage Reservoirs.

Item No.	Instruction
Columns (a), (b), (c), (d).	Enter, as indicated, the Field and Reservoir Names from Part V. List each co-owner of the storage reservoir and his percentage. Do not repeat information on operator's ownership included in Part V.

BILLING CODE 6450-01-M

EIA-191

U.S. Department of Energy
Energy Information Administration, EI-442
Washington, D.C. 20585

Form Approved
OMB No.

UNDERGROUND GAS STORAGE REPORT

THIS REPORT IS MANDATORY UNDER PUBLIC LAW 93-275

FAILURE TO REPORT MAY RESULT IN CRIMINAL FINES, CIVIL PENALTIES, OR OTHER SANCTIONS AS PROVIDED BY LAW.

I. RESPONDENT IDENTIFICATION DATA

(1) a. EIA EIN Number | b. Base Code | c. Report Period Ending Date (Month, Day, Year) | d. Check if this is a revision to a report previously submitted for the report period indicated. ☐ | e. Check box if respondent identification has changed. If name has changed, enter previous NAME: ☐

(2) a. Respondent's Name | b. Street Address | c. City/State/Zip Code

(3) a. Person to contact if questions arise concerning this report | b. Title | c. City/State | d. Area Code / Telephone No.

II. GAS STORAGE DATA — BALANCES (All volumes in Mcf - 14.73 psia - 60°F) ☐ Estimated ☐ Actual

A. Respondent's Gas in Reservoirs Operated by Respondent

	TIME PERIOD	Base Gas (a)	Working Gas (b)	Total Gas in Storage (c)	Native Gas Included in Column (a) (d)	TIME PERIOD	Injections (e)	Withdrawals (f)
(4)	Balance Nov. 1					Nov. 1 to Date		
(5)	Report Period					Report Period		

B. Gas Belonging to Others in Reservoirs Operated by Respondent

(6)	Balance Nov. 1					Nov. 1 to Date		
(7)	Report Period					Report Period		

C. Total Gas (Sum of A & B)

(8)	Balance Nov. 1					Nov. 1 to Date		
(9)	Report Period					Report Period		

D. Respondent's Gas in Reservoirs Operated by Others

(10)	Balance Nov. 1					Nov. 1 to Date		
(11)	Report Period					Report Period		

E. Reservoirs in Development Stage Included in A and B Above

(12)	Balance Nov. 1					Nov. 1 to Date		
(13)	Report Period					Report Period		

III. CERTIFICATION - I certify that the information submitted on this form is the most accurate available at this time to the best of my knowledge.

NAME (Type or Print)	TITLE	SIGNATURE	DATE

TITLE 18 USC 1001, makes it a crime for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

Form Approved
OMB No.
U.S. Department of Energy
Energy Information Administration, EI-442
EIA-191

EIA-191

U.S. Department of Energy
Energy Information Administration, EI-442
Washington, D.C. 20585

Form Approved
OMB No.

UNDERGROUND GAS STORAGE REPORT

IV. RESPONDENT IDENTIFICATION DATA

(1)

a. IRS EIN Number	b. DOE Code	c. Report Period Ending Date (Month / Day / Year)	d. Respondent's Name

V. NAME, LOCATION AND CAPACITY OF UNDERGROUND STORAGE RESERVOIRS

A. Please identify below all reservoirs operated by respondent and used in compiling this report. (See instructions for reporting joint ownership.)

Complete information for Part V is required only on your initial report. Any changes or additions to information initially reported should be reported on subsequent submissions.

IMPORTANT: If this sheet does not contain enough lines to provide the data requested, reproduce this page before data are entered, and provide the requested data on additional sheet(s).

- -(DO NOT WRITE IN SHADED AREA)- -

Line No.	a. FIELD NAME	b. RESERVOIR NAME	c. PERCENT OWNED BY OPERATOR	LOCATION		f. RESERVOIR CAPACITY /000's of Cubic Ft. (Mcf)/ (14.73 psia - 60°F)
				d. STATE	e. COUNTY	
1						
2						
3						
4						
5						
6						
7						
8						

In the box provided, indicate the number of additional sheets attached. ☐

EIA-191

U.S. Department of Energy
Energy Information Administration, EI-442
Washington, D.C. 20585

Form Approved
OMB No.

UNDERGROUND GAS STORAGE REPORT

VI. RESPONDENT IDENTIFICATION DATA

(1)

a. IRS EIN Number	b. Doe Code	c. Report Period Ending Date			d. Respondent's Name
		Month	Day	Year	

VII. CO-OWNERS OF STORAGE RESERVOIRS

Indicate below the name(s) of co-owners of reservoirs operated by the respondent to this report and the percentage owned by each. Do not repeat information on the operator's ownership included in Part V. Information is required on this report form only when Part V is filed.

	a. FIELD NAME	B. RESERVOIR NAME	C. NAME(S) OF CO-OWNERS	d. % OWNED BY CO-OWNERS
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

[FR Doc. 83-5478 Filed 3-3-83; 8:45 am]
BILLING CODE 6450-01-M

UMI
MAR 4 1983
VOL 48 ISS 44

Economic Regulatory Administration

Proposed Consent Order; Texas Pacific Oil Company, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Texas Pacific Oil Company, Inc. (Texas Pacific) and provides an opportunity for public comment on the terms and conditions of the proposed Consenat Order.

DATE: Comments by April 4, 1983.

ADDRESS: Send comments to: James O. Neet, Jr., Chief Counsel, Economic Regulatory Administration, Dallas Office, 1341 West Mockingbird, 200E, Dallas, Texas 75347.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Economic Regulatory Administration, Dallas Office, 1341 West Mockingbird, 200E, Dallas, Texas 75247, 214/767–7404. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On February 15, 1983, the ERA executed a proposed Consent Order with Texas Oil Company, Inc. of Dallas, Texas. Under 10 CFR 205.199J (b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Texas Pacific Oil Company, Inc., with its home office located in Dallas, Texas, is a firm engaged in the business of producing and selling crude oil, was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211 and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Texas Pacific's transactions involving crude oil during the period September 1, 1973 through January 28, 1981 ("the period covered by this Consent Order"), the ERA and Texas Pacific entered into this Consent Order. The ERA had alleged that during the period covered by this Consent Order, Texas Pacific produced and sold domestic crude oil at prices in excess of the applicable ceiling prices. Texas Pacific denied these allegations, but determined that this Consent Order was an equitable resolution of these allegations which avoided the disruption of its orderly business functions and the expense and inconvenience of protracted and complex litigation.

II. Refunds

A. Disposition of Refunds

Under this Consent Order, Texas Pacific will pay the sum of $500,000 in settlement of the matters covered by this Consent Order. These sums shall be deposited as miscellaneous receipts in the United States Treasury.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Texas Pacific Oil Company, Inc., Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, April 4, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9 (f).

Issued in Dallas, Texas on the 25th day of February, 1983.

Ben, L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-5475 Filed 3-3-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–82–033; OFP Case No. 55007–9075–05–12]

Powerplant and Industrial Fuel Use, Exemption; Mobay Chemical Corp.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order granting Mobay Chemical Corporation an exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On November 24, 1982, Mobay Chemical Corporation, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting one new major fuel burning installation (MFBI) from the provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or "the Act"), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. The petitioner requested an exemption under section 212(a)(1)(A)(ii) and 10 CFR 503.32, due to the lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Eligibility and evidentiary requirements governing the permanent cost exemption are contained in 10 CFR 503.32.

The proposed MFBI for which the petition was filed is a natural gas-fired packaged boiler (designated as Unit #5) to be installed at the petitioner's Baytown Plant located in Chambers County, Texas. Unit #5 will have a maximum fuel heat input rate of 236 MM Btu per hour.

ERA has determined that the evidence available to it in the record of this proceeding is sufficient to support the issuance of the requested exemption. Therefore pursuant to section 212(a)(1)(A)(ii) of the Act and 10 CFR 503.32, ERA hereby issues this order granting a permanent exemption to proposed Unit #5 due to lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum to the petitioner for the proposed MFBI. The basis for ERA's order and other information relating to the proceeding is provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATE: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on the 60th day following publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252–2993; or

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone (202) 252–2967.

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available for inspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

SUPPLEMENTARY INFORMATION: The petitioner proposed to install a natural gas-fired packaged boiler, to be known as Unit #5, at its Baytown plant. The proposed unit will have a 200,000 lbs/hr. capacity and a maximum fuel heat input rate of 236 MM Btu per hour; it is required, according to the petitioner, to provide secure peak steam generating capacity to meet expanded steam demand at the plant in the immediate future. It will thereafter be phased into operation as a baseload unit, gradually replacing a less efficient existing boiler which will be used for stand-by and emergency purposes.

Title II of FUA prohibits the use of natural gas or petroleum as a primary energy source in certain new MFBI's, including proposed Unit #5, unless an exemption from the prohibitions stated therein has been granted by ERA. Section 212(a)(1)(A)(ii) of FUA provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To obtain this type of exemption for proposed Unit #5, the petitioner provided ERA with the following documentary evidence, required by 10 CFR 503.32:

Duly-executed certifications and supporting evidence, as required, which indicate that—

(a) The petitioner had made a good faith effort to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source for proposed Unit #5, of the quality and quantity necessary to conform with that unit's design and operational requirements;

(b) The cost of using such a supply, if available, would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit; and

(c) The use of mixtures is not feasible in the proposed unit. Documentary evidence relating to the environmental impact analysis, as well as the fuels search prescribed in 10 CFR 503.14, was also submitted by the petitioner and appears in the administrative record of this proceeding.

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published the notice of its acceptance of the petitioner's petition in the **Federal Register** on December 29, 1982 (47 FR 57990), commencing a 45-day public comment period, during which interested persons were afforded an opportunity to request a public hearing. As required by sections 701(f) and 701 (g) of the Act, ERA also provided copies of the petition to the Environmental Protection Agency and the Federal Trade Commission for comment. The period for submitting comments and for requesting a public hearing closed on February 14, 1983. No hearing was requested and no comments were received.

Decision and Order

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption, as set forth in 10 CFR 503.32.

Accordingly, pursuant to section 212(a)(1)(ii) of FUA, ERA hereby grants a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum for the proposed MFBI (identified as Unit #5) to be installed at the petitioner's Baytown Plant located in Chambers County, Texas.

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review at any time before sixty days after publication of this order in the **Federal Register**.

Issued in Washington, D.C. on February 25, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-5661 Filed 3-3-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER82-229-000]

Alabama Power Co.; Refund Report

February 28, 1983.

Take notice that on February 14, 1983, Alabama Power Company submitted for filing a refund compliance report pursuant to the Commission's order dated December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 9, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5469 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-301-000]

Connecticut Light & Power Co.; Refund Report

February 28, 1983.

Take notice that on February 14, 1983, Connecticut Light and Power Company submitted for filing a refund report pursuant to the Commission's order dated December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 9, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5469 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-319-000]

Oklahoma Gas & Electric Co.; Filing

February 28, 1983.

Take notice that on February 14, 1983, Oklahoma Gas and Electric Company (OG&E) tendered for filing a new Agreement intended to supersede OG&E's Rate Schedule FERC No. 115. This Agreement is the contract between OG&E and the Southwestern Power Administration (SWPA). The new rate is identical to the old rate, and provides for the sale of Replacement Energy and Emergency Service by OG&E to SWPA.

OG&E requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211

and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5490 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-317-000]

Pacific Gas & Electric Co.; Filing

February 28, 1983.

Take notice that Pacific Gas and Electric Company (PGandE) on February 9, 1983, tendered for filing proposed changes in its FPC Electric Service Tariffs, Original Volumes Nos. 1 and 2, Rate Schedule R-1, R-2, FPC No. 8 and FPC No. 53. The proposed changes would decrease revenues from jurisdictional sales.

PGandE states that the proposed rates will result in a $31,000 decrease from the rates made effective by the Commission, subject to refund, in Docket No. ER83-154 as of January 1, 1983. PGandE has requested that the rates tendered in this docket be made effective as of January 1, 1983 with no suspension.

PGandE requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the public utility's jurisdictional customers, the California Public Utilities Commission, and the Public Service Commission of the State of Nevada.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5492 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-331-000]

Pacific Power & Light Co.; Filing

February 28, 1983.

Take notice that Pacific Power & Light Company (Pacific) on February 18, 1983, tendered for filing Pacific's Revised Appendix 1 for the State of Montana. The Revised Appendix 1 calculates an average system cost for the state of Montana applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Bonneville, the Public Service Commission of the State of Montana and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5493 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket. No. ER82-294-000]

Philadelphia Electric Co.; Refund Report

February 28, 1982.

Take notice that on February 7, 1983, Philadelphia Electric Company submitted for filing a refund report pursuant to the Commission's order of December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, on or before March 9, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5494 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-332-000]

Pacific Power & Light Co.; Filing

February 28, 1982

Take notice that Pacific Power & Light Company (Pacific) on February 18, 1983, tendered for filing Pacific's Revised Appendix 1 for the state of Washington. The Revised Appendix 1 calculates an average system cost for the state of Washington applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific request and effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements

Copies of the filing have been served upon Bonneville, the Washington Utilities and Transportation Commission and Bonneville's Direct Service Industrical Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commision, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5495 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-325-000]

Southern California Edison Co.; Filing

February 28, 1983

Take notice that, on February 16, 1983, Southern California Edison Company

("Edison") tendered for filing agreements entitled, "Edison-Anaheim San Onofre Transmission Service Agreement", which has been executed by Edison and the City of Anaheim, California ("Anaheim"); and "Edison-Riverside San Onofre Transmission Service Agreement", which has been executed by Edison and the City of Riverside, California.

Under the terms and conditions of the Agreements, Edison will make available to Anaheim and Riverside transmission service for their entitlements in the capacity and energy from San Onofre Units 2 and 3 to the respective Points of Delivery at Anaheim and Riverside, California.

The Agreements are proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were submitted upon the Public Utilities Commission of the State of California and the Cities of Anaheim and Riverside, California.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 211 and section 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5485 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-330-000]

Southern California Edison Co.; Filing

Take notice that on February 17, 1983, Southern California Edison Company (Edison) tendered for filing an Amendment to the Edison-Anaheim Interruptible Transmission Service Agreement (Amendment), which has been executed by Edison and City of Anaheim (Anaheim), California, on January 30, 1981, as well as an Amendment to the Edison Riverside Interruptible Transmission Service Agreement (Amendment), which has been executed by Edison and the City of Riverside (Riverside), California, on January 27, 1981.

Edison states that the Amendment provide for the establishment of an additional point of receipt for interruptible transmission service under Edison's Rate Schedule FERC Nos. 129 and 130.

Edison requests an effective date of January 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protestors should be filed on or before March 16, 1983. Protestors will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5486 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF79-4011-000 and EF82-4011-000]

Southwestern Power Administration; Order Granting Motion and Conditionally Confirming and Approving Rates on a Final Basis for Additional Period

Issued: February 25, 1983.

On January 25, 1982, the Commission, upon reconsideration, confirmed and approved certain rates and charges for the sale of power filed by the Southwestern Power Administration (SWPA).[1] SWPA had originally requested that the rates be placed in effect on a final basis through September 30, 1983. In its order, however, the Commission confirmed and approved the rates only through September 30, 1982. The Commission's decision to limit the effective period of the rates was based upon a district court ruling which had held that a rate schedule proposed by SWPA for one of its customers, Tex-La, could not be placed in effect on an interim basis, prior to final confirmation and approval of the rates by the FERC.[2] As a result of this ruling, it appeared that SWPA would collect less during the interim period than it would have otherwise collected from Tex-La, barring the district court's decision. In light of the revenue shortfall produced by the reduction in interim collection, the Commission limited the effective period of the rates in order to allow SWPA to submit rates prior to September 30, 1982 which would, among other things, recover the revenue deficiencies produced by having SWPA's previous rates applicable to Tex-La in effect during the interim period rather than the Commission's finally approved rates. 18 FERC ¶ 61,052, 61,088.

Since September 30, 1982, the Commission has granted a series of limited extensions of SWPA's system power rates in order to consider a request by the Administrator, submitted by and through the Assistant Secretary for Conservation and Renewable Energy (AS/CE) of the U.S. Department of Energy to extend final confirmation and approval of the present system power rates through September 30, 1983, the date originally requested as the end of the effective period. In support of its request, SWPA states that it is unable to timely file new rates because of the amount of time required for compliance with the Department of Energy's regulations relating to public participation in the rate-making process. SWPA further states that it:

> Has determined that, at this time, its best interest will be served by avoiding further obstacles created by the interim rate controversy. Therefore, the proposed System Rates would not be placed into effect until confirmed and approved by the FERC.

Discussion

We need not address SWPA's statements regarding the time required for filing substitute rates since another basis appears for extending our rate approval in this case. On November 26, 1982, the United States Court of Appeals for the Fifth Circuit, *inter alia*, overruled the district court decision in the case of *United States of America* v. *Tex-La Electric Cooperative, Inc.*,[3] holding that the Assistant Secretary did have the interim ratemaking authority to place rates into effect on an interim basis prior to final confirmation and approval of the rates by the FERC.[4] As a result of the reversal of the district court's decision, it appears that SWPA may collect more over the period during which the rates were in effect on an

[1] "Order on Reconsideration," Docket No. EF79-4011, 18 FERC ¶ 61,052.

[2] *United States of America* v. *Tex-La Electric Cooperative, Inc.*, 524 F. Supp. 409 (E. D. La. 1981).

[3] 693 F. 2d 392 (5th Cir., 1982), *reversing United States* v. *Tex-La Electric Coop., Inc., supra*, 524 F. Supp. 409.

[4] *Tex-La, supra*, 693 F. 2d at 411-412.

interim basis than it would have under the lower court's ruling. This additional revenue recovery, or course, would be contingent upon SWPA actually collecting the difference between the interim rates and the final rates during the effective period.

In light of the U.S. Circuit Court's ruling and the potential effect of this decision upon SWPA's revenue collection during the interim period, the Commission finds that it is appropriate to confirm and approve SWPA's rates on a final basis for the additional period October 1, 1982, through September 30, 1983.[5]

The Commission orders:

(A) The Assistant Secretary's request for an extension of final confirmation and approval of SWPA's present rates is hereby granted.

(B) The rates and charges for the sale of power presently being collected by the Southwestern Power Administration are hereby confirmed and approved on a final basis for the additional period October 1, 1982 through September 30, 1983 *provided,* however, that SWPA shall attempt to collect from Tex-La the difference between the final Commission approved SWPA rates and the previous rates applicable to Tex-La that were in effect on an interim basis during the period April 1, 1979 through September 30, 1982, consistent with the U.S. Court of Appeals decision in *United States* v. *Tex-La, Inc.,* 693 F.2d 392 (1982).

(C) The Secretary shall promptly publish this order in the **Federal Register.**

[5] We note that the U.S. Court of Claims in a separate decision held that SWPA was not entitled to collect rates on an interim basis from four of its customers, the Cities of Fulton, Lamar, and Thayer, Missouri and Piggott, Arkansas (Cities). *City of Fulton, et al.* v. *United States,* 680 F.2d 115 (Ct. Cl., 1982). The Court of Claims' decision relies in part upon the lower court ruling in the *Tex-La* case, citing it as "persuasive precedent." 680 F.2d at 121. That case, however, has subsequently been overturned by the U.S. Court of Appeals for the Fifth Circuit.

We would further note that no money judgment has yet been rendered in the *Fulton* case against SWPA. Thus, it appears that any eventual recovery by Cities will be prospective in effect. Additionally, the potential recovery by Cities in the U.S. Court of Claims case appears to be quite small as a percentage of SWPA's revenues on an annual basis. In light of all of the above, we find that the Court of Claims case does not affect the outcome of our decision.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5600 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-678-003]

St. Joseph Light & Power Co.; Refund Report

February 28, 1983.

Take notice that on January 14, 1983, St. Joseph Light and Power Company submitted for filing a refund report pursuant to the Commission's order of December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 9, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5497 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-323-000]

Vermont Electric Power Co., Inc.; Filing

February 28, 1983.

Take notice that on February 16, 1983, Vermont Electric Power Company, Inc. (VELCO) tendered for filing data to support a change in rates, effective January 1, 1983.

VELCO states that the percentage rate used to determine monthly charges has been changed from 16.92% used for 1982 to the new rate of 17.74% effective January 1, 1983.

VELCO further states that this new rate was computed by dividing VELCO's actual costs for 1982 of $10,666,294 by VELCO's average plant in service for 1982 of $60,139,945.

VELCO requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5498 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-324-000]

Vermont Electric Power Co., Inc., Cancellation

February 28, 1983.

Take notice that on February 16, 1983, Vermont Electric Power Company, Inc. (Vermont) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 222 and Supplement No. 1 thereto.

Vermont requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon Citizens Utilities Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5499 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** TEXAS RAILROAD COMMISSION **********									
-ADJ CO				RECEIVED:	02/04/83	JA: TX			
8320750	F-02-063078	4202500000	108			JOHN B SHAW #B-4	SAN DOMINGO S (FRIO L	12.0	HOUSTON PIPE LINE
-AEC OIL & GAS				RECEIVED:	02/04/83	JA: TX			
8320568	F-78-061691	4242932992	102-4			O TOMLIN 70 #1 RRC ID NOT ASSIGNED	CHALKER (CONGLOMERATE	62.0	WARREN PETROLEUM
8320573	F-78-061802	4242932991	102-4			TOMLIN 73 #1 RRC ID # NOT ASSIGNED	LOVING	59.0	WARREN PETROLEUM
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED:	02/04/83	JA: TX			
8320649	F-06-057854	4242330575	103	107-TF		ALLRED #1	OVERTON (COTTON VALLE	200.0	UNITED GAS PIPELI
8320699	F-06-062930	4242330594	103	107-TF		FRANK BURKE #1	OVERTON (COTTON VALLE	200.0	UNITED GAS PIPELI
8320698	F-02-062929	4217500000	108			JABLONSKI UNIT #2	BRANDT (2750')	17.0	TEXAS EASTERN GAS
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	02/04/83	JA: TX			
8320551	F-8A-061560	4244531025	102-4	103		SEATON #2	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-AMOCO PRODUCTION CO				RECEIVED:	02/04/83	JA: TX			
8320598	F-8A-062355	4221933615	103			LEVELLAND UNIT #767	LEVELLAND	0.7	AMOCO PRODUCTION
-ANDRESS PETROLEUM INC				RECEIVED:	02/04/83	JA: TX			
8320650	F-02-058084	4239131567	102-4			J F WELDER HEIRS	DEVIL'S RUN (6600)	0.0	TENNESSEE GAS PIP
8320621	F-02-054041	4239131552	102-4			J F WELDER HEIRS #7	DEVILS RUN (6600)	0.0	TENNESSEE GAS PIP
-APACHE CORPORATION				RECEIVED:	02/04/83	JA: TX			
8320740	F-10-063037	4248331024	107-DP			STILES RANCH #B-68	STILES RANCH (MORROW)	914.0	ARKANSAS-LOUISIAN
-ARCADIA REFINING CO				RECEIVED:	02/04/83	JA: TX			
8320618	F-06-053214	4240103149	102-4			GREEN-PINNELL #1	HENDERSON NE (TRAVIS	0.0	
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/04/83	JA: TX			
8320658	F-03-058700	4235130372	102-4			ARCO HANKAMER SECTION 27 WELL #1	SABINE TRAN SW (WILCO	365.0	ARCO OIL & GAS CO
8320665	F-10-059372	4229500000	108			FRED LOESCH #1	KIOWA CREEK	12.0	TRANSWESTERN PIPE
-BEAL OPERATING				RECEIVED:	02/04/83	JA: TX			
8320644	F-7C-057134	4208333080	102-4			T GRIFFIS #4	WILDCAT	235.0	ODESSA NATURAL CO
-BEN HOGAN				RECEIVED:	02/04/83	JA: TX			
8320591	F-7B-062201	4209331041	103			DAVIS UNIT #1 TRC ID # NOT ASSIGNED	MITTIE (MARBLE FALLS)	35.0	SOUTHWESTERN GAS
-BILL FORNEY INC				RECEIVED:	02/04/83	JA: TX			
8320540	F-02-061418	4229733226	102-4			ERWIN HOLLE ET AL UNIT I WELL #3	HOUDMAN (HOCKLEY)	8.0	TRANSCONTINENTAL
-BISON PETROLEUM CORP				RECEIVED:	02/04/83	JA: TX			
8320690	F-10-062807	4235730777	102-4			CUOD #1 072564	MCGEE (UPPER MORROW)	30.0	INTER NORTH INC
-BUFFTON OIL & GAS INC				RECEIVED:	02/04/83	JA: TX			
8320547	F-09-061488	4223733796	102-4	103		BUFFTON POLK-PATTON #1	BUFFTON (5350 CONGL)	54.8	LONE STAR GAS CO
-BURNETT OIL CO INC				RECEIVED:	02/04/83	JA: TX			
8320689	F-01-062793	4231131748	102-4	103		R P HORTON #5	A W P (OLMOS)	44.0	HPI TRANSMISSION
-C & K PETROLEUM INC				RECEIVED:	02/04/83	JA: TX			
8320548	F-04-061551	4224700000	102-3			MESTENA H-5	MESTENA GRANDE (QUEEN	0.0	AMERICAN PIPELINE
-C B EDGAR OIL CO				RECEIVED:	02/04/83	JA: TX			
8320763	F-7C-063138	4239932490	103			RUFUS ALLEN #6 (06294)	DICK RICHARDSON (GARD	66.0	VALERO TRANSMISSI
-C F LAWRENCE & ASSOC INC				RECEIVED:	02/04/83	JA: TX			
8320675	F-7C-062505	4210500000	108			TODD U #1	TODD W (SAN ANDRES)	0.0	APACHE GAS CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CABOT CORPORATION				RECEIVED:	02/04/83	JA: TX			
8320742	F-10-063039	4248331025	107-DP			STILES RANCH #B-69	STILES RANCH (MORROW)	914.0	ARKANSAS-LOUISIAN
-CAMPBELL PETROLEUM CORP				RECEIVED:	02/04/83	JA: TX			
8320652	F-02-058086	4239131569	102-4			J F WELDER HEIRS	DEVIL'S RUN (6600)	0.0	TENNESSEE GAS PIP
8320622	F-02-054042	4239131553	102-4			J F WELDER HEIRS #8	DEVILS RUN (6600)	0.0	TENNESSEE GAS PIP
-CARTER OIL CO				RECEIVED:	02/04/83	JA: TX			
8320624	F-02-054044	4239131555	102-4			J F WELDER HEIRS #10	DEVILS RUN (6600)	0.0	TENNESSEE GAS PIP
-CHAMPLIN PETROLEUM CO				RECEIVED:	02/04/83	JA: TX			
8320623	F-02-054043	4239131554	102-4			J F WELDER HEIRS #9	DEVILS RUN (6600)	0.0	TENNESSEE GAS PIP
-CHAPARRAL ENERGY INC				RECEIVED:	02/04/83	JA: TX			
8320744	F-10-063041	4248331026	107-DP			STILES RANCH #B-70	STILES RANCH (MORROW)	914.0	ARKANSAS-LOUISIAN
-CHEVRON USA INC				RECEIVED:	02/04/83	JA: TX			
8320746	F-10-063043	4248331027	107-DP			STILES RANCH #B-71	STILES RANCH (MORROW)	914.0	ARKANSAS-LOUISIAN
-CITIES SERVICE CO				RECEIVED:	02/04/83	JA: TX			
8320553	F-8A-061562	4244531026	102-4	103		SEATON #3	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CLAYTON W WILLIAMS JR				RECEIVED:	02/04/83	JA: TX			
8320654	F-03-058702	4235130373	102-4			ARCO HANKAMER SECTION 27 WELL #2	SABINE TRAN SW (WILCO	365.0	ARCO OIL & GAS CO
8320666	F-10-059373	4229500000	108			FRED LOESCH #2	KIOWA CREEK	12.0	TRANSWESTERN PIPE
-CLINTON OIL CO				RECEIVED:	02/04/83	JA: TX			
8320655	F-03-058703	4235130374	102-4			ARCO HANKAMER SECTION 27 WELL #3	SABINE TRAN SW (WILCO	365.0	ARCO OIL & GAS CO
8320667	F-10-059374	4229500000	108			FRED LOESCH #3	KIOWA CREEK	12.0	TRANSWESTERN PIPE
-CONOCO INC				RECEIVED:	02/04/83	JA: TX			
8320748	F-10-063045	4248331028	107-DP			STILES RANCH #B-72	STILES RANCH (MORROW)	914.0	ARKANSAS-LOUISIAN
-CONTINENTAL OIL CO				RECEIVED:	02/04/83	JA: TX			
8320554	F-8A-061563	4244531027	102-4	103		SEATON #4	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320555	F-8A-061564	4244531028	102-4	103		SEATON #5	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320556	F-8A-061565	4244531029	102-4	103		SEATON #6	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320557	F-8A-061566	4244531030	102-4	103		SEATON #7	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320558	F-8A-061567	4244531031	102-4	103		SEATON #8	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320559	F-8A-061568	4244531032	102-4	103		SEATON #9	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320560	F-8A-061569	4244531033	102-4	103		SEATON #10	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320561	F-8A-061570	4244531034	102-4	103		SEATON #11	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320562	F-8A-061571	4244531035	102-4	103		SEATON #12	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320563	F-8A-061572	4244531036	102-4	103		SEATON #13	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320564	F-8A-061573	4244531037	102-4	103		SEATON #14	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320565	F-8A-061574	4244531038	102-4	103		SEATON #15	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320566	F-8A-061575	4244531039	102-4	103		SEATON #16	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320567	F-8A-061576	4244531040	102-4	103		SEATON #17	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320569	F-8A-061577	4244531041	102-4	103		SEATON #18	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320570	F-8A-061578	4244531042	102-4	103		SEATON #19	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320571	F-8A-061579	4244531043	102-4	103		SEATON #20	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320572	F-8A-061580	4244531044	102-4	103		SEATON #21	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320574	F-8A-061581	4244531045	102-4	103		SEATON #22	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320575	F-8A-061582	4244531046	102-4	103		SEATON #23	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320576	F-8A-061583	4244531047	102-4	103		SEATON #24	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320577	F-8A-061584	4244531048	102-4	103		SEATON #25	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320578	F-8A-061585	4244531049	102-4	103		SEATON #26	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320579	F-8A-061586	4244531050	102-4	103		SEATON #27	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320580	F-8A-061587	4244531051	102-4	103		SEATON #28	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320581	F-8A-061588	4244531052	102-4	103		SEATON #29	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320582	F-8A-061589	4244531053	102-4	103		SEATON #30	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320583	F-8A-061590	4244531054	102-4	103		SEATON #31	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320584	F-8A-061591	4244531055	102-4	103		SEATON #32	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320585	F-8A-061592	4244531056	102-4	103		SEATON #33	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320586	F-8A-061593	4244531057	102-4	103		SEATON #34	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320587	F-8A-061594	4244531058	102-4	103		SEATON #35	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320588	F-8A-061595	4244531059	102-4	103		SEATON #36	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320589	F-8A-061596	4244531060	102-4	103		SEATON #37	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320590	F-8A-061597	4244531061	102-4	103		SEATON #38	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320592	F-8A-061598	4244531062	102-4	103		SEATON #39	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320593	F-8A-061599	4244531063	102-4	103		SEATON #40	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320594	F-8A-061600	4244531064	102-4	103		SEATON #41	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320595	F-8A-061601	4244531065	102-4	103		SEATON #42	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320596	F-8A-061602	4244531066	102-4	103		SEATON #43	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320597	F-8A-061603	4244531067	102-4	103		SEATON #44	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320599	F-8A-061604	4244531068	102-4	103		SEATON #45	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320600	F-8A-061605	4244531069	102-4	103		SEATON #46	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320601	F-8A-061606	4244531070	102-4	103		SEATON #47	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320602	F-8A-061607	4244531071	102-4	103		SEATON #48	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320603	F-8A-061608	4244531072	102-4	103		SEATON #49	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320604	F-8A-061609	4244531073	102-4	103		SEATON #50	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320605	F-8A-061610	4244531074	102-4	103		SEATON #51	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320606	F-8A-061611	4244531075	102-4	103		SEATON #52	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320607	F-8A-061612	4244531076	102-4	103		SEATON #53	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320608	F-8A-061613	4244531077	102-4	103		SEATON #54	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320609	F-8A-061614	4244531078	102-4	103		SEATON #55	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320610	F-8A-061615	4244531079	102-4	103		SEATON #56	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320611	F-8A-061616	4244531080	102-4	103		SEATON #57	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320612	F-8A-061617	4244531081	102-4	103		SEATON #58	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320613	F-8A-061618	4244531082	102-4	103		SEATON #59	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320614	F-8A-061619	4244531083	102-4	103		SEATON #60	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320615	F-8A-061620	4244531084	102-4	103		SEATON #61	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320616	F-8A-061621	4244531085	102-4	103		SEATON #62	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320617	F-8A-061622	4244531086	102-4	103		SEATON #63	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320619	F-8A-061623	4244531087	102-4	103		SEATON #64	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320620	F-8A-061624	4244531088	102-4	103		SEATON #65	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320626	F-8A-061625	4244531089	102-4	103		SEATON #66	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320627	F-8A-061626	4244531090	102-4	103		SEATON #67	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320628	F-8A-061627	4244531091	102-4	103		SEATON #68	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320629	F-8A-061628	4244531092	102-4	103		SEATON #69	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320630	F-8A-061629	4244531093	102-4	103		SEATON #70	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320631	F-8A-061630	4244531094	102-4	103		SEATON #71	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320632	F-8A-061631	4244531095	102-4	103		SEATON #72	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320633	F-8A-061632	4244531096	102-4	103		SEATON #73	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320634	F-8A-061633	4244531097	102-4	103		SEATON #74	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320635	F-8A-061634	4244531098	102-4	103		SEATON #75	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320636	F-8A-061635	4244531099	102-4	103		SEATON #76	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320637	F-8A-061636	4244531100	102-4	103		SEATON #77	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320638	F-8A-061637	4244531101	102-4	103		SEATON #78	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320639	F-8A-061638	4244531102	102-4	103		SEATON #79	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320640	F-8A-061639	4244531103	102-4	103		SEATON #80	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320641	F-8A-061640	4244531104	102-4	103		SEATON #81	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320642	F-8A-061641	4244531105	102-4	103		SEATON #82	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320643	F-8A-061642	4244531106	102-4	103		SEATON #83	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320645	F-8A-061643	4244531107	102-4	103		SEATON #84	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320646	F-8A-061644	4244531108	102-4	103		SEATON #85	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320647	F-8A-061645	4244531109	102-4	103		SEATON #86	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320648	F-8A-061646	4244531110	102-4	103		SEATON #87	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320651	F-8A-061647	4244531111	102-4	103		SEATON #88	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320653	F-8A-061648	4244531112	102-4	103		SEATON #89	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320656	F-8A-061649	4244531113	102-4	103		SEATON #90	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320657	F-8A-061650	4244531114	102-4	103		SEATON #91	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320659	F-8A-061651	4244531115	102-4	103		SEATON #92	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320660	F-8A-061652	4244531116	102-4	103		SEATON #93	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320661	F-8A-061653	4244531117	102-4	103		SEATON #94	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320662	F-8A-061654	4244531118	102-4	103		SEATON #95	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320663	F-8A-061655	4244531119	102-4	103		SEATON #96	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA: TX			
8320664	F-8A-061656	4244531120	102-4	103		SEATON #97	SEC 92 BLK T D&W RR C	0.0	CITIES SERVICE GA
-CRAWFORD OIL CO				RECEIVED:	02/04/83	JA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
				RECEIVED: 02/04/83 JA: TX		
-CALTO OIL CO						
8320697	F-09-062928	4249732448		103		L D RATLIFF #2
				RECEIVED: 02/04/83 JA: TX		
-CARTER ENERGY CORP						
8320751	F-09-063080	4249732451		103		L N LANHAM #1
				RECEIVED: 02/04/83 JA: TX		
-CHAMPLIN PETROLEUM COMPANY						
8320584	F-06-062024	4236530596		102-3		CARTHAGE GAS UNIT 11 #4
8320581	F-06-062012	4236530773		102-3		CARTHAGE GAS UNIT 13 #3
8320587	F-06-062028	4236530765		102-3		CARTHAGE GAS UNIT 14 #2
8320586	F-06-062027	4236530820		102-3		CARTHAGE GAS UNIT 15 #4
8320608	F-06-045701	4236500000		103	107-TF	CARTHAGE GAS UNIT 16 #4
8320580	F-06-062010	4236530850		102-3		CARTHAGE GAS UNIT 18 #3
8320582	F-06-062015	4236530814		102-3		CARTHAGE GAS UNIT 21 #2
8320585	F-06-062025	4236530799		102-3		CARTHAGE GAS UNIT 6 #4
8320583	F-06-062023	4236530912		102-3		CARTHAGE GAS UNIT 9 #2
				RECEIVED: 02/04/83 JA: TX		
-CITIES SERVICE COMPANY						
8320609	F-05-045821	4234931772		102-2	107-TF	GRANTHAM B #1
8320722	F-08-062990	4238931291		103		MATTHEWS CAMP A #4
8320721	F-08-062989	4238931292		103		PRIEST E #2
8320724	F-08-062992	4213533940		103		WEST GOLDSMITH UNIT #3907
8320723	F-8A-062991	4216532406		108		WEST SEMINOLE SAN ANDRES UNIT #715
				RECEIVED: 02/04/83 JA: TX		
-CONVEST ENERGY CORP						
8320641	F-7C-056951	4243532461		103	107-TF	NANCY BLOODWORTH #2
				RECEIVED: 02/04/83 JA: TX		
-COSTA RESOURCES INC						
8320768	F-08-063146	4210332515		102-4		DAVIS NO 1
				RECEIVED: 02/04/83 JA: TX		
-CROMERA OIL & GAS CO						
8320601	F-7B-062471	4241734821		102-4		JOHN SEDWICK #8
				RECEIVED: 02/04/83 JA: TX		
-DELWINTEX OIL & GAS PROPERTIES INC						
8320683	F-8A-062700	4210130338		102-4		R A THOMAS #2 (102500)
				RECEIVED: 02/04/83 JA: TX		
-E C WHITE OIL CO						
8320536	F-8A-061324	4207900000		103		J D LANEY #12
8320535	F-8A-061323	4207900000		103		J D LANEY #16
				RECEIVED: 02/04/83 JA: TX		
-EADS OPERATING CO						
8320566	F-02-061638	4205730940		102-4		STATE TRACT 131 WELL #1
				RECEIVED: 02/04/83 JA: TX		
-EDWIN L COX						
8320652	F-04-058276	4247933378		103	107-TF	EL GATITA #1
				RECEIVED: 02/04/83 JA: TX		
-EL PASO NATURAL GAS COMPANY						
8320607	F-10-041022	4217923699		108-PB		COUSINS #1
				RECEIVED: 02/04/83 JA: TX		
-ENSERCH EXPLORATION INC						
8320627	F-05-055480	4216100000		107-TF		E G COLEMAN #1
8320662	F-7C-058980	4213700000		103	107-TF	G D WALLACE UNIT 2 #2
8320653	F-05-058298	4228900000		103	107-TF	G W LEE "A" #9
8320534	F-09-061311	4219730503		103		HENDRIX #19-2
8320622	F-7C-054368	4213700000		103	107-TF	MIERS "C" #17
8320668	F-05-059386	4221330354		103		S S MCGEE #3
8320660	F-05-058914	4221330354		103		S S MCGEE #3
				RECEIVED: 02/04/83 JA: TX		
-EXXON CORPORATION						
8320589	F-8A-062073	4216500000		103		EXXON-ATLANTIC H & J #8
8320692	F-05-062903	4216130630		102-4	107-TF	F E HILL COMPANY #1
8320693	F-05-062904	4216130715		102-4	107-TF	F R HILL #1
8320541	F-08-061421	4210332902		103		J B TUBB B #30U
8320682	F-04-062647	4227331674		102-4		K R BORREGOS 574 (06544)
8320542	F-03-061438	4201530523		103		RACCOON BEND COCKFIELD GU 1 #5
				RECEIVED: 02/04/83 JA: TX		
-FAGADAU ENERGY CORP						

FIELD NAME	PROD	PURCHASER
BOONSVILLE BEND CONGL	120.0	NATURAL GAS PIPEL
BOONSVILLE (BEND CONG	110.0	LONE STAR GAS CO
CARTHAGE (COTTON VALL	770.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	670.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	700.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	550.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	0.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	1040.2	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	540.0	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	930.7	TENNESSEE GAS PIP
CARTHAGE (COTTON VALL	380.0	TENNESSEE GAS PIP
CHENEYBORO (COTTON VA	91.3	CAMPBON PIPELINE
COLLIE (DELAWARE)	73.0	INTRATEX GAS CO
COLLIE (DELAWARE)	12.0	INTRATEX GAS CO
GOLDSMITH N (CLEARFOR	27.0	PHILLIPS PETROLEU
SEMINOLE WEST	21.0	CITIES SERVICE CO
(PENDING)	0.0	EL PASO NATURAL G
COSTA (CLEARFORK LOWE	0.0	PGP GAS PRODUCTS
CROMERA (MORAN)	1.3	WARREN PETROLEUM
THOMAS (ATOKA CONGL)	328.0	LONE STAR GAS CO
LEVELLAND	1.0	CITIES SERVICE GA
LEVELLAND	1.0	CITIES SERVICE GA
SAN ANTONIO BAY W (83	200.8	VALERO TRANSMISSI
MUJERES CREEK	365.0	TRANSCONTINENTAL
PANHANDLE - WEST	14.0	EL PASO NATURAL G
RISCHERS STORE/PETTIT	300.0	LONE STAR GAS CO
SAWYER (CANYON)	120.0	LONE STAR GAS CO
NORTH BUFFALO	480.0	LONE STAR GAS CO
WILDCAT	219.0	LONE STAR GAS CO
SAWYER (CANYON)	120.0	LONE STAR GAS CO
OPELIKA (RODESSA)	124.0	LONE STAR GAS CO
OPELIKA (TRAVIS PEAK)	124.0	LONE STAR GAS CO
HUAT (SPRABERRY)	4.7	PHILLIPS PETROLEU
NAN-SU-GAIL (COTTON V	1714.0	ARMCO STEEL CORP
NAN-SU-GAIL (COTTON V	837.0	ARMCO STEEL CORP
SAND HILLS (MCKNIGHT)	15.0	EL PASO NATURAL G
BORREGOS (ZONE N-11 N	93.0	ARMCO STEEL CORP
RACCOON BEND (COCKFIE	54.7	TEXAS SOUTHEASTER

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320762	F-09-063131	4223734827		103		R L GRAVES #3 RRC#18960	JACK COUNTY REGULAR	200.0	LONE STAR GAS CO
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	02/04/83	JA: TX			
8320626	F-7C-055412	4241331241		103	107-TF	FLORENCE 24-#3	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8320630	F-7C-059924	4241331219		103	107-TF	FLORENCE 29-#3	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8320529	F-7C-060979	4243532811		103	107-TF	FLORENCE 31-#4	PHYLLIS SONORA	610.0	INTRATEX GAS CO
-FRED M NEWMAN INC				RECEIVED:	02/04/83	JA: TX			
8320679	F-08-062548	4237100000		103		UNIVERSITY 10 B #2 #27612	CARDINAL (QUEEN W)	36.0	INTER NORTH INC
-FREMONT ENERGY CORP				RECEIVED:	02/04/83	JA: TX			
8320776	F-04-063164	4247933006		107-TF		ROSA DE BENAVIDES #27 RRC ID#098327	LA CRUZ (OLMOS)	60.0	LONE STAR GAS CO
8320774	F-04-063162	4247933064		107-TF		ROSA DE BENAVIDES #30 RRC ID#098328	LA CRUZ (OLMOS)	60.0	LONE STAR GAS CO
8320775	F-04-063163	4247933070		107-TF		ROSA DE BENAVIDES #31 RRC ID#098329	LA CRUZ (OLMOS)	60.0	LONE STAR GAS CO
-GETTY OIL COMPANY				RECEIVED:	02/04/83	JA: TX			
8320742	F-8A-063042	4216500000		108		GMK (SAN ANDRES) UNIT #503	SAN ANDRES	1.0	PHILLIPS PETROLEU
-GHR ENERGY CORP				RECEIVED:	02/04/83	JA: TX			
8320667	F-04-059377	4247932819		102-4	107-TF	BRUNI RANCH #5	BRUNI RANCH (8200) PR	200.0	VALERO TRANSMISSI
8320663	F-04-059133	4247933124		102-4	107-TF	CARR #7	CARR (LOBO)	150.0	VALERO TRANSMISSI
8320565	F-04-061635	4247933400		102-4	107-TF	LECHENGER #6	SAMUELS (LOBO)	200.0	NATURAL GAS PIPEL
8320512	F-04-060090	4250531531		102-4		PORRAS GAS UNIT #1	CHARCO (9400)	1000.0	VALERO TRANSMISSI
8320545	F-04-061445	4247933348		102-4	107-TF	STATE MINERAL FEE #1	CARR (LOBO 8700)	750.0	TRANSCONTINENTAL
8320546	F-04-061450	4250531547		102-4	107-TF	TREVINO #3	FRANCISCO (LOBO 8200)	250.0	NATURAL GAS PIPEL
-GREAT WEST ENERGY INC				RECEIVED:	02/04/83	JA: TX			
8320645	F-09-057259	4207732669		103		DALTON #1	BUFFALO SPRINGS	54.0	TEXAS UTILITIES F
-GROTHE BROTHERS				RECEIVED:	02/04/83	JA: TX			
8320574	F-7B-061803	4241734816		102-4		W C ALLEN #2	BIRTHDAY (MORAN)	40.0	
8320676	F-7B-062581	4241734828		102-4		W C ALLEN #3 (19063)	BIRTHDAY (MORAN)	44.0	LONE STAR GAS CO
-GULF OIL CORPORATION				RECEIVED:	02/04/83	JA: TX			
8320655	F-08-058325	4213501270		108		C A GOLDSMITH #900	LAWSON SAN ANDRES	1.6	PHILLIPS PETROLEU
8320654	F-08-058323	4213501332		108		C A GOLDSMITH #963	LAWSON SAN ANDRES	3.2	PHILLIPS PETROLEU
8320700	F-10-062947	4223300000		108		CHRISTIAN G P C FEE /C/ #3	PANHANDLE HUTCHINSON	1.0	PHILLIPS PETROLEU
8320746	F-08-063059	4246110102		108		J T MCELROY CONSOLIDATED #620	MCELROY	12.7	PHILLIPS PETROLEU
8320604	F-10-07534	4239300000		108-ER		JOHN HAGGARD #10	QUINDUNO	1.0	NATURAL GAS PIPEL
8320701	F-10-062948	4239330182		108		OSBORNE #1-37	SHREIKY (MORROW)	0.5	TRANSWESTERN PIPE
8320705	F-01-062963	4229531212		103		PEARL WHEAT #3-765	PEERY (CLEVELAND) CLE	0.0	PHILLIPS PETROLEU
8320747	F-7C-063061	4210503534		108		STATE IT #3	FARMER (SAN ANDRES)	37.0	J L DAVIS
8320749	F-7C-063064	4210501042		108		STATE IT #4	FARMER (SAN ANDRES)	34.0	J L DAVIS
8320748	F-7C-063062	4210501040		108		STATE IT WELL #2	FARMER (SAN ANDRES)	16.7	J L DAVIS
8320769	F-03-063154	4215730946		103		T R BOOTH #25	THOMPSON	78.9	UNITED TEXAS TRAN
8320590	F-10-062153	4219500000		108		W B BARNES #1	HANSFORD MORROW UPPER	5.0	INTER NORTH INC
-H L R INC				RECEIVED:	02/04/83	JA: TX			
8320688	F-7B-062789	4204900000		103		J W PHILLIPS #5	J S LEWIS (MARBLE FAL	12.0	SIOUX PIPELINE CO
8320686	F-7B-062750	4204900000		103		J W PHILLIPS #6	J S LEWIS (MARBLE FAL	12.0	SIOUX PIPELINE CO
-HAL FRANKLIN OPERATING				RECEIVED:	02/04/83	JA: TX			
8320557	F-09-061593	4250336270		102-4		EDDLEMAN #4	JOHNSON (800)	54.0	PYRON EXPLORATION
-HANOVER MANAGEMENT CO				RECEIVED:	02/04/83	JA: TX			
8320606	F-09-037616	4249732100		102-4		CRYSTELLE WAGGONER #2	PROPOSED-DECATUR (STR	275.0	NATURAL GAS PIPEL
-HARRY E NELSON				RECEIVED:	02/04/83	JA: TX			
8320570	F-03-061698	4233930398		108		J W WOODS UNIT #3	WILLIS WEST	18.0	MORGAS CO
-HILL JOHN H				RECEIVED:	02/04/83	JA: TX			
8320673	F-7C-059968	4243532749		103	107-TF	HILL - E S MAYER JR F-1	SAWYER (CANYON)	419.8	LONE STAR GAS CO
8320672	F-7C-059967	4243532720		103	107-TF	HILL-EDWIN S MAYER JR #1 D-1	SAWYER (CANYON)	730.0	LONE STAR GAS CO
8320674	F-7C-059969	4243532719		103	107-TF	HILL-EDWIN S MAYER JR #1 G-1	SAWYER (CANYON)	328.5	LONE STAR GAS CO
8320526	F-7C-060879	4243532784		103	107-TF	HILL-EDWIN S MAYER JR #1 WELL #I-1	SAWYER (CANYON)	759.2	LONE STAR GAS CO
8320524	F-7C-060876	4243532817		103	107-TF	HILL-EDWIN S MAYER JR "Q" WELL #Q-1	SAWYER (CANYON)	949.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
							SAWYER (CANYON)	496.4	LONE STAR GAS CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320527	F-7C-060880	4243532783		103	107-TF	HILL-EDWIN S MAYER JR "V-1"
8320523	F-7C-060874	4243532785		103	107-TF	HILL-EDWIN S MAYER JR U-1
8320522	F-7C-060873	4243532782		103	107-TF	HILL-EDWIN S MAYER 1 WELL #E-1
8320671	F-7C-059966	4243532745		103	107-TF	HILL-ES MAYER JR #1C-1
8320525	F-7C-060877	4243532724		103	107-TF	HILL-MAY M RAY "D" #1
8320521	F-7C-060872	4243532746		103	107-TF	HILL-MAY M RAY C-1
8320520	F-7C-060871	4243532723		103	107-TF	HILL-MAY MCRAY B-1
				RECEIVED:	02/04/83	JA: TX
-HNG OIL COMPANY						
8320571	F-7C-061725	4243500000		103	107-TF	FIELDS "19" #5
8320550	F-7C-061559	4243500000		103	107-TF	FIELDS "20" #5
				RECEIVED:	02/04/83	JA: TX
-HOUSTON OIL & MINERALS CORPORATION						
8320617	F-03-052832	4207131027		102-4		STATE TRACT 299 WELL #3
				RECEIVED:	02/04/83	JA: TX
-INTERNATIONAL OIL & GAS CORP						
8320514	F-7C-060304	4210534014		102-4		L B COX JR #4
				RECEIVED:	02/04/83	JA: TX
-INTERNORTH INC						
8320659	F-10-058745	4221100000		103		LOCKHART "B" 38 #1
				RECEIVED:	02/04/83	JA: TX
-J B HERRMANN						
8320702	F-10-062959	4223331465		103		CHAIN "C" #1
				RECEIVED:	02/04/83	JA: TX
-JAH INC						
8320666	F-04-059374	4240931566		102-4		J H DRUMMOND HEIRS WELL #1
				RECEIVED:	02/04/83	JA: TX
-JAMES EDWARD HAYNES JR						
8320639	F-7B-056837	4204932621		102-4		HAYNES #3
				RECEIVED:	02/04/83	JA: TX
-JAMES K ANDERSON INC						
8320599	F-7B-062388	4244132206		102-4		PERINI #2
				RECEIVED:	02/04/83	JA: TX
-JOHN L COX						
8320647	F-08-057377	4231700000		103		SPRINGER B #2 (RRC#21994)
				RECEIVED:	02/04/83	JA: TX
-JONES CO						
8320600	F-7B-062401	4241700000		102-4		SANDERS "1564" #1 (18965)
8320706	F-7B-062965	4241734850		102-4		SANDERS "1564" #5 (18966)
8320711	F-7B-062970	4241734844		102-4		SANDERS "1564" #6 (18966)
8320707	F-7B-062966	4241734624		102-4		SNYDER "28A" #1 (18868)
8320708	F-7B-062967	4241734305		102-4		SNYDER "32A" #1 (18235)
8320710	F-7B-062969	4241734346		102-4		SNYDER "32A" #2 (18235)
8320709	F-7B-062968	4241734556		102-4		SNYDER "32B" #1 (18558)
-K L H OIL & GAS INC						
8320513	F-7B-060281	4204933280		RECEIVED:	02/04/83	JA: TX
-KEITH D GRAHAM				102-4		TABER RANCH #104
8320572	F-03-061794	4204130826		RECEIVED:	02/04/83	JA: TX
-KENNEDY & MITCHELL INC				102-2		LOCKE UNIT "A" #1
8320611	F-10-047871	4229530752		RECEIVED:	02/04/83	JA: TX
-LAMBERT HOLLUB DRILLING CO				102-4		EMPORIA #29-483
8320603	F-03-062490	4205132339		RECEIVED:	02/04/83	JA: TX
8320578	F-03-062003	4205132326		103		BALSINGER #1
8320602	F-03-062489	4205132337		103		HOTT UNIT #1
-LAYTON ENTERPRISES INC				103		HOTT UNIT #2
8320761	F-8A-063126	4207931603		RECEIVED:	02/04/83	JA: TX
-LEWIS B BURLESON				103		REED WRIGHT #B-7
8320612	F-08-049119	4237132985		RECEIVED:	02/04/83	JA: TX
-LEWIS PRODUCTION CO INC				108		SIBLEY #1
8320730	F-7B-063014	4208330712		RECEIVED:	02/04/83	JA: TX
-LYONS PETROLEUM INC				103		J C PAXTON #2 RRC #070615
8320558	F-09-061597	4204130777		RECEIVED:	02/04/83	JA: TX
-MALOUF ABRAHAM CO INC.				102-2 103		LYONS FEE UNIT II WELL #1
				RECEIVED:	02/04/83	JA: TX

FIELD NAME	PROD	PURCHASER
SAWYER (CANYON)	496.4	LONE STAR GAS CO
SAWYER (CANYON)	525.6	LONE STAR GAS CO
SAWYER (CANYON)	511.0	LONE STAR GAS CO
SAWYER (CANYON)	357.7	LONE STAR GAS CO
ALDWELL RANCH (CANYON	226.3	LONE STAR GAS CO
ALDWELL RANCH (CANYON	204.4	LONE STAR GAS CO
HILL-MAY M RAY "B" #1	153.3	LONE STAR GAS COM
SAWYER (CANYON)	100.0	INTRATEX GAS CO
SAWYER (CANYON)	180.0	INTRATEX GAS CO
SOUTH SHIPCHANNEL F-3	0.0	UNITED TEXAS TRAN
DUDLEY EAST (DEVONIAN	76.0	INTRASTATE GATHER
FELDMAN (TONKAWA)	15.3	INTERNORTH INC
PANHANDLE FIELD	21.0	
WEBB (9350') FIELD	90.0	UNITED GAS PIPELI
HAYNES (CROSS CUT)	11.9	ODESSA NATURAL CO
LAKE ABILENE (4000)	18.0	UNION TEXAS PETRO
SPRABERRY (TREND AREA	10.0	NORTHERN GAS PROD
CROMERA (MORAN)	1.0	WARREN PETROLEUM
CROMERA (MORAN)	1.0	WARREN PETROLEUM
CROMERA (MORAN)	1.0	WARREN PETROLEUM
TACKETT (ELLEN)	9.0	DELHI GAS PIPELIN
JONES SNYDER (MISSISS	33.0	DELHI GAS PIPELIN
JONES SNYDER (MISSISS	57.0	DELHI GAS PIPELIN
JONES SNYDER (MISSISS	58.0	DELHI GAS PIPELIN
KAY (CADDO)	148.0	EL PASO HYDROCARB
KURTEN (WOODBINE)	111.3	FERGUSON CROSSING
CUBURN (LOWER MORROW)	180.0	INTER NORTH INC
HOOKER CREEK (NAVARRO	0.3	
WILLARD (NAVARRO)	0.3	
WILLARD (NAVARRO)	0.3	
LEVELLAND	8.9	CITIES SERVICE CO
FOUR C UPPER CLEARFOR	6.0	EL PASO NATURAL G
COLEMAN COUNTY REGULA	65.0	EL PASO HYDROCARB
BRYAN (WOODBINE)	98.0	FERGUSON CROSSING

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320544	F-7C-061444	4229531200		102-4		BUSSARD-CAMERON #1	BUSSARD (UPPER MORROW	0.0	TRANSWESTERN P/L
-MARSHALL EXPLORATION INC				RECEIVED:	02/04/83	JA: TX			
8320613	F-06-049940	4241930364		103	107-TF	LOCKE #2	CARLILE & HOWELL (11,	200.0	UNITED GAS PIPELI
8320636	F-06-056496	4236531455		102-4		MAIZIE LYNCH J4	WILDCAT (PALUXY)	110.0	TENNESSEE GAS PIP
-MAY PETROLEUM INC				RECEIVED:	02/04/83	JA: TX			
8320543	F-7C-061440	4238332231		103		ROCKER "B" 41-2	SPRABERRY (TREND AREA	36.5	INTER NORTH INC
-MGF OIL CORP				RECEIVED:	02/04/83	JA: TX			
8320575	F-08-061869	4232931081		103		J T SANDERS #1	SWEETIE PECK (WOLFCAM	16.2	
-MHW INC				RECEIVED:	02/04/83	JA: TX			
8320661	F-7B-058956	4213333912		102-4		CHOATE #8	WILDCAT	73.0	LONE STAR GAS CO
-MID-AMERICA PETROLEUM INC				RECEIVED:	02/04/83	JA: TX			
8320744	F-7C-063046	4238332167		103		DIXON #5	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
8320743	F-7C-063045	4238332166		103		DIXON #6	SPRABERRY (TREND AREA	17.0	INTER NORTH INC
8320757	F-7C-063106	4238332083		103		DIXON "A" #4	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
8320728	F-7C-063005	4238332266		103		JIM DIXON #5	SPRABERRY (TREND AREA	8.0	INTERNORTH INC
8320759	F-7C-063108	4238332162		103		TALLEY "B" #4	SPRABERRY (TREND AREA	13.0	INTER NORTH INC
8320758	F-7C-063107	4238332161		103		TALLEY "B" #5	SPRABERRY (TREND AREA	14.0	INTER NORTH INC
-MILES PRODUCTION CO				RECEIVED:	02/04/83	JA: TX			
8320714	F-09-062977	4223734551		102-4		M P MOEFLE #7 22059	ANTELOPE S E (MARBLE	14.0	SOUTHWESTERN GAS
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/04/83	JA: TX			
8320549	F-09-061553	4249700000		108		B E ADAMS #1 #15087	BRIDGEPORT NORTH (ATO	8.7	NATURAL GAS PIPEL
8320616	F-09-052421	4249732374		103		CONTINENTAL B FLOWERS #2	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8320515	F-09-060387	4249700000		103		DEAVER (CADDO CONGL UNIT) #6-6	DEAVER (CADDO CONGLOM	788.0	NATURAL GAS PIPEL
8320719	F-09-062984	4223700000		108		J R HALSELL #2 #021186	ARCO (CONGLOMERATE)	0.0	SOUTHWESTERN GAS
8320637	F-09-056799	4223733873		103		JACK GRACE RANCH #7	TIPTON (ATOKA CONGLOM	109.0	NATURAL GAS PIPEL
8320588	F-09-062061	4223734662		105		LINDSEY RANCH #11	KRAMBERGER (ATOKA CON	20.7	SOUTHWESTERN GAS
8320670	F-09-059641	4249700000		108		S F PEEKS #3 #053654	BOONSVILLE (BEND CONG	13.8	NATURAL GAS PIPEL
8320664	F-05-059255	4239530275		103	107-TF	T W WHALEY UNIT #1	BALD PRAIRIE (COTTON	274.0	UNITED TEXAS TRAN
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	02/04/83	JA: TX			
8320746	F-8A-063144	4216532396		103		RUSSELL (7000 CLEARFORK) UNIT #230	RUSSELL (7000 CLEAR F	7.3	PIONEER NATURAL G
8320747	F-08-063145	4200333235		103		SHAFTER LAKE SAN ANDRES UNIT #300	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
-MOLE OPERATING COMPANY INC				RECEIVED:	02/04/83	JA: TX			
8320733	F-7B-063019	4222100000		108		HALBERT 1E	LIPAN (STRAWN)	10.8	TEXAS UTILITIES F
8320732	F-7B-063018	4222100000		108		HALBERT 2E	LIPAN (STRAWN)	13.2	TEXAS UTILITIES F
8320731	F-7B-063017	4222100000		108		HOOPER #3E	LIPAN (STRAWN)	8.4	TEXAS UTILITIES F
8320734	F-7B-063022	4222100000		108		MORRISON 1-L	MCINTOSH (STRAWN)	6.6	WARREN PETROLEUM
8320736	F-01-063025	4250700000		108		PRYOR-BOX #3	NETA (BRACERO)	10.5	VALERO TRANSMISSI
8320735	F-08-063024	4237100000		108		SKUA #1	HORSEHEAD CROSSING (C	0.0	INTER NORTH INC
-MONSANTO OIL CO				RECEIVED:	02/04/83	JA: TX			
8320687	F-08-062775	4231732391		103		UNIVERSITY MAK 6-44 #1	M A K (SPRAYBERRY)	18.0	PHILLIPS PETROLEU
-MORGAS				RECEIVED:	02/04/83	JA: TX			
8320681	F-10-062627	4248300000		103		MORGAN #1 099269	PANHANDLE EAST	48.0	TRANSWESTERN PIPE
-NATIONAL OIL COMPANY				RECEIVED:	02/04/83	JA: TX			
8320632	F-04-056355	4213135827		102-2		DUVAL COUNTY RANCH CO #1	LOPEZ NW (WILCOX)	275.0	
-NEWTON OIL & GAS CORP				RECEIVED:	02/04/83	JA: TX			
8320620	F-04-053837	4247900000		103	107-TF	P LAFOX EXPLORATION CO A #1	LAS TIENDAS (OLMOS)	0.0	LONE STAR GAS CO
-NORTH AMERICAN EXPLORATION CO.				RECEIVED:	02/04/83	JA: TX			
8320754	F-7B-063090	4244100000		103		BLACKWOOD #1	TAYLOR COUNTY REGULAR	73.0	FORT CHADBOURNE C
-NORTH STAR PETROLEUM CORPORATION				RECEIVED:	02/04/83	JA: TX			
8320718	F-10-062982	4223300000		108		HENDERSON HERRING #1 (023815)	WEST PANHANDLE	13.0	PANHANDLE PRODUCI
8320610	F-10-047739	4223300000		103		SKELLY-MERCHANT #5 (00989)	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-NUGGET OIL CORP				RECEIVED:	02/04/83	JA: TX			
8320695	F-02-062922	4217531638		102-4		GARY HALEPESKA #2	ANDER (1400')	73.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-OIL INC				RECEIVED:	02/04/83	JA: TX			
8320741	F-7C-063042	4238332264		103		DIXON #4	STORM (CANYON SAND)	73.0	VALERO TRANSMISSI
8320742	F-7C-063043	4238332263		103		DIXON #7	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
8320740	F-7C-063041	4238332265		103		DIXON #8	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-OLSEN OIL & GAS CO				RECEIVED:	02/04/83	JA: TX			
8320722	F-7B-063009	4222100000		108		HALBERT 3E	LIPAN (STRAWN)	10.8	TEXAS UTILITIES F
8320723	F-7B-063010	4222100000		108		HALBERT 4E	LIPAN (STRAWN)	13.2	TEXAS UTILITIES F
8320724	F-7B-063011	4222100000		108		HOOPER #2E	LIPAN (STRAWN)	8.4	TEXAS UTILITIES F
-OXY USA INC				RECEIVED:	02/04/83	JA: TX			
8320697	F-7C-062777	4238332168		103		DIXON #3	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PENNZOIL COMPANY				RECEIVED:	02/04/83	JA: TX			
8320726	F-7C-063007	4238332260		103		JIM DIXON #1	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
8320727	F-7C-063008	4238332259		103		JIM DIXON #2	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PETRO-LEWIS CORP				RECEIVED:	02/04/83	JA: TX			
8320729	F-7C-063006	4238332261		103		JIM DIXON #6	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PHILLIPS PETROLEUM CO				RECEIVED:	02/04/83	JA: TX			
8320717	F-10-062981	4223300000		108		HENDERSON HERRING #2 (023815)	WEST PANHANDLE	13.0	PANHANDLE PRODUCI
8320611	F-10-047740	4223300000		103		SKELLY-MERCHANT #6 (00989)	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-PIONEER NATURAL GAS CO				RECEIVED:	02/04/83	JA: TX			
8320748	F-8A-063146	4216532397		103		RUSSELL (7000 CLEARFORK) UNIT #231	RUSSELL (7000 CLEAR F	7.3	PIONEER NATURAL G
8320749	F-08-063147	4200333236		103		SHAFTER LAKE SAN ANDRES UNIT #301	SHAFTER LAKE (SAN AND	0.4	PHILLIPS PETROLEU
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320690	F-7C-062780	4238332170		103		DIXON #1	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
8320691	F-7C-062781	4238332169		103		DIXON #2	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320692	F-7C-062782	4238332171		103		DIXON #9	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320693	F-7C-062783	4238332172		103		DIXON #10	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320694	F-7C-062784	4238332173		103		DIXON #11	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320696	F-7C-062785	4238332174		103		DIXON #12	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320698	F-7C-062786	4238332175		103		DIXON #13	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320699	F-7C-062787	4238332176		103		DIXON #14	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320700	F-7C-062788	4238332177		103		DIXON #15	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320701	F-7C-062789	4238332178		103		DIXON #16	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320702	F-7C-062790	4238332179		103		DIXON #17	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320703	F-7C-062791	4238332180		103		DIXON #18	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320704	F-7C-062792	4238332181		103		DIXON #19	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320705	F-7C-062793	4238332182		103		DIXON #20	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320706	F-7C-062794	4238332183		103		DIXON #21	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320707	F-7C-062795	4238332184		103		DIXON #22	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320708	F-7C-062796	4238332185		103		DIXON #23	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320709	F-7C-062797	4238332186		103		DIXON #24	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320710	F-7C-062798	4238332187		103		DIXON #25	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320711	F-7C-062799	4238332188		103		DIXON #26	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320712	F-7C-062800	4238332189		103		DIXON #27	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320713	F-7C-062801	4238332190		103		DIXON #28	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320715	F-7C-062802	4238332191		103		DIXON #29	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320716	F-7C-062803	4238332192		103		DIXON #30	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320725	F-7C-063004	4238332193		103		DIXON #31	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320730	F-7C-063012	4238332194		103		DIXON #32	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320738	F-7C-063026	4238332195		103		DIXON #33	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320739	F-7C-063027	4238332196		103		DIXON #34	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320750	F-7C-063028	4238332197		103		DIXON #35	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320751	F-7C-063029	4238332198		103		DIXON #36	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320752	F-7C-063030	4238332199		103		DIXON #37	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320753	F-7C-063031	4238332200		103		DIXON #38	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320755	F-7C-063032	4238332201		103		DIXON #39	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320756	F-7C-063033	4238332202		103		DIXON #40	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320760	F-7C-063034	4238332203		103		DIXON #41	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320761	F-7C-063035	4238332204		103		DIXON #42	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320762	F-7C-063036	4238332205		103		DIXON #43	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320763	F-7C-063037	4238332206		103		DIXON #44	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320764	F-7C-063038	4238332207		103		DIXON #45	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320765	F-7C-063039	4238332208		103		DIXON #46	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320766	F-7C-063040	4238332209		103		DIXON #47	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320767	F-7C-063041	4238332210		103		DIXON #48	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320768	F-7C-063042	4238332211		103		DIXON #49	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320769	F-7C-063043	4238332212		103		DIXON #50	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320770	F-7C-063044	4238332213		103		DIXON #51	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320771	F-7C-063045	4238332214		103		DIXON #52	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320772	F-7C-063046	4238332215		103		DIXON #53	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320773	F-7C-063047	4238332216		103		DIXON #54	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320774	F-7C-063048	4238332217		103		DIXON #55	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320775	F-7C-063049	4238332218		103		DIXON #56	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320776	F-7C-063050	4238332219		103		DIXON #57	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320777	F-7C-063051	4238332220		103		DIXON #58	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320778	F-7C-063052	4238332221		103		DIXON #59	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320779	F-7C-063053	4238332222		103		DIXON #60	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320780	F-7C-063054	4238332223		103		DIXON #61	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320781	F-7C-063055	4238332224		103		DIXON #62	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320782	F-7C-063056	4238332225		103		DIXON #63	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320783	F-7C-063057	4238332226		103		DIXON #64	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320784	F-7C-063058	4238332227		103		DIXON #65	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320785	F-7C-063059	4238332228		103		DIXON #66	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320786	F-7C-063060	4238332229		103		DIXON #67	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320787	F-7C-063061	4238332230		103		DIXON #68	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320788	F-7C-063062	4238332231		103		DIXON #69	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320789	F-7C-063063	4238332232		103		DIXON #70	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320790	F-7C-063064	4238332233		103		DIXON #71	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320791	F-7C-063065	4238332234		103		DIXON #72	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320792	F-7C-063066	4238332235		103		DIXON #73	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320793	F-7C-063067	4238332236		103		DIXON #74	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320794	F-7C-063068	4238332237		103		DIXON #75	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320795	F-7C-063069	4238332238		103		DIXON #76	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320796	F-7C-063070	4238332239		103		DIXON #77	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320797	F-7C-063071	4238332240		103		DIXON #78	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320798	F-7C-063072	4238332241		103		DIXON #79	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320799	F-7C-063073	4238332242		103		DIXON #80	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320800	F-7C-063074	4238332243		103		DIXON #81	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320801	F-7C-063075	4238332244		103		DIXON #82	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320802	F-7C-063076	4238332245		103		DIXON #83	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320803	F-7C-063077	4238332246		103		DIXON #84	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320804	F-7C-063078	4238332247		103		DIXON #85	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320805	F-7C-063079	4238332248		103		DIXON #86	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320806	F-7C-063080	4238332249		103		DIXON #87	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320807	F-7C-063081	4238332250		103		DIXON #88	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320808	F-7C-063082	4238332251		103		DIXON #89	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320809	F-7C-063083	4238332252		103		DIXON #90	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320810	F-7C-063084	4238332253		103		DIXON #91	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320811	F-7C-063085	4238332254		103		DIXON #92	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320812	F-7C-063086	4238332255		103		DIXON #93	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320813	F-7C-063087	4238332256		103		DIXON #94	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320814	F-7C-063088	4238332257		103		DIXON #95	SPRABERRY (TREND AREA	16.0	INTER NORTH INC
-PRIDE OIL & GAS PROPERTY INC				RECEIVED:	02/04/83	JA: TX			
8320815	F-7C-063089	4238332258		103		DIX

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
				RECEIVED:	02/04/83	JA: TX
-OJB INC			103			107-TF DOROTHY PIERCE 801
8320628	F-7C-055719	4210534029		RECEIVED:	02/04/83	JA: TX
-PARKER & PARSLEY INC			103			HOUPT #1
8320539	F-08-061340	4232931029		RECEIVED:	02/04/83	JA: TX
-PENNZOIL PRODUCING COMPANY			103			107-TF DUNLAP UNIT #2
8320569	F-06-061694	4236531460		RECEIVED:	02/04/83	JA: TX
-PETRO-LEWIS CORPORATION			103			CLEMENS #2
8320694	F-06-062912	4245900000		RECEIVED:	02/04/83	JA: TX
-PETROLEUM EQUITIES CORP			103			107-TF VANDERSTUCKEN #10
8320554	F-7C-061585	4243532831	103			107-TF VANDERSTUCKEN #11
8320553	F-7C-061584	4243532830	103			107-TF VANDERSTUCKEN #5-A
8320556	F-7C-061587	4243532832	103			107-TF VANDERSTUCKEN #6-A
8320555	F-7C-061586	4243532839	103			
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/04/83	JA: TX
8320725	F-08-062999	4200304499	108			(02123) BUM-A #8
8320771	F-08-063159	4213503764	108			(18713) GOLDSMITH ADOBE UNIT #17-03
8320648	F-01-057508	4246530402	103			CAUTHORN A#2
8320760	F-10-063124	4217900000	108			DOSS #4
8320595	F-08-062304	4249531495	103			ERNEST #6
8320764	F-08-063139	4213503817	108			GOLDSMITH ADOBE UNIT #24-01 (18713)
8320704	F-08-062961	4213500151	108			GOLDSMITH ANDECTOR UNIT #A-11 (211*
8320703	F-08-062960	4213520216	108			GS ANDECTOR UNIT #E-11
8320752	F-10-063082	4219500000	108			LANA #1
8320772	F-08-063160	4213506533	108			NORTH PENWELL UNIT #79 (21556)
8320726	F-08-063000	4237103785	108			ODOM-O #2 (20644)
8320753	F-10-063083	4217900000	108			PHIL-PAMPA #8-06
8320777	F-10-063165	4217900000	108			PHIL-PAMPA 17-2
8320779	F-10-063167	4217900000	108			PHIL-PAMPA 7-13
8320778	F-10-063166	4217900000	108			PHIL-PAMPA 8-6
8320773	F-8A-063161	4200300646	108			WEST JO-MILL UNIT #2-01 (61062)
-POGO PRODUCING COMPANY				RECEIVED:	02/04/83	JA: TX
8320669	F-10-059603	4221100000	107-DP			MCFATTER #1-78
8320629	F-10-055764	4221131252	107-DP			MCFATTER #4-59
-PRODUCTION LEASE SERVICE INC				RECEIVED:	02/04/83	JA: TX
8320579	F-7C-062004	4243532849	103			107-TF WEST - ANDERSON #2
-PYRON EXPLORATION & DRILLING CORP				RECEIVED:	02/04/83	JA: TX
8320631	F-09-056291	4250333896	102-4			DEATS #1
-R & L PRODUCING CO INC				RECEIVED:	02/04/83	JA: TX
8320677	F-7B-062571	4204932770	108			HICKMAN #2
-R E KIBBE				RECEIVED:	02/04/83	JA: TX
8320596	F-04-062322	4224900000	108			ISHAM #3
-RETAMA OIL CORP				RECEIVED:	02/04/83	JA: TX
8320642	F-01-056968	4250731531	102-4			HAMMOND ADA
-RICHARD B BERRY				RECEIVED:	02/04/83	JA: TX
8320646	F-7B-057348	4242900000	103			PRITCHARD NO 2(API#4242933253
-ROBERT P LAMMERTS				RECEIVED:	02/04/83	JA: TX
8320532	F-03-061056	4204100000	102-2			DOOLEY #2
-ROMAC OIL CO INC				RECEIVED:	02/04/83	JA: TX
8320577	F-7B-061997	4244700000	102-4			MCKNIGHT "19" #1
-ROY R GARDNER				RECEIVED:	02/04/83	JA: TX
8320624	F-03-055207	4208900000	102-4			GEISE UNIT #1
8320625	F-03-055208	4208900000	102-4			ROSS UNIT #1
-SAGE ENERGY CO				RECEIVED:	02/04/83	JA: TX

FIELD NAME	PROD	PURCHASER
OZONA (CANYON SAND)	73.0	VALERO TRANSMISSI
SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
CARTHAGE/COTTON VALLE	400.0	UNITED GAS PIPE L
GILMER	339.5	WESTERN GAS CORP
SAWYER (CANYON)	135.0	LONE STAR GAS CO
SAWYER (CANYON)	124.0	LONE STAR GAS CO
SAWYER (CANYON)	115.0	LONE STAR GAS CO
SAWYER (CANYON)	71.0	LONE STAR GAS CO
GOLDSMITH (CLEARFORK)	19.0	EL PASO NATURAL G
GOLDSMITH (5600')	1.0	EL PASO NATURAL G
VINEGARONE/STRAWN	1114.0	INTER NORTH INC
PANHANDLE GRAY	0.0	
KEYSTONE (CLEARFORK)	3.0	SID RICHARDSON GA
GOLDSMITH (5600')	1.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	14.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	14.0	EL PASO NATURAL G
TEXAS HUGOTON - DOLOH	0.0	PANHANDLE EASTERN
PENWELL	4.0	EL PASO NATURAL G
PUCKETT (ELLENBURGER)	15.0	INTERNORTH INC
PANHANDLE GRAY COUNTY	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	GETTY OIL CO
PANHANDLE GRAY	0.0	GETTY OIL CO
JO-MILL (SPRABERRY)	1.0	GETTY OIL CO
JUBILEE	1825.0	TRANSWESTERN PIPE
JUBILEE (MERAMAC)	730.0	TRANSWESTERN PIPE
INTERSTATE (CANYON)	48.0	PRODUCERS GAS CO
DAKIN (CONGLOMERATE)	10.0	SOUTHWESTERN GAS
BROWN COUNTY REGULAR	2.7	EL PASO HYDROCARB
PREMONT (SINGER 3100)	7.3	TRUNKLINE GAS CO
HAMMOND (OLMOS 5)	60.0	VALERO TRANSMISSI
STEPHENS COUNTY REGUL	1.8	LONE STAR GAS CO
KURTEN (WOODBINE)	0.0	FERGUSON CROSSING
ROC (TANNEHILL)	35.0	GREAT WESTERN GAS
FRANK (WILCOX O) (PRO	0.0	TEXAS EASTERN TRA
FRANK (WILCOX O) (PRO	0.0	TEXAS EASTERN TRA

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320638	F-09-056832	4205100000		102-2		ASH UNIT #N-1 RRC#
8320576	F-03-061936	4214931419		102-2		DANFORTH #1 RRC #16137
8320516	F-03-060597	4214900000		102-2		MARTINEZ #A-1
-SCANDRILL INC				RECEIVED:	02/04/83	JA: TX
8320634	F-09-056472	4223734456		102-4 103		DUERSON #7
8320651	F-09-058201	4223734538		102-4 103		H J RICHARDS "A" #1
8320635	F-09-056474	4250335620		103		PEARL T KURK #32
8320633	F-7B-056469	4244733139		102-4 103		PUTNAM #27
8320605	F-7B-036867	4244732636		102-2 103		PUTNAM "A" #8
8320678	F-09-062569	4250335371		102-4		SCAN-KING "E" #1
-SEELY OIL CO				RECEIVED:	02/04/83	JA: TX
8320528	F-09-060953	4249732310		103		HAMPTON #2 099446
8320619	F-09-053747	4249732293		103		WHORTON #2
-SHELL OIL CO				RECEIVED:	02/04/83	JA: TX
8320720	F-8A-062985	4250132037		103		DENVER UNIT #3747
-SMITH PETROLEUM CO				RECEIVED:	02/04/83	JA: TX
8320623	F-03-054780	4218530313		102-4		SELECTED LANDS 18 #2
-SOHIO PETROLEUM CO				RECEIVED:	02/04/83	JA: TX
8320765	F-7C-063143	4217331334		103		M V BRYANS "B" #6
-SOJOURNER DRILLING CORP				RECEIVED:	02/04/83	JA: TX
8320741	F-7B-063039	4241734743		102-4		WALKER-BUCKLER #2-A (102463)
-SPOOL OIL CO				RECEIVED:	02/04/83	JA: TX
8320564	F-10-061631	4223300000		108		TARBOX #2
8320563	F-10-061629	4223300000		108		TARBOX #4
8320562	F-10-061626	4223300000		108		WHITTENBURG "C" #1
8320561	F-10-061625	4223300000		108		WHITTENBURG "C" #4
8320560	F-10-061624	4223300000		108		WHITTENBURG "C" #5
8320559	F-10-061623	4223300000		108		WHITTENBURG "C" #8
-SUGARBERRY OIL & GAS CORP				RECEIVED:	02/04/83	JA: TX
8320537	F-7C-061329	4241331220		103	107-TF	LUX #2
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/04/83	JA: TX
8320552	F-10-061571	4212731180		103		BIG WELLS (SAN MIGUEL) UNIT #9-5
8320739	F-08-063034	4213533976		103		O B HOLT A/C-2 #22
8320680	F-8A-062508	4221933504		103		SOUTHEAST LEVELLAND UNIT #279
8320737	F-8A-063032	4221933497		103		SOUTHEAST LEVELLAND UNIT #294
8320597	F-08-062331	4233532017		103		STUBBLEFIELD-MCCABE UNIT "A" #1
8320738	F-8A-063033	4207931587		103		WRIGHT UNIT #2-5
-SUPERIOR OIL CO				RECEIVED:	02/04/83	JA: TX
8320656	F-02-058480	4253164600		102-2 103		GRANBERRY M M #1
8320657	F-03-058481	4205132314		102-2 103		ZWERNEMANN UNIT #1 WELL #1
-TARTAN OIL & GAS				RECEIVED:	02/04/83	JA: TX
8320530	F-03-061010	4215700000		102-4		FOSTER FARMS #4
-TAYLOR BROTHERS OIL CO				RECEIVED:	02/04/83	JA: TX
8320713	F-10-062976	4234130794		103		DOTTIE #5
8320712	F-10-062975	4234130851		103		MITCH & MITZIE "A" #14
-TAYLOR GORDON				RECEIVED:	02/04/83	JA: TX
8320745	F-10-063057	4234130758		103		BRANDON #1
-TENNECO OIL COMPANY				RECEIVED:	02/04/83	JA: TX
8320716	F-8A-062979	4216531844		103		BRANCH C #2
8320640	F-7C-056948	4210533943		103		MITCHELL 102-1X
-TEXACO INC				RECEIVED:	02/04/83	JA: TX
8320592	F-10-062249	4206500000		108		E COOPER UNIT #3017
8320727	F-10-063001	4217900000		108		H THUT #6

FIELD NAME	PROD	PURCHASER
BIG "A" TAYLOR	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	36.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
CHAWN (STRAWN)	36.5	LONE STAR GAS CO
SHAR-PAT (CONGL)	511.0	LONE STAR GAS CO
YOUNG COUNTY REGULAR	7.3	SUN GAS TRANSMISS
THROCKMORTON COUNTY R	18.2	THROCKMORTON GAS
RICHARDS RANCH (MISSI	0.0	THROCKMORTON GAS
WOODWARD RANCH (STRAW	14.6	J H TAYLOR GAS CO
BOONSVILLE (BEND CONG	3.5	LONE STAR GAS CO
BOONESVILLE (BEND CON	266.5	NATURAL GAS PIPEL
WASSON	0.4	SHELL OIL CO
IOLA (SUBCLARKSVILLE)	1000.0	WELLHEAD VENTURES
CALVIN (DEAN)	22.6	EL PASO NATURAL G
ROCKWELL (GARDNER)	57.0	DELHI GAS PIPELIN
PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.2	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
VELREX (HENDERSON UPP	21.2	CRA INC
BIG WELLS (SAN MIGUEL	16.0	HOUSTON PIPE LINE
COWDEN NORTH	7.0	AMOCO PRODUCTION
LEVELLAND	6.0	AMOCO PRODUCTION
LEVELLAND	8.0	AMOCO PRODUCTION
JAMESON NORTH	12.0	AMERADA HESS CORP
LEVELLAND	17.0	CITIES SERVICE CO
SWEET HOME (EDWARDS)	0.0	
GIDDINGS (AUSTIN CHAL	0.0	
ROSENBERG NORTH (4340	180.0	
PANHANDLE MOORE COUNT	6.0	PHILLIPS PETROLEU
PANHANDLE MOORE COUNT	6.0	PHILLIPS PETROLEU
PANHANDLE MOORE COUNT	32.0	DIAMOND SHAMROCK
ROBERTSON N (CLEARFOR	0.0	
J M	0.0	EL PASO NATURAL G
PANHANDLE CARSON COUN	0.7	GETTY OIL CO
PANHANDLE GRAY COUNTY	1.6	COLTEXO CORP

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320731	F-10-063000	4217900000		108		H THUT #7
8320729	F-10-062998	4217900000		108		H THUT #8
8320730	F-10-062999	4217900000		108		H THUT #9
-TEXAS OIL & GAS CORP				RECEIVED:	02/04/83	JA: TX
8320626	F-03-060599	4214900000		102-2		MARTINEZ #A-2
-TEXAS PACIFIC OIL CO INC				RECEIVED:	02/04/83	JA: TX
8320622	F-03-060598	4214900000		102-2		MARTINEZ #A-3
-TEXLAND PETROLEUM INC				RECEIVED:	02/04/83	JA: TX
8320625	F-03-060600	4214900000		102-2		MARTINEZ #A-4
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320624	F-03-060601	4214900000		102-2		MARTINEZ #A-5
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320627	F-03-060602	4214900000		102-2		MARTINEZ #A-6
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320628	F-03-060603	4214900000		102-2		MARTINEZ #A-7
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320629	F-03-060604	4214900000		102-2		MARTINEZ #A-8
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320630	F-03-060605	4214900000		102-2		MARTINEZ #A-9
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320631	F-03-060606	4214900000		102-2		MARTINEZ #A-10
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320632	F-03-060607	4214900000		102-2		MARTINEZ #A-11
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320621	F-03-060608	4214900000		102-2		MARTINEZ #A-12
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320620	F-03-060609	4214900000		102-2		MARTINEZ #A-13
-TEXLAND PETROLEUM-OPERATING CO				RECEIVED:	02/04/83	JA: TX
8320636	F-09-056473	4223734449		102-4 103		DUERSON #8
-THOMPSON & KNIGHT				RECEIVED:	02/04/83	JA: TX
8320618	F-03-060610	4214900000		102-2		MARTINEZ #A-14
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320633	F-7B-056469	4244733139		102-4 103		PUTNAM #27
8320605	F-7B-036867	4244732636		102-2 103		PUTNAM "A" #8
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320678	F-09-062569	4250335371		102-4		SCAN-KING "E" #1
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320528	F-09-060953	4249732310		103		HAMPTON #2 099446
8320619	F-09-053747	4249732293		103		WHORTON #2
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320720	F-8A-062985	4250132037		103		DENVER UNIT #3747
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320623	F-03-054780	4218530313		102-4		SELECTED LANDS 18 #2
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320765	F-7C-063143	4217331334		103		M V BRYANS "B" #6
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320741	F-7B-063039	4241734743		102-4		WALKER-BUCKLER #2-A (102463)
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320564	F-10-061631	4223300000		108		TARBOX #2
8320563	F-10-061629	4223300000		108		TARBOX #4
8320562	F-10-061626	4223300000		108		WHITTENBURG "C" #1
8320561	F-10-061625	4223300000		108		WHITTENBURG "C" #4
8320560	F-10-061624	4223300000		108		WHITTENBURG "C" #5
8320559	F-10-061623	4223300000		108		WHITTENBURG "C" #8
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320537	F-7C-061329	4241331220		103	107-TF	LUX #2
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320552	F-10-061571	4212731180		103		BIG WELLS (SAN MIGUEL) UNIT #9-5
8320739	F-08-063034	4213533976		103		O B HOLT A/C-2 #22
8320680	F-8A-062508	4221933504		103		SOUTHEAST LEVELLAND UNIT #279
8320737	F-8A-063032	4221933497		103		SOUTHEAST LEVELLAND UNIT #294
8320597	F-08-062331	4233532017		103		STUBBLEFIELD-MCCABE UNIT "A" #1
8320738	F-8A-063033	4207931587		103		WRIGHT UNIT #2-5
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320656	F-02-058480	4253164600		102-2 103		GRANBERRY M M #1
8320657	F-03-058481	4205132314		102-2 103		ZWERNEMANN UNIT #1 WELL #1
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320530	F-03-061010	4215700000		102-4		FOSTER FARMS #4
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320713	F-10-062976	4234130794		103		DOTTIE #5
8320712	F-10-062975	4234130851		103		MITCH & MITZIE "A" #14
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320745	F-10-063057	4234130758		103		BRANDON #1
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320716	F-8A-062979	4216531844		103		BRANCH C #2
8320640	F-7C-056948	4210533943		103		MITCHELL 102-1X
-TOM BROWN INC				RECEIVED:	02/04/83	JA: TX
8320592	F-10-062249	4206500000		108		E COOPER UNIT #3017
8320727	F-10-063001	4217900000		108		H THUT #6

FIELD NAME	PROD	PURCHASER
ROBERTSON N (CLEARFOR	14.2	PHILLIPS PETROLEU
J M	0.0	EL PASO NATURAL G
PANHANDLE CARSON COUN	0.7	GETTY OIL CO
PANHANDLE GRAY COUNTY	1.6	COLTEXO CORP
PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.4	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.2	PHILLIPS PETROLEU
PANHANDLE HUTCHINSON	0.3	PHILLIPS PETROLEU
VELREX (HENDERSON UPP	21.2	CRA INC
BIG WELLS (SAN MIGUEL	16.0	HOUSTON PIPE LINE
COWDEN NORTH	7.0	AMOCO PRODUCTION
LEVELLAND	6.0	AMOCO PRODUCTION
LEVELLAND	8.0	AMOCO PRODUCTION
JAMESON NORTH	12.0	AMERADA HESS CORP
LEVELLAND	17.0	CITIES SERVICE CO
SWEET HOME (EDWARDS)	0.0	
GIDDINGS (AUSTIN CHAL	0.0	
ROSENBERG NORTH (4340	180.0	
PANHANDLE MOORE COUNT	6.0	PHILLIPS PETROLEU
PANHANDLE MOORE COUNT	6.0	PHILLIPS PETROLEU
PANHANDLE MOORE COUNT	32.0	DIAMOND SHAMROCK
ROBERTSON N (CLEARFOR	0.0	
J M	0.0	EL PASO NATURAL G
PANHANDLE CARSON COUN	0.7	GETTY OIL CO
PANHANDLE GRAY COUNTY	1.6	COLTEXO CORP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320518	F-8A-060859	4216532394		103		J B ROBERTSON #49
8320538	F-8A-061336	4216532395		103		J B ROBERTSON #50
8320517	F-08-060858	4243131173		103		STERLING "I" FEE #7
8320519	F-8A-060861	4221933480		103		W T COBLE "A" NCT-1 #39
				RECEIVED:	02/04/83	JA: TX
-TEXAL PETROLEUM INC						
8320531	F-09-061050	4249732447		102-4		M C LITTLE A-1
				RECEIVED:	02/04/83	JA: TX
-TEXAS INTERNATIONAL PET CORP						
8320615	F-06-052337	4220300000		103	107-TF	B S HARRISON #1
				RECEIVED:	02/04/83	JA: TX
-THE MAURICE L BROWN COMPANY						
8320756	F-06-063105	4236500000		108		MCJIMSEY #1
				RECEIVED:	02/04/83	JA: TX
-THREE B OIL CO & MORAN EXPL INC						
8320691	F-7C-062877	4232730467		103		NEEL #1
				RECEIVED:	02/04/83	JA: TX
-TOWNSEND CO						
8320770	F-7C-063155	4239932615		102-4		DICKINSON #9 (08629)
				RECEIVED:	02/04/83	JA: TX
-TRINITY EXPLORATION CO						
8320593	F-7B-062268	4213334398		102-4		JAMES A COX #2
				RECEIVED:	02/04/83	JA: TX
-TXO PRODUCTION CORP						
8320594	F-10-062270	4235731313		102-4		HENTON #2
8320643	F-02-056980	4228500000		102-4		LAUGHTER G U D #1
8320533	F-7B-061139	4241734695		103		WALKER-BUCKLER 72 #2
8320567	F-7B-061684	4241734653		102-4		WALKER-BUCKLER 72-1
				RECEIVED:	02/04/83	JA: TX
-UNITED CO						
8320696	F-8A-062927	4207930785		108		MARTY WRIGHT #43 073944
				RECEIVED:	02/04/83	JA: TX
-VANDALE-BUCKLER						
8320755	F-10-063091	4217900000		108		MAGNOLIA FEE (023070) #1
				RECEIVED:	02/04/83	JA: TX
-VAUGHN PETROLEUM INC						
8320684	F-7B-062716	4235331266		102-4		BOYD EDNA 17973
				RECEIVED:	02/04/83	JA: TX
-W L BRUCE OPERATOR						
8320729	F-10-063006	4217931249		103		DOREEN #1 (ID#05246)
				RECEIVED:	02/04/83	JA: TX
-WAGNER & BROWN						
8320715	F-08-062978	4217331328		103		ALLEIN #3-22
				RECEIVED:	02/04/83	JA: TX
-WAY OIL CO						
8320614	F-7B-050753	4236332732		102-2		BOSLEY #1
				RECEIVED:	02/04/83	JA: TX
-WILMAR OIL INC						
8320717	F-02-062980	4228500000		108		ZIMMERMAN #1
				RECEIVED:	02/04/83	JA: TX
-WILSON RESOURCES INC						
8320685	F-06-062721	4240131468		102-4	107-TF	A S WOLFE GAS UNIT WELL #1

FIELD NAME	PROD	PURCHASER
ROBERTSON N (CLEARFOR	14.2	PHILLIPS PETROLEU
ROBERTSON N (CLEARFOR	0.0	PHILLIPS PETROLEU
CONGER (PENN)	155.1	VALERO TRANSMISSI
LEVELLAND	0.0	AMOCO PRODUCTION
MONTEATH (CADDO)	170.0	SOUTHWESTERN GAS
BETHANY (COTTON VALLE	0.0	UNITED GAS PIPE L
BETHANY	16.0	TENNECO INC
WILHELM LANE (CANYON)	73.2	SUN GAS CO
BALLINGER WEST (CAPPS	11.0	LONE STAR GAS CO
	145.0	EL PASO HYDROCARB
BOOKER N (MORROW UPPE	200.0	DELHI GAS PIPELIN
S W SPEAKS WILDCAT	0.0	DELHI GAS PIPELIN
ROCKWELL (CONGL)	250.0	DELHI GAS PIPELIN
ROCKWELL (CONGL)	30.0	DELHI GAS PIPELIN
LEVELLAND (SAN ANDRES	11.9	EL PASO NATURAL G
WEST PANHANDLE	14.0	CABOT PIPELINE CO
J&J (CADDO)	0.0	PALO DURO PIPELIN
PANHANDLE GRAY	50.0	GETTY OIL CO
CONGER (PENN)	120.7	TEXAS UTILITIES F
MCCLISH-STONE (CONGL	116.8	INTRASTATE GATHER
MOULTON	15.4	SHINER GAS PIPELI
HENDERSON (COTTON VAL	400.0	UNITED GAS PIPE L

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5606 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 25, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
		OKLAHOMA CORPORATION COMMISSION							
-AMCANA OIL CORP				RECEIVED:	02/01/83	JA: OK			
8320885	19617	3511721405	103			HAGER #1-6	NORTH GREENUP	36.5	COLORADO GAS COMP
8320884	19615	3511721055	103			PERRIN #1-6	NORTH GREENUP	20.0	COLORADO GAS COMP
8320811	19616	3510920562	103			THOMAS #1-14	PEAVINE	64.0	CHAMPLIN PETROLEU
-ANDOVER OIL COMPANY				RECEIVED:	02/01/83	JA: OK			
8320819	19228	3501700000	103			SCHRODER #17-1		0.0	PHILLIPS PETROLEU
-B & H EXPLORATION CO				RECEIVED:	02/01/83	JA: OK			
8320790	15905	3513120911	108			CONSTIEN #3	UNNAMED	1.2	DIAMOND S GAS SYS
8320791	15899	3510521356	108			MANUEL #1	UNNAMED	20.0	A G SYSTEMS INC
8320792	15898	3510521381	108			MANUEL #5	UNNAMED	14.0	A G SYSTEMS INC
8320789	16021	3513121541	108			STATE-VAN PELT #12	WEST TALALA	1.0	DIAMOND S GAS SYS
8320870	16023	3513120755	108			STATE-VAN PELT #3	WEST TALALA	9.5	DIAMOND S GAS SYS
8320788	16022	3513120774	108			STATE-VAN PELT #4	WEST TALALA	1.8	DIAMOND S GAS SYS
-B J KELLENBERGER				RECEIVED:	02/01/83	JA: OK			
8320839	16987	3500722036	103			RALPH BOBBITT ESTATE #1		100.0	KANSAS-NEBRASKA N
-BILLY L MARTIN				RECEIVED:	02/01/83	JA: OK			
8320810	19638	3511100000	103			EDMONDS #1		7.5	PHILLIPS PETROLEU
-BLALACK JONNY OTHEL				RECEIVED:	02/01/83	JA: OK			
8320877	18834	3503700000	108			HINTON #1	HINTON LEASE	10.6	
-BROOKS HALL OIL CORP				RECEIVED:	02/01/83	JA: OK			
8320824	19670	3504900000	103			CARLTON #1	SOUTH MAYSVILLE	4.0	BUCKEYE NATURAL G
8320825	19671	3504900000	103			RIDGEWAY #1	VIOLA	0.0	BUCKEYE NATURAL G
-C J CASSELMAN				RECEIVED:	02/01/83	JA: OK			
8320826	19661	3511123687	103			BOGIE 2-A	MORRIS	18.3	PHILLIPS PETROLEU
8320828	19659	3511123689	103			BOGIE 4-A	MORRIS	18.3	PHILLIPS PETROLEU
8320827	19660	3511123725	103			BOGIE 5-A	MORRIS	18.3	PHILLIPS PETROLEU
-CAYMAN EXPLORATION CORP				RECEIVED:	02/01/83	JA: OK			
8320814	19572	3507323589	103			SHIMANEK #10-1	SOONER TREND	25.0	CONOCO INC
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/01/83	JA: OK			
8320876	18560	3509300000	103			V J BURNHAM #2	E CHANEY DELL	0.0	CHAMPLIN PETROLEU
-CHIEF WELL SERVICE INC				RECEIVED:	02/01/83	JA: OK			
8320846	19053	3503700000	108			GLIMP #1	CUSHING	2.9	ARCO OIL & GAS CO
8320855	19062	3503700000	108			GLIMP #10	CUSHING	2.9	ARCO OIL & GAS CO
8320856	19063	3503700000	108			GLIMP #11	CUSHING	2.9	ARCO OIL & GAS CO
8320850	19057	3503700000	108			GLIMP #2	CUSHING	2.9	ARCO OIL & GAS CO
8320849	19056	3503700000	108			GLIMP #3	CUSHING	2.9	ARCO OIL & GAS CO
8320848	19055	3503700000	108			GLIMP #4	CUSHING	2.9	ARCO OIL & GAS CO
8320847	19054	3503700000	108			GLIMP #5	CUSHING	2.9	ARCO OIL & GAS CO
8320854	19061	3503700000	108			GLIMP #6	CUSHING	2.9	ARCO OIL & GAS CO
8320853	19060	3503700000	108			GLIMP #7	CUSHING	2.9	ARCO OIL & GAS CO
8320851	19059	3503700000	108			GLIMP #8	CUSHING	0.0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
								2.9	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	
8320852	19058	3503700000		108		GLIMP #9	
-CIMARRON PETROLEUM CORPORATION				RECEIVED:	02/01/83	JA: OK	
8320780	19218	3507323570		103		CPC #106-5 COLEMAN	
-CITIES SERVICE COMPANY				RECEIVED:	02/01/83	JA: OK	
8320820	19150	3504921809		103		BLOOMFIELD "A" #1	
-COTTON PETROLEUM CORPORATION				RECEIVED:	02/01/83	JA: OK	
8320813	19608	3502520537		103		TREECE #3	
-CROUCH PETROLEUM COMPANY				RECEIVED:	02/01/83	JA: OK	
8320782	19215	3509120520		103		C P FUTRELL 2-30	
8320781	19216	3509120462		103		FUTRELL #3-29	
-DAMSON OIL CORPORATION				RECEIVED:	02/01/83	JA: OK	
8320843	18940	3505520348		108		KING #2	
8320845	18943	3505520111		108		REEVES #1	
8320844	18942	3505520357		108		TAYLOR #1	
-DOME PETROLEUM CORP				RECEIVED:	02/01/83	JA: OK	
8320864	19655	3504321334		103		JEFFREY #1-8	
-ECC OIL CO				RECEIVED:	02/01/83	JA: OK	
8320818	19473	3514721284		108		NEUSTADT #2 SE/4 NW/4 32-25N-14E	
-ELDER & VAUGHN				RECEIVED:	02/01/83	JA: OK	
8320865	19674	3502720657		103		ANTRIM #1	
-F C D OIL CORP				RECEIVED:	02/01/83	JA: OK	
8320862	19619	3504722849		103		F W 3-15	
8320886	19620	3504722826		103		HELEN 1-15	
8320866	19684	3508300000		103		MARRIOTT 1-21	
8320888	19621	3509222556		103		MASON 1-26	
8320861	19618	3504722813		103		TRIPP 1-9	
8320887	19622	3504723055		103		UNION EQUITY 1-32	
-FIRST NATIONAL OIL INC				RECEIVED:	02/01/83	JA: OK	
8320830	15164	3502520456		103		LILLIAN #1	
8320831	15165	3502520454		103		ROYCE #1	
8320832	15167	3500721638		103		SLEEPER-BEAVER #1	
-GEL OIL & GAS INC				RECEIVED:	02/01/83	JA: OK	
8320893	19632	3506300000		103		FAITH #1	
8320894	19633	3506300000		103		HOPE #1	
-GEORGE RODMAN INC				RECEIVED:	02/01/83	JA: OK	
8320806	19274	3508720685		103		PLASTER 1-33	
-GIN INC				RECEIVED:	02/01/83	JA: OK	
8320841	18701	3507300000		103		NINER #1	
-GRAHAM EXPLORATION LTD DRILLING PAR				RECEIVED:	02/01/83	JA: OK	
8320797	19578	3504521004		103		SUTTER #1	
-HADSON PETROLEUM CORP				RECEIVED:	02/01/83	JA: OK	
8320900	19648	3508720736		103		LADD #1-8	
-HANOVER MANAGEMENT CO				RECEIVED:	02/01/83	JA: OK	
8320816	19519	3503120951		103		PAYETTE #3	
8320815	19520	3503120947		103		SMITH A-1	
-HAWKINS OIL & GAS INC				RECEIVED:	02/01/83	JA: OK	
8320867	19685	3501521021		103		PRATT #1-16	
-HOLDEN ENERGY CORP				RECEIVED:	02/01/83	JA: OK	
8320793	15653	3508500000		102-4		LOCKE #1	
-HUBBELL OIL & GAS WELL PROGRAM #1				RECEIVED:	02/01/83	JA: OK	
8320837	16221	3511123101		103		HUBBELL #2	
-J L THOMAS ENGINEERING INC				RECEIVED:	02/01/83	JA: OK	
8320898	19635	3504722992		103		GUNGOLL #1	

FIELD NAME	PROD	PURCHASER
CUSHING	2.9	ARCO OIL & GAS CO
	185.4	PHILLIPS PETROLEU
W LINDSAY	184.8	WARREN PETROLEUM
GRIGGS	0.0	
S E CHECOTAH	20.0	COLUMBIA GAS TRAN
S E CHECOTAH	30.0	COLUMBIA GAS TRAN
MANGUM N W	7.3	EL PASO NATURAL G
MANGUM N W	1.0	EL PASO NATURAL G
MANGUM N W	9.0	EL PASO NATURAL G
UNNAMED	474.3	TRANSWESTERN PIPE
OGLESBY GAS FIELD	19.9	OKAN GAS CO
EAST MOORE	73.0	SUN EXPLORATION &
N W KREMLIN	36.5	C R A INC
N W KREMLIN	36.5	C R A INC
N E CASHION	36.5	CONOCO INC
N W AMES	91.3	PHILLIPS PETROLEU
N W KREMLIN	36.5	C R A INC
NORTH ENID	29.2	CHAMPLIN PETROLEU
MIDWELL	0.0	PHILLIPS PETROLEU
MIDWELL	3.5	PHILLIPS PETROLEU
ELMWOOD	0.0	INTER NORTH INC
N E HORN TOWN	52.0	PUBLIC SERVICE CO
N E HORNTOWN	52.0	PUBLIC SERVICE CO
PAYNE	0.0	SUN EXPLORATION &
SOONER TREND	0.0	PHILLIPS PETROLEU
	117.3	PANHANDLE EASTERN
N DIBBLE	70.0	SUN GAS CO
HANBURY FIELD	18.0	ARKANSAS LOUISIAN
HANBURY	36.5	ARKANSAS LOUISIAN
W ARNETT	720.0	
WEST ENVILLE	115.0	CIMARRON TRANSMIS
	36.5	PHILLIPS PETROLEU
SOONER TREND	180.0	EXXON CO U S A

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320903	19634	3504722858		103		PRIBIL 1-X
-JAMES C MEADE				RECEIVED:	02/01/83	JA: OK
8320842	18740	3501120973		108		EBERLY & MEADE NEELY #1-10
-JAMES W HARRIS				RECEIVED:	02/01/83	JA: OK
8320899	19649	3511721462		103		JOBE 1-8
-JAYTEX OIL & GAS CO				RECEIVED:	02/01/83	JA: OK
8320896	19654	3510321555		103		HUGHES #1
-JET OIL COMPANY				RECEIVED:	02/01/83	JA: OK
8320805	19366	3508322083		103		MARIE "B" #1
-JOHN A TAYLOR				RECEIVED:	02/01/83	JA: OK
8320879	19043	3504921800		103		CUNNINGHAM #1
-KEITH F WALKER				RECEIVED:	02/01/83	JA: OK
8320783	18902	3501972541		103		MCCHAREN #1
-KEY DRILLING CO				RECEIVED:	02/01/83	JA: OK
8320840	18610	3511122277		108		LEWIS #3
-MACK OIL CO				RECEIVED:	02/01/83	JA: OK
8320889	19623	3501722201		103		MERVELDT #2
8320890	19624	3501722236		103		MERVELDT #3
8320891	19625	3501722295		103		MERVELDT #4
-MAJOR OIL CORP				RECEIVED:	02/01/83	JA: OK
8320838	16434	3509322343		103		MENO #1-13 LTD
-MGF OIL CORP				RECEIVED:	02/01/83	JA: OK
8320802	19525	3515121255		103		DIETZ 7-30
8320892	19631	3501521302		103		WEIDENMAIER #1-15
-MIDCO DRILLING INC				RECEIVED:	02/01/83	JA: OK
8320823	19672	3500722349		103		ABRAHAM #1
-MORAN EXPLORATION INC				RECEIVED:	02/01/83	JA: OK
8320796	19545	3501722288		103		LAWSON #3
-OKLAHOMA PETROLEUM MANAGEMENT CORP				RECEIVED:	02/01/83	JA: OK
8320807	19221	3513722130		103		GENTRY #2
-P-T III LTD				RECEIVED:	02/01/83	JA: OK
8320874	18431	3504721990		108		HERRIN 12-1
8320784	18428	3504722040		108		VALTR 13-1
-P-T LTD II				RECEIVED:	02/01/83	JA: OK
8320786	18425	3504721792		108		REISEN 18-1
8320787	18424	3504721791		108		REISEN 18-2
-P-T LTD 80				RECEIVED:	02/01/83	JA: OK
8320875	18432	3504722394		108		BECKNER 13-1
-P-T LTD 81				RECEIVED:	02/01/83	JA: OK
8320785	18427	3504722184		108		FUKSA 33-1
-PETRO-LEWIS CORPORATION				RECEIVED:	02/01/83	JA: OK
8320871	16566	3507323474		103		ALMA #19-2
8320869	19694	3507300000		108		PERIGO 8 #1
-PETROLEUM TECHNICAL SERVICES CO				RECEIVED:	02/01/83	JA: OK
8320858	19558	3513921571		103		LANGSTON #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/01/83	JA: OK
8320835	15440	3513900000		108		COOKSEY #1
-REYNOLDS EXPLORATION CO				RECEIVED:	02/01/83	JA: OK
8320829	19658	3507371058		103		COPELAND
8320895	19650	3507322970		103		HAYMAKER #1
8320808	19652	3507322974		103		HLADIK #1
8320822	19653	3507322971		103		MACY
8320809	19651	3507322973		103		MESIS #1

FIELD NAME	PROD	PURCHASER
SOONER TREND	75.0	EXXON CO U S A
SQUAW CREEK	6.0	MICHIGAN-WISCONSI
	21.9	M J D CATTLE CO
SOUTHEAST PERRY	24.0	AMINOL U S A INC
ELKHORN	0.0	EASON OIL CO
NOT AVAILABLE	0.0	WARREN PETROLEUM
OIL CITY	18.3	MOBIL OIL CORP
HECTORVILLE	2.0	PHILLIPS PETROLEU
N EL RENO	125.0	PHILLIPS PETROLEU
N EL RENO	100.0	PHILLIPS PETROLEU
N E EL RENO	90.0	PHILLIPS PETROLEU
MENO	75.0	PIONEER GAS PRODU
OAKDALE	360.0	AMINOIL USA INC
UNDESIGNATED	396.0	TRANSOK PIPE LINE
MOCANE-LAVERNE	100.0	EL PASO NATURAL G
EL RENO	0.0	PHILLIPS PETROLEU
	0.0	GETTY OIL CO
SOONER TREND	11.5	WELLHEAD ENTERPRI
SOONER TREND	24.5	WELLHEAD ENTERPRI
SOONER TREND	38.0	WELLHEAD ENTERPRI
SOONER TREND	35.0	WELLHEAD ENTERPRI
SOONER TREND	10.0	WELLHEAD ENTERPRI
SOONER TREND	12.0	WELLHEAD ENTERPRI
SOONER TREND	149.0	CITIES SERVICE GA
SOONER TREND	0.0	PARTNERSHIP PROPE
COUNCIL GROVE FORMATI	923.1	PHILLIPS PETROLEU
	0.0	PANHANDLE EASTERN
SOONER TREND	0.0	CITIES SERVICE CO
SOONER TREND	0.0	CONOCO INC
SOONER TREND	0.0	CONOCO INC
SOONER TREND	0.0	CONOCO INC
SOONER TREND	0.0	CONOCO INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8320893	19655	3507322975		103		MESIS #2
8320894	19657	3507322976		103		MESIS #3
-RICHARD D MOSES				RECEIVED:	02/01/83	JA: OK
8320810	19660	3507322977		103		MOSES #1
-ROBERT L PARKER				RECEIVED:	02/01/83	JA: OK
8320811	19661	3507322978		103		PARKER #1
-ROBERT L PARKER JR				RECEIVED:	02/01/83	JA: OK
8320812	19662	3507322979		103		PARKER #2
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320813	19663	3507322980		103		PARKER #3
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320814	19664	3507322981		103		PARKER #4
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320815	19665	3507322982		103		PARKER #5
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320816	19666	3507322983		103		PARKER #6
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320817	19667	3507322984		103		PARKER #7
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320818	19668	3507322985		103		PARKER #8
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320819	19669	3507322986		103		PARKER #9
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320820	19670	3507322987		103		PARKER #10
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320821	19671	3507322988		103		PARKER #11
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320824	19673	3507322989		103		PARKER #12
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320825	19674	3507322990		103		PARKER #13
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320826	19675	3507322991		103		PARKER #14
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320827	19676	3507322992		103		PARKER #15
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320828	19677	3507322993		103		PARKER #16
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320830	19678	3507322994		103		PARKER #17
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320831	19679	3507322995		103		PARKER #18
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320832	19680	3507322996		103		PARKER #19
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320833	19681	3507322997		103		PARKER #20
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320834	19682	3507322998		103		PARKER #21
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320836	19683	3507322999		103		PARKER #22
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320837	19684	3507323000		103		PARKER #23
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320839	19685	3507323001		103		PARKER #24
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320841	19686	3507323002		103		PARKER #25
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320843	19687	3507323003		103		PARKER #26
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320844	19688	3507323004		103		PARKER #27
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320845	19689	3507323005		103		PARKER #28
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8320846	19690	3507323006		103		PARKER #29
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8320847	19691	3507323007		103		PARKER #30
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320848	19692	3507323008		103		PARKER #31
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320849	19693	3507323009		103		PARKER #32
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320850	19694	3507323010		103		PARKER #33
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8320851	19695	3507323011		103		PARKER #34
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8320852	19696	3507323012		103		PARKER #35
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320853	19697	3507323013		103		PARKER #36
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320854	19698	3507323014		103		PARKER #37
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320855	19699	3507323015		103		PARKER #38
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8320856	19700	3507323016		103		PARKER #39
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320857	19701	3507323017		103		PARKER #40
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320859	19702	3507323018		103		PARKER #41
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8320860	19703	3507323019		103		PARKER #42
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8320861	19704	3507323020		103		PARKER #43
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8320862	19705	3507323021		103		PARKER #44
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8320863	19706	3507323022		103		PARKER #45
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8320864	19707	3507323023		103		PARKER #46
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8320865	19708	3507323024		103		PARKER #47
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8320866	19709	3507323025		103		PARKER #48
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8320867	19710	3507323026		103		PARKER #49
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8320868	19711	3507323027		103		PARKER #50
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8320870	19712	3507323028		103		PARKER #51
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8320872	19713	3507323029		103		PARKER #52
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8320873	19714	3507323030		103		PARKER #53
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8320876	19715	3507323031		103		PARKER #54
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8320877	19716	3507323032		103		PARKER #55
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8320878	19717	3507323033		103		PARKER #56
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8320880	19718	3507323034		103		PARKER #57
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8320882	19720	3507323036		103		PARKER #59
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8320886	19724	3507323040		103		PARKER #63
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8320888	19726	3507323042		103		PARKER #65
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8320897	19727	3507323043		103		PARKER #66
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8320904	19732	3507323048		103		PARKER #71
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8320906	19734	3507323050		103		PARKER #73
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8320907	19735	3507323051		103		PARKER #74
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8320908	19736	3507323052		103		PARKER #75
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320909	19737	3507323053		103		PARKER #76
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
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-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320912	19740	3507323056		103		PARKER #79
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320913	19741	3507323057		103		PARKER #80
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8320914	19742	3507323058		103		PARKER #81
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320915	19743	3507323059		103		PARKER #82
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8320918	19746	3507323062		103		PARKER #85
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8320931	19759	3507323075		103		PARKER #98
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8320932	19760	3507323076		103		PARKER #99
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8320935	19763	3507323079		103		PARKER #102
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320936	19764	3507323080		103		PARKER #103
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8320937	19765	3507323081		103		PARKER #104
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8320938	19766	3507323082		103		PARKER #105
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8320939	19767	3507323083		103		PARKER #106
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8320940	19768	3507323084		103		PARKER #107
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8320941	19769	3507323085		103		PARKER #108
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320942	19770	3507323086		103		PARKER #109
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8320943	19771	3507323087		103		PARKER #110
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8320950	19778	3507323094		103		PARKER #117
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320951	19779	3507323095		103		PARKER #118
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8320952	19780	3507323096		103		PARKER #119
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8320953	19781	3507323097		103		PARKER #120
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8320954	19782	3507323098		103		PARKER #121
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320955	19783	3507323099		103		PARKER #122
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8320956	19784	3507323100		103		PARKER #123
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8320957	19785	3507323101		103		PARKER #124
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8320958	19786	3507323102		103		PARKER #125
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8320959	19787	3507323103		103		PARKER #126
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8320960	19788	3507323104		103		PARKER #127
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8320961	19789	3507323105		103		PARKER #128
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8320962	19790	3507323106		103		PARKER #129
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8320963	19791	3507323107		103		PARKER #130
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8320964	19792	3507323108		103		PARKER #131
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8320965	19793	3507323109		103		PARKER #132
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8320966	19794	3507323110		103		PARKER #133
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8320967	19795	3507323111		103		PARKER #134
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8320968	19796	3507323112		103		PARKER #135
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320969	19797	3507323113		103		PARKER #136
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320970	19798	3507323114		103		PARKER #137
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320971	19799	3507323115		103		PARKER #138
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320972	19800	3507323116		103		PARKER #139
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320973	19801	3507323117		103		PARKER #140
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320974	19802	3507323118		103		PARKER #141
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320975	19803	3507323119		103		PARKER #142
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8320976	19804	3507323120		103		PARKER #143
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8320977	19805	3507323121		103		PARKER #144
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320978	19806	3507323122		103		PARKER #145
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8320979	19807	3507323123		103		PARKER #146
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320980	19808	3507323124		103		PARKER #147
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320981	19809	3507323125		103		PARKER #148
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320982	19810	3507323126		103		PARKER #149
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320983	19811	3507323127		103		PARKER #150
-ROBERT L PARKER JR & ASSOCIATES				RECEIVED:	02/01/83	JA: OK
8320984	19812	3507

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-RICKS EXPLORATION CO				RECEIVED:	02/01/83	JA: OK			
8320801	19527	3501521422		103		ACKER #1	SOUTH BINGER	107.0	PIONEER GAS PRODU
8320860	19596	3515121307		103		FAY 35A	S W OAKDALE	310.0	TRANSOK PIPELINE
-ROCKWELL PETROLEUM CORP				RECEIVED:	02/01/83	JA: OK			
8320883	19583	3508120790		103		STATE SCHOOL LAND #4	SKELLEYVILLE	22.0	UNITED GATHERING
8320882	19580	3508121482		103		TRAYWICK #2-25	SKELLEYVILLE	54.8	UNITED GATHERING
-SAGE DRILLING CO INC				RECEIVED:	02/01/83	JA: OK			
8320803	19524	3500722305		103		JONES #1	CAMMRICK	274.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	02/01/83	JA: OK			
8320804	19495	3513900377		108		ELMORE #1	EAST HOOKER	21.5	INTER NORTH INC
8320857	19245	3515120018		108		WILSON SCHOCK #1-13	N E LOVEDALE	8.3	EL GRANDE PIPELIN
-SUN OIL CO				RECEIVED:	02/01/83	JA: OK			
8320799	19539	3505921064		103		A BONHAM UNIT #3L	MOCANE-LAVERNE GAS AR	219.0	COLORADO INTERSTA
8320798	19540	3505921064		103		A BONHAM UNIT #3U	MOCANE-LAVERNE GAS AR	905.0	COLORADO INTERSTA
8320836	15667	3512120841		103		CHADWELL-NELSON #2	FEATHERSTON	644.0	SOUTHEASTERN TRAN
8320795	08542	3512300000		108		JESSE FIELD UNIT PHASE I #2-2U	FITTS	8.0	KOCH EXPLORATION
8320794	08543	3512300000		108		JESSE FIELD UNIT PHASE I #4-5U	FITTS	2.0	KOCH EXPLORATION
8320872	17016	3510300000		108		R A STAPLES #3	WEST SAMS	3.0	ARCO OIL & GAS CO
8320873	17669	3505300000		108		S W WAKITA UNIT #4-2	S W WAKITA	3.0	CITIES SERVICE GA
8320881	19099	3512920700		103		WRIGHT #2	REYDON	0.0	KANSAS NEBRASKA N
-TEX-OK PETROLEUM INC				RECEIVED:	02/01/83	JA: OK			
8320817	19506	3500722296		103		POSL #5-1	MOCANE-LAVERNE	101.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	02/01/83	JA: OK			
8320863	19640	3504321478		103		DEVEREAUX #2	OAKWOOD NORTH	85.0	OKLAHOMA GAS & EL
8320834	14906	3507100000		108-ER		E B CORNEIL #1	BLACKWELL WEST	8.6	ARKANSAS LOUISIAN
8320880	19096	3508520468		103		LENA B GREEN #4	S W ENVILLE POOL	156.0	CIMARRON TRANSMIS
8320833	14905	3507100000		108-ER		R I SHEPPARD #2	BLACKWELL WEST	1.8	ARKANSAS LOUISIAN
-THE GHK COMPANY				RECEIVED:	02/01/83	JA: OK			
8320902	22847	3514920204		107-DP		GARST #1-10	E CORDELL	563.9	
8320897	22848	3501521402		107-DP		IAMS #1-6	W CYRIL	0.0	TEXAS GAS TRANSMI
8320901	22846	3501521121		107-DP		SNAVELY #1-2	W CYRIL	6.6	EL PASO NATURAL G
-TRANS-WESTERN EXPLORATION INC				RECEIVED:	02/01/83	JA: OK			
8320812	19613	3500722177		103		DORMAN #1-31	UNNAMED	20.0	PHILLIPS PETROLEU
-TRIGG DRILLING COMPANY INC				RECEIVED:	02/01/83	JA: OK			
8320859	19569	3508720793		103		LUCY #1		60.0	
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/01/83	JA: OK			
8320868	19686	3501521183		103		DRAKE #1-28	SW BINGER	50.0	
-UNIVERSAL RESOURCES CORPORATION				RECEIVED:	02/01/83	JA: OK			
8320800	19529	3507323204		103		HICKEY 1-5		0.0	CITIES SERVICE CO
-VULCAN ENERGY CORP				RECEIVED:	02/01/83	JA: OK			
8320878	18934	3507300000		103		CUNNINGHAM #1	SOONER TREND	73.0	PHILLIPS PETROLEU
-WHITE OPERATING CO				RECEIVED:	02/01/83	JA: OK			
8320821	19120	3508322082		103		YENZER #3	S W CRESCENT	126.0	CONOCO INC

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

-ATLAS RESOURCES INC				RECEIVED:	02/03/83	JA: PA			
8320938	18780	3706327135		103		CAMP WILLIAM PENN INC #1	CHERRYHILL	150.0	COLUMBIA GAS TRAN
8321002	18967	3706327225		102-4		CLYMER CITIZENS WATER CO #2	CHERRYHILL	150.0	COLUMBIA GAS TRAN
8320937	18779	3706327223		103		SPICHER #1	MONTGOMERY	38.0	COLUMBIA GAS TRAN
8321001	18966	3706327017		103		ST JOHNS U O CHURCH #2	GREEN	0.0	COLUMBIA GAS TRAN
8320913	18555	3706326575		102-4		SHANK REFRACTORIES CO #1	CHERRYHILL	456.0	COLUMBIA GAS TRAN
-C & C TROYER BROTHERS				RECEIVED:	02/03/83	JA: PA			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320908	17935	3704922206		107-TF		DENNIS BLILEY #2	WATERFORD	15.0	NATIONAL FUEL GAS
8320907	17934	3704922206		102-2		DENNIS BLILEY #2	WATERFORD	15.0	NATIONAL FUEL GAS
8320911	17993	3704922205		102-2		FRANK JAGTA #1	WATERFORD	14.0	NATIONAL FUEL GAS
8320912	17994	3704922205		107-TF		JAGTA #1	WATERFORD	14.0	NATIONAL FUEL GAS
8320910	17969	3704922169		102-2		PETRUSKA #2	WASHINGTON	11.0	NATIONAL FUEL GAS
8320909	17968	3704922169		107-TF		PETRUSKA #2	WASHINGTON	11.0	NATIONAL FUEL GAS
-CARDINAL OIL CO				RECEIVED:	02/03/83	JA: PA			
8320945	18789	3703921859		107-TF		WALTER BAYUS #3 82-27 PER #CRA-2185	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/03/83	JA: PA			
8320974	18821	3706327109		103		GEORGE A RICKARD #1 WN-1935	GREEN	58.0	GENERAL SYSTEM PU
8320977	18824	3703321443		102-2		J L BROTHERS #8 WN-1956	BURNSIDE	113.0	GENERAL SYSTEM PU
8320975	18822	3703321444		102-2		J L BROTHERS #9 WN-1961	BURNSIDE	34.0	GENERAL SYSTEM PU
8320978	18825	3703321448		102-2		LEVI A LEAMER #1 WN-1962	BURNSIDE	8.0	GENERAL SYSTEM PU
8320976	18823	3703321449		102-2		LEVI A LEAMER #2 WN-1960	BURNSIDE	0.4	GENERAL SYSTEM PU
-DELTA DRILLING CO				RECEIVED:	02/03/83	JA: PA			
8320914	18655	3706300000		103		HESS-ST CLAIR-GIMA #1 IND 27170	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-EASTERN STATES EXPLORATION CO				RECEIVED:	02/03/83	JA: PA			
8320991	18940	3706522494		103		JAMES E PIERCE #2	RATHMEL	35.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC				RECEIVED:	02/03/83	JA: PA			
8320990	18864	3706326973		103		MARVIN HUFF #1 274	CHERRYHILL TOWNSHIP	25.5	COLUMBIA GAS TRAN
-INGRAM ENTERPRISES INC				RECEIVED:	11/22/82	JA: PA			
8320981	18845	3703921825		103		MUCKINHOUPT #1	WOODCOCK	38.0	COLUMBIA GAS TRAN
-INGRAM ENTERPRISES INC				RECEIVED:	02/03/83	JA: PA			
8320983	18847	3703921824		107-TF		C BLACK #1	WOODCOCK	40.0	COLUMBIA GAS TRAN
8320982	18846	3703921824		103		C BLACK #1	WOODCOCK	40.0	COLUMBIA GAS TRAN
8320980	18444	3703921825		107-TF		MUCKINHOUPT #1	WOODCOCK	38.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	02/03/83	JA: PA			
8320917	18691	3703321451		103		IVAN E JOHNSTON #2	BURNSIDE	0.0	CONSOLIDATED GAS
8320904	14333	3703321239	D	103		J L BROTHERS #4	BURNSIDE	0.0	CONSOLIDATED GAS
-JEAN O MYERS				RECEIVED:	02/03/83	JA: PA			
8320939	18781	3700520441		108		H M HUFFMAN #1	PARKS	0.0	PEOPLES NATURAL G
8320940	18782	3700520849		108		H M HUFFMAN #2	PARKS	0.0	PEOPLES NATURAL G
8320941	18783	3700520516		108		H M HUFFMAN #3	PARKS	0.0	PEOPLES NATURAL G
-KEPCO INC				RECEIVED:	02/03/83	JA: PA			
8320942	18784	3705921770		102-4		CHARLES W HEADLEE #2 (PK-74)	RUFF CREEK	3.6	NEW JERSEY NATURA
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	02/03/83	JA: PA			
8320920	18725	3706327082		103		BARNES #4	THOMAS BARNES	114.0	COLUMBIA GAS TRAN
8320935	18777	3706327236		103		LUKCIK #5	FRANK J LUKCIK	66.4	COLUMBIA GAS TRAN
8320919	18724	3706327070		103		THOMAS BARNES #3	BLACKLICK	31.9	COLUMBIA GAS TRAN
-KRIEBEL WELLS 82				RECEIVED:	02/03/83	JA: PA			
8320943	18786	3703321488		103		PENTZ #1	HUDSON-MCGEE'S MILLS	20.0	
8320918	18708	3706327206		103		RAGER #1	JOHNSONBURG	20.0	
8320936	18778	3703321489		103		REIRDON #1	BIG RUN	20.0	
-MERIDIAN EXPLORATION CORP				RECEIVED:	02/03/83	JA: PA			
8320968	18812	3704922226		107-TF		EKELUND #656-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320951	18795	3704922161		102-2		ELTON LEWIS #631-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320952	18796	3704922161		107-TF		ELTON LEWIS #631-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320962	18806	3703921817		107-TF		F FLOREK #652-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320961	18805	3703921817		102-2		F FLOREK #652-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320963	18807	3703921823		102-2		F FLOREK #653-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320964	18808	3703921823		107-TF		F FLOREK #653-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320956	18800	3704922049		107-TF		GIEWONT #636-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320955	18799	3704922049		102-2		GIEWONT #636-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
							EDINBORO NORTH	30.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320966	18810	3704922168		107-TF		MARNED #655-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320969	18813	3704922148		107-TF		HECKER #657-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320970	18814	3704922148		102-2		JOE HECKER #657-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320965	18809	3704922168		102-2		LARRY MARNED #655-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320958	18802	3704922048		107-TF		LEO MEABON #637-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320957	18801	3704922048		102-2		LEO MEABON #637-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320959	18803	3704922149		102-2		PAUL KLIE (639-1)	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320960	18804	3704922149		107-TF		PAUL KLIE #639-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320948	18792	3704922040		107-TF		SKELTON #626-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320947	18791	3704922040		102-2		SKELTON #626-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320967	18811	3704922226		102-2		THELMA EKELUND #656-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320950	18794	3704922041		107-TF		V MAHAN #627-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320954	18798	3704922086		107-TF		VANCO #634-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320953	18797	3704922086		102-2		VANCO #634-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8320949	18793	3704922041		102-2		VERNON MAHAN #627-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/03/83	JA: PA			
8320906	16064	3703921557		107-TF		RICHMOND UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8320905	16063	3703921557		103		RICHMOND UNIT #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	02/03/83	JA: PA			
8320946	18790	3704721142		103		E PICHLER #6245	ST MARYS	4.0	GENERAL SYSTEM PU
-NEA CROSS CO				RECEIVED:	02/03/83	JA: PA			
8320916	18690	3704922319		107-TF		IRENE & THADDEUS KONDZIELSKI #2	WATERFORD	10.0	NATIONAL FUEL GAS
8320915	18689	3704922319		102-2		IRENE & THADDEUS KONDZIELSKI #2	WATERFORD	10.0	NATIONAL FUEL GAS
-NORTHWEST NATURAL GAS CO				RECEIVED:	02/03/83	JA: PA			
8320989	18861	3704921662		107-TF		DARWIN & LEAH COOK #1	ALBION	0.0	NATIONAL FUEL GAS
8320984	18852	3704921662		103		DARWIN & LEAH COOK #1	ALBION	0.0	NATIONAL FUEL GAS
8320988	18860	3704921882		103		DORIAN & BARBARA MONROE #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
8320987	18859	3704921882		107-TF		DORIAN & BARBARA MONROE #1	BEAVER CENTER	0.0	NATIONAL FUEL GAS
8320985	18853	3704921661		107-TF		JOHN GAGE SR #2	ALBION	0.0	NATIONAL FUEL GAS
8320986	18858	3704921661		103		JOHN GAGE SR #2	ALBION	0.0	NATIONAL FUEL GAS
-PETE YERACE				RECEIVED:	02/03/83	JA: PA			
8320973	18820	3712500000		108		YERACE #1	CHACTIERS	1.4	COLUMBIA OF PENNA
8320972	18819	3712500000		108		YERACE #2	CHACTIERS	1.4	COLUMBIA OF PENNA
8320971	18818	3712500000		108		YERACE #3	CHACTIERS	1.4	COLUMBIA OF PENNA
-PNB PETROLEUM CORP				RECEIVED:	02/03/83	JA: PA			
8320993	18950	3708520393		103		A FERGUSON #1-S	FRENCH CREEK	30.0	TENNESSEE GAS PIP
8320996	18953	3708520328		103		C MORRISON UNIT #1	FRENCH CREEK	30.0	TENNESSEE GAS PIP
8320992	18949	3708520401		103		L JACOBS #1	FRENCH CREEK	30.0	TENNESSEE GAS PIP
8320995	18952	3708520403		103		R MUSCHICK #1	FRENCH CREEK	30.0	TENNESSEE GAS PIP
8320994	18951	3708520394		103		R STALLSMITH #1	FRENCH CREEK	30.0	TENNESSEE GAS PIP
-R E BARRETT				RECEIVED:	02/03/83	JA: PA			
8320921	18726	3706327209		103		LYLE & VERLE BARRETT #4	WEST MAHONING	40.0	PEOPLES NATURAL G
-REX-HIDE REALTY INC				RECEIVED:	02/03/83	JA: PA			
8320934	18772	3712922117		103		WILLIAM BORBONUS #4	DERRY	45.0	
-S T JOINT VENTURE 82-C				RECEIVED:	02/03/83	JA: PA			
8320979	18842	3703321361		103		MCDONALD #1	PENN	25.0	
-T W PHILLIPS GAS & OIL CO				RECEIVED:	02/03/83	JA: PA			
8320925	18763	3700500000		108		A B CLOAK #1	EAST FRANKLIN	2.6	T W PHILLIPS GAS
8321013	18983	3700500000		108		ANNIE IRWIN #1	PLUMCREEK	2.3	T W PHILLIPS GAS
8321009	18979	3700520358		108		CLAIR J FRYE #1	PLUMCREEK	1.5	T W PHILLIPS GAS
8321008	18978	3700500000		108		ELDERTON STATE BANK #1	PLUMCREEK	1.2	T W PHILLIPS GAS
8320931	18769	3700500000		108		FORD W SHANKLE #1	EAST FRANKLIN	2.5	T W PHILLIPS GAS
8320928	18766	3700500000		108		FRANK H LYTLE #1	EAST FRANKLIN	3.2	T W PHILLIPS GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8320926	18764	3700500000		108		G C MELLAN #3	EAST FRANKLIN	2.8	T W PHILLIPS GAS
8321005	18975	3700520975		108		GEORGE M BOWSER #1	PLUMCREEK	4.7	T W PHILLIPS GAS
8321010	18980	3700500000		108		GLENN W HANKEY #1	PLUMCREEK	1.5	T W PHILLIPS GAS
8321011	18981	3700500000		108		GLENN W HANKEY #2	PLUMCREEK	2.1	T W PHILLIPS GAS
8321012	18982	3700500000		108		GLENN W HANKEY #3	PLUMCREEK	1.6	T W PHILLIPS GAS
8320927	18765	3700500000		108		HOCH BROTHERS #1	EAST FRANKLIN	1.1	T W PHILLIPS GAS
8321003	18973	3700500000		108		J N BLOSE #1	PLUMCREEK	0.0	T W PHILLIPS GAS
8321004	18974	3700520160		108		J N BLOSE #2	PLUMCREEK	1.0	T W PHILLIPS GAS
8321007	18977	3706321304		108		J S DOTY #1	GRANT	13.6	T W PHILLIPS GAS
8320933	18771	3700521620		108		JOHN FILIPPINI #1	KISKIMINETAS	1.2	T W PHILLIPS GAS
8321015	18985	3700520476		108		MAGGIE MCINTIRE #1	PLUMCREEK	2.1	T W PHILLIPS GAS
8321016	18986	3700520915		108		MILDRED J MCCAUSLAND #1	PLUMCREEK	2.4	T W PHILLIPS GAS
8320930	18768	3700500000		108		MRS A O PARKER #1	EAST FRANKLIN	2.3	T W PHILLIPS GAS
8321014	18984	3700520495		108		MRS MARIE KIMMEL #1	PLUMCREEK	2.5	T W PHILLIPS GAS
8320923	18761	3700500000		108		R M BURNS #1	KISKIMINETAS	2.7	T W PHILLIPS GAS
8320924	18762	3700500000		108		R M BURNS #2	KISKIMINETAS	3.2	T W PHILLIPS GAS
8320929	18767	3700500000		108		R S RALSTON #1	EAST FRANKLIN	1.8	T W PHILLIPS GAS
8320932	18770	3700500000		108		W B STRUMBAUGH #1	EAST FRANKLIN	1.8	T W PHILLIPS GAS
8321006	18976	3700500000		108		W E CESSNA #2	PLUMCREEK	1.4	T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	02/03/83	JA: PA			
8321000	18960	3703321383		102	-2	MOYER #1 CLE-21383	WESTOVER BORO	36.0	COLUMBIA GAS TRAN
8320999	18959	3703321384		102	-2	MOYER #2 CLE-21384	WESTOVER BORO	36.0	COLUMBIA GAS TRAN
8320998	18958	3706327011		103		MUMAU #1 IND-27011	GRANT	36.0	ATLAS RESOURCES I
8320997	18957	3703327044		103		MUMAU #3 IND 27044	GRANT	36.0	ATLAS RESOURCES I
-W G SHAMER				RECEIVED:	02/03/83	JA: PA			
8320944	18787	3703321303		103		KELLICHNER	BIG RUN	18.0	CONSOLIDATED GAS
-WILLIAM S BURKLAND				RECEIVED:	02/03/83	JA: PA			
8320922	18746	3705100000		106		KELLEY #1	WALTERSBURG	3.0	COLUMBIA GAS TRAN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

VOL 48 ISS 44 MAR 4 1983 UMI

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 274.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5800 Filed 3–3–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. QF83–173–000]

B and B Production Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 1, 1983.

On January 24, 1983, B and B Production Co. (Applicant), filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Stephens County, Oklahoma. The primary energy source to the facility will be methane gas rated at 691 Btu obtained from a gas well. Applicant identifies the gas as "waste." The electric power production capacity of the facility is 100 kilowatts. There are no other methane-fueled facilities owned by the Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protect with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5817 Filed 3–3–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. QF83–185–000]

Biomass Power Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 1, 1983.

On February 11, 1983, Biomass Power Corp. (Applicant), John L. Matthews, Sr., President, 145 Camp Drive, Dunnellon, Flordia 32630, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Jefferson County, Florida. The primary energy source to be used in the facility will be biomass, in the form of wood chips and peanut shells. The electric power production capacity of the facility will be 7,500 kilowatts. There are no other biomass-fueled small power production facilities owned by Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–5818 Filed 3–3–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER83–320–000]

Cambridge Electric Light Co.; Filing

March 1, 1983.

The filing Company submits the following:

Take notice that on February 16, 1983, Cambridge Electric Light Company (Cambridge) tendered for filing proposed changes in its currently-effective Rate RS–3 under its FERC Electric Tariff, Original Volume No. 1. Rate RS–3 governs the sale of electric energy at wholesale by Cambridge to the Municipal Light Department of the Town of Belmont, Massachusetts (Belmont) its wholesale customers.

The tendered filing consists of a proposed rate schedule (designated by Cambridge as Rate RS–4) and an unexecuted Service Agreement. By a separate filing pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, Cambridge has simultaneously filed a Stipulation and Agreement, executed by Cambridge and Belmont, as an offer of settlement of the above docket.

Proposed Rate RS–4 which conforms to the applicable terms of the aforementioned Stipulation and Agreement would increase billings to Belmont by approximately $255,000 annually, based upon the twelve month test period ending December 31, 1981. The proposed effective date of Rate RS–4 is June 1, 1983.

Proposed Rate RS–4, effects the following changes in Cambridge's currently-effective Rate RS–3:

1. An increase in demand charge from $5.231 to $5.835 per KVA.

2. An energy charge of $0.0404 per KWH replacing the existing energy charge of $0.0206.

3. An updating of the base cost of fuel component of the currently effective Fuel Cost Adjustment clause.

Cambridge states that the proposed increase in rate level is necessary because of increased operating expenses and capital costs. Because of these increases, Cambridge's earnings from its service to Belmont have been reduced to the point that rate relief is necessary.

Copies of the filing have been served upon Belmont and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5619 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-192-000]

Columbia Gas Transmission Corp.; Application

March 1, 1983.

Take notice that on February 9, 1983, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, 1273, Charleston, West Virginia 25325, filed in Docket No. CP83-192-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 5,000 horsepower compressor addition at the Crawford Compressor Station located in Fairfield County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed horsepower addition is necessary in order to permit the required design winter day storage withdrawals from Applicant's Crawford, Benton and Laurel Storage Fields during the 1984-85 winter period. It is stated that the estimated cost of the proposed facilities is approximately $7,400,000 which would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed wth the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filled within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or it the Commission on its own motion believs that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5620 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-197-000]

Columbia Gulf Transmission Co.; Application

March 1, 1983.

Take notice that on February 14, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-197-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a contract demand basis 12,000 Mcf of natural gas per day and such further volumes as Applicant agrees to accept pursuant to a gas transportation agreement dated January 10, 1983. It is stated that Tennessee would transport its gas through its existing 8-inch line from the production platform in South Marsh Island Block 106, offshore Louisiana, to the point of receipt at an existing subsea tap on Applicant's 16-inch line in South Marsh Island Block 99. It is further stated that Applicant would in turn transport the volumes for delivery at the interconnection of Applicant's line and the Blue Water System in South Marsh Island Block 74.

For such transportation service, Applicant proposes to charge Tennessee a contract demand monthly charge of $22,800 and a commodity rate of 6.25 cents per Mcf of gas received for transportation at South Marsh Island Block 99.

Applicant asserts that the subject transportation service would enable Tennessee to receive into its system gas supplies which it has purchased in South Marsh Island Block 106, offshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice

and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5821 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-301-000]

Connecticut Light and Power Co.; Refund Report

March 1, 1983.

The filing Company submits the following:

Take notice that on February 14, 1983, Connecticut Light and Power Company submitted for filing a refund report pursuant to the Commission's order dated December 30, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 17, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5822 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-327-000]

Empire District Electric Co.; Filing

March 1, 1983.

The filing Company submits the following:

Take notice that the Empire District Electric Company, (Empire) on February 16, 1983, tendered for filing a proposed Amendment to Schedule I, Peaking Power Service, a part of that agreement for interchange of power and interconnected operation between Empire and Kansas City Power and Light Company (KCPL) designated rate schedule, FERC 88.

Empire states that the amendment will change the capacity charge from $0.27 per Kw per month to $0.46 per Kw per month.

Empire requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commisson, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5823 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-161-000]

Lone Star Gas Company, a Division of ENSERCH CORP; Application

March 1, 1983.

Take notice that on February 2, 1983, Lone Star Gas Company, a division of ENSERCH CORPORATION (Lone Star), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. Cp83-161-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the contruction and operation of taps and measuring and regulating facilities necessary for the delivery of natural gas to six main line customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Lone Star proposes to construct and operate tape and measuring and regulating facilities for the delivery of natural gas to

Customer	Location	use
M. T. James	Cooke, Tex	Heating.
Greg Burns	McCartain, Okla	Do.
B. L. Scarbrough	Grayson, Tex	Peanut Dryer and heating.
G. C. Scarbrough	Grayson, Tex	Irrigation and heating.
Dr. Roger Lacy	Willberger, Tex	Heating.
Vernon Biter	Clay, Tex	Do.

Lone Star estimates that the total cost of the taps and measuring and regulating facilities would be $3,028, which cost would be financed by Lone Star's working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22 , 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Lone Star to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5824 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-183-000]

Michigan Wisconsin Pipe Line Co.; Application

March 1, 1983.

Take notice that on February 4, 1983, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP83-183-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 75,625 Mcf of natural gas per day on behalf of Transcontinental Gas Pipe Line Corporation (Transco) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Great Plains Gasification Associates has undertaken the construction of a coal gasification plant near Beulah, North Dakota, which would produce approximately 137,500 Mcf of synthetic natural gas per day. Applicant states that its daily purchase of this production would be 34,375 Mcf, that Transco's daily purchase volume would be 34,375 Mcf, and that Tennessee's daily purchase volume would be 41,250 Mcf.

Applicant further states that Northern Natural Gas Company, Division of InterNorth, Inc., would deliver the daily purchase volumes to Applicant at Janesville, Wisconsin, for the account of Applicant, Transco, and Tennessee. Applicant proposes to take delivery at Janesville of up to 34,375 Mcf of natural gas per day for the account of Transco and to transport and deliver these volumes to Transco in Acadia Parish, Louisiana. Applicant also proposes to take delivery at Janesville of up to 41,250 Mcf of natural gas per day for the account of Tennessee and to transport and deliver these volumes to Midwestern Gas Transmission Company (Midwestern) in Joliet, Illinois, for the account of Tennessee.

Applicant proposes to charge Transco a monthly demand charge of $3.89 per Mcf of contract demand and Tennessee a charge of $4.37 per Mcf of contract demand for the transportation services.

Further, Applicant proposes to construct and operate a 37.5-mile loopline between Janesville, Wisconsin, and Woodstock, Illinois, with an estimated construction cost of $21,061,000, in order to transport the additional volumes Applicant would receive at Janesville. Finally, Applicant proposes to install new meters and appurtenant facilities in Joliet, Illinois, with an estimated construction cost of $797,000, in order to measure the additional volumes to be delivered to Midwestern.

It is asserted that the proposed construction costs would be financed initially with treasury funds and other funds generated internally together with borrowings from banks under short-term lines of credit with permanent financing as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6023 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-173-000]

Mississippi River Transmission Corp.; Application

March 1, 1983.

Take notice that on January 31, 1983, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP83-173-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain additional natural gas storage facilities operation at Applicant's East Unionville Storage Field located in Lincoln Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the drilling and operation of an additional injection/withdrawal well in its East Unionville Storage Field and the construction and operation of minor appurtenant facilities to connect such proposed well to the field gathering system. Applicant states that said well is expected to increase the overall deliverability of the field but would not alter the total storage capacity of the field. Applicant estimates the total cost of the proposed well and related facilities to be $905,700 which would be financed from available funds and/or short-term borrowing.

Applicant does not propose any new sales or changes in existing service agreements. Further, it is asserted that the proposed facilities would not result in any increase in either the capacity of Applicant's system or the total storage capacity of Applicant's East Unionville Storage Field.

Any persons desiring to be heard or to make any protest with reference to said application should on or before March 22 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5626 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA83-7-000]

Mueller Engineering Corp.; Application for Adjustment

March 1, 1983.

On February 7, 1983, Mueller Engineering Corporation (Mueller), 1010 Wilson Building, Corpus Christi, Texas 78476, filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. V 1982) and Rule 1104 of the Commission's Rules of Practice and Procedure (18 CFR 385.1104). Mueller seeks relief from § 271.805 of the Commission's regulations (18 CFR 271.805).

Mueller is the operator of the J.S. Bordovsky—State of Texas #A–2 Well, located in Duval County, Texas. Mueller states the subject well qualified as a stripper well under NGPA section 108, and that section 108 prices were paid by Mueller to the purchaser, Natural Gas Pipeline Company of America, commencing in September, 1981. Mueller further states that the well disqualified itself as a stripper well during the 90-day period of February, March, and April 1982 by producing more than 60 Mcf per day. Mueller states that the reason for the well's overproduction during that 90-day period was the instalation of a compressor in January 1982 designed to stimulate production.

According to § 271.805(a) of the Commission's regulations, if a stripper well's production averages more than 60 Mcf per production day during any 90-day production period, then both the purchaser of gas from the well and the operator are required to file a written notice of disqualification with the Commission, the jurisdictional agency, and each other. Section 271.805(c) provides that the right to collect a maximum lawful price under section 108 terminates on the last day of the 90-day disqualifying period unless, within 150 days of the last day of such period, the operator files a petition for determination that the increase in production was the result of the application of an enhanced recovery technique. Section 271.805(d) provides that if this petition is filed later than the 150 day period, then sales from the well are not eligible for the ceiling price under section 108 from the last day of the disqualifying period until the day on which the petition is filed. Mueller failed to timely file the notice of disqualification, and did not file the petition until January 14, 1983.

In its petition for relief, Mueller states that the failure to comply with the above-mentioned notice requirements was a result of an oversight caused by the "extremely complex requirements of the NGPA and the supporting regulations adopted by FERC."

Mueller has determined that if relief is not granted by the Commission, it will be required to make refunds estimated to be $41,292.71. Due to the cost of installing and operating the compressor for the period between May 1, 1982 and January 14, 1983, this refund requirement would cause Mueller to suffer an out-of-pocket cash loss of $17,053.02 for the period between May 1, 1982 and January 14, 1983. Mueller further states that the volumes of natural gas produced from the subject well are so small in comparison to the total volume of gas handled by the purchaser, that the ordering of refunds will have little or no effect upon the purchaser's weighted average cost of gas. This lack of economic advantage to the purchaser, compared with the substantial loss to Mueller, is said to result in a special hardship and inequity to Mueller, as well as in an unfair distribution of burdens.

The procedures applicable to the conduct of this adjustment proceeding are found in Rules 1101–1117 of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101–.1117.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Rule 214 (18 CFR 385.214). All petitions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5627 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-194-000]

New England Alternate Fuels—New Hampshire, Inc.—Four Hills; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 1, 1983.

On February 10, 1983, New England Alternate Fuels—New Hampshire, Inc., (Applicant), c/o New England Alternate Fuels, Inc., Box 921, Brattleboro, Vermont 05301, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The small power production facility will be located at the Four Hills Sanitary Landfill in Nashua, New Hampshire. The primary energy source to the facility will be biomass, in the form of landfill gas, or biomethane. The facility will not use any natural gas, oil or coal. The electric power production capacity of the facility will be 750 kilowatts. There is no other biomass-fueled small power production facility owned by the Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5828 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-184-000]

Northwest Central Pipeline Corp.; Application

March 1, 1983.

Take notice that on February 7, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-184-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 5 miles of 20-inch pipeline loop and appurtenant facilities on its Springfield pipeline in Newton County, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the proposed facilities is $1,188,000 which would be paid from cash on hand.

It is stated that the proposed pipeline looping would increase the capacity on peak days for deliveries in and around Springfield, which would permit the delivery of sufficient volumes through the Springfield system to serve the peak day requirements of its customers east of its Saginaw Station and would allow more flexibility to provide deliveries for peak hours on this section of its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5829 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-325-000]

Southern California Edison Co.; Filing

March 1, 1983.

The filing Company submits the following:

Take notice that on February 16, 1983, Southern California Edison Company (Edison) tendered for filing the Edison-Burbank Interruptible Transmission Service Agreement (Matrix) (Agreement), which has been executed by Edison and City of Burbank (Burbank), California.

Edison states that the Agreement supersedes Edison's Rate Schedule FERC No. 14 and provides for the establishment of three additional Points of Receipt/Delivery for interruptible transmission service.

Edison requests an effective date of January 1, 1983.

Copies of this filing were served upon the City of Burbank and the Public Utilities Commission of the State of California.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 16, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5830 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-186-000]

Southern Natural Gas Co.; Application

March 1, 1983.

Take notice that on February 7, 1983, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP83-186-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities in Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Southern has the right to purchase natural gas in Block 703 and the northern half of the northwest quarter of Block 710, Matagorda Island area, offshore Texas, which would be transported through the Matagorda Offshore Pipeline System (MOPS) in addition to the gas supplies already flowing through the facilities. It is asserted that in order to attach these supplies Southern filed an application in Docket No. CP82-467-000 requesting authorization to construct and operate 9.5 miles of 16-inch pipeline and related measurement facilities to connect Block 703 to an existing subsea point of interconnection with the MOPS facilities in Matagorda Island Block 686.

Southern proposes herein to construct and operate a 3300 horsepower compression facility at the onshore terminus of the MOPS near Tivoli, Refugio County, Texas, in order to provide Southern with approximately 112,600 Mcf per day of additional capacity in MOPS. Southern estimates that the maximum daily deliverability would be approximately 180,000 Mcf per day.

Southern states that the estimated cost of the proposed compression facilities is $6,118,960 which cost would be financed initially by short-term financing and/or cash from current operations and ultimately from permanent financing.

It is asserted that the proposed compression facilities would be owned solely by Southern with the right to utilize the entire incremental increase in the capacity of MOPS.

Any person desiring to be heard or to make any protest with reference to said

application should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5831 Filed 3-3-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2316-5]

Availability of Environmental Impact Statements Filed Feb. 22 Through Feb. 25, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076.

Corps of Engineers:
- EIS No. 830106, Final, COE, NY, Hudson River Navigation, Maintenance Dredging, Due: Apr. 4, 1983.
- EIS No. 830114, Final, COE, VA, Hampton Roads/Norfolk and Newport News Harbors, Debris Removal, Due: Apr. 4, 1983.
- EIS No. 830113, Report, COE, HI, Kahoma Stream Flood Control Project, Island of Maui.

Department of Commerce:
- EIS No. 830118, Draft, NOA, PR, La Parguera National Marine Sanctuary Designation and Management, Due: May 2, 1983.
- EIS No. 830119, Draft, NOA, SEV, REG ATL Swordfish Fishery Management Plan and Regulations, Due: Apr. 18, 1983.

Department of Energy:
- EIS No. 830120, Final, DOE, WA, PUREX/ Uranium Oxide Facilities, Operation, Hanford Site, Benton Co., Due: Apr. 4, 1983.

Department of the Interior:
- EIS No. 830116, Draft, BLM, CO, Clear Creek Shale Oil Development, Right-of-Way, Garfield County, Due: May 3, 1983.
- EIS No. 830107, Final, BLM, SEV, UT WY Frontier Pipeline Crude Oil/Condensate Pipeline, Right-of-Way, Due: Apr. 4, 1983.
- EIS No. 830109, Suppl, IBR, OK, McGee Creek Water Resources Development Project, Atoka County, Due: May 6, 1983.
- EIS No. 830104, Final, FWS, AK, REG Arctic National Wildlife Refuge, Oil and Gas Exploration, Due: Apr. 4, 1983.

Department of Transportation:
- EIS No. 830111, Draft, FHW, ID, Idaho FH-24/Banks-Lowman Highway Improvement, Boise County, Due: Apr. 23, 1983.
- EIS No. 830035, Final, FHW, CA, I-580 and CA-238 Improvement, W. Pacific RR to I-680, Alameda County, Due: Apr. 4, 1983.
- EIS No. 830103, Final, FHW, IN, I-164 Improvement, IN-66 to US 41, Vanderburg and Warrick Counties, Due: Apr. 4, 1983.
- EIS No. 830105, Final, FHW, IN, Pennsylvania Street Corridor Improvement and Extension, Grant County, Due: Apr. 4, 1983.

Environmental Protection Agency:
- EIS No. 830106, Draft, EPA, TX, Malakoff Generating Station/Trinity Mine, NPDES Permit, Due: Apr. 18, 1983.

Federal Energy Regulatory Commission:
- EIS No. 830112, Draft, FRC, AK, Black Bear Lake Hydroelectric Project, C/D License, Due: Apr. 18, 1983.

Department of Agriculture:
- EIS No. 830117, Draft, AFS, MT, Flathead National Forest Land and Resource Management Plan, Due: June 5, 1983.
- EIS No. 830110, Final, AFS, AK, Tongass National Forest, 1984-99 Timber Sale Plan, Due: Apr. 4, 1983.
- EIS No. 830115, Draft, SCS, CA, Spring Creek Subwatershed Flood Control Plan, Sonoma County, Due: Apr. 25, 1983.

Amended Notice:
- EIS No. 820783, Draft, AFS, SEV,NM, AZ, Coronado National Forest, Land and Resource Management Plan Published FR 12/17/82—Review extended, Due: Apr. 1, 1983.
- EIS No. 820827, Draft, BLM, SEV, AZ, UT, Arizona Strip Wilderness Study Areas, Wilderness Designation Published FR 01/07/83—Review extended, Due: Apr. 6, 1983.
- EIS No. 830095, Final, FAA, WA, Snohomish County Airport Improvement and Runway Construction Published FR 02/25/83—Official Notice should have been held until 03/04/83, Due: Apr. 4, 1983.

Paul G. Cahill,

Director, Office of Federal Activities of Internal Revenue.

March 1, 1983.

[FR Doc. 83-5891 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2305-6]

Availability of Environmental Impact Statements Filed January 31 Through February 4, 1983 Pursuant to 40 CFR Part 1506.9

Correction

In FR Doc. 83-3742 appearing on page 6395 in the issue of Friday, February 11, 1983, make the following correction:

In the first column, second line from the bottom, "Herico" should read "Henrico".

BILLING CODE 1505-01-M

[ER-FRL-2309-1]

Availability of Environmental Impact Statements Filed February 7 Through February 11, 1983 Pursuant to 40 CFR Part 1506.9

Correction

In FR Doc. 83-4304 appearing on page 7298 in the issue of Friday, February 18, 1983, make the following correction:

In the third column, under "Corps of Engineers", the first line should read: "EIS No. 830076, DSuppl, COE, CA,".

BILLING CODE 1505-01-M

[OPTS-51458; BH-FRL 2315-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This

notice announces receipt of thirteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–495, May 18, 1983
PMN 83–496, 83–497, 83–498, 83–499, 83–500, 83–501, 83–502, 83–503, 83–504, 83–505, May 22, 1983
PMN 83–506 and 83–507, May 23, 1983.

Written comments by:
PMN 83–495, April 18, 1983
PMN 83–496, 83–497, 83–498, 83–499, 83–500, 83–501, 83–502, 83–503, 83–504, and 83–505, April 22, 1983
PMN 83–506 and 83–507, April 23, 1983

ADDRESS: Written comments, identified by the document control number "[OPTS–51456]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, D.C. 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–495

Importer. Sandoz Colors & Chemicals.
Chemical. (G) Metal complexed substituted aromatic salt.
Use/Import. (S) Colorant for paper. Import range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Irritation: Skin—Non-irritating. Eye—Non-irritation.
Exposure. Processing: dermal, a total of 1 worker per site, up to 1 hr/da.
Environmental Release/Disposal. 10–000 kg/yr released to water. Disposal by biological treatment system.

PMN 83–496

Manufacturer. Confidential.
Chemical. (G) Polyester from a carbomonocyclic anhydride and an alkanediol.
Use/Production. (G) Contained use. Prod. range: 10,000–200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: dermal and eye, a total of 47 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 100–1,000 kg/yr to land. Disposal by incineration.

PMN 83–497

Manufacture. Martin Marietta Corporation.
Chemical. (G) Reaction product of 1,3-benzenediamine, hydroxybenzene, and an oxo alkane with sodium sulfide.
Use/Production. (S) Industrial textile dye. Prod. range: 20,000–250,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing, use and disposal: dermal, a total of 28 workers, up to 12 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, 10–1,000 kg/yr to water and 10–10,000 kg/yr to land. Disposal by approved landfill and wastewater treatment.

PMN 83–498

Manufacturer. Confidential.
Chemical. (G) Polymer of alkyl diamine and substituted oxiranes.
Use/Production. (G) Additive for paper manufacture. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Slight, Eye—Irritant.
Exposure. Manufacture, use and disposal: dermal, a total of 6 workers, up to 10 hrs/da, up to 24 da/yr.
Environmental Release/Disposal. 100–10,000 kg/yr released to water. Disposal by publicly owned treatment works (POTW).

PMN 83–499

Manufacturer. Venture Chemical Company.
Chemical. (G) Reaction product of polyalkylene polyamines, phenols and polymeric epoxide derivatives.
Use/Production. (S) Epoxy resin curing agent. Prod. range: 1,000–8,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 2 workers, minimal.
Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by approved landfill.

PMN 83–500

Manufacturer. Venture Chemical Company.
Chemical. (G) Reaction product of polyalkylene polyamines, phenols and polymeric epoxide derivatives.
Use/Production. (S) Epoxy resin curing agent. Prod. range: 1,000–8,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 2 workers, minimal.
Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by approved landfill.

PMN 83–501

Manufacturer. Confidential.
Chemical. (G) Modified rosin condensation product.
Use/Production. (S) Hot melt adhesives. Prod. range: Confidential
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 1 hr/da, up to 83 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system.

PMN 83–502

Manufacturer. Confidential.
Chemical. (G) Aminoheterocyclyl branched alkane.
Use/Production. (S) Site limited and industrial captive intermediate. Prod. range: Confidential
Toxicity Data. Acute oral: 144 mg/kg; Irritation: Skin—Slight transient irritation, Eye—Severe; Inhalation: 1.0 mg/L; Ames Test: Not mutagenic.
Exposure. Manufacture: dermal and inhalation.
Environmental Release/Disposal. Release is negligible. Disposal by biological waste treatment system or thermal oxidation.

PMN 83–503

Manufacturer. Confidential.
Chemical. (G) Substituted alkoxy silane.
Use/Production. (G) Industrial additive. Prod. range: Confidential
Toxicity Data. Acute oral: 1,400 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—⅛, Eye—$^{3}/_{10}$; Inhalation: LC_{50} (1 hr)—2.2 mg/L; Ames Test: Negative; BOD: 478 mg/kg; COD: 2,567 mg/g; DNA Repair Bioassay: Negative; EC_{50} to daphnia magna 1.1 mg/L.
Exposure. Manufacture and use: dermal and inhalation, a total of 148 workers, up to 8 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. 10–100 kg/yr released to air with less than 10 kg/yr to water and land. Disposal by incineration, recovery, navigable waterway and biological oxidation system.

PMN 83–504

Manufacturer. FMC Corporation.
Chemical. (G) Δ-cyano carbocycliccarboxylate.
Use/Production. (S) Intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: 295.1 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Moderate, Eye—Minimal; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizing; Avian Oral (mallard duck): > 4,640 mg/kg; Liver microsome induction potential: Negative; LC_{50}, 96 hr. (sunfish): 1.80 g/L.

Exposure. No exposure.

Environmental Release/Disposal. Minimal. Disposal by biological treatment system, incineration and approved landfill.

PMN 83–505

Manufacturer. C. J. Osborne Chemicals, Inc.

Chemical. (G) Polyester resin-saturated.

Use/Production. (S) Site-limited and industrial exterior container coating. Prod. range: 87,000–175,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers, up to 6 hrs/da, up to 19 da/yr.

Environmental Release/Disposal. No release.

PMN 83–506

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; Acute dermal: > 5 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal.

Exposure. Manufacture and processing: dermal and eye, a total of 27 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. 5,000–50,000 kg/yr released to land. Disposal by approved landfill.

PMN 83–507

Manufacturer. Confidential.

Chemical. (G) Monocyclic sulfur derivative.

Use/Production. (G) Dispersive use. Prod. range: 150–1,500 kg/yr.

Toxicity Data. Acute oral: > 5.0 ml/kg; Irritation: Skin—None, Eye—None.

Exposure. Manufacture, processing, use and disposal: dermal, a total of 8 workers, to 8 hrs/da, up to 150 da/yr.

Environmental Release/Disposal. 10–1,000 kg/yr released to water, 1 hr/da, 10–100 da/yr. Disposal by POTW.

Dated: February 28, 1983.

V. Paul Fuschini,

Acting Director, Management Support Division.

[FR Doc. 83-5552 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

[A-6; FRL 2315-6]

Region 6; Final Agency Action on a PSD Permit for Southwestern Electric Power Company (SWEPCO)

Notice is hereby given that on June 29, 1982, Region 6 of the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, Number PSD–TX–340, to the Southwestern Electric Power Company (SWEPCO) for approval to construct two lignite-fired units of a power plant facility located two miles southwest of State 247 and nine miles northwest of Huntsville, Walker County, Texas, pursuant to 40 CFR 52.21. On July 14, 1982, Mr. James P. Weber, et al., and later Mr. Wynn Earl Westover, from the Huntsville area each filed a petition for review of the PSD permit above.

Because petitions for review were filed with the Administrator, the issuance of the permit was no longer a final agency action and the PSD permit for SWEPCO was not effective. See 40 CFR 124.15(b)(2). The consolidated petitions for review were denied by the Administrator on December 28, 1982. Pursuant to 40 CFR124.19(f)(1), a final permit decision on PSD–TX–340 was issued by Region 6 on February 1, 1983.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD–TX–340 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of all of the material concerning PSD–TX–340 are available for public inspection upon request at the following location: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, Interfirst Two Building, 1201 Elm Street, Dallas, Texas, 75270.

FOR FURTHER INFORMATION CONTACT: Bill Taylor, (214) 767–1594 or FTS 729–1594.

Frances E. Phillips,

Acting Regional Administrator, Region 6.

[FR Doc. 83-5556 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS-FRL-2315-4]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for "Dresser Economizer"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the Dresser Economizer device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. EPA finds it has not reason to support the applicant's claim for fuel economy, performance, and driveability benefits.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device."

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation

On June 15, 1981, the EPA received a request from Dresser Industries for an evaluation of a fuel saving device known as the "Dresser Economizer". This device is a gasket containing shaped port passages which is installed between the intake manifold and the cylinder head. The size of each passage is approximately half that of the original unit. Such a construction increases the velocity and turbulence of the incoming

charge. This is claimed to cause a more homogenous mixture and result in improved fuel economy and driveability, especially when the engine is cold.

III. Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Dresser Economizer Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions and list of all attachments are listed in EPA–AA–TEB–511–82–6A, which consists of 10 pages. The attachments are contained in EPA–AA–TEB–511–82–6B, which consists of 97 pages. The attachments include correspondence between the applicant and EPA and all documents submitted in support of the application.

As a part of its evaluation, EPA has actually tested the Dresser Economizer device. The EPA testing is described completely in the report "Emissions and Fuel Economy of Dresser Economizer, a Retrofit Device", EPA–AA–TEB–82–3, consisting of 12 pages. This report is contained in the above document and can be obtained separately or as part of the attachment package.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to:

National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650

IV. Summary of Evaluation

EPA fully considered all of the information submitted by the device manufacturer in the application. The evaluation of the Dresser Economizer device was based on that information and the results of the EPA test program.

Testing of three recent model year passenger cars was conducted at EPA's Motor Vehicle Emission Laboratory during September and October of 1981. A fourth vehicle was tested during March and April of 1982. In each case, the basic test sequence included the Federal Test Procedure (FTP) and the Highway Fuel Economy Test (HFET). These tests were performed both before and after installation of the Dresser Economizer and again after restoration of the vehicle. Test results varied significantly between test vehicles with no definite trends noticed. Fuel economy varied from a penalty of 3% to a gain of 4% on the FTP and from a penalty of 3% to a gain of 2% on the HFET. None of the improvements in emissions or fuel economy were found to be statistically significant. Vehicle performance was not noticeably affected.

Based on EPA's evaluation of the Dresser Economizer, EPA finds it has no reason to support the applicant's claim for fuel economy, performance, and driveability benefits.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4299.

Dated: February 18, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR. Doc. 83–5884 Filed 3–3–83; 8:45 am]

BILLING CODE 6560–50–M

[AMS-FRL-2315-3]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for Turbo-Carb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces that conclusions of the EPA evaluation of the "Turbo-Carb" device under provisions of section 511 of the Motor Vehicle Information and Cost Savings Act. The overall conclusion is that there is no reason to expect that the Turbo-Carb will significantly improve fuel economy or performance of a vehicle.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting evaluations of fuel economy retrofit device on March 23, 1979 [44 FR 17940].

II. Orgin of Request for Evaluation

In November 1981, the EPA received a request from the U.S. Postal Service to evaluate the claims for the Turbo-Carb. EPA agreed to conduct an evaluation of this device under the Section 511 evaluation process.

The Turbo-Carb is a one-inch thick carburetor adapter plate which inserts a mesh screen and swirl devices between the carburetor and intake manifold. The device is claimed to improve the preparation of the fuel/air mixture and thereby improve fuel economy and performance.

III. Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the Turbo-Carb Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act," report number EPA–AA–TEB–511–82–12 consisting of 29 pages including the attachment.

As part of the evaluation, EPA also tested the Turbo-Carb device. The EPA testing is described completely in the report "Emissions and Fuel Economy of the Turbo-Carb, a Retrofit Device", EPA–AA–TEB–82–8, consisting of 19 pages. This report is contained in the preceding 511 Evaluation as an attachment.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650.

IV. Summary of Evaluation

The evaluation of the Turbo-Carb device was based on the information obtained by EPA and the results of the EPA test program. The overall conclusion is that there is no reason to expect that the Turbo-Carb will significantly improve fuel economy or performance of a vehicle. Changes in fuel economy or emissions were small with mixed results of slight increases and decreases. Driveability remained essentially unchanged. Installation of the device was found to be considerably more difficult than claimed due to the requirement to design and fabricate

several parts as well as perform critical readjustments.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4299.

Dated: February 18, 1983.

Charles L. Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-5555 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

[SWH FRL 2314–1]

RCRA Permit Advisory Committee; Task Force B; Open Meeting

Notice is hereby given of a meeting of Task Force B of the RCRA Permit Advisory Committee. The Committee was established in accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. (Appendix I), *et seq.* Establishment of the Committee was announced in the **Federal Register** on September 23, 1982. [SWH–FRL–2215–2]. The Task Force was established in the first open meeting of the Committee held on February 15, 1983 as announced in the **Federal Register** on January 27, 1983. [SWH–FRL–2291–7].

The meeting will be held on Wednesday, March 16, 1983 at 10:00 a.m. at the offices of "Resources for the Future," 1755 Massachusetts Avenue, NW., Washington, D.C. 20036, eighth floor conference room. Estimated time of adjournment is 4:00 p.m.

The purpose of the meeting is to formulate potential recommendations regarding Lifetime Permits, Permit Variances, Class Permits, Permits for Mobile Treatment Units and the timeliness of current permit procedures. Any recommendations will be submitted to the RCRA Permit Advisory Committee for consideration at its next meeting.

This meeting is open to the public. Any member of the public wishing to submit a written statement to the Committee should deliver copies to the Executive Secretary at the meeting. Advance comments on specific subjects may be submitted to study group Chairpersons as follows:

Lifetime Permits: Mr. John Schofield, Vice President for Corporate Development and Technical Services, IT Corporation, 40 Darby Road, Paoli, Pennsylvania 19301.

Variances: Dr. Charles Johnson, Technical Director, National Solid Wastes Management Association, 1120 Connecticut Avenue, NW., #930, Washington, D.C. 20036.

Class Permits and Mobile Treatment Units: Dr. Joseph Chu, Environmental and Energy Affairs, Olin Corporation, 120 Long Ridge Road, Stamford, Connecticut 06904.

Timeliness of Current Procedures: Mr. Jerry Martin, Environmental Control Manager, Dow Chemical U.S.A., Building 3502–E, P.O. Box 150, Plaquemine, Louisiana 70764.

Anyone wishing to make a brief oral statement must indicate this to the Executive Secretary at the opening of the meeting. Oral statements will be heard as time permits.

For further information contact: Gerald Healy, Jr., Task Force Chairperson, Hazardous Waste Management Division, Louisiana Department of Natural Resources, Office of Environmental Affairs, P.O. Box 44066, Baton Rouge, Louisiana 70804; (504) 342–1227 or Susan Mann, Executive Secretary, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460, WH–563, (202) 382–4498.

Dated: February 23, 1983.

Lewis Crampton,

Acting Assistant Administrator.

[FR Doc. 83-5142 Filed 3-3-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–677–DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATED: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501:

Notice

In a letter of February 22, 1983, the President amended this major disaster as follows:

On February 9, 1983, I determined that the damage in certain areas of the State of California resulting from severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983, is of sufficient severity and magnitude to warrant a major-disaster declaration under Pub. L. 93–288. I hereby amend my February 9, 1983, declaration of a major disaster for the State of California by adding the following:

This declaration also includes damage in certain areas of the State of California resulting from severe storms, high tides, wave action, levee breaks and flooding beginning on November 27, 1982.

As the result of declarations for the California Delta dated February 1, 1980, October 2, 1980, and September 24, 1982, approximately $38 million has been obligated from the President's Disaster Relief Fund. These declaration documents have required cooperative mitigation activities by Federal, State and local governments, and private agencies. The Governor of California has been asked to provide State leadership and resources to promote these cooperative efforts. Although some progress toward improving certain levees has been made recently, the threat of future levee breaks remains. There will be increasing difficulty in justifying any similar declarations in the future unless continuing and accelerated progress toward reducing the threat of future levee breaks is achieved. I expect that the State hazard mitigation plan and its implementation will provide for effective measures, and for commitment of State and local resources to achieve this objective. Under FEMA coordination, the Federal agencies should cooperate fully with the approved planned activities.

I expect a progress report from you by September 1, 1983, on hazard mitigation activities planned and being implemented as the result of this amended declaration, and other recent declarations.

The Notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophic declared a major disaster by the President in his declaration of February 9, 1983:

In accordance with the amended declaration, the following areas are designated eligible for Public Assistance with an incident period beginning on November 27, 1982:

That portion of the Sacramento-San Joaquin Delta located within the Counties of Contra Costa, Sacramento and San Joaquin.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-5543 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-677-DR]

California; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATED: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: The Notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983:

Alameda, Santa Clara and Yolo Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-5841 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-02-M

[Docket No. FEMA-REP-3-VA-1]

Commonwealth of Virginia Radiological Emergency Response Plan Site-Specific for the North Anna Nuclear Power Station

ACTION: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Management Agency (FEMA) rule 44 CFR Part 350 (proposed) on April 30, 1981, the Commonwealth of Virginia submitted its plans relating to the North Anna Nuclear Power Station to the Director of FEMA Region III for review and approval. The Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the proposed rule. Included in this evaluation were a review of the State and local plans around the North Anna facility; a critique of the exercises conducted on August 16, 1980, and September 18, 1982, in accordance with § 350.9; and a report of the public meeting held on July 16, 1981, to discuss the site-specific aspects of the Commonwealth and local plans in accordance with § 350.10 of the proposed rule. At the North Anna joint exercises conducted on August 16, 1980, and September 18, 1982, successful and adequate tests of Commonwealth and local government preparedness around North Anna were demonstrated.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition started below, the Commonwealth and local plans and preparedness for the North Anna Nuclear Power Station are adquate to protect the health and safety of the public living in the vicintiy of the station. The plans and preparedness are assessed as providing reasonable assurance that appropriate protective measures can and will be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alerting and notification system already installed and operational must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission/FEMA Criteria of NUREG–0654/FEMA–REP–1, Revision 1.

FEMA will continue to review the status of plans and preparedness of the Commonwealth and localities associated with the North Anna Nuclear Power Station in accordance with § 350.13 of the proposed rule.

For further details with respect to this action, refer to Docket File FEMA–REP–3–VA–1 maintained by the Regional Director, FEMA Region III, Curtis Building, 7th Floor, 6th and Walnut Streets, Philadelphia, PA., 19106.

Dated: February 23, 1983.

For the Federal Emergency Management Agency.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5839 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-02-M

[Docket No. FEMA-REP-3-VA-2]

Commonwealth of Virginia Radiological Emergency Response Plan Site-Specific for the Surry Nuclear Power Station

ACTION: Certification of FEMA findings and determination.

In accordance with the Federal Emergency Mangement Agency (FEMA) rule 44 CFR Part 350 (proposed) the Commonwealth of Virginia submitted its plans relating to the Surry Nuclear Power Station to the Director of FEMA Region III for review and approval. The Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the proposed rule. Included in this evaluation were a review of the State and local plans around the Surry facility; a critique of the exercises conducted on October 30–31, 1981 and November 10, 1982, in accordance with § 350.9; and a report of the public meeting held on December 9, 1981 in the Surry County Courthouse and on December 10, 1981, in the James City County Complex, to discuss the site-specific aspects of the Commonwealth and local plans in accordance with § 350.10 of the proposed rule. At the Surry joint exercises conducted on October 30–31, 1981 and November 10, 1982, successful and adequate tests of Commonwealth and local government preparedness around Surry were demonstrated.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the Commonwealth and local plans and preparedness for the Surry Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the station. The plans and preparedness are assessed as providing reasonable assurance that appropriate protective measures can and will be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alerting and notification system already installed and operational must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission/FEMA Criteria of NUREG–0654/FEMA–REP–1, Revision 1.

FEMA will continue to review the status of plans and preparedness of the Commonwealth and localities associated with the Surry Nuclear Power Station in accordance with § 350.13 of the proposed rule.

For further details with respect to this action, refer to Docket File FEMA–REP–3–VA–2 maintained by the Regional Director, FEMA Region III, Curtis Building, 7th Floor, 6th and Walnut Streets, Philadelphia, PA., 19106.

Dated: February 22, 1983.

For the Federal Emergency Management Agency.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5840 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-674-DR]

Illinois; Amendment to Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of Illinois (FEMA–674–DR), dated December 13, 1982, and related determinations.

DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0501.

Notice: The Notice of a major disaster for the State of Illinois dated December 13, 1982, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 13, 1982:

Cass County for Public Assistance. City, Water, Light and Power Utility and the Springfield Recreation Department in Sangamon County for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

[FR Doc. 83–5642 Filed 3–3–83; 8:45 am]

BILLING CODE 6718–02

FEDERAL MARITIME COMMISSION

Certificates of Financial Responsibility; Holland American Cruises N.V. et al.

Certificates of financial responsibility for indemnification of passengers for nonpreformance of transportation No. P–182 and No. P–225 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1, 180: Holland America Cruises N.V., Holland America Cruises, Inc., (Holland America Cruises) and Holland Amerika Lijn, N.V., Two Pennsylvania Plaza, New York, New York 10121.

Order of Revocation

Holland America Cruises N.V., Holland America Cruises, Inc. (Holland America Cruises) and Holland Amerika Lijn, N.V. have ceased to own or operate the passenger vessel STATENDAM.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) Section 10.06 dated November 12, 1981:

It is ordered, that Certificates (Performance) No. P–182 and No. P–225 and Certificate (Casualty) No. C–1, 180 issued to Holland America Cruises N.V., Holland America Cruises, Inc. (Holland America Cruises) and Holland Amerika Lijn, N.V. covering the STATENDAM, be and are hereby revoked.

It is further ordered, that a copy of this order be published in the **Federal Register** and served on the certificants.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 83–5654 Filed 3–3–83; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 83–11]

Prudential Lines, Inc. v. Waterman Steamship Corporation; Filing of Complaint and Assignment

Notice is given that a complaint filed by Prudential Lines, Inc. against Waterman Steamship Corporation was served February 24, 1983. Complainant alleges that respondent has violated section 18 of the Shipping Act, 1916, by transporting cargo from U.S. North Atlantic Ports to Egypt under their tariff FMC No. 165, ICC WSSL–304.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83–5647 Filed 3–3–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of December 20–21, 1982.

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on December 20–21, 1982.[1]

[1] The Record of Policy actions of the Committee for the meeting of December 20–21, 1982, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

The following domestic policy directive was issued to the Federal Reserve Bank of New York:

The information reviewed at this meeting suggests that real GNP declined in the fourth quarter, although final sales apparently were maintained, and that the rise in prices remained much less rapid than in 1981. Retail sales and housing activity have strengthened in recent months, but business fixed investment apparently has weakened further and efforts to reduce inventories have continued. In November industrial production and nonfarm payroll employment declined further, and the unemployment rate rose 0.4 percentage point to 10.8 percent. Initial claims for unemployment insurance, although down from the early autumn peaks, have remained relatively high. In recent months the advance in the index of average hourly earnings has slowed appreciably further.

The weighted average value of the dollar against major foreign currencies has declined from peaks reached in early November. The U.S. merchandise trade deficit rose sharply further in October.

Growth in M1 has remained rapid in recent months, while growth of M2 and M3 has continued at about or somewhat below the rates of earlier in the year. ON balance short-term market interest rates have declined since mid-November, while bond yields have risen somewhat in response to unusually heavy borrowing by businesses and governments; mortgage rates have edged down further. The Federal Reserve announced reductions in the discount rate from 9½ percent to 9 percent on November 19 and to 8½ percent on December 13.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. In July, the Committee agreed that these objectives would be furthered by reaffirming the monetary growth ranges for the period from the fourth quarter of 1981 to the fourth quarter of 1982 that it had set at the February meeting. These ranges were 2½ to 5½ percent for M1, 6 to 9 percent for M2, and 6½ to 9½ percent for M3. The associated range for bank credit was 6 to 9 percent. The Committee agreed that growth in the monetary and credit aggregates around the top of the indicated ranges would be acceptable in the light of the relatively low base period for the M1 target and other factors, and that it would tolerate

for some period of time growth somewhat above the target should unusual precautionary demands for money and liquidity be evident in the light of current economic uncertainties. The Committee had also earlier indicated that it was tentatively planning to continue the current ranges for 1983, but it will review that decision carefully at its February 1983 meeting in light of economic developments and institutional changes associated with the new deposit accounts authorized by the Depository Institutions Deregulation Committee.

Specification of the behavior of M1 over the months ahead remains subject to substantial uncertainty because of special circumstances in connection with the public's response to the new deposit accounts available at depository institutions. The difficulties in interpretation of M1 continue to suggest that much less than usual weight be placed on movements in that aggregate during the coming quarter. The institutional changes also add a degree of uncertainty to the behavior of the broader monetary aggregates.

In all the circumstances, the Committee seeks to maintain expansion in bank reserves consistent with growth of M2 of around 9½ percent at an annual rate, and of M3 at about an 8 percent rate, from December to March, allowing in the case of M2 for modest shifting into the new money market accounts from large-denomination CD's or market instruments. The Committee indicated that greater growth would be acceptable if analysis of incoming data and other evidence from bank and market reports indicate that the new money market accounts are generating more substantial shifts of funds into broader aggregates from market instruments. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 6 to 10 percent.

By order of the Federal Open Market Committee, February 28, 1983.

Normand R. V. Bernard,

Assistant Secretary.

[FR Doc. 83-5881 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

Proposed Savings and Loan Activities; Citicorp

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to convert 15 California offices of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Person-to-Person Thrift, Inc. into branches of Citicorp Savings, Oakland, California, a federal savings and loan association; to transfer the assets of these offices to Citicorp Savings; and to expand the activities of Citicorp Savings to include all of the lending and deposit-taking powers of federal savings and loan associations authorized by the Garn-St Germain Depository Institutions Act of 1982. These activities would be performed from 84 offices of Citicorp Savings throughout the State of California serving the State of California. The Board has previously determined that the operation of a savings and loan association is closely related to banking (Citicorp (*Fidelity Federal Savings & Loan*) 68 Federal Reserve Bulletin 656 (1982), and cases cited therein), subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b) of Regulation Y.

Interested persons may express their views on the question of whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration or resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than March 28, 1983.

Board of Governors of the Federal Reserve system, March 1, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5882 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; CCB Financial Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *CCB Financial Corporation,* Durham North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Central Carolina Bank and Trust Company, National Association, Durham, North Carolina. Comments on this application must be received not later than March 28, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Citizens Bancshares Corporation,* Pineville, Louisiana; to become a bank holding company by acquiring 97.4 percent of the voting shares of First Bank, Pineville, Louisiana. Comments on this application must be received not later than March 28, 1983.

2. South Mississippi Capital Company, Prentiss, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of South Mississippi Bank, Prentiss, Mississippi. Comments on this application must be received not later than March 28, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Service Bancshares, Inc.,* Greenville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank, Greenville, Kentucky.

Comments on this application must be received not later than March 28, 1983.

2. *Tritten Bancshares, Inc.*, St. Robert, Missouri; to become a bank holding company by acquiring 86 percent or more of the voting shares of First National Bank, St. Robert, Missouri. Comments on this application must be received not later than March 28, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *St. Paul Bancorporation, Inc.*, St. Paul, Nebraska; to become a bank holding company by acquiring 80 percent or more of the voting shares of St. Paul National Bank, St. Paul, Nebraska. Comments on this application must be received not later than March 28, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Bay Bancshares, Inc.*, La Porte, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Bayshore National Bank of La Porte, and Bayport National Bank, both of La Porte, Texas. Comments on this application must be received not later than March 28, 1983.

Board of Governors of the Federal Reserve System, February 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5613 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Old Stone Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (commercial lending; United States): To engage through its wholly-owned subsidiary, Guild Loan and Investment Company, in the activities of making and acquiring, for its own account or the account of others, commercial loans and other extensions of commercial credit, providing however, that Guild does not accept demand deposits or similar transaction accounts. These activities would be conducted from existing offices of Guild Loan and Investment Company located in Providence and Warwick, Rhode Island, and serving the continental United States, Alaska and Hawaii. Comments on this application must be received not later than March 28, 1983.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bankers Trust New York Corporation*, New York, New York (finance and factoring activities; southeastern United States): To engage, through its subsidiary, BT Commercial Corporation, in making or acquiring loans or other extensions of credit such as would be made by a commercial finance company, including commercial loans secured by a borrower's accounts receivable, inventory or other assets; purchasing or acquiring accounts receivable and making advances thereon as would be done by a factor; servicing such loans or accounts for others; and acquiring and selling participations in such obligations. These activities would be conducted from an office in Atlanta, Georgia, serving Georgia, Alabama, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Virginia and West Virginia. Comments on this application must be received not later than March 28, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georga 30303:

1. *Central Bancshares of the South, Inc.*, Birmingham, Alabama (insurance activities; Alabama): To act through its subsidiary, CSN Underwriters, Inc., as agent or broker for the sale of credit life, accident, health, property and casualty insurance directly related to extensions of credit by a bank or bank holding company; to act as agent or broker with respect to the provision of insurance directly related to the provisions of other financial services by Applicant or its subsidiaries. The activities are permitted under the Garn-St. Germain Depository Institutions Act of 1982, Pub. L. 97-320, Section 601(D). These activities will be conducted from offices throughout Alabama, serving the State of Alabama. Comments on this application must be received not later than March 28, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Manistique Corporation*, Manistique, Michigan (general insurance activities; Michigan): To engage *de novo* through The First Manistique Agency, a division of First Manistique Corporation, in general insurance activities including, but not limited to, life, accident and health, and physical damage insurance. The First National Bank of Manistique will service the counties of Schoolcraft and portions of Luce which have a population of approximately 3,948. The Manistique Lakes Bank of Newberry will service the counties of Mackinac, Alger and portions of Luce which have a population of approximately 2,700. Comments on this application must be received not later than March 23, 1983.

Board of Governors of the Federal Reserve System, February 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5614 Filed 3-3-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health; Request for Information on the Effectiveness of Hazardous Energy Control Procedures (Lockout/Tagout)

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of request for information.

SUMMARY: NIOSH is requesting information (as part of an Interagency Agreement with the Occupational Safety and Health Administration (OSHA)) documenting the effectiveness of specific lockout/tagout procedures designed for worker protection. Lockout/tagout procedures are designed to maintain a process or system in a safe condition during troubleshooting, servicing, maintenance, or re-energization. These lockout/tagout procedures are intended to prevent the release of hazardous energy (including electrical energy, mechanical energy, thermal energy, and chemical energy). The information obtained will be used by NIOSH and OSHA to develop statements of rationale for the selection and use of specific procedures under specific conditions. The information will also be used to develop a scientific study protocol to determine the effectiveness of specific hazardous energy control procedures.

DATE: Comments concerning this notice should be submitted by May 3, 1983.

ADDRESS: Any information, comments, suggestions, or recommendations should be submitted in writing to: Dr. James A. Oppold, Director, Division of Safety Research, National Institute for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, WV 26505.

FOR FURTHER INFORMATION CONTACT: Dr. Murray L. Cohen, Chief, or Dr. Michael B. Moll, Statistician, Standards and Consultation Branch, Division of Safety Research, NIOSH, Morgantown, WV, (304) 291–4575, or FTS 923–4575.

SUPPLEMENTARY INFORMATION: NIOSH conducts research programs aimed at reducing worker injuries by identifying accident causation agent/sequence, as well as identifying/developing effective hazard control practices. On January 31, 1980, NIOSH published in the **Federal Register** (45 FR 7006) a request for information on the use of effective lockout and interlock devices, systems, and procedures. As a continuation of that research effort, NIOSH is now requesting comments, suggestions, or information related specifically to the effectiveness of lockout/tagout procedures. At this time, NIOSH is particularly interested in information in any of the following areas:

(1) Available data or available sources of data, especially case reports, which identify worker injuries that are related to lockout/tagout procedures.

(2) Methods of enforcing hazardous energy control procedures and methods for obtaining feedbacks on the effectiveness of such procedures.

(3) Documentation of the effectiveness of adherence to lockout/tagout procedures during maintenance and servicing.

(4) Information regarding the rationale(s) used for selection and application of hazardous energy control methods during maintenance and servicing.

The information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for examination and copying at the above address.

Dated: February 23, 1983.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 83-5947 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-18-M

National Environmental Policy Act (NEPA), Review of Program Actions

AGENCY: Centers for Disease Control (CDC), Public Health Service (PHS), HHS.

ACTION: List of CDC program actions that are categorically excluded from the NEPA environmental review process.

SUMMARY: This notice provides a list of CDC program actions which normally do not require either an environmental impact statement or environmental assessment (Council on Environmental Quality categorical exclusions, paragraph 1508.4; and the Health and Human Services (HHS) General Administration Manual, Part 30)).

EFFECTIVE DATE: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Frank S. Lisella, Chief, Environmental Affairs Group, Center for Environmental Health, Centers for Disease Control, Atlanta, Georgia 30333; telephone (404) 452–4095, or FTS: 236–4095.

SUPPLEMENTARY INFORMATION: The HHS environmental review procedures and guidelines, which have been published as Part 30 of the HHS General Administration Manual (GAM), require that each HHS Operating Division identify those program actions which should be categorically excluded from environmental review requirements. The procedures for determining if a program action can be categorically excluded are found in Section 30–29–40 of the GAM. As part of the PHS program review, components of the CDC have reviewed their actions and have identified the following as suitable for categorical exclusion. These exclusions will apply unless the responsible program official determines that sufficient evidence exists to establish that the proposed action may have a significant environmental effect.

Categorical Exclusions

A. The following CDC program actions are excluded from environmental review requirements under provisions of the HHS GAM Section 30–20–40–B–1:

1. When a law grants an exception.

2. When the courts have found that an action does not require an environmental review.

3. When an action implements activities outside the territorial jurisdiction of the United States and such activities are excluded from review by Executive Order 12114.

B. The Following CDC program actions are excluded from environmental review requiremets based on their functional nature as described in HHS GAM Section 30–20–40–B–2:

1. Routine adminstrative and management support, including legal counsel, public affairs, program evaluation, monitoring, and individual personnel actions. Typical actions include:

a. Program planning and development, program management, program evaluation, and budgeting.

b. Legal and legislative review/support.

c. Communications and correspondence control.

d. Processing of individual personnel actions including travel.

e. Procurement of office supplies and equipment.

f. Extension/renewal of existing leases.

g. Other similar administrative support actions.

2. Appellate reviews (when CDC was a plaintiff in the lower court decision).

3. Data processing and systems analysis. Typical actions include:

a. Updating of existing data bases.

b. Printing and distributing reports, studies, guidelines, and other health related technical material.

c. Developing new/redesigning existing data systems to meet specific program needs.

d. Acquisition, development, and implementation of ADP systems.

4. The awarding of funds through grants and cooperative agreements for training, research, investigations, and technical assistance. Typical actions include:

a. Occupational safety and health reserach and training.

b. Childhood immunization.

c. Veneral disease control, research, demonstration, and public information and education.

d. Health programs for refugees under the Immunization and Nationality Act.

e. State-based diabetes control or other programs.

f. Preventive health and health services block grants.

g. Investigations and technical assistance.

5. Actions associated with the conduct of liaison functions with other government and nongovermental entities. CDC is represented on a wide range of groups such as:

a. Intergovernmental task forces.

b. Ad hoc committees.

c. Work groups.

d. National code setting organizations.

e. International committees.

f. Interdepartmental groups.

6. Actions related to routine maintenance, repair, or replacement of equipment or structural components (doors, windows, roof, etc.) of CDC controlled facilities and improvements to those facilities. (Note: This exclusion does not apply to facilities listed or eligible for listing on National Register of Historic Places.)

7. Actions associated with data collection, storage, and dissemination. These actions typically involve:

a. Surveillance of health, population, and other indices and analysis for program management and budget justification purposes.

b. Identification and definition of preventable health problems including conducting research and demonstrations.

c. Surveillance of diseases through epidemiologic, laboratory, and field investigations and data collection, analysis, and distribution.

d. Planning, developing, and producing the Morbidity and Mortality Weekly Report and various other surveillance reports.

8. Technical assistance by CDC program personnel. These actions typically consist of:

a. Technical assistance to other Federal agencies, other HHS components, State and local governments, universities, nonprofit organizations, foreign governments, and international organizations.

b. The assignment of CDC personnel to Federal, State, and local governmental agencies, universities, nonprofit organizations, foreign governments, and international organizations for technical assistance.

9. Actions related to the adoption of regulations and guidelines pertaining to the above activities (except technical assistance and those resulting in population changes).

C. The following CDC program actions are excluded from environmental review requirements under provisions of HHS GAM Section 30–20–40 based on the determination that they will not normally: (a) significantly affect the human environment (as defined in NEPA), or (b) affect an asset (as defined in the related acts) regardless of location or magnitude:

1. Direct delivery of medical, laboratory, or other related health services by CDC staff or by contract providers.

2. Utilization of health professionals or paraprofessionals to supplement existing manpower resources in medically underserved areas or during health emergencies.

3. Application of pesticides which are not classified for restricted use under provisions of the Federal Insecticide, Fungicide, and Rodenticide Act when used for routine pest control purposes.

4. Relocation of employees into existing owned or office space currently leased within the same metropolitan area.

D. The following CDC program actions are partially excluded from environmental review requirements under provisions of HHS GAM Section 30–20–40 based on the determination that they may cause a significant environmental effect or impact an asset at some but not all locations and/or levels of magnitude or they may have an effect/impact associated with some but not all environmental and related acts:

1. Actions associated with the construction of 10,000 square feet or less of occupiable space are excluded except when such construction impacts properties: (a) listed or eligible for listing on the National Register of Historic Places; (b) with possible archeological, prehistoric, or scientific importance; and/or (c) located where natural asset review is mandated (see GAM Section 30–50).

2. Program actions with similar or related actions subject to previous environmental review if the effects of the action have been determined environmentally insignificant and the historic/natural asset implications are the same as for the action(s) previously reviewed.

Dated: February 23, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83-5940 Filed 3-3-83; 8:45]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 83F-0037]

EMS–CHEMIE AG; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the EMS–CHEMIE AG has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Nylon 12T in food-contact articles.

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3670) has been filed by EMS–CHEMIE AG, CH–7013 Domat/Ems Switzerland, proposing that Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the safe use of Nylon 12T manufactured by polymerization of *omega*-laurolactam, isophthalic acid and bis(4-amino-3-methylcyclohexyl)methane in food-contact articles.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, Md 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 24, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-5479 Filed 3-3-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83F-0006]

Monsanto Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Monsanto Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of beverage containers fabricated from acrylonitrile/styrene copolymer resins.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3690) has been filed by Keller and Heckman, 1150 17th St. NW., Washington, DC 20036, on behalf of Monsanto Co., proposing that § 177.1040 (21 CFR 177.1040) of the food additive regulations be amended to provide for the safe use of beverage containers fabricated from certain acrylonitrile/styrene copolymer resins.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated February 24, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-5481 Filed 3-3-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83C-0041]

Precision-Cosmet Co., Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Precision-Cosmet Co., Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol (a diazonium compound) for coloring soft (hydrophilic) contact lenses.

FOR FURTHER INFORMATION CONTACT: George C. Murray, National Center for Devices and Radiological Health (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7940.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), 74 Stat. 399-402 as amended (21 U.S.C. 376(b)(1))), notice is given that a petition, CAP 3CO159, has been filed by Precision-Cosmet Co., Inc., Minnetonka, MN 55343, proposing that the color additive regulations be amended to provide for the safe use of 2-[[2,5-diethoxy-4-[(4-methylphenyl)thio]phenyl]azo]-1,3,5-benzenetriol (a diazonium compound) for placing an identification mark on and in soft (hydrophilic) contact lenses.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 24, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-5483 Filed 3-3-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83F-0042]

Schenectady Chemicals, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Schenectady Chemicals, Inc., has filed a petition proposing that the food additive regulations be admended to provide for the safe use of 2-2'-ethylidene bis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers and high-impact polystyrene and also for use in adhesive formulations intended for food-contact applications.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF-334),Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3691) has been filed by Schenectady Chemicals, Inc., c/o Jerome H. Heckman, Keller and Heckman, 1150 17th St. NW., Washington, DC 20036, proposing that the food additive regulations be amended to provide for the safe use of 2-2'-ethylidene bis(4,6-di-*tert*-butylphenol) as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers and high-impact polystyrene and also for use in adhesive formulations intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 24, 1983.
Sanford A. Miller,
Director, Bureau of Foods.
[FR Doc. 83-5480 Filed 3-3-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 83F-0035]

Standard Oil Co. (Indiana); Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Standard Oil Co. (Indiana) has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,5-dimethyl-2,5-di(*tert*-butylperoxy)hexane in the production of polyolefins.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3658) has been filed by Standard Oil Co. (Indiana), 200 E.

Randolph Dr., Chicago, IL 60601, proposing that the food additive regulations be amended to provide for the safe use of 2,5-dimethyl-2,5-di(*tert*-butylperoxy)hexane in the production of polyolefins.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: February 24, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-5462 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: San Juan District Office, chaired by Lynn Campbell, District Director.

DATE: Thursday, March 17, 1983, 10:30 a.m.

ADDRESS: Ponce Regional College, University of Puerto Rico, Ponce, PR 00731.

FOR FURTHER INFORMATION CONTACT: William E. Martinez-Soto, Consumer Affairs Officer, Food and Drug Administration, P.O. Box S-4427, Old San Juan Station, San Juan, PR 00905; 809-753-4264.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues. The topics to be discussed are orphan drugs, food labeling formats, and an update on sodium.

Dated: February 25, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5332 Filed 3-3-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

Correction

In FR Doc. 82-1519, appearing on page 2836 in the issue of Friday, January 21, 1983, make the following correction.

On page 2836, in the **"FOR FURTHER INFORMATION CONTACT"** section, the Zip Code reading "21202" should read "21201".

BILLING CODE 1505-01-M

[Docket No 79N-0113; DESI 2847]

Certain Parenteral Multivitamin Products; Drug Efficacy Study Implementation; Withdrawal of Approval

Correction

In FR. Doc. 83-1419, beginning on page 2835 in the issue of Friday, January 21, 1983, make the following correction.

On page 2836, first column, fourth line of the last paragraph, "approval" should read "approved".

BILLING CODE 1505-01-M

National Institutes of Health

Biomedical Research Support Subcommittee of the General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Research Support Subcommittee of the General Research Support Review Committee, Division of Research Resources, National Institutes of Health, May 6, 1983, Building 31C, Conference Room 7, Bethesda, Maryland 20205, from 9:30 a.m. to adjournment.

The meeting will be open to the public on May 6 from 9:30 a.m. to adjournment to discuss program policies and planning for the Biomedical Research Support Grant Program and the Biomedical Research Support Shared Instrumentation Grant Program. Attendenance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Marjorie A. Tingle, Executive Secretary, Biomedical Research Support Subcommittee of the General Research Support Review Committee will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalogue of Federal Domestic Assistance Program No. 13.337, Biomedical Research Support, National Institutes of Health)

Dated: February 28, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-5369 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

Environmental Health Sciences Review Committee; Meeting;

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Environmental Health Sciences Review Committee on March 31-April 1, 1983 in Building 101 Conference Room, Research Triangle Park, North Carolina. This meeting will be open to the public from 8:30 a.m. to approximately 10:30 a.m. on March 31, 1983, for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:30 a.m., March 31, to adjournment on April 1, 1983, for the review, discussion and evaluation of individual grant applications and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Carol Shreffler, Executive Secretary, Environmental Health Sciences Review Committee, National Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (telephone 919-541-7826), will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmental Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

Dated: February 17, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-5368 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, April 21–22, 1983 at the National Institutes of Health. The meeting will be held in Conference Room 9, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:00 a.m. to approximately 1:30 p.m. on April 21, 1983, to discuss policy matters relating to the Minority Biomedical Research Support Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 21, 1983, from approximately 1:30 p.m. and on April 22 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications submitted to the Minority Biomedical Research Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B10, Bethesda, Maryland 20205, telephone (301) 496–5545, will provide summaries of meeting and rosters of committee members. Dr. Sidney A. McNairy, Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B29, Bethesda, Maryland 20205, telephone (301) 496–6745 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, Minority Biomedical Research Support Program, National Institutes of Health)

Dated: February 17, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-5869 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

Genetic Basis of Disease Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on March 24, 1983, at the Hotel Empire, Broadway at 63rd Street, New York, New York 10023, beginning at 3:00 p.m.

This meeting will be open to the public on March 24, 1983, from 3:00 p.m. until 3:30 p.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 3:30 p.m. until adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ann Dieffenbach, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205, Telephone 301–496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Dr. Helen Sunshine, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Room 950, Westwood Building, Bethesda, Maryland 20205 (Telephone 301–496–7125) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–862, Genetics Research, National Institute of General Medical Sciences, National Institutes of Health)

Dated: February 17, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-5867 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

National Digestive Diseases Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Digestive Diseases Advisory Board on April 27, 1983, 8:30 a.m. to adjournment, at the Linden Hill Hotel, Pooks Hill Road, Bethesda, Maryland. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of current digestive diseases plan. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Dr. Ralph Bain, Executive Director, National Digestive Diseases Advisory Board, P.O. Box 30377, Bethesda, Maryland 20084, (301) 496–2232, will provide an agenda and roster of members. Summaries of the meeting may be obtained by contacting Carole A. Frank, Committee Management Office, NIADDK, National Institutes of Health, Room 9A46, Building 31, Bethesda, Maryland 20205, (301) 496–5785.

Dated: February 28, 1983.

Betty J. Beveridge,

NIH Committee Management Office.

[FR Doc. 83-5870 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on February 25.

Public Health Service

National Institutes of Health

Subject: Protection of Human Subjects—Certification and Recordkeeping Requirements (0925–0137)—Reinstatement.

Respondents: Hospitals, colleges and universities.

OMB Desk Officer: Fay S. Iudicello.

Food and Drug Administration

Subject: Notice of Claimed Investigational Exemption for a New Drug (0910–0014)—Extension/No Change.

Respondents: Drug manufacturers.

Subject: Reporting Requirements Applicable to the Manufacture of Blood Grouping Serium (0910–0137)—Extension/No Change.

Respondents: Manufacturers of blood grouping serum.

Subject: Reporting Requirements Applicable to Normal Serum Albumin and Plasma Protein Fraction (0910–0137)—Extension/No Change.

Respondents: Manufacturers of normal serum albumin and plasma protein fraction.

OMB Desk Officer: Richard Eisinger.

Centers for Disease Control

Subject: Resurvey of Hospitals for the Study on the Efficacy of Nosocomial Infection Control—New.

Respondents: Short-term general hospitals.

OMB Desk Officer: Fay S. Iudicello.

Social Security Administration

Subject: Pre-1957 Military Service—Federal Benefit Questionnaire (SSA–2512 (4–83))—Revision.

Respondents: Individuals with military service from September 16, 1940 to December 31, 1956.

OMB Desk Officer: Milo Sunderhauf.

Office of Human Development Services

Subject: Recordkeeping and Reporting in NPRM to Implement Provisions of the Comprehensive Older Americans Act—New.

Respondents: State agencies on aging and Indian tribes.

OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: February 25, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–5880 Filed 3–3–83; 8:45 am]

BILLING CODE 4160–06–M

Public Health Service

National Toxicology Program; Chemicals (11) Nominated for Toxicological Testing: Request for Comments

SUMMARY: On November 17, 1982, the Chemical Evaluation Committee (CEC) of the National Toxicology Program (NTP) met to review 11 chemicals nominated for toxicological testing and to recommend the types of testing to be performed. With this notice, the NTP solicits public comment on the 11 chemicals listed herein.

FOR FURTHER INFORMATION AND SUBMISSION OF COMMENTS, CONTACT: Dr. Dorothy Canter, Assistant to the Director, National Toxicology Program, Room 2B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511.

SUPPLEMENTARY INFORMATION: As part of the chemical selection process of the National Toxicology Program, nominated chemicals which have been reviewed by the NTP Chemical Evaluation Committee (CEC) are published with request for comment in the **Federal Register** and *NTP Technical Bulletin*. This enables outside individuals and groups to participate in the NTP evaluation process thereby helping the NTP to make better informed decisions as to whether to select, reject or defer chemicals for testing.

Relevant comments and data submitted in response to this request are reviewed and summarized by NTP technical staff and then forwarded to the NTP Board of Scientific Counselors for its evaluation of the nominated chemcials and to the NTP Executive Committee for its decision making about testing. The NTP chemical selection process is summarized in the **Federal Register**, April 14, 1981 (46 FR 21828), and also in the NTP FY 1982 Annual Plan, pages 137–139.

On November 17, 1982, the CEC evaluated 11 chemicals nominated to the NTP for toxicological testing. The table below lists each chemical, its Chemical Abstracts Service (CAS) registry number, and the types of testing recommended by the CEC.

Chemical	CAS NO.	Committee recommendation
1. Atrazine	1912–24–9	Deferred (see below).
2. 1,3–Dinitropyrene[1]	75321–20–9	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests.
3. 1,6–Dinitropyrene[1]	42397–64–8	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests.
4. 1,8–Dinitropyrene[1]	42397–65–9	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests.
5. 1–Nitropyrene	5522–43–0	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests. Carcinogenicity (inhalation). Co-carcinogenesis study with benzo(a)pyrene.
6. Ordram (Molinate)	2212–67–1	Deferral (see below).
7. Roundup (Glyphosate isopropylamine salt).	38641–94–0	Deferred (see below).
8. 2,3,4,6–Tetrachlorophenol.	58–90–2	Deferred (see below).
9. 1,3,6,8–Tetranitropyrene.	28767–81–5	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests.
10. 2,4,7–Trinitrofluorenone.	129–79–3	90–day subchronic skin painting study.
11. 1,3,6–Trinitropyrene.	75321–19–8	*In vitro* cytogenetics. Mouse lymphoma assay. Other appropriate short-term tests.

[1] A mixture of the three dinitropyrenes (1,3–, 1,6–, and 1,8–dinitropyrene) was also recommended by the CEC for *in vitro* cytogenetics testing, the mouse lymphoma assay, other appropriate short-term tests, inhalational carcinogenicity testing, a co-carcinogenesis study with benzo(a)pyrene, and an inhalational teratology study. The CEC's testing recommendations were based upon concern about potential occupational and environmental exposures to these compounds and upon the desirability of complementing and extending the toxicological studies underway at the Environmental Protection Agency (EPA) on a mixture of the dinitropyrenes. The CEC recommended that the NTP ascertain the composition of the mixture that is being tested by EPA so that the Program can procure a mixture containing the same proportions of the three dinitropyrenes.

The four herbicides listed above, namely atrazine, ordram, roundup, and 2,3,4,6-tetrachlorophenol, were deferred by the CEC pending a review by EPA and NTP staff of the data submitted to the EPA Office of Pesticide Programs in support of the registration of these chemicals. Testing recommendations on these chemicals will be made at a subsequent CEC meeting.

A proposal for NTP reproductive effects testing of four aliphatic aldehydes, namely citral, crotonaldehyde, formaldehyde, and furfural, was also evaluated by the CEC following a review by several members of the Committee of the data on 12 aliphatic aldehydes under test by the NTP for various other toxicological endpoints. The CEC added butyraldehyde to the list of four compounds and recommended all five aldehydes for reproductive effects testing. Formaldehyde was recommended for an inhalational teratology study in rats and a two-generation reproductive study by the inhalation exposure route in rats. The remaining four aldehydes were each recommended for a teratology study. In addition, the CEC recommended that all five aldehydes receive consideration for testing in a three-generation *Drosophila* assay currently being evaluated by the National Institute for Occupational Safety and Health and the National Center for Toxicological Research.

Interested parties are requested to submit pertinent information. The following types of data are of particular relevance:

(1) Completed, ongoing and/or planned toxicological testing in the

private sector including detailed experimental protocols and, in the case of completed studies, resultant data.

(2) Modes of production, present production levels, and occupational exposure potential.

(3) Uses and resulting exposure levels, where known.

(4) Results of toxicological studies for structurally related compounds.

Please submit all information in writing by (thirty days after date of publication). Any submissions received after the above date will be accepted and utilized where possible.

Dated: February 28, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-5864 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[(A 17379) PS]

Arizona; Conveyance

Notice is hereby given that, pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), Smith and Lunt Dairy, P.O. Box 639, Pima, Arizona 85543, has purchased, by competitive sale, public lands in Graham County described as follows:

Gila and Salt River Mer., Arizona

T. 6 S., R. 24 E.,
Sec. 10, W½SW¼.

Containing 80 acres.

The purpose of the Notice is to inform the public and interested State and local governmental officials of the issuance of a patent to Smith and Lunt Dairy.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-5869 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

[A-18465]

Arizona; Proposed Withdrawal and Reservation of Lands

The Bureau of Prisons, Department of Justice, filed application, Serial No. A-18465, for the withdrawal of approximately 70.00 acres of public land from settlement, sale, location, or entry under all the general land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights:

Gila and Salt River Meridian, Arizona

T. 6 N., R. 2 E.,
Sec. 28, N½SW¼SW¼;
Sec. 29, E½SE¼NE¼, E½NE¼SE¼, NE¼SE¼SE¼.

The area described contains approximate by 70.00 acres in Maricopa County, Arizona.

The lands in sec. 29 are currently included in the Black Canyon Trails Area Designation.

The Bureau of Prisons desires that the land be withdrawn and reserved for the purpose of constructing a Federal Correctional Institution, sewage treatment plant, and a buffer zone.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Arizona State Office, Bureau of Land Management, at the address shown below, on or before May 30, 1983. Notice of public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register**. The Secretary's determination shall, in a proper case, be subject to the provisions of Section 204(d) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2753.

Effective on the date of publication of this notice, the above-described land shall be segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws. The segregative effect of this proposed withdrawal shall continue for a period of two years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: February 24, 1983.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-5845 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

[N-7052]

Nevada; Notice of Realty Action—Noncompetitive Sale Public Lands in Lincoln County, Nevada

February 25, 1983.

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian

T. 2 N., R. 69 E.,
Sec. 35, SW¼NW¼NE¼SE¼.

The above-described land, comprising 2.5 acres, is being offered by direct sale to W. C. Hollinger at current fair market value.

The lands are being offered as a direct, noncompetitive sale to W. C. Hollinger, the owner of the adjoining tract and improvements on the sale tract. The first cadastral survey of this area was performed in 1872. There were a number of errors in this original survey. The location of the private land in Ursine was established from the survey. In 1970 it was discovered the survey was inaccurate and in 1973 the area was resurveyed.

Mr. Hollinger found that with the change in the new survey the house he owned was partially on public land. Disposal by direct sale to Mr. Hollinger will legalize his occupancy of the land, protect his equity investment in the improvements on the land, and resolve a complicated trespass situation.

The lands have not been used and are not required for any Federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system. The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

Detailed information concerning the sale is available for review at the Nevada State Office, 300 Booth Street, Reno, Nevada.

For a period of 45 days, interested parties may submit comments to the State Director (N–943), P.O. Box 12000, Reno, Nevada 89520.

Lacel E. Bland,

Acting Deputy State Director, Operations.

[FR Doc. 83–5646 Filed 3–3–83; 8:45]

BILLING CODE 4310–84–M

[N–37689]

Nevada; Notice of Realty Action—Non-Competitive Sale of Public Lands in Clark County

February 25, 1983.

The following described land has been determined to be suitable for disposition by non-competitive sale at current fair market value under Pub. L. 96–586 and in accordance with section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 25, N½NW¼NW¼NW¼.
Containing 5.0 acres.

Disposal of this land through a non-competitive sale would facilitate a suitable land use authorized through Recreation and Public Purposes Lease N–22430, the sale program under Pub. L. 96–586, land use planning in the area, state and local governmental planning and National Forest Service objectives.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe. This includes an existing oil and gas lease N–20086.[1]

And will be subject to:

1. An easement for streets, roads and utilities 50 ft. wide on the north, 75 ft. wide on the west and 30 ft. wide on the east, together with a spandrel area in the northeast corner thereof, being the southwest corner of the intersection bounded as follows: on the north by the south line of the 50 ft. thereof; on the east by the west line on the east 30 ft. thereof; and on the southwest by the arc of a curve concave southwesterly, having a radius of 25 ft. and being tangent to the south line of said north 50 ft. and tangent to the west line of said 30 ft.; also together with a spandrel area in the northwest corner thereof, being the southeast corner of the intersection, bounded as follows; on the west by the east line of the west 75 ft. thereof; on the north by the south line of the north 50 ft. thereof; and on the southeast by the arc of a curve concave southeasterly, having a radius of 54 ft. and being tangent to the east line of the west 75 ft. and tangent to the south line of the north 50 ft.

Detailed information concerning the identification of this land for disposal, including the planning documents, environmental assessment, and the record of public discussions, is available for review at either the Nevada State Office, 300 Booth Street, Reno, Nevada 89520 or the Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108.

For a period of 45 days from the date of publication of this notice in **Federal Register**, interested parties may submit comments to the State Director, Nevada, Bureau of Land Management, P.O. 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify the Realty Action and issue a final determination. In the absence of any action by the State Director, this Realty action will become the final determination of the Department.

Lacel E. Bland,

Acting Deputy State Director, Operations.

[FR Doc. 83–5645 Filed 3–3–83; 8:45 am]

BILLING CODE 4310–84–M

[1] Prior to the sale, the applicant, Redrock Southern Baptist Church, may request conveyance of the available Federally owned locatable and saleable mineral interest under Section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757; 43 U.S.C. 1719.

[N–30966]

Nevada; Termination of Proposed Withdrawal

February 22, 1983.

Notice of an application (N–30966) filed by the Bureau of Land Management, for withdrawal and reservation of public land was published as Federal Register Document 81–4377 on page 11369 of the February 6, 1981 issue. The Bureau has cancelled its application to segregate the critical habitat of the endangered plant species Osgood Mountains milk-vetch (Astragabus yoder-williamsii). The area has been formally designated as an Area of Critical Environmental Concern (ACEC). The following described 60 acres in Humboldt County, Nevada is affected:

Mount Diablo Meridian, Nevada

T. 38 N., R. 42 E.,
Sec. 6, N½SW¼NE¼, SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼NW¼NE¼.
T. 39 N., R. 42 E.,
Sec. 31, SE¼SW¼SE¼.

The land is hereby relieved of the segregative effect of the above-mentioned application.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83–5644 Filed 3–3–83; 8:45]

BILLING CODE 4310–84–M

[N–15614]

Nevada; Airport Lease Application Withdrawn

February 22, 1983.

Notice is hereby given that Nye County has withdrawn its airport lease application involving the following described lands:

Mount Diablo Meridian, Nevada

T. 21 S., R. 53 E.,
Sec. 5, All;
Sec. 8, E½, NE¼NW¼;
Sec. 9, W½;
Sec. 16, E½, NW¼, NE¼SW¼.

Withdrawal of the application was accepted on February 17, 1983 and at

that time the lands were relieved of the segregative effect of the application.

Wm. J. Malencik,

Deputy State Director, Operations.

[FR Doc. 83-5843 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (PST) on Wednesday, March 23, 1983, at the GGNRA Headquarters, Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Berger Benson
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

Major agenda items for this meeting will be budget reviews of Golden Gate National Recreation Area and Point Reyes National Seashore, an update on the Delta King proposal and an update on Hyde Street pier redevelopment.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123; telephone (415) 556-2920.

Minutes of this meeting will be available for public information by April 22, 1983 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123.

Dated: February 23, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-5838 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[No. MC-F-15133]

Algocen Transport Holdings Limited—Continuance in Control Exemption—Thibodeau-Finch Express Limited and Algocen Transport, Inc.

AGENCY: Inerstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemption Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Algocen Transport Holdings Limited, a Canadian corporation, which in turn is controlled by Algoma Central Railway, a Canadian rail carrier, seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Thibodeau-Finch Express Limited (No. MC-129573) and Algocen Transport, Inc. (No. MC-166343), both Canadian motor carriers.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423
and
(2) Petitioners' Representative, Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013.

Comments should refer to No. MC-F-15133.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 24, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5827 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-52 (Sub-18)]

Atchison, Topeka and Santa Fe Railway Company—Abandonment—In Los Angeles County, CA; Findings

The Commission has found that the public convenience and necessity permit the Atchison, Topeka and Santa Fe Railway Company to abandon its rail line between milepost 15.44, near El Segundo, CA, and the end of the line at milepost 20.02 near Redondo Beach, CA, subject to conditions. A certificate will be issued authorizing abandonment unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are set forth at 49 U.S.C. 10905 and 49 CFR 1152.27 (formerly 49 CFR 1121.38).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5821 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15123]

Bowhay Truck Line, Inc.—Purchase Exemption—Johnson Truck Line, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions, Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Bowhay Truck Line., Inc. (Bowhay) (No. MC-147228), and Johnson Truck Line, Inc. (Johnson) (No. MC-105774) seek an exemption from the requirement of prior approval under 49 U.S.C. 11343 for the purchase by

Bowhay of a portion of Johnson's operating rights. This authority authorizes the transportation of metal products and machinery, over irregular routes, (1) Between points in 38 States, on the one hand, and, on the other, points in Clay and Osborne Counties, KS, and (2) between points in Mitchell County, KS, on the one hand, and, on the other, points in 25 States.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and,

(2) Petitioners' representatives, Jack L. Shultz (Bowhay), Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501–2028; William B. Barker (Johnson) Jandera, Gregg & Barker, P.O. Box 1979, Topeka, KS 66601.

Comments should refer to No. MC–F–15123.

FOR FURTHER INFORMATION CONTACT:

Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 15, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5528 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 417 and Ex Parte No. 417 (Sub-1)]

Costing Methodologies for the Northeast Corridor: Commuter Service and Conrail Freight Service

AGENCY: Interstate Commerce Commission.

ACTION: Adoption of final procedures.

SUMMARY: On January 22, 1982 (47 FR 3418, January 25, 1982) the Interstate Commerce Commission (Commission) issued proposed procedures for compensating Amtrak for use of its properties by commuter and freight services pursuant to the requirements of Section 1163(a) of the Northeast Rail Service Act of 1981 (Rail Act). The Commission also adopted these procedures as interim procedures, effective January 25, 1982. At that time the Commission determined that an avoidable costing methodology was the most appropriate basis for calculating the compensation to be paid to Amtrak by commuter rail passenger and freight services. Upon evaluating the comments received, the Commission has made certain modification to the procedures and has also included further explanation of its adoption of an avoidable costing methodology.

EFFECTIVE DATE: These final procedure are effective retroactively to January 25, 1982.

FOR FURTHER INFORMATION CONTACT:

Stephen Grimm, (202) 275–0839

or

James Wells, (202) 275–0840.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission decision. To purchase a copy of the full decision contact: T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC, 20423, telephone (202) 289–4357, DC metropolitan area or (800) 424–5403, toll free for outside the DC area.

Decided: February 1, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Andre dissented in part with a separate expression. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

Commissioner Andre, dissenting in part:

I note that the majority is not going to take the lead in the issue of incentive payments for service quality by launching a sub-numbered docket to investigate Amtrak's request to work service quality into the payment schedule.

I submit that we should not be so reluctant to take the leadership in this area. The majority's decision comments favorably on the concept of quality of service payments but then lets the matter die for reasons which are unclear. An adequate legal foundation for consideration of service quality as part of the payment schedule appears in section 402(a) of the Rail Passengers Service Act, 45 U.S.C. 562(a). It is in the interest of the riders and the taxpayers to ensure that service quality is maximized by an appropriate incentive scheme.

I hope that the majority's reluctance to take the initiative in this area will not deter Amtrak from developing a service incentive scheme and petitioning this agency to docket the proposal for rulemaking.

[FR Doc. 83–5530 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway (202) 275–7278

or

Tom Smerdon (202) 275–7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions: These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
833	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC–MILW–C–352, (Asbestos fibre)	3	2–25–83
834	Pittsburgh and Lake Erie Railroad Co., ICC–PLE–C–0100, (Bituminous steam coal)	1	2–28–83
837	St. Louis Southwestern Railway Co., ICC–SSW–C–0377, (Starch dextrine)	1	2–28–83
838	Burlington Northern Railroad Co., ICC–BN–C–0159, (Movement of empty coal cars)	2	2–28–83
839	Bessemer and Lake Erie Railroad Co., ICC–BLE–C–0012, (Bituminous coal) via Port of Conneaut, OH	3	2–28–83
840	Pittsburgh and Lake Erie Railroad, ICC–PLE–C–0101, (Bituminous steam coal) via Port of Ashtabula Harbor, OH	1	2–28–83

Sub-No.	Name of railroad, contract No. and specifics	Review Board [1]	Decided date
341	Norfolk and Western Railway Co., ICC-NW-C-0046, Supplement 1, (Grain products, ethyl alcohol, corn oil, sunflower seed oil, corn syrup and soybean oil)	1	[illegible]

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Chandler not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc.83-5818 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[No. 39019]

New England Retail Express, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: New England Retail Express, Inc., a motor contract carrier, has requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted.

DATES: Comments are due on March 18, 1983. The sought exemption will become effective on April 4, 1983, unless, in response to timely filed adverse comments, the Commission issues a decision withdrawing this relief.

ADDRESS: Send original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Robin K. Williams (202) 275–7697

or

Howell I. Sporn (202) 275–7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b) and 10762(f).

New England Retail Express, Inc., holds nationwide temporary authority to operate as a contract carrier transporting general commodities (with exceptions) between points in the United States (except Alaska and Hawaii) under continuing contract(s) with Puritan Furniture Corp., Norwood, MA. Petitioner seeks an exemption from the tariff filing requirements for all its contract operations with respect to Puritan Furniture Corp., including those under its temporary authority as well as those covered by its pending application for permanent authority, which was filed on December 6, 1982. New England Retail Express argues that the tariff filing requirement is costly and an undue burden, results in lost business opportunities, and impairs competition through loss of flexibility in the marketplace. Petitioner is anxious to avoid unnecessary expenses which handicap its efforts to provide economical and efficient service. It contends that since the national transportation policy emphasizes fostering competition and the removal of regulatory burdens, approval of its petition for exemption would foster those goals.

We see no reason to deny this carrier the savings to be realized from a tariff exemption for its existing and future contracts.[1] It appears that exemption of this carrier from the requirement that it file tariffs covering its contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Petitioner here presently holds temporary authority and is awaiting disposition of its pending contract carrier application for permanent authority. While this provisional grant can only apply to petitioner's existing temporary authority, we see no reason to require petitioner to file a second petition for exemption if its application for permanent authority is approved. Therefore, if its application for permanent authority is approved, and if this provisional exemption is made final, the final exemption will apply to any permanent authority coextensive with the temporary authority covered by the provisional exemption.

We provisionally grant the exemption. This provisional grant will become final after 30 days unless the commission issues a further decision modifying or withdrawing the grant in response to adverse comments that may be filed.

This decision does not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: February 24, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5819 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

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[1] A proceeding to investigate the exemption of motor contract carriers on an industry-wide basis has been instituted in Ex Parte No. MC–165, *Exemption of Motor Contract Carriers from Tariff Filing Requirements* (47 FR 57303), December 23, 1982.

[Finance Docket No. 30123]

Southern Pacific Transportation Company—Discontinuance of Passenger Train Service in Ventura and Los Angeles Counties, California

AGENCY: Interstate Commerce Commission.

ACTION: Notice of hearing.

SUMMARY: Southern Pacific Transportation Company has filed a petition to discontinue passenger train service between Oxnard, Ventura County, CA, and Los Angeles, Los Angeles County, CA. Pursuant to 49 U.S.C. 10909 and 49 CFR Part 1153, hearing on the petition will be held on April 6, 1983 at 9:30 a.m. at: Los Angeles County Superior Court, County Courthouse, Room 203, 111 North Hill Street, Los Angeles, CA. Any interested person may participate in the hearing.

DATES: Any person opposed to the petition may file and serve a protest by March 21, 1983. Filing of a protest is not necessary in order to participate in the hearing.

ADDRESSES:

An original and six copies of pleadings should be filed with: Rail Section, Interstate Commerce Commission, Room 5417, Washington, D.C. 20423.

A copy of all pleadings should be served on applicant's representative: Herbert A. Waterman, 813 Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

Pleadings should refer to Finance Docket No. 30123.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. metropolitan area) or toll free (800) 424–5403.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5517 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action uder the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1161.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275–7669.

MC–FC–81232, filed Fegruary 15, 1983. By decision of February 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Number 2 approved the transfer to TERRELL C. CLARK, Stanleytown, VA, of Certificate No. MC–161427, issued October 27, 1982, to LEE-JAY MOTOR LINES, INC., Martinsville, VA, authorizing the transportation of *general commodities* (with the usual exceptions), between points in DE, GA, IN, KY, MD, NJ, NY, NC, OH, PA, SC, TN, VA, WV, and DC. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA, 24168 (703) 629–2816, for transferee.

[FR Doc. 83–5522 Filed 3–3–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation: Anheuser-Busch Companies, Inc., One Busch Place, St. Louis, MO 63118.

2. Wholly-owned Subsidiaries:

Anheuser-Busch, Inc., One Busch Place, St. Louis, MO 63118
August A. Busch & Co., Inc., One Busch Place, St. Louis, MO 63118
August A. Busch & Co. of Massachusetts, Inc., 111 Sixth Street, Cambridge, MA 02141
August A. Busch & Co. of Florida, Inc., One Busch Place, St. Louis, MO 63118
Busch Properties, Inc., 500 Community Federal Center, 12555 Manchester Road, St. Louis, MO 63131
Consolidated Farms, Inc., One Busch Place, St. Louis, MO 63118
Metal Container Corporation, 666 Mason Ridge Center Dr., St. Louis, MO 63141
Kingsmill Realty, Inc., 100 Kingsmill Road, Williamsburg, VA 23185
Busch International Sales Corp., One Busch Place, St. Louis, MO 63118
St. Louis Refrigerator Car Co., 2850 South Broadway, St. Louis, MO 63118
Manufacturers Railway Co., 2850 South Broadway, St. Louis, MO 63118
Manufacturers Cartage Co., 2850 South Broadway, St. Louis, MO 63118
M.R.S. Redevelopment Corp., 2850 South Broadway, St. Louis, MO 63118
M.R.S. Transport Company, 2850 South Broadway, St. Louis, MO 63118
Williamsburg Transport, Inc., 2850 South Broadway, St. Louis, MO 63118
Fairfield Transport, Inc., 2850 South Broadway, St. Louis, MO 63118
Busch Entertainment Corp., 500 Community Federal Center, 12555 Manchester Rd., St. Louis, MO 63131
Kingsmill Resorts, Inc., 100 Golf Club Road, Williamsburg, VA 23185
Container Recovery Corp., 666 Mason Ridge Center Dr., St. Louis, MO 63141
Metal Label Corporation, One Busch Place, St. Louis, MO 63118
Busch Creative Services Corp., 701 Lynch Street, St. Louis, MO 63118
Carolina Peanuts of Robersonville, Inc., 200 E. Third Street, Robersonville, NC 27871
Golden Eagle Distributing Co. (Tulsa Beer Branch), 2929 N. Florence, Tulsa, OK 74110
Busch Agricultural Resources, Inc., One Busch Place, St. Louis, MO 63118
Burch Industiral Products Corps., 10677 Watson Road, Sunset Hills, MO 63127
Anheuser-Busch International, Inc., One Busch Place, St. Louis, MO 63118
Anheuser-Busch Europe, Inc., 2800 S. Ninth Street, 5th Floor, St. Louis, MO 63118
Civic Center Corporation, 300 Stadium Plaza, St. Louis, MO 63102
Stadium Plaza Redevelopment Corp., 300 Stadium Plaza, St. Louis, MO 63102
Stadium Maintenance Corp., 300 Stadium Plaza, St. Louis, MO 63102
St. Louis National Baseball Club, Inc., 250 Stadium Plaza, St. Louis, MO 63102
Broadway Redevelopment Corp., 300 Stadium Plaza, St. Louis, MO 63102
Suffolk-Busch Development Corp., One Busch Place, St. Louis, MO 63118
Eagle Snacks, Inc., One Busch Place, St. Louis, MO 63118
Anheuser-Busch Wines, Inc., One Busch Place, St. Louis, MO 63118
Busch Equipment, Inc., One Busch Place, St. Louis, MO 63118
Campbell Taggart, Inc., 6211 Lemmon Avenue, Dallas, TX 75209
Bell-Art Advertising, Inc., 6211 Lemmon Avenue, Dallas, TX 75209
Rainbo Baking Co. of Corpus Christi, P.O. Box 4207, Corpus Christi, TX 78408
Rainbo Baking Co. of El Paso, P.O. Box 9277, El Paso, TX 79983
Rainbo Baking Co. of Fort Smith, P.O. Box 64, Ft. Smith, AR 72902
Rainbo Bakeries of San Joaquin Valley, Inc., P.O. Box 832, Fresno, CA 93712
Colonial Baking Co. of Huntsville, P.O. Box 5147, Huntsville, AL 35805
Rainbo Baking Co. of Johnson City, P.O. Box 2387, Johnson City, TN 37601
Ramtag, Inc., 6211 Lemmon Avenue, Dallas, TX 75209
El Charrito Corp., 1925 Valley View Lane, Farmers Branch, TX 75234
Larry's Food Products, Inc./a Subsidiary of El Charrito Corp., 14725 S. Broadway, Gardena, CA 90248
Anheuser-Busch Asia, Inc., 2800 S. Ninth Street, St. Louis, MO 63118
Rainbo Baking Co. of Lexington, P.O. Box 86, Lexington, KY 40501
Rainbo Baking Co. of Lubbock, P.O. Box 459, Lubbock, TX 79408
Rainbo Baking Co. of Louisville, P.O. Box 8245, Station E, Louisville, KY 40209

Evansville Colonial Baking Co., P.O. Box 1086, Owensboro, KY 42301
Paducah Colonial Baking Co., P.O. Box 3100, Paducah, KY 42001
Rainbo Baking Co. of Sacramento Valley, P.O. Box 5387, Sacramento, CA 95817
Rainbo Bread Co. of Saginaw, P.O. Box 3266, Saginaw, MI 48605
Kilpatrick's Bakeries, Inc., 2030 Folsom Street, San Francisco, CA 94110
Merico Divisional Machine Shop, 9523 Watson Industrial Park, Crestwoo, MO 63126
Merico Snack Food Div., P.O. Box 719, Paris, TX 75460
Merico, Inc., Corporate Offices, P.O. Box D, Carrollton, TX 75006
Merico, Inc., Carrollton Div., P.O. Box 457, Carrollton, TX 75006
Merico, Inc., Forest Park Div., P.O. Box D, Forest Park, GA 30050
Merico, Inc., Ft. Payne Div., P.O. Box 500, Ft. Payne, AL 35967
Merico, Inc., Indianapolis Div., P.O. Box 19325, Indianapolis, IN 46219
Merico, Inc., Little Rock Div., P.O. Box 9000, Little Rock, AR 72219
Herby's Food Products, Inc., 901 Santerre, Grand Prairie, TX 75050
Merico, Inc. Packaging Div., P.O. Box 1155, Paris, TX 75460
Cocoa Baking Company/a Division of Merico, Inc., P.O. Box 5071, Rome, GA 30161
Penn Dutch Cookie Co./a Division of Merico, Inc., P.O. Box 107, Fleetwood, PA 19522
Rod's Food Products/a Division of Merico, Inc., 17360 Railroad St., City of Industry, CA 91749
Royal Foods/a Div. of Merico, Inc., 222 Minnesota, Indianapolis, IN 46203

1. Parent corporation and address of principal office: Beneto, Inc., Post Office Box 1496, 1875 South River Road, West Sacramento, CA 95691.

2. Wholly-owned subsidiary which will participate in the operations, and State of incorporation: Western Hyway Distributing Co., Inc., a California Corporation, MC-142240.

1. Parent corporation and address of principal office: Pressure Vessel Service, Inc., 6473 Anstell Avenue, Detroit, MI 48213.

2. Wholly—owned subsidiaries which will participate in the operations, and states of incorporations:

(i) Bay Chemical Company—Michigan;
(ii) Waste Acid Services Inc.—Michigan;
(iii) Chemical Transport Services, Inc.—Michigan;
(iv) PVS Chemicals, Inc. (Illinois)—Michigan;
(v) PVS Chemicals, Inc. (New York)—Michigan;
(vi) PVS Chemicals, Inc. (Ohio)—Michigan;
(vii) FanChem Ltd.—Ontario, Canada.

1. Parent corporation and address of principal office: Standard Oil Company (Indiana)—200 E. Randolph Drive (P.O. Box 5910-A) Chicago, IL 60601.

2. Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

(a) Amoco Chemicals Corporation, 200 E. Randolph Drive (P.O. Box 8640-A), Chicago, IL 60680
(b) Pure Culture Products, Inc., 200 E. Randolph Drive (P.O. Box 8640-A), Chicago, IL 60680
(c) Welchem, Inc., 5450 N.W. Central Drive, Houston, TX 77092
(d) Amoco Oil Company, 200 E. Randolph Drive (P.O. Box 6110-A), Chicago, IL 60680
(e) Amoco Minerals Company, 7000 S. Yosemite St., Englewood, CO 80112
(f) Amoco Production Company, 200 E. Randolph Drive (P.O. Box 5340-A), Chicago, IL 60680
(g) Amoco Pipeline Company, 200 E. Randolph Drive (P.O. Box 6110-A), Chicago, IL 60680
(h) Amoco Fabrics Company, 550 Interstate North, Atlanta, GA 30339
(i) Amoco Foam Products Company, Shadowood Office Park—2111 Powers Ferry Road, Suite 200, Atlanta, GA 30339
(j) Amoco Engineered Plastics Company—45 East Maryland Avenue, St. Paul, MN 55117
(k) Amoco Container Company, Shadowood Office Park—2111 Powers Ferry Road, Suite 300, Atlanta, GA 30339
(l) Amoco Gas Company, 501 Westlake Park Blvd., Houston, TX 77253
(m) Cyprus Coal Company, 7000 S. Yosemite Street, Englewood, CO 80112

1. Parent corporation and address of principal office: West American Finance Corporation d.b.a. Boyd Martin Co. (a Utah corporation), 1200 West North Temple, Salt Lake City, UT 84116.

2. Wholly-owned subsidiaries which will participate in the operations, all incorporated ain the State of Utah:

(i) West American Transport, Inc.
(ii) Steve Regan Company
(iii) F.L.F., Inc.
(iv) Utah Industrial Trucks, Inc.
(v) West American Hardware, Inc. d.b.a. Strevell Paterson

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-5822 Filed 3-3-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP-2-080]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: February 24, 1983.

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods.) The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicant with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the

compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275-7030.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

MC 95232 (Sub-1), filed February 15, 1983. Applicant: ALL JERSEY TRAILS, INC., 284 Main St., Butler, NJ 07405-1099. Representative: Edward F. Bowers, Seven Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, 201-992-2200. Transporting *passengers,* in charter and special operations, between points in the U.S. (including AK, but excluding HI.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 157493 (Sub-2), filed January 20, 1983. Applicant: LYNCH BUS LEASING SERVICE, INC., d.b.a. LYNCH BUS SERVICE, R.D. 1, Box 263, Carbondale, PA 18407. Representative: Mr. Paul J. Kenworthy, P.O. Box 25, Clark Summit, PA 18411, 717-587-2533. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166083, filed February 3, 1983. Applicant: ARRIVA COACH, INC. 2140 Edgeware St., Silver Spring, MD 20904. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004, 202-737-1030.Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166172, filed February 9, 1983. Applicant: DRIVE WAREHOUSE & SUPPLY COMPANY, 5618 Florence Blvd., Omaha, NE 68110. Representative: Edward A. O'Donnell, 1004-29th St., Sioux City, IA 51104, 721-255-3127. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166192, filed February 8, 1983. Applicant: WILLIAM CABRERA TRANSPORTATION SERVICES, INC., 45 Plaza Circle, Salinas, CA 93901. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166193, filed February 9, 1983. Applicant: WILLIAMS BUS SERVICE, P.O. Box 625, Quinton, VA 23141. Representative: Thomas O. Williams (same address as applicant) 804-932-4038. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166212, filed February 8, 1983. Applicant: C.P.K. d.b.a. PEPPERMILL'S WESTERN VILLAGE, Mesquite, NV 89024. Representative: Natale A. Carasali, 3700 Grant Drive #1, Reno, NV 89509, 702-826-8770. Transporting *passengers,* in charter and special operations, between Mesquite, NV and St. George, UT.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-5824 Filed 3-3-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-079]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: February 24, 1983.

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2((E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: Common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this

décision is neither a major Federal action significantly affecting the quality of the human environmental nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275–7030.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

MC 72423 (Sub-17), filed February 4, 1983. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut St., Sterling, CO 80751. Representative: Jack B. Wolfe, 601 E. 18th Ave., No. 107, Denver, CO 80203, 303–522–6232. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Quality Stores, Inc., Quality Farm & Fleet, Inc., and Sterling Big R, Inc., of N. Muskegon, MI.

MC 107012 (Sub-798), filed February 10, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with ANG Coal Gasification Company, of Detroit, MI.

MC 120373 (Sub-4), filed January 18, 1983. Applicant: ROBERT L. ROY d.b.a. FORTMAN TRUCK LINE, 115 North 5th St., Hamilton, MT 59840. Representative: Robert L. Roy (same as applicant), (406) 363–2822. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Ravalli and Missoula Counties, MT.

MC 133643 (Sub-3), filed January 10, 1983. Applicant: MOORE VAN & STORAGE, INC., 2565 NE 33rd St. at I–35W–N, Fort Worth, TX 76106. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902, (301) 649–5074. Transporting *household goods,* between those points in the U.S., in and south of NY, PA, OH, IN, IL, IA, NE, CO, UT, NV, OR, and WA.

MC 136553 (Sub-109), filed February 15, 1983. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, 515–282–3525. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 140902 (Sub-23), filed February 15, 1983. Applicant: DPD, INC., 3600 NW. 82nd Ave., Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant), 305–593–3204. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Keene Corporation, Cutting Services Division, of St. Louis, MO, Akers Packaging Service, Inc., of Middletown, OH, Recticel Foam Corporation, of Buffalo, NY, C.C. Housing Corporation, of Syracuse, IN, The Boise Company, of Boise, ID, Balanced Foods, Inc., of Ridgefield, NJ, and ICI Americas, Inc., of Wilmington, DE.

MC 141212 (Sub-9), filed January 14, 1983. Applicant: JOHN RADKE, INC., Route 2, Box 93, Marathon, WI 54448. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5066, Madison, WI 53705–0066. Transporting *such commodities* as are dealt in or used by producers and distributors of salt, between points in Manistee County, MI, Hennepin County, MN, Williams County, ND, and Weber County, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165453, filed December 30, 1982. Applicant: KUHN TRANSPORT, INC., 4408 Tytus Ave., P.O. Box 206, Middletown, OH 45042. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, those points IN on an south of Interstate Hwy 70, those points in KY on, east and north of a line beginning at the TN–KY State line and extending along Interstate Hwy 65 to junction Interstate Hwy 64, and than along Interstate Hwy 64 to the KY–WV State Line, and those points in PA on and west of U.S. Hwy 219, on the one hand, and, on the other, points in IL, IN, MI, WI, OH, KY, TN, WV, NY, and PA.

MC 165532, filed February 10, 1983. Applicant: JOHN M. GREENLEE, d.b.a. GREENLEE TRUCKING AND SPREADING SERVICE, 35 Austerlitz St., Chatham, NY 12037. Representative: Jeremy Kahn, 1511 K St., NW-Suite 733, Investment Bldg., Washington, DC 20005, 202–783–3525. Transporting (1) *chemicals and related products,* and (2) *clay, concrete, glass or stone products,* between points in the U.S., under continuing contract(s) with Agway, Inc., of Syracuse, NY.

MC 165552, filed January 4, 1983. Applicant: C & L TRANSPORTATION, INC., P.O. Box 339, Orefield, PA 18069. Representative: William J. McCarthy III, 825 North Twelfth St., Allentown, PA 18102, (215) 439–8430. Transporting (1) *coal,* between points in PA, on the one hand, and, on the other, points in RI, under continuing contract(s) with People's Coal of Cumberland, RI, and (2) *scrap metal,* between points in MA, on the one hand, and, on the other, points in DE, NJ, and PA, under continuing contract(s) with State Line Scrap Co., Inc., of So. Attleboro, MA.

MC 166022, filed February 1, 1983. Applicant: ELECTRONIC EXPRESS, INC., 720 Rosewll St., Marietta, GA 30060. Representative: John W. Greer, III, 57 Forsyth St., NW, Suite 925 Healey Building, Atlanta, GA 30303, (404) 523–1601. Transporting (1) *photographic instruments,* (2) *surgical or medical instruments or apparatus,* and (3) *machinery,* between points in GA, FL, AL, SC, NC, TN, VA, KY, MS, AR, LA, WV, and TX.

MC 166173, filed February 9, 1983. Applicant: SARTIN CONSTRUCTION AND TRUCKING, INC., P.O. Box 297, Sunnyside, WA 98944. Representative: James G. Sartin (same address as applicant), 509–837–3800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, ID, MT, OR, and WA.

MC 166182, filed February 8, 1983. Applicant: GERALD D. THOMPSON d.b.a. JERRY THOMPSON GRAIN & FEED, 247 Sierra Vista, P.O. Box 151, Sterling, CO 80751. Representative: David E. Driggers, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Center, Denver, CO 80264, 303–522–6750. Transporting *fertilizers*, between points in the U.S. (except AK and HI), under continuing contract(s) with Duval Sales Corporation of Houston, TX.

MC 166202, filed February 10, 1983. Applicant: ROYAL TRANSPORT, INC., 1520 Avenida Los Reyes, P.O. Box 18590, Tucson, AZ 85710. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave. NW., Suite 500, Washington, DC 20006, 202–828–5015. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Metalux Corp., of Americus, GA.

MC 166213, filed February 10, 1983. Applicant: RON WATTS TRUCKING, INC., 6920 N. 16th St., Lot 76, Omaha, NE 68112. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, 402–397–9900. Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166242, filed February 11, 1983. Applicant: ROHTSTEIN CORP., 70 Olympia Ave., P.O. Box 2129, Woburn, MA 01888. Representative: Max I. Rohtstein (Same address as applicant), 617–935–8300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, and VT.

[FR Doc. 83–5525 Filed 3–3–83; 8:45 am]
BILLING CODE 7035–01–M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

Correction

In FR Doc. 83–5108 appearing on page 8864, in the issue of Wednesday, March 2, 1983, make the following correction.

The first line of the "DATES" paragraph should read:

"DATES: Protests are due within 15 days".

BILLING CODE 1505–01–M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at the Westin Hotel, North Michigan Avenue at Delaware, Chicago, Illinois on April 5 and 6, 1983, beginning at 9:00 a.m. each day.

The purpose of the meeting is to prepare recommended questions for the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B). A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, section 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 1, 1983.

Leslie S. Shapiro,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 83–5530 Filed 3–3–83; 8:45 am]
BILLING CODE 4810–25–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 21, 1983—February 25, 1983.

In order for an affirmative determination to be made and a certification of elibibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partically separate,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,544; National Steel Corp., Weirton Steel Div., Weirton, WV
TA–W–13,669; Transfer Machines, Inc., Troy, MI
TA–W–13,342; Perception Direction Div., Bobbie Brooks, Inc., Hialeah, FL
TA–W–13,436; Wells-Index Corp., Three Rivers, MI
TA–W–13,610; S & S Products, Inc., Wyandotte, MI
TA–W–13,484; J & M Fashions, Inc., Union City, NJ
TA–W–13,488; Lucy Rose Anna Coat Co., Inc., Hoboken, NJ
TA–W–13,465; Rockwell International Corp., Automotive Supply Div., Chattanooga, TN
TA–W–13,390; Russell, Burdsall & Ward Corp., Chicage, IL
TA–W–13,674; The Boeing Co., Seattle, WA

In the following case the investigation revealed that criterion (3) had not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–13,210; J.V. Components, Inc., Conway, NH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–13,664; Mastex Industries, Inc., Bay State Mills Div., Holyoke, MA

Aggregate U.S. imports of fabric are negligible.

TA–W–13,668; Sturgill Mining Co., Wise, VA

Aggregate U.S. imports of metallurgical coal are negligible.

Affirmative Determinations

TA–W–13,721; U.S. Steel Corp., Minnesota Ore Operations, Mt. Iron, MN

A certification was issued in response to a petition received on August 6, 1982

covering all workers separated on or after July 31, 1981.

TA–W–13,590; U.S. Steel Corp., Johnstown-Canton Works, Canton, OH

A certification was issued in response to a petition received on June 14, 1982 covering all workers separated on or after June 9, 1981.

TA–W–13,268; U.S. Steel Corp., Headquarters, Pittsburgh, PA

A certification was issued in response to a petition received on February 8, 1982 covering all workers separated on or after January 14, 1981.

TA–W–13,521; U.S. Steel Corp., Research Laboratory, Monroeville, PA

A certification was issued in response to a petition received on May 28, 1982 covering all workers separated on or after May 25, 1981.

TA–W–13,496; V & A Coat (Formerly Willow Coat Co.), Hoboken, NJ

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after May 13, 1981.

TA–W–13,426; Boston Digital Corp., Hopkinton, MA

A certification was issued in response to a petition received on April 23, 1982 covering all workers separated on or after March 27, 1982.

TA–W–13,300; Beta Handbag & Luggage Corp., Hialeah, FL

A certification was issued in response to a petition received on March 22, 1982 covering all workers separated on or after April 2, 1981 and before April 1, 1982.

TA–W–13,345; Damsel Manufacturing Co., Inc., Avenel, NJ

A certification was issued in response to a petition received on February 23, 1982 covering all workers separated on or after November 20, 1981.

TA–W–13,345A; Damsel Manufacturing Co., Inc., Wilkes-Barre, PA

A certification was issued in response to a petition received on February 23, 1982 covering all workers separated on or after November 20, 1981.

TA–W–13,345B; Damsel Manufacturing Co., Inc., Plains, PA

A certification was issued in response to a petition received on February 23, 1982 covering all workers separated on or after November 20, 1981.

TA–W–13,612; U.S. Steel Corp., National-Duquesne Works, McKeesport, PA, and Duquesne, PA

A certification was issued in response to a petition received on May 25, 1982 covering all workers separated on or after October 1, 1981.

TA–W–13,391; U.S. Steel Corp., Lorain-Cuyahoga Works, Lorain, OH and Cleveland, OH

A certification was issued in response to a petition received on April 5, 1982 covering all workers separated on or after December 31, 1981.

TA–W–13,705; Aeolian Pianos, Inc., Aeolian American Div., Rochester, NY

A certification was issued in response to a petition received on August 9, 1982 covering all workers separated on or after October 4, 1981.

TA–W–13,375; Duluth Missabe & Iron Range Railway Co., Duluth, MN

A certification was issued in response to a petition received on March 25, 1982 covering all workers separated on or after September 1, 1981.

TA–W–13,400; U.S. Steel Corp., Johnstown-Canton Works, Johnstown, PA

A certification was issued in response to a petition received on April 7, 1982 covering all workers separated on or after April 6, 1981.

TA–W–13,483; Italian Fashions, Hoboken, NJ

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after August 9, 1981.

TA–W–13,489; Lunar Fashions, Hoboken, NJ

A certification was issued in response to a petition received on May 13, 1982 covering all workers separated on or after November 1, 1981.

TA–W–13,490; Maria Fashions, Inc., Hoboken, NJ

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after July 3, 1982.

TA–W–13,493; Natalie Ann Fashions, Inc., Union City, NJ

A certification was issued in response to a petition received on May 13, 1982 covering all workers separated on or after January 1, 1982.

TA–W–13,482; H & P Garment Co., Hoboken, NJ

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after October 3, 1981.

TA–W–13,481; Fortune Fashions, Inc., Jersey City, NJ

A certification was issued in response to a petition received on May 18, 1982 covering all workers separated on or after May 13, 1981.

TA–W–13,644; Bethlehem Steel Corp., South Buffalo Railway Co., Lackawanna, NY

A certification was issued covering all workers engaged in employment related to the production of carbon cold rolled sheet and strip, galvanized sheet, hot rolled sheet and basic and semi-finished steel of the Lackawanna plant of Bethlehem Steel Corp. and all workers of the South Buffalo Railway Co.

I hereby certify that the aforementioned determinations were issued during the period February 21, 1983–February 25, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 1, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-5879 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 14, 1983–February 18, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not

contribute importantly to worker separations at the firm.

TA–W–13,505; Hecla Mining Co., Sherman Mine, Leadville, CO

TA–W–13,506; Hecla Mining Co., Star Mine, Wallace, ID

TA–W–13,507; Hecla Mining Co., Consolidated Silver Mine, Osborne, ID

TA–W–13,618; Midland Ross Corp., Capitol Castings Div., Phoenix, AZ

TA–W–13,626; Babcock & Wilcox Co., Tubular Products Group, Alliance, OH

TA–W–13,602; Connors Steel Co., Huntington, WV

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–13,625; Ashland Petroleum Co., Buffalo Refinery, Tonawanda, NY

Aggregate U.S. imports of refined petroleum products did not increase as required for certification.

TA–W–13,627; Buddy Knitwear, Inc., Hempstead, NY

Aggregate U.S. imports of fabric are negligible.

TA–W–13,629; Clinton Corn Processing Co., Montezuma, NY

Aggregate U.S. imports of fructose corn syrup and refined sugar are negligible.

Affirmative Determinations

TA–W–13,637; Kannner Dress Co., Elizabeth, NJ

A certification was issued in response to a petition received on July 8, 1982 covering all workers separated on or after January 28, 1982.

TA–W–13,589; Quote Me, Inc., Clifton Forge, VA

A certification was issued covering all workers of the firm separated on or after June 8, 1981 and before August 1, 1982.

TA–W–13,435; Tecumseh Products Co., Tecumseh Div., Marion, OH

A certification was issued in response to a petition received on April 19, 1982 covering all workers separated on or after April 13, 1981.

TA–W–13,552; Armco, Inc., Baltimore Works, Baltimore, MD

A certification was issued covering all workers engaged in employment related to the production of stainless steel wire rod, bar, basic and semi-finished steel of the firm separated on or after June 9, 1981.

A certification was issued covering all workers engaged in employment related to the production of stainless steel wire of the firm separated on or after January 1, 1982.

I hereby certify that the aforementioned determinations were issued during the period February 14, 1983–February 18, 1983. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 22, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83–5998 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 14, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 14, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 22nd day of February 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Huntingdon Apparel Manufacturing Co. (ACTWU)	Huntingdon, Pa	2/14/83	2/9/83	TA–W–14,425	Slacks—men's.
Lehigh Portland Cement (UCLGAW)	Northampton, Pa	2/16/83	2/10/83	TA–W–14,426	Cement—portland.
Luzerne Apparel Manufacturing Corp. (ACTWU)	Elysburg, Pa	2/14/83	2/9/83	TA–W–14,427	Suits, sportcoats—men's.
Luzerne Apparel Manufacturing Corp. (ACTWU)	Berwick, Pa	2/14/83	2/9/83	TA–W–14,428	Sportcoats, sew vests—men's.
Magma Copper Co. (USWA)	San Manuel, Ariz	2/14/83	2/8/83	TA–W–14,429	Copper, mining and smelting.
Martin Marietta Cement (Eastern Division) (CLGAW)	Thomaston, Maine	2/16/83	2/7/83	TA–W–14,430	Cement—portland.
Martin Marietta Cement (CLGAW)	Northampton, Pa	2/16/83	2/9/83	TA–W–14,431	Do.
Reed Holdings, Inc., Birge Division (workers)	Cheektowaga, N.Y	2/15/83	2/8/83	TA–W–14,432	Wallcoverings.
SKW Alloys, Inc. (USWA)	Niagara Falls, N.Y	2/14/83	1/28/83	TA–W–14,433	Alloys—silicon and chrome.
TRW, Inc., Threading Tools Division (workers and UE)	Greenfield, Mass	2/14/83	2/3/83	TA–W–14,434	Tools cutting, thread tools, measuring, thread.
Blair Footwear, Inc. (workers)	Altoona, Pa	2/17/83	2/10/83	TA–W–14,435	Shoes, casual—women's.
Brandford Manufacturing Co. (ILGWU)	Newark, N.J	2/9/83	2/2/83	TA–W–14,436	Dresses.
Chevron USA, Inc., (IBT)	Perth Amboy, N.J	2/15/83	2/9/83	TA–W–14,437	Sundry petroleum products.
Cyprus Pima Mining Co. (workers)	Tucson, Ariz	2/15/83	2/9/83	TA–W–14,438	Copper, molybdenum concentrates—mine.
General Motors Corp., Packard Electric Division (Electrical, Radio & Machine Workers)	Clinton, Mass	2/7/83	2/1/83	TA–W–14,439	Components—wiring assembly harnesses.
Kaiser Aluminum & Chemical, Chalmette Works (USWA)	Chalmette, La	2/14/83	2/8/83	TA–W–14,440	Aluminum pigs, sows, ingots and rods.
Nedrich Shirt Manufacturing Co. (ACTWU)	Elizabethville, Pa	2/14/83	2/9/83	TA–W–14,441	Blouses—ladies.
Publix Shirt Corp. (ACTWU)	Hazleton, Pa	2/14/83	2/9/83	TA–W–14,442	Dress shirts—men's.
Sharon Steel Corp., Mining Division (USWA)	Fierro, N. Mex	2/14/83	2/4/83	TA–W–14,443	Copper mine and mill.
Tygart Industries, Inc. (USWA)	Versailles Boro, Pa	2/7/83	1/31/83	TA–W–14,444	Warehouses—fabricated steel plate.

[FR Doc. 83-6060 Filed 3-3-83; 8:45 am]
BILLING CODE 4510-30-M

Negative Determination Regarding Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance in the case listed below. In this case, the review indicated that there were no new facts not previously considered; that the determination was not based on a mistake; and that there was no misinterpretation of facts or of the law which would justify reconsideration. Therefore, denial of the application was issued.

TA–W–13,131; Jeep Corporation, Toledo, Ohio

Dated: February 25, 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

Signed at Washington, D.C. this 25th day of February 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-6060 Filed 3-3-83; 8:45 am]
BILLING CODE 4510-30-M

Office of Pension Welfare Benefit Programs

Boldtco Restated Profit Sharing and Retirement Trust, et al.; Proposed Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemptions.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) if the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Boldtco Restated Profit Sharing and Retirement Trust Located in Appleton, Wisconsin

[Application No. D–3316]

Proposed Exemption

The Department of Labor (the Department) is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) A proposed mortgage loan (the Loan) by the Boldtco Restated Profit Sharing and Retirement Trust (the Plan) to Messrs. Richard and Todd Popp (collectively the Popps), the proceeds of which will be used by the Popps to finance the purchase of certain real estate from the Berg Corporation, a wholly owned subsidiary of the Oscar J. Boldt Construction Company (the Employer), a party in interest with respect to the Plan, and (2) the guarantees of repayment of the Loan and of the interest rate on the Loan by the Employer.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing and retirement plan which had 79 participants and net assets of approximately $2,890,832 on February 29, 1980. The trustees (the Trustees) of the Plan are A. Kristian Jensen, Stephen Chavlovich, Robert H. Behling, Warren F. Parsons, Charles M. Boldt and Carol Westphal, all of whom are officers or employees of the Employer. Investment decisions for the Plan are made by the Trustees.

2. The applicants request an exemption to permit the Plan to make the Loan of $299,781 to the Popps, the proceeds of which will be used by the Popps to purchase property (the Property) from a subsidiary of the Employer. The proposed Loan represents less than 11 percent of the Plan's assets. The Popps are not parties in interest with respect to the Plan, however, their use of the Loan proceeds to purchase property from a wholly owned subsidiary of the Employer will benefit the Employer. The terms of the Loan are as follows:

a. The Loan will be repaid in monthly installments of principal and interest over a twenty year period.

b. The Employer guarantees repayment of the principal amount of the Loan within 60 days of default by the Popps on their payments and, in addition, guarantees that each month the Plan will receive interest at the rate of 16.5 percent per annum or the prime rate in effect on the first business day of each month at the First National Bank in Appleton, Wisconsin (First National), whichever is greater. First National has represented that it would make a loan to the Popps on the same terms and conditions, except that First National would charge interest based on its prime

rate, adjusted monthly, and would not require a guarantee of at least a 16.5 percent per annum interest rate.

c. The payment of interest will be allocated between the Popps and the Employer as follows: During each five year period of the Loan, the Popps will pay to the Plan interest at the greater of 16.5 percent per annum, or the prime rate of First National as quoted on the first business day of such five year period less five percent. The Employer will pay to the Plan on a monthly basis the difference, if any, as of the last business day of each month, between the interest paid by the Popps and the interest which would have accrued to the Plan based on the prime rate in effect on the first business day of that month at First National, such that the Plan will at all times during the term of the Loan receive interest at the greater of: (1) 16.5 percent per annum; (2) the prime rate of First National as quoted on the first business day of each five year period less five percent; or (3) the prime rate in effect on the first business day of each month at First National.

d. The Loan will be secured by a first mortgage on the Property and by a second mortgage on certain other real property which is owned by the Employer (the Southwest Property) (collectively, the Properties). The Employer represents that the security interest held by the Plan in the Properties will at all times be greater than 150 percent of the outstanding Loan balance. Documents evidencing the Plan's security interests in the Properties will be filed in accordance with Wisconsin law. The Property was appraised on December 31, 1981 by John Pfefferle (Pfefferle) who determined its fair market value on that date to be $390,000. The Southwest Property was appraised by Pfefferle on February 4, 1982, who determined its fair market value on that date to be $142,600. The Southwest Property is currently subject to a first mortgage in the amount of $140,000, of which $70,000 was outstanding on July 22, 1982. Pfefferle, who is independent of all parties to the proposed transactions, is the president of Appraisal Associates, Inc. which is located in Appleton, Wisconsin and has had over fifteen years of experience in the appraising of real estate.

3. First National, which is independent of the Employer, has been appointed as the independent fiduciary for the Plan with respect to the proposed Loan. First National certifies that it has reviewed the needs of the Plan and the terms and conditions of the Loan and has determined that the Loan is appropriate for the Plan and is in the best interest of the Plan's participants and beneficiaries; that the terms and conditions of the proposed transaction are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party; and that it will monitor the terms and conditions of the Loan and enforce any rights the Plan has in the transaction. In addition, First National will have the responsibility for ensuring that the Loan is at all times collateralized to the extent of 150 percent of the outstanding balance of the Loan and that the Plan receives the interest rate guaranteed it herein.

4. The Trustees represent that the Loan is appropriate for the Plan and is in the best interest of the Plan's participants and beneficiaries in that it will provide the Plan with a high rate of return on a secure investment.

5. In summary, the applicants represent that the proposed transaction meets the statutory criteria contained in section 408(a) of the Act as follows: (1) The Loan represents less than 11 percent of the Plan's current assets; (2) the Trustees represent that the Loan is in the best interest of the Plan and its participants and beneficiaries; (3) the Loan has been approved in advance and will be monitored by an independent fiduciary; (4) the value of the collateral securing the Loan will at all times be at least 150 percent of the outstanding Loan Balance; and (5) the Employer guarantees repayment of the Loan within 60 days of default by the Popps and that the Plan will, at all times during the term of the Loan, receive a rate of interest equal to the greater of 16.5 percent per annum or the prime rate, adjusted monthly, of First National.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll-free number).

Neurological Associates of Tucson Profit Sharing Plan and Trust (the Profit Sharing Plan) and Neurological Associates of Tucson Money Purchase Pension Plan and Trust (the Pension Plan; Collectively, the Plans) Located in Tucson, Arizona

[Application Nos. D–3722 and D–3723]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the contribution by Neurological Associates of Tucson (the Employer) of two medical condominiums (Buildings B–8 and B–9) to the Profit Sharing Plan and the San Rafael Building (Building S/R) to the Pension Plan, provided the contribution is valued at its fair market value on the date contributed, and the leasing of the Buildings by the Plans to the Employer, under the terms set forth in this notice, provided such terms are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Profit Sharing Plan had 37 participants as of December 31, 1981 and, as of that date, had net assets of $1,444,195. The Pension Plan had 37 participants as of December 31, 1981, and had net assets of $1,117,201.

2. The Employer is an Arizona professional corporation, incorporated on June 21, 1963, which was organized primarily to provide neurological surgery and treatment in Tucson, Arizona. Currently, the Employer is the largest neurological group in Tucson, with approximately 9 physicians and 35 additional staff members.

3. Presently the Employer owns buildings which are used exclusively in the Employer's medical practice for patient examinations, doctors' offices and administrative offices. Buildings B–8 and B–9 are two medical condominiums which are located across the street from Tucson Medical Center, a 650 bed hospital. The current fair market value of Buildings "B" is $476,500, of which B–8 represents $96,500 and B–9 represents $380,000. As of June 1, 1982, the total encumbrance against Buildings "B" was $201,747, consisting of a first mortgage.

The monthly payments on the mortgage are $2,610.58, which will end on May 1, 1992. The other building, Building S/R, is also a medical condominium. Building S/R is located across the street from St. Joseph's Hospital, a 325 bed hospital. The current fair market value of Building S/R is $87,000, and it is encumbered by a first mortgage in the amount of $36,658. The monthly payments on the first mortgage on Building S/R are $469.91 and will end on August 1, 1992. The fair market value of the buildings was determined by an independent appraiser, Swango Real Estate Counseling and Valuation (Swango), of Tucson, Arizona.

4. The Employer has requested an exemption to contribute Buildings B–8 and B–9 to the Profit Sharing Plan and Building S/R to the Pension Plan. All the buildings will be transferred subject to their respective encumbrances. The Employer will claim as a deduction on its corporate income tax return an amount equal to the fair market value of the buildings, reduced by the outstanding balances due on the encumbrances at the time of transfer.

5. The Employer has also requested an exemption to lease the buildings from the Plans. The leases would be on a triple-net basis for a term of 15 years, with a rent adjustment every five years to reflect the then current fair market value of the buildings as determined by an independent appraiser acceptable to the independent fiduciary designated to oversee the transactions (see 7 and 8 below). At no time will the rentals be lower than the initial rent. Under the leases, the Employer will pay all expenses relating to the buildings, including maintenance, utilities, repair, taxes, insurance, and common area expenses so that the only expenditure responsibility of the Plans will be for the payment of principal and interest on the mortgages. The leases will provide that any expansion, improvements or renovations are to be made only by the Employer, solely at the Employer's expense, with any improvements belonging to the Plans at the termination of the leases. In event of default by the Employer in payment of the rentals, the leases will provide that the Plans at their discretion can either: (a) Sell the property to a third person and pay off any encumbrances; (b) relet the property to another tenant and continue to pay the encumbrances; or (c) void the lease and put the buildings to the Employer at a purchase price equal to the market value at the time of contribution, subject to encumbrances on the buildings at the time of the put. Such action is to be decided upon by the independent fiduciary designated to oversee the transactions.

6. The initial annual rental rates were determined by an independent appraisal by Swango. The annual rent for the first year for Buildings B–8 and B–9 will be approximately $53,000, and for Building S/R will be $9,800. These rentals will be sufficient to cover payments due on the encumbrances and any taxes due from unrelated business taxable income. Based on a net contribution value of $274,753 for Buildings B–8 and B–9, the net expected pre-tax return for the first year will be 7.9% based on cash flow. Building S/R, with a net contribution value of $50,342, is expected to have a pre-tax return for the first year of 8.3% based on cash flow.

The independent fiduciary has considered the rate of return to the Plans and notes that the previously cited figures are based only on cash flow to the Plans. He represents that the actual return to the Plans will be substantially higher due to appreciation and rental increases.

7. An unrelated party, Mr. James R. Hogan of Tucson, will be appointed as a named fidiciary for the Plans and will be given exclusive authority to manage and control all real property assets of the Plans. Mr. Hogan is owner/director of Hogan School of Real Estate and owner/broker of Hogan Investment Company, both of Tucson. Stewart Title and Trust Company of Tucson (Stewart Title) will collect all the rental payments. It will make the monthly payments on the mortgages and disburse the balance of the cash flow to the Plans' trustees. In addition, Stewart Title will make a monthly report to Mr. Hogan, which will enable him to monitor the leases to insure compliance with the terms and conditions and that timely payments are made on the encumbrances.

8. Mr. Hogan represents that he has considered the proposed contribution of the buildings to the Plans and has determined that the resulting investment by the Plans in the buildings is reasonably designed to further the purposes of the Plans by providing diversity, a current return to help meet current cash flow, and a projected return within the funding objectives of the Plan. He represents that his determination included the consideration of the risk of loss and opportunity for gain, including the potential impact of the unrelated business income tax, which will be either nominal or immaterial in relationship to the overall return from the investment. Mr. Hogan likewise represents that he has reviewed the terms of the proposed leases and finds that it would be in the best interests of the Plans and of their participants and beneficiaries to enter into the leases. Mr. Hogan has consulted with counsel familiar with the Act, and he has been advised of his duties, responsibilities and liabilities as a fiduciary under the Act.

9. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 408(a) of the Act because: (1) After the contribution of the buildings, they will comprise approximately 16% of the assets of the Profit Sharing Plan and 4% of the assets of the Pension Plan; (2) the contribution values and the fair market rental values for the buildings were established by an independent appraiser; (3) the proposed contributions and leases have been reviewed by Mr. Hogan, an independent fiduciary for the Plans, who has determined that the transactions are appropriate for the Plans and in the best interest of the Plans' participants and beneficiaries; and (4) Mr. Hogan will monitor the payments to the Plans under the leases and will take whatever action is appropriate to enforce the Plans' rights.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Drs. Weigler, Jacobsohn and Mollick, S.C. Amended and Restated Employees Pension Plan (the Plan) Located in Cadahy, Wisconsin

[Application No. D–3802]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of certain artwork by the Plan to Dr. Jordan M. Weigler (Dr. Weigler), a party in interest with respect to the Plan, provided that the sales price for the artwork is at least equal to its fair market value at the time of sale.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan with 10 participants and total assets of $276,827.82 as of June 30, 1982. The trustees of the Plan are Drs. Jordan M. Weigler, Peter H. Jacobsohn

and Sheppard Mollick, each of whom owns ⅓ of the shares of Drs. Weigler, Jacobsohn and Mollick, S.C. (the Employer). The custodian of the Plan's funds is the First Bank of Milwaukee, Wisconsin.

2. In August 1974, the Plan purchased a certain piece of artwork known as the "Square de Paris" by Marc Chagall (the Artwork) from the David Barnette Gallery (an unrelated party) of Milwaukee, Wisconsin. The Artwork was purchased for $5,500 and was print number 47 of a limited edition of 75. The Artwork has been continually stored in a safety deposit box at the First Wisconsin National Bank of Milwaukee, Wisconsin since its purchase.

3. The trustees of the Plan propose to sell the Artwork for cash to Dr. Weigler for its appraised value of $7,125. The Plan will not pay any sales commissions with respect to the proposed transaction. Mr. David J. Barnett (member of Appraisers Association of America) of the David Barnette Gallery, an unrelated appraiser, determined the fair market value of the Artwork to be $7,125 as of September 10, 1982.

4. The applicants represent that the Artwork is an illiquid investment which produces no income and requires various holding costs, including storage and appraisal fees. It is represented that the Artwork's rate of appreciation (approximately 3% per annum) has not provided an adequate rate of return to the Plan. Also, if the Artwork were sold by an art dealer, the applicant represents that a commission of between 20 to 25% would be taken by the dealer.

5. The applicant represents that the proposed sale will satisfy the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The price to be paid to the Plan for the Artwork was determined by an independent appraiser;

(b) The Plan will be able to dispose of an illiquid and non-income producing asset;

(c) It will be a one time transaction for cash;

(d) No sales commissions will be paid by the Plan; and

(e) The trustees of the Plan represent that the proposed sale of the Artwork is in the best interests of the participants and beneficiaries of the Plan.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Bay Cities Mortgage Company Profit-Sharing Plan (the Plan Located in Walnut Creek, California

[Application No. D–3837]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed sale for cash in the amount of $9,822 by the Plan of its interest (the Interest) in a 1941 Cadillac Model 62 automobile (the Automobile) to John T. Gidré), a party in interest with respect to the Plan, provided that the price received by the Plan in such sale is at least equal to the fair market value of the Interest at the time of the sale.

Summary of Facts and Representations

1. The Plan, which is sponsored by the Bay Cities Mortgage Company, is a profit sharing plan with two participants, Gidré and Bonnie Council (Council). Gidré and Council are also the trustees (the Trustees) of the Plan. As a part of its assets, the Plan owns the Interest which consists of a 37½% undivided ownership interest in the Automobile. The Plan purchased the Interest on March 5, 1981 for cash in the amount of $7,500 from a party who was unrelated to the Plan. The remaining 62½% interest in the Automobile is owned by parties who also are unrelated to the Plan. The Interest represents approximately 14% of the assets of the Plan.

2. The applicant represents that at the time the Plan purchased the Interest, the Trustees anticipated that it would rapidly appreciate in value and that the Plan would be able to sell the Interest within 18 months from the date of its purchase. The Trustees now represent that due to unforeseen economic conditions the Automobile is not readily saleable and that the value of the Automobile is declining. The applicant represents that several unsuccessful attempts have been made to sell the Automobile in the open market. This effort to sell the Automobile has included advertising the Automobile for sale in the *Vintage Car Newspaper* and offering it for sale at several automobile shows.

3. The applicant is requesting an exemption which will permit Gidré to purchase the Interest for cash in the amount of $9,822. On August 13, 1982 an independent appraisal of the Automobile was performed by William L. Finefrock (Finefrock) whose office is located in Santa Maria, California and who is the publisher of the *Vintage Car Newspaper* and a specialist in the valuation of vintage automobiles. Finefrock represents that as of August 13, 1982 the fair market value of the Automobile was $22,500. The price of $9,822 that Gidré proposes to pay for the Interest represents the value of the Interest and a reimbursement to the Plan for its expenses related to the holding of the Interest. The Trustees represent that the proposed sale of the Interest to Gidré will be in the best interests of the participants of the Plan.

4. In summary, the applicant represents that the proposed sale will satisfy section 408(a) of the Act as follows: (1) The Trustees represent that the proposed sale will be in the best interests of the participants of the Plan; (2) the price used in the transaction has been established by an independent party; (3) the Plan will be able to sell an asset which is declining in value and which is not readily marketable; and (4) the Plan will recover expenses which it has incurred in holding the Interest.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Cartersville Cable T.V., Inc. Money Purchase Pension Plan (the Plan) Located in Cartersville, Georgia

[Application No. D–3883]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of certain stock by the Plan to Mr. Jon Oscher, a party in interest with respect to the Plan, for the amount of $20,875 in cash provided such amount is not less than the fair market value of such stock at the time of the consummation of the transaction.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan with an estimated 15 participants. The Plan has total assets of $70,395 as of November 30, 1981. The trustee and administrator of the Plan is Mr. Jon Oscher (Mr. Oscher).

2. On August 14, 1981, the Plan purchased 500 shares of the common stock of Phoenix Resources Company (the Stock) for a total amount of $20,875. Since the purchase of the Stock, its value has declined, and on October 22, 1982, its asked price on the over-the-counter market was $5,375 ($10.75 per share) and its bid price was $4,875 ($9.75 per share). As of December 17, 1982, the prices quoted were 7½ bid, 9½ asked. These valuations of the Stock were confirmed by First Mid American, Inc., a stock brokerage company which is a member of the New York Stock Exchange.

3. The applicant proposes that the Stock be sold to Mr. Oscher at its original cost to the Plan of $20,875, so long as this amount equals or exceeds the fair market value of the Stock at the time it is sold to Mr. Oscher. Mr. Oscher will pay cash for the Stock, and the sale would be accomplished without payment by the Plan of any brokerage fee or other expenses related to the transaction.

4. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) It will be a one-time cash transaction;

(b) The Plan will receive more than fair market value for the Stock;

(C) The Plan will not be required to pay any brokerage or other fees in connection with the sale;

(d) The Plan will be able to avoid a loss as a result of the decline in value of the Stock; and

(e) The Plan trustee recommends that the proposed transaction be consummated.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 1st day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-6084 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatement. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been

submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Bureau of Labor Statistics
Supplements to 790 BLS
BLS790AE, BLS790PT, BLS790CON, BLS790MIN, BLS790MFG, BLS790RAS
Monthly, other
Businesses or other institutions; small businesses
SIC: Multiple
12,560 responses; 1,982 hours; 6 forms

To test the feasibility of collecting hours and payroll for all employees and for part-time workers instead of or in addition to the hours and pay information being collected for production and nonsupervisory workers in support of a major revision and redesign of the BLS–790 survey.

Revision

Employment and Training Administration
Overpayment Detection/Recovery Activities
ETA 227
Quarterly
State or local governments
SIC: 944
212 responses; 13,992 hours

Federal law and standards require States to have adequate programs to prevent, detect and recover overpayments that result from willful misrepresentation and other reasons. This report provides data on the levels of fraud and nonfraud overpayment activity as well as recoveries of overpayments and prosecutions for fraud. Data are used to analyze program trends, for preparation and administration of State benefit payment control programs.

Extension (Burden Change)

Employment Standards Administration
Verification of Date of Birth (English)
WH–9
On Occasion
State or local governments
SIC: 729, 821, 943
21,000 responses; 3,500 hours; one form

Form WH–9 is needed for documentation of ages in connection with the enforcement of the Child Labor provisions of the FLSA. The form is used by Wage-Hour to request local schools and Bureaus of Vital Statistics to verify dates of birth.

Extension (No Change)

Employment Standards Administration
Notice of Final Payment or Suspension of Compensation Payments
LS–208
On Occasion
Businesses or other institutions (except farms)
SIC: Multiple
45,000 responses; 11,250 hours; one form

Form is used by insurance carriers and self-insured employers to report the payment of benefits under the Acts.

Signed at Washington, D.C. this 1st day of March 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–5665 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–27–M, 4510–28–M

Mine Safety and Health Administration

[Docket No. M–82–92–C]

Acme Coal Co.; Petition for Modification of Application of Mandatory Safety Standard (Correction)

This notice amends a summary of a petition for modification of a mandatory safety standard to correct the document published in the **Federal Register** on January 3, 1983 (48 FR 96). This correction is necessary to amend an erroneous statement made in the earlier **Federal Register** notice. Paragraph number 7 is hereby amended to read: 7. As an alternative method, petitioner proposes that the minimum quantity of air reaching each working face be of perceptible movement.

Request for Comments

Persons interested in this amendment to the petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83–5674 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–83–6–C]

Bell County Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bell County Coal Corporation, P.O. Box 758, Middlesboro, Kentucky 40965 has filed a petition for modification of 30 CFR 75.1710 (cabs and canopies) to its Hignite No. 8 Mine (I.D. No. 15–11039) located in Bell County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The average coal height is 40 to 44 inches, with an unpredicatable pitch.

3. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopy could strike and dislodge roofbolts, creating the potential of a roof fall. Canopies can also strike and dislodge cables, creating the possibility of fire or electrical shock.

4. For these reasons, petitioner requests a modification of the standard.

Requests for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83–5670 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–82–37–M]

Callahan Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Callahan Mining Corporation, P.O. Box 905, Osburn, Idaho 83849 has filed a petition to modify the application of 30 CFR 57.11–59 (respirable atmosphere for hoist operators) to its Caladay Project (I.D. No. 10–00409) located in Shoshone County, Idaho. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that hoist operators be provided with an independent ventilation system that will convert, without contamination, to an approved and properly maintained two-hour self-contained breathing apparatus.

2. As an alternative method, petitioner proposes to use an MSA 401 air mask, fitted with a quick-connect coupling that will attach to a 220 cubic foot tank of compressed air. This supply will last nearly seven times as long as required to complete hoisting during a mine evacuation. The thirty minute back pack air supply will be more than adequate to reach a source of fresh air after hoisting is completed. Approximately six hundred feet exists between the hoist operator's cab and a reversible line starter which controls the main ventilation fan.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acing Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5699 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-3-C]

Eastover Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Eastover Mining Company, P.O. Box E, General Offices, Brookside, Kentucky 40801 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Darby No. 2 Mine (I.D. No. 15-11072) located in Harlan County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that entries used as intake and return aircourses be separated from belt haulage entries.

2. The inherent geological conditions such as rolls and washouts have required the petitioner to drive through hard rock. This has limited the number of entries developed to three, numbered 2, 3, and 4. Number 2 entry is the return aircourse, number 3 is the belt and number 4 is the only intake airway available.

3. While part of the return air can be coursed through the old workings by means of a second fan, all the intake for working sections inby the three-entry system must pass through the single intake entry until some entries are cut out on the other side of the mountain for additional intakes. This single entry is not adequate to provide ventilation of the inby sections.

4. As an alternative method, petitioner proposes to use approximately 900 feet of the belt entry as an intake airway to supplement the main intake in the three-entry system.

5. In support of this proposed alternative method, petitioner states that:

a. Two airlocks will be built across the belt entry, one near the outby and the other near the inby end;

b. A carbon-monoxide detection system will be installed and maintained in the belt entry;

c. A suitable communication and monitoring system will be installed on the surface which can transmit an audiovisual signal to the sections inby the sensor;

d. In the event of a failure of the carbon monoxide detector, the two connections between the belt and the main intake entries will be closed by two permanent-type stoppings or a qualified person will be posted at the malfunctioning sensor to monitor the air every 15 minutes while miners are inby or until the sensor is repaired.

6. Petitioner states that the proposed alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5673 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-5-C]

Elk Lick Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Elk Lick Mining Co., Inc., P.O. Box 27, Iaeger, WV 24844 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 1 Mine (I.D. No. 46-05603) located in Logan County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The height of the coal seam varies between 43 and 52 inches. The mining equipment operates in entries which are 20 feet wide. There are no adverse rib conditions and no history of roof falls in areas where shuttle cars operate. A full roof bolting plan is used employing 30 inch roof bolts on 48 inch centers in all working areas and elsewhere as required.

3. Petitioner states that both canopies and cabs are incompatible with the present operations because of the size of the equipment in relation to the seam height and that such devices would result in a diminution of safety for the miners affected for the following reasons:

a. The canopies or cabs strike and dislodge roof bolts, resulting in unstable roof conditions, creating potentially hazardous conditions; and

b. Canopies and cabs restrict the equipment operator's visibility and cause discomfort, which forces the operators to lean out from the cabs and canopies, exposing body parts to potential injury from striking the rib and oncoming traffic.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5671 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-134-C]

Keystone Coal Mining Corp.; Petition for Modificiation of Application of Mandatory Safety Standard

Keystone Coal Mining Corporation, 655 Church Street, Indiana, PA 15701 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its Urling No. 2 Mine (I.D. No. 36-04853) located in Indiana County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be separated from belt haulage entries.

2. The intake aircourses currently supplying the working section of the mine are experiencing continuous sloughing and falling of roof rock. In the near future, this will not permit adequate air to reach the working sections.

3. As an alternative to coursing belt air directly into returns, petitioner proposes to use belt air for ventilation in the working sections. An approved carbon monoxide monitor with audible and visual alarms will be installed and maintained near the tailpiece in each working section where the use of belt air is desired.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variences, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variences.

[FR Doc. 83-5666 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-4-C]

Laurel Run Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Laurel Run Mining Company, Star Route Box 425, Mt. Storm, West Virginia 26739 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms or guards) to its No. 1 Mine (I.D. No. 46-02845) located in Grant County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be installed on the outer banks of elevated roadways.

2. Petitioner states that the installation of berms or guards along .66 mile of roadway that provides access to settling ponds and a deep well pump would result in a diminution of safety for the miners affected because:

a. The area is subject to heavy snowfall and berms or guards would prevent proper snow removal;

b. Berms would prevent proper drainage of the roadways which would result in icy spots forming during cold weather and erosion at other times, making driving on the roadway more hazardous.

3. This roadway is not used by vehicles hauling coal; it is used only for access to settling ponds and a deep well pump. The roadway is used infrequently and at low speeds, usually only twice a day by one or two employees in a pick-up truck. The roadway has no steep grades or sharp curves.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 14, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5672 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-135-C]

Neece Creek Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Neece Creek Coal Co., Inc., P.O. Box 362, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its No. 1 Mine (I.D. No. 44-05415) located in Dickenson County, Virignia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined in their entirety on a weekly basis.

2. As an alternative method, petitioner proposes to establish and maintain specified checkpoint monitoring stations to ensure adequate ventilation.

3. Petitioner states that the alternative method outlined above will ensure the health and safety of the miners affected.

Requests for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5677 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-137-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, R.R. No. 2, Box 20, Freeburg, Illinois 62243 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its River King Underground No. 1 Mine (I.D. No. 11-01805), located in St. Clair County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure plugs on the components of a scoop.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a fire or short circuit occurring in the scoop's electrical components.

3. As an alternative method, petitioner proposes that a spring-loaded harness snap or a spring hair pin device be used, in lieu of a padlock.

4. For these reasons, petitioner reqests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5667 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-7-C]

Pyro Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Pyro Mining Company, P.O. Box 267 Sturgis, KY 42459 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its No. 9 Mine (I.D. No. 15-13881) located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges from 50 to 54 inches in height, with undulations in the roof, unstable floor conditions, and ascending and descending grades creating dips.

3. Petitioner states that the use of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies can strike and dislodge the roof bolts and roof-support system. The canopies cause a cramped operator compartment and reduce visibility, increasing the chances of an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5676 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-96-C]

Saginaw Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Saginaw Mining Company, P.O. Box 275, St. Clairsville, Ohio 43950 has filed a petition to modify the application of 30 CFR 75.1403-8(e) (criteria-track haulage roads; stopblocks or derails) to its Saginaw Mine (I.D. No. 33-00941) located in Belmont County, Ohio. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that positive stopblocks or derails be installed on all tracks near the top and at landings of shafts, slopes and surface inclines.

2. As an alternative method, petitioner proposes a spring-loaded switch and throw, installed out by the entrance of the slope opening, to be used as a derailment mechanism. This device will allow the supply cars to be directed into the supply yard tracks in lieu of entering the slope track if the supply cars were to be accidentally uncoupled from the hoist rope or brake car. Both tracks in the supply yard are provided with positive stop blocks at the tracks' end.

3. Petitioner believes that the spring-loaded switch and throw device provides adequate derailment protection against supply cars entering the slope tracks uncoupled from the hoist or brake car provided.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acing Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5680 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-83-2-C]

Star Lite Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Star Lite Mining Co., Inc., Box 69, Bevinsville, KY 41606 has filed a petition to modify the application of 30 CFR 75.1100-1(a) (waterlines) to its Mine No. 1 (I.D. No. 15-13623) located in Floyd County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that waterlines be capable of delivering 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch.

2. The mine is wet and muddy with standing water in most areas. The active working section has been driven approximately 300 feet; a conveyor belt running underground has been installed for a distance of 120 feet.

3. As an alternative method to installing a waterline along the conveyor belt, petitioner proposes to:

a. Patrol the conveyor belt, maintain it in good running condition, and rock dust where necessary;

b. Provide telephone communications from the surface to the dumping point;

c. Place 250 pounds of rock dust at intervals not to exceed 250 feet along the belt line;

d. Use only an approved fire resistant belt; and

e. Provide a belt slippage switch in the head drive unit.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office

of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5675 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-138-C]

Trinity Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Trinity Coal Corporation, P.O. Box 327, Hayst, Virginia 24256 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 5 Mine (I.D. No. 44-05912) located in Buchanan County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam varies in height from 17 to 60 inches, with severe undulating conditions.

3. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the canopies would constantly scrape the roof and roofbolts, creating the chances of a roof fall. The undulations could cause the equipment to wedge between the roof and the floor, creating stress on the canopies and the equipment, which may lead to improper functioning at future times. Canopies also severely restrict the equipment operator's visibility, causing the operator to lean out from under the canopy and to expose body parts to injury from striking the rib or falling rock. Cabs restrict the operator's movement and space, causing increased operator fatigue which could result in an accident.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 4, 1983. Copies of the petition are available for inspection at that address.

Dated: February 23, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-5676 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-43-M

MERIT SYSTEMS PROTECTION BOARD

Office of Personnel Management; 1982, Significant Actions

AGENCY: Merit Systems Protection Board.

ACTION: Notice of review of the significant actions of the Office of Personnel Management during 1982.

SUMMARY: 5 U.S.C. 1209(b) requires the Board to review annually the "significant actions" of the Office of Personnel Management (OPM) and report to the Congress and the President on whether those actions are in accord with merit system principles and free from prohibiteid personnel practices. The Board is now commencing its review of OPM significant actions during 1982. This Notice explains the Board's study and invites public comment on OPM programs during calendar year 1982.

DATES: For maximum consideration, comments should be made in writing and received by the Board on or before April 14, 1983.

ADDRESS: Comments should be sent to the Office of Merit Systems Review and Studies, Room 836, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, Attention: FAL.

FOR FURTHER INFORMATION CONTACT: Frank A. Lancione, Office of Merit Systems Review and Studies, Rm 836, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419, 202-653-8877.

SUPPLEMENTARY INFORMATION:

(a) *Background.* The Civil Service Reform Act of 1978 established a series of positive merit principles and prohibited personnel practices to govern the conduct of personnel management in the Federal Government (5 U.S.C. 2301 and 2302). The Merit Systems Protection Board is responsible for protecting the public interest in a civil service administered in accord with these merit objectives and free from improper practices. The Board does this by adjudicating employee appeals, acting on action brought by the Special Counsel, conducting special studies of the civil service and other merit systems, and reviewing the regulations and significant actions of OPM. The Office of Merit Systems Review and Studies (MSRS) has principal responsibility within the Board for merit systems studies and OPM oversight, including the annual report on OPM's significant actions.

(b) *What is a "significant action" report?* The law allows the Board substantial discretion to determine which actions of OPM are "significant" to the merit system in any given year. In exercising its discretion as to which actions of OPM it will report on, the Board's first priorities are:

(1) To examine any OPM policy or program which might conflict with one of the statutory merit principles or cause the commission of a prohibited personnel practice; and

(2) To evaluate the extent to which other major decisions made or actions taken by OPM are in accord with and promote the merit principles.

(3) To consider technical questions of personnel management, budget questions, or questions relating to internal OPM administration only to the extent that they are relevant to making judgments on the broader merit systems issues described above.

(c) *Public Comment on 1982 OPM Actions.* The Board invites any interested person or organization to comment on:

(1) Which actions of the OPM during calendar year 1982 were "significant" for the merit system; and,

(2) Whether those actions were in accord with the merit systems principles and free from prohibited personnel practices.

(d) Although comments are invited on any action taken by OPM during 1982, comments should be germane to the Board's mandate as described in (b) above. In addition, the Board invites comment on the following:

(1) *Merit Pay.* The Civil Service Reform Act of 1978 established October 1, 1981 as the deadline for the Government-wide implementation of merit pay for supervisors and management officials in pay grades 13-15. Late changes in guidance to agencies on the amounts of money that could be paid out under merit pay caused problems during the 1981 pay out cycle. 1982 was the first year during which full funding under current rules was available. The Board invites comment

on how well the 1982 merit pay distribution satisfied the merit principle goal that "appropriate incentives and recognition should be provided for excellence in performance."

(2) *Special Selection Authority Replacing PACE Exam.* OPM has dropped the Professional and Administrative Careers Exam. It has created a new special appointing authority agencies can use when recruiting externally for jobs formerly filled through PACE. The Board invites comment on the operation of these new appointment procedures during 1982. What impact, if any, have they had on candidates for Federal jobs and agency personnel programs? How have they contributed to the merit principle goal of "selection and advancement solely on the basis of relative ability, knowledge, and skills after fair and open competition which assures that all receive equal opportunity"?

(e) The Board will protect the identity of persons submitting comments and the confidentiality of such comments to the extent permitted by law.

Dated: February 18, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-6107 Filed 3-3-83; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted to OMB for Review

In accordance with the Paperwork Reduction Act and OMB guidelines, NSF is posting this notice of information collection that will affect the public.

Agency clearance officer: Herman G. Fleming (202) 357-9421.

OMB Officer: Gwendolyn Pla, (202) 395-7313.

Title: 1983 Survey of Doctorate Recipients.

Affected Public: Individuals. Persons taking doctorates in science, engineering, and the humanities.

Number of responses: 24,000; total of hours 6,000.

Abstract: Information yielded by the survey will enable the National Science Foundation to comply with the legislative requirement to collect information about scientific and technical personnel which can be used in policy and planning activities by government agencies and private institutions.

Dated: February 24, 1983.

Herman G. Fleming,

OMB Clearance Officer.

[FR Doc. 83-5630 Filed 3-17-83; 8:45 am]

BILLING CODE

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 81 and 64 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas & Electric Company (the licensee), which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2 (the facility), located in Calvert County, Maryland. The amendments are effective as of the date of issuance.

The amendments modify license conditions to incorporate the most recent revisions to the Physical Security Plan.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

The licensee's filings dated August 17 and October 7, 1982 are being withheld from public disclosure pursuant to 10 CFR 73.21.

For further details with respect to this action, see: (1) Amendment Nos. 81 and 64 to Facility Operating License Nos. DPR-53 and DPR-69 and (2) the Commission's related letter to the licensee dated February 24, 1983. These items are available for public inspection at the Commission's Public Document Room, at 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (1) and (2) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of February 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-5602 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power and Light Co.; Negative Declaration Regarding Proposed Approval to the Technical Specifications of License DPR-23

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an approval to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee) for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) located in Darlington County, South Carolina.

The approval would allow the H. B. Robinson Steam Electric Plant Unit No. 2 to transfer slightly contaminated sediment from its present settling pond to its adjacent fossil plant ash pond, in accordance with the licensee's request for approval dated January 17, 1983. We have concluded that there will be no change in the conclusions or evaluations given in the H. B. Robinson Unit 2 FES dated April 1975 in regard to radiological impacts on man or biota due to the proposed change.

The Commission has prepared an environmental impact appraisal for the proposed approval and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina 29550. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of February 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6003 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219, License No. DPR-16 EA 82-108]

GPU Nuclear Corp. (Oyster Creek Nuclear Generating Station); Order Imposing Civil Monetary Penalties

GPU Nuclear Corporation, Parsippany, New Jersey 07054 (the "licensee") is the holder of License No. DPR-16 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Oyster Creek Nuclear Generating Station in Ocean County, New Jersey, in accordance with conditions specified therein. The license was issued on August 1, 1969.

II

Inspections of the licensee's activities under the license were conducted between November 3, 1981 and March 17, 1982 at the Oyster Creek Nuclear Generating Station in Ocean County, New Jersey. As a result of these inspections, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated November 30, 1982. The Notice states the nature of the violations, the provisions of the Nuclear Regulatory Commission license conditions which the licensee had violated, and the amount of civil penalty proposed for each violation. An answer dated December 30, 1982 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for remission or mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered, That: The licensee pay civil penalties in the amount of Forty Thousand Dollars ($40,000) within thirty days of the date of this Order, by check, draft or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 15th day of February 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

APPENDIX

Evaluations and Conclusions

For each violation and associated civil penalty identified in the NRC's November 30, 1982 Notice of Violation and Proposed Imposition of Civil Penalties, the original violation and licensee's response are stated and the NRC's evaluation and conclusion regarding the licensee's response are presented. The licensee's response was provided in a letter dated December 30, 1982 from Mr. Peter B. Fiedler, Vice President and Director, Oyster Creek, to the Director, Office of Inspection and Enforcement. The NRC staff evaluations and conclusions are based on the December 30, 1982 letter.

Item A

Statement of Violation. Table 3.1.1, Section H of the Technical Specifications requires that, for each trip function listed in the section, there be a minimum of two operating trip systems capable of isolating the isolation condenser, except for when the reactor temperature is less than 212° F and the vessel head is removed or vented. The system must be capable of automatically closing two redundant valves in the influent steam line and two redundant valves in the condensate return line of an isolation condenser whenever a high flow condition in either the steam or condensate line is detected. If this specification cannot be met, the isolation condenser must be manuallly isolated.

Contrary to the above, between 8:45 p.m. on December 3, 1981 and 11:45 a.m. on December 4, 1981, while the reactor temperature was greater than 212° F, the trip system for the "A" Isolation Condenser was inoperable in that one of the redundant isolation valves, No. V-14-30, in the steam influent line to the "A" Isolation Condenser, would not close automatically and the "A" Isolation Condenser was not manually isolated.

This is a Severity Level III Violation (Supplement I).

(Civil Penalty—$20,000.)

Licensee Response. By letter dated December 30, 1982, the licensee admits Violation A cited in the NRC's November 30, 1982 Notice. The licensee challenges the classification of the violation as Severity Level III, claiming this classification is contrary to the NRC Enforcement Policy. The licensee requests reclassification of the violation as Severity Level IV and total remission of the civil penalty because Severity Level IV violations do not generally result in civil penalties.

The licensee agrees that the decision by shift supervision to declare the isolation condenser operable, considering the results of the surveillance tests, was a judgment error. The licensee claims the violation was an isolated occurrence not indicative of normal performance by supervision, and also claims a knowing violation did not occur. The licensee contends that past experience contributed to the decision to declare the isolation condenser operable. The licensee indicates that knowledge of prior incidents of valve binding due to tight packing, and several instances of torque switches out of adjustment, led the Group Shift Supervisor to conclude that the original failures of the valve to operate were

corrected by cycling. The licensee also implies that the Group Shift Supervisor was hindered from properly evaluating the situation because of other activities in progress at the time. The licensee further states that the decision to declare the valve operable was not made by the Operations Manager.

The licensee disagrees with the Severity Level III classification, and requests reclassification of the violation at Severity Level IV with no civil penalty since a loss of redundancy, and not a loss of function occurred, and since the Operations Manager did not declare the valve operable.

NRC Evaluation of Licensee Response. After reviewing the licensee's response, the NRC staff has concluded that the violation did occur and no mitigation of the civil penalty for Violation A is warranted. The severity level remains as cited because a limiting condition for operation was exceeded, and although a safety function was not lost, a degraded condition existed which should have alerted the licensee to take the required action. However, timely operator action was not taken. Therefore, classification of this violation at Severity Level III is consistent with Supplement I.C.1 of the NRC's Enforcement Policy (10 CFR 2, Appendix C).

The licensee was cited for not manually isolating the "A" isolation condenser after one of the isolation valves in the steam influent line of that isolation condenser would not automatically close as required. The licensee stated that the Group Shift Supervisor, based on his knowledge of recent incidents of valve binding due to tight packing and torque switches out of adjustment, concluded that the original failure of the valve to operate was corrected by cycling this valve. Cycling the valve does not correct torque switch problems and cannot be relied upon to correct "tight packing" problems unless the valve had just been repacked. Action should have been taken to determine the cause of the malfunction rather than relying on an assumption that the symptoms were due to packing problems experienced in the past. The further implication that the extent of activities in progress may have prevented a proper evaluation of the situation is unacceptable. It is clear that the Group Shift Supervisor was aware that it took several attempts to successfully cycle the valve.

The licensee further stated that the Operations Manager did not declare the valve operable. However, the Operations Manager was given the information that it took several attempts to successfully cycle the valve.

Further investigation should have been ordered to confirm the assumption of tight packing/torque switch maladjustment.

The licensee also states in the December 30, 1982 letter that the violation is not similar to Violation B in any meaningful sense. The NRC staff agrees that the two Technical Specifications that were violated are not similar. However, the action that would have prevented both violations from occurring is the same, namely, adequate surveillance testing. It is for this reason that a separate base civil penalty of $40,000 for each violation, which would have resulted in a cumulative penalty of $80,000, was not proposed. Rather, the base civil penalty of $40,000 was assessed for the one problem area, namely inadequate surveillance testing, and the penalty was equally divided between Violations A and B.

NRC Conclusion. This violation did occur as originally stated. The violation is appropriately classified at Severity Level III. Assessment of a $20,000 civil penalty is appropriate because both it and Violation B are examples of the same problem area, namely inadequate surveillance testing. Had this violation been considered separately, a $40,000 penalty could have been assessed for each violation. The information in the licensee's response does not provide a basis for modifying the enforcement action.

Item B

Statement of Violation. Technical Specification 3.5.A.3 requires, in part, that primary containment integrity be maintained whenever the reactor is critical or the reactor water temperature is above 212° F with fuel in the reactor vessel.

Section 1.13 of the Technical Specifications defines primary containment intergrity and requires, in part, that all automatic containment isolation valves specified in Table 3.5.2 be either operable or secured in the closed position. Table 3.5.2 of the Technical Specifications, entitled *Containment Isolation Valves*, lists the reactor building to suppression chamber vacuum breakers as containment isolation valves.

Technical Specification 3.5.A.4.a requires that two reactor building to suppression chamber vacuum breakers in each line shall be operable at all times when primary containment integrity is required. If this condition is not met, the reactor shall be in cold shutdown in 24 hours, subject to the provisions in Technical Specification 3.5.A.4.b.

Technical Specification 3.5.A.4.b permits operation for up to seven days with one operable reactor building to suppression chamber breaker provided the vacuum breaker is locked closed and primary containment is not violated.

Contrary to the above, between May 14, 1980 and February 26, 1982, valve V-26-16, which is both a primary containment isolation valve and a reactor building to suppression chamber vacuum breaker, was inoperable because of incorrect reassembly. As a result: (1) The automatic isolation function of the valve was inoperable and the valve was not secured in the closed position, and (2) only one supression chamber vacuum breaker was operable during all those periods between May 14, 1980 and February 26, 1982 when the reactor was critical or the reactor water temperature was greater than 212° F with fuel in the reactor vessel.

This is a Severity Level III Violation (Supplement I).

(Civil Penalty—$20,000.)

Licensee Response. By letter dated December 30, 1982, the licensee admits Violation B cited in the NRC's November 30, 1982 Notice. The licensee challenges the classification of the violation as Severity Level III, claiming the classification is contrary to the NRC Enforcement Policy. The licensee claims the violation is of minor safety significance and requests reclassification of the violation as Severity Level V. The licensee also requests remission of the civil penalty since Severity Level V violations do not generally result in civil penalties.

The licensee states that the primary cause of the violation was inadequacies in their procedures for inspecting the vacuum breaker and for preforming local leak rate tests. These inadequacies consisted of insufficient maintenance instructions in the inspection procedure and the lack of a requirement in the test procedure for the test engineer to verify the valve position with the control room prior to performing the test. The licensee indicated that a combination of both deficiencies was required to cause the violation.

The licensee suggests that this violation does not fit a Level III as stated in Supplement I.C.1 of the Enforcement Policy because there was no loss of a safety function (only a loss of redundancy for the vacuum breaker function and the isolation function), and although a degraded condition did occur, sufficient information did not exist to alert the operator that the plant was operating in violation of a technical specification limiting condition for

operation action statement. The licensee further contends that the violation is of minor safety significance and should be classified at Severity Level V with no civil penalty.

NRC Evaluation of Licensee Response. After reviewing the licensee's response to Violation B, the NRC staff has concluded that the violation did occur and no mitigation of the civil penalty is warranted. The severity level remains as cited because a limiting condition for operaton was exceeded and although a safety function was not lost, a degraded condition existed due to loss of redundant capabilities.

The licensee was cited for the reactor being critical with a redundant vacuum breaker/isolation valve being inoperable in excess of the time allowed by two technical specification limiting conditions for operation action statements. This violation occurred because of improper reassembly of the valve after maintenance and failure of the leak test to detect the improper assembly. The licensee maintains that sufficient information did not exist to alert them they were in an action statement condition. This was not, however, a situation in which informaton was lacking notwithstanding all reasonable actions by the licensee. The information was unavailable because of the licensee's own actions. The local leak rate test, had it been performed satisfactorily, would have provided information sufficient to alert the licensee that the leak rate was in excess of the technical specification limiting conditions for operation because of the improper valve reassembly. Therefore, classification of this violation at Severity Level III is consistent with the intent of Supplement I.C.1 of the NRC Enforcement Policy. In that regard, the NRC staff notes that the examples of violations in the Supplements are neither controlling nor exhaustive as indicated in Section III of the Enforcement Policy.

NRC Conclusion. This violation did occur as originally stated. The violation is appropriately classified at Severity Level III. Assessment of a $20,000 civil penalty for this violation is appropriate because both it and Violation A are examples of the same problem area, namely inadequate surveillance testing. Had this violation been considered separately, a $40,000 penalty could have been assessed for each violation. The information in the licensee's response does not provide a basis for modifying the enforcement action.

[FR Doc. 83-6004 Filed 3-3-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-58 and Amendment No. 52 to Facility License No. DPR-74, issued to Indiana and Michigan Electric Company (the licensee), which modify the licenses to include a requirement to maintain a Guard Training and Qualification Plan to be followed in accordance with 10 CFR 73.55(b) and Appendix B to 10 CFR 73. The amendments are effective immediately and must be implemented within 60 days of the date of issuance and are to be implemented in accordance with the provisions of 10 CFR 73.55(b)(4). All security personnel shall be qualified within two years of this approval. The Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities), is located in Berrien County, Michigan.

The filings for the amendments, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards condition.

The licensee's filings dated September 14, 1981, as revised November 30, 1981, May 27, 1982, July 23, 1982 and December 21, 1982, are being withheld from public disclosure pursuant to 10 CF 73.21.

For further details with respect to this action, see: (1) Amendment Nos. 70 and 52 to License Nos. DPR-58 and DPR-74, and (2) the Commission's related letter to the licensee dated February 22, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (1) and (2) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of February 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6005 Filed 3-3-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket: 50-298; License: DPR-46 EA 82-46]

Nebraska Public Power District, Cooper Nuclear Station; Order Imposing Civil Monetary Penalties

I

Nebraska Public Power District (the "Licensee") is the holder of Operating License No. DPR-46 ("the license") issued by the Nuclear Regulatory Commission ("NRC" or the "Commission"). The license authorizes operation of the Cooper Nuclear Station. The facility is located at the licensee's site in Nemaha County, Nebraska. The license was issued on January 8, 1974.

II

During a telephone conversation in January 1982 between C. A. Hackney, NRC Region IV, NPPD's Manager of Licensing, and a licensing engineer; in a February 8, 1982 letter to NRC Region IV from NPPD's Division Manager of Licensing and Quality Assurance; and during a March 9, 1982 oral briefing to NRC by various NPPD personnel, the licensee stated that the prompt notification system for the Cooper Nuclear Station required by Appendix D to 10 CFR 50 to be installed by February 1, 1982 had been installed and was operational. An NRC special inspection and an NRC investigation conducted during the period of March 11-30, 1982 determined that the prompt notification system was not installed or operational. The NRC served the licensee with a written Notice of Violation and Notice of Proposed Imposition of Civil Penalties by letter dated August 9, 1982. The Notice stated the nature of the violations, the provisions of the Nuclear Regulatory Commission regulations which the licensee had violated, and the amount of the civil penalty proposed. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by letter dated October 7, 1982.

III

Upon condsideration of Nebraska Public Power District's responses and the statements of fact, explanation, and argument in denial or mitigation contaned therein as set forth in the Appendix to this Order, the Director of the Office of Inspection and

Enforcement has determined that civil penalties should be imposed. However, after consideration of the circumstances surrounding this event, the amount of the civil penalties has been reduced. The August 9, 1982 Notice of Violation and Proposed Imposition of Civil Penalties is hereby amended to provide that in Item I only one material false statement was made. This statement, that the prompt notification system was installed and operational, was first made during the January 1982 telephone call and repeated in the February 8, 1982 letter and the March 9, 1982 briefing. A civil penalty of $100,000 is imposed for that item.

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96–295, and 10 CFR 2.205, it is hereby ordered, that: The licensee pay civil penalties in the total amount of One Hundred Twelve Thousand Dollars for Items A and B as described in the August 9, 1982 Notice of Violation and Proposed Imposition of Civil Penalties as amended in Section III of this Order within 30 days of the date of this Order, by check, draft, or money order payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V

The licensee may within 30 days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555. A copy of the hearing request shall be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Should the licensee fail to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

(a) Whether the licensee was in violataion of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties as amended in section III above, and

(b) Whether on the basis of such violations the Order should be sustained.

Dated at Bethesda, Maryland this 18 day of February 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

APPENDIX

Evaluation and Conclusions

For each violation and associated civil penalty identified in the Notice of Violation and Proposed Imposition of Civil Penalties (dated August 9, 1982) the original violation is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response (dated October 7, 1982) to each item is presented.

Item A

Statement of Violation. The Commission's regulations, specifically, 10 CFR 50.54(s)(2)(i) and Section IV.D.3 of Appendix E to 10 CFR Part 50, require that each facility holding an operating license shall by February 1, 1982 demonstrate that administrative and physical means have been established for alerting and providing prompt instructions to the public within the plume exposure pathway emergency planning zone.

Contrary to the above, during an inspection conducted on March 11, 1982, the NRC determined that the licensee had not demonstrated that administrative and physical means had been established for alerting and providing prompt instructions to the public within the plume exposure pathway emergency planning zone. Specifically, five of the mobile sirens identified by the licensee in its Emergency Plan as part of its prompt notification system had not been removed from their shipping containers and a sixth mobile siren had a missing part. Further, during the investigation, statements from representatives of the local volunteer fire fighting organizations who were to use the mobile sirens indicate that they had not received indoctrination or training prior to March 12, 1982 with respect to their role in the operation of the prompt public notification system. As a result, the facility was operated with an inoperable public notification system from February 1, 1982 through March 12, 1982, inclusive, a period of 40 days.

For the first 12 days in March, 1982, each each day of failure to meet the requirements for a prompt public notification system constitutes a separate Severity Level III violation. A daily civil penalty of $1,000 is being proposed for each day for a cumulative civil penalty in the amount of $12,000 for these violations.

Licensee's Response. The licensee asserts that it was not in violation of NRC's emergency planning regulations. It claims that it interpreted the regulations differently than NRC but that the requirements for implementation of the regulations were uncertain at the time and its interpretation was reasonable. The licensee asserts that it viewed compliance with the regulations as complete when the mobile sirens were delivered to the local fire departments because it believed FEMA was responsible for assuring that offsite response systems were adequate and that time would be provided to correct deficiencies following the FEMA review.

Finally, the licensee asserts NRC staff should have indicated NPPD's actions would not result in full compliance. Since they did not, and indeed, since the staff made a statement to the Commission in August 1981 that NPPD was in compliance, NPPD submits it has a reasonable basis for assuming that it was in compliance.

NRC Evaluation. The licensee's arguments here are without merit. The regulations require the licensee, not FEMA, to install and test the prompt notification system by February 1, 1982. 10 CFR 50.54(q), and Appendix E, Section IV.D.3. Although the staff may have concurred in August 1981 in NPPD's proposed approach towards compliance with the regulations, the staff fully expected, and the licensee should have been aware, that the system was to be put in place and made operational. The staff construed the licensee's representations of June 30, 1981 to mean that the system would be completed by July 31, 1981, and on this basis reported to the Commission that NPPD was in compliance. The system could not have been completed if the mobile sirens were not installed. The license's response suggests it was aware of its responsibility to ensure that the system functioned properly. The licensee states it conducted an independent test of the decibel level of the mobile sirens and prepared route maps and coordinated with local fire departments even after it distributed the sirens. Unfortunately, the licensee did not follow through on these actions. It removed the item from its corporate tracking system and, as a result, the job was not adequately completed. The siren system was not made "operational" in that several sirens were still in their cartons on February 1, 1982.

Conclusions. The staff concludes that the licensee failed to comply with the emergency preparedness requirements and the violation stands.

Item B

Statement of Violation. During a telephone conversation in January 1982 between C. A. Hackney, NRC Region IV, and NPPD's Manager of Licensing and a licensing engineer; in a February 8, 1982 letter to NRC Region IV from the NPPD's Division Manager of Licensing and Quality Assurance; and during a March 9, 1982 oral briefing to NRC by various NPPD personnel, the licensee stated that the prompt public notification system for the Cooper Nuclear Station had been installed and was operational.

Contrary to the above, when the statements referred to were made, the NPPD prompt notification system was not installed and operational. Each of the statements made by licensee representatives in January 1982, on February 8, 1982 and on March 9, 1982 concerning the status of the prompt notification system constituted a material false statement within the meaning of Section 186 of the Atomic Energy Act of 1954, as amended. The statements were false in that as of March 9, 1982, the prompt notification system was neither installed nor operational. The false statements were material in that had the NRC known of the true situation, action would have been taken by NRC to assure compliance.

Each material false statement is a Severity Level II violation and is assessed a proposed civil penalty of $96,000. A cumulative civil penalty of $288,000 is proposed for the three material false statements.

Licensee Response. The licensee acknowledges the inaccuracy of the statements but asserts that none of the statements is a material false statement because the statements were not: (1) Necessary to enable NRC to determine whether a license should be modified or revoked; (2) if made "in connection with" a power reactor license, required to have been submitted under oath; or (3) in two out of three of the statements, written and signed by the licensee. Furthermore, the licensee questions whether any of the statements was material because even if NRC had known the actual status of the prompt notification system it would only have proposed a civil penalty for failure to comply. Finally, the licensee asserts that none of the statements was false because the licensee believed that as it interpreted the NRC regulations, it had complied. In particular, with respect to the telephone call, the licensee asserts the statement was not false because: NPPD was simply attempting to say it was in compliance, the NRC charaterized compliance as being installed and operational, and so NPPD adopted those words.

In addition, the licensee asserts: (1) That the violations for the material false statements should not have been charcterized as Severity Level II violations; (2) that the action taken is inconsistent with other enforcement actions, e.g. *Pilgrim;* (3) that the cause of the violation was not management inattention to NRC requirements; (4) that NRC should not penalize public utilities; (5) that the NRC enforcement policy should not be retroactively applied; and (6) that the action should be mitigated because of the licensee's corrective actions, good enforcement history and lack of prior notice of similar events.

NRC Evaluation. The staff believes that a material false statement within the meaning of Section 186 of the Atomic Energy Act 1954, as amended, was made. Section 186 of the Atomic Energy Act provides that "a. Any license may be revoked for any false statement in the application or any statement of fact required under Section 182." In the VEPCO decision, *Virginia Electric and Power Company* (North Anna Power Station, Units 1 and 2), CLI–76–22, 4 NRC 480 (1976), *Affirmed, Virginia Electric and Power Company* v. *U.S. Nuclear Regulatory Commission* 571 F.2d 1289, 1291 (4th Cir. 1978), the Commission has determined that Section 186 is a full disclosure statute and is applicable to omissions as well as affirmative statements. Since an omission is by its very nature unsigned and unsworn, statements need not be singed or sworn to constitute material false statements.

The staff disagrees with the licensee's argument that the statements were not material. When the staff learned on March 11, 1982 that the prompt notification system was not installed, it immediately issued a Confirmatory Action Letter calling for the licensee to take immediate action to put the system in place. Had the staff been informed on February 1, 1982 that the system was not installed and operational, it would have required installation immediately and compliance would have been achieved at that time. The licensee's response could have been used to determine whether the license should be modified or revoked or whether other enforcement action would be appropriate. Contrary to NPPD's suggestion, it is not necessary for the NRC to indicate the full range of potential actions and consequences each time it communicates with a licensee, and failure to do so does not foreclose it from exercising one of those options. Therefore, the statements were clearly material. Finally, the licensee's assertion that the statements were not false because the licensee had reason to believe it was in compliance with the requirements must be rejected because, for the reasons set forth in the discussion of the violation involving noncompliance with the requirements, the system was not installed and operational as required by the regulations. Furthermore, under Commission case law, a statement need not be intentionally false to constitute a material false statement. Finally, the licensee's argument that "operational" did not mean "operational" but rather its own interpretation of compliance is unacceptable. It ignores the plain meaning of operational. As NPPD notes, the NRC often relies on informal communication with licensees. The NRC will obviously assume a licensee intends the common meaning of words absent some qualification. To assume otherwise would be unworkable and make communication impossible.

With regard to the licensee's other arguments: (1) The staff does not agree that these material false statements should be evaluated as Severity Level III violations. These violations fit the example of Supplement VII B.1. (2) Because of the importance which the Commission attributes to the prompt notification system requirements, the staff does not believe that the level of enforcement action proposed in this case is inconsistent with other similar enforcement actions. However, as discussed below, the staff has concluded that certain adjustments in the penalty for other reasons are appropriate. (3) As described more fully in the evaluation of the licensee's response to Item A, NPPD management was responsible for ensuring that the prompt notification system was installed and operational by February 1, 1982. Because management failed to give this matter adequate attention, the system was not installed and operational by that date. (4) Public utilities are held to the same standard of protection of the public health and safety as private utilities and enforcement actions for both types of utilities must be consistent. (5) Under the interim Enforcement Policy and case law, the Commission had discretion to impose civil penalties for material false statements. Further guidance regarding the exercise of this discretion was provided in new Enforcement Policy. The Commission did not retroactively apply the enforcement policy. (6) The staff has recommended a reduction in the civil penalty. The staff does not

believe that any further mitigation of the penalty would be appropriate.

Conclusion. The Commission originally proposed a penalty for three material false statements; each of the three material false statements was categorized as a Severity Level II violation under the Enforcement Policy, 10 CFR Part 2, Appendix C; and the base penalty for each was increased by fifty percent. In light of the licensee's response and further study of the circumstances surrounding the violation, the staff has concluded that a citation for one material false statement is appropriate and that the maximum penalty of $100,000 be imposed for this violation due to the serious breakdown in management control.

[FR Doc. 83-5808 Filed 3-3-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co., et al.[1] (Millstone Nuclear Power Station, Unit 3); Receipt of Application for Facility Operating License; Notice of Availability of Applicants' Environmental Report Notice of Consideration of Issuance of Facility Operating License; and Notice of Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) has received an application for a facility operating license from the Northeast Nuclear Energy Company, acting as an agent for the fifteen utilities listed below. Northeast Nuclear Energy Company has no ownership interest in the Millstone Nuclear Power Station, Unit 3, but will design, construct, and operate the facility for The Connecticut Light and Power Company and Western Massachusetts Electric Company (lead applicants) and the other applicants. The Millstone Nuclear Power Station, Unit 3 is a pressurized water reactor located in the Town of Waterford, New London County, Connecticut on the north shore of Long Island Sound. The reactor is designed to operate at a core power level of 3411 megawatts thermal, with an equivalent net electrical output of approximately 1156 megawatts.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, the applicants filed an environmental report as part of the application. The report, which discusses environmental considerations related to the proposed operation of the facility, is being made available at the Office of Policy Management Comprehensive Planning Division, 80 Washington Street, Hartford, Connecticut 06115 and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, Connecticut 06360.

After the environmental report has been analyzed by the Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the **Federal Register**, a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The draft environmental statement will focus only on matters which differ from those previously discussed in the final environmental statement prepared in connection with the issuance of the construction permit. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the **Federal Register.**

The Commission will consider the issuance of a facility operating license to the applicants which would authorize the applicants to possess, use and operate the Millstone Nuclear Power Station, Unit 3 in accordance with the provisions of the license and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation of the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of a report on the applicants' application for a facility operating license by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commisson's regulations in 10 CFR Chapter I. Construction of the facility was authorized by Construction Permit No. CPPR-113, issued by the Commission on August 9, 1974. The applicants have advised that construction may be completed as early as November 1985.

Prior to issuance of an operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the construction permit. In addition, the license will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 24, 1983, the applicants may file a request for a hearing with respect to issuance of the facility operating license. By April 4, 1983, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the Commission, or designated Atomic Safety and Licensing Board, will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be

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[1] Northeast Nuclear Energy Company (a wholly-owned subsidiary of Northeast Utilities) has no ownership interest in the Unit. The following fifteen electric utilities own the unit as tenants in common: The Connecticut Light and Power Company and Western Massachusetts Electric Company (also wholly-owned subsidiaries of Northeast Utilities), Burlington Electric Light Department, Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, Connecticut Municipal Electric Energy Cooperative, Fitchburg Gas and Electric Light Company, Village of Lyndonville Electric Department, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, Public Service Company of New Hampshire, The United Illuminating Company and the Vermont Electric Cooperative, Inc.

entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the basis for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by April 4, 1983. A copy of the petition must also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Garfield, Esq., Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the applicant. Any requests for additional information regarding the content of this notice should be addressed to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a later petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR § 2.714(a)(1)(I)–(v) and 2.714(D).

For further details pertinent to the matters under consideration, see the application for the facility operating license, including the Final Safety Analysis Report and the Environmental Report, forwarded on February 2, 1983, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. As they become available, the following documents may be inspected at the above locations: (1) The safety evaluation report prepared by the Commission's staff; (2) the draft environmental statement; (3) the final environmental statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for the facility operating license; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of the proposed operating license and the ACRS report, when available, may be obtained by request to the Director, Division of Licensing, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff safety evaluation report and final environmental statement, when available, may be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5282 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 4th day of February 1983.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 83-5807 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-375]

Negative Declaration for the Rockwell International Corporation L-85 Nuclear Examination Reactor

The U.S. Nuclear Regulatory Commission (the Commission) has considered the Order authorizing dismantling of facility and disposition of component parts for the Rockwell International Corporation (the licensee) L-85 Nuclear Examination Reactor operated under Facility License No. R-118. The Order authorizes the licensee to disassemble the reactor which had operated at power levels up to 3 kW (thermal), and to dispose of the component parts.

The Commission's Office of Nuclear Reactor Regulation has prepared an environmental impact appraisal for this training reactor. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 22d day of February 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-5808 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-375]

Rockwell International; Order Authorizing Dismantling of Facility and Disposition of Component Parts

By application dated March 10, 1980, as amended by letter dated December 14, 1982, Rockwell International (the licensee) requested authorization to dismantle its L-85 Nuclear Examination Reactor (the facility), located at the licensee's site at Santa Susana Field Laboratory, Ventura County, California, and to dispose of the component parts, in accordance with the plan submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Dismantling of Facility, Disposition of Component Parts, and Termination of Facility License" was published in the **Federal Register** on April 30, 1980 (45 FR 30759). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Nuclear Regulatory Commission (the Commission) has reviewed the application in accordance with the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts under the licensee's dismantling plan will be in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for the findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an environmental impact appraisal for this action. Based on that appraisal, the Commission has determined that this action will no result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, Rockwell International is hereby authorized to dismantle the facility covered by Facility License No. R-118, and dispose of the component

parts in accordance with its corrected dismantling plan dated December 14, 1982 and the Commission's rules and regulations.

After completion of the dismantling and decontamination of the reactor, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan, and inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R–118.

For further details with respect to this action see: (1) The application for authorization to dismantle facility and dispose of component parts dated March 10, 1980, as revised by letter dated December 14, 1982, (2) the Commission's related Safety Evaluation, (3) the Commission's Environmental Impact Appraisal, and (4) the Commission's Negative Declaration dated February 22, 1983 (which is also being published in the **Federal Register**). All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22d day of February 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-5609 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–361]

Southern California Edison Co., et al.; Exemption to 10 CFR 50, Appendix A, General Design Criterion 56; Facility Operating License No. NPF–10

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption to 10 CFR Part 50, Appendix A, General Design Criterion 56 until March 22, 1983, to Southern California Edison Company, San Diego Gas and Electric Company, the City of Riverside, California and the City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California.

The exemption is associated with Amendment No. 12 to Facility Operating License NPF–10, issued to the licensees on December 23, 1982. The exemption allows the licensees 60 days to change two remote-manual CCW non-critical loop isolation valves to automatic isolation. The exemption is based on the Staff's evaluation as reflected in the Safety Evaluation accompanying Amendment No. 12 and on a finding by the NRC staff that the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

For further details with respect to this action, see: (1) The Commission's letter to the licensees dated February 22, 1983, (2) Amendment No. 12 to Facility Operating License No. NPF–10, dated December 23, 1982 and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of February 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-5610 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–361 and 50–362]

Southern California Edison Co., et al; Issuance of Amendments Facility Operating License Nos. NPF–10 and NPF–15

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. NPF–10, and Amendment No. 4 to Facility Operating License NPF–15 to Southern California Edison Company (SCE), San diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Units 2 and 3 (the facility) located in San Diego County, California. These amendments are effective February 17, 1983.

The amendments modify the Emergency Preparedness license conditions to grant additional time to satisfy the requirements of 10 CFR 50.47(b)(12) related to medical services. These amendments were requested by the SCE letter of January 14, 1983 and were authorized by the Atomic Safety and Licensing Board's Order of February 1, 1983.

Issuance of these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of these amendments is subsumed by the prior public notice of the overall action regarding issuance of operating licenses for these facilities, published in the **Federal Register** on April 7, 1977 (42 FR 18460).

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and the pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) Southern California Edison Company's letter dated January 14, 1983, (2) Amendment No. 15 to Facility Operating License No. NPF–10, and (3) Amendment No. 4 to Facility Operating License NPF–15.

These items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar. San Clemente, California 92672. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February, 1983.

for the Nuclear Regulatory Commission

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-5611 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–445/446–OL (ASLBP No. 79–430–06 OL)]

Texas Utilities Generating Co., et al., Comanche Peak, Units 1 & 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Texas Utilities Generating Company, et al.* (Comanche Peak, Units 1 & 2), Docket Nos. 50–445/446–OL, is hereby reconstituted by

appointing Dr. Walter H. Jordan to the Board in place of Dr. Richard F. Cole, who because of a schedule conflict, is no longer able to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Marshall E. Miller, Chairman
Dr. Kenneth A. McCollom
Dr. Walter H. Jordan

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Walter H. Jordan, 881 W. Outer Drive, Oak Ridge, Tennessee 37830.

Issued at Bethesda, Maryland this 24th day of February 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-5812 Filed 3-3-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19541; File No. SR-Amex-83-3]

American Stock Exchange, Inc.; Self-Regulatory Organizations; Proposed Rule Change By Relating To Amendment of Exchange Rules 131 and 154 on Percentage Orders

Pursuant to section 19 (b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b) (1), notice is hereby given that on February 10, 1983, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. is proposing to amend Rules 131 and 154 to allow percentage orders to be converted and executed on "zero plus" ticks (for buy orders) and "zero minus" ticks (for sell orders) when the order causing the conversion is at least 5,000 shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The Commission recently approved amendments to Amex Rules 131 and 154 which redefined the term "percentage orders" and provided new procedures to facilitate the handling of such orders. (See SR-Amex-82-21.) Included in these rule changes is a new procedure whereby a percentage order may be converted into a regular limit order (if so specified in writing by the entering broker) thus enabling it to fully participate in a block trade or in the opening trade in the security. This procedure was implemented since a percentage order could not participate in a block transaction that would otherwise have been an electing sale, even though such participation would fully satisfy the terms of the order.

Exchange Rules 131 and 154 now provide that a percentage order can only be converted on a stabilizing tick. In order to further facilitate the execution of blocks, add liquidity to the market and enable specialists to handle percentage orders more effectively, the Exchange has further revised Rules 131 and 154 so as to allow percentage orders to be converted and executed on zero plus ticks (for buy orders) or zero minus ticks (for sell orders) when the order causing the conversion is at least 5,000 shares. The 5,000 share requirement is being imposed to limit the conversion of percentage orders on destabilizing ticks as previously requested by the Commission staff.

(2) *Basis.* The proposed amendments are consistent with Section 6 (b) of the Exchange Act in general and further the objectives of Section 6 (b) (5) in particular in that they are designed to facilitate the handling of large orders, while making percentage orders a more useful tool for investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 25, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5804 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

February 25, 1983.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(C) of the Securities and Exchange Act of 1934 (the "Act") and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock: [1]

Bally's Park Place, Inc.

Common Stock, $.10 Par Value

The security is currently traded over-the-counter and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 18, 1983 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6086 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12216]

Exxon Shipping Co.; Application and Opportunity for Hearing

February 28, 1983.

Notice is hereby given that Exxon Shipping Company (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Bankers Trust Company under an indenture dated as of October 15, 1975 (the "Qualified Indenture") among Exxon Pipeline Company ("Exxon Pipeline"), as issuer, Exxon Corporation ("Exxon") as Guarantor and Bankers Trust Company which was heretofore qualified under the Act, and the successor trusteeship by Bankers Trust under an indenture dated as of September 1, 1982 among the Company as issuer, Exxon as Guarantor, and Bankers Trust Company as successor Trustee (the "New Indenture"), are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as Trustee under the Qualified Indenture or under the New Indenture. The New Indenture was filed as an Exhibit to Registration Statement No. 2–79104 of Exxon and the Company under the Securities Act of 1933, which was declared effective on September 10, 1982, and was contemporaneously qualified under the Act.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which any other securities of the same issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

In support of its application the Company alleges that:

(1) At September 1, 1982, Exxon Pipeline, as issuer, and Exxon, as Guarantor, had outstanding $300,000,000 aggregate principal amount of 8¾% Debentures Due October 15, 2000, under the Qualified Indenture (the "Debentures"). The Debentures issued pursuant to the Qualified Indenture were registered under the Securities Act of 1933 and the Qualified Indenture was qualified under the Act. Exxon Pipeline is a wholly-owned subsidiary of Exxon.

(2) Bankers Trust Company is successor Trustee under the New Indenture under which there is outstanding $757,111,590 aggregate principal amount of Guaranteed Deferred Interest Debentures Due 2012. The Company is a wholly-owned subsidiary of Exxon.

(3) The obligations of Exxon under the Qualified Indenture and under the New Indenture are wholly unsecured and all such obligations will rank equally without seniority or subordination of any such obligations to any of the others.

(4) No default has at any time existed under the Qualified Indenture or the New Indenture.

(5) Such differences as will exist between the Qualified Indenture and the New Indenture are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Bankers Trust Company from acting as trustee under the Qualified Indenture were it to act as trustee under the New Indenture.

The Company has waived: (1) Notice of hearing, (b) hearing on the issues raised by the application, and (c) any and all rights to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 22, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, that the issues of fact or law raised by said Applicant which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

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[1] The Boston Stock Exchange applied for unlisted trading privileges on November 27, 1979. The security has been trading on the exchange pursuant to a temporary exemption from the registration requirements of Section 12 of the Act contained in Rule 12a–5. The exemption will continue until the Commission grants for denies the unlisted trading privileges application.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5635 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19550; File No. SR-NASD-82-25]

National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

February 28, 1983.

In the matter of National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006.

The National Association of Securities Dealers, Inc. ("NASD"), submitted copies of a proposed rule change on November 12, 1982, and an amendment thereto on December 7, 1982, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), to amend both Section 28 of Article III of the NASD Rules of Fair Practice and the Board of Governors Interpretation on Private Securities Transactions ("Interpretation") under Section 27 of Article III of the NASD Rules of Fair Practice.

Section 28 prescribes the responsibilities of members and their associated persons when securities transactions are knowingly executed by a member ("executing member") for an associated person of another member ("employer member"). The proposed rule change will require that an associated person notify an executing member of his affiliation with an employer member whenever an account is opened or a securities transaction requested if that associated person has a financial interest in the transaction or discretionary authority over such account ("qualified account"). An executing member will be required to notify the employer member in writing prior to executing transactions, to give duplicate copies of confirmations to the employer member upon written request, and to notify the associated person that such communications will be sent to the employer member. Transactions in variable contracts and redeemable investment company securities will be exempted from these notice requirements. The proposed rule change would also amend the Interpretation by exempting transactions in variable contracts or redeemable investment company securities done for the personal account of an associated person.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Act Release No. 19347, December 16, 1982) and by publication in the **Federal Register** (47 FR 58416, December 30, 1982. No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A of the Act and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and thereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5636 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19549; File No. SR-NASD-82-17]

National Association of Securities Dealers, Inc.; Filing of Amendment to Proposed Rule Change

February 28, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 3, 1983, the National Association of Securities Dealers, Inc. ("NASD"), filed with the Securities and Exchange Commission an amendment to proposed rule change SR-NASD-82-17 which prescribes standards for NASD members who do not maintain an office in the United States responsible for preparing and maintaining financial and other reports required to be filed with the Commission and the NASD ("foreign members"). The proposed rule change, notice of which was published on October 6, 1982, in Securities Act Release No. 19105, 34 FR 19105 (October 14, 1983), would amend Schedule C of the NASD's By-Laws to require foreign members to meet certain conditions for membership. The amendment clarifies that foreign members must utilize, either directly or indirectly, the services of a registered broker-dealer, registered clearing agency, or bank located in the United States to clear all transactions involving NASD members unless both parties to the transaction agree otherwise.

In order to assist the Commission in determining whether to approve the proposed rule change as amended or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NASD-82-17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the NASD.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[1]

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5637 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22863 (70-6843)]

Ohio Valley Electric Corp.; Proposed Refinancing of Demand Notes

February 25, 1983.

In the matter of Ohio Valley Electric Corp., P.O. Box 468, Piketon, Ohio 45661.

The Ohio Valley Electric Corporation ("Ohio Valley"), an electric utility subsidiary of American Electric Power Company ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2) and 50(b)(2) promulgated thereunder.

Ohio Valley and its wholly owned subsidiary, Indiana-Kentucky Electric

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[1] 17 CFR 200.30-3(a)(12).

Corporation, operate electric generation facilities for the principal purpose of supplying electric power to an agency of the United States of America. The capital stock of Ohio Valley is jointly owned by AEP, Allegheny Power System, Inc., a registered holding company, and several other utility companies, which, pursuant to a power agreement, provide supplemental power to, and purchase surplus power from, Ohio Valley and its subsidiary.

Shortly after its organization in 1952, Ohio Valley was authorized by this Commission to issue and sell $10,000,000 principal amount of unsecured demand notes pursuant to a loan agreement with several banking institutions. The demand notes mature ninety days after demand for payment thereof, and bear interest at a rate per annum equal to the prime commercial lending rate of Citibank, N.A., agent for the lending banks, as the rate may fluctuate from time to time, for loans having ninety-day maturities.

Ohio Valley requests the authority to refinance these demand notes at any time until December 31, 1983, by issuing up to $10,000,000 aggregate principal amount of unsecured promissory notes in connection with borrowings from one or more commercial banks, pursuant to a proposed Term Loan Agreement ("Agreement"), for terms of not less than two nor more than ten years. It is contemplated that Ohio Valley may enter into a single agreement for the full amount of the proposed loan, or separate agreements with different banks, each for a part of the proposed borrowings, possibly having different maturities. Each promissory note will bear interest not greater than 200 basis points over the then applicable prime rate payable to Citibank, N.A. under the existing loan agreement as of the date upon which a definitive Agreement is executed, but in no event greater than 14% per annum. No compensating balances or commitment fees will be required.

The proposed Agreement also provides that in the event a note is paid prior to maturity, or upon the occurrence of an event of default, Ohio Valley will be required to pay a fee to the lending bank calculated to reimburse the bank for interest lost, if any, as a result of the prepayment. All proceeds from the borrowings will be applied to retire the outstanding demand notes. Prepayment penalty provisions in the existing loan agreement have been waived. Ohio Valley will incur no penalty for prepayment of the outstanding demand notes.

Ohio Valley states that it believes that funds at a fixed rate at or near the applicable prime rate are currently available on loans having maturities of up to but not exceeding two years. Rates quoted to Ohio Valley on loans having longer maturities have generally been in the range of up to 200 basis points higher than the prime rate. Ohio Valley believes that it will be of long-term benefit to the company to reduce its exposure to wide fluctuations in interest rate expense and to refund its outstanding variable rate demand notes, in whole or in part, with proceeds of notes having longer maturities, even though such long-term notes may bear a fixed rate of interest higher than current short-term rates at the time of such borrowings.

Ohio Valley also asserts that long-term debt financing of the kind herein proposed is the most practicable and cost-effective in light of its size, capital needs, and the relative difficulty of more conventional alternatives such as mortgage bond financing. Ohio Valley presently has no effective mortgage indenture nor is it encumbered with any other type of long-term debt.

It is represented that Ohio Valley will not be required to obtain a guaranty of its obligations under the proposed Agreement by any of the companies holding its capital stock. Ohio Valley believes that the lending bank or banks will look only to the continuing obligations to purchase and supply power under the aforementioned power agreement. Accordingly, the proposed Agreement specifies that the termination of the inter-company power agreement shall be an event of default, and that certain amendments or material modifications thereof would require the lender's written consent.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 22, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6032 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19546; File No. SR-Phlx-83-1]

Philadelphia Stock Exchange, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change

February 28, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 27, 1983, the Philadelphia Stock Exchange, Inc. ("Phlx") filed with the Securities and Exchange Commission the proposed rule change as described hererin. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Phlx is proposing to amend Rule 715 to change the due date for monthly reporting of floor brokerage commission income and the payment of the prescribed assessment to the twenty-eighth day of the month following the month covered by the report. The Phlx states that the statutory basis for the proposed amendment is Section 6(b)(4) of the Securities Exchange Act which provides among other things, for the equitable allocation of dues, fees and other charges.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. Phlx-83-1.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written

communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-5633 Filed 3-3-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Small Business Investment Company Maximum Annual Cost of Money To Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective March 1, 1983, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.545% per annum.

Dated: February 28, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-5661 Filed 3-3-83; 8:45 am]

BILLING CODE 8025-01-M

Illinois; Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Illinois, will hold a public meeting at 9:00 a.m., on Wednesday, March 23, 1983, at the Dirksen Federal Building, 219 S. Dearborn Street, Room 1221, Chicago, Illinois, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call John L. Smith, District Director, U.S. Small Business Administration, 219 S. Dearborn Street, Room 437, Chicago, Illinois, (312) 353-4508.

Dated: February 28, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5656 Filed 3-3-83; 8:45 am]

BILLING CODE 8025-01-M

Kentucky; Region IV Advisory Council Meeting

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Louisville, Kentucky, will hold a public meeting at 9:00 a.m., Friday, March 25, 1983, at the Louisville District Office, 600 Federal Place, Room 188, Louisville, Kentucky, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call B. R. Wells, District Director, U.S. Small Business Administration, P.O. Box 3517, Louisville, KY 40201, (502) 582-5971.

Dated: February 28, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5660 Filed 3-3-83; 8:45 am]

BILLING CODE 8025-01-M

Utah; Region VIII Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, will hold a public meeting at 10:00 a.m., Wednesday, March 30, 1983, at the New Ogden Hilton Hotel, Ogden, Utah, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call R. Kent Moon, District Director, U.S. Small Business Administration, 125 South State Street, Salt Lake City, Utah 84138; (801) 524-5800.

Dated: February 25, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5657 Filed 3-3-83; 8:45 am]

BILLING CODE 8025-01-M

Wisconsin District Advisory Council; Meeting

The U.S. Small Business Administration, Wisconsin District Advisory Council, located in the geographical area of Madison, will hold a public meeting at 10:00 a.m., on Wednesday, March 30, 1983, at the Federal Center, 212 East Washington Avenue, Room 213, Madison, Wisconsin, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information write or call C. A. Charter, District Director, U.S. Small Business Administration, 212 East Washington Avenue, Room 213, Madison, Wisconsin 53703; (608) 264-5205.

Dated: February 28, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-5659 Filed 3-3-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 19]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. 6 to 13). An underwriting limitation of $3,017,000 has been established for the company.

Name of Company:
Affiliated FM Insurance Company
Business Address:
Allendale Park
P.O. Box 7500
Johnston, Rhode Island 02919
State of Incorporation:
Rhode Island

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as

to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28870 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 23, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-5655 Filed 3-3-83; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1982 Rev., Supp. No. 20]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code. An underwriting limitation of $820,000 has been established for the company.

Name of Company:
COVENANT INSURANCE COMPANY
Business Address:
95 Woodland Street
Hartford, Connecticut 06105
State of Incorporation:
Connecticut

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28874 to reflect this addition. Copies of the Circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 23, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-5656 Filed 3-3-83; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document lists new and revised forms. Each entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Ave. NW., Washington, DC, 20420, (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6880.

DATE: Comments on the forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: February 23, 1983.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Revisions

1. Department of Veterans Benefits.
2. Annual Income Report.
3. VA Forms 21-4179, 21-8913, 21-8914, 21-8915, 21-8916, 21-8917, 21-8918, 21-8919, 21-8920.
4. Annually.
5. Persons in receipt of VA disability and death pension and parents dependency and indemnity compensation.
6. 2,000,000 responses.
7. 666,667 hours.
8. Not applicable under 3504(H).

* * * * *

1. Department of Veterans Benefits.
2. Veterans Mortgage Life Insurance Statement.
3. 29-8636.
4. On occasion.
5. Veterans in receipt of specially adopted housing grants.
6. 1000 responses.
7. 250 hours.
8. Not applicable under 3504(H).

* * * * *

1. Department of Veterans Benefits.
2. Declaration of Marital Status.
3. 21-686C.
4. On occasion.
5. Person(s) claiming VA benefits for dependent spouse child(ren).
6. 226,000 responses.
7. 56,500 hours.
8. Not applicable under 3504(H).

New Forms

1. Department of Veterans Benefits.
2. Applications for Educational Assistance Test Program Benefits.
3. 22-8889.
4. On occasion.
5. Persons applying for benefits under Chapter 107, 10 U.S.C. (Pub. L. 96-342, Sec. 901); and commanding officers of individuals applying for benefits while on active duty.
6. 300 responses.
7. 150 hours.
8. Not applicable under 3504(H).

* * * * *

1. Officer of Academic Affairs, Department of Medicine and Surgery.
2. Nursing Student Educational Expenses.
3. 10-0003 d and e.
4. Annually.
5. Schools of nursing offering baccalaureate or specified master's programs will be asked to report.
6. 380 responses.
7. ½ hour.
8. Not applicable under 3504(H).

[FR Doc. 83-5663 Filed 3-3-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 44
Friday, March 4, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading	1
Equal Employment Opportunity	2
Federal Deposit Insurance	3
Federal Election Commission	4
Federal Home Loan Bank Board	5
Nuclear Regulatory Commission	6

1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, March 15, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-306-83 Filed 3-2-83; 2:50 pm]
BILLING CODE 6351-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, March 8, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Appeal No. 82-11-FOIA-182-NY, concerning a request for all documents contained in a national origin discrimination charge file.
4. Freedom of Information Act Appeal No. 82-12-FOIA-252, concerning a request for EEO-6 forms submitted by ten educational institutions between 1975 and 1982.
5. A Review of the Sexual Harassment Guidelines under E.O. 12291.
6. Management Directive to Federal Agencies Containing Interim Procedures for Processing Complaints of Employment Discrimination Against Recipients of Federal Financial Assistance.
7. Proposed § 621, Height and Weight Requirements of Volume II of the EEOC Compliance Manual.
8. Proposed § 632, Violations Involving Advertising, Recordkeeping, or Posting of Notice; EEOC Compliance Manual, Volume II, EEOC Order 915.
9. Proposed Modification of Contract 0/5010/0177 and Obligation of FY 83 funds.

Closed:

1. Litigation Authorization; General Counsel Recommendations (In addition to publishing notices on EEOC Commission Meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued March 1, 1983.

[S-308-83 Filed 3-1-83; 4:38 pm]
BILLING CODE 6750-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:03 p.m. on Tuesday, March 1, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from American City Bank, Los Angeles, California (Case No. 45,623-L).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)).

Dated: March 1, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-307-83 Filed 3-2-83; 2:50 pm]
BILLING CODE 6714-01-M

4

FEDERAL ELECTION COMMISSION

[FR 302]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 10, 1983, 10 a.m.

CHANGE IN MEETING: The following matter has been added to the open meeting for this date:

Finance Committee Report

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Information Officer, telephone 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-311-83 Filed 3-2-83; 3:53 pm]
BILLING CODE 6715-01-M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: No. 48, Page No. none at this time. Date Published—No date at this time.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Thursday, March 3, 1983 at 10 a.m.:

The Boston Five Cents Savings Bank, Boston, Massachusetts
Securities Offerings
Organization and Chartering of *De Novo* Federal Stock Associations and Related Regulatory Amendments
Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven
Amendment Concerning Conflicts of Interest Involving Mortgage Insurance

[No. 21, March 2, 1983]

[S–309–83 Filed 3–2–83; 3:12 pm]
BILLING CODE 6720–01–M

6

NUCLEAR REGULATORY COMMISSION

DATE: Wednesday, March 2, Thursday, March 3 and Friday, March 4, 1983 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, March 2:*

9:30 a.m.
Briefing on Salem (Public Meeting) (Additional item)
11:00 a.m.
Discussion/Possible Vote on Contested Issues in Waterford Full Power Proceeding (Closed—Exemption 10) (Time change)
2:00 p.m.
Briefing on Staff Actions Regarding Location of Emergency Operations Facilities (Public Meeting) (As announced)

Thursday, March 3:

10:00 a.m.
Briefing on Nuclear Data Link (Public Meeting) (As announced)
2:00 p.m.
Discussion of Possible Enforcement Action (Closed—Exemption 5) (Time change)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. UCS Objection to Commission Meeting Re TMI–1 Seismic Concerns as Violating *Ex Parte* Prohibition (As announced)

Friday, March 4:

10:00 a.m.
Briefing on Activities of Committee to Review Generic Requirements (CRGR) (Public Meeting) (Time change)
2:00 p.m.
Status and Discussion of Shoreham (Closed—Exemption 10) (Tentative) (As announced)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634–1410.

March 1, 1983.

Linda Stoloff,
Office of the Secretary.

[S–310–83 Filed 3–2–83; 3:18 pm]
BILLING CODE 7590–01–M

federal register

Friday
March 4, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decision

Arizona	AZ83-5102 AZ83-5105

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL82-1087	Dec. 10, 1982.
Florida	
FL82-1015	March 5, 1982.
FL82-1083	Nov. 19, 1982.
[illegible]	
LA82-4063	Nov. 5, 1982.
LA83-4001	Jan. 7, 1983.
LA83-4019	Feb. 4, 1983.
New York:	
NY81-3024	Apr. 3, 1981.
NY81-3062	Sept. 11, 1981.
New Jersey:	
NJ81-3053	Oct. 9, 1981.
NJ81-3063	Dec. 28, 1981.
Oklahoma:	
OK82-4035	June 25, 1982.
OK83-4012	Jan. 14, 1983.
OK83-4011	Jan. 14, 1983.
Texas:	
TX82-4025	June 18, 1982.
TX83-4004	Jan. 7, 1983.
TX83-4006	Jan. 7, 1983.
TX83-4007	Jan. 7, 1983.
Virginia: VA81-3015	Mar. 6, 1981.
Wyoming: WY82-5108	Mar. 12, 1982.
Indiana: IN82-2030	May 14, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL82-2032(IL83-2014)	May 21, 1982.

Cancellation of General Wage Determination Decisions

The general wage decisions listed below are cancelled. Agencies with construction projects pending to which one of the cancelled decisions would have been applicable should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.7(b)(2), the incorporation of one of the cancelled decisions in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

AR–2058—Kanawha County, West Virginia dated October 4, 1974 in 39 FR 35948—Residential Construction.

NJ79–3052—Morris County, New Jersey dated November 30, 1979 in 44 FR 69102—Residential Construction.

Signed at Washington, D.C., this 25th day of February 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

NEW DECISION

STATE: Arizona
DECISION NUMBER: AZ83-5102
COUNTY: Maricopa
DATE: Date of Publication
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$10.79	$2.27
BOILERMAKERS	18.86	3.86
BRICKLAYERS: Stonemasons	16.43	2.75
CARPENTERS:		
Carpenters; Saw Filer; Shingler; and Drywall; Hangers	12.935	2.53
Floor Layer and Piledriver	13.28	2.53
Millwrights	14.34	2.55
CEMENT MASONS:		
Cement Masons	12.91	2.40
Concrete Troweling, Sawing and Scoring, Curb and Gutter, Grinding Machine Operator; Clary and similar type of power Screed; Color pigment; Steps; Composition Finisher	13.10	2.40
DRYWALL TAPERS	15.06	1.20
ELECTRICIANS:		
Electricians	17.95	2.14+ 3%
Sound Installers	16.00	2.14+ 3%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.03	2.69+ a
Helpers	12.62	2.69+ a
Probationary Helpers	9.015	
GLAZIERS	15.39	1.78
INSULLATION INSTALLERS	8.57	
IRONWORKERS	16.25	5.02
LABORERS	7.55	
LATHERS	15.61	1.06
LINE CONSTRUCTION:		
Groundmen	12.81	4.20+ 3%
Equipment Operator; Powdermen, and Mechanics	15.13	4.20+ 3%
LINE CONSTRUCTION: (Cont'd)		
Linemen, Crane Operator, Sagger, and Pilot	$17.05	$4.20+ 3%
Cable Splicers	17.56	4.20+ 3%
PAINTERS:		
Brush and Roller; Sandblaster (Nozzleman); Sheetrock Taper; Floor Coverer; Sandblaster (Pot Tender)	13.54	1.30
Spray; Paperhanger	13.79	1.30
Creosote Applier	13.87	1.30
Swing Stage:		
Brush; Sandblaster	13.94	1.30
Spray	14.19	1.30
Steeplejack	14.40	1.30
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and air tool Operator; Steel Sandblaster	14.47	1.30
Steel and bridge, Spray	14.67	1.30
PLASTERERS	16.34	2.41
PLUMBERS	19.85	3.13
ROOFERS	10.84	2.11
SHEET METAL WORKERS	17.39	3.15
SOFT FLOOR LAYERS	11.10	.92
SPRINKLER FITTERS	18.17	2.83
TILE, MARBLE, and TERRAZZO WORKERS	13.74	2.76
TILE FINISHERS	11.77	1.79
POWER EQUIPMENT OPERATORS		
Group 1	8.75	2.78
Group 2	10.75	2.78
Group 3	11.21	2.78
Group 4	11.76	2.78
Group 5	12.42	2.78
Group 6	13.06	2.78
Group 7	13.44	2.78
Group 8	13.85	2.78
Group 9	14.59	2.78

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Group 1	$10.32	$2.82
Group 2	10.48	2.52
Group 3	10.75	2.52
Group 4	11.18	2.52
Group 5	11.37	2.52
Group 5A	11.61	2.52
Group 6	11.77	2.52
Group 7	12.27	2.52
Group 8	12.905	2.52
Group 8A	13.85	2.52
Group 8B	13.32	2.52

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; and Christmas Day

GROUP DESCRIPTIONS

POWER EQUIPMENT OPERATORS

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Pneumatic-tried Scraper Operator, all sizes and

GROUP DESCRIPTIONS

POWER EQUIPMENT OPERATORS

Group 1: Air Compressor Operator; Pump Operator; Conveyor Operator; Generator Operator (all); Power Grizzly Operator; Fireman (all); Welding Machine Operator; Tripper Operator; Concrete Mixer Operator, skip type; Highline Cableway Signalman

Group 2: Oiler; Forklift and Ross Carrier Operator; Skiploader, 1¼ cu. yd. and less; Pavement Breaker; Roller Operator (except as otherwise classified); Wheel-type Tractor Operator (Ford-Ferguson type); Slurry Seal Machine Operator (driver Moto-paver); Power Sweeper

Group 3: Self-propelled Chip Spreading Machine Conveyor Operator; Dinky Operator, under 20 ton; Elevator Hoist Operator, Husky and similar

Group 4: Motor Crane Driver; Beltcrete Operator; Curing Machine Operator, Boring Bridge and Texture; Cross Tineing and Pipe Float; Straw Blower; Hydrographic Seeder; Hydrographic Mulcher; Jumbo Finishing Machine; Joint Inserter

Group 5: A-Frame Boom Truck or Winch Truck Operator; Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Screed Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

Group 6: Aggregate Plant Operator (including crushing, screening, and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine Operator (including Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman, or Handler; Drilling Machine Operator, all types and sizes except as otherwise classified; Field Equipment Serviceman; Kolman Belt Loader Operator or similar type, with belt width 48" or over; Locomotive Engineer (including Dinky 20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator, up to and including 12 cu. yds. (Turnapull, Euclid, Cat, D.W. Hancock, and similar equipment); Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all type apshalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types with a rated capacity over 1¼ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K.W. or more; Surface Heater and Planer Operator; Traveling Pipe-wrapping Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Pneumatic-tried Scraper Operator, all sizes and types over 12 cu. yds. MRC (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper); Trenching Machine Operator

Group 8: Asphalt or Concrete Planing, Rotomill, and Milling Machine Operator; Auto Grade Machine Operator (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type and Mobile Mixers; Concrete Pump Operator, with boom attached (truck mounted); Crane Operator, Crawler and Pneumatic type under 100 ton capacity MRC; Crawler-type Tractor Operator, with boom attachment or Slope Bar; Derrick Operator; Forklift Operator for hoisting personnel; Gradall Operator; H. D. Mechanic and/or Welder; Helicopter Hoist Operator; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grader Operator, any type power blade; Motor Grader Operator, with Elevating Grader attachment; Mucking Machine Operator;

Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment over 45 cu. yds. MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types rated capacity 4 cu. yd. but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type tractor; Tower Crane (or similar type) Operator; Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 9: Crane Operator, Pneumatic or Crawler, 100 ton hoisting capacity and over MRC rating; Helicopter Pilot, FAA qualified, when used in construction work other than executive travel and single casual rental; Highline Cableway Operator, over 20 ton rated capacity and using traveling head and tail tower; Remote-control Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 4000 gallons); Fireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds.); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Ross Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8D: Field Equipment Servicemen or Fuel Truck Driver

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

NEW DECISION

STATE: Arizona COUNTY: Pima
DECISION NUMBER: AZ83-5105 DATE: Date of Publication
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.75	$2.27
BRICKLAYERS	10.00	
CARPENTERS:		
Carpenters; Saw Filer; and Shingler	12.935	2.53
Floor Layer and Piledriver	13.28	2.53
CEMENT MASONS	12.84	2.47
DRYWALL HANGER	10.50	
DRYWALL TAPER	9.00	
ELECTRICIANS	17.00	.80+11%%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.03	2.69+a
Helpers	12.62	2.69+a
Porbationary Helpers	9.015	
GLAZIERS	15.39	1.78
INSULLATION INSTALLER	8.75	
IRONWORKERS	16.25	5.02
LABORERS	7.23	
LATHERS	15.61	1.06
MILLWRIGHT	10.00	
PAINTERS:		
Brush	12.47	1.77
Spray and Sandblasters	13.07	1.77
Paperhangers	12.60	1.77
PLASTERERS	10.50	
PLUMBERS	19.84	3.13
ROOFERS	11.17	1.50
SHEET METAL WORKERS	16.74	3.19
SPRINKLER FITTERS:		
Fire Protection	18.17	2.83
Lawn-Landscape	9.00	.95

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Group 1	$ 8.75	$2.78
Group 2	10.75	2.78
Group 3	11.21	2.78
Group 4	11.76	2.78
Group 5	12.42	2.78
Group 6	13.06	2.78
Group 7	13.44	2.78
Group 8	13.85	2.78
Group 9	14.59	2.78
TRUCK DRIVERS:		
Group 1	10.32	2.52
Group 2	10.48	2.52
Group 3	10.75	2.52
Group 4	11.18	2.52
Group 5	11.37	2.52
Group 5A	11.61	2.52
Group 6	11.77	2.52
Group 7	12.27	2.52
Group 8	12.905	2.52
Group 8A	13.85	2.52
Group 8B	13.32	2.52

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; and Christmas Day

GROUP DESCRIPTIONS

POWER EQUIPMENT OPERATORS (Cont'd)

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GROUP DESCRIPTIONS

POWER EQUIPMENT OPERATORS

Group 1: Air Compressor Operator; Pump Operator; Conveyor Operator; Generator Operator (all); Power Grizzly Operator; Fireman (all); Welding Machine Operator; Tripper Operator; Concrete Mixer Operator, skip type; Highline Cableway Signalman

Group 2: Oiler; Forklift and Ross Carrier Operator; Skiploader, 1¼ cu. yd. and less; Pavement Breaker; Roller Operator (except as otherwise classified); Wheel-type Tractor Operator (Ford-Ferguson type); Slurry Seal Machine Operator (driver Moto-paver); Power Sweeper

Group 3: Self-propelled Chip Spreading Machine Conveyor Operator; Hinky Operator, under 20 ton; Elevator Hoist Operator, Husky and similar

Group 4: Motor Crane Driver; Beltcrete Operator; Curing Machine Operator, Boring Bridge and Texture; Cross Tineing and Pipe Float; Straw Blower; Hydrographic Seeder; Hydrographic Mulcher; Jumbo Finishing Machine; Joint Inserter

Group 5: A-Frame Boom Truck or Winch Truck Operator; Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Screed Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

Group 6: Aggregate Plant Operator (including crushing, screening, and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine Operator (including Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman, or Handler; Drilling Machine Operator, all types and sizes except as otherwise classified; Field Equipment Serviceman; Kolman Belt Loader Operator or similar type, with belt width 48" or over; Locomotive Engineer (including Dinky 20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator, up to and including 12 cu. yds. (Turnapull, Euclid, Cat, D.W. Hancock, and similar equipment); Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all type apshalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types with a rated capacity over 1¼ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K.W. or more; Surface Heater and Planer Operator; Traveling Pipe-wrapping Machine Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Pneumatic-tried Scraper Operator, all sizes and types over 12 cu. yds. MRC (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper); Trenching Machine Operator

Group 8: Asphalt or Concrete Planing, Rotomill, and Milling Machine Operator; Auto Grade Machine Operator (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type and Mobile Mixers; Concrete Pump Operator, with boom attached (truck mounted); Crane Operator, Crawler and Pneumatic type under 100 ton capacity MRC; Crawler-type Tractor Operator, with boom attachment or Slope Bar; Derrick Operator; Forklift Operator for hoisting personnel; Gradall Operator; H. D. Mechanic and/or Welder; Helicopter Hoist Operator; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grader Operator, any type power blade; Motor Grader Operator, with Elevating Grader attachment; Mucking Machine Operator;

Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment over 45 cu. yds. MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types rated capacity 4 cu. yd. but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type tractor; Tower Crane (or similar type) Operator; Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 9: Crane Operator, Pneumatic or Crawler, 100 ton hoisting capacity and over MRC rating; Helicopter Pilot, FAA qualified, when used in construction work other than executive travel and single casual rental; Highline Cableway Operator, over 20 ton rated capacity and using traveling head and tail tower; Remote-control Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

DECISION NO. AK83-5105 Page 4

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 4000 gallons); Fireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds.); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Helperman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Ross Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8B: Field Equipment Servicemen or Fuel Truck Driver

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

Modification Page 1

DECISION NO. AL82-1087 - MOD. #2
(December 10, 1982 -- 47 FR 55568)
Blount, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, & Winston Cos., ALABAMA
HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS & PIPEFITTERS (Colbert Co.)	$14.99	2.44

DECISION NO. FL82-1015 -- MOD. #3
(March 5, 1982 --47 FR 9654)
ORANGE COUNTY, FLORIDA
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ASBESTOS WORKERS	$ 15.75	2.16
BOILERMAKERS	16.20	3.015
ELECTRICIANS	13.80	4%+1.10
ELEVATOR CONSTRUCTORS:		
Mechanics	12.47	2.69+ a+b
Helpers	8.73	2.69+ a+b
IRONWORKERS	13.68	3.10
PAINTERS:		
Brush	10.80	1.28
Paperhangers, Spray, & Sandblasters	11.30	1.28
ROOFERS:		
Roofers	11.50	1.00
Kettleman	10.05	1.00

DECISION NO. FL82-1083 -- MOD. #1
(November 19, 1982 -- 47 FR 52317)
Cape Canaveral AFS, Patrick AFB, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties in Florida.
BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters	$11.62	$ 1.50
Piledriverman	12.12	1.50
IRONWORKERS	13.68	3.10
LINE CONSTRUCTION:		
1. Linemen & Class A Opers.	14.57	4%+.65
2. Cable Splicers	14.72	4%+.65
3. Class B Opers.	9.94	4%+.65
4. Groundmen	7.33	4%+.65
PAINTERS:		
Brush	10.80	1.28
Spray, Paperhanging, & Sandblasting	11.30	1.28
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00

Modification Page 2

DECISION NO. LA82-4053 - MOD. #8
(47 FR 50421 - 11/5/82)

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters	$11.62	$ 1.50
Piledriverman	12.12	1.50
IRONWORKERS	13.68	3.10
LINE CONSTRUCTION:		
1. Linemen & Class A Opers.	14.57	4%+.65
2. Cable Splicers	14.72	4%+.65
3. Class B Opers.	9.94	4%+.65
4. Groundmen	7.33	4%+.65
PAINTERS:		
Brush	10.80	1.28
Spray, Paperhanging, & Sandblasting	11.30	1.28
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00

DECISION NO. LA83-4001 - MOD. #2
(48 FR 928-1/7/83)

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters	$11.62	$ 1.50
Piledriverman	12.12	1.50
IRONWORKERS	13.68	3.10
LINE CONSTRUCTION:		
1. Linemen & Class A Opers.	14.57	4%+.65
2. Cable Splicers	14.72	4%+.65
3. Class B Opers.	9.94	4%+.65
4. Groundmen	7.33	4%+.65
PAINTERS:		
Brush	10.80	1.28
Spray, Paperhanging, & Sandblasting	11.30	1.28
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00

Modification Page 3

DECISION NO. HI81-3053 - MOD. #20

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters	$11.62	$ 1.50
Piledriverman	12.12	1.50
IRONWORKERS	13.68	3.10
LINE CONSTRUCTION:		
1. Linemen & Class A Opers.	14.57	4%+.65
2. Cable Splicers	14.72	4%+.65
3. Class B Opers.	9.94	4%+.65
4. Groundmen	7.33	4%+.65
PAINTERS:		
Brush	10.80	1.28
Spray, Paperhanging, & Sandblasting	11.30	1.28
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00

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DECISION NO. LA82-4053 - MOD. #8 (47 FR 50421 - 11/5/82) Statewide Louisiana CHANGE:	Basic Hourly Rates	Fringe Benefits
Electricians:		
Zone 1 - Electricians	$17.14	13-5/10%
Cable splicers	17.39	13-5/10%
Zone 4 - Electricians	18.10	.70+3-2/10%
Cable splicers	18.35	"
Zone 6 - Electricians	15.15	1.15+3-1/2%
Cable splicers	15.65	1.15+3-1/2%
Zone 8 - Electricians	14.93	.80+3-1/2%
Cable splicers	15.18	.80+3-1/2%
Glaziers - Zone 3	15.30	.7%
Line Construction:		
Zone 2:		
Linemen	17.14	13-3/10%
Cable splicers	17.39	13-3/10%
Equipment ops.	75%JR	13-3/10%
Truck drivers & groundmen	45%JR	13-3/10%
Zone 6:		
Linemen, equipment ops.	15.15	1.15+3-1/2%
Cable splicers	15.65	1.15+3-1/2%
Groundmen	4.19	1.15+3-1/2%
Sheet metal workers:		
Zone 1	16.21	2.19+3%
Zone 3	16.26	1.86+3%+c

Footnote:
C-Labor Day shall be a paid holiday at the straight time rate only for employees who have been on the payroll at least 2 weeks & who have worked the 5 full working days prior to Labor Day unless no work was available, employee was excused from attendance by employer or can provide a statement from his physician that he was ill & unable to work.

OMIT:Allen,Beauregard,Cameron & Jefferson Davis from Zone 3 Sheet metal workers zone definitions & add to zone 1 definitions

DECISION NO. LA83-4001 - MOD. #2 (48 FR 928-1/7/83) Jefferson,Orleans, Bossier,Caddo,Calcasieu Beauregard,Cameron, Jefferson Davis,Allen, Plaquemines,St. Bernard St. Charles Pars.,La. CHANGE:	Basic Hourly Rates	Fringe Benefits
Sheet metal workers: Zones 3,4 & 5	$16.21	2.19+3%
DECISION NO. LA83-4019 - MOD. #1 (48 FR 5448-2/4/83) Calcasieu Par., La. CHANGE:		
Sheet metal workers	16.21	2.19+3%
DECISION NO. NY81-3024 - MOD. #7 (46 FR 20442 - April 3, 1981) BRONX, KINGS, NEW YORK, QUEENS & RICHMOND COS., NEW YORK CHANGE:		
ASBESTOS WORKERS	16.14	7.03
DECISION NO. NY81-3062 - MOD. #4 (46 FR 45530 - Sept. 11, 1981) WESTCHESTER CO., NEW YORK CHANGE:		
PLUMBERS	16.68	5.75

DECISION NO. NJ81-3053 - MOD. #20 (46 FR 50243 - October 9, 1981) BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS, BUILDING CONSTRUCTION:		
ZONE 2	10.55	2.85
ZONE 4	11.50	1.90
ROOFERS:		
ZONE 2		
Composition, damp & waterproofers	16.92	2.43
Mechanic II (Handle and transport all materials tools, and equipment; clean-up debris)	8.25	2.43
DECISION NO. NJ81-3063 - MOD. #15 (46 FR 62746 - Dec. 28, 1981) ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM COUNTIES, NEW JERSEY		
CHANGE:		
CARPENTERS, INSULATORS & MILLWRIGHTS:		
ZONE 3		
Carpenters & insulators	16.01	20.5%
MILLWRIGHTS	16.26	20.5%
LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION)		
ZONE 1		
Linemen, cable splicers, equipment operators	17.71	10.75%+2.45
Groundmen	15.96	10.75%+2.45
ROOFERS:		
ZONE 1		
Composition, damp & waterproofers	16.92	2.43
Mechanic II (Handle and transport all materials tools, and equipment; clean-up debris)	8.25	2.43
ZONE 2		
Composition	16.50	3.50
Slate and Tile	16.625	3.50

OMIT:
ROOFER CLASSIFICATION AND RATES FOR ZONE 3 AND 4

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Atlantic, Cape May, Cumberland, Burlington, Camden, Gloucester, Salem, Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties.

ZONE 2 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties.

Modification Page 4

DECISION #OK82-4035-MOD.#4 (47 FR 2768)-June 25,1982 Tulsa,Delaware,Creek, Craig,Mayes, & Roger Cos., OK.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Lineman	$15.80	3%+.65
Cable Splicers	17.06	3%+.65
Hole digger Operator;	14.08	3%+.65
Heavy equipment ops.(pole or cat equivalent)	14.08	3%+.65
Jackhammer	11.25	3%+.65
Line truck (winch op.)	12.40	3%+.65
Powderman	13.68	3%+.65
Groundman	10.09	3%+.65
Truck driver (flat bed ton half & under)	10.73	3%+.65

DECISION #OK83-4012-MOD.#3 (48 FR 1916-January 14, 1983 Alfalfa,Beckham,Blaine, Caddo,Canadian,Carter, Cleveland,Comanche,Cotton, Custer,Dewey,Ellis,Garfield,Garvin,Grady,Grant, Greer,Harmon,Harper,Jackson,Jefferson,Johnston, Kay,Kingfisher,Kiowa,Lincoln,Logan,Love,McClain, Major,Marshall,Murray, Noble,Oklahoma,Payne,Pontotoc,Roger Mills,Pottawatomie,Seminole,Stephens, Tillman,Washita,Woods & Woodward Cos., OK.	Basic Hourly Rates	Fringe Benefits
ADD:		
Ironworkers - Area 5	$14.29	1.14
Area Definitions		
Ironworkers - Area 5		
Alfalfa,Grant,Kay,Woods		
CHANGE:		
Electricians		
Area 1 - Zone 1	15.60	9%+1.05
Zone 2	15.85	9%+1.05
Zone 3	16.10	9%+1.05
Cable Splicers		
Area 1 - Zone 1	15.85	9%+1.05
Zone 2	16.10	9%+1.05
Zone 3	16.35	9%+1.05
Electricians		
Area 4	17.10	9%+.80
Cable Splicers		
Area 4	18.81	9%+.80

DECISION #OK83-4011-MOD.#4 (48 FR 1913-January 14, 1983) Adair,Atoka,Bryan,Coal, Cherokee,Craig,Creek,Delaware,Haskell,Hughes,Leflore,Latimer,McIntosh, Mayes,Muskogee,Nowata, Okfuskee,Okmulgee,Osage, Ottawa,Pawnee,Pittsburg, Pushmataha,Rogers,Tulsa, Sequoyah,Wagoner and Washington Counties, OK.	Basic Hourly Rates	Fringe Benefits
OMIT:		
Painters-Area II (wages & area definition)		
CHANGE:		
Supersedeas Decision No. OK81-4069 dated Sept. 4, 1981 to read "No. OK82-4062 dated Nov. 26, 1982"		
Painters-Area I (area definition) Pawnee,Osage,Washington, Nowata,Rogers,Mayes,Creek Tulsa,Okfuskee,Okmulgee, Wagoner,Cherokee,Adair, Muskogee,Sequoyah,McIntosh,Haskell,Pittsburg, Latimer,Leflore & Pushmataha Cos.		
Bricklayers-Stonemasons Area 1	$16.60	1.75
Carpenters Area 5 Piledrivermen	16.00	
Sheet Metal Workers Area 2	16.58	3% +1.78

Modification Page 5

DECISION NO. TX82-4025 - MOD. #6 (47 FR 26550-6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians	$16.54	1.08+ 12%

DECISION NO. TX83-4004 - MOD. #3 (48 FR 936-1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians:		
Galveston Co.:		
Electricians	18.38	1.10+ 12%
Cable splicers	19.38	1.10+ 12%
Harris County	18.38	1.08+ 12%
Marble, tile & terrazzo workers:		
Galveston County	15.41	

DECISION NO. TX83-4006 - MOD. #3 (48 FR 933-1/7/83) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Linemen	16.39	.80+ 3-1/2%
Groundmen	9.01	.80+ 3-1/2%

DECISION NO. TX83-4007 - MOD. #2 (48 FR 932-1/7/83) Wichita Co., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters	13.95	1.78
Millwrights	14.45	1.78
Laborers - Group 1	7.85	.72
Group 2	7.98	.72
Group 3	8.10	.72
Group 4	8.35	.72

DECISION NO. VA81-3015-MOD. #9 (46 FR 15666-MARCH 6,1981) RADFORD ARMY AMMUNITION PLANT, VIRGINIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SHEET METAL WORKERS	$12.74	1.77

DECISION NO. WY82-5106 - Mod. #6 (47 FR 10968 - March 12, 1982) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits
Add:		
Natrona County to heading of Modification Numbers 4 and 5		

Modification Page 6

DECISION NO. TX82-4025 - MOD. #6 (47 FR 26550-6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians	$16.54	1.08+ 12%

DECISION NO. TX83-4004 - MOD. #3 (48 FR 936-1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians:		
Galveston Co.:		
Electricians	18.38	1.10+ 12%
Cable splicers	19.38	1.10+ 12%
Harris County	18.38	1.08+ 12%
Marble, tile & terrazzo workers:		
Galveston County	15.41	

DECISION NO. TX83-4006 - MOD. #3 (48 FR 933-1/7/83) Travis County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction:		
Linemen	16.39	.80+ 3-1/2%
Groundmen	9.01	.80+ 3-1/2%

DECISION NO. TX83-4007 - MOD. #2 (48 FR 932-1/7/83) Wichita Co., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters	13.95	1.78
Millwrights	14.45	1.78
Laborers - Group 1	7.85	.72
Group 2	7.98	.72
Group 3	8.10	.72
Group 4	8.35	.72

DECISION NO. VA81-3015-MOD. #9 (46 FR 15666-MARCH 6,1981) RADFORD ARMY AMMUNITION PLANT, VIRGINIA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SHEET METAL WORKERS	$12.74	1.77

MODIFICATIONS P. 7

DECISION NO. WY82-5106 - Mod. #6 (47 FR 10968 - March 12, 1982) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming	Basic Hourly Rates	Fringe Benefits
Add:		
Natrona County to heading of Modification Numbers 4 and 5		

DECISION NO. IN82-2030 - MOD. #3 (47 FR 20986 - May 14, 1982)	Basic Hourly Rates	Fringe Benefits
Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley Cos., Indiana		
Change:		
Carpenters; Millwrights; Piledirvers & Soft Floor Layers:		
Adams, Cass, Fulton, Grant, Howard, Huntington, Miami, Tipton, Wabash & Wells Cos.:		
Carpenters; Soft Floor Layers	$14.68	1.75
Millwrights	14.88	1.75
Piledrivermen	15.43	1.75
Allen, DeKalb, Noble, Steuben & Whitley Cos.:		
Carpenters, Soft Floor Layers	13.40	.72+6%
Millwrights; Piledrivermen	13.80	.72+6%
Bartholomew (Camp Atterbury), Boone, Fountain, Hamilton, Hancock, Hendricks, Johnson, (excl. Edinburgh), Marion, Montgomery, (Morgan excl. Twp. of Washington & Baker), Shelby, (Camp Atterbury Area, Moral, & Van Buren Twps.), & Warren Cos.:		
Carpenters; Millwrights	15.78	3.2%
Light commercial	11.84	3.25
Bartholomew (Rem. of Co.) Johnson, Edinburgh, & Shelby (Rem. of County)		
Carpenters, Soft Floor Layers	13.86	2.80
Millwrights	14.41	2.80
Piledrivermen; Burners & Welders	14.86	2.08
Benton, Clinton, Tippecanoe, and White Cos.		
Carpenters; Soft Floor Layers	13.61	2.88
Millwrights, Piledrivermen	14.86	2.82
Blackford, Delaware, Jay, & Madison Countims:		
Carpenters & Soft Floor Layers	13.63	2.47
Millwrights	13.93	2.47
Piledrivermen	13.83	2.47
Monroe, Morgan (Twps. of Washington & Baker) Cos.		
Carpenters; Soft Floor Layers	15.40	2.04
Piledrivermen	15.65	2.04
Millwrights	16.15	2.04

DECISION NO. IN82-2030 - MOD. #4 (47 FR 20986 - May 14, 1982)	Basic Hourly Rates	Fringe Benefits
Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley Cos., Indiana		
Change:		
Asbestos Workers:		
Remaining Counties	$16.75	2.45
Boilermakers	18.83	3.405
Bricklayers, Caulkers, Cleaners, Pointers and Stonemasons:		
Boone, Hancock, Hendricks, Johnson, Marion, Montgomery, Morgan & Shelby Cos.	15.84	2.58
Cement Masons:		
Boone, Hamilton (S. ½ of Cos., N. to New Rte. Indiana Hwy. #32 incl. Noblesville), Hancock (Southern & Western part of Co. N. to but not incl. Town of Wilkinson, & E. to but not incl. Town of Fortville), Hendricks, Johnson, Marion, Morgan, (N½, & Shelby (ending at Pleasant View) Counties	14.10	1.95
Electricians:		
Bartholomew, Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Montgomery, Morgan and Shelby Cos.	16.95	19½
Elevator Constructors:		
Remaining Counties	16.37	2.43+ a+b
Glaziers:		
Remaining Counties	18.00	
Ironworkers:		
Bartholomew, Boone (excluding (NW ¼), Clinton (E½), Delaware (S 2/3 of Co.), Grant (SW Portion), Hamilton, Hancock, Henricks, Howard, Johnson, Madison, Monroe, Morgan, Shelby, & Tipton (excl. NW ¼) Counties	15.55	3.80+ 1%
Marion County	15.40	3.80+ 1%
Marble & Tile Setters; Terrazzo Workers:		
Boone, Hancock, Hendricks, Johnson, Marion, Montgomery & Morgan Cos.		
Marble Setters; Tile Setters	18.86	2.84
Terrazzo Workers	18.56	3.50
Painters:		
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (N½), & Shelby Counties:		
Brush; Rollers; Dry-wall Tapers & Finishers	14.30	1.40
Plasterers:		
Boone, Hamilton (So. ½ N. to Indiana Rte. #32), Hancock (S. & Western Part No. to State Rd. #234 & E. to Co. Rd. #300 - W), Hendricks, Johnson, Marion Morgan (N½) & Shelby Cos.	16.51	1.02
Plumbers and Steamfitters:		
Bartholomew (Camp Atterbury), Boone, Hamilton, Hancock, Hendricks, Howard, Johnson, Marion Miami, (So. of Rte #218), Morgan, Shelby, & Tipton Counties	16.55	2.18

MODIFICATIONS P. 8

DECISION NO. IN82-2030 (CONT'D)	Basic Hourly Rates	Fringe Benefits
Roofers:		
Bartholomew, Boone, Hancock, Hendricks, Johnson, Marion, Monroe, Morgan, & Shelby Cos.:		
Composition	15.58	2.00
Slate and Tile	15.75	2.00
Sheet Metal Workers:		
Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby, & Tipton Counties	17.61	3.22
Sprinkler Fitters	16.67	3.83
Laborers:		
Bartholomew, Fountain, Henricks, Johnson, Monroe, Morgan, & Warren Counties:		
Group I	10.83	1.89
Group II	11.03	1.89
Group III	11.13	1.89
Group IV	11.63	1.89
Marion & Shelby Counties:		
Group I	11.38	1.89
Group II	11.50	1.89
Group III	11.60	1.89
Group IV	12.30	1.89
Power Equipment Operators:		
Adams, Allen, Benton, Blackford, Cass, Clinton, DeKalb, Delaware, Grant, Hamilton, Hancock, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Wells, White, & Whitley Counties:		
Group 1	16.75	2.10
Group 2	15.80	2.10
Group 3	12.80	2.10
Group 4	11.30	2.10

SUPERSEDEAS DECISION

STATE: ILLINOIS
DECISION NUMBER: IL83-2014
Supersedes Decision No. IL82-2032 dated May 21, 1982 in 47 FR 22305
DESCRIPTION OF WORK: Heavy & Highway Construction Projects

COUNTIES: *See Below
DATE: Date of Publication

*Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits
CARPENTERS; Piledrivermen:		
Boone & DeKalb Cos.	$15.58	2.52
DuPage & Lake Cos.	16.30	3.38
Kane, Kendall, & McHenry Cos.	14.00	2.35
Will Co.	15.88	2.35
CEMENT MASONS:		
Boone Co.	14.92	3.15
DeKalb, Kane (S. Part), & Kendall Cos.	16.80	3.31
DuPage Co.	15.40	2.92
Kane (N. Part) & McHenry Cos.	16.03	2.06
Lake Co.	16.20	3.90
Will Co.	17.31	3.35
ELECTRICIANS:		
Boone & DeKalb (Except Sandwich Twp.) Cos.	17.48	2.16
DeKalb (Sandwich twp.), Kane (Aurora, Sugar Grove, Big Rock, Kaneville, Blackberry, Batavia, Geneva Twps. & City of St. Charles), & Kendall Cos.	17.95	3.50
DuPage Co.	17.78	4.00
Kane (Rem. of Co.) & McHenry Cos.	18.10	3.44
Lake Co.	17.71	4.07
Will Co.	17.68	3.09
IRONWORKERS:		
Boone, DeKalb (Except S.E. 2/3 of Co.), & McHenry (N.W. ¼ of Co.) Cos.	17.00	4.375
DeKalb (Rem.of Co.), DuPage (Except Argonne & Vic.), Kane, Kendall (N. Part), & McHenry (S.E. ¼ of Co.) Cos.	19.75	1.705
DuPage (Argonne & Vic,), Kendall (S. Part), & Will Cos.	16.09	5.535
Lake & McHenry (Hebron, Woodstock & E. Thereof) Cos.	17.68	4.83
LINE CONSTRUCTION:		
Boone, DeKalb, DuPage, Kane, Kendall, Lake, & McHenry Cos.:		
Linemen; Digger Op.; & Crane (15 Tons or above)	17.05	2.61+a
Equipment Op.; Semi-Truck Drivers	14.48	2.32+a
Groundmen Truck Drivers	11.34	1.96+a
Groundmen	11.16	1.93+a
Will Co.:		
Linemen; Equipment Ops.	17.05	3.79
Groundmen	12.10	2.69
PAINTERS:		
Boone Co.:		
Brush; Roller	14.95	2.19
Open Structural Steel	15.20	2.19
Spray	15.30	2.19
Sandblasting	15.95	2.19
DeKalb, DuPage, Kane, Kendall, & McHenry Cos.:		
Brush; Spray; Sand-Blasting	13.55	1.91
Lake Co.:		
Brush	14.30	1.87
Will Co.:		
Brush	14.53	2.10
Bridges with:		
Butt Plates & Hand-rails	14.55	2.10
W/Superstructures	15.55	2.10
WO/Superstructures	15.05	2.10
TRUCK DRIVERS:		
Boone Co.:		
2-3 Axles	12.00	1.55
4 Axles	12.15	1.55
5 Axles	12.35	1.55
6 Axles	12.55	1.55
Remainder of Counties:		
2-3 Axles	12.25	62.00b
4 Axles	12.40	62.00b
5 Axles	12.60	62.00b
6 Axles	12.80	62.00b

CLASSIFICATION DEFINITIONS - LABORERS (CONT'D):
Remaining Counties:

DECISION NO. IL83-2014

	Basic Hourly Rates	Fringe Benefits
LANDSCAPE WORK (DuPage, Kane, Lake, McHenry & Will Cos.:		
Plantsmen	$8.18	c&d
Truck Driver; Tractor Trailer (3 Axles or more) and Equipment Operator	8.66	c&d
Truck Drivers - Single Axle	8.24	c&d
LABORERS:		
DeKalb County:		
Class I	13.02	2.665
Class II	13.22	2.665
Class III	13.32	2.665
Remaining Counties:		
Heavy & Highway Construction:		
Group 1	13.90	1.92
Group 2	3.975	1.92
Group 3	14.05	1.92
Group 4	14.175	1.92

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
Remaining Counties:		
Sewer & Tunnel Construction:		
Group 1	$13.90	$1.92
Group 2	14.025	1.92
Group 3	14.125	1.92
Group 4	14.25	1.92
POWER EQUIPMENT OPERATORS:		
Class 1	16.75	4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50

CLASSIFICATION DEFINITIONS - LABORERS:
DeKalb County

CLASS I - Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or Salamander Tenders; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Driving of Stakes; Stringlines for all Machinery; Asphalt Workers with Machines and Layers; Grade Checker; Signal Man on Crane; Coring Machine Operator; Concrete Workers (wet), on Concrete Paving; Placing, Cutting and Tying of Reinforcing Steel Form Setters-Street and Highway

CLASS II - Scaffold Workers; Handling of Materials Treated with any Foreign Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars; Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men; Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar Mixer Operators; Cement Silica; Clay Fly Ash; Lime and Plasters Handlers (Bulk or Bag); Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant; Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw Operators; Air Tamping Hammerman; Concrete Saw Operator; Front End Man on Chip Spreader; Luteman; Asphalt Raker

CLASS III - Jackhammer and Drill Operator; Laborers with De-Watering Systems; Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners, & Torchmen; Layout Man and/or Tile Layer; Screenman on Asphalt Pavers; Laborers Tending Masons with Hot Material; Multiple Concrete Duct-Leadman; Curb Asphalt Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam Operator; Concrete Burning Machine Operators; Underpinning and Shoring of Building; Pump Men

CLASSIFICATION DEFINITIONS - LABORERS (CONT'D):
Remaining Counties:
Heavy & Highway Construction:
Group 1 - Construction; Tenders; Material Expeditor (Asphalt Plant); Street Paving, Grade Separation, Sidewalk, Curb & Gutter, Strippers & All Laborers not Otherwise Mentioned
Group 2 - Asphalt Tampers & Smoothers; Cement Gun
Group 3 - Cement Gun Nozzle (Laborers) Gunite
Group 4 - Rakers & Lutemen; Machine-Screwmen; Kettlemen; Mixermen; Drum-Men; Jackhammermen (Asphalt); Paintmen; Mitre Box Spreaders; Laborers on Birch, Overman & Similar Spreader Equipment; Laborers on Apsco; Laborers on Air Compressors; Paving Form Setters; Jackhammermen (Concrete); Power Driven Concrete Saws; Other Power Equipment
Sewer & Tunnel Construction:
Group 1 - Top Laborers; All Laborers not Otherwise Mentioned
Group 2 - Concrete; & Steel Setters.
Group 3 - Cement Carriers; Cement Mixers; Concrete Repairmen; Mortar Men; Scaffold Men; & Second Bottom Men
Group 4 - Air Trac Drill Operations; Bottom Men; Bracers-Bracing; Bricklayers Tenders; Catch Basin Diggers; Drainlayers; Dynamiters; Form Men; Jackhammermen; Pipelayers; Rodders; Welders & Burners; & Well Point System Men

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS:
Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Peco and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheeps Foot, disc.; Compactor, etc.; Tug Boats

CLASSIFICATION DEFINITIONS - POWER EQUIPMENT OPERATORS (CONT'D):

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 Bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractairc; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 83-5843 Filed 3-3-83; 8:45 am]

BILLING CODE 4510-27-C

VOL 48 ISS 44 MR 4 1983 UMI

federal register

Friday
March 4, 1983

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Research; Meeting and Proposed Actions Under Guidelines

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Recombinant DNA Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee at the National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205, on April 11, 1983, from 9 a.m. to approximately 6 p.m. The meeting will be open to the public to discuss:

Report on the Social and Ethical Issues of Genetic Engineering with Human Beings;
Report of Working Group on Revision of the Guidelines;
Proposed update of risk-assessment plan;
Amendment of Guidelines;
Revision of large-scale physical containment recommendations;
Classification of microorganisms for purposes of Guidelines;
Review of protocols for required containment levels; and
Other matters requiring necessary action by the Committee.

Attendance by the public will be limited to space available.

Dr. William J. Gartland, Jr., Executive Secretary, Recombinant DNA Advisory Committee, National Institutes of Health, Building 31, Room 3B10, telephone (301) 496–6051, will provide materials to be discussed at the meeting, rosters of committee members, and substantive program information. A summary of the meeting will be available at a later date.

There will be no meeting of the Large-Scale Review Working Group in conjunction with this meeting.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: February 18, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-5330 Filed 3-3-83; 8:45 am]

BILLING CODE 4140-01-M

Recombinant DNA Research; Proposed Actions Under Guidelines

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of Proposed Actions under NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules. Interested parties are invited to submit comments concerning these proposals. After consideration of these proposals and comments by the NIH Recombinant DNA Advisory Committee (RAC) at its meeting on April 11, 1983, the Director of the National Institute of Allergy and Infectious Diseases will issue decisions on these proposals in accord with the Guidelines.

DATE: Comments must be received by April 4, 1983.

ADDRESS: Written comments and recommendations should be submitted to the Director, Office of Recombinant DNA Activities, Building 31, Room 3B10, National Institutes of Health, Bethesda, Maryland 20205. All comments received in timely response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from Drs. Stanley Barban and Elizabeth Milewski, Office of Recombinant DNA Activities, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–6051.

SUPPLEMENTARY INFORMATION: The National Institutes of Health will consider the following actions under the Guidelines for Research Involving Recombinant DNA Molecules.

I. Proposed Modification of Appendix G–II–D–2–c (P4 Containment)

The RAC Working Group on Revision of the Guidelines, at its January 21, 1983, meeting, discussed modifying the language of Appendix G–II–D–2–a of the NIH Guidelines for Research Involving Recombinant DNA Molecules (47 FR 38048, August 27, 1982). That Appendix currently reads:

Appendix G–II–D–2–a. Experimental procedures involving organisms that require P4 level physical containment shall be conducted either in (i) a Class III cabinet system or in (ii) Class I or Class II cabinets that are located in a specially designed area in which all personnel are required to wear one-piece positive pressure isolation suits.

During the January 21, 1983, discussion, it was noted that the specification requiring use of the Class III glove box is to protect the investigator from infection acquired through aerosol exposure. The Class III glove box, however, does not afford protection when infection by the organism being studied does not occur through the respiratory route. Members of the working group pointed out that automatic assignment of all procedures to the Class III glove box, as specified in Appendix G–II–D–2–a, is not desirable since manipulations are more difficult to perform in the glove box. This slows research while not necessarily protecting the investigator. The working group suggested that authority to set containment for certain experiments within the P4 facility might be delegated to the local IBC in situations in which colonization or infection does not ordinarily result from aerosol exposure.

On the recommendation of the working group, NIH staff has proposed the following modification of Appendix NG–II–D–2–c, which is considered the more appropriate section to modify:

Appendix G–II–D–2–c. *Alternative Selection of Containment Equipment.* Experimental procedures involving a host-vector system that provides a one-step higher level of biological containment than that specified can be conducted in the P4 facility using containment equipment requirements specified for the P3 level of physical containment. Alternative combinations of containment safeguards are shown in Table II. In those cases where the host is an organism which does not cause infection by the respiratory route (e.g., use of *E. coli* K–12 or *S. cerevisiae* host-vector systems), the local IBC may set appropriate containment for procedures within the P4 facility.

II. Proposed Modification of Section III–B–5

The RAC Large-Scale Review Working Group, which met on October 26, 1982, has forwarded to RAC without comment a proposal by Dr. Allan Waitz of DNAX Corporation (a wholly owned subsidiary of Schering-Plough Corporation) to amend Section III–B–5 of the NIH Guidelines. Section III–B–5 currently reads:

III–B–6. Experiments Involving More Than 10 Liters of Culture. The appropriate containment will be decided by the IBC. Where appropriate, the large-scale containment recommendations of the NIH should be used (45 FR 24968).

Dr. Waitz said greater flexibility in scale-up procedures would be gained if the IBC could be notified simultaneously with initiation of large-scale procedures involving *E. coli* K–12, *Saccharomyces cerevisiae* and *Bacillus subtilis* host-vector systems. He suggested that Section III–B–5 be modified to read as follows:

III–B–5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC except where exempted under Section III–D–5. Where appropriate, the large-scale containment recommendations of the NIH should be used (45 FR 24968).

Language in Appendix C, *Exemptions Under III–D–5,* would also be modified to reflect this change. The relevant paragraphs of Appendix C–II, C–III, and C–IV, which deal with exceptions to the exemption, would be modified to read as follows:

Large-scale experiments (i.e., more than 10 liters of culture) require IBC notice simultaneously with the initiation of experiments where IBC-approved practices and an IBC-apptoved P1–LS containment facility will be used. Where these conditions are not satisfied, refer to Part III–B–5.

III. Proposed Modifications of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules (45 FR 24968, Federal Register of April 11, 1980)

A. Proposed Modification of Section VII–D–6

Mr. Richard F. Geoghegan of E. I. DuPont de Nemours and Company has requested that Section VII–D–6 of the Large-Scale Recommendations be revised. Section VII–D–6 reads as follows:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at or slightly below atmospheric pressure.

Mr. Geoghegan proposed that Section VII–D–6 be modified to read as follows:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level be maintained at no more than 10 psig.

He argued that the revision will permit fermentations more in line with industrial practices (high biomass production through efficient oxygen transfer) to be conducted, without compromising safety by operating at unnecessarily high vessel pressures. The RAC Large-Scale Review Working Group, at its meeting on October 28, 1982, however, felt the language might appropriately be modified, but felt no specific pressure limit should be indicated as any pressure limit should be dependent on the maximum design presure of the system. The working group, thus, suggested the following language:

VII–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at a pressure as low as possible, consistent with equipment design, in order to maintain the integrity of containment features.

The Large-Scale Review Working Group at its meeting on October 28, 1982, recommended this language by a vote of five in favor, none opposed, and no abstentions.

Both proposed modifications of Section VII–D–6 are published for comment.

B. Proposed Modification of Sections VII–B–1, VII–C–1, and VII–D–1

Dr. Allan Waitz of DNAX Corporation has proposed revising Sections VII–B–1, VII–C–1, and VII–D–1 of the Large-Scale Recommendations. The current language of those Sections reads as follows:

VII–B–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to reduce the potential for escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Section II–B–1 of the Giudelines are met.

VII–C–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Section II–B–2 of the Guidelines are met.

VII–D–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessels used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biolngical safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system provided all physical containment requirements specified in Section II–B–3 of the Guidelines are met.

Dr. Waitz suggested the first sentence in all of these sections should be modified to read as follows:

Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system used for the propagation, growth and processing of cultures, other primary containment equipment, or other appropriate method of containment approved by the IBC which is designed to reduce the potential for escape of viable organisms * * *

The Large-Scale Review Working Group, at its meeting on October 28, 1982, pointed out that a closed primary system is one from which there is no release of organisms into the environment or work place; a primary system could be defined as a fermentor attached to several pieces of processing equipment. The working group agreed that the language as currently written is purposely flexible while at the same time conveying the intent; they, therefore, recommended against accepting this proposal.

C. Proposed Modification of Section VII–B–3

Dr. Allan Waitz also proposed amending Part VII–B–3 which reads as follows:

VII–B–3. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Dr. Waitz suggested that the word "prevents" implies an absolute condition which at the P1–LS level is neither realistic nor necessary. He suggested that the work "minimizes" be substituted for the word "prevents." The Large-Scale Review Working Group did not discuss this proposal at its meeting on October 28, 1982.

IV. Proposed Incorporation Into Guidelines of Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

Dr. Allan Waitz of DNAX Corporation proposed that the Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules (45 FR 24968) be formalized by incorporating them into the Guidelines as a new Appendix. Dr.

Waitz said industry believes such an action would provide a more efficient mechanism for further comment or change to the Recommendations. He expressed industry's concern that failure to take such action may leave a perceived gap in the overall regulatory scheme thereby encouraging the development of conflicting regulatory requirements.

The Large-Scale Review Working Group, which met on October 28, 1982, forwarded this proposal to the RAC and to the Working Group on Revision of the Guidelines without comment.

The Working Group on Revision of the Guidelines, at its January 21, 1983, meeting, recommended incorporation into the Guidelines of the Physical Containment Recommendations for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules. If the RAC recommends this action, editorial modifications to revise and update sections of the Physical Containment Recommendations will be necessary. The proposed incorporation of the Physical Containment Recommendations into the Guidelines as a new Appendix K, requires all sections be renumbered. Minor editorial changes will be introduced throughout the document to reflect the modifications introduced into the Guidelines since the Recommendations were published in April 1980. Proposed changes within the text are enumerated below. Readers should note that sections in the Recommendations which contain proposed revisions are identified by their current Section numbering. The proposed modified language is identified by new section numbering. The revised Large-Scal Recommendations are reprinted in their entirety at the end of this section.

A. Section VII. Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

1. Section VII would become Appendix K.

2. The language of the first paragraph would be modified. It currently reads:

> This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to all large-scale research or production activities approved by the Director, NIH, in accordance with Sections IV- E-2-b-(1)-(c) and IV-E-1-b-(3)-(d) of the NIH Guidelines.

That paragraph would be modified to read as follows:

> This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to large-scale research or production activities as specified in Section III-B-5 of the Guidelines.

3. The third paragraph (first bullet) will be modified to read:

> Appendix K shall replace Appendix G when quantities in excess of 10 liters of culture are involved in research or production.

4. An editorial modification, substituting "Section IV-B-4" for "Section IV-D-4," will be introduced into the third paragraph of the introduction. That paragraph will be modified to read:

> The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the biological safety officer shall include those specified in Section IV-B-4 of the Guidelines.

B. Section VII-A. Selection of Physical Containment Levels.

This section will be renumbered as Appendix K-A.

C. Section VII-B. P1-LS Level

1. Section VII-B will be renumbered as Appendix K-B.

2. Section VII-B-1 will be renumbered to Appendix K-B-1 and an editorial modification will substitute Section "Appendix G-II-A" for "Section II-B-1." The last sentence of Section VII-B-1 will read:

> Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G-II-A of the Guidelines are met.

3. Section VII-B-2 will be renumbered Appendix K-B-2 and an editorial modification will substitute "Appendix K-B-3" for the current "VII-B-3." The first sentence of Section VII-B-2 would read:

> Appendix K-B-2. Culture fluids (except as allowed in Appendix K-B-3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure.

4. In Section VII-B-6, an editorial modification will change the language to read:

> Appendix K-B-6. Emergency plans required by Section IV-B-3-f shall include methods and procedures for handling large losses of culture on an emergency basis.

D. Section VII-C. P2-LS Level

1. Section VII-C will be renumbered to Appendix K-C.

2. Section VII-C-1 will be renumbered Appenix K-C-1 and in the last sentence of Section VII-C-1, an editorial modification will substitute "Appendix G-II-B" for the current "Section II-B-2."

3. Section VII-B-2 will be renumbered to Appendix K-C-2 and an editorial modification will substitute "Appendix K-C-3" for the current "VII-C-3."

4. In Section VII-C-11, to be renumbered Appendix K-C-11, an editorial modification will substitute "Section IV-B-3-f" for the current "Section IV-D-3-d."

E. Section VII-D. P3-LS Level

1. Section VII-D will be renumbered to Appendix K-D.

2. Section VII-D-1 will be renumbered to Section Appendix K-D-1 and an editorial modification will substitute "Appendix G-II-C" for the current "Section II-B-3."

3. Section VII-D-2 will be renumbered to Appendix K-D-2 and an editorial modification will substitute "Appendix K-D-3 for the current " IV-D-3."

4. In Section VII-D-12, to be renumbered Appendix K-D-12, an editorial modification will substitute "Substitute IV-B-3-f" for the current "Section IV-D-3-d."

5. In Section VII-D-14-a, to be renumbered Apendix K-D-14a, an editorial modification will substitute "Appendix K-D-13a" for "Section VII-D-13-a."

Note.—In addition, if the Large-Scale Recommendations are incorporated into the Guidelines, the language of Secion III-B-5 of the Guidelines should also be modified as follows:

III-B-5. *Experiments Involving More Than 10 Liters of Culture.* The appropriate containment will be decided by the IBC. Where appropriate, Appendix K, Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules, should be used.

Proposed Appendix K

Physical Containment for Large-Scale Uses of Organisms Containing Recombinant DNA Molecules

This part of the NIH Guidelines specifies physical containment guidelines for large-scale (greater than 10 liters of culture) research or production involving viable organisms containing recombinant DNA molecules. It shall apply to large-scale research or production activities as specified in Section III-B-5 of the NIH Guidelines.

All provisions of the NIH Guidelines shall apply to large-scale research or production activities with the following modifications:

• Appendix K shall replace Appendix G when quantities in excess of 10 liters of culture are involved in research or production.

• The institution shall appoint a biological safety officer if it engages in large-scale research or production activities involving viable organisms containing recombinant DNA molecules. The duties of the bological safety officer shall include those specified in Section IV–B–4 of the Guidelines.

• The institution shall establish and maintain a health surveillance program for personnel engaged in large-scale research or production activities involving viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. The program shall include: preassignment and periodic physical and medical examinations; collection, maintenance and analysis of serum specimens for monitoring serologic changes that may result from the employee's work experience; and provisions for the investigation of any serious, unusual or extended illness of employees to determine possible occupational origin.

Appendix K–A. *Selection of Physical Containment Levels.* The selection of the physical containment levels required for recombinant DNA research or production involving more than 10 liters of culture is based on the containment guidelines established in Part III of the Guidelines. For purposes of large-scale research or production, three physical containment levels are established. These are referred to as P1–LS, P2–LS, and P3–LS. The P1–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P1 containment at the laboratory scale. The P2–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P2 containment at the laboratory scale. The P3–LS level of physical containment is required for large-scale research or production of viable organisms containing recombinant DNA molecules which require P3 containment at the laboratory scale. No provisions are made for large-scale research or production of viable organisms containing recombinant DNA molecules which require P4 containment at the laboratory scale. If necessary, these requirements will be established on an individual basis.

Appendix K–B. *P1–LS Level.*

Appendix K–B–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propogation and growth of cultures) or other primary containment equipment (e.g., biological safety cabinet containing a centrifuge used to reduce the potential for escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G–II–A of the Guidelines are met.

Appendix K–B–2. Culture fluids (except as allowed in Appendix K–B–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–B–3. Sample collection from a closed system, the addition of materials to a closed system and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Appendix K–B–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–B–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–B–6. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–C. *P2–LS Level.*

Appendix K–C–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessel used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system or other primary containment equipment provided all physical containment requirements specified in Appendix G–II–B of the Guidelines are met.

Appendix K–C–2. Culture fluids (except as allowed in Appendix K–C–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–C–3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of cultures fluids from one closed system to another shall be done in a manner which prevents the release or aerosols or contamination of exposed surfaces.

Appendix K–C–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiences equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–C–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organism that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–C–6. Rotating seals and other mechanical devices directly associated with a closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

Appendix K–C–7. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to

contain operations involving viable organisms containing recombinant DNA molecles shall include monitoring or sensing devices that monitor the integrity of containment during operations.

Appendix K–C–8. A closed system used for the propagation and growth of viable organisms containing the recombinant DNA molecules shall be tested for integrity of the containment features using the organism that will serve as the host for propagating recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

Appendix K–C–9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified. This identification shall be used in all records reflecting testing, operation, and maintenance and in all documentation relating to use of this equipment for research or production activities involving viable organisms containing recombinant DNA molecules.

Appendix K–C–10. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

Appendix K–C–11. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–D. *P3–LS Level.*

Appendix K–D–1. Cultures of viable organisms containing recombinant DNA molecules shall be handled in a closed system (e.g., closed vessels used for the propagation and growth of cultures) or other primary containment equipment (e.g., Class III biological safety cabinet containing a centrifuge used to process culture fluids) which is designed to prevent the escape of viable organisms. Volumes less than 10 liters may be handled outside of a closed system provided all physical containment requirements specified in Appendix G–II–C of the Guidelines are met.

Appendix K–D–2. Culture fluids (except as allowed in Appendix K–D–3) shall not be removed from a closed system or other primary containment equipment unless the viable organisms containing recombinant DNA molecules have been inactivated by a validated inactivation procedure. A validated inactivation procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–D–3. Sample collection from a closed system, the addition of materials to a closed system, and the transfer of culture fluids from one closed system to another shall be done in a manner which prevents the release of aerosols or contamination of exposed surfaces.

Appendix K–D–4. Exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (e.g., incineration) to prevent the release of viable organisms containing recombinant DNA molecules to the environment.

Appendix K–D–5. A closed system or other primary containment equipment that has contained viable organisms containing recombinant DNA molecules shall not be opened for maintenance or other purposes unless it has been sterilized by a validated sterilization procedure. A validated sterilization procedure is one which has been demonstrated to be effective using the organisms that will serve as the host for propagating the recombinant DNA molecules.

Appendix K–D–6. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be operated so that the space above the culture level will be maintained at or slightly below atmospheric pressure.

Appendix K–D–7. Rotating seals and other mechanical devices directly associated with a closed system used to contain viable organisms containing recombinant DNA molecules shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

Appendix K–D–8. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules and other primary containment equipment used to contain operations involving viable organisms containing recombinant DNA molecules shall include monitoring or sensing devices that monitor the integrity of containment during operations.

Appendix K–D–9. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be tested for integrity of the containment features using the organisms that will serve as the host for propagating the recombinant DNA molecules. Testing shall be accomplished prior to the introduction of viable organisms containing recombinant DNA molecules, and following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

Appendix K–D–10. A closed system used for the propagation and growth of viable organisms containing recombinant DNA molecules shall be permanently identified: This identification shall be used in all records reflecting testing, operation and maintenance and in all documentation relating to the use of this equipment for research production activities involving viable organisms containing recombinant DNA molecules.

Appendix K–D–11. The universal biohazard sign shall be posted on each closed system and primary containment equipment when used to contain viable organisms containing recombinant DNA molecules.

Appendix K–D–12. Emergency plans required by Section IV–B–3–f shall include methods and procedures for handling large losses of culture on an emergency basis.

Appendix K–D–13. Closed systems and other primary containment equipment used in handling cultures of viable organisms containing recombinant DNA molecules shall be located within a controlled area which meets the following requirements:

Appendix K–D–13–a. The controlled area shall have a separate entry area. The entry area shall be a double-doored space such as an air lock, anteroom or change room that separates the controlled area from the balance of the facility.

Appendix K–D–13–b. The surfaces of walls, ceilings, and floors in the controlled area shall be such as to permit ready cleaning and decontamination.

Appendix K–D–13–c. Penetrations into the controlled area shall be sealed to permit liquid or vapor phase space decontamination.

Appendix K–D–d. All utilities and service or process piping and wiring entering the controlled area shall be protected against contamination.

Appendix K–D–13–e. Handwashing facilities equipped with foot, elbow, or

automatically operated valves shall be located at each major work area and near each primary exit.

Appendix K–D–13–f. A shower facility shall be provided. This facility shall be located in close proximity to the controlled area.

Appendix K–D–13–g. The controlled area shall be designed to preclude release of culture fluids outside the controlled area in the event of an accidental spill or release from the closed systems or other primary containment equipment.

Appendix K–D–13–h. The controlled area shall have a ventilation system that is capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential. If the ventilation system provides positive pressure supply air, the system shall operate in a manner that prevents the reversal of the direction of air movement or shall be equipped with an alarm that would be actuated in the event that reversal in the direction of air movement were to occur. The exhaust air from the controlled area shall not be recirculated to other areas of the facility. The exhaust air from the controlled area may be discharge to the outdoors without filtration or other means for effectively reducing an accidental aerosol burden provided that it can be dispersed clear of occupied buildings and air intakes.

Appendix K–D–14. The following personnel and operational practices shall be required:

Appendix K–D–14–a. Personnel entry into the controlled area shall be through the entry area specified in Appendix K–D–13–a.

Appendix K–D–14–b. Persons entering the controlled area shall exchange or cover their personal clothing with work garments such as jumpsuits, laboratory coats, pants and shirts, head cover, and shoes or shoe covers. On exit from the controlled area the work clothing may be stored in a locker separate from that used for personal clothing or discarded for laundering. Clothing shall be decontaminated before laundering.

Appendix K–D–14–c. Entry into the controlled area during periods when work is in progress shall be restricted to those persons required to meet program or support needs. Prior to entry all persons shall be informed of the operating practices, emergency procedures, and the nature of the work conducted.

Appendix K–D–14–d. Persons under 18 years of age shall not be permitted to enter the controlled area.

Appendix K–D–14–e. The universal biohazard sign shall be posted on entry doors to the controlled area and all internal doors when any work involving the organism is in progress. This includes periods when docontamination procedures are in progress. The sign posted on the entry doors to the controlled area shall include a statement of agents in use and personnel authorized to enter the controlled area.

Appendix K–D–14–f. The controlled area shall be kept neat and clean.

Appendix K–D–14–g. Eating, drinking, smoking, and storage of food are prohibited in the controlled area.

Appendix K–D–14–h. Animals and plants shall be excluded from the controlled area.

Appendix K–D–14–i. An effective insect and rodent control program shall be maintained.

Appendix K–D–14–j. Access doors to the controlled area shall be kept closed, except as necessary for access, while work is in progress. Serve doors leading directly outdoors shall be sealed and locked while work is in progress.

Appendix K–D–14–k. Persons shall wash their hands when leaving the controlled area.

Appendix K–D–14–l. Persons working in the controlled area shall be trained in emergency procedures.

Appendix K–D–14–m. Equipment and materials required for the management of accidents involving viable organisms containing recombinant DNA molecules shall be available in the controlled area.

Appendix K–D–14–n. The controlled area shall be decontaminated in accordance with established procedures following spills or other accidental release of viable organisms containing recombinant DNA molecules.

V. Proposed Field Testing of Genetically Engineered Plants

Cetus Madison Corporation requests permission to field test genetically engineered plants. The proposal is divided into there separate requests:

A. Field test in Wisconsin very small plots (less than 0.5 acre per experiment) of wheat, cotton, soybean, corn, tobacco, tomato and potato plants grown from seeds containing recombinant DNA. There will be "extremely close nonitoring" as defined by the submitter.

B. Field test in several southern U.S. states very small plots (less than 0.5 acre per experiment) of cotton, rice and tomato plants grown from seeds containing recombinant DNA. There will be "very close monitoring" as defined by the submitter.

C. If the above experiments succeed, aproximately fifty field plots or less than 5 acres such would be tested in many U.S. locations. There will be "close monitoring" as defined by the submitter.

VI. Request to Release Strains of Pseudomonas Syringae and Erwinia Herbicola

Drs. Nickolas Panopoulos and Steven Lindown of the University of California, Berkeley, request permission to construct and release *Pseudonomas syringae* pv. *syringae* and *Erwinia herbicola* carrying in vitro generated deletions of all or part of the genes involved in ice nucleation for purposes of biological control of frost damage in plants.

VII. Proposed Amendment of Section III–A–2 and Addition of a New Section III–B–4–c

The RAC Working Group on Revision of the Guidelines, at its January 21, 1983, meeting, recommended that guidelines for field experimentation involving plants modified by recombinant DNA techniques be developed for consideration at the April 11, 1983, RAC meeting. The following changes in the Guidelines have been proposed.

Section III–A–2 would be modified to read as follows:

III–A–2. Deliberate release into the environment of any organism containing recombinant DNA except certain plants as described in Section III–B–4–c.

A new Section, III–B–4–c, would be added as follows:

III–B–4–c. Approval may be granted by the IBC with notification to ORDA for growing plants containing recombinant DNA in the field under the following guidelines:

III–B–4–c–1. The plant species is an annual cultivated crop of a genus that has no species known to be a noxious weed,

III–B–4–c–2. The introduced DNA consists of well characterized genes containing no sequences harmful to humans, animals, or plants. Antibiotic resistance genes may be introduced as selectable marker traits if stable integration into the host DNA known to occur,

III–B–4–c–3. The vector consists of DNA from (i) exempt host-vector systems (Appendix C), (ii) plants of the same or closely related species; (iii) non-pathogenic prokaryotes or non-pathogenic lower eukaryotic plants; (iv) plant pathogens if known sequences causing disease symptoms have been deleted; or (v) DNA constructed from specific sequences of any of the above sources.

The DNA may be introduced by any suitable method but if co-infection or co-cultivation is utilized absence of the assisting organism must be demonstrated.

III–B–4–c–4. Plants are grown in control access fields under specified conditions appropriate for the plant under study in the geographical location. Such conditions should include provisions for using good cultural and pest control practices, for physical isolation

from plants of the same species outside of the experimental plot in accordance with pollination characteristics of the species, and for preventing plants containing recombinant DNA from becoming established in the environment. Review of the IBC should include an appraisal by scientists knowledgable in the crop, its production practices, and the local geographic conditions.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government program contained in the *Catalog of Federal Domestic Assistance*. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every federal program would be included as many federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the *Catalog of Federal Domestic Assistance* are affected.

Dated: February 28, 1983.

Richard M. Krause,

Director, National Institute of Allergy and Infectious Diseases; National Institutes of Health.

[FR Doc. 83-5331 Filed 3-3-83; 8:45 am]

BILLING Code 4140-01-M

federal register

Friday
March 4, 1983

Part IV

Department of Labor

Employment and Training Administration

Trade Adjustment Assistance for Workers; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 635

Trade Adjustment Assistance for Workers

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor proposes to revise the regulations for implementing the program of trade adjustment assistance for workers (TAA Program) provided under Chapter 2 of Title II of the Trade Act of 1974 (Pub. L. 93–618). These proposed regulations implement the amendments to the Trade Act of 1974 made by Title XXV of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). These proposed regulations also reorganize and revise the existing rules to state the rights and obligations of workers for services and allowances, and to clarify the responsibilities of the Secretary of Labor and the State agencies. The setting forth of this information in each part dealing with a separate program conforms to the more recent practice in writing regulations for unemployment compensation and related benefit programs.

DATE: Written comments on these proposed regulations must be received by the Department of Labor on or before April 4, 1983.

ADDRESS: Send comments on these proposed regulations to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

All comments received will be available for public inspection during normal business hours, in Room 7000 at the above address.

FOR FURTHER INFORMATION CONTACT: Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, N.W., Washington, D.C. 20213; telephone: (202) 376–7032 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Trade Act of 1974 made major changes in the TAA Program for workers displaced by increased imports of articles like or directly competitive with articles produced by the workers. On the filing of a petition by a group of workers or their representative, the Department of Labor conducts an investigation of adverse impact of imports, and if it is found that the workers of a firm or a subdivision of a firm have been adversely affected by import competition, a certification is issued declaring that the adversely affected workers are eligible to apply for Trade Adjustment Assistance (TAA). In Title XXV of the Omnibus Budget Reconciliation Act of 1981 further major changes were made in the TAA Program. In today's proposal, the regulations for the TAA Program are extensively revised to implement those changes and to make other improvements and clarify the regulations.

The amended TAA provisions are designed to assist adversely affected workers to return to work in equivalent or better employment as quickly as possible. The Act provides for TAA in the form of weekly trade readjustment allowances (TRA), reemployment services, training, and job search and relocation allowances.

The 1981 amendments change the TAA Program to strengthen the emphasis of getting workers reemployed as soon as possible, and to modify the TRA provisions as to the qualifying requirements, the weekly and maximum amounts of TRA payable, and the eligibility periods in which TRA is payable. Most of the 1981 amendments were effective on October 1, 1981.

Under the 1981 amendments workers who are separated from employment adversely affected by imports are eligible for reemployment services and allowances immediately after the Department of Labor issues a certification of eligibility to apply for TAA, but are not eligible for weekly TRA payments until after they have exhausted all rights to State or Federal unemployment insurance (UI).

In addition, the 1981 amendments increase the amounts of subsistence and transportation allowances payable to a worker in training approved under the Act, and the amounts of job search and relocation allowances. They also reduce the weekly and maximum amounts of TRA payments and the eligibility periods for receipt of TRA payments. The amount of the weekly TRA payment will be equal to the UI weekly benefit amount. Generally, workers are now eligible to receive a combination of UI (including Extended Benefits (EB)) and TRA not to exceed an amount derived by multiplying the TRA weekly benefit amount by 52. In addition, workers receiving TRA are required to apply for and accept offers of work and actively seek work in accordance with the work test provisions of State law which apply to EB claimants, except when the workers are engaged in tranining approved under the Act or training approved under State law.

Workers in training approved under the Act may receive up to 26 additional weeks of TRA in order to complete such training.

Additional weeks of TRA, previously payable to workers solely because they reached age 60 on or before their separation from adversely affected employment, are no longer payable for any weeks beginning after September 30, 1981.

These proposed regulations also make other changes, including technical and clarifying changes.

The significant changes proposed in this document are:

1. Section 635.11(a)(2) requires, for purposes of TRA entitlement, that a worker's first separation from adversely affected employment must occur: (a) On or after the impact date stated in the certification; (b) before the expiration of the two-year period beginning on the date of the certification; and (c) before the termination date, if any, of the certification.

"First separation" is defined as the worker's first total or partial separation from adversely affected employment on or most closely following the impact date of the certification under which the worker is covered, and which occurs before or within the worker's first UI benefit period.

The "date of separation" is defined to mean: (a) With respect to a total separation, the last day the worker worked in adversely affected employment, except that if the worker was on employer-authorized leave, it would mean the last day the worker would have worked in such employment had the worker been working; and (b) with respect to a partial separation, the last day of the week in which the partial separation occurred.

2. Section 635.11(a)(3) removes the limitation whereby only weeks of employment in the 52 weeks "immediately preceding" the worker's total or partial separation can be counted as qualifying weeks for TRA entitlement. Under the 1981 amendments, the week of employment in which the worker's separation occurs will be included as one of the weeks in the 52-week qualifying period.

In addition, § 635.11(a)(3) provides that any week a worker is on employer-authorized leave for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training, does not work because of a disability that is compensable under a State or Federal workers' compensation law or plan, or

has had employment interrupted in order to serve as a full-time representative of a labor organization in the firm or subdivision, shall be treated as a week of employment at wages of $30 or more. Not more than 3 weeks of such employer-authorized leave or leave to serve as a full-time union representative (or both), or not more than 7 weeks of disability covered by workers' compensation, or not more than 7 weeks total, combining weeks of disability and not more than 3 weeks of employer-authorized or union representation leave (or both), may be counted as weeks of employment for this purpose.

3. Section 635.11(a)(4) requires, for purposes of TRA entitlement, that a worker must have been entitled to UI (or would have been entitled if the worker applied therefore) for a week within the UI benefit period established after the worker's first separation, or within the UI benefit period in which such separation occurred.

"Benefit period" is defined as: (a) The benefit year and any ensuing period, as determined under State law, during which a worker is eligible for regular UI, additional UI, or EB; or (b) the equivalent of such a benefit year or ensuing period provided for under Federal UI law.

"UI" is defined as unemployment compensation payable to a worker under any State or Federal unemployment compensation law, including chapter 85, title 5, of the United States Code, and the Railroad Unemployment Insurance Act. This term includes regular UI, additional UI, and EB. (It also will include any temporary Federal supplemental compensation during periods when such compensation is payable.)

4. Section 635.11(a)(5) requires, for purposes of TRA entitlement, that a worker must have exhausted all rights to UI to which the worker was entitled under State or Federal law. Once the worker has exhausted all rights to UI, the worker will be entitled to TRA payments except for any week the worker is entitled to a payment of any further UI or waiting period credit.

"Exhaustion of UI" is defined as exhaustion of all rights to UI in a benefit period by reason of: (a) Having received all UI to which a worker was entitled under State or Federal UI law with respect to such benefit period; or (b) the expiration of such benefit period.

Under the 1981 amendments, once a worker has exhausted all rights to UI in the UI benefit period in existence or established after the worker's first separation, the worker may not be determined to have a subsequent exhaustion of rights to UI under that same certification. The purpose of this is to limit a worker to one period of entitlement to TRA under a particular certification, and to preclude establishing entitlement to a second period of TRA following a subsequent UI benefit period. However, the worker will be eligible to collect any remaining amount of the original TRA entitlement if the worker is still within the TRA eligibility period following exhaustion of UI in a subsequent UI benefit period.

5. Section 635.11(a)(6) requires workers, as a condition of eligibility for receiving TRA for any week, to apply for and accept offers of work and actively seek work in accordance with the provisions of conforming State law which apply to EB claimants. The EB work test requires that claimants, whose prospects of returning to work are not good, will be disqualified in they fail to apply for, or accept offers of, "suitable work," as defined for EB purposes, or to actively seek such work. The EB work test does not apply to workers engaged in training approved under the Act or in training approved under State law.

6. Section 653.11(b) specifies the first week a worker is eligible for a TRA payment. Such first week is the later of: (a) The first week of unemployment which begins more than 60 days after the date of filing the petition that resulted in the certification under which the worker is covered; or (b) the first week after the worker exhausts UI. The purpose of this amendment is to encourage timely petitions before exhaustion of UI, thereby reducing the frequency of retroactive lump sum TRA payments.

"Week of unemployment" is defined as a week of total, part-total, or partial unemployment, as determined under State or Federal UI law.

7. Section 635.13 provides that the TRA weekly benefit amount payable to a worker for a week of total unemployment shall be equal to the most recent UI weekly benefit amount (including dependents' allowances) payable to the worker for a week of total unemployment preceding the worker's first exhaustion of UI. In a State in which weeks of UI are paid at varying amounts, related to wages with separate employers, the TRA weekly benefit amount shall be calculated the same as the EB weekly benefit amount is calculated. In addition, if a State calculates a base amount of UI and calculates dependents' allowances on a weekly supplemental basis, TRA weekly benefit amounts will be calculated in the same manner.

The TRA weekly benefit amount is reduced by: (a) Income deductible from UI under the disqualifying income provisions of State or Federal UI law; and (b) the amount of a training allowance that is deductible under Section 232(c) (formerly 232(d)) of the Act. In addition, the TRA weekly benefit amount will be reduced by any amount deductible from UI for days of absence from training under the provisions of the State law which apply to individuals in approved training.

Prior to the 1981 amendments, the TRA weekly benefit amount was a national uniform standard equal to 70 percent of the worker's previous gross weekly wage, not to exceed the average weekly manufacturing wage, reduced by: (a) The amount of the worker's UI entitlement, if any; (b) 50 percent of any remuneration for services performed during the week; and (c) certain training allowances paid under Federal law. The TRA weekly benefit amount was also reduced for days of unexcused absence from training approved under the Act.

There is no change in section 232(b) of the Act, which provides that any adversely affected worker entitled to TRA and undergoing training approved under the Act, including on-the-job training, shall receive for each week of such training the TRA weekly benefit amount or the amount, if greater, of any weekly training allowance under any other Federal law to which the worker would be entitled. This TRA amount would be paid in lieu of any such training allowance.

8. Section 635.14 provides that the maximum amount of basic TRA payable to an adversely affected worker under a certification shall be an amount equal to 52 times the TRA weekly benefit amount, minus the total sum of UI payable to the worker in the worker's first UI benefit period.

Prior to the 1981 amendments, basic TRA was payable for up to 52 weeks of unemployment. In addition, workers who reached age 60 on or before their last separation from adversely affected employment and workers in training approved under the Act were entitled to receive up to 26 additional weeks of TRA. Workers in training approved under the Act will continue to be entitled to receive up to 26 additional weeks of TRA after October 1, 1981, but under the statutory amendments older workers will not longer be entitled to receive TRA for additional weeks.

9. Section 635.15 provides that basic TRA is payable during the 52-week eligibility period beginning with the first week following the first week in which the worker has exhausted all rights to regular UI. Additional weeks of TRA to assist a worker to complete training

approved under the Act are payable during the 26-week eligibility period following the last week of the worker's entitlement to basic TRA.

Prior to the 1981 amendments, basic TRA was payable over a 2-year benefit period following the worker's most recent separation from adversely affected employment, and additional weeks of TRA were payable over a maximum 3-year period.

10. Section 635.16 provides, for purposes of determining the applicable State law for a worker, that such law will be the State law under which the worker: (a) Is currently entitled to UI; or (b) has most recently exhausted all rights to any UI to which the worker was entitled. The State law so determined will remain applicable to a worker unless the worker becomes entitled to UI under another State law. In such case, the applicable State law will be the law of the State in which the worker is entitled to UI.

11. Section 635.20 requires, as do the present regulations, that State agencies provide, or arrange to have provided, appropriate reemployment services to workers, such as counseling, testing, placement, supportive services, job search and relocation assistance, training and other services provided for under any other Federal law.

12. Section 635.22 provides that training may be approved under the Act for a worker if specified conditions are met: (a) There is no suitable employment available for the worker; (b) the worker would benefit from the training; (c) there is a reasonable expectation of employment following completion of the training; (d) the training is available from governmental agencies or private sources; and (e) the worker is qualified to undertake and complete the training. Because training costs must be paid by the Secretary if training is approved under the Act, no training may be approved unless there are sufficient federal funds on hand to pay for the training.

"Suitable employment," for purposes of approval of training under the Act, is defined in § 635.22 as work of a substantially equal or higher skill level than the worker's past adversely affected employment, and wages for such work at not less than 80 percent of the worker's average weekly wage. (This is a defined term in section 236 of the Act.)

13. Section 635.23 provides that, when suitable employment is not available, the State agency will explore, identify, develop and secure training opportunities and establish linkages with other public and private agencies, Private Industry Councils, employers, and CETA prime sponsors, as appropriate, so as to arrange for training and the return of adversely affected workers to employment as soon as possible.

14. Section 635.27 provides that a worker in training approved under the Act outside the commuting area shall receive subsistence payments not to exceed the lesser of the actual per diem expenses, or 50 percent of the prevailing per diem authorized under the Federal travel regulations.

"Commuting area," for purposes of eligibility for subsistence and transportation payments while in training approved under the Act, and job search and relocation allowances, is defined as the area in which an individual would be expected to travel to and from work on a daily basis as determined under the State law.

15. Section 635.28 provides that a worker in training approved under the Act outside the commuting area shall receive transportation payments not to exceed the lesser of the actual cost for travel by the least expensive means of transportation reasonably available, or the cost per mile at the prevailing mileage rate authorized under the Federal travel regulations.

16. Subpart D, *Job Search Allowances*, provides for an increase in reimbursement for job search expenses from 80 percent to 90 percent of the costs of necessary expenses, but not in excess of 90 percent of the levels of subsistence and transportation expenses authorized for workers in training approved under the Act. In addition, Subpart D provides for an increase in the maximum amount of reimbursement from $500 to $600.

To qualify for a job search allowance, the worker must: (a) Have no reasonable expectation of securing suitable employment in the commuting area; and (b) have a reasonable expectation of obtaining suitable employment outside the commuting area and in the area where the job search will be conducted. For this purpose, "suitable employment" means suitable work as defined in the applicable State law for regular UI claimants or EB claimants, whichever is applicable to the worker.

17. Subpart E, *Relocation Allowances*, provides for an increase in reimbursement for relocation expenses from 80 percent to 90 percent of the costs of necessary expenses, but not in excess of 90 percent of the levels of subsistence and transportation expenses authorized for workers in training approved under the Act. In addition, Subpart E provides for an increase in the additional lump sum payment from a $500 to $600 maximum. Eligibility for TRA is no longer a requirement for entitlement to relocation allowances after September 30, 1981.

To qualify for a relocation allowance, the worker must: (a) Have no reasonable expectation of securing suitable employment in the commuting area; and (b) have obtained suitable employment, or a bona fide offer of suitable employment, outside the commuting area and in the area of intended relocation. For this purpose, "suitable employment" means suitable work as defined in the applicable State law for regular UI claimants or EB claimants, whichever is applicable to the worker.

In accordance with the Federal travel regulations, Subpart E provides for the cost of: (a) Transportation of household goods and personal effects, not to exceed 11,000 pounds net weight for a worker with a family, and 5,000 pounds net weight for a worker without a family; and (b) temporary storage of household goods and personal effects, where necessary, for a period not to exceed 60 days.

18. Section 635.52 restates the rules of construction and other provisions governing the uniform interpretation and application of the law. In this regard, the regulation is revised to incorporate into §§ 635.52(c) (3) and (4) specific rules for assigning responsibility to the States for the payment of TAA only in accordance with the law and the regulations, and the States' responsibility for making the United States whole where they violate the law and regulations. These rules (incorporating what is sometimes referred to as the "Lopez Rule") were developed following a series of cases where a State had paid claims in flagrant disregard of the law and the regulations.

19. Section 635.55 provides that a worker receiving a TAA overpayment, whether fraudulent or otherwise, will be liable for repayment. Section 243(a)(1) of the Act provides that repayment of an overpayment "may" be waived under certain conditions in accordance with guidelines prescribed by the Secretary of Labor. Such guidelines are prescribed in these proposed regulations at § 635.55(a).

Unless a TAA overpayment is otherwise recovered, or is waived under the guidelines prescribed in these regulations, the State agency shall recover the overpayment by deductions from any sums payable to the worker under the TAA Program or under any other Federal law administered by the State agency providing payments with respect to unemployment.

No single deduction may exceed 50 percent of the amount otherwise

payable to the worker, and when a deduction is made, it shall be 50 percent of the amount actually payable.

In the case of false statement or representation, or of nondisclosure of a material fact, the worker would also be ineligible for any further TAA payments in the future.

No repayment may be required or deduction made until a determination of overpayment has been made, notice has been given to the worker of the determination, an opportunity has been given to the worker for a fair hearing, and the determination has become final. These provisions were effective on August 13, 1981, and apply to all TAA overpayments outstanding on that date or determined on or after that date.

20. Section 635.62 provides transitional procedures for administering the TAA Program for those workers who filed applications or qualified for services and allowances before and after the effective date of the 1981 amendments. This section also includes conforming amendments required to be made in existing State law, and the dates by which such amendments must be made.

21. Section 635.64 reflects the change in the termination date of the TAA Program from September 30, 1982, to September 30, 1983.

22. Other technical and clarifying changes have been made in the regulations.

Drafting Information

This document was prepared under the direction and control of the Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, N.W., Washington, D.C. 20213; telephone: (202) 376-7032 (this is not a toll-free number).

Classification—Executive Order 12291

The proposed rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. While several of the proposed provisions may entail some costs, for example, the work test provisions, they will be more than offset by the budgetary savings that result from the lower weekly and maximum benefits and tightened eligibility requirements. In addition, any added costs, to the extent that they exist, do not represent new burdens imposed by the proposed regulations, but rather are direct statutory obligations. Accordingly, no regulatory impact analysis is required.

Regulatory Flexibility Act

The Department believes that this proposed rule will have no "significant economic impact on a substantial number of small entities" within the meaning of 5 U.S.C. 605(b), as provided in the Regulatory Flexibility act. This rule will affect those agencies in small States that administer the TAA Program. However, current TAA Program recipients are concentrated in larger industrial States, where jobs have been "hardest hit" by foreign import competition. States may find some increased administrative costs as a result of the proposed provisions to implement work tests in accordance with State provisions applicable to extended benefit claimants.

However, most of the operating mechanisms needed for the proposed TAA program are in place through the UI system, including benefit payments, appeals, work search and work test procedures and relocation and training assistance. This will assure that any additional administrative costs are minimal. Moreover, these costs will decline over time as adversely affected workers find reemployment in substantially equivalent jobs. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory flexibility analysis is required.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rule published hereinafter (20 CFR Part 635) will not have a significant economic impact on a substantial number of small entities, because this rule implements amendments that do not heavily impact agencies in small States and which, moreover, have no significant economic impacts on agencies in small States.

Dated: February 24, 1983.

Raymond J. Donovan,

Secretary.

List of Subjects in 20 CFR Part 635

Labor, Trade adjustment assistance, Job search assistance, Reemployment services, Relocation assistance, Trade readjustment allowances, Vocational education, Unemployment compensation.

Words of Issuance

For the reasons set out in the preamble, the addition of Part 635 to Title 20 of the Code of Federal Regulations is proposed as set forth below.

Signed at Washington, D.C., on February 24, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

PART 635—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS UNDER THE TRADE ACT OF 1974

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Authority: Sec. 248, Pub. L. 93-618, 88 Stat. 2029, 19 U.S.C. 2320; Secretary's Order No. 3-81, 46 FR 31117.

Subpart A—General

§635.1 Scope.

The regulations in this Part 635 pertain to:

(a) Adjustment assistance, such as counseling, testing, training, placement, and other supportive services for workers adversely affected under the terms of Chapter 2 of Title II of the Trade Act of 1974, as amended (hereafter referred to as the Act);

(b) Trade readjustment allowances (hereafter referred to as TRA) and other allowances such as allowances while in training, job search and relocation allowances; and

(c) Administrative requirements applicable to State agencies to which such individuals may apply.

§635.2 Purpose.

The Act created a program of trade adjustment assistance (hereafter referred to as TAA) to assist individuals, who became unemployed as a result of increased imports, return to suitable employment. The TAA Program provides for reemployment services and allowances for eligible individuals. The regulations in this Part 635 are issued to implement the Act.

§635.3 Definitions.

For the purposes of the Act and this Part 635:

(a) "Act" means Chapter 2 of Title II of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2019-2030 (19 U.S.C. 2271-2322), as amended.

(b) "Adversely affected employment" means employment in a firm or appropriate subdivision of a firm if workers of such firm or appropriate subdivision are certified under the Act as eligible to apply for TAA.

(c) "Adversely affected worker" means an individual who, because of lack of work in adversely affected employment:

(1) Has been totally or partially separated from such employment; or

(2) Has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(d) "Appropriate week" means the week in which the individual's first separation occurred.

(e) "Average weekly hours" means a figure obtained by dividing:

(1) Total hours worked (excluding overtime) by a employment in the 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the individual's appropriate week by;

(2) The number of weeks in such 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in such employment.

(f) "Average weekly wage" means one-thirteenth of the total wages paid to an individual in the individual's high quarter. The high quarter for an individual is the quarter in which the total wages paid to the individual were highest among the first four of the last five completed calendar quarters preceding the individual's appropriate week.

(g) "Average weekly wage in adversely affected employment" means a figure obtained by dividing:

(1) Total wages earned by a partially separated individual in adversely affected employment in the 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the individual's appropriate week by;

(2) The number of weeks in such 52 weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in such employment.

(h) "Benefit period" means, with respect to an individual:

(1) The benefit year and any ensuing period, as determined under the applicable State law, during which the individual is eligible for regular compensation, additional compensation, or extended compensation; or

(2) The equivalent to such a benefit year or ensuing period provided for under the appplicable Federal unemployment insurance law.

(i) "Bona fide application for training" means an application for training filed on a form approved by the Secretary containing information which shall include the individual's name, petition number, local office number, type of training, and which is signed and dated by the individual applying for training and a State agency representative.

(j) "Certification" means a certification of eligibility to apply for TAA issued under the Act with respect to a group of workers.

(k) "commuting area" means the area in which an individual would be expected to travel to and from work on a daily basis as determined under the applicable State law.

(l) "Date of separation" means:

(1) With respect to a total separation—

(i) For an individual in employment status, the last day worked; and

(ii) For an individual on employer-authorized leave, the last day the individual would have worked had the individual been working; and

(2) With respect to a partial separation, the last day of the week in which the partial separation occurred.

(m) "Eligibility period" means, for purposes of paying TRA:

(1) *Basic weeks.* The 52-week period beginning with the first week following the week with respect to which the individual first exhausts all rights to regular compensation; and

(2) *Additional weeks.* The 26-week period immediately following the last week of entitlement to basic TRA, to assist an individual to complete training approved under Subpart C of this Part 635.

(n) "Employer" means any individual or type of organization, including the Federal government, a State goverment, a political subdivision, or an instrumentality of one or more governmental entities, which had one or more individuals performing service in employment for it within the United States.

(o) "Employment" means any service performed for an employer by an individual for wages or by an officer of a corporation.

(p) "Exhaustion of UI" means exhaustion of all rights to UI in a benefit period by reason of:

(1) Having received all UI to which an individual was entitled under the applicable State law or Federal unemployment insurance law with respect to such benefit period; or

(2) The expiration of such benefit period.

(q) "Family" means the following members of an individual's household whose principal place of abode is with the individual in a home the individual maintains or would maintain but for unemployment:

(1) A spouse;

(2) An unmarried child, including a stepchild, adopted child, or foster child, under age 21 or of any age if incapable of self-support because of mental or physical incapacity; and

(3) Any other person whom the individual would be entitled to claim as a dependent for income tax purposes under the Internal Revenue Code of 1954.

(r) "First benefit period" means, with respect to an individual, the benefit period established after the individual's first separation or in which such separation occurs.

(s) "First exhaustion of UI" means the first time in an individual's first benefit period that the individual exhausts all rights to UI, and such first exhaustion shall be deemed to be complete at the end of the week in which such exhaustion occurs.

(t) "First separation" means an individual's first total or partial separation from adversely affected employment on or most closely following the impact date of the certification under which the individual is covered, and which occurs before or within the individual's first benefit period.

(u) "Head of family" means an individual who maintains a home for a family. An individual maintains a home if over half the cost of maintenance is furnished by the individual or would be furnished but for unemployment.

(v) "Impact date" means the date stated in a certification issued under the Act on which total or partial separations began or threatened to begin in a firm or a subdivision of a firm.

(w) "Layoff" means a suspension of or separation from employment by a firm for lack of work, initiated by the employer, and expected to be for a definite or indefinite period of not less than 7 consecutive days.

(x) "Liable State" means the State against which an interstate claim is filed.

(y) "Partial separation" means that during a week ending on or after the impact date specified in the certification under which an adversely affected worker is covered, the individual had:

(1) Hours of work reduced to 80 percent or less of the individual's average weekly hours in adversely affected employment; and

(2) Wages reduced to 80 percent or less of the individual's average weekly wage in such adversely affected employment.

(z) "Regional Administrator" means the appropriate Regional Administrator of the Employment and Training Administration, United States Department of Labor (hereafter Department).

(aa) "Remuneration" means remuneration as defined in the applicable State law.

(bb) "Secretary" means the Secretary of Labor of the United States.

(cc) "Separate maintenance" means maintaining another (second) residence, in addition to the individual's regular place of residence, while attending a training facility outside the individual's commuting area.

(dd) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and the term "United States" when used in a geographical sense includes such Commonwealth.

(ee) "State agency" means the State Employment Security Agency of a State which administers the State law.

(ff) "State law" means the employment insurance law of a State approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(gg) "Suitable work" means, with respect to an individual:

(1) Suitable work as defined in the applicable State law for claimants for regular compensation; or

(2) Suitable work as defined in the applicable State law provisions consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970; whichever is applicable, but does not in any case include self-employment or employment as an independent contractor.

(hh) "Total separation" means a layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(ii) "Trade adjustment assistance" means the services and allowances provided for achieving reemployment of adversely affected workers, including TRA, training and other reemployment services, and job search allowances and relocation allowances, and which is referred to as TAA.

(jj) "Trade readjustment allowance" means a weekly allowance payable to an adversely affected worker with respect to such worker's unemployment under Subpart B of this Part 635, and which is referred to as TRA.

(kk) "Unemployment insurance" means the unemployment compensation payable to an individual under any State law or Federal unemployment compensation law, including chapter 85, title 5 of the United States Code, and the Railroad Unemployment Insurance Act, and which is referred to as UI. This term also includes "regular compensation," "additional compensation," and "extended compensation," defined as follows:

(1) "Regular compensation" means unemployment compensation payable to an individual under any State law, and, when so payable, includes unemployment compensation payable pursuant to chapter 85, title 5 of the United States Code, but does not include extended compensation or additional compensation;

(2) "Additional compensation" means unemployment compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors and, when so payable, includes unemployment compensation payable pursuant to chapter 85, title 5 of the United States Code; and

(3) "Extended compensation" means the extended unemployment compensation payable to an individual for weeks of unemployment which begin in an Extended Benefit Period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 and regulations with respect to the payment of extended unemployment compensation, and, when so payable, includes unemployment compensation payable pursuant to chapter 85, title 5 of the United States Code, but does not include regular compensation or additional compensation. Extended compensation is also referred to in this Part 635 as Extended Benefits or EB.

(ll) "Wages" means all compensation for employment for an employer, including commissions, bonuses, and the cash value of all compensation in a medium other than cash.

(mm) "Week" means a week as defined in the applicable State law.

(mm) "Week of unemployment" means a week of total, part-total, or partial unemployment as determined under the applicable State law or Federal unemployment insurance law.

Subpart B—Trade Readjustment Allowances (TRA)

§ 635.10 Applications for TRA.

(a) *Before and after certification.* An individual covered under a certification or a petition for certification may apply to a State agency for TRA. Determinations with respect to an application shall be made at any time to the extent necessary to establish or protect an individual's entitlement to TRA or other TAA, but no payment of TRA or other TAA may be made by a State agency until a certification is made and the State agency determines that the individual is covered thereunder.

(b) *Timing of applications.* An initial application for TRA may be filed at any time in order to establish individual entitlement, and may be filed late for good cause; for this purpose good cause includes, but is not limited to, an individual's lack of knowledge of a certification or misinformation supplied the individual by the State agency. However, an application for TRA for a continued claim week shall be filed in accordance with the filing requirements of the applicable State law unless good cause, as determined under the applicable State law, exists for the late filing.

(c) *Applicable procedures.* Applications shall be filed in accordance with instructions and on forms approved by the Secretary, which shall be furnished to the individual by the State agency. The procedures for reporting and filing applications for TRA shall be consistent with this Part 635 and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 *et seq.*).

§ 635.11 Qualifying requirements for TRA.

(a) *Basic qualifying requirements for entitlement.* To qualify for TRA for any week of unemployment, an individual must meet each of the following requirements of paragraphs (a)(1) through (a)(6) of this section:

(1) *Certification.* The individual must be an adversely affected worker covered under a certification.

(2) *Separation.* The individual's first separation before application for TRA must occur:

(i) On or after the impact date;

(ii) Before the expiration of the two-year period beginning on the date of the certification; and

(iii) Before the termination date, if any, of the certification.

(3) *Wages and employment.* (i) In the 52-week period ending with the week of the individual's first separation, the individual must have had at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm. Evidence that an individual meets this requirement shall be obtained as provided in § 635.12. An individual may not combine employment and wages in adversely affected employment covered under more than one certification in order to qualify for TRA.

(ii) For purposes of this paragraph (a)(3), any week in which such individual:

(A) Is on employer-authorized leave from such adversely affected employment for purposes of vacation, sickness, injury, maternity, or inactive duty or active duty military service for training;

(B) Does not work in such adversely affected employment because of the disability that is compensable under a workers' compensation law or plan of a State or the United States; or

(C) Had employment in such adversely affected employment interrupted in order to serve as a full-time representative of a labor organization in such firm or subdivision;

shall be treated as a week of employment at wages of $30 or more: *Provided,* That not more than the following number of weeks may be treated as such weeks of employment—

(*1*) 3 weeks if no weeks described in paragraph (a)(3)(ii)(B) of this section occurred during the 52-week period concerned; or

(*2*) 7 weeks if all are weeks described in paragraph (a)(3)(ii)(B) of this section; or

(*3*) 7 weeks in the case of weeks described in paragraphs (a)(3)(ii)(B) and (A) or (C) of this section, or both, except that not more than 3 of such weeks may be other than weeks described in paragraph (a)(3)(ii)(B) of this section.

(iii) Wages and employment creditable under paragraph (a)(3) of this section shall not include employment or wages earned or paid for employment:

(A) Which is contrary to or prohibited by any Federal law; or

(B) Which is not adversely affected employment.

(4) *Entitlement to UI.* The individual must have been entitled to (or would be entitled to if the individual applied therefor) UI for a week within the benefit period:

(i) In which the individual's first separation occurred; or

(ii) Which began (or would have begun) by reason of the filing of a claim for UI by the individual after such first separation.

(5) *Exhaustion of UI.* The individual must:

(i) Have exhausted all rights to any UI to which the individual was entitled (or would be entitled if the individual applied therefor); and

(ii) Not have an unexpired waiting period applicable to the individual for any such UI.

(6) *EB work test.* (i) The individual must:

(A) Accept any offer of suitable work, as defined in § 635.3(gg), and apply for any such suitable work to which the individual was referred by the State agency; and

(B) Actively engage in seeking work and furnish the State agency tangible evidence of such efforts each week; and

(C) Register for work and be referred by the State agency to work which is suitable work for the individual;

in accordance with the provisions of the applicable State law which apply to EB claimants and which are consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970.

(ii) The EB work test shall apply to an individual only with respect to weeks which begin after the date the individual files an initial application for TAA under any certification.

(b) *First week of eligibility.* The first week of eligibility for TRA shall be whichever of the following is the later:

(1) The first week beginning more than 60 days after the date of the filing of the petition which resulted in the certification under which the individual is covered; or

(2) The first week beginning after the individual's first exhaustion of UI (as provided in paragraph (a)(5) of this section) following the individual's first separation (as provided in paragraph (a)(2) of this section).

§ 635.12 Evidence of qualification.

(a) *State agency action.* When an individual applies for TRA, the State agency having jurisdiction under § 635.50(a) shall obtain information necessary to establish:

(1) Whether the individual meets the qualifying requirements in § 635.11;

(2) The individual's average weekly wage; and

(3) For an individual claiming to be partially separated, the average weekly

hours and average weekly wage in adversely affected employment.

(b) *Insufficient data.* If information specified in paragraph (a) of this section is not available from State agency records or from any employer, the State agency shall require the individual to submit a signed statement setting forth such information as may be required for the State agency to make the determinations required by paragraph (a) of this section.

(c) *Verification.* A statement made under paragraph (b) of this section shall be certified by the individual to be true to the best of the individual's knowledge and belief and shall be supported by evidence such as Forms W–2, paycheck stubs, union records, income tax returns, or statements of fellow workers, and shall be verified by the employer.

(d) *Determinations.* The State agency shall make the necessary determinations on the basis of information obtained pursuant to this section, except that if, after reviewing information obtained under paragraph (b) of this section against other available data, including agency records, it concludes that such information is not reasonably correct, it shall make appropriate adjustments and shall make the determination on the basis of the adjusted data.

§ 635.13 Weekly amounts of TRA.

(a) *Regular allowance.* The amount of TRA payable for a week of total unemployment (including a week of training approved under Subpart C of this Part 635 or under the provisions of the applicable State law) shall be an amount equal to the most recent weekly benefit amount of UI (including dependents' allowances) payable to the individual for a week of total unemployment preceding the individual's first exhaustion of UI following the individual's first separation: *Provided,* That in a State in which weeks of UI are paid in varying amounts related to wages with separate employers, the weekly amount of TRA shall be calculated as it would be to pay extended compensation: *Provided, further,* That where a State calculates a base amount of UI and calculates dependents' allowances on a weekly supplemental basis, TRA weekly benefit amounts shall be calculated in the same manner and under the same terms and conditions as apply to claimants for UI, except that the base amount shall not change.

(b) *Increased allowance.* An individual in training approved under Subpart C of this Part 635 entitled for any week to a training allowance under any Federal law for the training of workers in a greater amount than the amount provided in paragraph (a) of this section (whether or not the individual filed a claim for such training allowance) shall receive the greater amount as TRA, as provided in section 232(b) of the Act. A payment under this paragraph (b) shall be in lieu of any other training allowance to which the individual is entitled under Federal law for the training of workers.

(c) *Reduction of amount.* An amount of TRA payable under paragraph (a) or (b) of this section for any week shall be reduced (but not below zero) by:

(1) Income that is deductible from UI under the disqualifying income provisions of the applicable State law or Federal unemployment insurance law;

(2) The amount of a training allowance (other than a training allowance referred to in paragraph (b) of this section) under any Federal law that the individual receives for such week, as provided in section 232(c) of the Act. This paragraph (c) shall apply to Veterans Education Assistance, Basic Educational Opportunity Grants, Supplemental Educational Opportunity Grants, and other training allowances under any Federal law other than for the training of workers and which are payable to the individual; and

(3) Any amount that would be deductible from UI for days of absence from training under the provisions of the applicable State law which apply to individuals in approved training.

§ 635.14 Maximum amount of TRA.

(a) *General rule.* Except as provided under paragraph (b) of this section, the maximum amount of TRA payable to an individual under a certification shall be the amount determined by:

(1) Multiplying by 52, the amount of TRA payable, as determined under § 635.13(a), to such individual for a week of total unemployment; and

(2) Subtracting from the product derived under paragraph (a)(1) of this section, the total sum of UI to which the individual was entitled (or would have been entitled if the individual had applied therefor) in the individual's first benefit period described in § 635.11(a)(4).

(b) *Exceptions.* The maximum amount of TRA payable to an individual under paragraph (a) of this section will not include:

(1) The amount of dependents' allowances paid as a supplement to the base weekly amount determined under § 635.13(a);

(2) The amount of the difference between the individual's weekly increased allowances determined under § 635.13(b) and the individual's weekly amount determined under § 635.13(a); and

(3) The amounts paid for additional weeks determined under § 635.15(b); but nothing in this paragraph (b) shall affect an individual's eligibility for such supplemental, increased or additional allowances.

(c) *Reduction for Federal training allowance.* If a training allowance under any Federal law is paid to an individual for any week of unemployment as to which the individual would be entitled, determined without regard to § 635.13(c)(2) or any disqualification under § 635.18(b)(2), to TRA, the amount of the training allowance paid for such week plus the amount of TRA otherwise payable, not to exceed an amount equal to the individual's regular weekly TRA, as determined under § 635.13(a), shall be deducted from the maximum amount of TRA payable under paragraph (a) of this section when the individual applies for and is determined to be entitled to TRA, as provided in section 232(c) of the Act.

§ 635.15 Duration of TRA.

(a) *Basic weeks.* An individual shall not be paid basic TRA for any week after the 52-week eligibility period beginning with the first week following the first week in the period covered by the certification with respect to which the individual has first exhausted (as determined under § 635.11(a)(5)) all rights to regular compensation.

(b) *Additional weeks.* (1) TRA payments may be paid for up to 26 additional weeks in the 26-week eligibility period following the last week of entitlement to basic TRA otherwise payable under this Part 635 to an individual, in order to assist the individual to complete training approved under Subpart C of this Part 635. However, TRA shall not be paid for a week under the provisions of this paragraph (b) unless the individual attends training during such week.

(2) To be eligible for TRA for additional weeks, an individual must make a bona fide application for such training:

(i) Within 210 days after the date of the first certification under which the individual is covered; or

(ii) If later, within 210 days after the date of the individual's first separation.

(3) No payment of TRA shall be made for any additional week unless the individual is actually engaged in training during the week and has not been determined under § 635.18(b)(2) to be failing to make satisfactory progress in the training.

(c) *Limit.* In no case may an individual receive TRA for any week which begins

after the 78-week period following the week with respect to which the individual has first exhausted (as determined under § 635.11(a)(5)) all rights to regular compensation.

§ 635.16 Applicable State law.

(a) *What law governs.* The applicable State law for purposes of this Subpart B is the State law under which the individual:

(1) Is currently entitled to UI (or would be entitled if the individual applied therefor); or

(2) Has most recently exhausted all rights to any UI to which the individual was entitled (or would be entitled if the individual applied therefor).

(b) *Change of Law.* (1) A State law determined under paragraph (a) of this section shall remain applicable to an individual unless the individual becomes entitled to UI (or would be entitled if the individual applied therefor) under another State law.

(2) If a State law ceases to apply to an individual, the applicable State law thereafter shall be the law of the State in which the individual became entitled to UI (or would be entitled if the individual applied therefor).

(c) *UCFE–UCX claimants.* If an individual is entitled to UI under chapter 85, title 5 of the United States Code, the applicable State law for purposes of paragraphs (a) and (b) of this section is the law of the State to which the individual's Federal service and wages were assigned or transferred under Part 609 or Part 614 of this chapter.

(d) *RRUI claimants.* If an individual is entitled to UI under the Railroad Unemployment Insurance Act, the applicable State law for purposes of paragraphs (a) and (b) of this section is the law of the State in which the individual's first separation occurs.

§ 635.17 Availability and active search for work.

An individual shall not be paid TRA for a week of unemployment in which the individual is not able to work or is unavailable for work under the applicable State law, or if the individual fails or refuses to make an active search for work or to apply for or accept work or to accept a referral to work under the applicable State law, including the provisions of the applicable State law which apply to EB claimants and which are consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970. This section shall not apply to an individual with respect to a week in which the individual is undergoing training approved under the provisions of the applicable State law or under Subpart C of this Part 635, unless the individual is determined to be ineligible for such week under the applicable State law or § 635.18(b)(2).

§ 635.18 Disqualifications.

(a) *State law applies.* Except as stated in paragraph (b) of this section and § 635.55(b), an individual shall not be paid TRA for a week of unemployment for which the individual is or would be disqualified to receive UI under the disqualification provisions of the applicable State law, including the provisions of the applicable State law which apply to EB claimants and which are consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970.

(b) *Disqualification of trainees.* (1) A State law shall not be applied to disqualify an individual from receiving either UI or TRA because the individual:

(i) Is undergoing training approved under Subpart C of this Part 635; or

(ii) Refuses work to which the individual has been referred by the State agency if such work would require the individual to discontinue training or, if added to hours of training, would occupy the individual more than 8 hours a day or 40 hours a week, except that this paragraph (b)(1)(ii) does not apply to an individual who has been given notice of a determination of ineligibility under paragraph (b)(2) of this section unless and until the individual enters or resumes and makes satisfactory progress in such training; or

(iii) Quits work if the individual was employed in work which was not suitable employment, as described in §635.22(a)(1), and it reasonably was necessary for the individual to quit work to begin or continue training, except that this paragraph (b)(1)(iii) does not apply to an individual who has been given notice of a determination of ineligibility under paragraph (b)(2) of this section unless and until the individual enters or resumes and makes satisfactory progress in such training.

(2) An individual who, without good cause, refuses to accept or continue or fails to make satisfactory progress in training approved under Subpart C of this Part 635 shall not be entitled to basic or additional TRA, or any other payment under this Part 635, for the week of such occurrence and any week thereafter until the week in which the individual enters or resumes and makes satisfactory progress in such training. For purposes of this paragraph (b), good cause means such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to make satisfactory progress in or continue training.

Subpart C—Reemployment Services

§ 635.20 Responsibilities for the delivery of reemployment services.

(a) *State agency referral.* The State agency shall be responsible for referring adversely affected workers to the appropriate office for reemployment services when such individual:

(1) Expresses interest in any reemployment services while receiving UI; or

(2) Exhausts all rights to UI and becomes entitled to TRA.

(b) *State agency responsibilities.* State agency responsibilities under this Subpart C include, but are not limited to:

(1) Registering the adversely affected worker for work;

(2) Informing the adversely affected worker of the reemployment services and allowances available under the Act, the application procedures, and the filing date requirements for such reemployment services and allowances;

(3) Determining whether suitable employment, as described in § 635.22(a)(1), is available;

(4) Developing, reviewing, and updating, when necessary, a reemployment plan for the adversely affected worker;

(5) Providing counseling, testing, placement, and supportive services;

(6) Provising or procuring self-directed job search training;

(7) Provising out-of-area job search and relocation assistance;

(8) Making referrals to training;

(9) Locating, approving and procuring training;

(10) Monitoring the provisions of the approved training program;

(11) Determining which occupations and training institutions offer, in a cost effective manner, a reasonable expectation of employment following such training; and

(12) Documenting the standards and procedures used to select occupations and training institutions in which training is approved.

§ 635.21 Reemployment services and allowances.

Reemployment services and allowances under this Subpart C shall include, as appropriate, the following:

(a) *Employment registration.* To ensure, so far as practical, that individuals are placed in jobs which utilize their highest skills and that

applicants qualified for job openings are appropriately referred, applications for registration shall be taken on adversely affected workers who apply for reemployment services.

(b) *Employment counseling.* When local job opportunities are not readily available, counseling shall be used to assist individuals to gain a better understanding of themselves in relation to the labor market so that they can more realistically choose or change an occupation or make a suitable job adjustment.

(c) *Vocational testing.* Testing shall be used as a tool in helping individuals to determine which skills or potentials can be developed or to determine the appropriateness of future training.

(d) *Job development.* A State agency shall develop jobs for individuals by soliciting job interviews from public or private employers and shall work with potential employers to customize a particular job to meet an individual's needs which may involve job restructuring.

(e) *Supportive services.* Supportive services shall be provided to enable individuals to obtain or retain employment or to participate in employment and training programs leading to eventual placement in permanent employment. Such services may include work orientation, basic education, communication skills, and any other services necessary to prepare an individual for full employment in accordance with the individual's capabilities and employment opportunities.

(f) *On-the-job training (OJT).* OJT is training, in the public or private sector, and may be provided to an individual who meets the conditions for approval of training, as provided in § 635.22(a), and who has been hired by the employer, while the individual is engaged in productive work which provides knowledge or skills essential to the full and adequate performance of the job.

(g) *Classroom training.* This training activity is any training of the type normally conducted in an institutional setting, including vocational education, and may be provided to individuals who meet the conditions for approval of training, as provided in § 635.22(a), to impart technical skills and information required to perform a specific job or group of jobs. Training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses such as remedial education of English-as-a-second-language, shall be considered as supportive services under paragraph (e) of this section.

(h) *Self-directed job search.* Self-directed job search programs shall be initiated to assist individuals in developing skills and techniques for finding a job. Such programs vary in design and operation and call for a carefully structured approach to individual needs. There are basic elements or activities which are common to all approaches. These include the following:

(1) *Job search workshop.* A short (1–3 days) seminar designed to provide participants with knowledge that will enable them to find jobs. Subjects are not limited to, but should include, labor market information, applicant resume writing, interviewing techniques, and finding job openings.

(2) *Job finding club.* Encompasses all elements of the Job Search Workshop plus a period (1–2 weeks) of structured, supervised application where participants attempt to obtain jobs.

(i) *Job search allowances.* The individual may be provided job search allowances under Subpart D of this Part 635 to defray the cost of seeking employment outside of the commuting area.

(j) *Relocation allowances.* The individual may be provided relocation allowances under Subpart E of this Part 635 to defray the cost of moving to a new job outside of the commuting area.

§ 635.22 Approval of training.

(a) *Conditions for approval.* Subject to the availability of funds allocated by the Department to the State to pay for the full costs of training, such training may be approved for an adversely affected worker if the State agency determines that:

(1) There is no suitable employment (which may include technical and professional employment) available for an individual. For purposes of this section, the term "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, and wages for such work at not less than 80 percent of the individual's average weekly wage;

(2) The individual would benefit from appropriate training;

(3) There is a reasonable expectation (not necessarily a prior guarantee) of employment following completion of training;

(4) Approved training is available to the individual from governmental agencies or private sources, which may include area vocational education schools (as defined in section 195(2) of the Vocational Education Act of 1963) and employers; and

(5) The individual is qualified to undertake and complete such training.

(b) *Time limits for commencing training.* An individual for whom training has been approved under paragraph (a) of this section must commence training within 60 days after the date of such approval, *except* that if the individual for good cause, as described in § 635.18(b), does not commence training within the 6-day period, such period may be extended up to a maximum of 120 days after the date of such approval.

(c) *Approval of training under State law.* Training approved by a State agency under State law is not considered to be approved training for the purposes of this Part 635. If the State agency subsequently determines that the individual and course of training meet the requirements of this Part 635 and training is approved, the State agency shall provide such training at no cost to the individual after such approval. Under no circumstances shall reimbursement be authorized for any costs incurred for any period prior to the approval of such training.

(d) *Applications.* Applications for, selection for, approval of, or referral to training shall be in accordance with instructions and on forms approved by the Secretary. Applications shall be furnished to an individual by the State agency.

(e) *Determinations.* Selection for, approval of, or referral of an individual to training under this Subpart C, or a decision with respect to any specific training or non-selection, non-approval, or non-referral for any reason shall be a determination to which §§ 635.50 and 635.51 apply.

(f) *Length of training and hours of attendance.* The State agency shall determine the appropriateness of the length of training and the hours of attendance as follows:

(1) The training shall be of suitable duration to achieve the desired skill level in the shortest possible time;

(2) No approved training program shall exceed 104 weeks; and

(3) The hours and days in a week of attendance shall be in accordance with procedures established by the State agency and with established hours and days commensurate with the course as determined by the training facility.

(g) *Training of reemployed workers.* Adversely affected workers who obtain new employment which is not suitable employment, as described in § 635.22(a)(1), and have been approved for training may elect to:

(1) Terminate their jobs; or

(2) Continue in full or part-time employment; in order to undertake such training, and shall not be subject to ineligibility or disqualification for UI or TRA as a result of such termination or reduction in employment.

(h) *Fees prohibited.* In no case shall an individual be approved for training under this Subpart C for which the individual is required to pay a fee or tuition.

§ 635.23 Selection of training methods and programs.

(a) *State agency responsibilities.* If suitable employment, as described in § 635.22(a)(1), is not otherwise available to an individual or group of individuals, it is the responsibility of the State agency to explore, identify, develop and secure training opportunities and to establish linkages with other public and private agencies, Private Industry councils, employers, and CETA prime sponsors, as appropriate, which will return adversely affected workers to employment as soon as possible.

(b) *Firm-specific retraining program.* To the extent practicable before referring an adversely affected worker to approved training, the State agency shall consult with the individual's adversely affected firm and certified or recognized union, or other authorized representative, for the purpose of developing a retraining program that meets the manpower needs of such firm and to preserve or restore the employment relationship between the individual and such firm. The fact that there is no need by other employers in the area to train individuals in a specific occupation shall not preclude the development of an individual retraining program for such occupation with the adversely affected firm.

(c) *Methods of training.* Adversely affected workers may be provided either one or a combination of the following methods of training:

(1) Insofar as possible, priority will be given to on-the-job training, which includes related education necessary to acquire skills needed for a position within a particular occupation, in the facilities of the firm or elsewhere pursuant to §§ 635.24, 635.25, and 635.26, including training for which the firm pays the costs. This is to ensure that on-the-job training does in fact provide the skills necessary for the individual to obtain employment in a particular occupation rather than a job on a particular site; and

(2) Institutional training, with priority given to providing the training in public area vocational education schools if it is determined that such schools are at least as effective and efficient as other institutional alternatives, pursuant to §§ 635.24, 635.25, and 635.26.

(d) *Standards and procedures.* The State agency shall document the standards and procedures used to select occupations and training institutions in which training is approved. Such occupations and training shall offer a reasonable expectation of employment following such training.

(1) *Standards.* The State agency shall approve training in occupations for which an identifiable demand exists either in the local labor market or in other labor markets for which relocation planning has been implemented. To the extent practicable, placement rates and employer reviews of curriculum shall be used as guides in the selection of training institutions.

(2) *Procedures.* In determining the types of training to be provided, the State agency shall consult with local employers, appropriate labor organizations, Job Service Improvement Program Committees, CETA prime sponsors, Private Industry Councils, local educational organizations, local apprenticeship programs, local advisory councils established under the Vocational Education Act of 1963, and post-secondary institutions.

(3) *Exclusions.* In determining suitable training the State agency shall exclude certain occupations, including, but not limited to, the following:

(i) Lack of employment opportunities as substantiated by job orders and other pertinent labor market data; or

(ii) Occupations which provide no reasonable expectation of permanent employment; or

(iii) Self-employment and occupations for which remuneration is wholly or primarily in the form of a commission.

§ 635.24 Preferred training.

When a State agency refers an adversely affected worker for training, the State agency shall attempt to obtain such training at no cost through:

(a) On-the-job training offered by an employer;

(b) Area vocational education schools, as defined in section 195(2) of the Vocational Education Act of 1963;

(c) The Comprehensive Employment and Training Act, as amended, offered by a prime sponsor; or

(d) Any other applicable law, if preferred training under paragraph (a), (b) or (c) of this section cannot be provided within a reasonable period of time.

§ 635.25 Purchased Training.

If the State agency determines that placement of an adversely affected worker in preferred training under § 635.24 cannot be accomplished, the State agency shall attempt to make arrangements or enter into agreements to purchase training or provide for reimbursement of the cost of training through:

(a) On-the-job training offered by an employer;

(b) Area vocational education schools, as defined in section 195 (2) of the Vocational Education Act of 1963;

(c) The Comprehensive Employment and Training Act, as amended, offered by a prime sponsor; or

(d) Any other applicable law, if purchased training under paragraphs (a), (b) or (c) of this section cannot be provided within a reasonable period of time.

§ 635.26 Approval of other training, including interstate.

A State agency may approve and purchase for an adversely affected worker any other training, including on-the-job training or institutional vocational training, if:

(a) Circumstances preclude referral to training under § 635.24 or 635.25; and

(b) If institutional vocational training, the training has been approved by the State vocational education agency as meeting the standards of adequacy required by the applicable law; and

(c) The approval conditions in § 635.22 are met.

(d) The State agency performing as an agent State shall be responsible for selection and approval of training under §§ 635.22, 645.24 and 635.25. The agent State agency will pay any training related cost, including subsistence and transportation. The liable State agency is responsible for determining eligibility for FRA, and job search and relocation allowances. The agent State shall assist the individual in applying for such allowances.

§ 635.27 Subsistence payments.

(a) *Eligibility.* A trainee under this Subpart C may be afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area, but may not receive such supplemental assistance for any period for which the trainee receives such a payment under the Comprehensive Employment and Training Act, as amended, or any other law, or for any day referred to under § 635.28 (c) (3) pursuant to which a transportation allowance is payable to the individual, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.

(b) *Amount.* Subsistence payments shall not exceed the lesser of:

(1) The individual's actual per diem expenses for subsistence; or

(2) 50 percent of the prevailing per diem rate authorized under the Federal travel regulations for the locale of the training.

(c) *Applications.* Applications for payment of subsistence shall be in accordance with instructions and on forms approved by the Secretary and furnished to the trainee by a State agency. Such payments shall be made on completion of a week of training, except that at the beginning of a training project a State agency may advance a payment for a week if it determines that such advance is necessary to enable a trainee to accept training. An adjustment shall be made if the amount of an advance is less or more than the amount to which the trainee is entitled under paragraph (b) of this section. A determination as to an application made under this section shall be subject to §§ 635.50 and 635.51.

(d) *Unexcused absences.* No subsistence payment shall be made to an individual for any day of unexcused absence as certified by the responsible training facility.

§ 635.28 Transportation payments.

(a) *Eligibility.* A trainee under this Subpart C shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law, or to the extent the individual is entitled to be paid or reimbursed for such expenses from any other source.

(b) *Amount.* A transportation allowance shall not exceed the lesser of:

(1) The actual cost for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility; or

(2) The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations.

(c) *Travel included.* Travel for which a transportation allowance may be paid shall include travel:

(1) At the beginning and end of the training program;

(2) When the trainee fails for good cause, as described in § 635.18(b)(2), to complete the training program; and

(3) For daily commuting, in lieu of subsistence, but not exceeding the amount otherwise payable as subsistence for each day of commuting.

(d) *Applications.* Applications for transportation payments shall be made in accordance with instructions and on forms approved by the Secretary and furnished to the trainee by the State agency. Payments may be made in advance. An adjustment shall be made if the amount of an advance is less or more than the amount to which the trainee is entitled under paragraph (b) of this section. A determination as to an application made under this section shall be subject to §§ 635.50 and 635.51.

(e) *Unexcused absences.* No transportation payment shall be made to an individual for any day of unexcused absence as certified by the responsible training facility.

§ 635.29 Application of EB work test.

(a) *Registration for employment.* Adversely affected workers who have exhausted all rights to UI and who otherwise qualify for TRA under § 635.11, shall, except as provided in paragraph (b) of this section:

(1) Register for work and be referred to work by the State agency in the same manner as required for EB claimants under the applicable State law provisions which are consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970; and

(2) Be subject to the work test requirements to the same extent as EB claimants under the applicable State law provisions which are consistent with section 202(a)(3) of the Federal-State Extended Unemployment Compensation Act of 1970.

(b) *Exceptions.* Paragraph (a) of this section shall not apply to any week with respect to which an individual is training approved under this Subpart C.

Subpart D—Job Search Allowances

§ 635.30 General.

A job search allownace shall be granted an adversely affected worker to assist the individual in securing a job within the United States as provided in this Subpart D.

§ 635.31 Applications.

(a) *Forms.* An application for a job search allowance shall be made in accordance with instructions and on forms approved by the Seceretary, which shall be furnished to an individual by the State agency.

(b) *Submittal.* An application may be submitted to a State agency at any time by an individual who has been totally or partially separated regardless of whether a certification covering the individual has been made. However, an application must be submitted to a State agency before the job search begins in order for the job search allowance to be granted, and the job search may not be approved until after the individual is covered under a certification.

(c) *Time limits.* Notwithstanding paragraph (b) of this section, an application for a job search allowance may not be approved unless submitted before:

(1) The 365th day after the date of the certification under which the individual is covered, or the 365th day after the date of the individual's last total separation, whichever is later; or

(2) The 182nd day after the concluding date of training approved under Subpart C of this Part 635, or approved under the regulations superseded by this Part 635.

§ 635.32 Eligibility.

(a) *Conditions.* To be eligible for a job search allowance an individual must:

(1) File a timely application;

(2) Have been totally separated from adversely affected employment at the time the job search commences;

(3)(i) Be registered with the State agency which shall furnish the individual such reemployment services as are appropriate under Subpart C of this Part 635, and the State agency shall determine that the individual has no reasonable expectation of securing suitable employment in the commuting area, and has a reasonable expectation of obtaining suitable employment of long-term duration outside the commuting area and in the area where the job search will be conducted; and

(ii) For purposes of this section, the term "suitable employment" means suitable work as defined in § 635.3(gg)(1) or (2), whichever is applicable to individual; and

(4) Complete the job search within a reasonable period not exceeding 30 days after the day on which the job search began.

(b) *Completion of job search.* A job search is deemed completed when the individual either secures employment or has contacted each employer to whom referred by the State agency in connection with a job search.

(c) *Verification of employer contacts.* The State agency shall verify contacts with employers certified by the individual.

§ 635.33 Findings required.

Before final payment of a job search allowance may be approved, the following findings shall be made:

(a) The State agency having jurisdiction under § 635.50(a) must find

that the individual meets the requirements of § 635.32(a).

(b) The State agency of the State where the individual resides must find that:

(1) The application was submitted within the time limits stated in § 635.31(c);

(2) The individual meets the requirements of § 635.32(a)(3)(i), and such finding shall state the basis thereof; and

(3) The individual completed the job search within the time limits stated in § 635.32(a)(4).

§ 635.34 Amount.

(a) *Computation.* The amount of a job search allowance shall be 90 percent of the total costs of each of the following allowable transportation and subsistence items:

(1) *Travel.* The cost allowable for travel shall not exceed the lesser of:

(i) The actual cost of roundtrip travel by the most economical public transportation the individual reasonably can be expected to take from the individual's residence to the area of job search; or

(ii) The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations for such roundtrip travel by the usual route from the individual's residence to the area of job search.

(2) *Lodging and meals.* The cost allowable for lodging and meals shall not exceed the lesser of:

(i) The actual cost to the individual of lodging and meals while engaged in the job search; or

(ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations for the locality in which the job search is conducted.

(b) *Limit.* The total job search allowances paid to an individual under a certification may not exceed $600, regardless of the number of job searches undertaken by the individual. The amounts otherwise payable under paragraph (a) of this section shall be reduced by any amounts the individual is entitled to be paid or reimbursed for such expenses from any other source.

§ 635.35 Time and method of payment.

(a) *Determinations.* A State agency promptly shall make and record determinations necessary to assure entitlement of an individual to a job search allowance at any time, whether before or after a certification covering the individual is made. No job search allowance may be paid or advanced to an individual until the State agency determines that the individual is covered under a certification. If delay in payment occurs under the preceding sentence, a State agency shall make payment as promptly as possible upon determining that the individual is covered under a certification and is otherwise eligible.

(b) *Payment.* Unless paragraph (a) of this section applies, a job search allowance shall be paid promptly after an individual completes a job search and complies with paragraph (d) of this section.

(c) *Advances.* A State agency may advance an individual (except an individual not yet covered under a certification) 60 percent of the estimated amount of the job search allowance payable on completion of the job search, but not exceeding $360, within 5 days prior to commencement of a job search. Such advance shall be deducted from any payment under paragraph (b) of this section.

(d) *Worker evidence.* On completion of a job search, the individual shall certify on forms furnished by the State agency as to employer contacts made and amounts expended daily for lodging and meals. Receipts shall be required for all lodging and purchased transportation expenses incurred by the individual pursuant to the job search. An adjustment shall be made if the amount of an advance is less or more than the amount to which the individual is entitled under § 635.34.

Subpart E—Relocation Allowances

§ 635.40 General.

A relocation allowance shall be granted an adversely affected worker to assist the individual and the individual's family, if any, to relocate within the United States as stated in this Subpart E. A relocation allowance shall not be granted an individual more than once under a certification. A relocation allowance shall not be granted to more than one member of a family with respect to the same relocation. If applications for a relocation allowance are made by more than one member of a family as to the same relocation, the allowance shall be paid to the head of the family if otherwise eligible.

§ 635.41 Applications.

(a) *Forms.* An application for a relocation allowance shall be made in accordance with instructions and on forms approved by the Secretary which shall be furnished to an individual by the State agency.

(b) *Submittal.* An application may be submitted to the State agency at any time by an individual who has been totally or partially separated regardless of whether a certification covering the individual has been made. However, an application must be submitted to a State agency before the relocation begins in order for the relocation allowance to be granted, and the relocation may not be approved until after the individual is covered under a certification.

(c) *Time limits.* Notwithstanding paragraph (b) of this section, an application for a relocation allowance may not be approved unless submitted before:

(1) The 425th day after the date of the certification under which the individual is covered, or the 425th day after the date of the individual's last total separation, whichever is later; or

(2) The 182nd day after the concluding date or training approved under Subpart C of this Part 635, or approved under the regulations superseded by this Part 635.

§ 635.42 Eligibility.

(a) *Conditions.* To be eligible for a relocation allowance an individual must:

(1) File a timely application;

(2) Have been totally separated from adversely affected employment at the time relocation commences;

(3) Have not previously received a relocation allowance under the same certification;

(4) Relocate within the United States and outside the individual's present commuting area;

(5)(i) Be registered with the State agency which shall furnish the individual such reemployment services as are appropriate under Subpart C of this Part 635, and the State agency shall determine that the individual has no reasonable expectation of securing suitable employment in the commuting area, and has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment, outside the commuting area and in the area of intended relocation; and

(ii) For purposes of this section, the term "suitable employment" means suitable work as defined in § 635.3(gg) (1) or (2), whichever is applicable to the individual; and

(6) Relocate within a reasonable period, as determined under § 635.43(b), and complete such relocation within a reasonable period of time as determined in accordance with Federal travel regulations and § 635.43(a).

(b) *Job search.* Applications for a relocation allowance and a job search allowance may not be approved concurrently, but the prior payment of a job search allowance shall not

otherwise preclude the payment of a relocation allowance.

§ 635.43 Time of relocation.

(a) *Applicable considerations.* In determining whether an individual's relocation is completed in a reasonable period of time, a State agency, among other factors, shall consider whether:

(1) Suitable housing is available in the area of relocation;

(2) The individual can dispose of the individual's residence;

(3) The individual or a family member is ill; and

(4) A member of the individual's family is attending school and when the member can best be transferred to a school in the area of relocation.

(b) *Time limits.* The reasonable period for actually beginning a relocation move under § 635.42(a)(6) shall expire 182 days after the date of application for a relocation allowance, or 182 days after the conclusion of training approved under Subpart C of this Part 635, or approved under the regulations superseded by thie Part 635.

§ 635.44 Findings required.

The following findings shall be made before final payment of a relocation allowance may be approved:

(a) *Intrastate relocations.* If the area of relocation is in the State where the individual resides, the State agency of that State must make all determinations under this Subpart E.

(b) *Interstate relocations.* If the area of relocation is not in the State where the individual resides:

(1) The State agency of the State where the individual resides must make the determinations under this Subpart E, except as provided in paragraph (b)(2) of this section; and

(2) The State agency of the State of intended relocation must make the determination that the individual has obtained suitable employment affording a reasonable expectation of employment of long-term duration, or a bona fide offer of such suitable employment, in the area of intended relocation, in accordance with § 635.42(a)(5)(i).

§ 635.45 Amount.

(a) *Items allowable.* The amount payable as a relocation allowance shall include the following items:

(1) 90 percent of the travel expenses for the individual and family, if any, from the individual's place of residence to the area of relocation, as determined under § 635.46;

(2) 90 percent of the expense of moving household goods and personal effects of the individual and family, if any, not to exceed 11,000 pounds net weight for an individual with a family, and 5,000 pounds net weight for an individual without a family, between such locations, as determined under § 635.47; and

(3) A lump sum payment, equal to 3 times the individual's average weekly wage, not to exceed $600.

(b) *Reduction.* The amount otherwise payable under paragraphs (a)(1) and (a)(2) of this section shall be reduced by any amount the individual is entitled to be paid or reimbursed for such expenses from any other source.

§ 635.46 Travel allowance.

(a) *Computation.* The amount of travel allowance (including lodging and meals) payable under § 635.45(a)(1) shall be 90 percent of the total costs of each of the following allowable transportation and subsistence items:

(1) *Transportation.* The cost allowable for transportation shall not exceed the lesser of:

(i) The actual cost of transportation for the individual and family, if any, by the most economical public transportation the individual and family reasonably can be expected to take from the individual's old residence to the individual's new residence in the area of relocation; or

(ii) The cost per mile at the prevailing mileage rate authorized under the Federal travel regulations for the usually traveled route from the individual's old residence to the individual's new residence in the area of relocation. No additional mileage shall be payable for family members traveling on the same trip in the same vehicle.

(2) *Lodging and meals.* The cost allowable for lodging and meals for an individual or each member of the individual's family shall not exceed the lesser of:

(i) The actual cost to the individual for lodging and meals while in travel status; or

(ii) 50 percent of the prevailing per diem allowance rate authorized under the Federal travel regulations for the locality to which the relocation is made.

(b) *Separate travel.* If, for good cause, a member or members of an individual's family must travel separately to the individual's new residence, 90 percent of the total costs of such separate travel, computed in accordance with paragraph (a) of this section, shall be included in calculating the total amount the individual is entitled to be paid under this Subpart E. For purposes of this paragraph (b), good cause means such reasons as would justify the family member's inability to relocate with the other members of the individual's family, including but not limited to reasons related to the family member's health, schooling or economic circumstances.

(c) *Limitation.* In no case may the individual be paid a travel allowance for the individual or a member of the individual's family more than once in connection with a single relocation.

§ 635.47 Moving allowance.

(a) *Computation.* The amount of a moving allowance payable under § 635.45(a)(2) shall be 90 percent of the total of the allowable costs under (1), (2), or (3), and 90 percent of the total allowable costs under (4):

(1) *Commercial carrier.* Allowable costs for moving household goods and personal effects of an individual and family, if any, shall not exceed 11,000 pounds net weight for an individual with a family, and 5,000 pounds net weight for an individual without a family, by commercial carrier from the individual's old residence to the individual's new residence in the area of relocation, including reasonable and necessary accessorial charges, by the most economical commercial carrier the individual reasonably can be expected to use. Before undertaking such move, the individual must submit to the State agency an estimate from a commercial carrier as to the cost thereof. Accessorial charges shall include the cost of insuring such goods and effects for their actual value or $10,000, whichever is least, against loss or damage in transit, if a bid from a licensed insurer is obtained by the individual and approved by the State agency before departure. If a State agency finds it is more economical to pay a carrier an extra charge to assume the responsibility of a common carrier for such goods and effects, 90 percent of such extra charge, but not exceeding $50, shall be paid in lieu of the cost of insurance.

(2) *Trailer or rental truck.* (i) *Trailer.* If household goods and personal effects are moved by trailer, the allowable costs shall be:

(A) If the trailer is hauled by private vehicle, the cost per mile for the use of the private vehicle at the prevailing mileage rate authorized under the Federal travel regulations for the usually traveled route from the individual's old residence to the individual's new residence in the area of relocation; and

(B) If the trailer is rented, and of the type customarily used for moving household goods and personal effects, the rental fee for each day reasonably required to complete the move; or

(C) The actual charge if hauling is by commercial carrier.

(ii) *Rental truck.* If household goods and personal effects are moved by rental truck of the type customarily used for moving household goods and personal effects, the allowable costs shall be:

(A) The rental fee for each day reasonably required to complete the move; and

(B) The necessary fuel for such rental truck which is paid by the individual.

(3) *House trailer.* If a house trailer or mobile home was used as the individual's place of residence in the old area and will be so used in the new area, the allowable costs of moving such house trailer or mobile home shall be:

(i) The commercial carrier's charges for moving the house trailer or mobile home;

(ii) Charges for unblocking and reblocking;

(iii) Ferry charges, bridge, road, and tunnel tolls, taxes, fees fixed by a State or local authority for permits to transport the unit in or through its jurisdiction, and retention of necessary flagmen;

(iv) The cost of insuring the house trailer or mobile home, and the personal effects of the individual and family, against loss or damage in transit, in accordance with the provisions in paragraph (a)(1) of this section; and

(v) The cost of disconnecting and connecting utilities limited to normal hookup of gas, electricity and water.

(4) *Temporary storage.* If temporary storage of household goods and personal effects is necessary, the cost of such temporary storage for a period not to exceed 60 days.

(b) *Travel.* Payments under this section shall be in addition to payments for travel expenses for the individual and family, if any, under § 635.45(a)(1), except that the allowable cost for a private vehicle used to haul a trailer may not be paid under this section if any cost with respect to such private vehicle is payable under any other provision of this Subpart E.

§ 635.48 Time and method of payment.

(a) *Determinations.* A State agency promptly shall make and record determinations necessary to assure an individual's entitlement to a relocation allowance at any time, whether before or after a certification covering the individual is made. No relocation allowance may be paid or advanced to an individual until the State agency determines that the individual is covered under a certification. If delay in payment occurs under the preceding sentence, a State agency shall make payment as promptly as possible upon determining that the individual is covered under a certification and is otherwise eligible.

(b) *Travel and moving allowances.* Allowances computed under §§ 635.46 and 635.47 shall be paid as follows:

(1) *Travel.* (i) *Transportation and subsistence.* The amounts estimated under § 635.46 at 90 percent of the lowest allowable costs shall be paid in advance at the time an individual departs from the individual's residence to begin relocation or within 10 days prior thereto. An amount payable for a family member approved for separate travel shall be paid to the individual at the time of such family member's departure or within 10 days prior thereto.

(ii) *Worker evidence.* On completion of a relocation, the individual shall certify on forms furnished by the State agency as to the amount expended daily for lodging and meals. Receipts shall be required for all lodging and purchased transportation expenses incurred by the individual and family, if any, pursuant to the relocation. An adjustment shall be made if the amount of an advance is less or more than the amount to which the individual is entitled under § 635.46.

(2) *Moving.* The amount estimated under § 635.47 at 90 percent of the lowest allowable costs shall be paid:

(i) *Commercial carrier.* (A) If household goods and personal effects are moved by commercial carrier, 90 percent of the amount of the estimate submitted by the individual under § 635.47(a)(1) and approved by the State agency for covering the cost of such move, and 90 percent of the other charges approved by the State agency under § 635.47(a)(1), shall be advanced by check or checks payable to the carrier and insurer, and delivered to the individual at the time of the scheduled shipment or within 10 days prior thereto. On completion of the move, the individual shall promptly submit to the State agency a copy of the bill of lading prepared by the carrier, including a receipt evidencing payment of moving costs. The individual shall with such submittal reimburse the State agency the amount, if any, by which the advance made under this paragraph (b)(2)(i) exceeds 90 percent of the actual moving costs approved by the State agency. The individual shall be paid the difference if the amount advanced was less than 90 percent of the actual moving costs approved by the State agency.

(B) If more economical, a State agency may make direct arrangements for moving and insuring an individual's household goods and personal effects with a carrier and insurer selected by the individual and may make payment of 90 percent of moving and insurance costs directly to the carrier and insurer. No such arrangement shall release a carrier from liability otherwise provided by law or contract for loss or damage to the individual's goods and effects, but the United States shall not be or become liable to either party under any circumstances.

(ii) *Trailer or rental truck.* (A) *Private vehicle with trailer.* If the move is by private vehicle and trailer, the allowable cost for the use of the private vehicle shall be made at the time payment is made under paragraph (b)(1) of this section.

(B) *Rental trailer or rental truck.* If the move is by rental trailer or rental truck:

(*1*) The individual shall submit an estimate of the rental cost from the rental agency; and

(*2*) 90 percent of such estimated rental cost may be advanced by check payable to the order of the individual and the rental agency at the time payment is made under paragraph (b)(1) of this section; and

(*3*) On completion of the move the individual shall submit promptly to the State agency a receipted bill itemizing and evidencing payment of the rental charges for the trailer or truck and fuel costs, and shall reimburse the State agency for the amount, if any, by which the advance made for the trailer or truck exceeds 90 percent of the rental charges approved by the State agency. If the amount of the advance was less than 90 percent of the rental charges, the individual shall be paid the difference.

(iii) *House trailer.* If a house trailer or mobile home is moved by commercial carrier, the individual shall submit to the State agency an estimate of the cost of the move by the commercial carrier. A check for 90 percent of the amount of the estimate, if approved, payable to the individual and the carrier, may be delivered to the individual at the time of the scheduled move or within 10 days prior thereto.

(c) *Lump sum allowance.* The lump sum allowance provided in § 635.45(a)(3) shall be paid when arrangements are completed for relocation of the individual and family, if any, but not more than 10 days before the anticipated date of shipment of the individual's household goods and personal effects.

(d) *Relocation completed.* A relocation is completed when an individual and family, if any, and their household goods and personal effects arrive at the individual's residence in the area of relocation. If no household goods and personal effects are moved, a relocation is completed when the individual and family, if any, arrive in

the area of relocation and establish a residence in the new area. The later arrival of a family member approved for separate travel shall not alter the date a relocation was completed.

Subpart F—Administration by Applicable State Agencies

§ 635.50 Determinations of entitlement; notices to individual.

(a) *Determinations of initial applications for TRA or other TAA.* The State agency whose State law is the applicable State law under § 635.16, or the State agency as provided in § 635.26(d), shall promptly upon the filing of an initial application for TRA or other TAA, determine the individual's entitlement to such TRA, or other TAA under this Part 635, and may accept for such purpose information and findings supplied by another State agency under this Part 635.

(b) *Determinations of subsequent applications for TRA or other TAA.* The State agency promptly shall, upon the filing of an application for payment of TRA or subsistence and transportation under §§ 635.27 and 635.28, with respect to a week, determine whether the individual is eligible for a payment of TRA, or subsistence and transportation, with respect to such week, and, if eligible, the amount of TRA, or subsistence and transportation, for which the individual is eligible. In addition, the State agency promptly shall, upon the filing of a subsequent application for job search allowances (where the total of previous job search allowances paid the individual was less than $600), determine whether the individual is eligible for job search allowances, and, if eligible, the amount of job search allowances for which the individual is eligible.

(c) *Redeterminations.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to a claim for UI under the applicable State law shall apply to determinations pertaining to all forms of TAA under this Part 635.

(d) *Use of State law.* In making determinations or redeterminations under this section, or in reviewing such determinations or redeterminations under § 635.51, a State agency, a hearing officer, or a court shall apply the regulations in this Part 635 and the substantive provisions of the Act. As to matters committed by the Act and this Part 635 to the applicable State law, a State agency, a hearing officer, or a court shall apply the applicable State law and regulations thereunder, including procedural requirements of such State law or regulations, except so far as such State law or regulations are inconsistent with the Act or this Part 635 or the purpose of the Act or this Part 635.

(e) *Notices to individual.* The State agency shall notify the individual in writing of any determination or redetermination as to entitlement to TAA. Each determination or redetermination shall inform the individual of the reason for the determination or redetermination and of the right to reconsideration or appeal in the same manner as determinations of entitlement to UI are subject to redetermination or apppeal under the applicable State law.

(f) *Promptness.* Full payment of TAA when due shall be made with the greatest promptness that is administratively feasible.

(g) *Procedure.* Except where otherwise required by the Act or this Part 635, the procedures for making and furnishing determinations and written notices of determinations to individuals, shall be consistent with the Secretary's "Standard for Claim Determinations-Separation Information" (*Employment Security Manual*, Part V, sections 6010 *et seq.*)

§ 635.51 Appeals and hearings.

(a) *Applicable State law.* A determination or redetermination under this Part 635 shall be subject to review in the same manner and to the same extent as determinations and redeterminations under the applicable State law, and only in that manner and to that extent. Proceedings for review of a determination or redetermination may be consolidated or joined with proceedings for review of a determination or redetermination under the State law where convenient or necessary. Procedures as to the right of appeal and opportunity for fair hearing shall be consistent with sections 303(a)(1) and (3) of the Social Security Act (42 U.S.C. 503(a)(1) and (3)).

(b) *Appeals promptness.* Appeals under paragraph (a) of this section shall be decided with a degree of promptness meeting the Secretary's "Standard on Appeals Promptness-Unemployment Compensation" (Part 650 of this chapter). Any provisions of the applicable State law for advancement or priority of UI cases on judicial calendars, or otherwise intended to provide for prompt payment of UI when due, shall apply to proceedings involving entitlement to TAA under this Part 635.

§ 635.52 Uniform interpretation and application.

(a) *First rule of construction.* The Act and the implementing regulations in this Part 635 shall be construed liberally so as to carry out the purpose of the Act.

(b) *Second rule of construction.* The Act and the implementing regulations in this Part 635 shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act and this Part 635 throughout the United States.

(c) *Effectuating purpose and rules of construction.* (1) In order to effectuate the purpose of the Act and this Part 635 and to assure uniform interpretation and application of the Act and this Part 635 throughout the United States, a State agency shall forward, not later than 10 days after issuance, to the Department a copy of any judicial or administrative decision ruling on an individual's entitlement to TAA under this Part 635. On request of the Department, a State agency shalll agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to TAA under this Part 635.

(2) If the Department believes that a determination, redetermination, or decision is inconsistent with the Department's interpretation of the Act or this Part 635, the Department may at any time notify the State agency of the Department's view. Thereafter, the State agency shall issue a redetermination or appeal if possible, and shall not follow such determination, redetermination, or decision as a precedent; and, in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the claims deputy or hearing officer or court of the Department's view and shall make all reasonable efforts, including appeal or other proceedings in an appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) If the Department believes that a determination, redetermination, or decision is patently and flagrantly violative of the Act or this Part 635, the Department may at any time notify the State agency of the Department's view. If the determination, redetermination, or decision in question denies TAA to an individual, the steps outlined in paragraph (c)(2) of this section shall be followed by the State agency. If the determination, redetermination, or decision in question awards TAA to an individual, the benefits are "due" within

the meaning of section 303(a)(1) of the Social Security Act, 42 U.S.C. § 503(a)(1), and therefore must be paid promptly to the individual. However, the State agency shall take the steps outlined in paragraph (c)(2) of this section, and payments to the individual may be temporarily delayed if redetermination or appeal action is taken not more than one business day following the day on which the first payment otherwise would be issued to the individual; and the redetermination action is taken or appeal is filed to obtain a reversal of the award of TAA and a ruling consistent with the Department's view; and the redetermination action or appeal seeks an expedited redetermination or appeal within not more than two weeks after the redetermination action is taken or the appeal is filed. If redetermination action is not taken or appeal is not filed within the above time limit, or a redetermination or decision is not obtained within the two-week limit, or any redetermination or decision or order is issued which affirms the determination, redetermination, or decision awarding TAA or allows it to stand in whole or in part, the benefits awarded must be paid promptly to the individual.

(4)(i) If any determination, redetermination, or decision, referred to in paragraph (c)(2) or paragraph (c)(3) of this section, is treated as a precedent for any future application for TAA, the Secretary will decide whether the Agreement with the State entered into under the Act and this Part 635 shall be terminated and § 635.59(f) applied.

(ii) In the case of any determination, redetermination, or decision that is not legally warranted under the Act or this Part 635, including any determination, redetermination, or decision referred to in paragraph (c)(1) or paragraph (c)(3) of this section, the Secretary will decide whether the State shall be required to restore the funds of the United States for any sums paid under such a determination, redetermination, or decision, and whether, in the absence of such restoration, the Agreement with the State shall be terminated and § 635.59(f) applied and whether other action shall be taken to recover such sums for the United States.

(5) A State agency may request reconsideration of a notice issued pursuant to paragraph (c)(2) or paragraph (c)(3) of this section, and shall be given an opportunity to present views and arguments if desired.

(6) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice issued pursuant to this section.

§ 635.53 Subpoenas.

A State agency may issue subpoenas for attendance of witnesses and production of records on the same terms and conditions as under the State law. Compliance may be enforced on the same terms and conditions as under the State law, or if a State court declines to enforce a subpoena issued under this section, the State agency may petition for an order requiring compliance with such subpoena to the United States District Court within the jurisdiction of which the relevant proceeding under this Part 635 is conducted.

§ 635.54 State agency rulemaking.

A State agency may establish supplemental procedures not inconsistent with the Act or this Part 635 or procedures prescribed by the Department to further effective administration of this Part 635. The exact text of such supplemental procedure or procedures, certified as accurate by a responsible official, employee, or counsel of the State agency, shall be submitted to the Department, on a form supplied by the Department. No supplemental procedure shall be effective unless and until approved by the Department. Approval may be granted on a temporary basis, not to exceed 90 days, in cases of administrative necessity. On reasonable notice to a State agency, approval of a supplemental procedure may be withdrawn at any time. If public notice and opportunity for hearing would be required under a State law for adoption of a similar or analogous procedure involving UI, such public notice and opportunity for hearing shall be afforded by the State agency as to the supplemental procedure.

§ 635.55 Overpayments; penalties for fraud.

(a) *Determination and repayment.* (1) If a State agency or a court of competent jurisdiction determines that any individual has received any payment under the Act and this Part 635 to which the individual was not entitled, including a payment referred to in paragraph (b) or paragraph (c) of this section, such individual shall be liable to repay such amount to the State agency, and the State agency shall recover any such overpayment in accordance with the provisions of this Part 635; except that the State agency may waive the recovery of any such overpayment if the State agency determines, in accordance with the guidelines prescribed in paragraph (a)(2) of this section, that:

(i) The payment was made without fault on the part of such individual; and

(ii) Requiring such repayment would be contrary to equity and good conscience.

(2)(i)(A) In determining whether fault exists for the purposes of paragraph (a)(1)(i) of this section, the following factors shall be considered:

(*1*) Whether a statement or representation of a material nature was made by the individual in connection with the application for TAA that resulted in the overpayment, and whether the individual knew or should have known that the statement or representation was inaccurate.

(*2*) Whether the individual failed or caused another to fail to disclose a material fact, in connection with an application for TAA that resulted in the overpayment, and whether the individual knew or should have known that the fact was material.

(*3*) Whether the individual knew or could have been expected to know that the individual was not entitled to the TAA payment.

(*4*) Whether, for any other reason, the overpayment resulted directly or indirectly, and partially or totally, from any action or omission of the individual or of which the individual had knowledge, and which was erroneous or inaccurate or otherwise wrong.

(*5*) Whether there has been a determination of fraud under paragraph (b) of this section or section 243 of the Act.

(B) In the event of an affirmative finding on any of the foregoing factors, recovery of the overpayment shall not be waived.

(ii)(A) In determining whether equity and good conscience exists for purposes of paragraph (a)(1)(ii) of this section, the following factors shall be considered:

(*1*) Whether the overpayment was the result of a decision on appeal, whether the State agency had given notice to the individual that the case has been appealed further and that the individual may be required to repay the overpayment in the event of a reversal of the appeal decision, and whether recovery of the overpayment will not cause extraordinary and lasting financial hardship to the individual.

(*2*) Whether recovery of the overpayment will not cause extraordinary financial hardship to the individual, and there has been no affirmative finding under paragraph (a)(2)(ii)(A) of this section with respect to such individual and such overpayment.

(B) In the event of an affirmative finding on either of the foregoing factors, recovery of the overpayment shall not be waived. For this purpose, an extraordinary financial hardship shall exist if recovery of the overpayment would result directly in the individual's loss of or inability to obtain minimal necessities of food, medicine, and shelter for a substantial period of time; and an extraordinary and lasting financial hardship shall be extraordinary as described above and may be expected to endure for the foreseeable future.

(C) In applying this hardship test in the case of attempted recovery by repayment, a substantial period of time shall be 30 days, and the foreseeable future shall be at least three months. In applying this hardship test in the case of proposed recoupment from other benefits, a substantial period of time and the foreseeable future shall be the longest potential period of benefit entitlement as seen at the time of the request for a waiver determination. In making financial hardship determinations, the State agency shall take into account all potential income of the individual and the individual's family and all cash resources available or potentially available to the individual and the individual's family in the time period being considered.

(3) Determinations granting or denying waivers of overpayments shall be made only on request for a waiver determination. Such request shall be made on a form approved by the Secretary, which shall be furnished to the individual by the State agency. Notices of determination of overpayments shall include information concerning the waiver provisions of this section.

(4)(1) Unless an overpayment is otherwise recovered, or is waived under paragraph (a) of this section, the State agency shall recover the overpayment by deductions from any sums payable to such individual under:

(A) The Act and this Part 635;

(B) Any Federal unemployment compensation law administered by the State agency; or

(C) Any other Federal law administered by the State agency which provides for the payment of assistance or an allowance with respect to unemployment.

(ii) No single deduction under this paragraph (a)(4) shall exceed 50 percent of the amount otherwise payable to the individual, and when a deduction is made it shall be 50 percent of the amount actually payable.

(b) *Fraud.* If a State agency or a court of competent jurisdiction finds that an individual:

(1) Knowingly has made, or caused another to make, a false statement or representation of a material fact; or

(2) Knowingly has failed, or caused another to fail, to disclose a material fact; and as a result of such false statement or representation, or of such nondisclosure, such individual has received any payment under the Act and this Part 635 to which the individual was not entitled, such individual shall, in addition to any other penalty provided by law, be ineligible for any further payments under the Act and this Part 635.

(c) *Job search and relocation allowances.* (1) If an individual fails, with good cause, to complete a job search or relocation, any payment or portion of a payment made under the Act and Subpart D or Subpart E of this Part 635 to such individual, that is not properly and necessarily expended in attempting to complete such job search or relocation, shall constitute an overpayment.

(2) If an individual fails, without good cause, to complete a job search or relocation, any payment made under the Act and Subpart D or Subpart E of this Part 635 to such individual shall constitute an overpayment.

(3) Such overpayments shall be recovered or waived as provided in paragraph (a) of this section.

(d) *Final determination.* Except for overpayments determined by a court of competent jurisdiction, no repayment may be required, and no deduction may be made, under this section until a determination under paragraph (a) of this section by the State agency has been made, notice of the determination and an opportunity for a fair hearing thereon has been given to the individual concerned, and the determination has become final.

(e) *Deposit.* Any amount repaid to a State agency under this section shall be deposited ino the fund from which payment was made.

(f) *Procedural requirements.* (1) The provisions of paragraphs (c), (e), and (g) of § 635.50 shall apply to determinations and redeterminations made pursuant to this section.

(2) *The provisions of § 635.51 shall apply to determinations and redeterminations made pursuant to this section.*

(g) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of TAA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to State unemployment compensation and consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (*Employment Security Manual,* Part V, sections 7510 *et seq.*).

(h) *Debts due the United States.* Notwithstanding any provision of this Part 635, TAA payable to an individual under the Act and this Part 635 shall be applied by the State agency for the recovery by offset of any debt due the United States from the individual, but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person except as provided in paragraph (i) of this section.

(i) *Child support and alimony.* TRA payable to an individual shall be payable to someone other than the individual if required by State law and Federal law to satisfy the individual's obligations for child support or alimony.

§ 635.56 Inviolate rights to TAA.

Except as specifically provided in this Part 635, the rights of individuals to TAA shall be protected in the same manner and to the same extent as the rights of persons to UI are protected under the applicable State law. Such measures shall include protection of applicants for TAA from waiver, release, assignment, pledge, encumbrance, levy, execution, attachment, and garnishment of their rights to TAA, except as provided in § 635.55. In the same manner and to the same extent, individuals shall be protected from discrimination and obstruction in regard to seeking, applying for, and receiving any right to TAA.

§ 635.57 Recordkeeping; disclosure of information.

(a) *Recordkeeping.* Each State agency will make and maintain records pertaining to the administration of the Act as the Secretary requires, and will make all such records available for inspection, examination and audit by such Federal officials as the Secretary may designate or as may be required by law.

(b) *Disclosure of Information.* Information in records maintained by a State agency in administering the Act shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to UI and the entitlement of individuals thereto may be disclosed under the applicable State law. Such information shall not, however, be

disclosed to an employer or any other person except to the extent necessary to obtain information from the employer or other person for the purposes of this Part 635. This provision on the confidentiality of information maintained in the administration of the Act shall not apply, however, to the Department or for the purposes of § 635.55 or paragraph (a) of this section, or in the case of information, reports and studies required pursuant to § 635.61, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. § 552), the Privacy Act of 1974 (5 U.S.C. § 552a), or regulations of the Department promulgated thereunder.

§ 635.58 UI.

UI payable to an adversely affected worker shall not be denied or reduced for any week by reason of any right to a payment of TAA under the Act and this Part 635.

§ 635.59 Agreements with State agencies.

(a) *Authority.* Before performing any function or exercising any jurisdiction under the Act and this Part 635, a State or a State agency shall execute an Agreement with the Secretary meeting the requirements of the Act.

(b) *Execution.* An Agreement under paragraph (a) of this section shall be signed on behalf of a State by an authorized official of the State and the signature shall be dated. The authority of the official shall be certified by the Attorney General of the State or counsel for the State agency, unless the Agreement is signed by the Governor of the State. An Agreement will be executed on behalf of the United States by the Secretary.

(c) *Public access to Agreements.* The State agency will make available to any individual or organization a true copy of the Agreement with the agency for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

(d) *Amended Agreement.* A State or State agency shall execute an amended Agreement with the Secretary prior to administering any amendments to the TAA provisions of the Trade Act of 1974.

(e) *Agent of United States.* In making determinations, redeterminations, and in connection with proceedings for review thereof, a State or State agency which has executed an Agreement as provided in this section shall be an agent of the United States and shall carry out fully the purposes of the Act and this Part 635.

(f) *Breach.* If the Secretary finds that a State or State agency has not fulfilled its commitments under its Agreement under this section, section 3302(c)(3) of the Internal Revenue Code of 1954 shall apply. A State or State agency shall receive reasonable notice and opportunity for hearing before a finding is made under section 3302(c)(3) whether there has been a failure to fulfill the commitments under the Agreement.

(g) *Secretary's review of State agency compliance.* The appropriate Regional Administrator shall be initially responsible for the periodic monitoring and reviewing of State and State agency compliance with the Agreement entered into under this section.

§ 635.60 Administration absent State agreement.

In any State in which no Agreement under § 635.59 is in force, the Secretary shall administer the Act and this Part 635 and pay TAA hereunder through appropriate arrangements made by the Department, and for this purpose the Secretary or the Department shall be substituted for the State agency wherever appropriate in this Part 635. Such arrangements shall include the requirement that TAA be administered in accordance with the Act and this Part 635, and the provisions of the appropriate State law except to the extent that such State law is inconsistent with any provision of the Act or this Part 635 or section 303 of the Social Security Act (42 U.S.C. 503) or section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)), and shall also include provision for a fair hearing for any individual whose application for TAA is denied. A final determination under this section as to entitlement to TAA shall be subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.C. § 405(g)).

§ 635.61 Information, reports, and studies.

A State agency shall furnish to the Secretary such information and reports and conduct such studies as the Secretary determines are necessasry or appropriate for carrying out the purposes of the Act and this Part 635.

§ 635.62 Transitional procedures.

The procedures for administering the Trade Act of 1974 before and after the amendments made by the Omnibus Budget Reconciliation Act of 1981 are as follows:

(a) *TRA.* The provisions contained in Subpart B of this Part 635 shall apply with respect to the qualifying requirements for TRA to adversely affected workers who are separated on or after October 1, 1981, and were not entitled to receive TRA for any week of unemployment beginning before October 1, 1981. In addition, such provisions shall apply with respect to TRA payable for weeks of unemployment which begin after September 30, 1981, to adversely affected workers who were separated before October 1, 1981. Any adversely affected worker who is receiving or is entitled to receive TRA for any week of unemployment beginning before October 1, 1981, shall be entitled to receive TRA as follows:

(1) *Weeks before October 1, 1981.* With respect to weeks of unemployment beginning before October 1, 1981, eligibility for TRA shall be determined in accordance with the provisions of the law and regulations in effect before the amendments made by the Omnibus Budget Reconciliation Act of 1981.

(2) *Weeks after September 30, 1981.* (i) *Basic weeks (UI exhaustion).* With respect to any week of unemployment beginning after September 30, 1981, for an individual who has exhausted all rights to UI prior to such week, eligibility for TRA shall be determined under Subpart B of this Part 635, except that the maximum amount of basic TRA payable to the individual for any such week of unemployment shall be an amount equal to the product of the amount of TRA payable to the individual for a week of total unemployment (as determined under § 635.13(a)) multiplied by a factor determined by subtracting from fifty-two the sum of:

(A) The number of weeks preceding the first week which begins after September 30, 1981, including all weeks in the individual's first benefit period, and which are within the period covered by the same certification as such week of unemployment, for which the individual was entitled to a payment of TRA or UI (or would have been entitled to a payment of TRA or UI if the individual had applied therefor); and

(B) The number of weeks preceding such first week that are deductible under section 232(d) of the Trade Act of 1974 in effect before the amendments made by the Omnibus Budget Reconciliation Act of 1981.

The amount of TRA payable to an individual under this paragraph (a)(2)(i) shall be subject to adjustment on a week-to-week basis as may be required by § 635.13(b).

(ii) *Basic weeks (UI entitlement).* With respect to any week of unemployment beginning after September 30, 1981, for an individual who still has entitlement

to UI, payment of TRA shall be discontinued until the individual exhausts all rights to UI as provided in § 635.11(a)(5). After exhaustion of all rights to UI, payment of TRA shall be determined under Subpart B of this Part 635, except that the maximum amount of basic TRA payable to the individual for ensuing weeks of unemployment shall be an amount equal to:

(A) the maximum amount of basic TRA as computed under paragraph (a)(2)(i) of this section, *minus*

(B) The total sum of UI to which the individual was entitled (or would have been entitled if the individual had applied therefor) for weeks beginning after September 30, 1981.

(iii) *Additional weeks.* With respect to any week of unemployment beginning after September 30, 1981, for an individual who is in training approved under section 236 of the Trade Act of 1974, and who was receiving TRA for basic or additional weeks beginning before October 1, 1981, the weekly amount of TRA for any additional weeks beginning after September 30, 1981, shall be determined under Subpart B of this Part 635.

(3) *Transitional eligibility period.* (i) *Basic weeks.* Any individual who was eligible for a basic TRA payment for any week beginning before October 1, 1981, shall not be eligible for a basic TRA payment for any week beginning after September 30, 1981, for any week which begins more than 52 weeks after the individual has exhausted all rights to regular compensation in the first benefit period (as provided in § 635.15(a)).

(ii) *Additional weeks.* Any individual who was eligible for a TRA payment for an additional week beginning before October 1, 1981, shall not be eligible for a TRA payment for any additional week beginning after September 30, 1981, unless such additional week begins within:

(A) 26 weeks after the last week of the individual's entitlement to basic TRA, or

(B) 78 weeks after the individual exhausted regular compensation in the first benefit period, whichever occurs first (as provided in § 635.15).

(b) *Training, other reemployment services, and allowances.* (1) With respect to applications for training filed before September 30 1981, the provisions contained in Subpart C of this Part 635 shall apply to determinations regarding the approval of such training made after September 30, 1981.

(2) With respect to applications for transportation and subsistence payments while in training, and job search and relocation allowances, the provisions contained in Subparts C, D and E of this Part 635 shall apply to such applications that are filed after September 30, 1981.

(3) Individuals who have had self-financed training approved prior to October 1, 1981, shall not be reimbursed for training and related expenses incurred while in such training, unless such training is approved under the amended law and this Part 635.

(c) *Fraud and recovery of overpayments.* The provisions contained in this Subpart F with respect to fraud and recovery of overpayments shall take effect on August 13, 1981, and shall apply to all overpayments outstanding on that date or determined on or after that date.

(d) *Required amendments to State law.* Except as provided in this paragraph (d)(2), the provisions of section 2514(a)(2)(D) of the Omnibus Budget Reconciliation Act of 1981 requiring amendment to State laws shall apply to State laws for the purposes of certifications under section 3304(c) of the Internal Revenue Code of 1954 on October 31 of any taxable year after 1981; except that, in any State in which the legislature of that State—

(1) Does not meet in a session which begins after August 13, 1981, and before September 1, 1982, and

(2) If in session on August 13, 1981, and does not remain in session for at least 25 calendar days thereafter, the date of "1981" in this paragraph (d) shall be deemed to be "1982."

§ 635.63 Savings clause.

The amendments made by the Omnibus Budget Reconciliation Act of 1981 shall not abate or otherwise affect entitlement to TAA under the Trade Act of 1974 or any appeal which was pending on October 1, 1981, or on the date of enactment of any such amendment, as applicable, or prevent any appeal from any determination thereunder which did not become final prior to such applicable date if appeal or petition is filed within the time allowed for appeal or petition.

§ 635.64 Termination date.

The Act shall terminate on September 30, 1983, as follows:

(a) No application for TRA, or transportation or subsistence payment while in training approved under Subpart C of this Part 635, shall be approved, and no payment of TRA, or transportation or subsistence, shall be made, for any week which begins after September 30, 1983.

(b) No payment of job search or relocation allowances shall be made after September 30, 1983, unless an application for such allowances was approved, and such job search or relocation was completed, on or before September 30, 1983.

(c) No training under Subpart C of this Part 635 shall be approved unless a determination regarding the approval of such training was made, and such training commenced, on or before September 30, 1983. No payment shall ba authorized for any training costs incurred after September 30, 1983.

[FR Doc. 83-5290 Filed 3-3-83; 8:45 am]
BILLING CODE 4510-30-M

VOL
48
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44
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federal register

Friday
March 4, 1983

Part V

Federal Emergency Management Agency

National Federal Plan for Response to a Catastrophic Earthquake

FEDERAL EMERGENCY MANAGEMENT AGENCY

Preparation of the National Federal Plan for Response to a Catastrophic Earthquake

AGENCY: Federal Emergency Management Agency.

ACTION: Publication of the notice initiating national Federal planning for response to a catastrophic earthquake.

SUMMARY: This notice is intended to initiated planning for National Federal response to a catastrophic earthquake in any part of the country. Focus of the planning is on providing State and local governments with the supplemental support needed to save and protect lives and meet basic human needs during the immediate emergency period following the event. Support available from the Federal Government will be as authorized by individual agency authorities and those programs authorized by the Disaster Relief Act of 1974, Pub. L. 93–288. This planning will not encompass individual Federal agency responsibilities for protecting their own resources and facilities.

All Federal departments and agencies are requested to participate as outlined in this notice, or as their appropriate roles and responsibilities are identified during the planning effort. Until a national Federal plan for response is developed, this notice shall serve as the interim operative plan for response in support of State and local governments affected by a catastrophic earthquake.

DATES: Comments on the notice for planning are encouraged. Such comments will be considered in revision to the planning requirements and in the planning which is undertaken according to this notice. Comments are due within thirty days from date of this notice.

ADDRESS: Send comments to Docket Clerk, Federal Emergency Management Agency, 500 C Street, SW, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Ed Sergent, Program Officer, Division of Response Planning and Coordination, Disaster Assistance Programs, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street, SW, Room 713, Washington, D.C. 20472, telephone (202) 287–0560.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) has responsibility as the lead agency for managing and coordinating the National Earthquake Hazards Reduction Program (NEHRP), as required under the Earthquake Hazards Reduction Act of 1977. A requirement of the NEHRP is to improve the capability of all levels of government to respond to the effects of a catastrophic earthquake in such a way as to reduce the loss of life and property. In addition, FEMA is responsible for implementation of programs and assistance under the Disaster Relief Act of 1974.

After the destruction caused by the eruption of Mt. St. Helens in May 1980, an ad hoc committee of the National Security Council was formed to conduct a government review of the consequences of and preparation for a similar event of low probability but high damage potential. The probability of various earthquake scenarios in California was reviewed and reported in FEMA Publication M&R–2, January 1981, "An Assessment of the Consequences and Preparations for a Catastrophic California Earthquake Findings and Actions Taken." The overall assessment resulting from this review was that the Nation is essentially unprepared for the catastrophic earthquake that must be expected in California in the next three decades. Current response plans and preparedness measures may be adequate for a "normal" earthquake, but preparations are "woefully inadequate to cope with the damage and casualties from a catastropic earthquake, and with the disruptions in communications, social fabric, and governmental structure that may follow."

The state-of-the-art is such that scientists predict a 2–5% chance per year of an 8.3 Richter magnitude earthquake on the Southern San Andreas Fault (Los Angeles metropolitan area). This fact has become the focus of renewed Congressional concern and intent that a comprehensive national emergency response plan be developed. In addition to the more immediate threat of a catastrophic earthquake event in California, the potential exists for a major catastrophic earthquake in other high-risk, high-population areas of the United States.

In addition to FEMA's responsibilities under the NEHRP, the National Plan of Action for Emergency Mobilization (developed through the efforts of the Emergency Mobilization Preparedness Board Working Group on Earthquakes) assigns responsibility to FEMA for coordinating the development of a Federal plan for response to a catastrophic earthquake in California and its subsequent testing and exercising. While it is important to use California as the basis for the development of the Federal response plan, the plan as described in this notice will be generic and have application to all high-risk, high-population areas of the country.

The framework of the planning has been developed through the efforts of the Subcommittee on Federal Earthquake Response Planning. The Subcommittee was formed under the auspices of the Interagency Coordination Committee of the National Earthquake Hazards Reduction Program. FEMA, as lead agency for managing and coordinating the NEHRP, chairs the Subcommittee. Membership of the Subcommittee includes representatives from: Departments of Defense, Transportation, Agriculture, Interior, Energy, Treasury, Labor, and Health and Human Services, the Veterans Administration, General Services Administration, National Communications System, and the American Red Cross.

The Subcommittee will continue as the coordinating body of the planning effort, and will meet as necessary to resolve issues and provide guidance to the Federal agencies tasked to participate in development of a Federal plan for response to a catastrophic earthquake.

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I. Purpose and Scope

The purpose of this notice is to initiate Federal action to develop a comprehensive plan that will insure an effective and coordinated Federal response to support State and local governments affected by a catastrophic earthquake. It establishes a framework for a systematic planning approach in that it (1) sets forth the policies and planning assumptions to be used as the basis of the planning effort; (2) describes the concept of operations in general terms; (3) identifies specific emergency support functions required to support State and local response operations; and (4) assigns specific responsibilities to

appropriate Federal agencies for development of functional annexes—for each emergency support function—in support of a basic plan.

The development of the comprehensive Federal plan for response to a catastrophic earthquake will be in two parts. Part I will be a basic plan which consists of the essential portions of the plan, and an executive summary of each functional annex.

Part II of the plan will consist of the basic plan and the complete text of each of the emergency support functional annexes.

Emergency support functional annexes describe the function, responsibilities of the primary and support agencies, concept of operations, coordination and interfaces between agencies, and resource requirements and identification.

The overall basic plan and the executive summaries of each functional annex will be developed by FEMA. The emergency support functional annexes will be developed under the leadership of the Federal agency given primary responsibility for the planning and accomplishment of the assigned emergency function. The primary agency will be supported by other Federal agencies who have the capability to perform some aspect of the function.

II. Federal Government Policies and Planning Assumptions

The national Federal response plan is concerned with supplementing State and local government response to a catastrophic earthquake in any high-risk, high-population area of the country. Other than creating an awareness of the need for planning for the potential impact of a catastrophic earthquake, planning is not intended to encompass Federal agency responsibility for protecting their own resources and facilities.

Over the past ten years vulnerability assessments have been conducted in some of the high-risk, high-population areas. Studies have been completed or are ongoing in Honolulu, Los Angeles, San Francisco, Puget Sound, Anchorage, Salt Lake City, Central U.S., and Boston. These studies identify in broad terms the estimated loss of life and injuries, damage to critical facilities (such as schools and hospitals), and damage to lifelines (such as pipelines, utilities, and communications networks) that can be expected in various projections of magnitude, time of day and year, and intensities of earthquakes. In California, the State Geologist is developing capabilities that identify specific areas where soil conditions may affect existing structures.

The vulnerability assessments will continue to provide State and local planners with important information needed to develop site-specific preparedness and emergency response plans. The fact that these studies have not been completd in all high seismic risk areas should not delay or prevent the development of a Federal response plan to catastrophic earthquakes. Rather, the knowledge and experience gained through efforts such as those ongoing in California will help identify the appropriate requirements for Federal support in any geographic area.

A. Policies

The following Federal Government-wide policies are an initial listing to be modified as necessary during the development of a Federal plan. They will serve as a basis for the development of the basic plan and emergency support functional annexes.

1. The focus of planning will be on providing lifesaving and life-protecting assistance and support to State and local governments during immediate emergency response operations. This planning will set the framework for subsequent planning for other response phases.

2. Federal planning will be predicated on State/local governments being in charge of emergency operations, with Federal assistance as supplemental to State efforts.

3. Certain emergency operations required on Federally-owned property remain the responsibility of the Federal Government and will be carried out in accordance with individual Federal agency plans.

4. Federal agencies will respond under their own authorities and/or mechanisms authorized by Pub. L. 93–288. Upon Presidential declaration of a major disaster, Federal agencies may be reimbursed for functions performed at the direction of FEMA from the fund authorized for such purposes under Pub. L. 93–288. Planning will include establishing funding mechanisms in accordance with the reimbursement procedures spelled out in the Federal Disaster Assistance Regulations (44 CFR Part 205, Subpart I—Reimbursement of Other Federal Agencies). Specific issues will be resolved in the planning process.

5. The coordination of the Federal response to State and local government requests will be under the leadership of a Federal Coordinating Officer (FCO) appointed by the President. The Governor(s) of the affected State(s) will be advised of the designation of the FCO and will be asked to designate a State Coordinating Officer (SCO) as a principal point of contact for the FCO. The FCO and SCO will assure effective and coordinated operating relationships between Federal, State, local, volunteer, and private agencies.

6. This document will serve as an interim operative plan for response by Federal agencies until Part I (the basic plan and executive summaries of the emergency support functional annexes) of the comprehensive Federal emergency response plan is developed.

7. Specific functional assignments will be determined at the National level, with flexibility for differences in assignments contained in existing site-specific plans or in capabilities of agencies in specific areas.

B. Planning Assumptions

The following assumptions are an initial listing to be modified during the evolution of the planning process. They will serve as a framework for the development of the basic plan and emergency support functional annexes.

1. A catastrophic earthquake is a seismic event or series of seismic events that will result in large numbers of deaths and injuries; total destruction of a large percentage of facilities that provide and sustain human needs; overwhelming demand on State and local response resources and mechanisms; severe impact on national security facilities and infrastructures that sustain them; severe long term effect on general economic activity; and severe effect on State, local, and private sector initiatives to begin and sustain initial recovery activities.

2. The earthquake(s) will occur without warning and at a time of day that will produce the maximum number of casualties. Access to and from the damaged areas may be severely restricted for hours and perhaps days. Land line communication and life support systems will be severely disrupted or destroyed, and the maximum possible non-resident (work force and tourist) population will be present in the affected areas.

3. The earthquake(s) will trigger secondary events and effects such as fires, tsunami, landslides, flooding, and release of hazardous materials. Dam failure and aftershocks are also likely to occur following a catastrophic earthquake(s).

4. A catastrophic earthquake will result in an immediate Presidential disaster declaration under the provisions of Pub. L. 93–288 so that Federal involvement in the life-saving and emergency response operations can begin during the first 24 hours after

occurrence. A national emergency would not be declared during the immediate response phase.

5. State and local resources will be inadequate to respond to the effects of a catastrophic earthquake. The Federal Government will respond from both the local geographic area and the entire Nation to save lives and provide basic human needs. Since the entire Federal Government is not normally involved in the immediate response operations, mechanisms and plans for providing necessary lifesaving and life-protecting support are inadequate.

III. Concept of Operations

This section describes the phases of operations that would occur in response to a catastrophic earthquake. As stated previously the primary objective of this planning effort is the development of a Federal plan for the immediate emergency response phase to support State and local governments. The other three phases are also discussed to provide an overview of the total potential Federal involvement in such a disaster, and to illustrate where overlaps in operations and planning may occur. After the immediate emergency response phase plan is completed and tested, the remaining phases could become the objective of future planning requirements.

Also included in this section are discussions on the Federal, State, and local government roles in execution of response, responsibilities for coordination of the Federal response, and notification and activation procedures.

A. Phases of Operations Related to a Catastrophic Earthquake

1. *Immediate Emergency Response.* Period from the onset of the seismic event(s) to approximately 30 days afterward. Typical functions to be performed are generally associated with saving and protecting lives and meeting basic human needs. Functions include but are not limited to: search and rescue; damage reconnaissance and assessment; wildland fire suppression; emergency medical care; mass care; emergency transportation; emergency debris clearance/temporary restoration of essential public facilities and services; communications; emergency repair of critical facilities; distribution of food; public health; logistical support; mortuary services; identification of the dead; technical assistance; welfare inquires; and coordination of the Federal response.

2. *Prediction Response.* Period that would occur 48 or 96 hours before the seismic event(s) and would consist of a series of preparatory actions taken by Federal, State, and local governments that would protect life, minimize effects of the potential event on response personnel and equipment, and facilitate the deployment of resources necessary for immediate emergency response and initial recovery operations.

3. *Initial Recovery.* Period traditionally associated with the Federal response for providing disaster recovery upon Presidential declaration. Usually overlaps the immediate emergency response period beginning several days after the onset of the event and could last up to two years. Typical functions to be performed are associated with the establishment of the Federal mechanism for delivery of disaster assistance provided in Pub. L. 93–288 (public assistance and individual assistance), staffing of Disaster Assistance Centers, and the use of Federal, State, and disaster reservist staff to perform damage survey work.

4. *Long Term Restoration/Recovery.* Period from one to five years after onset of the event, during which time the affected areas would be restored to their normal or an improved state. Federal role in the process would be generally in policy development, through the authority associated with provision of Federal funds and assistance. Federal plans are not in existence except some post-nuclear attack recovery plans that may have partial application.

B. Federal, State, and Local Government Roles

1. The primary responsibility for responding to the immediate emergency needs of the local communities resides with State and local government.

2. Federal response under Pub. L. 93–288 will occur upon a Presidential declaration and be supportive of and not a substitute for State and local government actions. Federal support is provided only when the capacity of the State and local governments has been exceeded.

3. In addition to the Federal assistance provided under Pub. L. 93–288, Federal departments and agencies are responsible for providing direct disaster assistance or support in accordance with their own statutory authority, functions, resources, and capabilities. Federal agencies should consider the potential impact of a catastrophic earthquake on their ability to perform their responsibilities.

4. Immediate Federal response will be focused on the emergency application of resources to prevent or minimize loss of life, alleviate suffering, provide for public health and welfare, and to conduct damage reconnaissance activities that support the early Federal delivery of appropriate assistance and restore damaged life support systems.

C. Coordination of the Federal Response

1. FEMA's primary responsibility in the Federal response is to notify participating Federal agencies of the occurrence of the earthquake, help activate the Federal Government response, deploy and support the FCO, and establish the necessary liaison with the Governor and SCO.

2. The primary responsibility of each Federal agency is to respond to the notification according to the basic plan and implementation of supporting annexes of the comprehensive Federal emergency response plan to a catastrophic earthquake.

3. The FCO role in a disaster is mandated by law as defined in Sections 303 and 304 of the Disaster Relief Act of 1974 (Pub. L. 93–288). These sections require the appointment of an FCO upon declaration of a major disaster and call for the constitution and deployment of emergency support teams to assist the FCO. Authority to appoint the FCO was delegated by the President to the Director of FEMA in Executive Order 12148.

The functions of the FCO are legislatively mandated. The FCO is required to:

—Make an initial appraisal of the types of relief most urgently needed;
—Establish such field offices as the FCO deems necessary;
—Coordinate the administration of relief, including activities of State and local governments and private relief organizations; and
—Take other necessary action to assist local citizens and public officials in promptly obtaining assistance.

4. To accomplish the mandated functions, the FCO and staff will perform or cause to be performed the following functions of coordination:

Situation Assessment. A comprehensive assessment of the disaster to include the magnitude and severity of impact, the capabilities of State and local governments and private agencies to deal with the situation, the types of Federal assistance which may be made available, and the impact on the affected area if Federal assistance is either limited or unavailable.

Communications. Assure that adequate facilities exist to permit effective communication among responding Federal agencies, between Federal and State representatives, and between the FCO and FEMA's Emergency Information and

Coordination Center (EICC) in Washington, D.C.

Program Coordination. Oversee the operation of all Federal, State, and local activities in the affected area and provide one, visible focal point for coordinated response and recovery activities. Assure that assistance is being provided in a timely, efficient, and effective manner, without duplicative or wasteful effort. Make such recommendations as deemed necessary to Federal and State officials in the affected area and, through the Associate Director, State and Local Programs and Support (SLPS), FEMA, to the heads of responding agencies. Establish and maintain close working relationships with the SCO and with private relief and other organizations to assure a comprehensive and coordinated approach in providing assistance to the affected area.

Information. Assure that all releases to, and contacts with, the news media are coordinated. This coordination will not be to censor or otherwise transgress upon agency relationships with the media; but to provide a recognized single, central source of information and to assure that the response and recovery effort is described comprehensively, consistently, and accurately.

Outreach. Work closely with the SCO to assure effective two-way information exchange between the response and recovery effort and the affected public citizens, special interest groups, and community and civic organizations.

Liaison With Elected Officials. Assure that elected officials who represent the citizens in the impacted area are well-informed about the progress of the reponse and recovery effort. The FCO also will provide a central point of contact for questions from elected officials.

Reports. Develop and implement a reporting system to provide a periodic comprehensive overview of response and recovery activities and to display progress toward meeting established goals. Reports will include significant activities of State, local, and private organizations, and will be transmitted to the Associate Director, SLPS, FEMA through the EICC.

After-action Report. Review and report on the coordination of response and recovery effort in the affected area. The report will provide information on the strengths and weaknesses of the response and recovery effort. The report may contain recommendations for changes in legislation, delegations of authority, and procedures, or may simply provide information regarding coordination aspects of the specific incident. The report will be submitted to the Associate Director, SLPS, FEMA for such further action as deemed necessary.

5. For the FCO to coordinate the emergency response actions among Federal agencies and determine if the assigned functions are being accomplished, the Federal agencies will have to supply current information to the FCO on the status of the response effort. Each emergency support functional annex should therefore include procedures and mechanisms to provide this information to the FCO once the Federal response effort begins. In addition, a liaison officer will need to be provided to serve as the representative from the emergency support function to the FCO. This concept will also be followed at the national headquarters level in Washington, D.C.

D. Notification and Activation

A general scheme to be followed in officially notifying appropriate agencies and activating the Federal response will be developed during the planning process and will be outlined in the appropriate sections of the basic plan and functional annexes.

IV. Roles and Reponsibilities

To accomplish the development and performance of the Federal response to a catastrophic earthquake, Federal agencies are assigned primary and/or support roles for the development of necessary planning and participation in accomplishment of the function.

A. Responsibilities

Primary responsibility means that an agency will manage the development of a specific functional annex and the performance of the function. The agency will also serve as the principal point of contact with FEMA concerning the development of the annex, and will assist FEMA in the overall coordination of the complete comprehensive National Federal emergency response plan. Support responsibility means that an agency will assist the primary agency in accomplishment of the planning effort. The primary responsibility has been assigned to the agency with the greatest overall capability, responsibility, or experience in the particular functional area. This is in no way intended to diminish the role or responsibility of agencies assigned in a support capacity. Rather, all agencies must work together, with the primary agency acting as the catalyst, to plan and coordinate the appropriate delivery of support to State and local governments requiring Federal response to a catastrophic earthquake.

Recognizing that agencies may have more than one primary or support role to perform, FEMA will act as a catalyst in the identification of planning priorities and commonalities and assist in resolving problems that could affect the timeliness and quality of the final products.

Completed draft annexes will be submitted to FEMA for review. Based upon this review the primary agency responsible for the function will make any necessary revision to the annexes. FEMA will not assess the annexes on the basis of their technical or operational feasibility but will assure that the responsibilities and interfaces have been coordinated. Because most support activities will be performed under the the authorities and expenditures provided for in Pub. L. 93-288, FEMA has a managerial and oversight role to review annexes in light of the whole planning effort.

In addition to the agencies specifically assigned primary or support roles, all Federal agencies are expected to support the planning effort as required by the primary agency or FEMA. Requirements from other agencies may range from identification of resources and staff support to developing internal procedures for providing such support during the response effort.

B. Emergency Support Functional Assignments

The Emergency Support Functions (ESF) identified below are those where it is expected that Federal support to supplement State and local government response will be required. The functions described are not intended to be all inclusive and will require refinement as the planning process evolves. Other functions may also have to be added as necessary when identified during the planning process. Further, ESF descriptions that appear to overlap or duplicate another function will be resolved to clarify the purpose and intent of the ESF.

During deliberations of the Subcommittee on Federal Earthquake Response Planning, the decision was made to develop functional annexes to a basic plan. This functional approach, in lieu of individual agency planning, was viewed as the means through which the most effective, coordinated Federal response plan could be developed. Consequently, each functional area will involve a number of agencies with resources and capabilities to contribute to the overall planning and implementation effort.

Accordingly, the following ESF assignments shall be used to initiate Federal planning:

1. Damage Reconnaissance and Assessment (ESF 1):

A. Assignments

Primary: Federal Emergency Management Agency.

Support: Department of Agriculture, Department of Defense, Department of Education, Department of Energy, Department of Interior, Department of Transportation, Corps of Engineers, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission, Veterans' Administration.

B. Description of Function

—Initial estimation of the location and extent of damage and preparation of damage assessment reports.
—Determination of the magnitude and severity of impact on transportation systems, utilities, critical facilities and other community infrastructures necessary for sustaining the population.
—Identification of severely damaged building that have a high potential of trapped/injured victims. (Generally, high rise office buildings as well as large multiple residences. These structures tend to experience more structural damage than single story, single-family residences.)

2. Communications (ESF 2):

A. Assignments

Primary: National Communications System.

Support: Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of the Interior, Department of Transportation, Federal Communications Commission, Federal Emergency Management Agency, General Services Administration, National Aeronautics and Space Administration.

B. Description of Function

—Establish temporary communications in the disaster area(s) to support the response activities of FEMA and other Federal agencies.
—Provide communication support to State and local government officials.
—Establish communications links from the disaster area(s) to Federal regional and headquarters agencies.
—Use Federally owned and operated assets where commercial services and facilities are inadequate or inoperable.
—Coordinate restoration of private telephone service to highest priority areas.

3. Emergency Medical Care (ESF 3):

A. Assignments

Primary: Department of Health and Human Services.

Support: Department of Defense, American Red Cross, Federal Emergency Management Agency, General Services Administration, Veterans Administration.

B. Description of Function

—Provide medical teams to States to assist them in assessment of the medical situation.
—Casualty collection and triage.
—Emergency treatment of casualties pending evacuation to hospitals.
—Treatment of casualties at Federal hospitals to supplement State, local and private hospital resources.
—Establish communications area to support operations.
—Distribution of Federal medical stocks/other medical and nursing supplies and equipment to supplement State, local government, and private sector medical response operations.
—Provide blood supplies.
—Provide first aid support to mass care shelters.
—Provide temporary morgue capability for accepting severely injured who will or may have expired.
—Create a system for accomplishing the above medical care functions.

4. Search and Rescue (ESF 4):

A. Assignments

Primary: Department of Defense.

Support: Department of Agriculture, Department of the Interior, Department of Transportation, Federal Emergency Management Agency.

B. Description of Function

—Supply aircraft, ships, specialized rescue teams and equipment to supplement State and local efforts to search for and rescue persons in distress on land or at sea.
—Support State and local efforts to evacuate people from hazardous areas and situations.
—Assist State and local efforts to locate and evacuate people isolated because of road closures, or other secondary effects of the disaster, and to rescue trapped persons when resource priorities permit.

5. Wildland Fire Suppression (ESF 5):

A. Assignments

Primary: Department of Agriculture.

Support: Department of Defense, Department of the Interior, Department of Transportation, Federal Emergency Management Agency.

B. Description of Function

—Support State and local wildland fire suppression operations with technical assistance, equipment, supplies, and personnel.
—If available after completion of primary task also support State and local governments in fighting small structural fires.

6. Mass Care (ESF 6):

A. Assignments

Primary: American Red Cross.

Support: Department of Agriculture, Department of Defense, Department of Education, Department of Health and Human Services, Department of the Interior, Federal Emergency Management Agency, General Services Administration, Interstate Commerce Commission, U.S. Postal Service, Veterans Administration.

B. Description of Function

—Management, staffing, and supply of facilities and resources used to shelter, feed, clothe, and provide first aid for individuals and families unable to live in their residences.
—Control of disaster victims living in the facilities

7. Public Health (ESF 7):

A. Assignments

Primary: Department of Health and Human Services.

Support: Department of Agriculture, Department of Transportation, American Red Cross, Federal Emergency Management Agency, General Services Administration, Veterans Administration.

B. Description of Function

Support State and local health officials in the:

Identification and elimination of health hazards.

Prevention of epidemics.

Vector control.

Testing of food and water supplies for contamination or spoilage.

8. Emergency Debris Clearance/ Temporary Restoration of Essential Public Facilities and Services (ESF 8):

A. Assignments

Primary: Corps of Engineers.

Support: Department of Agriculture, Department of Defense, Department of Education, Department of Energy, Department of the Interior, Department of Labor, Department of Transportation, Environmental Protection Agency, Federal Emergency Management

Agency, General Services Administration.

B. Description of Function

Provide technical assistance, personnel, equipment, and contracting services to support State and local governments in performing emergency work essential for the preservation of life and property. Activities include:

Removal of debris from public and private land.

Assessment of and temporary restoration of essential public facilities and services.

Inspection of damaged buildings, roads, bridges, and airfields essential for use in Federal, State, and local government response efforts.

Demolition of damaged structures.

9. Emergency Transportation (Surface, Water, Air) (ESF 9):

A. Assignments

Primary: Department of Transportation.

Support: Department of Agriculture, Department of Defense, Department of the Interior, Federal Emergency Management Agency, General Services Administration, Interstate Commerce Commission, U.S. Postal Service.

B. Description of Function

—Arrange or assist in arranging for the provision of supplemental transportation for use of personnel in damage assessment activities.

—Arrange of assist in arranging for the provision of available Federal transportation for personnel, equipment, and material resources required for conduct of life-saving activities.

—Determine the proper apportionment of available civil transportation and its priority utilization for all categories of available civil transportation and such Federal agency transportation resources as may be available for the several agencies.

—Assessment of the overall operational status of the civil transportation networks including the Federal highway system in, to, and from the disaster area(s).

—Provide the necessary services including personnel and equipment necessary to the control of air and sea traffic in, to, and from the disaster area(s).

—Determine transportation networks best suited for bringing in materials and services.

—Arrange or assist in arranging for the provision of technical support and equipment that could be utilized in emergency repair of critical transportation networks.

—Arrange or assist in arranging for the provision of available civil transportation resources as may be required for prompt and effective response including those services necessary to accomplish the evacuation of elderly, infirmed, injured, or others requiring special transportation considerations.

—Provide Federal transportation community response coordination.

10. Emergency Distribution of Food (ESF 10):

A. Assignments

Primary: Department of Agriculture.

Support: Department of Defense, American Red Cross, Federal Emergency Management Agency, General Services Administration, Veterans Administration.

B. Description of Function

—Secure Federal food stocks and other food resources and transport to mass care facilities to be used to support feeding operations.

11. Logistical Support (ESF 11):

A. Assignments

Primary: General Services Administration.

Support: Department of Agriculture, Department of Defense, Department of Health and Human Services, Department of Interior, Department of Labor, Federal Emergency Management Agency, U.S. Postal Service, Veterans Administration.

B. Description of Function

—Identify existing Federal resources, equipment, and facilities that could be used to supplement State and local resources used in emergency response operations.

—Procurement and allocation of material resources, physical facilities, transportation equipment and maintenance, communication resources, and living facilities/food for Federal response workers and personnel needed to support the emergency response operations of the Federal Government.

—Provide contracting services for use of other Federal agency response organizations performing functions that require contracting out.

—Establish Federal staging area for receipt of Federal response workers, supplies, and equipment.

12. Mortuary Services and Identification of the Dead (ESF 12):

A. Assignments

Primary: Department of Health and Human Services.

Support: Department of Defense, Department of Justice, Federal Emergency Management Agency, General Services Administration, Veterans Administration.

B. Description of Function

—Transporatation, embalming, and temporary storage of human remains recovered during search and rescue efforts and emergency medical care.

—Support to State and local authorities in identification of the dead.

—Support of State and local authorities in general recovery of human remains.

13. Welfare Inquiries (ESF 13):

A. Assignments

Primary: American Red Cross.

Support: Department of Commerce, Department of Health and Human Services, Department of Justice, Federal Emergency Management Agency, General Services Administration, U.S. Postal Service.

B. Description of Function

—Process inquiries from relatives and others concerning health and welfare of disaster victims.

14. Technical Assistance (ESF 14):

A. Assignments

Primary: Federal Emergency Management Agency.

Support: Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services, Department of Interior, Department of Labor, Department of Transportation, Corps of Engineers, Environmental Protection Agency, National Communications System, Nuclear Regulatory Commission, Veterans Administration.

B. Description of Function

Serve as a point of contact for the Federal, State and local governments to receive technical assistance and operational support in the:

Identification, cleanup, and disposal of hazardous materials.

Identification of secondary hazards such as dam failure and other effects that threaten health and safety, and recommend actions to cancel the threat.

Disposal of spoiled food stuffs.

Provision of information on possible frequency, severity, and effects of aftershocks.

Identification of ground failures and evaluation of potential hazards from additional ground failures.

Provision of technical assistance to all of the emergency support functional areas during the Federal response to the event.

15. Coordination of Federal Response (ESF 15):

A. Assignments

Primary: Federal Emergency Management Agency.

Support: Department of Agriculture, Department of Commerce, Department of Defense, Department of Education, Department of Energy, Department of Health and Human Services, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, American Red Cross, Corps of Engineers, Environmental Protection Agency, Federal Communications Commission, General Services Administration, Interstate Commerce Commission, National Aeronautics and Space Administration, National Communications System, Nuclear Regulatory Commission, U.S. Postal Service, Veterans Administration.

B. Description of Function

—Initial appraisal of the types of Federal assistance needed. Complete overall damage assessment report.
—Plans and procedures for the management of the systems needed to facilitate the coordination of Federal assistance including establishment of field office(s) at the disaster site.
—Coordination of Federal agency emergency relief efforts with those of the State and affected local governments.
—Coordination of national volunteer agency disaster relief activities.
—Provide emergency information to decisionmakers responsible for the management of the Federal response.
—Establish emergency support teams to be deployed to the disaster site.
—Coordination of Federal public information to assure that the response and recovery effort is described comprehensively, consistently, and accurately.
—Coordination of requirements of special interest groups, such as congressional staffs and scientific research teams.
—Input to release of information by State and local officials advising the public of actions to take to insure their safety.

V. Relationship of Planning Effort to Site-Specific Regional Plans

This national planning effort is intended to establish the policies and procedures that should be applied throughout the Federal establishment in development of a national Federal emergency response plan to a catastrophic earthquake. At present, there have been developed three site-specific plans under the leadership of FEMA Regions VIII, IX, and X. Other Federal agencies have been involved to one degree or another in these ongoing efforts. In some cases, functional assignments and other relationships may differ from the assignments and relationships addressed in this notice. This should be recognized as the planning process continues and flexibility allowed to recognize constraints that are unique to a particular geographic risk area. These situations will be handled on a case-by-case basis with the goal of keeping the national plan as uniform as possible.

Planning and related issues, concerns, and problems that have been identified in the development of the existing site-specific plans should now become not only the responsibility of the FEMA regional staffs, and other Federal regional or field offices, but also the concerns of the headquarters level in such respective Federal agency.

VI. Schedule for Plan Development and Exercises

Realizing that extensive effort will be required to develop a plan to provide support for life-saving, life-protecting functions, the following schedule for plan development and testing has been established based on realistic expectations. The schedule covers a two-year timeframe which projects initiation of the planning in March 1983—upon notification of the requirement in the Federal Register—and continues through full-scale exercise of the plan in April 1985. The schedule as established will also satisfy the requirements of the assignments in the National Plan of Action for Emergency Mobilization, which requires development and exercise of a national response plan.

Other Federal government planning and exercising requirements have been taken into consideration as known at the time the schedule was developed. Although there may be adjustments necessary in the schedule to accomplish a well developed and coordinated plan, it should serve as a guide for accomplishments. The Subcommittee on Federal Earthquake Response Planning will consider adjustments and resolve conflicts with other priority requirements as they occur.

SCHEDULE FOR PLANS DEVELOPMENT AND EXERCISES

Responsible	Product/activity	Timeframe
FEMA, all Agencies.	Begin preparation of draft emergency support functional annexes.	Mar. 1983.
FEMA, all Agencies.	Complete first draft of emergency support functional annexes.	Oct. 1983.
FEMA, Subcommittee.	Complete review of 1st draft basic plan/functional annexes for coverage of responsibilities/interfaces.	Nov. 1983.
FEMA, Subcommittee.	Initiate development of headquarters feasibility exercise.	Nov. 1983.
FEMA, Subcommittee.	Complete revised, final draft of basic plan and functional annexes.	Jan. 1984.
FEMA, Subcommittee.	Draft executive summaries of emergency support functional annexes.	Feb. 1984.
FEMA	Incorporate planning guidance, basic plan, functional annex executive summaries into Part I of comprehensive Federal emergency response plan.	Feb. 1984.
FEMA	Incorporate basic plan and complete version of supporting annexes into Part II of comprehensive National Federal emergency response plan.	Mar. 1984.
FEMA, all Agencies.	Conduct headquarters feasibility exercise.	May 1984.
FEMA	Complete after-action report	June 1984.
FEMA, all Agencies.	Revise Parts I & II of Comprehensive plan to incorporate improvements identified by exercise.	Aug. 1984.
FEMA, Subcommittee.	Initiate development of headquarters/field feasibility exercise of comprehensive plan and California site-specific plan.	Aug. 1984.
FEMA, all Agencies.	Conduct headquarters/field feasibility exercise.	Apr. 1985.

VII. General and Administrative Guidance

Through the efforts of the Subcommittee on Federal Earthquake Response Planning, a planning guide was developed from which this notice has been extracted. FEMA intends to publish and maintain the planning guide for plan development. It will be provided to the agencies involved in the planning process and will be changed and updated as necessary to insure that the most complete and current information is available to those involved in development of Federal plans.

Included in the planning guide will be a proposed format for the national Federal plan and the supporting functional annexes. As developed, guidance will also be provided on the administrative processes involved in the planning, mechanisms established for liaison between agencies, administrative support and information requirements, and guidelines for plan accomplishment, revisions, and review.

Approved for the Federal Emergency Management Agency.

Dated: February 25, 1983.

Leo M. Thomas,

Executive Deputy Director.

[FR Doc. 83-5536 Filed 3-3-83; 8:45 am]

BILLING CODE 6718-01-M

federal register

Friday
March 4, 1983

Part VI

Department of Labor

Mine Safety and Health Administration

Alternate Product Approval Procedure; Proposed Rule

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 37

Alternate Product Approval Procedure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of a new Part 37, Alternate Product Approval Procedure. The proposal would provide an expedited application procedure for manufacturers of mining equipment which have certain design characteristics and features. MSHA seeks comments on the preproposal draft from all interested parties. Copies of the draft may be obtained by contacting the Agency.

DATES: Comments must be received by May 3, 1983.

ADDRESSES: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations, and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: Under the Federal Mine Safety and Health Act of 1977 (Pub. L. 91–173 as amended by Pub. L. 95–164), MSHA is required to approve certain products for use in underground mines. MSHA's current regulations in 30 CFR Parts 15 through 36 govern the process through which manufacturers may obtain MSHA approval of a product for use underground. The alternate procedure contained in the preproposal draft would permit applicants to certify that the technical requirements specified for the product by MSHA have been met. This procedure would permit applicants or independent laboratories to conduct the necessary testing. Applicants' use of the proposed procedure would also involve testing the product according to test procedures specified by MSHA, implementing a quality control procedure accepted by MSHA, consent to MSHA quality control audits at the factory, and random "off the shelf" product examinations conducted by MSHA. This new procedure would be an alternative to the existing application procedures, which manufacturers could continue to use if they so choose.

To implement the alternate procedure, MSHA, would develop appendices to Part 37 for products which require MSHA approval. These appendices would specify the design characteristics and features a product would be required to have in order to be considered under the proposed alternate procedure. Concurrent with the development of this proposal, MSHA has developed a draft appendix consistent with Part 22 for portable, battery-powered, intrinsically safe methane-indicating detectors. The draft appendix is included with the preproposal draft of Part 37 so that commenters may see the relationship of proposed Part 37 and an appendix. The draft appendix, however, is not the subject of this rulemaking.

Copies of the preproposal draft of Part 37 and the draft appendix have been mailed to persons and organizations who have expressed an interest in this rulemaking. All other interested persons and organizations may obtain copies of the documents by submitting a request to the address provided above.

Dated: March 1, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–5574 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–43–M

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federal register

Friday
March 4, 1983

Part VII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program Experimental Practices; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 785

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program Experimental Practices

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The final rule adopted by the Office of Surface Mining Reclamation and Enforcement (OSM) for experimental practices will provide that an operator may obtain a variance from the environmental protection performance standards of Subchapter K of the permanent program regulations for an experimental practice after submitting an application which contains the information asked for by the rule, complying with the public notice requirements of Subchapter G of the permanent program regulations and receiving approval from the regulatory authority based on certain findings set out in the rule and concurrence from the Director of OSM.

Section 711 of the Surface Mining Control and Reclamation Act of 1977 (Act), provides authorization for variances in individual cases on an experimental basis from the environmental protection performance standards promulgated under Sections 515 and 516 of the Act. The objective of such departures, as authorized by the regulatory authority with the concurrence of the Director, is to encourage advances in mining and reclamation practices or to allow alternative postmining land uses.

EFFECTIVE DATE: April 4, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond E. Aufmuth, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202–343–5245.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of Comments and Rule Adopted.
III. Procedural Matters.

I. Background

Section 711 of the Surface Mining Control and Reclamation Act of 1977 (Act), 30 U.S.C. 1201 *et seq.*, provides authorization for variances in individual cases on an experimental basis from the environmental protection performance standards promulgated under Sections 515 and 516 of the Act. The objective of such departures, as authorized by the regulatory authority with the concurrence of the Director, is to encourage advances in mining and reclamation practices or to allow alternative postmining land uses.

OSM encourages industry and State regulatory authority participation in the experimental practices program. OSM is willing to work with industry and State regulatory authorities to develop innovative and beneficial experimental practice proposals.

On March 19, 1982 (47 FR 12082), OSM proposed to amend 30 CFR 785.13 of the permanent program regulations in order to clarify certain subsections and to eliminate unnecessary requirements for operators. The proposal also called for consultation with the U.S. Department of Agriculture prior to approval of an experimental practice on prime farmlands in accordance with Section 510(d) of the Act and for simple notification of the regulatory authority by an operator prior to the implementation of minor revisions to an experimental practices permit. A public hearing was held on April 9, 1982. However, the proceeding was adjourned because no member of the public appeared to give oral testimony. The comment period remained open until August 25, 1982 and later was reopened from September 7, 1982 through September 10, 1982.

During the comment period, OSM received comments from 40 sources representing industry, trade associations, environmental groups, and Federal and State agencies. After analyzing the recommendations made by the various commenters, OSM has decided to adopt the rule as proposed with certain modifications which are set out below.

II. Discussion of Comments and Rule Adopted

A. Section 785.13(a) General Requirements

In response to comments, this paragraph has been revised by including language to clarify that an experimental practice variance is part of an approved surface coal mining and reclamation operation permit or permit revision and that it may be for experimental or research purposes, or to allow an alternative postmining land use. In addition, language has been inserted stating that the approved permit or permit revision must meet the requirements of Subchapter G of 30 CFR Chapter VII. In the proposal this reference appeared in § 785.13(b) which deals with the special information operators must provide in their applications for an experimental practice variance. However, the processing and application requirements of Subchapter G apply to the entire section and therefore reference to them has been placed in the more appropriate provision.

Several commenters expressed concern that issuance of an experimental practice permit would only be possible during the initial application process for a surface mining and reclamation operation permit. OSM believes that an application for an experimental practice may be submitted at any time during the life of a mining operation. The experimental practice application may be made when submitting the original permit application or, at a later time, as a permit revision application.

A commenter felt that the proposed rule was not consistent with the Congressional intent for Section 711 of the Act and that OSM was mistaken if it assumed that the goal of the provision was to obtain economic advantages for operators. Instead, the commenter saw the goal of Section 711 as improving environmental protection over the standards of Sections 515 and 516.

The language of the provision clearly states that the variances are to be approved in order to encourage advances in technology or to allow alternative postmining land uses. However, such approvals may not be given unless certain conditions are met. Therefore, while an experimental practice could lead to improvements in environmental protection, it could also result in a technological improvement. In both cases, in order to be approved, the experimental practice must be potentially more or at least as environmentally protective as the environmental protection performance standards which were promulgated pursuant to Sections 515 and 516 of the Act and from which a variance is being sought.

Several commenters objected to language in the proposal which suggested that the variances would be from performance standards of the Act. OSM has rejected this comment. The performance standards of Subchapter K of 30 CFR Chapter VII are merely an extension of the standards of Sections 515 and 516 of the Act. Thus, to provide a variance from these standards it is also necessary to recognize that the variance could also be to the standards of the Act. The legislative history of this provision demonstrates that Congress contemplated that the experimental practices section would be used in just such a manner. The revised rule does not change the meaning of the

regulations, but merely clarifies it. (See 44 FR 15080, March 13, 1979.) Section 711 of the Act provides for departures from any of the environmental protection performance standards "promulgated under" Sections 515 and 516 of the Act. The departures, thus, may be granted to any rules that are published pursuant to the authorities of Sections 515 and 516 and which include the requirements set out in those sections.

One commenter suggested that experimental practices should be separated from "regulatory variances" because they imply the use of unproven techniques which involve a degree of risk and significant returns if successful. OSM recognizes that frequently cost savings and other benefits can be realized by new practices without obtaining a variance from the performance standards as provided in the experimental practice rule. It is only when a variance from the regulatory standards is necessary that the special approval granted under this rule is required.

B. *Section 785.13(b) Application Requirements*

Section 785.13(b) sets forth information that shall be provided by an operator in a permit application for an experimental practice. Among other things, this information shall include a description of the variances from performance standards that are being requested, show how use of the practice will encourage advances in mining or reclamation technology or allow alternative postmining land uses on an experimental basis, provide assurances that the practice is potentially more or at least as environmentally protective as required under Subchapter K and set out the monitoring efforts which the operator shall undertake. In the case of the monitoring efforts, the data collected shall be reliable and sufficient to enable the regulatory authority and OSM to evaluate the effectiveness of the experimental practice and to identify at the earliest possible time potential risk to the environment and public health and safety which may be caused by the experimental practice.

One commenter recommended retaining § 785.13(b) of the previous rule as being the only language seeking to encourage the use of experimental practices. OSM has not included this paragraph in the final rule because it is unnecessary. However, § 785.13(a) has been revised to state the purposes of experimental practices.

Two commenters believed that any provisions in the rule which went beyond the requirements of Section 711 of the Act should be deleted. These comments are rejected. Section 201(c)(2) of the Act provides the Secretary with authority to promulgate such rules and regulations as may be necessary to carry out its purpose. 30 U.S.C. 1211(c)(2). As the District Court found in *In re: Permanent Surface Mining Reclamation Litigation,* Civ. No. 79–1144, Slip op. at 5–8 (D.D.C. February 26, 1980), "An agency's regulations may cover items not specifically delineated in a statute so long as the regulations conform to an Act's purposes and policies." In promulgating this rule, OSM believes that the requirements of § 785.13 are appropriate to carry out the purposes of Section 711 specifically, and the Act in general.

Several commenters were confused as to whether the rule would require a separate experimental practice permit application or whether the request would be part of the surface mining operation permit application. OSM believes that the information required for approval of an experimental practice is in addition to that required for a surface coal mining and reclamation operation permit application. This imformation can be submitted with the general permit application or separately as a revision to the permit. OSM considers that the language changes which were made to § 785.13(a), and discussed above, are sufficient to clarify the relationship of an experimental practice variance to the general permit for the operation.

Several commenters stated that under the Act both the permit applicant and regulatory authority have the responsibility to assure that an approved practice is not larger or more numerous than necessary to determine its effectiveness and economic feasibility. The commenter disagreed with OSM's proposal not to require an operator to demonstrate in its permit application that the proposed variances are not larger or more numerous than necessary to determine its effectiveness and economic feasibility. The commenter believed that it was incumbent upon the operator, who had the data and self-interest in expanding the scope or duration of the variance, to establish the need for the magnitude and scope of the proposal. The commenter also believed that there must come a point when the regulatory authority would conclude that sufficient experimentation had taken place on a new technology or alternative postmining land use so that additional experimentation would not be permissible under the Act. By contrast, another commenter recommended deleting as redundant the proposed § 785.13(d)(3) finding by the regulatory authority concerning the size and number of the experimental practices.

OSM rejects both of these recommendations. OSM believes the Act requires the regulatory authority to make a specific finding as to the size and number of the experimental practice to determine its effectiveness and economic feasibility. Under this final rule, the regulatory authority and the Director must evaluate the proposed experimental practice to make the necessary findings. Information necessary to determine that the experimental practice is not larger or more numerous than necessary will generally be readily available to the regulatory authority.

One commenter endorsed the elaboration of information to be provided by the applicant concerning the nature of the proposed experimental practice. The commenter recommended revising proposed § 785.13(b)(1) to read "a description of the performance standards for which variances are requested." This change has been adopted.

One commenter was concerned that OSM's reference in § 785.13(b)(2) and (d)(1) in the proposal to "postmining land use" as a possible experimental practice could be interpreted to mean that whenever an operator proposed an alternative postmining land use in its surface mining permit application, such would have to be couched as an experimental practice. The commenter's fear is unfounded. An operator need apply for an experimental practice only when it is necessary to obtain a variance from the environmental protection performance standards.

Two commenters objected to the deletion of an application requirement showing the necessity for obtaining a variance from the performance standards. According to one of the commenters, without such a showing experimental practices could become a way to circumvent the requirements of not only Sections 515(b)(2) and 515(c) of the Act, but also those of Section 511 relating to procedures for surface mining permit revisions.

For two reasons OSM has not required information as to whether the ends sought through the experimental practice could not be otherwise attained under the regulatory program. First, OSM believes that the intent of Section 711 is to encourage advances in technology and alternative postmining land uses. Thus, even if an end product could be obtained through the existing regulatory program, improved procedures for attaining that goal could possibly also be developed through the

experimental practices program. Second, OSM is of the opinion that during review by the regulatory authorities and the Director, those experimental practices which should not be approved because they are larger or more numerous than necessary or do not meet the other criteria will be identified. Finally, OSM considers that the language of the final rule makes it clear that the permit revision requirements of Section 511 of the Act and Subchapter G of 30 CFR Chapter VII apply to experimental practices.

Two commenters recommended including "economic advantage" among the purposes for conducting experimental practices noted in § 785.13(b)(2) and (d)(1). In support of their recommendation, the commenters cited language from the preamble of the proposed rule which said that experimental practices could lead to economic benefits.

OSM has not adopted this suggestion because the two advantages listed in the rule are in keeping with those provided for in Section 711 of the Act. However, OSM believes to the extent such information aids in showing that the proposed practice encourages technological advances in mining, an operator may supplement his permit application with information demonstrating the economic benefits of the proposal.

One commenter objected to the monitoring requirement which would enable the regulatory authority and the Director to evaluate the effectiveness of the practice. The commenter believed that this was not required by the Act, that it would be extremely expensive and that the same purpose could be accomplished by other monitoring requirements. The recommendation to delete this requirement is rejected because OSM thinks that such data will enable the regulatory authority and the Director to evaluate the effectiveness of an experimental practice for purposes of allowing further experimental practices and possibly changing existing regulatory standards and is also needed to identify potential risks to the environment. Furthermore, the monitoring requirements provided under other rules may not be sufficient for activities covered by this rule. Since an experimental practice is conducted pursuant to a variance from promulgated performance standards, it must be more closely observed than standard mining practices. As for any additional expenses incurred due to monitoring, OSM believes that these may well be offset by economic advantages obtained as a result of successful experimental practices. Finally, OSM considers it has sufficient authority under the Act to require the monitoring data.

Two commenters recommended deleting language in proposed § 785.13(b)(4) referring to monitoring "during and after the operation involved." Instead, they thought that the regulatory authority should set the monitoring requirement in the experimental practice permit. The commenters wished to do away with open-ended monitoring requirements after the experimental practice was completed.

OSM rejects this suggestion in part because the degree of monitoring being specified follows the Act which provides for the experimental practice potentially to be "more or at least as environmentally protective, *during and after* mining operations" [emphasis added] as the promulgated performance standards. In order to ensure that this mandate is followed, a monitoring program both before and after the operation may be necessary. However, OSM agrees that the extent and scope of required monitoring should be determined and established in the experimental practices permit. For this reason the language has been revised by not adopting the proposed phrase "during and after the operation involved" in the first sentence of § 785.13(b)(4). Instead, the phrase "during and after mining" has been added to § 785.13(b)(4)(ii). This will assure that postmining monitoring need only be conducted if necessary to identify the risk to the environment and public health and safety during and after mining. Whether monitoring after mining may be required to meet this objective can be determined within the context of the individual experimental practices permit.

One commenter thought that the proposed language in § 785.13(b)(4)(i) would create a major loophole to compliance with the performance standards by deleting the previous requirement for a monitoring program to evaluate and compare experimental practices. Another commenter believed the proposal was in direct conflict with the Section 711 limitation on experimental practices to be "not larger or more numerous than necessary" to determine their effectiveness and economic feasibility. According to that commenter, unless the monitoring data were given in a form to enable comparison with other experimental practices, the regulatory authority or Director might approve practices more numerous than necessary or approve one already shown to be ineffective or infeasible.

OSM rejects these comments because the regulatory authority and the Director will have sufficient information from the experimental practice permit application to evaluate a given experimental practice on its own merit as well as in comparison with other similar experiments. Under this provision, reviewers are provided with data as to the effectiveness of the practice. Likewise, under § 785.13(b)(1), all performance standards for which variances are requested are identified, thus providing reviewers with a basis for comparison if and when necessary.

Several commenters opposed the proposed rule's requirement for operators to provide information in the permit application concerning the mitigative measures which would be taken in the event the experimental practice failed to meet its objectives. This was unacceptable to the commenters because they believed that experimental practices must be limited to situations where the worst case situation will not fall below the Subchapter K standards in environmental and public health and safety protection.

OSM has reviewed the legislative history for Section 711 and does not agree that experimental practices need be evaluated based upon the worst case possible if the practices were to fail. OSM believes the commenter's position is internally inconsistent. On the one hand it asserts that mitigative measures are inappropriate because the Subchapter K performance standards are minimum criteria which the operation must meet even under the worst possible circumstances if the experimental practice fails. On the other hand, the commenter recognizes that, in fact, an experimental practice may carry with it a risk of failure in which the Subchapter K performance standards cannot be met. In such a situation, the commenter urges that mitigative measures are insufficient because affirmative remedial measures are required. OSM is of the opinion that an experimental practice is exactly that, "experimental," and carries with it a certain level of uncertainty of success. However, OSM agrees with the commenters that, if additional measures are required to make the findings under § 785.13(d) (2) and (4) that the experimental practice is potentially more or at least as environmentally protective as the standards of Subchapter K and that equivalent protection is afforded the public health and safety, then the regulatory authority

and the Director have the responsibility to require under § 785.13(f), that such measures be incorporated in the experimental practice. Accordingly, the proposed requirement to specifically identify mitigative measures in the experimental practice application has not been adopted in the final rule.

C. *Section 785.13(c) Public Notice*

Under this paragraph an operator and the regulatory authority shall comply with the public notice requirements of proposed 30 CFR 773.13, as set forth in Volume III of OSM's "Final Environmental Impact Statement OSM–EIS–1: Supplement." (The use of proposed sections is discussed under "Procedural Matters.") This means that specific reference to a proposed experimental practice shall appear in the newspaper advertisement and in the notificaion to Federal, State and local government agencies with jurisdiction over or an interest in the proposed operation that are required by proposed § 773.13.

One commenter questioned requiring a newspaper advertisement in all cases when experimental practices permit applications are made. The commenter believed there were times when the proposed experimental practice would not change the surface mining permit at all. OSM rejects this comment because, at a minimum, an experimental practice will result in a variance from the applicable performance standards.

Another commenter was concerned that, as proposed, § 785.13(c) applied only to initial permit applications, and, therefore, permit revisions would not be subject to the same degree of public notice and participation. The commenter thought that the requirements of 30 CFR 786.11 applied only to initial permit applications.

The commenter is referred to 30 CFR 788.12(b)(2) which stated that *significant* alterations to a permit had to meet the same notice requirements as the initial application. Under the preferred alternative in Volume III of "Final Environmental Impact Statement OSM EIS–1: Supplement" for permit revisions, OSM would retain this requirement. See proposed 30 CFR 774.13 as set forth in OSM EIS–1: Supplement.

D. *Section 785.13(d) Approval Requirements*

Section 785.13(d) requires the regulatory authority to find in writing that the proposed experimental practice will encourage advances in technology or allow an alternative postmining land use; is potentially more or at least as environmentally protective during and after mining operations as the promulgated standards of Subchapter K; is not larger or its operations more numerous than necessary to determine its effectiveness and economic feasibility; and does not reduce the protection afforded public health and safety below that provided by standards promulgated under Subchapter K. Once the regulatory authority has made its findings, the Director will review them along with the permit application to reach a decision on concurrence.

Several commenters were concerned that there would be delays in the issuance of approvals for experimental practices due to confusion over the order of review between the regulatory authority and the Director. Others wanted it clear that the State regulatory authorities had the lead in initially reviewing and determining the merits of a proposal. In order to lessen the possibility of delay in approvals or confusion about the order of review, OSM has written the final rule so that it is clear that the Director will not concur in an application until after the regulatory authority has made its specific findings.

One commenter recommended that the rule should provide explicit recognition that the statutory principle of "* * * better than or equivalent environmental protection * * *" contemplates a balancing of various environmental effects and standards with emphasis on the final product. OSM believes that no revision to the rule is necessary. The level of environmental protection provided by each experimental practice must be compared to the minimum level of environmental protection provided under the regulatory standards of Subchapter K. No change is necessary to provide emphasis in the final product.

One commenter objected to the deletion in the proposed rule of the requirement conditioning approval of an experimental practice upon the imposition of enforceable alternative environmental protection performance standards in the event the specific variance is departed from or the experiment fails. The same commenter, however, objected to the provision requiring the operator to include potential mitigative measures in the permit application for the experimental practice. As indicated above, OSM has deleted both provisions from the final rule. As revised, the standard for approval of the experimental practice will be the statutory standard. Potential mitigative measures may be included in the experimental practice approval as appropriate and considered by the regulatory authority and the Director in evaluating whether the statutory standard is met. Regardless of whether mitigative measures are prescribed in advance, if a failure of the experimental practice leads to a degradation of the environment, the Director and the regulatory authority will have the responsibility to order measures to ensure protection of the environment and public health and safety.

The same commenter thought that the revised language in § 785.13(d)(4) was vague regarding the "promulgated standards" below which the experimental practice could not fall with respect to health, safety and environmental protection.

The commenter believed that specific references to standards required by Subchapter K and the regulatory authority's program should be included. OSM has accepted the commenter's suggestion with respect to Subchapter K and has revised paragraph (d)(4) accordingly. OSM has not, however, included reference to the standards of the regulatory program, since a State, under Section 505 of the Act, may include standards more stringent than the standards of Subchapter K. Departures from such requirements only require an experimental practice permit when they would also result in a variance to the Subchapter K standards.

E. Section 785.13(e) Consultation With USDA

Section 785.13(e) requires consultation with the U.S. Department of Agriculture, Soil Conservation Service (SCS), prior to granting variances from the special environmental performance standards for prime farmlands in keeping with the provisions of Section 510(d)(1) of the Act. Under 30 CFR 785.17, the Secretary of Agriculture has assigned these responsibilities to the SCS.

One commenter endorsed this provision provided that no deviation from the prime farmlands productivity requirements would be allowed. OSM agrees that Section 711 of the Act allows variances only from the environmental protection performance standards established by Sections 515 and 516 of the Act. Thus an experimental practice can be approved which provides a variance from the prime farmland soil reconstruction standards of Section 515(b)(7) of the Act. However, variances are not allowed from the productivity standards established separately under Sections 510(d) and 519(c)(2) of the Act. A conforming reference to Sections 515 and 516 of the Act has been included in § 785.13(e).

Another commenter recommended deleting the new requirement as duplicative of requirements found at 30

CFR 785.17 for prime farmlands. This comment is rejected. Section 785.17 deals with permit requirements for prime farmlands and does not cover the variances from performance standards allowed by Section 711 of the Act.

F. Section 785.13(f) Monitoring/ Additional Requirements

Section 785.13(f) will require that anyone undertaking an approved experimental practice shall conduct the periodic monitoring, recording and reporting program set forth in the application as well as fulfill any additional steps the regulatory authority or the Director may require to ensure protection of the public health and safety and the environment.

One commenter recommended deleting proposed § 785.13(f) as being redundant with the monitoring requirements of paragraph 785.13(b)(4). OSM has rejected this suggestion because new § 785.13(f) serves a different purpose than the referenced paragraph. Section 785.13(b)(4) concerns information which an operation must provide in an application for an experimental practice. On the other hand, § 785.13(f) indicates that the operator shall perform monitoring activities as well as any other requirements the regulatory authority or the Director may specify. OSM has adopted the word change recommended by another commenter in order to make it clear that the paragraph involves two distinct requirements.

G. Section 785.13 (g) and (h) Permit Review/Revision Requirements

Proposed §§ 785.13 (g)(1) and (g)(2) are adopted as new §§ 785.13 (g) and (h). Section 785.13(g) will require each experimental practice to be reviewed by the regulatory authority at a frequency set forth in the approved permit, but no less than every two and a half years. Two and a half years will generally correspond to the midterm of the permit. After any such review, the regulatory authority may require modifications of the practice which are necessary to ensure that the operation fully protects the environment and public health and safety. OSM has made clear that the administrative and judicial review provisions attendant to permits also apply to modifications of experimental practices. Under § 785.13(h), in the event an operator wishes to revise an approved experimental practice, it will be necessary first to submit an application for a permit revision subject to the requirements of Subchapter G.

One commenter argued that there was no statutory authority justifying the proposed yearly review of experimental practices. While OSM has modified its review proposal as described above, it rejects the general assertion that establishing a review procedure is somehow outside the scope of its authority. The Act provides OSM with ample authority to promulgate those rules it believes are necessary to carry out the purposes of the Act.

Several commenters objected to the proposed annual review of each experimental practice. Some felt that the data accumulated from one year could be inadequate to determine the effectiveness of the practice. Also, they thought that the frequent review with possibilities for unlimited modification by the regulatory authority could act as a disincentive to participation in the program and could be unnecessarily burdensome to the regulatory authority as well. The commenters recommended having the review period determined by the regulatory authority on a case-by-case basis so as to take into account the specific nature and location of the practice and the parties involved. Some commenters thought it was better not to have the review set by an arbitrary schedule. They believed that State regulatory authorities wishing to have more frequent reviews would be able to establish this in their State programs. OSM agrees with the thrust of these comments and has written the final rule so that the review period shall be set by the regulatory authority in the approved permit, but shall be no less frequent than every two and one half years. OSM believes this provision will give the regulatory authorities sufficient flexibility to establish an appropriate review process without creating unnecessary burden.

Another commenter objected to the proposed rule because he felt the review should be of the entire permit and not just the experimental "practice." The commenter was also concerned that citizen participation was being deleted. OSM considers § 785.13(g) to include review of the experimental practices and any directly related provisions of the permit. The regulatory authority need not review unrelated aspects of the permit at the same time. Review of other aspects of the entire permit is governed by 30 CFR 788.11. (See also proposed 30 CFR 774.11 as set forth in OSM EIS–1: Supplement.) OSM has also revised paragraph 785.13(g) to assure public participation when modifications occur in accordance with the administrative and judicial review provisions of proposed 30 CFR Part 775, as set forth in OSM EIS–1: Supplement.

One State commenter found the language of proposed § 785.13(g) (1) and (2) to be inconsistent. The commenter thought it was necessary to have language in each paragraph making it clear that it is necessary to obtain the approval of the regulatory authority for any permit modifications. OSM agrees with the observation of the commenter and has rewritten both paragraphs accordingly.

In the proposed rule, OSM distinguished between major and minor revisions to the experimental practice approval. Under proposed § 785.13(g)(2), prior to the implementation of a minor revision, an operator would have only needed to provide the regulatory authority with written notice. In the case of a major revision, approval by the regulatory authority and the Director would have been necessary before implementation. Much discussion with respect to the major/minor dichotomy and who should retain responsibility for approval was generated as a result of OSM's proposal.

Two commenters wanted the term "major" and "minor" revisions to be defined. Others thought that simple notice to the regulatory authority in all cases was sufficient. A third commenter believed that while the regulatory authority should retain control over major revisions, the full permitting process should not be necessary. One State commenter preferred to see the regulatory authority provide written approval. Another State commenter wanted the role of the Director to be limited in the approval process. A different State wished to require regulatory authority approval in all instances. Two commenters thought there should be a deadline within which a regulatory authority must act or be deemed to have approved the revision. Another commenter made the point that any revision to an experimental practice may be significant and, therefore, there was no basis for distinctions concerning the significance of revisions.

OSM has decided not to adopt the major/minor distinction. Instead the final rule, in § 785.13(h), requires processing and approval by the regulatory authority consistent with the provisions of the proposed new rule for permit revisions, § 774.13, as set forth in OSM EIS–1: Supplement. Revisions that propose significant alterations to the experimental practice must also be subject to notice, hearing and public participation requirements and concurrence by the Director. OSM believes this comports with Section 511(a)(2) of the Act requiring that revisions which propose significant alterations in the permit be subject to notice and hearing requirements. Non-significant revisions may be handled

more expeditiously. Under Subchapter G, such applications must be processed within a reasonable time. However, no specific time limit has been included in the final rule.

H. Miscellaneous Recommendations

One commenter recommended several new provisions. One of these would require a regulatory authority to designate contact persons on its technical staff for monitoring experimental practices who would be immediately notified by an operator in the event problems developed in the course of an experiment. The proposed provision would also authorize the issuance of a notice of violation only if an experimental practice plan were not followed or if appropriate action as required by the regulatory authority were not taken.

OSM believes that regulatory authorities will set up appropriate contact arrangements and therefore specific directions to this effect are not warranted in this rulemaking. With respect to the issuance of notices of violation, the experimental practice variance becomes part of the surface mining permit and, if followed, would not lead to the issuance of a notice of violation or a cessation order with regard to those standards from which a variance was granted.

The same commenter proposed including provisions which would identify what constitutes a successful experimental practice; would require a regulatory authority to notify all operators in the State of a practice that was deemed successful; would permit the practice's use on a case-by-case basis; and would require the Director to circulate to the State regulatory authorities technical memoranda informing them of practices deemed to be successful.

OSM has not adopted any of these suggestions in this rulemaking, because it believes that whether an experimental practice is completely or partially successful will be apparent. As for how dissemination of the new information will be accomplished within a State, OSM believes that those decisions are within the prerogative of the regulatory authority. Since an experimental practice permit is issued to allow a variance from performance standards, it will be necessary to revise regulations before widespread use of a successful practice can occur. Merely circulating notices or technical memoranda would not be sufficient.

Several commenters raised questions about the bonding requirements that apply to experimental practices. One believed that small and medium sized operations had little inducement to provide an investigator with areas for experimental research, if those locations might not qualify for bond release as quickly as conventionally reclaimed areas. Moreover, the commenter felt that operators could not be required to rework failed experimental plots at added cost. To counter these perceived problems, the commenter suggested lessening the performance bond requirements for areas where experimentation was taking place and having the organization sponsoring the research assume some or all of the liability of any performance bond. A Federal agency suggested, as a way of promoting cooperation between research organizations and mine operators, providing early release from reclamation bonds for specific areas dedicated to reclamation research and demonstration of reclamation technology. The commenter thought that research areas would seldom encompass an entire permitted area, and therefore the incremental release could occur provided the area otherwise qualified for such status. At the recent oversight hearings of the House Subcommittee on Energy and the Environment, a mining industry spokesman testified that under the proposed rule there was at least one issue which remained an obstacle to enhancing reclamation technology. The witness said there was no statutory provision for establishing designated postmining land use research and demonstration areas on bonded surface mining lands. According to the spokesman, Section 711 was seen by the regulatory authorities as applying to alternative design work and engineering practices. Therefore, research groups (universities and government agencies) had to assume responsibility for the long term performance bonds. The witness recommended that Section 711 be expanded or a new provision enacted to encourage research groups and operators to participate in revegetation research.

Bonding amounts and length of liability are governed by Sections 509 and 519 of the Act and 30 CFR Parts 800–809. No provision is included in the Act for waiver of bonding requirements for experimental or research requirements. However, the bond amount can include consideration of the provisions of the experimental practice. As for whether Section 711 of the Act can be expanded to cover revegetation research not considered an experimental practice, such action is outside the scope of this rulemaking.

One commenter thought that simply preparing an environmental assessment on the experimental practice rulemaking did not meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 *et seq.*, or Section 702(d) of the Act.

The Office has prepared an environmental impact statement which analyzes the impacts on the quality of the human environment resulting from changes to the permanent program regulations.

III. Procedural Matters

For convenience, certain references in the final rule are to proposed section numbers that have not been finalized. If such sections are not adopted as proposed, conforming technical amendments will be issued.

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

National Environmental Policy Act

OSM has analyzed the impacts of these final rules in the final Environmental Impact Statement OSM EIS–1: Supplement according to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, NW., Washington, D.C., or by mailing a request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, DC 20240. This preamble serves as the record of decision under NEPA. This final rule adopts the preferred alternative published in Volume III of the EIS which is analyzed in the EIS, with minor editorial changes.

Paperwork Reduction Act

The information collection requirements contained in § 785.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0040. The information is being collected by the regulatory authority in determining whether the applicant meets the applicable performance standards for experimental practices mining activities. This information will be used to give the regulatory authority a sufficient baseline upon which to assess the impact of the proposed

operation during the permanent regulatory program. The obligation to respond is mandatory.

List of Subjects in 30 CFR Part 785

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

For the reasons set forth in the preamble, Part 785 of Chapter VII, Title 30, of the Code of Federal Regulations is amended as set forth herein.

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

PART 785—REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

1. Section 785.13 is revised to read as follows:

§ 785.13 Experimental practices mining.

(a) Experimental practices provide a variance from environmental protection performance standards of the Act, of Subchapter K of this chapter, and the regulatory program for experimental or research purposes, or to allow an alternative postmining land use, and may be undertaken if they are approved by the regulatory authority and the Director and if they are incorporated in a permit or permit revision issued in accordance with the requirements of Subchapter G of this chapter.

(b) An application for an experimental practice shall contain descriptions, maps, plans, and data which show—

(1) The nature of the experimental practice, including a description of the performance standards for which variances are requested, the duration of the experimental practice, and any special monitoring which will be conducted;

(2) How use of the experimental practice encourages advances in mining and reclamation technology or allows a postmining land use for industrial, commercial, residential, or public use (including recreation facilities) on an experimental basis;

(3) That the experimental practice—

(i) Is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under Subchapter K of this chapter; and

(ii) Will not reduce the protection afforded public health and safety below that provided by the requirements of Subchapter K of this chapter; and

(4) That the applicant will conduct monitoring of the effects of the experimental practice. The monitoring program shall ensure the collection, analysis, and reporting of reliable data that are sufficient to enable the regulatory authority and the Director to—

(i) Evaluate the effectiveness of the experimental practice; and

(ii) Identify, at the earliest possible time, potential risk to the environment and public health and safety which may be caused by the experimental practice during and after mining.

(c) Applications for experimental practices shall comply with the public notice requirements of § 773.13 of this chapter.

(d) No application for an experimental practice under this section shall be approved until the regulatory authority first finds in writing and the Director then concurs that—

(1) The experimental practice encourages advances in mining and reclamation technology or allows a postmining land use for industrial, commercial, residential, or public use (including recreational facilities) on an experimental basis;

(2) The experimental practice is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under Subchapter K of this chapter;

(3) The mining operations approved for a particular land-use or other purpose are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practice; and

(4) The experimental practice does not reduce the protection afforded public health and safety below that provided by standards promulgated under Subchapter K of this chapter.

(e) Experimental practices granting variances from the special environmental protection performance standards of Sections 515 and 516 of the Act applicable to prime farmlands shall be approved only after consultation with the U.S. Department of Agriculture, Soil Conservation Service.

(f) Each person undertaking an experimental practice shall conduct the periodic monitoring, recording and reporting program set forth in the application, and shall satisfy such additional requirements as the regulatory authority or the Director may impose to ensure protection of the public health and safety and the environment.

(g) Each experimental practice shall be reviewed by the regulatory authority at a frequeny set forth in the approved permit, but no less frequently than every 2½ years. After review, the regulatory authority may require such reasonable modifications of the experimental practice as are necessary to ensure that the activities fully protect the environment and the public health and safety. Copies of the decision of the regulatory authority shall be sent to the permittee and shall be subject to the provisions for administrative and judicial review of Part 775 of this chapter.

(h) Revisions or modifications to an experimental practice shall be processed in accordance with the requirements of § 774.13 of this chapter and approved by the regulatory authority. Any revisions which propose significant alterations in the experimental practice shall, at a minimum, be subject to notice, hearing, and public participation requirements of § 773.13 of this chapter and concurrence by the Director.

Revisions that do not propose significant alterations in the experimental practice shall not require concurrence by the Director.

(30 U.S.C. 1201 *et seq.*)

[FR Doc. 83-5883 Filed 3-3-83; 8:45 am]

BILLING CODE 4310-05-M

federal register

Friday
March 4, 1983

Part VIII

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Training, Examination, and Certification of Blasters; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816, 817, and 850

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Training, Examination, and Certification of Blasters

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is issuing final rules that delegate responsibility for the development and implementation of blaster certification programs to regulatory authorities with permanent regulatory programs. This is being done to accommodate the States' desire to develop and implement their own blaster certification programs. Additional amendments have been adopted to ensure that blasts are conducted only by certified blasters.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur Anderson, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., NW., Washington, D.C. 20240; 202–343–5954.

SUPPLEMENTARY INFORMATION:

I. Background
II. Rules Adopted and Responses to Public Comments on Proposed Rules
III. Procedural Matters

I. Background

Section 515(b)(15)(D) of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, 30 U.S.C. 1201 *et seq.* (the Act), requires that all blasting operations be conducted by trained and competent persons as certified by the regulatory authority. Section 719 of the Act directs that regulations be promulgated which require "the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in surface coal mining operations." Section 719 also states that such regulations may be promulgated by the "Secretary of the Interior (or the approved State regulatory authority as provided for in Section 503 of the Act)." Final regulations to implement those sections were published at 45 FR 82004–82100 (December 12, 1980). Previous proposals were published at 43 FR 41634 (September 18, 1978) and at 44 FR 36318 (June 20, 1979).

In the December 12, 1980, rules adopting the old blaster certification program OSM interpreted Section 719 of the Act as providing statutory authority to promulgate rules for a comprehensive national program to train, examine, and certify "blasters-in-charge," a regulatory term not found in the Act (45 FR 82092–94). Section 719 of the Act also allows approved State regulatory authorities to develop and implement blaster certification programs.

On January 29, 1981, the Secretary of the Interior ordered that all regulations which were excessive, burdensome, or counterproductive be identified and asked States and industry to recommend sections to be revised. OSM, in compliance with the administrative mandate to simplify and remove excessive regulatory burdens, reproposed rules governing training, examination, and certification of blasters in surface operations of coal mines. The reproposed rules were published on March 24, 1982 (47 FR 12779).

II. Rules Adopted and Responses to Public Comments on Proposed Rules

OSM today is issuing final rules within which a State with an approved State regulatory program can implement and design its own blaster certification program.

The rules adopted today require regulatory authorities to ensure that all blasting operations are conducted by qualified and trained blasters. Under the rules adopted today each State must choose and develop the method of training, examining, and certifying blasters which best meets local needs within the regulatory framework adopted herein. In States with Federal programs, OSM must assume the responsibility to develop such programs.

In the rules adopted today, the training of blasters is mandatory. A State may mandate blaster training at specified schools, conduct courses based on curriculum developed under its guidance, or choose to require all applicants to demonstrate and/or document that they have received training in some other way prior to examination or certification. The State may impose retraining or choose to find another method to ensure continued blaster competence. Initial evaluation of competence by written exam is mandated by these rules and must reflect certain subject areas. It will, however, be left to the State to develop and implement the exam. The State regulatory authority must also review and verify the practical field experience of persons seeking blaster certification. Each State may build additional procedures, conditions and criteria into its program as long as the program satisfies the basic requirements cited.

OSM received comments from industry, citizens and State regulatory authorities discussing the proposed amendments. Many commenters agreed with the concept of State responsibility for blaster training, examination and certification in lieu of the national program previously proposed. All comments received have been considered and incorporated into the rules as indicated.

General Comments on Part 850

OSM had specifically solicited comments on whether it could promulgate National standards for blaster certification. Some commenters believed that OSM had correctly proposed to allow exclusive State jurisdiction over blaster training examinations and certification. One noted "that States are capable of formulating effective and appropriate state blaster certification programs." Other commenters believed it is beyond the authority of OSM to issue any regulations governing blaster certification and that each State must be responsible for developing provisions implementing a blaster certification program in its State program.

OSM believes that the provisions of a training, examination and certification program can best be developed at the State level based on a general National programmatic rule.

OSM's authority to issue regulations establishing the framework for State blaster certification is incident to Sections 503(a)(1), 515(b)(15)(d), and 719 of the Act, among other sections. States will have responsibility to develop specific provisions. Subchapter M will ensure consistency and provide a yardstick by which OSM can approve State programs and conduct oversight.

A commenter objected to OSM's interpretation of Section 719 of the Act, which allows each State to develop its own program and procedures governing blaster training, examination and certification. This commenter preferred a standardized, nationally uniform program. The commenter pointed out that in the initial years since the statute has been passed, no State has implemented an acceptable blaster certification program.

OSM believes that Section 719 of the Act, especially when read in conjunction with Section 102 of the Act provides ample authority for these regulations. In considering whether to develop a national exam and training program, OSM requested comments from the coal-producing States who would otherwise bear the burden of this task. Most States preferred to take the initiative in this area. Some States raised concerns over funding, but nevertheless preferred to be given the opportunity to take control

over this aspect of the progam. This concept will allow training to be adapted to local blasting techniques. Practices used in local mines and under particular local geologic conditions may be designed to emphasize local and regional characteristics. Moreover, since the publication of the December 12, 1980, final rule, at least one State (West Virginia) has developed blaster certification exams, and other States in cooperation with West Virginia have given consideration to training programs and facilities. States such as Alabama, Pennsylvania, Oklahoma and Kentucky already have programs which, with certain modification to course content and/or procedures, could be used to implement the blaster certification concept.

A commenter asserted that proposed §§ 850.13, 850.14, and 850.15 exceed OSM's authority because they set work practice standards and procedures better left to the State's discretion. OSM believes that the criteria established in §§ 850.13, 850.14 and 850.15 serve to standardize subject areas and program procedures, allow the industry to more easily tailor design courses to this purpose and enhance the likelihood of reciprocity between States. These are not work practice standards. Based on these reasons, OSM has chosen to retain the minimum criteria, with minor changes as noted elsewhere.

Section 850.1 Scope.

New § 850.1 specified that 30 CFR Part 850 sets requirements and procedures applicable to the development of regulatory programs for the training, examination, and certification of persons engaging in or directly responsible for the use of explosives in surface coal mining operations.

Section 850.5 Definition.

OSM has adopted a definition of "blaster" similar to the one proposed. "Blaster" is defined as a person certified to be directly responsible for the use of explosives in surface coal mining operations. The proposed words "for blasting" which would have modified the words "use of explosives" have not been adopted. The words could have created the misimpression that handling of explosives in surface coal mining operations for non-blasting purposes need not be supervised by a certified blaster. Non-blasting aspects of explosives use such as transportation and storage are to be conducted under the supervision of a blaster.

Commenters were concerned that OSM's proposal would have required that all persons "engaging in" blasting be trained and certified in all topics of blasting. These commenters felt it was unnecessary for all individuals who are involved with explosives such as those receiving explosives or drilling holes, to be certified. They pointed out that "the man who loads the holes most often is not the man who designs the holes." The commenter recommended a two part certification: (1) Office personnel, and (2) field personnel.

In the rules adopted today OSM has clarified its intent. Surface mining operations using explosives must be conducted under the direction of a "certified blaster." The rule does not mandate that all personnel "engaging in" blasting operations be certified as blasters. The blasting crew member or members responsible solely for receiving, drilling, loading, or transporting explosives would report to and be controlled and trained by the "certified blaster." Only individuals responsible for the conduct of blasting operations must be certified. Section 850.13(a)(2) specifically refers to and requires training for non-certified employees working in a blasting crew. It requires that these persons work under and receive direction and training from the certified person. OSM has not accepted the commenter's suggestion that certification be divided because a responsible blaster needs to know both office and field blasting operations to ensure the successful achievement of the requirements of the Act.

A commenter suggested that the proposed definition of blaster might conflict with the present United Mine Workers of America definition of a "supervisor." The commenter believed that the phrase "engaging in" put the blasters into the category of "classified work" which would prevent supervisors from serving as "blasters." The comment proposed the alternative of "direct responsibility for" rather than "engaging in" the work of blasting.

OSM has adopted the recommendation as proposed. In proposing the definition OSM did not intend to include or exclude anyone from union coverage, not to alter employee-union relations. For each mine, however, at least one person must be directly responsible for the use of explosives at any time. That person must be a certified blaster and must be present at each blast. Such a person may engage in, as well as be directly responsible for, the use of explosives. Persons who merely "engage in" the use of explosives without the responsibility for their use need not be certified. Similarly, some supervisory personnel may not be *directly* responsible for the use of explosives, even though some of the people they supervise may engage in blasting operations. These persons need not be certified either. But all persons who are directly responsible for the use of explosives must be certified. At some operations the person who is directly responsible may design as well as drill and load or perform other functions. These persons are required to be certified.

Corresponding changes have been made to §§ 850.12(b) and 850.13(b) to include the phrase "responsible for" the use of explosives rather than "engaging in."

Section 850.11 Applicability.

As proposed, the applicability section would have specified that part 850 applies to regulatory authorities responsible for enforcing a permanent surface coal mining regulatory program. OSM believes this section is redundant and has not adopted it.

Section 850.12 Responsibility.

Section 850.12(a) requires regulatory authorities to promulgate rules governing the training, examination, and certification of blasters in surface coal mining operations. States are to submit rules governing blaster certification to OSM for approval as a State program provisions under 30 CFR Parts 731 and 732.

Section 850.12(b) requires each regulatory authority with an approved regulatory program to submit a program for the examination and certification of persons responsible for the use of explosives in surface coal mining operations within 12 months of State program approval or implementation of a Federal program or within 12 months after the effective date of these rules, whichever is later.

A State regulatory authority objected to OSM's delegation of the responsibility for blaster training, examination and certification to the States because of the financial and programmatic burden this places on the State regulatory authority. This State criticized the existing funding levels as inadequate to produce a training and certification program. The commenter did not object to taking program responsibility, but objected to lack of specific programmatic guidance and funding.

OSM proposed to change its earlier emphasis on a national training program and exam, based on comments from the majority of coal-producing States which preferred to take responsibility for the program. OSM expects to work with the States to provide grant assistance and technical assistance to States in developing or reviewing blaster

certification methods and examinations. Although this final rule mandates that applicants for certification be experienced and trained, it does not necessarily require States to establish training facilities and courses as was required under the previous rule. Rather it allows the use of other courses covering the topics required by the rule.

In the proposed rules, OSM had requested comments regarding the time frame for implementing blaster certification programs. Commenters objected to the proposal that all blasters in a State be certified within six months after a blaster certification program is adopted for the State. A State regulatory authority recommended 24 months rather than 12 months for program development. OSM has decided to adopt the 12 month period in § 850.12(b) for program development and a further 12-month period for the certification of all blasters. OSM believes that 12 months to obtain program approval is adequate for program development. Program approval will have to include a valid exam as well as all of the other program elements. However, the new rule contains a provision under which OSM may approve an extension of the 12-month period if a State demonstrates good cause. An extension is not considered appropriate to delay implementation of a program, but will be approved only where unforeseen complications or other circumstances warrant.

OSM concurs with the recommendation of several commenters that a longer period for certification be allowed. Accordingly a twelve month period has been adopted. However, because the requirement is a condition on blasting, it is properly imposed on operators and is incorporated as a performance standard into Subchapter K, as §§ 816.61(c) and 817.61(c), described below.

An operator suggested that OSM require that State regulatory personnel administrating the blaster certification program be certified.

OSM is placing the responsibility on the regulatory authority to determine qualifications of the personnel responsible for implementing the certification program and does not believe it necessary to prescribe the manner in which this is to be done.

OSM had solicited comments on the issue of whether a State blaster certification program should be applied on Federal lands in a State. One State regulatory authority commented that it should apply its approved certification program only to lands under its area of jurisdiction, and leave the applicability of the certification program on Federal lands to the Secretary's discretion.

OSM believes that in a State with a cooperative agreement an approved State certification program should apply to blasting on Federal lands within the State. Because many mining operations may involve coal both on non-Federal and Federal lands, and because other State regulations apply on Federal lands it is appropriate to require the certification of blasters only by one regulatory authority. This, however, will be pursued on a case-by-case basis under specific cooperative agreements. OSM will promulgate rules at a later date governing certification of blasters for operations on Federal lands in States without cooperative agreements. At a minimum, OSM will recognize certificates issued under an approved State program for operations on Federal lands within the particular State.

Commenters further endorsed reciprocity among States in order to facilitate blasters working in more than one State.

OSM endorses the concept of State reciprocity. This should be facilitated by the State program review and approval process, under which all States with approved programs must conform with the rules adopted today and the Act. It is expected that the individual States will work out the details of mutual acceptance under licensing procedures.

Section 850.13 Training.

Section 850.13 (a) requires the regulatory authority to adopt procedures to ensure that prospective blasters receive training, including but not limited to technical aspects of blasting operations and the requirements of State and Federal laws governing the storage, transportation and use of explosives. The rule also requires that all uncertified persons in blasting crews receive direction and on-the-job training from those certified as blasters. This ensures that workers involved in the use of explosives receive direction from trained persons who are knowledgeable in the proper use and handling of explosives.

OSM's proposed rule would have required that "blasters" receive training. A commenter suggested adding the word "certified" to modify "blaster" in the requirement for blasters to receive training. The commenter noted that under the definition a blaster must be certified. In proposing the rule, OSM did not intend to require those already certified to be trained. Rather, the intent was that the requirement apply to those who seek to become certified.

OSM has amended § 850.13 (a) (1) to require training by those who seek to become certified. As suggested by other commenters a further provision has been added at § 850.15 (c) (1) which allows a regulatory authority to require retraining for continued licensing. This is discussed below.

A commenter recommended deletion of "storage and transportation of explosives" from the training requirements of § 850.13 and the exam requirements of § 850.14. The commenter asserted that this requirement was not authorized by the Act.

The Act requires that the use of explosives be under the direction of a certified blaster. OSM interprets "use of" to include transportation and storage. Since the blaster directs the receipt, storage and movement of explosives it is essential that he must be trained in the proper methods of storage and transportation.

OSM does not intend to govern the facets of explosives use regulated by other Federal or State agencies, but rather to ensure that as a condition of certification a blaster is knowledgeable of all these aspects. Accordingly, the rule governing storage and transportation of explosives has been adopted without change.

A commenter objected to the proposed requirement of "on-the-job training" in § 850.13 (a) (2) because it appeared to duplicate MSHA's requirement with respect to health and safety.

OSM recognizes that MSHA, as well as OSM, requires on-the-job training of those involved in the use of explosives in underground mines. MSHA's requirements for non-certified persons assisting blasters will also include health and safety matters. OSM's on-the-job training requirements include technical aspects of the use of explosives that are not necessarily covered by MSHA's rules.

Section 850.13 (b) requires training courses to be available and sets forth specific subjects to be included in training courses. Rather than have a separate list of subjects for training in § 850.13 and another list of subjects to be included in an exam in § 850.14 as was proposed, OSM has consolidated them into one list of subjects for both purposes. These subjects include:

—Explosives, including—
  —Selection of the type of explosives to be used;
  —Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and
  —Handling, transportation, and storage.

- Blast designs, including—
  —Geologic and topographic considerations;
  —Design of a blast hole, with critical dimensions;
  —Pattern design, field layout, and timing of blast holes; and
  —Field applications.
- Loading blastholes, including priming and boostering.
- Initiation systems and blasting machines.
- Blasting vibrations, airblast, and flyrock, including—
  —Monitoring techniques, and
  —Methods to control adverse affects.
- Secondary blasting applications.
- Current Federal and State rules applicable to the use of explosives.
- Blast records.
- Schedules.
- Preblasting surveys, including—
  —Availability,
  —Coverage, and
  —Use of in-blast design.
- Blast-plan requirements.
- Certification and training.
- Signs, warning signals, and site control.
- Unpredictable hazards, including—
  —Lighting.
  —Stray currents, and
  —Radio waves.

Commenters supported the list of topics included in § 850.13(b), and recommended including some additional topics as a refinement to the list. The proposed additions are discussed as follows:

Powder factor. OSM recognizes powder factor as a significant component of blast design. However, this calculation is only one facet of blast design and not an aspect requiring extra emphasis. The study of powder factors will be included in topics such as the properties of explosives, geology and the intensity of ground movement required. Those factors vary from site to site.

Misfires. The training and testing for subjects such as blast design, initiation systems, and loading techniques will cover prevention of misfires from such occurrences as cutoffs and improper priming. The methods for handling misfires after they occur has been added to the list of unpredictable hazards and has been included in the list of required topics.

Delay systems. The commenter suggested added emphasis on "delay systems" in the requirement for initiation systems. Concepts such as blast patterns, blasting machines, initiation systems and ground vibration mitigation include application of delay blasting techniques. OSM believes that singling out delay systems for additional emphasis is not necessary since blasting delay techniques will certainly be included in any course on these topics.

Preblast surveys, signs, warnings and site control. The commenter suggested that these items be included on the list of topics to be studied. OSM accepts this comment and has included these items on the list.

Commenters recommended deleting the requirement in proposed § 850.13(b)(9) to train blasters in the "chemical and physical properties of explosives," stating that only the basic properties have to be known. OSM agrees that a detailed knowledge of the chemical properties is unnecessary and in the corresponding provision of the final rule, § 850.13(b)(1) includes training in the selection of explosives and a knowledge of the relevant properties of explosives to produce desired results at an acceptable level of risk. This would require a general knowledge of the properties of most explosive materials such as specific gravity, water resistance and detonating velocity, as well as the hazard and dangers associated with specific types of explosive materials.

A commenter suggested separating unpredictable hazards from effects of blasting such as flyrock and ground vibration, in the list of training subjects. The commenter also recommended use of the term "nonpredictable" rather than "unanticipated" hazards, since they are in fact, anticipated hazards, which cannot always be predicted. OSM has separated these topics, and they are included in §§ 850.13 (b)(5) and (b)(14). The term "unpredictable" has been adopted.

Commenters believed that the language of § 850.13(b) would allow the use of self-study programs or slide shows without instructors familiar with the subject manner. These commenters were concerned that the subject matter could not adequately be taught without the use of instructors and the ability to obtain answers to questions or exchange ideas.

OSM agrees with the commenter that instructors probably provide a more adequate educational approach than do packaged materials. However, OSM also believes that some of the required subjects might be covered through these materials and therefore believes that the regulatory authorities should be allowed to determine the training method for each subject. No program will be approved until OSM is satisfied that the requirements of these rules will be met.

A commenter noted the apparent overlap between OSM and the Mine Safety and Health Administration (MSHA) training programs. MSHA training may serve to fulfill some of the requirements for blaster training under § 850.13 and contribute to the overall certification process. MSHA training also applies to underground miners and underground blasting operations not covered by OSM's rules. The commenter encouraged future cooperative efforts between OSM and MSHA in training matters. OSM will explore this possibility.

Commenters were concerned that the rule requiring training placed the burden on regulatory authorities and relieved OSM and operators of any such responsibility.

OSM does not intend for the regulatory authority to be solely responsible for training. The rule requires that regulatory authorities ensure that "blasters receive training." The regulatory authority may choose to accept outside courses, require combinations of MSHA and industry courses or provide its own training. The object is that persons are trained before they become certified; the methods and degree of regulatory authority involvement will vary from State to State.

Section 850.14 Examinations.

Section 850.14 requires the regulatory authority to examine candidates for blaster certification. Regulatory authorities must verify the competence of persons responsible for the use of explosives in surface coal mining operations using written examinations covering technical aspects of blasting, State and Federal laws governing the storage, use and transportation of explosives. The regulatory authority must also verify practical field experience of the candidates. The level of field experience must demonstrate that the candidate possesses practical knowledge of blasting techniques, understands the hazards involved in the use of explosives and has otherwise exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

Furthermore, the rule requires regulatory authorities to examine prospective blasters in the subjects listed in § 850.13(b).

Commenters requested that OSM allow the demonstration of competence to be accomplished by methods other than written examination. They observed "there are very competent miners that can barely write their own name."

Preparation of blasting designs, understanding of explosives specifications, the use of safety

brochures and the submission of records require the ability to read, write and perform basic mathematic functions. OSM therefore believes that the blaster, as a person responsible for complying with laws, designs and records, and for controlling the adverse effects of blasting, must demonstrate a written ability to communicate in the subject area. In previous rules OSM had also adopted the requirement of a written exam in order to evaluate the blasters' ability to use explosives as well as in order to ensure at least a minimal readying ability

Commenters suggested adjusting the emphasis on blaster certification to allow more credit for work experience or perhaps "grandfathering" blasters with more than five years of experience. The rules adopted today require a written exam, coupled with practical field experience. The amount of emphasis or weighting placed on either part is not specified. There is, however, no provision for "grandfathering" or exemption from the written exam. Regulatory authorities may find it useful to augment the written exam with oral or practical exams for specific topics. OSM believes, however, that a written exam represents the minimum allowable demonstration of ability.

A commenter suggested that OSM emphasize the concept of practical field experience, and recommended that a provision be added requiring 2 years of field experience as part of the qualifications. Other commenters believed that the requirement for practical field experience was not necessary to be a trained and competent blaster, rather that competence should be based solely upon tests. OSM recognizes the value of practical field experience and has adopted it as part of the qualifications for candidates, in § 850.14(a)(2). OSM intends that States include minimum experience criteria in their acceptance of candidates for certification. OSM has reconsidered this requirement and believes that adequate latitude is provided to State regulatory authorities to emphasize or deemphasize practical experience within limits. In some blasting operations practical work experience may be more important than the ability to provide textbook solutions. Those States which already have blaster certification programs have generally required established minimum experience levels. OSM supports the evaluation of experience as part of a blaster certification program.

Section 850.15 Certification requirements.

Section 850.15(a) requires the regulatory authority to certify, for fixed periods, candidates who are found to be competent and to have the necessary experience to accept responsibility for blasting operations in surface coal mining operations.

Section 850.15(b) provides procedures for suspension and revocation of blasters' certifications. Suspension or revocation may and, upon a finding of willful conduct, must occur when, after notice and hearing, certain conditions are found to exist. Notice and hearing may be provided after suspension only if it would not be practicable to provide it before. The conditions are:

(i) Noncompliance with any order of the regulatory authority.

(ii) Unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs.

(iii) Violation of any provision of the State or Federal explosives laws or regulations.

(iv) Providing false information or a misrepresentation to obtain certification.

Section 850.15(c) allows the regulatory authority to impose additional educational or other requirements for the maintenance of certification. Section 850.15(d) requires the regulatory authority to adopt regulations which require blasters to take precautions to protect their certificates from loss, theft, or unauthorized duplication, and to require immediate reporting of any loss, theft or duplication.

Section 850.15(e) requires regulatory authorities to impose certain conditions for maintaining certificates. Three minimum conditions are stated: (1) That blasters immediately exhibit certificates to authorized representatives of OSM or the regulatory authority on request; (2) blaster certificates are not transferrable or assignable; and (3) blasters cannot delegate their responsibility to anyone who is not a certified blaster.

OSM had proposed to require that certification be for a fixed period. A commenter did not like the concept of a "fixed period" and noted that other certified persons such as doctors and lawyers have licenses which remain valid indefinitely. Other commenters felt that OSM's proposal did not go far enough; they suggested a mandatory retraining requirement as well.

In some professions licensing is conducted on a recurring basis (often yearly) and other professions require extensive retraining or continuing education to continue practice. Renewal provisions vary, but they are generally less stringent than initial certification. OSM believes that a one time certification would simplify the process, but in so doing would miss the important opportunity to weed out those who are unable to continue to conduct blasts effectively and safely. Therefore OSM has retained the concept of certificates lasting "for a fixed period," and endorses the concept of periodic retraining and/or continuing education in order to assure continuing compliance with competence requirements. OSM has not, however, adopted mandatory retraining requirements.

A commenter suggested that a provision be added for recertification after revocation in § 850.15. Such a provision is not necessary. An individual is not precluded from applying anew to be certified under § 850.15(a) even after his or her certificate is revoked. However, the reasons for the earlier revocation could act as a bar to future certification.

A commenter recommended deletion of proposed § 850.15(b)(1)(v) that would have allowed prevention or suspension of a certification for "other good cause." The commenter asserted that the provision did not add beneficial details to the reasons for suspension and revocation of a blaster's certification and was ambiguous. OSM concurs with this recommendation and has not adopted proposed § 850.15(b)(1)(v). It is believed that remaining §§ 850.15(b)(1)(i)–(iv), especially paragraph (i) allowing suspension for noncompliance with orders of the regulatory authority, provide adequate grounds for action.

A commenter described the provisions for suspension and revocation of certificates under § 850.15 as not rigorous enough, explaining that infractions of the laws governing the use of explosives are very serious and warrant specified action. The commenter suggested changing the discretion afforded in § 850.15(b) in suspending or revoking a blaster's certificate to mandatory action. Other commenters believed that sanctions should be placed on basic qualifying criteria and that certain actions be consistent with Section 518 of the Act with respect to penalties, opting for terms such as "willful" and "flagrant" violation rather then minor or unknown occurrences. OSM believes that suspension or revocation is appropriate if a violation is willful, but does not believe that suspension should be mandatory in all cases. OSM has accepted this suggestion in part, and has adopted stronger language in this provision.

Another commenter requested addition of a provision which would mandate suspension at the request of an operator. The concept of an operator

causing the suspension of the certificate of one of its employees has not been incorporated because the actual decision to suspend should be retained by regulatory authority; employer-employee differences should be resolved in other forums.

Sections 816.61 and 817.61 (Proposed § 850.16).

OSM had proposed in § 850.16 to require regulatory programs to ensure that: (1) The blast is to be fired only under the direction of a certified blaster; (2) no person is to be permitted to detonate explosives unless another person is present; and (3) persons responsible for blasting operations at a blasting site are to be familiar with the blasting plan and site-specific performance standards to be attained. While OSM has decided to adopt variants of these requirements, they have been adopted in §§ 816.61(c) and 817.61(c) because they pertain to conduct at the blasting site and are not components of a certification program.

A commenter suggested deletion of proposed § 850.16 because it was viewed as redundant with the requirements of §§ 816.61 through 816.68. These requirements add specifics not included in the performance standards set forth in §§ 816.61 through 816.68 and 817.61 through 817.68 and therefore are not redundant.

New §§ 816.61(c)(1) and 817.61(c)(1) requires that no later than 12 months after a blaster certification program for a State has been approved by OSM, all blasting operations in that State must be conducted under the direction of a certified blaster. The time frame was inserted for two reasons. First OSM recognizes that it will take time for blaster certification programs to be approved. Second, even after the approval of the blaster certification program, a reasonable time has to be provided for blasters to get certified. Twelve additional months is considered sufficient. Prior to the time a blaster certification program for a State has been approved under 30 CFR Chapter VII, Subchapter, C, OSM is requiring that all blasting operations have to be conducted by competent experienced persons who understand the hazards involved. This is a continuation of previous §§ 816.61(c) and 817.61(c).

A commenter recommended inserting "personal" in proposed § 850.16(a) to modify the word "direction." This would require the physical presence of the certified blaster to give the direction to the shot firer. OSM has adopted the substance of this suggestion in §§ 816.61(c)(3) and 817.61(c)(3) to require the presence of the certified blaster when the blast is detonated.

A commenter recommended that the provision in proposed § 850.15(c)(1) requiring a blaster to carry a valid certificate be reconsidered to allow that such certificates be on file in the mine office. OSM concurs with this recommendation, and has adopted language such that the certificate need not be carried by the blaster. However, proof of credentials should be readily available. Therefore, new §§816.61(c)(2) and 817.61(c)(2) require the blaster to either carry a valid certificate or have a copy of his or her certificate on file at the permit site.

Commenters objected to the provisions of proposed § 850.16(b), because the presence of more than one person would be dangerous. The commenters stated that only one person is necessary to detonate explosives. OSM disagrees. OSM's performance standards require (1) access control within the blast area, (2) blast recordkeeping, (3) warning and all clear signals and (4) assessing the blast site after the blast for hazards. OSM believes that all of these duties cannot be adequately performed by one person. Also, in the event one person is required to leave the site or is incapacitated, another person should be available to ensure that the proper procedures are followed. The intent of the rule is not to crowd the blast area with onlookers, but to protect the blaster and other people entering the mine site, and to ensure compliance with other performance standards as listed above. Therefore, a provision has been incorporated into §§ 816.61(c)(3) and 817.61(c)(3) which requires the presence of a blaster and at least one other person at the firing of each blast. OSM believes that the rule as written provides necessary backup responsibility and safety precautions.

IV. Procedural Matters

Executive Order 12291

The Department of the Interior (DOI) has examined these proposed rules according to the criteria of Executive Order 12291 (February 17, 1981). OSM has determined that this is not a major rule and does not require a regulatory impact analysis because it will impose only minor costs on the coal industry and coal consumers.

OSM received one comment from a State regulatory authority questioning how it could conclude that only minor costs will be imposed by the blaster certification program without soliciting the opinion of industry on the costs. OSM must consider the incremental impact of adopting the proposal or allowing the previous final rule to remain in effect. Under Executive Order 12291 (February 17, 1981), OSM is required to assess the costs imposed by a proposed rule and to determine whether a regulatory impact analysis is required. After its own examination OSM has determined that this rule does not meet the criteria of a major rule.

Regulatory Flexibility Act

The DOI has also determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that these rules will not have significant economic impacts on a substantial number of small entities.

One commenter noted that OSM's proposed rule would require blaster certification, which had not been effectively required before, and questioned how that could "ease the regulatory burden on small coal operations in Appalachia." Under the rules in effect on the date of proposal all blasters would have eventually been required to obtain a certificate under a national testing program. Under the rules adopted today, State certificates, based on a State's specific requirements will be accepted. Because the requirements will be more localized, OSM expects that small entities, especially those in Appalachia, will be able to acquire certified blasters at less cost. In any case OSM believes it has properly concluded that the impacts of the proposal on small operations will not be "significant."

Paperwork Reduction Act

The information collection requirement contained in 30 CFR Part 850 has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0080. This approval is being codified under § 850.10.

The information required by 30 CFR Part 850 will be used by the regulatory authority in monitoring the implementation of the blaster certification programs.

National Environmental Policy Act

OSM has analyzed the impacts of these final rules in the Final Environmental Impact Statement OSM EIS–1: Supplement according to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(2)(C)). The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, NW., Washington, D.C., or by mail request to Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department

of the Interior, Washington, DC 20240. This preamble serves as the record of decision under NEPA. This rule adopts the preferred alternative published in Volume III of the EIS which is analyzed in the EIS.

Agency Approval

Section 516(a) requires that, with regard to rules directed toward the surface effects of underground mining, OSM must obtain written concurrence from the head of the department which administers the Federal Mine Safety and Health Act of 1977, the successor to the Federal Coal Mine Health and Safety Act of 1969. OSM has obtained the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor.

List of Subjects

30 CFR Part 816

Coal mining, Environmental protection, Reporting requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting requirements, Underground mining.

30 CFR Part 850

Explosives, Mining, Safety, Surface mining, Training program.

For the reasons stated above, 30 CFR Parts 816, 817 and 850 are amended as follows:

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary for Energy and Minerals.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

1. Paragraph (c) of § 816.61 is revised to read as follows:

§ 816.61 Use of explosives: General requirements.

* * * * *

(c) *Blasters.* (1) No later than 12 months after the blaster certification program for a State required by Part 850 of this chapter has been approved under the procedures of Subchapter C of this chapter, all blasting operations in that State shall be conducted under the direction of a certified blaster. Before that time, all such blasting operations in that State shall be conducted by competent, experienced persons who understand the hazards involved.

(2) Certificates of blaster certification shall be carried by blasters or shall be on file at the permit area during blasting operations.

(3) A blaster and at least one other person shall be present at the firing of a blast.

(4) Persons responsible for blasting operations at a blasting site shall be familiar with the blasting plan and site-specific performance standards.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

2. Paragraph (c) of § 817.61 is revised to read as follows:

§ 817.61 Use of explosives: General requirements.

* * * * *

(c) *Blasters.* (1) No later than 12 months after the blaster certification program for a State required by Part 850 of this chapter has been approved under the procedures of Subchapter C of this chapter, all surface blasting operations incident to underground mining in that State shall be conducted under the direction of a certified blaster. Before that time, all such blasting operations in that State shall be conducted by competent, experienced persons who understand the hazards involved.

(2) Certificates of blaster certification shall be carried by blasters or shall be on file at the permit area during blasting operations.

(3) A blaster and at least one other person shall be present at the firing of a blast.

(4) Persons responsible for blasting operations at a blasting site shall be familiar with the blasting plan and site-specific performance standards.

* * * * *

3. Subchapter M is revised to read as follows:

SUBCHAPTER M—TRAINING, EXAMINATION, AND CERTIFICATION OF BLASTERS

PART 850—PERMANENT REGULATORY PROGRAM REQUIREMENTS

Sec.

850.1 Scope.
850.5 Definition.
850.10 Information collection.
850.12 Responsibility.
850.13 Training.
850.14 Examination.
850.15 Certification.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

§ 850.1 Scope.

This part establishes the requirements and the procedures applicable to the development of regulatory programs for training, examination, and certification of persons engaging in or directly responsible for the use of explosives in surface coal mining operations.

§ 850.5 Definition.

As used in this part—

Blaster means a person directly responsible for the use of explosives in surface coal mining operations who is certified under this part.

§ 850.10 Information collection.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029–0060. The information is being collected to meet the requirements of Sections 503, 515, and 719 of Pub. L. 95–87. This information will be used by the regulatory authority to assist in implementing the blaster certification program. The obligation to respond is mandatory.

§ 850.12 Responsibility.

(a) The regulatory authority is responsible for promulgating rules governing the training, examination, certification and enforcement of a blaster certification program for surface coal mining operations. When the regulatory authority is a State, the State shall submit these rules to the for approval under Parts 731 and 732 of this chapter.

(b) The regulatory authority shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or implementation of a Federal program or within 12 months after the publication date of this rule, whichever is later. The Director may approve an extension of the 12-month period upon a demonstration of good cause.

§ 850.13 Training.

(a) The regulatory authority shall establish procedures which require that—

(1) Persons seeking to become certified as blasters receive training including, but not limited to, the technical aspects of blasting operations and State and Federal laws governing the storage, transportation, and use of explosives; and

(2) Persons who are not certified and who are assigned to a blasting crew or assist in the use of explosives receive direction and on-the-job training from a blaster.

(b) The regulatory authority shall ensure that courses are available to train persons responsible for the use of

explosives in surface coal mining operations. The courses shall provide training and discuss practical applications of—

(1) Explosives, including—

(i) Selection of the type of explosive to be used;

(ii) Determination of the properties of explosives which will produce desired results at an acceptable level of risk; and

(iii) Handling, transportation, and storage;

(2) Blast designs, including—

(i) Geologic and topographic considerations;

(ii) Design of a blast hole, with critical dimensions;

(iii) Pattern design, field layout, and timing of blast holes; and

(iv) Field applications;

(3) Loading blastholes, including priming and boostering;

(4) Initiation systems and blasting machines;

(5) Blasting vibrations, airblast, and flyrock, including—

(i) Monitoring techniques, and

(ii) Methods to control adverse affects;

(6) Secondary blasting applications;

(7) Current Federal and State rules applicable to the use of explosives;

(8) Blast records;

(9) Schedules;

(10) Preblasting surveys, including—

(i) Availability,

(ii) Coverage, and

(iii) Use of in-blast design;

(11) Blast-plan requirements;

(12) Certification and training;

(13) Signs, warning signals, and site control;

(14) Unpredictable hazards, including—

(i) Lightning,

(ii) Stray currents,

(iii) Radio waves, and

(iv) Misfires.

§ 850.14 Examination.

(a) The regulatory authority shall ensure that candidates for blaster certification are examined by reviewing and verifying the—

(1) Competence of persons directly responsible for the use of explosives in surface coal mining operations through a written examination in technical aspects of blasting and State and Federal laws governing the storage, use, and transportation of explosives; and

(2) Practical field experience of the candidates as necessary to qualify a person to accept the responsibility for blasting operations in surface coal mining operations. Such experience shall demonstrate that the candidate possesses practical knowledge of blasting techniques, understands the hazards involved in the use of explosives, and otherwise has exhibited a pattern of conduct consistent with the acceptance of responsibility for blasting operations.

(b) Applicants for blaster certification shall be examined, at a minimum, in the topics set forth in § 850.13(b).

§ 850.15 Certification.

(a) *Issuance of certification.* The regulatory authority shall certify for a fixed period those candidates examined and found to be competent and to have the necessary experience to accept responsibility for blasting operations in surface coal mining operations.

(b) *Suspension and revocation.* (1) The regulatory authority, when practicable, following written notice and opportunity for a hearing, may, and upon a finding of willful conduct, shall suspend or revoke the certification of a blaster during the term of the certification or take other necessary action for any of the following reasons:

(i) Noncompliance with any order of the regulatory authority.

(ii) Unlawful use in the work place of, or current addiction to, alcohol, narcotics, or other dangerous drugs.

(iii) Violation of any provision of the State or Federal explosives laws or regulations.

(iv) Providing false information or a misrepresentation to obtain certification.

(2) If advance notice and opportunity for hearing cannot be provided, an opportunity for a hearing shall be provided as soon as practical following the suspension, revocation, or other adverse action.

(3) Upon notice of a revocation, the blaster shall immediately surrender to the regulatory authority the revoked certificate.

(c) *Recertification.* The regulatory authority may require the periodic reexamination, training, or other demonstration of continued blaster competency.

(d) *Protection of Certification.* Certified blasters shall take every reasonable precaution to protect their certificates from loss, theft, or unauthorized duplication. Any such occurrence shall be reported immediately to the certifying authority.

(e) *Conditions.* The regulatory authority shall specify conditions for maintaining certification which shall include the following:

(1) A blaster shall immediately exhibit his or her certificate to any authorized representative of the regulatory authority or the Office upon request.

(2) Blasters' certifications shall not be assigned or transferred.

(3) Blasters shall not delegate their responsibility to any individual who is not a certified blaster.

(Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*)

[FR Doc. 83–5581 Filed 3–3–83; 8:45 am]
BILLING CODE 4310–05–M

VOL
48
ISS
44
MR
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4
1983
UMI

federal register

Friday
March 4, 1983

Part IX

Tennessee Valley Authority

Intergovernmental Review of Tennessee Valley Authority Programs and Activities; Proposed Regulation

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1311

Intergovernmental Review of Tennessee Valley Authority; Programs and Activities

AGENCY: Tennessee Valley Authority.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposed regulations would implement Executive Order No. 12372 ("Intergovernmental Review of Federal Progams") and the Intergovernmental Cooperation Act of 1968 and would assist TVA in carrying out its responsibilities under the TVA Act. They apply to Federal financial assistance and direct Federal development programs and activities of TVA. Executive Order No. 12372, and these proposed regulations, are intended to replace the intergovernmental consultation system developed under Office of Management and Budget (OMB) Circular A-95.

DATE: Comments must be received on or before April 4, 1983.

ADDRESS: Interested persons should submit comments to: Richard L. Morgan, Manager, Economic and Community Development, Tennessee Valley Authority, 201 Summer Place Building, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Richard Ginn, 615-632-6605.

SUPPLEMENTARY INFORMATION:

Background

For many years, consultation between State and local officials and Federal agencies concerning Federal programs and activities has taken place through an elaborate regulatory and organizational framework created under OMB Circular A-95. The A-95 system required State and local governments to follow prescribed review procedures and to review specified Federal programs, regardless of the circumstances affecting particular State and local governments. The system also required review of Federal programs by State and local agencies without regard to the priorities of their elected leadership. TVA used this system to supplement the many other opportunities TVA provides for involvement in TVA decisionmaking and thought that it strengthened TVA's relationship with the States of the Tennessee Valley region.

These regulations and the order's coordination process are not intended to displace the many other ways TVA coordinates its activities. TVA makes a concerted effort to ensure that its activities are coordinated with and reviewed by the citizens and State and local officials of the Tennessee Valley region.

The meetings of TVA's Board of Directors are open to the public, and the public, including any State or local officials present, is encouraged to discuss matters of interest with the Board. In addition to the 22 regularly scheduled Board meetings held at different locations throughout the Tennessee Valley, the Board held 6 townhall-type listening sessions in the Valley during 1982. TVA also conducts public meetings on matters of general interest. In 1982, 76 such meetings were held in the Valley. The TVA region is divided into districts and an administrator appointed for each district whose job it is to act as TVA's local liaison with State and local officials and the pubic. TVA also has toll-free "Citizen Action Lines" to take questions from and provide answers to callers. Last Year, TVA responded to 60,666 calls.

In addition to these opportunities for providing comments on TVA programs and activities, all of TVA's major activities which have a significant impact on the quality of the human environment are coordinated under TVA's procedures implementing the National Environmental Policy Act. NEPA coordination includes a specific request for comments from State and local officials whose jurisdictions are affected by the proposal. For example, all of TVA's major construction projects, whether funded with appropriations or by the TVA power program, are reviewed under the NEPA process.

On July 14, 1982, President Reagan signed Executive Order No. 12372, "Intergovermental Review of Federal Programs." The Executive order is reproduced as Attachment A to the OMB notice published in the January 24 **Federal Register** (48 FR 3075-76 (1983)). The order directs the revocation of circular A-95, and provides for a new intergovernmental consultation system that is consistent with the President's policies concerning federalism and regulatory relief. Under the order, States and localities will take the initiative for establishing review procedures and priorities. State and local elected officials, not the Federal Government, will determine, within the scope of the order and the Intergovernmental Cooperation Act, which Federal programs and activities to review and the procedures by which the review will take place.

When State and local elected officials bring their concerns to a Federal agency's attention through this process, the agency will have to make efforts to accommodate the concerns, and, if it does not accommodate them, explain why not. This "accommodate or explain" provision gives greater weight to State and local views than circular A-95 did and is consistent with TVA's existing policy of close cooperation and consultation with State and local officials.

As to some Federal agencies, the federally required procedures for consultation under circular A-95 created a substantial regulatory burden. The Executive order's system of consultation will significantly reduce that burden. In contrast to the A-95 system, which relied heavily on Clearinghouses, planning organizations, and other bodies which are not elected by the jurisdictions they serve, the order, consistent with the President's federalism policy, emphasizes the role of elected State and local officials.

OMB Guidance to States

In order to assist States as they begin their work in implementing the order, OMB wrote to each State concerning the establishment of an official State process. This letter is reproduced as Attachment B to the OMB notice published in the January 27 **Federal Register** (48 FR 3929 (1983)). This letter explains the role of the "single point of contact." A "single point of contact" is the one office or official in a State that transmits the result of the State review and coordination with recommendations that may differ from the proposal to TVA and other Federal agencies and to which TVA directs official communications (*e.g.*, explanations of nonaccommodation) to the State *under the order*. A State may have as few or as many entities as it chooses to perform review and coordination and to conduct discussions under the order with TVA. However, there should be only one point of contact to officially transmit recommendations for change to Federal agencies under the order. It is up to the State whether the single point of contact plays a substantive role with respect to the State's views, or simply acts as a focal point for official communications.

It is also worth emphasizing that States are not required to adopt an official State process at all. However, after final rules implementing the order become effective (they will be published on or about April 30, 1983), the existing Federal A-95 consultation system will no longer be in effect. Other existing TVA consultation and coordination processes are not affected by these proposed procedures, and TVA will continue to seek State and local

officials' and the public's views on the entire range of TVA's programs and activities under these other processes.

OMB will have general government-wide oversight responsibility for the implementation of the order, but will not attempt to exercise any day-to-day, operational control of agency actions. Nor will OMB act as a forum for "appeals of agency actions by non-Federal parties."

Development of Proposed Regulations

The Executive order mandates the implementation of final regulations by April 30, 1983. It will not be possible to have an adequate comment period and meet this deadline if a 30-day delay between the publication date of the final regulations and their effective date is observed. Consequently, TVA proposes to make the final regulations effective immediately upon publication on April 30. There would be no further rulemaking with respect to the Executive order.

As a matter of style, the proposed regulations use the present tense when describing TVA's obligations. For example, when the proposed regulation says that TVA "provides the State with a timely explanation," the provision requires TVA to do so.

In order to provide consistency among the various Federal agencies in their dealings with the States under the order, the agencies and OMB worked together to the extent feasible to arrive at common policy decisions and common regulatory language. This should assist the State in developing its procedures under the order for communicating with the various Federal agencies.

Removal of Procedures Implementing OMB Circular A–95

In connection with these proposed regulations, TVA is proposing to remove its existing procedures implementing former OMB Circular A–95 published at 42 FR 30,959–61 (1977). Executive Order No. 12372 directed OMB to revoke the circular itself, and the OMB directive revoking the circular told Federal agencies to leave their A–95 regulations or procedures in place only until new regulations implementing the order were published on or about April 30, 1983.

Executive Order 12291, Regulatory Flexibility Act and Paperwork Reduction

TVA has determined that this is not a major rule under Executive Order 12291. The proposed rule would simplify consultation with TVA and allow State and local governments to establish cost-effective consultation procedures. For this reason, TVA believes that any economic impact the regulation has will be positive. It is unlikely that its economic impacts will be significant, in any case. Consequently, TVA certifies, under the Regulatory Flexibility Act, that this rule would not have a substantial economic impact on a significant number of small entities. This proposed rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it would not require the collection or retention of information.

Section-by-Section Analysis

Section 1311.1 What is the purpose of these regulations?

This section briefly states the purpose of the regulations, which is to implement Executive Order No. 12372 and the Intergovernmental Cooperation Act, foster an improved system of intergovernmental consultation, and assist TVA in carrying out its responsibilities under the TVA Act. Paragraph (c) states the important point that the order, and these regulations, are intended only to improve TVA's internal management of its consultation with State and local governments. Neither the order nor these regulations are intended to create any right of judicial review of TVA's action.

Section 1311.2 What definitions apply to these regulations?

This section defines several terms used frequently in the proposed regulations. "Order" means Executive Order No. 12372. "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, or the trust territory of the Pacific Islands. The definition of "State" means that the District of Columbia, Puerto Rico, and the other jurisdictions mentioned may create an official consultation process and consult with Federal agencies on the same basis as each of the 50 States. Several other terms appearing in the order are not defined in this section, but are used in the regulations in a way that makes their operational meaning clear (*e.g.*, accommodate and explain in § 1311.7).

Section 1311.3 What programs and activities of TVA are subject to these regulations?

Paragraph (a) provides that TVA will publish a **Federal Register** notice, in conjunction with the publication of its final Executive Order No. 12372 regulations, listing the programs and activities that are subject to the regulations. Updated lists will be published when necessary in order to let States know which of TVA's programs and activities they may choose to cover.

The attachment to this preamble contains a list of those Federal financial assistance and direct Federal development programs and activities that TVA proposes to exclude from coverage under these regulations. The reason for each proposed exclusion is also listed. TVA seeks comments on the proposed exclusions. After promulgation of the final rules, if TVA wants to exclude new or additional programs or activities from coverage under the regulations, it will publish a **Federal Register** notice requesting comment on the proposed exclusions.

At this time, States should assume that all TVA's other Federal financial assistance and direct Federal development programs will be subject to the regulations. Of course, activities and programs that clearly are neither Federal financial assistance nor direct Federal development (*e.g.*, procurement or TVA's power program) are not subject to the order or the Intergovernmental Cooperation Act. Despite this, TVA does intend to coordinate its power-program construction activities with a State's single point of contact as a matter of policy if the State desires. As more fully explained in the exclusion attachment, TVA already widely coordinates these activities and will continue to do so. Also, the order and these regulations do not apply to proposed regulations, legislation, or budget formulation.

Even if a program or activity is excluded from the consultation system established by the order, State and local officials would still have an opportunity to have their views considered by TVA. The order's consultation system is only one of many opportunities TVA provides for State and local officials to inform TVA of their views on TVA programs and activities. Moreover, any official or member of the public has the opportunity to address the TVA Board at its Board meetings which are open to the public. There also are other statutory requirements for coordination with which TVA complies, such as the coordination process established under the National Environmental Policy Act.

Paragraph (b) simply states that TVA, to the extent permitted by law, will use a State's official process to determine official views of State and local officials. This commitment extends only to programs and activities subject to these procedures that a State has selected for coverage under § 1311.5 of these regulations. If at any time a State believes that TVA has not made appropriate use of the official State process, the State is invited to raise this directly with TVA's General Manager.

Section 1311.4 [Reserved].

Section 1311.5 What procedures apply to a State's choice of programs?

States may choose to consult with TVA under the order concerning any of TVA's Federal financial assistance and direct Federal development programs and activities that TVA's Federal Register notice lists as subject to the regulations. However, these regulations do not require States to consult with TVA concerning any particular program or activity.

TVA emphasizes that the choice of whether to cover a particular Federal financial assistance or direct Federal development program or activity listed in TVA's Federal Register notice is entirely up to each State. While TVA will be happy to discuss with States the most effective ways of carrying out consultation concerning these programs and activities, TVA will not attempt to constrain the State's discretion with respect to program selection.

Paragraph (a) of this section sets out a purely administrative requirement pertaining to program selection. The State should notify TVA of the programs and activities it chooses to cover. When it first establishes its official process, the State can meet this requirement by sending to OMB, along with other information required to establish the process, a list of the Federal programs and activities it wishes to cover. OMB will inform each Federal agency of the program and activities of each that the State has chosen to cover. Subsequently, the State should send all program coverage information (additions, deletions, other changes) directly to TVA.

Paragraph (b) provides that, once a State has established a process and made its program selections known to TVA, TVA will use the State's process concerning the programs and activities selected by the State as soon as feasible. While TVA will make every effort to use the State's process, there may be situations, on individual programs or projects, where TVA may not be able to do so for a time. TVA will make determinations concerning when to begin using the State's official process on a case-by-case basis and will let the States know when it will start to use the State process.

Paragraph (c) provides that TVA may establish deadlines by which States should inform TVA of changes in their program selection choices. A State may add or delete a program or activity from those it wishes to cover under the order at any time. However, in order for meaningful consultation to occur under the regulations, TVA may need a certain amount of "lead time" before it can adapt its procedures to the changed circumstances. For this reason, TVA may find it necessary to establish deadlines for program selection changes. These deadlines would simply be notifications to the States that, for example, if they wished to have consultation under the order begin with respect to a particular program on a given date, they would have to inform TVA of their program selection change a certain time (*e.g.*, 30 days, 45 days) prior to that date.

Section 1311.6 How does TVA give States an opportunity to comment on proposed financial assistance and direct development?

Paragraph (a) points out that the order would apply not only to comments prepared pursuant to the official State process but also to comments formulated by local elected officials to whom the State's consultation role has been delegated in specific instances. Section 3(a) of the order permits States to delegate, to local elected officials in specific instances, the review, coordination, and communication with Federal agencies that normally take place under the State process. This means that States may choose not only which programs and activities to cover but also who within the State has the opporutinity to carry out the consultation. States have complete discretion concerning delegation of their consultation role.

For example, a State could delegate to a single mayor the State's consultation role with respect to a project occurring in his or her city. The State could delegate all consultation under a particular program to officials of the local governments whose jurisdictions are affected by projects under the program. The State could delegate its consultation role for a particular program to local elected officials in cities above 250,000 population but not to local officials in smaller jurisdictions, or vice versa. In any case of delegation, the local official to whom the State's consultation role is delegated stands in the shoes of the official State process with respect to the order's consultation process. For example, efforts by TVA to reach a negotiated solution with the local official will be pursued directly with the official, not with the State itself.

The local official to whom the State's consultation role had been delegated would not send his or her comment directly to TVA under the order's process. Rather, the official would send the comment to TVA through the State single point of contact. TVA would work with the local official in attempting to reach an accommodation, but, if efforts at accommodation were unsuccessful, TVA would explain the nonaccommodation to the single point of contact as well as to the local official. Routing the delegated comment through the State single point of contact would alert TVA to the fact that the local official's comments should be dealt with under these procedures and make unnecessary a separate communication from the State to TVA informing TVA that the comment was an official comment of the State.

Section 2(b) of the order requires Federal agencies to communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions. Paragraph (b) incorporates this provision of the order into these procedures. What the requirement means is TVA makes an effort to ensure that information on proposed actions or decisions of TVA is available to the States in sufficient time to be able to contribute meaningfully to TVA's decisionmaking process. For example, TVA would make sure that the State learned of a proposed Federal development project in time to make a meaningful response.

Paragraph (c) states that, as a general rule, States choosing to cover a particular program or activity will have at least 30 days (45 days in the case of interstate situations) to comment on proposed Federal financial assistance or direct Federal development activities before TVA commits itself to a given course of action. TVA, on a case-by-case basis, may allow a shorter period for comment if unusual circumstances make the shorter period necessary. Among the kinds of unusual circumstances that might necessitate a shorter comment period are, for example, an emergency or a statutory deadline. Paragraph (c) also provides that TVA may establish deadlines or timeframes for comment on particular actions.

Paragraph (d) makes an important point with respect to the way that communications between States and TVA would work under the order's process. Under the order, a State may organize the mechanics of its consultation process any way it chooses. However, in order to ensure that communications between TVA and the official State process flow efficiently, TVA strongly encourages States to establish a "single point of contact" for State communications with Federal agencies under the order's process. Channeling communications from the States to Federal agencies and from agencies back to the States through

a single point has obvious benefits from the point of view of administrative simplicity. In addition, it will enable TVA to know which communications to treat as official under the regulations. TVA needs a means of separating the letters from State and local elected officials to which it will respond through normal correspondence channels from those letters to which it will respond under the provisions of these regulations. States' use of a single point of contact will permit TVA to make this necessary administrative distinction. In the absence of a State process, or with respect to a program that a State has not selected for coverage, the provisions of the order and these procedures will not apply, however.

As stated earlier, issuance of these procedures is not intended to displace the many other opportunities TVA provides for the public and State and local officials to communicate their views on TVA programs and activities. These opportunities extend to all of TVA's activities, including its power program activities, and are not limited to just Federal financial assistance and direct Federal development programs. To the extent the State desires to use the formal Executive order process to communicate its views on TVA's Federal financial assistance and direct Federal development activities and programs, these regulations provide it the opportunity of doing so. The choice is the State's.

In order to assist TVA in responding to a State's comments under the order and to make any comments as meaningful as possible, TVA encourages the States to take into account in their comments any statutory or regulatory requirements or criteria which apply to the proposed activity, to indicate the magnitude of the State's concerns, and to reconcile any differences of opinion among State agencies or State and local officials to the extent feasible.

Section 1311.7 How does TVA make efforts to accommodate State and local concerns?

Paragraph (a) provides that when a State comments to TVA under the order and these regulations, TVA has three choices. First, TVA can accept the State's comments (*i.e.*, do as the State recommends). Second, TVA can reach a mutually agreeable solution with the State. This solution could differ from the original State position on the matter. Third, if TVA cannot accept the State's comments or reach a mutually agreeable solution, TVA will give the State a timely, simple explanation of TVA's reasons for not doing so. While TVA is not required to accept the State's comments or to begin discussions towards another solution, TVA does have an obligation under these procedures to provide a simple explanation of its decision.

Normally, the explanation could take any form which adequately communicates TVA's reasons for its decision to the State. A telephone call, a meeting, or a letter would perform this function. TVA has the discretion to choose the most appropriate mode of communicating the explanation in each case. TVA will, however, always respond in writing to any correspondence from a Governor.

Subdivision (a)(3)(iii) spells out the role of the single point of contact in receiving explanations from TVA. TVA will direct all such explanations to the single point of contact in each State that has one. Where accommodation discussions have occurred between TVA and another party in the State, the other party will also be provided such explanation.

Subparagraph (b)(1) provides that a nonaccommodation explanation will state that TVA will not implement its decision until 10 days after the explanation is provided to the single point of contact, except as provided in subparagraph (b)(2). This waiting period is intended to permit States to respond to TVA in cases of nonaccommodation before the program or activity is commenced. In a case in which TVA has provided a verbal explanation of a decision to the single point of contact, and the Governor subsequently has requested a written explanation, the 10-day period will start to run from the date of the original explanation to the single point of contact.

Subparagraph (b)(2) recognizes that there will be some situations in which TVA cannot observe the 10-day waiting period. These unusual circumstances could include, for example, a statutory deadline or an emergency that may make it infeasible for TVA to wait 10 days before implementing its decision. In a situation where TVA cannot observe the waiting period, the General Manager will review the decision before the nonaccommodation explanation is made and before TVA implements the decision. The nonaccommodation explanation will include TVA's reasons for determining that the 10-day waiting period is not feasible.

Section 1311.8 What are TVA's obligations in interstate situations?

In some cases, action taken by TVA in Federal financial assistance and direct Federal development programs may have an impact on interstate areas. In these situations, TVA has certain additional obligations. First, TVA will identify its direct Federal development of Federal financial assistance actions or decisions that have an impact on interstate areas. Having done so, TVA will, as provided in paragraph (b), notify the potentially affected States, whether or not they have established an official State process under the order. Except in unusual circumstances, TVA will provide the affected States an opportunity for comment of at least 45 days before TVA commits itself to a course of action. The increase in the minimum comment period from 30 to 45 days in interstate situations allows extra time for States to coordinate among themselves before providing views to TVA.

TVA, obviously, cannot require States to coordinate with each other on proposed Federal assistance or direct development having an impact on an interstate area. However, TVA strongly encourages each affected State to share its comments with and obtain the views of other affected States, using the other State's single point of contact, if there is one, or an appropriate State official if there is not a single point of contact. TVA encourages States to reconcile differences where they exist so that the States can present TVA with a unified position. If the affected States provide TVA with conflicting recommendations, TVA will attempt to reconcile such conflicts before making a decision.

Section 1311.9 [Reserved].

Section 1311.10 May TVA waive any provision of these regulations?

This section allows TVA to waive any provision of these regulations in an emergency. TVA expects to use this provision sparingly, since TVA's policy is to carry out the order as fully as it can.

Attachment—List of Proposed Exclusions

TVA proposes to exclude the below listed categories of Federal financial assistance and direct Federal development activities from coverage under these procedures:

1. Agreements involving minor land uses—TVA's experience has been that these kinds of actions normally do not have a significant impact on area and community planning or on the physical environment.

2. Transfer or acquisition of land or landrights except transfers or acquisitions for major industrial, recreation or commercial developments—It has been TVA's experience that these kinds of actions normally do not have a significant impact on area or community planning.

3. Minor research or demonstration projects with State and local agencies or

private organizations—TVA's experience has been that these kinds of activities normally do not have a significant impact on area or community planning.

4. Technical and planning assistance activities—TVA's experience has been that these kinds of activities do not have a significant impact on area or community planning.

5. Approvals under section 26a of the TVA Act of minor structures, boat docks, or shoreline facilities—TVA's experience has been that these kinds of activities normally do not have a significant impact on area or community planning.

6. TVA's power program—TVA's power program is self-financing and does not use appropriated funds. It is neither a Federal financial assistance program nor a direct Federal development activity and, accordingly, not subject to the Executive order or these regulations. TVA presently coordinates with State and local governments all power program construction activities for which an environmental impact statement is prepared under TVA's NEPA procedures or which significantly affect the governmental responsibilities of a State or local government (those power-construction activities which would place potential demands on or impact State or local services such as police and fire protection, health care, sewage treatment, solid waste disposal, and transportation. TVA intends to continue to coordinate such activities and will include coordination with the State single point of contact if a State desires.

W. F. Willis,

General Manager.

List of Subjects in 18 CFR Part 1311

Intergovernmental relations.

It is proposed to amend Title 18 of the Code of Federal Regulations by adding Part 1311 as follows:

PART 1311—INTERGOVERNMENTAL REVIEW OF TENNESSEE VALLEY AUTHORITY FEDERAL FINANCIAL ASSISTANCE AND DIRECT FEDERAL DEVELOPMENT PROGRAMS

Sec.

1311.1 What is the purpose of these regulations?
1311.2 What definitions apply to these regulations?
1311.3 What programs and activities of TVA are subject to these regulations?
1311.4 [Reserved]
1311.5 What procedures apply to a State's choice of programs under the order?
1311.6 How does TVA give States an opportunity to comment on proposed Federal financial assistance and direct Federal development?
1311.7 How does TVA make efforts to accommodate State and local concerns?
1311.8 What are TVA's obligations in interstate situations?
1311.9 [Reserved]
1311.10 May TVA waive any provision of these regulations?

Authority: Tennessee Valley Authority Act of 1933, 48 Stat 58, *as amended*, 16 U.S.C. 831–831dd (1976; Supp. V, 1981); section 401(b) of the Intergovernmental Cooperation Act, 42 U.S.C. 4231(b) (1976); Executive Order No. 12372.

§ 1311.1 What is the purpose of these regulations?

(a) The regulations implement Executive Order No. 12372, issued July 14, 1982, titled "Intergovernmental Review of Federal Programs" and the Intergovernmental Cooperation Act and are intended to assist TVA in carrying out its responsibilities under the TVA Act.

(b) Executive Order No. 12372 is intended to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

(c) The order and these regulations are intended only to improve the internal management of TVA. Neither the order nor these regulations are intended to create any right or benefit enforceable at law by a party against TVA.

§ 1311.2 What definitions apply to these regulations?

"TVA" means the Tennessee Valley Authority.

"Order" means Executive Order No. 12372, issued July 14, 1982, and titled "Intergovernmental Review of Federal Programs."

"State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, or the Trust Territory of the Pacific Islands.

§ 1311.3 What programs and activities of TVA are subject to these regulations?

(a) TVA publishes in the **Federal Register** a list of TVA's programs and activities that are subject to these regulations. Except where specifically excluded, TVA's Federal financial assistance and direct Federal development programs and activities are subject to these regulations.

(b) With respect to programs and activities that are subject to these regulations and that a State chooses to cover under § 1311.5 of this part, TVA, to the extent permitted by law, uses the official State process to determine official views of State and local elected officials. TVA will utilize other means to respond to any substantive comments it receives on any of its other programs and activities.

§ 1311.4 [Reserved]

§ 1311.5 What procedures apply to a State's choice of programs under the order?

(a) Each State that adopts a process under the order notifies TVA of TVA's Federal financial assistance and Federal direct development programs that the State chooses to cover under the order.

(b) TVA uses a State's process under the order as soon as feasible, depending on individual programs and projects, after the State notifies TVA of its program choices.

(c) States may change their program choices under the order at any time. TVA may establish deadlines by which States are required to inform TVA of changes in their program choices.

§ 1311.6 How does TVA give States an opportunity to comment on proposed Federal financial assistance and direct Federal development?

(a) This section applies to all comments received from a State pursuant to an official process it has established under the order, including comments where the State has delegated to local elected officials the review, coordination, and communication with TVA. This section and the order's process supplement TVA's many other coordination processes and do not replace such processes.

(b) With respect to programs and activities that are subject to the order and these procedures and that a State chooses to cover under § 1311.5 of this Part, TVA, to the extent permitted by law, communicates with State and local elected officials as early in a program planning cycle as is reasonably feasible to explain specific plans and actions.

(c) Except in unusual circumstances, TVA gives States at least 30 days to comment on any proposed Federal financial assistance or direct Federal development (see § 1311.8 of this Part for comment periods pertaining to interstate situations); and TVA may establish deadlines for States to complete their review of TVA programs and projects and submit their comments to TVA.

(d) TVA responds as provided in these regulations to all comments from a State that are provided through a State

office or official that acts as a single point of contact under the order between the State and all Federal agencies.

§ 1311.7 How does TVA make efforts to accommodate State and local concerns?

(a) If a State provides comments to TVA in accordance with § 1311.6(d) of this Part, TVA:

(1) Accepts the State's comments;

(2) Reaches a mutually agreeable solution with the State; or

(3) (i) Provides the State with a timely explanation of the basis for TVA's decision;

(ii) TVA always responds in writing to correspondence from Governors.

(iii) If the State has designated a State office or official as a single point of contact between the State and all Federal agencies, TVA provides any explanation under paragraph (a)(3) of this section to that office or official as well as to any local official who acted for the State on the proposed action.

(b) In any explanation under subparagraph (a)(3) of this section, TVA informs the State that:

(1) TVA will not implement its decision for 10 days after the explanation is provided; or

(2) The General Manager has reviewed the decision and determined that, because of unusual circumstances, the 10-day waiting period should be waived.

§ 1311.8 What are TVA's obligations in interstate situations?

TVA is responsible for:

(a) Identifying proposed TVA Federal financial assistance and TVA direct Federal development that have an impact on interstate areas;

(b) Notifying the affected States, including States that have not adopted a process under the order; and

(c) Except in unusual circumstances, providing the affected States an opportunity of at least 45 days to comment.

§ 1311.9 [Reserved]

§ 1311.10 May TVA waive any provision of these regulations?

In an emergency, TVA may waive any provision of these regulations.

[FR Doc. 83-5747 Filed 3-3-83; 8:45 am]

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

Inspections of Persons Applying for Admission; U.S. Citizen Identification Card Discontinued

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule discontinues authorization for issuing the U.S. Citizen Identification Card (Form I–197). Cards presently in circulation will remain valid, but there is no provision for replacement cards. The card is not required by law and discontinuing its issuance will result in saving of Service resources.

EFFECTIVE DATE: April 7, 1983.

FOR FURTHER INFORMATION CONTACT:
For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048
For Specific Information: Daniel J. Stephan, Immigration Inspector, 425 I Street NW., Washington, D.C. 20536, Telephone: (202) 633–2075.

SUPPLEMENTARY INFORMATION: On November 4, 1982, at 47 FR 49974, the Service published a proposed rule in the **Federal Register** to discontinue issuing Form I–197, the U.S. Citizen Identification Card, and the related application, Form I–196. The thirty-day comment period ended December 6, 1982.

This final rule discontinues the U.S. Identification Card, Form I–197, and it will no longer be issued. Identification cards in circulation will remain valid, but there will be no provision for replacing them. The intent of this rule is to maximize available Service resources. Form I–197 is not a required document and it was issued simply as a convenience. With the limited Service resources to process applications and petitions involving documents and actions required by law, it is impractical and wasteful to continue funding for a document of convenience. A fee study conducted in early 1982 revealed that Service processing cost per card was $11.40. The projected 2-year savings, based on FY '82 applications and modest anticipated increases for FY '83, was $831,000.00. This dollar estimate, however, may actually be somewhat greater because costs for issuing replacement cards were not included in the projection. The impact on U.S. citizens who apply for the card, primarily new U.S. citizens and those who speak little or no English, will be limited because the rule is not retroactive (previously issued cards remain in effect), and alternative documents, such as the U.S. passport, serve the same purpose.

There were five comments in response to the published proposal. Three came from private citizens and two from INS field officers.

Comments against abolishing the U.S. Citizen Identification Card included:

1. The card is an "invaluable tool" in the inspection of U.S. Citizens who speak little or no English and absence of the card would cause inspectional delays.

2. The cost of inspectional delays would overshadow projected savings.

3. Loss of the card is a violation of a citizen's "right to free movement".

4. Alternative documents that could be used in place of Form I–197 are not as convenient, and are more susceptible to fraudulent use and counterfeiting.

The primary concern was with those applicants for admission who claim U.S. citizenship, but who speak little or no English. The U.S. Citizen Identification Card has provided a means by which an applicant could quickly establish to the satisfaction of the inspecting officer that he or she is a U.S. citizen. Without the card, future applicants for admission would presumably have greater difficulty proving their claim to U.S. citizenship, and this could delay their inspection. In some instances, U.S. citizens would be unable to establish eligibility to enter the U.S., and would have to seek other means of proving the citizenship claim.

Initially, some delays may occur; however, there are overriding factors which must be considered: First, since cards in circulation remain in effect, the impact would be far less than predicted. It would be limited, generally, to new citizens. Once it was clear to this group that alternate documents are available and can be used to establish citizenship, their compliance in using alternate documents will further reduce the possibility of inspectional delays.

Secondly, the impact will be limited because many Service officers are fluent in Spanish and can readily determine both true and false claims to U.S. citizenship by means of the verbal inspection, whether or not documents are presented.

More importantly, although the impact of inspectional delays may be a factor in the decision, it is not the central issue. The issue is whether or not the Immigration and Naturalization Service, with resources already strained in providing essential services to the public, should continue to devote resources to issue a document not required under any section of law. Savings projected for the next two years would be substantial. Cost savings is an important consideration, but it is also noted that improvement of service to the public, by devoting resources where needed most, is in line with INS management objectives to increase overall efficiency. When a negative impact is limited to relatively few, management must opt for the greatest good. Executive Order 12291 of February 17, 1981 reads, in part: "* * * agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society".

One commenter stated that abolishing the card would be "counter-productive—both as to expense and manpower". This argument makes the same presumption as discussed above, i.e., the number of inspectional delays will be high. Delays are translated into dollars, and the commenter asserts that the cost to the government in inspector time will exceed the projected savings by abolishment of the card. As indicated previously, there are factors which will serve to reduce the likelihood and frequency of delays.

A private agency commented that, in reference to abolishment of the card, "To our U.S. citizen clients its importance is as great as the I–551 is to

a Legal Permanent Resident". The commenter further asserted that community members might, with abolishment of the card, challenge the Immigration and Naturalization Service in court, "if a citizen's rights are violated to free movement".

Any violation of a citizen's rights is subject to due process, including court challenges. But free movement is not jeopardized by abolishing the card. It is not a required document under any section of U.S. law. The burden of establishing to the satisfaction of the inspecting officer that an applicant for admission to the U.S. is eligible to enter as a citizen rests with the applicant. The fact that a convenient way of so doing is removed does not alter the burden of proof or the citizen's right to enter the U.S. after he or she has satisfied that burden. Nor is a citizen's rights violated when he or she fails to prove citizenship as required under the law. It is true that some delays and inconvenience may result initially, but their number should be limited by the common sense of the citizens affected and the judgment of officers involved. In no way will abolishment of the card affect any citizen's *right* to enter the U.S. once he or she has proven citizenship. At most, it will have a limited effect on convenient access to an acceptable document which demonstrates U.S. citizenship.

Four of the five commenters expressed their concern that alternative documents are not as convenient as the wallet-sized Form I–197, and are more susceptible to fraudulent use (primarily impersonation) and counterfeiting.

The statement that the U.S. Citizen Identification Card is less susceptible to fraudulent use is only partially true. The Service has intercepted, on a fairly regular basis, counterfeit and photo-substituted forms I–197. Although fewer cards have been intercepted than counterfeit birth certificates, it is obvious there are far fewer cards in circulation than birth certificates. Much like the birth certificate, there are no security checkpoints on the Form I–197. This may further explain why fewer are intercepted, and invalidates the argument that the card is "the most foolproof indicia of US. Citizenship."

Irrespective of the frequency with which documents are used fraudulently, the question is whether or not other documents may be used in place of the card. Every alternate document that is routinely used as proof of U.S. citizenship was promulgated by federal and state laws long before the ID card came into being, i.e., U.S. passports, naturalization certificates, and State birth certificates. The likelihood of fraudulent use of these documents may have a bearing on law enforcement capabilities, (e.g., detection of counterfeit documents or imposters) but it has no bearing on the citizen's use of acceptable documents in place of the identification card, other than convenience.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This rule will not be a major rule as defined in Section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 235

Aliens, Immigration, Inspections, U.S. citizens.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Section 235.10 is revised to read as follows:

§ 235.10 U.S. Citizen Identification Card.

(a) *General.* The U.S. Citizen Identification Card, Form I–197, is no longer issued by the Service but valid existing cards will continue to be acceptable documentation of U.S. citizenship. Possession of the identification card is not mandatory for any purpose. A U.S. Citizen Identification Card remains the property of the United States. Because the identification card is no longer issued, there are no provisions for replacement cards.

(b) *Surrender and voidance*—(1) *Institution of proceeding under section 236, 242 or 342 of the Act.* A U.S. citizen identification card must be surrendered provisionally to a Service office upon notification by the district director that a proceeding under section 236, 242 or 342 of the Act is being instituted against the person to whom the card was issued. The card shall be returned to the person if the final order in the proceeding does not result in voiding the card under this paragraph. A U.S. Citizen Identification Card is automatically void if the person to whom it was issued is determined to be an alien in a proceeding conducted under section 236 or 242 of the Act, or if a certificate, document, or record relating to that person is cancelled under section 342 of the Act.

(2) *Investigation of validity of identification card.* A U.S. Citizen Identification Card must be surrendered provisionally upon notification by a district director that the validity of the card is being investigated. The card shall be returned to the person who surrendered it if the investigation does not result in a determination adverse to his or her claim to be a United States citizen. When an investigation results in a tentative determination adverse to the applicant's claim to be a United States citizen, the applicant shall be notified by certified mail directed to his or her last known address. The notification shall inform the applicant of the basis for the determination and of the intention of the district director to declare the card void unless within 30 days the applicant objects and demands an opportunity to see and rebut the adverse evidence. Any rebuttal, explanation, or evidence presented by the applicant must be included in the record of proceeding. The determination whether the applicant is a United States citizen must be based on the entire record and the applicant shall be notified of the determination. If it is determined that the applicant is not a U.S. citizen, the applicant shall be notified of the reasons, and the card deemed void. There is no appeal from the district director's decision.

(3) *Admission of alienage.* A U.S. Citizen Identification Card is void if the person to whom it was issued admits in a statement signed before an immigration officer that he or she is an alien and consents to the voidance of the card. Upon signing the statement the card must be surrendered to the immigration officer.

(4) *Surrender of void card.* A void U.S. Citizen Identification Card which has not been returned to the Service must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(c) *U.S. Citizen Identification Card previously issued on Form I–179.* A valid U.S. Citizen Identification Card issued on Form I–179 continues to be valid subject to the provisions of this section.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 166, as amended, 182, as amended, 188, 191, as amended, 198, 200, 201, 202, 206, as amended; 8 U.S.C 1101, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252)

Dated: February 25, 1983.

Doris M. Meissner,

Executive Associate Commissioner, Immigration and Naturalization Service.

[FR Doc. 83-6798 3-4-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 112 and 113

[Docket No. 82-095]

Viruses, Serums, Toxins, and Analogous Products; Revision of Autogenous Biologics Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the requirements for autogenous biologics. Restrictions regarding these products are removed to permit recommendations for use in herds or flocks other than the one from which the organisms were isolated. Experience has shown that organisms from one herd or flock can be effectively used to prepare autogenous biologics to combat the diseases at other locations. Samples furnished for Veterinary Services testing are increased for serials authorized to be prepared in large quantities. The time for initiating preparation of a product is increased to 12 months from date of isolation. Maximum expiration date is increased to 18 months from harvest. Observation periods for purity and safety tests are increased to correspond to other licensed products, although shipment will continue to be permitted before tests are concluded.

EFFECTIVE DATE: This amendment becomes effective March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. David A. Espeseth, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 829, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This final rule contains no new or amended recordkeeping, reporting, or application requirement of any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 to implement Executive Order 12291 and has been classified as a "Nonmajor Rule."

The final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions will reduce regulatory requirements.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action will result in a beneficial effect to licensed producers of autogenous biologics by enabling production of larger serials to be used over larger geographical areas.

Background

Current regulations restrict the volume of a serial of an autogenous biologic to 100,000 doses for poultry and 1,000 doses for other animals (9 CFR 113.98). The regulations also state that autogenous biologics must be made using isolates from the herd or flock in which the biologic will be used and prohibit label recommendations for use of the product in a herd or flock which is different from the one where the isolates were obtained (9 CFR 113.98 and 112.7).

This amendment provides a mechanism for allowing the use of autogenous biologics in herds or flocks which are different from those where the isolate was obtained. It also deletes the prohibition against labels recommending such use in different herds or flocks. Experience has shown that organisms from one herd or flock can be effectively used to prepare autogenous biologics to combat the diseases at other locations.

The 100,000 and 1,000 dose limitation for autogenous biologics are deleted since more doses might be needed if the product is used at additional locations. For similar reasons, this amendment extends the expiration dating of autogenous biologics from 6 months to 18 months. The maximum period permitted for use of a culture is extended from the current period of 30 days to 12 months since such longer period is necessary if cultures are used to make product to be used at more than one location.

Finally, in light of the other changes being proposed, this amendment adds a provision in 9 CFR 113.3 of the regulations which specifically provides for the sampling of autogenous biologics other than bacterins. This amendment also reduces the number of samples required if a serial of autogenous vaccine does not exceed 50 containers.

Comments Received

On July 16, 1982, a notice of proposed rulemaking was published in the Federal Register at 47 FR 31004 discussing this revision and soliciting comments.

Responses were received from one professional organization, seven licensed biologics producers (one currently licensed to produce an autogenous biologic), one private diagnostic laboratory, and one member of a university staff.

All except three responses gave unqualified approval. The university staff member approved but objected to possible use of live organisms. Products consisting of live organisms are prohibited in the first paragraph of 9 CFR 113.98, which has not been revised. Two licensed manufacturers, neither of which produce autogenous biologics, objected to revisions removing serial size limits and extending time for preparation and use. The objections were based on the premise that products meant for "emergency use" need not be produced in great amounts and should be used in a relatively short period of time. However, it is the Department's opinion that to continue the present restrictions on autogenous products would constitute an overly restrictive view of "emergency use" since such products may be needed in situations which are other than acute emergencies in a single herd. This has been effectively controlled in the past by requiring special authorization from the Deputy Administrator when large quantities are prepared, extended use of a culture is requested, or expiration dating is increased. This type of special authorization will continue to be required where extended use of an autogenous biologic is requested. State authorities' concurrence will be an additional factor in preventing improper application of such products where more extensive need is demonstrated.

After due consideration of all relevant matters, including the proposal set forth in the above notice and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-159), the amendment of Parts 112 and 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as published in the above notice, is hereby adopted as follows:

List of Subjects

9 CFR Part 112

Animal biologics, Exports, Imports, Labeling, Packaging and containers, Transportation.

9 CFR Part 113

Animal biologics.

PART 112—PACKAGING AND LABELING

Section 112.7 (g) is revised to read:

§ 112.7 Special additional requirements.

* * * * *

(g) In the case of autogenous biologics, labels shall include the recommended dose, the number of repeat doses, if any, and the interval recommended between doses; *Provided,* That the label shall not show:

(1) The identity of the herd or flock from which the culture was isolated; or

(2) The name(s) of the person(s) responsible for making the isolations.

* * * * *

PART 113—STANDARD REQUIREMENTS

Section 113.3(b) (2) and (10) are revised to read:

§ 113.3 Sampling of biological products.

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(b) * * *

(2) *Bacterins and bacterin-toxoids.* (i) Twelve samples of single-fraction bacterins and bacterin-toxoids.

(ii) Thirteen samples of double-fraction bacterins and bacterin-toxoids.

(iii) Fourteen samples of triple-fraction bacterins and bacterin-toxoids.

(iv) Fifteen samples of bacterins and bacterin-toxoids containing more than three fractions.

* * * * *

(10) *Autogenous biologics.* Two samples from each serial of autogenous biologics shall be selected; *Provided,* That, if the serial exceeds 50 containers, 12 samples shall be selected.

* * * * *

Section 113.98(a)(2), (b), and (c) are revised to read:

§ 113.98 Autogenous biologics.

(a) * * *

(2) Under normal circumstances, isolates from one herd or flock shall not be used to prepare an autogenous biologic for another herd or flock. However, the Deputy Administrator may authorize preparation of an autogenous biologic for use in adjacent herds or flocks which are considered to be at risk. The Deputy Administrator may authorize preparation of an autogenous biologic for use in other herds or flocks (not adjacent) which he considers to be at risk, with written concurrence from proper State authorities.

* * * * *

(b) Unless otherwise authorized by the Deputy Administrator, each serial of an autogenous biologic shall be subject to the following restrictions:

(1) Autogenous biologics shall be prepared for emergency use only. Organisms shall not be used for production more than 12 months from isolation.

(2) The expiration date shall not exceed 18 months from harvest.

(c) *Testing Requirements.* Final container samples of completed product from each serial and subserial shall be tested for purity as prescribed in § 113.26, and for safety as prescribed in § 113.33(b) or § 113.38 except that:

(1) Serials which are satisfactory after the third day observation of purity test cultures and safety test animals may be released for shipment to the customer and the tests continued throughout the required period; and

(2) Serials released on the basis of satisfactory results of third day observations shall be immediately recalled if evidence of contamination occurs in test cultures or if any of the safety test animals sicken or die during the observation period. (37 Stat. 832–833 (21 U.S.C. 151–158))

Done at Washington, D.C., this 1st day of March 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-6736 Filed 3-4-83; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 29

[Docket No. 83-10]

Adjustable-Rate Mortgages

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising its adjustable-rate mortgage (ARM) regulation (12 CFR Part 29). The revisions increase the flexibility of national banks to design ARM instruments by eliminating: (1) Limits on the frequency of payment and interest rate adjustments and (2) limits on the magnitude of interest rate adjustments. The revised regulation removes the negative amortization cap and the requirement that the monthly payment be reset at a fully amortizing level at least once every five years. Instead, the revised regulation requires that the monthly payment be reset at a level sufficient to begin reducing the outstanding debt no later than during the 21st year. The revised regulation eliminates the reporting requirement associated with payment-capped mortgage plans. The revised regulation retains (1) the requirement that changes in the ARM interest rate be tied to changes in an interest rate index and (2) most of the existing disclosure requirements. The revised regulation is expected to increase the flow of bank funds into home mortgage lending.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: David Nebhut, Financial Economist, Economic and Policy Analysis Division, (202) 447–1924, Francis S. Path, Attorney, or Jerome L. Edelstein, Attorney, Legal Advisory Services Division, (202) 447–1880, or Judith Naiman, Industry and Public Affairs, (202) 447–0934, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Special Analyses

The Secretary of the Treasury has expressly exempted this regulation from the requirement of preparing a regulatory flexibility analysis because it will not have a significant economic impact on a substantial number of small entities. The revised regulation is expected to result in an increased flow of bank funds into home mortgage lending and will eliminate the reporting requirement associated with payment-capped mortgage plans. Any costs incurred by small banks as a result of the revisions are likely to result from adjustments in computer programs and employee training. Those costs are expected to be minimal.

The Office of the Comptroller of the Currency has determined that the regulation does not constitute a major rule within the meaning of Executive Order 12291. Accordingly, a regulatory impact analysis will not be prepared on the grounds that the revision (1) will not have an annual effect on the economy of $100 million or more, (2) will not result in a major increase in the cost of bank operations or government supervision nor is it likely to generate substantially higher payments for borrowers, and (3) will not have a significant adverse effect on competition, employment,

investment, productivity, innovation, or competition with foreign-based entities.

Two modifications of the regulation are the removal of the caps on interest rate adjustments and the removal of the limit on negative amortization. The March 27, 1982 ARM regulation permitted interest rate increases in excess of the periodic caps to be carried over to future time periods. Therefore, the removal of the interest rate caps should have a small effect on the overall amount that a borrower will pay over the life of the mortgage. The Office emphasizes that the removal of interest rate caps from the regulation does not preclude the imposition of caps by lenders. Lenders may choose to design instruments with interest rate caps in order to limit their credit risk.

The likely effect of the removal of the limit on negative amortization is more complicated to evaluate, but the Office believes that the removal of the limit will not substantially increase the borrower's cost of a loan relative to the amount actually borrowed. Negative amortization, in effect, means that the lender is advancing a portion of the interest due in a given month to the borrower. Therefore, higher payments on a loan that has had higher amortization are analogous to higher payments required to repay a larger principal balance. Further, increasing the amount of permissible negative amortization will facilitate the offering of adjustable-rate mortgages with reduced monthly payments early in the loan term.

Overall, the revision of the regulation will enhance the competitive position of national banks by permitting them to develop ARM instruments that are responsive to borrower needs.

Background and Analysis

On March 27, 1981 the Office adopted a final rule establishing a framework within which national banks may make or purchase mortgage instruments that are responsive to changing interest rates and to bank deposit structures. (46 FR 16932). Technical amendments to that regulation were made in April 1982. (47 FR 13775, April 1, 1982). The ARM regulation provided sufficient flexibility to accommodate most adjustable-rate mortgage lending programs then in existence. To promote continued innovation and experimentation, section 29.9 of the rule permitted national banks to submit for review by the Office of the Comptroller of the Currency adjustable-rate mortgage plans that offer borrowers sufficient protection against payment volatility and provide for timely repayment of the loan but do not necessarily conform to all of the limitations imposed by the regulation.

Under § 29.9, the Office has permitted approximately 40 national banks to offer adjustable-rate mortgages that incorporate features not authorized by the ARM regulation. Most of the nonconforming ARM programs contain no caps on interest rates or on negative amortization and some use interest rate indexes not authorized by the Office's regulation.

The ARM rule issued in 1981 was an interim measure intended to smooth the transition from a market involving almost exclusively level-payment, fixed-rate mortgage loans to a market with a varity of flexible mortgage instruments. The movement from standard fixed-rate mortgages to a variety of alternative mortgage instruments including ARMs, shared-appreciation mortgages, and mortgages designed to accelerate repayment of principal has occurred rapidly.

Several factors have been responsible for the rapid changes in the mortgage market. One factor is the increased flexibility under which other mortgage lenders operate. In April 1981 the Federal Home Loan Bank Bank Board (FHLBB) issued a regulation permitting federally chartered savings and loan associations to offer a wide variety of adjustable mortgage loan instruments. (46 FR 24148). In July 1981 the National Credit Union Administration issued a similar regulation governing ARM lending by federally chartered credit unions, and the FHLBB amended its regulation to permit graduated-payment adjustable mortgage loans (46 FR 38669 and 46 FR 37285). In August 1982 the FHLBB replaced its several regulations governing alternative mortgage lending by federally chartered savings and loan associations with a single regulation that broadly authorizes such institutions to make a variety of alternative mortgage loans. (47 FR 36612). A number of states now permit state-chartered financial institutions to make ARMs that are more flexible than those permitted by the Office's regulation. Most recently, Title VIII of Pub. L. 97–320, the Garn-St Germain Depository Institutions Act of 1982 (DIA), enacted in October 1982, authorized state-chartered financial institutions to offer any alternative mortgage loans that similar federally chartered institutions are authorized to offer. (The Office amended 12 CFR Part 29 in December 1982 to apply the ARM regulation to state-chartered banks. (47 FR 55911).)

A second factor contributing to the development of the ARM market has been the creation of a secondary market in adjustable-rate mortgages. In June 1981 the Federal National Mortgage Association (FNMA) announced plans to purchase eight different types of ARMs. In early 1982 FNMA announced plans to purchase graduated-payment versions of three of its ARM plans. Of FNMA's eleven plans, only two are consistent with the Office's March 27, 1981 ARM regulation. The Office has permitted national banks to offer seven of the nonconforming FNMA plans under § 29.9 of the March 27, 1981 ARM regulation.

On June 2, 1982 the Office published, in the **Federal Register**, proposed changes in the adjustable-rate mortgage regulation. (47 FR 23944). Key differences between that proposal and the March 27, 1981 ARM regulation are described below.

(1) The regulation (as amended in April 1982) limited banks to five interest rate indexes. The proposed regulation would permit banks to use as an interest rate index any interest rate that was readily available to and verifiable by borrowers, and was beyond the control of the bank.

(2) The regulation prohibited interest rate adjustments that occurred more frequently than once every six months. The proposal did not include that prohibition.

(3) The regulation limited the magnitude of interest rate adjustments to not more than one percentage point per six-month period between rate adjustments and to not more than five percentage points at any single rate adjustment. The proposal did not include those limitations.

(4) The proposal did not include the requirement that any periodic or aggregate limits on interest rate changes apply to both increases and decreases.

(5) The regulation limited negative amortization to one percent of the outstanding loan balance at the beginning of any fixed-payment period times the number of six-month periods between payment adjustments. It also required that payments be reset at a fully amortizing level at least once every five years. The proposal replaced those limitations with a requirement that the payment be set at a level sufficient to begin reducing the outstanding loan principal no later than during the 21st year of the loan term and to amortize the entire principal of the loan without a substantial balloon payment by the end of the 30th year.

(6) The regulation prohibited the charging of fees for interest rate or payment adjustments and permitted prepayment fees only up until 30 days before the first rate adjustment on an

ARM. The proposal did not include those restrictions.

(7) The proposal included modifications of the disclosure requirements of the March 27, 1981 regulation. Those modifications were designed to reflect the increased flexibility offered under the proposed regulation.

General Summary of Comments

The Office received 82 comment letters in response to the proposed revisions to 12 CFR Part 29. Letters were received from national and state-chartered banks, other mortgage lenders, a law firm, trade associations, a labor organization, state regulatory officials, community and consumer groups, and individuals.

The majority of commenters supported the proposed revisions to the regulation. The view was expressed that the increased flexibility permitted by the proposed revisions would enable national banks to compete effectively with other mortgage lenders. Opposing the revisions were those who voiced concern that the increased flexibility to design programs would add to borrower confusion and hamper their ability to shop for the most appropriate loan. They were concerned that the regulation would provide insufficient borrower protections and could raise the cost of housing. Opponents were further concerned that the regulation could have particularly unfavorable consequences for women and minorities seeking housing credit.

Specific Provision of the Revised Regulation

Definition

(a) *Scope of Definition.* The final rule retains the definition in the March 27, 1981 regulation. An ARM is defined as any loan made to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling that permits the lender to adjust the interest rate periodically.

Although the proposed revision did not change the definition of an ARM, the Office received a number of comments regarding what types of loans should be included under this regulation. Some stated that commercial mortgages or nonpurchase-money loans secured by real estate should be exempted; others felt that such loans should be included. Some argued that the regulation should apply only to owner-occupied dwellings; others felt that mortgages on investment properties and nonpurchase-money mortgages should be included in the regulation.

In most cases a bank's position on the scope of the definition reflected applicable state law. Banks in states with restrictions on nonpurchase-money adjustable-rate loans secured by real estate expressed a desire for the Office's preemption of state law to be extended to such loans. Conversely, banks making such loans without state-imposed restrictions desired a limited definition.

The regulation is intended to improve the availability of mortgage funds for purchasing residential property and to assure that borrowers are provided with information regarding the operation of their loans. It is not the Office's intent to regulate adjustable-rate loans made for other purposes and, therefore, the Office has retained the limited definition. The Office recognizes the concerns of banks subject to limits on adjustable-rate lending and is considering whether to act to expand the power of national banks to make nonpurchase-money loans secured by real estate regardless of any state-law limitations.

(b) *Clarification of Definition.* Refinancing includes any situation where there is a remaining balance on an outstanding mortgage loan and where the bank is issuing a new ARM loan which will in some manner supersede or relate to the outstanding mortgage loan. Refinancing includes situations where: (1) All or part of the ARM loan proceeds are used to pay off an original purchase-money mortgage loan, (2) an existing purchase-money mortgage loan is consolidated with the new mortgage loan to form a consolidated ARM loan, regardless of how the proceeds of any new advance are used, or (3) a second lien loan results in a recasting of the terms of the existing purchase-money loan. These examples are not an all-inclusive list.

An example of a situation that does not fall under the refinancing definition of Part 29 is when the purchase-money mortgage has been paid off and the homeowner is applying for a new loan secured by a lien on the existing dwelling.

The definition does not include mortgage loans made to a builder or real estate developer when the builder or real estate developer intends to resell the structure as soon as the construction is completed. Such a loan is made to finance the working capital needs of a construction business rather than the purchase of a dwelling. The expected source of repayment is the contemplated sale of the finished houses. If a loan to an individual is made solely to finance construction and is not made to finance the purchase of the newly constructed dwelling on a permanent basis, the loan would not be subject to the ARM regulation. This requires that the permanent, *i.e.*, purchase, financing be undertaken by either the construction lender or by some other financially responsible lender under a binding commitment entered into as of the time the construction financing commences. If such a binding take-out commitment is present, the construction phase of the financing is outside the scope of this regulation.

Interest Rate Index

(a) *Choice of Index.* The revised regulation adopts the provision of the proposed regulation and permits a national bank to use as an interest rate index any interest rate (or moving average thereof) that is readily available to and verifiable by borrowers and is beyond the control of the bank.

A majority of banks commenting on the proposal favored the expanded index choice. Several commenters, however, objected to the requirement that the interest rate index be beyond the control of the lender. They stated that the profitability of a bank's mortgage portfolio could be assured only if the bank were free to set the interest rate on an ARM entirely at its discretion.

The Office recognizes the desire of some banks to change interest rates on ARMs without reference to an external interest rate index. The Office believes, however, that the indexation requirement will serve to assure borrowers that interest rate changes on ARMs reflect credit market conditions and will thereby promote the acceptance of ARMs. The Office further believes that banks will be able to find an acceptable interest rate index among those permitted by the revised regulation.

Other commenters favored a uniform ARM index. Several community groups stated that the lack of a uniform index would make comparison shopping difficult. A number of banks also objected to the lack of a uniform index on the grounds that it would hinder the development of a single, widely accepted ARM instrument.

The Office believes that a broad choice of indexes is necessary if banks are to design ARM programs responsive to their own objectives and to their customers' needs. As banks' costs of funds become increasingly sensitive to market interest rates, banks will have to develop mortgage portfolios consistent with their funding strategies. Such strategies can vary across banks. Further, to the extent that banks act as mortgage bankers and originate loans for resale in the secondary market, they

will find it necessary to design instruments that meet the varied demands of secondary market investors. Finally, it would be incorrect to assume that a single interest rate index would serve the needs of all borrowers. Some homebuyers may prefer a longer term, more stable interest rate index; others may be willing to assume the risk of greater interest rate fluctuations.

(b) *Determination of the Initial Index Value.* The Office's March 27, 1981 ARM regulation required that the initial index value be determined at the date of loan closing. That requirement was amended in April 1982 to permit a bank to establish the initial index value either on the date of loan closing or on the date the bank made a binding commitment to lend at a specified initial interest rate. The proposed revision to the regulation would have required that the initial index value be determined at the time the lender committed to the initial interest rate on an ARM.

Several commenters expressed concern that that requirement could limit national banks' ability to sell ARMs on the secondary market. They stated that the typical secondary market forward commitment to purchase an ARM specifies a yield to be earned until the first rate adjustment and a spread over the interest rate index to be earned thereafter. Therefore, an ARM that was consistent with the proposed regulation would have to be sold at a discount if the value of the interest rate index increased between the time a bank obtained a secondary market commitment and the time it committed to the initial rate on an ARM to a homebuyer. Conversely, if the interest rate index decreased, the loan would be sold at a premium. The commenters argued that such uncertainty could raise the cost of ARMs to borrowers.

The revised regulation removes the requirement that the initial interest rate index be the most recently available value either at loan closing or when a bank commits to the initial interest rate on an adjustable-rate mortgage. Consequently, banks have total flexibility in determining the initial index value on an ARM.

The danger of not specifying when the initial index is to be determined is that a bank could select an index value that would enable it to attract borrowers with an unrealistically low initial interest rate. Borrowers might then be unprepared for what could be a sizable rate increase) unrelated to changes in current market rates— at the first rate adjustment. The Office emphasizes that this flexibility should not be used to attract borrowers by offering a short-term bargain rate of interest.

The revised regulation replaces the requirement of the March 27, 1981 regulation that changes in the interest rate index result in basis-point-for-basis-point changes in the interest rate with a requirement that the relationship between the interest rate index and the interest rate on an ARM be specified in the loan documents. This change will enable banks to express interest rates as a fraction or multiple of the interest rate index. The revised regulation also replaces the requirement that rate changes be based on the most recently available index value as of the date when borrowers are notified of impending interest rate changes with a requirement that the new interest rate be based on the most recently available index value at either the notification date or the interest rate change date, whichever is earlier. This revision will enable ARM rates to reflect changes in market interest rates more quickly.

Rules Relating to Interest Rate Changes

Although the revised regulation removes most of the restrictions on interest rate changes, it requires that interest rate changes be made in accordance with rules specified in the loan documents. Such rules must cover the method used to determine the index values to which interest rate changes will be tied and the manner in which changes in the index will be translated into changes in the interest rate (*i.e.*, whether changes in the index will result in equal basis-point changes in the interest rate or whether they will be linked in some other manner). The frequency of interest rate changes and the method for implementing rate changes (*i.e.*, through changes in the monthly payment, changes in the outstanding balance, or both) must also be stated in the loan documents. Additionally, the loan documents must specify any other rules regarding rate changes that the bank might impose, such as rules regarding rounding, limits on the magnitude of rate changes, carryover of changes in excess of such limits, and mandatory and optional interest rate adjustments.

The majority of comments generally favored the removal of restrictions on interest rate adjustments. Banks requested maximum flexibility in designing ARM instruments and stated that the marketplace would determine rate change frequencies and magnitudes.

Several commenters also stated that removing the requirement that increases and decreases be symmetrical would facilitate the design of ARMs that offer a discounted initial interest rate and contain provisions for phasing out the initial discount. Under the March 27, 1981 ARM regulation, national banks making such loans were required to originate the loan at the undiscounted interest rate and to provide a separate agreement that specified the provisions of the discount. The revised regulation eliminates the need for a separate agreement by permitting national banks to establish in the loan documents provisions for phasing out any such discount. The Office emphasizes the requirement that banks making such arrangements clearly disclose the nature of the interest rate discount and the relationship between the interest rate index and the interest rate for the remainder of the loan term.

Finally, a number of commenters stated that the March 27, 1981 regulation's rules regarding required and permitted interest rate changes (which were retained in the proposed revision) could be confusing and misleading in light of the proposal's increased flexibility regarding interest rate changes. To eliminate the confusion created by these provisions, the subsection, "Required and Permitted Rate Changes", has been deleted from the revised regulation. Banks may establish rules regarding mandatory and permitted rate changes that they consider appropriate.

Those who opposed the proposed changes in the rate-change rules stated that frequent rate changes would be disruptive and could cause serious budgeting problems for households, especially during periods of rapidly rising interest rates. Banks also stated that changing interest rates more frequently than once every six months would greatly increase the cost of administering ARMs. Other commenters opposed the removal of limits on the size of interest rate changes, arguing that the lack of such limits would make ARM loans too expensive. The Office emphasizes that the removal of these requirements does not prohibit banks from establishing limits on the frequency and magnitude of interest rate changes.

Amortization Requirements

The final regulation retains the proposal's requirement that installment payments be required for an adjustable-rate mortgage loan that are sufficient to reduce the outstanding principal and accrued interest on the loan beginning no later than during the twenty-first year and are sufficient to amortize the loan without a substantial balloon payment within thirty years. The Office believes this provision is necessary to assure that adjustable-rate mortgage loans comply with the amortization and maturity requirements of 12 U.S.C. 371

and 12 CFR 7.2125. However, under Title IV of the DIA, which, as of April 14, 1983, removes statutory restrictions on amortization and maturity, the Office is reviewing the current restrictions governing the maturity and amortization of real estate loans. Until new regulations are promulgated, the restrictions on amortization and maturity of ARM loans will remain in effect. Banks should be aware of such possible changes when designing ARM programs and documents.

Under Title VIII of the DIA, state-chartered banks may make ARM loans subject to the requirements of Part 29. For such banks, the requirement that ARM loans mature within 30 years is replaced with a requirement that the maturity period on ARM loans made by state-chartered banks conform to the requirements of state law.

The Office received many comments regarding the amortization and maturity requirements of the proposed revision of Part 29. Eight commenters expressed the view that amortization should be required prior to the twenty-first year. Alternative suggestions included requiring amortization after five years, ten years, or twelve years. The Office emphasizes that the provision that the loan need not be made fully amortizing until the twenty-first year does not require banks to wait until the twenty-first year to begin amortization of principal. The Office believes the provision gives national banks the flexibility to provide loans on terms that are appropriate to each borrower's circumstances.

Six commenters, including four banks, opposed permitting any negative amortization. Another commenter, a labor organization, expressed the view that negative amortization was based on assumptions that could be erroneous. The assumptions, the commenter stated, were that borrowers' earnings will increase to meet their increased debt obligations over time, that real estate values will rise as rapidly as unpaid interest will compound, and that interest rates will remain level or decline. The commenters opposed to negative amortization also thought that significant amounts of negative amortization could have a detrimental impact on future retirees. The Office recognizes the validity of such concerns and stresses that the regulation does not require the accrual of negative amortization for twenty-one years. Banks and borrowers must determine loan terms best suited for individual cases. Further, the flexibility permitted to various types of lending institutions will enable borrowers to shop for the loan terms best suited to their current needs and expectations.

Several commenters were concerned that the provisions regarding negative amortization could lead to redlining—discrimination in residential mortgage lending based on the location of the dwelling. Lenders are reminded that any loans made pursuant to this regulation must comport with laws prohibiting housing discrimination.

Others felt that unlimited negative amortization would create safety and soundness problems by causing the amount of the loan to far exceed the value of the underlying collateral. The Office will, of course, continue to review the procedures and decisions of bank loan departments and will act to ensure that any unsafe and unsound practices are corrected.

The view that there should be no restraints on negative amortization was supported by more than twenty commenters. Another commenter thought that amortization should only be required in the twenty-fourth year. It is the opinion of the Office, however, that the proposed amortization requirement is necessary to comply with 12 U.S.C. 371 and 12 CFR 7.2125 which set forth the amortization and maturity requirements for real estate loans made by national banks. As previously noted, these requirements are currently under review as part of a general review of national banks' real estate lending powers.

Nine commenters were concerned about the lack of a definition of the term "substantial balloon payment". The revised regulation states that amortization must begin in the twenty-first year so that the loans can be paid off in thirty years without a substantial balloon payment. This term must be construed in light of the provision of 12 U.S.C. 371 which provides that "installment payments shall be required which are sufficient to amortize *the entire principal of the loan* within a period of not more than thirty years" (emphasis added). While the Office does not believe that *de minimis* variations between the regular monthly payment of principal and the final payment violate the spirit of 12 U.S.C. 371 and 12 CFR 7.2125, any such variations should be easily affordable to the average homeowner without refinancing.

Fees

The revised regulation adopts the provision of the proposed regulation and does not prohibit fees for interest rate or payment adjustments. It also expands the authority of national banks to charge fees for prepayments. Lenders that plan to charge such fees are required to disclose how such fees will be determined.

Comments on permitting fees for rate and payment adjustments were mixed. A number of bankers opposed the charging of fees for rate adjustments on the grounds that making such adjustments is a normal part of their operations and that a charge for adjustments is implicit in the interest rate on an ARM. It was also argued that such fees could impose added burdens on borrowers when increases occur and similarly diminish the benefits of decreases.

Comments on the expanded authority to charge prepayment fees were also mixed. The argument was made by many that because an adjustable-rate mortgage can ensure that the loan rate is close to market rates, there is no reason for charging prepayment fees. On the other hand, some banks noted that permitting prepayment fees would encourage the development of ARMs with relatively slow-moving interest rate indexes and long adjustment periods.

Commenters were nearly unanimous in the view that prepayment fees should not be permitted when principal is repaid ahead of schedule because of features of the loan that govern payment changes. Such features include limits on decreases in the monthly payments and graduated-payment schedules that apply regardless of interest rate movements. There was similar opposition to permitting fees when a borrower makes a greater-than-required payment to avoid negative amortization. Accordingly, language has been added clarifying that prepayment fees are not permitted in such cases.

Disclosure

The ARM regulation reflects the Office's belief that the fundamental interests of both borrowers and lenders are best served by permitting lenders to compete freely in designing and pricing ARMs that will efficiently meet borrower demands. The efficient operation of the marketplace, however, requires that both buyers and sellers be well-informed about the transactions and fully understand the contractual agreements. A wide variety of mortgage instruments, including ARMs, presents borrowers with complex and unfamiliar borrowing options which may be difficult to evaluate. Lacking adequate disclosure, many borrowers contemplating an ARM may find it difficult to make an informed decision, thus interfering with the efficient functioning of the market to the detriment of individual borrowers and lenders.

To address this concern the regulation complements the flexibility of the permitted ARM instruments with relatively comprehensive borrower disclosure requirements. Disclosures serve the two-fold purpose of educating borrowers about the nature of ARMs and equipping them to shop for the appropriate mortgage instrument.

The revised regulation retains most of the disclosure requirements of the March 27, 1981 ARM regulation. The revision also includes several additional disclosure requirements reflecting the increased flexibility provided banks by the revised regulation. Differences between the disclosure requirements of the March 27, 1981 ARM regulation and the revised regulation are listed below.

(1) The revised regulation requires lenders to state, if appropriate, that the initial monthly payment differs from the fully amortizing payment.

(2) Because the revised regulation grants lenders broad authority to charge fees related to interest rate adjustments, payment adjustments, and prepayment, the revised regulation requires lenders to disclose on what basis such fees will be charged.

(3) The required example has been revised to accommodate ARM programs which do not tie interest rate changes basis-point-for-basis-point to index changes and to clarify that the example should show the payment schedule for the entire loan term.

(4) The revised regulation replaces the requirement that banks provide prior notice of interest rate changes with a requirement that notice of interest rate changes be sent to borrowers on the first business day after the implementation of any interest rate change and, if the interest rate change is accompanied by a payment change, at least 25 days before a payment at the new level is due.

(5) The revised regulation requires that for payment changes not accompanied by an interest rate change (*e.g.*, payment changes that result from a limit on negative amortization or a predetermined schedule of payment changes) the bank provide borrowers with a payment-adjustment notification at least 25 days before a payment at the new level is due.

(6) The revised regulation includes an explanation of banks' options regarding the required disclosure for short-term demand or balloon mortgages.

(7) The revised regulation does not include a model disclosure form.

(a) *Initial ARM Disclosure.* Comments on the proposed revision's required initial disclosure were generally favorable. A number of banks requested that the Office provide a model disclosure form. The Office reiterates its view that, in light of the increased flexibility inherent in the revised regulation, a single model form is inappropriate. The Office does, however, encourage banks to consider modifying the model form provided with the March 27, 1981 ARM regulation.

Several comments were received regarding the March 27, 1981 regulation's specification of an interest rate scenario for the required hypothetical example. (The proposed revision did not include such a specification.) Those opposed to the specification of an interest rate scenario argued that it could give borrowers an unrealistic impression of the performance of the loan over its life. Those in favor of an example based on a specified interest rate scenario emphasized the need for a common basis of comparison.

The Office has decided to retain the interest rate scenario specified in the March 27, 1981 regulation. Banks may provide additional examples showing both interest rate increases and decreases to aid potential borrowers in understanding the nature of their ARM program.

The proposed revision to Part 29 included a provision requiring banks using a cost-of-funds index to disclose that, because of the gradual elimination of deposit rate ceilings, the index would be likely to have an upward bias, regardless of movements in market interest rates. In light of banks' recently expanded authority to pay market rates for a variety of consumer deposit instruments, the Office has decided that such a disclosure is unnecessary.

(b) *Notification of Interest Rate and Payment Changes.* The majority of commenters agreed that it is important to notify borrowers when the interest rate or payment on an ARM changes. Some, however, suggested expanding the notification period from 30–45 days before a rate change to 15–60 days before a change. Other comments made the point that the requirement implies that by the time a rate change is implemented, the index upon which the change will be based is two months old. Two commenters expressed the view that notification of rate changes should be required only when an interest rate change will result in a payment change.

To enable banks to reduce the lag between the determination of the index value and implementation of an interest rate change, the Office has amended the notification requirement. The revised regulation requires that notification of a rate change be sent to the borrower not later than on the first business day following the implementation of an interest rate change and, if a payment change will accompany the interest rate change, at least 25 days before a payment at the new level is due. The revision offers banks wishing to provide such notices in accordance with the March 27, 1981 ARM regulation the flexibility to do so. In most cases, banks will be able to provide a single notice of an interest rate and payment change.

A number of banks requested clarification about when separate payment change notices are required. The proposal stated that such notices would be required when a payment change occurred at a different interval than an interest rate change. The revised regulation in § 29.7(c) clarifies that a separate notice is required only when a payment changes for a reason other than an interest rate change.

(c) *Disclosure for Short-term Demand and Balloon Mortgages.* Most commenters agreed with the disclosure requirements for short-term balloon and demand mortgages. Some, however, stated that the required language is too extreme. The Office emphasizes its concern that borrowers using short-term demand or balloon mortgages be fully informed of the possibility that they will have to seek a new source of financing at then-current market rates when such loans mature or are called. The disclosure requirement, therefore, has been retained. When appropriate, however, banks may add language that indicates that they will consider refinancing short-term demand or balloon loans.

Transition Period

Section 29.9 of the March 27, 1981 ARM regulation provided national banks the opportunity to offer ARM loans that do not conform to the limitations imposed by the rule if such loans contain meaningful limitations on the volatility of payment changes and provided for timely repayment of the loans. Some of the programs permitted under section 29.9 do not conform to the amortization requirement of the revised regulation. To avoid disrupting such banks' mortgage lending programs, the revised rule provides for a 120-day transition period during which those national banks may continue to make loans or binding commitments to lend in accordance with previously authorized programs. At the expiration of the transition period, those banks will be required to bring their programs into conformity with the revised regulation.

Assumption

The Office has deleted the section of the ARM regulation that preempted state-law prohibitions on the

enforcement of due-on-sale clauses. Section 341 of the DIA has rendered such provisions unnecessary by providing a statutory preemption of state laws prohibiting the enforcement of due-on-sale clauses by lenders and their assignees or transferees.

Applicability of Part 29 to Nonfederally Chartered Commercial Banks

Title VIII of the Depository Institutions Act of 1982 permits state-chartered banks to engage in adjustable-rate mortgage transactions under the regulations of this Office. Certain provisions of the regulation, however, are inapplicable to, and have been modified for the use of, state-chartered banks. The Office has made the following determinations regarding the applicability of the revised ARM regulation to state-chartered banks.

Section 29.2, which provides authority for national banks to make ARM loans, is inapplicable to state-chartered banks. State-chartered banks draw their authority from Title VIII of the DIA as reflected in § 29.9 of this regulation.

Section 29.5(a), which requires that no later than during the twenty-first year installment payments which are sufficient to amortize the entire debt of the loan without a substantial balloon payment by the end of the thirtieth year be made, is inapplicable to state-chartered banks. The specification of the thirtieth year is a result of the provisions of 12 U.S.C. 371 and 12 CFR 7.2125 requiring that real estate loans by national banks be fully repaid within thirty years. These provisions do not apply to state-chartered banks. For this reason, section 29.5(b), which replaces the thirty-year requirement with a requirement that the maturity period of an ARM loan conform to the requirements of state law, has been included.

Section 29.8, which establishes a transition period for banks with programs that do not conform to the revised regulation, is also inapplicable to state banks. Under Title VIII of the DIA, state-chartered banks may continue to make ARM loans under the provisions of state law which may not conform to 12 CFR Part 29. Consequently, no transition period is necessary.

Finally, the Office clarifies that 12 CFR Part 29 applies to the making or purchasing of loans secured by liens on mobile homes, even when such loans are characterized as "credit sales". National and state-chartered banks should read the term "loan" as "credit sale" whenever appropriate.

List of Subjects in 12 CFR Part 29

National banks, Mortgages.

Accordingly, for the reasons set forth above, Part 29 is revised as follows:

PART 29—ADJUSTMENT-RATE MORTGAGES

Sec.
29.1 Definition.
29.2 General rule.
29.3 Index.
29.4 Rate changes.
29.5 Amortization requirements.
29.6 Prepayment fees.
29.7 Disclosure.
29.8 Transition rule.
29.9 Nonfederally chartered commercial banks.

Authority: 12 U.S.C. 1 *et seq;* 12 U.S.C. 93a; and 12 U.S.C. 371.

§ 29.1 Definition.

An adjustable-rate mortgage loan is any loan made to finance or refinance the purchase of and secured by a lien on a one- to four-family dwelling, including a condominium unit, cooperative housing unit, or a mobile home, where such loan is made pursuant to an agreement intended to enable the lender to adjust the rate of interest from time to time. Adjustable-rate mortgage loans include loan agreements where the note and/or other loan documents expressly provide for adjusting the interest rate at periodic intervals. They also include fixed-rate mortgage loan agreements that implicitly permit rate adjustment by having the note mature on demand or at the end of an interval shorter than the term of the amortization schedule unless the bank has clearly made no promise to refinance the loan (when demand is made or at maturity) and has made the disclosure specified in § 29.7(d) of this part.

§ 29.2 General rule.

National banks and their subsidiaries may make, sell, purchase, participate, or otherwise deal in adjustable-rate mortgage loans only if they conform to the conditions and limitations contained in this Part. National banks and their subsidiaries may make, sell, purchase, participate, or otherwise deal in adjustable-rate mortgage loans pursuant to this Part without regard to any limitations that otherwise would be imposed on adjustable-rate mortgage lending by the laws of any State, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, or Guam, which limitations are hereby expressly preempted.

§ 29.3 Index.

Changes in the interest rate charged on an adjustable-rate mortgage loan shall be linked to changes in the index specified in the loan documents. A bank may use as an interest rate index any measure of market rates of interest that is readily available to and verifiable by the borrower and is beyond the control of the bank. The index for an adjustable-rate mortgage loan shall be either single values of the chosen measure or a moving average of the chosen measure calculated over a specified period.

§ 29.4 Rate changes.

Interest rate changes on an adjustable-rate mortgage shall be based on the most recently available index value as of either the date a notification of an impending interest rate change is sent to a borrower, or the date that an interest rate change is implemented, whichever is earlier. Such changes shall be made in accordance with rules specified in the loan documents including, but not limited to, rules governing the determination of index values upon which interest rate changes will be based, the relationship between the interest rate index and the interest rate on the loan, the frequency of interest rate changes, and the implementation of interest rate changes. If appropriate, the loan documents shall include rules covering such items as periodic or aggregate limits on the magnitude of interest rate changes, minimum increments of interest rate changes, procedures for rounding the interest rate, and provisions for carryover of untaken interest rate changes to subsequent adjustment periods.

§ 29.5 Amortization requirements.

In order for an adjustable-rate mortgage loan to be considered in compliance with any amortization requirements imposed by law, regulation, or ruling, installment payments shall be required that are sufficient to reduce the outstanding debt on the loan beginning no later than during the twenty-first year; and (a) In the case of national banks are sufficient to amortize the entire debt of the loan without a substantial balloon payment by the end of the thirtieth year; and (b) in the case of nonfederally chartered commercial banks are sufficient to amortize the entire debt of the loan without a substantial balloon payment by the end of any maximum loan term permitted by state law.

§ 29.6 Prepayment fees.

Banks offering or purchasing adjustable-rate mortgage loans may impose fees for prepayments regardless of any state-law prohibitions of, or

limitations on, such fees, which prohibitions or limitations are expressly preempted. For the purposes of this Part, prepayments shall not include: (a) Principal payments that would fully amortize the loan over the remaining loan term; or (b) principal payments in excess of those necessary to retire the outstanding debt over the remaining loan term at the then-current interest rate that are made in accordance with rules governing the determination of monthly payments contained in the loan documents.

§ 29.7 Disclosure.

(a) A bank offering adjustable-rate mortgage loans shall disclose in writing on the earlier of the date on which the bank first provides written information concerning adjustable-rate mortgage loans available from the bank or provides a loan application form to the prospective adjustable-rate mortgage borrower, the following items:

(1) The fact that the interest rate may change and a brief description of the general nature of an adjustable-rate mortgage loan;

(2) The index used and the name of at least one readily available source in which it is published;

(3) A 10-year historical series (or if a 10-year series of the index does not exist the longest available series) updated at least annually showing the values of the index on at least a semiannual basis, presented in a table. The table should show either single values of the measure of interest rates or an average of single values, consistent with the bank's adjustable-rate mortgage loan program;

(4) The frequency with which the interest rate and payment levels will be adjusted;

(5) A statement, if appropriate, that the initial monthly payment may differ from the fully amortizing payment and the effect of this difference on the loan's amortization schedule;

(6) Any rules relating to changes in the interest rate, installment payment amount, and/or increases in the outstanding loan balance;

(7) A description of the method by which interest rate changes will be implemented, including, if appropriate, an explanation of negative amortization and balloon payments;

(8) A statement, if appropriate, of the rules or conditions relating to refinancing of short-term and demand mortgage loans, prepayment, and assumption;

(9) A statement, if appropriate, that fees will be charged by the bank and/or any other persons in connection with the adjustable-rate mortgage loan, including fees due at loan closing;

(10) A statement, if appropriate, that fees will be charged for interest rate or payment adjustments or for prepayments of principal and a statement of when such fees will be charged and how they will be calculated;

(11) A schedule of the dollar amounts of the installment payments (principal and interest) and the outstanding loan balance at each payment adjustment date on the adjustable-rate mortgage loan assuming an initial loan balance of $10,000. The initial interest rate should be a commitment rate offered by the bank within the preceding 12-month period. The example should be based on interest rate index increases of one percentage point per six months for the first five years of the loan term and a constant interest rate index thereafter and should cover the entire loan term.

(b) Not later than one business day after an interest rate change is implemented, and, if such interest rate change is accompanied by a payment change, at least 25 days before a payment at the new level is due, the bank shall notify the borower in writing of the following items:

(1) The current and prior interest rate;

(2) The index values upon which the current and prior interest rates are based;

(3) The extent to which the bank has foregone any increase in the mortgage interest rate;

(4) The monthly payment due after implementation of the interest rate adjustment and/or other contractual effects of the rate change;

(5) The amount of the monthly payment, if different from that given in response to item 4, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(6) A statement, if appropriate, that a prepayment fee will be charged if the borrower chooses to prepay the loan.

(c) If under the bank's adjustable-rate mortgage program, a payment change may occur for reasons other than an interest rate change including, but not limited to, a limit on negative amortization, at least 25 days before any such payment change may take effect, the bank shall notify the borrower in writing of the following items:

(1) An explanation of the circumstances that have led to such a payment change;

(2) The monthly payment due after implementation of the payment adjustment;

(3) The amount of the monthly payment, if different from that given in response to item 2, that would be required to fully amortize the loan at the new interest rate over the remainder of the loan term;

(4) A statement, if appropriate, that a prepayment fee will be charged if the borrower chooses to prepay the loan.

(d) For the purposes of this subsection the following definitions apply: a short-term mortgage loan is any loan to finance or refinance the purchase of, and secured by a lien on, a one- to four-family dwelling that is payable either without any interim amortization of the loan or at the end of a term that, including any terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule; a demand mortgage loan is any loan to finance or refinance the purchase of, and secured by a lien on, a one- to four-family dwelling that is payable on demand. A bank making short-term or demand mortgage loans shall include the following notice displayed prominently and in capital letters in or affixed to the loan application form and in or affixed to the loan note:

THIS LOAN IS PAYABLE IN FULL [ON DEMAND *or* (specify date or circumstances)]. [AT MATURITY *or* IF PAYMENT IS DEMANDED *or* (upon the specified date or circumstances)] YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE BANK IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL, THEREFORE, BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS THAT YOU MAY OWN, OR YOU WILL HAVE TO FIND A LENDER, WHICH MAY BE THE BANK YOU HAVE THIS LOAN WITH, WILLING TO LEND YOU THE MONEY. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL OF THE CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN EVEN IF YOU OBTAIN REFINANCING FROM THE SAME BANK.

The bank should choose the appropriate alternative language in brackets and supply any applicable information where there is a blank. To clarify the statement, the bank may insert "[the borrower]" after each occurrence of the word "you" or the name of the bank, in brackets, after each occurrence of the word "bank". The bank may also add an additional sentence or paragraph that further explains or clarifies the loan terms and may state that the bank will consider an application to refinance the balloon payment at the time payment is due on the same basis as all other new mortgage loan applications. Fixed-rate short-term loans and fixed-rate demand loans for which this notice has been

properly given will not be characterized as adjustable-rate mortgage loans.

(e) At the date on which the initial interest rate on an adjustable-rate mortgage loan is determined, the bank shall inform the borrower of the initial index value on which the initial interest rate will be based. This initial index value shall be included in the note that the borrower signs. The borrower must be given a copy of that note no later than at loan closing.

§ 29.8 Transition rule.

If on the effective date of this rule a national bank has already made a loan or a binding commitment to lend under an adjustable-rate mortgage loan program which would violate any of the provisions of this Part, the national bank may continue to make loans or binding commitments to lend under the program for 120 days from the effective date of this rule before the program must be brought into conformity with all of the provisions of this Part.

§ 29.9 Nonfederally chartered commercial banks.

Under authority granted by Pub. L. 97–320, the Garn-St Germain Depository Institutions Act of 1982, nonfederally chartered commercial banks may make adjustable-rate mortgages in accordance with the following provisions of this Part: §§29.1, 29.3, 29.4, 29.5, 29.6, and 29.7.

Dated: February 11, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-5797 Filed 3-4-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedures

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to incorporate certain provisions of the Garn-St Germain Depository Institutions Act of 1982. These provisions explicitly give FDIC authority to compromise, modify, or remit certain civil money penalties and provide for removal of a management official for any violation of the Depository Institution Management Interlocks Act.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Meador, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, 550–17th Street, N.W., Washington, D.C. 20429 (202) 389–4171.

SUPPLEMENTARY INFORMATION: The Garn-St Germain Depository Institutions Act of 1982 (the "Act") (Pub. L. No. 97–320; 96 Stat. 1469 (effective October 15, 1982)) includes eight titles containing 97 sections amending the Federal Deposit Insurance Act (the "FDI Act") and other financial institution regulatory legislation. In pertinent part, section 424 of the Act amends the FDI Act with respect to the assessment of civil money penalties for violations of any final order issued under subsection (b) or (c) of section 8 of the FDI Act and for violations of 23A and 22(h) of the Federal Reserve Act (12 U.S.C. 371c and 375b), and section 106(b)(2)(F)(i) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. § 1972(2)(F)(i)). The amendments state that FDIC has authority to remit or modify, as well as compromise, such civil money penalties.

Section 427 of the Act amends section 8(e) of the FDI Act to provide for removal from office of any director or officer of an insured bank who has committed any violation of the Depository Institutions Management Interlocks Act (12 U.S.C. 3201, *et seq.*). In contrast to the other grounds for removal, removal is permitted for such violations without agency determination that the management official's illegal conduct has caused or will probably cause the insured bank to suffer "substantial financial loss or damage," or has caused serious prejudice to the depositors' interests, or that the official has received any financial gain from the violations, and that the violation involved personal dishonesty or demonstrated "willful disregard" for the safety or soundness of the bank.

Regulatory Factors

The requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are inoperative here because the amendments do not affect the recordkeeping or reporting burdens on any insured bank or other person.

The amendments are rules of FDIC practice and procedure. Public notice and procedure on them are impracticable and unnecessary because the Act became effective on October 15, 1982, and FDIC has no discretion other than to modify its rules of practice and procedure to reflect the current status of the law. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C. 553), the Board of Directors suspends the requirements for notice of proposed rulemaking and public comment and delayed effective date.

Although the rules apply in adminstrative proceedings involving civil money penalties or removal of management officials, the substantive basis for such actions lies in public law. The amendments are merely rules of agency practice and procedure which govern during the adjudicative process.

List of Subjects in 12 CFR Part 308

Adminstrative practice and procedure, Penalties, Cease-and-desist orders, Directors, officers, employees, Termination of deposit insurance, Removal of management official.

PART 308—RULES OF PRACTICE AND PROCEDURES

Part 308 of Chapter III of Title 12 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 308 reads as follows:

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203 Pub. L. No. 90–481, 94 Stat. 2325 (5 U.S.C. 504).

2. Section 308.40 is amended by adding a new paragraph (d) to read as follows:

§ 308.40 Grounds for removal or prohibition.

* * * * *

(d) The Board may issue and serve upon any director or officer of an insured nonmember bank a written notice of its intention to remove the individual from office in such bank when the Board determines that the individual has committed any violation of the Depository Institution Management Interlocks Act.

§ 308.71 [Amended]

3. Section 308.71 is amended by removing the word "reduce" in the ultimate sentence and inserting in its place the words "compromise, modify, or remit".

By order of the Board of Directors on February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-5798 Filed 3-4-83; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-33-AD; Amdt. 39-4579]

Airworthiness Directives; Aerospatiale (SUD) Caravelle SE-210 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Aerospatiale (SUD) Caravelle SE-210 airplanes which requires inspections of certain structural components to detect cracks/corrosion damage and repairs or replacement where necessary. This action was prompted by notification by the cognizant civil air authority that certain unsafe conditions may exist or develop which compromise the structural integrity of the wing and landing gear.

DATES: Effective April 11, 1983.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Societe Nationale Industrielle Aerospatiale, 316 Route de Bayonne, 31060 Toulouse Cedex 03, France, Attention: M. Roger Adam, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which required inspections for cracks/corrosion damage on wing and landing gear components of Aerospatiale (SUD) Caravelle SE-210 airplanes was published in the **Federal Register** (47 FR 23175) on May 27, 1982. The Director Generale de L'Aviation Civile (DGAC) has classified certain Aerospatiale (SUD) service bulletins mandatory which require the previously mentioned inspections/repairs or replacements in order to correct unsafe conditions which exist or may develop on Caravelle airplanes currently in operation.

Interested parties have been afforded an opportunity to participate in the making of this amendment. The one U.S. Caravelle operator stated that SUD Service Bulletin 57-40 gives the inspection interval for the L_1 and L_4 wing fittings to be the periods between major inspections for airplanes operating at a maximum takeoff weight of 52 tons or less. This operator recommends predicating the inspection interval required by the rule upon the FAA approved maintenance schedule in lieu of the NPRM proposed inspection interval of 4,000 hours time in service for all Caravelle airplanes regardless of maximum takeoff weight. The FAA concurs with the operator's comment and has revised the rule accordingly. No other comments were received. It is estimated that no airplanes will be immediately affected by this AD since the one known active operator is complying with all of the service bulletins. After a review of all of the available data including the above comments, the FAA has determined that safety in the public interest requires the adoption of the rule with the changes previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Aerospatiale (formerly SUD): Applies to all Caravelle SE-210 Models III and VIR airplanes, certificated in all categories.

1. To prevent structural failures, accomplish the following within the time in service or number of flights specified in each paragraph below after the effective date of this AD, unless already accomplished.

A. Compliance required in accordance with SUD Service Bulletin 32-86, Revision 7, and/or in accordance with SUD Service Bulletin 32-106, Revision 4, as noted:

(1) Replace P/N 210.41.10.011-01 main landing gear hinge shaft aft end screws with P/N 210.41.10.100-01 screws (Service Bulletin 32-86) or with P/N 210.41.10.652-01 screws and 210.41.10.648-01 plugs (Service Bulletin 32-106) within the next 500 landings.

(2) Inspect P/N 210.41.10.100-01 screws in accordance with Service Bulletin 32-86 within the next 500 landings or within 8,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 5,000 landings.

(3) Inspect P/N 210.41.10.652-01 screws in accordance with Service Bulletin 32-106 within the next 500 landings or within 10,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 5,000 landings.

B. Compliance required in accordance with SUD Service Bulletin No. 57-40, Revision 10;

(1) Inspect the lower wing center junction fitting L_3 and L_4 bores for corrosion, ovalization, or cracks within the next 200 hours time in service or within 15,000 hours total time in service, whichever occurs later, and thereafter at intervals not to exceed 10,500 hours time in service for airplanes with a maximum takeoff weight of 52 tons or less and 4,000 hours time in service for airplanes with a maximum takeoff weight of over 52 tons.

(2) Inspect the lower wing center junction fitting L_1, L_2, and L_4 bores for corrosion, ovalization, or cracks within the next 200 hours time in service or within 16,000 hours total time in service, whichever occurs later, and thereafter at intervals not to exceed 8,000 hours time in service.

(3) Repair or replace fittings per the service bulletin instructions.

C. Inspect wing rib 44 upper cap fittings within the next 200 landings in accordance with SUD Service Bulletin 57-47, Revision 6. If no cracks are found, reinspect at intervals not to exceed 2,000 landings thereafter. If cracks are found, repair as necessary per the service bulletin and reinspect at intervals not to exceed 1,000 landings thereafter.

2. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552 (a) (1).

This amendment becomes effective April 11, 1983.

(Secs. 313 (a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, and 1423); Sec. 6 (c), Department of Transportation Act (49 U.S.C. 1655 (c)); and 14 CFR 11.89).

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington on February 24, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-5470 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 82-NM-120-AD; Amdt. 39-4590]

Airworthiness Directives; British Aerospace Model HS/DH/BH 125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) Amendment 39-3789, which requires repetitive inspections and rework or replacement of the bridge casting for the nose landing gear drag stay assembly on British Aerospace Model HS/DH/BH 125 airplanes. Since the issuance of the AD, the manufacturer has determined there is a need to clarify and expand the inspection instructions and accordingly has issued a revision to the applicable service bulletin. The AD is therefore being amended to include this revision.

DATE: Effective March 16, 1983.

ADDRESSES: The service bulletin specified in this Airworthiness Directive may be obtained upon request to British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 80-12-05, Revision 1, Amendment 39-3789, requires repetitive inspections of the bridge casting on the nose landing gear drag assembly. This AD was previously amended to extend certain inspection intervals; it is now being amended to specify Revision 3 to Service Bulletin 32-184 which contains specific instructions for the inspection of an alternate bridge casting (modification 252677).

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to exist or develop on airplanes of this model registered in the United States, the FAA has determined that an AD is necessary which amends AD 80-12-05, Amendment 39-4390 (47 FR 23696, June 1, 1982), to include the latest revision of British Aerospace Aircraft Group, Service Bulletin No. 32-184.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending AD 80-12-05, Amendment 39-3789 (45 FR 37179, June 2, 1980), as amended by Amendment 39-4390 (47 FR 23696, June 1, 1982) as follows:

1. In paragraph (c) replace "August 10, 1978 (Revision 1)" with "Revision 3, dated June 24, 1982."

2. Add a new paragraph (f) after paragraph (e) to read as follows: "Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

This amendment becomes effective March 16, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on February 24, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6471 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-6-AD; Amendment 39-4581]

Airworthiness Directives; Piper Model PA-38-112 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piper Model PA-38-112 airplanes which supersedes AD 80-11-09. The new AD requires replacement of all the main landing gear attach bolts. Failure of these bolts and resulting loss of the main landing gear have caused accidents. This action will provide stronger clamping action and increase the strength of the main landing gear attachment to the fuselage.

DATES: Effective date: March 14, 1983.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Piper Aircraft Corporation Service Bulletin No. 673A, dated October 20, 1982, may be obtained from Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, ANE-172, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; Telephone 516-791-6221.

SUPPLEMENTARY INFORMATION: Loose, bent and cracked main landing gear attachment bolts were experienced on Piper Model PA-38-112 airplanes. These occurrences were attributed to the improper clamping action of the bolt installations. To assure proper clamping attachment of the landing gear struts, AD 80-11-09 (Amendment 39-3779) 45 FR 35308 was issued which changed the AN-5-13A bolts to bolts of shorter length to assure proper clamp up.

Although AD 80-11-09 has reduced the incidents of landing gear bolt

failures, the FAA continues to receive reports of loose, bent and cracked bolts. To prevent this condition, Piper Aircraft Corporation published Service Bulletin No. 673A dated October 20, 1982, which recommends changing the AN–5 bolts to stronger NAS–145 bolts. In addition, the FAA has received reports of bent or damaged AN 7–17A bolts which attach the inboard end of the main landing gear strut. If not removed from service, such bolts may compromise the integrity of the main landing gear attachment to the fuselage.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued, superseding AD 80–11–09, which requires mandatory installation of the NAS–145 bolts and replacement of the AN 7–17A bolts with new AN 7–17A bolts, installed with proper torque, on Piper Model PA–38–112 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Piper: Applies to Model PA–38–112 (Serial Nos. 38–78A0001 thru 38–82A0110) airplanes certificated in any category.

Compliance: Required as indicated unless already accomplished.

To prevent possible bending, cracking or loosening of the main landing gear attachment bolts, accomplish following:

(a) Within the next 50 hours time-in-service after the effective date of this AD:

(1) Replace the (4) landing gear AN 5 attachment bolts and AN 960 washers with (4) NAS 145–22 bolts and (4) MS20002–C5 washers, in accordance with the *Instructions* section of Piper Service Bulletin 673A dated October 20, 1982, and

(2) Replace the (2) AN 7–17A bolts which attach the inboard ends of the main landing gear legs with new AN 7–17A bolts and torque to 450–500 inch-pounds or 37–41 foot-pounds.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) Upon submittal of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Manager, New York Aircraft Certification Office, FAA (see address below) may adjust the compliance time specified in this AD.

(d) An equivalent method of compliance with this AD may be used, if approved, by the Manager, New York Aircraft Certification Office, FAA, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment supersedes AD 80–11–09, Amendment 39–3779.

This amendment becomes effective on March 14, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on February 24, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83–5474 Filed 3–4–83; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 83–ASO–11]

Alteration of Control Zone; Mobile, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the Brookley Airport Control Zone, Mobile, Alabama, by revising the coordinates of the airport and changing the hours during which the zone is effective. Brookley Airport Traffic Control Tower has extended its hours of operation from 0800 to 1900 hours local time to 0700 to 1900 hours local time. It is necessary to revise the effective hours of the control zone to coincide with the new hours of the control tower.

DATES: Effective date: 0901 G.mt., April 14, 1983. Comments must be received on or before April 1, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revising the geographical coordinates of Brookley Airport and extending the effective hours of the control zone by one hour and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to properly reflect the geographical coordinates of Brookley Airport and extend the effective hours of the control zone to coincide with the new operating hours of the Brookley Airport Traffic Control Tower. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need for a regulation to list the correct coordinates of the airport and revise the effective hours of the control zone. The adjustments are so minor and nonsubstantive, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 GMT, April 14, 1983, as follows:

Mobile Brookley Airport, AL [Amended]

By deleting the words, ". . . (lat. 30°37'08.5" N., long. 88°03'57.2" W.) . . . and ". . . 0900 . . .", and substituting for them the words, ". . . (Lat. 30°36'27" N., Long. 88°04'23" W.) . . ." and ". . . 0700 . . .". (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on February 22, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-6062 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23549; Amdt. No. 1237]

Air Traffic and General Operating Rules; Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO–730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at east 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the effected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending,

suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending Part 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective April 14, 1983*

Joliet, IL—Joliet Park District, VOR Rwy 12, Amdt. 9
St. Jacob, IL—Shafer Metro East, VOR-A, Amdt. 1
Michigan City, IN—Michigan City, VOR-A, Original
Detroit, MI—Detroit Metropolitan-Wayne County, VOR Rwy 9, Amdt. 10
Detroit, MI—Willow Run, VOR Rwy 5R, Amdt. 8
Detroit, MI—Willow Run, VOR Rwy 23L, Amdt. 6
Grand Rapids, MI—Kent County Intl, VOR Rwy 18, Amdt. 4
Grand Rapids, MI—Kent County Intl, VOR Rwy 36, Amdt. 9
Lexington, MO—Lexington Muni, VOR Rwy 22, Original
Moberly, MO—Omar N. Bradley, VOR/DME-A, Amdt. 1
St. Louis, MO—Lambert-St. Louis Intl, VOR or TACAN Rwy 12L, Amdt. 10
St. Louis, MO—Lambert-St. Louis Intl, VOR or TACAN Rwy 12R, Amdt. 20
New Bern, NC—Simmons-Nott, VOR Rwy 4, Amdt. 3
New Bern, NC—Simmons-Nott, VOR Rwy 22, Amdt. 1
Springfield, OH—Springfield Muni, VOR Rwy 6, Amdt. 6
Springfield, OH—Springfield Muni, VOR Rwy 24, Amdt. 6
Chambersburg, PA—Chambersburg Muni, VOR/DME-B, Original
Norfolk, VA—Norfolk Intl, VOR/DME Rwy 5, Amdt. 2

* * * *Effective March 31, 1983*

Grand Rapids, MN—Grand Rapids Itasca County, VOR Rwy 34, Amdt. 8
* * * Effective March 17, 1983
Concord, CA—Buchanan Field, VOR Rwy 19R, Amdt. 11

* * * *Effective February 16, 1983*

Madison, WI—Dane County Regional/Truax Field, VOR Rwy 13, Amdt. 16
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 18, Amdt. 15
Madison, WI—Dane County Regional/Truax Field, VOR Rwy 31, Amdt. 17

2. By amending Part 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective April 14, 1983*

Wrangell, AK—Wrangell, LDA/DME-C, Amdt. 6
Wrangell, AK—Wrangell, LDA/DME-D, Amdt. 5
Americus, GA—Souther Field, LOC Rwy 22, Original
St. Louis, MO—Lambert-St. Louis Intl, LOC BC Rwy 6, Amdt. 26, cancelled
Laconia, NH—Laconia Muni, LOC Rwy 8, Amdt. 7
New Bern, NC—Simmons-Nott, LOC Rwy 4, Amdt. 3

* * * *Effective March 17, 1983*

Concord, CA—Buchanan Field, LDA Rwy 19R, Amdt. 4

3. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective April 14, 1983*

Ketchikan, AK—Ketchikan Intl, NDB/DME-A, Amdt. 4
Americus, GA—Souther Field, NDB Rwy 22, Original
Americus, GA—Souther Field, NDB Rwy 22, Amdt. 7, cancelled
Wabash, IN—Wabash Muni, NDB Rwy 27, Amdt. 7
Cadillac, MI—Wexford County, NDB Rwy 7, Amdt. 9
Cadillac, MI—Wexford County, NDB Rwy 25, Amdt. 4
Grand Rapids, MI—Kent County Intl, NDB Rwy 26L, Amdt. 16
Ava, MO—Bill Martin Memorial, NDB Rwy 31, Original
Moberly, MO—Omar N. Bradley, NDB Rwy 13, Amdt. 2
Moberly, MO—Omar N. Bradley, NDB Rwy 31, Amdt. 2
Laconia, NH—Laconia Muni, NDB Rwy 8, Amdt. 6
Springfield, OH—Springfield Muni, NDB Rwy 24, Amdt. 12
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, NDB-A, Amdt. 14
Osceola, WI—L. O. Simenstad Muni, NDB Rwy 28, Amdt. 6

* * * *Effective March 31, 1983*

Grand Rapids, MN—Grand Rapids Itasca County, NDB Rwy 34, Amdt. 4

* * * *Effective February 17, 1983*

Le Mars, IA—Le Mars Muni, NDB Rwy 18, Amdt. 7

* * * *Effective February 16, 1983*

Madison, WI—Dane County Regional/Truax Field, NDB Rwy 36, Amdt. 25

4. By amending Part 97.29 ILS-MLS SIAPs identified as follows:

* * * *Effective April 14, 1983*

Ketchikan, AK—Ketchikan Intl, ILS/DME-1 Rwy 11, Amdt. 3
Detroit, MI—Willow Run, ILS Rwy 5R, Amdt. 10
Detroit, MI—Willow Run, ILS Rwy 23L, Amdt. 1
Grand Rapids, MI—Kent County Intl, ILS Rwy 8R, Amdt. 2
Grand Rapids, MI—Kent County Intl, ILS Rwy 26L, Amdt. 17
State College, PA—University Park, ILS Rwy 24, Amdt. 3
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, ILS Rwy 4, Amdt. 30
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, ILS Rwy 22, Amdt. 2

* * * *Effective March 31, 1983*

Grand Rapids, MN—Grand Rapids Itasca County, MLS Rwy 34 (Interim), Original
Grand Rapids, MN—Grand Rapids Itasca County, MLS Rwy 34 (Interim), Amdt. 3, cancelled

* * * *Effective March 17, 1983*

Astoria, OR—Port of Astoria, ILS Rwy 26, Original

* * * *Effective February 16, 1983*

Madison, WI—Dane County Regional/Truax Field, ILS Rwy 18, Amdt. 3
Madison, WI—Dane County Regional/Truax Field, ILS, Rwy 36, Amdt. 25

5. By amending Part 97.31 RADAR SIAPs identified as follows:

* * * *Effective April 14, 1983*

King Salmon, AK—King Salmon, RADAR-1, Amdt. 7
St. Louis, MO—Lambert—St. Louis Intl, RADAR-1, Amdt. 29
New Bern, NC—Simmons-Nott, RADAR-1, Amdt. 2
Pittsburgh, PA—Greater Pittsburgh Intl, RADAR-1, Amdt. 22

Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, RADAR-1, Amdt. 10

* * * *Effective April 16, 1983*

Madison, WI—Dane County Regional/Truax Field, RADAR-1, Amdt. 10

6. By amending Part 97.33 RADAR SIAPs identified as follows:

* * *Effective April 14, 1983*

Joliet, IL—Joliet Park District, RNAV Rwy 12, Amdt. 10
Cadillac, MI—Wexford County, RNAV Rwy, 7, Amdt. 3
Cadillac, MI—Wexford County, RNAV Rwy, 25, Amdt. 2
St. Louis, MO—Lambert-St. Louis Intl, RNAV Rwy 6, Original
Pittsburgh, PA—Greater Pittsburgh Intl, RNAV Rwy 14, Amdt. 4, cancelled

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the **Federal Register** on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on February 25, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-5469 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6452; 34-19542; 35-22862; IC-13047; FR-10; S7-947]

Qualifications and Reports of Accountants; Amendment of Rules Regarding Accountants' Independence

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission announces the adoption of revisions to § 210.2-01(b) which redefine the term "member" (as the term is used in that section) and clarify the Rule's intent in certain minor respects. Appropriate changes are made in the Commission's published independence interpretations to conform such interpretations to the more limited application of § 210.2-01(b) resulting from the revised definition of the term "member".

EFFECTIVE DATE: April 6, 1983, with earlier implementation permitted.

FOR FURTHER INFORMATION CONTACT: Clarence M. Staubs (202-272-2130), Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announces the adoption of an amendment to 17 CFR 210.2-01(b) which redefines the term "member", as used in that rule, and thereby removes certain non-managerial professional employees of accounting firms from the Rule's application. In addition, certain minor changes have been made to clarify the intent of the Rule, and the related published independence interpretations [1] have been appropriately deleted or revised to conform to the requirements of the amended Rule.

Discussion

On October 14, 1982, the Commission published for comment [2] proposed amendments to 17 CFR 210.2-01(b), which would revise the definition of the term "member", as used in that rule, and make minor clarification changes in that rule.

The principal effect of the changes is to remove from the application of § 210.2-01 any non-managerial, professional employee not involved in providing professional services to the subject client or any of its affiliates. However, a professional employee having managerial responsibilities and located in the engagement office or an office of the firm which participates in a significant portion of the audit, as well as all partners, shareholders and other principals in the accounting firm continue to be subject to the requirements of § 210.2-01. The term "member", as defined prior to the changes effected by these amendments, encompassed all professional employees located in an office of the firm participating in a significant portion of the audit. The Commission has concluded that the previous definition of "member" was unnecessarily broad.

The amendments also clarify the Rule's provisions about the effect on a firm's independence when a former officer or employee of an audit client becomes an employee of or principal in the accounting firm. Prior to these amendments, the Rule was unclear as to whether the exception in the Rule applied to a person who became a principal in the firm. The revision to the Rule in that respect codifies an administrative practice which permitted such associations without an impairment of independence.

Twelve letters were received in response to the Commission's invitation to comment on the proposed changes. Eleven of the letters were from accounting firms or professional associations of accountants. The other letter was from a company which has securities registered with the Commission. All commentators favored the proposed changes. However, several respondents expressed the view that the Commission should reconsider certain of its independence interpretations, especially those dealing with the employer/employee relationships between the relatives of a "member" and audit clients of the member's firm.

One commentator opposed application of the Commission's independence requirements to all professional employees involved in providing professional services to a client. That commentator and two others objected to including managerial, professional employees who are not involved in providing services to the subject audit client in the definition of "member". No changes in the Rule have been made in response to these comments because the Commission believes that the perception of independence demands application of these requirements to all such employees.

This action of the Commission removes certain nonmanagerial, professional employees from application of the Commission's independence requirements. Except as set forth in the "Codification Update" section below, the Commission's published interpretations (including those regarding both dependent and nondependent relatives) remain in effect. The Commission's staff expects to review the existing independence interpretations regarding the impact of the activities of family members and former partners on the independence of a "member", as defined in § 210.2-01(b), in the near future.

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) (47 FR 21028) is updated to:

1. Add the following subcaption at the end of § 602.01:

FRR 10

2. Include the second and third paragraphs of the "Discussion" section of this release.

3. Revise the introductory paragraph to § 602.02.d to read: Rule 2-01(b) states that, "* * * an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates * * * with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he, or his firm, or a member of his firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm's independence will not be deemed to be affected adversely where a former officer or employee of a particular person is employed by or becomes a partner, shareholder or other principal in the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person."

4. Revise the conclusion in Example 8 in § 602.02.d to add the following sentence:

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[1] *See*, Section 602 of the Codification of Financial Reporting Policies, announced by the Commission in Financial Reporting Release No. 1 (April 15, 1982) (47 FR 21028.)

[2] *See*, Securities Act Release No. 33-6430 (47 FR 47209).

A professional employee of an accounting firm, acting individually or otherwise, may not enter into any arrangement or relationship with an audit client of his or her employer involving an activity which, if engaged in as an employee of the accounting firm, would adversely affect the firm's independence.

5. Delete Example 10 in § 602.02.h, and renumber Example Nos. 11, 12 and 13 as Nos. 10, 11 and 12, respectively.

This Codification is a separate publication issued by the Commission. It will not be published in the Federal Register/Code of Federal Regulations System.

List of Subjects in 17 CFR Part 210

Accounting, Reporting requirements, Securities, Utilities.

Text of Final Rules

Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By revising paragraph (b) of § 210.2–01 to read as follows:

§ 210–2–01 Qualifications of accounts.

* * * * *

[b] The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates [1] in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he, his firm, or a member of his firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest; [2] with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he, his firm, or a member of his firm was connected as a promoter, underwriter, voting trustee, director, officer, or employee. A firm's independence will not be deemed to be affected adversely where a former officer or employee of a particular person is employed by or becomes a partner, shareholder or other principal in the firm and such individual has completely disassociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of § 210.2–01(b), the term "member" means [i] all partners, shareholders, and other principals in the firm, [ii] any professional employee involved in providing any professional service to the person, its parents, subsidiaries, or other affiliates, and [iii] any professional employee having managerial responsibilities and located in [the engagement office] or other office of the firm which participates in a significant portion of the audit.

* * * * *

(Secs. 6, 7, 8, 10, and 19(a) (15 U.S.C. 77f, 77h, 77j, 77s) of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) (15 U.S.C. 78*l*, 78m, 78o(d), 78w) of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) (15 U.S.C. 79e, 79t of the Public Utility Holding Company Act of 1935; Sections 8, 30, 31(c) and 38(a) 15 U.S.C. 80a–8, 80a–29, 80a–30, (c), 80a–37 (a)) of the Investment Company Act of 1940)

By the Commission.

George A. Fitzsimmons,

Secretary.

February 25, 1983.

[FR Doc. 83-5705 Filed 3-4-83; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 279

[Release No. IA–840]

Amendments to Investment Adviser Requirements Concerning the Application for Registration

AGENCY: Securities and Exchange Commission.

ACTION: Permanent adoption of amendments to form.

SUMMARY: The Commission is adopting on a final basis certain temporary amendments relating to the registration requirements under the Investment Advisers Act of 1940. The amendments simplify the registration requirements for investment advisers subject to registration by deleting certain items from the investment adviser registration form.

EFFECTIVE DATES: April 6, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur E. Dinerman, Esq., Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Stop 5–2, Washington, D.C. 20549, (202) 272–3021.

SUPPLEMENTARY INFORMATION: The Commission is announcing the permanent adoption of certain temporary amendments to Part I of Form ADV [17 CFR 279.1], the investment adviser registration form.[1] The temporary amendments were adopted on May 14, 1982 to simplify the form by deleting certain items from it.[2] Specifically, the temporary amendments, which were to have been in effect until March 31, 1983, deleted Items 5(b), 7(b), 13(b), 15(i), 15(iii), 16(i) and 16(iii) from Part I of Form ADV. In its release adopting the temporary amendments, the Commission invited public comments as to whether the temporary amendments should be made permanent.

The Commission received two letters in response to its invitation for comments. One letter supported adoption of the amendments and urged that the temporary amendments be made permanent. The other letter urged retention of Item 13(b), stating that the item would enable the Commission and interested persons to determine whether an applicant is permitted under Section 208 of the Advisers Act [15 U.S.C. 80b–8]

[1] It should be noted that the changes to Form ADV which are the subject of this action relate only to Part I of Form ADV and not to Part II of the form which contains the information required to be furnished to clients and prospective clients under Rule 204–3 [17 CFR 275.204–3], the "brochure rule". In a recent decision in the District Court of the Eastern District of New York *(SEC v. Christopher Lowe,* 82 Civ. 1616, February 2, 1983) the court denied injunctive relief to the Commission on its claim that the defendants violated the antifraud provisions of Section 206 of the Advisers Act by failing to disclose to subscribers of their investment advisory newsletters that Lowe had been criminally convicted of misappropriating client funds and that he had been barred by the Commission from the investment advisory business. The court concluded that the Commission's authority to require disclosure derives from Section 204 of the Advisers Act and that no Commission rule under that section requires such disclosure of past misconduct to clients and prospective clients. The Commission wishes to emphasize that its action today should not be taken as any indication of its views with respect to the court's conclusions regarding the inter-relationship, if any, of the requirements of the brochure rule with the disclosure obligations which are imposed on investment advisers by virtue of the anti-fraud provisions contained in Section 206 of the Advisers Act [15 U.S.C. 80b–6]. The Commission has not determined whether to appeal those portions of the court's decision denying the relief sought by the Commission. The Commission notes, moreover, that paragraph (c) of Rule 204–3 [17 CFR 275.204–3(c)] specifically provides that nothing in that rule shall relieve an investment adviser from any obligation pursuant to, among other things, any provisions of the Advisers Act to disclose any information to clients or prospective clients not specifically required under the brochure rule. An investment adviser is required under Section 206 of the Advisers Act to disclose all material facts to clients and prospective clients. *See, SEC v. Capital Gains Research Bureau, Inc.,* 375 U.S. 180 (1963).

[2] Release No. IA–696, May 14, 1982 [47 FR 22505, May 25, 1982 and 47 FR 29652, July 8, 1982].

to use the term "investment counsel" as descriptive of its business. Item 13(b) asked whether a substantial part of the applicant's investment advisory business consists of rendering "investment supervisory services." Section 208(c) of the Advisers Act prohibits an adviser from using the term "investment counsel" unless his or its principal business consists of acting as investment adviser and a substantial part of his or its business consists of rendering "investment supervisory services." It is true that Item 13(b) was intended to elicit a response that would have a bearing on whether an investment adviser could properly use the term "investment counsel." However, as stated in Release No. IA-805, Item 13(b) partially duplicated another item of Form ADV. Moreover, whether or not an adviser may properly use the term "investment counsel" is dependent on the actual facts and may not be determined solely on the basis of responses to a form. Accordingly, the Commission does not believe that its ability to make such determinations will be impaired by deletion of Item 13(b).

For the reasons discussed in Release No. IA-805, the Commission has determined to adopt the amendments on a permanent basis. The Commission has determined that the information contained in the deleted items, although generally useful to the Commission in its understanding of the investment advisory industry, is not sufficiently important to justify the costs of continued use of the items.

List of Subjects in 17 CFR Part 279

Investment advisers, Reporting requirements, Securities.

Text of Amendment

The Commission hereby amends Part 279 of Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

By amending Part I of Form ADV required by § 279.1 as follows:

(i) Item 5 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(ii) Item 7 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(iii) Item 13 of Part I is amended by deleting part (b) in its entirety and by deleting the designation "(a)".

(iv) Item 15 of Part I is amended by deleting parts (i) and (iii) in their entirety and by deleting the designation "(ii)".

(v) Item 16 of Part I is amended by deleting parts (i) and (iii) in their entirety and by deleting the designation "(ii)".

Statutory Authority

The Commission amends Form ADV pursuant to the authority contained in Sections 203, 204 and 211(a) of the Act [15 U.S.C. 80b-3, 80b-4 and 80b-11(a)].

Dated: February 28, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6703 Filed 3-4-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1002-83]

Organization of the Department of Justice

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Revisions to Subparts H, I and K of Part 0 of 28 CFR, Organization of the Department of Justice, to reflect the transfer of the Consumer Affairs Section from the Antitrust Division to the Civil Division and the transfer of certain civil litigation arising under the Immigration and Nationality Act and related laws from the Criminal Division to the Civil Division.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT: J. Paul McGrath, Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Room 3143, Washington, D.C. 20530. Telephone: (202) 633-3301.

SUPPLEMENTARY INFORMATION: This order is not a rule within the meaning of either Executive Order 12291 section 1(a) or the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 0

Government employees, Organization of functions (Government agencies) and Authority delegations (Government agencies).

PART 0—[AMENDED]

By virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

§0.40 [Amended]

1. In § 0.40 of Subpart H, Antitrust Division, paragraph (j) is removed.

§0.41 [Amended]

2. In § 0.41 of Subpart H, Antitrust Division, paragraph (b) is removed.

3. In § 0.41 of Subpart H, Antitrust Division, paragraphs (c), (d), (e), (f) and (g) are redesignated as paragraphs (b), (c), (d), (e) and (f) respectively.

4. In § 0.41, paragraph (g), redesignated as paragraph (f) is amended by changing "paragraphs (a) through (f)" to "paragraphs (a) through (e)" and by removing the words "and judgments rendered upon review of Federal Trade Commission orders by courts of appeals."

5. In § 0.41 of Subpart H, Antitrust Division, paragraph (h) is removed.

6. In § 0.41 of Subpart H, Antitrust Division, paragraph (i) is redesignated as paragraph (g).

§0.45 [Amended]

7. A new § 0.45(j) is added to Subpart I, Civil Division, to read as follows:

* * * * *

(j) Consumer Litigation—All civil and criminal litigation and grand jury proceedings arising under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*), the Fair Packaging and Labeling Act (15 U.S.C. 1451 *et seq.*), the Automobile Information Disclosure Act (15 U.S.C. 1231 *et seq.*), the odometer requirements section and the fuel economy labeling section of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1981 *et seq.*), the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331 *et seq.*), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 *et seq.*), the Federal Caustic Poison Act (15 U.S.C. 401 note), the Consumer Credit Protection Act (15 U.S.C. 1611, 1681q and 1681r), the Wool Products Labeling Act of 1939 (15 U.S.C. 68), the Fur Products Labeling Act (15 U.S.C. 69), the Textile Fiber Products Identification Act (15 U.S.C. 70 *et seq.*), the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*), the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*), the Refrigerator Safety Device Act (15 U.S.C. 1211 *et seq.*), Title I of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 *et seq.*), the Federal Trade Commission Act (15 U.S.C. 41 *et seq.*), and Section 11(1) of the Clayton Act (15 U.S.C. 21(1)) relating to violations of orders issued by the Federal Trade Commission. Upon appropriate certification by the Federal Trade Commission, the institution of criminal

proceedings, under the Federal Trade Commission Act (15 U.S.C. 56(b)), the determination whether the Attorney General will commence, defend or intervene in civil proceedings under the Federal Trade Commission Act (15 U.S.C. 56(a)), and the determination under the Consumer Product Safety Act (15 U.S.C. 2076(b)(7)), whether the Attorney General will initiate, prosecute, defend or appeal an action relating to the Consumer Product Safety Commission.

To effect the transfer of certain civil litigation arising under the Immigration and Nationality Act and related laws from Assistant Attorney General, Criminal Division, to the Assistant Attorney General, Civil Division, by virtue of the authority vested in me as Attorney General by 5 U.S.C. 301 and 28 U.S.C 509 and 510, Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

§ 0.45 [Amended]

1. Add a new paragraph (k) to 28 CFR 0.45 to read:

* * * * *

(k) All civil litigation arising under the passport, visa and immigration and nationality laws and related investigations and other appropriate inquiries pursuant to all the power and authority of the Attorney General to enforce the Immigration and Nationality Act and all other laws relating to the immigration and naturalization of aliens except all civil litigation, investigations, and advice with respect to forfeitures, return of property actions, Nazi war criminals identified in 8 U.S.C. 1182(a)(33), 1251(a)(19) and civil actions seeking exclusively equitable relief which relate to national security within the jurisdiction of the Criminal Division under § 0.55 (d), (f), (i) and § 0.61(d).

§ 0.55 [Amended]

2. Revise § 0.55(d) to clarify the initial clause and to qualify the words "the Immigration and Nationality Act."

* * * * *

(d) Forfeiture or civil penalty actions (including petitions for remission or mitigation of forfeitures and civil penalties, offer in compromise and related proceedings) under the Federal Aviation Act of 1958, the Contraband Transportation Act, the Copyrights Act, the customs laws (except those assigned to the Civil Division which involve sections 592, 704(i)(2) or 734(i)(2) of the Tariff Act of 1930), the Export Control Act of 1949, the Federal Alcohol Administration Act, the Federal Seed Act, the Gold Reserve Act of 1934, the Hours of Service Act, the Animal Welfare Act, the Immigration and Nationality Act (except civil penalty actions and petitions and offers related thereto) the neutrality laws, laws relating to cigarettes, liquor, narcotics and dangerous drugs, other controlled substances, gambling, war materials, pre-Columbian artifacts, coinage, and firearms, locomotive inspection (45 U.S.C. 22, 23, 28–36), the Organized Crime Control Act of 1970, prison-made goods (18 U.S.C. 1761–1762), the Safety Appliance Act, standard barrels (15 U.S.C. 231–242), the Sugar Act of 1948, and the Twenty-Eight Hour Law.

* * * * *

3. Revise § 0.55(f) to read:

* * * * *

(f) All criminal litigation and related investigations and inquiries pursuant to all the power and authority of the Attorney General to enforce the Immigration and Nationality Act and all other laws relating to the immigration and naturalization of aliens; all advice to the Attorney General with respect to the exercise of his parole authority under 8 U.S.C. 1182(d)(5) concerning aliens who are excludable under 8 U.S.C. 1182(a)(23), (28), (29), or (33); and all civil litigation with respect to the individuals identified in 8 U.S.C. 1182(a)(33), 1251(a)(19).

* * * * *

4. Revise § 0.55(i) to read:

* * * * *

(i) All civil proceedings seeking exclusively equitable relief against Criminal Division activities including criminal investigations, prosecutions and other criminal justice activities (including without limitation, applications for writs of habeas corpus not challenging exclusion, deportation or detention under the immigration laws and coram nobis), except that any proceeding may be conducted, handled, or supervised by another division by agreement between the head of such division and the Assistant Attorney General in charge of the Criminal Division.

* * * * *

Dated: February 23, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-5989 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 0

[Order No. 1003–83]

Delegation of the Attorney General's Authority With Respect to Export Trade Certificates of Review

AGENCY: Department of Justice.

ACTION: Final Rule.

SUMMARY: This rule delegates all of the Attorney General's functions with respect to determinations concerning export trade certificates of review to the Assistant Attorney General for Antitrust. It also delegates to the Assistant Attorney General for Antitrust the authority to defend the Secretary of Commerce and the Attorney General, or their delegates, in actions brought before federal district courts and courts of appeals to set aside a determination with respect to export trade certificates of review.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT: Stuart M. Chemtob, Attorney, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Tel. (202) 633–3718.

SUPPLEMENTARY INFORMATION: This order deals with agency management. It is not required to be and has not been published in proposed form for comment under 5 U.S.C. 553(b). It is not a rule within the meaning of or subject to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Likewise, it is not a rule within the meaning of or subject to Executive Order No. 12291 ("Federal Regulation").

List of Subjects in 28 CFR Part 0

Government employees, Organization and functions (Government Agencies), Authority delegations (Government Agencies).

PART 0—[AMENDED]

Accordingly, by virtue of the authority vested in me as Attorney General by 28 U.S.C. 510, it is hereby ordered as follows:

1. A new paragraph (k) is added to 28 CFR 0.40 to read as follows:

§ 0.40 General functions.

* * * * *

(k) As the delegate of the Attorney General, performance of all functions which the Attorney General is required or authorized to perform by Title III of Pub. L. 97–290 (15 U.S.C. 4011–4021) with respect to export trade certificates of review.

2. A new paragraph (j) is added to 28 CFR 0.41 to read as follows:

§ 0.41 Special functions.

* * * * *

(j) Defending the Secretary of Commerce and the Attorney General, or their delegates, in actions to set aside a determination with respect to export trade certificates of review under Section 305(a) of Pub. L. 97–290 (15 U.S.C. 4015(a)).

Dated: February 23, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-6700 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 0

[Order No. 1001-83]

Redelegation of Authority To Operate and Maintain Buildings

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Administrator of the General Services Administration has delegated to the Attorney General the authority to operate and maintain the Main Justice Building and the J. Edgar Hoover Building. This order redelegates the operation and maintenance authority over these buildings, and any future such authority as delegated to the Attorney General by the General Services Administration, to the Assistant Attorney General for Administration.

EFFECTIVE DATE: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth L. McElroy, Assistant Director for Facilities Management, Administrative Services Staff, Justice Management Division, Department of Justice, Room 6312, 10th and Constitution Avenue, NW., Washington, D.C. 20530 ((202) 633-4405).

SUPPLEMENTARY INFORMATION: This order deals with agency management. Therefore, it is not required to be and has not been published in proposed form for comment. This order is not a rule within the meaning of either Executive Order No. 12291 or of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, and Organization and functions (Government agencies).

Accordingly, by virtue of the authority vested in me as Attorney General by 28 U.S.C. 509 and 510 and 5 U.S.C. 301, it is hereby ordered that Part 0 of Title 28, Code of Federal Regulations is amended as follows:

PART 0—[AMENDED]

1. In § 0.76, a new paragraph (u) is added, reading as follows:

§ 0.76 Specific functions.

* * * * *

(u) Perform functions with respect to the operation, maintenance, repair, preservation, alteration, furnishing, equipment and custody of buildings occupied by the Department of Justice as delegated by the Administrator of the General Services Administration.

2. Section 0.77 is amended by revising paragraph (g) to read as follows:

§ 0.77 Operational functions.

* * * * *

(g) Implementing and administering programs for procurement, personal property, supply, motor vehicle, space management, and operations and management of buildings as delegated by the Administrator of the General Services Administration.

* * * * *

Dated: February 28, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-5699 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Removal of Conditions of Approval of the Utah Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 944 to remove two of the Secretary's conditions of approval of the Utah permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Utah submitted provisions to OSM on December 8, 1982, intended to satisfy the two conditions of approval. OSM has reviewed these amendments and determined they satisfy the Secretary's conditions.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the State of Utah submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA.

On October 3, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program. Notice of that decision and the Secretary's findings were published in the **Federal Register** on October 24, 1980 (45 FR 70481-70510). The State of Utah resubmitted the program for approval by the Secretary on December 23, 1980. The resubmitted program included those portions of the initial submission not approved by the Secretary on October 3, 1980. After thoroughly reviewing the program resubmission and providing an opportunity for the public to comment, the Secretary of the Interior determined that the Utah program, including the resubmission did, with minor exceptions, meet the Federal permanent program regulations. Accordingly, the Secretary of the Interior conditionally approved the Utah program subject to the correction of twelve minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the January 21, 1981 **Federal Register** (46 FR 5899-5915).

Information pertinent to the general background, revision, modifications, and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899-5915).

In accepting the Secretary's conditional approval, Utah agreed to satisfy conditions "a"-"e" by December 1, 1981, and conditions "f"-"l" by July 1, 1981.

Subsequently, Utah requested an extension of the deadline to meet conditions "f", "g", and "h" until January 1, 1982. On October 30, 1981 (46 FR 54070), OSM announced the Secretary's decision to approve the extension.

Upon the State's request the deadline for the State to meet condition "f" was further extended to September 1, 1982, and the deadline for the State to meet condition "h" to January 1, 1983 (47 FR 234155-234156, May 27, 1982).

On June 29, 1981, Utah submitted statutory and regulatory revisions intended to satisfy conditions "a"-"e", "g" and "i"-"l".

On June 22, 1982 (47 FR 26827-26831), the Assistant Secretary for Energy and Minerals announced his decision to remove conditions "a"-"e", "j" "l" and to grant Utah until September 1, 1982, to submit modifications to satisfy conditions "g", "i" and "k". In the June 22, 1982 notice, the Assistant Secretary also announced his decision to impose a new condition "m" requiring the State to correct by January 1, 1983, a deficiency

in the State program which had come to OSM's attention.

On August 26, 1982, Utah adopted and submitted to OSM regulatory modifications intended to satisfy conditions "f", "g", "l" and "k". Following OSM's review of these amendments as outlined in 30 CFR 732, the Secretary removed conditions "f", "g", "l" and "k" (47 FR 55672, December 13, 1982).

On December 8, 1982, Utah submitted amendments to satisfy conditions "h" and "m". On December 30, 1982, OSM announced receipt of these amendments in the **Federal Register** (47 FR 58303–58305) and invited public comment through January 31, 1983, on the adequacy of the provisions submitted in satisfying conditions "h" and "m". A public hearing scheduled for January 25, 1983, was cancelled, as no one indicated an interest in presenting testimony at the hearing.

Secretary's Determinations

Following are the Secretary's findings on the amendments submitted by Utah on December 3, 1982 to meet conditions "h" and "m".

1. Condition "h" of the Secretary's approval of Utah's program stipulates that Utah must submit to the Secretary by January 1, 1983, copies of fully enacted regulations specifying that underdrains are required in all valley fills unless a waiver is granted with an experimental practice approved by OSM, in accordance with UMC 817.72(b)/SMC 816.72(b) and specifying lifts for valley fills will not be greater than four feet, or less, if required by the regulatory authority in UMC 817.72(c)/SMC 816.72(c) consistent with 30 CFR 817.72(c) or otherwise amends its program to accomplish the same result.

Utah has amended UMC 817.72/SMC 816.72 subpart (b) to require that the underdrain requirement is not waived except with the approval of the Director of OSM after a demonstration that the waiver qualifies under the requirements for experimental practice set forth under UMC/SMC 785. Also UMC 817.72(c) and SMC 816.72(c) have been modified to require that spoil shall be hauled or conveyed and placed in a controlled manner and concurrently compacted as specified by the Division in lifts no greater than four feet or less, unless approved by the Director of the Office of Surface Mining as an experimental practice in accordance with UMC 785.13. The Secretary has determined that these amended provisions satisfy condition "h" of his approval of Utah's program.

2. Condition "m" of the Secretary's approval of Utah's program stipulates that Utah must submit copies of fully enacted regulations deleting the provision at UMC/SMC 785.19(c) which allows a waiver of the requirements of subsections (d) and (e) of UMC/SMC 785.19 and of UMC/SMC 822 or otherwise amends its program to be consistent with 30 CFR 785.19 (c) and (d).

Utah has submitted an amended version of UMC/SMC 785.19(c)(3)(ii) which provides that if the Division makes a finding that the area of the alluvial valley floor to be affected is insignificant to farming it may waive all or any of the requirements of paragraphs (d) and (e) of section 785.19 and of section 822 provided any waiver granted shall not negate the requirements necessary for the protection of essential hydrologic functions.

With respect to the Federal requirements for insuring that the surface mining operation does not materially damage the quantity or quality of water, Judge Thomas Flannery ruled (In re: Permanent Surface Mining Regulation Litigation, Civil No. 79–114–D.D.C. May 16, 1980) that the material damage requirements only apply to alluvial valley floors that are significant to farming. Hence, although OSM's regulations do not explicitly allow a waiver to the material damage requirements at 30 CFR Parts 785 and 822, under Judge Flannery's decision the regulatory authority cannot require an operator to comply with those requirements if a determination has been made that the alluvial valley floor is insignificant to farming. Regardless of the regulatory authority's determination with respect to the alluvial valley floor's significance to farming, the permit applicant must submit adequate information and analysis to allow the regulatory authority to determine that the operation will preserve the essential hydrologic functions of the alluvial valley floor, and must comply with the performance standards at 30 CFR Part 822 relative to the protection of the essential hydrologic function of the alluvial valley floor.

As stated above, Utah's amended version of UMC/SMC 785.19(c)(3)(ii) allows the Division to waive any or all of the requirements of UMC/SMC section 785.19 and 822 except the requirements pertaining to the protection of essential hydrologic functions if the Division finds that the area of the alluvial valley floor to be affected is not significant to farming.

OSM has determined that Utah's waiver provision at UMC/SMC 785.19(c)(3)(ii) is consistent with the Federal rules as interpreted by the Court. Thus, the Secretary removes condition "m".

Public Comment

The Bureau of Mines commented that Utah's underdrain requirement at UMC 817.72(b)(4)/SMC 816.72(b)(4) may be impossible to meet. This provision requires that underdrains for valley fills shall consist of nondegradeable, nonacid, or toxic-forming rock such as natural sand and gravel, sandstone, limestone, or other durable rock that will be free of coal, clay, or shale. This requirement is virtually identical to OSM's provision at 30 CFR 817.72(b)(4). Thus, the Secretary finds the State's provision consistent with the Federal standard.

The National Park Service (NPS) stated that Utah's amended regulations at UMC 817.72/SMC 816.72 appear to contain an internal contradiction. Specifically, NPS commented that paragraph (b)(3) of this section which specifies that "Underdrains * * * will be free of coal, clay or shale" contradicts paragraph (b)(4) which precludes the use of shale as a predominant type of fill material. OSM has determined that NPS may be confusing the allowable fill material with the allowable construction material for the underdrain itself. OSM has determined that the State's requirements for underdrains and its procedures for placement of excess spoil in valley fills are consistent with the Federal rules at 30 CFR 817.72.

The Soil Conservation Service, the Bureau of Land Management and the Fish and Wildlife Service commented that they had reviewed the amended provisions of UMC/SMC 785.19 and UMC 817. 72/SMC 816.72 and had no objections to the State's revised rules.

Removal of Conditions

Accordingly, 30 CFR Part 944 is hereby amended to indicate approval of the provisions submitted by the State on December 8, 1982, and removal of the two remaining conditions of the Secretary's approval of Utah's program, conditions "h" and "m".

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibililty Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C 3507.

On February 16, 1983, the Environmental Protection Agency transmitted its written concurrence on the December 8, 1982, Utah program amendments.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 944 of Title 30 is amended as set forth herein.

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary for Energy and Minerals.

PART 944—UTAH

§ 944.11 [Removed]

1. 30 CFR 944.11 is removed.

2. 30 CFR 944.15 is amended by adding paragraph (d) to read as follows:

§ 944.15 Approval of amendments to State regulatory program.

* * * * *

(d) The amendments to the following sections were adopted.

November 30, 1982, are approved effective March 7, 1983.

(i) SMC 816.72/UMC 817.72 subparts (b) and (c).

(ii) UMC/SMC 785.19 subpart (c)(3)(ii).

[FR Doc. 83-6010 Filed 3-4-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-10-FRL 2299-8]

Designation of Areas for Air Quality Planning Purposes: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA redesignates Port Angeles, Washington, from "nonattainment" for the secondary National Ambient Air Quality Standards for total suspended particulates (TSP) to "attainment." This redesignation is based on documentation submitted by the Department of Ecology pursuant to section 107(d) of the Clean Air Act. The data indicates that the Port Angeles area has been attaining secondary TSP standards since 1979 and thus qualifies for an attainment designation.

EFFECTIVE DATE: This action is effective on May 6, 1983 unless notice is received before April 6, 1983 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-82-21), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 Sixth Avenue, SE, Rowe Six, Building #4, Lacey, Washington 98504

Copy of State Submittal may be Examined at: The Office of the Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20460.

Comments Should be Addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Michael J. Schultz, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1985, FTS: 399-1985.

SUPPLEMENTARY INFORMATION: On March 3, 1978, EPA designated, pursuant to the requirements of Section 107(d) of the Clean Air Act (as amended), all areas of the country as "attainment," "nonattainment," or "unclassifiable" in terms of meeting National Ambient Air Quality Standards. At that time, Port Angeles, Washington, was designated "nonattainment" for secondary TSP standards.

On December 7, 1982, the State of Washington Department of Ecology (DOE) submitted a request for EPA to redesignate Port Angeles to "attainment" for TSP. The State submittal described area source dust controls that were implemented and contained documentation that no TSP standards have been violated in Port Angeles since 1979. With more than two years of data showing attainment of standards, EPA is redesignating the Port Angeles area to "attainment."

The public should be advised that this action will be effective on May 6, 1983. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, petition for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 1983. This action may not be challenged later in civil proceedings to enforce its requirements (See section 307(b)(2) of the Clean Air Act).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that area redesignations under section 107 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709; January 27, 1981). This action constitutes a redesignation under Section 107 within the terms of the January 27, 1981 certification.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Secs. 107 and 301(a) of the Clean Air Act (42 U.S.C. 7407 and 7601(a))

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: February 16, 1983.

Anne M. Gorsuch,

Administrator.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.348, the table for Total Suspended Particulate is revised as follows:

§ 81.348 Washington.

WASHINGTON—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Seattle—that area including the north portion of the Duwamish industrial area, and extending to the southern boundary of the CBD.	X			
Seattle—an area of the Duwamish Valley extending approximately 2½ miles further south than the above area.		X		
Renton		X		
Kent		X		
Tacoma—that area including the Tide Flats industrial area, east end of the CBD and the north end of South Tacoma Way corridor.	X			
Port Angeles—small area of the CBD				X
Longview—industrial area		X		
Vancouver—small portions of the industrial port area	X			
Spokane	X			
Clarkston	X [1]			
Remainder of State				X

[1] EPA designation replaces State designation.

[FR Doc. 83-4967 Filed 3-4-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland 20034, Phone: (800) 638–8620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Louisiana: Tangipahoa Parish	Unincorporated areas	220006B	February 2, 1983, suspension withdrawn	Jan. 17, 1975 and Nov. 29, 1977.
Maryland: Kent	Betterton, town of	240069A	do	Jan. 24, 1975.
Michigan:				
Calhoun	Bedford, township of	260052B	do	Aug. 16, 1974 and Aug. 6, 1976.
LeeLanau	Elmwood, township of	260113C	do	Mar. 5, 1976, Sept. 28, 1979 and Sept. 20, 1974.
Antrim	Milton, township of	260637B	do	July 8, 1977.
Oakland	Charter Twp. of Waterford	260264B	do	Aug. 16, 1974 and June 4, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Mississippi: Rankin	Richland, city of	[illegible]	do.	Apr. 28, 1978.
Missouri: Charlton	Brunswick, city of	290074B	do.	Mar. 29, 1974 and Jan. 16, 1976.
New Jersey:				
Cape May	Lower, township of	3401538	do.	July 19, 1974.
Sussex	Sussex, borough of	3404578	do.	June 14, 1974 and Mar. 5, 1976.
Ohio:				
Jefferson	Brilliant, village of	[illegible]	do.	Jan. 9, 1974 and May 28, 1976.
Licking	Pataskala, village of	[illegible]	do.	Oct. 8, 1976.
Oklahoma: Grady	Alex, town of	400063A	do.	Nov. 26, 1976.
Pennsylvania: Blair	Snyder, township of	421393B	do.	Jan. 10, 1975 and Dec. 23, 1977.
Rhode Island: Newport	Newport, city of	445403C	do.	July 1, 1974, Nov. 21, 1975 and June 17, 1970.
New York: Allegany	Alfred, town of	360019A	do.	June 18, 1976.
New Jersey:				
Camden	Clementon, borough of	340130A	do.	Feb. 6, 1976.
Salem	Pittsgrove, township of	340421A	do.	Dec. 3, 1976.
New York: Nassau	Laurel Hollow, village of	[illegible]	May 6, 1975, emergency; Jan. 6, 1983, regular; Jan. 6, 1983, suspended; Feb. 4, 1983, reinstated.	June 28, 1974 and July 9, 1976.
Mississippi: Humphreys	Unincorporated areas	[illegible]	Jan. 14, 1974, emergency; Jan. 19, 1983, regular; Jan. 19, 1983, suspended; Feb. 9, 1983, reinstated.	Apr. 14, 1976.
New York: Montgomery	Palatine Bridge, village of	360454B	Dec. 24, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended; Feb. 9, 1983, reinstated.	Feb. 15, 1974 and June 18, 1976.
New Jersey: Cumberland	Vineland, city of	3401768	Dec. 17, 1971, emergency; July 5, 1982, regular; July 5, 1982, suspended; Feb. 11, 1983, reinstated.	May 4, 1973 and July 22, 1977.
New Mexico: Chaves	Unincorporated areas	3501258	Feb. 2, 1983, emergency; Feb. 2, 1983, regular.	June 13, 1978.
Arkansas: Union	do.	050205A	Feb. 7, 1983, emergency	Dec. 13, 1977.
Oklahoma:				
Ottawa	Commerce, city of	400156	do.	June 4, 1976.
Johnston	Milburn, town of	400306	do.	
Arkansas: Ashley	Unincorporated areas	0500308	Feb. 7, 1983, emergency; Feb. 7, 1983, regular.	Nov. 15, 1977 and Nov. 17, 1982.
Colorado: Phillips	Lamar, city of	0801468	Apr. 8, 1975, emergency; Nov. 17, 1982, regular; Nov. 17, 1982, suspended; Feb. 11, 1983, reinstated.	Mar. 22, 1974 and Aug. 13, 1976.
Arkansas: Van Buren	Unincorporated areas	[illegible]	Feb. 8, 1983, emergency	Do.
Pennsylvania: Northumberland	McEwensville, borough of	421935	Feb. 14, 1983, emergency	Dec. 27, 1974.
Utah: Salt Lake	West Valley City, city of	[illegible]	do.	Do.
Oklahoma: Custer	Butler, town of	[illegible]	Feb. 15, 1983, emergency	Nov. 5, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5636 Filed 3-4-83; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1135

[Ex Parte No. 326 (Sub-3); Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures; Regulations Governing the Transfer of General Increases From Master Tariffs Into the Individual Tariffs of Railroads or Rail Ratemaking Organizations

AGENCY: Interstate Commerce Commission.

ACTION: Rule related notice; extension of time.

SUMMARY: The Commission is extending the time period under 49 U.S.C. 10762 (d)(2) and 49 CFR 1300.32 for rail carriers and their agents to transfer into basic tariffs the quarterly cost recovery increases taken pursuant to Ex Parte No. 290 (Sub-No. 2) (46 FR 22594, April 20, 1981) and published in master tariffs. The extension applies only where these increases are published in single, cumulative master tariffs on a yearly basis. The time period in this situation is being extended until the second year following the end of the third quarter of each year in which such an increase is effective. The Commission is granting the extension to allow rail carriers to have the benefit of the entire two-year statutory time period so that the carriers can continue to publish these increases in a single tariff on a yearly basis.

EFFECTIVE DATE: April 6, 1983.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275–7245

or

Richard Armstrong (202) 275–6430

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289–4357—DC metropolitan area; (800) 424–5403—Toll free for outside the DC area.

Decided: February 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6716 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 45
Monday, March 7, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Definition of Small Business for Preferential Treatment in Purchase of Special Salvage Timber Sales (SSTS)

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: A notice was published in the Federal Register of August 23, 1982, proposing a change to the size standard for the eligibility of small business concerns for preferential award of special salvage timber sales (SSTS). Based on comments received, on that proposal, the Small Business Administration (SBA) hereby proposes that: (1) A significant portion of the logging of an SSTS timber sale sold through preferential bidding to a logger, must be performed by the employees of the purchaser, and (2) that a manufacturer who is preferentially awarded an SSTS sale, must perform a significant portion of log manufacture with its own employees but may subcontract the logging to concerns that are eligible for the preferrential award of an SSTS sale.

DATE: Comments are invited on or before April 6, 1983.

ADDRESS: Address comments to: Andrew Canellas, Director, Office of Industry Analysis, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Joseph E. Kernan, Director, Office of Natural Resource Sales Assistance, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20419, Telephone: (202) 653–6078.

SUPPLEMENTARY INFORMATION:

General

In connection with sale of Government-owned special salvage timber designated by the U.S. Forest Service (USFS) as SSTS, by regulation, a small business is a concern that:

(1) Is primarily engaged in the logging or forest products industry;

(2) Is independently owned and operated;

(3) Is not dominant in its field of operations; and

(4) Together with its affiliates, its number of employees has not exceeded 25 persons during any pay period for the past 12 months.

(5) Other regulatory restrictions are also applicable depending upon the eventual use to be made of timber. (See 13 C.F.R. 121.3–9(c) (1), (2) and (3).

The SBA/USFS joint SSTS program is separate and distinct from the regular small business set-aside program involving USFS timber.

On August 23, 1982 (47 FR 36851), SBA published a proposed rule change to the size standard definition of a small business concern for eligibility for preferential award of an SSTS sale. Interested parties were given 60 days in which to submit comments.

Intent of Rule Change

Individuals or concerns qualifying as a small business under the current SBA size standard for purchase of SSTS timber, have been purchasing SSTS set-aside sales and in some cases have been subcontracting all or significant portions of the contractual tasks and obligations to concerns that are larger than the SSTS size standard. For example, SBA has received and analyzed complaints that involved sixteen SSTS sales in one State, alleging the purchaser did not use any of its employees on the sale. Some subcontractors on the sales have had less than 25 employees, other subcontractors have had more than 25 employees. The objective of the program is to provide salvage timber for preferential bidding and logging by SSTS qualified concerns. The intent of this proposed rule change is to require that: a significant portion of the logging of an SSTS timber sale sold through preferential bidding to a logger, must be performed by the employees of the purchaser; and that a manufacturer who is preferentially awarded an SSTS sale must perform a significant portion of log manufacture with its own employees but may subcontract the logging to concerns that are eligible for the preferential award of an SSTS sale. The rule change will define and limit the conditions under which subcontractors may be used for harvest of SSTS timber, thereby more adequately responding to small business logging and manufacturing firms. It will also eliminate the obtaining of contracts under the program by brokers who do not participate in the actual performance of the contracts.

The subcontractor problem was mentioned in a recent General Accounting Office Report (GAO/CED/82–88 of June 23, 1982). One recommendation in that report stated:

Strengthen the special salvage timber sale program regulations to prevent small timber companies from acting as brokers or agents for large companies. This might be achieved by requiring purchasers to perform some or all of the logging on such sales.

Summary of Comments

Most comments received, in response to the initial proposed rule, supported the SSTS program and the 25-employee criteria. There were concerns expressed, however about some aspects of the proposal. Several respondents pointed out that in some instances it may be necessary to subcontract an element of logging. The proposed policy provides that a significant portion of the logging operation, exclusive of hauling, be performed by employees of the purchaser of the SSTS sale. Where the logger does not ordinarily perform lesser portions of the logging operation or lacks special equipment to meet contract logging requirements, operation of the SSTS program will permit the purchaser of an SSTS sale to subcontract to concerns eligible for preferential award of an SSTS sale.

Some respondents expressed concern that wood products manufacturers with less than 25 employees usually do not perform their own logging. Several manufacturers suggested that the size standard require that the employees of the purchaser of a preferentially awarded SSTS sale be involved in either the logging or manufacturing of the SSTS timber. The second proposed rule provides that a manufacturer who is preferentially awarded an SSTS sale, must perform a significant portion of log manufacture with its own employees, but may only subcontract the logging to concerns that are eligible for the preferential award of an SSTS sale.

SBA hereby certifies that the proposed rule does not constitute a major rule for the purpose of Executive Order 12291. In addition, this proposed

rule will not have a significant economic impact on a substantial number of small entities for the purpose of the Regulatory Flexibility Act. In this regard, the regulation will merely clarify that: (1) The SSTS program is intended to benefit small businesses; (2) that small businesses are required to perform SSTS contracts which they are awarded; and (3) that the program is not intended to permit large businesses to benefit as a result of subcontracts. Thus there will be no adverse impact upon small entities as a result of this regulation.

List of Subjects in 13 CFR Part 121

Small business.

PART 121—SMALL BUSINESS SIZE STANDARDS

Accordingly, pursuant to sec. 5(b)(6) of the Small Business Act, 15 U.S.C. 634(b)(6), 13 CFR 121.3–9 is proposed to be amended as follows:

* * * * *

1. Paragraph (c)(2) would be amended by adding the following new paragraph:

§ 121.3–9 [Amended]

(c) * * *
(2) * * *

(iii) It agrees that as an eligible logger, it will accomplish a significant portion of the logging operation, exclusive of hauling, with its own employees. Significant logging of timber means using its own employees to accomplish two or more of the following elements: (A) Felling and bucking, (B) yarding, (C) loading. It further agrees that such SSTS sale logging elements not accomplished with its own employees will be subcontracted only to concerns eligible for preferential award of an SSTS sale.

(2) Paragraph (c)(3) is amended by revising paragraph (ii) and adding (iii) to read as follows:

(c) * * *
(3) * * *

(ii) It agrees that it will manufacture a significant portion of the logs with its own employees. Manufacture of logs means, at the minimum, a breakdown of the log into the rough cut of the finished product. This provision assumes that the successful bidder will remain a small business until the products have been manufactured. Accordingly, if, after acquiring the set-aside sale the bidder is purchased by, becomes controlled by, or merged with a large business, so much of such timber (or sawlogs therefrom) as is necessary shall be sold to one or more small businesses for compliance with the 30 percent (50 percent in Alaska) restriction. Any concern which self-certifies as a small business concern for the purpose of award under a small business set-aside sale of Government timber is expected to maintain evidence that it did so in good faith. Accordingly, such a concern will have to maintain for a period of 3 years the name, address, and size status of each concern to whom the timber or sawlogs were sold or disposed, and the log species, grades, and volumes involved. Such concern, and any subsequent small business concern that acquires the sawlogs, also shall require its small business purchasers to maintain similar records for a period of 3 years. Further, if the timber purchased is not to be resold in the form of sawlogs but is to be manufactured into lumber or timbers by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the sawlogs into lumber or timbers.

(iii) It further agrees that it will accomplish the logging of the SSTS timber, exclusive of hauling, with its own employees, or will subcontract such logging only to concerns eligible for preferential award of an SSTS sale.

Dated: February 15, 1983.

James C. Sanders

Administrator.

[FR Doc. 83-6000 Filed 3-4-83; 8:45 am]

BILLING CODE 8025-01-M

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13 CFR Part 108

Loans to State and Local Development Companies

AGENCY: Small Business Administration.

ACTION: Proposed rulemaking.

SUMMARY: SBA proposes to amend 13 CFR 108.503–4(c) to limit SBA participation with tax-exempt financing under the program authorized by section 503 of the Small Business Investment Act, 15 U.S.C. 697. Under the proposed rule, SBA would participate in the financing of a project which is also financed by tax-exempt obligations provided the repayment of the proceeds of SBA guaranteed financing is not subordinate to the repayment of the tax-exempt financing. This amendment would be in accordance with existing Federal policy which prohibits Federal agencies from directly or indirectly providing a guarantee to tax-exempt obligations.

DATE: Comments must be received on or before May 6, 1983.

FOR FURTHER INFORMATION CONTACT: William Hogbin, Chief, Development Company Branch, Office of Lender Relations and Certification, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, telephone (202) 653–6423.

SUPPLEMENTARY INFORMATION: In a typical financing arrangement pursuant to section 503 of the Small Business Investment Act, an amount of money generally not to exceed 40 percent of the cost of a fixed assets project is made available to a small business by a certified development company. That money comes from the proceeds of the sale of a development company debenture, the timely payment of the interest and principal of which is guaranteed to the purchaser by SBA. Ten percent of the cost of the project is generally made available by the development company. The remaining 50 percent of the cost of the business project is supplied by another source.

Pertinent legislative history of the Small Business Investment Act contains the following language with regard to tax-exempt financing and SBA's 503 Certified Development Company Program:

> SBA should not disapprove the guarantee of any debenture or any loan made with the proceeds of a debenture issue, solely because the proceeds would be used in a project whose other sources of financing include, or are collateralized by, tax-exempt industrial revenue or development bonds.

SBA responded to this instruction by publishing regulations which provide in part that loans made by Certified Development Companies with the proceeds of debentures guaranteed by SBA pursuant to Section 503 may be subordinated to other financing for the project which may be from tax-exempt obligations.

Subsequently, SBA has determined that the regulation is not consistent with a Government-wide policy which precludes the guarantee of tax-exempt obligations, directly or indirectly. Therefore, SBA is proposing that in the section 503 Program, Certified Development Companies may finance projects with the proceeds of SBA guaranteed debentures and tax-exempt obligations only if the latter are on a parity level or subordinated to the repayment of the former. The proposed rule will affect only those small concerns receiving assistance under the program which propose to obtain the non-Federal portion of their financing through the issuance of obligations the income of which is exempt from Federal income taxes. Such small concerns thus

remain eligible for program assistance within the proposed rule, but that assistance would be made available on different terms than under present SBA regulations.

For purposes of the Regulatory Flexibility Act, this proposed rule, if promulgated in final form, will not have a significant economic impact on a substantial number of small business concerns. Our own estimate, based upon this Agency's experience with the program to date, and budgetary resources available for the program, indicates that no more than 1,100 loans for a total of $250 million will be made to small business concerns pursuant to the entire section 503 program in Fiscal Year 1983. Of the 1,100 potential small business recipients, no more than 100 would be affected by this rule.

In addition, this rule, if published in final form, would not constitute a major rule for the purposes of E.O. 12291.

Finally, this proposed rule, if promulgated in final form would not impose any special reporting or recordkeeping requirements on the small businesses that avail themselves of this assistance.

List of Subjects in 13 CFR Part 108

Equal employment opportunity, Loan programs—Business, Small businesses.

PART 108—[AMENDED]

Accordingly, pursuant to authority contained in section 308(c) of the Small Business Investment Act of 1958, 15 U.S.C. 687(c), 13 CFR Part 108 is amended as follows:

Section 108.503–4(c) is revised to read.

§ 108.503–4 Financing.

(a) * * *

(b) * * *

(c) *Participation with tax-exempt obligations.* A 503 company may use 503 debenture proceeds to make loans for projects also financed through obligations the income of which is exempt from Federal income taxes: *Provided, however,* That loans made from 503 debenture proceeds may not be subordinated to loans made from the proceeds of such tax-exempt obligations.

(Catalog of Federal Domestic Assistance No. 59.013 State and Local Development Company Loans)

Dated: February 16, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-6798 Filed 3-4-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-ANM-23]

Transition Area Rifle, Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a 700 transition area to provide controlled airspace for aircraft executing a new NDB/DME instrument approach to Garfield County Airport, Rifle, Colorado. The intended effect of this action is to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

DATES: Comments must be received before May 5, 1983.

ADDRESSES: Send comments to: Manager, Airspace & Procedures Branch, ANM–530, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel Office and an informal docket may be examined in the Airspace & Procedures Office at the same address.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace & Procedures Specialist, ANM–533. The telephone number is (206) 433–1640.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made; "Comments to Airspace Docket No. 82–ANM–23." The postcard will be date/time stamped and returned to the commenter. All Communications received before May 5, 1983 will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination by interested persons.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Airspace & Procedures Office at the address previously listed. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2, which describes the application procedure.

The Proposal

PART 71—[AMENDED]

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) because development of an NDB/DME approach procedure requires a transition area 700 feet above ground level to contain the new procedure within controlled airspace.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing the following transition area:

Rifle, Colorado [New]

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Garfield County Airport (Latitude 39°31'40"N., Longitude 107°43'25"W.); and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at Latitude 39°19'30"N., Longitude 108°00'00"W.; Latitude 39°43'30"N., Longitude 108°00'00"W.; to Latitude 30°50'00"N., Longitude 107°04'15"W.; to Latitude 39°25'30"N, Longitude 107°04'15"W.; thence to point of beginning, excluding that portion which overlies the Eagle, Colorado transition area.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); [Sec 6 (c), Department of Transportation Act (49 U.S.C. 1655(c)); [Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65)).

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory

Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on February 24, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6472 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANM-22]

Alteration of Transition Area Lewistown, Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 1200 foot transition area at Lewistown, Montana, to provide additional controlled airspace for the 10 mile DME arc northwest to the VOR Runway 7 approach. This additional controlled airspace will also accommodate fuel conserving routes between Havre City and Lewistown, Montana; and reduce pilot/controller workload.

DATES: Comments must be received on or before May 5, 1983.

ADDRESS: Send comments on the proposal to: Manager, Airspace & Procedures Branch, ANM-530, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel Office and an informal docket may be examined in the Airspace & Procedures Branch at the same address.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technician, ANM-535. The telephone number is (206) 433-1640.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ANM-22." The postcard will be date/time stamped and returned to the commenter. All communications received before May 5, 1983, will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination by interested persons.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Airspace & Procedures Office at the address previously listed. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the 1200 foot transition area located at Lewistown, Montana. This proposal is necessary to provide additional controlled airspace for aircraft operating to the Lewistown, Montana Airport.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§71.181 Lewistown, Montana

Delete all words following " * * * "10.5 miles west of the VORTAC;" and insert "* * * that airspace extending upwards from 1200 feet above the surface within 15 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial extending via the 18.5 mile radius west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); (Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); (Sec. 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on February 24, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6473 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13048; File No. S7-962]

Exemptive Relief for Separate Accounts To Impose a Deferred Sales Load on Variable Annuity Contracts Participating in Such Accounts and To Deduct From Such Contracts in Certain Instances an Annual Fee for Administrative Services That Is Not Prorated

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing for comment another in a series of proposals that would provide registered insurance company separate accounts with exemptive relief from various provisions of the Investment Company Act of 1940 with respect to variable annuity contracts participating in such accounts. The proposed rule would codify the standards that the Commission has developed in processing individual applications filed by separate accounts and related persons seeking exemptive relief to the extent necessary to permit them to impose a deferred sales load on such contracts. The proposed rule would also provide relief for separate accounts to permit them to deduct from the value of any variable annuity contract, upon total redemption of the contract before the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that day. If adopted, the proposed rule would eliminate the need for separate

accounts and related persons to file individual applications and obtain individual orders in connection with these matters. The Commission is also proposing related technical amendments to one of the general rules under the Act.

DATE: Comments must be received by April 29, 1983.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Comment letters should refer to File No. S7–962. All comments will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Special Counsel (202) 272–2061, or Mary K. Crook, Attorney (202) 272–3010, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is publishing for public comment proposed rule 6c–8 under the Investment Company Act of 1940 [15 U.S.C 80a–1 et seq.] ("Act"), another in a series of proposals that would codify existing standards that the Commission has developed in connection with certain types of exemptive applications filed by registered insurance company separate accounts (sometimes referred to as "separate accounts" or "applicants") [1] that offer or sell variable annuity contracts.[2] The exemptions would also be available for any depositor of or underwriter for such accounts ("related persons," and, together with separate accounts, sometimes referred to as "applicants"). Proposed rule 6c–8 would codify the standards that the Commission has developed with respect to applications filed by separate accounts and related persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to impose a "deferred sales load" [3] on variable annuity contracts participating in such accounts. The proposed rule would also provide relief to the extent necessary to permit separate accounts to deduct from the value of any variable annuity contract, upon total redemption of the contract on other than the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that day. The proposed rule is one of several rules which the Commission has proposed codifying the standards that it has developed in connection with certain types of applications filed by separate accounts for so-called "start-up" exemptive relief and for other relief under the Act.[4] Finally, the Commission is also proposing related technical amendments to rule 0–1(e) [17 CFR 270.0–1(e)] of its General Rules and Regulations under the Act.

Background

Section 6(c) of the Act [15 U.S.C. 80a–6(c)] broadly authorizes the Commission to grant exemptions from the Act "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of * * * [the Act]." Pursuant to that provision a number of separate accounts and related persons have sought exemptive relief from various provisions of the Act prior to offering their variable annuity contracts to the public. Frequently, the underlying legal issues are resolved in the initial exemptive applications and subsequent applications typically do not raise novel issues of law or fact. Therefore, the Commission generally grants such subsequent applications on a routine basis provided that applicants satisfy certain conditions which the Commission's experience has indicated as appropriate in light of the standards for relief prescribed by section 6(c).

The Commission now believes that it would be appropriate to propose rule 6c–8, which would codify generally the standards that the Commission has developed in connection with applications filed by separate accounts and related persons seeking exemptive relief from the Act to the extent necessary to permit them to impose a deferred sales load on contracts and to permit them to deduct a full annual fee for administrative services under certain circumstances. If adopted, the rule should benefit existing and future securityholders by eliminating certain expenses and delays presently incurred in obtaining individually certain routine orders of the Commission and should benefit the Commission by reducing the amount of staff time devoted to routine applications. A complete discussion of the proposed rule is set forth below.

Discussion

1. *Deferred Sales Load Relief.* Since 1979, a substantial number of separate accounts and related persons have filed exemptive applications seeking relief from various provisions of the Act to the extent necessary to permit them to impose a deferred sales load on variable annuity contracts participating in such accounts.[5] Unlike the more traditional "front-end" sales load—a sales load which is deducted from a securityholder's purchase payments before they are invested in a separate account—a deferred sales load is a sales load that is deducted when part or all of a securityholder's interest in a separate account is redeemed from the separate account or is converted to an annuity [collectively, "redemption or annuitization"]. In some cases the deferred sales load is reduced or eliminated entirely if redemption or annuitization does not occur before a specified period of time. This is commonly referred to as a "contingent" deferred sales load. The proposed rule is intended to provide exemptive relief to

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[1] Section 2(a)(37) of the Act [15 U.S.C. 80a–2(a)(37)] defines "separate account" to mean "an account established and maintained by an insurance company pursuant to the laws of any state or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company." A substantially identical definition of "separate account," as that term is used in various rules and regulations under the Act, is contained in rule 0–1(e)(1) under the Act [17 CFR 270.0–1(e)(1)]. The term "insurance company" is defined in section 2(a)(17) of the Act [15 U.S.C. 80a–2 (a)(17)]. A separate account may be registered under the Act either as a unit investment trust ("trust account") or as an open-end management company ("management account").

[2] As used herein, the term "variable annuity contract" includes any variable accumulation or annuity contract, any portion thereof, or any participation therein pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the income, gains, or losses of the separate account in which the contract participates. The Commission is proposing to add this definition to rule 0–1(e)(e) of the General Rules and Regulations under the Act (*see* discussion *infra*).

[3] Paragraph (a) of the proposed rule defines the term "deferred sales load" as any sales load, including a contingent deferred sales load, that is deducted upon redemption or annuitization of amounts representing all or a portion of a securityholder's interest in a registered separate account. *See* notes 5 and 6 and accompanying discussion, *infra*.

[4] *See* Investment Company Act Rel. No. 12675 (Sept. 20, 1982) [47 FR 42344, Sept. 27, 1982] (proposed rule 11a–2); Investment Company Act Rel. No. 12745 (Oct. 18, 1982) [47 FR 47860, Oct. 28, 1982] (proposed rule 6c–7 and proposed amended rule 14a–2).

[5] The first contingent deferred sales load application was filed on behalf of the MFS Variable Account of Nationwide Life Insurance Company. A notice of this filing was issued on January 15, 1979 (Investment Company Act Rel. No. 10557) [44 FR 4067, Jan. 19, 1979] and an order was issued on February 12, 1979 (Investment Company Act Rel. No. 10590).

the extent necessary to permit the imposition of either of these types of sales loads (*see* note 3, *supra*), and the discussion below relating to a deferred sales load is intended to apply to both types of sales loads.[6]

Applicants seeking individual exemptive relief in order to impose a deferred sales load typically request relief from two categories of the Act's provisions. First, they seek an exemption from section 2(a)(35) of the Act [15 U.S.C. 80a–2(a)(35)], which defines the term "sales load" for purposes of the Act,[7] and from several other relevant provisions of the Act.[8] Relief is necessary because the literal language of these provisions contemplates that any sales load imposed on a security of a registered investment company be a front-end sales load, and the deduction of a sales load upon redemption or annuitization is inconsistent with these provisions.

Second, applicants typically seek an exemption from section 2(a)(32) of the Act [15 U.S.C. 80a–2(a)(32)], which defines the term "redeemable security" for purposes of the Act,[9] and from various other provisions of the Act relating to redeemable securities.[10] These provisions generally require that upon redemption a security-holder must receive his proportionate share of the separate account's assets.

Typically, applicants argue in effect that a deferred sales load is intended to reimburse a company for the same expenses for which the more traditional front-end sales load is used, *i.e.*, sales and distribution. A deferred sales load would seem to impose no greater burden on an investor than a front-end load of the same amount. It can also be argued, as many applicants have, that a deferred sales load is more advantageous to investors than a front-end sales load, because the amount of investors' money available for investment is not reduced as in the case of a front-end sales load. On the basis of these considerations, the Commission has routinely granted the requested exemptions. In light of this experience, the Commission now believes it would be appropriate to adopt a rule codifying this relief, and, accordingly, it is proposing to do so in rule 6c–8, as discussed *infra*.

2. *Relief for Deduction in Certain Instances of an Annual Fee for Administrative Services that is Not Prorated.* Many separate accounts deduct a fixed-dollar fee each year from the value of variable annuity contracts participating in such accounts in order to compensate them for the expenses associated with the annual administration of such contracts (the "annual fee"). The timing of the imposition of the annual fee varies among contracts. Under some contracts, the fee is assessed prospectively, *i.e.*, on the first day of the year in order to cover expenses expected to be incurred during that year. Under other contracts, the fee is assessed retrospectively, *i.e.*, on the last day of the year in order to cover expenses incurred during that year.[11]

In the case of the latter type of fee, a number of separate accounts and related persons have filed applications with the Commission seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to deduct, upon total redemption of a contract on other than the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that day. In such instances, relief from the provisions of the Act relating to redeemable securities is necessary because, as discussed above (*see* notes 9 and 10 and accompanying text, *supra*), these provisions require that upon redemption a securityholder must receive his proportionate share of the assets of the separate account, and the imposition of an administrative fee that is not prorated is inconsistent with this requirement.[12]

In support of the requested relief, applicants typically have argued that many of the annual administrative expenses they incur are of a fixed nature and therefore are incurred regardless of whether services are provided for part or all of a year. In addition, applicants point out that relief to impose a fee that is not prorated is appropriate because they incur a variety of administrative expenses in connection with a total redemption in addition to the fixed expenses noted above. Again, the Commission has found these arguments persuasive and routinely granted the requested relief, and it now seems appropriate to eliminate the need for such routine applications by codifying the relief in proposed rule 6c–8.

Proposed Rule and Related Technical Amendments

1. *Proposed Rule 6c–8.* Paragraph (a) of proposed rule 6c–8 defines the term deferred sales load (*see* note 3 *supra*). Paragraph (b) of proposed rule exempts any registered separate account, and any depositor of or principal underwriter for such account, from various provisions of the Act relating to sales load and redeemable securities to the extent necessary to permit them to impose a deferred sales load on variable annuity contracts participating in such account. This relief is conditioned in two respects. First, paragraph (b)(1)

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[6] It should be noted that the Commission believes it would be misleading to characterize a contract subject to either of these types of sales loads as a "no-load" contract. Moreover, the Commission believes that it would be misleading for sales literature or a prospectus to characterize a deferred sales load as "contingent" when imposition of the sales load, or at least part of it, is not subject to any contingency.

[7] Section 2(a)(35) defines the term sales load as "the difference between the price of a security to the public and the portion of the proceeds from its sale which is received and invested or held for investment by the issuer * * *," less certain administrative and other fees not properly chargeable to sales or promotional activities.

[8] In addition to requesting relief from section 2(a)(35), trust accounts and other persons seek relief from section 26(a)(2)(C) of the Act [15 U.S.C. 80a–26(a)(2)(C)]. Furthermore, separate accounts issuing periodic payment plan certificates (*see* section 2(a)(27) of the Act [15 U.S.C. 80a–2(a)(27)]) seek relief from the provisions of section 27(c)(2) [15 U.S.C. 80a–27(c)(2)], which makes applicable to such persons the requirements of section 26(a). It has been the Commission's position that a variable annuity contract is a periodic payment plan certificate for purposes of section 27 if it is permitted to be paid for with more than one purchase payment. Sections 26(a)(2)(C) and 27(c)(2), in pertinent part, concern payments to the depositor of or principal underwriter for a separate account of certain other persons and would, in the absence of exemptive relief, prohibit the imposition of a deferred sales load, although they do not preclude the imposition of a front-end sales load.

[9] Section 2(a)(32) defines the term redeemable security as "any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutely or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof."

[10] In addition to section 2(a)(32), applicants seek exemptive relief from sections 22(c), 27(c)(1), and 27(d) of the Act [15 U.S.C. 80a–22(c), 80a–27(c)(1), and 80a–27(d)] and rule 22c–1 under the Act [17 CFR 270.22c–1], which require generally that upon redemption a securityholder must receive his proportionate share of the separate account's assets. Absent exemptive relief, these provisions would prohibit the imposition of a deferred sales load.

[11] The relevant year for either a prospective or retrospective fee may be a calendar year, wherein the fee is deducted from the interest of all securityholders on the same day each year, or a contract year, wherein the fee is deducted from the interest of each securityholder on a day each year that typically corresponds to the anniversary of the day the particular securityholder's initial purchase payment was received by the separate account.

[12] Proposed rule 6c–8 would not eliminate the need for applicants to obtain the exemptive relief from section 26(a)(2)(C) or section 27(c)(2) of the Act necessary to permit the deduction of the annual fee, irrespective of whether it is prorated, from the assets of the separate account. *See generally Variable Annuity Life Insurance Company of America*, 39 SEC 660, 702–703 (1960). The Commission will shortly consider another start-up rule intended to codify this relief. Because that rule will not involve the redeemability provisions of the Act, however, the Commission believes that the annual fee relief relating to redemptions is more properly included in proposed Rule 6c–8.

provides that the amount of any such sales load imposed, when combined with any sales load previously paid on any such contract, shall not exceed 9 percent of purchase payments made for such contract to date.[13] This condition is analogous to the requirement of section 27(a)(1) of the Act [15 U.S.C. 80a–27(a)(1)] [14] that any sales load imposed on a periodic payment plan certificate not exceed 9 percent of total purchase payments to be made thereon, and reflects the terms of Commission orders in this area.

Second, paragraph (b)(2) provides that the terms of any offer to exchange another contract for the contract for which proposed rule 6c–8 provides exemptive relief must be in compliance with the requirements of paragraph (d) or (e) of proposed rule 11a–2.[15] This condition is necessary because use of a deferred sales load presents the possibility of certain abuses which are addressed by conditions in proposed rule 11a–2.[16]

Paragraph (c) of the proposed rule exempts any registered separate account, and any depositor of or principal underwriter for such account, from various provisions of the Act relating to redeemable securities to the extent necessary to permit them to deduct from the value of any variable annuity contract participating in such account, upon total redemption of the contract on other than the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that date.[17]

As proposed, rule 6c–8 would provide deferred sales load relief only for investment companies that are insurance company separate accounts offering variable annuity contracts. Only one non-separate account has requested the exemptive relief necessary to use a deferred sales load.[18] The Commission specifically requests comments on whether, and under what conditions, the proposed rule should be expanded to include deferred sales load relief for securities of investment companies that are not separate accounts.

2. *Proposed Technical Amendments to Rule 0–1(e).* Rule 0–1 of the General Rules and Regulations under the Act defines various terms used in certain of those rules. Rule 0–1(e) defines the term "separate account" and sets forth conditions for availability of exemptive relief for separate accounts pursuant to these rules. The Commission is proposing to amend rule 0–1(e) to include rule 6c–8 as one of the rules listed therein.

In addition, the Commission is proposing to amend rule 0–1(e) to include therein a definition of the term "variable annuity contract" as used in the rules under the Act. This definition, which would be added to paragraph (1) of the rule and would be applicable to all existing and future rules relating to variable annuity contracts, would codify the existing interpretation of that term.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Proposed Rule 6c–8 and Proposed Amendments to Rule 0–1(e)

It is proposed that Part 270 of Chapter II of Title 17 of the Code of Federal Regulations be amended as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

1. By revising paragraphs (e), (e)(1), and (e)(2) of § 270.0–1 to read as follows:

§ 270.0–1 Definition of terms used in this part.

* * * * * *

(e) Definition of separate account and variable annuity contract and conditions for availability of exemption under §§ 270.6c–6, 270.6c–8, 270.14a–2, 270.15a–3, 270.16a–1, 270.22d–3, 270.22e–1, 270.27a–1, 270.27a–2, 270.27a–3, 270.c–1, and 270.32a–2 of this chapter.

(1) As used in the Rules and Regulations prescribed by the Commission pursuant to the Investment Company Act of 1940, unless otherwise specified or the context otherwise requires the term "separate account" shall mean an account established and maintained by an insurance company pursuant to the laws of any state or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credit to or charged against such account without regard to other income, gains or losses of the insurance company and the term "variable annuity contract" shall mean any accumulation or annuity contract, any portion thereof, or any participation therein pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the income, gains or losses of the separate account in which the contract participates.

(2) As conditions to the availability of exemptive rules 6c–6, 6c–8, 14a–2, 15a–3, 16a–1, 22d–3, 22e–1, 27a–1, 27a–2, 27a–3, 27c–1, and 32a–2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

2. By adding § 270.6c–8 to read as follows:

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[13] In this regard, the proposed rule, does not provide an exemption from any provision of the Act which may limit the rate of sales load to be imposed on a contract to less than 9 percent, such as section 12(d)(1)(F) of the Act [15 U.S.C. 80a–12(d)(1)(F)], nor does it provide relief from any other applicable limitation that, for example, may be imposed on members of the National Association of Securities Dealers.

[14] Section 27(a)(1) of the Act provides that:

It shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter for such company to sell any such certificate, if—

(1) The sales load on such certificate exceeds 9 per centum of the total payments to be made thereon * * *.

[15] *See* Investment Company Act Rel. No. 12675 (Sept. 20, 1982) [47 FR 42344, Sept. 27, 1982].

[16] For purposes of the following explanation, the "acquired contract" is the contract for which proposed rule 6c–8 would provide exemptive relief while the "exchanged contract" is the predecessor contract which has been exchanged for the acquired contract. Incorporation of paragraph (d) of proposed rule 11a–2 requires the "tacking" of time for the purpose of calculating the amount of any deferred sales load if the exchanged security was subject to a deferred sales load, *i.e.*, the sales load must be calculated both as if the owner of the acquired contract had been the owner of that contract from the date on which he became the owner of the exchanged contract and as if purchase payments made for the exchanged contract had been made for the acquired contract on the date on which they were made for the exchanged contract. Incorporation of paragraph (e) of proposed rule 11a–2 requires that if a front-end sales load was paid on the exchanged contract, then any deferred sales load imposed on the acquired contract may not be imposed on purchase payments made for the exchanged contract or appreciation attributable to purchase payments made for the exchanged contract that are transferred in connection with the exchange. This condition is basically intended to avoid the possibility of an investor being assessed two sales loads on the same purchase payments.

[17] It must be emphasized that the proposed rule's exemptive relief is limited to the deduction of a customary annual administrative fee and is not intended to provide relief for the imposition of an additional withdrawal or redemption charge.

[18] *See* Application of E. F. Hutton Investment Series, Inc., Investment Company Act Rel. No. 12079 (Dec. 4, 1981) [46 FR 60703, Dec. 11, 1981] (notice); Investment Company Act Rel. No. 12135 (Jan. 4, 1982) (order).

§ 270.6c–8 Exemptions for registered separate accounts to impose a deferred sales load and to deduct certain administrative charges.

(a) As used in this section "Deferred sales load" shall mean any sales load, including a contingent deferred sales load, that is deducted upon redemption or annuitization of amounts representing all or a portion of a securityholder's interest in a registered separate account.

(b) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act [15 U.S.C. 80a–2(a)(32), 80a–2(a)(35) 80a–22(c), 80a–26(a)(2)(C), 80a–27(c)(1), 80a–27(c)(2), and 80a–27(d), respectively] and rule 22c–1 under the Act [17 CFR 270.22c–1] to the extent necessary to permit them to impose a deferred sales load on any variable annuity contract participating in such account, *Provided*, That:

(1) The amount of any such sales load imposed, when added to any sales load previously paid on such contract, shall not exceed 9 percent of purchase payments made to date for such contract; and

(2) The terms of any offer to exchange another contract for the contract are in compliance with the requirements of paragraph (d) or (e) of [proposed] rule 11a–2.

(c) A registered separate account, and any depositor of or principal underwriter for such account, shall be exempt from sections 2(a)(32), 22(c), 27(c)(1), and 27(d) of the Act [15 U.S.C. 80a–2(a)(32), 80a–22(c) 80a–27(c)(1), and 80a–27(d), respectively] and rule 22c–1 under the Act [17 CFR 270.22c–1] to the extent necessary to permit them to deduct from the value of any variable annuity contract participating in such account, upon total redemption of the contract prior to the last day of the year, the full annual fee for administrative services that otherwise would have been deducted on that date.

Statutory Authority

Proposed rule 6c–8 is promulgated pursuant to the provisions of sections 6(c) and 38(a) of the Act [15 U.S.C. 80a–6(c) and 80a–37(a)]. The proposed amendments to rule 0–1(e) [17 CFR 270.0–1(e)] are promulgated pursuant to the provisions of section 38(a) of the Act [15 U.S.C. 80a–37(a)].

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Chairman of the Commission has certified that the rule proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Paperwork Reduction Act

The proposed rule is not subject to the Act because it does not impose an information collection requirement.

By the Commission.

Dated: February 28, 1983.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 6c–8 under the Investment Company Act of 1940, if adopted, will not have a significant economic impact on a substantial number of small entities. The reason for the certification is that there are few, if any, registered insurance company separate accounts that qualify as "small entities" as that has been defined in the Commission's rules. Moreover, the reduction in costs to such separate accounts, if any, resulting from the proposed rule's elimination of their need to file certain exemptive applications will not have a significant economic impact on any such separate accounts.

Dated: February 28, 1983.

John S. R. Shad,

Chairman.

[FR Doc. 83-6704 Filed 3-4-83; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Parts 229, 230, 239, 240 and 249

[Release Nos. 33–6453; 34–19543; File No. S7–961]

Technical Amendments to Rules, Forms and Schedules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission today is publishing for comment actions relating to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. Such actions clearify certain language and correct technical omissions and errata.

DATE: Comments must be received on or before March 25, 1983.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comment letters should refer to File No. S7–961. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: V. Gerard Comizio, (202) 272–2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment proposed technical actions relating to various rules, forms and schedules under the Securities Act of 1933 (the "Securities Act") (15 U.S.C. 77a et seq. (1976 and Supp. IV 1980)) and the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. (1976 and Supp. IV 1980)). The following rules, forms and schedules are affected by these amendments: Items 401, 503 and 601 of Regulation S–K (17 CFR 229); Securities Act Industry Guides 4 and 5 (17 CFR 229.801); Securities Act Rules 134, 175, 432 and 494 (17 CFR 230); Securities Act Forms C–2 (17 CFR 239.4), D–1 (17 CFR 239.6), D–1A (17 CFR 239.7), S–1 (17 CFR 239.11), S–2 (17 CFR 239.12), S–3 (17 CFR 239.13), S–8 (17 CFR 239.16), S–14 (17 CFR 239.23) and S–15 (17 CFR 239.29); Exchange Act Rules 3b–6, 13a–13 and 13e–3 (17 CFR 240); and Exchange Act Forms 8–K (17 CFR 249.308) and 10–K (17 CFR 249.310).

I. Background and Introduction

Over the past year, the Commission has adopted several amendments to its rules, forms and schedules under both the Securities Act and the Exchange Act. In particular, Release No. 33–6383 [1] (the "Integrated Disclosure Release") announced a comprehensive revision to the rules, forms and schedules governing the registration of securities under the Securities Act and numerous conforming changes to the rules, forms and schedules under the Exchange Act. The following proposals are intended to correct technical omissions and errata and to clarify certain language.

This release describes the general nature of the technical changes which are proposed today and the reasons therefor in order to provide a framework for understanding the proposed text of the technical amendments set forth below. Attention is directed to the text of the proposals for a more complete understanding.

II. Synopsis

The following amendments are proposed to be made to the various

[1] Release No. 33–6383 (March 3, 1982) (47 FR 11380, March 16, 1982).

rules, forms and schedules under both the Securities Act and the Exchange Act:

1. Instruction 3 to paragraph (b) of Item 401 of Regulation S–K, regarding information about executive officers and directors, is proposed to be revised for purposes of clarification. Currently, Instruction 3 specifically permits registrants relying on General Instruction G of Form 10–K to omit the information regarding executive officers elicited by Item 401(b) from their proxy statement only when such information is included in Part I of their Form 10–K. The staff, however, has interpreted that Instruction to permit omission of all the information regarding executive officers required to be disclosed by any paragraph of Item 401. Accordingly, Instruction 3 is proposed to be amended to codify such interpretation.

2. Paragraph (d) of Item 503 of Regulation S–K, regarding disclosure of the ratio of earnings to fixed charges, is proposed to be amended to clarify how earnings and fixed charges should be computed by clarifying the treatment of preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons, guarantees of debt of less than fifty-percent-owned persons; and any allowance for funds used during construction by public utilities.

3. Paragraph (b)(8) of Item 601 of Regulation S–K, Opinion re tax matters, is proposed to be amended to clarify that requirement. Currently, this paragraph requires that an opinion of counsel or a revenue ruling from the Internal Revenue Service be filed as an exhibit in certain cases. This requirement may be satisfied by an opinion of an independent public or certified public accountant. The Commission proposes to amend paragraph (b)(8) accordingly.

4. Securities Act Industry Guide 5, Preparation of registration statements relating to interests in real estate limited partnerships, is proposed to be amended to rescind Item 18, Capitalization. That item requires disclosure in accordance with Forms S–1 and S–11 and such forms no longer require a capitalization table.

5. Paragraph (b)(2) of Securities Act Rule 175, Liability for certain statements by issuers, is proposed to be amended to insert references to Item 9 of Form 20–F (17 CFR 249.220f) and Rule 3–20(c) of Regulation S–X (17 CFR 210.3–20(c)) that were inadvertently omitted from Release No. 33–6444, supplemental disclosure of oil and gas producing activities.[2]

6. Paragraph (e) of Securities Act Rule 494, Newspaper prospectuses, is proposed to be revised to change the reference to § 230.428 in paragraph (e) to Item 502(d) of Regulation S–K.

7. The rescission of three seldom used Securities Act registration forms was announced in the Integrated Disclosure Release; implementing language relating to this rescission is proposed. These forms are: Form C–2, for certain types of certificates of interest in securities; Form D–1, for certificates of deposit; and Form D–1A, for certificates of deposit issued by issuers of securities called for deposit.

8. Item 12(a) of Form S–2, Incorporation of certain information by reference, is proposed to be amended to clarify certain language. The Item permits registrants to incorporate by reference those portions of their annual or quarterly reports to security holders that are specifically set forth in paragraphs (a)(3) and (a)(4) of Item 12. The proposed amendment makes clear that the registrant, if it wishes, may incorporate its entire annual or quarterly report to security holders in lieu of the specified portions thereof.

9. Item 12(b) of Form S–2 is proposed to be amended to make clear that those documents listed in paragraphs (a) (1) and (2) of Item 12 are required to be incorporated by reference into the registration statement in their entirety. Registrants are permitted to state that those portions of their annual or quarterly reports to security holders not specifically required to be incorporated by paragraphs (a) (3) and (4) of Item 12 are not part of the registration statement.[3]

10. General Instruction A.(1)(a) to Form S–8 is proposed to be revised to refer to the definition of "employee benefit plan" which is now in Rule 405 of Regulation C.

11. Note 1 to General Instruction C of Form S–8 is proposed to be revised to clarify that registrants may add additional persons, who have acquired or will acquire registered securities pursuant to the plan, to the list of selling shareholders after the effective date of a reoffer prospectus, by means of a propectus filed pursuant to Rule 424(c). Currently, the Form indicates that such persons must be added to the list of selling shareholders by means of a post-effective amendment.

12. The Instruction to Item 5 of Form S–8, securities to be offered and employees who may participate in the plan, is proposed to be amended to delete the definition of executive officer. Such definition is now in Rule 405 of Regulation C.

13. Item 15 of Form S–8, incorporation of certain documents by reference, is proposed to be amended to clarify that only those documents filed pursuant to paragraphs (a) and (c) of Section 13 of the Exchange Act, rather than all of Section 13, are required to be incorporated by reference into the registration statement. Such amendments would conform the requirements of Form S–8 to the requirements of Form S–3 in this regard.

14. The signature provision of Form S–8 is proposed to be revised to reflect prevailing practice that, where interests in an employee benefit plan are being registered, the signature required with respect to the plan is that of any person who is authorized to sign on the plan's behalf.

15. Paragraph (c)(1) of Exchange Act Rule 13a–13, Quarterly reports on Form 10–Q, is proposed to be revised to amend the reference to Item 12, paragraph (a)(1)(i) of § 229.20 to Item 302(a)(5)(i) of Regulation S–K.

16. Instruction 2(a) to paragraph (e) of Exchange Act Rule 13e–3, Going private transactions by certain issuers or their affiliates, is proposed to be revised to set forth the specific items of summary information which must be included in a Schedule 13e–3. Such amendment is required to be made because of the rescission of Guide 59 and would conform the summary information required by Schedule 13e–3 to that required by Schedule 13e–4.

17. Item 7 of Exchange Act Form 8–K is proposed to be revised in accordance with amendments previously made to that Item in Release No. 33–6405, Revisions to Securities Act Industry Guide 5.[4] Such amendments were inadvertently rescinded by Release No. 33–6413, instructions for the presentation and preparation of pro forma financial information and requirements for financial statements of businesses acquired or to be acquired.[5]

18. General Instruction I to Form 10–K, regarding registrants filing on Form S–18, is proposed to be amended in order to conform the listing of certain

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[2] Release No. 33–6444 (December 15, 1982) (47 FR 57911, December 29, 1982). The same amendment is proposed to be made to paragraph (b)(2) of Exchange Act Rule 3b–6, Liability for certain statements by issuers.

It should be noted that the revisions to Rules 175 and 3b–6 which were adopted in Release No. 33–6444 are available for those registrants who comply with the revised rules for supplemental oil and gas disclosure prior to their mandatory effectiveness for fiscal years beginning on or after December 15, 1982.

[3] The same amendment is proposed to be made to Item 12(b) of Form S–18.

[4] Release No. 33–6405 (June 3, 1982) (47 FR 25120 June 10, 1982).

[5] Release No. 33–6413 (June 24, 1982) (47 FR 29892, July 9, 1982).

specified item numbers of Form S–18 with the revised Form. Form S–18 was amended in June 1982,[6] and such changes were not made at that time.

19. Finally, the following rules, forms and schedules are proposed to be amended to correct typographical errors that were made in the Integrated Disclosure release:

a. Instruction 3 to Paragraph (b) of Item 401 of Regulation S–K;

b. Paragraph (b)(25) of Item 601 of Regulation S–K;

c. Paragraphs 1 and 11 of Securities Act Industry Guide 4;

d. Paragraph (a)(14)(ii) of Securities Act Rule 134;

e. Securities Act Rule 432;

f. Paragraph (b) of Item 16 of Securities Act Form S–1;

g. Paragraph (a)(3)(i) of Item 12 of Securities Act Form S–2;

h. Paragraph (b) of Item 11 of Securities Act Form S–3;

i. The heading of Part II of Securities Act Form S–14.

III. Request for Comment

Any interested person wishing to submit written comments on the proposed amendments, as well as on any other technical changes, is requested to do so. The Commission also solicits comment as to whether the proposed amendments would have an adverse effect on competition. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a)(2) of the Exchange Act.

List of Subjects in 17 CFR 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

IV. Text of Proposals

(Attention—The text of the following amendment use ► ◄ arrows to indicate additions and [ ] brackets to indicate deletions.)

In accordance with the foregoing, it is proposed to amend Title 17, Chapter II, of the Code of Federal Regulations as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. By revising Instruction 3 to Paragraph (b) in § 229.401 to read as follows:

§ 229.401 (Item 401) Directors and executive officers.

* * * * *

Instructions to Paragraph (b) of Item 401.

* * * * *

3. The information regarding executive officers called for by this [paragraph (b)] ►Item◄ need not be furnished in proxy or information statements prepared in accordance with Schedule 14A under the Exchange Act (§ 240.14a–101 of this chapter) by those registrants relying on General Instruction G of Form 10–K under the Exchange Act (§ 249.310 of this chapter), *Provided,* That such information is furnished in a separate item captioned "Executive officers of the registrant," and included in Part ►III◄ [I] of the registrant's annual report on Form 10–K.

* * * * *

2. By revising paragraphs (d)(3)(i), (3)(v), (4)(i) and the first sentence of (4)(ii) and adding a new paragraph (d)(3)(vi) to § 229.503 to read as follows:

§ 229.503 (Item 503) Summary information, risk factors and ratio of earnings to fixed charges.

* * * * *

(d) Ratio of earnings to fixed charges.

* * * * *

(3) * * *

(i) Add to pretax income the amount of fixed charges computed pursuant to paragraph (d)(4) of this section, ►adjusted to exclude (A) the amount of any ◄ interest capitalized during the period ►and (B) the actual amount of any preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons which were included in such fixed charges amount but not deducted in the determination of pretax income.◄ [shall be excluded from the fixed charge amount.]

* * * * *

(v) Registrants other than public utilities may add to earnings the amount of previously capitalized interest amortized during the period. [In the case of]

►(vi)◄ A registrant which is a rate-regulated public utility [interest charges] shall not ►reduce fixed charges (see paragraph (4) below)◄ [be reduced] by any allowance for funds used during construction, ►but rather, shall include◄ [the "borrowed-funds" component of] any such allowance [shall be included in earnings.] ►in the determination of earnings under this paragraph.◄

(4)(i) The term "fixed charges" shall mean the total of (A) interest, whether expensed or capitalized; (B) amortization of debt expense and discount or premium relating to any indebtedness, whether expensed or capitalized; (C) such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case; and (D) preferred stock dividend requirements of majority-owned subsidiaries ►and fifty-percent-owned persons,◄ excluding in all cases items which would be or are eliminated in consolidation.

(ii) If the registrant is a guarantor of debt of ►a less than fifty-percent-owned person or of ◄ an unaffiliated person (such as a supplier), the amount of fixed charges associated with such debt should not be included in the computation of the ratio unless the registrant has been required to satisfy the guarantee or it is probable that the registrant will be required to honor the guarantee and the amount can reasonably be estimated.

* * * * *

3. By revising the first sentence of paragraph (b)(8) and by adding a period after the word "filed" and capitalizing the word "Where" in paragraph (b)(25) in § 229.601 to read as follows:

§ 229.601 (Item 601) Exhibits.

* * * * *

(b) *Description of exhibits.*

* * * * *

(8) *Opinion re tax matters*—For filings on Form S–11 under the Securities Act (§ 239.18) or those to which Securities Act Industry Guide 5 applies, an opinion of counsel ►or of an independent public or certified public accountant◄ or, in lieu thereof, a revenue ruling from the Internal Revenue Service, supporting the tax matters and consequences to the shareholders as described in the filing when such tax matters are material to the transaction for which the registration statement is being filed.

* * * * *

(25) *Power of attorney*—If any name is signed to the registration statement or report pursuant to a power of attorney, manually signed copies of such power of attorney shall be filed.

* * * * *

§ 220.801 [Amended]

4. By amending Securities Act Industry Guide 4 in § 229.801 to revise subparagraph 1 of Item 1 and Item 11 to read as follows (Securities Act Industry Guide 4 does not appear in the Code of Federal Regulations):

Guide 4. Prospectus Relating to Interests in Oil and Gas Programs.

1. * * *

---

[6] Release No. 33–6406 (June 4, 1982) (47 FR 28136, June 10, 1982).

(1) Terms of Offering: State the title and general nature of the securities (interests in the proposed program) being offered; the maximum aggregate amount of the offering; the minimum aggregate amount necessary to initiate the program; the disposition of the funds raised if they are not sufficient for that purpose; the minimum subscription price; the period of the offering; any provisions for additional assessments; and a brief description of the proposed method of distribution, inlcuding the amount of any commission to be paid. If funds received from investors are not to be held in trust or in special account pending expenditure in the program, appropriate disclosures should be set forth including when appropriate reference to exposure to claims of creditors of the custodian of the funds.

The tabular presentation specified in Item ►501(c)(7) of Regulation S–K (§ 229.501(c)(7))◄ [501(g)] may be omitted;

* * * * *

11. *Management.* ►Furnish the information◄ [Include the disclosures] required by Items 401 through 403 of Regulation S–K ►(§§ 229.401 through 403)◄ as to [, respectively,] the management and operating companies.

* * * * *

5. By amending Securities Act Industry Guide 5 in § 229.801 to delete paragraph 18 and to renumber paragraphs 19 through 21 as paragraphs 18 through 20 (Securities Act Industry Guide 5 does not appear in the Code of Federal Regulations).

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

6. By revising paragraph (a)(14)(ii) in § 230.134 to read as follows:

§ 230.134 Communications not deemed a prospectus.

* * * * *

(a) * * *

(14) * * *

(ii) For the purpose of paragraph ►(a)(14)(i)◄ [(14)(a)(i)] of this section, the term "nationally recognized statistical rating organization" shall have the same meaning as used in Rule 15c–3–1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 (17 CFR 240.15c3–1(c)(2)(vi)(F).

* * * * *

7. By revising paragraph (b)(2) introductory text and paragraph (b)(2)(i) in § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a–3 (b) and (c) or 240.14a–3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§ 229.303 of this chapter) ►or Item 9 of Form 20–F (§ 249.220f of this chapter)◄, "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or Rule 3–20(c) of Regulation S–X (§ 210.3–20(c) of this chapter), or

* * * * *

8. By revising § 230.432 to read as follows:

§ 230.432 Additional information required to be included in prospectuses relating to tender offers.

Notwithstanding the provisions * * * not otherwise required to be included therein, required by Rule 14d–6 ►(e)(1)◄ [(c)(1)] (§ 240.14d–6 ►(e)(1)◄ [(c)(1)] of this chapter) to be included in all such tender offers, requests or invitations, published or sent or given to the holders of such securities.

9. By revising paragraph (e) in § 230.494 to read as follows:

§ 230.494 Newspaper prospectuses.

* * * * *

(e) If the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize the price of any security to facilitate the offering of the registered security, there shall be placed in the newspaper prospectus, in capital letters, the statement required by ►Item 502(d) of Regulation S–K (§ 229.502(d) of this chapter)◄ [§ 230.426] to be included in the full prospectus.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.4 [Amended]

10. By removing § 239.4, Form C–2, for certain types of certificates of interest in securities.

§ 239.6 [Amended]

11. By removing Form D–1, for certificates of deposit, in § 239.6.

§ 239.7 [Amended]

12. By removing Form D–1A, for certificates of deposit issued by issuer of securities called for deposit, in § 239.7.

13. By amending Item 16 of Form S–1 in § 239.11 to revise paragraph (b) to read as follows (Form S–1 does not appear in the Code of Federal Regulations):

§ 239.11 Form S–1 [Amended]

* * * * *

Item 16. Exhibits and Financial Statement Schedules.

* * * * *

(b) Furnish the financial statement schedules required by Regulation S–X (17 CFR Part 210) and Item 11 ►(e)◄ [(a)(5)] of this Form. These schedules shall be lettered or numbered in the manner described for exhibits in paragraph (a).

* * * * *

14. By amending Item 12 of Form S–2 in § 239.12 by revising the introductory paragraph (a) and paragraphs (a)(3)(i) and (b) to read as follows (Form S–2 does not appear in the Code of Federal Regulations):

§ 239.12 Form S–2 [Amended]

* * * * *

Item 12. *Incorporation of Certain Information by Reference.*

(a) The documents listed in (1), (2), and, if applicable, the portions of the documents listed in (3) and (4) below, shall be specifically incorporated by reference into the prospectus, by means of a statement to that effect in the prospectus listing all such documents. ►In lieu of incorporating portions of the documents listed in (3) and (4) below, the registrant may incorporate by reference its entire annual or quarterly report to security holders.◄

* * * * *

(3) * * *

(i) description of business furnished in accordance with the provisions of Rule 14a–3(b) ►(6)◄ [(5)] under the Exchange Act (§ 240.14a–3(b)(6) of this chapter);

* * * * *

(b) The registrant may also state, if it so chooses, that specifically described portions of ►its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a) (3) and (4) above,◄ [documents which are incorporated by reference] are not part of the registration statement. In such case, the description of portions which are not incorporated by reference or which are excluded shall

be made with clarity and in reasonable detail.

* * * * *

15. By amending Item 11 of Form S–3 in § 239.13 to revise paragraph (b) to read as follows (Form S–3 does not appear in the Code of Federal Regulations):

§ 239.13 Form S–3 [Amended]

Item 11. *Material changes*

* * * * *

(b) Include in the prospectus, if not incorporated by reference therein from the reports filed under the Exchange Act specified in Item 12(a), a proxy or information statement filed pursuant to Section 14 of the Exchange Act, a prospectus previously filed pursuant to Rule 424 ►(b) or (c)◄ under the Securities Act ►(§ 230.424(b) or (c) of this chapter)◄ or a Form 8–K filed during either of the two preceeding fiscal years: (i) Information required by Rule 3–05 and Article 11 of Regulation S–X (17 CFR Part 210); (ii) restated financial statements prepared in accordance with Regulation S–X if there has been a change in accounting principles or a correction in an error where such change or correction requires a material retroactive restatement of financial statements; (iii) restated financial statements prepared in accordance with Regulation S–X where one or more business combinations accounted for by the pooling of interest method of accounting have been consumated subsequent to the most recent fiscal year and the acquired businesses, considered in the aggregate, are significant pursuant to Rule 11–01(b), or (iv) any financial information required because of a material disposition of assets outside the normal course of business.

* * * * *

16. By revising Form S–8 in § 239.16 to delete the instruction to Item 5; and to revise subparagraph (1)(a) of General Instruction A; Note 1 to General Instruction C; the introductory paragraph and paragraph (b) of Item 15; and the signature provision; and Instruction 1 to the signature provision to read as follows (Form S–8 does not appear in the Code of Federal Regulations):

§ 239.16 Form S–8 [Amended]

General Instructions

A. Rule as to use of Form S–8.

(1) * * *

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any employee benefit plan. ►(See Rule 405 of Regulation C (§ 230.405 of this chapter) defining "employee benefit plan").◄ [(See General Instruction B defining "plan").]

* * * * *

C. Unavailability of the Form S–8 Prospectus for Reoffers or Resales.

* * * * *

Notes.—1. Registered securities may be included in a reoffer prospectus if they have been or will be acquired by the selling security holder pursuant to the plan. If after the effective date the issuer wishes to add any person who has acquired or will acquire any registered securities pursuant to the plan to the list of selling shareholders, the issuer may do so by filing a post-effective amendment[.] ►or by use of a prospectus filed pursuant to Rule 424(c) under the Securities Act (§ 230.424(c) of this chapter).◄

* * * * *

PART I—INFORMATION REQUIRED IN THE PROSPECTUS

* * * * *

Item 15. Incorporation of Certain Documents by Reference.

The issuer and, where interests in the plan are being registered, the plan, shall incorporate by reference into the prospectus the documents listed in (a) through (c) below and shall state that all documents subsequently filed by them pursuant to Sections 13 ►(a), 13(c)◄, 14 and 15(d) of the Securities Exchange Act of 1934, prior to the filing of a post effective amendment which indicates that all securities offered have been sold or which deregisters all securities then remaining unsold, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filings of such documents. Copies of these documents are not required to be filed with the registration statement.

* * * * *

(b) All other reports filed pursuant to Sections 13 ►(a)◄ or

15(d) of the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual reports or the prospectus referred to in (a) above.

Signatures

* * * * *

The Plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ————, State of ————, on the ——— day of 19—.

———————————————

(The Plan)

By ———————————————

(Signature and Title)

[Pursuant to the requirements of the Securities Act of 1933, this registration statement has been signed below by the following persons in the capabilities and on the dates indicated.]

* * * * *

[ ]

(Signature)

[ ]

[(Title)]

[ ]

[(Date)]

Instructions. 1. The registration statement shall be signed by the registrant [(and where interests in the plan are being registered, by the plan)], [their] ►its◄ principal executive officer or officers, [their] ►its◄ controller or principal accounting officer, and by at least a majority of the board of directors or persons performing similar functions. ►Where interests in the plan are being registered, the registration statement shall be signed by the plan.◄ If the signing person is a foreign person, * * *

17. By amending the heading of Part II of Form S–14 in § 239.23 to read as follows:

§ 239.23 Form S–14 [Amended]

Part II. Information ►Not◄ Required in Prospectus

18. By amending Item 12 of Form S–15 in § 239.29 to revise paragraph (b) to read as follows (Form S–15 does not appear in the Code of Federal Regulations):

§ 239.29 Form S–15 [Amended]

* * * * *

Item 12. Incorporation of Certain Information by Reference

* * * * *

(b) The issuer may also state, if it so chooses, that specifically described portions of ►its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a)(i) and (iv) above,◄ [documents which] are not part of the registration statement. In such case, the description of portions which are incorporated by reference or which are excluded shall be made with clarity and in reasonable detail.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

19. By revising the introductory text to paragraph (b)(2) and paragraph (b)(2)(i) in § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission. in

Part I of a quarterly report on Form 10–Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a–3 (b) and (c) or 240.14c–3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§229.303 of this chapter) ►or Item 9 of Form 20–F (§ 249.220f of this chapter)◄, "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," ►or Rule 3–20(c) of Regulation S–X (§ 210.3–20(c) of this chapter)◄ or

* * * * *

20. By amending paragraph (c)(1) of § 240.13a–13 to read as follows:

§ 240.13a–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in Item ►302(a)(5)(i) of Regulation S–K (§ 229.302 of this chapter)◄ [12, paragraph (a)(1)(i), of § 229.20]; or

* * * * *

21. By revising Instruction 2(a) to paragraph (e) of § 240.13e–3 to read as follows:

§ 240.13e–3 Going private transactions by certain issuers or their affiliates.

* * * * *

(e) *Disclosure of certain information.*

* * *

Instructions. * * *

2. * * *

(a) ►The following◄ summary financial information for [equivalent to that required by paragraph (e) of Guide 59 of the Guides for the Preparation and Filing of Registration Statements] (i) the two most recent fiscal years and (ii) the latest year-to-date interim period and corresponding interim period of the preceding year:

►Income Statement:

Net sales and operating revenues and other revenues
Income before extraordinary items
Net Income
Balance Sheet (at end of period);
Working capital
Total assets
Total assets less deferred research and development charges and excess of cost of assets acquired over book value
Shareholder's equity
Per Share: [1]
Income per common share before extraordinary items
Extraordinary items
Net income per common share (and common share equivalents, if applicable)

* * * * *

Net income per share on a fully diluted basis◄

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

22. By amending Item 7 of Form 8–K in § 249.308 to redesignate paragraph (a)(3) as paragraph (a)(4); to add a new paragraph (a)(3); and to revise paragraph (b)(2) to read as follows (Form 8–K does not appear in the Code of Federal Regulations):

§ 249.308 Form 8–K [Amended]

Item 7. Financial Statements, Pro Forma Financial Information and Exhibits.

(a) * * *

(3)►[With regard to the acquisition of one or more real estate properties, the financial statements and any additional information specified by Rule 3–14 of Regulation S–X shall be filed.◄

(b) * * *

(2) The provisions of►(a)(4)◄ [(a)(3)] above shall also apply to pro forma financial information relative to the acquired business.

* * * * *

23. By revising General Instruction I of Form 10–K in § 249.310 to read as follows (Form 10–K does not appear in the Code of Federal Regulations):

§ 249.310 Form 10–K [Amended]

* * * * *

I. Registrants filing on Form S–18.

If the registrant is subject to the reporting requirements of Section 15(d) of the Exchange Act and such obligation arises solely because the registrant has filed a registration statement on Form S–18 (§ 239.28 of this chapter) which has become effective during the last fiscal year, the registrant may comply with the disclosure requirements of Form S–18 Item►16► [6], Description of Business; Item ►18◄ [13], Interest of Management and Others in Certain Transactions; and Item ►20◄ [10], Remuneration of Directors and Officers, in lieu of complying with the disclosure requirements of Item 1, Business; Item 11, Management Remuneration; and Item 13, Certain relationships and related transactions, herein. Item 6 of this Form, Selected Financial Data, may be omitted at the election of such registrant.

* * * * *

Statutory Authority

These amendments are being proposed pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 306(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat. 704; sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), "1, 2, 3–5, 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 781, 78m, 78n, 78o(d), 78w(a))

By the Commission.

George A. Fitzsimmons,

Secretary.

February 25, 1983.

[FR Doc. 83–5878 Filed 3–4–83; 8:45 am]

BILLING CODE 8010–01–M

►[1] Average number of shares of common stock outstanding during each period was ——— (as adjusted to give effect to stock dividends or stock splits).◄

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 906, 931, 938, and 950

Permanent State Regulatory Programs of Colorado, New Mexico, Pennsylvania and Wyoming

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadlines for States to meet one condition of their approved State permanent regulatory programs under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). These States are Colorado, New Mexico, Pennsylvania, and Wyoming. This condition relates to the award of costs and expenses in administrative proceedings.

DATE: Comments must be received by March 22, 1983 at the address below, no later than 4:00 p.m.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, Administrative Record Office, Room 5315, 1100 L Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, Interior South Building, Room 210, 1951 Constitution Avenue, NW., Washington, D.C. 20240, (202) 343-5361.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

Since the Secretary's conditional approval of several western States' programs, the Secretary has received a petition from three western States. The petition requests the deletion of the requirement in 30 CFR 840.15 that each State program provide for public participation which is no less effective than that at 43 CFR 4.129(b) which permits the award of costs and expenses in administrative proceedings, including attorney fees, from OSM to any person other than a permittee. In OSM's view, the importance of the attorney fees issue requires further study. OSM intends to issue a notice of proposed rulemaking to solicit public comment on the attorney fees issue and the petition of the western States.

The Secretary is thus considering whether to revise the permanent program rules relating to costs and expenses in administrative proceedings. The above four States with conditionally approved programs may be expending valuable time pursuing program amendments to meet Federal requirements which may change.

Colorado condition (mm), relating to costs and expenses in administrative proceedings is to be satisfied on or before May 20, 1983. The Secretary proposes to allow the State until August 1, 1984, to meet this condition.

New Mexico condition (e), relating to costs and expenses in administrative proceedings, is to be satisfied on or before March 15, 1983. The Secretary proposes to allow the State until March 15, 1984, to meet this condition.

Pennsylvania condition (i), relating to costs and expenses in administrative proceedings, is to be satisfied on or before August 1, 1983. The Secretary proposes to allow the State until August 1, 1984, to meet this condition.

Wyoming condition (c), relating to costs and expenses in administrative proceedings, is to be satisfied on or before May 20, 1983. The Secretary proposes to allow the State until May 20, 1984, to meet this condition.

The Secretary is continuing to review with the States all of the outstanding program conditions. A final rule implementing these proposed extensions may, in response to public comment, be different than those proposed in this notice.

Additional Information

Paperwork Reduction Act. This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act. The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291 and the Regulatory Flexibility Act. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it ensures that existing requirements established by SMCRA and the Federal rules will be met by the State.

List of Subjects in 30 CFR Parts 906, 931, 938, and 950

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 25, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T:

PART 906—COLORADO

§ 906.11 Amended.

30 CFR 906.11(mm) is proposed to be amended by substituting "August 1, 1984," for May 20, 1983 each time it appears.

PART 931—NEW MEXICO

§ 931.11 Amended.

30 CFR 931.11(e) is proposed to be amended by substituting "March 15, 1984," for March 15, 1983 each time it appears.

PART 938—PENNSYLVANIA

§ 938.11 Amended.

30 CFR 938.11(i) is proposed to be amended by substituting "August 1, 1984," for August 1, 1983 each time it appears.

PART 950—WYOMING

§ 950.11 Amended.

30 CFR 950.11(c) is proposed to be amended by substituting "May 20, 1984," for May 20, 1983 each time it appears.

[FR Doc. 83-5708 Filed 3-4-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 12-83-01]

Marine Parade; Pacific Inter-Club Yacht Association Opening Day Parade on San Francisco Bay

Correction

In FR Doc. 83-3611 beginning on page 6135 in the issue of Thursday, February 10, 1983, make the following correction:

On page 6136, first column, § 100.35-1201, the second line of paragraph (c)(1), "shall he parade" should have read "shall follow the parade".

BILLING CODE 1505-01-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Service to Spain and Tunisia

AGENCY: Postal Service.

ACTION: Proposed International Express Mail Service to Spain and Tunisia.

SUMMARY: Pursuant to agreements with the postal administrations of Spain and Tunisia, the Postal Service proposes to begin International Express Mail Service with Spain and Tunisia at postage rates indicated in the tables below. The proposed services are scheduled to begin on May 9, 1983.

DATE: Comments must be received on or before April 4, 1983.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8620, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn (202) 245–4414.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the Federal Register, 39 CFR 10.1. Additions to the manual needed to introduce the proposed new services, including the rate tables reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed International Express Mail Service to Spain and Tunisia at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

SPAIN—INTERNATIONAL EXPRESS MAIL

Custom designed service [1][2]—up to and including—		On demand service [3]—up to and including—	
Pounds	Rate	Pounds	Rate
1	$27.00	1	$19.00
2	29.80	2	21.80
3	32.60	3	24.60
4	35.70	4	27.70
5	38.80	5	30.80

SPAIN—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1][2]—up to and including—		On demand service [3]—up to and including—	
Pounds	Rate	Pounds	Rate
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

TUNISIA—INTERNATIONAL EXPRESS MAIL

Custom designed service [1][2]—up to and including—		On demand service [3]—up to and including—	
Pounds	Rate	Pounds	Rate
1	$29.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00

TUNISIA—INTERNATIONAL EXPRESS MAIL—Continued

Custom designed service [1][2]—up to and including—		On demand service [3]—up to and including—	
Pounds	Rate	Pounds	Rate
32	142.70	32	134.70
33	146.40	33	138.40
34	150.10	34	142.10
35	153.80	35	145.80
36	157.50	36	149.50
37	161.20	37	153.20
38	164.90	38	156.90
39	168.60	39	160.60
40	172.30	40	164.30
41	176.00	41	168.00
42	179.70	42	171.70
43	183.40	43	175.40
44	187.10	44	179.10

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-5882 Filed 3-4-83; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 542, 543, and 544

[General Order 40; Docket No. 83-13]

Financial Responsibility For Water Pollution

AGENCY: Federal Maritime Commission.

ACTION: Proposed rulemaking.

SUMMARY: 46 CFR Parts 542, 543, and 544 establish the methods by which foreign and domestic vessel operators may demonstrate financial responsibility in compliance with section 311(p)(1) of the Federal Water Pollution Control Act, section 204(c)(1) of the Trans-Alaska Pipeline Authorization Act and section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978, respectively. Apparently, as a result of the Panama Canal treaties, the Panama Canal can no longer be considered the navigable waters of the United States. The Federal Maritime Commission therefore is proposing to delete from 46 CFR 542, 543, and 544 all reference to the Panama Canal. The primary result would be that vessel operators who use the Canal would no longer be required to demonstrate to the Commission their financial ability to pay for the removal

of oil and certain other pollutants spilled into the waters of the Canal.

DATE: Comments (Original and 15 copies) on or before April 1, 1983.

ADDRESS: Comments to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Robert M. Skall, Deputy Director, Bureau of Certification and Licensing, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5840.

SUPPLEMENTARY INFORMATION: Section 311(p)(1) of the Federal Water Pollution Control Act as amended by the Clean Water Act (33 U.S.C. 1321(p)(1)) applies to vessel operators whose vessels use any port or place in the United States or the navigable waters of the United States. As a precondition to the use of such waters, vessel operators are required to maintain insurance coverage or to otherwise demonstrate their financial ability to repay the U.S. Government for the costs of removing discharges of oil and hazardous substances and for the costs of restoration of natural resources damaged as result of such discharges.

The definition of "United States" in 33 U.S.C. 1321(a)(5) includes "the Canal Zone." Accordingly, the definition of "United States" in 46 CFR 542, which implements 33 U.S.C. 1321(p)(1), also includes "the Canal Zone." In order to comply with 46 CFR 542, therefore, a vessel operator whose vessel uses the Panama Canal must apply for and obtain a Certificate of Financial Responsibility (Water Pollution). Such certificate is obtained by maintaining on file with the Federal Maritime Commission evidence of insurance or other satisfactory evidence of financial responsibility for the purpose stated above.

By memorandum of March 17, 1981, the then Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice, concluded that 33 U.S.C. 1321 no longer applies to any portion of the former Canal Zone. This conclusion is based on treaties between the Republic of Panama and the United States signed in 1977, as well as the implementing legislation (the Panama Canal Act of 1979, 22 U.S.C. 3601–3871).

In addition, on or about July 7, 1982, the Panama Canal Commission issued "Marine Director's Notice to Shipping No. 10–82." That notice removes the prior requirement to present a Certificate of Financial Responsibility (Water Pollution) to Canal boarding officials.

In view of the above mentioned legal opinion and the termination of the prior requirement to present a Federal Maritime Commission Certificate of Financial Responsibility as a precondition to use of the Panama Canal, the following changes to 46 CFR 542 are being proposed:

(1) Delete the words "the Canal Zone" from the definition of "United States" in 46 CFR 542.2(w).

(2) Delete the words ", including the Panama Canal" from item 5 of Form FMC–321, Application for Certificate of Financial Responsibility (Water Pollution), appended to 46 CFR 542.

Those two changes to the rules implementing 33 U.S.C. 1321(p)(1) would relieve vessel operators of the no longer enforced requirement to obtain Certificates of Financial Responsibility as a precondition to use of the Canal.

The Panama Canal treaties also would appear to have some impact on the rules implementing section 204(c)(1) of the Trans-Alaska Pipeline Authorization Act and section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978. Those rules (46 CFR Parts 543 and 544, respectively) refer to the Canal Zone in 46 CFR 543.2 and 46 CFR 544.2(x), the definitions of "United States". It is therefore appropriate to delete the references to the Canal Zone in those two definitional paragraphs of the rules as well.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the rule revisions proposed herein would not, if adopted, have a significant economic impact on a substantial number of small entities. The proposed revisions would not require reports or records, and are based entirely on the 1977 treaties between the United States and the Republic of Panama. Any economic impact which might occur will occur as a direct result of the treaties (e.g., transit toll increases to offset cleanup costs), regardless of whether these proposed revisions are adopted or not.

List of Subjects in 46 CFR Parts 524, 543, and 544

Maritime carriers.

Therefore, pursuant to 5 U.S.C. 553, section 311(p) of the Federal Water Pollution Control Act (33 U.S.C. 1321(p)), section 204(c) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1653), section 305(a) of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1815), section 3 of Executive Order 11735, section 1–201 of Executive Order 12123, and section 3 of the Panama Canal Act of 1979 (22 U.S.C. 3602), the following provisions of Title 46, Code of Federal Regulations, are proposed to be amended as follows:

PARTS 542, 543 AND 544—[CORRECTED]

(1) 46 CFR 542.2(w), 46 CFR 543.2(n) and 46 CFR 544.2(x): delete the words "the Canal Zone,"

(2) First sentence of Item 5, Form FMC–321, Application for Certificate of Financial Responsibility (Water Pollution) appended to 46 CFR 542: delete the words ", including the Panama Canal"

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83–5788 Filed 3–4–83; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 13, 17 and 21

Implementation of the Endangered Species Act Exemption for Certain Raptors; Raptor Propagation Permits; Federal Falconry Standards

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; consideration of comments.

SUMMARY: The Service published a proposed rule that appeared at pages 1325–1332 in the **Federal Register** on January 12, 1983 (48 FR 1325), concerning pre-Act "exempt" status for certain raptors (bird of prey) under the Endangered Species Act of 1973, raptor propagation permits, and the possession of captive-bred Harris' hawks by Apprentice Class falconers under the Federal falconry standards. The comment period on the proposal ended February 11, 1983. However, a number of comments were submitted after the deadline. The Service will consider these comments and any others submitted before March 7, 1983. To the extent that it is feasible to do so, comments submitted after March 7, 1983 will be considered.

ADDRESSES: Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, N.W., Washington, D.C., between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 21–02–13. All materials received may be

inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John T. Webb or William B. Zimmerman, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343–9242.

Dated: March 1, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83–5631 Filed 3–4–83; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 23

Foreign Proposals To Amend Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of proposed amendments to appendices.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international shipment of certain wildlife and plant species, which are listed in appendices to this treaty. Any nation that is a Party to CITES may propose amendments to Appendix I or II for consideration by the other Parties.

This notice announces proposals submitted by Parties other than the United States, and invites information and comments on them in order to develop negotiating positions for the United States delegation. The proposals will be considered in April 1983 at the fourth regular meeting of the Parties.

DATE: The Service will consider all comments received by March 31, 1983, in developing negotiating positions. The Service plans to publish a notice of its decisions on the positions prior to the meeting of the Parties.

ADDRESS: Please send correspondence concerning this notice to the Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Materials received will be available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 537, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Office of the Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone (202) 635–5948.

SUPPLEMENTARY INFORMATION:

Background

CITES regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in three appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control. Such listings frequently are required because of difficulty in distinguishing specimens of currently or potentially threatened species from other species at ports of entry. Appendix III includes species that any Party nation identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs cooperation of other Parties in controlling trade.

Any Party nation may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The text of any proposal must be communicated to the CITES Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and interested intergovernmental bodies and communicate their responses to all Parties no later than 30 days before the meeting. Amendments are adopted by a two-thirds majority of the Parties present and voting.

Information Sought

The purpose of this notice is to announce proposals submitted by Parties other than the United States for consideration at the forthcoming meeting of the Parties. Proposals by the United States were announced in two recent **Federal Register** notices (47 FR 51772, November 17, 1982; 47 FR 57524, December 27, 1982). This notice also sets forth tentative negotiating positions of the United States delegation on the foreign proposals.

It is nether practical nor in the best interests of the United States to establish inflexible negotiating positions on the proposals in advance of the meeting. However, the Service will develop guidance for the delegation on the basis of the best available biological and trade information, including comments received in response to this notice.

Indications in this notice of support for, or opposition to, proposals are based on a review of information presented in the proposals in terms of criteria adopted by the Parties for the addition, deletion, and transfer of species in Appendices I and II. The Service is seeking further information that might help in determining if the proposals are appropriate.

Proposals

The proposals by Parties other than the United States are listed in the following table. Tentative negotiating positions and the basis for them also are indicated. The complete text of each proposal is available for public inspection at the Service's Office of the Scientific Authority (see address above).

Species	Proposed amendment	Proponent	Tentative U.S. position [1]
PRIMATES *Lagothrix flavicauda* (yellow-tailed wooly monkey)	Transfer from II to I	Peru	Support (1).
CETACEA spp. (all whales for which catches are regulated by International Whaling Commission)	...do	Seychelles	Oppose (2).
Balaenoptera edeni (Brydes whale)	...do	Ecuador	Oppose (2).
Berardius spp. (beaked whales)	...do	Seychelles	Oppose (2).
Hyperoodon spp. (bottle-nosed whales)	...do	...do	Oppose (2).
CARNIVORA *Canis lupus* (grey wolf)	Remove Canadian population from II.	Canada	Support (1).
Vulpes velox hebes (northern swift fox)	Remove from I	...do	Support (1).
Ursus arctos (brown bear)	Add European population except U.S.S.R. to II.	France, Switzerland	Support (1).
Ursus arctos (grizzly bear)	Remove Canadian population from II.	...do	Support (1).
Lutra canadensis (river otter)	Retain in II for similarity in appearance to other otters.	...do	Support (1).
Lynx canadensis (lynx)	Remove Canadian population from II.	...do	Support (1).

Species	Proposed amendment	Proponent	Tentative U.S. position [1]
Lynx rufus (bobcat)	....do	....do	Support (1).
Panthera pardus (leopard)	Transfer Mozambican population from I to II.	Mozambique	Oppose (2, 3).
Panthera pardus	Transfer eastern and central African populations from I to II.	Zimbabwe	Oppose (2, 3, 4).
Phocidae (seals)	Add to II all species not already listed.	Federal Republic of Germany	Oppose (2, 5).
PERISSODACTYLA *Equus africanus* (African wild ass)	Add to I	Israel	Support (1).
ARTIODACTYLA *Addax nasomaculatus* (addax)	Transfer from II to I	Niger	Oppose (2, 3).
Ammotragus lervia (aoudad, Barbary sheep)	....do	....do	Oppose (2, 3).
Cephalophus dorsalis (bay duiker)	Add to II	Federal Republic of Germany	Oppose (2, 3, 4).
Cephalophus jentinki (Jentink's duiker)	Add to I	....do	Oppose (2, 3, 4).
Cephalophus ogilbyi (Ogilby's duiker)	....do	....do	Oppose (2, 3, 4).
Cephalophus sylvicultor (yellow-backed duiker)	Add to II	....do	Oppose (2, 3, 4).
Cephalophus zebra (zebra-banded duiker)	Add to I	....do	Oppose (2, 3, 4).
Gazella dama (addra or dama gazelle)	....do	Niger	Oppose (2, 3).
Moschus spp. (musk deer)	Add populations of Afghanistan, Bhutan, Burma, India, Nepal, and Pakistan to I.	United Kingdom	Support (1).
Moschus spp.	Add all other populations to II	....do	Support (1).
Oryx dammah (scimitar-horned oryx)	Transfer from II to I	Niger	Oppose (2, 3).
Ovis canadensis (bighorn sheep)	Remove Canadian population from II.	Canada	Support (1).
STRUTHIONIFORMES			
Struthio camelus camelus (N. African ostrich)	Add to I	Niger	Oppose (2, 3).
PELECANIFORMES *Pelecanus crispus* (Dalmatian pelican)	Transfer from II to I	France, Switzerland	Support (1).
CICONIIFORMES *Platalea leucorodia* spp. (flamingos)	Add to II	United Kingdom	Support (1).
ANSERIFORMES *Cayuca leucocephala* (white-headed duck)	....do	....do	Support (1).
GRUIFORMES *Anthropoides virgo* (Demoiselle crane)	....do	....do	Support (1).
CHARADRIIFORMES *Numenius tenuirostris* (slender-billed curlew)	Transfer from II to I	France, Switzerland	Support (1).
PSITTACIFORMES *Ara caninde* (caninde macaw)	....do	United Kingdom	Support (1).
Ara rubrogenys (red-fronted macaw)	....do	....do	Support (1).
Ognorhynchus icterotis (yellow-cheeked conure)	....do	....do	Support (1).
TESTUDINATA *Chelonia mydas* (green sea turtle)	Transfer populations of Tromelin and Europa Islands from I to II (ranching).	France	Support (1).
Chelonia mydas	Transfer population of Surinam from I to II (ranching).	Surinam	Support (1).
CROCODYLIA *Crocodylus niloticus* (Nile crocodile)	Remove Malagasy population from I.	Malagasy Republic	Oppose (2, 3).
Crocodylus niloticus	Transfer Mozambican population from I to II.	Mozambique	Oppose (2, 3).
Crocodylus niloticus	Transfer entire species from I to II	Togo, Zambia, Zimbabwe	Oppose (2, 3, 4).
Crocodylus niloticus	Transfer Zimbabwe population from I to II (ranching).	Zimbabwe	Support (1).
Crocodylus porosus (saltwater crocodile)	Transfer Australian population from I to II (ranching).	Australia	Support (1).
ACIPENSERIFORMES *Acipenser brevirostrum* (shortnose sturgeon)	Transfer from I to II	Canada	Oppose (4).
Acipenser fulvescens (lake sturgeon)	Remove from II	....do	Oppose (4).
Acipenser sturio (Baltic sturgeon)	Transfer from II to I	France, Switzerland	Support (1).
SALMONIFORMES *Coregonus alpenae* (longjaw cisco)	Remove from I	Canada	Support (1).
PERCIFORMES *Stizostedion vitreum glaucum* (blue pike)	....do	....do	Support (1).
VENEROIDA *Tridacna derasa and T. gigas* (giant clams)	Add to II	Australia	Support (1).
ARHYNCHOBDELLIFORMES *Hirudo medicinalis* (medicinal leech)	....do	United Kingdom	Support (1).
PLANTS: BYBLIIDACEAE *Byblis* spp. (rainbow plants)	Remove from II	Australia	Oppose (2, 3).
CEPHALOTACEAE *Cephalotus follicularis* (West Australian pitcher plant)	....do	....do	Oppose (2, 3).
CHLOANTHACEAE spp. (lambe tails)	Remove populations of Australia from II.	....do	Oppose (2, 3).
CUPRESSACEAE *Fitzroya cupressoides* (Chilean false larch, Alerce)	Remove dead specimens from I	Chile	Serious reservations (2, 3, 6).
HAEMODORACEAE *Anigozanthos* spp. (kangaroo paws)	Remove from II	Australia	Oppose (2, 3).
MYRTACEAE *Verticordia* spp. (feather flowers)	....do	....do	Do.
PINACEAE *Abies nebrodensis* (Tronco nudo)	Remove from I	France, Switzerland	Support (1).
PROTEACEAE *Banksia* spp. (Banksias)	Remove from II except for *B. lanuginosa*.	Australia	Oppose (2, 3).
Conospermum spp. (smoke bushes)	Remove from II	....do	Oppose (2, 3).
Dryandra formosa (showy dryandra)	....do	....do	Oppose (2, 3).
Dryandra polycephala	....do	....do	Oppose (2, 3).
Xylomelum spp. (Woody pears)	....do	....do	Oppose (2, 3).
RUTACEAE *Boronia* spp.	....do	....do	Oppose (2, 3).
Crowea spp.	....do	....do	Oppose (2, 3).
Geleznowia verrucosa	....do	....do	Oppose (2, 3).
SAXIFRAGACEAE *Ribes sardoum*	Remove from I	France, Switzerland	Support (1).
THYMELAEACEAE *Pimelea physodes* (qualup bell)	Remove from II	Australia	Oppose (2, 3).
ULMACEAE *Celtis aetnensis*	Remove from I	France, Switzerland	Support (1).

[1] The basis for the tentative negotiating position on each proposal is indicated by number in the table: (1) Listing or delisting of the species, as proposed, appears to be justified by information presented in the proposal; (2) the proposal does not present adequate information on population status to justify listing or delisting the species; (3) the proposal does not present adequate information on trade status to justify listing or delisting the species; (4) the proposal does not present information on the status of the species throughout its range, which needs to be considered; (5) the proposal does not adequately document a need to list the species for the purpose of controlling trade in other species due to similarity in appearance; (6) the proposal does not appear to be consistent with the present provisions of CITES.

Certain of these proposals would transfer populations of Appendix I species to Appendix II in order to allow commercial international trade in ranched specimens. Ranching has been defined by the Parties to mean the rearing in a controlled environment of specimens taken from the wild. The Service sought public comment on the ranching proposals by France and Surinam in relation to a special rule prohibiting the importation of maricultured green sea turtle products under the Endangered Species Act of 1973 (48 FR 43; January 3, 1983). Information and comments received in response to that notice also will be considered in determining the United States negotiating positions on these proposals.

List of Subjects in 50 CFR Part 23

Endangered and threatened wildlife, Exports, Fish, Imports, Plants (agriculture), Treaties.

This notice is issued under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; 87 Stat. 884, as amended). It was prepared by Richard L. Jachowski, Office of the Scientific Authority.

Dated: February 28, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-5888 Filed 3-4-83; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

Atlantic Tuna Fisheries; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) announces a public meeting on proposed revisions to the rules governing the domestic Atlantic bluefin tuna fishery. NOAA anticipates publishing the proposed rules in the **Federal Register** prior to the conduct of this meeting.

DATES: Individuals or organizations wishing to comment may do so at a public meeting to be held as follows: March 16, Uniondale, New York.

ADDRESS: A public meeting on the proposed revisions to Subparts A and B of CFR 285 will be held on the date and time, and at the location listed below.

HEARING LOCATION:

Date: March 16.

Location: Marriot Hotel, 101 James Doolittle Blvd., Uniondale, LI, NY 11553, Tel: 516/794-3800.

Time: 7 p.m.-9:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Jerome, Jr., 617-281-3600, extension 325; or Mr. David S. Crestin, 617-281-3600, extension 253.

SUPPLEMENTARY INFORMATION: The Atlantic Tunas Convention Act requires that necessary rules be promulgated to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). In autumn 1982, ICCAT recommended increasing the total quota for Atlantic bluefin tuna in the western Atlantic Ocean from 1,279 short tons (st) to 2,931 st. NOAA will be issuing proposed rules based on this recommendation to increase the annual quota of Atlantic bluefin tuna availabile to U.S. fishermen from 667 st to 1,529 st. The proposed rules will discuss increases in the quotas for specific segments of the fishery based on the total amount of Atlantic bluefin tuna available to the United States. The purpose of these increases will be to allow the collection of more complete biological information for stock monitoring purposes, while keeping the total harvest at a conservative level. NOAA desires to have public comment on these proposed rules.

List of Subjects in 50 CFR Part 285

Administrative practice and procedure, Fish, Fisheries, Fishing, Imports, International organizations, Penalties, Reporting and recordkeeping requirements.

(16 U.S.C. 971—*et seq.*)

Dated: March 2, 1983.

Joseph Clem,

Acting Chief, Fisheries Process Division, National Marine Fisheries Service.

[FR Doc. 83-5795 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 45
Monday, March 7, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on respective dates specified below.

Facility No., name, and location of stockyard	Date of posting
IL-169 Gene Hicks Auction and Livestock Ramsey, Illinois.	Feb. 17, 1983.
MN-178 Edgerton Livestock Auction Market Edgerton, Minnesota.	Aug. 21, 1982.

Done at Washington, D.C., this 1st day of March, 1983.

Jack W. Brinckmeyer,
Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-5710 Filed 3-4-83; 8:45 am]
BILLING CODE 3410-02-M

Deposting of Stockyard

It has been ascertained, and notice is hereby given, that the livestock market named herein, originally posted on the respective date specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer comes within the definition of a stockyard under said Act and is, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard	Date of posting
TX-181 Leggott Groesbeck Commission Company, Inc., Groesbeck, Texas.	Apr. 29, 1957

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective upon publication in the **Federal Register.**

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 28th day of February, 1983.

Jack W. Brinckmeyer,
Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-5711 Filed 3-4-83; 8:45 am]
BILLING CODE 3410-02-M

Proposed Posting of Stockyards

The Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CO-151 Western Slope Livestock Auction Montrose, Colorado
MN-179 Minnesota Feeder Pig Markets, Inc. Pipestone, Minnesota
OK-201 Checotah Livestock Auction Checotah, Oklahoma
TX-327 Leggott Groesbeck Commission Company, Inc. Groesbeck, Texas

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by March 22, 1983.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protecton Branch during normal business hours.

Done at Washington, D.C., this 1st day of March, 1983.

Jack W. Brinckmeyer,
Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-5712 Filed 3-4-83; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended February 25, 1983

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Feb. 22, 1983.....	41300	Aeromar, C. por A., c/o Mark Pestronk, 805 King Street, Alexandria, Virginia 22314. Application of Aeromar, C. por A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests amendment and renewal of its foreign air carrier permit to engage in foreign air transportation of property as follows: Between the terminal point Santo Domingo, Dominican Republic and the co-terminal points Miami, Florida; New York, New York; San Juan, Puerto Rico; and St. Thomas, Virgin Islands. Answers may be filed by March 22, 1983.
Feb. 22, 1983.....	41120	Bowman Aviation, Inc., d/b/a BO-S-Aire Airlines, Inc., c/o Thom G. Field, Neale, Newman, Bradshaw & Freeman, One Corporate Square, P.O. Box 4203 G.S. Springfield, Missouri 65808. Amendment No. 1 to the Application of Bowman Aviation, Inc. d/b/a BO-S-Aire Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to provide foreign charter air transportation of cargo and mail as follows: (a) Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Canada, on the other; (b) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and Mexico, on the other; (c) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (d) Between any point in any State of the United States or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, the Canal Zone, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries of Colombia and Venezuela on the continent of South America, on the other hand; Conforming applications, Motions to Modify Scope and Answers may be filed by March 23, 1983.
Feb. 23, 1983.....	41035	Dominion Intercontinental Airlines, Inc., c/o Harry A. Bowen, Bowen & Atkin, 2020 K Street, N.W., Suite 350, Washington, D.C. 20006. Amendment No. 1 to the Application of Dominion Intercontinental Airlines, Inc. submitting additional information with respect to the application for a certificate of public convenience and necessity for foreign air transportation.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-5736 Filed 3-4-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 40534]

Braniff South American Route Transfer Case; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this case is assigned to be held before the Board on Thursday, March 17, 1983, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before Wednesday, March 9, 1983, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., February 28, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-5785 Filed 3-4-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41320]

Classic Air Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., March 1, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-5783 Filed 3-4-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41309]

Unicorn Air, Ltd., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., March 1, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-5782 Filed 3-4-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41308]

Wesley A. Pietrasik and Diane Pietrasik, d.b.a. Travex, Inc.—Violation of Part 380 Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C., March 1, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 83-5784 Filed 3-4-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, Lionel H. Olmer, of the Performance Review Board for ITA. This is a revised list of membership which includes previous members as listed in the July 29, 1982 **Federal Register** announcement with additional members added to serve out the remainder of the one year term. The purpose of the International Trade Administration PRB is to review performance actions for recommendations to the appointing authority as well as other related matters. The names of the PRB members are:

International Trade Administration

Vincent F. DeCain, Deputy to Deputy Assistant Secretary for Export Administration
Joseph F. Dennin, Deputy Assistant Secretary for Africa, Near East and South Asia
John Evans, Deputy to Deputy Assistant Secretary for Import Administration
Brant W. Free, Director, Office of Service Industries
J. Mishell George, Deputy to Deputy Assistant Secretary for Industry Projects
Ann Hughes, Deputy Assistant Secretary for Western Hemisphere
Richard L. McElheny, Director General, U.S. and Foreign Commercial Services
John Richards, Director, Office of Industrial Resource Administration
Roger Severance, Director, Office of Pacific Basin

Minority Business Development Agency

Herbert S. Becker, Assistant Director for Advocacy, Research and Information.

Dated: February 28, 1983.

James T. King, Jr.,

Personnel Officer, International Trade Administration.

[FR Doc. 83-6748 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-133. Applicant: University of Wisconsin, Madison, Department of Chemistry, 1101 University Avenue, Madison, WI 53706. Instrument: Gas Chromatograph Mass Spectrometer System MS-80, and Accessories. Manufacturer: Kratos Analytical Instruments, United Kingdom. Intended use of instrument: The instrument is intended to be used to determine the exact mass of a molecular ion, to record complete mass spectra of newly synthesized, unknown compounds and to analyze the fragmentation patterns of the samples. The overall objective is to determine the molecular formula and the structure of the unknown. The instrument is to be used in conjunction with the following courses: Chemistry 990, 992, 993, and 994 (Research); Chemistry 621 (Instrumental Analysis) and 626 (Topics on Chemical Instrumentation). Application received by Commissioner of Customs: February 17, 1983.

Docket No. 83-136. Applicant: Centers for Disease Control, 1600 Clifton Rd., NE., Atlanta, GA 30333. Instrument: Electron Microscope, EM 410G with Accessories. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of instrument: The instrument is intended to be used for studies of pathology specimens of human and animal origin along with infectious micro-organisms during research into the cases and mechanism of diseases such as Acquired Immune Deficiency Syndrome (AIDS), Legionnaires Disease, Pneumocystis, Kidney Disease, Toxoplasmosis, Herpes and others. Application received by Commissioner of Customs: February 16, 1983.

Docket No. 83-137. Applicant: University of Michigan Hospitals, 1405 E. Ann Street, Ann Arbor, MI 48109. Instrument: Electron Microscope, EM 400 and Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use of instrument: The instrument is intended to be used to expand the clinical applications of transmission EM including immunoperioxodase and immunoferritin labeling—for the ultrastructural localization of immunoreactive tissue antigens (especially in tumors) not visible at the light microscope. In addition, with the increased usage of the TEM in ultrastructural examination of patient biopsy material, the instrument will be used to further the hospital's ability to handle difficult samples. The instrument will also be used in the teaching of ultrastructural manifestations of disease to medical students, medical technology students, resident physicians and practicing physicians. Application received by Commissioner of Customs: February 16, 1983.

Docket No. 83-138. Applicant: The University of Texas System Cancer Center, M.D. Anderson Hospital & Tumor Institute, 6732 Bertner, Texas Medical Center, Houston, Texas 77030. Instrument: Electron Microscope, EM 410G and Accessories. Manufacturer: Mederlaae Philips Bedrijven B.V., The Netherlands. Intended use of instrument: The instrument will be used in a variety of studies involving both basic and applied virology, ultrastructural analyses of tumor cells, and molecular biology. Specimens from patients with cancer of various types, experimental animal tumors, normal tissues from human and animal sources, cells from various sources maintained in tissue culture, and fractions of cells or viruses will be examined by both conventional and novel methods. In addition, the instrument will be used for training in electron microscopy techniques at the graduate and postgraduate level. Application received by Commissioner of Customs: February 16, 1983.

Docket No. 83-128. Applicant: University of California, Department of Geology & Geophysics, c/o Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94720. Instrument: Interferometer Spectrophotometer, Model DA3.02 with Accessories. Manufacturer: Bomen, Inc., Canada. Intended use of instrument: The instrument is intended to be used in research involving the study of planetary materials at conditions that occur within the planets (e.g., high pressures) in order to constrain models of planetary structure and evolution. Spectroscopy is employed mainly to identify molecular clusters and configurations within complex solid and liquid structures of minerals, as well as to constrain detailed models of vibrational (thermodynamic) and bonding properties of such materials. The instrument will also be used to teach state-of-the-art techniques and concepts in mineral physics. Application received by Commissioner of Customs: February 18, 1983.

Docket No. 83-135. Applicant: Cook County Department of Purchase, (Cook County Hospital), 118 North Clark Street, Chicago, IL 60602. Instrument: Electron Microscope, Model JEM-100CX/II and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used for ultrastructural studies of the following: (1) Pathologic changes in various liver diseases, especially viral hepatitis (identification of viruses and Australian antigen). (2) Kidney diseases (study of the changes of glomerulous membranes). (3) Various tumors especially the differential diagnosis of the various poorly differentiated anaplastic cancers. The instrument will also be used in the training of graduate students and residents. Application received by Commissioner of Customs: February 18, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director Statutory Import Programs.

[FR Doc. 83-5697 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

Brigham Young University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a

scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230

DOCKET NO. 82–00179R. Applicant: Brigham Young University, Department of Chemistry, 228 ESC, Provo, UT 84602. Instrument: Kelvin AC Double Bridge & Automatic Switch Unit. Application is a resubmission, notice of which was published in the **Federal Register** of May 20, 1982.

Comments.—No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 82–00179 which was denied without prejudice to resubmission on September 27, 1982 for informational deficiencies. The foreign instrument provides accurate automatic measurements with both high and low resistance thermometers. The National Bureau of Standards advises in its memorandum dated February 3, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6096 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

The Rockefeller University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82–00185R. Applicant: The Rockefeller University, 1200 York Avenue, New York, N.Y. 10021. Instrument: Incubators, Feedback Controlled to Maintain PO_2 and PCO_2 and pH. Application is a resubmission, notice of which was published in the **Federal Register** of June 11, 1982.

Comments.—No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket No. 82–00185 which was denied without prejudice to resubmission on September 22, 1982 for informational deficiencies. The foreign instrument provides dynamic feedback control of the incubator environment. The Department of Health and Human Services advises in its memorandum dated December 29, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6514 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:

a. Name: Mr. Jeffrey D. Goodyear (P317).

b. Address: Moss Landing Marine Laboratories, P.O. Box 223, Moss Landing, California 95039–0223.

2. Type of permit: Scientific Research/Scientific Purposes.

3. Name and number of animals: Fin whale (Balaenoptera physalus), 30; Humpback whale (Megaptera novaengliae), 45.

4. Type of take: Up to 30 humpback whales and 20 fin whales may be approached up to four times each to obtain a skin sample and place a radio tag. An additional 15 humpback whales and 10 fin whales may be approached once to obtain a skin sample.

5. Location of activity: Stellwagon Bank, Cape Cod, Massachusetts.

6. Period of activity: April to September 1983.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, Southwest Region, National Marine Fisheries Service, 300

South Ferry Street, Terminal Island 90731, and:

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 1, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-5787 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: Survey of Local Government Finances (School Systems).

Form No.: Agency—F-33, F-33-1, F-33-L1, F-33-L3; OMB—0607-0105.

Type of request: Extension.

Burden: 450 respondents; 1,400 reporting hours.

Needs and uses: The collected public school financial data are incorporated with other local government finance data and entered into the national income accounts. Data are also used in long established Census reports and to determine revenue sharing entitlements.

Affected Public: State and local educational agencies.

Frequency: Annually.

Respondent's obligation: Voluntary.

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: Quarterly Summary of Federal, State and Local Tax Revenue.

Form No: Agency—F-71, F-72, F-73; OMB—0607-0112, 0607-0113, 0607-0114.

Type of request: Extension.

Burden: 5,204 respondents; 5,254 reporting hours.

Needs and uses: The three forms are used to collect State and local tax revenue data that form the basis of a quarterly report. The Bureau of Economic Analysis uses this information to forecast economic indicators. Other organizations such as the Federal Reserve Bank, the Advisory Commission on Intergovernmental Relations, public interest groups and State and local governments use this information for comparative purposes or economic research.

Affected public: State and local governments.

Frequency: Quarterly.

Respondent's obligation: Voluntary.

OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: April 1983 CPS Country of Birth, Immigration and Immigrant Fertility Supplement.

Form No.:

Type of request: New.

Burden: 58,000 respondents; 1,570 reporting hours.

Needs and uses: This supplement to the Current Population Survey (CPS) is needed to collect data on the immigrant populations. These data will be used to compare immigrant and non-immigrant fertility statistics and to improve the fertility component of populations projections for the Nation's immigrants, especially for the Hispanic immigrant population.

Affected public: Households interviewed in the April 1983 CPS sample.

Frequency: On occasion.

Respondent's obligation: Voluntary.

OMB desk officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-5785 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-CW-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 81-1]

1980 Cable Royalty Distribution Determination

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of final determination.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) announces the adoption of its final determination in the proceeding concerning the distribution to certain copyright owners of royalty fees paid by cable systems for secondary transmissions during 1979.

FOR FURTHER INFORMATION CONTACT: Edward W. Ray, Chairman, Copyright Royalty Tribunal, (202) 653-5175.

Introduction

17 U.S.C. 111(d)(5)(B) requires the tribunal after the first day of August to determine whether a controversy exists concerning the distribution of cable royalty fees deposited by cable systems with the Copyright Office. Upon determination that a controversy exists, 17 U.S.C. 804(d) requires the Chairman of the Tribunal to publish in the **Federal Register** a notice announcing the commencement of distribution proceedings.

In a notice published in the **Federal Register** of August 12, 1981 (46 FR 40787), the Tribunal directed that claimants to royalty fees paid by cable operators for secondary transmissions during 1980 submit not later than September 10, 1981 any comments concerning whether a controversy exists concerning the distribution of the 1980 royalty fees.

In a public meeting on October 14, 1981, after giving claimants the opportunity to appear and present arguments, the Tribunal determined that a controversy did in fact exist concerning the distribution of cable royalty fees for the period January 1 through December 31, 1980. The Tribunal set the effective date of March 2, 1982 and in the **Federal Register** of March 2, 1982 (47 FR 8808) announced that distribution proceedings had commenced.

Background and Chronology

Structure of Proceeding

The Tribunal directed claimants or their duly authorized representatives to submit any proposals or comments: in accordance with the Administrative Procedure Act, providing for procedures whereby the Tribunal could utilize the record of the previous proceedings in the 1980 Phase I distribution proceeding and limit the presentation of new testimony and written evidence; on the legality and feasibility of propsals providing for the Tribunal prior to the termination of the 1980 royalty proceeding to make partial distribution of the royalty fees; and, on the alteration of the Phase I categories of claimants established by the Tribunal in the 1979 royalty proceeding, to the tribunal no later than April 30, 1982 (47 FR 8808) which was later extended to May 7, 1982 (47 FR 12203). Reply brief or memorandum, if any, were to be submitted no later than May 21, 1982 (47 FR 12203).

Evidentiary Proceeding

In a notice which appeared in the **Federal Register** on June 8, 1982 (47 FR 24768), the Tribunal announced that the

proceeding would be conducted in two separate phases. Phase I would be devoted to determining the percentages, if any, of the 1980 royalty fund. Phase II would be devoted to resolving disputes, if any, among claimants within each of the categories. In that notice, the Tribunal also announced:

1. Approval of utilization of the record of the 1978 and 1979 distribution proceedings in both phases of the 1980 proceeding;

2. Approval of the request of Superstation, Inc. to participate for all purposes in Phase I;

3. Alternation of the 1979 Phase I categories as listed in the final determination of March 8, 1982 (47 FR 9897) by establishing a new and separate category for Devotional Claimants; and,

4. Its determination that it shall not adopt any restrictions on the introduction of new evidence, or require any preliminary showing that the proferred evidence reflects a significant change in material facts from prior proceedings.

The Tribunal also ordered parties desiring to present evidence and argument and participate in cross examination during Phase I to notify the Tribunal of said intention on or before April 26, 1982 (47 FR 12203). Parties were further advised that participation in Phase I was not a prerequisite to participation in Phase II. The Tribunal directed, that not later than August 16, 1982, each Phase I party to submit any prehearing statements, witness lists, concise summary of each witness's testimony, and copies of all documentary evidence (47 FR 24768). Parties were directed to designate those portions of the 1978 and 1979 records they wished to incorporate in the 1980 record not later than July 15, 1982. The Tribunal subsequently incorporated the entire 1978 and 1979 records into the 1980 proceeding. Phase I of the evidentiary hearing began on September 21, 1982 and continued over a period of 30 days, concluding November 10, 1982. Participants in Phase I were allowed the opportunity to submit rebuttal evidence after the completion of the direct case. The participants were ordered to submit:

a. Names of rebuttal witnesses.

b. Concise summary of each witness rebuttal testimony.

c. Copies of rebuttal documentary evidence.

The hearings on the substantive aspects of the rebuttal proceeding began on November 16, 1982 and continued over a period of seven days, concluding on November 24, 1982.

In the Federal Register on December 28, 1982 (47 FR 57748) the Tribunal published its summary statement of its Phase I determinations. (A correction of a GPO typesetting error was published in the Federal Register of January 7, 1983 (48 FR 859).) In accordance with 17 U.S.C. 803(b), a full and complete statement of the Tribunal's conclusions of law, findings of fact, and other relevant determinations will be included in the Tribunal's final determination.

In that same statement the Tribunal, in preparation for Phase II, directed that not later than January 12, 1983 each claimant category shall notify the Tribunal of any voluntary agreements for distribution of royalty fees among the claimants within a category. The Tribunal further directed that not later than January 12, 1983 any claimant desiring to present evidence during Phase II shall notify the Tribunal of such intention, and the Phase II issues to be decided. Additionally, the Tribunal directed that not later than January 18, 1983 parties shall file with the Tribunal and exchange with other parties their direct, written cases, including list of witnesses, pre-hearing statements, and all documentary evidence.

Phase II of the evidentiary hearing began on January 25, 1983 and continued over a period of five days, concluding on January 31, 1983. The hearing on the substantive aspects of the rebuttal proceeding was conducted on February 2, 1983. The Tribunal ordered the parties to submit findings of fact and conclusions of law on February 9, 1983.

Summary of Evidentiary Positions

Motion Picture Association of America (MPAA)

The Motion Picture Association of America (MPAA) claimed an entitlement to 82% of the 1980 royalty fund.[1] As the primary basis for this claim, MPAA presented a Nielsen study of viewing of distant signal programming. The sample was based upon stations carried on cable systems whose total subscribers exceeded 75,000: 82 stations.[2] MPAA considered that its reliance upon this study was justified by the Tribunal's 1979 judgment that its Nielsen study in that proceeding was the single most important piece of evidence.[3] MPAA considered the Nielsen study an accurate reflection both of benefit to copyright owners and of marketplace value,[4] according to the Tribunal's criteria which had been validated by the Court as precedents the parties could rely on.[5] According to this study, the viewing of movies and syndicated series on distant signals is 82%, in contrast with a total time on the air of 74%.[6]

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[1] Program Suppliers' Proposed Findings of Fact and Conclusions of Law, December 13, 1982, pp. 73.

[2] Ibid, pp. 5–6.

[3] Ibid, p. 64.

[4] Ibid, pp. 9–10.

[5] Ibid, p. 61.

[6] Ibid, p. 10.

A.C. NIELSEN COMPARATIVE VIEWING STUDY,[1] 4 CYCLES 1980

	Total programming CHS prog—Viewing avg HH (000)		Syndicated series CHS prog—Viewing avg HH (000)		Non-network movies CHS prog—Viewing avg HH (000)		Syn series and non-net movs CHS prog—Viewing avg HH (000)		Remaining programming CHS prog—Viewing avg HH (000)	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Cycle	[illegible]	[illegible]	295240	53	[illegible]	21	[illegible]	74	[illegible]	26
	[illegible]	[illegible]	10	53	13	29	11	82	7	18

[1] MPAA Exhibit A, final page.

These results, in MPAA's view, are objective, have been consistent over three years and represent the actual satisfaction of subscribers. Resubscription is a monthly constantly repeating decision,[7] and these patterns of viewing have held also for stations whose programming is said to be as diverse as sports flagship stations and network affiliates.[8] MPAA rejects the accusations of underreporting on diaries as unsubstantiated by hard evidence and not discriminating, even if it did exist, toward one party or another.[9]

Concerning the criterion of harm, MPAA relied upon the testimony of Mr. Horn in the 1979 proceeding and on the testimony of Mr. Valenti in all three proceedings.[10] This testimony stressed that syndicated programming is difficult to sell in heavily cabled markets and that cable intrusion has caused prices in all markets to be less than they would be otherwise. The same series is often run in the same day part nationwide and this makes the industry particularly vulnerable.[11]

MPAA relied for the foundation of its presentation upon the Nielsen study and the consistency with which the Tribunal has placed weight upon that study; but emphasized that this year the deficiencies that the Tribunal and found in its 1979 case had been corrected; in particular with regard to the station sample, the use of sweep weeks, and the value of syndicated programming.[12] MPAA also provided a cable industry witness in contrast to past proceedings. Mr. Kurnit, Vice-President of Warner-Amex Cable Communications, Inc., with responsibility for programming on 190 cable systems, and formerly Program Director for QUBE cable system in Columbus, Ohio.[13]

With respect to the station sample, MPAA felt that it had corrected the deficiencies cited in its 1979 case by simply selecting all stations carried by cable systems whose aggregate subscribers were 75,000 or above; rather than resorting to a statistical selection subsequently requiring weighting. This produced a sample of 82 stations of which 41 were independents, 35 affiliates, and 6 specialty stations; 53 VHF and 29 UHF.[14] The fact that independents are represented more heavily than network affiliates is not an imbalance, but reflects the degree to which independents are picked up to a greater extent as distant signals.[15] The reasonableness and reliability of the sample are not affected by the fact that, for cost and time reasons, preliminary results were used and that the local designation of a few counties is in dispute.[16]

As for the question concerning the use of sweep weeks and the possible distortion they may give to viewing, MPAA presented viewing evidence from the QUBE cable system in Columbus, Ohio. This showed that the differences between sweep and non-sweep periods were inconsequential, and the explanation was given that during sweep periods all stations are promoting themselves simultaneously.[17] To conduct a survey the use of sweep weeks is the only practical method available.[18] MPAA relied upon its QUBE evidence and the testimony of Mr. Kurnit also to question the diminished value the Tribunal attributed to syndicated series in 1979. Cable operators need programming which can provide consistent satisfaction and result in monthly resubscription; and this is the benefit that syndicated series provides. This cannot be evaluated by looking at a single day part,[19] because syndicated series and movies are broadcast throughout the day and, in comparison with sports, for instance, have a much broader appeal.[20] Above all, syndicated series appear during the most important day part, early fringe.[21]

MPAA also presented evidence concerning advertising revenue, based on a 20 station sample. Although MPAA did not consider local advertising data strictly relevant to the distant signal market; nevertheless, it did view them as corroborating the high value of movies and syndicated programming.[22]

MPAA proposed the following allocation among parties:

	Percent
MPAA	61
Sports	7.25
PBS	4.0
NAB	2.25
Music	3.5
CBC	0
Commercial Radio	0
NPR	.25
Devotional	0

Joint Sports

The Joint Sports claimants argued that the royalty share they received for 1979 should be increased to 18% for 1980, considering the significant increase in superstation carriage by satellite between 1979 and 1980 and the unique effect of this development upon sports.[23] Due to the increased industry reliance upon satellites, superstations constituted 63% of new distant signals added by Form 3 cable systems in 1980. Superstations were carried on 75% of Form 3 cable systems in 1980 as against 64% in 1979.[24] Joint Sports argued that this increase in the carriage of superstations has resulted in an increase of the benefits conferred by superstations upon cable operators: relatively low cost, franchise advantages, free publicity, revenue opportunities.[25] This is reflected in the increase in the number of subscribers of those cable systems carrying superstations and of the royalties attributable to his carriage.[26] The Joint Sports claimants contended that programming has been an important factor in the success of superstations

[7] Program Suppliers' Proposed Findings of Fact and Conclusions of Law, December 13, 1982, pp. 12, 13, 84 and 86.
[8] Ibid, p. 85.
[9] Ibid, pp. 87–88.
[10] Ibid, pp. 5, 14, 71.
[11] Ibid, pp. 14, 15, 71.
[12] Ibid, pp. 5, 70.
[13] Ibid, pp. 10–11.
[14] Ibid, pp. 5–6.
[15] Ibid, pp. 66–67.
[16] Ibid, pp. 5, 6, 66, 67.
[17] Ibid, pp. 9, 12, 67.
[18] Ibid, p. 8.
[19] Ibid, pp. 12, 13, 14, 70.
[20] Ibid, p. 69.
[21] Ibid, pp. 70–71.
[22] Ibid, pp. 71, 72.
[23] Proposed Findings of Fact and Conclusions of Law of the Joint Sports, Dec. 13, 1982, pp. 9, 10, 28, 29, 32, 34, 35, 36.
[24] Ibid, pp. 30, 32, 33, 37.
[25] Ibid, pp. 31, 41, 42, 43, 44.
[26] Ibid, p. 33.

and that in comparison with all other programming sports has played the dominant role.[27] Sports occurs on superstations proportionately to a much greater extent than it does on other stations, superstations carrying one-quarter of all professional sports telecast by flagship stations.[28] Cable operators acknowledge sports as a principal reason in their decision to import superstations and advertise sports heavily in promoting their services.[29] Sports claimants argued that because channels and choices proliferated in 1980, the decision by cable operators to carry stations emphasizing sports was therefore much more significant.[30]

Joint Sports contended that unless there are material changes in circumstances the Tribunal is bound to adhere to its previous distribution decisions, especially in light of the court's affirmance of the ground rules. If there are changes of circumstances the burden of proof is upon the parties.[31] Joint Sports argues that it alone of all claimants has done this, and that, except for sports, other shares should remain the same, the only real dispute being between Joint Sports and MPAA.[32]

The Sports claimants considered that Tribunal's award to sports in 1979 was insufficient, given the evaluations by cable operators that sports and movies are of equal value.[33] The testimony of Mr. Jack Williams, Chif Operators Officer of Prism, a regional pay service in Philadelphia, and Mr. James Lahey, cable systems owner and operator, as well as the testimony elicited from cable witnesses presented by other parties, were presented in support of the value cable operators perceive in sports programming.[34] Those not placing an especially high value on sports were in the minority.[35] Sports provide diversity on distant signals which is not diminished by network sports, sports pay networks, or regional interest in sports.[36]

Joint Sports presented a BBD&O cable industry survey in support of its contention of the value placed on sports by cable operators: a telephone interview survey of the senior marketing or program executives of 34 of the 50 largest MSO's, representing 53.6% of the cable subscribers in the United States, similar to studies conducted for both 1978 and 1979.

BBDO Study—Average Allocations for Distant Signal Programming Categories (1979 and 1980) (1980 Sports Ex. 8)

	Percent mean		Percent median	
	1979	1980	1979	1980
Movies	36.00	37.76	40	37.5
Live non-network sports	35.00	32.95	30	34.7
Syndicated TV shows	10.57	11.77	10	10
News and public affairs	9.40	12.62	10	10
PBS and other educational programming	7.03	4.91	5	5

This study reflects that the value placed upon sports by cable operators has remained statistically constant and continues to be roughly equal to that for movies and superior to that for syndicated programming.[37] Joint Sports considered that the relative valuation of different kinds of programming was supported by the NAB/SRI study and the lack of change between 1979 and 1980 by the MPAA/Nielsen study.[38] Sports continues to be worth more to cable operators than the relative time it appears on the air, because it is rare and has a unique ability to attract and hold subscribers;[39] and any comparison with other programming must be made on the basis of programming carried on distant signals, not over the air. According to Joint Sports, the testimony of both its and others' witnesses places Sports well in excess of the 15% awarded for 1979.[40] In recognition of this special appeal and of the adherence to marketplace consideration in the structure of the sports case the Tribunal awarded Sports in 1979 a 3% increase over its award in 1978.[41]

Flagship stations also provide another measure of the value of sports programming to cable operators in that they were imported to a significantly greater degree as distant signals than non-flagships, enjoyed a relatively greater growth in carriage between 1979 and 1980, and were responsible for a higher proportion of the royalty payments. Without taking superstations into account this is still true.[42]

Form 3 Carriage of Non-Superstation [1] Flagship Stations and Non-Flagship Stations in 1980

	Flagships (minus Superstations)	Non-Flagships
Royalties attributable to avg. station	$103,150	$5,406
No. of systems that carried avg. station as a distant signal	34.87	3.06
No. of cable subscribers that received the avg. station as a distant signal	312,252	35,607

[1] Joint Sports Exhibit 8 and 19.

Joint Sports argued that the entire award for sports programming be granted to the sports claimants and no portion to the boardcasters.[43] Mr. Durso, Assistant General Counsel in the Office of the Commissioner of Baseball testified that no contracts expressly recognize copyright ownership in the broadcaster, that the majority of contracts specifically address copyright ownership in favor of the club, that in the instances where this is not the case the club assumes major responsibility for production. In the case of baseball, two-thirds of the contracts disposed of this issue before the Tribunal's first ruling.[44] The broadcasters are precluded from realizing any claim whatsoever for the vast majority of sports programming both under contractual obligations and according to their own theory. This is true for hockey and basketball, as well as baseball, and also for NCAA sports, in which the conference or institutions is responsible for production.[45] Contracts have become more explicit in this regard subsequent to 1980.[46] Joint Sports argued that the terms of negotiation have been established and that to change them would interfer arbitrarily with issues that have already been disposed of by the marketplace.[47] Mr. Jack Jacobson, Chief Operating Officer of Sportsvision, testified that the quality of productions is irrelevant in terms of negotiations or of the value of sports programming to cable operators.[48] The broadcasters' contribution, according to Joint Sports, is of *de minimis* value, as has been held by the Court; the team and the players' performance constitute the sole value of sports programming.[49] The teams, not the quality for production, are responsible for ratings.[50]

[27] Ibid, pp. 12, 13, 31, 38, 39, 44, 49, 50.
[28] Ibid, pp. 45, 46, 47, 48.
[29] Ibid, pp. 12, 51, 53, 54.
[30] Ibid, pp. 11, 39, 40, 41.
[31] Ibid, pp. 3–9.
[32] Ibid, pp. 2, 3, 14, 17, 78.
[33] Ibid, pp. 28, 56, 64.
[34] Ibid, pp. 58, 59, 60, 62, 63, 64.
[35] Ibid, pp. 60, 62, 63, 64.
[36] Ibid, pp. 59, 60, 88, 90, 91.
[37] Ibid, pp. 66, 67, 68, 69, 70.
[38] Ibid, pp. 72–76, 85.
[39] Ibid, pp. 15, 16, 17.
[40] Ibid, pp. 57, 58, 72, 87.
[41] Ibid, pp. 54, 55.
[42] Ibid, pp. 30, 45, 78, 79, 80, 81, 82, 83.
[43] Proposed Findings of Fact and Conclusions of Law of the Joint Sports, December 13, 1982, pp. 91, 95, 115.
[44] Ibid, pp. 27, 108, 109, 110.
[45] Ibid, pp. 109, 111, 112, 115, 118.
[46] Ibid, p. 113.
[47] Ibid, pp. 106, 107, 114.
[48] Ibid, pp. 101, 102, 105.
[49] Ibid, pp. 25, 27, 92, 101, 104.
[50] Ibid, pp. 102–103.

Joint Sports proposed the following allocation among all parties:

	Percent
Program Syndicators	67.00
Joint Sports Claimants	18.00
Public Broadcasting	5.25
Commercial Television Broadcasters (for all copyrightable interests	4.50
Music	4.25
Canadian Television	0.75
National Public Radio	0.25
Devotional Claimants	

National Association of Broadcasters (NAB)

The National Association of Broadcasters (NAB) claimed an entitlement to between 10% and 12.6% of the 1980 royalty fund. Station-produced programming alone, NAB claimed, was entitled to between 7.4% and 12.6%.[51] NAB considered that the Tribunal was wrong in its 1979 determination that station-produced programming was of marginal value.[52] The SRI study was presented in order to counter this view by providing the opinions of over 400 randomly selected Form 2 and Form 3 cable operators.[53] More than half of the operators gave station produced programming a rating of three or above, the study's mean on a scale of 1 to 5; and while station-produced programming was not valued on the whole as highly as movies or sports, it was nevertheless valued equally with syndicated programming, [54] and given a rating as high or equal to sports and movies by more than half the operators.[55]

SRI Study [1] Mean Ratings on Value in Attracting and Keeping Subscribers in 1980 on a Scale of 1 to 5

Station-Produced News Programs	2.70
Station-Produced Entertainment and Public Service Programs	2.59
Locally-Produced Telecasts of Sports Games	3.28
Syndicated Movies	3.42
Syndicated Series	2.96

[1] NAB Exhibit A.

In addition NAB presented the testimony of cable operators William Petty, Senior Vice President, Cap Cities Cable, and Edward Hewson, Vice President, King Broadcasting Co., who indicated that in spite of the expense and the fact that much of the other programming was duplicated, they imported signals specifically for their station-produced programming.[56] NAB also contended that between 1979 and 1980 station-produced programming increased: on the most widely carried independents by 9.1%, on WTBS by 48.9%, and on twenty-five network affiliates in the 50 largest markets by half an hour or more.[57] NAB claimed that broadcasters are harmed by cable importation in the same manner as syndication and sports interests are and receive no offsetting revenue, except in the case of WTBS.[58]

NAB presented exhibits to show that station-produced programming is unique, of high quality, and provides the diversity that is valued by the cable industry.[59] This is exemplified by such trends as the regionalization of news services, and increase in quality between 1979 and 1980.[60]

NAB further emphasized that the value of such programming is particularly important to "classic" cable systems in smaller television markets, where local news is inadequate, where over fifty percent of all cable subscribers are located, and where the majority of cable revenues are raised. This explains the importation of network affiliates and the value cable operators place upon station-produced programming.[61]

With respect to sports programming, NAB contended that the contribution of broadcasters was not *de minimis* and judged this first of all by its expense to produce.[62] NAB further argued that the Tribunal must address this issue because the Tribunal's decision inevitably affects private negotiations.[63] Such a decision must unavoidably rely upon subjective judgment, and NAB urged the Tribunal to follow past court practices and allocate equal shares to broadcasters and sports interests. Under this solution the broadcasters would nevertheless still be entitled to substantially less than the broadcaster half share.[64] NAB claimed that the Tribunal for the first time was in a position to assess the broadcasters' contribution and that this would reveal that the telecasts of games are themselves a form of entertainment and have a direct effect upon audiences' enjoyment.[65] NAB witnesses Jimmy Siliman, Independent freelance producer-director, and Peter Bonventre, Editor-at-Large, Inside Sports Magazine for Newsweek, attested that the value of this contribution ranged from 30% to 50%.[66]

NAB contended that the Tribunal must assess the value of the broadcast day as a compilation, now that its copyrightability has been upheld in court. The broadcast day satisfies the requirements of a collective work and meets the very broad standards of fixation. The fact that broadcasters have not specifically contracted for performance rights does not mean that their copyrightable interest has in any way been invalidated.[67] The broadcast day is assembled as a compilation with full knowledge and encouragement of those whose works are incorporated, primarily movies and syndicated series, and enhances the value of those programs.[68]

In addition the assemblage of the broadcast day is expensive and responsible for as much as 28% of programming costs.[69] In support of its contentions NAB presented Mrs. Sandra Pastoor, Vice President and Program Manager, WTTG. Compilations are valuable to cable operators in that they provide packaging, promotional efforts, and station image that cable operators themselves rely upon in selling their services. The value of the broadcast day is not diminished simply because, as a compilation, it is first designed for a local television market.[70] NAB acknowledged that the value of compilation is difficult to quantify and urged that it be related to the allocation for movies and syndicated series; and entitled to a share of 3.25%.[71]

NAB considers that the Tribunal erred in 1979 in making an award to National Public Radio (PR) without one for commercial radio.[72] The fact that duplication exists in commercial radio is no indication of lack of value, and frequently duplication is due to the importation of signals from larger markets for their superior quality. Duplication is not universal, and at times commercial radio is carried on a select signal in preference to NPR. The value cable operators place upon it is shown by the SRI study.[73] The

[51] Proposed Findings of Fact and Conclusions of Law of the National Association of Broadcasters, Dec. 13, 1982, pp. 4, 11, 59, 60.
[52] Ibid, pp. 4–5.
[53] Ibid, p. 5.
[54] Ibid, pp. 5, 6, 8, 59.
[55] Ibid, pp. 4, 7.
[56] Proposed Findings of Fact and Conclusions of Law of the National Association of Broadcasters, Dec. 13, 1982, p. 9.
[57] IBID, pp. 4, 14, 15, 16, 59, 60.
[58] IBID, p. 17.
[59] Ibid, pp. 4, 5, 10.
[60] Ibid, pp. 16, 17, 60.
[61] Ibid, pp. 4, 8, 9, 10.
[62] Ibid, pp. 22, 27.
[63] Ibid, pp. 23, 28, 66.
[64] Ibid, pp. 22, 24, 26, 66.
[65] Ibid, pp. 22–27.
[66] Ibid, pp. 22–27.
[67] NAB Findings of Fact, p. 16 and Memorandum of Law on Broadcast Compilations of the National Association of Broadcasters.
[68] NAB Findings of Fact, pp. 16, 21, 22, 67 and Memorandum of Law, p. 12.
[69] NAB Findings of Fact, pp. 19, 67.
[70] Ibid, pp. 18, 19, 20, 21.
[71] Ibid, pp. 67, 68.
[72] Ibid, pp. 49, 64.
[73] Ibid, pp. 50–53.

contribution of music to the value of commercial radio is relatively low as measured as a percentage of cost, between 10% and 30%.[74] On the basis of carriage, commerical radio occupies a substantially greater share of distant signal importation than does NPR, 85% to 5%, according to the study conducted by NAB.[75]

NAB argued that radio programming as a whole should receive an allocation of 1.5% and that NAB's share be 0.5%.[76] NAB recommended the following allocations among all parties:

	Percent
MPAA	57.75
Sports	15.00
NAB	13.25
PBS	5.00
Music	8.75
CBC	0.50
Commercial Radio	.50
NPR	.25

Public Broadcasting Service (PBS)

Public Broadcasting Service argued that its royalty share be increased to 8% from the 5.25% it received for 1979, on the grounds that the Tribunal was incorrect in 1979 in reducing PBS programming subject to any duplication to no value.[77]

Public television signals constituted 10% of all full-time distant signals imported by cable systems in 1980, and, albeit less than commercial stations, but without the assistance of satellite retransmission, increased their carriage from 1979.[78] Public broadcasting signals are also a local "must carry" farther out than commercial signals.[79] PBS contended that public television was responsible for 15% to 20% of all non-network television viewing in the United States in 1980, and unlike the viewing of syndicated series in the prime period of early fringe, the viewing of public television did not decline.[80] PBS also contended that the viewing of public television in cable homes increased more than it did in non-cable homes.[81]

The single public television signal carried by a cable system occupies five percent of all distant signals, and in one-half of the other instances of public television distant signal carriage—in which one public television station is already in a market and one additional signal is brought in—duplication of programming is only partial.[82] PBS presented examples of the different categories and schedules of stations to show that duplication of public television programming was not 100%.[83] PBS conceded that actual duplication of commercial programming is not as great as with public television programming, but argued that in commercial broadcasting the duplication of syndicated series and movies, and in many cases also of sports and local programming, takes place in an important conceptual sense.[84]

PBS contended that, with respect to the claimants in the proceeding, no major change in facts of decisional significance took place between 1979 and 1980. To the extent, however, that there was an increase in the carriage of commercial stations due to satellite of retransmission, this phenomenon played no role in the increase in the carriage of public television stations.[85]

PBS reiterated the emphasis that it has placed in previous proceedings upon the high quality of public broadcasting and contended that commercial broadcasters are unable to equal it. As a result, it is inappropriate to apply to public broadcasting the same rating measure that is used in the commercial world. PBS claimed that this quality is responsible for the desire by cable operators to import public broadcasting signals, citing an instance in which subscribers preferred a public broadcasting channel above one carrying sports.[86] PBS stressed that public television bears no resemblance to the programming of devotional claimants, in spite of the fact that both may solicit funds; in that devotional programming is directed toward a narrow group with a proselytizing message.[87]

PBS contended that, because of the financial precariousness of public television, public television is much more vulnerable than commercial television to the harm caused by the intrusion of distant signals into a local station's market. The report on the Alternative Financing Options for Public Broadcasting was presented in support of this argument, and PBS contended that, of all claimants, it alone has provided concrete proof of harm. PBS also cited the failure of commercial attempts to succeed with high quality and cultural programming.[88]

PBS rejected the contention that, alone of all claimants, public television received a benefit from cable in assisting it to overcome its frequent UHF handicap. Other claimants are also benefitted; in the case of WTBS, program suppliers get increased remuneration for their product, and sports teams increase the number of their fans without impinging upon their gate.[89]

PBS proposed no allocation for the commercial claimants.

American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI) and SESAC, Inc. (Music)

All music claimants joined in one presentation and claimed entitlement to a 6% share of the 1980 cable royalty fund. Music's claim is attributable to both distant cable television carriage and distant cable radio carriage. This allocation was derived by application of the five criteria previously established by the Tribunal in cable royalty distribution proceedings: marketplace value, benefit to cable systems, harm to copyright owners, quality, and time.[90] In addition music attempted to demonstrate in the 1980 proceeding the considerable importance of music as an integral component of virtually all programming carried on distant signals.[91] The 1980 presentation strategy of the music claimants endeavored to illuminate the value of the music component of programming from a new, previously unrevealed perspective: that of the composers and lyricists who are called upon by producers of films, sports, series, and locally produced programming to enhance the value of the product through their creativity.[92]

Music asserts that it is the only claimant group which is entitled to a share of the cable television royalty fund based on a copyrighted element of programs, rather than the programs themselves.

Music's case addressing television for 1980 focused *primarily* on three of the criteria as previously articulated by the Tribunal: music's role in establishing the marketplace value of distant signal programming; the consequential benefit conferred upon cable systems retransmitting these programs; and the claimants perceived quality of the musical component.[93]

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[74] Ibid, pp. 54, 55.
[75] Ibid, pp. 49, 50, 51, 53, 54.
[76] Ibid, pp. 64–65.
[77] Public Broadcasting Service Proposed Findings of Fact and Conclusions of Law, December 13, 1982, pp 11, 12, 18, 19, 26, 27, 43.
[78] Ibid, pp. 2, 11, 41, 42.
[79] Ibid, p. 2.
[80] Ibid, pp. 11, 34, 35.
[81] Ibid, p. 35.
[82] Ibid, pp. 12, 13.
[83] Ibid, pp. 14–17.
[84] Ibid, pp. 18–21, 23–25.
[85] Ibid, pp. 1, 2, 4.
[86] Ibid, pp. 3, 18, 28, 29, 31, 32, 33.
[87] Ibid, pp. 27, 28.
[88] Ibid, pp. 3, 30, 31, 32.
[89] Ibid, pp. 36, 37, 38, 39, 40.
[90] Proposed Finding of Fact and Conclusions of Law of Music, December 13, 1982, p. 3.
[91] Ibid.
[92] Ibid.
[93] Ibid p. 6.

The Marketplace Value, Benefit, and Quality of the Music Component of Distant Signal Programming

The essence of the 1980 music case was demonstrated by the BMI documentary film "The Score", which explored the intricate and creative process of composing music for television and motion pictures.[94]

This film was an attempt to illustrate the commercial and creative value contributed to films and television by the efforts of film composers. Music then augmented this theme by presenting the testimony of three successful and distinguished writers of music for programming of the sort carried on distant signals: Hal David, Earle Hagen, and Frank Lewin. Music believed their testimony would be applicable to all uses of music in distant television programming.[95]

Mr. David addressed the value of feature songs in films. His testimony sought to establish that feature songs are frequently a critical component of the artistic and commercial success of films, translating directly into marketplace value, quality and benefit to cable systems carrying such films. Mr. David cited some examples of how successful songs written for movies and released separately generated interest in the movie.[96]

Mr. David asserted that the same songs which generate outside interest in a film also function as an integrated, artistic component of the film. This testimony accompanied two showings of the sequence from the film "Butch Cassidy and the Sundance Kid" for which he wrote "Raindrops Keep Fallin' on My Head."[97]

Composers Earle Hagen and Frank Lewin gave testimony on what they believe to be significant, but often overlooked value of background music in films and programs of all types. They characterized background music in a film as an indivisible component of an integrated product; the combination of which creates a "third entity."[98] Mr. Hagen testified that it was the function of background music to subliminally amplify the dramatic content of a picture. He described the use of music in the movie "Jaws" as one example of this function.[99]

Mr. Lewin testified that music may set a mood, serve as a sound effect or add color, impression or representation of movement. He said that it may also suggest memories, subliminal events and contrasting images to the picture.[100] As an illustration of these function, Mr. Lewin gave two showing of an exceprt from an episode of " The Defenders", during which he described the process of scoring, orchestrating, mixing, and recording music to serve the dramatic purposes of the excerpt.[101]

It was testified that in serving subliminal function background music is often intentionally unobtrusive.[102] It was suggested that the Tribunal's valuation of music on distant signal television must recognize this crucial, yet largely subliminal role of background music as an element of many program types.[103]

Musical themes comprise another category of television music which is utilized by every program type.[104] Mr Hagen cited a crucial function of themes which explains in part their nearly universal use across all types of television programs.[105] Mr Hagen discussed the effort and expense which is often devoted to integrating themes with pictures and graphics in connection with showing the opening sequences of "Mod Squad" and "I Spy."[106]

Harm To Copyright Holders

The music claimants argue that they suffer harm from distant cable carriage in several ways. first, they say copyright owners are harmed on an individual basis because the importation of a certain program by distant signal into a given market forecloses the likelihood that a television station in the market will buy the program and air it. Therefore the music contained in the excluded program will also be excluded.[107] Claimant argued that music has been harmed by cable carriage in other ways. The competition from distant signals received in a given market reduces the audiences for the local television stations in that market with a station's audience smaller its advertising revenues are reduced.[108]

The reduction in local station's advertising revenues causes direct harm to music because the music license fees paid by local television broadcasters are based upon a percentage of advertising revenues. The lower the advertising revenues, the lower the music license fees.[109]

The Mechanistic Approach

Dr. Paul Fagan, ASCAP's chief economist and director of special projects testified that changes in the marketplace have gradually rendered the marketplace analogy of local television music license fee payments less accurate as a reflection of current market conditions as each year goes by. The last license agreements were negotiated in 1969, and expired on December 31, 1977. All payments since then have been on an "interim" basis, subject to ultimate retroactive adjustment when the terms of a new agreement are finally reached.

As market conditions have changed, without a corresponding change in the local television licenses, these "interim payments" have become less accurate reflections of the true market value of copyrighted music.[110] Dr. Fagan also testified that calculation of the marketplace analogy would be particularly deceptive for 1980 because it was a presidential election year and a large proportion of television advertising revenues reflect that fact, because such revenues are deducted by stations in arriving at the net revenue figure upon which music fees are calculated as a percentage.[111]

Music's Share of Radio

Music claims it is entitled to receive virtually all of that portion of the 1980 royalty fund attributable to the carriage of distant signal commercial radio. Most or all of the value of distant signal commercial radio is attributable to music. Cable's benefit from distant commercial radio carriage, which is overwhelmingly FM carriage, is attributable almost exclusively to music, a fact which was established in the 1979 proceeding and confirmed in the 1978 proceeding by NAB witness Wayne Cornils.[112] The records of both years, including testimony of other parties, establish that one of the main purposes of cable carriage of radio is to improve stereophonic sound quality for the subscriber.[113]

Music also claims a significant portion of the fund attributable to the distant carriage of non-commercial radio, arguing that copyrights music occupies approximately 55% of the time attributable to copyrighted programming on public radio stations, including both NPR network and locally produced NPR station programming.[114]

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[94] Music Exhibit 1.
[95] Ibid p. 7.
[96] TR 2460–61; TR 2470–2472.
[97] TR 2463–2470.
[98] TR 2572.
[99] TR 2512–2515.
[100] TR 2553, 2569–2570, 2575.
[101] TR 2553–2583.
[102] TR 2526–2527.
[103] Proposed Findings of Fact and Conclusions of Law of Music, pp. 11 and 12.
[104] TR 2499.
[105] TR 2527–2528.
[106] TR 2520–2521; 2523–2524.
[107] TR (1979) 4155.
[108] TR (1979) 1975–1976.
[109] TR (1979) 4156–4157.
[110] TR 5011–5012.
[111] TR 5013.
[112] TR 2113–2114; TR (1979) 2708–2710; 4164–4165.
[113] TR 1904–1907; TR (1979) 4531–4533.
[114] 1979 Music Exhibit 9; TR (1979) 440–441.

Music proposed the following allocation for all claimants:[115]

	Percent
Music	8.00
Program Producers and Syndicators	89.00
Joint Sports Claimants	14.75
Public Broadcasting Service	5.00
U.S. Commercial Broadcasters	4.25
National Public Radio	0.85
Canadian Claimants	.75
Devotional Claimants	.00
Total	100.00

Canadian Broadcasting Claimants (CBC)

The Canadian broadcasting claimants propose that a share of the royalty fund be awarded to their group for all programming carried on Canadian television stations. The Canadian claimants are requesting an increase in the Canadian allocation from 0.75% to 3.25%. The increase is related to the correction and amplification of the 1980 record with respect to three evidentiary limitations noted by the Tribunal in the 1979 proceeding and not to any demonstrable increase in the extent of Canadian distant signal carriage.[116]

The Canadian claimants augmented the 1979 record with a showing of (1) the relative number of Canadian distant signals and the relative contribution of Canadian distant signal carriage to the overall royalty fees deposited by cable systems. (2) The appeal to U.S. audiences and the cable marketplace value of Canadian content programming. (3) The cable marketplace value of French language television stations.[117] The case on behalf of Canadian Broadcasting Corporation (CBC) presented witnesses and studies in support of a revised claim for 3.25%.[118]

Testimony was presented on the extent to which Canadian television is carried on United States cable systems; and the nature of CBC television programs. Also, each of three witnesses, Mrs. Janice Currie representing CTV, Mr. Jean-Marie Dugas representing CBC French Network and Mr. Jack Craine representing CBC English Network, testified as to the meaning of Canadian content and the nature and appeal of the resultant programming.[119]

The Canadian programming is not limited to local programming. The majority is Canadian network programming.[120]

Although the Canadian claim generally includes FM public radio, no part of the quantitative evidence is based on radio carriage and no part of the requested 3.25% allocation is related to radio.[121]

Mr. Donald Lytle testified as to the methodology employed in applying the "must carry" rules to Canadian stations.[122]

The Canadians made the following proposed limited allocations for the 1980 Cable Copyright Royalty fund.[123]

	Percent
MPAA	66.00–72.0
U.S. Commercial Television	5.0
PBS	5.25
Joint Sports Claimants	14.00
Canadian Claimants	3.25

National Public Radio (NPR)

Public radio's stated goal in the 1980 proceeding was to meet the Tribunal's criticism that the 1979 record was inadequate to assess public radio's marketplace value or the relative contribution of music. With the issue of radio carriage resolved in the 1979 proceeding, the ratio portion of the 1980 proceeding focused on the relative value to cable operators of public and commercial radio signals and on the relative contribution of music to cable radio.[124]

The record evidence on these issues is summarized as follows. First, only the claim of public radio are based upon the production of news, music and spoken word radio programs. While public radio stations also arrange the musical compositions in their schedules, NPR's claims are not based on this evanescent contribution.[125] Second, cable importation of public radio signals brings to cable communities programming which is otherwise unavailable to them. Unlike most commercial radio formats, public radio stations do not blanket the country.[126] NPR asserts that NAB's format duplication study confirms that 85% of all imported commercial signals duplicate locally available formats.[127]

NPR claims this is consistent with the format listings in *Broadcasting Cable Yearbook*, with the analysis of the Carnegie Commission, with Frank Mankiewicz' assessment of commercial radio duplication, and with the conclusions of the Tribunal and the Court of Appeals.[128] Third, NPR claims public radio alone has demonstrated the marketplace value of its programming—in foreign sales, in cassette sales, in the use of its contributors by pay cable services, and in listener contributions.[129] Fourth, NPR asserts that public radio programming is universally acknowledged to be of the highest quality, whether quality is measured by state-of-the-art production technology, by critical acclaim or by the recognition of industry groups.[130]

Marketplace Value and Benefit

NPR claims it developed ample evidence in the 1979 proceeding establishing that cable operators want programming that will encourage potential customers to become and remain subscribers.[131]

The Importance of Radio to Cable Systems

In Arbitron's "Ratings of Cable Program Services" cable subscribers gave more high ratings to distant television signals coming from neighboring cities or via satellite.[132] Additionally, radio's appeal to cable operators is also indicated by the survey of cable operators conducted by Statistical Research, Inc.[133]

NPR witness Carol Whitehorn testifies that the vast majority of cable systems include radio service with television service in the basic service fee.[134] Thus by augmenting subscribership, radio service generates additional fees for cable systems.[135]

The true extent of cable radio revenue cannot be determined because the statements of account do not accurately reflect radio subscribership. Edward Hewson of King Videocable testified that radio is an important part of his company's cable service, stating "It makes money for us and we are financially driven."[136] However, Hewson acknowledged that the separate charges paid by these cable subscribers for radio service were not reflected. Rather, those charges were included in the second set of fees charged by his systems, and the vast majority of other cable systems.[137]

[115] Proposed Findings of Fact and Conclusions of Law of Music, p. 38.
[116] Proposed findings of Fact and Conclusions of Law of CBC, December 13, 1982, pp. 1 and 2.
[117] Ibid. p. 2.
[118] Ibid. p. 1.
[119] TR 2624–66, 2666–70, 2756–65, 2893–2914.
[120] TR 2859.
[121] Proposed Findings of Fact and Conclusions of Law of CBC, p. 2.
[122] TR 2827–37, CDN Exhibit DD.
[123] Proposed Findings of Fact and Conclusions of Law of CBC, pp. 39., 40, 61, 71, and 76.
[124] Proposed Findings of Fact and Conclusions of Law of NPR, December 13, 1982, p. 2.
[125] Ibid pp. 9–23.
[126] Ibid p. 31.
[127] Ibid pp. 23–29.
[128] Ibid pp. 29–31.
[129] Ibid pp. 36–40.
[130] Ibid pp. 44–47.
[131] TR (1979) 44, 174, 1064, 1219–30.
[132] 1979 PR Exhibit 45.
[133] CT Exhibit 80–A.
[134] TR (1979) 4401, 4361, 4300.
[135] TR (1979) 1415.
[136] TR 1564.
[137] TR 1906–9, TR (1979) 4554–55, 4361, 4397–98.

Further evidence of radio's appeal is found in the costs incurred by cable systems in importing distant radio signals. One witness in the 1979 proceeding testified that even all-band facilities cost $3,000–$4,000.[138] Microwave reception fees for radio range from $35 to $200 per month per station.[139] Select signal carriage costs $300–$500 per channel, in addition to the antenna, for a total of about $20,000–$25,000.[140] In general the costs of retransmitting a radio signal average 10%–15% of the cost of importing a television signal.[141] NPR concludes that cable operators would not incur such costs unless they found substantial value in radio signals in the cable marketplace.

Another measure of radio's value lies in the fact that radio signals provide a much more significant portion of cable audio service than television signals do of video service.[142] The value of programming carried by a cable system is diminished by the availability of a similar service on a non-broadcast basis.[143]

NPR claims that an additional measure of marketplace value is NPR's unique programming which attracts subscribers.[144]

NPR claims its programming uniqueness consists of many elements. One example, NPR's programming is uninterrupted by commercials thus making it more interesting.[145] Another, its programs also have "program concept(s)" which gives them a "theme and cohesion."[146] In the 1980 proceeding examples were given of NPR's news and information programming.[147] Also, the scope and depth of NPR's business and economics reporting is allegedly illustrative of its efforts in other areas, as testified to by Robert Krulwich.[148]

Frank DeFord's work as a sports commentator provides another view of NPR's unique contribution to broadcasting. Along with other noted sports commentators DeFord provides the equivalent of a sports column.[149]

Similarly NPR claims its dramatic productions and its spoken word programming is also unique.[150] NPR's fine arts and cultural programming is state-of-the-art and is often recorded live. It is therefore more costly to produce than typical commercial programming.[151]

NPR claims its music programming is also uncommon for several reasons. First many NPR stations provide one of two relatively rare types of music programming, classical and jazz, which command loyal listener support.[152] Second, NPR's classical music sttions have unique appeal to cable subscribers and thus to cable operators.[153] One concrete example was provided by Mr. Hewson of King Cable.[154] Third, there are differences between NPR stations and even those few commercial stations which carry the same type of music. NPR does more concert recording and distribution than does commercial radio.[155]

Programming is delivered in the highest possible quality via satellite.[156] NPR used digital technology in 1980.[157] NPR provides more live guest performances.[158] The recorded music programming is enhanced by commentary and intermixing of pieces of related historical significance.[159] Local NPR stations, too, do live recording, more per station than commercial classical radio even if NPR's contribution is excluded.[160]

NPR advanced three indicia in an attempt to further establish the marketplace value of a non-commercial product such as public radio programs. First, witness Randy Houk, Director of Publishing described NPR's recently initiated program of cassette sales. Sales began in 1981. Sales to individual consumers began in the last six months of 1982. The programs sold span several years and includes those done in 1980.[161] This cassette market reflects upon the cable market for NPR's programming.[162] Continental Airlines is also purchasing NPR's programming and negotiations are ongoing with other airlines.[163]

NPR reports that it also sells its programming to foreign broadcasters.[164]

A further indicator of NPR's marketplace value is that its contributors and staff have been hired by cable systems to perform similar programs to those which they do for NPR.[165]

NPR believes that the extensive Distant and Select Retransmission of Public Radio also indicates its value. The vast majority of cable systems provided radio service in 1979.[166] NPR's survey of cable radio carriage showed that approximately 2,000 cable systems carry NPR signals on a distant basis.[167]

According to NPR perhaps no other measure of its value is as persuasive as the fact that listeners voluntarily pay almost $2.00 a month to help insure that NPR remains on the air.[168]

Harm

NPR stations are injured by the use of their signals without compensation like all other claimants.[169] The record reflects that cable importation of an NPR signal from 150 miles away sapped community support for a public radio station in Wilmington, NC.[170] When a distant NPR station is imported into a market with an existing NPR station, the local station "will receive reduced financial support from the local community because someone else is providing some of the services for which it would otherwise receive contributions."[171] In this way the importation of a distant NPR signal may hamper the expansion of the public radio system.[172]

Quality

Philip McHugh, a news programming consultant testified that "quality of the presentation of information is something that anyone can understand."[173] He emphasized the importance of sophisticated production techniques, originality of program concept, live news coverage, and in depth news coverage.[174]

NPR reproduced a few of the many positive reviews of its programming that have appeared in the nation's leading publications.[175] The record also contains evidence of awards won by NPR for its programming.[176]

NPR proposed the following allocation for all radio claimants:[177]

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[138] TR (1979) 2589.
[139] 1979 PR Exhibit 46, p 12; TR 4439.
[140] TR (1979) 2569.
[141] TR (1979) 4413–14.
[142] 1979 RR Exhibit 48, pp 1–2.
[143] TR (1979) 1565; 1460–61.
[144] TR (1979) 2104–05, 2427, 2577–80, 2650; TR 1910; PR Exhibits 112, 113.
[145] TR (1979) 2696–99; TR (1980) 2140.
[146] TR (1979) 2699–2700.
[147] PR Exhibits 103–4.
[148] TR 3006–10, 3020, 3212–13.
[149] TR 2575–79, 3582, 3585–86, 3606.
[150] TR (1979) 441–42, 1979 Exhibit PR 66.
[151] TR (1979) 447.
[152] 1979 Exhibit PR–1; TR 3042–3105.
[153] TR (1979) 3995, 4002, 1318–19, 4228, 4234–37.
[154] TR 1864–65, 1910.
[155] TR 3048.
[156] TR 3048.
[157] Ibid.
[158] TR 3051.
[159] TR 3050.
[160] TR 3082–84.
[161] TR 3138–39, 3109–10, 3134.
[162] TR 3119.
[163] TR 3111–12, 3122.
[164] Proposed Findings p 39.
[165] TR 3580, 3599, 3622–25, 3016–21.
[166] 1979 Exhibit PR–47, Table 1–3, Exhibit PR–65.
[167] TR (1979) 4380, 1979 Exhibit PR–47, P 3, Table 2.
[168] TR (1979) 447.
[169] TR (1979) 540.
[170] 1979 Exhibit PR 60.
[171] TR (1979) 539.
[172] TR (1979) 449–50; 4337.
[173] TR (1979) 2380–81.
[174] TR (1979) 2412–14.
[175] 1979 Exhibit PR 66.
[176] 1979 Exhibit PR 10, 74.
[177] Proposed Findings of Fact and Conclusions of Law of NPR, p. 53.

	Percent
NAB	0.0
Music	0.3
NFR	11.7

The Devotional Claimants

CBN, PTL, and Old Time Gospel Hour (OTGH) are individual claimants and presented separate cases. However because of the similarity of the issues we discuss them jointly as the Devotional Claimants.

In the 1979 proceeding the Devotional claimants were grouped within the Motion Picture and Syndicated Program Suppliers category. In the 1980 proceeding a separate claimant category was created for these claimants.

Harm

The Devotional claimants argued that the predominant thrust of the harm suffered by them stems from the loss of control over the use of their copyrighted product that results from the compulsory licensing scheme.[178] One of the specific harms claimed by devotional program suppliers is that of audience fragmentation. The distant signal carriage of duplicative devotional programming causes audience fragmentation with a loss in audience to the local station. Such carriage, the claimants argue, reduces the station's cumulative audience with a resulting direct reduction in the value of the station's commercial time. Second, such carriage then reduces the "lead-in" value of the devotional programming, i.e. its ability to attract and hold an audience which will be carried over to later programming. By reducing the lead-in value of the devotional programming, there is a reduction in the commercial potential of programming followed by that presented by the Devotional programmers. The result of this diminution is to increase the price those programmers must pay to the station to acquire program time.[179]

Another harm claimed by the devotional claimants resulting from distant signal importation is the viewer confusion caused by program duplication and the inherent problems in scheduling and promoting its product.[180]

Some devotional claimants argue that the loss of control of their product resulting from the importation of distant signals which carry their programming imposes yet another direct and specific harm. CBN has implemented a program to license its copyrighted programming directly to the cable television industry. These are the same CBN programs distributed to broadcast systems and carried on a distant signal basis.[181] The direct licensing system takes the form of an advertiser-supported satellite distribution network.

The success of CBN's cable service will have advantages for CBN. First, there is a direct revenue potential from the sale of advertising to commercial entities. The satellite service is a profit-making activity upon which taxes will be paid and from which the profits will be used by CBN to support its tax exempt activities. Second, CBN's cost of acquiring program time will be reduced in markets with significant cable penetration. Finally, CBN has direct control over satellite program scheduling. This allows it to place CBN's own programming, in prime time, which it has had difficulty acquiring on broadcast stations.[182]

Benefit

Devotional claimants argue that because much if not most of devotional programming broadcast in 1980 was contributor-supported it is therefore evident that people will directly support the devotional program producer and provide money to defray the costs of production and broadcast time.[183] Similarly, it is claimed, those same people are willing to expend their money to subscribe to the cable system in order to receive the program. The procedure of "narrowcasting" plays a role in a cable operator's choice among broadcast signals. There are many people who classify themselves as religious but do not have time to participate in religious activities. Devotional programmers meet these needs.[184]

William Petty, Senior Vice President for Cap Cities Cable and witness for NAB testified that there would be an irate reaction among his subscribers if he dropped religious programming.[185] A company negotiationg for a cable franchise has used the existence of devotional as a source of alternative programming to the adult movie fare which *may be* included in the cable package and against which there *may be* some community criticism.[186] Yet another benefit to cable operators from the carriage of devotional programming stems from the FCC policy with regard to the carriage of distant specialty stations.[187]

As an example, station KXTX was cited. Owned and operated by CBN in Dallas it was listed in the MPAA Nielsen study as one of the top ten widely carried distant signals in the country.[188] Qualifying as a specialty station in 1980 it received extensive cable carriage on a distant signal basis in Arkansas, Oklahoma, Louisiana and neighboring states.[189] It was imported into those distant markets by expensive microwave common carriers, the cost for which was paid by the cable systems themselves.[190]

Marketplace Value

Many Devotional programmers purchase time on broadcast stations. The Devotional claimants argue that the method of distribution says nothing about the value of a particular program and should not affect the copyright royalties to the copyright owner of that program.[191] Devotional program suppliers marketed their product in tape form to the cable operator in the past.[192] Presently they are licensing their programming directly to the cable television industry via full satellite channels.[193] Some devotional satellite channels are comprised totally of devotional programming and some channels, such as CBN, are predominantly devotional but also contain "secular" programming. According to the claimants programs which appear on those networks are essentially the same as those distributed to commercial broadcasters.[194] In the case of CBN's satellite channel, the cable operator pays for the programming on that channel through a barter arrangement whereby CBN retains commercial availabilities.[195] The Devotional claimants also introduced evidence that devotional program suppliers have marketed their product on a commercial basis to television stations.[196]

Quality

The Devotionals centered their claim to quality on their production facilities and technical refinements.[197] They also introduced evidence establishing that many of their programs are live programs which are taped daily or weekly for primary circulation.[198]

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[178] TR 3228.
[179] TR (1979) 3227.
[180] TR 3228, Devotional Exhibit N.
[181] TR 3239.
[182] TR (1979) 7130.
[183] TR 3229–31.
[184] TR 3227.
[185] TR 1775–76.
[186] TR 3233.
[187] TR 3236.
[188] MPAA Exhibit A.
[189] TR 3236.
[190] TR 3237.
[191] TR 3265–66.
[192] TR 3238.
[193] TR 3239.
[194] Ibid.
[195] TR 3238.
[196] TR 3256, 3258, 3257.
[197] TR (1979) 7057.
[198] TR 3242–43, 1979 CBN Exhibit 1.

Time-Related Considerations

The Devotional claimants introduced evidence purporting to show the amount of devotional programming broadcast by stations which were carried as distant signals.[199] The percentages of Devotional programming were derived from the FCC Form 303–A Annual Programming Reports which were filed by the 49 stations in the station sample in 1981 for the programming carried in 1980.[200] The claimants determined from the program descriptions attached to the relevant Form 303–A's those programs which would be classified as "religious" in nature. The amount of time devoted to religious programming by each station was divided by that stations's composite week operating time to determine the percentage of devotional programming during the composite week.[201]

The Devotional Claimants proposed that the 1980 Cable Copyright Royalty Fund be allocated in the following manner:[202]

	Percent
MPAA and Program Suppliers	58.50–67.50
Joint Sports Claimants	14.00–15.00
PBS	5.00
Music	3.60– 4.00
NAB (TV and Radio)	3.50– 4.25
Canadians	0.75– 0.90
NFL	.25
Devotional	3.50– 7.00

Phase II—Allocation Among Program Suppliers Claimants

MPAA and Associated Program Suppliers

MPAA and associated program suppliers contended that in Phase II their share of the program suppliers category should be 97.975%.

The Program Suppliers have presented a proposal which allocates the entire share among all claimants, which has been accepted by the vast majority of those who have an interest, and which provides an administratively feasible and equitable division of the fund.[203]

Program Suppliers is a group of 58 program syndicators and producers out of a possible 60 who have reached a voluntary settlement among themselves as to a fair and reasonable allocation of the 70% of the 1980 royalty fund awarded this category in Phase I.[204]

The Program Suppliers' direct case made use of a 1980 Nielsen Special Study. The study analyzed the viewing of syndicated series and movies in cable households. The 58 settling syndicators and producers agreed that distribution in Phase II should be based on relative distant signal viewing of their programs, series and movies.[205]

Program Suppliers provided viewing data for individual programs, comparisons of different programs, background information concerning the settlement and data collection processes. This new evidence gives added support to the validity of Program Suppliers' proprosal.[206]

The Program Suppliers presented aggregated viewing data for their combined claim, and for the claims of the non-settling claimants, thus giving an overall allocation scheme for this category's share.[207] In addition, Program Suppliers presented relative viewing data for over 600 English language syndicated series and specials appearing in the Nielsen Study, including Multimedia series and specials appearing in the Nielsen Study, thus providing a basis for evaluating the relative viewing of each of Multimedia's program vis-a-vis other program series.[208]

The Program Suppliers' combined claim was based primarily on the Nielsen Special Study. the use of viewing as a primary standard for Phase II is the only equitable and administratively feasible method for determining relative royalty shares for the great variety of syndicated programs.[209]

Relative viewing of programs carried on distant cable systems represents the degree to which local television stations in those markets are losing potential viewers for the same programs, thus reducing the value of the syndicators' programs to those local stations.[210] The relative popularity of programs, as determined by viewing, provides a means of indicating the benefit to cable systems of particular programs: to the extent that distant signals provide programs desired and viewed by subscribers, cable systems benefit.[211] Viewing data has been regarded as the primary determinant of the marketplace value of television series and movies.

The 1980 Nielsen Special Study was modified as a result of certain criticisms of the 1979 study. The 1980 survey included 82 stations versus 49 in 1979. The stations selected were based on the number of subscribers reached rather than fees generated. The sweep period was increased from 15 to 16 weeks.

The Nielsen Special Study reported 1,008,053,280 total households viewing hours attributable to the syndicated program category.[212] Of this total, 924,240,030 households viewing hours (91.685%) were attributable to programs, series, and movies included within the claims of the Program Suppliers.[213] Multimedia/Show Biz programs had 11,668,420 household viewing hours 1.158%), and SIN had 7,429,350 household viewing hours attributed to its claimed programs (.737%).[214] The Nielsen study showed that about 64 million household viewing hours (6,420%) were attributable programs for which no royalty claims had been filed ("unclaimed funds").[215]

Multimedia attempted to show that the Program Suppliers had overstated their share by including movies and series that were not copyrighted and should thus have been assigned to the "unclaimed funds" column.[216] The process to determine ownership and individual shares took approximately six months. Determining ownership of series and movies was a multi-step process including the identification of the syndicator for each program from various source materials which indicate for each series, special, and movie the name of the syndicator and the name of the producer.[217]

The record indicates that Program Suppliers have undertaken practical and effective means for assuring that the programs on which the award is based have valid copyrights.[218] Showing that an inconsequential amount of the Program Suppliers' award may be based on titles that might be in the public domain may properly be dismissed as *de minimus*.[219]

MPAA and associated program suppliers proposed the following allocation of the program syndicators share.[220]

	Percent
MPAA and associated program suppliers	97.975
Multimedia	1.237
SIN	0.788

[199] Devotional Exhibit A, TR 3245.
[200] Revised Devotional Exhibit A.
[201] TR 3244, 3247–48.
[202] Proposed Findings of Fact and and Conclusions of Law of Devotional Claimants, pp. 42 and 43.
[203] Program Suppliers' Proposed Findings of Fact and Conclusions of Law on Phase II Issues, December 13, 1982, p. 2.
[204] Ibid.
[205] Ibid, p. 4.
[206] Ibid, p. 5.
[207] Ibid, p. 5.
[208] Ibid p.6.
[209] Ibid.
[210] Ibid, p. 7.
[211] Ibid.
[212] Ibid., p. 9.
[213] Ibid.
[214] Ibid.
[215] Ibid.
[216] Ibid., p. 10.
[217] Ibid.
[218] Ibid., p. 13.
[219] Ibid, p. 13.
[220] Ibid, p. 2.

Multimedia Program Productions, Inc.

Multimedia Program Production, Inc. (Multimedia) proposed that its share of the program suppliers category be increased to 3%.

The advertising study first introduced by Multimedia in 1979 was updated and again used to provide an indication of the marketplace value of *Donahue* for 1980. It established that *Donahue*, only one part of Multimedia's program offerings, accounted for approximately 1.425% of non-network, non-news spot sales in 1980.[221] The result is virtually the same as in 1979.[222]

With regard to the Multimedia programming's ratings and popularity, there were no changes of decisional significance between 1979 and 1980.[223]

Multimedia contended in 1980, as in 1979, that cable operators received significant benefit from the retransmission of *Donahue* in that it is a trigger program which specifically attracts subscribers.

Multimedia was also uniquely disadvantaged by the cable importation of WGN–TV's live *Donahue* program.[224] Fully one and a half years before the Federal Communications Commission (FCC) eliminated syndicated exclusivity protection, Multimedia was unable to provide television affiliates contract protection against the importation of WGN–TV's broadcast.[225] According to FCC records, WGN–TV was carried to 1,291 cable communities with 2,765,443 subscribers in 1979: in 1980 it reached 2,738 cable communities with 6,063,598 subscribers, a subscriber increase of 111.6%.[226]

The time study presented by Multimedia for 1979 was updated for 1980. The study was designed to provide an approximation of the significant amount of syndicated (non-local) broadcast time devoted to Multimedia's programming.

In terms of hours of programming available for cable retransmission, Multimedia provided more than 1400 hours, an increase of more than 40% over Multimedia's 1979 claim.[227] The increase in Show Biz programming above the disallowed 1979 Show Biz claim was approximately 33%.[228]

The Show Biz programming for which Multimedia claims royalty payments is distinguishable in several respects from the vast majority of programs for which program suppliers seek royalties.[229] *Tony Brown's Journal* is perhaps the only public affairs program to provide in-depth exploration of topics of particular interest to the black community.[230] Also, at a time when country music was greatly increasing in popularity, and was important to cable systems as a trigger to gain new subscriptions, Show Bix was probably the nation's largest producer of country programming.[231]

The Show Biz programs, unlike off-network series, have an ephemeral quality because of the importance of the currency of the music and contractual preclusion of repeated program showings.[232]

The Show Biz programs, while carried on certain highly viewed distant signals represented in the MPAA study, are not adequately reflected in the study.[233] The study's focus on top-50 market stations and on urban rather than rural areas, due to the 75,000 subscriber cut-off, fails to give proportionate coverage to many of the stations which feature Multimedia's and Show Biz programs.[234]

Tony Brown's Journal and the Show Biz programs, like *Donahue*, are especially beneficial to cable operators because they trigger cable subscriptions.[235]

Under Multimedia's proposed allocation, the award to each group of claimants, including the aliquot share of unclaimed funds would be:

	Percent
NAB	0.80
MPAA	95.13
[illegible]	3.30
SIN	0.77
Total	100.00

Spanish International Network, Inc. (SIN)

SIN occupies a unique status among all program syndicator claimants.[236] SIN is the only claimant who provided foreign language programming in 1980 and did so for an entire day for each day of that calendar year.[237] SIN's programming included news, movies, sport shows, soap operas, comedy shows and variety shows.

SIN's claim to an award is based on the three primary criteria established by the 1978 decision of the Copyright Royalty Tribunal: the harm to the copyright owner, the benefit to the cable operator, and the marketplace value of programming which has been retransmitted on cable systems via distant signal.

SIN and those program suppliers it represents suffer identifiable harm when a cable system in a distant market opts for secondary retransmission of the signal of a SIN television affiliate and, consequently, pays for this carriage in accordance with the compulsory license.[238]

SIN's position is that a cable operator makes a conscientious choice to retransmit SIN programming and does so only because is has some value for him.[239] Carriage then is *prima facie* evidence that the programming benefits the cable operator.

SIN has submitted evidence that it provides a variety of firstclass Spanish language television programming reflective of the many Hispanic cultures; that Spanish language programming is important to Hispanics; and, consequently, that the availability of Spanish language programming would be of particular benefit or value to any cable operator who served a community which has any sizable population of Hispanics.[240]

SIN sold videocassettes to cable systems in 1979. In 1980 it began to compensate cable systems and virtually ended the sale of videocassettes. Consequently, direct evidence of marketplace value is scarce.[241] As more concrete evidence of the marketplace value of SIN programming, SIN demonstrated the significant amount of money which its programming generated in national advertising revenues as a result of direct affiliation by cable systems as compared to the relatively meager amounts which these same cable systems generated as a result of the compulsory license.[242]

SIN continues to believe that its unique status among program syndicate claimants warrants the use of a fee-generated methodology in determining the amount of its award.[243]

SIN's claim of $359,047 is based on a fee-generated methodology reflecting a reduction for sports, local programming and devotional programming. SIN acknowledges that this amount must be further reduced to reflect awards already granted to music claimants.[244]

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[221] Proposed Findings of Fact and Conclusions of Law of Multimedia, p. 5.
[222] Ibid.
[223] Ibid., p. 8.
[224] Ibid., p. 10.
[225] Ibid.
[226] Ibid., p. 11.
[227] Ibid., p. 14.
[228] Ibid.
[229] Ibid., p. 15.
[230] Ibid.
[231] Ibid.
[232] Ibid., p. 16.
[233] Ibid.
[234] Ibid.
[235] Ibid., p. 17.
[236] Proposed Findings of Fact and Conclusions of Law, Phase II, p. 3.
[237] Ibid.
[238] Ibid., p. 4.
[239] Ibid., p. 5.
[240] Ibid p. 6.
[241] Ibid p. 8.
[242] Ibid.
[243] Ibid p. 9
[244] Ibid.

SIN presented Norman Hecht, a well recognized authority in audience measurement methods as a witness. Hecht then explained the several serious problems with MPAA's use of the Nielsen diary methodology which results in an understatement of Spanish viewing—problems which Nielsen has acknowledged in writing and which were known to MPAA.[244]

Distribution Criteria

This is the third determination of the Tribunal in a cable royalty distribution proceeding. The claimants have remained consistent, the Tribunal has employed the same criteria, and, other than for matters requiring review in light of judicial proceedings, the issues have not changed. In this situation the Tribunal must first resolve the weight to be accorded its previous divisions of the royalty fund. Since the Tribunal has consistently rejected the use of any single formula, our determination has rested on an assessment of the record as a whole.

In this proceeding, after reviewing all of the evidence, with particular attention to the evidence seeking to establish changed circumstances from the 1979 record, we have concluded that the Phase I royalty allocations established in the 1979 proceeding provide a reasonable division of the royalty fund, an alteration of these shares. Some of the claimants presented evidence seeking to show changed circumstances favorable to their case, but these contentions were challenged generally by other claimants. While we acknowledge that the situation in 1980 was not entirely identical to that presented in the 1979 record, we hold that none of the changed circumstances evidence was such as to specifically result in the increase or decrease of a particular claimant's share.

Program Syndicators

The Tribunal reaffirms the finding of our 1979 determination that the Special Report of Nielsen is an important piece of evidence in this record and does have probative value in establishing the entitlement of claimants in accordance with some, but not all, of the criteria. However, we again find that it may not be utilized as "a talisman which fully reveals and determines the application of the criteria." We again conclude that cable operators are interested in selling subscriptions and retaining subscribers, and that "viewership is of limited relevance to cable operators.[245]

Program Suppliers undertook in their 1980 evidence to address deficiencies which the Tribunal found in their 1979 case. However, on the harm criteria Program Suppliers concede that they rely on "the evidence set out in the 1979 proceeding by Mr. Horn." We have looked, as we did in the 1979 proceeding, at the testimony of Mr. Horn, President of Tandem. We have not altered our analysis of that evidence.

We reaffirm our 1979 finding that in applying viewing data to the harm criteria "it would be change in audience, not absolute audience levels, which would have to be considered."[247] The relevant data for a harm analysis would be the difference between the audience for a program on a local station before that program was duplicated by cable importation of a distant signal, and the audience for that program on the local station after duplication. The Nielsen study does not reflect local station audience ratings, and the Program Suppliers did not present evidence on this issue.

Program Suppliers addressed the Tribunal's concerns with the methodology of the Nielsen study through changes in the selection of the station sample, and by evidence seeking to show that no parties are disadvantaged by the use of sweep weeks. Other claimants argue that these changes are of minor significance or produce greater bias in favor of movies and syndicated series.[248]

We have not attempted to assess the significance of the deficiencies that other parties claim still affect the Nielsen survey; we do, however, dispute that the study is invalid simply on the grounds that it represents independents much more heavily than it does network affiliates. The importation of independents on cable systems is much heavier as a distant signal than is the importation of network affiliates.

We expressed concern in the 1979 determination that the use of sweep periods "could have enhanced the showing of the syndicators to the disadvantage of other claimants. MPAA responded to this issue by presenting certain viewing data compiled by the Warner-Amex QUBE system, seeking to establish that there are not significant differences in viewing between sweep and nonsweep weeks. This evidence was challenged by other claimants. The QUBE cable system has particular and unique attributes. It is our view that data from that system, even if otherwise reliable, does not adequately resolve the "sweep" issue.

The Nielsen Study does not provide a substitute for the application of the criteria to all the record evidence; however, to the extent that the Tribunal has relied upon it in the past, we do find it corroborative of the view that, while the situation in 1980 was not entirely identical to that presented in the 1979 record, none of the changed circumstances is of decisional significance.

In our 1979 determination we observed that "the program syndicator did not present testimony by cable operators in an effort to establish the benefit of their programs to cable systems, or evidence as to the appeal of their programs." In the current proceeding Program Suppliers assert that they have responded to this issue by the testimony of Mr. Kurnit of Warner-Amex. However, we find the testimony of Mr. Kurnit of possibly greater applicability to the situation he experienced at QUBE than to the distant signal cable market in general. The very high value he placed upon syndicated series, for instance, has not been supported by the testimony we have received from other witnesses.[249]

This is the third determination of the Tribunal in a cable royalty distribution proceeding. The claimants have remained consistent, the same criteria have been employed, and the issues have not significantly changed. After reviewing all of the evidence, with particular attention to the evidence seeking to establish changed circumstances from the 1979 record, we have concluded that the Phase I royalty allocation established in the 1979 proceeding continues to provide a reasonable share to MPAA, and that no evidence presented in the 1980 proceeding requires an alteration of this share. With attention also to evidence relating to subjects discussed in our previous determinations, we conclude that an allocation of 70% of the royalty fund to the Program Suppliers continues to be fair and in accord with the record evidence.

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[244] Ibid p. 14.
[245] 47 FR 9852.
[247] Ibid.
[248] "MPAA argues that it has improved its Nielsen study in 1980, but in fact has only made it more biased." Proposed Phase I Findings of Fact and Conclusions of Law of National Association of Broadcasters, p. 30; "notwithstanding MPAA's efforts to conceal the data underlying the work from scrutiny—this year's work, as in the previous years, was shown to be replete with deficiencies which preclude attaching talismanic significance to the specific numbers in the study "Proposed Findings of Fact and Conclusions of Law of Joint Sports Claimants," pp. 21–22.
[249] Proposed Findings of Fact and Conclusions of Law of National Association of Broadcasters, p. 31.

Joint Sports

The Tribunal adheres to the conclusions reached in its 1978 and 1979 proceedings that sports enjoyed a special appeal to cable operators and viewers, not enjoyed by the programming of other claims. The Tribunal further concurs with the view presented by Joint Sports that, the claimants remaining consistent, the same criteria being employed, and the issues remaining unchanged, the Tribunal must accord first weight to its previous divisions of the royalty fund.[250]

Joint Sports' claim for an increased royalty share relied heavily upon the increase and proliferation of satellite retransmitted distant signals between 1979 and 1980. The Tribunal concurs that such a change in circumstance did take place; the Tribunal also does not dispute that sport are highly popular upon these signals, in particular WTBS, WGN and WOR. The Tribunal, however, was unpersuaded that there was any causal link between sports programming and the increase in cable carriage of satellite retransmitted signals. Sports testimony and exhibits were convincing as to the increase in satellite retransmission and as to the popularity of sports, but not as to this linkage. This question was posed to Mr. Lahey:

Q: "Is it fair to say, Mr. Lahey, that the first consideration in selecting particular distant signals is the practical availability of those signals.

A: "Yes, that has always been, and still continues to be the first premise." [251]

The Tribunal concluded that an increase in carriage was due to factors principally unrelated to programming, such as cost, promotion, franchising advantages, television station market and stature. [252] To the extent that programming may have been a factor, the Tribunal found no evidence to support the contention that this was due to an increase in the contribution of sports programming.

The BBD&O survey, to the contrary, indicated that the value of sports to cable operators between 1979 and 1980 remained statistically constant.[253] The The Tribunal attaches importance to the fact that this is the third year in which the BBD&O survey has been presented and in which the results have remained generally the same. This year, as in the past, the expression of preference as to various categories of programming cannot be directly quantified or converted into a royalty share allocation.

Additionally, flagship stations were shown this year, as in the past, to be highly important in the spectrum of distant signals, but with respect to the other programming on these signals, sports programming cannot be deduced to have increased in importance simply on the basis of increased carriage.

The Tribunal was also not persuaded that in 1980 the proliferation of channels and the offerings of cable services increased the significance of the choice by a cable operator to carry sports or flagship stations. True effective competition did not necessarily exist between sports and the new services, and doubt prevails as to the actual increase that occurred in the number of choices offered. [254]

Relying upon the same criteria as it has in the past, judging the issues to have remained constant and the circumstances to be unchanged, the Tribunal determined that the 15% royalty share allocated to the sports claimants in 1979 should be awarded again in 1980.

U.S. Television Broadcasters

We have made a total award of 4.5% to U.S. television. broadcasters for their entitlement to royalty fees for distant carriage of station programming, and for sports programming. For lack of persuasive evidentiary justification we have not included in our award any sums for broadcast day compilations.

Although the case of the commercial broadcasters during the 1979 and 1980 proceedings was presented with a degree of coherence lacking in the 1978 case, we have found no occasion to modify the findings made in our 1978 determination and affirmed in our 1979 determination. We reaffirm our previous findings concerning the application of the criteria to the record evidence relating to station programming.[255]

We have reviewed our previous findings in the light of the survey presented by NAB of cable operators attitudes toward different types of programming in attracting and keeping subscribers. Neither the SRI study nor any other evidence requires an alteration of our findings that station programming is only of "marginal value to cable operators." We have never asserted that station programming is of no value to cable operators, but the value of such programming is adequately compensated in our award to commerical television.

NAB also presented the testimony of two cable operators, who asserted that major market station produced news and other programs on distant signals are of value to cable systems in smaller markets because of the better quality of such news programs, and greater regional news coverage. We find support in that testimony for our view that local programming has little value in the larger markets, where most cable subscribers reside.[256] The benefit to cable operators from regional carriage of news and public affairs programs was noted in our 1979 determination, and is reflected in our award.

We find that none of the evidence presented by NAB to establish "changed circumstances" in 1980, such as "qualitative changes" in station produced news programs, an increase in time devoted to news programs, or data presented in the evidence of other claimants is of decisional significance to justify an increase in our award to commercial television. In addition, other evidence could be viewed as supporting a downward adjustment.[257]

We have considered all of the evidence in our record related to the entitlement of commercial telecasters to share in the royalties for sports programming in the light of the decision of the U.S. Court of Appeals for the District of Columbia Circuit.[258] While the character of the Court's explanation of its decision leaves room for improvement, we find nothing in that decision which requires more than our making a judgment (in the absence of relevant cable royalty contractual provisions) of the contribution of the broadcaster to the value and appeal of the sports programming to cable operators and subscribers. We find that for the purposes of cable royalty distribution, the contribution of the broadcaster as compared with that of the teams is minimal, and that it is reasonably reflected in a total award of 4.5% to the commercial television claimants.

We do not dispute that high quality production enhances the enjoyment of a sports telecast. We cannot accept, however, the NAB position that when functioning as the producer of the telecast, the broadcaster should receive one half of the sports royalties. We find no evidence in our record, including that of the NAB sports witnesses, establishing that the contribution of the

[250] Proposed Findings of Fact and Conclusions of Law of the Joint Sports, December 13, 1982, pp. 3–9.
[251] TR., p. 795.
[252] TR, pp. 795, 844.
[253] Joint Sports Findings of Fact, p. 69.
[254] TR, pp. 334–736, 796–800, 849, 851, 886–889.
[255] 45 FR 63038; 47 FR 9893–94.
[256] Proposed Findings of Fact and Conclusions of Law of Joint Sports 137–40.
[257] Proposed Findings of Fact and Conclusions of Law of Joint Sports, p. 135.
[258] *NAB* v. *Copyright Royalty Tribunal*, 675 F. 2d 367 (D.C. Cir. 1982)

broadcaster in any significant respect contributes to a cable operator's interest in sports programming, or the decision of an individual to subscribe to cable television.

In our review of the evidence on this issue we found the testimony and broadcasting experience of Mr. Jack Jacobsen to be particularly useful. Proceeding from the broadcaster use of ratings to judge the value of programs, he testified that the factors that affect the ratings all relate to the sports teams, and that the quality of the production does not affect the ratings. We concur in this testimony. We do not find it creditable that a cable subscriber would pass up viewing a game involving teams competing for the pennant to watch a Chicago Cubs game because of the quality of the production of the Cubs telecast.

We have previously observed that no single subject has received more attention in our proceedings than the sports ownership issue. On the basis of the evidence presented concerning sports ownership and entitlement to royalties, we find that NAB cannot assert a claim under their theory, or any other theory to a very substantial number of televised games in 1980. While it cannot control our disposition of this subject, we find nothing in the evidence relating to the resolution of this matter by the parties for telecasts in subsequent years to caution us to make a correction in our approach to this issue.

There remains some telecasts where under the law, as we are able to follow the opinion of the court, to which broadcasters may assert a claim to a share of the roylaties for their contribution to the telecast. On the basis of our record we have concluded that for purposes of cable royalty distribution that contribution is of minimal significance and is adequately reflected in a total award of 4.5%. Our allocations to claimants are not akin to a cook's recipe, where the ingredients are broken down, such as ½ teaspoon of salt, 1 teaspoon of vinegar, etc. We have not divided our total award between station programming and sports. We observe, however, that the award for sports is so insignificant as to in no way require any internal adjustment of our determination concerning our award to the Joint Sports claimants for sports programming, and our finding that the Joint Sports claimants have established an entitlement for their contribution of 15% of the royalty fund.

NAB is seeking compensation in this proceeding for television broadcast compilations. In our 1978 royalty determination, we stated with regard to the evidence presented by NAB in justification of their claim to royalties for the broadcast day compilation:

> We find that this testimony and the record as a whole provides no basis for establishing the value of the broadcast day nor does it provide any basis for a distribution of royalties to broadcaster claimants on this theory.[259]

We reach the same result in this proceeding. We have once again heard the NAB evidence. As with other elements of the NAB case, the packaging is better than the 1978 case but the box when opened is still empty. We find that broadcast day compilation is of no value to a cable system. We reject the argument of NBA that it is the broadcast compilation which creates "a station image which is highly promotable by cable operators." Cable systems are interested in the programs on a distant signal which induce persons to subscribe, not in the scheduling and promotion.[260]

Public Broadcasting Service

The Tribunal concurs with PBS that "with regard to public television, no major changes of facts have occurred between the years 1979 and 1980."[261]

The Tribunal also judges that it must give first weight to its previous divisions of the royalty fund in light of the fact that the claimants have remained consistent, the same criteria have been employed, and the issues have not changed.

The Tribunal notes that public television's percentage of instances of aggregate full-time distant signal carriage remained approximately 10% in 1980,[262] and while this is evidence of the continuing importance of the role played by public television, the Tribunal does not view time-based considerations as any more than of limited value. This is not judged a basis upon which to increase PBS's share.

PBS presented a theory of "conceptual duplication to show that, in concept, the duplication on commercial television is as extensive as that on public television. While this theory is provocative, the Tribunal considers that it would be fruitless to attempt to assess the degree to which commercial programming is generically similar and then weigh this against the amount that public television programming is subject to identical duplication. The Tribunal also rejects what would essentially be a time-based formula proposed by PBS, according to which public televisions' royalty share would be calculated according to the percentage of its programming which is or is not duplicated.[263] The Tribunal finds nothing in the record to alter the award to PBS on the basis of the same criteria by which that award was adjudged in previous years, neither from the standpoint of commercial marketplace considerations, such as viewing figures, nor from the standpoint of public policy. The Tribunal also did not consider the evidence concerning harm to public televisions as representing a material change in either fact or circumstances. We have concluded that the 5.25% royalty allocation established in the 1978 and 1979 proceedings continues to provide a fair and reasonable share to PBS.

Music

As in our 1979 determination we have made a single award to music for all distant signal carriage of their copyrighted works for which they have established an entitlement under the Copyright Act and the evidence presented in this proceeding.

Music asserts, and other claimants acknowledge, that their presentation in the 1980 proceeding differed substantially from that of previous proceedings. They have abandoned their sole reliance on the mechanistic application of a single formula. The Tribunal in various proceedings has expressed its major reservations about the use of formulas. Futhermore, we have found that the formula advanced—music's share of broadcaster programming expenses as reflected in FCC data—was distorted by the exclusion of certain program expenses.

The principal issue requiring consideration in the music case is the undisputed evidence that the music license fees are declining—whether measured against all programming expenses or against the selected

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[259] 45 FR 63038.

[260] MPAA has requested us to rule that broadcasters have no legal right to assert a claim for compilation. They assert that "[B]esides the contractual limitations that prevent NAB from seeking a claim for compilation, the compulsory license scheme does not contemplate an award for compilation of a broadcast day." We resolved in our 1978 determination that "Congress did not intend compensation to broadcaster claimants on the basis of the 'broadcast day' nor was any such compensation contemplated by those who participated in the resolution of the complex cable television issue.": 45 63038. The D.C. Court of Appeals held that the broadcast day compilation is a copyrightable work. The relevance of this holding to our 1978 determination or the issues now before us is not clear. We have denied any award to the broadcaster claimants for their compilations for lack of evidentiary justification, and without prejudice to MPAA pursuing their legal theories in any subsequent proceedings.

[261] PBS Proposed Findings of Fact, p. 2 and TR, p. [illegible].

[262] PB Exhibit A, page 3.

[263] PBS Proposed Findings of Fact, pp. 12–13.

programming expenses advanced by the performing rights societies.

Music asserts that the broadcasting license fees are now less appropriate as a marketplace analogy because of altered circumstances, notably that these agreements were negotiated over a dozen years ago. The Tribunal finds this argument persuasive, particularly since it was a conclusion reached by a majority of the Tribunal in Phase II of the 1978 proceeding and affirmed on appeal. After discussing the dates of the local television contracts, we stated:

> We believe that it is valid to utilize the local television contracts, taking into account all the circumstances relating to them, as one factor in our music allocation.[264]

Our award to music for the performance of copyrighted music on distant radio signals in relation to our denial of any award to commercial radio broadcasters in in accordance with our 1979 determination.

On the basis of all the evidence advanced by Music to justify their entitlement by the application of the criteria, we find that an award of 4.25% continues to be reasonable.

Canadian Claimants

The Canadian Claimants undertook in their 1980 evidence to address deficiencies that had been noted in the Tribunal's 1979 determination, rather than to show any demonstrable increase in the extent of Canadian distant signal carriage. The Canadian claimants purported to show that their 1980 evidence provide the Tribunal with an improved record relating to (1) the relative number of Canadian distant signals and the contribution of Canadian distant signal carriage to the over all royalty fees deposited by cable systems, (2) the appeal to U.S. audiences and the cable market place value of Canadian programming and (3) cable market place value of French language television stations.[265]

The Tribunal concludes that the record does not reflect any increase in distant signal carriage of Canadian stations on 1980 over 1979. The Larson data, presented in evidence by Public Broadcasting indicates the opposite, a decrease in Canadian distant signal carriage from the first accounting period of 1980 to the second.[266] Evidence of record does not show, measured by commerical sales of Canadian programming in the U.S., that there was an appeal by American audiences for Canadian programming in 1980.[267]

In regard to "benefit" to cable systems, evidence submitted by Canadian claimants contained so many errors it was of little use in the Tribunal's considerations.[268]

The Canadian claimants did not show in their evidence of record that French programming is of particular interest to American cable subscribers.[269]

No evidence was submitted in this proceeding to establish "harm" due to the cable retransmission of Canadian programming.

Upon review of all the 1980 evidence, the Tribunal concludes that there has been no significant "change of circumstances" from the 1979 record and that an allocation of .75% of the Phase I Royalty fund to the Canadian claimants continues to be reasonable. There is no justification for an award to Canadian radio.

National Public Radio

We have conclude that the record in this proceeding justifies an award to National Public Radio (NRP), while making no award to commercial radio.

As in our 1979 determination, our different treatment of NPR and commercial radio finds record support in the 1980 Proposed Findings of other claimants.[270]

The Tribunal concludes that the 1980 evidence reaffirms our 1979 conclusion that "NPR is a producer and syndicator or innovative, distinctive and quality programming that is transmitted by a number of cable systems as distant signals."[271]

Upon review of all the evidence with particular attention to evidence relating to "changed circumstances" from the 1979 record, we conclude that a .25% award to NPR is in accord with the evidence of record.

Commercial Radio

For the third time we have heard the evidence presented by NAB seeking to persuade us to make an award to commercial radio. We again decline to do so. As with the arguments advanced by NAB, the reasons for our denial remain unchanged. We reaffirm the findings of our previous determinations.[272]

NAB takes umbrage at our determination to include some compensation to Music for the performance of music on distant radio signals, but to deny any award to commercial radio. We hold that in a very substantial degree any value of distant commercial radio signals is attributable to music, and that the non-musical program elements of these signals is of negligible value. We likewise hold that the broadcasters format is of no significant value independent of that attributable to music. We concur in the finding of Music that the "claim for radio formatting is simply a compilation claim, applied to radio."[273]

We hold that commercial radio has again failed to establish that it has any significant copyrights interests on which to base a claim. We concur in the finding of National Public Radio that "disc jockey time is the least attractive part of a commercial radio hour."[274] We find nothing in the 1980 record to alter our previous conclusions as to the massive duplication of locally available commercial radio formats by distant commercial signals. In particular, the NAB study of radio formats when subjected to examination, and the SRI study on the value of distant commercial radio signals do not require an alteration of our general assessment of the commercial radio claim.[275]

Devotional Claimants

The claim of the devotional claimants are for the first time in our distribution proceedings resolved in Phase I, but the issues presented are similar to those which required resolution when presented in phase II. We reaffirm the findings we made in our 1979 determination concerning the application of the criteria to the devotional claimants.[276] We again conclude that the devotional claimants do not qualify for an award under the Tribunal's criteria. They employ their telecasts to raise the funds to pay for the purchase of air time to perform a Christian ministry.

The devotional claimants assert in their proposed findings that the Tribunal is required as a matter of law to make some allocation to devotional program suppliers. This issue is now before the Court of Appeals for the District of Columbia circuit in the appeal of our

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[264] 45 FR 63041.

[265] 1980 Proposed Findings of Fact and Conclusions of Law, Canadian Claimants, 12/13/82, p.2.

[266] PB Exhibit A, p. 2.

[267] Tr., p. 2690.

[268] Canadian Exhibit CDN, AA (revised); Tr. 4421–88, 4501.

[269] Tr. 2770, 2782.

[270] "Proposed Facts of Findings and Conclusions of Law" of the Program Suppliers, 1/13/83, p. 92.

"Proposed Facts of findings and Conclusions of Law" of the Joint Sports Claimants 2/13/83, p. 2.

[271] Federal Register, Vol. 47, No. 45, p. 9694.

[272] 45 FR 63040 and 47 FR 1894.

[273] Proposed Findings of Fact and Conclusions of Law Submitted by Music, p. 16.

[274] Proposed Findings of Fact and Conclusions of Law of National Public Radio, p. 52.

[275] Proposed Findings of Fact and Conclusions of Law of Joint Sports Claimants, pp. 160–163.

[276] 47 FR 9696.

1979 determination. We find nothing in the relevant holdings of the Court of Appeals in *NAB v. CRT* which compels our making an award to the devotional claimants.

Most claimants in the 1980 proceeding sought to improve their presentation in areas where the Tribunal has found gaps or deficiencies. No such undertaking was made by the devotional claimants. There was no assertion of changed circumstances, or evidentiary showings to address our inability to find marketplace value based on their 1979 evidence. The factual presentation was essentially limited to a showing of the amount of time religious programs were broadcast on stations included in the Nielsen Study. Because of the motiviations of broadcasters concerning the presentation of religious programming, time-based statistics are even less indicative of value for devotional programming than for other programming categories.

It has been urged that our award to PBS compels us to make same award to the devotional claimants. The devotional claimants argue that both are noncommercial and that both seek financial support from the public. We find no real similarity. The devotional claimants conduct a Christian ministry. Even their more entertainment types of program formats are designed to provide a Christian ministry. In contrast public broadcasting is a programming institution supported by a broadly based coalition of government, corporations, foundations, and individuals which presents a wide range of programming, much of which is not available on commercial television.

Phase II: The Tribunal considered Phase II issues under the Program Syndicators category.

Phase II

Motion Picture Association of America (MPAA)

The MPAA claim in Phase II, for its entitlement within the 70% Program Syndicators allocation, embraced 58 associated program suppliers, consistent with Section 111(d)(5)(A) of the Copyright Act and the Tribunal's encouragement of voluntary settlement.[277] MPAA proposed that the Tribunal adopt its methodology as a basis on which to make the entire Phase II distribution, because its applicability is impartial to the programming of all claimants and because it is impossible to present for each series and movie detailed evidence according to the Tribunal's criteria.[278] While the Tribunal has not relied upon the Nielsen viewing data as the sole means of making royalty distribution in the past, the Tribunal has accorded substantial weight to these data.[279] However, the Tribunal cannot be blinded by the terms of negotiated settlements, and the attractiveness of a single formula, to the different considerations urged upon it by individual claimants not party to a settlement. The Tribunal must both accord proper weight to the fact that 58 separate parties have concurred in the MPAA methodology for distributions and still respect the rights of other parties. We must look to the Phase II record to ascertain what showing has been made to establish particular entitlement to royalty fee.[280]

We do not view the Nielsen data as irreparably tainted due to the infirmities attributed by other parties to the sample and survey methodology. Nor does the Tribunal feel that in order to make a proper assessment concerning the value of individual programs we need the aggregate claims entitlement for each party within the MPAA umbrella.[281] We need only evaluate the record evidence presented by the competing claimants to establish the application to each claim or group of claims of all the criteria. In this regard, the Tribunal was assisted by the inclusion in the record this year of the individual viewing data for all 635 syndicated series appearing in the Nielsen survey.[282]

The contention that the Program suppliers are claiming entitlement for movies that are in the public domain was not judged to be either fully supported or significant. The Tribunal is also satisfied that the programs of those within the MPAA group were carried as distant signals and qualify for entitlement under the rules of the Tribunal.

On the basis of all relevant evidence in this record, we have awarded 96.9% to the MPAA and associated program suppliers.

Multimedia

Multimedia made a claim in this proceeding to an entitlement of 3.3%, to include both its Show Biz programming and its aliquot share of unclaimed funds.[283]

The showing that Multimedia made with respect to its own case reflected unchanged circumstances between 1979 and 1980, except for the addition of Show Biz programming and, possibly, the increased effect upon its syndication efforts of WGN's satellite retransmission to cable systems.[284] The record evidence supports a finding as to the marketplace value, particular benefit to cable operators, and quality of Multimedia's programs. However, with respect to "Donahue," and in light of Multimedia's criticism of the Nielsen study for its preponderant representation of independent stations,[285] the Tribunal notes in the words of MPAA, that "network affiliates are a much less significant factor in the distant signal market than they are in over-the-air markets;"[286] and that "Donahue's" value to cable systems on a distant signal is substantially reduced by its wide availability on local television network affiliates.

The notable addition to the record in the 1980 proceeding was the inclusion of the individual viewing data for the 635 syndicated series appearing in the Nielsen survey.[287] Such specific evidence concerning the marketplace appeal of the programming of other syndicators was not available last year.[288] This year, however, the Tribunal was able to evaluate the entitlement for "Donahue," for example, with full knowledge on a head-to-head basis of the comparative values MPAA proposes for "The Merv Griffin Show" and "The Mike Douglas Show."[289]

Multimedia objected to having viewing data relevant to Multimedia admitted unless the shares were divulged for all 58 members to the MPAA agreement; The tribunal overruled the objection.[290]

We assert, as we have in the past, that in Phase II, as in Phase I, we cannot base our decision upon the application of a single formula; the Nielsen viewing data are at most a useful starting point for the application of our criteria.[291] However, the inclusion of the individual syndicated series viewing data in the record evidence this year has given us cause to revise our assessment of the value and appeal, on a distant signal

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[277] FR Vol. 47, No. 45, p. 9695.

[278] Program Suppliers' Proposed Findings of Fact and Conclusions of Law on Phase II Issues, February 9, 1983, pp. 2 and 36.

[279] FR. Vol. 47, No. 45, p. 9692.

[280] FR. Vol. 47, No. 45, p. 9695.

[281] TR. pp. 28 and 29.

[282] MPAA Exhibit GGG.

[283] Proposed Phase II Findings of Fact and Conclusions of Law of Multimedia Program Production, Inc., February 9, 1983, p. 34.

[284] MPAA Phase II Findings of Fact, p. 13, TR. pp. 577–578, Multimedia Phase II Findings of Fact, pp. 6, 11–13.

[285] Multimedia Findings of Fact, pp. 35–36.

[286] MPAA Findings of Fact, p. 16.

[287] MPAA Exhibit GGG.

[288] FR Vol. 47, No. 45, p. 9695.

[289] TR. p. 28.

[290] TR. pp. 17–20.

[291] FR Vol. 47, No. 45, p. 9695.

basis, of Multimedia programming to cable operators.

Taking into consideration the addition of the Show Biz programming in the Multimedia claim this year, and the possible harm that may have resulted from the increase in cable carriage of WGN in 1980 due to satellite retransmission, the Tribunal concludes that a fair and reasonable share for all Multimedia programming is 1.6%.

National Association of Broadcasters

An award of 0.8% to NAB for programming syndicated by broadcast stations was stipulated to by all parties participating in the Phase II proceeding.

The Tribunal did not hear evidence or testimony with regard to this issue and awards NAB 0.8%.

SIN

The Tribunal is satisfied that the entire record supports an award to SIN and that SIN's Spanish language programming is of particular marketplace value and benefit to cable operators in attracting Spanish speaking subscribers. The Tribunal, however, is not persuaded that the record evidence in the 1980 proceeding provides any basis upon which SIN's award should be altered from the 0.7% share of last year.

The Tribunal has consistently rejected the use of any single formula and made its determination on an assessment of the record as a whole. The Tribunal, therefore, is skeptical of SIN's request for an award of $359,047, a figure significantly similar to the award requested last year. Furthermore, the request is based upon a methodology which the Tribunal has repeatedly indicated fails to lend itself to an application of the Tribunal's criteria. SIN acknowledged this limitation; yet persisted in seeking a claim upon this basis.[292]

The Tribunal has consistently refrained from relying upon a strict application of the Nielsen viewing figures. However, figures do provide corroboration for the value the Tribunal has placed upon SIN's programming. The Tribunal has not found SIN's criticism particularly persuasive with respect to the Nielsen methodology in Hispanic households. SIN's testimony and evidence in this regard seemed to relate entirely to over-the-air television viewing and not to the viewing of distant signals by cable television subscribers.[293] The Tribunal did not find that SIN succeeded in identifying the deficiencies that might apply to both, or that the award to SIN should be altered.

Judging the circumstances and issues relating to SIN's claim to have remained essentially the same, and taking the record as a whole, the Tribunal considers the 0.7% award in 1979 to SIN fair and reasonable for 1980.

Unclaimed Funds: We have not employed any single formula in our Phase II allocation and have not found it necessary to create an unclaimed fund.

DISTRIBUTION OF CABLE ROYALTY FEES

[Financial statement of royalty fees for compulsory licenses for transmissions for cable systems for 1980]

Royalty fees deposited	$18,896,294.55
Interest income	528,412.50
Gain on matured securities	4,592,317.62
Total	25,017,024.67
Less:	
Operating costs of the Copyright Office	323,950.00
Refunds issued	59,118.35
Public Law 976–276 Allocation	51,000.00
Approximate CRT Administrative Costs	37,705.00
Total	471,773.36
Approximate amount for distribution on March 31, 1983	24,545,251.31

Allocations

The Tribunal has adopted the following allocation to categories of claimants in Phase I of the specified percentage of the royalty fees available for distribution:

1. Motion Picture Association of America and other program syndicators	70.00
2. Joint Sports Claimants and NCAA	15.00
3. Public Broadcasting Service (for all purposes)	5.25
4. U.S. Television Broadcaster (for all copyrightable interests except program syndication)	4.50
5. Music Performing Rights Societies	4.25
6. Canadian Television Broadcasters (to exclude all radio claims)	0.75
7. National Public Radio	.25
8. Devotional Claimants	.00
9. Commercial Radio	.00

The allocations adopted by the Tribunal under Phase II for the individual claimants is as follows:

	Percent
Program Syndicators:	
Motion Picture Association of America	96.9
Multimedia Program Productions, Inc.	1.6
National Association of Broadcasters	0.8
Spanish International Network	0.7

The Tribunal for lack of any justification has not awarded cable fees to claimants who:

1. Were not associated with Phase II voluntary agreement, or

2. Could not reasonably on the basis of this record be treated according to the terms of voluntary agreements, or

3. Which did not submit adequate entitlement justification.

Commissioner Burg dissented from the Phase I determination. Commissioner Ortega did not participate in Phase I.

Edward W. Ray,

Chairman.

February 28, 1983.

Minority Views of Commissioner Burg

This commissioner cast the only dissenting vote on the Phase I allocations of the 1980 Cable Royalty Fund Distribution Proceeding. The basis for the allocations reached by the majority in Phase I was predicated, as the Joint Sports Claimants state, on the assumption that the Tribunal was bound by the precedents of its previous decisions, and could not alter those previous allocations unless the facts had materially changed.[294] All evidence therefore had to be viewed through the prism of "changed circumstances."

As a practical effect this concept erected an artificial barrier to examining the record evidence of the claimants from, as Music argued, "new, previously unrevealed perspectives."[295] Likewise the Canadians claimed their 1980 case was a "correction and amplification with respect to three evidentiary limitations noted by the Tribunal in the 1979 proceeding."[296] And even though Joint Sports subscribed in theory to the changed circumstances rubric they nevertheless stated, " * * * if the Tribunal believes, in light of its cumulative experience or in light of newly discovered (but not necessarily new) relevant evidence, that changes in prior awards need be made, it must make them."[297]

Counsel for NAB, in his opening statement quoted from a Supreme Court decision which in part said, "cumulative experience begets understanding and insight by which judgments not objective(ly) demonstrable are validated, quantified or invalidated."[298] Those words from that decision define the essence of my dissent. The commissioners of the Tribunal operate in an area, deal with issues, and confront realities that have been demonstrably difficult to quantify or validate. We have repeatedly rejected formluas as the sole basis of our decisions and have consistently relied on the record as a whole. The record evidence in Phase I convinced me beyond doubt that in some instances a persuasive case was made for a shift in the 1980 percentages.

It appears that at least one other Commissioner shares my views.

In a letter to Chairman Ray explaining his vote against the allocation of 1.6% for the Multimedia claim in Phase II, Commissioner Brennan said, "I believe that it would be justified to reopen our Phase I determination

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[292] Proposed Findings of Fact and Conclusions of Law of SIN, Inc., Phase II, February 9, 1983, p. 9.

[293] MPAA Phase II Findings of Fact, p. 34; TR. pp. 354–355.

[294] Findings of Fact and Conclusions of Law of Joint Sports, December 13, 1982, pp. 8 and 9

[295] Findings of Fact and Conclusions of Law of Music, December 13, 1982, p. 3

[296] Findings of Fact and Conclusions of Law of CBC, December 13, 1982, pp 1 and 2

[297] Findings of Fact and Conclusions of Law of Joint Sports, pp. 4 and 5

[298] TR 1545

since the rationale adopted may now no longer reflect the majority sentiment of this body." He concluded by saying, "It, however, will be necessary for me to reconsider my Phase I positions in subsequent distribution proceedings in the light of our 1980 deliberations."

If the facts support it, and I think they did, the Tribunal had an obligation to change certain of its 1979 allocations. To do less was to impose too narrow and too restrictive a perspective on the proceeding.

[FR Doc. 83-6360 Filed 3-4-83; 8:45 am]
BILLING CODE 1410-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has resubmitted to the Office of Management and Budget a request for approval of a proposed collection of information in the form of a survey to determine the effects on consumers of an amendment to the Safety Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205) which allows a rotary power lawn mower with only a manual engine restart mechanism to meet the blade-stop requirements of the standard by means of stopping the engine under certain conditions, specified in the amendment. The amendment to the standard was published in the **Federal Register** of November 5, 1981 (46 FR 54932). Both the amendment of the standard and the survey are required by provisions of section 1212(a) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, 95 Stat. 724).

The survey will be conducted for the Commission by a private contractor, who will screen a panel of approximately 73,000 consumers by means of a short mail questionnaire to identify about 1,200 persons who have purchased a power lawn mower since July 1, 1982. The consumers selected by this process will be interviewed by telephone about safety features on the mowers they have purchased and the manner in which they use those mowers.

Information about the Proposed Collection of Information:

Agency address: Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Title of information collection: Study to assess the impact on consumers of the amendment to the safety standard for rotary walk-behind power lawn mowers.

Type of request: Approval of new plan.

Frequency of collection: One time.

General description of respondents: Consumers.

Estimated number of respondents: Mailed questionnaire—73,000; telephone interview—1,200.

Estimated number of hours per response: Questionnaire—9 seconds; telephone interview—18 minutes. Total hours for all respondents, 540.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone (202) 395-7313. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 1, 1983.

Sheldon Buttis,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-5699 Filed 3-4-83; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Establishment of an Army Senior Reserve Officer's Training Corps Unit, DA Form 918.

College level institutions desiring to host an Army ROTC Unit make application and commit themselves to an agreement by completing and forwarding DA Form 918. Once approved, the application is kept on file as a record of agreement.

Colleges and Universities: 16 responses; 160 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John, V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG-OPI, Room 1D667, Pentagon, Washington, D.C. 20301, telephone (202) 695-5111.

March 2, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-5815 Filed 3-4-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Order Amending Authorization To Export Electric Energy: Marias River Electric Cooperative, Inc.

AGENCY: Economic Regulatory Administration, (ERA), DOE.

ACTION: Order Amending Authorization to Export Electric Energy issued to the Marias River Electric Cooperative, Inc. (MRE).

SUMMARY: DOE has ordered that the MRE export authorization be increased from the previously authorized maximum amount of 2,000,000 kWh of electric energy per year at a maximum transmission rate of 500 kW to 3,500,000 kWh at a maximum transmission rate of 750 kW.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Division of Petroleum and Electricity (RG-44), Office of Fuels Programs, Department of Energy, Forrestal Building, Room GA-017, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-5935.

Lise Courtney M. Howe, Office of General Counsel (GC-11), Department of Energy, Forrestal Building, Mail Stop 6F-094, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: Order Amending Authorization to Export Electric Energy: Marias River Electric Cooperative, Inc.

On May 14, 1982, the Marias River Electric Cooperative, Inc. (MRE) filed an application with the Department of Energy (DOE) requesting that its authorization to export electric energy granted by the Federal Power Commission on October 19, 1970, in Docket IT–6097 be increased from 2,000,000 kilowatt hours per year at a maximum transmission rate of 500 kilowatts to 3,500,000 kWh per year at a maximum transmission rate of 750 kW.

According to the application, the purchaser of the additional energy to be exported will continue to be Southern Utilities, Ltd., a Canadian corporation engaged in the distribution of electric energy in and around the Town of Coutts, Province of Alberta, Canada. The increased energy will be used by Southern Utilities, Ltd. to meet increased electrical loads. In the applicant's opinion, the increased level of exports, if authorized, will not impair the sufficiency of electrical supply within the United States or to any of the member/consumers within its serving area.

Notice of the application was given by publication in the **Federal Register** on September 22, 1982 (47 FR 41853), requesting any person desiring to be heard or to make any protest with reference to the application to file before October 15, 1982, with the Department of Energy petitions to intervene or protests in accordance with the Rules of Practice and Procedure (18 CFR 1.8, 1.10). No petition, or protest or request to be heard in opposition to the granting of the application has been received.

DOE Finds:

(1) The proposed transmission of electric energy from the United States to Canada, as limited herein and as hereinafter authorized, will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of DOE.

(2) The period of public notice given in this matter is reasonable.

DOE Orders:

(A) Marias River Electric Cooperative, Inc. hereby is authorized to transmit electric energy from the United States to Canada in accordance with the terms and conditions set forth in the application and subject to the provisions of the Order issued by the Federal Power Commission on October 19, 1970, in Docket No. IT–6097, as herein amended.

(B) Paragraph B of the Order issued by the Federal Power Commission on October 19, 1970, in Docket No. IT–6097 is amended to read as follows:

The electric energy which the Marias River Electric Cooperative, Inc. hereby is authorized to transmit from the United States to Canada shall be in an amount not to exceed 3,500,000 kWh per year at a transmission rate not to exceed 750 kW, the energy to be transmitted over the facilities specified in the Presidential Permit signed by the President of the United States on July 28, 1948, in Docket No. E–6108.

Issued in Washington, D.C., on February 28, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 83-6089 Filed 3-4-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–83–003]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 508.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the "**SUPPLEMENTARY INFORMATION**" section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for inspection at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, telephone (202) 252–0620. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 508.5(b), this Notice shall take effect on March 7, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073 G, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–8162.

Allan Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B–222, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the **Federal Register** on August 12 and 27, 1982 and September 17, 1982 (47 FR 35033, 37952 and 41163, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR § 508.8. ERA is restricted by the 120 day time limitation imposed by the Act on the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental significance of approval of these plans. However, based on the information contained in each utility's

submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Steven Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-093, 1000 Independence Avenue SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No.
City of Homestead, Homestead, Fla.	51533-9999-99-49
City of Lamed, Lamed, Kans.	51596-9999-99-49
City of Ruston, Ruston, La.	52542-9999-99-49
Greenwood Utilities, Greenwood, Miss.	51186-9999-99-49
Omaha Public Power District, Omaha, Nebr.	52172-9999-99-49
Sebring Utilities Commission, Sebring, Fla.	52625-9999-99-49
South Carolina Electric and Gas Co., Columbia, S.C.	52692-9999-99-49

Issued in Washington, D.C. on February 28, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6060 Filed 3-4-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Light Water Reactor Safety Research and Development Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Light Water Reactor Safety R&D Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: March 30-31, 1983, 9 a.m. to 5 p.m.

Place: Department of Energy, Room 8E-089, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: Charles E. Cathey, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-6, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

- Briefings by Nuclear Steam Supply System vendors
- Briefings on Industry Degraded Core (IDCOR) program
- Comments by National Association of Regulatory Utility Commissions
- Review draft Department of Energy Management Plan for the Conduct of an R, D&D Program for Improving the Safety of Nuclear Powerplants
- Review reports by subpanels

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles E. Cathey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on February 28, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-6770 Filed 3-4-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF83-191-000]

Altamont Windpower I, Ltd.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 2, 1983.

On February 14, 1983, Altamont Windpower I, Ltd., (Applicant), 331 Soquel Drive, Santa Cruz, California 95062, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in the Altamont Pass area of Alameda County, California. The facility will consist of a maximum of thirty wind turbine generators. No oil or gas will be used in the facility. The electric power production capacity of the facility will be 2,250 kilowatts. Installation of the facility is expected to begin in June 1983. There are no other windpowered small power production facilities owned by Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6758 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-193-000]

Black River Power Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 2, 1983.

On February 16, 1983, Black River Power Company, (Applicant), P.O. Box 435, Cheboygan, Michigan 49721, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The hydroelectric small power production facility is located on the Black River between Black Lake and the town of Cheboygan in Cheboygan County, Michigan. The electric power production capacity of the facility is 950 kilowatts. There are no other hydroelectric small power production facilities owned by Applicant located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5759 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-322-000]

Empire District Electric Co.; Filing

March 2, 1983.

Take notice that on February 16, 1983, the Empire District Electric Company (Empire) tendered for filing a proposed Amendment to Schedule H, Peaking Power Service, a part of that agreement for interchange of power and interconnected operation between the Empire and Kansas City Power and Light Company (KCPL) designated rate schedule, FERC 88.

The amendment will change the capacity charge from $0.27 per Kw per month to $0.46 per Kw per month and add a $15 per day scheduling and accounting charge.

Empire requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been sent to the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 15, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5760 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1811-003]

Ernest D. Huggard; Application

March 2, 1983.

Take notice that on February 22, 1983, Ernest D. Huggard filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Executive Vice President—Atlantic City Electric Company
Director Vice President—Deepwater Operating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5761 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-185-000]

Mountain Fuel Supply Co.; Application

March 2, 1983.

Take notice that on February 7, 1983, Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP83-185-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 5.09 miles of three-inch diameter pipeline and appurtenances located in Lincoln County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this request for abandonment authorization is made pursuant to a request by the United States Bureau of Land Management that all surface pipelines in the Moxa Arch area of Lincoln County be buried or removed. Applicant also asserts that no service, sale, or production would be abandoned as wells currently producing into the line proposed to be abandoned would be reconnected to a tap on another main line.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of

Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own reveiw of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6782 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-193-000]

Mountain Fuel Supply Co.; Application

March 2, 1983.

Take notice that on February 9, 1983, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP83-193-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 43.5 miles of 20-inch pipeline and appurtenant facilities, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the construction and operation of approximately 43.5 miles of 20-inch diameter transmission pipeline and related facilities which would begin at a junction with Applicant's transmission Main Line No. 48 north of Randolph, Utah, and extend to Applicant's high pressure distribution system located west of Hyrum, Utah. Applicant states that the proposed pipeline is required to provide increased general system deliverability, improve overall system operation and reliability, and assure a long-lasting uninterrupted natural gas service to its northern distribution system customers. It is stated that in addition to supplying the volumes of natural gas required for the northern distribution system, the proposed pipeline would provide needed additional capacity in the transmission lines downstream of its Eakin Compressor Station and in several major feeder lines in the distribution network. It is further stated that the proposed pipe would be constructed at a cost of approximately $15,060,780. Such cost, it is asserted, would be financed through funds on hand and/or short-term borrowing.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6783 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-196-000]

National Fuel Gas Supply Corp.; Application

March 2, 1983.

Take notice that on February 10, 1983, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-196-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain pipeline facilities in Erie County, Pennsylvania, and for a certificate of public convenience and necessity authorizing the construction and operation of facilities to replace and/or enlarge the facilities to be abandoned, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to remove a portion of pipeline from its Lines A, B and D in Wayne Township and the City of Corry, Erie County, Pennsylvania, and to replace such facilities with a single new 16-inch steel line to be designed as Line D. It is asserted that the existing facilities would be removed and sold for scrap. Applicant states that total estimated cost of this project is $720,000 which would be financed from internally generated funds and/or interim short-term bank loans.

Applicant states that this proposal is a continuation of a replacement program which was begun by its predecessor-in-interest, Pennsylvania Gas Company, to replace Lines A, B and D with new pipe since such replacement is considered to be the most economical means of maintaining such facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and

necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5704 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-170-000]

Niagara Interstate Pipeline System; Application

March 2, 1983.

Take notice that on January 25, 1983, Niagara Interstate Pipeline System (Applicant), Tenneco Building, 1010 Milam, Houston, Texas 77001, filed in Docket No. CP83-170-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities and the transportation of natural gas for certain pipeline companies, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Applicant is a newly-formed interstate pipeline organized under the laws of the state of New York and owned by interstate pipeline affiliates who have the following interests in the partnership:

	Percent
Tennessee Niagara Gas Company	29
Transco Canada Pipeline Company	29
TransCanada Pipeline Niagara Ltd	29
Texas Eastern Niagara, Inc	13

Applicant states that Tennessee Niagara Gas Company is an affiliate of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). Transco Canada Pipeline Company is affiliated with Transcontinental Gas Pipe Line Corporation (Transco); Trans-Canada Pipeline Niagara Ltd. is an indirect subsidiary of Trans-Canada PipeLines Limited (TransCanada), and Texas Eastern Niagara is an affiliate of Texas Eastern Transmission Corporation (TETCO).

Applicant requests authorization to render a transportation service for four pipeline shippers: Transco, TETCO, Tennessee and Algonquin Gas Transmission Company (Algonquin) and to construct and operate certain pipeline, compression, measurement and other related facilities which would be required to enable Applicant's to render the proposed transportation services.

It is stated that Applicant pipeline system would be constructed and operated in two segments. Applicant states that the "Northern Segment" between the U.S.-Canada border and East Aurora, New York, would be constructed and operated by Tennessee pursuant to a construction and operating agreement to be executed between Applicant and Tennessee. It is further asserted that the "Southern Segment" between East Aurora and Tamarack, Pennsylvania, near the Leidy Storage Field, would be constructed and operated by Transco under a similar construction and operating agreement with Applicant.

It is indicated that Tennessee has applied for authorization to import from Canada a total of approximately 609,000 Mcf of gas per day in the consolidated proceedings set for hearing in *Boundary Gas, Inc.*, Docket No. CP81-107-000, *et al.* In addition, it is indicated that Tennessee proposes in those proceedings to transport for Boundary Gas, Inc. (Boundary), the 185,000 Mcf of gas per day which Boundary proposes to import from Canada. All of these imported volumes would be purchased from TransCanada at the proposed interconnection between the proposed facilities of Applicant and TransCanada on the international border near Niagara Falls, New York, it is explained.

Applicant further states that Transco has applied for authorization in Docket Nos. CP82-125-000 and -005 to import from Canada up to 413,000 Mcf of gas per day. It is stated that in addition Transco proposes in Docket No. CP82-503-000 to render a related new storage service for its customers. Transco, TETCO and Algonquin have proposed in Docket No. CP82-46-000 to import from Canada up to 305,882 Mcf of gas per day. It is stated that these volumes would be allocated equally to each of these shippers. Finally, TETCO has proposed in Docket Nos. CP82-326-000 and CP82-423-000 to import from Canada up to 200,000 Mcf of gas per day.

Applicant explains that the proposed facilities would initially be allocated to the four shipper pipeline companies to provide transportation of gas in the following quantities:

I. Northern Segment (U.S.-Canada border to East Aurora, New York)—

Shipper	Mcf/d
Algonquin	101,961
Tennessee[1]	1,000,000
TETCO	301,961
Transco	1,114,961

[1] Up to 185,000 Mcf of gas per day of Tennessee capacity is reserved for the benefit of Boundary Gas, Inc., and its customers pursuant to a transportation agreement by and between those parties.

II. *Southern Segment* (East Aurora to Leidy, Pennsylvania)—

Shipper	Mcf/d
A. East Aurora to Tennessee Station 313—	
Algonquin	101,961
Tennessee	285,000
TETCO	301,961
Transco	1,114,961
B. Tennessee Station 313 to Leidy—	
Algonquin	101,961
TETCO	301,961
Transco	1,114,961

Applicant states that the proposed transportation services would be rendered in accordance with the terms of the *pro forma* Canadian gas transportation contract and *pro forma* Rate Schedule T. The proposed transportation service would be rendered for fifteen years, it is submitted.

Applicant states that the transportation charges to be paid by the shippers are based upon an allocation of the cost of service among the shippers on an Mcf/mile demand basis by delivery point and that the design of rates is on a demand-commodity basis. It is stated that the demand rate is designed to recover debt service charges, operation and maintenance expenses, and taxes other than income taxes. It is further stated that shippers would furnish fuel gas based on the ratio of each shipper's transportation requirements to total transportation requirements and miles of transportation. Applicant states that shippers would be obligated to pay the demand charge and a minimum annual commodity charge based on 75 percent of annual contract quantities. The annual depreciation rate would be 6.7 percent, it is asserted.

Applicant asserts that the proposed facilities are an integral part of a much needed larger effort by the pipeline shippers to acquire new long-term gas supplies from Canada to meet the market needs of their customers. Applicant submits that its proposed facilities would remove the need for duplicative facilities and would permit the shippers to utilize a single pipeline system to transport imported gas volumes in an efficient and cost-effective manner. Applicants state in addition that construction and operation of one large-diameter pipeline as proposed by Applicant to transport new long-term gas supplies for the shippers

would have a substantially lesser environmental impact that constructing and operating the separate pipelines previously proposed by Tennessee and Transco's affiliate, Trans-Niagara Pipeline.

The application shows that the facilities would consist of approximately 0.25 mile of dual 36-inch pipeline from the United States-Canada border across the Niagara River, approximately 48.6 miles of 48-inch pipeline from the Canadian border to East Aurora, New York, and approximately 112.7 miles of 42-inch pipeline from East Aurora to Tamarack, Pennsylvania, together with 21,000 horsepower of compression at East Aurora and 38,000 horsepower of compression at Tamarack, measurement and other related facilities as well as certain modifications required to be made to existing facilities.

The total cost of the proposed facilities is estimated to be $417,617,000 which cost would be financed with project financing. Applicant would attempt thereby to obtain a 75 percent/25 percent debt/equity financial structure, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5705 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-195-000]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Application

March 2, 1983.

Take notice that on February 9, 1983, Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77001, and Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP83-195-000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Libbey-Owens-Ford Company (LOF), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they are presently authorized to transport 1,200 Mcf of natural gas on a firm basis and 1,700 Mcf of natural gas per day on a best-efforts basis for LOF. Applicants receive said gas from LOF in Woods County, Oklahoma, and transport and redeliver such gas to Transcontinental Gas Pipe Line Corporation Northern Natural Gas Company, Division of InterNorth, Inc., and Columbia Gas Transmission Corporation for the account of LOF for further transportation and ultimate redelivery to LOF.

It is stated that LOF has sold its reserves from which production was being transported and, therefore, terminated its transportation agreement with Applicants by letter dated July 30, 1982. Applicants state that LOF has advised that there is no possibility that it would desire further transportation service under the existing agreement. Applicants, therefore, request approval to abandon the transportation of natural gas for LOF.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5706 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-187-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

March 2, 1983.

Take notice that on February 8, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-187-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 500 Mcf of natural gas per day, on a best-efforts basis, for Mid Louisiana Gas Company (Mid Louisiana) pursuant to a transportation agreement dated September 2, 1982, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee proposes to transport natural gas produced from the Eros Prospect Field and sold to Mid Louisiana. It is stated that Tennessee

would receive such volumes at a point located on its existing facilities in Jackson Parish, Louisiana, and would deliver equivalent volumes to Mid Louisiana in Ouachita Parish, Louisiana. It is asserted that the rate proposed to be charged by Tennessee is 3.37 cents per Mcf multiplied by the total quantity of gas received by Tennessee during the month. Mid Louisiana would provide Tennessee 1.2 percent of the quantity of gas received by Tennessee to compensate for fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5767 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-200-000]

United Gas Pipe Line.; Application

March 2, 1983.

Take notice that on February 16, 1983, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-200-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the reduction of certain natural gas allocations to the Town of Carencro, Louisiana, and for permission and approval to abandon certain pipeline facilities by sale to Trans-Louisiana Gas (Trans-La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the reduction of certain natural gas allocations to the Town of Carencro, Louisiana, and the transfer of said allocations to Trans-La in light of the sale by the Town of Carencro of a portion of its local distribution system to Trans-La. Applicant states that it would reduce Carencro's maximum daily delivery obligation from 2,294 Mcfd to 2,065 Mcfd. Applicant further states it would enter into a new gas service agreement with Trans-La wherein the contractual maximum daily delivery obligation would be 229 Mcf.

It is asserted that to effect the delivery of these supplies to Trans-La it would install, at Trans-La's expense, a new metering and regulation station at a point on Applicant's Iowa-Franklin line near Lafayette Parish, Louisiana.

Applicant further proposes to abandon by sale to Trans-La approximately 15,585 feet of Applicant's Iowa-Franklin 8-inch line and 26,446 feet of the 6-inch and 8-inch Lafayette Lateral.

It is asserted that Applicant is currently serving one customer, B. F. Trappey's and Sons, Inc., through the lines which Applicant proposes to sell to Trans-La in order to continue service to that customer.

Applicant states that the sale of the subject lines to Trans-La will be beneficial both operationally and financially. It is indicated that Trans-La has two separate distribution systems in Lafayette which cross these two sections of lines and that by connecting the lines to its system, Trans-La would be able to alleviate the pressure problems currently experienced on one of its systems.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriated action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5768 Filed 3-4-83; 8:45 am]

BILLING CODE 6717-01-M

Office of the Secretary

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notices are provided:

Meetings of the International Energy Agency (IEA) Group of Reporting Companies will be held: (1) On March 17 and 18, 1983, at the Instituto Di Aggiornamento E Formazione ENI, Castelgandolfo, Italy, beginning at 2:30 p.m. on March 17; and (2) on March 29,

1983, at the offices of Texaco, Inc., 2000 Westchester Avenue, White Plains, New York, beginning at 9:00 a.m. These are briefing meetings for personnel of IEA Reporting Companies and their affiliates and for Reporting Company members of the IEA Industry Supply Advisory Group (ISAG) who will participate in the Fourth IEA Allocation Systems Test (AST–4).

The agenda for each meeting is as follows:

1. Opening remarks.
2. Background on the IEA and the International Energy Program.
3. Review emergency sharing system.
4. Review AST–4 Test Guide:
a. Objectives and scope;
b. Scenario and timing;
c. Organizational structure;
d. National Emergency Sharing Organization (NESO) participation;
e. Data base and use; and
f. Communications, including a description of the voluntary offer submission system.
5. Test appraisal.
6. Legal considerations and clearances.
7. Supplemental discussion for ISAG:
a. Assignments and overall responsibilities;
b. Industry Supply Operations Manual (ISOM) overview and ISAG formats;
c. The voluntary offer process and computer support;
d. Appraisal activities;
e. IEA security and document flow; and
f. Personnel considerations.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., February 28, 1983.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc 83-6091 Filed 3-4-83; 8:45 am]

BILLING CODE 6450-01-M

Public Hearings To Announce Proposal To Nominate a Site Within the State of Nevada for Characterization Studies

AGENCY: Department of Energy.

ACTION: Notice of public hearing and solicitation of comments.

SUMMARY: The U.S. Department of Energy has identified a potentially acceptable site in Nevada for a high level radioactive waste repository and proposes to nominate this site for site characterization pursuant to Section 113 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97–425). Pursuant to Section 112 an environmental assessment will accompany such nomination. Further, before proceeding to sink shafts, a Site Characterization Plan will be issued. The site is located in Nye County, on and adjacent to the southwest corner of the Department's Nevada Test Site. A major objective of the site characterization activity will be the acquisition of geologic information necessary to the evaluation of the suitability of the Nevada site for a repository. Site characterization activities at all candidate sites must be completed within the next four years to support a Departmental recommendation to the President and subsequent Presidential recommendation of a site to the Congress by March 31, 1987. This notice establishes hearing dates and locations, and a public comment period to solicit comments on the nomination, issues to be included in an environmental assessment supporting the nomination, and issues to be addressed in the site characterization plan.

DATES: The Hearings are scheduled as follows:.

1. March 30, 1983, 9:00 a.m. to 5:00 p.m., PST, Las Vegas, Nevada.
2. March 31, 1983, 10:00 a.m. to 6:00 p.m., PST, Reno, Nevada.

Written Requests to schedule time for oral presentation are due by March 20, 1983.

Written Comments are due by March 31, 1983.

ADDRESSES: The Hearings will be held at the following locations;

1. March 30, 1983, University of Nevada, Moyer Student Union Ballroom, 4505 S. Maryland Pky, Las Vega, Nevada 89109.
2. March 31, 1983, University of Nevada, Jot Travis Student Union, UNR Campus, North Virginia Street, Reno, Nevada.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. Veith, U.S. Department of Energy, Nevada Operations Office, P.O. Box 14100, Las Vegas, Nevada 89114, Telephone: (702) 734–3662.

Public Hearings

Hearings will be conducted by the Department of Energy in Las Vegas, Nevada on March 30, 1983, and in Reno, Nevada on March 31, 1983. The purpose of these hearings is to inform the public of the activities and considerations that led to this proposed nomination and to receive comments. The Department of Energy will develop an Environmental Assessment that addresses site characterization activities. Pub. L. 97–425, Section 112(b)(1)(E), identifies issues that must be addressed by the Environmental Assessment.[1] An additional purpose of the Hearings is to solicit and receive recommendations with respect to specific issues that should be addressed in the aforementioned Environmental Assessment and also specific issues that should be addressed in any Site Characterization Plan which would subsequently be issued, if and when the location is approved by the President as a candidate Site for site characterization.

Presentations

Parties interested in providing oral presentations at the Hearings, may request time not to exceed ten minutes for the purpose of delivering that presentation. Requests for scheduling of oral presentation at a particular hour will be considered but cannot be guaranteed. A typewritten copy of all the material to be presented is requested and should be delivered to the presiding officer before being presented at the Hearing. Requests for scheduled presentations must be written and mailed or delivered so as to be received at the address below no later than March 20, 1983. U.S. Department of Energy, Public Hearings on Nevada Site Characterization, Attn: Presentation Schedule, Mail Stop 555, P.O. Box 14400, Las Vegas, Nevada 89114.

Individuals who do not make advance requests to speak at a Hearing may register to speak with the presiding officer prior to the start of a Hearing. An opportunity to speak will be provided to these individuals if time permits. However, time for these unscheduled presentations will be limited, depending on the number of requests received and time available.

Written Comments

Parties may also submit written comments on the proposed nomination; the issues to be addressed in the Environmental Assessment; and the issues to be addressed by any Site Characterization Plan, if developed. These comments will be added to the Hearing transcripts for both locations and become an official Departmental record of the Hearings. Written comments should be mailed to reach the following address by March 31, 1983. U.S. Department of Energy, Public Hearings on Nevada Site Characterization, Mail Stop 555, P.O. Box 14400, Las Vegas, Nevada 89114.

Conduct of Hearings

DOE reserves the right to arrange the schedule of presentations to be heard and to establish additional procedures governing the conduct of the Hearing.

[1] Pursuant to Section 112a, proposed general guidelines for the recommendation of sites for repositories were published in the **Federal Register** on February 7, 1983 (48 FR 5670).

Questions may be asked only by those conducting the Hearing. Cross examination of persons presenting statements will not be permitted. Anyone present who wishes to ask a question at the Hearing may submit the question in writing to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be answered. Any further procedural rules needed for the proper conduct of the Hearing will be announced by the presiding officer.

Transcripts of the Hearings will be made, and the entire record of the Hearings, including the transcripts will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Nevada Operations Office, P.O. Box 14400, Las Vegas, Nevada 89114, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Additional copies of the complete transcripts will also be available at the public document centers noted below. Any person may purchase a copy of the transcript for each Hearing from the reporter so identified by the presiding officer.

The record of both Las Vegas and Reno Hearings will be available for public inspection at:

U.S. Department of Energy, Public Reading Room, FOI, Room 1E–190, 1000 Independence Avenue SW., Washington, DC 20585

and the following Department of Energy field offices:

Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, New Mexico

Chicago Operations Office, Room 1136, 175 West Jackson Boulevard, Chicago, Illinois

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho

Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nevada

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee

Richland Operations Office, Federal Building, Richland, Washington

San Francisco Operations Office, Wells Fargo Building, 1333 Broadway, Oakland, California

Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

For the Department of Energy March 2, 1983.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc 83–6771 Filed 3–4–83; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPM—FRL 2316]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the Federal Register a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM–223); U.S. Environmental Protection Agency; 401 M Street, SW.; Washington, D.C. 20460; telephone (202) 382–2742 or FTS 382–2742.

SUPPLEMENTARY INFORMATION:

Grants Programs

- Title: EPA Form 5700–31 "Application for Federal Assistance (short form)" (EPA ID 0873).

Abstract: State governments use the "Application for Federal Assistance (short form)" to apply for financial support under EPA State Management Assistance Grants. This form provides EPA with the information it needs to award a grant and to assure grantee compliance with Federal requirements.

Respondents: State governments.

* * * * *

Agency Forms Cleared by OMB

Between February 8 and February 18, 1983

EPA ID 0807, Information Requirements for RCRA Closure and Post-Closure Plans, was cleared on February 16 (OMB #2050–0008).

EPA ID 0959, Reporting, Recordkeeping and Planning Requirements for Groundwater Monitoring, was cleared on February 18 (OMB #2000–0423).

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, SW, Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503

Dated: February 28, 1983.

N. Phillip Ross,

Chief, Statistical Policy Staff.

[FR Doc. 83–6557 Filed 3–4–83; 8:45 am]

BILLING CODE 6560–50–M

[A–10 FRL 2316–3]

Issuance of PSD Permit to Washington Water Power Co., Creston Generating Station, Creston, Washington; Region 10

Notice is hereby given that on November 17, 1982, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to The Washington Water Power Company (TWWPCo) to construct a four unit coal-fired generating station (2280 mw) near Creston, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulation, subject to certain conditions specified in the permit.

On December 15, 1982 attorneys for TWWPCo filed a petition with the Administrator for review of the PSD permit. On January 24, 1983 the petition was withdrawn by the company prior to any rulings by the Administrator. The permit is therefore final.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: February 18, 1983.

John R. Spencer,

Regional Administrator.

[FR Doc. 83–6745 Filed 3–4–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL HOME LOAN BANK BOARD

[No. AC-225]

Fountainebleau Federal Savings & Loan Association, Slidell, La., Final Action; Approval of Conversion Applications

Notice is hereby given that on February 25, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Fountainebleau Federal Savings and Loan Association, Slidell, Louisiana, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

Dated: March 1, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-5783 Filed 3-4-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-12]

Prudential Lines, Inc. v. Farrell Lines, Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Prudential Lines, Inc. against Farrell Lines, Inc. was served February 25, 1983. Complainant alleges that respondent has violated sections 16, 17 and 18 of the Shipping Act, 1916, by operating under the subterfuge of an all water tariff under Rate Agreement No. 10281 while actually performing an overland intermodal service without proper tariff authority.

This proceeding has been assigned to Administrative Law Judge William Beasley Harris. Hearing in this matter, if any is held, shall commence within the time limitations precribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-5709 Filed 3-4-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Study of Blue Sky Securities Laws; Survey of State Registrations of Securities

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of a survey of State registration decisions on common stocks.

SUMMARY: The purpose of the survey is to determine which of the securities issued in 1976 were registered in the individual states. The survey will form part of a study conducted by the FTC's Bureau of Economics: Blue Sky Securities Laws As Investor Protection Regulation. Data from the survey will be analyzed in conjunction with risk and rate of return observations on these securities to assess the impact of State securities regulations on the distribution of securities and on investor welfare.

DATES: Comments on the proposed survey must be submitted on or before April 6, 1983.

ADDRESS: Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503. Copies of this application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: John C. Hilke, Division of Industry Analysis, Bureau of Economics, Federal Trade Commission, Washington, D.C. 20580 (202) 634-7688.

By direction of the Commission.

John H. Carley,

General Counsel.

[FR Doc. 83-5780 Filed 3-4-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Long Range Policy and Planning Subcommittee of the National Archives and Records Service Advisory Committee on Preservation will meet on March 21, 1983 from 10:00 a.m. to 4:00 p.m., and March 22, 1983 from 9:00 a.m. to 4:00 p.m. in Room 105, National Archives Building, Washington, D.C. This meeting will be devoted to machine-readable pre-accessioning possibilities as related to the mission of the National Archives.

This meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: February 18, 1983.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 83-5801 Filed 3-4-83; 10:32 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Contol

Project Grants for Preventive Health Services—Childhood Immunization; Program Announcement

I. Introduction

A. Purpose and Authority

The purpose of the Immunization Program is to prevent the occurrence and transmission of diseases preventable through immunizations. Immunization grants are awarded to States and local governments to assist in establishing integrated and comprehensive immunization delivery systems capable of making immunizations for vaccine-preventable childhood diseases available to every child in the United States and to assist in maintaining interruption of indigenous measles transmission.

Finanical and direct (i.e., "in lieu of cash") assistance as described in the Catalog of Federal Domestic Assistance Number 13.268 is authorized under Section 317 of the Public Health Service Act (42 U.S.C. 247b) as amended.

Regulations governing the implementation of this legislation are covered under 42 CFR Part 51b.

B. National Program Goals

1. Reduce morbidity and mortality due to vaccine-preventable diseases of childhood.

2. Maintain interruption of indigenous measles transmission.

3. Maintan 90 percent immunization levels for school children under age 15 against measles, poliomyelitis, diphtheria, tetanus, and rubella. Maintain 95 percent immunization levels for school enterers and 90 percent immunization levels for children enrolled in licensed day-care centers against measles, poliomyelitis, diphtheria, tetanus, pertussis, rubella, and mumps.

4. Develop, test, and implement systems for use in the States to ensure that 90 percent or more of children complete basic immunizations by age 2.

C. Eligible Applicants

Grant funds are available to assist official health agencies of any State or local government, the District of Columbia, or United States Territory to plan and carry out an immunization program directed toward vaccine-preventable diseases of childhood. For purpose of these guidelines, United States Territories include: the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. Before making a grant to a local public health agency, the granting agency of the Public Health Service (PHS) will discuss the proposed program with the State health authority.

II Application Procedure

A. Forms

Application for grants must be made on standard project application forms (PHS 5131) which may be obtained from the appropriate Health and Human Services (HHS) Regional Office as set forth below.

B. Consultation

Consultation and assistance in developing applications and program plans are available through HHS Regional Offices.

C. Budget Information

Applications shall be submitted for a 1-year budget period and a 5-year project period. Although there are no specific matching fund requirements, information must be provided in the narrative portion of the application on the expenditures for childhood immunization programs made from Federal, State, and other funds obligated by the applicant during its most recent accounting period, a description of the services provided by the applicant for this accounting period, and estimates of support for future accounting periods including, at a minimum, funds to be available during the budget period for which grant support is requested. Information which justifies or explains budget items must also be included in the narrative part of the application; in some instances, information on commitment of applicant support of specific items (such as vaccine) during the budget period may be required. Applicant contributions to the program do not need to be provided on the budget pages of the application unless the applicant desires that these contributions be included as part of the approved budget on the grant award.

D. Submission of Applications

Information about the timing and routing of applications and the consequences of late submission will be included in each request for application from the appropriate HHS Regional Office as set forth below.

Applications are subject to review as governed by OMB Circular A–95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and Part 123) implementing the National Health Planning and Resource Development Act of 1974.

E. Program Narrative

New applications must include a description of the need for project grant support, the long- and short-term objectives of the proposed program, the activities which will be undertaken to accomplish the objectives (including the timing of such actions), the methods which will be employed to evaluate program activities, and any other information which will support the request for grant assistance. Continuation applications need only provide new short-term objectives for the new budget period, a budget justification, a progress report on activities performed during the prior budget period, and a description of any changes in the method of operation, long-term objectives, need for grant support, and evaluation procedures compared to information provided in previous applications.

III. Requirement of an Approved Program

A. Assessment of the Need for a Program

Estimates of the target population must be developed which include susceptible adolescents and young adults in high schools and colleges.

B. Objective Setting

1. Objectives must be established which are specific, measurable, and realistic.

2. Objectives must be related to the National Program Goals, although specific targets will depend upon the level of immunizations currently being achieved in each project area.

3. Both short-term objectives (1 year), which will be reached during the ensuing funding period, and long-term objectives (2 to 3 years) must be developed.

C. Methods of Operation

1. Service Delivery.

This involves a plan to assure that children found to be susceptible *begin* and *complete* their immunizations. Use of several or all of the approaches listed below is indicated:

Required—Systematic immunization of susceptible children at school entry to ensure 95 percent immunization levels against measles, mumps, rubella, polio, diphtheria, pertussis, and tetanus.

Recommended—Use of a standard personal immunization record card should be implemented and accepted as the official record for all preschoolers which will meet immunization requirements at school entry.

Recommended—Systematic and routine immunization of susceptible preschool children in Head Start; Early and Periodic Screening, Diagnosis and Treatment Program; Special Supplemental Food Program for Women, Infants, and Children; and recipients of Aid to Families with Dependent Children (AFDC) and their siblings.

Recommended—Scheduling of special immunization clinics in defined geographic areas in population groups of particularly high susceptibility.

Recommended—Close liaison with neighborhood health centers, Health Maintenance Organizations, health department immunization and well-baby clinics, and other health care providers to ensure that needed immunizations are provided as part of routine primary health care.

2. Assessment of Immunization Status.

A. School

Required—An annual determination must be made by December 31 of each year of the immunization levels of children entering school using procedures outlined in The Guidelines for Assessing Immunity Levels, Centers for Disease Control (CDC), August 1978.

Required—Procedures to assess the reliability and validity of assessment data must be instituted.

Required—Throughout the school year, immunization records of incoming transfer students at all grade levels must be reviewed.

Recommended—A standard Statewide school immunization record should be adopted and implemented. The prototype form developed by PHS is recommended.

B. Preschool

Required—An annual inventory must be conducted of the immunization records of children attending licensed day-care centers to ensure appropriate documentation of vaccines and that 90 percent immunization levels have been attained against measles, mumps, rubella, polio, diphtheria, pertussis, and tetanus.

Required—Systematic review of immunization status of all children under age 2 and new enrollees under age 5 served in public clinics must be conducted.

Required—Immunization records of all new enrollees in licensed day-care centers throughout the year must be reviewed.

Recommended—Where records are not being kept by day-care centers, Head Start programs, health departments, etc., efforts should be made to establish a recordkeeping system. A standard immunization record should be implemented which is compatible with the standard school immunization record card. The prototype form developed by PHS is recommended.

Recommended—Specific plans to bring delinquents back on schedule should be developed.

Recommended—Private physicians and other health-care providers should be encouraged to review systematically the immunization status of the children they serve.

Recommended—Use of a standard personal immunization record card should be implemented and accepted as the offical record for preschoolers which will meet immunization requirements at school entry. The prototype form developed by PHS is recommended.

Recommended—Special surveys for other preschool population groups such as in Head Start programs, unlicensed day-care centers, and recipients of AFDC and their siblings should be considered.

3. Surveillance and Outbreak Control.

Required—A plan for surveillance of vaccine-preventable diseases of childhood that includes morbidity and mortality reporting, as well as field and laboratory investigations, must be developed and implemented.

Required—Procedures must be established for prompt review of the data collected from the morbidity surveillance system to allow for immediate response to all occurrences of suspected measles, diphtheria, and polio cases upon notification.

Required—For controlling measles outbreaks, there must be a procedure that covers all of the following steps:

1. Immediate response to the suspected occurrence of measles to determine compatibility with measles.

2. Confirmation of the diagnosis using the standard clinical classification and laboratory testing where possible.

3. Evaluation of the extent of the outbreak.

4. Identification of a zone of risk which includes all susceptible persons who might possibly have had contact with any suspect cases or incubating contacts.

5. Initiation of necessary action to immunize all persons at risk and to limit contact of actively transmitting cases with other susceptibles, including susceptible adolescents and young adults.

6. Evaluation of effectiveness.

Required—Improvement of the system for monitoring vaccine associated reactions, including a mechanism for responding to persons with vaccine-related complaints, as outlined in Monitoring System for Adverse Reactions to Vaccination, CDC, October 1978. The system should include:

1. All reports from both the public and private sectors, should be made through the State health department to the Centers for Disease Control.

2. All forms ("Report of Illness Following Vaccination," CDC 10.36, 5-79) should be reviewed for completeness and accuracy before forwarding to the Centers for Disease Control.

3. Only cases that fulfill the following criteria should be forwarded to the Centers for Disease Control: illness which began within 4 weeks of receipt of vaccine and was severe enough to require hospitalization or a visit to a physician or other medical care personnel.

4. A report of illness following vaccination which resulted in a death should be reported immediately to the Centers for Disease Control at (404) 329-1080.

Recommended—Appropriate disease case investigation forms should be developed and used.

Recommended—Improvement of pertussis surveillance so that at least 50 percent of cases reported have case investigation forms completed (form CDC 71.14A).

4. Maintenance of Immunization Levels.

Required—A plan must be developed to implement a system to ensure that 90 percent of children born each year complete their immunization by age 2. Unless there is in existence a system which can achieve this goal, such a system must include the following activities:

1. Provider-based tickler systems (public and private) for the recall of children for immunizations.

2. Adoption of a standard immunization record card for the State.

3. A hospital-based immunization/education program for new mothers.

5. Information/Education.

Required—A plan must be developed and implemented for promotion of immunization for children and other appropriate population groups.

Required—A plan must be developed and implemented for informing and seeking support from health professionals to:

1. Encourage immediate reporting of vaccine-preventable diseases.

2. Institute tickler systems for the recall of children for immunizations.

3. Use standard immunization record cards recommended by State health departments.

6. Enforcement of School Immunization Laws.

Required—A plan must be developed and implemented to ensure that every effort is made to obtain compliance with existing school and day-care center immunization laws/regulations.

7. Vaccine Storage, Supply, Delivery, and Inventory.

Required—A plan must be developed and implemented to maintain adequate storage of vaccine and a system for monitoring vaccine distribution and usage among physicians, health departments, schools, and other health-care providers, and to monitor vaccine expiration dates to reduce wastage to less than 5 percent.

8. Citizen Participation.

Recommended—A plan should be developed for active citizen participation in the planning and implementation of the various components of the program.

D. Evaluation

Measures must be established to evaluate the achievement of all project objectives and elements listed under Item III.C.—"Requirement of an Approved Program, Methods of Operations."

IV. Criteria for Review and Award of Grants

A. Each application will be reviewed and evaluated according to the following criteria:

1. Is each program element addressed by the applicant? Will the proposed activities result in a balanced program of service delivery, surveillance of disease and adverse events, assessment, outbreak control, maintenance of immunization levels, and public and professional education?

2. Are the budget requests and proposed use of project funds appropriate and reasonable for a balanced program?

3. Are the project objectives specific, measurable, realistic, and related to the national goals?

4. If the applicant has previously had an immunization grant, does the application detail progress toward previously established objectives and satisfactorily explain any areas in which the objectives were not met?

5. Does the application describe how all of the grant requirements will be met to ensure appropriate provision of information relating to risks and benefits of vaccination to all vaccinees (parents or guardians) receiving vaccination, as stated in Item VI?

6. does the application describe the method for attaining or plans to attain the required activities as stated under Item III.C., "Requirement of an Approved Program, Methods of Operations."

V. Reporting Requirements

Reports are to be submitted to the HHS Regional Offices. Reporting forms and a description of procedures are available from the HHS regional Offices.

A. Monthly

1. Forms reporting adverse events following immunizations should be sent to HHS Regional Offices within 10 days after the end of the month.

B. Quarterly

1. Tabulation of vaccine distributed and vaccinations administered by antigen and age group (<1, 1–4, 5–9, 10–14, 15–19, 20+) within 30 days after the end of the quarter in which they are given or distributed. This includes a tabulation of project vaccine administered by private physicians by antigen and the above age groups.

2. Narrative progress reports must be submitted within 30 days after the end of each calendar quarter (March 31, June 30, September 30, and December 31). Narratives should adress progress being made in achieving project objectives (and methods being used to resolve problems) and other information which, in the grantee's opinion, may be useful to the HHS Regional Office, CDC, or other projects.

C. Annually

1. Antigen-specific projections of public sector vaccine to be administered by quarter (by September 1 of each year).

2. Immunization level assessment data:

a. School-enterers survey by March 31 of each year.

b. Day-care survey by March 31 of each year.

In addition, we encourage health agencies to continue to supplement normal MMWR weekly reporting procedures for measles with detailed telephone summaries of measles cases and related investigations.

VI. Use Of Information Statements On Risks and Benefits of Vaccination

A. In order to assure appropriate provision of information relating to risks and benefits of vaccination in programs for which funds are made available pursuant to this grant, grantees shall take the following steps:

1. Establish procedures for providing copies of the appropriate "Important Information" forms to all vaccinees (parents or guardians) receiving vaccinations in public clinic settings and to private physicians for use if they elect to use the forms in accordance with the conditions specified in the "Private Physician Certification" form. A copy of the "Private Physician Certification" form is available from CDC. Grantees may include appropriate health department identification on the forms. Any other addition to the forms, or variations from the language or format of them, must have the prior written approval of the Director, Centers for Disease Control.

2. Arrange for documentation of the receipt by vaccinees (parent or guardians) of the "Important Information" form relating to the disease or diseases for which vaccines are purchased or furnished as specified above. The documentation shall consist of the signed lower portion of the "Important Information" forms, or a separate signature card or log sheet which contains the following:

"I have read the information contained in the 'Important Information' form(s) about the disease(s) and the vaccine(s). I have had a chance to ask questions which were answered to my satisfaction. I believe I understand the benefits and risks of the vaccine(s) and request that the vaccine(s) indicated below be given to me or to the person named below for whom I am authorized to make this request."

This statement must appear at the top of the signature card or log sheet and the form must include at a minimum the following entries: Name, address, date of birth, age, type of vaccine(s), clinic identification, date of vaccination, site of vaccination, manufacturer and lot number, signature of person to receive vaccine or person authorized to make the request, date of signature, and date printed on the appropriate "Important Information" form.

3. Obtain a signed copy of the "Private Physician Certification" form from all physicians to whom the grantee furnishes vaccine which is to be used in private practice and which was purchased or furnished as described above.

4. Establish procedures for the retention of the signed portion of the "Important Information" forms and "Private Physician Certification" forms, and other types of approved documentation, as detailed in the memorandum from the Director, Centers for Disease Control, dated September 1, 1982. All documentation shall be available to the Director, Centers for Disease Control, upon written request.

5. In the case of a school-based program, or other programs where the information form is to be read and signed in advance of the vaccination by a parent, guardian, or other authorized person who will not be present at the vaccination site when the vaccination is given, procedures shall be established and made known for answering questions by telephone or otherwise.

B. The grantee must use the most current important information forms for measles, mumps, rubella, and combinations thereof, inactivated polio (IPV), oral polio (OPV), and diphtheria, tetanus, and pertussis (DTP).

C. As indicated above, grantees must make copies of the information forms available to private physicians who receive vaccine purchased or furnished pursuant to immunization project grant awards. An exception to the requirement for use of the information forms may be made only where vaccine is administered in the usual private physician-patient situation; i.e., by a physician in the course of discharging his/her responsibilities in the treatment of an individual patient according to scheduling and other procedures normally used in the private practice of medicine. Thus, the information forms must be used in clinic situations even though the clinics are supervised by private physicians.

D. At each immunization clinic, one or more persons shall be available to take responsibility for ensuring that prospective vaccinees (parents or guardians) can read the information provided and to answer questions about the vaccine, its expected benefits, its normal risks, its contraindications (special warnings to vaccinees with low resistance to infections), alternatives to vaccination, and to provide advice regarding medical assistance in the event of suspected vaccine reactions. If an immunization clinic serves significant numbers of people for whom English is not a first language, the written information shall be available in the native language. CDC will provide prototype information forms in English, Spanish, French, Vietnamese, and Chinese.

At each immunization clinic, the person administering the "Important Information" form(s) must routinely ask all vaccinees (parents or guardians) receiving vaccinations if they understand the information provided to them and if they have any questions.

E. These required steps may be supplemented as appropriate with:

1. The provision of pamphlets and the display of posters at clinic sites and physicians' offices on risks and benefits of immunization.

2. The use of audio or audiovisual techniques.

3. Preclinic publicity through the mass media and through other information channels.

VII. Use of Grant Funds

A. Grant funds may be used for costs associated with planning, organizing, and conducting childhood immunization programs and for the purchase of vaccine and toxoids to protect against polio, measles, mumps, rubella, diphtheria, pertussis, and tetanus. Vaccine will be available "in lieu of cash" if requested by applicants. Monovalent mumps vaccine purchased with grant funds may only be used in the population under age 7. (The previous restriction for combined measles, mumps, and rubella is deleted.)

B. No charge may be made to patients for the cost of vaccines provided through project grant funds, whether administered in public clinics or by private physicians. No one in a public clinic may be denied vaccine provided through project grant funds for failure to pay an administration fee.

C. Grant funds may be used to supplement (not substitute for) existing immunization operations and services.

Dated: February 28, 1983.

William H. Foege, M.D.,

Director, Centers for Disease Control.

Department of Health and Human Services (HHS) Regional Offices

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–5827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, New York, New York 10278, (212) 264–2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building #1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291

Regional Health Administrator, PHS, HHS Region VIII, Room 1185, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S./402, Seattle, Washington 98121, (206) 442–0430.

[FR Doc. 83-5714 Filed 3-4-83; 8:45 am]

BILLING CODE 4160-18-M

Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1983

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1983 for Cooperative Agreements for Tuberculosis Control Programs, Catalog of Federal Domestic Assistance Number 13.116. This program is authorized by Section 317(a) of the Public Health Service (PHS) Act (42 U.S.C. 247b), as amended. Regulations governing programs for preventive health services are codified at 42 CFR Part 51b. Subpart A contains general provisions relating to these programs. A new subpart governing tuberculosis control programs is being developed.

Eligible applicants for this program are the official public health agencies of State and local governments, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and American Samoa. However, because of the limited funds available in Fiscal Year 1983, award will be limited to support of programs in States which reported 100 or more new cases of tuberculosis for each of the years 1980 and 1981 or had an incidence rate greater than the national tuberculosis incidence rate reported in 1981 (11.9 per 100,000 population) for both 1980 and 1981, and to selected urban areas as described below.

Cooperative agreements may also be awarded directly to a local health agency serving a high-priority urban area with a city of at least 250,000 population which reported 200 or more new cases of tuberculosis in each of the years 1980 and 1981 or had an incidence rate greater than the rate for U.S. cities over 250,000 population in 1981 (24 per 100,000 population) for both 1980 and 1981. Although certain local health agencies will be eligible for direct funding, eligible local health agencies within a State are strongly encouraged to include their request for assistance in the State application to ensure effective coordination of State/Local/Federal resources.

State and local applicants must show that tuberculosis cooperative agreement fund will be directed primarily to support outreach activities in high incidence population groups and selected geographical areas with: (1) A significant level of tuberculosis; and (2) an incidence rate greater than the State as a whole.

Applications meeting these requirements will be evaluated and priority for funding of new projects established, based upon the following factors, using data for both 1980 and 1981: (1) The total number of cases reported; (2) the number of bacteriologically confirmed cases reported; (3) the bacteriologically substantiated incidence rate of disease; (4) the number of tuberculosis cases among children 0–14 years of age; (5) significant levels of tuberculosis among individuals who were born in countries with high rates of tuberculosis; and (6) a significant increases in tuberculosis morbidity.

In addition, the overall potential effectiveness of the applicant's plan of operation in meeting the objectives of the proposed project will be considered in evaluating and prioritizing applications. These factors were chosen to establish the extent of an applicant's tuberculosis problem and incorporate

the intent of Congress for expenditure of these funds.

Purpose and Cooperative Activities

A. Purpose

The national goal in tuberculosis control is to reestablish an annual reduction of reported tuberculosis cases of at least 5 percent. The minimum short-term objectives needed to meet this goal include:

1. At least 75 percent of all initially infectious patients will become noninfectious (convert their sputum from positive to negative) within 3 months of starting treatment, and at least 95 percent will become noninfectious with 6 months.

2. At least 90 percent of all reported cases of tuberculosis will complete an American Thoracic Society/Centers for Desease Control (ATS/CDC) recommended regimen of antituberculosis drug therapy.

3. At least 95 percent of all close contacts to infectious cases will receive examinations, with at least 95 percent of all those under 15 years of age and 75 percent of all infected persons 15 years of age and over placed on preventive treatment.

4. For close contacts and other high risk individuals placed on preventive therapy, at least 90 percent of those persons under 15 years of age and 75 percent of all others will complete a recommended course of preventive therapy.

B. Cooperative Activities

The collaborative and programmatic involvement of recipients of funds and CDC is as follows:

1. *Recipient Public Health Agency Activities.* a. Reporting of all tuberculosis cases, suspects, and significant laboratory results by health care providers and laboratories in both the public and private sectors; analysis of reporting trends; and implementation of updated public health record systems needed to monitor the current care status of patients, suspects, contacts, and high-risk infected persons in the community.

b. Deployment of outreach personnel for followup of patients and their contacts; application or intensification of directly administered daily or intermittent drug treatment.

c. Providing tuberculosis diagnostic, treatment, and prevention services adapted to the characteristics of tuberculosis population subgroups; and implementation of special approaches to meet the needs of immigrants with inherent language and cultural barriers.

d. Development or continuation of cost effective, medically sound tuberculosis medical care and public health policies. A major policy component should be the use of recommended ATS/CDC treatment regimens.

e. Epidemiological analysis and rapid followup for laboratory reports of drug resistant organisms.

f. Program evaluation and special epidemiological investigation/analysis of unique tuberculosis problems such as tuberculosis in foreign born, drug resistance, etc. Activities should include detailed investigation of all cases in children to identify causes of community control failure and to design more effective prevention and control actions.

2. *Centers for Disease Control Activities.* a. Collaboration in the development and operation of tuberculosis case reporting and program management record systems. Assistance in analysis and evaluation of morbidity, mortality, and program management information.

b. Assistance in improving program performance through onside assistance and the provision of training materials for use by project staff.

c. Provision of onsite technical assistance in the planning, operation, and evaluation of program activities.

d. Provision of medical and programmatic consultation through telephone and written consultation.

e. Development and dissemination of public health and medical policies and recommendations for the diagnosis, treatment, and prevention of tuberculosis (including the development of joint ATS/CDC statements). Development of patient education and motivation materials.

Quarterly and/or semiannual narrative and performance statistical reports may be required subject to approval by the Office of Management and Budget (OMB). Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

During fiscal year 1983, $5 million will be available to fund between 25 and 35 new cooperative agreements and continue 8 to 12 agreements initiated in 1982. Individual awards are expected to range from $30,000 to $500,000.

Applications should be submitted for a 1-year budget period and a 1 to 5 year project period. Continuation awards within the project period will be made by CDC on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to budgetary uncertainties.

Cooperative agreement funds may be used to support both local personnel and the employment of individuals in direct assistance (i.e., "in lieu of cash") positions under Section 317 of the Public Health Service Act, and to purchase supplies and services directly related to the public health tuberculosis outpatient activities, particularly mobidity surveillance, outreach, and assessment. Project funds may not be used to supplant State or local funds available for tuberculosis control or to support construction costs or inpatient care.

New applications for a cooperative agreement must include a narrative which summarizes: (1) The background and need for support including information that relates to factors by which the applications will be evaluated; (2) both long- and short-term objectives of the proposed project which are consistent with the national goal outlined above, and which are specific, measurable, realistic, and time-framed; (3) the activities and methods which will be employed to accomplish the objectives (of special importance will be the employment of outreach workers in high incidence areas for use in patient followup and directly administered therapy programs); (4) the methods which will be employed to evaluate program activities; (5) fiscal information of the applicant pursuant to provisions of Section 317(b)(2) of the PHS Act, although there are no matching or cost participation requirements; and (6) any other information which will support the request for assistance.

Continuation applications need only provide new short-term objectives for the new budget period; a progress report on activities performed during the prior budget period; a description of any changes in the method of operation, long-term objectives, need for grant support, and evaluation procedures compared to information provided in previous applications; and fiscal and other supporting information as indicated in (5) and (6) above.

The original and one copy of the application must be submitted to the address in 1.a. below on or before 4:30 p.m. (e.d.t.) on May 25, 1983. Applications may meet the deadline by either delivering or mailing the application on or before that date, provided the following conditions are met:

1. *Mailed applications.* Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date by Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 E. Paces Ferry Rd., NE., Room 107A, Atlanta, Georgia 30305, or

b. Sent by first class mail, postmarked on or before the deadline date, and received by the granting agency in time for submission to the independent review group. (Applicants must be cautioned to request a legible U.S. Postal Service postmark or to use U.S. Postal Service express mail or certified or registered mail and obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Applications submitted by other means.* Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadline only if they are physically received at the place specified in paragraph 1. above before close of business on or before the deadline date (4:30 p.m. e.d.t., May 25, 1983).

3. *Late applications.* Applications which do not meet the criteria in either paragraph 1. or 2. above are consdidered later applications. In that event the application will not be considered in the current competition.

4. *Copies of Applications.* A copy of the application should be simultaneously submitted to the appropriate Department of Health and Human Services Regional Office listed below. For applicants who are other than State agencies, the appropriate State health agency should be notified of the submission of the application.

Applications are subject to review as governed by OMB Circular A–95 and regulations (42 CFR Part 122—amendment published 47 FR 3551, January 26, 1982—and part 123) implementing the National Health Planning and Resource Development Act of 1974. Information on application procedures, copies of application forms, and other material may be obtained from Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, at the address in paragraph 1.a. above, telephone (404) 262–6575, or FTS: 236–6575. Technical assistance may be obtained from John J. Seggerson, Division of Tuberculosis Control, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329–2506, or FTS: 236–2506. Technical assistance is also available from the appropriate Department of Health and Human Services Regional Office.

Dated: February 28, 1983.

William H. Foege,

Director, Centers for Disease Control.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)—REGIONAL OFFICES

Regional Health Administrator, PHS, HHS Region I, John Fitzgerald Kennedy Building, Boston, Massachusetts 02203, (617) 223–6827

Regional Health Administrator, PHS, HHS Region II, Federal Building, 26 Federal Plaza, Room 3337, New York, New York 10278, (212) 264–2561

Regional Health Administrator, PHS, HHS Region III, Gateway Building No. 1, 3521–35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596–6637

Regional Health Administrator, PHS, HHS Region IV, 101 Marietta Towers, Suite 1007, Atlanta, Georgia 30323, (404) 221–2316

Regional Health Administrator, PHS, HHS Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353–1385

Regional Health Administrator, PHS, HHS Region VI, 1200 Main Tower Building, Room 1835, Dallas, Texas 75202, (214) 767–3879

Regional Health Administrator, PHS, HHS Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374–3291

Regional Health Administrator, PHS, HHS Region VIII, 1185 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837–4461

Regional Health Administrator, PHS, HHS Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–5810

Regional Health Administrator, PHS, HHS Region X, 2901 Third Avenue, M.S./402, Seattle, Washington 98121, (206) 442–0430

[FR Doc. 83–5755 Filed 3–4–83; 8:45 am]

BILLING CODE 4160–18–M

Public Health Service

Privacy Act of 1974; Termination of Three Systems of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of termination of three systems of records: 09–25–0043, "Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR"; 09–25–0123, "Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD"; and 09–25–0127, "Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD."

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of termination of three systems of records maintained by the National Institutes of Health (NIH): 09–25–0043, "Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR"; 09–25–0123, "Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD"; and 09–25–0127, "Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD."

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07, 9000 Rockville Pike, Bethesda, MD 20205, or call 301–496–4606.

SUPPLEMENTARY INFORMATION: NIH has terminated three systems of records: 09–25–0043, "Clinical Research: Pharyngeal Development Patients, HHS/NIH/NIDR", maintained by the National Institute of Dental Research (NIDR); 09–25–0123, "Clinical Research: Clinical Trials Dealing with Fertility-Regulating Methods, HHS/NIH/NICHD"; and 09–25–0127, "Clinical Trials Dealing with Phototherapy for Neonatal Hyperbilirubinemia, HHS/NIH/NICHD", both maintained by the National Institute of Child Health and Human Development (NICHD). The study supported by system 09–25–0043 has been completed and the records in this system have been destroyed. Data collection in systems 09–25–0123 and 09–25–0127 is complete, and NICHD has removed from the records all information identifying individuals. Data will be used for aggregate analysis only, and there will be no further studies under these systems. Systems of records 09–25–0043, 09–25–0123, and 09–25–0127 were last published in the **Federal Register** on October 13, 1982 (47 FR pp. 45800–01, 45831–32, and 45834–35, respectively).

Dated: March 2, 1983.

James B. Wyngaarden,

Director, National Institutes of Health.

[FR Doc. 83–5736 Filed 3–4–83; 8:45 am]

BILLING CODE 4140–01–M

Office of the Secretary

Advisory Council on Social Security; Public Hearing

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of public hearing.

SUMMARY: The Secretary of Health and Human Services announced on September 10, 1982 the establishment of the Advisory Council on Social Security. The Council is charged to place particular emphasis on a review of the Medicare program, and to perpare and submit reports on its findings and recommendations.

In an effort to obtain the views of interested organizations and individuals on the subject of physician assignment

in Medicare, the Council will hold a 1-day public hearing in Washington, D.C. on April 6, 1983. One-day hearings have been previouly announced in the **Federal Register** in different sites around the country. This is the first public hearing, however, which will focus on a single topic.

ADDRESS: This hearing will be held in the first floor auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, and will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Thomas R. Burke, Executive Director, Advisory Council on Social Security, 200 Indedpendence Avenue, SW., Washington, D.C. 20201; telephone (202) 755–8670/71.

SUPPLEMENTARY INFORMATION: This hearing will address the matter of physician assignment exclusively. Assignment occurs when a physician agrees to accept the Medicare allowed charged as payment in full and to bill the beneficiary only for deductible and coinsurance amounts related to that charge. If the physician chooses not to accept assignment, the beneficiary is responsible for all charges beyond the Medicare allowable payment. The decision to accept assignment is made by the physician on a claim-by-claim basis.

For the hearing, the Council welcomes comments, observations, suggestions and recommendations on this significant feature of the Medicare program.

The hearing is open to the public. Attendance will be limited to the space available. Interested parties are invited to present testimony on this subject only; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters should submit, 5 days in advance, 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Oral presentation should summarize the written statement, and will be limited to a maximum of 5 minutes. Other written material can be submitted for the record. Submit written requests to present testimony to the Advisory Council on Social Security, ATTN: Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone (202) 755–8670/71. The designated chairperson or the Executive Director reserves the right to determine order of presentation, but will make every effort, within available time, to hear all who wish to be heard.

Sign language interpreting services will be provided if requested in advance.

Records will be kept of all public hearings and will be available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317–H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,

Executive Director.

[FR Doc. 83–5783 Filed 3–4–83; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–83–1211]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from Davis S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: State Agency Monitoring Handbook.

Office: Housing.

Form No: None.

Frequency of submission: On Occasion.

Affected Public: State or Local Governments.

Estimated burden hours: 100.

Status: New.

Contact: Elizabeth Taylor, HUD, (202) 755–6887; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 24, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83–5742 Filed 3–4–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1210]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Secretary, HUD

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposed described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Cost of Handling Mortgages Insured Under Section 235.

Office: Housing.

Form No.: NH–76–18.

Frequency of submission: On Occasion.

Affected public: Businesses or Other Institutions (except farms).

Estimated burden hours: 20.

Status: Extension.

Contact: Alma Boone, HUD, (202) 755–6672; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: January 31, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-6743 Filed 3-4-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

McGee Creek Project, Oklahoma; Public Hearings on Draft Supplement to the Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft supplement to the final environmental statement for the McGee Creek Project, Oklahoma. This supplement was filed and made available to the public on February 23, 1983.

The draft supplement covers impacts of two recent plan changes for development of the project including potential oil and gas mineral development on project lands and modification of the proposed fishing/recreation corridor below McGee Creek Dam. Also addressed are impacts of potential oil and gas development on flood plains and wetlands.

Public hearings will be held at the following listed locations at the time indicated to receive views and comments from interested organizations or individuals relating to the environmental impacts of these plan changes and the adequacy of the supplement:

April 27, 1983—7:30 p.m.—Oklahoma Department of Wildlife conservation Auditorium, Wildlife Building, 1801 North Lincoln, Oklahoma City, Oklahoma

April 28, 1983—7:30 p.m.—Kiamichi Area Vo-Tech School Auditorium, Atoka, Oklahoma (Located on State Highway 3, 1.5 miles west of the intersection of State Highway 3 and U.S. Highway 69).

Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not be allowed to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his or her position in the scheduled order. His or her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted up to 4:30 p.m. on April 26, 1983, and any subsequent requests will be handled on a first-come, first-served basis following the scheduled presentations.

Organizations or individuals desiring to present their statement at the hearing should contact Mr. Wil Banner, Office of Environmental Affairs, Bureau of Reclamation, 714 South Tyler, Suite 201, Amarillo, Texas 79101, telephone (806) 378–5464, and announce his or her intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be sent on or before April 26, 1983, so that they can be included in the hearing record.

Dated: March 1, 1983.

Bob Broadbent,

Commissioner of Reclamation.

[FR Doc. 83-5731 Filed 3-4-83; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Lee Campbell, (202) 275–7238. Comments regarding this information collection should be addressed to Lee Campbell, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3001 NEOB, Washington, DC 20503, (202) 395–7313.

Type of clearance—Extension.

Bureau/office—Office of Proceedings.

Title of form—Application for Authority under 49 U.S.C. 11343, 11344 to acquire control of a motor carrier or motor carriers through ownership of stock or otherwise.

OMB Form No.—3120—0100.

Agency Form No.—OP–F–45.

Frequency—Non-Recurring.

Respondents—Privately and publicly held motor carriers.

Number of respondents—75.

Total burden hours—9,000.

Type of clearance—Extension.

Bureau/office—Bureau of Accounts.

Title of form—Quarterly Report of Freight Commodity Statistics Class I Railroads.

OMB Form No.—3120—0031.

Agency Form No.—QCS.

Frequency—Quarterly.

Respondents—Class I Railroads Freight Commodity.

Number of respondents—38.

Total burden hours—41,230.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6746 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 2 at 202-275-7030.

Volume No. OP2-085

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC-FC-81164. By decision of February 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Review Board Number 1 approved the transfer to SEA KING SALES, INC., Kingston, NH, of License No. MC-130773F, issued November 19, 1980, to WORLDWIDE TRANSPORT SALES, INC., Somerville, MA, authorizing operations as a broker, arranging for the transportation of general commodities (except household goods), between all points in the U.S. Representative: Donald F. Singer, 278 Mystic Ave., Medford, MA 02155.

MC-FC-81192. By decision of February 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 1 approved the transfer to transferee OHIO MOTORWAYS TRANSPORTATION, INC., Hebron, OH, of Certificate No. MC-150432 (Sub-No. 10), issued March 10, 1981, to H & M TRANSPORTATION, INC., Reynoldsburg, OH, authorizing the transportation of general commodities (except household goods, commodities in bulk, those requiring special equipment, classes A and B explosives, and those of unusual value), between points in Franklin, Pickway, Madison, Licking, and Delaware Counties, OH, and Erie County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI). An application for temporary authority has been filed. Representative: Owen B. Katzman, 1828 L St., NW., Suite 1111, Washington, DC 20036, for transferee and transferor.

MC-FC-81209. By decision of February 25, 1983, issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181, Review Board Number 1 approved the transfer to SUNDERLAND MOVING AND STORAGE, INC. d.b.a. COLLINGS MOVING & STORAGE, Westerly, RI, of Certificate ME-75263, issued June 5, 1963, to transferor COLLINGS MOVING & STORAGE, INC., Westerly, RI, authorizing the transportation of (1) New furniture, From Westerly, RI, to points in CT, DE, MD, MA, ME, NH, NJ, NY, PA, RI, VT, and DC, (2) new furniture, in the process of manufacture, and rejected shipments of new furniture, from the above-specified destination points to Westerly, RI, and (3) household goods, as defined by the Commission, between Westerly, RI, and points in CT and RI within 25 miles of Westerly. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, MA 02645-0366.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-MC-FC-73

Decided: February 24, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81183. By decision of February 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to M.V.M. VAN LINES CO., INC., of Bowmansville, NY, of Certificate No. MC-52014, issued January 31, 1942, to LAFAYETTE STORAGE & MOVING CORPORATION, of Bowmansville, NY, authorizing the transportation of *household goods,* (a) between Buffalo, NY, and points within 35 miles of Buffalo, on the one hand, and, on the other, points in CT, DE, KY, WI, IL, OH, IN, TN, MO, IA, ME, MD, MA, MI, NH, NJ, NY, NC, KS, PA, RI, VA, VT, WV, and DC, and (b) between New York, NY, and the boundary of the United States and Canada through the ports of entry at Trout River and Rouses Point, NY. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-MC-FC-74

Decided: February 24, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-81044. By decision of February 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to THUNDERBOLT, INCORPORATED of Park Forest, IL, of Certificate No. MC-153515 Sub-No. 1, issued October 19, 1981, to JO'CEE TRANSPORT CO., INC., of Chicago, IL, and authorizing the transportation of *general commodities* (except classes A and B explosives), between points in IA, IL, IN, MI, MN, MO, OH, and WI. Representative: Fred Carter, 267 Somanauk Drive, Park Forest, IL 60466.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-MC-FC-80

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81191. By decision issued February 28, 1983 under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to BENNETT TRUCK LINE, INC., Paragould, AR, of Certificate No.

MC–151645 issued May 6, 1981 and Certificate No. MC–151645 (Sub-No. 1) issued December 2, 1981, to K.S.R., INC., Paragould, AR, authorizing the transportation of *general commodities* (except household goods and classes A and B explosives), between points in Pulaski County, AR, on the one hand, and, on the other, points in the United States and (1) *Chemicals and related products*, between points in Shelby County, TN, and Tunica County, MS, on the one hand, and, on the other, points in the United States and (2) *fabricated metal products, plastic products, and canned beverages*, between points in Green County, AR, on the one hand, and, on the other, points in the United States. An application for temporary authority has been filed. Representative: R. CONNOR WIGGINS, JR., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114.

For status, please call Team 5 at 202–275–7289.

Volume No. OP5–FC–84

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–81208. By decision of February 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3, approved the transfer to ULTRAHAUL, INC., of Kitchener, Ontario, Canada of Certificate No. MC 146559 Sub 3 and Permit No. MC 146559 Sub 4 both issued November 19, 1982 to BIG BEAR SERVICES, INC., of Waterloo, Ontario, Canada, authorizing the transportation (1) In Sub 3 of *glass*, from the facilities of LOF Glass, Inc. and LOF Co., at or near Laurinburg, NC, and Toledo, OH, to ports of entry on the international boundary line between the U.S. and Canada, and (2) in Sub 4 of *lumber and lumber products*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Sinclair Lumber Company, Inc., of Laurinburg, NC. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733 Investment Bldg., Washington, DC 20005.

MC–FC–81234. By decision of February 24, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to STEVEN P. LIECHTY, of Archbold, OH of Certificate No. MC 124528 issued May 4, 1966 to PAUL E. LIECHTY (Irene M. Liechty, Executrix) AND HELEN M. LIECHTY, (Frederick Stamm, Executor), a Partnership, d.b.a. PAUL'S FRIENDLY SERVICE, of Archbold, OH, authorizing the transportation of *disabled and wrecked vehicles*, in wrecker service, and in connection with wrecker service, *parts and equipment* for disabled and wrecked vehicles, between points in that part of OH on and north of U.S. Hwy 224 and west of OH Hwy 13, on the one hand, and, on the other, points in IL, IN, PA, and the lower peninsula of MI, restricted against the transportation of mobile homes and/or house trailers. Representative: Stephen L. Oliver, 275 East State St., Columbia, OH 43215.

For status, please call Team 5 at 202–275–7289.

Volume No. OP5–FC/85

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81211. By decision of February 23, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to SEAFOOD, INC., of Henderson, LA, of Permit No. MC–143788 issued September 7, 1978, to SEA KING CRABS, INC., of Baltimore, MD, authorizing the transportation of (1) *Metal and plastic seafood containers*, from Baltimore and Baltimore County, MD, to Coden and Bayou La Batre, AL, Harahan, Westwego, Lafitte, Pierre Part, Holly Beach, La Combe, Abbeyville, and Port Sulphur, LA, Palacios, TX, and Biloxi, MS, under continuing contract(s) with Independent Can Company, Sea King, Inc., and Steel Tin Can Corporation, of Baltimore, MD., and (2) *Empty wooden boxes and fish bait*, from Baltimore and Baltimore County, MD, to Coden and Bayou La Batre, AL, Harahan, Westwego, Lafitte, Pierre Part, Holly Beach, La Combe, Abbeyville and Port Sulphur, LA, Palacios, TX, and Biloxi, MS, under continuing contract(s) with Sea King, Inc., of Baltimore, MD. Representative: Charles Friedman, Rt 5, Box 360, Henderson, LA 70517.

MC–FC–81219. By decision of February 23, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to ROBERT LYNCH, d.b.a. LYNCH TRANSFER, Prairie Farm, WI, of Certificate No. MC–105489 issued June 6, 1969, to GARY GULDVOG, Prairie Farm, WI, authorizing the transportation of livestock, feed, and flour, between Dallas, Maple Grove, Prairie Farm, and Barron, Ridgeland, Sand Creek, Wilson, and Sheridan, WI, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, MN.

[FR Doc. 83–6720 Filed 3–4–83; 8:45 am]
BILLING CODE 7035–01–M

[Volume No. 25]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.
Agatha L. Mergenovich,
Secretary.

New York Docket No. T–10138, filed February 8, 1983. Applicant: SHLEPPERS MOVING & DELIVERY SERVICE INC., 16 East 79th Street, New York, NY 10021. Representative: Shlomo Benjamin, 16 East 79th St., New York, NY 10021. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of:

Household goods and office furnishings: Between all points in the Counties of Livingston, Sullivan, Washington, Oneida, Montgomery, Sullivan, Ontario, Madison, Steuben, St. Lawrence, Putnam, Jefferson, Tompkins, Greene, Clinton, Columbia, Erie, Orange, Wayne, Schoharie, Rensselaer, Albany, Rockland, Otsego, Dutchess, Cortland, Saratoga, Monroe and Ulster.

Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T–1809, filed February 8, 1983. Applicant: LOCK CITY TRUCKING INC., 241 So. Niagara Street, Lockport, NY 14094. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities:* Between all points in Erie, Chautauqua, Niagara, Genesee, Orleans and Monroe

Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-5719 Filed 3-4-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. 39025 et al.[1]]

Motor Carriers; Chem-Haulers, Inc.; Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Seven motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted in part.

DATES: Comments are due March 22, 1983. The sought relief will become effective on April 6, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washinton, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Robin Williams (202) 275-7697
or
Howell I. Sporn (202) 275-7691

SUPPLEMENTARY INFORMATION: Section 10702(b) of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including authority to file only minimum rates. Each of these sections authorizes the Commission to grant exemptions to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. 49 U.S.C. 10702(b), 10761(b), and 10762(f).

The seven motor contract carriers identified in the appendix filed individual petitions requesting exemptions under the three exemption provisions mentioned above. As the issues presented and the relief sought by these petitioners are substantially similar, we are consolidating them for notice purposes.

The petitioners hold a number of contract carrier permits to serve various shippers transporting a wide variety of commodities. They argue, generally, that the tariff filing requirements represent an undue burden on their ability to compete effectively and to offer their shippers the immediate service often required. Petitioners assert that they are interested in avoiding unnecessary expenses which handicap their efforts to provide economical and efficient service. They also argue that the Motor Carrier Act of 1980 encourages the Commission to remove obstacles which keep contract carriers from realizing their full potential.

One petitioner, Ed Hopson Produce Co., Inc. request that the exemptions sought apply to both existing and future contracts. Several petitioners state that they will provide interested parties with copies of their rates if requested.

We see no reason to deny these carriers the savings to be realized from a tariff filing exemption for existing and future contracts. It appears that exemption of these carriers from the requirements that they file tariffs covering their contract operations is consistent with the public interest and the transportation policy of 49 U.S.C. 10101. We will not order these carriers to provide copies of their rates upon request by interested parties, since we have not imposed that requirement for other recent filings. See No. 38828, *Three Way Corporation, Petition for Exemption from Tariff Filing Requirements* (not printed), decided June 25, 1982.

We provisionally grant the sought relief. This provisional relief will become effective unless the Commission issues a further decision modifying or withdrawing the relief in response to adverse comments that may be filed.

This decision does not appear to have a significant effect on either the quality of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

Authority: 49 U.S.C. 10702(b), 10761(b) and 10762(f).

Decided: February 28, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor concurred. He would have preferred to decide the issue of future exemptions on the basis of the record in Ex Parte No. MC-165. Commissioner Simmons dissented in part. He would have granted an exemption for existing contracts but not for future contracts.

Agatha L. Mergenovich,
Secretary.

Appendix

The dockets embraced by this proceeding are as follows:

No. 39025 Chem-Haulers, Inc.
No. 39040 Rush Transport, Inc.
No. 39041 Ed Hopson Produce Co., Inc.
No. 39042 Warren Transport Inc.
No. 39045 Dallas Carriers Corporation.
No. 39046 BCT, Inc.
No. 39057 Bekins Van Lines Co.

[FR Doc. 83-5715 Filed 3-4-83; 8:45 am]
BILLING CODE 7035-01-M

[Decision-Notice OP5MCF-38]

Motor Carriers; Operating Rights and Properties

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

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[1] This proceeding embraces seven petitions for exemption filed by motor contract carriers, as set forth in the appendix.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–15111, filed February 2, 1983. UNITED SALES & LEASING COMPANY, INC. (UNITED), d.b.a. PATH TRUCK LINES (3649 East Lake Road, P.O. Box 210, Dunkirk, NY 14048)—Purchase (Portion)—THE CHIEF FREIGHT LINES COMPANY (DEBTOR-IN-POSSESSION) (CHIEF) (2401 North Harvard, Tulsa, OK 74115). Representative: Michael C. Foley, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701. United seeks authority to purchase a portion of the interstate operating rights and property of Chief. Fred V. Payne and Carter H. Smith, sole stockholders of United, seek authority to acquire control of said rights through the transaction.

United is seeking to acquire that portion of Chief's operating rights contained in No. MC–71478 (Sub-No. 40), issued December 2, 1980, authorizing the transportation of (1) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): over (a) regular routes, between specified points in New York, serving intermediate and off route points; (b) alternate routes, between specified points in New York, serving no intermediate points; (c) irregular routes, radially between Buffalo, NY, and points in three specified Ohio counties, and (2) *dried fruits*, over irregular routes, from Rochester, NY, to points in Suffolk County, NY.

United is authorized to operate as a motor common carrier in No. MC–147309 and sub-numbers thereunder. Condition: Although Fred V. Payne signed the application on behalf of United, as its president, it does not appear that he has signed the application, individually as a party in control of United. Therefore, Mr. Payne must seek joinder in the application as a person in control of United.

Notes.—(1) An application for temporary authority has been filed. (2) Transferor, in the recent past, has not operated. Thus, the operating rights to be acquired may be dormant.

[FR Doc. 83–6718 Filed 3–4–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–064

Decided: February 25, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–663, filed February 2, 1983. Applicant; OCEAN EXPRESS LINES, INC., 840 Mark St., Elk Grove Village, IL 60007. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue NW., Washington, DC 20036, 202–223–5900. As a *freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between San Diego, Los Angeles, San Francisco, and Oakland, CA, Portland, OR, Tacoma and Seattle, WA, El Paso, Laredo, Corpus Christi, Houston, and Galveston, TX, Milwaukee, WI, Chicago, IL, Detroit, MI, Cleveland, OH, Buffalo, New York, and Champlain, NY, Portland and Searsport, ME, Portsmouth, NH, Boston and New Bedford, MA, Providence, RI, Elizabeth, Camden, and Newark, NJ, Philadelphia, PA, Baltimore, MD, Wilmington, DE, Norfolk and Newport News, VA, Wilmington, NC, Charleston, SC, Savannah, GA, Pensacola, Tampa, Ft. Lauderdale, West Palm Beach, Miami, and Jacksonville, FL, Mobile, AL, Biloxi and Gulfport, MS, and New Orleans, LA, on the one hand, and, on the other, points in the U.S.

MC 3753 (Sub-36), filed February 4, 1983. Applicant: AAA TRUCKING CORP., 3630 Quakerbridge Rd., P.O. Box 8042, Trenton, NJ 08650. Representative: Zoe Ann Pace, 387 Park Ave. South, New York, NY 10016, 212–532–1800. Transporting *general commmodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 6992 (Sub-23), filed February 3, 1983. Applicant: AMERICAN RED BALL TRANSIT COMPANY, INC., 1335 Sadlier Cir., E. Dr., Indianapolis, IN 46206. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, 202–833–8884. Transporting *general commmodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Red Ball Forwarders, Inc., of Indianapolis, IN.

MC 149313 (Sub-5), filed February 15, 1983. Applicant: BESTWAY CARTAGE, INC., P.O. Box 2157, Memphis, TN 38101. Representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151463 (Sub-5), filed January 25, 1983. Applicant: BIGBEE TRANSPORTATION, INC., P.O. Box 9010, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N St., NW, Suite 700, Washington, DC 20036, (202) 331–8800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Garrard Transportation Service, of Columbus, MS.

MC 153743 (Sub-1), filed February 4, 1983. Applicant: IMPERIAL SWEETENER DISTRIBUTORS, INC., 8016 Hwy US 90–A, P.O. Box 9, Sugar Land, TX 77478. Representative: James R. Skiles (same address as applicant), 713–491–9181. Transporting *liquid sugar and corn syrup,* between points in the U.S. (except AK and HI), under continuing contract(s) with Coca-Cola USA, of Atlanta, GA.

MC 164003 (correction), filed December 6, 1982, published in the **Federal Register,** issue of December 21, 1982, and republished, as corrected, this issue: Applicant: CASEBIER BULK TRANSPORT CO., INC., 1048 Creekside Drive, Wheaton, IL 60187. Representative: Robert G. Paluch, 7800 West 60th Place, P.O. Box 356, Summit, IL 60501, (312) 563–0660. Transporting *chemicals and related products,* between points in KY, on the one hand, and, on the other, points in IL, IN, KY, OH and TN.

Note.—The purpose of this republication is to reflect the change of the above application to *common carrier,* instead of *contract carrier,* as originally published.

MC 166043, filed February 3, 1983. Applicant: DONALD R. SPENCE AND TERRI L. SPENCE, d.b.a. KELDORN TRUCKING, 15135 Grant, Dolton, IL 60419. Representative: Daniel O. Hands, 104 S. Michigan Avenue, Suite 410, Chicago, IL 60603, (312) 641–1944. Transporting (1) *general commodities* (except classes A and B. explosives and household goods), between Chicago, IL, and points in Cook and Will Counties, IL, and Lake and Porter Counties, IN, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, OH and WI, and (2) *food and related products,* between points in IL, IN, IA, MI, MO, OH and WI.

MC 166053, filed February 2, 1983. Applicant: EARL PILE, d.b.a. PILE TRUCKING, Rte One, West Highway 50, Garden City, KS 67846. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *food and related products,* between points in Potter County, TX and Finney and Lyons Counties, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 (202) 275–5223.

Volume No. OP3–67

Decided: February 20, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 1515 (Sub-326) (partial republication), filed January 11, 1983, and previously republished on February 10, 1983. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 248–2942. Over regular routes, transporting *passengers,* (2) between Nashville, TN and Mobile, AL, serving the off-route points of Columbia, TN, and Athens, Decatur, Hartselle, Cullman, Calera, Clanton, Greenville, Georgiana, Evergreen, Atmore, and Bay Minnette, AL, over Interstate Hwy 65.

Note.—This partial republication includes the city of Decatur, AL.

MC 2934 (Sub-131) filed February 7, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875–1142. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with ARA Services, Inc., of Philadelphia, PA.

MC 2934 (Sub-132) filed February 7, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875–1142. Transporting *household goods and electronic equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Applied Technology Ventures, of Santa Ana, CA.

MC 61264 (Sub-44) filed February 7, 1983. Applicant: PILOT FREIGHT CARRIERS, INC., P.O. Box 27153, Winston-Salem, NC 27153. Representative: A. R. Hastings (same address as applicant), (919) 722–3421. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company and its subsidiary, Canadian General Electric Ltd., both of Bridgeport, CT.

MC 67234 (Sub-80) filed February 3, 1983. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Volkswagen of America, Inc. of Warren, MI.

MC 73134 (Sub-5) filed February 7, 1983. Applicant: SUPREME EXPRESS & TRANSFER CO., 3311 Chouteau Ave., St. Louis, MO 63103. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 128235 (Sub-32), filed February 7, 1983. Applicant: AL JOHNSON TRUCKING, INC., 1561 Marshall Street NE., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413, (612) 781–6853. Transporting *such commodities* as are dealt in or used by manufacturers of paint and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with Valspar Corporation, of Minneapolis, MN.

MC 133154 (Sub-16), filed February 7, 1983. Applicant: BELL TRANSPORT COMPANY, 14000 E. 183rd St., La Palma, CA 90623. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT WA, and WY.

MC 133294 (Sub-7), filed February 7, 1983. Applicant: ECONO-LINE EXPRESS, INC.,426 Boyce Rd., Fremont, CA 94538. Representative: Donald R. Stone (same address as applicant), (415) 657–5440. Transporting *general commodities*, between points in AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, and WY. Condition: The certificate to be issued in this proceeding to the extent it authorizes the transportation of classes A and B explosives shall expire 5 years from the date of issuance.

MC 139294 (Sub-10), filed February 3, 1983. Applicant: H.T.L., INC., P.O. Box 122, Fairfield, AL 35064. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergeen, AL 36401, (205) 867–2931. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between point in the U.S. (except AK and HI).

MC 140334 (Sub-14), filed February 7, 1983. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Corporation, Fiber & Plastics Company of New York, NY.

MC 146585 (Sub-9), filed February 7, 1983. Applicant: DOUBLE DD TRUCK LINE, INC., 8860 S. Lone Elder Rd., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, P.O. Box 28, Marylhurst, OR 97036, (503) 635–5600. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except HI).

MC 147264 (Sub-15), filed February 7, 1983. Applicant: JAT EXPRESS, INC., 901 Riggin Road, Muncie, IN 47302. Representative: H. Barney Firestone, 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 151655 (Sub-14), filed February 7, 1983. Applicant: FRANK BROS. TRUCKING CO., P.O. Box 241, 349 Abbott Ave., Hillsboro, TX 76645. Representative: Charles E. Munson, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *Mercer commodities*, (a) between points in TX, LA, OK, NM, and AR and (b) between points in TX, LA, OK, NM, and AR, on the one hand, and, on the other, points in CA, IN, MI, WI, MN, IA, FL, GA, AL, TN, MS, MO, IL, KS, ND, SD, NE, WY, UT, MT, AZ, WV, KY, OH, and PA.

MC 154054 (Sub-2), filed February 7, 1983. Applicant: WOOD BROS. TRANSFER, INC., 2410 Commerce St., Houston, TX 77009. Representative: Paul S. Brossard, 501 Crawford, Suite 401, Houston, TX 77002, (713) 227–9735. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, CO, KS, LA, MS, TX, and WY.

MC 154115 (Sub-2), filed February 7, 1983. Applicant: SERVICE TRUCKING, INC., Route No. 1, Pratt, KS 67124. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *grain products*, between points in McPherson County, KS, and Lee County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155025 (Sub-1), filed February 3, 1983. Applicant: ARNOLD BERG, JR. d.b.a. BERG GRAIN AND PRODUCE, 2202 5th Ave., No., Fargo, ND 58102. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ND, SD, MN, MT, and WI, on the one hand, and, on the other, points in the U.S. (except HI).

MC 163965, filed February 2, 1983. Applicant: BONNEY VAN LINE, INC., 222 U.S. Highway 1, Tequesta, FL 33458. Representative: Charles Moran, Suite 320, 2501 M St., NW., Washington, DC 20037, (202) 737–7661. Transporting *household goods*, between points in the U.S. (except OR).

MC 165824, filed February 7, 1983. Applicant: CHARLES WILSON, d.b.a. SKEETER WILSON TRUCKING, 1167 Viking Rd., Story City, IA 50248. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309,

(515) 244–2329. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Description in *Motor Carrier Certificates*, 61 M.C.C. 209 and 766 between points in Tama County, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, ND, NE, OK, SD, TX, and WI.

MC 166045, filed February 3, 1983. Applicant: AG CARRIERS, INC., P.O. Box 2460, Leesburg, FL 32748. Representative: K. Edward Wolcott, Suite 1200, Atlanta Gas Light Tower, 235 Peachtree St. NE., Atlanta, GA 30303, (404) 522–2322. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S. (except AK and HI).

MC 166075, filed February 7, 1983. Applicant: A.B.C. FREIGHT SALES CO., 212 E. Grand Blvd., Suite D, Corona, CA 91702. Representative: Robert W. Le Tourneau (same address as applicant), (714) 734–3410. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166084, filed February 7, 1983. Applicant: JAMES E. WHALEN, d.b.a. WHALEN SERVICE, 11403 Tomarsue Dr., Marilla, NY 14102. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Carhart Photo, Inc., of Rochester, NY.

MC 166105, filed February 7, 1983. Applicant: MARTIN TRUCK CENTER, INC., 500 N. Lindell St., Martin, TN 38227. Representative: Howard L. Usery (same address as applicant), (901) 587–2307. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, AR, GA, IL, IN, IA, KY, LA, MI, MS, MO, OH, TN, TX, and WS.

Volume No. OP3–71

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 107515 (Sub-1428), filed February 14, 1983. Applicant: RTC TRANSPORTATION, INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., NE., Suite 520, Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Nabisco Brands, Inc., of East Hanover, NJ.

MC 125994 (Sub-5), filed February 8, 1983. Applicant: BILL WOCKNER TRUCKING CO., INC., P.O. Box 418, Arlington, WA 98223. Representative: Robert Manning, (same address as applicant), (206) 435–5727. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA and OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY.

MC 135364 (Sub-54), filed February 9, 1983. Applicant: MORWALL TRUCKING, INC., R.D. No. 3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St. Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Salax Transport Corp., of New York, NY.

MC 148484 (Sub-4), filed February 11, 1983. Applicant: REID HOT SHOT SERVICE, INC., 23183 Mindanao Circle, Laguna Nigel, CA 92677. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153924 (Sub-2), filed February 10, 1983. Applicant: DONALD A. TUOZZO, d.b.a. DONALD A. TUOZZO TRUCKING, 10907 Fruitwood Dr., Mitchellville, MD 20715. Representative: Donald A. Tuozzo (same address as applicant), (301) 262–5884. Transporting *printed matter*, between points in the U.S. (except AK and HI).

MC 159884 (Sub-1), filed February 11, 1983. Applicant: JOSEPH BARRON, 159 Blvd. Ave., Throop, PA 18512. Representative: Joseph Barron (same address as applicant), (717) 343–5647. Transporting *food and related products*, between points in NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162455 (Sub-2), filed February 3, 1983. Applicant: CASWELL TRUCKING, INC., Rt. 1, Box 30, St. Charles, IA 50240. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3528. Transporting *animal feed supplements, salt*, and *chemicals*, between points in IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164985, filed February 11, 1983. Applicant: KENNETH A. JENNINGS, d.b.a. JENNINGS TRUCKING, 1144 W. Blodgett, Marshfield, WI 54449. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with Modern of Marshfield, Inc., Marshfield, WI.

MC 166174, filed February 9, 1983. Applicant: VANCE A. TRIVELY, d.b.a., TRIVELY TRUCKING CO., 2920 Franklin Ave., Council Bluffs, IA 51501. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104, (712) 255–3127. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Victor's Iowa Pack, Inc., of Council Bluffs, IA.

For the following, please direct status calls to Team 5 at 202–275–7289

Volume No. OP5–86

Decided: February 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 108119 (Sub-288), filed February 11, 1983. Applicant: E.L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, 612–333–1341. Transporting *general commodities* (except household goods, and commodities in bulk), between points in the U.S. (except HI).

MC 128409 (Sub-13), filed February 11, 1983. Applicant: HAROLD A. MILLER TRUCKING, INC., P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2561, Fargo, ND 58108, (701) 235–3300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Cargill, Inc., of Minneapolis, MN, and its subsidiaries and affiliates.

MC 133959 (Sub-19), filed February 11, 1983. Applicant: ALBAUGH TRUCK LINE, INC., 123 Main Street, Elkhart, IA 50073. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food and related products*, between points in Dallas, Warren and Polk Counties, IA, Lancaster County, NE, Fairfield County, OH, Tulsa, Osage and Creek Counties, OK, and Segwick and Doniphan Counties, KS, on the one hand, and, on the other, points in IL, IN, OH, NE, KS, MO, OK, and KY.

MC 146869 (Sub-8), filed January 25, 1983. Applicant: CARRIER FREIGHT LINES INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Bassett Furniture Industries of North Carolina, Inc., of Newton, NC.

MC 148119 (Sub-5), filed January 24, 1983. Applicant: T.B & P. EXPRESS, INC., P.O. Box 71, Daleville, IN 47334. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting (1) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Scott Paper Company, of Philadelphia, PA, and Overhead Door Corporation, of Hartford City, IN, and (2) *rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cartex Corporation, of Doylestown, PA.

MC 163248, (Sub-1), filed February 11, 1983. Applicant: COLUMBUS FOUNDRIES, INC., 1600 Northside Industrial Blvd., Columbus, GA 31904. Representative: W.H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901, 404–322–8404. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, TN, SC, NC, GA, VA, WV, FL, MS, MO, OH, IN, TX, LA, AR, PA, NY, KY, MN, WI, MI, IA, OK, IL, MD, NJ, DE and MA.

MC 165739, filed February 10, 1983. Applicant: CROW RIVER TRANSPORT, INC., 236 Erie St. So., Hutchinson, MN 55350. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting (1) *machinery*, under continuing contract(s) with Ag Systems, Inc., of Hutchinson, MN, and (2) *such commodities* as are dealt in or used by manufacturers of packaging materials, under continuing contract(s) with Stearnswood, Inc., of Hutchinson, MN, between points in the U.S. (except AK and HI).

MC 165998, filed February 11, 1983. Applicant: FRED O'NEIL, d.b.a. FRED O'NEIL TRUCKING, P.O. Box 1305, Myrtle Creek, OR 97457. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *lumber and wood products* between points in AZ, CA, NV, OR, and WA, on the one hand, and, on the other, points in OR and WA.

MC 166129, filed February 4, 1983. Applicant: WTS, INC., P.O. Box 791, Fenton, MO 63026. Representative: Daniel C. Sullivan, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601, 312–263–1600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166248, filed February 11, 1983. Applicant: SHEPPARD TRUCKING COMPANY, INC., P.O. Box 5211, North Charleston, SC 29406. Representative: Keith W. Kornahrens, P.O. Box 10944, Charleston, SC 29411, 803–797–8383. Transporting *commodities in bulk*, between points in SC, on the one hand, and, on the other, points in GA, FL, NC, VA, LA, MO, and MS.

Volume No. OP5–89

Decided: February 24, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–668, filed February 15, 1983. Applicant: ALPHA CARGO EXPRESS, INCORPORATED, 3337 Breton Circle N.E., Atlanta, GA 30319. Representative: Stephen McKenna (same address as applicant), 404–255–3413. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 28088 (Sub-63), filed February 16, 1983. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main St., P.O. Box 49, Harrisonburg, VA 22801. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, 202–347–8862. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S. (except AK and HI).

MC 79658 (Sub-56), filed February 15, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812–424–2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Yellow Freight System, Inc., of Overland Park, KS.

MC 79658 (Sub-57), filed February 15, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812–424–2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Howard Johnson Company, of Braintree, MA.

MC 79658 (Sub-58), filed February 15, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Road, P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), (812) 424–2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Black & Veatch, of Kansas City, MO.

MC 87928 (Sub-57), filed February 15, 1983. Applicant: WEBBER TRANSPORT CO., 885 U.S. Rt. 1, Avenel, NJ 07001. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *transportation equipment* between points in the U.S. (except AK and HI), under continuing contract(s) with American Honda Motor Co., Inc., of Gardena, CA.

MC 120799 (Sub-7), filed February 16, 1983. Applicant: COLONIAL TRUCKING, INC., 38 May Avenue, Brockton, MA 02401. Representative: John A. Buckley (same address as applicant), (617) 587–3886. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E & J Consolidating, Inc., of Allston, MA.

MC 134949 (Sub-2), filed February 11, 1983. Applicant: M & M DISTRIBUTING CORPORATION, 1890 South 500 West, P.O. Box 1649, Salt Lake City, UT 84110. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111, 801–328–8987. Transporting *malt beverages*, between Golden, CO, on the one hand, and, on the other, points in UT, under continuing contract(s) with Adolph Coors Company, of Golden, CO.

MC 145268 (Sub-5), filed February 15, 1983. Applicant: KENNETH B. HOLM AND GLENN STEED, d.b.a. H & S ENTERPRISES, P.O. Box 26302, Salt Lake City, UT 84126. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, 801–531–1300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Gibson Products Company of Salt Lake City, UT.

MC 150139 (Sub-5), filed February 11, 1983. Applicant: HAMBEL FREIGHT LINES, INC., 4965 South Howell Avenue, Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 East Gilman

St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, MI, MN, and WI.

MC 150879 (Sub-7), filed February 16, 1983. Applicant: MARV MCINTOSH, INC., 2212 Jefferson St., Omaha, NE 68107. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with persons (as defined in Section 10923 of the Motor Carrier Act of 1980) who are manufacturers, distributors, dealers or consumers of food and related products.

MC 154119 (Sub-2), filed February 16, 1983. Applicant: LINDSEY MOTOR EXPRESS, INC., 3415 Southside Ave., Cincinnati, OH 45204. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215 (614) 228–8575. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with G. A. Wintzer & Son Co., of Wapakoneta, OH, and (2) *chemicals and related products*, between those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX, under continuing contract(s) with T.L.C., Inc., of Cincinnati, OH.

MC 156859 (Sub-1), filed February 14, 1983. Applicant: RICE TRANSPORT, INC., 17 Brookwood Rd., Stanhope, NJ 07874. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 160999, filed February 15, 1983. Applicant: B. PURITZ OIL COMPANY, INC., d.b.a. PURITZ TANK LINES, 182 E. 7th St., P.O. Box 935, Chico, CA 95926. Representative: George La Bissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 226–3807. Transporting *petroleum and petroleum products*, between points in Ca, OR, and NV.

MC 164888, filed February 11, 1983. Applicant: TAX AIRFREIGHT, INC., 4430 S. Kansas Ave., Milwaukee, WI 53207. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *such commodities* as are dealt in by manufacturers of storage batteries and related products, between points in WI, on the one hand, and, on the other, Chicago, IL.

MC 166279, filed February 15, 1983. Applicant: ROBINSON FOUNDRY, INC., Robinson Road, Alexander City, AL 35010. Representative: William F. Cuthbert, 711 E. Main Street, Bridgewater, NJ 08807, (201) 526–8700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Intermodal Consolidating Service, Inc., of Bridgewater, NJ.

[FR Doc. 83–5724 Filed 3–4–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–242

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 142040 (Sub-1–1TA), filed February 24, 1983. Applicant: AMBER DELIVERY SERVICE, INC., 25 Franklin Street, P.O. Box 361, Malden, MA 02148. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *Contract carrier:* irregular routes: *General commodities (except Class A & B explosives and used household goods)* between points in the U.S. (except AK and HI) under continuing contract(s) with New England Package Delivery, Inc., of Medford, MA. Supporting shipper: New England Package Delivery, Inc., 50 Revere Beach Parkway, Medford, MA 02155.

MC 158133 (Sub-1–2TA), filed February 25, 1983. Applicant: CONTRACT TRANSPORTATION SERVICE, INC., 1711 South 2nd Street, Piscataway, NJ 08854. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, (except Class A and B explosives, household goods, and commodities in bulk)* between New York, NY Commercial Zone, on the one hand, and, on the other points in CT, DC, DE, MD, MA, NJ, NY, OH and PA. Supporting shipper(s): There are six statements in support of this application which may be examined at the Regional Office of the ICC in Boston, MA.

MC 142472 (Sub-1–3TA), filed February 22, 1983. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *(1) Paper and paper products, and plastic and plastic products; and (2) Materials, equipment, and supplies used or useful in the manufacture and sale of the commodities named in (1) above*, from points in DE, ME, MA, NH, NJ, PA, VA, IL, KY, MI, MN, OH, WI, AL, AR, CA, CO, FL, GA, KS, MS, OR, SC, TX, and WA to points in CT, MA, NY and NJ, under continuing contract(s) with James River Corporation of Virginia, Richmond, VA. Supporting shipper: James River Corporation of Virginia, P.O. Box 2218, Richmond, VA 23217.

MC 119049 (Sub-1–1TA), filed February 22, 1983. Applicant: TEK VAN LINES, INC., James P. Murphy Highway, Warwick Industrial Parkway, West Warwick, RI 02893. Representative: Robert J. Gallager, Esq., 10000 Connecticut Avenue, N.W., Suite 1200, Washington, DC 20036. *Household Goods, as defined by the Commission and General commodities (except Class A & B explosives and commodities in*

bulk) for the United States Government, between points in AL, AK, AZ, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, WY. Supporting shipper(s): Acme Moving & Storage, P.O. Box 5444, Augusta, GA 30906; Engel Moving Systems, Inc., 901 Julia Street, Elizabeth, NJ 07201; Sentry Household Shipping, Inc., 5406 Harriet Street, Jacksonville, FL 32205; Scott & Sons Moving & Storage, Inc., 2472 So. Santa Fe Avenue, Vista, CA 92083.

MC 109937 (Sub-1–1TA), filed February 25, 1983. Applicant: WEST END MOVING & STORAGE CO., INC., 241 Pine Street, P.O. Box 3374, Bridgeport, CT 06605. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Contract carrier:* irregular routes: *General commodities (except Classes A & B explosives and commodities in bulk)* between points in CT, DE, IL, IN, IA, KS, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI, under continuing contract(s) with Uniroyal, Inc., of Middlebury, CT. Supporting shipper: Uniroyal, Inc., World Headquarters, Middlebury CT 06749.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150060 (Sub-II–12TA), filed February 17, 1983. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 10, E. Earl, PA 17519. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Pretzels,* between the facilities of Anderson Bakeries Inc., at or near Lancaster, PA, on the one hand, and, on the other, points in and east of WI, IL, KY, TN and MS. An underlying ETA seeks 120 days authority. Supporting shippers: Anderson Bakeries Inc., 2060 Old Philadelphia Pike, Lancaster, PA 17602.

MC 149351 (Sub-II–4TA), filed February 16, 1983. Applicant: HEYMAN TRUCKING INC., Box 97, 212 Mulberry St., Stephens City, VA 22655. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. Contract, irregular: *General commodities (except Classes A & B explosives, household goods and commodities in bulk),* between all points in the U.S. (except AK & HI) under continuing contract(s) with Gale Enterprises. An underlying ETA seeks 120 days authority. Supporting shipper(s): Gale Enterprises, P.O.B. 390, Stephens City, VA 22655.

MC 165002 (Sub-II–2TA), filed February 16, 1983. Applicant: KNIGHT LINES, INC., P.O. Box 896, Moon Township, Pittsburgh, PA 15108. Representative: Barry Weintraub, 7700 Leesburg Pike, Suite 403, Falls Church, VA 22043. Contract, irregular: *Steel products and materials, equipment and supplies used in the manufacture and distribution thereof* between Newton Falls, OH, on the one hand, and, on the other points in the U.S. (except AK & HI), under continuing contract(s) with Trumbell Metal Service, Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Trumbell Metal Service, Inc., P.O.B. 8, Newtow Falls, OH 44444.

MC 28066 (Sub-II–5 TA), filed February 16, 1983. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main St., P.O. Box 49, Harrisonburg, VA 22801. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Traffic marking material and materials, supplies and equipment used in the manufacture sale and distribution of same,* between East Point, GA, Cuba, MO, and Marble Falls, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Prismo Universal Corporation, 2675 Martin St., East Point, GA 30344.

MC 152872 (Sub-II–14TA), filed February 16, 1983. Applicant: A. ROGER LEASING, LTD., P.O. Box 836, Coraopolis, PA 15108. Representative: Barry Weintraub, 7700 Leesburg Pike, Suite 403, Falls Church, VA 22043. Contract, irregular: *insecticides, herbicides, pesticides and insecticides and materials, equipment and supplies used in the manufacture and distribution thereof* between points in the U.S. (except AK & HI), under continuing contract(s) with Lakeshore Equipment & Supply Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Lakeshore Equipment & Supply Co., Inc., 300 South Abbe, Elyria, OH 44035.

The following applications were filed in Region 3. Send protests to: ICC Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 159781 (Sub-3–2TA), filed February 16, 1983. Applicant: WESTPOINT PEPPERELL TRANSPORTATION COMPANY, P.O. Box 71, West Point, GA 31833. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, D.C. 20036. *Contract* irregular: *Automotive parts and rubber and plastic products used in the manufacture of automobiles* from Cleveland, Cincinnati, Dayton, Sharonville and Kingsway, OH; Chicago, IL; Indianapolis, IN; Detroit, Flint, Grand Rapids, Jackson, Kalamazoo, Lansing, Livonia, Pontiac, Saginaw, Ypsilanti, and Willow Run, MI; Winchester, Culpeper and Strasburg, VA; Green Island and Buffalo, NY; Riverside, NJ; and Doylestown, PA; to Atlanta, Hapeville and Doraville, GA; Norfolk, VA; and Metuchen, NJ under continuing contract(s) with National Automotive & Rubber Marketing, Inc., 13303 Hart, Huntington Woods, MI 48070.

MC 166310 (Sub-3–1TA), filed February 16, 1983. Applicant: PIONEER EXPRESS, INC., 3359 Cazassa Street, Memphis, TN 38116. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Such commodities as are dealt in or used by manufacturers of plastic products,* between points in Alcorn County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper(s): Intex Plastics Corporation, Intex Plastics Sales Corporation, P.O. Box 948, Golding Drive, Corinth, MS 38834.

MC 140902 (Sub-3–21TA), filed February 16, 1983. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (Same address as Applicant). *Contract;* irregular; *chemicals, plastics, pharmaceuticals and related products* between Marshall, TX on the one hand and on the other points in the United States (except AK and HI) under continuing contract(s) with ICI America, Inc. Supporting Shipper: ICI Americas, Inc. Wilmington, DE 19897.

MC 2900 (Sub-3–36TA), filed February 16, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (Same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Miles Laboratories, Inc. Supporting shipper: Miles Laboratories, Inc. 1127 Myrtle Ave., Elkhart, IN 46514.

MC 152950 (Sub-3–6TA), filed February 16, 1983. Applicant: CENTURY TRANSPORTATION CORPORATION, Post Office Box 207, Columbus, MS 39703–0207. Representative: Lloyd R. Pate (Same address as above). *Contract Carrier;* Irregular Route; *General Commodities (except Classes A & B Explosives; Household Goods; and Commodities in Bulk)* between TN, on

the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with: Cargill, Inc., Memphis, TN. Supporting shipper: Cargill, Inc., 2330 Buoy St., Memphis, TN 38113.

MC 166272 (Sub-3–1TA), filed February 16, 1983. Applicant: THE HAPPY GROUP, INC., 6329 Old Pineville Road, Charlotte, NC 28210. Representative: John Whisonant, 4601–C Sharon Chase Ln., Charlotte, NC 28215. *Passengers,* between Mechlenburg County, NC and York County, SC. Supporting shipper(s): Tony D. Crump, 1337 Briarcreek Rd., Charlotte, NC 28205; J. A. Kisner, 847 Vickery Dr., Charlotte, NC 28205; and James D. Rimmer, 3409 Dunaire Dr., Charlotte, NC 28205.

MC 166100 (Sub-3–1TA), filed February 7, 1983. Applicant: O. HARVEY GRIGGS, INC., Post Office Box 824, 1015 West Pine Street, Mount Airy, NC 27030. Representative: William E. West, Jr., 11 West Fourth Street, Winston-Salem, NC 27101. *Contract:* Irregular: *Fuel Oil and Gasoline* between NC, SC, and VA. Supporting shippers: Proctor Silex, Inc., Post Office Box 511, Hay Street, Mount Airy, NC 27030 and Anderson and Webb Trucking Company, 770 West Lebanon Street, Mount Airy, NC 27030.

MC 166263 (Sub-3–1TA), filed February 16, 1983. Applicant: THEODORE GRIFFIN, INC., Rt. 3 Box 309, Marshville, NC 28103. Representative: Teddy Griffin (Same address as applicant). *1-Brick and clay products and materials, supplies and equipment used in the manufacture, sale and distribution of these products,* between points in NC and SC. *2-Building blocks and materials, supplies and equipment used in the manufacture, sale and distribution of these products,* between points in NC and SC. Supporting shipper(s): Palmetto Brick Company, P.O. Box 430, Cheraw, SC 29520 and Charlotte Block Company, 5125 Rozzells Ferry Road, Charlotte, NC 28216.

MC 141652 (Sub-3–10TA), filed February 16, 1983. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, 235 Peachtree Street, N.E., Suite 1200, Atlanta, GA 30303. *General Commodities (except classes A and B explosives, household goods and commodities in bulk)* (a) from points in GA, NC, OH, SC, TN and WV to points in AZ, CA, CO, ID, NV, OR, UT and WA; (b) from points in GA on and north of US Hwy 78 to points in CN, DE, MA, MD, ME, NH, NJ, NY, PA and RI; (c) between Atlanta, GA; Dallas TX; Santa Clara, CA; Itasco, IL; Buffalo, NY; and, Vincentown, NJ under continuing contract(s) with Highway Marketing & Sales, Inc. of Ellenwood, GA. Supporting shipper: Highway Marketing & Sales, Inc. 4868 Highway 42, Suite E, Ellenwood, GA 30049.

MC 148348 (Sub-3–2TA), filed February 15, 1983. Applicant: FONT CORPORATION, Highway 52, East (Route 2), Hartford, Alabama 36344. Representative: Gilbert L. Font (Same address as applicant). *Building materials, lumber and wood products,* between points in the US except AK and HI. Supporting shipper: Santiam Midwest Lbr. Co., 1107 5th Ave., Decatur, AL 35602.

MC 163972 (Sub-3–1TA), filed February 15, 1983. Applicant: IMPERIAL TRANSPORTATION, INC., 5512 Craig Drive, Lakeland, FL 33805. Representative: William J. Augello, 120 Main Street, Huntington, NY 11743. *General Commodities, the transportation of which requires special equipment because of size or weight,* between points in the US, except AK and HI. Supporting shipper(s): There are 22 statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 2934 (Sub-3–62TA), filed February 14, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above.) *Contract:* Irregular; *Medical laboratory equipment and reagents relating thereto,* between Houston, TX, Indianapolis, IN and points within the U.S. (excluding AK and HI), under continuing contracts with Boehringer Mannheim Corporation, 9115 Hague Road, Indianapolis, IN 46250. Supporting shipper: Boehringer Mannheim Corporation, 9115 Hague Road, Indianapolis, IN 46250.

MC 140902 (Sub-3–20TA), filed February 14, 1983. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *such merchandise as is dealt in by the wholesale retail chain grocery business and materials equipment and supplies used in the conduct of that business* between Simpsonville, SC on the one hand and on the other points in GA, AL, TN, KY, VA, & NC under continuing contract(s) with The Kroger Co. Supporting Shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 166363 (Sub-3–1TA), filed February 23, 1983. Applicant: D & E TRUCKING INC., Route 1, Box 192, Columbia, Mississippi 39429. Representative: Norman Dyess, President (same address as above). *Contract,* irregular routes, (1) *New furniture* from Columbia, MS, and Guthrie, OK to points in the United States (except AK and HI); (2) *Furniture dimension stock and furniture parts from* Tylertown, MS to points in the United States (except AK and HI); and (3) *Materials and supplies used in the manufacture and distribution of new furniture* from points in the United States to Guthrie, OK, Tylertown and Columbia, MS, under a continuing contract or contracts with New Orleans Furniture Manufacturing Co. Supporting Shipper: New Orleans Furniture Manufacturing Co., P.O. Box 151, Columbia, MS 39429.

MC 159333 (Sub-3–4TA), filed February 22, 1983. Applicant: McINVALE FREIGHT LINES, INC., 5965 Highway 18 S, Jackson, MS 39209. Representative: W. M. McInvale (same as applicant). *Shampoo, and related articles thereto,* between the facilities of St. Ives Laboratories, Inc., Chatsworth, CA and Chicago, IL, on the one hand, and, on the other, all points in the US (except Alaska and Hawaii). Supporting Shipper: St. Ives Laboratories, Inc., 2025 Nordoff, Chatsworth, CA 91311.

MC 159333 (Sub-3–5TA), filed February 23, 1983. Applicant: McINVALE FREIGHT LINES, INC., 5965 Highway 18 S, Jackson, MS 39209. Representative: W. M. McInvale (same as applicant). *Control products, and articles relating thereto, viz: glass spears, highway marking strips and glass beads used for blast cleaning, ceramic road markers and fire clay,* BETWEEN THE FACILITIES OF CATAPHOTE (Division of Ferro Corp.), Jackson, MS, on the one hand, and, on the other, all points in the US (except Alaska and Hawaii). Supporting Shipper: CATAPHOTE (Division of Ferro Corp.), Box 2309, Jackson, MS 39208.

MC 161231, (Sub-3–3TA), filed February 23, 1983. Applicant: PLATEAU EXPRESS, INC., Route 11, Box 226, McMinnville, TN 37110. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, Tennessee 37219. *Such commodities as are dealt in or used by manufacturers of ladle gate valves, firebrick shapes and refractory products,* (1) between the facilities utilized by Flo-Con Systems, Inc., at or near Champaign and Fisher, IL, Forest, MS and Grove City, PA, (and the commercial zones of each) (2) between points named in (1) on the one hand, and, on the other, points in the U.S., except AK and HI. Supporting shipper:

Flo-Con Systems, Inc., 1404 Newton Drive, Champaign, IL.

The following applications were filed in region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–59TA), filed February 12, 1983. Applicant: ALLIED VAN LINES, INC. P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill, 2120 S. 25th Avenue, Broadview, IL 60153. *Contract* irregular: *Household goods* between points in the U.S. (excluding AK and HI) under a continuing contract with State Farm Mutual Automobile Insurance Company of Bloomington, IL.

MC 113855 (Sub-4–9TA), filed February 18, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: MICHAEL E. MILLER, 15 Broadway, Suite 502, Fargo, ND 58102. *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under a continuing contract(s) with Mazak Corporation of Florence, KY. Supporting shipper: Mazak Corporation, 8025 Production Drive, Florence, KY 41042.

MC 144450 (Sub-4–1TA) filed February 22, 1983. Applicant: JOHN VAN ZYLL, d.b.a. JOHN VAN ZYLL TRUCKING, 2303 Edson Drive, Hudsonville, MI 49426. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Food and related products*, materials, supplies and equipment used in the manufacture and distribution thereof between points in MI on the one hand and on the other points in the United States (except Alaska and Hawaii). Supporting Shippers: Mid America Potato Company, P.O. Box 2764, Grand Rapids, MI 49501 and Sawyer Fruit Company, P.O. Box 268, Bear Lake, MI 49614

MC 146121 (Sub-4–5TA), filed February 22, 1983. Applicant: BAY CARTAGE COMPANY, 1122 E. Barney Ave., Muskegon, MI 49444. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract* irregular: *General commodities (except in bulk, Classes A and B explosives, and household goods as defined by the Commission)* between all points in the United States (except AK and HI), under contract with Meijer, Inc. Supporting shipper: Meijer, Inc., 2727 Walker NW, Grand Rapids, MI 49504.

MC 150716 (Sub-4–4TA), filed February 22, 1983. Applicant: J.R.S. LEASING CHARTER, INC., 9445 South 51st Avenue, Oak Lawn, IL 60453. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Contract; irregular; Pulp, paper and related products*, from points in AL, FL, GA, LA, TN and TX to the facilities of Longview Fibre Company at Rockford, IL, Cedar Rapids, IA, Minneapolis, MN and Milwaukee WI and the facilities of Pride Container Corp., at Chicago, IL, under continuing contract(s) with Longview Fibre Company, of Longview, WA. Supporting shipper: Longview Fibre Company, P.O. Box 639, Longview, WA 98632; Pride Container Corp., 4545 West Palmer Street, Chicago, IL 60639.

MC 160951 (Sub-4–3TA), filed February 22, 1983. Applicant: A. M. EXPRESS, INC., 18603 Harrison St., Lowell, IN 46356. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 635–2339. *Fertilizer*, from points in IL and OH to points in IN. Supporting shippers: Great Lakes Fertilizer Dealers, P.O. Box 97459, Chicago, IL 60690; Parr Elevator, Inc., Route 2, Box 25A, Rensselaer, IN; Crop Fertility Specialists, Inc., 605 E. 13th St., Winamac, IN.

MC 163443 (Sub-4–2TA), filed February 18, 1983. Applicant: G. L. TRUCKING, Rural Route 1, Box 97H, Williston, ND 58801. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. *Mercer Commodities* (except commodities in bulk) between points in MN, on the one hand, and, on the other, points in ND, SD, MT, WY and CO. Supporting shipper: H & L Rental, Williston, ND *ETA seeks 120-day authority.*

MC 163548 (Sub-4–1TA), filed February 16, 1983. Applicant: PHILLIP T. HART, d.b.a. HART TRANSPORTATION, R.R. 1, Box 300, Villa Grove, IL 61956. Representative: Martin J. Kennedy, 120 West Madison Street, Suite 1306, Chicago, IL 60602. *Contract* irregular: *Foodstuffs* 1) from Cincinnati, OH to Kansas city, KS, Los Angeles, CA and Portland, OR and 2) from Los Angeles, CA to Salt Lake City, UT, under contract with Royal American Food Company, PO Box 1000, Blue Springs, MO 64015.

MC 166339 (Sub-4–1TA), filed February 22, 1983. Applicant: WINN BARTZ TRUCKING, INC., 225 Railroad Street, Reedsburg, WI 53959. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract*; irregular; *coal and related products* between points in and east of ND, SD, KS, OK and TX. Restriction: restricted to transportation performed under continuing contract(s) with Alabama By Products Corporation. Supporting shipper: Alabama By Products Corporation, Box 10246, First National South Building, Birmingham, AL 35202.

MC 166340 (Sub-4–1TA), filed February 22, 1983. Applicant: KENNETH L. SWAFFORD, P.O. Box 205, Marshall, MI 49068. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Contract* irregular: *heating and cooling systems, air registers and vent pipe, materials, supplies and equipment used in the manufacture and distribution thereof* between the facilities of Hart & Cooley, a division of Interpace Corporation in Holland, MI on the one hand and on the other points in the United States (except Alaska and Hawaii). Restricted to traffic moving under continuing contract with Hart & Cooley, a division of Interpace Corporation. Supporting shipper: Hart & Cooley, a division of Interpace Corporation, 500 E. 8th Street, Holland, MI 49423.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 166370 (Sub-6–1TA), filed February 23, 1983. Applicant: B & R TRUCKING, P.O. Box 1073, Red Bluff, CA 96080. Representative: John Patrick Kelly, 3659 Adams Ave., San Diego, CA 92116. *Building materials* including but not limited to *lumber, roofing materials, wooden shakes, wooden shingles* and associated products from points in WA and OR to points in CA and AZ for 270 days. Supporting shippers: Wesco Cedar, Inc., P.O. Box 2566, Eugene, OR 97402.

MC 152681 (Sub-6–2TA), filed February 23, 1983. Applicant: FRANK BATY, 2045 Tulare Wy., Upland, CA 91786. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702. *Beer*, between points in MI and NY on the one hand, and, on the other points in MT, WY, ID, UT, AZ, NM and TX, for 270 days. Supporting shipper: Martlet Importing Company, Incorporated, 5505 E. Carson Ave., Lakewood, CA 90713.

MC 166369 (Sub-6–1TA), filed February 22, 1983. Applicant: ROBERT L. PRESS d.b.a. CALICO TRUCKING, Rt. 9, Bx. 152C, Bakersfield, CA 93309. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Asphalt in bulk in tank vehicles*, from Signal Hill, CA, on the one hand, to points in Maricopa and Mohave Counties, AZ; and Esmeralda, Lyon, and Lincoln Counties, NV, on the other hand, for 270 days. Supporting shipper: BF Energy Co., Inc., 19800 Fairchild, Su. 150, Irvine, CA 92715.

MC 158389 (Sub-6–1TA), filed February 16, 1983. Applicant: JAMES C. CHILSON d.b.a. INLAND DISTRIBUTORS, N. 4215 Willow Rd., Spokane, WA 99206. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Machinery and related parts* from Danville, (Vermillon County) IL and Cincinnati, OH to points in WA, OR, ID and MT for 270 days. Supporting shipper: Hyster Company, 9892 40th Ave. S., Seattle, WA 98118.

MC 166329 (Sub-6–1TA), filed February 18, 1983. Applicant: PACE MAKER FREIGHT, INC., 155 176th St. #2, Surrey, B.C. CAN V3S 4N8. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. *Lumber or Wood Products—Stone/Rock and Building Materials,* between ports of entry on the International Boundary Line between the U.S. and Canada in WA and points in WA, OR and CA for 270 days. Supporting shippers: Fraser Box & Trading Co. Ltd., 9871 River Drive, Richmond, B.C. CAN V6X 1Z1; Loc-Wood Cabinets, Inc., 20330 Logan Avenue, Langley, B.C. CAN V3A 4L7; Weldwood of Canada Ltd., 900 E. Kent Avenue, Vancouver, B.C. CAN V5X 2X9; M. D. Tuck Lumber Co., Ltd., 8455 162nd Street, Surrey, B.C. CAN V3S 3V3.

MC 117589 (Sub-6–6TA), filed February 23, 1983. Applicant: PROVISIONERS BROKERAGE, INC., 3801 7th Ave. S., Seattle, WA 98108. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Commodities as dealt in or used by grocery stores, drug stores, hardware stores and food business houses,* between points in MI, OH and IL on the one hand, and, on the other, points in WA, OR and MT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Acme Food Sales, Inc., 6276 Ellis Ave. S., Seattle, WA 98108.

MC 166144 (Sub-6–1TA), filed February 22, 1983. Applicant: SILVER CITY BUS LINES, 404 N. Bullard, Silver City, NM 88061. Representative: Ralph E. Malone, P.O.B. 526, Deming, NM 88031. *Shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds* between Luna and Grant Counties, NM for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 12 shippers. Their statements may be examined in the office listed.

MC 160051 (Sub-6–3TA), filed February 16, 1983. Applicant: TALENT TRUCKING CO., P.O.B. 320, Talent, OR 97540. Representative: John A. Anderson Ste. 801, The 1515 Bldg., 1515 SW 5th Ave., Portland, OR 97201. *General commodities (except household goods, classes A and B explosives and commodities in bulk),* between points in Lake County, MT, Stutsman County, ND, Columbia County, WI, Cook County, IL, Polk County, IA, Hennepin and Ramsey Counties, MN, Tulsa County, OK, Pulaski County, AR, Mobile and Lauderdale Counties, Al, Caddo County, LA, Sedgwick, Wyandotte and Johnson Counties, KS and St. Louis County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shippers; GRI Corporation, 65 East South Water St., Chicago, IL 60601; Dakota Bake-N-Serv, Inc., P.O.B. 688, Jamestown, ND 58401; Western Bee Supplies, Inc., P.O.B. 171, Polson, MT 59860; and Continental Fiberglass Corporation, 339 SW 6th St., Des Moines, IA 50309.

MC 148791 (Sub-6–21TA), filed February 16, 1983. Applicant: TRANSPORT-WEST, INC., 1650 S. 1100 W, Woods Cross, UT 84087. Representative: Rick J. Hall, P.O.B. 2465, Salt Lake City, UT 84116. *Contract Carrier,* Irregular routes; *Manufactured rubber products,* from Denver, CO. to points in AR, MO, TX, and KS, for the account of Gates Rubber Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gates Rubber Co., P.O.B. 5887, Denver, CO. 80217.

MC 166071 (Sub-6–1TA), filed February 18, 1983. Applicant: MARLIN L. DERR, ANNA J. DERR, AND DANIEL M. MCCAIN d.b.a. UNIQUE COACHES, ASSOCIATION OF, 252 G East Ave., Chico, CA 95926. Representative: Daniel M. McCain (same as applicant). *Passengers* in charter operations between Yuba, Butte, Lassen, Plumas and Teham Counties, CA and points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 10 shippers. Their statements may be examined in the office listed above.

MC 166124 (Sub-6–1TA), filed February 18, 1983. Applicant: ZENITH TRANSPORTATION, INC., 1774 W. Winton Ave., Hayward, CA 94540. Representative: Loretta A. Ellsworth, 35689 Scarborough Dr., Newark, CA 94560. *Footstuffs,* from Alameda County, CA to Washoe County, NV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Granny Goose Foods, Inc., 930 98th Ave., Oakland, CA 94603.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–5725 Filed 3–4–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jusidictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to

exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a manor regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the applicant later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Five at 202–275–7289.

Volume No. OP5–87

Decided: February 23, 1983.

MC 165999, filed January 31, 1983. Applicant: WILSON TRUCKING AND LEASING, 50 State St., N. Babylon, NY 11703. Representative: Robert Wilson (Same address as applicant) (516) 643–5866. Transpeorting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166178, filed February 8, 1983. Applicant: PERFECT COURIER, LTD., 1610 Callowhill Street, Philadelphia, PA 19130. Representative: Robert B. Einhorn, 3220 P. S. F. S. Building, 12 South 12th Street, Philadelphia, PA 19107 (215) 922–1400. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 166239, filed February 14, 1983. Applicant: DONALD M. GANNER d.b.a. GANNER COACH LINES, P.O. Box 614, Palmerston Ontario, Canada. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K Street, N.W. Washington, D.C. 20005 (202) 783–3525. In foreign commerce only, transporting *passengers*, in charter and special operations, beginning and ending at ports of entry on the international boundary line, between the United States and Canada, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166258, filed February 15, 1983. Applicant: DAVID SHERMAN d.b.a. M L X COMPANY, 1100 N. Tústin Ave., Suite 204, Anaheim, CA 92807. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609 (213) 945–2745. (1) To operate as a *broker* of *general commodities* (except household goods), between points in the U.S., and (2) transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for or on behalf of the United States Government, between points in the U.S. (except AK and HI).

Volume No. OP5–90

Decided: February 24, 1983.

MC 143528 (Sub-1), filed February 16, 1983. Applicant: BECK BUS TRANSPORTATION CORP., P.O. Box 768, Mt. Vernon, IL 62864. Representative: Bruce E. Mitchell, Suite 520, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, 404–262–7855. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161418, filed February 11, 1983. Applicant: CINEVISION CORPORATION d.b.a. "THE MOVIE BUS COMPANY", 1771 Tullie Circle, N.E., Atlanta, GA 30329. Representative: Stephen A. Newton (Same address as applicant) 404–321–6333. Transporting *passengers*, in charter and special operations, beginning and ending at points in GA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165949, filed January 27, 1983. Applicant: FRED J. ELMS, d.b.a., ROCKY MOUNTAIN SHIPPING BROKERS, 8895 W. 73rd Pl., Arvada, CO 80005. Representative: Fred J. Elms (Same address as applicant) 303–422–6725. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166118, filed February 4, 1983. Applicant: JOHN CARROLL, Fullmar Lane, Norwalk, CT 06850. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091 (703) 860–8521. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166238, filed February 14, 1983. Applicant: MILFORD BUS CORPORATION, 3525 Greenpoint Avenue, Long Island City, NY 11101. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10173, 212–755–9500. Transporting *passenges*, in charter and-special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166259, filed February 15, 1983. Applicant: TRAVELINES TOURS, INCORPORATED, 744 Sanwix Square, Norfolk, VA 23502. Representative: Helma E. German (Same address as applicant) 804–461–8223. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–5723 Filed 3–4–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to

conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 5, at (202) 275–7289.

Volume No. OP5–83

Decided: February 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 92168 (Sub-3X), filed February 7, 1983. Applicant: THEATRICAL FILM SERVICE, INC., 105 Chapman Rd., Stoughton, MA 02072. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Lead: (1) Remove the seasonal operations restriction; (2) broaden (a) motion picture films and apparatus to "instruments, photographic goods or optical goods, watches or clocks;" and (b) motion picture films and theater supplies to "instruments, photographic goods or optical goods, watches or clocks, and theater supplies;" and (3) expand (a) to authorize service at all intermediate points; (b) the off-route point of Hampton Beach, NH, to points in Rockingham County, NH, as off-route points; (c) the off-route points of Somerville and Cambridge, MA, to points in Middlesex, Essex, Suffolk, and Norfolk Counties, MA, as off-route points; and (d) the off-route points of Newmarket, Durham, and Somersworth, NH, to points in Rockingham and Strafford Counties, NH, as off-route points.

Volume No. OP5–92

Decided: February 24, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144008 (Sub-7X), filed February 11, 1983. Applicant: STORE TRANSFER & DELIVERY SERVICE, INC. 12 Ferris Lane, Poughkeepsie, NY 12603. Representative: Ronald Shapss, 450 Seventh Ave., New York, NY 10123. Lead and Subs 1F and 3F permits: broaden the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers.

MC 145268 (Sub-6X), filed February 15, 1983. Applicant: KENNETH B. HOLM AND GLENN STEED, d.b.a. H & S ENTERPRISES, P.O. Box 26302, Salt Lake City, UT 84126. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Broaden the commodity description (1) in Sub 2F, to "metal products" from steel and steel pipe, and (2) in Sub 4F, to "clay, concrete, glass or stone products, and chemicals and related products," from floor tile and adhesives; and broaden the territorial scope in Subs 2F and 4F to "between points in the U.S.," under continuing contract(s) with named shippers.

[FR Doc. 83–5721 Filed 3–4–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP1–74]

Motor Carriers; Permanent Authority; Republication of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this **Federal Register** Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1–1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

MC 153951, (republication), filed January 22, 1982, published in the **Federal Register** February 9, 1982, and republished this issue. Applicant: NESEL FAST FREIGHT INC., 2480 Lawrence Avenue East, Unit 7, Scarborough, Ontario, Canada MIP 2R7. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202. A decision by the Commission, Review Board Number 1, decided February 14, 1983, served February 18, 1983, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture and fixtures,* between ports of entry on the international boundary line between the U.S. and Canada in Maine, Michigan, New Hampshire, New York, and Vermont, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maryland, Maine, Michigan, Mississippi, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Caroina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include the District of Columbia in the territorial description.

MC 164341, (republication), filed October 21, 1982, published in the **Federal Register** November 8, 1982, and republished this issue. Applicant: ALVIN M. STRICKLAND, d.b.a. STRICKLAND TRUCKING, 4519 W. Knox St., Tampa, FL 33614. Representative: Alvin M. Strickland (same address as applicant). A decision by the Commission, Review Board Number 1, decided February 2, 1983, served February 14, 1983, finds that applicant is authorized to operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Florida Steel Corporation, of Tampa, FL. The purpose of this republication is to include authority to transport commodities in bulk.

[FR Doc. 83–5722 Filed 3–4–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15135; OP4F–109]

Motor Carriers; Anderson Trucking Service, Inc.; Purchase Exemption; Haupt Contract Carriers, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Anderson Trucking Service, Inc. (Anderson) (MC–95876) and Haupt Contract Carriers, Inc. (Haupt) MC–

126346 and 149487) seek an exemption from the requirement of prior regulatory approval for the purchase by Anderson of all of Haupt's operating rights. These include over fifty permits, and about nine certificates authorizing the transportation of specified commodities mostly to and from points in the Midwest. In addition, temporary authority is sought for Anderson to lease Haupt's operating rights pending disposition of the petition for exemption.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Robert D. Gisvold, 1600 TCF Tower, 121 S. Eighth St., Minneapolis, MN 55402.

Comments should refer to No. MC–F–15135.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contracting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 16, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5728 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15124; OP2-086]

Motor Carriers; Coats Freight Ways, Inc.; Purchase Exemption; Grand Island Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub–No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Coats Freight Ways, Inc. (Coats) (MC–133229) and Grand Island Express, Inc. (GI) (MC–135283) seek an exemption from the requirement of prior regulatory approval for the purchase by Coats of GI's Sub-No. 75 certificate, authorizing the transportation of general commodities (except classes A & B explosives, household goods, and commodities in bulk), between Irvington, NE, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioner's representative: Jack L. Shultz, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501–2028.

Comments should refer to No. MC–F–15124

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 1, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5727 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15055]

Motor Carriers; V & W, Inc.; Common Control Exemption; Vant Transfer, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 I.C.C. 113 (1982), Vant Transfer, Inc. (No. MC–133189), all issued and outstanding stock owned by Leonard Vant and James Vant, and V & W, Inc., all issued and outstanding stock owned by Leonard Vant, James Vant, and Steven Warian, seek an exemption from the requirement under section 11343 of prior regulatory approval (1) for the purchase of Vant's common carrier operating authority by V & W and (2) for the resulting common ownership and control relationship between Vant (which will retain contract carrier authority) and V & W, arising from the interests of Leonard Vant and James Vant in both entities.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423
and
(2) Petitioners' representative: John B. Van de North, Jr., Briggs and Morgan, 2200 First National Bank Bldg., St. Paul, MN 55101.

Comments should refer to No. MC–F–15056.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 28, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5728 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83–164 beginning on page 550 in the issue of Wednesday, January 5, 1983, make the following correction:

On page 555, third column, in MC 150498 (Sub-4), Pacific Inland Transport, Inc., eighth and ninth lines, "explosives and commodities" should have read "explosives, household goods, and commodities".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83–2214 beginning on page 3885 in the issue of Thursday, January 27, 1983, make the following correction:

On page 3886, third column, under MC 165621, Transport Normand Larocque, Inc., 13th line, "NY, NY" should have read "NH, NY".

BILLING CODE 1505-01-M

[No. AB-2 (Sub-42)]

Rails; Louisville and Nashville Railroad Company; Abandonment and Discontinuance of Operations Over Southern Railway in Putnam and Cumberland Counties, TN; Findings

The Commission has issued a certificate authorizing the Louisville and Nashville Railroad Company (now the Seaboard System Railroad, Inc.), to abandon its 18.50-mile rail line from milepost NT 110.5 near Monterey, TN (Putnam County) to milepost NT 129.0 near Crossville, TN (Cumberland County), and to discontinue service beyond milepost NT 129 over an 8,034-foot segment of Southern Railway track over which applicant has trackage rights. The certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 [formerly 49 CFR 1121.38].

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5713 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-65)]

Rails; Seaboard Coast Line Railroad Company; Abandonment; Between Forest City and Rutherfordton, NC; Findings

The Commission has found that the public convenience and necessity permit the Seaboard System Railroad, Inc. [formerly Seaboard Coast Line Railroad Company] to abandon its 3.62-mile rail line between Forest City, milepost SF 407.40 and Rutherfordton, milepost for 411 02, in Rutherford County, NC. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis Gitomer, Room 5417, Interestate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 [formerly 49 CFR 1121.38].

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5714 Filed 3-4-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Consent Decree Amendments Pursuant to Clean Air Act; Sharon Steel Corp.

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on February 15, 1983 a proposed Modification to Consent Decree and Amendment to Modification to Consent Decree in *United States* v. *Sharon Steel Corporation,* Civil Action Nos. 79-1201-J and 80-809-J were lodged with the United States District Court for the Western District of Pennsylvania. The proposed Modification and Amendment provide for the extension of certain final compliance dates pursuant to the Steel Industry Compliance Extension Act of 1981 (42 U.S.C. 113(3)).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed modification and amendments to consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Sharon Steel Corporation,* D.J. Ref. 90-5-1-1-1126.

The proposed modification and amendment may be examined at the office of the United States Attorney, Western District of Pennsylvania, 633 United States Post Office & Courthouse, Pittsburgh, Pennsylvania, at the Region 3 Office of the Environmental Protection Agency, Philadelphia, Pennsylvania, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed modification and amendment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $5.80 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-5694 Filed 3-4-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the national Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences Anthropology (Support for Systematic Collections).

Date and time: March 25, 1983—8:30-5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Room 338, Washington, D.C. 20550.

Type meeting: Closed.

Contact person: Ms. Mary Greene, Associate Program Director for Anthropology, NSF, Room 320, Washington, D.C. 20550.

Summary of minutes: Available from Contact Person, at above address.

Purpose of panel: To provide advice and recommendations concerning NSF support for research in anthropology.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the

authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-6737 Filed 3-4-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Earth Sciences Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Stratigraphy and Paleontology, Environmental Geosciences, Crustal Structure and Tectonics, Seismology and Deep Earth Structure, Experimental and Theoretical Geophysics, Petrogenesis and Mineral Resources, Mantle Geochemistry and Experimental and Theoretical Geochemistry Subcommittees).

Date and Time: March 23, 24 and 25, 1983; 8:30 to 5:00 p.m. each day.

Place: The National Science Foundation, Room 643, 1800 G Street, N.W., Washington, D.C 20550

Type of Meeting: Closed.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550; Telephone: (202) 357–7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidental nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-6738 Filed 3-4-83; 8:45 am]

BILLING CODE 7555-01-M

Commission on Precollege Education in Mathematics, Science and Technology; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: National Science Board Commission on Precollege Education in Mathematics, Science and Technology.

Date and time: March 25, 1983, 9:00 a.m.—4:30 p.m.; March 26, 1983, 9:00 a.m.—2:00 p.m.

Place: Houston Independent School District, 3830 Richmond Avenue, Houston, Texas 27027.

Type of meeting: Open.

Contact person: Dr. Richard S. Nicholson, Executive Director, Commission on Precollege Education in Mathematics, Science and Technology, Room 527, National Science Foundation, Washington, DC 20550.

Summary minutes: Contact Dr. Richard S. Nicholson at the above address.

Purpose of Commission meeting and agenda:

March 25: The Commission will conduct both plenary sessions and Task Group meetings to continue formulation of recommendations to be presented at a Public Forum.

March 26: A Public Forum will be held to begin the process of repeated interactions with the public directed toward the development of final recommendations.

Audience participation: The Commission is actively seeking reactions and suggestions regarding its initial recommendations for the improvement of precollege mathematics, science and technology education. Interested persons are encouraged to participate in this Public Forum

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-6741 Filed 3-4-83; 8:45 am]

BILLING CODE 7555-01-M

Environmental Biology Advisory Panel; Subpanel on Ecosystem studies; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Ecosystem Studies of the Advisory Panel for Environmental Biology.

Date and time: March 24 & 25, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Robert G. Woodmansee, Program Director, Ecosystem Studies (202) 357–9596, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for research in ecosystem studies.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-6739 Filed 3-4-83; 8:45 am]

BILLING CODE 7555-01-M

Subpanel for Geography and Regional Science of the Advisory Panel for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel for Geography & Regional Science of the Advisory Panel for Social and Economic Science.

Date/time: March 24, 1983; 8:30 a.m. to 5:00 p.m.

Place: Room 1240, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. James H. Blackman, Acting Program Director, Geography & Regional Science, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357–7326.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Geography and Regional Science.

Agenda: Closed portion: To review and evaluate research proposals and

projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-5740 Filed 3-4-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Availability of NUREG–0845; Agency Procedures for the NRC Incident Response Plan

The NRC Incident Response Plan, NUREG–0728/MC 0502 describes the functions of the NRC during an incident and the kinds of actions that comprise an NRC response. The NRC response plan will be activated in accordance with threshold criteria described in the plan for incidents occurring at nuclear reactors and fuel facilities involving materials, licensees; during transportation of licensed material, and for threats against facilities or licensed material. In contrast to the general overview provided by the Plan, the purpose of these agency procedures, NUREG–0845, is to delineate:

1. The manner in which each planned response function is performed;
2. The criteria for making those response decisions which can be preplanned;
3. The information and other resources needed during a response.

An inexperienced but qualified person should be able to perform functions assigned by the Plan and make necessary decisions, given the specified information, by becoming familiar with these procedures. This rule of thumb has been used to determine the amount of detail in which the agency procedures are described. These procedures form a foundation for the training of response personnel both in their normal working environment and during planned emergency exercises. These procedures also form a ready reference or reminder checklist for technical team members and managers during a response.

This document is available through the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Signed in Bethesda, Maryland on Feb. 28, 1983.

Kenneth E. Perkins,

Chief, Incident Response Branch, Division of Emergency Preparedness and Engineering Response, Office of Inspection and Enforcement.

[FR Doc. 83-5779 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 75 to Facility Operating License No. DPR–23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plan, Unit No. 2, (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to provide 72 hours to make operable the essential features of the AFW pumps and to clarify that the conditions under which at least one pressurizer safety relief valve must be operable.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The applications for amendment dated October 22, 1982 and January 20, 1983, (2) Amendment No. 75 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-5772 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR–39, and Amendment No. 71 to Facility Operating License No. DPR–48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments revise the Technical Specifications by: (1) A change in designation numbers for reactor coolant pump undervoltage devices; and (2) a reduction in the frequency of channel functional testing of the reactor protection system and engineered safeguards system from monthly to quarterly.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact

appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated August 5, 1982, (2) Amendment Nos. 61 and 71 to License Nos. DPR–38 and DPR–47, and (3) the Commission's Related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of February, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6772 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR–6, to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (facility) located in Charlevoix County, Michigan. This amendment is effective as of its date of issuance.

The amendment approves Technical Specification changes which revise the frequency of audits of the emergency preparedness and security plans by the Safety and Audit Review Board.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 12, 1982, (2) Amendment No. 58 to License No. DPR–6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of February 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-6774 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–70]

General Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. TR–1, issued to General Electric Company (the licensee), which revised Technical Specifications for operation of the General Electric Test Reactor (the facility) located in Pleasanton, California. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to delete the requirements for maintaining the containment vessel integrity and for conducting containment calibration testing while the reactor is secured. It also changes the numbering of the last two paragraphs in the license to make them run consecutively.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated October 12, 1982, (2) Amendment No. 11 to License No. TR–1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23d day of February 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 83-6775 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR–42, and Amendment No. 56 to Facility Operating License No. DPR–60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the common Technical Specifications (TS) for the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 as a result of our review of the TS for compliance with the requirements of Appendix J to 10 CFR Part 50. Other changes include provisions for reducing the 24 hour containment leak rate test period, deletions of obsolete leak testing requirements of the shield and auxiliary buildings (TS 4.4.A.3) and increasing the allowable leakage rate for the overall airlock door tests (TS 4.4.A.5.c).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated August 7, 1975 as revised by letters dated December 3 and December 22, 1982, (2) Amendment Nos. 62 and 56 to License Nos. DPR–42 and DPR–60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23d day of February, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–5776 Filed 3–4–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the Licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises the limits for reactor coolant radioactivity and steam generator coolant radioactivity.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 17, 1980, as supplemented by letters dated June 26, 1981, May 14, 1982, and February 3, 1983, (2) Amendment No. 67 to License No. DPR–40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23d day of February, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–5777 Filed 3–4–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR–40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment adds limiting conditions for operation and surveillance requirements for containment purge isolation valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated November 3, 1981, as supplemented by letter dated April 29, 1982, (2) Amendment No. 68 to License No. DPR–40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of February, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83–5778 Filed 3–4–83; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses to Import/Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is

on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 23rd day of February, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT AND IMPORT)

Name of applicant, date of application, date received, applicant No.	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Total isotope		
New York Nuclear Corp., Feb. 4, 1983, Feb. 8, 1983, ISNM03003.	5 pct Enriched uranium	5,000,000	250,000	To be used as fuel in various U.S. nuclear power reactors.	From Various Countries.
Transnuclear, Inc., Feb. 22, 1983, Feb. 22, 1983, ISNM03005.	5 pct Enriched Uranium	500,000	25,000	For ultimate use as fuel in U.S. or foreign power reactors and research reactors.	From Various Countries.
Transnuclear, Inc., Feb. 10, 1983, Feb. 14, 1983, XSNM01919(01).	3.30 pct Enriched Uranium	[1]25,133	[1]823	Additional fuel for Fessenheim	France.
Transnuclear, Inc., Feb. 10, 1983, Feb. 14, 1983, XSNM01920(01).	3.30 pct Enriched uranium	[1]1,540,000	[1]50,820	Additional fuel for Bugey 3	France.
Transnuclear, Inc., Feb. 14, 1983, Feb. 14, 1983, XSNM01913(01).	3.00 pct Enriched uranium	[1]20,011,000	[1]705,206	Additional reload of fuel for Philippsburg 1	W. Germany.
Pechiney Ugine Kuhlmann Development, Inc., Feb. 17, 1983, Feb. 17, 1983, XSNM01944(01).	93.3 pct Enriched uranium	4.911	4.582	Fuel for McMaster University Nuclear Reactor—Change licensee from Transnuclear to Pechiney Ugine Kuhlmann Development, Inc. and add Edlow Int'l as shipper.	Canada.
Transnuclear, Inc., Feb. 22, 1983, Feb. 22, 1983, XSNM03020.	93.3 pct Enriched uraium	35.086	32.737	IEU for use as fuel in R-2 Res. Reactor	Sweden.

[1]Additional.

[FR Doc. 83-6001 Filed 3-4-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on March 17 and 18, 1983, in Room 5026, New Executive Office Building, Washington, DC. The meeting will begin at 7:00 p.m. on March 17, recess and reconvene at 8:00 a.m. on March 18. Following is the proposed agenda for the meeting:

(1) Briefing of the Council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the Council by OSTP personnel and personnel of other agencies on proposed ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The March 17 session and a portion of the March 18 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 10:00 a.m. Because of the security in the New Executive Office Building, persons wishing to attend the open portion of the meeting should contact Jerry Jennings, Executive Director of the Office of Science and Technology Policy at (202) 456–7740, prior to 3:00 p.m. on March 17. Mr. Jennings is also available to provide further information regarding this meeting.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

February 24, 1983.

[FR Doc. 83-6730 Filed 3-4-83; 8:45 am]

BILLING CODE 3170-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2078; Amdt. No. 1]

California; Declaration of Disaster Loan Area

Declaration #2078 (See 48 FR 8167) is amended in accordance with FEMA's declaration of February 9, 1983, to include Monterey County in the State of California. The termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983, for eligible victims in the declared counties.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: February 18, 1983.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 83-6789 Filed 3-4-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Request for Early Submission of Preapplications for Airport Grant Funds Under the Airport Improvement Program (AAIA) for Fiscal Year 1983

The FAA notice that appeared in the Federal Register, Vol. 48, No. 9, Page 1583, January 13, 1983, pursuant to section 509(e) of the Airport and Airway Improvement Act of 1982 (AAIA), advised sponsors of airports to which entitlement funds are apportioned that, for FY 1983, approval of preapplications received by FAA after June 1, 1983, for entitlement funds may be deferred until the following fiscal year. Additionally, to assure effective administration of the grant program and to provide information needed by the FAA to carry out its responsibilities under section 508(d)(5), the notice also requested other sponsors to notify FAA of their intent to apply for FY 1983 funds by submitting preapplications no later than the same date.

To help meet the Administration's commitment to increase job opportunities the FAA is working to accelerate the awarding of construction grants so that these grant funds would be available to provide job opportunities in the 1983 construction season.

We are now asking all sponsors, therefore, to make every effort to submit preapplications for construction grants by April 15, 1983, and to accelerate their construction programs to the extent feasible. FAA field personnel will assist sponsors where necessary to help meet shorter grant preparation and procurement schedules. Failure to submit by April 15, 1983, however, will not result in the deferral of preapplications for entitlement funds, provided the preapplications are received by June 1, 1983. For other sponsors unable to submit earlier preapplications, FAA will still consider those submitted by June 1, 1983.

For additional information, contact Mr. John Sekman, APP–520, on 202 (426–8590).

Issued in Washington, D.C., March 2, 1983.

Lowell H. Johnson,

Acting Director, Office of Airport Planning and Programming.

[FR Doc. 83-5840 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commmission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on March 25, 1983, in RTCA Conference Room, 1425 K Street, NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Approval of Minutes of Meeting Held on January 21, 1983; (2) Chairman's Report on RTCA Administration and Activities; (3) Special Committee Activities Report for January and February, 1983; (4) Consideration of Establishing New Special Committees; (5) Approval of Subsection 2.5 Supplement and Changes to Special Committee 142 Report "Minimum Operational Performance Standards for Air Traffic Control Radar Beacon/Mode S (ATCRDS/Mode S) Airborne Equipment"; (6) Status of Future Planning Group Activities; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, NW., Suite 500, Washington, D.C. 20005, (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on February 28, 1983.

Karl F. Bierach,

Designated Officer.

[FR Doc. 83-5882 Filed 3-4-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83–51]

Reimbursable Services; Excess Cost of Preclearance Operations

March 1, 1983.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning March 6, 1983.

Installation	Biweekly excess cost
Montreal, Canada	$16,610
Toronto, Canada	31,765
Kindley Field, Bermuda	8,699
Nassau, Bahama Islands	16,306
Vancouver, Canada	10,759
Winnipeg, Canada	2,589
Freeport, Bahama Islands	9,777
Calgary, Canada	7,495
Edmonton, Canada	5,066

William H. Russell,

Comptroller.

[FR Doc. 83-5799 Filed 3-4-83; 8:45 am]

BILLING CODE 4820-02-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held on Wednesday, March 16, 1983, at 10 AM in Room 600, 400 C Street, S.W. The Commission will discuss the activities and programming of USIA's Bureau of Educational and Cultural Affairs.

Since space is limited, please call Elizabeth Fahl, (202) 485–2468, if you are interested in attending the meeting.

Mary Jane Winnett,

Management Analyst, Management Plans, Analysis, Directives Staff, Bureau of Management, United States Information Agency.

[FR Doc. 83-5757 Filed 3-4-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 45
Monday, March 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M–375]

March 2, 1983.

TIME AND DATE: 9:30 a.m. (open), 2 p.m. (closed), March 9, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Federal Aviation Administration's Request for Access to Air Carriers' Restricted Monthly Financial Data. (Memo 1721, OC, OEA, OGC)
3. Docket EAS–794 Essential air service eligibility of Aberdeen/Hoquiam under section 419(b) of the Act. (Memo 743–B, BDA, OGC, OCCCA)
4. Docket 41259, Application of Jet Fleet Corp. for an emergency exemption from section 204.8 to enable it to begin large aircraft operations by April 15, 1983. (Memo 1728, BDA)
5. Docket 41029, Petition of Wien Air Alaska for reconsideration of Order 82–12–70. (Memo 1582–C, BDA, OGC)
6. Docket 41045, Proposed show-cause order tentatively finding Alaska Aeronautical Industries fit to conduct scheduled certificated operations within Alaska. (Memo 1705–A, BDA)
7. Commuter carrier fitness determination of Northern Airways, Inc. (Memo 1720, BDA)
8. Commuter carrier fitness determination of Flamenco Airways, Inc. (Memo 1718, BDA)
9. Commuter carrier fitness determination of Montair Flight Service, Inc. (Memo 1717, BDA)
10. Commuter carrier fitness determination of Visa Airlines, Inc. (Memo 1722, BDA)
11. Docket 41149, Establishment of Special Subsidy Program for Fiscal Year 1983. (Memo 1726, BDA, OCCCA, OGC)
12. Delegation to Director, BIA, to grant or deny applications by foreign air carriers for waiver of the Board's filing fee requirements. (OGC, OMD, BIA)
13. Docket 29044, Reexamination of the Board's smoking rule in light of the Court of Appeals decision in *ASH v. CAB*. (OGC, OCCCA)
14. Docket 40432, *Bergt-AIA-Western-Wien Acquisition and Control Case*. Air Line Pilots Association's petition that the Board issue an order making clear that any Board approval of continued common control of Western and AIA is subject to the stipulated LPP's. (OGC)
15. Docket 21670, *Frontier Airlines, Inc. Subsidy Mail Rates*. (Memo 1036–C, OGC)
16. Docket 40865, Application of Airpac, Inc. for a change of name. (Memo 1690–B, OGC)
17. Docket 40828, *Central Zone-Caracas/Maracaibo, Venezuela Service Case*. (OGC)
18. Docket 38823, Agreement C.A.B. 28940, IATA agreement proposing a new passenger fare structure within the South West Pacific. (Memo 1724, BIA)
19. Docket 41206, Application of Arrow Airways, Inc. for an exemption (Guam-Manila). (Memo 1727, BIA, OGC, BDA)
20. Docket 39926, Application of Transportes Aereos Kantuta, LTDA., Trak Airlines for an initial foreign air carrier permit. (BIA, OGC)
21. Report on the Canadian Negotiations. (BIA)
22. Negotiations with Brazil. (BIA)
23. Report on the United Kingdom User Charge Issue. (BIA)

STATUS: 1–20 open, 21–23 closed.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–315–83 Filed 3–3–83; 3:30 pm]

BILLING CODE 6320–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, March 9, 1983.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Aluminum Wire Petition AP 80–2*
   The Commission will consider Petition AP 80–2 which requests a rule under Section 27 (e), CPSA requiring manufacturers of electrical wiring devices to furnish consumers with information about potential overheating hazards when incompatible receptacles and switches are used with aluminum wiring.
2. *Physicians' Samples*
   The staff will brief the Commission on issues related to whether the Commission should issue a previously proposed rule that would require all oral prescription drugs in consumer packages that are distributed by manufacturers to physicians to be in child-resistant packaging.
3. *Smoke Detector Project: Status*
   The staff will brief the Commission on the status of the smoke detector project.

(For a recorded message on the latest agenda information, call 301–492–5709.)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301–492–6800.

[S–316–83 Filed 3–3–83; 3:46 pm]

BILLING CODE 6355–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:25 p.m. on Wednesday March 2, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding the Corporation's assistance agreement involving an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Recommendations with respect to the initiation, termination, or conduct of cease-and-desist proceedings against certain insured banks: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" [5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,597–NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Case No. 45,622–L—Metropolitan Bank and Trust Company, Tampa, Florida

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no

earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

Dated: March 3, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–317–83 Filed 3–3–83; 4:00 pm]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

Federal Register No. 302.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 10, 1983, 10 a.m.

CHANGE IN MEETING: The following matter has been removed from the Agenda for the open meeting scheduled for this date:

Proposed notice of rulemaking for general election regulations

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202–523–4065.

Majorie W. Emmons,

Secretary of the Commission.

[S–314–83 Filed 3–3–83; 12:42 pm]

BILLING CODE 6715–01–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 48, Page No.—None at this time. Date Published—No date at this time.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood, (202) 377–66790).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Thursday, March 3, 1983 at 10 a.m.:

The Boston Five Cents Savings Bank, Boston, Massachusetts

[No. 22, March 3, 1983]

[S–312–83 Filed 3–3–83; 10:30 am]

BILLING CODE 6720–01–M

6

FEDERAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Thursday, March 3, 1983.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of **Federal Register** notice.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S–313–83 Filed 3–3–83; 11:09 am]

BILLING CODE 6750–01–M

VOL
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federal register

Monday
March 7, 1983

Part II

Department of Health and Human Services

Office of the Secretary

Nondiscrimination on the Basis of Handicap

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 84

Nondiscrimination on the Basis of Handicap

AGENCY: Office of the Secretary, HHS.

ACTION: Interim final rule.

SUMMARY: The interim final rule modifies existing regulations to meet the exigent needs that can arise when a handicapped infant is discriminatorily denied food or other medical care. Three current regulatory provisions are modified to allow timely reporting of violations, expeditious investigation, and immediate enforcement action when necessary to protect a handicapped infant whose life is endangered by discrimination in a program or activity receiving federal financial assistance.

Recipients that provide health care to infants will be required to post a conspicuous notice in locations that provide such care. The notice will describe the protections under federal law against discrimination toward the handicapped, and will provide a contact point in the Department of HHS for reporting violations immediately by telephone.

Notice and complaint procedures have been effective instruments for deterrence and enforcement in a variety of civil rights contexts. The Secretary believes that the interim final rule provides the best means to ensure that violations can be reported in time to save the lives of handicapped children who are denied food or are otherwise imperiled by discrimination in the provision of health care by federally assisted programs or activities.

The procedures to be followed for investigation of complaints are outlined in the supplementary information below. The Secretary intends to rely heavily on the voluntary cooperation of State and local agencies, which are closest to the scene of violations, and which have traditionally played the key role in the investigation of complaints of child abuse and neglect. This will not exclude, of course, a vigorous federal role in enforcing the federal civil rights that are at issue.

The Secretary invites comments on all aspects of the interim final rule. Aspects on which comment is particularly invited are set forth in the supplementary information.

DATES: The interim final rule becomes effective March 22, 1983.

Comments should be submitted by May 6, 1983.

ADDRESSES: Comments should be submitted in writing to the Director, Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, S.W., Room 5400, Washington, D.C. 20201, or delivered to the above address between 9:00 a.m. and 5:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Susan Shalhoub at (202) 245–6585, Office for Civil Rights, Department of Health and Human Services, 330 Independence Avenue, S.W., Room 5514, Washington, D.C. 20201.

SUPPLEMENTARY INFORMATION: The President's directive of April 30, 1982, and the HHS Office for Civil Rights "Notice to Health Care Providers" of May 18, 1982, reminded recipients of federal financial assistance of the applicability of Section 504 of the Rehabilitation Act of 1973. Section 504 provides: "No otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from participation in, be denied the benfits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Notice to Health Care Providers explained what is already clear from the language of Section 504 and the implementing regulations (45 CFR Part 84): The discriminatory failure of a federally assisted health care provider to feed a handicapped infant, or to provide medical treatment essential to correct a life-threatening condition, can constitute a violation of Section 504.

This interim final rule does not in any way change the substantive obligations of health care providers previously set forth in the statutory language of Section 504, in the implementing regulations, and in the Notice to Health Care Providers. The interim final rule sets forth procedural specifications designed: (1) To specify a notice and complaint procedure, within the context of the existing regulations, and (2) to modify existing regulations to recognize the exigent circumstances that may exist when a handicapped infant is denied food or other necessary medical care.

The interim final rule affects the following portions of existing regulations:

1. *45 CFR 80.6(d),* as referenced by 45 CFR 84.61, which requires recipients to make available such information, in such a manner, as the Department finds necessary to apprise appropriate persons of the protections afforded under Section 504. The interim final rule specifies the type of information and manner of posting that is necessary to bring the protections of Section 504 for handicapped infants to the attention of those persons within the recipient program or activity who are most likely to have knowledge of possible violations as they occur.

2. *45 CFR 80.8,* as referenced by 45 CFR 84.61, which sets forth procedures for the Secretary to effect compliance with Section 504, including referrals to the Department of Justice for the initiation of appropriate legal proceedings. The existing regulations require a 10-day waiting period from the time the Secretary notifies a recipient of its failure to comply to the time the Secretary makes a referral to the Department of Justice or takes other legal actions to effect compliance. When a handicapped infant is being denied food or other necessary medical care, however, more expeditious action may be required. New § 84.61(c) creates a narrow exception to the 10-day waiting period when, in the judgment of the responsible Department official, immediate remedial action is necessary to protect the life or health of a handicapped individual.

3. *45 CFR 80.6(c),* as referenced by 45 CFR 84.61, which requires each recipient to permit access by Department officials to facilities and information pertinent to ascertaining compliance with Section 504, during normal business hours. Allegations of denial of food or other necessary medical care to handicapped infants may require an immediate effort to ascertain compliance. The interim final rule provides that access to records and facilities of recipients shall not be limited to normal business hours when, in the judgment of the responsible Department official, immediate access is necessary to protect the life or health of a handicapped individual.

The purpose of the interim final rule is to acquire timely information concerning violations of Section 504 that are directed against handicapped infants, and to *save the life of the infant.* The Secretary believes that those having knowledge of violations of Section 504 against handicapped infants do not now have adequate opportunity to give immediate notice to federal authorities. A telephone complaint procedure can provide information to federal authorities in time to save the life of a handicapped infant who is being discriminatorily denied nutrition in a federally assisted program or activity.

Events of the past several years suggest that handicapped infants have died from denial of food in federally assisted programs. The full extent of discriminatory and life-threatening practices toward handicapped infants is not yet known, but the Secretary believes that for even a single infant to die due to lack of an adequate notice and complaint procedure is unacceptable.

For quick and effective response to complaints, the Secretary counts not only the enforcement resources of the federal government, but also on the assistance of state child protective agencies, which can respond quickly and effectively to referrals from the Federal government, and which are often closest to the scene for speedy investigation of life-threatening child abuse and neglect. The Secretary intends to contact state child protective agencies whenever a complaint is received that falls within the definition of child abuse or neglect, in order to give States an opportunity to make their own investigation and to take appropriate action.

The Secretary expects that States will follow their customary procedures for investigating allegations of child abuse and neglect that involve an imminent danger to life. State agencies that receive federal financial assistance are under the same obligation as other recipients not to provide a qualified handicapped person with benefits or services that are less effective than those provided to others.

For those complaints that are expeditiously and effectively investigated and pursued by State agencies, the Secretary anticipates that additional federal efforts will often be unnecessary. The Secretary will closely monitor all investigation and enforcement activity taken pursuant to complaints. The Secretary will make available to State agencies any information and assistance that is helpful and appropriate. For those cases where direct federal action appears helpful, the Secretary will have at his disposal the usual means of federal civil rights enforcement. The interim final rule makes it possible for the Secretary to conduct immediate investigations and to make immediate referrals to the Department of Justice for such legal action as may be necessary to save the life of a handicapped child who is subjected to discrimination by a recipient.

Federal enforcement action can also be taken against any recipient that intimidates or retaliates against any person who provides information concerning possible violations of Section 504. 45 CFR 80.7(e), as referenced by 45 CFR 84.61, prohibites intimidatory or retaliatory acts by recipients against individuals who make complaints or assist in investigations concerning possible violations of Section 504. This provision fully protects individuals who make complaints or assist in investigations concerning possible withholding of food or other necessary medical care from handicapped infants.

Comments solicited. The Secretary seeks public comment on all aspects of the interim final rule. Comments will be considered and modifications made to the rule, as appropriate, following the comment period.

The Secretary also solicits comments on the advisability of requiring (1) that recipients providing health care services to infants perform a self-evaluation, pursuant to 45 CFR 84.6(c)(1), with respect to their policies and practices concerning services to handicapped infants; and (2) that such recipients identify for parents of handicapped children those public and private agencies in the geographical vicinity that provide services to handicapped infants.

Regulatory impact analysis. This rule has been reviewed under Executive Order 12291. It is not a major rule and thus does not require a regulatory impact analysis.

Regulatory flexibility analysis. The Regulatory Flexibility Act (Pub. L. 96–354) requires the federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities. This rule has no significant effect on small entities. Therefore, a regulatory flexibility analysis is not required.

Paperwork Reduction Act. This rule contains no information collection requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Public participation in rulemaking. With reference to the Secretary's Statement of Policy, dated January 28, 1971, concerning public participation in rulemaking (printed at 36 FR 2532; Feb. 5, 1971), the Secretary finds that this interim final rule is exempt from the requirements of 5 U.S.C. 553. Under 45 CFR 80.6(d) and 84.61, the Secretary is already authorized to specify the manner in which recipients make available information concerning federal legal protections against discrimination toward the handicapped. The exception to the 10-day waiting period of 45 CFR 80.8(d)(3) and the exception to 45 CFR 80.6(c) to allow access outside normal business hours are minor technical changes and are necessary to meet emergency situations. All modifications made by the interim final rule are necessary to protect life from imminent harm. Any delay would leave lives at risk. Immediate publication and implementation of this rule will not cause undue burden to any party. The Secretary therefore finds it necessary to publish this rule as an interim final rule taking effect less than 30 days following publication. The Secretary deems 15 days to be the minimum in which the necessary apparatus can be in place to receive and respond to telephone complaints. The interim final rule is therefore made effective March 22, 1983.

List of Subjects in 45 CFR Part 84

Civil rights, Education of handicapped, Handicapped.

Approved: March 2, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 84—[AMENDED]

Interim Final Rule

45 CFR 84.61 is amended by designating the existing provision as paragraph (a) and by adding paragraphs (b), (c), and (d) to read as follows:

§ 84.61 [Amended]

* * * * *

(b) Pursuant to 45 CFR 80.6(d), each recipient that provides covered health care services to infants shall post and keep posted in a conspicuous place in each delivery ward, each maternity ward, each pediatric ward, and each nursery, including each intensive care nursery, the following notice:

DISCRIMINATORY FAILURE TO FEED AND CARE FOR HANDICAPPED INFANTS IN THIS FACILITY IS PROHIBITED BY FEDERAL LAW

Section 504 of the Rehabilitation Act of 1973 states that no otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Any person having knowledge that a handicapped infant is being discriminatorily denied food or customary medical care should immediately contact:

Handicapped Infant Hotline
U.S. Department of Health and Human Services
Washington, D.C. 20201
Phone 800– ———— (Available 24 hours a day)

or

Your State Child Protective Agency

Federal law prohibits retaliation or intimidation against any person who provides information about possible violations of the Rehabilitation Act of 1973.

Identity of callers will be held confidential.

Failure to feed and care for infants may also violate the criminal and civil laws of your State.

(1) Recipients may add to the notice, in type face or handwriting, under the words "Your State Child Protective Agency," the identification of an appropriate State agency, with address and telephone number. No other alterations shall be made to such notice.

(2) Copies of such notice may be obtained on request from the Department of Health and Human Services.

(3) The required notice shall be posted within five days after the recipient is informed by the Department of the applicable toll-free national telephone number.

(c) Notwithstanding the provisions of paragraph (a), the requirement of 45 CFR 80.6(d)(3) shall not apply when, in the judgment of the responsible Department official, immediate remedial action is necessary to protect the life or health of a handicapped individual.

(d) Notwithstanding the provisions of paragraph (a), access to pertinent records and facilities of a recipient pursuant to 45 CFR 80.6(c) shall not be limited to normal business hours when, in the judgment of the responsible Department official, immediate access is necessary to protect the life or health of a handicapped individual.

[FR Doc. 83-6781 Filed 3-3-83; 8:42 am]
BILLING CODE 4150-04-M

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 932

Olives Grown in California; Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: This interim final rule amends the administrative rules and regulations with respect to nomination procedures, public member and late assessment procedures of the California Olive Committee. The rules also specify the procedures for assessment crediting of handler paid advertising expenditures and removes an obsolete definition of "limited use" styles. The changes implement two recent amendments to the marketing order.

DATES: Interim rule effective March 8, 1983 through June 1, 1983; comments received by April 7, 1983 will be considered with regard to any subsequent rule.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of California olives for the benefit of producers, and will not substantially affect costs for those persons directly regulated.

The amendment of Subpart—Rules and Regulations (47 FR 13118, 51348) is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932, 47 FR 32905, 51092), regulating the handling of olives grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the California Olive Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Section 932.52 was amended effective August 1, 1982 (47 FR 32905), to provide that the current U.S. Standards for Grades of Canned Ripe Olives (7 CFR Part 52), instead of the U.S. Standards effective in 1971, apply for purposes of outgoing quality and limited use regulations. Thus, § 932.110 which adds "quartered" and "segmented" styles as those which may be produced from limited use size olives, is no longer applicable and should be terminated.

Effective August 1, 1982, § 932.29 was amended to provide that producer members of the Committee may be nominated through a combination of producer meetings and subsequent mail ballots, or such other procedure recommended by the Committee and approved by the Secretary. Thus, § 932.129 should be revised to provide that Committee members who represent producers shall be nominated through a prescribed combination of public meetings with or without mail ballots, as the Committee may determine. Section 932.129 should also be revised to specify who may vote in such nominations and who may serve on the Committee.

Effective August 1, 1982, § 932.25 was revised to provide that the size of the Committee may be increased from 16 members and alternates to 17 members and alternates through the selection of a public member and alternate who are not producers or handlers. Also, § 932.29(c) was added to provide that nominations for public member and alternate shall be submitted to the Secretary prior to April 16 of year in which nominations are made. Section 932.29(c) also provides that the Committee shall prescribe procedures for the selection and voting for each candidate. Thus, § 932.130 should be added to prescribe the qualifications for the public member and alternate and to permit the Committee to recommend its nominee to the Secretary.

Section 932.39(c) was added in 1982 (47 FR 32905) to permit the Committee with the approval of the Secretary to levy interest and/or late charges for assessments not paid to the Committee by handlers within prescribed period of time. Thus, § 932.139 should be added, which establishes for all assessments not received by the Committee within 30 days, a two percent late payment charge and an additional interest charge computed according to the number of days an assessment is delinquent beyond the 30 day payment period.

Finally, § 932.45 was amended in 1982 (47 FR 51092) to provide for the crediting a portion of a handler's direct expenditures for paid advertising for olives. Section 932.145 should be added to implement this provision. That section specifies the direct expenditures which may be so credited, the amount of assessments available for crediting, and the procedures handlers should follow to obtain credit.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this interim rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that: (1) The changes implement recent amendments to the order which were discussed at a public hearing and subsequently approved in a referendum by olive growers; (2) olive handlers are aware of the changes and require no advanced preparation time; and (3) some of the changes represent a relief of restrictions or an application for benefits and no useful purpose is served by delaying the effective date of this action. Comments will be solicited for 30 days after publication and this document will be reviewed at that time.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives and California.

PART 932—[AMENDED]

Therefore, Subpart—Rules and Regulations (7 CFR 932.106–932.161) is amended as follows:

1. Section 932.110 is hereby removed.

2. Section 932.129 is revised to read as follows:

§ 932.129 Nomination procedures for producer members.

Members and alternate members on the Committee who represent producers shall be nominated in accordance with the procedures specified in either paragraph (a) or paragraph (b) of this section as the Committee may determine.

(a) Mail ballot voting. (1) The Committee shall schedule a meeting, prior to March 1 of each odd-numbered year, in each producing district for the purpose of selecting candidates for member and alternate member nominations. A notice of such meetings will be mailed to each producer of record in each district. The nomination process is as follows:

(i) Any person who produces olives in a particular district may offer the name of any producer from that district as a candidate for either a member or alternate member position in said district.

(ii) A producer, who produces olives in more than one district, can be selected as a candidate for a member or alternate member position in only one district.

(iii) The Committee will notify by mail producers who are selected as candidates but are not in attendance at such meetings. Such producers have the right to decline such listing on the ballot within 7 days of mailing such notice.

(iv) In the event that no candidates or an insufficient number of candidates are selected as such meetings for the producer members and alternates in the respective districts, the Committee will give written notice to producers in said district that additional names may be submitted for the specified position(s).

(2) Following such meetings, and no later than March 15 of each odd-numbered year, the Committee shall prepare and mail a ballot to each producer that delivered olives during that crop year in each district.

(i) A producer who produces olives in more than one district must choose the district in which the producer will vote and notify the Committee of that choice. If the Committee is not notified and more than one ballot is received from such a producer, the first ballot received will be counted. Candidates may only vote in the district in which they are seeking nomination.

(ii) Each ballot will list separately the names of candidates for the member positions and the names of candidates for the alternate member positions for said district.

(iii) A ballot will be mailed to producers of record to give them an opportunity to vote. Committee records will be used to determine the list of producers eligible to cast ballots. However, any producer who is not identified in such records may receive a ballot if the Committee determines that such producer is eligible to participate in nominations in that district.

(iv) A producer may cast a vote for as many candidates as there are member or alternate positions in said district.

(v) The candidate on each list, as prescribed in subparagraph (a)(2)(ii) of this section, who receives the most votes will be the nominee for the first position, and until all positions for that district are filled, the candidates receiving the second, third and forth highest number of votes will be the nominees for the second, third and fourth position respectively.

(vi) In the event of a tie which would result in elimination of a tied candidate, a second ballot with the names of those tied candidates will be mailed to producers in said district for another vote.

(b) Nomination Meetings. In lieu of the mail ballot nomination procedure specified in paragraph (a) of this section, the Committee may schedule nomination meetings. In such an event, the following procedure will apply:

(1) Prior to March 15 of each odd-numbered year, the Committee shall schedule a nomination meeting to be held in each district for the purpose of obtaining nominees for producer members and alternate members for such district.

(2) Nominations for members and balloting thereon shall precede nominations and balloting for alternate members.

(3) The candidate for each position who receives the highest number of votes shall be the nominee for the position: *Provided,* That such candidate receives a majority of the ballots cast. If no candidate receives such a majority, the two candidates who received the highest number of votes shall participate in a run-off balloting to determine which is the nominee.

(c) For the purposes of this section, a producer is a person engaged in a proprietary capacity as a single business unit in the production of olives for market as packaged olives and includes an individual (owner-operated), partnership, corporation, association, institution, or other legal business unit.

(d) Determination of producer eligibility. (1) Only producers (including duly authorized officers or employees of producers) who produced olives within the district shall participate in the nomination and election of producer members and alternates.

(2) Each producer (as defined in paragraph (c) of this section) shall be entitled to cast only one vote for each position.

(3) A producer having olive acreage in more than one district may participate in nominations and elections in only one district. The district in which the producer wishes to participate shall be the producer's choice.

(4) Any member of a producer's family (husband, wife, son or daughter) may vote on behalf of an owner-operated, landlord-tenant, family enterprise, or other farming unit.

(5) Any authorized officer or employee of a corporation which is a producer may vote.

(6) Any authorized member of a partnership which is a producer may vote.

(7) Power of attorney (proxies) for voting purposes are not accepted.

3. Section 932.130 is added to read as follows:

§ 932.130 Public member and alternate public member eligibility requirements and nomination procedures.

(a) Eligibility requirements. (1) The public member and alternate public member shall not be a producer, handler, or family member (husband, wife, son or daughter) of a producer or handler of olives and shall have no direct financial interest in, nor be engaged in, the commercial production, marketing, buying, grading or processing of olives; nor shall they be either an officer, director, or employee, or family member of an officer, director, or employee of any firm engaged in such activities.

(2) The public member and alternative public member should be able to devote sufficient time and must express a willingness to attend subcommittee and committee activities regularly and to familiarize themselves with the background and economics of the olive industry.

(3) The public member and alternate public member must be residents of California.

(b) Nomination procedures. (1) Prior to April 16 of the year in which nominations are made, the Committee will recommend to the Secretary a public member and alternate public member for the Committee for a two-

year term of office beginning June 1 and ending May 31 of odd numbered years.

(2) The Committee will solicit, interview and recommend to the Secretary its nominees for public member and alternate public member.

(3) A majority vote is required in Committee actions concerning the nomination of the public member and alternate public member.

4. Section 932.139 is added to read as follows:

§ 932.139 Late payment and interest charges.

(a) The Committee shall impose a late payment charge on any handler whose assessment has not been received in the Committee's office within 30 days of the invoice date shown on the handler's assessment statement. The late payment charge shall be two percent of the unpaid balance.

(b) In addition, the Committee shall impose an interest charge on any handler whose assessment payment has not been received in the Committee's office within 30 days of the invoice date. The interest charge shall be the current commercial prime rate at the Committee's bank and shall be applied thereafter to the unpaid balance and late payment charge for the number of days an assessment is delinquent beyond the 30 day payment period.

5. Section 932.145 is added to read as follows:

§ 932.145 Marketing promotion, including paid advertising and crediting for handler paid brand advertising.

(a) In order for a handler to receive credit for paid brand advertising expenditures against the handler's pro rata expense assessment obligations pursuant to § 932.45, the Committee shall determine that such expenditures meet the applicable requirements of this section.

(1) Creditable direct expenditures shall mean the actual money spent for advertising space in magazines, newspapers, outdoor media, transit, or other similar print media not otherwise prohibited in this section, or time charges for radio, television and other similar electronic media: *Provided*, That the amount of the creditable expenditures shall be the gross media cost as listed on the invoice, less any frequency or cash discounts earned.

(2) For an advertisement resulting from joint participation by a handler and one or more manufacturers or sellers of complementary commodities or products, and including the brands of all participants, the handler's credit shall be the amount computed according to the handler's proportional share of the total allowable payment to the advertising medium, or the handler's payment thereof, whichever is less.

(3) Production costs, preparation expense, travel allowances, costs relating to pre-testing of advertising, test marketing, directory advertising, point of sale material, premiums, trade promotional allowances, coupon redemption fees, or other expenses not directly connected with paid space or time costs, shall not be eligible for such assessment crediting.

(4) "Brand" is defined as those brands which are controlled, owned and registered by regulated olive handlers, or their parent or subsidiary companies.

(b) Pursuant to § 932.39, assessments shall be paid by each handler in each fiscal year to cover the Committee's expenses as approved by the Secretary pursuant to § 932.38.

(1) Such assessment funds shall first be made available to cover the Committee's administrative expenses, and if applicable, expenses for research and crop estimates.

(2) Any remaining assessment funds over the amount budgeted pursuant to paragraphs (b)(1) up to an additional $8 per ton, shall be used for the Committee's generic advertising and marketing promotion projects.

(3) Any remaining assessment funds over the amounts budgeted pursuant to paragraph (b)(1) and (2), up to an additional $8 per ton, shall be made available for crediting a handler's direct expenditures for paid brand advertising; and

(4) Any remaining assessment funds over the amounts budgeted pursuant to paragraphs (b)(1), (2) and (3) shall be allocated equally for:

(i) The Committee's generic advertising and marketing promotion projects; and

(ii) Crediting a handler's direct expenditures for paid brand advertising.

(c) Each advertisement must be published, broadcast, or displayed during the fiscal year in which credit is requested, except:

(1) The initial period shall begin on September 1, 1982, and end on December 31, 1983; and

(2) That a maximum of 34 percent of a handler's total assessment obligation available for crediting advertising expenditures as of December 31 of each fiscal year, may be included as an assessment obligation in the succeeding fiscal year, but must be so credited no later than June 30 of such succeeding fiscal year with documentation to be filed with the Committee no later than the following August 31. Any such remaining assessment funds not credited are due to the Committee no later than the following September 15.

(d) Except as provided in paragraph (c), assessments available to a handler for crediting but not so credited by December 1 shall become due and payable by December 1, except that the creditable brand advertising scheduled after December 1 may be deducted from the assessment due provided a purchase order, insertion order or other documents showing that intention to advertise is submitted by December 1. The submission of intentions to advertise will not relieve a handler from the obligation of submitting proof of performance for the expenditure.

(e) Handlers who meet the applicable requirements specified in this section shall be credited with 100 percent of such allowable expenditures, but the total amount credited shall not exceed their individual prorate share of the total amount assessable for brand credit for that fiscal year.

(f) Except as provided in paragraph (c) of this section, any funds available for the assessment credit for handler paid brand advertising but not so credited, shall be paid to the Committee as provided in § 932.39, and such funds shall be placed in the Committee's reserves pursuant to § 932.40 (a)(2).

(g) A handler must file a claim with the Committee to obtain credit for advertising expenditure. Each claim must be submitted in writing and accompanied by appropriate proof of performance as follows:

(1) For published advertisements, a copy of the publication invoice, agency invoice, if any, and tear sheet of the advertisment;

(2) For radio advertisements, a copy of the station invoice, a copy of the script, or reference to a copy on file with the Committee, and the agency invoice, if any;

(3) For television advertisements, a copy of the station invoice, script, and tape or story board of the advertisement, or a reference to these in the Committee files, and the agency invoice, if any;

(4) For outdoor advertisements, a copy of the company invoice, a photograph of the display or a reference to a photograph in the Committee files, and the agency invoice, if any;

(5) Or such other proof of performance and invoice as may be approved by the Committee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 3, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 83-6006 Filed 3-7-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1030

Milk in the Chicago Regional Marketing Area; Notice of Temporary Revision of Shipping Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action relaxes the shipping requirement for pool supply plants under the Chicago Regional milk order for the month of March 1983. The action will prevent uneconomic shipments of milk to the market and will help maintain the pool status of producers who regularly supply the market. The revision is made in response to requests of cooperative associations of producers supplying the market.

EFFECTIVE DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of proposed temporary revision of shipping standards: Issued February 3, 1983; published February 8, 1983 (48 FR 5747).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to give interested parties timely notice that the supply plant shipping requirement for March 1983 would be modified. The initial request for the action was received on January 25, 1983. Public comments on the proposed action were due February 18, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago Regional milk order.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 5747) concerning a proposed decrease in the shipping requirement for pool supply plants for the month of March 1983. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. Two comments were received in favor of the proposed reduction.

After considering all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed, and other available information, it is hereby found and determined that for the month of March 1983 the supply plant shipping percentage should be reduced temporarily by 2 percentage points from 20 percent to 18 percent.

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by up to 10 percentage points during the months of September through March to encourage additional milk shipments to pool distributing plants or to prevent uneconomic shipments.

The Central Milk Sales Agency (Agency), representing six cooperative associations whose members provide the majority of producer milk associated with the market, requested that the supply plant shipping percentage be decreased by 5 percentage points for March 1983. As proposed, the shipping percentage would be reduced from 20 percent to 15 percent of a supply plant's receipts of milk from producers. The request was based on two anticipated changes in the marketing conditions in the Chicago market. The proponents stated that during February a Chicago pool distributing plant would stop bottling milk and its associated distributing plant unit would cease to exist. With the loss of fluid milk sales due to the plant's closure, fewer shipments of milk from supply plants would qualify as producer milk under the order. Secondly, the proponents stated that they intended to begin delivering direct-shipped producer milk to another distributing plant in the Chicago area. These direct-shipped milk deliveries would result in fewer needed shipments from supply plants.

The Agency estimated that during March its milk receipts would be 542 million pounds and the qualifying shipments to fluid milk handlers would be 98 million pounds. These qualifying shipments would represent 18.1 percent of its producer receipts. The Agency stated in its request that reducing the required percentage of milk that must move from a supply plant, or units of supply plants, would prevent inefficient and uneconomic movements of milk solely for the purpose of qualification. The Agency stated that a reduction in the shipping percentage for pool supply plants is warranted to prevent uneconomic movements of milk.

Interested parties were given an opportunity to submit written data, views and arguments concerning the proposed revision. Comments were received from the proponent cooperative associations of the Central Milk Sales Agency and another cooperative association which supported the reduction in the supply plant shipping requirement. The Agency's spokeman stated that the Chicago pool distributing plant had stopped bottling milk on February 3, 1983, as anticipated in its revision request. The spokesman submitted information that showed that during the last year an average of 7 million pounds of milk had been pooled with the distributing plant unit each month. He stated that another cooperative association would begin supplying the other plant which had been associated in the unit with the closed bottling facility and the Agency would lose those sales on February 21, 1983.

The Agency also stated that it had begun supplying another distributing plant with direct-shipped milk, as anticipated in the revision request. The spokesman indicated that in March more than 6 million pounds of milk would be direct-shipped and an equivalent amount no longer would be needed from supply plants. With fewer shipments needed from supply plants, the proponents concluded that the temporary reduction in the supply plant shipping requirement should be granted as requested for March 1983 to prevent uneconomic movements of milk.

The total receipts of milk from producers for March are expected to be 1,140 million pounds, with 1,091 million pounds expected to be received at supply plants. Approximately 49 million pounds are expected to be received at pool distributing plants directly from producers. The volume of pooled Class I sales during March is anticipated to be

258 million pounds. At the 20 percent shipping percentge for March, the qualifying shipments from supply plants would be 218 million pounds. The volume of unneeded shipments from supply plants would approach 9 million pounds in March.

Reducing the supply plant shipping percentage for March by the requested 5 percentage points to 15 percent would require approxmiately 164 million pounds of qualifying shipments from supply plants. With projected Class I use at 258 million pounds, the difference is substantially greater than the 49 million pounds of expected direct-shipped milk. Thus, a 15 percent shipping standard for March would be too low to assure that distributing plants would have adequate supplies of milk for fluid use.

At an 18 percent shipping percentage for March, qualifying shipments from supply plants would be about 196 million pounds. At this level of shipments, distributing plants should be adequately supplied for March because most of the difference between shipments from supply plants and anticipated Class I use could be made up from direct-shipped milk.

The revised minimum shipping percentage is based essentially on projections of the marketing trends for the entire Chicago Regional market. The proponents' projections for their own operations vary somewhat from the entire projections for the entire market. Because the proponent cooperatives provide the majority of the producer milk associated with the market, additional weight has been given to their projections in setting the revised minimum shipping percentage for March.

On the basis of available information, it is concluded that the supply plant shipping percentage should be reduced to 18 percent for March.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the month of March 1983;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision. No comments in opposition to the proposed temporary revision were received.

Therefore, good cause exists for making this temporary revision effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1030

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the month of March 1983.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective Date: March 8, 1983.

Signed at Washington, D.C., on: March 3, 1983.

Edward T. Coughlin,

Director, Dairy Division.

[FR Doc. 83–5837 Filed 3–7–83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 8

[Docket No. 83–11]

Assessment of Fees; National Banks; District of Columbia Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is revising 12 CFR 8.7 to delete the reference to the specific dollar amount of the hourly fee charged for trust examinations. The amendment is technical and does not affect the manner in which the hourly fee is calculated. Revision is necessitated to eliminate the possibility of annual revisions to the regulation. Institutions subject to the hourly fee will be notified of any change in the hourly fee resulting from the required annual review.

EFFECTIVE DATE: March 28, 1983.

FOR FURTHER INFORMATION CONTACT:
Dennis J. Arczynski, Project Manager, Financial Operations Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1878,
or
Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

SUPPLEMENTARY INFORMATION: The principal drafters of this document are Dennis J. Arczynski, Project Manager, Financial Operations Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1878, and Jerome Edelstein, Attorney, Legal Advisory Services Division, Office of the Comptroller of the Currency, Washington, D.C. 20219, (202) 447–1880.

This Office is amending the portion of 12 CFR Part 8.7(c) to delete the specific reference to the dollar amount of the hourly rate charged for trust examinations. In line with this revision, 12 CFR 8.7(d) is also amended by deleting the reference to this hourly rate. Deletion of the reference to the $32.44 hourly rate for examinations commencing after December 31, 1980, would eliminate the administrative costs associated with possible annual revisions to the regulation. This amendment will not affect the calculation of the hourly rate and this Office will follow the prescribed methodology in its required annual review of the expenses associated with the hourly rate. Institutions subject to this hourly rate will be notified of any change in the hourly rate resulting from this annual review and 12 CFR 8.7(b) is amended to reflect this. The hourly rate for examinations will be increased to $40.00. Notice of this change will be sent to all affected institutions prior to the effective date of the change. This rate will remain in effect until affected institutions are notified of any subsequent change.

The Secretary of the Treasury has certified that this amendment will not have a significant impact on a substantial number of small banks.

The Office has determined that this amendment does not meet any of the tests for a regulatory impact analysis as required by Executive Order 12291.

The Office has determined that notice and comment or a 30-day delay of implementation pursuant to the Administrative Procedures Act is unnecessary because this amendment constitutes a technical change in the wording of the regulation and because this change has no substantive impact on those subject to 12 CFR 8.7.

List of Subjects in 12 CFR Part 8

National banks, Assessment of fees.

PART 8—[AMENDED]

For the reasons set out in the preamble, Part 8 of Chapter I of Title 12 of the Code of Federal Regulations is amended as set forth below:

1. The authority citation for Part 8 is:

Authority: R.S. 5240, as amended, 12 U.S.C. 481, 482, 12 U.S.C. 3102, and in Section 3, 47 Stat. 1566, 26 D.C. Code 102.

2. Section 8.7 is amended by revising (b), (c) and (d) to read as follows:

§ 8.7 Hourly rate for trust examinations.

* * * * *

(b) To assure continued compliance with the statutory requirement, national banks and other entities with trust departments examined by this Office are assessed a fee which recovers the total direct and overhead expenses of the examination. This fee will be reviewed annually according to the method set forth in paragraph (d) of this section to determine whether changes in such expenses require a revision of the fee. The Office shall notify institutions subject to this fee of any change in the hourly rate resulting from this annual review.

(c) The total fee a trust examination is the hourly fee multiplied by the number of hours examiners spend at the bank and the number of hours spent by examiners working on the examination report while outside of the bank. The Office will waive the fee for time spent by examiners with less than six months of experience and for those hired on a temporary basis.

(d) The hourly rate represents the total expenses of conducting trust examinations as set forth in the budget for the year in which the hourly fee is applicable, divided by the projected number of billable hours for that year.

* * * * *

Dated: March 2, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-5997 Filed 3-7-83; 8:45 am]

BILLING CODE 4810-33-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Revision 2—Amendment 26]

Delegation of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Regional Administrator in Region IV, proposed a revision to the delegated authority for field offices in his region that would give designated Senior Loan Specialists authority to approve, decline, or take servicing and liquidation actions on loans. These designated officers would have delegated authority equal to the Supervisory Loan Specialist, Financing Division, District Office (D/O), the Supervisory Loan Specialist, Portfolio Management, D/O, and the Supervisory Loan Specialist, Liquidation, D/O, but with no supervisory authority for responsibility. The Senior Loan Specialists would function under supervision of a regular supervisor such as a Deputy District Director, an Assistant District Director/Finance and Investment, or a Chief, Financing Division and would free the Supervisory Loan Officers from some of their routine work, allow them more time for the management of a broader segment of their offices and additionally, would greatly improve the supervisor/employee ratio.

This proposal was approved on a "pilot project" basis for Region IV only. The results concluded from this "project" will be reviewed for retention and possible national usage.

EFFECTIVE DATE: March 8, 1983; not to exceed 1 year.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416. Telephone No. (202) 653–8538.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and procedure, Organization and functions (Government agencies).

PART 101—[AMENDED]

§ 101.3–2 [Amended]

For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3–2 is amended as set forth below:

* * * * *

1. Part I, Section A, paragraph 1.a. add a new subparagraph (10) as below, and recodify existing subparagraphs (10) through (14) as (11) through (15).

(10) Senior Loan Specialist, Financing, D/O, Region IV only, 250,000, 350,000.

2. Part I, Section A, paragraph 1.b. add a new subpargraph (10) as below, and recodify existing subparagraphs (10) through (16) as (11) through (17).

(10) Senior Loan Specialist, Financing, D/O, Region IV only, 250,000, 500,000.

3. Part I, Section B, paragraph 2.a. add a new subparagraph (10) as below, and recodify existing subparagraphs (10) and (11) as (11) and (12).

(10) Senior Loan Specialist, Financing, D/O, Region IV only.

4. Part I, Section B, paragraph 2.b. add a new subparagraph (10) as below, and recodify existing subparagraphs (10) and (11) as (11) and (12).

(10) Senior Loan Specialist, Financing, D/O (on fully undisbursed loans), Region IV only.

5. Part I, Section B, paragraph 3.b. add a new subparagraph (2) as below.

(2) Senior Loan Specialist, Financing, D/O (on fully undisbursed loans), Region IV only.

6. Part I, Section B, paragraph 4. add a new subparagraph j. as below, and recodify existing subparagraphs j. and k. as k. and l.

(j) Senior Loan Specialist, Financing, D/O (on fully undisbursed loans), Region IV only.

7. Part IV, Section A, paragraph 1.d. add a new subparagraph (10) as below, and recodify existing subparagraphs (10) through (12) as (11) through (13).

(10) Senior Loan Specialist, Portfolio Management or Liquidation Section, D/O, Region IV only.

Dated: March 3, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-5997 Filed 3-7-83; 8:45 am]

BILLING CODE 8025-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3017]

AHC Pharmacal, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

Correction

In FR Doc. 83–4899 beginning on page 8267 in the issue of Monday, February 28, 1983, make the following corrections:

1. On page 8267, third column, third paragraph, seventh line from the bottom, "not" should read "now".

2. On page 8268, first column, last paragraph, fourth line, "necessary." should read "unnecessary."

BILLING CODE 1505-01-M

TENNESSEE VALLEY AUTHORITY

18 CR Part 1304

Interpretation of "Owner"; Navigable Houseboats and Floating Boathouses

AGENCY: Tennessee Valley Authority.

ACTION: Interpretation of rule.

SUMMARY: The Tennessee Valley Authority is giving public notice of its interpretation of its rules set forth at 18

CFR 1304.203(c) and 1304.204(b) requiring the owners of nonnavigable houseboats and floating boathouses with living quarters located on TVA reservoirs and not moored in commercial boat harbors to moor them only where such owners either also own the abutting shoreland property or have the abutting owner's permission to moor opposite the abutting owner's property. The question has arisen in administration of this rule whether one of several coowners of the abutting shoreland may, by virtue of such partial ownership, moor a houseboat there over the objection of the coowners. The interpretation is intended to make clear that a coowner may not and that the word "owner" as used in the rules interpreted means all of the owners.

FOR FURTHER INFORMATION CONTACT: John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, Norris, Tennessee 37828, telephone 615–632–6450, FTS No. 856–6450.

PART 1304—[AMENDED]

18 CFR Part 1304 is amended by adding the following appendix to §§ 1304.203 and 1304.204 as follows:

Appendix—Interpretation

1. Sections 1304.203(a) and 1304.204(b) of Title 18 of the Code of Federal Regulations prohibit new nonnavigable houseboats and new floating boathouses not meeting the requirements of § 1304.205(d) in TVA reservoirs. These sections also provide that existing nonnavigable houseboats approved for continued mooring on TVA reservoirs and all floating boathouses shall be moored: (1) To mooring facilities provided by a commercial dock operator within the designated harbor limits of his dock; or (2) to the bank of the reservoir outside the designated harbor limits of commercial boat docks, if the houseboat or boathouse owner is the owner or lessee of the abutting property at the mooring location (or the licensee of such owner or lessee) and has requested and obtained from TVA, pursuant to § 1304.205, written approval authorizing mooring at such location.

In all cases where more than one person owns or leases the abutting property at a present or proposed mooring location as tenants in common or in any other sort of cotenancy, TVA interprets the terms "the owner or lessee of the abutting property" and "such owner or lessee" in 18 CFR 1304.203(c)(2) and 1304.204(b)(2) as meaning all of the owners of such abutting property. The owner or owners of only a fractional interest or of fractional interests totalling less than one in any such property shall under no circumstances be considered, by virtue of such fractional interest or interests only, to be the "owner or lessee" of such abutting property for the purposes of 18 CFR § 1304.203(c)(2) or § 1304.204(b)(2) and, as such, eligible to moor or license others to moor as provided therein without the consent of the other coowners.

(Sec. 26a of the Tennessee Valley Authority Act of 1933, *as amended* (16 U.S.C. 831y–1))

Dated: February 14, 1983.

W. F. Willis,

General Manager.

[FR Doc. 83–5846 Filed 3–7–83; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Director, Bureau of Foods, et al., Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting its final rule that amended the regulations for delegations of authority on food- and color-related matters to update current delegations and add new delegations to Bureau of Foods' officials.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore E. Herman, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In FR Doc. 83–3108 appearing at page 5251 in the issue for Friday, February 4, 1983, the following corrections are made on page 5252 in the center column:

PART 5—[AMENDED]

1. "§ 5.61 **Food standards, food additives, and color additives.**" is corrected to read "§ 5.61 **Food standards, food additives, generally recognized as safe (GRAS) substances, and color additives.**"

2. In § 5.61(a), the phrase "and notices of filing of petitions on food additives and color additives that relate to the assigned functions of the respective Bureau." is corrected to read "and notices of filing of petitions on food additives, generally recognized as safe (GRAS) substances, and color additives that relate to the assigned functions of the respective Bureau."

3. In § 5.61(c), the phrase "under section 706(d)(1) of the act" is corrected to read "under section 409(c)(2) of the act or to color additive petitioners under section 706(d)(1) of the act."

Dated: March 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–5888 Filed 3–7–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 529

Certain Other Dosage Form New Animal Drugs Not Subject to Certification; Amikacin Sulfate Intrauterine Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Bristol Laboratories providing for safe and effective use of amikacin sulfate solution for treating genital tract infections in mares.

EFFECTIVE DATE: March 8,1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Bristol Laboratories, Division of Bristol-Myers Co., Syracuse, NY 13201, filed NADA 127–892 providing for intrauterine infusion of amikacin sulfate solution for treating genital tract infections (endometritis, metritis, and pyometra) in mares when caused by susceptible organisms including *E. coli, Pseudomonas* spp., and *Klebsiella* spp. Well-controlled studies demonstrated safety and effectiveness of the product for the proposed conditions of use. The NADA is approved, and the regulations are amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no

significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii) (*a*) and (*e*)), may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 529

Animal drugs, Miscellaneous use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 529 is amended by adding new § 529.50, to read as follows:

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 529.50 Amikacin sulfate intrauterine solution.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains 250 milligrams of amikacin (as the sulfate).

(b) *Sponsor.* See No. 000015 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* Two grams (8 milliliters) diluted with 200 milliliters of sterile physiological saline per day for 3 consecutive days.

(2) *Indications for use.* For treating genital tract infections (endometritis, metritis, and pyometra) in mares when caused by susceptible organisms including *E. coli, Pseudomonas* spp., and *Klebsiella* ssp.

(3) *Limitations.* For intrauterine infusion in the horse only. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. May 9, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 1, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6060 Filed 3-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs in Animal Feeds; Hygromycin B

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Zip Feed Mills, Inc., providing for making an 0.6-gram-per-pound hygromycin B premix from both 2.4- and 8-gram-per-pound hygromycin premixes. The intermediate premix is used for making complete swine feeds for control of infestations of large roundworms, nodular worms, and whipworms and for making complete chicken feeds for control of large roundworms, cecal worms, and capilliary worms.

EFFECTIVE DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Zip Feed Mills, Inc., P.O. Box 500, 304 E. Eighth St., Sioux Falls, SD 57101, is the sponsor of NADA 132–618 providing for use of 2.4- and 8-gram-per-pound hygromycin premixes to make a 0.6-gram-per-pound hygromycin B premix. The intermediate premix is used to make complete swine feeds for the control of infestations of large roundworms, nodular worms, and whipworms and complete chicken feed for the control of infestations of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor Zip Feed Mills, Inc. Approval of this NADA is based on safety and effectiveness data contained in Elanco's approved NADA's 10–918 and 11–948. Elanco has authorized use of the data in NADA's 10–918 and 11–948 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions for the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval does not require reevaluation of the safety and effectiveness data in NADA's 10–918 and 11–948. NADA 132–916 is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug labeler code "017434" to paragraph (a)(4) and to the "Sponsor" column in paragraph (e)(1)(i) and (ii).

Effective date, March 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: February 23, 1983.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6059 Filed 3-7-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Feed Specialties Co. providing for use of 50-gram-per-pound lincomycin premixes to manufacture intermediate premixes subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Feed Specialties Co., 1877 NE. 58th Ave., Des Moines, IA 50313, is sponsor of NADA 132–660 filed in its behalf by the Upjohn Co. The NADA provides for use of 50-

gram-per-pound lincomycin premixes to manufacture 4-, 8-, and 20-gram-per-pound lincomycin intermediate premixes for subsequent incorporation into complete swine feeds. The swine feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2) (i), (ii), and (iii). The basis of approval of this NADA is discussed fully in the freedom of information (FOI) summary. Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (b)(10) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) *Approvals.* * * *

(10) Premix levels of 4, 8, and 20 grams per pound have been granted to No. 017274 in § 510.600 of this chapter for use as in paragraph (f)(2) (i), (ii), and (iii) of this section.

* * * * *

Effective date. March 8, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 1, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-5861 Filed 3-7-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–049A]

Occupational Exposure to Lead; Respirator Fit Testing; Corrections

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; corrections.

SUMMARY: OSHA is correcting certain inadvertent errors which appeared in the final rule on respirator fit testing in the lead standard, published on November 12, 1982 (47 FR 51110). The irritant smoke protocol for qualitative fit testing as published in the new Appendix D to 29 CFR 1910.1025 incorrectly required an isoamyl acetate pretest and a combination filter cartridge. These requirements are now being deleted. The saccharin protocol as published incorrectly omitted reference to nebulizers equivalent to the DeVilbiss model 40. This omission is being corrected.

DATE: These corrections are effective on March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Rm. N–3637, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone 202–523–8151.

SUPPLEMENTARY INFORMATION: On November 12, 1982, OSHA published an amendment to the lead standard, 29 CFR 1910.1025 (47 FR 51110). This amendment allowed negative pressure half mask respirators to be fitted by qualitative fit testing (QLFT) as an alternative to quantitative fit testing (QNFT) as long as such testing was done according to the protocols set forth in a new Appendix D to the standard. One of the three protocols set forth in Appendix D was based on the use of an irritant smoke. This protocol was intended to be essentially the same as that described by AISI in its post-hearing submission (Exhibit 41), since OSHA had determined it provided adequate employee protection. However, the protocol as published on November 12, 1982, erroneously required an isoamyl acetate pretest as part of the procedures and a combination filter cartridge. Both of these elements had been included in a previous version submitted by AISI, but were not intended to be included in the final version, accepted by OSHA. Therefore, Appendix D to § 1910.1025 is being corrected to agree with the supporting documentation, by no longer requiring combination filter cartridges and by removing the requirement to pretest with isoamyl acetate.

Another of the protocols set forth in Appendix D was based on the use of a saccharin solution aerosol. This aerosol is produced by a nebulizer. The published protocol inadvertently omitted a phrase which would allow use of nebulizers which are equivalent to the DeVilbiss model 40 in producing a saccharin solution aerosol. The use of equivalent nebulizers which would produce the same particle size distribution at the same concentration as the DeVilbiss model 40 was proposed (46 FR 27358) and OSHA intended to allow their use in Appendix D.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Respiratory protection.

PART 1910—[AMENDED]

Accordingly OSHA is correcting Appendix D of 29 CFR 1910.1025 as follows:

1. Appendix D, II, A, step 5 and Appendix D, II, C, step 5 are corrected by inserting "or equivalent," after the word "Nebulizer" in the first sentence in each case.

2. Paragraph A in Appendix D, Section III, Irritant Fume Protocol, is corrected to read as follows:

A. Respirator selection.

Respirators shall be selected as described in section IB above, except that each respirator shall be equipped with high efficiency cartridges.

3. Paragraph B, Fit Test, in Appendix D, Section III is corrected as follows:

a. Step B1 is corrected to read: The test subject shall be allowed to smell a weak concentration of the irritant smoke to familiarize him with its characteristic odor.

b. Steps B5 and B6 are deleted.

c. The subsequent steps are renumbered as B5 through B12.

d. Renumbered step B11 (formerly B13) is corrected to read: Steps B4, B7, and B8 of this protocol shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the irritant smoke.

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, D.C. 20210.

(Sec. 6 Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), 29 CFR Part 1911; 41 U.S.C. 35, 36; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 28th day of February 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-5887 Filed 3-7-83; 8:45 am]
BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 30

[OA–FRL 2317–1]

General Grant Regulations and Procedures

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from 40 CFR 30.720(a) of EPA's general grant regulations for cooperative agreements awarded under Section 3012 of the Resource Conservation and Recovery Act (RCRA). This deviation waives EPA's usual five percent cost-sharing requirement for assistance award recipients. We are publishing the class deviation as a part of this document.

EFFECTIVE DATE: This deviation was effective on February 16, 1983.

FOR FURTHER INFORMATION CONTACT: Marshall Schy, Grants Administration Division (PM–216), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202–382–5298).

SUPPLEMENTARY INFORMATION: Section 3012 of the Resource Conservation and Recovery Act provides for State programs to develop inventories of hazardous waste and disposal sites. Congress appropriated $10,000,000 from the Hazardous Substance Response Trust Fund, established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), to carry out section 3012. This one-time appropriation will be used to assist States in completing the site assessment and inspection process already begun under CERCLA.

EPA believes there are several reasons for not requiring grantees to share the cost of this program. First, preliminary assessments and site inspections, which will be given priority under this program, presently are not subject to cost-sharing requirements under CERCLA. Second, requiring cost sharing would delay the implementation of program activities until States were able to provide additional funds to meet their share. It also would delay meeting EPA's goals for carrying out preliminary assessments and site inspections. Finally, requiring cost sharing under section 3012 might, because of limited resources, make it difficult for States to meet their cost sharing obligations under CERCLA projects.

A copy of the class deviation follows this document.

Dated: February 16, 1983.

John P. Horton,

Assistant Administrator for Administration (PM–208).

Dated: February 14, 1983.

Michael A. Brown,

Acting Assistant Administrator for Solid Waste and Emergency Response (WH–562A)

List of Subjects in 40 CFR Part 30

Administrative practice and procedure, Grant programs—environmental protection, Inventions and patents, Copyright, Reporting and recordkeeping requirements.

Memorandum

To: William N. Hedeman, Jr., Director, Office of Emergency and Remedial Response (WH–548)

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM–216)

Subject: Class Deviation from 40 CFR 30.720(a)

This responds to your January 21, 1983, request for a class deviation from 40 CFR 30.72(a) of the general grant regulations for Section 3012 of the Resource Conservation and Recovery Act (RCRA). Section 30.720(a) requires EPA assistance recipients to share project costs; at a minimum, recipients must contribute five percent of allowable project costs.

Section 3012 of the Resource Conservation and Recovery Act provides for State programs to develop inventories of hazardous waste and disposal sites. Congress appropriated $10,000,000 from the Hazardous Substance Response Trust Fund, established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), to carry out Section 3012. This one-time appropriation will be used to assist States in completing the site assessment and inspection process already begun under CERCLA.

EPA believes there are several reasons for not requiring grantees to share the cost of this program. First, preliminary assessments and site inspections, which will be given priority under this program, presently are not subject to cost-sharing requirements under CERCLA. Second, requiring cost sharing would delay the implementation of program activities until States could provide funds to meet their share. It also would delay meeting EPA's goals for carrying out preliminary assessments and site inspections. Finally, requiring cost sharing under section 3012 might, because of limited resources, make it difficult for States to meet their cost-sharing obligations under other CERCLA projects.

Therefore, I approve a class deviation from 40 CFR 30.720(a) for assistance awarded under Section 3012 of RCRA for this one-time appropriation of $10,000,000. This deviation waives the cost-sharing requirement in EPA's general grant regulations (40 CFR 30) for this program.

Dated: February 16, 1983.

Concur:

John P. Horton,

Assistant Administrator for Administration (PM–208).

Dated: February 14, 1983.

Concur:

Michael A. Brown,

Acting Assistant Administrator for Solid Waste and Emergency Response (WH–562A).

[FR Doc. 83-5887 Filed 3-7-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 52

[A–5–FRL 2307–6]

Approval and Promulgation of Implementation Plans: Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rulemaking.

SUMMARY: On October 25, 1982 (47 FR 47245), EPA announced final approval of Consent Order APC No. 02–1980, for the Hayes-Albion Corporation and of Permits 341–79 and 375–79 for the American Colloid Plant, as revisions to the Michigan State Implementation Plan (SIP) for Calhoun County. EPA subsequently received a request for an opportunity to submit adverse or critical comments on this approval. Accordingly EPA is today withdrawing its approval of this revision.

EFFECTIVE DATE: This final rulemaking is effective March 8, 1983.

ADDRESSES: Copies of the SIP revision are available for inspection at the following addresses:

The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604;
Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

FOR FURTHER INFORMATION CONTACT: Toni Lesser at (312) 886–6037.

SUPPLEMENTARY INFORMATION: On April 25, 1982, the State of Michigan submitted to EPA: Consent Order APC No. 02–1980 for the Hayes-Albion Corporation, along with alterations to Section 5(D) of the Consent Order; and Permits 341–79 and 375–79 for the American Colloid Plant, as revisions to the Michigan SIP. On June 18, 1982, the State of Michigan submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for major air cleaning devices at Hayes-Albion as part of its SIP revision. These plans contain specific measures for reducing total suspended particulate (TSP) emissions. The Hayes-Albion foundry is located in Calhoun County. A one-square-mile area of Calhoun County on the west side of Albion City, around Hayes-Albion (Calhoun County, R4W, T2S, Section 34), has been designated as nonattainment for the primary TSP standards.

On October 25, 1982, (47 FR 47245), EPA announced the availability of this revision and its approval. The reader is referred to 47 FR 47245 for further information about the revision. In the approval notice of October 25, 1982, EPA advised the public that it was deferring the effective date of its approval for 60 days, until December 27, 1982, to provide an opportunity for the public to submit comments on the revision. EPA also announced that, if within 30 days of the publication of the notice of approval we received notice that someone wanted to submit an adverse or critical comment, we would withdraw the approval and begin a new rule by proposing action and establishing a 30-day comment period.

EPA has received notice that a member of the public wants to submit an adverse or critical comment on the revision pertaining to the Hayes-Albion Corporation. Therefore, in accordance with the procedure described above, EPA is today withdrawing its October 25, 1982 approval of Consent Order APC No. 02–1980 for the Hayes-Albion Corporation and Permits 341–79 and 375–79 for the American Colloid Plant. Elsewhere in today's **Federal Register**, EPA is reproposing to approve Consent Order APC No. 02–1980, for the Hayes-Albion Corporation and Permits 341–79 and 375–79 for the American Colloid Plant as revisions to the Michigan SIP and establishing a 30-day comment period on its proposed approval.

EPA is withdrawing this action without providing prior notice or opportunity to comment. EPA finds that it has good cause within the meaning of 5 U.S.C. 553(b) to proceed without notice and comment. Notice and comment would be impracticable because EPA needs to withdraw its approval as quickly as possible in order to consider the comments which members of the public want to submit. Moreover, further notice is not necessary because EPA has already informed the public that it would follow this procedure if it received a request for an opportunity to comment. (See 46 FR 41051 and 46 FR 44477.) For the same reason, EPA finds it has good cause under 5 U.S.C. 553(b) to make this withdrawal immediately effective.

Under Executive Order 12291, today's action is not "Major." The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice is issued under authority of sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart X-Michigan

§ 52.1170 [Amended]

1. Section 52.1170 is amended by removing paragraph (c)(60).

[FR Doc.83-6000 Filed 3-7-83 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP OF 2338/R 514; PH-FRL 2286-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Alachlor

Correction

In FR Doc 83–2991, beginning on page 5920 in the issue of Wednesday, February 9, 1983, in the middle column, five lines from the end of the paragraph, insert the word "no" between the words "with" and "NOEL".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6361

[M 41528]

Montana; Revocation of Stock Driveway Withdrawal No. 142, Montana No. 6

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew public lands for use as a stock driveway. This action will restore 158.24 acres to operation of the public land laws generally.

EFFECTIVE DATE: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

SUPPLEMENTARY INFORMATION:

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated August 12, 1940, which withdrew the following described lands for a stock driveway is hereby revoked:

Principal Meridian

T. 14 S., R. 6 W.,
sec. 30, lots 3, 4 and E½SW¼.

The area described contains 158.24 acres in Beaverhead County.

2. At 8 a.m. on April 13 1983, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on April 13, 1983, shall be considered as

simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

February 22, 1983.

Garrey E. Carruthers,
Assistant Secretary of the Interior.

[FR Doc. 83-6273 Filed 3-7-83; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Arizona et al.

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Pima County (Unincorporated Areas), FEMA-8254.	Santa Cruz River	120 feet upstream of the intersection of Avra Valley Road and Santa Cruz River.	*2,085
			130 feet downstream of the intersection of Sunset Road and Santa Cruz River.	*2,213
		Santa Cruz River—With Consideration of Levee.	75 feet downstream of the intersection of the Southern Pacific Railroad spur bridge and Santa Cruz River.	*2,714
		Santa Cruz River—Without Consideration of Levee.	Intersection of Sahuarita Road and Southern Pacific Railroad.	*2,704
		Santa Cruz River	80 feet upstream of the intersection of Continental Road and Santa Cruz River.	*2,854
			Center of U.S.Highway 89 (State Highway 93), 150 feet north of its intersection with Pima Mine Road.	#3
		Santa Cruz River West Overflow Channel.	125 feet downstream of the intersection of Continental Road and Santa Cruz River West Overflow Channel.	*2,854
		Los Robles Wash	150 feet upstream of the intersection of Trico Road and Los Robles Wash.	*1,929
			Center of Avra Road, 1000 feet north of its intersection with Avra Valley Road.	#1
		West Branch Brawley Wash	110 feet downstream of the intersection of Avra Valley Road and West Branch Brawley Wash.	*1,991
		Blanco Wash	Intersection of Chinle Road and Chinle Lane	*1,918
			Center of Tucker Road, 4,200 feet west of its intersection with Arway Road.	#2
		Brawley Wash	Intersection of Manville Road and Reservation Road	#1
		Black Wash	Center of Snyder Hill Road, 2.5 miles east of its intersection with Sandario Road.	#2
		Rillito Creek	Intersection of La Cholla Boulevard and Rillito Creek	*2,256
			25 feet downstream of the intersection of Dodge Boulevard and Rillito Creek.	*2,382
		Rillito Creek North Overbank Diversion.	Approximately 550 feet upstream of its confluence with Rillito Creek.	*2,347

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pantano Wash—With Consideration of Levee.	50 feet north of the intersection of North Craycroft Road and Pantano Wash.	*2,435
		Pantano Wash—Without Consideration of Levee.	Center of North Craycroft Road, 1,250 feet north of its intersection with Fort Lowell Road.	*2,434
		Pantano Wash	Intersection of Golf Links Road and Camino Seco	*2,867
		Canada del Oro	Intersection of Magee Road and Shannon Road	*2,301
			25 feet upstream of the intersection of U.S.Highway 89 (Tucson-Florence Highway) and Canada del Oro.	*2,639
			Intersection of Rolline Road and Lago del Oro Parkway.	*2,925
		Tanque Verde Creek	100 feet upstream of the intersection of Sabino Canyon Road and Tanque Verde Creek.	*2,478
			Center of Barbary Coast Road, 150 feet east of its intersection with Soldier Terrace.	*2,624
		Sopori Wash	Intersection of Arivaca Road and Sopori Ranch Road	*3,197
		Sopori Wash Overflow	Center of U.S.Highway 89, 350 feet south of its intersection with Arivaca Road.	*3,098
		West Branch Santa Cruz River	Center of Valencia Road, 3500 feet east of its intersection with Mission Road.	#1
		East Branch Brawley Wash	Intersection of Clayton Road and Twin Peaks Road	#1
		Big Wash	75 feet downstream of the intersection of Wilds Road and Big Wash.	*2,970
		Rincon Creek—With Consideration of Levee.	Center of Old Spanish Trail, 1,500 feet west of its intersection with Camino del Garanon.	*2,902
		Rincon Creek—Without Consideration of Levee.	North side of the levee, 2,100 feet upstream along Rincon Creek from its intersection with Old Spanish Trail.	*2,894
		Rincon Creek	50 feet upstream of the intersection of Camino Loma Alta and Rincon Creek.	*2,867
		Sabino Creek	200 feet east of the intersection of Snyder Road and Hidden Valley Road.	*2,594
		Agua Caliente Wash	Intersection of Fort Lowell Road and Connestoga Avenue.	*2,643
		Julian Wash	25 feet upstream of the intersection of Alvernon Way and Julian Wash.	*2,503
			Intersection of McKinley Avenue, and Drexel Street	#1
		Airport Wash	50 feet downstream of the intersection of the Air National Guard Access Road and Airport Wash.	*2,548
		Ventana Canyon Wash	130 feet upstream of the intersection of River Road and Ventana Canyon Wash.	*2,508
		Pima Wash	Intersection of Orange Grove Road and Pima Wash	*2,460
		Gibson Arroyo	Intersection of Arroyo Avenue and Palm Street	*1,749

Maps available for inspection at Planning and Zoning Department, 131 West Congress, Tucson, Arizona.

Massachusetts	Bedford, Town Middlesex County (Docket No. FEMA-6128).	Concord River	Downstream Corporate Limits	*12
			Upstream Corporate Limits	*12
		Shawsheen River	Downstream Corporate Limits	*98
			Upstream side of George Walsh Highway (U. S. Route 3) Southbound.	*10
			Great Road (Upstream side)	*11
			Summer Street (Upstream side)	*11
			Hanscom Airfield Access Road (Upstream side)	*11
		Elm Brook	Confluence with Shawsheen River	*11
			South Road (Upstream side)	*11
			Upstream Corporate Limits	*12
		Spring Brook	Confluence in Shawsheen River	*10
			Abandoned Bridge (Upstream side)	*11
			Upstream side of Alcott Street	*12
			Approximately 2.1 miles upstream of confluence with Shawsheen River.	*13
		Mongo Brook	Confluence with Elm Brook	*11
			Fern Way (Upstream side)	*11
		Tributary to Mill Brook	Confluence with Mill Brook	*12
			Upstream Sweetwater Avenue	*15

Maps available for inspection at the Town Clerk's Office, Town Hall, 16 South Street, Bedford, Massachusetts.

Massachusetts	Dartmouth, Town Bristol County (Docket No. FEMA-5843).	Buzzards Bay	Entire shoreline within Town	*13
		Slocums River		*13
		Apponagansett Bay		*13
		Paskamanset River	Approximately 3,400 feet downstream of Access Road	*34
			Upstream U. S. Route 6	*44
			Upstream Mill Dam	*50
			Approximately 750 feet upstream of Mill Dam	*50
		Buttonwood Brook	Confluence with Apponagansett Bay	*13
			Approximately 750 feet upstream of Elm Street	*23
			Confluence of Buttonwood Brook west	*38
			Upstream Milton Street	*54
			Upstream Sharp Street	*71
			Upstream Allen Street	*82
			Gaywood Street (extended)	*85
			Approximately 100 feet downstream of Lexington Avenue.	*103
		East Buttonwood Brook	Confluence with Buttonwood Brook	*38
			Arnold Street (extended)	*66
			Upstream Sharp Street	*71

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Buttonwood Brook	Confluence with Buttonwood Brook	*33
			Cypress Drive	*62
			Upstream Slocum Road	*80
			Standish Drive (extended)	*88
			Approximately 600 feet downstream of Allen Street	*100
			Downstream Allen Street	*117

Maps available for inspection at the Dartmouth Town Clerk's Office, South Dartmouth, Massachusetts.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: February 7, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-3535 Filed 3-7-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 360

State Assistance Program for Training and Education in Comprehensive Emergency Management

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This regulation deletes a provision which states that the program envisions after fiscal year 1981 a sharing of eligible costs between FEMA and the States. This will make the regulations consistent with the current Federal budget.

DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Charles N. Turner, Acting Chief, Academic Support and Operations, Telephone Number: (301) 447–8771.

SUPPLEMENTARY INFORMATION: The regulation governing the State assistance program for training and education has a provision which states that for fiscal year 1981 only FEMA funding for this activity would be at 100% of allowable costs and that in future years it was envisioned that there would be cost sharing between the Federal Government and the States. It has now been determined that FEMA will reimburse State and local participants in FEMA field training activities funded under the Comprehensive Cooperative Agreement at the 100% level. As this regulation relieves a restriction, it can be made effective immediately. Also, for the same reason, notice and public comment are considered unnecessary. The rule applies only to States and thus no regulatory flexibility analysis is required. This is also not a major regulation.

List of Subjects in 44 CFR Part 360

Grant programs—education.

PART 360—[AMENDED]

Accordingly, 44 CFR 360.2(e) is amended by numbering the first paragraph as paragraph (1) and by revising the last paragraph to read as follows:

360.2 Description of program.

* * * * *

(e) * * *

(2) Allowable cost will be funded at 100%.

Dated: February 23, 1983.

Fred J. Villella,

Associate Director.

[FR Doc. 83-3536 Filed 3-7-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Amendment No. 10; Docket No. 80–56]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Commission is providing for 24-hour receipt of permanent tariff filings, including the use of electronic filing methods, in lieu of accepting temporary tariff filings. This will eliminate what has become an unnecessary burden on the Commission's staff and resources and will also simplify the use of foreign commerce tariffs by shippers, carriers and other interested persons. Providing for the receipt of permanent tariff filings on an around-the-clock basis, including those filed by electronic modes, should benefit carriers, conferences and shippers by enabling them to meet commercial exigencies.

DATE: Effective May 30, 1983.

FOR FURTHER INFORMATION CONTACT: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, 1100 L Street NW., Room 10213, Washington, D.C. 20573, (202) 523–5827.

SUPPLEMENTARY INFORMATION: On September 3, 1981, the Commission stayed its Final Rule in this proceeding (46 FR 44190). That rule would have precluded the filing of temporary amendments to tariffs published by carriers or conferences of carriers in the foreign commerce of the United States, effective September 8, 1981 (46 FR 35092). The stay was requested by various conferences which sought an additional period for commenting on the rationale employed by the Commission in arriving at this decision.

By notice served December 28, 1981, the Commission granted interested parties an opportunity to comment on the basis for its rule (46 FR 62869). This notice also proposed a new procedure which would permit the receipt of permanent tariff amendments before and after the Commission's normal business hours, including weekends and holidays.

Comments were received from fourteen commentators on behalf of twenty-three conferences, two ocean carriers, three shippers and four tariff

publishing services. Seven of the commenting conferences support the Commission's proposed discontinuance of the temporary tariff filing privilege,[1] while fifteen conferences object to it.[2]

Other commenting parties support the Commission's proposal, but request that it be expanded to allow the permanent filing of tariff pages by electronic modes, on a 24-hour basis.[3] This suggestion has merit and has been adopted. Also a definition of electronic tariff filing is added to the Commission's tariff filing regulations to recognize such filings as a type of permanent tariff filing. The Commission will receive tariff material 24 hours a day. Material submitted after normal working hours will be stamped in a mail drop in the lobby of the Commission's Washington, D.C. office. The procedure for the receipt of electronic tariff filings will be through the use of a date/time device on receiving machines which are presently, or may in the future be, located in the Commission's public file facilities.[4]

Certain commenting parties request that the Commission expand the rulemaking proceeding to permit the 24-hour filing privilege for tariffs which are filed in the domestic offshore commerce under the requirements of the Commission's General Order 38.[5] Such a request is beyond the scope of this proceeding, which relates only to tariffs filed in the foreign commerce of the United States.

The Commission has also been urged to: (1) Continue the telex filing privilege without restriction; (2) allow foreign based filers continued use of telexes, with or without a limit on the number of such messages; (3) provide further justification before eliminating the temporary tariff filing privilege; (4) provide for the use of temporary filings when filed with sequential numbers; (5) assess a fee for the use of temporary tariff filings; (6) allow tariffs to be filed in the Commission's field offices; and (7) pursue legislative modifications to the Shipping Act to permit filings to be made within a certain period after contracts of affreightment are concluded.[6] Some of these comments [7] have already been considered during the course of this rulemaking proceeding while others are inconsistent with the intent of this rulemaking and therefore merit no further consideration.

The decision to eliminate temporary tariff filings may be inconvenient to some. However, there are means by which tariff changes considered time sensitive can be transmitted to the Commission for immediate effectiveness. Present tariff filing regulations already contain specific language to permit telephonic special permission applications where "emergency situations" appear to exist (*See* 46 CFR 536.15(c)). Further, carriers and conferences can still request a waiver of the Commission's permanent tariff page filing requirements if good cause can be shown.

The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this Final Rule. The Commission's prior certification that the rule, if implemented, would not have any significant economic impact on a substantial number of small entities was made to the Chief Counsel for Advocacy of the Small Business Administration on January 20, 1982 and published in the **Federal Register** on January 28, 1982.

List of Subjects in 46 CFR Part 536

Maritime carriers, Reporting and recordkeeping requirements.

Therefore, it is ordered, That pursuant to 5 U.S.C. 553, and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)), 46 CFR Part 536 is amended as follows:

§ 536.2 [Amended]

1. A new paragraph (q) is added to § 536.2 which read as follows:

§ 536.2 Definitions.

* * * * *

(q) *Tariff filing, Electronic.*

The transmission of tariff filings to the Commission through the use of commercial data processing terminals. The data processing receiving terminal(s) are to be located in the Commission's Washington, D.C. offices. Tariff material filed electronically must conform to all the regulations applicable to permanent tariff filings, except as follows:

(1) electronically filed tariff pages received from data processing terminals may be used for filing with the Commission; and

(2) electronically filed tariff matter shall be accompanied by an electronically filed letter of transmittal; and

§ 536.3 [Amended]

2. Paragraph (a) of § 536.3 is redesignated as Paragraph (a)(1); and a new paragraph (a)(2) is added to § 536.3 which reads as follows:

§ 536.3 Filing of tariffs; general.

(a) * * *

(2) Receipt of Tariffs—The Commission will receive tariff filings on an around-the-clock basis. Receipt of tariff filings during other than normal business hours will be time stamped at a tariff mail drop in the lobby of the Commission's Washington, D.C. offices. Electronic tariff filings transmitted to the Commission by electronic modes will be receipted by a date/time device on the receiving machine; and

§ 536.10 [Amended]

3. Paragraph (c) of § 536.10 is deleted; and

It is further ordered, that the stay previously issued in this proceeding on September 3, 1981, is hereby rescinded.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6002 Filed 3-7-83; 8:45 am]

BILLING CODE 6730-01-M

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[1] North Atlantic United Kingdom Freight Conference; North Atlantic French Atlantic Freight Conference; North Atlantic Continental Freight Conference; North Atlantic Baltic Freight Conference; Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference; Continental North Atlantic Westbound Freight Conference; and North Atlantic Westbound Freight Association.

[2] North Europe-United States Pacific Coast Freight Conference; Sections B and C of the Pacific Coast River Plate Brazil Conference; The "8900" Lines, Greek/U.S. Atlantic Agreement, Iberian/U.S. North Atlantic Westbound Freight Conference, Italy, South France, South Spain, Portugal/U.S. Gulf and Island of Puerto Rico Conference; Marseilles North Atlantic U.S.A. Freight Conference; Mediterranean-North Pacific Coast Freight Conference; North Atlantic Mediterranean Freight Conference; U.S. Atlantic & Gulf/Australia-New Zealand Conference; The West Coast of Italy, Sicilian and Adriatic Ports North Atlantic Range Conference; Trans-Pacific Freight Conference of Japan/Korea; Japan/Korea-Atlantic and Gulf Freight Conference; Thailand/Pacific Freight Conference; and Thailand/U.S. Atlantic and Gulf Conference.

[3] Pacific Westbound Conference; Sea-Land Service, Inc.; and Pacific Coast Tariff Bureau.

[4] An acceptable tariff filing made by an electronic mode is any tariff amendment which has all the characteristics of a permanent tariff amendment. The basic difference between an electronic mode tariff filing and a mail or hand delivered permanent filing is the method of transmission. In other words, electronic filing is electronic mail. The equipment used to compile, send, and/or receive electronic tariff filings is commercially controlled by the tariff filers, with the Commission providing the space for the receiving (printer) machines.

[5] Sea-Land Service, Inc.; Crowley Maritime Corporation; International Tariff Services, Inc.; Pacific Coast Tariff Bureau; and Jim Pitzer, Transportation Consultant.

[6] C. H. Dexter Division, the Dexter Corporation; Air Products and Chemicals, Inc.; World Tariff Services, Inc.; North Europe/U.S. Pacific Freight Conference, except Sea-Land Service, Inc.; Sections B and C of the Pacific Coast River Plate Brazil Conference; Trans-Pacific Freight Conference of Japan/Korea, *et al.*; The "8900" Lines, except Sea-Land Service, Inc.; Waterman Steamship Corp.; and E. I. du Pont de Nemours and Company.

[7] *See* 45 FR 58385, September 3, 1980.

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311 (Sub-No. 4)]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 11.5 to 11 cents per mile.

EFFECTIVE DATE: This decision will be effective on March 22, 1983.

FOR FURTHER INFORMATION CONTACT:
Lee Alexander (202) 275-7723
Ted Kalick (202) 275-6446
Alan Rothenberg (202) 275-7597
Boston, MA (603) 223-2372
Philadelphia, PA (215) 597-4460
Atlanta, GA (404) 881-2167
Chicago, IL (312) 353-6204
Ft. Worth, TX (817) 334-2794
San Francisco, CA (415) 974-7125

SUPPLEMENTARY INFORMATION:

In a decision served February 22, 1983 (48 FR 8152, February 25, 1983), the Commission established owner-operator reimbursement at 11.5 cents per mile for all carrier-related business miles. This change will become effective March 11, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of February 28, 1983, the current price of diesel fuel was 114.4 cents per gallon. The reimbursement figure is 10.8. Ten working days after publication of the notice in the Federal Register (effective March 22, 1983), carriers shall reimburse owner-operators at a minimum of 11 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: February 28, 1983.

By the Commission, Heber P. Hardy, Director.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-5813 Filed 3-7-83; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Parts 1039, 1300, and 1301

[Ex Parte No. 346 (Sub-No. 3)]

Rail General Exemption Authority—Long and Short Haul Transportation

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: In light of the expanded exemption authority contained in the Staggers Rail Act of 1980, the Commission is: (1) Exempting all rail rates and charges from the need for prior Commission approval when departing from the restrictions of 49 U.S.C. 10726; (2) overruling case law holding that a violation of section 10726 is *prima facie* evidence of unreasonableness; and (3) eliminating regulations no longer required as a result of the exemption.

EFFECTIVE DATE: April 7, 1983.

FOR FURTHER INFORMATION CONTACT:
Martin E. Foley, (202) 275-7348.

SUPPLEMENTARY INFORMATION:

This proceeding began with a Notice of Proposed Rulemaking published October 29, 1979 (44 FR 61981) in which the Commission sought comment on a proposal to exempt certain categories of rail rates and charges from section 10726 of the Interstate Commerce Act. Section 10726 prohibits rail carriers, unless they obtain prior Commission approval, from charging a higher rate for:

(a) A shorter distance than for a longer distance over the same route in the same direction (where the longer route includes the shorter) or

(b) A through rate than for the sum of the intermediate rates.[1]

[1] The Commission may grant relief from the requirements of this section in "special cases", often called "Fourth Section" cases since the provisions of section 10926 of the Act were, prior to its recodification, found in section 4. Relief is now granted to allow carriers to meet inter- and intramodal competition, to allow for different cost associated with different types of service, and to remedy technical situations (such as group rates to or from all points in a given area).

The October 29, 1979 proposal was limited to nine categories of rail rates. After comments were received in response to that notice, but before the Commission could reach a decision, Congress enacted the Staggers Rail Act of 1980 (Staggers Act) which not only amended section 10726, but also revised and expanded the Commission's exemption authority under 49 U.S.C. 10505.

In light of those statutory changes, the Commission issued a Second Notice of Proposed Rulemaking (second notice) on December 18, 1980 (45 FR 83380) proposing a broader exemption than that in the original notice. The second notice proposed to: (1) Exempt all rates that depart from the restrictions of section 10726 from pre-justification requirements and from the investigation and suspension procedures of section 10707; (2) overrule case law holding that a violation of section 10726 is *prima facie* evidence that a rate is unreasonable; and (3) eliminate the regulations governing Commission approval of departures from section 10726.

Additional information is contained in the Commission's full decision. For a copy of the decision write to: TS Infosystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5043.

List of Subjects

49 CFR Part 1039

Administrative practice and procedure, Agricultural commodities, Intermodal transportation, Railroads.

49 CFR Part 1300

Freight, Maritime carriers, Pipelines, Railroads, Reporting and recordkeeping requirements.

49 CFR Part 1301

Freight, Railroads.

Dated: February 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

Appendix

PART 1039—[AMENDED]

Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

1. § 1039.12 is added to read as follows:

§ 1039.12 Long and short haul transportation exemption.

(a) All rates and charges for rail transportation are exempt from the provisions of 49 U.S.C. 10726 to the extent that:

(1) Commission approval or consideration before the effective date of these rates and charges is not required; and

(2) Section 10707 will not apply to rates to the extent that they are challenged on the basis of alleged violations of Section 10726.

(b) This exemption does not extend to review by the Commission upon the filing of a formal complaint alleging a violation of section 10726. Commission review will, however, be subject to the following conditions:

(1) A showing that a rate violates section 10726 will not create a presumption that the higher rate is unreasonably high, and

(2) A finding by the Commission that a rate or charge violates the provisions of section 10726 will not, absent a specific showing of damages, afford a basis for an award of reparations.

PART 1300—[AMENDED]

§§ 1300.26, 1300.56, 1300.65, and 1300.200 [Removed]

2. 49 CFR 1300.26, 1300.65, and 1300.200 are removed.

PART 1301—[REMOVED]

3. 49 CFR Part 1301 is removed.

(5 U.S.C. 553; 49 U.S.C. 10505)

[FR Doc. 83-6286 Filed 3-7-83; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1151

[Ex Parte No. 395 (Sub-1)]

Feeder Railroad Development Program

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.[1]

SUMMARY: The Commission is modifying its regulations governing the feeder railroad development program. This program was created to enable shippers and communities to acquire rail lines prior to downgrading or abandonment. These revisions are adopted to remedy problems which have arisen with the existing regulations and to streamline and clarify our application procedures. Generally, the new rules: (1) Eliminate the existing preapplication notice requirements; (2) make various procedural changes designed to accelerate consideration of feeder line applications; and (3) allow for the submission of competing applications for the acquisition of the same feeder line. This decision also discusses Commission policy toward related feeder line and abandonment applications.

EFFECTIVE DATE: These rules are effective on April 7, 1983.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245
Wayne A. Michel, (202) 275–7657
or
Karen A. Osterloh, (202) 275–7483.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking (NPR) served August 3, 1982, and published in 47 FR 33993 (August 5, 1982), we instituted this proceeding proposing to modify our regulations governing the feeder railroad development program. Comments have been received from several parties. Upon analysis of these comments, we have modified the proposed rules. A summary of the modifications to the proposed rules are contained in Appendix A. The text of the final rules is contained in Appendix B. Although all comments are not specifically discussed in this decision they have been considered in developing the final rules.

Discussion

Our discussion of the comments is divided into seven sections. The first six sections deal with the following major topics: (I) Preapplication notice requirements; (II) the relationship between feeder line applications and abandonment applications involving the same line; (III) competing feeder line applications; (IV) procedural schedules; (V) public notice provisions; and (VI) purchase price determinations. The final section addresses several minor matters.

1. *Preapplication Notice.*—The most significant change contained in our proposed rules is the elimination of the 90-day preapplication notice of intent to file a feeder line application. We proposed to eliminate this requirement to avoid situations similar to those in Docket No. AB–43 (Sub-No. 85F), *Illinois Central Gulf Railroad Company—Abandonment—Between Cisco and Green's Switch in Mason and Piatt Counties, IL*, and Finance Docket No. 29813, *Cisco Cooperative Grain Company—Feeder Line Acquisition—Illinois Central Gulf Railroad Company Line Between Cisco and Green's Switch, IL* (not printed), served May 10, 1982, aff'd by decision served July 19, 1982 *(Cisco)*. In *Cisco*, a party filed a notice of intent of file a feeder line application. However, prior to the termination of the 90-day notice period, the owning carrier filed an abandonment application. The Commission dismissed the feeder notice and found: (1) That the filing of a feeder line notice was insufficient to trigger jurisdiction under 49 U.S.C. 10910; and (2) that feeder line jurisdiction could not be invoked after filing of the abandonment application.[2] Thus, one effect of the notice requirement was to frustrate the feeder line program because owning railroads had a method of circumventing its provisions.

While the majority of the parties' comments favor the elimination of the notice requirements, several parties support the retention of a notice period, either 90 days or a shorter 20 to 30-day notice period. These parties argue that a notice period is necessary to assure adequate public notice and to encourage voluntary negotiations between the parties. As discussed in Sections IV and V, the proposed public notice requirements are adequate to preserve the rights of all necessary parties. While the notice period could possibly encourage some voluntary negotiations between the parties, the same goals may be pursued through negotiations without the filing of the feeder line application. Moreover, voluntary negotiations may proceed regardless. Our experience with similar proceedings under 49 U.S.C. 10905 indicates that these voluntary negotiations are often fruitful when the deadline for Commission action nears.

In addition, there is a practical reason for the elimination of the preapplication notice period. Because we have decided that abandonment and feeder line proceedings must occasionally be conducted concurrently (see discussion below), the feeder line proceedings must be concluded *prior* to the final decision in the abandonment proceeding which is subject to statutory deadlines. If a notice period is added, it would become very

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[1] Our proposed rules relocated to 49 CFR Part 1121. On November 1, 1982, the Commission issued Ex Parte No. 55 (Sub-No. 55), *Revision and Redesignation of the Rules of Practice*. This decision modified the section citation in 49 CFR Subtitle B, Chapter X, Subchapter B (the rules at 49 CFR 1100 *et seq.*). Because of this, the Feeder Line Development Program regulations are now located at 49 CFR Part 1151.

[2] This decision is on appeal to the United States Court of Appeals for the Seventh Circuit in No. 83-2288, *Cisco Cooperative Grain Company* v. *Interstate Commerce Commission*. United Transportation Union argues that this rulemaking proceeding is an unjustifiable interference with the court proceeding and that the court should be allowed to rule prior to the promulgation of these rules. We disagree. The Commission has a continuing duty to review and modify rules and regulations when faced with new developments or in light of reconsideration of the relevant facts. See *American Trucking* v. *Atchison, Topeka & Santa Fe Ry.*, 387 U.S. 397 (1967). The Commission is meeting that duty here.

difficult to process the feeder application prior to the deadline for reaching a decision in the abandonment case. Accordingly, our final rules contain no provisions for prefiling notices.[3]

II. *Relationship Between Feeder Line and Abandonment Applications.*—In the NPR we proposed the following policy for handling related abandonment and feeder line applications: (1) Any feeder line application involving all or any portion of a line which is the subject of an abandonment application filed prior to the feeder line application will be automatically rejected; and (2) feeder line applications and subsequently filed abandonment applications will be processed concurrently.

There is no substantial opposition to our policy to reject feeder applications filed *after* abandonment applications. Several parties, however, objected to the resolution of the problems raised when the feeder application is filed *before* the abandonment application. The parties have offered two alternative procedures for resolving this problem. Some parties argue that the consideration of the abandonment application must be delayed until after the feeder line application is fully processed. The Association of American Railroads (AAR), on the other hand, argues that the subsequent filing of an abandonment application requires the dismissal of an earlier filed feeder line application. Neither suggestion is acceptable.

There is no statutory authority or legislative history which would allow the postponement of the consideration of an abandonment application until a feeder line application is processed. Section 10904 prescribes very strict time limits for the processing of abandonment applications. There are no provisions for the tolling of these time limits or the suspension of the abandonment proceeding. Accordingly, we must reject the proposal to suspend abandonment proceedings during the pendency of the feeder line application.

We also cannot accept AAR's argument that an abandonment application filed after a feeder line application requires the dismissal of the feeder line application. Congress recently amended 49 U.S.C. 10910 in the Rail Safety and Service Improvement Act of 1982. Section 506(a) of the act amended 49 U.S.C. 10910(b)(1)(A)(ii) to provide that the Commission shall require a rail carrier to sell a line if, *inter alia*, the railroad line "* * * is on a system diagram map as required under section 10904 of this title, but the rail carrier owning such line has not filed an application to abandon such line under section 10903 and 10904 of this title before an application to purchase such line, or any required preliminary filing with respect to such application, is filed under this section * * *" This change was described as "a clarifying amendment designed to achieve an interpretation compatible with the Congressional intent in the previous legislation passed." 128 Cong. Rec. H5821 (daily ed. Aug. 12, 1982) (remarks of Rep. Florio). Thus, Congress has expressly indicated its intent that a feeder line application or notice can not be rejected merely on the basis of a subsequently filed abandonment application.

AAR objects to the simultaneous consideration of the two proceedings, arguing that: (1) The feeder line proceeding is unnecessary if an abandonment application is filed; and (2) the policy would encourage the abuse of Commission procedures. AAR argues that Commission's approach is unnecessary because a purchase pursuant to 49 U.S.C. 10905 may be made following a grant of the abandonment. It is true that under 49 U.S.C. 10905 the Commission can also order the sale of the line to a financially responsible person for fair market value. However, the feeder line provisions offer more benefits to the purchaser than 49 U.S.C. 10905. Under the feeder line statute, the Commission can require the selling carrier to provide the purchaser with *trackage rights* and *joint rates* and the buyer can elect to be *exempt* from the provisions of Title 49 (except joint rates provisions). None of these advantages are available under 49 U.S.C. 10905. Moreover, there is no likelihood of obtaining a lower purchase price under 49 U.S.C. 10905 than under the feeder program since the criteria used to set the price are the same. Under 49 U.S.C. 10910, the purchase price is set at the greater of net liquidation value (NLV) or going concern value (GCV), and under section 10905 the criterion is NLV absent a higher GCV. See *Chicago and North Western Transp. Co.-Abandonment*, 363 I.C.C. 956, 961 (1981); aff'd sub nom. *Chicago and North Western Transp. Co.* v. *United States*, 678 F.2d 665 (7th Cir. 1982). AAR also argues that our policy will encourage the use of "sham" feeder line applications intended merely to delay the abandonment proceeding. Under our proposed rules, an abandonment will be delayed if a feeder applicant files its application during the abandonment notice period (if the feeder applicant files a protest referring to its application). The "delay" results because a feeder applicant need only file a minimal protest to have the abandonment investigated.[4] Thus, the filing of a feeder application (and the protest) could result in a 90-day "delay", because a decision in a non-investigated proceeding is due within 75 days of filing while a decision in an investigated proceeding is due within 165 days of filing. 49 U.S.C. 10904(c)(1) and (3).

However we do not believe that our policy will result in the abuse predicted by AAR. A "sham" applicant will gain little advantage from the filing of a feeder line application. As noted, the potential for the delay of the abandonment proceeding is a maximum of 90 days when compared to the delay that could be achieved through the filing of a perfunctory protest. In addition, the feeder line application must contain all the detailed information required in our regulations or it will be rejected. In light of the substantial burdens of preparing a feeder line application and the limited benefit to be derived from the delay of the abandonment, we conclude that the potential for abuse of our investigation

[3] Due to recent Congressional action in the Rail Safety and Service Improvement Act of 1982, a subsequently filed abandonment application no longer requires the dismissal of the feeder line notice. See discussion, *infra*, at page 8. This legislation has thus eliminated the possibility that the *Cisco* situation could recur. However, because it is still necessary to observe the statutory deadlines in concurrently conducted abandonment applications and because the notice provisions will make it difficult to observe these deadlines, the notice provisions will be eliminated.

[4] Our notice also stated that if the feeder line application involved only a portion of the line involved in the related abandonment proceeding, we would bifurcate the abandonment application and only investigate the abandonment of the segment subject to the feeder line application. AAR argues that this policy would encourage the bifurcation of abandonment proceedings and would make it difficult for the railroads to present adequate cost evidence.

We will bifurcate the abandonment proceeding only when the segment of the line unaffected by the feeder line application is unopposed. While this may create some problems in preparing railroad costing evidence, this procedure is currently used where only a portion of line proposed for abandonment is opposed.

Moreover, bifurcation usually benefits the applicant-railroad by creating two proceedings. This procedure ensures that the rail carrier will be able to discontinue operating over the unopposed line segment at the earliest possible date. It also eliminates the possibility that abandonment of the unopposed line segment will be denied. Despite these benefits, there may be instances where the railroad is unable to apportion its cost evidence over the two segments. Accordingly, we will not order bifurcation of the abandonment proceeding over the specific objection of the applicant-railroad.

Finally, there may be instances where a feeder line application may involve a segment of line which would be completely isolated if the unopposed segment in the related application is allowed to be abandoned. In these situations, the abandonment proceeding will not be bifurcated.

procedures caused by this policy is minimal.

AAR also claims that our investigation policy is an abuse of our discretion under 49 U.S.C. 10904. Currently in making an investigation decision, we consider all relevant factors on a case by case basis. See *Abandonment of R. Lines & Discontinuance of Serv.*, 365 I.C.C. 249, 252 (1981) *(Abandonment Rulemaking)*. However, the statute allows us the discretion to order an investigation when it "is needed to assist in determining what disposition to make of the abandonment proceeding." 49 U.S.C. 10904(c)(1). We find that the existence of a pending feeder application requires an investigation in all instances because the forced sale of the line *requires* a specific disposition of the abandonment proceeding, i.e. dismissal of the abandonment application. Our automatic investigation policy is thus neither arbitrary nor an abuse of our broad discretion.[5]

Finally, several parties also argue that the simultaneous consideration of two applications will overtax the parties' and the Commission's resources. While the simultaneous consideration of two proceedings may require a greater commitment of resources, this burden is not overwhelming. Thus, we will follow the policy regrading related applications, as explained above.

III. *Competing Applications*—We originally proposed the elimination of competing applications because we were concerned that the consideration of these applications might unduly broaden the issues or delay the timely issuance of a decision. Since there might be advantages in competing applications, however, we specifically requested comments on this issue.

The vast majority of comments favor retention of competing applications. Only the National Council of Farmer Cooperatives opposed competing applications, arguing that it was unlikely that the Commission would ever find more than one party willing to complete for the purchase of a line.

We will allow competing applications. While competing applications add complexity, all issues can be resolved within the revised procedural schedule discussed in Section IV.

The parties have made two additional suggestions involving competing applications. Several parties argue that we should establish a rule which provides that the Commission shall select which of the qualified competing applicants will be the purchaser. We will not adopt this rule. The Statute does not require us to make a selection. Moreover, in past proceedings, we have determined that the selection must be left to the selling railroad. See *Indiana Hi-Rail;* Compare 49 U.S.C. 10935(f)(3). Accordingly, where two or more financially qualified applicants are competing for the acquisition of the same line of railroad, we will require the selling railroad to select the purchaser. The owning carrier's selection will be required within 5 days after the applicants' acceptance of the Commission's decision.

Finally, one party argues that the rulers should provide that the information contained in a feeder line application should not be released until the deadline for competing applications is past. Although we can appreciate that applicants who have spent time and money preparing an application might be concerned that their work is being used by competitors, we will not enforce such a provision since it would limit the chances of a complete competing application being filed and because an application must be made available to the public.

IV. *Procedural schedule*—The same parties in opposition to the concurrent handling of feeder line and abandonment applications opposed the imposition of a fixed procedural schedule. Since we have determined that a decision on a feeder line application must be reached before the abandonment is decided, it is necessary to adopt a fixed schedule concluding the feeder line application within 155 days. While the statute does not require a fixed schedule, the Commission has been granted broad discretion to implement the feeder line program and to prescribe such regulations and procedures as may be necessary to carry out the provisions of this section. 49 U.S.C. 10910(k). Accordingly, a fixed schedule is appropriate.

The following schedule will be established:

Day 1—Primary application filed.
Day 30—Competing applications due.
Day 60—Comments to the primary and competing applications due.
Day 80—Replies from primary and competing applicants due.
Day 140—Commission decision.
Day 150—Applicants accept or reject the Commission decision.
Day 155—Railroad chooses purchaser if two or more applicants accept the Commission decision.

This schedule takes into account the views of the majority of the parties that a fixed schedule allowing for competing applications is advantageous. This schedule affords interested parties sufficient time to identify issues, develop and present relevant data, and allows the Commission sufficient time to exercise our duties in a responsible manner.

We have made an additional procedural change which is not reflected in this schedule. Our proposed regulations provided that we would issue a decision to accept or reject the feeder line application on the basis of form and content within 15 days of its receipt. Because it is unnecessary to issue a decision accepting feeder line applications, we have decided to issue preliminary decisions only when we reject applications. Our rules provide that a decision rejecting the initial application will be made within 15 days of receipt of the application. This will discontinue the proceeding at the earliest possible date and will enable opposing parties to avoid the preparation of unnecessary pleadings. Since the rejection of a competing application will not result in the discontinuance of the proceeding, we shall reserve the right to reject the competing application at any time including the date set for the final decision.

Office of Special Counsel (OSC) is concerned that our fixed schedule will not allow us to require additional oral or written testimony if the record does not contain sufficient evidence to permit a decision on the merits. OSC is correct that there may be rare instances where the issues in a proceeding are so complex that development of the record within the set time frames might be impossible. However, in those rare instances, we will take steps to assure the development of a complete record, but specific rules are not needed to address this situation.

V. *Public Notice.*—Because our proposed rules would eliminate the 90-day preapplication notice, it was necessary to prescribe another method of providing public notice of the feeder line application. Accordingly, our proposed rules would require the notification of certain designated parties by certified mail and the publication of a summary of the application in the Federal Register.

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[5] The Commission's Office of Special Counsel (OSC) suggests that our abandonment regulations be formally revised to provide for the automatic investigation of abandonment applications upon the filing of feeder line applicant's protest. The inclusion of such a provision may be useful addition to our abandonment regulations. Our abandonment regulations are currently proposed for revision in Ex Parte No. 274 (Sub-No. 5), *Revision of Abandonment Regulations* (not printed), served October 5, 1981. We will incorporate OSC's recommendation in that proceeding.

The purpose of providing notice in a feeder line proceeding is to assure that affected persons are alerted to a possible change in the status of the line. We conclude that more efficient notice to the affected public may be provided by directly alerting individual parties rather than by publication in the **Federal Register**. Thus, we have expanded the list of parties upon whom an applicant must serve a copy of the application to include: (1) The owning railroad; (2) all rail patrons receiving or originating traffic on the line during the 12-month period preceding the month in which the application is filed; (3) the designated state agency as defined in 49 CFR 1151.2(g) [formerly 49 CFR 1121.11(g)]; (4) county governments in which the line is located; and (5) the Railway Labor Executives' Association.[6]

VI. *Acquisition Cost Determination.*—Our proposed rules would eliminate existing requirements governing the submission of NLV and GCV evidence [currently 490 CFR 1151.7(d)(1), formerly 1128.7(d)(1)].[7] One party opposes the elimination of the evidentiary requirements. We conclude it is inappropriate to delineate the type of evidence the parties should submit. The parties are free to present *any* evidence of GCV or NLV that they may deem persuasive. We will accord appropriate weight to the presentations.

Finally, the proposed rules would eliminate current 49 CFR 1151.7(a) [formerly 49 CFR 1128.7(a)] which provided, "If the applicant and the owning railroad agree between themselves on an acquisition price, that price shall be the final price and not subject to the requirements of this subpart." Funding System Railcars, Inc. objects to the deletion of this section. We did not mean to suggest that voluntary agreements would not be accepted. The public interest is best served by allowing the parties to enter into voluntary negotiations and by adopting those terms agreed to by the parties. Accordingly, this provision will be reinstated at 49 CFR 1151.4(c).

VII. *Miscellaneous Matters.*—The parties' comments have raised several additional miscellaneous matters involving: (1) Consolidated Rail Corporation (Conrail) lines; (2) affiliates of class I and II railroads as eligible feeder line applicants; (3) joint rates and divisions; (4) non-owning operators; (5) additional application requirements; and (6) termination of services.

Conrail.—The scope section of the proposed rules indicates that a rail line is eligible for forced sale if it appears in category 1 or 2 of the owning carrier's system diagram map (SDM) (but the railroad has not filed an application to abandon the line) or the public convenience and necessity (PC&N) require or permit the sale of the line.

Several parties state that Conrail has withdrawn its SDM and that it is impossible to determine which Conrail lines fall under category 1 or 2. They suggest that we inform all carriers, including Conrail, that a SDM must be filed. This issue was considered recently in Finance Docket No. 29901, *New York Department of Transportation—Petition for an Order to Show Cause* (not printed), served August 25, 1982. In that case, we found that section 1152 of the Northeast Rail Service Act of 1981, Pub. L. No. 97–35, August 13, 1981 (NERSA), exempted Conrail from certain provisions of 49 U.S.C. Chapter 109, including the requirement that all carriers must file a SDM. Accordingly, we will not impose the SDM requirement here.

The Ohio Rail Transportation Authority suggests that an alternate method be devised to identify category 1 and 2 Conrail lines (i.e. that a notice of insufficient revenues under NERSA be deemed to be a category 1 filing). Under 49 U.S.C. 10910(b)(1)(a)(ii), we are specifically required to find that a line has been placed on the SDM as required by section 10904. It is not within our power to substitute any other requirement for this statutorily mandated finding.

Although a prospective feeder line applicant may not acquire a Conrail line under section 10910(b)(A)(ii) so long as Conrail does not file a SDM, interested persons may still submit evidence under 49 U.S.C. 10910(b)(1)(A)(i) to demonstrate that the PC&N requires or permits the sale under the feeder line program.[8] In addition, if Conrail pursues a NERSA abandonment, the financial assistance provisions of 49 U.S.C. 10905(d)–(f) are available.

Affiliates of Class I and II Railroads.—The current regulations [49 CFR 1151.2 formerly 49 CFR 1128.2] and the proposed regulations provide that an affiliate of a class I or II railroad is not an eligible feeder line applicant. The New York Department of Transportation (NYDOT) argues that affiliates should be eligible applicants because they are not expressly excluded by statute.[9] We disagree. Congress enacted the feeder line program to provide shipper groups and government agencies with rail transportation alternatives. H.R. Rep. No. 96–1430, 96th Cong., 2nd Sess. at 124 (1980).

NYDOT argues that, under some circumstances, the only party willing to acquire the line may be an affiliate of a class I or II railroad. It argues that the exclusion of such affiliates may result in the termination of all rail service. Our regulations merely preclude the affiliate's use of the feeder line provisions. An affiliate may still negotiate a voluntary agreement or acquire a line after abandonment under 49 U.S.C. 10905. It is thus unlikely that the preclusion of affiliates will result in the termination of any rail service.

Joint Rates and Division.—In order to reduce the financial and traffic data necessary to support the feeder line application, the Illinois Rail Users Association (IRUA) suggests that applicants be permitted to exclude information in support of the establishment of joint rates and divisions. IRUA suggests that the parties be permitted to negotiate the joint rates and divisions and, if the negotiations fail, to institute a collateral proceeding.

The information requested under 49 CFR 1151.3(a)(14) is optional. An applicant need only submit this information if it wants the Commission to establish joint rates and divisions at the time a feeder line application is decided. It is possible for the Commission to entertain these issues in a collateral proceeding under 49 U.S.C. 10910(f).[10]

We have discovered an error in our original regulations concerning the Commission's joint rate and divisions determinations. [49 CFR 1151.6(c) formerly 49 CFR 1128.6(c)]. As originally drafted, this regulation did not include certain prerequisites to the consideration of joint rates and divisions issues. We have made

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[6] The Ohio Public Utilities Commission suggested that the notice requirements be expanded to include the posting of notices at rail stations and publication in a local newspaper. We will not adopt this proposal. Posting at rail stations could involve trespass and newspaper publication could be very expensive. Moreover, as noted above, direct service is the most efficient means of notice.

[7] Several parties misinterpret our action as an abdication of our responsibility to set the purchase price in the absence of a voluntary agreement. We will continue to set the purchase price. See 49 CFR 1151.4(c).

[8] In at least one instance, Conrail has attempted to assist prospective purchasers seeking to use the PC&N provisions of the feeder line development program by filing an affidavit in support of their purchase request. See *Indiana Hi-Rail, supra.*

[9] While the existing rules already exclude affiliates as eligible applicants, the first feeder line rulemaking proceeding did not contain such an exclusion in the proposed rule and this provision was inserted into the final rule without any substantive discussion in our decision. Accordingly, we will address this issue in this proceeding.

[10] All other issues *will* be resolved in the *Commission's final decision.*

appropriate revisions to this regulation. See 49 CFR 1151.4(e).

Non-owning Operators.—AAR and UTU argue that the rules should eliminate any reference to a feeder line purchaser's ability to contract with a third party to provide operations over the line [49 CFR 1151.3(a)(7) formerly 49 CFR 1128.3(a)(7)]. They argue that the feeder line applicant must be the carrier and the operator of the line since the language of section 10910 provides that only "acquiring" or "purchasing" carriers can obtain trackage rights or joint rates.[11]

We shall retain the provisions allowing third party operations. No provision of the feeder line program expressly forbids properly authorized third party operations. While several of the beneficial provisions of the program may not be available to these operators, this does not warrant their exclusion. This conclusion conforms to Congress broad policy favoring alternatives to inadequate service through the feeder line program. We note that the parallel provisions governing financial assistance proceedings (49 U.S.C. 10905) also do not expressly provide for third party operations. Yet, the Commission has allowed such arrangements. See Docket No. AB–1 (Sub-No. 111), *Chicago and North Western Transportation Company—Abandonment in Oneida, Vilas, Iron, Ashland and Bayfield Counties, WI and Gogebic County, MI* (not printed), served October 9, 1981, and *Abandonment Rulemaking* at 259.[12]

Additional Acquisition Application Requirements.—One party requests that the Commission determine that all feeder line acquisitions fall within 49 U.S.C. 10901 rather than 49 U.S.C. 11343. It is not necessary to make this determination. The statutory provisions creating the feeder line program remove purchases under section 10910 from the provisions of section 10901 and 11343. No separate applications under these other sections are required. Compare *Abandonment Rulemaking* at 259–60.

Termination of Service.—One party argues that feeder line purchasers should have the right to terminate service and end their common carrier obligation in an uncomplicated manner. The party suggests that this could be accomplished by a certificate similar to a designated operator or modified PC&N certificate (See 49 CFR 1150.11 and 21 formerly 49 CFR 1120.11 and 1120.21).

The statute provides that a feeder line applicant must be able to assure that adequate transportation will be provided over the line for a period of not less than 3 years. 49 U.S.C. 10910(a)(1). We have construed this provision to require that applicants provide a minimum of 3 years of service. *Feeder Railroad Development Program*, 365 I.C.C. 93, 96 and 99 (1981). Accordingly, we will not provide any abbreviated termination procedures to feeder line owners during this period. Moreover, there is no reason to allow feeder line owners, as a class, more expeditious abandonment procedures than those described at 49 U.S.C. 10903 *et seq.* An individual feeder line applicant may, however, elect to be exempt from any of the provisions of Title 49 (except joint rates provisions). 49 U.S.C. 10910(g)(1).

Thus, if an applicant elects to be exempt from 49 U.S.C. 10903 *et seq.* when the feeder line application is filed, it will be able to expeditiously terminate its railroad operations *following* the expiration of the 3-year period.

Conclusion

We adopt the final rules set forth in Appendix B.

Pending notices of intent to file feeder applications are dismissed. Affected parties may immediately file applications in compliance with these regulations.

Regulatory Flexibility Analysis

These rules amend existing regulations which involve feeder line applications under section 10910 and their relationship to abandonment proceedings. These rules also clarify and streamline our application procedures. These changes will have a significant economic effect on a substantial number of small entities. They will have a beneficial impact on shippers and communities located on qualifying rail lines by assuring that these parties will continue to have a viable alternative to inadequate rail service and total abandonment of local rail lines through the acquisition of these lines. The issues raised by the public comments and the charges made in the proposed rules as a result have been addressed above.

This action will not significantly affect the quality of the human environment of conservation of energy resources.

List of Subjects in 49 CFR Part 1151

Administrative practice and procedure, Railroads.

This action is taken under the authority of 5 U.S.C. 553 and 49 U.S.C. 10321 and 10910.

Dated: February 22, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix A—Summary of Changes Contained in Final Rules

Section 1151.1 Scope.

No Change.

Section 1151.2 Procedures.

This section contains new provisions which: (1) Permit the filing of competing applications and adjust the evidentiary timetable accordingly; (2) eliminate the requirement that the Commission must issue a decision accepting applications but retain provisions requiring the Commission to reject unacceptable initial applications (within 15 days of filing) and competing applications (at any time); and (3) provide that the owning railroad is required to select between competing qualified applicants.

Section 1151.3 Contents of application.

This section imposes the same evidentiary requirements on initial and competing applications. Additionally, this section: (1) Provides that applicants must provide evidence in support of their NLV and GCV evidence; (2) states that the information requested for joint rates and divisions is optional; and (3) modifies the public notice requirements by eliminating **Federal Register** publication of the application in favor of notification of an expanded list of described parties.

Section 1151.4 Commission determination.

This section has been reworded for clarity. A provision for the Commission's acceptance of a voluntarily negotiated acquisition price has been added. As originally drafted, this section did not include certain statutory prerequisites to a Commission determination of joint rates and divisions. These prerequisites have been incorporated in the final rules.

Section 1151.5 Verification and copies.

No change.

Appendix B—Final Rules

Part 1158 of title 49 is revised to read as follows:

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[11] The proposed rules did not change existing regulations concerning non-owning operators. Since this provision was incorporated into the original rules without substantive discussion, it is appropriate to address this issue here.

[12] While the AAR correctly states that the Congress has imposed a duty upon the *acquiring carrier* to hire (to the extent practicable) the employees who would work on the line [H.R. Rep. No. 96–1430, 96th Cong., 2nd Sess. at 125 (1980)], nothing precludes the delegation of this duty to the third party operator under the operating contract.

PART 1151—FEEDER RAILROAD DEVELOPMENT PROGRAM

1151.1 Scope.
1151.2 Procedures.
1151.3 Contents of application.
1151.4 Commission determination.
1151.5 Verification and copies.

Authority: 5 U.S.C. 553, 49 U.S.C. 10910.

§ 1151.1 Scope.

This part governs applications filed under 49 U.S.C. 10910. The Commission can require the sale of a rail line to a financially responsible person. A rail line is eligible for a forced sale if it appears in category 1 or 2 of the owning railroad's system diagram map (but the railroad has not filed an application to abandon the line), or the public convenience and necessity, as defined in 49 U.S.C. 10910(c)(1), permit or require the sale of the line. Until October 1, 1983, section 10910 is only applicable to lines that carried less than 3 million gross ton-miles of traffic per mile in the preceding calendar year.

§ 1151.2 Procedures.

(a) Before an application is filed, the applicant must obtain a docket number from the Commission's Rail Section.

(b) The application proceeding commences on the filing of the application with the Commission.

(c) Within 15 days of the receipt of the application, the Commission shall issue a decision rejecting the initial application if the Commission determines that the application does not substantially conform to these regulations regarding form and content.

(d) Within 30 days of the receipt of the initial application, other interested parties may file competing applications seeking to acquire all or any portion of the line sought in the initial application.

(e) At any time during the pendency of the proceeding, the Commission may issue a decision rejecting a competing application if the Commission determines that the competing application does not substantially conform to these regulations regarding form and substance.

(f) Within 60 days of the filing of the initial application, the owning railroad and other interested parties shall file their verified statements addressing the applications.

(g) Within 80 days of the filing of the initial application, applicants may file a verified reply.

(h) Within 140 days of the filing of the initial application, the Commission decision disposing of all issues shall be issued. If the Commission finds that the public convenience and necessity require or permit sale of a line, the Commission shall concurrently publish this finding in the Federal Register.

(i) Within 10 days of the service date of the decision ordering the sale, the applicant(s) must file a notice with the Commission and serve a copy on the owning railroad accepting or rejecting the Commission's determination.

(j) If two or more applicants timely file notices accepting the Commission's determination, the owning railroad shall select the applicant with whom it wishes to transact business. Within 15 days of the service date of the Commission decision, the owning railroad shall file this notice with the Commission and serve a copy on the applicants.

§ 1151.3 Contents of application.

(a) The initial application and all competing applications must include:

(1) Identification of the line to be purchased including:

(i) The name of the owning carrier; and

(ii) The exact location of the line to be purchased including milepost designations, origin and termination points, stations located on the line, and cities, counties and States traversed by the line.

(2) Identification of applicant including:

(i) The applicant's name and address;

(ii) The name, address, and phone number of the representative to receive correspondence concerning this application;

(iii) A description of applicant's affiliation with any railroad; and

(iv) If the applicant is a corporation, the names and addresses of its officers and directors.

(3) Information sufficient to demonstrate that the applicant is a financially responsible person. In this regard, the applicant must demonstrate its ability:

(i) To pay the higher of the net liquidation value (NLV) or going concern value (GVC) of the line; and

(ii) To cover expenses associated with providing services over the line (including, but not limited to, operating costs, rents, and taxes) for at least the first 3 years after acquisition of the line.

(4) An estimate of the NLV and the GCV of the line and evidence in support of these estimates.

(5) An offer to purchase the line at the higher of the two estimates submitted pursuant to paragraph (a)(4) of this section.

(6) The dates for the proposed period of operation of the line covered by the application.

(7) An operating plan that identifies the proposed operator; attaches any contract that the applicant may have with the proposed operator; describes in detail the service that is to be provided over the line, including all interline connections; and demonstrates that adequate transportation will be provided over the line for at least 3 years from the date of acquisition.

(8) A description of the liability insurance coverage carried by applicant or any proposed operator. If trackage rights are requested, the insurance must be at a level sufficient to indemnify the owning railroad against all personal and property damage that may result from negligence on the part of the operator in exercising the trackage rights.

(9) Any preconditions (such as assuming a share of any subsidy payments) that will be placed on shippers in order for them to receive service, and a statement that if the application is approved, no further preconditions will be placed on shippers without Commission approval. (This Statement Will Be Binding Upon Applicant if the Application is Approved.)

(10) The name and address of any person(s) who will subsidize the operation of the line.

(11) A statement that the applicant will seek a finding by the Commission that the public convenience and necessity permit or require acquisition, or a statement that the line is currently in category 1 or 2 of the owning railroad's system diagram map. (i) If the applicant seeks a finding of public convenience and necessity, the application must contain detailed evidence that permits the Commission to find that:

(A) The rail carrier operating the line refused within a reasonable time to make the necessary efforts to provide adequate service to shippers who transport traffic over the line;

(B) The tranportation over the line is inadequate for the majority of shippers who transport traffic over the line;

(C) The sale of the line will not have a significantly adverse financial effect on the rail carrier operating the line;

(D) The sale of the line will not have an adverse effect on the overall operational performance of the rail carrier operating the line; and

(E) The sale of the line will be likely to result in improved railroad transportation for shippers who transport traffic over the line.

(ii) If the applicant seeks a finding that the line is currently in category 1 or 2 of the owning carrier's system diagram map, the relevant portion of the current map must be attached to the application.

(12) A statement detailing applicant's election of exemption from the provisions of Title 49, United States Code, and a statement that if the application is approved, no further exemptions will be elected. (This Statement Will Be Binding Upon the Applicant if the Application is Approved.)

(13) A description of any trackage rights sought over the owning railroad that are required to allow reasonable interchange or to move power equipment or empty rolling stock between noncontiguous feeder lines operated by the applicant, and an estimate of the reasonable compensation for such rights, including full explanation of how the estimate was reached. The description of the trackage rights shall include the following information: milepost or other identification for each segment of track; the need for the trackage rights (interchange of traffic, movement of equipment, etc.); frequency of operations; times of operation; any alternative to the use of trackage rights; and any other pertinent data. Trackage rights that are necessary for the interchange of traffic shall be limited to the closest point to the junction with the owning railroad's line that allows the efficient interchange of traffic. A statement shall be included that the applicant agrees to have its train and crew personnel take the operating rules examination of the railroad over which the operating rights are exercised.

(14) A description of any joint rate and division agreement that must be established. The description(s) shall include the following information: the railroad(s) involved; the estimated revenues that will result from the division(s); the total costs of operating the line segment purchased (including the trackage rights fees); and any other pertinent data.

Note.—This information is required only if the applicant requests that the Commission prescribe joint rates and division in the feeder line proceeding.

(15) The extent to which the owning railroad's employees who normally service the line will be used.

(16) If the application is filed before October 1, 1983, informaton sufficient to allow the Commission to determine that the line sought to be acquired carried less than 3 million gross ton-miles of traffic per mile in the preceding calendar year. Gross ton-miles are calculated by adding the ton-miles of the cargo and the ton-miles related to the tare (empty) weight of the freight cars used to transport the cargo in the loaded movement. In calculating the gross ton-miles, only those related to the portion of the segment purchased shall be included.

(17) An affidavit stating that the service requirements on § 1151.3(b) have been met.

(b) Concurrently with the filing of the application, applicant shall serve a copy of the application by certified mail on the following parties: the owning railroad; all rail patrons who originated and/or received traffic on the line during the 12-month period preceding the month in which the application is filed; the Designated State Agency in the State(s) in which the property is located; county governments in which the line is located; and the headquarters of the Railway Labor Executives' Association.

(c) Applicant shall make copies of the application available to interested parties upon request.

§ 1151.4 Commission determination.

(a) The Commission shall determine whether each applicant is a financially responsible person. To be a financially responsible person, the Commission must find that:

(1) The applicant is capable of paying the constitutional minimum value of the line and able to assure that adequate transportation will be provided over the line for at least 3 years;

(2) The applicant is not a class I or class II railroad or an entity affiliated with a class I or class II railroad.

(b) If the Commission finds that one or more applicants are financially responsible parties, it shall determine whether the involved line or line segment is a qualified line. A line is a qualified line if:

(1) Either

(i) The public convenience and necessity require or permit the sale of line or line segment; or

(ii) The line or line segment is classified in category 1 or 2 of the owning carrier's system diagram map; and

(2) The traffic level on the line or line segment sought to be acquired was less than 8 million gross ton-miles of traffic per mile in the preceding calendar year (Note: this finding will not be required for applications filed after October 1, 1983).

(c) If the Commission finds that one or more financially responsible parties have offered to buy a qualifying line of railroad, the Commission shall set the acquisition cost of the line at the higher of NLV or GCV, order the owning carrier to sell the rail line to one of the financially responsible applicants, and resolve any related issues raised in the application. If an applicant and the owning railroad agree on an acquisition price, that price shall be the final price.

(d) If trackage rights are sought in the application, the Commission shall, based on the evidence of record, set the adequate compensation for such rights, if the parties have not agreed.

(e) If the applicant requests the Commission to set joint rates or divisions and the line carried less than 3 million gross ton-miles of traffic per mile during the preceding calendar year, the Commission shall, pursuant to 49 U.S.C. 10705(a), establish joint rates and divisions based on the evidence of record in the proceeding. Unless specifically requested to do so by the selling carrier, the Commission will not set the rate for the selling railroad's share of the joint rate at less than the applicable level (for the year in which the acquisition is made) set by 49 U.S.C. 10709(d)(2), which limits Commission maximum ratemaking jurisdiction to rates above certain cost/price ratios.

§ 1151.5 Verification and copies.

(a) All pleadings permitted by these regulations must be verified.

(b) An original and 10 copies of an application, verified statement, comment or any other pleading permitted by these rules should be submitted to the Rail Section, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423. The outside envelope and the first page of any document submitted under these rules should be clearly marked "Feeder Line Development."

[FR Doc. 83-5822 Filed 3-7-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration.

50 CFR Parts 611 and 656

[Docket No. 30301-31]

Foreign Fishing; Atlantic Mackerel Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related; notice inseason adjustment.

SUMMARY: NOAA has allocated 5,000 metric tons (mt) of the 6,000 mt Atlantic mackerel reserve to foreign fishermen. The remaining 1,000 mt will be retained in reserve for domestic harvest. This final notice follows procedures in the Fishery Management Plan for the

Atlantic Mackerel Fishery and implementing regulations. The intended effect of this allocation is to achieve optimum yield for this fishery through incentives to foreign fishermen and to encourage development of joint ventures off the east coast of the United States.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Salvatore A. Testaverde, 617–281–3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Mackerel Fishery, as amended, established a 6,000 mt reserve of mackerel (45 FR 45291, July 3, 1980). Regulations provide a mechanism to allocate all or part of the reserve to the total allowable level of foreign fishing (TALFF) during each fishing year (45 FR 77446, November 24, 1980). Sections 611.52(a) and 656.22(a) of the regulations direct the Regional Director of the Northeast Region, National Marine Fisheries Service, to publish for a 15-day comment period his projected amount of mackerel to be harvested by domestic fishermen (48 FR 5575, February 7, 1983). No comments were received.

Therefore, 5,000 mt of the 6,000 mt reserve will be allocated to TALFF to provide for the directed-catch portion of the German Democratic Republic joint venture. An equal amount may be taken by domestic fishermen in the joint venture. This opportunity will facilitate achievement of the optimum yield for the Atlantic mackerel fishery. The remainder of the 1,000 mt will be held in reserve for domestic fishermen.

List of Subjects

50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

50 CFR Part 656

Fish, Fisheries, Fishing, Reporting requirements.

(16 U.S.C. 1801 *et seq.*)

Dated, March 3, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-6079 Filed 3-3-83; 3:00 p.m.]

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DEPART

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7 CFR P

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AGENCY:
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Proposed Rules

Federal Register
Vol. 48, No. 46
Tuesday, March 8, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 944

Grapes Imported Into the United States; Proposed Grade, Size, Quality, and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposal which would establish, during the period May 1–August 15, 1983, quality requirements for vinifera species table grapes (except the Emperor, Calmeria, Almeria nd Ribier varieties) imported into the United States. Such grapes would be required to meet the minimum grade and size requirements for U.S. No. 1 Table grade, as defined in the U.S. Standards for Grades of Table Grapes (European or Vinifera type), and minimum maturity standards as defined in the Administrative Code of California. This action is needed to assure imports of ample supplies of table grapes of acceptable quality, and to promote orderly marketing in the interests of producers and consumers.

DATES: Comments must be submitted on or before March 23, 1983.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S, Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of imported table grapes for the benefit of producers and consumer, and will not substantially affect costs for the persons directly regulated.

The proposed table grape import regulation would be issued under Section 8e (7 U.S.C. 608–1) of the Agricultural Marketing Agreement Act of 1937, as amended. This section requires that whenever specified commodities, including table grapes, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The California Desert Grape Administrative Committee recommended grade, size, maturity, container, pack, and other requirements for table grapes grown in southeastern California, to be effective for the period May 1–August 15, 1983. A notice of propose rulemaking relative to this matter was published in the February 23, 1983, issue of the **Federal Register** (48 FR 7581).

This proposed regulation would require imported table grapes (except the Emperor, Calmeria, Almeria and Ribier varieties) to meet the minimum grade and size requirements of U.S. No. 1 Table Grade as specified in the U.S. Standards for Grades of Table Grapes (European or Vinifera type). In addition, such grapes would also be required to meet the minimum maturity requirements for table grapes as specified in the California Administrative Code. These requirements are the same as the grade, size and maturity requirements proposed for table grapes grown in southeastern California.

Certain maturity requirements cited in the proposed regulation are specified in the Administrative Code of California (Title 3). Copies of such requirements are available from william J. Doyle, Chief, Fruit Branch, F&V, AMS USDA, Washington, D.C. 20250, telephone 202–447–5975.

List of Subjects in 7 CFR Part 944

Fruits, Import regulations, Grapes.

PART 944—[AMENDED]

Proposal No. 1: Add a new § 944.501 to read as follows:

§ 944.501 Table Grape Import Regulation 1.

(a) *Applicability to imports.* Pursuant to section 8e of the Act and Part 944-Fruits; Import Regulations, during the period May 1, 1983, through August 15, 1983, the importation into the United States of any variety of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, is prohibited unless such grapes meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table Grade, as set forth in the U.S. Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880–51.912), and minimum maturity standards in accordance with applicable sampling and testing procedures specified in §§ 1436.3–1436.17 of the administrative Code of California (Title 3).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of table grapes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the Procedure for Requesting Inspection and Designating the Agencies to Perform Required Inspection and Certification (7 CFR Part 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements may be reconditioned or exported. Any failed lot which is not exported shall be disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(e) It is determined that imports of table grapes, during the effective time of

this regulation, are in most direct competition with table grapes grown in southeastern California, under M.O. 925 (7 CFR Part 925). The grade, size, quality and maturity requirements of this section are the same as those applicable to table grapes grown in southeastern California.

Proposal No. 2: Amend § 944.400 by revising the title and paragraph (a) thereof to read as follows:

§ 944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, limes, oranges, and table grapes regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(a) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados, grapefruit, limes, oranges and table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official-inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of the specified fruit, is required on all imports. Such inspection and certification services well be available upon application in accordance with the Regulations Governing Inspection, Certification and Standards for Fresh Fruits, Vegetables, and Other Products (7 CFR part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocdos, grapefruit, limes, oranges, and table grapes should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the fruit will be imported:

* * * * *

Dated: March 3, 1983.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-6008 Filed 3-7-83; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain shipping standards for supply plants regulated under the Southwest Plains milk order. The suspension would apply during the months of March through July 1983. Under the proposed action, no shipments of milk to distributing plants from supply plants would be required in order to pool supply plants that were previously associated with the market. The action was requested by the operator of a pool supply plant because of increasing production and a decline in demand for milk in fluid uses. Because of a change in the market's supply-demand relationship, the plant operator does not anticipate that any supply plant shipments will be necessary to furnish the fluid milk needs of distributing plants. Without the suspension, proponent contends that unneeded and uneconomic shipments of supply plant milk would have to be made solely for the purpose of pooling milk of diary farmers who have historically furnished the fluid milk needs of the market.

DATE: Comments are due not later than March 15, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period if this is found necessary. The initial request for this action was received on February 24, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure the dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accure from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Southwest Plains marketing area is being considered for the months of March through July 1983:

1. In § 1106.6, the language "during the month".

2. In § 1106.7(b)(1), the language "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February–August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of this section are not less than 50 percent of receipts or diversions, as previously specified" and the language "until any month of such period in which the plant fails to meet the 20 percent shipping requirement".

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file two copies of such material with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include March 1983 in the suspension period.

The comments that are sent will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

Under the proposed suspension no shipments of milk to distributing plants from supply plants would be required in order to pool supply plants that were previously associated with the market. The order currently defines a supply plant as a plant from which shipments are made to distributing plants during the month. Also, the order provides that supply plants that were pooled during each of the previous months of September through January under the Southwest Plains order or during the months of September through December 1982 under any of the four predecessor orders that were merged to form the Southwest Plains order effective January 1, 1983, will be pooled during the following months of February through August if not less than 20 percent of monthly receipts are shipped to pool distributing plants. The proposed action would eliminate the supply plant shipping standards for pooling such plants during March–July 1983.

The action was requested by a handler who operates a supply plant that is currently pooled under the order on the basis of milk shipments to pool distributing plants. The plant was also pooled during each of the previous months of September 1982 through January 1983 under the Southwest Plains order or its predecessdor orders. The handler contends that the suspension is necessary because of a general increase in production without a corresponding increase in the demand for milk in fluid use. Because of a change in the supply-demand relationship, proponent does not anticipate that any shipments from its supply plant will be needed to furnish the fluid milk needs of distributing plants. The handler contends that without the suspension unneeded and uneconomic shipments of milk would have to be made solely for the purpose of pooling the milk of dairy farmers who have historically supplied the fluid milk needs of the market.

List of Subjects in 7 CFR Part 1106

Milk Marketing Orders, Milk, Dairy products.

Signed at Washington, D.C. on March 2, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-5830 Filed 3-7-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Parts 3, 6, 7, and 32

[Docket No. 83-12]

National Bank Lending Limits; Extension of Comment Period

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Extension of comment period.

SUMMARY: The Comptroller of the Currency is extending the comment period for the proposed rulemaking on national bank lending limits by 14 days to encourage maximum public participation in this matter.

DATE: Comments must be received on or before March 22, 1983.

ADDRESS: Please send comments to Docket No. 82–25, Communications Division, Third Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219. Attn: C. Christine Jones ((202) 447–1768).

FOR FURTHER INFORMATION CONTACT: Carol M. Beaumier, Manager, International Examinations ((202) 447–1747); Howard J. Finkelstein, Attorney, Legal Advisory Services Division ((202) 447–1880); Claire Owen, National Bank Examiner, Commercial Examinations ((202) 447–1164).

SUPPLEMENTARY INFORMATION: On December 21, 1982 (47 FR 56862), the Office of the Comptroller of the Currency published proposed regulations implementing section 401(a) of Pub. L. 97–320, relating to national bank lending limits. On February 1, 1983, the comment period for the proposed regulation was extended to February 18, 1983. The agency has received requests that the comment period be reopened in order to facilitate consultations with representatives of the banking industry. The agency has considered the requests and concluded that an additional 14 days would allow for greater public participation in the rulemaking. Accordingly, the comment period is being extended to March 22, 1983.

Dated: March 4, 1983.

Doyle L. Arnold,

Acting Comptroller of the Currency.

[FR Doc. 83-6042 Filed 3-7-83; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-187 (New Mexico-22)]

High-Cost Gas Produced from Tight Formations, New Mexico; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under condition which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Morrow Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 18, 1983. *Public Hearing:* No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 18, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 358–6511, or Victor Zabel, (202) 357–8616.

SUPPLEMENTARY INFORMATION:

Issued: March 3, 1983.

I. Background

On February 16, 1983, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Morrow Formation located in Lea and Eddy

Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Morrow Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended area is located in southeast New Mexico and consists of approximately 319,000 acres. The recommended formation underlies the northeast corner of Lea County and southeast quarter of Eddy County, New Mexico. The Morrow Formation is defined as that interval located stratigraphically above the Mississippian Barnett Shale and below the Pennsylvanian Atoka Formations. The average depth to the top of the Morrow Formation is 13,600 feet, and the thickness of the formation varies from 928 feet to 1,475 feet.

III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case 7735 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Morrow Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 18, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM 79-76-187 (New Mexico-22), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 18, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(170) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(170) *Morrow Formation in New Mexico.* RM 79-76-187 (New Mexico-22).

(i) *Delineation of formation.* The Morrow Formation is located in Lea and Eddy Counties, New Mexico, in Township 19 South, Range 31 East, Sections 27 S/2, 33 E/2, 34 and 35; Township 20 South, Range 30 East, Sections 25, 26, 31 through 34, 35 N/2 and 36; Township 20 South, Range 31 East, Sections 1 through 36; Township 20 South, Range 32 East, Sections 2 through 11, 14 through 23, and 26 through 35; Township 21 South, Range 28 East, Sections 1 and 2, 3: Lots 3, 4, 5, 6, 11, 12, 13, 14, and S/2, 4 through 20, 21 W/2, 22 through 25, 26 S/2, 27, 28, 29 S/2, and 30 through 36; Township 21 South, Range 29 East, Sections 1 through 7, 8 N/2, and 9 through 36; Township 21 South, Range 30 East, Sections 1 through 12, 14 through 23, and 27 through 34; Township 21 South, Range 31 East, Sections 1 through 12; Township 22 South, Range 28 East, Sections 1 through 26, and 33 through 36; Township 22 South, Range 29 East, Sections 1 through 36; Township 22 South, Range 30 East, Sections 3 through 10, 13 W/2 W/2 and Ne/4 NW4, 14 through 23, 24 W/2 NW/2 NW/4, and 26 through 36; Township 23 South, Range 29 East, Sections 1 through 3, 10 through 12, 13 W/2, 14, 15, 22 through 27, and 34 through 36; Township 23 South, Range 30 East, Sections 1 through 17, 18 S/2, and 19 through 36; Township 23 South, Range 31 East, Sections 19, 30, and 31; Township 24 South, Range 29 East, Sections 1 and 2, 11 through 14, 23 through 26, 35, and 36; Township 24 South, Range 30 East, Sections 1 through 7, 8 N/2, 9 through 16, 17 E/2, and 18 through 36; Township 24 South, Range 31 East, Sections 6, 7, 15 through 22, and 27 through 34; Township 25 South, Range 30 East, Sections 1 through 36; Township 25 South, Range 31 East, Sections 3 through 10, 15 through 22, and 27 through 34; Township 26 South, Range 30 East, Sections 1 through 12; Township 26 South, Range 31 East, Sections 3 through 10; NMPM.

(ii) *Dept.* The Morrow Formation is defined as that interval located stratigraphically above the Mississippian Barnett Shale and below the Pennsylvanian Atoka Formations. The average depth to the top of the Morrow Formation is 13,600 feet. The Morrow Formation varies in thickness from 928 feet to 1,475 feet.

[FR Doc. 83-6096 Filed 3-7-83; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-188 (New Mexico-23)]

High-Cost Gas Produced From Tight Formations, New Mexico; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Chacra Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 18, 1983. *Public Hearing:* No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 18, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION:

Issued: March 3, 1983.

I. Background

On February 18, 1983, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Chacra Formation located in Rio Arriba County, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determined whether New Mexico's recommendation that the Chacra Formation be designated a tight formation should be adopted. The United States Department of the Interior, Minerals Management Service concurs with New Mexico's recommendation. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The Chacra Formation is located in the southeastern portion of the San Juan Basin in Rio Arriba County, New Mexico. The recommended area is comprised of approximately 20,160 acres including all of Sections 4 through 8, and the N/2 of Sections 9 and 10 Township 25 North, Range 7 West, NMPM; as well as all of Sections 5 through 9, 15 through 22, 26 through 36, the W/2 of Section 10, the S/2 of Section 14, and the SW/4 of Sections 23 and 25 in Township 26 North, Range 7 West, NMPM. The type section for the Chacra Formation is found at a depth of approximately 3,734 to 3,844 feet on an Induction Gamma Ray Log from the Curtis J. Little Turner Well No. 2. The average depth to the top of the Cacra Formation is 3,350 feet. The thickness of the Chacra Formation ranges from 110 to 130 feet.

III. Discussion of Recommendations

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7783 convened by New Mexico on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Chacra Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 18, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-188 (New Mexico-23), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 18, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703(d) is amended by adding subparagraph (171) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(171) *Chacra Formation in New Mexico.* RM79–76–188 (New Mexico–23).

(i) *Delineation of formation.* The Chacra Formation is located in all of Sections 4 through 8, and the N/2 of Sections 9 and 10 in Township 25 North, Range 7 West, NMPM; as well as all of Sections 5 through 9, 15 through 22, 26 through 36, the W/2 of Section 10, the S/2 of Section 14, and the SW/4 of Sections 23 and 25 in Township 26 North, Range 7 West, NMPM, in Rio Arriba County, New Mexico.

(ii) *Depth.* The Chacra Formation is located approximately 30 miles southeast of the town of Bloomfield in northwestern New Mexico in the southeastern portion of the San Juan Basin. The type section for the Chacra Formation is found at a depth of approximately 3,734 feet to 3,844 feet on an Induction Gamma Ray Log from the Curtis J. Little Turner Well No. 2. The average depth to the top of the Chacra Formation is 3,350 feet. Thickness of the Chacra Formation ranges from 110 to 130 feet.

[FR Doc. 83-6099 Filed 3-7-83; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79–76–176 (Texas—3 Addition VI)]

High-Cost Gas Produced From Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR § 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Cisco-Canyon Formations located in southwest Sterling County, Texas in the area of the Conger (Penn) Field be designated as tight formations under § 271.703(d).

DATE: Comments on the proposed rule are due on April 15, 1983.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 16, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

Issued: March 1, 1983.

I. Background

On January 10, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Cisco-Canyon Formations located in southwest Sterling County, Texas, in the area of the Conger (Penn) Field be designated as tight formations. The Commission previously adopted a recommendation that the Cisco-Canyon Formations in a specified portion of Glasscock County be designated as tight formations (Order No. 242, issued July 15, 1982, in Docket No. RM79–76 (Texas—3 Addition III)) and currently has under consideration recommendations that additional areas of the Cisco-Canyon Formations in Glasscock, Reagan and Sterling Counties be designated as tight formations (Docket No. RM79–76–149 (Texas—3 Addition IV), Notice of Proposed Rulemaking issued December 16, 1982, and Docket No. RM79–76–166 (Texas—3 Addition V), Notice of Proposed Rulemaking issued February 14, 1983). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Cisco-Canyon Formations in southwest Sterling County be designated tight formations should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that an additional area of the Cisco-Canyon Formations encountered in the Southwestern portion of Sterling County, in west Texas, Railroad Commission District 8, in the area of the Conger (Penn) Field be designated as tight formations. The recommended area is an expansion of the Cisco-Canyon Formations in Glasscock, Reagan and Sterling Counties which are currently being considered or have previously been approved by the Commission. The recommended area includes Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Block 22, H&TC RR Survey; Sections 13, 14, 23 and 24, Block 32, T–5–S, T&P RR Survey; Sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Block 31, T–5–S, T&P RR Survey; Section 1, C&M RR Survey; Section 2, O. R. Wilson Survey; Sections 3 and 4, Block 2, T&P RR Survey; all of Mrs. Ann Morrison Survey No. 7; all of F. A. Brooks Survey No. 4; and the north 656.65 acres of the north part of Moses Herrin Survey No. 6, Block A.

For the total area of the Cisco-Canyon Formations which have either been approved or are currently under consideration by the Commission including the additional area recommended herein, the top of the Cisco Formation varies from approximately 6,990 feet in the northeast part of the area to 8,670 feet in the southwest. The depth to the top of the Canyon Formation (the base of the Cisco Formation) varies from 7,370 feet in the northeast to 8,810 feet in the southwest part of the area. Total thickness of the two sandstone formations varies from approximately 200 feet in the southwest to 710 feet in the northeast.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formations, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formations is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of these formations will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of

Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980) notice is hereby given of the proposal submitted by Texas that the Cisco-Canyon Formations, as described and delineated in Texas' recommendation as filed with the Commission, be designated as tight formations pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaknng by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-176 (Texas—3 Addition IV), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washingtin, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 16, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(12)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(12) *Cisco Sandstone Formation in Texas.* RM79-76 (Texas-3) * * *

(iii) *The Cisco-Canyon Formations.*

(A) *Delineation of formation.* The Cisco-Canyon Formations are found in the area of the Conger (Penn) Field and the Conger, S.W. (Penn) Field in Glasscock, Reagan and Sterling Counties, Texas, Railroad Commission Districts 7C and 8. The area includes the following surveys: T&P RR Block 33, T-5-S, Sections 34, 36, and W ½ of 38; T&P RR, Block 32, T-5-S, Sections 13 through 17, 20 through 29, 32 through 42 and 44 through 48; EL & RR RR Sections 1, 2, 3 and 4; D. L. Carver Section 4; H. T. Tweedle Section 2; T&P RR, Block 2, Sections 3, 4, 9 through 14, 21 through 26, 33 through 38, 41, 43, 44, 49 through 52, 61, 62, 69, 70, 71, 89 through 92, 100, 118, 128, 146, 155 and 156; GC & SF RR Sections 1 and 3; GC & SF RY Section 1; W. C. Elam Section 4; CT & MC RR Section 2; W. R. Barton Section 4; S. H. Birdwell Section 17; Brooks & Burleson Sections 1 and 2; T. B. Wilson Section 2; RR Section 1; H&TC RR, Block 22, Sections 19 through 36; T&P RR, Block 31, T-5-S, Sections 4, 5 and 7 through 30; O. R. Wilson Section 2; Mrs. Ann Morrison Section 7; F. A. Brooks Section 4; and the north 656.65 acres of the north part of Moses Herrin No. 6 Block A.

(B) *Depth.* The depth to the top of the Cisco Formation varies from approximately 6,670 feet in the southwest part of the area to 6,990 feet in the northeast. The depth to the top of the Canyon Formation varies from approximately 6,810 feet in the southwest to 7,370 feet in the northeast. Total thickness of the two formations varies from approximately 200 feet in the southwest to 710 feet in the northeast.

[FR Doc. 83-5582 Filed 3-7-83; 8:45 am]
BILLING CODE 6712-01-M

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18 CFR Part 271

[Docket No. RM79-76-169 (Texas—22 Addition III)]

High-Cost Gas Produced from Tight Formations; Texas

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commisson determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Strawn-Detrital Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 15, 1983.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 16, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NW., Washington, DC. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued: March 1, 1983.

I. Background

On December 23, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (5 FR 56034, August 22, 1980), that additional areas of the Strawn-Detrital Formation adjacent to and including portions of the University Block 31 (Strawn-Detrital) and Howards Creek (Penn) fields in Crockett county, Texas, be designated as a tight formation. On August 24, 1982, the Commission issued Order No. 249 in Docket No. RM79-76-111 (Texas—22) in which the Commission designated portions of the Strawn-Detrital Formation in the University Block 31 (Strawn-Detrital) Field as a tight formation under § 271.703. Other recommendations are currently under consideration to designate the Detrital Formation in the Perner Ranch area [Notice of Proposed Rulemaking issued December 2, 1982, Docket No. RM79-76-150 (Texas—22 Addition)] and additional areas of the Strawn-Detrital Formation in the University Block 31 Field area [Notice of Proposed Rulemaking issued December 23, 1982, Docket RM79-76-157 (Texas—22 Addition II)] as tight formations.

Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation, that the additional areas of the Strawn-Detrital Formation be added to the previously designated tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Strawn-Detrital Formation in areas adjacent to and including portions of the University Block 21 (Strawn-Detrital) Field and the Howards Creek (Penn) Field in Crockett County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommendation consists of approximately 22,400 acres and is divided into two specific areas. Area I consists of Sections 7, 8, 9, 16, 17, 18 and the south half of Section 10, Block 30 and Sections 6 through 11 and 13 through 16, Block 33 of the University Land Survey Crockett County. Area II consists of Sections 50 through 53, 66 through 70, 78 through 79, 91 through 93, the southern halves of Sections 54 and 90, the northern halves of Sections 49 and 94, and the eastern half of Section 71, Block OP, of GC and SF Railroad Company Survey Crockett County.

The average depth to the top of the Strawn-Detrital Formation in Area I is approximately 8,535 feet and the formation varies in thickness from approximately 100 feet to 250 feet. In Area II, the average depth to the top of the formation is approximately 7,950 feet and the formation varies in thickness from approximately 50 feet to 100 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on November 17, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Strawn-Detrital Formation, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 15, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-169 (Texas—22 Addition III) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 16, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703(d) is amended by revising paragraph (106)(i) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(106) Strawn-Detrital Formation in Texas. RM79-76 (Texas—22).

(i) *University Block 31 (Strawn-Detrital) and Howards Creek (Penn) Fields.*

(A) *Delination of formation.* The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields is located in Crockett County, Texas, Railroad Commission District 7C. the designated area consists of Section 7, 8, 9, the south half of Section 10, Sections 16 through 20, the south half of Section 21, Sections 29 through 32, Block 30, University Lands Survey; all Sections in Block 31, University Lands Survey; Sections 1, 2, 3, the south half of Section 4, Section 5, through 8, the south half of Section 9, Sections 11 through 14, and the north half of Section 18, Block 32, University Lands Survey; Sections 8 through 20, Block 33, University Lands Survey; the southwest ¼ of Section 12, Section 29, 30, 31, the south half of Section 32, Sections 50, 51, and the southeast ¼ of Section 53, Block UV, GC & SF RR Co. Survey; Section 2, Block ST-2, GC & SF RR Co. Survey; the north half of Hampton Survey; Section 1001 of W. C. Hall Survey; Section 1002 of J. M. Jean Survey; Section 1003 of M. F. Lopez Survey; Sections 1, 2, 14 through 18, Block ST, GC & SF RR Co. Survey; the north half of Section 49, Sections 50 through 53, the south half of Section 54, Sections 66 through 70, the east half of Section 71, Sections 76 through 79, the south half of Section 90, Sections 91, 92, 93 and the north half of Section 94, Block OP, GC & SF RR Co. Survey.

(B) *Depth.* The average depth to the top of the Strawn-Detrital formation is approximately 7,900 feet in the north and 8,535 feet in the southwest. The thickeness of the formation varies from 50 feet to 100 feet in the northeast and

from 100 feet to 250 feet in the southwest.

* * * * *

[FR Doc. 83-6389 Filed 3-7-83; 8:45 am]

BILLING CODE 4717-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 14

Rights-of-Way Regulations; Power Transmission Lines

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would eliminate an outdated and unneeded provision concerning wheeling stipulations in existing right-of-way regulations. The provision currently reserves the Department of the Interior's right to utilize capacity of electric power and energy transmission facilities requiring right-of-way permits to cross Federal lands within the National Park System.

DATE: Written comments, will be accepted until April 7, 1983.

ADDRESS: Comments should be directed to: Associate Director, Management and Operations, National Park Service, 18th & C Streets NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Arthur E. Eck, Ranger Activities and Protection Division, National Park Service, Telephone: (202) 343-5607.

SUPPLEMENTARY INFORMATION:

Background

This proposed rulemaking would revise the right-of-way regulations for the National Park Service. Specifically, the wheeling stipulation, which allows the Department of the Interior to utilize capacity of electric power and energy transmission facilities crossing Park System lands, contained in 36 CFR 14.76(a)(5)(ii), would be deleted. Wheeling stipulations had been a requirement of the Department from 1948 to 1954, and again from 1963 to 1982. By final rulemaking published March 23, 1982 (47 FR 12568), the Bureau of Land Management deleted this requirement from its regulations in 43 CFR Part 2800. This revision is consistent with the Bureau's deletion.

Drafting Information

The principal author of this proposed rule is Arthur E. Eck, Ranger Activities and Protection Division, National Park Service.

Paperwork Reduction Act

This rule does not contain information collection requirments which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Compliance With Other Laws

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment, and that no detailed statement is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The Department of the Interior has determined that this document is not a "major rule" under E.O. 12291, and certifies that this document will not have a "significant economic effect on a substantial numbers of small entities" under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The revision is expected to have little effect on costs to consumers of power marketing agencies; the agencies may negotiate with applicants or seek orders for wheeling from the Department of Energy under 16 U.S.C. 824j. The revised regulation will reduce the cost to the United States of processing some rights-of-way applications, as well as costs to applicants caused by delays.

Authority

Section 3 of the Act of August 25, 1916, 39 Stat. 535 as amended (16 U.S.C. 3).

List of Subject in 36 CFR Part 14

National parks; Electric power; Public lands rights of way.

PART 14—[AMENDED]

In consideration of the foregoing, § 14.76, Subpart F of Part 14, Title 36 of the Code of Federal Regulations is amended by revising paragraph (a)(5) to read as follows:

§ 14.76 Terms and conditions.

(a) * * *

(5) An applicant for a right-of-way for a transmission facility having a voltage of 66 kilovolts or more must, in addition to the requirements of Subpart C, execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following condition: In the event the United States, pursuant to law, acquires the applicant's transmission or other facilities constructed on or across such right-of-way, the price to be paid by the United States shall not include or be affected by any value of the right-of-way granted to the applicant under authority of the regulations of this part.

* * * * *

Dated: January 21, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6618 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The purpose of today's rulemaking is to propose approval of Consent Order APC No. 02-1980, for the Hayes-Albion Corporation and Permits 341-79 and 375-79 for the American Colloid Plant, as revisions to the Michigan State Implementation Plan (SIP) for Calhoun County. Consent Order APC No. 02-1980, contains control measures beyond the present requirements of Michigan's Rule 336.1301 and 336.1331 for reducing total suspended particulate (TSP) emissions. EPA is proposing to approve these revisions.

DATE: Comments on these revisions and on the proposed EPA action must be received by April 7, 1983.

Copies of the revision and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone the contact person listed below, before visiting the Region V Office).

Environmental Protection Agency, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, 7150 Harris Drive, Lansing, Michigan 48909

Comments on this proposed rule should be addressed to (Please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Air Programs Branch, Region V, Environmental Protection Agency 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On April 5, 1982, the State of Michigan submitted to EPA Consent Order APC No. 02–1980 for the Hayes-Albion Corporation, along with alterations to Section 5(D) of the Consent Order, and permits 341–79 and 375–79 for the American Colloid Plant. The Hayes-Albion foundry is located in Calhoun County. A one-square mile area on the west side of Albion City, around Hayes-Albion (Calhoun County, R4W, T2S, Section 34), has been designated as nonattainment for the primary TSP standards. On June 18, 1982, the State of Michigan submitted a Fugitive Dust Control Plan and a Malfunction Abatement Plan for major air cleaning devices at Hayes Albion as part of its SIP revision. These plans contain specific measures for reducing TSP emissions and have been implemented by the dates specified in Consent Order APC No. 02–1980.

On October 25, 1982, EPA announced the availability of this revision and took final action to approve (47 FR 47245). In that notice, EPA advised the public that it was deferring the effective date of its approval for 60 days, until December 27, 1982, to provide an opportunity for submittal of comments on the revision. EPA announced that, if within 30 days of the publication of approval notice we received notice that someone wished to submit an adverse or critical comment we would withdraw the approval and begin a new rulemaking by proposing the action and establishing a 30-day comment period. EPA also published a general notice announcing this special procedure on September 4, 1981 (46 FR 44476).

EPA has received notice that someone wishes to submit an adverse or critical comment. Therefore, in accordance with the procedure described above, EPA today is taking final action elsewhere in today's **Federal Register** to withdraw its October 25, 1982, approval of this revision to the Michigan SIP for the Hayes-Albion Corporation and in this notice, is reproposing to approve the revision. A detailed description of the revision and EPA's rationale for proposing approval are contained in the 47 FR 47245. Interested persons are invited to submit comments on this proposed approval. EPA will consider all coments received within 30 days of the publication of this notice.

Under Executive Order 12291, today's action is not "Major". The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur dioxide, Nitrogen dioxide, Lead, particulate matter, Carbon monoxide, Hydrocarbons.

This notice is issued under authority of section 110 of the Clean Air Act as amended (42 U.S.C. 7410).

Dated January 28, 1983.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 83-5853 Filed 3-7-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 86

[AMS-FRL-2319-2]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Emissions Standards for 1985 and Later Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing.

SUMMARY: EPA will hold a public hearing on the Notice of Proposed Rulemaking (NPRM) to implement section 206(f)(1) of the Clean Air Act, as amended, for 1985 and subsequent model year light-duty vehicles (LDVs). Under the statute, all 1984 and later model year LDVs must meet the national emission standards regardless of the altitude at which they are sold. The proposed requirements for 1985 and later LDVs are identical to those recently promugated as an interim final rule for 1984 LDVs. Both the NPRM and the final rule were published in the **Federal Register** on February 18, 1983 (48 FR 7399 and 48 FR 7392, respectively). Anyone desiring a complete description of the proposed regulations should refer to the 1984 interim final rulemaking.

DATES: The hearing will be held on March 22, 1983 and will convene at 9:30 a.m. and adjourn at such time as is necessary to complete the testimony. Written comments on the proposal will be accepted through April 21, 1983.

ADDRESSES: The hearing will be held at the Federal Office Building, Tenth Floor, 1961 Stout Street, Denver, CO 80202. Written comments should be submitted (perferably 4 copies) to: Central Docket Section (A–130), Environmental Protection Agency, Docket No. A–80–01, 401 M Street, SW., Washington, D.C. 20460. Docket No. A–80–01 is located at the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668–4390.

SUPPLEMENTARY INFORMATION:

I. Background

Section 206(f)(1) of the Clean Air Act, as amended, requires all 1984 and later LDVs to comply with the national emission standards of section 202 regardless of the altitude at which they are sold. On February 18, 1983, EPA published an interim final rule which implemented this Congressional mandate for the 1984 model year (48 FR 7392). On the same date, EPA also published a notice of proposed rulemaking (NPRM) in the **Federal Register** which would establish identical emission control requirements for 1985 and later model years (48 FR 7399).

Anyone desiring the complete details of the NPRM should refer to the 1984 interim final rulemaking. However, for convenience the main components of the proposal are briefly summarized below.

1. Every LDV would need to be capable of automatically controlling emissions of hydrocarbon (HC), carbon monoxide, nitrogen oxides, evaporative HC, and diesel particulate to the levels required by the national emission standards at both low and high altitudes, unless otherwise exempted.

2. Exemptions from the above requirement would be available for certain low-power vehicles in order to prevent adversely affecting model availability at all altitudes. Such exempted vehicles would be certified for sale at low altitude only.

3. Certification to the national emission standards would be specifically required only at a single low-altitude location and a single high-altitude location.

4. Compliance with emission standards at low altitude will continue to be demonstrated using the applicable Federal Test Procedure (FTP) and other existing certification protocols. At high altitude, manufacturers have the option of performing FTP tests or relying on engineering evaluations to determine compliance.

II. Public Participation

Any person desiring to make a statement at the hearing should provide written notice of such intention to the contact person indicated above by March 18, 1983. This notice should include an estimate of the length of the testimony and any need for audio/visual equipment. If possible, we request that

an advance copy of the proposed statement or material be included.

The record of the hearing will be left open for 30 days (through April 21, 1983) following the close of the hearing to allow submission of rebuttal and supplementary information. Any documents submitted during this period of time should be sent to the EPA Central Docket Section at the address shown above. It is also requested, but not required, that a copy of this submittal be sent directly to the contact person indicated above.

Commenters desiring to submit proprietary information should separate it from the other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the appropriate Agency contact indicated above, and not to the Docket, to ensure that proprietary information is not inadvertently placed in the public docket.

Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

Mr. Richard Wilson is hereby designated as the Presiding Officer of the hearing. He will be responsible for maintaining order, excluding irrelevant or repetitious material, scheduling presentations and notifying participants of the time at which they may appear.

The hearing will be conducted informally. Technical rules of evidence will not apply. A written transcript of the hearing will be taken. Anyone desiring to purchase a copy of this transcript should make arrangements individually with the court reporter recording the hearing.

Dated: March 3, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-6062 Filed 3-7-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[SW-9-FRL 2316-6]

Nevada's Application for Interim Authorization, Phase I and Phase II, Components A and B, Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Notice of public comment period and public hearing.

SUMMARY: Today EPA is announcing the availability for public review of the Nevada application for Phase I and Phase II, Components A and B interim authorization, for the hazardous waste management program, inviting public comment and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed in holding a hearing, a public hearing is scheduled for April 22, 1983 at 1:00 p.m. EPA reserves the right to cancel the public hearing if significant public interest in holding a hearing is not communicated by EPA by telephone or in writing by April 6, 1983. EPA will determine by April 11, 1983, whether there is significant interest to hold the public hearing. All written comments on the Nevada Interim Authorization application must be received by the close of business on April 6, 1983.

ADDRESSES: If significant public interest is expressed, EPA will hold a public hearing on Nevada's application for Interim Authorization on April 22, 1983 at 1:00 p.m. at the Washoe County Health Department, 1001 E. Ninth St. Reno, Nevada. Written comments on the application and written or telephone communications of interest in EPA's holding a public hearing on the Nevada application must be sent to: U.S. Environmental Protection Agency, Region 9, Toxics and Waste Management Division, Attention: Gary Lance (T-2-1), 215 Fremont Street, San Francisco, CA 94105, (415) 974-8125. If you wish to find out whether or not EPA will hold a public hearing on the Nevada application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after April 11, 1983, the EPA contact person listed below. Copies of the Nevada Interim Authorization application are available during normal business hours at the following address for inspection and copying:

Environmental Protection Agency, Region 9, Library Information Center, 215 Fremont Street Room 601, San Francisco, CA 94105

EPA Headquarters Library, 401 M Street, SW., Room 2404, Washington, D.C. 20460

Nevada Division of Environmental Protection, 201 South Fall Street, Carson City, Nevada 89710

FOR FURTHER INFORMATION, CONTACT: Environmental Protection Agency, RCRA State Programs Section, Attn: Gary Lance (T-2-1), 215 Fremont Street, San Francisco, CA 94105, (415) 974-8125.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1975 (as amended), to protect human health and the environment for the improper management of hazardous waste. These regulations include provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented, in two phases corresponding to the two stages in which the underlying Federal program will take effect.

As noted in the May 19, 1980, **Federal Register**, copies of state submittals for interim authorization are to be available for public inspection and comment. The purpose of this notice is to announce the availability of the Nevada submittal for interim authorization; to invite public comment; and, that if significant public interest is expressed in holding a hearing, to give notice of a public hearing to be held on the Nevada application. A listing and a description of requirements for interim authorization are stated in 40 CFR Part 123, Subpart F.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indian-land, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernment relations, Penalties, Confidential business information.

Authority

This notice is issued under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq. and implementing regulation: in 40 CFR Part 123, Subpart F.

Dated: February 10, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-5780 Filed 3-4-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 77

Sanctions Applicable to Letter of Credit Administration

AGENCY: Office of the Secretary, HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing regulations that would govern the imposition of sanctions against recipient organizations holding letters of credit under programs administered by the Department of Health and Human Services. The regulations would describe the conditions which may prompt the imposition of sanctions and would establish uniform procedures for providing affected recipient organizations: (1) Adequate notice of the grounds upon which proposed sanctions are based, (2) an opportunity to respond to the factual and legal bases of the proposed sanctions, and (3) a reasoned decision that articulates the factual and legal bases of the Department's final decision. We believe that these uniform procedures would be useful both as a sound management tool for the Department and as a guide to grantees and contractors.

DATE: To assure consideration, comments should be received by May 9, 1983.

ADDRESS: Address comments in writing to: David V. Dukes, Deputy Assistant Secretary, Finance Office of the Assistant Secretary for Management and Budget, Department of Health and Human Services Room 705D, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C. 20201. Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 705D of the Department's offices at 200 Independence Ave., SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION, CONTACT: David V. Dukes, (202) 245-7064.

SUPPLEMENTARY INFORMATION:

Background

For many years the Department has administered the disbursement of federal funds to recipients of grant awards and contracts under numerous programs by means of the letter of credit system. In fiscal year 1981 alone, $80.4 billion under 281 Departmental programs were disbursed through 4555 letters of credit. Under the letter of credit system, recipient organizations are financed by either a Federal Reserve Bank Letter of Credit (FRB–LOC) or a Treasury Financial Communication System-Letter of Credit (TFCS–LOC). Under the FRB–LOC, recipient organizations draw cash advances against their awards directly from the United States Treasury, through letters of credit maintained in Federal Reserve Banks. Under the TFCS–LOC, recipient organizations draw their cash advances against their awards directly from the United States Treasury, through letters of credit maintained by the United States Treasury Disbursing Office. It is the award that constitutes the authorization to draw federal funds, not the letter of credit. The letter of credit is only a payment device that facilitates the transfer of federal funds from the Treasury to the individual grantee or contractor. Basic authorities governing withdrawal of federal cash under the letter of credit system were issued by the Treasury Department in its Circular No. 1075, now codified at 31 CFR Part 205 and in the Treasury Fiscal Requirements Manual. The Department has published a compendium of policies and procedures for grantees and contractors whose awards under Departmental programs are paid by letter of credit called the "Departmental Federal Assistance Financing System Policy and Procedures Manual for Recipients" (DFAFS Manual). Within the Department, administration of the letter of credit process lies largely with the Departmental Federal Assistance Financing System, but it is also shared with the Assistant Secretaries for Health and Human Development Services, and the Administrator of the Health Care Financing Administration.

While the Department has on numerous occasions identified instances in which recipient organizations have violated pertinent requirements regarding the administration of their letters of credit, there has never been a uniform Departmental procedure for resolution of letter of credit disputes or imposition of remedial steps were circumstances warrant such action. We believe that the adoption of uniform procedures that would govern the imposition of sanctions against recipient organizations that hold letters of credit would be useful both as a sound management tool for the Department and as a guide to apprise grantees and contractors of procedures that may affect the manner by which they have federal funds disbursed to them under awards issued by this Department.

The proposed rules seek to draw a balance between the need to establish and formalize administratively feasible procedures that will protect the integrity of the letter of credit system, while insuring that parties potentially affected by adverse Departmental action have an adequate opportunity to be advised of the Department's concerns regarding letter of credit administration, to respond to the Department's concerns, and to have a reasoned decision that fully sets forth the grounds for the disposition of the dispute. These regulations would not govern a recipient organization's entitlement to the grant or contract underlying its letter or credit nor would they govern the suspension or termination of grant awards since Departmental regulations already provide for these procedures. Similary, any decision reached by the Department under these regulations would relate only to a grantee's obligations under its letter of credit and would not determine the grantee's ultimate liability with respect to improperly spent funds or other misconduct.

The Proposed Rule

1. *Conditions that may prompt remedial action.*—The proposed rule sets forth five conditions, any one of which may prompt remedial action by the Department against a grantee. These are:

(1) A recipient organization draws funds through its letter of credit in excess of the aggregate grant award or contract authority currently available to it. Thus, for example, should a grantee have aggregate grant award authority of $50 million for all Departmental programs in which it participates, but it draws $60 million from its letter of credit, it would be subject to remedial action notwithstanding the fact that it may be within permissible drawing limits for several of its individual grants.

(2) A recipient organization draws Federal funds for a particular program in excess of currently available grant award or contract authority for that program even though aggregate award authority may not have been exceeded.

(3) A recipient organization fails to file in a timely fashion all reports and other data required by the Department in connection with its grant awards, contracts, or letters of credit. This provision would encompass not only the pertinent requirements contained in Chapter VI of the DFAFS Manual and 45 CFR Part 74 in general, but also those requirements currently set forth by

specific program regulations necessary for the processing of individual grant awards. Thus, failure of a State agency to file a quarterly expenditure report under its Medicaid program as required by 45 CFR 201.5 may sufficiently hinder the grant award process as to warrant Department action to protect outstanding letter of credit authority available to the State under that program.

(4) A recipient organization accumulates, through the letter of credit system or otherwise, excess amounts of Federal funds relative to its actual and immediate disbursement requirements. This requirement is also set forth in Treasury Department regulations at 31 CFR 205.6. For those programs under which Federal funds are disbursed on a checks paid or delayed draw system, this issue should not arise since any cash on hand would be unauthorized under these payment systems.

(5) A recipient organization's cash management system fails to comply with well recognized accounting principles or Departmental regulations, or otherwise demonstrates irregularities, misrepresentations, fraud or abuse in its operation. While this condition is broadly stated, it necessarily reflect the difficulty in attempting to compile a complete list of cash management failures by recipient organizations that pose a threat to the integrity of the letter of credit system and, therefore, warrant remedial action by the Department. This requirement would include cash management irregularities such as falsifying expenditure reports or violations of Treasury Department regulations.

2. *Remedial actions available to the Department.*—The proposed rule sets forth several sanctions that the Department may impose against recipient organizations once it identifies the existence of any of the conditions described above:

(1) The Department may place special limits, restrictions or controls upon the recipient organization's use of the letter of credit. For example, if a recipient organization fails to adhere to proper cash management principles in administering its letter of credit, the department may place the organization on a working capital advance method. Similarly, where the Department determines that a recipient organization is carrying over indefinitely Federal funds required through its letter of credit, it may determine that the organization should instead have a monthly dollar ceiling for the expenditure of its federal funds. Or, the Department may require more frequent drawdowns to correlate with disbursements.

(2) The Department may require more frequent or more detailed financial reporting from the recipient organization. For example, the Department might conclude that more frequent than quarterly reporting by a grantee would be needed to assure the proper disbursement of federal funds, or that a grantee should identify summary expenditures to be made for each major program during a quarter.

(3) The Department may suspend, reduce, or terminate a recipient organization's use of its letter of credit. Suspension constitutes a temporary cessation of an organization's access to the letter of credit system. Under this remedy, the organization's letter of credit remains in force, but is rendered inoperative until the issue that prompted the suspension is resolved. A reduction in a letter of credit might occur when the Department identifies a need to recapture Federal funds that have been improperly drawn by a grantee. Termination of a letter of credit would occur when the Department has concluded that a recipient organization has so abused the letter of credit system that removal of the organization from the system is the only viable method of disbursing grant funds with some assurance that the funds will be properly expended. For example, should the Department conclude that a grantee's conduct under its letter of credit demonstrates that there is a need to correlate the grantee's draws of Federal funds more closely with specific grant expenditures than current letter of credit requirements permit, the Department may choose to change the payment mechanism available to the grantee to either a Treasury check payment system or a working capital advance system. These payment systems would enable the Department to monitor closely the relationship of specific payments of Federal funds with specifically approved grant expenditures. These regulations would not apply to the letter of credit terminations that occur because a grantee does not meet threshold criteria for use of a letter of credit. Thus, Department regulations (45 CFR 74.93(a)(1)) already specify that a grantee must have continuing relationship with the Department for at least a year and be receiving at least $120,000 in cash advances annually. These factors are unrelated to inquiries regarding a grantee's improper use of its letter of credit and, as such, are outside the concerns addressed by these regulations.

Because the kinds of cash management issues that give rise to remedial action by the Department are so varied, it is impossible to catalogue each kind of issue that could give rise to a specific remedy. The particular facts govern the selection of the most appropriate remedy in any given case. There are, however, two overriding criteria that govern: (1) The severity of the cash management problem demonstrated by the recipient organization, and (2) the extent to which the Department perceives a substanial threat to the integrity of the letter of credit system and the protection of Federal grant or contract funds.

3. *Procedures applicable to remedial actions.*—In designing procedures to impose sanctions, our intent is to fashion a system that provides basic procedural fairness through an administratively efficient procedure. We are mindful that the courts have consistently held that there is no single procedure or formula that will satisfy minimum due process requirements in every situation. As the Supreme Court stated in *Morrissey* v. *Brewer*, 408 U.S. 471, 482 (1972), "It has been said so often by the Court and others as not to require citation of authority that due process is flexible and calls for such procedural protections as the particular situation demands." These protections depend generally on the importance of the interests involved, the degree of reliability in which the procedures result, and the cost and administrative burden which the procedure entails. *Mathews* v. *Eldridge*, 424 U.S. 319 (1976); *Gray Panthers* v. *Schweiker*, 652 F. 2d 146 (D.C. Cir. 1980).

It is also axiomatic that the fundamental requirement of due process is "the opportunity to be heard at a meaningful time and in a meaningful manner." *Armstrong* v. *Manzo*, 380 U.S. 545, 552 (1965); *Eldridge, supra*, at 334. We perceive this requirement, at a minimum, to include three elements. First, a party must be given notice of the reasons for a governmental action affecting its interests. Second, the party must be given an opportunity to present its case in opposition to the Government's proposed action. And third, there must be a reasoned decision which states the reasons for the determination and indicates the law and the facts upon which the decisionmaker relied. *Goldberg* v. *Kelley*, 397 U.S. 254 (1970). *Greater Boston Television Corporation* v. *F.C.C.*, 444 F. 2d 841, 850 (1970), *cert. denied*, 403 U.S. 923 (1971). Thus, within the broad limits as defined by the courts, there is, we believe, substantial discretion and flexibility to

design a procedure that balances, on the one hand, the interests of a grantee to a full and fair airing of the issues with, on the other hand, the administrative needs of the Department. In light of these principles, we are proposing procedures that would generally require the Department, before it implements its decision to take remedial actions against a recipient organization, to provide the organization with notice, an opportunity to respond, and a reasoned decision on the matter in dispute. We propose that a recipient organization should be notified of potential adverse action at least 30 days before implementation of the decision. As the notice would fully set forth both the legal and factual bases of the Department's initial conclusions, we believe that affected parties should not need more than 30 days within which to furnish the Department with a written response stating the legal and factual reasons why the Department should not impose the proposed remedial action.

We are proposing to restrict parties generally to written submissions for three reasons. First, we believe that the issues that underlie letter of credit disputes may be amply articulated in writing. Second, since the credibility of witnesses should not be an issue in determining the appropriateness of the proposed Departmental action, an oral hearing would not materially enhance the decision making process, provide the party any additional protection, or reduce the risk of an incorrect decision. Third, the conduct of oral hearings in every case of disputes between the Department and recipient organizations could be prohibitively expensive and would render the decision making process unnecessarily slow.

Although oral hearings would not ordinarily contribute materially to a full and fair resolution of letter of credit disputes, we do not wish to foreclose all opportunities for an oral presentation by the recipient organization or by Department employees. In some cases, the presiding officer may find the written submissions confusing or incomplete and desire a hearing for the purpose of clarifying them. For this reason, we are proposing that should the presiding official determine that his ability to resolve the matter would be substantially enhanced by an oral presentation of the issues, he may convene an informal conference of the parties. The scope of the conference would be determined in advance by the presiding official. Any such conference would be transcribed by the Department and become part of the record. We propose to leave the judgment for determining the need for an informal conference solely with the presiding official primarily for two reasons. First, as described above, the nature of letter of credit disputes is such that we expect it to be the exception rather than the rule that the oral presentation of issues will materially assist the final decision making process. Second, if informal conferences were conducted as a matter of right in each case, the attendant expenditure of time and resources could be unacceptably costly in comparison to the possible benefits of such proceedings.

The Departmental official having responsibility for rendering final decisions in the disputes governed by these proposed regulations will vary according to the Departmental component that has primary responsibility for the administration of the letter of credit in dispute. Because the large bulk of letter of credit administration within the Department lies with DFAFS, final decisions on letter of credit disputes within its jurisdiction will rest with the Assistant Secretary for Management and Budget or his designee. Disputes involving other letters of credit, such as those administered by the Health Care Financing Administration for the Medicare program (42 U.S.C. 1395 *et seq.*), would be resolved by the HCFA Administrator or her designee. Similarly, the Assistant Secretary for Health or his designee would issue final decisions under matters relating to the Indian Self Determination Act (25 U.S.C. 450 *et seq.*).

The proposed rules set forth certain basic elements regarding the final decision making process that are designed to assure the fairest possible decision:

(1) The final decision maker will have the authority to affirm, modify, or reverse the initial determination that sanctions should be imposed. By giving the final decision maker the added latitude to modify an initial decision, rather than simply affirm or reverse, we believe that the final decision may more accurately achieve the most equitable result that otherwise would not be possible. For example, the decision maker may conclude that an initial decision to terminate a letter of credit is too severe to remedy a particular weakness in the grantee's letter of credit administration but that some remedy is necessary to protect the integrity of the letter of credit system. By permitting the final decision maker to conclude that a short term suspension of the letter of credit is the most prudent solution, the final decision may reflect that conclusion without having to accept the extremes of termination or no remedy at all.

(2) The final decision will be based solely on the materials presented to the final decision maker during the course of the review process. These materials would include the Department's notice to the recipient organization and accompanying documents, the organization's response and accompanying documents, the Department's reply and its accompanying documents, and the record of any informal conference. Thus, the final decision will be based solely on a record that is available to the affected parties and not on the basis of *ex parte* communications or information not known to the recipient organization.

(3) The final decision will be in writing and will set forth the rationale for the decision.

(4) The final decision maker will be an individual who was not involved in the initial decision to seek remedial action against the recipient organization. No person involved in the initial decision would be responsible for making the final decision. We believe that this, too, comports with basic principles of fairness by separating the "prosecutorial" and "adjudicatory" functions pertinent to the decision making process.

4. *Imposition of sanctions in emergency situations.*—The proposed rules would ordinarily provide recipient organizations with notice, opportunity for comment, and a written decision prior to the imposition of any sanction. We would expect these procedures to be used in the vast majority of situations that pose a need for remedial action. Situations arise, however, that may require immediate action by the Department to assure the integrity of the letter of credit system and the protection of the Federal government's assets. For example, the Department may learn of what it believes to be misconduct by a grantee of such a nature that it could irrevocably risk the loss of grant funds if not immediately remedied. This might occur in the case of a grantee experiencing severe financial hardship with a poor case management record. Should the Department conclude that it faces a substantial likelihood of losing Federal grant funds without a realistic chance for their recovery, the proposed rules would permit the Department to take immediate steps to impose a sanction, such as the suspension of the grantee's letter of credit, pending a fuller examination of the facts necessary for a resolution of the issue once the sanction is in effect. In such cases, the affected

grantee would then be entitled to the same notice, opportunity to be heard, and written decision that under normal circumstances would be furnished prior to the imposition of a sanction. We wish to emphasize that the emergency situations that may give rise to this alternative procedure occur infrequently and involve only recipient organizations that have the most serious cash management difficulties and with whom the Department does not have a continuing relationship under its programs. Even in these cases, however, the proposed rule provides that a recipient organization against whom a sanction is imposed without prior notice be notified orally within one business day of the sanction's imposition and in writing within seven business days. Moreover, because of the seriousness of this remedy, and the hope of minimizing the amount of time that a recipient organization would be subject to the sanction without an oportunity to be heard, we are proposing that the Department be required to reach a final decision within 20 calendar days after receiving the organization's response to the notice of the proposed sanction.

Impact Analysis

Executive Order 12291

We have determined that these proposed regulations do not meet the criteria for a major rule that are set forth in section 1(b) of Executive Order 12291. That is, the proposed regulations would not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or

(3) Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

We have made this determination because the proposed rules would not require Department grantees or other recipient organizations to alter the manner in which they administer their grant programs or contracts. These regulations would simply provide all recipient organizations with a well defined set of procedures that should facilitate their requests for an orderly review of potentially adverse determinations affecting their grant or contract administration. Additionally, these regulations would remove the uncertainty that now exists among recipient organizations as to the process for resolution of disputes they may have with the Department concerning cash management issues.

Regulatory Flexibility Act.—We have reviewed this regulatory initiative in light of the Regulatory Flexibility Act (5 U.S.C. ch. 6), and we have concluded that it will not have a significant economic impact on a substantial number of small businesses, organizations, or government jurisdictions. As discussed above, the proposed regulations would not impose any new requirements on recipient organizations who receive federal funds through the letter of credit system. Indeed, requirements for grant administration would remain wholly unaffected by these regulations. We believe that the proposed regulations would, in fact, benefit holders of Departmental letters of credit because for the first time grantees would have available to them well defined procedures that expressly address the resolution of disputes that often occur with the Department concerning letter of credit administration.

List of Subjects in 45 CFR Part 77

Credit, Grants administration, Penalties.

45 CFR is amended by adding a new Part 77 as set forth below:

PART 77—SANCTIONS APPLICABLE TO LETTER OF CREDIT ADMINISTRATION

Sec.

77.1 Purpose.
77.2 Scope.
77.3 Conditions that may give rise to sanctions.
77.4 Sanctions.
77.5 Sanction procedures.

Authority: 5 U.S.C. 301.

§ 77.1 Purpose.

Letters of credit with the United States Treasury, issued by the Department to States or other grantees and contractors, are a convenient means for disbursing Federal funds to recipients of grant awards or contracts (recipient organizations) under the programs of this and other Executive Departments. The sound and efficient operation of the letter-of-credit system is dependent in large part upon the honesty, good faith, and responsible financial management of recipient organization that receive funds pursuant to letters of credit. This part sets forth conditions that may prompt the Department to seek remedial action against a recipient organization operating under a letter of credit and the procedures that will be used to reach a final decision regarding the imposition of a sanction against a recipient organization.

§ 77.2 Scope.

The regulations in this part apply to all recipient organizations under any program administered by the Department through which the organization receives Federal funds under a letter of credit.

§ 77.3 Conditions that may give rise to sanctions.

If the Department determines that any of the following conditions is present in a recipient organization's administration of a letter of credit, it may impose sanctions against the organization:

(a) A recipient organization draws Federal funds through its letter of credit in excess of the aggregate grant award or contract authority currently available to it.

(b) A recipient organization draws Federal funds for a particular program in excess of currently available grant award or contract authority for that program, even though the organization may not have exceeded its aggregate grant award or contract authority.

(c) A recipient organization fails to file in a timely fashion all reports and other data required by the Department in connection with its grant awards, contracts, or letter of credit.

(d) A recipient organization accumulates, through its letter of credit or otherwise, excess amounts of Federal funds relative to its actual and immediate disbursement requirements.

(e) A recipient organization's cash management system fails to comply with well recognized accounting principles or Departmental regulations or otherwise demonstrates irregularities, misrepresentations, fraud, or abuse in its operation.

§ 77.4 Sanctions.

If, after the conclusion of the procedures set forth in § 77.5, the Department finds that one or more of the conditions set forth in § 77.3 is or has been present, the Department may impose the following sanctions against a recipient organization's use of its letter of credit:

(a) The Department may place special limits, restrictions, or controls upon the recipient organization's use of its letter of credit.

(b) The Department may require more frequent or more detailed financial reporting from the recipient organization.

(c) The Department may suspend, reduce, or terminate the recipient organization's use of its letter of credit.

§ 77.5 Sanction Procedures.

(a) Except as provided in paragraph (b) of this section, the Department will use the following procedures whenever it seeks the imposition of a sanction specified in § 77.4.

(1) *Notice.*—Prior to imposing a sanction, the Department will provide the recipient organization written notice of its intended action setting forth both the legal and factual reasons therefor. Notice may be provided by certified or express mail, TWX, telegram, delivery, or similar means.

(2) *Opportunity to respond.*—(i) The recipient organization has 30 days after receipt of the notice in which to submit to the Department a written statement setting forth any legal and factual reasons why it believes the proposed sanction would be inappropriate. If no response is received by the Department within the 30-day period, the Department may make the proposed sanction effective immediately. If a response opposing imposition of the sanction is received from the recipient organization within the 30-day period, no sanction will be imposed until a final decision has been reached under paragraph (a)(3). (ii) The Department may prepare a written reply to the recipient organization's response. Any such reply will be forwarded to the deciding official together with the notice sent to the recipient organization and the organization's response, and a copy of the reply will be served on the recipient organization.

(3) *Departmental decision.*—The Department's decision to impose a sanction under this part will be made by an official of the Department who had no involvement with the initial determination to seek to impose a sanction. The deciding official may affirm, reverse, or modify the initial determination. In making his decision, the official will consider only the notice provided by the Department, the recipient organization's statement, the Department's reply, together with any other documents attached to them, and statements at any informal conference held pursuant to paragraph (a)(4) of this section. The official's decision will be provided to the recipient organization in writing and will constitute the Department's final administrative action on the matter.

(4) *Informal conference.*—If, in the judgment of the official designated to make a final decision, it would materially enhance his ability to resolve the matters in dispute, he may convene an informal conference to question or hear an oral presentation by the parties. If an informal conference is convened, it shall be transcribed.

(5) *Effect of decision.*—The decision in a proceeding under this section affects only the recipient organization's obligations related to its letter of credit and does not determine the organization's ultimate liability with respect to improperly spent funds or other misconduct.

(b) *Emergency sanctions.*—(1) Should the Department determine that it cannot adequately protect assets of the Federal government available to a recipient organization under its letter of credit without the imposition of a sanction prior to the procedures specified in paragraph (a) of this section, it may immediately impose the sanction subject to the subsequent completion of those procedures.

(2) Where the Department has imposed a sanction as described in paragraph (b)(1) of this section, it will notify the recipient organization orally of the sanction within one business day of its imposition and in writing within seven business days of its imposition. The written notice will conform to that described in paragraph (a)(1) of this section.

(3) After receipt of the written notice, the recipient organization will have the same opportunity to respond as described in paragraph (a)(2)(i) of this section.

(4) The Department will issue a final decision in writing no later than twenty days following receipt of any response submitted by the recipient organization.

Dated: February 1, 1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-5650 Filed 3-7-83; 8:45 am]

BILLING CODE 4150-04-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 444]

Electronic Filing of Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Interstate Commerce Commission regulations require filing of tariffs only in printed form. The Commission is considering establishing rules and procedures to permit parties wishing to do so to file tariffs electronically. Commission regulations requiring printed tariffs may be impeding the progress of other tariff issuers and users that wish to avail themselves of the efficiencies made possible by computer technology. This advance notice seeks comments from interested parties on whether this is a timely and practical idea; on the technical standards involved in implementing an electronic tariff filing system; on the form, if any, in which the Commission should prescribe, maintain and make accessible electronically filed tariffs; and on whether the Commission should transmit electronically filed tariffs to users.

DATE: Comments should be submitted by April 22, 1983.

ADDRESS: An original and 10 copies should be sent to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: W. Paul Geisenkotter, Section of Tariffs, Bureau of Traffic (202) 275-7739.

SUPPLEMENTARY INFORMATION: At present, tariffs must be filed with the Interstate Commerce Commission in printed form. While a limited number of tariffs are transmitted electronically and filed in print-out form, most tariffs are printed and then mailed to the Commission. The Commission has no ability or procedures to accept electronically filed tariffs, that is, tariffs generated by a computer and transmitted directly to another computer via an electronic medium such as a telephone or dedicated line, microwave transmission system, or computer-readable magnetic tape.

While the printed tariff system poses no special problems for many of the parties issuing and using tariffs, and may continue to provide an acceptable service to some issuers and users in the future, Commission regulations requiring printed tariffs may be impeding the progress of other tariff issuers and users that wish to avail themselves of the efficiencies made possible by computer technology. The Commission believes some tariff issuers and users that have computerized tariff systems continue to maintain duplicate printed tariff systems solely because of Commission regulations, and thus are incurring needless expense. Other tariff issuers and users may be delaying conversion from printed to electronic tariffs because of this expense.

In addition to the expense incurred when tariff issuers and users must maintain, or contemplate maintaining, redundant systems to deal with both electronic and printed tariffs, the use of printed tariffs causes problem in two other areas. First, the transfer of tariff

information in printed form through the mails results in delay between the time an issuer decides upon a tariff change and the time that change can take effect. Electronic filing of tariffs can shorten this period without affecting the time available to users to react to the change. Second, the volume of printed tariff materials—which has increased with the level of competition brough about by regulatory reform—is itself an impediment to the efficient functioning of the transportation marketplace because users must spend considerable time and effort to learn the full range of price and service options available. The availability of tariff data in electronic form may increase the amount of usable information available and thereby allow the marketplace to function more efficiently.

The Commission is considering permitting and encouraging the electronic filing of tariffs on a voluntary basis. Adopting electronic tariff filing would, we think, foster rather than replace, private initiatives already underway regarding electronic transfer of tariff information. The Commission believes it can foster such private initiatives by relieving issuers and users who chose to use electronic tariff systems of the need to generate separate paper tariffs for the Commission, and by making electronically filed tariff data available in consolidated form. The Commission hopes to be able to adopt standards and formats for electronic tariffs developed by the private sector. We expect private entrepreneurs will develop and market services to help issuers and users to file, retrieve, and analyze tariff information electronically.

The Commission solicits comments from interested parties concerning the desirability of providing for voluntary electronic filing of tariffs. We especially seek comments on the following subjects:

(1) Is electronic transmission of tariffs practical and timely? That is, would a significant number of carriers and shippers wish and be able to make use of computer technology for this purpose?

(a) What are the advantages and disadvantages of transmitting, receiving and storing tariffs electronically?

(b) To what extent are shippers and carriers now capable of receiving, transmitting and storing tariffs electronically? If electronic filing is approved, when would: (i) Carriers; and (ii) shippers start to use it?

(2) If the Commission decides to implement an electronic tariff filing system, how should the system be established?

(a) What steps already have been taken toward development of electronic transmission technical standards, formats, and other material by: (i) Individual carriers or carrier groups; (ii) individual shippers or shipper groups; (iii) others?

(b) Are uniform formats and standards for electronic tariff filing necessary or desirable? (i) If so, should the Commission publish technical standards, formats, and other detailed requirements, or should the Commission adopt standards developed, or to be developed, by private initiative? (ii) If not, can the Commission allow issuers to file tariff data in any format together with a program enabling the Commission to print hard copy (e.g., paper tariffs, microfiche or microfilm) of a tariff that meets the Commission's standards governing tariff content?

(3) Should the Commission receive and maintain tariff information that is filed electronically, or should we seek statutory changes permitting tariff information to be transmitted directly to users with notice to the Commission concerning where the information is available?

(a) If tariff information is filed electronically with the Commission: (i) To what extent should the Commission provide a library service similar to that it now provides with printed tariffs and what would be the estimated cost for the Commission to acquire (by purchase, time sharing, etc.) access to the required equipment? (ii) Would it serve a useful purpose for the Commission to offer to transmit periodically a consolidated version of the electronic tariff filings it receives to users, and vendors offering services to users, and what would be the estimated cost for the Commission to acquire (by purchase, time sharing, etc.) access to the required equipment?

(b) If we permit tariff information to be transmitted directly from issuers to users without requiring that it also be filed at the Commission: (i) Who should be required to bear the cost of transmission; (ii) how could users not equipped to receive electronic information gain access to the data, (e.g., should paper copies continue to be available on request from issuers or the Commission?); and (iii) how could the Commission gain access to data on an as-needed basis to fulfill its statutory obligations, and how could the Commission be assured that tariff records would be retained for the prescribed period of time?

(4) If the Commission provides facilities to receive tariff information electronically, to provide library services for electronic tariffs, or to transmit information electronically, should tariff issuers and users pay user fees based upon the cost of providing the equipment?

In addition to responses to the preceding questions, we solicit comments and recommendations from all parties, especially tariff users, on any other matter relevant to the establishment of an effective electronic tariff filing system.

It does not appear that this proposal will significantly affect the quality of the human environment or the consumption of energy resources.

Dated: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6815 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 48, No. 46
Tuesday, March 8, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking of the Administrative Conference of the United States, to be held at 10:00 a.m., Tuesday, March 22, 1983, at 2120 L Street, NW., Washington, D.C. The meeting will be held on the Lower Level, FTC Hearing Room No. 3.

The committee will consider possible recommendations based upon Professor Ellen R. Jordan's study of agency use of the administrative Procedure Act's "good cause" exemptions from procedural requirements that apply to agency rulemaking. At a meeting on February 8, 1933, the committee tentatively agreed that post-promulgation notice and comment would be desirable for some classes of summarily-adopted rules.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days prior to the meeting. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suit 500, Washington, D.C. 20037. (Telephone: (202) 254–7065.) Minutes of the meeting will be available on request.

Dated: March 1, 1983.

Richard K. Berg,

General Counsel.

[FR Doc. 83–6824 Filed 3–7–83; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 83–003N]

National Advisory Committee on Meat and Poultry Inspection; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Advisory Committee on Meat and Poultry Inspection will be held on April 13 (beginning at 10 a.m.), and April 14, 1983 (beginning at 9 a.m.), in the Departmental Auditorium, Conference Room B, 12th Street and Constitution Avenue, NW., Washington, DC.

The purpose of the Committee is to advise the Secretary of Agriculture regarding certain issues pertaining to the meat and poultry inspection program, pursuant to sections 7(c), 24, 205, and 301(a)(4) of the Federal Meat Inspection Act (21 U.S.C. 607(c), 624, 645, and 661(a)(4)) and sections 5(a)(4), 8(b), and 11(e) of the Poultry Products Inspection Act (21 U.S.C. 454(a)(4), 457(b), and 460(e)). The meeting will include a discussion of the following topics:

1. Cured Pork Products (Protein Fat Free).
2. Residue Control Program.
3. Legislative Initiatives (Update).
4. Poultry Post-Mortem Inspection.
5. Cadmium—Kidney Removal from Mature Poultry.
6. Ground Pork Standard.
7. Exemption Study.
8. 1984 Budget.

The meeting is open to the public on a space available basis. Comments of interested persons may be filed with the Committee before or after the meeting, and should be sent to Linda Wood, Director, executive Secretariat, Room 335–E, Administration Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250, (202) 447–3002.

Done at Washington, D.C., on March 2, 1983.

Donald L. Houston,

Vice Chairman.

[FR Doc. 83–6823 Filed 3–7–83; 8:45 am]

BILLING CODE 3410–CM–M

Soil Conservation Service

Dewitt Creek Watershed, Indiana; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Dewitt Creek Watershed project, Lawrence County, Indiana.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianpolis, Indiana 46224, telephone 317–248–4350.

SUPPLEMENTARY INFORMATION: A determination has been made by Robert L. Eddleman that the proposed works of improvement for the Dewitt Creek Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Robert L. Eddleman, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and

federally assisted program and projects is applicable)

Robert L. Eddleman,

State Conservationist.

February 25, 1983.

[FR Doc. 83-5831 Filed 3-7-83; 8:45 am]

BILLING CODE 3410-16-M

Hall-Flat Creek Watershed, Indiana; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Hall-Flat Creek Watershed project, Dubois County, Indiana.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Rd., Suite 2200, Indianapolis, Indiana 46224, telephone 317-248-4350.

SUPPLEMENTARY INFORMATION: A determination has been made by Robert L. Eddleman that the proposed works of improvement for the Hall-Flat Creek Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Robert L. Eddleman, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert L. Eddleman,

State Conservationist.

February 25, 1983.

[FR Doc. 83-5829 Filed 3-7-83; 8:45 am]

BILLING CODE 3410-16-M

North Cedar Creek RC&D Measure, Iowa; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Cedar Creek RC&D Measure, Clayton County, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515-284-4260.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Willian J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for water quality management and critical area treatment. The planned works of improvement include terraces, grade stabilization structures, streambank protection, waste management system, contour strip cropping, conservation tillage systems, timber stand improvement and fencing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting William J. Brune.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 25, 1983.

William J. Brune,

State Conservationist.

Finding of No Significant Impact for North Cedar Creek RC&D Measure, Clayton County, Iowa

Introduction

North Cedar Creek is a Federally assisted action authorized under Section 102 of the Food and Agriculture Act of 1962 (Pub. L. 87-703) and the Soil Conservation Act of April 27, 1935 (16 U.S.C. 590 a-f). Sponsors of this measure are the Iowa Conservation Commission and the Clayton County Soil Conservation District. An environmental evaluation was conducted in consultation with local, State and Federal agencies along with other interested organizations and individuals. Data developed during the evaluation is available for review at the following location: U.S. Department of Agriculture, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Recommended Action

North Cedar Creek is a trout stream in Clayton County in northeast Iowa. Sediment and attached pollutants (nutrients and pesticides) from cropland sheet erosion are the major water quality problems. Gully erosion and streambank erosion also contribute sediment. Livestock waste runoff reaches the stream.

The measure plan includes the installation of conservation practices for water quality management and critical area treatment within the 3,220 acre drainage area of North Cedar Creek.

Planned works of improvement include terraces, grade stabilization structures, streambank protection, waste management system, contour strip cropping, conservation tillage systems, timber stand improvement and fencing.

All practices except streambank protection will be installed on privately owned land. These practices will be operated and maintained by the landowner on whose land they are applied. Streambank protection will be installed on land owned by the Iowa Conservation Commission. They will also be responsible for the operation and maintenance of this practice.

Planned actions have been reviewed by Federal or State agency personnel along with local interested groups and individuals at public meetings. Measure plans are reviewed through the project Notification and Review System.

Effects of Recommended Action

A biological assessment indicates no habitat of federally-listed threatened and/or endangered species will be affected. The red-shouldered hawk, a state-listed endangered species, is known to nest within five miles of the project area. The hawk could nest on state-owned land along North Cedar Creek. Construction activities will be minimized during the peak nesting period to reduce chances of nest desertion. No long-term impacts on these hawks are anticipated.

No wetlands are present.

Construction of the grade stabilization structures will remove small areas of woody habitat in the uplands. This habitat will be replaced by improved management of existing woody cover near the structure sites. Installation of project measures will improve water quality in the trout stream.

No prime farmland will be taken from production.

The SCS will undertake study of cultural resources in the North Cedar Creek drainage. Studies will begin in 1983. Objectives of field study will include an inventory of cultural resources and testing to determine eligibility to the National Register of Historic Places according to agency procedures (7 CFR 656). Cultural resources determined eligible to the National Register will be protected from adverse project effects.

Alternatives

1. Do nothing—This would not meet sponsors objectives as water quality would continue to deteriorate in North Cedar Creek and critical erosion problems would not be solved.

2. Second alternative is to apply conservation practices on land within drainage area of North Cedar Creek. This would be the most effective means of controlling erosion and improving water quality. It was selected by the sponsors as being the most acceptable. It would help alleviate problems of two objectives listed in the area plan for the Upper Explorerland RC&D Area.

Conclusion

The Environmental Assessment indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on these findings, I have determined that an environmental impact statement for North Cedar Creek RC&D measure is not required.

Dated: February 25, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83-5830 Filed 3-7-83; 8:45]

BILLING CODE 3410-16-M

West Creek Watershed, Indiana and Illinois; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the West Creek Watershed project, Lake County, Indiana, and Kankakee and Will Counties, Illinois.

FOR FURTHER INFORMATION CONTACT: Robert L. Eddleman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224, telephone 317-248-4350.

SUPPLEMENTARY INFORMATION: A determination has been made by Robert L. Eddleman that the proposed works of improvement for the West Creek Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from Robert L. Eddleman, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Robert L. Eddleman,

February 25, 1983.

[FR Doc. 83-5828 Filed 3-7-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 83-3-19; Docket 41334]

Application of Guy-America Airways, Inc. for Certificate Authority Under Subpart Q

AGENCY: Notice of Order instituting the Guy-America Airways, Inc. Fitness Investigation, 83-3-19, Docket 41334.

SUMMARY: The Board is instituting an investigation to determine the continuing fitness of Guy-America Airways, Inc. to engage in interstate, overseas and foreign scheduled air transportation.

DATES: Persons wishing to intervene in the *Guy-America Airways, Inc. Fitness Investigation* shall file their petitions in Docket 41334 by March 14, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41334, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION: Steven B. Farbman, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-3-19 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-19 to that address.

By the Bureau of Domestic Aviation: March 3, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5829 Filed 3-7-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-14; Docket 41329]

Applications of Interamerica Airlines, Inc. for Certificate Authority Under Subpart Q

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order instituting the *Interamerica Airlines, Inc. Fitness Investigation,* 83-3-14, Docket 41329.

SUMMARY: The Board is instituting an investigation to determine the fitness of Interamerica Airlines to engage in the interstate, overseas and foreign charter air transportation of persons, property and mail (except for charters in Alaska and all-cargo charters in Hawaii).

DATES: Persons wishing to intervene in the *Interamerica Airlines, Inc. Fitness Investigation,* shall file their petitions in Docket 41329 by March 17, 1983.

ADDRESSES: Petitions to intervene should be filed in Docket 41329, and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on Interamerica Airlines, Inc., the Department of Transportation, the Department of Justice, the Federal Aviation Administration and on any other person filing petitions.

FOR FURTHER INFORMATION CONTACT: Phyllis C. Solomon, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-3-14 is available from our Distribution Section, Room 100, 1825 Connecticut Ave. NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-14 to that address.

By the Bureau of Domestic Aviation: March 2, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5830 Filed 3-7-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-17; Docket 31777]

Order To Show Cause; Trans World Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 83-3-17 Docket 31777.

SUMMARY: The board is issuing an order directing all interested persons to show cause why the certificate of Trans World Airlines, Inc. for Route 147 should not be amended to authorize the foreign air transportation of persons, property and mail between a point or points in the United States, on the one hand, and Barcelona, Spain; Casablanca, Morocco; and a point or points in Austria, on the other.

OBJECTIONS: All interested persons having objections to the board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than March 17, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Docket 31777, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to Trans World Airlines, Inc., the City of Philadelphia, the Greater Philadelphia Chamber of Commerce, and the Departments of State and Transportation. Copies of the objections should also be sent to the Ambassadors of Spain, Morocco and Austria in Washington, D.C.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue the proposed certificate.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5432. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Krevor, (202) 673-5203, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 2, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-5861 Filed 3-7-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Mississippi Advisory Committee; Commission on Civil Rights Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Mississippi Advisory Committee to the Commission will convene at 4:00p and will end at 7:30p, on March 25, 1983, in the Meridian Room, at the Sheraton Regency, 750 North State Street, Jackson, Mississippi 39201. The purpose of this meeting will be to discuss program plans for Fiscal Years 1983 and 1984.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mary L. Ramberg, 1514 Gay Street, Jackson, Mississippi 39211 (601) 982-2432 or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, North East, Room 362, Atlanta, Georgia 30303 (404) 221-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 2, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-5804 Filed 3-7-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Intitiation of Antidumping Investigation; Fall-Harvested Round White Potatoes From Canada

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: On the basis of a petition filed with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether fall-harvested round white potatoes from Canada are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of fall-harvested round white potatoes from Canada are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than the cost of production in Canada. Also, critical circumstances have been alleged under section 733(e) of the Act. If the investigation proceeds normally, the ITC will make its preliminary determination on or before March 28, 1983, and we will make ours on or before July 19, 1983.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-5414 or 377-0189.

SUPPLEMENTARY INFORMATION:

Petition

On February 9, 1983, we received a petition filed by counsel on behalf of the Maine Potato Council. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports from Canada of fall-harvested round white potatoes are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act) and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegations of sales at less than fair value include an allegation that home market sales are being made at less than the cost of production in Canada. Also, critical circumstances have been alleged under secion 733(e) of the Act.

The allegation of sales at less than fair value is supported by comparisons of United States prices based on published ex-farm prices on sales of merchandise in the United States with published Montreal market prices on sales made in Canada. In addition, the allegation of sales at less than fair value is further supported by comparing the United States price with the constructed value as developed by the petitioner from published information.

There is also an allegation of sales at less than the cost of production. The cost of production was based on published information.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on fall-harvested round white potatoes and

have found that it meets these requirements.

Therefore, in accordance with section 732 of the Act, we are initiating an antidumping investigation to determine whether fall-harvested round white potatoes from Canada are being, or are likely to be, sold in the United States at less than fair value and whether critical circumstances exist. If the investigation proceeds normally, we will make our preliminary determination by July 19, 1983.

Scope of Investigation

For purposes of this investigation, the term "fall-harvested round white potatoes" covers fall-harvested fresh or chilled round white potatoes as currently classifiable under items 137.20, 137.21, 137.25, or 137.28 of the *Tariff Schedules of the United States*.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided that the ITC confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 28, 1983, whether there is a reasonable indication that imports of fall-harvested round white potatoes from Canada are materially injuring, or are threatening to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, the investigation will continue according to statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

February 28, 1983.

[FR Doc. 83-5751 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

Polychloroprene Rubber From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On November 26, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on polychloroprene rubber from Japan. The review covers three of the five known manufacturers and/or exporters of this merchandise to the United States and the period December 1, 1980 through November 30, 1981. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-3601.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Treasury Department published in the **Federal Register** (38 FR 35393) an antidumping finding with respect to polychloroprene rubber from Japan. On November 26, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 53442) the preliminary results of its last administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of polycholorprene rubber, an oil resistant synthetic rubber also known as polymerized cholorobutadiene or neoprene, currently classifiable under items 446.1521 and 446.2000 of the Tariff Schedules of the United States Annotated.

The review covers three of the five known manufacturers and/or exporters of Japanes polychloroprene rubber to the United States and the period December 1, 1980 through November 30, 1981. There were no known shipments to the United States during the period and there are no known unliquidated entries for these firms. The Department is deferring review of entries of merchandise produced by Toyo Soda or Showa Neoprene and exported by Hoei Sangyo until a subsequent review.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that, for the period December 1, 1980 through November 30, 1981, the following margins exist:

Manufacturer/exporter	Margin (percent)
Denki	[1]0
Suzugo Corporation	[1]55
Denki/Hoei Sangyo	[1]55

[1]No shipments during the period.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese polychloroprene rubber from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. For the 2 firms not covered by this or a prior review, the cash deposit rate shall be 55 percent, the highest rate from our last review. For any shipment from a new exporter not covered in this administrative review, unrelated to any covered firm, a cash deposit of 55 percent shall be required. These deposit requirements shall remain in effect until publication of the final results of our next administrative review. The Department intends to conduct the next administrative review by the end of December 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-5750 Filed 3-4-83; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on Export Administration of the President's Export Council; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a closed

meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Friday, March 11, 1983. This meeting is being called on short notice as a continuation of the February 23, 1983 closed meeting. The Subcommittee will complete their review and recommendations on the Export Administration Act at this meeting

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12399 of December 31, 1982 continued the Subcommittee until September 30, 1984.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States had diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

TIME AND PLACE: The meeting will take place from 9:30 a.m. to 1:00 p.m., March 11, 1983, at the Main Commerce Building, Room B–841, 14th Street and Constitution Avenue, NW., Washington, D.C.

AGENDA: *Executive Session.* Discussion of matters properly classified under Executive Order 12356, dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 2, 1983, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 522b(c)(1) and properly classified under Executive Order 12356.

A copy of the Notice of Determination to close the Subcommittee's meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone (202) 377–4217.

FOR FURTHER INFORMATION CONTACT: Ms. Debbie Kappler, Office of the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1455) or Ms. Elisabeth Vermilye, President's Export Council Room 3213 (202–377–1125).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83–3748 Filed 3–4–83; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Villanova University

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83–24. Applicant: Villanova University, Villanova, PA 19085. Instrument: Electron Microscope, Model H–600–2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of instrument: See Notice on page 2811 in the **Federal Register** of January 21, 1983. Instrument ordered: August 5, 1982.

Docket No. 83–53. Applicant: University of California, San Francisco, School of Medicine, Department of Anatomy, 3rd & Parnassus Avenue, San Francisco, CA 94143. Instrument: Electron Microscope, Model EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 54998 in the **Federal Register** of December 7, 1982. Instrument ordered: September 27, 1982.

Docket No. 83–58. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, CA 91125. Instrument: Electron Microscope Model EM 420 and Accessories. Manufacturer: Philips Electronics, The Netherlands. Intended use of instrument: See Notice on page 55987 in the **Federal Register** of December 14, 1982. Instrument ordered: September 27, 1982.

Docket No. 83–61. Applicant: Muhlenberg College, 2600 Chew Street, Allentown, PA 18104. Instrument: Electron Microscope EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 55988 in the **Federal Register** of December 14, 1982. Instrument ordered: October 18, 1982.

Docket No. 83–68. Applicant: University of California at Davis, School of Medicine, Department of Human Anatomy, Davis, CA 95616. Instrument: Electron Microscope, Model EM 410 and Accessories. Manufacturer: N. V. Philips, Gloeilampenfabrieken, The Netherlands. Intended use of instrument: See Notice on page 56534 in the **Federal Register** of December 17, 1982. Instrument ordered: November 1, 1982.

Docket No. 83–69. Applicant: University of Wisconsin-Madison, 1115 Engineering Research Building, 1500 Johnson Drive, Madison, WI 53706. Instrument: Electron Microscope, Model HB501. Manufacturer: VG Microscopes, United Kingdom. Intended use of instrument: See Notice on page 56533 in the **Federal Register** of December 17, 1982. Instrument ordered: April 23, 1982.

Docket No. 83–70. Applicant: North Carolina State University, P.O. Box 5935, Raleigh, NC 27650. Instrument: Electron Microscope, Model H–800 and Accessories. Manufacturer: Hitachi, Japan. Intended use of instrument: See Notice on page 56534 in the **Federal Register** of December 17, 1982. Instrument ordered: November 1, 1982.

Docket No. 82–226R. Applicant: Cuyahoga County Hospitals, Cleveland Metropolitan General Hospital, 3395 Scranton Rd., Cleveland, Ohio 44109. Instrument: Electron Microscope, Model EM 10–CR. Application is a resubmission, notice of which was published in the **Federal Register** of July 7, 1982 (47 FR 29580). Instrument ordered: April 8, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt

of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6888 Filed 3-7-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Modification Request; Bolt, Beranek and Newman, Inc.

Notice is hereby given that Bolt, Beranek and Newman, Inc., 10 Moulton Street, Cambridge, MA 02238, has requested a modification of Permit No. 400, issued on December 29, 1982 (48 FR 1827), under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

Permit No. 400 authorizes the taking of gray whales *(Eschrictius robustus)* by harassment to study the behavioral responses to acoustic stimuli. The Permit Holder is requested to include air gun sources, in addition to the simulated OCS noises currently authorized by the permit.

Concurrent with the publication of this Notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modificaion request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235 within 30 days of the publication of this Notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and options contained in the request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification request are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 3, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-6882 Filed 3-7-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Hubbs-Sea World Research Institute

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Hubbs-Sea World Research Institute (P167D).

b. Address: 1700 South Shores Road, Mission Bay, San Diego, California 92100.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Beluga whale (Delphinapterus leucas),3,670

4. Type of Take:

Potential harassment aerial survey, 1500
Direct harassment sound playback, 2000
Dye marking, 120
Spaghetti tags, 50

5. Location of Activity: Nushagak Bay, Alaska.

6. Period of Activity: One year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 1, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-6883 Filed 3-7-83; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council, its Scientific and Statistical Committee and its Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and AP will hold separate public meetings, but the Council will also meet with the Alaska Board of Fisheries in joint session.

DATES: The Council and the Alaska Board of Fisheries will convene their joint public meeting on Tuesday, March 29, 1983, at approximately 9 a.m., in the Alaska Room of the Westward Hilton Hotel, Anchorage, Alaska, to hear technical reports on the status of the king and tanner crab resources off Alaska, review regulatory proposals to the Board and discuss regulations for 1983. Public testimony will be taken on the regulatory proposals. The Council and the Board will also discuss salmon management for 1983 in light of the current status of the proposed U.S./

Canada salmon interception treaty. The Board and the Council will continue to meet jointly on Wednesday, March 30, to finish discussion of the above items. The Council will meet alone in Room 101 of the Old Federal Building, 605 West Fourth Avenue, from approximately 9 a.m., on Thursday, March 31, until about 3 p.m., on Friday, April 1, 1983, or until Council business is completed. If necessary the meeting may be continued into Saturday, April 2.

The SSC meeting will convene on Monday, March 28, 1983, at approximately 9:30 a.m., and will ajourn at approximately 5 p.m., on Tuesday, March 29, in the 3rd Floor Conference Room of the Old Federal Building, 605 West Fourth Avenue. The AP will convene its meeting on Monday, March 28, at approximately 9:30 a.m., and will adjourn at approximately 5 p.m., in Room 101 of the Old Federal Building, 605 West Fourth Avenue; and may continue into Tuesday, March 29. The meetings may be lengthened or shortened depending upon progress on the agenda items.

Proposed Agenda: Council—A detailed agenda will be sent to the public around March 14, 1983. The Council will review the proposed U.S./Canada salmon interception treaty and any proposed changes. The Council will also review proposals to the Board for salmon management in 1983 and take final action on setting optimum yields and seasons for the 1983 season. The herring plan will also be up for review. The Council will also discuss recommendations of the Herring Working Group and take action on a Marine Resources Company request for an offshore allocation. The Council will review stock status and regulatory proposals for the king and tanner crab fisheries, and will also review a proposed change in the pollock optimum yield in the Western and Central Gulf. The Council will also give its final recommendations concerning the proposed halibut moratorium and will review a draft final report on its contracted study of halibut limited entry systems. Finally, the Council will consider foreign fishing permits. Parts of this meeting may be conducted in joint session with the Alaska Board of Fisheries. SSC and AP agenda items will be the same as that of the Council.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907)–274–4563.

Dated: March 2, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83–6061 Filed 3–7–83; 8:45 am]

BILLING CODE 3510–22–M

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice and request for comment.

SUMMARY: This notice acknowledges receipt of three experimental fishing permit applications and announces a public comment period as required in the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The applicants propose to delay sorting mid-water trawl catches of Pacific whiting and disposing of species prohibited in trawl catches, until the catches are landed. An experimental fishing permit allows a fishing practice which otherwise would be prohibited by Federal regulation.

DATE: Comments on these applications must be received by March 18, 1983.

ADDRESS: Alan W. Ford, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Rodney R. McInnis, Chief of the Resource Management Branch in the Southwest Region; 213–548–2518.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved by the Secretary of Commerce on January 4, 1982, and implementing regulations were published on October 5, 1982 (47 FR 43964). The FMP specifies that experimental fishing permits (EFPs) may be issued to authorize fishing which otherwise would be prohibited. The procedures for issuance of EFPs appear in the regulations at 50 CFR 663.10. Applications were received for three mid-water trawl vessels to delay sorting and discarding prohibited species from the catch in their fishing operations directed on Pacific whiting. By delaying sorting until the time of landing, the applicants expect to shorten the length of time before the catch is placed in refrigerated seawater. Since Pacific whiting deteriorate rapidly after death, rapid refrigeration is necessary to maintain product quality when shoreside processing is involved.

The regulations at 50 CFR 663.7(i) prohibit the retention of any species of salmonid or Pacific halibut caught in trawl nets, among other types of fishing gear. Normal practice on groundfish trawl vessels is to sort the catch from each tow before storing it in the hold. Species and sizes of fish that are not marketable are discarded during this sorting. Prohibited species also are returned to the sea at that time. Currently, any salmonid or Pacific halibut taken in a trawl and placed in the hold (not returned to the sea immediately) is considered to be retained in violation of 50 CFR 663.7(i).

Domestic mid-water trawlers that deliver Pacific whiting to foreign-flag processing vessels (joint ventures) are not affected by this prohibition on retention of salmonids because the catch is not brought on board the fishing vessel. Instead, the codend of the trawl net is taken directly on board the processing vessel. In this type of operation, prohibited species must be returned to the sea during the sorting on the processing vessel's deck, the point of first opportunity to sort.

The incidence of salmon caught by U.S. mid-water trawlers fishing for Pacific whiting and delivered to foreign processing vessels has been monitored carefully. During the 1982 season, observers reported that these joint venture operations caught and discarded 11,546 salmon while harvesting 67,465 metric tons (mt) of Pacific whiting. This rate of 0.17 salmon per metric tone of whiting will vary seasonally and geographically, but it represents the best documented information available on incidental take of salmon in this fishery. This annual average rate has been remarkably constant, ranging form 0.13 to 0.18 salmon per metric ton of whiting since 1979.

The three applications currently being considered are summarized below and are available for public review at the Regional Director's office during the pubic comment period (see address section). The Pacific Fishery Management Council will discuss these applications at its March 16–17, 1983, meeting in Portland at the Cosmopolitan Hotel, 1030 N.E. Union Avenue, Portland, Oregon (503–235–8433). The decision to grant or deny an EFP application will be based on the information in the completed application, willingness of the applicant to comply with conditions of the EFP, information provided at the Council's March meeting, and comments received during the public comment period.

(1) *Purpose and significance.*—The purpose of this experiment is to demonstrate that the quality of Pacific whiting improves when refrigeration is

not delayed due to sorting each tow for prohibited species. The applicants have stated that one impediment to further development of a wholly domestic Pacific whiting fishery is that the flesh deteriorates rapidly after death. Consequently it is important for the vessels to make short tows and to refrigerate the catch without delay. If the catch must be sorted on deck to remove any salmon which may be in the catch, whiting quality will suffer due to excess handling and delayed refrigeration. Since salmon are about the same size and color as Pacific whiting, they would not be noticed if the catch were dumped directly into the fish hold.

(2) *Vessel.*—Each applicant has requested a permit for one vessel. The three vessels range from 60 to 100 feet in length, and from 51 to 134 net tons and 61 to 198 gross tons in tonnage.

(3) *Species.*—The Applicants intend to target on Pacific whiting and plan to take approximately 3,000 metric tons during 1983. They also expect indicental catches of rockfish and salmon. They anticipate catching, on average, one salmon in every 10 mt of whiting, based on their experience over the past few years. The whiting catch would be sold to a local, shore-based processor. Incidental catches of rockfish would be sold to local processors as well, subject to any existing trip limits. Incidentally-caught salmon would be sorted from the catch at the processor and would be confiscated by enforcement agents. Confiscated salmon would not be sold and would not enter normal market channels.

(5) *Time.*—The operation would take place from April through October, but incidental catches of salmon are expected to be highest during the spring months.

(6) *Place.*—The vessels would fish predominately within a 60 mile radius of the entrance to Humboldt Bay, California.

(7) *Gear.*—Each vessel would use a mid-water rope trawl with a minimum mesh size of three inces in the codend, which is legal gear under the current regulation.

(16 U.S.C 1801 *et seq.*)

Dated: March 3, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 83-6060 Filed 3-3-83; 3:11 pm]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Joint Audit Plans

AGENCY: Commodity Futures Trading Commission.

ACTION: Request for comment.

SUMMARY: Each self-regulatory organization must adopt, and submit for approval by the Commodity Futures Trading Commission ("Commission"), rules prescribing minimum financial and related reporting requirements for its member futures commission merchants ("FCMs"), and conduct audits of its member FCMs for compliance with such rules. Each self-regulatory organization must also establish procedures for and conduct sales practice audits of member FCMs which engage in the offer and sale of exchange-traded options under the Commission's pilot program, as well as review promotional material used by FCMs in connection with such activity. Section 1.52(c) of the Commission's regulations provides that any two or more self-regulatory organizations may file with the Commission a plan for delegating to a "designated" self-regulatory organization ("DSRO") those responsibilities for any FCM which is a member of more than one such self-regulatory organization.

The Commission has approved previously joint audit plans covering all of the contract markets. The National Futures Association ("NFA"), a futures association registered under Section 17 of the Commodity Exchange Act, as amended ("Act") and a self-regulatory organization under the Commission's regulations, has entered into two agreements with the contract markets whereby NFA will become a party to one of the existing joint audit plans and a party to a new joint audit plan. The Commission is publishing this notice to request comment, in accordance with § 1.52(g) of the regulations, on the new joint audit plan and on the revisions to one of the existing joint audit plans.

DATE: Comments must be received on or before April 7, 1983.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Special Counsel, or Delacy Cox, Assistant Chief Accountant, Division of Trading and Markets, at the above address. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: On April 23, 1980, the Commission approved, pursuant to § 1.52(g) of the regulations, the joint audit plan submitted by seven contract markets, the Amex Commodities Exchange, Inc., Chicago Mercantile Exchange, Commodity Exchange, Inc., MidAmerica Commodity Exchange, Coffee, Sugar & Cocoa Exchange, Inc., New York Cotton Exchange and New York Mercantile Exchange.[1] On May 28, 1982, the Commission approved revisions to that plan which: (1) Amended the plan's requirements for conducting audits to conform with Interpretation No. 4 of the Commission's Division of Trading and Markets or with guidelines to be developed by the Joint Audit Committee, and (2) amended the plan's membership to include the New York Futures Exchange, Inc. and to delete the Amex Commodities Exchange, Inc.[2]

The Commission has approved two other DSRO plans: one involving the Board of Trade of the City of Chicago, the Board of Trade of Kansas City, Missouri, Inc., the Minneapolis Grain Exchange and the MidAmerica Commodity Exchange,[3] and the other between the Board of Trade of the City of Chicago and the New Orleans Commodity Exchange.[4]

Each of the eleven contract markets is therefore a party to at least one approved DSRO plan, and the Board of Trade of the City of Chicago and the MidAmerica Commodity Exchange are parties to two of the three plans.

Each of those plans provides for a delegation by the parties to the plan to a DSRO of the responsibility for the following functions with respect to each FCM which is a member of more than one such party:

1. Monitoring and auditing for compliance with the minimum financial and related reporting requirements of the various contract markets;

2. Receiving the financial reports necessitated by such minimum financial and related reporting requirements; and

3. Monitoring and examining the books and records kept by FCMs relating to their business of dealing in commodity futures and cash commodities, insofar as such business relates to its dealings on contract markets.

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[1] The Commission published a notice requesting comment on that plan at 44 FR 61239 (October 24, 1979).

[2] The Commission published a notice requesting comment on those revisions at 47 FR 15403 (April 9, 1982).

[3] The Commission published a notice requesting comment on that plan at 45 FR 48682 (July 21, 1980), and approved the plan on October 6, 1980.

[4] The Commission published a notice requesting comment on that plan at 46 FR 11572 (February 9, 1981), and approved the plan on March 30, 1981.

When the Commission adopted rules to govern the pilot program in exchange-traded commodity options, § 1.52(c) was amended to provide that a contract market's responsibilities for such function as reviewing promotional material and conducting sales practice audits of FCMs in connection with their exchange-traded option activities could be delegated to a DSRO under a joint audit plan.[5] The Commission also stated that "Existing joint audit plans which already have been approved by the Commission may, upon notice to the Commission, be expanded to include monitoring and auditing of FCMs with respect to option activities."[6] In connection with the filing of applications for designation as a contract market for option trading, and in other correspondence from those responsible for the operation of the joint audit plans, the various contract markets involved in option trading have provided such notices.

NFA has also submitted a document setting forth its program for regulating the option-related activites of its members, which the Commission has under advisement. In order for NFA's surveillance burden with respect to option-related activities of its member FCMs to be limited to those FCMs which are not members of any contract market it is necessary for NFA to become a party to joint audit plans with the contract markets. Otherwise, NFA would have to supervise the option-related activities of all of its member FCMs.

NFA has entered into two agreements, each of which is dated January 24, 1983 and which were submitted under cover of a letter dated February 8, 1983, with the various contract markets. One of the agreements is an amendment to the first joint audit plan. The amendment: (1) Adds NFA as a party to the plan; (2) delegates to the appropriate DSRO NFA's responsibilities to monitor and audit for compliance with NFA's financial requirements, and to receive financial reports necessitated by such requirements, for any NFA member futures commission merchant ("FCM") which is also a member of one or more of the seven contract markets which are parties to the first joint audit plan; (3) provides that each of those seven contract markets (except the New York Futures Exchange, Inc.) will include in its audit program for those FCMs which are not also members of the New York Stock Exchange, Inc. procedures for review of compliance by such FCMs with NFA Bylaws 1101 and 1301, concerning doing business with non-members of NFA and NFA dues and assessments, respectively; (4) further provides that the seven contract markets will consider, subject to certain conditions, adding to their audit programs such additional programs and procedures to monitor compliance with other NFA requirements as NFA shall submit; and (5) provides for the delegation to the appropriate DSRO of the responsibility to perform audits of exchange-traded option sales practices of member FCMs as required by Part 33 of the Commission's regulations. The agreement also provides that NFA is bound by the terms of the existing joint audit plan, which concern such items as access to information and audit workpapers, the right of inspection of a member FCM, payment of costs for auditing services, and a limitation on liability.

The second agreement submitted by NFA establishes a new jont audit plan, which would be the fourth joint audit plan, between and among the NFA and the Board of Trade of the City of Chicago, the Board of Trade of Kansas City, Missouri, Inc., the Minneapolis Grain Exchange, and the New Orleans Commodity Exchange.[7] The new joint audit plan: (1) Delegates to the appropriate DSRO each party's responsibilities in the financial and exchange-traded option areas; (2) provides that each contract market which is a party to the plan will include in its audit program procedures for review of compliance by FCMs with NFA Bylaws (including Bylaws 1101 and 1301) as shall be provided by NFA and agreed to by such contract markets; (3) sets forth each party's rights with respect to receiving information about any of its member FCMs; (4) requires each party to supply the DSRO with appropriate financial and option rules and any amendments or supplements thereto; (5) sets forth a limitation of liability and indemnification clause; and (6) provides for NFA's contribution to the costs incurred by the contract markets under the plan.

For the purpose of assuring comprehensive options sales practice audits of all firms engaged in soliciting or accepting options orders and to avoid duplicative audits, NFA is becoming a party to the first joint audit agreement along with the seven existing exchange participants and is entering into a new joint audit agreement (the "fourth" joint audit agreement) with four other exchanges as described above. Under these agreements, NFA will assume options sales practice auditing responsibilities for its FCM member firms which are not members of any contract market, the other exchange participants to the agreements will assume auditing responsibilities for member sales practices relating to all designated option contracts (not just those option contracts in which the exchange responsible for the audit is designated), and NFA will exercise disciplinary authority over its members' options practices. Such disciplinary authority will extend not only to NFA members which are not exchange members, but also to NFA members which are members of the exchanges which are participants in these joint audit agreements.

The firms on the NFA list set forth below, except for the three firms specially noted by more than one asterisk next to their names, are not members of any of the contract markets which are parties to the first joint audit plan. Those firms with a single asterisk next to their name are members of at least one of the other contract markets. If NFA's program for supervision of the option-related activities of its member FCMs and the revisions to the first joint audit plan and the new fourth joint audit plan are approved by the Commission, FCMs which are members of NFA (including those listed below) could engage in the solicitation or acceptance of orders for commodity options traded on a contract market of which the FCM is not a member.[8] Thus, FCMs which currently may not solicit or accept option orders at all, *i.e.*, those firms which are not members of any of the contract markets designated for option trading, as well as FCMs which may not solicit or accept orders for all of the options currently traded because they are not members of all such contract markets, would be able to do so.

Under the proposed fourth joint audit plan and the proposed revisions to the first joint audit plan, NFA will not conduct financial audits or exchange-traded option sales practice audits of any firm which is a member of any contract market. NFA will conduct financial and options sales practice audits for those FCMs, and only those FCMs, which are not members of any contract market. For example, if a firm

[5] 46 FR 54500, 54511, 54525, 54530, 54531 (November 3, 1981).

[6] 46 FR 54500, 54511 (November 3, 1981).

[7] While it was contemplated originally that MidAmerica Commodity Exchange would be a party to the fourth joint audit plan, the Commission has been informed by NFA's General Counsel that the MidAmerica Commodity Exchange will not be a signatory to the fourth joint audit plan at this time, though it may still decide to join the plan at some future date.

[8] *See* 17 CFR 33.3(b)(1) (1982), *as amended* 47 FR 56996, 57016 (December 22, 1982).

which is only a member of NFA and the Board of Trade of Kansas City, Missouri, Inc. engaged in the solicitation or acceptance of orders for commodity options traded on the Commodity Exchange, Inc., the sales practice audit covering such activity would be performed by the Board of Trade of Kansas City, Missouri, Inc.

Under the fourth joint audit plan, NFA will not be the DSRO for any firms. Each of the other parties to this new joint audit plan will be the DSRO under that plan for the same FCMs for which they are the DSRO under the second and third joint audit plans approved by the Commission. The same effect will be achieved under the first joint audit plan as amended to include NFA, since NFA will only conduct audits of FCMs which are not members of any contract market. However, the revisions to the first joint audit plan indicate that NFA will be the DSRO for the following firms (asterisks have been added by the Commission; only firms with no asterisk next to their names will be audited by NFA):

National Futures Association

AG Commodity Services, Inc.
Alpha Futures*
American Monetary Associated Services, Inc.
American Transeuro Corporation
Andersons, The*
Apache Trading Corporation
Arbitrage Management Company
Argyle Arbitrage, Ltd.
J. Aron Commodities Corp.**
Bachman and Associates
Bartlett Commodity Investors, Inc.*
Bateman, Eichler, Hill Richards, Inc.
Benson-Quinn Commodities, Inc.*
Atwood Commodities, Inc.*
Berry Trading Company*
Best Commodities Services, Inc.*
Bevill Bresler and Schulman Securities, Inc.
Bielfeldt, Lauritsen and Hagemeyer*
William Blair and Company
J. C. Bradford and Co.
Brown and Company Securities Corporation
K. J. Brown and Co., Inc.
C & D Commodities*
William M. Cadden and Co., Inc.
Cambistics International, Ltd.
Cantor Fitzgerald and Co., Inc.
Cedar Bluffs Grain Co., Inc.
Celtic Commodities Brokerage Inc.*
Cernich and Hartzell, Inc.*
Checkerboard Grain Company of Chicago, Inc.*
Christensen, Geldermann and Monaster, Ltd.*
Coastal Commodities, Inc.
Combined Investor Services, Inc.
E. M. Combs and Son*
Commodity Advisory Corporation of Texas
Commodity Correspondents Association, Inc.
Commodity Options, Inc.
Commodity Traders, Inc.
Commonwealth Commodities Corporation
Cralin and Co., Inc.
Crucible Securities Corporation
Delta Commodities Corp.
Dillon-Gage Inc.
Eisen and Blum, Inc.*
FSI Futures, Inc.
Farmers Commodities Corporation*
Farmers Commodities Services, Inc.
Farmers Union Grain Terminal Association*
Ferguson Grain Company*
Filler Weiner Zaner and Associates
First Commodity Corporation of Boston
First National Trading Corporation
First Pullen Commodity Services, Inc.
Foster and Marshall/American Express, Inc.*
Garvey Commodities Corporation*
Geisel Grain Company*
Gerstenberg and Company, Inc.*
R. Gervais Farms, Inc.
Gilder, Gagnon and Co., Inc.
Grain Marketing, Inc.
Griffin Trading Company*
Gulf, Great Lakes Grain, Ltd.*
Gulf South Trading Company, Inc.
Hagerty Grain Co., Inc.*
Herzog Commodities, Inc.
Horizon Trading, Inc.
F. G. Hunter and Associates
IPMC Commodities, Inc.
Illinois Cooperative Futures Company*
Indiana Commodities Inc.*
Investor Metals Services, Inc.
Iowa Grain Company*
Jernigan-Kinsella and Company*
KGM Commodities Company
Kellogg Commodities, Inc.*
Kelly Commodities, Inc.*
Kohl Lane Siebens and Company
Kornreich Commodities, Inc.
Landmark Commodities, Inc.
Lehman Special Services, Inc.
Lowell H. Listrom and Company, Inc.
MBZ Corporation
MFA Commodities Co.*
Mabon, Nugent and Company***
James T. McKerr and Company*
Mid-Co Commodities, Inc.*
Mid-Pacific Commodities, Ltd.
Monex Trading Corporation
W. R. Mullins and Co.
Murlas Commodities, Inc.*
Myers and Company*
NAP Futures, Inc.
NCNB Futures Corporation
Nemitoff Commodities Corp.
Newcomb Commodities Corporation
Norton and Company
Pillsbury Commodity Services, Inc.*
A. S. Polonyi Co.*
Private Ledger Financial Services, Inc.
Jeffrey S. Quinto and Company, Inc.*
Roberts, Malvina
Russell Company
SST Clearing Co., Inc.*
Scouler-Bishop of Missouri*
Sentinel Management Group, Inc.
Shatkin Investment Corporation
Shay Grain Clearing Company*
Sinclair and Co., Inc.
James Sinclair Trading Company, Inc.
Singer Wenger Trading Company, Inc.*
Sol Rich and Company****
R. F. Thompson, Inc.
Toberman Grain Company
Tracapco, Ltd.
Traders International Inc.
UMIC, Inc.
Union Equity Cooperative Exchange*
VKG Commodities, Inc.
Verrilli Altschuler Schwartz, Inc.
Virginia Trading Corporation*
Whitehall Investors International, Inc.
Wolcott and Lincoln, Inc.*

Requests for a copy of the documents submitted by the NFA in connection with the new joint audit plan and the revisions to the first joint audit plan may be made to the Secretariat.

Issued in Washington, D.C., on March 2, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-5882 Filed 3-7-83; 8:45 am]

BILLING CODE 6351-01-M

*The firm is a member of at least one of the following contract markets and will, therefore, not be audited by NFA: Board of Trade of the City of Chicago, Board of Trade of Kansas City, Missouri, Inc., Minneapolis Grain Exchange, New Orleans Commodity Exchange.

**This firm's name has been changed to GSA Clearing Corporation, whose DSRO is listed as Commodity Exchange, Inc.

***This firm also has the New York Futures Exchange, Inc. listed as its DSRO.

****This firm also has the Chicago Mercantile Exchange listed as its DSRO.

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Committee on Illiteracy of the National Advisory

Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 24–25, 1983, 9:00 a.m. to 5:00 p.m.

ADDRESS: National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Helen Banks, Administrative Assistant, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee is open to the public. The proposed agenda includes:

Develop position paper on illiteracy.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C., 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C. on February 28, 1983.

Rick Ventura,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 83–5749 Filed 3–4–83; 8:45 am]

BILLING CODE 4110–51–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83–CERT–003]

Application for Certification of the Use of Natural Gas To Displace Fuel Oil; Bethlehem Steel Corp.

Bethlehem Steel Corporation (Bethlehem), 8th & Eaton Avenue, Bethlehem, Pennsylvania 18106, filed an application on February 17, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Lackawanna Plant in Lackawanna, New York, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Bethlehem indicates that the volume of natural gas for which it requests certification is approximately 6,000 Mcf per day. This volume is estimated to displace the use of approximately 40,865 gallons (973 barrels) of No. 6 fuel oil (1.0 percent sulfur) per day.

The eligible seller is N.E.A. Cross Company, R.D. No. 1, P.O. Box 86, Union City, Pennsylvania 16438. The gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Bethlehem and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C. on March 2, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–5685 Filed 3–7–83; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. OFU–037]

Energy Supply and Environmental Coordination Act; Effectiveness of Prohibition Order; Virginia Electric & Power Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Effectiveness.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues its Notice of Effectiveness (NOE) to Virginia Electric and Power Company's (VEPCO) Portsmouth Unit 4, effectuating a Prohibition Order issued to that unit on June 30, 1975, pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. 791 *et seq.* (ESECA). When the prohibition contained in the Order becomes effective, Portsmouth Unit 4 will be prohibited from using petroleum or natural gas as its primary energy source. The prohibition will become effective on December 30, 1985.

Detailed information may be found in the Suplementary Information section below.

DATES: The Prohibition Order is effective upon service and the prohibition contained therein will become effective on December 30, 1985.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Forrestal Building, Room GA–093, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–1316

Marya Rowan, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–222, 1000 Independence Avenue SW.,

Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION:

Docket No.	Owner	Installation	Unit[1]	Location
OFU–037	Virginia Electric & Power Co.	Portsmouth	4	Portsmouth, Va.

[1]Effective January 6, 1982, Virginia Electric and Power Company elected, pursuant to Section 1022 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) and DOE Regulations published at 46 FR 48118, October 1, 1981, to have Portsmouth Unit 4 remain subject to Section 2 of ESECA. No election was made for Portsmouth Units 1, 2, and 3, which also received prohibition order on June 30, 1975 (OFU–034, OFU–035 and OFU–036); accordingly, these units are within the jurisdiction of Title III, Section 301 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 4301 *et seq.*).

On June 30, 1975, the Federal Energy Administration issued a Prohibition Order to the above listed powerplant pursuant to Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended, (15 U.S.C. 791 *et seq.*). The order stated that it would become effective on the date specified in a Notice of Effectiveness (NOE), to be served on the powerplant subsequent to issuance of the Prohibition Order.

Pursuant to 10 CFR 303.10(b), 303.37 and 305.7, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) [1] hereby gives notice that the Prohibition Order issued June 30, 1975 (40 FR 28430, July 3, 1975) to the above listed powerplant shall be effective upon the date this Notice is served. The prohibition against the burning of natural gas or petroleum as the primary energy source for Portsmouth Unit 4 shall become effective on December 30, 1985. Pursuant to 10 CFR 303.7(c), service of this NOE is complete upon mailing.

In accordance with the provisions of the Clean Air Act (42 U.S.C. 1857 *et seq.* (Section 119(d)(1)(B)) which were in effect at the time the subject order was issued, and in accordance with the requirements of the Clean Air Act, as amended (42 U.S.C. 7413(d)(5)), and Section 112 of the Clean Air Act Amendments of 1977 (Pub. L. 95–95), the Environmental Protection Agency (EPA) certified to DOE, by letter dated May 11, 1977 that 33 months from the date of service of DOE's Notice of Effectiveness (December 30, 1985) would be the earliest date upon which Portsmouth Unit 4 could burn coal and comply with all applicable air pollution requirements.

[1] Effective October 1, 1977, the responsibility for implementing ESECA was transferred by Executive Order No. 12009 from the Federal Energy Administration to the Department of Energy pursuant to the Department of Energy Organization Act (Pub. L. 95–91).

In accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA), DOE has performed an environmental review of its action and has concluded that the Prohibition Order to Portsmouth Unit 4, when made effective by this Notice, is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of NEPA (42 U.S.C. 4332(c)).

As provided in the June 30, 1975, Prohibition Order, any person aggrieved by such order may file an appeal with the DOE Office of Hearings and Appeals in accordance with 10 CFR Part 303, Subpart H. The appeal must be filed within 30 days after the service of this Notice. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303 and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescision of the Prohibition Order in accordance with the provisions of 10 CFR Part 303, Subpart J. An application for modification or rescission of a Prohibiton Order based on "significantly changed circumstances", which circumstances occurred during the interval between issuance of the Order and service of this NOE, shall be filed within 30 days of service of this Notice. Application for modification or rescission of a Prohibition Order based on significantly changed circumstances occurring after that interval may be filed at any time after this Notice is served.

All terms and conditions of the Prohibition Order and this Notice may be the subject either of an appeal or an application for modification or rescission.

If an application for modification or rescission of a Prohibition Order is made in accordance with Subpart J of Part 303, any appeal of the Order under Part 303, Subpart H shall be suspended until 30 days after an Order has been issued in accordance with Subpart J or until 30 days from the date on which such application for modification or rescission may be treated as having been denied in all respects.

The Prohibition Order made effective by this Notice is effective against any persons that, as of the date of service of this NOE, own, lease, operate, or control the above named powerplant, and against any successors-in-interest or assignees of such persons.

Any terms utilized in this Notice have the same meaning as such terms have in 10 CFR Parts 303 and 307.

Issued in Washington, D.C. March 1, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83–5983 Filed 3–7–83; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Materials R&D Panel; Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Materials R&D Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770).

Date and time: March 31, 1983, 8:00 a.m. to 4:00 p.m.

Place: Department of Energy, Room 4A–110, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: William Woodard, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE nad to provide long-range guidance in these areas to the Department.

Tentative agenda:

—Discussion of Initial Working Outline for Draft Report.

—Future Meetings Outside Washington, D.C.

—Overview of Other Federal Agencies' Programs in Materials R&D.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8:30 a.m. and

4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on March 3, 1983.

J. Ronald Young,

Director for Management, Office of Energy Research.

[FR Doc. 83-5864 Filed 3-1-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP 180612; PH-FRL 2315-2]

Mississippi; Receipt of Application for Specific Exemption for Ferriamicide; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant"), for the use of Ferriamicide, which contains the active ingredient dodecachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalene (commonly known as mirex) to control imported fire ant infestations. All uses of mirex were voluntarily cancelled in 1977. EPA is soliciting comment before making the decision whether or not to grant the specific exemption.

DATE: Comments must be received on or before April 7, 1983.

ADDRESS: Comments should bear the document control number OPP-180612 and be submitted to: Document Control Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

The public record regarding this notice will be available for public inspection in Rm. E-107 at the above address from 8:00 a.m. to 4 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of Ferriamicide to control imported fire ants. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant claims that the imported fire ant problem has become very serious over the past few years because, in part, the voluntary cancellation of mirex in 1977 eliminated the use of an effective and relatively low-cost imported fire ant control. The Applicant also argues that mirex was a desirable means of control because of the simplicity of application.

The Applicant claims that currently registered controls are too expensive, degrade too quickly to offer effective control, and/or cannot be applied easily to large areas of infested acreages.

Authorization has been requested to use 1,250 pounds of the active ingredient on 2.5 million acres. Treatments would be made to pasture, rangeland, land used to produce forage crops, and non-agricultural land, to include fence rows, ditch banks, and other margins not used for food production within the cropland area, as well as public areas and home sites.

The Applicant claims thats the use of Ferriamicide would reduce economic losses currently suffered by Mississippi farmers and other citizens and that without this proposed use, the imported fire ant infestation can be expected to worsen dramatically.

The Applicant proposes applying Ferriamicide using both ground and aerial application equipment at a maximum rate of one pound of bait, which contains .05 percent active ingredient, per acre. Mound treatments are also proposed, at a rate of one-quarter ounce of product per mound. Authorization for this use is requested for a 12-month period.

The Agency through this notice solicits public comment on the application for the emergency exemption submitted by Mississippi. EPA, however, does not believe that the court in the case of *EDF* v. *Blum*, 458 F. Supp. 650 (D.D.C. 1978) was correct in characterizing an emergency exemption under section 18 of FIFRA as a "rule" subject to the rulemaking provisions of the Administrative Procedures Act (5 U.S.C. 553). Rather, the Agency treats the consideration of applications for emergency exemptions as informal adjudications. Therefore, the Agency does not believe it is legally required to provide opportunity for notice and comment as a part of the informal adjudication to determine whether to issue an emergency exemption. However, due to the widespread public interest concerning the use of the pesticide Ferriamicide, the Agency in its discretion has chosen to provide this opportunity for comment pursuant to 40 CFR 166.10 as a part of the informal adjudication. The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by Mississippi.

Dated: February 23, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-5341 Filed 3-7-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket 82-345]

Commission Announces Oral Presentation Schedule in Network Television Financial Interest and Syndication Proceeding

March 4, 1983.

The Commission indicates its intention to hold an En Banc meeting to hear oral presentations in BC Docket 82-345. The meeting will be held on Monday, March 14, 1983, at the Commission's offices at 1919 M Street, NW., Washington, D.C. in room 856. Within each panel parties are free to coordinate presentations. Groups within a panel whose interests are similar are welcome to consolidate, allowing one representative more time. The schedule follows:

1. (8:30-9:00) National Telecommunication and Information Administration, United States Department of Justice.

Each party is allocated 10 minutes, and the Commission will have a 10 minute question period.

2. (9:00-10:40) Committee for Prudent Deregulation (CPD), Motion Picture Association of America, CPD (Program producer), CBS Inc., American Broadcasting Companies, Inc., National Broadcasting Company, Inc., Westinghouse Broadcasting and Cable.

Each party is allocated 10 minutes and the Commission will have a 30 minute question period.

3. (10:55-12:15) CPD (Economist), Robert W. Crandall, Association of National Advertisers, Owen, Greenhalgh & Myslinski, Shooshan & Jackson, Inc., Bolter & Nilsson RJ.

Each party is allocated 10 minutes and the Commission will have a 20 minute question period.

4. (1:30–3:20) CPD (Representative), CPD (Representative), Association of Independent Television Stations, National Association of Independent Television Producers and Distributors, Metromedia, NBC Television Affiliates, ABC Television Affiliates, CBS Television Network Affiliates, NATPE International.

Each party is allocated 10 minutes and the Commission will have a 20 minute question period.

5. (3:30–4:35) National Black Media Coalition, National Commission of National Council of Churches of Christ in the U.S.A., Office of Communication of the United Church of Christ, National Council of Senior Citizens, Comma/OCC Media Department, Black Citizens for Fair Media, Office of Media Communication for Presbyterian Church in United States, United Rubber, Cork, Linoleum & Plastic Workers of America, Women in Film, Telecommunication Research and Action Center.

The initial two parties are allocated 10 minutes and the other parties 5 minutes. A 10 minute question period will follow.

6. (4:50–5:45) Springfield Broadcasting, Taft Broadcasting, Buena Vista Cablevision, Inc., Interstellar Media, Inc., Gateway Communications, CPD (Guild), CPD (Syndicator).

The initial two parties are allocated 10 minutes and the other parties 5 minutes. A 10 minute question period will follow.

This meeting will be open to the public. For further information contact William H. Johnson, or Molly Pauker, telephone number (202) 632–6460.

William J. Tricarico,

Secretary, Federal Communication Commission.

[FR Doc. 83–6061 Filed 3–7–83; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement Filed

The Federal Maritime Commission hereby gives notice that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of the agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on the agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–3753–2.

Title: MPA/A&G Lease Amendment.

Parties: Maryland Port Administration (MPA)/Atlantic and Gulf Stevedores, Inc. (A&G).

Synopsis: Agreement No. T–3753–2 modifies the basic agreement between the parties which provides for MPA's five-year lease to A&G, with renewal options, of the South Locus Point Marine Terminal at the Port of Baltimore. The purpose of the modification is to memorialize the settlement of a dispute between the parties by (1) redefining the word "cargo" for the purposes of the agreement, (2) adjusting A&G's base rental payment to MPA, and (3) providing a liquidated damages clause should A&G not exercise its renewal option.

Filing Party: Richard A. Lidinsky, Jr., Thomas K. Farley, Attorneys for the Maryland Port Administration, World Trade Center Baltimore, Baltimore, Maryland 21202.

By Order of the Federal Maritime Commission.

Dated: March 3, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83–6034 Filed 3–7–83; 8:45 am]

BILLING CODE 6725–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T–4093.

Title: Los Angeles/Metropolitan Stevedore Agreement.

Parties: City of Los Angeles (City/Metropolitan Stevedore Company (Metropolitan).

Synopsis: Agreement No. T–4093 is a five-year permit granted by City to Metropolitan of approximately 39 acres for use as a marine terminal.

Filing party: Frank Wagner, Deputy City Attorney, Office of City Attorney, Harbor Division, P.O. Box 151, San Pedro, California 90731.

Agreement Nos.: 14–49 and 5700–32.

Title: Transpacific Freight Conference (Hong Kong) and New York Freight Bureau.

Parties: Agreement No. 14–49: Japan Line, Ltd.; Nippon Yusen Kaisha; Showa Line Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd.; Agreement No. 5700–32: Japan Line, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The basic agreements would be amended to (1) reduce the voting requirement for actions other than changes in the agreements from three-fourths to a simple majority; (2) provide that each member shall have the right, on thirty days' notice, to take independent action on any freight rate, rule or regulation; (3) provide for a separate misrating program; (4) delete obsolete references to Compradores and Chinese Freight Agents; (5) allow carriers to divulge their positions on conference matters to shippers and consignees; (6) permit adoption of Appendices to the respective Agreements; and (7) make administrative changes in agreement language.

Filing party: Charles F. Warren, Warren & Associates, P.C., 1100 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No.: 10051–8.

Title: Mediterranean Force Majeure Agreement.

Parties: Compagnie Maritime d'Affretement, Costa Line, Farrell Lines, Inc., Hellenic Lines Ltd., Ibero Lines, Italia S.p.A.N., Jugolinija, Lykes Bros. Steamship Co., Inc., Prudential Lines,

Sea-Land Services, Inc., Spanish Line, and Zim Israel Navigation Co., Ltd.

Synopsis: The amendment extends the scope to include the Gulf Ports of the United States.

Filing agent: David F. Smith, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, NW., Washington, D.C. 20006.

Agreement No.: 10469.

Title: TMT/Naviera Central Husbanding Agreement.

Parties: Trailer Marine Transport Corporation (TMT)/Naviera Central, C.A. (Naviera Central).

Synopsis: Agreement No. 10469 provides that TMT shall act as husbanding agent in the United States for Naviera Central, and shall perform husbanding and related terminal and administrative services.

Filing party: William H. Fort, Esquire, Kominers, Fort, Schlefer & Boyer, 1776 F Street, NW., Washington, D.C. 20006.

By Order of the Federal Maritime Commission.

Dated: March 3, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6005 Filed 3-7-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Bank of New Hampshire Corp.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New Hampshire Corporation,* Manchester, New Hampshire; to acquire 100 percent of the voting shares of The Bristol Bank, Bristol, New Hampshire ("Bank"), through merger with its wholly owned *de novo* subsidiary, First BNH Acquisition Bank, Manchester, New Hampshire. Bank will operate under its charter and title. Comments on this application must be received not later than March 31, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6006 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; First Bancorp of Belleville

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Bancorp of Belleville,* Belleville, Illinois; to acquire 100 percent of the voting shares or assets of Fairview Heights Community Bank, Fairview Heights, Illinois. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5810 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; Dominion Bankshares Corp.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia (investment or financial advisory activities; United States): To engage through its subsidary, Dominion Trust Company, in acting as investment or financial advisors to the extent of furnishing general economic information and advice, general economic statistical forecasting services and industry studies. These activities would be performed throughout the United States of America. Comments on this application must be received not later than March 30, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6012 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Shawmut Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), *directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.*

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Shawmut Corporation*, Boston, Massachusetts (commercial financing; United States): To engage through its subsidiary, Shawmut Credit Corp., in commercial finance activities including the making or acquiring for its own account or for the account of others loans and other extensions of credit such as would be made by a finance company (including, without limitation, commercial loans, which may be secured by acounts receivable, inventory, equipment or other assets) and servicing such loans and other extensions of credit for others. These activities would be conducted from a new office to be located in New York, New York serving the United States. Comments on this application must be received not later than March 28, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Kansas Bancorporation, Inc.*, Kansas City, Kansas (mortgage lending activities; Kansas, Missouri): To engage, through its subsidiary, Kansas Mortgage Company, in originating, acquiring and servicing residential and commercial real estate loans. These activities would be conducted from an office in Overland Park, Kansas, serving the metropolitan Kansas City area. Comments on this application must be received not later than March 31, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Trabanc*, Salt Lake City, Utah (management consulting; Utah, Idaho, and Wyoming): To engage, through its subsidiary, Tracy Management Consulting Co., in providing management consulting advice to institutions such as savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks, and industrial loan companies. These activities would be conducted from offices in Salt Lake City, Utah, serving Utah, Idaho, and Wyoming. Comments on this application must be received not later than March 31, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6006 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Centerre Bancorporation

Centerre Bancorporation, St. Louis, Missouri; Charter Corp., Kansas City, Missouri; CNB Financial Corporation, Kansas City, Kansas; County Tower Corp., St. Louis, Missouri; and Mercantile Banccorporation, Inc., St. Louis, Missouri, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 as amended, (12 U.S.C. 1843(a)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)) for prior approval to retain at least a one-fourth interest (except that CNB Financial Corporation and County Tower Corp. will acquire at least a one-eighth interest) in Monetary Transfer System, a joint venture and partnership located in St. Louis, Missouri.

Applicants state that the proposed joint venture would engage in data processing activities through the operation of a communications network processing service and switching system for electronic funds transfer and information exchange between financial institutions.

The activities would be performed from offices of Applicant's joint venture in St. Louis, Missouri, serving the states of Illinois, Iowa, Kansas, Kentucky, and Missouri. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or request for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6009 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; First National Bankshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First National Bankshares, Inc.*, Stuart, Florida; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank & Trust Co., Stuart, Florida. Comments on this application must be received not later than March 29, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Upbancorp, Inc.*, Chicago, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Uptown National Bank of Chicago, Chicago, Illinois. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5811 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Mercantile Bancorp, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become bank holding companies by acquiring voting shares of assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Mercantile Bancorp, Inc.*, Hammond, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Mercantile National Bank of Indiana, Hammond, Indiana. Comments on this application must be received not later than March 31, 1983.

2. *Outagamie Bank Shares, Inc.*, Appleton, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of The Outagamie Bank, Appleton, Wisconsin. Comments on this application must be received not later than March 28, 1983.

3. *Western Illinois National Bancshares, Inc.*, Aledo, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Aledo, Aledo, Illinois. Comments on this Application must be received not later than March 23, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Fairplay Bancorporation, Inc.*, Fairplay, Colorado; to become a bank holding company by acquiring 90.4 percent of the voting shares of The Bank of Fairplay, Fairplay, Colorado. Comments on this application must be received not later than March 31, 1983.

2. *Farley Bancshares, Inc.*, Farley, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Farley State Bank, Farley, Missouri. Comments on this application must be received not later than March 23, 1983.

3. *Kansas National Bancorporation, Inc.*, Goodland, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The First Insurance Agency, Inc., Goodland, Kansas which owns 66.79 percent of the voting common stock of The First National Bank, Goodland, Kansas. Applicant will directly acquire 1.62 percent of Bank's outstanding voting common stock and subsequent to the acquisition of Agency, Applicant will acquire the remaining 31.59 percent of Bank's outstanding voting common stock through an interim bank merger transaction. Comments on this application must be received not later than March 31, 1983.

4. *Val Cor Bancorporation, Inc.*, Cortez, Colorado; to become a bank holding company by acquiring 80 percent of the voting shares of Valley National Bank of Cortez, Cortez, Colorado. Comments on this application must be received not later than March 31, 1983.

Board of Governors of the Federal Reserve System, March 2, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-5807 Filed 3-7-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0324]

Amcon, Inc.; Premarket Approval of the Amcon Way Plus

Correction

In FR Doc. 83-4353, beginnig on page 7504, in the issue of Tuesday, February 22, 1983, last column, fourth line from the end of the page, "net" should read "next".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Burley District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514, and 43 CFR Part 1780, that a meeting of the Burley District Advisory Council will be held on Wednesday, April 20, 1983, at 9 a.m. at the Conference Room in the Burley District Office, 200 South Oakley Highway, Burley, Idaho 83318.

Agenda for the meeting will include the following:

1. Introduction and Opening Comments.
2. Orientation and Highlight of District Programs.
3. Council Function and Involvement.
4. Fiscal Year 1983 Public Land Sale Program.
5. Cassia Resource Management Plan.
6. Magic and Raft River Resource Area Consolidation.
7. Minerals Management Service Merger with BLM.
8. Election of Officers.
9. Arrangements for Next Meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 3:30 p.m. and 4 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the Burley BLM District Office, 200 South Oakley Highway, Burley, Idaho 83318 by April 14, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) 30 days after the meeting.

Dated: February 23, 1983.

Nick James Cozakos,

District Manager.

[FR Doc. 83-6752 Filed 3-4-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14915-A]

Alaska Native Claims Selection; Ohog Inc.

On November 15, 1974, Ohog Incorporated, for the Native village of Ohogamiut, filed selection application F-14915-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (ANCSA), for the surface estate of certain lands in the Ohogamiut area.

As to the lands described below, application F-14915-A, as amended, is properly filed and meets the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 66,017 acres, is considered proper for acquisition by Ohog Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Seward Meridian, Alaska (Unsurveyed)

T. 18 N., R. 67 W.,
Secs. 31 and 32;
Sec. 33, excluding Native allotment F-16106 Parcel B.
Containing approximately 1,525 acres.

T. 17 N., R. 68 W.,
Sec. 1.
Containing approximately 640 acres.

T. 18 N., R. 68 W.,
Secs. 14, 15, and 16;
Sec. 18, excluding Native allotments F-16107 and F-17233 Parcel C;
Sec. 20;
Sec. 21, excluding Native allotments F-16103 Parcel A, F-17233 Parcel D, and F-17337 Parcel D;
Secs. 22 and 23;
Secs. 26, 27, and 28;
Sec. 29, excluding Native allotment F-17337 Parcel C;
Sec. 30, excluding Native allotments F-16107, F-16214 Parcel C, F-17337 Parcel B, and F-17338 Parcel A;
Sec. 31;
Secs. 32 and 33, excluding Native allotment F-19182 Parcel A;
Secs. 34, 35, and 36.
Containing approximately 8,623 acres.

T. 16 N., R. 69 W.,
Secs. 6 and 7.
Containing approximately 1,199 acres.

T. 17 N., R. 69 W.,
Secs. 1 to 4, inclusive;
Sec. 5, excluding Native allotments F-15608 Parcel B and F-17338 Parcel B;
Sec. 6;
Secs. 7 and 8, excluding Native allotment F-15608 Parcel B;
Secs. 9 to 16, inclusive;
Sec. 17, excluding Native allotment F-16097 Parcel B;
Sec. 18, excluding Native allotments F-16097 Parcel B, F-17235 Parcel B, F-19182 Parcel C, and F-19196 Parcel B;
Secs. 19 and 20, excluding Native allotment F-16097 Parcel B;
Secs. 21 to 32, inclusive;
Secs. 33 and 34, excluding Native allotment F-16100;
Secs. 35 and 36.
Containing approximately 21,446 acres.

T. 18 N., R. 69 W.,
Secs. 22, 23, and 24;
Sec. 25, excluding Native allotment F-19196 Parcel A;
Secs. 26 and 27;
Sec. 28, excluding Native allotment F-16186 Parcel A;
Secs. 31 and 32;
Sec. 33, excluding Native allotment F-16186 Parcel A;
Secs. 34, 35, and 36.
Containing approximately 4,925 acres.

T. 16 N., R. 70 W.,
Secs. 1 to 18, inclusive.
Containing approximately 11,401 acres.

T. 17 N., R. 70 W.,
Secs. 1, 2, and 3;
Secs. 11 and 12;
Sec. 13, excluding Native allotments F-15609 Parcel D, F-17240 Parcel D, and F-19196 Parcel B;
Sec. 14;
Sec. 19, excluding Native allotments F-15609 Parcel A, F-17236 Parcel B, F-17240 Parcel A, F-18191 Parcel B, and F-18368 Parcel C;
Secs. 20 to 36, inclusive.
Containing approximately 13,061 acres.

T. 18 N., R. 70 W.,
Sec. 22, excluding Native allotment F-17240 Parcel C;
Secs. 23 and 26;
Secs. 27 and 34, excluding Native allotment F-17236;
Secs. 35 and 36.
Containing approximately 3,175 acres.
Aggregating approximately 66,017 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14915-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: Lands are under applications pending further adjudication. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14915-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site— The uses allowed for a one (1) acre site easement are: vehicle

parking (e.g., aircraft, boats, ATV's snowmobiles, cars, trucks), temporary camping, loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

a. (EIN 8 C5) An easement twenty-five (25) feet in width for a proposed access trail from the Yukon River in Sec. 26, T. 18 N., R. 69 W., Seward Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 8a C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 26, T. 18 N., R. 69 W., Seward Meridian, on the right bank of the Yukon River. The uses allowed are those listed above for a one (1) acre site easement.

c. (EIN 9 C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from site EIN 9a C4, C5 on the left bank of the Yukon River in Sec. 36, T. 18 N., R. 69 W., Seward Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

d. (EIN 9a C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the left bank of the Yukon River in Sec. 36, T. 18 N., R. 69 W., Seward Meridian. The uses allowed are those listed above for a one (1) acre site easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Ohog Incorporated (for the village of Ohogamiut) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 66,017 acres. The remaining entitlement of approximately 3,103 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Ohog Incorporated (for the village of Ohogamiut), and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove minerals from the subsurface estate in lands within the boundaries of the Native village shall be subject to the consent of Ohog Incorporated.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in The Tundra Drums.

Any party claming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96–487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until April 7, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land and management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are

Ohog Incorporated, Ohogamiut, via Russian Mission, Alaska 99657
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501.

Ann Johnson,
Chief, Branch of ANCSA Adjudication.

[FR Doc. 83–5886 Filed 3–7–83; 8:45 am]
BILLING CODE 4310–84–M

Fish and Wildlife Service

Migratory Bird Hunting; Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces that representatives of the U.S. Fish and Wildlife Service will be in attendance at meetings of the Atlantic, Mississippi, Central, Pacific, and National Flyway Councils at the following times and locations.

DATES:

March 19, 1983—Atlantic Flyway Council, 1 p.m.

March 20, 1983

—Mississippi Flyway Council, 9 a.m.
—Central Flyway Council, 8:30 a.m.
—Pacific Flyway Council, 10:00 a.m.
—National Waterfowl Council, 3 p.m.

ADDRESS: Council meetings will be held at the Radisson Muehlebach Hotel, Kansas City, Missouri, as follows:

Atlantic Flyway Council, Room 4, Mezzanine Level;
Mississippi Flyway Council, Trianon D, Trianon Level;

Central Flyway Council, Muehlebach A. Mezzanine Level;
Pacific Flyway Council, Lido Room, Trianon Level;
National Waterfowl Council, Colonial Ballroom, Mezzanine Level.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone AC 202–254–3207.

SUPPLEMENTARY INFORMATION: Flyway Councils are organizations of State conservation agencies which cooperate with the U.S. Fish and Wildlife Service and the Canadian Wildlife Service in migratory bird management and research programs. Their meetings are scheduled in conjunction with the 48th North American Wildlife and Natural Resources Conference to be held March 18–23, 1983, at the Radisson Muehlebach Hotel, Kansas City, Missouri. Although the U.S. Fish and Wildlife Service is not a member of these councils, it will be represented at the above meetings to facilitate discussions of various migratory bird management and research programs, many of which are conducted jointly with the Service.

Dated: March 2, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6001 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4408, Block 547, West Cameron Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Mangement Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Mnerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6003 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed developoment and production plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit Agreement No. 14–08–001–3915, submitted on February 18, 1983, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Bay Marchand Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6002 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Exxon Company, U.S.A., Unit Operator of the Eugene Island Block 330 Federal Unit Agreement Nos. 14–08–0001–16928 and 14–08–0001–16929, submitted on February 11, 1983, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 330 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:00 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: February 28, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-5827 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Death Valley National Monument Natural and Cultural Resources Management Plan

Pursuant to Section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a plan for the management of natural and cultural resources in Death Valley National Monument. Copies of the plan and record of decision are available at the following locations:

Superintendent, Death Valley National Monument, Death Valley, California 92328

Regional Director, Western Region Office/National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102

National Park Service, Department of the Interior, 18th and C Street NW., Washington, D.C. 20240

Record of Decision—Death Valley National Monument Natural and Cultural Resources Management Plan

I. The Decision

The National Park Service has decided to adopt the natural and cultural resources management plan as presented in the Death Valley National Monument Final Environmental Impact Statement (FES 82-48). This final plan was released to the public on November 3, 1982. The final plan is a modification of the draft plan and statement (DES 81-47) which generated significant public controversy when it was released in 1981. While most people accepted the concept of burro removal from the monument, many either felt that the 10-year time frame was too long, or that shooting the burros was unacceptable. Consequently, the National Park Service held meetings with a consortium of animal protection groups and developed the final plan which provides for a live removal program that will be accomplished in three years.

The goals of this plan are to restore those natural areas of the monument that have been altered, and to maintain or enhance existing conditions in the natural and cultural environment. To this end, the plan proposes methods to maintain, perpetuate, or restore natural ecosystems where possible, and to ameliorate or modify those degrading factors that are impossible to eliminate. It also proposes research to be used as a basis for sound management decisions and corrective actions. The plan will guide resources management activities at the monument for an indefinite period. Individual projects will be assessed annually. Additional NEPA compliance may be required for non-burro actions.

A. Natural Resources

In order to restore natural ecosystems within the monument, the plan proposes removal of those exotic species wherever feasible. Exotic animals in Death Valley include feral burros and horses, domestic livestock, and mosquito fish; exotic plants include tamarisk (salt cedar), Russian thistle, hornwort, and palms.

The plan proposes to remove all burros from the monument in a three-year period beginning in the fall of 1983. The plan calls for a cooperative effort between the National Park Service and a consortium of participating animal protection groups. The National Park Service will provide for a humane roundup of all animals that will be transported to a central holding facility. The animal protection groups will accept all captured animals for adoption. Construction of fences to exclude burros from the west side of the monument is not anticipated; however, construction of approximately 40 miles of fence will be required to ensure exclusion of domestic livestock from a 100,000-acre area on the east side of the monument.

Mosquito fish are currently being removed from the waters at Scotty's Castle, and the plan proposes to continue this practice in all the Death Valley waters to avoid competition with pupfish. Tamarisk will be eliminated from approximately 200 acres of the monument by cutting and herbicide treatment. Russian thistle, a dryland weed, is common in many disturbed portions of the monument, including approximately 300 acres near Harrisburg Flats and Skidoo, other old mining sites, and along roadsides. Date and Washington palms that are not part of the historic scene will be removed from individual springs. Hornwort, an aquatic plant with dense growth, will be removed from Saratoga Springs.

Projects proposed to restore natural conditions include obliteration of unused facilities, reclamation of disturbed lands, restoration of water sources, and management of fire. Actions enhancing public safety will be the first priority, followed by environmental restoration of disturbed lands that are important to wildlife survival or that are visually intrusive. About 350 mine shafts and exploration holes that are considered dangerous will be filled or fenced in and debris will be removed. Approximately 600 to 700 miles of abandoned roads will be obliterated. The existing network of usable roads, and those which are historically significant, will be retained.

Approximately 2,700 to 3,000 acres, including mining areas that are not historically or acheologically significant in the vicinity of Skidoo and Chloride City, will be regraded and revegetated. Revegetation will be done with native species by reseeding and planting of seedlings.

At least 53 sources of water that have been altered by human activities or burros, will be restored and rehabilitated in order to provide a dependable source of water for wildlife. If this fails, artificial watering devices such as small water catchment dams or wildlife guzzlers will be constructed. These devices, particularly the guzzlers, will be constructed as a last resort when all other efforts to restore water supplies have failed. Only the minimum necessary construction needed to counteract human activities will be done to provide water for wildlife.

The plan proposes several studies and continuing research programs that will provide a comprehensive, reliable information base and resolutions to resources management problems. These proposed studies include an engineering study to investigate design alternatives that will return minor floods and a portion of major floods to the historical channel down Furnace Creek Wash. Other studies will determine hydrologic systems (aquifers) feeding Death Valley springs, establish baseline information, and offer alternate strategies to ensure future water supplies to the monument, as well as ensure compliance with state water quality standards.

Helicopter surveys, waterhole counts, and photographic monitoring will be used to determine mule deer and bighorn populations. The plan proposes to continue habitat monitoring and regular censuses of the Devils Hole pupfish population. Concurrent with removal of feral and trespass animals and replanting of disturbed areas, vegetation will be monitored to determine the rate of recovery. Monitoring will include establishment of permanent and temporary transects, exlosures, and other conventional research methods.

B. Cultural Resources

The plan's proposals for archeology are as follows: Identification and analysis of collected artifacts will be

used to determine site significance; and archeological survey will be conducted with a sample site large enough to make predictions for the entire monument; and an intensive archeological survey will be conducted in heavy use areas and regular monitoring of these sites will be instituted.

Proposals for historic resources include oral interviews with individuals who can supply first-hand data on Death Valley history, a historic resources study on the history of exploration and surveying in Death Valley, and historic structures reports to cover preservation projects at Scotty's Castle and Ranch.

Historic structures that will be stabilized and preserved include Scotty's Castle, Keane Wonder historic Site, Eagle Borax Works, and the Skidoo National Register property.

II. The Alternatives

The following alternatives were considered in the planning process.

A. No action.

Alternate Methods of Achieving Environmental Restoration With Total Removal of Burros

B. Remove burros by trapping and shooting followed by boundary fencing.

C. Totally remove burros with emphasis on those methods allowing the largest number to be removed alive.

D. Totally remove burros by direct reduction.

Alternate Methods of Achieving Partial Restoration With Retention of Some Feral Burros

E. Retain present population levels.

F. Retain burros in some existing herds.

G. Establish a burro viewing area.

Other Methods that Might be Included to Achieve Either Partial or Total Removal

H. Remove burros by sterilizing.

I. Use immobilizing drugs.

J. Exclude burros by adding boundary fences.

Infeasible Alternatives

K. Introduce predators.

L. Introduce equine diseases.

M. Ship burros to Mexico.

N. Sell carcasses.

III. Mitigating Measures

All practicable means to avoid or minimize harm have been adopted, including but not limited to the following specific measures.

A. Natural Resources

Portable traps and corrals will be used in all areas to reduce environmental damage caused by trailing and trampling activity at a fixed site. Corrals and overnight campsites will be placed on previously disturbed or bare ground rather than undisturbed areas where possible. All traps and corrals will be removed when no longer needed.

Traps will not be set in areas where native animals might be injured. Fences will be built only as a last resort and only in areas where it is considered absolutely necessary.

All captured animals will be freeze-branded or permanently marked to identify escaped or intentionally released animals.

Where needed, clearing of brush or trees for boundary fences will be done by hand. The clearing width will be 6 feet in open brush areas and 10 feet in forested areas to provide adequate sight distance and to prevent injury to livestock or wildlife.

Minimal work will be done at each spring to ensure a dependable supply of water to wildlife. Restoration work will be designed to minimize environmental alteration and aesthetic intrusions.

When needed, water storage tanks will be placed underground to reduce visual intrusion.

Guzzler catchment aprons will be used only if flash flood potential weights against use of rock dams. They will be fenced to prevent structural damage from trampling animals.

The chemical used to remove mosquito fish will be toxic to fishes only; therefore, other aquatic organisms will not be affected. Mosquito fish are the only fish present in these areas.

Hand-cutting of tamarisk and direct application of herbicides by hand will prevent injury to native mesquite in mixed stands.

Tree-cutting will not be done during the nesting season in order to minimize disruption to nesting birds.

Plantings of native species will be made after removal of non-native plants to prevent quick regrowth of weeds. Similar planting on disturbed and regraded areas will prevent growth of weeds and reduction of soil by erosion.

Previously disturbed demonstration areas will be selected for replanting, and revegetation techniques used at pilot areas will be applied elsewhere to ensure the most effective methods.

Local native seed sources will be used to ensure replanting with genetically similar or identical indigenous stock.

Nurseries will be fenced to prevent seedling damage from trampling by people and damage by rodents and rabbits.

During construction of the boundary fence in the Sarcobatus Flat area, a botanist will be onsite to ensure that damage to *Lathyrus hitchcockianus* is minimized or avoided. Distribution of this plant has been mapped.

B. Cultural Resources

Archeological clearance surveys of proposed boundary fence alignments or portions of alignments will be done prior to installation. Areas proposed for corrals and traps will be archeologically investigated before construction.

Historic and archeological evaluation will precede spring rehabilitation and guzzler installment.

Before the removal of abandoned structures and materials, or the grading, scarification, and revegetation of old roads and disturbed areas, each site will be investigated and inventoried for potential cultural resources, especially within or near archeological or historic properties listed on or proposed for listing on the National Register of Historic Places.

Repair, restoration, or stabilization of cultural sites will be accomplished in accordance with NPS policies and in compliance with the procedures of the Advisory Council on Historic Preservation (36 CFR Part 800).

The state historic preservation officers of California and Nevada have reviewed the effects of the plan on cultural resources. A memorandum of agreement, which has been signed by both states and by the Advisory Council, became effective in August 1982.

Prior to any work efforts, springs will be inventoried by hydrologists, biologists, historians, and archeologists, who will make recommendations on how to minimize impacts on natural and cultural resources.

C. Visitors

In accordance with manufacturer's safe handling recommendations, the time of fish treatment for mosquito fish removal will be selected to coincide with a time that water is not used to irrigate a food crop. The treatment area will be monitored for 24 hours to ensure that people do not use the water and to evaluate efficiency of treatment. Treatment time will occur during low visitation to reduce visitor inconvenience. At the end of the treatment period, an oxidant will be used to remove all traces of toxicant.

D. Feral Burros

Corrals and traps will be supervised to ensure that captured animals have adequate food and water and that they do not suffer injury. Camps will be set

up at portable corrals to maintain a constant watch.

Experienced government employees will round up and transport captured animals to reduce stress and to ensure humane treatment of the animals.

Schedules for transporting animals from trap sites to portable corrals will be arranged to minimize stress on animals, and gathering activities will be scheduled to avoid overloading the capacity of the central holding facility.

The central holding facility will be constructed to prevent overcrowding and stress. It will be large enough to handle 800 to 1,000 animals, and the arrangement of corrals will allow for separation of jacks from pregnant jennies, and jennies with foals from other animals.

Veterinarian services will be available at a central facility to ensure that animals receive proper care.

To ensure coordination of a complex plan and avoidance of stress to captured animals, a program review committee of National Park Service, Bureau of Land Management, and representatives from each of the participating animal protection groups will meet regularly and as needed to coordinate activities and work plans.

To prevent accidental disease transmission to remaining burros, horses, and native wildlife, no captured burros will be returned to monument lands.

IV. Rationale for the Decision

Significant public controversy was generated over the preferred alternative contained in the *Draft Environmental Impact Statement*. In addition to comments received at two public meetings attended by 75 persons, about 230 comments were received on the draft statement. As a result of this controversy, the National Park Service met with a number of animal protection groups to seek a more acceptable plan. These discussions eventually led to the development of a memorandum of agreement between the National Park Service and a coalition of animal protection groups. From this agreement, the final plan has been developed.

Twenty-nine written and telephone comments were received on the final plan and environmental statement between November 3, 1982 and January 10, 1983. There were 4 Federal, 1 state (Nevada Clearinghouse consolidated response), 1 county, 5 organizations, and 18 individual responses. No comments were received from California agencies or the state clearinghouse. Two individuals opposed the plan; all other individuals and organizations selected (preferred) or supported the plan.

During the comment period, the National Park Service requested formal consultation pursuant to Section 7 on endangered species from the U.S. Fish and Wildlife Service. The biological opinion of the U.S. Fish and Wildlife Service documenting the fact that the plan, as proposed, will promote conservation of the endangered Devils Hole pupfish is on file.

Following review of the document by the California and Nevada state historic preservation officers, memorandums of agreement with both states regarding management of cultural resources were approved.

Dated: February 19, 1983.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 83-6847 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 25, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by March 23, 1983.

Carol D. Shull,

Chief of Registration, National Register.

CONNECTICUT

New London County

Groton, *Groton Bank Historic District*, Roughly bounded by the Thames River, Broad, Cottage, and Latham Sts.

GEORGIA

Chatham County

Savannah, *Slotin Building*, 101 W. Broad St.

Lumpkin County

Dahlonega, *Dahlonega Commercial Historic District*, Chestatee, Park, and Main Sts.

Mitchell County

Pelham, *Pelham Commercial Historic District*, Roughly bounded by RR tracks, church, Blythe, Jackson Sts. and Hand Ave.

Thomas County

Thomasville, *Gordon Avenue Apartments*, 424 Gordon Ave.

HAWAII

Hawaii County

Puako vicinity, *Puako Petroglyph Archeological District*, Puako Beach Dr.

Honolulu County

Honolulu, *Podmore, Joseph W., Building*, 202–206 Merchant St.

Kauai County

Kapaa vicinity, *Opaekaa Road Bridge*, Opaekaa Rd.

INDIANA

St. Joseph County

South Bend, *Judie, James A., House*, 1515 E. Jefferson Blvd.

Steuben County

Angola vicinity, *Free Church*, Old Road 1 N.

LOUISIANA

Assumption Parish

Paincourtville, *St. Elizabeth Catholic Church*, LA 402

Caddo Parish

Shreveport, *Wray-Dickinson Building*, 306 Market St.

Catahoula Parish

Sicily Island vicinity, *Green-Lovelace House*, N of Sicily Island off LA 15

East Carroll Parish

Lake Providence vicinity, *Buckmeadow Plantation House*, NW of Lake Providence off LA 2

Orleans Parish

New Orleans, *Factors Row and Thiberge Buildings*, 401–405 Carondelet and 802–830 Perdido St.

New Orleans, *Federal Fibre Mills Building*, 1101 S. Peters St.

St. Landry Parish

Bunkie vicinity, *White's Chapel United Methodist Church*, S of Bunkie off LA 29

Tensas Parish

St. Joseph vicinity, *Lakewood*, N of St. Joseph on LA 606

MICHIGAN

Calhoun County

Battle Creek, *Arnold, Adam C., Block*, 12–14 E. State St.

Marquette County

Marquette, *Harlow Block*, 100 W. Washington St.

Van Buren County

South Haven, *Bailey, Liberty Hyde, Birthplace*, 903 Bailey Ave.

MISSOURI

Barry County

Monett vicinity, *Marbut, Curtis Fletcher, House*, Off SR BB

Dunklin County

Campbell vicinity, *Owens, Given, House*, Off MO 53

Gasconade County

Drake vicinity, *Ruskaup House*, W of Drake on U.S. 50

Hermann vicinity, *Kotthoff-Weeks Farm Complex*, Off SR J

Howard County

Fayette vicinity, *Greenwood*, MO 5

Jackson County

Kansas City, *Santa Fe Neighborhood Historic District*, Roughly bounded by 27th St., Linwood Blvd., Indiana and Prospect Aves.
Kansas City, *Sophian Plaza*, 4618 Warwick Blvd.

Lafayette County

Higginsville, *Houx-Hoefer-Rehkop House*, 1900 Walnut St.

Nodaway County

Burlington Junction vicinity, *Possum Walk Hotel*, N of Burlington Junction

Pettis County

Sedalia, *Missouri/Sedalia Trust Company*, 322 S. Ohio St.

Schuyler County

Downing, *Downing Railroad Depot*, City Park

St. Charles County

Defiance vicinity, *Wolf-Ruebeling House*, MO 94
St. Louis (Independent City)
Ambassador Theater Building, 411 N. 7th St.
DePaul Hospital, 2415 N. Kingshighway Blvd.
Frisco Building, 906 Olive St.

NEBRASKA

Douglas County

Omaha, *Sacred Heart Catholic Church Complex*, 2218 Binney St.

Scotts Bluff County

Mitchell, *Quivey, M.B., House*, 1462 10th Ave.

NEVADA

Lyon County

Yerington, *Lyon County Courthouse*, 31 S. Main St.

NEW HAMPSHIRE

Cheshire County

Dublin, *Morse, Eli, Farm*, Lake Rd.
Keene, *Colony Block*, 4–7 Central Square
Richmond, *Richmond Community Church*, Fitzwilliam Rd.

Grafton County

Ashland, *Ashland Junior High School*, 12 School St.
Ashland, *Ashland Town Hall*, 10 Highland St.
Ashland, *First Free Will Baptist Church and Vestry*, 13–15 N. Main St.
Bristol, *Central Square Historic District*, 2–27 Central Square, 1 Summer St., 1–3 N. Main St., and 2 S. Main St.

Hillsborough County

Hudson, *Hills House*, 211 Derry Rd.
Wilton vicinity, *Stonyfield Farm (Barrett Farm)*, NW of Wilton on Foster Rd.

Rockingham County

South Hampton, *Currier, Capt., Jonathan, House (South Hampton MRA)*, Hilldale Ave.
South Hampton, *Highland Road Historic District (South Hampton MRA)*, Highland and Woodman Rds.
South Hampton, *Jewell Town District (South Hampton MRA)*, W. Whitehall Rd. and Jewell St.
South Hampton, *Smith's Corner Historic District (South Hampton MRA)*, Main Ave., South, Stagecoach, and Chase Rds.
South Hampton, *Town Center Historic District (South Hampton MRA)*, Main and Hilldale Aves. and Jewell St.
South Hampton, *Woodman Road Historic District (South Hampton MRA)*, Woodman Rd.
Stratham, *Crockett, John, House*, 245 Portsmouth Ave.
Stratham, *Lane, Deacon Samuel and Jabez, Homestead*, Portsmouth Ave.
Stratham, *Wiggin, Cornet Thomas, House*, 249 Portsmouth Ave.

Strafford County

Rochester, *Rochester Commercial and Industrial Historic District*, N. Main, Wakefield, Hanson, S. Main St. and Central Square

NEW MEXICO

Taos County

Howiri-ouinge,

OHIO

Guernsey County

Cambridge, *Berwick Hotel*, 600–615 Wheeling Ave.

Hamilton County

Cincinnati, *Bornheim House*, 195 Greenhills Rd.
Cincinnati, *Cincinnati Tennis Club*, Dexter and Wold Aves.

Holmes County

Millersburg, *Adams, G., House (Millersburg MRA)*, 103 N. Clay St.
Millersburg, *Cary, G. W., House (Millersburg MRA)*, 200 N. Washington St.
Millersburg, *Cary, Hiram W., House (Millersburg MRA)*, 101 N. Clay St.
Millersburg, *Disciple/Christian Church (Millersburg MRA)*, 100 N. Clay St.
Millersburg, *Koch, John E., Jr., House (Millersburg MRA)*, 107 N. Washington St.
Millersburg, *McCormick, N. P., House (Millersburg MRA)*, 103 N. Washington St.
Millersburg, *Millersburg Historic District (Millersburg MRA)*, Jackson, Clay, and Washington Sts.
Millersburg, *St. Peters Catholic Church (Millersburg MRA)*, S. Crawford and Douglas St.

Licking County

Granville vicinity, *Bryn Mawr (Fassett's Folly)*, 3758 Lancaster Rd., SW

Montgomery County

Dayton, *Duncarrick*, Webster and Keowee Sts.
Dayton, *First Lutheran Church*, 138 W. 1st St.

Ottawa County

Lakeside, *Lakeside Historic District*, Roughly bounded by Lake Erie, RR tracks, Poplar and Oak Aves.

OREGON

Linn County

Marion Forks vicinity, *Independence Prairie Ranger Station*, Willamette National Forest

TEXAS

Bell County

Salado, *Anderson House and Store (Salado MRA)*, Main St.
Salado, *Armstrong-Adams House (Salado MRA)*, Main St. and Thomas Arnold Rd.
Salado, *Baines, George Washington, House (Salado MRA)*, Royal St.
Salado, *Barbee-Berry Mercantile Building (Salado MRA)*, Main and Royal Sts.
Salado, *Barton House (Salado MRA)*, Main St.
Salado, *Davis House (Salado MRA)*, Main St.
Salado, *Fowler House (Salado MRA)*, Main St.
Salado, *Halley, Capt. Robert, House (Salado MRA)*, Main St.
Salado, *Jones, Thomas, Mill Archeological Site (Salado MRA)*, Off I–35
Salado, *Pace Memorial Park Archeological Site/Davis Mill Site (Salado MRA)*, Pace Park Dr.
Salado, *Robertson, Col. Elijah Sterling Clack Plantation (Salado MRA)*, I–35
Salado, *Rose House (Salado MRA)*, Royal St. and Rose Way
Salado, *Salado College Archeological Site (Salado MRA)*, Main St.
Salado, *Salado United Methodist Church (Salado MRA)*, Thomas Arnold Rd. and Church St.
Salado, *Stagecoach Inn (Salado MRA)*, Main and Front Sts.
Salado, *Tenney, Levi, House (Salado MRA)*, Pace Park Dr.
Salado, *Twelve Oaks (McKie House) (Salado MRA)*, Center Circle
Salado, *Tyler House (Salado MRA)*, Main St
Salado, *Vickrey House (Salado MRA)*, Main St.
Salado, *White-Aiken House (Salado MRA)*, I–35

Bexar County

San Antonio, *Wright, L. T., House*, 342 Wilkins Ave.

Gillespie County

Fredericksburg vicinity, *Morris Ranch Schoolhouse*, Morris Ranch Rd.

Harris County

Houston, *Beaconsfield*, 1700 Main St.

Kendall County

Comfort vicinity, *Hygieostatic Bat Roost*, E. of Comfort

Travis County

Austin, *Shipe, Col. Monroe M., House*, 3616 Avenue G

VIRGINIA

Roanoke (Independent City)

Roanoke Warehouse Historic District, 109–133 Norfolk Ave., SW

WYOMING

Park County

Yellowstone National Park, *Roosevelt Lodge Historic District (Yellowstone National Park MRA)*, Grand Loop Rd.

[FR Doc. 83-6805 Filed 3-7-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Ogilvie

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the trasportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be constued to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided date
835	Richard Ogilvie, Trustee for Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0032-A, Supplement 1, (Sodium carbonate)	2	2-28-83

Sub-No.	Name of Railroad, Contract Number, and Specifics	Review Board [1]	Decided date
836	Canadian Pacific Rail, ICC-CP-C-0002, Supplement 1, (Printing paper)	3	2-28-83

[1] Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Agatha L. Mergenovich,

Secretary.

[FR Doc.83-6717 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

Decided: February 25, 1983.

Pacific Intermountain Express Co. (No. MC-730), Ryder Truck Lines, Inc. (No. MC-2900), Customized Transportation, Inc. (No. MC-152620, Gemini Trucking, Inc. (No. MC-150934), and Pioneer Trucking, Inc. (No. MC-151707), under common control, petition for waiver of the qualifying requirements prescribed by paragraphs (c), (d), and (e) of Section 1057.22 (Exemption for trip leasing between authorized carriers) of the *Lease and Interchange of Vehicles* regulations (49 CFR Part 1057).

Background

The cited paragraphs set forth some of the conditions which must be met to qualify under § 1057.22 in order to be exempt from most of the requirements of Subpart B (General leasing requirements) and, in particular, *§ 1057.12 Written lease requirements* which among other things, under paragraph (e) requires a 30-day lease where the equipment is to be operated for the authorized carrier by the owner or an employee of the owner. The Commission recently amended § 1057.22 in Ex Parte No. MC-43 (Sub-No. 12), but paragraph (e) of the section was not affected. Its decision has been temporarily stayed by the United States Court of Appeals for the Eleventh Circuit.

Petitioners seek waiver of the essential requirements of the exemption rule. Consequently, although this petition is directed to waiver of the cited paragraphs of the trip-leasing exemption, the petition will be considered as a request for waiver of Subpart B, with the exception of paragraph (c) of § 1057.11 regarding identification of equipment requirements.

We find:

The petitioners are commonly controlled by the parent, IU International Corporation. Such control was approved in proceedings docketed Nos. MC-F-10795, MC-F-14509F, MC-F-14546F, and MC-F-14576.

Granting the petition for waiver of Subpart B (§§ 1057.11 and 1057.12) of the leasing regulations solely with respect to equipment augmented among the petitioners will permit more efficient and economical operations. This waiver will not affect the application of the leasing regulations to a lease between an owner operator and its lessor carrier.

There is no public policy consideration or goal which overrides petitioners' goal of reducing energy consumption, fuel and other costs; and a denial of the petition would offer no protection to the public while preventing the realization of the stated objectives.

It is ordered:

The petition of Pacific Intermountain Express Co. (No. MC-730), Ryder Truck Lines, Inc. (No. MC-2900), Customized Transportation, Inc. (No. MC-152620), Gemini Trucking, Inc. (No. MC-150934), and Pioneer Trucking, Inc. (No. MC-151707), for waiver of Subpart B except paragraph (c) of § 1057.11 is granted solely with respect to equipment leased among the petitioners.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6817 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 1 at 202–275–7992.

Volume No. OP1–FC–76

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81142. By decision of February 23, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to MMB CO., a Corporation, Chicago, IL of Certificates NO. MC–128651 and MC–128651 Sub 1, issued September 3, 1969 and September 22, 1982, respectively to CONTINENTAL AIR TRANSPORT CO., INC., Chicago, IL, authorizing the transportation of passengers and their baggage in the same vehicle with passengers, between Milwaukee, WI, and O'Hare International Airport, Chicago, IL, over specified routes; and passengers and their baggage, in the same vehicle with passengers, and express and newspapers, between Chicago, IL, and Milwaukee, WI, over specified routes. Applicants' representative: Richard A. Kerwin, 180 North LaSalle Street, Suite 3620, Chicago, IL 60601.

For status, please call Team 2 at 202–275–7030.

Volume NO. OP2–062

MC–FC–81023. By the decision of February 22, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to The Conover Exchange, Inc., of Conover, OH, of authority issued to Inter-Freight Transportation, Inc. (Thomas E. Raleigh, Trustee in Bankruptcy), Chicago, IL., in MC–146643 Sub 50 (all), authorizing transportation of such commodities as are dealt in or used by manufacturers and distributors of plastic containers, between points in the U.S., under contract(s) with Hoover Universal, of Georgetown, KY, in (2) MC–146643 Sub 64 (portion), general commodities (except classes A and B explosives and household goods), between points in the U.S., under contract(s) with Fedders Corporation, of Edison, NJ, in (3) MC–148314 Sub 8 (portion), general commodities (except classes A and B explosives), between points in the U.S., under contract(s) with Kal Kan Foods, Inc., of Vernon, CA, in (4) MC–148314 Sub 9X (portion), metal products, between points in the U.S., under contract(s) with Libby, McNeill and Libby, of Worth, IL, including MC–146643 Subs 24 and 33 which it supersedes, and in (5) MC–148314 Sub 9X (portion), pulp paper and related products, between points in the U.S., under contract(s) with St. Regis Paper Co., of Pittsburgh, PA, including a portion of MC–146643 Sub 40 which it supersedes. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL, transferee and Thomas W. Drexler, 105 West Madison St., Chicago, IL, transferor.

MC–FC–81009. By decision of February 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, Review Board Number 2, approved the transfer to VIP TRUCKING CO., DIVISION OF VIP FREIGHT SYSTEMS, INC., Cleveland, OH, of authority issued to INTER-FREIGHT TRANSPORTATION, INC. (THOMAS E. RALEIGH, TRUSTEE IN BANKRUPTCY), Chicago, IL (I) in Certificates No. MC–148314 (Subs-2, 4, 5, and 6), authorizing the transportation of various specified commodities, between specified points in the U.S., (II) in Permits No. MC–146643 (Sub-2), under contract with Pace Battery Company, of Chicago Heights, IL; (Sub-3) under contract with Ball Corporation, of Muncie, IN; (Sub-12) under contract with Metro Pac Container Corporation, of Dolton, IL; (Sub-25) under contract with Rockwood Industries, Inc., of Denver, CO; (Sub-35) under contract with Peavey Flour Company, of Minneapolis, MN; (Sub-41) under contract with D.S.M. Food Products, Inc., of Detroit, MI; (Sub-44) under contract with Topco Associates, Inc., of Skokie, IL; (Sub-45) under contract with Rand McNally and Company, of Skokie, IL; (Sub-52) under contract with Foseco, Inc., of Brookpark, OH; (Sub-54) under contract with Stone Container Corporation, of Chicago, IL; (Sub-57) under contract with Seaboard Allied Milling Corporation, of Shawnee Mission, KS; (Sub-63) under contract with The Hubinger Company, of Keokuk, IA; (Sub-64-portion) under contract with Belden Corporation, of Geneva, IL, and (Sub-66-portion) under contract with C.F. Mueller Company, of Jersey City, NJ; (III) Permits No. MC–148314 (Sub-8-portion) under contract with Scholle Corporation, of Northlake, IL, and EKCO Products, Inc., of Wheeling, IL; (Sub-10) under contract with W. W. Grainger, Inc., of Chicago, IL; and (Sub-9X) (1)(portion) under contract with Ball Corporation, of Muncie, IN (supersedes MC–146643 (Sub-3)); (4)(portion) under contract with Peavy Flour Company, of Minneapolis, MN (supersedes MC–146643 (Sub-35)), and under contract with D.S.M. Food Products, Inc., of Detroit, MI (supersedes MC–146643 (Sub-41)); (9) under contract with Rand McNally and Company, of Skokie, IL (supersedes MC–146643 (Sub-45)); and (11) under contract with Topco Associates, Inc., of Skokie, IL (supersedes MC–146643 (Sub-44)), authorizing the transportation of various specified commodities, between specified points in the U.S. representatives: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL, 60603, for transferee, and Thomas W. Drexler, 105 West Madison St., Chicago, IL, 60602, for transferor.

Volume No. OP4–FC–112

For status, please call Team 4 at 202–275–7669.

By the Commission, Review Board No, 3, Members Krock, Joyce, and Dowell.

MC–FC–81159, filed December 30, 1982. By decision of February 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to VHR Enterprises, Inc., of Fredonia, NY, of Certificate No. MC–65626 and Sub-Nos. 1, 3, 5, 8, 10, 11, 12, 14, 15, 17, 20, 21, 22, 23, 24, 26, 28, 29, 31, 32, 34, 35, 37, 38, 39, 40, 42X, 43X, and 44X, to FREDONIA EXPRESS, INC., of Fredonia, NY, MC–65626 (Sub-No. 1) issued September 27, 1940, authorizing the transportation of *seed and seed display cases,* between Fredonia, NY and points in PA; (Sub-No. 3), issued May 23, 1942, *macaroni, spaghetti, vegetables, fruits, jellies and canned goods, and empty jars,* between named points in NY and points in PA; (Sub-No. 5), issued December 22, 1941, *foundry and core equipment,* between West Newton, PA and Dunkirk, NY; (Sub-No. 8), issued November 20, 1945, *iron and steel products, sulphate of alumina, fresh fruits, and empty containers,* between named points in NY and PA; (Sub-No. 11), issued October 7, 1964,

Malt beverages, between Dunkirk, NY and points in NJ and PA; (Sub-No. 28), issued December 11, 1975, *foodstuffs*, between the facilities of Kraftco Corp. near Kendallville, IN and points in CT, DE, ME, MD, MA, NH, NJ NY, PA, RI, VT, WV, and DC; (Sub-No. 32), issued October 26, 1977, *Food and related products*, between the facilities of Beatrice Food Co., at named points in PA, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC; (Sub-No. 38), issued January 2, 1981, (1) *glass products, metal products, and clay products*, (2) *molds* and *machinery*, (3) *bottle coating systems*, and (4) *feldspar products and talc products*, between the facilities of Wheaton Industries, at Springfield, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI); (Sub-No. 40), issued February 5, 1981, general commodities (with the usual exceptions), between points in the U.S. (except AK and HI); (Sub-No. 42)X, issued June 29, 1981 which superseded MC–65626 (Sub-No. 37), *various commodities* between named Counties in NJ, on the one hand, and, on the other, points in the U.S.; (Sub-No. 43)X, issued August 21, 1981 which superseded (Sub-Nos. 34, 35, and 39), *such commodities* as are dealt in or used by grocery and food business houses, between points in NY on the one hand, and, on the other, points in MD, NJ, OH, PA, WV, CT, MA, ME, NH, RI VT, VA, NC, SC, GA, FL and AL; (sub-No. 44)X which superseded MC–65626 and Sub-Nos. 10, 12, 14, 15, 17, 20, 21, 22, 23, 24, 26, 29, 31, 35, and E–1 letter notice, (1) *Food and related products*, between named points in NY, CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT and WV, (2) *clay, concrete, glass or stone products, metal products machinery, transportation equipment* and *instrument* and *photographic goods*, between named points in NJ, NY, and IN and points in MA, CT, DE, PA, and RI, (3) *textile mill products, lumber*, furniture and fixtures, between named points in PA, on the one hand, and on the other, points in MA, CT, and RI, (4) *chemicals* and *related products*, between points in Erie County, PA, and Chautauqua County, NY, and (5) *rubber and plastic products*, between Chautauqua County, NY and points in PA. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave. NW., Washington, DC 20006, (202) 828–5062, for transferee.

[FR Doc. 83–6814 Filed 3–7–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decisions; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Supart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 29 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act or 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 4 at (202) 275–7669.

Volume No. OP4–114

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166286, filed February 15, 1983. Applicant: REFRIGERATED FOOD TRANSPORT, INC., 28090 Robinson Canyon Rd., Carmel, CA 93923. Representative: Lawrence Marquette, P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner ot the motor vehicle in such vehicle; (4) *used household goods* for the account of the United States Government incident to the performance of pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI); (5) As a *broker of general commodities* (except household goods), between points in the U.S.; and (6) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Note.— Because this application in Part (6) includes issues subject to a finding of public convenience and necessity, as well as fitness only, in Parts 1 through 5 it will be published in two volumes of this Federal Register issue. Parts 1 through 5 will be published in VOL 111. Part 6 will be published in VOL 114.

Volume No. OP4–110

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 1646 (Sub-15), filed February 18, 1983. Applicant: W. D. KIBLER TRUCKING, INC., 60 S. State Ave., Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 632–7373. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Universal Flavor Corporation, of Indianapolis, IN.

MC 119637 (Sub-30), filed February 22, 1983. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois, Memphis, TN 38106. Representative: Ralph D. Golden, Suite 2348, 100HN. Main, Memphis, TN 38103, 1 (901) 526–1122. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 127346 (Sub-11), filed February 15, 1983. Applicant: HALL'S FAST MOTOR FREIGHT, INC., 330 Oak Tree Ave., So. Plainfield, NJ 07080. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Jaypack Crating & Distribution, Inc. of So. Plainfield, NJ.

MC 144447 (Sub-2), filed February 18, 1983. Applicant: TREXLER TRUCKING, INC., Rt. 1, Box 536, Gold Hill, NC 28071. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *building materials and supplies*, between points in Cabarrus, Davidson, Forsyth, Guilford, Mecklenburg, Rowan, and Surry Counties, NC, on the one hand, and, on the other, points in VA, SC, GA, WV, KY, TN, and AL.

MC 150157 (Sub-7), filed February 15, 1983. Applicant: REGENCY MOTOR FREIGHT, INC., 28600 Van Born Rd., Dearborn Heights, MI 48125. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 292–4370. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 151516 (Sub-8), filed February 15, 1983. Applicant: JOSEPH W. HYDE d.b.a. H.D. DELIVERY SERVICE, P.O. Box 1288, Ogden, UT 84402. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in WA, OR, CA, NV, AZ, NM, UT, WY, CO, MT, and ID.

MC 151886 (Sub-2), filed February 11, 1983. Applicant: BERGER TRANSPORT, INC., 3856 Knapp St. Rd., Oshkosh, WI 54901. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Marathon Petroleum Company, of Findlay, OH.

MC 161466, filed February 11, 1983. Applicant: RODNEY AND RANDALL PAGE d.b.a. PAGE BROTHERS TRUCKING, R.R. 1, Box 89, DeSmet, SD 57231. Representative: A. J. Swanson, P.O. Box 1108, Sioux Falls, SD 57101, (605) 335–1777. Transporting (1) *building materials*, between points in IA, MN, ND, and SD, on the one hand, and, on the other, points in CA, IA, ID, IL, IN, MN, MT, OR, SD, and WA, (2) *lumber wood products*, between points MN, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, MI, MO, MT, ND, NE, OH, OK, SD, TX, UT, WI, and WY, (3) *chemicals and related products*, between points in SD, on the one hand, and, on the other, points in IA, MN, and NE, (4) *food and related products*, between points in SD, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (5) *metal products*, between points in SD, on the one hand, and, on the other, points in IA, IL, IN, MN, NE, and ND.

MC 162166, filed February 10, 1983. Applicant: O & B TRANSPORTATION, INC., 2118 S. Fern, Ontario, CA 91761. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–6107. Transporting (1) *chemicals and related products*, between points in Orange County, CA, on the one hand, and, on the other, points in OR, WA, UT, CO, AZ, KS, TX, OK and LA, and (2) *pulp, paper and related products, plastic products, lighting fixtures*, and *furniture* and *fixtures*, between points in CA, OR, WA, MT, WY, ID, UT, AZ, NM, CO and NV.

MC 164836, filed February 15, 1983. Applicant: PAUL WAGNER, d.b.a. RIVERSIDE FARMS, P.O. Box 868, Olla, LA 71465. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, (713) 898–8086. Transporting *Mercer commodities*, (1) between points in TX and LA, and (2) between points in TX and LA, on the one hand, and, on the other, points in Mobile and Baldwin Counties, AL and Oklahoma and Craig Counties, OK.

MC 165977, filed February 11, 1983. Applicant: WAYNE THYGESON, d.b.a. THYGESON TRUCKING, Middle River, MN 56737. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *such commodities* as are dealt in by distributors of food and related products, between points in MN and ND, on the one hand, and, on the other, points in the U.S. (except AK AND HI).

MC 166306, filed February 16, 1983. Applicant: G–F TRUCKING, 5711 Florin Perkins Rd. No. G, Sacramento, CA 95828. Representative: Charles J. Grant, 8308 Reed Ct., Sacramento, CA 95826, (916) 381–7570. Transporting *building materials, clay, concrete, glass or stone products*, and *cat litter*, between points in the U.S. (except AK and HI), under

continuing contract(s) with Oil Dri Corp. of America, of Chicago, IL.

MC 166317, filed February 17, 1983. Applicant: LINDA J. WIND, d.b.a. GOLDEN WIND TRUCKING COMPANY, 16585 W. 51st Ave., Golden, CO 80401. Representative: Marvin Rosenberg, 918 White Birch Land Wantagh, NY 11793, (516) 735–7659. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Inter State Express, Inc., of Brooklyn, NY.

MC 166328, filed February 17, 1983. Applicant: KENEARL, INC., d.b.a. S&S MOVING & STORAGE, 290 Central Ave., Orange, NJ 07050. Representative: Charles K. Smith (same address as applicant), (201) 678–7744. Transporting *household goods* and *office and modular furniture*, between points in NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–113

Decided: February 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 45626 (Sub-79), filed February 16, 1983. Applicant: VERMONT TRANSIT LINES, INC., 135 St. Paul St., Burlington, VT 05401. Representative: R. H. Steele, Jr., (same address as applicant), (802) 862–9671. Over regular routes, transporting *passengers*, between Portsmouth, NH and Portland, ME, over (a) Interstate Hwy 95 and (b) U.S. Hwy 1. Note: Applicant seeks to provide regular-route service in intrastate, interstate, or foreign commerce under 49 U.S.C. 10922(c)(2)(B).

MC 166337, filed February 16, 1983. Applicant: PAC-TEN, INC., Slover Ave., Fontana, CA 92335. Representative: Frederick J. Coffman, 1824 N. Kelly Ave., P.O. Box 1455, Upland, CA 91786, (714) 981–9981.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, OK, TX, NM, AZ, NV, CO, OR, WA, and UT, under continuing contract(s) with Nutro, Inc., of City of Industry, CA, and Haley Bros., Inc., of Los Angeles, CA.

MC 166346, filed February 16, 1983. Applicant: PEGASUS HORSE TRANSPORTATION, INC., P.O. Box 163, Isanti, MN 55040. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55113, (612) 542–1121. Transporting *horses*, other than ordinary, between points in the U.S. (except AK and HI).

MC 166347, filed February 18, 1983. Applicant: TANDEM TRANSPORT, INC., 2611 S. 5th St., Milwaukee, WI 53207. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MD, MI, MN, MO, NY, NC, OH, PA, TN, VA, WV, and DC.

[FR Doc. 83–6619 Filed 3–7–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–063

Decided: February 25, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166052, filed February 2, 1983. Applicant: H. WILLIAMS BUS RENTAL AND TOURS, 400 Bagley St., Detroit, MI 48226. Representative: Robert J. Brooks, 1828 L St. NW., Suite 1111, Washington, D.C. 20036, (202) 466–3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–68

Decided: February 27, 1983.

By the Commission, Review Borad No. 2, Members Carleton, Williams, and Ewing.

MC 150844 (Sub-4), filed February 3, 1983. Applicant: WILLIAM J. KLEIN, P.O. Box 334, Douglassville, PA 19518. Representative: Nicholas R. Chimicles, 110 Montgomery Ave., Bala Cynwyd, PA 19004, (215) 667–1700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 158365 (Sub-2), filed February 7, 1983. Applicant: J & J SERVICE, INC., 122 W. Central Ave., Lake Wales, FL 33853. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–2661. Transporting, for or on behalf of the United States Government, general commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166135, filed February 8, 1983. Applicant: TERRENCE L. COMBS AND TYRUS R. BAYLE, d.b.a. T. AND T. LEASING, 215 Main Street, Wattsburg, PA 16442. Representative: Ida M. Combs, 14400 Main Box 233, Wattsburg, PA 16442, (814) 739–2610. Transporting (1) for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *food and other edible products and byproducts intended for human consumption*, (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle in such vehicle, between points in the U.S.

Volume No. OP3–70

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 114535 (Sub-4), filed February 11, 1983. Applicant: ZANETTI BUS & FAST EXPRESS, INC., P.O. Box 846, Rock Springs, WY 82901. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 121805 (Sub-19), filed February 8, 1983. APPLICANT: ARKANSAS FREIGHTWAYS, INC., 401 W. Stephenson Ave., P.O. Box A, Harrison, AR 72601. Representative: William P. Jackson, 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities*, between Sheridan, AR, on the one hand, and, on the other points in the U.S. (except AK and HI). Condition: The Certificate to be issued to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its date of issuance, subject to extension upon appropriate petition.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 165945, filed February 11, 1983. APPLICANT: MID–KANSAS BUS SERVICE, INC., Route 2, Newton, KS 67114. Representative: William B. Barber, P.O. Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *passengers*, in special and charter operations, between in points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166154, filed February 8, 1983. APPLICANT: JOSEPH E. LACIOFOLI, JR., 15 Ellen Circle, Old Bridge, NJ 08857. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. (201) 234–0301. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166206, filed February 10 1983. APPLICANT: BRIANT L. CAPPS, d.b.a. BRIANT L. CAPPS TRUCKING, 628 Balfor Court, Virginia Beach, VA 23462. Representative: Frank L. Willard, First Merchants National Bank Bldg., Suite 1001, Norfolk, Va 23510, (804) 627–0070. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, betweens points in the U.S. (except AK and HI).

MC 166214, filed February 10, 1983. APPLICANT: TAILGATE BUS CO., INC., 1522 K St. N.W., Suite 400, Washington, DC 20005. Representative: Larry Williams (same address as applicant), (202) 789–2909. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166215, filed February 10, 1983. Applicant: COLT INTERMODAL INC., P.O. Box 22694, Wellshire Sta., 6775 E. Evans Ave., Denver, CO 80222. Representative: Louis A. Harris, Burlington Northern Inc., 1111 Third Ave., Seattle, WA 98101, (206) 625–6766. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166234, filed February 14, 1983. Applicant: JAY W. NEW, d.b.a. JAY'S TRANSPORT, 6715 Brandt Rd., Carroll, OH 43112. Representative: Jay W. New (same address as applicant), (614) 756–4478. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural and limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 166244, filed February 11, 1983. Applicant: R. J. HORTON, d.b.a. R. J. HORTON TRUCKING, 4287 Reona Ave., Sumter, SC 29150. Representative: Anthony L. Keenan, 1385 Iris Dr., Conyers, GA 30208, (800) 241–3666. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166305, filed February 15, 1983. Applicant: LEVY SCHOOL BUS COMPANY, 114 East Broad St., Trumbauersville, PA 18970. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107, (215) 536–4567. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–111

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 12957 (Sub-3), filed February 17, 1983. Applicant: AL'S TOURS, LTD., 301 Sovereign Court, Prospect Center, Suite 203C, Manchester, MO 63011. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421–0845. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 35477 (Sub-4), filed February 23, 1983. Applicant: NAVA-HOPI TOURS, INC., P.O. Box 339, Flagstaff, AZ 86002. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (602) 774–5003. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 106187 (Sub-5), filed February 18, 1983. Applicant: THE FREE ENTERPRISE SYSTEM, INC., 2101 Hamburg Pike, Jeffersonville, IN 47130. Representative: Allison J. Maggiolo, 2556 First National Tower, Louisville, KY 40202, (502) 589–4100. Transporting *passengers*, in charter and special operations, between points in the U.S. (Except HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 125057 (Sub-3), filed February 17, 1983. Applicant: ANTELOPE VALLEY BUS, INC., 660 W Avenue L, Lancaster, CA 93534. Representative: James A. Carter (same address as applicant), (805) 948–8421. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 144906 (Sub-6), filed February 22, 1983. Applicant: NORTH OPERATING COMPANY, 39 Little Brook Rd., Springfield, NJ 07081. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (201) 354–3529. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 150346 (Sub-2), filed February 16, 1983. Applicant: TRANS-CAL TOURS, INC., 70 Dorman Ave., Suite 3, San Francisco, CA 94124. Representative: Michael J. Stecher, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter or special transportation.

MC 153966 (Sub-2), filed February 16, 1983. Applicant: SEAPORT COACH, INC, 2 Dennison Ave., Mystic, CT 06355. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting (1) *passengers*, in charter and special operations, between points in the U.S., and (2) shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation in (1) above.

MC 166286, filed February 15, 1983. Applicant: REFRIGERATED FOOD TRANSPORT, INC., 28090 Robinson Canyon Rd., Carmel, CA 93923. Representative: Lawrence Marquette P.O. Box 629, Carmel Valley, CA 93924, (408) 625–2031. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; (3) *food and other edible products and byproducts intended for human consumption* (except alcholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle; (4) *used household goods* for the account of the United States Government incident to the performance of pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI); (5) As a *broker of general commodities* (except household goods), between points in the U.S.; and (6) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

Note.—Because this application in Part (6) includes issues subject to a finding of public convenience and necessity, as well as fitness only, in parts 1 through 5, it will be published in two volumes of this **Federal Register** issue. Parts 1 through 5 will be published in Vol. No. III. Part 6 will be published in Vol. No. 114.

MC 166357, filed February 22, 1983. Applicant: JAMES W. STEVENS, Box 832, Winona, MN 55987. Representative: James W. Stevens (same address as applicant) (507) 452–2045. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, between points in the U.S. (except AK and HI).

MC 166366, filed February 23, 1983. Applicant: FAMILY BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755–9500. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83–5818 Filed 3–7–83; 8:45 am]
BILLING CODE 7035–01–M

[No. MC–F–15070]

Motor Carriers; Robin Express Transfer, Inc.—Purchase Exemption—Drum Transportation Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1) *Procedures—Handling Exemptions Filed by Motor Carriers*, 363 I.C.C. 113 (1982), Robin Express Transfer, Inc. (Robin), a non-carrier, and Drum Transportation Company (Drum) (MC–136381) seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition by Robin of all of Drum's operating rights. Russell L. Siegel and his wife, own all of Robin's stock. Russell Siegel also owns one-third of the stock of Siegel Transfer, Inc. (MC–154722).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101

Comments should refer to No. MC–F–15070.

FOR FURTHER INFORMATION CONTACT: Joyce Lannon, (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In

the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 2, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6021 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15130; OP4F-115]

Motor Carriers; Transx LTD.—Control Exemption—P.M.E., L.T.D.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 363 I.C.C. 113 (1982), Transx Ltd. (MC-153367); and P.M.E. Ltd. (MC-14537); seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition by Transx of all of the outstanding stock of P.M.E. Shelmar International, Inc. owns all the outstanding shares of P.M.E.

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423,

and

(2) Petitioner's representative, Robert L. Cope, 1730 M Street, NW., Washington, D.C. 20036

Comments should refer to No. MC-F-15130.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 2, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6020 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 347, Sub-1]

Rail Carriers; Coal Rate Guidelines; Nationwide

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to prepare an environmental impact statement and statement of energy impact and proposed scope.

SUMMARY: On May 17, 1978 (43 FR 22151), the Commission instituted a proceeding in Ex Parte No. 347, the purpose of which was to establish freight rate guidelines for railroad movements of western coal. The scope of that proceeding subsequently was expanded to include nationwide coal freight rates. Recently, the Commission issued for this proceeding a revised notice of proposed policy (48 FR 6362, February 28, 1983), which should be read in conjunction with this notice. It has been determined that this proceeding could have potentially significant impacts on the quality of the human environment and energy efficency and consumption. Accordingly, consistent with applicable provisions of the National Environmental Policy Act of 1969, and the Energy Policy and Conservation Act of 1975, an environmental impact statement and statement of energy impact will be prepared.

Comments: Interested persons are encouraged to comment in writing on the proposed scope of the study (see "SUPPLEMENTARY INFORMATION," below), particularly for the purpose of identifying and/or refining pertinent issues. Written comments should be mailed to: Section of Energy and Environment, Room 4143, Interstate Commerce Commission, 12th Street and Constitution Ave., NW., Washington, D.C. 20423.

DATES: Written comments should be filed at the above address on or before April 7, 1983.

FOR FURTHER INFORMATION CONTACT: Carl Bausch or Robert Maestro at (202) 275-0600.

SUPPLEMENTARY INFORMATION: We have determined that the establishment of new maximum rate guidelines may have potentially significant impacts on the environment if rail rates for coal increase to a point where electric-generating utilities shift to other transportation modes or alternative fuels, or delay or cancel conversions to coal-fired plants. For example, the utilities might:

(a) Employ for the movement of needed coal other transportation modes, such as barge, truck or coal slurry pipeline;

(b) Rely to a greater extent on fuel sources other than coal, such as nuclear power;

(c) Build, delay, or cancel new generating facilities, or purchase power from elsewhere;

(d) Convert or delay conversion to coal-fired generating facilities; and

(e) Purchase coal from sources closer to generating facilities or from foreign markets.

Such decisions might affect environmentally sensitive areas, including air quality, safety, noise levels, energy consumption, wildlife, and water quality in major geographic regions of the United States. Accordingly, we believe it necessary to study further (and receive public comments on) exactly what impact our proposed coal rate guidelines will have on energy and the environment. Furthermore, we will examine and hope to receive suggestions on how to minimize any adverse effects.

The environmental document envisioned here will address the likely impacts of the Commission's action under various rate-level scenarios. A no-action alternative, as well as the effects of phasing to different rate levels, also will be examined. The study will focus on effects within the electric-generating utility industry only, since that industry, for which sufficient data exists, may be most substantially affected. Additionally, the document will consider the effect of the proposed action on potential overseas demand for domestic coal.

The analysis will not be site-specific, nor can it be. To a large extent, any impacts will result from changes brought about by electric-generating utilities' responses to this proceeding. While such responses cannot be known in advance, they may be fairly predicted with the assistance of computer models which will be used in this study.

Models presently contemplated for use in this study include the Department of Energy's International Coal Trade Model, Coal Supply and Transportation Model, and Intermediate Forecast System Model. Each of these models will be used to simulate annual coal freight rate increases of 5, 10, and 15 percent over time. Additionally, the models will be used to simulate immediate coal freight rate increases of 50, 75, 100, and 150 percent for purposes of projecting environmental impacts in 1990 and beyond.

It is anticipated that these models will produce, among other things, estimates of regional coal production, modal

transportation shifts, and the quantity and quality of coal consumed. They also will estimate the United States' market share of world coal shipments. Incremental changes in data for each model run will provide the bases for projections of environmental impacts associated with alternative rate scenarios.[1]

There are undoubtedly other computer models which, for proprietary or other reasons, cannot be made available to us. Nevertheless, we would welcome the submission, at the earliest practicable time, of concisely documented predictive data from such models. Model runs should be based on input substantially similar to that outlined above. Any data submitted should fully explain deviations and also include an explanation of the major assumptions contained in each model.

Comments are solicited, particularly with respect to the following:

(1) Specifically, what environmental and energy impacts will arise from the proposed action?

(2) Are there any ways to minimize any potentially significant adverse impacts on energy and the environment, assuming that the proposed coal rate guidelines are adopted?

(3) Are there realistic alternatives to the proposed action (*e.g.*, a different phase-in) which would mitigate adverse environmental and energy impacts while assisting the railroads to attain revenue adequacy?

(4) Is there another reasonable analytical approach better suited to predicting environmental and energy impacts associated with the proposed action? Please be specific.

(5) What are the most reliable data sources for purposes of developing quantifiable environmental and energy impacts associated with (a) movement of coal by rail and by alternative transportation modes, and (b) use of coal and use of alternative fuels?

(6) Is the importation of foreign coal by the electric-generating utility industry a realistic utility response to increases in the delivered price of domestic coal? What magnitude of delivered price increases might prompt importation?

(7) Are there perceptible market constraints which would limit the percentage increases in coal freight rates irrespective of the percentage increases authorized by the proposed action? Please identify and explain. How might the existence of any such constraints affect electric-generating utility industry responses?

(8) Is eastern coal technologically and economically substitutable for western coal in existing coal-burning electric-generating facilities? Could widespread substitution of eastern coal for western coal be accomplished within the framework of existing air quality standards? To what extent might the upper limits of such standards be approached? Please supply relevant data.

(9) What are the comparative environmental impacts of nuclear versus coal-fired electric generation when considered in the context of their respective fuel cycles? Please supply relevant data.

(10) How might the proposed action and alternatives affect other important considerations such as tax initiatives or incentives, export coal policy, and the like?

Decided: February 15, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-5816 Filed 3-7-83; 8:45 am]

BILLING CODE 7035-01-M

[1] These models will likely overestimate the energy and environmental impacts of our proposed rate policy because they predict how coal markets would respond to specified *average* increases in coal transportation rates. Our proposed policy does not, however, require carriers to increase rail rates to each shipper by the specified average; rather, it permits differential rate increases based on the carriers' estimate of individual utilities' demand elasticities. We request comments on the significance of the potential overestimates which result from use of these models, and on how best to compensate for them.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.201]

Mission Directors and A.I.D. Principal Officers, Africa; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1, from the Assistant to the Administrator for Management dated May 1, 1973 (38 FR 12836), as amended, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers for the following countries the authorities listed below:

Countries

Benin
Botswana
Burundi
Cameroon
Cape Verde
Central Africa Republic
Chad
Comoros
Congo
Djibouti
Ethiopia
The Gambia
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Mauritius
Mozambique
Niger
Nigeria
Principe
Rwanda
Sao Tome
Senegal
Seychelles
Sierra Leone
Somalia
Sudan
Swaziland
Tanzania
Togo
Uganda
Upper Volta
Zaire
Zambia
Zimbabwe

Authorities

1. To sign U.S. Government contracts (including nonpersonal services contracts with individuals for the services of the individual alone), cooperative agreements, grants (other than grants to foreign governments or agencies thereof), or amendments thereto provided that the aggregate amount of each individual contract, cooperative agreement, or grant does not exceed $100,000 or local currency equivalent.

2. To sign personal services contracts provided the aggregate amount of each individual contract does not exceed $250,000.

3. To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, cooperative agreement, and grant provisions relating to such advance payments.

4. To approve advances under nonpersonal services contracts with individuals.

5. To sign Operational Program Grants (OPGs) to U.S. private voluntary organizations (PVOs), as defined in Appendix 4B, Chapter 4, AID Handbook 3, *Project Assistance,* and in accordance with the procedures of Chapter 4, AID Handbook 13, *Grants,* on the following basis:

(a) Such OPG's shall not exceed $1,000,000 for the life of project;

(b) Each OPG shall constitute assistance; and

(c) The post must be advised by AID/W, prior to signing the OPG that Congress has been notified and funds have been allotted;

(d) The requirements set out above are in addition to any requirements imposed by Redelegation of Authority 133.4 and Africa Bureau Delegation of Authority 140.

The authorities delegated in 1, 2, and 3 above may be redelegated in writing, in whole or in part, by said Mission Director or AID Principal Officer at his/

her discretion to the person or persons designated by the Mission Director or AID Principal Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the Mission Director or AID Principal Officer, whichever shall first occur. The authority so redelegated by the Mission Director or AID Principal Officer, may not be further redelegated.

The authorities delegated in 4 and 5 above are not redelegable.

The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and are not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authorities herein redelegated may be exercised by duly authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The following Redelegations of Authority are hereby revoked:

1. Redelegation of Authority No. 99.1.10 (38 FR 27627), dated October 1, 1973, as amended.
2. Redelegation of Authority No. 99.1.11 (38 FR 27627), dated October 1, 1973, as amended.
3. Redelegation of Authority No. 99.1.12 (38 FR 27627), dated October 1, 1973, as amended.
4. Redelegation of Authority No. 99.1.28 (38 FR 29096 and 29097), dated October 1, 1973, as amended.
5. Redelegation of Authority No. 99.1.52 (38 FR 29095 and 29096), dated October 1, 1973, as amended.
6. Redelegation of Authority No. 99.1.54 (38 FR 29096), dated October 1, 1973, as amended.
7. Redelegation of Authority No. 99.1.57 (39 FR 41287), dated Nobember 11, 1974, as amended.
8. Redelegation of Authority No. 99.1.58 (39 FR 41287), dated November 11, 1974, as amended.
9. Redelegation of Authority No. 99.1.59 (39 FR 41287), dated November 11, 1974, as amended.
10. Redelegation of Authority No. 99.1.60 (39 FR 41286), dated November 11, 1974, as amended.
11. Redelegation of Authority No. 99.1.61 (39 FR 41287), dated November 11, 1974, as amended.
12. Redelegation of Authority No. 99.1.62 (39 FR 41286), dated November 11, 1974, as amended.
13. Redelegation of Authority No. 99.1.63 (39 FR 41286), dated November 11, 1974, as amended.
14. Redelegation of Authority No. 99.1.94 (42 FR 66194), dated November 22, 1977, as amended.
15. Redelegation of Authority No. 99.1.99 (43 FR 34856), dated July 27, 1978, as amended.
16. Redelegation of Authority No. 99.1.100 (43 FR 34856), dated July 27, 1978, as amended.
17. Redelegation of Authority No. 99.1.102 (43 FR 51887), dated October 1, 1978, as amended.
18. Redelegation of Authority No. 99.1.103 (43 FR 51886), dated October 1, 1978, as amended.
19. Redelegation of Authority No. 99.1.104 (43 FR 51887), October 1, 1978, as amended.
20. Redelegation of Authority No. 99.1.109 (45 FR 9141), dated November 15, 1979, as amended.
21. Redelegation of Authority No. 99.1.110 (45 FR 9140 and 9141), dated November 15, 1979, as amended.
22. Redelegation of Authority No. 99.1.111 (45 FR 9140), dated November 15, 1979, as amended.
23. Redelegation of Authority No. 99.1.112 (45 FR 6187 and 6188), dated January 4, 1980, as amended.
24. Redelegation of Authority No. 99.1.113 (45 FR 14719 and 14720), dated February 15, 1980, as amended.
25. Redelegation of Authority No. 99.1.116 (46 FR 2408 and 2409), dated December 3, 1980, as amended.
26. Redelegation of Authority No. 99.1.117 (46 FR 2409), dated September 19, 1979, as amended.
27. Redelegation of Authority No. 99.1.118 (46 FR 2408), dated December 3, 1980, as amended.
28. Redelegation of Authority No. 99.1.96 (43 FR 52569), dated November 1, 1978, as amended.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This redelegation of authority is effective on date of signature.

Dated: February 17, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-5738 Filed 3-4-83; 8:45 am]
BILLING CODE 8116-01-M

[Redelegation of Authority No. 99.1.200]

Mission Directors and A.I.D. Principal Officers, Asia; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1, from the Assistant to the Administrator for Management dated May 1, 1973 (38 FR 12830), as amended, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the following countries the authorities listed below:

Countries

Bangladesh	India
Burma	Sri Lanka
Fiji	Thailand

Authorities

1. To sign U.S. Government contracts (including nonpersonal service contracts with individuals for the services of the individual alone), cooperative agreements, grants (other than grants to foreign governments or agencies thereof), or amendments thereto provided that the aggregate amount of each individual contract, cooperative agreement, or grant does not exceed $100,000 or local currency equivalent.

2. To sign personal services contracts provided the aggregate amount of each individual contract does not exceed $250,000.

3. To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve contract, cooperative agreement, and grant provisions relating to such advance payments.

4. To approve advances under nonpersonal services contracts with individuals.

5. To sign Operational Program Grants (OPGs) to U.S. private voluntary organizations (PVOs), as defined in Appendix 4B, Chapter 4, AID Handbook 3, *Project Assistance*, and in accordance with the procedures of Chapter 4, AID Handbook 13, *Grants*, on the following basis:

(a) Such OPG's shall not exceed $1,000,000 for the life of project;

(b) Each OPG shall constitute assistance; and

(c) The post must be advised by AID/W, prior to signing the OPG that Congress has been notified and funds have been allotted.

The authorities delegated in 1, 2, and 3 above may be redelegated in writing, in

whole or inpart, by said Mission Director or A.I.D. Principal Officer at his/her discretion to the person or persons designated by the Mission Director or A.I.D. Principal Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the Mission Director or A.I.D. Principal Officer, whichever shall first occur. The authority so redelegated by the Mission Director or A.I.D. Principal Officer, may not be further redelegated.

The authorities delegated in 4 and 5 above are not redelegable.

The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and are not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authorities herein redelegated may be exercised by duly authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The following Redelegations of Authority are hereby revoked:

1. Redelegation of Authority No. 99.1.15 (38 FR 29338), dated October 1, 1973, as amended.
2. Redelegation of Authority No. 99.1.22 (38 FR 27849), dated October 1, 1973, as amended.
3. Redelegation of Authority No. 99.1.65 (40 FR 2596), dated January 14, 1975, as amended.
4. Redelegation of Authority No. 99.1.73 (40 FR 45452), dated September 19, 1975, as amended.
5. Redelegation of Authority No. 99.1.93 (42 FR 64165), dated November 22, 1977, as amended.
6. Redelegation of Authority No. 99.1.108 (44 FR 45275), dated July 20, 1979, as amended.
7. Redelegation of Authority No. 99.1.95 (43 FR 24927 and 24928), dated May 26, 1978, as amended.
8. Redelegation of Authority No. 99.1.106 (44 FR 2051), dated December 18, 1978, as amended.
9. Redelegation of Authority No. 99.1.21 (38 FR 27849), dated October 1, 1973, as amended.
10. Redelegation of Authority No. 99.1.101 dated September 18, 1978, as amended.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This redelegation of authority is effective on date of signature.

Dated February 23, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-6722 Filed 3-4-83; 8:45 am]

BILLING CODE 8116-01-M

[Redelegation of Authority No. 99.1.202]

Mission Directors and A.I.D. Principal Officers, Latin America/Caribbean; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1, from the assistant to the Administrator for Management dated May 1, 1973 (38 FR 12836), as amended, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the following countries or for the following regional programs the authorities listed below:

Countries

Belize
Bolivia
Costa Rica
Dominican Republic
Ecuador
El Salvador
Guatemala
Guyana
Haiti
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Regional Development Office for the Caribbean
Regional Office of Central American Programs/Guatemala

Authorities:

1. To sign U.S. Government contracts (including nonpersonal service contracts with individuals for the services of the individual alone), cooperative agreements, grants (other than grants to foreign governments or agencies thereof), or amendments thereto provided that the aggregate amount of each individual contract, cooperative agreement, or grant does not exceed $100,000 or local currency equivalent.
2. To sign personal services contracts provided the aggregate amount of each individual contract does not exceed $250,000.
3. To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, cooperative agreement, and grant provisions relating to such advances payments.
4. To approve advances under nonpersonal services contracts with individuals.
5. To sign Operational Program Grants (OPGs) to U.S. private voluntary organizations (POVs), as defined in Appendix 4B, Chapter 4, AID Handbook 3, *Project Assistance*, and in accordance with the procedures of Chapter 4, AID Handbook 13, *Grants*, on the following basis:

(a) Such OPG's shall not exceed $1,000,000 for the life of project;

(b) Each OPG shall constitute assistance; and

(c) The post must be advised by AID/W, prior to signing the OPG that Congress has been notified and funds have been allotted.

The authorities delegated in 1, 2, and 3, above may be redelegated in writing, in whole or in part, by said Mission Director or A.I.D. Principal Officer at his/her discretion to the person or persons designated by the Mission Director or A.I.D. Principal Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the Mission Director or A.I.D. Principal Officer, whichever shall first occur. The authority so redelegated by the Mission Director or A.I.D. Principal Officer, may not be further redelegated.

The authorities delegated in 4 and 5 above are not redelegable.

The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D. and are not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authorities herein redelegated may be exercised by duly authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The following Redelegations of Authority are hereby revoked:

1. Redelegation of Authority No. 99.1.20 (38 FR 27848), dated October 1, 1973, as amended.
2. Redelegation of Authority No. 99.1.29 (38 FR 29096), dated October 1, 1973, as amended.
3. Redelegation of Authority No. 99.1.31 (38 FR 29095), dated October 1, 1973, as amended.
4. Redelegation of Authority No. 99.1.34 (38 FR 29094), dated October 1, 1973, as amended.

5. Redelegation of Authority No. 99.1.35 (38 FR 28852), dated October 1, 1973, as amended.

6. Redelegation of Authority No. 99.1.37 (38 FR 29236), dated October 1, 1973, as amended.

7. Redelegation of Authority No. 99.1.38 (38 FR 28851), dated October 1, 1973, as amended.

8. Redelegation of Authority No. 99.1.39 (38 FR 29236), dated October 1, 1973, as amended.

9. Redelegation of Authority No. 99.1.40 (38 FR 29499), dated October 1, 1973, as amended.

10. Redelegation of Authority No. 99.1.41 (38 FR 29236), dated October 1, 1973, as amended.

11. Redelegation of Authority No. 99.1.42 (38 FR 29499), dated October 1, 1973, as amended.

12. Redelegation of Authority No. 99.1.43 (38 FR 29499), dated October 1, 1973, as amended.

13. Redelegation of Authority No. 99.1.44 (38 FR 29237), dated October 1, 1973, as amended.

14. Redelegation of Authority No. 99.1.45 (38 FR 29237), dated October 1, 1973, as amended.

15. Redelegation of Authority No. 99.1.46 (38 FR 29237), dated October 1, 1973, as amended.

16. Redelegation of Authority No. 99.1.47 (38 FR 29500), dated October 1, 1973, as amended.

17. Redelegation of Authority No. 99.1.48 (38 FR 29237 and 29238), dated October 1, 1973, as amended.

18. Redelegation of Authority No. 99.1.49 (38 FR 29498), dated October 1, 1973, as amended.

19. Redelegation of Authority No. 99.1.77 (41 FR 15678), dated April 5, 1976, as amended.

20. Redelegation of Authority No. 99.1.80 (41 FR 36044), dated August 19, 1976, as amended.

21. Redelegation of Authority No. 99.1.92 (42 FR 64164 and 64165), dated October 1, 1977, as amended.

22. Redelegation of Authority No. 99.1.95 (43 FR 24927 and 24928), dated May 26, 1978, as amended.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This redelegation of authority is effective on date of signature.

Dated: February 23, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-6734 Filed 3-4-83; 8:45 am]

BILLING CODE 8116-01-M

[Redelegation of Authority No. 99.1.203]

Mission directors and A.I.D. Principal Officers, Near East; Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1, from the assistant to the Administrator for Management dated May 1, 1973 (38 FR 12836), as amended, I hereby redelegate to the Mission Directors or A.I.D. Principal Officers in the following countries the authorities listed below:

Countries

Italy	Oman
Jordan	Portugal
Lebanon	Syria
Morocco	Tunisia
	Yemen

Authorities

1. To sign U.S. Government contracts (including nonpersonal service contracts with individuals for the services of the individual alone), cooperative agreements, grants (other than grants to foreign governments or agencies thereof), or amendments thereto provided that the aggregate amount of each individual contract, cooperative agreement, or grant does not exceed $100,000 or local currency equivalent.

2. To sign personal services contracts provided the aggregate amount of each individaul contract does not exceed $250,000.

3. To make findings and determinations with respect to advance payments to nonprofit organizations that collect no fee for services including those financed by Federal Reserve letters of credit, and to approve the contract, cooperative agreement, and grant provisions relating to such advance payments.

4. To approve advances under nonpersonal services contracts with individuals.

5. To sign Operational Program Grants (OPGs) to U.S. private voluntary organizations (PVOs), as defined in Appendix 4B, Chapter 4, AID Handbook 3, *Project Assistance*, and in accordance with the procedures of Chapter 4, AID Handbook 13, *Grants*, on the following basis:

(a) Such OPG's shall not exceed $1,000,000 for the life of project;

(b) Each OPG shall constitute assistance; and

(c) The post must be advised by AID/W, prior to signing the OPG that Congress has been notified and funds have been allotted.

The authorities delegated in 1, 2, and 3 above may be redelegated in writing, in whole or in part, by said Mission Director or A.I.D. Principal Officer at his/her discretion to the person or persons designated by the Mission Director or A.I.D. Principal Officer as Contracting Officer. Such redelegation shall remain in effect until such designated person or persons ceases to hold the office of Contracting Officer or until the redelegation is revoked by the Mission Director or A.I.D. Principal Officer, whichever shall first occur. The authority so redelegated by the Mission Director or A.I.D. Principal Officer, may not be further redelegated.

The authorities delegated in 4 and 5 above are not redelegable.

The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies established or modified and promulgated within A.I.D and are not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authorities herein redelegated may be exercised by duly authorized persons who are performing the functions of the Mission Director or A.I.D. Principal Officer in an acting capacity.

The following Redelegations of Authority are hereby revoked:

1. Redelegation of Authority No. 99.1.26 (38 FR 29097), dated October 1, 1973, as amended.

2. Redelegation of Authority No. 99.1.51 (38 FR 29095), dated October 1, 1973, as amended.

3. Redelegation of Authority No. 99.1.53 (38 FR 29096), dated October 1, 1973, as amended.

4. Redelegation of Authority No. 99.1.67 (40 FR 12296), dated March 1, 1975, as amended.

5. Redelegation of Authority No. 99.1.68 (40 FR 25077), dated June 1, 1975, as amended.

6. Redelegation of Authority No. 99.1.70 (40 FR 19852 and 19853), dated April 30, 1975, as amended.

7. Redelegation of Authority No. 99.1.90 (43 FR 43468), dated August 13, 1977, as amended.

8. Redelegation of Authority No. 99.1.115 (45 FR 73186), dated October 17, 1980, as amended.

9. Redelegation of Authority No. 99.1.119 (46 FR 28673), dated April 24, 1981, as amended.

10. Redelegation of Authority No. 99.1.95 (43 FR 24927 and 24928), dated May 16, 1978, as amended.

Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

This redelegation of authority is effective on date of signature.

Dated: February 23, 1983.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 83-5736 Filed 3-4-83; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

March 3, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) an estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312.

New

(Not Previously Approved or Expired More Than 6 Months Ago)

- Bureau of Justice Statistics

Department of Justice
Survey of Inmates of Local Jails
Nonrecurring
Individuals or households
Inmates in local jails: 5,800 responses; 4,350 hours; not applicable under 3504(h)
David Reed—395-7231

Extension (Adjustment to Burden Only)

- Immigration and Naturalization Service

Alien Crewman's Landing Permit
On occasion
Individuals or households
Alien Crewmen entering the United States; 300,000 responses; 25,000 hours; not applicable under 3504(h)
David Reed, 395-7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Techology, Justice Management Division, Department of Justice.

[FR Doc. 83-5843 Filed 3-7-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

Correction

In FR Doc. 83-3234 appearing on page 5823 in the issue of Tuesday, February 8, 1983, make the following correction in column two. Under the heading "Additions to the Annual List of Labor Surplus Areas" the entry for Ohio should appear as follows:

Labor surplus area	Civil jurisdiction included
Ohio	
Darke County	Darke County.
Balance of Stark County	Stark County less Canton City.

BILLING CODE 1505-01-M

[Employment and Training Order No. 1-83]

Designation of Certifying Officers—Worker Adjustment Assistance

1. *Purpose.* To designate certifying officers to carry out functions required under the worker adjustment assistance provisions of the Trade Act of 1974 (29 CFR Part 90).

2. *Directives Affected.* Employment and Training Orders No. 2-81 and 2-82 are superseded.

3. *Background.* Persons designated as certifying officers are assigned responsibilities under 29 CFR Part 90; this includes the authority to determine eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974 (19 U.S.C. 2273).

Under Secretary's Order No. 3-81, all worker adjustment assistance functions of the Secretary of Labor were delegated to the Assistant Secretary for Employment and Training, including the authority to determine eligibility of groups of workers to apply for adjustment assistance.

4. *Designation of Officials.* Officials of the Employment and Training Administration designated as certifying officials are:

a. Assistant Secretary for Employment and Training
b. Associate Assistant Secretary for Employment and Training
c. Administrator, Office of Employment Security
d. Director, Unemployment Insurance Service, UIS
e. Director, Office of Program Management, UIS
f. Deputy Director, Office of Program Management, UIS
g. Director, Office of Legislation and Actuarial Services, UIS
h. Deputy Director, Office of Legislation and Actuarial Services, UIS

5. *Effective Date.* This Order is effective on March 8, 1983.

Signed at Washington, D.C., this 22nd day of February 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-5670 Filed 3-7-83; 8:45 am]

BILLING CODE 4510-30-M

Federal Supplemental Compensation; Change 1 to General Administration; Letter No. 2-83

Section 544 of the Surface Transportation Assistance Act of 1982 of (Pub. L. 97-424) amended the Federal Supplemental Compensation (FSC) Act of 1982 by increasing the maximum amount of FSC payable in all States. The Technical Corrections Act of 1982

(Pub L. 97–448) amended the FSC Act to specify that interstate claimants are entitled to the lesser amount of FSC payable in the agent or liable State. The Department of Labor issued implementing instructions to all State employment security agencies with Change 1 to General Administration Letter Number 2–83. Change 1 is published below.

Dated: March 2, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Dated: February 17, 1983
Expiration Date: November 30, 1983
Directive: General Administration Letter No. 2–83, Change 1
To: All State Employment security Agencies
From: Royal S. Dellinger, Acting Administrator for Regional Management
Subject: Federal Supplemental Compensation

1. *Purpose.* To provide instructions for amendments made to the Federal Supplemental Compensation Act of 1982 by Section 544 of the Highway Revenue Act of 1982, title V of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424) and by the Technical Corrections Act of 1982 (Pub. L. 97–448).

2. *References.* The Highway Revenue Act of 1982, the Technical Corrections Act of 1982, Pub. L. 97–248, UIPL 14–81, GAL 21–81, GAL 22–81, GAL 2–83, FL 9–82, RAL 2–82; the Federal-State Extended Unemployment Compensation Act, as amended; 20 CFR Part 615.

3. *Background.* GAL 2–83 provided instructions for implementing the FSC program in all States. Under this Act, eligible workers receive 50 percent of their entitlement to regular benefits up to a maximum of 6 or 8 weeks of benefits (depending on the State's insured unemployment rate), or 10 weeks of benefits in States if an extended benefit period was in effect for any week beginning on or after June 1, 1982.

Section 544 of the Highway Revenue Act of 1982 of (Pub. L. 97–424) amended the FSC Act by increasing the maximum amount of FSC payable in all States. The Technical Corrections Act (Pub. L. 97–448) amended the FSC Act to specify that interstate claimants are entitled to the lesser amount of FSC payable in the agent or liable State. No change was made in the March 31, 1983 expiration date of the FSC program.

4. *Effect of Amendments on prior issuances.* The attached instructions reflect amendments made to the FSC Act.

Instructions for implementing amendments made by the Highway Revenue Act of 1982 are effective for weeks beginning on or after January 9, 1983, and FSC claims filed for weeks beginning prior to the effective date of the amendments will be determined according to GAL 2–83, as published in the **Federal Register** on December 3, 1982.

Instructions for implementing the amendment made by the Technical Corrections Act apply to all claims for FSC, filed on or after September 12, 1982. This is because the amendment is effective as if originally included in the FSC Act.

Part II of the attachment to GAL 2–83 contains the procedures for implementing FSC. Changes to Part II of the attachment to GAL 2–83 are identified by section and subsection. Sections and subsections unchanged by this issuance will continue to apply to claims for and payment of FSC. There are no changes to Part III of GAL 2–83.

5. *Action Required.* Administrators should provide the information and instructions contained herein to the appropriate staff.

6. *Inquiries.* Direct questions to the appropriate Regional Office.

7. *Attachment.* Instructions for implementing the amendments to the Federal Supplemental Compensation Program.

[Attachment to GAL 2–83, Change 1]

Amendments to the Federal Supplemental Compensation Act of 1982—Implementing Instructions

Part I. Explanation of the Amendments

A. Amendments Made by the Highway Revenue Act of 1982

1. *Computation of Maximum FSC Benefits Payable.* The computation of the maximum FSC payable changed from 50 percent to 65 percent of the total amount of regular compensation (including dependents' allowances) payable, up to the maximum FSC payable in the State.

2. *Maximum FSC Payable.* The number of weeks of FSC payable in a State—for weeks which begin on or after January 9, 1983—increases to 10, 14, 12, 10 or 8 weeks as follows:

a. *8 Weeks.* The base level of FSC payable increased from 6 to up to 8 weeks of FSC. Eight weeks of FSC are payable in States with an extended benefit indicator rate (i.e. the most recent 13-week insured unemployment rate) of less than 3.5 percent.

b. *16 Weeks.* States in a period of "higher unemployment" pay up to 16 weeks or FSC. A period of higher unemployment begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 6.0 percent and ends the third week after the first week the State's extended benefit indicator rate drops below 6.0 percent. A "higher unemployment" period must last at least 4 weeks, and may begin as early as the first week which begins on or after January 9, 1983.

c. *14 Weeks.* States which are not in a "higher unemployment" period but were in an extended benefit period any time between June 1, 1982, and the date of enactment of the amendments pay up to 14 weeks of FSC, beginning with the first week which begins on or after January 9, 1983.

d. *12 Weeks.* States in a period of "high unemployment" or which begin an extended benefit period after the date of enactment of the amendments pay up to 12 weeks of FSC. For purposes of the amendments, a "high unemployment" period begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 4.5 percent but is less than 6.0 and ends the third week after the first week the State's extended benefit indicator rate drops below 4.5 percent. A State must stay in a period of "high unemployment" for a minimum of 4 weeks, except it can move to a period of "higher unemployment" at any time after one week in a "high unemployment" period or after the beginning of an extended benefit period. A "high unemployment" period may begin as early as the first week which begins on or after January 9, 1983.

e. *10 Weeks.* States which have not been in an extended benefit period since June 1, 1982 and which do not begin an extended benefit period during the life of the FSC program pay up to a maximum of 10 weeks of FSC if the State is in a period of "intermediate unemployment". A period of "intermediate unemployment" begins the third week after the first week the State's extended benefit indicator rate equals or exceeds 3.5 percent but is less than 4.5 percent and ends the third week after the first week the extended benefit indicator rate drops below 3.5 percent. A State must remain in a period of "intermediate unemployment" at least 4 weeks, but it can move to a period of "high" or "higher" unemployment at any time after 1 week in an "intermediate unemployment" period or it can move to a 12-week duration upon the beginning of a new extended benefit period. An "intermediate unemployment" period may begin as early as the first week which begins on or after January 9, 1983.

f. The additional weeks of FSC provided by the amendments apply solely to weeks of unemployment which

begin on or after the date of enactment of the amendments.

3. *Effect on Prior FSC Recipients.* The increase in weeks of FSC payable and the change in the computation of the maximum FSC payable apply to all future, current and prior FSC recipients including those who have exhausted their entitlement to FSC.

The amendments also contain a special rule which applies to prior exhaustees of FSC, as follows:

a. The weeks occurring after an individual has exhausted his or her entitlement to FSC and prior to the first week beginning on or after January 6, 1983, shall not be counted in determining the two-year limitation (from the end of the individual's recent benefit year) on payment of FSC, and

b. An individual's eligibility for additional weeks of FSC shall not be terminated or limited by reason of any event or failure to meet any eligibility requirement relating to unemployment compensation which occurs after the date of exhaustion of FSC and prior to the first week beginning on or after January 6, 1983.

4. *Modification of the Agreement.* The Secretary of Labor is required, as soon as practicable after enactment, to propose to each State a modification to the agreement entered into under the FSC Act to ptovide for payments of FSC according to these amendments. If a State fails to enter into the modified agreement within three weeks from the date the Secretary proposes the modification (i.e., the date of the Secretary's letter), the agreement to administer FSC will be considered terminated. The termination of the agreement would be effecitve with the end of the last week which ends on or before such three week period.

5. *Effective Date.* The amendments are effective for weeks beginning on or after the date of enactment. The first compensable week for which additional FSC benefits are payable is the first week beginning on or after January 9, 1983. For this purpose, periods of higher unempolyment, high unempolyment, and intermediate unemployment begin and end with calendar weeks, the same as with extended benefit periods. No change was made in the termination date of the FSC program which is for weeks of unemployment beginning after March 31, 1983.

B. Amendment Made by the Techical Corrections Act

1. *Interstate Claimants.* Individuals filing FSC claims on an interstate basis are entitled to the lesser of:

a. The maximum payable in the agent State; or

b. The maximum payable in the liable State.

2. *Effective Date.* This provision is effective as if it were originally included in the FSC Act.

II. Changes to Part II of the Attachment to GAL 1–83

A. Section A, "Definitions".

A new subsection 6 is added to Section A, *Definitions,* to read as follows.

6. "Amendments" mean the amendments made to the Federal Supplemental Compensation Act by the Highway Revenue Act of 1982 (Pub. L. 97–424) and the Technical Corrections Act of 1982 (Pub. L. 97–448).

B. Section B, "Beginning and Ending of the FSC Program"

A new paragraph is added to Section B, to read as follows:

The amendments in the Highway Revenue Act of 1982 require the Secretary of Labor, as soon as practicable after January 6, 1983, to propose to each State a modification to the agreement entered into under the FSC Act to provide for payments of FSC in accordance with the amendments. If a State fails to enter into the modified agreement within 3 weeks from the date of the Secretary's letter proposing a modification of the agreement, the agreement to administer the FSC program in the State will be terminated effective with the end of the last week which ends on or before such 3-week period.

C. Section C, "Eligibility Requirements for Federal Supplemental Compensation"

1. Subsection g, under subsection 1, *Basic Eligibility Requirements,* is amended to read as follows.

g. Have a benefit year which ended *not* more than two years prior to the beginning date of the week he/she is claiming FSC, *except* that in determining whether this two-year limitation applies, the SESA shall disregard any weeks which begin prior to the first week beginning on or after January 6, 1983, which began after an individual had exhausted his or her entitlement to FSC under the original Federal Supplemental Compensation Act.

2. The following new subsection 8 is added to Section C.

8. *Special Eligibility Rule.* An individual's eligibility for additional weeks of FSC under the amendments to the FSC Act shall not be limited or terminated by reason of any event or failure to meet any requirement of State or Federal law relating to eligibility for benefits occurring after the date of exhaustion of the individual's entitlement under the original FSC Act and prior to the first week beginning on or after January 6, 1983. The eligibility requirements to which this rule applies include, but are not limited to, any issues which might arise with respect to:

a. Separations from work;

b. Refusals of referrals to or offers of work; and

c. Ability to work and availability and active search for work.

SESAs should especially note that this rule applies only to events occurring after an individual has exhausted entitlement to FSC and prior to the week beginning on or after January 6, 1983. It does not apply to any claims for FSC filed for weeks beginning on and after January 9, 1983.

D. Section D, "Weekly Benefit Amount"

There are no changes to Section D, *Weekly Benefit Amount.*

E. Section E, "Maximum FSC Benefits Payable"

1. Subsection 1, *Accounts,* is amended to read as follows:

1. *Accounts.* The SESA will establish a separate FSC account for each eligible individual. The amount of FSC in the individual's account will be the lesser of:

a. 65 percent of the total entitlement to regular benefits (including dependents' allowances) payable to the individual with respect to the most recent benefit year in which the individual received regular benefits, or

b. The maximum FSC benefits payable in the State.

When the 65 percent of total entitlement is not an even dollar amount, the State may round to the nearest dollar, depending upon State law, regulations, or practice.

The SESA must redetermine any individual's account which was previously determined on the basis of the prior 50 percent rule, using 65 percent of the total entitlement to regular benefits. In no case will this redetermined FSC amount exceed the maximum FSC payable in the State. Each individual affected by the change shall be given a written notice of redetermination.

2. Subsection 2, *"Maximum FSC payable in a State",* is amended to read as follows:

2. *Maximum FSC Payable in a State*

a. *Eight Weeks.* The base level of FSC payable is up to eight weeks of FSC benefits regardless of the State's extended benefit indicator rate. A State may pay up to a maximum of 10, 12, 14

or 16 weeks, depending on the State's extented benefit indicator rate or EB status, as specified below.

b. *Sixteen Weeks.* States which are in a period of "higher unemployment" will pay up to 16 weeks of FSC benefits. To determine a period of "higher unemployment", the State's extended benefit indicator rate is used. A higher unemployment period begins the third week after the first week the extended benefit indicator rate equals or exceeds 6.0 percent. A higher unemployment period ends the third week after the first week the extended benefit indicator rate drops below 6.0 percent. However, a "higher unemployment period" must last at least four weeks.

c. *Fourteen Weeks.* States which were in an extended benefit period on or after June 1, 1982, but prior to January 6, 1983 will pay up to a maximum of 14 weeks of FSC regardless of the current extended benefit indicator rate, unless the State is in a period of "higher unemployment." During periods of "higher unemployment," the State will pay up to a maximum of 16 weeks of FSC. Once a State is no longer in a period of "higher unemployment," as specified above, it will pay up to a maximum of 14 weeks of FSC.

d. *Twelve Weeks.* States which were not in an extended benefit period at any time between June 1, 1982 and January 6, 1983, but are in a period of "high unemployment", or begin an extended benefit period after January 6, 1983, will pay up to 12 weeks of FSC benefits. A "high unemployment" period begins the third week after the first week the extended benefit indicator rate equals or exceeds 4.5 percent but is less than 6.0 percent. A high unemployment period ends the third week after the first week the extended benefit indicator rate drops below 4.5 percent. However, a "high unemployment" period must last at least 4 weeks, unless a State moves to a period of "higher unemployment." A State may change from a period of "high unemployment" to a period of "higher unemployment" after one week.

e. *Ten Weeks.* States which are not in a period of "high" or "higher" unemployment and were not in an extended benefit period at any time since June 1, 1982 and do not begin an extended benefit period during the life of the FSC program, will pay up to 10 weeks of FSC, if the State is in a period of "intermediate unemployment". An "intermediate unemployment period" begins the third week after the first week the extended benefit indicator rate equals or exceeds 3.5 percent but is less than 4.5 percent. An "intermediate unemployment period" ends the third week after the first week the extended benefit indicator rate drops below 3.5 percent or exceeds 4.5 percent. An "intermediate unemployment period" must last at least 4 weeks, unless the State moves to a period of "high" or "higher" unemployment. A State may move to a period of "high" or "higher" unemployment after one week.

There is no minimum "off" period for States which drop below the 3.5, 4.5, or 6.0 percent trigger rates. For example, a State paying up to 16 weeks of FSC may drop to 12 or 14 weeks (depending on its prior EB status) and the following week, if its extended benefit indicator rate equals or exceeds the 6.0 percent rate, again be in a period of "higher" unemployment during which up to 16 weeks of FSC are payable.

Determinations of the beginning and ending of intermediate, high and higher unemployment periods shall be made by the head of the State agency, according to these instructions and 20 CFR Part 615. Public notice shall be given of any such determination, and each individual affected by the change shall be given a written notice.

Note.—There are no changes to subsection 3, *Computation of FSC payable based on a new benefit year.*

3. Subsection 4, *"Beginning of an Extended Benefit Period After the Effective Date of the Act,"* is amended to read as follows:

4. *Beginning of An Extended Benefit Period.* States may begin an extending benefit period after the effective date of the amendments. The beginning of an extended benefit period may affect the maximum weeks of FSC payable, depending on whether the State was in an extended benefit period after June 1, 1982.

If a State was in an extended benefit period at any time between June 1, 1982, and January 6, 1983, and again begins paying EB after January 6, 1983, the State will continue to pay up to 14 weeks of FSC, unless its extended benefit indicator rate equals or exceeds 6.0 percent. If its extended benefit indicator rate equals or exceeds 6.0 percent, the State will be in a period of "higher unemployment" and will pay up to 16 weeks of FSC. However, if a State was not in an extended benefit period between June 1, 1982 and January 6, 1983, and begins an extended benefit period thereafter, the State will begin paying up to 12 weeks of FSC, unless the State is in a period of "higher unemployment" which will raise the maximum amount of FSC payable to 16 weeks.

When an extended benefit period begins, the SESA must, before paying FSC for a week of unemployment, determine each person's eligibility for extended benefits, according to State law provisions relating to EB. If an individual has entitlement to extended benefits, such individual is not eligible for FSC. Once an individual exhausts any entitlement to extended benefits, the individual may receive the remaining balance in his/her FSC account. A new determination of entitlement to FSC is not made since the individual has the same period of eligibility upon which the FSC entitlement was determined.

4. Subsection 5, *"Interstate Claimants"*, is amended to read as follows:

5. *Interstate Claimants.*

a. *Technical Corrections Act.* The amendment to the FSC Act made by the Technical Corrections Act of 1982 (Pub. L. 97–448) specifies that in determining entitlement to FSC for interstate claims, the claimant will be limited to the lesser of:

i. The maximum payable in the agent State, or

ii. The maximum payable in the liable State.

The amendment is effective retroactively as if this provision was originally included in the Federal Supplemental Compensation Act of 1982 (Pub. L. 97–248). Accordingly, States which have paid FSC above the original minimum duration of 6 weeks at any time since the beginning of FSC program, must redetermine their interstate liable claims according to the above provision.

The redetermination must consider changes in the maximum FSC payable which have occurred in both agent and liable States for weeks beginning on or after September 12, 1982, and prior to weeks beginning on or after January 9, 1983, (the effective date of Pub. L. 97–424). The redetermination shall establish an overpayment for any weeks an individual received in excess of the amount of FSC payable which is the lesser of the maximum payable in the agent or liable States. Such overpayments may be considered for waiver according to the following special guidelines rather than the guidelines for waiver of overpayments set forth in subsection 2 of Section L, *Fraud and Overpayment.*

These guidelines pertain only to overpayments established for weeks beginning on or after September 12, 1982, and prior to weeks beginning on or after January 9, 1983, as a result of redeterminations reducing the maximum FSC benefits payable under the interstate benefit payment plan. Due to the retroactive nature of the FSC

interstate provision, all such overpayments may be considered to have been made without fault on the part of the individual, and recovery may be considered to be contrary to equity and good conscience.

Accordingly, unless the SESA has information contrary to the above, it may waive any overpayment created by such redetermination.

For FSC claims filed for any weeks beginning on or after January 9, 1983, the liable State must insure the claimant is limited to the lesser of the maximum FSC payable in the agent or liable State.

Should an SESA determine recoupment of such overpayments is *not* waived, the SESA shall follow the procedures for recovery of overpayments outlined in subsection 2 of Section L *Fraud and Overpayment.* In cases where recoupment of the overpayment is waived, the SESA shall determine the new maximum FSC payable based on the amount the individual properly received from his/her FSC account. For example, an individual received ten weeks of FSC. The claimant was overpaid four weeks since he/she was filing from an agent State that paid a maximum of six weeks of FSC. Recoupment of the four-week overpayment was waived and the claimant was properly paid six weeks of FSC. Thus, in determining the new maximum FSC payable under Pub. L. 97-424, the SESA shall base its calculation on the six weeks which were properly paid and the claimant will be entitled to additional weeks of FSC (for weeks beginning after January 6, 1983) based on the new maximum payable in the agent or liable State, whichever is less.

Liable States must continue to closely monitor their interstate claims for potential changes in FSC entitlement. If maximum weeks of FSC payable in either the agent or liable State changes or if any extended benefit period begins in the agent or liable State, an interstate claimant's entitlement to FSC will change. Interstate claimant's filing from Canada will be entitled to the FSC maximum in effect in the liable State.

b. *EB Limitations.* The extended benefit provisions apply to claims for and payment of FSC. The EB provisions limit interstate claimants to two weeks of extended benefits if they file claims in an agent State not in an extended benefit period. The two-week limitation applies only to claimants filing for FSC under the Interstate Benefit Payment Plan in agent States that have not entered into or have discontinued an agreement to administer the FSC program. Payment of FSC to individuals filing from such agent States is limited to two weeks regardless of whether or not the agent State is in an Extended Benefit period. The two-week limitation is applied because the agent State is not in an FSC period.

5. Subsection 6, *"Changes in Account"*, is amended to read as follows:

6. *Changes in Account.* The FSC amendments increase the maximum FSC payable in all States. Depending on economic conditions in a State (as defined by the amendments), an additional 2 or up to a possible 10 weeks of FSC benefits are payable. The increase applies to FSC payable for weeks beginning on or after January 9, 1983, and applies to all eligible individuals, including those who have previously exhausted entitlement to FSC. The SESA should make the appropriate change in any individual's FSC account who is entitled to more FSC as a result of the increase in the maximum FSC payable.

The FSC maximum in a State may also change with economic changes. When a State's FSC maximum goes up (for example, from 12 to 16 weeks), the maximum payable to all FSC recipients is increased. An individual who previously exhausted FSC is now eligible for the additional weeks of FSC as long as the new maximum does not exceed 65 percent of the individual's regular benefits. Such changes may occur even though many weeks have elapsed since the individual exhusted initial FSC entitlement.

When a State FSC maximum is reduced, e.g., from 16 to 12, the reduced maximum applies to all individuals claiming FSC after the date of the change. Individuals who have exhausted the new maximum are ineligible for further FSC, even though they had not exhausted old maximum.

If the individual is entitled to more or less FSC as a result of a change in the maximum weeks of FSC payable in the State, the appropriate change should be made in the individual's FSC account.

If it is later determined as the result of a redetermination or appeal that an individual was entitled to more or less regular or extended benefits under the State law or under 5 U.S.C. Chapter 85, the individual's status as an exhaustee should be redetermined as of the new date of the individual's exhaustion, and an appropriate change shall be made in the individual's FSC account.

F. Other Changes

Sections F through L of Part II of GAL 2-83 are not affected by the amendments and are unchanged. Part III, *Job Placement and Work Test Activities,* is also not affected by the amendments.

[FR Doc. 83-6080 Filed 3-7-83; 8:45 am]
BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Alaska State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the **Federal Register** (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards. In response to Federal standards changes, the State has submitted by letter dated April 19, 1982 from Edmund N. Orbeck, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, State standards comparable to 29 CFR 1910.20, Access to Employee Exposure and Medical Records, as originally published in the **Federal Register** (45 FR 35277) on May 23, 1980.

This State standard, which is contained in Subchapter 4, Alaska Occupational Safety and Health Code, was promulgated after public notice under authority vested by AS 18.60.020 and after compliance with the Administrative Procedure Act (AS 44.62) specifically including the notice under AS 44.62.210 to Edmund Orbeck, Commissioner, and became effective February 6, 1982.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the Federal standards and accordingly are approved. The major differences are changes in text that do not diminish

from the State standard when compared to the text in the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6000, Federal Office Building, 900 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99811; and the Office of State Programs, Room N–3613, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternate procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective March 8, 1983.

(Sec. 18, Pub.L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 7th day of September 1982.

Frank L. Strasheim,

Acting Regional Administrator.

[FR Doc. 83-6071 Filed 3-7-83; 8:45 am]

BILLING CODE 45-10-28-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information: The Agency of the Department issuing this form; the title of the form; the Agency form number, if applicable; how often the form must be filled out; who will be required to or asked to report; whether small business or organizations are affected; the standard industrial classification (SIC) codes, referring to specific respondent groups that are affected; an estimate of the number of responses; an estimate of the total number of hours needed to fill out the form; the number of forms in the request for approval; and an abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

(Not previously approved or expired more than 6 months ago)

• Employment Standards Administration
Housing Terms and Conditions
WH–521
Annually
Individuals or households; farms; businesses or other institutions
Small business or organizations
SIC: 013, 016, 017, 018, 019
842 responses; 842 hours; 1 form

Section 201(c) of the Migrant and Seasonal Agricultural Workers Protection Act requires any farm labor contractor, agricultural employer or agricultural association providing housing, to post or present, by written statement, to each worker, the terms and conditions of occupancy.

• Employment Standards Administration
Worker Information
WH–516
Annually
Individuals or households; farms, businesses or other institutions
Small business or organizations
SIC: 013, 016, 017, 018, 019
36,000 responses; 18,000 hours; 1 form

Section 201(b) of the Migrant and Seasonal Agricultural Workers Protection Act requires each farm labor contractor, agricultural employer or agricultural association to post at the place of employment a poster setting forth the rights and protections afforded the workers by this act.

Revision

• Employment Standards Administration
Application for a Farm Labor Contractor Certificate of Registration
WH–510 (formerly WH–410)
Annually
Individuals or households; farms; businesses or other institutions
Small business or organization
SIC: 013, 016, 017, 018, 019
7,000 responses; 3,500 hours; 1 form

Section 101 of the Migrant and Seasonal Agricultural Workers Protection Act provides that no person shall engage in any farm labor contracting activity unless such person has a certificate of registration from the Secretary specifying the contracting activities which have been authorized.

• Employment Standards Administration
Application for Farm Labor Contractor Employee Certificate of Registration
WH–512 (formerly WH–412)
Annually
Individuals or households; farms; businesses or other institutions
Small business or organization
SIC: 013, 016, 017, 018, 019
5,000 responses; 2,500 hours, 1 form

Section 101 of the Migrant and Seasonal Agricultural Workers Protection Act provides that no person shall engage in any farm labor contracting activity unless such person has a certificate of registration from the Secretary specifying the contracting activities which have been authorized.

• Employment Standards Administration
Vehicle Mechanical Inspection Report for Transportation Subject to

Department of Transportation
Requirements
WH–514 and WH–514a (formerly WH–414)
Annually
Individual or households; businesses or other institutions
Small business or organizations
SIC: 013, 016, 017, 018, 019
3,600 responses; 900 hours; 2 forms

Section 401 of the Migrant and Seasonal Agricultural Workers Protection Act requires any farm labor contractor who intends to transport workers to submit a statement identifying each vehicle to be used and proof that such vehicle conforms to Federal and State safety and health requirements. Forms WH–514 and WH–514a meet this criteria.

Reinstatement

• Marine Safety and Health Administation
Impoundment or Refuse Pile Engineering
MSHA 216 and 217
Annually
Businesses or other institutions; small business or organization
90 responses; 78,150 hours

Requires coal mine operators to submit engineering plans concerning impoundments and refuse pile construction prior to beginning any work. Also requires that revisions to existing plans be submitted for approval.

Reinstatement

• Mine Safety and Health Administration
Annual Status Report and Certification on Impoundments
MSHA 211
Annually
Businesses or other institutions; small business or organization
SIC: 111 and 121
600 responses; 1,200 hours

Requires each operator to submit an annual status report and certification of impoundments and refuse piles. The information is used as an enforcement and administrative tool.

Signed at Washington, D.C. this 3rd day of March 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–6672 Filed 3–7–83; 8:45 am]
BILLING CODE 4510–27–M, 4510–43–M

Secretary's Committee on Veterans' Employment; Establishment

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A–63 of March 1974, I have determined that the establishment of the Secretary's Committee on Veterans' Employment is in the public interest in connection with the performance of duties imposed on the Department of Labor, by Section 308, Title III, Pub. L. 97–306, "Veterans Compensation, Education and Employment Amendments of 1982."

The Committee will advise the Secretary of Labor on such matters as problems and issues relating to veterans' employment and reemployment.

Under Section 308, Title III of the Act the Secretary is charged with the responsibility of acting as Chairman of the Committee with the Assistant Secretary of Labor for Veterans' Employment serving as Vice Chairman. The Committee will have a total of 13 members including representatives of: the Administrator of the Veterans Administration; Secretary of Defense; Secretary of Health and Human Services; Director of the Office of Personnel Management; Chairman of the Equal Employment Opportunity Commission; Administrator of the Small Business Administration; and a representative of each of the chartered veterans' organizations having a national employment program.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Interested persons are invited to submit comments regarding the establishment of the Secretary's Committee on Veterans' Employment. Such comments should be addressed to Mr. Vincent B. Pagano, 200 Constitution Avenue NW., Room S1315–FPB, Washington, D.C. 20210.

Signed at Washington, D.C., this 31st day of January, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83–6667 Filed 3–7–83; 8:45 am]
BILLING CODE 4510–23–M

Secretary of Labor's Committee on Veterans' Employment; Meeting

The Secretary's Committee on Veterans' Employment was established under Section 308, Title III, Pub. L. 97–306, "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary problems and issues relating to veterans' employment.

Notice is hereby given that the Secretary of Labor's Committee on Veterans' Employment will meet on Thursday, March 24, 1983, at 10:00 A.M., in the Secretary's Conference Room, S2508–FPB.

Items to be discussed are:

• Reorganization of the Office of the Assistant Secretary for Veterans' Employment.
• Reports of Committee Participants.
• Job Training Partnership Act—Title IV, Part C—Veterans Employment Programs.
• Wagner-Peyser Act Provisions.
• Review of Disabled Veterans Outreach Program.

The public is invited to attend.

For additional information contact: Mr. Vincent B. Pagano, 200 Constitution Avenue NW., Room S1315–FPB, Washington, D.C. 20210, (202) 523–9116.

Official records of the meeting will be available for public inspection in Room S1315–FPB, 200 Constitution Avenue NW., Washington, D.C. 20210.

Dated: February 1, 1983.

William C. Plowden, Jr.,

Assistant Secretary for Veterans' Employment.

[FR Doc. 83–5668 Filed 3–7–83; 8:45 am]
BILLING CODE 4510–23–M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 22–12201, 22–12208]

Fedders Corp.; Application and Opportunity for Hearing

March 2, 1983.

Notice is hereby given that Fedders Corporation (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that trusteeship of Bradford Trust Company ("Bradford") under Indentures to be dated as of January 1, 1983 (the "New Indentures"), which will be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bradford from acting under the New Indentures. The Debentures to be issued pursuant to the New Indentures are to be equally and ratably partially secured by a mortgage on the Company's Buffalo, New York property.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act, seeks to exclude the New Indentures from the operation of Section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the New Indentures may be excluded from the operation of Section 310(b)(1) of the Act if the Company shall

have sustained the burden of proving, by this application to the Commission and after opportunity for hearing thereon, that the trusteeship of Bradford under the New Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bradford from acting as trustee under each of the New Indentures.

The Company alleges that:

(1) The Company proposes to issue $800 principal amount of its 11¾% Senior Subordinated Debentures due 1195 ("11¾% Debentures") in exchange for each $1,000 principal amount of its 5% Convertible Subordinated Debentures due 1996 and $800 principal amount of its 14¾% Senior Subordinated Debentures due 1993 ("14¾% Debentures") in exchange for each $1,000 principal amount of its 8¾% Subordinated Debentures due 1994. The 11¾% Debentures and the 14¾% Debentures will be partially secured on an equal and ratable basis by a $1,250,000 mortgage on the Company's Buffalo, New York property which has an appraisal value of only approximately $1,250,000. The maximum amount of 11¾% Debentures to be issued is $17,985,600, while the maximum amount of 14¾% Debentures to be issued is $14,973,600. The respective interests of the Trustee representing each class of Debentures is to be based pro rata on the outstanding principal amount of the respective Debentures.

(2) Such differences as will exist between each of the New Indentures are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bradford from acting as trustee under any of the New Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after March 25, 1983, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, no later than March 25, 1983, at 5:30 p.m., Eastern Daylight Time, in writing submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6087 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13057 (812-5417)]

First Midwest Capital Corp.; Filing of application

March 1, 1983.

Notice is hereby given that First Midwest Capital Corporation ("Applicant"), Suite 700, Chamber of Commerce Building, 15 South Fifth Street, Minneapolis, Minnesota 55402, a non-diversified, closed-end, management investment company registered under the Investment Company Act of 1940 ("Act") and a federal licensee under the Small Business Investment Act of 1958, filed an application on January 3, 1983, and an amendment thereto on February 7, 1983, pursuant to Section 17(d) of the act and Rule 17d–1 thereunder, for an order of the Commission permitting the participation of Applicant in additional financing of BetaCom Corporation ("BetaCom"). Applicant is a wholly-owned subsidiary of First Midwest corporation, also a non-diversified, closed-end, management investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of pertinent provisions of the Act.

Applicant states that it is engaged in the business of providing long-term equity funding to eligible small businesses to assist them in their growth and development. According to the application, on January 26, 1981, the Applicant and another small business investment company ("Control Data Capital Corp.") provided debt and equity financing to BetaCom in the sum of $600,000. BetaCom is engaged in the manufacturing of terminal interface processor. Applicant's participation therein consisted of purchasing $125,000 of eight-year debentures bearing interest at the rate of 15 percent per annum, and 260 shares of common stock for $125,000. The common stock purchased by Applicant represented the power to vote 14.57 percent of the voting shares of BetaCom. As a result of such ownership, Applicant and Control Data Capital Corp. became affiliated persons, as defined by Section 2(a)(3) of the Act, of an affiliated person (BetaCom) of Applicant, Control Data Capital Corp. having purchased greater than five percent of the voting shares of BetaCom.

It is stated in the application that, subsequent to the above-described transaction, on March 24, 1982, additional financing totalling $650,000 was provided by a group of small business investment companies ("SBICs") to BetaCom. The financing took the form of $424,920 of eight-year 14 percent per annum debentures and common stock purchased at a total price of $425,080. Applicant's participation consisted of purchasing $37,440 of the debentures plus $37,560 worth of the common stock. as a result of the second financing, Applicant's ownership of BetaCom declined to 12.46 percent, and MorAmerica, a participating SBIC, became an affiliated person of BetaCom by virtue of its acquiring more than five percent of the voting shares thereof.

Applicant proposes now to provide an additional investment of $75,000, which would bring its total investment in BetaCom to $400,000, or $75,000 greater than 20 percent of its paid-in capital and surplus. Applicant represents that the investment by Applicant will be a part of a total investment of $280,000 to be provided by the previous investors, including MorAmerica and Control Data Capital Corp., on a pro rata basis. The investment will take the form of one-year promissory notes bearing interest at the rate of 12 percent per annum. It is anticipated, Applicant states, that this short-term financing will eventually be rolled over into permanent financing of $1.8 million through the sale of convertible stock by BetaCom, which will have identical conversion privileges for all holders of convertible stock.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in pertinent part, that it is unlawful for an

affiliated person of a registered investment company, or any affiliated person of such person, acting as principal, to effect any transaction in which such registered company is a joint or a joint and several participants with such person unless an application regarding such joint enterprise has been filed with the Commission and permission to effect such transaction has been granted.

Applicant states that it believes Rule 17d–1(d)(5) would exempt the proposed transaction from the restrictions of Rule 17d–1 except for the fact that Applicant proposes to commit in excess of 20 percent of its paid-in capital and surplus to investments in BetaCom. Applicant represents that it has received permission from the Small Business Administration to exceed its investment limit. According to the application, the proposed transaction consists of the sale to First Midwest of $75,000 of one-year promissory notes bearing interest at the rate of 12 percent per annum.

Applicant states that it will be participating in the proposed transaction on a basis which is no less advantageous than that of any other participant. The Applicant further asserts that the proposed transaction is fair to all parties and that Applicant believes the investment has a potential for substantial return. The Applicant also contends that the proposed transaction is consistent with the general purposes and policies of the Act and, therefore, requests, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, an order of the Commission permitting the proposed transaction.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–5894 Filed 3–7–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13058 (812–5418)]

Midland Bank Canada; Filing of Application

March 1, 1983.

Notice is hereby given that Midland Bank Canada ("Applicant"), c/o Peter V. Darrow, Esq., Shearman & Sterling, 53 Wall Street, New York, NY 10005, filed an application on January 3, 1983, and an amendment thereto on January 28, 1983, requesting an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting it from all provisions of the Act in connection with its proposed sale in the United States of short-term commercial paper notes ("Notes") and other debt securities whose payment would be unconditionally guaranteed by Midland Bank plc ("Midland"), Applicant's parent corporation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that in July 1975, Midland incorporated Midland Financial Services Limited ("Midland Financial"), a wholly-owned subsidiary, in Ontario, Canada. In 1981, following the enactment of the Bank Act of Canada (the "Bank Act") in November 1980, Midland Financial applied for a bank license, which was granted on October 8, 1981, and changed its name to Midland Bank Canada.

On February 16, 1982, the Commisison issued an order pursuant to Section 6(c) of the Act exemptiong Midland from all provisions of the Act (Investment Company Act Release No. 12229). Information with respect to Midland, including a description of its business and English and United States banking regulations to which Midland is subject, is included in Midland's application requesting that order (File No. 812–4997).

Applicant states that it is currently represented in four major Canadian cities, Toronto, Calgary, Edmonton and Vancouver, with a total staff of 42. Its lending operations include lease financing, syndicated loans, operating lines, construction and development loans, trade and project finance. It actively seeks deposits, but also relies heavily on the Canadian and international money markets for funding.

Applicant's operating income is derived principally from interest on loans, leases, securities and inter-bank placings. For the financial year ended October 31, 1982, 99% of Applicant's total operating income was derived from those sources. At October 31, 1982, Applicant states that 96.8% of its total assets consisted of loans, leases, securities and inter-bank placings, and 96.3% of its total liabilities consisted of deposits.

Applicant represents that it is subject to extensive regulation pursuant to the Bank Act, which is subject to decennial review. The current Bank Act, as recently amended, came into force on December 1, 1980. It contains provisions pertaining to the business of banking and the organization of banks in Canada, including the business and powers of chartered banks, their shareholders and directors, their capital stock and debentures, the maintenance of reserves, auditing requirements, financial disclosure and regular inspection by the Inspector General of Banks. Accordingly, Applicant states that it is subject to regulation comparable in many respects to the regulation of United States banks.

Applicant states that the Notes will be in denominations of $100,000, or more, will mature not more than nine months from the date of issuance and will not be payable on demand or include any provision for extension, renewal or automatic "roll-over" at the option of either the holders or Applicant. Applicant states that the presently proposed issue of Notes and any future issue of debt securities offered for sale in the United States by Applicant will be conditioned upon the receipt, prior to issuance, of one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations. United States counsel to Applicant will have certified that such a rating has been received. The proceeds of the Notes will be used for "current transactions" within the meaning of Section 3(a)(3) of the Securities Act of 1933.

Applicant will sell the Notes to one or more United States securities dealers, who will reoffer the Notes as principal to institutional investors and other entities and individuals in the United States who normally purchase commercial paper. The Notes will not be advertised or otherwise offered for sale to the general public. The aggregate principal amount of the Notes to be outstanding at any time is not currently

expected to exceed $200,000,000. Applicant represents that the purpose in making the proposed offering of the Notes is to provide an additional source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market. Applicant agrees to secure an undertaking from United States securities dealer to whom Notes are sold that each offeree who has indicated an interest in the Notes, prior to any sale of Notes to such offeree, will be provided by the dealer with a memorandum that describes the business of Applicant and contains Applicant's most recent publicly available annual financial statements (including a balance sheet, profit and loss account, statement of source and application of funds and notes thereto) audited in accordance with Canadian accounting principles, and the most recently publicly available unaudited interim statement for Applicant. If the Notes are sold by Applicant directly, Applicant will provide such a memorandum to each offeree who has indicated an interest in the Notes, prior to any sale of Notes to that offeree. The memorandum will describe the material differences between Canadian accounting principles applicable to Canadian banks and "generally accepted accounting principles" applicable to United States commercial banks. The memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in Applicant's business and financial condition.

The application states that the Notes will rank *pari passu* among themselves and equally with all other unsecured and unsubordinated indebtedness of Applicant, including deposit liabilities (except for indebtedness of Applicant which is given a statutory preference under the Bank Act or other statute), and ahead of its share capital. Midland's guarantees will rank *pari passu* with all other unsecured and unsubordinated indebtedness of Midland (including deposit liabilities but excluding certain statutorily preferred liquidation claims for national or local taxation and for compensation of employees), and ahead of its share capital.

The application states that Applicant will appoint an issuing agent to issue the Notes from time to time. In addition, Applicant and Midland will appoint an agent to accept any process which may be served in any action based on the Notes or the Guarantees and instituted in any state or federal court by the holder of any Notes.

The application further states that Applicant and Midland will expressly accept the jurisdiction of any state or federal court in the Borough of Manhattan in the City and State of New York in respect of any action based on the Notes or arising out of the offering and sale of the Notes, or any action based on or arising out of the guarantees instituted by the holder of any Notes. This appointment of an authorized agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due on the Notes or the guarantees have been paid. The application also states that Applicant will consent to jurisdiction and will appoint an agent for service of process in suits arising from any future offerings of debt securities in the United States.

The application states that Applicant may offer other securities for sale in the United States, including long-term debt securities, which may be unconditionally guaranteed by Midland. The Applicant further states that any future offering of securities in the United States will be made only pursuant to a registration statement under the Securities Act or pursuant to an applicable exemption from rgistration under the Securities Act, and any such offering will be done on the basis of disclosure documents at least as comprehensive in their description of Applicant and its business and financial statements as the disclosure memorandum referred to in the application, but in no event will such future disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. The application states that Applicant will promptly update any such documents to reflect material changes in its financial condition, and that Applicant will provide offerees of its securities with such disclosure documents prior to the sale of such securities to offerees.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that it would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing commerical paper notes issued by Applicant. Moreover, the application contends that because of the development of the large Eurodollar market, the major foreign banks which deal in the market need a source of United States dollars in case of a disuption of the market. As a closely regulated Canadian banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case.

Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant also represents that the granting of the requested order will not give it an advantage over domestic banks in the issuance of debt securities in the manner described in the application.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6065 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19558; (SR-NYSE-83-1)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 1, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, submitted on January 7, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to raise the standard for minimum acceptable specialist performance under NYSE Rule 103A from 3.00 to 4.50.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19436, January 24, 1983) and by publication in the **Federal Register** (48 FR 3063, January 24; and 48 FR 3437, January 25, 1983).[1] No comments were received with respect to the proposed rule change.

The 4.50 Performance Standard

NYSE Rule 103A establishes minimum standards of acceptable performance for NYSE specialist units and provides a non-disciplinary procedure for the reallocation of one or more securities assigned to a specialist unit that has fallen below these minimum standards.[2] The minimum standards are based upon the results of the quarterly Specialist Performance Evaluation Questionnaire ("SPEQ").[3] Floor brokers currently grade specialist performance in the areas covered by the five SPEQ questions on a scale of 1 (lowest) to 7 (highest). The current standard for minimum acceptable performance under Rule 103A is 3.00,[4] a standard that was implemented by the NYSE in connection with its former 1–5 point SPEQ grading scale. The Exchange's adoption of the current 1–7 point grading scale in March 1982 necessitated that the numerical standard for minimum acceptable performance be increased.[5]

During the first three quarters of 1982, the period for which SPEQ results are available under the 1–7 grading scale, the average overall score for all NYSE specialist units has been well above 5.00, only one individual unit has received an overall grade below 4.50 for even one quarter since the adoption of the seven point scale, and just 10 units received scores below 4.50 on individual SPEQ questions a total of 14 times. Thus, had the 4.50 standard been in effect since the first quarter of 1982, no unit would have fallen below the 4.50 level a sufficient number of quarters to invoke the Rule 103A reallocation procedures.

The Exchange in its filing indicates that the increase in the Rule 103A standard is an interim measure designed to make the adjustments to the standard necessitated by the Exchanges adoption of a 1–7 point scale while reserving further revision until completion of the major study of the specialist system the Exchange has recently undertaken.

Discussion and Findings

The Commission agrees with the Exchange that adoption of the proposed 4.50 standard under Rule 103A is an adequate *interim* measure. This change has the effect of rasing the standard to the mathematical equivalent of a 3.21 on a 5-point rating scale.[6] In addition, 4.50 is above the level disignated on the SPEQ 1–7 point scale as the level indicating that the specialist "meets its requirements".[7]

The Commission, however, is not reaching any determination regarding the adequacy of a 4.50 standard as part of a permenent reallocation program. Based on the data reviewed above, the Commission is concerned that like its 3.00 predecessor, the revised standard may render Rule 103A at best a limited deterrent to substandard specialist performance.

Accordingly, the Commission believes it is appropriate for the Exchange to implement the 4.50 standard pending completion of the Exchange's review of this standard as part of its study of the specialist system. The Commission has previously indicated that completion of that study in time to permit the Exchange to submit the necessary changes to the Exchange's reallocation procedures to the Commission for its consideration prior to June 30, 1983 may be necessary in order for the Commission to grant any extension of Rule 103A and its related procedures.[8] If, by June 30, 1983, it appears that the 4.50 standard appears inadequate as a measure of satisfactory specialist performance (*i.e.*, if overall specialist SPEQ scores remain uniformly higher than 4.50), the Commission may view an upward revision in the 4.50 standard as necessary before considering further temporary extensions to or permanent approval of the pilot program, regardless of whether the exchange has completed its study of the specialist system.

The Commission finds, therefore, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is approved.

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[1] The proposed rule change included a proposal to extend the effectiveness of NYSE's Rule 103A through June 30, 1983; this portion of the proposed rule change was granted accelerated approval for good cause under Section 19(b)(2) of the Act; Securities Exchange Act Release No. 19436, January 17, 1983; 48 FR 3063, January 24, 1983) (the "January Release"). The "proposed rule change" as used hereafter in this order refers only to that portion of File No. SR-NYSE-83-1 proposing to change the Rule 103A standard for minimum levels of acceptable performance.

[2] For a more complete description of the Exchange's reallocation procedures under Rule 103A, see the January Release.

[3] For a more detailed discussion of NYSE's SPEQ, see the January Release and File No. SR-NYSE-83-7, which contains the Exchange's proposed rule change respecting the 1982 revisions to its SPEQ (Securities Exchange Act Release No. 19532, February 23, 1983).

[4] More specifically, Rule 103A states that a specialist unit's performance shall be considered below acceptable levels if it receives (1) an overall SPEQ grade (*i.e.*, the unit's grade on all 5 questions) below 3.00 for two or more quarters; or (2) average quarterly grades below 3.00 for three or more individual questions for two or more quarters; or (3) average quarterly grades below 3.00 for the same individual question for four or more consecutive quarters. These are the standards for triggering Rule 103A reallocation procedures. In addition, as described in NYSE's filing and in the January Release, performance below the Rule 103A standard for any one quarter will result in performance improvement action, which consists chiefly of counselling by the Exchange staff.

[5] Even before the adoption of the 1–7 point grading scale, the Commission expressed dissatisfaction with the 3.00 standard and has noted that, since the commencement of the Rule 103A pilot program in 1979, only one specialist unit has demonstrated unacceptable performance under the standards of Rule 103A, and no reallocation proceeding has ever been held under the rule.

[6] The Commission notes, however, that even a 3.21 standard on the old 5-point scale may not have been adequate. The Commission expressed concerns that grade inflation in brokers' SPEQ responses may have eviscerated the old 3.00 standard, and recommended adoption of a relative-ranking based standard. *See*, letter from Douglas Scarff, Director, Division of Market Regulation, to John Phelan, President, NYSE, dated November 10, 1981.

[7] Under the current SPEQ, a grade of 4.0 on an individual question indicates that a unit meets its requirements.

[8] *See* the January Release. As indicated above, Rule 103A is scheduled to terminate on June 30, 1983. *See*, note 1, *supra*.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6062 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19554; File No. SR-PSE-83-5]

Pacific Stock Exchange, Inc.; Filing of Proposed Rule Change

March 1, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 15, 1983, the Pacific Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The Pacific Stock Exchange, Inc. ("PSE") proposes to adopt a new Equity Floor Procedure Advice 2–B, Dissemination of Quotations in Local Issues (the "Advice"). The proposed new Advice requires specialists to disseminate quotations in their assigned local issues prior to 7:30 a.m., Pacific Time. The Exchange's quotation system does not allow quotations to be entered prior to 7:00 a.m., Pacific Time. In addition, the proposed Advice authorizes the Joint Equity Floor Trading Committee to fine specialists for repeated violations of the requirement and sets forth guidelines for penalties to be imposed, based upon the number of violations for a particular local security. The PSE states that the statutory basis for the proposed rule change is Section 6(b)(5) of the Act in that it will facilitate transactions in securities traded on the PSE, and Section 6(b)(6) of the Act in that it provides a fine schedule for repeated violations of Exchange policy.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSE-83-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6060 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19555; (SR-PSE-82-15)]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 1, 1983.

The Pacific Stock Exchange, Inc. ("PSE"), 618 South Spring Street, Los Angeles, CA, submitted on December 22, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder to adopt certain amendments to PSE's pilot program for the appointment and evaluation of specialists and the creation of new specialist posts (the "program"), and to extend the program, as amended, to December 31, 1983.[1] The proposed rule change would amend PSE Rule II, Section 1, to codify the existing rules and procedures for the appointment and registration of new specialists and the creation of new specialist posts. In addition, the proposed rule change would modify the various methods used to measure specialist performance, and add new PSE Rule II, Section 11, to provide specific standards for determining when a specialist's performance is considered below acceptable performance levels and authorize the cancellation of a specialist's registration in selected stocks when his performance has been found to be substandard.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19385, December 30, 1982) and by publication in the **Federal Register** (48 FR 918, January 7, 1983 and 48 FR 1256, January 11, 1983). The Exchange received one comment letter concerning the proposed rule change. The commentator, a PSE specialist firm, suggested that the PSE should (1) address the rights as to notification and hearing procedures pertaining to the specialist firm; and (2) make available to the specialist and his firm scores of other specialist units on the specialist's floor so as to enable the specialist and his firm to compare the specialist's performance to the other specialists on his floor.[3] The Exchange responded by indicating that it will (1) notify the firm in advance of any proceedings against one of the firm's specialists under the proposed rules; (2) allow the firm to participate in such proceedings in order to help explain the specialist's performance; and (3) send the firm the scores of all specialists on the appropriate floor of the Exchange so that the firm may compare its specialist's performance to that of other specialist on his floor.[4]

The Commission finds that the proposed rule change is consistent with the requirments of the Act and the rules and regulations thereunder applicable to national securities exchange.[5] In

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[1] The Commission approved the program on a one-year pilot basis on May 27, 1981. Securities Exchange Act Release No. 17818, May 27, 1981; 46 FR 30016, June 4, 1981. The program has been extended several times since the end of the initial one-year pilot period; most recently, on December 30, 1983, the Commission granted temporary approval of the instant rule change, making the program effective, as amended, from January 1, 1983 through March 31, 1983. Securities Exchange Act Release No. 18385, December 30, 1982; 48 FR 1256, January 12, 1982.

[2] In its filing, PSE states that the purpose of the program is to improve the quality of the PSE marketplace through non-disciplinary procedures. In addition, the Exchange states in its filing that the proposed new rules will neither replace nor impair the PSE's authority to cancel a specialist's registration or impose other sanctions through disciplinary proceedings for violations of Exchange rules. The Commission believes that the Exchange's designation of proposed Rule II, Section 11 as non-disciplinary is appropriate. See Securities Exchange Act Release No. 15827, May 15, 1979; 44 FR 29776, May 22, 1979 (Order approving NYSE Rule 103A); and Securities Exchange Act Release No. 18975, August 15, 1982; 47 FR 37019, August 24, 1982 (Order approving Phlx Rules 501–506).

[3] *See* letter from Thomas R. Gaian, Senior Vice President, Wedbush Noble, Cooke Inc., to Jerry M. Gluck, Vice President, PSE, dated January 21, 1983.

[4] *See* letter from Jerry Gluck, Vice President, PSE to Thomas Gaian, Wedbush, Noble, Cooke, Inc., dated February 9, 1983. The Exchange has indicated that the scores sent to the firm will not indicate the identity of the specialists receiving those scores except, of course, for the firm's own specialist(s).

[5] The Commission finds that the Exchange's response to the specialist firm's comments described above, *see* note 4, *supra*, contains the commitments necessary to address adequately that commentator's concern.

particular, the Commission finds that the proposed rule change is designed to improve specialist performance, thereby fostering cooperation and coordination with persons engaged in facilitating transactions in securities, and, in general, protecting investors and the public interest in a manner consistent with Section 6 of the Act. In this regard, the amendements to the program and its extension for one year [6] will continue in place and strengthen the Exchange's system for the evaluation of specialist performance, and, in addition give the Exchange an adequate basis for reallocating stocks in instances of unacceptable specialist performance so as to improve market making capabilities with respect to such stocks. The one-year extension of the revised program should provided the Exchange, the Commission and the public an opportunity to evaluate the actual operation of the revised program in light of these objectives.

In addition, the Commission finds that the proposed rule change is consistent with Section 11(b) of the Act and the rules and regulations thereunder that permit national securities exchanges to regulate the registration of specialists. Finally, the Commission finds that the proposed rule change, by providing for improved specialist performance, has the potential for increasing competition among PSE specialists and is, therefore, consistent with Section 6(b)(8) of the Act in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6060 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13055; (811-909)]

Revere Fund, Inc., Filing of an Application

March 1, 1983.

Notice is hereby given that Revere Fund, Inc. ("Applicant"), Greenville Center, C-200, 3801 Kennett Pike, Wilmington, DE 19807, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 4, 1982, and an amendment thereto on January 3, 1982, for an order pursuant to Section 8(f) of the Act, declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation. On November 10, 1959, Applicant registered under the Act and filed a registration statement pursuant to the Securities Act of 1933 with respect to 250,000 shares of its common stock. That registration was declared effective on January 29, 1960, whereupon Applicant commenced the initial offering of its shares.

On June 21, 1982, Applicant's board of directors approved an Agreement and Plan or Reorganization ("Plan") which was further arpproved by Applicant's shareholders on September 30, 1982. Pursuant to the Plan, at the close of business on October 1, 1982, substantially all Applicant's assets were acquired by Sigma Special Fund, Inc. ("Sigma"), a registered open-end investment company under the Act, solely for shares of Sigma on the basis of their respective net asset values. According to the application, the rate of exchange was 0.6633 shares of Sigma for each share of Applicant.

Applicant further states that, in compliance with the provisions of the Internal Revenue Code applicable to regulated investment companies, its board declared a dividend representing all undistributed investment income, aggregating $88,196. Applicant further represents that it has been dissolved pursuant to a Certificate of Dissolution filed with the Secretary of the State of Delaware on October 6, 1982.

Applicant represents that it has no assets, liabilities or securityholders, and that it is not a party to any litigation or administrative proceedings. Applicant further represents that it is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission by the division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6060 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Seiscom Delta, Inc.; Order of Suspension of Trading

March 3, 1983.

It appearing to the Securities and Exchange Commission that there are questions concerning unusual market activity in the securities of Seiscom Delta, Inc. and questions concerning an accumulation of approximately twenty (20) percent of the company's outstanding securities by an individual and certain affiliated persons and entities and the resulting potential impact on the market for Seiscom securities, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Seiscom Delta, Inc. The Commission also orders the suspension because of the failure of such persons to make payments to various broker-dealers in connection with the acquisition and maintenance of such securities as requested.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that exchange and over-the-counter trading in the securities of Seiscom Delta, Inc. is suspended for the period from March 3, 1983 through March 12, 1983.

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[6] The program will be in effect through December 31, 1983, a period of one year from January 1, 1983, the date upon which the proposed rule change was granted temporary approval. *See* note 1, *supra*.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6000 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22865; (70-6840)]

Southern Co.; Proposal to Issue and Sell Common Stock at Competitive Bidding

March 1, 1983.

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Southern proposes to issue and sell at competitive bidding up to 15 million additional shares of its authorized but unissued common stock, par value $5 per share, in one or more transactions, from time to time, not later than March 31, 1984. Southern may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy pursuant to Rule 50(a)(5) under the Act (HCAR No. 22623, September 2, 1982). Southern also indicates, however, that it may request at some future time that all or part of the stock sales be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of management, make such exception in the best interests of Southern and its investors and consumers.

Southern proposes to use the net proceeds from the sales of this common stock, together with treasury funds and the proceeds from the sales of common stock pursuant to an existing shelf registration program and through the operation of its Dividend Reinvestment and Stock Purchase Plan, Employee Savings Plan and Employee Stock Ownership Plan, to make additional equity investments in the form of capital contributions to its operating subsidiaries and for other corporate purposes. the subsidiaries propose to use these funds to provide a portion of their cash requirements to carry on their electric utility businesses.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6001 Filed 3-7-83; 8:45 am]

BILLING CODE 8010-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 46
Tuesday, March 8, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From March 3rd Open Meeting

March 2, 1983.

The following item has been deleted at the request of the Chairman's office from the list of agenda items scheduled for consideration at the March 3, 1983, Open Meeting and previously listed in the Commission's February 24, 1983.

Agenda, Item No., and Subject

General—1—*Title:* In re petition by AT&T for amendment of Part 2 of the FCC Rules and Regulations. *Summary:* Commission consideration of a Report and Order to amend Parts 2 and 21 to modify the calculation of necessary bandwidths for frequency modulated microwave radio relay systems.

Issued: March 2, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-318-83 Filed 3-4-83; 11:20 am]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Thursday, March 3, 1983

February 24, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, March 3, 1983 following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—"Motion for FCC Invocation of Lottery Procedures in Place of Comparative Hearing Process and Deferral of Comparative Hearing Pending such Lottery Procedures" in the Santa Fe, New Mexico, comparative FM proceeding (BC Docket Nos. 82-403 through 82-405).

Hearing—2—Application for Review of Hearing Designation Order in the Knoxville, Tennessee, comparative television proceeding (BC Docket Nos. 82-382 through 82-394).

Hearing—3—Motion to adopt a Random Selection Process in the Tahoe City, California, comparative FM proceeding (BC Docket Nos. 81-637 through 81-643).

Hearing—4—Application for Review of Hearing Designation Order in the Albuquerque, New Mexico FM radio comparative proceeding (BC Docket Nos. 82-570 through 82-580).

Hearing—5—Application for Review in the Sandpoint, Idaho comparative AM radio proceeding (BC Docket Nos. 82-724, 82-725).

Hearing—6—Application for Review of a Review Board Ruling approving a settlement agreement in the Austin, Texas, comparative TV proceeding (BC Docket Nos. 80-578, et seq.).

Hearing—7—WIOO, Inc., Carlisle, Pennsylvania, AM radio comparative renewal proceeding (Docket Nos. 21506-07).

These items are closed to the public because they concern adjudicatory matters (See 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of this staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission:

Item Nos. 1 through 6, February 22, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider these items in Closed Session.

Item No. 7, January 19, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

This meting may be continued to following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: February 24, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-320-83 Filed 3-4-83; 11:20 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Wednesday, March 9, 1983

March 2, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Wednesday, March 9, 1983, which is scheduled to commence at 2 p.m., in Room 856, 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Report and Order in the Matter of Preparations for the 1983 Region 2 Administrative Radio Conference (GEN Docket No. 80-398).

This item is closed to the public because it concerns Premature Disclosure (See 47 CFR 0.603(i)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Plans and Policy and members of his staff
Chief, Office of Science and Technology and members of his staff
Chairman, U.S. Delegation, RARC-83
Chief, Mass Media Bureau and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission March 2, 1983: Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: March 2, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-325-83 Filed 3-4-83; 3:16 pm]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From March 3rd Closed Meeting

March 3, 1983.

The following item has been deleted from the list of agenda items scheduled for consideration at the March 3, 1983, Closed Meeting and previously listed in the Commission's Public Notice of February 24, 1983.

Agenda, Item No. and Subject

Hearing—7—WIOO, Inc., Carlisle, Pennsylvania, AM radio comparative renewal proceeding (Docket Nos. 21506–07).

Issued: March 3, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-326-83 Filed 3-4-83; 3:17 pm]

BILLING CODE 6712-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION

March 3, 1983

TIME AND DATE: 9 a.m. March 10, 1983.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth P. Plumb, Secretary, telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—786th Meeting, March 10, 1983, Regular Meeting (9 a.m.)

CAP–1. Project No. 3412–002, City of Oxford, Kansas

CAP–2. Project No. 5313–001, Hydro Energies Corp.; Project No. 3214–000, Water Power Development Corp.; Project No. 3766–000, Vermont Electric Cooperative, Inc.

CAP–3. Omitted

CAP–4. Project No. 3738–002, Mitchell Energy Co., Inc.; Project No. 3813–000, Energenics System, Inc.; Project No. 4145–000, the City or Valentine, Nebraska; Project No. 4225–000, Ainsworth Irrigation District

CAP–5. Omitted

CAP–6. Project No. 3407–003, Cook Electric Co.; Project No. 4468–000, Big Wood Canal Co. and American Falls Reservoir District No. 2

CAP–7. Project No. 2840–003, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

CAP–8. Project No. 4006–001, City of Ogdensburg

CAP–9. Project No. 5275–000, Hydro Resource Co.; Project No. 5325–000, Capital Development Co.; Project No. 6014–001, Pub. No. 1 of Lewis County, Washington; Project No. 6600–000, Eagle Power Co.

CAP–10. Docket No. ID–1997–001, Frederick W. Mielke, Jr.

CAP–11. Omitted

CAP–12. Docket No. EP80–5011–004, Western Area Power Administration

CAP–13. Omitted

CAP–14. Omitted

CAP–15. Docket No. EL83–7–000, Wholesale Customers of Ohio Edison Co. *v.* Ohio Edison Co.

CAP–16. Docket No. ER83–760–001, Minnesota Power & Light Co.

CAP–17. Docket No. ER83–267–000, Baltimore Resco

CAP–18. Docket No. ER83–242–000, Rochester Gas & Electric Co.

CAP–19. Docket Nos. ER83–248–000, ER81–736–000 and ER83–192–000, Central Illinois Public Service Co.

CAP–20. Docket No. ER83–241–000, Idaho Power Co.

CAP–21. Docket No. ER82–683–000, the Connecticut Light & Power Co.

CAP–22. Docket No. ER82–852–000, Southwestern Public Service Co.

CAP–23. Project No. 3620–001, Power Authority of the State of New York

Consent Miscellaneous Agenda

CAM–1. Docket No. Rm79–76–129 (Missouri—1), high-cost gas produced from tight formations

CAM–2. Docket No. RA82–27–000, Industrial Fuel & Asphalt of Indiana, Inc.

CAM–3. Docket No. RA81–69–000, Chevron U.S.A. Inc.

CAM–4. Docket No. RO81–67–000, Traders Oil & Royalty Co.

CAM–5. Docket No. GP82–50–000, indicated producers—Shell Oil Co., et al., in the matter of the transportation of liquid and liquefiable hydrocarbons by Natural Gas Pipelines (RM81–31); Docket No. GP82–51–000, Associated Gas Distributors, Transportation by Natural Gas Pipelines of Producer-Owned Liquids and liquefiable hydrocarbons under Title I of the Natural Gas Policy Act of 1978 (RM81–39); Docket No. GP82–52–000, Texas Eastern Transmission Corp., transportation by Natural Gas Pipelines of producer-owned liquids and liquefiable hydrocarbons (RM81–43).

CAM–6. Docket Nos. Rm80–47–002, 003, 004, 005, 006, 007, 008, 009, 010 and 011, regulations implementing Section 110 of the Natural Gas Policy Act of 1978 and establishing policy under the Natural Gas Act

CAM–7. Docket Nos. RM80–73–002 and 003, delivery allowances under Section 110 of the Natural Gas Policy Act of 1978; Docket Nos. RM80–74–002 and 003, compression allowances under Section 110 of the Natural Gas Policy Act of 1978

Consent Gas Agenda

CAG–1. Docket Nos. RP83–11–002 and RP83–30–000, Transcontinental Gas Pipe Line Corp.

CAG–2. Omitted

CAG–3. Docket Nos. RP83–35–001, RP81–100–000, RP82–37–000, and RP74–41–019 and 020, Texas Eastern Transmission Corp.

CAG–4. Omitted

CAG–5. Docket No. RP83–11, Transcontinental Gas Pipe Line Corp.

CAG–6. Docket No. TA83–1–32–002 (PGA83–1), Colorado Interstate Gas Co.

CAG–7. Docket No. RP82–22–000, El Paso Natural Gas Co.

CAG–8. Docket No. RP82–54–007, Colorado Interstate Gas Co.

CAG–9. Docket Nos. RP82–14–000, 001 and RP82–47–000, Mountain Fuel Resources, Inc.

CAG–10. Omitted

CAG–11. Docket No. STA82–478–000, ONG Red Oak Transmission Co. Oklahoma Natural Gas Co., a Division of Oneok, Inc.

CAG–12. Docket No. RP82–96–000, Southwest Gas Corp.

CAG–13. Docket Nos. IS81–60–000 and IS82–25–000, Dome Petroleum Co.

CAG–14. Docket No. OR82–2–002, Tipco Crude Oil Co. *v.* Shell Pipe Line Corp.

CAG–15. Docket No. CI83–43–001, Union Texas Petroleum Corp.; Docket No. CI83–37–001, Sun Exploration and Production Co; Docket No. CI68–1071–001, Union Oil Co. of California; Docket No. CI83–83–001, Arco Oil & Gas Company, A Division of Atlantic Richfield Co.

CAG–16. Omitted

CAG–17. Docket Nos. RI74–188–003, 004 and RI75–21–002, Independent Oil & Gas Association of West Virginia

CAG–18. Docket No. ST83–30–000, Producer's Gas Co.

CAG–19. Docket No. ST82–159–000, Louisiana Gas System, Inc.

CAG–20. Docket Nos. CP81–107–000 and CP81–108–000, Boundary Gas, Inc.; Docket Nos. CP81–296–000, 001, CP81–298–000, and CP82–470–000, Tennessee Gas Pipeline Co., a Tenneco Division of Tenneco Inc.

CAG–21. Docket No. CP82–545–001, Transcontinental Gas Pipe Line Corp.

CAG–22. Docket No. CP79–457–005, Mississippi River Transmission Corp.

CAG–23. Docket No. CP82–513–000, Gasdel Pipeline System Inc.; Docket No. CP82–513–001, Gasdel Pipeline System Inc. and Transcontinental Gas Pipe Line Corp.

CAG–24. Docket No. CP82–505–000, Natural Gas Pipeline Co. of America

CAG–25. Docket Nos. RP82–16–000, RP82–57–000 and RP81–81–000, United Gas Pipe line Co.

CAG–26. Docket No. IS83–26–000, Gulf Central Pipeline Co.

Power Agenda

I. Licensed Project Matters

P–1. Project No. 176–012, Escondido Mutual Water Co.

P–2. Docket No. EL82–9–000, South Carolina Public Service Authority
P–3. Project No. 6806–001, New York State Energy Research and Development Authority; Project No. 4113–001, Long Lake Energy Corp.; Project No. 5315–001, Phoenix Hydro Corp.; Project No. 5323–001, Village of Phoenix, New York

II. Electric Rate Matters

ER–1. Docket No. ER78–417–000, Kentucky Utilities Co.
ER–2. Omitted
ER–3. Omitted
ER–4. Docket No. ER82–616–001, Middle South Energy, Inc.
ER–5. Docket No. EF80–2011–001, United States Department of Energy—Bonneville Power Administration (System Rates)
ER–6. Docket No. QF82–231–000, Kenvil Energy Corp.

Miscellaneous Agenda

M–1. Docket No. RM83–40–000, revisions to regulations on retention of records by natural gas companies, public utilities, licensees, and oil pipeline companies
M–2. Docket No. RM81–38–000, Construction work in progress for public utilities
M–3. Reserved
M–4. Docket No. GP82–47–000, review of off-system sales program

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. RP80–97–022, et al., Tennessee Gas Pipeline Co., et al.
RP–2. Docket Nos. RP79–10–002 and RP80–134–007, Great Lakes Gas Transmission Co.
RP–3 (a) CP78–124–000, Northern Border Pipeline Co., (b) CP78–123–000, et al., Alaskan Northwest Natural Gas Transportation Co.
RP–4. Omitted

II. Producer Matters

CI–1. Docket Nos. CI75–45–000, 004, 005, 006, et al., Tenneco Oil Co., et al.

III. Pipeline Certificate Matters

CP–1. Docket No. CP76–500–001, Cities Service Gas Co.
CP–2. Docket No. CP64–121–000, Farmland Industries, Inc.; Docket No. CI65–700–000, CRA, Inc.

Kenneth F. Plumb,

Secretary.

[S–319–83 Filed 3–4–83; 11:19 am]
BILLING CODE 6717–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 16, 1983.

TIME AND DATE: 10 a.m., Wednesday, March 9, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Allied Chemical Corporation, Docket No. WEST 79–165–M. (Issues include whether the judge properly concluded that the operator violated 30 CFR 57.9–2, dealing with correction of equipment defects affecting safety).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632..

[S–324–83 Filed 3–4–83; 3:15 pm]
BILLING CODE 6735–01–M

7

FEDERAL RESERVE SYSTEM
BOARD OF GOVERNORS

TIME AND DATE: 10 a.m., Monday, March 14, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTER TO BE CONSIDERED:

1. Personnel actions (appointments, promotion, assignment, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: March 4, 1983.

James McAfee,

Associate Secretary of the Board.

[S–322–83 Filed 3–4–83; 2:40 pm]
BILLING CODE 6210–01–M

8

NATIONAL SCIENCE BOARD

DATE AND TIME:
March 17, 1983 10 a.m., closed session
March 17, 1983 10:30 a.m., open session
March 18, 1983 7:45 a.m., closed session
March 18, 1983 8 a.m., open session

PLACE: National Science Foundation, 1800 G Street NW., Washington, D.C.

STATUS: Most of this meeting will be open to the public. Parts of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Open Sessions:

Thursday, March 17, 10:30 a.m.
1. Minutes—Open Session—February 1983 Meeting.
2. Chairman's Items.
3. Director's Report.
4. Program Review—Electrical, Computer, and Systems.

Friday, March 18, 8–10 a.m.
5. Grants, Contracts, and Programs—Action Item.
6. Proposed Budget for Fiscal Year 1985.
7. NSB Annual Report—*Science Indicators—1982.*
8. Reports of Board Committees.
9. Board Representation at Advisory Committee and Other Meetings.
10. Other Business.
11. Next Meetings.

Closed Session:

Thursday, March 17, 10 a.m.
A. Minutes—Closed Session—February 1983 Meeting.
B. NSB and NSF Staff Nominees.
C. Report of 1983 Ad Hoc Nominating Committee for Board Officers.
D. Alan T. Waterman Award.
E. Vannevar Bush Award.

Friday, March 18, 7:45–8 a.m.
F. Grants, Contracts, and Programs—Action Items.

CONTACT PERSON FOR MORE INFORMATION: Ms. Margaret L. Windus, Executive Officer, NSB, 202/357–9582.

[S–321–83 Filed 3–4–83; 12:07 pm]
BILLING CODE 7555–01–M

9

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10 a.m., Friday, April 8, 1983.

PLACE: Board Room, 712 Jackson Place NW., Washington, D.C. 20006.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 13, 1982 meeting.
4. Report of Chairman.
5. Report of President.
6. Report of Executive Secretary.
7. Report of General Counsel.
8. Discussion of Awards Ceremony.
9. New Business.
10. Set date for next meeting in September, 1983.

Portions closed to the public:

1. Selection of Truman Scholars for 1983–84.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

March 2, 1983.

Malcolm C. McCormack,

Executive Secretary.

[S–323–83 Filed 3–4–83; 3:09 am]
BILLING CODE 6116–02–M

VOL
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federal register

Tuesday
March 8, 1983

Part II

Department of Labor

Occupational Safety and Health Administration

Occupational Noise Exposure; Hearing Conservation Amendment; Final Rule

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR 1910

Occupational Noise Exposure; Hearing Conservation Amendment

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule

SUMMARY: This rule finalizes various aspects of the hearing conservation amendment to the occupational noise exposure standard. In January 1981, OSHA promulgated a hearing conservation amendment (46 FR 4078) requiring hearing conservation programs for all employees whose noise exposures equal or exceed an 8-hour time-weighted average (TWA) of 85 decibels (dB). The amendment was subsequently stayed for reconsideration and clarification. In August 1981, major portions of the amendment went into effect; the administrative stay was continued on other portions of the amendment and additional comments were solicited on these stayed portions (46 FR 42622).

By its action today, OSHA is (1) revoking many of the stayed provisions of the hearing conservation amendment, (2) lifting the administrative stay as to other portions of the amendments, and (3) making certain changes and corrections of a technical nature. The hearing conservation amendment to the OSHA noise standard, which is reprinted in its entirety at the end of this notice, establishes a comprehensive hearing conservation program, including exposure monitoring, audiometric testing, and training for employees with significant workplace noise exposures.

EFFECTIVE DATE: This final rule is effective April 7, 1983. Baseline audiograms must be completed by March 1, 1984. See Supplementary Information for details on effective dates.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N–3637, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523–8148.

Copies of any portion of the record, including the Regulatory Analysis, may be obtained by contacting: Docket Officer, Docket No. OSH–11, Room S–6212, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523–7894.

SUPPLEMENTARY INFORMATION: The recordkeeping requirements in the amendment have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. 3501, *et seq.* The OMB approval number is 1218–0048.

I. Executive Summary

The following summary briefly discusses the required components of the hearing conservation program. For a more detailed discussion and explanation of the amendment, see parts II–VI of this Supplementary Information section.

Monitoring

The hearing conservation amendment requires employers to monitor noise exposure levels in a manner that will accurately identify employees who are exposed at or above an 85-decibel (dB) 8-hour time-weighted average (TWA). The exposure measurement must include all noise within an 80 dB to 130 dB range. The requirement is performance oriented and allows employers to choose the monitoring method that best suits each individual situation.

Under this revised amendment, employees are entitled to observe monitoring procedures and, in addition, they must be notified of the results of exposure monitoring. However, the method used to notify employees is left to the discretion of the employers.

Employers must remonitor workers' exposures whenever changes in exposures are sufficient to require new hearing protectors or cause employees who were previously not included in the program because they were not exposed to an 8-hour TWA of 85 dB, to be included in the program.

Instruments used for monitoring employee exposures must be calibrated to ensure that the measurements are accurate. Since calibration procedures are unique to specific instruments, employers should follow the manufacturer's instructions to determine when and how extensively to calibrate.

Audiometric Testing

Audiometric testing not only monitors employee hearing acuity over time, but also provides an opportunity for employers to educate employees about their hearing and the need to protect it. The audiometric testing program includes baseline audiograms, annual audiograms, training and follow-up procedures. The audiometric testing program should indicate whether hearing loss is being prevented by the employer's hearing conservation program. Audiometric testing must be made available to all employees who have average exposure levels of 85 dB. A professional (audiologist, otolaryngologist, or physician) must be responsible for the program but does not have to be present when a qualified technician is actually conducting the testing. Professional responsibilities include overseeing the program and the work of the technicians, reviewing problem audiograms and determining whether referral is necessary. Both professionals and trained technicians may conduct audiometric testing. In addition to administering audiometric tests, the tester (or the supervising professional) is also responsible for ensuring that the tests are conducted in an appropriate test environment and that the audiometer works properly, for reviewing audiograms for standard threshold shifts (STS), and for identifying problem audiograms requiring further evaluation by a professional.

a. Audiograms. There are two types of audiograms required in the hearing conservation program: Baseline and annual audiograms. The baseline audiogram is the reference audiogram against which future audiograms are compared. Baseline audiograms must be provided within six months of an employee's first exposure at or above a TWA of 85 dB. Where employers are using mobile test vans to obtain audiograms, baseline audiograms must be completed within one year after an employee's first exposure to workplace noise at or above a TWA of 85 dB. Additionally, where mobile vans are used and employers are allowed to delay baseline testing for up to a year, after 6 months those employees exposed at or above 85 dB must be issued and fitted with hearing protectors to be worn until the baseline audiogram is obtained. Baseline audiograms taken before the effective date of the amendment are acceptable as baselines in the program if the professional supervisor determines that the audiogram is valid. The annual audiogram must be conducted within one year of the baseline. It is important to test hearing on an annual basis in order to identify changes in hearing acuity so that protective follow-up measures can be initiated before hearing loss progresses.

b. Audiogram evaluation. Annual audiograms must be routinely compared to baseline audiograms to determine whether the audiogram is accurate and to determine whether the employee has lost hearing ability (that is, if a standard threshold shift (STS) has occurred). An effective program depends on a uniform and protective definition of STS. STS is defined in the amendment as an average

shift in either ear of 10 dB or more at 2000, 3000 and 4000 Hz. An averaging method of determining STS was chosen because it diminishes the number of persons falsely identified as having STS who are later shown not to have had a significant change in hearing ability.

If an STS is identified, employees must be fitted or refitted with adequate hearing protectors, shown how to use them, and required to wear them. In addition, employees must be notified within 21 days from the time the determination is made that their audiometric test results showed an STS. Some employees with an STS may need to be referred for further testing if the professional determines that their test results are questionable or if they have an ear problem of a medical nature caused or aggravated by wearing hearing protectors. If the suspected medical problem is not thought to be related to wearing protectors, employees must merely be informed that they should see a physician. If subsequent audiometric tests show that the STS identified on a previous audiogram is not persistent, employees whose exposures are less than a TWA of 90-dB may discontinue the wearing of hearing protectors.

A subsequent audiogram may be substituted for the original baseline audiogram if the professional supervising the program determines that the employee has experienced a persistent STS. The substituted audiogram becomes known as the revised baseline audiogram. This substitution will ensure that the same shift is not repeatedly identified. The professional may also decide to revise the baseline audiogram after an improvement in hearing has occurred, which will ensure that the baseline reflects actual thresholds to the extent possible. Where a baseline audiogram is revised, the employer must, of course, also retain the original audiogram. In order to obtain valid audiograms, audiometers must be used, maintained, and calibrated according to specifications given in Appendices C and E of the standard.

Hearing Protectors

Hearing protectors must be available to all workers exposed at or above the action level. This requirement will ensure that employees have access to protectors before they experience a loss in hearing. Where baseline audiograms are delayed because it is inconvenient for mobile test vans to visit the workplace more than once a year, protectors must be worn by employees for any period exceeding 6 months from the time they are first exposed to 8-hour average noise levels of 85 dB or above until they receive their baseline audiograms. Hearing protector use is also mandatory for employees who have incurred standard threshold shifts, since these workers have demonstrated that they are particularly susceptible to noise.

Employees should decide, with the help of a person who is trained in fitting hearing protectors, which size and type protector is most suitable for their working environment. The protector selected should be comfortable to wear and offer sufficient attenuation to prevent hearing loss. Employees must be shown how to use and care for their protectors and must be supervised on the job to ensure that they continue to wear them correctly.

Hearing protectors must provide adequate attenuation for each employee's work environment. The employer must re-evaluate the suitability of the employee's present protector whenever there is a change in working conditions that may cause the hearing protector being used to be inadequate. If workplace noise levels increase, employees must be given more effective protectors. The protector must reduce employee exposures to at least 90 dB, or to 85 dB when an STS has occurred.

Training

Employee training is important because when workers understand the reasons for the hearing conservation program's requirements and the need to protect their hearing, they will be better motivated to participate actively in the program and to cooperate by wearing their protectors and taking audiometric tests. Employees exposed to TWA's of 85 dB and above must be trained at least annually in the effects of noise; the purpose, advantages, disadvantages and attenuation of various types of hearing protectors; the selection, fitting and care of protectors; and the purpose and procedures of audiometric testing. Training does not have to be accomplished in one session. The program may be structured in any format, and different parts my be conducted by different individuals as long as the required topics are covered. For example, audiometric procedures could be discussed immediately prior to audiometric testing. The training requirements are such that employees must be reminded on a yearly basis that noise is hazardous to hearing and that they can prevent damage by wearing a hearing protector, where appropriate, and participating in audiometric testing.

Recordkeeping

Noise exposure measurement records must be kept for two years. Records of audiometric test results must be maintained for the duration of employment of the affected employee. Audiometric test records must include the name and job classification of the employee, the date, the examiner's name, the date of acoustic or exhaustive calibration, measurements of the background sound pressure levels in audiometric test rooms, and the employee's most recent noise exposure measurement.

II. Introduction

Noise, or unwanted sound, is one of the most pervasive occupational health problems. It is a by-product of many industrial processes. Sound consists of pressure changes in a medium (usually air), caused by vibration or turbulence. These pressure changes produce waves emanating away from the turbulent or vibrating source.

Sound pressure level is a logarithmic measure of the magnitude or intensity of the pressure change: it is perceived as loudness. Sound pressure level is expressed in decibels, abbreviated dB. Because of the logarithmic scale used to measure sound pressure or noise, a small increase in decibels represents a large increase in sound energy (sound pressure is directly related to vibrational energy). Technically, each increase of 3 dB represents a doubling of sound energy; an increase of 10 dB represents a tenfold increase, and a 20 dB increase represents a 100-fold increase in sound energy.[1]

The frequency of a sound is the number of times that a complete cycle of compressions and rarefactions occurs in a second. The descriptor, which used to be "cycles per second," is now hertz, abbreviated Hz. Frequency is perceived as pitch. Most everyday sounds contain a mixture of frequencies generated by a variety of sources. A sound's frequency composition is referred to as the spectrum. For a more complete discussion of the physical properties of sound and similar background information, see 46 FR 4079–4081 (January 16, 1981).

Exposure to high levels of noise causes hearing loss and may cause other harmful health effects as well. The extent of damage depends primarily on the intensity of the noise and the

[1] For purposes of 29 CFR 1910.95 as well as the hearing conservation amendment, however, a doubling rate of approximately 5 dB is used. That is, a 5 dB increase in level is permitted each time the exposure duration is decreased by half.

duration of the exposure. Noise-induced hearing loss can be temporary or permanent. Temporary hearing loss, also called temporary threshold shift,[2] results from short-term exposures to noise, with normal hearing returning after a period of rest.

Generally, prolonged exposure to high noise levels over a period of time causes permanent damage. Therefore a person who regularly sustains a temporary loss or shift in hearing threshold from exposure to noise will eventually suffer premanent hearing loss or noise induced permanent threshold-shift (NIPTS). This NIPTS is particularly insidious because it occurs very gradually over time. In fact, for a long time the worker may not notice any change in hearing acuity until the hearing loss begins to interfere with everyday communication. By then, it is too late to do anything about the hearing loss that has already been suffered.

Noise induced permanent threshold shift is not reversible and cannot be treated medically. Once a permanent threshold shift has occurred, only the further progression of hearing loss can be prevented. Noise induced hearing loss causes difficulty in interpreting sounds and in perceiving the intensity or loudness of sounds. Even if the sounds are amplified, as with a hearing aid, they remain indistinct.

Noise induced hearing loss typically starts with hearing threshold shifts in the higher frequencies. The loss usually appears first and is most severe at 4000 and 6000 Hz. If damaging noise exposure continues, the loss spreads to the lower frequencies. People with noise induced high frequency hearing loss frequently have difficulty hearing consonant sounds. Because of the crucial role the ability to distinguish consonant sounds has in the ability to understand speech, people with noise induced high frequency hearing loss characteristically have trouble understanding speech. For a more complete discussion of the health affects of noise and hearing loss, see 46 FR 4061–4113 (January 16, 1981), which is hereby incorporated by reference.

The type of hearing loss caused by exposure to noise, sensori-neural hearing loss, can be identified and measured by an audiometric examination even before a person becomes aware of a deterioration in hearing. The record of a given individual's hearing sensitivity is an audiogram. An audiogram shows hearing threshold level measured in decibels as a function of frequency measured in hertz. It indicates how intense or loud a sound at a given frequency must be before it can be perceived, and thereby provides a graphic representation of the status of the individual's hearing. With periodic audiometric testing it is possible to trace and document hearing loss, and by so doing to prevent further loss from occurring.

Evidence in the record demonstrates that many workplaces are not safe from the hazards posed by noise. Present noise exposures pose significant risk of harm to workers and this risk can be reduced by instituting hearing conservation programs for all workers exposed at or above 85 dB, as an 8-hour time-weighted average.

The hearing conservation program prescribed in the amendment to the occupational noise exposure standard, which is the subject of this document, is designed to protect workers with significant occupational noise exposures from suffering material hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. The hearing conservation amendment requires employers to identify workers exposed to significant levels of workplace noise, to include workers so identified in an audiometric testing program, and to train exposed employees in the proper use and selection of hearing protectors. The provisions contained in the amendment are reasonably necessary and appropriate to provide noise exposed workers with safe and healthful employment (see 46 FR 4105–4107, January 16, 1981, for a general discussion of this issue).

III. Background

In January 1981, OSHA promulgated (46 FR 4078) a hearing conservation amendment to its occupational noise exposure standard (29 CFR 1910.95 (a) and (b)).[3] This amendment required that employees whose noise exposures equaled or exceeded an action level of 85 dB, as an 8-hour TWA,[4] be included in a hearing conservation program.

The hearing conservation amendment augmented the existing standard (29 CFR 1910.95 (a) and (b)) and specified numerous specific requirements that had to be included in each employer's hearing conservation program. The amendment added detailed provisions dealing with monitoring employee noise exposures, annual audiometric testing for employees exposed at or above a TWA of 85 dB, retesting under certain circumstances, the selection of adequate hearing protectors, employee education and training, warning signs, and the maintenance of records pertaining to exposure monitoring and audiometric testing (see paragraphs (c)–(s) of 29 CFR 1910.95, 46 FR 4161).

After the hearing conservation amendment was promulgated, the Agency received a number of requests to reconsider the amendment pursuant to the recently adopted Executive Order 12291 (see 46 FR 13193, February 17, 1981) and petitions to administratively stay the amendment. In addition, numerous requests for clarifications and interpretations of various provisions of the hearing conservation amendment were received by the Agency. A number of parties sought judicial relief under section 6(f) of the Act, requesting the court to set aside the hearing conservation amendment, alleging that various provisions were not supported by substantial evidence in the record considered as a whole.[5] As a result of the controversy and confusion generated by some of the provisions of the hearing conservation amendment, as well as the legal challenges to the amendment, it was necessary to defer the effective date of the amendment several times in order to consider the merits of the various petitions (see 46 FR 21365, April 10, 1981; 46 FR 29845, May 29, 1981; and 46 FR 39137, July 31, 1981.[6]

OSHA carefully reviewed and analyzed the comments, petitions, and requests for clarifications in light of the

[2] A person's hearing threshold represents the level of sound that that person can just barely hear.

[3] The existing standard (29 CFR 1910.95 (a) and (b) sets a permissible exposure level for noise at 90 dB as an 8-hour time-weighted average and requires the employer to reduce employee exposure to within this level by the use of feasible engineering controls or administrative controls. In addition, the existing standard (29 CFR 1910.95(b)(3)) requires that a "continuing effective hearing conservation program" be implemented when employee exposure exceeds 90 dB, without regard to the use of hearing protectors, but the standard does not spell out the elements of such a hearing conservation program.

[4] Assuming an exchange rate of 5 dB, the action level or trigger for initiating a hearing conservation program occurs when exposures are approximately half of the permissible exposure level (PEL), an 8-hour TWA of 90 dB.

[5] *Chocolate Manufacturers Association* v. *Occupational Safety and Health Administration of the U.S. Dept. of Labor*, No. 81–1210; *American Iron and Steel Institute et al.* v. *Secretary of Labor and OSHA*, No. 81–1991; *Chamber of Commerce* v. *OSHA, U.S. Dept. of Labor*, No. 81–1990. These cases were consolidated in the Fourth Circuit Court of Appeals. The Court is holding these cases in abeyance pending completion of the rulemaking proceeding. Fleck Industries also sued OSHA, see *Fleck Industries, Inc.* v. *OSHA*, No. 81–1400 (3rd Cir.), but the petition was subsequently withdrawn.

[6] The AFL–CIO subsequently sued to set aside the Secretary's deferral of the effective date of the hearing conservation amendment. See *AFL–CIO* v. *Donovan*, No. 81–1667 and 81–1763 (4th Cir.). On September 18, 1981 the Fourth Circuit Court of Appeals denied the motion without prejudice; the AFL–CIO subsequently moved for voluntary dismissal, and the motion was granted on November 6, 1981.

lengthy preamble to the amendment and consistent with the requirements of E.O. 12291 to evaluate regulations. Based on this review, OSHA decided that major portions of the amendment should be allowed to go into effect. A Regulatory Impact Analysis was prepared for the parts of the amendment going into effect. On August 21, 1981, the Agency lifted the administrative stay of major portions of the hearing conservation amendment, allowing the amendment to go into effect (see 46 FR 42622). The stay was continued, however, and the record reopened for additional comment on a number of other provisions that are discussed in detail below.

Generally, the record was reopened for substantive comment where there was reason to believe, based on the comments received, that there might be a more cost-effective way of accomplishing the desired result of protecting employee hearing, or where new information as to the feasibility or desirability of a particular requirement was submitted which deserved further evaluation. It was suggested that the stayed provisions were too detailed, imposed unnecessary restrictions on the operation of hearing conservation programs, were financially burdensome, and were confusing.

OSHA received a great number of submissions containing comments and evidence in response to the August **Federal Register** document. While many comments urged that the Agency should revoke the stayed provisions of the hearing conservation amendment, others objected to the stays of various provisions. For example, several labor groups objected to the continuation of the stays, feeling that they had an adverse effect on the enforceability of the standard. In addition, they requested that a hearing be held on the suggested changes. In response to these requests, an informal public hearing was scheduled. The hearing was convened on March 23, 1982, with Administrative Law Judge Stuart A. Levin presiding. The hearing lasted approximately five days, during which time about 50 interested parties offered testimony and evidence. At the close of the hearing, a 60-day period for receipt of post hearing comments was authorized by Judge Levin.

The provisions which went into effect in August 1981 are more performance oriented than the amendment originally promulgated in January 1981. These provisions set out certain basic elements that were thought necessary to include in industrial hearing conservation programs, while affording employers considerable flexibility in achieving the ultimate goal of the standard: conserving employee hearing. The provisions that went into effect in August allowed employers to adapt hearing conservation programs to their own operations better than those originally promulgated in January 1981.

The revised amendment being issued today has adopted a performance approach insofar as possible. This is in marked contrast with the detailed specifications of the January amendment, which did not fully consider the mandate of section 6(b)(5) of the Act that standards be expressed in terms of performance criteria where practicable. The revised amendment generally allows the employer to choose his own method of complying with the obligations imposed by the amendment. This approach is particularly appropriate where the standard applies to many different types of industrial settings and work environments. The flexibility inherent in the performance approach allows the employer, who is familiar with the unique circumstances and problems of his workplace, to use this knowledge to develop the most effective and efficient mechanism to protect his employees. The employer is given sufficient leeway to adopt a hearing conservation program which will be compatible with all of the peculiarities of the work environment and the needs of his business, rather than having to implement a number of requirements that would be inadequate, inappropriate or unnecessary in his working environment, merely because they are required by the standard. The performance approach allows and even encourages employers to develop creative and innovative methods of meeting the obligations imposed by the amendment.

It is expected that by providing some flexibility, the amendment will encourage compliance because compliance can be achieved in the manner that is the easiest under the circumstances present in the particular working environment. This is also consistent with one of the purposes of the Act, as stated in section 2(b)(1), of stimulating employers and employees to institute new programs and to perfect existing programs to provide healthful working conditions. In addition, the performance approach adopted herein is consistent with the Supreme Court ruling in *American Textile Manufacturers Institute, Inc.* v. *Donovan*, 452 U.S. 490, 101 S. Ct. 2478 (1981) suggesting that standards must be cost-effective. The revised hearing conservation amendment allows employers to adopt the most efficient method of compliance which will give the protection mandated by the amendment and achieve the goal of the standard, that is, conserving employee hearing.

As a result of new evidence placed into the record as well as testimony submitted at informal public hearings, OSHA has once again reviewed the record as it pertains to the issues in this proceeding. After carefully reconsidering the entire record, the Agency has decided to take the actions discussed in detail below. The entire hearing conservation amendment, rather than just those portions being revised, is reprinted at the end of this document. This is being done as a matter of convenience to avoid any confusion as to the various requirements of the standard.

IV. Summary of Regulatory Impact and Regulatory Flexibility Analysis

A Regulatory Impact and Regulatory Flexibility Analysis consistent with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 has been prepared. The document discusses, *inter alia*, the costs of the hearing conservation provisions published in January 1981 and the costs of the provisions contained in this revised hearing conservation amendment, presents information on the relative cost-effectiveness of the two sets of provisions, and describes the impact on small business.

The total costs of the revised amendment are estimated to be $210.3 million a year, for an average cost of $41 per worker included in hearing conservation programs mandated by the amendment. For comparison, the Regulatory Impact Analysis also presents costs of the January 1981 amendment, which have been recalculated based on new information in the rulemaking record. That amendment would have cost $295.3 million a year,[7] for an average of $58 per worker, about 40 percent more than the costs of the revised amendment. After allowing for the hearing conservation activities already established, the provisions of the revised amendment are estimated to cost $197.3 million annually.

The analysis concludes that the regulation is both technologically and economically feasible for both large and small businesses. Even if firms were forced to absorb the total costs of the hearing conservation provisions, these

[7] The January 1981 Regulatory Analysis initially estimated the total costs of the hearing conservation amendment at $270 million a year (p. IV–2).

costs would represent less than 0.2 percent of profits for the industries studied. A typical small business with under 20 production workers might need to spend about $163 per year to comply with the hearing conservation amendment requirements.

The Regulatory Impact Analysis relies on the benefits calculations of the Regulatory Analysis that was prepared for the amendment promulgated on January 16, 1981. OSHA estimated that hearing conservation programs for all employees exposed above 85 dB would eliminate 212,000 cases of material impairment of hearing after 10 years, 696,000 after 30 years and 898,000 cases at equilibrium.[8] OSHA believes that the more performance-oriented provisions of the revised amendment will not significantly reduce these benefits. Therefore, the revised amendment will significantly reduce the risk of hearing impairment present in many workplaces.

Copies of the Regulatory Impact and Regulatory Flexibility Analysis can be obtained from the Docket Office, at the address listed in the "Further Information" section at the beginning of this Federal Register document.

V. Environmental Impact

On February 19, 1974, OSHA announced in the Federal Register its intention to prepare an Environmental Impact Statement assessing the impact of a standard that would be proposed for occupational noise exposure (see 39 FR 6119). Information was solicited from the public on a variety of environmentally related issues including possible environmental impacts of the recommended standard and any irreversible commitments of resources which would be involved if the standard should be implemented.

A draft Environmental Impact Statement was made available to the public on June 10, 1975 (40 FR 25525) and environmental impact was specifically an issue at the first hearing held in 1975.

A final Environmental Impact Statement was prepared in accordance with the Council on Environmental Quality (CEQ) Guidelines (40 CFR Part 1500 *et seq.*) and the Department of Labor's regulations (29 CFR Part 11) setting out procedures to be used by Department of Labor agencies to ensure compliance with the National Environmental Policy Act. The final Environmental Impact Statement was made available to the public at the time the final rule was published. The final Environmental Impact Statement concluded that the hearing conservation amendment would beneficially impact the workplace environment by reducing both the incidence and the degree of hearing loss among workers. It also concluded that the incidence of other adverse health effects associated with noise exposure might also be reduced.

In August 1981, OSHA concluded that staying the various provisions of the amendment would not have any significant environmental impact, and the Environmental Impact Statement was therefore not revised. OSHA also asked for comments on whether the Agency's action would have any significant environmental impact. No substantive comments were received on this issue. Based on the record, OSHA now concludes that the action taken today revising the amendment will have no significant environmental impact. Therefore, no revised Environmental Impact Statement is necessary.

VI. Summary and Explanation of Actions Taken

Monitoring

Monitoring provides a mechanism for measuring and evaluating the significance of an employee's occupational exposure to noise (see discussion, 46 FR at 4131 (January 16, 1981)). This is important because the senses alone are not reliable quantifiers of sound level. For example, people's perception of the relative intensities or loudness of sounds may be affected by the relative pitch of those sounds.

Monitoring of workplace noise levels is necessary for the following reasons:

(1) To identify employees who must be enrolled in the hearing conservation program;

(2) To identify employees for whom hearing protection is mandatory;

(3) To determine the amount of attenuation that hearing protectors need to provide; and

(4) To familiarize both employers and employees with the degree of the noise hazard.

The monitoring provisions in the January amendment were extensive and detailed. This document required that all employers make an initial determination as to whether any employee's exposure equalled or exceeded an 8-hour TWA of 85 dB. These determinations were to be based on exposure measurements, calculations, or other relevant information, including such elements as employee complaints about noise, indications that employees might be losing their hearing, or difficulties in understanding normal conversation in the workplace when the speaker and listener faced each other at a distance of two feet. If this initial determination was positive, the employer was required to measure personal noise doses for all or representative employees within 90 days.[9] The amendment also required that initial determinations and subsequent monitoring (if the initial determination was positive) be repeated every two years and within 90 days of any change in process or working conditions that might increase the noise level and thereby render any hearing protectors being used inadequate or which would result in the inclusion of new employees in the hearing conservation program.

The January amendment also required that all monitoring be conducted with sound level meters or dosimeters meeting certain detailed specifications. It also contained specific requirements for the calibration of measuring equipment.

Many comments, objections, requests for clarification, and petitions for administrative stays were received in response to the monitoring requirements of the January amendment. Many employers objected to the prohibition against area monitoring, asserting that the personal monitoring mandated in the January amendment was burdensome, impractical, and unnecessary for the purposes of implementing successful hearing conservation programs (Exh. 325–266–A, pp. 6–8; Exh. 325–136; Exh. 325–47; Exh. 325–87). These commenters believe that area monitoring is simpler and less costly, and that the adequacy of hearing protector attenuation can be computed from sound levels obtained for the various areas in which employees work.

Some employers maintained that the requirement for an initial determination was unnecessary, and that the conditions determining the need for monitoring were unnecessarily complicated and expensive (Exh. 325–66; Exh. 325–68; Exh. 325–70). Other commenters objected to the requirement that if the employer wished to use representative monitoring the employee with the highest exposure must be selected and measured as representative, asserting that the effect of such a requirement would be to force employers to monitor all employees. In addition, commenters objected to the periodic remonitoring requirement, stating that remonitoring every two years was costly and unnecessary, and

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[8] Final Regulatory Analysis of the Hearing Conservation Amendment, January 1981, p. III–27. Equilibrium is defined as that time in the future after which all current and retired workers would have been enrolled in a hearing conservation program for their entire working lives.

[9] The January amendment did not permit area monitoring to be used to comply with the monitoring requirements (see 46 FR at 4136).

that remonitoring when there was a change in process or equipment should be sufficient (Exh. 325–68; Exh. 325–66; Exh. 325.57; Exh. 325–138; Exh. 325–214; Exh. 325–256; Exh. 325–252).

In response to these objections, OSHA decided to seek additional public input on the various monitoring provisions published in January. In August, therefore, the administrative stay was continued on many of the detailed monitoring provisions. The monitoring requirements put into effect in August were more performance oriented, and consisted of two provisions:

(e)(1) When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibles, the employer shall obtain measurements for employees who may be exposed at or above that level.

(g)(2)(ii)(*b*) All continuous, intermittent, and impulsive sound levels from 80 dB to 130 dB shall be integrated into the computation.

Many comments were submitted in response to the fourteen questions related to monitoring that were raised in the August 21 **Federal Register** document (see 46 FR at 42624). Most commenters recognized the need for monitoring to implement hearing conservation programs effectively. Moreover, a majority of the parties submitting comments favored the performance-oriented monitoring requirements in the August document (Exh. 327–20; Exh. 327–51; Exh. 327–70; Exh. 327–71; Exh. 327–86; Exh. 327–99; Exh. 327–102; Exh. 327–138; Exh. 327–143; Tr. Vol. IV, p. 76, March 3, 1982). These participants felt that the rigid specifications contained in the monitoring provisions promulgated in January were not practical and could not effectively accommodate the diverse work situations encountered in the American industrial environment. For example, it was alleged that factors such as worker mobility variations in worker tasks, changing sound sources and levels, and transient work sites made personal monitoring, and even representative personal sampling, difficult and inappropriate in some circumstances (Exh. 327–70 p. 2; Exh. 327–86, p. 3). Most respondents believed that performance requirements for monitoring would allow employers the flexibility to adopt the most cost-effective and appropriate methods of noise monitoring in their particular exposure situations (Exh. 326–55; Exh. 327–70; Exh. 327–71 p. 2; Exh. 327–86; p. 2; Exh. 327–91; Exh. 327–99).

However, several labor groups objected to staying the various monitoring provisions, stating that the stay would have an adverse effect on the enforceability of the standard (Exh. 327–59; Exh 327–107; Exh. 327–136; Exh. 329–57; Exh. 345; Tr. Vol. III, pp. 31–48, March 25, 1982; Tr. Vol. IV, pp. 109–114, March 26, 1982; Tr. Vol. V, p. 273 March 29, 1982). In addition, these commenters urged OSHA to reinstate the original specification requirements, contending that they were more protective of employee health (Exh. 331–17; Tr. Vol V, p. 273, March 29, 1982). These objections are discussed more specifically below.

Area Versus Personal Sampling

The January amendment did not permit the use of area monitoring to fulfill the noise monitoring requirements (see 46 FR at 4133). The more performance-oriented monitoring provisions of the August document, however, allow the employer to use any monitoring technique, including area monitoring, that will correctly identify all employees eligible for inclusion in the hearing conservation program (i.e., those exposed at or above the action level) and will allow the employer to determine that the hearing protectors provided to employees have sufficient attenuation capability to protect the employees in their particular work environment.

The relative merits of area versus personal exposure monitoring generated a great deal of comment. A review of these submittals indicates some misunderstanding (Exh. 327–107, p. 4; Exh. 326–21; Exh. 327–32, p. 1; Exh. 384, pp. 9–11) as to what constitutes "personal" as opposed to "area" monitoring within the meaning of this standard.

Personal monitoring consists of measurements taken with the instrument microphone in the proximity of the exposed employee's ear (for a dosimeter, near the employee's shoulder or head, and for a sound level meter, not less than two inches or more than two feet from the employee's ear). Personal monitoring is generally used to obtain estimates of employee exposures or to determine the effects of different work practices on employee exposure. Personal monitoring can be done with either a sound level meter or a dosimeter.

Personal monitoring with a sound level meter usually requires the person performing the sampling to hand-hold the sound level meter near the employee's ear. Because sound level meters are only capable of taking spot measurements at the instant measured, a sampling strategy which includes sufficient sound level meter readings taken at various times and locations throughout the work shift is necessary to estimate employee exposure accurately. Personal monitoring using a dosimeter involves positioning the device on the body of the employee, with the microphone located near the employee's ear. The employee carries the dosimeter throughout the day, during which time the dosimeter is continuously recording sound levels. Employee exposure is determined simply by attaching the dosimeter to another instrument or reader and reading out the results. OSHA believes that personal monitoring is one method of providing an accurate estimate of employee exposure, and the Agency routinely uses dosimeters and personal sampling techniques for compliance purposes. As discussed below, OSHA does not believe that personal monitoring is the only method of collecting the information necessary to fulfill the needs of the hearing conservation program.

Area monitoring is any method of sampling with sound measuring instruments when the microphone is not placed in the vicinity of the employee's ear. Area monitoring is used to evaluate workplace noise for various purposes, including the design of engineering controls and estimation of employee exposures. Either a dosimeter or a sound level meter can be used for area monitoring.

A large number of commenters favored permitting the use of either area monitoring or personal monitoring to fulfill the monitoring requirement, noting that the sampling method most appropriate to a particular work situation should be selected (Exh. 327–67; Exh. 327–70; Exh. 327–86; Exh. 327–89; Exh. 327–91; Exh. 327–96; Exh. 327–102; Exh. 327–105; Exh. 327–121; Exh. 327–122; Exh. 327–135–a; Exh. 327–151; Exh. 331–11).

Many respondents pointed out that area monitoring usually is less disruptive of work flow, is generally easier to conduct, and is less costly to perform than personal monitoring (Exh. 326–35; Exh. 327–58; Exh. 327–63A; Exh. 327–103; Exh. 327–110; Exh. 327–122; Exh. 329–2; Exh. 329–16). Further, commenters asserted that area monitoring makes it easier to gauge general changes in the acoustic environment, simplifies recordkeeping, is independent of employee turnover or job reassignment, and can be as effective as personal monitoring in some acoustic environments or in association with certain work regimens (Exh. 326–41; Exh. 327–55; Exh. 327–103; Exh. 327–106; Exh. 329–2).

However, others objected to the use of area monitoring, asserting that OSHA was unjustifiably modifying the January monitoring requirements and that

allowing area monitoring and using performance requirements would be unenforceably vague (Tr. Vol. IV, p. 243, March 26, 1982; Exh. 328-41; Exh. 327-59; Exh. 327-109; Exh. 345). Additionally, other participants stated that area monitoring was not acceptable because they felt it would underestimate exposures and thereby exclude eligible employees from membership in the hearing conservation program (Exh. 328-H; Tr. Vol. III, p. 107, March 25, 1982). They supported this opinion by citing a report by Bolt Beranek and Newman (BBN) (Exh. 327-04-C), which they contended showed evidence of exposure underestimation.

BBN surveyed seven establishments in the Iron and Steel Foundry Industry (SIC 332) having a total sample size of 531 employees, and nine establishments in the Saw Mill and Planer Mill Industry (SIC 242) with a total sample size of 906 employees. The purpose of the initial study (Exh. 373-I, pp. 1-3; Exh. 327-04-C p. 2-2) was to develop a machinery noise computer model that could be used to assess the effect of occupational noise on industrial workers. After completion of the study, the data were reanalyzed to obtain a comparison of personal and area-wide monitoring techniques. All noise measurements were taken using Type 2 (or better) sound level meters. A criterion of ±3 dB variation was used to define any specific area, and this criterion was applied to all work situations.

According to the BBN study (Exh. 373-I; Exh. 327-04-C), there was little difference in the percentage of employees predicted by area versus personal monitoring as being exposed at or above a TWA of 85 dB.[10] However, when the criterion was changed to 90 dB, a substantial difference in the percentage identified was seen in one industry.[11] This difference appeared to increase as sound levels increased. Therefore, BBN concluded in part that area monitoring underestimated personal exposures, particularly at high exposure levels.

Although the BBN report does reflect a problem that would arise if area monitoring was used in all work situations, the report included results obtained with area monitoring in situations where this sampling method might not be considered appropriate. It is not surprising that substantial disagreement between area and personal samples would occur in such a case. A more reasonable use of area sampling (e.g., when work conditions were favorable) would be expected to yield much closer agreement between personal and area monitoring results.

Despite this shortcoming, the use of area monitoring may have little adverse effect on identifying employees to be included in a hearing conservation program. In fact, BBN even stated that "It is possible that * * * the area monitoring method could be used as an indicator that a hearing conservation program is required (i.e., that one or more workers have TWA's equal to, or greater than, 85 dB)" (Exh. 327-04-C, pp. 2-11).

Additionally, BBN admitted that the procedure for estimating area sound levels involved the subjective determination of the spatial distribution of measurements to encompass all sound level variations within an area. BBN reported that "Consequently, it is possible that different area sound levels could be obtained if measurements were made at arbitrarily selected locations" (Exh. 327-04-C, p. 2-4).

It seems clear that the BBN report (Exh. 373-I; Exh. 327-04-C) has been taken out of context when it is used to develop area versus personal monitoring comparisons. These data were derived, as the report clearly states, "for the purpose of developing a machinery noise computer model to be used in assessing the effect of occupational noise on the health and welfare of industrial workers" (Exh. 327-04-C, p. 2-2). BBN has also explained that, "the end result of the evaluation is a rank-ordering of the machinery items which most contribute to the noise exposure problem in each industry [of the two sampled]" (Exh. 373-I, Executive Summary). Moreover, the inaccuracies involved in area sampling may not be as great as the BBN report leads one to believe. As AISI points out, BBN's sound level meter sampling strategy "was touted as the definitive and most accurate means for determining employee exposure (and against which the allegedly inaccurate 'area monitoring' was compared)" (Exh. 367, p. 7). After reviewing the report's orginial objectives and study protocols, the AISI felt that BBN's personal monitoring "may in fact have been spot checks of employee exposures at their operating stations," and that "In fact no full shift time weighted average exposure levels were determined for each employee or even for representative employees" (Exh. 367, pp. 7-8). In addition, AISI noted that "* * * area monitoring measurements were actually measurements of a limited number of equipment types which were not selected with the goal of identifying employee exposures" (Exh. 367, p. 7). In addition, BBN allowed a 6 dB range in defining a given sound level area (i.e., ± 3 dB), which would by definition lead to disagreements between the area and personal monitoring data in certain situations.

OSHA agrees that area monitoring is not appropriate in all situations; nothing in the monitoring provisions encourages its use in inappropriate circumstances. In other words, the indiscriminate application of area monitoring to all work situations is recognized to be inappropriate. For example, where workers are highly mobile, tasks are dissimilar, a large component of impulsive sound is contained in the exposure, or there is a great deal of variation in sound level, area monitoring becomes more difficult and less appropriate. However, as indicated in numerous submittals, area monitoring can be used in many situations and is a valuable tool that should not be overlooked (Exh. 328-15; Exh. 328-34; Exh. 327-34; Exh. 327-55; Exh. 327-66; Exh. 327-89; Exh. 327-90; Exh. 327-103; Exh. 327-113; Exh. 327-133; Exh. 327-140; Exh. 329-2). One of the reasons OSHA prohibited area monitoring in the January amendment was the problem of monitoring workers who move from place to place during their workshifts. However, as unrebutted testimony at the March 1982 hearing indicated, there are many workplaces where in-plant mobility is not a factor (Tr. Vol. III, pp. 101-102, March 25, 1982). Therefore, it would be unwise to prohibit the use of area monitoring in all situations simply because it may not be useful in some circumstances.

In order to emphasize the point that area monitoring can only be used where it is appropriate, language has been added to the amendment requiring that the sampling strategy employed to measure noise must be capable of properly identifying the correct employees for inclusion in the hearing conservation program.

In addition, the revised amendment prohibits the use of area monitoring in certain situations unless the employer can show that this type of sampling strategy will produce results similar to personal sampling. This prohibition on the use of area sampling to fulfill the monitoring obligation under the hearing conservation amendment is only operative when factors are present that are generally conceded to make area monitoring inappropriate. In most instances, area sampling will not be appropriate where there are significant variations in sound levels, where there

[10] 81.9% to 87.9% for SIC 332 and 70.8% to 88.4% for SIC 242.

[11] 5.1% to 88.1% for SIC 332 and 34.2% to 36.6% for SIC 242.

is a significant amount of impulse noise present or where workers move around a lot within a particular work area or between various work areas. In recognition of the extremely wide variation among these situations and the high degree of sophistication that may be used in refining area monitoring techniques, OSHA has decided not to absolutely prohibit the use of area monitoring in the situations described above, but instead to shift the burden to the employer who wishes to use area monitoring under these circumstances to show that the results of such monitoring are equivalent to those that would be obtained using personal or representative personal sampling. The shifting of the burden of proof to the employer to show the adequacy of area sampling is appropriate under these circumstances and strikes a good balance between the need to assure adequate employee protection and the desire to give the employer sufficient flexibility in complying with the requirements to allow the use of new or innovative techniques and to adopt a compliance mode that is the least burdensome to the employer without diminishing necessary employee protection.

Typical of comments supporting the performance monitoring approach was a statement that "Monitoring should be required, but the choice between area and personal should depend upon the particular situation in the workplace" (Exh. 327–102, p. 6).

In fact, when comparing personal representative sampling of similarly situated employees of careful area sampling, Deborah Berkowitz [Health and Safety Director, Food and Beverages Trades Department, AFL–CIO] admitted, "I think you come up with the same results" (Tr. Vol. V, p. 138, March 29, 1982).

Support for a choice of monitoring technique was also voiced by Dan MacLeod, certified Industrial Hygienist with the United Brotherhood of Automobile, Aerospace, and Agricultural Implements Workers of America (UAW). Although he expressed some concern about the ability of small or non-union companies to conduct area monitoring, Mr. MacLeod stated "I think that there are a lot of locations where it would be perfectly okay to do a lot of area sampling" (Tr. Vol. III, p. 102, March 25, 1982). In addition, MacLeod specifically described certain specific work situations involving thousands of employees in which area monitoring would be appropriate (Tr. Vol. III, p. 102, March 25, 1982).

Another concern raised by commenters (Exh. 327–76; p. 5; Exh. 327–109; p. 5; Exh. 345, p. 5) was that permitting employers to use area monitoring for the purposes of the hearing conservation amendment would be contrary to OSHA's directive to its compliance personnel and field industrial hygienists. Although it is true that the Agency requires its field staff to use personal monitoring for compliance purposes, the question in this case, as John Martonik, OSHA's Deputy Director of Health Standards, pointed out at the public hearing, is "whether this much detail in specification is necessary * * * for the purposes of the Hearing Conservation Amendment * * *" (Tr. Vol. I–A, pp. 31–32, March 23, 1982).

In the compliance context, it is generally simpler for OSHA staff to use the dosimeter, although a sound level meter may also be used to obtain personal samples. This is advisable because compliance personnel are generally not familiar with the details and variations of exposure patterns within individual workplaces, and sometimes must conduct monitoring the first time they are on site. Therefore, personal monitoring is more appropriate in such a situation because it saves the compliance officer the time of determining noise exposure patterns before the sampling begins. However, the employer's familiarity with his or her own workplace should in many instances enable the employer to develop a monitoring program based on area monitoring that is just as protective as personal monitoring. When enforcing the amendment, OSHA inspections will focus on whether employers have included all employees exposed to noise at or above the action level in their hearing conservation programs. OSHA inspectors will in most cases continue to use personal sampling methods because in view of the compliance officer's purpose and lack of familiarity with each particular workplace, this method is generally easier and yields more reproducible results (see Tr. Vol. I–A, pp. 40–41, March 23, 1982).

George Taylor [ALF–CIO] and several other commenters questioned the legality of performance-oriented monitoring requirements; these participants believed that performance monitoring requirements, which remain part of the hearing conservation standard published today, are contrary to the legislative mandate of section 6(b)(7) of the Act (Exh. 327–109, pp. 5–7; Tr. Vol. V, p. 209, March 29, 1982; Tr. Vol. III, pp. 34, 37, March 25, 1982). Section 6(b)(7) of the Act states in pertinent part:

> Where appropriate, such standard [promulgated under this subsection] * * * shall provide for monitoring or measuring employee exposure at such locations and intervals, and *in such manner as may be necessary for the protection of employees.* [emphasis added]

The performance monitoring requirements contained in the hearing conservation amendment are not contrary to the mandate of section 6(b)(7) of the Act. Nothing in the Act requires personal monitoring to be used as the exclusive monitoring technique. As discussed above, in many instances area monitoring can be as effective as personal monitoring. The most cost-effective method of monitoring should be allowed, if it is appropriate in the situation. As shown above, the area method of monitoring is appropriate in many work areas. Substantial evidence in the record clearly supports the conclusion that the performance monitoring requirements prescribed in the amendment will provide the necessary protection of employees referred to in section 6(b)(7). In other words, the monitoring prescribed will identify the appropriate employees for inclusion in an employer's hearing conservation program and allow the employer to determine that any hearing protectors used have sufficient attenuation capability to protect employees. Moreover, this performance-oriented monitoring approach is clearly consistent with the mandate of section 6(b)(5) of the Act, which states that when practical, standards dealing with harmful physical agents should be drafted "in terms of objective criteria and of the performance desired."

Another objection to the performance-based monitoring provisions now used in the amendment was that they would not be enforceable (Exh. 327–109, p. 6). The Agency disagrees; the Agency believes that the standard does provide fair and reasonable warning of situations in which monitoring is required [12] and does specify what sounds should be included in the measurements. [13]

There is widespread agreement that area monitoring is appropriate in many work situations, and it is also clear that any type of monitoring may be inaccurate if it is applied inappropriately. However, OSHA also believes that the employer should be

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[12] Appropriate monitoring is required when information indicates that any employee's exposure may equal or exceed an 8-hour time weighted average of 85 decibels (paragraph (d)(1) of the revised amendment).

[13] All continuous, intermittent and impulsive sound levels from 80 dB to 130 dB shall be integrated into the noise measurements (paragraph (d)(2) of the revised amendment).

permitted to develop a monitoring program, whether area or personal monitoring is chosen, that will protect exposed employees from occupationally-induced hearing loss. Therefore, it is appropriate to allow the employer to select any monitoring technique that will ensure that the objectives of the standard are met.

Also, many commenters who supported the use of area monitoring use a "worst case" method for determining which employees to include in their hearing conservation programs. These employers attribute the highest sound level in a particular area to all employees in the area (Exh. 326–11; Exh. 327–79; Exh. 327–101; Exh. 327–133; Tr. Vol. I–B, p. 118, March 23, 1982). Use of this approach would lead to the assignment of more than the required number of employees to the program. OSHA encourages employers to take a more protective posture relative to hearing conservation; i.e., to do more than the minimum required.

Some commenters suggested that OSHA provide a simplified non-mandatory monitoring guide as an appendix (Exh. 327–102, p 7; Exh. 366, p. 2). Such an appendix was seen as being particularly helpful to small businesses who were considering area sampling as an alternative monitoring method. A general non-mandatory appendix (Appendix G) has been included to familiarize employers with various approaches to monitoring as well as resources to which they may look for help in meeting their noise measuring obligations under the amendment.

OSHA's decision to permit employers to choose the most appropriate monitoring sampling strategy parallels the January amendment's performance approach toward selection of monitoring instruments. Although the January preamble (46 FR at 4136) noted that a sound level meter might be less accurate than a dosimeter "in situations where there is a significant impulse noise component," employers were given the "option of using a sound level meter, providing it is used in a manner which * * * ensures the maximum accuracy." Similarly, the monitoring provisions in the revised amendment generally permit either area or personal monitoring, providing it is used in a manner which ensures that valid data are generated.

Initial Determination

The amendment as promulgated in January required employers to make initial determinations, stating that "This determination must be based on the employer's good faith inquiry into any factors which would tend to indicate that noise exposures in the workplace are in the vicinity of an 8-hour TWA of 85 dB" (46 FR at 4131). The January amendment listed factors meriting a positive initial determination, including employee complaints about noise, difficulties in communication at a distance of approximately two feet, or measurements recording levels at or above the action level made with a sound level meter or dosimeter. OSHA stayed this requirement because "some employers maintained that the requirement for initial determination was unnecessary" (46 FR at 42624).

Although some commenters felt that the initial determination was a normal part of the monitoring process in identifying those employees exposed at or above the action level, they also felt that the initial determination was subsumed by the existing performance monitoring requirements (Exh. 326–15; Exh. 326–34; Exh. 327–101; Exh. 327–122; Exh. 329–2). In addition, some felt that the initial determination should not be a separate requirement (Exh. 327–67; Exh. 326–49; Exh. 326–54; Exh. 326–32; Exh. 326–15; Exh. 326–31; Exh. 327–76; Exh. 327–97).

Russell Hannula [Manager-Noise Services; National Loss Control Service Corporation] objected to the inclusion of employee complaints as a factor meriting a positive initial determination, noting:

> "Employee complaints are * * * not valid since these are based on a subjective determination by inexperienced people. It has been my experience that employee complaints are often related to noise that is annoying, as opposed to noise that is hazardous. Difficulties related to understanding normal conversations in the presence of background noise may be related to hearing impairment of the participants in the conversation and not to potentially hazardous noise levels" (Exh. 326–12, p. 1).

Also challenging the necessity of a separate initial determination requirement was Dr. Carl Bohl [Monsanto Fellow, Monsanto Company]. He stated:

> "* * * The need for monitoring is not disputed. Normal procedure for evaluating a work area for a hazard requires an initial determination not only to determine if an exposure is probable but, also, what instrumentation is to be used. Then, if needed, samples or measurements are taken and from this data conclusions are reached about the significance of the exposure. This is the way monitoring is performed and trying to separate initial determination from monitoring is foolishness" (Exh. 326–49, p. 1).

On the other hand, some commenters were in favor of retaining the specific language for initial determination (Exh. 326–42, p. 10; Exh. 326–11; Exh. 327–50; Exh. 327–109). They felt that an initial determination is necessary to specify when monitoring is required and when a hearing conservation program is needed. Margaret Seminario of the AFL–CIO, stated "Deletion of the initial determinations of exposure provision has removed any affirmative obligation of the employer to conduct a preliminary evaluation of noise exposure levels" (Tr. Vol. V, p. 268, March 29, 1982). Moreover, the AFL–CIO claimed it would be difficult for compliance personnel to cite employers for inadequate exposure monitoring without specific criteria such as those contained in the initial determination requirement (Exh. 327–109, p. 4).

Still other commenters favored some modification of the explicit initial determination requirements (Exh. 327–101; Exh. 327–20; Exh. 327–102). For example, some asserted that professionals with a background in acoustics should be allowed to use their judgment about initial determinations, and further that the specific factors listed as meriting a positive determination might result in needless monitoring.

OSHA believes that an initial determination is an inseparable portion of any overall performance-oriented monitoring process, and that the initial determination provision originally included in the January amendment was merely an articulation of the thought process of a person doing the monitoring. As originally promulgated, the initial determination provision might have been difficult to enforce in and of itself, since there was no requirement that it be written. Moreover, the Agency believes an initial determination is implicit in the monitoring requirements in the revised amendment. It is therefore not necessary to require it specifically.[14] Accordingly, the initial determination provisions are being revoked.

Remonitoring

The issue of remonitoring also generated considerable interest. The January promulgation required monitoring to be conducted at least every two years and within sixty days of a change in production, processes, equipment, controls or personnel that changed noise exposures to the extent that employees previously exposed below a TWA of 85 dB would be exposed at or above that level. Remonitoring was also required if the

[14] The employer's ultimate obligation is to monitor when noise exposures are at or above the action level. Regardless of the outcome of any initial determination, employers are subject to citation for failing to monitor.

change rendered the hearing protectors issued inadequate.

The January preamble also stated that sound levels tend to be affected as machinery ages, causing changes in employee exposure. Therefore, various hearing conservation amendment requirements might not be implemented without some remonitoring. Another justification for remonitoring was that "workers will be reminded of the nature and extent of their exposures and will be better motivated to participate cooperatively in the hearing conservation program, and to wear properly fitted hearing protectors" (46 FR at 4134).

The January preamble noted that many commenters were opposed to a periodic monitoring requirement, especially where noise levels were uniform over long periods of time (46 FR at 4133). Similarly, other groups (Exh. 142; Exh. 64–4; Exh. 14–862) believed "periodic monitoring was unnecessary unless there was a significant change in production process" (46 FR at 4134).

In August 1981, OSHA continued the stay of this requirement, noting that "comments [received since the promulgation] objected to the periodic monitoring requirement, stating that remonitoring every two years was costly and unnecessary, and that remonitoring when there is a change in process or equipment should be sufficient" (46 FR at 42624).

Comments and testimony submitted since the August publication were overwhelmingly in favor of some form of remonitoring (Exh. 327–59; Exh. 327–88; Exh. 327–109; Exh. 331–17; Exh. 326–62; Exh. 327–20; Exh. 327–95; Exh. 329–16). Some commenters preferred retaining periodic monitoring (Exh. 326–12; Exh. 327–59; Exh. 327–109; Exh. 327–113; Exh. 327–135; Exh. 329–36; Exh. 331–17). Generally, their rationale paraphrased that used in the January 16 preamble, i.e., sound levels tend to increase as machinery ages and may therefore alter the need for or the adequacy of a company's hearing conservation program. Comments by Robert Frase [Director of Health and Safety, United Paperworkers International Union] typified this group's concerns:

> "Monitoring of noise exposures should be done every two years to ensure noise levels are not increasing. Many machines will have increased noise as they get older and tolerances increase due to wear. * * * It is imperative that noise level monitoring be done within sixty (60) days of a change to the production process, equipment or controls. Any of these changes could potentially increase noise levels to the extent that hearing protection may be required or that existing protection would not be adequate" (Exh. 327–59, pp. 1–2).

The majority of those favoring remonitoring, however, supported it only when there was a significant change in process or equipment rather than at set time intervals (Exh. 327–89; Exh. 327–98; Exh. 327–112; Exh. 327–122; Exh. 327–149; Exh. 329–15).

For example, Julia Phillips of Du Pont stated:

> "Remonitoring is unnecessary absent some change in process, equipment or exposure pattern. Unless there is reason to suspect a change in the noise environment, the remonitoring requirement will simply add additional costs to the hearing conservation program without there being a corresponding benefit" (Exh. 326–28, pp. 2–3).

Similarly, R. W. Murray and Paul E. Toth [Ford Motor Company], indicated "it would be more appropriate to require follow-up monitoring only when there has been a significant change in production, processes, equipment, controls or personnel which impacts on employee noise exposures. Requiring routine periodic monitoring of areas where no significant changes have been made since the last monitoring would result in inefficient use of scarce resources" (Exh. 329–2, p. 1).

OSHA agrees with those commenters who recognize that conditions and sound levels in the work environment are not static over time, and that exposures may be adversely affected by these changes. OSHA believes that under certain conditions remonitoring is necessary to accomplish the objectives of the amendment. Therefore, a remonitoring requirement which is stated in performance terms has been included in this revised hearing conservation amendment. Remonitoring must be done when there is reason to believe that employee exposures may have increased to the extent that employees not already included in the hearing conservation program would need to be included. Additional monitoring must also be undertaken when there are increases in exposure sufficient to render the attenuation provided by any employee's hearing protectors inadequate. In view of the tremendous variation among workplace environments covered by this amendment, a periodic remonitoring requirement is neither necessary nor appropriate to provide adequate employee protection. Therefore, the requirement to remonitor every two years is being revoked.

Some objections were also raised concerning the rigid time frame permitted for remonitoring (60 days) in the January amendment when significant changes did occur. Commenters reported that these specific time constraints presented practical problems in arranging the remonitoring (Exh. 327–121; Exh. 331–11), because in cases where employers do not do their own monitoring, it would be difficult to arrange for a return visit by a consultant within such a short time. This type of detailed requirement is inconsistent with the performance approach adopted herein and is therefore being revoked. It should be noted, however, that the performance remonitoring provisions adopted herein will require monitoring to be conducted frequently enough to correctly identify those employees who should be included in the hearing conservation program and to allow sufficient information to be gathered to assess the adequacy of hearing protectors.

A few comments stated that it was difficult to obtain meaningful remonitoring data because of the wide variety of tasks and noise exposures of employees in their particular industries (Exh. 329–1; Exh. 360). However, OSHA believes that the performance monitoring approach in this revised amendment will accommodate this type of job site and task variability. It allows the employer the flexibility to determine if and when remonitoring is necessary.

The performance monitoring approach adopted herein also allows for the exercise of professional discretion in conducting noise monitoring, a major component of the hearing conservation program. It also allows the most cost-effective monitoring methods to be applied in establishing and maintaining the mandated hearing conservation program.

Representative Monitoring

The amendment promulgated in January permitted employers to fulfill their monitoring obligation by using representative personal sampling for employees engaged in similar work and exposed to similar noise levels, but required measuring that member of the exposed group reasonably expected to have the highest exposure. Since this result was then attributed to the remaining employees of the group, the exposures of many employees would be overestimated. Therefore, an employer using representative personal monitoring would probably include more employees in the program than were required. This "worst case" representative employee monitoring approach may be overly protective and unnecessarily expensive for the company. The alternative to representative personal monitoring allowed in the January document was to continue to monitor increasing numbers

of employees to ensure that all exposed workers are included in the program [15].

In many specific work situations, the representative monitoring approach can be more cost-effective in identifying the appropriate employees for inclusion in a hearing conservation program. The employer is not prohibited from using the "worst case" or representative approach, thereby providing a more protective program than required. However, the Agency believes the performance monitoring approach does not require that degree of specificity to accomplish the objectives of the hearing conservation amendment. OSHA is therefore revoking the representative monitoring paragraphs of the January amendment; employers may use any monitoring strategy which correctly identifies the correct employees for inclusion in the hearing conservation program.

Employee Notification

The majority of commenters supported some form of employee notification of noise levels or exposure levels (Tr. Vol. V, pp. 112–113, 3/29/82; Exh. 326–11; Exh. 326–41; Exh. 327–62; Exh. 327–64; Exh. 327–148; Exh. 327–122; Exh. 349–1). Most commenters favored a more performance-oriented approach rather than the detailed notification provisions of the January amendment, which continued to be stayed when the hearing conservation provisions went into effect in August (Exh. 326–28; Exh. 326–34; Exh. 326–35; Exh. 327–62; Exh. 327–64; Exh. 327–70; Exh. 327–76; Exh. 327–89; Exh. 327–90; Exh. 327–97; Exh. 327–101; Exh. 327–103; Exh. 327–106; Exh. 327–122; Exh. 327–129; Exh. 327–136; Exh. 329–2; Exh. 349–1; Exh. 364). Major objections were raised with regard to the detailed specifications requiring individual employee notification in writing and within 21 days, and requiring that specific exposure doses be computed for each employee (Exh. 326–12; Exh. 326–28; Exh. 326–58; Exh. 327–12; Exh. 327–71; Exh. 327–76; Exh. 327–99; Exh. 327–102; Exh. 327–105; Exh. 328–5; Exh. 349–1). Objections were also raised to including a specific notification requirement in the hearing conservation amendment when 29 CFR 1910.20, Access to Records, already provides employees with access to monitoring information (Exh. 327–76; Exh. 327–89; Exh. 327–98; Exh. 327–122; Exh. 327–136). Moreover, individual notification was said to increase costs and recordkeeping burdens (Exh. 326–35; Exh. 327–21; Exh. 327–103).

The comments that follow are representative of this view. The DuPont Company stated that individual notification is burdensome in light of the fact that "* * * employees receive adequate notification when results of their area or personal monitoring are posted. Employers should be given flexibility to determine the most effective and efficient method of communicating monitoring results to employees" (Exh. 326–28, P. 3). "Notification of employees within 21 days of monitoring is not reasonable when an outside consultant is used" (Kaiser Aluminum and Chemical Company, Exh. 327–62, p. 1). A report submitted by North Carolina OSHA asserted that industry should not be required to determine individual TWA's but instead should be required to inform employees what their area or job-equivalent TWA is (Exh. 327–84, p. 57). "The basic right of all employees to have access to their exposure records is guaranteed by another OSHA standard [29 CFR 1910.20] and need not be reiterated in the hearing conservation amendment" (American Telephone and Telegraph, Exh. 327–89). The Motor Vehicle Manufacturers Association stated that:

> "[Employee] notification would require that records of noise measurements be retained for individual employees. For individuals who are reassigned frequently, this would involve extensive remonitoring and recordkeeping. It is more appropriate to notify the employee of the representative exposure he can expect in a work area and/or job classification, and the appropriate protection which may be necessary" (Exh. 327–103, p. 2).

On the other hand, some commenters were opposed to altering the specifications of the stayed employee notification provision. Lonnie L. Johnson [Director of the National Post Office Mail Handlers * * * Union, AFL–CIO] stated: "We strongly object to the total stay of employee [exposure] notification requirements * * *" (Exh. 326–42, p. 11). The Mail Handlers also believe notification is necessary to protect and inform employees of conditions posing significant risks to their health so they may avail themselves of statutory protection. Comments from the AFL–CIO asserted that by staying the employee notification provisions, OSHA was not complying with Section 8(c)(3) of the Act, which mandates that "Each employer shall promptly notify any employee who has been or is being exposed to * * * harmful physical agents * * * at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under Section 6 * * *" George Taylor, Director of Occupational Safety and Health, AFL–CIO, contended that staying worker notification of monitoring results is not justified simply by exposure variability because that factor is present for all the hazards addressed by other Section 6(b) standards and because Section 8(c)(3) of the OSH Act mandates notification. However, the AFL–CIO admits that posting is an acceptable way to transmit worker exposure information "as long as such posting methods are fully effective in apprising workers of exposure levels" (Exh. 327–109, p. 15).

Those who opposed including employee notification in the amendment generally felt that other provisions of the hearing conservation program, such as training, would provide adequate notice of exposure (Exh. 326–62, p. 2; Exh. 327–71, p. 2; Exh. 327–93, p. 2; Exh. 327–146, p. 4). OSHA believes employees have a fundamental right to be apprised of the results of monitoring. This is consistent with the mandate of Section 8(c)(3) of the Act to notify employees of exposure. Moreover, this right of notification of exposure goes beyond the provisions of 29 CFR 1910.20 which merely requires that employees have access to exposure records upon request. This explicit requirement to inform employees has educational value and will encourage more effective and enlightened worker participation in hearing conservation programs. In recognition of the many practical objections raised, however, the Agency has decided that the time frame within which to notify employees and the requirement for individual written notifications will be revoked because such specificity is inconsistent with the general performance approach toward monitoring adopted herein. The administrative stay of the more general employee notification requirements will be lifted. The amendment now requires the employer to notify each employee who is exposed at or above the action level of the monitoring results. This allows employers the flexibility needed to communicate monitoring results in what they judge to be the most reasonable and cost-effective manner.

OSHA believes that employers will notify their employees of monitoring results as promptly as possible. Moreover, although it is no longer specifically required, employers may want to inform their employees in writing rather than orally because written notification may be helpful in gaining employee cooperation in the

[15] Employers would have to monitor the "next highest" individual in a stepwise fashion until all of those with a TWA greater than 85 dB are monitored. This technique would reduce the number of employees in the program to those deserving membership, but would also effectively require personal monitoring of most employees exposed above the action level.

hearing conservation program and in protecting the employer against allegations that employees have not been informed.

Methods of Measurement and Instrument Calibration

The method of measurement and calibration sections in the January hearing conservation amendment established specific requirements for instruments and techniques to be employed in measuring noise. In promulgating these requirements, OSHA stated, "These specifications are considered necessary in order to standardize and evaluate the measurement results" (46 FR at 4135).

The January document required dosimeters and sound level meters to meet certain criteria (e.g., ANSI specifications, specified operating ranges and specified dosimeter crest factor capabilities). The preamble stated, "By specifying minimum requirements for noise measuring instruments the Agency believes that it will better identify those workers needing audiometric testing and will help ensure that those workers requiring hearing protectors because of a significant threshold shift will be given protectors with proper attenuation to afford them adequate protection" (46 FR at 4135).

The August document continued the stay on the instrument specification provisions, the calibration requirements, and provisions specifying techniques to be applied in obtaining measurements, in response to many adverse comments about the necessity for and ability of existing equipment to meet these requirements. The August document stated, "The Agency also received comments objecting to the calibration requirements, stating that they were unnecessary" (46 FR at 42624). Additionally, microphone placement and specific sampling instructions (Appendix B in the January amendment) were stayed pending a final decision on the use of area monitoring.

The method of measurement sections which remained constituted a performance requirement. Employers were expected to integrate "* * * all continuous, intermittent, and impulsive sound levels from 80 dB to 130 dB * * * into the computation" (46 FR at 42633). Employers would choose the method and technique of measurement, providing that all appropriate employees were included in the hearing conservation program.

The August document also continued the stay on the specifications for sound measuring equipment, in response to objections about the ability of equipment to meet the requirements and the need for such specificity. The comments show considerable disagreement on the need for or amount of sound measuring equipment specification needed in the standard. Some respondents would like to retain the requirements exactly as they were stated in the January amendment (Exh. 327–59, pp. 2–3; Exh. 327–78, pp. 5–9; Exh. 345, pp. 7–8). Others wish to eliminate the specifications, so that a performance approach allowing professional judgment to be applied in evaluating specific environmental conditions could be used (e.g., continuous and intermittent noise without an impulse component) (Exh. 326–28, pp. 1–3; Exh. 327–122, p. 3; Exh. 149; Exh. 329–64). Still others preferred a modified specification requirement, which would accommodate concerns for crest factor appropriateness, ability of the equipment to integrate impulse noise, and appropriateness of an instrument operating range of 80 to 130 dB. A few participants wished the OSHA standard only to include what is contained in the current ANSI standards, and some requested a phase-in schedule for companies with existing equipment now in service (Exh. 326–1; Exh. 327–64, p. 4; Exh. 327–82–B; Exh. 327–99, p. 3; Exh. 327–98, p. 9).

Comments supporting implementation of the January amendment stated:

> "The stay of provisions * * * stating equipment performance criteria * * * weakens the protection provided by the standard * * * Without these standards, there would be no assurance of the validity and reliability of noise exposure measurements at individual workplaces" (Exh. 345).

Other commenters noted that, "* * * [There is] no justification for eliminating equipment specifications * * *" (Exh. 327–109, p. 8), and that "* * * It is entirely inconsistent to permit employers to use * * * equipment which meets no performance specifications" (Exh. 327–78, p. 8).

However, other comments contended that specifications were not needed in the standard. In addition, some commenters pointed out that "OSHA's [stayed] specification for dosimeters rendered obsolete 23,000 dosimeters * * * it would likely cost OSHA itself around one million dollars to replace its supply of instruments * *. * [and] fifteen million dollars [for industry]" (Exh. 326–28, p. 3). Measuring instruments should conform to the specifications of nationally recognized consensus standards, but the specifications should not be mandated, because it might restrict the development and use of new instruments and methods (Exh. 327–122, p. 4; Exh. 327–149, p. 4).

The Agency recognizes that it is not necessary to specify dosimeter crest factor capability in workplaces without implusive noise. Similarly, it is not reasonable to require employers to purchase equipment to measure sound levels up to 120 or 130 dB if a particular worksite does not have sound levels above 100 dB. "* * * The employer should be allowed to use any instrument or measurement technique that will provide employee exposure information which will include continuous, intermittent, and impulsive sound levels * * *" (Exh. 329–64).

OSHA believes that the performance approach taken in this document clearly states the objectives of monitoring and the capabilities that will be required, where appropriate, of sound measuring equipment that may be used. All continuous, intermittent and impulsive sounds between 80 dB and 130 dB must be included in the measurement. Additionally, the employer has the ultimate responsibility to ensure that measurements will allow the proper identification and classification of employees with regard to a hearing conservation program. OSHA expects that adherence to the performance approach prescribed in the revised amendment will ensure accurate data and that the appropriate employees will be selected for the hearing conservation program. Adoption of specific ANSI standards on measuring equipment will in some circumstances limit employer flexibility in complying with the amendment without providing additional employee protection. Thus, it is difficult to see how the adoption of the ANSI standard on monitoring equipment [16] will better effectuate the purposes of the Act than the performance approach adopted in the revised amendment. Therefore, the ANSI equipment specifications contained in the January amendment are revoked. OSHA finds that the revised monitoring provisions adopted herein will better effectuate the purposes of the Act within the meaning of section 6(b)(8) than will the adoption of the ANSI standard. This approach will provide the flexibility to apply appropriate methods of measurement using equipment that meet or exceed stated expectations.

Comments concerning monitoring equipment calibration were very similar to those about equipment specifications.

[16] American National Standard Specification for Personal Noise Dosimeters, S1.25–1978 and American National Standard Specification for Sound Level Meters, S1.4—1971 (R 1976).

Supporters of calibration requirements contended that they were needed to ensure valid measurements, were not time consuming (i.e., field calibration), and were a matter of good industrial hygiene practice (Exh. 328–41; Exh. 327–22, p. 2; Exh. 327–103, p. 4).[17] Many felt that the requirement for specific detailed calibration procedures should not be attempted in a hearing conservation amendment.

Dosimeters and sound level meters used to measure employee exposures were required by the January amendment to be calibrated at specific times and in accordance with detailed specifications.[18] In response to comments (Exh. 325–33; Exh. 325–50; Exh. 325–77) that the calibration provisions were too detailed and too burdensome, the August document stayed these requirements. In the interval since August, many commenters have stressed the importance of calibration for the accurate measurement of noise exposures (Exh. 347; Exh. 331–17; Tr. Vol. III, pp. 283–284, 294–295, March 25, 1982; Exh. 345; Exh. 327–103; Exh. 328–11; Exh. 328–41; Exh. 328–12). As J. H. Steinmark [American Iron and Steel Institute] stated:

"Field calibration of sound level meters is essential and should be conducted before the measurements, during the measurements, and after the measurements on each day the instrument is used. For dosimeters which are worn all shift by the worker, field calibration should be conducted on the instrument before the shift and after the shift. Laboratory calibration should be conducted when problems are encountered during field calibrations, anytime the instruments must be repaired, and on a periodic basis" (Exh. 327–105, p. 3).

R. J. Wurm [Quest Electronics] pointed out that the use of noise measuring instruments in industrial settings increases the need for calibration: "Field equipment is always subject to rough use * * * A calibration check after any important measurement is best to confirm the reading" (Exh. 328–11, p. 3). In addition, calibration is not time consuming, burdensome, or costly, and is necessary to ensure accurate measurements (Exh. 328–12). According to Deborah Berkowitz [Food and Beverages Trades Department, AFL–CIO], "Field calibration of a sound level meter can be performed in a matter of seconds and calibration of a dosimeter may take only several minutes" (Tr. Vol. V, p. 105, March 29, 1982).

Despite the widespread recognition of the need for calibration procedures to ensure measurement accuracy, however, many commenters (Exh. 327–87; Exh. 327–89; Exh. 327–98) objected to the degree of specification in the January calibration requirement. Several respondents argued that the revised amendment should refer employers to the calibration procedures specified by the manufacturer of the particular instrument used (Exh. 327–87, p. 3; Exh. 327–91, p. 13; Exh. 327–96, p. 11; Exh. 327–101, p. 5; Exh. 327–89, pp. 3–4). According to H. M. Williams of the American Telephone and Telegraph Company (Exh. 327–89), "* * * calibration of instruments is usually unique to the instrumentation being used, and it is, therefore, best left to the manufacturer's instructions * * *" Other commenters believe that including calibration procedures in a non-mandatory appendix, to be used either by OSHA compliance personnel or employers, would provide sufficient guidance about appropriate calibration techniques (Exh. 327–99, p. 9; Exh. 327–121, p. 2; Exh. 327–102, p. 7). As the Shipbuilders Council of America reported (Exh. 327–104, p. 21):

"* * * we do not think that OSHA should specify the method of calibration of noise measuring equipment. * * * Publishing instructions to OSHA inspectors about calibration techniques * * * can greatly assist by providing models for many companies. Making such guidelines mandatory, however, unnecessarily freezes the state of the art * * *"

J. G. Tritsch, of the American Textile Manufacturers Institute, recommended (Exh. 327–106, p. 3) that "the standard * * * only require the instruments [to] be properly operative and let performance be the criteria [sic]." J. B. Browning of the Union Carbide Corporation asserted that no calibration provision should be included in the revised amendment, because methods of calibration should be determined by the professional taking the exposure measurements (Exh. 329–17).

OSHA agrees with R. K. Meyers, of the Texaco Corporation, among others, that the calibration of sound measuring equipment is essential to obtaining accurate exposure measurements (Exh. 329–15; Exh. 327–87; Exh. 329–14; Exh. 329–16; Exh. 329–57). However, the Agency believes that the diversity of sound measuring instruments and the variability in manufacturers' calibration instruments precludes total reliance on these instructions to ensure measurement accuracy. For example, some manufacturers' instructions specify calibration intervals and techniques, while others simply recommend periodic calibration. In addition, the Agency finds some merit in the view expressed by G. V. Cox of the Chemical Manufacturers Association (Exh. 327–122), that specifically addressing calibration intervals is inconsistent with the revised amendment's performance approach to monitoring instruments, which permits employers to choose the most appropriate device rather than specifying instrument type and capability.

Consideration of all the comments and testimony received on the issue of measuring instrument calibration has convinced the Agency that adopting the performance approach to instrument calibration will ensure that exposure measurements are accurate and that employers conduct calibration at the intervals and in accordance with the procedures specified in the manufacturer's instructions or those dictated by good practice. Accordingly, the revised amendment requires that all noise measuring instruments be calibrated to ensure the accuracy of exposure measurements. This approach, which was recommended by several rulemaking participants (Exh. 327–102; Exh. 327–106; Exh. 327–140; Exh. 327–149; Exh. 368), has several advantages. First, it is consistent with the revised amendment's performance orientation. In addition, it permits employers to follow the instructions recommended by the instrument's manufacturer, and to adapt these as necessary to particular circumstances of their workplaces. For example, employers are not required to return instruments to the laboratory for calibration unless they cannot be properly calibrated in the field. Moreover, contrary to the opinion expressed by George Taylor of the AFL–CIO (Exh. 327–109), OSHA believes that adopting the performance approach will better effectuate the purpose of the Act than adopting the national consensus standard because it will ensure that employers maintain their noise monitoring instruments within calibration specifications *whenever* exposure measurements are made. On the other hand, employers will not be required to perform field or laboratory calibrations that are not essential to ensuring measurement accuracy. For these reasons, OSHA is revising the amendment to include a requirement that employers calibrate all sound

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[17] The January amendment required that field calibrations be done before and after each day's measurements to verify the accuracy of the measuring equipment. In addition, it required a laboratory calibration when acoustical calibration and manual adjustments could not be used to verify the accuracy of the measuring instrument.

[18] The January calibration requirements read in part: Whenever acoustical calibration and manual adjustments of the measuring equipment cannot verify the accuracy of the measuring instrument, laboratory calibration shall be performed to ensure conformance with the requirements of ANSI S1.25–1978 or S1.4–1971, as appropriate.

measuring instruments as necessary to ensure that employee exposure measurements accurately reflect the noise exposure of their employees.

Since the performance approach to monitoring allows either area or personal monitoring, the specifications for microphone placement are no longer consistent with the monitoring requirements and are also being revoked.

Many commenters requested a simplified non-mandatory version of Appendix B, which suggested a monitoring strategy to be used with sound level meters (Exh. 327–99; Exh. 327–102, p. 7; Exh. 327–121, p. 2). Appendix B, as it appeared in the January amendment (46 FR 4166–4176), was designed to implement a personal sampling program; since the amendment has been revised, this Appendix is no longer necessary and it is being revoked. As noted above, a new appendix, Appendix G, has been included to provide employers, particularly small employers, with some useful data to aid in meeting their monitoring obligations under this amendment.

As the above discussion clearly shows, the detailed monitoring requirements being revoked herein are not necessary to ensure that the noise monitoring mandated in the hearing conservation amendment achieves the goals for which it was intended: to select all employees who should be included in the hearing conservation program and to ensure that any hearing protectors used will provide adequate attenuation to protect employees in their particular workplace noise environment.

OSHA agrees with Dr. Harold Dietz [Director of Health and Environmental Services of the BF Goodrich Company], who stated:

> "The company has carefully reviewed the proposed monitoring obligations, as well as complied with the performance standard which has been in effect pending the stay of the more complex requirements. In our experience, we have found the performance standard to be far superior to the more detailed monitoring requirements, and we believe that employee protection would in no way be diminished should OSHA retain the performance standard when it promulgates its final rule" [Exh. 327–66, p. 2].

Enforcement of Monitoring

The preceding section discussed the differences between the monitoring requirements of the January 1981 amendment, which contained many specifications for noise monitoring, and the revised amendment, which also requires noise monitoring but allows the employer flexibility under most circumstances to select any method as long as it achieves the defined performance goals. The revised amendment requires that the employer choose a sampling strategy designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors. The revised amendment, therefore, requires that the employer must choose a sampling strategy, which could be tailored for his own plant, that results in attaining the monitoring goals. Since OSHA compliance personnel use personal sampling techniques for inspection purposes, employers who use area monitoring in situations where monitoring results would be substantially different from those obtained with personal monitoring will increase their risk of being judged to be out of compliance.

Although OSHA acknowledges that many monitoring procedures may permit employers to identify employees for inclusion in the hearing conservation program, the Agency believes that personal monitoring with a dosimeter is the most accurate method of estimating employee noise exposure (employee noise exposure is expressed as a numerical value that represents the employee's noise dose). For this reason, OSHA uses the dosimeter for compliance determinations in routine workplace inspections. Since the Agency bears the burden of proof when alleging that an employer has violated an occupational safety and health standard, OSHA strives to allege violations only when relatively certain that violations have occurred. The procedures OSHA uses to obtain exposure data are therefore designed to yield the best estimates available.

Dosimeters

During the March hearings, the accuracy of dosimeters was questioned by Paul Hess, appearing for the Chocolate Manufacturers Association. Hess stated that he conducted an experiment using two or three dosimeters from the same manufacturer and that "I found variances as much as 100 percent, 120 percent or more" (Tr. Vol. II, p. 250, March 24, 1982. He concluded that he did not want dosimeters used in his workplace. The revised amendment does not require employers to use dosimeters. However, OSHA does not agree with Hess' conclusion. When Hess compared 8-hour TWA values obtained with dosimeters to calculated 8-hour TWA estimates made by sound level meters, he *assumed* that the sound level meter measurements and sampling strategy were accurate and that the variations were due to dosimeter inaccuracy. John J. Earshen, Chairman of the ANSI working group on Personal Noise Dosimeters (S1–78), addresses this matter directly (Tr. Vol. III, pp. 135–145, March 24, 1982). Earshen points out that the dosimeter's function is to measure sound in the same way as a sound level meter and to carry out automatic data processing of the measurements to calculate a time-weighted average sound level or noise exposure. When using the sound level meter, measurements must be visually obtained from the instrument and then must be manually processed (e.g., by recording the length of time of the various levels) to calculate the employee's noise exposure. Mr. Earshen stated that if a sound level meter's output were carefully recorded with a device such as a graphic level recorder, the measurement information could be mathematically processed in the same manner as the dosimeter's output. Processing of the sound level meter output in this way will theoretically give the same exposure results as the dosimeter gives. In other words, the difference between a dosimeter and a sound level meter is that the dosimeter integrates sound level information with time electronically whereas the sound level meter produces data that require manual processing. To repeat, if the sound level meter output were processed automatically, the results would be, theoretically, the same (Tr. Vol. III, pp. 135–145, March 24, 1982). The difference in results between dosimeters and sound level meters is caused by differences in human perception during the intergration of sound level meter readings. "Therefore, many of the problems that people attribute to being fundamental differences between sound level meters and dosimeters are really reflections on what an operator can and cannot do" (Tr. Vol. III, p. 137, March 24, 1982).[19]

Earshen included in his post-hearing submission an article by Warren R. Kundert entitled, "Dosimeters, Impulsive Noise, and the OSHA Hearing Conservation Amendment," which further supports OSHA's conclusion. When discussing the measurement of impulse noise, Kundert states that:

[19] Earshen claimed that if a high speed motion picture camera recorded the bouncing needle of a sound level meter and if these pictures were analyzed frame by frame to synthesize what the readings were on the sound level meter, the results would be similar to the results produced by a dosimeter. He concluded that the human eye/brain combination was not able to analyze this high speed dynamic motion properly and that this fact, rather than any flaw in the dosimeters, accounted for discrepancies between dosimeter readings and sound level meter readings (Tr. Vol. III, p. 137, March 25, 1982).

"An ordinary ANSI Type 2 sound level meter should not be used. Only an impulsive sound level meter (set to A slow) will provide sufficient accuracy when short duration impulses are present. This instrument is specified by standard IEC 651. 1979 and included in the current ANSI draft standard that will replace S1.4–1971.

We have the task of taking many readings, (10 or possibly many more) assigning to each a duration which we must estimate and then using the equation given in that OSHA regulation to find the percentage dose. It would seem that such a procedure should be automated.

We could take samples from our sound level meter automatically using a mini-computer and special interfacing equipment. Of course this equipment could not easily be moved about in a manufacturing plant. To solve this portability problem, we would record the noise signal using a tape recorder and then play the tape through our stationary impulse sound level meter and computer equipment. Can we afford the time and equipment for such a complicated procedure? Of course not! Fortunately, there is not need to. *The dosimeter will do the job for us.*

The dosimeter is really an automatic system just like the one described. On site, a small wearable package continuously monitors the A weighted sound level and solves the OSHA equation to determine the dose. The dosimeter is clearly more efficient than a manual or even an automated procedure using a sound level meter. Impulsive noises need not be a problem if care is taken to select a dosimeter capable of handling them" (Exh. 380–2, pp. 15–16, emphasis added).

Since January 1981, OSHA has received other information concerning dosimeter accuracy. This information essentially conforms with the information discussed in the January amendment. Therefore, OSHA reaffirms its January 1981 discussion, interpretations, and findings on the use of dosimeters to make measurements under 29 CFR 1910.95 (46 FR 4135 to 4139). They are repeated, in part, below (46 FR 4139):

"It has been stated (Exh. 321–47, pp. 1–2) that in certain conditions a noise dosimeter overestimates the noise dose relative to that which would be obtained using a sound level meter and timing device. OSHA believes that this situation should not occur for the following reasons: A dosimeter essentially consists of a sound level meter followed by a circuit that integrates the proper function of the A-weighted sound level. When only a sound level meter is used, sufficient data as to the temporal distribution of sound levels must be taken so as to enable the integration to be done numerically. Assuming that each instrument performs accurately and that the microphone positions are the same, the noise dose obtained with a dosimeter and that obtained using a sound level meter and a timing device should agree when the daily noise exposure is the result of several essentially constant sound levels, each experienced for an easily determined duration. OSHA has observed this kind of agreement in its compliance experience. In such cases, the noise dose can easily be obtained with a sound level meter using Table G–16a and the procedures given in Appendix A, I. However, if the sound level varies over a range of more than a few decibels and, particularly, if the sound level undergoes rather rapid excursions due to intermittent or impulse noises, it can be very difficult to obtain accurate noise doses using a sound level meter and a timing device.

OSHA therefore concludes that a properly calibrated dosimeter reads the correct dose but that the use of a sound level meter, for intermittent noise or noise with significant impluse content, may lead to an underestimate of the correct dose."

OSHA will, therefore, allow the employer to use any monitoring equipment. OSHA will evaluate compliance with the monitoring requirements by evaluating the employer's decisions for including employees in the hearing conservation program and for selecting the proper hearing protection using exposure results obtained using the dosimeters. Employers whose monitoring program fails to meet the goals of the monitoring requirements will, however, be subject to citation.

Observation of Monitoring

OSHA's January amendment required employers to provide employees with the opportunity to observe any measurements of employee noise exposure being conducted pursuant to the amendment. The January preamble noted that the right to observe monitoring is mandated by Section 8(c)(3) of the Act. The Agency also reaffirmed its belief that "* * * workers who observ[ed] the monitoring of their exposures [will] gain insight into the nature and extent of the noise hazard, and will become more involved in the hearing conservation program. This involvement should increase the motivation for proper use of ear protection, and thereby increase the effectiveness of the program" (46 FR at 4155).

In addition to the basic right to observe monitoring, the January amendment provided employees with the right to an explanation of the measurement procedures, to observe all steps related to the noise exposure measurements, and to record the results. After publication of the January amendment, OSHA received comments expressing confusion as to the amount of explanation necessary and asserting that this requirement would be overly burdensome (Exh. 325–58; Exh. 325–103; Exh. 325–245; Exh. 325–51 Exh. 325–239;). Therefore, in August, OSHA continued the stay of the paragraphs specifically requiring that employees be given an explanation of procedures, observe all steps involved, and record the results. Information was requested as to whether these stayed provisions are necessary to afford employees a meaningful opportunity to exercise their statutory right to observe monitoring.

OSHA has received many comments asking that the more detailed provisions that were stayed be deleted on the grounds that the general observation requirement on which the stay was lifted in August provides sufficient assurance of employees' right to observe monitoring [20] (Exh. 326–21; Exh. 326–31; Exh. 326–32; Exh. 326–62; Exh. 327–13; Exh. 327–20; Exh. 327–28; Exh. 327–51; Exh. 327–62; Exh. 327–71; Exh. 327–80; Exh. 327–90; Exh. 327–102; Exh. 327–105; Exh. 327–111; Exh. 327–129; Exh. 327–135; Exh. 327–138; Exh. 327–139; Exh. 327–141; Exh. 327–145; Exh. 328–5; Exh. 329–15; Exh. 364).

Several commenters suggested the language of the stayed provision concerning explanations was confusing in that it places an open-ended requirement for explanation on employers (Exh. 327–67; Exh. 327–90; Exh. 327–93; Exh. 327–136). Several others asked detailed an explanation is required (Exh. 327–21; Exh. 327–90; Exh. 327–136; Exh. 364). The Diamond Shamrock Corporation suggested "* * * because of the technical nature of the noise measurement [we] suggest that mandatory explanations be limited to the significance of observed measurements and need not include technical explanations of either the physical aspects of the noise being measured or the practice of noise measurement" (Exh. 327–95, p. 4).

The Motor Vehicle Manufacturers Association (Exh. 327–103, p. 4) and the Ford Motor Company (Exh. 329–2, p. 4) opposed the detailed specifications, claiming that they interfere in areas covered in negotiated labor agreements. Other commenters argued that explanations of exposure monitoring are

[20] As promulgated in January the observation of monitoring provisions read:

(i) The employer shall provide affected employees or their representatives with an opportunity to observe any measurements of employer noise exposure which are conducted pursuant to * * * this section.

(2) Without interfering with the monitoring procedures the observer shall be entitled to:

(i) Receive an explanation of the measurement procedures;

(ii) Observe all steps related to the noise exposure measurements performed at the place of exposure; and

(iii) Record the results obtained.

The stay of paragraphs (i)(2)(i), (ii) and (iii) was continued in the August Federal Register document. Paragraph (i)(1) was allowed to go into effect.

more easily provided in regular training sessions (Exh. 327–102, p. 7; Exh. 327–139, p. 4).

OSHA also has received many comments attesting to the need to specify the rights of employees when observing monitoring (Exh. 328–41; Exh. 328–42; Exh. 327–59; Exh. 327–78, p. 15; Exh. 327–109, p. 10; Exh. 327–136; Exh. 329–30; Exh. 329–57; Exh. 345; Exh. 347; Tr. Vol. III, p. 83, March 25, 1982; Tr. Vol. IV, p. 345, March 26, 1982; Tr. Vol. V, pp. 243–266, March 29, 1982; Tr. Vol. V, pp. 266–272, March 29, 1982). Frank Grimes of the United Steelworkers of America (Exh. 326–41, p. 3) asserted that observers need sufficient information to understand what is going on. He contended further, "* * * we do not have any indication from any other health standard that problems with the explanation provision is more than a figment of an employer's hyperactive imagination. In fact, the parties often work out any procedures that are necessary to implement this provision." The United Paperworkers International Union (Exh. 327–50, p. 3) recommended that the stay on the provisions be lifted because it "* * * will help to ensure that the worker is involved in the noise measurements and is not a passive observer who does not understand measurement procedures." The Paperworkers also specified a list of items they believe should be included in the explanation of monitoring.

OHSA has reviewed the comments submitted regarding the necessity of retaining the stayed provisions to obtain meaningful observation of monitoring. Virtually all commenters agree that observation of monitoring is an employee right and many are accustomed to providing such opportunities. We do not think that the revocation of these detailed provisions will cause the observation of monitoring provisions to become meaningless in the context of noise measurement. There are two standard ways of measuring noise exposure: The dosimeter and the sound level meter. The results obtained with a sound level meter are readily observable and understandable. When dosimeters are used the Agency assumes that the dosimeter readout would be observed by employees so long as the readout device is located in the plant. The dosimeter readout, in percentage of allowable dose or in decibels, should be self-explanatory.

The fact that provisions similar to the hearing conservation amendment's original observation of monitoring requirements have been included without apparently causing confusion in other health standards is not dispositive here because this standard covers a far greater number and variety of employers than any other health standard. Moreover, it should be noted that a number of health standards, including those covering asbestos and vinyl chloride, have observation of monitoring sections that do not specifically accord the right to receive an explanation. We are not aware of employees suffering as a result of the more abbreviated version of the observation of monitoring rights included in those standards.

In addition, OSHA finds the arguments of some commenters, that information on monitoring procedures is more effectively presented in scheduled training sessions than during actual monitoring persuasive (Exh. 327–58; Exh. 327–139; Exh. 329–17). For these reasons, OSHA has determined that in the context of the hearing conservation amendment the stayed provisions of the observation of monitoring requirements are not essential for employees to exercise their right to observe monitoring in a meaningful manner. Therefore, these detailed provisions have been revoked.

Summary

Clearly, substantial evidence in the record considered as a whole supports the conclusion that the performance-oriented monitoring requirements adopted herein are all that is necessary or appropriate to ensure the employee protection contemplated by the hearing conservation amendment. Moreover, this approach is consistent with the mandate of Section 6(b)(5) of the Act, which stipulates that standards be phrased in performance terms insofar as possible. OSHA therefore finds that the monitoring provisions prescribed herein are appropriate. This finding is based on Agency expertise and judgment as to what is necessary to achieve the goals of the amendment and on the fact that the objections raised to the performance approach adopted herein are speculative and conclusory.

Audiometric Testing

The amendment promulgated in January required that employers make audiometric testing available to all employees who had workplace noise exposures equal to or greater than an 8-hour TWA of 85 dB. After the phase-in period, initial or baseline audiograms were to be obtained within 4 months of an employee's first noise exposure at or above the action level. The audiometric testing was to be conducted by a physician, audiologist or otolaryngologist or by a technician under the supervision of one of these professionals. After the baseline audiogram, employees were to be tested at least annually and the results of this annual audiometric test were to be compared against the baseline audiogram to determine whether any deterioration of hearing had occurred. The amendment used the term significant threshold shift (STS) to denote deterioration of hearing that was substantial enough to initiate follow-up procedures to prevent further hearing loss. In response to some confusion concerning the term "significant threshold shift", OSHA has decided to use instead the term "standard threshold shift" (STS) to describe the point at which follow-up procedures are required. Under certain circumstances, the amendment required that an employee with an STS be retested to determine if the hearing loss was permanent. Under other circumstances, employees exhibiting STS's had to be referred to professionals for evaluation or counseled. Some of the audiometric test provisions generated a good deal of controversy. Some of the other provisions caused confusion and many commenters requested clarifications or interpretations. The audiometric test provisions and interpretations of some of these provisions are discussed below.

Qualifications of Technicians Administering Audiometric Tests

The January amendment [21] provided that audiometric examinations be administered by a licensed or certified audiologist, otolaryngologist or other qualified physician, or by a certified audiometric technician under the supervision of an audiologist, otolaryngologist or physician. After promulgation, commenters requested clarification of the qualifications of the technicians permitted to administer audiometric tests. In response to these requests, the Agency explained that all persons who can demonstrate "competency in administering tests and in the use and care of audiometers may administer audiometric tests required by the standard" (46 FR 42625). This would include trained technicians, hearing aid specialists, industrial hygienists, and nurses, in addition to the audiologists, otolaryngologists, and physicians who are specifically permitted by the standard to administer these tests. OSHA still endorses this interpretation. Questions raised during the recent public hearing indicate, however, that further clarification would be useful.

The standard recognizes two methods for persons to become trained in administering audiometric tests. The

[21] 29 CFR 1910.95(g)(5), 46 FR at 4152.

first is to complete a training course administered by a training institution certified by the Council of Accreditation for Occupational Hearing Conservation or a course given by another recognized training organization, and to receive a certificate upon completion of the course. The second method involves demonstrating, to the satisfaction of the professional supervisor of the hearing conservation program, that competence in test administration and audiometer use has been achieved. The wording of the amendment has been changed slightly to clarify the intent; that is, that the technician must be able to show competence in the proper use, maintenance, calibration and functioning of the particular type of audiometer being used, rather than audiometers in general. This on-the-job training approach will permit employers a substantial amount of flexibility in staffing their hearing conservation programs, while ensuring that employee audiograms are properly taken. The standard envisions that persons administering audiometric tests will ensure the appropriateness of the test environment and functionally calibrate and maintain the audiometer; in addition, this person will screen audiograms to identify problem audiograms needing further evaluation by a professional and audiograms with standard threshold shifts. OSHA agrees with J. C. Morrill [Impact Hearing Conservation], however, that the responsibility for direction of the hearing conservation program should remain "in the hands of a professional audiologist, otolaryngologist, or physician" (Exh. 327–35, p. 5), although trained technicians can perform the tasks specified above. We believe that the amendment reflects this intention.

Qualified Physician

As stated above, the hearing conservation amendment requires that certain portions of the audiometric testing program be performed by professionals, while other functions may be carried out by technicians. By the terms of the amendment, professionals include licensed or certified audiologists, otolaryngologists, and "qualified" physicians.

After publication of the January amendment, OSHA received requests for clarification of the term *qualified* preceding physician (see 29 CFR 1910.95(j)(3) and (j)(7)(ii), 46 FR at 4162). In the preamble to the August document, OSHA explained that "qualified" was intended to mean any licensed physician who believes that he or she has adequate training or knowledge to administer audiometric tests and interpret the results. The Agency gave notice in the August **Federal Register** document that it believed that the word "qualified" is unnecessary in the amendment because adequate professional judgment and responsibility can be assumed.

In response to the Agency's request for comments on this issue, many commenters (Exh. 327–24, p. 1; Exh. 327–28, p. 2; Exh. 327–35, p. 1; Exh. 327–76, p. 7; Exh. 327–77, p. 2; Exh. 327–88, p. 5; Exh. 327–95, p. 5; Exh. 327–102, p. 7; Exh. 327–106, p. 7; Exh. 327–140, p. 3) agreed with the Agency's position that the term "qualified" should be deleted because licensed physicians who undertake responsibility for audiometric testing programs are assumed to be qualified. Only one commenter, Dr. S. White of the American Speech-Language-Hearing Association, stated that the term should be retained (Exh. 327–154, p. 3). Therefore, in view of the evidence in the record, OSHA has decided to delete the term, "qualified," preceding the word physician in the audiometric testing provisions of the standard.

Baseline Audiogram

The baseline audiogram is extremely important since it is the reference against which future audiograms are compared to determine the extent to which an employee's hearing is deteriorating. If the baseline audiometric test is not conducted properly, it will not reflect the employee's true hearing thresholds, and any real changes between baseline and future tests may be masked. The January amendment required employers to obtain a baseline or first audiogram for each employee within 4 months of the employee's first exposure to workplace noise at or above an 8-hour TWA of 85 dB. The need to perform baseline audiograms early during the employee's exposure to safeguard the purity of the audiogram as much as possible was recognized. In the January preamble, OSHA made a finding that to delay baseline testing more than 4 months was not appropriate since employees might incur some hearing loss during the interval, which would cause the baseline audiogram to be elevated by temporary hearing loss (46 FR 4143). This elevation would mask the true extent of any threshold shift between baseline and future tests and would result in delayed detection of a significant threshold shift. Additionally, OSHA established the 4-month period to enable employers to exclude most seasonal and temporary workers from the audiometric testing program on the basis that audiometric testing and follow-up procedures for seasonal employees would be administratively difficult or impossible because these workers work for several employers in a season or over the year. Furthermore, OSHA allowed the 4-month period to permit employers who used distant consulting services to schedule mobile test van visits at quarterly intervals.

Commenters argued that companies relying on mobile van audiometric test services would be forced by the 4-month baseline requirement to send newly hired employees to a clinic, which would be considerably more expensive on a per employee basis than using a mobile test van. Mobile testing services frequently impose a minimum fee and it might not be practical to have the test van visit the company more than once a year. In view of the above considerations, the Agency decided to reconsider the 4-month baseline requirement. The stay was therefore continued in August, and the Agency requested data and information on this issue (see 46 FR 42625–42626).

OSHA understands the value of conducting pre-employment baseline audiograms, which are the most accurate indicators of employees' hearing levels before exposure to noise. They help to determine if changes in future audiograms represent actual shifts due to noise exposures. Several organizations and companies, including DuPont (Exh. 327–91), Shell Oil (Exh. 327–102, p. 8), Texaco (Exh. 329–15, p. 5), Motor Vehicle Manufacturers Association (Tr. Vol. II, p. 109, March 24, 1982), Reynolds Metals (Tr. Vol. I–B, pp. 270–271, March 23, 1982), Edison Electric Institute (Tr. Vol. II, p. 219, March 24, 1982), American Iron and Steel Institute (Tr. Vol. III, p. 277, March 25, 1982), and Dresser Industries (Tr. Vol. IV, p. 80, March 26, 1982) either perform or recommend pre-employment audiograms when feasible. OSHA does not believe that pre-employment audiograms are practical in many cases, or essential to protect worker hearing in the context of an industrial hearing conservation program. However, pre-employment audiograms do represent good or "ideal" practice, and OSHA encourages employers to obtain them where it is practical to do so.

Dr. L. Royster (Exh. 327–84, pp. 30–31) and others (Exh. 327–20, pp. 2–3; Exh. 327–135, p. 4; Exh. 327–119, pp. 2–3) urged that different intervals should be allowed for baseline testing, depending on the employee's exposure level. They argued that employees exposed to high levels of noise should be tested sooner than those exposed to moderate or lower levels. However, OSHA agrees with D. C. Gasaway, who stated that using different time frames to establish

baseline audiograms for employees exposed to different levels of noise would lead to administrative confusion and might cause some affected employees to be overlooked (Exh. 327–66, p. 17). Moreover, such a strategy would not solve the problem for those using mobile testing services. Others requested that the period for obtaining baseline audiograms be extended to 6 months to exclude seasonal workers in some industries who work more than 120 days but less than 180 days, and who often have a 100% turnover rate (Tr. Vol. III, p. 8, March 25, 1982; Tr. Vol. IV, p. 203, March 26, 1982).

After carefully considering the record evidence, the Agency has decided that employers who have their own audiometric testing facilities or who send their employees to clinics for testing should obtain baseline audiograms for their employees within 6 months of the employees' first exposures to workplace noise at or above the action level. The requirement to obtain baseline audiograms within 4 months of the employees' first exposure at or above the action level is being revoked. This relaxation of the time period in which to obtain baseline audiograms for those employers with in-house testing capability and those using clinics for audiometric testing is in recognition of the fact that the 4-month period allowed in January to obtain baseline audiograms was too short to permit the exclusion of many seasonal workers from the audiometric testing requirements (see Exh. 326–29; Exh. 326–30; Exh. 374, pp. 199–206; Exh. 325–64). It is neither practical nor appropriate to require audiometric testing of seasonal workers; the tenure of employment is too short to permit the type of hearing evaluation mandated by the amendment in that the employee will not be employed long enough for the employer to obtain an annual audiogram against which to compare the baseline audiogram.[32]

In January, the Agency found that it was not appropriate to delay baseline testing more than 4 months since employees' audiograms might be contaminated by temporary threshold shifts (TTS) (46 FR 4143). While this finding was undoubtedly correct when employees are exposed to high noise levels, it did not fully consider the realities of the situation. The occupational noise exposure standard (29 CFR 1910.95(a) and (b)) requires that employee exposures be reduced to within the permissible exposure limits (90 dB as a TWA). Therefore, employees are not expected to be exposed to extremely high levels of noise at any time during their employment, including during the period before the baseline audiogram is taken. Under these circumstances, the Agency finds that it is appropriate to allow the employer 6 months in which to obtain employee baseline audiograms.

Numerous commenters argued persuasively that the 4-month baseline audiogram requirement contained in the January amendment was unduly restrictive and costly for those who rely on mobile test vans because it would either necessitate three visits by the van a year or require employers to send employees to a clinic, which would involve high cost, travel time, and special testing fees (Exh. 329–15, p. 5; Exh. 327–146, pp. 18–19; Exh. 327–61, p. 2; Exh. 327–96, p. 2; Tr. Vol. I–B, pp. 208–209, 254, March 23, 1982; Tr. Vol. IV, p. 80, March 26, 1982).

Many commenters recommended that OSHA extend the 4-month baseline requirement to 1 year, provided that hearing protectors are used until a baseline audiogram is performed (Exh. 327–143, p. 5; Exh. 327–61, p. 2; Exh. 333, p. 3; Exh. 327–96, p. 2; Tr. Vol. IV, p. 209, March 26, 1982; Tr. Vol. I–B, p. 208, March 23, 1982).[33]

These participants maintained that hearing protectors would be effective in minimizing or preventing temporary threshold shift prior to the baseline audiogram (Exh. 327–61, p. 2; Exh. 327–143, p. 5; Exh. 327–96, p. 2; Tr. Vol. IV, pp. 80–81, March 26, 1982). In the words of R. Connelly of Audiometric Associates:

"The implementation of an effective hearing conservation program should eliminate the need to obtain a baseline audiogram within the first 4 months of exposure to workplace noise. Companies should be encouraged to obtain baseline tests as soon as possible for new employees and [be] required to do so within 1 year of exposure" (Tr. Vol. IV, p. 209, March 26, 1982).

W. E. Bodenheimer [Colorado Speech and Hearing Center] noted:

"The intent here [of the 4-month baseline requirement] was to avoid contamination by threshold shifts on the baseline audiogram, to allow employers to exclude most seasonal and temporary workers from the testing program, and avoid the problems of requiring pre-employment baseline tests.

"All of these problems can be solved in a much easier and cost effective manner as far as we are concerned, particularly for those thousands of companies that rely on mobile testing services that test on-site on an annual basis.

"Since the standard requires the use of personal hearing protectors and emphasizes training in the use and care of these devices, were they provided immediately to any employee at his first exposure to noise at or above a time-weighted average of 85 dB, and were their proper use enforced, a valuable and reliable baseline hearing test would be established for those employees at the time of the annual hearing testing.

"This approach would be effective in preventing any threshold shift until the baseline could be established at the economic convenience of the employer.

"Many companies who rely on mobile service have operations located far from cities and other urban areas. They rely on the mobile operations to go to them for baseline and annual hearing testing and for catch-up tests when possible. It would be economically disastrous for these companies and logistically impossible for the mobile services to travel to each location to conduct baseline tests within four months of exposure, or for the companies to send their employees to a local clinic or physician where the cost per employee would be much higher.

"Effective industrial hearing conservation can be achieved with a program of annual hearing testing conducted in conjunction with a conscientious and enforced program of personal hearing protection use" (Tr. Vol. I–B, pp. 208–209, March 23, 1982.

OSHA agrees in principle with P. Crouch of the Refractories Institute and others (Exh. 327–28; Exh. 327–66; Exh. 327–143; Exh 327–146) that companies using mobile testing services to satisfy their audiometric testing obligations under the hearing conservation amendment should be allowed one year to obtain baseline audiograms provided that their employees exposed at or above the action level use hearing protectors until such time as the baseline audiogram is obtained. Such an approach would, however, treat employees who are to be tested using mobile test vans differently from those whose employers have their own in-house audiometric testing facilities. The former group of employees would have to wear hearing protectors for up to a year before the baseline audiogram is taken even if their exposure is below the permissible exposure level of 90 dB; the latter group of employees would not need to wear hearing protectors during the six-month period in which the employer has to obtain baseline audiograms if their exposures are below the permissible exposure level. Therefore, the amendment only requires that where the employer is using mobile test vans and wishes to take a full year to obtain baseline audiograms, employees whose exposures are below the permissible exposure level must

[32] The same rationale applies in all high turnover situations.

[33] The effect of the continued stay on the provision requiring that baseline audiograms be obtained within 4 months was to allow employers a year to obtain baseline audiograms.

wear hearing protectors from any period exceeding six months after first exposure until the baseline audiogram is obtained. This decision recognizes the practical limitations posed by the use of mobile testing vans and the logistical problems which would arise if the amendment were to require audiometric baselines to be obtained within 6 months, regardless of the size and location of the employer's firm. It also allows some flexibility for scheduling difficulties (Exh. 327–106, p. 4; Exh. 327–51; Exh. 327–91, p. 16) while minimizing the chances that the baselines will be contaminated by temporary threshold shifts as hearing protectors are only being relied upon to provide a very small amount of attenuation. Moreover, this approach is expected to substantially relieve the burden of obtaining baseline audiograms on those employers with highly transient or difficult to reach worksites.[34] R. Brisnehan of the Petroleum Equipment Suppliers Association and G. McKown of the International Association of Drilling Contractors admitted that extending the baseline requirement to 1 year would solve several of their industry's problems with complying with the audiometric test provisions of the amendment (Tr. Vol. I–B, p. 295, March 23, 1982).[35]

14 Quiet Hours

The January amendment required that employees exposed at or above the 85 dB action level be given an audiometric test to establish a baseline audiogram. That test was to be preceded by a minimum period of 14 quiet hours without exposure to workplace noise. This quiet period was intended to allow an employees's hearing to recover from any temporary threshold shift (TTS) caused by pre-test noise exposure, because TTS would mask the employee's true hearing threshold. If the baseline audiogram was contaminated by TTS, subsequent comparisons of the baseline audiogram to the annual audiogram would not show the true extent of the hearing loss since the baseline would not reflect the true hearing threshold at the time it was taken (see 46 FR 4146–4147). The wearing of hearing protectors could not be used to provide this quiet period.

After publication of the January amendment, many commenters informed OSHA that prohibiting the use of hearing protectors to provide quiet before the baseline audiogram might prove unnecessarily restrictive (Exh. 325–220; Exh. 325–248; Exh. 325–251; Exh. 325–268). The stay on this prohibition was continued in August and OSHA solicited evidence on whether hearing protectors would be effective in preventing TTS before baseline audiograms.

The Agency received many comments in favor of allowing the use of hearing protectors to supply quiet prior to the baseline audiogram (Exh. 327–103; Exh. 327–101; Exh. 327–105). On the other hand, some commenters argued that hearing protectors should not be substituted for the quiet period (Exh. 326–41; Exh. 326–42; p. 12; Exh. 327–20, p. 3). For example, F. P. Grimes of the United Steelworkers of America asserted that even close supervision of employees wearing hearing protectors before testing is not equivalent to a 14-hour pre-test quiet period (Exh. 326–41). Two professional audiologists, J. Shampan of Impact Hearing Conservation, Inc., and Dr. D. G. Harvey of Audiology Associates, Inc., expressed concern that the use of hearing protectors would not prevent TTS from contaminating the audiogram (Exh. 327–53, p. 1; Tr. Vol. V, p. 45, March 29, 1982).

Most commenters, however, stated that hearing protectors can be effective in minimizing TTS and will not interfere with obtaining a valid audiogram (Exh. 327–114, p. 23; Exh. 327–108, pp. 6–7; Exh. 327–105, p. 4; Exh. 327–101, p. 5; Exh. 327–98, p. 19; Exh. 327–97, p. 3; Exh. 327–93, p. 3; Exh. 327–89, p. 4; Exh. 327–88, pp. 2–3; Tr. Vol. II, pp. 106–107, March 24, 1982).

Dr. H. W. McCurdy, Executive Director of the American Council of Otolaryngology, asserted that a hearing protector that reduces the level of sound energy reaching the ear to 80 dBA or less will effectively reduce TTS; attenuation to this level would limit the amount of baseline contamination to less than the usual amount of audiometric measurement error (Exh. 327–151, p. 3).

An evaluation of more than 40 industrial audiometric data bases, which was conducted by Dr. L. Royster of North Carolina State University, confirms the effectiveness of hearing protection in preventing TTS contamination of the audiogram (Exh. 327–84, p. 41). As Dr. Royster reports, "proper utilization of appropriate (hearing protectors) will prevent significant contamination of the data base by TTS" (Exh. 327–84, p. 4).

Several comments claimed that valid baseline audiograms could be obtained if hearing protector use was well supervised on the day of the baseline test. In fact, this was felt to be superior to the 14-hour quiet period "without exposure to workplace noise" where employee exposures are unknown and uncontrolled (Exh. 327–113, p. 2; Exh. 327–104, p. 17; Exh. 327–51, p. 3; Exh. 327–39; p. 1; Exh. 327–35, p. 2; Exh. 327–120, pp. 2–3; Tr. Vol. I–B, pp. 193–194, 209, March 23, 1982; Tr. Vol. II, p. 222, March 24, 1982; Tr. Vol. IV, pp. 67, 107–108, March 26, 1982.

Several commenters testified to the difficulties that the prohibition against substituting hearing protectors for the 14-hour quiet period would cause. Among the problems cited were the cost of paying employees overtime wages when they were tested on unscheduled work days (Exh. 326–35; Exh. 326–43; Exh. 327–21; Exh. 327–34; Exh. 327–29; Exh. 329–64; Exh. 331–33), disruption of employee work schedules (Exh. 326–28; Exh. 326–35; Exh. 326–43; Exh. 327–21; Exh. 327–34; Exh. 327–54; Exh. 327–88; Exh. 327–90; Exh. 329–64), and the difficulty and expense associated with scheduling mobile audiometric test vans (Exh. 326–43; Exh. 327–29; Exh. 327–54; Exh. 327–90; Exh. 327–146; Exh. 331–33). Many participants stated that these problems could be overcome by permitting employees to wear hearing protectors during the 14-hour period before the baseline is taken, particularly if employees were made aware of the effects of pre-test noise exposures (Exh. 327–141, p. 4; Exh. 327–61, p. 3; Exh. 327–140, p. 4).

After thorough review and analysis of the comments and testimony received in connection with this issue, OSHA has determined that the use of hearing protectors should be permitted as a substitute for the 14-hour quiet period. The Agency concurs with the large number of commenters who testified that hearing protectors may provide sufficient attenuation to prevent noise-induced TTS from contaminating baseline audiograms. As Dr. McCurdy emphasized, * * * "[the] use of hearing protection to reduce exposure to noise prior to the baseline measurement should be permitted * * * [An] advantage of this allowance is that it may aid in reducing TTS due to non-occupational noise exposure prior to baseline testing, if the employer makes hearing protectors available to employees for use outside the workplace. Informing employees of the

[34] Where employers with these type of workplaces do have an in-house test capability, there would, of course, be no problem in obtaining baseline audiograms within 6 months.

[35] Clearly, high employee turnover rates do not render the requirement to obtain baseline audiograms impractical when a full year is allowed to obtain the baseline. The employer has the option of waiting to see which employees stay before obtaining baseline audiograms; this may greatly reduce the number of baseline audiograms the employer will have to obtain (Tr. Vol. I–B, p. 295, March 23, 1982).

importance of avoiding excessive noise exposure on and off the job is an integral part of any hearing conservation effort * * *" (Exh. 327–151, p. 3). OSHA agrees with Dr. McCurdy that the amendment's training provisions, which require that employees be trained in the selection, fitting, use, and care of hearing protectors and the effects of noise on hearing, will also operate to increase the effectiveness of hearing protectors in the workplace.

A number of other suggestions were given to help maximize hearing protector effectiveness in preventing temporary threshold contamination of the baseline audiogram (Exh. 327–114, p. 23; Exh. 327–106, p. 3; Exh. 327–113, p. 2; Exh. 327–105, p. 4; Exh. 327–103, p. 5). For example, Mr. J. Morrill, an industrial audiologist and president of Impact Hearing Conservation, recommended that special steps be taken, such as instruction in the need to avoid high levels of noise both on and off the job and careful fitting of hearing protectors, when using hearing protectors to ensure the integrity of the baseline audiogram (Exh. 327–35). Some commenters believed that only ear muffs are suitable to provide quiet on the day of testing since their visibility makes them easily verifiable (Exh. 327–151, p. 3; Exh. 327–103, p. 5; Exh. 327–62, p. 3; Exh. 327–56, p. 2; Exh. 327–154, p. 3; Tr. Vol. II, p. 151, March 24, 1982). OSHA agrees, but has decided not to require that ear muffs (as opposed to ear plugs) be used to provide quiet before baseline audiograms for the following reasons: ear muffs may be extremely uncomfortable in hot or humid environments, the use of glasses, goggles or respirators may interfere with their effectiveness, and certain hairstyles may make it difficult to get a good seal. The revised amendment allows employers to have sufficient flexibility to choose the most appropriate method of providing a quiet period before the baseline audiogram which is consistent with the particular working environment. In some instances, ear plugs will be used, in others, ear muffs, and in some circumstances employees may be scheduled for baseline testing at the beginning of the work shift. Accordingly, the prohibition on the use of hearing protectors before baseline audiograms is being revoked. Employers or professionals supervising audiometric testing programs are, of course, free to prohibit the use of hearing protectors to provide quiet hours before the baseline audiogram if, in their judgment, the circumstances so warrant.

Avoidance of Noise Before Audiometric Tests. The January amendment required employers to notify employees of the need to avoid high levels of noise during the 14-hour period preceding their baseline audiograms. This requirement was designed to help ensure that the baseline audiogram was not contaminated with temporary threshold shift (see 29 CFR 1910.95(j)(5)(ii)(*b*), 46 FR 4162). Some commenters suggested that this requirement was unnecessary and redundant since the effect of noise exposures on audiogram results would be explained during the training required by another provision of the standard (Exh. 327–20, p. 5; Exh. 326–34, p. 5; Exh. 327–91, p. 22).

Other commenters stated that even if employees were notified of the importance of the quiet period as part of the training required by the amendment, there would be no assurance that they would actually receive this training before taking their baseline audiograms (Exh. 326–41, p. 5). Moreover, even if training were completed prior to taking a baseline audiogram, reiterating this information would still be beneficial since "repetition is a good teaching method" (Exh. 327–80, p. 2).

Moreover, other commenters felt that informing employees of the importance of avoiding noise prior to the baseline audiogram is necessary to ensure an accurate baseline (Exh. 326–31, p. 2; Exh. 326–41, p. 5; Exh. 327–12, p. 2; Exh. 327–95, p. 6; Exh. 327–102, p. 6; Exh. 327–104, p. 17; Exh. 327–131, p. 1; Exh. 327–135, p. 4; Exh. 327–143, p. 6; Exh. 327–154, p. 4; Tr. Vol I-B, pp. 200, 212, 252, 3/23/82). According to J. Toupen, attorney for the Shipbuilders Council of America:

> "Employees who are so informed [about the necessity for the quiet period] have every reason to protect themselves from excessive noise exposure, since it is in their interest for their baseline audiograms to record their hearing capacity accurately. Workers who are trained in protecting their hearing on the job will have a special incentive to follow the hearing conservation program before their baselines" (Exh. 327–104, p. 17).

Dr. S. White of the American Speech-Language-Hearing Association also believed this provision was important:

> "* * * the more information the employee has about why they should avoid the noise [prior to audiometric testing] the better. The employee would be certain * * * to want a valid audiogram * * *" (Tr. Vol. IV, p. 67, March 26, 1982.

After a thorough review of the record, OSHA has decided to lift the administrative stay on the requirement that employers tell their employees to avoid high levels of non-occupational noise during the period preceding their baseline audiograms. The Agency agrees with Dr. W. E. Bodenheimer of the Colorado Speech and Hearing Center that, "although this paragraph may be redundant because this kind of information would occur during training, which is already required by the standard, * * * retaining this requirement would supply additional support to the goal of obtaining valid and reliabe hearing testing results" (Tr. Vol. I-B, p. 212, March 23, 1982).

Although employers are not responsible for employee noise exposures sustained away from the workplace, the likelihood of non-occupational noise exposure contaminating the baseline audiogram can be substantially reduced by counseling workers of the need to avoid such exposures in the period before their baseline tests. Therefore, this requirement is necessary and appropriate for the implementation of a successful hearing conservation program.

Grandfathering of Baseline Audiograms

After publication of the January amendment, many commenters asked the Agency whether audiograms taken before the effective date of the amendment would be accepted as baseline audiograms. Most comments urged OSHA to accept these audiometric baselines, which had been taken using hearing protectors as a substitute for the 14-hour quiet period required by the amendment. In August, OSHA decided to adopt a very lenient policy on accepting baseline audiograms taken before the promulgation of the amendment:

> Since the prohibition against the use of hearing protectors to achieve the quiet hours is being stayed, OSHA will accept baseline audiograms that were taken using hearing protectors as a substitute for 14 quiet hours. The Agency will continue to accept these audiograms in the future as valid baseline audiograms regardless of the outcome of the stay, and will accept or "grandfather" older baseline audiograms that reflect substantial compliance with the audiometric test requirements of the amendment. For example, to be acceptable, baseline audiograms should be administered by a trained technician, taken at the required test frequencies (500, 1000, 2000, 3000, 4000 and 6000 Hz), in a reasonably quiet room, and with calibrated equipment. The Agency is prepared to be flexible in accepting or grandfathering old baseline audiograms because in most cases this would be more protective of the employee since old baselines will allow the true extent of the hearing loss over the years to be evaluated. Obtaining a new baseline audiogram after many years of noise exposure might be less protective since the new audiogram might show higher thresholds and the true extent of future losses would

appear smaller than when compared with the original baseline (46 FR at 42626).

The Agency received many comments in response to this statement. There was a groundswell of support for the proposition that pre-existing baseline audiograms should be acceptable and be given "grandfather" status (Exh. 326–49, p. 3; Exh. 326–54, p. 3; Exh. 326–56, p. 4; Exh. 327–18, p. 2; Exh. 327–76, p. 3; Exh. 327–87, p. 4; Exh. 327–89, p. 10; Exh. 327–98, p. 3; Exh. 327–98, p. 17; Exh. 327–101, p. 5; Exh. 327–106, p. 4, Exh. 327–112, p. 15; Exh. 327–115, p. 3; Exh. 327–121, p. 2; Exh. 327–122, pp. 5–6; Exh. 327–140, p. 4; Exh. 327–149, p. 4; Exh. 327–154, p. 5; Tr. Vol I-B, p. 193, March 23, 1982; Tr. Vol. III, p. 114, March 25, 1982; Tr. Vol. IV, p. 233, March 26, 1982. They reasoned that this policy was in the best interest of employees since in most cases these older audiograms would show lower thresholds and would better reflect the ture extent of hearing loss over the years (Exh. 327–76, p. 3; Exh. 327–86, p. 6; Exh. 327–90, p. 4; Exh. 327–96, p. 3; Exh. 327–115, p. 3; Exh. 329–17, p. 3; Tr. Vol. I-B, p. 193, March 23, 1982; Tr. Vol. IV, p. 44, March 26, 1982;) Tr. Vol. IV, p. 233, March 26, 1982. Advocates of this policy also claimed that grandfathering older audiograms would eliminate unnecessary costs (Exh. 327–76, p. 3; Exh. 327–122, pp. 5–6; Exh. 327–140, p. 4).

So great was the support generated in favor of "grandfathering" pre-existing baseline audiograms that many of these commenters requested that OSHA add language to the amendment explicitly stating that audiograms taken prior to the effective date of the amendment are acceptable as baseline audiograms (Exh. 326–49, p. 3; Exh. 326–54, p. 3; Exh. 327–76, p. 3; Exh. 327–87, p. 4; Exh. 327–88, p. 6; Exh. 327–89, p. 10; Exh. 327–98, p. 17; Exh. 327–101, p. 5; Exh. 327–122, p. 5; Exh. 327–149, p. 4; Tr. Vol. I–B, p. 193, March 23, 1982). Other commenters were less enthusiastic, asserting that older audiograms should be considered as acceptable baselines only if they have been determined to be valid and to have been taken under conditions reasonably similar to those required by the amendment (Exh. 326–49, p. 3; Exh. 326–54, p. 3; Exh. 326–56, p. 4; Exh. 327–76, p. 3; Exh. 327–87, p. 4; Exh. 327–90, p. 4; Exh. 327–96, p. 3; Exh. 327–149, p. 4; Exh. 327–154, p. 5; Exh. 329–17, p. 3; Tr. Vol. IV, pp. 44, 233–234, March 26, 1982; Tr. Vol. V, pp. 139–141, March 29, 1982).

However, others claimed that it is unfair to require old baseline audiograms to comply with the requirements of the present amendment (Exh. 327–101, p. 5) and that, at a minimum, audiograms meeting the 1974 proposal's requirements should be grandfathered (Exh. 327–98, p. 17; Exh. 327–89, p. 10). George Taylor of the AFL–CIO (Exh. 327–109, p. 12) and H. Buoy of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers (Exh. 327–78, p. 13) recommended that employers conduct new baseline audiograms and then choose from among the old and new audiograms that audiogram with the lowest threshold as the employee's baseline.

OSHA believes that almost any baseline audiogram taken prior to the present amendment can be valuable in evaluating the true extent of an employee's hearing loss over time. As Dr. S. White of the American Speech-Language-Hearing Association cautioned, however:

"The grandfathering of pre-amendment audiograms should only be allowed when the supervising professional agrees that they are valid. Some previous audiograms may reflect, in part, temporary threshold shifts because of pretest noise exposure or high background noise levels in the test area. Therefore, previous test equipment, environment, and personnel should be considered. Obviously, if a hearing conservation program were in place prior to the enactment of the current amendment, the ramifications of allowing a reestablishment of baseline should also be considered. If the hearing loss had occurred prior to August of 1981, and that loss was due to industrial noise, the previous audiograms would reflect that change in hearing. As it presently stands, the reestablishment of baseline * * * would overlook the changes in hearing that took place and were already documented" (Tr. Vol. IV, p. 44, March 26, 1982).

Similarly, R. Connelly of Audiometric Associates stressed the importance of professional opinion in deciding whether to depend on a pre-existing baseline:

"I believe that * * * the older the audiogram * * * the more valuable it becomes in terms of identifying significant change. I believe that audiograms should be grandfathered as long as they appear to be reliable. I don't think there is any particular problem with that, as long as some safeguard is given to the method of comparison by an appropriate professional (Tr. Vol. IV, p. 233, March 26, 1982).

In response to a question about methods of determining the validity of old baseline audiograms, Mr. Connelly explained:

"Generally what is done is that, if they appear to be inconsistent, then the credibility, the validity of the audiogram comes into question. If they are generally consistent, then they are generally accepted as evidence" (Tr. Vol. IV, p. 234, March 26, 1982).

After review of the evidence on this issue, OSHA is reaffirming its position, stated in the August **Federal Register** document, of allowing the grandfathering of baseline audiograms. This policy is consistent with the exercise of professional judgment. It is the responsibility of the professional supervising the hearing conservation program to determine which pre-existing audiograms are acceptable and which to choose as the baseline.

Evaluation of Audiogram

The January amendment stipulated that evaluation of audiograms must be performed by an audiologist, otolaryngologist, or qualified physician to determine if the baseline is valid and whether a significant threshold shift has occurred. These professionals are responsible for supervising the employer's audiometric test program and ensuring that tests conducted by technicians are carried out properly, that the test equipment is calibrated, and that the test room is sufficiently quiet. Professional supervisors also determine the need for employee referral for further testing when test results are questionable or when problems of a medical nature are suspected. Because these professionals have extensive education and training in audiometry and the recognition of various types of hearing loss, they are considered to be the most qualified to oversee a testing program.[26]

The Agency received some comments, however, indicating that commenters had mistakenly interpreted the amendment as prohibiting technicians from reviewing routine audiograms. In the August **Federal Register** document, OSHA explained that technicians were permitted to review typical audiograms to determine STS, and that only problem audiograms were required to be reviewed by professionals (see 46 FR at 42626). This means that if technicians preliminarily review audiograms, they must refer problem audiograms or audiograms of questionable validity to an audiologist, otolaryngologist, or qualified physician for further evaluation (Exh. 327–66, pp. 50–52; Exh. 327–87, p. 4; Exh. 327–88, p. 7; Exh. 327–102, p. 3; Exh. 327–106, p. 7; Tr. Vol. I–B, p. 120, March 23, 1982). As Dr. S. White of the American Speech-Language-Hearing Association explained, it is acceptable for technicians to screen

[26] The preamble to the January amendment explained that in companies and consulting firms where audiometric test results are computerized, professionals do not have to review every audiogram but are responsible for preparing and developing the computer program to ensure that the professional reviews audiograms on a selective basis (see 46 FR 4141).

audiograms as long as the professional in charge establishes the criteria for audiogram review (Exh. 327–154, p. 5).

Some commenters urged that the Agency require professional review of all audiograms indicating STS in addition to problem audiograms (Exh. 327–106, p. 7; Exh. 327–102, p. 3). Mr. Bert Scott [Environmental Technology Corporation] argued that it is important for the professional to review every audiogram.

"ETC does not agree with OSHA's position * * * that technicians may review audiograms and give only problem audiograms to the professionals for review. ETC's 11 years of experience in reviewing hundreds of thousands of audiograms from various industrial sites reveal that trained audiometric technicians are not always capable of determining whether or not an audiogram is valid. This is especially true when a self-recording audiometer is being used. We have rarely if ever, reviewed plant audiograms and not found invalid data. We consistently found it necessary to reject audiograms generated by certified technicians. In addition to invalid testing procedures, unlikely thresholds at one or more frequencies, missing frequencies on manual testing, failure to retest frequencies to determine invalidity by microprocessors or audiometers, reversal of earphones, etc. [sic]

We observed other areas such as omission of names, dates, use of non-standard audiometric symbols on manual audiograms, out-of-date calibrations, and inconsistencies between audiometric data and medical history" (Tr. Vol. IV, pp. 137–138, March 28, 1982).

Dr. McCurdy, Director of the American Council of Otolaryngology—Head and Neck Surgery, and Dr. Summar, Medical Director of MTS Associates, Inc., also recommended that the professional should review every audiogram (Exh. 327–151, p. 5; Exh. 327–69, p. 6). As Dr. Summar explained:

"The entire Hearing Preservation Program, not just the hearing tests, must be under the direction of an experienced otolaryngologist, other physician, or audiologist. He must be personally and intimately involved in all aspects of the program in order to compare threshold results as to whether a change is present, why there is a change, and what followup steps need to be taken" (Exh. 327–69, p. 6).

OSHA does not believe that the record evidence demonstrates a need to require professionals to review every audiogram. Audiometric technicians, under the general supervison of an audiologist, otolaryngologist or physician have the skill necessary to review routine audio grams. The amendment has been revised to more clearly reflect this intent. Of course, if the supervising professional wishes to review every audiogram, he or she is free to do so.

The Agency therefore reaffirms its position, as stated in the August Federal Register document, which would require that professionals review problem audiograms including those of questionable validity. This procedure will help to ensure that employees whose audiograms merit further investigation will receive the necessary professional attention.

Standard Threshold Shift

In the January amendment, OSHA stated that:

"A definition and an understanding of what OSHA considers to be a significant shift of hearing threshold is very important in the proper implementation of the amendment's requirements. Without such a definition, workers and employers are unable to know the seriousness of the noise-induced hearing loss.

Identifying threshold shift as significant means that it is outside the range audiometric error (±5dB), and it is serious enough to warrant prompt attention because it is a precursor to material impairment of hearing. When threshold shifts are significant, employers must provide and fit hearing protection, and take other remedial actions depending upon whether or not the shift is permanent.

The definition of the term "significant" is critical to the effective operation of the hearing conservation program. If the definition is too stringent, spurious threshold shifts may occur and workers will be identified because of audiometer or technician error. If the definition is not stringent enough, workers will be allowed to lose too much hearing before protective actions are taken. Correctly identifying significant threshold shifts of hearing is particularly important for workers who have already begun to lose their hearing, so that the progression may be stopped before the hearing loss becomes handicapping" (46 FR 4144).

The January amendment defined a significant threshold shift (STS) as:

(i) A change in hearing threshold relative to the baseline audiogram of 20 dB or greater at any test frequency other than 500 Hz in either ear, if no previous audiograms have thresholds that exceed 25 dB with reference to audiometric zero as specified by American National Standard S3.6–1969; or

(ii) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at 1,000 or 2,000 Hz, 15 dB at 3,000 or 4,000 Hz, or 20 dB at 6,000 Hz, in either ear, if any previous audiogram has one or more thresholds that exceed 25 dB with reference to audiometric zero; or

(iii) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at any test frequency other than 500 Hz in either ear, if any previous audiogram has thresholds exceeding an average of 25 dB with reference to audiometric zero at the frequencies 1,000, 2,000 and 3,000 Hz; or

(iv) A change in hearing threshold relative to the baseline audiogram of 10 dB or greater at any test frequency other than 500 Hz in either ear, if the employee has previously suffered one or more permanent significant threshold shifts.

Thus the January definition of STS reflected a "sliding scale" approach, with the amount of hearing loss constituting a significant threshold shift becoming smaller as the worker's hearing loss becomes greater. (For a more complete discussion of the definition of STS promulgated in January, see 46 FR 4144–4145).

According to many commenters, the STS definition included in the January amendment would permit too many employees, or certain groups of employees, to suffer occupationally-induced hearing loss without detection (Exh. 326–21, p. 3; Exh. 326–28, p. 5; Exh. 327–13, p. 5), while others maintained that OSHA's definition would result in a large number of "false-positives" (i.e., persons initially identified as having STS although subsequent audiometric tests show they have not had a shift in hearing threshold) (Exh. 327–91, p. 30; Exh. 325–30; Exh. 327–101, p. 7; Exh. 327–138, p. 6; Exh. 327–151, p. 10). [27] Although a number of contributors supported OSHA's January STS definition (Exh. 327–35, p. 4; Exh. 327–86, p. 6; Exh. 327–97, p. 5; Exh. 327–136, p. 6), others stated that it was too complicated to be used in the field (Tr. Vol. II, pp. 170–171, March 24, 1982; Exh. 326–28, p. 5; Exh. 325–34; Exh. 327–84; Exh. 327–140, p. 4), or would require the use of a computer to analyze statistical trends in audiogram results (Exh. 327–135, p. 7; Exh. 325–48, Exh. 327–22, p. 3; Exh. 327–151, pp. 10–11).

OSHA agrees that defining the STS in a manner that requires computer analysis or extensive computation will not encourage voluntary compliance, and will additionally place a disproportionate burden on small and medium-sized employers. The Agency also believes, after a thorough review of the rulemaking record, that the January amendment's STS definition might require unnecessarily complex calculations and might prove difficult to administer because the definition differs for employees who have previously experienced STS and those who have not.

The August document (46 FR 42622) continued the interim stay on the definition of STS, noting that OSHA had received many comments requesting the Agency to reconsider this important definition (Exh. 325–274; Exh. 325–288). The Agency has reviewed the comments

[27] For example, according to W. Carey, Chocolate Manufacturer's Association, this criteria resulted in medical referrals for 30% of the non-noise exposed population and 75% of the noise exposed population (Tr. Vol. II, p. 299, March 24, 1982).

in the record thoroughly and has reevaluated the available evidence pertaining to a definition of STS. The great majority of comments supported the inclusion of a standardized definition of STS in any revised hearing conservation amendment promulgated by the Agency (Exh. 328–42, p. 13; Exh. 326–49, p. 3; Exh. 327–13, p. 5; Exh. 329–16, p. 8; Exh. 331–33; Exh. 327–109; Tr. Vol. V, p. 270, March 26, 1982; Exh. 327–89, p. 6).

The STS concept is essential to the proper working of any hearing conservation program because, as R. F. Boggs of Organization Resources Counselors noted, those conducting audiometric examinations need to have a "flag" to indicate when additional testing or evaluation is needed (Exh. 327–96, p. 15). Further, a standardized definition of STS permits both the seriousness of an employee's hearing loss and the effectiveness of an employer's hearing conservation program to be evaluated and monitored (Exh. 327–66, pp. 48–49; Exh. 327–89, p. 6; Exh. 327–94, p. 3; Exh. 327–99). R. G. Wieneck, of General Motors, summarized the need for a standardized definition of STS by describing it as the benchmark for evaluating audiograms to determine whether hearing is being conserved (Exh. 327–99). Margaret Seminario of the AFL–CIO also pointed out that the absence of a standardized definition would mean that "the level of employees' protection will be highly variable * * * in direct conflict with OSHA Act requirements to set standards that are protective of employee's health" (Tr. Vol. V, p. 270, March 26, 1982).

However, as the American Council of Otholaryngology emphasized (Exh. 327–152, p. 5), it is important to distinguish between threshold shifts defined as significant, which merely trigger in-house hearing conservation program activities such as providing employee training and hearing protectors, and a criterion used for medical referral. As the Council stated, STS should be defined in a way that will detect the least amount of hearing loss in excess of test-retest variability, while othologic referral criteria are intended to detect substantial abnormalities * * *" (Exh. 327–152, p. 5). In accordance with these and other comments and recommendations, OSHA reaffirms the need for a standardized definition of significant threshold shift [20] in the hearing conservation amendment. Correctly identifying standard threshold shifts will enable employers and employees to take corrective action so that the progression of hearing loss may be stopped before it becomes handicapping. Moreover, a standardized definition of STS will ensure that the protection afforded to exposed employees is uniform in regard to follow-up procedures.

After much review and reconsideration OSHA reaffirms its position on the ideal criterion for STS which was articulated in the January 16, 1981 promulgation (See 46 FR 4144). The criterion must be sensitive enough to identify meaningful changes in hearing level so that follow-up procedures can be implemented to prevent further deterioration of hearing but must not be so sensitive as to pick up spurious shifts (sometimes referred to as "false positives"). In other words, the criterion selected must be outside the range of audiometric error. Thus, while the ultimate goal of the hearing conservation amendment is to identify and retard hearing loss, this cannot be done effectively if many workers are falsely identified as having threshold shifts when they do not. Falsely or incorrectly identifying large numbers of workers for follow-up procedures is not only costly and unnecessary but as Jack Shampan of Impact Hearing Conservation, Inc. pointed out, large numbers of incorrect identifications will cause both labor and management to lose confidence in their hearing conservation program (Exh. 375, pp. 24–25). Therefore the definition of STS must reflect a careful balancing between these competing considerations.

More than 40 different definitions of STS were recommended to OSHA by various individuals, groups, and organizations in the comments received subsequent to the publication of the January amendment. The most important of these are discussed below.

The definition of STS included in OSHA's Field Operations Manual was recommeded by several commenters (Exh. 327–66, p. 12; Exh. 327–108, p. 9; Exh. 327–62, pp. 6–7; Exh. 327–79, p. 3; Exh. 327–88, p. 8); this defines STS as a change of 20 dB at any test frequency in either ear. These participants argued that adopting any other STS definition would make comparing past and future test results difficult (Exh. 327–108, p. 9) and further that the 20 dB criterion was "straight-forward, easy to use, and does not require complex comparisons from computer programs to assure compliance" (Exh. 327–66, p. 12). OSHA agrees that a single-frequency criterion is simple to use and understand. However, J. L. McGuire [Acoustical Research Associates] argued that, "* * * employing a STS of 20 dB or greater for all employees does not protect the worker effectively" (Exh. 327–115, p. 2).

Both McGuire and J. Ropes of the Environmental Protection Agency (Exh. 327–94, p. 7) believe that a 20 dB criterion is too lenient because it allows too great a threshold shift to occur at individual frequencies before protective action is taken. Further, Drs. Larry and Julia Royster believe (Exh. 327–84, p. 170) that "Use of a 20 dB shift * * * would fail to protect female populations * * *."

OSHA agrees with these and other participants that the 20 dB at any frequency criterion will not provide necessary employee protection, since this definition of STS would permit an employee with a shift as great as 19 dB across the entire test frequency range to go untreated. In addition, OSHA does not find merit to the argument that using any but the 20 dB criterion will make pre-and post-amendment test comparisons difficult, since the audiogram itself, which is the record of actual hearing acuity, is not affected by the choice of definition and can be interpreted according to any definition.

Several organizations and agencies, including the Environmental Protection Agency (Exh. 327–94, p. 4), the United Steelworkers of America (Tr. Vol. III, p. 129, March 25, 1982, the Amalgamated Clothing and Textile Workers Union (Exh. 362–H, p. 3), and the International Union of Electrical, Radio, and Machine Workers (Exh. 331–17, p. 9), have recommended that OSHA adopt the following definition of STS: a 15 dB shift at any frequency other than 500 Hz in either ear relative to the baseline audiogram, adjusted for presbycusis. Many commenters praised the simplicity of this definition (Exh. 327–66, p. 7; Exh. 327–94, p. 4; Exh. 331–17, p. 9) and argued that it is more protective than a single frequency 20 dB criterion (Exh. 327–94, p. 7; Exh. 331–17, p. 9); follow-up procedures are provided at an earlier point in time. Although the 15 dB at any frequency (other than 500 Hz) criterion has the advantage of simplicity, OSHA has not adopted it because it is not appropriate. The Agency believes that use of this definition would produce an unacceptable number of false positive identifications. Clearly more false positive identifications than the 20 dB criterion would result because the amount of shift required to identify employees and implement follow-up procedures is smaller.

[20] As noted earlier, OSHA has decided to use the term standard threshold shift rather than significant threshold shift in the final version of the hearing conservation amendment.

Although the Royster's report, "Comparing the Effectiveness of STS Criteria for Industrial Hearing Conservation Programs," found that the 15 dB criterion had the most appropriate identification rate and the lowest false positive rate, the Royster's criteria was not the same as that recommended by the commenters. The Royster's criterion required that the 15 dB shift occur on two successive audiometric tests rather than on just one (see Exh. 378, pp. 1–2). This criterion would mean that employees would not receive appropriate follow-up attention after their annual audiograms showed STS until a subsequent audiogram confirmed the initial STS. Since the audiometric testing is only required annually, in some cases this could result in the delay of follow-up procedures for as long as three or more years (Exh. 387, pp. 3–10). OSHA does not believe that this criterion adequately protects the employee. When the Roysters evaluated the effectiveness of a 15 dB shift once (as opposed to twice) at the appropriate test frequencies, they came up with a very high percentage of false positives and a relatively low percentage of appropriate identifications (Exh. 366, pp. 53, 63). It is clear therefore that using a 15 dB shift (once) will not be as effective as other criteria in effectuating the purposes of the hearing conservation amendment.

A number of commenters (Exh. 327–91–D, p. 5; Exh. 327–20, p. 5; Exh. 327–96, p. 4) advocated multi-level definitions, which specify different shifts at different frequencies. These definitions usually are relatively stringent for the lower frequencies and more lenient for the higher frequencies (see Exh. 327–96, p. 4; Exh. 327–96, pp. 12–13; and Exh. 327–122, p. 7). For example DuPont, the American Textile Manufacturers Institute and the American Paper Institute, recommended that OSHA adopt the National Institute for Occupational Safety and Health (NIOSH) definition of STS (Exh. 372–01; Exh. 327, p. 144; Exh. 327–20, p. 5). The NIOSH criterion is a 10 dB or greater shift at 500, 1000, or 2000 Hz, a 15 dB shift at 3000 Hz, and a 20 dB shift at 4000 or 6000 Hz in either ear relative to the baseline audiogram. Julia Phillips, speaking for the DuPont Company, asserted that this criterion is reasonable and will permit employers to distinguish between an STS caused by presbycusis and one caused by occupational exposure (Exh. 327–91–D, pp. 4–5). However, J. Repes of the Environmental Protection Agency's Office of Noise Control Programs stated that a STS criterion using multiple level and frequency measurements, i.e., different thresholds at different frequencies, does not provide any additional diagnostic information and may interfere with early detection of hearing loss (Exh. 327–94, p. 7). Moreover such a definition which targets different amounts of hearing loss at different frequencies is somewhat complicated by its very nature.

Many commenters advocated that OSHA adopt a simple to understand and easy to use definition. For example, D. C. Gasaway, an An Air Force hearing specialist with many years of experience, advised that "* * * [the method selected] by OSHA [should] be a simple, uncomplicated, numeric method that can be easily understood and used by those who will actually conduct the task" (Exh. 327–66, p. 65). OSHA believes that a definition of STS that specifies different hearing thresholds for different frequencies may be too complex and therefore will be subject to error in field and industrial use. In addition, many commenters have pointed out that any formula specifying a shift of only 10 dB in individual frequencies will be very likely to produce false positive identifications (Exh. 327–151 and 327–152, p. 10; Exh. 327–62, p. 7; Exh. 327–98, p. 12). Therefore, OSHA has decided not to adopt the NIOSH definition described above.

A large number of companies and organizations, including the Chemical Manufacturers Association (Exh. 328–54, p. 2), the Dow Chemical Company (Exh. 327–76, p. 2), and the Monsanto Company (Exh. 328–49, p. 3) urged OSHA to define STS in accordance with "the American Academy of Otolaryngology's (AAO) definition." These participants mistakenly believed that the AAO's STS criterion was: a shift of more than 15 dB at 500, 1000, or 2000 Hz, more than 20 dB at 3000 Hz, or more than 30 dB at 4000 or 6000 Hz (Exh. 328–54; Exh. 327–76; Exh. 328–49). However, the AAO's successor organization, the American Council of Otolaryngology, emphatically states (Exh. 327–151) that this criterion is intended to be used only for otologic referrals; it is not suitable for use as an STS criterion to trigger hearing conservation program follow-up procedures. According to the Council (Exh. 327–151, p. 4), "[This criterion] * * * can be used to select those workers who are most likely to have *non-occupational hearing loss* for referral for otologic evaluation" [italics added]. Since OSHA is concerned in this amendment with occupationally induced rather than non-occupationally induced hearing loss, and is not specifically addressing other otologic disorders, adoption of this criterion would be inappropriate for the purposes of the hearing conservation amendment.

The three STS criteria specifically considered above (that is: 20 dB any frequency; 15 dB at any frequency from 1000 Hz to 6000 Hz; and the NIOSH criteria) and the OSHA January 16, 1981, criterion have a common feature. All indicate that a STS has occurred when a hearing loss exceeds a certain value as measured at a single frequency. Although the specifications differ for each definition, all have the characteristic of having a high false positive rate. This is caused, in part, by intrinsic variation of the audiometric testing instrumentation. As a result, a large hearing loss might be measured at only one frequency which would, by the nature of the STS criterion, give the illusion that an STS has occurred. If the audiogram is taken again, the hearing loss measured at that frequency may not be as large as previously measured, and therefore no real STS has occured. The initial observation that an STS occurred was thus due only to the instrumentation and testing variability and the nature of the STS criterion.

OSHA believes that any definition that is triggered by a specified amount of hearing loss at a given frequency is more likely to produce false positives than a definition that averages hearing levels over a number of frequencies. For example, with the two single number criteria considered above (15 dB at any test frequency or 20 dB at any test frequency) as well as the different level for different frequency NIOSH definition, a testing error at any frequency would trigger the prescribed follow-up procedures regardless of how improbable the results appeared to be.[39] Even where a very lenient criteria such as 20 dB is used, the flaws of this method are apparent: the criteria itself is not sufficiently protective and the defined change at any single frequency can trigger follow-up procedures. This is not necessarily a theoretical problem. The American Council of Otolaryngology—Head and Neck Surgery (ACO) and the American Academy of Otolaryngology (AAO) reported that in a study of 280 aluminum and chemical workers, 19.6% of the test population had shifts of 20 dB or more, whereas nearly that many (16.15%) had changes toward better hearing (negative shifts) of 20 dB or more (Exh. 327–151 and Exh. 327–157, p. 13). The ACO concludes that this problem is due to the

[39] Audiograms showing large shifts at only one frequency might be considered questionable.

use of an STS definition that specifies "any frequency, either ear," and recommends that the definition of STS adopted require that hearing levels be averaged over several frequencies to avoid this problem (Exh. 327–151, pp. 12–14).

In addition, a number of commenters have testified that averaging shifts over adjacent frequencies minimizes normal test error (Exh. 327–150, pp. 1–2; Exh. 327–151, p. 10; Exh. 327–152, p. 10; Exh. 376A, p. 4). Acoustician W. Dixon Ward, on behalf of the American Iron and Steel Institute, argued "Any multiple frequency criterion has an advantage over a single frequency criterion because random errors will tend to cancel each other" (Tr. Vol. III, p. 225, March 25, 1982). The ACO–AAO reported that, even under clinical conditions, the probability of exceeding a testing error of 10 dB [30] at a single frequency could be as great as 56%, assuming that the measurement of all audiometric frequencies varied independently (Exh. 327–151 and 152, p. 10).[31] Test-retest variability would probably be even greater in industrial settings.

Dr. R. A. Dobie suggested using the following criteria for STS: a change for the worse of 10 dB or more in the pure-tone average at either 500, 1000, and 2000 Hz or at 3000, 4000 and 6000 Hz, in either ear (Exh. 327–152, p. 11). Using this definition, the technician takes 12 measurements (six frequencies, two ears), after which the average shift for the lower three frequencies (500, 1000, and 2000 Hz) is calculated, followed by the average shift for the three upper frequencies (3000, 4000, and 6000 Hz). If an average shift of 10 dB or more is detected for either the upper or the lower group of frequencies, the audiogram is deemed to demonstrate STS.

This definition appears to be protective and has several other advantages as well. According to Dr. Dobie, this STS definition is sensitive both to early noise-induced hearing loss and the later, more severe losses, as well as to other otologic conditions (Exh. 378, p. 1). In addition, the definition employs an averaging technique, which discourages false positive identifications and reduces the degree of testing error commonly associated with the use of a single level at any frequency definition.

On the other hand, this definition appears to have been articulated only recently and has been tested on only one industrial population in one study. Because relatively little information on Dr. Dobie's investigation has been submitted to the record, it is difficult to compare his results with those of the Roysters or other investigators. Moreover, the definition is relatively complicated, requiring a number of computations and comparisons and it may be difficult for people to understand and use. OSHA believes that any formula that is difficult may contribute to technician error and may ultimately result in a less effective hearing conservation program (cf Exh. 327–66, pp. 51–54). While one group, the American Academy of Otolaryngology and the American Council of Otolaryngology (AAO–ACO) has endorsed the definition, it is generally unknown to professionals involved in industrial hearing conservation and untried by professionals in the hearing conservation community. In view of these shortcomings and the fact that another acceptable definition of STS exists (see discussion below), OSHA has decided not to adopt this definition.[32]

OSHA has decided to adopt the following definition of STS: an average shift of 10 dB or more at 2000, 3000 and 4000 Hz relative to the baseline audiogram in either ear. This definition is similar to the definition originally proposed in 1974 (see 39 FR at 37775, October 24, 1974) [33] and meets all the criteria for an appropriate definition of STS. The formula is sensitive enough to give an early indication of noise-induced hearing loss because of the frequencies used. The importance of using 4000 Hz, which is generally considered to be one of the frequencies which is affected by noise earliest and most severely (see 46 FR at 4085), is clear. The hearing threshold level at 3,000 Hz tends to follow the level at 4,000 Hz fairly closely (46 FR 4088; Exh. 17, p. 12; Exh. 12, Appendix 10; and Exh. 327–94, p. 7) and is also severely affected by noise damage. Hearing loss at the 2,000 Hz frequency usually begins after the higher frequencies have been affected; because of this phenomenon, the 2,000 Hz frequency is an indicator of additional hearing loss in employees who have already lost some hearing. As noted previously (46 FR 4082), the 2,000 and 3,000 Hz frequencies are very important for the understanding of speech, and should therefore be included in any definition of threshold shift that will trigger follow-up procedures.

The OSHA STS definition is sufficiently restrictive to locate meaningful shifts in hearing yet not so stringent that it will result in the implementation of unnecessary follow-up procedures for numerous employees. In addition, the OSHA definition requires averaging hearing levels at adjacent frequencies which reduces the effect of testing errors at single frequencies (Tr. Vol. V. pp. 24–25, March 29, 1982).

The OSHA definition has a number of additional advantages. As noted above, many commenters urged OSHA to adopt a simple formula and praised the simplicity of the 2,000 and 3,000 and 4,000 Hz average criterion (Exh. 376A, p. 4; Exh. 327–13, p. 3; Tr. Vol. I–B, pp. 192 and 198, March 23, 1982; Exh. 349–1, p. 11; Exh. 327–142, p. 5).

Further, the average shift of 10 dB at 2,000, 3,000, and 4,000 Hz definition has been "field tested" by industrial audiologists and many industry groups (Exh. 376A, p. 3; Exh. 327–105, p. 6; Exh. 327–138, p. 6), and it has also been systematically compared to other STS formulas. In a large study of military and civilian Air Force employees, a number of definitions were tested and the 2,000, 3,000, and 4,000 Hz criterion identified a reasonable number of STS cases compared to the number tagged by other definitions (Exh. 329–50C, Tables 2–4). In addition, the Royster study was essentially favorable to the definition of STS which OSHA is adopting. The Royster study found that an STS of 10 dB or greater average at 2,000, 3,000, and 4,000 Hz produced the lowest annual percentage of unnecessary identifications of the various definitions evaluated. In addition, the Roysters found that the OSHA definition *appropriately* identified a higher

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[30] The January amendment states that the range of audiometric error is ±5 dB. This value, that is ±5 dB, reflects the precision and accuracy of the audiometric instrumentation. Variability in audiograms also result from test subject response and slight procedural changes from one test to the next, which increases the variability greater than ±5 dB. OSHA recognizes that false positives are caused by this variability as well as real, but temporary, changes in hearing levels (generally referred to as a temporary threshold shift).

[31] Dr. Ward cited a study by Berger, Royster and Thomas (Exh. 266A) in which the use of the 2,000, 3,000 and 4,000 Hz criterion rather than the single-number 20 dB criterion reduced the percentages of workers whom he judged "incorrectly" identified as having STS by more than half (Tr. Vol. III, p. 225, March 25, 1982).

[32] Several commenters have noted (Exh. 331–40; pp. 4–5; Exh. 327–66 pp. 60–66) that the 6000 Hz frequency is particularly susceptible to test variability. OSHA believes that averaging hearing levels at 3000 Hz, 4000 Hz and 6000 Hz in this definition will reduce the impact of the 6000 Hz test variability, but does not know the magnitude of the effect. This issue was not addressed at the hearing. OSHA believes that adopting an STS definition that contains the 6000 Hz frequency involves unnecessary speculation regarding the number of resulting false positives.

[33] In 1974 OSHA proposed that STS should be defined as an average shift of more than 10 dB at 2000, 3000 and 4000 Hz in either ear, relative to the baseline audiogram.

percentage of employees suffering STS than most of the other definitions studied (Exh. 368, pp. 61–62).[34] Because of its concentration on the frequencies that are the earliest or the most severely affected by noise, the resulting high degree of appropriate identifications for follow-up and the simplicity of the definition, OSHA believes that the definition of STS which it is adopting today will contribute more to the effectiveness of hearing conservation programs than any other definition considered.

The definition that OSHA has decided to adopt, that is, an average change in hearing level of 10 dB or greater at 2,000, 3,000, and 4,000 Hz is a slight change from the STS definition proposed in 1974 which included average shifts *greater than* 10 dB at these same frequencies. This change is in recognition of the fact that the definition as originally proposed was not sufficiently protective of employee hearing in all circumstances. (See, e.g. Exh. 9, pp. 37, 41, 51; Exh. 5, p. 43802; Exh. 51, pp. 10–11; Exh. 80, p. 2; Exh. 82, attach. 1, p. 2). There are some instances where large shifts in hearing level could occur in the highest test frequencies (4,000 and 6,000 Hz), with little or no change in hearing level occurring in the middle frequencies. While shifts of this magnitude are not common, they may occur in noise-sensitive individuals especially in the early stages of noise-induced hearing loss. Under the 1974 proposed definition, individuals suffering shifts as large as 30 dB at 4,000 Hz would not be identified provided that hearing thresholds at the lower frequencies had not shifted. Such individuals should be identified so that protective action can be taken. The change in the STS definition will allow for earlier identification of individuals at risk and earlier intervention in the process of hearing deterioration for these individuals.[35]

In addition to the fact that the OSHA STS criteria is more protective than that originally proposed, this change will clarify the Agency's intention and will help avoid some of the confusion suffered in the past between self-recording and manual audiometers (see 46 FR 42628, 42629, August 21, 1981).

The definition of STS contained in the January amendment is being revoked. Further evaluation of the record has convinced the Agency that the original definition was too complex to be workable especially in view of the extremely diverse workplaces and working populations covered by the amendment.

While some may feel that even the changed definition is not protective enough because under certain circumstances a shift of up to 25 dB could go untreated, OSHA believes that the definition of STS which it is adopting is as protective of the general population as the January, 1981 STS definition which was subject to the same flaws as all single frequency definitions. The ACO-AAO has labeled the single frequency criteria "equally vulnerable" and noted that:

> "If set at practical levels, e.g., 20 dB, they allow [to go undetected] broad shifts—up to 15 dB for the entire audiogram—which * * * are more common than isolated large shifts and are more significant both medically and in terms of communication handicap" Exh. 327–151, p. 14; Exh. 327–152, p. 14).

In many ways the new definition is a better definition than the original STS definition; it provides the necessary protection but is more cost effective in that is reduces the number of false positive identifications. Therefore, in view of all of the relevant factors, the new OSHA definition of STS is the most appropriate and consistent with the purposes of the hearing conservation amendment.

The standard requires that audiograms include as a minimum measurements taken at 500, 1000, 2000, 3000, 4000 and 6000 Hz. while the STS criterion only uses the 2000, 3000, and 4000 Hz frequencies, OSHA believes that requiring the measuring of these other frequencies adds other benefits justifying its inclusion in the standard. Testing at all frequencies is important to have a complete record of the employee's hearing ability and may be invaluable to the audiologist or physician upon referral.

Failure to do so might mean that medical problems that could easily be treated might be ignored.[36] OSHA believes that testing these frequencies constitutes good industrial hygiene and medical practice. Moreover, testing at frequencies other than those specified in the STS criteria will impose minimal burden the employer.

Aging

OSHA has also decided, after careful consideration of the data in the record, to permit employers to interpret audiograms using a presbycusis or aging correction before determining whether an STS has occurred. Many commenters (Exh. 327–106; Exh. 327–105; Exh. 327–103; Exh. 327–100; Exh. 327–101; Exh. 327–94; Exh. 327–147) urged the Agency to allow presbycusis correction factors to be used. A substantial number of comments recommended the use of an age correction, many stating that hearing loss can occur from aging, non-occupational noise, and other factors, and such hearing loss should not be considered part of a significant threshold shift within the context of the OSHA standard (Exh. 14–110, p. 2; Exh. 14–150, p. 2; Exh. 14–160, p. 2; Exh. 14–188, p. 1; Exh. 14–200, p. 1; Exh. 14–215, p. 3; Exh. 14–248, p. 3.

The NIOSH criteria document (Exh. 1, pp. 1–14 to 1–17, III–6) recommended adjusting the baseline audiogram for hearing loss that occurs naturally due to the aging process. The adjusted baseline could then be subtracted from the most recent annual audiogram in order to determine whether or not an STS had occurred. If employers wish to correct for aging, the amendment directs them to make the adjustment to the annual audiogram rather than to the baseline, so that the baseline will not be changed by mistake. The NIOSH presbycusis values are similar to those of other well known presbycusis data bases. Although there may be slight variations at individual frequencies, the NIOSH values are generally consistent with other presbycusis data such as the U.S. Public Health Service data, and those used by Robinson and Burns, and by Passchier-Vermeer (found in "Derivation of Presbycusis and Noise Induced Permanent Threshold Shift (NIPTS) To Be Used for the Basis of a Standard on the Effects of Noise on Hearing", (Exh. 310, p. 31)). When applying an age correction, the most recent audiogram is corrected according to the procedures outlined in Appendix F. In the appendix, OSHA has adopted the procedures and the age correction tables used by NIOSH in the criteria document (Exh. 1, pp. 1–14 to 1–17).

OSHA believes that these correction factors will aid in distinguishing between occupationally induced and age-induced hearing loss. This is particularly important because the pattern of hearing loss due to aging closely resembles that of noise-induced hearing loss. Therefore, although the Agency agrees with D. C. Gasaway that

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[34] The only criteria that fared better was 15 dB twice.

[35] In addition, it should be noted that both the Air Force and the Royesters used the OSHA definition rather than the proposed criteria to analyze their data (Exh. 339–30B, Exh. 339–50C; Exh. 368). Therefore the change is consistent with the findings of these studies.

[36] Further, some employers may choose to use the American Academy of Otolaryngology's otologic referral definition, in addition to this standard's definition of STS , to provide employee protection against medically caused hearing loss. Since the amendment still requires testing at all the usual test frequencies, employers will have little difficulty applying this definition.

requiring the use of a correction factor may complicate calculation procedures (Exh. 327–067, pp. 66–67) and cause some errors, we believe that professional supervision of the hearing conservation program will ensure that audiometric technicians understand how to use the age-correction chart, included in Appendix F of this revised amendment. Further, since the use of presbycusis factors is discretionary, employers are free to use OSHA's STS criterion without a correction for the effects of age. The Agency believes that allowing the consideration of the contribution of aging to hearing loss is both reasonable and appropriate and will allow the employer to discern how well the hearing conservation program is working by determining the amount of hearing loss attributable primarily to aging. Therefore, the stay on Appendix F is being lifted.

Determination of Work Relatedness

The January amendment required that the professional reviewing employee audiograms determine whether any significant threshold shifts detected were caused by occupational noise exposure. The preamble explained that under most circumstances the professional supervising the hearing conservation program would refer the employee for medical evaluation to ascertain whether the hearing loss was work related, unless the employer was willing to record the hearing loss as such on the OSHA Form 200, Log of Occupational Illnesses and Injuries (see 46 FR 4146). the preamble stated that in most cases, occupational hearing loss constituted the major component of a worker's hearing loss, because the average person generally spends more time at work than in recreational activities that may also cause hearing loss, such as hunting.

The August document continued the administrative stay on this requirement pending review of the many comments objecting to this provision. Commenters stated that in some cases it is very difficult, even for an audiologist or otolaryngologist, to determine the cause, or work relatedness, of a significant threshold shift because of the similarity between an occupational and nonoccupational audiometric hearing loss configuration on the audiogram (Exh. 325–130; Exh. 325–239; Exh. 325–248; Exh. 325–96). Specifically, the Agency stayed the paragraphs requiring determination of the work-relatedness or cause of a significant threshold shift, and the paragraph requiring employers to record the existence of a significant threshold shift on the OSHA Form 200 when the professional reviewer determines that the shift is work related. OSHA asked for comments and information regarding the necessity of determining the cause of a significant threshold shift to protect a worker's hearing and on methods for distinguishing between occupational and non-occupational hearing loss.

A number of participants claimed that this requirement would not offer additional protection to workers and that determining causality is irrelevant to the effectiveness of the hearing conservation program (Exh. 327–79, p. 2; Exh. 327–90, pp. 4–5; Exh. 327–104, p. 13, Exh. 327–120, p. 3).

"In any case, it is not necessary to determine the cause of a significant threshold shift in order to take the necessary steps to protect a worker's hearing. When significant hearing loss is discovered, regardless of the source, the employee should be informed and counseled regarding the effects of noisy activities both on and off the job. Ear protectors should be fitted and the employee trained in their use and care. If ear protectors are currently in use, they should be checked for fit and attenuation" (Exh. 327–108, p. 9).

Others agreed with this position (Exh. 327–141, p. 4; Tr. Vol. II, p. 109, March 24, 1982; Exh. 327–143, p. 5).

OSHA does not regard the determination of STS causality as central to the effectiveness of the hearing conservation program. STS is a means of identifying a change in hearing that triggers certain follow-up actions to prevent further change. Once STS is found, the same actions are required, whether or not the STS is work related. The determination of causality, therefore, does not enhance hearing protection as far as the hearing conservation program is concerned. (See generally the discussion of this issue in 46 FR 4146.) Therefore, the requirement to determine the causality of the STS is being revoked. In addition, OSHA has determined that the paragraph directing employers to record STS's on the OSHA Form 200 is unnecessary. Employers are already required pursuant to 29 CFR 1904.2 to record work related injuries and illnesses on the OSHA Form 200. Since this reiteration of the employer's obligation is duplicative, the requirement as stated in the hearing conservation amendment is hereby revoked.

Retest Audiogram

The January amendment required employers to provide employees with a retest audiogram within 60 days if the annual audiogram showed that the employee had a significant threshold shift (STS). The preamble explained that the purpose of the retest was to determine whether the significant threshold shift was permanent (46 FR 4144). In August, the stay of the retest requirement was continued in response to comments concerned with the difficulty of determining the permanency of an STS (Exh. 325–57, p. 26). In addition, many persons objected to the shortness of the time period for the retest, asserting that the definition of STS contained in the January amendment resulted in many persons being falsely identified as having an STS, thereby requiring more retesting than necessary (Exh. 325–48, p. 4; Exh. 325–57, p. 2). Moreover, it was claimed that retesting was burdensome for those employers using the services of a mobile test van (Exh. 325–130, p. 2).

OSHA also requested information on whether retesting within a short period of time to confirm the presence of a STS was necessary to protect employee hearing and, if retesting was necessary, whether it was appropriate to require retesting within 60 days. OSHA received many comments in response to this request for information. Several commenters stated that a retest audiogram and the interval to perform any retest audiogram should be left to the discretion of the professional supervising the hearing conservation program and should not be firmly fixed by the standard (Exh. 327–101, p. 6; Exh. 327–154, p. 6; Exh. 327–141, p. 4; Exh. 329–22, p. 5; Exh. 328–15, p. 7; Exh. 327–20, p. 5; Exh. 327–121, p. 3; Exh. 327–98, p. 14). Dr. S. White of the American Speech-Language-Hearing Association explained that he favored this more flexible approach because it was not possible to determine whether the STS was permanent on the basis of a test performed in an industrial setting by a technician. According to Dr. White, such a determination could only be made after a diagnostic evaluation had been performed in a clinical setting. For these reasons, Dr. White recommended that professionals in charge of the program be allowed to decide, on a case-by-case basis, whether a retest or referral was appropriate (Exh. 327–154, p. 6; Tr. Vol. IV, p. 46, March 26, 1982).

Richard Crewdson [Industrial Health, Inc.] also observed that:

"* * * the majority of shifts found in this way are artifacts * * * caused by the normal inaccuracies inherent in audiometric testing * * * the supervisor [should] determine the necessity to retest" (Exh. 327–83, p. 3).

Other commenters claimed that it was not necessary to perform a retest or to determine whether an STS is permanent since simply identifying an STS triggers protective action (Exh. 327–26; Exh. 327–61; Exh. 327–62). In addition, the costs

and complications of scheduling retest audiograms, especially for employers who contract their audiometric work out to mobile van services or whose firms are located in remote areas, were emphasized by several commenters (Exh. 327–146, pp. 5–6; Exh. 327–120, p. 3; Exh. 329–22, pp. 4–5).

Despite these considerations, however, representatives of several companies reported they would perform a retest audiogram after an STS was identified even if such a requirement was not mandatory. In fact, J. Stenmark of the American Iron and Steel Institute asserted that employers will usually elect to retest because in many cases the shift will be caused by subjective problems or testing artifacts (Exh. 327–105, p. 5). Dr. McCurdy of the American Council of Otolaryngology thought that retesting would reduce the costs of the hearing conservation program by eliminating the need for further preventive action if the retest showed that the shift was not persistent (Exh. 327–151, p. 7). In a similar vein, a number of commenters suggested that retesting reduces the number of unnecessary referrals (Exh. 327–57, p. 2; Exh. 329–8, p. 2; Exh. 327–12, p. 3; Exh. 327–135, p. 5; Exh. 329–14, p. 6; Exh. 327–68, p. 5; Exh. 326–21, p. 3; Exh. 327–66, pp. 34–43). Richard Boggs of Organization Resources Counselors and H. M. Williams of the American Telephone and Telegraph Company also believed that most employers would wish to retest to avoid unnecessary referral fees (Exh. 327–96, p. 14; Exh. 327–89, p. 5).

Several participants indicated that although they felt a retest was necessary, OSHA should allow employers more time to conduct retests, especially if mobile van test services were used (Exh. 327–20; Exh. 327–84A). A few commenters suggested that the retest interval, rather than the decision to retest, should be determined by the professional supervising the program, and others recommended that a flexible time period be permitted for employers using mobile vans to obtain retest audiograms (Exh. 327–139, p. 7; Exh. 327–136, p. 5; Exh. 327–142, p. 4; Exh. 327–140, p. 4; Exh. 327–106, p. 5; Exh. 327–103, p. 5; Exh. 327–80, p. 5; Exh. 327–91, p. 27).

After careful consideration of the evidence in the record, OSHA has concluded that it is not necessary to require employers to conduct retest audiograms. Deleting the retest requirements from the hearing conservation amendment would not in any way diminish employee protection. However, a number of participants indicated that they wished to conduct retest audiograms to validate the results of earlier audiograms showing STS and did not wish to implement follow-up procedures until this had been accomplished. The stay of the retest provisions had the effect of disallowing this approach in many cases because of time constraints. OSHA has decided to amend the retest provisions to allow but not require a retest within 30 days where the annual audiogram shows that an employee has suffered a standard threshold shift. An employer wishing to retest under these conditions may consider the retest audiogram as the annual audiogram. Therefore, if a valid retest audiogram does not show that the employee has suffered a STS, no follow-up procedures need be implemented. This change will permit employers and the professionals who direct their hearing conservation programs to decide, on a case-by-case basis, whether a retest audiogram is necessary or desirable.

In response to comments received after publication of the January amendment, the stay of the word "permanent" before the phrase "significant threshold shift" in the follow-up procedures section of the audiometric testing provisions was continued in the August document.[37] Some commenters have argued that making the distinction between permanent and temporary threshold shifts is irrelevant in relation to a hearing conservation program in that the employer should provide protection as soon as *any* STS is discovered. (Tr. Vol. I–B, pp. 212–213, March 23, 1982; Tr. Vol. II, pp. 108–109, March 24, 1982). This would be true of course in the absence of a retest. OSHA believes that labeling the STS as permanent is not important in this context and may even be misleading. The term "permanent" implies that shifts identified on successive audiograms are *never* subsequently determined to be temporary. There is ample evidence in the record to indicate the variability of audiometric test results (Exh. 327–12, p. 3; 327–19, p. 2), and thus the artifactual nature of many threshold shifts. The word "permanent" as it relates to the term "STS" has therefore been deleted. Accordingly, an STS subsequently confirmed by another audiogram is termed "persistent" rather than "permanent" in the revised amendment.

Follow-up Procedures

The January amendment permitted employees initially identified as having STS to discontinue the wearing of hearing protectors if retesting showed that the STS was not permanent, unless such employees were required to wear hearing protectors anyway because they were exposed over the permissible exposure level, a TWA of 90 dB. Since the retest requirement of the January amendment has been revoked, the language of the paragraph [38] has been amended to be consistent with these revisions, and the provision now reads "subsequent tests" rather than "retesting." The provision would not permit employees exposed to an 8-hour TWA of less than 90 dB to discontinue the use of hearing protectors "if *subsequent audiometric testing* of an employee * * * indicates that the standard threshold shift is not *persistent* * * * *" (emphasis added).

Revised Baseline Audiograms.

The January amendment [39] required revision of the baseline audiogram when a subsequent audiogram revealed an improved hearing threshold at two or more test frequencies with respect to the baseline audiogram or when a subsequent audiogram revealed a permanent significant threshold shift. In either case, the baseline was revised by substituting the annual or retest audiogram for the original baseline audiogram. In the case of an improved hearing threshold, the preamble explained that the revised baseline would more closely resemble the employee's actual non-noise exposed baseline. Revising the baseline after an STS had been identified would prevent the same STS from being identified repeatedly for the same employee.

After publication of the January amendment, the Agency received requests for clarification of the amount of improvement in thresholds needed to

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[37] As originally promulgated, paragraph (j)(8)(iv)(*a*) and (*b*) read:

(iv) If a significant threshold shift has been determined to be *permanent* on the basis of a retest audiogram or an annual audiogram conducted after 14 hours without exposure to workplace noise, the employer shall:

(*a*) Inform the employee in writing, within 21 days of the determination, of the existence of a *permanent* significant threshold shift;

(*b*) Refer the employee for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary to determine the cause of the *permanent* significant threshold shift, or if the employer suspects that a medical pathology of the ear (as defined in Appendix I) is caused or aggravated by the wearing of hearing protectors. [Italics added]

[38] As originally promulgated, paragraph (j)(8)(iii) read: If *retesting* of an employee reveals that the significant threshold shift is not *permanent*, the use of hearing protectors by that employee may be discontinued, unless the employee is required to wear hearing protectors pursuant to paragraph (b)(1) of this secton. [Italics added]

[39] 29 CFR 1910.95(j)(9) (i) and (ii), 46 FR at 4163.

trigger a revision of the baseline and methods of handling the situation in which an annual audiogram shows improvement at some frequencies and losses at others. To consider these comments, the Agency continued to stay on this requirement in the August **Federal Register** document.

OSHA received a variety of comments and opinions on revising the baseline following the continuation of the interim stay. Many comments supported the January amendment's requirement to revise baselines when improved thresholds or an STS occurs (Exh. 329–14, p. 6; Exh. 327–154, p. 6; Exh. 327–142, p. 4; Exh. 327–139, p. 7; Exh. 327–138, p. 5; Exh. 327–119, p. 3; Exh. 327–105, p. 6; Exh. 327–101, p. 6; Exh. 327–102, p. 10; Exh. 327–103, p. 6; Exh. 327–98, p. 14; Exh. 327–94, p. 8; Exh. 327–89, p. 6; Exh. 327–53, p. 2; Exh. 329–21, p. 3; Exh. 327–84, p. 27). These commenters stated that if the baseline were not allowed to be revised when an STS occurs, the employee would be classified as having an STS on each subsequent audiogram, and the employer would repeatedly be required to institute follow-up measures. Dr. S. White of the American Speech-Language-Hearing Association maintained that baseline revision is essential for accurate audiogram comparison. He recommended that the original baseline be revised after a significant threshold shift when two successive annual tests confirm a change in hearing, either for better or worse (Exh. 327–154, p. 6). Other commenters also supported revising the baseline but favored different criteria for determining an improved hearing threshold (Exh. 327–119, p. 3; Exh. 327–115, p. 3; Exh. 327–105, p. 6; Exh. 327–102, p. 10; Exh. 327–98, p. 14; Exh. 327–35, p. 4; Exh. 327–29, p. 2; Exh. 327–84, p. 25; Exh. 327–142, p. 4; Exh. 327–139, p. 7; Exh. 327–138, p. 5). For example, some participants defined improvements as a shift for the better of 10 dB or more beyond any test-retest error. J. Morrill of Impact Hearing Conservation, Inc., believed that revising the baseline when STS occurs is only appropriate if a sliding scale STS criteria, such as that included in the January amendment, is used (Exh. 327–35, p. 4).

J. Shampan of Impact Hearing Conservation, Inc., reported at the OSHA hearing that his company intends to retest before revising the baseline to eliminate the problem of revising the baseline on the basis of a temporary threshold shift (Tr. Vol. V, p. 52, March 29, 1982). Other commenters supported revising the baseline only on the basis of a confirmed STS or a permanent threshold shift, implying that the baseline should not be revised if a retest audiogram had not been performed (Exh. 327–98, p. 14; Exh. 327–103, p. 6; Exh. 327–139, p. 7).

Some commenters advocated revising baselines only when subsequent audiograms showed improved thresholds (Exh. 327–135, p. 6; Exh. 327–95, p. 8). Dr. W. G. Thomas of the North Carolina Memorial Hospital stated that employee hearing thresholds could improve by as much as 20 to 40 dB after the initiation of a hearing conservation program. Dr. Thomas stressed the importance of revising the baseline to reflect such an improved threshold because otherwise the initial baseline would be contaminated by temporary threshold shift, which would render any comparison of audiograms meaningless (Exh. 329–26, p. 2). D. C. Gasaway, a hearing conservation specialist, discussed the results of an Air Force study which had led him to conclude that:

> "* * * negative [improved] threshold values greater than 10 dB (i.e., 15 dB or more) at 500 Hz and/or 6000 Hz should be used to require re-establishment of reference audiograms and/or negative differences of 10 dB or more at 1000 through 4000 Hz. This approach would be simplified further if only the differences (negative) at only 1000 through 4000 Hz, either ear, were used. If adopted, then negative values of threshold shift would * * * [be] equal to, or exceeding, 10 dB at two or more frequencies between 1000 and 4000 Hz, either ear. Under these conditions the reference audiogram should be re-established. Of course, the re-established reference should be accomplished only after the individual has been free from noise a minimum period of time * * *" (Exh. 327–66, pp. 46–47).

Other commenters stated that the baseline should be revised only when a significant threshold shift occurs and not when an improvement in hearing has occurred. These participants believed that revising the baseline when hearing improved would cause confusion, and require the use of a computer to track employee baselines (Exh. 329–18, pp. 6–7; Exh. 329–16, pp. 7–8).

Two commenters suggested that OSHA should require revised baselines for audiograms showing STS, but that a professional should decide whether to revise them after an improvement in hearing had occurred. D. McCurdy of the American Council of Otolaryngology explained that after a permanent significant threshold shift occurs it is no longer suitable to compare subsequent audiograms to the initial baseline since even if no further change occurred the reviewer would repeatedly identify the same shift. However, with regard to improved thresholds, he felt that the decision to revise the baseline should be left to the discretion of the supervising professional since many variables, such as results of otologic referral, instrument calibration, and the test environment, must be considered. Dr. McCurdy also criticized the criterion for improved thresholds in the January amendment because he felt that a majority of audiograms would meet this criterion without showing a consistent change in hearing across different frequencies (Exh. 327–151, pp. 8–9). Dr. S. White of the American Speech-Language-Hearing Association also recommended that the professional determine the revision criteria for improved thresholds (Tr. Vol. IV, p. 72, March 26, 1982).

A number of other commenters also believed that the professional should be the one to decide whether it is necessary to revise the baseline either for STS or improved thresholds (Exh. 329–22, p. 5; Exh. 329–15, p. 6; Exh. 327–143, p. 6; Exh. 327–91, p. 29; Exh. 327–76, p. 10; Exh. 327–20, p. 5).

A few commenters objected to permitting any revision of the baseline at all (Exh. 327–120, p. 3; Exh. 327–108, p. 9; Exh. 327–106, p. 5; Exh. 327–71, p. 3; Exh. 327–69, p. 7; Tr. Vol. I–B, p. 244, March 23, 1982). Many felt that revisions will lead to confusion and tampering with audiometric records, and will not contribute to the overall hearing conservation program (Exh. 327–120, p. 3; Exh. 327–108). Some reasoned that the annual audiogram should be compared to the baseline as well as to any subsequent audiogram rather than revising the baseline (Exh. 327–71, p. 3) and another commenter recommended that noting the date of the change would be sufficent (Exh. 327–69, p. 7).

In light of the evidence in the record, OSHA has decided that an annual audiogram may be substituted for the baseline audiogram if the professional supervising the program determines that the employee has experienced a persistent STS or has shown a significant improvement in hearing acuity. The Agency agrees with the view expressed by Robert Connelly, an industrial audiologist with Audiometric Associates:

> "Revising the baseline test would provide an effective means of monitoring hearing levels over time" (Exh. 327–119, p. 3).

In addition, OSHA agrees with Dr. McCurdy of the American Council of Otolaryngology (Exh. 327–151) and Richard Klinzing of the American Paper Institute (Exh. 329–22, p. 6), among others, that the professional supervising the employer's hearing conservation program can best determine when an annual audiogram should be substituted

for the baseline audiogram. For these reasons, the mandatory requirements in the January amendment concerning revision of the baseline audiogram have been restated in non-mandatory performance language. In addition, it should be noted that all audiograms must be retained for the length of employment of the affected employee. This revision of the provisions concerning revised baseline audiograms does not in any way permit the destruction of any original baseline audiograms.

Microprocessor Audiometers

The January amendment required audiometric tests to be conducted with equipment meeting the specifications of the American National Standard Specification for Audiometers, S3.6–1969. The preamble to the August **Federal Register** document (46 FR 42628) noted that although microprocessor audiometers were not specifically mentioned as acceptable instruments, they were allowed by the amendment if they meet the requirements of ANSI 3.6–1969. In August OSHA indicated it was considering adding language to the amendment explicitly permitting the use of this equipment. Two commenters, D. E. Rapp of Dow Chemical (Exh. 327–76) and H. T. Buelter of the American Center for Occupational Health (Exh. 329–05), requested that the Agency specifically permit the use of microprocessor audiometers in the revised amendment. OSHA agrees with these suggestions and is adding clarifying language to the provisions describing acceptable audiometric measuring instruments.

Background Levels in Audiometric Test Rooms

The January amendment required that, within two years, audiometric testing must be conducted in test rooms meeting the background sound pressure level specifications of Table D–1 in Appendix D. In the January amendment, Table D–1's specifications were essentially those of the American National Standard Institute's (ANSI) S3.1–1977 standard, except that the background sound pressure levels permitted at 500 Hz (27 dB) were higher than those of the ANSI standard (21.5 dB).

OSHA relaxed ANSI's requirement for a background sound pressure level of 21.5 dB at 500 Hz to 27 dB in response to data suggesting that this level could not be met at 500 Hz in industrial settings and that audiometric precision was not as important at 500 Hz as at other frequencies (see 46 FR 4148–4149). After publication of the January amendment, OSHA received comments stating that the sound pressure levels in Table D–1 are not necessary and are not feasible for industrial audiometric testing programs. For example, some comments indicated that double-walled rooms would have to be used to meet the permissible background sound pressure levels (46 FR at 42628). The stay of the requirement that employers meet the specifications of Table D–1 was continued in August 1981. In the interim, employers conducting audiometric examinations have been required to meet the less stringent background sound pressure level specifications of Table D–2.

Many comments submitted since the August publication have addressed the issue of whether Table D–1 or Table D–2 is the most appropriate for industrial audiometric testing. Background sound levels required by Table D–1 are essentially the same as those specified in the ANSI S3.1–1977 standards, while Table D–2 was adopted directly from the older ANSI S3.1–1960 standard.

There is widespread agreement that the audiometric testing requirements of this amendment describe "industrial audiometry" rather than "clinical audiometry." Industrial audiometry consists of obtaining actual air conduction thresholds at specified frequencies. Paragraph (h)(1) of the amendment requires, in part, that audiometric test examinations consist of pure tone, air conduction thresholds, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000 and 6000 Hz. Clinical audiometry, however, is comprehensive, and includes, as a minimum, air and bone conduction threshold measurements at each frequency for the purpose of diagnosis and rehabilitation. Since this amendment does not require audiological diagnosis but rather only requires employee referral for a clinical audiological evaluation or an otological examination, under certain special circumstances, the audiometric test program is not considered a clinical program. Richard L. Stepkin, an industrial audiologist and President of Enviromed Corporation, best describes the difference between clincial and industrial audiometric testing:

> "The best criteria for establishing differences between clinical and industrial audiometric test programs are by the types of tests performed. Industrial audiometric evaluations require only an air conducted threshold and nothing more. Clinical audiometry includes anything and everything beyond this process.
>
> It should be noted that industrial audiometric threshold testing is not to be confused with "screening" programs. A screening procedure is where the test is presented at one intensity level and it is an all or none response. Audiometric threshold testing requires the identification of threshold at the selective frequencies, as should be [done] in industry" (Exh. 327–56 p. 7).

Commenters who favored Table D–1 essentially paraphrased the rationale given in the January 16, 1981, preamble (46 FR 4148): background sound pressure levels in audiometric test rooms must be quiet enough to permit accurate threshold measurements (Exh. 327–62, p. 7; Exh. 327–137 B, p. 1; Exh. 331–17, p. 14; Exh. 376 A, p. 2; Tr. Vol. IV, pp. 143, 211, March 26, 1982; Tr. Vol. V, p. 22, March 29, 1982).

Dr. Francis I. Catlin [American Academy of Otolaryngology—Head and Neck Surgery] emphasized the Academy's concern. He asserted that the background sound pressure levels permitted by Table D–2 would result in a loss of ability to identify early hearing losses from hazardous noise exposures. At these levels, the hearing test program would only identify problems after employees have experienced significant hearing loss close to that of material impairment, or when the noise levels were high enough to produce temporary threshold shifts of more than 25 dB (Exh. 327–152, p. 19).

An overwhelming number of commenters recommended the use of Table D–2 rather than Table D–1, contending that Table D–2 is adequate for determining STS and for obtaining valid measurements (Exh. 327–112, p. 14; Exh. 327–122, p. 7; Exh. 327–149, p. 6; Exh. 329–17, p. 4). James T. McCallum, Corporation Audiologist at the Reynolds Metal Company and others asserted that the more stringent sound pressure levels of Table D–1 are necessary in a clinical setting for diagnostic purposes. (Tr. Vol. I–B, p. 264, March 23, 1982; Exh. 326–34, p. 3; Exh. 327–61, p. 4; Exh. 327–84, p. 32; Exh. 327–56, p. 7; Exh. 327–91, p. 36; Exh. 327–103, p. 7; Exh. 327–114, p. 26; Exh. 327–139, p. 6; Exh. 329–11, p. 4; Tr. Vol. I–B, p. 194, March 23, 1982). However, an industrial audiometric testing program which is intended merely for identification of persons susceptible to noise does not require such rigorous levels. Dr. S. White of the American Speech-Language-Hearing Association stated the following:

> Concerning the appendix to the audiometric test rooms, there is an express purpose for the allowable octave band sound pressure levels as recommended by the American National Standard for Permissible Ambient Noise during Audiometric Testing or ANSI S3.1 1977. That purpose is to ensure ability to achieve hearing threshold levels to zero decibels. These are the background levels required for hearing research and

accurate diagnostic measurement of absolute thresholds of people with normal hearing. A monitoring program does not need such rigorous levels.

Authorities cite a range of normal hearing and the levels presently permitted by OSHA as indicated in Table D–2 would allow measurement of hearing to well within the range of 0 to 25 decibels during threshold levels. Table D–1 levels should only be mandated if precise scientific measurement is to be accomplished with highly trained personnel and highly calibrated instrumentation (Tr. Vol. IV, pp. 49–50, March 25, 1982).

After thorough review and analysis of the comments in the record in connection with this issue, OSHA has determined that the background sound pressure levels specified in Table D–1 are not necessary for the purposes of the hearing conservation amendment. OSHA concurs with Dr. S. White and J. McCallum, and many others, that the intent of the audiometric testing program required by this amendment is to identify persons with hearing loss before the loss progresses to material impairment. The fact that the employer is not required to make a determination of work relatedness, and the fact that employees are advised to seek referral where a medical pathology is suspect, are evidence that "medical or audiological diagnosis" is beyond the scope of the audiometric test program.

The Agency reaffirms its position as stated in the preamble of January 16, 1981 (46 FR 4148) that background sound levels in audiometric test rooms must be quiet enough to permit valid measurements of audiometric thresholds. However, OSHA is now convinced that the levels of Table D–2 are sufficient for obtaining valid threshold measurements for purposes of industrial hearing conservation programs. Thus, OSHA no longer believes that the sound pressure levels specified in Table D–1 are necessary to achieve this goal. The comments submitted which reflect a variety of professional experiences have persuaded OSHA that the background levels in Table D–2 will ensure an adequate environment for audiometric testing. Ronald D. Poole, Director of the Audiology Clinic, Mankato State University, summarized the opinions of those who favor Table D–2:

"In the past 5–6 years I have seen the audiograms of literally hundreds of employees tested in rooms where the maximum allowable background noise conformed to that contained in Table D–2 and their thresholds were found to be well within that range of normal between 0—25 dB, and in most instances were even closer to those minimum (0 dB) than the maximum (25 dB). I do not feel any test accuracy or integrity will be sacrified by retaining those values presently acceptable in Table D–2 (Exh. 329–07, pp. 1 to 2)."

Therefore, Table D–1 of Appendix D, required by the January amendment is revoked. The background sound pressure levels for audiometric test rooms which are required by this amendment are contained in Table D of Appendix D.

Audiometer Calibration

The January promulgation of the hearing conservation amendment required that audiometers be given a functional check each day they are in use. This process involves a biological calibration and a listening check. This is done by testing a person with known, stable hearing thresholds and by listening to the audiometer's output to make sure it is free of distorted or unwanted sounds. Such sounds might lead to invalid audiograms.

When the biologic calibration resulted in "deviations of more than 5 dB" in hearing level from the subject's known audiogram, the January amendment required an acoustic calibration. An acoustic calibration is one in which the audiometer is checked with a sound level meter and earphone coupler to make sure the instrument is producing the correct level of pure tones at specific frequencies. Also included in the acoustic calibration is a linearity check to ensure that the sound pressure output is increasing at the proper increments.

The January amendment also stipulated that "deviations of more than 10 dB" on the sound pressure output check and linearity check triggered an exhaustive calibration. Exhaustive calibration involves a thorough instrument check and, where necessary, an adjustment to conform with requirements of the ANSI Standard Specification for Audiometers (S3.6–1969). The audiometer usually must be sent back to the manufacturer or to a laboratory for the exhaustive calibration because specialized equipment is needed to perform this calibration.

Commenters (Exh. 327–66, p. 66; Exh. 347–141, p. 5; Exh. 327–91; Exh. 349–1; Exh. 327–154) pointed out that since self-recording audiometers trace thresholds in 1 dB increments, "deviations of more than 5 dB" could be interpreted to mean that a 6 dB deviation would trigger an acoustic calibration. Similarly, "deviations of more than 10 dB" would imply that an employer using a self-recording audiometer would be required to send the audiometer back to the manufacturer or to a laboratory for an exhaustive calibration when only an 11 dB deviation was found. This would result in a much more stringent rule than the Agency intended. In promulgating the requirements detailed above, the Agency assumed that manual audiometers, which trace thresholds in 5 dB increments, were being used. It was intended that the trigger for an acoustic calibration be deviations of 10 dB and the trigger for an exhaustive calibration be deviations of 15 dB or more.[40]

The Agency's position on this issue was discussed in the August **Federal Register** document and an interpretation consistent with the above discussion was given (see 46 FR 42628–42629). After evaluating the comments on this issue, OSHA has decided to incorporate into the text of the amendment explicit language to clarify these points. The revised amendment therefore specifies that an acoustic calibration is necessary if the results of the biological calibration indicate "deviations of 10 dB or greater" and an exhaustive calibration is necessary when an acoustic calibration results in "deviations of 15 dB or greater."

Summary

The audiometric test provisions of this revised hearing conservation amendment are somewhat less detailed than those promulgated in January 1981, although they have not been simplified as much as the amendment's monitoring provisions. It was not possible to embrace the performance approach completely for the audiometric testing provisions. Based upon a thorough review of the information and comments in the record, OSHA believes that a certain degree of specificity in the audiometric test provisions is absolutely necessary to protect employees in the hearing conservation program adequately and to realize fully the benefits the Agency has predicted will occur as a result of such program (see Regulatory Analysis).

OSHA recognizes that employers may employ different professionals to supervise their audiometric test program from year to year. Moreover, the professional supervising the program may use any number of audiometric technicians to obtain the required audiograms. As a result, it is quite possible that there will be little continuity of personnel responsible for the program from year to year. It is crucial to ensure that certain basic elements of the program are performed in a relatively uniform manner so that the evaluation of audiometric test data

[40] These performance triggers were in addition to the stated frequency with which such calibrations must be done: at least yearly for acoustic calibration and every two years for exhaustive calibration. For a more complete discussion of audiometer calibration, see 46 FR 4149–4151.

and comparison of results are meaningful. Therefore, it was necessary to specify certain items, such as audiometric test frequencies, permissible background sound pressure levels in audiometric test booths, a definition of standard threshold shift, and certain follow-up procedures.

Whenever OSHA felt that the specific details of a particular provision were not absolutely essential to the protection of employees, however, we have tried to allow for the use of professional discretion. For example, OSHA revoked the retest requirements because we anticipate that employees will be provided the same amount of protection whether an STS is temporary or permanent. A professional directing a particular program, however, may deem it important to determine whether an employee's STS is temporary. The revised amendment is designed to give the supervising professional a considerable amount of latitude in making these decisions, while simultaneously affording the greatest amount of employee protection.

Hearing Protector Attenuation

The amendment requires that when an employee has suffered a STS, the employee must wear hearing protectors that attenuate exposure to a TWA of 85 dB or below. There may be some circumstances or environments where it is not possible to attenuate noise down to the appropriate level with hearing protectors. It should be noted that impossibility of compliance is recognized as a defense to any citation by the Review Commission.

In August, 1981, OSHA reopened the record and requested data and information on whether Appendix G [41] should be amended so that estimations of hearing protector attenuation would more accurately reflect the amount of attenuation received in actual industrial use. The value of hearing protectors lies in their ability to attenuate or reduce the noise that reaches the ear. Hearing protector manufacturers are required by the Environmental Protection Agency (EPA) to identify clearly in a uniform manner, the noise reduction capability of all hearing protectors sold in the United States. This measure of effectiveness is called the noise reduction rating (NRR). The NRR is a laboratory derived numerical estimate of attenuation that is provided by the hearing protector. Appendix G (subsequently redesignated as Appendix B), which is mandatory, describes the NRR and three alternative NIOSH methods that may be used to estimate hearing protector attenuation.

In response to the August 1981 request for information, some commenters suggested that the noise reduction rating (NRR) method produces an accurate estimate of real-world attenuation and should be continued (Exh. 327–34; Exh. 327–91, pp. 40–41; Exh. 327–65, p. 9; Exh. 327–95, p. 10; Exh. 327–131; Exh. 327–142, p. 7). Others stated that the NRR should not be adopted as part of the standard at all (Exh. 327–80, p. 3; Exh. 327–35, p. 5; Exh. 327–13, p. 7; Exh. 327–77, p. 9; Exh. 327–28, p. 3; Exh. 327–106, p. 7). Several comments suggested alternative methods of evaluating hearing protection (Exh. 327–47; Exh. 327–46; Exh. 327–62–A, p. 8; Exh. 327–99), while others supported de-rating of the laboratory derived attenuation values of hearing protectors to reflect the actual attenuation achieved under real-world conditions which is often significantly less than the NRR would indicate. (Exh. 327–84; Exh. 327–61; Exh. 327–66; Exh. 327–116). OSHA plans in the near future to propose a new rule to modify the existing noise standard (29 CFR 1910.95(b)). At that time the Agency will assess the overall effectiveness of the hearing conservation program, administrative and engineering controls, and personal protective equipment (i.e. hearing protectors). Since the issue raised in the present rulemaking—whether the Appendix should be modified so that estimations of hearing protector attenuation more accurately reflect the amount of attenuation achieved in "real use" situations—will be the central focus in that proposal, OSHA is not changing the provisions dealing with hearing protector attenuation at this time. Comments received in connection with this portion of the rulemaking on the hearing conservation amendment will be considered in the development of the proposed occupational noise standard.

Training Program

In the January amendment, OSHA required training to be repeated annually for all employees included in hearing conservation programs. The contents of the training program where specified in detail. Employees were required to be informed about: (1) OSHA's noise standard and the hearing conservation program; (2) the effects of noise on hearing; (3) identification of the specific machinery at the jobsite that could produce hazardous noise exposures; (4) the role of engineering and administrative controls in the reduction of noise exposure; (5) the contents of any noise control compliance plan in effect; (6) the purpose of hearing protectors, the advantages and disadvantages of various types of protectors, and instructions on their selection, fitting, use, and care; and (7) the purpose and procedures of audiometric testing.

After publication of the January amendment, OSHA received numerous comments contending that the training requirements were too detailed and did not provide employers with enough flexibility to tailor their training programs to the specific needs of their employees. In August, OSHA continued the stay of several training provisions, which are listed above (1, 3, 4, and 5) and requested information on the necessity of these training requirements for an effective hearing conservation program.

Many commenters stressed the importance of training in obtaining the full cooperation of employees in the hearing conservation program. However, these commenters also stated that such detailed training requirements were too rigid (Exh. 326–15, p. 9; Exh. 326–30, p. 2; Exh. 326–32, p. 1; Exh. 326–34, p. 9; Exh. 327–20, pp. 5–6; Exh. 327–70, p. 2; Exh. 327–76, pp. 13–14; Exh. 327–87, p. 4; Exh. 327–89, p. 9; Exh. 327–97, p. 6; Exh. 327–146, p. 7; Exh. 327–145, p. 7; Exh. 329–22, p. 6). For example, the DuPont Company stated:

> "DuPont believes it is appropriate for the agency to stay and modify the employee training provisions of the amendment because the specifications contained in the original version [January standard] were more detailed than necessary and did not permit enough employer discretion in determining what communications will guarantee them the best employee participation and cooperation in the hearing conservation program. DuPont agrees with OSHA that employee training is important but does not believe OSHA's specifications would elicit employee attention and compliance with necessary safety precautions" (Exh. 326–28, p. 7–8).

Other commenters indicated that the training requirements would be administratively burdensome and of little benefit (Exh. 326–12, p. 5; Exh. 327–51, p. 5; Exh. 327–93, p. 3; Tr. Vol. IV, p. 111, March 26, 1982). Some participants noted that professionally prepared and packaged programs that are often less costly and of higher quality than those developed in-house could be used if the stayed portions of the January amendment were revoked (Exh. 327–145, p. 9; Exh. 327–89, p. 9; Exh. 329–13, p. 4). In fact, the Dow Chemical Company declared that of some of the requirements listed above (3, 4 and 5) "are not necessary as they do not

[41] In the revised amendment, Appendix G: Methods for Estimating the Adequacy of Hearing Protector Attenuation, has been redesignated as Appendix B.

pertain to a hearing conservation program" (Exh. 327–76, pp. 13–14).

Other commenters addressed the role of training in industrial hearing conservation programs. Dr. Larry Royster, of the Department of Mechanical and Aerospace Engineering of North Carolina State University, stressed that successful training must reflect the company's commitment to hearing conservation and should include an explanation of how hearing loss occurs and how each employee can be protected, the mechanics of the program and the employee's and employer's respective responsibilities, detailed instructions on hearing protection devices, and an explanation of audiometer tests and procedures (Exh. 327–84).

Several participants, however, supported the inclusion of detailed training requirements (Exh. 326–41, p. 6; Exh. 326–42, p. 13; Exh. 327–59, p. 4; Exh. 327–66, pp. 92–94; Exh. 327–78, pp. 15–16; Exh. 327–107, p. 7; Exh. 327–109, p. 16–17; Exh. 327–136B, p. 6; Exh. 329–57, p. 2; Exh. 345, p. 11; Exh. 347, p. 9). For example, Frank Grimes of the United Steelworkers of America stated:

> "It is essential that the persons affected get as much detail as possible on the requirements and controls so that the program will be properly implemented" (Exh. 347, p. 9).

George Taylor, Director of Occupational Safety and Health for the AFL–CIO, also generally supported this view (Exh. 327–109, p. 17).

In general, the great majority of commenters agreed that employee training is an important part of any hearing conservation program. However, OSHA agrees with those commenters who contended that some details of the training program should be left to the judgment of the employer or the professional administering the hearing conservation program. In addition, several commenters (Exh. 327–88, p. 20; Exh. 327–110, p. 5; Exh. 327–59, p. 4) argued that the requirement to inform employees of the contents of the amendment is redundant with another requirement in the amendment: the requirement to post a copy of the standard in the workplace. OSHA does not believe it is necessary to include a specific requirement to inform employees of the contents of the standard in the training program when these documents are required to be readily available to employees and copies must be posted. The Agency also believes that it is not necessary to require the items listed, as 3, 4, and 5 above to be included in the training requirements because information about engineering and administrative controls and the employer's compliance plan is not essential to the employee's understanding of or cooperation in the hearing conservation program.

OSHA does not agree with the suggestion of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers that section 6(b)(7) of the Act requires training in the identification of specific machinery at the jobsite that could produce hazardous noise exposures (Exh. 327–78, p. 16). Section 6(b)(7) of the Act states in part that "any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed * * *." Noise is the hazard to which employees are exposed and the requirement to include training on the effects of noise on hearing certainly meets the statutory obligation of apprising employees of the hazards encountered in the workplace.

For these reasons those provisions of the training requirements on which the stay was continued in August are hereby revoked. The revocation of some of these detailed requirements will allow employers to avail themselves of pre-prepared materials such as pamphlets and films, where appropriate, which may be more effective and less expensive than individually prepared programs. As written, the training provisions in the hearing conservation amendment require employers to conduct annual training for all employees included in their hearing conservation programs. Such training must include, at a minimum, information on the effects of noise on hearing; the purpose of hearing protectors; the advantages and disadvantages of various types of protectors; instructions in the selection, fitting, use, and care of protectors; and the purposes and procedures of audiometric testing.

Warning Signs

The January amendment required signs to be posted at entrances to or on the periphery of all well-defined work areas where employees might be exposed at or above a TWA of 85 dB. These signs were intended to alert employees that they were entering a high noise area and that hearing protectors might be required (see 29 CFR 1910.95(p), 46 FR 4164, January 16, 1981). The stay of this provision was continued in the August **Federal Register** document because of objections asserting that warning signs would be costly and inconvenient and that employees might be confused as to whether hearing protection was advisory or mandatory in certain areas (see 46 FR at 42630, August 21, 1981).

Warning signs by their nature describe area noise levels rather than individual exposures (Exh. 64–6, pp. 1–2). The need for warning signs depends on the nature and extent of the occupational exposure (Exh. 327–143, p. 8). For example, an employee in an area with 92 dB of noise for two hours a day with no significant noise exposure for the rest of the day would not need to wear hearing protectors, whereas the employee who spends the whole day in that area would (see Exh. 326–62, p. 3). Therefore, in cases where employees move in and out of noisy areas, such warning signs might be unduly confusing.

Similarly, many commenters felt that the fact that only *some* employees (those with STS) exposed above 85 dB were required to wear hearing protectors would contribute to the confusion.[42] Accordingly, they suggested that warning signs be required only when exposures were at or above an 8-hour TWA of 90 dB (Exh. 327–62, p. 6; Exh. 327–71, p. 4; Exh. 327–145, p. 9; Exh. 329–2, p. 4; Tr. Vol. I–B, p. 265, March 23, 1982; see also Exh. 327–101, p. 8).

Despite these considerations, W. J. Rheume of the Teamsters Union stated that "warning signs are an integral part of any hearing conservation program." He added that they are inexpensive indicators of high noise areas and have been common industrial practice for years (Tr. Vol. III, p. 62, March 25, 1982). Wayne Bodenheimer of the Colorado Hearing and Speech Center also favored the use of warning signs, characterizing them as "constant reminders to everyone about high noise areas and the need to protect themselves." Moreover, he felt it "naive" to assume that everyone would remember the high noise areas on a day-to-day basis without such visual reinforcement (Tr. Vol. I–B, p. 215, March 3, 1982). Similarly, Dan MacLeod, an industrial hygienist for the International Union of United Automobile, Aerospace and Agricultural Implements Workers of America, testified from personal experience about the educational value of warning signs (Tr. Vol. III, p. 98–99, March 25, 1982). In addition, a number of other commenters such as the International Brotherhood of

[42] Hearing protector use is mandatory for employees exposed below an 8-hour TWA of 90 dBA in only two situations: after experiencing a standard threshold shift and, where employee baselines are delayed beyond six months because mobile testing vans are used, for that period beyond six months until the baselines are obtained.

Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers Union and the Air Products and Chemicals Corporation also felt that warning signs were helpful in a hearing conservation program (see Exh. 327–13, p. 7; Exh. 327–56, p. 8; Exh. 327–58, p. 4; Tr. Vol. IV, p. 61, March 26, 1982; Exh. 327–78, p. 17; Exh. 327–86, p. 8; Exh. 327–135, p. 9; Exh. 327–138, pp. 6–7).

On the other hand, a number of participants questioned the educational value of warning signs (Exh. 327–70, p. 2; Exh. 327–76, p. 14; Exh. 327–97, p. 6; Exh. 327–89, p. 7). For example, Dr. Thomas Summar, who based his opinion on 25 years of experience in directing industrial hearing conservation programs, felt that warning signs had "minimal" educational value (Exh. 327–69, p. 9; Tr. Vol. I–B, p. 126, March 23, 1982). Others questioned the wisdom of the requirement and stated that warning signs would be ignored after a short period of time, becoming, in effect, part of the "scenery" (Exh. 327–116, p. 3; see also Exh. 326–62, p. 3; Tr. Vol. I–B, p. 265, March 23, 1982). Some commenters indicated that while warning signs have *some* educational value (Exh. 329–14, p. 10; Exh. 329–15, p. 7), good training and enforcement practices contribute far more to the success of the hearing conservation program (Exh. 329–19, p. 2; Exh. 327–51, p. 5; Exh. 327–129, p. 3). Moreover, Dow Chemical (Exh. 327–76, p. 14) and the Motor Vehicle Manufacturers Association (Exh. 327–103, p. 9), among others, suggested that warning signs are not necessary for an effective hearing conservation program.

Many commenters, including General Motors Corporation (Exh. 327–99), felt that while warning signs might be useful in some work environments, they serve no useful purpose in others; therefore the decision as to whether or not to post warning signs should be left to the discretion of the employer (see Exh. 327–89, pp. 7–8; Exh. 327–120, p. 4; Exh. 327–105, p. 7).

After a careful analysis of the record comments, OSHA agrees with the position taken by General Motors and the others cited above that the use of signs to warn employees about noise hazards in high noise areas should be left to the discretion of the employer. In so doing, OSHA finds some merit in the view that noise is more readily discernible than other harmful physical agents and therefore a specific warning sign requirement may not be necessary to protect employees and that in certain circumstances such signs might confuse rather than serve a useful educational purpose.

Therefore, the provision requiring that warning signs be posted in *all* areas where high noise exposures may occur will be revoked. The revocation of this requirement is not meant to discourage employers from posting any warning signs. Rather, it recognizes that the employer is more familiar with the workplace environment and will be in a better position to determine if the posting of signs in a given situation will aid in the success of the company's hearing conservation program. A number of those commenting noted that warning signs may be helpful in enforcing hearing protector use where required. Therefore we expect that, where appropriate, employers will voluntarily adopt the use of warning signs as part of their hearing conservation program.

Several unions argued that Section 6(b)(7) of the Act required the use of warning signs (Exh. 327–109, p. 18: Exh. 327–78, p. 17). Section 6(b)(7) of the Act merely requires that standards "prescribe the use of labels or *other appropriate forms of warnings as are necessary* to insure that employees are apprised of all hazards to which they are exposed * * * [*italics added*]. It should be clear from the above discussion that warning signs are not generally necessary, nor are they always the most appropriate method of apprising employees of the hazards of noise. Training may be a more appropriate vehicle to inform workers of the hazards of noise to their hearing and, in fact, employers are required to include this in their training program (see discussion above). Therefore, substantial evidence in the record supports the conclusion that the revocation of the warning sign requirement is not contrary to Section 6(b)(7) of the Act.

Recordkeeping

The January amendment required that extensive and detailed records be maintained of exposure measurements, audiometric tests, audiometric test room sound levels, and calibration of audiometers. OSHA explained (46 FR 4159) that recordkeeping is necessary to enable professional reviewers to "* * * make sure that the audiometric tests were carried out under proper conditions and that audiograms reflect employees' true hearing levels. Records [serve an] * * * educational purpose for employees because they enable employees to assess the continuing status of their hearing. In addition, they provide employers with a way of assessing the success or failure of the hearing conservation program."

After the amendment was promulgated in January. OSHA received many objections to the detailed nature and redundancy of some of these recordkeeping provisions. Therefore, on August 21, 1981 (46 FR 42630) OSHA continued the stay of several specific recordkeeping provisions and asked for comments on whether they were necessary for an effective hearing conservation program.

OSHA received many requests that the detailed recordkeeping provisions for noise exposure monitoring be revoked [43] (Exh. 326–31, p. 3; Exh. 327–93, p. 3; Exh. 327–145, pp. 9–10; Exh. 327–110, p. 5; Exh. 327–89, p. 10; Exh. 327–88, p. 10; Exh. 327–121, p. 3; Exh. 328–5; Exh. 329–17, p. 4). Objections focused on the excessive amount of detail required and argued that such detailed records are not necessary for an effective hearing conservation program. Many stated that the performance language at the beginning of the exposure monitoring recordkeeping requirement was sufficient.[44]

OSHA has concluded that the detailed exposure monitoring information originally required in the January amendment is not essential to an effective hearing conservation program. Since the recordkeeping provisions for audiometric tests require that a record of the lastest exposure measurement be retained with the employee's audiometric test record, much of the information required by the exposure monitoring recordkeeping requirements would be redundant.[45] OSHA believes that the detailed exposure measurement data required in January 1981 has extremely limited usefulness and this level of detail is not essential to the effective implementation of a hearing conservation program. Therefore, the stayed provisions concerning exposure monitoring recordkeeping have been

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[43] The January amendment required that the exposure record include the employee's name and job classification; the date, location, and result of each measurement taken; and the number of measurements (where sound level meters are used to make the measurement), as well as a description of the noise measurement equipment used and the date of its last laboratory calibration. The stay of these provisions was continued in August.

[44] That provision simply stated that the employer must keep accurate records of all employee exposure measurements required by the amendment.

[45] As it now reads, the employer must keep the following information with audiometric test records:

(i) The employer shall retain all employee audiometric test records obtained pursuant to paragraph (g) of this section;

(ii) This record shall include:

(*a*) Name and job classification of the employee;

(*b*) Date of the audiogram;

(*c*) The examiner's name;

(*d*) Date of the last acoustic or exhaustive calibration of the audiometer; and

(*e*) Employee's most recent noise exposure assessment.

revoked. Thus, only the general exposure recordkeeping requirement is being retained. This is consistent with the mandates of sections 8(c)(3) and 8(d) of the Act which require that employers keep accurate records of employee exposures to harmful physical agents which are required to be monitored but that the burden of such an obligation be reduced to the maximum extent feasible.

OSHA also received many comments asking for the revocation of the stayed provisions regarding audiometric test records [46] (Exh. 326–62, p. 4; Exh. 327–20, p. 6; Exh. 327–90, p. 6; Exh. 327–98, p. 10; Exh. 327–121, p. 3; Exh. 327–145, pp. 9–10; Exh. 329–5; Exh. 329–17, p. 4). For example, the DuPont Company (Exh. 326–28, pp. 8–9) pointed out that it is unnecessary for each employee's audiogram to include general information, such as manufacturer and model of the audiometer and a statement of whether sound pressure levels in the test room comply with Table D–1 of Appendix D, when this information is available from other records. OSHA has determined that having a record of the qualifications of the examiner and of the manufacturer and model of the audiometer is not essential to determining the validity of the test. In addition, the requirement for a statement as to whether the sound pressure levels in the test room meet the levels of Table D–1 or Table D–2 of Appendix D is being revoked to be consistent with the revocation of Table D–1. The remaining requirement that a record be kept of background sound pressure levels in audiometric test rooms is sufficient to ensure adequate information to enable proper audiogram evaluation.[47] For these reasons, OSHA has revoked the stayed provisions on audiometric test records.

There is some confusion (Exh. 327–91, p. 46; Exh. 327–149, p. 8) about whether OSHA intended the audiometric information required to be kept to be entered on the face of audiograms.[48] It has been pointed out that some audiometric forms are not sufficiently large to permit this information to be actually recorded on them. It was not OSHA's intention to require that this information be entered on the actual audiogram; the wording of this provision has therefore been changed to permit this information to be kept *with* the audiometric records. Employers may maintain the information in a separate document that is kept or filed with the audiometric test results.

Several commenters requested revocation of the stayed provision that specified the audiometric frequencies for which background sound pressure level measurement records were to be kept and the date of the measurement (Exh. 327–145, pp. 9–10; Exh. 326–62, p. 4; Exh. 327–20, p. 6; Exh. 327–90, p. 6; Exh. 329–22). OSHA has concluded that this requirement is unnecessary since Table D–1 in Appendix D specifies the required frequencies.[49] Further, standard audiometric practice provides that the date of sound pressure measurements be recorded. OSHA has therefore revoked the stayed portions of the provision (see footnote 49, above).

Several commenters also asked that the stayed requirement to maintain records of acoustical and exhaustive audiometer calibrations be revoked because it is unnecessary (Exh. 326–62, p. 4; Exh. 327–20, p. 6; Exh. 327–90, p. 6; Exh. 327–141, p. 6; Exh. 329–22). OSHA agrees that this provision is redundant, since the date of the last acoustic or exhaustive calibration must be kept with the employee's audiometric test record. OSHA has therefore revoked this provision in its entirety.

By its actions today, OSHA has revoked those detailed recordkeeping requirements found to be unnecessarily burdensome or redundant. This is consistent with the mandate of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq* and section 8(d) of the OSH Act. OSHA does not agree with the Teamsters assertion (Exh. 345, p. 12) that trimming the recordkeeping requirements in this manner will reduce the effectiveness of the hearing conservation program. The recordkeeping requirements remaining in the revised amendment are essential and sufficient to insure the effectiveness of the hearing conservation program and OSHA so finds.

Record Retention

In August, OSHA stayed the provisions requiring records of test room sound pressure levels and audiometer calibrations to be kept for 5 years. The requirement for retaining audiometric test records was partially stayed insofar as it required employers to retain audiometric test records for 5 years after termination of employment. OSHA received many requests that these stayed provisions regarding record retention be revoked (Exh. 327–90, p. 6; Exh. 327–122, pp. 10–11; Exh. 327–125; Exh. 327–145, pp. 9–10; Exh. 327–149, pp. 8–10; Exh. 329–15, p. 7; Exh. 327–110, p. 5; Exh. 327–129, p. 3; Exh. 327–105, pp. 7–8; Exh. 327–143, p. 8). Some commenters cited the costs of retaining individual records and asserted that such records are not necessary to employee health or safety.

OSHA has decided to revoke the requirements to retain separate records of sound pressure levels and audiometer calibrations since this information must be kept with or on the audiogram. In addition, OSHA has concluded that retention of audiometric records for 5 years beyond termination of employment is not necessary, since this section also requires the employer to provide employees with access to their records. Since employees can obtain a copy of audiological records during their employment or upon termination of employment, the requirement to retain such records for 5 years after termination is not necessary. OSHA has concluded that it is more appropriate to require retention of audiometric test records for the length of employment rather than the longer period originally specified. Therefore the requirement to keep audiometric test records for 5 years after the termination of employment is being revoked.

Other Issues

Other Alternatives. In the August 21, 1981, **Federal Register** (46 FR 42631), OSHA noted that alternatives to the hearing conservation amendment had been suggested to the Agency. OSHA published and asked for comments on the following performance provisions, which are referred to as the alternative provisions or the three-paragraph alternative.

1. Employers shall conduct audiograms annually of every employee exposed to noise in excess of an 8-hour time weighted average sound level

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[46] In August 1981, OSHA continued the stay of the following audiometric test recordkeeping provisions: qualifications of the person who administered the audiometric test, name of the manufacturer and model of the audiometer, and a statement of whether the sound pressure levels in the test room meet those specified in Table D–1 or D–2.

[47] The amendment requires that "the employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms (see paragraph (m)(2)(ii)(*f*) below).

[48] This information includes such things as measurements of background sound pressure level in the audiometric test room, and the examiner's name and date of the last calibration. Where this information is the same for an entire group of audiograms, this information may be maintained on one sheet of paper rather than separately for each audiogram.

[49] In January, employers were required to keep the following information concerning audiometric test rooms. (i) The employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms. (ii) *This record shall include:* (*a*) *Background sound pressure level measurements at each of the following octave bands: 500, 1000, 2000, 4000, and 8000 Hz;* and (*b*) *Date of measurement.* The stay was continued on the italicized portion of this provision in August.

(TWA) of 85 dBA,[60] according to standards on audiometers and audiometric test rooms established by the American National Standards Institute,[61] and under the supervision of a qualified technician;

2. Such audiograms shall be reviewed annually by a qualified audiologist, otolaryngologist or physician to identify employees whose hearing acuity has diminished more than normal;

3. Employers shall instruct all employees identified under paragraph 2 in the proper use of hearing protection when working in noisy areas and shall take appropriate measures to enforce the use of suitable protective devices for those employees when they are exposed to noise levels in excess of an 8-hour time weighted average sound level (TWA) of 85 dBA.

The August document noted that the purpose of publishing these alternatives was to "determine whether the goal of hearing conservation could be achieved by a performance standard that does not contain detailed compliance requirements but rather leaves implementation to physicians and other experts in the field" (46 FR 42631).

Many comments have been received regarding the adequacy of the employee protection that might be provided by implementation of these alternative provisions. Many commenters asserted, in general terms, that the alternatives would be as protective as the provisions contained in the January and August documents (Exh. 327–20; Exh. 327–26; Exh. 327–27; Exh. 327–28; Exh. 327–34; Exh. 327–51; Exh. 327–55; Exh. 327–62; Exh. 327–67; Exh. 327–89; Exh. 327–93; Exh. 327–101; Exh. 327–129; Exh. 327–145; Exh. 329–5; Exh. 329–10; Exh. 329–19; Exh. 329–42; Tr. Vol. III, pp. 179–180, March 25, 1982). These participants generally favored the simplicity and flexibility of the alternative provisions.

The Chocolate Manufacturers Association (Exh. 327–112, p. 7) thought that the three-paragraph alternative would increase compliance, and therefore worker protection, because it would be better understood by employers and employees and would be easier for small businesses to comply with. On the other hand, other commenters felt that the alternative standard would be more difficult for employers without strong technical capabilities to comply with effectively and suggested that the alternative standard would result in lack of uniform enforcement from one employer to another (see generally Exh. 327–78, p. 17; Exh. 327–113, p. 3; Exh. 327–98, p. 21).

Several commenters who generally supported the three-paragraph alternative suggested specific changes. For example, Owens Illinois (Exh. 326–15, p. 3), the Chocolate Manufacturer's Association (Exh. 327–112, p. 17–18), the National Soft Drink Association (Exh. 327–90, p. 6), and the Edison Electric Institute (Exh. 327–106, pp. 1–2) objected to the incorporation by reference of American National Standard Institute standards. Air Products and Chemicals (Exh. 327–58) suggested that a requirement be added stating that the employer should have a written description of the program to make all persons aware of it. R. C. Crewdson of Industrial Health, Inc. (Exh. 327–83, p. 5) requested addition of a requirement stating that the program be under the supervision of an audiologist, otolaryngologist, or physician.

Other comments were concerned that exceptions for temporary employees would not be provided (Exh. 327–90, p. 6; Exh. 327–110, pp. 1–2). The National Screw Machine Products Association (Exh. 327–124) and Lewis Goodfriend and Associates (Exh. 327–23, p. 5) suggested adding a provision that employers require hearing protection when noise exposures exceed a given level. Lewis Goodfriend and Associates (Exh. 327–23, pp. 4–5) also indicated that any alternative should clearly require the employer to provide the employees with hearing protectors and should "state how effective the hearing protection devices should be." The DuPont Company (Exh. 327–91, pp. 52–54) also recommended many additions to the alternative provisions, including the addition of a definition of significant threshold shift.

OSHA also received a large number of comments asserting that the alternative provisions would not provide employee protection equivalent to that offered by the August amendment (Exh. 327–22; Exh. 327–35; Exh. 327–59; Exh. 327–68; Exh. 327–76; Exh. 327–78; Exh. 327–82; Exh. 327–84; Exh. 327–87; Exh. 327–94; Exh. 327–102; Exh. 327–119; Exh. 327–148; Exh. 331–17; Exh. 345; Tr. Vol. IV, pp. 242, March 26, 1982). The American Textile Manufacturer's Institute (Exh. 327–106, p. 1), although generally in favor of a performance-oriented standard, stated that the three-paragraph alternative "certainly would not provide needed protection to workers * * *." The International Brotherhood of Teamsters (Exh. 345, p. 12) argued that "* * * it offers no improvement over the previous standard [29 CFR 1910.95(b)(3)] * * *."

Some comments contained more specific criticism. For example, submissions by Dow Chemical (Exh. 327–76, p. 17), Shell Oil (Exh. 327–102, p. 13) and others emphasized the need for an explicit monitoring requirement, or offered alternative performance language for the monitoring provision (Exh. 327–87, p. 5; Exh. 327–91, p. 52; Exh. 327–99; Exh. 327–106, p. 1; Exh. 345, pp. 12–13). In addition, one commenter pointed out that the three-paragraph alternative fails to indicate the types and levels of sounds to be included in the noise exposure measurement (Exh. 327–82). He suggested that the lack of such a specification could result in underestimates of exposure.

The National Screw Machine Products Association (Exh. 327–124) and the Alliance of Metal Working Industries (Exh. 327–72, p. 4) noted that the alternative provisions suggest that only employees who have experienced a significant threshold shift be instructed in the use of, and required to wear, hearing protectors. They suggested that the three-paragraph alternative be modified to require that employers instruct all employees to wear hearing protection where noise levels exceed those shown in Table G–16a. Shell Oil (Exh. 327–102, pp. 13–14) pointed out, "The * * * alternative fails to provide for employee education and training, except for employees who have already suffered a hearing loss. To prevent hearing loss, employees must know when and how to wear hearing protectors, and what is gained by their use."

The DuPont (Exh. 327–91, p. 53) and General Motors companies (Exh. 327–99) added definitions of significant threshold shift in their suggested performance alternatives. The Motor Vehicle Manufacturers Association (Exh. 327–103, p. 9) contended that the alternative's lack of a definition of significant threshold shift is a "serious omission." The American Textile Manufacturers Institute (Exh. 327–106, p. 1) asserted that referral criteria are needed for evaluation of workers who develop medical abnormalities. In addition, commenters called attention to what they felt was ambiguous language in the three-paragraph alternative. For example, the National Soft Drink Association (Exh. 327–90, p. 6) pointed out that the language "hearing acuity * * * diminished more than normal" is ambiguous.

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[60] See Appendix A.

[61] American National Standards Institute (ANSI) Specification for Audiometers, S3.6–1969, and the Institute's Specification for Audiometric Test Rooms, ANSI S3.1–1977. Audiometers shall be calibrated annually to ensure the standard is met. ANSI S3.1–1977 must be followed for testing performed at frequencies of 1,000 Hz and above; for testing below 1,000 Hz, ANSI S3.1–1960 may be used.

A few commenters suggested that the three-paragraph alternative would result in fewer enforcement problems than would a more specification-oriented standard. The Chamber of Commerce (Exh. 329–10, p. 6), for example, stated "The alternative would afford more flexibility for compliance officers * * *; by being freed from enforcing overly specific requirements * * * [compliance officers] could perform less intensive but more expeditious and results-oriented inspections." Others, however, viewed such lack of specificity with alarm. The Portland Cement Association, for example, (Exh. 327–113, p. 3) stated, "The less specific a standard is, the more room there is for subjectivity on the part of the inspector * * *. Unduly vague standards can open the way for abuses and arbitrary action, without any positive effect on hearing conservation" (see also Exh. 327–76, p. 19). Similarly, Standard Oil of Indiana (Exh. 327–67, p. 5) asserted, "the problem with * * * the proposed alternative is that there is no way to measure compliance because many of the terms are vague. Consequently, each compliance officer becomes an interpreter of the law and uniform enforcement is lost." Others simply stated that the 3-paragraph alternative is absolutely unenforceable (Exh. 327–76, p. 17; Tr. Vol. III, p. 52–05, March 25, 1982).

Organization Resources Counselors (Exh. 327–68, p. 21) noted that implementing the alternative provisions could be difficult for employers without strong technical capability. R. C. Crewdson of Industrial Health, Inc. (Exh. 327–62, p. 6) pointed out that hearing conservation programs should be supervised by professionals. This requirement was not included in the three-paragraph alternative. In a similar vein, Pelton/Blum, Inc. (Exh. 329–12) commented, "It has been our experience that most small and medium sized companies do not necessarily have the knowledge to carry out a hearing conservation program when it is stated [as] in the 3 paragraph alternative provisions. The Amendment as * * * in August * * * would allow even the individual that is not knowledgeable to begin to see how a program * * * works."

OSHA has carefully reviewed the comments in the record regarding the efficacy of the three paragraph alternative provisions. Ideally, an occupational safety and health standard should be specific enough to give employers adequate notice of what is expected of them and to allow for uniform enforcement from one employer to another, and be flexible enough to allow employers to comply in the manner that best fits the circumstances of the company. These considerations must be balanced against the need to be able to enforce the standard vigorously against any recalcitrant employer who fails to provide employees with meaningful protection. Although the Agency supports the use of performance language wherever possible, and has used the performance approach in several sections of this revised amendment, the alternative provisions do not provide the degree of specification needed to ensure employee protection against occupational hearing loss. The Agency position on this matter is generally corroborated by the American Textile Manufacturers Institute:

"ATMI supports performance standards with minimum specification and any such standard in the area of hearing conservation would have to include the following elements; required monitoring of noise exposures, feasible engineering controls, adequate protective devices, periodic audiometric evaluation and referral criteria for evaluation of workers developing abnormalities. Obviously, the proposal [three-paragraph alternative] in the notice does not meet those criteria. In striking contrast, the regulation made effective in the August 21 notice meets those criteria and in our judgment, would be adequate" (Exh. 327–106, p. 1).

For example, a specific index of hearing damage serious enough to trigger follow-up action is needed to provide guidance to employers. Without a standardized definition of STS, OSHA believes there would be great variability in the protective actions taken (see Exh. 327–76, p. 19]. Approximately forty definitions of STS have been suggested to OSHA (see discussion in audiometry section above), indicating the range of opinion on the correct interpretation of this important term. Therefore, the Agency considers that the alternative provisions' lack of a definition of STS would result in less than uniform protection for noise-exposed employees.

OSHA also finds the 3-paragraph alternative's lack of minimum requirements for audiometer calibration a serious problem. Calibration requirements are essential to ensure the validity and comparability of tests. If audiometers are not properly calibrated, employers may expend substantial resources with little assurance that test results can be compared from one year to the next, and without assurance that employees are receiving adequate protection.

OSHA believes that the lack of a requirement that employees be instructed in hearing protector use *before* a hearing loss occurs is a serious oversight of the 3-paragraph alternative. The absence of such a provision runs counter to the Agency's emphasis on *preventive* measures in occupational safety and health.

Similarly, to help avoid hearing loss OSHA's amendment requires that hearing protectors be properly fitted. The amount of protection offered by hearing protectors is greatly dependent on proper fit. Further, hearing protectors themselves vary considerably in the degree of attenuation offered. Without an assessment of the protection actually offered by hearing protectors in specific noise environments, employers may believe that sufficient protection is being provided when in fact it is inadequate. OSHA feels that the failure to require fitting and attenuation evaluations of hearing protectors would seriously reduce the degree of protection provided to employees.

Further, OSHA believes there are serious questions regarding the Agency's ability to enforce the 3-paragraph alternative. Some have suggested that OSHA enforcement would be improved since it would have to focus on results, i.e., whether protection is being provided rather than on the specifics of program implementation (Exh. 327–00, pp. 4–5; Exh. 329–10, p. 6). Consequently, others noted that OSHA compliance officers would have to be given special training in evaluating audiometric data bases (Exh. 327–98, pp. 21–22; see also Exh. 327–69, p. 9). However, no commenter suggested how OSHA compliance personnel would determine at what point a given hearing conservation program was protective enough to be considered "in compliance." In addition, many of the phrases used in the three-paragraph alternative, such as "more than normal" and "noisy areas" are subject to many interpretations and would therefore be difficult to enforce in practice. Moreover, if the Agency were to revise the three paragraph alternative by adding the various specific requirements that many of the participants felt were necessary to protect employees adequately, the alternative would become as long and as specific as the revised amendment published today.

For the reasons discussed above, OSHA has concluded that the 3-paragrpah alternative would not be as protective as the hearing conservation amendment published in August. In particular, the failure of the alternative provisions to provide guidance to employers in the areas of pre-impairment hearing protection use, the

definition of a standard threshold shift, and employee training is felt to be sufficient to support this conclusion. Therefore, the alternative provisions will not be adopted.

Performance Criteria

The preamble to the August **Federal Register** document discussed a study (see post-promulgation comment #266a) recommending that performance criteria be developed for determining the effectiveness of an employer's hearing conservation program.[52] That study, which was prepared for the Rockefeller Foundation, suggested that results of analyses of audiometric data be the index of such effectiveness. Comments and information were requested on the advisability of adopting such an approach in the hearing conservation amendment. The comments and testimony received in response to this recommendation generally agreed that evaluating the effectiveness of hearing conservation programs is desirable, but there was little consensus among commenters regarding what performance criteria should be used.

A number of commenters felt that audiometric data analysis would be a useful tool for demonstrating the effectiveness of a hearing conservation program but made no recommendations concerning the minimum appropriate criteria for judging a program (Exh. 327–99; Exh. 327–113, p. 3; Exh. 327–125). Some participants stated that audiometric data showing an incidence of significant threshold shift rates greater than 5 to 10 percent should indicate a problem with a given hearing conservation program (Exh. 327–54; Exh. 327–58; Tr. Vol. II, p. 128, 3/29/82; Tr. Vol. II, p. 59, March 26, 1982). Others recommended using analysis of audiometric data as an indicator but only after the data has been adjusted for variables such as age, sex, race, years or exposure at various sound levels, and so forth (Exh. 327–84; Exh. 327–77, pp. 7–8; Exh. 327–66, pp. 11–85; Exh. 327–120, p. 4).

Some stated that analysis of audiometric data by individual employers would not really indicate the effectiveness of a hearing conservation program (Exh. 327–15; Exh. 327–147, p. 6–7). In his testimony, Dr. Crewdson, a physicist, suggested that the inaccuracy and variability of individual test results would make it impossible to assess trends by simply looking at audiogram results. He recommended evaluation of several years' worth of data by experienced professionals (Tr. Vol. V, pp. 146–162, March 29, 1982). Another commenter stated:

"[There is] no generally accepted method * * * available to evaluate the effectiveness of individual hearing conservation programs. * * * With computer-assisted data collection, and a uniform criteria [sic] for describing threshold shift, the analysis of audiometric test data may prove to be a tool for the future. However, the current methods of data collection and retrieval do not make the analysis of audiometric test data a feasible method for evaluating the effectiveness of a hearing conservation program" (Exh. 327–103).

Other commenters agreed, stating:

"[We] do not believe objective or quantitative evaluation of HCP's could be statistically significant or an adequate indicator of program effectiveness" (Exh. 327–120, p. 4).

and

"* * * The analysis of audiometric data is an incomplete approach to an effective and enforceable HCP" (Exh. 327–141).

A number or commenters stated that responsibility for determining program effectiveness should be left in the hands of professional audiologists, otolaryngologists and physicians (Exh. 327–35, p. 5; Exh. 327–105, p. 7; Exh. 327–112, p. 17; Tr. Vol. V, p. 159–160, March 29, 1982). In addition, several stated that OSHA should not attempt to specify mandatory criteria for evaluating hearing conservation programs (Exh. 327–35, p. 5; Exh. 327–77, p. 7–8; Exh. 327–143, p. 2; Exh. 331–11).

OSHA agrees with the large number of commenters who stressed the importance of professional judgment in evaluating audiometric test data. The Agency believes that it would not be useful to draw conclusions on the effectiveness of specific hearing conservation programs on the basis of test data alone, because of the many variables that may affect these results. OSHA believes that it should be left to the judgment of the professionals supervising the audiometric examinations and analyzing the results to advise the employer concerning the effectiveness of the employer's hearing conservation program. Therefore, the final standard does not contain a specific requirement for employer assessment of the effectiveness of hearing conservation programs.

At this time the Agency does not know of any specific performance criteria which would unequivocally demonstrate the effectiveness of any hearing conservation program.

Exemptions

At the present time, the agency is exempting the gas and oil well drilling and servicing industry from the requirements of this revised amendment. OSHA is granting this exemption because of the unique characteristics of this industry, which characteristics have also convinced the agency to initiate rulemaking that addresses the unique hazards for the gas and oil well drillers and servicers.[53]

Appendices Paragraph (r)

The August 1981 **Federal Register** document continued stays on Appendix B (Temporal Sampling Procedures for Use with a Sound Level Meter] and Appendix F (Calculations and Application of Age Corrections to Audiograms). As discussed in the monitoring section above, OSHA is revoking Appendix B. In addition, the stay on Appendix F is being lifted (see discussion under standard threshold shift above) and that appendix is being redesignated as Appendix B.

Effective Dates

The hearing conservation amendment was originally promulgated on January 16, 1981 (46 FR 4078) to become effective on April 15, 1981. After several temporary stays, portions of the amendment went into effect on August 22, 1981 (46 FR 42622, August 21, 1981). Those provisions which went into effect on August 22, 1981, and which were not substantially amended in this final rule are listed in Table I below (with new paragraph designations, where appropriate). In the original promulgation, employers were allowed until February 22, 1982, to complete noise monitoring. The August 22, 1981, effective date of the amendment and the start-up date for monitoring remain unchanged.

Table I

Provisions Which Went into Effect on August 22, 1981, and Have Not Been Amended

Paragraph (c)(1)
Paragraph (d)(2)(i)
Paragraphs (g) (1) and (2)
Paragraph (g)(4)
Paragraph (g)(6)
Paragraphs (g)(7)(iii) (A), (B), (C) and (D)
Paragraphs (g)(8)(ii) (A) and (B)
Paragraphs (h) (1), (3) and (4)
Paragraph (h)(5)(iii)
Paragraphs (i) (1) and (2)
Paragraph (i)(2)(ii)

[52] Berger, E. H. and L. H. Royster. "The Effects of Noise Exposure On One Industrial Population," October 1976.

[53] A combination of factors, including tremendous variation in working conditions, high mobility of operations, extremely high employee turnover rates, and limited accessability of many worksites, convinced OSHA that the interests of both employers and employees would be better served by developing a standard more specifically tailored to the needs of this industry (Exh. 329–34, pp 1–2; Exh. 329–33; Exh. 329–29, p. 2; Tr. Vol. I–B, pp. 156–157, 167–168; Tr. Vol. V, pp. 73–75).

Paragraphs (i) (3), (4) and (5)
Paragraphs (j) (1), (2) and (4)
Paragraph (k)
Paragraph (l)
Paragraphs (m) (2), (3), (4) and (5)
Paragraph (n)
Appendixes A, B, C, D, E, H and I

Portions of the original hearing conservation amendment were stayed beyond August 22, 1981, and were the subject of this rulemaking. In addition, some provisions which went into effect on August 22, 1981, are also being modified by this final rule. The provisions being issued today in final form will be effective on April 7, 1983, to allow employers enough time to familiarize themselves with the revisions. Table II below lists the provisions and modified provisions (as indicated) which will be effective April 7, 1983.

Table II

Provisions Which Are Effective April 7, 1983

Paragraph (c)(2)
*Paragraph (d)(1)
Paragraphs (d)(1) (i) and (ii)
Paragraph (d)(2)(ii)
Paragraphs (d)(3) (i) and (ii)
Paragraph (e)
*Paragraph (f)
*Paragraph (g)(3)
*Paragraph (g)(3)(i)
Paragraph (g)(3)(ii)
*Paragraph (g)(5)(iii)
Paragraph (g)(5)(iv)
*Paragraph (g)(7)(i)
Paragraph (g)(7)(ii)
*Paragraph (g)(7)(iii)
*Paragraph (g)(8)(i)
Paragraph (g) (8)(ii)
*Paragraphs (g)(8)(ii) (C) and (D)
Paragraph (g)(8)(iii)
Paragraph (g)(9)
Paragraph (g)(10)
*Paragraph (h)(2)
*Paragraphs (h)(5) (i) and (ii)
Paragraph (i)(2)(i)
Paragraph (i)(2)(ii)(A)
*Paragraph (i)(2)(ii)(B)
*Paragraph (j)(3)
*Paragraph (m) (1)
Paragraph (o)
*Paragraph (p)
Appendix F (from January 16, 1981)
Appendix G

*An asterisk denotes those provisions which are amendments of provisions that were effective August 22, 1981.

Initially, employers were allowed until August 22, 1982, to complete baseline audiograms. OSHA received a number of requests for extensions of the time allowed to obtain baseline audiograms. Some commenters indicated that they needed more time to comply for various practical and resource reasons (Exh. 329–3; Exh. 327–106). Others stated that OSHA's final decisions on critical technical issues were necessary before baseline audiograms could be obtained (Exh. 327–98; Tr. Vol. IV, p. 202, March 26, 1982.) One commenter stated that an extension of time to obtain baseline audiograms would avoid the paperwork of asking for a variance (Ex. 329–3). OSHA agrees that an extension of time in which to obtain employee audiograms of approximately one year is appropriate under the circumstances of this proceeding. A number of important elements of the audiometric testing provisions have been reconsidered and revised. Employers could not have performed baseline audiograms until these issues were resolved. Employers now need sufficient time to incorporate these requirements into their hearing conservation programs and to purchase the necessary equipment to run such a testing program or to make the necessary arrangements for consultants to perform these services. In the January 1981 amendments, OSHA allowed approximately one year from the effective date of the standard for employers to obtain baseline audiograms. Since a number of elements related to the baseline audiogram were stayed, OSHA will extend the date for completion of baseline audiograms until March 1, 1984, which is approximately one year after the publication of this document. [**]

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Health.

Authority: This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, N.W., Washinton, D.C. 20210.

Pursuant to sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8–76 (41 FR 25059) and 29 CFR Part 1911, § 1910.95 of 29 CFR Part 1910 is amended as set forth below.

(Secs. 4, 6, 8, 84 Stat. 1592, 1593, 1599, [29 U.S.C. 653, 655, 657]; 5 U.S.C. 553; Secretary of Labor's Order No. 8–76 (41 FR 25059))

Signed at Washington, D.C. this 28th day of February 1983.

Thorne G. Auchter,
Assistant Secretary of Labor.

PART 1910—[AMENDED]

Paragraphs (c) through (p) and Appendices A through I of 29 CFR 1910.95 are revised to read as follows:

[**] It should be noted, however, that this delayed effective date is not in addition to the amount of time employers are normally given to obtain baseline audiograms under paragraph (g)(5)(i). Thus, all current employees must have baseline audiograms taken by March 1, 1984, or six months from the date of their first exposure at or above the action level, whichever is longer.

§ 1910.95 Occupational noise exposure.

* * * * *

(c) *Hearing conservation program.* (1) The employer shall administer a continuing, effective hearing conservation program, as described in paragraphs (c) through (o) of this section, whenever employee noise exposures equal or exceed an 8-hour time-weighted average sound level (TWA) of 85 decibels measured on the A scale (slow response) or, equivalently, a dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with Appendix A and Table G–16a, and without regard to any attenuation provided by the use of personal protective equipment.

(2) For purposes of paragraphs (c) through (n) of this section, an 8-hour time-weighted average of 85 decibels or a dose of fifty percent shall also be referred to as the action level.

(d) *Monitoring.* (1) When information indicates that any employee's exposure may equal or exceed an 8-hour time-weighted average of 85 decibels, the employer shall develop and implement a monitoring program. (i) The sampling strategy shall be designed to identify employees for inclusion in the hearing conservation program and to enable the proper selection of hearing protectors.

(ii) Where circumstances such as high worker mobility, significant variations in sound level, or a significant component of impulse noise make area monitoring generally inappropriate, the employer shall use representative personal sampling to comply with the monitoring requirements of this paragraph unless the employer can show that area sampling produces equivalent results.

(2)(i) All continuous, intermittent and impulsive sound levels from 80 decibels to 130 decibels shall be integrated into the noise measurements.

(ii) Instruments used to measure employee noise exposure shall be calibrated to ensure measurement accuracy.

(3) Monitoring shall be repeated whenever a change in production, process, equipment or controls increases noise exposures to the extent that:

(i) Additional employees may be exposed at or above the action level; or

(ii) The attenuation provided by hearing protectors being used by employees may be rendered inadequate to meet the requirements of paragraph (j) of this section.

(e) *Employee notification.* The employer shall notify each employee exposed at or above an 8-hour time-weighted average of 85 decibels of the results of the monitoring.

(f) *Observation of monitoring.* The employer shall provide affected employees or their representatives with an opportunity to observe any noise measurements conducted pursuant to this section.

(g) *Audiometric testing program.* (1) The employer shall establish and maintain an audiometric testing program as provided in this paragraph by making audiometric testing available to all employees whose exposures equal or exceed an 8-hour time-weighted average of 85 decibels.

(2) The program shall be provided at no cost to employees.

(3) Audiometric tests shall be performed by a licensed or certified audiologist, otolaryngologist, or other physician, or by a technician who is certified by the Council of Accreditation in Occupational Hearing Conservation, or who has satisfactorily demonstrated competence in administering audiometric examinations, obtaining valid audiograms, and properly using, maintaining and checking calibration and proper functioning of the audiometers being used. A technician who operates microprocessor audiometers does not need to be certified. A technician who performs audiometric tests must be responsible to an audiologist, otolaryngologist or physician.

(4) All audiograms obtained pursuant to this section shall meet the requirements of Appendix C: *Audiometric Measuring Instruments.*

(5) *Baseline audiogram.* (i) Within 6 months of an employee's first exposure at or above the action level, the employer shall establish a valid baseline audiogram against which subsequent audiograms can be compared.

(ii) *Mobile test van exception.* Where mobile test vans are used to meet the audiometric testing obligation, the employer shall obtain a valid baseline audiogram within 1 year of an employee's first exposure at or above the action level. Where baseline audiograms are obtained more than 6 months after the employee's first exposure at or above the action level, employees shall wearing hearing protectors for any period exceeding six months after first exposure until the baseline audiogram is obtained.

(iii) Testing to establish a baseline audiogram shall be preceded by at least 14 hours without exposure to workplace noise. Hearing protectors may be used as a substitute for the requirement that baseline audiograms be preceded by 14 hours without exposure to workplace noise.

(iv) The employer shall notify employees of the need to avoid high levels of non-occupational noise exposure during the 14-hour period immediately preceding the audiometric examination.

(6) *Annual audiogram.* At least annually after obtaining the baseline audiogram, the employer shall obtain a new audiogram for each employee exposed at or above an 8-hour time-weighted average of 85 decibels.

(7) *Evaluation of audiogram.* (i) Each employee's annual audiogram shall be compared to that employee's baseline audiogram to determine if the audiogram is valid and if a standard threshold shift as defined in paragraph (g)(10) of this section has occurred. This comparison may be done by a technician.

(ii) If the annual audiogram shows that an employee has suffered a standard threshold shift, the employer may obtain a retest within 30 days and consider the results of the retest as the annual audiogram.

(iii) The audiologist, otolaryngologist, or physician shall review problem audiograms and shall determine whether there is a need for further evaluation. The employer shall provide to the person performing this evaluation the following information:

(A) A copy of the requirements for hearing conservation as set forth in paragraphs (c) through (n) of this section;

(B) The baseline audiogram and most recent audiogram of the employee to be evaluated;

(C) Measurements of background sound pressure levels in the audiometric test room as required in Appendix D: Audiometric Test Rooms.

(D) Records of audiometer calibrations required by paragraph (h)(5) of this section.

(8) *Follow-up procedures.* (i) If a comparison of the annual audiogram to the baseline audiogram indicates a standard threshold shift as defined in paragraph (g)(10) of this section has occurred, the employee shall be informed of this fact in writing, within 21 days of the determination.

(ii) Unless a physician determines that the standard threshold shift is not work related or aggravated by occupational noise exposure, the employer shall ensure that the following steps are taken when a standard threshold shift occurs:

(A) Employees not using hearing protectors shall be fitted with hearing protectors, trained in their use and care, and required to use them.

(B) Employees already using hearing protectors shall be refitted and retained in the use of hearing protectors and provided with hearing protectors offering greater attenuation if necessary.

(C) The employee shall be referred for a clinical audiological evaluation or an otological examination, as appropriate, if additional testing is necessary or if the employer suspects that a medical pathology of the ear is caused or aggravated by the wearing of hearing protectors.

(D) The employee is informed of the need for an otological examination if a medical pathology of the ear that is unrelated to the use of hearing protectors is suspected.

(iii) If subsequent audiometric testing of an employee whose exposure to noise is less than an 8-hour TWA of 90 decibels indicates that a standard threshold shift is not persistent, the employer:

(A) Shall inform the employee of the new audiometric interpretation; and

(B) May discontinue the required use of hearing protectors for that employee.

(9) *Revised baseline.* An annual audiogram may be substituted for the baseline audiogram when, in the judgment of the audiologist, otolaryngologist or physician who is evaluating the audiogram:

(i) The standard threshold shift revealed by the audiogram is persistent; or

(ii) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

(10) *Standard threshold shift.* (1) As used in this section, a standard threshold shift is a change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

(ii) In determining whether a standard threshold shift has occurred, allowance may be made for the contribution of aging (presbycusis) to the change in hearing level by correcting the annual audiogram according to the procedure described in Appendix F: *Calculation and Application of Age Correction to Audiograms.*

(h) *Audiometric test requirements.* (1) Audiometric tests shall be pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz. Tests at each frequency shall be taken separately for each ear.

(2) Audiometric tests shall be conducted with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used in accordance with, American National Standard Specification for Audiometers, S3.6–1969.

(3) Pulsed-tone and self-recording audiometers, if used, shall meet the requirements specified in Appendix C: *Audiometric Measuring Instruments.*

(4) Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: *Audiometric Test Rooms.*

(5) *Audiometer calibration.* (i) The functional operation of the audiometer shall be checked before each day's use by testing a person with known, stable hearing thresholds, and by listening to the audiometer's output to make sure that the output is free from distorted or unwanted sounds. Deviations of 10 decibels or greater require an acoustic calibration.

(ii) Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: *Acoustic Calibration of Audiometers.* Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check. Deviations of 15 decibels or greater require an exhaustive calibration.

(iii) An exhaustive calibration shall be performed at least every two years in accordance with sections 4.1.2; 4.1.3.; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6–1969. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this calibration.

(i) *Hearing protectors.* (1) Employers shall make hearing protectors available to all employees exposed to an 8-hour time-weighted average of 85 decibels or greater at no cost to the employees. Hearing protectors shall be replaced as necessary.

(2) Employers shall ensure that hearing protectors are worn:

(i) By an employee who is required by paragraph (b)(1) of this section to wear personal protective equipment; and

(ii) By any employee who is exposed to an 8-hour time-weighted average of 85 decibels or greater, and who:

(A) Has not yet had a baseline audiogram established pursuant to paragraph (g)(5)(ii); or

(B) Has experienced a standard threshold shift.

(3)Employees shall be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer.

(4) The employer shall provide training in the use and care of all hearing protectors provided to employees.

(5) The employer shall ensure proper initial fitting and supervise the correct use of all hearing protectors.

(j) *Hearing protector attenuation.* (1) The employer shall evaluate hearing protector attenuation for the specific noise environments in which the protector will be used. The employer shall use one of the evaluation methods described in Appendix B: *Methods for Estimating the Adequacy of Hearing Protection Attenuation.*

(2) Hearing protectors must attenuate employee exposure at least to an 8-hour time-weighted average of 90 decibels as required by paragraph (b) of this section.

(3) For employees who have experienced a standard threshold shift, hearing protectors must attenuate employee exposure to an 8-hour time-weighted average of 85 decibels or below.

(4) The adequacy of hearing protector attenuation shall be re-evaluated whenever employee noise exposures increase to the extent that the hearing protectors provided may no longer provide adequate attenuation. The employee shall provide more effective hearing protectors where necessary.

(k) *Training program.* (1) The employer shall institute a training program for all employees who are exposed to noise at or above an 8-hour time-weighted average of 85 decibels, and shall ensure employee participation in such program.

(2) The training program shall be repeated annually for each employee included in the hearing conservation program. Information provided in the training program shall be updated to be consistent with changes in protective equipment and work processes.

(3) The employer shall ensure that each employee is informed of the following:

(i) The effects of noise on hearing;

(ii) The purpose of hearing protectors, the advantages, disadvantages, and attenuation of various types, and instructions on selection, fitting, use, and care; and

(iii) The purpose of audiometric testing, and an explanation of the test procedures.

(l) *Access to information and training materials.* (1) The employer shall make available to affected employees or their representatives copies of this standard and shall also post a copy in the workplace.

(2) The employer shall provide to affected employees any informational materials pertaining to the standard that are supplied to the employer by the Assistant Secretary.

(3) The employer shall provide, upon request, all materials related to the employer's training and education program pertaining to this standard to the Assistant Secretary and the Director

(m) *Recordkeeping.*—(1) *Exposure measurements.* The employer shall maintain an accurate record of all employee exposure measurements required by paragraph (d) of this section.

(2) *Audiometric tests.* (i) The employer shall retain all employee audiometric test records obtained pursuant to paragraph (g) of this section:

(ii) This record shall include:

(A) Name and job classification of the employee;

(B) Date of the audiogram;

(C) The examiner's name;

(D) Date of the last acoustic or exhaustive calibration of the audiometer; and

(E) Employee's most recent noise exposure assessment.

(F) The employer shall maintain accurate records of the measurements of the background sound pressure levels in audiometric test rooms.

(3) *Record retention.* The employer shall retain records required in this paragraph (m) for at least the following periods.

(i) Noise exposure measurement records shall be retained for two years.

(ii) Audiometric test records shall be retained for the duration of the affected employee's employment.

(4) *Access to records.* All records required by this section shall be provided upon request to employees, former employees, representatives designated by the individual employee, and the Assistant Secretary. The provisions of 29 CFR 1910.20 (a)–(e) and (g)–(i) apply to access to records under this section.

(5) *Transfer of records.* If the employer ceases to do business, the employer shall transfer to the successor employer all records required to be maintained by this section, and the successor employer shall retain them for the remainder of the period prescribed in paragraph (m) (3) of this section.

(n) *Appendices.* (1) Appendices A, B, C, D, and E to this section are incorporated as part of this section and the contents of these Appendices are mandatory.

(2) Appendices F and G to this section are informational and are not intended to create any additional obligations not

otherwise imposed or to detract from any existing obligations.

(o) *Exemptions.* Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations.

(p) *Startup date.* Baseline audiograms required by paragraph (g) of this section shall be completed by March 1, 1984.

* * * * *

Appendix A: Noise Exposure Computation

This Appendix is Mandatory

I. Computation of Employee Noise Exposure

(1) Noise dose is computed using Table G–16a as follows:

(i) When the sound level, L, is constant over the entire work shift, the noise dose, D, in percent, is given by: D=100 C/T where C is the total length of the work day, in hours, and T is the reference duration corresponding to the measured sound level, L, as given in Table G–16a or by the formula shown as a footnote to that table.

(ii) When the workshift noise exposure is composed of two or more periods of noise at different levels, the total noise dose over the work day is given by:

$D=100\ (C_1/T_1+C_2/T_2+\ldots+C_n/T_n)$,

where C_n indicates the total time of exposure at a specific noise level, and T_n indicates the reference duration for that level as given by Table G–16a.

(2) The eight-hour time-weighted average sound level (TWA), in decibels, may be computed from the dose, in percent, by means of the formula: $TWA=16.61\ \log_{10}(D/100)+90$. For an eight-hour workshift with the noise level constant over the entire shift, the TWA is equal to the measured sound level.

(3) A table relating dose and TWA is given in Section II.

TABLE G–16a

A-weighted sound level, L (decibel)	Reference duration, T (hour)
80	32
81	27.9
82	24.3
83	21.1
84	16.4
85	[illegible]
86	13.9
87	12.1
88	10.6
89	[illegible]
90	8
91	7.0
92	6.1
93	5.3
94	[illegible]
95	[illegible]
96	3.5
97	[illegible]
98	[illegible]
99	2.3
100	[illegible]
101	1.7
102	1.5
103	1.3
104	1.1
105	1
106	[illegible]

TABLE G–16a—Continued

A-weighted sound level, L (decibel)	Reference duration, T (hour)
107	0.76
108	0.66
109	0.57
110	0.5
111	0.44
112	0.38
113	0.33
114	0.29
115	0.25
116	0.22
117	0.19
118	0.16
119	0.14
120	0.125
121	0.11
122	0.095
123	0.082
124	0.072
125	0.063
126	0.054
127	0.047
128	0.041
129	0.036
130	0.031

In the above table the reference duration, T, is computed by

$$T=\frac{8}{2^{(L-90)/5}}$$

where L is the measured A-weighted sound level.

II. Conversion Between "Dose" and "8-Hour Time-Weighted Average" Sound Level

Compliance with paragraphs (c)–(r) of this regulation is determined by the amount of exposure to noise in the workplace. The amount of such exposure is usually measured with an audiodosimeter which gives a readout in terms of "dose." In order to better understand the requirements of the amendment, dosimeter readings can be converted to an "8-hour time-weighted average sound level." (TWA).

In order to convert the reading of a dosimeter into TWA, see Table A–1, below. This table applies to dosimeters that are set by the manufacturer to calculate dose or percent exposure according to the relationships in Table G–16a. So, for example, a dose of 91 percent over an eight hour day results in a TWA of 89.3 dB, and, a dose of 50 percent corresponds to a TWA of 85 dB.

If the dose as read on the dosimeter is less than or greater than the values found in Table A–1, the TWA may be calculated by using the formula: $TWA=16.61\ \log_{10}(D/100)+90$ where TWA=8-hour time-weighted average sound level and D=accumulated dose in percent exposure.

TABLE A–1.—CONVERSION FROM "PERCENT NOISE EXPOSURE" OR "DOSE" TO "8-HOUR TIME-WEIGHTED AVERAGE SOUND LEVEL" (TWA)

Dose or percent noise exposure	TWA
10	73.4
15	76.3
20	78.4
25	80.0
30	81.3
35	82.4
40	83.4
45	84.2
50	85.0
55	85.7
60	86.3
65	86.9
70	87.4
75	87.9
80	88.4
81	88.5
82	88.6
83	88.7
84	88.7
85	88.8
86	88.9
87	89.0
88	89.1
89	89.2
90	89.2
91	89.3
92	89.4
93	89.5
94	89.6
95	89.6
96	89.7
97	89.8
98	89.9
99	89.9
100	90.0
101	90.1
102	90.1
103	90.2
104	90.3
105	90.4
106	90.4
107	90.5
108	90.6
109	90.6
110	90.7
111	90.8
112	90.8
113	90.9
114	90.9
115	91.1
116	91.1
117	91.1
118	91.2
119	91.3
120	91.3
125	91.6
130	91.9
135	92.2
140	92.4
145	92.7
150	92.9
155	93.2
160	93.4
165	93.6
170	93.8
175	94.0
180	94.2
185	94.4
190	94.6
195	94.8
200	95.0
210	95.4
220	95.7
230	96.0
240	96.3
250	96.6
260	96.8
270	97.2
280	97.4
290	97.7
300	97.9
310	98.2
320	98.4
330	98.6
340	98.8
350	99.0
360	99.2
370	99.4

TABLE A–1.—CONVERSION FROM "PERCENT NOISE EXPOSURE" OR "DOSE" TO "8-HOUR TIME-WEIGHTED AVERAGE SOUND LEVEL" (TWA)—Continued

Dose or percent noise exposure	TWA
380	95.8
390	96.8
400	100.0
410	100.2
420	100.4
430	100.5
440	100.7
450	100.8
460	101.0
[illegible]	101.2
480	101.3
490	101.5
500	101.6
510	101.8
520	101.9
530	102.0
[illegible]	102.2
560	102.3
560	102.4
570	102.6
580	102.7
590	102.8
600	102.9
610	103.0
[illegible]	103.2
630	103.3
[illegible]	103.4
650	103.5
660	103.6
670	103.7
680	103.8
690	103.9
700	104.0
710	104.1
720	104.2
730	104.3
740	104.4
750	104.5
760	104.6
770	104.7
780	104.8
790	104.9
800	105.0
810	105.1
820	105.2
830	105.3
840	105.4
850	105.4
860	105.5
870	105.6
880	105.7
890	105.8
900	105.8
910	105.9
920	106.0
930	106.1
940	106.2
950	106.2
960	106.3
970	106.4
980	106.5
990	106.5
999	106.6

Appendix B: Methods for Estimating the Adequacy of Hearing Protector Attenuation

This Appendix is Mandatory

For employees who have experienced a significant threshold shift, hearing protector attenuation must be sufficient to reduce employee exposure to a TWA of 85 dB. Employers must select one of the following methods by which to estimate the adequacy of hearing protector attenuation.

The most convenient method is the Noise Reduction Rating (NRR) developed by the Environmental Protection Agency (EPA). According to EPA regulation, the NRR must be shown on the hearing protector package. The NRR is then related to an individual worker's noise environment in order to assess the adequacy of the attenuation of a given hearing protector. This Appendix describes four methods of using the NRR to determine whether a particular hearing protector provides adequate protection within a given exposure environment. Selection among the four procedures is dependent upon the employer's noise measuring instruments.

Instead of using the NRR, employers may evaluate the adequacy of hearing protector attenuation by using one of the three methods developed by the National Institute for Occupational Safety and Health (NIOSH), which are described in the "List of Personal Hearing Protectors and Attenuation Data," HEW Publication No. 76–120, 1975, pages 21–37. These methods are known as NIOSH methods #1, #2 and #3. The NRR described below is a simplification of NIOSH method #2. The most complex method is NIOSH method #1, which is probably the most accurate method since it uses the largest amount of spectral information from the individual employee's noise environment. As in the case of the NRR method described below, if one of the NIOSH methods is used, the selected method must be applied to an individual's noise environment to assess the adequacy of the attenuation. Employers should be careful to take a sufficient number of measurements in order to achieve a representative sample for each time segment.

Note.—The employer must remember that calculated attenuation values reflect realistic values only to the extent that the protectors are properly fitted and worn.

When using the NRR to assess hearing protector adequacy, one of the following methods must be used:

(i) When using a dosimeter that is capable of C-weighted measurements:

(A) Obtain the employee's C-weighted dose for the entire workshift, and convert to TWA (see Appendix A, II).

(B) Subtract the NRR from the C-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(ii) When using a dosimeter that is not capable of C-weighted measurements, the following method may be used:

(A) Convert the A-weighted dose to TWA (see Appendix A).

(B) Subtract 7 dB from the NRR.

(C) Subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(iii) When using a sound level meter set to the A-weighting network:

(A) Obtain the employee's A-weighted TWA.

(B) Subtract 7 dB from the NRR, and subtract the remainder from the A-weighted TWA to obtain the estimated A-weighted TWA under the ear protector.

(iv) When using a sound level meter set on the C-weighting network:

(A) Obtain a representative sample of the C-weighted sound levels in the employee's environment.

(B) Subtract the NRR from the C-weighted average sound level to obtain the estimated A-weighted TWA under the ear protector.

(v) When using area monitoring procedures and a sound level meter set to the A-weighing network.

(A) Obtain a representative sound level for the area in question.

(B) Subtract 7 dB from the NRR and subtract the remainder from the A-weighted sound level for that area.

(vi) When using area monitoring procedures and a sound level meter set to the C-weighting network:

(A) Obtain a representative sound level for the area in question.

(B) Subtract the NRR from the C-weighted sound level for that area.

Appendix C: Audiometric Measuring Instruments

This Appendix is Mandatory

1. In the event that pulsed-tone audiometers are used, they shall have a tone on-time of at least 200 milliseconds.

2. Self-recording audiometers shall comply with the following requirements:

(A) The chart upon which the audiogram is traced shall have lines at positions corresponding to all multiples of 10 dB hearing level within the intensity range spanned by the audiometer. The lines shall be equally spaced and shall be separated by at least ¼ inch. Additional increments are optional. The audiogram pen tracings shall not exceed 2 dB in width.

(B) It shall be possible to set the stylus manually at the 10-dB increment lines for calibration purposes.

(C) The slewing rate for the audiometer attenuator shall not be more than 6 dB/sec except that an initial slewing rate greater than 6 dB/sec is permitted at the beginning of each new test frequency, but only until the second subject response.

(D) The audiometer shall remain at each required test frequency for 30 seconds (± 3 seconds). The audiogram shall be clearly marked at each change

of frequency and the actual frequency change of the audiometer shall not deviate from the frequency boundaries marked on the audiogram by more than ± 3 seconds.

(E) It must be possible at each test frequency to place a horizontal line segment parallel to the time axis on the audiogram, such that the audiometric tracing crosses the line segment at least six times at that test frequency. At each test frequency the threshold shall be the average of the midpoints of the tracing excursions.

Appendix D: Audiometric Test Rooms

This Appendix is Mandatory

Rooms used for audiometric testing shall not have background sound pressure levels exceeding those in Table D–1 when measured by equipment conforming at least to the Type 2 requirements of American National Standard Specification for Sound Level Meters, S1.4–1971 (R1976), and to the Class II requirements of American National Standard Specification for Octave, Half-Octave, and Third-Octave Band Filter Sets, S1.11–1971 (R1976).

TABLE D–1.—MAXIMUM ALLOWABLE OCTAVE-BAND SOUND PRESSURE LEVELS FOR AUDIOMETRIC TEST ROOMS

Octave-band center frequency (Hz)	500	1000	2000	4000	8000
Sound pressure level (dB)	40	40	47	57	62

Appendix E: Acoustic Calibration of Audiometers

This Appendix is Mandatory

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6–1969.

(1) Sound Pressure Output Check

A. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.

B. Set the audiometer's hearing threshold level (HTL) dial to 70 dB.

C. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 6000 Hz for each earphone.

D. At each frequency the readout on the sound level meter should correspond to the levels in Table E–1 or Table E–2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

(2) Linearity Check

A. With the earphone in place, set the frequency to 1000 Hz and the HTL dial on the audiometer to 70 dB.

B. Measure the sound levels in the coupler at each 10-dB decrement from 70 dB to 10 dB, noting the sound level meter reading at each setting.

C. For each 10-dB decrement on the audiometer the sound level meter should indicate a corresponding 10 dB decrease.

D. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(3) Tolerances

When any of the measured sound levels deviate from the levels in Table E–1 or Table E–2 by ± 3 dB at any test frequency between 500 and 3000 Hz, 4 dB at 4000 Hz, or 5 dB at 6000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than 10 dB at any test frequency.

TABLE E–1.—REFERENCE THRESHOLD LEVELS FOR TELEPHONICS—TDH–39 EARPHONES

Frequency, Hz	Reference threshold level for TDH–39 earphones, dB	Sound level meter reading, dB
500	11.5	81.5
1000	7	77
2000	8	79
3000	10	80
4000	9.5	79.5
6000	15.5	85.5

TABLE E–2.—REFERENCE THRESHOLD LEVELS FOR TELEPHONICS—TDH–49 EARPHONES

Frequency, Hz	Reference threshold level for TDH–49 earphones, dB	Sound level meter reading, dB
500	13.5	83.5
1000	7.5	77.5
2000	11	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5

Appendix F: Calculations and Application of Age Corrections to Audiograms

This Appendix Is Non-Mandatory

In determining whether a standard threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If the employer chooses to adjust the audiogram, the employer shall follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard . . . Occupational Exposure to Noise," ((HSM)–11001).

For each audiometric test frequency:

(i) Determine from Tables F–1 or F–2 the age correction values for the employee by:

(A) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

(B) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

(ii) Subtract the values found in step (i)(A) from the value found in step (i)(B).

(iii) The differences calculated in step (ii) represented that portion of the change in hearing that may be due to aging.

Example: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Employee's age	Audiometric test frequency (Hz)				
	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

The audiogram at age 27 is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 5, from the hearing threshold at age 32, which is 25). A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table F–1 and find the age correction values (in dB) for 4000 Hz at age 27 and age 32.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 26	4	5	7	10	14
Age 27	5	4	8	7	11
Difference	1	1 —	1	3	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE F–1.—AGE CORRECTION VALUES IN DECIBELS FOR MALES

Years	Audiometric Test Frequencies (Hz)				
	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	8	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	8	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	15	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	18	24
47	8	8	14	19	24
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE F–2.—AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

Years	Audiometric Test Frequencies (Hz)				
	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6
21	7	4	4	3	6

TABLE F–2.—AGE CORRECTION VALUES IN DECIBELS FOR FEMALES—Continued

Years	Audiometric Test Frequencies (Hz)				
	1000	2000	3000	4000	6000
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9
30	8	6	5	5	9
31	8	6	6	5	9
32	8	6	6	6	10
33	8	6	6	6	10
34	8	6	6	6	10
35	8	6	7	7	11
36	8	7	7	7	11
37	8	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

Appendix G: Monitoring Noise Levels Non-Mandatory Informational Appendix

This appendix provides information to help employers comply with the noise monitoring obligations that are part of the hearing conservation amendment.

What is the purpose of noise monitoring?

This revised amendment requires that employees be placed in a hearing conservation program if they are exposed to average noise levels of 85 dB or greater during an 8 hour workday. In order to determine if exposures are at or above this level, it may be necessary to measure or monitor the actual noise levels in the workplace and to estimate the noise exposure or "dose" received by employees during the workday.

When is it necessary to implement a noise monitoring program?

It is not necessary for every employer to measure workplace noise. Noise monitoring or measuring must be conducted only when exposures are at or above 85 dB. Factors which suggest that noise exposures in the workplace may be at this level include employee complaints about the loudness of noise, indications that employees are losing their hearing, or noisy conditions which make normal conversation difficult. The employer should also consider any information available regarding noise emitted from specific machines. In addition, actual workplace noise measurements can suggest whether or not a monitoring program should be initiated.

How is noise measured?

Basically, there are two different instruments to measure noise exposures: the sound level meter and the dosimeter. A sound level meter is a device that measures the intensity of sound at a given moment. Since sound level meters provide a measure of sound intensity at only one point in time, it is generally necessary to take a number of measurements at different times during the day to estimate noise exposure over a workday. If noise levels fluctuate, the amount of time noise remains at each of the various measured levels must be determined.

To estimate employee noise exposures with a sound level meter it is also generally necessary to take several measurements at different locations within the workplace. After appropriate sound level meter readings are obtained, people sometimes draw "maps" of the sound levels within different areas of the workplace. By using a sound level "map" and information on employee locations throughout the day, estimates of individual exposure levels can be developed. This measurement method is generally referred to as *area* noise monitoring.

A dosimeter is like a sound level meter except that it stores sound level measurements and integrates these measurements over time, providing an average noise exposure reading for a given period of time, such as an 8-hour workday. With a dosimeter, a microphone is attached to the employee's clothing and the exposure measurement is simply read at the end of the desired time period. A reader may be used to read-out the dosimeter's measurements. Since the dosimeter is worn by the employee, it measures noise levels in those locations in which the employee travels. A sound level meter can also be positioned within the immediate vicinity of the exposed worker to obtain an individual exposure estimate. Such procedures are generally referred to as *personal* noise monitoring.

Area monitoring can be used to estimate noise exposure when the noise levels are relatively constant and employees are not mobile. In workplaces where employees move about in different areas or where the noise intensity tends to fluctuate over time, noise exposure is generally more accurately estimated by the personal monitoring approach.

In situations where personal monitoring is appropriate, proper positioning of the microphone is necessary to obtain accurate measurements. With a dosimeter, the microphone is generally located on the shoulder and remains in that position for the entire workday. With a sound level meter, the microphone is stationed near the employee's head, and the instrument is usually held by an individual who follows the employee as he or she moves about.

Manufacturer's instructions, contained in dosimeter and sound level meter operating manuals, should be followed for calibration and maintenance. To ensure accurate results, it is considered good professional practice to calibrate instruments before and after each use.

How often is it necessary to monitor noise levels?

The amendment requires that when there are significant changes in machinery or production processes that may result in increased noise levels, remonitoring must be conducted to determine whether additional employees need to be included in the hearing conservation program. Many companies choose to remonitor periodically (once every year or two) to ensure that all exposed employees are included in their hearing conservation programs.

Where can equipment and technical advice be obtained?

Noise monitoring equipment may be either purchased or rented. Sound level meters cost about $500 to $1,000, while dosimeters range in price from about $750 to $1,500. Smaller companies may find it more economical to rent equipment rather than to purchase it. Names of equipment suppliers may be found in the telephone book (Yellow Pages) under headings such as: "Safety Equipment," "Industrial Hygiene," or "Engineers-Acoustical." In addition to providing information on obtaining noise monitoring equipment, many companies and individuals included under such listings can provide professional advice on how to conduct a valid noise monitoring program. Some audiological testing firms and industrial hygiene firms also provide noise monitoring services. Universities with audiology, industrial hygiene, or acoustical engineering departments may also provide information or may be able to help employers meet their obligations under this amendment.

Free, on-site assistance may be obtained from OSHA-supported state and private consultation organizations. These safety and health consultative entities generally give priority to the needs of small businesses. See the attached directory for a listing of organizations to contact for aid.

OSHA Onsite Consultation Project Directory

State	Office and address	Contact
Alabama	Alabama Consultation Program, P.O. Box 6005, University, Alabama 35486	(205) 348-7136, Mr. William Weems, Director.
Alaska	State of Alaska, Department of Labor, Occupational Safety & Health, 3301 Eagle St., Pouch 7-022, Anchorage, Alaska 99510.	(907) 276-5013, Mr. Stan Godsoe, Project Manager (Air Mail).
American Samoa	Service not yet available.	
Arizona	Consultation and Training, Arizona Division of Occupational Safety and Health, P.O. Box 19070, 1624 W. Adams, Phoenix, Ariz. 85005.	(602) 255-5795, Mr. Thomas Ramaley, Manager.
Arkansas	OSHA Consultation, Arkansas Department of Labor, 1022 High St., Little Rock, Ark. 72202	(501) 371-2982, Mr. George Smith, Project Director.
California	CAL/OSHA Consultation Service, 2nd Floor, 525 Golden Gate Avenue, San Francisco, Calif. [illegible]	(415) 557-2870, Mr. Emmett Jones, Chief.
Colorado	Occupational Safety & Health Section, Colorado State University, Institute of Rural Environmental Health, 110 Veterinary Science Building, Fort Collins, Colo. 80523.	(303) 491-6151, Dr. Roy M. Buchan, Project Director.
Connecticut	Division of Occupational Safety & Health, Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Conn. 06109.	(203) 566-4550, Mr. Leo Alix, Director.
Delaware	Delaware Department of Labor, Division of Industrial Affairs, 820 North French Street, 6th Floor, Wilmington, Del. 19801.	(302) 571-3908, Mr. Bruno Salvadori, Director.
District of Columbia	Occupational Safety & Health Division, District of Columbia, Department Employment Services, Office of Labor Standards, 2900 Newton Street NE., Washington, D.C. 20018.	(202) 632-1230, Mr. Lorenzo M. White, Acting Associate Director.
Florida	Department of Labor & Employment Security, Bureau of Industrial Safety and Health, LaFayette Building, Room 204, 2551 Executive Center Circle West, Tallahassee, Fla. 32301.	(904) 488-3044, Mr. John C. Glenn, Administrator.
Georgia	Economic Development Division, Technology and Development Laboratory, Engineering Experiment Station, Georgia Institute of Technology, Atlanta, Ga. 30332.	(404) 894-3806, Mr. William C. Howard, Assistant to Director. Mr. James Burson, Project Manager.
Guam	Department of Labor, Government of Guam, 23548 Guam Main Facility, Agana, Guam 96921	(671) 772-8201, Joe R. San Agustin, Director.
Hawaii	Education and Information Branch, Division of Occupational Safety and Health, Suite 910, 677 Ala [illegible]	(808) 548-2511, Mr. Don Alper, Manager (Air Mail).
Idaho	OSHA Onsite Consultation Program, Boise State University, Community and Environmental Health, 1910 University Drive, Boise, Idaho 83725.	(208) 385-3929, Dr. Eldon Edmundson, Director.
Illinois	Division of Industrial Services, Dept. of Commerce and Community Affairs, 310 S. Michigan Avenue, 10 Floor, Chicago, Ill. 60601.	(800) 972-4140/4216 (Toll-free in State), (312) 793-3270, Mr. Stan Czwinski, Assistant Director.
Iowa	Bureau of Labor, 307 E. Seventh Street, Des Moines, Iowa 50319	(515) 281-3606, Mr. Allen J. Meier, Commissioner.
Indiana	Bureau of Safety, Education and Training, Indiana Division of Labor, 1013 State Office Building, [illegible]	(317) 633-5845, Mr. Harold Mills, Director.
Kansas	Kansas Dept. of Human Resources, 401 Topeka Ave., Topeka, Kans. 66603	(913) 296-4066, Mr. Jerry Abbott, Secretary.
Kentucky	Education and Training, Occupational Safety and Health, Kentucky Department of Labor, 127 Building, 127 South, Frankfort, Ky. 40601.	(502) 564-6895, Mr. Larry Potter, Director.
Louisiana	No services available as yet (Pending FY 83).	
Maine	Division of Industrial Safety, Maine Dept. of Labor, Labor Station 45, State Office Building, Augusta, Maine 04333.	(207) 289-3331, Mr. Lester Wood, Director.
Maryland	Consultation Services, Division of Labor & Industry, 501 St. Paul Place, Baltimore, Maryland 21202	(301) 659-4210, Ms. Ileana O'Brien, Project Manager, 7(c)(1) Agreement.
Massachusetts	Division of Industrial Safety, Massachusetts Department of Labor and Industries, 100 Cambridge [illegible]	(617) 727-3567, Mr. Edward Noseworthy, Project Director.
Michigan (Health)	Special Programs Section, Division of Occupational Health, Michigan Dept. of Public Health, 3500 N. Logan, Lansing, Mich. 48909.	(517) 373-1410, Mr. Irving Davis, Chief.
Michigan (Safety)	Safety Education & Training Division Bureau of Safety and Regulation, Michigan Department of Labor, 7150 Harris Drive, Box 30015, Lansing, Michigan 48909.	(517) 322-1809, Mr. Alan Harvie, Chief.
Minnesota	Training and Education Unit, Department of Labor and Industry, 5th Floor, 444 Lafayette Road, St. Paul, Minn. 55101.	(612) 296-2373, Mr. Timothy Tierney, Project Manager.
Mississippi	Division of Occupational Safety and Health, Mississippi State Board of Health, P.O. Box 1700, [illegible]	(601) 982-6315, Mr. Henry L. Laird, Director.
Missouri	Missouri Department of Labor and Industrial Relations, 722 Jefferson Street, Jefferson City, Missouri 65101.	1-(800) 392-0208, (314) 751-3403, Ms. Paula Smith, Mr. Jim Brake.
Montana	Montana Bureau of Safety & Health, Division of Workers Compensation, 815 Front Street, Helena, Montana 59601.	(406) 449-3402, Mr. Ed Gabzemeier, Chief.
Nebraska	Nebraska Department of Labor, State House Station, State Capitol, P.O. Box 94600, Lincoln, Nebraska 68509.	475-8451 Ext. 258, Mr. Joseph Carroll, Commissioner.

OSHA ONSITE CONSULTATION PROJECT DIRECTORY—Continued

State	Office and address	Contact
Nevada	Department of Occupational Safety and Health, Nevada Industrial Commission, 515 E. Musser Street, Carson City, Nev. 89714.	(702) 885-5240, Mr. Allen Twembow, Director.
New Hampshire	For information contact	Office of Consultation Programs, Room N3472 200 Constitution Avenue, N.W. Washington, D.C. 20210, Phone: (202) 523-8585.
New Jersey	New Jersey Department of Labor and Industry Division of Work Place Standards, CN-054, Trenton, New Jersey 08625.	(609) 292-2313, FTS-8-477-2313, Mr. William Clark, Assistant Commissioner.
New Mexico	OSHA Consultation, Health and Environment Department, Environmental Improvement Division, Occupational Health & Safety Section, 4215 Montgomery Boulevard, NE., Albuquerque, New Mexico 87109.	(505) 842-3387, Mr. Albert M. Stevens, Project Manager
New York	Division of Safety and Health, New York State Department of Labor, 2 World Trade Center, Room 6985, New York, New York 10047.	(212) 488-7745/7, Mr. Joseph Reeve, Project Manager, DOSH
North Carolina	Consultation Services, North Carolina Department of Labor, 4 West Edenton Street, Raleigh, N.C. 27601.	(919) 733-4885, Mr. David Pierce, Director.
North Dakota	Division of Environmental Research, Department of Health, Missouri Office Building, 1800 Missouri Avenue, Bismarck, N. Dak. 58505.	(701) 224-2348, Mr. Jay Crawford, Director.
Ohio	Department of Industrial Relations, Division of Onsite Consultation, P.O. Box 825, 2323 5th Avenue, Columbus, Ohio 43216.	(800) 282-1425 (Toll-free in State), (614) 466-7465, Mr. Andrew Dashnal, Project Manager
Oklahoma	OSHA Division, Oklahoma Department of Labor, State Capitol, Suite 118, Oklahoma City, Okla. 73105	(405) 521-3461, Mr. Charles W. McGlon, Director.
Oregon	Consultative Section, Department of Workers' Compensation, Accident Prevention Division, Room 102, Building 1, 2110 Front Street NE., Salem, Oregon 97310	(503) 378-3960, Mr. Jack Bueteland, Supervisor.
Pennsylvania	For information contact	Office of Consultation Programs, Room N3472, 200 Constitution Avenue NW., Washington, D.C. 20210, Phone: (202) [illegible]
Puerto Rico	Occupational Safety & Health, Puerto Rico Department of Labor and Human Resources, 505 Munoz Rivera Ave., 21st Floor, Hato Rey, Puerto Rico 00919.	(809) 754-2134, Mr. John Cinque, Assistant Secretary. (Air Mail)
Rhode Island	Division of Occupational Health, Rhode Island Department of Health, The Cannon Building, 206 Health Department Building, Providence, R.I. 02903.	(401) 277-2438, Mr. James E. Hickey, Chief
South Carolina	Consultation and Monitoring, South Carolina Department of Labor, P.O. Box 11329, Columbia, S.C. 29211.	(803) 758-8921, Mr. Robert Peck, Director, 7(c)(1), Project.
South Dakota	South Dakota Consultation Program, South Dakota State University, S.T.A.T.E.-Engineering Extension, 201 Pugsley Center-SDSO, Brookings, S. Dak. 57007.	(605) 688-4101, Mr. James Ceglien, Director
Tennessee	OSHA Consultative Services, Tennessee Department of Labor, 2nd Floor, 501 Union Building, Nashville, Tennessee 37219.	(615) 741-2793, Mr. L. H. Craig Director.
Texas	Division of Occupational Safety and State Safety Engineer, Texas Department of Health and Resources, 1100 West 49th Street, Austin, Texas 78756	(512) 458-7287, Mr. Walter G. Martin, P.E. Director
Trust Territories	Service not yet available.	
Utah	Utah Job Safety and Health Consultation Service, Suite 4004, Crane Building, 307 West 200 South, Salt Lake City, Utah 84101.	(801) 533-7927/8/9, Mr. H. M. Bergeson, Project Director
Vermont	Division of Occupational Safety and Health, Vermont Department of Labor and Industry, 118 State Street, Montpelier, Vt. 05602.	(802) 828-2765, Mr. Robert Maleod, Project Director.
Virginia	Department of Labor and Industry, P.O. Box 12064, 205 N. 4th Street, Richmond, Va. 23241	(804) 786-5875, Mr. Robert Beard, Commissioner.
Virgin Islands	Division of Occupational Safety and Health, Virgin Islands Department of Labor, Lagoon Street, Room 207, Frederiksted, Virgin Islands 00840.	(809) 772-1315, Mr. Louis Llanos, Deputy Director-DOSH
Washington	Department of Labor and Industry, P.O. Box 207, Olympia, Wash. 98504	(206) 753-6500, Mr. James Sullivan, Assistant Director
West Virginia	West Virginia Department of Labor, Room 4618, State Capitol, 1900 Washington Street, Charleston, W. Va. 25305.	FTS 8-885-7890, Mr. Lawrence Barker, Commissioner
Wisconsin (Health)	Section of Occupational Health, Department of Health and Social Services, P.O. Box 309, Madison, Wisconsin 53701.	(608) 266-0417, Ms. Patricia Natzke, Acting Chief.
Wisconsin (Safety)	Division of Safety and Buildings, Department of Industry, Labor and Human Relations, 1570 E. Moreland Blvd., Waukesha, Wis. 53186.	(414) 544-8686, Mr. Richard Michalski, Supervisor.
Wyoming	Wyoming Occupational Health and Safety Department, 200 East 9th Avenue, Cheyenne, Wyo. 82002.	(307) 777-7786, Mr. Donald Owsley, Health and Safety Administrator

Appendix H: Availability of Referenced Documents

Paragraphs (c) through (o) of 29 CFR 1910.95 and the accompanying appendices contain provisions which incorporate publications by reference. Generally, the publications provide criteria for instruments to be used in monitoring and audiometric testing. These criteria are intended to be mandatory when so indicated in the applicable paragraphs of Section 1910.95 and appendices.

It should be noted that OSHA does not require that employers purchase a copy of the referenced publications. Employers, however, may desire to obtain a copy of the referenced publications for their own information.

The designation of the paragraph of the standard in which the referenced publications appear, the titles of the publications, and the availability of the publications are as follows:

Paragraph designation	Referenced publication	Available from—
Appendix B	"List of Personal Hearing Protectors and Attenuation Data," HEW Pub. No. 76-120, 1975. NTIS-PB257461.	National Technical Information Service, Port Royal Road, Springfield, VA 22161.
Appendix D	"Specification for Sound Level Meters," S1.4-1971 (R1976).	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
§ 1910.95(h)(2), appendix E	"Specifications for Audiometers," S3.6-1969.	American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
Appendix D	"Specification for Octave, Half-Octave and Third-Octave Band Filter Sets," S1.11-1971 (R1976).	Back Numbers Department, Dept. STD, American Institute of Physics, 333 E. 45th St., New York, NY 10017; American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

The referenced publications (or a microfiche of the publications) are available for review at many universities and public libraries throughout the country. These publications may also be examined at the OSHA Technical Data Center, Room N2439, United States Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–9700 or at any OSHA Regional Office (see telephone directories under United States Government—Labor Department).

Appendix I: Definitions

These definitions apply to the following terms as used in paragraphs (c) through (n) of 29 CFR 1910.95.

Action level—An 8-hour time-weighted average of 85 decibels measured on the A-scale, slow response, or equivalently, a dose of fifty percent.

Audiogram—A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Audiologist—A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech-Language-Hearing Association or licensed by a state board of examiners.

Baseline audiogram—The audiogram against which future audiograms are compared.

Criterion sound level—A sound level of 90 decibels.

Decibel (dB)—Unit of measurement of sound level.

Hertz (Hz)—Unit of measurement of frequency, numerically equal to cycles per second.

Medical pathology—A disorder or disease. For purposes of this regulation, a condition or disease affecting the ear, which should be treated by a physician specialist.

Noise dose—The ratio, expressed as a percentage, of (1) the time integral, over a stated time or event, of the 0.6 power of the measured SLOW exponential time-averaged, squared A-weighted sound pressure and (2) the product of the criterion duration (8 hours) and the 0.6 power of the squared sound pressure corresponding to the criterion sound level (90 dB).

Noise dosimeter—An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.

Otolaryngologist—A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

Representative exposure—Measurements of an employee's noise dose or 8-hour time-weighted average sound level that the employers deem to be representative of the exposures of other employees in the workplace.

Sound level—Ten times the common logarithm of the ratio of the square of the measured A-weighted sound pressure to the square of the standard reference pressure of 20 micropascals. Unit: decibels (dB). For use with this regulation, SLOW time response, in accordance with ANSI S1.4–1971 (R1976), is required.

Sound level meter—An instrument for the measurement of sound level.

Time-weighted average sound level—That sound level, which if constant over an 8-hour exposure, would result in the same noise dose as is measured.

[FR Doc. 83–5702 Filed 3–3–83; 8:45 am]

BILLING CODE 4510–26–M

VOL
44
ISS
46
MR
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8
1983
UMI

federal register

Tuesday
March 8, 1983

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs; Use of Explosives

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 715, 780, 816, and 817

Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs; Use of Explosives

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is amending its rules governing the use of explosives. The rules revise the requirements relating to blasting standards, preblasting surveys, airblast, ground vibration and flyrock, monitoring of blasts, and blast design. Final rules are adopted for the initial regulatory program, and the permanent regulatory program. The rules govern the blasts associated with surface and underground mines. The effect of the rule is to provide increased flexibility to design professionals to meet the regulatory performance standards contained in this rule.

EFFECTIVE DATE: April 7, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur Anderson, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Ave., NW., Washington, DC 20240; 202–343–5954.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of Rules Adopted and Responses to Comments.
III. Procedural Matters.

I. Background.

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.* (the Act), sets forth initial regulatory procedures, permit requirements, and performance standards in Sections 502(c), 507(g), and 515(b)(15), respectively, governing the use of explosives in surface coal mining operations. Section 516 provides performance standards governing the surface effects of underground mining. Rules implementing those sections were published by OSM at 42 FR 62639 (December 13, 1977) under the initial regulatory program (30 CFR 715.19) and at 44 FR 14901 (March 13, 1979) under the permanent regulatory program (30 CFR 780.13, 816.11, 816.61–816.68, 817.11, and 817.61–817.68).

In litigation over the initial program rules, the U.S. Court of Appeals for the District of Columbia issued a decision on May 2, 1980. *In re: Surface Mining Regulation Litigation*, 627 F. 2d 1346 (D.C. Cir. 1980). That decision addressed two blasting issues: (1) The 1,000-foot limitation on blasting near houses, schools, and other buildings in § 715.19(e)(1)(vii), and (2) the 1.0-inch-per-second limitation on particle velocity produced by blasting in § 715.19(e)(2)(ii). The court ruled that the 1,000-foot limit was not authorized by Sections 522(e) (4) and (5) of the Act and that the 1.0-inch-per-second vibration limit was arbitrary and capricious because it lacked technical support.

On May 16, 1980, in litigation over the permanent program rules, the U.S. District Court for the District of Columbia remanded the 1,000-foot limitation on blasting in § 816.65(f). *In re: Permanent Surface Mining Regulation Litigation*, No. 79-1144 (D.D.C. May 16, 1980). The court did not invalidate the 1.0-inch-per-second vibration limitation, but at footnote 19 in its opinion the court recognized that the court of appeals had invalidated a similar provision in § 715.19(e)(2)(ii) in the initial program rules. To implement the court's decision, §§ 816.65(f) and 817.65(f) were suspended by notice at 45 FR 51549 (August 4, 1980).

In response to these decisions, amendments to the blasting rules were proposed at 46 FR 6982 (January 22, 1981). These proposed rules were later withdrawn, by notice at 46 FR 32455 (June 23, 1981) to allow OSM to undertake a more general review of all the blasting rules under the permanent regulatory program. On March 24, 1982, OSM proposed to amend many of the rules governing the use of explosives under the initial and permanent regulatory programs (47 FR 12760).

OSM today adopts many of the rules proposed on March 24, 1982. Final rules are adopted with regard to the use of explosives under the initial regulatory program (§ 715.19). Final rules are also adopted under the permanent regulatory program for surface (§§ 816.11 and 816.61–816.68) and underground (§§ 817.11 and 817.61–817.68) mines and with regard to blasting plans (§ 780.13) for surface mines.

II. Discussion of Rules Adopted and Responses to Comments

OSM received numerous comments on the proposed rules. Although public hearings were scheduled to be held in Washington, D.C.; Pittsburgh, Pa.; and Denver, Colo., no one requested the opportunity to speak at any of these hearings; therefore they were not held. Two requests for public meetings were filed. Meetings were held on June 9, 1982, in Washington, D.C., and on May 4, 1982, in Indianapolis, Ind. Summaries of each of those meetings have been included in the Administrative Record.

The rules adopted today place increased responsibility on design professionals, such as certified blasters and blast vibration experts, in establishing the design standards to meet the regulatory performance standards contained herein. Those operators staying within the approved limits, complying with approved performance standards, and maintaining a responsible relationship with surrounding residents will be able to operate without additional constraint.

Technical References. In promulgating the previous permanent program rules governing blasting, OSM analyzed the technical references which were available through the fall of 1978. Those materials are listed at 44 FR 15179. OSM relied upon those references, as well as the following additional and, in some cases, more recent technical documents in the development of these revised rules:

Bollinger, G. A., 1971, Blast vibration analysis: Southern Illinois University Press, Carbondale and Edwardsville, 132 pp.

Braile, L. W., Sexton, J. L., Martindale, K. W., and Chiang, C. S., 1982, Seismic wave generation and preparation from coal mine blasts at the Wright mine, Warrick County, Indiana: Prepared by Department of Geosciences and Center for Earthquake Engineering and Ground Motion Studies, Purdue University, for U.S. Office of Surface Mining under contract J6211205, 344 pp.

Hemphill, Gary B., 1981, Blasting operations: McGraw-Hill Book Co., New York City, 258 pp.

Medearis, Kenneth, 1976, The development of rational damage criteria for low-rise structures subjected to blasting vibrations: National Crushed Stone Association, Washington, D.C., 94 pp.

Roth, Julius, Britton, K. C., Campbell, R. W., Ketler, W. R., 1977, Evaluation of surface Mining blasting procedures: Prepared by Management Science Associates for U.S. Bureau of Mines under contract J0366017, 152 pp.

Siskind, D. E., Stachura, V. J., Stagg, M. S., and Kopp, J. W., 1980, Structure response and damage produced by airblast from surface mining: U.S. Bureau of Mines Report of Investigations RI8485, 11 pp.

Siskind, D. E., Stagg, M. S., Stachura, V. J., 1979, Safe ground vibration and airblast criteria: 51st Annual Meeting, Eastern Section Seismological Society of America, October 1979, Blacksburg, Va.

Siskind, D. E., Stagg, M. S., Kopp, J. W., Dowding, C. H., 1980, Structure response and damage produced by ground vibration from surface mine blasting: U.S. Bureau of Mines Report of Investigations RI8507, 74 pp.

Stachura, V. J., Siskind, D. E., and Engler, A. J., 1981, Airblast instrumentation and measurement techniques for surface mine blasting: U.S. Bureau of Mines Report of Investigations RI8508, 53 pp.

Stagg, M. S., and Engler, A. J., 1980, Measurement of blast-induced ground vibration and seismograph calibration: U.S. Bureau of Mines Report of Investigations RI8506, 62 pp.

Swedish Detonic Research Foundation, 1978, Annual Report 1978: 14 pp.

U.S. Bureau of Mines, 1971, Blasting vibrations and their effects on structures: Bulletin 656, 105 pp.

Section 715.19

OSM proposed three options for amending 30 CFR 715.19(e)(2), which contains those parts of the initial regulatory program governing ground vibration. OSM is adopting a hybrid of the three options.

Comments on these three options and the ground vibration rule adopted today are discussed later in this rulemaking in conjunction with the rules adopted at § 816.67(d).

In its proposed rule OSM neglected to propose a rule comparable to previous § 715.19(e)(2)(iii), which made the maximum peak-particle-velocity standard inapplicable to property inside the permit area owned or leased by the permittee. In order to correct this oversight, OSM is adopting a new rule at § 715.19(e)(2)(iii), which provides the same exemption as found in the new permanent program rules under § 816.67(e). Previous § 715.19(e)(3) has also been removed and incorporated into § 715.19(e)(2), and previous paragraph (e)(4) has been redesignated as paragraph (e)(3).

One commenter suggested that the rules governing flyrock proposed on March 24, 1982, at §§ 816.67(c) and 817.67(c) should be adopted under the initial regulatory program at Part 715 as well. The commenter pointed out that flyrock should be regulated under the initial regulatory program as well as under the permanent regulatory program. OSM declines to adopt such a change for several reasons. First, OSM believes that flyrock is already regulated by § 715.19(e)(2)(i). Second, the initial regulatory program is of such limited applicability at this time that OSM expects that such a rule would be of limited value. If a compelling reason for such a rule becomes evident, OSM may, at a later date, determine that it would be useful to propose an initial regulatory program flyrock rule.

Section 780.13

Blasting plans outline the procedures the operator intends to follow in conducting blasting operations. Section 780.13 of 30 CFR requires each application for a permit for a surface coal mine to have a blasting plan, sets standards for blasting plans, and details the information which is to be submitted along with the permit application.

Section 780.13(a) requires the operator to demonstrate in the blasting plan that the operator will achieve the applicable performance standards. In the blasting plan the operator will explain how the performance standards set out in §§ 816.61–816.68 will be achieved. The plan will include information setting the applicable ground vibration and airblast limits and justifying the use of these limits. These limits are discussed more fully in the preamble in relation to § 816.67. The plan must also discuss steps to be taken to control the adverse effects of blasting operations.

Some commenters believed that the blasting plan requires excessive detail in descriptions of limits to be met in protecting structures and the public from damage. Section 507(g) of the Act mandates that an applicant outline in the application the procedures and standards to be used to meet the environmental protection performance standards of Section 515(b)(15) of the Act. Therefore OSM believes the requirement for explanations of the applicable ground vibration and airblast levels is justified.

A commenter requested clarification of the information and explanations required in a blasting plan and suggested that OSM should require identification of sensitive areas, and "worst case scenarios." The intent of these rules is to provide nationwide requirements for blasting plans as required by the Act. OSM does not believe that it is necessary specifically to require identification of sensitive areas and worst case scenarios in the blasting plan. The blasting plan must be sufficient in any case to demonstrate compliance with the applicable performance standards and the blasting plan may include such information as appropriate. Additionally, this information may be required under a State program in every case if deemed appropriate by the State regulatory authority. The commenter also felt that an explanation of how the applicant will meet the performance standards should be required. Such an explanation is required by the last sentence of § 780.13(a).

A commenter objected to the fact that no blasting plan is required for underground operations. Because of the generally limited extent of surface blasting associated with the underground mining, OSM does not believe it is necessary to require a blasting plan for underground operations. OSM's existing rules do not require blasting plans for underground mines nor has OSM proposed to require such plans. Accordingly, no requirement for an underground mining blasting plan is adopted today. However, the rules adopted today do require the submission of some information (specifically blast designs) prior to certain surface blasts incidental to underground mining. See the discussion accompanying § 817.61(d).

A commenter recommended that OSM require the inclusion in the blasting plan of details such as: (1) The names of certified blasters who will be supervising blasting, (2) lists of structures near blast sites, and (3) a copy of the blasting schedule in the blasting plan. OSM acknowledges that this information could be useful in some instances, but believes that this information is not always necessary to decide whether to issue a permit. In any event, this information will become available prior to blasting. (See §§ 816.61, 817.61, 816.68 and 817.68 for information on certified blasters and lists of structures; §§ 816.64 and 817.64, on blasting schedules; and § 779.24(d), on location of buildings and identification of their current use.) Moreover, regulatory authorities who desire additional information incidental to permitting may require it.

Commenters indicated concern about the lack of a requirement in § 780.13(a) for a certified blast design in all blasting plans and the identification of a certified blaster who is in charge of all blast plans. As to the latter comment, a certified blaster is required for all blasting operations. Identification of a specific certified blaster in the blasting plan would not influence the regulatory authority's decision to issue a permit and would unnecessarily reduce operator flexibility.

OSM rejects the suggestion that a certified blast design be required in all blasting plans. Such detail is unnecessary to assure safe blasting and is unnecessary for the regulatory authority to determine that the blasting will be conducted in accordance with the performance standards. It would be difficult or impossible to require and review blast design for every blast

which will occur. Some conditions are unknown at the time of permitting, and operators need flexibility to design blasts for conditions as they are encountered. Absence of a certified blast design in the blasting plan will not allow unrestricted blasting. The blasting plan must show the general approach to all blasts and how all performance standards set out in §§ 816.67 and 817.67 will be met. In addition, for some sensitive areas more complete analyses, including blast designs, must be submitted as required by new § 816.61(d).

Comments were received regarding OSM's proposed change to allow for blasting plan submissions at a time other than permit application. Commenters were concerned that this would limit the opportunity to comment on blasting plans. No such result is intended. As discussed below, OSM intends to allow later submission of certain blast designs, but these will not be considered to be part of the blasting plan. Although regulatory authorities could receive comments on blast designs, the purpose of having blast designs is largely served by their advance preparation and submission to the regulatory authority. Such submissions increase operator accountability and demonstrate compliance with performance standards. As indicated above, OSM does not believe that submission of detailed designs is necessary in the permit application to assure safe blasting in accordance with the performance standards.

Section 780.13(b), which has been adopted as proposed, provides that each application must contain a description of any system to be used to monitor compliance with the standards of § 816.67, including the type, capability, and sensitivity of any blast monitoring equipment and proposed procedures and locations of monitoring.

One commenter objected to listing capability and sensitivity of blast monitoring equipment in the description of the monitoring system to be used. OSM believes that this is important in assessing control of adverse effects, since the degree of sophistication and complexity of instruments may result in additional data by which to evaluate the damage potential. Seismographs can vary in type, capabilities, complexity of data records, and analytical ability. Therefore, the monitoring system used, including capabilities and sensitivities, may assist the regulatory authority in setting allowable limits for each blasting plan. For instance, operators using instruments with sensitivity to low frequency airblast (concussion) could be given different airblast limits than operators using less sensitive equipment. This could occur because one instrument's range will include more sound levels, whereas a less sensitive instrument might ignore some low frequency noise. It is also important for the regulatory authority to know the type and sensitivity of equipment in order to evaluate the information it receives.

Commenters objected to the proposed deletion (from OSM's previous rules) of the requirement that an operator specify the procedures by which an operator will meet recordkeeping requirements. OSM proposed to delete the list of data from § 780.13(b) because that data is required by § 816.69. OSM believes that the recordkeeping procedures set out in §§ 816.68 and 817.68 are sufficient to ensure that the records are complete and adequately kept. A further requirement that the operator indicate how the operator intends to keep such records would be unnecessarily repetitive. The rule adopted today, at § 780.13(a), continues to require an explanation of how the operator intends to comply with § 816.68. All that has been removed is the specific list of information the blasting plan must include. Therefore, Section 507(g) is satisfied without regulatory redundancy. False or inaccurate recording of information will be handled through enforcement of § 816.68 or § 817.68. Commenters raised questions about the ability of blasters to keep records without an adequate knowledge of terms. Knowledge of terms and the ability to keep records would be evaluated in the context of training, examination, and certification of blasters. (This is governed by 30 CFR Chapter VII, Subchapter M.) For permitting purposes, it should be sufficient to show that blasts will be conducted under the direction of certified blasters. Accordingly, OSM adopts no rule in Part 780 requiring operators to demonstrate a knowledge of blasting terminology prior to permitting. However, such a demonstration can be included as a facet of the certification program.

Commenters objected to deletion of previous § 780.13(f) requiring that the operator define what specific conditions might require deviations from blasting schedules. Control of all blasts should be under the cognizance of certified blasters who will be trained in recognizing and handling hazardous conditions. Trying to anticipate all potentially hazardous situations is nearly impossible since many may not occur or be discovered until after mining commences. Furthermore, variation of potentially dangerous conditions may warrant alternative action to that specified in a permit application.

Other commenters suggested that the description of the monitoring system required by proposed § 780.13(b) be optional or be submitted only if required by the regulatory authority. In proposing that portion of the rule OSM intended to leave discretion available to the regulatory authority under §§ 816.67(d)(1), (2), and (4) as to whether monitoring systems will be used or if an equation could be used instead. OSM did not intend to require monitoring of all blasts nor monitoring where none would be needed.

OSM has slightly reworded the final rule in §§ 816.67(d) and 817.67(d), adopting the suggestion offered by one of the commenters so as to avoid the appearance that monitoring is mandatory in all cases. (No seismic monitoring is required if ground vibration limits are set using the scale-distance equation of § 816.67(d)(3) and 817.67(d)(3).) However, if a monitoring system will be used, the permit application must contain its description.

OSM's proposed language at § 780.13(c) required additional information on blasts to be conducted within 1,000 feet of certain structures or 500 feet of underground mines. Several commenters objected to inclusion of regulatory provisions which limit blasting within 1,000 feet of certain structures and 500 feet of underground mines. OSM believes that such provisions are necessary and that ensuring proper blast design is important in these sensitive areas. If properly implemented, blast design will prevent damage to structures or underground mines. In addition, requiring blasting operations within 500 feet of active underground mines to be approved by both the regulatory authorities concerned with surface mining regulations and with the health and safety of underground miners will help guard against potential hazards of such blasting to underground miners.

A commenter recommended limiting the applicability of the 500-foot provision from underground mines to active mines, excluding abandoned workings. OSM has accepted this comment with respect to the joint approval requirements included in revised § 780.13(c). The language of the proposed rule has been revised to require the approval of the State and Federal regulatory authorities for health and safety of mines. Other mine safety and health agencies as well as MSHA

may be involved since many States have counterpart agencies with responsibility for health and safety of mines. The language adopted tracks the requirement set forth in Section 515(b)(12)(A) of the Act. There are no specific underground mining activities associated with abandoned underground mines that must be coordinated with surface mining activities. If an abandoned underground mine becomes active, the requirement for joint approval of the blasting would immediately become effective. This change does not preclude MSHA involvement, but provides for joint approvals by all agencies involved. OSM does not agree with the commenter with respect to limiting the submission of blast designs to active underground operations. This comment is further discussed below under § 816.61(d).

Blast design need not be part of the permitting requirements; therefore the requirement of blast designs has been moved into the performance standards section. These designs require a great deal of factual information which may not be developed until mining approaches these critical areas. Accordingly, while OSM has decided to adopt these blast design requirements, they will be included in the performance standards for blasting, rather than permitting. These rules and comments thereto are discussed below at §§ 816.61 and 817.61. OSM also hopes that this restructuring of the rule will eliminate any concern with respect to the performance standards and the unsuitability criteria of Section 522 of the Act. The provision for blast designs when blasting close to certain structures or underground mines is not a prohibition of mining, as previously found invalid by *In re: Permanent Surface Mining Regulation Litigation, supra.* Rather it is a requirement imposing additional standards where the greatest potential hazards exist. The requirement for additional compliance data when blasting within these limits is based on Sections 515(b)(12), 515(b)(15) and 516 of the Act (See also Roth and others, 1977).

Also in the above case, industry challenged OSM's authority to issue regulations governing blasting. OSM believes that it has such authority based upon the reasoning set forth in its brief to the U.S. Court of Appeals for the District of Columbia in the above case.

Section 816.11. Signs and markers. OSM proposed to delete the requirements of § 816.11(f) relating to blasting signs because its provisions would be duplicative of those in proposed §§ 816.66 and 817.66 or duplicative of rules of the Mine Safety and Health Administration. OSM is adopting these changes as proposed.

Commenters objected to the deletion of § 816.11(f) because, according to them, it was necessary to meet the requirements of Section 515(b)(15). OSM believes that the provision for flagging charged holes is chiefly designed to protect mine workers and it would be duplicative to require a second flagging provision in OSM's rules. The Mine Safety and Health Administration rules are adequate to protect mine workers and will also provide protection of other persons who may enter the property. § 816.61(a) requires compliance with all applicable State and Federal rules, which include those set by MSHA at 30 CFR 77.1303(g).

Section 816.61. Use of explosives: General requirements. OSM proposed to change the phrase "person who conducts surface mining activities" to "operator" in this section and throughout the blasting rules. OSM received no negative comments on this change. Accordingly, the change has been adopted as proposed.

Section 816.61(a)

Section 816.61(a) requires operators to comply with all State and Federal laws governing the use of explosives. One commenter indicated that proposed § 816.61(a) gave the regulatory authority power to enforce laws and regulations beyond those authorized by the Act. Section 515(b)(15) requires that general performance standards ensure that explosives are used in compliance with existing State and Federal law. In addition, provisions of Section 515(b)(15)(A) through (E) authorize requirements that are supplemental to existing law. Thus, OSM has the authority under the Act to require compliance with other State or Federal laws regarding the use of explosives in conjunction with any applicable regulations implementing those laws. This is not a change from OSM's existing rule or its existing authority.

Section 816.61(b)

OSM proposed no change to § 816.61(b). That section, which requires a schedule for blasts that use more than 5 pounds of explosives, is adopted without change. The blasting schedule requirements are discussed below at § 816.64.

Section 816.61(c)

OSM proposed in § 816.61(c) to retain the requirement that a blaster certified under Subchapter M of 30 CFR Chapter VII be responsible for all blasting operations. Among those activities cited both in existing § 816.61(c) and in the proposed rule were transportation, storage, and destruction of explosives within the permit area. Commenters suggested deleting transportation, storage, and destruction of explosives from the identified activities. Section 515(b)(15) of the Act requires that explosives be used in accordance with existing State and Federal laws; OMS believes that this includes the transportation, storage, and destruction of explosives. This section was revised in the blaster certification rule which was issued together with this final rule. (See 48 FR 9486, March 4, 1983.)

Section 816.61(d)

OSM proposed in § 780.13(c) to require designs for blasts to be conducted within 1,000 feet of buildings used as public buildings, dwellings, schools, community or institutional buildings or within 500 feet of an underground mine, to be included in the permit application. As discussed above, OSM has determined that this information is more properly obtained in conjunction with the performance at individual blasting operations and is therefore adopted as part of the performance standards for blasting in new § 816.61(d). Operators may continue to submit blast designs as part of the permit application, but may also do so at a later time prior to the blast as approved by the regulatory authority.

This new § 816.61(d) requires that additional design information must be provided when blasting will be conducted within 1,000 feet of any building used as a dwelling, public building, school, or community or institutional building or within 500 feet of an underground mine. Some commenters felt that the requirement that operators submit typical blast designs within 1,000 feet of buildings or 500 feet of underground mines was prohibited according to Judge Flannery's decision. *In re: Permanent Surface Mining Regulation Litigation, supra.* These commenters also felt that a typical design requirement would be unnecessary and is irrelevant.

OSM disagrees. As described above, Judge Flannery's decision struck down OSM's attempt to prohibit blasting within these areas. The rule adopted today does not prohibit blasting within 1,000 feet of buildings or 500 feet of underground mines. Rather it requires the operator to take extra steps in these areas to help ensure the prevention of damage. In this context, blast designs can be a useful tool. They assure adequate planning and, together with

the required direction by a certified blaster, ensure proper implementation. They allow regulatory authority involvement if necessary and provide a record if problems should occur.

The rule requires that the operator submit information outlining specific precautions to be taken and criteria to be implemented. Sketches of drill patterns, delay periods, and decking and the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected will be submitted. Thus, where the damage potential is highest, the regulatory authority will have the greatest information to ensure adequate protection.

The 1,000-foot distance has been selected so that the operator is alerted that special precautions are necessary to prevent property damage and personal injury when conducting blasting operations within this distance. The blast design required when blasting within this area: (1) Provides a preblasting record of the blast design, (2) provides notification to the regulatory authority so that monitoring may be scheduled if appropriate, and (3) ensures that a certified blaster has developed a specific blast design for such blasting. The requirement that a certified blaster prepare and sign the design imposes on the blaster the responsibility for designing the blast in a responsible manner. It also assures that a competent professional has designed the blast.

A commenter recommended limiting the 500-foot provision from underground mines to active mines, excluding abandoned and collapsed workings. The blast design requirement provides for extra protection when blasting near underground mines and recognizes the sensitivity of *all* these structures in accordance with Section 515(b)(12) of the Act.

Other commenters suggested changing the proposed requirement for "specific" blast designs to "standard" or "typical" designs to indicate the acceptability of a typical engineering design solution rather than submitting a series of specific designs and later amending these based on site-specific conditions encountered. Although the words "standard" or "typical" are insufficient to tie the design to the specific blast, OSM believes that the intent of this section will be preserved by using the term "anticipated" rather than "specific." Using the term "anticipated" will allow operators the flexibility to change the designs based on unexpected conditions encountered at particular sites without having to resubmit the designs to the regulatory authority. To the extent a single design is intended to be used on more than one occasion, it need not be submitted more than once, although each blast for which it is used should be identified.

Some commenters believed that the blast design requirement would be duplicative of the record required by § 816.68. OSM, however, believes that both are important; one is necessary for implementing the blast properly, and the other for postblast analysis. As in other professions, the use of a detailed design better ensures its completion. OSM recognizes that formal submission of written blast design is more stringent than other operating practices, but believes that appropriate additional protection will be afforded by such submissions, particularly when mining operations are conducted in residential or inhabited areas.

One commenter objected to the provision in proposed § 780.13(c)(2), that a blast design may be submitted at some time after the initial permit application, because the public may not be afforded adequate participation. OSM believes that the blast design is best submitted at the time when an area is ready to be mined. The rule, adopted in § 816.61(d)(2), allows the regulatory authority to specify a particular time for design submittal. The intent of the design is not primarily for public or regulatory review; rather it serves as a tool for the operator, blaster, and the blasting crew to understand the blast layout and implementation and for the regulatory authority to be advised of the blast parameters and timing, to initiate monitoring, if appropriate, and to ensure compliance with performance standards.

Proposed § 780.13(c)(5) would have allowed the regulatory authority to require a change in the blast design. This has been adopted in § 816.61(d)(5). Some commenters stated that no benefit would result from regulatory authority revision of blast design. OSM recognizes that the certified blaster must retain primary design responsibility. However, the regulatory authority should have the authority to require changes in the design if it believes that required performance standards will not be met.

Commenters felt that proposed § 780.13(c)(6), which required 30-day notice to property owners whose structures are within 1,000 feet of the blasting site, would conflict with § 816.64(b) which requires similar notice via blasting schedules. OSM agrees and has chosen not to adopt the requirement proposed at § 780.13(c)(6).

Section 816.62. Use of explosives: Preblasting survey.

Section 816.62(a)

A number of commenters requested specific time frames for requesting and conducting preblasting surveys. OSM had originally proposed to have notification of the availability of preblasting surveys distributed with the blasting schedule. In response to the comments, a provision has been added as § 816.62(a) which requires an operator, at least 30 days prior to the initiation of the blasting, to notify in writing residents within one-half mile of the permit area of the procedures for requesting a preblasting survey. This notice may be accompanied by a copy of the blasting schedule. The 30-day notice requirement is set to give a resident sufficient time to request a survey and an operator adequate time within which to complete the survey. This change has been made because OSM agrees with those commenters who believed that it is feasible for preblasting surveys to begin earlier than blasting schedules are set. Preblasting surveys may be conducted independently of the actual blasting schedules. Furthermore, the earlier such surveys are requested and completed, the more flexibility the operator will have in scheduling blasts.

Several commenters requested that time limits be placed on preparation of preblasting surveys and for the filing of disagreements. The rules as adopted require operators to provide property owners or residents at least 30 days of notice for requesting blasting surveys, and to promptly complete the survey upon request. Section 816.62(e) has been added to clarify that for those surveys that have been requested at least 10 days prior to the scheduled initiation of blasting, completion of the survey is required prior to the initiation of blasting. If a survey is requested less than 10 days prior to the scheduled initiation of blasting, the operator should take all reasonable measures to complete the survey in a timely manner. Individual regulatory authorities may impose additional time limits if appropriate for the region or locale. OSM has declined to attach a time limit within which to file disagreements. Such a time limit would not necessarily serve the regulatory process. However, it should be recognized that disagreements which are filed promptly or prior to the start of blasting will be more likely to be satisfactorily resolved between the operator and resident than those filed long after the report has been completed and blasting has begun.

Section 816.62(b)

Section 816.62(b) of the final rule allows the owner or resident of a manmade structure within one-half mile of the permit area to request the operator to provide a preblasting survey by writing directly to the operator or to the regulatory authority, who then will request the operator to conduct the survey. Although one commenter objected to this proposal, OSM believes it provides needed flexibility and could expedite the preblasting survey process. An operator is required to conduct the survey promptly and to promptly prepare the report.

Another commenter objected to the requirement for requesting surveys in writing, citing previous preambles as allowing verbal requests. Although the Act does not mandate written requests for a survey, it is the best method to provide control over the request and survey production process, without placing undue burdens on the regulatory authority manpower or on persons requesting surveys. Moreover, the written request will serve as a verification of the request and trigger action by the operator in timely conduct of the survey.

Updated surveys may be requested by the owner or resident at any time. If a structure is enlarged, renovated or modified after a survey is completed, an update to the preblasting survey must be performed if requested.

Other commenters believed that the second sentence of Paragaph (b) should be rewritten to clarify the roles of the requester, the operator, and the regulatory authority in requesting, initiating, and conducting preblasting surveys. OSM has accepted these comments and has edited the sentence slightly to help clarify its intent.

A commenter indicated the need to include owners of property such as pipelines, water wells, and utility towers in the list of those notified for preblasting surveys. OSM does not consider the language of the Act or the rules to limit the preblasting survey to residences or buildings. Section 515(b)(15)(E) of the Act refers to manmade structures and therefore includes any structure such as dams, utility stations, pipelines, etc.

Commenters suggested that the proposed system of preblasting surveys would not protect operators from false damage claims. As a solution they suggested operators should have the right to request preblasting surveys. The preblasting survey provisions of the Act only provide the owner or resident the opportunity to request preblasting surveys. If the operator wishes to conduct a survey, a specific request could be made to the owner of the particular structure. If concern of false claims persists where a property owner does not request or refuses to allow a preblasting survey to be conducted, the operator should ensure that the blasting is carefully monitored.

Commenters objected to the requirement of a preblasting survey within one-half mile of a "permit area" while other requirements, such as notification in proposed § 816.64(b)(2), were keyed to the "blasting site." All blasting sites are contained within a permit area. Section 515(b)(15)(E) of the Act offers every resident or owner within one-half mile of any portion of the permit area the opportunity for a preblasting survey. Therefore, OSM has adopted the regulatory provisions which gives all owners and residents within one-half mile of the permit area the opportunity to receive a preblasting survey before blasting begins on any portion of the permit area. OSM believes that any other regulation would conflict with the language of the Act.

Section 816.62(c)

Under § 816.62(c) as adopted, preblasting surveys will address the condition of the structure and document any preblasting damage or structural defects. Assessments of structures such as pipelines, cables, transmission lines, and wells, cisterns, and other water systems will be required, but such assessments may be limited to surface conditions and other readily available data. The person conducting the survey must give special attention to such water systems and should document all available data and determine whether such additional analysis is appropriate, based upon the significance of the water system, its vulnerability, and the availability of data.

Commenters objected to OSM's proposal to require that special attention be given to water wells because recent studies have proven that blast vibrations have little effect on water quantity and quality. Other commenters believed that assessment of quality and quantity of water is essential in surveys involving wells. Such information is believed important for both the user and the operator, since hydrologic impacts can be caused both by mining and blasting. The degree of detail may be determined for each case by the regulatory authority, depending on the nature and amount of water or structures involved. Based on these comments the last sentences of § 816.62(c) have been rewritten to clarify OSM's intent.

Section 816.62(d)

Section 816.62(d), which was proposed as § 816.62(c), requires the person completing the survey to sign it and provide a copy of the report to the regulatory authority and the person requesting the survey. This section also allows the person who requested the survey to note disagreement with the contents by submitting a written detailed description of the disagreement.

A commenter requested that the owner or resident sign the preblasting survey indicating concurrence. OSM declines to adopt such a requirement which it believes is unnecessary. OSM believes that allowing residents or property owners to file their disagreements is adequate.

OSM's proposed rules had specified that the original of the survey be provided to the regulatory authority. Commenters suggested that either a copy or the original be provided to the regulatory authority. OSM accepts this suggestion and has adopted appropriate regulatory language.

A commenter objected to the omission in the proposed rule of a mechanism to resolve disagreements in survey data. OSM declines to adopt this suggestion. OSM believes that the regulatory authority is responsible to insure that blasting surveys are complete and accurate. Further, the regulatory authority could direct that inadequate surveys be redone. However, OSM does not believe it necessary to require that any disputes be resolved by the regulatory authority, but only that the survey, including the description of disputed results, should serve as a record of the condition. It should be noted that the regulatory authority could take appropriate action to ensure that surveys are complete and if a serious potential danger exists could incorporate restrictions into the blasting plan and performance standards.

Section 816.64, Use of explosives: Blasting schedules. The title of new § 816.64 has been shortened to "Use of explosives: Blasting schedules" as was proposed.

Section 816.64(a)

OSM has revised § 816.64(a)(1) to clarify the fact that the regulatory authority may limit the timing of blasts, the area covered by a blasting schedule, and the sequence of blasting. The proposal only mentioned limitations pertaining to hours per day, times per day, or number of blasts per day. As adopted § 816.64(a)(1) will allow blasting only at times approved by the regulatory authority and announced in

the blasting schedule. The regulatory authority's decision restricting blasts must be justified on the basis of public health and safety or welfare. OSM has not adopted the proposed requirement that limitations on blasting be based on written submissions only. However, every determination must have an adequate basis.

OSM believes that prevention of excessive noise, especially in populated and residential areas, is within the ambit of "health and safety or welfare." Thus if noise from blasting will disrupt nearby residents, blasting may be limited to times which create the least discomfort. OSM believes that certain site-specific conditions, such as residential surroundings, may require prohibition of nighttime blasting. The final rule has been revised to require such prohibitions, if conditions warrant.

Several commenters objected to the proposed removal of regulations absolutely limiting the times of blasting (previous §§ 816.64(b)(2)(ii) and 816.65(a)) or the blasting area (previous § 816.64(b)(2)(i)). The old rules set absolute limits on the number of hours per day, nighttime blasting, and the size of an area covered under one blasting schedule. OSM recognizes that such limits may be useful under some conditions. For this reason OSM has decided to retain the requirement that blasting be conducted between sunrise and sunset. That requirement is contained in § 816.64(a)(2). The final rule provides flexibility to the regulatory authority to impose more restrictive time periods or to allow nighttime blasting based upon a showing by the operator that the public will be protected from adverse noise and other impacts.

OSM does not believe, however, that national limits on the size of the blasting area or number of hours of blasting per day are necessary. The final rule deletes the prior absolute constraints of 4-hour aggregate amount of blasting per day, and 300-acre maximum blasting areas. These standards presented limits which in some cases were arbitrary or too stringent for an operator to develop an effective schedule. Individual regulatory authorities may impose such restrictions or other more stringent limitations on a site-specific or statewide basis as appropriate. Restraints on the total time of blasting is more a function of planning. The blasting schedule is required, and adherence to the schedule is expected. The regulatory authority must review and approve the times for blasting in the blasting schedule. To make the schedule work, the operator must control production, loading, delivery, and other physical factors to meet his schedule. Where the regulatory authority determines that blasting should be limited, it should impose such limits. In the absence of such a determination, the operator must conform to the approved blasting schedule.

OSM had proposed to relax some restrictions governing unscheduled blasts. Commenters objected that the specific restrictions on unscheduled blasting were omitted. In some instances, such as unusual weather conditions or unavoidable delays, public or operator safety may dictate unscheduled detonations. Obviously, where public or operator safety so require, unscheduled blasting is appropriate. However, OSM has declined to adopt the portion of the proposal which would have allowed unscheduled blasts in nonemergency situations. Thus, while OSM recognizes that some blasting activities such as the construction of roads or the creation of faceups are nonperiodic, these nonemergency blasts should be planned, scheduled, and announced in advance in the blasting schedule. Thus, § 816.64(a)(3) allows unscheduled blasts only in emergency situations. However, schedule changes for nonemergency blasts may be made between 10 and 30 days before blasting begins under § 816.64(b)(3).

Because unscheduled blasts will only be conducted in emergency situations, OSM has adopted the requirement of notification of all residents within one-half mile of the blasting site when unscheduled blasts will occur by requiring that audible notification take place. This allows for more efficient notification of every one within one-half mile, and such notification can be provided more quickly. Commenters expressed concern that in emergencies such as adverse unexpected weather conditions it might be impossible to notify all residents orally. Accordingly, in these situations, audible signals may be used.

Some commenters suggested adding a provision for the resolution of disputes with regulatory authorities regarding blasting schedules.

Apparently, the commenter was concerned with possible problems caused by disapproval of proposed blasting schedules. OSM believes that no such provision is necessary. In making the determination to restrict blasting, the regulatory authority must determine that such limits are reasonable and necessary in order to protect the public health and safety and welfare. OSM believes that standard is sufficiently objective to minimize disputes.

Section 816.64(b)

OSM is adopting paragraph (b)(1) of § 816.64 and most of paragraph (b)(2) as proposed. These require newspaper publication of the blasting schedule between 10 and 30 days before blasting is to begin and set the requirements for distribution of the blasting schedule to local governments, public utilities, and residences within one-half mile of the blasting site. The term "blasting site" here is the area formed by the perimeter of the blast holes.

One commenter felt that publication of a blasting schedule 10–30 days in advance would be too difficult. He suggested that production schedules could not be set that far in advance. OSM believes it is important for operators to undertake sufficient planning and preparation so that they know their schedule with sufficient certainty to allow publication of schedules well in advance. Accordingly, OSM has adopted the requirements as proposed.

OSM had proposed that information on how to obtain preblasting surveys should be provided when copies of the blasting schedule were distributed. OSM received comments that 10–30 days were insufficient to conduct preblasting surveys. Both operator and regulatory authority commenters felt that additional notification of the availability of preblast surveys should be provided. Accordingly, OSM has provided that notice of availability of preblasting surveys may be distributed separately from and earlier than the blasting schedule. As discussed earlier, preblasting survey information is required to be distributed according to § 816.62(a).

Notification of blasting as required by Section 515(b)(15)(A) of the Act and by the regulations is provided by three methods: (1) Schedules published in newspapers, (2) schedules delivered to persons living within one-half mile of the blasting site, and (3) daily notification of blasts through audible signals to locations within at least one-half mile of the blasting site (required by § 816.66(b)).

Section 816.64(c)

Section 816.64(c), setting forth the blasting schedule contents, is adopted as proposed. As indicated above, the final rule removes the constraints of 4-hour aggregate per day, daylight-only blasting (upon approval of the regulatory authority), and 300-acre blasting areas. Such restrictions may be

imposed by individual regulatory authorities under § 816.64(a), as appropriate.

Section 816.65

As proposed, OSM has deleted previous § 816.65 and recodified its requirements as follows:

The requirements contained in previous § 816.65 (a) and (b), which set forth limitations on the hours and times of blasting, are adopted in amended form in § 816.64(a), which is discussed above. The requirements contained in previous § 816.65(c), pertaining to audible signals, are adopted in an amended form in § 816.66. OSM has deleted the requirement of periodic notification of meanings of warnings and all-clear signals. Those notifications are adequately provided through blasting signs and the blasting schedule.

Previous § 816.65(d), limiting access to blasting areas, has been rewritten and renumbered as new § 816.66(c), which is discussed below.

Previous § 816.65(e), governing airblast, has been adopted in amended form as § 816.67(b).

Previous § 816.65(f), pertaining to blasting within 1,000 feet of certain buildings and 500 feet of other facilities, was proposed to be incorporated in amended form in § 780.13(c). Instead it has been adopted in amended form as § 816.61(d), which is discussed above.

Previous § 816.65(g), governing flyrock, has been adopted as § 816.67(c), which is discussed below.

Previous § 816.65(h), containing a general performance standard requiring blasting to be conducted to prevent injury or damage, has been adopted as § 816.67(a), which is discussed below.

Requirements similar to those in previous § 816.65(i), which contained maximum peak-particle-velocities for blasting, have been adopted in amended form in § 816.67(d).

The requirements of previous § 816.65(j), identifying the circumstances where less stringent performance standards apply, have been adopted as § 816.67(e).

Previous § 816.65 (k) and (l), containing alternative means to determine peak-particle-velocities, have been modified and adopted as part of § 816.67(d).

Section 816.66. Use of explosives: Blasting signs, warnings, and access control. Section 816.66 contains provisions for blasting signs and warning procedures throughout the permit area. It also contains the physical access and control requirements to fulfill the notification provisions of § 515(b)(15)(A) and the public protection provisions of § 515(b)(15)(C) of the Act.

Section 816.66(a)

New § 816.66(a)(1) includes provisions from previous § 816.11(f)(1) and the proposed rule, and requires that the operator conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right-of-way and at the point where any other road provides access to the blasting area. Notice along any road that provides access to a blasting area will ensure that anyone entering the blasting area is aware that blasting is taking place.

New § 816.66(a)(2) includes provisions from previous § 816.11(f)(2), and, at all entrances to the permit area from public roads or highways, requires signs which state "Warning! Explosives in Use." These signs must clearly list and describe the meaning of the audible blast warning and all-clear signals and explain the marking of blasting areas and charged holes.

In addition, all signs used to mark blasting areas must conform to the specification for signs and markers set out in § 816.11.

A State regulatory authority commenting on the proposal recommended that signs required under proposed § 816.66(a)(1) contain the warnings and explanations required for signs under proposed § 816.66(a)(2), because in some instances the signs referenced in § 816.66(a)(1) may be closer to the blasting site than those at entry points (referenced in § 816.66(a)(2)). OSM has not accepted this recommendation. The "Blasting Area" signs are intended to warn people of the limits of and to stay out of the area where blasting will take place. The more complete description of paragraph (a)(2) is intended to provide guidance to persons who may need to enter the permit area of precautions to follow when within the permit area.

Commenters objected to the 100-foot requirement and suggested that signs be required only when a public road right-of-way occurs within 50 feet of the blasting area, citing that more signs would be required than under the previous rules. OSM disagrees since the previous rules required signs on roads within 100 feet of the permit area but required signs at 50 feet when roads were actually within the permit area. OSM has adopted a consistent 100-foot distance in order to simplify the requirements.

A commenter suggested adding to § 816.66(a)(2) the phrase "awaiting firing" after "charged holes." OSM has accepted this suggestion, recognizing the need to clearly advise personnel entering the mine site of the precautions to be taken to prevent injury.

Section 816.66(b)

New § 816.66(b) requires the use of audible warning and all-clear signals of different pattern. It also requires notification of the meaning of the signals to those who work within the permit area and those who reside or regularly work within one-half mile of the permit area.

Several commenters objected to the term "different character" in proposed § 816.66(b) regarding the application of audible signals, assuming this meant different sounds, sounds with different tonal qualities. OSM recognizes this concern and has replaced "character" with "character or pattern" to allow use of the same instrument to make the sound in a different pattern to differentiate between "warning" and "all-clear."

Section 816.66(c)

New § 816.66(c) requires the controlled restriction of access to the blast area until hazards no longer exist and access can be safely resumed. Both livestock and persons are protected. Also it requires that no unusual hazards such as imminent slides or undetonated charges exist.

A commenter objected to the deletion of the first sentence of § 816.65(d) restricting access to areas subject to flyrock, when it was redesignated § 816.66(c). By including the phrase "within the blasting area" in § 816.66(c), OSM intends to encompass all areas where the hazards of flyrock are present. Therefore § 816.66(c) controls the same area where access was previously controlled under § 816.65(d).

Section 816.67. Use of explosives: Control of adverse effects.

Section 816.67(a)

OSM is adopting § 816.67(a) as proposed. The rule requires that blasting be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface waters outside the permit area. This provision, which is the successor to previous § 816.65(h), implements Section 515(b)(15)(C) of the Act.

Commenters objected to the requirement in proposed § 816.67(a) which requires blasting to be conducted in such a way as to prevent the "change in the course, channel, or availability of ground or surface waters outside the permit area." The commenters felt that it

would be impossible to distinguish between changes resulting from blasting and those resulting from other mine-related operations. The requirements of § 816.67(a) are adopted from Section 515(b)(15) of the Act which specifically requires that blasting be conducted in that manner. Furthermore, since OSM's permitting regulations at § 786.19(c) require the finding that damage will be prevented with respect to hydrology outside of the permit area resulting from mining, no blasting could be permitted which would result in material offsite hydrologic damage.

Section 816.67(b)

Airblast limits. OSM is adopting a slightly modified version of the airblast rule from that proposed in § 816.67(b). Airblast limits must be met at any dwelling, public building, school, church, or community or institutional building outside the permit area, with the exception of certain structures owned by the operator and covered by § 816.67(e). OSM has lowered the allowable airblast limit from that proposed for measuring systems with lower frequency limits below 6 Hz (hertz) from 130 to 129 dB (decibels). This has been done at the request of a commenter who indicated that the higher airblast limit was inconsistent with data published by the Bureau of Mines in RI8485 (Siskind and others, 1980).

In addition, OSM has retained separate airblast limits from previous § 816.65(e)(1) for c-weighted, slow response measuring systems and flat response measuring systems with a lower frequency limit of .1 Hz or lower. These peak limits are 105 dBC and 134 dB, respectively, and are consistent with BOM data. The c-weighted, slow response limit is the same as the previous rule and the .1 Hz or lower system limit than the previous rule. The use of of both of these measuring systems must be approved by the regulatory authority.

Several commenters suggested that airblast limits should not apply at locations where a structure is owned by an operator. It appears that there was some confusion as to the applicability of § 816.67(e). In its proposal OSM intended that Paragraph (e) apply to such structures for both airblast and ground vibration. In order to clarify the applicability of the exception in § 816.47(e), the phrase "except as provided in Paragraph (e) of this section" has been added to the end of the airblast standard in § 816.67(b)(1)(i).

A commenter suggested inclusion in § 816.67(b)(1)(ii) of specific rulemaking and public hearing procedures for reduction of the airblast standard. In its proposal OSM intended that the maximum allowable airblast standard applicable to a specific mine may be modified by the regulatory authority if OSM's permanent program limits appear to create excessive levels which may cause damage. To clarify its intent, OSM has revised § 816.67(b)(1)(ii) and inserted the phrase "for use in the vicinity of the specific blasting operation." Rulemaking procedures are not required for changes to the standards that are not of general applicability.

Another commenter believed that OSM's proposed language which included the word "may" and also the requirement "if necessary" gave the regulatory authority too much discretion to decline to reduce the maximum airblast limit, if it determined that a lower value is necessary to prevent damage. OSM believes that imposition of a lower value is properly within the discretion of the regulatory authority. However, should the regulatory authority determine a lower value to be necessary it must set a lower value. For this reason the final rule contains the language under which the regulatory authority determines whether or not imposition of a lower limit is necessary, and, if so, must reduce the limit.

Commenters objected to proposed § 816.67(b)(1)(iii) because it placed a burden on operators to evaluate "adverse atmospheric conditions." OSM agrees that there is no need to have such a specific requirement. Accordingly, proposed § 816.67(b)(1)(iii) has not been adopted. However, the requirement to meet applicable airblast standards is general and applies regardless of atmospheric conditions.

Airblast monitoring. A commenter on proposed § 816.67(b)(2)(i) suggested that airblast measurements should be required at the location and occurrence of every seismographic reading. In considering this provision, OSM recognizes the need for ensuring that airblast levels are met, but also believes that the location of seismographic monitoring, for instance, may not be the critical or appropriate location for airblast monitoring. Wind, temperature, and overcast weather can affect the maximum airblast location. Therefore, the final rule includes a general provision for periodic airblast monitoring by the operator in which the locations and the periods of such monitoring are left to the discretion of operators and the regulatory authority. A sentence has been added to the § 816.97(b)(2)(i) to emphasize that the regulatory authority may specify monitoring locations and determine which blasts have to be monitored.

A commenter was dissatisfied with the explanation in the preamble to § 816.67(b)(2) (47 FR 12766) concerning airblast monitoring "at or near the nearest structure." The issues raised are: (1) When is a notice of violation issued for exceeding airblast standards? and (2) where should monitoring be located? In response, OSM notes that airblast limits apply at any location where damage may occur (*i.e.*, the location of any structure, not necessarily the nearest). Therefore, a monitor located at any structure which records a value exceeding the maximum value for that frequency would record a violation. The location may not be the nearest structure because wind conditions may focus airblast away from near structures to those at greater distances from the blast. Although OSM is not requiring specific locations to be monitored, the operator is responsible to insure that such airblast monitoring does take place to assure compliance with airblast limits at all locations.

Section 816.67(b)(2)(ii) specifies the sensitivity of airblast monitoring equipment, requiring the upper end of the response range of the measuring system to have a flat frequency response of at least 200 Hz. A commenter objected to the provision in proposed § 816.67(b)(2)(iii) which would have allowed the regulatory authority to approve alternative measuring systems for airblast. As discussed in the preamble to the proposed rules (47 FR 12766), some suitable alternative monitoring systems exist, such as a 0.1 Hz- or a C-weighted instrument. As described above, OSM has inserted limits for these particular alternatives in the final that will provide equivalent levels of protection. Therefore proposed § 816.67(b)(2)(iii) is unnecessary and has not been adopted.

Section 816.67(c)—Flyrock. OSM has adopted § 816.67(c) approximately as proposed. The final rule is essentially the same as previous § 816.65(g). Flyrock includes material either travelling along the ground or in the air. It may not be cast more than one-half the distance to the nearest dwelling or other occupied structure nor beyond the area of regulated access. It may not be cast off the permit area.

Comments varied on the items to be included as flyrock. OSM, in review of these comments intends to include rock, mud, and debris as flyrock. It should be noted that flyrock is considered to be cast, projected, or thrown, not drifting smoke or dust particles of fragmented rock. Several commenters disagreed

with the provision limiting flyrock range to one-half the distance to the nearest inhabited structure. These commenters cited this restriction as contrary to other departmental requirements for maximum coal recovery. Others cited this provision as providing a degree of safety in excess of that required by the Act. OSM has opted to retain the provision for one-half the distance, but has limited its applicability to dwellings or other occupied structures. This places the burden on operators to provide appropriate design restraints when mining close to such dwellings or structures, such as additional stemming, burden, or mats to prevent flyrock. Section 522(e)(5) of the Act limits mining within 300 feet of occupied dwellings, subject to valid existing rights or unless a waiver is obtained from the owner. Such a waiver does not, however, waive the protection of § 816.67(c)(1) from flyrock or other adverse effects of blasting.

OSM has also chosen to retain the prohibition against casting flyrock beyond the permit boundary limit, rather than allowing operators to cast it on the land owned or leased by the operator.

Unless such land is permitted, access control is not provided, and public protection might be jeopardized.

A commenter suggested including public road rights-of-way in § 816.67(c)(1). OSM considered this addition, but rejected it because such areas will be protected according to either § 816.66(c)(2) or § 816.67(c)(3) which prevents flyrock from being cast outside the permit boundary or the area of control under § 816.66(c).

A commenter raised the question of defining the blasting site as the location from which flyrock distances are measured. OSM agrees with explosives industry terminology which generally refers to the limits of a blasting site as encompassing an area contained within the perimeter formed by the exterior charged holes. This differs from the area of regulated access (blasting area) referred to in § 816.66(a)(1) and § 816.66(c). The blasting area reflects the area where danger from flyrock exists for mine workers and persons potentially entering the mine site.

Commenters requested the phrase: "from the blasting site" be changed to "from its point of origin" in § 816.67(c) referring to the precise location of the flyrock. Determining the exact point of origin of flyrock is generally impossible after blasting has occurred, and therefore the language "from the blasting site" has been adopted as proposed.

Section 816.67(d)—Ground vibration. Section 515(b)(15)(C) of the Act requires the regulatory authority to establish limits on the use of explosives based on physical conditions of the site so as to prevent injury to persons and damage to public and private property outside the permit area. Ground vibration is among the most relevant factors which must be considered.

OSM has proposed three options for the control of ground vibration. The final rule governing ground vibration incorporates aspects of each of the three options proposed. The three options were: (1) A peak-particle-velocity for each permit based on site-specific data, (2) A variable ground-vibration limit based on distance to the nearest structure; and (3) A constant particle-velocity criterion of 1.0 inch per second at any structure outside the permit area. The discussion which follows first describes the rule that is adopted and then responds to specific comments on the various alternatives.

The rule adopted today sets limits on the allowable ground vibration (i.e., peak-particle-velocity) at certain types of protected structures to ensure the prevention of damage. These include dwellings, public buildings, schools, churches, or community of institutional buildings outside the permit area.

Peak-particle-velocities have been selected which reasonably assure that structures will be protected from damage. Blasts conducted close to structures where the frequency of ground vibration is generally highest will be allowed to have higher peak-particle-velocities. Further away, where potentially damage-causing lower frequencies would predominate, a lower peak-particle-velocity is mandated. For structures which are not buildings, the operator must submit a value for regulatory authority approval.

Three methods for ground-vibration limitation are provided in §§ 816.67(d)(2), (3) and (4) for the use of operators. These methods vary in their complexity and expense in application.

First, peak-particle-velocities are set for use with seismic monitoring. Section 816.67(d)(2)(i) provides specific numeric limits for ground vibration for use with general seismic monitoring and equivalent scaled-distance factors. These limits provide the protection to structures including residences, based on an analysis of the damage recorded by the RI8507 study (Siskind and others, 1980). The specific limits are described below, together with OSM's justification therefor.

Second, as an alternative provided under § 816.67(d)(3)(i), an operator may use a scaled-distance equation which determines charge-weights (the weight of explosives) based on the distance of the blast to the nearest structure. The equation is used to determine the allowable charge-weight per delay without mandatory seismic monitoring. Under § 816.67(d)(3)(ii) operators may, with regulatory authority approval, develop and use a modified scaled-distance equation.

Third, under § 816.67(d)(4) the operator is allowed to conform to maximum peak-particle-velocities that vary by frequency. In those situations an operator must use sophisticated seismic monitoring which records the frequency content of the ground vibrations. A detailed discussion of this paragraph is included below.

Under § 816.67(d)(5), the regulatory authority may reduce ground vibration levels on a site-specific basis if necessary to provide sufficient damage protection. Generally seismic monitoring is at the option of the operator; however, under § 816.67(d)(6) the regulatory authority may require it and specify locations for such monitoring.

Under § 816.67(e) the operator may exceed the prescribed ground-vibration levels at structures owned by the operator with the written waiver of any lessees.

In selecting particle-velocity limits, OSM has considered the differences between performance criteria, design standards, and the range of potential damage based on these parameters.

In controlling ground vibration, information such as geology, hydrology, seismic characteristics, distances to structures, and the amount of explosives must be evaluated. These factors, plus the level of fragmentation necessary, must be considered in setting the pattern of drill holes, selecting of explosives, and determining charge-weight. Design standards for ground vibration, such as burden, spacing, stemming, and subdrilling were not mandated by the previous rules and are not found in the final rule. Such design considerations are more appropriately applied by the certified blaster. The performance criteria to be met for ground vibration must be based on the ground-vibration levels predicted to cause damage. To stay within these levels, design parameters which are intended to keep ground vibration at or below the maximum allowable level must be used. Ground-vibration limits which protect homes and buildings from damage have been predicted from research studies. One Bureau of Mines study, RI8507 by Siskind and others (1980), provides a consolidation of such studies for the purpose of developing safe limits. The study recommended a 0.75 inch-per-second standard for dwellings with

gypsum-board interiors and 0.50 for plaster-on-lath interiors. These recommended limits have been highly criticized by operators, explosives users, explosives engineers, explosives manufacturers, and others as overly stringent. Some claim that these limits result from misinterpretation of the data. Also, portions of the RI8507 study have been cited for inaccurate data and damage findings, placing some question on the conclusions and recommendations of the study. A number of comments contained such criticism.

OSM considers RI8507 as the most up-to-date consolidation of research data for evaluation of blast-induced damage, but agrees that the interpretation of the data raises some questions. OSM utilizes the study's data base to support the regulatory limits on blasting, but does not accept the study's recommended standards. From the data on page 16 of RI8507, OSM concludes that design indicators, relating design to performance levels such as the weight of explosives per delay, do not consistently produce absolutely predictable uniform levels of performance. Thus a blast using a specific charge-weight of explosives may result in a range of particle-velocities, and repeated blasts at that charge-weight may result in somewhat different ranges. Use of scaled-distance factors as design guides produces ranges of results as depicted on Figure 11 of RI8507. (For example, the range of expected particle-velocities for different mining blasts for a scaled-distance of 100 is from 0.015 to 0.20 inch per second, a factor of 1,333 percent.) Therefore, an operator attempting to meet a 1.0-inch-per-second standard would not design for a blast with a peak particle velocity of 1.0 inch per second, but rather would design for a blast with an expected range of peak particle velocities not to exceed 1.0 inch per second. The design range for a 1.0-inch-per-second limit from Figure 11 is 0.15 to 1.0 inch per second with a scaled-distance of 30. A scaled-distance of 55 results in a range of lower values. When monitored with seismographs, this approach will require careful application of design criteria to fall within the maximum limit. Without seismic monitoring, conservative safety factors must be applied to assure compatible performance for regulatory compliance.

Because OSM believes operators must design to achieve lower levels than the maximum permissible, setting a 1.0-inch-per-second performance level is believed by OSM to result in actual readings in the range 0.30 to 0.70 inch per second. This range is consistent with the recommendations in RI8507 (Siskind and others, 1980). OSM believes that a 1.0-inch-per-second peak-particle-velocity will prevent the occurrence of threshold damage and has set such a standard in § 816.67(d)(2)(i) for distances of 301 to 5,000 feet from the blasting site to the nearest building.

Several commenters objected to the use of the RI8507 study. The report incorporates and consolidates field data and laboratory experiments conducted in the definition of damage produced by blast vibrations. In addition to the conclusions reached, which have been the subject of much dispute, it has several chapters dealing with the fundamentals of ground vibration and airblast, including ground-vibration propagation with scaled-distance, response-spectra analysis applications, interior considerations such as amplification, and a chapter on failure characteristics of materials which relates damage potential to the inability of materials to undergo deformation and withstand stress or strain.

Commenters' concerns focused on the adequacy of the new structures and data observed, the relevance of the old study data, and the definition of the terms "threshold," "minor," and "major" damage. In developing these rules, OSM has relied upon the new data in RI8507 which was collected on actual structures in a controlled manner using highly complex and sensitive monitoring equipment. OSM followed the suggestion of commenters and used such data as a basis for its regulatory actions.

In review of damage data in the RI8507 study in Figure 46 on page 51, as related to the readings in Table 1 on page 10 of that report, OSM finds that threshold damage did not occur until considerably higher levels than the report's conclusions indicate. For instance, "structure 51" incurred damage from all recorded blasts except one at 0.5 inch per second. Threshold damage ranged from levels of 1.04 to 7.25 inches per second, but the damage which was observed at 1.04 inches per second immediately followed six higher recordings in the following order: 1.16, 1.22, 2.84, 1.24, 1.86, and 10.21 inches per second. OSM believes that if the structure had not been weakened by the six successive stronger blasts, a vibration of 1.04 inches per second may not have damaged it. "Structure 27" recorded damage at the lowest reading of the new data in RI8507 (0.72 inch per second). This value followed blasts at the following levels: 1.36, 1.89, 1.91, 2.33, 3.73, 5.31, 2.34, and 1.22 inches per second. Of these, only blasts with ground vibrations recorded at 1.91 and 5.31 inches per second were attributed with threshold damage. Numerous blasts with considerably higher values did not result in damage.

The data below taken from Report RI8507 demonstrate that the range of threshold damage occurred at 0.75 to 2.0 inches per second, with the majority of damage points concentrated between 1.0 and 2.5 inches per second, whereas, no nondamage points were observed above 2.0 inches per second. Of the structures presented as new damage points on Figure 46 of RI8507, the following data are evaluated:

Structure No.	Material type	Number of observations		Number of damage points	
		<1.0[1]	>1.0[1]	<1.0[1]	>1.0[1]
19	Plaster/lath.	29	16	1	5
20	Gypsum board.	13	2	2	1
27	Plaster/lath.	1	9	1	2
51	Plaster/lath/brick.	1	11	0	[2]13
58	Gypsum board/brick.	1	5	0	5
61	Gypsum board/plaster.	1	1	1	1
Total		46	44	4	27

[1] Inch per second.
[2] Questionable data plotting.

Based on the above table, 91 percent of blasts observed below 1.0 inch per second did not cause damage. Of the 4 blasts observed below 1.0 inch per second that caused damage, one at 0.72 inch per second followed two blast observations greater than 1.0 inch per second (2.34 and 1.22) which did not result in damage. Therefore, the 0.72 value is questionable as the actual damage-producing blast. Another damage value of 0.79 followed a nondamage value of 1.10 inches per second.

Therefore, OSM considers the 1.0-inch-per-second standard adopted in § 816.67(d)(2)(i) for the range of 300 to 5,000 feet to provide a degree of protection consistent with the Act, because (1) The range of threshold damage appears to occur at levels above 1.0 inch per second; (2) the range of recordings in field blasts designed to meet a maximum limit of 1.0 inch per second will infrequently reach 1.0 inch per second with expected results in the range from 0.30 to 0.90 inch per second; and (3) the ground-vibration criteria coupled with other limitations on adverse effects from blasting will tend to require design considerations which lead to cumulative protection (*i.e.*,

separate constraints on flyrock and airblast will limit charge-weight, dimensions, and explosive characteristics).

Several commenters compared the recommended levels in the RI8507 study (Siskind and others, 1980) to the values OSM proposed in Option I for structure type and frequency.

As can be seen from the following comparison, the recommended peak-particle-velocities of the study are lower than those in OSM's proposal.

Structure type	RI8507 recommended at 40 Hz (in/sec)	OSM rule at 10 Hz (in/sec)
II	0.50	0.75
II	0.75	1.00

2. Older homes more than 20 years old with construction elements such as plaster-on-lath interiors and deteriorated or rigid, easily fractured construction materials.

3. Modern homes less than 20 years old with gypsum-board interiors, reinforced concrete or concrete masonry unit foundations, and other wood-frame and wood-clad structure.

In response to these commenters, OSM recognizes the need for blasting levels which prevent damage. However, in review of the data contained in Figure 46 of RI8507, OSM observes that the lowest damage value associated with blasts affecting plaster-on-lath interiors was 0.72 inch per second on "structure 27," and the lowest value affecting gysum-board interiors was about 0.79 inch per second on "structure 20." Structures such as "51" (plaster/lath/brick), "19" (plaster/lath), and "58" (gypsum board/brick) showed the occurrence of threshold damage at blasts ranging from 0.85 to 5.75 inch per second with the majority of points between 1.0 and 3.0 inches per second.

Imposing a ground-vibration level of 0.5 inch per second for such structures would protect these structures, but OSM believes this level is overly conservative. A value of 0.75 inch per second would also have provided protection. OSM believes that if a blast is designed to avoid exceeding the limit, the design level will have to be far less than the maximum, because predictability of the maximum particle velocity is difficult unless a conservative scaled-distance equation is applied. OSM expects that blast designers would have to use design criteria of 0.3 to 0.5 inch per second to meet a 0.75-inch-per-second performance standard. Under a 1.0-inch-per-second standard, only rarely are values expected actually to reach the maximum levels. Actual recorded vibration levels are expected to range from 0.30 to 0.90 inch per second. The setting of particle velocity limits, rather than specifying design parameters for different types of structures ensures protection and allows the blaster reasonable latitude in conducting the shot. Such practices ensure protection consistent with the parameters of the RI8507 study (Siskind and others, 1980) without penalizing the operator by restrictive performance levels. The possibility of every blast reaching a constant 1.0-inch-per-second level is small. Furthermore, an occasional blast which reaches that level does not present a high degree of damage potential. Additionally, if blasting levels do consistently reach the prescribed standard and the regulatory authority considers this a potentially damaging level, it is authorized in §816.67(d)(3)(ii) to reduce the allowable maximum standard to a lower value.

One commenter agreed that the concepts applied by OSM were valid, but disagreed with the specific values proposed and the claimed oversimplification of the ground-vibration issue. The commenter recommended a constant 1.0-inch-per-second standard be mandated in the final rule. OSM, in developing the final rule, has incorporated suggestions from various commenters and under § 816.67(d)(2)(i) has applied a constant 1.0-inch-per-second value over a normal operating range of 300 to 5,000 feet, recognizing the occurrence of high frequency close to structures and low frequencies which would exist if the vibration intensity carried beyond 5,000 feet. This does not preclude low frequency from occurring in close-in blasts or high frequency from occurring at distances greater than 5,000 feet. However, based on the data found in RI8507, a constant 1.0-inch-per-second standard would have prevented at least 85 percent of the damage points, and it is noted that 15 observations produced no damage above the 1.0-inch-per-second particle-velocity level.

In § 816.67(d)(20)(i), ground-vibration limits within 300 feet and beyond 5,000 feet are different from the 1.0-inch-per-second standard. Based on the predominant occurrence of high frequency vibration near the blasting site, OSM allows a 25-percent higher particle-velocity limit within 300 feet of a blasting site. The higher level would only be allowed for residences within 300 feet after owner approval and when prior blast designs must also be submitted to the regulatory authority. The additional constraints when blasting within 300 feet, as well as the probability of higher frequencies, justify the increase to 1.25 inches per second.

Conversely, at distances beyond 5,000 feet, levels at 0.75 inch per second must be observed with due regard to the potential for potentially damaging low frequency vibrations.

Commenters called OSM's attention to the study conducted at the Wright Mine in Warrick County, Ind., by Braile and others (1982). This study only dealt with the propagation of ground-vibration waves: data was observed for the site-specific geology and geologic type but no analysis of damage was conducted. The conclusions support the limits on blasting which produces low frequency ground vibrations and long duration surface waves, because such occurrences raise damage potential as well as result in annoyance to residents. The study concludes that vibrations at 5,000 feet could be perceptible and disturbing to persons inside a structure. However, the study does not indicate a damage threshold for these low frequency waves. Other studies suggest that the results achieved by the peak-particle-velocity standards prescribed today will prevent damage from low frequency blasts. Because OSM is statutorily charged only to prevent damage to structures and injury to persons, OSM has based blast limits on avoidance of physical injury or damage rather than annoyance.

Many commenters suggested that OSM consolidate proposed Options 1 and 3, while others supported variable peak particle velocity as a function both of frequency and distance from the blasting site. Several commenters recommended proposed Option 1 because it (1) Considered levels of protection by structure type as well as frequency and (2) allowed a 2.0-inch-per-second maximum peak particle velocity under some site-specific conditions, whereas Options 2 and 3 apply generally conservative limits and equations. Based on these comments, OSM has adopted a variant of Option 1 in the form of Figure 1 as an alternative method of determining peak particle velocity. This provision, § 816.67(d)(4), provides a site-specific approach to blasting restrictions based on carefully monitored frequency of the blast and provides adequate flexibility for State program adaption. The derivation of the values used in this alternative is described below.

An operator-commenter preferred proposed Option 1 because it allowed limits to be set based on site-specific conditions. Other commenters objected to Option 1 because it contained values believed to be too permissive and would

be difficult to implement due to the variety of structure types, frequency verification, and monitoring constraints. The commenters also felt that levels for Type 4 structures would be too restrictive. OSM believes that the final rule reflects the positive aspects of Option 1, flexibility and site-specific levels, but only places the requirement of stringent monitoring and data development on those choosing to undertake such a sophisticated approach. OSM has decided not to adopt different standards for different types of structures because such a rule would be unnecessarily complex, would require an extensive analysis of structures surrounding the blasting site and would be difficult to enforce.

Some commenters expressed support for the Option 1 standards, because it appeared to be the only limit restricting ground vibration at the location of utilities (buried pipes, etc.). OSM did not intend that Option 1 be the only protection for pipelines, underground mines, water towers, impoundments, and tunnels, but recognizes that these structures are less susceptible to damage than buildings and residences. Therefore, OSM has included a provision under § 816.67(d)(1) to limit ground vibration at such structures as determined by the regulatory authority. Currently, the Mine Safety and Health Administration requires levels less than or equal to 2.0 inches per second for underground mines.

Some commenters preferred Option 3, but suggested a modification to allow values greater than 1.0 inch per second in areas specifically approved by the regulatory authority. In the new rule being adopted, OSM has incorporated two provisions allowing such values. First, at distances less than 300 feet an upper limit of 1.25 inches per second has been established in § 816.67(d)(2)(i) because of the frequency considerations; however, as noted throughout the comments, lack of substantiating data precludes incorporating limits in excess of 1.0 inch per second as proposed in Option 2 for distances between 300 and 3000 feet. Second, the use of alternative blasting criteria under § 816.67(d)(4), the limits of which are specified in Figure 1, will allow values up to 2.0 inches per second if site conditions warrant for blast frequencies in excess of 30Hz.

A commenter suggested that the only acceptable safe blasting criteria would be a variable limit with frequency similar to proposed Figure 1, or the use of response-spectra analysis requiring investigation of the natural frequency of the structure to be protected and relating this information to the blast vibration frequencies. OSM acknowledges that response-spectra analysis as used in the RI8507 study (Siskind and others, 1980) and by vibration consultants provides a unique solution because it sets allowable limits accurately by predicting the range of potential damage. However, OSM believes that a much more general standard must be authorized for application at coal mines where 200 to 1,000 houses may be involved. OSM does not want to discourage the use of response-spectra analysis, especially where a regulatory authority determines that a lower standard should apply. This technique if applied on a case-by-case basis might prove to be the best substantiation of the actual damage range. In order to allow such technique and to provide operators the option to increase particle velocities above the maximum limits set for general compliance, OSM has included in § 816.67(d)(4) an alternative method using Figure 1. Using this option requires monitoring of particle velocity at the frequency levels, which may be augmented by response spectra for confirmation of the structure's interaction with the monitored wave forms. In using this alternative, the seismographic record will provide evidence of regulatory compliance, as well as evidence of damage potential for information of nearby homeowners.

A commenter, objecting to all options presented in the proposed rules, cited difficulty in the application of proposed Option 1, disputed the assumption that frequency decreases linearly with distance from the blasting site as found in proposed Option 2, and did not like the inclusion of the alternative blasting criteria under proposed Option 3.

Commenters also believed that proposed Option 3 ignored structural response, claiming that single value limits are an oversimplification of blasting effects and misleading to further study.

As described above, the new rule combined the three options; it allows the application of three levels of ground-vibration control: (1) Seismic monitoring of peak particle velocity, (2) use of a scaled-distance equation without monitoring, and (3) complex monitoring of velocity at associated frequencies. Each allows a somewhat different approach to control of blasts, but each provides equivalent levels of damage prevention.

Several commenters suggested adding the use of vector-sum seismographs to the peak-particle-velocity component concept of § 816.67(d)(1)(i). OSM recognizes that some monitoring equipment records vector sum and that requiring component seismographs may be expensive for the operator. To avoid this unnecessary burden, OSM has allowed, but does not require, the use of vector-sum units. The Bureau of Mines has concluded that component velocity is the best indicator of damage potential and thus recommends limits and readings be in component format. The values listed for acceptable vector sum limits are identical for component limits, ensuring conservative results when using a vector-sum instrument. OSM recognizes that this will produce conservative monitoring standards, but a general conversion of component to vector-sum equivalent is not available.

Commenters were concerned that OSM's 1.0-inch-per-second standard would not provide adequate protection of sensitive structures. OSM believes that the limit of 1.0-inch per second over the range from 300 to 5,000 feet does set a limit which considers structural response. Setting a universally applied limit assumes that structures to be protected have natural frequencies in the range of 10–20 Hz (hertz). At frequencies between 10 and 20 Hz the safe vibration level recommended in RI8507 ranges between 0.75 and 1.40 inches per second. As indicated in OSM's evaluation of data from RI8507, the range of threshold damage appears to begin at levels greater than 1.0 inch per second. Therefore, a 1.0-inch-per-second standard provides protection within this range over the broad range of distances.

A commenter objected to the prohibition placed on mining within 300 feet of a dwelling without owner approval and within 300 feet of public buildings. The commenter felt that such limitations were inappropriate and could interfere with maximum coal recovery. Section 522 of the Act prohibits any mining operations within 300 feet of public buildings or dwellings (without owner consent) subject to valid existing rights. Rules governing these areas are set forth at 30 CFR Parts 761 and 769. It would be duplicative to restate them in conjunction with the blasting rules. Accordingly, the proposed language in § 816.67(d) has not been adopted.

Section 816.67(d)(1) sets levels for structures other than buildings. This new rule places the burden of setting particle-velocity limits for these structures on the operator and the regulatory authority. Operators would propose standards for structures, and the regulatory authority would approve or modify them.

Various commenters made recommendations regarding scaled-distance equations, a variant of which was proposed for all three options. Some commenters agreed with the correlation values proposed (e.g., $Ds=55$ correlating to 1.0 inch per second) while others believed that $Ds=60$ should be used to correspond to 1.0 inch per second, stating that it would better meet the requirements of the Act. Another commenter objected to the use of scaled distance as a safe blasting criterion. That commenter presented information attempting to refute the accuracy of scaled distance as a predictor at any specific value. OSM based the correlation values proposed (47 FR 12768) on the blast data contained on pages 10–17 of the RI8507 study and believes use of scaled distance will prevent damage in more than 99 percent of blasts as described below.

The use of the scaled-distance equations of § 816.67(d)(3) provides an operator with the option of not monitoring every blast to ensure compliance with the specified maximum ground-vibration level. Siskind and others (1980) in the RI8507 study collected and consolidated blast vibration data from blasting at various distances and blasting parameters. When displayed and analyzed, these data provide a line representing the mean occurrence of a specific particle velocity for a specified scaled-distance level. The equation adopted in § 816.67(d)(3) divides distance from the blast to the structure to be protected by a scaled-distance factor to yield the square root of the total charge weight of explosives which may be detonated in any 8-millisecond period: $(D/Ds)=/W$, where D=the distance from the blast to the structure to be protected, Ds=the scaled-distance factor, and W=the charge weight of explosives.

The values of ground vibration measured at location D from the blast reflect the actual measured ground vibration. Mean curves were developed as part of the RI 8507 study based on the actual ground vibrations measured. (See p. 14 of the RI 8507 study.) The mean portrayed thereon reflects an averaging of values above and below the curve at any scaled-distance factor. The curve representing a 95-percent-confidence level for specific vibration levels is obtained statistically, resulting in a similar curve two standard deviations above the mean. This results in a level providing 95-percent confidence that actual monitoring will fall at or below the predicted ground vibration. OSM has selected scaled-distance factors taken from the standard deviation curve. Coupled with the remote possibility of damage at the predicted level, these factors will afford a degree of protection in excess of 99 percent for the structure to be protected.

Some commenters felt that the proposed scaled distance of 70 in Option 1 was too conservative. Under the final rule, the maximum scaled-distance factor will be 65. Under the tables in new §§ 816.67(d)(2)(i) and 817.67(d)(2)(i), the scaled distance of 65 is applied only when the distance to the nearest building is greater than 5,000 feet. This will allow the use of a maximum of 5,900 pounds of explosives per 8-millisecond delay period at a distance of 5,000 feet. OSM does not believe this limit will constrain an operator unduly since explosive technology has developed delay blasting techniques available to conduct large blasts using this amount per delay. The scaled-distance denominator of 65 corresponds to a 0.75-inch-per-second peak particle velocity. In setting this peak particle velocity, OSM recognizes the need for lower ground vibration at locations of lower frequency. After traveling 5,000 feet, the intensity of a seismic wave should dissipate below the 0.75 peak-particle-velocity level; thus the standard should rarely be exceeded.

Some commenters contended that the proposed equation $W=D^{1.5}/90$ in Option 2 was too conservative for the large areas blasted in the West. OSM has not adopted that optional equation because it was too stringent at long distances and not stringent enough when structures were within 500 feet. Therefore, its applicability would have been limited to the distances between 1,000 and 3,000 feet, whereas the scaled-distance equation adopted in this new rule, using $Ds=55$, can be applied at distances between 300 and 5,000 feet.

OSM believes that the 55 level for Ds over the 300 to 5,000 foot range provides sufficient protection; as described earlier, a 1.0 inch-per-second level reflects an appropriate standard to provide damage protection.

Section 816.67(d)(3)(ii) allows the operator flexibility in modifying the scaled-distance factor Ds to allow for higher or lower scaling factors. The provision requires that after the operator correlates the mean occurrence of particle velocity with scaled distance, the modified value for the scaled-distance factor Ds must reflect a point that is two standard deviations above the mean regression curve. This correlation value provides a 95-percent-confidence level that the maximum allowable particle velocity will not be exceeded. A technical guidance document will be made available by OSM demonstrating the application of the modified equation and its derivation.

One commenter suggested that a lower limit be established on modified scaled-distance below which the regulatory authority would not set a standard. OSM has not accepted the suggestion. OSM believes that a 1.0-inch-per-second standard over the normal working distances provides adequate protection in general blasting practice, but recognizes that structure condition, geology, and vibration frequency affect damage potential and are site specific. The Act requires site-specific limits for use of explosives, and values as low as 0.5 inch per second may be necessary. The setting of a lower value is more appropriately left to the discretion of the regulatory authority at the time of evaluating the site-specific conditions.

Certain site-specific conditions warrant higher bore hole loadings per delay, but protection of people and property must be assured. Other site-specific conditions may warrant reduction of allowable peak particle velocity and the lowering of the weight of explosives per delay (i.e., higher scaled-distance factors). The provisions of § 816.67(d)(5)(ii) require the regulatory authority to take action if necessary to provide damage protection. Critical factors in assessing damage probability include distance to the nearest structure and charge weight.

A commenter objected to the proposed term "in the vicinity of the mine" with respect to proposed § 816.67(d)(3)(iii) which would have required regulatory authorities, upon requests from owners and residents, to evaluate the maximum allowable ground-vibration standard. The same commenter felt that "vicinity" could mean 100 feet or 100 miles. The commenter suggested that such requests be limited to structures within one-half mile of the permit area. OSM believes that the proposed provision is unnecessary. Upon request from a resident, or for any other reason, the regulatory authority may require seismic monitoring of blasts and may reduce ground vibration limits if conditions warrant. Thus, the regulatory authority has ample authority to protect those in the vicinity of the blasting.

As mentioned above, § 816.67(d)(4) presents a third optional ground-vibration standard. This is based on the standard proposed as Figure 1 in Option 3 in the proposed rule. It requires more stringent monitoring than the normal peak particle velocity and allows more flexibility to operators to use greater

charge weights. The limits are set forth in a graphic distribution of maximum allowable particle velocity versus blast vibration frequency. These are shown in a new Figure 1 to be included as part of the rule. Commenters requested that the limits of proposed Figure 1 be revised. Several commenters wanted this criterion to be the only one to apply to regulation of ground vibration. Others objected to the use of the criterion altogether and suggested its deletion. OSM has included the criterion as an alternative to allow flexibility by operators and regulatory authorities if they wish to conduct the more extensive monitoring required. The alternative blasting criterion (new Figure 1) differs slightly from that proposed. One commenter suggested retention of the proposed curve above 20 Hz, but a limit of 1.0 inch per second for the portion of the curve below 20 Hz. Another commenter provided a rationale for adjusting the cutoff point for the 2.0-inch-per-second standard from 40 Hz to 30 Hz, since the interaction with an amplification of natural frequencies of residential structures primarily occurs in the 5 to 20 Hz range. The suggestion to rely on a constant 1.0-inch-per-second limit up to 20 Hz has been rejected because it fails to acknowledge the impact of predominant low-level blast vibration frequency within the range of 5 to 10 Hz.

In determining the values in Figure 1, OSM has adopted the Bureau of Mines proposal cited in Appendix B of RI8507 (Siskind and others, 1980). For frequencies up to 4 Hz, a constant maximum amplitude of 0.030 inch will be allowed. (Under this standard, amplitude is related to particle velocity through the use of the equation $V=2\pi fA$, where V is the particle velocity, f is the frequency, and A is the amplitude.) Over this frequency range the maximum allowable particle velocity increases from 0.19 inch per second to 0.75 inch per second. At frequencies of 4 through 11 Hz a constant allowable particle velocity of 0.75 inch per second is set.

The level over the range 4 to 11 Hz was set at 0.75 inch per second rather than 1.0 inch per second to acknowledge the need to reduce particle velocity at low frequencies. Over the frequency range of 11 through 30 Hz, a constant amplitude of 0.0107 inch is allowed. This correlates to maximum particle velocities of 0.75 inch per second to 2.0 inch per second. Above 30 Hz, a constant peak particle velocity of 200 inches per second will be allowed.

A commenter cited concern with varying threshold levels on the basis of structure type and vibration frequency and allowing a maximum level of 2.0 inches per second. These commenters felt that proposed Option 1 would be the most beneficial in regulating the industry. OSM does not believe that a general limit of 2.0 inches per second provides adequate protection. In the previous rules, a peak particle velocity of 2.0 inches per second was allowed in some instances only when applying stringent monitoring techniques. In the final rule, the particle-velocity standard sought by the commenter is allowed under § 816.67(d)(4) at frequencies above 30 Hz, but only under well-monitored and controlled conditions that require seismic monitoring using equipment recording both particle-velocity data and vibration frequency levels to assure continuous compliance.

A commenter raised the problem of determining predominant frequency in applying proposed Option 1 dealing with the structure tables. This problem also exists in implementing the alternative blasting criteria of Figure 1. Therefore, a provision has been added to § 816.67(d)(4) to require approval of the method to be used in evaluating and ultimately establishing the predominant frequency at which vibration levels occur.

A commenter felt that the proposed alternative blasting criterion of Figure 1 was overly stringent and too expensive for most operators. They also were concerned about the possibility of rendering existing monitoring equipment obsolete by this rule. OSM has included new Figure 1 in the final rule for optional application. Some operators may find the economic outlay beneficial to production and the protection of nearby structures; those who do not need not use this alternative method of determining maximum ground vibration. Other provisions of the rules allow conventional monitoring and use of equations without monitoring.

Commenters requested clarification as to what was required to evaluate blast vibration frequency. They wanted to know whether visual inspection of seismographic records was adequate or whether electronic anlaysis of frequency would be required. Under § 816.67(d)(4), which requires regulatory authority approval of the method of analysis of the predominant frequency contained in the blasting records, visual inspection may be adequate if traces are distinct and only a few frequencies are contained in the wave-form. However, seismographic consultants have found that various waves with multiple frequencies typically are contained in the blasting record. In those cases, electronic analysis is necessary to separate the wave traces and analyze each intensity and frequency. OSM does not intend to mandate electronic analysis; rather the determination of what type of analysis is appropriate should be made by the regulatory authority.

Commenters did not believe that frequency analysis, which requires sophisticated equipment, should be required in all cases. Except when the criteria of § 816.67(d)(4) are used, the final rule leaves frequency analysis to the discretion of the regulatory authority. OSM recognizes its value as an indicator of vibration damage probability, but also recognizes the complexity and expense in its application, as well as the uncertainties in determining specific frequency levels.

Commenters referred to human annoyance from blast vibrations. Human response has been addressed by the RI8507 study (Siskind and others, 1980) and other researchers in the ground-vibration field. OSM concludes that the limits on airblast provide the most appropriate basis for minimizing disturbance to nearby residents. In addition, there does not appear to be a standardized correlation between ground vibration levels and degrees of annoyance, apart from injury and damage. OSM believes that through an effective public relations program and communication with nearby residents much anxiety over annoyance can be mitigated.

A commenter complained that OSM had not satisfied its obligations under the Administrative Procedure Act (APA) by indicating a preferred course of action. The APA requires that an agency publish an explanation of its proposed action sufficient to allow for meaningful comments. Due to the complexity of these issues OSM devised several regulatory approaches and has explained each of them with sufficient specificity to attract the numerous comments it has received. A decision on which option to adopt was not made until after evaluation of all the comments received. This new rule adopted by OSM falls well within the range of the alternatives proposed.

Section 816.67(e)

New § 816.67(e) excludes from ground vibration and airblast limits structures owned by the operator and those owned by the operator and leased to others if waivers are obtained from the lessees. Commenters requested that the exclusion for structures owned by the operator and leased to others apply to all options. This was the intent of the proposed rule, but was misinterpreted

as applying only to Option 3. This section has been retained in the final rule as § 816.67(c).

Section 816.68. Use of explosives: Records of blasting operations. As proposed, the new § 816.68 requires the operator to maintain blasting records for at least 3 years and to make them available for inspection by the regulatory authority or the public on request. This is required in Section 515(b)(15)(B) of the Act. Among the information which must be included is the name of the operator, the location, date, and time of the blast; the name signature, and certification number of the blaster conducting the blast; identification, direction, and distance from the nearest blast hole to the nearest dwelling or other structure outside the permit area; weather conditions described in more detail below; the type of material blasted; sketches of blast pattern including number of holes and the burden, spacing, decks, and delay pattern; the diameter and depth of holes, the type of explosives used; the total weight of explosives used per hole; the maximum weight of explosives detonated within any 8-millisecond period; the initiation system; type and length of stemming; and mats or other protection used.

Section 816.68(o) includes the requirement that if seismographic and airblast records are required, they should include a record of the instrument type, its sensitivity and calibration signal or the certification of annual calibration; location, date, time, and distance the instrument is from the blast; the person's name and firm who obtained the readings, and the person's name and firms analyzing the seismographic record; and vibration and/or airblast levels recorded. In addition § 816.68(p) provides that information stating the reasons and conditions for each unscheduled blast shall be contained within the record.

Commenters objected to deletion of specific weather characteristics listed in the previous rules. These commenters reasoned that these conditions may assist in determining adverse effects due to blasting focused by weather such as: clouds, wind, and temperature inversions. OSM believes the commenter is correct, but a blaster in the field may not know if an inversion exists or what the specific wind velocity is. The requirement of this data could result in inaccurate entries leading to false interpretation of impacts of weather. OSM acknowledges the potential impacts on blasting of temperature inversions, wind direction, and velocity and has inserted a provision for the blaster to estimate any adverse weather conditions which might exist.

A commenter objected to the deletion of previous § 816.68(1) establishing the number of holes to be detonated in any 8-millisecond-delay period because providing this information places no great burden on the operator. OSM believes this information summarizes data which are insignificant in the total blast record and are not necessary for assuring compliance with the rules. Another commenter believed that physical separation can provide the same effect as an 8-millisecond delay. OSM agrees. The 8-millisecond separation was determined by the Bureau of Mines as the minimum delay period to separate charges to reflect nonadditive ground-vibration levels when measured at some distance from the blast. However, this concept assumes that delay holes are at the same distance from the seismograph. In situations where holes are varying distances from the recorder, physical distance separation will delay arrival times of the ground vibration at a structure. This is variable, dependent on the velocity that the seismic wave travels in the specific geologic material.

A commenter objected to OSM's proposed deletion of the requirement that operators keep a record of the number of persons in the blasting crew. OSM believes that a specific number of persons should not be regulated on a national basis. The entry in OSM's old rules served the requirement governing crew size found in 30 CFR Part 850 which has been proposed for change. If a crew size is imposed by a State program, an appropriate entry could be required by the State. Accordingly, OSM has adopted no change to reinstate this entry.

A commenter suggested amending the entry under § 816.68(o)(3) to include the name of the person and firm conducting seismographic tests. OSM believes this to be an acceptable inclusion. Accordingly, OSM has adopted this requirement.

A commenter suggested including the frequency of recorded blast vibration in the seismic record. Not all records produced by seismographs in use in the industry today produce frequency spectra. Most recordings must be analyzed on complex systems to identify trace frequencies as expressed in the RI8507 report (Siskind and others, 1980). As discussed above, the use of a vibration criterion based on frequency monitoring is required in § 816.67(d)(4) in those situations where such sophistication is necessary. However, imposing this condition on all monitored blasts would be overly stringent and unnecessary.

A commenter objected to inclusion of the amount of information required by proposed § 816.68(g) stating that sketches should only be required if blasts are conducted within 1,000 feet from a dwelling or other structure. OSM believes the record is important for reference purposes to ensure the mitigation of damage. Moreover, OSM's regulation of aspects of the blast such as burden, spacing, decking, and delays is mandated by the Act. Other information proves valuable if a complaint arises. Also, an operator who maintains this type of record may revise future blast design if problems occur. OSM believes this degree of information is within that envisioned by the Act, and the final rule adopts the requirement. Commenters also felt that too much information was required for a single sketch. OSM accepts the comment that a single sketch may be cluttered and allows multiple sketches to reflect this information if a single sketch cannot be made.

A commenter believed that all blasts should be certified as designed by a certified blaster in the record. OSM does not require every blast to be designed by a certified blaster. Rather, they must be carried out by certified blasters. Since blast patterns and delays may be designed by someone other than the blaster carrying out the blast, the name of the designer may not be available. Furthermore, OSM requires certifications of blast designs when blasting is conducted within 1,000 feet of structures. OSM therefore has not added such a provision to its recordkeeping rules.

A commenter suggested limiting the data kept in records required by § 816.68(j) on explosives to total explosives used per blast rather than explosives per hole. OSM believes this information is necessary to evaluate the amount of explosives per delay. Furthermore, the per-hole information requirement is taken from the Section 515(b)(15)(B) of the Act. OSM agrees that total charge weight information is important, but recognizes that it is available by totalling all holes. Therefore, it is not considered to be necessary as additional data to be entered. Accordingly, OSM has not adopted such a provision.

A commenter requested that a provision be made in § 816.68(o) to allow "annual calibration" to relieve operators from showing calibration signals on each record. The commenter argued that some seismographs do not

have calibration signals integral with the records. OSM has adopted this provision in the final rule.

A commenter suggested deletion of the requirement in proposed § 816.68(o)(2) for location of the instrument and the date and time of the blast. OSM believes that this information is necessary to ensure that the operator is utilizing the monitoring system agreed to in the permit, and that the data recorded can be traced to a specific blast.

A commenter requested deletion of the requirement in proposed §816.68(p) of the names of persons notified when unscheduled blasts are conducted. As discussed above in conjunction with § 816.64(a)(2), OSM is deleting the requirement of verbal notification of area residents of unscheduled blasts. Instead, audible signals will be used. Weather and other site-specific conditions which necessitate unscheduled blasts may not allow notification to individual residences. Accordingly, OSM does not require records of individuals notified.

A commenter requested confirmation of the availability of blasting records to the public. Both § 816.68 and the Act require the operator to provide access to the blasting records for public inspection upon request. A commenter objected to the degree of detail made available to the public in the records required by § 816.68, stating that it exceeds the requirements of the Act. OSM recognizes that the information required in § 816.68 exceeds that specifically listed in Section 515(b)(15)(B) of the act. OSM requires additional information to evaluate the performance levels of rules implemented pursuant to Sections 515(b)(15)(C), (D), and (E) and 719 of the Act. The additional information relates to performance standard found in §§ 816.61 through 816.67. Such information is necessary to determine whether performance levels were attained. Segregating in the record the items listed in the Act to be available for public inspection is impractical and unnecessary. The commenter failed to demonstrate any harm that would occur through the public disclosure of the additional information. OSM therefore, has chosen to require the entire blasting record to be made available for public inspection.

Rules governing use of explosives associated with underground mining. The performance standards adopted in this rule governing the use of explosives associated with underground mining are identical to those governing surface mining except as noted below. Most offsite impacts, such as airblast and ground vibration, for surface blasting incident to underground mines are not substantially different from those for blasting at surface mines. OSM only regulates the surface impacts of blasting from underground mines, which are derived almost exclusively from surface blasting associated with such mines. This is not a change from the previous rules which also only regulated surface blasting activities incident to underground mining.

Only one difference exists between the two sets of rules in Parts 816 and 817. This relates to the use of blasting schedules. Rather than requiring a blasting schedule, § 817.64 will require weekly notice prior to any surface blasting in support of underground coal mining. Because of the occasional, sporadic nature of surface blasting in support of underground coal mining, the public will be sufficiently served by receiving notification weekly, but not less than 24 hours before any blasting occurs. The mine operator also will be relieved of the task of publishing and republishing a blasting schedule.

Blast design. OSM had proposed to place blast designs among the permitting requirements of § 780.13 for surface mines. No similar planning requirement was included for underground mines because blasting plans are not required for underground mines.

As described above, in adopting the final rules governing surface mines, OSM has shifted the requirement for blast design from the blasting plan section to the general performance standards requirement. This has been done for several reasons: (1) To emphasize the fact that the requirement for special information when blasting within sensitive areas is not a prohibition of mining within these areas, but a protection of structures more likely to suffer damage; (2) To ensure that blast designs are prepared in advance for blasting in areas where the possibility of damage is greatest; (3) To provide the regulatory authority with the greatest information when blasting will be conducted in sensitive areas to allow for monitoring or review of blast designs.

A number of commenters urged that blast designs also be required for underground mines. Because surface blasts may be equally damaging when associated with underground mines, OSM has adopted a requirement in § 817.61(d) identical to the blast design requirement of § 816.61(d).

Blasting schedules. Several commenters objected to the proposed retention of the previous 24-hour notice requirement for notification of local residents within one-half mile of the blasting site in proposed § 817.64(a). Since underground mines have a reasonably constant area of surface disturbance and the time period in which surface blasting would be performed is limited, OSM has rewritten the notification provisions for underground mines to require notification of residents within the ½ mile of the blasting site and local governments. The rule also allows weekly schedules to be distributed. This concept is envisioned to provide the advanced written notice required by statute, while recognizing the infrequent and limited blasting operations used in surface operations of underground mine development. The rule allows daily notification as in the previous rule, but also allows an operator to publish a schedule of weekly blasting events to avoid daily notification. This final rule is envisioned to allow flexibility in use of notification procedures.

Signs and markers. It was mentioned by several commenters that the introductory language to proposed § 817.66(a) used the wrong wording for the underground section. This has been corrected by removing the introductory language and restructuring the provision to parallel § 816.66. New § 817.61(a) limits the applicability of § 817.66 to surface blasting activities incidental to underground coal mining.

Addition of Figure 1. The addition of Figure 1 to §§ 715.19(e)(2)(ix), 816.67(d), and 817.66(d) is discussed in the preamble under the "Ground Vibration" section.

III. Procedural Matters

Federal Paperwork Reduction Act

The information collection requirements in existing 30 CFR Parts 715, 780, 816, and 817 were approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3507 and assigned new clearance numbers 1029–0007, 1029–0036, 1029–0047, and 1029–0048 on April 1, 1981. This approval was identified in "Notes" at the introduction to 30 CFR Parts 715, 780, 816, and 817 under the old numbers R0494, R0606, R0618, and R0619 (all under No. B–190462). OSM has codified the OMB approvals under the new §§ 715.10, 780.10, 816.10, and 817.10 (47 FR 33683, August 4, 1982) and has received new OMB approval of these information collection requirements.

The information required by 30 CFR Part 715 will be used by the regulatory authority in monitoring blasting operations. This information required by 30 CFR Part 715 is mandatory.

The information required by 30 CFR Part 780 will be used by the regulatory authority to determine whether the applicant can meet the environmental protection performance standards of the regulatory program. This information required by 30 CFR Part 780 is mandatory.

The information required by 30 CFR Parts 816 and 817 will be used by the regulatory authority to monitor surface and underground mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act. This information required by 30 CFR Parts 816 and 817 is mandatory.

Executive Order 12291

The DOI has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

Regulatory Flexibility Act

The DOI certifies that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354.

National Environmental Policy Act

Revision of § 715.19 of the initial program regulations is deemed not to be a major Federal action within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332, as stated in Section 501(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1251, and a detailed statement on the analysis of the environmental impacts of its revision is not required.

Amendments relating to use of explosives in 30 CFR Parts 780, 816 and 817, have been considered in relation to revisions of certain other rules in OSM's Final Environmental Statement OSM–EIS–1: Supplement. The final supplement is available in OSM's Administrative Record in Room 5315, 1100 L Street, NW., Washington, D.C., or may be obtained by mail from Mark Boster, Chief, Branch of Environmental Analysis, Room 134, Interior South Building, U.S. Department of the Interior, Washington, D.C. 20240. This preamble serves as the record of decision under NEPA. These final rules are the same as the preferred alternatives published in Volume III of the final EIS and analyzed in the EIS.

List of Subjects

30 CFR Part 715

Coal mining, Environmental protection, Surface mining, Underground mining.

30 CFR Part 780

Coal mining, Reporting requirement, Surface mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting requirements, Underground mining.

Agency Approval. Section 516(a) requires that, with regard to rules directed toward the surface effects of underground mining, OSM must obtain written concurrence from the head of the department which administers the Federal Coal Mine Health and Safety Act of 1969. OSM has obtained the written concurrence of the Assistant Secretary for Mine Safety and Health, U.S. Department of Labor.

Accordingly, 30 CFR Parts 715, 780, 816, and 817 are amended as set forth herein.

Dated: February 28, 1983.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

PART 715—GENERAL PERFORMANCE STANDARDS

1. Section 715.19 is amended by revising Paragraphs (e)(2)(ii) and (e)(2)(iii) and removing Paragraphs (e)(2)(iv)–(e)(2)(vi) to read as follows:

§ 715.19 Use of explosives.

* * * * *

(e) * * *

(2) *Blasting standards.* (i) * * *

(ii) *Ground vibration.*—(A) *General.* In all blasting operations, except as otherwise authorized in Paragraph (e)(2)(iii) of this section, the maximum ground vibration shall not exceed a value approved by the regulatory authority. It shall be established in accordance with the maximum peak-particle-velocity limit of Paragraph (e)(2)(ii)(B), the scaled-distance equation of Paragraph (e)(2)(ii)(C), or the blasting-level chart of Paragraph (e)(2)(ii)(D), or such other standard established under Paragraph (e)(2)(ii)(E), of this section. All structures in the vicinity of the blasting area, not listed in Paragraph (e)(2)(ii)(B), of this section, such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines, shall be protected from damage by establishment of a maximum allowable limit on the ground vibration, submitted by the operator and approved by the regulatory authority before the initiation of blasting.

(B) *Maximum peak-particle velocity.* (*1*) The maximum ground vibration shall not exceed the following limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area.

Distance (*D*) from blasting site, in feet	Maximum allowable peak particle velocity (*Vmax*) for ground vibration, in inches/second [1]	Scaled-distance factor to be applied without seismic monitoring [2]
0 to 300	1.25	50
301 to 5,000	1.00	55
5,001 and beyond	0.75	65

[1] Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.
[2] Applicable to the scaled-distance equation of Paragraph (e)(2)(ii)(C)(*1*) of this section.

(*2*) A seismographic record shall be provided for each blast.

(C) *Scaled-distance equation.* (*1*) The operator may use the scaled-distance equation, $W=(D/Ds)^2$, to determine the allowable charge weight of explosives to be detonated in any 8-millisecond period without seismic monitoring; where W=the maximum weight of explosives, in pounds; D=the distance, in feet, from the blasting site to the nearest protected structure; and Ds=the scaled-distance factor, which may initially be approved by the regulatory authority using the values for scaled-distance factor listed in Paragraph (e)(2)(ii)(B)(*1*), of this section.

(*2*) The development of a modified scaled-distance factor may be authorized by the regulatory authority on receipt of a written request by the operator, supported by seismographic records of blasting at the minesite. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of Paragraph (e)(2)(B)(*1*) of this section at a 95-percent confidence level.

(D) *Blasting-level chart.* (*1*) An operator may use the ground-vibration limits in Figure 1 to determine the maximum allowable ground vibration.

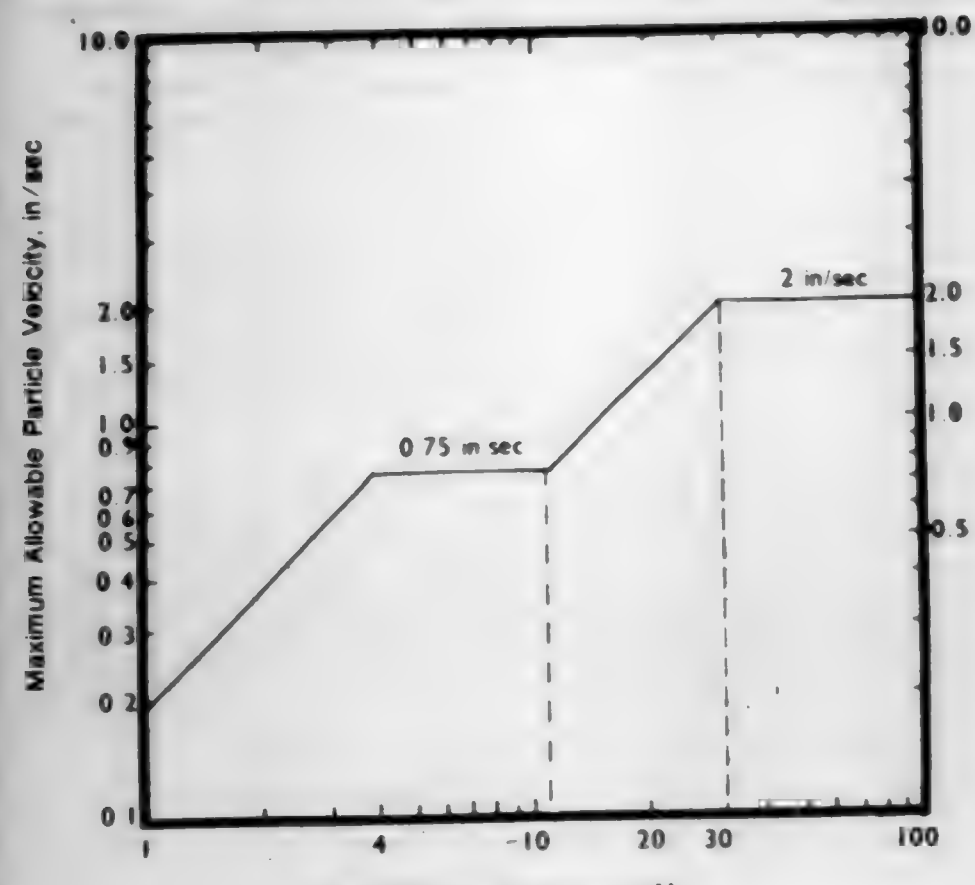

Figure 1. Alternative blasting level criteria
(Source: Modified from figure B-1, Bureau of Mines RI 8507)

(2) If the Figure 1 limits are used, a seismographic record including both particle-velocity and vibration-frequency levels shall be provided for each blast. The method for the analysis of the predominant frequency contained in the blasting records shall be approved by the regulatory authority before application of this alternative blasting criterion.

(E) The maximum allowable ground vibration shall be reduced by the regulatory authority beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.

(F) The regulatory authority may require an operator to conduct seismic monitoring of any or all blasts and may specify the location at which the measurements are taken and the degree of detail necessary in the measurement.

(iii) If blasting is conducted in accordance with Paragraph (e)(2)(i) of this section, the maximum ground-vibration and airblast standards shall not apply at the following locations:

(A) At structures owned by the permittee and not leased to another person.

(B) At structures owned by the permittee and leased to another person, if a written waiver by the lessee is submitted to the regulatory authority before blasting.

* * * * *

§ 715.19 [Amended]

2. Section 715.19 is amended by removing Paragraph (e)(3) and redesignating Paragraph (e)(4) as Paragraph (e)(3).

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

3. Part 780 is amended by revising § 780.13 to read as follows:

§ 780.13 Operation plan: Blasting.

(a) *Blasting plan.* Each application shall contain a blasting plan for the proposed permit area, explaining how the applicant will comply with the requirements of §§ 816.61–816.68 of this chapter. This plan shall include, at a minimum, information setting forth the limitations the operator will meet with regard to ground vibration and airblast, the bases for those limitations, and the methods to be applied in controlling the adverse effects of blasting operations.

(b) *Monitoring system.* Each application shall contain a description of any system to be used to monitor compliance with the standards of § 816.67 including the type, capability, and sensitivity of any blast-monitoring equipment and proposed procedures and locations of monitoring.

(c) *Blasting near underground mines.* Blasting operations within 500 feet of active underground mines require approval of the State and Federal regulatory authorities concerned with the health and safety of underground miners.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

§ 816.11 [Amended]

4. Section 816.11 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

5. Section 816.61 is amended by revising paragraphs (a) and (b) and adding paragraph (d) to read as follows:

§ 816.61 Use of explosives: General requirements.

(a) Each operator shall comply with all applicable State and Federal laws and regulations in the use of explosives.

(b) Blasts that use more than 5 pounds of explosive or blasting agent shall be conducted according to the schedule required under § 816.64.

* * * * *

(d) *Blast design.* (1) An anticipated blast design shall be submitted if blasting operations will be conducted within—

(i) 1,000 feet of any building used as a dwelling, public building, school, church, or community or institutional building outside the permit area; or

(ii) 500 feet of an active or abandoned underground mine.

(2) The blast design may be presented as part of a permit application or at a time, before the blast, approved by the regulatory authority.

(3) The blast design shall contain sketches of the drill patterns, delay periods, and decking and shall indicate the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as a discussion of design factors to be used, which protect the pubic and meet the applicable airblast, flyrock, and ground-vibration standards in § 816.67.

(4) The blast design shall be prepared and signed by a certified blaster.

(5) The regulatory authority may require changes to the design submitted.

6. Section 816.62 is revised to read as follows:

§ 816.62 Use of explosives: Preblasting survey.

(a) At least 30 days before initiation of blasting, the operator shall notify, in writing, all residents or owners of dwellings or other structures located within ½ mile of the permit area how to request a preblasting survey.

(b) A resident or owner of a dwelling or structure within ½ mile of any part of the permit area may request a preblasting survey. This request shall be made, in writing, directly to the operator or to the regulatory authority, who shall promptly notify the operator. The operator shall promptly conduct a preblasting survey of the dwelling or structure and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the operator if requested by the resident or owner.

(c) The operator shall determine the condition of the dwelling or structure and shall document any preblasting damage and other physical factors that could reasonably be affected by the blasting. Structures such as pipelines, cables, transmission lines, and cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

(d) The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the regulatory authority and to the person requesting the survey. If the person requesting the survey disagrees with the contents and/or recommendations contained therein, he or she may submit to both the operator and the regulatory authority a detailed description of the specific areas of disagreement.

(e) Any surveys requested more than 10 days before the planned initiation of blasting shall be completed by the operator before the initiation of blasting.

7. Section 816.64 is revised to read as follows:

§ 816.64 Use of explosives: Blasting schedule.

(a) *General requirements.* (1) The operator shall conduct blasting operations at times approved by the regulatory authority and announced in the blasting schedule. The regulatory authority may limit the area covered, timing, and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect the public health and safety or welfare.

(2) All blasting shall be conducted between sunrise and sunset, unless nighttime blasting is approved by the regulatory authority based upon a showing by the operator that the public will be protected from adverse noise and other impacts. The regulatory authority may specify more restrictive time periods for blasting.

(3) Unscheduled blasts may be conducted only where public or operator health and safety so require and for emergency blasting actions. When an operator conducts an unscheduled blast, the operator, using audible signals, shall notify residents within ½ mile of the blasting site and document the reason for the unscheduled blast in accordance with § 816.68(p).

(b) *Blasting schedule publication and distribution.* (1) The operator shall publish the blasting schedule in a newspaper of general circulation in the locality of the blasting site at least 10 days, but not more than 30 days, before beginning a blasting program.

(2) The operator shall distribute copies of the schedule to local governments and public utilities and to each local residence within ½ mile of the proposed blasting site described in the schedule.

(3) The operator shall republish and redistribute the schedule at least every 12 months and revise and republish the schedule at least 10 days, but not more than 30 days, before blasting whenever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement.

(c) *Blasting schedule contents.* The blasting schedule shall contain, at a minimum—

(1) Name, address, and telephone number of operator;

(2) Identification of the specific areas in which blasting will take place;

(3) Dates and time periods when explosives are to be detonated;

(4) Methods to be used to control access to the blasting area; and

(5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

§ 816.65 [Removed]

8. Section 816.65 is removed.

9. Section 816.66 is added to read as follows:

§ 816.66 Use of explosives: Blasting signs, warnings, and access control.

(a) *Blasting signs.* Blasting signs shall meet the specifications of § 816.11. The operator shall—

(1) Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right-of-way, and at the point where any other road provides access to the blasting area; and

(2) At all entrances to the permit area from public roads or highways, place conspicuous signs which state "Warning! Explosives in Use," which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.

(b) *Warnings.* Warning and all-clear signals of different character or pattern that are audible within a range of ½ mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within ½ mile of the permit area shall be notified of the meaning of the signals in the blasting schedule.

(c) *Access control.* Access within the blasting area shall be controlled to prevent presence of livestock or unauthorized persons during blasting and until an authorized representative of the operator has reasonably determined that—

(1) No unusual hazards, such as imminent slides or undetonated charges, exist; and

(2) Access to and travel within the blasting area can be safely resumed.

10. Section 816.67 is revised to read as follows:

§ 816.67 Use of explosives: Control of adverse effects.

(a) *General requirements.* Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of surface or ground water outside the permit area.

(b) *Airblast.*—(1) *Limits.* (i) Airblast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area, except as provided in Paragraph (e) of this section.

Lower frequency limit of measuring system, in Hz (±3 dB)	Maximum level, in dB
0.1 Hz or lower—flat response [1]	134 peak.
2 Hz or lower—flat response	133 peak.
6 Hz or lower—flat response	129 peak.
C-weighted—slow response [1]	105 peak dBC.

[1] Only when approved by the regulatory authority.

(ii) If necessary to prevent damage, the regulatory authority shall specify

lower maximum allowable airblast levels than those of Paragraph (b)(1)(i) of this section for use in the vicinity of a specific blasting operation.

(2) *Monitoring.* (i) The operator shall conduct periodic monitoring to ensure compliance with the airblast standards. The regulatory authority may require airblast measurement of any or all blasts and may specify the locations at which such measurements are taken.

(ii) The measuring systems shall have an upper-end flat-frequency response of at least 200 Hz.

(c) *Flyrock.* Flyrock travelling in the air or along the ground shall not be cast from the blasting site—

(1) More than one-half the distance to the nearest dwelling or other occupied structure;

(2) Beyond the area of control required under § 816.66(c); or

(3) Beyond the permit boundary.

(d) *Ground vibration*—(1) *General.* In all blasting operations, except as otherwise authorized in Paragraph (e) of this section, the maximum ground vibration shall not exceed the values approved in the blasting plan required under § 780.13 of this chapter. The maximum ground vibration for protected structures listed in Paragraph (d)(2)(i) of this section shall be established in accordance with either the maximum peak-particle-velocity limits of Paragraph (d)(2), the scaled-distance equation of Paragraph (d)(3), the blasting-level chart of Paragraph (d)(4) of this section, or by the regulatory authority under Paragraph (d)(5) of this section. All structures in the vicinity of the blasting area, not listed in Paragraph (d)(2)(i) of this section, such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines, shall be protected from damage by establishment of a maximum allowable limit on the ground vibration, submitted by the operator in the blasting plan and approved by the regulatory authority.

(2) *Maximum peak particle velocity.* (i) The maximum ground vibration shall not exceed the following limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area:

Distance (*D*), from the blasting site, in feet	Maximum allowable peak particle velocity (V_{max}) for ground vibration, in inches/second [1]	Scaled-distance factor to be applied without seismic monitoring [2]
0 to 300	1.25	50
301 to 5,000	1.00	55
5,001 and beyond	0.75	65

[1] Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.
[2] Applicable to the scaled-distance equation of Paragraph (d)(3)(i) of this section.

(ii) A seismographic record shall be provided for each blast.

(3) *Scale-distance equation.* (i) An operator may use the scaled-distance equation, $W=(D/D_s)^2$, to determine the allowable charge weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring; where W = the maximum weight of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest protected structure; and D_s = the scaled-distance factor, which may initially be approved by the regulatory authority using the values for scaled-distance factor listed in Paragraph (d)(2)(i) of this section.

(ii) The development of a modified scaled-distance factor may be authorized by the regulatory authority on receipt of a written request by the operator, supported by seismographic records of blasting at the minesite. The modified scale-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle velocity of Paragraph (d)(2)(i) of this section, at a 95-percent confidence level.

(4) *Blasting-level chart.* (i) An operator may use the ground-vibration limits in Figure 1 to determine the maximum allowable ground vibration.

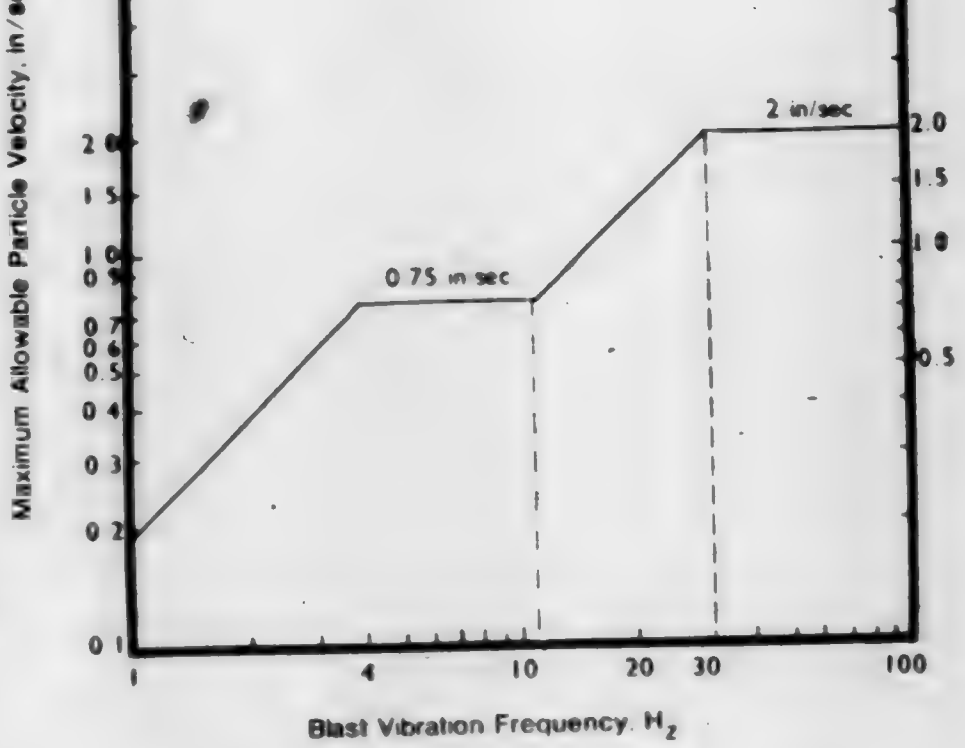

Figure 1 Alternative blasting level criteria
(Source Modified from figure B-1, Bureau of Mines RI 8507)

(ii) If the Figure 1 limits are used, a seismographic record including both particle velocity and vibration-frequency levels shall be provided for each blast. The method for the analysis of the predominant frequency contained in the blasting records shall be approved by the regulatory authority before application of this alternative blasting criterion.

(5) The maximum allowable ground vibration shall be reduced by the regulatory authority beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.

(6) The regulatory authority may require an operator to conduct seismic monitoring of any or all blasts or may specify the location at which the measurements are taken and the degree of detail necessary in the measurement.

(e) The maximum airblast and ground-vibration standards of paragraphs (b) and (d) of this section shall not apply at the following locations:

(1) At structures owned by the permittee and not leased to another person.

(2) At structures owned by the permittee and leased to another person, if a written waiver by the lessee is submitted to the regulatory authority before blasting.

11. Section 816.68 is revised to read as follows:

§ 816.68 Use of explosives: Records of blasting operations.

The operator shall retain a record of all blasts for at least 3 years. Upon request, copies of these records shall be made available to the regulatory authority and to the public for inspection. Such records shall contain the following data:

(a) Name of the operator conducting the blast.

(b) Location, date, and time of the blast.

(c) Name, signature, and certification number of the blaster conducting the blast.

(d) Identification, direction, and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described in § 816.67(e).

(e) Whether conditions, including those which may cause possible adverse blasting effects.

(f) Type of material blasted.

(g) Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern.

(h) Diameter and depth of holes.

(i) Types of explosives used.

(j) Total weight of explosives used per hole.

(k) The maximum weight of explosives detonated in an 8-millisecond period.

(l) Initiation system.

(m) Type and length of stemming.

(n) Mats or other protections used.

(o) Seismographic and airblast records, if required, which shall include—

(1) Type of instrument, sensitivity, and calibration signal or certification of annual calibration;

(2) Exact location of instrument and the date, time, and distance from the blast;

(3) Name of the person and firm taking the reading;

(4) Name of the person and firm analyzing the seismographic record; and

(5) The vibration and/or airblast level recorded.

(p) Reasons and conditions for each unscheduled blast.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

§ 817.11 [Amended]

12. Section 817.11 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

13. Section 817.61 is amended by revising paragraphs (a) and (b) and adding paragraph (d) to read as follows:

§ 817.61 Use of explosives: General requirements.

(a) Sections 817.61—817.68 apply to surface blasting activities incident to underground coal mining, including, but not limited to, initial rounds of slopes and shafts.

(b) Each operator shall comply with all applicable State and Federal laws and regulations in the use of explosives.

* * * * *

(d) *Blast design.* (1) An anticipated blast design shall be submitted if blasting operations will be conducted within—

(i) 1,000 feet of any building used as a dwelling, public building, school, church or community or institutional building; or

(ii) 500 feet of active or abandoned underground mines.

(2) The blast design may be presented as part of a permit application or at a time, before the blast, approved by the regulatory authority.

(3) The blast design shall contain sketches of the drill patterns, delay periods, and decking and shall indicate the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as a discussion of design factors to be used, which protect the public and meet the applicable airblast, flyrock, and ground-vibration standards in § 817.67.

(4) The blast design shall be prepared and signed by a certified blaster.

(5) The regulatory authority may require changes to the design submitted.

14. Section 817.62 is revised to read as follows:

§ 817.62 Use of explosives: Preblasting survey.

(a) At least 30 days before initiation of blasting, the operator shall notify, in writing, all residents or owners of dwellings or other structures located within ½ mile of the permit area how to request a preblasting survey.

(b) A resident or owner of a dwelling or structure within ½ mile of any part of the permit area may request a preblasting survey. This request shall be made, in writing, directly to the operator or to the regulatory authority, who shall promptly notify the operator. The operator shall promptly conduct a preblasting survey of the dwelling or structure and promptly prepare a written report of the survey. An updated survey of any additions, modifications, or renovations shall be performed by the operator if requested by the resident or owner.

(c) The operator shall determine the condition of the dwelling or structure and shall document any preblasting damage and other physical factors that could reasonably be affected by the blasting. Structures such as pipelines, cables, transmission lines, and cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

(d) The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the regulatory authority and to the person requesting the survey. If the person requesting the survey disagrees with the contents and/or recommendations contained therein, he or she may submit to both the operator and the regulatory authority a detailed description of the specific areas of disagreement.

(e) Any surveys requested more than 10 days before the planned initiation of blasting shall be completed by the operator before the initiation of blasting.

15. Section 817.64 is revised to read as follows:

§ 817.64 Use of explosives: General performance standards.

(a) The operator shall notify, in writing, residents within ½ mile of the blasting site and local governments of the proposed times and locations of blasting operations. Such notice of times that blasting is to be conducted may be

announced weekly, but in no case less than 24 hours before blasting will occur.

(b) Unscheduled blasts may be conducted only where public or operator health and safety so requires and for emergency blasting actions. When an operator conducts an unscheduled surface blast incidental to underground coal mining operations, the operator, using audible signals, shall notify residents within ½ mile of the blasting site and document the reason in accordance with § 817.68(p).

(c) All blasting shall be conducted between sunrise and sunset unless nighttime blasting is approved by the regulatory authority based upon a showing by the operator that the public will be protected from adverse noise and other impacts. The regulatory authority may specify more restrictive time periods for blasting.

§ 817.65 [Removed]

16. Section 817.65 is removed.

17. Section 817.66 is added to read as follows:

§ 817.66 Use of explosives: Blasting signs, warnings, and access control.

(a) *Blasting signs.* Blasting signs shall meet the specifications of § 817.11. The operator shall—

(1) Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public-road right-of-way, and at the point where any other road provides access to the blasting area; and

(2) At all entrances to the permit area from public roads or highways, place conspicuous signs which state "Warning! Explosives in Use," which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.

(b) *Warnings.* Warning and all-clear signals of different character or pattern that are audible within a range of ½ mile from the point of the blast shall be given. Each person within the permit area and each person who resides or regularly works within ½ mile of the permit area shall be notified of the meaning of the signals in the blasting notification required in § 817.64(a).

(c) *Access control.* Access within the blasting areas shall be controlled to prevent presence of livestock or unauthorized persons during blasting and until an authorized representative of the operator has reasonably determined that—

(1) No unusual hazards, such as imminent slides or undetonated charges, exist; and

(2) Access to and travel within the blasting area can be safely resumed.

18. Section 817.67 is revised to read as follows:

§ 817.67 Use of explosives: Control of adverse effects.

(a) *General requirements.* Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of surface or ground water outside the permit area.

(b) *Airblast.*—(1) *Limits.* (i) Airblast shall not exceed the maximum limits listed below at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area, except as provided in Paragraph (e) of this section.

Lower frequency limit of measuring system, in Hz (±3 dB)	Maximum level, in dB
0.1 Hz or lower—flat response [1]	134 peak.
2 Hz or lower—flat response	133 peak.
6 Hz or lower—flat response	129 peak.
C-weighted—slow response [1]	105 peak dBC.

[1] Only when approved by the regulatory authority.

(ii) If necessary to prevent damage, the regulatory authority may specify lower maximum allowable airblast levels than those of Paragraph (b)(1)(i) of this section for use in the vicinity of a specific blasting operation.

(2) *Monitoring.* (i) The operator shall conduct periodic monitoring to ensure compliance with the airblast standards. The regulatory authority may require airblast measurement of any or all blasts and may specify the locations at which such measurements are taken.

(ii) The measuring systems used shall have an upper-end flat-frequency response of at least 200 Hz.

(c) *Flyrock.* Flyrock travelling in the air or along the ground shall not be cast from the blasting site—

(1) More than one-half the distance to the nearest dwelling or other occupied structure;

(2) Beyond the area of control required under § 817.66(c); or

(3) Beyond the permit boundary.

(d) *Ground vibration.*—(1) *General.* In all blasting operations, except as otherwise authorized in paragraph (e) of this section, the maximum ground vibration shall not exceed the values approved by the regulatory authority. The maximum ground vibration for protected structures listed in paragraph (d)(2)(i) of this section shall be established in accordance with either the maximum peak-particle-velocity limits of paragraph (d)(2), the scaled-distance equation of paragraph (d)(3), the blasting-level chart of paragraph (d)(4) of this section, or by the regulatory authority under paragraph (d)(5) of this section. All structures in the vicinity of the blasting area, not listed in paragraph (d)(2)(i) of this section, such as water towers, pipelines and other utilities, tunnels, dams, impoundments, and underground mines shall be protected from damage by establishment of a maximum allowable limit on the ground vibration, submitted by the operator and approved by the regulatory authority before the initiation of blasting.

(2) *Maximum peak-particle velocity.* (i) The maximum ground vibration shall not exceed the following limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area:

Distance (*D*), from the blasting site, in feet	Maximum allowable peak particle velocity (*V*max) for ground vibration, in inches/second [1]	Scaled-distance factor to be applied without seismic monitoring [2]
0 to 300	1.25	[illegible]
301 to 5,000	1.00	[illegible]
5,001 and beyond	0.75	[illegible]

[1] Ground vibration shall be measured as the particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions. The maximum allowable peak particle velocity shall apply to each of the three measurements.
[2] Applicable to the scaled-distance equation of Paragraph (d)(3)(i) of this section.

(ii) A seismographic record shall be provided for each blast.

(3) *Scaled-distance equation.* (i) An operator may use the scaled-distance equation, $W=(D/Ds)^2$, to determine the allowable charge weight of explosives to be detonated in any 8-millisecond period, without seismic monitoring; where W = the maximum weight of explosives, in pounds; D = the distance, in feet, from the blasting site to the nearest protected structure; and Ds = the scaled-distance factor, which may initially be approved by the regulatory authority using the values for scaled-distance factor listed in Paragraph (d)(2)(i) of this section.

(ii) The development of a modified scaled-distance factor may be authorized by the regulatory authority on receipt of a written request by the operator, supported by seismographic records of blasting at the minesite. The modified scaled-distance factor shall be determined such that the particle velocity of the predicted ground vibration will not exceed the prescribed maximum allowable peak particle

velocity of paragraph (d)(2)(i) of this section, at a 95-percent confidence level.

(4) *Blasting-level chart.* (i) An operator may use the ground-vibration limits in Figure 1 to determine the maximum allowable ground vibration.

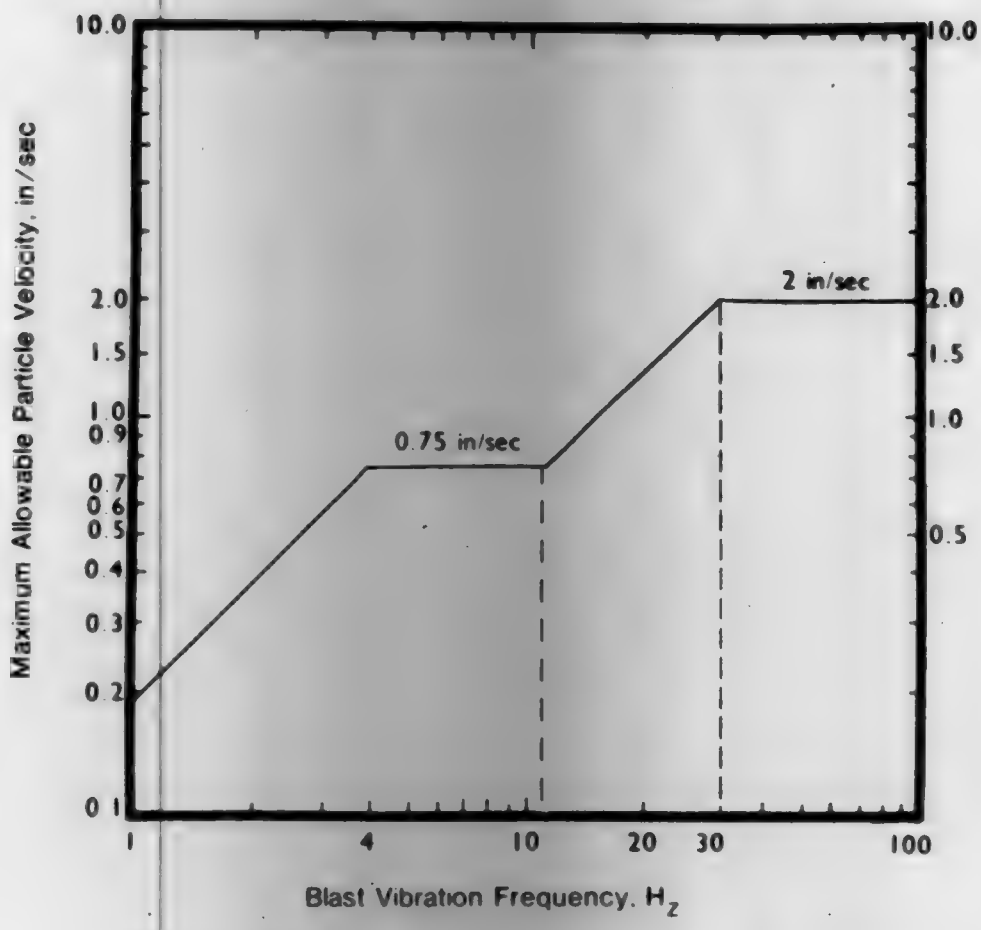

Figure 1 Alternative blasting level criteria

(Source Modified from figure B-1, Bureau of Mines RI8507)

(ii) If the Figure 1 limits are used, a seismographic record including both particle velocity and vibration-frequency levels shall be provided for each blast. The method for the analysis of the predominant frequency contained in the blasting records shall be approved by the regulatory authority before application of this alternative blasting criterion.

(5) The maximum allowable ground vibration shall be reduced by the regulatory authority beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.

(6) The regulatory authority may require an operator to conduct seismic monitoring of any or all blasts and may specify the location at which the measurements are taken and the degree of detail necessary in the measurement.

(e) The maximum airblast and ground-vibration standards of paragraphs (b) and (d) of this section shall not apply at the following locations:

(1) At structures owned by the permittee and not leased to another person,

(2) At structures owned by the permittee and leased to another person, if a written waiver by the lessee is submitted to the regulatory authority before blasting.

19. Section 817.68 is revised to read as follows:

§ 817.68 Use of explosives: Records of blasting operations.

The operator shall retain a record of all blasts for at least 3 years. Upon request, copies of these records shall be made available to the regulatory authority and to the public for inspection. Such records shall contain the following data:

(a) Name of the operator conducting the blast.

(b) Location, date, and time of the blast.

(c) Name, signature, and certification number of the blaster conducting the blast.

(d) Identification, direction, and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described in § 817.67 (e).

(e) Weather conditions, including those which may cause possible adverse blasting effects.

(f) Type of material blasted.

(g) Sketches of the blast pattern including number of holes, burden, spacing, decks, and delay pattern.

(h) Diameter and depth of holes.

(i) Types of explosives used.

(j) Total weight of explosives used per hole.

(k) The maximum weight of explosives detonated in an 8-millisecond period.

(l) Initiation system.

(m) Type and length of stemming.

(n) Mats or other protections used.

(o) Seismographic and airblast records, if required, which shall include—

(1) Type of instrument, sensitivity, and calibration signal or certification of annual calibration;

(2) Exact location of instrument and the date, time, and distance from the blast;

(3) Name of the person and firm taking the reading;

(4) Name of the person and firm analyzing the seismographic record; and

(5) The vibration and/or airblast level recorded.

(p) Reasons and conditions for each unscheduled blast.

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*

[FR Doc. 83–5565 Filed 3–7–83; 8:45 am]

BILLING CODE 4310–05–M

VOL
48
ISS
46
MR
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8
1983
UMI

federal register

Tuesday
March 8, 1983

Part IV

Department of Health and Human Services

Office of the Secretary

Children Involved as Subjects in Research; Additional Protections

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 46

Additional Protections for Children Involved as Subjects in Research

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Department of Health and Human Services (Department or HHS) is prescribing additional requirements for protection of children involved as subjects in research. These regulations adopt, with some changes, the recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (National Commission) as were presented in the notice of proposed rulemaking (NPRM) 43 FR 31786 which preceded this final rule.

Specifically, these regulations impose certain added responsibilities on Institutional Review Boards (IRBs) depending on the degree of risk involved in the research and the extent that the research is likely to be a benefit to the subject or relate to a subject's illness. The regulations also set forth requirements for obtaining permission by parents and guardians and, except under certain circumstances, assent by the children themselves. When the child is a ward of the state, the appointment of an advocate is required under some circumstances. The regulations exempt from coverage most social, economic, and educational research in which the only involvement of children as subjects will be in one or more of the following categories: (a) Research conducted in established or commonly accepted educational settings, involving normal educational practices; (b) Research involving the observation of public behavior; (c) Research involving the use of educational tests; (d) Research involving the collection or study of existing data, documents, records or specimens.

EFFECTIVE DATE: These regulations are applicable to all research reviewed after June 6, 1983 by institutional review boards established under an HHS approved Assurance of Compliance.

ADDRESS: Please send comments or requests for additional information to: Denis J. Doyle, Assistant Regulations Officer, Office for Protection from Research Risks, National Institutes of Health, 5333 Westbard Avenue, Room 3A18, Bethesda, Maryland 20205. Telephone (301) 496–7163.

FOR FURTHER INFORMATION CONTACT: Denis J. Doyle (301) 496–7163.

SUPPLEMENTARY INFORMATION: Basic regulations governing the protection of human subjects involved in research funded by HHS (formerly HEW) were first published in the **Federal Register** on May 30, 1974 (30 FR 18914).

In the preamble to those regulations, HHS indicated that it would propose further rules to provide additional protections for research subjects, including children, who may have diminished capacity to provide informed consent.

The National Research Act (Pub. L. 93–348) was signed into law on July 12, 1974, creating the National Commission. One of the charges to the National Commission was to study the nature of research involving children, the purposes of such research, the steps necessary to protect children as subjects, and the requirements for the informed consent of children, their parents or guardians. The National Commission was required to recommend to the Secretary, HHS, policies defining any circumstances under which research with and for children might be appropriate, and to make recommendations to Congress regarding the protection of subjects (including children) involved in research not subject to regulation by HHS.

In discharging its duties under this mandate, the National Commission studied the nature and extent of research involving children, the purposes for which the research is conducted, and other issues surrounding the participation of children in research. Representatives from professional societies, federal agencies, and public interest groups, as well as parents and other members of the public, presented their views to the National Commission at a public hearing. The National Minority Conference on Human Experimentation, convened by the National Commission to solicit minority views, made recommendations to the National Commission on research involving children.

The National Commission also reviewed papers and reports prepared under contract, on topics including informed consent and actual practices in research involving children. Finally, the National Commission conducted extensive public deliberations and developed recommendations on the participation of children in research.

Pursuant to Section 205 of the National Research Act (Pub. L. 93–348), the report and recommendations of the National Commission on research involving children were published in the **Federal Register** (43 FR 2084) on January 13, 1978.

After review of the National Commission's report and recommendations as well as the public comments received, the Secretary published a notice of proposed rulemaking on research involving children in the **Federal Register** (43 FR 31786) on July 21, 1978. In addition to solicitation of comments on the proposed rules, public comments were also sought on the following points: (1) How could the Department provide more useful guidance to IRBs in evaluating whether only a minor increment over minimum risk is involved and (2) further comments, preferably supported by studies, concerning the issues of requiring assent from children, whether an age for requiring assent should be stated, and, if not, whether there should be guidance in the preamble regarding a suggested appropriate age for assent.

OMB Clearance: Reporting and recordkeeping requirements in Subpart A of 45 CFR Part 46 also cover research affected by this subpart. OMB approval for reporting and recordkeeping requirements contained in 45 CFR Part 46, as amended January 26, 1981, was requested and received.

Impact Analysis

Economic Impact on Small Entities—The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354. Since the establishment of an institutional review board and the filing of an Assurance of Compliance is already required by 45 CFR Part 46, Subpart A, this subpart will not necessarily impose requirement which are additional to the basic conditions required of entities for receiving HHS funds to conduct or sponsor human subject research.

Classification of Rule Under E.O. 12291—The Secretary has determined that this rule is not a "major rule" under Executive Order 12291 and thus a regulatory impact analysis is not required. The Secretary's determination is based on the finding that the proposed rule would not:

(1) Have an annual effect on the economy of $100 million or more;

(2) Impose a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Result in significant adverse effects on competition, employment,

investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Response to Public Comment

A total of 127 public comments was received from individuals and organizations in response to the publication in the **Federal Register** of Proposed Regulations on Research Involving Children (43 FR 31786, July 21, 1978). After reviewing the comments and taking into consideration the recently amended Basic HHS Policy for the Protection of Human Research Subjects (Title 45 Part 46 Code of Federal Regulations), the Department has prepared the final rule on research involving children as human subjects. A number of provisions of the proposed rule have been deleted since they are discussed and incorporated into the amended 45 CFR 46 Subpart A published in the **Federal Register** on January 26, 1981 (46 FR 8366). The summaries of the public comment and the Department's responses and final decisions are organized below by the section and paragraph designation of the proposed rule.

Section 46.401 To what do these regulations apply?

Public Comment: Several commentators stated that specific exemptions should be included in this subpart.

HHS Response: The Department agrees that exemptions (1), (2), (5) and (6), as listed in Subpart A at § 46.101(b) should be applicable to Subpart D as well, and has reworded the final rule to reflect this.

Exemption (3), research involving survey or interview procedures, as listed in § 46.101(b) of Subpart A is not made applicable to this subpart. The Department assumes that adults have the capability to determine whether or not to participate in survey or interview research. However, the Department believes that children being surveyed or interviewed by an investigator may not be capable of recognizing that their responses to questions on sensitive issues could be potentially damaging to themselves or others. Therefore, it is appropriate that the IRB at least review such research to determine whether the rights and welfare of children participating as subjects are adequately protected and when the requirements of permission or assent can be waived. Such waivers shall be in accordance with the requirements of §§ 46.116 and 46.117 of Subpart A.

Exemption (4), research involving the observation of public behavior, as listed in § 46.101(b) of Subpart A, is applicable to Subpart D where the investigator(s) does not participate in the activities being observed. The Department believes that children involved in observation research, where the investigator(s) is also participating in the activities being observed, may not have the capability to determine whether or not to participate and therefore IRB review of such research is appropriate. This modification is reflected in the final rule at § 46.101(b).

Reference is also made in this final rule to the exceptions, additions, and provisions listed in paragraphs (c) through (f) of § 46.101 of Subpart A.

In addition, two other provisions concerning applicability of other subparts of 45 CFR Part 46 or other laws or regulations that are included under § 46.101(a) are repeated in § 46.401(a).

Section 46.402 Purpose.

Public Comment: There was a single comment suggesting that this section be amended to include an explicit statement regarding the value of research involving children as stated in the recommendations of the National Commission.

HHS Response: This section was hortatory in nature and served no substantive purpose.

This section is deleted in the final rule and all subsequent sections are re-numbered.

Section 46.403 Definitions.

Public Comment: There were a total of 26 comments on the definitions. "Secretary," "DHEW" (now HHS), "Parent" and "Guardian" were not the subject of comment. There were three comments on "Research" and seven on "Minimal risk." Responses to these ten comments were considered in the preamble of Subpart A, previously published (46 FR 8366).

Three commentators criticized the Department's definition of "Children" for including those "persons who have not attained the legal age of consent to general medical care as determined under the applicable law of the jurisdiction in which the research will be conducted." They pointed out that in many jurisdictions certain classes of minors are considered to be emancipated and are legally authorized to consent to certain kinds of treatment or services.

There were eight comments on the definition of "Advocate," five of which objected to the provision that such an individual should not have "any financial interest in, or other association with, the institution conducting or sponsoring the research." A reason given was that it would be difficult, if not impossible, to get qualified volunteers to serve as advocates. Other commentators questioned the legal authority of an IRE to appoint an advocate and whether an advocate might be placed in legal jeopardy if an injury or suit resulted.

Five comments on "Assent" and "Permission" as definitions were received which did not call for a major change in these definitions. Additional comments on "Assent" and "Permission" in general are summarized in the discussion of § 46.409 below.

HHS Response: The definitions of "Parent" and "Guardian" are unchanged. The terms "Research" and "Minimal risk" are removed from this subpart since they appear in subpart A (§ 46.102 (e) and (g)). The Department agrees that reference to "consent to general medical care" in the definition of children is not appropriate and has, therefore, reworded the final regulation to read "consent to treatments or procedures involved in the research." The Department does not believe that a definition of "Advocate" is needed since it has been decided to delete any requirements for an advocate other than under Section 46.409 (a) and (b) of the final rule where the duties of the advocate serve as a working definition. It is the Department's position that the role of the advocate not be compromised by association with the research, the investigator(s), or the guardian organization. Modification of the final rule, at § 46.409 reflects this position, and is consistent with the recommendations of the National Commission.

In the definitions of "Assent" and "Permission" all references to informed consent requirements have been deleted since they are discussed in § 46.409 below.

This section is redesignated as § 46.402 in the final rule.

Section 46.404 IRB duties.

Public Comment: A total of 38 commentators addressed one or more of the duties assigned to IRBs by this support, in addition to those assigned in Subpart A. The majority of the comments referred to § 46.404(a)(1) "The research methods are appropriate to the aims of the research" or to § 46.404(a)(8), "adequate provisions are made for monitoring solicitation of assent and permission * * *."

Six commentators questioned the phrase "The competence of investigator(s) and the quality of the

research facility are sufficient for the conduct of the research."

Comments on §§ 46.404(a)(1) and 46.404(a)(2) were related and very similar to those objections received in connection with a similar provision in the Proposed Regulations Amending Basic HEW Policy for Protection of Human Research Subjects (44 FR 47688, August 14, 1979), which states that "The research methods are appropriate to the objective of the research and the field of study."

Commentators pointed out, in response to the National Commission's recommendation (7)(B) (43 FR 31789), that the Department evidently intended to have the phrase "when appropriate" precede the provision at § 46.404(a)(8) and, therefore, monitoring would be the IRB decision. Had the phrase "when appropriate" been included in the proposed regulation, most of the comments probably would not have been expressed, since objections concerned the requirement for monitoring solicitation of assent and permission for all projects.

HHS Response: On August 14, 1979, when the Department published Proposed Regulations Amending Basic HEW (now HHS) Policy for Protection of Human Research Subjects (44 FR 47688), the public comment period for soliciting responses to the proposed regulations for research involving children was also extended. In its preparation of final regulations concerning the basic policy (Subpart A of Part 46), the Department examined all comments relating to IRB duties. Therefore, the HHS believes that the comments concerning this section have been adequately addressed in the preamble and regulatory sections of the final regulations amending Subpart A, published on January 26, 1981 (46 FR 8366). Accordingly, provisions (1) through (9) of § 46.404(a) as well as § 46.404(b) and (c) have been deleted. Section 46.404(a) has been modified and redesignated as §46.403 in the final rule.

Although subject selection was not a point of significant public comment, the Department believes, as did the National Commission, that research involving risk should be conducted first on animals and adult humans in order to ascertain the degree of risk. When this is not relevant or possible, research should be first conducted on older children if feasible before progressing to younger children.

Section 46.405 Research not involving greater than minimal risk.

Public Comment: Only two commentators addressed this section, with one stating that to require explicit permission in all minimal risk, social and educational research would greatly and unnecessarily inhibit valuable research, especially in school settings. The other commentator felt that the phrase, "except where such provisions are waived by an IRB or its equivalent," should be added after the reference to § 46.409.

HHS Response: The Department has already taken account of the comment concerning research in schools since 45 CFR 46.101(b) exempts certain types of social and educational research which are also exempted from coverage under this subpart. In response to the second comment, §46.408 (formerly § 46.409) does provide for IRB waiver of the requirements for permission and assent under certain circumstances. Section 46.405(a), which referred to conditions of § 46.404, has been deleted.

This section, redesignated as § 46.404, reflects the above discussion in the final rule.

Section 46.406 Research involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects.

Public Comment: Of the five commentators who directed their remarks to this section, one felt that if this were interpreted to mean that each subject should benefit, no placebo controlled drug study could be done. The other four comments pertained to § 46.406(b). One person felt that the provisions should incorporate language from the National Commission's report describing when a risk is acceptable. Another commentator questioned how the IRB could make the required judgment in the case of an Investigational New Drug (IND) study. A third person suggested that "is believed" be inserted before "at least as favorable." Another commentator suggested deleting the section since it lacks logic in view of the fact that a research program does not allow the estimates required by this section.

HHS Response: It is the Department's position that research activities involving placebos may be conducted in accord with Subpart D, depending upon the individual activity. An IRB may find that a particular activity is approvable under sections redesignated in the final rule as §§ 46.404, 46.405, and 46.406, or, in some cases, a combination of these sections.

The Department feels that in order to provide adequate safeguards for the protection of children as research subjects, the language of § 46.406 as proposed is not only essential but is in keeping with the recommendations of the National Commission. Therefore, except for deleting §46.406(c), the section is retained and redesignated as § 46.405 in the final rule.

Section 46.407 Research involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subject's disorder or condition.

Public Comment: There were a total of 12 commentators that referred to this section or to a related question posed in the proposed regulations on how the Department could provide more useful guidance to IRBs in evaluating when a "minor increment over minimal risk is involved."

Several commentators felt that no attempt should be made either to define the concept of "minor increment" or to provide guidance to IRBs on evaluating whether a minor increment over minimal risk is involved. These commentators believed that because of varying situations and circumstances, IRBs would have to make judgments on a case by case basis. Other commentators cited the present difficulty of dealing with the concept of minimal risk and objected to any additional category of risk if not specifically defined. A few commentators stated that attempts by IRBs and investigators to determine minor increment over minimal risk could be too frustrating and impractical.

Several commentators questioned whether IRBs would have the expertise to evaluate adequately whether the research is likely to yield generalizable knowledge about the subject's disorder or condition which is of vital importance for the understanding or amelioration of same.

HHS Response: The Department believes that it is an appropriate responsibility of the IRBs to determine when the research would involve a minor increase over minimal risk. The Department also believes that the IRBs either are qualified or will enlist the aid of consultants who are qualified to judge whether the generalizable knowledge yielded will be of vital importance for the understanding or amelioration of the subject's disorder or condition.

Except for the deletion of § 46.407(d) this section is retained and redesignated as § 46.406 in the final rule.

Section 46.408 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.

Public Comment: There were a total of 11 comments, the majority of which spoke to § 46.408(b). Some commentators felt that properly

constituted IRBs serve the best interest of children and should review and approve all types of research proposals. Others preferred a standing Ethics Advisory Board and pointed out that employment of expert panels could lead to a kind of situational ethics. Four commentators, however, endorsed the change to a panel of experts instead of a National Ethics Advisory Board.

One respondent questioned the apparent escalation of the level of risk to which the Department is willing to expose research subjects. The commentator pointed out that minimal risk was once being suggested as an outer limit, but now research in children is authorized by the proposed regulations which cannot even meet the relaxed and "mystifying" standard of "minor increases over minimal risk." The same commentator suggested deleting this section in its entirety.

HHS Response: The National Commission made a recommendation that provided for exceptional situations in which the problem addressed would be a grave one, the expected benefit would be of major significance, the hypothesis regarding the expected benefit would be scientifically sound, and an equitable method would be used for selecting subjects. HHS intends that this section apply when the IRB has difficulty in applying §§ 46.405, 46.406 and 46.407 (now designated as §§ 46.404, 46.405 and 46.406 in the final rule) but considers the research of sufficient importance to warrant national review and determination by the Secretary, HHS, prior to its being conducted.

The Department believes not only that the section should be retained, but that a panel of experts, which could be an ethics advisory board or some other qualified body, offers a flexible mechanism for reaching decisions on these difficult questions. HHS further feels that consultation with the panel, in addition to IRB and peer review, with final determination being made by the Secretary, will assure appropriate protection of children as research subjects.

Reference to § 46.404 was deleted from § 46.406(a)(1) as in the previous three sections. Section 46.408 is redesignated as § 46.407 in the final rule.

Section 46.409 Requirements for permission by parents or guardians and for assent by children.

Public Comments: Thirty-nine commentators specifically addressed this section. There were an additional 48 comments directed to the Department's request for public response to options presented in the preamble to the proposed rule (43 FR 31786, July 21, 1978) which related to whether an age for assent should be stated and, if so, what age.

Fourteen commentators addressed the subject of soliciting assent of children. A few of these commentators felt that a child should be informed and voluntary participation assured, but that there should be no formal regulatory requirement for assent. Others stated that IRBs should not be given exact guidelines, because information provided to and assent obtained from the child should depend on a variety of factors, such as the type of research, the child's level of competence, and the potential risk and discomfort involved. Almost one half of the commentators suggested that the investigator, using appropriate criteria, should decide when to obtain assent from children on a case by case basis. A few commentators pointed out that there were no guidelines for determining what could be done in situations where subjects object to participation in the research. Some commentators were concerned that if an IRB had to make a judgment regarding the assent of each individual child in a project involving 200 children, the review task would be impossible.

In response to the first option presented by the Department concerning the age of assent, five commentators preferred requiring assent from children who are 12 years of age or older. Of these commentators, one believed that age seven or older would be more appropriate when the research involved drug testing. A number of commentators were of the opinion that children between the ages of seven and 12 be informed of the research although assent would not be required until age 12.

Five commentators preferred option (2) agreeing that it was reasonable to expect children at age seven and older to understand and actively participate in the decision-making concerning their involvement in the research.

Eleven commentators felt that option (3) was most appropriate. Under this option, the IRBs would decide when to require assent, but the preamble to the regulations would provide guidance to the IRBs concerning an appropriate age. Of these commentators, six favored guidance recommending age 12, three favored age seven and two did not express an opinion concerning age.

Sixteen commentators favored option (4), preferring that assent be left to the discretion of the IRB and that no guidance be provided either in the regulations or in the preamble. Many of these commentators felt that option (4) presented the most flexible approach to the determination of capability, since chronological age alone is an insufficient criterion. They also believed that the best protection for children would be the thoughtful consideration of what information would be given to subjects by a competent group of scientists and lay persons, together with the informed permission of parents.

There were seven comments on option (5), other alternatives, which dealt mostly with different suggested ages for assent varying from age three to 16.

There were five comments directed to the subject of advocate which was proposed under § 46.409(b). Three commentators endorsed this section requiring that the IRB determine when to employ an advocate. One commentator stated that it would be a mistake to establish a distinct and separate class of children for whom third party permission was required. Another commentator suggested that material should be provided concerning issues relevant to the role of an advocate who would have the delicate and challenging task of decision-making. A fifth commentator opposed an advocacy plan, stating that to require the IRBs to locate and monitor advocates would greatly increase the burden of the IRBs.

Seven commentators addressed provision § 46.409(c). One commentator felt that the concept of one parent being "not reasonably available" might need further clarification or definition. Another commentator believed that no research ought to be undertaken on children unless both parents, or a single parent if the child is under the care of only one parent, consent in accordance with the requirements of informed consent. Others suggested that a section should be provided allowing the IRB to establish criteria for activities not requiring parental permission such as levels of research that do not involve risk beyond that which is expected in day to day activities. A few commentators stated that parental permission should be waived for social and educational research.

Twelve commentators responded to § 46.409(d), five of whom agreed in principle that the section as drafted was appropriate and adequate. Other comments varied as follows: additional safeguards should be listed and the IRB should not be the body to grant permission; the IRBs should not be encouraged to treat categories of children, neglected, abused or whatever, as candidates for uniform waivers and such groups of children should not be research subjects unless the research offers them direct therapeutic gains; and, a phrase should be added to the parenthetical example in § 46.409(d) such as "children in educational settings

where no greater than minimal risk is involved."

There were no comments on § 46.409 (e) and (f).

HHS Response: The Department appreciates the public's response to its request for comments on the important issue of assent and after careful consideration of all the comments agrees that determination of an appropriate age for assent should be made by the IRB and that § 46.409(a) should be adopted with minor modification. The phrase "the child is so incapacitated" is changed to "the capability of some or all of the children is so limited." In addition, the last sentence referring to a subject advocate is deleted.

As discussed above under definitions, the Department does not believe that emphasis should be given to advocates, and, therefore, the appointment of an advocate should not be a provision of this section. Even in the absence of the child's assent, if the procedure holds out a prospect of direct benefit available only in the context of the research, permission of the child's parent(s) or guardian should be sufficent. Therefore all references to the use of an advocate are deleted from this section in the final rule.

The Department believes that the wording of the final regulations at § 46.408(b) (formerly § 46.409(c)) is such that the IRB will require the permission of both parents in all instances if they feel that it is appropriate and that the IRB should be given the responsibility for determining when a parent is not "reasonably available." A sentence has been inserted in this provision pointing out that in soliciting permission, the requirements for informed consent set forth in § 46.116 of Subpart A shall apply. With regard to assent, the criteria set forth in § 46.116 may be used by IRBs as a guide to determine what types of information should be provided to children when soliciting their assent.

The Department agrees with the public comment suggesting that assent and parental permission or documentation of such permission may not be appropriate in some cases. Accordingly, references to § 46.116 and § 46.117 of Subpart A are added to clarify that the IRB may approve waivers under certain circumstances.

The Department considers § 46.408(c) (formerly § 46.409(d)), to be adequate as drafted since it provides flexibility for the IRB to provide an appropriate mechanism for protecting certain subject populations.

Section 46.409 (e) and (f) have been reworded and the entire section has been redesignated as § 46.408 in the final rule.

Section 46.410 Wards.

Public Comments: A total of eight commentators addressed this section. Some suggested that the common legal element of § 46.410 be removed by changing the title from "Wards" to a more neutral title such as "children removed from parental custody and care." Several commentators interpreted the specified conditions as being too restrictive if "related to their status as wards" meant that research on such an individual's condition could not be undertaken. Another was of the opinion that the circumstances under which wards of the state might be involved need to be defined more narrowly to allow research only when it presents a reasonable opportunity to understand, prevent or alleviate a serious problem affecting the health or welfare of wards as a class and only when the information cannot be obtained from other segments of the population. One questioned the role of the advocate and felt that, due to the "coercive nature of their situation and lack of parental concern," involvement of wards in nontherapeutic research should be forbidden.

HHS Response: The Department would like to point out that this section is intended to apply strictly to "wards" and not also to children who, because of various physical or mental disabilities, may be under the custody and care of some other person or facility and whose parents are still legally responsible for them. The Department emphasizes that the provisions of this section are to be applied only if wards are to be included in research approved under §§ 46.406 or 46.407 of this part, as redesignated. Therefore, this section would not affect research presenting direct benefit to the individual subjects. The Department believes that these provisions would protect such children from being involved in research not intended to be of direct benefit and from being taken advantage of because of their status. The Department has deleted § 46.410(c) because § 46.410(b) adequately covers the role of an appointed advocate.

This section is redesignated as § 46.409 in the final rule.

List of Subjects in 45 CFR Part 46

Civil rights, Government contracts, Grant programs—health, Prisoners, Research, Safety, Women, Children, Human research subjects, Research.

Dated: September 23, 1982.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Dated: February 3, 1983.

Richard S. Schweiker,

Secretary.

PART 46—[AMENDED]

Accordingly, Part 46 of 45 CFR is amended by adding a new Subpart D to read as follows:

Subpart D—Additional Protections for Children Involved as Subjects in Research

Sec.

46.401 To what do these regulations apply?
46.402 Definitions.
46.403 IRB duties.
46.404 Research not involving greater than minimal risk.
46.405 Research involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects.
46.406 Research involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subject's disorder or condition.
46.407 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.
46.408 Requirements for permission by parents or guardians and for assent by children.
46.409 Wards.

Subpart D—Additional Protections for Children Involved as Subjects in Research

§ 46.401 To what do these regulations apply?

(a) This subpart applies to all research involving children as subjects, conducted or supported by the Department of Health and Human Services.

(1) This includes research conducted by Department employees, except that each head of an Operating Division of the Department may adopt such nonsubstantive, procedural modifications as may be appropriate from an administrative standpoint.

(2) It also includes research conducted or supported by the Department of Health and Human Services outside the United States, but in appropriate circumstances, the Secretary may, under paragraph (e) of § 46.101 of Subpart A, waive the applicability of some or all of the requirements of these regulations for research of this type.

(b) Exemptions (1), (2), (5) and (6) as listed in Subpart A at § 46.101(b) are applicable to this subpart. Exemption (4), research involving the observation

of public behavior, listed at § 46.101(b), is applicable to this subpart where the investigator(s) does not participate in the activities being observed. Exemption (3), research involving survey or interview procedures, listed at § 46.101(b) does not apply to research covered by this subpart.

(c) The exceptions, additions, and provisions for waiver as they appear in paragraphs (c) through (i) of § 46.101 of Subpart A are applicable to this subpart.

§ 46.402 Definitions.

The definitions in § 46.102 of Subpart A shall be applicable to this subpart as well. In addition, as used in this subpart:

(a) "Children" are persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law of the jurisdiction in which the research will be conducted.

(b) "Assent" means a child's affirmative agreement to participate in research. Mere failure to object should not, absent affirmative agreement, be construed as assent.

(c) "Permission" means the agreement of parent(s) or guardian to the participation of their child or ward in research.

(d) "Parent" means a child's biological or adoptive parent.

(e) "Guardian" means an individual who is authorized under applicable State or local law to consent on behalf of a child to general medical care.

§ 46.403 IRB duties.

In addition to other responsibilities assigned to IRBs under this part, each IRB shall review research covered by this subpart and approve only research which satisfies the conditions of all applicable sections of this subpart.

§ 46.404 Research not involving greater than minimal risk.

HHS will conduct or fund research in which the IRB finds that no greater than minimal risk to children is presented, only if the IRB finds that adequate provisions are made for soliciting the assent of the children and the permission of their parents or guardians, as set forth in § 46.408.

§ 46.405 Research involving greater than minimal risk but presenting the prospect of direct benefit to the individual subjects.

HHS will conduct or fund research in which the IRB finds that more than minimal risk to children is presented by an intervention or procedure that holds out the prospect of direct benefit for the individual subject, or by a monitoring procedure that is likely to contribute to the subject's well-being, only if the IRB finds that:

(a) The risk is justified by the anticipated benefit to the subjects;

(b) The relation of the anticipated benefit to the risk is at least as favorable to the subjects as that presented by available alternative approaches; and

(c) Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians, as set forth in § 46.408.

§ 46.406 Research involving greater than minimal risk and no prospect of direct benefit to individual subjects, but likely to yield generalizable knowledge about the subject's disorder or condition.

HHS will conduct or fund research in which the IRB finds that more than minimal risk to children is presented by an intervention or procedure that does not hold out the prospect of direct benefit for the individual subject, or by a monitoring procedure which is not likely to contribute to the well-being of the subject, only if the IRB finds that:

(a) The risk represents a minor increase over minimal risk;

(b) The intervention or procedure presents experiences to subjects that are reasonably commensurate with those inherent in their actual or expected medical, dental, psychological, social, or educational situations;

(c) The intervention or procedure is likely to yield generalizable knowledge about the subjects' disorder or condition which is of vital importance for the understanding or amelioration of the subjects' disorder or condition; and

(d) Adequate provisions are made for soliciting assent of the children and permission of their parents or guardians, as set forth in § 46.408.

§ 46.407 Research not otherwise approvable which presents an opportunity to understand, prevent, or alleviate a serious problem affecting the health or welfare of children.

HHS will conduct or fund research that the IRB does not believe meets the requirements of §§ 46.404, 46.405, or 46.406 only if:

(a) The IRB finds that the research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children; and

(b) The Secretary, after consultation with a panel of experts in pertinent disciplines (for example: science, medicine, education, ethics, law) and following opportunity for public review and comment, has determined either: (1) That the research in fact satisfies the conditions of §§ 46.404, 46.405, or 46.406, as applicable, or (2) the following:

(i) The research presents a reasonable opportunity to further the understanding, prevention, or alleviation of a serious problem affecting the health or welfare of children;

(ii) The research will be conducted in accordance with sound ethical principles;

(iii) Adequate provisions are made for soliciting the assent of children and the permission of their parents or guardians, as set forth in § 46.408.

§ 46.408 Requirements for permission by parents or guardians and for assent by children.

(a) In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the IRB the children are capable of providing assent. In determining whether children are capable of assenting, the IRB shall take into account the ages, maturity, and psychological state of the children involved. This judgment may be made for all children to be involved in research under a particular protocol, or for each child, as the IRB deems appropriate. If the IRB determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted or that the intervention or procedure involved in the research holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the research, the assent of the children is not a necessary condition for proceeding with the research. Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under circumstances in which consent may be waived in accord with § 46.116 of Subpart A.

(b) In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine, in accordance with and to the extent that consent is required by § 46.116 of Subpart A, that adequate provisions are made for soliciting the permission of each child's parents or guardian. Where parental permission is to be obtained, the IRB may find that the permission of one parent is sufficient for research to be conducted under § 46.404 or § 46.405. Where research is covered by §§ 46.406 and 46.407 and permission is to be obtained from parents, both parents must give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has

legal responsibility for the care and custody of the child.

(c) In addition to the provisions for waiver contained in § 46.116 of subpart A, if the IRB determines that a research protocol is designed for conditions or for a subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects (for example, neglected or abused children), it may waive the consent requirements in Subpart A of this part and paragraph (b) of this section, provided an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted, and provided further that the waiver is not inconsistent with federal, state or local law. The choice of an appropriate mechanism would depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the research subjects, and their age, maturity, status, and condition.

(d) Permission by parents or guardians shall be documented in accordance with and to the extent required by § 46.117 of Subpart A.

(e) When the IRB determines that assent is required, it shall also determine whether and how assent must be documented.

§ 46.409 Wards.

(a) Children who are wards of the state or any other agency, institution, or entity can be included in research approved under § 46.406 or § 46.407 only if such research is:

(1) Related to their status as wards; or

(2) Conducted in schools, camps, hospitals, institutions, or similar settings in which the majority of children involved as subjects are not wards.

(b) If the research is approved under paragraph (a) of this section, the IRB shall require appointment of an advocate for each child who is a ward, in addition to any other individual acting on behalf of the child as guardian or in loco parentis. One individual may serve as advocate for more than one child. The advocate shall be an individual who has the background and experience to act in, and agrees to act in, the best interests of the child for the duration of the child's participation in the research and who is not associated in any way (except in the role as advocate or member of the IRB) with the research, the investigator(s), or the guardian organization.

[FR Doc. 83-6823 Filed 3-7-83; 8:45 am]
BILLING CODE 4150-04-M

federal register

Tuesday
March 8, 1983

Part V

General Services Administration

Assignment and Utilization of Space; Temporary Regulations

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. D-68]

Temporary Regulations; Assignment and Utilization of Space

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation provides revised procedures concerning the assignment and utilization of space in Federal facilities under the custody and control of GSA. It supersedes provisions in 41 CFR Part 101–17. The intent of the rule is to simplify and streamline GSA's space management regulations.

DATES: Effective date March 8, 1983. Expiration date January 31, 1984, unless sooner revised or superseded.

Comments due by: Comments may be submitted at any time; to ensure their consideration in drafting the final regulation, comments should be received by GSA no later than June 30, 1983.

ADDRESS: Comments should be submitted to the General Services Administration (PR), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Arthur O. Barton, Acting Assistant Commissioner for Space Management (202–566–1025).

SUPPLEMENTARY INFORMATION: GSA's authority for issuing this temporary regulation is contained in the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)).

The purpose of this regulation is to substantially improve the cost effectiveness of agencies' use of space and to simplify the process through which agencies acquire and dispose of space controlled by the General Services Administration. It reflects the President's announced goal to strengthen the management and improve the efficiency of the Federal Government. By improving the utilization of Government space, substantial cost savings may be achieved. Further, this regulation vests responsibility for improved controls with the top management of executive branch agencies with the goal of reducing Federal space to the absolute minimum necessary for employees to accomplish the tasks they must perform.

Prior Comments

In October 1982, GSA established an interagency advisory committee to redraft the Federal Property Management Regulations, 41 CFR Chapter 101. This regulation reflects comments and changes recommended by members of that committee. Further, GSA distributed working copies of this temporary regulation to the Assistant Secretaries for Management of Federal agencies in November 1982 and on January 4, 1983. In addition, guidance was received from the Executive Office of the President and key policy forums in December and again in early March.

One of major issues raised by commenters was whether the provisions of the new regulation would be retroactive with regard to space actions currently in process. GSA agrees that the provisions of the temporary regulation should not be applied, *in toto*, to pending space requests. However, the requirement to improve utilization and move towards the objective of 135 square feet per person is, for all space actions, effective immediately. Thus, reevaluation of certain pending requests submitted prior to the effective date of the regulation is appropriate.

Questions were also raised as to the process by which GSA will fulfill space requests during the interim period between the effective date of the regulation and the approval of agency space plans. Until plans are developed and approved, GSA will process requests as if each request were not contained in an approved plan. Therefore, all space requests submitted in the absence of a plan must be signed by the head of the agency or by his or her formally designated representative. This procedure is set forth in § 101–17.101(c) of the regulation.

A related concern was whether existing agency space allocation standards previously approved by GSA would remain in force. GSA agrees that existing standards will continue to apply until changed by the agencies. It should again be noted that this does not relieve an agency head of the responsibility to attempt to achieve an overall office utilization rate of 135 square feet as soon as possible. Rather, it requires agency heads to expeditiously review and modify existing space allocation standards.

Several commenters suggested improvements in the definitions of office space and utilization rates contained in the regulation. While agreeing that some points are well taken, GSA's position is that there should be no changes in the present methods by which GSA-controlled space is measured and categorized. During the course of the drafting process, GSA and the members of the advisory committee considered various modifications of the definitions. It was clear that departures from the existing criteria were likely to impose substantial additional workloads, would engender confusion among agencies, and would severely limit the utility of the existing "base line" data against which future progress must be evaluated.

Some concerns were expressed regarding procedures for the development of agency space plans. In response, GSA has instituted meetings with agencies and with regional GSA personnel to disseminate planning data, discuss the planning process, and provide guidance for the development of the plans.

A number of comments objecting to proposed procedures for relinquishment of space were received. Commenters suggested that the concept of making agencies responsible and accountable for space which could no longer be readily used did not adequately reflect the fact that changes to agency programs may change space needs. It is GSA's position that costs of changing space needs are direct results of decisions to change programs; as such, they should be identified with the programs. The provisions of § 101–17.203 of the regulation, pertaining to the responsibility for moving expenses, were interpreted by some commenters as representing a change in policy. It was not GSA's intent to effect policy changes in this area, and GSA has subsequently modified the language in several places for clarification.

One respondent observed that GSA regional personnel had been inconsistent in their initial application of the principles set forth in the regulation. GSA acknowledges that some uncertainty regarding implementation of new management concepts has occurred. When any broad initiative is undertaken, a certain amount of "slippage" is inevitable. GSA continues to monitor the space acquisition process in all regions in order to ensure as smooth a transition as possible.

GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has

chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter D to read as follows:

Federal Property Management Regulations; Temporary Regulation D-68

February 17, 1983.

To: Heads of Federal agencies

Subject: Assignment and utilization of space

1. *Purpose.* This regulation supersedes the material in 41 CFR Part 101-17 and provides revised instructions for assigning and using space.

2. *Effective date.* This regulation is effective March 8, 1983.

3. *Expiration date.* This regulation expires on January 31, 1984.

4. *Background.* The General Services Administration has started a program to streamline and simplify the Federal Property Management Regulations. GSA's Interagency Advisory Committee on Regulatory Review is assisting in this effort, and the material in this regulation was developed with the assistance on the Committee.

5. *Revised procedures.* Attachment A contains revised regulations concerning assignment and utilization of space.

6. *Comments.* Comments concerning the effect or impact of this regulation may be submitted to the General Services Administration (PR), Washington, DC 20405.

7. *Effect on other directives.* The provisions of Part 101-17 are superseded by the regulations in attachment A.

Gerald P. Carmen,

Administrator of General Services.

Section 101-17.000 Scope of Part

This part prescribes the policies and procedures for the assignment, utilization, and planning of space in buildings under the custody or control of GSA. The term "United States," as used in this subchapter, means the 50 States of the United States; the District of Columbia; and the Commonwealths, territories, and possessions of the United States

Section 101-17.001 Authority

This part implements the applicable provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended; the Act of July 1, 1898 (40 U.S.C. 285); the Act of August 27, 1935 (40 U.S.C. 304c); the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.); the Rural Development Act of 1972 (86 Stat. 674); Reorganization Plan No. 18 of 1950 (40 U.S.C. 490 note); the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505); Executive Order 12072 of August 16, 1978 (43 FR 36869); the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201-4244); the Federal Urban Land-Use Act (40 U.S.C. 531-535); Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601); and the National Environmental Policy Act of 1969, as amended.

Section 101-17.002 Basic Policy

(a) GSA and other Federal agencies shall take all reasonable measures to assure the use of the absolute minimum space required to perform agency missions. For office space, the objective shall be to achieve an overall utilization rate of 135 square feet or less per person in a reasonable period of time. To accomplish this, each agency shall devise and implement a plan to improve the utilization of all space and shall indicate specific accomplishments to be realized within each year. GSA shall issue guidance and/or establish targets from time to time to assist agencies in improving space utilization. GSA and other Federal agencies shall work towards the most cost-effective solution practicable in each circumstance.

(b) Space in office buildings and other facilities required by Federal agencies shall be requested only when it is clearly demonstrated that additional space is essential to agency operations.

(c) Each agency shall determine the appropriate geographical area for its facilities. The agency shall define the broadest possible area compatible with its mission and functional requirements to ensure maximum utilization of Government-controlled space and to provide maximum potential for competitive offers of space. Agencies shall comply with all applicable statutes and Executive orders, including those cited in § 101-17.001. Plans for meeting space needs shall consider a social, economic environmental and cultural effects upon communities, and shall support local development and revitalization objectives wherever feasible.

(d) GSA will assign and reassign suitable space to Federal agencies and certain non-Federal organizations, and will issue criteria for the use of this space. To accomplish this, GSA will acquire and use federally owned and leased office buildings and space located in the United States. GSA will ascertain that agency-established geographical areas are sufficiently broad to ensure adequate consideration of available Government-owned space and adequate potential for competitive offers from the marketplace. GSA will then determine the appropriate delineated area for space assignments within established geographical areas.

(e) GSA will ensure that agencies use vacant available Government-controlled space which meets minimum agency requirements prior to acquiring new space. Whenever possible, agencies shall occupy this space without alteration. When alterations are required, alterations which are essential for performance of agency missions or which improve the utilization rate shall be given priority. Alterations solely for decorative or non-essential purposes shall be avoided.

(f) GSA may delegate authority to agencies to acquire and use federally owned or leased buildings; GSA will exercise oversight responsibility for agency actions under these delegations.

(g) GSA may require agencies to relinquish all or a portion of assigned space if this action is in the best interests of the Government and would not unreasonably interfere with the agency's performance of its mission. Under such forced relocations (as defined in § 101-17.003-6), GSA will be responsible for all expenses enumerated in § 101-17.203, and for moving and alteration expenses. GSA's responsibility for these expenses will commence at the time space is relinquished.

Section 101-17.003 Definition of Terms

The following definitions are established for terms used in this Subchapter D.

Section 101-17.003-1 Acceptance of Space

"Acceptance of space" means an authorization by an agency for GSA to award a lease, to make a commitment for initial alterations, and/or to establish a date of occupancy.

Section 101-17.003-2 Average Utilization Rate by Agency

"Average utilization rate by agency" means the utilization rate for a particular agency, calculated on a nationwide basis.

Section 101-17.003-3 Cost-Effective

"Cost-effective" means justified under an economic analysis which evaluates alternatives in terms of time-adjusted expenses incurred by the Government. GSA will publish bulletins specifying acceptable methods of analysis for evaluating space actions.

Section 101–17.003–4 Delineated Area

"Delineated area" means the specific boundaries, as determined by GSA, within which space will be obtained to satisfy an agency space requirement. It is based upon the agency's geographic service area, the amount of available Government-owned space, and the potential for competitive offers from the marketplace.

Section 101–17.003–5 Federal Agency

"Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government execpt the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction.

Section 101–17.003–6 Forced Relocation

A "forced relocation" is any GSA-directed action, not initiated by agency request, that forces an agency to move from its present space assignment in whole or in part. Relocations included in "approved agency space plans" or resulting from the expiration of the term stated by the agency in the applicable SF–81, Request For Space, are not "forced relocations."

Section 101–17.003–7 General Purpose Space

"General purpose space" means space which is determined by GSA to be suitable for the use of agencies generally. General purpose space is categorized as office, storage, or special type. The physical characteristics of the space are the basis for determining the proper space category.

Section 101–17.003–8 Initial Space Layout

"Initial space layout" means the specific placement of work stations, furniture, and equipment for new space assignments. These initial services are provided by GSA at no cost to the agencies upon agency request.

Section 101–17.003–9 Joint-Use Space

"Joint-use space" means common space, such as cafeterias, conference rooms, credit unions, and snack bars, available for use by all occupants of the building. It does not include mechanical, custodial, or circulation areas.

Section 101–17.003–10 Non-Federal Organizations

"Non-Federal organizations" means organizations such as credit unions, concessions, and vending stands operated by the blind, and organizations under the direct sponsorship of a Federal agency such as grantees and contractors.

Section 101–17.003–11 Occupiable Area

"Occupiable area" means that portion of the gross area which is available for use by an occupant's personnel or furnishings, including space which is available jointly to the various occupants of the buildings, such as auditoriums, health units, and snack bars. Occupiable area does not include space in the building which is devoted to its operations and maintenance, including craft shops, gear rooms, and building supply storage and issue rooms. Nonpermanent ceiling-high corridors solely serving a single space assignment are occupiable. Occupiable area is computed by measuring from the occupant's side of ceiling-high corridor partitions or partitions enclosing mechanical, toilet, and/or custodial space to the inside finish of permanent exterior building walls or to the face of the convector if the convector occupies at least 50 percent of the length of the exterior wall. When computing occupiable area separated by partitions, measurements are taken from the center line of the partitions.

Section 101–17.003–12 Personnel

"Personnel," for purposes of computing utilization rates, means the peak number of persons to be housed in a given space assignment for which a work station must be provided. In addition to permanent Federal personnel, this may include temporaries, part time, seasonal, and contractual employees that cannot share existing workstations, as well as budgeted vacancies.

Section 101–17.003–13 Request for Space

"Request for space" ("space request") means a written document upon which an agency provides GSA with the information necessary to assign space. A request for space shall be submitted in a format designated by GSA. It shall at a minimum contain descriptions of amount of space, personnel to be housed, geographic area, and time period required.

Section 101–17.003–14 Space

"Space" means space in buildings, and land incidental to the use thereof, which is under the custody and control of GSA or for which a permit for use has been issued to GSA by another agency. It includes space acquired by other agencies under delegations of authority from GSA.

Section 101–17.003–15 Space Allocation Standards

"Space allocation standards" means agreements between GSA and an agency that are written upon the conclusion of a cooperative planning effort and are used:

(a) As a basis for establishing agency space requirements, and

(b) To document authorized variations from FPMR space utilization goals which result from specialized agency functional requirements or from particular characteristics of Government buildings.

Section 101–17.003–16 Space Assignment

"Space assignment" means an administrative action which authorizes the occupancy and use of space by a Federal agency or other eligible entity.

(a) "Office space" means space that provides an acceptable environment suitable in its present state for an office operation. This requirement includes, but is not limited to, adequate heating, ventilation, air-conditioning, floor covering, finished walls, and accessibility. The space may consist of a large open area or may be partitioned into rooms. Private corridors, closets, and similar areas which have been created within office space through the erection of partitions shall be classified as office space. Office space is further defined in Subpart 101–17.47.

(b) "Storage space" means space generally consisting of concrete, woodblock, or unfinished floors; bare block or brick interior walls; unfinished ceilings; and similar construction containing minimal lighting and heating. This type of space includes attics, basements, warehouses, sheds, unimproved areas of loft buildings, and unimproved building cores. All storage space will be classified under the subsets of general storage area, inside parking area, or warehouse areas. These categories are further defined in Subpart 101–17.47.

(c) "Special space" means space which has unique architectural features, requires the installation of special equipment, or necessitates the expenditure of varying sums to construct, maintain, and/or operate as compared to office and storage space. Special space is further defined in Subpart 101–17.47.

Section 101–17.003–17 Space Inspection

"Space inspection" means a reconnaissance-type evaluation of the manner in which assignments are being utilized to determine whether immediate

or scheduled corrective action is warranted.

Section 101–17.003–18 Space Planning

"Space planning" means the process of using recognized professional techniques to determine the best location and the most efficient configuration for agency facilities.

Section 101–17.003–19 Space Utilization Survey

"Space utilization survey" means a detailed analysis, using recognized space management procedures and techniques, of the manner in which an agency is utilizing its space.

Section 101–17.003–20 Special Purpose Space

"Special purpose space" means space which is designed for unusual functions of an agency and is determined by GSA to be generally unsuitable for the use of other agencies. Special purpose space is further defined in Part 101–18.

Section 101–17.003–21 Unique Agency Space

"Unique agency space" means space which is classified as special purpose space, which contains a substantial amount of special purpose space, or which is located where use by other agencies is impractical.

Section 101–17.003–22 Utilization Rate

"Utilization rate" is an indicator of the efficiency with which space is used. It is developed by dividing the total square footage of that portion of occupiable area (excluding joint-use space) which is defined as office space assigned to an agency by the total number of personnel occupying that space.

Subpart 101–17.1—Assignment of Space

Section 101–17.101 Requests for Space

(a) Federal agencies shall express their space needs by submitting a Standard Form 81, Request for Space, to the GSA regional office responsible for the geographic area in which the space is required. GSA may also require the submission of Standard Form 81–A Space Requirements Worksheet, in appropriate circumstances. A listing of GSA regional offices and the areas they service is shown in Subpart 101–17.4801.

(b) When appropriate, GSA will advise agencies to submit Requests for Space in buildings to be constructed on GSA Form 144, Net Space Requirements for Future Federal Buildings Construction. GSA will also advise agencies when space requested is classified as unique agency space.

(c) Space requests shall be in accordance with the requirements of the agency space plan. (See Subpart 101–17.303.) Space requests not in conformity with the agency space plan shall contain a statement describing the nature and effect of all modifications to the plan, and they shall be signed by the head of the agency.

(d) The need for space requested, the number of personnel housed, and the availability of funds for reimbursement to GSA shall be certified by an authorized official of the requesting agency on the Standard Form 81.

(e) Space requests for the U.S. Postal Service will be processed in accordance with the U.S. Postal Service—GSA Agreement.

(f) GSA will not process any request for space if the request does not reflect a judicious and austere use of Government funds and resources.

Section 101–17.102 Delegations of Authority

(a) GSA may delegate authority to acquire space by lease or to procure parking accommodations when, in GSA's sole opinion, the delegation is in the best interests of the requesting agency and the Government. GSA will specify the terms and conditions of any delegation in writing at the time the delegation is made.

(b) Agencies acting under delegations shall make every reasonable effort to utilize existing Government-controlled facilities prior to acquiring new space. Agencies shall make inquiries regarding the availability of existing space to GSA regional offices, and shall document their lease files if alternative space is not available. Such documentation shall include the date of contact and the name and position of the GSA individual contacted.

(c) Agencies acting under delegations from GSA are required to comply with all other relevant sections of this Part 101–17.

Section 101–17.103 Action When Existing Space Is Not Available

If no suitable Government-controlled space is available, GSA will so advise the requesting agency by the return of a signed copy of the Standard Form 81, showing thereon the action to be taken.

(a) When the agency has acquisition authority or has been delegated such authority by GSA, it may proceed to acquire the requested space. The signed copy of the Standard Form 81, if required, shall be attached to the leasing or related instrument made available to the General Accounting Office.

(b) GSA may take necessary action to acquire space for agencies having acquisition authority when the latter so request by checking the appropriate block on Standard Form 81.

(c) GSA will take the necessary action to acquire the space for agencies having no acquisition authority.

Section 101–17.104 Space for Short-Term Use

Agencies having a need for facilities for short-term use (such as conferences and meetings, judicial proceedings, and emergency situations) shall make every reasonable effort to utilize Government-owned or leased facilities. If no suitable Government-controlled facilities are available, an agency may arrange for the use of privately owned facilities for a period not to exceed 120 days, provided that the agency has authority to contract for such facilities. Agencies shall make inquiries regarding space availability to GSA regional offices documenting such inquiries as outlined in Section 101–17.102(b).

Section 101–17.105 Space Requirements for ADP Equipment

Agencies requiring space for the installation of data processing equipment shall provide information as set forth in Subpart 101–17.47. This information must be forwarded to GSA as far as possible in advance of equipment delivery so that space can be provided in a timely and efficient manner.

Section 101–17.106 Location of Space

(a) Federal use of space shall encourage growth and economic development and redevelopment in rural areas, consistent with the provisions of section 801(b) of the Rural Development Act of 1972 (86 Stat. 674).

(b) In locating facilities, after due consideration of the provisions of the Rural Development Act, agencies shall give preference to the centralized business area and adjacent areas of similar character in the central city of Standard Metropolitan Statistical Areas (SMSA's) as defined by the Department of Commerce. In addition, GSA may consider other specific areas of a city recommend by the elected chief executive officer of the local government or a designee, except where this type of consideration is otherwise prohibited. GSA will advise local officials of the availability of data on GSA plans and programs, and will agree upon the exchange of planning information with local officials.

(c) The presence of the Federal Government in the National Capital Region is such that the distribution of Federal installations will continue to be a major influence in the extent and

character of development. Consequently, these policies shall be applied in the National Capital Region, on the most cost-effective basis feasible, in conjunction with regional policies established by the National Capital Planning Commission and consistent with the general purposes of the National Capital Planning Act of 1952 (66 Stat. 781) as amended.

(d) Consistent with the policies cited in paragraphs (a), (b), and (c) of this section, alternative sources for meeting Federal space needs will consider the use of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507).

Section 101–17.107 Application of Socio-Economic Considerations

Whenever actions are proposed to accomplish the reassignment or utilization of space through the relocation of an existing major work force, the impact on low- and moderate-income and minority employees shall be considered. Under these circumstances, the Department of Housing and Urban Development shall be consulted by the requesting agency in accordance with the memorandum of understanding between the Department of Housing and Urban Development and the General Services Administration.

Section 101–17.108 Reviews and Appeals of Space Assignment Actions

Section 101–17.108 Formal Review

A request for a formal review of a space assignment or space acquisition action shall initially be submitted to the appropriate GSA regional office by the agency official authorized to sign the Standard Form 81, Request for Space. A request for a formal review shall be in writing and shall include all pertinent information and supporting documentation. The GSA regional offices will verify the data and perform additional investigation as necessary. The Regional Director, Real Estate Division, will review all data and make a written determination within 30 calendar days after receipt of the request. A copy of the decision will be sent to the requesting agency.

Section 101–17.108–2 Initial Appeal

(a) Within 15 calendar days after receipt of the decision, the regional agency head (or his designee) may submit an appeal of the decision to the Regional Administrator, GSA. In the appeal the agency official shall state, in writing, the basis for the original request for formal review. Only information provided with that request will be considered. Any new or additional information or facts introduced at this level will require that the appeal undergo another formal review.

(b) Within 15 calendar days the Regional Administrator, GSA, will notify the agency of his or her decision. In cases requiring more detailed analysis than can be accomplished within 15 days, the Regional Administrator will notify the agency and establish a date on which his or her decision will be rendered.

Section 101–17.108–3 Further Appeals

Within 15 calendar days after the agency has been notified of the Regional Administrator's decision, a further appeal may be filed by the agency head with the Administrator of General Services. The Administrator will render the agency's decision within 15 calendar days of receipt of the appeal whenever possible; if additional time is required, the Administrator shall notify the agency of the date a decision will be made.

Subpart 101–17.2—Utilization of Space

Section 101–17.201 Responsibility of GSA

GSA will conduct space inspections and space utilization surveys to promote and ensure efficient utilization, recapturing for release or reassignment any space which the agencies do not justify to the satisfaction of GSA as being required. The agency will be provided with a written summary of significant findings and recommendations, together with data concerning improvements which can be effected by the agency, and those which are planned by GSA.

Section 101–17.202 Responsibility of Agencies

Agencies shall cooperate with GSA in the assignment and utilization of space. Agencies shall:

(a) Furnish information regarding the use of assigned space;

(b) Furnish data on personnel consistent with budget submissions to the Office of Management and Budget and with existing appropriations;

(c) Continuously study and survey space occupied to ensure efficient and economical utilization of office space consistent with the minimum amount required to perform the agency mission; and

(d) Promptly report to GSA any space which is excess to their needs for assignment to other agencies.

Section 101–17.203 Procedures for Agency-Initiated Relinquishment of Space

(a) An agency occupying GSA-assigned space shall notify the appropriate GSA regional office as soon as possible, but at least 120 calendar days before vacating, whenever space is no longer needed. Notification shall be in writing, giving a description of the space and the estimated date of release.

(b) When a portion of space is relinquished, that space shall be consolidated, accessible, and readily assignable or marketable. Expenses required to make relinquished space consolidated, accessible, and readily assignable or marketable shall be borne by the agency, unless otherwise agreed to by the Administrator of GSA.

(c) The agency shall be responsible for Standard Level User Charge (SLUC) until the date of release specified in the notification, or until the date space is actually vacated, whichever occurs later. When an agency has not made timely notification to GSA, that agency shall be responsible for SLUC for a period of 120 calendar days following the date of notification or until the space has been reassigned, whichever occurs first.

(d) When the space relinquished is unique agency space, the agency shall also be responsible for out-of-pocket expenses for a period after 120 days following notification. This responsibility shall continue until:

(i) The space is assigned or otherwise disposed of by GSA, or

(ii) The expiration of the term specified on the most recent Request for Space applicable to the area in question, or

(iii) Notification by the Office of Management and Budget that agency responsibility for the space is no longer required, whichever occurs earliest.

(e) Agencies accepting space which is never occupied are similary responsible for all out-of-pocket expenses whenever the space in question is unique agency space.

(f) When an agency is responsible for the operation, maintenance, and protection of Government-owned space assigned by GSA, and the agency determines that this space is no longer needed, the agency shall so notify GSA at least 6 months prior to relinquishing the space. The operation, maintenance, and protection of the space shall continue to be the responsibility of the agency until the beginning of the next fiscal quarter following the end of the 6-month period.

Subpart 101–17.3—Space Standards and plans

Section 101–17.301 Space Allocation Standards

Space allocation standards are derived from specific studies of agency operations or facilities, and are directed toward providing each employee with the minimum amount of space to work efficiently. Where applicable, space allocation standards are to be used in space planning and assignment for agencies or components thereof. Standards shall be authorized and agreed to by GSA, and shall be developed to achieve the minimum practical cost-effective office space utilization rate. In each circumstance, the study should attempt to achieve a utilization rate of 135 square feet or less, if possible.

Section 101–17.302 Space Planning and Layout.

(a) Upon agency request, GSA will be responsible for preparing the initial space layout. When an agency requires subsequent layout assistance from GSA, a request for assistance shall be made to the appropriate GSA regional office. GSA will consult with the agency, will determine the scope of assistance required, and provide assistance on a reimbursable basis either by existing staff or by contract.

(b) No Federal agency shall contract for interior office design or space layout without first consulting with GSA. Upon agency request, GSA will enter into the contract and supervise performance. GSA may require agencies to use existing GSA space planning contracts or new contracts negotiated by GSA if this action is necessary to meet contractual commitments, to eliminate duplicative work, or to ensure cost-effectiveness in planning. GSA will also ensure that proposed design changes have no adverse effect upon mechanical systems, electrical systems, and safety requirements. However, GSA will not unreasonably insist upon the use of GSA-supervised contracts by agencies which have their own contracting authorities.

Section 101–17.303 Submission of Space Plans

(a) Each agency shall submit a space plan to GSA containing projected space requirements throughout the United States. GSA will provide technical assistance in the development and execution of plans, and will monitor the progress of the agencies in improving space management.

(b) At a minimum, each plan shall contain a forecast of agency personnel, and shall relate requirements to space presently occupied or under request by the agency. Agency plans shall also indicate utilization rates for all projected space assignments, shall detail agency efforts to improve space utilization, and shall include specific goals to be achieved.

(c) Each agency shall update its space plan annually. The plan shall in each instance be signed by the agency head.

(d) GSA will review and approve agency targets and plans, specifically considering the availability of Government-owned space, the timing of commitments for Government-controlled leased space, the cost-effectiveness of relocations and alterations, the adaptability of existing space to efficient layout, the operating requirements of the agency, and any space allocation standards which are applicable.

(e) GSA will publish bulletins specifying the timing, format, process, and data for review of each agency space plan. GSA may establish targets from time to time for agencies to assist in improving space utilization. For the initial space plan, the target for office space utilization shall be to achieve by September 30, 1984, 135 square feet per person or a minimum improvement of 10 percent in each agency's utilization rate compared with the utilization rate which exists as of the date of issuance of this regulation. This utilization improvement should be accomplished with *minimum space alterations* and within existing agency resource constraints.

(f) This report has been cleared in accordance with FPMR 101.11 and assigned interagency report control number 0307–GSA–AN.

Subpart 101–17.47—Exhibits

Section 101–17.4701 Supplemental Definitions.

This section contains information to supplement the definitions of office, storage, and special space in § 101–17.003–16.

(a) The following are representative of uses of office space.

(1) General purpose office space.

(2) Private corridors.

(3) Conference rooms (without special equipment and additional heating, ventilation, and air-conditioning (HVAC).

(4) Training rooms (without special equipment and HVAC).

(5) Libraries (with extensive built-in stacks and special floor loading).

(6) Dry laboratories.

(7) Storage in office space.

(8) Credit unions (without fixed equipment).

(9) Lounges (other than toilet areas).

(10) Reception areas.

(11) Hearing rooms (without special equipment and HVAC).

(12) Telephone switchboard rooms.

(13) Mail rooms.

(14) Health rooms (without special equipment).

(b) All storage space will be classified under subsets of general storage area, inside parking area, or warehouse areas, as follows:

(1) General storage areas (storage in general purpose buildings) including:

(i) Basements.

(ii) Attics.

(iii) Closets (not finished to office standards).

(iv) Supply rooms (not finished to office standards).

(v) Storerooms (not finished to office standards).

(vi) File rooms (not finished to office standards).

(vii) Warehouse areas of multiuse buildings.

(2) Inside parking areas (garage space located in either a federally owned or leased building which is utilized for the parking of motor vehicles) including:

(i) Garages.

(ii) Parking area.

(iii) Motor pool parking.

(3) Warehouse areas (entire buildings with warehouse features, including minor amounts of supporting office space).

(c) Special space is further defined as follows:

(1) Laboratory and clinic areas (space containing built-in equipment and utilities required for the qualitative or quantitative analysis of matter, experimentation, the processing of materials, and/or the physical welfare of employees or the public) including:

(i) Wet laboratories.

(ii) Clean laboratories.

(iii) Photographic laboratories.

(iv) Clinics.

(v) Health units and rooms (with special equipment).

(vi) Private toilets.

(2) Food service areas (space in building devoted to the preparation and dispensing of foodstuffs) including:

(i) Cafeterias (kitchen and table areas).

(ii) Snack bars.

(iii) Mechanical vending areas.

(iv) Private kitchens.

(3) Structurally changed areas (areas having architectural features differing form normal office or storage areas, such as sloped floors, high ceilings, and increased floor loading) including:

(i) Auditoriums.

(ii) Gymnasiums.

(iii) Libraries (with special stacks and floor loading).
(iv) Target ranges.
(v) Security vaults.
(vi) Courtrooms.
(vii) U.S. Postal Service workrooms.
(4) Automatic data processing areas (areas having special features such as humidity and temperature control, raised flooring, and special wiring) including:
(i) Computer rooms.
(ii) Support areas (with special flooring and wiring).
(iii) Tape vaults.
(5) Conference and training areas (areas used for conferences, training, and hearings with special equipment and supplemental HVAC) including:
(i) Conference rooms.
(ii) Hearing rooms.
(iii) Training rooms.
(iv) Exhibit areas.
(v) Small courtrooms (no structural changes).
(6) Light industrial areas including:
(i) Records storage (with humidity control).
(ii) Storage type space (with air-conditioning).
(iii) Printing plants.
(iv) Product classifying laboratories.
(v) Motor Pool service areas.
(vi) Postal workrooms, swingrooms, locker rooms, mailing vestibules and platforms, and lock box lobbies.
(vii) Shops (other than PBS).
(viii) Loading docks and shipping platforms.
(ix) Canopy areas.
(x) Vertical improved mail system areas.
(7) Quarters and residential housing areas (housing and quarters that do not logically fall in the other categories).

Section 101–47–4702 Space for Data Processing Equipment

This section sets forth the information required on space requests for data processing equipment.

(a) Agencies requiring space for the installation of data processing equipment must provide the following information in addition to the requirements of § 101–17.101–1:

(1) Type of equipment (including make, model number, manufacturer, and number of units of each);
(2) Space and environmental requirements, including:
(i) Floor weight (lbs.);
(ii) Machine dimensions (width, depth, and height in inches);
(iii) Service clearance (front, rear, right and left sides);
(iv) Power in voltage and kv.-a. (starting loads and operating loads);
(v) Heat dissipation in B.t.u./hr. and air flow (c.f.m.);
(vi) Environmental factors of temperature range (F) and relative humidity; and
(vii) Need for raised floor, acoustic ceiling, and air-conditioning;
(3) Related requirements, such as storage space for supplies, tapes, and disks, work space, including desk and aisle, space; and future expansion needs;
(4) Agency responsibility for funding; and
(5) Required occupancy date.
(b) The above information should be provided as separate supplemental data to Standard Form 81, Request for Space, and forwarded to the GSA office. The space requirements indicated on Standard Form 81 must include the space requirements for all components of ADPE. The ADPE suppier should be consulted prior to establishing space needs in order to ascertain any specific or peculiar space requirements of the ADPE involved.
(c) It is essential that this information regarding the requirement for ADP space be transmitted to GSA as far as possible in advance of delivery of equipment so that space can be provided in a timely and economical manner.

Subpart 101–17.48—GSA Regional Offices

Section 101–17.4801 GSA Regional Offices

GSA Region	Area served	Mailing address
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	General Services Administration, John W. McCormack Post Office and Courthouse, Boston, MA 02109.
2	New Jersey, New York, Puerto Rico, and the Virgin Islands.	General Services Administration, 26 Federal Plaza, New York, NY 10007.
3	Delaware, Maryland (except metropolitan Washington, DC), Pennsylvania, Virginia (except metropolitan Washington, DC), and West Virginia.	General Services Administration, 9th and Market Streets, Philadelphia, PA 19107.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	General Services Administration, 1776 Peachtree Street, N.W., Atlanta, GA 30309.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	General Services Administration, 219 South Dearborn Street, Chicago, IL 60604.
6	Iowa, Kansas, Missouri, and Nebraska	General Services Administration, 1500 East Bannister Road, Kansas City, MO 64131.
7	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas	General Services Administration, 819 Taylor Street, Fort Worth, TX 76102.
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	General Services Administration, Building 41, Denver Federal Center, Denver, CO 80225.
9	Arizona, California, Hawaii, and Nevada	General Services Administration, 525 Market Street, San Francisco, CA 94105.
10	Alaska, Idaho, Oregon, and Washington	General Services Administration, Administration, GSA Center, Auburn, WA 98002.
W	District of Columbia, Maryland (metropolitan Washington, DC only), Virginia (metropolitan Washington, DC, only).	General Services Administration, National Capital Region, Washington, DC 20407.

Subpart 101–17.49—Reserved

[FR Doc. 83–6072 Filed 3–7–83; 8:45 am]
BILLING CODE 6820–23–M

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Tuesday, March 8, 1983

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Federal Register
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Federal Register
Vol. 48, No. 47
Wednesday, March 9, 1983

Presidential Documents

Title 3—

The President

Executive Order 12409 of March 7, 1983

Nuclear Cooperation With EURATOM

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 126a(2) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2155(a)(2)), and having determined that, upon the expiration of the period specified in the first proviso to Section 126a(2) of such Act and extended by Executive Orders No. 12193, 12295, and 12351, failure to continue peaceful nuclear cooperation with the European Atomic Energy Community would be seriously prejudicial to the achievement of the United States non-proliferation objectives and would otherwise jeopardize the common defense and security of the United States, and having notified the Congress of this determination, I hereby extend the duration of that period to March 10, 1984.

Ronald Reagan

THE WHITE HOUSE,
March 7, 1983.

[FR Doc. 83-6325
Filed 3-8-83; 10:08 am]
Billing code 3195-01-M

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Presidential Documents

Proclamation 5024 of March 7, 1983

National Children and Television Week, 1983

By the President of the United States of America

A Proclamation

Television has the power to shape thoughts, stir emotions, and inspire actions. It teaches, it sells, it entertains, it informs, and it has the capacity to influence powerfully the lives and values of our children. They learn much from television about the world, our society, and their place in it.

Television can communicate values that are consistent with our heritage and traditions and can portray those actions and attitudes that make for better citizens. It also can depict themes that are destructive of these values. Recognizing that children are at a formative and vulnerable stage in their lives, many individuals and groups have a great interest in television programming. These concerned citizens are working to improve the quality of television programs viewed by their families.

By Senate Joint Resolution 264 (P.L. 97–443), the Congress has designated the week of March 13, 1983, through March 19, 1983, as "National Children and Television Week" and has authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of March 13, 1983, through March 19, 1983, as "National Children and Television Week." I commend all those persons concerned about the quality of children's television programming, and I call upon all government agencies and the people of the United States to observe the week with appropriate activities supporting television programs which are attentive to the needs and interests of children.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6226
Filed 3-8-83; 10:50 am]
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Presidential Documents

Proclamation 5025 of March 7, 1983

National Poison Prevention Week, 1983

By the President of the United States of America

A Proclamation

The annual observance of National Poison Prevention Week affords communities across America a special opportunity to increase citizen awareness of the dangers of accidental poisoning.

In recent years the number of poisonings among children has fallen dramatically, due in large measure to the introduction of child-protective packaging. At the community level, poison centers are an essential resource in reducing the incidence of serious injury resulting from accidental ingestions. By providing timely diagnostic and treatment information to medical practitioners and first aid instruction to anxious parents, poison centers have successfully worked to save lives.

While poison centers have proved invaluable, they often provide "after-the-fact" treatment. This year, National Poison Prevention Week will underscore the equally important role poison centers can play in preventing child poisonings "before the fact."

Working together as sponsors of National Poison Prevention Week are national medical, pharmacy, nursing, dental, and hospital associations; health and safety groups; organizations representing manufacturers, packagers, and distributors of consumer products, including medicines; the media; and government agencies. Most of these groups have State and local chapters and affiliates that, along with community organizations, are the backbone of what has become a successful nationwide poison prevention program.

To aid in encouraging the American people to learn of the dangers of accidental poisoning and to take appropriate preventive measures, the Congress, by a joint resolution approved September 26, 1961 (75 Stat. 681), requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 20, 1983, as National Poison Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6827
Filed 3-8-83; 10:51 am]
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Presidential Documents

Proclamation 5026 of March 7, 1983

National Agriculture Day, 1983

By the President of the United States of America

A Proclamation

The history of American agriculture is an inspiring story of progress and sacrifice, high technology and individual effort, and frustration and success. It reflects the growth of our country from an untamed wilderness to the highly productive nation and world leader it is today.

Despite flood, frost, heat, hail, drought, and disease, Americans enjoy an abundance of diverse and high quality products. Our 2.4 million farms are the foundation for a trillion-dollar agricultural industry which employs 19 million farm people and which is the primary source of food and fiber for a third of a billion of the world's population. Each American farm worker produces enough food and fiber to support nearly 80 people—a production achievement unmatched anywhere in the world and unparalleled in history.

The courage, tenacity, and know-how of the American farmer make it possible for our citizens to spend a smaller share of their income on food than do people living in any other country.

To honor those who sustain our agricultural prowess and to achieve a greater understanding of each American's dependence upon a reliable food and fiber supply, the Congress of the United States, by Senate Joint Resolution 235, has authorized and requested the President to proclaim March 21, 1983, as "National Agriculture Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim March 21, 1983, as "National Agriculture Day" and call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6228
Filed 3-8-83; 10:52 am]
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Presidential Documents

Proclamation 5027 of March 7, 1983

National Coin Week, 1983

By the President of the United States of America

A Proclamation

Since the beginning of history, coins have played an important role in the story of civilization. They reflect the economic development of their country of origin, as well as the scientific advancement and artistic values of the people who produce and use them. Today, millions of Americans collect coins for both pleasure and profit.

To help foster the public's interest in coin collecting, the United States Mint annually offers proof sets of the current year's coinage. In 1982, the United States Mint struck a commemorative silver half-dollar marking the 250th anniversary of the birth of George Washington. In 1983–1984, the first commemorative Olympic coinage ever issued by our country will be introduced in gold and silver.

Recognizing that coin collecting has educational and cultural value, promotes greater understanding of our history and heritage, and is enjoyed by millions of Americans, the Congress, pursuant to House Joint Resolution 516 (Public Law 97–239), has authorized and requested the President to issue a proclamation designating the week beginning April 17, 1983, as "National Coin Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 17, 1983, as "National Coin Week" and call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6229
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Presidential Documents

Proclamation 5028 of March 7, 1983

Small Business Week, 1983

By the President of the United States of America

A Proclamation

Our Founding Fathers envisioned a nation whose strength and vitality would emerge from the ingenuity of its people and their commitment to individual liberty. They understood that a nation's prosperity is dependent on the freedom of its citizens to pursue their hopes, dreams, and creative ambitions. American entrepreneurs and small business owners enthusiastically embraced the challenges of freedom and through the miracle of the marketplace set in motion the forces of economic growth that made our Nation uniquely productive. This pattern of economic development has inspired people throughout the world to look to America for a better life.

The Nation grew as our free enterprise system became the mainspring of American progress by encouraging entrepreneurs to compete in meeting the demand for new products and methods of production. Competition enabled us to develop our human resources more effectively and enrich our society. With each new discovery, our perception of what could be achieved expanded.

Today small business plays an even more vital role in our national life and is responsible for the creation of well over half of the new jobs in our economy. Small business is also in the forefront of utilizing technological advances.

America's entrepreneurs and small business owners are among the most dynamic and innovative leaders of the business community. Their willingness to confront uncertainty with creativity and determination to succeed helps our Nation meet the challenges we face today. This spirit of accomplishment inspires Americans to look toward tomorrow with confidence and anticipation to the new opportunities open to future generations. By taking steps to encourage the formation and success of small businesses, America can help ensure its economic standing in the world.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 8, 1983, as Small Business Week. I call upon every American to join me in this tribute.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6230
Filed 3-8-83; 10:54 am]
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests, Submittals, Delegations of Authority and Notices of Acquisition of Control

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: FDIC is amending its regulations to announce existing agency procedure for reconsideration of a denied request for relief from the requirement for making reimbursements for violations of the Truth in Lending Act or any other requests, applications or petitions where authority to act has been delegated to the Board of Review.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: James L. Meador, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, 550–17th Street, NW., Washington, D.C. 20429; (202) 389–4171.

SUPPLEMENTARY INFORMATION: On March 8, 1982, the Board of Directors of the FDIC delegated authority to the FDIC's Board of Review to act on requests for relief from the requirement for making reimbursements for violations of the Truth in Lending Act. (12 CFR 303.11(f)) (47 FR 9811 (March 8, 1982)). The authority to act includes the authority to deny such requests. It also includes the authority and responsibility to consider any petition for reconsideration of denial of such requests.

The amendments provide that any petition for reconsideration of a denied request, application, or petition must be addressed to the Board of Review where the initial request, application, or petition has been denied by the Board of Review acting pursuant to authority delegated by the Board of Directors. The amendments also provide that action by the Board of Review on any enforcement matter brought under section 8 of the Federal Deposit Insurance Act shall be subject to review by the Board of Directors in accordance with section 303.13(o)(7) of FDIC's rules and regulations.

Regulatory Factors

The requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are inoperative here because the amendments do not affect the recordkeeping or reporting burdens on any insured bank or other person.

The amendments are rules of FDIC practice and procedure. They inform the public of existing agency procedure for processing petitions for reconsideration of requests, applications, or petitions denied by the Board of Review under authority delegated by the Board of Directors. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C. 553), the Board of Directors suspends the requirements for notice of proposed rulemaking and public comment and delayed effective date.

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations, Banks, banking, Insurance.

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

Part 303 of Chapter III of title 12 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9), "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86–463, 74 Stat. 129; sec. 2, Pub. L. No. 87–827, 76 Stat. 953; Pub. L. No. 88–593, 78 Stat. 940; Pub. L. No. 89–79, 79 Stat. 244; sec. 1, Pub. L. No. 89–356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89–485, 80 Stat. 242; sec. 3, Pub. L. No. 89–597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89–695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90–505, 82 Stat. 846; secs. 6(c)(7), (12), (13), Pub. L. No. 95–369, 92 Stat. 616–620; Title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95–630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829); title I, sec. 108, Pub. L. No. 90–321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93–495, 88 Stat. 1517 and title VI, sec. 606, Pub. L. No. 96–221, 94 Stat. 171 (15 U.S.C. 1607).

2. Section 303.10 is amended by revising paragraph (d) to read as follows:

§ 303.10 Procedure on applications.

* * * * *

(d) *Opportunity to petition for reconsideration of a denied application, petition, or request.* Within 15 days of its receipt of notice that its application, petition, or other request has been denied, any applicant may petition the Board of Directors, or the Board of Review where such application, petition, or request has been denied by the Board of Review acting pursuant to delegated authority, for reconsideration of such application, petition, or request (except an application, petition, or request already previously denied upon reconsideration) and, in connection therewith, may request an opportunity to amend its application, petition, or request or to submit information in rebuttal of the denial, either in writing or in the form of an oral presentation before one or more representatives of the FDIC designated for that purpose. Upon the filing of such petition for reconsideration, the applicant shall be given 60 days in which to amend its application, petition, or request or to make its presentation to the FDIC. If the applicant requests an opportunity to make oral presentation, it shall be advised of the date, time, place, and person or persons before whom such presentation shall be made. Notwithstanding the first sentence of this paragraph, any action taken by the Board of Review pursuant to § 303.13(o) shall be subject to review by the Board of Directors in accordance with § 303.13(o)(7).

By order of the Board of Directors on February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-6791 Filed 3-8-83; 8:45 am]
BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 509a

[No. 83-128]

Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven

March 3, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is adopting amendments to its rules of practice and procedure concerning expedited hearings to administratively challenge a suspension notice or removal order affecting participation in the conduct of the affairs of an insured institution by a director, officer, or other person charged with or convicted of certain crimes. The amended rules of practice and procedure (1) clarify the powers and duties of the hearing officer, (2) clarify that the person subject to the notice or order has the burden of proving that grounds exist for the termination or modification thereof, (3) clarify that the nature of the publicity concerning the individual's indictment is a consideration that is relevant to the decision of whether the notice or order should be terminated or modified, and (4) formally incorporate certain of the Board's adjudicative rules. The amended rules are intended to improve processing and eliminate uncertainty in the conduct of these hearings.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Steven A. Rosenberg, Attorney, Office of General Counsel, (202) 377-6958, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Where a director, officer, or person participating in the conduct of the affairs of an insured institution or affiliate thereof is a defendant in certain criminal lawsuits and continued service or participation by the individual in the conduct of the affairs of the institution may pose a threat to the interests of the institution's depositors or may threaten to impair public confidence in the institution, the Board may suspend the individual from office or prohibit the individual's further participation in any manner in the conduct of the affairs of the institution; that suspension or prohibition is effective only until the criminal action is finally disposed of. Thereafter, if the individual has been found guilty and the judgment is not subject to further appellate review, the Board may upon certain findings permanently remove the individual from office or prohibit him from further participation in any manner in the conduct of the affairs of the institution, except with the prior consent of the Board. Such Board action is pursuant to the authority of Section 5(d)(5) of the Home Owners' Loan Act, as amended ("HOLA"), and Section 407(h) of the National Housing Act, as amended ("NHA") (12 U.S.C. 1464(d)(5), 1730(h) (1976, Supp. IV 1980)). The affected individual may administratively appeal the Board's action in the manner provided by Section 5(d)(5)(C) of the HOLA and Section 407(h)(2) of the NHA.

On November 4, 1982, the Board proposed to amend Part 509a of the Board's General Regulations to clarify the procedures concerning (1) the Board's issuance of temporary notices of suspension or prohibition and permanent orders of removal or prohibition, and (2) the conduct of administrative appellate hearings allowed. (*See* Board Resolution No. 82-727, 47 FR 50918, published on November 10, 1982.) A public comment period was provided through January 10, 1983. Based on the comments received and other available information, the Board has determined to adopt the amendments substantially as proposed.

Discussion of Comments

The Board received a total of six comment letters in response to Resolution No. 82-727. Three were from federally chartered savings and loan associations; one was from a state-chartered savings and loan association the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"); the remaining two were from savings and loan trade associations. Five of the commenters recommended adoption of the proposed amendments, although three of them recommended some substantive changes, which are discussed below. One commenter recommended against adoption of the proposals on the ground that the existing rules are adequate.

One commenters suggested that a provision be added providing that the affected individual be reinstated to his position if that individual is acquitted or the conviction is reversed on appeal. Pursuant to Section 5(d)(5)(A) of the HOLA and Section 407(h)(1) of the NHA, a *notice* of suspension or prohibition is effective only until the criminal case is finally disposed of or until terminated by the Board; an *order* or removal or prohibition, which may be issued following conviction not subject to further appellate review, is permanent unless the Board determines otherwise. Accordingly, where the individual is acquitted or a conviction is reversed the notice of suspension or prohibition has no further effect. Although the statutes set this forth, for purposes of clarification the Board has modified proposed § 509a.3(a) by adding to the end thereof the following sentence: "The Notice shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board."

Another commenter recommended that proposed § 509a.3(a) have deleted therefrom the word "information" in the phrase stating "where the individual is charged in any information, indictment, or complaint authorized by a United States attorney." An information is a document formally initiating criminal prosecution that is filed by a competent public official rather than by a grand jury. *See Black's Law Dictionary* 918 (rev. 4th ed. 1968). Because the proposed language of the rule follows the statutory language, the recommended change will not be adopted.

Another commenter proposed changing the phrase in proposed § 509a.3 (a) and (b) from the "the Board is of the opinion" to "the Board, upon due deliberation, has determined." Because the Board will make a determination that the grounds exist for these suspensions, removals, and prohibitions, before it takes action requiring compliance, the Board is adopting this recommendation.

It was also recommended that proposed § 509a.7(b) be revised to require disclosure of the names of rebuttal witnesses and a summary of their proposed testimony if a party intends to call such witnesses. Because it is the Board's view that the difficulty in complying with such a requirement upon short notice exceeds the potential for surprise where rebuttal witnesses are concerned, this recommendation has not been adopted.

A further recommendation was that proposed § 509a.7(e) be modified to provide that any of the parties may move for the correction of the administrative record. The recommendation is well-considered and has been adopted.

A commenter recommended that proposed § 509a.9 provide that the Federal Rules of Evidence apply in these proceedings. Those rules apply in Federal court proceedings, but generally are not applicable to administrative proceedings. *See* Section 7(d) of the Administrative Procedure Act, 5 U.S.C. 556(d). It is well established that the Due

Process Clause of the Fifth Amendment to the Constitution does not require administrative proceedings to follow the formal rules of evidence. *Calhoun v. Bailar*, 626 F. 2d 145 (9th Cir. 1980), *cert. denied*, 452 U.S. 906 (1981). The relevant statutory provisions provide that these proceedings are to be informal and expedited in nature. Moreover, the petitioner has the burden of persuasion, and the Federal Rules of Evidence provide for the exclusion of evidence that otherwise would be admissible. Accordingly, the Board is of the view that requiring the adoption of such evidentiary rules would unnecessarily impair the ability of the petitioner to prove his case. Therefore, the Board has not adopted this recommendation.

Finally, it was recommended that proposed § 509.13(b) be revised by requiring a statement for the basis of all decisions concerning these removal, suspension, and prohibition proceedings, rather than limiting such statements to decisions adverse to the petitioner. The proposed rule would have followed the language of Section 5(d)(5)(C) of the HOLA and Section 407(h)(2) of the NHA, but those sections do not preclude the Board from providing a statement in all cases. The Board believes that it would be beneficial to set forth its reasoning in these matters so as to provide a permanent record of the bases for its decisions for the future guidance of the Board, the savings and loan industry, and the bar. Therefore, the Board has adopted this recommendation.

Regulatory Flexibility

The Board certifies that the rules will not have a substantial economic impact on a substantial number of small entities. The rules do not have general effect, as they only apply to individuals who have been served with a suspension notice or removal order where such individuals have been charged with certain crimes. Accordingly, no final regulatory flexibility analysis is required as provided by 5 U.S.C. 605(b).

List of Subjects in 12 CFR Part 509a

Savings and loan associations, Administrative practice and procedure.

Accordingly, the Board hereby amends Subchapter A, Chaper V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER A—FEDERAL HOME LOAN BANK BOARD

Revise Part 509a as follows:

PART 509a—REMOVALS, SUSPENSIONS, AND PROHIBITIONS WHERE A CRIME IS CHARGED OR PROVEN

Sec.

509a.1 Scope.
509a.2 Definitions.
509a.3 Issuance of notice or order.
509a.4 Contents and service of the notice or order.
509a.5 Petition for hearing.
509a.6 Initiation of hearing.
509a.7 Conduct of hearings.
509a.8 Default.
509a.9 Rules of evidence.
509a.10 Burden of persuasion.
509a.11 Relevant considerations.
509a.12 Proposed findings and conclusions and recommended decisions.
509a.13 Decision of the Board.
509a.14 Miscellaneous.

Authority: 12 U.S.C. 1437, 1464, 1725, 1728, 1730, 1731; Reorganization Plan No. 3 of 1947, 12 CFR 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 509a.1 Scope.

The rules in this part apply to hearings, which are exempt from the adjudicative provisions of the Administrative Procedure Act, afforded to any officer, director, or other person participating in the conduct of the affairs of an insured institution, affiliate service corporation, savings and loan holding company, or subsidiary of such a holding company, where such person has been suspended or removed from office or prohibited from further participation in the conduct of the affairs of one of the aforementioned entities by a Notice or Order served by the Board upon the grounds set forth in Section 5(d)(5) of the Home Owners' Loan Act (12 U.S.C. 1464(d)(5)) or Section 407(h) of the National Housing Act (12 U.S.C. 1730(h)).

§ 509a.2 Definitions.

As used in this part—

(a) The term "Board" means the Federal Home Loan Bank Board, or, where appropriate, the Federal Saving and Loan Insurance Corporation.

(b) The term "Secretary" means the Secretary to the Federal Home Loan Bank Board and any Assistant or Acting Secretary to the Board.

(c) The term "Notice" means a Notice of Suspension or Notice of Prohibition issued by the Board pursuant to Section 5(d)(5) of the Home Owners' Loan Act or Section 407(h) of the National Housing Act.

(d) The term "Order" means an Order of Removal or Order of Prohibition issued by the Board pursuant to Section 5(d)(5) of the Home Owners' Loan Act or Section 407(h) of the National Housing Act.

(e) The term "institution" means a Federally-chartered association within the meaning of Section 2(d) of the Home Owners' Loan Act, an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("insured institution") within the meaning of Section 401(a) of the National Housing Act, an affiliate service corporation within the meaning of Section 5(d)(2)(C) of the Home Owners' Loan Act and Section 407(e)(3) of the National Housing Act, a savings and loan holding company within the meaning of Section 408(a)(1)(D) of the National Housing Act, and a subsidiary of a savings and loan holding company (other than an insured institution) within the meaning of Section 408(a)(1)(H) of the National Housing Act.

(f) The term "subject individual" means a person served with a Notice or Order.

(g) The term "petitioner" means a subject individual who has filed a petition for informal hearing under this Part.

§ 509a.3 Issuance of Notice or Order.

(a) The Board may issue and serve a Notice upon an officer, director, or other person participating in the conduct of the affairs of an institution, where the individual is charged in any information, indictment, or complaint authorized by a United States Attorney with the commission of or participation in a crime involving dishonesty or breach of trust that is punishable by imprisonment for a term exceeding one year under State or Federal law, if the Board, upon due deliberation, determines that continued service or participation by the individual may pose a threat to the interests of the institution's depositors or may threaten to impair public confidence in the institution. The Notice shall remain in effect until the information, indictment, or complaint is finally disposed of or until terminated by the Board.

(b) The Board may issue and serve an Order upon a subject individual against whom a judgment of conviction, with respect to the aforementioned crime, has been rendered, where such judgment is not subject to further appellate review, and the Board, upon due deliberation, has determined that continued service or participation by the subject individual may pose a threat to the interests of the institution's depositors or may threaten to impair public confidence in the institution.

§ 509a.4 Contents and service of the Notice or Order.

(a) The Notice or Order shall set forth the basis and facts in support of the Board's issuance of such Notice or Order, and shall inform the subject individual of his right to a hearing, in accordance with this part, for the purpose of determining whether the Notice or Order should be continued, terminated, or otherwise modified.

(b) The Secretary shall serve a copy of the Notice or Order upon the subject individual and the related institution in the manner set forth in § 509.18 of this subchapter.

(c) Upon receipt of the Notice or Order, the subject individual shall immediately comply with the requirements thereof.

§ 509a.5 Petition for hearing.

(a) To obtain a hearing, the subject individual must file two copies of a petition with the Secretary within 30 days of being served with the Notice or Order.

(b) The petition filed under this section shall admit or deny specifically each allegation in the Notice or Order, unless the petitioner is without knowledge or information, in which case the petition shall so state and the statement shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a petitioner intends in good faith to deny only a part of or to qualify an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) The petition shall state whether the petitioner is requesting termination or modification of the Notice or Order, and shall state with particularity how the petitioner intends to show that his continued service to or participation in the conduct of the affairs of the institution would not, or is not likely to, pose a threat to the interests of the institution's depositors or to impair public confidence in the institution.

§ 509a.6 Initiation of hearing.

(a) Within 10 days of the filing of a petition for hearing, the Board shall notify the petitioner of the time and place fixed for hearing, and it shall designate one or more agency employees to serve as presiding officer.

(b) The hearing shall be scheduled to be held no later than 30 days from the date the petition was filed, unless the time is extended at the request of the petitioner.

(c) A petitioner may appear personally or through counsel, but if represented by counsel, said counsel is required to comply with § 509.3 of this subchapter.

(d) a representative(s) of the Board's Office of General Counsel also may attend the hearing and participate therein as a party.

§ 509a.7 Conduct of hearings.

(a) Hearings provided by this section are not subject to the adjudicative provisions of the Administrative Procedure Act (5 U.S.C. 554–557). The presiding officer is, however, authorized to exercise all of the powers enumerated in § 509.6 of this subchapter.

(b) Witnesses may be presented, within time limits specified by the presiding officer, provided that at least 10 days prior to the hearing date, the party presenting the witnesses furnishes the presiding officer and the opposing party with a list of such witnesses and a summary of the proposed testimony. However, the requirement for furnishing such a witness list and summary of testimony shall not apply to the presentation of rebuttal witnesses. The presiding officer may ask questions of any witness, and each party shall have an opportunity to cross-examine any witness presented by an opposing party.

(c) Upon the request of either the petitioner or a representative of the Office of General Counsel, the record shall remain open for a period of 5 business days following the hearing, during which time the parties may make any additional submissions for the record. Thereafter, the record shall be closed.

(d) Following the introduction of all evidence, the petitioner and the representative of the Office of General Counsel shall have an opportunity for oral argument; however, the parties may jointly waive the right to oral argument, and, in lieu thereof, elect to submit written argument.

(e) All oral testimony and oral argument shall be recorded, and transcripts made available to the petitioner upon payment of the cost thereof. A copy of the transcript shall be sent directly to the presiding officer, who shall have authority to correct the record *sua sponte* or upon the motion of any party.

(f) The parties may, in writing, jointly waive an oral hearing and instead elect a hearing upon a written record in which all evidence and argument would be submitted to the presiding officer in documentary form and statements of individuals would be made by affidavit.

§ 509a.8 Default.

If the subject individual fails to file a petition for a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where oral argument has been waived pursuant to § 509a.7(d) or (f) of this part, the Notice shall remain in effect until the information, indictment, or complaint is finally disposed of and the Order shall remain in effect until terminated by the Board.

§ 509a.9 Rules of evidence.

(a) Formal rules of evidence shall not apply to hearing, but the presiding officer may limit the introduction of irrelevant, immaterial, or unduly repetitious evidence.

(b) All matters officially noticed by the presiding officer shall appear on the record.

§ 509a.10 Burden of persuasion.

The petitioner has the burden of showing, by a preponderance of the evidence, that his or her continued service to or participation in the conduct of the affairs of the institution does not, or is not likely to, pose a threat to the interests of the institution's depositors or threaten to impair public confidence in the institution.

§ 509a.11 Relevant considerations.

(a) In determining whether the petitioner has shown that his or her continued service to or participation in the conduct of the affairs of the institution would not, or is not likely to, pose a threat to the interests of the institution's depositors or threaten to impair public confidence in the institution, in order to decide whether the Notice or Order should be continued, terminated, or otherwise modified, the Board will consider: (1) The nature and extent of the petitioner's participation in the affairs of the institution; (2) the nature of the offense with which the petitioner has been charged; (3) the extent of the publicity accorded the indictment and trial; and (4) such other relevant factors as may be entered on the record.

(b) When considering a request for the termination or modification of a Notice, the Board will not consider the ultimate guilt or innocence of the petitioner with respect to the criminal charge that is outstanding.

(c) When considering a request for the termination or modification of an Order which has been issued following a final judgment of conviction against a subject individual, the Board will not collaterally review such final judgment of conviction.

§ 509a.12 Proposed findings and conclusions and recommended decision.

(a) Within 30 days after completion of oral argument or the submission of written argument where oral argument has been waived, the presiding officer

shall file with the Secretary and certify to the Board for decision the entire record of the hearing, which shall include a recommended decision, the Notice or Order, and all other documents filed in connection with the hearing.

(b) The recommended decision shall contain:

(1) A statement of the issue(s) presented,

(2) A statement of findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law, or discretion presented on the record, and

(3) An appropriate recommendation as to whether the suspension, removal, or prohibition should be continued, modified, or terminated.

§ 509a.13 Decision of the Board.

(a) Within 30 days after the recommended decision has been certified to the Board, the Board shall issue a final decision.

(b) The Board's final decision shall contain a statement of the basis therefor. The Board may satisfy this requirement where it adopts the recommended decision of the presiding officer upon finding that the recommended decision satisfies the requirements of § 509.12(b).

(c) The Secretary shall serve upon the petitioner and the representative of the Office of General Counsel a copy of the Board's final decision and the related recommended decision.

§ 509a.14 Miscellaneous.

The provisions of §§ 509.17, 509.18, 509.20, 509.21, and 509.22 of this subchapter shall apply to proceedings under this part.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-6060 Filed 3-8-83; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1215

Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule establishes an equitable basis for use of and reimbursement for Tracking and Data Relay Satellite System (TDRSS) and service by non-U.S. Government users. The tracking, telemetry, and command services provided by the TDRSS will represent a significant growth in the capability of presently available services provided via the ground tracking station network. Once the TDRSS is declared operational by NASA, TDRSS services will be made available to non-U.S. Government users.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Robert O. Aller, 202-755-2340.

SUPPLEMENTARY INFORMATION: The TDRSS space segment consists of two satellites in geostationary orbit. A third satellite is in geostationary orbit to be operated as a spare for additional service as required. The ground segment consists of a single ground terminal and the necessary operational control and interface devices and interconnecting communications circuit services located at White Sands, New Mexico. NASA published its proposed rule in 47 FR 35228-35232, August 13, 1982. One comment was received but was not adopted. The Chief Counsel for Advocacy of the U.S. Small Business Administration indicated the proposed rule failed to comply with Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). By letter dated November 19, 1982, the Chief Counsel for Advocacy was informed that the proposed rule was being established to set rates, prices and practices relating to the use of TDRSS and was therefore excluded from compliance with the RFA by 5 U.S.C. 601(2).

Appendix A has been updated to reflect CY 1984 reimbursement rates for use of TDRSS service.

List of Subjects in 14 CFR Part 1215

Satellites, Tracking and data relay satellite, Communications equipment, Government contract.

14 CFR Chapter V is amended by adding a new Part 1215 reading as follows:

PART 1215—TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS)

Subpart 1215.1—Use and Reimbursement Policy for Non-U.S. Government Users

Sec.

1215.100 General.
1215.101 Scope.
1215.102 Definitions.
1215.103 Services.
1215.104 Apportionment and assignment of services.
1215.105 Delivery of user data.
1215.106 User command and tracking data.
1215.107 User data security.
1215.108 Defining user services requirements.
1215.109 Scheduling user service.
1215.110 User cancellation of all services.
1215.111 User postponement of all services.
1215.112 User/NASA contractual arrangement.
1215.113 User charges.
1215.114 Service rates.
1215.115 Payment and billing.
Appendix A—Estimated Service Rates in 1984 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate).
Appendix B—Factors Affecting Standard Charges.
Appendix C—Typical User Activity Timeline.

Authority: Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended; 42 U.S.C. 2473.

Subpart 1215.1—Use and Reimbursement Policy for Non-U.S. Government Users

§ 1215.100 General.

The Tracking and Data Relay Satellite System represents a major investment by the U.S. Government with the primary goal of providing improved tracking and data acquisition services to spacecraft in low earth orbit or to terrestrial users. It is the objective of NASA to operate as efficiently as possible with the TDRSS. This is to the mutual benefit of all users. Such user consideration will permit NASA and non-NASA services to be delivered without compromising the mission objectives of any individual user. To encourage users toward achieving efficient TDRSS usage, a reimbursement policy has been established which is designed to influence users to operate in the most efficient and orderly manner possible. Additionally, the reimbursement policy is designed to comply with the Bureau of the Budget Circular A-25 on User Charges, dated September 23, 1959, which requires that a reasonable charge should be made to each identifiable recipient for a measurable unit or amount of Government service or property from which a special benefit is derived.

§ 1215.101 Scope.

This Subpart sets forth the policy governing TDRSS services provided to non-U.S. Government users and the reimbursement for rendering such services. It excludes TDRSS services provided as standard or optional services to Space Transportation System (STS) users under existing policy for Shuttle and Spacelab (14 CFR 1214.1 and 1214.2); that is user command and telemetry support which utilizes and is a part of the Shuttle or Spacelab communications system is a Shuttle/Spacelab service. Cooperative missions are also not under the purview of this Subpart. The arrangements for TDRSS

services for cooperative missions will be covered in a Memorandum of Understanding (MOU), as a consequence of negotiations between NASA and the other concerned parties. Any MOU which includes provision for any TDRSS service will require signatory concurrence by the Associate Administrator for Space Tracking and Data Systems prior to dedicating Office of Space Tracking and Data Systems resources for support of a cooperative mission.

§ 1215.102 Definitions.

(a) *User.* Any non-U.S. Government representative or entity who contracts with NASA to use TDRSS services.

(b) *TDRSS.* The Tracking and Data Relay Satellite System including Tracking and Data Relay Satellites (TDRS), the White Sands Ground Terminal (WSGT), and the necessary TDRSS operational areas, interface devices and NASA communication circuits to unify the above into a functioning system. It specifically excludes the user ground system/TDRSS interface.

(c) *Bit Stream.* The digital electronic signals acquired by TDRSS from the user craft or the user generated input commands for transmission to the user craft.

(d) *Flexible Support.* Support requests which permit NASA, at its option, to schedule service at any time during the period of a single orbit of the user mission. Missions requiring multiple support periods during a single orbit may be classified as constrained support.

(e) *Constrained Support.* Support requests which specify the exact times NASA is to provide service, or conditions of support which can be translated into exact times for service, such as sub-satellite positions, apogee/perigee position, etc., for which support is needed.

(f) *Scheduling Service Period.* One scheduled contact utilizing a single TDRS whereby the user by requesting service is allotted a block of time for operations between the user satellite and TDRSS.

§ 1215.103 Services.

(a) *Standard Services.* These are services which the TDRSS is capable of providing to low-earth orbital user spacecraft or other terrestrial users.

(1) Tracking services.

(2) Data acquisition service.

(3) Command transmission service.

(4) Emergency line outage recording in the event of a communications failure between White Sands, Goddard Space Flight Center (GSFC), and Johnson Space Center (JSC).

(5) A weekly user spacecraft orbit determination in NASA standard orbital elements as determined by NASA for TDRSS target acquisition purposes.

(6) Delivery of user data at the NASA Ground Terminal (NGT) located at White Sands.

(7) Pre-launch support for data flow test and related activities which require use of a TDRS.

(8) Pre-launch support planning and documentation.

(9) Scheduling user services via TDRSS.

(10) Access to tracking data to enable users to perform orbit determination at their option.

(b) *Mission Unique Services.* Other tracking and data services desired by the user beyond the standard service and the charges therefor, will be identified and assessed on a case-by-case basis.

§ 1215.104 Apportionment and assignment of services.

No user may apportion, assign, or otherwise convey to any third party its TDRSS service. Each user may obtain service only through contractual agreement with NASA.

§ 1215.105 Delivery of user data.

(a) As a standard service, NASA will provide to the user its data from the TDRSS as determined by NASA in the form of one or more digital or analog bit streams synchronized to associated clock streams at the NGT.

(b) User data handling requirements beyond the NGT interface may be provided as a service without charge to the user, to the extent that NASA determines that it does not exceed NASA's standard communications system. Any additional data transport or handling requirements exceeding NASA's capability will be dealt with as a mission-unique service.

(c) No storage of the user data is provided in the standard service. NASA will provide short-term temporary recording of data at White Sands, only in event of a NASA Communications Network (NASCOM) link outage.

(d) NASA will provide TDRSS service on a "best efforts" basis and does not assume the risk of liability for damage to the user or third parties for failure to provide contracted-for services because of damage to the user's payload or other damage to the user or to third parties. The price for TDRSS service does not include a contingency or premium for this potential damage. The user will assume this risk of damage or obtain insurance to protect against that risk.

§ 1215.106 User command and tracking data.

(a) User command data may enter the TDRSS via the NASCOM interface at one of three locations:

(1) For Shuttle payloads which utilize the Shuttle commanding system, command data must enter the system via the Johnson Space Center (JSC) and is governed by the policies established for STS services (see § 1215.101).

(2) For free flyers and other payloads, command data must enter the system at the Goddard Space Flight Center (GSFC) if it is to be a standard service.

(3) The use of other command data entry points [e.g., the NASA Ground Terminal (NGT) at White Sands, NM, or Johnson Space Center (JSC), for payloads using an independent direct link from TDRS to the user payload] is considered to be a mission unique service.

(b) NASA is required to maintain the user satellite orbital elements to sufficient accuracy to permit the TDRS system to establish and maintain acquisition. This can be accomplished in two ways:

(1) The user can provide the orbital elements in a NASA format to GSFC to meet TDRSS operational requirements.

(2) The user shall insure that a sufficient quantity of tracking data is received at GSFC to permit the determination of the user satellite orbital elements. The charges for this service will be determined by using the on-orbit service rates.

§ 1215.107 User data security.

User data security is not provided by the TDRSS. Responsibility for data security resides solely with the user. User desiring data safeguards shall provide and operate, external to the TDRSS, the necessary equipment or systems to accomplish data security. Any such user provisions must be compatible with data flow through TDRSS and not interfere with other users.

§ 1215.108 Defining user service requirements.

Potential users should become familiar with TDRSS capabilities and constraints, which are detailed in the TDRSS User's Guide (GSFC document, STDN No. 101.2), as early as possible. This action allows the user to evaluate the trade-offs available among various TDRSS services, spacecraft design, operations planning, and other significant mission parameters. When these user evaluations have been completed, and the user desires to use

TDRSS, the user should initiate a request for TDRSS service.

(a) Initial requests for TDRSS service from non-U.S. Government users should be addressed to NASA Headquarters, Code TX, TDRSS Program, Washington, D.C. 20546. Upon review and preliminary acceptance of the service requirements by NASA Headquarters, the appropriate areas of GSFC will be assigned to the project to produce the detailed requirements, plans and documentation necessary for support of the mission. Changes to user requirements shall be made as far in advance as possible and shall be submitted in writing to both NASA Headquarters, Code TX, TDRSS Program, and GSFC, Code 804, Greenbelt, Maryland 20771.

(b) Acceptance of user requests for TDRSS service is the sole prerogative of NASA. Although TDRSS represents a significant increase to current support capabilities, service capacity is finite, and service will be provided in accordance with operational priorities established by NASA. Request for services within priority groups shall be negotiated with non-NASA users on a first come, first service basis for inclusion into the TDRSS mission model.

§ 1215.109 Scheduling user service.

(a) User service shall be scheduled only by NASA. Scheduling refers to that activity occurring after the user has been accepted and placed in the TDRSS mission model as specified in § 1215.108(b). See Appendix C for a description of a typical user activity timeline.

(b) Schedule conflict will be resolved in general by application of principles of priority to user service requirements. Services shall be provided either as normally scheduled service or as emergency/disruptive update service. Priorities will be different for emergency/disruptive updates than for normal services.

(1) Normally scheduled service is service which is planned and ordered under normal operational conditions and is subject to schedule conflict resolution under normal service priorities. Priorities are established by the NASA Administrator or his/her designee. Requests for normally scheduled service must be received by the schedulers at the GSFC Network Control Center (NCC) no later than 45 minutes prior to requested support time.

(2) Normal scheduling principles of priority are generally ordered as follows beginning with the highest priority:

(i) Launch, reentry, landing of the STS Shuttle or launch of a NASA expendable launch vehicle.

(ii) NASA payloads/spacecraft.

(iii) Other payloads/spacecraft of interest to the United States.

(iv) Other payloads/spacecraft launched by a NASA launch vehicle.

(v) Other payloads/spacecraft.

(vi) Support of other launches.

(3) Exceptions to these priorities may be determined on a case-by-case basis with the NASA Administrator or his/her designee as the priorities stated in paragraph (b)(2) of this section are indicative of general rather than specific cases.

(4) Emergency service conditions are those requiring rapid response to changing user service requirements. Emergency service may be instituted under the following conditions:

(i) Circumstances which pose a threat to the security of the United States.

(ii) Circumstances which threaten human life.

(iii) Circumstances which threaten user mission loss.

(iv) Other circumstances of such a nature which make it necessary to preempt normally scheduled services.

(5) At times, emergency service requirements will override normal schedule priority. Under emergency service conditions, disruptions to schedule service will occur. As a consequence, users requiring emergency service shall be charged for emergency service at rate factors set forth in Appendix B.

(6) Disruptive updates are scheduled updates which by virtue of priorities, causes previously scheduled user's services to be rescheduled or deleted or are requested by the user less than 45 minutes prior to the scheduled support period.

(i) Disruptive updates will be charged at the same rates as emergency service. User initiated schedule requests which are received less than 45 minutes prior to the requested schedule support time will be considered a disruptive update.

(ii) User initiated schedule requests which are received more than 45 minutes and less than 12 hours prior to the scheduled support period will be acted upon as a routine input provided other users are unaffected. If other users are affected, the scheduling input will be considered a disruptive update and the appropriate charge factor will be applied.

(iii) The Network Control Center (NCC) at GSFC reserves the sole right to schedule, reschedule or cancel TDRSS service. Schedule changes brought about through no fault of the user are not charged the factor for a disruptive update.

(7) While the priority listing remains the general guide for establishing support availability, the NASA schedulers will exercise judgment and endeavor to see that lower priority users are not excluded from a substantial portion of their contracted-for service due to the requirements of higher priority users.

(8) When a user contracts for TDRSS service for an "operational satellite" which interfaces with a significant number of national and world-wide users on a regularly scheduled basis as opposed to a "research and development satellite," NASA will place special emphasis on the operational requirement when planning schedules. This should reduce the probability of losing perishable operational data such as meteorological, climate, or earth resources information.

(c) General user service requirements, which will be used for preliminary planning and mission modeling, should include as a minimum, the following:

(1) Date of service initiation.

(2) Expected date of service termination.

(3) The type of TDRSS services desired [e.g., multiple access, tracking, etc.].

(4) The frequency and duration of each service, including orbital position or time constraints on service delivery from a given spacecraft where appropriate.

(5) Orbital or trajectory parameters and tracking data requirements.

(6) Spacecraft events affecting tracking, telemetry or command requirements.

(7) Signal parameters and data rates by type of service, type and location of antennas and other related information dealing with user tracking, command, and data systems.

(8) Special test requirements, compatibility testing, data flows, simulations, etc.

(9) Identification of type and quantity of user information necessary for control functions, location of user control facility, and identification of communications requirements.

(10) Identification of ground communications requirements and interface points, including the level of support to be requested from NASCOM.

(d) To provide for effective planning, general service requirements should be provided at least 3 years before initiation of service. With these data NASA will determine whether the requested services can be provided.

(e) Detailed requirements for user services must be provided 18 months before the initiation of service. These data will be the basis for the technical definition of the Interface Control

Document (ICD). If requirements are received late, necessitating extraordinary NASA activities [e.g., overtime, special printing of documents], such activities will be considered to be mission unique and their cost charged the user.

§ 1215.110 User cancellation of all services.

The user has the right to terminate its service contract with NASA at any time. A user who exercises this right after contracting for service shall pay the charge agreed upon for services previously rendered, and the cost incurred by the Government for support of pre-launch activities, services, and mission documentation not included in that charge. The user will remain responsible for the charges for any services actually provided.

§ 1215.111 User postponement of service.

The user may postpone the initiation of contract service (user launch date) by delivery of written notification to NASA Headquarters, Code TX. If NASA's written approval is not obtained for postponements which delay the initial contract start of service date by more than 6 months, the quantity of service provided may be affected due to changes in other support requirements. Therefore, the validity of previous estimates of predicted support availability may no longer be applicable.

§ 1215.112 User/NASA contractual arrangement.

(a) The NASA Administrator reserves the right to waive any portion of the reimbursement due to NASA under the provisions of the reimbursement policy.

(b) When NASA has determined that a potential user has not made sufficient progress toward concluding a contractual arrangement for service, after being placed in a mission model, NASA shall have the unilateral right to remove that user from the mission model.

(c) NASA shall have the right to determine unilaterally that the potential user has failed to make progress toward concluding a contractual arrangement.

§ 1215.113 User charges.

(a) The user shall reimburse NASA the sum of the charges for standard and mission unique services. Charges will be based on the service rates determined at the beginning of each calendar year and the service time scheduled for the user.

(b) For standard services the user shall be charged only for services rendered, except that if a total cancellation of service occurs, the users shall be charged in accordance with the provisions of § 1215.110.

(1) Standard services which are scheduled, and then cancelled by the user less than 12 hours prior to the start of that scheduled service period, will be charged as if the scheduled service actually occurred.

(2) The time scheduled by the user project shall include the slew time, set up and/or configuration time, TDRSS contact time, and all other conditions for which TDRSS services were allocated to the user.

(3) Charges will be accumulated by the minute, based on the computerized schedule/configuration messages which physically set up the TDRSS equipment at the start of a support period and free the equipment for other users at the end of a support period.

(c) The user shall reimburse NASA for the costs of any mission unique services provided by NASA for the user's benefit unless NASA obtains full cost reimbursement from another user for these mission unique services.

(d) Any person or entity which pays to NASA the initial administrative charge (see § 1215.115) does so with the understanding that it is not refundable whether or not an agreement is entered into with NASA for TDRSS services.

§ 1215.114 Service rates.

(a) Non-U.S. Government user rates will reflect TDRSS total operational and maintenance costs prorated to a per-minute basis.

(b) Rates for TDRSS services will be set by NASA Headquarters each October for the following year, January through December. Rate variations will reflect changes in operating costs, loading formulas and escalation.

(c) Projected estimates will include escalation bases on the Bureau of Labor Statistics Index for compensation per hour—total private.

(d) Appendix A is provided for preliminary planning purposes only. It delineates the rate per minute by service and type of user. These rates are subject to change.

(e) The per minute charge for TDRSS service is computed by multiplying the charge per minute for the appropriate service by the number of minutes scheduled and the appropriate factor (for flexible, constrained or disruptive/emergency service).

§ 1215.115 Payment and billing.

(a) To each user there will be an initial non-refundable administrative charge of $25,000 which is applicable toward TDRSS operational services.

(b) The procedure for billing and payment of standard TDRSS services is as follows:

(1) The calendar year is divided into two service periods, January through June and July through December. The charge for TDRSS service will be determined in October for the succeeding calendar year.

(2) The estimated cost of service, January through June period, will be due the previous July 1, and will be billed 60 days prior to the payment due date.

(3) The estimated cost of service, July through December period, will be due the previous January 1, and will be billed 60 days prior to the payment due date.

(4) Adjustments to the amounts prepaid will be made to the succeeding billings as the actual service time is tabulated. Amounts due to the user will be credited to the next service period or refunded to the user if no more service is to be provided.

(5) The total estimated cost of all standard pre-launch services such as mission planning, documentation, link analysis, testing, computer, human resources, etc., with the exception of TDRSS operational services, will be paid to the Government prior to NASA rendering such services. This advance payment will be applied as a credit to the charges billed for post-launch TDRSS operational services as specified in paragraphs (b) (1) through (4) of this section.

(c) Payment schedules for mission unique services will be mutually developed between NASA the user on a case-by-case basis, dependent upon level of engineering effort, long-lead items, special communication services or other considerations. Payment will generally be made prior to NASA incurring a cost for mission unique service.

(d) Late payments by the user will require the user to pay a late payment charge equal to 1½% per month of the unpaid balance calculated daily from the date the payment was due until the date payment is made.

Appendix A—Estimated Service Rates in 1984 Dollars for TDRSS Standard Services (Based on NASA Escalation Estimate)

TDRSS user service rates for services rendered in CY–84 based on current projections in 1984 dollars are as follows:

Single Access Service—forward command, return telemetry, or tracking, or any combination of these, the base rate in $110.00 per minute for non-U.S. Government users.

Multiple Access Forward Service—Base rate is $24.00 per minute for non-U.S. Government users.

Multiple Access Return Service—Base rate is $8.00 per minute for non-U.S. Government users.

Appendix B—Factors Affecting Standard Charges

Charges for services shall be determined by multiplying the factors below by the base rates for standard services set forth in Appendix A.

	Flexible	Time or position constrained	Emergency service, disruptive updates
Single access service	.5	1	2
Multiple access forward (command) service	.67	1	2

	Normally scheduled support	Emergency service, disruptive updates
Multiple access return (telemetry) service	1	2

Appendix C—Typical User Activity Timeline

Time (approximate)	Activity
Project conceptualization (At least 3 years before launch; Ref. § 1215.108(a)).	Request NASA Headquarters perform study to determine availability of TDRSS. $25,000 non-refundable charge for this service. Placement into mission model if accepted.
3 year before launch (Ref. § 1215.109(c)).	Submit general user requirements to permit preliminary planning. Begin payment for pre-mission activities. (Ref. § 1215.115(b)(5).)
15 months before launch (earlier if interfacing is expected).	Provide detailed requirements for technical definition and development of operational documents and ICD's. (Ref. § 1215.109(e).)
3 weeks prior to a scheduled support period (SSP).	Submit scheduling request to GSFC covering a weekly period.
2 weeks prior to an SSP.	Receive schedule from GSFC based on principles of priority (§ 1215.109(b)(2)). Acknowledgement to GSFC required.
Up to 12 hours prior to an SSP.	Can cancel an SSP without charge. (Ref. § 1215.113(a)(1).)
Up to 45 minutes prior to an SSP.	Can schedule an SSP if a time slot is available without impacting another user.
Between SSP minus 45 minutes and the SSP.	Schedule requests will be charged at the disruptive update rate (Ref. § 1215.109(b)(5)).
Real Time	Emergency service requests will be responded to per the priority system (Ref. § 1215.109(b)(3)) and assessed the emergency service rate.

James M. Beggs,
Administrator.

[FR Doc. 83-6061 Filed 3-8-83; 8:45 am]
BILLING CODE 7510-01-M

UNITED STATES METRIC BOARD

15 CFR Ch. V

Removal of Chapter

In a letter to the Chairman, United States Metric Board dated February 25, 1982, the Deputy Director of the Office of Management and Budget assigned responsibility for metric policy and coordination to the Secretary of Commerce upon the phase out of the Board.

As of October 1, 1982, responsibility for metric policy was transferred to the Secretary of Commerce, and the regulations of the U.S. Metric Board, appearing in Chapter V of the Code of Federal Regulations became obsolete. The regulations in 15 CFR Chapter V are being removed based on a letter to the Office of the Federal Register from the Director, Office of Administration, U.S. Department of Commerce.

CHAPTER V—[REMOVED]

Accordingly, in Title 15, Code of Federal Regulations, Parts 500–504 appearing in Chapter V—United States Metric Board, are removed and the chapter is removed.

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 145

Commission Headquarters Office and Western and Southwestern Offices; Change and Address; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules, correction.

SUMMARY: This document corrects telephone numbers for the Division of Economics and Education in New York and the Division of Trading and Markets in Chicago, which were published on January 21, 1983 (48 FR 2735).

FOR FURTHER INFORMATION CONTACT: Donald L. Tendick, Acting Executive Director, Commodity Futures Trading Commission, 2033 K Street, NW., Washington. D.C. 20581, (202) 254–7556.

The Commodity Futures Trading Commission is correcting the following telephone numbers in § 145.6:

On page 2735, column 1, line 55, the telephone number for the Division of Economics and Education in New York is (212) 466–2061. On page 2735, column 1, line 60, the telephone number for the Division of Trading and Markets in Chicago is (312) 353–5990.

Issued in Washington, D.C. on March 3, 1983.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 83-6062 Filed 3-8-83; 8:45 am]
BILLING CODE 6351-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 34

[Docket No. RM81-18-000]

Order Denying Application for Rehearing and Clarifying Regulatory Provision

Issued March 3, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Denying Application for Rehearing and Clarifying Regulatory Provision.

SUMMARY: The Federal Energy Regulatory Commission (Commission) denies an application for rehearing or reconsideration of the final rule which revised the Commission's Regulations regarding applications for authorization of the issuance of securities or the assumption of liabilities. The final rule was issued October 7, 1981 (Order No. 182, 46 FR 50511, October 14, 1981), and clarified and simplified those regulations as part of the Commission's ongoing program to reevaluate its information requirements. The rehearing request is denied because it does not raise any issues nor present any new data that were not fully considered by the Commission during this rulemaking, or which now having been considered, warrant any modification of the final rule with respect to that request.

The Commission also amends its regulations in § 34.1(c)(1) in order to insert text previously omitted in that provision.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Cathy Ciaglo, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8033.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Energy Regulatory Commission issued a final rule on October 7, 1981, to revise its regulations at 18 CFR Part 34, "Application for Authorization of the Issuance of

Securities or Assumption of Liabilities" (Order No. 182, 46 FR 50511, October 14, 1981). Part 34 provides requirements for any issuance of a security or assumption of liability by a public utility, licensee or other entity for which approval is required under sections 19, 20 and 204 of the Federal Power Act (16 U.S.C. 812, 813, 824c). The final rule clarified and simplified the Part 34 provisions and deleted or reduced certain of the specified requirements. The revisions were made as part of the Commission's ongoing program to reevaluate all of its information requirements and to eliminate the reporting of data that are not necessary for Commission regulatory purposes.

B. Rehearing Application

On November 6, 1981, Simpson, Thacher and Bartlett (Applicant) filed a timely application for rehearing or reconsideration of the final rule. By that application, the applicant objected to the revised language of § 34.1(c)(1) adopted in the rule. That provision reads as follows:

(c) *Exemptions*—(1) *If a State regulates securities prior to issuance.* A utility whose security issuances are regulated by a State agency, shall be exempted from the provisions of sections 19, 20 and 204 of the Federal Power Act, and from the provisions of this part: *Provided, however,* that the State agency is required to exercise its regulatory authority with respect to the issuance of *such securities* prior to issuance, and that the utility must obtain written authorization or approval from the State agency prior to the issuance of such securities. (Emphasis provided by Applicant.)

The essence of the Applicant's objection is that this provision, exempting security issuances from Commission jurisdiction under section 204 of the Federal Power Act by reason of the exercise of state regulation, is in conflict with section 204(f) of the Federal Power Act. Section 204(f) provides as follows:

(f) The provisions of this section shall not extend to a *public utility* organized and operating in a State under the laws of which its security issues are regulated by a State commission. (Emphasis provided by Applicant.)

The Applicant stated that the implicit premise of the proviso to § 35.1(c)(1) is that "every security issued by a public utility which is not approved by a state commission" must be authorized by the Commission under section 204 and that this conflicts with section 204(f). According to the Applicant, the Commission incorrectly construed the language of section 204(f) as providing exemptions for specific security issues, and that, in fact, section 204(f) should be broadly construed to exempt the public utilities that are regulated by states irrespective of whether individual securities are so regulated.

The Applicant, citing to legislative history and court cases, argued that the purpose of section 204(f) is to preserve the states' jurisdiction to regulate utility issuances where state laws provide for such regulation. The Applicant concluded that section 204(f) was designed to exempt from federal regulation "*public utilities* whose security issues were subject to a general structure of state regulation, without regard to the state-to-state nuances and variations in exempting particular transactions * * *" (Emphasis provided by Applicant.) That is, section 204(f) reflects the clear intention that the Commission should regulate security issuances only in states that did not provide for any regulation.

For the reasons given below, the Commission believes that the proviso of § 34.1(c)(1) of the revised regulations is consistent with section 204(f) of the Federal Power Act and with the overall intent of the Act. For this reason, the application for rehearing is denied.

The primary purpose of Part II of the Federal Power Act has been succinctly stated by the Supreme Court:

"* * * to curb abusive practices of public utility companies by bringing them under effective control, and to provide effective federal regulation of the expanding business of transmitting and selling power in interstate commerce." [1]

To adopt the Applicant's interpretation of the section 204(f) exception would result in no federal or state control over certain security issuances. Under its interpretation, the mere fact that a state or state commission *could* regulate a security issuance, whether or not it does so regulate, would be enough to preclude the exercise of federal authority.

Although the issue in this Application was not specifically addressed in the legislative history, this Commission does not believe that the Congress intended that the authority of state commissions should be so broad that they could unilaterally decide by regulatory inaction which issuances should and should not be regulated by federal authority. This would violate the very spirit of the Federal Power Act and would also contradict section 204(f) which provides that the exemption applies when a utility security issues are "regulated" by a state commission.

With respect to the Applicant's assertion that the § 34.1(c)(1) proviso would supplant state regulation of its utilities' security issuances, the Commission notes that in no instances would the Commission and the states regulate the *same* issuances in a particular state. This would be consistent with the statement in the report of the House Committee on Interstate and Foreign Commerce that: "[t]he new parts are so drawn as to be a complement to and in no sense a usurpation of State regulatory authority * * *" (H. Rep. No. 1318, 74th Cong., 1st Sess. at 8 (1935).) The Commission would never usurp the state authority when the state actively regulated security issues, but would only regulate in those instances where the states themselves chose not to regulate.

The Commission's determination that it is authorized to regulate specific security issuances that are not regulated by the states is entirely consistent with previous Commission decisions dating to 1949. Three of these early decisions were cited by the Applicant [2] and each of them reflects the Commission's long-standing practice of interpreting section 204(f) as exempting from federal regulation under the Federal Power Act only the specific security issuances that are regulated by the States. This practice is implemented in the proviso at § 34.1(c)(1) of the Commission's regulations. This provision is consistent with section 204(f) of the Federal Power Act and with the stated purpose of that Act which requires the Commission to regulate in the "public interest".

In conclusion, the Applicant has not raised any issues nor presented any data that were not fully considered by the Commission during this rulemaking or, which now having been considered, warrant any modification of the final rule with respect to that request.

Accordingly, the application for rehearing or reconsideration of the final rule that was filed in this docket by Simpson, Thacher and Bartlett is denied.

II. Clarification of Regulatory Provision

Subsequent to the issuance of the final rule in this docket, the Commission was notified by an interested person of an omission in the revised regulations. The omission pertains to the language in § 34.1(c)(1), that appears before the proviso discussed in the rehearing application. The reference to a utility that is "organized and operating" in a State appeared in the notice of proposed rulemaking but was not included in the

[1] *Gulf States Utilities Co. v. FPC*, 411 U.S. 717, 758 (1973) (citations omitted).

[2] *Newport Electric Co. of New Hampshire* (Docket No. E-6250) 8 FPC 1369 (1949); *Florida Power Corp.* (Docket No. E-6386) 10 FPC 1550 (1951); and *Public Service Co. of New Hampshire* (Docket No. E-6521) 12 FPC 1199 (1953).

final rule. The omission of this phrase from the final rule was inadvertent. The Commission, therefore, reinserts this language and the provision now reads,

A utility whose security issuances are regulated by a State agency, in a State in which it is organized and operating, shall be exempted from the provisions of sections 19, 20 and 204 of the Federal Power Act, and from the provisions of this Part. * * *

In accordance with section 553(b) of the Administrative Procedure Act (5 U.S.C. 553(b)) (APA), the Commission finds that public notice and comment on this amendment are unnecessary because the phrase was inadvertently omitted from the final rule. For this same reason, the Commission finds good cause, in accordance with section 553(d) of the APA, to make the amendment effective immediately.

(Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 3 CFR Part 142; Federal Power Act, 16 U.S.C. 792–828(c); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2635)

List of Subjects in 18 CFR Part 34

Electric power, Electric utilities, Reporting requirements, Securities.

In consideration of the foregoing, Part 34 of Subchapter B, Chapter 1, Title 18, Code of Federal Regulations, is amended as set forth below, effective March 3, 1983.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 34—[AMENDED]

§ 34.1 [Amended]

Section 34.1(c)(1) is amended by inserting the phrase "in a State in which it is organized and operating," between the words "State agency," and "shall".

[FR Doc. 83-6661 Filed 3-8-83; 8:45 am]
BILLING CODE 6717-01-M

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18 CFR Part 250

[Docket No. RM83-51-000; Order No. 285]

Discontinuance of FPC Form 334, Reserves Dedication Report

Issuance: March 4, 1983.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) discontinues FPC Form 334, "Reserves Dedication Report," and deletes the Commission's regulation which prescribes the form, 18 CFR 250.13. The Commission is taking this action because Form 334 and its prescribing regulation no longer serve any regulatory function or purpose for the Commission. The effect of this action will be to remove an unnecessary portion of the Commission's regulations and to avoid possible confusion or uncertainty.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: Ellen Brown, Office of Program Management, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–5250.

SUPPLEMENTARY INFORMATION: By this rule, the Federal Energy Regulatory Commission (Commission) is discontinuing FPC Form 334, "Reserves Dedication Report," and the regulation prescribing that form, 18 CFR 250.13. The Commission is eliminating Form 334 and its corresponding regulation because they no longer serve any regulatory purpose.

I. Background

In *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954), the Supreme Court held that the jurisdiction of the Federal Power Commission[1] encompassed the regulation of independent producers of natural gas, *i.e.*, producers not affiliated with an interstate pipeline. The *Phillips* decision resulted in a dramatic increase in the number of natural gas producers to be regulated by the Commission. In response to this increased administrative burden, the Commission instituted proceedings to regulate the wellhead prices charged by independent producers. These "area rate" proceedings individually addressed the various geographical areas throughout the United States.[2]

While the area rate proceedings were pending, the Commission permitted many independent producers to sell their gas at their requested rates. Each producer was on notice, however, that it would be required to make appropriate refunds if the Commission later found that the rate charged was not just and reasonable, in whole or in part.

The area rate proceeding first completed by the Commission was that regarding the Texas Gulf Coast Area. On May 6, 1971, the Commission issued Opinion No 595 [3] establishing the just and reasonable area rates for natural gas produced in that area. Opinion No. 595 also included two provisions designed to encourage independent producers to dedicate more gas produced in the Texas Gulf Coast Area to the interstate market.

Under the first incentive provision, a producer that owed refunds to any of its purchasers of Texas Gulf Coast Area gas could elect to discharge those refund obligations by making new dedications, prior to January 1, 1978, of Texas Gulf Coast Area gas reserves for sale in the interstate market. Producers' pipeline purchasers were responsible for reporting newly dedicated gas reserves to the Commission. A producer's refund obligation was reduced by one cent for each Mcf of newly dedicated gas reserves.

The second incentive provision included in Opinion No. 595 provided for automatic increases in the Texas Gulf Coast Area rates for gas sold under contracts dated prior to October 1, 1968, as the gas reserves newly dedicated by producers reached certain specified volumes. Thus, for example, while Opinion No. 595 established an initial area base rate of 19.0 cents per Mcf for Texas Gulf Coast Area gas sold during the period October 1, 1968, through September 30, 1973, Opinion No. 595 also provided for an increase to 19.5 cents per Mcf at such time as the combined new dedications of Gulf Coast Area gas reserves of all producers totalled 4 trillion cubic feet (excluding both gas already dedicated as of the effective date of Opinion No. 595 and gas dedicated after the effective date of Opinion No. 595 to reduce refund obligations).

Refund credit provisions like those in Opinion No. 595 for the Texas Gulf Coast Area were eventually adopted for the Southern Louisiana Area,[4] the Other

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[1] The term "Commission" is used in this Order to refer to either the Federal Power Commission or its successor, the Federal Energy Regulatory Commission.

[2] Initially, the Commission attempted to set producer rates on a case-by-case basis. This approach proved to be administratively unacceptable.

[3] Docket No. AR64-2, Area Rate Proceeding (Texas Gulf Coast Area), Opinion No. 595, 45 FPC 674 (May 6, 1971), *modified by* Opinion and Order No. 595-A 46 FPC 627 (Oct. 18, 1971), *remanded and vacated, sub nom.* Public Service Commission of New York v. FPC, 487 F.2d 1043 (D.C. Cir. 1973), *remanded for further proceedings*, Blanco Oil Company v. FPC, 485 F.2d 1036 (D.C. Cir. 1973), *vacated and remanded*, 417 U.S. 964 (1974), *petitions to set aside denied, sub nom.* Public Service Commission of New York v. FPC, 516 F.2d 749 (D.C. Cir. 1975).

[4] Docket No. AR61-2, Area Rate Proceeding (Southern Louisiana Area), Opinion No. 598, 46 FPC 86 (July 16, 1971), Opinion and Order No. 598-A, 46 FPC 633 (Sept. 9, 1971), *affirmed sub nom.* Placid Oil Co. v. FPC, 483 F. 2d 880 (5th Cir. 1973), *affirmed sub nom.* Mobil Oil Corporation v. FPC, 417 U.S. 284 (1974).

Southwest Area,[5] and the Permian Basin Area II.[6] The Southern Louisiana Area and the Permian Basin Area orders also provided for the escalation of area rates as producers' combined new dedications reached specified levels in a manner similar to that in Opinion No. 595.

II. Discussion

A. Creation of Form 334

On November 10, 1972, the Commission promulgated 18 CFR 250.13,[7] which prescribes FPC Form 334, "Reserves Dedication Report," as the form to be used to report new dedications of gas reserves implementing refund credit and contingent rate escalation provisions in the Commission's area rate opinions.

As indicated above, Opinion No. 595 provided that only dedications made prior to January 1, 1976, would qualify for either the refund credit or application toward the contingent escalation of area rates based on the combined new dedications of all producers. Similarly, Opinion No. 598 required that new dedications in the Southern Louisiana Area be made before October 1, 1977, to receive this special treatment. The dedication cut-off dates for the Other Southwest and Permian II Basin Areas were January 1, 1976, and January 1, 1978, respectively.

On September 27, 1976, the Commission established the termination dates for filing reserve dedication reports.[8] Producers seeking to discharge refund obligations through credits for additional dedications of gas reserves in the Texas Gulf Coast and Other Southwest Areas had to have their pipeline purchasers file Form 334 by December 1, 1976. Reserve dedication reports for the Southern Louisiana and Permian II Basin Areas were to be filed by October 1, 1977, and January 1, 1978, respectively.

Thus, January 1, 1976, was the latest date for new dedications to qualify either as a credit against a producer's refund obligations or toward contingent area rate escalations based on producers' combined new dedications. The use of Form 334 also stopped on that date. However, the Commission subsequently permitted the refiling of revised Forms 334 until June 29, 1979, for certain limited purposes related to refund credits.[9]

B. Limited Use of Form 334 after January 1, 1976

In 1975–76, the Commission established nationwide rates, effective January 1, 1976, for "flowing gas," *i.e.*, gas dedicated to interstate commerce prior to January 1, 1973.[10] These new, nationwide rates were higher than existing area rates. The Commission ordered that flowing gas currently being sold by a producer to discharge a refund obligation, or dedicated by the producer for such purpose, could be sold at the higher national rates going into effect on January 1, 1976, only if the producer waived its refund credits on and after that date. In *Tenneco Oil Co. v. Federal Energy Regulatory Commission*, 571 F. 2d 834 (5th Cir. 1978), the Court of Appeals set aside that portion of the Commission's decision requiring waiver of refund credits for sales of gas made at the rate established in Opinion No. 749. Thus, producers were allowed to recoup the excess refund payments and the refund credits that had to be waived earlier under Opinion No. 749.

To accommodate the *Tenneco* decision, the Commission established procedures for recoupment of excess refund payments.[11] The Commission required that the necessary refilings of Form 334 be made within 120 days, by March 28, 1979. On January 25, 1979, the Commission extended the time for refiling Form 334 until May 29, 1979. On April 10, 1979, the Commission again extended the refiling period to June 29, 1979. At that time, the use of Form 334 ended.

C. Current Status of 18 CFR 250.13 and Form 334

Form 334 has not been in use since June 29, 1979, because all claims for recoupment of excess refund payments under *Tenneco* had to be filed by that date. In addition, the incentive provisions of the area rate opinions leading to the adoption of § 250.13 and Form 334 have no current effect. Therefore, there is no longer any ongoing regulatory purpose or function to be served by 18 CFR 250.13 or Form 334, at least on a generic basis.[12]

The Commission has determined that the interests of the Commission, the regulated gas industry, and the public will be served by the elimination of 18 CFR 250.13 and Form 334, since such action would eliminate possible uncertainty and confusion that might occur from the continued existence of § 250.13 and Form 334. This result is consistent with the Commission's ongoing efforts to reduce filing and reporting burdens.

It is the Commission's further determination that this rule to discontinue Form 334 and delete 18 CFR 250.13 constitutes a minor change of no substantive effect since it merely removes provisions that no longer are needed by the Commission to carry out its regulatory responsibilities. Therefore, the Commission believes that good cause exists for finding that prior notice and opportunity for public comment are unnecessary for this rulemaking under 5 U.S.C. § 553(b)(B).

(Natural Gas Act, as amended, 15 U.S.C. 717–717w (Supp. IV 1980); Department of Energy Organization Act, 42 U.S.C. 7101–7352; E.O. 12009, 42 FR 46,267, 3 CFR Part 142; 5 U.S.C. 553)

List of Subjects in 18 CFR Part 250

Natural gas.

In consideration of the foregoing, the Commission amends Part 250 of Title 18, Chapter 1, Code of Federal Regulations, as set forth below, effective April 8, 1983.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 250—[AMENDED]

1. The table of contents in Part 250 of Title 18 is amended by removing the

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[5] Docket No. AR67–1, Area Rate Proceeding (Other Southwest Area), Opinion 607, 46 FPC 900 (Oct. 29, 1971), *modified* Opinion and Order No. 607–A, 47 FPC 99 (Jan. 17, 1972).

[6] Docket No. AR70–1, Area Rate Proceeding (Permian Basin Area II), Opinion No. 662, 50 FPC 390 (Aug. 7, 1973), *modified* 50 FPC 832 (Sept. 28, 1973), *reconsideration denied* 50 FPC 1250 (Oct. 26, 1973).

[7] Order No. 498, 37 Fed. Reg. 24,342 (Nov. 16, 1972), *rehearing denied* 49 FPC 80 (Jan. 5, 1973).

[8] "Order Setting Deadline for Filing Dedication Reports," 56 FPC 1829 (Sept. 27, 1976).

[9] Producers' combined new dedications of natural gas reserves never reached the specified levels for any geographical production area which, if met before the applicable cut-off date, would have triggered area rate increases.

[10] Docket No. R–478, Just and Reasonable National Rates for Sales of Natural Gas, Opinion No. 749, 54 FPC 3090 (Dec. 31, 1975), Opinion No. 749–A, 55 FPC 825 (Feb. 27, 1976), Opinion No. 749–B, 55 FPC 1525 (March 31, 1976), Opinion No. 749–C, 56 FPC 303 (July 19, 1976), *affirmed in part, and set aside in part*, Tenneco Oil Company v. FPC, 571 F. 2d 834 (5th Cir. 1978).

[11] Area Rate Proceeding, et al., Order Establishing Procedures for Claiming Recoupment of Excess Refund Payments, 5 FERC ¶ 61,189 (Nov. 28, 1978).

[12] Form 334 has been used where its format was well-suited for reporting new reserve dedications, as required in a Commission opinion directed at a single firm. In Tennessee Gas Pipeline Company, Opinion No. 607, 50 FPC 1194 (Oct. 24, 1973), the Commission approved a settlement involving the lease-sale of certain gas reserves from Amoco Production Company (Amoco) to Tennessee Gas Pipeline Company (Tennessee). The settlement, which required Amoco to refund $6 million to Tennessee, provided that Amoco would receive a credit against its refund obligation at the rate of one cent per Mcf of new gas reserves committed by Amoco to Tennessee during the eight years following the issuance of the order approving the settlement. Since the refund credit provisions of the Amoco/Tennessee settlement were so similar to the area rate refund credit provisions, Form 334 was used by Amoco in reporting its new reserves dedications in order to obtain refund credit.

entry for "Sec. 250.13 Reserves Dedication Report (Form No. 334)" in its entirety (and reserving the same for future use).

§ 250.13 [Removed and Reserved]

2. Part 250 of Title 18 is amended by removing § 250.13 in its entirety (and reserving the same for future use).

[FR Doc. 83-6607 Filed 3-8-83; 8:45 am]
BILLING CODE 4717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 19

[T.D. 83-56]

Fee To Establish Container Stations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to authorize Customs to implement a fee schedule to establish a container station. It provides that such a fee schedule will be published periodically to revise this fee to reflect increased costs. It also requires that a fee, which will remain in effect until revised, must accompany any new application to establish a container station after the effective date of this document.

These fees are necessary because a Federal agency is required to charge appropriate fees to recover the costs of services provided by that agency.

EFFECTIVE DATE: April 8, 1983.

FOR FURTHER INFORMATION CONTACT: John Holl, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5354).

SUPPLEMENTARY INFORMATION:

Background

Under 31 U.S.C. 9701, a Federal agency is required to charge appropriate fees to recover the costs of services provided by that agency. The fees must be fair and based on the costs to the Government, value to the recipient, public policy or interest served, and other pertinent facts.

Although imported merchandise ordinarily is subject to entry and the payment of duty at the time and place the merchandise arrives in the United States, entry and payment of duty may be postponed in certain circumstances. For example, merchandise may be removed from the place of arrival to a container station before entry and the payment of duty.

A container station is a secured area within the United States into which containers of merchandise may be moved for the purpose of opening the container and delivering the contents before any entry is filed or duty is paid. A container station is important because it serves as a central location at a port for processing containerized merchandise which otherwise could not be handled timely at the dock, wharf, pier, or bonded carrier's terminal. Sections 19.40 through 19.49, Customs Regulations (19 CFR 19.40-19.49), provide the procedure for the establishment and use of container stations.

Section 19.40, Customs Regulation (19 CFR 19.40), provides that a container station, independent of either the importing carrier or bonded carrier, may be established at any port or other area under the jurisdiction of a district director of Customs. To establish a container station, an application must be filed with, and approved by, the district director. However, even though the administrative costs to Customs to process the application are similar to an application to establish a bonded warehouse, no fee is presently required to accompany the application.

Before an application may be approved, Customs must—

(1) Determine that the application is in proper form;

(2) Survey the premise to determine that all physical requirements are met;

(3) Perform a background investigation of the applicant and the applicant's officers and employees;

(4) Prepare a report of that investigation; and

(5) Review the application, survey, and background investigation report and prepare a response to the applicant.

Proposed Rule

On July 10, 1980, a notice was published in the Federal Register (45 FR 46442 (proposing to amend §§ 19.2, 19.3, 19.40, and 24.12, Customs Regulations (19 CFR 19.2, 19.3, 19.40, 24.12)—

(1) To delete the reference in § 19.2(a) to the $80 fee required to accompany an application to establish a Customs bonded warehouse;

(2) To provide in § 19.3(a) for a fee to accompany an application to alter a Customs bonded warehouse;

(3) To provide in § 19.40 for a fee to accompany an application to establish a container station; and

(4) To provide in § 24.12(a) for publication of a general notice in the Federal Register and the Customs Bulletin on or about August 31 of each year which will establish the fees for the next fiscal year.

The notice indicated that the fee schedule will be based on the actual current costs to Customs of processing an application to establish or to alter a Customs bonded warehouse, or to establish a container station. These costs are related closely to Customs employees' salaries and, therefore, are subject to change annually.

Interested parties were given until September 8, 1980, to submit written comments regarding the proposal.

Discussion of Comments

One comment was received regarding the proposed changes. The commenter suggested that when a general notice setting the fees for services provided is published in the Federal Register, Customs provide for "the submission of comments on the fairness of the fees proposed to be charged and that such comments be given consideration before the final establishment of fees."

As indicated above, the fee schedule will be based on the actual current costs to Customs of processing an application to establish a container station. The costs are directly related to the salary of each Customs officer performing the service and, therefore, are subject to change annually. Therefore, Customs believes it is inappropriate to entertain comments on the fairness of the fees on an annual basis as this would merely result in additional administrative expenses and delay in processing the general notice. Of course, Customs will consider any suggestions received to improve upon the procedures established by this document, including the fee structure.

Other Changes

Upon its review, Customs has made changes in the proposed amendment. The notice proposed to amend the Customs Regulations to increase the fee that must accompany an application to establish a bonded warehouse, and to require a fee to accompany an application to alter an existing bonded warehouse or to establish a container station. However, this document pertains only to container stations. Fees relating to bonded warehouses were included in a separate document concerning changes in the supervision of those warehouses which was published in the Federal Register on November 1, 1982, as T.D. 82-204 (47 FR 49355). Therefore, only § 19.40 is amended by the document. It is noted that this section was amended by T.D. 82-135, published in the Federal Register on July 27, 1982 (47 FR 32414), to provide that bonded carriers may transport

containerized cargo in-bond to container stations at ports of destination.

The notice advised that a general notice would be published in the **Federal Register** and Customs Bulletin on or about August 31 of each year which would establish the fee for the next fiscal year.

This document amends the Customs Regulations to authorize Customs to implement a fee schedule to establish a container station. It provides that a general notice shall be published in the **Federal Register** and Customs Bulletin setting forth a fee schedule to be revised periodically to reflect increased costs to establish a container station. It also requires that a fee of $852.00 must accompany any new application to establish a container station after the effective date of this document. This fee will remain in effect until revised.

Explanation

Customs has determined that the service to establish a container station is provided by the following Customs officers:

1. Clerk in the fifth step of a GS–5;
2. Inspector in the fifth step of a GS–11 (performing physical security);
3. Agent in the fifth step of a GS–12 (performing the investigation);
4. Administrator in the fifth step of a GS–13.

The fee charged for the service would be based upon the amount of time the service requires of each of the above Customs officers and equal the sum of individual charges plus a charge for mileage incurred by the applicable Customs officer in using a vehicle to visit the premises to perform his respective task. The average mileage associated with performing the necessary tasks is 60 miles. Currently, mileage costs are reimbursed at 20 cents per mile.

The (1) estimated length of time reflected in the fee schedule required by each of the above Customs officers to perform his or her respective service; (2) the adjusted hourly rate of pay utilized which is 137 percent of the hourly rate of pay of the respective Customs officer; (3) the charge of each respective service based on the hourly rate of pay of each Customs officer performing his or her respective service; and (4) the total fee for the service rendered rounded off to the nearest dollar follow:

FEE TO ESTABLISH A CONTAINER STATION

Customs officer	Time in hours	Adjusted hourly rate	Individual charge
1. Clerk	8	$9.36	$49.90
2. Inspector	14	18.29	256.92

FEE TO ESTABLISH A CONTAINER STATION—Continued

Customs officer	Time in hours	Adjusted hourly rate	Individual charge
3. Agent	22	21.92	482.24
4. Administrator	8	28.07	52.14

Therefore, the total fee to establish a container station is $852.00 ($840.00 for Customs officers fee plus $12.00 for mileage).

Section 24.17(d), Customs Regulations (19 CFR 24.17(d)), provides the computation for regular compensation for reimbursable charges. The charge shall be computed at a rate per hour equal to 137 percent of the hourly rate of regular pay of the particular employee. The ratio of the annual number of working hours charged to Customs appropriation to the net number of annual working days is 137 percent.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of Title 5, United States Code, relating to the Regulatory Flexibility Act, because it was the subject of a notice of proposed rulemaking published in the **Federal Register** before January 1, 1981, the effective date of the Act.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 19

Customs duties and inspection, Imports, Freight, Container stations.

Amendment to the Customs Regulations

Part 19, Customs Regulations (19 CFR 19), is amended as set forth below.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: February 17, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

Section 19.40, Customs Regulations (19 CFR 19.40), is amended by designating the existing text as paragraph (a), revising the introductory text of newly designated paragraph (a), and adding a new paragraph (b) after the bond format to read as follows:

§ 19.40 Establishment of container stations.

(a) A container station, independent of either the importing carrier or bonded carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon the filing of an application therefor, accompanied by the fee required by paragraph (b) of this section, and its approval by the district director. The applicant also must post a bond in the following format in the sum of $25,000 or such larger amount as the district director shall determine:

* * * * *

(b)(1) Customs shall charge a fee to establish a container station, and publish a general notice in the **Federal Register** and Customs Bulletin setting forth a fee schedule, to be revised periodically to reflect increased costs, to establish the container station. The published revised fee schedule shall remain in effect until changed.

(2) The fee, rounded off to the nearest dollar, shall be calculated in accordance with section 24.17(d) of this chapter. The fee shall be based upon the amount of time the average service requires of the Customs officers performing the service.

(R. S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624); 96 Stat. 1051 (31 U.S.C. 9701))

[FR Doc. 83-6004 Filed 3-8-83; 8:45 am]
BILLING CODE 4820-02-M

Fiscal Service

31 CFR Part 354

Regulations Governing Book-Entry Securities of the Student Loan Marketing Association (Sallie Mae)

Correction

In FR Doc. 83–4962 beginning on page 8059 in the issue of Friday, February 25, 1983, make the following correction:

On page 8059, middle column, in the **SUMMARY** of the document, in the last two lines, "non-competitive form" should have read "non-certificated form".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 70

[DoD Directive 1332.28]

Discharge Review Board (DRB) Procedures and Standards

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule.

SUMMARY: This amendment corrects Part 70 to correspond with the new application form for review of discharge, DD Form 293, which was revised and issued after the effective date of this Part. This amendment clarifies the DRBs' decisional principles, how records of proceedings are to be stored and revises the information required in the statistical report submitted semiannually by the DRBs. These amendments will correct and clarify discharge proceedings and reporting requirements.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Colonel Thomas Cuthbert, USA, Office of the Deputy Assistant Secretary of Defense (Military Personnel and Force Management), Washington, D.C. 20301, telephone 202–697–3387.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–23283, appearing in the Federal Register on August 26, 1982 (47 FR 37770) this part was revised and reissued as part of the Settlement Agreement in *Urban Law Institute of Antioch College, Inc.* v. *Secretary of Defense*, Civ. No. 76–0503 (D.D.C.) (Stipulation of Dismissal, Jan 31, 1977) (Order and Settlement Agreement, July 30, 1982). The Supplementary Information accompanying the final rule described the changes that were made in the proposed rule in response to public comments and final formulation of the rule.

This amendment ensures that Part 70 corresponds with the new application form for review of discharge, DD Form 293, which was issued after the effective date of this Part. In addition, this amendment clarifies the DRBs' application of a specific decisional principle and storage of the record of proceedings. Finally, this amendment revises the information required in the statistical report submitted semiannually by the DRBs.

List of Subjects in 32 CFR Part 70

Military personnel, Discharge review boards, Administrative practice and procedures.

Accordingly, 32 CFR, Chapter 1, Part 70, is amended as follows:

PART 70—DISCHARGE REVIEW BOARD (DRB) PROCEDURES AND STANDARDS

1. Section 70.8 is amended by revising paragraph (a)(3)(i), (ii), and (iii) reading as follows:

§ 70.8 [Amended]

* * * * *

(a) * * *

(3) * * *

(i) *Character of discharge.* Block 7 of DD Form 293 provides an applicant an opportunity to request a specific change in character of discharge (for example, General Discharge to Honorable Discharge; Other than Honorable Discharge to General or Honorable Discharge). A person separated on or after 1 October 1982 while in an entry level status may request a change from Other than Honorable Discharge to Entry Level Separation. A request for review from an applicant who does not have an Honorable Discharge shall be treated as a request for a change to an Honorable Discharge unless the applicant requests a specific change to another character of discharge.

(ii) *Reason for discharge.* Block 7 of DD Form 293 provides an applicant an opportunity to request a specific change in the reason for discharge. If an applicant does not request a specific change in the reason for discharge, the DRB shall presume that the request for review does not involve a request for change in the reason for discharge. Under its responsibility to examine the propriety and equity of an applicant's discharge, the DRB shall change the reason for discharge if such a change is warranted.

(iii) The applicant must ensure that issues submitted to the DRB are consistent with the request for change in discharge set forth in block 7 of the DD Form 293. If an ambiguity is created by a difference between an applicant's issue and the request in block 7, the DRB shall respond to the issue in the context of the action requested in block 7. In the case of a hearing, the DRB shall attempt to resolve the ambiguity under paragraph (a)(5) of this section.

* * * * *

2. Section 70.8 is amended by revising paragraph (e)(3)(ii)(B)(*2*) and (e)(6)(ii)(B)(*2*) to read as follows:

§ 70.8 [Amended]

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(B) * * *

(*2*) If a finding of fact is made after consideration of contradictory evidence in the record (including information cited by the applicant or otherwise identified by members of the DRB), the decisional document shall set forth the conflicting evidence and explain why the information relied upon was more persuasive than the information that was rejected. If the presumption of regularity is cited as the basis for rejecting such information, the decisional document shall set forth the basis for relying on the presumption of regularity and explain why the contradictory evidence was insufficient to overcome the presumption. In an appropriate case, the explanation as to why the contradictory evidence was insufficient to overcome the presumption of regularity may consist of a statement that the applicant failed to provide sufficient corroborating evidence, or that the DRB did not find the applicant's testimony to be sufficiently credible to overcome the presumption.

* * * * *

(6) * * *

(ii) * * *

(B) * * *

(*2*) If a finding of fact is made after consideration of contradictory evidence in the record (including information cited by the applicant or otherwise identified by members of the DRB), the decisional document shall set forth the conflicting evidence and explain why the information relied upon was more persuasive than the information that was rejected. If the presumption of regularity is cited as the basis for rejecting such information, the decisional document shall set forth the basis for relying on the presumption of regularity and explain why the contradictory evidence was insufficient to overcome the presumption. In an appropriate case, the explanation as to why the contradictory evidence was insufficient to overcome the presumption of regularity may consist of a statement that the applicant failed to provide sufficient corroborating evidence, or that the DRB did not find the applicant's testimony to be

sufficiently credible to overcome the presumption.

* * * * *

3. Section 70.8 is amended by revising paragraph (k) reading as follows:

§ 70.8 [Amended]

* * * * *

(k) *Final Disposition of the Record of Proceedings.* The original record of proceedings and all appendices thereto shall in all cases be incorporated in the Military Service record of the applicant and the Military Service record shall be returned to the custody of the appropriate records holding facility. If a portion of the original record of the proceedings cannot be stored with the Military Service record, the Military Service record shall contain a notation as to the place where the record is stored. Other copies shall be filed and disposed of in accordance with appropriate Military Service regulations.

4. Section 70.10 is amended by revising paragraph (d)(4)(v)(B)(*2*) and (C)(*3*) to read:

§ 70.10 [Amended]

* * * * *

(d) * * *
(4) * * *
(v) * * *
(B) * * *

(*2*) notifying the applicant and counsel, if any, of the opportunity to obtain a priority review using the letter providing at attachment 6. * * *

(C) * * *

(*3*) If a decisional document concerning an initial record review under Pub. L. 95–126 is otherwise defective and corrective action is taken after a request by the applicant for a priority review in response to the letter at attachment 6, the new decisional document shall address all issues previously raised by the applicant during the SDRP.

* * * * *

(Title 10, U.S.C. 1553, title 38 U.S.C. 101 and 3103, as amended)

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
March 1, 1983.

[FR Doc. 83-6073 Filed 3-8-83; 8:45 am]
BILLING CODE 3810-01-M

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications under the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS HAYLER (DD 997) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a destroyer. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS HAYLER (DD 997) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: 72 COLREGS Annex I, Section 3(a) pertaining to the placement of the forward masthead light in the forward quarter of the ship; 72 COLREGS Annex I, Section 3(a) pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special function as a naval ship. The Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein to indicate the certifications issued by the Secretary of the Navy.

TABLE 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I, Section 2(a)(i), (c), (d).	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, Section 2(a)(ii).	Masthead lights not over all other lights and obstructions. Annex I, Section 2(f).	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(i).	Aft masthead lights not visible over forward light 1/000 meters ahead of ship in all normal degrees of trim. Annex I, Section 2(b).	Forward masthead light not in forward quarter of ship. Annex I, Section 3(a).	After masthead light not less than ½ ship's length aft of forward masthead light, Annex I, Section 3(a).	Percentage horizontal separation attained.
USS Hayler	DD 997						X	X	48.4.

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Dated: February 15, 1983.
James F. Goodrich,
Acting Secretary of the Navy.
[FR Doc. 83-5948 Filed 3-8-83; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS ALBUQUERQUE (SSN 706) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS ALBUQUERQUE (SSN 706) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332. Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS ALBUQUERQUE (SSN 706) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c) requiring that the sternlight show an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel; Annex I, Section 2(a)(i) pertaining to the height of the masthead light; 72 COLREGS, Annex I, Section 2(k) pertaining to the height and relative positions of the anchor lights; 72 COLREGS, Annex I, Section 3(b) pertaining to the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS ALBUQUERQUE (SSN 706) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of section 706.3 are equally applicable to USS ALBUQUERQUE (SSN 706). Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ships's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by inserting the following entry:

Vessel	Number	Masthead light, arc of visibility; Rule 21(a).	Sidelights, arc of visibility; Rule 21(b).	Stern light, arc of visibility; Rule 21 (c).	Sidelights, distance inboard of ship's sides in meters; section 3(b), Annex I.	Stern light, distance forward of stern in meters; Rule 21 (c).	Forward Anchor light, height above hull in meters; section 2(k), Annex I.	Anchor lights, relationship of aft light to forward light in meters; section 2(k), Annex I.
•	•	•	•	•	•	•	•	
USS Albuquerque	SSN-706		114°		4.2	6.1	3.5	1.7 below.

§ 706.2 [Amended]

2. Table One of §706.2 is amended to indicate certifications issued by the Secretary of the Navy by insertion of the following entry:

Vessels	Number	Distance in meters of forward masthead light below minimum required height, Section 2(a)(i) Annex I
•	•	•
USS Albuquerque	SSN 706	3.5

(E.O. 11964; 33 U.S.C. 1605)
Dated: February 17, 1983.
John Lehman,
Secretary of the Navy
[FR Doc. 83-5949 Filed 3-8-83; 8:45 am]
BILLING CODE 3810-AE-M

32 CFR Part 770

Rules Limiting Public Access to Particular Installations—Base Entry Regulations for Puget Sound Naval Shipyard, Bremerton, Washington

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is adding Subpart F to 32 CFR Part 770 in order to set forth regulations governing entry upon Puget Sound Naval Shipyard, Bremerton, Washington. It is intended that these regulations will apprise members of the public of the rules governing access to Puget Sound Naval Shipyard, Bremerton, Washington.

EFFECTIVE DATE: February 24, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Steven L. Seaton, JAGC, U.S. Navy (Code 107), Puget Sound Naval Shipyard, Bremerton, Washington 98314. Telephone: (206) 476–2120.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Commander, Puget Sound Naval Shipyard, Bremerton, Washington, on February 18, 1983, adopted entry regulations entitled "Shipyard Entry Policy" (NAVSHIPYDPUGETINST 5510.38). These regulations were subsequently amended on February 24, 1983. Puget Sound Naval Shipyard is a major naval ship repair facility, with operational requirements to complete repairs and overhaul of conventionally powered and nuclear powered naval vessels. It is vital to national defense that the operation and use of the shipyard be continued without undue or unnecessary interruptions. Additionally, most of Puget Sound Naval Shipyard is dedicated to heavy industrial activity where potentially hazardous conditions exist. It is vital to the national defense that the operation of the shipyard contipue without undue interruption. Accordingly, these regulations limit entry upon Puget Sound Naval Shipyard to authorized personnel and those persons who have obtained advance consent pursuant to these regulations. It has been determined, in accordance with the public rulemaking provisions of 32 CFR Parts 295 and 701, that publication of these regulations for public comment prior to adoption would be impracticable, unnecessary, and contrary to the public interest since the nature and national importance of Puget Sound Naval Shipyard mandate the immediate and uninterrupted effectiveness of these regulations.

List of Subjects in 32 CFR Part 770

Federal buildings and facilities, National defense, Restricted access areas, Security measures.

Accordingly, 32 CFR Part 770 is amended by adding a new Subpart F as follows:

PART 770—[AMENDED]

Subpart F—Base Entry Regulations for Puget Sound Naval Shipyard, Bremerton, Washington

Sec.

770.47 Purpose.
770.48 Definition.
770.49 Background.
770.50 Entry restrictions.
770.51 Entry procedures.
770.52 Violations.

Authority: 50 U.S.C. 797; DoD Directive 5200.8 of July 29, 1980; SECNAVINST 5511.36 of December 30, 1980; OPNAVINST 5510.45B of April 18, 1971; 5 U.S.C. 301; 10 U.S.C. 6011; 32 CFR 700.702; 32 CFR 700.714.

Subpart F—Base Entry Regulations for Puget Sound Naval Shipyard, Bremerton, Washington

§ 770.47 Purpose.

The purpose of this subpart is to promulgate policy governing entry upon Puget Sound Naval Shipyard.

§ 770.48 Definition.

For the purpose of this subpart, Puget Sound Naval Shipyard is defined as follows:

(a) Beginning at a point, latitude 122°39′37″W, longitude 47°33′05″N, a point on the MHHW line of Sinclair Inlet on an East-West line approximately 100 yards clear off the Southerly end of the Naval Shipyard shoreline, piers or drydock facilities; thence Northeasterly to the South margin of Primary State Highway No. 21, thence Northeasterly on the Southeasterly margin of Primary State Highway No. 21 to the Easterly margin of Cambrian Avenue; thence Northerly to the Southerly margin of Farragut Street; thence Easterly to the line common to Sections 22 and 23, Township 24 North, Range 1 East, W.M. which is approximately 100 feet East of the East margin of Montgomery Street; thence Northerly to the corner common to Sections 14, 15, 22, and 23, Township 24 North, Range 1 East, W.M., which is the South margin of First Street; thence Easterly on the line common to Sections 14 and 23 to the Easterly margin of Chester Avenue; thence Northerly approximately 335 feet on the Easterly margin of Chester Avenue to the Southerly margin of the East-West alley in Block 21, Original Town of Bremerton as recorded in Volume 2 of Plats, page 30, Records of Kitsap County, Washington; thence Easterly to the Easterly margin of Warren Avenue; thence Northerly to the Southerly margin of Burwell Avenue; thence Easterly approximately 1315 feet to a point approximately 90 feet West of the West margin of Pacific Avenue, to the line common to Lots 22 and 23, Block 13, said Original Town of Bremerton; thence Southerly to the Northerly margin of the East-West alley in said Block 13; thence Easterly to the Northerly extension of the Westerly margin of the North-South alley in Block 12, said Original Town of Bremerton; thence Southerly to the Southerly margin of First Street; thence Easterly to the Westerly margin of First Street; thence Easterly to the Westerly margin of the North-South alley in Block 10, said Original Town of Bremerton; thence Southerly to the Northwesterly margin of Washington Avenue; thence Southeasterly to the Northwesterly corner of Lot 9, Block 1, said Original Town of Bremerton; thence Southeasterly on the line common to Lots 8 and 9, Block 1, and its Southeasterly extension to a point near the Washington State Ferry Terminal at the MHHW line of Sinclair Inlet located at Latitude 122°37′27″W, longitude 47°33′44″N.

§ 770.49 Background.

(a) Puget Sound Naval Shipyard is a major naval ship repair facility, with operational requirements to complete repairs and overhaul of conventionally powered and nuclear powered naval vessels. It is vital to national defense that the operation and use of the shipyard be continued without undue or unnecessary interruptions. Additionally, most of Puget Sound Naval Shipyard is dedicated to heavy industrial activity where potentially hazardous conditions exist.

(b) For prevention of the interruption of the stated use of Puget Sound Naval Shipyard by the presence of any unauthorized person within the boundaries of Puget Sound Naval Shipyard and prevention of injury to any such unsupervised person as a consequence to the hazardous conditions which exist, as well as for other reasons, it is essential to restrict entry upon Puget Sound Naval Shipyard to authorized persons only.

§ 770.50 Entry restrictions.

Except for military personnel and

civilian employees of the United States in the performance of their official duties, entry upon Puget Sound Naval Shipyard, or remaining thereon by any person whoever for any purpose without the advance consent of the Commander, Puget Sound Naval Shipyard, or his authorized representative, is prohibited. *See* 18 U.S.C. 1382; the Internal Security Act of 1950, Section 21 (50 U.S.C. 797); Chief of Naval Operations Instruction 5510.45B of April 19, 1971; Secretary of the Navy Instruction 551.36 of December 20, 1980; and Department of Defense Directive 5200.8 of July 29, 1980.

§ 770.51 Entry procedures.

(a) Any person or group of persons desiring the advance consent of the Commander, Puget Sound Naval Shipyard, or his authorized representative, shall, in writing, submit a request to the Commander, Puget Sound Naval Shipyard, at the following address: Commander, Puget Sound Naval Shipyard, Bremerton, Washington 98314.

(b) Each request for entry will be considered on an individual basis weighing the operational, security and safety requirements of Puget Sound Naval Shipyard with the purpose, size of party, duration of visit, destination, and military resources which would be required by the granting of this request.

§ 770.52 Violations.

(a) Any person entering or remaining on Puget Sound Naval Shipyard, without the consent of the Commander, Puget Sound Naval Shipyard, or his authorized representative, shall be subject to the penalties prescribed by 18 U.S.C. 1382, which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval * * * reservation, post, fort, arsenal, yard, station or installation, for any purpose prohibited by law or lawful regulation * * * shall be fined not more than $500.00 or imprisoned not more than six months or both."

(b) Moreover, any person who willfully violates this subpart is subject to a fine not to exceed $5000.00 or imprisonment for not more than one (1) year or both as provided in 50 U.S.C. 797.

Dated: March 4, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-6008 Filed 3-8-83; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL-2279-7; AL-004]

Approval and Promulgation of Implementation Plans; Alabama: New Source Review for Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is conditionally approving implementation plan revisions submitted by Alabama on March 31, 1981, to satisfy changes made by EPA in 40 CFR 51.18(j). The changes relate to new source review requirements for sources in or near nonattainment areas. Alabama has revised definitions and added definitions, as well as eliminated requirements in order to make their rules consistent with EPA's rules.

DATE: This action is effective April 8, 1983.

Material needed to satisfy the condition attached to the approval must be submitted by March 9, 1984.

ADDRESSES: Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Steet, SW., Washington, D.C. 20460;

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005;

Air Management Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365;

Air Program, Alabama Department of Environmental Management, State Capitol, Montgomery, Alabama 36130.

FOR FURTHER INFORMATION CONTACT: Archie Lee of the Region IV Air Planning Section at 404/881-3286 (FTS 257-3286)

SUPPLEMENTARY INFORMATION: On July 15, 1982 (47 FR 30798), EPA proposed approval of the regulation changes made by the Alabama Air Pollution Control Commission (now the Air Program of the Alabama Department of Environmental Management) to meet the requirements of 40 CFR 51.18(j), as promulgated on August 7, 1980 (45 FR 52743 ff.), for new source review in nonattainment areas. The revisions include definitions of "source," "potential to emit," "major source," "major modification" and other terms which have been changed to make them consistent with EPA's definitions. In addition several definitions have been added, including "net emissions increase," "significant," "actual emissions," and "commenced." Alabama has deleted certain requirements from its regulations that EPA deleted from the Interpretative Ruling. These requirements related to sources constructing or modifying in increments; applicability determinations based on increase in allowable emissions by specific hourly, daily, our annual amounts; disallowing of credit for emission reduction elsewhere in a facility; and other similar requirements. Finally, exemptions for sources obtaining permits prior to certain dates have been included.

Alabama's revised SIP does not contain provisions on federal enforceability or limiting offset credits for source shutdowns to replacement units only. On February 22, 1982, EPA signed a settlement agreement in which it agreed to propose to delete these requirements from its Interpretative Ruling *Chemical Manufacturers Ass'n* v. *EPA*, No. 79-1112 (9th Cir.). The Agency expects to publish this proposal within the next few months. Therefore, EPA is not requiring Alabama to include these requirements in its SIP at this time. However, EPA is conditioning its approval of the Alabama SIP on the state's commitment to add the requirements to its regulations if EPA does not withdraw them within one year. Alternatively, Alabama may ask the Administrator to extend the deadline for meeting this condition.

No comments were received on EPA's proposal of July 15, 1982 on the Alabama revisions.

Action. EPA is today conditionally approving these changes in the Alabama plan based on the State's submitting the necessary conforming amendments by March 9, 1984. These amendments will require that new source permits are federally enforceable and that offset credits for source shutdowns are limited to replacement units only. During the interim the State has committed to implement its Part D new source review regulations, in a manner consistent with current EPA requirements.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any

response are available for public inspection at the EPA Region IV office (see address above).

Incorporation by reference of the Alabama State implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart B—Alabama

1. In § 52.50, paragraph is amended by adding (c)(37) as follows:

§ 52.50 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(37) Provisions for new source review in nonattainment areas (changes in Chapter 10 of the regulations), submitted on March 31, 1981, by the Alabama Air Pollution Control Commission.

2. A new § 52.56 is added as follows:

§ 52.56 Review of new sources and modifications.

Part D conditional approval. The plan's provisions for review of new sources and modifications in nonattainment areas are approved on condition that the State submit any necessary corrections by March 9, 1984 and, during the interim, implement these regulations in a manner consistent with EPA requirements.

[FR Doc. 83-6041 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL 2276-3]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA announces final rulemaking on a revision to the Total Suspended Particulates (TSP) portion of the Wisconsin State Implementation Plan (SIP). The SIP revision consists of Wisconsin Administrative Code (WAC) Section NR 154.11, Control of Particulate Emissions, as amended on June 10, 1981, and published in final form in the Wisconsin Register 308 in August, 1981. The State submitted this revision to EPA pursuant to the requirements of Part D of the Clean Air Act (Act). A notice of proposed rulemaking on this revision appeared in the June 1, 1982 (47 FR 23778) **Federal Register**. The June 1, 1982, **Federal Register** described the background and nature of the SIP revision, discussed the provisions which EPA determined do not comply with the requirements of the Act and requested comments from the State and public on EPA's proposed rulemaking action and the State's plan to control TSP emissions. Subsequent to publication of the notice of proposed rulemaking, the State of Wisconsin submitted additional information for inclusion in its SIP. This information is intended to satisfy, in part, the deficiencies noted in EPA's notice of proposed rulemaking.

Based on the State's response, EPA is today disapproving one provision of Wisconsin's submittal, contained in NR 154.11, relating to the control of TSP emissions from coke batteries. EPA is approving the remaining provisions of Wisconsin's submittal as a revision to its SIP. Wisconsin has failed to submit a plan for attainment of the TSP National Ambient Air Quality Standards (NAAQS) in Columbia, Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties.

DATE: The final rulemaking becomes effective on April 18, 1983.

ADDRESSES: Copies of the revision to the Wisconsin SIP and other materials relating to this rulemaking are available for inspection at the following addresses:

The Office of the Federal Register, 1101 L Street, NW., Room 8401, Washington, D.C. 20408

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Sharon Reinders (312) 886-6034

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), pursuant to the requirements of Section 107 of the Act, EPA designated portions of the following counties in the State of Wisconsin as nonattainment for the primary TSP standard and other portions as nonattainment for the secondary TSP standard: Columbia County, Milwaukee County, Rock County, and Waukesha County. Additionally, EPA also designated the following counties or portions thereof as nonattainment for the secondary TSP standard: Brown County, Dane County, Douglas County, Kenosha County, LaCrosse County, Manitowoc County, Marathon County, Racine County, Winnebago County, and Wood County. (For the specific nonattainment areas of each county see 40 CFR 81.350). LaCrosse County was redesignated as attainment for TSP on August 14, 1981 (46 FR 41056).

Part D of the Act requires each state to revise its SIP to meet specific requirements for the areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary TSP NAAQS as expeditiously as practicable, but no later than December 31, 1982, and attainment of the secondary TSP NAAQS as expeditiously as practicable. If attainment of the NAAQS cannot be demonstrated for an area designated as nonattainment for TSP by the required date, an acceptable alternative SIP for that area must include provisions for applying reasonably available control technology (RACT) to traditional sources of particulate emissions and studying the nature and extent of the nontraditional particulate sources in the area. This study would then be used in designing a control strategy for such sources. The requirements for an approvable SIP are further described in a **Federal Register** notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

Summary of Wisconsin's Actions

In response to the requirements of Part D of the Act, the State of Wisconsin submitted revisions to its TSP SIP to EPA on November 27, 1979, and May 1, 1980. The revisions consisted of amendments to NR 154.11, Control of Particulate Emissions, applying RACT to control TSP emissions from process and fuel burning installation sources and fugitive dust. EPA proposed rulemaking action to conditionally approve

Wisconsin's TSP SIP, in the Federal Register on April 4, 1980 (45 FR 22982) and July 3, 1980 (45 FR 45318). However, on November 6, 1980, the Director of the Bureau of Air Management of the Wisconsin Department of Natural Resources (DNR) withdrew several amendments to the TSP plan. The following regulations were withdrawn: NR 154.11(2)(b), (3)(c) and (e), and (4)(c), (e) and (f). On April 9, 1981, EPA notified the public of this withdrawal in the Federal Register at 46 FR 21165.

On June 10, 1981, the Wisconsin DNR again submitted revisions to the Wisconsin TSP SIP. The submittal included amendments to NR 154.11 which were previously withdrawn, as well as additional revisions. NR 154.11 is divided into the following major sections: (1) General Limitations, (2) Fugitive Dust, (3) Particulate Emission Limits for Processes, (4) Particulate Emission Limits for Fuel Burning Installations, (5) Particulate Emission Limits for Incinerators, (6) Visible Emissions and (7) RACT Requirements for Coking Operations. Amended NR 154.11 was published in final form in the Wisconsin Register 308 in August 1981. The regulations were effective in Wisconsin as of September 1, 1981.[1]

In a rulemaking action on June 1, 1982, at 47 FR 23778, EPA reproposed conditional approval of NR 154.11, as submitted to EPA on November 27, 1979, and amended on June 10, 1981. Additionally, EPA withdrew the April 4, 1980 (45 FR 22982) proposed rulemaking (inadvertently printed as April 9, 1981, 46 FR 21165) and the July 3, 1980 (45 FR 45318) proposed rulemaking as they relate to NR 154.11.

In the June 1, 1982, notice of rulemaking action, EPA discussed several deficient areas of Wisconsin's proposed SIP revision. Specifically, deficiencies were noted in the areas of:

- lack of nontraditional fugitive dust studies;
- lack of a list of sources subject to the RACT control requirements contained in NR 154.11;
- opacity reading procedures;
- criteria and evaluation procedures relating to fugitive dust emission control, rule NR 154.11(2);
- lack of RACT-level numerical visible emissions limitation for coke battery charging, rule NR 154.11(7); and,
- lack of a plan for attainment of the standards in the nonattainment areas in Columbia County and in the secondary nonattainment areas in Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties.

On May 13, December 7, and December 29 1982, Wisconsin submitted additional information to EPA intended to satisfy, in part, the deficiencies noted above and a commitment to correct the remaining deficiencies. The information included studies of sources of nontraditional fugitive dust.

Wisconsin submitted a list of sources, located in the Milwaukee, Waukesha, and Rock County primary and secondary TSP nonattainment areas, which are subject to the RACT regulations contained in NR 154.11. This list is an integral part of the State's plan because TSP RACT emission limitations become applicable to a nonattainment area only when Wisconsin identifies it in a document issued under Section NR 154.03. EPA notes that this list is effective as of January 1980. Thus, final compliance with NR 154.11 is required no later than 33 months from this date. EPA finally approved and incorporates the listing into the Wisconsin SIP. Any subsequent modification of this list of affected facilities must be submitted to EPA for approval. Of course, Wisconsin's existing regulations continue to apply to those sources to which RACT regulations do not apply.

Wisconsin also submitted a list of sources subject to the RACT requirements contained in NR 154.11 and adequate information which satisfies EPA's concern about opacity reading and the criteria and evaluation procedures the State will use to enforce fugitive dust controls in NR 154.11(2). Finally, Wisconsin made a commitment to adopt a RACT-level numerical visible emission limitation for coke battery charging operations, Rule NR 154.11(7), and submit the revised rule to EPA as a SIP revision by December 31, 1983.

No public comments on EPA's proposed rulemaking action on the State's plan to control TSP emissions were received. Therefore, based on the State's response, EPA is taking final rulemaking action to approve the revisions to the TSP SIP for Wisconsin with the exception of NR 154.11(7)(b), which EPA is disapproving. EPA's disapproval is based on the determination that the SIP revision does not contain an enforceable RACT-level emission limitation for the source subject to Rule NR 154.11(7).

As a result of today's rulemaking action, EPA finds that the SIP revision for Rock and Waukesha Counties meets the requirements for a Part D TSP SIP. Therefore, the moratorium contained in Section 110(a)(2)(I) of the Act on the construction and modification of major stationary sources of TSP emissions is lifted in these areas. However, the moratorium remains in effect in the Milwaukee County TSP nonattainment area as a result of EPA's disapproval of Rule 154.11(7)(b) pertaining to the control of emissions from the coke batteries located in Milwaukee.

EPA is taking no action on Wisconsin's SIP to attain and maintain the TSP primary and secondary NAAQS in Columbia County and the TSP secondary NAAQS in Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties because the State did not submit a plan for attainment and maintenance of the TSP NAAQS in these areas.

The existing federally-approved SIP regulations for any source will apply, and be fully enforceable, until the source complies with those new regulations which EPA is approving today. Further, the existing SIP will continue in force if there is any delay or lapse in the applicability of the new regulations. However, if (but only if) the existing and new regulations conflict, so that a source cannot comply with the existing SIP while moving toward compliance with the new regulations, the State may exempt the source from the existing SIP. EPA will review and act on any such exemption.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wisconsin was approved by the Director of the Federal Register on July 1, 1982.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

[1] Wisconsin held public hearings on the technical support documents for the TSP SIP in Beloit on May 21, 1979, and January 8, 1980; and in Milwaukee on June 20, 1979, and January 22, 1980. Public hearings on NR 154.11 were held in Beloit, Milwaukee, and Wausau in February, 1978; in Superior, Green Bay, Madison, and Milwaukee in January, 1980; and, in Madison and Waukesha in October, 1980.

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—WISCONSIN

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, Subpart YY—Wisconsin is amended as follows:

1. Section 52.2570 is amended by adding paragraph (c)(28) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

* * * * * *

(28) On November 27, 1979, the State of Wisconsin submitted implementation plan revision to satisfy the Part D, Title I of the Clean Air Act for attainment and maintenance of the national ambient air quality standards for particulate matter. The revision consists of NR 154.11, Wisconsin Administrative Code, Control of Particulate Matter. Amendments to the plan were submitted by the State on November 6, 1980, and June 10, 1981. Supplemental information and commitments were submitted on May 1, 1980, May 13, 1982, and December 7, 1982. No attainment plan was submitted for Columbia, Brown, Dane, Douglas, Kenosha, Manitowoc, Marathon, Racine, Winnebago, and Wood Counties.

* * * * *

2. Section 52.2577 is revised to read as follows:

§ 52.2577 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Wisconsin's plan, except where noted.

Air Quality Control Region	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Duluth (Minnesota)-Superior (Wisconsin Interstate (AQCR 129):							
a. Primary/Secondary nonattainment areas.	a	f	b	a	c	c	c
b. Remainder of AQCR	b	c	c	c	c	c	c
North Central Wisconsin Intrastate (AQCR 236):							
a. Primary/Secondary nonattainment areas.	b	f	d	c	c	c	d
b. Remainder of AQCR	b	c	c	c	c	c	c
Lake Michigan Intrastate (AQCR 237):							
a. Primary/Secondary nonattainment areas.	b	f	c	c	c	c	d
b. Remainder of AQCR	b	c	c	c	c	c	c
Southeast Minnesota-LaCrosse (Wisconsin) Interstate (AQCR 128):							
a. Primary/Secondary nonattainment areas.	b	c	a	a	c	c	c
b. Remainder of AQCR	b	c	c	c	c	c	c
Southern Wisconsin Intrastate (AQCR 240):							
a. Primary/Secondary nonattainment areas.	g	f	d	c	c	c	g
b. Remainder of AQCR	b	c	c	c	c	c	c
Southeastern Wisconsin Intrastate (AQCR 238):							
a. Primary/Secondary nonattainment areas.	d	d	b	a	c	e	e
b. Remainder of AQCR	b	c	c	c	c	c	c
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate (AQCR 73) (Wisconsin portion):							
a. Primary/Secondary nonattainment areas.	d	d	c	c	c	c	c
b. Remainder of AQCR	b	c	c	c	c	c	c
Metropolitan Dubuque Interstate (AQCR 68):							
a. Primary/Secondary nonattainment areas.	a	a	c	c	c	c	c
b. Remainder of AQCR	b	c	c	c	c	c	g

a. July, 1975.
b. Air quality levels presently below primary standard or is unclassifiable.
c. Air quality levels presently below secondary standard or is unclassifiable.
d. December 31, 1982.
e. December 31, 1987.
f. 18-Month extension granted for plan submission and identification of attainment data.
g. No attainment plan was submitted.

Note.—Sources subject to the plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577(1978).

For actual nonattainment designations refer to 40 CFR Part 81.

Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

(Secs. 110 and 172 of the Clean Air Act as amended 46 FR 25300, May 6, 1981)

3. Section 52.2584 is added as follows:

§ 52.2584 Control strategy; Particulate matter.

(a) Part D—Disapproval—USEPA disapproves Regulation NR 154.11(7)(b) of Wisconsin Administrative Code (RACT Requirements for Coking Operations), which is part of the control strategy to attain and maintain the standards for particulate matter, because it does not contain an enforceable RACT-level numerical visible emission limitation for charging operations.

[FR Doc. 83-5858 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2F2632/R496; PH-FRL 2317-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Acephate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide acephate and its metabolite in or on the raw agricultural commodities peanuts and peanut hulls. This regulation to establish maximum permissible levels for the combined residues of the pesticide in or on the commodities was requested, pursuant to a petition, by the Chevron Chemical Company.

EFFECTIVE DATE: Effective on March 9, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS–767C); Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of February 24, 1982 (47 FR 8089) which announced that Chevron Chemical Company, 940 Henley St., Richmond, CA 94804, had submitted pesticide petition 2F2632 proposing that 40 CFR 180.108 be amended by the establishment of tolerances for the combined residues of the insecticide acephate (*O,S*-dimethylacetyl-phosphoromidothioate) and its cholinesterase-inhibiting metabolite methamidophos (*O,S*-dimethyl phosphoromidothioate) in or on the raw agricultural commodities peanuts at 0.2 part per million (ppm) and peanut hulls at 5.0 ppm.

There were no comments received in response to the notice of filing.

The scientific data submitted in this petition and other relevant material have been evaluated. The toxicological data considered in support of the regulation included a 90-day rat feeding study with a no-observed-effect level (NOEL) of 5.0 ppm (0.25 mg/kg) based on the inhibition of cholinesterase activity in plasma, red blood cell (RBC), and brain; a 2-year dog feeding study with a NOEL of 30.0 ppm (0.75 mg/kg), based on the inhibition of plasma, RBC, and brain cholinesterase activity and a NOEL of 100.0 ppm (2.5 mg/kg) for systemic toxicity; a 28-month rat feeding/oncogenic study with a NOEL of 5.0 ppm (0.25 mg/kg), based on the inhibition of cholinesterase activity in plasma, RBC, and brain; a rabbit teratogenic study with a NOEL of 10.0 mg/kg (highest dose tested); a rat teratogenic study with a NOEL of 200.0 mg/kg (highest dose tested); and a supplemental acute delayed neuroctoxicity study with no effects observed (no leg paralysis) at the 375 mg/kg level.

In a recently conducted micronucleus test (mouse bone marrow), acephate did not display mutagenic activity. There are studies available, however, in which acephate did display such activity (gene mutations in microorganisms and DNA repair). Additional mutagenic studies have since been submitted and are currently under review by the Agency.

Desirable data that are currently lacking include (1) a mouse oncogenic study, (2) a rat reproduction study, and (3) a delayed neurotoxicity study.

Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the tolerances because the use will result in an insignificant increase (0.24 percent) in the TMRC to the human diet. As stated in the **Federal Register** of May 11, 1979 (44 FR 27932), the Agency will generally consider as insignificant an increase in the TMRC of 1.0 percent or less. Furthermore, most peanuts are roasted before consumption and heat treatment such as roasting reduces or eliminates acephate residues in peanuts.

Based on the 28-month rat feeding/oncogenic study with a NOEL of 5.0 ppm (0.25 mg/kg) and using a safety factor of 10, the acceptable daily intake (ADI) for humans is 0.025 milligram (mg)/kilogram (kg) of body weight (bw)/day and the maximum permissible intake (MPI) is 1.500 mg/day for a 60-kg human.

The theoretical maximum residue contribution (TMRC) in the human diet from the regulation is 0.0011 mg/day/1.5 kg. This value represents a 0.24 percent increase in the existing TMRC. The existing tolerances and this regulation utilize a total of 30.43 percent of the ADI.

The established tolerances for the combined residues of acephate and its cholinerase-inhibiting metabolite, methamidophos in meat, milk, poultry, and eggs at 0.1 ppm are adequate to cover any secondary residues occurring in these commodities from the use of acephate on peanuts. The metabolism of the insecticide is adequately understood and an adequate analytical method, gas chromatography with a thermionic detector, is available for enforcement purposes. There are no regulatory actions pending against continued registration of the insecticide, and no other considerations are involved in establishing the tolerances.

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the above considerations, it is concluded that the establishment of the tolerances will protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: February 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.108 is amended by adding and alphabetically inserting the raw agricultural commodities peanuts and peanut hulls to read as follows:

§ 180.108 Acephate; tolerance for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Peanuts	0.2
Peanut hulls	5.0
* * * * *	

[FR Doc. 83-6866 Filed 3-8-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2682/R521; PH-FRL 2317-3]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity cranberries. This regulation to establish a maximum permissible level for residues of chlorpyrifos was requested, pursuant to a petition, by the

Interregional Research Project No. 4 (IR–4).

EFFECTIVE DATE: Effective on March 9, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of January 12, 1983 (48 FR 1320), that announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2682 to the Agency proposing to amend 40 CFR 180.342 by establishing a tolerance for the combined residues of the insecticide chlorypriſos (*O-O*-diethyl-*O*-(3,5,6,-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity cranberries at 1.0 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: February 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.342 is amended by adding and alphabetically inserting the commodity cranberries to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Part per million
Cranberries	1.0

[FR Doc. 83–6654 Filed 3–8–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6362

[M 41581]

Montana; Revocation of Stock Driveway Withdrawal No. 227, Montana No. 13

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew public lands for use as a stock driveway. This action will restore 2,722.28 acres to operation of the public land laws generally.

EFFECTIVE DATE: March 30, 1983.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406–657–6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated March 24, 1932, which withdrew the following described lands for a stock driveway is hereby revoked:

Principal Meridian

T. 13 S., R.10 W.,

Sec. 15, W½;
Sec. 21, E½;
Sec. 22., W½;
Sec. 28, All;
Sec. 29, SE¼;
Sec. 31, lots 3, 4, E½SW¼, SE¼;
Sec. 32, All;

The area described contains 2,722.28 acres in Beaverhead County, Montana.

2. At 8 a.m. on March 30, 1983, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on March 30, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Dated: February 22, 1983.

Assistant Secretary of the Interior.

[FR Doc. 83–6657 Filed 3–8–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 21502; RM–2737; FCC 83–10]

Subscription Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petitions for partial reconsideration.

SUMMARY: By this action the Commission denies two petitions for partial reconsideration of the Third Report and Order in Docket No. 21502. Petitioners seek reversal of that part of the Third Report allowing subscription television decoder sales. The restriction prohibiting sales inhibited competition. Its removal will foster the development of subscription television, a relatively new communications outlet providing consumers with programming meeting their specific demands. The petitions for partial reconsideration were filed by Subscription Television Association and Wometco Home Theatre, Inc.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Mass Media Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

In the Matter of, Amendment of Part 73 of the Commission's Rules and Regulations In Regard to Section 73.642(a)(3) and Other Aspects of the Subscription Television Service; Docket No. 21502, RM–2737 Petitions for Partial Reconsideration; Memorandum Opinion and Order.

Adopted: January 13, 1983.

Released: March 3, 1983.

Introduction

1. The Commission has before it two petitions for partial reconsideration of its *Third Report and Order* (*"Third Report"*), 47 FR 30089, published July 12, 1982, in the captioned proceeding. Petitioners Subscription Television Association ("STVA") and Wometco Home Theatre, Inc. ("Wometco"), request reconsideration of that portion of the Commission's *Order* deleting Rule 73.642(f)(3) which prohibited the selling of subscription television ("STV") decoders to subscribers. Comments in response to the petitions were filed by Cox Communications, Inc. ("Cox"), and Channel 57 Corporation ("Channel 57") with STVA submitting further comments in reply to Channel 57's pleading.

2. The *Third Report* essentially deregulated the STV service.[1] In that document the Commission eliminated the rule restricting STV operation to communities within the Grade A contour of at least five commercial television stations, including that of the STV operator; deleted the requirement that an STV station broadcast at least 28 hours of conventional programming per week; abolished the requirement that an applicant for STV authorization ascertain the needs and interests of the community specifically with regard to subscription programming; and eliminated the rule permitting only the leasing of decoder equipment by subscribers. This action was taken because of the Commission's expectation that it would accelerate the utilization of unused channels, allow for additional specialized programming, provide financial support for small market stations, and offer a unique broadcast service that directly responds to consumer desires.

3. More specifically, our decision to rescind the "lease only" restriction on STV decoders was intended to benefit both the businessman and consumer. As noted by the Commission, decoder sales can provide working capital to establish securely subscription operations. Further, the elimination of the restriction gives the STV operator the ability to change business practices on demand, thus serving himself and his subscribers. Although some commenters opposed decoder sales because of the threat of increased signal piracy, the Commission was not convinced by this argument. Rather, it noted that individuals who seek to duplicate a decoder may purchase the components for such equipment from companies manufacturing and soliciting their sale as well as utilizing boxes that are sold or rented to others.

4. In its petition, STVA contends that: (1) The factual record does not support elimination of the "lease-only" rule; (2) elimination of the "lease-only" rule will lead to increased signal piracy; and (3) the sale of decoders anywhere will increase entry barriers to further STV development. According to STVA, 25 of the 26 STV operators now on the air in 22 markets serving 1.4 million subscribers oppose decoder sales. It submits that those commenters who generally favored equipment sales confined their comments to the issues of perceived consumer savings or operator cash flows.[2] As to the few who did address the piracy issue, petitioner submits that they failed to analyze the technical questions surrounding signal piracy.

5. STVA states that it is unaware of, and questions whether, any technology can be developed capable of making STV systems truly pirate-proof. It submits that even if such a technology could be developed, the 1.4 million decoders currently in use would require years to upgrade or replace at a considerable cost to STV operators. In the interim, petitioners asserts that decoders moving freely on the open market would make it virtually impossible to detect and prevent signal piracy.[3]

6. According to STVA, under the "lease-only" rule, any decoder found on the market that was not the property of an STV operator was presumed to be a pirate device marketed in violation of Sections 302 and 303 of the Communications Act. Petitioner asserts that permitting decorder sales would make it virtually impossible for STV operators to ferret out unauthorized pirate devices from those being lawfully offered for sale. STVA further alleges that pirate decoders may well gravitate toward other technologically compatible STV market systems where the only recourse against pirates is to move against individual viewers caught in the act of stealing the scrambled signal.

7. Petitioner asserts that when entertainment is stolen off the air, creative artists, programmers and distributors are denied fair compensation for their product efforts. This artificially skews the ratio of revenues to costs and forces these groups to charge more for their intellectual property. Ultimately, STVA believes the public thus will find STV and other pay television services priced beyond the financial reach of the ordinary household.[4]

8. In its petition for partial reconsideration, Wometco Home Theatre contends that the Commission failed to address the problems associated with decoder sales, including the subsequent inability of STV operators to control the resale of legally manufactured and acquired decoders. Wometco also alleges that decoder purchase creates a situation where subscribers who have legally acquired a decoder may stop paying for or cancel the subscription service without the STV operator being able to reclaim the privately owned decoder. Also, petitioner is not convinced that the addressable feature of newer decoders cannot solve this problem.[5] It further expressed concern, as did STVA, that the piracy problem would be compounded by the inevitable growth of STV operations on low power stations throughout the country.

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[1] Briefly described, subscription television broadcasting involves the broadcasting of a television signal that subscribers are authorized to unscramble through use of a decoder on payment of a fee.

[2] Rather than selling decoders in order to increase operator cash flow, petitioner suggests that STV operators who are strapped for funds increase subscriber deposit and installation fees.

[3] To support its position, STVA submit an affidavit by John Thompson, developer of the SSAVI–I addressable decoder, stating that while it is not usually a trivial matter to defeat the addressability function of most modern decoders, it is not beyond the skills of an electronics engineer or technician. Until more sophisticated technology is implemented around the country, Mr. Thompson recommends that the "lease-only" rule be retained.

[4] In an affivadit attached to STVA's petition for reconsideration, Werner R. Koester, President of Oak Communications, Inc., attests that the widespread sale of pirate STV decoders has placed considerable strain on Oak's relationships with its entertainment program suppliers. Because program producers derive their income from license fees based on the total number of subscribers, petitioner asserts that potential subscribers lost to piracy means an effective revenue loss both to programmers as well as to the creative artists whose work is being distributed. Therefore, STVA maintains that signal piracy adds to the program supplier's cost of doing business and forces them to raise the price of their products tending to "price-out" substantial segments of the viewing public who cannot afford higher STV rates.

[5] In an affidavit submitted by Wometco, Alex MacDonald, petitioner's Vice President for Engineering, asserts that it is possible for a layman with access to common household tools and easy-to-follow instructions to bypass the addressable features of these decoders.

9. Wometco also contends that the Commission was incorrect in concluding that parity between various sellers of pay services requires allowing STV operators to sell decoders. Petitioner asserts that not only do STV and cable differ in terms of their delivery system, but that cable operators do not sell equipment. Further, it submits that in the MDS service, receiving equipment must be under the control of the MDS operator and the decorder must be owned by the MDS operator to ensure security. Thus, under the "parity of services" rationale originally advanced by the Commission, Wometco believes STV operators should be required to own or control reception and decoding equipment.

10. Wometco next argues that although established STV stations are likely to continue their operations, there is no reason to suppose that all or even most STV entrants have the capitalization necessary to be viable. Wometco contends that STV operators reach a cash flow breakeven point at a figure far higher than the one cited by either the Commission or STVA, and that STV penetration levels may well continue to run far below the originally projected 10 percent level, given the likelihood of accelerating MDS activities and increasing cable penetration.[6] Thus, Wometco contends that there remains a substantial risk of cessation of service, requiring a lease-only restriction to protect consumers. Petitioner also submits that accumulation of rental fees need not exceed the purchase price of STV decoders. Wometco contends that decoder sales will cause increased security costs to STV operators as well as subscribers, thus reducing any alleged benefits from subscriber ownership.

11. In conclusion, Wometco argues that the Commission intended STV operators alone to be able to sell decoders. However, by deleting the rule requiring the lease of decoders (73.642(f)(3)), the Commission failed to so provide. Therefore, if the Commission is not persuaded to reimpose a "lease-only" provision, Wometco requests that § 73.642(f)(3) be modified to reflect that intent. Petitioner maintains that this would aid in private enforcement against signal piracy.

12. Cox Communications, Inc. ("Cox"), the parent company of Miami Valley Broadcasting Corporation, licensee of STV Station KDNL, St. Louis, Missouri, filed comments supporting both petitions for reconsideration. Cox reiterates many of the arguments made by petitioners. Essentially, Cox contends that having already expressed its sensitivity to the signal piracy problem, the Commission should continue to do so. To illustrate the Commission's concern in this regard, Cox cites the *Michael R. Reynolds* case, 89 FCC 2d 450 (1982). In that decision, the Commission held decoder technological information submitted with an application for STV system approval to be confidential and exempt from disclosure under the Freedom of Information Act. Cox argues that in keeping with the spirit of *Reynolds*, the Commission should restore the "lease-only" rule to minimize signal piracy. If the Commission reaffirms its decision to authorize decoder sales, however, Cox suggests that it be made clear by rule that STV operators alone may exercise the sale option.

13. Channel 57 Corporation contends that decoder sales should be permitted, but only by STV operators.[7] It submits that the Commission correctly found the elimination of the "lease-only" restriction would aid capital formation and business flexibility. It further contends that the freeing of financial resources by allowing decoder purchases will permit STV operators to offer subscribers higher quality programming service and will ultimately promote the establishment of a secure and thriving STV industry throughout the whole country.[8] It also regards STVA's suggestion that STV operators generate this additional working capital through an increase in the required deposit or installation fees charged subscribers as in total disregard of today's competitive marketplace. In many situations, states Channel 57, subscriber prices are already as high as the market will bear.

14. Channel 57 particularly takes issue with petitioners' views that decoder sales will aggravate signal piracy. Channel 57 believes that whether decoders are purchased or leased, signal piracy will continue to be a significant problem. It argues that retaining a "lease-only" restriction will not effectively remedy piracy. Channel 57 is convinced that the efficacy of such a restriction is outweighed by the benefits to be gained through the promotion of new sources of capital and the provision of market flexibility. It argues that STV operators should explore new avenues and more effective methodologies for dealing with the piracy problem. Channel 57 submits that addressable decoders can be utilized so as to minimize the extent of piracy operations. For example, the addressable component of Oak's decoder currently used by commenter is sealed in plastic and, according to Channel 57, virtually impervious to tampering. Finally, Channel 57 asserts that the possibility of an active resale market in those decoders capable of modification is remote. The profitability and practicability of obtaining, modifying and transporting a substantial number of decoders in a market is seriously questioned by Channel 57.[9]

Discussion

15. Once again, we have carefully weighed the advantages and disadvantages of the "lease-only" rule. On balance, we do not believe that our decision to allow decoder sales should be modified. Petitioners' major objection to the sale of decoders is their concern that it will aggravate signal piracy.[10] Our decision to allow decoder sales does not signify a lack of concern with this problem. However, as we stated in *Michael Reynolds*, "[I]t has long been the Commission's view that the initial responsibility for signal protection

[6] In the proceeding establishing the basis for nationwide STV service (Docket No. 11279), some commenting parties projected a 10 percent penetration level. See *Fourth Report and Order*, 15 FCC 2d 466, 488 (1968). However, at that time the Commission concluded that the question of STV penetration and what it might take to obtain greater penetration was one about which there could only be speculation. 15 FCC 2d at 482. In 1981, in its *Further Notice of Proposed Rule Making*, 86 FCC 2d 213, the Commission noted that STV penetration levels were running at 4.0 percent.

[7] Channel 57 Corporation is the licensee of STV Station WWSG, Philadelphia, Pennsylvania.

[8] According to Channel 57, it has expended $2.3 million for the acquisition of decoders and it currently maintains an inventory of 2, 000 decoders that costs $100,000 per year to carry.

[9] In reply STVA asserts that the Commission misunderstood the current state-of-the-art in STV decoder technology. STVA argues that an abandonment of the "lease-only" rule at today's level of addressable decoder technology will unfairly penalize the dozens of STV operators who have come to rely on industry-supported Commission regulations and policies of the past. STVA requests retention of a "lease-only" rule for the moment and revisiting the question of decoder sales in three to five years or when a more secure addressable technology emerges. Petitioner also argues that it is more likely that a purchased decoder will make its way into the hands of a signal pirate (not back to the STV operator as Channel 57 apparently believes) and lead to an undermining rather than stabilization of the financial base of the STV industry. Finally, attached to STVA's reply comments are a number of newspaper items and advertisements submitted to demonstrate that even in a climate where decoder sales are illegal, large scale distribution networks and mail order operations for pirate decoders have grown and thrived.

[10] STVA further argues that STV licensees may have come to rely on the "lease-only" rule. We note, however, that it has been almost five years since the Commission first propqsed a relaxation of the restriction. That is certainly more than adequate notice to STV operators of a possible change in the decoder equipment provision.

should be on the signal originator who is in the best position to protect the signal against unauthorized interception and use." [11] Although Section 605 of the Communications Act prohibits signal piracy, civil actions against STV signal pirates generally have been more successful than Commission intervention and can continue to be so even if different methods of proof become necessary.[12] We believe that technology, as well as legal procedures, can be employed to deal with the signal piracy dilemma. The problem did not originate with decoder sales nor would it be eliminated if decoder purchases were not allowed.

16. On the other hand, the sale of STV decoders has certain benefits that must be considered in reaching our decision. As indicated in the *Third Report and Order*, decoder sales could provide a new licensee with alternative methods of raising start-up capital, reducing capital expenditures or reducing capital tied up in decoder inventories. Under these circumstances, decoder purchase may reduce the cost of service to the customer. This is not to say that STV licensees necessarily will make use of the new opportunities made possible by elimination of the "lease-only" rule. Rather the rule change gives them the flexibility to sell or lease decoders according to what they, as businesspeople, believe to be in their own and their customers' best interest.

17. Our conclusion that the benefits of decoder sales outweigh the potential risks is not based on any conclusion that the action is necessary to put STV at parity with other pay services. Cable is not subject to a "lease-only" restriction, but Wometco alleges that cable companies do not offer converters for sale. This may be true, but what is crucial is that cable systems *may* offer converters to their customers on a sale or lease basis, not whether they do offer such arrangments.[13] Further, our conclusion is not based on the belief that STV operations are financially stable. Both Wometco and STVA have alleged that STV stations break even at between 70,000 and 100,000 subscribers, but our staff study indicated a break even point at between 25,000 and 40,000. Petitioners' higher estimates do not indicate that the STV industry is in a precarious position. On the contrary, the industry has experienced substantial growth in the past five years, from two stations in 1977 to 31 in October 1982. In any event, we do not believe that it is appropriate for this Commission to limit the options of the overall industry and the public because there is a possibility that a few licensees may go out of business. Finally, our conclusion is not based on any presumption that decoder rental fees will necessarily exceed the sale price of decoders. The price of decoders offered for sale will be determined by the marketplace and, in some instances, the sale price might be less than accumulated rentals.

18. On balance, we have provided a regulatory framework that allows the marketplace to govern the issue of whether STV decoders are offered for sale. Once again we emphasize that we have not mandated that decoders be so offered. We merely allow it.

19. As an alternative to reinstating the "lease-only" restriction Wometco has requested that we amend the rules to make it clear that the decision to sell or lease decoders is within the sole discretion of the STV licensee. We do not believe that further amendment of the rules is necessary or appropriate. As to the issues raised in this proceeding, the *Third Report and Order*, as affirmed herein, is sufficient as written.

20. Accordingly, it is ordered, That the petitions for partial reconsideration filed by Subscription Television Association and Wometco Home Theatre, Inc., are denied.

21. For further information concerning this proceeding, contact Freda Lippert Thyden, Mass Media Bureau, (202) 632–7792.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-6066 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[11] 89 FCC 2d 450, 455 (1982).

[12] Two federal appellate court decisions interpreting 47 U.S.C. 605 clarified that STV is not a form of broadcasting intended for the use of the general public and that therefore the unauthorized manufacture, sale or distribution of STV signal decoding equipment violates the protection of section 605. See *National Subscription Television* v. *S&H TV*, 644 F. 2d 820 (9th Cir. 1981); and *Chartwell Communications Group* v. *Westbrook*, 637 F. 2d 459 (6th Cir. 1980).

[13] In a number of recent cable franchises, operators are required to offer their subscribers purchase of converters.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1331

[Ex Parte No. 297 (Sub-6)]

Bus Rate Bureau Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Section 10 of the Bus Regulatory Reform Act of 1982 establishes new standards for bus industry rate bureaus. In general, section 10 applies 49 U.S.C. 10706(b), formerly applicable only to motor carriers of property, to the passenger bus industry. In addition, new provisions are adopted and made applicable only to motor carriers of passengers. Section 10 adds three new subsections defining the scope of antitrust immunity for passenger motor carriers. Following consideration of comments on our proposed interpretations of the new statutory provisions, this decision adopts binding rules (Appendix) to implement the statutory provisions. To retain interim antitrust immunity under section 10(f) of the Bus Act: (1) New or amended agreements must be submitted to the Commission for approval on or before March 19, 1983; (2) The bureau(s) must comply with 49 U.S.C. 10706 and the standards issued in this proceeding during the period new or amended agreements are being prepared, submitted to, and considered by the Commission.

DATES: New or amended agreements must be filed by March 19, 1983. These rules are effective on March 9, 1983.

ADDRESS: All documents (original and 15 copies) must be submitted to: Interstate Commerce Commission, Room 5344, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: This proceeding was initiated by Notice of Proposed Rulemaking (NPR or notice) served September 28, 1982 (47 FR 42916 September 29, 1982), to implement the provisions of section 10 of the Bus Regulatory Reform Act of 1982 (Bus Act), which was adopted on September 20, 1982, and became effective on November 19, 1982. Section 10 establishes new criteria for the operation of bus industry rate bureaus. In general, it applies the Motor Carrier Act (MCA) [1] guidelines [49 U.S.C. 10706(b)], formerly applicable only to motor common carriers of property, to the passenger bus industry. Section 10 also adds three new provisions [2] applicable solely to passenger motor carriers which define the scope of antitrust immunity.

In the notice we invited public comments on our interpretations and proposed standards, and indicated that we will adopt binding norms to implement the statutory provisions.

[1] Motor Carrier Act of 1980, Pub. L. No. 96-296, 94 Stat. 793.

[2] These specific provisions are now codified at 49 U.S.C. 10706 (b)(3)(E), (b)(3)(F) and (b)(5).

Because many of our proposed standards are the same as the final standards adopted for motor carriers of property, we also sought comments delineating differences between the motor carrier of property and passenger industries. We indicated that if those differences or any other factors so justify, appropriate changes in the final standards and procedures would be made.

In response to the NPR, comments were filed by the National Bus Traffic Association, Inc. (NBTA), the Department of Justice (DOJ), and the Commission's Office of Special Counsel (OSC). These comments have been thoroughly considered, as noted below. Because several of the new statutory provisions are self-executing and should be reflected in amended agreements, this decision addresses only those issues requiring interpretations. We are adopting final rules which are set out in the Appendix.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free 800–424–5403.

Energy and Environmental Considerations

We affirm our preliminary determination that this decision will not significantly affect the quality of the human environment or conservation of energy resources.

Regulatory Flexibility Analysis

In our initial notice, we determined that our proposed standards may benefit smaller entities by granting them greater freedom to set rates independently. Moreover, the Bus Act allows carriers to use the rate bureau process to establish innovative or promotional fares. Both of these provisions will benefit individual, and groups of, passengers, as well as carriers. We acknowledged that these procedures can also be employed by larger carriers to the detriment of smaller ones. However, no comments have been received addressing regulatory flexibility issues.

This is a statutorily-mandated proceeding, and the overall purpose of the Bus Act is to establish a new regulatory scheme that will assure a viable intercity bus industry and benefit both small and large carriers, as well as passengers. In framing these rules, we have attempted to minimize the burdens on small entities consistent with Congressional intent. We affirm our prior conclusion that we anticipate no significant impact on small entities as a result of these final rules.

Authority: Section 10 of the Bus Regulatory Reform Act of 1982, 49 U.S.C. 10321 and 10706, and 5 U.S.C. 553.

List of Subjects in 49 CFR Part 1331

Buses, Freight forwarders, Maritime carriers, Motor carriers, Pipelines, Railroads.

Dated: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Andre dissented. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1331—[AMENDED]

49 CFR Part 1331 is amended by adding § 1331.5:

§ 1331.5 Additional standards and procedures required for passenger bus industry rate bureaus to retain antitrust immunity.[3]

(a) Rate bureau agreements must provide each carrier the absolute right of independent action. This must include the right to decide whether or when an independent action, or rate within the zone of freedom, will be docketed. In the absence of explicit instructions from the independent actor, the bureau may not docket the item until the proposal has been filed with the Commission. There may be no bureau discussion of the independent action prior to the effective date of the tariff item. The Bureau may cancel or change a rate established by independent action only for the purpose of tariff simplification, removal of discrimination, or elimination of obsolete items. The bureau must have the written permission of the independent actor to do so. General increases and decreases and broad tariff restructuring are not subject to these notice and consent requirements.

(b) Rate bureau employees and employee committees are restricted from initiating a tariff proposal or determining whether to adopt, reject or otherwise dispose of proposals. Upon request, they may provide the proponent of a rate change with expert analysis and technical assistance. Any advice concerning an independent action proposal shall remain confidential.

(c) Upon request, bureaus will promptly divulge the name of the proponent of a tariff matter and the vote cast by any member on any proposal. Bureaus will provide detailed and timely public notice of meetings and their agenda. Discussion or voting on rate-related matters will not be permitted unless the meeting is reasonably noticed. Any person requesting admittance to a meeting at which rates or rules are being discussed shall be admitted immediately. Note taking and sound recording by attendees are permissible, provided the conduct of the meeting is not disrupted. If mail voting and telephonic communications are employed, they cannot be used to circumvent rate bureau restrictions. Any abuses will be investigated.

(d) Any carrier voting for another must possess a written proxy. The proxy must be dated and contain the grantor's signature, the specific items for which the vote is released, direction on voting, and certification of authority. A copy of the proxy and the written certification of authority executed by the proxy holder for the grantor will be made part of the voting record and ballot. Proxies may not be accepted for the purpose of certifying permission to cancel any item established by independent action which the carrier represented by proxy either initiated or joined. A proxy may be revoked at any time, either by subsequent written verification or by the member carrier appearing at a meeting and voting on its own behalf.

(e) The quorum for holding meetings of the organization or a committee is 30 percent of the membership.

(f) The bureaus are required to maintain detailed minutes of all meetings where tariff items are discussed. The bureaus will be subject to withdrawal of their immunity for serious continuing violations of Commission standards, and individual tariff publications will be subject to rejection, suspension or investigation for improprieties in the rate bureau process.

(g) Rate bureaus shall not file a protest or complaint with the Commission.

(h) Rate bureaus shall make a final disposition of a rate or rule by the 120th day after the proposal is docketed, except that if unusual circumstances require, the organization may extend such period, subject to review by the Commission. If the 120th day falls on a Saturday, Sunday, or public holiday, the final day for disposition will be the next working day.

(i) There can be no discussion of or voting on rates proposed *under the authority* of the zone of rate freedom.

[3] Rate Bureaus must also comply with 49 CFR 1331.1–.4 and guidelines adopted in Ex Parte No. 297 (Sub-No. 5), *Motor Carrier Rate Bureaus-Implementation of P.L. 96–296*, 46 FR 30092, June 5, 1981, and applied to the bus industry in Ex Parte No. 297 (Sub-No. 6), *Bus Rate Bureau Procedures*, served ——.

(j) For the purposes of this subsection the following definitions shall apply:

(1) A "general increase" is a proposed general adjustment of substantially all the rates published in a rate bureau's tariff or tariffs.

(2) A "broad change in tariff structure" modifies in a relatively non-uniform fashion the relationship between most rates published in a rate bureau's tariff, and applies to a large area, either nationally or regionally.

(3) An "innovative fare" will be determined on a case-by-case basis; the Commission will, on request, issue formal or informal opinions on whether particular rate proposals may be regarded as innovative. Two examples of an innovative fare are (i) a fare for unlimited passenger travel and (ii) an experimental fare which provides for transportation, at the option of the passenger, over the line of one or more than one carrier.

(4) A "promotional fare" generally has three characteristics: (i) Limited duration; (ii) attractive price or level of service quality; and (iii) some added feature in addition to those normally offered.

[FR Doc. 83-6043 Filed 3-8-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 47
Wednesday, March 9, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 83-129]

Amendment Concerning Conflicts of Interest Involving Mortgage Insurance

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board is proposing to limit the scope of an exception to a regulation that prohibits an insured institution from insuring loans with a mortgage insurance company in which the institution, its service corporation(s) or insiders have an investment in excess of specified limits. The proposed amendment would grandfather existing investment in certain mortgage insurance companies and would terminate the special exception allowing new investment in those mortgage companies in excess of the limits applicable to investment in all other mortgage insurance companies. The proposed amendment is intended to create competitive parity among all mortgage insurance companies and reduce the potential for conflicts of interest.

DATE: Comments must be received by: May 5, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Gregory B. Smith (202) 377-6451, Attorney, or John Soukenik, Acting Director, Corporate and Regulatory Structure Division, (202) 377-6411, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 563.44(b)(4) of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 563.44(b)) prohibits an insured institution, as defined in section 561.1 (12 CFR 561.1), from insuring loans with a mortgage insurance company ("MIC") or parent thereof in which the institution, its service corporation(s), or affiliated persons (i.e. officers, directors, and controlling persons) have a sufficient ownership interest to give rise to an appearance of a conflict of interest in the placement or renewal of mortgage insurance. Paragraph (b)(4) of that section also establishes a rebuttable presumption that such a conflict of interest exists when (1) the insured institution, its service corporation(s) or affiliated persons have an ownership interest in the aggregate of $100,000, or more than two percent of the equity securities of a MIC with assets up to $50 million, or more than one percent of the equity securities of a MIC with assets in excess of $50 million; or (2) the insured institution, a service corporation or affiliated person thereof individually has an ownership interest in excess of $50,000, or more than one percent of the equity securities of a MIC with assets up to $50 million or one-half of one percent (.5%) where the MIC has assets in excess of $50 million.

The limitation is intended to prevent an insured institution with a significant ownership interest in an MIC from basing its loan-making decisions on the potential profits that would be derived from mortgage insurance policies written for such loans by its associated MIC. The interrelationship between the insured institution and the MIC could also cause an insured institution to require unnecessary mortgage insurance in the interest of generating profits and to develop a lack of "discipline" in the the evaluation of loans by both the insured-institution/owner and its "captive" MIC. The Board also was concerned that the "self insurance" aspect of such an arrangement would be inconsistent with the Board's requirement that part of the risk of high down-to-value ratio loans be assumed by other than the lending institution.

When the § 563.44(b)(4) limitation was promulgated in 1976, paragraph (c) of § 563.44 provided an exception for investment in any MIC in existence on March 11, 1976, which was entirely owned, directly or indirectly, by insured institutions, no one of which owned more than twenty-five percent of any class of equity securities of such MIC. The only MIC qualifying for the exception at that time was the Pennsylvania Mortgage Insurance Company ("PAMICO"). The Board grandfathered investment in PAMICO through this exception because of the serious adverse impact the new prohibition would have had on PAMICO and because the Board believed that the concept of an MIC wholly-owned by home mortgage lending institutions was worth studying and monitoring.

In 1976, the Board, by Resolution No. 76-732 (47 FR 60571; December 28, 1976), amended the exception to its present form, which limits investment by new investors to two percent of PAMICO's equity securities and permits an existing investor in PAMICO to make additional investments only if that investor's resulting total investment would be less than two percent of PAMICO's equity securities. The effect of that amendment was to ratchet down the ownership interests of PAMICO's original investors and thereby minimize the risk of spreading it among a greater number of investors.

The Board is now proposing to modify paragraph (c) to grandfather investments that conform with previous versions of this paragraph, and to rescind the authorization for new investment in excess of the levels specified in paragraph (b)(4). If the Board takes final action on this proposal, the date of this proposal (March 3, 1983); this would ensure that additional investments exceeding current (b)(4) levels would not be made during the public comment period, in contravention of the intent of the proposal.

Thus, under the proposal any new or additional investments in PAMICO would have to conform to the levels in paragraph (b)(4). While existing investments in PAMICO under the previous authorization would be grandfathered under the proposal, any reduction in those investments could not subsequently be increased beyond the (b)(4) levels.

As a result of the proposed amendment, PAMICO would no longer be required to be wholly owned by insured institutions, since that requirement is only imposed on investment in PAMICO under paragraph (c) and is not imposed under the general limitations on investments in other MICs

under paragraph (b)(4). Since new investment in PAMICO would only be authorized on the same basis applicable to investment in other MICs under the limitations in paragraph (b)(4), there would no longer by any need for the ownership restriction.

The Board believes that the proposed amendment would create competitive parity among all MICs as to the maximum authorized investment by insured institutions under § 563.44, and at the same time it would relieve PAMICO of the requirement that its stock be wholly owned by insured institutions. As a result of the proposed amendment, the market for PAMICO's stock would be significantly expanded, thereby enhancing its ability to raise capital. In addition, the Board believes that this proposed amendment would continue the "ratcheting" down of the ownership interests of the original owners of PAMICO, enable the ownership base of PAMICO to become diversified, and minimize the potential for conflicts of interest, consistent with the basic thrust of § 563.44 and the 1978 amendment to that regulation.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 (September 19, 1980), that Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective, and legal basis underlying the proposed rule.* These elements have been incorporated elsewhere into the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply to all insured institutions.

3. *Impact of the rule on small businesses.* The rule would not have a disproportionate effect on small businesses. By creating competitive parity between all MICs as to investment by insured institutions, the rule would benefit small insured institutions. Thus, it is expected that the proposed rule would have no significant adverse economic impact on a substantial number of small entities.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rule.* The reasons for proposing to change the current limitation have been discussed above; the Board also has not proposed the alternative of an increased investment opportunity in order to avoid the "self insurance" problem and the appearance of conflicts of interest as previously described.

List of Subjects in 12 CFR Part 563

Savings and loan associations, Mortgage insurance companies.

Accordingly, the Board hereby proposes to amend Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below:

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Amend § 563.44 by revising paragraph (c), as follows:

§ 563.44 Loans involving mortgage insurance.

* * * * *

(c) *Exception.* Paragraph (b)(4) of this section does not apply to any previously authorized investment made prior to March 3, 1983, in a mortgage insurance company in existence on March 11, 1976, which was entirely owned, directly or indirectly, by insured institutions on the date of the investment. However, if such investment has been reduced it may not subsequently be increased after March 3, 1983, beyond the levels specified in paragraph (b)(4).

(Secs. 402, 403 407, 48 Stat. 1256, 1257, 1260, as amended 12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981,. 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc.83–6061 Filed 3–8–83; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–262–76]

Partner's Distributive Share

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 704 (b) of the Internal Revenue Code of 1954, relating to the determination of a partner's distributive share of income, gains, loss, deduction, or credit. Changes to the applicable law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with the law as amended by the Act. The proposed regulations provide rules and examples relating to the substantial economic effect test and to the determination of a partner's interest in the partnership.

DATES: Written comments and requests to speak at the public hearing must be delivered or mailed by April 20, 1983. The amendments are proposed to be generally effective for partnership taxable years beginning after December 31, 1983.

ADDRESS: Send comments and requests to speak at the public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–262–76), Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: John G. Schmalz of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3829).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 704(b) of the Internal Revenue Code of 1954. Generally, these amendments are proposed to conform the Income Tax Regulations to section 213(d) of the Tax Reform Act of 1976 (95 Stat. 1548), and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

In General

Section 704(b), as amended by the Tax Reform Act of 1976, provides that a partner's distributive share of income, gain, loss, deduction, or credit (or item thereof) is determined in accordance with such partner's interest in the partnership (determined by taking into account all facts and circumstances) if either the partnership agreement does not provide for the distributive share, or the allocation to the partner under the partnership agreement does not have substantial economic effect.

These proposed regulations provide rules and examples relating to the substantial economic effect test and to the determination of a partner's interest in the partnership. An allocation that fails to meet the substantial economic effect test will not be disturbed to the extent the allocation is consistent with the partners' interest in the partnership. Special rules provide that certain allocations will be deemed to be consistent with the partners' interests in the partnership without such a showing even though the allocation does not have substantial economic effect.

Substantial Economic Effect

The proposed regulations provide that the determination of whether an allocation has substantial economic

effect involves a two-part test. First, the allocation must have economic effect. An allocation to a partner can have economic effect only if, in the event there is a corresponding economic benefit or burden, the allocation will actually affect the dollar amount received by such partner. Generally, an allocation will not have economic effect unless the allocation is reflected by an appropriate adjustment to the partner's capital account, liquidation proceeds are to be distributed in accordance with the partners' capital account balances, and following the distribution of such proceeds partners are liable to the partnership to restore any deficit in their capital accounts. The proposed regulations provide rules regarding the proper maintenance of the partners' capital accounts and certain optional and required adjustments thereto.

Second, the economic effect must be substantial when weighed against the shifting of tax consequences resulting from the allocation. The proposed regulations provide rules and examples relating to the substantial economic effect test. The fundamental principles contained in the proposed regulations which relate to the substantial economic effect test are generally applicable for partnership taxable years beginning after December 31, 1975. To the extent an allocation fails the substantial economic effect test and is inconsistent with the partners' interests in the partnership it will be reallocated in accordance with the partners' interests in the partnership.

Partner's Interest in the Partnership

The proposed regulations provide rules and examples for determining a partner's interest in the partnership. Section 704(b) provides that this shall be determined by taking into account all the facts and circumstances. The proposed regulations provide that a partner's interest in the partnership is to be determined with reference to the underlying economic arrangement of the partners relating to the particular allocation under consideration. If that economic arrangement cannot be determined, each partner's interest in the partnership will be presumed to be equal. See Uniform Partnership Act section 18 (1914). This presumption can be rebutted by facts and circumstances which show that the economic arrangement is otherwise. The examples contained in the proposed regulations specify how, in certain situations, the Treasury will determine the partners' interests in the partnership. In those examples in which it has not made such a determination, the Treasury is interested in how tax practitioners would assess the partners' interests in the partnership.

In particular, the Treasury seeks comments concerning the proper determination of the partners' interests in the partnership in example (19)(iii) of the proposed regulations, taking into consideration the determination made in example (19)(iv) of the proposed regulations.

Special Rules

The proposed regulations contain special rules concerning allocations where there are disparities between tax and book capital accounts, allocations of credits, percentage depletion, and loss and deduction attributable to nonrecourse debt. Under these rules certain allocations are deemed to be in accordance with the partners' interests in the partnership. The proposed regulations contain rules relating to the determination of the partners' allocable shares of adjusted basis and amount realized under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3.

Comments and Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing has been scheduled and will be held on May 4, 1983. Notice of the time and place of the hearing appears in the Proposed Rules section of this issue of the **Federal Register.**

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these proposed regulations is John G. Schmalz of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing these regulations both on matters of substance and style.

List of Subjects in 26 CFR Parts 1.701–1—1.771–1

Income taxes, Partnerships.

Proposed Amendments to the Regulations

PART 1—[AMENDED]

The proposed amendments to 26 CFR Part 1 would revise paragraph (b) of § 1.704–1 to read as follows, proposed to be generally effective for partnership taxable years beginning after December 31, 1983:

§ 1.704–1 Partner's distributive share.

* * * * *

(b) *Distributive share determined in accordance with partner's interest in the partnership*—(1) *In general*—(i) *General rules.* Under section 704(b), for partnership taxable years beginning after December 31, 1975, if a partnership agreement makes no specific provision for the allocation of income, gain, loss, deduction, or credit (or any item of income, gain, loss, deduction, or credit), or if the allocation of income, gain, loss, deduction, or credit (of item thereof) does not have substantial economic effect, then each partner's distributive share of such income, gain, loss, deduction, or credit (or item thereof) shall be determined in accordance with such partner's interest in the partnership (determined by taking into account all facts and circumstances). If the partnership agreement provides for an allocation of income, gain, loss, deduction, or credit (or item thereof), there are three ways in which such allocation can satisfy section 704(b) and this paragraph. (Although the provisions of this paragraph are generally effective for partnership taxable years beginning after December 31, 1983, the fundamental principles contained in paragraph (b)(2) of this section relating to the substantial economic effect test are generally applicable for partnership taxable years beginning after December 31, 1975.) First, the allocation can have substantial economic effect in accordance with paragraph (b)(2) of this section. Second, the partner or partners can show that, taking into account all facts and circumstances, the allocation is in accordance with the partners' interests in the partnership. See paragraph (b)(3) of this section. Third, the allocation can be deemed to be in accordance with the partners' interests in the partnership if one of the special

rules contained in paragraph (b)(4) of this section applies. To the extent an allocation of income, gain, loss, deduction, or credit (or item thereof) does not have substantial economic effect, is not in accordance with the partners' interests in the partnership, and is not deemed to be in accordance with the partners' interests in the partnership, such income, gain, loss, deduction, or credit (or item thereof) shall be reallocated in accordance with the partners' interest in the partnership (determined under paragraph (b)(3) of this section). Section 704(b) and this paragraph are applicable to allocations of specific items of income, gain, loss, deduction, or credit and to distributive shares of taxable income or loss under section 702(a)(8).

(ii) *Effect of other sections.* A determination made under section 704(b) and this paragraph does not affect any limitation concerning the tax treatment of a partner with respect to the income, gain, loss, deduction, or credit that is allocated. For example, an allocation of loss or deduction to a partner that is valid under this paragraph may not be deductible by such partner if the partner lacks the requisite profit motive (see, *e.g.*, section 183 and § 1.183–2), or may be disallowed for that taxable year (and held in suspense) if the limitations of section 465 or section 704(d) are applicable, or may be disallowed and reallocated under the provisions of section 704(e)(2) or section 706. If a partnership has a section 754 election in effect, a partner's distributive share of partnership income, gain, loss, or deduction may be affected as provided in § 1.743–1. Section 704(b) and this paragraph do not apply if the recipient of a purported allocation is not a partner of the partnership (see section 7701(a)(2) and paragraph (d) of § 301.7701–3), or is not receiving the purported allocation in his capacity as a partner (see section 707(a) and paragraph (a) of § 1.707–1).

(iii) *Determinations under section 704(c).* Section 704(c) and paragraph (c) of this section provide certain alternatives for determining the partners' distributive shares of depreciation, depletion, or gain or loss with respect to property contributed to the partnership in order to account for the precontribution appreciation or diminution in the value of such property. A determination made in accordance with section 704(c) and paragraph (c) of this section shall not be subject to the provisions of section 704(b) and this paragraph. However, section 704(b) and this paragraph shall govern the determination of the partners' distributive shares of all other income, gain, loss, deduction, or credit (or item thereof) of the partnership.

(2) *Substantial economic effect*—(i) *General rule.* The determination of whether an allocation of income, gain, loss, deduction, or credit (or item thereof) to a partner has substantial economic effect involves a two-part test. First, the allocation must have economic effect (within the meaning of paragraph (b)(2)(ii) of this section). Second, the economic effect must be substantial (within the meaning of paragraph (b)(2)(iii) of this section).

(ii) *Economic effect.* In order to have economic effect an allocation must be consistent with the underlying economic arrangement of the partners. Thus, the partner to whom an allocation is made must receive the economic benefit or bear the economic burden or risk associated with the allocation. An allocation to a partner can have economic effect only if, in the event there is an economic benefit or economic burden which corresponds to the allocation, the allocation will actually affect (to the same extent) the dollar amount received by such partner. Thus, an allocation of income, gain, loss, or deduction (or item thereof) to a partner generally has economic effect only if—

(*a*) The allocation is reflected as an appropriate increase or decrease in that partner's capital account (as described in paragraph (b)(2)(iv)(*a*) of this section), and

(*b*) Liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and

(*c*) Any partner with a deficit in his capital account following the distribution of liquidation proceeds is required to restore the amount of such deficit to the partnership, which amount shall be distributed to partners in accordance with their positive capital account balances of paid to creditors.

If these requirements are not complied with, an allocation will nevertheless have economic effect if the capital account equivalence test described in paragraph (b)(2)(iv)(*b*) of this section is satisfied. Rules concerning the proper maintenance of the partners' capital accounts are contained in paragraph (b)(2)(iv)(*a*) of this section. The determination of whether an allocation has economic effect is made as of the end of the partnership taxable year to which the allocation relates. Thus, the fact that a partner is not required to restore the deficit in his capital account (requirement (*c*) above) does not invalidate an allocation (or that portion of an allocation) to such partner to the extent the allocation does not create a deficit in such partner's capital account at the end of the partnership's taxable year provided the other requirements of this subdivision are satisfied. For purposes of the preceding sentence, any cash and property held by the partnership at the end of the taxable year which there is a reasonable expectation will be distributed to a partner (other than in liquidation of the partnership) prior to a corresponding increase in the partner's capital account shall be treated as having been distributed to such partner on the last day of such taxable year. Factors that will be considered in determining whether such reasonable expectation exists include: The terms of the partnership agreement, the partnership's historical practice concerning distributions, and the expected working capital needs of the partnership. An allocation that has economic effect under this subdivision may nevertheless be invalid if that economic effect is not substantial (within the meaning of paragraph (b)(2)(iii) of this section). If a partner receives an economic benefit or bears an economic burden or risk of only a portion of the allocation, that portion shall be recognized as having economic effect and the remainder of the allocation shall, to the extent inconsistent with the partners' interests in the partnership, be reallocated in accordance with the partners' interests in the partnership (within the meaning of paragraph (b)(3) of this section). See examples (1)(iv) and (15) of paragraph (b)(5) of this section.

(iii) *Substantiality*—(*a*) *General rule.* The economic effect of an allocation, when considered together with all prior and expected allocations (for all taxable years), must be substantial. In determining whether the economic effect is substantial, the likelihood and magnitude of a shift in the economic consequences among partners must be weighed against the shifting of tax consequences resulting from the allocation (or allocations), particularly tax consequences which result from the interaction of the allocation (or allocations) with the partners' nonpartnership tax attributes. If at the beginning of the taxable year to which an allocation (or allocations) relates there is a strong likelihood that such allocation (or allocations) would cause a shift in tax consequences that is disproportionately large in relation to the shift in economic consequences, such allocation (or allocations) does not have substantial economic effect. Furthermore, if at the end of the taxable

year to which an allocation (or allocations) relates such allocation (or allocations) has caused a shift in tax consequences that is disproportionately large in relation to the shift in economic consequences it will be presumed that there was a strong likelihood that this would occur, which presumption may be overcome by a showing of facts and circumstances which prove otherwise. See examples (5), (6), and (7)(ii) of paragraph (b)(5) of this section. The economic effect of an allocation (or allocations) which would significantly reduce the overall tax liabilities of the partners shall not be considered substantial if at the time such allocation (or allocations) is provided for in the partnership agreement there is a strong likelihood that the economic effect of the allocation (or allocations) will be transitory due to a largely offsetting allocation (or allocations). See examples (2)(ii) and (8)(ii) of paragraph (b)(5) of this section.

(*b*) *Additional factors.* In weighing the likelihood and magnitude of a shift in the economic consequences against the shifting of tax consequences, the following factors will also be considered: whether the partnership or a partner individually has a non-tax business purpose for the allocation; whether related items of income, gain, loss, deduction, and credit from the same source are subject to the same allocation; whether the allocation was made without recognition of normal business factors; whether the allocation was made only after the amount thereof could reasonably be estimated; the duration of the allocation; and the overall tax consequences of the allocation.

(*c*) *Effect of economic performance.* The substantiality of the economic effect of an allocation is determined by assuming that the corresponding economic benefit or burden will occur without regard to the probability of such occurrence. For example, the fact that an allocation of an accelerated cost recovery deduction to a partner may not be matched by a corresponding decrease in the recovery property's value shall not be considered in determining the substantiality of the economic effect of the allocation. Thus, there cannot be a strong likelihood that the economic effect of an allocation of an accelerated cost recovery deduction to a partner will be transitory due to a largely offsetting allocation to such partner of gain attributable to the disposition of the recovery property since in determining whether the original allocation has substantial economic effect the economic burden of the accelerated cost recovery deduction is deemed to occur. See examples (1)(vii) and (2) of paragraph (b)(5) of this section. Similar principles apply to depreciation, depletion, amortization, and other forms of cost recovery deduction.

(iv) *Capital accounts*—(*a*) *Proper maintenance of capital accounts.* The economic effect test described in paragraph (b)(2)(ii) of this section requires an examination of the capital accounts of the partners of a partnership. Similarly, the rules contained in pargraph (b)(4)(iv) of this section concerning allocations of loss and deduction attributable to nonrecourse debt which is secured by partnership property require an examination of the partners' capital accounts. These are the capital accounts which, under the terms of the partnership agreement, govern the underlying economic arrangement of the partners. Except as provided in paragraphs (b)(2)(iv)(*b*), (b)(2)(iv)(*c*)(*2*), and (b)(4)(i) of this section, an allocation of income, gain, loss, or deduction cannot have economic effect and shall not be deemed to be in accordance with the partner's interests in the partnership unless the governing capital accounts of the partners follow tax accounting principles. Thus, a partner's capital account generally must be credited with the cash and the adjusted basis of property contributed to the partnership (net of liabilities assumed by the partnership and liabilities to which such contributed property is subject), and his distributive share of partnership income (including income exempt from tax) and gain (or item thereof), and must be debited with the cash and the partnership's adjusted basis of property distributed to him (net of liabilities assumed by such partner and liabilities to which such distributed property is subject), his distributive share of partnership loss and deduction (or item thereof), and his distributive share of expenditures of the partnership described in section 705(a)(2)(B) (which share shall be determined in accordance with the partners' interests in the partnership). In addition, paragraph (b)(2)(iv)(*c*) of this section provides for certain mandatory and optional adjustments to the partners' capital accounts.

(*b*) *Capital account equivalence.* If either capital accounts are not maintained for the partners of a partnership in accordance with paragraphs (b)(2)(iv)(*a*) and (b)(2)(iv)(*c*) of this section or capital accounts do not govern the distribution of liquidation proceeds, but the agreement among the partners would in all cases (irrespective of the economic performance of the partnership) produce the same results as if the requirements of paragraph (b)(2)(ii) of this section (or, in the case of allocations of loss or deduction attributable to nonrecourse debt which is secured by partnership property, paragraph (b)(4)(iv) of this section) had been satisfied, then the requirements of paragraph (b)(2)(ii) of this section (or, in the case of allocations of loss or deduction attributable to nonrecourse debt which is secured by partnership property, paragraph (b)(4)(iv) of this section) shall be deemed satisfied. See examples (16)(ii) and (19)(iii) of paragraph (b)(5) of this section.

(*c*) *Special capital account adjustments*—(*1*) *Transfers of partnership interests.* Generally, upon the sale or exchange of a partnership interest the capital account of the transferor partner which is attributable to such interest will carry over to the transferee partner. However, if the transfer causes a termination of the partnership within the meaning of section 708 (b)(1)(B), the capital accounts of the partners shall govern the constructive liquidation under paragraph (b)(1)(iv) of § 1.708–1, and upon constructive reformation the capital account of each partner shall be redetermined in accordance with paragraph (b)(2)(iv)(*a*) of this section. See example (1)(ix) of paragraph (b)(5) of this section. In the case of a nonterminating sale or exchange of an interest in a partnership which has a section 754 election in effect, the partner who receive the benefit or detriment of the special basis adjustment under section 743 may, if authorized under the partnership agreement, make a corresponding adjustment to his capital account. See example (1)(viii) of paragraph (b)(5) of this section However, when a partnership interest is transferred more than once, appropriate adjustments shall be made to avoid double counting of basis adjustments in a partner's capital account. See paragraph (b)(2)(iv) of § 1.743–1.

(*2*) *Preliquidation adjustments.* Upon liquidation and winding up of the partnership, unsold partnership property may be valued to determine the gain or loss which would have resulted if such property were sold, and the governing capital accounts of the partners, which have otherwise been maintained in accordance with this paragraph (b)(2)(iv), may be adjusted to reflect how such gain or loss would have been allocated if such property had been sold at the assigned values. This preliquidation adjustment to capital

accounts shall have no effect on the validity of any allocation recognized under this paragraph so long as partnership property is distributed in accordance with the partners' capital account balances with reference to the assigned values of such property and such assigned values are reasonable and can be supported by the partnership. See example (14)(iii) of paragraph (b)(5) of this section. If it cannot be established that such assigned values are reasonable, the provisions of this paragraph (b)(2)(iv)(*c*)(*2*) shall not apply.

(*3*) *Adjustments relating to section 613A(c)(7)(D).* Notwithstanding the provisions of section 613A(c)(7)(D) and § 1.613A–3, solely for purposes of maintaining capital accounts under this paragraph, depletion with respect to oil and gas wells shall be computed at the partnership level. The partnership shall compute a simulated depletion allowance on each oil or gas property using that method, as between the cost depletion method or the percentage depletion method (without regard to limitations which theoretically could apply to less than all the partners such as the quantity limits of section 613A(c)(3)), which results in the greatest simulated depletion allowance. The partnership's simulated depletion allowance shall reduce the partners' capital accounts in the same proportion as such partners (or their predecessors in interest) were allocated adjusted basis under section 613A(c)(7)(D), paragraph (e) of § 1.613A–3, and paragraph (b)(4)(v) of this section with respect to such property. In no event shall the partnership's aggregate simulated depletion allowances with respect to an oil or gas property exceed the partnership's adjusted basis in such property (maintained solely for capital account purposes). Upon the taxable disposition of an oil or gas property by a partnership, such partnership's gain or loss shall be determined (solely for capital account purposes) by subtracting its adjusted basis in such property (maintained solely for capital account purposes) from the amount realized from such disposition. Any resultant simulated gain shall be allocated to the partners in the same manner as that portion of the amount realized from such disposition which exceeds the partnership's adjusted basis in such property (maintained solely for capital account purposes) is allocated to such partners (as determined under paragraph (b)(4)(v) of this section) and shall increase such partners' capital accounts accordingly. Any resultant simulated loss shall be allocated to the partners in the same proportion as such partners (or their predecessors in interest) were allocated adjusted basis under section 613A(c)(7)(D), paragraph (e) of § 1.613A–3, and paragraph (b)(4)(v) of this section with respect to such property and shall reduce such partners' capital accounts accordingly. See example (19)(vi) of paragraph (b)(5) of this section.

(3) *Partner's interest in the partnership.* References in section 704(b) and this paragraph to a partner's interest in a partnership, or to the partners' interests in the partnership, signify the manner in which the partners have agreed to share the economic benefit or burden with respect to the income, gain, loss, deduction, or credit (or item thereof) that is allocated. This sharing arrangement may or may not correspond to the overall economic arrangement of the partners. Thus, a partner who has a 50 percent interest in the partnership overall may have a 90 percent interest in a particular item of income or deduction. The determination of a partner's interest in a partnership shall be made by taking into account all facts and circumstances relating to the economic arrangement of the partners. All partners' interests in the partnership are presumed to be equal (determined on a per capita basis). However, this presumption may be rebutted by the taxpayer or the Internal Revenue Service proving facts and circumstances which show that the partners' interests in the partnership are otherwise. The following facts and circumstances may be relevant:

(i) The partners' relative contributions to the partnership;

(ii) The interests of the partners in economic profits and losses (if different from that in taxable income or loss);

(iii) The interests of the partners in cash flow and other distributions; and

(iv) The rights of the partners to distributions of capital and other property upon liquidation.

See examples (1)(i) and (v), (4), (5)(i), (10)(ii), (15), (17)(i), and (19)(iv) and (v) of paragraph (b)(5) of this section.

(4) *Special rules*—(i) *Allocations where there are disparities between tax and book capital accounts.* Cases may arise in which, under the economic arrangement of the partners, appreciation or diminution in the value of partnership property (including property which is being contributed to or distributed by the partnership) is reflected by upward or downward adjustments to the capital accounts of the partners prior to the recognition for tax purposes of the taxable gain or loss attributable thereto. When the taxable gain or loss attributable to such adjustments is recognized for tax purposes, allocations thereof cannot, to the extent of the such adjustments, properly give rise to additional adjustments to the partners' capital accounts. Thus, under paragraphs (b)(2)(iv)(*a*) and (b)(2)(ii)(*a*) of this section, such allocations cannot have economic effect. This subdivision shall apply only if such capital account adjustments are made in accordance with sound financial accounting principles, are made principally for a non-tax business purpose, are the sole reason for the disparity between tax capital accounts and the governing book capital accounts, and are made in connection with the contribution of property by a partner, the distribution of property to a partner, the sale, exchange or retirement of all or a portion of a partner's interest, or the admission of a new partner. However, in the case of capital account adjustments made to reflect the appreciation or diminution in the value of property contributed by a partner, this subdivision shall not apply if the depreciation, depletion, or gain or loss with respect to such property is determined under section 704(c)(1) and paragraph (c)(1) of this section. See example (13(i) of paragraph (b)(5) of this section. If this subdivision applies, an allocation of depreciation, depletion, or gain or loss with respect to the property that gave rise to the capital account adjustments, which allocation is not governed by section 704(c)(2) and paragraph (c)(2) of this section, must be made in accordance with the partner's interests in the partnership and shall be deemed to be made in accordance therewith if such allocation is designed to eliminate, to the extent possible, the disparity between tax capital accounts and the governing book capital accounts. Generally, this will require the application of principles the same as those contained in section 704(c)(2) and paragraph (c)(2) of this section. If (*a*) the provisions of this paragraph (b)(4)(i) apply, (*a*) the requirements of the previous two sentences are satisfied, and (*c*) the requirements of paragraph (b)(2)(ii) of this section (or, in the case of allocations of loss or deduction attributable to nonrecourse debt which is secured by partnership property, paragraph (b)(4)(iv) of this section) are satisfied with reference to the governing book capital accounts of the partners, then the upward or downward capital account adjustments referred to in the first sentence of this subdivision shall not affect the validity of any prior allocation recognized under this paragraph. Furthermore, in such cases

subsequent allocations of income, gain, loss, deduction, or credit for item thereof) of the partnership (other than those which are recognized in satisfying requirement (*b*) above) shall be deemed to be made in accordance with the partners' interests in the partnership to the extent the allocation either would have been so deemed or could have had substantial economic effect if paragraph (b)(2)(iv)(*a*) of this section had permitted such upward or downward adjustments to be made to capital accounts. See examples (13)(ii), (14)(i), and (18) of paragraph (b)(5) of this section. See paragraph (b)(2)(iv)(*c*)(*2*) of this section concerning preliquidation adjustments to capital accounts.

(ii) *Credits.* Allocations of tax credits (and credit recapture) do not properly give rise to adjustments to the partners' capital accounts. Thus, under paragraphs (b)(2)(iv)(*a*) and (b)(2)(ii)(*a*) of this section, such allocations cannot have economic effect and the tax credits (and credit recapture) must be allocated in accordance with the partners' interests in the partnership at the time the tax credit (or credit recapture) arises. For credits other than the investment tax credit provided by section 38, if all income, gain, loss, and deduction (or item thereof) from the property or activity which gives rise to the credit is allocated among the partners in the same manner, and if those allocations have substantial economic effect, then an allocation of the credit (or the cost giving rise to such credit) in such manner shall be deemed to be made in accordance with the partners' interests in the partnership. See example (11) of paragraph (b)(5) of this section. For rules applicable to the allocations with respect to the investment tax credit allowable by section 38, see § 1.46–3(f)(2). Allocations made in accordance with § 1.46–3(f)(2) shall be deemed to be made in accordance with the partners' interests in the partnership.

(iii) *Percentage depletion.* Allocations of percentage depletion after the adjusted basis of the depletable property has been reduced to zero do not properly give rise to adjustments to the partners' capital accounts. Thus, under paragraphs (b)(2)(iv)(*a*) and (b)(2)(ii)(*a*) of this section, such allocations cannot have economic effect and such percentage depletion must be allocated in accordance with the partners' interests in the partnership. (Special rules relating to oil and gas properties are contained in paragraphs (b)(2)(iv)(*c*)(*3*) and (b)(4)(v) of this section.) If all items of income, gain, loss, and deduction from the depletable property are allocated among the partners in the same manner, and if those allocations either have substantial economic effect or are deemed to be in accordance with the partners' interests in the partnership, then an allocation of percentage depletion in excess of the adjusted basis of such property in such manner shall be deemed to be made in accordance with the partners' interests in the partnership. See example (12) of paragraph (b)(5) of this section.

(iv) *Nonrecourse debt.* Allocations of loss or deduction (or item thereof) attributable to nonrecourse debt which is secured by partnership property do not have substantial economic effect since the creditor bears the economic burden of any losses attributable thereto. Thus, such allocations must be made in accordance with the partners' interests in the partnership. A loss or deduction (or item thereof) is attributable to nonrecourse debt which is secured by partnership property to the extent of the excess of the outstanding principal balance of such debt (excluding any portion of such principal balance which would not be treated as an amount realized under section 1001 and paragraph (a) of § 1.1001–2 if such debt were foreclosed upon) over the adjusted basis of such property. This excess represents the minimum taxable gain (whether taxable as capital gain or as ordinary income) which would be recognized by the partnership if the nonrecourse debt were foreclosed upon and the partnership property securing such debt were transferred to the creditor in satisfaction thereof; it is hereinafter referred to as the "minimum gain." Allocations of loss or deduction (or item thereof) attributable to nonrecourse debt which is secured by partnership property shall be deemed to be made in accordance with the partners' interests in the partnership if requirements (*a*), (*b*), and (*c*) of paragraph (b)(2)(ii) of this section are satisfied, or if the capital account equivalence test of paragraph (b)(2)(iv)(*b*) of this section is satisfied, or if requirements (*a*) and (*b*) of paragraph (b)(2)(ii) of this section are satisfied and:

(*a*) The allocation of loss or deduction (or item thereof) attributable to nonrecourse debt which is secured by partnership property does not cause the sum of the deficit capital account balances of the partner or partners receiving such allocations (excluding the portion of such deficit balances that must be restored to the partnership upon liquidation) to exceed the minimum gain (determined at the end of the partnership taxable year to which the allocations relate), and

(*b*) The partnership agreement provides that the partner or partners with deficit capital account balances resulting in whole or in part from allocations of loss or deduction (or item thereof) attributable to nonrecourse debt which is secured by partnership property shall, to the extent possible, be allocated income or gain (or item thereof) in an amount no less than the minimum gain and at a time no later than the time at which the minimum gain is reduced below the sum of such deficit capital account balances. See example (17) of paragraph (b)(5) of this section. If the partners' interests in allocations of loss or deduction (or item thereof) attributable to nonrecourse debt which is secured by partnership property are varied among taxable years in order to reduce the overall tax liabilities of the partners (other than variations resulting solely from the admission or retirement of a partner), allocations made pursuant to such variation shall not be deemed to be in accordance with the partners' interests in the partnership under this subdivision. See example (17)(vi) of paragraph (b)(5) of this section. For purposes of computing the sum of the partners' deficit capital account balances referred to in requirement (*a*) above, if any property (including cash) is held by the partnership at the end of the partnership taxable year and there is a reasonable expectation that such property will be distributed to a partner (other than in liquidation of the partnership) prior to a corresponding increase in such partner's capital account, such property shall be treated as having been distributed to such partner on the last day of such taxable year. Also, for purposes of requirement (*a*) above, the minimum gain shall be reduced by the cost of any capital improvements to be made to the subject property and the amount of any principal payments to be made with respect to the nonrecourse debt secured by such property to the extent there is a reasonable expectation that such improvements or payments will, without regard to this sentence, reduce the minimum gain below the sum of the deficit capital account balances referred to in requirment (*a*) above. If, after the application of the previous two sentences, an event nonetheless causes the sum of the partners' deficit capital account balances referred to in requirements (*a*) above to exceed the minimum gain, requirements (*a*) and (*b*) above shall be deemed satisfied provided partnership income, gain, loss, and deduction (or item thereof) are thereafter allocated in a manner which

reduces and eliminates the excess as rapidly as possible. For purposes of this paragraph, the term "nonrecourse debt" means a partnership liability with respect to which none of the partners has any personal liability as determined under paragraph (e) of § 1.752–1.

(v) *Allocations relating to section 613A(c)(7)(D).* If the partnership agreement provides for an allocation of the adjusted basis of an oil or gas property among the partners, that allocation shall be deemed to be made in accordance with the partners' interests in partnership capital or income under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3 provided all partnership allocations of income, gain, loss, and deduction (or item thereof) are valid under this paragraph. Otherwise, such adjusted basis must be allocated pursuant to section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3 in accordance with the partners' actual interests in partnership capital or income. In determining the partners' allocable shares of the amount realized from the partnership's taxable disposition of an oil or gas property under paragraph (e) of § 1.613A–3, the portion of the amount realized that represents recovery of the partnership's adjusted basis in the property (maintained solely for capital account purposes) shall be allocated to the partners in the same proportion as such partners (or their predecessors in interest) where allocated adjusted basis with respect to such property. An allocation of the portion of the amount realized which exceeds the partnership's adjusted basis in the property (maintained solely for capital account purposes) shall be deemed to be made in accordance with the partners' allocable shares of such amount realized for purposes of paragraph (e) of § 1.613A–3 provided all partnership allocations of income, gain, loss, and deduction (or item thereof) are valid under this paragraph. Otherwise, the partners' allocable shares of such amount realized shall for purposes of paragraph (e) of § 1.613A–3 be determined in accordance with the partners' interests in the partnership under paragraph (b)(3) of this section. See example (19) of paragraph (b)(5) of this section. Allocations of basis and amount realized under this subdivision shall have no effect on the partners' capital accounts, as capital account adjustments relating to section 613A(c)(7)(D) are made under paragraph (b)(2)(iv)(*c*)(3) of this section.

(vi) *Amendments to partnership agreement.* For purposes of this paragraph the partnership agreement includes all agreements among the partners concerning the affairs of the partnership, whether oral or written, and whether or not embodied in the document referred to as the partnership agreement. If an allocation has substantial economic effect or is deemed to be made in accordance with the partners' interests in the partnership under this paragraph because of the terms of the partnership agreement in effect during the taxable year to which such allocation relates, and the terms of the partnership agreement are thereafter modified, (*a*) the tax consequences of the modification will be closely scrutinized, (*b*) the facts and circumstances surrounding the modification will be closely examined to determine whether it was part of the original agreement, (*c*) prior allocations may be reallocated in a manner consistent with the modified terms of the agreement, and (*d*) subsequent allocations may be reallocated in a manner consistent with the original terms of the partnership agreement. A reallocation made under (*c*) or (*d*) above shall be deemed to be made in accordance with the partners' interests in the partnership. See example (17)(vii) of paragraph (b)(5) of this section.

(vii) *Recapture.* For special rules applicable to the allocation of recapture income or credit, see §§ 1.1245–1(e), 1.1250–1(f), 1.1254–1(c) and 1–47–6(a).

(5) *Examples.* The operation of the rules in this section is illustrated by the following examples:

Example (1). (i) A and B form a general relationship with cash contributions of $40,000 each which are used to purchase depreciable personal property at a cost of $80,000. The partnership agreement provides that A and B will have equal shares of taxable income and loss (computed without regard to cost recovery deductions) and cash flow and that all cost recovery deductions on the property are to be allocated to A. The agreement further provides that all allocations are reflected in the capital accounts of A and B maintained in accordance with paragraph (b)(2)(iv) of this section) but that each partner will be entitled to equal distributions upon liquidation regardless of capital account balances. In the partnership's first taxable year it recognizes no taxable income or loss from operations except for a $20,000 cost recovery deduction which is allocated entirely to A. The fact that A and B will be entitled to equal distributions on liquidation despite the fact that A is allocated the entire $20,000 cost recovery deduction indicates that A does not bear the full risk of loss represented by such deduction. Therefore, the allocation lacks economic effect and will be disregarded. The fact that the partners made equal contributions to the partnership, share equally in other taxable income and loss and cash flow, and will share equally in liquidation proceeds indicates that their actual economic arrangement was to bear the risk imposed by the potential decrease in the value of the property equally. Thus, under paragraph (b)(3) of this section, the partners' interests in the partnership are equal and the cost recovery deduction will be so allocated between A and B.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that liquidation proceeds will be distributed in accordance with capital account balances if the partnership is liquidated during the first five years of its existence but that liquidation proceeds will be distrubuted equally if the partnership is liquidated thereafter. Since capital accounts do not govern the distribution of liquidation proceeds during the entire term of the partnership the partnership allocations have no economic effect and must be reallocated in accordance with the partners' interests in the partnership.

(iii) Assume the same facts as in (i) except that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and that following the liquidation no partner is required to fund any deficit in his capital account for distribution to partners with positive capital accounts balances.

	A	B
Capital account upon formation	$40,000	$40,000
Less: cost recovery deduction	(20,000)	0
Capital account at end of year 1	20,000	40,000

If the property were then sold for $60,000 (its adjusted basis), $40,000 would be distributed to B and $20,000 would be distributed to A. The allocation of the $20,000 cost recovery deduction to A has substantial economic effect.

(iv) Assume the same facts as in (iii) and that in the partnership's second taxable year it again recognizes no taxable income or loss from operations except for a $25,000 cost recovery deduction which is allocated entirely to A. Assume further that the partnership does not expect to make any distributions prior to liquidation.

	A	B
Capital account at beginning of year 2	$20,000	$40,000
Less: cost recovery deduction	(25,000)	0
Capital account at end of year 2	(5,000)	40,000

If the property were then sold for $35,000 (its adjusted basis) the $35,000 would be distributed to B. Since B, and not A, bears the economic burden or risk of $5,000 of the $25,000 cost recovery deduction, that portion will be allocated to B under paragraph (b)(3) of this section. The allocation of $20,000 of the $25,000 cost recovery deduction to A has substantial economic effect since he bears the economic burden or risk associated with that portion of the deduction.

(v) Assume the same facts as in (iv) except that the cost recovery deduction for the year is $20,000 instead of $25,000 and that the property is sold at the end of the year for $35,000 for a $5,000 taxable loss of ($40,000 adjusted basis less $35,000 sales price).

	A	B
Capital account at beginning of year 2	$20,000	$40,000
Less: cost recovery deduction	(20,000)	0
Less: loss on sale	(2,500)	(2,500)
Capital account at end of year 2	(2,500)	37,500

Under the agreement, the $35,000 sales proceeds would be distributed to B. However, since B bears the entire economic burden of the $5,000 loss on the sale of the property, the allocation of $2,500 of that loss to A will not be recognized and the entire $5,000 taxable loss will, under paragraph (b)(3) of this section, be reallocated to B.

(vi) Assume the same facts as in (iv) except that the partnership agreement also provides that, following the distribution of liquidation proceeds, partners are required to restore to the partnership the deficit balance in their capitals accounts (as set forth in paragraph (b)(2)(ii)(*c*) of this section). Thus, if the property were sold for $35,000 at the end of year 2, the $35,000 would be distributed to B, A would contribute $5,000 to the partnership (the deficit balance in his capital account), and an additional $5,000 would be distributed to B. The allocation of the $25,000 cost recovery deduction to A has substantial economic effect. But see section 704(d) and section 465.

(vii) Assume the same facts as in (vi) except that the partnership agreement also provides that any gain (whether ordinary income or capital gain) upon the sale of the property will be charged back to A to the extent of the prior allocations of cost recovery deductions to him, and additional gain will be allocated equally between A and B. The gain chargeback provision affects the economic arangement between A and B even though it means that A will suffer a loss only to the extent that the partnership suffers a loss due to the decrease in the value of the property. Thus, the gain chargeback provision has substantial economic effect and will not render valid or invalid the prior allocations of cost recovery deductions to A. This is the result even if, at the time of the allocations of cost recovery deductions to A, there was a strong likelihood that there will be gain on the sale of the property in an amount sufficient to offset the cost recovery deductions allocated to A.

(viii) Assume the same facts as in (iii) except that the property is not sold and that at the beginning of year 2 A and B each sell 30 percent of their respective partnership interests to LK for $15,000 apiece. If the partnership does not have a section 754 election in effect, A's adjusted capital account will be $14,000 (70 percent of $20,000), B's adjusted capital account will be $28,000 (70 percent of $40,000), and LK's adjusted capital account will be $18,000 (the sum of 30 percent of $20,000 and 30 percent of $40,000). If the partnership has a section 754 election in effect, A's and B's capital accounts will again equal $14,000 and $28,000, respectively, but LK's adjusted capital account may under the partnership agreement be reflected at $30,000 representing the sum of the adjusted capital accounts of the purchased interests ($12,000+$0,000=$18,000) plus the amount of his section 743 basis adjustment ($12,000). Assume that the section 754 election is in effect, the section 743 basis adjustment is reflected in LK's capital account, and prior to the end of year 2 the property is sold for $60,000. Although there is no partnership taxable gain or loss allocable among the partners (since the partnership's common adjusted basis in the property is $60,000), pursuant to section 743 and § 1.743–1 LK will recognize a taxable loss of $12,000 attributable to his special basis adjustment. LK's capital account will be reduced accordingly and the liquidation proceeds of $60,000 will be distributed in accordance with the partners' capital account balances ($14,000 to A, $28,000 to B, and $18,000 to LK). If the partnership agreement does not provide for capital account adjustments to reflect section 743 basis adjustments, LK's capital account will equal $18,000. When the property is sold for $60,000 LK's capital account will not be adjusted downward $12,000 to reflect the loss attributable to his special basis adjustment and the liquidation proceeds will be distributed in accordance with the partners' capital account balances ($14,000 to A, $28,000 to B, and $18,000 to LK).

(ix) Assume the same facts as in (iii) except that the property is not sold and that at the beginning of year 2 A and B each sell 70 percent of their respective partnership interests to LK for $35,000 each. Assume further that the partnership's property is real property and that cost recovery deductions on such property are determined on a straight line basis. The partnership will terminate under section 708(b)(1)(B) and there will be a constructive liquidation and reformation under paragraph (b)(1)(iv) of § 1.708–1. The capital accounts of A, B, and LK in the reconstituted partnership will be redetermined under paragraph (b)(2)(iv)(*c*)(*1*) of this section with reference to the cash and the adjusted basis of the property deemed contributed by each of them. The adjusted basis of the property deemed contributed to the partnership by LK is equal to the $70,000 paid to A and B. The adjusted basis of the property deemed contributed to the partnership by A and B is equal to $6,000 and $12,000, respectively, representing 30 percent of the pre-sale adjusted bases of their respective partnership interests. Thus, the redetermined capital accounts of A, B, and LK will be $6,000, $12,000, and $70,000, respectively.

Example (2). (i) C and D form a general partnership solely to acquire and lease a computer. Each contributes $50,000 and the partnership obtains a $900,000 recourse loan. The partnership agreement provides that the partners may not liquidate the partnership without unanimous consent, that the first $300,000 of taxable loss (determined under section 702(a)(8)) is to be allocated to C, and that all other taxable income and loss (determined under section 702 (a)(8)) is shared equally between C and D. The partnership agreement further provides that the allocation of $300,000 of taxable loss to C and all other allocations will be properly reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and any partner with a deficit balance in his capital account will be liable to the partnership to restore that deficit balance (as set forth in paragraph(b)(2)(ii)(*c*) of this section). The allocation of the $300,000 of losses to C has substantial economic effect. The result would be the same if the liability to restore deficit capital account balances is omitted from the partnership agreement but an identical liability is imposed under state law. The result would be the same if the partnership agreement also provides that upon sale of the computer the first $300,000 of gain (whether ordinary income or capital gain) will be allocated to C.

(ii) Assume the same facts as in (i) except that instead of allocating the first $300,000 of taxable loss (determined under section 702(a)(8)) to C, the partnership agreement provides that taxable loss will be allocated 99 percent to C and one percent to D until such time as the partnership has taxable income (determined under section 702(a)(8)). Thereafter, C will be allocated 99 percent of such taxable income until he has been allocated taxable income equal to the taxable loss previously allocated to him. Assume further that the computer is 3-year property for purposes of section 168. The partnership enters into a 6 year lease with a major corporation under which the partnership expects to have a taxable loss in each of the first 3 taxable years due to accelerated cost recovery deductions attributable to the computer and taxable income in each of the following 3 taxable years due to the absence of such cost recovery deductions. Assume that there is a strong likelihood that the aggregate taxable loss in the second 3 year period will exceed the aggregate taxable loss in the first 3 year period and that the allocations will result in a reduction in the overall tax liabilities of the partners. Under these facts, the allocations have substantial economic effect. There cannot have been a strong likelihood at the time the allocations were provided for in the partnership agreement that the economic effect of such allocations would be transitory due to largely offsetting allocations, since the computer is deemed to decrease in value to zero at the end of year 3 in accordance with its accelerated cost recovery deduction schedule.

Example (3). E and F, each of whom is engaged as a sole proprietor in the business of developing and marketing experimental electronic devices, enter into a partnership agreement to develop and market experimental electronic devices. E contributes $2,500 cash and agrees to devote his full-time services to the partnership. F contributes $100,000 cash and agrees to obtain a loan for the partnership for any

additional capital needs. The partnership agreement provides that the full amount of any research and experimental expenditures and any interest expense on partnership loans are to be allocated to F and will reduce F's capital account. Furthermore, F's distributive share is 90 percent of all other partnership income or loss (computed without regard to such research and experimental expenditures and such interest expense), until F has been allocated income equal to the sum of such research and experimental expenditures, such interest expense, and his share of any partnership losses. During this time, E's distributive share will be 10 percent. Thereafter, E and F will share income and loss equally. These allocations are properly reflected in E's and F's capital accounts (maintained in accordance with paragraph(b)(2)(iv) of this section). The partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances and that each partner is liable to restore to the partnership any deficit balance in his capital account (as set forth in paragraph(b)(2)(ii)(*c*) of this section). The allocations described above have economic effect. Furthermore, that economic effect is substantial since there was not a strong likelihood at the time the allocation of research and experimental expenditues and interest expense on partnership loans to F was provided for in the partnership agreement that the economic effect of such allocations would be transitory due to largely offsetting allocations.

Example (4). G and H contribute $75,000 and $25,000, respectively, in forming a general partnership. The partnership agreement provides that income, gain, loss, and deduction will be allocated equally even though cash flow from operations and cash proceeds from a sale or a refinancing of partnership assets will, regardless of capital account balances, be distributed 75 percent to G and 25 percent to H. Partners are not required upon liquidation to restore deficit capital account balances to the partnership for distribution to partners with positive capital accounts balances. The allocations in the partnership agreement do not have economic effect. Because the partnership agreement indicates that all economic profits and losses of the partnership are to be shared in a 75–25 ratio, G's interest in the partnership's income, gain, loss and deduction is 75 percent; H's interest in the partnership's income, gain, loss and deduction is 25 percent.

Example (5). (i) Partners I and J generally share equally in the profits and losses of their general partnership. The partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances (maintained in accordance with paragraph (b)(2)(iv) of this section) and that any partner with a deficit in his capital account following the liquidating distribution must restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). For a taxable year in which I expect to have a large amount of income from other sources but J does not, the partnership agreement is amended (at the beginning of the taxable year) to allocate all the capital gain to I and all the ordinary income to J for that year only. The partnership has $4,900 of net capital gain and $5,100 of ordinary income for the taxable year. The partnership makes no distribution during the year. The capital accounts of the partners continue to be adjusted on a 50–50 basis to reflect an increase of $5,000, indicating that I and J are continuing to share equally in the economic proceeds of the partnership. These allocations do not have economic effect because the allocations are not reflected by appropriate adjustments to capital accounts. Therefore, the allocations will be disregarded and both types of income will be reallocated (under paragraph (b)(3) of this section) in accordance with the partners' interests in the partnership. Since I and J generally share equally in the profits and losses of the partnership, and will be entitled to equal distributions upon liquidation, they will each be allocated $2,450 of net capital gain and $2,550 of ordinary income.

(ii) Assume the same facts as in (i) except that I's capital account is credited with $4,900, while J's is credited with $5,100, and the capital accounts are otherwise maintained in accordance with paragraph (b)(2)(iv) of this section. Assume further that at the time the partnership agreement is amended (at the beginning of the taxable year) there is a strong likelihood that the difference between the amount of expected partnership capital gain and the amount of expected partnership ordinary income for the taxable year will be relatively insignificant. Although each partner receives the full economic benefit of the allocation received, the actual dollar amount of the partner's shares is affected by only $200. J has increased receipts of $100, and I has decreased receipts of $100. This is a minor shift in economic consequences when compared to the shift in tax consequences resulting from the allocations (taking into account the partners' nonpartnership tax attributes). Consequently, although the allocations have economic effect, the economic effect is not substantial when weighed against the effect on tax consequences. Therefore, the allocations will be disregarded and both types of income will be reallocated in accordance with the partners' interests in the partnership.

(iii) Assume the same facts as an (ii) except that at the time the partnership agreement is amended (at the beginning of the taxable year) there is not a strong likelihood that the relative difference between the amount of expected partnership ordinary income for the taxable year will be insignificant. (See the presumption described in paragraph (b)(2)(ii)(*a*) of this section.) The allocations of the $4,900 capital gain to I and the $5,100 ordinary income to J have substantial economic effect.

Example (6). (i) K and L are equal partners in a general partnership formed to acquire and operate property described in section 1231(b). For a year in which the partnership expects to incur losses on the sale of a portion of such property, the partnership agreement is amended (at the beginning of the taxable year) to allocate such losses to K, who expects to have no gains from the sale of depreciable property described in section 1231(b), and to allocate an equivalent amount of partnership loss or deduction for that year of a different character to L, who expects to have such gains. Any deductions or losses in excess of these allocations are allocated equally between K and L. The amendment is effective only for that taxable year. All allocations are properly reflected by appropriate adjustments to each partner's capital account (maintained in accordance with paragraph (b)(2)(iv) of this section), the partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances and that any partner with a deficit in his capital account following the liquidating distribution must restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). Although these provisions signify the presence of economic effect, whether that economic effect is considered substantial depends on the likelihood that the partnership will incur deductions or losses in the taxable year other than from the sale of property described in section 1231(b) in an amount that will largely offset the expected amount of losses from the sale of such property. If at the beginning of the taxable year there is a strong likelihood that this will occur, the economic effect of the allocations will not be considered substantial.

(ii) Assume the same facts as in (i) except that the amendment to the partnership agreement provides that K will be allocated losses attributable to the sale of the property described in section 1231(b) and that all other deductions and losses of the partnership will be allocated to L. Assume further that at the beginning of the taxable year there is not a strong likelihood that there will be little or no difference between the amount of losses from the sale of the property described in section 1231(b) for the taxable year and the amount of other losses and deductions for such year. (See the presumption described in paragraph (b)(2)(ii)(*a*) of this section.) The allocations have substantial economic effect.

Example (7). (i) Rather than impair the credit standing of the MN general partnership by a distribution, the partners agree to invest surplus partnership funds in equal dollar amounts in tax-exampt municipal bonds and corporate stock. The partners further agree that M is to be allocated 90 percent and N 10 percent of the interest income and gain or loss from the sale of the tax-exempt bonds, and that M is to be allocated 10 percent and N 90 percent of the dividend income and gain or loss from the sale of the corporate stock. These allocations will be reflected by appropriate adjustments to capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances and any partner with a deficit in his capital account following the liquidating distribution will contribute the amount of such deficit to the partnership (as set forth in paragraph

(b)(2)(ii)(*c*) of this section). These allocations have substantial economic effect.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that the allocations only apply to the first $10,000 of interest income from the municipal bonds and dividend income from the corporate stock and are effective only for the partnership's first taxable year. All other income, gain, loss, and deduction will be allocated equally between M and N. Assume that at the beginning of its first taxable year there is a strong likelihood that in such taxable year the partnership will earn more than $10,000 with respect to both investments. Under these facts, the allocations have economic effect, but the economic effect is not substantial when weighed against the likelihood that the allocation will merely affect the character for tax purposes of the income that is earned by each partner. If at the beginning of its first taxable year there is not a strong likelihood that (*a*) the partnership will earn more than $10,000 of income with respect to both investments in such taxable year, and (*b*) that the relative difference between the amounts of income earned from the two investments in such taxable year will be insignificant, then the economic effect of the allocations is substantial. In this regard, see the presumption described in paragraph (b)(2)(ii)(*a*) of this section.

Example (8). (i) O and P are equal partners in the OP general partnership. Partner O has a net operating loss carryover from another venture which is due to expire in the current taxable year. The partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances and further provides that any partner with a deficit in his capital account following the liquidating distribution will contribute the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). The partnership agreement is amended (at the beginning of the taxable year) to allocate all the taxable income for the year to O. Future losses are to be allocated to O, and future income to P until the excess allocation of income to O is offset. It is further orally agreed that, in the event that the partnership is liquidated prior to such recovery, O's capital account will be adjusted downward to the extent the excess income allocations to O have not been offset and the proceeds of the liquidation will be distributed in accordance with adjusted capital account balances. The allocations described in this example lack economic effect and will be disregarded.

(ii) Assume the same facts as in (i) except that there is no agreement that O's capital account will be adjusted downward to the extent of any unrecovered excess income allocation to O. Assume also that the partnership agreement prohibits a liquidation in the absence of unanimous consent and that the income of the partnership is generated entirely by fixed interest payments received from AAA rated corporate bonds. Notwithstanding the fact that the allocation has economic effect, as evidenced by adjustments to the partners' capital accounts, the allocation would significantly reduce the overall tax liabilities of the partners and at the time the allocation is provided for in the partnership agreement there is a strong likelihood that the economic effect of the allocation will be transitory due to largely offsetting allocations to O and P. Consequently, the economic effect of the allocation of income to O is not substantial. If, based upon the attendant business factors (*e.g.*, rating of the debt instrument, amounts of income stream, agreement concerning liquidation, etc.) there is not a strong likelihood that the economic effect of the allocation of income to O will be offset by allocations to O and P, such allocation has substantial economic effect.

Example (9). Q and R form QR general partnership, a law firm. The partnership agreement provides that fees for acting as a fiduciary are to be allocated 90 percent to Q and 10 percent to R, and all remaining income and loss is to be allocated to Q and R equally. The partnership agreement also provides that all allocations of income and loss will be properly reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and that any partner with a deficit balance in his capital account following the distribution of such proceeds will contribute the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section. The allocations made under the partnership agreement have substantial economic effect.

Example (10). (i) S and T form a general partnership to operate a travel agency. The partnership agreement provides that T, a nonresident alien, is to be allocated all income and loss derived from operations conducted by him within his country, and all remaining income and loss is to be allocated equally. The partnership agreement provides that allocations of income and loss will be reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances, and that any partner with a deficit balance in his capital account following the distribution of such proceeds will contribute the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). The allocations made under the partnership agreement have substantial economic effect.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that all income and loss is to be shared equally, but that T will be allocated all income and loss from operations conducted by him within such country as a part of his equal share up to the amount of his share. The allocation to T of the foreign source income does not have substantial economic effect. The foreign source income shall, along with the other income of the partnership, be allocated equally between S and T.

Example (11). U and V equally share all the income gain, loss, and deduction of the UV general partnership. The agreement provides that allocations will be reflected by appropriate adjustments to U's and V's capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances, and that any partner with a deficit balance in his capital account following the liquidating distribution will restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). For one taxable year the partnership has qualified first-year wages of $6,000 and is entitled to a $3,000 targeted jobs tax credit under sections 44B and 51 of the Code. The partnership agreement allocates the credit to U. The allocation lacks substantial economic effect because the wage expenses are shared equally. At the beginning of the next taxable year, the partnership agreement is amended to charge U with all wage payments whether or not such wages qualify for the credit. In that taxable year the UV partnership pays $8,000 in total wages to its employees. Assume that the partnership has no other income, gain, loss, or deduction for the year and that $6,000 of the $8,000 in wages constitutes qualified first-year wages. U is allocated the entire deduction attributable to the $6,000 of qualified first-year wages ($6,000−$3,000 reduction under section 280C=$3,000) as well as the deduction for the other $2,000 in wage expenses. His capital account is debited by that $5,000 ($3,000+$2,000). Assume that the allocations of the wage deductions have substantial economic effect. Under paragraph (b)(4)(ii) of this section, the allocation of the entire wage credit to U will be deemed to be in accordance with the partner's interests in the partnership. In addition, under paragraph (b)(3) of this section, U has a 100 percent interest in the $3,000 section 705(a)(2)(B) adjustment attributable to the $3,000 reduction in the deduction for qualified first-year wages, and his capital account is reduced accordingly.

Example (12). (i) W and X form a general partnership for the purposes of mining iron ore. W makes an initial contribution of $75,000, and X makes an initial contribution of $25,000. The partnership agreement provides that all items of income, gain, loss, and deduction will be allocated 75 percent to W and 25 percent to X, except that the entire percentage depletion deduction will be allocated to W. The agreement provides that the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section) will properly reflect these allocations, that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and that any partner with a deficit balance in his capital account following the liquidating distribution must restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(c) of this section). Assume that for a taxable year when the adjusted basis of certain depletable property is $1,000, the percentage depletion deduction with respect to that property is $1,500. The allocation of the first $1,000 of such depletion to W has substantial economic effect and will be

recognized because such allocation is properly reflected in W's capital account. The allocation to W of the remaining $500 of depletion, representing the excess of percentage depletion over adjusted basis, does not have economic effect since such amount cannot be properly reflected in the partners' capital accounts. Furthermore, since W is allocated 100 percent of the cost depletion deduction and 75 percent of all other income, gain, loss, and deduction, the allocation to W of the $500 of percentage depletion over adjusted basis does not meet the test of paragraph (b)(4)(iii) of this section for being deemed to be made in accordance with partners' interests in the partnership. Therefore, this $500 excess is reallocated in accordance with the partners' interest in the partnership.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that 90 percent of all income, gain, loss, or deduction from the depletable property is allocated to W. Since the percentage depletion deduction is allocated in a manner consistent with valid allocations of all income, gain, loss, and deduction from the depletable property, the allocation of 90 percent of the percentage depletion in excess of adjusted basis to W will be deemed to be in accordance with his interest in the partnership under paragraph (b)(4)(iii) of this section.

Example (13). (i) Y and Z form a brokerage general partnership for the purpose of investing and trading in stock and securities. Y contributes cash of $10,000 and Z contributes securities of T corporation which have an adjusted basis of $3,000 and a fair market value of $10,000. The initial capital accounts of Y and Z are each fixed at $10,000. The partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances and that any partner with a deficit balance in his capital account following the liquidating distribution will contribute to the partnership an amount equal to such deficit (as set forth in paragraph (b)(2)(ii)(*c*) of this section). The agreement further provides that all income, gain, loss, deduction, and credit shall be shared equally between Y and Z. Thereafter, the partnership sells the securities of T corporation for $12,000, and the $9,000 gain ($12,000−$3,000) is allocated equally between Y and Z. The allocation of $7,000 of the $9,000 gain equally between Y and Z is not subject to section 704(b) or this paragraph but is governed by section 704(c) (1) and paragraph (c)(1) of § 1.704–1 and is valid thereunder. The allocation of the remaining $2,000 gain equally between Y and Z is subject to section 704(b) and this paragraph. Because the governing capital accounts of the partners are not based strictly on tax accounting principles (and thus are not maintained in accordance with paragraph (b)(2)(iv) of this section), the allocation of the $2,000 gain lacks substantial economic effect. Furthermore, since the $7,000 gain is allocated pursuant to section 704(c)(1) the allocation of the remaining $2,000 gain equally between Y and Z is not deemed to be made in accordance with the partners' interests in the partnership under paragraph (b)(4)(i) of this section. The $2,000 gain must be reallocated in accordance with the partners' actual interests in the partnership as determined under paragraph (b)(3) of this section to the extent the original allocation is inconsistent therewith.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that the taxable gain attributable to the precontribution appreciation in the value of the securities of T corporation will be allocated to Z and all other income, gain, loss, deduction, and credit shall be shared equally between Y and Z. When the securities of T corporation are sold for $12,000, $7,000 of the $9,000 gain is allocated to Z and the remaining $2,000 gain is allocated equally between Y and Z. The allocation of $7,000 of the $9,000 gain to Z is not subject to the provisions of section 704 (b) of this paragraph but is governed by section 704 (c)(2) and paragraph (c)(2) of § 1.704–1 and is valid thereunder. The allocation of the remaining $2,000 gain equally between Y and Z is subject to section 704(b) and this paragraph. Because the governing capital accounts of the partners are not based strictly on tax accounting principles (and thus are not maintained in accordance with paragraph (b)(2)(iv) of this section), the allocation of the $2,000 gain lacks substantial economic effect. However, since the $7,000 gain is allocated pursuant to section 704 (c)(2), and the requirements of paragraph (b)(4)(i) of this section are otherwise complied with, the allocation of the $2,000 gain equally between Y and Z is deemed to be made in accordance with the partners' interests in the partnership under paragraph (b)(4)(i) of this section.

(iii) Assume the same facts as in (ii) except that the initial capital accounts of Y and Z (maintained in accordance with paragraph (b)(2)(iv) of this section) are fixed at $10,000 and $3,000, respectively. When the securities of T corporation are sold for $12,000, $7,000 of the $9,000 gain is allocated to Z and the remaining $2,000 gain is allocated equally between Y and Z. The allocation of $7,000 of the $9,000 gain to Z is not subject to the provisions of section 704 (b) or this paragraph but is governed by section 704 (c)(2) and paragraph (c)(2) of § 1.704–1 and is valid thereunder. The allocation of the remaining $2,000 gain equally between Y and Z is subject to 704 (b) and this paragraph and has substantial economic effect.

Example (14). (i) MC and RW form a brokerage general partnership by each contributing $10,000. The $20,000 is invested in securities which appreciate to $50,000. At that time SK makes a $25,000 cash contribution to the partnership in order to become an equal one-third partner, which cash is placed in a bank account. Upon SK's admission to the partnership, the capital accounts of MC and RW (which were $10,000 each prior to SK's admission), are each adjusted upward (to $25,000) to reflect the appreciation in the partnership's assets occurring before SK entered the partnership. The partnership agreement provides that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances and that any partner with a deficit balance in his capital account following the liquidating distribution will contribute to the partnership an amount equal to such deficit (as set forth in paragraph (b)(2)(ii)(*c*) of this section). Subsequently, when the value of the securities has appreciated to $74,000, they are sold. Of the $54,000 taxable gain on the sale of the securities, $24,000 (the appreciation in value occurring after SK became a partner) is allocated in equal shares to MC, RW, and SK, in accordance with the ratio for sharing profits and losses generally. The $30,000 balance is, under the principles contained in section 704(c)(2) and § 1.704–1(c)(2), allocated to MC and RW in proportion to their interests in the partnership before SK became a partner. These latter allocations attribute to MC and RW the unrealized appreciation in value of the securities occurring before SK became a partner, and accurately reflect the adjustments previously made to the capital accounts upon the entry of SK. Although such allocations have no economic effect (since they will not be reflected in MC's and RW's capital accounts), the allocation will be deemed to be made in accordance with the partners' interests in the partnership under paragraph (b)(4)(i) of this section.

(ii) Assume the same facts as in (i) except that upon the admission of SK the capital accounts of MC and RW are not adjusted upward from $10,000 to $25,000 to reflect the appreciation in the partnership's assets occurring before SK entered the partnership. Rather, upon SK's admission to the partnership the partnership agreement is amended to provide that the first $30,000 of taxable gain upon the sale of such assets will be allocated equally between MC and RW, and that any additional gain will be allocated equally between MC, RW and SK. When the securities are sold for $74,000 the $54,000 of taxable gain is so allocated and the allocations are properly reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section). These allocations of taxable gain have substantial economic effect.

(iii) Assume the same facts as in (ii) except that instead of selling the securities, the partnership is liquidated. In winding up, the partnership makes a liquidating distribution of the securities (valued at $74,000) and the $25,000 cash. Prior to the distribution the partners' capital accounts are adjusted to reflect how the taxable gain ($54,000) would have been allocated if the securities had been sold for the $74,000 assigned value.

	MC	RW	SK
Capital account before adjustment	$10,000	$10,000	$25,000
Deemed sale adjustment	23,000	23,000	8,000
Pre-liquidation capital account	33,000	33,000	33,000

Pursuant to paragraph (b)(2)(iv)(*c*)(*2*) of this section liquidating distributions of the securities (with reference to their assigned values) and cash made in accordance with the preliquidation adjusted capital accounts

shall have no effect on the validity of prior partnership allocations.

Example (15). JB and CC form a limited partnership for the purpose of purchasing and leasing out residential real estate. JB, the limited partner, contributes $18,000, and CC, the general partner, contributes $2,000 and the partnership purchases a building for $100,000, assuming a recourse mortgage of $80,000 which requires the payment of interest only for a period of three years. The partnership agreement provides that JB need not contribute any further capital, that the partners' shares of taxable income and loss (determined under section 702(a)(8)) will be 90 percent for JB and 10 percent for CC, that the allocation of income or loss will be reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), and that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances. In the partnership's first two taxable years it has no taxable income or loss except for cost recovery deductions of $15,000 in each year. At the end of the partnership's second taxable year it has no cash (or cash equivalents) on hand. Under the partnership agreement JB's and CC's distributive shares of the first year's loss are $13,500 and $1,500, respectively. Thus at the end of the first year the partners' capital accounts will be as follows:

	JB	CC
Capital account upon formation	$18,000	$2,000
Less: distributive share of loss for year 1	(13,500)	(1,500)
Capital account at end of year 1	4,500	500

Since the partnership agreement provides for distributions upon liquidation in accordance with these accounts, each partner will bear the full risk of economic loss which corresponds to the allocations of tax loss. If the actual economic loss is equal to the tax loss, upon liquidation the partnership would have only $5,000 to distribute: $4,500 to JB and $500 to CC. Thus the first year allocations possess substantial economic effect. The effect upon the capital accounts of the second year's allocation would be as follows:

	JB	CC
Capital account at beginning of year 1	$4,500	$500
Less: distributive share of loss for year 2	(13,500)	(1,500)
Capital account at end of year 2	(9,000)	(1,000)

Since JB is not required to contribute any further capital to the partnership, the allocation to JB in excess of his capital account represents a deduction with respect to which CC bears the economic risk of loss. Since JB only bears the risk of loss with respect to $4,500 of the allocation, the remaining $9,000 of the allocation lacks economic effect. The $9,000 loss will be reallocated in accordance with the partners' interests in the partnership. Since under the economic arrangement of the partners CC bears the risk of all other economic loss, such $9,000 of net taxable loss will, under paragraph (b)(3) of this section, be reallocated to CC. Similarly, for following years, absent an increase in JB's capital account, all taxable loss must be allocated (or reallocated) to CC. (But see section 704(d).)

Example (16): (i) KG and HS form a limited partnership for the purpose of investing in improved real estate. KG, the general partner, contributes $10,000 to the partnership and HS, the limited partner, contributes $990,000 to the partnership. The $1,000,000 is used to purchase an apartment building on leased land. Capital accounts are maintained in accordance with paragraph (b)(2)(iv) of this section but upon liquidation the limited partner, HS, is not required to restore any deficit balance in his capital account. The partnership agreement provides that (1) cash will be distributed first to HS until such time as he has received the amount of his original capital contribution ($990,000), next to KG until such time as he has received the amount of his original capital contribution ($10,000), and thereafter equally between HS and KG; (2) income, gain, loss, and deduction from operations will be allocated 99% to HS and 1% to KG until such time as HS has received the amount of his original capital contribution and thereafter will be allocated equally between HS and KG; and (3) upon sale of the property, gain or loss on the sale will (after distributing sales proceeds so that the partners have received, in the aggregate, distributions equal to their original capital contributions) be allocated in a manner which will (to the extent possible) make the partners' positive capital account balances equal. The allocation and distribution provisions may result in HS having a deficit balance in his capital account following liquidation and KG having a positive balance in his capital account following liquidation (in an amount equal to HS' deficit balance). Since HS is not required to restore the amount of such deficit to the partnership (for distribution to KG), the allocations provided in the partnership agreement do not have substantial economic effect.

(ii) Assume the same facts as in (i) except that each partner is liable to restore to the partnership any deficit balance in his capital account (as set forth in paragraph (b)(2)(ii)(*c*) of this section). Although liquidation proceeds are not required to be distributed in accordance with the partners' capital account balances, the capital account equivalence test of paragraph (b)(2)(iv)(*b*) of this section is satisfied. Thus, the allocations provided in the partnership agreement have substantial economic effect.

Example (17). (i) JS and WN form a general partnership to acquire and operate an apartment building. JS and WN each contribute $100,000 to the partnership which obtains an $800,000 nonrecourse mortgage and purchases the apartment building (on leased land) for $1,000,000. No principal payments with respect to the nonrecourse obligation are required for 5 years. The partnership agreement provides that all income, gain, loss, and deduction will be allocated equally between JS and WN, with the exception of cost recovery deductions which will be allocated entirely to JS. The agreement also states that allocations will be reflected by appropriate adjustments to the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section), and that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with capital account balances, but that upon liquidation neither partner is required to restore to the partnership the deficit balance in his capital account for distribution to partners with positive capital account balances. In year 1, there is a $100,000 cost recovery deduction, all of which is charged to JS' capital account, and the partnership has no other taxable income or loss for the year. In year 2 the partnership has another $100,000 cost recovery deduction and no other taxable income or loss. Since the principal balance of the nonrecourse mortgage does not exceed the adjusted basis of the property, neither the year 1 or year 2 cost recovery deduction is attributable to the nonrecourse obligation. The allocation for year 1 has substantial economic effect. The allocation in year 2 of the $100,000 cost recovery deduction to JS does not have substantial economic effect because the economic risk of loss associated with such cost recovery deduction is borne entirely by WN. Therefore, the $100,000 cost recovery deduction in year 2 is reallocated to WN pursuant to paragraph (b)(3) of this section.

(ii) Assume the same facts as in (i) except that the partnership agreement is amended to require any partner with a deficit capital account following the distribution of liquidation proceeds to restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). In this case, the allocation of an additional $100,000 cost recovery deduction in year 2 to JS has substantial economic effect. The result in this example would be the same if the liability to restore capital account deficits is omitted from the partnership agreement but an identical liability is imposed under State law.

(iii) Assume the same facts as in (i). In year 3, the partnership has no taxable income or loss except for another $100,000 cost recovery deduction. The allocation of this deduction to JS (or to WN) has no economic effect since the risk of depreciation in excess of the partners' aggregate investment in the property is borne solely by the nonrecourse lender. Since the partnership agreement does not require JS to be allocated subsequent income and gain under the rule contained in paragraph (b)(4)(iv)(*b*) of this section, the allocation of the $100,000 cost recovery deduction to JS will not be deemed to be in accordance with his interest in the partnership, and must be reallocated in accordance with the partners' interests in the partnership.

(iv) Assume the facts in (iii) except that the partnership agreement also provides that pursuant to paragraph (b)(4)(iv) of this section JS will be allocated partnership income and gain in an amount equal to the

deficit balance in JS' capital account and that such allocations will coincide, in amount and time, with any reduction of the principal balance of the nonrecourse debt. Since the principal balance of the nonrecourse obligation ($800,000) exceeds the adjusted basis ($700,000) by $100,000 and JS is bearing the burden of taxation of taxable income and gain in an amount at least equal to the deficit balance of his capital account, requirements (*a*) and (*b*) of paragraph (b)(4)(iv) of this section are satisfied and the allocation of the $100,000 cost recovery deduction to JS in year 3 is deemed to be in accordance with his interest in the partnership.

(v) Assume the same facts as in (iii) except that the partnership agreement is amended to require any partner with a deficit capital account following the distribution of liquidation proceeds to restore the amount of such deficit to the partnership (as set forth in paragraph (b)(2)(ii)(*c*) of this section). If the property were foreclosed upon at the end of year 3, there would be $100,000 gain ($800,000 nonrecourse debt less $700,000 adjusted basis), which would be allocated equally between JS and WN. JS would then have a deficit capital account of $50,000 which he would be required to contribute to the partnership to satisfy WN's positive $50,000 capital account. Accordingly, the allocation of the $100,000 cost recovery deduction to JS in year 3 will, under paragraph (b)(4)(iv) of this section, be deemed to be in accordance with the partners' interests in the partnership.

(vi) Assume the same facts as in (iv) and that in year 4 the partnership has no taxable income or loss except for another $100,000 cost recovery deduction. In order to reduce the overall tax liabilities of the partners, the partnership agreement is amended at the beginning of year 4 to allocate the year 4 cost recovery deduction to WN. In addition, the agreement is amended to allocate partnership income or gain to WN in an amount equal to the deficit balance in his capital account and to require that such allocations coincide, in amount and time, with any principal reduction in the amount of nonrecourse debt. Since the allocations of loss or deduction attributable to nonrecourse debt are varied in year 4 in order to reduce the overall tax liabilities of the partners, the year 4 allocation will not be deemed to be in accordance with the partners' interests in the partnership under paragraph (b)(4)(iv) of this section and the $100,000 cost recovery deduction must be reallocated in accordance with the partners' actual interests in the partnership.

(vii) Assume the same facts as in (iv) except that in a taxable year of the partnership after the cost recovery deductions have been taken by JS, but before the property is disposed of, the partnership agreement is amended by deleting the provisions which require gain and income to be charged back to JS. Thus, under the amended agreement, JS is no longer required to bear the burden of taxation of the taxable income and gain in an amount at least equal to his deficit capital account balance. Under these facts, any allocation of income, gain, loss, or deduction made after deletion of the chargeback provisions has no substantial economic effect. As a result, income, gain, loss, and deductions must be allocated in accordance with the partners' interests in the partnership. Under the rule of paragaraph (b)(4)(vi) of this section, the interest of JS in the partnership taxable gain and income is deemed to be that interest which is consistent with the original gain and income chargeback provisions, and, therefore, gain and income is allocated to JS and WN in accordance with those provisions.

(viii) Assume the same facts as in (ii). Any tax preference under section 57(a)(12) attributable to the partnership's year 1 and year 2 cost recovery deductions shall be taken into account solely by JS. If during year 1 and year 2 the partnership's cost recovery deductions are instead allocated 75 percent to JS and 25 percent to WN (and all other income, gain, loss, and deduction is allocated equally between JS and WN), the tax preference attributable to such cost recovery deductions shall be taken into account 75 percent by JS and 25 percent by WN. If the partnership agreement instead provides that all taxable income or loss is allocated equally between JS and WN, the tax preference attributabe to the cost recovery deductions shall be taken into account equally between JS and WN. In this case, if the partnership has a $100,000 cost recovery deduction in year 1 and an additional operating loss of $100,000 in year 1, and purports to categorize the $100,000 loss allocated to JS as being attributable to the cost recovery deduction and the $100,000 loss allocated to WN as being attributable to the operating loss, such allocations will not be recognized and each partner will be allocated one-half of such operating loss and one-half of such cost recovery deduction, and each partner shall take into account one-half of the tax preference attributable to the cost recovery deduction.

Example (18). (i) WM and JL form a general partnership by each contributing $300,000 thereto. The partnership uses the $600,000 to purchase tangible personal property which it leases out. The partnership agreement provides that (1) allocations of income, gain, loss, and deduction will be appropriately reflected in the partners' capital accounts (maintained in accordance with paragraph (b)(2)(iv) of this section) and liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, (2) upon liquidation no partner will be required to restore any deficit in his capital account for distribution to partners with positive capital account balances, and (3) all income, gain, loss, and deduction of the partnership will be shared equally. In the partnership's first two taxable years it recognizes no taxable income or loss except for a $200,000 cost recovery deduction in each year which is allocated equally between WM and JL.

	WM	JL
Capital account upon formation	$300,000	$300,000
Less: cost recovery deductions for years 1 and 2	(200,000)	(200,000)
Capital account at end of year 2	100,000	100,000

The allocations of the cost recovery deductions in the partnership's first two taxable years have substantial economic effect.

(ii) Assume the same facts as in (i) except that MK enters the partnership at the beginning of year 3. At the time of his entry all parties agree that the fair market value of the partnership property is $600,000. MK contributes $300,000 to the partnership in exchange for an equal one-third interest in the partnership and the partners' book capital accounts, which will govern liquidating distributions, are each adjusted to $300,000.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 3	$100,000	$300,000	$100,000	$300,000	$300,000	$300,000

The agreement complies with requirement (*b*) of paragraph (b)(4)(i) of this section, by providing that any gain attributable to the unrealized appreciation in partnership property prior to MK's entry ($600,000 agreed fair market value less $200,000 adjusted basis = $400,000) will, under principles the same as those contained in section 704(c)(2) and § 1.704–1(c)(2), be allocated to WM and JL in the same amounts as they were allocated the cost recovery deductions giving rise to such gain. Any additional gain will be allocated equally among the partners. Thus, if the property is sold for $600,000 immediately after MK's entry to the partnership, the $400,000 of gain will be allocated equally between WM and JL. The $900,000 of cash in the partnership ($600,000 sales proceeds plus $300,000 contributed by MK) will be distributed equally between WM, JL and MK in accordance with their adjusted capital account balances (which will be identical for tax and book purposes).

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 3	$100,000	$300,000	$100,000	$300,000	$300,000	$300,000
Gain chargeback to JL and WM	200,000	0	200,000	0	0	0
Capital account before liquidating distribution	300,000	300,000	300,000	300,000	300,000	300,000

Since the allocation of taxable gain follows the prior booking of the corresponding unrealized appreciation the allocation will, under paragraph (b)(4)(i) of this section, be deemed to be in accordance with the partners' interests in the partnership. If the property were instead sold for $900,000 the additional $300,000 of gain would be allocated equally among the partners and the partners would each receive a $400,000 distribution in satisfaction of their respective capital account balances.

(iii) Assume the same facts as in (ii) except that after MK enters the partnership the property devalues and is sold for $450,000 yielding a taxable gain of $250,000 ($450,000 less $200,000 adjusted basis) but a book loss of $150,000. WM and JL would each be allocated $125,000 of the $250,000 gain. Since these allocations are designed to eliminate, to the extent possible, the disparity between tax and book capital accounts, pursuant to paragraph (b)(4)(i) of this section such allocations will be deemed to be in accordance with the partners' interests in the partnership.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 3	$100,000	$300,000	$100,000	$300,000	$200,000	$350,000
Plus: Gain chargeback	125,000	0	125,000	0	0	0
Less: Book loss		(50,000)		(50,000)		(50,000)
Capital account prior to liquidating distribution	225,000	250,000	225,000	250,000	200,000	250,000

The discrepancy between book and tax capital accounts is attributable entirely to the ceiling rule of § 1.704–1(c)(2). Under paragraph (b)(4)(i) of this section, the partnership may distribute liquidation proceeds ($675,000) in accordance with book capital account balances and no determination will be required as to whether the allocations made in year 1 and year 2 are in accordance with the partners' interests in the partnership.

(iv) Assume the same facts as in (iii) except that the property devalues and is sold for its adjusted basis of $200,000, yielding no taxable gain or loss and a book loss of $400,000.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 3	$100,000	$300,000	$100,000	$300,000	$200,000	$311,000
Plus: Gain chargeback	0	0	0	0	0	
Less: Book loss		(133,333)		(133,333)		(133,333)
Capital account before liquidation distribution	100,000	166,667	100,000	166,667	200,000	155,667

Again, the discrepancy between book and tax capital accounts is attributable entirely to the ceiling rule of § 1.704–1(c)(2). Under paragraph (b)(4)(i) of this section, the partnership may distribute liquidation proceeds ($500,000) in accordance with book capital accounts and no determination will be required as to whether the allocations made in year 1 and year 2 are in accordance with the partners' interests in the partnership.

(v) Assume the same facts as in (iv) except that the property is not sold at the beginning of year 3. Assume further that during that year the partnership has no taxable income or loss except for a $100,000 Cost recovery deduction and a 300,000 book depreciation deduction attributable to the property purchased by the partnership in year 1. Although the book capital accounts of the partners are adjusted equally to reflect the book depreciation, pursuant to the partnership agreement MK is allocated cost recovery deductions under principles the same as those contained in § 1.704–1(c)(2). Under those principles, MK would be entitled to cost recovery deductions of $200,000 over the remaining recovery period of the property because the value of the property was for book purposes determined to be $600,000 upon MK's admission to the partnership. Since upon such admission the adjusted tax basis of the property is $200,000, all further cost recovery deductions attributable to the property are allocated to MK, and under paragraph (b)(4)(i) of this section such allocations will be deemed to be in accordance with the partners' interests in the partnership.

(vi) Assume the same facts as in (v) and that in year 3 the partnership purchases a second item of tangible personal property for $300,000. Such property produces no taxable income of loss that year except for a cost recovery deducction of $125,000 which is allocated intirely to WM and a book depreciation deduction of $125,000 which is charged to WM's book capital account.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 3	$100,000	$200,000	$100,000	$200,000	$200,000	$300,000
Less: Cost recovery deduction (a) attributable to year 1 property		(100,000)		(100,000)	(100,000)	(100,000)
(b) Attributable to year 3 property	(125,000)	(125,000)				
Capital Account at end of year 3	(25,000)	75,000	100,000	200,000	200,000	200,000

At the end of year 3 the adjusted tax bases of the partnership properties acquired in years 1 and 3 are $100,000 and $175,000, respectively. If the properties are disposed of at the beginning of year 4 for their adjusted bases, there would be no taxable gain or loss, there would be a book loss of $200,000, and there would be cash of $275,000.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account end of year 3	($25,000)	$75,000	$100,000	$200,000	$200,000	$200,000
Less: Book loss		(200,000)		(66,667)		(66,667)
Capital account following dispositions	(25,000)	(125,000)	100,000	133,333	200,000	133,333

If the partnership is then liquidated, the liquidation proceeds ($275,000) would be distributed in accordance with the partners' book capital accounts. Since the allocation of the $125,000 cost recovery deduction to WM would have had substantial economic effect if paragraph (b)(2)(iv)(*a*) of this section had permitted upward adjustments to be made to the capital accounts of WM and JL upon MK's admission to the partnership, and since the other requirements of paragraph (b)(4)(i) of this section are satisfied, such allocation will be deemed to be made in accordance with the partners' interests in the partnership.

(vii) Assume the same facts as in (vi) except that the properties are not disposed of at the beginning of year 4 and that the partnership agreement is amended to make WM liable for any deficits in his capital account (as set forth in paragraph (b)(2)(ii)(*c*) of this section). In year 4 the partnership again has no taxable income or loss except for cost recovery deductions. The cost recovery deductions in year 4 for the properties purchased in years 1 and 3 are $100,000 and $75,000, respectively, and are allocated to MK and WM, respectively. The Book depreciation deduction attributable to the property purchased in year 1 is $300,000 and is charged equally to the partners' book capital accounts and the book depreciation deduction attributable to the property purchased in year 3 is $75,000 and is charged to WM's book capital account.

	WM		JL		MK	
	Tax	Book	Tax	Book	Tax	Book
Capital account at beginning of year 4	($25,000)	$75,000	$100,000	$200,000	$200,000	$200,000
Less: Cost recovery deduction (a) attributable to year 1 property		(100,000)		(100,000)	(100,000)	(100,000)
(b) Attributable to year 3 property	(75,000)	(75,000)				
Capital account at end of year 4	($100,000)	($100,000)	$100,000	$100,000	$100,000	$100,000

At the end of year 4 the adjusted tax bases of the partnership properties acquired in years 1 and 3 are zero and $100,000, respectively. If the properties are disposed of at the beginning of year 5 for their adjusted basis, there would be no taxable gain or loss, no book gain or loss, and there would be cash of $100,000. If the partnership is then liquidated, the $100,000 cash plus the $100,000 which WM would be required to contribute to the partnership (the deficit in his book capital account) would be distributed equally between JL and MK (in accordance with their book capital accounts). Since the allocation of the $75,000 cost recovery deduction to WM would have substantial economic effect if paragraph (b)(2)(iv)(*a*) of this section had permitted upward adjustments to be made to the captial accounts of WM and JL upon MK's admission to the partnership, and since the other requirements of paragraph (b)(4)(i) of this section are satisfied, such allocation will be deemed to be made in accordance with the partners' interests in the partnership.

Example (19). (i) DG and JC form a general partnership for the purpose of drilling oil wells on various tracts of land. DG contributes an oil lease with an adjusted basis of $100,000 and a fair market value of $1,000,000. JC contributes $1,000,000 in cash which is used to finance the drilling operations. The partnership agreement provides that DG is credited with a capital account of $100,000 and JC is credited with a capital account of $1,000,000 (which capital accounts are maintained in accordance with paragraph (b)(2)(iv) of this section), that liquidation proceeds are, throughout the term of the partnership, to be distributed in accordance with the partners' capital account balances, and that any partner with a deficit balance in his capital account following the liquidating distribution will contribute to the partnership an amount equal to such deficit (as set forth in paragraph (b)(2)(ii)(*c*) of this section). The agreement further provides that the deductions attributable to the contributions made by each partner shall be allocated to such partner, that all other income, gain, loss, and deduction shall be allocated equally between DG and JC, that all cash from operations shall be distributed equally between DG and JC, and that in the event oil is not found the oil lease will be distributed to the partners (in liquidation of the partnership) with reference to the adjusted basis of such lease. Pursuant to these terms, $800,000 of partnership intangible drilling expenses and $200,000 of cost recovery deductions on partnership equipment are allocated to JC, and the $100,000 basis of the lease is, for purposes of the depletion allowance under sections 611 and 613A(c)(7)(D), allocated to DG. Based on these facts, the allocations of income, gain, loss, and deduction provided in the partnership agreement have substantial economic effect. Furthermore, since such allocations have substantial economic effect the allocation of the adjusted basis of the lease to DG is, under paragraph (b)(4)(v) of this section, deemed to be in accordance with the partners' interests in partnership capital or income under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3. Since based on these facts no partner can have a deficit balance in his capital account during the term of the partnership, the results would be the same even if the agreement provides that no partner is required to contribute the deficit balance in his capital account following liquidation for distribution to partners with positive capital account balances. In addition, the results would be the same if DG's adjusted basis in the lease is $1,000,000 and his capital account is so credited.

(ii) Assume the same facts as in (i) except that the partnership agreement provides that the first $1,000,000 of cash from operations shall be distributed to JC and that until JC receives such $1,000,000 all income, gain, loss, and deduction will be allocated to him. All other cash from operations will be distributed and all other income, gain, loss, and deduction will be allocated equally between DG and JC. Under these facts, the allocations of income, gain, loss, and deduction provided in the partnership agreement have substantial economic effect. Furthermore, since such allocations have substantial economic effect the allocation of the adjusted basis of the lease to DG is, under paragraph (b)(4)(v) of this section, deemed to be in accordance with the partners' interests in partnership capital or income under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3.

(iii) Assume the same facts as in (i) except that all distributions, including those made upon liquidation of the partnership, will be distributed equally between DG and JC and that no partner is required to contribute the deficit balance in his capital account to the partnership following the liquidating

distribution. Since liquidation proceeds will be distributed equally between DG and JC irrespective of their capital account balances and no partner is required to contribute to the partnership the deficit balance in his capital account upon liquidation, the allocations of income, gain, loss, and deduction provided in the partnership agreement do not have substantial economic effect and must be reallocated in accordance with the partners' interests in the partnership. Furthermore, since such allocations lack substantial economic effect the allocation of the adjusted basis of the lease to DG is not deemed to be in accordance with the partners' interests in partnership capital or income under paragraph (b)(4)(v) of this section, and such basis must be reallocated under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3 in accordance with the partners' actual interests in partnership capital or income.

(iv) Assume the same facts as in (iii) except that DG's adjusted basis in the lease is $1,000,000. For the same reasons specified in (iii) the allocations of income, gain, loss, and deduction provided in the partnership agreement do not have substantial economic effect and must be reallocated in accordance with the partners' interests in the partnership. Similarly, the allocation of the adjusted basis of the lease entirely to DG is not deemed to be in accordance the partners' interests in partnership capital or income under paragraph (b)(4)(v) of this section, and such basis must be reallocated under section 613A(c)(7)(D) and paragraph (e) of § 1.613A–3 in accordance with the partners' actual interests in partnership capital or income. Assume that under section 613A(C)(7)(D) and paragraph (e) of § 1.613A–3 the adjusted basis of the lease is allocated equally between DG and JC and that the partnership's only net taxable income or loss is the $1,000,000 net loss attributable to the intangible drilling expenses and cost recovery deductions. Since the partners made equal capital contributions to the partnership and since the economic arrangement of the partners is to share all proceeds equally, under paragraph (b)(3) of this section all partnership income, gain, loss, and deduction (or item thereof) shall be reallocated equally between DG and JC.

(v) Assume the same facts as in (i) and that for its first taxable year the partnership's depletion deduction with respect to the lease (determined solely for capital account purposes under the method elected by the partnership) is $10,000. Since DG was properly allocated the entire depletable basis of the lease (such allocation having been deemed to be in accordance with the partners' interests in partnership capital or income), under paragraph (b)(2)(iv)(*c*)(*3*) of this section the partnership's $10,000 simulated depletion deduction shall be allocated to DG and shall reduce his capital account accordingly. If, prior to any additional partnership depletion deductions, the lease is sold for $100,000, the partnership gain of $10,000 (determined solely for capital account purposes) shall be allocated to the partners in the same manner as that portion of the amount realized which exceeds the partnership's adjusted basis in the property is allocated to the partners and shall increase the partners' capital accounts accordingly. The first $90,000 realized on the sale of the least (*i.e.*, the partnership's adjusted basis in the lease for capital account purposes) shall be allocated to DG. Since the allocations of income, gain, loss, and deduction provided in the partnership agreement have substantial economic effect the $10,000 of amount realized which exceeds the partnership's adjusted basis in the lease may be allocated as provided in the partnership agreement. If the lease is sold for $50,000, the $40,000 partnership loss (determined solely for capital account purposes) shall be allocated to DG and shall reduce his capital account accordingly, and the entire amount realized on the sale of the lease shall be allocated to DG.

* * * * *

(26 U.S.C. 704(b))

James I. Owens,

Acting Commissioner of Internal Revenue.

March 3, 1983.

[FR Doc. 83–5874 Filed 3–4–83; 8:45 am]

BILLING CODE 4830–01–M

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26 CFR Part 1

[LR–262–76]

Determination of Partner's Distributive Share Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to determination of partner's distributive share.

DATES: The public hearing will be held on May 4, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 20, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–262–76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 704(b) of the Internal Revenue Code of 1954. The proposed regulations appear in the Proposed Rules section of this issue of the **Federal Register** (See FR Doc. 83–5874.)

The rules of § 601.601(a)(3) of the "Statement of Procedural Rule" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who desire to present oral comments at the hearing on the proposed regulations should submit not later than April 20, 1983 an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83–5875 Filed 3–4–83; 8:45 am]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1736/P285; PH–FRL 2318–2]

4-(2,4-Dichlorophenoxy)Butyric Acid Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the herbicide 4-(2,4-dichlorophenoxy)-butyric acid and its metabolite in or on the raw agricultural commodity mint hay. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 8, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2,

1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 6E1736 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Oregon.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the 4-(2,4-dichlorophenoxy)butyric acid (2,4-DB) and its metabolite 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodity peppermint hay at 1.5 ppm. The petition was later amended to propose a tolerance for the combined residues of the herbicide and its metabolite in or on the raw agricultural commodity mint hay at 0.2 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a 90-day dog feeding study with a no-observed effect level (NOEL) at 316 ppm (7.9 mg/kg/day) and a 90-day rat feeding study with a NOEL of 316 ppm (15.8 mg/kg/day). A teratology study on mice at a dosage level of 400 ppm (60 mg/kg/day) showed no potential to induce teratogenic effects but fetotoxic effects were observed at a higher level (2,000 ppm fed).

The acceptable daily intake (PADI), based on the 90-day dog feeding study (NOEL of 7.9 mg/kg/day) and using a 2000-fold safety factor, is calculated to be 0.004 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.2370 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0038 mg/day; the current action will increase the TMRC by 0.00009 mg/day (2.34 percent). Published tolerances utilize 1.61 percent of the ADI; the current action will utilize an additional 0.04 percent. Although chronic studies for 2,4-DB are lacking, they are not considered necessary to support the tolerance since the Agency has concluded that the amount of 2,4-DB and its metabolite 2,4-D added to the diet from the proposed use will not significantly increase dietary exposure in humans. Thus, the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that there is no reasonable expectation of secondary residues of 2,4-DB in meat and milk and the fact that currently established tolerances for residues of 2,4-D in meat and milk are adequate to cover any residues resulting from mint hay used as animal feed, the tolerance established by amending 40 CFR 180.331 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 6E1736/P285]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 28, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.331 be revised to read as follows:

§ 180.331 4-(2, 4-dichlorophenoxy) butyric acid; tolerances for residues.

Tolerances are established for combined residues of the herbicide 4-(2, 4-dichlorophenoxy) butyric acid and its metabolite 2, 4-dichlorophenoxyacetic acid in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa	0.2[illegible]
Clover	0.2[illegible]
Mint, hay	0.2
Peanuts	0.2[illegible]
Soybeans	0.2[illegible]
Soybeans, hay	0.2[illegible]
Trefoil, birdsfoot	0.2[illegible]

[FR Doc. 83-6042 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2739/P286; PH-FRL 2316-1]

Ametryn; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the residues of the herbicide ametryn in or on the raw agricultural commodity cassava roots. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 18, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2739 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide ametryn, 2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-*s*-triazine, in or on the raw agricultural commodity cassava roots at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance included a subacute 90-day dog feeding study with a no-observed-effect level (NOEL) of 25 mg/kg/day (1,000 ppm); a subacute 90-day rat feeding study with a NOEL of 50 mg/kg/day (1,000 ppm); a subacute 90-day rat intubation study with a NOEL of 5 mg/kg/day (100 ppm); a rat teratology study with a NOEL of 5 mg/kg; and mutagenicity studies which were negative for mutagenic potential using microbial reverse mutation and rec-assay techniques. A 24-month rat feeding study, a 2-year dog feeding study, and a 3-generation reproduction study, all of which were conducted at Industrial Bio-Test, have been reviewed and judged invalid.

Studies considered desirable but currently lacking include long-term oncogenic studies for two species, a 3-generation reproduction study, a second teratology study, and a mammalian mutagenicity study. Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the proposed tolerance because the proposed use will result in an insignificant increase (0.07 percent) in the theoretical maximum residue contribution (TMRC) to the human diet. As stated in the **Federal Register** issue of May 11, 1979 (44 FR 27932), the Agency will generally consider as insignificant an increase in the TMRC of 1.0 percent or less.

The provisional acceptable daily intake (PADI), based on the 90-day dog feeding study (NOEL of 25.0 mg/kg/day) and using a 2000-fold safety factor, is calculated to be 0.0125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The TMRC from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0543 mg/day; the current action will increase the TMRC by 0.00004 mg/day. Published tolerances utilize 7.24 percent of the ADI; the current action will utilize an additional 0.005 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas-liquid chromatography, is available for enforcement purposes. The product contains less than 1.0 ppm of nitrosoamines (i.e., below validated sensitivity of the analytical method). Based on an Agency policy that was published in the **Federal Register** of June 15, 1980 (45 FR 42854), this level of nitrosoamine falls below the currently acceptable risk criteria. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that residues are not expected in meat, milk, poultry and eggs as a result of this use, the tolerance established by amending 40 CFR 180.258 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulations. Comments must bear a notation indicating the document control number (PP 2E2739/P286). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this affect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 24, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs:

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.258 be amended by adding and alphabetically inserting the raw agricultural commodity cassava roots to read as follows:

§ 180.258 Ametryn; tolerance for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cassava, roots	0.1
* * * * *	

[FR Doc. 83-6551 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 9E2142/P284; PH-FRL 2315-8]

Sodium Chlorate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that the defoliant, desiccant, and fungicide sodium chlorate be exempted from the requirement of a tolerance for residues when used on the raw agricultural commodities flaxseed and flax straw. The proposed regulation to exempt this chemical from the requirement to establishment maximum permissible levels for residues in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 8, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM No. 2,

1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 9E2142 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Minnesota and North Dakota.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on flaxseed, wheat, and their fodder, forage, and straw when it is used in accordance with good agricultural practice as a desiccant in flaxseed and wheat production. The petition was later amended by withdrawing the request for wheat and proposing the exemption for flaxseed and flax straw only.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the exemption is sought.

Flaxseed is used primarily as the source material in the production of linseed oil, a non-edible product. While the straw could conceivably be used as animal feed, residues of sodium chlorate would not be expected to occur in meat, milk, poultry, and eggs from this use.

The metabolism of sodium chlorate is adequately understood for the proposed use. The analytical method is nonspecific and unsuitable for enforcement purposes. However, little need for enforcement action is anticipated under an exemption and the analytical method is suitable for determination of gross misuse. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the exemption from the requirement of a tolerance for residues of sodium chlorate in or on flaxseed and flax straw established by amending 40 CFR 180.1020 would protect the public health. It is proposed, therefore, that the exemption be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number (PP 9E2142/P284). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950),

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: February 24, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1020 be revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, flax, guar beans, rice, safflower seed, sorghum, soybeans, and sunflower seed.

Commodities	
Chili peppers	Cottonseed
Corn fodder	Flaxseed
Corn forage	Flax straw
Corn grain	Grain sorghum
Guar beans	Sorghum fodder
Rice	Sorghum forage
Rice straw	Soybeans
Safflower seed	Sunflower seed

[FR Doc. 83–5880 Filed 3–8–83; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION—

47 CFR Part 15

[Docket No. 21010]

UHF Television Receiver Noise Figures; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply comment period.

SUMMARY: Comment and reply comment dates are extended in order to afford interested parties an opportunity to review a forthcoming staff report regarding UHF television receiver noise figures.

DATES: Comments must be received on or before May 2, 1983 and Reply Comments must be received on or before June 1, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip B. Gieseler, (202) 653–5940.

SUPPLEMENTARY INFORMATION:

Adopted: February 24, 1983.

Released: February 25, 1983.

1. On November 18, 1982, the Commission adopted a *Notice of Proposed Rulemaking* in this proceeding, and set comment and reply comment dates for March 1 and March 31, 1983, respectively. 47 FR 55251 (December 8, 1982).

2. We have received a request from the Consumer Electronics Group of the Electronic Industries Association (EIA/CEG) to extend the dates for comments and reply comment in this proceeding. In support of its request, EIA/CEG points out that the original comment dates were predicated in part on the belief that a Commission staff report on current noise figure performance would be available for review and comment prior to the comment date. This report, however, has not yet been released, and EIA/CEG has requested that the Commission extend the comment period to thirty days following the release of the report.

3. We wish to receive public comment on the results of the forthcoming staff report, which we expect to be available

in approximately one month. Therefore we will extend the comment periods to afford reasonable time for interested parties to consider the report when they submit their views. Accordingly, IT IS ORDERED that the deadline for comments in the Notice of Proposed Rulemaking be set for May 2, 1983, and the reply comment date set for June 1, 1983. This action is taken pursuant to Section 4(i) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Peter K. Pitsch,

Chief, Office of Plans and Policy.

[FR Doc. 83-6068 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 2, 81 and 83

[PR Docket No. 83-90; FCC 83-88]

Commission's Rules To Provide for Facsimile Communications in the Maritime Mobile Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This document proposes rules for the introduction and use of facsimile communications in the maritime mobile service and requests that interested persons provide certain information. This action was initiated by the Commission and is intended to extend the communications services available to the maritime industry.

DATES: Comments must be received by April 4, 1983, and reply comments must be received by April 19, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver, Private Radio Bureau (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 81

Coast stations, Communications equipment.

47 CFR Part 83

Communications equipment, Ship stations.

In the Matter of: Amendment of Parts 2, 81 and 83 to provide for facsimile communications in the maritime mobile service PR Docket No. 83-90.

Adopted: February 8, 1983.

Released: March 3, 1983.

1. In this Notice of Proposed Rule Making we are proposing to provide for facsimile communications between coast stations and vessels on the high seas. We are particularly interested in comments concerning the frequencies to be assigned to coast stations and the technical standards to be included in the rules to assure intercommunication capability between ship and coast stations.

Nature of Facsimile Service

2. Facsimile essentially involves the electronic transmission and reproduction of documents.[1] An image is scanned at the input terminal, transmitted to a receiving station and duplicated on paper. Section 2.201 of the Commission's rules provides two modes for the transmission of facsimile.[2] Whichever mode is used, the received signal is demodulated by the receiver to provide audio input to the facsimile machine for the reproduction of the document. Thus, for facsimile to be successfully employed in the maritime mobile service the facsimile equipment installed at coast stations and aboard ship must be capable of communicating one with the other. To be compatible the facsimile equipment at both terminals must do a substantial number of functions in the same way, at the same time, and in synchronization. Since equipment currently used aboard ship and at coast stations employs single sideband suppressed carrier (2.8F4 emission), we are proposing this mode for marine facsimile.

Ship Station Facsimile Frequencies

3. Currently, except for Government weather facsimile broadcasts, there are no provisions in the maritime mobile service for document transmission by facsimile between coast stations and vessels on the high seas. We have received a number of informal inquiries from the maritime industry concerning facsimile service for vessels on the high seas. We believe there is a need for facsimile communications in this service.[3] Therefore, we propose that two families of assigned frequencies be made available for use by ship stations for transmission to public coast stations as follows: Family #1: 2070.5, 4160.6, 6238.6, 8326, 12485, 16654 and 22186 kHz; and Family #2: 2076.5, 4168, 6242.6, 8341.5, 12489, 16658 and 22190 kHz.[4] Particulars of the emission are: occupied bandwidth, 3.0 kHz, emission designator 2.8F4 (suppressed carrier single sideband, modulated by a frequency-shifted sub-carrier of 1900 Hz). The two families of frequencies are in band which are currently allocated by FCC and ITU regulations to the maritime mobile service.[5] They will be available to government and industry on a coequal shared basis.

Coast Stations Facsimile Frequencies

4. As to which frequencies should be used by coast stations for transmission of facsimile to ship stations, we are describing two possible arrangements, although there may be others. First, there are the bands designated in Appendix 31 (App. 15 Mar2) of the ITU Radio Regulations as "Frequencies assignable to coast stations for wide-band A1A or A1B Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems". However, these were long ago assigned and registered for use by the world's coast stations for A1 Morse telegraphy. Clearing usable 3 kHz slots in these bands for facsimile appears to be impractical at this time. Second, there are the bands which were designated in the proceeding to implement the Final Acts of the World Administrative Radio Conference, Geneva, 1979,[6] available for use by stations in the maritime mobile service (Part 81). Generally, these band are shared with the Fixed Service, as well as with other services. These shared bands would become available upon finalization of the proceeding in General Docket 80-739. Regardless of whether frequencies are taken from the coast telegraph or from the shared bands (referred to above), responsibility for initial selection would rest with the public coast station licensee. However, if the selected frequency is determined

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[1] The ITU Radio Regulations define facsimile as: "A system of telecommunication for the transmission of fixed image, with or without half-tones, with a view to their reproduction in a permanent form." The IEEE Dictionary provides more detail: "The process, or the result of the process, by which fixed graphic material including pictures or images is scanned and the information converted into signal waves that are used either locally or remotely to produce, in record form, a likeness (facsimile) of the subject copy."

[2] By modulation of the main carrier with a frequency-modulated audio frequency subcarrier or by direct frequency-modulation of the main carrier.

[3] We are presently investigating the possibility of permitting facsimile, data and other transmissions over non-exclusive maritime radiotelephone frequencies. For example, it may be possible to use any transmission mode that can be contained within a 3.0 kHz occupied bandwidth of a radiotelephone channel provided such transmissions do not increase interference.

[4] Carrier frequencies: 2019, 4159.2, 6237.2, 8324.6, 12483.6, 16652.6, 22184.6; 2075, 4166.6, 6241.2, 8340.1, 12487.6, 16656.6, 22188.6.

[5] See Section 2.106 Table of Frequency Allocations in the Commission's Rules.

[6] Gen. Docket No. 80-739, Implementation of the Final Acts of the 1979 WARC, released December 30, 1982 (FCC 82-606).

to be unavailable the staff will endeavor to suggest an alternate frequency. Therefore, at this time we have not included provision in the attached Appendix regarding the frequencies to be used by public coast stations. Comments on these two arrangements as well as other suggested arrangements are invited.

Transmission and Equipment Standards

6. As indicated in paragraph 2 above, sending and receiving terminals must share some common system parameters for successful document transmission. Comments are requested, however, as to what degree specified standards are necessary to provide compatability. We note that compatability on land line circuits exists in spite of multiple facsimile standards. Given the competitive pressures users face to provide adequate communications services, the investment in existing equipment, the availability of translation devices, and the speed with which technology changes, the advantages of mandated standards might be outweighed. Thus, we seek comments on which, if any, technical standards for facsimile equipment should be included in the rules. Commenters are also requested to examine the specifications listed in the Appendix and respond to the following questions:

(a) What level of compatability is necessary or desirable for facsimile systems? For example, it is noted that meteorological systems use a high modulating frequency to represent black and a low frequency to represent white while document systems use the reverse. CCIR Report 588–1 does not standardize this particular characteristic since most facsimile recorders can receive both. Similarly, CCITT Recommendations permit the use of more than one scanning line frequency, which affects document transmission speed. To what extent would the proposed standards unnecessarily limit operational flexibility?

(b) If standards are considered necessary, what are the advantages/disadvantages of establishing a "sunset" date after which the specified standards would no longer be effective?

Proposal

7. Accordingly, we propose to amend Parts 2, 81, and 83 of the Commission's rules as set forth in the attached Appendix to provide for the use of facsimile in the maritime mobile service. The amendment to Part 2, Section 2.106, will add a new U.S. footnote (USXX6). Footnote USXX6 covers the agreement with the Government regarding shared use of the facsimile frequencies proposed in the Appendix in Section 83.332(b). Interested parties are requested to provide comments in response to the specific subjects set forth in paragraphs 3 and 6 above. Other relevant comments are also welcome.

8. The proposed amendments to the Commission's rules set forth in the attached Appendix are issued under the authority contained in Sections 4(i) and 303 (b), (c), (3), (g) and (r) of the Communications Act of 1934, as amended.

Comments

9. Under procedures set out in Section 1.415 of the Rules and Regulations, 47 CFR 1.415, interested persons may file comments on or before April 4, 1983, and reply comments on or before April 19, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

10. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any writtten or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231, of the Commission's rules, 47 CFR 1.1231.

12. The rules proposes herein would provide for facsimile service in the Maritime Mobile Service. It is intended that the communications offered by public coast stations and available to ships at sea be extended by the addition of facsimile. However, no additional equipment or expanded service would be mandated by their rules. Therefore, the Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–254) do not apply to this rulemaking proceeding, because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

13. Regarding questions on matters covered in this document contact Walter E. Weaver, Private Radio Bureau, (202) 632–7175.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 2, 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, under the heading "United States Footnotes", add a new USXX6, to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

USXX6 In the Bands designated for ship wideband telegraphy, facsimile and special transmission systems, the following assignable frequencies are available to non-Government stations on a shared basis with Government stations: 2070.5, 2072.5, 2074.5, 2076.5, 4160.6, 4168, 6238.6, 6242.6, 8326, 8341.5, 12485, 12489, 16654, 16658, 22186 and 22190 kHz.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.131, paragraphs (b)(2) and (b)(3) are amended to read as follows:

§ 81.131 Authorized frequency tolerance.

* * * * *

(b)(2) From 1605 to 4000 kHz:

For A3A, A3H, A3J and F4 emissions.....20 Hz
For other than A3A, A3H, A3J and F4 emissions.....50 Hz

(b)(3) From 400 to 27,500 kHz:

For A3A, A3B, A3H, A3J and F4 emissions.....20 Hz
For narrow-band direct-printing telegraph and data transmission systems.....15 Hz

* * * * *

2. In § 81.132, paragraph (a)(1) is amended and a new paragraph (g) is added, to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

Frequency band	Classes of emission
(1) Coast stations using telegraphy:	
14 to 100 kHz	A1. A1, A2 or A2H for distress urgency and safety signals or any communications preceded by one of these signals.
400 to 535 kHz	A1 and A2 or A2H.
2035 to 27,500 kHz	A1 on frequencies listed in § 81.206; F1 on frequencies listed in § 81.204(c); only as authorized by the Commission on frequencies listed in § 81.206; and F4 on frequencies listed in § 81.213.

* * * * *

(g) For the purpose of this part, 2.8F4 emission means facsimile transmitted by a suppressed carrier single sideband, carrier modulated with a frequency-shifted audio frequency subcarrier.

3. In § 81.133, emission F4 (2.8F4) is added to the table of paragraph (a), to read as follows:

§ 81.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized band width (kHz)
A1	0.16A1	0.4
A2	2.66A2	2.8
A3	6A3	8.0
F1	[1]0.3F1	[1]0.5
F1	[2]16F1	[2]20
F3	[2]16F3	[2]20
F4	[4]16F4	[4]20
F4	[5]2.8F4	[5]3.0
P0	Variable	Variable
A3A	2.8A3A	[6]3.0
A3H	2.8A3H	[6]3.0
A3J	2.8A3J	[6]3.0

[1] Narrow-band direct-printing telegraph and data transmission systems.
[2] Radiotelewriter in the band 216–220 MHz.
[3] Applicable when maximum authorized frequency deviation is 5 kHz.
[4] Facsimile in the band 216–220MH.
[5] Facsimile in the band 2035 to 27,500 kHz.
[6] Transmitters type accepted prior to December 31, 1988, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.

* * * * *

4. A new § 81.144 is added to read as follows:

§ 81.144 Facsimile equipment.

Facsimile equipment operating on frequencies between 2035 kHz and 27,500 kHZ designated for use for facsimile shall fulfill the following conditions:

(a) Frequency-shifted audio frequency subcarrier: center frequency of 1900 Hz; frequency 2300 Hz corresponding to black; and frequency 1500 Hz corresponding to white. The frequency 1500 Hz is also used for the phasing signal.

(b) A drum diameter of 70 millimeters with a drum rotation speed of 90 revolutions per minute.

(c) Index of cooperation: 264.

(d) Factor of cooperation: 829.

(e) Scanning density: 3.77 lines per millimeter.

(f) Total length of scanning line: 220 millimeters.

(g) Total number of scanning lines for a document 297 millimeters in length: 1120.

(h) Synchronization: Standard of frequency which is better than ± 5 parts in 10^6.

(i) Phasing: As set forth in CCITT Recommendation T. 1.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.131, subparagraphs (b)(4)(i), (b)(4)(ii), (b)(7)(iii) are amended to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(b) * * *

(4) Ship stations from 1605–2070 and 2080 to 3500 kHz:

(i) For transmitters using other than A3A, A3H, A3J and F4 emissions, type accepted or type approved before November 30, 1977	100
(ii) For transmitters using A3A, A3H, A3J, and F4 emissions, type accepted or type approved before November 30, 1977	50Hz

* * * * *

(7) Stations when using frequencies within the band 4000–27500 kHz:

* * * * *

(iii) Ship stations using A3A, A3H, A3J, or F4 emissions with transmitter type accepted or type approved:	
(a) Before November 30, 1977	50Hz
(b) After November 30, 1977	20Hz

* * * * *

2. In § 83.132, subparagraph (a)(1)(i) is amended and a new paragraph (g) is added, to read as follows:

§ 83.132 Authorized classes of emission.

* * * * *

(a) * * *

Frequency band	Classes of emission
(1) Stations using radiotelegraphy:	
(i) 100 to 160 kHz	A1.
160 to 525 kHz	A1 and A2, or A2H.
2000 to 27,500 kHz	A1 or F4 Survival Craft stations may in addition use A2 or A2H.
2070 to 2080	F4. Wide-band telegraphy and special transmission systems. Manual international Morse code and telephony are excluded.
1605 to 2080 kHz in Alaska	A1.

* * * * *

(g) For the purpose of this part, 2.8F4 emission means facsimile transmitted by a suppressed carrier single sideband, carrier modulated with a frequency-shifted audio frequency subcarrier.

3. In § 83.133, emission F4 (2.8F4) is added to the table of paragraph (a), to read as follows:

§ 83.133 Authorized bandwidth.

(a) * * *

Classes of emission	Emission designator	Authorized bandwidth (kHz)
A1	0.16A1	0.4
A2	2.66A2	2.8
A3	6A3	8.0
A9	[1]3.2A9	[1]25.0
F1	[2]0.3F1	[2]0.5
F1	[3]16F1	[3]20.0
F3	[4]16F3	[4]20.0

Classes of emission	Emission designator	Authorized bandwidth (kHz)
F4	[1] 16F4	[1] 20.0
F4	[2] 2.8F4	[2] 3.0
F9	[1] 16.4F9	[1] 20.0
F9	[2] 20.000F9	[2] 30.000
P0	[1] Variable	[1] Variable
A3A	2.8A3A	[3] 3.0
A3H	2.8A3H	[3] 3.0
A3J	2.8A3J	[3] 3.0

[1] Applicable only to emergency position-indicating radiobeacon stations.
[2] Narrow-band direct-printing telegraph and data transmission systems.
[3] Radioteletypewriter in the band 216–220 MHz.
[4] Applicable when maximum authorized frequency deviation is 5 kHz. See paragraph (c) of this Section.
[5] Facsimile in the band 216–220 MHz.
[6] Facsimile within the band 2070 to 27,500 kHz.
[7] Transmitters type accepted prior to December 31, 1969, for emissions A3A, A3H, and A3J and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.
[8] Applicable to marine hand held radars.

4. A new § 83.147 is added to read as follows:

§ 83.147 Facsimile equipment.

Facsimile equipment operating on frequencies between 2070 kHz and 27,500 kHz designated for use for facsimile shall fulfill the following conditions:

(a) Frequency-shifted audio frequency subcarrier: center frequency of 1900 Hz; frequency 2300 Hz corresponding to black; and frequency 1500 Hz corresponding to white of 2300 Hz. The frequency 1500 Hz is also used for the phasing signal.

(b) A drum diameter of 70 millimeters with a drum rotation speed of 90 revolutions per minute.

(c) Index of cooperation: 264.

(d) Factor of cooperations: 829.

(e) Scanning density: 3.77 lines per millimeter.

(f) Total length of scanning line: 220 millimeters.

(g) Total number scanning lines for a document 297 millimeter in length: 1120.

(h) Synchronization: Standard of frequency which is better than ± 5 parts in 10^6.

(i) Phasing: As set forth in CCITT Recommendation T.1.

§ 83.324 [Amended]

5. In § 83.324, paragraph (h) is removed.

6. A new § 83.332 is added to read as follows:

§ 83.332 Assignable frequencies—Facsimile.

(a) Ship radiotelegraph working frequencies—facsimile—non-paired with coast station frequencies, for use in the bands between 2070 and 27,500 kHz are set forth in paragraph (b), below. The frequencies are available for use by radiotelegraph ship stations authorized to employ facsimile and are subject to the applicable provisions of Subpart E of this part.

(b) Ship transmit only:

Family No. 1 (kHz)		Family No. 2 (kHz)	
Carrier	Assigned	Carrier	Assigned
2069.1	2070.5	2075.1	2076.5
4159.2	4160.6	4166.6	4168
6327.2	6236.6	6241.2	6242.6
8324.6	8326	8340.1	8341.5
12483.6	12485	12497.6	12499
16652.6	16654	16656.6	1666
21184.6	22186	22186.6	22190

[FR Doc. 83-6003 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the U.S. Breeding Population of the Wood Stork

Correction

In FR Doc. 83–5010 beginning on page 8402 in the issue of Monday, February 28, 1983, make the following correction:

On page 8402, third column, under "B. *Overutilization for commercial, recreational, scientific or educational purposes*", the words "Not available" should have read "Not applicable".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 48, No. 47
Wednesday, March 9, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Federally Licensed Cotton Warehouses; Waiver of Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Waiver of Fees for Federally Licensed Cotton Warehouses.

SUMMARY: This action serves as notice to the warehousemen licensed under Regulations for Cotton Warehouses, U.S. Warehouse Act (7 U.S.C. 251) and all other interested parties that pursuant to section 156(d) of the Omnibus Budget Reconciliation Act (95 Stat. 374), the Secretary of Agriculture has determined that fees for cotton warehouses licensed pursuant to the U.S. Warehouse Act should be waived for fiscal year 1983 to insure that the licensing and inspection procedures for cotton warehouses are preserved.

FOR FURTHER INFORMATION CONTACT: Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, DC 20250 (202–447–3616).

SUPPLEMENTARY INFORMATION: On December 30, 1981, the Department of Agriculture published regulations 46 FR 63198 specifying fees to be charged warehousemen under provisions of the U.S. Warehouse Act for licenses and examination or inspection of warehouses. Such fees were mandated by section 156 of the Omnibus Budget Reconciliation Act of 1981—Pub. L. 97–35 (95 Stat. 375) which amended the U.S. Warehouse Act to require that such fees should be assessed for and should cover the costs of licensing persons to classify, inspect, grade, sample or weigh agricultural products and the examination or inspection of warehouses, annual warehouse licenses issued to warehousemen, and any changes thereto. The fees are to cover as nearly as practicable, the costs of providing such services or licenses, including administrative and supervisory costs.

Fee schedules were published for all commodities for which there were effective regulations as of October 1, 1981, execpt cotton. Pursuant to section 156(d) of the Omnibus Budget Reconciliation Act (95 Stat. 374), the Secretary determined that such fees and charges relating to the warehousing of cotton pursuant to the U.S. Warehouse Act should not be charged for fiscal year 1982 to insure that the licensing and inspection procedures for cotton warehouses were preserved. Appropriated funds were provided to accomplish this. Therefore, the proposal to amend Part 101 of the Regulations for Cotton Warehouses published in the September 4, 1981, issue of the Federal Register (46 FR 44680) was withdrawn.

The Secretary has reviewed the situation expected to exist in fiscal year 1983 and has determined that fees and charges to cotton warehouses licensed pursuant to the U.S. Warehouse Act should not be charged for fiscal year 1983 to insure that the licensing examination and inspection procedures for cotton warehouse are preserved. Appropriated funds have been provided to permit this; therefore, any such fees relating to the warehousing of cotton are not required for fiscal year 1983. Fees relating to the warehousing of other agricultural commodities will be charged as published at 46 FR 63198.

Done at Washington, D.C. March 3, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–6839 Filed 3–8–83; 8:45 am]
BILLING CODE 3410–02–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

March 4, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447–6201.

Extension

• Soil Conservation Service
Conservation Plan of Operations
SCS–CPA–11, 11d and 12
On occasion
Farms: 21,000 responses; 10,500 hours; not applicable under 3504(h)
Glen E. Black (202) 382–1842
• Rural Electrification Administration
Uniform System of Accounts Prescribed for REA Electric Borrowers
REA Bulletin 181–1
On occasion
Businesses: 985 responses; 4,097,600 hours; not applicable under 3504(h)
Roland Heard (202) 382–5227
• Rural Electrification Administration
Manual for Preservation of Borrowers Records (Electric)
REA Bulletin 180–2
On occasion
Businesses: 985 responses; 1,024,400 hours; not applicable under 3504(h)
Roland Heard (202) 382–8227

Reinstatement

• Agricultural Stabilization and Conservation Service
Supplemental Qualification Statement—Agricultural Program Specialist GS 1145–5/7
ASCS 650

On occasion
Individuals: 1,000 responses; 2,000 hours; not applicable under 3504(h)
Donald L. Samuels (202) 447–7517

Marshall L. Dentzler,

Acting Statistical Clearance Officer.

[FR Doc. 83-5859 Filed 3-8-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Docket 41077]

American International Airways, Inc., Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated at Washington, D.C., March 3, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-6017 Filed 3-8-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41306]

Unicorn Air, Ltd., Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 21, 1983, at 9:30 a.m. (local time), Room 1027, Main Universal Building, 1625 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., March 4, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-6016 Filed 3-8-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on March 24, 1983, at the Ramada Inn, Naricon Avenue, East Brunswick, New Jersey. The purpose of this meeting will be to discuss the program plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Clyde Allen, 620 Sheridan Avenue, Plainfield, New Jersey, 07060, (212) 572–7577 or the Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, N.Y. 10278, (212) 264–0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 3, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-5061 Filed 3-8-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 2-83; Foreign-Trade Zone 27]

Application for Expansion; Boston, Massachusetts

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority (Massport), grantee of Foreign-Trade Zone 27 in Boston, Massachusetts, requesting authority to expand its zone project in Boston, within the Boston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u) and the regulations of the Board (15 CFR Part 400). It was formally filed on March 1, 1983. The applicant is authorized to make this proposal under Chapter 711 of the Acts of the Commonwealth of Massachusetts, 1971.

On April 5, 1977, Massport received authority to establish a foreign-trade zone project (Board Order 116, 42 FR 18901, 4–11–77). The zone was expanded in 1979 (Board Order 144, 44 FR 19502, 4–3–79), and now involves public warehousing and 20-acres of open space in the Commonwealth Pier area and nearby Boston Marine Industrial Park. Since activation in September 1980, the zone has been used by a number of firms for a variety of items ranging from textiles to electronic products.

Massport now requests an expansion to include a site at the airport. It will cover 20 acres within the 90-acre Bird Island Flats section of Logan International Airport, which is being developed as a high-tech industrial park for the electronics and computer industries, called the Mass Tech Center. The proposed zone site is regarded as an important feature to serve the international trade needs of the Center.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Carl B. Sciple, Division, Engineer, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, Massachusetts 02154.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 8, 1983.

A copy of the application is available for public inspection at each of the following locations:

Office of the Director, U.S. Dept. of Commerce District Office, 441 Stuart Street, 10th Floor, Boston, Massachusetts 02116 Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW., Room 1872, Washington, D.C. 20230.

Dated: March 4, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-5988 Filed 3-8-83; 8:45 am]

BILLING CODE 3510-25-M

[Docket No. 3-83; Foreign-Trade Zone 23, Erie County, New York]

Application for Subzone at Xerox Plant in Webster, New York

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Erie, New York, grantee of Foreign-Trade Zone 23, requesting authority for a special-purpose subzone at the photocopier manufacturing plant of Xerox Corporation in Webster, Monroe County, New York, adjacent to the Rochester Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 1, 1983. Both Erie and Monroe Counties have authority to apply for zones within their jurisdictions under New York law. Because there is no public zone project in the latter county, the President of the Monroe County

Legislature requested that Erie make the application. County counsel for Erie issued an opinion that Erie has authority to apply under these circumstances.

The subzone would cover 102 acres of the Xerox Corporation's 465-acre photocopier manufacturing plant, located at 800 Phillips Road in the Village of Webster. The plant employs some 6,400 persons, one-fourth of which are involved in export-related operations. Although, the plant produces a full range of copiers, the subzone would be used primarily for production of small ones, for which 90 percent of the parts are imported. Foreign components include power supply and transformers, clutches, springs, lenses and other specialized copier components.

Zone procedures would exempt Xerox from duty payment on foreign components used for its exports, which now account for about 20 percent of plant production and is projected to amount to 40 percent by the end of 1984. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of complete copiers. The average duty rate for the copier parts Xerox imports is 6.1 percent, whereas the duty rate for complete copiers is 4.5 percent. This duty differential is one of the factors which is causing the company to consider importing small copiers rather than producing them domestically. Subzone status, would rationalize Customs costs, improving the competitiveness of this plant in relation to copier plants abroad.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The committee consists of Dennis Puccinelli (Chairman), Foerign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineeer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 8, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 100 State Street, Room 611 Rochester, New York 14614

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania, NW, Room 1872, Washington, D.C. 20230

Dated: March 4, 1983.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 83-6066 Filed 3-8-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Frank Walter Sportswear Contractors, Inc., et al.

Petitions have been accepted for filing from the following firms: (1) Frank Walter Sportswear Contractors, Inc., 801 Crocker Street, Los Angeles, California 90021, producer of women's and girls' blouses, men's shirts, and girls' dresses and pants (accepted January 24, 1983); (2) B.C. Breakfield Enterprises, Inc., 265 Via Del Monte, Oceanside, California 92054, producer of women's coats (accepted January 25, 1983); (3) Gym Master Company, 3200 South Zuni Street, Englewood, Colorado 80110, producer of gymnasium equipment and outhouses (accepted January 31, 1983); (4) Boston Machine Works Company, 17 Willow Street, Lynn, Massachusetts 01903, producer of footwear machinery and parts (accepted January 31, 1983); (5) Plasco, Inc., 4080 Morrison Drive, Gurnee, Illinois 60031 producer of disposable plastic medical products (accepted February 2, 1983); (6) Seventeen South Garment Company, Inc., Box 1468, Elizabeth City, North Carolina 27909, producer of children's coats, jackets and rompers (accepted February 2, 1983); (7) Outdoor Venture Corporation, P.O. Box 337, Stearns, Kentucky 42647, producer of tents, awnings, canopies, screen houses and sleeping bags (accepted February 4, 1983); (8) Lakeside Vineyard, Inc., 13581 Red Arrow Highway, Harbert, Michigan 49115, producer of wine (accepted February 4, 1983); (9) Harry Levine Corporation, 20 West 33rd Street, New York, New York 10001, producer of handbags (accepted February 7, 1983); (10) Alloy Casting of Louisiana, Inc., P.O. Box 9389, Shreveport, Louisiana 71109, producer of steel casting for valves, pumps and fittings (accepted February 7, 1983); (11) Antietam Footwear, Inc., 113 Summit Avenue, Hagerstown, Maryland 21740, producer of men's, women's and children's footwear (accepted February 7, 1983); (12) Boston Digital Corporation, 86 South Street, Hopkinton, Massachusetts 01748, producer of machine tools (accepted February 7, 1983); (13) Cinderella Clothing Industries, Inc., 640 Allendale Road, King of Prussia, Pennsylvania 19406, producer of children's dresses, pants, tops and shorts (accepted February 7, 1983); (14) Quaker Stove Company, P.O. Box E, Trumbauersville, Pennsylvania 18970, producer of stoves and fireplace inserts (accepted February 7, 1983); (15) Vatco Industries Corporation, 184 Everett Street, Allston, Massachusetts 02134, producer of automobile seat covers and cushions (accepted February 7, 1983); (16) Vineland Fireworks Company, Inc., Main & Garden Roads, Vineland, New Jersey 08360, producer of fireworks (accepted February 7, 1983; (17) J.W. Gold Sculptors International, Inc., 1421 South Beretania Street, Honolulu, Hawaii 96814, producer of jewelry (accepted February 8, 1983); (18) Dame Belt & Bag Company, Inc., 636 11th Avenue, New York, New York 10036, producer of handbags and belts (accepted February 8, 1983); (19) Soundmates, Inc., 796 29th Avenue, S. E., Minneapolis, Minnesota 55414, producer of loudspeakers (accepted February 10, 1983); (20) Forest Hill Sportswear Company, Inc., 63 Endicott Street, Boston, Massachusetts 02113, producer of women's blazers (accepted February 10, 1983); (21) Western Stoneware Company, 521 West Sixth Street, Monmouth, Illinois 61462, producer of stoneware dishes (accepted February 11, 1983); (22) First Embroidery Corporation, P.O. Box 4499, Carolina, Puerto Rico 00628, producer of women's and girls' underwear, blouses and dresses (accepted February 14, 1983); (23) Sims Castings Corporation, 2170–76 East Erie Boulevard, Syracuse, New York 13224, producer of aluminum castings (accepted February 14, 1983); (24) Bullard Manufacturing Company, Inc., 726 Hiawatha Boulevard West, Syracuse, New York 13204, producer of stoves and fireplace inserts (accepted February 15, 1983); (25) Tel Ray Electronics Manufacturing Company, Inc., 6855 Vineland Avenue, North Hollywood, California 91605, producer of sound modification equipment (accepted February 14, 1983); (26) Isley Knitting Mills, Inc., P.O. Drawer 207, Graham, North Carolina 27253, producer of men's and women's sweaters and shirts (accepted February 16, 1983); (27) Page Accessories, Inc., 132 Dale Street,

West Babylon, New York 11704, producer of metal apparel belts and chains (accepted February 22, 1983); (28) Carolina Tables of Hickory, Inc., P.O. Box 2000, Hickory, North Carolina 28603, producer of household tables (accepted February 23, 1983); and (29) Mi-Li, Inc., 182 Washington Street, Quincy, Massachusetts 02169, producer of women's skirts (accepted February 23, 1983).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–05 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83–6067 Filed 3–8–83; 8:45 am]

BILLING CODE 3510–25–M

National Institutes of Health et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 83–4724 beginning on page 8102 in the issue of Friday, February 25, 1983, make the following corrections:

1. On page 8102, third column, the entry for the University of Illinois now designated "Docket No. 81–00049" should have been designated "Docket No. 82–00040".

2. In the same column, the entry for Harvard University now designated "Docket No. 81–00071" should have been designated "Docket No. 82–00071".

3. On page 8103, first column, the entry for the University of Washington now designated "Docket No. 81–00065" should have been designated "Docket No. 82–00066".

BILLING CODE 1515–01–M

Canned Mushrooms From the People's Republic of China; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of Preliminary Antidumping Determination.

SUMMARY: The preliminary determination of canned mushrooms from the People's Republic of China is being postponed, and we intend to issue it not later than May 16, 1983.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Telephone: (202) 377–3963 or 377–2613.

SUPPLEMENTARY INFORMATION: On November 8, 1982, we announced our initiation of an antidumping investigation to determine whether canned mushrooms from the People's Republic of China are being, or are likely to be, sold in the United States at less than fair value within the meaning of the antidumping law. The notice stated that we would issue a preliminary determination by March 28, 1983, if the investigation proceeded normally.

As detailed in the notice of initiation of the antidumping investigation, the petition alleges that imports from the People's Republic of China of canned mushrooms are being, or are likely to be, sold in the United States at less than fair value. On February 17, 1983, counsel for the petitioner, the Four "H" Company, requested that the Department extend the period for the preliminary determination until 210 days after the date of receipt of the petition in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended.

We have determined that additional time is necessary to make the preliminary determination. Accordingly, the period for determination in this case is hereby extended. We intend to issue a preliminary determination not later than May 16, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

March 1, 1983.

[FR Doc. 83–6062 Filed 3–8–83; 8:45 am]

BILLING CODE 3510–25–M

Preliminary Determination of Sales at Less Than Fair Value; Greige Polyester Cotton Printcloth From the People's Republic of China

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determination of Sales at Less than Fair Value: Greige Polyester/Cotton Printcloth from the People's Republic of China.

SUMMARY: We have preliminarily determined that Greige Polyester/Cotton Printcloth from the People's Republic of China is being sold,or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the United States Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 27, 1983.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Michael Ready, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377–3963 or 377–2613.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We have preliminary determined that there is a reasonable basis to believe or suspect that greige polyester/cotton printcloth (printcloth) from the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States

at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (the Act).

For the printcloth sold by China National Textiles Import and Export Corporation (Chinatex) the only exporter of the subject merchandise, we have found that the foreign market value exceeded the United States price on 100.0 percent of sales compared. These margins ranged from 20.0 percent to 30.8 percent. The weighted-average margin on all sales compared is 23.1 percent.

If this investigation proceeds normally, we will make a final determination by May 27, 1983.

Case History

On August 5, 1982, we received a petition from the American Textile Manufacturers Institute and certain member companies, filed on behalf of the United States industry producing greige polyester/cotton printcloth. The petition alleged that greige polyester/cotton printcloth from the People's Republic of China is being sold in the United States at less than fair value, and that such sales are materially injuring, or are threatening to materially injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation on greige polyester/cotton printcloth. We notified the ITC of our action and intitiated this investigation on August 20, 1982 (47 FR 36569). The ITC informed the Department on September 20, 1982, that there is a reasonable indication that imports of greige polyester cotton/printcloth from the People's Republic of China are materially injuring, or are threatening to materially injure, a United States industry. Therefore, we proceeded with this investigation. On December 9, 1982, we determined this case to be "extraodinarily complicated," as defined in section 733(c) of the Act. Therefore, we extended the period for making a preliminary determination from January 12, 1983, until March 3, 1983 (47 FR 56376).

Questionnaires were presented to counsel for Chinatex on November 17, 1982, and to counsel for Hauafang Trading Company (an importer related to Chinatex within the meaning of section 771(13) of the Act) on November 30, 1982. Responses of both companies were received January 17, 1983. As discussed under Foreign Market Value, we determined that the PRC is a state-controlled-economy country for the purpose of this investigation. On January 17, 1983, a questionnaire was presented to a printcloth manufacturer in Thailand who agreed to act as a surrogate for this investigation.

Scope of Investigation

The product covered by this investigation is unbleached and uncolored printcloth fabric (other than 80 x 80 type) in chief value of cotton, containing polyester, and currently provided for in items 328.26 through 328.40 of the Tariff Schedules of the United States. As of January 1, 1983, the appropriate statistical suffix is 32. Previously the appropriate statistical suffixes were 32 and 92. The term "printcloth" refers to plain-woven fabric, not napped, not fancy or figured, of singles yarn, not combed, of average yarn numbers 26 to 40, weighing not more than 6 ounces per square yard, of a total count of more than 85 yarns per square inch, of which the total count of the warp yarns per inch and the total count of the filling yarns per inch are each less than 62 percent of the total count of the warp and filling yarns per square inch.

Since Chinatex is the only exporter of greige polyester/cotton printcloth from the People's Republic of China, we limited our investigation to that company.

This investigation covers the period from March 1, 1982 through August 31, 1982.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772 of the Act, we used both the purchase price and the exporter's sales price of the subject merchandise to represent United States price. For sales by Chinatex made to unrelated purchasers prior to the importation of the merchandise into the United States, purchase price was used. For sales made through Huafang, the related trading company, the first sale to an unrelated purchaser occurred after importation of the merchandise into the United States; therefore, exporter's sales price was used.

We calculated purchase price based on the C&F price to the purchasers. Where appropriate, we made deductions for inland freight, ocean freight, and dock storage.

All exporter's sales price transactions were made from stock. We calculated exporter's sales price based on the price Huafang sold the merchandise to unrelated purchasers. Where appropriate, we made deductions from and adjustments to this price for commissions, customs duty, insurance, inland and ocean freight, and for selling expenses incurred by Huafang in the United States.

In the case of purchase price transactions, conversions of Chinese to United States currency were based on the rate of exchange in effect on the date of purchase. In the case of exporter's sales price transactions, currency conversions were based on the rate of exchange in effect on the date of exportation.

Foreign Market Value

In accordance with section 773 of the Act, we used surrogate country prices to third countries to determine foreign market value. Petitioners alleged that the economy of the People's Republic of China is state-controlled to the extent that sales of the subject merchandise from that country do not permit a determination of foreign market value under 19 U.S.C. 1677b(a). After an analysis of PRC's economy, and careful consideration of the briefs submitted by the parties, the Commerce Department concluded that the PRC is a state-controlled-economy country for purposes of this investigation. Some of the factors that were involved in determining the state-controlled issue are that the major input, cotton, has production targets and prices set or heavily influenced by the state, and that the textile industry has a dual pricing structure that is heavily influenced by the state.

As a result, section 773(c) of the Act requires us to use prices or the constructed value of such or similar merchandise in a "non-state-controlled-economy" country. Our regulations establish a preference for foreign market value based upon sales prices. They further stipulate that, to the extent possible, we should determine sales prices on the basis of prices in a "non-state-controlled-economy" country at a stage of economic development comparable to the country with the state-controlled economy.

It was determined, after an analysis of countries which produce printcloth, that Thailand would be the most appropriate surrogate. We then secured the cooperation of a producer of printcloth in Thailand.

We based foreign market value on the prices at which the Thai producer sold printcloth to third country markets, because the producer made no sales of such or similar merchandise for

consumption in the home market of Thailand. The terms of sale for all third country sales were C&F. From the C&F price we made deductions, where applicable, for inland freight in Thailand, ocean freight, foreign inland freight in the country of destination, and sales commissions to unrelated parties. In the case of exporter's sales price comparisons, a further adjustment was made for directly related sales expenses incurred by the Thai producer in making third country sales. This adjustment was made pursuant to § 353.15(c) of the Commerce Regulations to offset the adjustment made for Huafang's selling expenses in the United States.

Some of the third country sales were preliminarily found to be made at prices which were less than the cost of producing the merchandise. These sales were therefore disregarded in the determination of foreign market value pursuant to § 353.7(a) of the Commerce Regulations. The remaining sales above the cost of production were determined to be adequate as a basis for determining foreign market value. A weighted-average of these above-cost prices was then calculated.

The product sold by the Thai producer to third country markets and the preponderence of the PRC product sold to the United States were both greige printcloth, 50 percent polyester and 50 percent cotton, of construction 78 x 54, with average yarn numbers of 35s, both warp and filling. The only difference in the two products was width.

The Thai sales to third countries were in 62 and 64 inch widths, whereas the PRC sales to the United States were of 48 inch width. Therefore, the net foreign market value and the United States prices were converted from a linear yard basis to a square yard basis for the purpose of making our comparisons.

Verification

We verified the information received from the Thai producer used in this preliminary determination. In accordance with section 776(a) of the Act, we will verify all data used in reaching a final determination in this investigation.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of greige polyester/cotton printcloth from the People's Republic of China subject to this investigation which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The Customs Service shall require a cash deposit or the posting of a bond equal to the estimated average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margin for greige polyester/cotton printcloth is 23.1 percent.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Public Comment

In accordance with § 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on March 30, 1983, at the United States Department of Commerce, room 4830, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by March 23, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 3, 1983.

[FR Doc. 83-6021 Filed 3-8-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Certain Carbon Steel Pipe and Tube Products From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We have preliminarily determined that there is reason to believe or suspect that benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in South Africa of certain carbon steel pipe and tube products, as described in the "Scope of Investigation" section of this notice. We estimate the amount of the benefits to be 19.5 percent of the f.o.b. value of the merchandise for Tubemakers of South Africa and 23.3 percent for all other South African manufacturers of this merchandise.

Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and to require a cash deposit or bond in the amount equal to the estimated bounties or grants. If this investigation proceeds normally, we will make our final determination by May 23, 1983.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Morrison, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we have preliminarily determined that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in South Africa of certain carbon steel pipe and tub products, as described in the "Scope of Investigation" section of this notice. We find the net bounty or grant to be as represented in the following table and consisting of the following benefit amounts:

	Manufacturer (percent)	
	Tubemakers of South Africa	All others (including Brollo)
• Export incentive program—category B	0.0	3.8
• Export incentive program—category D	0.0	0.0
• Iron/Steel Export Promotion Scheme	19.5	19.5
• Total	19.5	23.3

Case History

On October 6, 1982, we received a petition from counsel for the Committee on Pipe and Tube Imports. The Committee consists of domestic companies which produce carbon steel pipe and tube products. The petition alleged that manufacturers, producers, or exporters in South Africa of certain carbon steel pipe and tube products receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. We found the petition to be sufficient, and on October 26, 1982, we initiated a countervailing duty investigation (47 FR 49057).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) of the Act and the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

We presented a questionnaire in Washington, D.C., to the South African government of October 28, 1982. On November 19, 1982, we amended the scope of investigation and published notice of this amendment in the **Federal Register** (47 FR 53440). On December 10, 1982, we found that the case was extraordinarily complicated (47 FR 56377). The questionnaire response was received on January 31, 1983.

Scope of Investigation

For purposes of this investigation, the term "certain carbon steel pipe and tube products" includes electric resistance welded (ERW) carbon steel pipes and tubes with walls not thinner than 0.065 inch, of circular cross section, with an outside diameter of 0.375 inch or more but not exceeding 4.5 inches, as currently provided for in items 610.3241 and 610.3244 of the Tariff Schedules of the United States Annotated (TSUSA); ERW cold rolled carbon steel pipes and tubes with walls not thinner than 0.065 inch or not exceeding 0.1 inch, of any circular cross-sectional diameter with an outside diameter of 0.375 amd more, as currently provided for in item 610.3227 of the TSUSA; and ERW carbon steel pipes and tubes of any square or rectangular dimension with a wall thickness not less than 0.156 inch, as currently provided for in item 610.3955 of TSUSA; and ERW carbon steel pipes and tubes not suitable for use in the manufacture of ball or roller bearings of any square or rectangular dimension as currently provided for in item 610.4975 of the TSUSA.

Excluded from this investigation are ERW carbon steel pipes and tubes suitable for use in boilers, superheaters, heat exchangers condensers, feedwater heaters, or ball or rollers bearings, or conforming to A.P.I. specifications for oil well tubing and casing, or cold drawn pipes and tubes, or ERW carbon steel pipes and tubes imported with couplings.

Tubemakers of South Africa Limited (TOSA) and Brollo Africa Limited (Brollo) are the only known producers of products within the scope of investigation exported to the United States. According to responses from the respondents, no exports to the United States have been made of pipe and tube from South Africa under item 610.3227 of the TSUSA.

Analysis of Programs

The period for which subsidization is being measured is the corporate fiscal year ending September 30, 1982.

Based upon our analysis to date of the response and petition, we have preliminarily determined the following:

I. Programs Preliminarily Determined to Confer Bounties or Grants to Maufacturers, producers, or Exporters of certain Carbon Steel Pipe and Tube Products

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in South Africa of certain steel pipe and tube products under the programs listed below:

Export Incentive Program

The South African Department of Industries, Commerce and Tourism has a general export incentive program, two parts of which were used in 1982. these are described below.

Category B. This program consists of a credit against income taxes of 10 percent of the value-added component of the exported merchandise if there is a South African import duty on such merchandise. There is an import duty on carbon steel pipe and tube products. The value-added component is calculated by taking the average f.o.b. sales price per ton, increasing it by the rebate received under the Iron/Steel Export Promotion Scheme (see below), and subtracting the average raw materials costs. This figure is then multipled by 10 percent to obtain the amount of the credit. We preliminarily determine that the government of South Africa through this category B tax credit program provides a benefit which constitutes a bounty or grant. For programs involving income tax benefits, the Department generally determines the value of the bounty or grant by the value of the benefit received during the period for which subsidization is being measured.

Brollo receives a benefit under category B which was calculated to be 3.8 percent *ad valorem*. TOSA stated that it did not benefit from category B. Although we preliminarily determine the program to confer a bounty or grant, we find the estimated net bounty or grant for the period for which we are measuring subsidization to be 0.0 pecent *ad valorem* for TOSA.

Category D (Export Marketing Assistance Program). This program consists of a deduction from Taxable income of between 175 and 200 percent of export market development expenses. As we have found in previous investigations of this program, we preliminarily determine that the government of South Africa through this category D tax deduction program provides a benefit which constitutes a bounty or grant. Brollo stated that it did not benefit from this program. Stewarts and Lloyds and its subsidiary TOSA stated that no benefit was received because they had a tax loss. However, we understand that under this circumstance, the tax deduction can be carrried forward. Therefore, although we preliminarily determine the program to confer a bounty or grant, we find the estimated net bounty or grant for the period for which we are measuring subsidization to be 0.0 percent *ad valorem*.

Iron/Steel Export Promotion Scheme

The Iron/Steel Export Promotion Scheme rebate a fixed percentage of the f.o.b value of exports containing rolled, drawn, or forged steel to secondary producers if the exported product meets a value-added criterion. It is admistered by the South African Iron and Steel Industrial Corporation (ISCOR). The Department considers the Scheme to have provided an export subsidy, and therefore a countervailable bounty or grant under section 303(a)(1) of the Act. Section 771(5) of the Act equates "subsidy" with "bounty or grant" and provides illustrative examples of

subsidies. In the legislative history of the Act, the Senate Finance Committe in discussing section 771(5) said: "As under current law[. . . a subsidy may be provided either by a government or governmental entity, subdivision, or customs union, or by a private party or group of private parties." Primary steel producers in South Africa manage a special fund levied at a rate of 4 Rand per ton of steel sold in the domestic market. The South African government does not contribute to this fund. Direct payments from the fund are provided to exporters of fabricated articles containing iron or steel. The current value of the assistance is 19.5 percent of the f.o.b. value of the exported fabricated steel products. We have determined that the Iron/Steel Export Promotion Scheme provides a benefit which consititutes a bounty or grant. We have found that Brollo and TOSA take full advantage of this program on its exports of carbon steel pipe and tube.

II. Programs Preliminarily Determined Not to Confer Bounties of Grants to Manufacturers, producers, or Exporters of Certain Carbon Steel Pipe and Tube

We preliminarily derermine that no bounties or grants are being provided to manufacturers, producers or exporters in South Africa of certain carbon steel pipe and tube products under the programs listed below:

Preferential Prices for Primary Steel From ISCOR

ISCOR is South Africa's largest producer of primary steel. Over 99 percent of its stock is owned by the government of South Africa. We have no information that ISCOR sells primary steel to exporters at any rate other than that sold to manufacturers for domestic uses. The respondents purchase steel from ISCOR in arm's length transactions and are not related to ISCOR. Therefore, purchases of primary steel from ISCOR are preliminarily determined not to confer bounties or grants.

Reduced Ocean Freight Rates

The petition alleges that South African shippers benefitted from a program for reduced ocean freight rates if the products are disadvantaged with respect to foreign competition. We found no evidence of ocean freight rates for carbon steel pipe and tube products being reduced because of any program. In the Final Affirmative Countervailing Duty Determination on Certain Steel Products from South Africa, we said, "We did find evidence of variable ocean freight rates due to rate negotiation between shippers and carriers; however this variability does not constitute a bounty or grant under the Act," (47 FR 39379).

Preferential Railroad Rates

The South African Transport Services (SATS), a government-owned corporation, maintains a rate schedule that generally provides railroad rates for shipments of the pipe and tube products under investigation destined for export that are lower than domestic rates. These rates are charged per unit weight of cargo. The amount charged the shipper, the rate times the weight, is subject to a minimum weight requirement. The minimum weight associated with the export rate substantially exceeds the minimum weight for the domestic rate.

SATS has made the export rate available to all shippers after January 1, 1983, subject to the larger minimum weight requirement applicable to this rate. We determine that the rates afforded by SATS to exporters of certain carbon steel pipe and tube products are not provided on terms more favorable than those for domestic shippers and that they do not constitute a bounty or grant.

III. Program Preliminarily Determined Not To Be Used by Manufacturers, Producers, or Exporters of Certain Carbon Steel Pipe and Tube Products

We preliminarily determine that the followng programs are not used by the manufacturers, producers or exporters in South Africa of certain carbon steel pipe and tube products.

- Export incentive program—category A
- Allowances on harbor rates
- Pre- and Post-shipment financing
- Beneficiation allowances for base mineral processing, and
- Homeland develoment

IV. Programs Preliminarily Determined To Be No Longer in Existence

We preliminarily determine that the following program is no longer in existence.

Export Incentive Program—Category C (Finance Charges Aid Scheme)

The South African government provided for a tax-free rebate to certain firms increasing the value of their exports of all manufactured goods. The rebate was equal to 25 percent of the interest costs for financing exports.

The progam was discontinued on April 1, 1982. There is little likelihood that there are any exports of the subject merchandise shipped prior to that date, but not yet entered. Therefore, the benefit, it any, received for this program in the first quarter of 1982 is not included in the calculation of total estimated bounties or grants.

No other programs were found to confer bounties or grants.

Verification

In accordance with section 776(a) of the Act, we will verify the information relied upon for our final determination.

Suspension of Liquidation

We are directing the U.S. Customs Service to suspend liquidation of all entries of certain carbon steel pipe and tube products from South Africa which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or bond in the amount equal to the percentage of the f.o.b. value of the merchandise indicated at the beginning of this notice.

Public Comment

In accordance with § 355.35 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on April 14, 1983, at the U.S. Department of Commerce, room 3080, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by April 7, 1982. Oral presentation will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.43, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 4, 1983.

[FR Doc. 83-6023 Filed 3-8-83; 8:45 am]
BILLING CODE 3510-25-M

Preliminary Results of Administrative Review of Countervailing Duty Order; Non-Rubber Footwear From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on non-rubber footwear from Brazil. The review covers the period December 7, 1979 through December 31, 1980. As a result of the review, the Department has preliminarily determined the amount of the net subsidy to be 4.77 percent of the f.o.b. invoice price of the merchandise for the period December 7, 1979 through December 31, 1979 and 3.48 percent for 1980. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Laura Kneale, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 1974, the Department of the Treasury ("Treasury") published in the **Federal Register** (39 FR 32903) a final countervailing duty determination concerning non-rubber footwear from Brazil. The notice stated that the Government of Brazil had provided bounties or grants on the manufacture, production or exportation of such merchandise within the meaning of section 303 of the Tariff Act of 1930 ("the Tariff Act").

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department").

On January 4, 1980, T.D. 80–13 was published in the **Federal Register** (45 FR 1013) announcing the suspension of liquidation of all entries of such footwear exported from Brazil on or after December 7, 1979, and entered, or withdrawn from warehouse, for consumption on or after January 4, 1980. The Department published in the **Federal Register** of May 13, 1980 (45 FR 31455), a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act, the Department has now conducted an administrative review of the countervailing duty order on non-rubber footwear from Brazil.

Scope of the Review

The merchandise covered by the review is non-rubber footwear, imported directly or indirectly from Brazil. Such imports are currently classifiable under items 700.0500 through 700.4575, 700.5400 through 700.5873, and 700.7200 through 700.9500 of the Tariff Schedules of the United States Annotated.

The review covers the period December 7, 1979, through December 31, 1980, and four programs found countervailable in the original investigation: preferential financing for exports, income tax exemptions for export earnings, and two export credit premiums, for the Goods Circulation Tax ("ICM") and the Industrial Products Tax ("IPI"). The review also covers eight programs which, although not included in the original investigation, are now alleged by the petitioner to confer subsidies on exports of non-rubber footwear from Brazil.

Analysis of Programs

(1) Preferential Financing for Exports. Under this program companies are declared eligible by the Department of Foreign Commerce of the Banco Central do Brasil ("CACEX") to receive working capital loans at preferential rates. These loans have a duration of up to one year. Each firm producing non-rubber footwear can obtain preferential financing for up to 40 percent of the value of its previous year's exports.

We calculated the subsidy under this program by multiplying the value of loans outstanding under the program during the period by the differential between the commercial interest rate and the preferential interest rate for each loan. In the absence of specific export data for the last three weeks of 1979, we calculated the outstanding principal for all of 1979 and included the portion of loans granted prior to 1979 that extended past January 1 of that year. For 1980, we prorated loans extending past December 31, 1980.

The commercial rate for short-term working capital is the rate established by the Banco do Brasil for discounting sales of accounts receivable. We choose this as the benchmark rate because information provided by the Government of Brazil indicates that working capital is normally raised within the Brazilian financial system through the sale of accounts receivable. The commercial rate includes the tax on financial transactions, from which loans under the preferential financing program are exempt, and varied from 26.40 to 37.98 percent during the period January 1, 1979, through December 31, 1980.

During the period of review, firms exporting non-rubber footwear had loans outstanding under Resolutions 515 (effective February 8, 1979), 602 (effective March 5, 1980) and 641 (effective October 22, 1980) of the Banco Central do Brasil. The effective annual rate for loans taken out under these resolutions ranged from 8.70 to 31.75 percent and the differential between the commercial and preferential rates ranged from 6.23 to 17.70 percent. We calculated the benefit conferred by the program to be 4.00 percent *ad valorem* for the period December 7, 1979 through December 31, 1979, and 2.32 percent *ad valorem* for the period December 7, 1979 through December 31, 1979, and 2.32 percent *ad valorem* for the period January 1, 1980 through December 31, 1980.

With the publication of successor Resolution 674 effective January 22, 1981, there was an increase in potential benefits under the program. The effective rate of interest for loans under this resolution is 44 percent. The comparable rate for discounting sales of accounts receivable is 72.00 percent plus the 4.60 percent tax on financial transactions. The differential is 32.6 percent.

To estimate the potential benefit and cash deposit of estimated countervailing duties for this program, we summed the prorated value of loans outstanding during the review period, and found an actual use rate of 22.46 percent. We then multiplied the differential between the new benchmark commercial and preferential interest rates by the loan use rate to find a potential benefit under this program of 7.32 percent *ad valorem*.

(2) Income Tax Exemptions for Export Earnings. Exporters of non-rubber footwear are eligible under this program for exemption from income tax of the percentage of profit attributable to export revenue. The Brazilian government calculates the tax-exempt fraction of profit as the ratio of export revenue to total revenue. The benefit equals the product of the amount of tax-exempt profit and the prevailing 35 percent corporate income tax rate. We therefore preliminarily determine the benefit from this program to be 0.43 percent *ad valorem* for the period December 7, 1979 through December 31, 1979, and 0.82 percent *ad valorem* for the period January 1, 1980 through December 31, 1980.

(3) IPI Export Credit Premium. The Brazilian government eliminated the IPI credit premium on December 7, 1979, but reinstated it on April 1, 1981. As a result, this program provided no benefit during the review period. Currently, the

Government of Brazil collects a tax on exports of non-rubber footwear to the United States which fully offsets the benefit received under this program. Therefore, for purposes of the cash deposit of estimated countervailing duties, the potential subsidy under this program is zero percent.

(4) ICM Export Credit Premium. This program, which provided Brazilian companies with an overrebate of a state value-added tax on goods destined for export, was eliminated by Convention 01–79 on January 12, 1979. Therefore, this program provided no benefit during the review period.

(5) Tax Reductions on Equipment Used in Export Production. Decree Law No. 1248 of December 2, 1975, authorizes the Commission for Export Incentives ("CIEX") to provide a reduction of up to 90% of the import duty and IPI tax on equipment and machinery imported by a company that makes minimum export commitments. One footwear exporter received a benefit under this program in 1980. Dividing this benefit by total exports of non-rubber footwear in 1980, we preliminarily determine an *ad valorem* benefit of 0.03 percent from this program. Because we have no information with regard to this program for 1979, we preliminarily applied the 0.03 percent benefit to that period as the best information available.

(6) Preferential Export Financing under CIC–CREGE 14–11. CIC–CREGE 14–11 is a program operated by the Banco do Brasil which provides preferential financing to exporters, who are then required to maintain a minimum fixed level of foreign exchange contracts with the Banco do Brasil. Exporters of non-rubber footwear participated in this program in 1980.

The Government of Brazil, in its questionnaire response, argues that the Banco do Brasil operates this program as a commercial endeavor in which it can make a profit and ensure access to foreign currency, satisfying its government-mandated foreign exchange obligations. However, the Brazilian government has not yet provided the Department with sufficient evidence to enable us to determine whether this program is operated in a manner consistent with commercial considerations. Therefore, we preliminarily determine this program to confer a subsidy.

To calculate the amount of benefit conferred under the program, we multiplied the prorated value of loans outstanding during 1980 by the differential between the commercial and preferential interest rates on each loan. Using the preferential rates for each loan (provided by the Brazilian government) and again using the rates for discounting accounts receivable as the commercial rates, the differential between the commercial and preferential rates ranged from 6.98 to 43.5 percent. We preliminarily determine the benefit conferred by the program to be 0.30 percent *ad valorem* for the period January 1, 1980 through December 31, 1980. We once again applied the 1980 rate to the portion of 1979 covered by the review as the best information available.

(7) Incentives for Trading Companies. Under Resolution 643, trading companies can obtain preferential export financing. One exporter of non-rubber footwear used the services of a trading company in 1980. However, the Government of Brazil did not provide us with information on whether the trading company received preferential financing on this transaction. Therefore, we calculated the benefit by multiplying the estimated loan amount by the estimated preferential interest rate differential. We estimated the loan amount by multiplying the amount of exports which the footwear exporter shipped through the trading company by the rate of maximum eligibility for preferential financing on exports of non-rubber footwear (40 percent). For the interest rate differential, we used the weighted-average differential for loans received in 1980 under Resolutions 602 and 641 (7.54 percent). We preliminarily determine the *ad valorem* benefit under this program to be 0.01 percent in 1980 and applied that figure to 1979.

(8) Fundo de Democratizacao do Capital das Empresas. This program, which provided Brazilian companies with export financing, was funded by the U.S. government through the Alliance for Progress. Under section 701(a) of the Tariff Act, the Department must determine whether "a country under the Agreement" or "a person who is a citizen or national of such a country, or a corporation, association, or other organization organized in such a country" is providing a subsidy with respect to a class or kind of merchandise. The United States, however, is not a "country under the Agreement," as defined by section 701(b). Therefore, the program is not countervailable.

(9) Other Programs. We also examined the following programs and preliminarily find them not to have been used by exporters of non-rubber footwear during the period of review:

a. The Commission for the Granting of Fiscal Benefits for Special Export Programs ("BEFIEX").

b. Preferential Financing for the Storage of Merchandise Destined for Export under Resolution 330.

c. Gold Draft of Exportation.

d. Export Credit Financing ("FINEX").

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the aggregate net subsidy conferred during the period December 7, 1979 through December 31, 1979 is 4.77 percent *ad valorem*, and 3.48 percent *ad valorem* for the period January 1, 1980 through December 31, 1980. Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of 4.77 percent of the f.o.b. invoice price on all shipments of Brazilian non-rubber footwear exported on or after December 7, 1979 and on or before December 31, 1979. The Department will instruct the Customs Service to assess countervailing duties of 3.48 percent for the f.o.b. invoice price on all shipments exported on or after January 1, 1980 and on or before December 31, 1980.

All unliquidated entries of this merchandise which were exported from Brazil before December 7, 1979 shall be liquidated at the applicable rates set forth in **Federal Register** notices dated May 17, 1977 (44 FR 28791), July 3, 1979 (44 FR 38839), September 28, 1979 (44 FR 55825), and February 26, 1980 (45 FR 12413).

Effective July 26, 1982, the Government of Brazil subjected exports of non-rubber footwear to the United States to an offseting export tax of 8 percent of the f.o.b. invoice price. Because of the increase in potential benefits under the preferential financing program and the reduction under the offsetting export tax, we calculate the potential aggregate net subsidy to be 0.48 percent. The Department considers this rate, since it is less than 0.50 percent, to be *de minimis*.

Therefore, the Department intends to instruct the Customs Service to waive the collection of a cash deposit of estimated countervailing duties, as provided by section 751 (a)(1) of the Tariff Act, on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of the current review. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10

days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 4, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-6089 Filed 3-8-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council's Salmon Plan Development Team; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Pacific Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended). The Council has established a Salmon Plan Development Team which will meet to discuss recreational and troll fishery management options for the 1983 season.

DATES: The public meetings will convene on Wednesday, March 9, 1983, at approximately 10 a.m. to 6 p.m.; reconvene on Thursday, March 10, and Friday, March 11, at approximately 8:30 a.m., adjourning at approximately 6 p.m., both days. Oral comments or questions by the public will be invited beginning at approximately 5 p.m., on March 9 and 10, and at approximately noon, on March 11.

ADDRESS: The public meetings will take place at the Oregon Department of Fish and Wildlife, Beaver Room, 520 S.W. Mill Street, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201; Telephone: (503) 221-6352.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6117 Filed 3-7-83; 1:44 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on April 13-14, 1983, from 9:00 a.m. to 5:00 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions of key issues related to naval aspects of national security policy and related intelligence. These matters constitute classified information that is specially authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Commander K. M. Cummings, Executive Secretary, CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Telephone (703) 756-1205.

Dated: March 4, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-5871 Filed 3-8-83; 8:45 am]

BILLING CODE 3810-AE-M

Privacy Act of 1974; Addition of Systems of Records

AGENCY: Department of the Navy, Defense.

ACTION: Addition of a notice for system of records.

SUMMARY: The Department of the Navy proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on April 8, 1983 unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, to include written data, views or arguments concerning the action proposed should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (Op-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350. Telephone: (202) 694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-674 (47 FR 2574) January 18, 1982
FR Doc. 81-9204 (47 FR 14944) April 7, 1982
FR Doc. 82-9844 (47 FR 15636) April 12, 1982
FR Doc. 82-12593 (47 FR 20018) May 10, 1982
FR Doc. 82-15596 (47 FR 25041) June 9, 1982
FR Doc. 82-23533 (47 FR 37948) August 27, 1982
FR Doc. 82-27420 (47 FR 44134) October 6, 1982
FR Doc. 82-27692 (47 FR 44381) October 7, 1982
FR Doc. 83-806 (48 FR 1330) January 12, 1983

The Navy submitted a new system report for this system under the provisions of 5 U.S.C. 552a(o) on February 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 4, 1983.

N01770-3

SYSTEM NAME:

Naval Academy Cemetery Records

SYSTEM LOCATION:

U.S. Naval Academy, Administration Building, Annapolis, Maryland 21402

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those eligible to reserve a lot for future burial in the Naval Academy Cemetery. Deceased individuals interred in the Naval Academy Cemetery.

CATEGORIES OF RECORDS IN THE SYSTEM:

State of Maryland Burial Transit Permit, Cemetery Interment Record (NDM-USNA-PWO-1170), U.S. Naval Academy Cemetery Records (NDW-USNA-DMC-5360/11) and correspondence to and from individuals.

Specifically, information contained on the forms or correspondence may be: full name, home address, rank, service, social security number, date and place of birth, date and place of death, marital status, name of father and mother, date and place of burial, lot number and other information relating to burial arrangements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031; Title 10, Secs 1481–88; 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain official records of individuals holding gravesite reservations in the Naval Academy Cemetery. Records are used to respond to general inquiries from individuals holding gravesites reservations. Verifications of eligibility of widows of an officer or enlisted man of the Navy or Marine Corps who is buried in the Naval Academy Cemetery.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

Alphabetically by last name.

SAFEGUARDS:

Records are kept in a building not open to general visiting and are maintained in an area accessible only to authorized personnel. Buidling is under surveillance of security personnel during non-working hours.

RETENTION AND DISPOSAL:

Records are permanent. They are retained after the individual is deceased.

SYSTEM MANAGER(S) AND ADDRESS:

Superintendent, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURE:

Written requests may be made to the system manager.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies and from the Register of Alumni.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-5943 Filed 3-8-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held 24–28 April 1983 at the Hotel Washington, Washington, D.C.

The purpose of the DACOWITS Committee is to assist and advise the Secretary of Defense on matters relating to women in the Services. The Committee meets semiannually.

Sessions will be conducted daily as indicated and will be open to the public. The agenda will include the following meetings and discussions:

Sunday, 24 April 1983—Hotel Washington
- 10:00 a.m.—3:00 p.m.—Registration
- 1:30 p.m.—Executive Committee Meeting
- 2:30 p.m.—3:30 p.m.—Chair's Orientation and Procedural Session for DACOWITS Members
- 3:30 p.m.—5:30 p.m.—Overview of the Military Services for DACOWITS Members and Military Representatives
- 5:30 p.m.—7:00 p.m.—Subcommittee Meetings
- 7:00 p.m.—8:30 p.m.—"No-Host" Cocktail Buffet

Monday, 25 April 1983—Pentagon/Hotel Washington
- 8:00 a.m.—8:30 a.m.—Official Opening
- 8:30 a.m.—12:05 p.m.—Keynote Addresses by Service Chiefs of Staff
- 12:45 p.m.—2:15 p.m.—Official Department of Defense Luncheon (By invitation only)
- 2:15 p.m.—3:45 p.m.—OSD/Service Briefings
- 3:45 p.m.—6:15 p.m.—Subcommittee Meetings

Tuesday, 26 April 1983—Hotel Washington
- 8:30 a.m.—12:30 p.m.—Briefings by Service Personnel Directors
- 12:30 p.m.—2:00 p.m.—"No Host" Luncheon
- 2:00 p.m.—4:00 p.m.—OSD/Service Briefings
- 4:00 p.m.—4:30 p.m.—Presentations by Members of the Public
- 4:30 p.m.—7:00 p.m.—Subcommittee Meetings

Wednesday, 27 April 1983—Pentagon/Hotel Washington
- 8:00 a.m.—11:30 a.m.—Field Trip to National Military Command Center (By invitation only)
- 12:00 noon—1:30 p.m.—"No Host" Luncheon
- 1:30 p.m.—4:30 p.m.—Subcommittee Meetings
- 7:00 p.m.—10:30 p.m.—Official Department of Defense Reception and Dinner (By invitation only)

Thursday, 28 April 1983—Hotel Washington
- 8:00 a.m.—9:45 a.m.—General Business Session—Adjourn

The following rules and regulations wilkl govern the participation by members of the public at the meeting:

(1) Members of the public will not be permitted to go on the field trip or attend the official social functions.

(2) All business sessions, to include the Executive Committee Meetings, will be open to the public.

(3) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Captain Mary J. Mayer, USAF, DACOWITS Executive Secretary, OASD (Manpower, Reserve Affairs and Logistics), Room 3D769, the Pentagon, Washngton, D.C. 20301; (202) 697–2122 by 15 April 1983.

(5) Length and number of oral presentations to be made will depend on the number of requests received from the members of the public.

(6) Oral presentations by members of the public will be permitted only from 4:00 p.m. to 4:30 p.m. on Tuesday, 26 April 1983, before the full Committee.

(7) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 60 copies of the presentation/statement by 15 April 1983.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within five (5) days after the close of the meeting.

(9) Any new items from the Tuesday Members of the Public Session MAY be added to the subcommittee agendas, after consideration and approval by the Executive Committee.

(10) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Executive Secretary to consider, as feasible.

(11) Members of the public will not be permitted to enter into oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee.

(12) Members of the public will be permitted to orally question the scheduled speakers if recognized by the Chair and if time allows after the official participants have asked questions and/or made comments.

(13) Questions from the public will not be accepted during the Subcommittee Sessions, the Executive Committee Meetings, or the Business Session on Thursday, 28 April 1983.

Additional information regarding the Committee and/or this meeting may be obtained by contacting the DACOWITS Executive Secretary, OASD (MRA&L), the Pentagon, Room 3D769, Washington, D.C. 20301; (202) 697–2122.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 4, 1983.

[FR Doc. 83-6019 Filed 3-8-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Hearing Changes

AGENCY: Interegovernmental Advisory Council on Education.

ACTION: Amendment of Notice.

SUMMARY: This document is intended to notify the public of changes in the Notice of Hearing of the Intergovernmental Advisory Council on Education, published Wednesday, February 23, 1983, on page 7629.

The times, location, and agenda remain the same except the Executive Committee of the Intergovernmental Advisory Coouncil on Education will meet in closed session from 4 p.m. to 6 p.m. in Suite 2221, Department of Education, 101 Marietta Tower Building, Atlanta, Georgia 30323, to discuss issues involving Council personnel, including performance and qualifications of Council staff. These discussions will touch upon matters that would disclose information of a personal nature, which disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. The public is being given fewer than 15 days' notice of this meeting due to the aforementioned personnel issues which have arisen subsequent to the publication of the original notice.

The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C., Appendix (1) and under exemptions (2) and (6) contained in the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b(c) (2) and (6)).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

Signed at Washington, D.C., on March 3, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-6070 Filed 3-8-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hawthorne Oil & Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Hawthorne Oil and Gas Corporation and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments By: April 8, 1983.

ADDRESS: Send comments to: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Street, Suite 610, Houston, Texas 77002.

FOR FURTHER INFORMATION CONTACT: Sandra K. Webb, Director, Houston Office, Economic Regulatory Administration, One Allen Center, 500 Dallas Street, Suite 610, Houston, Texas 77002, [phone] (713) 229–3715. Copies of the Consent Order may be obtained free of charge by writing or calling this office.

SUPPLEMENTARY INFORMATION: On February 3, 1983, the ERA executed a proposed Consent Order with Hawthorne Oil and Gas Corporation of Lafayette, Louisiana. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Hawthorne Oil and Gas Corporation (Hawthorne), with its home office located in Lafayette, Louisiana, is a firm engaged in the production and marketing of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations and related regulations, 10 CFR Parts 205, 210, 211 and 212, in connection with Hawthorne's transactions involving the sale of crude oil during the period September 1, 1973 through November 30, 1976 ("the period covered by this Consent Order"), the ERA and Hawthorne entered into a Consent Order, the significant terms of which are as follows:

Hawthorne was engaged in the production and marketing of crude oil during the period September 1, 1973 through November 30, 1976 and was subject to the price regulations codified in 10 CFR Part 212 and its predecessors.

DOE has conducted an audit to determine the Hawthorne's compliance with the regulations, which audit resulted in the issuance of a Remedial Order. (10 DOE ¶ 83,005).

Nothwithstanding DOE's view as to the application of the regulations to Hawthorne's activities during the settlement period, Hawthorne maintains that it calculated its costs and determined its prices in accordance with the applicable statutes and regulations. In order to avoid the expense of additional litigation and disruption of its business functions, however, Hawthorne agreed to enter into a Consent Order. Execution of the Consent Order does not constitute an admission by Hawthorne.

II. Refund

Under the Consent Order, Hawthorne will pay the sum of $520,000 to the U.S. Department of Energy. That sum is payable in 18 monthly payments, although the company may prepay the balance at any time. Installment interest on the unpaid balance wil be based upon the average prime rates.

III. Submission of Written Comments

Interested parties are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Comments on Hawthorne Oil and Gas Corporation Consent Order." The ERA will consider all

comments it receives by 4:30 p.m., local time April 8, 1983. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Houston, Texas, on the 15th day of February, 1983.

Sandra K. Webb,

Director, Houston ERA Office.

[FR Doc. 83-6807 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

The Parade Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to The Parade Company of Shreveport, Louisiana.

The Proposed Remedial Order charges this company with pricing violations in the amount of $1,716,465.25, plus accrued interest, in sales of propane and natural gas liquids during the period of February 1975 through January 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 11th day of February, 1983.

David H. Jackson,

Director, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-6808 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

Petro-Thermo Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Petro-Thermo Corporation at Suite 260, Broadmoor Building, Hobbs, New Mexico 88240. This proposed Remedial Order alleges pricing violations in the amount of $314,261.34 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Parts 205, 210, and 212, Subparts F and L during the time period November 1973 through December 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75237, or by calling (214) 767–7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 18th day of February, 1983.

Ilen L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-6809 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

Record of Decision for New England Power Company Salem Harbor Generating Station Units 1, 2 and 3

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Decision to issue final floodplain statement of findings and final prohibition orders to Salem Harbor Units 1, 2 and 3.

SUMMARY: Pursuant to the Council on Environmental Quality Regulations (40 CFR Part 1505) implementing the procedural provisions of the National Environmental Policy Act (NEPA) and the Department of Energy's (DOE) NEPA guidelines (45 FR 20694, March 28, 1980), the Economic Regulatory Administration (ERA) of DOE is issuing a Record of Decision on the environmental impact statement (EIS) prepared for the Salem Harbor Generating Station Units 1, 2, and 3. DOE is also issuing the floodplain statement of findings for the proposed action pursuant to 10 CFR 1022.18.

Decision

The DOE will finalize and issue prohibition orders for Units 1, 2 and 3 of the Salem Harbor Generating Station, located in Salem, Massachusetts as requested by the New England Power Company (NEP). The final prohibition orders will prohibit using either natural gas or petroleum as the primary energy source for the three units. The owner of the generating station plans to return the three units to burning low-sulfur coal.

Project Description

On April 3, 1980 (45 FR 22183), DOE published proposed prohibition orders for Salem Harbor Units 1, 2 and 3 under the Powerplant and Industrial Fuel Use Act of 1978 (FUA) as amended. Following enactment of the Omnibus Budget Reconciliation Act of 1981 (OBRA), which amended FUA to allow powerplant owners and operators to certify to FUA's required technical and economic feasibility findings, to convert to coal as fuel, NEP elected to so certify. DOE then reissued proposed prohibition orders to Units 1, 2 and 3 on December 7, 1981. The final prohibition orders will prohibit NEP from using either natural gas or petroleum as a primary energy source in the affected units. On March 1, 1982, NEP began limited coal burning at the plant under the provisions of a Clean Air Act Delayed Compliance Order (DCO) issued by the U.S. Environmental Protection Agency (EPA) on February 9, 1982 (47 FR 5893).

A Massachusetts Draft Environmental Impact Report pursuant to the Massachusetts Environmental Policy Act was filed with the Massachusetts Office of Environmental Affairs in January 1982 and was publicly available on March 22, 1982.

DOE published a Draft Environmental Impact Statement (DEIS) (DOE/EIS–0086–D) in February 1982 and a Final Environmental Impact Statement (FEIS) in October 1982 (DOE/EIS–0086–F).

Description of Alternatives

In the EIS, DOE has assessed the environmental impacts of:

A. No DOE action, i.e., no prohibition order—NEP elects to continue burning oil, or retire the plant.

B. DOE issues prohibition order—NEP elects to convert to another fuel (low sulfur coal).

The "no action" alternative would allow NEP continued use of oil at the units, and so would not change the present impacts to the environment. Thus the "no action" alternative is considered the environmentally preferable alternative. However, continued operation with oil would not satisfy the purpose and goal of FUA to use energy other than oil or gas.

Fuels other than low sulfur coal considered as potential major energy sources under the B option were high-sulfur coal, coal-oil mix, refuse-derived fuel and wood/wood chips. None of these is considered preferable to the use of low sulfur coal either because they are not available in sufficient quantities or because they necessitate additional construction, transportation, or storage, or create environmental concern while reducing oil consumption by only 20%.

The major issues of concern in the environmental impact assessment were air and water quality, noise, increased traffic, and land use problems due to ash

disposal. Impacts to regional or site geology, aquatic or terrestrial biota, housing labor market or other socioeconomic factors were of lesser significance.

A prohibition order has enabled NEP to obtain a DCO allowing the use of coal as fuel under prescribed conditions while refurbishing the existing electrostatic precipitators.

Air Quality

Conversion to coal under the DCO allows slightly negative impacts due to the increased particulate matter emission for up to 46 months (during refurbishing of the precipitator). Following the DCO period particulate emissions will again be within Clean Air Act state implementation plan limits. SO_2 emissions remain within allowable limits and equivalent to current SO_2 emissions on oil firing. NO_2 emissions were estimated to increase by 180 tons per year, well under the 250 tons per year exemption allowed by the Massachusetts Department of Environmental Quality Engineering. Mitigative measures such as wetting down of construction areas and the coal pile to reduce impacts of increased dust will be taken.

Water Quality

The Salem Harbor Generating Station currently operates under a National Pollutant Discharge Elimination System (NPDES) permit which will remain essentially unchanged. Conversion to coal will increase the size of the existing coal pile, and therefore increase the potential for contamination of ground water from coal pile runoff.

The principal sources of wastewater will include coal pile runoff, excess water from the bottom ash sluice water treatment system, and an increased solids content in equipment washwaters and boiler seal water, due to the larger amounts of ash involved in coal firing. Each of these sources will be routed through the existing wastewater treatment system.

Solid Waste Disposal

Approximately 164 tons of fly and bottom ash per day will be produced at Salem Harbor after conversion to coal. The utility will either market the ash or dispose of it in permitted commercial landfills located within 30 miles of the plant.

Transportation

Various methods of transportation of coal to the site were analyzed. The plant does not now have rail facilities, and reactivation of such rail routes would be difficult. No coal-slurry pipelines were available or planned in this area during the life of the plant. There are existing dock facilities currently in use. While converson will result in a slight net increase in dock use, existing facilities remain sufficient due to the more rapid unloading rate for coal. Conversion of Units 1, 2, and 3 will result in 25 unloadings per year of the 36,000 ton collier. Due to the displacement of oil by coal, about one half of the present barge/tanker unloadings will be eliminated to be replaced by collier unloadings. No dredging or other work requiring a permit from the U.S. Army Corps of Engineers is required.

Floodplain Determination

Since the generating station is an existing facility whose dock and tank farm portions are located within the 100-year floodplain, as delineated on the appropriate HUD floodplain map for the City of Salem, DOE was required to comply with its floodplain management regulations (10 CFR Part 1022).

DOE prepared a preliminary floodplain assessment which is included as Section 2.5 of the FEIS for Salem Harbor (October 1982). Alternatives to this proposed action were identified, environmental impacts evaluated and mitigation measures were proposed. In addition, the preliminary floodplain statement of findings concluded that no practicable alternatives exist to the continued location of the generating station in the floodplain. No substantive comments on this issue, either during the review period for the DEIS or during the 30 day hold period of the FEIS were received by DOE.

Several of the modifications to the facility necessary to allow conversion to coal involved existing structures which are built in the floodplain, including the coal pile and settling basins. The structures cannot be relocated within the generating site boundary.

The proposed action includes all practicable measures to minimize harm to the floodplain. Facilities constructed in the floodplain that are subject to hurricane storm waves (V3 zone) will be floodproofed to withstand wave forces and inundation. Floodproofing will include such items as diking and reinforcement to reduce storm damage.

Since October 1982 DOE has further evaluated the matter and has determined that the proposed conversion will not change the existing character of the floodplain or alter the risk of loss due to flooding of adjacent property.

The Department has determined, based on the floodplain assessment, that there is no practicable alternative to the continued use of the existing facilities. The Floodplain Statement of Findings is attached.

Basis for Decision

NEP is desirous of converting Salem Harbor, Units 1, 2, and 3 as evidenced by its certification pursuant to Section 1021 of OBRA and its current burning of coal by those units pursuant to the DCO issued in February 1982.

Conclusion

While the no-action alternative can be described as environmentally preferred (40 CFR 1505.2), benefits derived from this conversion have been balanced against the potential environmental impacts. In addition, reasonably available alternatives have been considered. As a result of these evaluations, the proposed conversion to coal is the preferred alternative of the EIS, and DOE will issue the final prohibition orders to Salem Harbor Units 1, 2, and 3. In addition, as a result of its review of alternatives and evaluation of the environmental impacts, DOE has determined there is no practicable alternative to the existing location of the generating station in the 100-year floodplain. All practical means to avoid or mitigate harm in the floodplain will be used.

Issued in Washington, D.C., on March 3, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

Department of Energy, Floodplain Statement of Findings

The Department of Energy proposes to finalize prohibition orders under the Powerplant and the Industrial Fuel Use Act of 1978 (FUA) for the Salem Harbor Generating Station Units 1, 2, and 3. The final prohibition orders will prohibit using either natural gas or petroleum as the primary energy source for the three units. The owner of the generating station plans to return the units to burning low-sulfur coal.

The generating station is located in Salem, Massachusetts on a 60 acre site adjacent to the Harbor (See Attachment A). The station has been in operation since 1952. The units were designed to burn coal, and did burn coal until 1969. Most of the facilities needed to handle coal already exist. This includes the unloading pier, the coal storage area, and the ash settling basins.

Conversion of the units to burning coal will necessitate modification of existing facilities, including the coal storage area and the settling basins, which are located in a 100-year floodplain and which, because of

physical constraints, cannot be relocated within the site to avoid the floodplain (See Attachment B). Accordingly, the Department prepared a floodplain assessment for the proposed action pursuant to 10 CFR Part 1022. The floodplain assessment is incorporated in the final environmental impact statement the Department prepared for the proposed finalization of the prohibition orders (DOE/EIS–0066, October 1982).

As part of the floodplain assessment, the Department considered alternate locations within the site and "no action" as alternatives to locating the proposed action in the floodplain. Alternate locations within the site that would avoid the floodplain are precluded by physical constraints. The "no action" alternative would not serve the purposes of FUA. In addition, it would not necessarily avoid the floodplain action since the utility could convert to coal without the final prohibition orders.

The necessary modifications to the coal pile and settling basins will not change the existing character of the floodplain nor alter the risk of loss due to flooding. Facilities in the floodplain will be flood-proofed to withstand wave action and inundation in conformance with applicable floodplain protection standards. Flood-proofing will include such measures as diking and structural reinforcement.

The Department has determined, on the basis of the floodplain assessment, that there is no practicable alternative to the proposed facility modifications in the floodplain and that the proposed action has been designed to minimize potential harm to or within the floodplain.

Issued in Washington, D.C. on March 2, 1983.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Environmental Preparedness.

BILLING CODE 6450-01-M

FIGURE 2.0-1
LOCATION MAP-SALEM HARBOR GENERATING STATION

Attachment A
Taken from p. 3 of PEIS

[FR Doc. 83-6660 Filed 3-8-83; 8:45 am]
BILLING CODE 6450-01-C

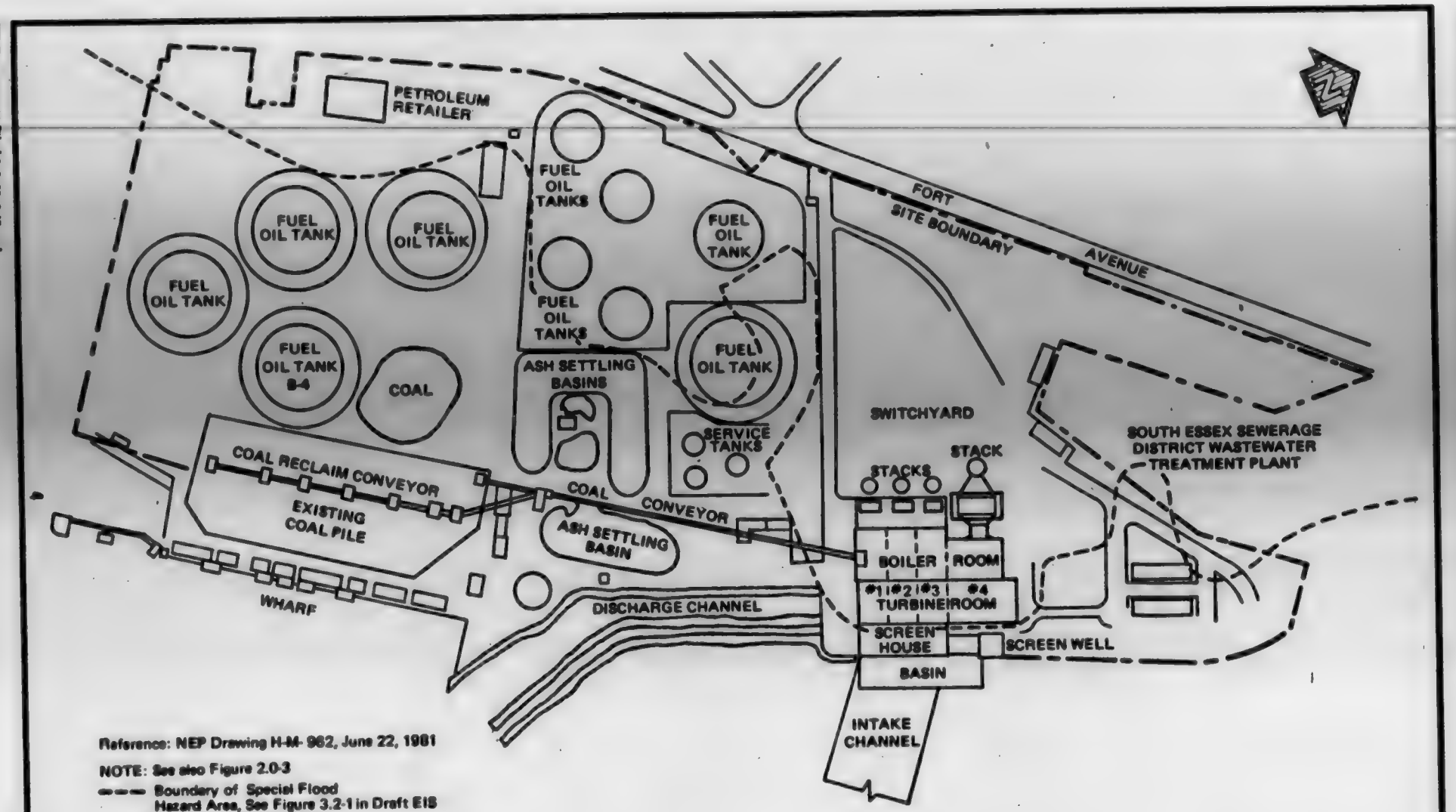

FIGURE 2.0-2
EXISTING SITE LAYOUT

Attachment B
Taken from p. 4 of FEIS

Federal Energy Regulatory Commission

[Volume 841]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 2, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-ARGO PETROLEUM CORP			RECEIVED:	02/07/83		JA: CA			
8321182	82-2-0013	0411100218	103			HOPPER CANYON #14	HOPPER CANYON	26.0	PACIFIC LIGHTING
8321184	82-2-0014	0411120926	103			HOPPER CANYON #28	HOPPER CANYON	105.0	PACIFIC LIGHTING
8321183	82-2-0015	0411120981	103			HOPPER CANYON #29	HOPPER CANYON	95.0	PACIFIC LIGHTING
-HUSKY OIL COMPANY			RECEIVED:	02/07/83		JA: CA			
8321178	82-5-0003	0403120210	102-2			"HUSKY-BOSWELL" 22-16	TULARE LAKE	107.0	PACIFIC GAS & ELE
8321177	82-5-0006	0403120238	102-2			KCDC 41-8	TULARE LAKE	190.0	PACIFIC GAS & ELE
8321176	82-5-0005	0403120334	102-2			KCDC 54-8	TULARE LAKE	190.0	PACIFIC GAS & ELE
8321179	82-5-0004	0403120224	102-2			KCDC 71-17	TULARE LAKE	190.0	PACIFIC GAS & ELE
-SANTA FE ENERGY PRODUCTS CO			RECEIVED:	02/07/83		JA: CA			
8321180	82-2-0011	0411121192	103			ARCO 15	OJAI-SILVERTHREAD	15.0	ARCO OIL & GAS CO
8321181	82-2-0012	0411121188	103			ARCO 28	OJAI-SILVERTHREAD	95.0	ARCO OIL & GAS CO
FLORIDA DEPARTMENT OF NATURAL RESOURCES									
-EXXON CORPORATION			RECEIVED:	02/07/83		JA: FL			
8321185		0911320200	107-DP			J B JOHNSTON JR #19-7	JAY/LEC	620.0	FLORIDA GAS TRANS
INDIANA DEPARTMENT OF NATURAL RESOURCES									
-BLACK GEORGE A JR			RECEIVED:	02/08/83		JA: IN			
8321188		1302700000	102-2			HORNADAY #2	PORTERSVILLE	146.0	
-BLACK GEORGE A JR & EMERSON NEIL R			RECEIVED:	02/08/83		JA: IN			
8321187		1302700000	102-2			HORNADAY #1	PORTERSVILLE	365.0	
KANSAS CORPORATION COMMISSION									
-ANADARKO PRODUCTION COMPANY			RECEIVED:	02/07/83		JA: KS			
8321186	K-82-0394	1517500000	108-ER			SANTA FE LAND IMP CO A-I	EVALYN	0.0	PANHANDLE EASTERN
MONTANA BOARD OF OIL & GAS CONSERVATION									
-SHELL OIL CO			RECEIVED:	02/07/83		JA: MT			
8321171	1-82-23	2502521193	103			UNIT 31-30C	PENNEL	2.5	MONTANA DAKOTA UT
8321173	1-82-21	2502521180	103			UNIT 31-32C	PENNEL	1.7	MONTANA DAKOTA UT
8321175	1-82-22	2502521195	103			UNIT 33-6B	PENNEL	5.5	MONTANA DAKOTA UT
-TENNECO OIL COMPANY			RECEIVED:	02/07/83		JA: MT			
8321174	1-82-20	2509121439	102-Z			SUNSTED 1-7	WILDCAT	229.0	PHILLIPS PETROLEU
-WEST GAS INC			RECEIVED:	02/07/83		JA: MT			
8321172	1-82-18	2509521157	103			NORDAHL 5-13	LAKE,BASIN	103.6	MONTANA DAKOTA UT
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO			RECEIVED:	02/07/83		JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

UMI 1983 MR 9 ISS 47 48

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321193		3004507996		108		GARCIA GAS COM "B" #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/07/83	JA: NM
8321195		3002520798		108		SANTA FE #104
8321196		3002520799		108		SANTA FE #106
8321197		3002520801		108		SANTA FE #108
8321194		3002508543		108		VACUUM ABO UNIT #6-71
-READ & STEVENS INC				RECEIVED:	02/07/83	JA: NM
8321201		3001524043		103		DARTMOUTH #5
-SANDERS PETROLEUM CORP				RECEIVED:	02/07/83	JA: NM
8321204		3000561127		102-2		MCKAY SAMEDAN #1
-SOUTHLAND ROYALTY CO				RECEIVED:	02/07/83	JA: NM
8321207		3004500000		108-PB		ALBINO CANYON #1
8321206		3004500000		108-PB		ALBINO CANYON #1
8321203		3003923072		103		SIMMS FEDERAL #3
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/07/83	JA: NM
8321208		3002500000		108		S LEONARD UNIT #12
-TENNECO OIL COMPANY				RECEIVED:	02/07/83	JA: NM
8321209		3001523727		102-1		STATE HL 2 1-Y
8321198		3004525419		103		STATE NIM
-TEXACO INC				RECEIVED:	02/07/83	JA: NM
8321191		3002500000		108-ER		J C ESTLACK #1
-W A MONCRIEF JR				RECEIVED:	02/07/83	JA: NM
8321205		3002500000		103		SOMBRERO STATE #1
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/07/83	JA: NM
8321202	10440	3002525657		103		A L CHRISTMAS (NCT-C) #15
-WARRIOR INC				RECEIVED:	02/07/83	JA: NM
8321192		3002503402		108-ER		STATE AK #1
-YATES PETROLEUM CORPORATION				RECEIVED:	02/07/83	JA: NM
8321200		3002527963		103		WOODPECKER "SQ" ST #5
8321199		3002527942		103		WOODPECKER "SY" ST #4

TENNESSEE OIL & GAS BOARD

-ACE PETROLEUM CO INC				RECEIVED:	02/03/83	JA: TN
8321075	A-2208	4104920912		102-4		GLENN COOPER UNIT #1
-AMTEX RESOURCES INC				RECEIVED:	02/03/83	JA: TN
8321092	A-2257	4104921008		102-2		BRYAN RAMSEY #1
8321153	A-2324	4104921019		102-2		CASPER HALL #1
8321059	A-2254	4104921003		102-4		ELBERT WILSON #1
8321156	A-2327	4104921013		102-2		GARY RODGERS #1
8321157	A-2328	4104921202		102-2		GARY RODGERS #4
8321155	A-2326	4104921025		102-2		JAMES HENRY #1
8321090	A-2255	4104921004		102-2		JOE LA RUE #1
8321091	A-2256	4104921005		102-2		JOE LARUE #2
8321058	A-2252	4104920991		102-4		LEE HULL #2
8321093	A-2251	4104920990		102-4		LEE HULL #2
8321079	A-2242	4104920978		102-4		OBRA RICH #1
8321154	A-2325	4104921036		102-2		RICHARD SUFFRIDGE #1
8321159	A-2253	4104921000		102-4		TROY CONATSER #1
8321028	A-2329	4104921001		102-4		TROY CONATSER #2
8321137	A-2330	4104921002		102-4		TROY CONATSER #3
-B & W OIL CO				RECEIVED:	02/03/83	JA: TN
8321018	A-2295	4112920506		108		CARL ROBBINS #1

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FIELD NAME	PROD	PURCHASER
BASIN DAKOTA	18.0	EL PASO NATURAL G
VACUUM GLORIETA	5.0	EL PASO NATURAL G
VACUUM/GLORIETA	1.0	EL PASO NATURAL G
VACUUM/GLORIETA	1.0	EL PASO NATURAL G
VACUUM ABO REEF	13.0	EL PASO NATURAL G
BUNKER HILL PENROSE	55.0	PHILLIPS PETROLEU
UNDESIGNATED ABO	100.0	TRANSWESTERN PIPE
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
BLANCO MESAVERDE	0.0	EL PASO NATURAL G
EAST BLANCO	180.0	NORTHWEST PIPELIN
LEONARD SOUTH	0.4	EL PASO NATURAL G
TURKEY TRACK MORROW	0.0	TRANSWESTERN PIPE
DAKOTA BASIN	100.0	EL PASO NATURAL G
TUBB - BLINEBRY	23.0	GETTY OIL CO
SOMBRERO UNDESIGNATED	0.0	TRANSWESTERN PIPE
BLINEBRY	0.0	EL PASO NATURAL G
EUMONT (YATES-SEVEN R	7.6	PHILLIPS PETROLEU
UND PERMO PENN	0.0	WARREN PETROLEUM
UND PERMO PENN	0.0	WARREN PETROLEUM

BURRVILLE	3.0	
GRIMSLEY	3.0	FENTRESS GAS TRAN
GRIMSLEY	1.0	FENTRESS GAS TRAN
BIG BRANCH	2.5	FENTRESS GAS TRAN
JONES KNOB	0.2	FENTRESS GAS TRAN
JONES KNOB	1.5	FENTRESS GAS TRAN
JONES KNOB	0.2	FENTRESS GAS TRAN
GRIMSLEY	2.0	FENTRESS GAS TRAN
GRIMSLEY	2.0	FENTRESS GAS TRAN
BIG BRANCH	3.5	FENTRESS GAS TRAN
BIG BRANCH	3.5	FENTRESS GAS TRAN
BIG BRANCH	3.5	FENTRESS GAS TRAN
GRIMSLEY	0.2	FENTRESS GAS TRAN
BIG BRANCH	2.5	FENTRESS GAS TRAN
BIG BRANCH	2.0	FENTRESS GAS TRAN
BIG BRANCH	1.0	FENTRESS GAS TRAN
DOUGLAS BRANCH	10.0	EAST TENNESSEE NA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321022	A-2302	4112920519		108		CHESTER HULING #1	GLADES EAST	7.0	EAST TENNESSEE NA
8321027	A-2296	4112920507		108		ENOS ROBBINS #1	DOUGLAS BRANCH	1.0	EAST TENNESSEE NA
8321017	A-2317	4112905714		102-2		GLADYS DAVIS-JOYCE JONES #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8321026	A-2296	4112920298		108		GORDON M BURGHARD #1	GLADES EAST	5.0	EAST TENNESSEE NA
8321021	A-2299	4112920442		108		OLMSTEAD - OVERTON #1	GLADES EAST	7.0	EAST TENNESSEE NA
8321149	A-2316	4112921179		102-2		PATRICIA GIBSON #1	DOUGLAS BRANCH	10.0	EAST TENNESSEE NA
8321025	A-2303	4112920480		108		ROY DUNCAN - V NEEDHAM #1	GLADES EAST	4.0	EAST TENNESSEE NA
8321020	A-2300	4112920532		108		SAMUEL W JONES #2	GLADES EAST	6.0	EAST TENNESSEE NA
8321024	A-2297	4112920483		108		TRUMAN MELTON #2	GLADES EAST	1.0	EAST TENNESSEE NA
8321023	A-2298	4112920294		108		VICTOR NEEDHAM #1	GLADES EAST	12.0	EAST TENNESSEE NA
8321019	A-2301	4112910526		108		WHITEHEAD #1	GLADES EAST	7.0	EAST TENNESSEE NA
				RECEIVED:	02/03/83	JA: TN			
-B-J INC									
8321161	A-2238	4104920157		102-2		CARSON HULL #1	RUGBY	21.9	INTRASTATE ENERGY
8321163	A-2239	4112920953		102-4		CECIL DAVIDSON-OTTO HURST EGI #1	BURRVILLE	32.1	INTRASTATE ENERGY
				RECEIVED:	02/03/83	JA: TN			
-CATOOSA EXPLORATION CORP									
8321162	A-2211	4104920105		102-4		ARNOLD COLDITZ #1	GRIMSLEY	0.3	FENTRESS GAS TRAN
8321049	A-2212	4104920118		102-4		ARNOLD COLDITZ #2	GRIMSLEY	3.5	FENTRESS GAS TRAN
8321082	A-2175	4104920369		102-4		JESS VAUGHN #1	BURRVILLE	3.5	FENTRESS GAS TRAN
8321076	A-2176	4104920472		102-4		JESS VAUGHN #2	BURRVILLE	3.5	FENTRESS GAS TRAN
				RECEIVED:	02/03/83	JA: TN			
-COLLINS ALVEY B JR									
8321099	A-2024	4115100000		108		FREE NEWPORT #1	GEORGE WEST BRANCH	18.0	INTRASTATE ENERGY
8321100	A-2023	4115110008		108		FREE NEWPORT #3	GEORGE WEST BRANCH	18.0	INTRASTATE ENERGY
				RECEIVED:	02/03/83	JA: TN			
-COMMERCE OIL CO									
8321033	A-2320	4112921170		102-2		BUMBY-DAVIS UNIT #1	TWIN BRIDGES	10.9	GAS LINES OF TENN
8321032	A-2323	4104920946		102-2		GARY ROGERS #11	JONES KNOB	21.9	FENTRESS GAS TRAN
8321128	A-2293-A	4104920354		102-2		GARY ROGERS #13	JONES KNOB	109.5	FENTRESS GAS TRAN
8321031	A-2322	4104920958		102-2		GARY ROGERS #14	JONES KNOB	21.9	FENTRESS GAS TRAN
8321119	A-2209	4112920645		102-2		ORA AUSTIN #1	TWIN BRIDGES	21.9	GAS LINES OF TENN
8321030	A-2321	4104920975		102-2		ROGERS-ATKINSON UNIT #1	JONES KNOB	7.3	FENTRESS GAS TRAN
				RECEIVED:	02/03/83	JA: TN			
-CUMBERLAND OIL PRODUCING CO INC									
8321051	A-2009	4112920610		108		H KACENSKI #1	DOUGLAS BRANCH	12.0	EAST TENNESSEE NA
				RECEIVED:	02/03/83	JA: TN			
-DELOY MILLER									
8321095	A-2201	4104920939		102-2		PLATEAU PROPERTIES (LEWALLEN) #2	SHIRLEY	1.0	INTRASTATE ENERGY
8321138	A-2319	4104920993		102-2		PLATEAU PROPERTIES (LEWALLEN) #3	SHIRLEY	4.0	INTRASTATE ENERGY
				RECEIVED:	02/03/83	JA: TN			
-DICK HYDE									
8321133	A-2268	4112920785		102-4		BROWN-LARUE-MASSENGILL #1	BURRVILLE	65.3	INTRASTATE ENERGY
				RECEIVED:	02/03/83	JA: TN			
-DIXIE-SHAMROCK OIL & GAS INC									
8321120	A-2229	4104920952		102-2		CHARLES GERNT #2	STOCKTON SW	3.7	TENNESSEE GAS PIP
8321152	A-2315	4104921007		102-4		CHARLES GERNT #5	STOCKTON SW	10.0	TENNESSEE GAS PIP
8321078	A-2226	4104920950		102-4		ESTATE OF BRUNO GERNT #47	STOCKTON SW	15.7	TENNESSEE GAS PIP
8321134	A-2221	4104920953		102-2		ESTATE OF BRUNO GERNT #48	STOCKTON SW	52.0	TENNESSEE GAS PIP
8321151	A-2313	4104920997		102-4		GERNT-GERNT #10	STOCKTON SW	2.5	TENNESSEE GAS PIP
8321158	A-2314	4104920992		102-4		GERNT-GERNT #9	STOCKTON SW	1.9	TENNESSEE GAS PIP
8321097	A-2228	4112921134		102-2		HEDWIG DITZ #3	WILDCAT	28.7	TENNESSEE GAS PIP
				RECEIVED:	02/03/83	JA: TN			
-EDDIE HOOD									
8321131	A-2180	4104920438		102-4		CON BLAIR OVA BLAIR PETE TINCH #1	BURRVILLE	24.0	FENTRESS GAS TRAN
8321130	A-2179	4104920438		102-4		RUP BLAIR PETE TINCH CONRAD BLAIR #	BURRVILLE	30.0	FENTRESS GAS TRAN
				RECEIVED:	02/03/83	JA: TN			
-ERBERT JAMES									
8321122	A-2237	4112921032		102-2		WILLIAM SCHWAB UNIT #1	STOWERS NW	20.0	GAS LINES OF TENN
				RECEIVED:	02/03/83	JA: TN			
-FRANCIS PETROLEUM CORP									
8321089	A-2250	4115121044		102-2		CRAWFORD-MILLS UNIT #1	ROBBINS	3.0	
8321086	A-2207	4115121026		102-2		GROVER PEMBERTON #1	RUGBY	3.5	NOT CONTRACTED AT
8321062	A-2304	4115121025		102-2		MANUS WRIGHT #1	RUGBY	3.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321065	A-2241	4115121034		102-2		MANUS WRIGHT #1-A	RUGBY	3.5	
8321101	A-2206	4104920974		102-2		MORRIS DUNCAN UNIT #1		3.5	
8321124	A-2196	4115121010		102-2		OVERTON-PEMBERTON UNIT #1	RUGBY	3.5	
8321034	A-2199	4112921130		102-2		OVID TOMPKINS #1-A	RUGBY	2.5	
8321035	A-2200	4112921131		102-2		OVID TOMPKINS #2-A	RUGBY	3.0	
-GO INC				RECEIVED:	02/03/83	JA: TN			
8321165	A-2162	4104920933		102-4		RICKY RAINES-GERNT #4	BURRVILLE	50.0	FENTRESS GAS TRAN
-HUDSON RESOURCES				RECEIVED:	02/03/83	JA: TN			
8321054	A-2260	4112920766		102-4		C R JANSCH #1	WILDCAT	0.1	INTERSTATE ENERGY
8321136	A-2291	4115120906		102-2		JAMES R SNEAD	WILDCAT	0.1	INTRASTATE ENERGY
8321135	A-2231	4112920889		102-2		LINDSEY-EDWARDS #1	WILDCAT	0.1	INTRASTATE ENERGY
-JAMES R NORMAN DRILLING CO				RECEIVED:	02/03/83	JA: TN			
8321121	A-2230	4104920921		102-2		UPCHURCH-GERNT #1	STOCKTON SW	36.5	
-JOHNSON & LINDLEY INC				RECEIVED:	02/03/83	JA: TN			
8321053	A-2661	4104920985		102-2		LEWALLEN EDITH #4	SHIRLEY	0.8	INTRASTATE ENERGY
-JOHNSON ENERGY INC				RECEIVED:	02/03/83	JA: TN			
8321052	A-2349	4104921010		102-2		CAROL GARRETT #1	JONES KNOB	3.0	FENTRESS GAS TRAN
8321063	A-2306	4104921037		102-2		M V HALL #1A	JONES KNOB	20.0	FENTRESS GAS TRAN
8321064	A-2305	4104921015		102-2		TEDDY GARRETT #1A	JONES KNOB	5.0	FENTRESS GAS TRAN
-JON E JONES				RECEIVED:	02/03/83	JA: TN			
8321029	A-2331	4104920932		102-4		JOE DUNKELBERG #1	BIG BRANCH	2.0	
-KENTENTEX DRILLING PROGRAM #1				RECEIVED:	02/03/83	JA: TN			
8321039	A-2198	4115120999		103		ARLIE LAY-KENTENTEX #1	ONEIDA WEST	21.0	INTERSTATE ENERGY
-KIMBERLY OIL & GAS INC				RECEIVED:	02/03/83	JA: TN		50.0	GAS LINES OF TENN
8321143	A-2243	4112921100		102-2		CONWAY JOHNSON #3	BURRVILLE	50.0	INTRASTATE ENERGY
8321144	A-2227	4112920838		103		OLLIE BROCK #1	UNKNOWN	20.0	FENTRESS GAS LINE
8321094	A-2163	4104920868		102-2		SHIRLEY BOW #5			
-KOPPERS CO INC				RECEIVED:	02/03/83	JA: TN			
8321072	A-2236	4112921157		102-2		CLETUS BERRY ETAL #1	RUGBY	36.9	INTRASTATE ENERGY
-LELAND PETROLEUM PRODUCTION INC				RECEIVED:	02/03/83	JA: TN			
8321129	A-2262	4112921107		103		R C HUTCHENS #2	GATEWOOD SCHOOL FIELD	8.9	B & W OIL CO
-MATHIS CLEM				RECEIVED:	02/03/83	JA: TN			
8321037	A-2266	4103520063		102-2		OTHEL HOUSTON #1	WILDCAT	0.2	
8321036	A-2265	4103520105		102-2		OTHEL HOUSTON #2	WILDCAT	0.2	
8321055	A-2263	4103520109		102-2		OTHEL HOUSTON #3	WILDCAT	0.2	
8321038	A-2264	4103520114		102-2		OTHEL HOUSTON #4	WILDCAT	0.2	
8321056	A-2267	4103520115		102-2		OTHEL HOUSTON #5	WILDCAT	0.2	
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	02/03/83	JA: TN			
8321060	A-2248	4112920145		102-4		BOYLE PLANTATION #1	BURVILLE	15.0	INTRASTATE ENERGY
-PAUL STEFFANSON				RECEIVED:	02/03/83	JA: TN			
8321139	A-306	4115170060		108		KELLY TERRY BROMLEY #1	ONEIDA WEST FIELD	5.0	INTRASTATE ENERGY
-PRAIRE CORP				RECEIVED:	02/03/83	JA: TN			
8321042	A-2190	4115120670		108		CHARLES & LARRY JEFFERS #1	JOHN HALL FLATS	16.0	INTRASTATE ENERGY
8321041	A-2194	4115120683		108		CHARLES & LARRY JEFFERS #2	JOHN HALL FLATS	7.7	INTRASTATE ENERGY
8321043	A-2189	4115120713		108		CHARLES & LARRY JEFFERS #3	JOHN HALL FLATS	1.1	INTRASTATE ENERGY
8321077	A-2187	4115120550		108		CURTIS SEXTON #1	JOHN HALL FLATS	3.0	INTRASTATE ENERGY
8321044	A-2197	4115120681		108		JEFFERS-THOMPSON #1	JOHN HALL FLATS	8.6	INTRASTATE ENERGY
8321117	A-2193	4115120681		108		JERRY WILLARD THOMPSON #1	JOHN HALL FLATS	17.0	INTRASTATE ENERGY
8321116	A-2192	4115120586		108		LEWIS MEYER #1	RUGBY	3.7	INTRASTATE ENERGY
8321115	A-2185	4112920630		108		OVID TOMPKINS #1	RUGBY	2.0	INTRASTATE ENERGY
8321114	A-2182	4112920630		108		OVID TOMPKINS #2	RUGBY	2.0	INTRASTATE ENERGY
8321113	A-2188	4115120587		108		OVID TOMPKINS #4	RUGBY	5.0	INTRASTATE ENERGY
8321096	A-2186	4112920630		108		OVID TOMPKINS #7	RUGBY	2.0	INTRASTATE ENERGY

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321045	A-2185	4115120584		108		RICH-SEXTON UNIT #1	JOHN HALL FLATS	0.9	INTRASTATE ENERGY
8321112	A-2181	4115120653		108		RUGBY-DAVIS #1	RUGBY	5.5	INTRASTATE ENERGY
8321047	A-2191	4115120607		108		WANDA SEXTON #1	JOHN HALL FLAT	1.2	INTRASTATE ENERGY
8321046	A-2184	4115120749		108		WANDA SEXTON #2	JOHN HALL FLATS	1.2	INTRASTATE ENERGY
-RATLIFF FARMS INC				RECEIVED:	02/03/83	JA: TN			
8321142	A-2310	4112920275		102-4		J F YOUNG #1 - PERMIT NUMBER 1148	INDIAN CREEK	0.1	INTRASTATE ENERGY
8321140	A-2312	4112920574		102-4		L E YOUNG #3 PERMIT #2798	INDIAN CREEK	100.0	INTRASTATE ENERGY
8321141	A-2311	4112920909		102-2		SELLERS-REED UNIT 1 - PERMIT 4184	INDIAN CREEK	0.5	INTRASTATE ENERGY
-RED FEATHER GAS & OIL INC				RECEIVED:	02/03/83	JA: TN			
8321170	A-2224	4104920936		102-2		BOBBY TAUBERT NO 2	SHIRLEY	60.0	INTRASTATE ENERGY
-ROGERS RICHARD R				RECEIVED:	02/03/83	JA: TN			
8321081	A-2259	4112921010		103		BILLY G GARRETT #3	PILOT MOUNTAIN	28.6	INTRASTATE ENERGY
8321150	A-2318	4112920771		103		BILLY GARRETT #2	PILOT	21.9	INTRASTATE ENERGY
8321080	A-2258	4112921067		103		HENRY HEIRS #1	PILOT MOUNTAIN	91.2	INTRASTATE ENERGY
-SAINT JOSEPH PETROLEUM INC				RECEIVED:	02/03/83	JA: TN			
8321166	A-2205	4104920947		102-4		BROWN ET AL #1	STOCKTON S W	184.8	B & W OIL CO
8321167	A-2204	4104920920		102-4		WALLACE #1	STOCKTON S W	135.4	B & W OIL CO
-SHEPHERD OIL INC				RECEIVED:	02/03/83	JA: TN			
8321118	A-2213	4104920782		103		PARKER-PEAVYHOUSE #1	STOCKTON	36.5	B & W OIL CO
-SOLDNER BILL SEBASTIN				RECEIVED:	02/03/83	JA: TN			
8321126	A-871	4112920371		102-2		ALEXANDER HEIRS #1	INDIAN CREEK	12.5	
8321125	A-873	4112920648		102-2		B YORK-ALEXANDER HEIRS #1	INDIAN CREEK	12.5	
8321168	A-872	4112920418		102-2		YOUNG-SOLDNER-ALEXANDER #1	INDIAN CREEK	12.5	
-SRI DRILLING CO				RECEIVED:	02/03/83	JA: TN			
8321066	A-2288	4112920717		108		G C PEMBERTON - R PEMBERTON #2	PLEASANT RIDGE	11.0	EAST TENNESSEE NA
8321147	A-2280	4112920975		108		G C PEMBERTON #1	PLEASANT RIDGE	13.0	EAST TENNESSEE NA
8321148	A-2278	4112920998		108		G C PEMBERTON #4-A	PLEASANT RIDGE	30.0	EAST TENNESSEE NA
8321068	A-2276	4112921008		108		G C PEMBERTON #6-A	PLEASANT RIDGE	1.8	EAST TENNESSEE NA
8321067	A-2275	4112921019		108		G C PEMBERTON #8-A	PLEASANT RIDGE	1.8	EAST TENNESSEE NA
8321069	A-2277	4112921002		108		G C PEMBERTON 5-A	PLEASANT RIDGE	3.7	EAST TENNESSEE NA
8321146	A-2290	4112920658		108		RALPH PEMBERTON - G C PEMBERTON #1	PLEASANT RIDGE	0.0	EAST TENNESSEE NA
8321145	A-2287	4112920761		108		RALPH PEMBERTON - G C PEMBERTON #2	PLEASANT RIDGE	3.0	EAST TENNESSEE NA
-SUNBRIGHT OIL & GAS INC				RECEIVED:	02/03/83	JA: TN			
8321048	A-2202	4112921129		102-2		CLYDE FREELS #9	RUGBY	35.0	INTRASTATE ENERGY
-T H GRASSO OIL & GAS DEVELOPMENT IN				RECEIVED:	02/03/83	JA: TN			
8321127	A-2203	4115120991		103		ALTON TERRY ET AL #1	ONEIDA WEST	41.5	INTRASTATE ENERGY
-TARTAN OIL COMPANY				RECEIVED:	02/03/83	JA: TN			
8321061	A-2307	4112921190		102-2		CONWAY JOHNSON #3 (PERMIT #5661)	TWIN BRIDGES	7.5	GAS LINES OF TENN
8321111	A-2308	4115120979		102-2		DUNCAN HRS UNIT #1 (PER #5208)	STANLEY JUNCTION	9.1	
8321110	A-2309	4115120518		102-2		HARRY VESTAL #1	STANLEY JUNCTION	70.0	
8321164	A-2235	4112921156		102-2		PAUL WITMER #2	DAN BRANCH	15.0	GAS LINES OF TENN
-TENNESSEE GAS & OIL CO INC				RECEIVED:	02/03/83	JA: TN			
8321169	A-2225	4112920817		102-2		WENTLAND UNIT 3A	DAN BRANCH	40.0	GAS LINES OF TENN
-THREE G'S DRILLING CO				RECEIVED:	02/03/83	JA: TN			
8321073	A-2178	4104920944		102-4		CHARLES ANDREWS #1	GRIMSLEY	3.5	FENTRESS GAS TRAN
8321074	A-2177	4104920885		102-4		GUY BEATY & GUY DALE BEATY #2	GRIMSLEY	4.0	FENTRESS GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED:	02/03/83	JA: TN			
8321040	A-2195	4112920350		103		DUNKLEBURG H #1	BOONE CAMP NORTH	18.0	
8321083	A-2168	4112920769		103		PEMBERTON F-28	COON HOLLOW	3.5	
8321098	A-2214	4115120422		102-2		PEMBERTON K-5	ROBBINS	11.0	
8321084	A-2169	4112920834		103		PEMBERTON/WALKER #1	COON HOLLOW	52.0	
8321123	A-2167	4115120070		102-2		RUGBY LAND CO #8	GUM BRANCH	5.4	
-UNITED AMERICAN ENERGY INC				RECEIVED:	02/03/83	JA: TN			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321071	A-2267	4112920288		102-2		BOBBY YORK #3	DAN BRANCH	0.3	GAS LINES OF TENN
8321072	A-2266	4112920247		102-2		BOBBY YORK #4	DAN BRANCH	0.3	GAS LINES OF TENN
8321070	A-2268	4112920261		102-2		BOBBY YORK #5	DAN BRANCH	0.3	GAS LINES OF TENN
8321082	A-2269	4112920259		102-2		BOBBY YORK #6	DAN BRANCH	0.3	GAS LINES OF TENN
8321079	A-2270	4112920260		102-2		BOBBY YORK #7	DAN BRANCH	0.3	GAS LINES OF TENN
8321077	A-2271	4112920262		102-2		BOBBY YORK #8	DAN BRANCH	0.3	GAS LINES OF TENN
8321078	A-2272	4112920263		102-2		BOBBY YORK #9	DAN BRANCH	0.3	GAS LINES OF TENN
8321076	A-2273	4112920264		102-2		BOBBY YORK #10	DAN BRANCH	0.3	GAS LINES OF TENN
8321075	A-2274	4112920265		102-2		BOBBY YORK #11	DAN BRANCH	0.3	GAS LINES OF TENN
-WILLIAMS ENERGY CORP				RECEIVED:	02/03/83	JA: TN			
8321109	A-2306	4115120978		102-2		CONWAY JOHNSON #2 (PERMIT #5660)	TWIN BRIDGES	7.5	GAS LINES OF TENN
8321108	A-2305	4115120977		102-2		CONWAY JOHNSON #1 (PERMIT #5659)	TWIN BRIDGES	7.5	GAS LINES OF TENN
-WOOLSEY PETROLEUM CORP				RECEIVED:	02/03/83	JA: TN			
8321044	A-2183	4115120585		108		RICH-SEXTON UNIT #2	JOHN HALL FLATS	0.9	INTRASTATE ENERGY
8321043	A-2182	4115120586		108		RICH-SEXTON UNIT #3	JOHN HALL FLATS	0.9	INTRASTATE ENERGY
8321042	A-2186	4115120587		108		RICH-SEXTON UNIT #4	JOHN HALL FLATS	0.9	INTRASTATE ENERGY
8321041	A-2187	4115120588		108		RICH-SEXTON UNIT #5	JOHN HALL FLATS	0.9	INTRASTATE ENERGY

[FR Doc. 83-6252 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-C

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321071	A-2247	4112920388		102-2		BOBBY YORK #3	DAN BRANCH	0.3	GAS LINES OF TENN
8321070	A-2244	4112920389		102-2		BOBBY YORK #4	DAN BRANCH	0.3	GAS LINES OF TENN
8321050	A-2246	4112920409		102-2		BOBBY YORK #8	DAN BRANCH	0.2	GAS LINES OF TENN
8321132	A-2245	4112920382		102-2		YORK #1	DAN BRANCH	30.0	GAS LINES OF TENN
-VOLUNTEER DRILLING CO INC				RECEIVED:	02/03/83	JA: TN			
8321107	A-2222	4104920659		102-2		HOMER CHAMBERS UNIT #1	BURRVILLE	25.0	INTRA STATE ENERG
8321106	A-2220	4104920654		102-2		KYLE POORE UNIT #1	BURRVILLE	25.0	INTRASTATE ENERGY
8321105	A-2219	4104920653		102-2		LEONARD JONES #1	BURRVILLE	25.0	INTRASTATE ENERGY
8321057	A-2215	4104920651		102-2		LEONARD JONES UNIT #1	BURRVILLE	0.3	INTRA STATE ENERG
8321104	A-2217	4104920663		102-2		LUCIAN POORE #1-A	BURRVILLE	25.0	INTRASTATE ENERGY
8321102	A-2216	4104920660		102-2		LUCIAN POORE UNIT #3	BURRVILLE	25.0	INTRA STATE ENERG
8321108	A-2223	4104920639		102-2		LUCIAN POORE UNIT #4	BURRVILLE	25.0	INTRA STATE ENERG
8321103	A-2218	4104920657		102-2		RHODA GARRETT UNIT #1	BURRVILLE	25.0	INTRASTATE ENERGY
8321109	A-2272	4104920793		102-2		TOM COLEMAN UNIT #1	SHIRLEY	25.0	INTRA STATE ENERG
-WILLIAMS & BLALOCK RESOURCES INC				RECEIVED:	02/03/83	JA: TN			
8321160	A-2240	4104920313		102-4		SHELLY BOWDEN-GUY WILLIAMS UNIT #1	BIG BRANCH	3.5	PENTNESS GAS TRAN
-WORLD OIL INC				RECEIVED:	02/03/83	JA: TN			
8321085	A-2232	4103520100		102-2		J E HILL & CLAUDE LITTE UT 2A	CROSSVILLE	3.0	
8321088	A-2234	4103520047		102-2		JAMES E HILL #5	CROSSVILLE	2.0	
8321087	A-2233	4103520097		102-2		JAMES E HILL OLD #7	CROSSVILLE	2.5	
UTAH DIVISION OF OIL,GAS, & MINING									
-AMOCO PRODUCTION CO				RECEIVED:	07/22/82	JA: UT			
8258127	K-121-11	4304330136		102-2		CHAMPLIN 458 AMOCO D #2	ANSCHUTZ RANCH EAST -	30.0	
-CIG EXPLORATION INC				RECEIVED:	08/21/81	JA: UT			
8151029	K-129-9	4304730866		103		CIGE 67A-2-10-22P	NATURAL BUTTES	383.0	COLORADO INTERSTA
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:	04/20/81	JA: UT			
8151027	K-105-4	4301930641		103		4-30-16S-24	WILDCAT	58.4	NATURAL GAS CORP
-GULF OIL CORPORATION				RECEIVED:	07/22/82	JA: UT			
8258128	K-125-4	4301330573		103		GERITZ-MURPHY 1-6-C4	ALTAMONT	72.0	SHELL OIL CO
-HARRISON THOMAS D				RECEIVED:	08/21/81	JA: UT			
8151030	K-139-1	4301900791		103		PIONEER #1	GREATER CISCO AREA	75.0	NORTHWEST PIPELIN
-ODEGARD RESOURCES INC				RECEIVED:	07/22/82	JA: UT			
8258129	K-146-1	4301921220		103		STATE 16-9	WILDCAT	350.0	
-SNYDER OIL CO				RECEIVED:	07/22/82	JA: UT			
8258131	K-147-2	4304730878		103		WEST WALKER STATE 1-32	HORSESHOE BEND	286.0	NORTHWEST PIPELIN
8258130	K-147-1	4304730977		103		WEST WALKER STATE 2-32	HORSESHOE BEND	137.0	NORTHWEST PIPELIN
-THE ANSCHUTZ CORPORATION				RECEIVED:	04/20/81	JA: UT			
8151028	K-126-2	4304330121		102-2		ANSCHUTZ RANCH 4-1	ANSCHUTZ RANCH	340.0	NATURAL GAS PIPEL
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, LOS ANGELES,CA									
-UNION OIL COMPANY OF CALIF				RECEIVED:	02/07/83	JA: CA 2			
8321189	OCS-P 1-83	0431120513		102-5		SANTA CLARA UNIT S-7	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING
8321190	OCS-P 2-83	0431120516		102-5		SANTA CLARA UNIT WELL S-8	CALIFORNIA OFFSHORE	0.0	PACIFIC LIGHTING

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6000 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 842]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 2, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
COLORADO OIL & GAS CONSIDERATION									
-AMERICAN PETROLEUM ENERGY CO INC				RECEIVED:	02/07/83	JA: CO			
8321255	82-425	0506706270		107-TF		ARGENTA UTE #10	IGNACIO-BLANCO	72.0	NORTHWEST PIPELIN
8321335	82-927	0506706164		108		ARGENTA UTE #2	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8321337	82-928	0506706199		108		ARGENTA UTE #7	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8321338	82-926	0506706198		108		ARGENTA UTE #8	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8321336	82-925	0506706200		108		ARGENTA-UTE #6	IGNACIO-BLANCO	0.0	NORTHWEST PIPELIN
8321254	82-424	0506706269		107-TF		ARGENTA-UTE #9	IGNACIO-BLANCO	90.0	NORTHWEST PIPELIN
-AMOCO PRODUCTION CO				RECEIVED:	02/07/83	JA: CO			
8321256	82-366	0500107878		107-TF		CHAMPLIN 248 AMOCO "C" #1	RADAR	56.5	PANHANDLE EASTERN
8321257	82-365	0500107885		107-TF		CHAMPLIN 248 AMOCO "C" #2	RADAR	30.0	PANHANDLE EASTERN
8321258	82-364	0512309751		107-TF		CHAMPLIN 366 AMOCO "E" #1	WATTENBERG	35.0	PANHANDLE EASTERN
8321225	82-356	0503906406		103		CHAMPLIN 548 AMOCO "A" #2	DEADEYE	30.0	AMOCO PRODUCTION
8321226	82-358	0503906404		103		CHAMPLIN 569 AMOCO "E" #6	COMMANCHE CREEK	30.0	AMOCO PRODUCTION
8321259	82-373	0512310289		107-TF		DAKOTA WARNER GAS UNIT #1	WATTENBERG	126.0	PANHANDLE EASTERN
8321260	82-367	0500107530		107-TF		R HORTH #1	UNKNOWN	73.0	PANHANDLE EASTERN
8321261	82-368	0500107531		107-TF		R HORTH #2	UNKNOWN	140.0	PANHANDLE EASTERN
8321227	82-357	0500108034		103		UPRR 23 PAN AM "N" #1	JAMBOREE	35.0	PANHANDLE EASTERN
8321262	82-363	0512309891		107-TF		UPRR 38 PAN AM "K" #2	WATTENBERG	248.0	PANHANDLE EASTERN
8321263	82-370	0512310053		107-TF		UPRR 38 PAN AM "M" #1	WATTENBERG	143.0	PANHANDLE EASTERN
-BIG FOUR PETROLEUM CO				RECEIVED:	02/07/83	JA: CO			
8321217	82-489	0509906169		102-2		NEVIUS B #4-29	BERRY PATCH	319.0	PEOPLES NATURAL G
-CENTENNIAL PETROLEUM INC				RECEIVED:	02/07/83	JA: CO			
8321264	82-362	0501306046		107-TF		FUTHEY #1	BOULDER VALLEY	36.0	PANHANDLE EASTERN
8321218	82-381	0501306079		102-2		HEATHERWOOD 1-7	WILDCAT	21.0	PANHANDLE EASTERN
8321265	82-380	0501306079		107-TF		HEATHERWOOD 1-7	WILDCAT	21.0	PANHANDLE EASTERN
8321266	82-593	0512310498		107-TF		KERBS 1-20	WATTENBERG	54.0	PANHANDLE EASTERN
8321228	82-456	0512310507		103		YEAGER 22-16	WILDCAT	24.0	DAMSON OIL CORP
-COORS ENERGY CO				RECEIVED:	02/07/83	JA: CO			
8321267	82-607	0507708436		107-TF		HARVEY 2-25	PLATEAU-DEEP	138.0	INTER NORTH INC
8321268	82-481	0507708404		107-TF		MEADOR 5-24	PLATEAU FIELD,	428.0	INTER NORTH INC
-ENERGY MINERALS CORPORATION				RECEIVED:	02/07/83	JA: CO			
8321219	82-623	0512310270		102-2		HOMER #1	SLOAN	19.0	PHILLIPS PETROLEU
8321220	82-625	0512310230		102-2		JAKEL #1	SLOAN	31.0	PHILLIPS PETROLEU
8321210	82-744	0500108000		102-4		KUGEL #1	FENCE POST	9.0	KOCH HYDROCARBON
8321269	82-339	0512506680		107-TF		LEBSOCK #1	WHISPER	23.0	KANSAS/NEBRASKA N
8321270	82-384	0512310475		107-TF		LEONA #1	WATTENBERG	60.0	COLORADO INTERSTA
8321271	82-386	0512310408		107-TF		LISA #1	WATTENBERG	47.0	COLORADO INTERSTA
8321272	82-385	0512310476		107-TF		RHOADES #1	WATTENBERG	69.0	COLORADO INTERSTA
8321211	82-745	0500107959		102-4		STROH #1	FENCE POST	12.0	KOCH HYDROCARBON
8321341	82-581	0512310524		107-TF		WILLIAM #1	WATTENBERG	150.0	PANHANDLE EASTERN
-ENERGY OIL INC				RECEIVED:	02/07/83	JA: CO			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ENERGY OIL INC				RECEIVED:	02/07/83	JA: CO			
8321212	82-746	0500107960		107-TF		STROH #2	WATTENBERG	150.0	PANHANDLE EASTERN
-ENERGY RESERVES GROUP INC				RECEIVED:	02/07/83	JA: CO			
8321213	82-747	0500107961		107-TF		STROH #3	WATTENBERG	150.0	PANHANDLE EASTERN
-EXXON CORP				RECEIVED:	02/07/83	JA: CO			
8321214	82-748	0500107962		107-TF		STROH #4	WATTENBERG	150.0	PANHANDLE EASTERN
-GETTY OIL EXPLORATION & PRODUCTION				RECEIVED:	02/07/83	JA: CO			
8321215	82-749	0500107963		107-TF		STROH #5	WATTENBERG	150.0	PANHANDLE EASTERN
-GREAT WESTERN DRILLING CO				RECEIVED:	02/07/83	JA: CO			
8321216	82-750	0500107964		107-TF		STROH #6	WATTENBERG	150.0	PANHANDLE EASTERN
-HOWELL CORP				RECEIVED:	02/07/83	JA: CO			
8321222	82-354	0503906403		103		CHAMPLIN 569 AMOCO "E" #5	WATTENBERG	126.0	PANHANDLE EASTERN
8321223	82-355	0503906405		103		CHAMPLIN 569 AMOCO "E" #7	WATTENBERG	126.0	PANHANDLE EASTERN
-MARATHON OIL CO				RECEIVED:	02/07/83	JA: CO			
8321273	82-387	0512310477		107-TF		MARATHON-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-MOBIL OIL CORP				RECEIVED:	02/07/83	JA: CO			
8321274	82-388	0512310478		107-TF		MOBIL-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-MONSANTO CO				RECEIVED:	02/07/83	JA: CO			
8321275	82-389	0512310479		107-TF		MONSANTO-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM CO				RECEIVED:	02/07/83	JA: CO			
8321276	82-390	0512310480		107-TF		PHILLIPS-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-SHELL OIL CO				RECEIVED:	02/07/83	JA: CO			
8321277	82-391	0512310481		107-TF		SHELL-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-SUPERIOR OIL CO				RECEIVED:	02/07/83	JA: CO			
8321278	82-392	0512310482		107-TF		SUPERIOR-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-TENNECO OIL CO				RECEIVED:	02/07/83	JA: CO			
8321279	82-393	0512310483		107-TF		TENNECO-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-TEXACO INC				RECEIVED:	02/07/83	JA: CO			
8321280	82-394	0512310484		107-TF		TEXACO-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-UNION PACIFIC RESOURCES CO				RECEIVED:	02/07/83	JA: CO			
8321281	82-395	0512310485		107-TF		UNION PACIFIC-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-WESTERN GAS PROCESSORS LTD				RECEIVED:	02/07/83	JA: CO			
8321282	82-396	0512310486		107-TF		WESTERN GAS-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN
-WILLIAMS EXPLORATION CO				RECEIVED:	02/07/83	JA: CO			
8321283	82-397	0512310487		107-TF		WILLIAMS-STATE #1	WATTENBERG	150.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321231	82-347	0512310555		103		ALLES #1	WATTENBERG	225.0	PANHANDLE EASTERN
-EXCEL ENERGY CORP				RECEIVED:	02/07/83	JA: CO			
8321273	82-341	0512310453		107-TF		DOMENICO #1	WATTENBERG	0.0	PANHANDLE EASTERN
8321232	82-340	0512310453		103		DOMENICO #1	WATTENBERG	0.0	PANHANDLE EASTERN
8321233	82-342	0512310159		103		FREAUFF #1	WATTENBERG	0.0	PANHANDLE EASTERN
8321274	82-352	0512310425		107-TF		FT ST VRAIN #16	WATTENBERG	0.0	PANHANDLE EASTERN
-GRIFFIN PETROLEUM CORP				RECEIVED:	02/07/83	JA: CO			
8321221	82-391	0512310447		102-2		CATHY #1	BANNER LAKES	21.9	DAMSON OIL CORP
-HAMILTON BROTHERS OIL CO				RECEIVED:	02/07/83	JA: CO			
8321213	82-904	0512310458		102-4		CARROLL #1-30	BAXTER LAKE	68.4	PANHANDLE EASTERN
-JOHN P LOCKRIDGE				RECEIVED:	02/07/83	JA: CO			
8321275	82-448	0512506637		107-TF		ALLEN 14-19	BONNY FIELD	9.0	CITIES SERVICE GA
8321276	82-401	0512506686		107-TF		ALLEN 34-19	BONNY FIELD	48.0	CITIES SERVICE GA
8321277	82-415	0512506462		107-TF		DEVLIN 1-21	BONNY FIELD	18.0	CITIES SERVICE GA
8321278	82-418	0512506460		107-TF		DEVLIN 1-33	BONNY FIELD	24.0	CITIES SERVICE GA
8321281	82-443	0512506666		107-TF		DEVLIN 12-32	BONNY FIELD	24.0	CITIES SERVICE GA
8321282	82-399	0512506715		107-TF		DEVLIN 12-33	BONNY FIELD	24.0	CITIES SERVICE GA
8321279	82-452	0512506660		107-TF		DEVLIN 12-4	BONNY FIELD	36.0	CITIES SERVICE GA
8321280	82-451	0512506657		107-TF		DEVLIN 12-5	BONNY FIELD	18.0	CITIES SERVICE GA
8321283	82-423	0512506667		107-TF		DEVLIN 14-28	BONNY FIELD	24.0	CITIES SERVICE GA
8321285	82-447	0512506649		107-TF		DEVLIN 32-19	BONNY FIELD	36.0	CITIES SERVICE GA
8321286	82-396	0512506717		107-TF		DEVLIN 32-28	BONNY FIELD	24.0	CITIES SERVICE GA
8321287	82-441	0512506661		107-TF		DEVLIN 32-32	BONNY FIELD	18.0	CITIES SERVICE GA
8321284	82-449	0512506655		107-TF		DEVLIN 32-5	BONNY FIELD	36.0	CITIES SERVICE GA
8321288	82-395	0512506716		107-TF		DEVLIN 34-32	BONNY FIELD	24.0	CITIES SERVICE GA
8321289	82-398	0512506685		107-TF		DUTT 12-20	BONNY FIELD	11.0	CITIES SERVICE GA
8321290	82-442	0512506656		107-TF		EBELER/DEVLIN 14-32	BONNY FIELD	24.0	CITIES SERVICE GA
8321291	82-450	0512506663		107-TF		EBELER/PETERSON 14-5	BONNY FIELD	24.0	CITIES SERVICE GA
8321292	82-446	0512506664		107-TF		GROSECLOSE 14-29	BONNY FIELD	24.0	CITIES SERVICE GA
8321293	82-393	0512506668		107-TF		GROSECLOSE 32-30	BONNY FIELD	50.0	CITIES SERVICE GA
8321294	82-444	0512506665		107-TF		GROSECLOSE 34-30	BONNY FIELD	24.0	CITIES SERVICE GA
8321295	82-392	0512506719		107-TF		GROSECLOSE/HELLING 14-21	BONNY FIELD	18.0	CITIES SERVICE GA
8321296	82-417	0512506463		107-TF		HELLING 1-8	BONNY FIELD	24.0	CITIES SERVICE GA
8321297	82-400	0512506700		107-TF		HELLING 32-21	BONNY FIELD	48.0	CITIES SERVICE GA
8321298	82-445	0512506640		107-TF		LIPPERT 14-30	BONNY FIELD	36.0	CITIES SERVICE GA
8321299	82-453	0512506643		107-TF		LIPPERT 34-25	BONNY FIELD	9.0	CITIES SERVICE GA
8321300	82-414	0512506458		107-TF		MOELLENBERG 1-5	BONNY FIELD	12.0	CITIES SERVICE GA
8321301	82-413	0512506557		107-TF		MOELLENBERG 1-6	BONNY FIELD	9.0	CITIES SERVICE GA
8321302	82-455	0512506653		107-TF		PETERSON/BOWMAN 12-25	BONNY FIELD	9.0	CITIES SERVICE GA
8321303	82-454	0512506652		107-TF		PETERSON/BOWMAN 14-25	BONNY FIELD	9.0	CITIES SERVICE GA
8321304	82-416	0512506464		107-TF		PINCKARD 1-17	BONNY FIELD	20.0	CITIES SERVICE GA
8321305	82-397	0512506720		107-TF		PINCKARD 12-17	BONNY FIELD	11.0	CITIES SERVICE GA
8321306	82-422	0512506651		107-TF		PINCKARD 34-18	BONNY FIELD	9.0	CITIES SERVICE GA
8321307	82-394	0512506691		107-TF		STATE 32-36	BONNY FIELD	18.0	CITIES SERVICE GA
-MACEY & MERSHON OIL INC				RECEIVED:	02/07/83	JA: CO			
8321310	82-402	0512310450		107-TF		BOHLENDER #1	WATTENBERG "J"	58.0	PANHANDLE EASTERN
8321237	82-749	0512310430		103		CONNER 24-34	SPINDLE	44.0	PANHANDLE EASTERN
8321311	82-602	0500108056		107-TF		JOSEPHINE #1	WATTENBERG	80.0	PANHANDLE EASTERN
8321312	82-751	0512310119		107-TF		LEBSACK #1	WATTENBERG "J"	5.0	PANHANDLE EASTERN
8321238	82-403	0512310415		103		PARKER #1	WATTENBERG "J"	130.0	COLORADO INTERSTA
-MARTIN EXPLORATION MGMT CORP				RECEIVED:	02/07/83	JA: CO			
8321313	82-375	0501306090		107-TF		CULVER #3-17	WATTENBERG	34.0	PANHANDLE EASTERN
8321314	82-488	0501306100		107-TF		CULVER #4-9	WATTENBERG	65.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321315	82-406	0507708192		107-TF		FEDERAL #1-3
8321316	82-404	0507708207		107-TF		FEDERAL #2-1
8321317	82-405	0507708178		107-TF		FEDERAL #35-1
8321239	82-606	0512310650		103		MCKINNEY-KNAUB #2-6
-MGF OIL CORP				RECEIVED:	02/07/83	JA: CO
8321308	82-429	0512310397		107-TF		DIPAOLO 22-30
8321236	82-412	0500107950		103		HOSMER 21-32
8321309	82-758	0500107960		107-TF		LEWIS 14-11
8321214	82-426	0512310604		102-4		HANDY #1
8321222	82-750	0512310651		102-2		WILDFONG 11-23
-NATOMAS NORTH AMERICA INC				RECEIVED:	02/07/83	JA: CO
8321318	82-506	0506706564		107-TF		STATE-ROYCE #1-36
-NIELSON ENTERPRISES INC				RECEIVED:	02/07/83	JA: CO
8321240	82-574	0512309296		103		GAULKE #2
8321241	82-558	0512310548		103		MILLARD #2
-NIOBRARA ILLUMINATING GAS ASSOCIATE				RECEIVED:	02/07/83	JA: CO
8321319	82-411	0512109780		107-TF		ALLEN #4
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/07/83	JA: CO
8321223	82-376	0508106469		102-2		MOFFAT COUNTY #1
-PUCKETT-WARREN OIL				RECEIVED:	02/07/83	JA: CO
8321320	82-487	0512506465		107-TF		DAY 1-8
8321321	82-486	0512506400		107-TF		MCCASLAND 1-10
-R E HIBBERT				RECEIVED:	02/07/83	JA: CO
8321235	82-359	0512310327		103		MILLER 1-21
-RAYMOND T DUNCAN				RECEIVED:	02/07/83	JA: CO
8321229	82-338	0500100000		103		LARSON 1-10
8321230	82-337	0500100000		103		LARSON 2-10
-ROCK OIL CORP				RECEIVED:	02/07/83	JA: CO
8321224	82-479	0500108070		102-2		HUTTNER #1
8321322	82-478	0500108070		107-TF		HUTTNER #1
-SAMUEL GARY OIL PRODUCER				RECEIVED:	02/07/83	JA: CO
8321234	82-686	0500107974		103		HAND MUEGGE 1-32
8321212	82-688	0500107974		102-4		HAND MUEGGE 1-32
-SKYLINE OIL COMPANY				RECEIVED:	02/07/83	JA: CO
8321242	82-419	0507708400		103		SKYLINE HITTLE DUCRAY #4
8321215	82-420	0507708400		102-4		SKYLINE HITTLE DUCRAY #4
8321328	82-354	0507708414		107-TF		SKYLINE HITTLE DUCRAY #4-A
8321243	82-353	0507708414		103		SKYLINE HITTLE DUCRAY #4-A
8321327	82-355	0507708285		107-TF		SKYLINE HITTLE-DUCRAY #2
-SOLAR PETROLEUM INC				RECEIVED:	02/07/83	JA: CO
8321216	82-388	0507508956		102-4		KIRK #4-A
-TEXAS AMERICAN OIL CORP				RECEIVED:	02/07/83	JA: CO
8321246	82-493	0500107240		103		ALICE WIGGETT #1
8321247	82-492	0500107241		103		ALICE WIGGETT #2
8321248	82-491	0500107242		103		ALICE WIGGETT #3
8321249	82-490	0500107243		103		ALICE WIGGETT #4
8321244	82-439	0500107280		103		H ELRICK #1
8321245	82-440	0500107281		103		R L WALLACE #1
-THE SAND HILLS SOCIETY				RECEIVED:	02/07/83	JA: CO
8321323	82-408	0512109772		107-TF		BURNS #1
8321324	82-407	0512109770		107-TF		DRAEGERT #1
8321325	82-409	0512109771		107-TF		G SMALL #1
8321326	82-410	0512109769		107-TF		R SMALL #1

FIELD NAME	PROD	PURCHASER
SHIRE GULCH	36.0	NORTHWEST PIPELIN
SHIRE GULCH	36.5	NORTHWEST PIPELIN
SHIRE GULCH	36.0	NORTHWEST PIPELIN
HAMBERT	61.0	PANHANDLE EASTERN
WATTENBERG "J" SAND	217.8	PANHANDLE EASTERN
JAMBOREE	75.6	PANHANDLE EASTERN
WATTENBERG	108.0	PANHANDLE EASTERN
BANNER LAKES	365.0	DAMSON OIL CORP
N E RIVERSIDE II	147.9	DAMSON OIL CORP
IGNACIO-BLANCO	0.0	NORTHWEST PIPE LI
SPINDLE	20.0	PANHANDLE EASTERN
SPINDLE	20.0	PANHANDLE EASTERN
DE NOVA	54.8	NATURAL GAS PIPEL
GREAT DIVIDE LEWIS	0.0	NORTHWEST PIPELIN
BUCKBOARD	17.5	CITIES SERVICE GA
BUCKBOARD	115.0	CITIES SERVICE GA
GRANNY	182.5	KANSAS-NEBRASKA N
UNDESIGNATED	0.0	(COLORADO INTERST
UNDESIGNATED	0.0	(COLORADO INTERST
WILDCAT	1.3	PANHANDLE EASTERN
WILDCAT	1.3	PANHANDLE EASTERN
GAMBREL C SWSE 32-T3S	465.0	PANHANDLE EASTERN
GAMBREL C SWSE 32-T3S	465.0	PANHANDLE EASTERN
PLATEAU FIELD	0.0	NORTHWEST PIPELIN
PLATEAU	0.0	NORTHWEST PIPELIN
PLATEAU	64.0	NORTHWEST PIPELIN
PLATEAU	64.0	NORTHWEST PIPELIN
PLATEAU	0.0	NORTHWEST PIPELIN
MOUNT HOPE	0.0	KANSAS NEBRASKA N
SPINDLE FIELD	5.5	PANHANDLE EASTERN
SPINDLE FIELD	6.2	PANHANDLE EASTERN
SPINDLE FIELD	5.0	PANHANDLE EASTERN
SPINDLE FIELD	4.9	PANHANDLE EASTERN
SPINDLE FIELD	39.1	PANHANDLE EASTERN
SPINDLE FIELD	4.3	PANHANDLE EASTERN
LONG KNIFE	21.9	NATURAL GAS PIPEL
LONG KNIFE	21.9	NATURAL GAS PIPEL
DAPPER	36.5	NATURAL GAS PIPEL
DAPPER	36.5	NATURAL GAS PIPEL

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321331	82-361	0512310326		107-TF		MILLER 1-21
-WESTERN GAS RESOURCES INC				RECEIVED:	02/07/83	JA: CO
8321329	82-362	0512310325		107-TF		MILLER 2-21
-WILLIAMS PRODUCTION CO				RECEIVED:	02/07/83	JA: CO
8321330	82-363	0512310324		107-TF		MILLER 3-21

FIELD NAME	PROD	PURCHASER
WILDCAT	1.3	PANHANDLE EASTERN
WILDCAT	1.3	PANHANDLE EASTERN
WILDCAT	1.3	PANHANDLE EASTERN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-UNIOIL				RECEIVED:	02/07/83	JA: CO			
8321329	82-330	0512307599		107-TF		GREAT WESTERN SUGAR CO #1	WATTENBERG	0.0	PANHANDLE EASTERN
-VESSELS OIL & GAS CO				RECEIVED:	02/07/83	JA: CO			
8321334	82-554	0500107799		107-DP		TRUPP MITCHEM #2	ZUNNAMED	220.0	PANHANDLE EASTERN
-VESSELS OIL & GAS COMPANY				RECEIVED:	02/07/83	JA: CO			
8321330	82-361	0512310535		107-TF		BOCC "A" UNIT #2	WATTENBERG	310.0	PANHANDLE EASTERN
8321332	82-569	0501306122		107-TF		DEASON "F" UNIT #1	WATTENBERG	438.0	PANHANDLE EASTERN
8321331	82-421	0512310001		107-DP		EDWARD P COSTIGAN #1	"J" SAND	401.0	PANHANDLE EASTERN
8321250	82-377	0512310536		103		GRANT BROTHERS "C" UNIT #1	WATTENBERG	182.0	ADOLPH COORS CO
8321339	82-949	0512300000		108		GRENEMEYER-WAGNER #1	WATTENBERG	5.0	PANHANDLE EASTERN
8321333	82-495	0501306109		107-TF		LABER "K" UNIT #1	WATTENBERG	401.0	PANHANDLE EASTERN
8321340	82-948	0512308041		108		MOSER #1	WATTENBERG	14.0	PANHANDLE EASTERN
8321251	82-592	0512310488		103		MOSER "C" UNIT #1	WATTENBERG	365.0	PANHANDLE EASTERN
8321252	82-743	0512310628		103		WANDELL "E" UNIT #1	WATTENBERG	607.0	ADOLP COORS CO
-WELLS ENERGY CORP				RECEIVED:	02/07/83	JA: CO			
8321253	82-494	0501106126		103		EARL-HOFFMAN #1		180.0	
KANSAS CORPORATION COMMISSION									
-HELMERICH & PAYNE INC				RECEIVED:	02/07/83	JA: KS			
8321384	K-79-105-4	1508100000		108-ER		TRIMPA "A" #2		0.0	INTER NORTH INC
MICHIGAN DEPARTMENT OF NATURAL RESOURCES									
-ROBERT KLABZUBA				RECEIVED:	02/08/83	JA: MI			
8321390		2102500000		102-4		WEST #1 DNR #30207	CONVIS	30.0	MOBIL OIL CORP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/08/83	JA: MI			
8321388		2108735235		103		RICH FIELD UNIT #15-1	RICH	5.0	SOUTHEASTERN MICH
8321389		2108735549		103		RICH FIELD UNIT #16-1	RICH	20.0	SOUTHEASTERN MICH
8321386		2108735233		103		RICH FIELD UNIT #18-3	RICH	23.0	SOUTHEASTERN MICH
8321385		2108735342		103		RICH FIELD UNIT #37-2	RICH	6.0	SOUTHEASTERN MICH
8321387		2108735232		103		RICH FIELD UNIT #6-1	RICH	3.0	SOUTHEASTERN MICH
OKLAHOMA CORPORATION COMMISSION									
-B & H EXPLORATION CO				RECEIVED:	02/07/83	JA: OK			
8321358	16024	3513120741		108		STATE-VAN PELT #2	WEST TALALA	2.5	DIAMOND S GAS SYS
-C J CASSELMAN				RECEIVED:	02/07/83	JA: OK			
8321362	18170	3511123690		103		KINZER #1	MORRIS	10.3	PHILLIPS PETROLEU
-CRAWLEY PETROLEUM CORPORATION				RECEIVED:	02/07/83	JA: OK			
8321381	19705	3507323033		103		VINCENT #2	EAST HENNESSEY	90.0	OKLAHOMA GAS & EL
-EARTH ENERGY RESOURCES INC				RECEIVED:	02/07/83	JA: OK			
8321361	17111	3511921457		103		GARDNER #1	NORTH RAMSEY	6.4	SUN GAS TRANSMISS
-F C D OIL CORP				RECEIVED:	02/07/83	JA: OK			
8321375	19734	3505320890		103		HAZEL 1-20	SOUTH POND CREEK	54.8	C R A INC
-FIRST NATIONAL OIL INC				RECEIVED:	02/07/83	JA: OK			
8321356	15163	3502520420		103		MCCRACKEN #1	MIDWELL	2.6	PHILLIPS PETROLEU
-GRAHAM EXPLORATION LTD DRILLING PAR				RECEIVED:	02/07/83	JA: OK			
8321382	19707	3501121716		103		MCGOWAN #1		49.3	OKLAHOMA GAS & EL
-HARPER OIL COMPANY				RECEIVED:	02/07/83	JA: OK			
8321378	19701	3507322159		108		DROKE #1	SOONER TREND	10.0	PHILLIPS PETROLEU
-JEFFERSON-WILLIAMS ENERGY CORP				RECEIVED:	02/07/83	JA: OK			
8321374	19733	3510321681		103		HERMAN FEKEN #1	POLO	36.0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321373	19732	3510321741		103		K A SPAULDING #3
8321372	19731	3510321673		103		MAY LAU #1
				RECEIVED:	02/07/83	JA: OK
-KEY DRILLING CO						
8321364	18538	3511121398		108		TIGER #3
				RECEIVED:	02/07/83	JA: OK
-LEAR PETROLEUM EXPLORATION INC						
8321355	22934	3501521503		107-DP		HART #1-36
				RECEIVED:	02/07/83	JA: OK
-PHILLIPS PETROLEUM COMPANY						
8321370	14808	3510937834		108-ER		EDMOND #1
8321365	13326	3504721463		108		GEORGE "A" #1
8321383	19788	3500700000		108		GUYMON AH #1
8321376	19786	3513900000		108		HARLEY #1
				RECEIVED:	02/07/83	JA: OK
-RICKS EXPLORATION CO						
8321357	15281	3502720534		102-4	103	HELEN 32A
				RECEIVED:	02/07/83	JA: OK
-ROYAL OIL & GAS CORPORATION						
8321359	16383	3511921509		102-4		STATE OF OKLAHOMA (102) #1
				RECEIVED:	02/07/83	JA: OK
-STRIKE ENERGY CORP						
8321380	19703	3505320818		103		FRANZ #3
				RECEIVED:	02/07/83	JA: OK
-SUNRISE EXPLORATION INC						
8321360	16849	3501521107		103		ELSIE HOLLIS #1-11
				RECEIVED:	02/07/83	JA: OK
-TEXACO INC						
8321379	19702	3508520645		103		G E CAMERON #1
				RECEIVED:	02/07/83	JA: OK
-THE WIL-MC OIL CORP						
8321371	19717	3510721295		103		FITZGERALD #1
				RECEIVED:	02/07/83	JA: OK
-WESSELY ENERGY CORPORATION						
8321377	19700	3504321548		103		SANDER #1-25
				RECEIVED:	02/07/83	JA: OK
-WESTERN OIL RESOURCES LTD						
8321369	14726	3511720909		108		FRITCHMAN #2
8321367	14724	3511720769		108		NEJ 1-01
8321368	14725	3511720854		108		NEJ 2-04
8321366	14722	3511720762		108		WJ 1-01
				RECEIVED:	02/07/83	JA: OK
-WHITEHEAD DAVID W						
8321363	18468	3503700000		108		WHITEHEAD #2

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, WASHINGTON,DC

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-MARATHON OIL COMPANY			RECEIVED:	02/08/83	JA: AK 7			
8321346	5013320304	103	KENAI BELUGA UNIT #13-8	KENAI GAS	2792.0	ALASKA PIPELINE	C	C
8321350	5013320347	103	KENAI BELUGA UNIT #31-7	KENAI GAS	3024.0	ALASKA PIPELINE	C	C
8321352	5013320327	103	KENAI BELUGA UNIT #41-7	KENAI GAS	1360.0	ALASKA PIPELINE	C	C
8321353	5013320341	103	KENAI DEEP UNIT #42-30	KENAI GAS	4864.0	ALASKA PIPELINE	C	C
8321342	5013320319	103	KENAI DEEP UNIT #5	KENAI GAS	3648.0	ALASKA PIPELINE	C	C
8321343	5013320320	103	KENAI DEEP UNIT #6	KENAI GAS	4574.0	ALASKA PIPELINE	C	C
8321354	5013320328	103	KENAI TYONEK UNIT #43-6X	KENAI GAS	2102.0	ALASKA PIPELINE	C	C
8321344	5013320357	103	KENAI UNIT #11-8	KENAI GAS	6019.0	ALASKA PIPELINE	C	C
8321345	5013320356	103	KENAI UNIT #13-6	KENAI GAS	5837.0	ALASKA PIPELINE	C	C
8321347	5013320351	103	KENAI UNIT #14-32	KENAI GAS	5472.0	ALASKA PIPELINE	C	C
8321348	5013320358	103	KENAI UNIT #24-5	KENAI GAS	4742.0	ALASKA PIPELINE	C	C
8321349	5013320352	103	KENAI UNIT #24-7	KENAI GAS	6566.0	ALASKA PIPELINE	C	C
8321351	5013320348	103	KENAI UNIT #34-32	KENAI GAS	5906.0	ALASKA PIPELINE	C	C

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

[FR Doc. 83-6000 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-C

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FIELD NAME	PROD	PURCHASER
CERES SOUTH	36.0	ARCO OIL & GAS CO
LONE ELM NORTHWEST	100.0	AMINOIL USA INC
HECTORVILLE	0.0	PHILLIPS PETROLEU
NORTH EAKLY	1.9	EL PASO NATURAL G
WEST EDMOND	14.0	OKLAHOMA NATURAL
SOONER TREND	12.5	TRANSOK PIPELINE
COMO FLORIS GAS AREA	0.0	INTER NORTH INC
OKLAHOMA HUGOTON	0.0	PANHANDLE EASTERN
N W NORMAN	891.0	SUN GAS CO
NORTHWEST SCHLEGEL	60.0	PARKS ENERGY INVE
NORTH WEBB FIELD	99.0	EL-GRANDE PIPE LI
HINTON	91.0	
ENVILLE S W POOL	0.0	0
SOUTHWEST WELEETKA	273.6	TRANS OK PIPELINE
N E TALOGA	275.0	OKLAHOMA GAS & EL
WEST JENNINGS	4.0	MID-AMERICA GAS L
WEST JENNINGS	3.5	MID-AMERICA GAS L
WEST JENNINGS	3.3	MID-AMERICA GAS L
WEST JENNINGS	6.0	MID-AMERICA GAS L
	5.0	ARCO OIL & GAS CO

[Docket No. TC83-4-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Tariff Filing

March 4, 1983.

Take notice that on February 22, 1983, Arkansas Louisiana Gas Company, a Division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, tendered for filing in Docket No. TC83-4-000 6th Revised Sheet No. 3B, superseding 5th Revised Sheet No. 3B, to Arkla's FERC Gas Tariff, First Revised Volume No. 1, to be effective 30 days after filing.

The tariff sheet is said to change the definition of the two interruptible priorities in Arkla's curtailment plan in order to modify the order of curtailment as among interruptible customers only and is said to make no changes in any of the firm priorities. The present curtailment plan is said to distinguish between the two interruptible priorities solely on a volumetric basis, the dividing point being 3,000 Mcf of gas per day. The new definitions would place in Priority 7 interruptible customers who have agreed to purchase at least a specified minimum volume of gas if it is tendered to them and would place in Priority 8 interruptible customers who have not agreed to purchase a specified minimum volume of gas if it is tendered to them.

Arkla states that although it presently has only one interruptible customer, it is attempting to negotiate additional interruptible sales to replace lost industrial loads upon which the efficient operation of its system has been historically dependent. These interruptible industrial loads are contemplated to be a benefit to Arkla in that it may have industrial sale outlets for its gas as needed from time to time while at the same time it may maintain control over the magnitude of such interruptible deliveries as and when it is desirable to reduce those deliveries in the course of monitoring their impact on Arkla's firm retail customers.

Any person desiring to be heard or to make any protest with reference to said tariff sheet should on or before March 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6001 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-336-000]

Consumers Power Co.; Filing

March 4, 1983.

Take notice that Consumers Power Company (Consumers) on February 18, 1983, tendered for filing Amendment No. 7 to the Operating Agreement dated March 1, 1966 among Consumers, The Detroit Edison Company (Detroit) and The Toledo Edison Company (Toledo). Consumers and Detroit will be collectively denoted "Michigan Companies". The Operating Agreement dated March 1, 1966 was amended July 28, 1975, August 1, 1979, July 1, 1980, May 1, 1981, March 1, 1982 and June 1, 1982 by Amendments Nos. 1, 2, 3, 4, 5 and 6, respectively.

Amendment No. 7 does not contain a change in terms and conditions; the demand charge for Weekly Short Term Power remains at $0.85 per kilowatt per week as contained in Amendment No. 3 and as filed in Docket No. ER80-600 and made effective August 1, 1980 by letter Order dated December 5, 1980. The Amendment includes a new provision which shall allow either party to sell Short Term Power on a daily basis at the rate of one-fifth of the existing weekly demand rate. The supplying party may be either party named in the Operating Agreement or may be parties not directly part of this Agreement.

Consumers states that the terms and conditions of the provision to allow either party to sell Short Term Power on a daily basis at the rate of one-fifth of the current weekly Short Term Power demand rate are substantially the same as the recently filed Operating Agreement, Amendment No. 22, among Consumers, Detroit and Indiana & Michigan Electric Company (Docket No. ER82-431-000) which has been accepted by the Commission and made effective March 10, 1982 by letter Order dated June 2, 1982.

Consumers requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon Detroit, Toledo and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6002 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-328-000]

CP National Corp.; Filing

March 4, 1983.

Take notice that on February 17, 1983, CP National Corporation (CP National) tendered for filing its Phase II rate—a rate decrease—for transmission service to the Fort Mohave Indian Tribe.

CP National requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6003 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-333-000]

Dayton Power and Light Co.; Filing

March 4, 1983.

Take notice that on February 18, 1983, the Dayton Power and Light Company (Dayton) tendered for filing proposed changes in rates and terms and conditions to its FERC Electric Tariffs, Original Volumes No. 1 and 2, applicable for firm service to municipal resale customers. The proposed changes would increase revenues from jurisdictional sales and service by approximately $3,735,055, based on the 12-month period ending December 31, 1983. Dayton proposes that the rates and charges and terms and conditions of service revised by this filing become effective April 19, 1983; however, in order to make the proposed increases coincide with Dayton's currently pending, general retail rate increase presently anticipated to become effective in late April 1983.

Dayton requests that the effectiveness of this increase be suspended until the date the rates established in that decision become effective, if later than April 19, 1983.

Copies of the filing were served upon each affected customer and mailed to the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6004 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-337-000]

Edison Sault Electric Co.; Filing

March 4, 1983.

Take notice that on February 18, 1983, Edison Sault Electric Company (Edison) tendered for filing a Supplemental Agreement No. 8, between Edison and Upper Peninsula Power Company (Upper Peninsula), dated February 1, 1983, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77-98). The proposed supplemental agreement provides for a change in Section 12, TERM, for termination of Agreement under new conditions and provisions for recovery of cost to Edison.

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6005 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-135-000]

Genstar Gas Recovery System Inc., Application for Commission Certification of Qualifying Status of a Small Power Production Facility; Correction

March 3, 1983.

In Docket No. QF83-135-000 appearing in the **Federal Register** issue of February 8, 1983 on page 5790, make the following correction: on page 5790 in the first column, in the fourth complete paragraph, line one:

"On December 10, 1982, Genstar Gas Recovery System Inc.," is corrected to read "On December 10, 1982, Genstar Gas Recovery System Inc.,".

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6006 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-338-000]

New York State Electric & Gas Corporation; Filing

March 4, 1983.

Take notice that New York State Electric & Gas Corporation (NYSEG), on February 22, 1983, tendered for filing proposed changes in its FERC Rate Schedule Nos. 27, 28, 30, 33 and 35. It is estimated that the proposed changes would increase revenues from jurisdictional sales and service by about $10,300 based on the 12 month period ended December 31, 1982.

NYSEG states that after the extensive hearings in Case No. 28167, "New York State Electric & Gas Corporation Electric Rates", and pursuant to Opinion 83-1 issued by the Public Service Commission of the State of New York on January 11, 1983, NYSEG filed revised leaves to Schedule PSC No. 115—Electricity, which the above Opinion allowed to become effective January 18, 1983. Rate Schedule PSC No. 115 is incorporated in the previously noted FERC schedules.

NYSEG requests an effective date of January 18, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon NYSEG's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practic and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6007 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-321-000]

Portland General Electric Company; Filing

March 4, 1983.

Take notice that Portland General Electric Company (PGE) on February 14, 1983, tendered for filing a Peak Sale-

Energy Exchange Agreement and rate schedule under which PGE has agreed to supply City of Seattle, City Light Department (Seattle), at Seattle's request, 125 megawatts of firm peaking capacity not to exceed 10,500 megawatt hours during any seven-day period. The term of the agreement is from December 1, 1982 to February 28, 1983. Seattle shall pay PGE $441,750 in installments of $147,250 per month for firm peaking capacity plus an amount equal to $1.50 times each kilowatt of capacity scheduled. Energy delivered to Seattle shall be returned within seven days and Seattle shall be obligated to schedule such returns at a time within seven days of delivery when PGE's decremental cost savings equal or exceed PGE's incremental cost for the energy delivered. PGE will deliver energy at PGE's interconnection points with Bonneville Power Administration.

PGE requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon City of Seattle.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6008 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-335-000]

Public Service Company of New Mexico; Filing

March 4, 1983.

Take notice that Public Service Company of New Mexico (PNM), on February 16, 1983, tendered for filing as an initial rate schedule an Interconnection Agreement, Service Schedules A, B and D, thereto, between PNM and Southwestern Public Service Company (SPS).

PNM states that the Interconnection Agreement provides for the installation of approximately 200 miles of 345 kV alternating current back-to-back converter to complete an asynchronous intertie of the PNM and SPS electric systems. Commencing in 1985 and continuing through 1989, SPS will purchase 200 MW of interruptible energy from PNM. During the period June 1, 1991, through April 30, 1995, PNM will purchase 100 MW of interruptible power and energy from SPS. This purchase will increase to 200 MW on May 1, 1995, and is anticipated to remain at this level for the remaining term of the agreement, May 31, 2011. Additionally, the Interconnection Agreement provides for emergency service and economy energy transactions between the two parties.

Copies of the filing were served upon the SPS and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 21, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6009 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2789-001]

Raft River Rural Electric Cooperative, Inc.; Intent To Prepare Environmental Impact Statement, and Notice of Scoping Session and Public Hearing

March 4, 1983.

The Raft River Rural Eelectric Cooperative, Inc. filed on February 25, 1982 an application for license for the Eagle Rock Hydroelectric Project, FERC Project No. 2789-001. The project would be located on the Snake River near American Falls, Idaho.

Public notice of the application was issued by the Commission on November 2, 1982. The application has been mailed to interested agencies for their review and comment. The Commission's staff has determined that issuance of a license for the proposed hydroelectric project would constitute a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed.

Scoping Session

Interested persons and agencies are invited to participate in a scoping meeting to discuss the environmental impacts expected from the proposed Eagle Rock Hydroelectric Project. The scoping session will be held on Thursday, April 20, 1983, commencing at 10:00 a.m., and will be held at the Power County Senior Citizens Center, 180 Idaho Street, American Falls, Idaho 83211. The scoping session will be convened by the Commission's staff. The purpose of the scoping session is to enable interested persons and agencies to discuss with the Commission staff environmental impacts and other matters which they believe should be included in the environmental impact statement.

Public Hearing

Interested officials and members of the public are invited to express their views about the project in a public hearing. The public hearing will be held on Wednesday evening, April 20, 1983, commencing at 6:30 p.m., and will be held at the Hillcrest Elementary School Multipurpose Room, 100 Bennett Avenue, American Falls, Idaho. The public hearing will be conducted by the Commission's staff.

At the public hearing, persons may give their statements orally or in writing. The hearing will be recorded by a stenographer, and all statements (oral and written) will become part of the public hearing record. In addition, the public hearing record will remain open until May 20, 1983, and anyone may submit written comments on the project until that time. Comments should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should clearly show the project name and number (Project No. 2789-001) on the first page.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6010 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF82-3041-000]

Southeastern Power Administration (Kerr-Philpott Projects); Order Confirming and Approving Rates

Issued: March 4, 1983.

By letter filed on September 3, 1982, the Assistant Secretary of Energy for Conservation and Renewable Energy (AS/CE), on behalf of the Southeastern Power Administration (SEPA), submitted a request for final confirmation and approval of Rate Schedule JHK–1–D (which replaces Rate Schedule JHK–1–C) and an extension of Rate Schedules KP–1–B and KP–2–B.[1] These rate schedules apply to wholesale power marketed by SEPA from the Corps of Engineers' multiple purpose reservoir projects known as the John H. Kerr and Philpott projects. By Rate Order SEPA–14, issued on September 2, 1982, the AS/CE confirmed and approved these rate schedules on a interim basis. Final approval is requested for the period October 1, 1982, through March 31, 1983.

SEPA is a Federal power marketing agency responsible for marketing power from a number of reservoir projects, including the integrated Kerr-Philpott projects located on the Roanoke and Smith Rivers, respectively, in Southern Virginia. The total installed hydroelectric capacity of the project is 218,000 kilowatts. SEPA owns no transmission facilities, relying, instead, on the facilities of Virginia Electric and Power Company (VEPCO) and Carolina Power and Light Company (CP&L) to transmit power to its preference customers. Rates previously in effect were approved by the Commission by order dated January 29, 1981. A one-year extension through September 30, 1982, was approved by the Acting Director of the Commission's Office of Electric Power Regulation by order dated March 19, 1982.

Rate Schedule KP–1–B is applicable to public bodies and cooperatives which operate within 150 miles of the Kerr project and receive power through VEPCO transmission facilities. Rate Schedule KP–2–B is applicable to power and energy sold to CP&L and to VEPCO. The AS/CE has requested that these rate schedules be extended for a six-month period without change or modification.

Rate Schedule JHK–1–D governs sales to public bodies and cooperatives operating within 165 miles of the interconnection point for the VEPCO and CP&L systems and which are served by CP&L's transmission facilities. Rate Schedule JKH–1–D is identical to Rate Schedule JKH–1–C (which it supersedes) except that the monthly wheeling charge has been increased from $0.56 per kilowatt of contract demand to $0.72 per kilowatt of contract demand to cover additional transmission costs imposed by CP&L. This results in an increased wheeling charge of $60,000, which will be paid by SEPA to CP&L. SEPA will pass the added wheeling costs directly through to its affected customers.

Public notice of the filing was published in the **Federal Register** on September 22, 1982, with comments due on or before October 1, 1982. No interventions or protests were filed.

Discussion

The basic support for this filing is a June 1982 System Power Repayment Study (PRS), which includes supplementary information that explains the basis for the data, criteria, and assumptions used in the PRS. The PRS is basically an update of SEPA's System PRS dated June 1981, upon which existing rates are predicated. However, the June 1982 PRS shows a deficit of $5,521,000 in repayment of the capital investment, at the end of the 50-year repayment period. This deficit occurs primarily because (1) future project replacement costs were indexed from a 1982 price level to a higher 1983 price level, (2) SEPA applied a current interest rate (increased from 8.5 to 9.0 percent) on all future project replacements, and (3) after fiscal year 1982, increased electric operating expenses exceed increased project revenues. The deficit is also partially attributable to additional interest expense on future project replacements because of a deferral of repayment of portions of project replacement costs during the latter years of the repayment period. Portions of the $5,521,000 deficit occur throughout the 23-year period between fiscal year 1982 and 2004. Therefore, there is not a large deficit occurring in any one year.

The AS/CRE states in Rate Order No. SEPA–14:

> SPEA's Power Repayment Study, prepared in June 1982, for the Kerr-Philpott projects, shows that the rate schedules proposed for the six-month extension will not produce revenues on a long-term basis sufficient to meet repayment criteria. However, because the shortfall is very moderate and of definite short duration, and because SEPA is engaged in a definite course of action to extricate itself from difficult and complex policy problems, the proposal to extend two of the existing rate schedules and to modify the third to pass on additional wheeling charges applicable to the Carolina Power and Light Company area appears, under the circumstances, to be reasonable and justifiable. Furthermore, SEPA's representation that it will develop and present rate schedules during the requested extension period which will produce revenues adequate to recover on a timely basis all project power costs appears realizable and will be accepted.

In exercising our delegated authority to confirm and approve Federal power marketing agency rates, the Commission must insure that such rates satisfy the standards established under the applicable power marketing statutes. Those statutes, including Section 5 of the Flood Control Act of 1944, require, *inter alia,* that rates be set at levels which encourage the most widespread use of project power and energy, which are as low as possible consistent with sound business principles, and which provide sufficient revenues to recover operating costs and to repay the Federal investment within a reasonable time.

While the SEPA PRS provided in this docket indicates some revenue deficiency over a 23 year period, we believe it significant that no large deficit is projected to occur in any given year. Furthermore, given the representations by the AS/CE that SEPA is developing and will shortly file rates providing for full cost recovery, and considering the relatively short duration of the requested approval period, we cannot conclude that the AS/CE's request to extend SEPA's two rate schedules and implement the third is unreasonable or inconsistent with the relevant statutory criteria. We note, however, that our approval is predicated on the short term nature of the request and contains the caveat that we expect SEPA to submit its new rates in a timely fashion with no further requests for extension.

The Commission orders:

(A) SEPA's Rate Schedules JHK–1–D, KP–1–B, and KP–2–B are hereby confirmed and approved on a final basis for the six-month period, October 1, 1982, through March 31, 1983.

(b) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6011 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[1] The submittal was tendered pursuant to the Secretary of Energy's Delegation Order No. 0204–33 (43 FR 60636, December 28, 1978), and the Flood Control Act of 1944, 16 U.S.C. 825s.

[Docket No. QF83-102-000]

University of San Francisco; Application for Commission Certification of Qualifying Status of a Cogeneration Facility; Correction

March 3, 1983.

In Docket No QF83-102-000 appearing in the **Federal Register** issue of February 7, 1983 on page 5596, make the following correction: on page 5596, in the first column, in the first complete paragraph, line one:

"On December 6, 1982, University of San Francisco" is corrected to read "On December 16, 1982, University of San Francisco".

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6012 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4344-001]

City of Cedar Rapids, Iowa; Exemption From Licensing

March 3, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Five-in-One Dam Hydro, Project No. 4344, was filed on February 7, 1983, by City of Cedar Rapids, Iowa. The proposed hydroelectric project would have an installed capacity of 1,600 kW and would be located on the Red Cedar River near Cedar Rapids, Linn County, Iowa.

Pursuant to § 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of March 9, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-5992 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6920-001]

DCH Development Co.; Exemption From Licensing

March 3, 1983.

A notice of exemption from licensing of a small hydroelectric project known as the Cascade Dam Hydroelectric, Project No. 6920, was filed on January 21, 1983, by DCH Development Company. The proposed hydroelectric project would have an installed capacity of 300 kW and would be located on the South Fork of Deer Creek at the Cascade Dam in Nevada County, California.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of February 20, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-5993 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7001-000]

James Sungar; Exemption From Licensing

March 3, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Shasta Hydroelectric Facility, Project No. 7001, was filed on January 17, 1983, by James Sungar. The proposed hydroelectric project would have an installed capacity of 0.5 kW and would be located on an existing drainage tunnel in the South Fork Cordinices Creek basin in Alameda County, California.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of February 16, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-5994 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3617-002]

Middle Tennessee Electric Membership Corp.; Exemption From Licensing

March 3, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Walterhill Dam Water Power Project, Project No. 3617, was filed on February 3, 1983, by the Middle Tennessee Electric Membership Corporation. The proposed hydroelectric project would have an installed capacity of 508 kW and would be located on the East Fork Stones River, Walterhill Dam, Rutherford County, Tennessee.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of March 6, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-5995 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5713-001]

Owens-Corning Fiberglas Corp.; Surrender of Preliminary Permit

March 2, 1983.

Take notice that the Owens-Corning Fiberglas Corporation (Owens-Corning), Permittee for the proposed Ashton Dam Project No. 5713, has requested that its preliminary permit be terminated. The preliminary permit was issued on June 9, 1982, and would have expired on December 31, 1983. The project would have been located on the Blackstone River in Providence County, Rhode Island. Owens-Corning states that the project is not economically feasible.

Owens-Corning filed its request on February 14, 1983, and the surrender of its permit for Project No. 5713 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-5996 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4271-002]

Vidler Tunnel Water Co.; Surrender of Preliminary Permit

March 2, 1983.

Take notice that the Vidler Tunnel Water Company, Permittee for the proposed Vidler Tunnel Project No. 4271, has requested that its preliminary permit be terminated. The permit was issued on August 21, 1981, and would have expired on July 31, 1983. The project would have been located on Peru Creek in Summit County and on Leavenworth Creek in Clear Creek County, Colorado.

Vidler Tunnel Water Company has determined that the lack of flow at the site and the difficulty of construction and operation of this project make the economics very poor. It was concluded that this project would be economically unfeasible at this time.

Permittee filed its request on February 10, 1983. The surrender of the preliminary permit for Project No. 4271

is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6867 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7047-000]

White Oak Water Power; Exemption From Licensing

March 3, 1983.

A notice of exemption from licensing of a small hydroelectric project known as the Halls Brook, Project No. 7047, was filed on February 1, 1983, by White Oak Water Power. The proposed hydroelectric project would have an installed capacity of 32 kW and would be located on Halls Brook in Orange County, Vermont.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of March 3, 1983. Any terms and conditions specified in any agency letters of certification do not apply to this exemption.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-6866 Filed 3-8-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Energy.

ACTION: Notice of implementation of second-stage refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the distribution of the consent order funds obtained from Ethyl Corporation in settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1220 Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the decision and order set out below. The decision and order relates to a consent order between Ethyl Corporation, a petroleum products reseller, and the DOE's Economic Regulatory Administration. The consent order settled all disputes between the DOE and the firm with regard to Ethyl's compliance with the DOE price regulations. Under the terms of the consent order, Ethyl has deposited $14,535 into an escrow account for distribution by the Office of Hearings and Appeals through its special refund procedures.

On May 20, 1982, the Office of Hearings and Appeals issued a Decision and Order establishing special refund procedures for distributing the Ethyl consent order funds. *See* 47 FR 23015 (1982). In that decision, the OHA held that it would accept for a period of 90 days from the publication of the Decision in the **Federal Register** applications for refund from persons who purchased No. 2 fuel oil from Ethyl during the period covered by the consent order. The OHA also stated that it would reserve judgment on the disposition of any funds remaining after all successful refund applicants had been paid. No applications for refund were filed by August 24, 1982, the deadline for filing refund applications. Consequently, the present Decision and Order, published concurrently with this notice, reflects the OHA's determination as to the appropriate disposition of the entire Ethyl settlement fund.

After analyzing the circumstances underlying the consent order and the comments submitted by interested parties, the OHA has determined that the settlement money should be paid to Gulf States Utilities Company of Beaumont, Texas, the ultimate consumer of the No. 2 fuel oil. Gulf States will be required to pass on the benefits of the refund to its utility customers as reduced fuel costs. Accordingly, the OHA has ordered the DOE's Office of Controller to disburse the entire proceeds of the Ethyl consent order fund to Gulf States Utilities Company.

Dated: March 1, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Supplemental Order

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of Ethyl Corporation

Date of Filing: January 10, 1983

Case No.: HQF-0013

On May 20, 1982, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders entered into with Panhandle Eastern Pipeline Company, PVM Oil Associates, Inc., Loveladdy Oil Company, Armstrong and Associates, and Ethyl Corporation (Ethyl). *Office of Enforcement*, 9 DOE ¶ 82,569 (1982) (hereinafter cited as *Panhandle*). Under the terms of the consent orders, each firm placed money into a DOE escrow account to be distributed, together with interest, in accordance with the directives of the OHA pursuant to special refund proceedings. While the common legal and factual issues in these cases made it appropriate to consolidate them for the purpose of establishing special refund procedures, the consent order funds have remained separate, and the refund proceedings in each case have been handled separately. The present Decision concerns only the Ethyl consent order fund.

The May 20 Decision established a two-stage process for the distribution of the Ethyl consent order fund. In the first stage, applications for refund would have been accepted from claimants who purchased No. 2 diesel fuel which was marketed by Ethyl during the period January 17, 1974 through May 31, 1974. The deadline for the submission of refund applications was August 24, 1982. The May 20 Decision also suggested that any funds remaining after qualified claimants had been paid would be distributed to entities which would pass through the benefits of any refunds to the group of persons who were likely injured as a result of the allegedly improper pricing practices.

The deadline for the submission of claims has now passed, and we have not received any refund applications. Under these circumstances, any possible claimant has waived its right to receive a refund during the first stage claim process. This Decision will therefore address the procedures to be instituted for distribution of the Ethyl consent order funds in the second stage of the refund process. Under the facts of the present proceeding Gulf States Utilities Company of Beaumont, Texas, the end-user of the fuel oil covered by the Ethyl consent order, appears to be the most appropriate entity through which the benefits of the Ethyl settlement fund may be distributed to injured parties.

Background

Ethyl is a "reseller" of petroleum products, as that term was defined in 10 CFR 212.31, and is engaged in operations in the Houston, Texas area. During the relevant time period, Ethyl was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart F, which governed the maximum prices that could lawfully be charged by resellers in the sale of fuel oil and other covered products. A DOE audit of Ethyl revealed possible pricing violations with respect to the firm's sale of No. 2 fuel oil in the State of Texas during the period January 17 through May 13, 1974. All of the fuel oil covered by the audit was purchased by Stinnes Oil & Chemical Company (Stinnes). In order to settle all claims and disputes between Ethyl and the DOE regarding Ethyl's

sales of No. 2 fuel oil, Ethyl and the DOE entered into a consent order on July 30, 1979, in which Ethyl agreed to remit $14,535 to the DOE. Notice of the consent order was published in the **Federal Register** on August 13, 1979. *See* 44 FR 47394 (1979). Interested parties were invited to submit written notice to the DOE of potential claims against the settlement amount. No claim was received by the DOE in response to that notice. The ERA was unable either to identify the persons, if any, who were entitled to the Ethyl settlement funds or to ascertain the amounts of refunds that such persons were entitled to receive. Accordingly, it filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals on July 21, 1981.

Following the issuance of a final determination on the ERA's Petition in connection with the Ethly fund in the *Panhandle* case, we mailed written notice of the opportunity to file applications for refund for a portion of the Ethyl refund moneys to Stinnes and to Gulf States Utilities Company. We also published the *Panhandle* Decision and Order in the **Federal Register**. *See* 47 FR 23015 (1982). However, no applications for refund for a portion of the Ethyl fund had been filed by the time the deadline for filing, August 24, 1982, had passed.

Second Stage Refund Procedures

As we have stated in a number of previous Decisions, the primary purpose of Subpart V special refund procedures is to provide restitution to persons injured by alleged regulatory violations. *See generally, Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*); *Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). Second stage refund procedures permit the fashioning of distribution programs to compensate injured persons who are unable for one reason or another to submit valid claims. *See Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 85,050 (1983). Although we did not establish second-stage procedures in the *Panhandle* Decision we suggested several possible distribution mechanisms: (1) first purchasers, who are in the best position to channel refunds to downstream purchasers, would be invited to formulate plans for distribution; (2) refunds might be made in the form of lowered energy or energy-related costs in Ethyl's market area, through special programs formulated by state governments; and (3) in the event that other distribution mechanisms proved infeasible or inappropriate, we proposed that the remaining funds be deposited into the United States Treasury.(*1*)

Following the issuance of the *Panhandle* Decision, we were informed by the Ethyl Corporation that all of the fuel covered by the consent order was sold to Stinnes Oil Company of Houston, Texas, which in turn sold it to Gulf States, an investor-owned public utility doing business in the States of Texas and Louisiana. As a public utility, Gulf States would be required to report any refunds which it received to the state regulatory agencies which oversee its operations. These funds would be accounted for as a reduction in fuel oil costs, which would result in the refunds being passed on to Gulf States' utility customers in the form of lower rates for electricity. *See* January 19, 1983 Letter from John Creighton III, counsel for Gulf States, to Terry Johnson, Deputy Assistant Director, Office of Hearings and Appeals.

A distribution of the Ethyl funds through Gulf States would have several advantages. It would channel the funds through the ultimate purchaser of all the Ethyl products covered by the consent order to the same class of persons who were injured by the alleged overcharges. Moreover, the administrative costs for Gulf States of passing on the benefit of the refund to its customers would be *de minimus*, since it could be accomplished as part of the utility's routine regulatory reports. This is an important consideration in light of the relatively small amount of the fund—only $21,098.67 including interest accrued to January 31, 1983. Finally, this distribution satisfies the concerns expressed by the commenters in their general remarks about the appropriate distribution of residual funds. (*2*) Consequently, we shall direct the DOE Office of the Controller to disburse the entire Ethyl Corporation consent order fund to Gulf States Utilities Company.

It is Therefore Ordered That:

(1) The Director of the Office of Finance and Accounting, Washington Financial Services Division, of the DOE Office of the Controller shall take appropriate action to disburse $14,535 plus 100 percent of accrued interest on the Ethyl Corporation account from the deposit fund escrow account established at the Department of the Treasury for this purpose to: Gulf States Utilities Company, c/o John Creighton III, Esq., Orgain, Bell & Tucker, 470 Orleans Street, Beaumont, Texas 77701.

This disbursement shall be made upon receipt of this Decision and Order.

(2) This is a final Order of the Department of Energy.

Dated: March 1, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Notes

(*1*) In response to our request for comments on the appropriate second-stage refund procedure, we received submissions from nine state governments contending that residual funds should be distributed through them. *See, e.g.*, Attorneys General of the States of Delaware, *et al.*, 10 DOE ¶ 82,536 (1982). We also received a submission from the Transportation Group, an organization representing four public transportation trade associations, in which the group maintained that all funds should be distributed only to direct purchasers of the petroleum products covered by the consent order. All of the comments which we received in this proceeding were generic rather than case-specific. We disagree with the premise advocated by the state governments and the Transportation Group that the OHA should adopt a single approach to the disposition of second-stage funds in all special refund cases. As we have repeatedly stated, the appropriate solution to the question of what should be done with funds remaining after all first-stage claims have been adjudicated depends upon the factual circumstances involved in each case. *See* Vickers at 96,307; Office of Special Counsel, 10 DOE ¶ 85,048 (1982) at 88,217. Thus, the amount of money remaining, the product involved, and any information available about the probable disribution of the product or about the transactions underlying the consent order are all factors which we consider in determining the appropriate recipient or recipients for second-stage refunds.

(*2*) Both the Transportation Group and the states maintain that second-stage funds should be distributed to a party with some nexus to the transactions underlying the consent order in order to benefit those persons who were likely injured. It is clear that under the facts in the present proceeding, a distribution to Gulf States satisfied this concern.

[FR Doc. 83-5910 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

National Petroleum Council; Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Location Change for Meeting

The location of the March 22, 1983 meeting of the Coordinating Subcommittee of the Committee on Enhanced Oil Recovery, which was noticed on December 21, 1982, (47 FR 56892) has been changed. The new location should read: The Venice Room, Guest Quarters Galleria West, 5353 Westheimer, Houston, Texas.

Issued at Washington, D.C., on March 2, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-6912 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

Costs and Economics Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Costs and Economics Task Group of the Committee on Enhanced Oil Recovery will meet in March 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Costs

and Economics Task Group meeting follows:

The Costs and Economics Task Group will hold its fourth meeting on Friday, March 18, 1983, starting at 9:00 a.m., in the Research Conference Room, Cities Service Company, Cities Service Technology Center, 4500 South 129th East Avenue, Tulsa, Oklahoma.

The tentative agenda for the Costs and Economics Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Costs and Economics Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Costs and Economics Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 2, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-6611 Filed 3-8-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66099; PH-FRL 2317-4]

Certain Pesticide Products; Intent To Cancel Registrations; Empire International et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: April 8, 1983.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 706, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7406).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
5-31	EM 815	Empire International, P.O. Box 29605, Atlanta, GA 30359	Jan. 23, 1970.
148-782	De-Fender General Weed and Brush Killer	TH Agriculture and Nutrition Co., P.O. Box 2700, Kansas City, KS 66110.	Jan. 18, 1968.
264-35	Weedar MCPA	Union Carbide, Agricultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709.	Sept. 25, 1961.
264-228	Technical MCPA Acid	do	Mar. 4, 1968.
1706-104	Nalkil 2727 Liquid With Endrift Weed Killer	Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, IL 60521	Oct. 7, 1970.
1706-105	Nalkil 2728 Liquid With Endrift Weed Killer	do	Sept. 28, 1970.
1706-107	Nalkil 2726 Liquid With Endrift Weed Killer	do	Jan. 20, 1971.
1935-39	Quick Vegetation Killer and Soil Sterilant	Navy Brand Manufacturing Co., 5111 Southwest Ave., St. Louis, MO 63110.	Nov. 22, 1967.
2342-617	4% Cyprex Dust	Kerr McGee Chemical Corp., Kerr McGee Building, Oklahoma City, OK 73102.	Aug. 8, 1973.
2342-859	9% Cyprex Dust	do	May 15, 1967.
5197-32	Norken 600	Kem Manufacturing Corp., Kem International Bldg., Tucker, GA 30084.	Dec. 4, 1968.
5778-22	Super Chinch Ethion Dust	Gro Chemical Co., 3530 N.W. 31st St., Miami, FL 33142	Aug. 29, 1967.
8965-26	Sear 21 Plus	Madison Bionics, P.O. Box 29605, Atlanta, GA 30359	Sept. 4,1967.
9775-168	Brush—Ex Weed and Brush Killer	Riverside Chemical Co., P.O. Box 1828, Sioux City, IA 51102	Dec. 23, 1971.

The Agency has agreed that such cancellation shall be effective April 8, 1983 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66099]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended, 86 Stat. 973, 89 Stat. (751, 7 U.S.C. 136))

Dated: February 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-5886 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50589; PH-FRL 2314-7]

Issuance of Experimental Use Permits; Abbott Laboratories, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

275-EUP-29. Extension. Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064. This experimental use permit allows the use of the remaining supply of the originally authorized 3,650 BIUs of the biological insecticide *Bacillus thuringiensis*, serotype H-14 on estuarine areas, intermittently flooded pastures, irrigation ditches, natural marshes, rice paddies, roadside ditches, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 2,000 acres are involved. This program and the one above are authorized in the States of Alabama, Arkansas, California, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington. This experimental use permit is effective from May 1, 1983 to May 1, 1984. (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

275-EUP-30. Extension. Abbott Laboratories, 14th and Sheridan Rd., North Chicago, IL 60064. This experimental use permit allows the use of the remaining supply of the originally authorized 616.3 BIUs of the biological insecticide *Bacillus thuringiensis*, serotype H-14 on estuarine areas, intermittently flooded pastures, irrigation ditches, natural marshes, rice paddies, roadside ditches, and sewage lagoons to evaluate the control of blackfly and mosquito larvae. A total of 500 acres are involved; the program is authorized in all 50 States. This experimental use permit is effective from May 1, 1983 to May 1, 1984. The permits will use the same active ingredient but different formulations (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

8730-EUP-11. Extension. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 495 additional pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate the control of the artichoke plume moth. A total of 40 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from July 26, 1983 to July 26, 1984. A permanent exemption from the requirement of a tolerance for residues of the active ingredient in or on artichokes has been established (40 CFR 180.1069). (Franklin Gee, PM 17, Rm. 207, CM#2, (703-557-2690))

4581-EUP-28. Extension. Pennwalt Corporation, Three Parkway, Philadelphia, PA 19102. This experimental use permit allows the use of the remaining supply of approximately 1,831 pounds (1,878 pounds originally authorized) of the insecticide mixture *O,O*-diethyl-*O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate and aromatic petroleum solvent on additional ornamental trees and shrubs to evaluate the control of various insects. The program is authorized in all 50 States and the District of Columbia. The experimental use permit is effective from October 15, 1982 to October 15, 1984. (George LaRocca, PM 15, Rm. 204, CM#2, (703-557-2400))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: February 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6342 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30225; PH-FRL 2314-6]

Application To Register a Pesticide Product Containing a New Active Ingredient; Sevana Co.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register a pesticide product containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATE: Comment by April 8, 1983.

ADDRESS: Written comments, identified by the document control number [OPP-30225] and the file symbol, should be submitted to: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, CM#2, Rm. 211, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: William Miller, 703-557-2600.

SUPPLEMENTARY INFORMATION: Sevana Co., 5336 E. Easterby Dr., N. Fresno, CA 93727, has submitted an application to EPA to register the pesticide product Sevana Bird Repellent, EPA File Symbol 47319-R, containing the active ingredient allium satiuum (garlic) at 4 percent, containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 2(c)(4) of FIFRA. The application proposes that the product be classified for general use to control horned larks, house finches, house sparrows, and starlings. Notice of receipt of this application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will

be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing such comments telephone the product manager's office to ensure that the file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: February 23, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6343 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240028; PH-FRL 2315-7]

State Registration of Pesticides; Alabama, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 47 states. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1122, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2128).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in August 1982. Receipts by EPA of State registrations will be published periodically. Except as indicated by (CUP) in two of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Alabama

EPA SLN No. AL 82 0033. Union Carbide Agricultural Products Co., Inc. Registration is for Temik 15G Aldicarb Pesticide, to be used on pecans to control aphids and mites. August 18, 1982.

Arkansas

EPA SLN No. AR 82 0029. Monsanto Co. Registration is for Roundup Herbicide, to be used on roadside Bermuda grass to control Johnson grass. August 30, 1982.

EPA SLN No. AR 82 0030. O. M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on fairways and putting green turf to control white grubs, Japanese beetles, masked chafers, European chafers, black turfgrass ataenius, chinch bugs, mole crickets, sod webworms, and *Hyperodes* weevils. August 30, 1982.

EPA SLN No. AR 82 0031. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control hog lice, mange mites, house flies, and stable flies. August 30, 1982.

California

EPA SLN No. CA 82 0026. Lewis F. Blumberg, Inc. Registration is for Trithion 4.0 Miscible, Benlate, to be used on date offshoots to control Banks grass mites, *Diplodia* disease, and black scorch. (CUP). April 26, 1982.

EPA SLN No. CA 82 0061. Del Norte County Agriculture Commissioner. Registration is for Pocket Gopher Bait Strychnine Treated Grain (0.29%), to be used in burrows to control pocket gophers. August 4, 1982.

EPA SLN No. CA 82 0062. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Malathion 25 Spray Powder, to be used on fruit crops, to control Mediterranean fruit flies. July 21, 1982.

EPA SLN No. CA 82 0063. Wilbur-Ellis Co. Registration is for Wilbur-Ellis Malathion 8 Spray, to be used on fruit crops to control Mediterranean fruit flies. July 21, 1982.

EPA SLN No. CA 82 0064. FMC Corp. Registration is for Phoskil 25 Spray, to be used on citrus fruit to control red scale, yellow scale, citricola scale, and cottony cushion scale. July 20, 1982.

EPA SLN No. CA 82 0065. Imperial County Court House. Registration is for Ortho Wettable Sulfur, to be used on radishes to control powdery mildew. (CUP). July 23, 1982.

EPA SLN No. CA 82 0066. Glen County Dept. of Agriculture. Registration is for Paraquat CL, to be used on sunflowers to control broadleaf weeds and grasses. August 2, 1982.

EPA SLN No. CA 82 0068. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L Insecticide/Nematicide, to be used on onions and garlic to control nematodes. July 28, 1982.

EPA SLN No. CA 82 0069. Yolo County Dept. of Agriculture. Registration is for Temik, to be used on experimental seed crops (greenhouse grown) to control aphids, spider mites, and white flies. August 9, 1982.

EPA SLN No. CA 82 0070. Yolo County Dept. of Agriculture. Registration is for Treflan EC, to be used on garlic to control annual grasses and broadleaff weeds. August 9, 1982.

EPA SLN No. CA 82 0071. California Dept. of Health Services. Registration is for Citco Copper Sulfate Granular Crystals, to be used on recreational lakes, reservoirs, and ponds to control schistosome-infected fresh water snails. August 9, 1982.

EPA SLN No. CA 82 0072. Imperial County Agriculture Dept. Registration is for Bayleton 50 WP, to be used on Bermuda grass grown for seed to control Bermuda rust. August 9, 1982.

EPA SLN No. CA 82 073. Solano County Dept. of Agriculture. Registration is for Lorsban 4 E and Lorsban 15 G, to be used on dill to control cutworms and beet armyworms. August 9, 1982.

EPA SLN No. CA 82 0074. California Dept. of Food and Agriculture. Registration is for Vertifume, to be used on conifer seeds to control internal seed feeders. August 9, 1982.

EPA SLN No. CA 82 0075. California Dept. of Food and Agriculture. Registration is for DZN Diazinon 50 W Volck Supreme Spray, to be used on tulip trees and deciduous magnolias in the dormant stage to control tulip tree scale. August 9, 1982.

EPA SLN No. CA 82 0076. FMC Corp. Registration is for Furadan 4F, to be used on strawberries to control root weevils. August 6, 1982.

EPA SLN No. CA 82 0077. Dow Chemical U.S.A. Registration is for Lorsban 4 E Insecticide, to be used on sugar beets to control armyworms and cutworms. August 6, 1982.

EPA SLN No. CA 82 0080. FMC Corp. Registration is for Pounce 3.2 EC, to be used on field grown roses to control tobacco budworms and cotton bollworms. August 10, 1982.

EPA SLN No. CA 82 0081. FMC Corp. Registration is for Pounce 3.2 EC, to be used on seed alfalfa to control spotted alfalfa aphids. August 11, 1982.

EPA SLN No. CA 82 0082. FMC Corp. Registration is for Pounce 3.2 EC, to be used on greenhouse roses to control beet

armyworms, cabbage loopers, and omnivorous leafrollers. August 11, 1982.

EPA SLN No. CA 82 0083. Uniroyal Chemical. Registration is for Comite, to be used on cotton to control the two-spotted mite complex. August 11, 1982.

EPA SLN No. CA 82 0084. Brea Agricultural Service. Inc. Registration is for N-Tac Herbicide, to be used on onions (green and dry bulb), leeks, shallots, spring onions, and garlic to control weeds. August 16, 1982.

EPA SLN No. CA 82 0085. Plumas County Dept. of Agriculture. Registration is for Rodent Bait Diphacinone Treated Grain (0.005%), to be used in dry locations such as concealed places, in corners, and along walls to control Norway rats, house mice, ground squirrels, muskrats, and jack rabbits. August 13, 1982.

EPA SLN No. CA 82 0086. Pfizer, Inc. Registration is for Mycoshield Brand of Agricultural Terramycin, to be used on pears to control fire blight. August 24, 1982.

EPA SLN No. CA 82 0087. Glenn County Dept. of Agriculture. Registration is for Orthene 75 Soluble Powder, to be used on non-bearing pistachio orchards to control thrips. August 16, 1982.

EPA SLN No. CA 82 0090. County of San Luis Obispo County Dept. of Agriculture. Registration is for Starling and Blackbird Bait Starlicide Mealworm Solution (1.92%), to be used on desirable locations for bait exposure to control starling and blackbirds. August 17, 1982.

EPA SLN No. CA 82 0091. Lassen County Dept. of Agriculture. Registration is for Rodent Bait Chlorophacinone Treated Grain, to be used in buildings and burrows, and on runways to control rodents. August 30, 1982.

EPA SLN No. CA 82 0092. Contra Costa County Dept. of Agriculture. Registration is for Bayleton 50 WP, to be used on Christmas trees to control gall rust. August 30, 1982.

EPA SLN No. CA 82 0093. Mobay Chemical Corp. Registration is for Dylox Liquid Concentrate, to be used on cotton to control pink adult bollworms. August 30, 1982.

EPA SLN No. CA 82 0094. Mobay Chemical Corp. Registration is for Dylox 80% Soluble Powder, to be used on cotton to control pink adult bollworms. August 30, 1982.

Florida

EPA SLN No. FL 82 0045. Rhone-Poulenc Inc. Registration is for Chipco Ronstar G Herbicide, to be used on leatherleaf fern grown under shade cloth structures or wooden slat structures to control annual broadleaf weeds and annual grassy weeds. August 11, 1982.

EPA SLN No. FL 82 0046. Mobay Chemical Corp. Registration is for Bolstar 6, to be used on chrysanthemums (grown for stock plants) to control beet armyworms. August 17, 1982.

EPA SLN No. FL 82 0047. Chevron Chemical Co. Registration is for Diquat Water Weed Killer, to be used on fresh water ponds, lakes, rivers, drainage and flood control canals, ditches, reservoirs, and bayous to control *Hydrilla*. August 20, 1982.

EPA SLN No. FL 82 0048. Sandoz, Inc. Registration is for Solicam 80 WP, to be used on tree fruit and nut crops to control weeds. August 26, 1982.

Georgia

EPA SLN No. GA 82 0013. Union Carbide Agricultural Products Co., Inc. Registration is for Temik 15G Aldicarb Pesticide, to be used on pecans to control aphids, mites and leaf phylloxeras. May 25, 1982.

EPA SLN No. GA 82 0017. Mobay Chemical Corp. Registration is for Bolstar 6, to be used on cotton to control tobacco budworms and cotton bollworms. August 24, 1982.

Illinois

EPA SLN No. IL 82 0015. Hopkins Agricultural Chemical Co. Registration is for Hopkins Zinc Phosphide Mouse Bait, to be used on corn to control prairie and meadow voles. August 17, 1982.

EPA SLN No. IL 82 0016. E. I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on soybeans grown for seed to control stem and pod diseases. August 30, 1982.

Indiana

EPA SLN No. IN 82 0013. Merck and Co., Inc. Registration is for Mertect 340-F Fungicide, to be used on soybeans grown for seed to control pod and stem blight, anthracnose, brown spot, frog eye leaf spot, and purple seed stain. August 10, 1982.

Kansas

EPA SLN No. KS 82 0014. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone Weed Killer, to be used on TAM W101, TAM 105, Eagle, and Newton dryland winter wheat to control chickweed, Japanese brome, cheat, henbit, mustards, pigweed, annual pepperweed, shepard's purse, field pennycress, and rescue grass and for partial control of downy brome and wild buckwheat. August 21, 1982.

EPA SLN No. KS 82 0015. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone 4L Weed Killer, to be used on TAM W101, TAM 105, Eagle, and Newton dryland winter wheat to control chickweed, Japanese brome, cheat, henbit, mustards, pigweed, annual pepperweed, shepard's purse, field pennycress, and rescue grass and for partial control of downy brome and wild buckwheat. August 20, 1982.

EPA SLN No. KS 82 0016. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lexone DF Weed Killer, to be used on TAM W101, TAM 105, Eagle, and Newton dryland winter wheat to control chickweed, Japanese brome, cheat, henbit, mustards, pigweed, annual pepperweed, shepard's purse, field pennycress, and rescue grass and for partial control of downy brome and wild buckwheat. August 20, 1982.

Louisiana

EPA SLN No. LA 82 0031. E. I. du Pont de Nemours and Co. Registration is for Du Pont Lannate Insecticide, to be used on tomatoes in greenhouses to control tomato pinworms. August 27, 1982.

Maryland

EPA SLN No. MD 82 0015. Hopkins Agricultural Chemical Co. Registration is for Hopkins Sevin Carbaryl Bait, to be used on sweet potatoes to control cutworms. August 27, 1982.

Michigan

EPA SLN No. MI 82 0021. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. August 18, 1982.

EPA SLN No. MI 82 0022. E. I. du Pont de Nemours and Co. Registration is for Du Pont Vydate L Insecticide/Nematicide, to be used on carrots to control carrot weevils. August 18, 1982.

Mississippi

EPA SLN No. MS 82 0031. Platte Chemical Co. Registration is for Clean Crop Methyl P, to be used on cotton to control Lygus bugs, cabbage loopers, armyworms, bollworms, tobacco budworms, boll weevils, and pink bollworms. August 2, 1982.

EPA SLN No. MS 82 0034. Mobay Chemical Corp. Registration is for Bolstar 6, to be used on cotton to control tobacco budworms, cotton bollworms, and Lygus bugs (nymphs). August 2, 1982.

EPA SLN No. MS 82 0035. Shell Chemical Co. Registration is for Pydrin Insecticide 4 ULV Concentrate, to be used on cotton to control cotton bollworms, tobacco budworms, Lygus bugs, cabbage loopers, beet armyworms,

boll weevils, and white flies. August 2, 1982.

EPA SLN No. MS 82 0036. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on livestock and poultry premises to control house flies, stable flies, and false stable flies. August 25, 1982.

EPA SLN No. MS 82 0037. Philips Roxane, Inc. Registration is for Bioceutic Overtime 25% WP Long Acting, Livestock Premise Insecticide to be used on livestock and poultry premises to control house flies, stable flies, and false stable flies. August 25, 1982.

EPA SLN No. MS 82 0038. Gustafson, Inc. Registration is for Gustafson Lorsban 30 FL, to be used on stored planting seeds of cotton to control red flour beetles, rice weevils, sawtoothed grain beetles, Indian meal moths, angoumois grain moths, and cigarette bettles. August 31, 1982.

Montana

EPA SLN No. MT 82 0009. Monsanto Co. Registration is for Far-Go, to be used on winter wheat to control cheatgrass. August 25, 1982.

Nebraska

EPA SLN No. NE 82 0020. ICI Americas Inc. Registration is for Gramoxone, to be used on no-till sunflowers to control emerged annual broadleaf weeds and grasses. August 23, 1982.

Nevada

EPA SLN No. NV 82 0013. Mobay Chemical Corp. Registration is for Furadan 4 FL, to be used on soil planted to potatoes to control nematodes. August 27, 1982.

New Hampshire

EPA SLN No. NH 82 0003. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs (cold season grasses only), sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. August 13, 1983.

New Jersey

EPA SLN No. NJ 82 0015. Interchem, Inc. Registration is for Resmethrim EC, to be used on edges of fields and open areas to control deer flies. August 3, 1982.

EPA SLN No. NJ 82 0016. Hopkins Agricultural Chemcial Co. Registration is for Hopkins Sevin Carbaryl Bait, to be used on sweet potatoes to control cutworms. August 10, 1982.

New Mexico

EPA SLN No. NM 82 0020. Burroughs Wellcome Co. Registration is for Atroban 11% EC, to be used on livestock and poultry premises to control house flies and stable flies. August 11, 1982.

New York

EPA SLN No. NY 82 0011. New York Dept. of Environmental Conservation. Registration is for Bayluscide 5% GR Sea Lamprey Larvicide, to be used on lakes to control sea lamprey larvae. August 30, 1982.

Ohio

EPA SLN No. OH 82 0018. FMC Corp. Registration is for Furadan 4F Insecticide, to be used on soybeans to control nematodes (root-knot, cyst, stunt, ring, spiral, lesion, lance, dagger, and stubby-root). August 27, 1982.

Oklahoma

EPA SLN No. OK 82 0021. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. August 2, 1982.

EPA SLN No. OK 82 0022. Philips Roxane, Inc. Registration is for Anchor Permectrin 25% WP Long Lasting Barn and Premise Fly Spray, to be used on livestock and poultry premises to control house flies, coastal flies, stable flies, and false stable flies. August 2, 1982.

EPA SLN No. OK 82 0023. Philips Roxane, Inc. Registration is for Bioceutic Overtime 25% WP Long Acting Livestock Premise Insecticide, to be used on livestock and poultry premises to control house flies, coastal flies, stable flies, and false stable flies. August 2, 1982.

EPA SLN No. OK 82 0024. Monsanto Co. Registration is for Roundup Herbicide, to be used on roadside Bermuda grass release to control Johnson grass. August 26, 1982.

EPA SLN No. OK 82 0025. Ciba-Geigy Corp. Registration is for Diazinon 14G, to be used on wheat to control grubs. August 27, 1982.

EPA SLN No. OK 82 0026. Ciba-Geigy Corp. Registration is for Diazinon AG500, to be used on wheat to control grubs. August 27, 1982.

EPA SLN No. OK 82 0027. Ciba-Geigy Corp. Registration is for Diazinon 50W, to be used on wheat to control grubs. August 27, 1982.

Oregon

EPA SLN No. OR 82 0056. Aceto Agricultural Chemicals Corp. Registration is for Aceto Phorate 15G, to be used on potatoes to control aphids, leafhoppers, leaf miners, psyllids, wireworms, and flea beetle larvae. August 2, 1982.

EPA SLN No. OR 82 0059. Biochem Products. Registration is for Bactimos WP, to be used on orchards and pastures to control mosquito larvae. August 19, 1982

EPA SLN No. OR 82 0060. Fairfield American Corp. Registration is for Pyrenone Corp Spray, to be used on dill to control aphids. August 27, 1982.

South Carolina

EPA SLN No. SC 82 0025. American Hoechst Corp. Registration is for Hoelon 3 EC Herbicide, to be used on fall seeded wheat to control annual ryegrass. August 24, 1982.

EPA SLN No. SC 82 0026. Stauffer Chemical Co. Registration if for Dyfonate 10-G, to be used on soybeans to control lesser cornstalk borers. August 25, 1982.

EPA SLN No. SC 82 0026. Stauffer Chemical Co. Registration if for Dyfonate 4-EC, to be used on soybeans to control lesser cornstalk borers. August 25, 1982.

South Dakota

EPA SLN No. SD 82 0007. Mansanto Co. Registration is for Roundup Herbicide, to be used in post-harvest tillage to control fall quackgrass. August 6, 1982.

EPA SLN No. SD 82 0008. O.M. Scott and Sons Co. Registration is for Proturf Insecticide 4, to be used on golf course fairways, tees, greens, and roughs to control white grubs (cool season grasses only), sod webworms, chinch bugs, mole crickets, and *Hyperodes* weevils. August 31, 1982.

EPA SLN No. SD 82 0009. FMC Corp. Registration is for Furadan 4 F, to be used on small grains, (wheat, oats, and barley) to control greenbugs. August 31, 1982.

Tennessee

EPA SLN No. TN 82 0019. Diamond Shamrock Corp. Registration is for Ectrin Insecticide 10 Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. August 19, 1982.

EPA SLN No. TN 82 0020. FMC Corp. Registration is for Furadan 4 FL, to be used at seeding time on alfalfa to control clover root and curculio potato leafhoppers, crickets, and grasshoppers. August 14, 1982.

Utah

EPA SLN No. UT 82 0010. Mobay Chemical Corp. Registration is for Mesurol 50% Hopper-Box Treater, to be

used on newly planted corn to control depredating birds. August 10, 1982.

Virginia

EPA SLN No. VA 82 0029. Shell Chemical Co. Registration is for Pyridine Insecticide 2.4 EC, to be used on soybeans to control Mexican bean beetles, green cloverworms, velvet bean caterillars, and potato leafhoppers. August 23, 1982.

Washington

EPA SLN No. WA 82 0058. All Pure Chemical Co. Registration is for Purechlor Sanitizer, to be used on pear, apple, cherry, peach, plum, prune, quince, nectarine, and apricot tanks to control fungus spores and bacteria. August 18, 1982.

EPA SLN No. WA 82 0059. Fairfield American Corp. Registration is for Pyrenone Crop Stray, to be used on dill to control aphids. August 30, 1982.

Dated: February 24, 1983.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 83-5553 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 2317-8]

Science Advisory Board; High-Level Radioactive Waste Disposal Subcommittee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two-day meeting of the High-Level Radioactive Waste Disposal Subcommittee of the Science Advisory Board will be held in the 6th Floor Conference Room, EPA Region IX, 215 Fremont Street, San Francisco, CA, on March 24-25, 1983. The meeting will begin at 9:00 a.m. and last until 5:00 p.m. each day.

The purpose of the meeting will be to continue the review of the scientific and technical basis of the Agency's proposed rules for the management and disposal of high-level radioactive wastes. The members of the Subcommittee, and the principal issues for the Subcommittee's consideration, were announced in the Federal Register, Wednesday, January 5, 1983, page 509.

The agenda for the meeting, which is the third in a series of meetings on the proposed rules, will include review of the environmental pathways analyses supporting the proposed rules, briefings on the health effects analyses and on the engineering aspects of waste forms, canisters and mining technologies, and discussions on the outline for the Subcommittee's final report.

The meeting is open to the public. Any member of the public wishing to attend or obtain further information about the meeting should contact Harry C. Torno, Executive Secretary, at (202) 382-2552, or Dr. Terry F. Yosie, Staff Director, Science Advisory Board, at (202) 382-4126. Public comment will be accepted at the meeting. Written comment will be accepted in any form, and there will be opportunity for brief oral statements. Anyone wishing to make such comment must contact Mr. Torno prior to March 18, 1983, in order to be placed on the agenda.

Dated: March 2, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83-6001 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G2638/T404; PH-FRL 2318-3]

Mobay Chemical Corporation; Establishement of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for residues of the fungicide, 1-(4-Clorophenoxy)-3, 3-dimethyl-1-(1*H*-1, 2, 4-triazol-1-1-yl)-2-butanone and its metabolite, beta-(4-Chlorophenoxy)-alpha-(1, 1-dimethylethyl)-1H-1, 2, 4-triazol-1-1-ethanol, in or on certain raw agricultural commodities. These temporary tolerances were requested by Mobay Chemical Corporation.

DATE: These temporary tolerances expire December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 229 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1900).

SUPPLEMENTARY INFORMATION: Mobay Chemical Corporation, Agricultural Chemicals Division, P.O. Box 4913, Kansas City, MO 64120, has requested, in pesticide petition PP 2G2638 the establishment of temporary tolerances for residues of the fungicide, 1-(4-Chlorophenoxy)-3, 3-dimethyl-1-(1*H*-1, 2, 4-triazol-1-yl)-2-butanone and its metabolite, beta-(4-chlorophenoxy)-alpha-(1, 1-dimethylethyl)-1H-1, 2, 4-triazol-1-ethanol, in or on the raw agricultural commodities apricots, peaches and nectarines at 10.0 parts per million (ppm), almonds (meat) at 0.1 ppm, and almonds (hulls) at 1.0 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 3125-EUP-177 which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Mobay Chemical Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire December 31, 1984. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant

economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408 (l), 68 Stat. 510, (21 U.S.C. 346a (l)))

Dated: February 25, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6080 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180619; PH-FRL 2318-4]

Emergency Exemptions: Arizona et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions for the control of various pests in the States listed below. Also listed is a crisis exemption initiated by California.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. the following information applies to all contact people: Registration Division (TS-767C) Office of Pesticide Programs, Environmental Protection Agency, Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of acephate on citrus to control citrus thrips; March 1, 1983 to October 15, 1983 (Jim Tompkins)

2. California Department of Food and Agriculture for the use of oxylfuorfen on dry bulb onions to control various weeds (little mallows, common groundsel and mustard); January 6, 1983 to December 9, 1983. EPA completed a rebuttable presumption against registration (RPAR) on this chemical; the final determination was published in the Federal Register on June 23, 1982 (47 FR 27118). (Gene Asbury)

3. California Department of Food and Agriculture for the use of acephate on citrus to citrus to control citrus thrips; January 31, 1983 to January 30, 1984. (Jim Tompkins)

4. California Department of Food and Agriculture for the use of imazalil on cottonseed to control *Thielaviopsis basicola*; March 13, 1983 to February 28, 1984. (Jack E. Housenger)

5. California Department of Food and Agriculture for the use of permethrim on citrus to control the Japanese bayberry whitefly; January 28, 1983 to May 10, 1983. (Jack E. Housenger)

6. Florida Department of Agriculture and Consumer Services for the use of trifadimefon on squash to control powdery mildew: February 1, 1983 to December 20, 1983 (Libby Welch)

7. Florida department of Agriculture and Consumer Services for the use of thiobencarb on lettuce, endive, and escarole to control barnyardgrass and purslane; January 23, 1983 to June 1, 1983. (Jack E. Housenger)

8. Office of governor of Kansas for the use of permethrin on wheat to control army cutworms and/or pale western cutworms; February 1, 1983 to June 1, 1983. (Libby Welch)

9. Office of Governor of Kansas for the use of chlorpyrifos on wheat to control army cutworms and/or pale western cutworms; February 1, 1983 to June 1, 1983. (LIbby Welch)

10. Michigan department of Agriculture for the use of permethrin on asparagus to control the climbing cutworm complex; January 20, 1983 to June 30, 1983. (Gene Asburn)

11. Ohio Department of Agriculture for the use of metalaxyl on soybeans (seed) to control *phytophthora* damping off; January 19, 1983 to December 31, 1983. (Libby Welch)

12. Oregon Department of Agriculture for the use of methocarb on barley, clover, oats, wheat, and grass grown for seed; January 13, 1983 to May 1, 1983. Oregon had initiated a crisis exemption for this program. (Gene Asbury)

13. West Virginia Department of Agriculture for the use of fenamiphos on peaches to control stem pitting; January 14, 1983 to April 30, 1983. (Gene Asbury)

14. West Virginia Department of Agriculture for the use of fenamiphos on bearing apple orchards to control American dagger nematodes; February 4, 1983 to April 30, 1983. (Gener Asbury)

A crisis exemption was initiated by the California Department of Food and Agriculture on January 25, 1983, for the use of methiocarb on tomato and cucurbit seeds to control bird damage. Since it was anticipated that this program would be needed for more than 15 days, California has requested a specific exemption to continue it. (Libby Welch)

Dated: February 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6060 Filed 3-8-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

March 1, 1983.

Task Group B-4 of Working Group B: Institutional Accommodations of New Services and Technologies:

Chairman: S. A. Levy (202) 331-2624.
Date: Friday, March 4, 1983.
Time: 9:30 a.m.—1:00 p.m.
Location: Hogan & Hartson, 7th Floor, 815 Connecticut Avenue, NW., Washington, D.C. 20006.

William J. Tricarico,

Secretary.

Federal Communications Commission.

[FR Doc. 83-6033 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It; Meeting

March 2, 1983.

Working Group C: Available U.S. Options and Strategies:

Chairman: P. G. Ackerman (213) 648-4134.
Date: Thursday, March 17, 1983.
Time: 9:30 a.m.-4:00 p.m.
Location: Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Room 3262, Washington, D.C.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-6062 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 80-286]

Joint Board Jurisdictional Separations Proceeding; Meeting

February 28, 1983.

The Federal-State Joint Board in CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules*, also known as the *Jurisdictional Separations Proceeding*, will meet March 17, 1983, at 9:30 a.m. in Room 856, 1919 M Street NW., Washington, D.C. The Joint Board will discuss methods for allocating non-traffic sensitive (NTS) local exchange plant between the intrastate and interstate jurisdictions as well as a number of other issues concerning the allocation of local exchange plant which

remain to be resolved in this proceeding. If you have any questions concerning this matter, please call Claudia Pabo at (202) 632–9342.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-6035 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

Mobile Services Advisory Committee; Meeting

Supplemental Information

March 3, 1983.

By Public Notice dated February 9, 1983, (February 17, 1983; 48 FR 7006) the Commission announced that the Mobile Services Advisory Committee would meet on March 29 to consider various issues involving common carrier pager codes. The Notice specifically mentioned the POCSAG code. It was not the intention of the Commission to exclude consideration of other codes, such as NEC and Golay, or to otherwise limit the relvant areas of discussion. All issues pertinent to the topic of the meeting may be explored.

William J. Tricarico,

Ssecretary, Federal Communications Commission.

[FR Doc. 83-6013 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1397]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

February 28, 1983.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to (CFR 1.429e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Overseas Communications Services. (CC Docket No. 80–632).

Filed by: Charles M. Lehrhaupt & Alexander P. Humphrey, Attorneys for RCA Global Communications, Inc., on 2–4–83.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-6026 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Plant Accounts Subcommittee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Plant Accounts Subcommittee scheduled to meet on Wednesday, March 23, 1983. The meeting will begin at 9:30 a.m. in Conference Room A (10th Floor) of AT&T's offices located at 1120 20th Street, NW., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Review of Minutes of Previous Meeting
III. Report by Subcommittee Members
IV. Discussion of Reports
V. Further Assignments
VI. Other Business
VII. Presentation of Oral Statements
VIII. Adjournment

With prior approval of Subcommittee Chairman Gyles Norwood, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Norwood (202/887–3266) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-6034 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83–151; File No. BPCT–820810KJ, etc.]

Filmway of Wisconsin and Janesville Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: February 28, 1983.

Released: March 4, 1983.

In re applications of Filmway of Wisconsin, Janesville, Wisconsin; MM Docket No. 83–151, File No. BPCT–820810KJ; Janesville Broadcasting Co., Janesville, Wisconsin; MM Docket No. 83–152, File No. BPCT–821008KI for construction permit.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Filmway of Wisconsin (Filmway) and Janesville Broadcasting Co. (Janesville) for authority to construct a new commercial television broadcast station on Channel 57, Janesville, Wisconsin.

2. No determination has been reached that the tower height and location proposed by each of the applicants would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

Filmway of Wisconsin

3. Section 73.682(a)(15) of the Commission's rules states that the effective radiated power of the aural transmitter shall not be less than 10 percent nor more than 20 percent of the peak radiated power of the visual transmitter. Filmway's aural power is 52% of the visual. The applicant will be required to correct this situation by an appropriate amendment.

4. Applicant's response to Section V–C, Items 11 and 15, FCC Form 301, and its Exhibit V–1, purport to show that the proposed station would encompass Janesville within the required city grade (80 dBu) contour. However, at the proposed power and height, the city grade contour would extend only 6 miles from the transmitter site. Operating in this fashion, the predicted city grade contour would not encompass all of Janesville and thus is a violation of § 73.685(a) of the Commission's rules. The Commission has not received a request for waiver. Accordingly, an issue regarding this matter will be specified.

Janesville Broadcasting Co.

5. Janesville indicates in Section V–C, Item 7, FCC Form 301, that it will use mechanical beam tilt. Section 73.685 (e) and (f) of the Commission's Rules requires that information be submitted to verify the nature of the proposed mechanical beam tilt. The applicant has not submitted this information. Accordingly, applicant will be required to submit an appropriate engineering amendment within 20 days of the release of this order.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as

amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine whether the application of Filmway is consistent with § 73.685(a) of the Commission's Rules with respect to City Grade coverage and, if not, whether circumstances exist which would warrant a waiver of the rule.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That the Federal Aviation Administration is made a party respondent with respect to Issue 1.

9. It is further ordered, That Filmway shall submit, pursuant to § 73.682(a)(15) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the aural effective radiated power.

10. It is further ordered, That Janesville shall submit, pursuant to § 73.685(e) and (f) of the Commission's Rules, to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to verify the nature of the proposed mechanical beam tilt.

11. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6831 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-109, et al.]

BA Co. et al.; Hearing

Adopted: February 14, 1983.

Released: February 22, 1983.

In re Applications of; Robert A. Cordon d.b.a. the BA Company, CC Docket No. 83-109; File No. 439-CM-P-80; and Video Communications Systems, CC Docket No. 83-110; File No. 655-CM-P-80; and Microband Corporation of America, CC Docket No. 83-111; File No. 3743-CM-P-80; for Construction Permits in the Multipoint Distribution Service for a New Station at Clewiston, Florida; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order.

1. For consideration are the above-referenced applications.[1] These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Clewiston, Florida. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and Section 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Robert A. Gordon, d.b.a. The BA Company, Video Communications Systems, Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-6822 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-147, et al]

Caribbean Broadcasters et al.; Hearing

Adopted: February 28, 1983.

Released: March 2, 1983.

In re applications of; Jose Cordero and Nayda Nicolau de Colon, d/b/a Caribbean Broadcasters; San Sebastian, Puerto Rico; MM Docket No. 83-147; File No. BPCT-8209110KE; Nydia Toro Gonsalez d/b/a Mothers for Television; San Sebastian, Puerto Rico; MM Docket No. 83-148; File No. BPCT-821105KE; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband Corporation of America to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 28, 1981 and released July 2, 1981 Mimeo No. 001883, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to Section 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

delegated authority, has before it the above-captioned mutually exclusive applications of Caribbean Broadcasters (Caribbean) and Mothers for Television (Mothers) for authority to construct a new commercial television broadcast station on Channel 38, San Sebastian, Puerto Rico.

2. Mothers' response to Section V–C, Item 7, FCC Form 301, purports to show the azimuths of the main lobes of its proposed station. However, the information submitted does not match the directional pattern submitted with the application (Figure 1). Section 73.685(f)(1)(2) of the Commission's Rules requires a description of the proposed antenna system and the orientation of the directional pattern with respect to True North. The applicant will be required to correct this discrepancy by an appropriate amendment.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, that Mothers shall submit, pursuant to § 73.685(f)(1)(2) of the Commission's rules to the presiding Administrative Law Judge within 20 days after the date of release of this Order, an appropriate engineering amendment to correct the azimuths of the main lobes of its proposed station.

6. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6828 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83–132, et al.]

Clevenger, Linda D., et al.; Hearing

Adopted: February 24, 1983.

Released: March 3, 1983.

In re Applications of; Linda D. Clevenger, Lincoln, Nebraska; MM Docket No. 83–132, File No. BPCT–820727RF; Native American Communications Corp., Lincoln, Nebraska, MM Docket No. 83–133, File No. BPCT–821008KK; for Construction Permit, Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Linda D. Clevenger (Clevenger) and Native American Communications Corp. (NACC) for a new commercial television station to operate on Channel 45, Lincoln, Nebraska.

Linda D. Clevenger

2. The geographical coordinates submitted by Clevenger in Section V–C of FCC Form 301 are incorrect. Clevenger will be required to submit the correct coordinates to the presiding Administrative Law Judge within 15 days after the release date of this Order.

3. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Clevenger indicate that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the area and population that NACC proposes to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

Native American Communications Corporation

4. The Commission is not in receipt of the Federal Aviation Administration's determination for the antenna structure proposed by NACC.[1] Consequently, no determination has been made that the tower height and location proposed would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.

5. The material submitted in NACC's application does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378 (released July 15, 1982).[2]

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application are designated for hearing in a consolidated proceeding, to be held before an Administrative Law

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[1] NACC proposes to mount on the proposed AM tower in BP–820409AD. The tower was cleared for 216 feet; however, NACC proposes to increase the height to 545 feet.

[2] NACC states that its construction and operating funds will come from various sources (grants, loans, donations). However, NACC has not certified or indicated that it has firm commitments from any of its sources.

Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Native American Communications Corporation whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That Linda D. Clevenger shall amend Section V–C, FCC Form 301, to show the correct coordinates and submit it to the presiding Administrative Law Judge within 15 days after the release date of this Order.

9. It is further ordered, That Native American Communications Corporation shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

10. It is further ordered, That the Federal Aviation Administration is made a Party Respondent to this proceeding with respect to issue 1.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rule, in persons or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

12. It is further ordered, That the applicants herein shall, pursuant to section 311a(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communication Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6629 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-127, et al.]

H & S, Ltd., et al.; Hearing

Adopted: February 24, 1983.

Released: March 3, 1983.

In re Applications of Davenport Television, Inc. and Janet T. Lee d/b/a H&S, LTD.[1] Davenport, Iowa; MM Docket No. 83–127, File No. BPCT–830815KH; Elan, Inc., Davenport, Iowa; MM Docket No. 83–128, File No. BPCT–821101KE; Davenport Communications Limited Partnership, Davenport, Iowa; MM Docket No. 83–129 File, No. BPCT–821109KE; Independence Broadcasting Corporation, Davenport, Iowa; MM Docket No. 83–130, File No. BPCT–821109KK; Channel 18, Limited,[2] Davenport, Iowa; MM Docket No. 83–131, File No. BPCT–821109KL; For Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority has before it the above-captioned mutually exclusive applications for a new commercial television station to operate on Channel 18, Davenport, Iowa.

2. No determination has been made that the tower heights and locations proposed by H&S, Ltd.,[3] Davenport Communications Limited Partnership, The Independence Broadcasting Corporation and Channel 18, Limited would not constitute a hazard to air navigation. An appropriate issue will be specified.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant well serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, is is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to H&S, Ltd., Davenport Communications Limited Partnership, The Independence Broadcasting Corporation and Channel 18, Limited, whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

5. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

6. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc.83-6625 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

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[1] H&S, Ltd. amended its application to change its limited partner. Since the transfer of the limited partner's interests does not effect control of the partnership, the amendment does not constitute a transfer of negative control and it is not, therefore, a major amendment. *Anax Broadcasting, Incorporated*, 87 FCC 2d 483 (1981).

[2] Applicant amended its application on January 7, 1983, to change its name from Channel 18, Inc.

[3] The overall height above ground and the height above mean sea level shown in the application do not agree with those heights approved by FAA.

[CC Docket No. 83–112, et al.]

Digital Paging Systems, Inc., et al.; Hearing

Adopted February 15, 1983.

Released February 22, 1983.

In re Applications of Digital Paging Systems, Inc.; CC Docket No. 83–112, File No. 50063–CM–P–74; and M.C.C.A. Service Corporation; CC Docket No. 83–113, File No. 50017–CM–P–75; for Construction Permits in the Multipoint Distribution Service for a New Station at Birmingham, Alabama; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 2 at Birmingham, Alabama. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.[1]

3. Accordingly, it is hereby ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e) and §0.281 of the Commission's Rules, 47 CFR 0.281, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[2]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Digital Paging Systems, Inc., M.C.C.A. Service Corporation and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. It is further ordered, That any authorization granted to Digital Paging Systems, Inc., a wholly-owned subsidiary of Graphic Scanning Corporation, as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold an MDS license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82-381, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

7. This Order is effective on its release date. Petitions for reconsideration under § 1.106 or applications for review under Section 1.115 of the Rules may be filed within the time limits specified in those sections. *See also* Rule 1.4(b)(2).

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83-6823 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-144, et al.]

Educational Television of the Southwest, Inc., et al.; Hearing

In re applications of Educational Television of the Southwest, Inc., Fort Worth, Texas; MM Docket No. 83-144, File No. BPET-820824KF; Texas Educational Network, Inc.; Fort Worth, Texas; MM Docket No. 83-145, File No. BPET-820824KQ; for Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues; Hearing Designation Order.

Adopted: February 24, 1983.

Released: March 3, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Educational Television of the Southwest, Inc. (ETS) and Texas Educational Network, Inc. (TENI) for authority to construct a new noncommercial educational television station on Channel 31, Fort Worth, Texas.

Texas Educational Network, Inc.

2. Applicants for new broadcast stations are required by Section 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission certification of compliance with the requirements as described in Section 73.3580(h). We have no evidence that TENI has published the required local notice. To remedy this, TENI will be required to file with the presiding Administrative Law Judge certification of compliance with Section 73.3580 within 30 days after the date of release of this Order.

3. The material submitted in the application does not demonstrate the applicant's financial qualifications.[3] Although the financial standards are unchanged, the Commission is changing FCC Form 340 to require only certification as to financial qualifications.[3] Accordingly, the applicant will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the same manner as called for in the December 13, 1982 Public Notice, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue.

4. Since we have not received a determination from the Federal Aviation Administration that TENI's proposed tower height and location would not constitute a hazard to air navigation, an issue regarding this matter will be specified.

Conclusion and Order

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

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[1] This finding is subject to paragraph 6, *infra*.

[2] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

[3] The bank requires a pledge of TENI's assets and guarantee of principals; however, the principals have not indicated a willingness to furnish such guarantee.

[3] In the interim, non-commercial educational TV applicants will be allowed to certify. Public Notice released December 23, 1982, FCC 82-537.

1. To determine, with respect to Texas Educational Network, Inc., whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine the extent to which each applicant's proposed operation will be integrated into the overall cultural and educational objectives of the respective applicants;

3. To determine the manner in which each applicant's proposed operation meets the needs of the community to be served;

4. To determine whether the factors in the record demonstrate that one applicant will provide a superior non-commercial educational broadcast service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, that Texas Educational Network, Inc. shall file certification with the presiding Administrative Law Judge that it has or will publish local notice of the filing of its application within 30 days after the date of release of this Order.

8. It is further ordered, that Texas Educational Network, Inc. shall submit a financial certification in the same form as required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

9. It is further ordered, that the Federal Aviation Administration is made a party respondent to this proceeding with regard to Issue 1.

10. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6826 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket NO. 83-137, et al.]

Family Televison 55, Ltd., et al.; Hearing

In re Applications of; Family Television 55, Ltd., Kenosha, Wisconsin, MM Docket No. 83-137, File No. BP-820714KF; Chicago Communications Service, Inc.; Kenosha, Wisconsin, MM Docket No. 83-138, File No. BPCT-820908KE; Frank Edward Kavenik and Frances M. Kavenik d/b/a Midwest Broadcast Associates Kenosha, Wisconsin, MM Docket No. 83-139, File No. BPCT-820909KG, for Construction Permit; Designating Applications for; Consolidated Hearing on Stated Issues; Hearing Designation Order.

Adopted: February 25, 1983.
Released: March 2, 1983.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Family Television 55, LTD. (Family), Chicago Communications Service, Inc. (CCS) and Frank Edward Kavenik and Frances M. Kavenik d/b/a Midest Broadcast Associates (Midwest) for authority to constuct a new commercial television station on Channel 55, Kenosha, Wisconsin.

Chicago Communications Service, Inc.

2. The applicant submitted to the Federal Aviation Administration a request for clearance of a tower of 482 feet AGL and obtained a determination of no hazard for that height, but its application to the Commission specifies a tower height of 483 feet AGL. We will not specify an air hazard issue. CCS, however, will be required to submit an appropriate amendment to specify the correct tower height to the presiding Administrative Law Judge within 30 days of the release of this Order.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as propoosed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convneience and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, It is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. to determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. It is further ordered, that within 30 days of the release of this Order, Chicago Communications Service, Inc. shall submit the correct figure for its tower height to the presiding Administrative Law Judge.

6. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 says of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, that the applicants herein shall, purusuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6827 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 83-146, et al.]

LIN Cellular Communications Corp. et al.; Hearing

In re Applications of; LIN Cellular Communications Corporation; CC Docket No. 83-146, File No. 26147-CL-P-(27)82; ICS/MCI, File No 26109-CL-P-(23)- 82; Cellular Mobile Systems of California, Inc., File No. 26169-CL-P-(48)-82; Los Angeles Celiular Corporation, File No. 26083-CL-P.(24)-82; for a Construction Permit to establish a Cellular System to operate on frequency Block A in the Domestic Public Cellular Radio

Telecommunications Service to serve the Los Angeles, California, Standard Metropolitan Statistical Area; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order Designating Applications for Hearing.

Adopted February 25, 1983.

Released March 4, 1983.

1. Presently before the Chief, Common Carrier Bureau, under delegated authority are the captioned applications, filed by LIN Cellular Communications Corporation (LIN), ICS/MCI, Cellular Mobile Systems of California, Inc. (CMS) and Los Angeles Cellular Corporation (LACC). The applicants propose to construct cellular systems to serve the Los Angeles, California, Standard Metropolitan Statistical Area (SMSA).[1] Petitions to Deny have been filed against all the applications and responsive pleadings have been filed.

2. Except with respect to the application of LIN,[2] we find that the petitions fail to raise any substantial and material issues requiring designation for hearing. Since the four applications are mutually exclusive, we are designating them for a comparative hearing in accordance with the Commission's *Report and Order* in CC Docket No. 79-318, 86 FCC 2d 469 (1981), *modified*, 89 FCC 2d 58 (1982), *further modified*, 90 FCC 2d 592 (1982). We are also requiring that CMS modify its application as set forth below.

ICS/MCI Application

3. LIN and CMS filed petitions to deny ICS/MCI's application, alleging that ICS/MCI has failed to adequately describe its basis for determining system congestion; that it has failed to demonstrate a reliable method for the coordinated expansion of its system in response to changing service demand; and that it is not financially qualified because it has not included all relevant costs in its projections or demonstrated the availability of sufficient funds.

4. *System congestion.* We reject CMS' allegations that ICS/MCI's response to § 22.913(a)(5) of the rules is insufficient. In Exhibits 4, 5, 25 and 30 of the application, ICS/MCI has discussed its system for monitoring traffic and evaluating that data and described its projected grade of service for the system and methodology for expansion to maintain that quality of service. This information adequately satisfies the requirements of § 22.913(a)(5) of the rules.

5. *System Expansion.* LIN maintains that ICS/MCI has not properly determined its level of subscriber demand and thus, has not adequately demonstrated a method for system expansion pursuant to § 22.913(a)(4) of the rules. ICS/MCI's description of its cellular design concept and methodology for system expansion, contained in Exhibits 3 and 5 of the application, fulfill our requirements contained in § 22.913(a)(4) of the Rules. Whether the proposal is sufficient to meet anticipated demand for service may be examined in the comparative portion of this proceeding to the extent it is relevant to the issues specified in para. 29. below. Likewise, the applicant's underlying marketing and demographic analysis are also issues which will be examined during the comparative portion of this proceeding.

6. *Financial Issue.* Petitioners allege ICS/MCI's cost projections fail to include landline costs and itemized construction costs for each cell and that ICS/MCI has not demonstrated the availability of sufficient funds for its Los Angeles cellular commitment.[3]

7. We find the first allegation to be without merit since ICS/MCI has explicitly listed its telephone interconnect charges as operating expenses in its financial business plan (Exhibit 36, pp. 36-8, 36-9). Second, in Exhibits 13 and 14, ICS/MCI has adequately itemized its construction and operating expenses for one year. We do not require applicants to demonstrate itemized costs for each cell; therefore, ICS/MCI has fully complied with our rule requirements. *See Advanced Mobile Phone Service, Inc., et al. (Buffalo Order)*, CC Mimeo 1920, released December 14, 1982, at para. 9

8. The aggregate of ICS/MCI's construction and first year operating expenses for the Los Angeles cellular system is $41,836,000. ICS has demonstrated the availability of $750,000 based upon a line of credit with the Imperial Bank in Los Angeles, CA. MCI indicates that it will incur all of the Los Angeles costs and its commitments in eleven other SMSA's totaling $204,957,000. To meet these expenses MCI is relying on a $300 million line of credit from the First National Bank of Chicago. In *Advanced Mobile Phone Service, Inc., et al., (Pittsburgh Order)*, CC Mimeo 1169, released December 6, 1982, the Common Carrier Bureau found that MCI had demonstrated reasonable assurance of the $300 million line of credit. We concluded therefore, that MCI has sufficient funds available to construct its twelve cellular systems,[4] and that no financial issues should be designated for hearing against any MCI Communications Corporation subsidiary based on its ability to finance commitments for twelve cellular applications in the top-30 markets. Because petitioners have not raised any allegations particular to the Los Angeles application, the finding in the *Pittsburg Order* are fully dispositive of the arguments here.

CMS Application

9. ICS/MCI and LIN filed petitions to deny CMS' application alleging that CMS is not financially qualified; that it has underestimated its costs; that it has failed to demonstrate a projected method for system expansion; that CMS has not made adequate provisions for maintenance, repair and operation of the system; and that CMS does not have the requisite character qualifications to be a Commission licensee. In addition, we will raise on our own motion the extension of CMS' Cellular Geographic Service Area (CGSA) into another central SMSA.

10. *Financial Issue.* First, the CMS cost estimates do not appear unreasonable, the they include the full costs of constructing the forty-eight cell sites [5] and the channel equipment necessary for the first year of operation. The Commission has long found that the general allegation that one applicant's estimated costs are lower than another's

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[1] Three applications were also filed requesting the wireline allocation (frequency block B) in this SMSA. On November 22, 1982, the three applicants filed a settlement agreement for this SMSA. We will consider the wireline allocation in a separate order.

[2] *See* para. 27, *infra.*

[3] ICS/MCI was a partnership of subsidiaries of ICS Communications and MCI Communications Corporation. On January 31, 1983, ICS/MCI filed an amendment pursuant to Section 1.65 of the Commission's Rules, notifying the Commission that on January 5, 1983, a transfer of control of ICS Communications to Metromedia, Inc., was consummated. We will accept this as a minor amendment consistent with our policies on this issue, *Order*, FCC 82-408, 47 FR 39.686 (1982), because this change in ownership does not result in a transfer of control. MCI had control and will retain control of the cellular radio partnership. ICS had a 20% interest in ICS/MCI; therfore, Metromedia will hold a minority ownership in the ICS/MCI cellular radio partnership. We emphasize that ICS/MCI has not claimed, nor will we accord it, any comparative credit for the change in ownership.

[4] MCI has filed applications in the following SMSA's either as part of a joint venture or independently: ICS/MCI—Los Angeles; MCI/Mobile Radio Communications—Kansas City; MCI Cellular Telephone Company—Philadelphia, Pittsburgh, Minneapolis, Dallas, Houston, Miami, Cleveland, Denver, Tampa, and Portland.

[5] We also reject LIN's allegations that CMS should have itemized construction costs for each cell site. Our rules do not require this degree of specificity. *See* Buffalo Order, *supra*, at para 9. Further, contrary to LIN's allegation, Section 22.917 of our Rules does not require that the cost of mobile equipment be included in an applicant's financial projections. *See* Metrocom of St Louis, *et al.* (St. Louis Order), CC Mimeo 2045, released January 28, 1983.

is insufficient to warrant the addition of a financial issue.[6] Second, CMS' projected costs of construction and operation of its system for one year are estimated at $32.117 million. To finance these costs CMS is relying on a letter of commitment from its parents, Graphic Scanning Corp. (Graphic), to advance $35.5 million. This letter of commitment from Graphic to CMS specifically states that none of the funds have been committed to other cellular system applications or to other projects. We find that this satisfies Rule § 22.917(b) which requires that resources used to demonstrate financial ability regarding one cellular system may not include funds committed elsewhere. Moreover, in the *Chicago Order, supra,* the Commission found that Graphic and its cellular subsidiaries have provided reasonable assurance that they will have sufficient funds available to cover construction of 30 cellular systems in the top 30 markets. The Commission further concluded that no financial issues should be designated for hearing against any Graphic subsidiary based on the ability of Graphic to finance the construction and operation for one year of 30 cellular systems. Because petitioners have not raised any substantial allegations particular to the Los Angeles application, the findings in the Commission's *Chicago Order* control the disposition of the allegations here. Thus, we find CMS to be financially qualified.

11. We have also considered the other objections made against CMS' application and we find that they raise no substantial issues. First, contrary to LIN's allegations, CMS has submitted an adequate frequency plan (Volume I, Exhibit 4), and has described its plan for system expansion at Volume I, Exhibit III, Section C of its application. This fulfills our filing requirements contained in § 22.913 (a)(4) and (a)(6). As discussed with respect to ICS/MCI's application, the sufficiency of these proposals may be examined in the comparative portion of this proceeding. *Report and Order, supra,* at 502–03. Second, CMS has submitted exhibits describing its service and maintenance proposal which meet the requirements of our rules. *See* Volume I, Exhibit VII, Section C, E and Appendix D. These proposals may also be examined in the comparative portion of this proceeding to the extent they are relevant to the issues specified in para. 29 below. Finally, the Commission has held that the character of Graphic would be examined in the *ASD* proceeding [7] and would not be included in the cellular comparative hearing process. *Chicago Order, supra,* at n. 19. Consistent with that decision, the Commission reserves the right to reexamine and reconsider the qualifications of CMS to hold a cellular license should *ASD* be resolved against any of CMS' affiliates, parent companies or against any of their principals. Therefore, we decline to designate any of these issues for hearing.

12. *Extension of CGSA.* Review of CMS' application reveals that CMS' proposed CGSA extends into the central San Diego SMSA. Pursuant to Rule 22.903(a), a CGSA may not extend into another central SMSA. Therefore, we will require that CMS file a conforming amendment to bring the nonconforming CGSA and 39 dBu contour for cell #6, San Juan Capistrano, into compliance with the rules. The amended 39 dBu contour shall not cover any area in the SMSA not previously covered by the nonconforming 39 dBu contour. This amendment should consider the effects, if any, that this change may have on other parts of the application. Due to this circumstance, brief extensions of time may be granted at the discretion of the Administrative Law Judge.[8]

LACC Application

13. LIN and ICS/MCI filed petitions to deny LACC's application alleging that LACC has failed to provide an adequate plan for staffing, maintaining and operating its proposed system pursuant to § 22.15(e); that LACC has not detailed its construction costs with respect to individual cell sites; that mobile equipment costs have not been included in the projected expenses; that LACC has not included construction costs to be incurred after year one; and that LACC has not demonstrated the availability of sufficient funds for its Los Angeles system.

14. *Staffing and Maintenance Proposal.* LIN's allegation in this regard is without merit. In Exhibits 23 and 24 of the application LACC described its service and maintenance proposals as required by our rules. Whether these proposals are sufficient may be examined in the comparative portion of this proceeding to the extent they are relevant to the issues specified in para. 29 below. Accordingly, we will not designate a basic qualifying issue with respect to this matter.

15. *Financial Issue.* Allegations concerning LACC's cost projections are also without merit because we do not require construction costs for individual cell sites, *Buffalo Order, supra,* nor do we require that mobile equipment expenses be included in financial projections. *St. Louis Order, supra.,* at para. 10. In any event, LACC has included mobile equipment costs in its estimated costs, *See* Exhibit 22, Attachment 22–C, p. 2. Further, we reject CMS' allegation that LACC should have demonstrated its financial qualifications for more than one year. The Commission only requires that cellular applicants demonstrate financial ability to operate for one year. *See* 47 CFR 22.917 and *Buffalo Order,* at para. 16.

16. Finally, we find that LACC has demonstrated reasonable assurance of the availability of $28,580,000 to cover its aggregate construction and first year operating expenses of $27,670,000.[9] To meet these expenses LACC is relying on (1) an escrow account of $3,575,000 from American Cellular, (2) $8,000,000 debt financing from the First National Bank of Chicago, and (3) $16,785,000 from Westel and its principal shareholder, FMI Financial Corporation (FMI). Petitioners challenge the bank letter and the availability of sufficient funds from Westel/FMI.

17. *Bank letter.* LIN argues that the letter from the First National Bank of Chicago does not constitute a firm commitment because it is conditioned on "the participation of substantially all of the stockholders named in the cellular application" and because the terms of the loan were made contingent upon the exact credit conditions prevailing at the time of the commitment. The Commission does not require a legally binding loan commitment but "reasonable assurance" that a loan or similar financing will be available to the applicant if it secures a construction permit. *Multi-State Communications, Inc.* v. *FCC,* 590 F. 2d 1117 (D.C. Cir. 1978), *cert. denied,* 440 U.S. 959 (1979). In fact the bank letter which the Commission found sufficient in *Multi-*

[6] *See e.g.,* Advanced Mobile Service, Inc., *et al. (Chicago Order,* FCC 82–452, released November 1, 1982, at para. 13, and Cross Broadcasting Co., 46 RR 2d 1091, 1097–98 (1979).

[7] A.S.D. Answer Service, Inc., *et al.,* FCC 82–391, released August 24, 1982.

[8] On September 13, 1982, CMS resubmitted an amendment to modify its Cellular Geographic Service Area. Since we are directing a specific amendment to cover this problem, we are returning this amendment under separate cover.

[9] LACC's common stock is owned 43.5% by Westel-Los Angeles Company (Westel) and 56.5% by Los Angeles RCCs, Inc. (LAR). LAR is owned 70% by American Cellular Communications Corporation (American Cellular), a wholly owned subsidiary of Mobile Communications Corporation of America, and 5% by six companies with existing RCC operations in Los Angeles. The six companies are American Mobile Radio, Inc., Intrastate Radio Telephone, Inc. of San Bernardino, Mobilfone, Inc., Orange County Radio Telephone Service Inc., R.L. Mohr d/b/a/ Radiocall Corporation and Radio Dispatch Corporation.

State, supra, contained the same terms and conditions which LIN has challenged here. Accordingly, we find that the letter from the First National Bank of Chicago contains all the necessary terms and conditions and provides reasonable assurance that $6,000,000 is available to LACC for its Los Angeles cellular system.

18. *Westel/FMI financing.* FMI Financial Corporation (FMI) has agreed pursuant to the Joint Venture Agreement between FMI and the Western Union Telegraph Company to assure the compliance of Westel-Los Angeles with the financial terms of the shareholder's agreement.[10] Therefore, FMI will incur Westel's $18,785,000 commitment to LACC. In addition, FMI has agreed to contribute $33,624,000 to four cellular systems in the top thirty markets, including Los Angeles. FMI claims that it has at least $51,954,000 to meet its commitment to the four systems. It is relying on (1) $13,610,000 cash and short term government securities, (2) $10,000,000 from an existing loan agreement, (3) $20,700,000 in mortgage loans, and (4) future corporate earning projections of $7,624,000. FMI also argues that it has substantial real estate holdings which could be made available if these properties were either sold or pledged for further borrowings.

19. LIN has challenged FMI's $10,000,000 loan agreement with American Financial Corporation (AFC) arguing that the letter does not set forth essential terms such as interest payments and collateral requirements. It claims that although the letter refers to the terms underlying the original loan agreement, the agreement containing these terms was not submitted with the application. CMS argues that FMI has not earmarked its funds for cellular financing, and that the mortgage loans and land assets do not meet the Commission's criteria for liquidity. CMS also argues that FMI's projected earnings are too speculative to be relied upon.

20. First, with respect to the $10,000,000 loan agreement, LACC replies that all of the essential terms and conditions, including rate of interest and collateral requirements are set forth in the application, Exhibit 22, Attachment 22–B. In addition, LACC attaches the original loan agreement to its response. Second, LACC argues that FMI's mortgage loans are in a current paying status and are readily marketable. It attaches an affidavit from David R. Winstel, Vice President and Treasurer of FMI, who testifies that the type of mortgage loans which FMI possesses are highly marketable. Mr. Winstel states that FMI has first mortgage loans on hotels, apartment projects and single family residential properties which are five to ten years in age and have maturities ranging from eight to twenty years. LACC also attaches a letter from the Salomon Brothers, Inc., a major investment banking firm which engages in secondary trading of mortgage loans. This letter states that "first mortgage loans on commercial property are readily marketable if the mortgages are current, if the underlying properties are sound and if the value of the properties is sufficient to justify the amounts outstanding in the loans." It states that "investor appetite is greatest for loans which have a high degree of certainty that the remaining term of the mortgage loan will be at least five years and as long as fifteen years." According to LACC, this letter confirms Winstel's allegation that FMI's mortgage loans are readily marketable and that there is an active secondary trading market in such assets.

21. Third, LACC attempts to demonstrate the marketability of FMI's land assets. It states that FMI has undeveloped land holdings with an aggregate book value of $8,950,200 as of July 31, 1981. These assets were appraised during 1979 and 1980 at $20,702,000 and those appraisals are attached to the reply. LACC also states that five of FMI's hotel properties having an aggregate book value of $35,960,000 for the year ended January 31, 1982, had an aggregate appraised value of $54,745,000 as of December 31, 1979. It also attaches those appraisal letters. Finally, LACC argues that FMI's earning projections are highly realistic and are based on conservative assumptions regarding the nature of FMI's future operations.

22. We find that FMI has clearly demonstrated the availability of $13,610,000 in cash and short term government securities.[11] Moreover, LACC has demonstrated reasonable assurance of the availability of $10,000,000 from AFC. As stated in LACC's reply, the essential terms and conditions of the $10,000,000 loan were set forth in the application and the original loan agreement was attached to the reply. Therefore, the above assets total $23,610,000 and FMI needs an additional $10,014,000 to meet its $33,624,000 commitment.

23. With respect to FMI's $20,720,000 mortgage loan portfolio and assets aggregately appraised at $75,447,000, we are persuaded that these assets are sufficiently marketable so that FMI could rely on them for at least an additional $10 million. There is precedent in the broadcast area that reliance can be placed on nonliquid assets if the marketability of those assets is documented. In *Dodge-Point Broadcasting Co.*, 13 PR 2d 274 (1968), the applicant intended to rely on his ownership of a hotel and motel to demonstrate his financial qualifications. He had these assets appraised by experts and stated his intention to sell these properties if the funds were needed. The Commission allowed these assets to be considered in assessing the applicants financial qualifications and it reduced the amount by one-third to provide for unanticipated fluctuations in the market. Similarly, in *Enterprise Broadcasting, Inc.*, 56 FCC 2d 352 (Rev. Bd. 1975), the Commission allowed the applicant to rely on his wife's land to meet the deficiency in his financial proposal.

24. In light of the Winstel affidavit and Salomon Brothers letter, we are persuaded that FMI's $20,870,000 mortgage loans are marketable. LACC explains that these mortgage loans bear interest at an average rate of 10.7%, so they would have to sold at a discount from face value in order to bring a yield in line with current market interest rates. Even if the loans were discounted by as much as 40%, the proceeds would still be sufficient, when added to FMI's other assets, to cover FMI's financial commitments. Finally, since FMI appears to have sufficient funds without relying on projected corporate cash flow, we need not consider that aspect of FMI's financial showing. Moreover, unlike LIN's deficient financial showing, as discussed below, LACC has demonstrated the availability of sufficient funds without relying on projected cellular revenues. In light of the above, we decline to designate a financial issue against LACC.

LIN Application

25. CMS petitions to deny LIN's application arguing that LIN is not financially qualified. CMS claims that LIN has underestimated costs and failed to demonstrate the availability of sufficient funds to build and operate its proposed cellular systems in Los Angeles, New York, Dallas/Fort Worth

[10] Westel-Los Angeles is owned 20% by the Western Union Telegraph Company and 80% by FMI Communications Corporation (which is wholly owned by FMI).

[11] Contrary to CMS' allegations that FMI's funds are not committed to cellular, LACC emphasizes in its Reply that FMI will meet its cellular obligations and it has no other corporate projects which would require the use of these funds.

and Houston.[13] In addition, ICS/MCI submitted a late filed petition against LIN.[14]

28. *Financial Issue.* CMS claims that LIN does not have sufficient funds for its four cellular systems because LIN attempts to rely, in part, on $34,680,000 from projected first year cellular revenues. CMS argues that LIN cannot rely on projected revenues to meet its first year construction and operation costs because it did not submit commitments for service and it failed to proffer any probative support for its revenue estimates.

27. In the *New York Order,*[15] the Bureau examined similar arguments and found them to raise a substantial and material question of fact about LIN's financial ability. In view of this conclusion, the Bureau designated for hearing an issue concerning LIN's overall financial package. We wil not designate an identical issue here because we want to avoid duplicative litigation. However, we will consider the ultimate finding as to LIN's financial qualifications in the *New York* proceeding to be dispositive of the issue, and we will reserve the right to reexamine and reconsider any authorization to LIN in the event that LIN's Los Angeles application is granted as a result of the comparative hearing.[16]

Conclusions

28. Based on our analysis of the applications and our resolution of the contested issues in this order, we find the applicants to be legally, technically, financially and otherwise qualified to construct and operate their proposed cellular systems except to the extent discussed here. As indicated above, the captioned CMS application does not comply with one of the cellular rules. In the *Chicago Order,* at para. 17, the Commission determined that inflexible application of the rules to applications in the 30 largest markets would not be in the public interest. Accordingly, we are requiring CMS to bring its application into conformance with the rules as specified in this order. The applicants who filed mutually exclusive applications may address this amendment in their rebuttal cases. We emphasize that the amendment ordered here may not be used to give CMS a comparative advantage in the hearing proceeding. As the Commission stated in the *Chicago Order,* in markets for which applications have not yet been filed, strict conformance with the rules will be required, and absent unusual circumstances, the applicants will not be allowed to amend nonconforming applications.

29. Accordingly, It is ordered that pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of LIN Cellular Communications Corporation, ICS/MCI, Cellular Mobile Systems of California, Inc., and Los Angeles Cellular Corporation are designated for hearing in a consolidated proceeding upon the following issues:[17]

(a) to determine on a comparative basis the geographic area and population that each applicant proposes to serve;[18] to determine and compare the relative demand for the services proposed in said areas; and to determine and compare the ability of each applicant's cellular system to accommodate the anticipated demand for both local and roamer service;[19]

(b) to determine on a comparative basis each applicant's proposal for expanding its system capacity in a coordinated manner within its proposed CGSA in order to meet anticipated increasing demand for local and roamer service;

(c) to determine on a comparative basis the nature and extent of the service proposed by each applicant, including each applicant's rates, charges, maintenance, personnel, practices, classifications, regulations and facilities including switching capabilities;[20] and

(d) to determine, in light of the evidence adduced under the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

30. It is further ordered that the Separated Trial Staff (the Hearing Division and other individuals specifically designated) of the Common Carrier Bureau is made a party to the proceeding.[21]

31. It is further ordered that the applicants shall file written notices of appearances under § 22.916(b)(3) of the

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[13] On October 1, 1982, LIN resubmitted an amendment to its cellular radio market study, which had been proffered on September 14, 1982. The staff had determined that the amendment pertained to LIN's affirmative direct case and should be submitted after designation to the presiding Administrative Law Judge. LIN contends that although the market study is contained in the direct case, it is incorporated by reference to the application (Exhibit 6, page 1, n. 1). Therefore, it argues that this amendment really amends the application. We reject LIN's argument LIN is in fact amending the market study which is contained in the direct case. The incorporation by reference contained in the application has not been changed. Therefore, we will return this amendment, and allow LIN to submit it to the presiding Administrative Law Judge.

[14] LIN challenged ICS/MCI's petition as untimely and unauthorized, and urged the Common Carrier Bureau to disregard it. We will consider it as an informal objection pursuant to § 22.30(c) of the Rules. ICS/MCI argues that LIN's application is deficient because its maps were not properly drawn to scale as required by § 22.903(a) of the Rules. We find that these allegations are moot because LIN filed a minor amendment on September 7, 1982, containing identical maps in terms of information, but drawn to the proper scale.

[15] Advanced Mobile Phone Service, Inc., *et al. (New York Order)* CC Mimeo 2619, released February 16, 1983.

[16] However, the petitioners in this proceeding may file a motion for limited intervention in the New York proceeding, on the financial issue. *See New York Order,* at note 22.

[17] There are two issues that are not to be considered in the comparative hearing. The first is the financial qualifications of all of the applicants. Financial ability is a basic rather than a comparative qualification for cellular licensing. Cellular Communications Systems, 86 FCC 2d 469, 501–02 (1981). Except for LIN, we have found all of the applicants included in the comparative hearing to be financially qualified. However, LIN's financial qualifications will be determined during the New York comparative hearing. The second issue not to be considered is the qualifications of Cellular Mobile Systems of California, Inc., or its parent Graphic, to the extent that such qualifications may be affected by the issues included in the Commission's order designating certain 35 and 43 MHz paging applications for hearing, A.S.D. Answer Service, Inc., *et al.* (ASD), FCC 82–391, released August 24, 1982. Those issues will be thoroughly reviewed in that separate proceeding and should not be reargued in the context of a cellular hearing. The Commission reserves the right to reexamine and reconsider the qualifications of Cellular Mobile Systems of California, Inc. to hold a cellular license should *ASD* be resolved adversely to any of CMS' affiliate or parent companies or to any of their principals. *See Chicago Order,* at n. 19.

[18] For purposes of comparison, the geographic area that an applicant proposes to serve includes that area within the proposed 39 dBu contours which, in turn, falls within the proposed Cellular Geographic Service Area and the relevant Standard Metropolitan Statistical Area. Consideration should be given to the presence of densely populated regions, highways and areas likely to have high mobile usage characteristics as well as indications of a substantial public need for the services proposed. *See* 86 FCC 2d at 502.

[19] In making this comparison, perference should be given to designs entailing efficient frequency use, including not only the applicant's plans with regard to cell-splitting and additional channels, but also the degree of frequency reuse the system will be capable of, and the applicant's ability to coordinate the use of channels with adjacent or nearby cellular systems. *See* 86 FCC 2d at 502–03.

[20] *See* 86 FCC 2d at 503 for a discussion of the relative importance of the evidence submitted under this issue.

[21] Members of the Separated Trial Staff are non-decision making personnel and they will not participate in decision making or agency review on an *ex parte* basis in this case, either directly or through contact with other Common Carrier Bureau personnel. Any investigative or prosecuting functions will be performed by the Separated Trial Staff in connection with its role as a party to the adjudication of these cellular radio applications. All other personnel of the Common Carrier Bureau, unless identified in a subsequent order as required to be separated, are designated as decision-making and they may advise the Commission as to the ultimate disposition of any appeal of an initial decision in this proceeding. See Communications Act of 1934 as amended section 409(c) (47 U.S.C. 409(c); Administrative Procedure Act section 554(d) (5 U.S.C. 554(d); § 1.221 of the Commission's Rules.

Commission's Rules within 10 days after publication of this order in the **Federal Register.**

32. It is further ordered that the hearing shall be held according to the procedures specified in § 22.916 of the Rules, except as otherwise noted here, at a time and place and before an Administrative Law Judge to be specified in a later order.

33. It is further ordered that exceptions to the initial decision of the Administrative Law Judge under § 1.276 of the Commission's Rules shall be taken directly to the Commission.

34. It is further ordered that CMS is directed to file the conforming amendment specified in this order within 15 days after publication of this order in the **Federal Register** and that all applicants are directed to file rebuttal cases under § 22.916(b)(4) of the Rules within 45, rather than 30 days after publication of this order in the **Federal Register.**

35. It is further ordered that, except to the extent granted here, the Petitions to Deny filed by the parties against the captioned applications are denied.

36. It is further ordered that any authorization granted to CMS as a result of the comparative hearing shall be conditioned on, and without prejudice to, reexamination and reconsideration of that company's qualifications to hold a cellular license following a decision in the hearing designated in *A.S.D. Answering Service, Inc., et al.*, FCC 82–391, released August 24, 1982, and shall be specifically conditioned upon the outcome of that proceeding.

37. It is further ordered, that any authorization granted to LIN as a result of the comparative hearing shall be conditioned on, and without prejudice to reexamination and reconsideration of that company's financial qualifications as determined in *Advanced Modile Phone Service, Inc., et al.* (*New York Order*), CC Mimeo 2418, released February 18, 1983.

38. It is further ordered, that any authorization granted as a result of this proceeding shall be conditioned upon obtaining the appropriate antenna structure clearances.

39. This order is issued under Section 0.291 of the Commission's Rules and *Order Delegating Authority*, FCC 82–435, released October 6, 1982, and is effective on its release date. Applications for review under § 1.115 of the Rules of this order may be filed within 30 days of the date of public notice of this order (see Rule 1.4(b)(2)).

40. The Secretary shall cause a copy of this order to be published in the **Federal Register.**

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83–6630 Filed 3–8–83; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 83–104, et al.]

Mathis, James E., et al.; Hearing

Adopted: February 8, 1983.

Released: February 22, 1983.

In re Applications of; James E. Mathis, CC Docket No. 83–104, File No. 901–CM–P–80; and Microband Corporation of America, CC Docket No. 83–105, File No. 4159–CM–P–80; For Construction Permits in the Multipoint Distribution Service for a New Station at Gainesville, Georgia; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order.

1. For consideration are the above-referenced applications.[1] These applications are for: construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at Gainesville, Georgia. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. These applications have been amended as a result of informal requests by the Commission's staff for additional information. There are no petitions to deny or other objections under consideration.[2]

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e) and Section 0.291 of the Commission's Rules, 47 CFR § 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [3]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That James E. Mathis, Microband Corporation of America and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of Section 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 83–6621 Filed 3–8–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 83–116, File No. BPH–7901?AC]

Santa Monica Broadcasting, Inc., et al.; Hearing

Adopted: February 17, 1983.

Released: March 1, 1983.

In re application of; Santa Monica Broadcasting, Inc, KSFR–FM, Santa Monica, California, MM Docket No. 83–116, File No. BPH–7901AC; HAS: 103.1 MHz Channel 276A 1.85 kW (H&V), 95 feet HAAT; Requests: 103.1 MHz, Channel 276A .87 kW (H&V) 570 feet HAAT; For Construction Permit for Modification of Facilities of KSRF (FM), Santa Monica, California; Designating Application for Hearing on State Issues; Hearing Designation Order.

1. On July 17, 1980, the Commission granted the above-captioned application and denied, without hearing, a petition

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[1] On August 18, 1980, Tymshare, Inc. (Tymshare) and Arthur Lipper Corporation (ALC) executed a contract whereby ALC agreed to transfer control of Microband to Tymshare. *Transfer of Control/MDS*, 85 FCC 2d 1023 (1981).

[2] By Memorandum Opinion and Order adopted June 20, 1981 and released July 2, 1981, Mimeo No. 001883, Microband was granted an exemption from the Commission's "cut-off" rules pursuant to § 21.31 of the Rules, 47 CFR 21.31, to preserve the status of its pending mutually exclusive application.

[3] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 20 (1980).

to deny filed by Hutton Broadcasting, Inc. (KOCM), licensee of FM Station KOCM, Newport Beach, California. *Santa Monica Broadcasting, Inc.*, 79 FCC 2d 949 (1980). The Commission, on January 21, 1981, denied KOCM's petition for reconsideration, *Santa Monica Broadcasting, Inc.*, FCC. 81–8 (released January 21, 1981), again without a hearing. Subsequently, KOCM appealed the Commission's decision to the United States Court of Appeals for the District of Columbia Circuit. The Court affirmed in part and reversed in part the Commission's decision granting KSRF's application and remanded the case for an evidentiary hearing pursuant to Section 316(a) of the Communications Act of 1934, as amended (47 U.S.C. 316(a)). *Western Broadcasting Company v. FCC*, 674 F. 2d 44 (D.C. Cir. 1982).[1]

2. KOCM and KSRF are commercial Class A FM stations operating on the same frequency, KOCM in Newport Beach and KSRF in Santa Monica. They have existed as co-channel operations on channel 167A (103.1 MHz) since 1960. The stations are 41.5 miles apart. Normally, the Commission's Rules require that a minimum of 65 miles separate co-channel class A FM stations. *FM Broadcast Rules*, 40 FCC 662, 680 (1962) and § 73.208 of the Commission's Rules, 47 CFR 73.208. However, this short-spacing was permitted because the stations were already licensed in a short-spaced condition as of November 16, 1964. *FM Broadcast Rules, supra*, and § 73.213 of the Commission's Rules, 47 CFR 73.213. KSRF filed its application for changes because of the claimed deterioration of its signal to its city of license caused by interference from high-rise construction in Santa Monica. KOCM alleged that a grant of the KSRF application would create objectionable interference to its signal thereby causing an indirect modification of its license. The Commission determined that the proposal would cause no additional interference to KOCM's 1.0 mV/m area and denied KOCM's petition, without hearing.

3. The Court found that KOCM's claim of objectionable interference raised a "legally cognizable issue" under Section 316(a) of the Act and held that KOCM was entitled to notice and an opportunity to show cause in an evidentiary hearing why the proposed order of modification should not issue. It then remanded the case to the Commission for further proceedings consistent with its opinion. The Court made no findings concerning whether or not a grant of the application for modification would result in any interference to KOCM. Section 316(a) of the Act provides in pertinent part, that "any station license . . . may be modified by the Commission . . . if in the judgment of the Commission such action will promote the public interest, convenience and necessity." However, "no such . . . modification shall become final until the holder of the license . . . shall have been notified in writing of the proposed action and the grounds and reasons therefor, and shall have been given reasonable opportunity . . . to show cause by public hearing, if requested, why such order of modification should not issue."

4. Because of the unique posture of this case, we believe it is necessary to provide guidance as to what constitutes "objectionable interference." We believe that it is appropriate to use Section 73.509 of the Rules. However, because the stations involved are grandfathered, short-spaced stations, there may already be objectionable interference under that rule. Therefore, we believe it is appropriate to determine the degree of interference already encountered with regard to the existing operations, and then to determine whether there will be any increase in that interference. "Objectionable interference," for the purposes of this proceeding only, will be defined as any increase in the interference presently encountered within the station's 1 mV/m contour, which is neither masked by existing interference nor is so small as to be *de minimis*. Normally, the location of the contours would be determined pursuant to § 73.313 of the Commission's Rules. In this case, however, KOCM has proposed an alternative method of determining the extent of the pertinent contours. Therfore, at the outset of this case, it will be necessary to determine whether the method prescribed by § 73.313 or the alternative method advocated by KOCM is more appropriate under these circumstances.

5. In view of the foregoing, KOCM will be made a party to this proceeding thereby giving it an opportunity, pursuant to Section 316(a) of the Communications Act, to show in hearing why its license should not be modified.

6. Accordingly, it is ordered, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the application of Santa Monica Broadcasting, Inc., is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which Santa Monica Broadcasting, Inc. presently serves and those areas and populations which may be expected to gain or lose primary service from the proposed operation of KSRF and the availability of other primary aural service (1mV/m or greater in the case of FM) to such areas and populations.

2. To determine whether the proposal of Santa Monica Broadcasting, Inc. would cause additional objectional interference to Station KOCM and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected (1mV/m or greater in the case of FM).

3. To determine, in light of the evidence adduced under issue two, whether the grant of the application would modify the license of station KOCM and, if so.

4. To determine whether there are any public interest benefits that would flow from the grant of the application and which would warrant a modification of the license of station KOCM and a grant of the application.

7. It is further ordered, That Donrey, Inc., license of Station KOCM, Newport Beach, California, is made a party to the proceeding.

8. It is further ordered, That: (a) with regard to the alleged modification of the license of Station KOCM, the burden of introduction of evidence and the burden of proof shall be on the Mass Media Bureau, but that Santa Monica Broadcasting Inc. and Western Broadcasting Company may also introduce evidence on this issue; (b) with regard to the alleged public interest benefits resulting from the proposed operation of Station KSRF, the burden of introducing evidence and the ultimate burden of proof shall be on Santa Monica Broadcasting, Inc.

9. It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the Secretary of the Commisson shall send copies of this order by certified mail, Return Receipt Requested, to the parties in this proceeding.

[1] Donrey, Inc., is the present licensee of station KOCM. Hutton Broadcasting, Inc., was the licensee of KOCM when these proceedings were initiated before the Commission. Western was substituted during the appellate proceeding.

Federal Communications Commission.
William J. Tricarico,
Secretary.
[FR Doc. 83-6824 Filed 3-8-83; 8:45 am]
BILLING CODE 6712-01-M

Unimel, Inc., et al.; Hearing

Adopted: February 8, 1983.
Released: February 22, 1983.

In re Applications of; Unimel, Inc., CC Docket No. 83-102, File No. 5869-CM-P-80; and Kravetz Media Corporation, CC Docket No. 83-103, File No. 10378-CM-P-80; For Construction Permits in the Multipoint Distribution Service for a New Station at St. James Minnesota; Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order.

1. For consideration are the above-referenced applications. These applications are for construction permits in the Multipoint Distribution Service and they propose operations on Channel 1 at St. James, Minnesota. The applications are therefore mutually exclusive and, under present procedures, require comparative consideration. There are no petitions to deny or other objections under consideration.

2. Upon review of the captioned applications, we find that these applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent Order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered: [1]

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and the quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Unimel, Inc., Kravetz Media Corporation and the Chief, Common Carrier Bureau, are made parties to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules, 47 CFR 1.221.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

James R. Keegan,
Chief, Domestic Facilities Division, Common Carrier Bureau.
[FR Doc. 83-6820 Filed 3-8-83; 8:45 am]
BILLING CODE 6712-01-M

[1] Consideration of these factors shall be in light of the Commission's discussion in *Frank K. Spain*, 77 FCC 2d 29 (1980).

FEDERAL MARITIME COMMISSION

[Agreements Nos. 10374-2 and 10266-5]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreements Nos. 10374-2 and 10266-5 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., and that preparation of an environmental impact statement is not required.

Agreement No. 10374-2 is between Intercontinental Transport (ICT) B.V., Compagnie Generale Maritime (CGM), Hapag-Lloyd (HL) and Harrison Line (Harrison), and Agreement No. 10266-5 is between ICT, CGM, HL and Harrison (Proponents). Proponents have narrowed the scope of the amendments to these Agreements so that they are limited to two basic modifications. These two modifications would (1) extend the geographic coverage of both Agreements to encompass the U.S./Mexico trade; and (2) authorize the parties to Agreement No. 10266 to offer transshipment service.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the Federal Register unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.
[FR Doc. 83-6807 Filed 3-8-83; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Proposed de Novo Nonbank Activities; First National Boston Corp.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President), 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *First National Boston Corporation*, Boston, Massachusetts (management consulting to nonaffiliated depository institutions; United States): To engage *de novo*, through an existing subsidiary, FBC, Inc., in providing management consulting advice to nonaffiliated bank and nonbank depository institutions including commercial banks, savings and loan associations, mutual savings banks, credit unions, industrial banks, Morris Plan banks, cooperative banks, and industrial loan companies in accordance with § 225.4(a)(12) of Federal Reserve Regulation Y (12 CFR § 225.4(a)(12)). These activities will be performed *de novo* by FBC, Inc. from an office in Boston, Massachusetts, that will serve the United States. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6017 Filed 3-8-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; American Bankshares Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *American Bankshares, Inc.*, Bowman, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The American Bank, Bowman, Georgia. Comments on this application must be received not later than March 30, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First Fowler Bancorp, Inc.*, Fowler, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Fowler, Fowler, Colorado. The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6016 Filed 3-8-83; 8:45 am]

BILLING CODE 6210-01-M

Orange Bancorp; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 83-4743), published at page 8131 of the issue for Friday, February 25, 1983. Orange Bancorp, Fountain Valley, California, through its indirect subsidiary Southern Pacific Thrift and Loan, also proposes to engage in leasing activities in accordance with 12 CFR 225.4(a)(6). Comments regarding the application should be submitted in writing to the Federal Reserve Bank of San Francisco to be received not later than March 25, 1983.

Board of Governors of the Federal Reserve System, March 3, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6018 Filed 3-8-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Adolescent Family Life Demonstration Projects

Notice is hereby given that in furtherance of the December 9, 1982 delegation by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 9067) of authority under Title XX of the Public Health Service Act, the Assistant Secretary for Health has delegated to the Deputy Assistant Secretary for Population Affairs, with authority to redelegate, the authority delegated to the Assistant Secretary for Health under Title XX of the Public Health Service Act (42 U.S.C. 300z *et seq.*), as amended, Adolescent Family Life Demonstration Projects.

The delegation to the Deputy Assistant Secretary for Population Affairs, became effective on February 28, 1983.

Dated: February 28, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-6018 Filed 3-8-83; 8:45 am]

BILLING CODE 4160-17-M

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 83-3009, appearing on page 4922, in the issue of Thursday, February 3, 1983, in the second column, in the second paragraph, in the second line, "Consulation" should read "Consultation".

BILLING CODE 1505-01-M

Centers for Disease Control; Statement of Organization, Functions, and Delegations of Authority

Correction

In FR Doc. 83-4063, beginning on page 6782, in the issue of Tuesday, February 15, 1983, on page 6783 make the following corrections:

1. In the first column, in the second paragraph, in the fourth line "(HCD)" should read ("HCB)".

2. In the second column, in the third paragraph, under item (5), "collaborates public," should read "collaborates with public,"; under item (8), in the second line "health and" should read "health".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Desert Conservation Area Plan; Notice of Intent; Extension

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the Bureau of Land Management is extending its call for amendments to the California Desert Conservation Area Plan.

DATE: Proposed amendments will be accepted from the public until April 30, 1983.

ADDRESS: Please send any proposals to the following address: 1983 Amendments, Bureau of Land Management, California Desert District,

1695 Spruce Street, Riverside, California 92507, (714) 351-6394.

FOR FURTHER INFORMATION CONTACT: Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507.

SUPPLEMENTARY INFORMATION: The Federal Register Notice of February 24, 1983 (Vol. 48, p. 7818) is amended to extend the invitation for proposed amendments to the California Desert Area Conservation Plan.

Please send any proposals to the following address: 1983 Amendments, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351-6394.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-6819 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55832]

Montana; Conveyance and Order Providing for Opening of Federal Lands

March 1, 1983.

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been conveyed to the United States:

Principal Meridian

T. 7 S., R. 19 E.,
Sec. 33, E½ as shown on the official U.S. GLO survey plat approved December 28, 1868 and redescribed as Tracts 37 and 38 on the official U.S. GLO resurvey plat approved March 17, 1941;
Sec. 34, S½NE¼, W½ and W½SE¼.
The area described contains 800 acres.

Upon acceptance of title to the lands, they became part of the Custer National Forest and are subject to all the laws, rules and regulations applicable thereto. At 10 a.m. on April 18, 1983, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Forest Supervisor, Custer National Forest, 2602 First Avenue North, P.O. Box 2556, Billings, Montana 59103.

In exchange for above described land and a $5,600 cash equalization payment, the following described lands in Phillips County were transferred to First Montana Title Insurance Company as trustee for the benefit of Federal Land Exchange of Nevada, Inc.:

Principal Meridian

T. 28 N., R. 31 E.,
Sec. 10, S½;
Sec. 15, all.
Containing 960 acres.

The purpose of this notice is to inform the public and interested state and local governmental officials of the issuance of the conveyance document.

Michael J. Penfold,

State Director.

[FR Doc. 83-6860 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Application for Haying Permit, to allow such activities on national wildlife refuges.

Bureau Form Number: N/A.

Frequency: On occasion.

Description of Respondents: Individuals or households, farms, and ranches.

Annual Responses: 340.

Annual Burden Hours: 170.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Robert E. Gilmore,

Acting Associate Director, Wildlife Resources.

March 2, 1983.

[FR Doc. 83-6840 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf Offshore Central California; Availability of Draft Environmental Impact Statement and Location and Date of Public Hearing Regarding Proposed Oil and Gas Lease Sale No. 73

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a draft environmental impact statement (EIS) relating to a proposed oil and gas lease sale offering of 360 tracts consisting of approximately two million acres of submerged lands on the Outer Continental Shelf offshore central California (OCS Sale No. 73).

Single copies of the draft EIS can be obtained from the Regional Manager, Pacific OCS Region, Minerals Management Service, 1340 W. Sixth Street, Los Angeles, California 90017.

Copies of the draft EIS will also be available for review in the following public libraries:

Ukiah Library, 105 North Main, Ukiah, CA 95482
Crescent City Public Library, 450 H Street, Crescent City, CA 95531
Fairfax Library, 2097 Sir Francis Drake Blvd., Fairfax, CA 94930
North Coast Regional Coastal Commission, P.O. Box 4946, 1656 Union Street, Eureka, CA 95501
Eureka-Humboldt County Library, I Street, Eureka, CA 95501
Mill Valley City Library, 26 Corte Madera Avenue, Mill Valley, CA 94941
Mr. Jim Antrobus, Coastal Planning Office, 331-G Redwood Avenue, Ft. Bragg, CA 95437
Novato Library, 1720 11 Blvd., Novato, CA 94947
North Bay Cooperative, Library System, 3rd & E Streets, Santa Rosa, CA 95404
Stinson Library, 3470 Shoreline Highway, Stinson Beach, CA 94970
Bodega Bay, Volunteer Fire Department, Highway One, Bodega Bay, CA 94923
Sebastopol Public Library, 7140 Bodega Avenue, Sebastopol, CA 95472
Mendocino County Library, 353 North Main, Ft. Bragg, CA 95437
Petaluma Free Library, 4th & B Streets, P.O. Box 300, Petaluma, CA 94953
Mendocino Environmental Center, P.O. Box 557, Mendocino, CA 95460
Mr. Ron DeCarli, San Luis Obispo County, Planning Department, Courthouse Annex, Room 102, San Luis Obispo, CA 93408
Mr. Scott McCreary, Monterey County Planning Dept., P.O. Box 1208, Salinas, CA 93902
Peninsula Conservation Foundation, Attn: Nancy Olson, Librarian, 2353 Park Blvd., Palo Alto, CA 94306
Santa Barbara Public Library, P.O. Box 1019, Santa Barbara, CA 93102
CA Polytechnic State, University Library, Attn: Karen Gall, San Luis Obispo, CA 93407
Nipoma Elementary School, County Library, 333 West Tratft, Nipoma, CA 93444
Humboldt State University, Library, Documents Department, Arcata, CA 95521
Corte Madera Library, 707 Meadowsweet Drive, Corte Madera, CA 94925
Point Reyes Library, 4th & A Street, Point Reyes, CA 94956
Marine County Library, Pacific Center Branch, Civic Center, San Rafael, CA 94903
Healdsburg Library, 221 Matheson Street, Healdsburg, CA 95448
Ms. Debbie Nelson/Mr. Bill Rozar, San Mateo County Planning Dept., County Government Center, Redwood City, CA 94063

Colorado State University, Fred Schmidt, Documents Librarian, Ft. Collins, CO 80523
Ms. Gennette Sonnesyn, Santa Cruz County, Community Resources Agency, 701 Ocean Street, Santa Cruz, CA 95061
University of California, Documents Section, Library, Santa Cruz, CA 95061
Harrison Memorial Library, Document Section, Ocean Avenue & Lincoln, Carmel, CA 93921
San Luis Obispo City-County, Library, 1354 Bishop Street, San Luis Obispo, CA 93406
University of CA Library, Santa Barbara Campus, Santa Barbara, CA 93102
Richmond Public Library, Civic Center Plaza, Richmond, CA 94804
College of San Mateo, Library, 1700 W. Hillsdale Blvd., San Mateo, CA 94402
Monterey Peninsula College, Documents Section, Library, 980 Fremont Blvd., Monterey, CA 93940
Hartell College, Document Section, Library, 156 Homestead Avenue, Salinas, CA 93901
Mr. William F. Northrop, Executive Officer, CA State Lands Commission, 1807 13th Street, Sacramento, CA 95809
Pismo Beach City Library, 1000 Bello Avenue, Pismo Beach, CA 93449
San Francisco State University Library, 1600 Holloway Avenue, San Francisco, CA 94132
Ms. Marge Macris, Marin County Comprehensive Planning Department, Civic Center, San Rafael, CA 93901
Salinas Library, 110 West San Luis Street, Salinas, CA 93901
Monterey Public Library, 625 Pacific Street, Monterey, CA 93940
Morro Bay Library, 410 Morro Bay Blvd., Morro Bay, CA 93442
Santa Cruz Public Library, 224 Church Street, Santa Cruz, CA 95060
City College of San Francisco, Alice Statler Library, 50 Phelan Avenue, San Francisco, CA 94112
Mr. Tom Hofweber, Humboldt County Planning Dept., 520 E Street, Eureka, CA 95501
Goleta Public Library, 500 N. Fairview Avenue, Goleta, CA 93017
Mr. Jerry Heath, Mendocino County Planning Dept., 880 N. Bush, Ukiah, CA 95482
Santa Maria Public Library, 420 S. Broadway, Santa Maria, CA 93454
Cabrillo College, Documents Section, Library, 6500 Sequel Drive, Aptos, CA 95003
Mr. Richard Retecki, Sonoma County Planning Dept., 2555 Mendocino, Room 105A, Santa Rosa, CA 95401
Pescadero Public Library, North Road, Pescadero, CA 94060
San Mateo Public Library, 55 West Third, San Mateo, CA 94402
North Central Coast Regional Commission, Holiday Plaza Office Bldg., 1050 Northridge Drive, Suite 130, San Rafael, CA 94903
San Francisco Public Library, Civic Center, San Francisco, CA 94102
Association of Monterey Bay, Area Governments, Attn: Julie Brandlin, P.O. Box 190, Monterey, CA 93940
City of Palo Alto, Main Library, 1213 Newell Road, Palo Alto, CA 94309
University of California, Earl Warren Legal Center, Law Library, 232 Boalt Hall, Berkeley, CA 94720
McHenry Library, University of California, Santa Cruz, CA 95064
Business & Economics Dept., Los Angeles Public Library, 630 W. 5th Street, Los Angeles, CA 90071
California State University, Oviatt Library-Government Documents, 18111 Nordhoff Street, Northridge, CA 91330
County of Ventura Library, Documents Section, P.O. Box 771, Ventura, CA 93001
Loyola University, School of Law Library, 1440 W. 9th Street, Los Angeles, CA 90015
CA Coastal Zone Commission, Attn: Mari Gottdiener, 631 Howard Street, San Francisco, CA 94105
Redwood City Library, 881 Jefferson Avenue, Redwood City, CA 94063
San Jose State University Library, 250 South 4th Street, San Jose, CA 95182
Pacific Grove Library, 550 Central Avenue, Pacific Grove, CA 93950
Oakland Public Library, 125 14th Street, Oakland, CA 94612
Riverside Public Library, P.O. Box 468, Riverside, CA 92502
California State University, Library-Documents Section, P.O. Box 4150, Fullerton, CA 92634
County of L.A. Public Library, Government Publication Unit, 320 W. Temple, Los Angeles, CA 90012
Long Beach Public Library, Government Publications Dept., Ocean & Pacific, Long Beach, CA 90802
Santa Barbara Public Library, P.O. Box 1019, Attn: Reference Section, Santa Barbara, CA 93102
San Diego Public Library, Science and Industry Dept., Attn: Dorothy Van Nice, 820 E Street, San Diego, CA 92101
University of California, Government Pub. Dept. Gen. Lib., P.O. Box 19557, Irvine, CA 92713
University of California, Serials, SIO Library, C-075, La Jolla, CA 92093
University of California, Water Resources Center Archives, 2061 Engineering I, Attn: Beth Willard, Librarian, Los Angeles, CA 90024
Pomona College, Honnold Library, 222 E. 9th Street, Claremont, CA 91711
Anaheim Public Library, DS 65C, 500 West Broadway, Anaheim, CA 92805
Pepperdine University Library, DS 59A, 8035 S. Vermont, Los Angeles, CA 90044
Pasadena Public Library, DS 63B, 285 E. Walnut Street, Pasadena, CA 91101
San Bernardino County Free Library, DS 64C, 104 W. 4th Street, San Bernardino, CA 92401
San Diego State University, DS 66A, Malcolm A. Love Library, Government Publications Dept., San Diego, CA 92182
Santa Monica Public Library, Attn: Document Librarian, 1343 6th Street, Santa Monica, CA 90401
University of Southern Cal., Government Documents Dept., P.O. Box 77963, Los Angeles, CA 90007
University of California, Library, Gov't Pub. Dept., Santa Barbara, CA 93106
University of Cal. Library, Government Publications Dept., P.O. Box 5900, Riverside, CA 95207
Culver City Library, DS 40A, 4975 Overland Avenue, Culver City, CA 90230
Downey City Library, DS 41A, 8490 E. 3rd Street, Downey, CA 90241
California Inst. of Technology, DS 63, Millikan Memorial Library, Pasadena, CA 91125
W. Valley Reg. Library, DS 64C, 19036 Vanowen Street, Reseda, CA 91335
San Diego County Library, DS 66C, 5555 Overland Avenue, San Diego, CA 92123
San Diego County Law Library, DS 63D, 1105 Front Street, San Diego, CA 92101
Santa Ana Public Library, DS 64A, Documents Section, 26 Civic Center Plaza, Santa Ana, CA 92701
Cal. State Poly Univ. Library, DS 56D, Documents Section, San Luis Obispo, CA 93401
Cal. Lutheran College Library, DS 54B, Mountclef Village, Thousand Oaks, CA 91360.

In accordance with 30 CFR 256.26(b), a public hearing will be held on April 13, 1983, at the Vandenberg Inn, Riviera Rooms A, B, and C, 1316 South Broadway, Santa Maria, California 93454, for the purpose of receiving comments regarding the central California OCS leasing proposal. The hearing will begin at 9:00 a.m., local time.

The hearing will provide the Secretary of the Interior with additional information from both public and private sectors to help evaluate fully the potential effects of leasing oil and gas tracts offshore central California. In addition, the proceedings will give the Secretary the opportunity to receive further comments and views of concerned Federal, State, and local agencies.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearings, are requested to contact the Regional Manager, Pacific OCS Region, Minerals Management Service, at the above address by 4:00 p.m., April 6, 1983. Written comments from those unable to attend the public hearing also should be addressed to the Regional Manager, Pacific OCS Region, Minerals Management Service at the above address. The Minerals Management Service will accept written testimony and comments on the draft EIS until April 26, 1983. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have

given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have been received and analyzed, a final EIS will be prepared.

Harold Doley,

Director, Minerals Management Service.

John H. Farrell,

Acting Director, Environmental Project Review.

[FR Doc. 83-5940 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Gateway National Recreation Area Advisory Commission; Cancellation of Meeting

In accordance with the Federal Advisory Committee Act, notice is hereby given that a meeting of the Gateway National Recreation Area Advisory Commission scheduled to be held on March 15, 1983, at 2 p.m., Federal Hall, 26 Wall Street, New York, NY, as was published in Volume 48, No. 36 of the **Federal Register** dated Tuesday, February 22, 1983, has been postponed. The meeting will be rescheduled and notice will be published in accordance with the Federal Advisory Committee Act.

Dated: March 3, 1983.

Robert A. Ritsch,

Associate Director, Recreation Resources, National Park Service.

[FR Doc. 83-5945 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-70-M

Kalaupapa National Historical Park; Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Kalaupapa National Historical Park Advisory Commission will be held at 9:00 a.m. on Thursday, April 14, 1983, at Paschoal Community Hall, Kalaupapa, Molokai, Hawaii.

The Advisory Commission was established by Public Law 95-565 to provide advice with respect to park development, operations, public visitation, and employee training.

Members of the Commission are as follows:

Rev. David K. Kaupu, Chairman
Mr. Clifford K. Anderson
Mr. Robert L. Barrel
Mrs. Kuulei Bell
Mr. James Brede
Mr. Shoichi Hamai
Mr. Paul Harada
Mr. Isaac Keao
Mr. Richard Marks
Mr. Ralston Nagata
Mr. Bernard Punikaia

This meeting will be devoted to issues related to progress report of cooperative agreements between the National Park Service and the State and to discussions of regulations and law enforcement jurisdiction.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Mr. Bryan Harry, Pacific Area Director, National Park Service, 300 Ala Moana Boulevard, Box 50165, Honolulu, Hawaii 96850; telephone (808) 546-7584.

Minutes of the meeting will be available for public inspection by May 15, 1983, in the Office of the Pacific Area Director, National Park Service, 300 Ala Moana Boulevard, Room 6305, Honolulu, Hawaii.

Dated: March 1, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-5944 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware National Scenic and Recreational River; Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: March 25, 1983, 7 p.m.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159 (717/729-7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council, c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764-0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: February 28, 1983.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 83-5975 Filed 3-8-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Notice of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: March 4, 1983.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the locaton of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) Mid-America Farm Lines, Inc.

(2) 420 North Nettleton, Springfield, MO 65802.

(3) 420 North Nettleton, Springfield, MO 65802.

(4) Gary Hanman, 800 West Tampa, Springfield, MO 65806.

(1) Utah Hay Growers, Inc.

(2) 13871 East Chandler, Corona, CA 91720.

(3) 13871 East Chandler, Corona, CA 91720.

(4) LeAnn Martinson, 13871 East Chandler, Corona, CA 91720.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6667 Filed 3-8-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15120]

All Freight Transportation, Inc.—Control Exemption—Overland Transportation, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemption Filed by Motor Carriers*, 367 I.C.C. 113 (1982), All Freight Transportation, Inc. (No. MC-152871), seeks an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition by it of the outstanding common stock of Overland Transportation, Inc. (No. MC-143570).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701.

Comments should refer to No. MC-F-15120.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275-7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6670 Filed 3-8-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15117]

Best Way Transportation—Purchase Exemption—Spector Red Ball, Inc. (Debtor-In-Possession)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carrier of Property* under 49 U.S.C. 11343, 363 I.C.C. 113 (1982), Best Way Transportation (No. MC-112123), seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of authorities issued to Spector Red Ball, Inc., in No. MC-2229 and various sub-numbers thereunder (28, 31, 33-46, 49, 57, 58, 62-64, 66, 67, 71, 73, 74, 76, 79, 80, 82, 85, 89, 93-95, 99, 191, 106, 111, 116, 122, 125, 131, 153, 155, 160, 163, 175, 182, 228F, 240, 245 and 271X, and portions of 102 and 169.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Room 2139 Interstate Commerce Commission Washington, DC 20423

and

(2) Petitioner's representative, Phil B. Hammond, Evans, Hammond, & Milliken, 3003 N Central, Suite 2201, Phoenix, AZ 85012.

Comments should should refer to No. MC-F-15117.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83-6662 Filed 3-8-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15142; OP4F-119]

Howard Dullum—Purchase Exemption—Texas Western Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Howard Dullum and Texas Western Express, Inc., seek an exemption from the requirement under section 11343 of regulatory approval for the purchase by the former from the latter of Certificate No. MC-152406 (Sub-No. 2) authorizing the transportation of *food and related products* between points in Tarrant County, TX, on the one hand, and, on the other, points in a described portion of the United States; and Certificate No. MC-152406 (Sub-No. 3) authorizing the transportation of *food and related products* between points in Dallas County, TX, on the one hand, and, on the other, points in the United States.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

and

(2) Petitioners' representative, Clayte Binion, 623 South Henderson, Second Floor, Ft. Worth, TX 76104, (817) 332-4415.

Comments should refer to No. MC-F-15142.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6877 Filed 3-8-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30077]

Indianapolis Power & Light Company—Exemption From 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Indianapolis Power & Light Company from the provisions of 49 U.S.C. Subtitle IV [except section 10905(f)(4)] in connection with operations over a 2.3-mile line between milepost 110.6 and milepost 112.9 in Daviess County, IN.

DATES: This exemption is effective on April 6, 1983. Petitions for a stay must be filed by March 21, 1983; petitions for reconsideration must be filed by March 29, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Clark L. Snyder, 25 Monument Circle, Indianapolis, IN 46206.

Pleadings should refer to Finance Docket No. 30077.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6878 Filed 3-8-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15152 OP2-087]

Valley Transportation Service, Inc.—Merger Exemption—L.C.W. Transportation Service, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. § 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1) *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), L.C.W. Transportation Service, Inc. (No. MC-153034) and Valley Transportation Service, Inc. (No. MC-149553), both under the common ownership, management, and control of L. C. Waller, seek the merger of the operating rights of L.C.W. Transportation into Valley Transportation. The operating rights of L.C.W. Transportation to be merged are contained in: (1) A certificate issued in No. MC-153034 authorizing the transportation of doors, door frames, and mouldings, (a) from ports of entry on the international boundary line between the United States and Mexico, at or near El Paso, TX, to San Antonio and Houston, TX, and (b) from ports of entry on the international boundary line between the United States and Mexico, at or near El Paso, TX, to Diboll and Harlingen, TX, restricted in (b) only to traffic moving in foreign commerce; and (2) a permit issued in No. MC-153034 (Sub-No. 2) X authorizing the transportation of pulp, paper and related products, and materials, equipment and supplies (except commodities in bulk), used in the manufacture of pulp, paper and related products, between points in the United States, under continuing contract(s) with International Paper Company, of New York, NY, Weyerhaeuser Company, of McAllen, TX, and Crown Zellerbach, Gaylord Container Division, of Weslaco, TX.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioners' representative: D. R. Beeler, P.O. Box 482, Franklin, Tn 37064.

Comments should refer to No. MC-F-15152.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be otained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the officers of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6881 Filed 3-8-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Finance Application; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1161.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 3 at 202-275-5223.

Volume No. OP3-MC-FC-85

Decided: February 25, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC–FC 81061. By decision of February 25, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to EJ'S TRUCKING, INC., Powell, TN, of a portion of the authority in Certificate No. MC 154245, issued November 5, 1981, to POWELL TRUCKING, A SUBSIDIARY OF POWELL ERECTION COMPANY, Knoxville, TN, authorizing the transportation of (a) signs and sign poles, and (b) parts and accessories for the commodities named in (a) above, between Knoxville, TN, on the one hand, and, on the other, points in the U.S. (except AK, HI, and TN). Representative: Gloria S. Beauchene, Suite 100, 8060 Kingston Pike, Knoxville, TN 37923.

For status, please call Team 5 at 202–275–7289.

Volume No. OP5–FC–95

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC 81224. By decision of February 23, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR 1181, Review Board Number 3 approved the transfer to CHASE TRANSPORTATION SERVICES, LTD., of Seattle, WA, of Certificate No. MC–150378 Sub 3X, issued April 30, 1982 and the underlying authority in MC–150378 Sub 2, issued February 19, 1981 to CHASE EXPRESS, INC., of Kent, WA, authorizing the trasportation of *general commodities* (except classes A and B explosives), between points in WA and OR over irregular routes. Representative: Jack R. Davis, 1200 IBM Bldg, Seattle WA 98101 for transferee.

MC–FC 81245. By decision of February 28, 1983 issued under 49 U.S.C. 10926, and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to LYNWAY FREIGHT SYSTEMS, INC., of Jersey City, NJ, of Certificate No. MC–152998 Sub 1, issued May 20, 1981, to LYNWAY TRUCKING CORP., of Flushing, NY., authorizing the transportation of *general commodities* (except classes A and B explosives), over irregular routes, between New York, NY, on the one hand, and, on the other, points in ME, VT, CT, MA, RI, NY, NH, NJ, PA, DE, MD, VA, FL, and DC. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fairlawn, NJ, 07410.

[FR Doc. 83–6004 Filed 3–8–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49580, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminary, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,

Secretary.

For status, please call Team 1 at 202–275–7992.

Volume No. OP1–77

Decided: March 2, 1983.

MC 66100 (Sub-51X), (partial republication), filed January 10, 1983, previously noticed in the Federal Register of January 28, 1983. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Sub 49: (a) broaden machinery, equipment, materials, and supplies used in or in connection with the construction, operation, repair, servicing, maintenance, dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way), to "machinery, metal products, rubber or plastic products and clay, concrete, glass or stone products", and (b) change Tulsa, OK, and points within 5 miles of Tulsa, to "Tulsa, OK".

Note.—The purpose of this partial republication is to include part 4 of applicant's Sub 49 which was inadvertently omitted from the initial publication. The rest of the previous publication remains the same.

For status, please call Team 2 at 202–275–7030.

Volume No. OP2–088

Decided: March 1, 1983.

MC 2962 (Sub-No. 78)X, filed January 10, 1983. Applicant: A. & H. TRUCK LINE, INC., 1111 E. Louisiana St., Evansville, IN 47711. Representative: Robert H. Kinker, 314 West Main St., P.O. box 464, Frankfort, KY 40602, (502) 223–8244. Lead and Sub-Nos. 4, 5, 6, 7, 9, 10, 12, 13, 14, 15, 16, 18, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 39, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 54, 56, 57, 58, 59, 60, 61, 63, 64, 66, 69F, 70F, 74F, 75, and 76 Certificates: (1) broaden (a) all above certificates from General commodities (with exceptions) to "general commodities (except classes A and B explosives, household goods, and commodities in bulk);" and (b) Sub 12, from paint and paint materials to "chemicals and related products"; (2) allow service at all intermediate points (regular routes) in the lead and Sub-Nos. 12, 18, 25, 42, 50, 61, 70, and 74F; (3) remove restrictions against service on routes (a) lead, between Cincinnati, OH, on the one hand, and, on the other, Jeffersonville, IN, New Albany, IN and Louisville, KY, and limiting commodities at West Memphis, AR, (b) Subs 10 and 49, between Cincinnati, OH and Louisville, KY, (c) Sub 14, between Sanoval, IL and Washington, IN, (d) Sub 16, off-route point of Buckner, KY, (e) Sub 26, off-route point of Eastman Kodak Co., at Oak Brook IL, (f) Sub 30, between Vincennes, IN and Shoals, IN, (g) Sub 42, serving Princeton, KY, (h) Sub 43, off-route point of Hopkinsville, KY, (i) Sub 45, between Owensboro, KY and Drakesboro, KY, (j) Sub 46, between Hammond, IN and Indianapolis, IN, and (k) Sub 51, between Nashville, TN and Louisville, KY; (4) change one-way to radial in Sub 12; (5) remove restriction requiring use of tank vehicles in Sub 12; and (6) broaden Tell City, IN to Perry and Spencer Counties, IN and Hancock County, KY in (irregular routes) the lead.

[FR Doc. 83–6005 Filed 3–8–83; 8:45 am]
BILLING CODE 7035–01–M

[Permanent Authority Volume No. OP4-118]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of comments must be filed with the Commission within 25 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 4 at (202) 275-7669.

MC 135046 (Sub-27)X, filed July 30, 1982, previously noticed in the **Federal Register** issues of September 14, 1982 and September 29, 1982, respectively, and republished as follows: Applicant: ARLINGTON J. WILLIAMS, INC., 1398 S. DuPont Hwy., Smyrna, DE 19977. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. In a decision decided February 3, 1983, Division 1, acting as an Appellate Division, found that with respect to the proposed expansion of its commodity descriptions contained in its former certificates No. MC-135046 and Sub-Nos. 2 and 11 will be modified as follows: from fibre, fibre products, and insulating materials to: food or related products; textile mill products; apparel, or other finished textile products or knit apparel; lumber or wood products, except furniture; pulp, paper or related products; chemicals or related products; clay, concrete, glass or stone products; fabricated metal products except ordnance, machinery and transportation equipment; instruments; photographic goods or optical goods; watches or clocks; waste or scrap materials not identified by producing industry, materials, equipment and supplies used in the manufacture and distribution of the above named commodities.

Note.—(1) If no comments are filed within 25 days of publication, the application will be granted.

(2) The purpose of this republication is to broaden specified commodity descriptions in the Lead and Subs 2 and 11.

[FR Doc. 83-6869 Filed 3-8-83; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Volume No. OP3-36]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,

Secretary.

MC 140554 (Sub-3) (republication), filed July 26, 1982, published in the **Federal Register** issue of August 25, 1982. Applicant: HEY, INC., d.b.a. SOUTHWEST COACHES, R.R. 4, Box 51A, Marshall, MN 56258. Representative: Patrick J. Leary, 509 W. Main St., Marshall, MN 56258, (507) 532-5766. A Decision of the Commission, Review Board 1, decided February 11, 1983, and served February 25, 1983, finds that the performance by applicant of the service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers,* in charter and special operations, between points in Minnesota, North Dakota, South Dakota, Iowa, and Wisconsin, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 158124 (Sub-1) (republication), filed September 9, 1982, published in the **Federal Register** issue of September 28, 1982 and republished this issue. Applicant: CHARLES D. GOODWIN, INC., P.O. Box 1008, Sanford, NC 27330. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288, (919) 635-4711. A Decision of the Commission, Review Board 3, decided January 17, 1983, and served January 31, 1983, finds that the performance by applicant of the service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting chemicals, *food and related products,* and *non-metallic minerals* and *related products,* between points in California, Connecticut, Georgia, Illinois, Indiana, Massachusetts, Missouri, North Carolina, New Jersey, and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 161824 (republication), filed May 3, 1982, published in the **Federal Register** issue of May 20, 1982 and republished this issue. Applicant: ARIES TRANSPORTATION COMPANY, INC., 13932 E. Valley Blvd., City of Industry, CA 91744. Representative: James Bowers (same address as applicant), (213) 968-9648. A Decision of the Commission, Review Board 3, decided November 24, 1982, and served December 1, 1982, finds that the performance by applicant of the service described herein to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington and Wyoming; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority and to give notice to those parties who have relied on the previous notice in the **Federal Register** of the application as published and may have an interest in, and would be prejudiced by the lack of proper notice.

[FR Doc. 83-6860 Filed 3-8-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on

December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-79

Decided: February 25, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier, (Member Fortier not participating.)

MC 126430, (Sub-4), filed February 14, 1983. Applicant: TRENTWAY-WAGER, INC., 680 The Queensway, P.O. Box 1017, Petersborough, Ontario, Canada. Representative: Jeremy Kahn, 1511 K Steet NW., Suite 733, Investment Bldg., Washington, DC 20005, (202) 783-3225. Transporting *passengers*, in special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded special transportation.

MC 144620, (Sub-2), filed February 11, 1983. Applicant: EXECUTIVE COACH, INC., 207 Willow Valley Square, Lancaster, PA 17602. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108, (717) 464-2767. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166241, filed February 11, 1983. Applicant: BIG APPLE TRAVEL AGENCY LTD., 78-31 37th Avenue, Jackson Heights, NY 11372. Representative: Previte & Farber, One Station Square, Forest Hills, NY 11357, (212) 793-6600. Transporting *passengers*, in charter and special operations, between points in NY, NJ, PA, CT, MA, NC, SC, VA, GA, FL and DC.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166300, filed February 17, 1983. Applicant: LIBERTY BROKERS, LTD., R.D. No. 1, Randolph Center, VT 05061. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781-8205. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP1-81

Decided: March 3, 1983.

By the Commission, Review Board No. 2, members Carleton, Williams, and Ewing.

MC 27530, (Sub-20), filed February 14, 1983. Applicant: KERRVILLE BUS COMPANY, INC., 429 Sidney Baker St., P.O. Box 712, Kerrville, TX 78028. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, (512)-472-6800. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 29890 (Sub-42), filed February 10, 1983. Applicant: ROCKLAND COACHES, INC., 126 North Washington Ave., Bergenfield, NJ 07621. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212)-532-5100. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 35321 (Sub-2), filed February 8, 1983. Applicant: JIM THORPE TRANSPORTATION CO., INC., 10 West Tenth St., Jim Thorpe, PA 18229. Representative: Sander M. Bieber, Suite 1100, 1730 Pennsylvania Avenue NW., Washington, DC 20006, (202) 783-0200. Transporting *passengers*, in charter and special operations, beginning and ending at points in NY, NJ, and PA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 141030 (Sub-4), filed February 23, 1983. Applicant: LANCASTER LIMOUSINE SERVICE, LTD., 304 East Main Street, Mount Joy, PA 17552. Representative: Christian V. Graf, 407 N Front Street, Harrisburg, PA 17101, (717) 236-0318. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 149061 (Sub-3), filed February 8, 1983. Applicant: SUBURBAN TRAILS, INC., 750 Somerset St., New Brunswick, NJ 08901. Representative: Michael J. Marzano, 99 Kinderkamack Rd., Westwood, NJ 07675, (201)–666–5111. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 157370 (Sub-1), filed February 14, 1983. Applicant: UNIVERSAL TRAVEL AGENCY, INC., 323 E. Grand, P.O. Box 1031, Ponca City, OK 74602. Representative: Barry R. Diamond, 805 King St., 4th Floor, Alexandria, VA 22314, (703) 549–8010. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 158690, filed February 7, 1983. Applicant: GET-A-WAY LINES, INC., 21049 Devonshire, Suite 106, Chatsworth, CA 91311. Representative: Jay Chapple (same address as applicant) (213) 709–1561. Transporting *passengers*, in charter and special operations, beginning and ending at points in Los Angeles, Ventura, Santa Barbara, Orange, San Bernardino, San Diego, Riverside, Kern, and San Luis Obispo Counties, CA, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159421 (Sub-1), filed February 16, 1983. Applicant: BROADWAY TRANSPORT, INC., 3310 Quebec St., Dallas, TX 75247. Representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX, (214) 358–3341. (1) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI), and (2) transporting for or on behalf of the U.S. Government, *general commodities* (except use household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 162811 (Sub-2), filed February 18, 1983. Applicant: HARLOW'S BUS SERVICE, INC., Rolette, ND 58366. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502 (701) 223–5300. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 163131, filed February 16, 1983. Applicant: SENIOR ADULT MINISTRIES, INC., P.O. Box 732, Pinson, AL 35126. Representative: W.A. Stengell, Jr. (same address as applicant) (205) 681–2342. Transporting *passengers*, in charter and special operations, beginning and ending at points in AL, FL, GA, MS, and TN, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 164671, filed February 22, 1983. Applicant: GREAT AMERICAN COACHES, INC., First Wisconsin Center, Suite 3470, 777 East Wisconsin Ave., Milwaukee, WI 53202. Representative: Andrew Lee Horn (same address as applicant) (414) 276–3980. Transporting *passengers*, in charter and special operations, beginning and ending at points in WI, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 164961 (Sub-1), filed February 14, 1983. Applicant: RYE BROOK LIMOUSINE SERVICE, INC., 200 S. Ridge St., Rye Brook, NY 10573. Representative: Louis D. Vaccaro (same address as applicant) (914) 937–6467. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166061, filed February 4, 1983. Applicant: NON–STOP TRUCKING, INC., 7020 Tall Cedars Lane, Ferndale, WA 98248. Representative: George W. Schoonmaker, 3737 Bank of California Center, Seattle, WA 98164 (206) 623–8433. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166151, filed February 7, 1983. Applicant: MIDWEST CONSOLIDATORS, INC., 1943 West County Rd. C–2, St. Paul, MN 55113. Representative: Stephen F. Grinnell, 121 South 8th St., 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166170, filed February 8, 1983. Applicant: DWIGHT ELSIK, P.O. Box 51V, Beeville, TX 78102. Representative: James R. Boyd., 1000 Perry Brooks Bldg., Austin, TX 78701 (512) 476–6066. Transporting *passengers*, in charter and special operations, beginning and ending at points in TX, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166270, filed February 16, 1983. Applicant: J AND R BUS COMPANY, INC., 6131 Oakwood Rd., Glen Burnie, MD 21061. Representative: Henry L. Conway, Jr., 4024 Belle Grove Rd., Baltimore, MD 21225, (301) 789–9200. Transporting *passengers*, in charter and special operations, beginning and ending at points in MD, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166311, filed January 17, 1983. Applicant: CHESTNUT HILL BUS CORPORATION, 300 Orland St., Bridgeport, CT 06605. Representative: L. C. Major, Jr., Suite 304 Overlook Bldg., 6121 Lincolnia Rd., P.O. Box 11278, Alexandria, VA 22312 (703) 750–1112. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166360, filed February 22, 1983. Applicant: TRIPLE CROWN COACHES, INC., 340 W. Collins Ave., Orange, CA 92667. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702 (714) 667–6107. Transporting *passengers*, in charter and special operations, beginning and ending at points in CA and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166361, filed February 22, 1983. Applicant: LEON S. WESTBERRY AND CHARLES F. FREEMAN, a Partnership, P.O. Box 5674, Florence, SC 29502. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043 (703) 442–8330. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–75

Decided: March 1, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 74 (Sub-16), filed February 10, 1983. Applicant: VALLEY TRANSIT

COMPANY, INC., P.O. Box 1870, Harlingen, TX 78551. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 153814 (Sub-1), filed February 8, 1983. Applicant: AMERICA CHARTERS, LTD., P.O. Box 535, Dallas, NC 28034. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204 (704) 372–6730. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165834, filed January 21, 1983. Applicant: APT SERVICES, CORP., 6776 Southwest Freeway Suite 560 Houston, TX 77074. Representative: Dennis Thibault (same address as applicant) (713) 780–7811. As a *broker* of *General commodities (except household goods), between points in the U.S.*

MC 166165, filed February 7, 1983. Applicant: INTERNATIONAL HONEYMOON TOURS, INC., 8710 Niagara Falls Boulevard, Niagara Falls, NY 14304.. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara Street Buffalo, NY 14202 (716) 854–5870. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166194, filed February 8, 1983. Applicant: BERNARD COACH INC., 118–20 Rockaway Blvd., Czone Park, NY 11420. Representative: Bernard Goldstein (same address as applicant) (212) 845–6060. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166204, filed February 10, 1983. Applicant: SOUTHERN TRANSPORTATION SERVICES, INC. d.b.a. STS TRUCKING 6969 Tidewater Dr., Norfolk, VA 23514. Representative: Frank L. Willard, Suite #1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–79

Decided: March 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 153644 (Sub-1, filed February 15, 1983. Applicant: ABOUTOWN CABS LIMITED, 24 Horton St., London, Ontario, CN M6B 3K2. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202 (716) 854–5870. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166254, filed February 15, 1983. Applicant: LUXURY COACH SERVICE, INC., Highway 70 Bypass East, Goldsboro, NC 27530. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. Transporting *passengers*, in charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166255, filed February 15, 1983. Applicant: ROBERT LEE EASLEY, JR., d.b.a. HIGHWAY AMERICA, 2147 Wylie St., Pittsburgh, PA 15219. Representative: Sanford M. Aderson, 1312 Frick Bldg., Pittsburgh, PA 15219 (412) 263–0500. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166344, filed February 17, 1983. Applicant: SOUTHBRIDGE LIVERY SERVICE COMPANY, INC., 142 Hamilton St., Southbridge, MA 01550. Representative: Arthur M. White, 281 Pleasant St., P.O. Box 2547, Framingham, MA 01701 (617) 879–5000. Transporting *passengers*, in charter and special operations, beginning and ending at points in MA, RI, and CT, and extending to points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166345, filed February 17, 1983. Applicant: HERITAGE TOURS AND TRANSPORTATION, LTD. d.b.a. AMERICAN SIGHTSEEING CHARLESTON, P.O. Box 243 (28½ Alexander St.), Charleston, SC 29402. Representative: Noel P. Mellen, 2 Pitt St., Charleston, SC 29401 (803) 722–2876. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–117

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 88616 (Sub-2), filed February 18, 1983. Applicant: WHITE STAR LINES, INC., 802 West Main St., Madison, IN 47250. Representative: Harry J. Harman, 700 Harrison Bldg., 143 West Market St., Indianapolis, IN 46204 (317) 634–4242. Transporting *passengers*, in charter and special operations, between points in the U.S. (except IK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 107586 (Sub-28), filed February 18, 1983. Applicant: TRAILWAYS BUS SYSTEM, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant) (214) 655–7937. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI); and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 148387 (Sub-9), filed February 16, 1983. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234–0301. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–94

Decided: February 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166179, filed February 4, 1983. Applicant: ALLPOINTS DISTRIBUTION CENTERS, INC., 711 Jorie Blvd., Oakbrook, IL 60521. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Chicago, IL 60601 (312) 263–1600. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166189, filed February 9, 1983. Applicant: ALLIANCE FOODS, INC., 605 W. Chicago St., P.O. Box 339, Coldwater, MI 49036. Representative: Robert T. Harris (Same address as

applicant) 517–278–2396. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6974 Filed 3–8–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team One at (202) 275–7992.

Volume No. OP1–80

Decided: February 25, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 74681 (Sub-20), filed February 17, 1983. Applicant: STEVENS VAN LINES, INC., 121 South Niagara St., Saginaw, MI 48602. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Picker International, Inc., of Cleveland, OH, and Farmland Industries, Inc., of Kansas City, MO.

MC 117590 (Sub-1), filed February 15, 1983. Applicant: WOOD BY-PRODUCTS, INC., 420 28th St., N., Lewiston, ID 83501. Representative: Duane Johnson (same address as applicant), (208) 746–0116. Transporting *general cpmmodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Gem Chip and Trading Co., Ltd., of Clarkston, WA.

MC 148141 (Sub-10), filed February 17, 1983. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs (same address as applicant), (201) 997–3000. Transporting *insulating materials*, between Allentown, PA, and points in Allen County, IN, on the one hand, and, on the other, points in GA, NC and SC, under continuing contract(s) with S & S Insulation Supply Co., of Columbus, GA.

MC 159220 (Sub-9), filed February 15, 1983. Applicant: REFRIGERATED INTERNATIONAL CARGO HAULERS, INC., 1170 Niagara St., Buffalo, NY 14240. Representative: Charles H. White, Jr., 1019 19th St., N.W., Suite 800, Washington, DC 20036, (202) 785–3420. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with Sysco Corporation, of Houston, TX.

MC 161741, filed February 17, 1983. Applicant: DONALD HOLLANDSWORTH, 1150 Carriage Lane, Casper, WY 82636. Representative: Donald Hollandsworth (same address as applicant), (307) 234–9003. Transporting *Mercer commodities*,

between points in WY, TX, OK, ND, SD, MT, CO, NM, AZ, UT, ID, NV, CA, WA, NE, KS, AR, LA and OR.

MC 162050 (Sub-1), filed February 18, 1983. Applicant: BOBBY A. WOMBLE d.b.a., B II EXPRESS, INC., 201 West Main Street, Suite 204, Murfreesboro, TN 37130. Representative: Bobby A. Womble (same address as applicant), (615) 893–6877. Transporting (1) *paper and related products, (2) rubber and plastic products, (3) leather products, (4) glass products, (4) metal products, and (6) food and related products,* between points in TN, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 162421, filed February 14, 1983. Applicant: JANCO TRANSPORTATION, LTD., 9489 Sunset Terrace, Des Moines, IA 50322. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312, (515) 274–4985. Transporting *such commodities* as are dealt in or used by catalog showrooms and retail, discount and department stores, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164670, filed February 16, 1983. Applicant: PATRICIA A. NELSON, R.D. No. 1, Townline Road, Jamestown, NY 14701. Representative: Patricia A. Nelson, (same address as applicant), (716) 664–5080. Transporting *new furniture*, (a) between points in Erie County, PA, on the one hand, and, on the other, points in GA, FL, and NJ, and (b) between points in Rhea County, TN and Florence County, SC, on the one hand, and on the other, points, in PA and NY, under continuing contract(s) with Corry Jamestown Corp., of Corry, PA Metzger's La-z-boy Showcases of Amherst, NY, and Western NY Chair Corp., of Rochester, NY.

MC 166240, filed February 11, 1983. Applicant: BENNETT TRUCKING COMPANY, INC., 8616 Leavenworth Road, Kansas City, KS 66109. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Greif Bros. Corporation, of St. Paul, MN.

MC 166280, filed February 16, 1983. Applicant: DALE G. ARNESON d.b.a., ARNESON TRUCKING, R.R. 1, Box 170, Granite Falls, MN 56241. Representative: Dale G. Arneson, (same address as applicant), (612) 564–2291. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with Victor Fluid Power, of Granite Falls, MN.

Volume No. OP1–83

Decided: March 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–671, filed February 18, 1983. Applicant: MILITARY FORWARDING, INC., 7993 Shadow Hill Drive, La Mesa, CA 92041. Representative: John A. Pellman (same address as applicant) (619) 460–0349. As a *freight forwarder* in connection with the transportation of *household goods, unaccompanied baggage and used automobiles*, between points in the U.S. (except VT).

W–271, (Sub-4), filed February 16, 1983. Applicant: THE BRIDGEPORT AND PORT JEFFERSON STEAMBOAT CO., 17 Battery Place, New York, NY 10004. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036, (202) 331–8800. To operate as a *common carrier*, by water, transporting *passengers* and *general commodities*, by self propelled vessels, between points in Suffolk County, NY, on the one hand, and, on the other, points in CT.

MC 2900 (Sub-463), filed February 17, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Miles Laboratories, Inc., of Elkhart, IN.

MC 19311 (Sub-81), filed February 20, 1983. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Rd., Sterling Heights, MI 48077. Representative: Elmer J. Maue (same address as applicant), (313) 939–7000. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Chrysler Corporation, of Detroit, MI.

MC 47171 (Sub-228), filed February 18, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879–2101. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with John H. Harland Co., of Decatur, GA.

MC 56170 (Sub-5), filed February 18, 1983. Applicant: S.M.S. EXPRESS CORP., 150 Orange Ave., Suffern, NY 10901. Representative: John L. Alfano, 550 Mamaroneck Ave., Harison, NY 10528, (914) 635–4411. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Suffern, NY.

MC 111611 (Sub-59), filed February 11, 1983. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Ave., Lewiston, PA 17044. Representative: William D. Taylor, 100 Pine St., No. 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AK, AZ, AR, CO, CT, DE, FL, GA, ID, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, RI, SC, SD, TN, UT, VT, VA, WA, WV, WY and DC.

MC 118831 (Sub-203), filed February 17, 1983. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller (same address as applicant), (919) 431–9186. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ashland Chemical Company., of Dublin, OH.

MC 120981 (Sub-40), filed February 18, 1983. Applicant: BESTWAY EXPRESS, INC., 520 Lester Ave., Nashville, TN 37210. Representative: George M. Catlett, Suite 700–702, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Fayette County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 123091 (Sub-40), filed February 18, 1983. Applicant: NICK STRIMBU, INC., 3500 Parkway Road, Brookfield, OH 44403. Representative: John Swab (same address as applicant), (216) 448–4046. Transporting *metal products* between those points in the U.S. in and east of MN, IA, NE, OK, KS and TX, under continuing contract(s) with Sharon Steel Corporation, of Sharon, PA.

MC 129291 (Sub-22), filed February 18, 1983. Applicant: McDANIEL MOTOR EXPRESS, INC., 1115 Winchester Rd., Lexington, KY 40505. Representative: William L. Willis, Suite 702, McClure

Bldg., Frankfort, KY 40601, (502)–227–7384. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Fayette and Bourbon Counties, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133690 (Sub-6), filed February 11, 1983. Applicant: KINGSWAY DALEWOOD LIMITED, 2165 Brookside Blvd., Winnepeg, Manitoba, CD R3C 2E6. Representative: John W. Bryant, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between the ports of entry on the international boundary line between the U.S. and Canada in MI, on the one hand, and, on the other, points in MI, OH, IL, IN, WI, and MN.

MC 139021 (Sub-11), filed February 22, 1983. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, Michigan City, IN 46360. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., Indianapolis, IN 46204, (317) 635–2339. Transporting *transportation equipment* between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 144821 (Sub-19), filed February 15, 1983. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146140 (Sub-9), filed February 7, 1983. Applicant: MELVIN SALES COMPANY, 901 North Vermillion St., Streator, IL 61364. Representative: James Carbone (same address as applicant), (815) 672–5151. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146180 (Sub-10), filed February 17, 1983. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459–A, Kings Mountain, NC 28086. Representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 147811 (Sub-12), filed February 15, 1983. Applicant: FLO–JO CONTRACTING, P.O. Box 283, Belgrade Lakes, ME 04918. Representative: Karl A. Johnson (same address as applicant), (207–397–2 57. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 148141 (Sub-9), filed February 4, 1983. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearny, NJ 07032. Representative: William Jacobs (same address as applicant), (201) 997–3000. Transporting *drugs and sweetening compounds*, between Phoenix, AZ, Elk Grove Village, IL, Pennsauken, NJ, and DC, on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Searle Consumer Products, of Phoenix, AZ.

MC 155370 (Sub-3), filed February 18, 1983. Applicant: KEM CONTRACT CARRIERS, INC., Kirkwood Industrial Park, P.O. Box 1245, Binghamton, NY 13902–1245. Representative: Donald C. Carmien, Suite 501 Midtown Mall, 15 Chenango St., P.O. Box 1922, Binghamton, NY 13902–1922, (607) 772–6993. Transporting *printed matter*, between points in the U.S., under continuing contract(s) with Putnam Publishing Group, of East Rutherford, NJ.

MC 158651 (Sub-8), filed February 9, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Ave., Wausau, WI 54401. Representative: Roger Will (same address as applicant), (715)–675–9481. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Pacific Intermountain Express, of Walnut Creek, CA.

MC 159751 (Sub-2), filed February 7, 1983. Applicant: PROFESSIONAL TRANSPORT, INC., P.O. Box 23207, Rochester, NY 14692. Representative: Michael A. Wargula 128 Sherburn Dr., Hamburg, NY 14075, (716) 648–0481. Transporting *plastic articles*, between points in the U.S. (except AK and HI), under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 162821 (Sub-1), filed February 8, 1983. Applicant: CROSS COUNTRY LEASING, INC., 212 Exchange Bldg., La Crosse, WI 54601. Representative: Charles L. Redel (same address as applicant) (608) 784–5860. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162891 (Sub-1), filed February 15, 1983. Applicant: MID-STATE TRUCK & RIGGING, INC., 2650 North 32nd Ave., Phoenix, AZ 85009. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274–5140. Transporting *metal products and machinery*, between points in AZ, on the one hand, and, on the other, points in UT.

MC 163220, filed February 18, 1983. Applicant: UTILITY COMPANY, INC., P.O. Box 25216; 310 SE 2nd, Oklahoma City, OK 73125. Repreentative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OK, AR, CO, KS, LA, MO, NM and TX.

MC 163570 (Sub-2), filed February 11, 1983. Applicant: CHARLES R. ALFORD, d.b.a. ALFORD TRUCK LINES, INC., State Hwy 62, P.O. Box 732, Bridge City, TX 77611. Representative: C. W. Ferebee, 3910 FM 1960 W. Suite 106, Houston, TX 77068, (713) 537–8156. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chattanooga, TN, Keyser, WV, and points in Harrison County, MS, Knox County, OH, and Navarro County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163830, filed February 17, 1983. Applicant: RICO L. CORPORATION, P.O. Box 1878, Grants Pass, OR 97526. Representative: Rich F. Gallagher (same address as applicant), (503) 476–9402. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, NV, OR and WA.

MC 164280 (Sub-1), filed February 16, 1983. Applicant: COLORADO CARRIERS, INC., 8120 No. Sheridan Blvd., Suite A–107, Arvada, CO 80003. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002, (303) 424–1761. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164661 (Sub-1), filed February 15, 1983. Applicant: TRAFFIC DISTRIBUTION SYSTEMS CORP., 1792 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Wayne Nishimoto (same address as applicant), (801) 972–5406. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Pasadena, CA.

MC 165720, filed February 11, 1983. Applicant: NORMAND CLOUTIER

TRANSPORT, INC., 180 R.R. 24, St Simon of St. Hyacinthe, Quebec, Canada (J0H 1YO). Representative: Adrien R. Paquette, 200 St. James Street, Montreal, Quebec, Canada (H2Y 1M1), (514) 842–1864. Transporting *lumber*, between ports of entry on the international boundary line between the United States and Canada at or near Jackson Line and Highgate, VT and Champlain, Rooseveltown and Ogdenburg, NY, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, NY, PA, NJ, DE, WA, MD, WV, VA, NC, SC, GA, FL, AL, MS, LA, TN, KY, OH, IN, MI, IL, WI, and MO.

MC 165910, filed February 15, 1983. Applicant: MANUFACTURED HOMES SERVICE CENTER, INC., Industrial Drive, Ashburn, GA 31714. Representative: Norman T. Fowlkes III, 1919 Pennsylvania Avenue NW., Suite 500, Washington, DC 20006, (202) 828–5062. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with All American of Ashburn, Inc., and its subsidiaries, of Ashburn, GA.

MC 166131, filed February 8, 1983. Applicant: WTA, INC., 2200 E. 27th St., Long Beach, CA 90806. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036, (202) 785–0024. Transporting *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S., under continuing contract(s) with (1) Dean Forwarding Co., Inc., of Huntington Beach, CA, (2) Tucor Services, Inc., of San Francisco, CA, (3) American Ensign Van Service, Inc., of Long Beach, CA, and (4) Richardson Forwarding Co., of Carson, CA.

MC 166140, filed February 7, 1983. Applicant: EAGLE RIVER TRANSIT, INC., 1705 Adams Rd., Eagle River, WI 54521. Representative: Thomas Neddo, 1868 Galli Drive, Eagle River, WI 54521, (715) 479–9060. Transporting *malt beverages*, between Chicago, IL, on the one hand, and, on the other, points in Vilas County, WI.

MC 166160, filed February 8, 1983. Applicant: SURFACE TRANSPORT, INC., 3101 Dixie Hwy., Louisville, KY 40216. Representative: William L. Willis, Suite 702, McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166190, filed February 10, 1983. Applicant: YVON SYLVESTRE ET ASSOCIEES LTEE., 1190 de Royan, Ville de Laval, Quebec, Canada H7N 5L4. Representative: Richard H. Streeter, 1729 H St., N.W. Washington, DC 20006, (202)–337–6500. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with (1) Forex, Forex Leroy, Inc. and Panofor, Inc., each of Val d'or, Quebec, Canada, (2) Bisson et Bisson, Inc., of Matagami, Quebec, Canada, (3) Byrnexco, Inc., of Quebec City, Quebec, Canada, (4) Falcon Lumber Limited, of Toronto, Ontario, Canada, (5) Materiaux Blanchet, Inc., of Quebec, Quebec, Canada, (6) Normick Perron Incorporated, of La Sarre, Quebec, Canada, and (7) South Quebec Lumber Ltd., of Montreal, Quebec, Canada.

MC 166231, filed February 11, 1983. Applicant: DAVID L. PATTERSON, d.b.a. PATTERSON TRUCKING, 10643 Antioch, Central Point, OR 97502. Representative: David L. Patterson (same address as applicant), (503) 826–5121. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 166261, filed February 15, 1983. Applicant: RAG TRANSPORTATION, INC., 622 2nd Ave., SE, Fayette, AL 35555. Representative: John R. Frawley, Jr., 120 Summit Parkway, Suite 200, Birmingham, AL 35209–4786, (205) 942–9116. Transporting *lumber and wood products, metal products, machinery, pipe, and construction materials*, between points in the U.S. (except AK and HI).

MC 166281, filed February 15, 1983. Applicant: L. W. MILLER TRANSPORTATION, INC., 1180 W. 2nd N. Logan, UT 84321. Representative: Bruce W. Shand, Ste. 280 311 S. State St., Salt Lake City, UT 84111, (801)–531–1300. Transporting (1) *upholstery supplies and accessories*, and (2) *rubber and plastic products*, between points in CA, NV, ID, UT, OR, WA, and AZ.

MC 166320, filed February 17, 1983. Applicant: DEAN S. BETZER, 2020 George St., Billings, MT 59102. Representative: Dean S. Betzer (same address as applicant), (406) 656–9633. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of alcoholic beverages and liquid food products, between points in the U.S., under continuing contract(s) with Alpha Industries, Inc., of Helena, MT.

MC 166350, filed February 18, 1983. Applicant: RAGSDALE TRUCK LINE, INC. 1224–A Third Street West, P.O. Box 1854, Birmingham, AL 35201. Representative: W. Ronald Waldrop, Suite 107, Colonial Center, 1209 Montgomery Highway, Vestavia Hills, AL 35216, (205) 979–6210. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 166351, filed February 22, 1983. Applicant: HASTY LINES, INC., P.O. Box 7596, Monroe, LA 71202. Representative: Verdiacee Hampton-Goston (same address as applicant) (318) 325–0975. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–116

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 19917 (Sub-5), filed February 16, 1983. Applicant: E. R. JARRELL TRUCKING CO., R. D. #2, Box 240, Canonsburg, PA 15317. Representative: John A. Pillar, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, (412) 471–3300. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. (except AK and HI).

MC 64446 (Sub-7), filed February 17, 1983. Applicant: W. H. FITZGERALD, INC., 76 Highland Ave., Youngsville, PA 16371. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Tire & Rubber Corp., of Warren, PA.

MC 102817 (Sub-33), filed February 17, 1983. Applicant: PERKINS FURNITURE TRANSPORT, INC., 5034 Lafayette Rd., P.O. Box 24335, Indianapolis, IN 46224. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with Peterson Revington Furniture, of Amsterdam, NY.

MC 129207 (Sub-7), filed February 18, 1983. Applicant: SOUTHERN MISSOURI FREIGHT, INC., P.O. Box 1091 C.S.S., Springfield, MO 65803. Representative: Herman W. Huber, 101 E. High St., Jefferson City, MO 65101, (314) 636–6131. Transporting *general commodities* (except classes A and B explosives,

household goods and commodities in bulk), between points in Greene County, MO, and points in AR, IL, IA, KS, KY, LA, MO, NE, OK, TN, and TX.

MC 139006 (Sub-42), filed February 18, 1983. Applicant: RAPIER SMITH, Rural Rt. 5, Loretto Rd., Bardstown, KY 40004. Representative: 314 W. Main St., P.O. Box 404, Frankfort, KY 40602. (502) 223–8244. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Medley Distilling Company, Inc., and its subsidiaries, and Ancient Age Distilling Company, Inc., both of Louisville, KY; Barton Brands Ltd. and its subsidiaries, and Distiller's Pride Corp., both of Bardstown, KY.

MC 147136 (Sub-9), filed February 18, 1983. Applicant: INDIVIDUAL TRANSPORTS, INC., R. R. #1, Patriot, IN 47038. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215, (614) 464–4103. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Boone, Bracken, Carroll, Campbell, and Kenton Counties, KY, and points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153196 (Sub-6), filed February 18, 1983. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, ID, IL, IA, MI, MN, OR, WA, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164287, filed February 18, 1983. Applicant: SUNRISE EXPRESS, INC., 4236 Reed Rd., Ft. Wayne, IN 47815. Representative: Richard A. Huser, 2120 One Indiana Square, Indianapolis, IN 46204, (317) 639–5534. Transporting *such commodities* as are dealt in or used by hardware and home center businesses, between points in the U.S., under continuing contract(s) with Hardware Wholesalers, Inc., of Ft. Wayne, IN.

MC 165907, filed February 18, 1983. Applicant: JAMES L. LANDPHIER, 615 Birkinbine Dr., Sun Prairie, WI 53590. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *building materials*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165997, filed February 18, 1983. Applicant: GILTNER INCORPORATED, Route #5, Box 5534, Jerome, ID 83338. Representative: Robert W. Giltner, Jr., Route #2, Jerome, ID 83338, (208) 324–4255. Transporting *general commodities* (except classes A and B explosives and household goods), between points in ID, CA, WI, TX, AZ, UT, WA, OR, MT, WY, CO, NM, KS, NE, SD, ND, MN, LA, MO, AR, IA, IL, MI, IN, NV, and OK.

MC 166337, filed February 18, 1983. Applicant: KENWARD INTERNATIONAL, INC., P.O. Box 126, 3400 W. 111th St., Chicago, IL 60655. Representative: Joel H. Steiner, 135 S. La Salle St., Suite 2106, Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Selig Sealing Products, Inc., of Oakbrook Terrace, IL.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–93

Decided: February 25, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 146898 (Sub-9), filed February 15, 1983. Applicant: MICKS SERVICE, INC., 2146 Camanche Ave., Clinton, La 52732. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001 319–557–1320. Transporting *general commodities* (except classes A and B explosives, and household gooods), between points in the U.S. (except AK and HI), under continuing contract(s) with Archer Daniels Midland Company, of Clinton, IA.

MC 150119 (Sub-2), filed January 24, 1983. Applicant: WILLETT OF TEXAS, INC., 2005 Turning Basin Dr., Suite 610, Houston, TX 77029. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, 713–827–1407. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, LA, MS, OK, and TX.

MC 153028 (Sub-3), filed February 16, 1983. Applicant: CEBAR SYSTEMS, INC., P.O. Box 807, E. Broadway, Greenwood, IN 46142. Representative: Daniel L. Bogard (same address as applicant), 317–882–8524. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Note:—The application is filed under 49 CFR 10926 (e).

MC 160348 (Sub-1), filed February 3, 1983. Applicant: ORCHARD TRANSPORT LTD., P.O. Box 130, 226 1st., West, Delisle, Saskatchewan, Canada, SOL OPO. Representative: John B. Van de North, Jr., 2200 First National Bank Bldg., St. Paul, MN 55101, 612–291–1215. Transporting: in foreign commerce only, *potash*, between ports of entry on the international boundary line between the United States and Canada in MT, ID, and WA, on the one hand, and, on the other, points in WA, OR and ID.

MC 161869 (Sub-1), filed February 16, 1983. Applicant: DIXIE DRAYAGE SERVICE, INC., 680 Industrial Pkwy., Saraland, AL 36571. Representative: George M. Boles, 629 Frank Nelson Bldg., Birmingham, AL 35203, 205–251–6602. Transporting *paper and paper products*, between points in Mobile County, AL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83-6060 Filed 3-8-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–343

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N. E., Atlanta, GA 30309.

MC 2934 (Sub-3–63TA), filed February 24, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Medical diagnostic equipment,* between Milpitas, CA and points in the United States (excluding AK and HI), under continuing contracts with Diasonics, Inc., 1545 Barber Way, Milpitas, CA 95035. Supporting shipper: Diasonics, Inc., 1545 Barber Way, Milpitas, CA 95035.

MC 2934 (Sub-3–66TA), filed February 24, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods, displays office furniture and electronic equipment,* between points in the U.S. (excluding AK and HI), under continuing contracts with Sun Exploration & Production Company, 5400 LBJ Freeway, Lincoln Centre, Dallas, TX 57240. Supporting shipper: Sun Exploration & Production Company, 5400 LBJ Freeway, Lincoln Centre, Dallas, TX 75240.

MC 2934 (Sub-3–64TA), filed February 24, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *New and used data processing equipment and components thereof,* between points within the U.S. (including AK and HI), under continuing contracts with Comdisco, Inc., 6400 Shafer Court, Rosemont, IL 60018. Supporting shipper: Comdisco, 6400 Shafer Court, Rosemont, IL 60018.

MC 2934 (Sub-3–65TA), filed February 24, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular: *Household goods,* (between points in the U.S. excluding AK and HI), under continuing contracts with Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, MO 63167. Supporting shipper: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, MO 63167.

MC 140094 (Sub-3–1TA), filed February 16, 1983. Applicant: LATIN EXPRESS SERVICE, INC., 901 N.W. 22nd Avenue, Miami, FL 33125. Representative: Kim G. Meyer, Suite 1006 South Tower, 25 Peachtree St. NE., Atlanta, GA 30303. *Common carrier:* regular routes: *passengers,* between Miami Beach, FL and New York, NY: From Miami Beach over McArthur Causeway to Miami, then over the Florida Sunshine State Parkway to Orlando, FL, then over Interstate Highway 4 to Interstate Highway 95, then over Interstate Highway 95 to the Delaware Memorial Bridge, then over the Delaware Memorial Bridge to the New Jersey Turnpike, then over the New Jersey Turnpike to Interchange 16–E, then over Interstate Highway 495 to Union City, NJ and then through the Lincoln Tunnel to New York, NY and return over the same route; serving all intermediate points. Supporting shippers: Domingo Ramos, 1011 NOW 21 Avenue, Miami, FL 33125; Jose R. Tanos, 1360 N.W. 22nd Ave. Apt. #14, Miami, FL 3125; Rosa Amador, 825 N.W. 21 Arevida, Miami, FL 33125; Julio Lazaro Velazquez, 1147 N.W. 22nd Ave., Miami, FL 33125.

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4–60TA), filed February 24, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *housholds goods* between points in the U.S. (except AK and HI) under a continuing contract with International Minerals and Chemicals Corporation of Northbrook, IL. Supporting shipper: International Minerals and Chemicals Corporation of Northbrook, IL.

MC 145785 (Sub-4–3TA), filed February 24, 1983. Applicant: WIEST TRUCKLINE, INC., Route 2, I–94 West, Exit 57, Jamestown, ND. 58401. Representative: Charles E. Johnson, Box 2056, Bismarck, ND 58502. *Such commodities as are dealt in by farm supply stores, machinery and equipment and parts therefor,* between points in the U.S. in and west of PA, OH, KY, TN and AL. Supporting shippers: There are six supporting shippers whose statements can be reviewed at the regional office. *ETA seeks 120-day authority.*

MC 161305 (Sub-4–1TA), filed February 23, 1983. Applicant: R&R TRUCKING, INC., 823 Menominee, Lake In The Hills, IL 60102. Representative: James O'Grady, 8550 W. Golf Road, Niles, IL 60648, (312) 827–6191. *Contract* irregular: General commodities, excepting classes A & B explosives, commodities in bulk, and household goods, between points in the states of IL, IN, MI, WI and OH, and LA. Restricted to traffic moving under continuing contract(s) with Lomax Piggyback, Inc. of Lake Bluff, IL. Supporting shipper: Lomax Piggyback, Inc., 860 Skokie Highway, Lake Bluff, IL.

MC 165948 (Sub-4–1TA), filed February 24, 1983. Applicant: Craig Hansen, d.b.a. Misty View Ranch, RR 1 Box 70, Viborg, S.D. 57070. Representative: Craig Hansen d.b.a. Misty View Ranch, RR 1 Box 70, Viborg, S.D. 57070. Transporting fertilizer between points in Soux City, IA to Irene, SD and Viborg, SD. Supporting shipper: Viborg Co-op Oil Company, Box 428, Viborg, SD 57070.

MC 166376 (Sub-4–1TA), filed February 23, 1983. Applicant: MICHAEL K. HARMON d.b.a. HARMON, TRUCKING, P.O. Box 2055, 5000 East Blvd., Rapid City, SD 57701. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402. *Meat, meat products, and meat by-products* from Albert Lea, MN and Cherokee, IA to Omaha, NE and points in SD. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 166377 (Sub-4–1), filed February 23, 1983. Applicant: KENWARD INTERNATIONAL, INC., P.O. Box 126, 3400 W. 111th St., Chicago, IL 60655. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603. *Contract* irregular: *General commodities (except Classes A and B explosives, household goods and commodities in bulk),* between the facilities of Selig Sealing Products, Inc. in Du Page And Livingston Counties, IL on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Selig Sealing Products, Inc. of Oakbrook Terrace, IL.

MC 166379 (Sub-4–1TA), filed February 23, 1983. Applicant: R. B. TRANSPORT COMPANY, 1603 S. 9th St., Sheboygan, WI 53081. Representative: Rodger Bottrell (same address as above). *Plumbers goods, automotive parts, plastic products and wood products* between Sheboygan, WI on the one hand and points in the U.S. (except HI and AK) on the other.

Supporting shipper: Bemis Manufacturing Co., 300 Mill Rd., Sheboygan Falls, WI 53085.

MC 166395 (Sub-4–1TA), filed February 24, 1983. Applicant: RASMUSSEN ENTERPRISES, INC., 24024 Fillmore St., NE., Bethel, MN 55005. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121. *Coal and coal products,* between points in MN, ND, SD, IA, and WI. Supporting shipper: Centran Corporation, 1250 Grain Exchange Building, Minneapolis, MN 55415.

MC 162629 (Sub-4–1TA), filed February 24, 1983. Applicant: GOLDEN PYRAMID ENTERPRISES, INC., 2854 Vermont, Blue Island, IL 60406. Representative: Robert Whitten (same address as above). General commodities (except commodities in bulk, household goods, and Classes A and B explosives), between points in IL, WI, MI, OH, IN, and MN. Supporting shipper: There are five supporting shippers.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 67234 (Sub-5–48 TA), filed February 25, 1983. Applicant: United Van Lines, Inc., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular; *General Commodities* (except Classes A and B explosives and commodities in bulk) between points and places in the U.S. (including AK and HI) under continuing contract(s) with State Farm Mutual Automobile Insurance Company. Supporting shipper: State Farm Mutual Automobile Insurance Company, Bloomington, IL.

MC 83539 (Sub-5–7 TA), filed February 23, 1983. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, Dallas, TX 75227–9989. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227–9989. Contract, Irregular; *Construction equipment, materials, and supplies; iron and steel articles; railway car and locomotive parts* between points in the U.S. including AK (excluding HI) under continuing contract with Morrison-Knudsen Co., Inc., Boise, ID.

MC 166342 (Sub-5–1 TA), filed February 22, 1983. Applicant: TOMMY WILSON, 11405 Dreher Road, Little Rock, AR 72206. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. (1) *Lumber and Wood Products,* between the facilities of Huey Bros. Lumber Co., Inc., at Obion and Dyersburg, TN, on the one hand, and on the other, points in CA, OR, WA and ID; (2) *Automotive Parts,* between the facilities of Burbank Suspension and Eagle Headers, at Canoga Park, CA, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shippers: (1) Huey Bros. Lumber Co., Inc., P.O. Box 556, Obrion, TN 38240. (2) Burbank Suspension and Eagle Headers, 8341 Canoga Ave., Canoga Park, CA.

MC 166389 (Sub-1 TA), filed February 24, 1983. Applicant: R & R FERTILIZER, INC., R.R. No. 1, Box 189, St. Ansgar, IA 50472. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Metal products, machinery and equipment,* from the facilities of or utilized by David Manufacturing, Inc. at Mason City, IA, Clay Center, KS, and Nappanee, IN to Watertown, SD; Faribault, MN; Fort Wayne, IN; Oakland, IL; West Memphis, AR; Chesapeake, VA; and Batavia, NY. Supporting shipper(s): David Manufacturing, Inc., Mason City, IA.

MC 166407 (Sub-5–1 TA), filed February 25, 1983. Applicant: GARY GRAY d.b.a. G & H TRUCKING, 17—2nd Street, NE., Britt, IA 50423. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Livestock and horse trailers,* between Hancock County, IA and Hubbard County, MN on the one hand, and on the other, points in IA, IL, IN, KS, MO, MT, NE, ND, OK, SD, WI, and WY. Supporting shipper: Kiefer Built, Inc., Kanawha, IA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–5979 Filed 3–8–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 83–3167 beginning on page 5613 in the issue of Monday, February 7, 1983, make the following correction:

On page 5616, third column, the entry for Post Road Stages, Inc. now designated "MC 96946 (Sub-5)" should have been designated "MC 96949 (Sub-5)".

BILLING CODE 1505–01–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–138]

Certain Automatic Turret Rewinders; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: February 25, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83–6064 Filed 3–8–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–117]

Certain Automotive Visors; Termination of Investigation and Issuance of Consent Orders

AGENCY: International Trade Commission.

ACTION: Termination of investigation and issuance of consent orders.

SUMMARY: On September 2, 1982, complainant Prince Corporation (Prince), respondent Gebr. Happich GmbH (Happich), and the Commission investigative attorney filed a joint motion (Motion No. 117–15) to terminate Happich as a respondent in the above-captioned investigation. The motion was based on a consent order agreement entered into by Prince and Happich. On September 20, 1982, Prince, Happich, and the Commission investigative attorney filed an amendment to the original agreement (Motion No. 117–17). On September 30, 1982, the presiding officer recommended that the Commission accept the proposed agreement and order, as amended, and certified Motion No. 117–17 to the Commission (Order No. 15). A **Federal Register** notice was published on November 24, 1982, seeking comments from interested members of the public and other Government agencies. 47 FR 53145. Comments were received and considered. On March 4, 1983, the Commission issued the consent orders, as amended, and terminated the investigation as to Happich.

On September 20, 1982, complainant Prince, respondent Voplex Corporation (Voplex), and the Commission investigative attorney jointly moved to terminate this investigation as to Voplex on the basis of a consent order agreement. On September 30, 1982, the presiding officer recommended that the Commission accept the proposed order and agreement, and certified the motion (Motion No. 117–16) to the Commission. A **Federal Register** notice was published on November 24, 1982, seeking comments on the proposed termination

from interested members of the public and other Government agencies. 47 FR 53147. No comments were received. On February 10, 1983, the Commission granted the joint motion, adopting the consent order and terminating the investigation as to respondent Voplex.

SUPPLEMENTARY INFORMATION: As Voplex and Happich were the only remaining respondents in investigation No. 337–TA–117, the termination of these two respondents terminated the investigation.

The Commission was conducting investigation No. 337–TA–117 to determine whether there was a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 137) in the importation and sale of certain automotive visors, which were alleged to infringe certain claims of U.S. Letters Patent Nos. 3,926,470 and 4,227,241, owned by complainant Prince. The alleged effect or tendency of these unfair acts was to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Copies of the Commission Action and Orders, the consent orders, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1627.

By order of the Commission.

Issued: March 4, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6053 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[332-156]

Competitive Assessment of the U.S. Ceramic Floor and Wall Tile Industry

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted on its own motion investigation No. 332–156 for the purpose of assessing the competitive position of the U.S. ceramic floor and wall tile industry. Specifically, the Commission will compile and present trade data and other information on the U.S. industry, identify key competitive factors in domestic and foreign markets, and examine the impact of such factors on the operations and global competitive position of U.S producers.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Lukes (telephone 202–523–0279), U.S. International Trade Commission, Washington, D.C. 20436.

Written Submissions: While there is no public hearing scheduled for this study, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. To be ensured of consideration by the Commission, written statements should be received by the close of business on July 1, 1983. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: March 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6049 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-116]

Certain Drill Point Screws for Drywall Construction; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation upon a finding of no violation of section 337 of the Tariff Act of 1930.

SUPPLEMENTARY INFORMATION: On the basis of a complaint filed on January 20, 1982, the Commission on March 3, 1982, published in the **Federal Register** (47 FR 9113) a notice of institution of an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The purpose of the investigation was to determine whether there were unfair methods of competition and unfair acts in the unauthorized importation and sale of certain drill point screws for drywall construction alleged to infringe certain claims of U.S. Letters Patent 3,463,045 owned by complainant Illinois Tool Works, Inc.

On February 17, 1983, the Commission unanimously determined that there was no violation of section 337 in investigation No. 337–TA–116 in the importation or sale of the drill point screws in question.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 F Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0079.

By order of the Commission.

Issued: March 3, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6054 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[332-158]

Effects of Foreign Product Counterfeiting on U.S. Industry

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the Commission has instituted investigation No. 332–158 for the purpose of assessing the impact of foreign product counterfeiting on U.S. industry, considering both domestic and export markets. The objectives of the investigation are: (1) To identify those product sectors in which the U.S. industry faces competition from foreign counterfeited products, either in the United States or abroad, (2) to assess the impact such counterfeiting has had on these industries and U.S. exports, (3) to identify the primary country sources of counterfeiting, (4) to inventory the methods U.S. firms are using to counteract counterfeiting and their recommendations for government action, and (5) to compile an inventory of U.S. and foreign laws and international agreements encompassing counterfeiting, including the avenues of relief available.

EFFECTIVE DATE: February 25, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Estes, General Manufactures Division, Office of Industries (202–724–0977).

SUPPLEMENTARY INFORMATION: For the purposes of this investigation the term "counterfeit goods" means any goods bearing an unauthorized representation of a trademark that is legally registered in respect to such goods in the country of importation or sale, but does not include goods produced or marketed under a protected trademark by the owner of the trademark right or with his consent, or to goods bearing an authorized trademark which are imported or sold in contravention of a commercial arrangement.

Public hearing.—A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on August 23, 1983, to be continued on August 24, 1983 if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, August 17, 1983.

Written submissions.—In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be ensured of consideration by the Commission, written statements should be received at the earliest practicable date, but no later than September 19, 1983. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: March 4, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6056 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-184 (Final)]

Frozen Concentrated Orange Juice From Brazil

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation.

EFFECTIVE DATE: March 2, 1983.

SUMMARY: On March 2, 1983, the United States Department of Commerce suspended its countervailing duty investigation involving frozen concentrated orange juice from Brazil (48 FR 8839). The basis for the suspension is an agreement by the Government of Brazil to offset completely the amount of the net subsidy determined by Commerce to exist with respect to the subject product. Accordingly, the United States International Trade Commission hereby gives notice of the suspension of its countervailing duty investigation involving frozen concentrated orange juice, provided for in item 165.35 of the Tariff Schedules of the United States, from Brazil (investigation No. 701–TA–184 (Final)). The schedule for this investigation, which was included in the Commission's notice of institution (47 FR 58051, December 29, 1982), is hereby cancelled.

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202–523–1376), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

By order of the Commission.

Issued: March 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6055 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated, Welding, Cutting, and Heating Equipment and Component Parts Thereof; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 22) amending the notice of investigation in the above-referenced investigation.

Authority: The authority for the Commission's disposition of this matter is contained in sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. 1335, 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53 (c) and (h)).

SUPPLEMENTARY INFORMATION: On February 10, 1983, the presiding officer issued an initial determination granting complainant Victor Equipment Co.'s motion to amend the notice of investigation in the above-referenced investigation. Under § 210.54(b) of the Commission's rules the deadline for filing petitions for review expired on February 22, 1983. No petitions were filed within the time specified in the Commission's rules.

Copies of the presiding officer's initial determination, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: February 25, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6045 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation 701-TA-179 through 181 (Final)]

Hot-Rolled Stainless Steel Bar, Cold-Formed Stainless Steel Bar, and Stainless Steel Wire Rod From Brazil

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation.

EFFECTIVE DATE: February 7, 1983.

SUMMARY: On January 27, 1983, the United States Department of Commerce suspended its countervailing duty investigation on hot-rolled stainless steel bar, cold-formed stainless steel bar, and stainless steel wire rod (certain stainless steel products) from Brazil (48 FR 4703, February 2, 1983). The basis for the suspension is an agreement by the government of Brazil to offset completely the amount of the net subsidy with an export tax applicable to the subject merchandise. Accordingly, the United States International Trade Commission hereby gives notice of the

suspension of its countervailing duty investigation involving the subject certain stainless steel products, provided for in items 606.90, 607.20, and 607.43 of the Tariff Schedules of the United States, from Brazil (investigation No. 701–TA–179 through 181 (Final)), and cancellation of the public hearing scheduled for February 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Schechter (202–523–0300), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

By order of the Commission.

Issued: February 25, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6086 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Notice

Notice is hereby given that a prehearing conference scheduled for March 14, 1983 and the hearing scheduled to commence immediately thereafter (48 FR 7828, February 24, 1983) are cancelled.

The Secretary shall publish this notice in the **Federal Register.**

Issued: March 3, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83-6088 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Change of the Commission Investigative Attorney

Notice is hereby given that as of this date, Arthur Wineburg, Esq. of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the above-cited investigation instead of Oresto Russ Pirfo, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Dated: February 24, 1983.

David L Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6087 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-140]

Certain Personal Computers and Components Thereof; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 31, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Apple Computer, Inc., 20525 Mariani Avenue, Cupertino, Calif. 95014. The complaint alleges unfair methods of competition and unfair acts in the importation of certain personal computers and components thereof into the United States, or in their sale, by reason of alleged (a) infringement of claims 1 through 8 of U.S. Letters Patent 4,136,359 and claims 1 through 11 of U.S. Letters Patent 4,278,972; (b) infringement of U.S. Copyright Reg. Nos. TX 873–203 and TX 886–569; and (c) misappropriation of trade dress. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that, during the pendency of the investigation, the Commission issue a temporary exclusion order, prohibiting importation of the articles into the United States except under bond and, after a full investigation, issue a permanent exclusion order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on February 28, 1983, ordered, that: (1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain personal computers and components thereof into the United States, or in their sale, by reason of (a) infringement of the claims of U.S. Letters Patent 4,136,359; (b) infringement of the claims of U.S. Letters Patent 4,278,972; (c) direct or contributory infringement of U.S. Copyright Reg. No. TX 873–203 and U.S. Copyright Reg. No. TX 886–569; and (d) misappropriation of trade dress, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Apple Computer, Inc., 20525 Mariani Avenue, Cupertino, Calif. 95014.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Golden Formosa Microcomputer Co., Ltd. a/k/a Guan Haur Industrial Co., Basement 371, Jiin Jou Street, Taipei, Taiwan
Sunrise Computer Service Co., Ltd., 12th Fl., No. 339, Sec. 4, Hsing I Road, Taipei, Taiwan
Jardine Strauss International, Ltd., Room 1103, England Building, 311 Chung Hsiao East Road, Sec. 4, Taipei, Taiwan
Fantastic Merchandise Inc., 10–5 10th Fl., #263 Hsin-Yi Road, Sec. 4, Taipei, Taiwan
A-Tek Enterprises Co., Ltd., 3rd Floor, 170 Chang AE Road, Taipei, Taiwan
Leader Trading Co., Rm. L–55, Peninsula Center, Midj Road East, Tsim Sha Tsu East, Kowloon, Hong Kong
Fuji Trading Co., Rm. 24, Cosmopolitan Center, 10/F, 760 Nathan Road, Kowloon, Hong Kong
Reliant Engineering Co., P.O. Box 33610, Sheung Wan Post Office, Hong Kong
STC Limited, 10C Washington Mansion 28, Jen-Al Road, Sec. 3, Taipei, Taiwan
Yen Enterprises, 4/F Kolin Super Plaza, 54–1, Sec. 6, Taipei, Taiwan
Business Computer Alliance System Co., Ltd., 10th Fl., #30 King-Yuan Road, Taipei, Taiwan
Microtonics, Singapore
Taiwan Machine Trade Co., 5250 Belfield Avenue, Philadelphia, Pa. 19144
North American Research Corp., 5545 Lee Highway, Arlington, Va.
J.E. Computer Co., Ltd., Room 8011, Taipei Square Building, No. 2, 41, Sec. 1, Chung Hsiao W. Road, Taipei (100), Taiwan
Apollo Computer Co., Ltd., 5th Fl., No. 96, Sec. 2, Chung Itsiao E. Road, Taipei, Taiwan
Oriental Investments Ltd., Hardstrasse 81, 8040, P.O. Box 460, Zurich, Switzerland
Collins International Trading Corp, 16311 Ventura Blvd., Suite 500, Encino, Calif. 91436
Formula International, Inc., 12603 Crenshaw Blvd., Hawthorne, Calif. 90250
Powtek Electronics Co., Ltd., No. 17, Sec. 1, Keelung Road

(c) Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 122, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative

Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to § 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 210.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Patricia Ray, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–1088.

By order of the Commission.

Issued: March 2, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–6057 Filed 3–8–83; 8:45 am]
BILLING CODE 7020–02–M

[332–155]

Competitive Position of U.S. Producers of Robotics in Domestic and World Markets

AGENCY: International Trade Commission.

ACTION: The Commission, on its own motion, instituted investigation No. 332–155, under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of gathering and presenting information on the competitive position of the U.S. robotics industry in domestic and international markets. The study will assess capital, labor, technology, and other economic factors affecting the manufacture and use of robotics in the United States and in foreign countries. The effects of the increasing application of robotics on the operations of domestic and foreign automobile, aircraft, and appliance industries will be explored.

EFFECTIVE DATE: February 23, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Hogge, Machinery and Equipment Division, U.S. International Trade Commission, Washington, D.C. 20436 (Telephone 202–523–0377).

Written Submissions: While there is no public hearing scheduled for this study, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be received by the close of business on August 12, 1983. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission.

Issued: March 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–6060 Filed 3–8–83; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 731–TA–92 (Final)]

Stainless Steel Sheet and Strip From the Federal Republic of Germany

AGENCY: International Trade Commission.

ACTION: Rescheduling of the prehearing conference to be held in connection with the subject investigation.

EFFECTIVE DATE: February 28, 1983.

Notice is hereby given that the prehearing conference originally scheduled for April 20, 1983 in connection with the subject investigation (48 FR 7825) is rescheduled to April 18, 1983 at 10:00 a.m. in room 117 of the U.S. International Trade Commission Building.

Issued: February 28, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–6047 Filed 3–8–83; 8:45 am]
BILLING CODE 7020–02–M

[Investigation No. 731–TA–95 (Final)]

Stainless Steel Sheet and Strip From France

AGENCY: International Trade Commission.

ACTION: Rescheduling of the prehearing conference to be held in connection with the subject investigation.

EFFECTIVE DATE: February 28, 1983.

Notice is hereby given that the prehearing conference originally scheduled for April 20, 1983 in connection with the subject investigation (48 FR 7824) is rescheduled to April 18, 1983 at 10:00 a.m. in room 117 of the U.S. International Trade Commission Building.

Issued: February 28, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–6048 Filed 3–8–83; 8:45 am]
BILLING CODE 7020–02–M

[332–157]

U.S. Embargoes on Agricultural Exports: Implications for the U.S. Agricultural Industry and U.S. Exports

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted, on its own motion, investigation No. 332–157 for the purpose of gathering and presenting information on U.S. embargoes on agricultural exports. The study will examine the impact of the embargoes on the U.S. agricultural industry and U.S. exports. It will provide a factual presentation of the terms of the embargoes and an analysis of the effects of the embargoes on U.S. and foreign trade patterns, prices, and stocks.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Lowell Grant, principal analyst

(telephone 202–724–0090), or Mr. Edward P. Furlow, Chief, Agriculture, Fisheries, and Forest Products Division (telephone 202–724–0068), U.S. International Trade Commission, Washington, D.C. 20436.

Written Submissions: Although there is no public hearing scheduled for this study, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on spearate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received by the close of business on June 3, 1983. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

By order of the Commission.

Issued: March 1, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6051 Filed 3-8-83; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (83-23)]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of the Mission of NASA.

DATE AND TIME: March 25, 1983, 9 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, Room 7002, 400 Maryland Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Nathaniel B. Cohen, Code LB–4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755–8303).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for the Study of the Mission of NASA was established under the NASA Advisory Council to conduct a study of the directions NASA should take in the future (including goals, programmatic objectives, and possible missions) and to report its findings and recommendations to the Council. The Task Force is chaired by Dr. George E. Solomon, and has a total of 14 members.

Visitors will be admitted to the meeting room up to its capacity, which is approximately 60 persons including Task Force members and other participants. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

AGENDA:

March 25, 1983

9 a.m.—Introduction.
9:30 a.m.—Status reports by subgroups.
1 p.m.—Task Force Working Session.
4 p.m.—Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

March 2, 1983.

[FR Doc. 83-6013 Filed 3-8-83; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–313]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR–51, issued to Arkansas Power and Light Company (the licensee), which added a license condition for operation of Arkansas Nuclear One, Unit No. 1 (ANO–1) located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment adds a condition to the license regarding the implementation of a secondary water chemistry monitoring program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's application dated November 9, 1982, (2) Amendment No. 70 to License No. DPR–51, and (3) the Commission's letter to the licensee dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-6060 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–237]

Commonwealth; Edison Co. Systematic Evaluation Program; Availability of Final Integrated Plant Safety Assessment Report for the Dresden Nuclear Power Station, Unit 2

The Nuclear Regulatory Commission's (NRC) Office of Nuclear Reactor Regulation (NRR) has published its Final Integrated Plant Safety Assessment Report (IPSAR) (NUREG–0823) related to the Commonwealth Edison Company's (licensee) Dresden Nuclear Power Station, Unit 2 located in Grundy County, Illinois.

The Systematic Evaluation Program (SEP) was initiated by the NRC to review the design of older operating nuclear reactors plants to reconfirm and document their safety. This report documents the review completed under the Systematic Evaluation Program for the Dresden 2 Plant. Areas in the report identified as requiring further analysis or evaluation and required modifications for which design descriptions have not yet been provided by the licensee to the NRC will be reviewed as part of the operating license

conversion review. Supplements to the Final IPSAR will be issued addressing items requiring further analysis and review. The review has provided for (1) an assessment of the significance of differences between current technical positions on selected safety issues and those that existed when the Dresden 2 plant was licensed, (2) a basis for deciding on how these differences should be resolved in an integrated plant review, and (3) a documented evaluation of plant safety when all supplements to the IPSAR and the Safety Evaluation Report for converting the license from a provisional to a full-term license have been issued. Equipment and procedural changes have been identified as a result of the review. The report also addresses the comments and recommendations made by the Advisory Committee on Reactor Safeguards (ACRS) in connection with its review of the Draft Report, issued in October 1982. These comments and recommendations, as contained in a report by the ACRS dated December 13, 1982, and the NRC staff's related response are included in Appendix H of this report.

The Final IPSAR and its supplements will form part of the bases for considering the conversion of the existing provisional operating license to a full-term operating license.

Pursuant to 10 CFR 50.71e(3)(i), the licensee has filed a revision to the original Final Safety Analysis Report (FSAR) for Dresden Units 2 and 3. In accordance with 10 CFR 50.71e(4), the licensee is required to file revisions to the updated FSAR no less frequently than annually which shall reflect all changes up to a maximum of six months prior to the date of filing. On July 20, 1982, the licensee filed with the staff an updated FSAR for Dresden Units 2 and 3 pursuant to 10 CFR 50.71e(3)(ii) and prior to completion of the SEP. The licensee was not required to file an updated FSAR until 24 months after completion of SEP. The licensee is required to incorporate in a revision to the FSAR plant modifications, procedure revisions, and further analyses completed as a result of the SEP program. The revision incorporting the SEP information is due to be submitted within 24 months after receipt of the letter dated March 1, 1983 from the Director of the Office of Nuclear Reactor Regulation to the licensee transmitting the Final IPSAR. This does not relax the requirements of an annual FSAR update for all other changes pursuant to 10 CFR 50.71(e)(4).

The Final IPSAR is being made available at the NRC's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451 for inspection and copying. Copies of this Final Report (Document No. NUREG–0823) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the Sales Office, U.S. Nuclear Regulatory Commission, Director, Division of Technical Information and Document Control, Washington, D.C. 20555, Attention: Publications Unit.

Dated at Bethesda, Maryland, this 4th day of March 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-6087 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–295 and 50–304]

Commonwealth Edison Co. (Zion Station, Units 1 and 2); Issuance of Director's Decision Under 10 CFR 2.206

By letter of October 11, 1982, Pollution and Environmental Problems, Inc. (PEP) made a request for action under 10 CFR 2.206 of the Commission's regulations. Pollution and Environmental Problems, Inc. requested that the Commission (1) "Deny Commonwealth Edison permission to use high burnup nuclear fuel in Zion 1 and 2 nuclear reactors," and (2) "Provide evidence to the public that Zion 1 and 2 reactors should be allowed to continue operating despite the fact that their reactor pressure vessels are vulnerable to embrittlement and the time for which the NRC has vouched for their ability to withstand a servere overcooling event has already expired." After a review of the relevant information, the Director of the Office of Nuclear Reactor Regulation had determined that the request does not provide an adequate basis for taking any action with respect to the Zion facilities. Accordingly, the request by PEP has been *denied.*

Copies of the Director's Decision are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Local Public Document Room for the Zion Station located at the Zion-Benton Public Library, 2600 Emmaus Avenue, Zion, Illionis 60099. A copy will also be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), this decision will constitute the final action of the Commission after 25 days unless the Commission determines to review this decision within that time.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-6088 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 52 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revised the Appendix A Technical Specifications to permit operation of the facility in Cycle 12 following refueling.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 14, 1982 and supplements thereto dated January 13, and February 9, 1983, (2) Amendment No. 52 to License No. DPR–61, and (3) the Commission's related Safety

Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 3rd day of March, 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-6029 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment becomes effective six weeks after its date of issuance.

The amendment revises the TSs for the facility to eliminate use of sodium thiosulfate as a spray additive in the Reactor Building Spray System (RBSS). The amendment also specifies the required sodium hydroxide (NaOH) concentration in the NaOH Tank of the RBSS and the required height differential to be maintained between the Borated Water Storage Tank and the NaOH Tank.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(b)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 23, 1981, as modified and supplemented September 3, 1981, November 23, 1981, August 11, 1982, and January 5, 1983, (2) Amendment No. 80 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 24th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-6030 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment adds TS 3.20 concerning Special Test Exceptions which permits suspension of certain TSs during performance of the Low Power Natural Circulation Test to be conducted during the restart, if authorized, of TMI-1.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1981, (2) Amendment No. 81 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of February 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors, Branch No. 4, Division of Licensing.

[FR Doc. 83-6031 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-50, issued to Metroplitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which added a license condition and revised Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment adds license condition 2.c(7) which requires submitting an updated aircraft probability analysis sixty days following the 1984 report on aircraft movements at Harrisburg International Airport. Additionally, the amendment modifies TS 6.9.1.B.2.b concerning reporting of movements of aircraft larger than 200,000 pounds at Harrisburg International Airport. The revised TS 6.9.1.B.2.b Requires the aircraft movements report to be broken down into scheduled and nonscheduled (including military) takeoffs and landings.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 30, 1982, (2) Amendment No. 82 to License No. DPR–50, and (3) the Commission's letter to GPU Nuclear Corporation dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4 Division of Licensing.

[FR Doc. 83-6032 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–410]

Niagara Mohawk Power Corp., et al., Nine Mile Point Nuclear Station, Unit 2; Order Extending Construction Completion Date

Niagara Power Corporation, Central Hudson Gas & Electric Corporation, New York State Electric & Gas Corporation, Long Island Lighting Company and Rochester Gas and Electric Corporation are the co-holders of Construction Permit No. CPPR–112 issued by the Atomic Energy Commission [1] to Niagara Mohawk Power Corporation on June 24, 1974 for construction of the Nine Mile Point Nuclear Station, Unit 2 to be located in Oswego County, New York, on the south shore of Lake Ontario in the town of Scriba, seven miles east of the city of Oswego, New York. The Construction Permit No. CPPR–112 was amended on October 27, 1978 to approve the transfer of ownership interests to the above noted companies.

By letter dated February 27, 1978, Niagara Mohawk Power Corporation filed a request for extension of the latest construction completion date for the Nine Mile Point Nuclear Station, Unit 2. It was requested that Construction Permit No. CPPR 112 be extended from July 31, 1978 to December 31, 1984. By letter dated June 26, 1981, Niagara Mohawk Power Corporation identified additional factors which have resulted in further delay and requested the latest completion date be extended an additional three years to December 31, 1987.

The reasons given for the requested extension to Decembr 31, 1984 were:

1. Reduction in the demand for electric power in the Niagara Mohawk Power Corporation's service area;

2. Difficulty in obtaining funds at a reasonable rate thereby delaying construction;

3. Additional construction time required to implement design changes such as relocation of the safety/relief valve piping to mitigate Mark II containment dynamic loads and changing from once-through to closed loop circulating water cooling;

4. Additional time required to study geological features and phenomena;

5. Extended construction period caused by labor problems and work stoppages in 1976 and 1977 and shortages of qualified welders, material procurement delays and shortages of qualified vendors; and

6. Delay in granting the original Construction Permit.

The reasons given for the additional three years of extension to December 31, 1987 were:

1. Additional time required to implement design changes and improvements to meet NRC requirements, some of which resulted from the Three Miles Island incident;

2. Additional time required to evaluate geological features and phenomena; and

3. Additional time consumed by an extensive audit of the project as ordered and directed by the New York State Public Service Commission.

This action involves no significant hazards consideration, good cause has been shown for the delays and the requested extension is for a reasonable period, the basis for which are set forth in the staff's safety evaluation for this extension.

The Commission has determined that this action will not result in any significant environmental impact and, pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

The NRC staff evaluation of the request for extension of the construction permit is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C. 20555 and at the Denfield Library, State University College at Oswego, Oswego, New York 13126.

It is hereby ordered that the latest completion date for Construction Permit No. CPR–112 is extended from July 31, 1978 to December 31, 1987.

Date of Issuance: February 28, 1983.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office Nuclear Reactor Regulation.

[FR Doc. 83-6033 Filed 3-8-83; 8:45 am]

BILLING CODE 7590-01-M

[1] Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

[Docket No. P–564A]

Pacific Gas and Electric Co. (Stanislaus Nuclear Project, Unit No. 1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for

this antitrust proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Alan S. Rosenthal, Chairman
Stephen F. Eilperin
Gary J. Edles

Dated: March 1, 1983.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 83-6034 Filed 3-8-83; 8:45 am]
BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 88 and 88 to Facility Operating Licenses Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The Amendments are effective as of the date of issuance.

The amendments revise the TSs to provide limiting conditions for operation and surveillance requirements for Scram Discharge Volume (SDV) vent and drain valves and reactor protection system and control rod block SDV limit switches.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 14, 1980, as supplemented October 7, 1981, (2) Amendment No. 88 to License No. DPR-44, and Amendment No. 88 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,
Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-6035 Filed 3-8-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 82 to Facility Operating License No. DPR-32 and Amendment No. 83 to Facility Operating License No. DPR-37 issued to Virginia Electric & Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to incorporate requirements related to working hours of the plant staff and to increase the frequency of audits of the emergency and security programs.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 1, 1982, (2) Amendment Nos. 82 and 83 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related letter dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,
Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6036 Filed 3-8-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-32 and Amendment No. 84 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance

The amendments revise the Technical Specifications to add Limiting Conditions for Operation and Surveillance Requirements related to containment purge valves. The change requires purge valves to be closed above 200° F, periodic leakage tests, and periodic checks to ensure that the values are closed

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 FR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 31, 1981, (2) Amendment Nos. 83 and 84 to License Nos. DPR–32 and DPR–37, and (3) the Commission's letter dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83–6007 Filed 3–8–83; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–508; DASLB No. 83–486–01 OL]

Washington Public Power Supply System, et al.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.711, 2.714a, 1.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and requests for hearing and to conduct the proceeding in the event that a hearing is ordered.

Washington Public Power Supply System, et al.

WPPSS, Unit 3

Contruction Permit No. CPPR–154

This Board is being constituted pursuant to a notice published by the Commission on September 15, 1982 in the **Federal Register** (47 FR 40736–38) entitled, "Washington Public Power Supply System, et al., Nuclear Project No. 3; Receipt of Application for Facility Operating License; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating License; and Notice of Opportunity for Hearing."

The Board is comprised of the following administrative judges:

Morton B. Margulies, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Mr. Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. James H. Carpenter, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 3rd day of March, 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83–6036 Filed 3–8–83; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Recordkeeping Reqirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget Review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new revision or extension: New.

2. The title of the information collection: Notice and State consultation.

3. The form number if applicable: N/A.

4. How often the collection is required: Each time a licensee of a nuclear power plant or of a testing facility requests a license amendment.

5. Who will be required or asked to report: As stated in No. 4.

6. An estimate of the number of responses: 600 per year.

7. An estimate of the total number of hours needed to complete the requirement or request: 4 hours per license amendment, for a total of 2,400 hours for 600 amendments.

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: N/A.

9. Abstract: Under an NRC interim final rule, "Notice and State Consultation," a licensee of a nuclear power plant or of a testing facility would have to provide to the NRC and the State in which its facility is located its amendment application and its analysis about the issue of significant hazards.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill (202) 395–7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 4th day of March 1983.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 83–6038 Filed 3–8–83; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan: James River-Dixie/Northern, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from James River-Dixie/Northern, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is

required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before April 25, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127, September 17, 1981) the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from James River-Dixie/Northern, Inc. ("James River-Dixie") to waive the bond/escrow requirement of ERISA section 4204(a)(1)(B). In the request, James River-Dixie represents among other things, that:

1. Effective May 6, 1982, James River-Dixie and its parent corporation, James River Corporation of Virginia ("James River Corp."), purchased certain assets of the American Can Company ("American Can").

2. In connection with this sale, James River-Dixie has assumed the responsibilities of American Can under collective bargaining agreements with the United Paperworkers International Union, International Brotherhood of Electrical Workers, and International Brotherhood of Teamsters.

3. The following chart lists the two multiemployer plans for which an exemption is requested, the estimated amount of American Can's withdrawal liability and the estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) with respect to each such plan:

Plan	Estimate of seller's liability	Amount of bond/escrow
Paper Industry-Union Management Pension Fund ("Paper Industry Fund")	$1,922,300	[1]2,693,000
Central States, Southeast and Southwest Areas Pension Fund ("Central States Fund")	424,885	[2]20,858
Total	2,347,290	2,693,858

[1] The amount represents the annual contribution required to be made by American Can to the Paper Industry Fund for plan year 1981.

[2] The amount represents the average annual contribution that American Can made to the Central States Fund for the three plan years preceding the plan year in which the sale occurred.

4. According to is audited consolidated financial statements, James River Corp. and its subsidiaries had total net assets for its fiscal year ended April 25, 1982 of approximately $170 million, and an average net income after taxes for its fiscal years 1980–1982 of about $20.2 million.

5. James River-Dixie has sent a copy of this request to the plans and the collective bargaining representatives of the American Can's former employees by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, by April 25, 1983. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 3rd day of March, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-6000 Filed 3-8-83; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer that Contributes to a Multiemployer Plan: Reilly-Whiteman, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Pendency of Request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Reilly-Whiteman, Inc. for

an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise intersted persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before April 25, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (292) 254–4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(A)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) and (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Reilly-Whiteman, Inc. ("New Reilly") to waive the bond/escrow requirement of ERISA section 4204(a)(1)(B). In the request, New Reilly represents among other things, that:

1. Effective June 11, 1982, New Reilly, then called RW Acquisition Corp., purchased substantially all of the assets of Reilly-Whiteman, Inc. (the "Seller"). Oakite Products, Inc. ("Oakite") was a guarantor to the sales contract.

2. New Reilly has assumed the seller's responsibilities under a collective bargaining agreement with the Oil, Chemical and Atomic Workers International Union, which obligates New Reilly to contribute to the Oil, Chemical and Atomic Workers International Union Industry Pension Fund (the "Fund"). Prior to the sale, the seller's potential withdrawal liability had been estimated by the Fund to be $7,500.

3. The amount of the bond or escrow required under section 4204(a)(1)(B) is approximately $17,400 (the seller's required annual contribution for 1981, the plan year preceding the year in which the sale occurred).

4. New Reilly is a wholly owned subsidiary of Oakite. According to its audited consolidated financial statements, Oakite and its subsidiaries had total net assets for its fiscal year ended December 31, 1981 of approximately $28 million, and an average net income for its fiscal years 1979–1981 of about $4.5 million.

5. The applicants have sent a copy of this request to the Fund and the collective bargaining representative of the seller's former employees by certified mail, return receipt requested.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, by April 25, 1983. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C., on this 3rd day of March 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-6045 Filed 3-8-83; 8:45 am]

BILLING CODE 7708-01-M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 12; Revision 2, Amdt. 1]

Authority Delegation—Associate Administrator for Finance and Investment

Associate Administrator for Finance and Investment Delegation of Authority No. 12 (47 FR 14995) is hereby amended to provide certain disaster loan making

authority, to clarify lease guarantee authority, and to broaden the restriction to deny liability of the Agency to the Associate Administrator for Finance and investment. Additionally, Delagetion of Authority No. 14, Revision 1 (38 FR 13064), as amended (48 FR 37048), to the Associate Administrator for Operations and disaster authority delegated to field offices by 13 CFR Part 101.3–2, Part II Disaster Program (47 FR 2305), are hereby revoked and disaster authority therein is transferred to the Associate Administrator for Finance and Investment. Actions taken prior to the effective date hereof are ratified to the extent that they would have been authorized under this delegation had the delegation been in effect and continue to be in effect from the effective date hereof as amended. The amended paragraphs read as follows:

I. * * *

A. *Financial Assistance Activities.*

1. To approve or decline applications for business, development company, disaster, and all other types of loans and guaranty of debentures sold by development companies (hereinafter referred to as loans) authorized to be made by the Agency, (including SBIC and 301 (d) debentures and pollution control financing guarantees) including reconsideration thereof, and to execute authorizations and modifications pertaining to such loans, including waiving the limit of $500,000 for major sources of unemployment as permitted by 7 (c) of the SBAct.

* * * * *

5. To take all necessary actions in connection with the servicing, administration, collection and liquidation of all loans (including those made under the Small Business Investment Act), other obligation and acquired property, with the exception of those loans classified as in litigation; to resolve nonunanimous Compromise Committee recommendations, to accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereof.

* * * * *

c. *Disaster Activities.*

1. To declare a disaster loan area for Economic Injury Disaster Loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declarations made under authority of paragraph C. 1 above in accordance with amendments made by the Secretary of Agriculture.

3. To authorize the acceptance of disaster loan applications after expiration of the original disaster period or extension thereof.

4. To extend disbursement period without limitation for disaster loans.

5. To establish disaster field offices and to obligate the Agency through the General Services Administration for the rental of office space and ancillary services and to close disaster field offices when no longer advisable to maintain such offices.

6. To appoint as a processing representative any lender in the disaster area.

7. To hire, reassign and terminate disaster permanent, cadre and temporary employees as necessary.

8. To take necessary actions with respect to personnel, financial management, and administrative activities.

9. To contract for supplies, materials and equipment, printing (Government sources only), transportation, communications, and special services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257(a) and (b) of that Chapter.

* * * * *

E. *Lease Guarantee Activities.*

* * * * *

2. To process, approve, or disapprove claims arising under lease guarantee policies.

3. To take all necessary actions in connection with the defaults of all lease guarantees, execpt for those in litigation.

* * * * *

11. This delegation does not authorize anyone serving in the above position to:

A. Sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

B.. Deny liability of the Small Business Administration under terms of a participation or guaranty agreement on the initiation of a suit for recovery from a participation or guaranty agreement.

III. The Authority delegated herein may be redelegated.

IV. Tha authority delegated herein may be exercised by any SBA employee officially designated as Acting Associate Administrator for Finance and Investment.

Effective date: March 9, 1983.

Dated: March 2, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-6804 Filed 3-8-83; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12–C]

Redelegation of Disaster Assistance

I. Pursuant to the authority delegated to the Associate Administrator for Finance and Investment in Delegation No. 12 (Revision 2) (47 FR 14995) and by Amendment 1 published in this issue of the Federal Register Section 101.3–2 Part II of SBA Rules and Regulations is hereby canceled and authority relating to disaster activities is hereby redelegated as follows:

A. Deputy Associate Administrator for Disaster Assistance.

1. To declare a disaster loan area for Economic Injury Disaster Loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declarations made under authority of paragraph A.1 above in accordance with amendments made by the Secretary of Agriculture.

3. To authorize the acceptance of disaster loan applications after expiration of the original disaster period or extension thereof.

4. To approve or decline applications for home and business physical disaster loans, economic injury disaster loans and all other types of disaster loans authorized to be made by the Agency including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans, including waiving the limit of $500,000 for major sources of unemployment as permitted by 7(c)(4) of the Small Business Act.

5. To cancel, reinstate, modify and amend authorizations for disaster loans.

6. To extend disbursement period without limitation for disaster loans.

7. To determine eligibility of disaster loan applications.

8. To establish disaster field offices and to obligate the Small Business Administration through the General Services Administration for the rental of office space and ancillary services and to close disaster field offices when no longer advisable to maintain such offices.

9. To appoint as a processing representative any lender in the disaster area.

10. To hire, reassign and terminate disaster permanent, cadre and temporary employees as necessary.

11. To take necessary actions with respect to personnel, financial management, and administrative activities, as are granted to the Associate Administrator for Finance and Investment.

12. To contract for supplies, materials and equipment, printing (Government sources only), transportation, communications, and special services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257 (a) and (b) of that chapter.

II. The authority delegated herein may be redelegated.

III. The authority delegated herein may be exercised by an SBA employee officially designated as Acting in that Position.

Effective date: March 9, 1983.

Dated: March 3, 1983.

Edwin T. Holloway,

Associate Administrator, for Financial and Investment.

[FR Doc. 83-6066 Filed 3-8-83; 8:45 am]
BILLING CODE 8025-01-M

[Delegation of Authority No. 12-D]

Redelegation of Disaster Assistance

I. Pursuant to the authority delegated to the Deputy Associate Administrator for Disaster Assistance in Delegation No. 12C (published in this issue of the Federal Register) authority relating to disaster activities is hereby redelegated as follows:

A. *Area Directors (Disaster).*

1. To approve up to the statutory limit or decline applications for home and business physical disaster loans, economic injury disaster loans and all other types of disaster loans authorized to be made by the Agency including reconsideration thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for disaster loans.

3. To authorize the acceptance of disaster loan applications after expiration of the original disaster period or extension thereof.

4. To determine eligibility of disaster loan applicants.

5. To extend disbursement periods without limitation for disaster loans.

6. To establish disaster field offices and to obligate the Small Business Administration through the General Services Administration for the rental of office space and ancillary services; and to close disaster field offices when no longer advisable to maintain such offices.

7. To appoint as a processing representative any lender in the disaster area.

8. To hire, reassign, and terminate disaster cadre and temporary employees as necessary.

9. To take necessary actions with respect to personnel, financial management, and administrative activities as are granted to the Deputy Associate Administrator for Disaster Assistance.

10. To contract for supplies, materials and equipment, printing (Government sources only), transportation, communications, and special services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257(a) and (b) of that chapter.

11. To amend, suspend or revoke authority delegated to any position listed below.

B. *Disaster Branch Manager.*

1. To approve up to the statutory limit or decline applications for home and business physical disaster loans, economic injury disaster loans and all other types of disaster loans authorized to be made by the Agency including reconsideratioin thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for disaster loans.

3. To authorize the acceptance of disaster loan applications after expiration of the original disaster period or extension thereof.

4. To determine eligibility of disaster loan applicants.

5. To extend disbursement periods without limitation for disaster loans.

6. To establish disaster field offices and to obligate the Small Business Administration through the General Services Administration for the rental of office space and ancillary services; and to close disaster field offices when no longer advisable to maintain such offices.

7. To appoint as a processing representative any lender in the disaster area.

8. To hire, reassign, and terminate disaster temporary employees as necessary.

9. To take necessary actions with respect to personnel, financial management, and administrative activities as are granted to the Area Director (Disaster).

10. To contract for supplies, materials and equipment, printing (Government sources only), transportation, communications, and special services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257 (a)and (b) of that chapter.

C. Assistant Disaster Branch Manager.

1. To approve up to the statutory limit or decline applications for home and business physical disaster loans, economic injury disaster loans and all other types of disaster loans authorized to be made by the Agency including reconsideration thereof, and to execute authorizations and modifications pertaining to such loans.

To cancel, reinstate, modify and amend authorizations for disaster loans.

3. To determine eligibility of disaster loan applicants.

4. To extend disbursement periods without limitations for disaster loans.

5. To hire reassign, and terminate disaster temporary empliyees as necessary.

6. To take necessary actions with respect to personnel, financial management, and administrative activities as are granted by the Disaster Branch Manager.

7. To contract for supplies, materials and equipment, printing (Government sources only), transportation, communications, and special services for the Agency pursuant to Chapter 4 of Title 41, U.S.C., as amended, subject to the limitations contained in Section 257(a) and (b) of that chapter.

D. *Supervisory Loan Specialist (Disaster).*

1. To approve up to the statutory limit or decline applications for home and business physical disaster loans, economic injury disaster loans and all other types of disaster loans authorized to be made by the Agency including reconsideration thereof, and to execute authorizations and modifications pertaining to such loans.

2. To cancel, reinstate, modify and amend authorizations for disaster loans.

3. To determine eligibility of disaster loan applicants.

4.To extend disbursement periods for disaster loans up to 6 months cumulative (on fully undisbursed loans only)

II. The authority delegated herein may not be redelegated.

III. The authority delegated herein may be exercised by an SBA employee officially designated as Acting in that Position.

Effective date: March 9, 1983.

Dated: March 3, 1983.

Bernard Kulik,

Deputy Associate Administrator, for Disaster Assistance.

[FR Doc. 83-6066 Filed 3-8-83; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-55]

Change of Practice Relating to the Tariff Treatment of Moon Boot Shells Imported with Removable Felt Liners

AGENCY: Customs Service, Treasury.

ACTION: Change of Practice.

SUMMARY: This document changes the current established and uniform practice of separately classifying moon boot shells imported with an equal number of removable felt liners. Customs will now treat these articles as tariff entities pursuant to the doctrine of entireties, dutiable under various provisions of Schedule 7, Part 1, Subpart A, Tariff Schedules of the United States (TSUS). This change is based on Customs finding that the shells and liners are intended to be used as a unit and their individual identities are subordinated to the identity of the combined article.

EFFECTIVE DATE: June 7, 1983.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

By notice published in the **Federal Register** on January 25, 1982 (47 FR 3375), Customs solicited public comments regarding: (a) The interpretation of a provision in the Tariff Schedules of the United States (19 U.S.C. 1202) pertaining to imported footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper; and (b) whether Customs should change its uniform and established practice of classifying shells for "moon boots", a type of footwear, imported with an equal number of removable liners as separate entities, dutiable individually, or whether the shells and liners should be classified as tariff entities pursuant to the doctrine of entireties. Interested parties were given until March 26, 1982, to submit comments on the proposal. Pursuant to a request to extend the period of time for the submission of comments, Customs published a notice in the **Federal Register** on March 22, 1982 (47 FR 12194), extending the period of time to April 26, 1982. Because of the numerous substantive and conflicting comments received in response to the more significant issue of question (a) relating to "foxing", it is being treated separately from question (b) relating to moon boot shells and liners. The foxing issue will be the subject of another document to be published in a future **Federal Register.**

As indicated in the notice, moon boots are footwear which extend above the ankle and are designed to be worn over, or in lieu of, other footwear to protect against water, cold, or inclement weather. They may be imported as completed articles or the shells and liners may be imported unattached to be joined after importation to form the finished product.

In Customs Ruling No. 062041 dated August 6, 1979, Customs held that imported moon boot shells with separable liners are not entireties for tariff purposes, but rather are classifiable separately. This ruling was in accordance with the previous determination published in the Customs Bulleting as T.D. 67-118(7) in which Customs held that a removable felt liner imported with a boot is classifiable as a separate tariff entity.

Based upon Customs August 6, 1979 ruling, and liquidations covering entries of the same merchandise at various ports, an established and uniform practice of classifying imported moon botts with an equal number of of removable liners as separate articles exists within the meaning of section 315(d), Tariff Act of 1930, as amended (19 U.S.C. 1315(d)).

However, in the case of *Donalds Ltd., Inc. v. United States,* 32 Cust. Ct. 310, C.D. 1619 (1954), in discussing the doctrine of entireties, the court stated that "if there are imported in one importation separate entities, which by their nature are obviously intended to be used as a unit, or to be joined together by mere assembly, and in such use or joining the individual identifies of the separate entities are subordinated to the identity of the combined entity, duty will be imposed upon the entity they represent." It is this principle upon which Customs proposal to treat moon boot shells and liners as entireties is based.

Analysis of Comments

Eleven comments were received in response to the proposed change in practice. Ten of the commenters were in favor of the proposal and one was opposed to the change.

The commenter opposed to the change argued the following:

(1) The emphasis of the judicial determinations in this field is on separate function, use, and identity of entities in a combination. With respect to "moon boot removable liners", the function of the liners is distinguishable from the function of the boot. Liners provide extra warmth and comfort while boots themselves provide protection against the elements.

(2) Liners possess a separate use and are complete in themselves in that they are capable of and are used as a slipper type of footwear worn indoors.

(3) Liners maintain their separate identity even though imported and sold with moon boots.

(4) Although not normally sold separately at retail, liners can be purchased separately by the consumer.

The commenters in favor of the proposal made the following points:

(1) Moon boot shells and their liners are clearly designed to be used as a unit. The moon boot shell is incomplete without the lining. Absent the lining the inner stitching of the shell is typically exposed and the inner sole of plastic is uncushioned. Without the lining the cold weather protective qualities of the shell are inadequate.

(2) The liners have no function apart from the shell other than perhaps incidently as a makeshift foot warmer.

(3) The general practice in the trade is to purchase liners in numbers equal to the number of shells produced.

(4) Moon boot liners are purchased, packed, shipped, invoiced, imported, advertised, and retailed as units with moon boots shells.

(5) Typical moon boot liners are unsuited for separate use by reason of their lack of durability, by their texture, and appearance.

(6) Moon boot importers do not trade in liners separately

(7) Moon boot shells and their separable liners have no viable separate identity, except in combination with each other.

(8) Moon boot liners are not designed to be worn around the house as a slipper, rather they are intended to facilitate drying of perspiration and any moisture which may have leaked into the boot.

(9) Moon boot shells and liners function only as an entirety and each piece has no function other than its use in the combined moon boot.

After review of the comments, it is clear that the shells and liners involved are intended to be used as a unit and their separate identities are subordinated to the indentity of the completed moon boot. Consequently, shells and liners are considered entireties within the principle set forth in the *Donalds* case, *supra.*

Change of Practice

After careful analysis of the comments and further review of this matter, Customs practice of separately classifying moon boot shells with an

equal number of liners is clearly erroneous. Accordingly, the proposal to treat these articles as tariff entities pursuant to the doctrine of entireties, dutiable under various sections of Schedule 7, Part 1, Subpart A, TSUS, is adopted. This change of practice shall be effective as to merchandise entered or withdrawn from the warehouse for consumption on or after 90 days from the date of publication of this notice in the **Federal Register**.

Treasury Decision 67–118(7) and Customs ruling of August 6, 1979 are revoked, to the extent that they are inconsistent with this decision.

Drafting Information

The principal author of the document was Jesse V. Vitello, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Dated: August 13, 1982.

Alfred R. De Angelus,

Acting Commissioner of Customs.

[FR Doc. 83-6008 Filed 3-8-83; 8:45 am]

BILLING CODE 4820-02-M

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 21]

Surety Companies Acceptable on Federal Bonds; Trans Pacific Insurance Co.

A certificate of authority as an acceptable reinsurer on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code. An underwriting limitation of $500,000 has been established for the company.

Name of Company:

Trans Pacific Insurance Company

Business Address:

55 Water Street
New York, New York 10041

State of Incorporation:

New York

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28885 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 28, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-6009 Filed 3-8-83; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1982 Rev., Supp. No. 22]

Surety Companies Acceptable on Federal Bonds; Travelers Indemnity Co. of America

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C. Sections 6 to 13). An underwriting limitation of $794,000 has been established for the company.

Name of Company:

The Travelers Indemnity Company of America

Business Address:

One Tower Square
Hartford, Connecticut 06115

State of Incorporation:

Georgia

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28883 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: February 28, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-6010 Filed 3-8-83; 8:45 am]

BILLING CODE 4810-35-M

Internal Revenue Service

[Delegation Order No. 182 (Rev. 2)]

Automated Collection Branch Managers;

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This delegation order is revised to delegate authority to Automated Collection Branch managers, GS–9 and above, to execute returns under 26 CFR 301.6020–1(b) when the person required to file such return fails to do so. The text of this delegation order appears below.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Aron, OP:C:O, Internal Revenue Service, 1111 Constitution Avenue NW., Room 7539, Washington, D.C. 20224; (202) 566–3131 (Not a Toll Free Telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Larry G. Westfall,

Assistant Commissioner (Collection).

Order No. 182 (Rev. 2)

Effective date: 3–7–83

Authority To Execute Returns

The authority granted to the Commissioner of Internal Revenue, by 26 CFR 301.6020–1(b) and 26 CFR 301.7701–9 to execute returns required by any internal revenue law or regulation made thereunder when the person required to file such return fails to do so, is delegated to:

1. Revenue Agents.
2. Tax Auditors.
3. Revenue Officers, GS–9 and above.
4. Collection Office function managers. GS–9 and above.
5. Automated Collection Branch managers, GS–9 and above.

The authority delegated herein may not be redelegated.

Delegation Order No. 182, (Rev. 1), effective December 4, 1981, is superseded.

Dated: February 8, 1983.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-6014 Filed 3-8-83; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 42 (Rev. 18)]

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This delegation order is revised to provide for the redelegation of authority to sign all consents fixing the period of limitations on assessment or collection to personnel assigned to the Examination Support Staff/Section, Grade GS–11. The text of the delegation order appears below.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: J. J. Thomassen OP:EX:I:E, 1111 Constitution Avenue, NW., Room 2406, Washington, D.C. 20224; Telephone Number (202) 566–6466 (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Louie Mays,

Acting Director, Office of IRP, Service Center and Support Programs.

Delegation Order

Order No. 42 (Rev. 18)

Date of issue: March 7, 1983.

Effective Date: March 7, 1983

Subject: Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120; Order No. 150–2; 26 CFR 301.6501(c)–1; 26 CFR 301.6502–1; 26 CFR 301.6901–1(d); and 26 CFR 301.7701–9; the authority to sign all consents fixing the period of limitations on assessment or collection is delegated to the following officials:

a. Chief Counsel.
b. Regional Counsel.
c. Regional Directors of Appeals.
d. Service Center Directors.
e. District Directors.

2. This authority may be redelegated but not below the following levels for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence and Processing Section; Revenue Officers; Chief, Quality Review Staff; and Returns Program Managers;

b. Collection—Chiefs, Office Branches and Office Groups; Revenue Officers; Chiefs, Technical and Office Compliance Branches and Groups; Revenue Representative Supervisors;

c. Examination—Reviewers, Grade GS–11; Group Managers; Case Managers; Returns Program Managers; Classifiers/Screeners, Grade GS–11; and personnel assigned to the Examination Support Staff/Section, Grade GS–11;

d. Criminal Investigation—Chiefs, Criminal Investigation Divisions, except this authority is streamlined districts is limited to the District Director;

e. Appeals—Appeals Officers;

f. Foreign Operations District—Representatives at foreign posts; Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and levels b, c and d, above; and

g. District Employee Plans and Exempt Organizations—Reviewers, Grade GS–11; Group Managers.

3. No authority is delegated under this Order to the District Counsel.

4. Delegation Order No. 42 (Rev. 17), effective December 21, 1982, is superseded.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83–6015 Filed 3–8–83; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Meeting

The Veterans Administration gives notice under 38 U.S.C. 211 that a meeting of the Advisory Committee on Former Prisoners of War will be held in the Omar N. Bradley Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420, April 5 and 6, 1983. The purpose of the Committee is to consult with and advise the Administrator of Veterans' Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war and on the needs of such veterans with respect to compensation, health care, and rehabilitation.

The session will convene at 9 a.m. each day. These session will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Miss Linda Gardner, Administrative Assistant to the Chief Benefits Director, Veterans Administration Central Office (phone 202/389–2455) prior to March 24, 1983.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. H. B. Mars, Deputy Director, Compensation and Pension Service, Department of Veterans Benefits, Room 400, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee. Summary minutes of the meeting and rosters of the Committee members may be obtained from Miss Linda Gardner at the aforementioned address.

Dated: February 23, 1983.

By Direction of the Administrator.

Rosa Maria Fontanes,

Committee Management Officer.

[FR Doc. 83–6005 Filed 3–8–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 47
Wednesday, March 9, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Federal Deposit Insurance Corporation 1, 2
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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 14, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Fidelity Bank & Trust Company, Salem, New Hampshire, a proposed new bank to be located in the Rockingham Mall on the southwest corner of South Broadway (Route 28) and Rockingham Boulevard, Salem, New Hampshire.

Request for reconsideration of a previous denial of a request for consent to retire a subordinated note prior to maturity:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6) and (c)(9)(A)(ii)).

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13(c) of the Federal Deposit Insurance Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: March 7, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-327-83 Filed 3-7-83; 10:52 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 14, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of the minutes of previous meetings.

Application for consent to establish a branch:

West Olympia Bank, Los Angeles, California, for consent to establish a branch at 901 South Western Avenue, Los Angeles, California.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,614-L—The Drovers' National Bank of Chicago, Chicago, Illinois
Case No. 45,618-SR—Tri-State Bank, Markham, Illinois
Memorandum and Resolution re: First National Bank of Carrington, Carrington, North Dakota
Memorandum and Resolution re: The Metro Bank of Huntington, Inc., Huntington, West Virginia

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Edwards, Roberts & Winterstein, Oklahoma City, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma.
Gable & Gotwals, Tulsa, Oklahoma, in connection with the receivership of Penn Square Bank, National Association, Oklahoma City, Oklahoma (two memorandums).

Memorandum and Resolution re: Amendment to Part 308 of the Corporation's rules and regulations, entitled "Rules of Practice and Procedures," Which would delegate to the Executive Secretary the authority to designate presiding officers for hearings held in connection with proceedings under section 8(g) of the Federal Deposit Insurance Act and petitions for reconsideration of denials of applications under section 19 of the Federal Deposit Insurance Act.

Memorandum re: Division of Liquidation regional office space in Dallas.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Banks Supervision with respect to applications or request approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 7, 1983.

Federal Deposit Insurance Cororation.

Hoyle L. Robinson,

Exective Secretary.

[S-329-83 Filed 3-7-83; 10:32 am]

BILLING CODE 6714-01-M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 15, 1983.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 10376–3: Extension of the Discussion and Sailing Agreement between Lykes Bros. Steamship Co. and China Ocean Shipping Co.
2. Proposed Rulemaking to Amend Tariff Filing Requirements for Conferences and Rate Agreements when Filing Open and Independent Action Rates for Controlled Carrier Member Lines.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-333-83 Filed 3-7-83; 3:58 pm]

BILLING CODE 6730-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 3, 1983.

TIME AND DATE: 10 a.m., Wednesday, March 9, 1983.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced item on the agenda, the Commission will also consider and act upon the following:

2. Secretary of Labor, ex rel. Milton Bailey v. Arkansas-Carbona Company, Docket No. CENT 81–13–D. (Issues include whether the judge erred in severing the civil penalty proceeding from the discrimination case and whether he erred in awarding 6% interest on the back pay award.)

It was determined by a unanimous vote of Commissioners that Commission business required that the above item be included on the agenda and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S-330-83 Filed 3-7-83; 2:48 pm]

BILLING CODE 6735-01-M

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FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 3, 1983.

TIME AND DATE: 2 p.m., Thursday, March 3, 1983.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to the previously announced items on the agenda, the Commission also considered the following:

2. Elk River Sewell Coal Company, Docket No. WEVA 82-207. (Petition for Discretionary Review).

It was determined by a unanimous vote of Commissioners that Commission business required that the above item be added to the agenda and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S-331-83 Filed 3-7-83; 2:48 pm]

BILLING CODE 6735-01-M

6

NUCLEAR REGULATORY COMMISSION

DATE: Week of March 7, 1983 and Week of March 14, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Thursday, March 10:*

11:00 a.m.
- Affirmation/Discussion and Vote (Public Meeting)
  - a. San Onofre Memorandum and Order Re Arrangements for Medical Services

Friday, March 11:

9:30 a.m.
- Briefing on Salem (Public Meeting)

10:30 a.m.
- Briefing on INPO Construction Evaluation Program (Public Meeting)

Monday, March 14:

10:00 a.m.
- Discussion of Procedures for Hearing on NPS–Erwin (Closed—Exemption 1 and 10)

Tuesday, March 15:

10:00 a.m.
- Briefing on Interim Independent Design Verification Program (Public Meeting)

2:00 p.m.
- Discussion/Possible Vote on Contested Issues in Palo Verde Full Power Proceeding (Closed—Exemption 1 and 10)

Wednesday, March 16:

10:00 a.m.
- Discussion of Management-Organization and Internal Personnel matters (Closed—Exemption 2 and 6)

Thursday, March 17:

4:00 p.m.
- Affirmation/Discussion and Vote (Public Meeting)
  - a. Regulations to Implement Pub. L. 97–415 (Tentative)

ADDITIONAL INFORMATION:

Discussion/Possible Vote on Contested Issues in Waterford Full Power Proceeding scheduled for March 2, *moved* to Friday, March 4.

Status and Discussion of Shoreham scheduled for March 4, *cancelled.*

On March 3 the Commission voted 4–0 (Commissioner Gilinsky not present), to hold Discussion/Possible Vote on ALAB–714 and 716 scheduled for Friday, March 4.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

March 3, 1983.

Walter Magee,

Office of the Secretary.

[S-332-83 Filed 3-7-83; 3:53 pm]

BILLING CODE 7590-01-M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meetings.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, February 18, 1983.

CHANGES IN THE MEETING: Additional meeting/item. The following item was considered at a closed meeting scheduled on Wednesday, March 2, 1983, at 4:30 p.m.

Regulatory matter bearing enforcement implications.

The following additional item was considered at a closed meeting scheduled for Thursday, March 3, 1983, following the 10:00 a.m. open meeting.

Regulatory matter regarding financial institution.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Bob Zutz at (202) 272–2091.

March 4, 1983.

[FR Doc. S-329-83 Filed 3-7-83; 12:00 pm]

BILLING CODE 8010-01-M

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federal register

Wednesday
March 9, 1983

Part II

Environmental Protection Agency

Electrical and Electronic Components Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Proposed Regulations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 469

[WH-FRL 2298-6]

Electrical and Electronic Components Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed regulation.

SUMMARY: EPA is proposing regulations under the Clean Water Act to limit effluent discharges to waters of the United States or to publicly owned treatment works (POTWs) from cathode ray tube and luminescent materials manufacturing facilities. The purpose of this proposal is to establish new source performance standards and pretreatment standards for these industries. After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATE: Comments on this proposal must be submitted by May 9, 1983.

ADDRESS: Send comments to: Mr. John Newbrough, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, Attention: Electrical and Electronic Components Rules. Technical information and copies of technical documents may be obtained from Mr. John Newbrough, at the address listed above. The economic analysis may be obtained from Ms. Renee Rico, Economic Analysis Staff (WH-586), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460 or call (202) 382-5397. For further information contact: John Newbrough (202-382-7158).

FOR FURTHER INFORMATION CONTACT: John Newbrough (202) 382-7158.

SUPPLEMENTARY INFORMATION:

Overview: The preamble discusses the legal authority and background, the technical and economic data bases, and other aspects of the proposed regulations. Abbreviations, acronyms, and other terms used in the preamble are defined in Appendix A.

These proposed regulations are supported by three major documents available from EPA. Analytical methods are discussed in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants.* EPA's technical conclusions are detailed in the *Development Document for Effluent Limitations Guidelines and Standards for the Electrical and Electronic Component Point Source Category-Phase 2.* The Agency's economic analysis is found in *Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Electrical and Electronic Components Point Source Category-Phase 2.*

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) (EPA Library). The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

Organization of This Notice

I. Legal Authority
II. Background
  A. The Clean Water Act and the NRDC Settlement Agreement
  B. General Criteria for Effluent Limitations
  C. Prior EPA Regulations
  D. Overview and Description of the Industry
III. Summary of Methodology
IV. Data Gathering Efforts
V. Sampling and Analytical Program
VI. Industry Subcategorization
VII. Available Wastewater Control and Treatment Technology
  A. Status of In-Place Technology
  B. Control Treatment Options
VIII. Selection of Treatment Options and Effluent Limitations
IX. Pollutants and Subcategories Not Regulated
  A. Exclusion of Pollutants
  B. Exclusion of Subcategories
X. Cost and Economic Impact
XI. Non-Water Quality Environmental Impacts
XII. Upset and Bypass Provisions
XIII. Variances and Modifications
XIV. Relation to NPDES Permits
XV. Solicitation of Comments
XVI. List of Subjects in 40 CFR Part 469
XVII. Appendices
  A. Abbreviations, Acronyms and Other Terms Used in this Notice
  B. List of Toxic Organics Comprising Total Toxic Organics (TTO)
  C. List of Toxic Pollutants Excluded From Regulation

I. Legal Authority

EPA is proposing the regulations described in this notice under the authority of Sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217) (the "Act"). These regulations also are proposed in response to the Settlement Agreement in *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), *modified* 12 ERC 1833 (D.D.C. 1979), modified by order dated October 26, 1982.

II. Background

A. The Clean Water Act and the Settlement Agreement

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," Section 101(a).

- Section 301(b)(1)(A) set a deadline of July 1, 1977, for existing industrial direct dischargers to achieve "effluent limitations requiring the application of the best practicable control technology currently available" ("BPT").
- Section 301(b)(2)(A) set a deadline of July 1, 1983, for these dischargers to achieve "effluent limitations requiring the application of the best available technology economically achievable * * * which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants" ("BAT").
- Section 306 required that new industrial direct dischargers comply with new source performance standards ("NSPS"), based on best available demonstrated technology.
- Sections 307 (b) and (c) require pretreatment standards for new and existing dischargers to publicly owned treatment works ("POTW"). While the requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits issued under Section 402, the Act made pretreatment standards enforceable directly against dischargers to POTWs (indirect dischargers).
- Section 402(a) of the 1972 Act does allow requirements for direct dischargers to be set case-by-case. However, Congress intended control requirements to be based for the most part on regulations promulgated by the Administrator of EPA.
- Section 304(b) required regulations that establish effluent limitations reflecting the ability of BPT and BAT to reduce effluent discharge.
- Sections 304(c) and 306 of the Act require regulations for NSPS.
- Sections 304(g), 307(b), and 307(c) require regulations for pretreatment standards.
- In addition to these regulations for designated industry categories, Section 307(a) required the Administrator to promulgate effluent standards applicable to all dischargers of toxic pollutants.
- Finally, Section 501(a) authorized the Administrator to prescribe any additional regulations "necessary to carry out his functions" under the Act.

The EPA was unable to promulgate many of these regulations by the deadlines contained in the Act, and as a result, in 1976, EPA was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the Court.This agreement required EPA to develop a program and meet a schedule for controlling 65 "priority" pollutants and classes of pollutants. In carrying out this program EPA must promulgate BAT effluent limitations guidelines, pretreatment standards, and new source performance standards for 21 major industries. See *National Resources Defense Council, Inc.* v. *Train,* 8 ERC 2120 (D.D.C. 1976) as modified, 12 ERC 1833 (D.D.C. 1979) and by order dated October 26, 1982.

Several of the basic elements of the Settlement Agreement program were incorporated into the Clean Water Act of 1977. This law also makes several important changes in the Federal water pollution control program.

- Sections 301(b)(2)(A) and 301(b)(2)(C) of the Act now set July 1, 1984 as the deadline for industries to achieve effluent limitations requiring application of BAT for "toxic" pollutants. "Toxic" pollutants here includes the 65 "priority" pollutants and classes of pollutants which Congress declared "toxic" under Section 307(a) of the Act.
- Likewise, EPA's programs for new source performance standards and pretreatment standards are now aimed principally at controlling toxic pollutants.
- To strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe certain "best management practices" ("BMPs"). These BMPs are to prevent the release of toxic and hazardous pollutants from: (1) Plant site runoff, (2) spillage or leaks, (3) sludge or waste disposal, and (4) drainage from raw material storage if any of those events are associated with, or ancillary to, the manufacturing or treatment process.

In keeping with its emphasis on toxic pollutants, the Clean Water Act of 1977 also revises the control program for non-toxic pollutants.

- For "conventional" pollutants identified under Section 304(a)(4) (including biochemical oxygen demand, suspended solids, fecal coliform and pH), the new Section 301(b)(2)(E) requires "effluent limitations requiring the application of the best conventional pollutant control technology" ("BCT")—instead of BAT—to be achieved by July 1, 1984. The factors considered in assessing BCT for an industry include the relationship between the cost of attaining a reduction in effluents and the effluents reduction benefits attained, and a comparison of the cost and level of reduction of such pollutants by publicly owned treatment works and industrial sources.

For those pollutants which are neither "toxic" pollutants nor "conventional" pollutants, Sections 301(b)(2)(A) and (b)(2)(F) require achievement of BAT effluent limitations within three years after their establishment or by July 1, 1984, whichever is later, but not later than July 1, 1987.

The purpose of this proposed regulation is to establish NSPS, PSES, and PSNS effluent standards for the Electrical and Electronic Components Point Source Category-Phase 2.

B. General Criteria for Effluent Limitations Considered Under This Regulation

1. New Source Performance Standards. The basis for new source performance standards (NSPS) under Section 306 of the Act is the best available demonstrated technology. New plants have the opportunity to design the best and most efficient processes and wastewater treatment technologies. Therefore, Congress directed EPA to consider the best demonstrated process changes, in-plant controls, and end-of-process treatment technologies that reduce pollution to the maximum extent feasible.

2. Pretreatment Standards for Existing Sources. Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES), which industry must comply with within a time period not to exceed three years from promulgation. PSES are designed to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of POTWs.

The legislative history of the 1977 Act indicates that pretreatment standards are to be technology-based and analogous to the best available technology for removal of toxic pollutants. The General Pretreatment Regulations which serve as the framework for the proposed pretreatment standards are in 40 CFR Part 403, 46 FR 9404 (January 28, 1981).

EPA has generally determined that there is pass through of pollutants if the percent of pollutants removed by a well-operated POTW achieving secondary treatment is less than the percent removal by the best available technology (BAT) model treatment system.

This proposal does not contain a BAT standard, largely because there are only a few direct dischargers and they already have technology in-place, as required by existing permits. In assessing pass-through EPA has assumed that BAT treatment would be equivalent to that required by PSES.

A study of 40 well-operated POTWs with biological treatment and meeting secondary treatment criteria showed that metals are typically removed at rates varying from 20 to 70 percent. POTWs with only primary treatment have even lower rates of removal. In contrast to POTWs, BAT level treatment by sources in this industrial category can achieve metals removals of approximately 98% or more. Accordingly, these metals "pass through" POTWs.

As for toxic organics, data from the same POTWs illustrate a wide range of removals, from zero to greater than 99%. By comparison, sound solvent management practices preventing the dumping of solvents would achieve a TTO reduction of 99% or more over that which would result from solvent dumping. Data regarding the removal of organic compounds in biological treatment systems used by industry in treating organic waste containing solvents, such as used in this industry, demonstrate removals considerably less than this 99% achieved by solvent management. This indicates that pass-through of toxic organic pollutants does occur.

There is no removal of fluoride by a POTW. Removals of 95–96% by precipitation/clarification have been demonstrated at plants in the cathode ray tube subcategory of this industry. Thus, pass-through of flouride does occur.

These standards rely upon precipitation and clarification for metals removal. This treatment system will also, at no additional cost, remove fluoride to the levels required by this regulation. We propose to limit fluoride in the cathode ray tube subcategory because the levels of fluoride in the raw waste in the CRT subcategory are very high—up to 800 mg/l. This is in contrast to the proposed standards for Phase I of this category which did not rely on end-of-pipe treatment and which did not set limits on fluoride and where fluoride's highest occurrence—in the semiconductor subcategory—was only 146 mg/l.

3. Pretreatment Standards for New Sources. Section 307(c) of the Act requires EPA to promulgate pretreatment standards for new sources (PSNS) at the same time that it

promulgates NSPS. These standards are intended to prevent the discharge of pollutants which pass through, interfere with or are otherwise incompatible with a POTW. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate the best available demonstrated technologies—including process changes, in-plant controls, and end-of-process treatment technologies-and to select plant sites that ensure the treatment system will be adequately installed. Therefore, the Agency sets PSNS after considering the same criteria considered for NSPS. Indirect discharging new sources in these subcategories are expected to have the same pass through of pollutants as existing sources. PSNS will have environmental benefits similar to NSPS.

C. Prior EPA Regulations

On August 24, 1982, EPA proposed Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards as "Phase I" regulations for two subcategories of the Electrical and Electronic Components Category (47 FR 37048). Those subcategories were Semiconductors and Electronic Crystals. No regulations have ever been proposed or promulgated for the Cathode Ray Tube and Luminescent Materials subcategories of E&EC, which are the ones assessed in this rulemaking.

D. Overview of the Industry

The Electrical and Electronic Components Point Source Category (E&EC) includes plants which are a subset of the Standard Industrial Classification (SIC) Major Group 36, Electrical and Electronic Machinery, Equipment and Supplies. However, many of the industries listed under that SIC code were not evaluated as part of the E&EC category because EPA concluded that the wastewater discharges from these industries were more properly associated with unit operations addressed by the Metal Finishing Category. There were originally 21 subcategories in the E&EC industry (47 FR 37048). As part of the Phase I rulemaking, seventeen (17) subcategories were excluded from regulation under Paragraph 8 of the Settlement Agreement, which provides that national guidelines need not be issued for sources which are, generally, not discharging significant toxic pollutants. In Phase I EPA proposed standards for two subcategories (Semiconductors and Electronic Crystals) on August 24, 1982, 47 FR 37048. Two further subcategories—Luminescent Materials and Electron tubes—were to be the subject of these Phase II Standards. 47 FR 37054. In developing these standards, however, EPA has realized that Electron Tubes should be segmented into Cathode Ray Tubes and Receiving and Transmitting Tubes. The latter segment is excluded from regulation under the provision of paragraph 8(a)(1) of the Settlement Agreement. See Section IX(a)(2), below. Thus two subcategories—Cathode Ray Tubes and Luminescent Materials—are the subject of this Phase II rulemaking, which will complete the assessment of the electrical and electronic components category.

The cathode ray tube (CRT) segment of the Electron Tube subcategory (now the Cathode Ray Tube subcategory) is comprised of approximately twenty-two (22) plants: twenty-one (21) are indirect dischargers and one is a direct discharger. The major pollutants discharged by CRT plants are cadmium, zinc, chromium, lead, toxic organics, fluoride, and suspended solids.

The Luminescent Materials subcategory consists of two (2) direct dischargers, two (2) indirect dischargers and one (1) plant which used an evaporation pond with no surface water discharge. The major pollutants discharged by liminescent materials plants are cadmium, fluiride, zinc, antimony and suspended solids.

III. Summary of Methodology

EPA first studied the Electrical and Electronic Components Point Source Category-Phase 2 to determine whether differences in raw materials, final products, manufacturing processes, equipment, age and size of plants, water usage, wastewater constituents, or other factors required the development of separate effluent limitations and standards for different segments of the category. This involved a detailed analysis of wastewater discharge and treated effluent characteristics, including: (1) The sources and volume of water used, the processes employed, and the sources of pollutants and wastewaters in the plant; and (2) the constituents of wastewaters, including toxic pollutants. This analysis enabled the Agency to determine the concentrations of toxic pollutants in the major wastewater discharges.

EPA also identified several distinct control and treatment technologies (both in-plant and end-of-pipe), including those with the potential for use in the Electrical and Electronic Components for use in the Electrical and Electronic Components Point Source Category-Phase 2. The Agency analyzed both historical and newly generate data on the performance of these technologies, including their non-water quality environmental impacts on air quality, solid waste generation, and energy requirements.

The cost of each control and treatment technology was estimated from unit cost curves developed by applying standard engineering analysis to wastewater characteristics. EPA derived the unit process costs by applyng model plant wastewater characteristics (production and flow) to the unit cost curve of each treatment process. These unit process costs were added together to yield the total cost at each treatment level.

Consideration of these factors enabled EPA to characterize the various control and treatment technologies used as a basis for PSES, PSNS, and NSPS. The proposed regulations, however, do not require the installation of any particular technology. Rather, they require achievement of effluent limitations representative of the proper operation of these technologies or equivalent technologies.

IV. Data Gathering Efforts

Between 1979 and 1982, under the authority of Section 306 of the Act, EPA and its contractors contacted by letter and phone approximately 150 plants producing electron tubes and luminescent materials. Using information gathered from these contacts, EPA selected nine plants to visit to view their operations and discuss products, manufacturing processes, water use and wastewater treatment. Six plants were selected for sampling visits to determine pollutant characteristics of the wastewater.

The Agency also collected information on treatment systems not currently used in the industry. In collecting this information, EPA surveyed literature, contacted waste treatment equipment manufacturers and observed applicable treatment systems used by other industries.

Data for the economic analysis were obtained from published information, inquiries to waste treatment equipment manufacturers, and personal contacts with industry.

In addition to the foregoing data sources, supplementary data were obtained from NPDES permit files in EPA regional offices and contacts with state pollution control offices.

V. Sampling and Analytical Program

The sampling and analysis program for this rulemaking concentrated on the toxic pollutants designated in the Clean Water Act. However, conventional and nonconventional pollutants were also

sampled and analyzed. Both inorganic toxic and organic toxic pollutants were sampled for in the wastes. EPA used the analytical techniques described in *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants,* revised April 1977. A very similar method is found among those proposed on December 3, 1979. Metals analysis was by AA spectrophotometry, except that the standard cold vapor method was used for mercury. We made minor changes in the 304(h) method in order to avoid excessive matrix interference that caused high limits of detection. Analyses for cyanide and cyanide amenable to chlorination also used 304(h) methods. Analysis for abestos fibers used transmission electron microscopy with selected area defraction; results were reported as chrysotile fiber count. Analyses for conventional pollutants (BOD^5, TSS, pH, and oil and grease) and nonconventional pollutants (total residual chlorine, iron, ammonia, fluoride, and COD) were performed by 304(h) methods. The Agency has not promulgated analytical methods for many of the organic toxic pollutants under Section 304(h) of the Act, although a number of these methods have been proposed (44 FR 69464, December 3, 1979; 44 FR 75028, December 18, 1979). Additional information on the development of sampling and analysis methods for toxic organic pollutants is contained in the preamble to the proposed regulations for the Leather Tanning Point Source Category, 44 FR 38749, July 2, 1979.

EPA checked for the presence and magnitude of 65 toxic pollutants and classes of pollutants (as listed in the NRDC Consent Decree) and a smaller group of conventional and non-conventional pollutants suspected to be present in this industry's wastewaters. Sampled plants were selected to be representative of the manufacturing processes, the prevalent mix of production among plants, and the current treatment technology in the industry. During the sampling program EPA sampled 4 plants in the cathode ray tube and 2 plants in the luminescent materials subcategories.

Wherever possible, each sample of an individual raw waste stream, a combined waste stream, or a treated effluent was collected by an automatic time series compositor during sampling periods as long as 72 hours. Where automatic compositing was not possible, grab samples were taken and composited manually.

VI. Industry Subcategorization

In developing this regulation, the Agency considered whether different effluent limitations and standards are appropriate for different segments of the Electrical and Electronic Components manufacturing industry. The Act requires EPA to consider a number of factors to determine if subcategorization is needed. These factors include raw materials, final products, manufacturing processes, geographical location, plant size and age, wastewater characteristics, non-water-quality environmental impacts, treatment costs, energy costs, and solid waste generation.

After considering the above factors the Agency concluded that product type was the appropriate basis for subcategorization. Product type determines both the raw and process material requirements and the number and type of manufacturing processes used. Plants manufacturing the same product were found to have similar wastewater characteristics. Other factors affected the wastewater characteristics, but were not significant enough in themselves to be used as the basis for subcategorization.

Using product type as a basis, EPA identified (1) the Luminescent Materials subcategory and redefined the Electron Tube subcategory as (2) Receiving and Transmitting tubes and (3) Cathode Ray Tubes subcategories.

This redefinition was necessary because Electron Tube manufacturing is comprised of two distinct product types employing different raw materials and manufacturing processes. Therefore this subcategory has been divided into two segments, based on the products produced; (1) cathode ray tubes, and (2) receiving and transmitting tubes.

Luminescent Materials production generates significant wastewater and EPA has retained it as a subcategory. Cathode Ray Tube manufacture also employs raw materials and process operations which generate wastewater. These standards cover wastewater from those processes. However, production of receiving and transmitting tubes is a dry process. Thus EPA is not proposing that today's standards cover the Receiving and Transmitting Tubes subcategory.

The Development Document provides further background on decisions concerning subcategorization and on the make-up of the regulated subcategories.

VII. Available Wastewater Control and Treatment Technology

A. Status of In-Place Technology

This section describes the status of in-place technology for the subcategories to be regulated by this rulemaking: Cathode Ray Tubes and Luminescent Materials.

Wastewater treatment techniques currently used in the cathode ray tube subcategory include both in-process and end-of-pipe waste treatment. In-plant process waste treatment is designed to remove pollutants from contaminated manufacturing process wastewater at some point in the manufacturing process. End-of-pipe treatment is wastewater treatment at the point of discharge.

In-process control techniques with widespread use in the cathode ray tube subcategory are: (1) Collection of spent solvents for resale, reuse or disposal, and (2) segregation of spent acid wastes for contract hauling. Contract hauling refers to the industry practice of contracting a firm to collect and transport wastes for off-site disposal.

End-of-pipe controls in the cathode ray tube subcategory consist primarily of neutralization. In addition, six of the seven Cathode ray tube plants, which manufacture tubes, and three of the fifteen remaining cathode ray tube plants use end-of-pipe precipitation/clarification for control of toxic metals.

In the Luminescent Materials subcategory the two direct dischargers have combined end-of-pipe treatment systems that utilize precipitation/clarification technologies. Of the three other plants in the subcategory, one evaporates its liquid waste and has no industrial discharge and two are indirect dischargers, one of which neutralizes its wastes end-of-pipe and the third uses precipitation/clarification technology to control toxic metals prior to discharge.

B. Water Use

The water used in the production of CRTs is deionized DI) water which is very expensive to produce using an ion exchange process. Because of the high costs of DI water, the industry practice is to reuse/recycle and conserve water to whatever extent is practical. Therefore, further wastewater flow reduction by increased water conservation and recycle does not appear practicable. The plant-to-plant variability of the degree of water reuse and recycle is a function of general product quality requirements and, to a lesser extent, of site specific water supply factors. This made it infeasible to derive a correlation between water flow and production. An effort was even made to establish a relationship between DI water produced and plant production level. This absence of a relationship between production and wastewater flow precluded the use of

mass based limits. That is why this proposal would set concentration-based limits.

C. Control Treatment Options

EPA considered the following treatment and control options for wastewater discharges from facilities within the Cathode Ray Tube and Luminescent Materials subcategories. The options evaluated are based on treatment observed in plants EPA visited or which described their own treatment processes. They are discussed in further detail in the Development Document, in Chapter VII.

Option 1—Neutralization for pH control.

Option 2—Option 1 plus end-of-pipe precipitation/clarification for treatment of toxic metals (cadmium, chromium, antimony, lead, zinc), fluoride, and total suspended solids (TSS).

Option 3—Option 2 plus filtration for further reduction of toxic metals.

Option 4—Solvent management for control of toxic organics. Solvent management is not an end-of-pipe treatment system, but rather an in-plant control which consists of modifying piping to collect used solvents for resale or contract disposal. Process wastewater is the only other source of toxic organics for these subcategories. Since the spent solvents would not be discharged into the wastewater, toxic organic limitations based on this control would be equivalent to the maximum concentration of toxic organics found in the discharge as a result of process wastewater contamination. As an in-plant control, this option could be used in consort with any of the other options and it was considered in connection with each.

As previously stated, one plant in the luminescent materials subcategory utilizes a non-discharging evaporation pond. Evaporation ponds were not considered because they achieve a zero discharge status through evaporative losses only in dry, arid, regions of the country. Therefore, because of the geographical constraints on the viability of an evaporation system, it is not amenable to being utilized in national regulations. In addition evaporation cost is tied to space availability. The only plant now using evaporation as a control technology had process wastewater flows below those generally observed at larger plants. Further flow reductions are unlikely since, as discussed above, plants already have incentives to minimize process water use.

VIII. Selection of Treatment Options and Effluent Limitations

A. Cathode Ray Tubes

The technology basis for each standard for the Cathode Ray Tube subcategory is presented below, along with the rationale for selecting the specific treatment option. The technologies and wastewater characteristics are discussed in more detail in the Development Document for this rulemaking.

The Agency is proposing not to regulate existing direct dischargers for the reasons cited in Section IX (Pollutants and Subcategories Not Regulated). Therefore, BPT, BAT and BCT effluent limitations have not been proposed.

1. *PSES.* EPA has selected precipitation/clarification for the control of toxic metals and fluoride (Option 2) plus solvent management for control of toxic organics (Option 4) for PSES. This technology is widely demonstrated in this industry as well as other industries with similar raw wastes. Metals removal greater than 96% have been demonstrated. Option 1 was rejected because data indicated that greater removals were achievable at Option 2 which was economically achievable and already widely utilized. EPA is continuing to give serious consideration to, and is soliciting comment regarding, the selection of Option 3 as a final regulation. Filtration is not now the proposal of choice because the additional 1472 annual pounds of national pollutant reduction accomplished by Option 3 are not significant in comparison to the low effluent levels already accomplished by Option 2 in the treatment train. Section VII of the Development Document contains a discussion and tables concerning the effluent concentrations that can be achieved using lime precipitation/clarification (Option 2) and those that would be achieved by the addition of a filter (Option 3).

Pollutant removals and costs of options 2 and 3 are summarized below. (See Section X of this preamble for the economic impacts.) Removals and compliance costs are increments beyond estimates of current discharge and treatment in place.

	Pollutant removal (number per year)		Costs (dollars in thousand)	
	Toxics (lb/yr)	Fluoride (lb/yr)	Capital	Annual
Option 2	62,370	1,476,000	$4,946	$2,744
Option 3 (beyond Option 2)	1,472		719	331

Toxic organics are being regulated as the total of all toxic organics found in the discharge at concentrations greater than 0.01 milligrams per liter. Toxic organics summed for the total are listed in Appendix A. The rationale for regulating toxic organics as a combined total is that many different solvents are used by the cathode ray tube subcategory and it would be very difficult to collect sufficient data to limit the individual toxic organic compounds resulting from the use of these solvents. (See paragraph C, in Section XIV.) As stated before, the limitation for total toxic organics (TTO) is the highest concentration of TTO found in the discharge from any CRT plant, all of which already practice in-plant solvent management. Accordingly, no additional cost will result from this regulation.

Because only limited TTO date are available from the CRT subcategory, the Agency also reviewed data from other industries, including other E&EC subcategories, to assess the reasonableness of this limitation. In the metal finishing industry, data indicate that precipitation/clarification technology reduces TTO by 80 percent. In the semiconductor subcategory of this industry, raw waste TTO levels at plants practicing good solvent management occur at from 0.03 to 1.4 milligrams per liter. Thus, if the CRT subcategory were to exhibit raw waste TTO levels within the range observed at semiconductor plants, reduction of TTO through Option 2 technology would result in effluent TTO levels near the proposed 0.15 milligram per liter limitation. EPA believes, however, that most plants will continue to meet TTO levels through solvent management rather than through reliance on end-of-pipe treatment.

The Agency is not proposing a monthly average limitation for TTO. Monthly averages differ from daily limits in order to deal with expected performance variations. The proposed daily maximum limitation for TTO is based on solvent management, which, unlike most treatment options, does not entail pollution control equipment and is therefore not subject to significant performance variations. Accordingly, there is no need to establish a monthly

average different from the daily maximum.

EPA is proposing to establish a compliance date of eighteen months from the date of promulgation for these pretreatment standards because that period reflects the time that our analyses indicate will be required to plan, install, and adjust necessary control technology.

2. *NSPS and PSNS.* For NSPS and PSNS, the Agency is proposing standards based on Options 3 and 4. This technology consists of solvent management plus end-of-pipe precipitation/clarification followed by filtration. Based on model plant flows ranging from 10,000 to 500,000 gals/day, incremental capital investment costs for PSNS range from $5,200 to $165,000, and annualized costs from $2,100 to $68,500. The annualized costs represent less than an 8% increase in treatment costs over treatment required for similarly sized existing plants with an additional estimated 2.4 percent of metals removed. This cost should present no significant barrier to entry of new firms. For NSPS, since BAT is not proposed, the analysis for new direct dischargers uses total costs rather than incremental costs. Total capital investment costs for pollution control range from $113,100 to $1.7 million, and total annualized costs range from $77,660 to $905,200 depending on the size of the relevant plants. The impact of these costs is considered to be small, but the Agency invites comment on the effect of treatment costs on new sources.

B. Luminescent Materials

The technology basis for each standard for the Luminescent Materials subcategory is presented below along with the rationale for selecting the specific treatment option. The technologies and wastewater characteristics are discussed in more detail in the Development Document. The Agency is not proposing to regulate existing direct or indirect dischargers in this subcategory for the reasons cited in Section IX (Pollutants and Subcategories Not Regulated). Therefore, BPT, BAT, BCT and PSES effluent limitations and standards have not been proposed.

1. *NSPS and PSNS.* For NSPS and PSNS, EPA is proposing limitations based on end-of-pipe precipitation/clarification (Option 2) which has been demonstrated within the industry. This option would control cadmium, antimony, zinc, fluoride, TSS and pH in both the NSPS and PSNS. Option 1 alone (pH neutralization) was not selected because Option 2 achieved far greater removals of toxic metals at economically achievable costs. Option 3 (Option 2 plus filtration) is not now the proposal of choice because it will only achieve minimal further reduction of pollutant levels in the effluent, as presented in Chapter VII of the development document. Total capital investment costs for new sources in the Luminescent Materials subcategory range from $91,100 to $1.2 million, total annualized costs range from $68,200 to $569,600 depending on the size of the relevant plants. A comparison of annual treatment cost to sales indicates that the impact on end-products would be small, and treatment costs are not expected to result in significant barriers to entry. While the Agency does not project a significant impact from these new sources standards, this conclusion is based on available data, and the Agency invites comments and data on the effect of new source treatment costs.

IX. Pollutants, Subcategories and Subcategory Segments not Regulated

A. Settlement Agreement

The Settlement Agreement specified 65 categories of toxic pollutants as of "priority" concern. EPA, by regulation, specified 126 pollutant parameters as measures for those pollutants. The Agreement also contained provisions authorizing the exclusion from regulation, in certain circumstances, of toxic pollutants and industry categories and subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979, *NRDC* v. *Costle*, 12 ERC 1833.

EPA proposes to set standards for some of those 126 pollutant parameters and for two additional subcategories of this industry, while excluding other pollutant parameters and one additional subcategory from these standards. Data supporting exclusion of the pollutants and subcategories and subcategory segments identified below are presented in the Development Document for this rulemaking.

1. *Exclusion of Pollutants in the CRT and Luminescent Materials Subcategories.* EPA proposes to exclude ninety-six (96) toxic pollutants listed in Appendix C from regulation for the Cathode Ray Tube subcategory. The basis of the proposed exclusion for eighty-six (86) of these pollutants is Paragraph 8(a)(iii) which allows exclusion for pollutants which are not detectable with state-of-the-art analytical methods. The basis of exclusion for another 10 (the nine listed in Appendix C plus antimony) is also provided by Paragraph 8(a)(iii) which allows exclusion of pollutants which are present in amounts too small to be effectively reduced by technologies known to the administrator.

For the Luminescent Materials subcategory we are proposing to exclude 123 pollutants under paragraph 8(a)(iii) of the Decree (of these, 28 are organic solvents controlled in the CRT subcategory by the TTO limit). Luminescent Material plants have stated that they do not use solvents containing these 28 pollutant parameters and EPA believes they will not be present in detectable levels in effluent from this subcategory. Of the 96 toxic pollutants excluded under paragraph 8(a)(iii) in the CRT subcategory, one (antimony) was found in significant quantities and will be regulated in the Luminescent Materials subcategory. The remaining 95 will be excluded on the basis of paragraph 8(a)(iii), for the same reasons as in the CRT subcategory. In addition, lead and chromium, which are regulated in the CRT subcategory were not found at treatable levels from plants in the Luminescent Materials subcategory and therefore will be excluded from further regulation under paragraph 8(a)(iii).

2. *Exclusion of Subcategories and Subcategory Segments.* The manufacture of Receiving and Transmitting Type Electron Tubes is a dry process. That subcategory therefore will be excluded from further regulation under the provisions of paragraph 8(a)i of the Settlement Agreement.

The Agency is proposing to exclude from regulation existing direct dischargers in the Cathode Ray Tube segment of the Electron Tube subcategory. This subcategory is excluded from regulation under the provisions of paragraph 8(a)(iv) on the basis that there is only one direct discharger which is already subject to an NPDES permit, and has Option 3 (precipitation/clarification/filtration) treatment in place. Its current discharge of toxic pollutants is less than 2 pounds/day.

The Agency is also proposing to exclude from regulation all existing dischargers in the Luminescent Materials subcategory under the provisions of paragraph 8(a)(iv). Of the five (5) plants in this subcategory, 2 are direct dischargers. Each of these 2 plants discharge after treatment required by existing NPDES permits less than 1 pound/plant of toxic metals per day. Two of the remaining plants in the Luminescent Materials subcategory are indirect dischargers. EPA proposes to exclude these plants from national categorical pretreatment standards under the provisions of paragraph 8(b)(ii) of the Decree on the basis that

the amount of toxic pollutants introduced into POTWs is less than 2 pounds/plant each operating day. The remaining plant in the Luminescent Materials subcategory utilizes an evaporation pond which does not discharge to sufrace water.

B. Conventional Pollutants

BOD, and oil and grease are not being regulated for either subcategory because they were found only at concentrations below treatability.

X. Cost and Economic Impact

Executive Order 12291 requires EPA and other agencies to perform regulatory impacts analyses of major regulations. Major rules are those which impose a cost on the economy of $100 million a year or more or have certain other economic impacts. This regulation is not a major rule because its annualized cost of $2.7 million is less than $100 million and it meets none of the other criteria specified in Section 1(b) of the E.O. 12291.

The Agency's economic impact assessment is presented in the report entitled *Economic Impact Analysis of Proposed Effluent Guidelines and Standards for the Electrical and Electronic Components Industry Phase II—Cathode Ray Tubes and Luminescent Coatings Subcategories* EPA 440/2–83–001. This report details the investment and annual costs for the Phase II portion of the Electrical and Electronic Components Category. Compliance costs are based on engineering estimates of capital requirements for the effluent control systems described earlier in this preamble. The report assesses the impact of effluent control costs in terms of price changes, production changes, plant closures, employment effects, and balance of trade effects. The impacts for each option are discussed in the report and summarized below.

In addition, EPA has conducted an analysis of the incremental removal cost per pound equivalent for each of the proposed technology-based options. A pound equivalent is calculated by multiplying the number of pounds of pollutant discharged by a weighting factor for that pollutant. The weighting factor is equal to the water quality criterion for a standard pollutant, divided by the water quality criterion for the pollutant being evaluated. The use of "pound equivalent" gives relatively more weight to removal of more toxic pollutants. Thus, for a given expenditure, the cost per pound equivalent removed would be lower when a highly toxic pollutant is removed. This analysis is included in the record of rulemaking "Cost Effectiveness Analysis of Proposed Effluent Limitations and Standards for the Electrical and Electronic Components Industry—Phase II". EPA invites comments on the methodology.

EPA has identified 27 plants in the Phase II subcategories that are covered by this regulation. Of these 27 plants, 3 plants are direct dischargers, 18 are indirect dischargers, and 6 discharge no wastewater.

PSES: Compliance costs for PSES for the CFR subcategory total $4.9 million for capital investment and $2.7 million annually (1982 dollars). These are all associated with installation of Option 2 (precipitation/clarification). No additional costs are predicted for Option 4 since all plants already practice solvent recovery. No plant closures or job losses are projected as a result of compliance costs for this regulation.

PSNS: For model plants in the CFT subcategory, incremental capital investment costs range from $5,200 to $165,000, and incremental annualized costs range from $2,100 to $68,000 depending on assumptions concerning plant size. The annualized costs represent less than an 8 percent increase over treatment costs for similarly sized existing plants. The price increases associated with these costs range from 0.1 to 0.8 percent and are not likely to result in a competitive disadvantage for new sources. For the Luminescent Materials subcategory, new source costs reflect the total cost of the treatment technology (not incremental) because no pretreatment standards are proposed for existing indirect dischargers. Capital investment costs range from $91,100 to $1.2 million depending on the size of the plant. Total annualized costs range from $68,200 to $589,600. The analysis of new source costs for this subcategory compares annual treatment costs to annual plant sales. The impacts for an average or large new plant are small and are not expected to result in significant barriers to their entry into the subcategory. The impacts on the smallest new plants, while larger than for the other sizes, are not expected to cause severe problems in entering the industry. Total annual treatment costs as a percentage of sales are expected to range from 1.8 to 10.4% for new small plants.

NSPS: For model plants in the CFR subcategory, new source costs for direct dischargers reflect the total costs of the pollution control technology. Capital investment ranges from $113,100 to $1.7 million, and total annualized costs range from $77,600 to $905,200 depending on plant size. The impact of the treatment costs per tube ranges from 0.2 to 3.1 percent. These impacts are considered to be small, but the Agency invites comment on the effect of treatment costs on new sources. For new sources in the Luminescent Materials subcategory, the costs and impacts are the same for both direct and indirect dischargers. The costs and comparisons to sales are shown above, under PSNS. No significant barriers to entry are expected.

Public Law 96–354 requires EPA to prepare an initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as a part of any other analysis conducted by the Agency. The economic impact analysis described above indicates that there will not be a significant impact on any segment of the regulated population, large or small. Therefore, a formal regulatory flexibility analysis is not reqiured.

XI. Non-Water Quality Aspects of Pollution Contol

The elimination or reduction of one form of pollution may aggravate other environmental problems. Sections 304(b) and 306 of the Act require EPA to consider the non-water quality environmental inpacts of these regulations including air and noise pollution, radiation, solid waste generation, and energy requirements.

Compliance with the proposed regulations, including NSPS and PSNS will have no effect on air, noise, or radition pollution and will only result in minimal solid waste generation and will only result in minimal solid waste generation and minimal increased energy usage. The amount of solid waste generated per year will be 1,200 metric tons, beyond that now generated. Available information indicates that the solid waste generated will not be hazardous as defined in the Resource Conservation and Recovery Act (RCRA). Energy requirements associated with these regulations will be 24,000 kilowatt-hours per year of only 6.4 kilowatt-hours per day per facility, beyond that now used for wastewater treatment.

EPA's relevant program offices have had an opportunity to review this data and, based on the above non-water quality impacts from these regulations, the Agency has concluded that the proposed regulation best serves overall national environmental goals.

XII. Upset and Bypass Provisions

A recurring issue is whether industry limitations and standards should include

provisions that authorize noncompliance during "excursion" is unintentional noncompliance beyond the reasonable control of the permittee. EPA believes that upset provisions are necessary, because upsets will inevitably occur, even if the control equipment is properly operated. Because technology based limitations can require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on the questions of whether an explicit upset or excursion exemption is necessary or whether upset or excursions incidents may be handled through EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F. 2d 1253 (9th Cir. 1977) with *Weyerhaeuser* v. *Costle, supra* and *Corn Refiners Association, et al.* v. *Costle*, No. 78–1069 (8th Cir. April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F. 2d 1023 (10th Cir. 1976); (*CPC International, Inc.* v. *Train*, 540 F. 2d 1320 (8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F. 2d 973 (4th Cir. 1979).

Unlike an upset—which is an unintentional episode—a bypass is an intentional noncompliance to circumvent waste treatment facilities during an emergency. EPA has both upset and bypass provisions in NPDES permits, and the NPDES portions of the Consolidated Permit regulations include upset and bypass permit provision. See 40 CFR Part 122.60, 44 FR 32854, 32862–3 (June 7, 1979). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-base effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Since permittees in the cathode ray tube and luminescent materials subcategories are entitled to the upset and bypass provisions in NPDES permits, this proposed regulation does not repeat these provisions. Upset provisions are also contained in the Genral Pretreatment regulation.

XIII. Variances and Modifications

When the final regulation for a point source category is promulgated, subsequent Federal and State NPDES permits to direct dischargers must enforce the effluent standards. Also, the pretreatment limitations apply directly to indirect dischargers.

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance and credits for pollutants removed by POTW. See 40 CFR 403.7; 403.13; 46 FR 9404 (January 28, 1981). Indirect dischargers subject to PSNS are eligible only for the credits provided for in 40 CFR 403.7. New sources subject to PSNS are not eligible for EPA's "fundamentally different factors" variance or any statutory or regulatory modifications. See *E. I. du Pont de Nemours* v. *Train*, supra.

XIV. Relation to NPDES Permits and General BCT Treatment

A. The NSPS in this regulation will be applied to individual plants through NPDES permits issued by EPA or approved State agencies under Section 402 of the Act. Under the proposed regulation for the Electrical and Electronic Components Category, all limitations are concentration based. As discussed in section VII–B, national mass based limitations are not provided because the Agency has determined that a fundamental relationship between production and pollutant loadings cannot be broadly established for either subcategory. See 40 CFR 122.63(f). Permitting authorities can derive mass based limitations by multiplying the concentration limit by the undiluted discharge flow. The Effluent Guidelines Division can assist the permitting authorities in making this determination, especially with respect to the validity of the flow levels presented by a permittee as representative of their plant.

The preceding section of this preamble discusses the binding effect of this regulation on NPDES permits, except when variances and modifications are expressly authorized. The following adds more detail on the relation between this regulation and NPDES permits.

B. One subject that has received different judicial rulings is the scope of NPDES permit proceedings when effluent limitations and standards do not exist. Under current EPA regulations, States and EPA regions that issue NPDES permits before regulations are promulgated must do so on a case-by-case basis. This regulation provides a technical and legal base for new permits.

Another issue is how the regulation affects the authority of those that issue NPDES permits. EPA has developed the limitations and standards in this regulation to cover the typical facility for this point source category. In specific cases, the NPDES permitting authority may have to establish permit limits on toxic pollutants that are not covered by this regulation. This regulation does not restrict the power of any permit-issuing authority to comply with law or any EPA regulation, guideline, or policy. For example, if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis, when such action conforms with the purposes of the Act. In addition, if State water quality standards or other provisions of State or Federal law require limits on pollutants not covered by this regulation (or require more stringent limits on covered pollutants), the permit-issuing authority *must* apply those limitations.

C. An alternative to effluent monitoring for TTO was proposed in § 469.12 of the E&EC Phase 1 regulation proposed August 24, 1982, 47 FR 37058. In lieu of monitoring for TTO, EPA proposed to allow the permit authority to allow direct dischargers to make the following certification as a "Comment" on the Discharge Monitoring Report required by § 122.62(e) "I certify that, since filing the last discharge monitoring report, toxic organic compounds have not entered the wastewater in quantities that will exceed the discharge limits for TTO". In addition, in lieu of requiring monitoring for TTO, EPA proposed to permit control authorities to allow industrial users of POTWs to make the following certification as a comment to the periodic reports required by § 403.12(e) "Periodic reports on continued compliance." The Phase I proposal also specified that dischargers must specify the toxic organic compounds used and the procedures used to prevent excessive wastewater discharge of toxic organics. EPA requests comment on applying this same approach to dischargers in the Cathode Ray Tube subcategory.

In response to the Phase I proposal, a number of comments were received suggesting that the certification language was overly restrictive and recommending revision of the language. These comments are being considered, and where appropriate, will be incorporated in the final E&EC Phase I regulation upon promulgation. That regulation is scheduled to be signed by the Administrator by March 31, 1983.

D. A final topic of concern is the operation of EPA's NPDES enforcement program, which was an important consideration in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, EPA can initiate enforcement proceedings at its discretion (*Sierra Club* v. *Train*, 557, F 2d 485, 5th Cir., 1977). EPA has exercised and intends to exercise that discretion in a manner that recognizes and promotes good-faith compliance.

E. Indirect dischargers covered by the PSES and PSNS standards proposed today may also be subject to local pretreatment ordinances and the requirements of EPA's General Pretreatment Regulations. See, 40 CFR § 403. Those regulations include

provisions for base-line monitoring reports, compliance reports, credits for pollutant removals achieved by POTWs, and standards prohibiting interference with POTW operations. The provisions of 40 CFR 403.6(e) also provide a "combined waste stream formula" for determining effluent significant limits when quantities of differing waste streams are combined. Since the plants covered by today's proposal do not combine E&EC wastes with significant other waste streams, that provision should seldom be needed for these subcategories.

XV. Solicitation of Comments

EPA invites and encourages public participation in this rulemaking. The Agency asks that any deficiencies in the record of this proposal be specifically addressed and particularly asks that suggested revisions or corrections be supported by data.

EPA is particularly interested in receiving additional comments and information on the following issues:

1. The Agency is continuing to seek additional data, specifically from those plants engaged in the production of cathode ray tubes and use solvents in the productions process for cleaning and degreasing operations. To regulate the board array of toxic organics, TTO has been selected as the control parameter. The limit for TTO is not based on a specific treatment technology but represents the amount of toxic organics which were detected in the raw waste loan from plants in the data base which practice solvent recovery. The Agency requests that those plants that may have analyzed their effluent for toxic organic compounds known to be present in the solvents used, submit that data along with the analytical method used.

2. The Agency requests comments on the selection of chemical precipitation/clarification versus filtration for new sources and existing sources in the cathode ray tube and luminescent materials subcategories.

The reporting provisions in this rule will be submitted for approval to the Office of Management and Budget of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Any final rule will explain how its reporting provisions respond to any Office of Management and Budget or public comments.

List of Subjects in 40 CFR Part 469

Electric and electronic equipment, Waste treatment and disposal, Water pollution control.

Date: February 28, 1983.

Anne M. Burford,

Administrator.

XVII. Appendices

Appendix A—Abbreviations, Acronyms, and Other Terms Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under Section 304(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology, under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available under Section 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Public Law 95–217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permit—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of direct discharges under Section 307(b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Pub. L. 94–580) of 1976. Amendments to Solid Waste Disposal Act.

Appendix B—List of Toxic Organics Comprising Total Toxic Organics (TTO) for the Cathode Ray Tube Subcategory and excluded from the Luminescent Materials Subcategory.

1,2,4 trichlorobenzene
chloroform
1,2, dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene
ethylbenzene
1,1,1 trichloroethane
methylene chloride
napthalene
2 nitrophenol
phenol
bis(2-ethylhexyl) phthalate
tetrachloroethylene
toluene
trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol
pentachlorophenol
di-n-butyl phthalate
anthracene
1,2 diphenylhydrazine
isophorone
butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol

Appendix C—List of Pollutants Excluded From Regulation

The following nine (9) pollutants are being proposed for exclusion from further regulation for both subcategories under Paragraph 8(a)(iii) because they are present in amounts too small to be effectively reduced by technologies known to the administrator: arsenic, beryllium, copper, mercury, nickel, selenium, silver, thallium, and cyanide.

The following list of eighty-six (86) pollutants are being proposed for exclusion from further regulation for both subcategories under Paragraph 8(a)(iii) because they were not detected in the effluent.

1. Acenaphthene
2. Acrolein
3. Acrylonitrile
4. Benzene
5. Benzidine
6. Carbon Tetrachloride
7. Chlorobenzene
8. Hexachlorobenzene
9. 1,2-Dichloroethane
10. Hexachloroethane
11. 1,1-Dichloroethane
12. 1,1,2-Trichloroethane
13. 1,1,2,2-Tetrachloroethane
14. Chloroethane
15. Bis (2-Chloroethyl) Ether
16. 2-Chloroethyl Vinyl Ether (Mixed)
17. 2-Chloronaphthalene
18. Parachlorometa Cresol
19. 3,3'-Dichlorobenzidine
20. 1,2-Trans-Dichloroethylene
21. 1,2-Dichloropropane
22. 1,2-Dichloropropylene
23. 2,4-Dimethylphenol
24. 2,4-Dinitrotoluene
25. 2,6-Dinitrotoluene
26. Fluorathene
27. 4-Chlorophenyl Phenyl Ether
28. 4-Bromophenyl Phenyl Ether
29. Bis(2-chloroisopropyl) Ether
30. Bis-(2-chloroethoxy) Methane
31. Methyl Chloride
32. Methyl Bromide
33. Bromoform
34. Dichlorobromomethane
35. Chlorodibromomethane
36. Hexachlorobutadiene
37. Hexachlorocyclopentadiene
38. Nitrobenzene
39. 2,4-dinitrophenol
40. 4,6-dinitroso-cresol
41. N-nitrosodimethylamine
42. N-nitrosodiphenylamine
43. N-nitrosodi-n-propylamine
44. Di-n-octyl phthalate
45. diethyl phthalate
46. dimethyl phthalate
47. Benzo (a) anthracene
48. Benzo (a) pyrene
49. 3, 4-benzofluorathene
50. Benzo (k) fluoranthane
51. Chrysene

52. Acenaphthylene
53. Benzo(ghi) perylene
54. Fluorene
55. Phenanthrene
56. Dibenzo(a,h)anthracene
57. Indeno(1,2,3-cd)pyrene
58. Pyrene
59. 2,3,7,8-tetrachlorodibenzo-p-dioxin
60. Vinyl Chloride
61. Aldrin
62. Dieldrin
63. Chlordane
64. 4,4' DDT
65. 4,4' DDE
66. 4,4' DDD
67. A-endosulfan-Alpha
68. B-endosulfan-Beta
69. Endosulfan Sulfate
70. Endrin
71. Endrin Aldehyde
72. Heptachlor
73. Heptachlor Epoxide
74. A-BHC-Alpha
75. R-BHC-Beta
76. G-BHC-Delta
77. PCB-1242
78. PCB-1254
79. PCB-1221
80. PCB-1232
81. PCB-1248
82. PCB-1260
83. PCB-1016
84. Toxaphene
85. Asbestos

For the Cathode Ray Tube subcategory only, an additional toxic pollutant, antimony, is being proposed for exclusion from further regulation under Paragraph 8(a)(iii), because it was found in amounts too small to be effectively treated.

In the Luminescent Materials subcategory, the twenty-six (26) additional toxic pollutants listed in appendix C are being proposed for exclusion under Paragraph 8(a)(iii) because EPA believes they are not present at detectable concentrations using state-of-the-art analytical methods. The two additional toxic pollutants being considered for exclusion under paragraph 8(a)(iii) are lead and chromium which were not detected in effluents from the subcategory.

For the reasons stated above, EPA proposes to add new subpart C and D to Part 469 of 40 CFR, Chapter I as follows:

PART 469—ELECTRICAL AND ELECTRONIC COMPONENTS POINT SOURCE CATEGORY

* * * * *

Subpart C—Cathode Ray Tube Subcategory

Sec.
469.30 Applicablity.
469.31 Specialized definitions.
469.32 Monitoring requirements.
469.34 Pretreatment standards for existing sources (PSES).
469.35 New source performance standards (NSPS).
469.36 Pretreatment standards for new sources (PSNS).

Subpart D—Luminescent Materials Subcategory

469.40 Applicability
469.41 Specialized definitions.
469.42 New source performance standards (NSPS).
469.43 Pretreatment standards for new sources (PSNS).

Authority: Secs. 301, 304, 306, 307, 308, and 501, Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977, 33 U.S.C. 1311, 1314, 1316, 1317, 1318, and 1361; 86 Stat. 816, Pub. L. 92500; 91 Stat. 1567, Pub. L. 95-217).

Subpart C—Cathode Ray Tube Subcategory

§ 469.30 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of cathode ray tubes.

(b) The compliance deadline for PSES standards shall be no later than September 10, 1984.

§ 469.31 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "total toxic organics (TTO)" shall mean the sum of the concentrations for each of the following toxic organic compounds which is found in the discharge at a concentration greater than ten (10) micrograms per liter:

1,2,4 trichlorobenzene
chloroform
1,2 dichlorobenzene
1,3 dichlorobenzene
1,4 dichlorobenzene
ethylbenzene
1,1,1 trichloroethane
methylene chloride
napthalene
2 nitrophenol
phenol
bis(2-ethylhexyl) phthalate
tetrachloroethylene
toluene
trichloroethylene
2 chlorophenol
2,4 dichlorophenol
4 nitrophenol
pentachlorophenol
di-n-butyl phthalate
anthracene
1,2 diphenylhydrazine
isophorone
butyl benzyl phthalate
1,1 dichloroethylene
2,4,6 trichlorophenol

(b) The term "cathode ray tubes" shall mean electronic devices in which high velocity electrons focus through a vacuum to generate an image on a luminescent surface.

§469.32 Monitoring.

Certification for TTO as specified in § 469.12(a), 47 FR 37058 will be applicable to this subpart.

§ 469.34 Pretreatment standards for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources (PSES):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
TTO [1]	0.15	
Cadmium	0.046	0.022
Chromium	0.91	0.26
Lead	1.13	0.36
Zinc	2.06	0.40
Fluoride	32.6	22.3

[1] Total toxic organics.

§ 469.35 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
ph	(2)	(2)
TTO [1]	0.15	
Cadmium	0.046	0.022
Chromium	0.77	0.22
Lead	0.73	0.23
Zinc	1.18	0.28
Fluoride	32.6	22.3
TSS	42.9	16.1

[1] Total toxic organics.
[2] Within the range of 6.0 to 9.0.

§ 469.36 Pretreatment standards for new source (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
TTO [1]	0.015	
Cadmium	0.046	0.022
Chromium	0.77	0.22
Lead	0.73	0.23
Zinc	1.18	0.26
Fluoride	32.6	22.3

[1] Total toxic organics.

Subpart D—Luminescent Materials Subcategory

§ 469.40 Applicability.

(a) The provisions of this subpart are applicable to discharges resulting from the manufacture of luminescent materials.

(b) The compliance deadline for PSES standards shall be no later than September 10, 1984.

§ 469.41 Specialized definitions.

The definitions in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136 apply to this subpart. In addition,

(a) The term "luminescent materials" shall mean materials that emit electromagnetic radiation (light) upon excitation by such energy sources as photons, electrons, applied voltage, chemical reactions or mechanical energy and which are specifically used as coatings in fluorescent lamps and cathode ray tubes.

§ 469.42 New source performance standards (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
pH	(1)	(1)
Cadmium	0.46	0.23
Antimony	0.18	0.044
Zinc	2.84	0.68
Fluoride	32.6	22.3
TSS	57.0	22.0

[1] Within the range of 6.0 to 9.0.

§ 469.43 Pretreatment standards for new sources (PSNS).

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
Cadmium	0.46	0.23
Antimony	0.18	0.044
Zinc	2.84	0.68
Fluoride	32.6	22.3

[FR Doc. 83-5877 Filed 3-8-83; 8:45 am]
BILLING CODE 6560-50-M

federal register

Wednesday
March 9, 1983

Part III

Federal Communications Commission

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[CC Docket No. 80-584]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska; Correction and Clarification

AGENCY: Federal Communications Commission.

ACTION: Correction and clarification.

SUMMARY: This document clarifies and corrects a Reference made in the Order Extending Time for Filing Comments in this proceeding concerning Policies governing the ownership and operation of certain earth stations in the Alaskan Bush communities.

FOR FURTHER INFORMATION CONTACT: Cecily Holiday, Common Carrier Bureau, (202) 634-1684.

SUPPLEMENTARY INFORMATION:

In the Matter of policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska (CC Docket No. 80-584).

Correction and Clarification

On February 22, 1983, an Extension of Time for Filing Comments was published in the **Federal Register** in the above-captioned proceeding (48 FR 7481).

This extension concerned a Tentative Decision which had not been published in the **Federal Register** and the reference made to the Proposed Rule is inapplicable.

The Tentative Decision is printed elsewhere in this Part III.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-6094 Filed 3-8-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 25

[CC Docket No. 80-584; RM-3304; FCC 82-516]

Policies Governing the Ownership and Operation of Domestic Satellite Earth Stations in the Bush Communities in Alaska

AGENCY: Federal Communications Commission.

ACTION: Tentative decision.

SUMMARY: This action proposes joint ownership of certain Alaskan Bush earth stations and is necessary to resolve issues raised in the Proposed Rule in this proceeding without the need to resort to comparative hearings. It also allows for contributions to be made in the development of the Bush earth station network by both Alascom and the local carriers.

DATES: As a result of an Order extending the comment periods, published 2-22-83, 48 FR 7481, comments were due by March 7, 1983 and replies by April 7, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Cecily Holiday, Common Carrier Bureau, (202) 634-1684.

SUPPLEMENTARY INFORMATION:

In the matter of policies governing the ownership and operation of domestic satellite earth stations in the Bush communities in Alaska (CC Docket No. 80-584, RM-3304).

Tentative Decision

Adopted November 10, 1982.

Released December 10, 1982.

1. Before the Commission are applications for earth station facilities to provide message telephone service (MTS) to approximately 35 rural Alaskan Bush communities.[1] At each of these locations, an application for construction permit and license has been filed by Alascom, Inc. (Alascom),[2] which is certified to provide both intrastate and interstate toll MTS and private-line services in Alaska. In each of these communities the local exchange carrier, which is regulated and certified by the Alaska Public Utilities Commission (APUC), has also filed an application for Bush earth station facilities. We have found that such duplicative proposals for essential facilities in remote, isolated Bush communities of small populations are mutually exclusive because the public interest would not be served by grant of both.[3]

2. We decided that the best method to resolve these controversies was by rulemaking rather than by separate comparative hearings and we issued a *Notice of Proposed Rulemaking*.[4] Therein we sought comment on whether the public interest in this matter might best be served by requiring local exchange certification as a qualification to own and operate earth station facilities in rural Alaskan communities to provide MTS service.

3. On review of the record before us, we conclude that neither the adoption of the proposed rule, nor the administrative selection of one or the other of the applicants, would best serve the public interest. Instead, we find that joint ownership of the Bush earth stations by Alascom and the appropriate local exchange carrier would best serve the public interest. We adopt this Tentative Decision to implement these findings in an orderly fashion.

I. Background

4. The provision of Alaskan communications has been a source of controversy before this Commission for over a decade, dating to the time when the Alaska Communications System (ACS) was transferred by the Air Force to private industry. The winning bid for the ACS was to be selected by the Executive Department upon a competitive basis.[5] Congress indicated that in making the selection emphasis was to be placed upon the following factors: (a) the best plan for expanding the communications system in Alaska, with particular attention given to proposals for serving rural Alaska, and (b) the best proposal for reducing costs to the Alaskan ratepayers.[6] Alascom, established by RCA Corporation to acquire and operate the ACS, was the winning bidder.[7]

5. In 1971 Alascom and RCA Global Communications, Inc. filed applications with the Commission for authority to construct a satellite system to provide domestic communications services. Alascom's proposal included several applications for earth stations in Alaska to be used in conjunction with these satellites. However, in its early domestic satellite (domsat) policy

[1] The term "Bush communities" refers to small villages in rural Alaska that are isolated from the larger cities by rugged terrain and harsh weather conditions. *See also* paragraphs 59-61, *infra*. Although additional services, such as private-line or video, may also be provided through these Bush earth stations, our focus in this proceeding is on MTS.

[2] Alascom is a wholly-owned subsidiary of Pacific Power and Light Company, which acquired the corporation, formerly known as RCA Alaska Communications, Inc., from the RCA Corporation. *See* Alascom, Inc., FCC 79-305, released May 22, 1979. The current company, as well as its predecessor, will be referred to as Alascom throughout this decision.

[3] *See* note 12, *infra*.

[4] Domestic Satellite Earth Stations-Alaska Bush, 81 FCC 2d 304 (1980). The specific applications at issue in this proceeding are listed in Appendix A to the *Notice*.

[5] 40 U.S.C. 771, *et seq*.

[6] "To authorize the Disposal of the Government Owned Long-Lines Communication Facilities in the State of Alaska", Hearing on S. 223, Before the Subcomm. on Armed Services, 90th Cong., 1st Sess. 5028 (1967).

[7] *See RCA Global Communications, Inc., 22 FCC 2d 200 (1970).*

decisions, the Commission questioned whether the facilities proposed by Alascom would meet the needs of the rural Alaskan communities.[8] In light of these concerns, which also were articulated by the State of Alaska, the Commission required Alascom to submit detailed information concerning its plans for Alaskan facilities and services.

6. Alascom filed its "Alaska Communications Plan, 1974–1980" on September 20, 1974. The plan and comments it generated are fully detailed in the *Satcom Construction Order*.[9] In its plans, Alascom proposed to construct 36 small earth stations throughout the state. Using supplemental terrestrial facilities, these stations were to provide telephone service on a regular basis "to the estimated 106 communities with populations of 25 or more in rural Alaska that are presently without voice communications." *Id.* at 673.

7. The Governor's Office of Telecommunications was dissatisfied with Alascom's plan, and the State of Alaska objected to the plan for both economic and technical reasons. The State believed that the Alaskan ratepayers would be forced to bear an excessive portion of the system's costs and believed a much more efficient system was feasible. Nor was the State satisfied with Alascom's subsequent revision to increase the number of Bush earth stations to 100. Consequently, in 1975, the State legislature appropriated funding and the State filed competing applications at each of these sites.[10]

8. The Commission, recognizing the need for service to the Alaska Bush, found both applicants to be legally, technically and financially qualified to construct and operate the proposed Bush stations.[11] It also found the applications to be mutually exclusive.[12] However, the Commission deferred final action on these applications as well as other controversies surrounding the provision of Alaskan services. The Commission anticipated that further informal proceedings and negotiations might resolve these matters without recourse to evidentiary hearings.[13]

9. In order to initiate service, the State and Alascom agreed to an earth station program and negotiated an interim arrangement for construction and operation of the facilities pending Commission action. Starting in 1975, a series of temporary authorizations were issued granting joint authority to Alascom and the State to construct the facilities. Alascom was granted temporary authority, as trustee, to provide common carrier services by means of these facilities. The temporary authorizations are expresly conditioned on the ultimate resolution of the question of who shall be awarded permanent authority to own and operate the earth station facilities.

10. Local exchange operators, comprised mainly of small, native-owned companies and non-profit cooperative associations, have since filed thirty-five applications to construct new earth station facilities or to acquire those currently operated by Alascom and jointly owned by the State. The State's applications were dismissed at its own request and it has indicated that it will convey its ownership interest to the ultimate licensee.[14] Operation of Bush earth stations by Alascom at the contested locations continues under temporary authorizations. At the approximately 65 Bush locations where there were no competing applications, formal radio station authorizations were issued to Alascom. These authorizations are subject to possible modification as a result of this proceeding.[15]

II. Comments

11. In response to the *Notice* we have received formal comments from eight parties, including the local exchange operators (OTZ Telephone Cooperative, Inc. and Mukluk Telephone Company, Inc. (OTZ/Mukluk), filing jointly, and United Utilities, Inc. (United)); Alascom; the State of Alaska (State); the Alaska Public Utilities Commission (APUC); the Rural Electrification Administration (REA); the Federal Aviation Administration (FAA); and the National Telephone Cooperative Association (NTCA). An additional eleven parties filed informal comments or letters. These letters were received from entities such as Bush citizens, local governing bodies of Bush communities, associations and federations representing village councils, and State Senators and Representatives. Six parties filed reply comments.

12. The commenters are divided as to whether the Commission's proposal should be adopted. The local exchange operators favor adoption of the proposed rule. Also supporting adoption of the rule are the NTCA and the REA. The State of Alaska supports adoption of the rule in part. It believes that when two applicants meet specific minimum qualifications, a preference should be afforded to the local exchange operator. However, this preference, according to the State, should not apply to renewal proceedings.

13. Alascom, the APUC and the FAA oppose the rule. Both Alascom and the APUC state that the telephone network is a single technological and economic structure. Thus, in their view, a long-lines certificate, rather than a local exchange certificate, should be the basic eligibility requirement. The City of St. Mary's stated in a letter that, while it is not opposed to the eventual control by United of the earth station facilities in St. Mary's, it does not believe that the local exchange operator has yet achieved the requisite maintenance capability.

14. Basically, the local exchange carriers seek to control the interconnect facilities within their certified regions. They believe, as do all but one local commenting party, that the proposed rule serves the public interest because it provides for local control of essential telecommunications facilities. This, they assert, will allow them to play a more

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[8] Domestic Communications Satellite Facilities, 35 FCC 2d 844 (1972) (*Domsat II*), *recons. in part*, 38 FCC 2d 665 (1972) (*Domsat III*).

[9] *See* RCA Global Communication, Inc., 56 FCC 2d 660 (1975).

[10] The Alaskan legislature appropriated $5 million towards this effort. The State did not intend to operate the facilities. Rather it proposed to lease the stations to a carrier—Alascom or a local entity—offering the most favorable terms. It subsequently indicated that its actions were motivated in part by a desire to preserve the option that these facilities could be owned and operated by local carriers. *See* State of Alaska's Reply to Response to Petition for Continued Authorizations as Trustee, Application File No. W-P-C-2859. Although we indicated that a potential hearing issue could result from a licensee divorcing ownership from the operation of the facilities, we did not find it disqualifying *per se*. *Satcom Construction Order, supra* note 9, at 668.

[11] Reconsideration of this finding was requested by Alascom. However, in light of the State's applications being dismissed at its own request, reconsideration was never undertaken.

[12] The need for the Commission to warrant that competition is feasible and beneficial before authorizing duplicative communications facilities was recently reaffirmed by the D.C. Court of Appeals. Telocator Network of American v. FCC, No. 78-2218 (D.C. Cir. Oct. 5, 1982), Slip op. at 40. The finding of mutual exclusivity for Bush earth station facilities was based on the conclusion that one facility could provide all the services proposed by either party, and that there did not appear to be any public interest benefits in the construction of duplicative MTS facilities in the Bush. *See Satcom Construction Order* at 668. None of the parties dispute this conclusion and we reaffirm it here.

[13] These further proceedings provided substantial assistance in addressing these issues. *See RCA Global Communications, 61 FCC 2d 218 (1976); Most of these issues were finally resolved in the Alaska Facilities Decision, 74 FCC 2d 435 (1979), recons. denied* 78 FCC 2d 359 (1980). The remaining issue is the ownership of the Alaska Bush earth stations. No progress beyond the interim arrangement was made in those further proceedings. *See Satcom Construction Order* at 699–700.

[14] *See* letter of May 28, 1980 in File Nos. 65-DSE-P-75 *et al.* The State's withdrawal appears to have been based in part on local exchange development. In a Statement released in October 1979, the Governor indicated that the willingness of the local carriers to compete for earth station ownership made it possible for the State to withdraw its applications.

[15] *See e.g.*, Alascom, Inc., Mimeo No. 69171 released October 10, 1980.

significant role in the planning and development of the Bush network. They also claim that, from an economic as well as management perspective, the viability of their local exchange is tied to such ownership. If the earth station facilities are included in their rate base, the local exchange carriers claim they will derive much-needed increased revenues from the settlements process. This in turn can be used by them to expand and improve local service in the Bush. Additionally, because REA financing can be obtained with low interest rates, the local exchange carriers contend they can improve services at lower costs to their subscribers than can Alascom. Local ownership, they contend, will inevitably result in a strong commitment to maintain and upgrade service at rates that are as low as possible.

15. From a management perspective, the local exchange carriers stress the importance of maintaining operational control over the facilities that often provide Bush communities with their only link to the outside world. Because the local exchange carriers believe Alascom's service and interconnection practices have not always been optimal, they believe they can significantly improve the services available to their subscribers. History indicates, according to the local exchange carriers, NTCA, and the State, that Alascom had to be coerced into extending service to the Bush. They believe that it was only due to the efforts of the State that the initial two channel system was provided. To improve services, one local carrier proposes to introduce equipment redundancy. All propose local and regional maintenance schemes that they believe improve upon the system Alascom currently employs.

16. Additionally, some who favor the adoption of the proposed rule believe that its implementation will result in a decrease in rates to the public. United states that such savings will result from the ability of local exchange operators to co-locate their local exchange facilities with the earth station equipment, thus obviating the need for an additional shelter. Also, the training of maintenance personnel to handle problems that relate to both earth stations and local exchange facilities will preclude the need for maintaining separate staffs. United also claims local ownership will avoid high air transportation costs because Alascom service personnel will not have to be flown to Bush areas. It also claims that its redundant earth station design will result in savings due to less frequent repair calls.

17. Finally, while the State of Alaska believes the proposed rule will serve the public interest, it also believes some showings concerning qualifications should be made by each applicant. According to the State, APUC certification should not be *prima facie* evidence that a local exchange operator is qualified to own and operate an earth station.

18. In opposing the proposed rule, Alascom claims that it will hinder bush development, reduce service quality and increase cost of service to the Alaskan ratepaying public. According to Alascom, the increase in cost will result because of the inefficient and unnecessary replacement of existing earth station facilities, loss of savings due to Alascom's buying power, incentives of local exchange carriers to "gold-plate" earth station facilities, and the need for duplicative facilities and personnel which are unnecessary under Alascom's maintenance program. Operationally, Alascom insists that unified control is critical to the efficient operation of the Bush network. Earth station operations, it claims, require a high level of engineering coordination of equipment, frequency use, testing and other technical matters. Alascom believes that it is in a unique position to provide this capability. Alascom also argues that the adoption of the proposed rule will increase intrastate MTS toll rates due to the impact on separations and settlements.

19. Procedurally, Alascom argues that the proposed rule violates its hearing and due process hights under the *Ashbacker* doctrine, Sections 309(d) and 201(a) of the Communications Act, and § 63.52(c) of the commission's rules. Alascom states that if the Commission does not grant it permanent authority under Title III to own and operte the Bush earth stations, it must be afforded a formal hearing.

20. The APUC joins Alascom in challenging the proposed rule. Its objections are based upon technical and procedural considerations similar to those of Alascom's. It believes that long-lines certification should be substituted for local exchange certification as a basic eligibility criterion.

III. Discussion

21. This proceeding is intended to determine in a generic fashion the appropriate owership structure to be applied to earth station facilities located in the Alaska Bush. In so doing, our focus is the selection of a structure that best satisfies the communications needs of Bush residents. This process is more efficient and less costly than multiple comparative oral hearings. In the *Notice*, the Commission determined that:

> [w]hile there are some differences in the financial and technical details of the various proposals, each applicant appears reasonably capable of sustaining the requisite public interest findings. The issue for decision, therefore, is a determination of the appropriate entity to hold the earth station license.

81 FCC 2d at 305. Thus, we began this rulemaking proceeding with

> [o]ur central objective * * * to establish an ownership structure which satisfies the communications needs of the residents of the Alaska Bush communities in the most efficient and expeditious manner possible.

Id. at 310. In reaching a conclusion in this rulemaking proceeding, we are not, however, limited to "a choice between two operationally viable and distinct ownership patterns" as represented by the specific applications immediately before us. Rather, it is the objective of this proceeding to

> * * * permit broad participation by all interested parties in the decision making process and * * * better enable the Commission to develop an integrated plan for ownership of the Bush earth station facilities. The determination thereby derived will be equally applied to all applicants for Bush earth stations.

Id. at 315. All of the basic issues concerning Bush earth station ownership have been addressed by the parties in the record of this proceeding, as well as in the applications before us. Although service is presently being provided to Bush residents under interim arrangements, a resolution of this controversy is becoming more urgent with the passing of time. Service requirements are growing beyond the two channel lifeline services that have generally served the Bush communities until now. Service improvements are being delayed by the continuing uncertainties surrounding the resolution of the Bush earth station ownership question. A resolution to this controversy, rather than further extensive proceedings, is needed to provide the incentives for an efficient and improved Bush communications network.

22. The comments, applications and our further analysis have persuaded us that sole ownership by the local exchange operators, as proposed in the *Notice*, or sole ownership by Alascom, as argued for by the opponents of our proposed rule, both have drawbacks. Selection of one or the other applicant could impair our ability to fulfill our statutory mandate "to make available, so far as possible, * * * a rapid, efficient, * * * wire and radio

communication service with adequate facilities at reasonable charges". 47 U.S.C. 151. Because we find there are detriments associated with either the local operators or Alascom having sole ownership, we have examined alternative ownership arrangements which might alleviate these problems, at least for the interim. It appears that a joint ownership arrangement would allow Bush residents to take advantage of the strengths of each of the contending entities, and we have tentatively adopted this approach as the resolution to this proceeding.

A. Ownership by Local Exchange Operators

23. In the *Notice* we stated our belief that the local exchange operators would be capable of fully demonstrating their qualifications to own and operate Bush earth station facilities. However, after reviewing the comments of Alascom, the FAA, the city of St. Mary's, and the APUC, we are not persuaded that the local exchange operators have demonstrated sufficient technical expertise to be the sole licensees of the Bush earth stations, independently responsible for the entire range of earth station design and operating decisions.

24. The record does establish a need for local presence in operating and maintaining the Bush earth station facililties. The local operators are unquestionably capable of performing routine, daily maintenance functions.[16] Relying on the technicians employed by the local exchange operators to perform such routine maintenance functions would also avoid duplication of Alascom's personnel. However, problems pertaining to higher level maintenance and repair functions of local facilities are documented in the record. For example, United, who appears among the local operators to be the most technically capable, has experienced service restoration problems during a serious outage in its telephone exchange service at St. Mary's. This outage prompted the Mayor to question United's current ability to manage the Bush earth stations. We believe, however, that the local exchange operators, with the assistance of Alascom and/or equipment suppliers, could one day clearly demonstrate such qualifications. But, at the present moment, review of the record suggests potential problems concerning local exchange operators unilaterally installing and maintaining a fully compatible earth station network that efficiently interfaces with Alascom's space segment.[17]

25. We are also influenced by the fact that the APUC in its comments states that it has not considered earth station ownership and operation in certificating any of the local exchange companies. Moreover, in APUC proceedings involving two of these companies, small earth station issues were specifically excluded from consideration.[18] Thus it appears that our initial intent to rely upon APUC certification of local exchange carriers as a definitive indication of qualifications to operate successfully Bush earth stations cannot stand.

26. We perceive little, if any, advantage to be gained by vesting sole ownership in local exchange operators if the concomitant operational responsibilities of a sole licensee are not also assumed at the same time. The record does not appear to support the conclusion necessary to effectuate our proposed rule, that local exchange certification assures full operational qualifications. In most cases, the local exchange operator would simply assume ownership of existing facilities from Alascom; this does not in itself demonstrate expertise to apply satellite technology to Bush communities. Moreover, where new but similar facilities are proposed by the local exchange carrier to replace existing satellite facilities (as is the case with United in some locations),[19] we see an additional problem. Specifically, there is no demonstrated record that sufficient improvements in service quality or reduced rates would result so as to warrant replacement of the investment in embedded Bush earth station facilities. Apart from issues involving channel capacity and redundancy, which can be easily remedied by installation of additional equipment, no party has demonstrated any flaws with the basic design and operation of the present Bush network.

27. We also find that our original proposal could lead to situations in which purely local Bush interests could conflict with statewide needs. In the *Notice*, we indicated the desirability for a coherent Bush-wide operational design to insure efficient and economical network operation with compatible equipment at each Bush location. Thus, while Alascom has statewide service responsibilities, the local carriers do not. Incentives could therefore exist to perceive network planning and coordination problems from the narrower perspective of a local carrier's limited service requirements. Such a perspective could conflict with sound network operations.

28. Finally, it is also possible that adoption of our proposed rule could retard the expansion of satellite network facilities throughout the entire Bush earth station system. This would hinder the Commission's goal under § 1 of the Communications Act of 1934 to ensure the expeditious development of Alaskan service. Our proposed rule would in some sense relegate Alascom to a caretaker's role in the 65 presently uncontested locations until a local carrier was in a position to assume the responsibilities of owning and operating the earth stations. Alascom would thus lack the incentive to upgrade these facilities a potential result in conflict with out statutory objectives.

B. Ownership by Alascom

29. Next we examine sole ownership by Alascom. Just as we believe there are good reasons for not adopting the proposed rule, we conclude that valid reasons also exist for not granting sole ownership to Alascom. It does not have any vested rights in Bush earth station licenses, nor has it been awarded any exclusive rights to toll facility authorizations.[20] Thus, it is incumbent on Alascom to demonstrate any unique capabilitties it has to provide superior services to the Bush communities before it alone is found to be the only eligible entity to hold all of the Bush earth station licenses. Alascom has not made this case on the record before us. Alascom has demonstrated extensive technical and operating capabilities. But it also appears to have been reluctant to expand service in the Bush. The State, Bush residents and the local exchange carriers have all expressed dissatisfaction concerning the service provided to Bush communities by Alascom. In fact, as we have previously indicated, one of the reasons given by the State when requesting that its applications be dismissed was the willingness and ability of the local exchange carriers to apply for the facilities it had constructed jointly with Alascom under the interim

[16] For example, *see* contract between the Arctic Slope Telephone Association Cooperative, Inc., (ASTAC) and Alascom setting out responsibilities and training to be provided (filed in the Reply Comments of the NTCA, Exhibit 1).

[17] Over 70% of Alaskan toll circuits are routed by satellite. Compatibility is a particular concern in our evaluation of Bush earth station ownership by local exchange operators since 65% of the Bush stations are presently authorized solely to Alascom. *See* paragraph 10, *supra*.

[18] *See* comments of the APUC at 13. The carriers involved were United and ASTAC.

[19] *See* File Nos. 932 and 937–DSE–P/L–80.

[20] *See* RCA Alaska Communications, *supra* note 7 at 204; and CC Docket No. 78–72 adopted today. Nor have we required all MTS services to be provided over a single satellite system. *See* National Satellite Services, 43 FCC 2d 1141 (1973).

arrangements. The State believes that Alascom, which has repeatedly underscored the financial and operational burden Bush facilities impose,[31] is reluctant to pursue an adequate Bush program.[32] While these incidents do not rise to a level at which we would question Alascom's basic qualifications, we find them indicative of disincentives to optimize Bush service levels in favor of higher density, more profitable services. And, although the State asks that local exchange qualifications be verified, it has indicated that it still would prefer ownership by the local exchange to ownership by Alascom.

30. However, the most significant detriment we perceive to Alascom's being the sole licensee of the Alaska Bush earth stations is the perpetuation of its total control over what appear to be the only facilities economically practical to provide MTS to the Alaska Bush communities for the indefinite future. While the applications for sole ownership by the local exchange carriers do not appear to be comparatively advantageous under current circumstances, they do appear to represent the bona fide intention of the exchange carriers actively to begin to participate in the operation of Bush earth station facilities. We do not believe the objectives of the Communications Act or our domestic satellite policies would be well served by thwarting such endeavors in their incipient stage. We therefore do not wish to foreclose additional participation in this network by licensing every station solely to Alascom. Over 65 Bush stations already will be licensed to Alascom, in addition to the mid-route stations not at issue in this proceeding. Thus, Alascom will remain by far the dominant Alaskan earth station licensee.

31. Local exchange operations require on-site personnel to maintain the exchange plant. Such personnel can also assume substantial responsibility for proper operation of the earth station facilities at this time to reduce service outages without duplication of the efforts of Alascom.[33] While the contract that exists between Alascom and ASTAC is a constructive attempt to involve one local exchange operator in Bush earth station operations, we do not believe it sufficient when a more active desire to participate has been manifested.

32. The local exchange operators also have the incentive to operate and develop the earth station facilities to tailor the services desired by Bush ratepayers. Thus, we believe that they should play a significant role in the design and operation of the network if they are willing and capable. Generally, the local exchange carriers are themselves residents of the Bush. They are familiar with the needs of the residents of these communities and are concerned with providing a more effective means of predicting and satisfying the growing communication needs of rural Alaska. And, because they themselves must rely on Bush communication services and facilities, they have incentives to improve the services which link their isolated communities with the rest of the world. An opportunity to participate in the ownership and operation of the Bush earth stations would therefore reinforce these incentives.

33. Sole ownership of the Bush earth stations by Alascom would remove substantial incentives to the local exchange operators to contribute to the development of this network. There are also other benefits that we consider important that would be denied Bush ratepayers if we were to grant sole ownership to Alascom. These include increased carrier accountability to the people served, joint participation in the network planning process, and, as previously mentioned, increased attention to the development of service within the Bush communities.[34] To exclude local exchange carriers from all participation in planning the Bush satellite network would effectively preclude them from gaining experience in domestic satellite communications and eventually making meaningful contributions to the development of the art.[35]

C. Joint Ownership

34. Based on the extensive record before us, and in view of the detriments which appear to exist in each of the ownership patterns presented in the applications, we find no reason to select one applicant over the other. Indeed, it appears that the public interest would be disserved by promulgating a rule which would effectively choose either of the applicants to be the sole licensee of the Bush earth stations. Both Alascom and the local exchange carriers have particular strengths that complement the weaknesses of the other. To grant sole ownership to one of the applicants would deny ratepayers the several benefits associated with the other. Moreover, the incentives of each differ somewhat. Combining these incentives in a joint undertaking should therefore provide a balance that will be in the best interests of the residents of the Bush communities.

35. First, the record demonstrates that, with the exception of Alascom's current ability to perform adequately routine daily maintenance in the Bush communities, its technical qualifications to design and operate the Bush network are unquestioned. The local carriers, on the other hand, have not fully demonstrated in practice their technical capabilities beyond routine maintenance functions. Second, we have recognized a desire for a coherent, Bush-wide operational design to enhance smoothly operating functions. We believe that Alascom's existing Satellite Communications Transmission Plan provides for such a unified network. The overall development of this network will be further improved by Alascom's research and development efforts. Conversely, the local carriers have less reason to consider the progress of the network as a whole, and have far more limited resources to invest in research and development. Third, we also believe it desirable, as Alascom proposes, to retain existing facilities. Increasing channel capacity and reliability to levels desired by the local residents can be accomplished by adding equipment. This, we believe, is preferable to the proposal of at least one local carrier to incur additional costs by replacing embededed equipment without demonstrating suficient benefit to the ratepayers. Fourth, the record establishes that the local carriers are fully qualified, and, due to their on-site personnel, better suited, to perform routine earth station maintenance that need not duplicate Alascom's efforts. Furthermore, over time they can gain the necessary experience to convincingly

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[31] *See e.g.*, Alascom's Comments in CC Docket No. 78-72, filed March 3, 1980.

[32] Examples of Alascom's reluctance in this regard have been provided in proceedings both before the Commission and before the APUC. Alascom resisted constructing the necessary facilities to interconnect the local exchanges of OTZ to the toll network. *See e.g.*, File No. W-P-C-1090. It also failed to upgrade facilities at Gambell and Savoonga in United's service area. *See e.g.*, File Nos. 892, 897-DSS-P/L-80. Alascom has also stated its belief that construction of local exchanges in these extremely remote areas, while desirable, probably lacks an adequate revenue base to support such service.

[33] United's comments set forth examples of problems where duplicative staffing exists. On the other hand, the Alascom/ASTAC contract is a model of contractual obligations that appears to work. We have received no complaints to date.

[34] Participation in Bush earth station ownership and operation will also provide local exchange operators with more experience in the provision of private-line services. See Comments of FAA in this regard.

[35] *Cf.* Winter Park Telephone Company, 86 FCC 2d 889 (1981).

demonstrate their full qualifications. Such a result would be delayed, or perhaps foregone, if we preclude their participating in domsat technology by granting sole ownership to Alascom. Fifth, we conclude that the local exchange carriers, whose only customers are Bush residents, and who themselves are often residents of Bush communities, have the greatest incentive to provide the highest quality service. This factor, we believe, is important in light of Alascom's alleged lack of commitment to provide more than lifeline services to some Bush communities. Finally, by providing the local exchange carriers with an ownership interest, we will reinforce this incentive by providing them with an increased opportunity to plan for, and operate, portions of the Bush network in ways desired by Bush residents.

36. Thus we conclude that the appropriate resolution of this controversy that best serves the public interest is to adopt a policy pursuant to which Alascom and the local carrier are *jointly* authorized to plan, contruct and/or operate these stations. Such a policy alleviates many of the difficulties identified above while preserving the affirmative advantages associated with each entity.

37. The Commission has determined previously that the public interest would be best served by joint ownership and operation of earth stations by different entities. For example, it found joint ownership of earth station facilities used in the global commercial satellite system desirable.[26] In that case, basic policy considerations transcended the arguments of the individual applicants competing for specific stations. A similar joint ownership policy was adopted for the MARISAT system.[27] There the Commission authorized Comsat to construct three satellites to be used as part of a system intended to serve the Department of the Navy as well as to provide maritime communications services to other commercial maritime users. However, the authorization was conditioned to require Comsat to offer any U.S. carrier then providing maritime services the opportunity to participate with Comsat in the ownership and operation of the proposed system. This included both the joint provision of leased channel service to the Navy and competing maritime telex services. In both of these cases, the policy objective of joint ownership was to permit participation by all qualified entities in the construction and operation of initial facilities serving a market where competitive entry by multiple entrants did not appear, at least in the beginning, economically feasible.

38. We conclude that a similar approach is particularly desirable in the Alaska Bush. Joint ownership will afford each applicant a reasonable opportunity to participate in the development of Bush communications while allowing the ratepayers to profit from the benefits associated with each entity. Thus, neither Alascom's extensive experience and capital resources nor the local carriers' on-site availability of personnel and special knowledge of the communications needs of the Bush residents will be lost.

39. Through joint ownership Alascom will be able to share its experience with the local exchange carriers. As local personnel located on-site work with personnel from Alascom, we expect their knowledge of earth station operations to become more sophisticated. This, in turn, will greatly reduce, and perhaps eventually eliminate, the number of times maintenance staff will need to be dispatched to the Bush from metropolitan areas. We also believe that the local exchange carriers' concern for optimal development of communications service to the Bush, tempered with Alascom's understanding of the network as a whole, will provide the best service to the Alaskan ratepayers and will result in the most orderly, efficient and equitable means for planning and operating the Bush network.

D. Procedural Authority

40. Alascom has argued, in opposing the proposed rule, that its hearing and due process rights under the *Ashbacker* doctrine [28], Sections 309(d) and 201(a) of the Communications Act, and Section 63.52(c) of the Commission's rules are abridged. According to Alascom, if the Commission does not grant it permanent authority under Title III to own and operate the Bush earth stations, it must be afforded a formal hearing. We disgree. It is undisputed that the Commission may elect to use its rulemaking power when the pertinent issues involve questions of policy. We examined our procedural authority to decide the ownership question by rulemaking rather than comparative hearing in our *Notice, supra* note 4. There we observed that it is well settled that the Commission has broad latitude when formulating rules and policies which effectuate its responsibilities under the Communications Act. Thus, procedural questions are left to the Commission's informed determination, bearing in mind, of course, that it must protect private rights and the public interest.[29] The choice between proceeding by rule or *ad hoc* adjudication lies primarily in the informed discretion of the agency.[30] Nor is the propriety of a rulemaking proceeding lessened because this procedure was followed to avoid numerous Section 309(e) hearings. "So long as the Commission remains within the bounds of its statutory authority, it may pursue a procedural route it deems superior to one it fears will be unduly time-consuming or burdensome." (footnote omitted)[31]

41. Our decision to proceed by rulemaking is a particularly sound administrative choice under the circumstances presently before us. Unlike most cases involving mutually exclusive applications, our determination of an appropriate Bush earth station ownership structure will not deprive either Alascom or the local exchange carrier the opportunity to continue with their present business functions in the locality in question. Local telephone service will still be provided solely by the local exchange carrier certified by the APUC. The design and operation of the Bush earth stations will not be changed in any basic respect. Alascom will continue functioning in its role as the dominant Alaskan toll carrier responsible for the overall design and operation of the Alaskan toll network. The basic issue before us is therefore how the respective functions and responsibilities of the two applicants are to interface at the Bush earth station where they necessarily meet to provide MTS toll services to the Bush residents.

42. Proceeding by rulemaking provides a more effective context for defining the respective roles of these common carriers in providing MTS services to the Alaska Bush than would an adversarial proceeding. Alascom, in its pleadings, states that it has raised many issues concerning the qualifications of the local exchange carriers to be earth station licensees. It has not, however, disputed their qualifications to provide local Bush MTS services as certified by the APUC.

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[26] Ownership and Operation of Earth Stations, 5 FCC 2d 812 (1966).

[27] Communications Satellite Corporation, 40 FCC 2d 496 (1973). *See also* American Telephone and Telegraph Company 37 FCC 1151 (1964) (TAT–4) (joint ownership of an undersea cable instead of choosing between competing proposals).

[28] Ashbacker Radio Corporation v. FCC, 326 U.S. 327 (1945).

[29] FCC v. Pottsville Broadcasting Co., 309 U.S. 134, 138 (1940); *See also*, FCC v. Schreiber, 381 U.S. 279 (1965) and Sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. 154 (i) and (j).

[30] SEC v. Chenery Corp., 332 U.S. 194, 203 (1947).

[31] Telocator Network of America v. FCC, *supra*, note 12, at 57.

This operating presence, together with other evidence in the record, leads us to conclude, despite Alascom's assertions to the contrary, that the local exchange carriers have established their technical and financial qualifications to participate in the joint ownership of the earth station facilities. As previously stated, there is no question concerning their technical qualifications to perform the routine, daily technical maintenance functions involved with earth station ownership and operation. In fact, we believe they are in a better position to do so than is Alascom. This we find sufficient to qualify them to participate as joint owners in the Bush earth stations. Additionally, the REA has indicated a willingness to provide funding for such facilities. This too is sufficient to demonstrate the financial qualifications of the local exchange carriers.

43. In the *Notice*, we discussed the factors which we then believed warranted ownership of the Bush earth stations solely by the local exchange operators as a matter of general policy that would best serve the public interest. None of the parties has convincingly demonstrated that such an ownership policy would be infeasible or contrary to the public interest. Rather, the record developed in this proceeding leads us to conclude that joint ownership, rather than sole ownership by either Alascom or the local operators, will provide the Bush residents with the best service. We believe, however, that had we adopted the proposed rule, most, if not all, of the local operators would have been able to demonstrate their qualifications to solely own and operate the Bush earth stations as originally contemplated in our *Notice*.

44. The exhaustive record we have developed in this proceeding has provided us with sufficient information to enable us to make a policy determination that joint ownership provides the ownership structure that will most effectively satisfy the communications needs of the Bush residents. Our authority to implement this resolution comes from Sections 214(c) and 303(r) of the Communications Act of 1934. Thus, in the Tentative Decision we are adopting today, we do not deny the application of any party, but rather grant them all, with the condition that each amend its application to comport with the other. See 47 U.S.C. 303(r). Furthermore, Section 214(c) permits the Commission to "attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require." 47 U.S.C. 214(c). We conclude that the record demonstrates that the public convenience and necessity will best be served by joint ownership of the Bush earth station facilities. We therefore believe oral comparative hearings are unnecessary and would add nothing to aid us in making a better decision. They would only burden the parties with additional, unnecessary costs. This is especially true of the local operators who do not have available to them the extensive resources of Alascom.[33] To the extent a hearing is required, we conclude that this rulemaking proceeding affords all interested parties an opportunity to voice their concerns about fashioning a policy to govern Bush earth station ownership. The consensus urges prompt resolution, and the record justifies the conclusion that joint ownership best serves the public interest.

45. Consideration of alternatives to a proposed rule is permissible in the context of a rulemaking proceeding. Notice is sufficient "if it affords interested parties a reasonable opportunity to participate in the rulemaking process,"[34] and if the parties have not been "deprived of the opportunity to present relevant information by lack of notice that the issue was there."[35] Interested parties have been advised that the purpose of this proceeding is to establish the ownership structure that will best satisfy the communications needs of Bush residents. The Administrative Procedure Act requires only that the notice of proposed rulemaking contain "either the terms or the substance of the proposed rule, or a description of the subjects and issues involved." 5 U.S.C. 553(b)(3). We believe the parties had sufficient notice that we would consider all reasonable alternatives to the proposed rule. However, because none of the parties expressly proposed or analyzed joint ownership, we are today adopting a Tentative Decision which comtemplates joint ownership of the Bush earth station facilities and will entertain further comments on that proposal.

46. Alascom continues to argue that under Section 201(a) of the Communications Act it is entitled in the first instance to an "opportunity for hearing" regarding interconnection between it and the local exchange carriers. As we stated in our *Notice*, to the extent Alascom views a decision in this proceeding to be a significant alteration of its Section 201(a) responsibilities, this proceeding has provided it with an opportunity to voice its concerns.[36]

47. Finally, Alascom persists in arguing that due process of law and the *Ashbacker* doctrine requires us to determine the ownership question on a case-by-case basis. As we have previously stated, the circumstances of this proceeding militate against individual proceedings. Congress intended that the Commission be vested with broad procedural discretion when formulating new policy for an industry. The policies proposed today are based upon the Commission's assessment of the nature of communication services in the Alaskan Bush and how we believe the public interest best will be served. This proceeding has provided an adequate opportunity to Alascom as well as all interested parties to submit all information deemed by them to be relevant. No party has offered any facts or specific lines of inquiry that we believe necessitates separate evidentiary hearings at each location. Accordingly, we believe this proceeding to be consistent with due process of law.

IV. Tentative Decision

48. We find, based on the record before us, that joint ownership of Alaska Bush earth stations best serves the public interest, convenience and necessity. We believe that telecommunications services in Alaska will be developed best by combining the contributions that both Alascom and the local carriers are able to offer to the operation and development of the Bush earth station network. This is particularly important because essential communications service is involved. We must also determine how best to implement our decision.

49. We tentatively conclude that to be eligible to hold a Bush earth station license, an applicant must either be certified by the APUC as a local exchange operator within the community to be served by the earth station or be certified by the APUC or the FCC as an interexchange carrier. When applications are already on file, or are filed in the future, by more than one qualified entity satisfying the above requirements, the Commission will issue authorization to the applicants jointly, conditioned upon their modifying their applications to conform with one another. Parties will not be required to amend their applications until after the Commission issues its final order in this

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[33] *See, e.g.*, Mukluk Telephone Company, FCC 80-551 released October 2, 1980.

[34] Forester v. Consumer Product Safety Commission, 559 F. 2d 774, 787 (D.C. Cir. 1977).

[35] Chicago v. FPC, 458 F.2d 731, 746 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 1074 (1972).

[36] *See* Bell Telephone Co. of Pennsylvania v. FCC, 503 F.2d 1250 (3rd Cir.) *cert. denied*, 422 U.S. 1026 (1974.)

proceeding. Upon issuance of joint authority, parties will be required to negotiate a contract within 60 days.

50. We recognize that establishing a workable joint ownership arrangement will present a significant challenge to Alascom and the local exchange carriers.[36] We therefore believe it prudent to allow the parties an opportunity to air those issues that must be addressed before the detailed planning and negotiations needed to productively implement this policy can begin. Thus, we will allow the parties 60 days from the release of this Order to submit comments concerning the terms and conditions they believe should govern joint earth station ownership and operation. We encourage the parties to work together in order to formulate the overall mechanism to achieve this objective practically.[37] We believe that the cooperation of the parties involved is needed to end a controversy whose continuance will do nothing to promote the interests of the Alaskan ratepayers.

51. One of the basic issues that has to be addressed is the relative ownership of the Bush earth station facilities in the absence of agreement between the parties. Ownership share must, of course, be directly related to the share of investment and operating costs subscribed to by each party. In the event that each party would be willing and capable of assuming all the costs of Bush earth station operations, we believe it essential that one have a 51 percent ownership share. An equal ownership split could lead to deadlocks requiring frequent Commission intervention. Thus, either Alascom or the local exchange carrier should have majority ownership.

52. Alascom is ultimately responsible for the operational and technical integrity of the Alaskan toll network. It also has broad expertise and experience with satellite communications technology. These factors weigh in favor of assigning the controlling share to Alascom. On the other hand, the local exchange carriers appear to be able to develop services that are more closely tailored to the particular needs of the Bush residents. Majority ownership may also allow the local exchange carrier to expand its participation in the Alaskan telecommunications market. In view of the practical difficulties attendant to coordination among the diverse entities which will make up this system, we believe that Alascom should retain control. Thus, we shall allocate to Alascom up to a 51 percent ownership share.

53. Also, we believe it is preferable, in the first instance, for the parties themselves to define their respective operational roles in the Bush satellite network. However, a few basic principles are apparent from the record in this proceeding. For example, Alascom, as the dominant intrastate and interstate Alaskan satellite carrier, should maintain overall responsibility for the operation of an integrated and efficient Bush network. Alascom's "Satellite Communications Transmission Plan" should be used as the basis for planning the design and operation of Bush earth station facilities.[38] We expect, however, that local exchange carriers will actively contribute to updating this plan in the future, especially as it pertains to new channel, service and reliability requirements. Joint decisions should include traffic allocations and circuit requirements as well as the implementation of technical improvements. These should be incorporated into the plan as they are made. The record demonstrates that the parties have previously participated in such joint planning in, for example, arriving at trunk forecasts.[39] We recognize that difficulties were experienced in this joint planning process, but believe this was most likely a result of the unresolved status of the ownership of the facilities. With the resolution of this issue we expect the parties will be able to expand and improve upon this existing process.

54. Contributions to capital investment and regular operating and maintenance costs should, of course, be made by the parties in proportion to their ownership shares.[40] Upon assignment of part of an existing facility to a local exchange carrier, payment should be made to Alascom by the local carrier of its proportionate share of the original cost less accumulated depreciation. The arrangements for so doing will be agreed upon by the parties and submitted to the Commission and the APUC for review.[41]

55. Although Alascom has argued that a policy of licensing Bush earth stations to the local exchange carriers will result in a shift of revenue requirements to the intrastate jurisdiction through the operations of the Separations Manual, none of the parties has demonstrated sufficiently concrete results that would modify the technical and operational findings we have made above.[42] Absent a persuasive economic analysis of the impact of Bush earth station ownership on the ratepayers, we believe the ownership structure described above represents a reasonable allocation of costs and responsibilities for MTS services between Alascom and the local exchange carriers. Furthermore, any shift in revenue requirements can more appropriately be accommodated through the separations process or, if necessary, in a Joint Board proceeding.

56. The parties are therefore on notice that the Commission will use the comments they submit to fashion a final ownership plan. Such a plan will resolve any outstanding controversies and will form the basis for the definitive arrangementes to be negotiated by the parties. Thus, we believe it is preferable that the parties involved submit detailed responses concerning the issues we have outlined above, as well as any other implementation issue they believe necessary to bring to our attention. We also urge them to make every practical effort to reach consensus on the implementation of this joint ownership policy. We believe that the status of the Bush applications must be resolved and believe further extensive proceedings will serve no useful purpose.

57. In our *Notice* we also requested comments concerning the physical point of interconnection between the parties.

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[36] During the comment period specified below, the parties can, of course, take exception to our tentative resolution.

[37] We would expect that the interim arrangement between Alascom and the State and the Alascom/ASTAC contract for routine Bush earth station maintenance would form a good starting point for formulating the details of how this ownership structure should be implemented.

[38] The "Alascom Satellite Communications Transmission Plan" is a detailed description of Alaskan earth station parameters, transponder allocation plans, and other technical and operational specifications. The most current version filed with the Commission is dated November 1979.

[39] *See* comments of Alascom at 72. Joint planning is a commonplace practice between AT&T and independent telephone companies in the contiguous 48 states. Also, the INTELSAT system is an example of a statellite system where some hundred independent countries cooperatively design and operate a sophisticated global satellite network.

[40] Our decision does not anticipate or authorize participation by the local exchange carriers in either Alascom's space segment operations or its earth station operations outside the Bush communities.

[41] The State of Alaska may also have to be included insofar as the disposition of its initial investment in Bush earth station facilities may not have been settled.

[42] Although Alascom has submitted figures on its estimate of the impact of local exchange ownership on the separations and settlements process, the case is clearly overstated. It claimed that $14 million in annual revenue requirements would shift from interstate to intrastate MTS. *See* Alascom Comments at 92. However, any actual shift would be much less. For example, Alascom appears to have significantly overstated Bush earth station investment costs. Furthermore, it assumes that a total of 150 Bush earth stations are transferred completely to local exchange operators rather then the 35 partial transfers at issue here. Thus we could not, in any event, rely on the cursory and overstated results alleged by Alascom in our deliberations on the appropriated Bush earth station ownership structure.

However, because Alascom will have an ownership interest in all earth stations, this question does not appear to require resolution by us as a practical matter. Rather, this question, if it does in fact have to be decided, will be answered in a way that is consistent with the definition of the respective operation responsibilities of Alascom and the local exchange carriers.

58. In the *Notice* we raised the question of whether authority pursuant to section 214 of the Act should be required of the local carriers who own and operate Bush earth station facilities. It has been our policy in the past to require that all operating transmit/receive earth stations initially obtain Section 214 certification.[45] In particular, we have found that the Bush earth station facilities are part of interstate channels of communication and therefore are "part of an interstate line" within the meaning of Section 214 (a)(1).[46] This is so even if the facilities are located entirely within the boundaries of a single state and provide interstate service only through connection with the facilities of an interstate carrier.[46] However, we see no purpose to be served by the filing of separate applications for Section 214 authorizations pursuant to the procedures of Part 63 of our rules. Any information needed to make the public interest findings required by Section 214 has already been compiled in the record of this proceeding, and formal applications for such authority would only be duplicative of this record. Thus, the radio station authorizations for the Bush earth stations will also comprise the necessary Section 214 certification for the joint owners.[48]

59. Our joint ownership policy is intended to apply only to those small isolated communities traditionally thought to comprise part of the Alaskan Bush rural population. This policy, like our proposed rule, will apply only to earth station facilities that are intended to provide public message telephone service as defined in Section 21.2 of the Commission's Rules. Thus, it will apply only to those earth stations that are proposed to be operated in conjunction with a local exchange service. Our purpose is to establish a policy that avoids duplication of earth station facilities needed to provide essential public message telephone service to these small communities when, for economic reasons, mutual exclusivity exists.

60. In our *Notice*, we attempted to limit the applicability of our proposed rule to those communities having the physical and geographical limitations which justify this unique regulation. Thus we chose to exclude the 32 largest Alaskan cities. In listing these cities, however, we relied on a list of communities in which Alascom presently operates mid-route stations. As a result, three of Alaska's largest cities, Fairbanks, Juneau, and Ketchikan, were not included; and some communities generally considered to be Bush communities, such as Aniak, Fort Yukon, Iliamna, and Sand Point, were included. We take this opportunity to clarify our definition of the Alaska Bush.

61. The policy we are adopting today will pertain to communities of less than 1,000 citizens. This is not, however, to be considered a definition without exceptions. If a showing can be made that the community in question is not isolated or is generally accessible, *i.e.* a community not considered to be located in the Alaska Bush, then it too will be excluded from the coverage of this rule.

62. Our intent is to apply this policy to the applications presently contested in the 35 Bush locations listed in Appendix A of our *Notice*. Additionally, if two applications are filed for a Bush earth station in the same Bush community, joint ownership will also be applied in any such future mutually exclusive situations. If the parties involved do not believe, based upon experience at that time, that our joint ownership policy is the most practical solution to the Bush earth station ownership question, either may file a petition incorporating their proposed ownership changes. The burden will be on the party proposing such a change to demonstrate that an alternate plan would better serve the public interest. Absent such a showing, joint ownership will be adopted as the appropriate means of resolving such future controversies.[47]

V. Conclusion

63. In view of our discussion with respect to the economic mutual exclusivity of duplicative earth station facilities in Bush communities, the benefits and detriments associated with each applicant, our policy of encouraging new entry into the domsat field and our desire to encourage local participation in the ownership of essential telecommunications facilities, it appears that further extensive proceedings will not serve the public interest. Hence, we tentatively conclude that the Bush earth station facilities should be jointly owned by Alascom and the appropriate local exchange operator.

64. A regulatory flexibility analysis is not required in this proceeding because the proposed rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). Only three applicants in this proceeding are potentially affected and this is not a substantial number.

65. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 214(c) and 303(r) of the Communications Act of 1934, that the policies set forth in this document are adopted as a Tentative Decision in CC Docket No. 80-584. Interested persons may file comments on or before March 7, 1983 and reply comments on or before April 7, 1983. All relevant and timely comments filed in accordance with §§ 1.415 and 1.419 of our Rules and Regulations will be considered by the Commission before final action is taken in this proceeding.

66. Members of the public are reminded that from the time the Notice of Proposed Rulemaking was issued in this proceeding until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in proceedings such as this one.[49] An *ex parte* contact is a message (spoken or written) concerning the merits of the rulemaking made to a Commissioner, a Commissioner's assistant, or other decision making staff members, other than comments officially filed at the Commission or oral presentations requested by the Commission with all

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[45] American Telephone and Telegraph Company, 89 FCC 2d 1116, 1125 (1982).

[46] *Satcom Construction Order, supra* note 9 at 662, n. 29. *See also*, California Interstate Telephone Company v. FCC, 328 F.2d 556 (D.C. Cir. 1964.

[46] *See* General Telephone Co. of California v. FCC, 413 F.2d 390 (1969). There the court upheld a Commission decision that found connecting carriers were not exempt from the provisions of Section 214 when they construct facilities as part of an interstate channel of communication even though the facilities are located within a single state.

[48] *Cf.* Orbital Deployment Plan, 84 FCC 2d 584, 612-613 (1981); Competitive Carrier Rulemaking, 85 FCC 2d 1, 45-46 (1981).

[47] Section 309(b) of the Communications Act of 1934 declares, in part, that no application for a common carrier license shall be granted by the Commission earlier than thirty days following issuance of a public notice by the Commission of its acceptance for filing. Among other things, this provision is designed to give interested parties a thirty-day opportunity to learn of, and act upon, the filing of an application. To comply with our need for an orderly administrative procedure to prevent processing disruptions by late filings, we believe that any competing applications for Bush earth stations should be filed within this thirty day period in order to be considered mutually exclusive. A competing application filed after that date will be returned as unacceptable for filing due to its untimeliness. To ensure that all interested parties are aware of a filing, an applicant must file copies of its application with the APUC, and with Alascom or the local exchange carrier, as appropriate, and include proof of such service with its application to the Commission.

[49] *See* Sangamon Valley Television Corp. v. U.S., 269 F. 2d 221 (D.C. Cir. 1959).

parties present. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632–7000.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

November 18, 1982.

Dissenting Statement of Commissioner Anne P. Jones

In re: Policies governing the ownership and operation of domestic satellite earth stations in the Bush Communities in Alaska

I dissent from the majority opinion in this case because I believe that the result it recommends will not serve the interests of the Alaska ratepayers it purports to protect. First, I am bothered by the way the concept of mutual exclusivity is applied in this case. I recognize that Alaska is a unique situation and that the communities involved here are very small. I also recognize that having more than one transmit/receive earth station in these communities may appear to be economically irrational. I am not willing to say, however, that these facts should absolutely bar every application for a second earth station in these communities.

This agency's action should not focus only on the cost of service, but also on the quality of service. If a community is dissatisfied with the quality of service it is receiving, and is willing to bear the costs of installing a second earth station, I don't believe it is our job to tell that community it may not opt for better quality service.[1] In my view, this is an unwarranted exercise of our authority.[2]

My concern that these communities be able to improve the quality of the service they receive also leads me to conclude that under the joint ownership arrangement proposed in this decision, vesting control of the existing earth stations in Alascom is wrong. Alascom has little incentive to use these earth stations in a way that would maximize the quality of service to the local community. As the decision recognizes, it is the local exchange operator who has "the incentive to operate and develop the earth station facilities to tailor the services desired by Bush ratepayers." Para. 32. By giving Alascom the controlling ownership share, the item gives Alascom the ability to thwart local desires where they differ from its own best interests. I don't believe there is any need to do this.

The majority's goal of having Alascom's technical expertise available to ensure efficient operation and continuity with the Alaska toll network is accomplished by having Alascom participate in the ownership of these facilities. I see no basis for the majority's implication that local carriers will in some way attempt to undermine efficient development of the Alaska toll network through their control over these facilities. Certainly it is in their interest to have a high quality system; this is likely to increase usage and, accordingly, revenues.

Quite simply, as I see it, the greatest incentive for improving the quality and diversity of service available in these communities lies with the local carriers, and not with Alascom. I would therefore vest the 51% share of these facilities in the local operators.

[1] *Cf. Communications Satellite Corporation,* where the Commission stated that it was willing to authorize facilities it believed to be redundant, so long as the customer (in that case DOD) was willing to pay the full cost of the facilities. 80 FCC 2d 170, 180 n. 28 (1980).

[2] The claim that permitting a second earth station might allow local carriers to "gold plate" their rate base is not a valid concern. In a situation where the decision to install a second earth station is not justified and appears to be an effort to inflate the carrier's rate base, it would be the job of the Alaska Public Utilities Commission to disallow the investment.

[FR Doc. 83-6086 Filed 3-8-83; 8:45 am]

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Wednesday, March 9, 1983

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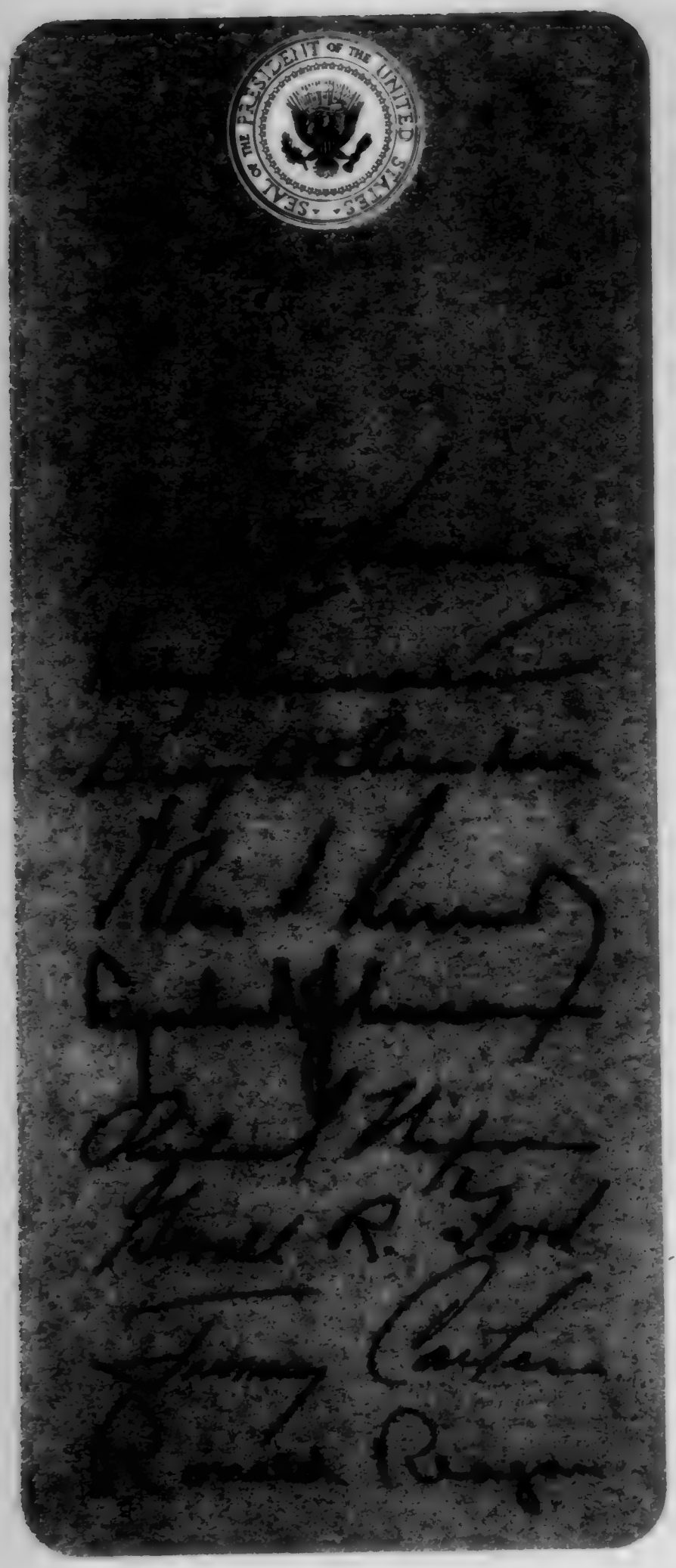

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Federal Register
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The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Thursday, March 10, 1983

Presidential Documents

Title 3—

The President

Proclamation 5029 of March 8, 1983

Women's History Week, 1983

By the President of the United States of America

A Proclamation

Before the signing of the Declaration of Independence, Abigail Adams, wife of one President and mother of another, wrote a prophetic letter to a delegate to the Continental Congress in Philadelphia. Its recipient was her husband, whom she admonished: ". . . in the new code of laws which I suppose it will be necessary for you to make I desire you would remember the ladies, and be more generous and favourable to them than your ancestors . . . if particular care and attention is not paid to the ladies we are determined to foment a rebellion . . ."

However, until well into the second century after that letter was written, barriers existed for women in educational, business and professional opportunities as well as in the law.

Today, American women of every ethnic origin, creed, and race play a vital role in our cultural, military, economic, social and political life. A woman serves as a Supreme Court Justice; there are women serving as university presidents, members of Congress, doctors, lawyers, astronauts, coal miners, corporate executives, members of the President's Cabinet, ranking military officers and leaders in civil rights, the diplomatic corps, cultural endeavors, private sector initiatives, truck drivers, and, very importantly, mothers and homemakers who continually strengthen the foundation of our country's greatness, the family.

During the past two hundred years, women have fought for the causes of abolition, health reform, elimination of child labor, temperance, voting rights, and improvement of industrial labor conditions. Their energy, persistence, and dedication to these causes have enlightened our Nation as to the needs of our society and frequently quickened our country's effort to effect positive change.

This memorable role of women in our Nation's history has been recorded in the written word and has been told as well in music, on canvas, in stone, and through poetry, novels, and the dance. In recognizing the outstanding achievements of America's women, we pay homage to an essential part of our Nation's heritage.

By Senate Joint Resolution 37, the Congress of the United States has authorized and requested the President to proclaim the week which includes March 8, 1983, as "Women's History Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning March 6, 1983, as "Women's History Week." Recognizing that the many contributions of American women

have at times been overlooked in the annals of American history, I encourage all citizens to observe this important week by participating in appropriate ceremonies and activities planned by individuals, governmental agencies, and private institutions and associations throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6411
Filed 3-9-83; 11:16 am]
Billing code 3195-01-M

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Rules

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Rules and Regulations

Federal Register
Vol. 48, No. 48
Thursday, March 10, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 569; Navel Orange Reg. 568, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 11–17, 1983, and increases the quantity of such oranges that may be so shipped during the period March 4–10, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 11, 1983, and the amendment is effective for the period March 4–10, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 8, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.869 is added as follows:

§ 907.869 Navel Orange Regulation 569.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 11, 1983 through March 17, 1983, are established as follows:

(1) District 1: 1,600,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.868 Navel Orange Regulation 568 (48 FR 8987), is hereby amended to read:

§ 907.868 Navel Orange Regulation 568.

* * * * *

(1) District 1: 1,500,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-6427 Filed 3-9-83; 12:00 pm]
BILLING CODE 3410-01-M

FARM CREDIT ADMINISTRATION

12 CFR Part 615

Funding and Fiscal Affairs

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration ("FCA"), by its Federal Farm Credit Board, adopts and publishes new and amended regulations on funding and fiscal affairs to allow the Farm Credit System ("System") banks to issue consolidated and consolidated Systemwide bonds in definitive rather than book-entry form when approved by the appropriate authorities. These amendments and the new regulation will permit the System to issue bonds in definitive form in special funding activities receiving proper approvals.

EFFECTIVE DATE: April 9, 1983.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza

SW., Washington, DC 20578, (202–755–2161).

SUPPLEMENTARY INFORMATION: Currently, FCA Regulations permit issuance of new consolidated and consolidated Systemwide bonds only in book-entry form. The amendments and additional regulation provide the System with flexibility in its funding activities so as to issue definitive bonds evidenced by certificates for special purposes as determined by the System Finance Committee or subcommittees and approved by the Governor of the FCA. Also, they would allow issuance of definitive bonds to investors currently prevented from purchasing Farm Credit bonds because State law requires them to hold the bonds.

These are technical changes that relieve restrictions on the System funding activities by allowing issuance of bonds in definitive form under certain circumstances and do not affect the rights of current Farm Credit bondholders.

In view of these considerations, the FCA finds it is not necessary to the public interest for this final rule to be subject to the notice and public procedure requirements of 5 U.S.C. 553 which requires general notice of proposed rules to be published in the **Federal Register**. The amendments and new regulation shall not be effective prior to the expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session as required by § 5.18(b)(1) of the Farm Credit Act of 1971, as amended.

List of Subjects in 12 CFR Part 615

Accounting, Agriculture banks, Banking, Government securities, Investments, Rural areas.

PART 615—FUNDING AND FISCAL AFFAIRS

For the reasons set out in the preamble, Part 615 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

1. The heading of Subpart O is revised to read as follows:

Subpart O—Issuance of Farm Credit Securities

2. Section 615.5450 is revised to read as follows:

§ 615.5450 Consolidated bonds.

(a) The 12 Federal land banks may issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form, except as authorized under § 615.5453, in denominations of $1,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of $1,000, $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $1,000 or multiples thereof.

(b) The 12 Federal intermediate credit banks may issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form, except as authorized under § 615.5453, in denominations of $5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

(c) The 13 banks for cooperatives may issue consolidated bonds, dated on or after January 1, 1978, only in book-entry form, except as authorized under § 615.5453, in denominations of $5,000 or multiples thereof. Consolidated bonds dated before January 1, 1978, will continue to be available in both definitive form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000, or in book-entry form in denominations of $5,000 or multiples thereof.

3. Section 615.5452 is revised to read as follows:

§ 615.5452 Consolidated Systemwide bonds.

The 12 Federal land banks, the 12 Federal intermediate credit banks, and the 13 banks for cooperatives may issue consolidated Systemwide bonds only in book-entry form, except as authorized under § 615.5453, in denominations of $1,000 or multiples thereof for issues with an original maturity over 1 year and 1 month and $5,000 or multiples thereof for issues with an original maturity of under 1 year and 1 month.

§ 615.5453 [Redesignated as § 615.5454]

4. Section 615.5453 is redesignated as § 615.5454.

5. A new § 615.5453 is added to read as follows:

§ 615.5453 Definitive bonds.

Consolidated and consolidated Systemwide bonds may be issued in definitive form as determined to be appropriate by the Finance Committees or their subcommittees and as approved and executed by the Governor of the Farm Credit Administration.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246, and 2252))

Kenneth J. Auberger,
Acting Governor.

[FR Doc. 83-6217 Filed 3-9-83; 8:45 am]
BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83–ASO–10]

Redesignation of Control Zones, Savannah, Georgia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment will revise the coordinates of Savannah Municipal Airport and establish two separate control zones in the vicinity of Savannah, Georgia, to encompass that airspace presently designated as the Savannah control zone. This action will not involve the taking of any additional airspace but will provide separate control zones for the two major airports at Savannah.

DATES: Effective 0901 G.m.t., June 9, 1983.

Comments must be received on or before April 30, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO–530, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 625, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves revising geographical coordinates and reassigning airspace so that there are two separate control zones in the Savannah area rather than one and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends,

the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revise the coordinates of Savannah Municipal Airport to reflect current information on its geographic coordinates and to reassign that airspace presently designated as the Savannah, Georgia, control zone. At the present time, the Savannah control zone is described as that airspace within a 5-mile radius of Savannah Municipal Airport and within a 5-mile radius of Hunter Army Air Field. The containment of two airports in a control zone, both with operating airport traffic control towers and weather reporting service, results in confusion when the weather at one airport is significantly different from the other airport. The airports are approximately nine miles apart and when the weather at Savannah Municipal is below basic Visual Flight Rule (VFR) minimums, restrictions to aeronautical operations incurred at Municipal are also applicable to operations at Hunter. By redesignating the airspace so there is a control zone at each airport, weather conditions at a specific airport will only affect operating conditions at that airport. Thus, the two airports may be permitted to operate more independently of each other which results in a more efficient utilization of airspace. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983. Under the circumstances presented, the FAA concludes that there is a need to redesignate the Savannah control zone so as to establish two separate zones in the Savannah area. I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary as there will be no designation of additional airspace and the changes are minor in nature.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Savannah Municipal Airport, GA—Revised

Within a 5-mile radius of Savannah Municipal Airport (Lat. 32°07'30" N., Long. 81°12'09" W.); within two miles each side of Savannah ILS Runway 36 Localizer south course, extending from the 5-mile radius area to the LOM.

Savannah Hunter AAF, GA—New

Within a 5-mile radius of Hunter AAF (Lat. 31°00'35" N., Long. 81°08'45" W.); excluding that airspace north of latitude 31°02'30" N.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on February 28, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-6071 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWA-3]

VOR Federal Airway Extension

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The Canadian Government has requested to extend V-318 from Houlton, ME, to St. John, NB, Canada, via the MOWND Intersection. Currently, traffic from St. John, NB, to Montreal, Canada, and Toronto, Canada, requires routing over Houlton, ME, via FRENN Intersection. This amendment will aid flight planning, expedite traffic, and save a significant amount of fuel.

DATES:

Effective Date: June 9, 1983.

Comments must be received on or before April 21, 1983.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, New England Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-3, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves the extension of V-318 from Houlton, ME, to St. John, NB, Canada, only 2 nautical miles of this airway extension are within the United States. This amendment has little impact on U.S. airspace and, thus, was not preceded by notice and public procedure. Comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.123 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) is to extend V–318 from Houlton, ME, to St. John, NB, Canada, via the 128°T(149°M) and the St. John 287°T(288°M) radials. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to extend V–318 in order to expedite this request by the Canadian Government to enhance their air traffic operations. Also, only 2 nautical miles of this airway are within the United States thereby having little impact on the U.S. air traffic system. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary and that good cause exists for making this amendment effective on the next charting date (June 9, 1983).

List of Subjects in 14 CFR Part 71

VOR Federal airway, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 9, 1983, as follows:

V–318 [Amended]

By deleting the words "Houlton, ME." and substituting the words "Houlton, ME, INT Houlton 128° and St John, NB, Canada, 287° radials; St John."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 2, 1983.

Harold W. Becker,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 83-6069 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 82-ASO-27]

Establishment of Jet Routes and Area High Routes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the description of Jet Route J–85 between Miami, FL, and Gainesville, FL, as published in the **Federal Register** on February 22, 1983 (48 FR 7437) (Airspace Docket No. 82–ASO–27). This action corrects that error.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: George Hussey, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 83–4329 (82–ASO–27), published in the **Federal Register** on February 22, 1983, realigned several jet routes in the vicinity of Miami, FL. The description of Jet Route J–85 is not correctly written and this action amends that mistake.

List of Subjects in 14 CFR Part 75

Jet routes, Aviation safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document 83–4329, as published in the **Federal Register** on February 22, 1983, is corrected as follows:

J–85 [Amended]

By deleting the words "From Biscayne Bay, FL, via INT Biscayne Bay 328° and Lakeland, FL, 140° radials, Lakeland," and substituting for them the words "From Miami, FL; via Gainesville, FL;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 3, 1983.

Harold W. Becker,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6070 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 436

Disclosure Requirements; Prohibitions Concerning Franchising and Business Opportunity Ventures; Grant of Franchise Rule Exemption Petition for Certain Wholesaler-Sponsored Grocery Chain Affiliation Offers

AGENCY: Federal Trade Commission.

ACTION: Petition granted for franchise rule exemption.

SUMMARY: The Federal Trade Commission has determined that certain distribution arrangements between grocery wholesalers and independent retailers should be exempt from the presale disclosure requirements of the Commission's Franchise Rule. Some of these arrangements, known as "wholesaler-sponsored voluntary chains," are technically covered by the Rule. However, voluntary chain affiliation offers do not have the potential for abuse that warranted the Rule's disclosure requirements for franchises. The exemption, which was requested by the National-American Wholesale Grocers' Association, is intended to make it clear that wholesale grocers who make voluntary chain affiliation offers have no obligation to comply with the Franchise Rule.

EFFECTIVE DATE: March 2, 1983.

ADDRESS: Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Craig Tregillus, PC–B–800, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, D.C. 20580, (202) 376–2805.

SUPPLEMENTARY INFORMATION:

Before the Federal Trade Commission

Commissioners:
James C. Miller III
David A. Clanton
Michael Pertschuk
Patricia P. Bailey
George W. Douglas

In the Matter of: Petition for Exemption from Trade Regulation Rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" filed by the National-American Wholesale Grocers' Association.

Decision and Order

On October 21, 1979, the National-American Wholesale Grocer's Association (NAWGA) filed a petition on behalf of its members seeking an exemption for wholesaler-sponsored grocery chains from coverage under a Commission trade regulation rule entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (the "franchise rule").[1] NAWGA argued in its petition that an exemption is necessary to prevent unjustified coverage of these relationships, known as "voluntary chains," which enable independent grocery retailers to advertise together under common trademarks and service marks owned by their wholesale supplier.

The franchise rule, which took effect on the same day NAWGA's petition was filed, requires franchisors to provide prospective franchisees with pre-sale disclosures in writing which contain information about the franchisor, the franchised business, the terms of the franchise relationship, and substantiation for any earnings claims made. The rule is designed to assure that potential franchise purchasers have the information they need, when they need it, in order to make an informed investment decision.

Section 18(g) of the Federal Trade Commission Act authorizes the Commission to grant exemptions from its trade regulation rules where coverage is "not necessary to prevent the unfair or deceptive act[s] or practice[s] to which the rule relates."[2] Accordingly, the Commission initiated an exemption proceeding pursuant to Section 553 of the Administrative Procedure Act[3] by publishing NAWGA's submissions in the **Federal Register** for public comment.[4] Having reviewed and considered the record in this exemption proceeding, including the comments received during the 30-day comment period, the Commission has determined that the standard prescribed by Section 18(g) of the Act is met, and that an unqualified exemption from franchise rule coverage should be granted.[5]

In considering NAWGA's exemption request, the Commission's principal concern has been to determine whether the acts and practices the franchise rule was designed to prevent would be likely to occur in voluntary chain relationships if an exemption were granted. Accordingly, as in prior franchise rule exemption proceedings,[6] the Commission has examined relevant indicia of the future likelihood of such acts and practices; namely: (1) The past record of wholesaler acts and practices in making voluntary chain affiliation offers to grocery retailers; (2) comments about the need for protection by and on behalf of the grocery retailers who might benefit from franchise rule coverage; (3) the presence of conditions in the industry which could permit the abuses addressed by the franchise rule to occur; and (4) the existence of economic incentives for wholesalers to engage in any of the unfair or deceptive acts or practices to which the franchise rule relates. None of these indicia suggests that franchise rule coverage is necessary to prevent unfair or deceptive acts by wholesalers offering voluntary chain affiliations to grocery retailers.

Evidence of Abuses

We begin with the fact that there is no prior record in the grocery industry of the types of unfair or deceptive acts or practices the franchise rule was designed to prevent. The rulemaking record documenting abuses in franchise sales was devoid of evidence of any similar abuses in offers of voluntary chain affiliation by grocery wholesalers. Consequently, we were persuaded when the rule was promulgated that voluntary chains and similar relationships should be exempted from franchise rule coverage.[7]

No new evidence has since come to our attention to suggest that any of the abuses addressed by the franchise rule have occurred or are occurring in the grocery industry. The public comments received in this exemption proceeding provide a notable case in point. The comments in the record from all parties directly affected endorsed the exemption petition. Wholesale grocers and their trade association were not alone in supporting the exemption. It was also advocated by the voluntary chain affiliates who commented, as well as by two trade associations representing over 40,000 independent retail grocers, some 20,000 of whom are affiliated with voluntary chains. Thus, the very group that franchise rule coverage might benefit has failed to seek the protection the rule would provide.

The record in this proceeding provides two explanations for the apparent lack of prior problems in the grocery industry which persuade us that the likelihood of future abuses is remote: (1) The absence of the conditions that have allowed abuses to occur in franchise sales; and (2) the lack of economic incentives for grocery wholesalers to engage in unfair or deceptive practices.

Conditions Permitting Abuses

As we emphasized in the Statement of Basis and Purpose for the franchise rule, what differentiates a covered franchise from conventional distribution arrangements is the significant degree to which a franchise must rely on the franchisor's knowledge and expertise from the very outset of the relationship.[8] It is this reliance or dependence which promises to reduce the franchisee's risk of failure in a new business, but also creates the conditions which, in the absence of full disclosure as required by the rule, have allowed well-documented abuses to occur in the sale of franchises by unscrupulous promoters.

We have previously identified the factors that contribute to a prospective franchisee's dependence on the franchisor, and the consequent informational imbalance which permits abuses in the sale of franchises: (1) The frequent lack of relevant business experience and sophistication of prospective franchisees; (2) the complexity of franchise agreements and the inadequate time typically provided to review them before a binding commitment is made; and (3) the promises inherent in all franchises covered by the rule that induce reliance on the superior knowledge and expertise of the franchisor.[9] An examination of the record in this proceeding satisfies us that these factors are not characteristic of voluntary chain relationships.

The record shows that applicants seeking voluntary chain affiliation typically have extensive prior experience in the grocery industry, and thus are capable of independently evaluating the risks and benefits of affiliation. We are advised that the typical applicant, in fact, has had pertinent experience in the grocery business, with many having worked as long as five to ten years, whether as owners of an unaffiliated grocery store, managers of a chain store, or in other supervisory positions. Such prior experience is a mandatory requirement for affiliation with some voluntary groups, and the economic self-interest of the wholesalers that do not have a formal requirement makes experience a prerequisite in practice, at least when financial assistance is provided.[10]

The record also indicates that prospective voluntary chain affiliates have ample time to review and consider contractual agreements before signing them; thus, there is no place for high-pressure sales tactics in affiliation offers. The comments indicate that negotiations for affiliation typically require at least one to three months, and that many applicants consult during that time with attorneys, accountants and other business advisors. Negotiations for relationships in which the wholesaler will provide financial assistance to an affiliate are even more protracted, commonly requiring at least six months, and sometimes as long as one to three years.

Thus, the picture that emerges from the record in this proceeding is one of knowledgeable and experienced applicants with adequate time to ask pertinent questions and consult with advisors about the risks and benefits of affiliation. They stand in sharp contrast to the unsophisticated consumers the rule was primarily designed to protect, such as "mom and pop" operators of convenience stores and other franchises.

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[1] 16 C.F.R. 435 et seq. (1980).

[2] 15 U.S.C. 57a(g) (1980).

[3] 5 U.S.C. 553 (1980).

[4] 46 FR 11830 (Feb. 11, 1981).

[5] Accordingly, we need not consider the two amended petitions submitted by NAWGA on February 26 and March 27, 1980, which proposed qualified exemptions based on the prior experience and training of the grocery retailers to whom voluntary chain affiliation is offered.

[6] In re *Exemption Petitions of Automobile Importers of America, et al.*, 45 Fed. Reg. 51763 (Aug. 5, 1980); In re *Exemption Petitions of National Oil Jobbers Council et al.*, 45 FR 51765 (Aug. 5, 1980).

[7] 43 FR 59614, 59704 & n. 61 (Dec. 21, 1978).

[8] 45 FR at 59656–60.

[9] 45 FR at 51704.

[10] The franchise rule does not apply to voluntary chain affiliation offers unless the wholesaler provides some form of financial assistance to the retailer. See the discussion at p. 8, *infra*.

The pronounced differences between voluntary chain affiliations and franchise relationships are highlighted most clearly by the final factor, the lack of dependence of affiliated retailers on the wholesaler sponsoring the chain. In fact, the record shows that so little reliance on the wholesaler is induced by most affiliation offers that the prerequisites to franchise rule coverage are not even met.

Because the franchise rule targets only commercial relationships where a potential for abuse is created when an investment is induced in reliance on promises made by the franchisor, three essential elements must all be present before the rule applies: (1) An offer of the right to use the franchisor's trademark, service mark or other commercial symbol; (2) an offer of either significant assistance in operating the business or significant controls to reduce the risk of failure; and (3) required payments the franchisee must make to the franchisor to obtain the franchise, exclusive of payments made at bona fide wholesale prices for reasonable quantities of goods acquired for resale.[11]

One or more of these coverage prerequisites, which reflect the reliance and risk unique to franchise investments, is absent from almost all of the alternative business options that wholesalers typically present to their potential customers. The record indicates it is only in unique circumstances that the franchise rule ever applies to wholesaler-retailer relationships, as a brief review of the different options will demonstrate.

The first and most basic option is for establishment of an ordinary wholesale supply relationship, to which the franchise rule was never meant to apply.[12] Under this arrangement, the retailer simply contracts to purchase groceries from the wholesaler at wholesale prices, expects and receives no other services or assistance, and operates the retail business in all respects as a truly independent entrepreneur. None of the three prerequisites to franchise rule coverage is present in such a relationship.

The second option typically offered by grocery wholesalers—the opportunity to purchase not only groceries, but a variety of support services, including accounting, inventory control and payroll processing assistance [13]— is not covered either. The trademark prerequisite is not met, and there is no required payment because all the services are strictly optional, with the retailer entirely free to accept or reject each of them.[14]

For the same reason, the rule is inapplicable to the third option, the most common type of voluntary chain affiliation offer. Although the affiliation offer includes the right to operate and advertise under the wholesaler's marks and to purchase support services, the required payment prerequisite to coverage is still not met because the support services continue to be offered on a strictly optional basis.

It is only in rather limited circumstances that all three prerequisites to franchise rule coverage are technically present in voluntary chain affiliation offers. The record shows that the rule may apply when a retailer cannot affiliate unless the wholesaler invests in the business by providing some form of financial assistance. This may include, for example, an agreement to sublease store premises where the lessor demands the security of a prime lease with the wholesaler, an agreement to lease a store owned by the wholesaler, or a loan for inventory, fixtures or equipment. In each of these limited circumstances, the final prerequisite to franchise rule coverage will ordinarily be met by the required rental or loan payments the retailer must make to the wholesaler.[15] Moreover, where financial assistance is offered, required payments for such otherwise optional assistance as payroll, inventory control, accounting, site selection and store planning services may also help satisfy the final coverage prerequisite. These additional payments may be required if the wholesaler seeks to limit its risk in extending financial assistance through the control and oversight gained by providing the services, and requiring retailers who receive financing to purchase them.

We are persuaded that even though all the elements characterizing a covered franchise may technically be found when wholesalers provide financial assistance, the presence of those elements in this context reflects neither the degree of risk nor reliance likely to permit or encourage abuses. On the contrary, in providing financial assistance, the wholesaler assumes a share of the investment risk ordinarily undertaken solely by the retailer, and thus has every incentive to exercise care not to jeopardize the retailer's chances of success, through non-disclosure or otherwise. In contrast, franchisees ordinarily bear the full risk of loss in franchise investments, and franchisors do not necessarily have an incentive to promote the success of the franchise.

Furthermore, the degree of reliance of an affiliating retailer on the wholesaler is significantly less than a franchisee's reliance on a franchisor. The retailer is not induced by an affiliation offer to rely on the wholesaler's assistance, because all of the services and assistance available through affiliation are separately available from a wholesaler without affiliation. Thus, whereas a franchisee is induced to rely on a franchisor by the promise of a complete package of services and assistance not available without the franchise, no comparable reliance on a wholesaler is induced by an affiliation offer.

In addition, when the choice is made to affiliate with a voluntary chain, the retailer who needs no financial assistance is free, unlike a franchisee, to accept or reject all of the optional services offered by the wholesaler. If, on the other hand, financial assistance is sought from the wholesaler, the retailer can scarcely place any greater reliance on the wholesaler than on a bank or other commercial lender which might otherwise provide financing. The fact that the retailer may then be required to subscribe to some normally optional services can hardly be viewed as an inducement for the retailer to rely on the wholesaler to provide these services, or to obtain financial assistance from the wholesaler. If anything, such requirements might be expected to deter retailers from obtaining wholesaler financing.

With the exception of the services required when a wholesaler provides financing, the record shows that wholesalers impose no significant controls over the retailers who affiliate with voluntary chains. In marked contrast to the typical franchisee, the retailer can even terminate its affiliation on relatively short notice, such as thirty days, provided its financial obligations to the wholesaler have been met. Moreover, retailers owning multiple stores are free to belong to more than one voluntary chain, and the record indicates that a number of them do, in fact, participate in chains sponsored by more than one wholesaler. By comparision, the ownership of different franchises in the same business is commonly prohibited by the non-competition clauses to be found in most franchise agreements.

Consequently, we conclude that the conditions which permit abuses in franchising are not characteristic of voluntary chain relationships between wholesale grocers and retailers. As we have noted, affiliating retailers typically have prior experience in the business, ample time to review and consider the affiliation offer, and far less exposure to the risk and reliance confronting the franchisees the rule is designed to protect. Even where franchise rule coverage would technically result from required payments that exceed the $500 threshold of the rule's minimum investment exclusion, we think our original conclusion when the franchise rule was promulgated is still valid:

> While similar in many respects to franchising, the wholesaler sponsored voluntary chains differ from franchising in that the retailers associate with the wholesalers voluntarily and with little risk.[16]

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[11] 16 CFR 436.2(a) (1) and (2); *see also* Final Interpretive Guides, 44 FR 49966, 49967 (Aug. 24, 1979).

[12] 43 FR at 59703 n.55.

[13] The record shows that wholesalers may also offer site selection, store planning and related services to retailers desiring assistance in opening a new location.

[14] Optional payments not required as a condition of obtaining a franchise do not satisfy the third coverage prerequisite. 43 FR at 59703 n.33. *See e.g.*, Informal Staff Advisory Opinion to Chrysler Corp., CCH Business Franchise Guide ¶6563 at 9563 (Aug. 10, 1979), *ratified by the Commission*, Oct. 5, 1979. Although some wholesalers charge nominal monthly affiliation and sign rental fees—typically less than $20—such fees do not exceed the $500 threshold of the minimum investment exclusion from coverage. 16 CFR 436.2(a)(3)(iii).

[15] A payment is "required as a condition of obtaining or commencing the franchise operation," 16 CFR 436.2(a)(2), if it is required by the terms of the contract offer or is "in fact necessary to begin operation." 43 FR at 59703 n. 50. All required payments made prior to and within the first six months of franchise operations count toward the $500 threshold of the minimum investment exclusion from coverage, 16 CFR 436.2(a)(3)(iii), and the record shows that even one month's rental or loan payments typically exceed that amount.

[16] 43 FR at 59704 n. 61.

Economic Incentives

Not only are the conditions which permit franchise abuses noteworthy for their absence from the grocery industry, but the structure of economic incentives actively inhibits wholesalers from committing unfair or deceptive acts and practices. Were it not for this, it would be difficult, if not impossible, to conclude that franchise rule coverage is unnecessary where financial assistance is offered.

The primary economic fact of life in the grocery business is intense price competition at the retail level. The record documents the fact that competition holds retailer profit margins at very low levels—typically one percent or less. Success and survival in the business require retailers to minimize costs and maximize sales volumes. Four consequences of this competition act as significant deterrents to wholesaler abuses in voluntary chain relationships.

First, wholesalers are unable to charge large front-end affiliation fees. Affiliating retailers cannot pass such fees on to their customers without risk of pricing themselves out of the market, and their profit margins are not sufficient to absorb them. The record confirms that initial affiliation fees are quite modest as a result—typically less than $100. Thus, there are no quick profits to be made from recruiting new affiliates; consequently, no economic incentive exists for misrepresentations to obtain them. In contrast, the incentive of substantial profits from initial franchise fees has led to well-documented sales abuses by fly-by-night franchise and business opportunity promoters.

Second, wholesalers cannot expect significant profits from continuing affiliation fees. While the record suggests that nominal monthly membership or sign rental fees are relatively common,[17] wholesalers cannot charge large on-going fees, or otherwise seek to profit at the expense of affiliated retailers, without jeopardizing the retailers' competitive position. Instead, wholesalers are constrained by retail competition to make their profit from the usual mark-up on the groceries they supply, while offering other services at cost or close to it. Thus, wholesalers stand to profit most from long-term voluntary chain affiliations, and lack the incentive franchisors can have to make short-term profits at the expense of their franchisees.

Third, unlike franchisors, wholesalers have no particular economic incentive to sell affiliation to retailers or other investors who might finance expansion of the voluntary chain. Since wholesalers profit from long-term supply relationships, rather than affiliation, they lack any significant incentive to employ unfair or deceptive practices to promote voluntary chain membership. Thus, the chain identity that affiliation offers is regarded in the industry as just another optional service provided by the wholesaler.[18] Franchisors, in contrast, typically have every incentive to expand their franchise systems as rapidly as possible, and to entice investors who can supply the necessary expansion capital to become franchisees.

Fourth, wholesalers have direct financial incentives to avoid unfairness or deception in promoting affiliation. When the rule would technically apply because a wholesaler provides financial assistance to an affiliating retailer, the record indicates that the wholesaler's losses from a store's failure can equal or exceed the retailer's. However, an even more important incentive for wholesalers to refrain from any deception that might result in financial injury to an affiliate is the wholesaler's necessary concern for preserving its good business reputation with both the affiliated and unaffiliated local retailers it serves. The loss of even one affiliate attributing a business failure to wholesaler misconduct could jeopardize a number of profitable supply relationships.

Conclusion

For these reasons, we conclude that competition in the grocery industry removes any significant incentive for wholesaler abuses in making affiliation offers. The lack of such an incentive, together with the absence of conditions that could allow abuses to occur, persuades us that there is no realistic likelihood of wholesaler misconduct in the future, just as the lack of evidence of prior abuses or requests for protection from interested parties would suggest. Thus, we conclude that franchise rule coverage of affiliation offers is not necessary to prevent the unfair or deceptive acts and practices addressed by the rule, and that an unqualified exemption from coverage should be granted since the statutory standard is met.

Our determination is unavoidably based, of course, on a forecast of the need for coverage based on the record before us of past and present conditions in the grocery industry. We recognize both that circumstances may change and that there can be no guarantee that abuses will never occur in the future. However, any isolated misconduct will be subject to scrutiny under Section 5 of the FTC Act, and the need for disclosure can be reevaluated if changed conditions ever result in widespread abuses.

Although the record in this proceeding clearly supports an exemption, there is no unanimity in the comments on the variety of proposals advanced for defining the class to whom the exemption should apply. These definitional problems can be traced to the desire of some wholesale grocers who do business as convenience store franchisors to gain an exemption for their franchise sales as well. If such an exemption is appropriate, it is not apparent on this record, which suggests, if anything, that convenience store franchises do not share the unique characteristics that minimize the potential for abuse in offers of voluntary chain affiliation.

We have determined, therefore, that the exemption we grant should apply only to voluntary chain affiliation offers, and not to convenience store franchises. Accordingly, an exemption is hereby granted from the requirements of Part 436 for:

The advertising, offering, licensing, contracting, sale or other promotion by a wholesale grocer of a voluntary chain affiliation to which Part 436 would not apply but for required payments to be made by an affiliating retailer to the wholesaler as a result of the retailer's voluntary election to obtain financial assistance from the wholesaler.

It is so ordered.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6078 Filed 3-9-83; 8:45 am]

BILLING CODE 6750-01-M

[17] *See* note 14, *supra*, at 8.

[18] In fact, as the record reflects, wholesalers first offered the option of voluntary chain affiliation several decades ago in order to help the independent grocers they supplied to compete successfully with major grocery chains.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-50]

Staff Accounting Bulletin No. 50

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This Staff Accounting Bulletin expresses the staff's views with respect to financial statement and industry guide disclosures required in a filing involving the formation of a bank holding company structure over a bank when the only substantial asset of the holding company is its investment in the bank. It also discusses requirements for subsequently filed reports on Form 10-K for such registrants.

DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Howard P. Hodges, Jr. or Henry J. Velsor, Division of Corporation Finance (202-272-2553), or Marc D. Oken or Eugene W. Green, Office of the Chief Accountant (202-272-2130), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

Dated: March 3, 1983.

George A. Fitzsimmons,

Secretary.

List of Subjects in 17 CFR Part 211

Accounting, Reporting requirements, Securities.

Staff Accounting Bulletin No. 50

The staff herein adds Section F to Topic 1 of the Staff Accounting Bulletin Series. This section discusses the requirements for financial statements and industry guide disclosures in filings involving the formation of a bank holding company structure over a bank and requirements for subsequent filings on Form 10–K.

Topic 1: Financial Statements

* * * * *

F. Financial Statement Requirements in Filings Involving the Formation of a One-Bank Holding Company

Facts: Holding Company A is organized for the purpose of issuing common stock to acquire all of the common stock of Bank A. Under the plan of reorganization, each share of common stock of Bank A will be exchanged for one share of common stock of the holding company. The shares of the holding company to be issued in the transaction will be registered on Form S–14. The holding company will not engage in any operations prior to consummation of the reorganization, and its only significant asset after the transaction will be its investment in the bank. The bank has been furnishing its shareholders with an annual report that includes financial statements that comply with generally accepted accounting principles.

Item 15 of Schedule 14A of the proxy rules[1] provides that financial statements generally are not necessary in proxy material relating only to changes in legal organization, (such as reorganizations involving the issuer and one or more of its totally held subsidiaries).

Question 1: Must the financial statements and the information required by Securities Act Industry Guide ("Guide 3")[2] for Bank A be included in the initial registration statement on Form S–14?

Interpretive Response: No, provided that certain conditions are met. The staff will not take exception to the omission of financial statements and Guide 3 information in the initial registration statement on Form S–14 if all of the following conditions are met:

- There are no anticipated changes in the shareholders' relative equity ownership interest in the underlying bank assets, except for redemption of no more than a nominal number of shares of unaffiliated persons who dissent;
- In the aggregate, only nominal borrowings are to be incurred for such purposes as organizing the holding company, to pay nonaffiliated persons who dissent, or to meet minimum capital requirements;
- There are no new classes of stock authorized other than those corresponding to the stock of Bank A immediately prior to the reorganization;
- There are no plans or arrangements to issue any additional shares to acquire any business other than Bank A; and,
- There has been no material adverse change in the financial condition of the bank since the latest fiscal year end included in the annual report to shareholders.

If at the time of filing the S–14, a letter is furnished to the staff stating that all of these conditions are met, it will not be necessary to request the Division of Corporation Finance to waive the financial statement or Guide 3 requirements of Form S–14.

Although the financial statements may be omitted, the filing should include a section captioned, "Financial Statements," which states either that an annual report containing financial statements for at least the latest fiscal year prepared in conformity with generally accepted accounting principles was previously furnished to shareholders or is being delivered with the prospectus. If financial statements have been previously furnished, it should be indicated that an additional copy of such report for the latest fiscal year will be furnished promptly upon request without charge to shareholders. The name and address of the person to whom the request should be made should be provided. One copy of such annual report should be furnished supplementally with the initial filing for purposes of staff review.

If any nominal amounts are to be borrowed in connection with the formation of the holding company, a statement of capitalization should be included in the filing which shows Bank A on an historical basis, the pro forma adjustments, and the holding company on a pro forma basis. A note should also explain the pro forma effect, in total and per share, which the borrowings would have had on net income for the latest fiscal year if the transaction had occurred at the beginning of the period.

Question 2: Are the financial statements of Bank A required to be audited for purposes of the initial Form S–14 or the subsequent Form 10–K report?

Interpretive Response: The staff will not insist that the financial statements in the annual report to shareholders used to satisfy the requirements of the initial Form S–14 be audited.

The consolidated financial statements of the holding company to be included in the registrant's initial report on Form 10–K should comply with the applicable financial statement requirements in Regulation S–X at the time such annual report is filed. However, the regulations also provide that the staff may allow one or more of the required statements to be unaudited where it is consistent with the protection of investors.[3] Accordingly, the policy of the Division of Corporation Finance is as follows:

- The registrant should file audited balance sheets as of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three latest fiscal years, with appropriate footnotes and schedules as required by Regulation S–X unless the financial statements have not previously been audited for the periods required to be filed. In such cases, the Division will not object if the financial statements in the first annual report on Form 10–K (or the special report filed pursuant to Rule 15d–2)[4] are audited only for the two latest fiscal years.[5] This policy only applies to filings on Form 10–K, and not to any Securities Act filings made after the initial S–14 filing.

The above procedure may be followed without making a specific request of the Division of Corporation Finance for a waiver of the financial statement requirements of Form 10–K.

The information required by Guide 3 should also be provided in the Form 10–K for at least the periods for which audited financial statements are furnished. If some of the statistical information for the two most recent fiscal years for which audited financial statements are included (other than information on nonperforming loans and the summary of loan loss experience) is unavailable and cannot be obtained without unwarranted or undue burden or expense, such data may be omitted provided a brief explanation in support of such representation is included in the

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[1] Item 13(c) of Schedule 14A (17 CFR Part 240).

[2] Item 801 of Regulation S–K (17 CFR Part 229).

[3] Rule 3–13 of Regulation S–X (17 CFR Part 210).

[4] Rule 15d–2 (17 CFR Part 240) would be appliable if the annual report furnished with the Form S–14 was not for the registrant's most recent fiscal year. In such a situation, Rule 15d–2 would require the registrant to file a special report within 90 days after the effective date of the Form S–14 furnishing audited financial statements for the most recent fiscal year.

[5] Unaudited statements of income and changes in financial position should be furnished for the earliest period.

report on Form 10–K. In all cases, however, information with respect to nonperforming loans and loan loss experience, or reasonably comparable data, must be furnished for at least the two latest fiscal years in the initial 10–K. Thereafter, for subsequent years in reports on Form 10–K, all of the Guide 3 information is required; Guide 3 information which had been omitted in the initial 10–K in accordance with the above procedure can be excluded in any subsequent 10–K's.

Question 3: Can organization costs incurred to register securities issued for the formation of one-bank holding companies be capitalized?

Interpretive Response: The staff will not object if organizational costs such as legal, printing and other related costs are capitalized and amortized against income over a period not to exceed 5 years. Any such organization costs should be shown in the balance sheet as an asset, and not as a reduction of shareholders' equity.

Audit fees incurred would not be deemed to be organizational costs and should be expensed.

[FR Doc. 83-6157 Filed 3-9-83; 8:45 am]
BILLING CODE 8010-01-M

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17 CFR Part 231

[Release No. 33–6455]

Interpretive Release on Regulation D

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Interpretations.

SUMMARY: The Commission has authorized the issuance of this release setting forth the views of its Division of Corporation Finance on various interpretive questions regarding the rules contained in Regulation D under the Securities Act of 1933. These views are being published to answer frequently raised questions with respect to the regulation.

FOR FURTHER INFORMATION, CONTACT: David B. H. Martin, Jr., Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2573.

SUPPLEMENTARY INFORMATION: In Release No. 33–6389 (March 8, 1982) (47 FR 11251), the Commission adopted Regulation D (17 CFR 230.501–.506) which provides three exemptions from the registration requirements of the Securities Act of 1933 (the "Securities Act" or the "Act") (15 U.S.C. 77a–77bbbb (1976 & Supp. IV 1980), as amended by the Bus Regulatory Reform Act of 1982, Pub. L. No. 97–261 section 19(d), 96 Stat. 1121 (1982)).[1] Regulation D became effective on April 15, 1982.

In the course of administering the regulation, the staff of the Division of Corporation Finance has answered numerous oral and written requests for interpretation of the new provisions. This release is intended to assist those persons who wish to make offerings in reliance on the exemptions in Regulation D by presenting the staff's views on frequently raised questions. As indicated in Preliminary Note 3 to the regulation, Regulation D is intended to be a basic element in a uniform system of federal-state exemptions. As such, aspects of Regulation D have been incorporated in many state statutes and regulations. The interpretations set forth in this release relate only to the federal provisions.

Regulation D is composed of six rules, Rules 501–506. The first three rules set forth general terms and conditions that apply in whole or in part to the exemptions. The questions arising under Rules 501–503 fall into four general categories: definitions, disclosure requirements, operational conditions, and notice of sale requirements. The exemptions of Regulation D are set forth in Rules 504–506. Questions concerning those rules usually raise issues pertaining to more than one exemption. This release, an outline of which follows, is organized so as to reflect this pattern of inquiries.

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I. Definitions—Rule 501

A. Accredited Investor—Rule 501(a)

Defined in Rule 501(a), the term "accredited investor" is significant to the operation of Regulation D.[2] Under Rule 501(e), for instance, accredited investors are not included in computing the number of purchasers in offerings conducted in reliance on Rules 505 and 506. Also, if accredited investors are the only purchasers in offerings under Rules 505 and 506, Regulation D does not require delivery of specific disclosure as a condition of the exemptions. Finally, in an offering under Rule 506, the issuer's obligation to ensure the sophistication of purchasers applies to investors that are not accredited. *See* Rule 506(b)(2)(ii).

The definition sets forth eight categories of investor that may be accredited. The following questions and answers cover certain issues under various of those categories. Given the frequency of questions regarding the application of the definition to trusts, however, there is a separate section addressing that area.

1. *General.* The definition of "accredited investor" includes any person who comes within or "who the issuer reasonably believes" comes within one of the enumerated categories "at the time of the sale of the securities to that person." What constitutes "reasonable" belief will depend on the facts of each particular case. For this reason, the staff generally will not be in

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[1] Prior releases leading to the adoption of Regulation D included Release No. 33–6274 (December 23, 1980) (46 FR 2631) in which the Commission considered and requested comments on various exemptions under the Securities Act and Release No. 33–6339 (August 7, 1981) (46 FR 41791) in which the Commission published proposed Regulation D for comment.

[2] The term also is essential to the operation of section 4(6) of the Securities Act which exempts certain transactions involving sales solely to accredited investors. The definition of accredited investor for section 4(6) is found at section 2(15) of the Securities Act and Rule 215 (17 CFR 230.321). Rule 501(a) combines and repeats those provisions. As a result, interpretations regarding the definition of "accredited investor" in Regulation D also apply to the definition of that term under section 4(6).

a position to express views or otherwise endorse any one method for ascertaining whether an investor is accredited.

(1) *Question:* A director of a corporate issuer purchases securities offered under Rule 505. Two weeks after the purchase, and prior to completion of the offering, the director resigns due to a sudden illness. Is the former director an accredited investor?

Answer: Yes. The preliminary language to Rule 501(a) provides that an investor is accredited if he falls into one of the enumerated categories "at the time of the sale of securities to that person." One such category includes directors of the issuer. *See* Rule 501(a)(4). The investor in this case had that status at the time of the sale to him.[3]

2. *Certain Institutional Investors—Rules 501(a)(1)–(3).* (2) *Question:* A national bank purchases $100,000 of securities from a Regulation D issuer and distributes the securities equally among ten trust accounts for which it acts as trustee. Is the bank an accredited investor?

Answer: Yes. Rule 501(a)(1) accredits a bank acting in a fiduciary capacity.[4]

(3) *Question:* An ERISA employee benefit plan will purchase $200,000 of the securities being offered. The plan has less than $5,000,000 in total assets and its investment decisions are made by a plan trustee who is not a bank, insurance company, or registered investment adviser. Does the plan qualify as an accredited investor?

Answer: Not under Rule 501(a)(1). Rule 501(a)(1) accredits an ERISA plan that has a plan fiduciary which is a bank, insurance company, or registered investment adviser or that has total assets in excess of $5,000,000. The plan, however, may be an accredited investor under Rule 501(a)(5), which accredits certain persons who purchase at least $150,000 of the securities being offered.

(4) *Question:* A state run, not-for-profit hospital has total assets in excess of $5,000,000. Because it is a state agency, the hospital is exempt from federal income taxation. Rule 501(a)(3) accredits any organization described in section 501(c)(3) of the Internal Revenue Code that has total assets in excess of $5,000,000. Is the hospital accredited under Rule 501(a)(3)?

Answer: Yes. This category does not require that the investor has received a ruling on tax status under section 501(c)(3) of the Internal Revenue Code. Rather, Rule 501(a)(3) accredits an investor that falls within the substantive description in that section.[5]

(5) *Question:* A not-for-profit, tax exempt hospital with total assets of $3,000,000 is purchasing $100,000 of securities in a Regulation D offering. The hospital controls a subsidiary with total assets of $3,000,000. Under generally accepted accounting principles, the hospital may combine its financial statements with that of its subsidiary. Is the hospital accredited?

Answer: Yes, under Rule 501(a)(3). Where the financial statements of the subsidiary may be combined with those of the investor, the assets of the subsidiary may be added to those of the investor in computing total assets for purposes of Rule 501(a)(3).[6]

3. *Insiders—Rule 501(a)(4).* (6) *Question:* The executive officer of a parent of the corporate general partner of the issuer is investing in the Regulation D offering. Is that individual an accredited investor?

Answer: Rule 501(a)(4) accredits only the directors and executive officers of the general partner itself. Unless the executive officer of the parent can be deemed an executive officer of the subsidiary,[7] that individual is not an accredited investor.

4. *$150,000 Purchasers—Rule 501(a)(5).* This provision accredits any person [8] who satisfies two separate tests. To be accredited under Rule 501(a)(5), an investor must purchase at least $150,000 of the securities being offered, by one or a combination of four specific methods: cash, marketable securities, an unconditional obligation to pay cash or marketable securities over not more than five years, and cancellation of indebtedness. The rule also requires that "the total purchase price" may not exceed 20 percent of the purchaser's net worth. The two tests under Rule 501(a)(5) must be considered separately. Thus, for instance, in computing the "total purchase price" for the 20 percent of net worth limitation, the investor may have to include amounts that could not be included toward the $150,000 purchase test.

a. $150,000 Purchase. (7) *Question:* Two issuers, a general partner and its limited partnership, are selling their securities simultaneously as units consisting of common stock and limited partnership interests. The issues are part of a plan of financing made for the same general purpose. If an investor purchases $150,000 of these units, would it satisfy the $150,000 purchase element of Rule 501(a)(5)?

Answer: Yes. The issuers are affiliated and the simultaneous sale of their separate securities as units for a single plan of financing would be deemed one integrated offering. Rule 501(a)(5) applies to a purchase "of the securities being offered." The rule thus applies not to the securites of a particular issuer, but to the securities of a particular offering[9]

(8) *Question:* An investor will purchase securities in cash installments. Each installment payment will include amounts due on the principal as well as interest. If the total of all payments is $150,000, will the investor have purchased "at least $150,000 of the securities being offered" for purposes of Rule 501(a)(5)?

Answer: No. Under Rule 501(a)(5), any amount constituting interest due on the unpaid purchase price is not payment for the "securities being offered."

(9) *Question:* The installment payments for interests in a limited partnership that will develop commercial real estate will be conditioned upon completion of certain phases of the project. Will the obligation to make those payments be deemed "an unconditional obligation to pay" for purposes of Rule 501(a)(5)?

Answer: Yes, as long as the only conditions relate to completion of successive stages of the development project.

(10) *Question:* An investor will purchase securities in a Regulation D offering by delivering $75,000 in cash and a letter of credit for $75,000. Will such a purchase satisfy the $150,000 element of Rule 501(a)(5)?

Answer: No. Because there is no assurance that the letter of credit will ever be drawn against, the staff does not deem it to be an unconditional obligation to pay.

(11) *Question:* In connection with the sale of limited partnership interests in an oil and gas drilling program, an investor in a Regulation D offering commits to pay subsequent assessments

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[3] Preliminary Note 6 to Regulation D would support a different analysis if it could be shown that the director's appointment or resignation was "part of a plan or scheme to evade the registration provisions of the Act."

[4] Rule 501(a)(1) refers to "[a]ny bank as defined in section 3(a)(2) of the Act." Section 3(a)(2) provides that the term "bank" includes "any national bank." Section 3(a)(2) also provides that where a common or collective trust fund is involved, the term "bank" has the same meaning as in the Investment Company Act of 1940 (the "Investment Company Act") (15 U.S.C. 80a–1–80a–65 (1976 & Supp. IV 1980)). Section 2(a)(5) of the Investment Company Act defines "bank."

[5] *See* letter re *Voluntary Hospitals of America, Inc.* dated November 30, 1982.

[6] *See* letter re *Voluntary Hospitals of America, Inc.* dated September 10, 1982.

[7] *See* Question 37.

[8] Section 2(2) of the Securities Act includes corporations and partnerships within the definition of "person."

[9] *See* letter re *Intuit Telecom Inc.* dated March 24, 1982.

that are mandatory, non-contingent, and for which the investor will be personally liable. Will the commitment to pay the assessments constitute an "unconditional obligation to pay" under Rule 501(a)(5)?

Answer: Yes. The assessments are essentially installment payments for which the investor makes the investment decision at the time the limited partnership interest originally is purchased.[10]

(12) *Question:* If the assessments in Question 11 are voluntary, contingent and non-recourse, can they be included in determining whether or not the investor has purchased $150,000 of the securities being offered?

Answer: No. Voluntary assessments of this nature are not deemed to constitute an unconditional obligation to pay.[11]

(13) *Question:* A purchaser of interests in a limited partnership makes a partial down payment and commits unconditionally to pay the balance over five years. Formation of the partnership is conditioned upon the sale of a specified number of interests. Under Rule 501(a)(5), when must the five year period for installment payments begin to run?

Answer: Rule 501(a)(5) provides that the unconditional obligation is to be discharged "within five years of the sale of the securities to the purchaser." For ease in the administration of an offering that is conditioned on a certain minimum level of sales, the staff believes it is reasonable to compute the length of installment obligations from the same date for the investors involved in reaching that minimum. Therefore, without any bearing on when the sale of the security actually occurs, the five-year time period of the investor's obligation may be measured from the date such minimum level of sales has been reached.[12]

b. 20 Percent of Net Worth Limitation

(14) *Question:* Where an investor makes installment payments composed of principal and interest, must the interest payments be included in computing the "total purchase price" for purposes of meeting the 20 percent of net worth limitation?

Answer: No. The interest is not part of the total purchase price but rather is an expense associated with financing the total purchase price.

(15) *Question:* A corporate investor will purchase $200,000 of the securities being offered for cash. Additionally, the investor will deliver an irrevocable letter of credit for $50,000 which the issuer will use as collateral in connection with a line of credit it will establish with a lending institution. Must the issuer include the $50,000 letter of credit when determining whether or not the purchaser's total purchase price exceeds 20 percent of its net worth under Rule 501(a)(5)?

Answer: Yes. Since the investor has committed to pay the $50,000 at the election of the issuer, that amount must be included with other forms of consideration in order to measure what percentage of the investor's net worth has been committed in the investment.[13]

(16) *Question:* As part of the purchase of an interest in a sale and lease-back program, the purchaser will deliver "non-recourse" debt where the source of payment for the debt is limited exclusively to the income generated by the security being purchased or the assets of the entity in which the security is being purchased. Must the non-recourse debt be included in the total purchase price for purposes of the 20 percent of net worth limitation under Rule 501(a)(5)?

Answer: No. Because the investor has no personal liability for the non-recourse debt, and because no part of the investor's assets at the time of purchase is available as a source of payment for the debt, the debt should not be included as part of the purchase price.[14]

(17) *Question:* Where the purchaser is a natural person, Rule 501(a)(5) provides that the total purchase price may be measured against the purchaser's net worth combined with that of a spouse. Would property held solely by one spouse be available for calculating the net worth of the other spouse who is making the $150,000 investment?

Answer: Yes.

(18) *Question:* An investment general partnership is purchasing securities in a Regulation D offering. The partnership was not formed for the specific purpose of acquiring the securities being offered. May the issuer consider the aggregate net worth of the general partners in calculating the net worth of the partnership?

Answer: Yes. An investment general partnership is functionally a vehicle in which profits and losses are passed through to general partners and in which the net worths of the general partners are exposed to the risk of partnership investments.[15]

(19) *Question:* A totally held subsidiary [16] makes a cash investment of $200,000 in a Regulation D offering. May that subsidiary use the consolidated net worth of its parent in determining whether or not its total purchase price exceeds 20 percent of its net worth?

Answer: Yes.[17]

5. *Natural Persons—Rules 501(a) (6)–(7).* Rules 501(a) (6) and (7) apply only to natural persons. Paragraph (6) accredits any natural person with a net worth at the time of purchase in excess of $1,000,000. If the investor is married, the rule permits the use of joint net worth of the couple. Paragraph (7) accredits any natural person whose income has exceeded $200,000 in each of the two most recent years and is reasonably expected to exceed $200,000 in the year of the investment.

(20) *Question:* A corporation with a net worth of $2,000,000 purchases securities in a Regulation D offering. Is the corporation an accredited investor under Rule 501(a)(6)?

Answer: No. Rule 501(a)(6) is limited to "natural" persons.

(21) *Question:* In calculating net worth for purposes of Rule 501(a)(6), may the investor include the estimated fair market value of his principal residence as an asset?

Answer: Yes. Rule 501(a)(6) does not exclude any of the purchaser's assets from the net worth needed to qualify as an accredited investor.

(22) *Question:* May a purchaser take into account income of a spouse in determining possible accreditation under Rule 501(a)(7)?

Answer: No. Rule 501(a)(7) requires "individual income" over $200,000 in order to qualify as an accredited investor.

(23) *Question:* May a purchaser include unrealized capital appreciation in calculating income for purposes of Rule 501(a)(7)?

Answer: Generally, no.

6. Entities Owned by Accredited Investors—Rule 501(a)(8). Any entity in which each equity owner is an accredited investor under any of the qualifying categories, except that of the $150,000 purchaser, is accredited under Rule 501(a)(8).

(24) *Question:* All but one of the shareholders of a corporation are

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[10] *See* letter to *Kim R. Clark, Esq.* dated November 8, 1982.

[11] *See* letter to *Kim R. Clark, Esq.* dated November 8, 1982.

[12] *See* letter re *Winthrop Financial Co., Inc.* dated May 25, 1982.

[13] Note that this $50,000 is not deemed to be "an unconditional obligation to pay" and cannot be included in calculating whether or not the investor meets the $150,000 purchaser test of Rule 501(a)(5). *See* Question 10.

[14] *See* letter to *Lola M. Hale, Esq.* dated July 1, 1[illegible]

[15] *See* letter re *Smith Barney, Harris Upham & Co.* dated July 14, 1982.

[16] *See* CFR 230.405 for the difinition of "totally held subsidiary."

[17] *See* letter re *Federated Financial Corporation* dated May 13, 1982.

accredited investors by virtue of net worth or income. The unaccredited shareholder is a director who bought one share of stock in order to comply with a requirement that all directors be shareholders of the corporation. Is the corporation an accredited investor under Rule 501(a)(8)?

Answer: No. Rule 501(a)(8) requires "all of the equity owners" to be accredited investors. The director is an equity owner and is not accredited. Note that the director cannot be accredited under Rule 501(a)(4). That provision extends accreditation to a director of the issuer, not of the investor.

(25) *Question:* Who are the equity owners of a limited partnership?

Answer: The limited partners.

7. Trusts as Accredited Investors.

(26) *Question:* May a trust qualify as an accredited investor under Rule 501(a)(1)?

Answer: Only in directly. Although a trust standing alone cannot be accredited under Rule 501(a)(1), if a bank is its trustee and makes the investment on behalf of the trust, the trust will in effect be accredited by virtue of the provision in Rule 501(a)(1) that accredits a bank acting in a fiduciary capacity.

(27) *Question:* May a trust qualify as an accredited investor under Rule 501(a)(5)?

Answer: Yes. The Division interprets "person" in Rule 501(a)(5) to include any trust.[18]

(28) *Question:* In qualifying a trust as an accredited investor under Rule 501(a)(5), whose net worth should be considered in determining whether the total purchase price meets the 20 percent of net worth limitation test?

Answer: The net worth of the trust.

(29) *Question:* A trustee of a trust has a net worth of $1,500,000. Is the trustee's purchase of securities for the trust that of an accredited investor under Rule 501(a)(6)?

Answer: No. Except where a bank is a trustee, the trust is deemed the purchaser, not the trustee. The trust is not a "natural" person.

(30) *Question:* May a trust be accredited under Rule 501(a)(8) if all of its beneficiaries are accredited investors?

Answer: Generally, no. Rule 501(a)(8) accredits any entity if all of its "equity owners" are accredited investors. The staff does not interpret this provision to apply to the beneficiaries of a conventional trust. The result may be different, however, in the case of certain non-conventional trusts where, as a result of powers retained by the grantors, a trust as a legal entity would be deemed not to exist.[19] Thus, where the grantors of a revocable trust are accredited investors under Rule 501(a)(6) (*i.e.* net worth exceeds $1,000,000) and the trust may be amended or revoked at any time by the grantors, the trust is accredited because the grantors will be deemed the equity owners of the trust's assets.[20] Similarly, where the purchase of Regulation D securities is made by an Individual Retirement Account and the participant is an accredited investor, the account would be accredited under Rule 501(a)(8).

B. Aggregate Offering Price—Rule 501(c)

The "aggregate offering price," defined in Rule 501(c), is the sum of all proceeds received by the issuer for issuance of its securities. The term is important to the operation of Rules 504 and 505, both of which impose a limitation on the aggregate offering price as a specific condition to the availability of the exemption.[21]

(31) *Question:* The sole general partner of a real estate limited partnership contributes property to the program. Must that property be valued and included in the overall proceeds of the offering as part of the aggregate offering price?

Answer: No, assuming the property is contributed in exchange for a general partnership interest.

(32) *Question:* An owner of a mining or oil and gas property is selling interests in the property to investors for cash. The owner will retain a royalty interest in the property. Must any subsequent royalty payments be included in the aggregate offering price of the property interests?

Answer: No. Royalty payments to the seller of the property are treated as operating expenses, rather than capitalized costs for the property. As such, the royalty payments are not part of the consideration received by the issuer for issuance of the securities.

(33) *Question:* Where the investors pay for their securities in installments and these payments include an interest component, must the issuer include interest payments in the "aggregate offering price?"

Answer: No. The interest payments are not deemed to be consideration for the issuance of the securities.[22]

(34) *Question:* An offering of interests in an oil and gas limited partnership provides for additional voluntary assessments. These assessments, undermined at the time of the offering, may be called at the general partner's discretion for developmental drilling activities. Must the assessments be included in the aggregate offering price, and if so, in what amount?

Answer: Because it is unclear that the assessments will ever be called, and because if they are called, it is unclear at what level, the issuer is not required to include the assessments in the aggregate offering price. In fact, the assessments will be consideration received for the issuance of additional securities in the limited partnership. This issuance will need to be considered along with the original issuance for possible integration, or, if not integrated, must find its own exemption from registration.

(35) *Question:* In purchasing interests in an oil and gas partnership, investors agree to pay mandatory assessments. The assessments, essentially installment payments, are non-contingent and investors will be personally liable for their payment. Must the issuer include the assessments in the aggregate offering price?

Answer: Yes.[23]

(36) *Question:* As part of their purchase of securities, investors deliver irrevocable letters of credit. Must the letters of credit be included in the aggregate offering price?

Answer: If these letters of credit were drawn against, the amounts involved would be considered part of the aggregate offering price. For this reason, in planning the transaction, the issuer should consider the full amount of the letters of credit in calculating the aggregate offering price.

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[18] Section 2(2) of the Securities Act includes "a trust" within the definition of "person" but limits that inclusion to "a trust where the interest or interests of the beneficiary or beneficiaries are evidenced by a security." The Division does not view that limitation as being necessary in the context of a trust as a purchaser of securities under Rule 501(a)(5).

[19] The result would also be different in the case of a business trust, a real estate investment trust, or other similar entities.

[20] *See* letter re *Rule 501(a)(8) of Regulation D* dated July 18, 1982.

[21] The basis for a limitation on the aggregate offering price derives from section 3(b) of the Securities Act. Section 3(b) accords authority to the Commission to adopt rules exempting any class of securities as long as no issue of securities is exempted "where the aggregate amount at which such issue is offered to the public exceeds $5,000,000." *See also* section 4(6) which exempts a transaction involving offers and sales solely to one or more accredited investors "if the aggregate offering price of an issue" does not exceed the amount allowed under section 3(b).

[22] This presumes that the payments are in fact for interest. *See* Preliminary Note 6 to Regulation D.

[23] *See* letter to *Kim R. Clark, Esq.* dated November 8, 1982.

C. Executive Officer—Rule 501(f)

The definition of executive officer in Rule 501(f) is the same as that in Rule 405 of Regulation C (17 CFR 230.405).

(37) *Question:* The executive officer of the parent of the Regulation D issuer performs a policy making function for its subsidiary. May that individual be deemed an "executive officer" of the subsidiary?

Answer: Yes.

D. Purchaser Representative—Rule 501(h)

A purchaser representative is any person who satisfies, or who the issuer reasonably believes statisfies, four conditions enumerated in Rule 501(h). Beyond the obligations imposed by that rule, any person acting as a purchaser representative must consider whether or not he is required to register as a broker-dealer under section 15 of the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a-78kk (1976 & Supp. IV 1980)) or as an investment adviser under section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–1–80b–21 (1976 & Supp. IV 1980)).[24]

(38) *Question:* May the officer of a corporate general partner of the issuer qualify as a purchaser representative under Rule 501(h)?

Answer: Rule 501(h) provides that "an affiliate, director, officer or other employee of the issuer" may not be a purchaser representative unless the purchaser has one of three enumerated relationships with the representative. The staff is of the view that an officer or director of a corporate general partner comes within the scope of "affiliate, director, officer or other employee of the issuer."

(39) *Question:* May the issuer in a Regulation D offering pay the fees of the purchaser representative?

Answer: Yes. Nothing in Regulation D prohibits the payment by the issuer of the purchaser representative's fees. Rule 501(h)(4), however, requires disclosure of this fact.[25]

[24] *See* letters to *Winstead, McGuire, Sechrest & Trimble* dated February 21 and 25, 1975 and re *Kenisa Oil Company* dated April 6, 1982. Questions regarding registration as a broker-dealer should be directed to the Office of Chief Counsel, Divison of Market Regulation, (202) 272–2844. Questions regarding registration as an investment adviser should be directed to the Office of Chief Counsel, Division of Investment Management, (202) 272–2030.

[25] Note 3 to Rule 501(h) points out that disclosure of a material relationship between the purchaser representative and the issuer will not relieve the purchaser representative of the obligation to act in the interest of the purchaser.

II. Disclosure Requirements—Rule 502(b)

A. When Required

Rule 502(b)(1) sets forth the circumstances when disclosure of the kind specified in the regulation must be delivered to investors. The regulation requires the delivery of certain information "during the course of the offering and prior to sale" if the offering is conducted in reliance on Rule 505 or 506 and if there are unaccredited investors. If the offering is conducted in compliance with Rule 504 or if securities are sold only to accredited investors, Regulation D does not specify the information that must be disclosed to investors.[26]

(40) *Question:* An issuer furnishes potential investors a short form offering memorandum in anticipation of actual selling activities and the delivery of an expanded disclosure document. Does Regulation D permit the delivery of disclosure in two installments?

Answer: So long as all the information is delivered prior to sale, the use of a fair and adequate summary followed by a complete disclosure document is not prohibited under Regulation D. Disclosure in such a manner, however, should not obscure material information.

(41) *Question:* An issuer commences an offering in reliance on Rule 505 in which the issuer intends to make sales only to accredited investors. The issuer delivers those investors an abbreviated disclosure document. Before the completion of the offering, the issuer changes its intentions and proposes to make sales to non-accredited investors. Would the requirement that the issuer deliver the specified information to all purchasers prior to sale if any sales are made to non-accredited investors preclude application of Rule 505 to the earlier sales to the accredited investors?

Answer: No. If the issuer delivers a complete disclosure document to the accredited investors and agrees to return their funds promptly unless they should elect to remain in the program, the issuer would not be precluded from relying on Rule 505.

B. What Required

Regulation D divides disclosure into two categories: that to be furnished by non-reporting companies and that required for reporting companies. In either case, the specified disclosure is required to the extent material to an understanding of the issuer, its business and the securities being offered.

1. Non-Reporting Issuers—Rule 502(b)(2)(i). If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Exchange Act,[27] it must furnish the specified information "to the extent material to an understanding of the issuer, its business and the securities being offered." For offerings up to $5,000,000, the issuer should furnish the "same kind of information" as would be contained in Part I of Form S–18,[28] except that only the most recent year's financial statements need be certified. For offerings over $5,000,000, the issuer should furnish "the same kind of information" as would be required in Part I of an available registration statement.[29]

(42) *Question:* When an issuer is required to deliver specific disclosure, must that disclosure be in written form?

Answer: Yes.

(43) *Question:* Form S–18 requires the issuer's audited balance sheet as of the end of its most recently completed fiscal year or within 135 days if the issuer has been in existence for a shorter time. With a limited partnership that has been formed with minimal capitalization immediately prior to a Regulation D offering, must the Regulation D disclosure document contain an audited balance sheet for the issuer?

Answer: In analyzing this or any other disclosure question under Regulation D, the issuer starts with the general rule that it is obligated to furnish the specified information "to the extent material to an understanding of the issuer, its business, and the securities being offered." Thus, in this particular case, if an audited balance sheet is not material to the investor's understanding,

[26] As noted in Preliminary Note 1, Regulation D transactions are exempt from the registration requirements of the Securities Act, not the antifraud provisions. Thus, nothing in Regulation D states that an issuer need not give disclosure to an investor. Rather, the regulation provides that in certain instances the exemptions from registration will not be conditioned on a particular content, format or method of disclosure.

[27] An issuer is subject to section 13 reporting obligations if it has a class of securities registered under section 12 of the Exchange Act. An issuer is subject to section 15(d) reporting obligations if it has had a Securities Act registration statement go effective, or if in any year after the year of effectiveness, it has at least 300 holders of the class of securities to which the registration statement applied. In the latter instance, however, even if the issuer has 300 or more shareholders, it may not be subject to section 15(d) reporting obligations if it has had less than 500 shareholders and less than $3,000,000 in assets during the last three years. *See* Rule 15d–6 (17 CFR 240.15d–6) under the Exchange Act.

[28] *See* 17 CFR 239.30. Form S–18 is an abbreviated registration form for certain offerings not exceeding $5,000,000. The form is not available to issuers that report under the Exchange Act.

[29] Rules 502(b)(2)(i)(C) and 502(b)(2)(ii)(D) contain special provisions for foreign issuers recently adopted by the Commission. *See* Release No. 33–6437 (November 19, 1982) (47 FR 54764).

then the issuer may elect to present an alternative to its audited balance sheet.

(44) *Question:* Is Securities Act Industry Guide 5 [30] applicable in a $4,000,000 Regulation D offering of interests in a real estate limited partnership?

Answer: Rule 502(b)(2)(i)(A) requires the issuer to provide the same kind of information as that required in Part I of Form S–18.[31]

Form S–18 directs the issuer's attention to the Industry Guides noting that such guides "represent Division practices with respect to the disclosure to be provided by the affected industries in registration statements." In preparing its Regulation D offering material, therefore, an issuer of interests in a real estate limited partnership should consider Guide 5 in determining the disclosure that will be material to the investor's understanding of the issuer, its business and the securities being offered.

(45) *Question:* In a $4,000,000 Regulation D offering of interests in an oil and gas limited partnership, what are the issuer's disclosure obligations with respect to financial statements of the general partner?

Answer: Item 21(h) of Form S–18 provides that the issuer should furnish the audited balance sheet as of the end of the most recent fiscal year of any corporation or partnership that is a general partner of the issuer. For any general partner that is a natural person, in lieu of an audited balance sheet, the issuer may furnish a statement of that individual's net worth in the text of the disclosure document, where assets and liabilities are estimated at fair market value with provisions for estimated income taxes on unrealized gains.[32]

(46) *Question:* The issuer in a $3,000,000 Regulation D offering is a limited partnership that will acquire certain real estate operations with the offering proceeds. What is the appropriate consideration for disclosure of the operating history of these operations?

Answer: Item 21(g) of Form S–18, which provides special guidance for such disclosure, calls for the audited income statements of the operations, with certain exclusions, for the two most recent fiscal years. If the issuer can meet certain conditions, however, the instruction reduces that requirement to only one year of audited income statements.[33]

Under Regulation D, Rule 502(b)(2)(i)(A) provides that only the financial statements for the issuer's most recent fiscal year must be certified in an offering not in excess of $5,000,000. The staff is of the view that this provision applies to all financial statements in the disclosure document. Thus, in the Regulation D offering described, the following considerations apply. If the issuer can meet the conditions in Item 21(g) of Form S–18, it may present one year of audited income statements on the operations to be acquired. If the issuer cannot meet the conditions in Form S–18, then it should present two years of income statements, only one of which must be audited.

(47) *Question:* If the issuer in Question 46 cannot obtain the financial statements on the operations to be acquired without unreasonable effort or expense, what further considerations are applicable under Regulation D?

Answer: Rule 502(b)(2)(i)(A) provides that "[i]f the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant." The staff interprets this provision to apply to all financial statements that the issuer presents in the offering document. Thus, the issuer described above may present tax basis operating statements on the operations to be acquired.[34]

(48) *Question:* Has the Commission defined or will the staff issue interpretations on the term "unreasonable effort or expense?"

Answer: No. The meaning of "unreasonable effort or expense" depends on the particular facts and circumstances attending each case. Only the issuer will know the facts and circumstances and be able to evaluate them with respect to the requirements of the rule.

(49) *Question:* The issuer in a Regulation D offering of $7,000,000 is a corporation. That corporation is acquiring a business. The issuer is unable to obtain the financial statements for that business without unreasonable effort or expense.[35] What are the relevant considerations under Regulation D?

Answer: Rule 502(b)(2)(i)(B) provides that if the issuer is not a limited partnership and "cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited." The staff has interpreted this provision in the context of Rule 3–05 of Regulation S–X to apply to the financial statements of the business being acquired. Thus, if the business being acquired is other than a limited partnership, and if the issuer cannot obtain audited financial statements of that business without unreasonable effort or expense, then the issuer may provide the relevant financial statements for the business being acquired on and unaudited basis so long as it also provides an audited balance sheet for that business dated within 120 days of the start of the offering, or, if appropriate, as of the date of acquisition of the business.[36]

2. *Reporting Issuers—Rule 502(b)(2)(ii).* If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Exchange Act, Regulation D sets forth two alternatives for disclosure: the issuer may deliver certain recent Exchange Act reports (the annual report, the definitive proxy statement, and, if requested, the Form 10–K (17 CFR 249.310)) or it may provide a document containing the same information as in the Form 10–K or Form

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[30] The Commission adopted 53 Securities Act Guides in 1968 (Release No. 33–4936 (December 9, 1968) (33 FR 18617)) and 10 additional ones subsequently. The Guides served as an expression of the policies and practices of the Division of Corporation Finance. Most of those Guides have been incorporated into Regulation C (17 CFR 230.400–.494) and Regulation S–K (17 CFR 229.10–.802) (*see* Release No. 33–6383 (March 3, 1982) (47 FR 11380)) and thus were rescinded (*see* Release No. 33–6384 (March 3, 1982) (47 FR 11476)). Five of the Guides applicable to specific industries were not rescinded, however, and were redesignated. Guide 5, which was Guide 60, applies to the preparation of registration statements relating to interests in real estate limited partnerships. Guide 5 was revised in Release No. 33–6405 (June 3, 1982) (47 FR 25140).

[31] Form S–18 has been amended recently to permit its use by limited partnerships. Release No. 33–6400 (June 4, 1982) (47 FR 23126).

[32] The same general rule would be applicable to an offering in excess of $5,000,000. *See* Release No. SAB–40, Topic 6.D.3.d. (January 23, 1981).

[33] The parallel to this instruction under other forms of registration is Rule 3–14 of Regulation S–X (17 CFR 210.3–14). Rule 3–14 requires income statements for the three most recent fiscal years, unless the issuer meets certain conditions, in which case the issuer need present only one year of audited income statements.

[34] *See* letter re *Winthrop Financial Co., Inc.* dated May 25, 1982. In response to inquiries regarding the appropriateness of tax basis financial statements, issuers should refer to Statement on Auditing Standards No. 14, *Special Reports*, American Institute of Certified Public Accountants, December 1979.

[35] The issuer should refer to Rule 3–05 of Regulation S–X (17 CFR 210.3–05) for the disclosure guidelines on businesses to be acquired. If the offering were for less than $5,000,000 and the issuer were thus referring to Form S–18, Item 21(d) of that form provides a parallel rule on businesses to be acquired.

[36] *See* letter re *Walnut Valley Special Cable TV Fund* dated May 13, 1982.

10 (17 CFR 249.210) under the Exchange Act or in a registration statement under the Securities Act. In either case the rule also calls for the delivery of certain supplemental information.

(50) *Question:* Rule 502(b)(2)(ii)(B) refers to the information contained "in a registration statement on Form S–1." Does this requirement envision delivery of Parts I and II of the Form S–1?

Answer: No. Rule 502(b)(2)(ii)(B) should construed to mean Part I of Form S–1.

(51) *Question:* A reporting company with a fiscal year ending on December 31 is making a Regulation D offering in February. It does not have an annual report to shareholders, an associated definitive proxy statement, or a Form 10–K for its most recently completed fiscal year. The issuer's last registration statement was filed more than two years ago. What is the appropriate disclosure under Regulation D?

Answer: The issuer may base its disclosure on the most recently completed fiscal year for which an annual report to shareholders on Form 10–K was timely distributed or filed. The issuer should supplement the information in the report used with the information contained in any reports or documents required to be filed under sections 13(a), 14(a), 14(c) and 15(d) of the Exchange Act since the distribution or filing of that report and with a brief description of the securities being offered, the use of the proceeds from the offering, and any material changes in the issuer's affairs that are not disclosed in the documents furnished. *See* Rule 502(b)(2)(ii)(C).

C. General

Rule 502(b)(2) also contains four general provisions applicable to all classes of issuer in all offerings where specified disclosure is required. These provisions govern exhibits, disclosure of additional information to non-accredited investors, the opportunity for further investor inquiries, and disclosure of certain additional information in business combinations.

(52) *Question:* In a Rule 505 or 506 offering of interests in a limited partnership where certain purchasers are not accredited investors, must the issuer obtain an opinion of counsel regarding the legality of the securities being issued or an opinion regarding the tax consequences of an investment in the offering?

Answer: Rule 502(b)(2)(iii) provides that the issuer is not required to furnish the exhibits that would accompany the form of registration or report governing the issuer's disclosure document if the issuer identifies the contents of those exhibits and makes them available to purchasers upon written request prior to purchase.[37] Any form of registration to which the issuer refers in preparing its disclosure document under Regulation D requires that the issuer furnish the exhibits required by Item 601 of Regulation S–K. Item 601 requires that the issuer furnish, among other exhibits, an opinion of counsel as to the legality of the securities being issued. Thus, under Rule 502(b)(2)(iii), the issuer should identify the contents of this opinion of counsel and make it available to purchasers upon written request. Item 601 also sets forth certain requirements for an opinion as to tax matters. Such an opinion is required to support any representations in a prospectus as to material tax consequences. Thus, assuming the Regulation D issuer will make representations in the disclosure document as to material tax consequences of investing in a limited partnership, the issuer should identify the contents of and make available upon request an opinion supporting that discussion.[38]

III. Operational Conditions

A. Integration—Rule 502(a)

Rule 502(a) achieves two purposes. First, it explicitly incorporates the doctrine of integration into Regulation D. Second, it establishes an exception to the operation of that doctrine.

Integration operates to identify the scope of a particular offering by considering the relationship between multiple transactions. It is premised on the concept that the Securities Act addresses discrete offerings and on the recognition that not every offering is in fact a discrete transaction. The integration doctrine prevents an issuer from circumventing the registration requirements of the Securities Act by claiming a separate exemption for each part of a series of transactions that comprises a single offering. Because the determination of whether transactions should be integrated into one offering is so dependent on particular facts and circumstances, the staff does not issue interpretations in this area.[39] The Note to Rule 502(a), however, does set forth a number of factors that should be considered in making an integration determination.

Rule 502(a) also sets forth an exception to the integration doctrine. It provides that a Regulation D offering will not be integrated with offers or sales that occur more than six months before or after the Regulation D offering. This six month safe harbor rule only applies, however, where there have been no offers or sales (except under an employee benefit plan) of securities similar to those in the Regulation D offering within the applicable six months.[40]

(53) *Question:* An issuer conducts offering (A) under Rule 504 of Regulation D that concludes in January. Seven months later the issuer commences offering (B) under Rule 506. During that seven month period the issuer's only offers or sales of securities are under an employee benefit plan (C). Must the issuer integrate (A) and (B)?

Answer: No. Rule 502(a) specifically provides that (A) and (B) will not be integrated.[41]

B. Calculation of the Number of Purchasers—Rule 501(e)

Rule 501(e) governs the calculation of the number of purchasers in offerings that rely either on Rule 505 or 506. Both of these rules limit the number of non-accredited investors to 35. Rule 501(e) has two parts. The first excludes certain purchasers from the calculation. The second establishes basic principles for counting of corporations, partnerships, or other entities.

(54) *Question:* One purchaser in a Rule 506 offering is an accredited investor. Another is a first cousin of that investor sharing the same principal residence. Each purchaser is making his own investment decision. How must the issuer count these purchasers for purposes of meeting the 35 purchaser limitation?

Answer: The issuer is not required to count either investor. The accredited investor may be excluded under Rule 501(e)(1)(iv), and the first cousin may then be excluded under Rule 501(e)(1)(i).[42]

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[37] This provision is similar to that found in former Rule 146 at paragraph (e)(1)(ii)(c).

[38] *See* letters to *Hecker & Phillips* dated December 22, 1982 and *Hopper, Kenouff, Smith and Peryam* dated September 10, 1982.

[39] *See* Release No. 33–6253 (October 28, 1980) (45 FR 72284); letters re *Security Bancorp, Inc.* dated January 21, 1980 and *Kearney Plaza Company* dated March 8, 1979.

[40] The Note to Rule 502(a) also points out that certain foreign offerings are not integrated with domestic exempt offerings.

[41] Rule 502(a), however, does not provide a safe harbor to the possible integration of offering (C) with either offering (A) or (B). In resolving that question, the issuer should consider the factors listed in the Note to Rule 502(a).

[42] The Note to Rule 501(a) provides that the issuer must satisfy all other conditions of Regulation D with respect to purchasers that have been excluded from the count. Thus, for instance, the issuer would have to ensure the sophistication of the first cousin under Rule 506(b)(2)(ii).

(55) *Question:* An accredited investor in a Rule 506 offering will have the securities she acquires placed in her name and that of her spouse. The spouse will not make an investment decision with respect to the acquisition. How many purchasers will be involved?

Answer: The accredited investor may be excluded from the count under Rule 501(e)(1)(iv) and the spouse may be excluded under Rule 501(e)(1)(i). The issuer may also take the position, however, that the spouse should not be deemed a purchaser at all because he did not make any investment decision, and because the placement of the securities in joint name may simply be a tax or estate planning technique.

(56) *Question:* An offering is conducted in the United States under Rule 506. At the same time certain sales are made overseas. Must the foreign investors be included in calculating the number of purchasers?

Answer: Offers and sales of securities to foreign persons made outside the United States in such a way that the securities come to rest aboard generally do not need to be registered under the Act. This basis for non-registration is separate from Regulation D and offers and sales relying on this interpretation are not required to be integrated with a coincident domestic offering.[43] Thus, assuming the sales in this question rely on this interpretation, foreign investors would not be counted.

(57) *Question:* An investor in a Rule 506 offering is a general partnership that was not organized for the specific purpose of acquiring the securities offered. The partnership has ten partners, five of whom do not qualify as accredited investors. The partnership will make an investment of $100,000. How is the partnership counted and must the issuer make any findings as to the sophistication of the individual partners?

Answer: Rule 501(e)(2) provides that the partnership shall be counted as one purchaser. The issuer is not obligated to consider the sophistication of each individual partner.

(58) *Question:* If the partnership in Question 57 purchases $200,000 of the securities being offered and if that amount does not exceed 20 percent of the partnership's net worth, how should the partnership be counted?

Answer: Rule 501(e)(2), which provides that the partnership shall be counted as one purchaser, operates in tandem with Rule 501(e)(1). Thus, because the partnership is an accredited investor (in this case under Rule 501(a)(5)), the partnership may be excluded from the count under Rule 501(e)(2)(iv).

(59) *Question:* An investor in a Rule 506 offering is an investment partnership that is not accredited under Rule 501(a)(8). Although the partnership was organized two years earlier and has made investments in a number of offerings, not all the partners have participated in each investment. With each proposed investment by the partnership, individual partners have received a copy of the disclosure document and have made a decision whether or not to participate. How do the provisions of Regulation D apply to the partnership as an investor?

Answer: The partnership may not be treated as a single purchaser. Rule 501(e)(2) provides that if the partnership is organized for the specific purpose of acquiring the securities offered, then each beneficial owner of equity interests should be counted as a separate purchaser. Because the individual partners elect whether or not to particpate in each investment, the partnership is deemed to be reorganized for the specific purpose of acquiring the securities in each investment.[44] Thus, the issuer must look through the partnership to the partners participating in the investment. The issuer must satisfy the conditions of Rule 506 as to each partner.

C. Manner of Offering—Rule 502(c)

Rule 502(c) prohibits the issuer or any person acting on the issuer's behalf from offering or selling securities by any form of general solicitation or general advertising. The analysis of facts under Rule 502(c) can be divided into two separate inquiries. First, is the communication in question a general solicitation or general advertisement? Second, if it is, is it being used by the issuer or by someone on the issuer's behalf to offer or sell the securities? If either question can be answered in the negative, then the issuer will not be in violation of Rule 502(c). Questions under Rule 502(c) typically present issues of fact and circumstance that the staff is not in a position to resolve. In several instances, however, the staff has been able to address questions under the rule.

In analyzing what constitutes a general solicitation, the staff considered a solicitation by the general partner of a limited partnership to limited partners in other active programs sponsored by the same general partner. In determining that this did not constitute a general solicitation the Division underscored the existence and substance of the pre-existing business relationship between the general partner and those being solicited. The general partner represented that it believed each of the solicitees had such knowledge and experience in financial and business matters that he or she was capable of evaluating the merits and risks of the prospective investment. *See* letter re *Woodtrails-Seattle, Ltd.* dated July 6, 1982.

In analyzing whether or not an issuer was using a geneal advertisement to offer or sell securities, the staff declined to express an opinion on a proposed tombstone advertisement that would announce the completion of an offering. *See* letter re *Alma Securities Corporation* dated July 2, 1982. Because the requesting letter did not describe the proposed use of the tombstone announcement and because the announcement of the completion of one offering could be an indirect solicitation for a new offering, the staff did not express a view. In a letter re *Tax Investment Information Corporation* dated January 7, 1983, the staff considered whether the publication of a circular analyzing private placement offerings, where the publisher was independent from the issuers and the offerings being analyzed, would violate Rule 502(c). Although Regulation D does not directly prohibit such a third party publication, the staff refused to agree that such a publication would be permitted under Regulation D because of its susceptability to use by participants in an offering. Finally, in the letter re *Aspen Grove* dated November 8, 1982 the staff expressed the view that the proposed distribution of a promotional brochure to the members of the "Thoroughbred Owners and Breeders Association" and at an annual sale for horse owners and the proposed use of a magazine advertisement for an offering of interests in a limited partnership would not comply with Rule 502(c).

(60) *Question:* If a solicitation were limited to accredited investors, would it be deemed in compliance with Rule 502(c)?

Answer: The mere fact that a solicitation is directed only to accredited investors will not mean that the solicitation is in compliance with Rule 502(c). Rule 502(c) relates to the nature of the offering not the nature of the offerees.

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[43] *See* Release No. 33-6709 (July 9, 1984) (29 FR 828), Preliminary Note 7 to Regulation D and Note to Rule [illegible].

[44] *See* letter re *Madison Partners Ltd. 1982-1* dated January 18, 1982. *See also* letter re *Kenai Oil & Gas, Inc.* dated April 27, 1979.

D. Limitations on Resale—Rule 502(d)

Rule 502(d) makes it clear that Regulation D securities have limitations on transferability and requires that the issuer take certain precautions to restrict the transferability of the securities.

(61) *Question:* An investor in a Regulation D offering wishes to resell his securities within a year after the offering. The issuer has agreed to register the securites for resale. Will the proposed resale under the registration statement violate Rule 502(d)?

Answer: No. The function of Rule 502(d) is to restrict the unregistered resale of securities. Where the resale will be registered, however, such restrictions are unnecessary.

IV. Exemptions

A. Rule 504

Rule 504 is an exemption under section 3(b) of the Securities Act available to non-reporting and non-investment [46] companies for offerings not in excess of $500,000.

(62) *Question:* A foreign issuer proposes to use Rule 504. The issuer is not subject to section 15(d) and its securities are exempt from registration under Rule 12g3–2 (17 CFR 240.12g3–2). May this issuer use Rule 504?

Answer: Yes.

(63) *Question:* An issuer proposes to make an offering under Rule 504 in two states. The offering will be registered in one state and the issuer will deliver a disclosure document pursuant to the state's requirements. The offering will be made pursuant to an exemption from registration in the second state. Must the offering satisfy the limitations on the manner of offering and on resale in paragraphs (c) and (d) of Rule 502?

Answer: Yes. An offering under Rule 504 is exempted from the manner of sale and resale limitations only if it is registered in *each* state in which it is conducted and only if a disclosure document is required by state law.

(64) *Question:* The state in which the offering will take place provides for "qualification" of any offer or sale of securities. The state statute also provides that the securities commissioner may condition qualification of an offering on the delivery of a disclosure document prior to sale. Would the issuer be making its offering in a state that "provides for registration of the securities and requires the delivery of a disclosure document before sale" if its offering were qualified in this state on the condition that it deliver a disclosure document before sale to each investor?

Answer: Yes.[46]

(65) *Question:* If an issuer is registering securities at the state level, are there any specific requirements as to resales outside of that state if the issuer is attempting to come within the provision in Rule 504 that waives the limitations on the manner of offering and on resale in Rules 502 (c) and (d)?

Answer: No.[47] The issuer, however, must intend to use Rule 504 to make bona fide sales in that state and not to evade the policy of Rule 504 by using sales in one state as a conduit for sales into another state. *See* Preliminary Note 6 to Regulation D.

B. Rule 505

Rule 505 provides an exemption under section 3(b) of the Securities Act for non-investment companies for offerings not in excess of $5,000,000.

(66) *Question:* An issuer is a broker that was censured pursuant to a Commission order. Does the censure bar the issuer from using Rule 505?

Answer: No. Rule 505 is not available to any issuer who falls within the disqualifications for the use of Regulation A (17 CFR 230.251–.264). *See* Rule 505(b)(2)(iii). One such disqualification occurs when the issuer is subject to a Commission order under section 15(b) of the Exchange Act. A censure has no continuing force and thus the issuer is not subject to an order of the Commission.

C. Questions Relating to Rules 504 and 505

Both Rules 504(b)(2)(i) and 505(b)(2)(i) require that the offering not exceed a specified aggregate offering price. The allowed aggregate offering price, however, is reduced by the aggregate offering price for all securities sold within the last twelve months in reliance on section 3(b) or in violation of section 5(a) of the Securities Act.

(67) *Question:* An issuer preparing to conduct an offering of equity securities under Rule 505 raised $2,000,000 from the sale of debt instruments under Rule 505 eight months earlier. How much may the issuer raise in the proposed equity offering?

Answer: $3,000,000. A specific condition to the availability to Rule 505 for the proposed offering is that its aggregate offering price not exceed $5,000,000 less the proceeds for *all* securities sold under section 3(b) within the last 12 months.

(68) *Question:* An issuer is planning a Rule 505 offering. Ten months earlier the issuer conducted a Rule 506 offering. Must the issuer consider the previous Rule 506 offering when calculating the allowable aggregate offering price for the proposed Rule 505 offering?

Answer: No. The Commission issued Rule 506 under section 4(2), and Rule 505(b)(2)(i) requires that the aggregate offering price be reduced by previous sales under section 3(b).[48]

(69) *Question:* Seven months before a proposed Rule 504 offering the issuer conducted a rescission offer under Rule 504. The rescission offer was for securities that were sold in violation of section 5 more than 12 months before the proposed Rule 504 offering. Must the aggregate offering price for the proposed Rule 504 offering be reduced either by the amount of the rescission offer or the earlier offering in violation of section 5?

Answer: No. The offering in violation of section 5 took place more than 12 months earlier and thus is not required to be included when satisfying the limitation in Rule 504(b)(2)(i). The staff is of the view that the rescission offer relates back to the earlier offering and therefore should not be included as an adjustment to the aggregate offering price for the proposed Rule 504 offering.

(70). *Question:* Rules 504 and 505 contain examples as to the calculation of the allowed aggregate offering price for a particular offering. Do these examples contemplate integration of the offerings described?

Answer: No. The examples have been provided to demonstrate the operation of the limitation on the aggregate offering price in the absence of any integration questions.

(71) *Question:* Note 2 to Rule 504 is not restated in Rule 505. Does the principle of the note apply to Rule 505?

Answer: Yes. Note 2 to Rule 504 sets forth a general principle to the operation of the rule on limiting the aggregate offering price which is the same for both Rules 504 and 505. It provides that if, as a result of one offering, an issuer exceeds the allowed aggregate offering price in a subsequent unintegrated offering, the exemption for the first offering will not be affected.

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[46] The Division is of the view that the provision in Rules 504 and 505 that bars an investment company from using the exemptions should be construed to mean an investment company as that term is defined in section 3 of the Investment Company Act.

[46] *See* letter to *Geraldine D. Green* dated November 22, 1982.

[47] *See* letter re *Freeport Resources, Inc.* dated December 9, 1982.

[48] Note that under Rule 502(a) these offerings may not have to be integrated because they are separated by six months.

D. Rule 506

(72) *Question:* May an issuer of securities with a projected aggregate offering price of $3,000,000 rely Rule 506?

Answer: Yes. The availability of Rule 506 is not dependent on the dollar size of an offering.

(73) *Question:* Rule 506 requires that the issuer shall reasonably believe that each purchaser who is not an accredited investor either alone or with a purchaser representative has such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospectve investment. Former Rule 146 required the issuer to make a similar determination with respect to each offeree. Rule 506 is not an exclusive basis for satisfying the requirements of the private offering exemption in section 4(2). *See* Preliminary Note 3 to Regulation D. What is the Commission's view of the relevance of the nature of the offerees in an offering that relies exclusively on section 4(2) as its basis for exemption from registration?

Answer: Clearly, in an offering relying exclusively on section 4(2) for an exemption from registration, all offerees who purchase must possess the requisite level of sophistication. The sophistication of each of those to whom the securities are offered who do not purchase is not a fact that in and of itself should determine mechanically the availability of the exemption; the number and the nature of the offerees, however, are relevant in determining whether an issure has engaged in a general solicitation or general advertising that would preclude reliance on the exemption in section 4(2).

E. Questions Relating to Rules 504–506

(74) *Question:* If an issuer relies on one exemption, but later realizes that exemption may not have been made available, may it rely on another exemption after the fact?

Answer: Yes, assuming the offering met the conditions of the new exemption. No one exemption is exclusive of another.

(75) *Question:* May foreign issuers use Regulation D?

Answer: Yes. Recent amendments to Regulation D have clarified the disclosure requirements for foreign issuers.[49]

(76) *Question:* Is Regulation D available to an underwriter for the sale of securities acquired in a firm commitment offering?

Answer: No. As Preliminary Note 4 indicates, Regulation D is available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resales of the issuer's securities. *See also* Rule 502(d) which limits the resale of Regulation D securities.

(77) *Question:* Regulation T (12 CFR 220.1–.8) of the Federal Reserve Board imposes certain restrictions on brokers and dealers for the use of credit in the purchase of securities. Regulation T provides an exemption from those provisions for the arrangement of credit in a sale of securities that is exempt from the registration requirements of the Securities Act under section 4(2). *See* 12 CFR 220.7(g). What is the applicability of this provision to offerings conducted under Regulation D?

Answer: Regulation T is interpreted by the Federal Reserve Board which has expressed the view that the exemption from Regulation T in 12 CFR 220.7(a) is available for offerings conducted in reliance on Rules 505 and 506,[50] but not for those under 504.[51]

(78) *Question:* A corporation proposes to implement an employee stock option plan for key employees. Can the issuer rely on Regulation D for an exemption from registration for the issuance of securities under the plan?

Answer: The corporation may use Regulation D for the sale of its securities under the plan to the extent that such offering complies with Regulation D. In a typical plan, the grant of the options will not be deemed a sale of a security for purposes of the Securities Act. The issuer, therefore, will be seeking an exemption for the issuance of the stock underlying the options. The offering of this stock generally will commence when the options become exercisable and will continue until the options are exercised or otherwise terminated. Where the key employees involved are directors or executive officers, such individuals will be accredited investors under Rule 501(a)(4) if they purchase securities through the exercise of their options. Other key employees may be accredited as a result of net worth or income under Rules 501(a)(6) or (a)(7).

(79) *Question:* In an "all or none" or minimum-maximum Regulation D offering of interests in a limited partnership, the general partner proposes, if necessary, to purchase enough interests for the issuer to sell a specified level of interests by the specified expiration date of the offering. What disclosure and other considerations are relevant?

Answer: The staff is of the view that pursuant to Rule 10b–9 under the Exchange Act, the issuer must disclose the possibility that the general partner may make purchases of the limited partnership interests in order to meet the specified minimum. In addition, the issuer should disclose the maximum amount of the possible purchases. Finally, these purchases must be for investment and not resale. Questions regarding these views should be directed to the Division of Market Regulation, Office of Trading Practices, (202) 272–2874.

(80) *Question:* An issuer will conduct a Regulation D offering on an "all or none" basis within a specified time. What considerations are there for the issuer if it wishes to extend the offering beyond the specified time in order to sell the specified amount of securities?

Answer: The staff is of the view that an offering may be extended beyond the specified time without resulting in a violation of Rule 10b–9 under the Exchange Act or, in the case of an offering in which a broker-dealer is a participant, Rule 15c2–4 under the Exchange Act, under the following conditions:

a. Prior to the specified expiration date, a reconfirmation offer must be made to all subscribers that discloses the extension of the offering and any other material information necessary to update previously provided disclosure.

b. The reconfirmation offer must be structured so that the subscriber affirmatively elects to continue his investment and so that those subscribers who take no affirmative action will have their funds returned to them.

c. The reconfirmation offer must be made far enough in advance of the specified expiration date so that any subscriber who does not elect to continue his investment will have his funds returned to him promptly after the specified expiration date.

Questions regarding these views should be directed to the Division of Market Regulation, Office of Trading Practices, (202) 272–2874.

V. Notice of Sale—Form D

Rule 503 requires the issuer to file a notice of sale on Form D. The notice must be filed not later than 15 days after the first sale, every six months

[49] *See* Release No. 33–6437 (November 19, 1982) (47 FR 54764).

[50] Letters from Laura Homer, Securities Credit Officer, Board of Governors of the Federal Reserve System to Ardith Eymann, Esq., Chief Counsel, Division of Market Regulation, Securities and Exchange Commission (April 10, 1982) and to Mrs. Mary E.T. Beach, Associate Director, Securities and Exchange Commission (January 8, 1982).

[51] Letter from Laura Homer, Securities Credit Officer, Board of Governors of the Federal Reserve System to Alan G. Rosenberg, Esq. (May 20, 1982).

thereafter, and no later than 30 days after the last sale.[52]

(81) *Question:* Where can an issuer obtain copies of Form D and where must the form be filed?

Answer: Form D is available through the Public Reference Branch of the Commission's main office, 450 5th Street, NW., Washington, D.C. 20549, (202) 272–7460, or any of its regional or branch offices. The form should be filed at the Commission's main office. There is no filing fee.

(82) *Question:* In a minimum-maximum offering where subscription funds are held in escrow pending receipt of minimum subscriptions, when is the first Form D required to be filed?

Answer: In the context of Rule 503, the first sale takes place upon receipt of the first subscription agreement and the deposit of the first funds into escrow. The issuer, therefore, should file its first Form D not later than 15 days after the receipt of the first subscription agreement.

(83) *Question:* An issuer conducting a minimum-maximum offering has received subscriptions for the minimum number of interests needed to form the limited partnership. Subsequent to closing and formation of the partnership, the issuer continues to offer interests. After two months in which no sales take place, the issuer decides to terminate the offering. Because more than 30 days have elapsed since the last sale, how can the issuer comply with Rule 503 in the filing of its final Form D?

Answer: The staff is of the view that a final Form D may be filed not later than 30 days after the last sale or after the termination of the offering, whichever occurs later.

(84) *Question:* In an employee stock option plan, when would the first and last Form D be filed?

Answer: The first Form D should be filed not later than 15 days after the exercise of the first option. The final Form D would be due not later than 30 days after the exercise or expiration of the last outstanding option, whichever occurs later.

(85) *Question:* An issuer commences a Regulation D offering and files an original Form D not later than 15 days after the first sale. Subsequently, because no further sales are made, the issuer returns the money to the one investor and terminates the offering. How should the issuer reflect the unsuccessful offering on its Form D?

Answer: The issuer should file a final Form D indicating zero sales, investors, and proceeds.

(86) *Question:* If the issuer is a limited partnership, who would be considered the chief executive officer for purposes of Form D questions?

Answer: The chief executive officer of a limited partnership is that individual who fulfills the function of chief executive officer. That individual may be the chief executive officer of a corporate general partner.

(87) *Question:* What is a Standard Industrial Classification ("SIC") and where is it obtained?

Answer: The SIC is a code associated with a particular economic activity. The SIC system, developed by the Bureau of the Census under the auspices of the Office of Management and Budget, is used in classification of establishments by the type of activities in which they are engaged. An issuer's SIC can be found in the Standard Industrial Classification Manual, a publication of the U.S. Government that may be obtained from the Superintendent of Documents and is generallly available in public and university libraries.

(88) *Question:* Question 8 of Part A asks for the issuer's CUSIP number. What is a CUSIP number?

Answer: CUSIP [53] is the trademark for a system that identifies specific security issuers and their classes of securities. Under the CUSIP plan, a CUSIP number is permanently assigned to each class and will identify that class and no other. Generally, a CUSIP number will be assigned only to a class for which there is a secondary trading market. The operation of the CUSIP numbering system is controlled by the CUSIP Board of Trustees which awarded a contract to Standard & Poor's Corporation to function as the CUSIP Service Bureau, the operational arm of the system. Issuers relying on Regulation D that do not have a class of securities with a secondary trading market and thus do not have a CUSIP number should answer Question 8 in the negative.

(89) *Question:* Part B of Form D requests statistical information about the issuer. In an offering of interests in a limited partnership to be formed, how should this part be answered?

Answer: The answers to Part B should be with respect to the partnership to be formed and will be zero or "not applicable." This will reflect the statistical profile of a start-up issuer.

(90) *Question:* Question 2 to Part C requests certain information as to the number of accredited and non-accredited investors in a Rule 505 or 506 offering. Must an issuer make a finding as to accredited investors even if the issuer is not relying on the accredited investor concept in its offering?

Answer: No. Where an issuer under Rule 505 or 506 is not relying on the accredited investor concept for all or certain investors, it should treat those investors as non-accredited for purposes of this question.

(91) *Question:* Questions 5 and 6 to Part C request certain information regarding the offering expenses and the use of proceeds. May the issuer attach a separate schedule listing expenses and use of proceeds in lieu of completing these questions?

Answer: No. The Form D has been formulated for keypunching and entry of the information into an automatic data storage system. Failure to complete the questions on the form in the space provided frustrates the objectives of the form.

(92) *Question:* May the Form D be signed by the issuer's attorney?

Answer: Form D may be signed on behalf of the issuer by anyone who is duly authorized.

Text of Amendment

List of Subjects in 17 CFR Part 231

Reporting requirements, Securities.

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 231—INTERPRETIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER.

1. Part 231 is amended by adding this Release No. 33–6455 (March 3, 1983) to the list of interpretive releases.

By the Commission.

George A. Fitzsimmons,

Secretary

March 3, 1983.

[FR Doc. 83–6220 Filed 3–9–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[Dept. Reg. 108.829]

Issuance of Nonimmigrant Visas—Procedures

AGENCY: Department of State.

[52] A Form D is also required to be filed in connection with an offering conducted pursuant to section 4(6). *See* 17 CFR 230.500.

[53] The acronym "CUSIP" derives from the title of the American Banker's Association committee that developed the CUSIP system—Committee on Uniform Security Identification Procedures.

ACTION: Final rule.

SUMMARY: The Department is amending section 41.124(e)(1) of its regulations to authorize all Foreign Service posts to use the word "Bearer(s)" in lieu of the name of the alien and names of accompanying family members, if any, included in the alien's passport, in nonimmigrant visas issued in approved passports or other travel documents fulfilling the requirements of a passport as defined in section 101(a)(30) of the Immigration and Nationality Act. This action is intended to expedite the processing of non-immigrant visas.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald M. Brown, Chief, Legislation and Regulations Division, Visa Services. (202) 632-1000.

SUPPLEMENTARY INFORMATION: Paragraph (e)(1) of § 41.124 presently states that Foreign Service posts may be individually authorized by the Department, after consultation with the Immigration and Naturalization Service, to use the "Bearer(s)" insert when issuing visas to nationals of countries as designated by the Department. The Department, with the concurrence of the Immigration and Naturalization Service, is now authorizing all Foreign Service posts to use the "Bearer(s)" insert when visaing approved passports. The insert may also be used in Certificate of Identity and Laissez Passer travel documents issued by countries whose passports have been approved, provided such documents fulfill the requirements of a "passport" as defined in section 101(a)(30) of the Immigration and Nationality Act. The bearer of the approved passport or other travel document need not be a national of the issuing country; however, the travel document must show the nationality, if any, of the bearer. The expanded use of the "Bearer(s)" insert is intended to expedite the processing of nonimmigrant visas and improve office efficiency. Compliance with 5 U.S.C. 553 of the Administrative Procedure Act, as to notice of proposed rulemaking and delayed effective date, is not necessary in this instance because the amendments involved in this order are technical and administrative in nature.

List of Subjects in 22 CFR Part 41

Aliens, Passports and visas, Students.

PART 41—[AMENDED]

Accordingly, paragraph (e)(1) of § 41.124 is amended to read:

§ 41.124 Procedures in issuing visas.

* * * * *

(e) *Insertion of name; petition and derivative status notation.* (1) Except as otherwise provided in this paragraph, the name or names of the alien or aliens to whom a nonimmigrant visa is issued shall be shown on the visa insert just after the word "to". Consular officers may, in their discretion, show the word "Bearer(s)" in lieu of the name of the alien and in lieu of the names of accompanying family members, if any, who are included in the alien's passport, in visas issued in passports or other travel documents meeting the requirements of section 101(a)(30) of the Immigration and Nationality Act, which have been designated by the Department as approved for this purpose. This procedure may not be applied in the case of aliens who are the beneficiaries of waivers granted under section 212(d)(3) of the Act.

* * * * *

(Sec. 104, 66 Stat. 174; 8 U.S.C 1104; Sec. 109(b)(1), 91 Stat. 847)

Dated: February 16, 1983.

J. Donald Blevins,

Acting, Assistant Secretary for Consular Affairs.

[FR Doc. 83-6821 Filed 3-9-83; 8:45 am]

BILLING CODE 4710-06-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 201

[AID Regulation 1]

Revision of Geographic Code Summaries

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The Agency for International Development (A.I.D.) has revised the description of AID Geographic Code 941 "Special Free World", one of the principal codes used to specify the authorized source countries for A.I.D.-financed procurement, to reflect the change in eligibility status of several countries. Algeria is now included in Code 941 and is an eligible source country when Code 941 is authorized. Angola, Bahrain, Gabon, Mozambique, Singapore, and Syria are now excluded from Code 941. Regulation 1 is being amended to reflect these changes. Also, editorial changes are made in the summaries of Code 000 and Code 899 "Free World". There have been no changes in eligibility status under either of these codes.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Kathleen O'Hara, Office of Commodity Management, Agency for International Development, Washington, D.C. 20523, 703-235-2173.

SUPPLEMENTARY INFORMATION: The Agency has determined that this rule will not have a significant economic impact on a substantial number of small organizational units and small government jurisdictions.

This rule is not a major rule for purposes of Executive Order 12291 and has been submitted to OMB in accordance with the Executive Order.

List of Subjects in 22 CFR Part 201

Commodity procurement, Foreign A.I.D., Grant programs—Foreign relations, Loan programs—Foreign relations.

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY A.I.D.

22 CFR Part 201 is amended as follows:

1. The authority citation for Part 201 reads as follows:

Authority: Sec. 621, Foreign Assistance Act of 1961, as amended, 75 Stat. 424 (22 U.S.C. 2381) 22 CFR 201.65.

Subpart B—Conditions Governing the Eligibility of Procurement Transactions for A.I.D. Financing

2. In § 201.11, paragraph (b)(4) is revised as follows:

§ 201.11 Eligibility of Commodities.

(b) * * *

(4) *Identification of principal geographic code numbers.* The A.I.D. Geographic Code Book sets forth the official description of all geographic codes used by A.I.D. to designate the authorized source for procurement. Following are summaries of the principal codes:

Code 000—"The United States": The states of the United States, the District of Columbia, and areas of U.S. associated sovereignty, including the trust territories.

Code 899—"Free World": Any area or country, except the cooperating country itself and the following countries: Albania, Bulgaria, Cambodia, Cuba, Czechoslovakia, German Democratic Republic, Hungary, Laos, Mongolia, North Korea, People's Republic of China, Poland, Romania, Union of Soviet Socialist Republics (USSR), and Vietnam.

Code 935—"Special Free World": Any area or country in the Free World, including the cooperating country.

Code 941—"Selected Free World": The United States and any independent country in the Free World, except the cooperating country itself and the following: Afghanistan, Andorra, Angola, Australia, Austria, Bahrain, Belgium, Canada, Cyprus, Denmark, Federal Republic of Germany, Finland, France, Gabon, Greece, Hong Kong, Iceland, Iran, Iraq, Ireland, Italy, Japan, Kuwait, Libya, Liechenstein, Luxembourg, Malta, Monaco, Mozambique, Netherlands, New Zealand, Norway, Portugal, Qatar, Saudi Arabia, San Marino, Singapore, South Africa, Spain, Sweden, Switzerland, Syria, United Arab Emirates, United Kingdom, Vatican City, South Yemen, and Yugoslavia.

* * * * *

Dated: February 3, 1983.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 83-6218 Filed 3-9-83; 8:45 am]

BILLING CODE 8116-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

[FHWA Docket No. 83-4, Notice No. 2]

Truck Size and Weight: Policy Statement; Supplementary Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Supplementary statement to policy statement.

SUMMARY: This notice provides an explanation of the FHWA policy statement on Truck Size and Weight, published on February 3, 1983 (48 FR 5210), requesting each State to provide three lists of highways. The purpose of these lists was to provide the information indicating what routes were available to truckers under the provisions of the Surface Transportation Assistance Act of 1982 and the Department of Transportation Appropriations Act of 1982. Some confusion has resulted because of the limited system originally designated by the statement.

FOR FURTHER INFORMATION CONTACT: Mr. Harry Skinner, Office of Traffic Operations, (202) 426–1993, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426–0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA notice of policy statement on Truck Size and Weight, published on February 3, 1983, requested each State to provide three lists of highways. The purpose of these lists was to provide the information indicating what routes were available to truckers under the provisions of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424, 96 Stat. 2097) (STAA) and the Department of Transportation Appropriations Act of 1982 (Pub. L. 97–369). Some confusion has resulted because of the limited system originally designated by the statement. The original designation was a concededly restricted portion of Primary System highways, designed to immediately implement the law.

Some States have indicated that they would prefer to designate the entire Primary System, and/or other highways as available to vehicles described in the statement. However, the compilation of such a list would be so cumbersome that the States are considering adopting only those highways set forth in the policy statement.

As we intend to utilize submitted information to provide descriptive material for use by the industry and public, we would like to simplify the compilation of materials and expedite the submission of this material. Therefore, States wishing to designate all, or substantially all, Primary System and/or other roads under lists 1 or 2 in the policy statement may in following the policy statement have two additional options:

Option 1. Designate all Primary System and/or other roads and submit a statement to that effect.

Option 2. Designate all Primary System and/or other roads, but with specific exceptions, which would then be submitted in a categorized list.

Finally some confusion has arisen over the relationship between list (1) (qualifying highways) and list (3) (exclusions) in the February 3 policy statement. States should not identify in list (1) (qualifying highways) those highways placed in list (3) (exclusions). List (1) should identify only qualifying highways on which large trucks may operate.

Issued on: March 2, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 83-6134 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Parts 10 and 15

[Docket No. N-83-1213]

Announcement of Effective Dates

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of announcement of effective dates for certain recent final rules.

SUMMARY: This notice announces the effective dates for certain recently published final rules. Thirty calendar days of continuous session of Congress have expired in the present Congress since these rules were published.

EFFECTIVE DATES: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The effective date provision of the published rules stated that the rules would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the rules' effectiveness would be published in the **Federal Register**. Thirty calendar days of continuous session of Congress have expired in the present Congress since these rules were published.

Accordingly, the purpose of this notice is to announce effective dates for the rules listed below:

24 CFR Part 10:

Rulemaking: Policy and Procedures, Final rule published December 20, 1982, (47 FR 56624), Docket No. R–82–1064.

Effective Date: March 10, 1983.

24 CFR Part 15:

Production or Disclosure of Material or Information, Final rule published December 13, 1982 (47 FR 55669), Docket No. R–82–1061.

Effective Date: March 10, 1983

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6006 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 50

[Docket No. R-82-744]

Protection and Enhancement of Environmental Quality; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of announcement of effective date for interim rule and Correction.

SUMMARY: This notice announces the effective date for the interim rule published in the **Federal Register** on December 15, 1982 (47 FR 56266) that identified the environmental review procedures that apply to all HUD programs (except those authorized by Title I of the Housing and Community Development Act of 1974, as amended) and complied with the National Environmental Policy Act (NEPA) Regulations issued by the Council on Environmental Quality. There are also certain non-substantive technical corrections to §§ 50.17 and 50.20 of the interim rule that are being addressed in this notice.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The effective date provision of the published interim rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the rule's effectiveness would be published in the **Federal Register.** Thirty calendar days of continuous session of Congress have expired in the present Congress since this rule was published.

However, §§ 50.17 and 50.20 contain certain non-substantive technical corrections that are being corrected as set forth below.

Accordingly, this document announces the effective date for and makes technical corrections to an interim rule published on December 15, 1982 (47 FR 56266).

PART 50—[AMENDED]

1. On page 56270, in the middle of column three "§ 50.17 Projects", the introductory paragraph and paragraph (a) are corrected to read:

§ 50.17 Projects.

An EA and FONSI or EIS for individual projects shall be completed before the applicable program decision points below for projects not meeting the criteria of § 50.20 and shall be reevaluated and updated as required by § 50.37.

(a) *New Construction.* (1) Subdivisions: Issuance of HUD Environmental Review Letter and Form 92256;

(2) Multifamily project mortgage insurance, including Title X, nursing homes, hospitals, group practice facilities, manufactured and mobile homes and parks: Issuance of SAMA Letter or equivalent indication of HUD approval, whichever comes first;

(3) Public Housing: Notification of tentative site approval (1977 procedures) or PHA proposal approval (1980 procedures);

(4) Section 8 HAP Program: Notification of selection of preliminary proposal.

* * * * *

2. On page 56271 in the middle of column one "§ 50.20 *Categorical exclusions*", the introductory paragraph is corrected to read:

§ 50.20 Categorical exclusions.

The following actions, activities and programs are categorically excluded from the NEPA requirements of this part. These actions, activities and programs, however, are not excluded from individual compliance requirements of other environmental statutes, Executive Orders and HUD standards listed in § 50.4 where appropriate. The format to be used by HUD in documenting compliance for projects is contained in Appendix B of this part. Where the responsible official determines that any action, activity or program identified in this section may have an environmental effect because of extraordinary circumstances, the requirements of NEPA shall apply.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6005 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-29-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 115

[Docket No. R-83-584]

Recognition of Substantially Equivalent Laws; Announcement of Effective Date

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on January 11, 1983 (48 FR 1190) that amended 24 CFR Part 115 which provides for recognition by the Department of those State and local fair housing laws which provide rights and remedies substantially equivalent to those provided by Title VIII of the Civil Rights Act of 1968. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the final rule published January 11, 1983 (48 FR 1190), is March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755-7055. (This is not a toll-free number.).

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6003 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-29-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 201, 235, 880, 881, 886, 890, and 3280

[Docket No. N-83-1212]

Announcement of Effective Dates

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of announcement of effective dates for certain recent interim and final rules.

SUMMARY: This notice announces the effective dates for certain recently published interim and final rules. Thirty calendar days of continuous session of Congress have expired in the present Congress since these rules were published. For an explanation of subject matter on these interim and final rules see "SUPPLEMENTARY INFORMATION".

DATES: For effective dates see "Supplementary Information".

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The effective date provision of the published rules stated that the rules would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the rules' effectiveness would be published in the **Federal Register.** Thirty calendar days of continuous session of Congress have expired in the present Congress since these rules were published.

Accordingly, the purpose of this notice is to announce effective dates for the rules listed below:

24 CFR Part 200: Method of Computing Interest on Defaulted Loans, Final rule published January 11, 1983, (48 FR 1192), Docket No. R–82–962. Effective Date: March 10, 1983.

24 CFR Part 201: Property Improvement Loans, Final rule published December 30, 1982, (47 FR 58240), Docket No. R–82–970. Effective Date: April 1, 1983.

24 CFR Part 235: Recapture of Assistance Payments Under the Section 235 Program, Final rule published December 3, 1982, (47 FR 54430), Docket No. R–82–1052. Effective Date: March 10, 1983.

24 CFR Parts 880 and 881: Section 8 Housing Assistance Payments Programs for New Construction and Substantial Rehabilitation; Technical Processing and Selection of Proposals, Final rule published November 30, 1982, (47 FR 53849), Docket No. R–82–1032. Effective Date: March 10, 1983.

24 CFR Part 888: Section 8 Housing Assistance Payments Program Fair Market Rent Schedules, Existing Housing, Interim rule published December 15, 1982, (47 FR 56133), Docket No. R–82–1028. Effective Date: March 10, 1983.

24 CFR Part 890: Annual Contributions for Operating Subsidy; Performance Funding System, Final rule published December 3, 1982, (47 FR 54431), Docket No. R–82–1000. Effective Date: March 10, 1983.

24 CFR Part 3280: Manufactured Home Construction and Safety Standards, Final rule published November 1, 1982, (47 FR 49383), Docket No. R–82–1017. Effective Date: March 10, 1983

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6002 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-27-M

Government National Mortgage Association

24 CFR Part 300

[Docket No. R–82–1062]

List of Attorneys-in-Fact; Announcement of Effective Date

AGENCY: Government National Mortgage Association, HUD.

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on December 13, 1982 (47 FR 55669) that updated the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the final rule published December 13, 1982 (47 FR 55669), is March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6004 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R–82–1038]

Deregulate Urgent Needs Fund and Inequities Fund; Announcement of Effective Date

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on October 18, 1982 (47 FR 46273) that removed the provisions relating to the Urgent Needs Fund and the Inequities Fund, because HUD no longer has statutory authority to receive applications for these programs. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the final rule published October 18, 1982 (47 FR 46273), is March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, SW., Washington, D.C. 20410, telephone No. (202) 755–7055. (This is not a toll-free number.)

Dated: March 3, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-6005 Filed 3-9-83; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7874]

Procedure and Administration; Service of Notice of Levy by Mail

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final Regulations.

SUMMARY: This document provides final regulations under section 6331 of the Internal Revenue Code of 1954 relating to the authority of the Service to serve notice of levy by mail. These regulations will provide the public with the guidance needed to comply with the law and will affect persons upon whom notices of levy are served.

EFFECTIVE DATE: The amendments of § 301.6331-1 are effective for levies made after March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3287), not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On Friday, February 26, 1982, the Federal Register published proposed amendments to Regulations under Part 301, Procedure and Administration, under section 6331 of the Internal Revenue Code of 1954 (Code) (47 FR 8378).

This document contains final regulations under section 6331 of the Code relating to the authority of the Service to seize property by levy. Under section 6331 of the Code the term "levy" includes the power of distraint and seizure by any means. Regulation § 301.6331-1(a)(1) provides that a levy may be made by serving a notice of levy on any person in possession of, or obligated with respect to, property or rights to property subject to levy.

In order to conserve resources, the Service has increased the number of notices of levy served by mail in accordance with law and longstanding administrative practice. Some persons upon whom notices for levy are served have expressed concern that the Service's longstanding practice has not been explicitly set forth in the regulations. Consequently, the Department of the Treasury has decided to amend the regulations to specify the procedures to be followed by the Service in serving a notice of levy by mail. The amendment will also permit persons having more than one office within an Internal Revenue district to choose one office to which notices of levy are to be mailed.

A public hearing was not requested. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of Public Comments and Final Regulations

The proposed regulations authorized service of notice of levy by mail and stated that the date the notice is delivered to the person served is the date the levy is made. A number of comments were received objecting to service by regular mail and suggesting service by certified mail return receipt requested on the ground that there is no way to establish the date that regular mail is received and this creates problems in determining priorities of levies. Even if the recipient of the notice is required to establish through normal business records the date of delivery, accurate compliance is difficult. Commentators stated that this area was ripe for factual dispute where delivery is made on a Saturday or local legal holiday and the notice is not processed until the next business day because substantial withdrawals could have occurred on Saturday and Sunday through automatic teller machines. Commentators stated that delivery by certified mail return receipt requested would eliminate this problem, because there would be no delivery on Saturday or Sunday. The date on the receipt would establish the date of delivery, and the Internal Revenue Service would have a verifiable effective date in all cases.

While the Service recognizes the problems that may arise as a result of service of levy by regular mail, the Service has concluded that most of these problems can be avoided if there is a presumption that the time and date noted on the notice of levy by a person having authority to act on behalf of the person served is the date and time the levy is made. The Service retains the authority to use certified mail return receipt requested when necessary. However, a requirement of certified mail in all cases would be too costly to the Service and has not been adopted.

Most commentators objected to the rule in the proposed regulations which allowed delivery of a notice of levy to any branch office if a person has more than one office within the Internal Revenue district. Commentators stated a variety of reasons for their objection such as:

(1) The rule does not comport with decisional substantive law relating to private creditors,

(2) Many banks with significant branch networks do not have a central file which can be accessed with name, address and social security number of the taxpayer, so compliance with the proposed amendments is operationally impossible, and

(3) The rule would impose an undue cost, and administrative burden on an innocent third party.

The final regulations deleted this sentence because the issue raised by the language is unrelated to the Service's authority to serve notices of levy by mail. Thus, this deletion should not be construed as a change of the Internal Revenue Service's position that a levy on a branch bank may be effective at other branches. The question turns on the facts and circumstances of each case. *See Digitrex Inc. v. Johnson* 491 F. Supp. 66 (1980); *Therm-X-Chemical & Oil Corp. v. Extebank*, 84 A.D. 2d 787, 444 N.Y.S. 2d 26 (1981).

Some commentators expressed concern about the language in the proposed regulation which required the concurrence of the district director in order for a person to designate an office upon which the mailed notice would be served. Because the option to designate a particular office was added for the convenience of the person levied upon, the final regulation has eliminated the requirement that the district director concur with a person's designation of the office to which the notices shall be mailed.

One commenter objected to the proposed regulations' containing no guidelines on what taxpayer identification information the notice should contain. The commentator stated that the account data system could not locate the taxpayer's assets if only the taxpayer's name and social security number were given. It was suggested that the Internal Revenue Service be required to include the taxpayer's account number. This comment was not incorporated into the regulations because in many instances the Service does not have access to the taxpayer's account number.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Although this regulation was published as a notice of proposed rulemaking that solicited public comment, the Internal Revenue Service concluded when the notice was published that the regulations were interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 did not apply. Consequently, these regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of amendments to regulations

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

Paragraph. A new paragraph (c) is added to § 301.6331–1 to read as follows:

§ 301.6331–1 Levy and Distraint.

* * * * *

(c) *Service of notice of levy by mail.* A notice of levy may be served by mailing the notice to the person upon whom the service of a notice of levy is authorized under paragraph (a)(1) of this section. In such a case the date and time the notice is delivered to the person to be served is the date and time the levy is made. If the notice is sent by certificated mail, return receipt requested, the date of delivery on the receipt is treated as the date the levy is made. If, after receipt of a notice of levy, an officer or other person authorized to act on behalf of the person served signs and notes the date and time of receipt on the notice of levy, the date and time so noted will be presumed to be, in the absence of proof to the contrary, the date and time of delivery.

Any person may, upon written notice to the district director having audit jurisdiction over such person, have all notices of levy by mail sent to one designated office. After such a notice is received by the district director, notices of levy by mail will be sent to the designated office until a written notice withdrawing the request or a written notice designating a different office is received by the district director.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: February 28, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 83-6214 Filed 3-9-83; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 803

Disposition of Personal Property

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule

SUMMARY: The Department of the Air Force is amending its administrative regulations by removing Part 803, Disposition of Personal Property of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 143–6, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Beauchemin, Air Force Manpower and Personnel Center, MPCCM, Randolph AFB, TX 78150.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 803

Military personnel, Federal employees, Prisoners of war.

PART 803—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 803.

Authority: 10 U.S.C. 8012.

Winnibel F. Holmes,
Air Force Federal Register Liaison Officer.

[FR Doc. 83-6219 Filed 3-9-83; 8:45 am]
BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

33 CFR Part 207

Use, Administration and Navigation of the Canal and Locks; Willamette River, Oregon

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending the regulations which govern the use, administration and navigation of the canal and locks on the Willamette River, Willamette Falls, Oregon. This amendment is necessary to reflect only address changes and the addition of other means to request lockage.

EFFECTIVE DATE: April 25, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Edward E. Ashley at (503) 221–6066, Mr. Ralph T. Eppard at (202) 272–0200 or write to: Office of the Chief of Engineers, ATTN: DAEN–CWO–N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: The Corps of Engineers is amending 33 CFR 207.680 (a)(1) and (b)(7) to reflect a change in the address of the Portland District Engineer. Paragraph (b)(2) is also amended to show that lockages may be obtained by contacting the lockmaster by VHF–FM Channel 14 radio or by telephone.

The Department of the Army has determined that notice of proposed rulemaking and public procedures are unnecessary in the promulgation of these amendments due to the editorial nature of the changes. A local public notice announcing these changes is also being distributed by the Portland District Engineer.

Note.—The Chief of Engineers has determined that this document does not contain a major rule requiring a regulatory impact analysis under Executive Order 12291 because it will not result in an annual effect on the economy of $100 million or more and it will not result in a major increase in costs or prices. The Chief of Engineers has also determined that this rule will not have a significant economic impact on a substantial number of entities and thus does not require the preparation of a regulatory flexibility analysis.

List of Subjects in 33 CFR Part 207

Navigation (water).

Accordingly, the regulations in 33 CFR 207.680 (a)(1), (b)(2) and (b)(7) are revised as set forth below.

Dated: February 23, 1983.

Approved:
William R. Gianelli,
Assistant Secretary of the Army (Civil Works).

PART 207—[AMENDED]

§ 207.880 Willamette River, Oreg.; use, administration and navigation of canal and locks at Willamette Falls, Oreg.

(a) *Administration. (1) Administrative jurisdiction.* The canal and locks and all appurtenances shall be in the charge of the District Engineer, Portland District, Corps of Engineers, Department of the Army, 319 S.W. Pine Street, Portland, Oregon 97208. The representative of the District Engineer at the locality shall be the lockmaster, who shall receive his orders and instructions from the district engineer. In case of emergency, however, the lockmaster shall have authority to take such steps as may be immediately necessary without waiting for instruction from the district engineer.

* * * * *

(b) *Use and navigation.*—(1) *Authority of lockmaster.* * * *

(2) *Signals.* All vessels desiring lockage shall signal the same by one long and one short blast of the whistle, delivered at a distance of approximately 1,000 feet from the locks. Requests for lockage may also be made by contacting the lockmaster on VHF–FM radio on channel 14, at WUJ 383, Willamette Falls Locks or by telephone or otherwise notifying the lockmaster's office. Notice to vessels desiring lockage will be given by red and green traffic lights. Vessels may enter locks on green lights, but must await green signal when lights are red. Permission to leave the lock will be given in the same manner. In the event a failure occurs and the referenced lights cannot be operated, the lockmaster will indicate by voice or by hand or lantern signals when vessels may enter or leave the locks.

* * * * *

(7) *Use of canal locks.* No person, unless authorized by the lockmaster or his assistants, shall open or close any bridge, lock gate, wicket gate, or operate any lock machinery, or in any way interfere with any mechanism or appliance connected with the operation of the locks, nor shall anyone interfere with the employees in the discharge of their duties. The lockmaster or his assistants may call for aid from the persons in charge of any craft, vessel, or raft using the lock should such aid be necessary. Persons rendering such assistance shall be strictly under the orders of the lockmaster. The Government reserves the right to refuse lockage to any vessel, craft or raft when the persons in charge thereof refuse to give such assistance when it is requested. The persons in charge of vessels with tows or rafts, barges and other craft must provide sufficient personnel, lines and towing equipment of sufficient power to insure at all times full control of such tows, rafts, barges and other craft while moving into and through the locks, unless otherwise prearranged with the lockmaster. A copy of these regulations shall be kept on board each vessel regularly engaged in navigating the locks. Copies may be obtained without charge from the lockmaster or from the District Engineer, Corps of Engineers, Department of the Army, 319 S.W. Pine Street, Post Office Box 2946, Portland, Oregon 97208.

(40 Stat. 266; 33 U.S.C. 1)

[FR Doc. 83-6114 Filed 3-9-83; 8:45 am]
BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 2272-7]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: On June 15, 1982, the State of Kansas submitted revisions of its State Implementation Plan (SIP) to EPA. Part of these revisions were submitted in order to satisfy conditions on the state's Part D plan (46 FR 20164, April 3, 1981). Other SIP revisions not required by the conditions were submitted at the same time. The regulations required by the April 3, 1981, conditions are to control volatile organic compound emissions from tank trucks serving petroleum bulk terminals and to revise the new source regulations requiring that the owner or operator of a proposed new source demonstrate that all major sources owned or operated by the applicant be in compliance with all applicable state and federal emission limits or standards. The remainder of the submittal included changes to the new source permit requirements for nonattainment areas. On September 1, 1982 (47 FR 38531), EPA approved these revisions to the Kansas plan without prior proposal. EPA received notice that adverse or critical comments will be submitted on this plan revision. Consequently, EPA is taking action to withdraw approval of the Kansas SIP revision. Elsewhere in today's **Federal Register**, EPA is proposing to approve portions of the Kansas SIP revision and is providing an opportunity for public comment on its approval.

DATE: This action is effective on March 10, 1983.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Environmental Protection Agency, Region VII, Air Branch, Room 1415, 324 East 11th Street, Kansas City, Missouri 64106;

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at the EPA, Region VII address above or call (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION: On June 15, 1982, the State of Kansas submitted a revision of the state's SIP. Part of the submittal was to satisfy conditions placed on the Part D SIP on April 3, 1981, (46 FR 20164), but the remainder was not required by the conditions. The former regulations require control of VOC emissions from tank trucks serving bulk petroleum terminals and that owners or operators of a source wishing to locate in a nonattainment area demonstrate that all sources in the state under the control of the applicant are in compliance or on a schedule for compliance with all applicable emission limits or standards. The revisions not required by the April 3, 1981, conditions included definition changes. Among the revised definitions were changes in the stationary source definition and deletion of the term reconstruction. These revisions were made to be consistent with EPA's October 14, 1981, regulatory changes (46 FR 50766).

A notice of receipt of these revisions was published in the **Federal Register** on March 26, 1982 (47 FR 12965). A final rulemaking was published in the **Federal Register** on September 1, 1982, (47 FR 3853) following the special procedures described at 46 FR 44477 (September 4, 1981). The EPA advised the public that the effective date of the approval would be deferred for 60 days (until November 1, 1982). EPA announced that, if within 30 days of publication of the approval notice was received that someone wished to submit adverse or critical comment, the approval would be withdrawn and a new rulemaking procedure would be initiated by proposing the action and establishing a 30 day comment period.

EPA has received notice that a member of the public wishes to make an adverse or critical comment on the approval of the Kansas SIP revision. Therefore, EPA is withdrawing the September 1, 1982, approval in accordance with the procedures described above.

Elsewhere in today's **Federal Register**, EPA is proposing to approve the Kansas June 15, 1982 SIP submittal except for the regulations defining stationary source and governing review of reconstructed sources. The rationale for deferring action on the source definition is discussed in the proposal.

EPA is withdrawing the original approval without providing prior notice and opportunity for comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. Notice and comment would be impractical because EPA needs to withdraw its approval quickly in order to consider the comment the public wishes to submit. Further, additional notice is not necessary because EPA has already informed the public that it would follow this procedure, if a request was received to comment on the procedure (46 FR 44477 and 47 FR 38531). For the same reasons, EPA finds it has good cause under 5 U.S.C. 553(d) to make this withdrawal immediately effective.

Note.—Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant impact on a substantial number of small entities because this action imposes no new regulatory requirements, and any regulatory impact would only result because of future actions by EPA. Those future actions will require that EPA make a separate determination of the applicability of 5 U.S.C. 605(b).

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Secs. 110 and 301 of the Act as amended (42 U.S.C. 7410 and 7601))

Dated: February 28, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

§ 52.870 [Amended]

Accordingly, 40 CFR Part 52 is amended by removing paragraph (c)(14) of § 52.870 and restoring paragraph (a) of § 52.875 as follows:

§ 52.875 General requirements.

(a) *Conditional Approval.* The following portions of the Kansas SIP developed pursuant to Part D of the 1977 CAA contain deficiencies which must be corrected within the time limit indicated for EPA to approve the Part D submission:

(1) To satisfy the requirements to section 172(b)(10), Enforceability of the Regulations, the state must adopt and submit a permanent regulation covering leaks from tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982.

(2) The new source permit review regulation is deficient regarding compliance with the requirements of section 173(3) of the CAA. The state must pass the necessary legislation to allow the regulation to be revised. By July 1, 1981, the state must file the revised regulation with the Revisor of Statutes; so that, the legislature can consider it for permanent adoption during the 1982 session. The revised regulation must be adopted as a permanent amendment to the Kansas air quality regulations by May 1, 1982.

(3) To comply with section 172(b)(2), Reasonably Available Control Measures, Kansas must take the following actions:

(i) Adopt and submit a regulation covering leaks from gasoline tank trucks serving bulk petroleum terminals and vapor recovery system by May 1, 1982. EPA requires the state to file the regulation with the Revisor of Statutes by July 1, 1981, so that, the legislature can consider it for permanent adoption by May 1, 1982.

(ii) Submit additional information by September 1, 1981 on the state's determination that the TSP sources without control equipment which are listed in Appendix DK of the Kansas City TSP plan are applying RACT. With this submission, the state must include a compliance schedule for completing the actions necessary to bring the uncontrolled sources to RACT as recommended by the additional RACT determination study. The compliance schedule should facilitate Kansas City attaining the TSP primary standard by the December 31, 1982 deadline.

(Secs. 110, 172, 173, and 301 of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)))

[FR Doc. 83-6118 Filed 3-9-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

Hazardous Materials Regulations; Alcoholic Beverages; Interpretation; Cross Reference

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration.

ACTION: Interpretation.

SUMMARY: Appearing in the Notices section of today's **Federal Register** is a withdrawal by the MTB of a letter of interpretation (which was not published in the **Federal Register**) concerning § 173.116(c) of the Hazardous Materials Regulations and the use therein of the term "alcoholic beverages."

FOR FURTHER INFORMATION CONTACT: Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street SW., Washington, D.C. 20590.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-6191 Filed 3-9-83; 8:45 am]
BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1307

[Ex Parte No. MC-98; Sub-1]

Investigation Into Motor Carrier Classification

AGENCY: Interstate Commerce Commission.

ACTION: Final Policy Statement.

SUMMARY: The Interstate Commerce Commission finds that the National Motor Freight Classification (NMFC) must be revised. The Commission further concludes that tentative findings, concerning the NMFC, set forth in an interim decision (decided April 27, 1981, and printed at 364 I.C.C. 906), should be modified.

DATES: Where different TL and LTL ratings for the same classification commodity are in effect, the National

Classification Committee (NCC) shall make all the necessary adjustments in compliance with our decision by September 6, 1983. The NCC shall have until April 25, 1983, to comply with all other modifications to the NMFC which we have mandated. This decision shall be effective on April 11, 1983.

ADDRESSES: To purchase copies of the full decision contact: T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call toll free (800) 424–5403.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: In an interim decision decided April 27, 1981 (46 FR 27732, May 21, 1981) the Commission found that the NMFC needed revision. Numerous comments were received in response to the interim decision. On review of the comments, the Commission reaffirms the interim decision's findings in part, but concludes that certain findings must be modified.

The Commission's final decision delineates the factors which are to be considered in the NMFC. Those factors are: (1) Density; (2) stowability, which includes excessive weight or excessive length; (3) ease or difficulty of handling, which includes special care or attention necessary to handle the goods; and (4) liability, which includes value per pound, susceptibility to theft, liability to damage, perishability, propensity to damage other commodities with which transported, and propensity to spontaneous combustion or explosion. Certain characteristics which in the past have customarily been used in the NMFC are not relevant, namely, trade conditions, value of service, and competition with other commodities; these characteristics reflect the degree to which a commodity may bear transportation charges and have no significance as a transportation related quality of a commodity.

The Commission also finds that reduction of the NMFC to a single rating number is more acceptable than the alternatives considered. Both shippers and carriers have generally affirmed their basic belief in the desirability of the NMFC rating system.

Finally, the Commission's decision concludes that it is generally unreasonable for the NMFC to publish different ratings for an article dependent on whether it is truckload (TL), less-than-truckload (LTL), or traditionally designated any quantity (AQ). Minimum weight factors are also eliminated. The focus of the classifier must be solely on the applicable transportation characteristics. To the extent the NCC's classification ratings represent or reflect volume discounts, they are outside the proper scope of classification.

This action does not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10101(a), 10701, 10704, 10706, 11701, and 5 U.S.C. 553)

Decided: February 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Gradison dissented in part with a separate expression. Commissioner Andre dissented.

Agatha L. Mergenovich,

Secretary.

Commissioner Gradison, Dissenting in part:

I agree with the outcome of this decision, which abandons the Commission's ill-advised proposal to replace the National Motor Freight Classification with an inefficient and unworkable "information based system" in which individual rate bureaus, and perhaps even individual carriers, would have published separate classifications. The decision properly reflects the chaos and needless confusion that this proposal would have visited upon the shipping public. The decision retains the essential elements of the National Motor Freight Classification, while removing from it the vestiges of the collective ratemaking system.

However, I believe the majority made unnecessary changes to the classification system in two areas. First, the majority condemns any consideration of trade conditions, value of service or competition with other commodities. I would have permitted the occasional, carefully defined use of these classification factors. The record indicates that these factors are used infrequently to make adjustments to ratings in situations in which the ratings otherwise would discourage the commodities in question from moving under class rates. If classifiers are not allowed to make such occasional, common sense adjustments the result can only be the filing of unnecessary exceptions to the National Motor Freight Classification. This results in needless paperwork for carriers and shippers, and it makes the National Motor Freight Classification a less useful tool in contravention of the preference specifically expressed by Congress.

Second, the majority does not go far enough in disavowing the discussion in the interim decision in which the Commission undertook to rank order the importance of the various transportation characteristics. The majority continues to offer observations that are not supported by the record concerning the relative importance of certain transportation characteristics. I would have had the decision state that there is no rational basis for us to limit or expand the importance of any particular transportation factor since the relative importance of each factor varies with the commodity being classified.

Finally, I do not subscribe to the tone of the decision adopted by the majority, which treats the National Motor Freight Classification as some sort of necessary evil that we must reluctantly allow to exist. In fact, the Classification is the useful product of many decades of careful work. It helps both carriers and shippers to do their work more efficiently. The Congress has recognized this and has found that the Classification will be as useful under a system in which carriers make individual rates as it was under the system in which carriers made collective rate decisions. It assists new entrants into the motor carrier industry to make rational rate decisions, and it promotes the cost-based rate system mandated by the Motor Carrier Act of 1980.

[FR Doc. 83-6129 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 48
Thursday, March 10, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 80-054P]

Trichina Control Requirements

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal meat inspection regulations require manufacturers to subject pork muscle tissue to a treatment which will kill any possible live trichinae, when that tissue or the product in which it is used may not be well cooked before consumption. Trichinae are microscopic parasites which cause a serious and sometimes fatal disease, known as trichinosis, in humans. Several treatment methods (heating, freezing, salting, and drying) are prescribed for trichina destruction. This proposal would permit additional treatment methods by providing alternate combinations of time, temperature, and salt content which are equally effective in destroying trichinae. This would provide the industry with greater flexibility in meeting the requirements for trichina control.

DATE: Comments must be received on or before May 9, 1983.

ADDRESS: Written comments to: Regulations Office, Attention: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Mr. Bill F. Dennis, Director, Processed Products Division, Meat and Poultry Inspection Technical Service, Food Safety and Inspection Services, U.S. Department of Agriculture, Washington, DC 20250, (202) 477-3840.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator, Food Safety and Inspection Service (FSIS), has made an initial determination that this proposed rule is not a major rule under Executive Order 12291. This proposed rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). If promulgated, it would allow more flexibility for the industry in meeting FSIS requirements for trichinae control without imposing any additional burdens, costs or requirements on small entities.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should reference the docket number located in the heading of this document. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

Trichinosis is a disease affecting human beings that is caused by microscopic threadlike worms called trichinae *(Trichinella spiralis)*, which live in muscles of hogs. Humans contract trichinosis by eating pork or pork product which has not been cooked sufficiently to destroy the trichinae. The number of live trichinae in the pork or pork product that is eaten usually determines the seriousness of the disease. Of those who contract proven cases of trichinosis, about 2 percent die. Most patients, even those who are severely infected, eventually recover. However, in many severe cases, the symptoms become chronic, with the infected persons experiencing substantial pain and discomfort for years.

Live trichinae are not detectable in swine or pork or pork product by the unaided eye or by any other routine meat inspection procedures. (Microscopic and serological techniques for the detection of trichinae are available, but they are either too costly or not yet developed to the point where they can be used during routine inspection.) However, means are available to destroy the live trichinae in the pork or pork product. These means include heating, curing (salting), or freezing. The Federal meat inspection regulations currently require that pork products that are ordinarily not well cooked before consumption, or the pork muscle tissue used as an ingredient in such products, undergo one of these treatment methods to destroy possible live trichinae. Fresh pork and such other pork products as bacon, which are customarily well cooked in the home or elsewhere before eating, have been exempt for many years from treatment at the packing plant to destroy the trichinae.

Proposal

The Department has conducted a thorough review of the trichina treatment requirements for pork and pork products and has determined that certain revisions would permit greater flexibility in freezing and curing methods while continuing to assure the destruction of trichinae.

This proposal also responds to a December 21, 1981, petition from the Livestock Conservation Institute to review the requirements for treating raw pork used in manufacturing of dry sausages for possible live trichinae.

The Department is proposing regulations which would continue to ensure that pork and pork products are free of live trichinae while permitting processors to use a greater variety of time, temperature, and salt combinations than those in the present regulations. For example, one of the present methods for curing ham requires that, after the salt has been added, the hams shall be dried or smoked not less than 10 days at a temperature not lower than 95° F. There is no variation allowed in the present regulations (9 CFR

318.10(c)(3)(iv)) from this time and temperature. However, it has been scientifically determined that there are a number of salt content, time and temperature combinations that would be equally effective at destroying live trichinae in ham (e.g., drying or smoking the ham at a temperature of 85° F. for a period of 18 days). The proposed regulations would, accordingly, incorporate into the present regulations a greater variety of methods for the treatment of pork and pork products to destroy trichinae. All of the current treatment methods would be retained as available options.

The proposed regulations would principally affect the trichinae treatment methods by (1) providing alternate times and temperatures for the controlled freezing of pork and pork products, (2) providing alternate combinations of salt content, time and temperature for the processing of sausage, and (3) providing alternate combinations of time and temperature for the processing of hams and pork shoulders.

Specifically, the proposed amendments to the present Federal meat inspection regulations would:

1. Revise the current freezing requirement by replacing the −30° F. requirement with a time-temperature schedule which is based on USDA experimental data. In the proposed method, the term "controlled freezing" would be used in lieu of the current term "refrigeration" since freezing is a more technically correct description of the process.

2. Add a new method to be known as "Method No. 6" to the five approved methods for curing sausage. The new method would provide basic time and sausage diameter ratios, with adjustments based on reductions in salt content plus the time and temperature of the fermentation or smoking process.

3. Add a new method to be known as "Method No. 3" to the present trichinae treatment procedures for hams and pork shoulders. This proposed method would provide basic salt curing times and temperatures with optional drying times based on the holding temperature or smoking and holding temperature.

The treatment methods set in the present and the proposed regulations for freezing time and temperature, drying time, size of sausages, amount of salt, etc., were derived from studies using pork from swine experimentally infected with live trichinae. The data used in the present, as well as the proposed, regulations were compiled over a number of years by USDA, university and industry scientists. A listing of published material is provided.[1]

After careful evaluation of the present regulations, technological development in the industry, and the reliability of the procedures and data supporting this proposal, the Department is proposing to revise Part 318 of the Federal meat inspection regulations (9 CRF Part 318) regarding treatment methods for destroying trichinae in pork and pork products.

List of Subjects in 9 CFR Part 318

Meat inspection, Preparation of products.

PART 318—[AMENDED]

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 70 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

2. Paragraph (c) of § 318.10 of the Federal meat inspection regulations (9 CFR 318.10(c)) would be amended by revising paragraph (c)(2)(iv) to expand refrigeration time and temperature ranges; by adding to paragraph (c)(3)(i) a new method for curing sausage to be designated Method No. 6; and by adding to paragraph (c)(3)(iv) a new method for curing ham and pork shoulder picnics to be designated Method No. 3, to read as follows:

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

* * * * *

(c) * * *

(2) * * *

(iv) **In lieu of the methods prescribed in Table 1, the treatment may consist of commercial freeze drying or controlled freezing, at the center of the meat pieces, in accordance with the times and temperatures specified in Table 2.**

TABLE 2.—Alternate Periods of Freezing at Temperatures Indicated

Temperature (minimum degrees fahrenheit)	Time (minimum hours)
0	106
−5	82
−10	62
−15	48
−20	35
−25	22
−30	8
−35	5

* * * * *

(3) * * *

(i) * * *

Method No. 6. (a) Drying Room Schedule. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3⅓ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After the curing mixture has been added, the sausage shall be held in a stuffed or unstuffed state for a period of not less than 48 hours at a temperature not lower than 35° F. The sausage shall then be held for the remainder of the curing period in a drying room at a temperature not lower than 50° F. for the period given in the schedule contained in Table 3a.

Trichinae Treatment of Sausage by Method No. 6

TABLE 3A.—DRYING ROOM SCHEDULE

Diameter of casing at time of stuffing (inches)	Days in drying room
Up to:	
1	14
1¼	15
2	16
2½	18
3	20
3½	23
4	26
4½	30
5	36
5½	43
6	50

(b) Fermentation or Smoking Schedule. While the product is being held for 48 hours at a temperature not lower than 35° F. (after adding curing materials), it may be smoked or fermented in a stuffed or unstuffed state. If, during the smoking or fermentation process, the temperature of the room is increased to 70° F. or higher,

[1] References for Trichinae Control:

(1) Low Temperature Treatment for Pork, Effect of Certain Low Temperatures on Viability of Trichinae Larvae, by S. E. Gould and Laurin J. Kaase, American Journal of Hygiene, Vol. 49 (1949).

(2) Salt and Aging Time Effect on the Viability of Trichinae Spiralis in Heavy Dry Cured Hams and Shoulders, by John D. Crouse and James D. Kemp, Journal of Food Science, Vol. 34 (1969).

(3) The Effect of Various Salt Concentrations on Encysted Trichinella Spiralis Larvae, by Rex Allen, MS and Aaron Goldberg, Ph.D., American Journal of Veterinary Research, May 1962.

(4) Salt Cure and Drying and Temperature Effects on Viability of Trichinella Spiralis in Dry Cured Hams, by W. J. Zimmermann, Journal of Food Science, Vol. 36 (1971).

(5) Report of the Richmond Study on Dry Curing of Hams, by Dr. D. E. Zinter—Pathology Branch—USDA, August 1967.

(6) Effects of Salt Cure and Processing Time and Temperature on the Viability of Trichinella Spiralis in Country Cured Hams and Shoulders, by John Charles Olson, A Thesis for Master of Science, Iowa State University, 1972.

(7) USDA Bulletin N. 880 Professional Paper, Effects of Pork Curing Processes on Trichinae, by B. H. Ransom, B. Swartz and H. B. Raffensferger, Sept. 1920.

the subsequent drying room times prescribed for this method may be reduced according to the schedule contained in Table 3b.

Trichinae Treatment of Sausage by Method No. 6

TABLE 3B.—FERMENTATION OR SMOKING SCHEDULE

[Percentage reduction in drying room time (table 3a) permitted by smokehouse or fermentation room times and temperatures.][1]

Minimum time (hours)	Minimum temperature (percent)					
	70° F.	80° F.	90° F.	100° F.	110° F.	120° F.
24	4	8	15	37	90	(—)[2]
48	8	16	35	88	(—)[2]	(—)[2]
72	14	28	55	(—)[2]	(—)[2]	(—)[2]
96	19	38	75	(—)[2]	(—)[2]	(—)[2]
120	24	48	95	(—)[2]	(—)[2]	(—)[2]

[1] In computing the days to be deducted, the number with any fraction shall be rounded to the next lower whole number and shall be deducted from the required total drying time. Example: Sausage stuffed in 3" diameter casing requires 20 days in the drying room (from Drying Room Schedule). If allowed to ferment after addition of curing materials at 80° F. for 48 hours, the 20 day drying time may be reduced 16% (from Fermentation or Smoking Schedule). Eighteen percent of 20 days equals 3.6 days. Twenty days minus 3 days equals 17 days. The total drying time required in the drying room, therefore, will be 17 days.

[2] Trichinae will be destroyed during fermentation or smoking at the temperature and length of time indicated. Therefore, no drying room period is required for products so treated.

(c) Reduced Salt Content—Drying Room Schedule. Salt content of less than 3½ pounds for each hundredweight of sausage may be permitted provided the drying room temperature is not lower than 50° F. and the drying time is increased according to the schedule contained in Table 4.

Trichinae Treatment of Sausage by Method No. 8

TABLE 4.—REDUCED SALT CONTENT—DRYING ROOM SCHEDULE

[Required percentage increase in drying room time (table 3a) for salt content of less than 3½ pounds per hundredweight of sausage.]

Minimum pounds of salt added to sausage	Increase in drying room time percent[1]
1.0	10
1.5	25
2.0	50

[1] In computing the days to be added to the required total drying time, fractions shall be rounded to the next higher whole number and added to the required total drying time. Example: Sausage stuffed in 3½ inch diameter casing requires 23 days in the drying room (from Drying Room Schedule). If the quantity of salt added per hundredweight of sausage is 2 pounds instead of 3½ pounds, the drying room time must be increased by 40 percent (from Salt Content-Drying Room Schedule), or 9.2 days. The 9.2 is rounded up to 10 days and is added to the 23 days to equal 33 days. The total drying time required in the drying room, therefore, will be 33 days.

* * * * *

(iv) * * *

Method No. 3. Hams and pork shoulders (whether whole shoulder or part) weighing 20 pounds or under shall be cured by a dry salt process for not less than 40 days at a temperature not lower than 35° F. during which the product is covered with salt. For hams and pork shoulders weighing more than 20 pounds, the time in salt shall be 40 days plus 2 additional days, covered by salt, for each pound in excess of 20 pounds. Time in an equalization phase may substitute for time in salt; however, such substitution may not account for more than 10 days. (The term "equalization," as used here, is the process of salt diffusion through the meat after any excess salt has been removed from the surface of the product.) The hams and pork shoulders shall be placed in a quantity of salt sufficient to cover each piece. Additional salt shal be applied thoroughly to the lean meat side of each piece. At least once during the curing process, the hams and pork shoulders shall be turned over and covered with fresh salt. When placed in cure, if desired, the product may be pumped with a brine solution of not less than 100° strength (salometer). After completion of the salting and equalization process, the hams and port shoulders may be washed or sprayed to remove the surface salt, but they shall not be subjected to any other treatment designed to remove salt from the meat. After curing, the hams and pork shoulders shall then be dried or smoked, or both, according to the applicable time-temperature schedule contained in Table 5 or in Table 6.

Trichinae Treatment of Unsmoked Hams and Pork Shoulders

TABLE 5.—DRYING SCHEDULE

Minimum temperature of drying room	Minimum days in drying room after curing
130° F.	15
125° F.	8
120° F.	9
115° F.	4
110° F.	5
105° F.	6
100° F.	7
95° F.	9
90° F.	11
85° F.	18
80° F.	25
75° F.	35
70° F.	40
65° F.	53
60° F.	65
55° F.	78
50° F.	90
45° F.	100
40° F.	120
35° F.	160

Trichinae Treatment of Smoked Hams and Pork Shoulders

TABLE 6.—SMOKING AND DRYING SCHEDULE

Minimum days (1 day = 24 Hours) smoking time after curing (at minimum smokehouse temperature)	Minimum days drying time after smoking (at minimum drying room Fahrenheit temperature)										
	85°	80°	75°	70°	65°	60°	55°	50°	45°	40°	35°
130° F:											
½	12	17	24	27	35	44	52	60	67	84	84
1	6	9	12	14	18	21	26	30	35	42	47
1½	0	0	0	0	0	0	0	0	0	0	0
120° F:											
1	12	17	24	27	35	44	52	60	67	84	84
2	6	9	12	14	18	21	26	30	35	42	47
3	0	0	0	0	0	0	0	0	0	0	0
110° F:											
1	16	20	28	32	43	52	65	72	90	100	112
2	11	15	21	24	32	39	47	54	60	75	80
3	7	10	14	16	21	26	31	36	40	50	56
4	4	5	7	8	11	13	16	18	20	25	28
5	0	0	0	0	0	0	0	0	0	0	0
100° F:											
1	16	22	30	35	45	56	67	77	86	107	120
2	13	16	25	28	36	47	56	65	72	90	100
3	11	13	20	23	31	38	45	52	58	72	80
4	8	11	15	18	23	28	34	39	43	54	60
5	6	8	10	12	16	19	23	26	29	36	40
6	3	4	5	6	8	10	12	13	15	18	20

TABLE 6.—SMOKING AND DRYING SCHEDULE—Continued

Minimum days (1 day=24 Hours) smoking time after curing (at minimum smokehouse temperature)	Minimum days drying time after smoking (at minimum drying room Fahrenheit temperature)										
	85°	80°	75°	70°	65°	60°	55°	50°	45°	40°	35°
7	0	0	0	0	0	0	0	0	0	0	0
100° F:											
1	17	23	32	37	48	60	71	82	91	114	128
2	15	21	29	33	44	54	64	74	82	100	115
3	13	19	26	30	39	48	57	66	73	91	102
4	12	16	23	26	34	42	50	58	64	80	89
5	10	14	20	23	29	36	43	50	55	69	77
6	9	12	16	19	25	30	35	41	46	57	64
7	7	9	13	15	20	24	29	33	37	46	51
8	5	7	10	11	15	18	22	25	28	35	39
9	4	5	7	8	10	12	15	17	19	23	26
10	2	3	4	4	5	6	8	9	10	12	13
11	0	0	0	0	0	0	0	0	0	0	0
90° F:											
1	17	24	34	39	51	63	76	87	96	120	135
2	17	23	33	37	49	60	72	83	92	115	129
3	16	22	31	36	47	59	69	80	88	110	124
4	16	21	30	34	45	56	66	76	84	105	118
5	15	20	28	32	43	53	63	73	80	100	112
6	14	19	27	31	41	50	60	69	76	95	107
7	13	18	26	29	39	47	57	65	72	90	101
8	13	17	24	28	36	45	54	62	68	85	96
9	12	16	23	26	34	42	50	58	64	80	90
10	11	15	21	24	32	39	47	54	60	75	84
11	10	14	20	23	30	37	44	51	56	70	79
12	10	13	19	21	28	34	41	47	52	65	73
13	9	12	17	20	26	32	38	44	48	60	68
14	8	11	16	18	24	30	35	40	44	55	62
15	8	10	14	16	22	28	33	38	42	52	59
16	7	9	13	15	19	24	28	33	36	45	51
17	6	8	12	13	17	21	25	29	32	40	45
18	5	7	10	12	15	19	22	26	28	35	40
19	5	6	8	10	13	16	19	22	24	30	34
20	4	5	7	8	11	13	16	18	20	25	28
21	3	4	6	7	9	11	13	15	16	20	23
22	3	3	5	5	7	8	10	11	12	15	17
23	2	2	3	4	5	6	7	8	9	10	12
24	1	1	2	2	3	3	4	4	4	5	6
25	0	0	0	0	0	0	0	0	0	0	0

Done at Washington, D.C., on: February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-6186 Filed 3-9-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-13]

Real Estate Lending by National Banks

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to amend or remove interpretive rulings regarding real estate lending by national banks. This action will implement statutory changes contained in the Garn-St Germain Depository Institutions Act of 1982. This proposal would generally eliminate real estate lending limitations and restrictions. The intended effect of this proposal is to enhance the ability of national banks to develop real estate lending products.

DATE: Comments must be received by April 11, 1983.

ADDRESS: Comments should be directed to: Docket No. [83-13], Communications Division, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., 3rd floor, Washington, D.C. 20219, Attention: C. Christine Jones, Telephone (202) 447-1768.

Comments will be available for inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Robert Sihler, National Bank Examiner, Commercial Examinations Division (202) 447-1165; or Francis S. Rath or Jerome Edelstein, Attorneys, Legal Advisory Services Division (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

The Garn-St Germain Depository Institutions Act of 1982 (Act) (Pub. L. 97-320), Section 403, amends 12 U.S.C. 371. The Act removes statutory restrictions on real estate lending by national banks. The Act authorizes national banks to make, purchase, arrange or sell loans or extensions of credit secured by liens on interests in real estate subject to terms, conditions and limitations that the Comptroller of the Currency may prescribe.

Due to this statutory change the OTC is reviewing existing real estate interpretive rulings.

Existing Requirements

The following requirements are currently imposed. These requirements are based upon 12 U.S.C. 371 and Interpretive Rulings 12 CFR 7.2000 through 7.2700.

A. Loan-to-Value Ratios

A loan on unimproved real estate shall not exceed 66⅔% of the appraised value. 12 CFR 7.2010(a).

A loan on real estate improved with offsite improvements such as streets, water, sewers or other utilities shall not exceed 75% of the appraised value. Real property whose value is enhanced because it is located in a rapidly developing area is also considered to be improved real estate. 12 CFR 7.2010(b).

A loan on real estate in the process of being improved by a building(s) shall not exceed 75% of the appraised value. The disbursement of loan proceeds must be made proportionately to the development of the project. 12 CFR 7.2010(c).

A loan or real estate improved by a building(s) may not exceed 90% of the appraised value of the real estate. 12 CFR 7.2010(d). Under 12 CFR 7.2010(c) and (d), building is defined as "a permanent structure contributing substantially to the value of the property." This includes conventional buildings, well-developed commercial recreation areas, trailer parks with numerous sites with facilities for sewage, running water, and electricity, and farmland, which past or present use demonstrates is useful for agricultural purposes. 12 CFR 7.2010(d).

In defining loan-to-value ratios, the regulations provide that in calculating the maximum permissible loan, the machinery and equipment in a building which are adapted to the use being made of the land and building, and which are intended to be permanent additions thereto, may be taken into account in determining the value of the real estate. 12 CFR 7.2000(d).

The regulations also provide that loan-to-value limitations on land acquisition and development loans may be based upon the appraised value of the final project. 12 CFR 7.2015. Similarly, loan-to-value ratios on property with buildings under construction may be based on the value of the completed buildings; however, prudent banking requires that the disbursement of loan proceeds be made proportionately to the development of the project. 12 CFR 7.2010(c).

B. Amortization, Maturity Requirements

Loans of amounts greater than 75% of the appraised value of the real estate, loans on property improved with one-to-four family dwellings, and loans secured by leaseholds, must provide for installment payments which are sufficient to amortize the entire principal of the loan within 30 years. 12 CFR 7.2125(b) and (c), 7.2200(d). Amortization requires a regular schedule of payments which reduce the principal of the debt during the life of the loan. Deviation from a regular schedule of payments must be based on prudent banking judgement. The period between payments cannot exceed one year. 12 CFR 7.2125(a).

C. Aggregate Limitations on Real Estate Loans

A national bank may not make or purchase real estate loans in excess of the amount of either its unimpaired capital plus its unimpaired surplus fund, or its time and savings deposits, whichever is greater. 12 CFR 7.2155.

Amounts unpaid on real estate loans secured by other than first liens, when added to unpaid prior mortgages, liens, and encumbrances, shall not exceed 20% of the bank's capital stock paid in and unimpaired plus 20% of the unimpaired surplus fund. 12 U.S.C. 371(a)(3).

D. Loans on Leaseholds

Loans secured by leaseholds can be made only if the leasehold does not expire for at least 10 years beyond the loan maturity date. 12 CFR 7.2200(c). Further, (1) the lease covenants and restrictions which provide for forfeiture or reversion in the event of a breach must not be more onerous or burdensome on the lessee than those contained in leases in general use in the area where the loan is made; (2) the lease should permit acquisition of the leasehold by the lending bank by voluntary conveyance or assignment by the lessee, and acquisition and sale under judicial process, without being subject to restrictions which would jeopardize recovery of the security value of the leasehold. 12 CFR 7.2200(a). Amortization of leasehold loans is required. 12 CFR 7.2200(d).

E. Limitations on Forest Tract Loans

1. *Loan-to-Value Ratio.* The amount of loans secured by forest tracts, when added to the amount unpaid on any prior mortgages, liens, and encumbrances, shall not exceed 66⅔% of the appraised fair market value of the growing timber, lands, and improvements thereon offered as security.

Loan terms and conditions must assure that the loan balance, when added to the amount unpaid upon prior mortgages, liens, and encumbrances, if any, at no time exceeds 66⅔% of the original appraised total value of the property then remaining. 12 U.S.C. 371(b).

2. *Maturity and Amortization.* Unamortized forest tract loans shall be made for no longer than three years.

Amortized forest tract loans may be made for no longer than 15 years and must be amortized at a rate of at least 6⅔% per year. 12 U.S.C. 371(b).

3. *Aggregate Limits.* Forest tract loans are included in the aggregate limits for total real estate loans; and further, forest tract loans may not be made by a national bank in an aggregate sum in excess of 50% of its capital stock paid in and unimpaired plus 50% of its unimpaired surplus fund. 12 U.S.C. 371(b).

F. Construction Loans

Loans made to finance the construction of a building(s) and having maturities not to exceed 60 months, where there is a valid and binding commitment entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the buildings, may be considered real etate loans or commercial loans. Likewise, loans made to finance the construction of a residential or farm building(s) and having maturities not in excess of 60 months, may be considered as either commercial or real estate loans.

Loans considered commercial loans may not, in the aggregate, exceed 100% of the bank's paid-in and unimpaired capital plus 100% of its unimpaired surplus fund. 12 U.S.C. 371(c).

G. Loans made under 12 U.S.C. 24 Seventh

Certain loans are made by national banks under authority of 12 U.S.C. 24 Seventh and are not subject to the limitations imposed by 12 U.S.C. 371 as defined by the statute and interpretive rulings. These are loans:

1. Insured under the provisions of the National Housing Act. 12 U.S.C. 371(a)(2)(A).

2. Insured by the Secretary of Agriculture pursuant to Title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or Title V of the Housing Act of 1949, as amended. 12 U.S.C. 371(a)(2)(B).

3. Guaranteed by the Secretary of Housing and Urban Development, for the payment of obligations of which the full faith and credit of the United States is pledged; fully guaranteed or insured by a State, any agency or instrumentality of a State, or by a State authority for the payment of obligations of which the faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan. 12 U.S.C. 371(c)(2)(C).

4. At least 20% guaranteed under Chapter 37, Title 38 of the United States Code. 12 U.S.C. 371(a)(2).

5. Guaranteed under section 802 of the Housing and Community Development Act of 1974. 12 U.S.C. 371(a)(2).

6. Made to any borrower where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income. 12 U.S.C. 371(e)(i).

7. Secured by assignment of rents under a lease. 12 U.S.C. 371(e)(ii).

8. In which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act. 12 U.S.C. 371(e).

9. Subject to a firm commitment to insure by a Government insuring agency. A firm commitment is a commitment in which a specific mortgagor is named. 12 CFR 7.2160.

10. Secured by the pledge or assignment of another real estate mortgage. 12 CFR 7.2005.

11. Granted substantially on the insurance or guaranty of a governmental agency. 12 CFR 7.2000(a), 7.2145(a).

12. Made in substantial reliance upon private company mortgage insurance or guaranty, but only to the extent of the guaranty. 12 CFR 7.2145(c).

13. Secured by a valid chattel mortgage on timber, in states which permit such mortgages. 12 U.S.C. 371(b).

14. Secured by real estate mortgages, where there is valid and binding commitment by a financially responsible third party to purchase the loan within 60 months of making the loan. 12 CFR 7.2000(g).

15. Previously made where a real estate mortgage is taken in good faith as security. 12 CFR 7.2000(b).

16. Made in reliance upon the security of a mobile home. 12 CFR 7.2000(e).

17. Made in substantial reliance on insurance or a guaranty, other collateral, or the creditworthiness of the borrower, and the loan is also secured by real estate. 12 U.S.C. 371 and 12 CFR 7.2145(d).

Regulatory Options Under the Amended Law

In complying with the Act there are several regulatory options which OCC is considering. These are:

A. Adopt a Regulation Which Reaffirms the Limitations Presently Embodied in 12 U.S.C. 371

In the opinion of OCC, the present limitations of 12 U.S.C. 371 were designed to:

1. Assure collateral value;
2. Assure borrower equity in the property;
3. Limit speculation;
4. Establish a maximum period for repayment;
5. Require the establishment of schedules for principal repayment;
6. Promote diversification of asset holdings; and,
7. Reduce the possibility of concentrations. Concentrations involve one borrower, an affiliated group of borrowers or borrowers engaged in or dependent on one industry.

The present limitations may be necessary to assure national bank safety and soundness in regard to real estate lending activities.

B. Adopt a Regulation Which Modifies the Limitations Presently Embodied in 12 U.S.C. 371

Safety and soundness considerations may warrant retention or modification of the current limitations and requirements. Some of the limitations and requirements that could be retained or modified are:

1. *Aggregate limits.* Limit the magnitude of a bank's exposure to risk yet provide banks with maximum flexibility in establishing loan terms.

2. *Amortization requirements.* Require that maturity and amortization be stipulated in the loan agreement. This permits a bank and its borrowers to match terms to circumstances yet provides a degree of certainty that the loan will be repaid in an orderly manner.

3. *Limitation on negative amortization.* Limits certain risks to the bank (e.g., collateral value and repayment) and protects the borrower from unlimited increases in debt.

If limitations are adopted, OCC may continue to exempt a percentage of a bank's real estate loans from the limitations.

C. Adopt a Regulation Which Imposes no Limitations, and Rescind Current Regulations Which Impose Limitations

Limitations may be unnecessary to assure safety and soundness in regard to real estate lending activities. The following arguments are posed:

1. Limitations are anticompetitive;
2. Other forms of lending by national banks are not specifically regulated;
3. Limitations potentially reduce the availability of mortgage money; and,
4. Limitations inhibit flexibility in designing loan terms.

If regulations should be warranted in the future or for specific mortgage instruments (e.g., shared appreciation, reverse annuity, graduated payment, growing equity mortgages, etc.), they would be developed.

Proposal

OCC proposes to adopt a regulation which imposes no limitations, and to rescind current regulations under 12 U.S.C. 371 which do impose limitations. The regulation would provide:

A. General permission to engage in real estate lending, including a clarification of types of property considered to be real estate.

B. A clarification of loans not considered real estate loans. National banks may make these loans under 12 U.S.C. 24 Seventh.

C. Preemption, for national banks, of state laws regulating real estate loans including nonpurchase money loans secured by real estate.

D. An advisory that banks must comply with other regulations, including those pertaining to disclosure.

This action is being taken for the reasons discussed under the Options section. Further, OCC can reasonably assure safety and soundness of national banks' real estate lending activities without imposing specific limitations to regulate these activities. OCC holds senior bank management responsible for each bank's operations and places emphasis on strategic planning and the formulation of policies, including lending policies. The composition, loan terms and collateral requirements of the mortgage portfolio, like other segments of the bank's loan portfolio, are responsibilities of the board of directors and senior management in their policy making function and of the lending staff in its implementation of bank policy.

Additionally, OCC evaluates all types of loans, including real estate loans, lending practices and management for prudence, quality, concentrations, policy adherence and other areas of supervisory concern.

By proposing to rescind restrictions on real estate lending the OCC is not taking the position that all real estate loans with terms which were previously prohibited comport with safe and sound banking practices.

Effects of Proposal on Certain Interpretive Rulings

In addition to rescinding the restrictions previously discussed, the proposal would rescind other Interpretive Rulings currently included in 12 CFR 7.2000 through 7.2700.

A. Interpretive Rulings Pertaining to Types of Real Estate Loans

12 U.S.C. 371 defines real estate loans as all loans secured by liens on real

property. The proposal clarifies that the following loans are considered real estate loans.

1. *Leaseholds, Land Sales Contracts, Condominium and Construction Loans.* Under the proposal, 12 CFR 7.2200, loans secured by leaseholds; 12 CFR 7.2000(c), land sales contracts; 12 CFR 7.2195, condominium loans; and 12 CFR 7.2400, 7.2405 and 7.2410, construction loans, will be rescinded. In their place OCC has included a statement in the proposed regulation that these loans continue to be real estate loans within the meaning of 12 U.S.C. 371.

2. *Loans on Cooperatives.* OCC also clarifies under the proposal that loans secured by interests in cooperatively owned real estate are real estate loans within the meaning of 12 U.S.C. 371.

OCC will continue to view loans the proceeds of which are used to substantially renovate, remodel or rehabilitate existing residential or commercial structures as construction loans.

B. Irrelevant Interpretive Rulings

Rescission of real estate lending limitations would render irrelevant certain interpretive rulings. OCC proposes to rescind the following:

1. *12 CFR 7.2150.* This ruling provides that real estate loans excessive in relation to the appraised value of the real estate violate 12 U.S.C. 371 to the extent that the value of other security or guaranty is less than the amount that the loan exceeds the appraised value. This ruling is irrelevant with the removal of loan-to-value restrictions.

2. *12 CFR 7.2410.* This ruling provides that construction loans held by a bank for a period exceeding the permitted 60 months and which are secured by liens on realty are real estate loans under 12 U.S.C. 371. This provision is irrelevant since the maximum maturity is no longer regulated.

3. *12 CFR 7.2700.* This ruling provides that ten percent of a national bank's permissible real estate loans need not comply with the limitations of 12 U.S.C. 371. This provision is irrelevant because, under the proposal, there are no limitations.

4. *12 CFR 7.2405.* This ruling provides that national banks may make combined construction and permanent financing loans for periods up to 30 years and 60 months. This provision is irrelevant since the maximum maturities of these types of financing are no longer regulated.

5. *12 CFR 7.2400(a).* This ruling provides that loans made to finance the construction of buildings which are primarily intended for residential purposes are considered loans to finance residential buildings even though some commercial use will be made of the building. This provision is irrelevant because under the proposal no distinction between types of buildings being financed is made.

6. *12 CFR 7.2040(a)–(e).* This ruling defines first liens and its provisions are irrelevant because under the proposal no distinction in made between loans secured by first liens and loans secured by subsequent liens.

7. *12 CFR 7.2040(f).* This ruling provides that in cover-all or open-end mortgages, the amount of all loans made in primary reliance upon the security of real estate, no matter what the purpose of the loan, must be aggregated to determine if the requirements of 12 U.S.C. 371 have been met. This provision is irrelevant because limitations are no longer imposed.

C. Unnecessary Interpretive Rulings

OCC is proposing to rescind interpretive rulings which expand, rather than restrict the authority of national banks to engage in real estate lending. In taking this action, OCC is not taking the position that these types of loans are impermissible. Rather, the interpretive rulings are being rescinded because the ability of national banks to engage in these activities is clear. Other interpretive rulings are being rescinded because they are redundant or because no interpretive ruling is necessary. These are:

1. *12 CFR 7.2120.* This ruling provides that national banks may participate in making real estate loans and may purchase or sell participations if the participation interests of the bank are adequately protected by the terms of the participation agreement. No ruling is necessary for banks to exercise this power.

2. *12 CFR 7.2148.* This ruling provides that a national bank may purchase real estate mortgage errors and omissions insurance to protect itself in the transactions. No ruling is necessary for banks to exercise this power.

3. *12 CFR 7.2190.* This ruling provides for real estate loans to be made on demand. No ruling is necessary for banks to exercise this power.

4. *12 CFR 7.2040.* This ruling provides that loans for which the mortgagor does not have personal liability are real estate loans under 12 U.S.C. 371. No ruling is necessary because these loans are clearly within the meaning of the statute.

5. *12 CFR 7.2120.* This ruling provides that the authority of national banks to purchase real estate bonds is governed by 12 CFR Part 1. This ruling is redundant and therefore not necessary.

Request for Comments

OCC requests any comments relevant to the regulation of real estate lending by national banks. In addition, OCC requests comments specifically addressing:

1. Loan-to-value ratios;
2. Amortization, including negative amortization;
3. Maturity requirements;
4. Aggregate limitations on real estate loans;
5. Loans on leaseholds;
6. Limitations on forest tract loans; and
7. Construction loans.
8. The preemption of state laws regarding loans secured by real estate, particularly nonpurchase money loans.

A final determination regarding the regulation of real estate lending will be made following consideration of the recommendations and issues raised by the comments received.

Special Studies

The Secretary of the Treasury has certified that this regulation will not have a "significant impact on a substantial number of small businesses," as that phrase is used in the Regulatory Flexibility Act; therefore, no regulatory flexibility analysis has been prepared. The proposed amendments would ease the burden of existing regulations. The effect of the amendments is expected to be beneficial rather than adverse, and small entities are generally expected to share the benefits of the amendments with larger institutions.

A Regulatory Impact Analysis is not required because the OCC has determined that the proposal is not a "major rule" as defined by Executive Order 12291. The proposal will not have an annual effect on the economy of $100 million or more, will not result in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor will it have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

List of Subjects in 12 CFR Part 7

National bank, Real estate lending.

PART 7—[AMENDED]

Accordingly, the Office proposes to amend 12 CFR Part 7 as follows.

1. The authority citation for 12 CFR Part 7 reads as follows:

Authority: R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., unless otherwise noted.

2. Section 7.2000 is revised to read as follows:

§ 7.2000 Real estate loans.

(a) *General.* Any national bank may make, arrange, purchase or sell loans or extensions of credit secured by liens on interests in real estate, subject to such terms, conditions and limitations as may be prescribed, from time to time, by the Comptroller of the Currency by order, rule or regulation. For the purposes of 12 U.S.C. 371, real estate includes condominiums, leaseholds, cooperatives, land sales contracts, and construction projects.

(b) *Preemption of State law.* National banks may proceed pursuant to 12 U.S.C. 371 and this section notwithstanding any contrary law or judicial decisions of any State, the District of Columbia, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, and Guam. These laws and judicial decisions are hereby expressly preempted.

(c) *Disclosure.* National banks, in making real estate loans pursuant to this section, must comply with all applicable laws and regulations, including those pertaining to disclosure.

(Sec. 408, Pub. L. 97-320, 96 Stat. 1510-11, 12 U.S.C. 371)

3. Section 7.2005 is revised to read as follows:

§ 7.2005 Loans not constituting real estate loans within 12 U.S.C. 371

The loans listed below are not real estate loans for the purposes of 12 U.S.C. 371. National banks have the authority to make these loans pursuant to 12 U.S.C. 24 Seventh.

(a) Insured or Guaranteed Loans. (1) When the bank relies substantially on the insurance or guaranty of a governmental agency in making a loan. This includes loans which are:

(i) Insured under the provisions of the National Housing Act;

(ii) Insured by the Secretary of Agriculture pursuant to Title I of the Bankhead-Jones Farm Tenant Act, or the Act of August 28, 1937, as amended, or Title V of the Housing Act of 1949, as amended;

(iii) Guaranteed by the Secretary of Housing and Urban Development, for the payment of obligations of which the full faith and credit of the United States is pledged;

(iv) Fully guaranteed or insured by a State, any agency or instrumentality of a State, or by a State authority for the payment of obligations of which the faith and credit of the State is pledged, if under the terms of the guaranty or insurance agreement the association will be assured of repayment in accordance with the terms of the loan;

(v) At least 20% guaranteed under Chapter 37, Title 38 of the United States Code;

(vi) Guaranted under section 802 of the Housing and Community Development Act of 1974;

(vii) Loans in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred or guaranteed basis under the Small Business Act; and,

(viii) Subject to a firm commitment to insure by a Government insuring agency. A firm commitment is a commitment in which a specific mortgagor is named.

(2) When the bank relies substantially upon private company mortgage insurance or guaranty, but only to the extent of the guaranty.

(b) Loans made to any borrower where the association looks for repayment by relying primarily on the borrower's general credit standing and forecast of income.

(c) Loans secured by an assignment of rents under a lease.

(d) Loans secured by the pledge or assignment of another real estate mortgage.

(e) Loans secured by a valid chattle mortgage on timber, in states which permit such mortgages.

(f) Loans previously made where a real estate mortgage subsequently is taken in good faith.

(g) Loans made in reliance upon the security of a mobile home.

(h) Loans secured by real estate mortgages, where there is a valid and binding commitment by a financially responsible third party to purchase the loan at or prior to the date of maturity of the loan.

(i) Loans made in substantial reliance on the insurance or guaranty of a governmental agency, private company mortgage insurance or guaranty, the creditworthiness of the borrower, or collateral other than real estate, secured by real estate as only a matter of prudent banking practice or because such security is required by the insurer or guarantor.

4. Sections 7.2010, 7.2015, 7.2040, 7.2120, 7.2125, 7.2145, 7.2146, 7.2148, 7.2150, 7.2155, 7.2160, 7.2190, 7.2195, 7.2200, 7.2400, 7.2405, 7.2410, 7.2600, and 7.2700 are removed.

Dated: February 4, 1983.

C. T. Conover,
Comptroller of the Currency.

[FR Doc. 83-6110 Filed 3-9-83; 8:45 am]
BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-ASO-12]

Proposed Designation of Control Zone, Naples, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a control zone in the vicinity of Naples Municipal Airport, Naples, Florida. This action will lower the base of controlled airspace in the vicinity of the airport from 700 feet above the surface to the surface. This will provide controlled airspace for protection of aircraft operating to and from the airport during Instrument Flight Rule weather conditions.

DATE: Comments must be received on or before: May 1, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following

statement is made: "Comments to Airspace Docket No.———." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will designate a control zone in the vicinity of Naples Municipal Airport, Florida. This action will lower the base of controlled airspace from 700 feet above the surface down to the surface. The additional controlled airspace will provide an increased level of safety to aircraft executing instrument operations at the airport. The airport presently supports more than 36 daily commercial flights and in excess of 70,000 annual general aviation operations. Fort Myers Airport Traffic Control Tower, which provides air traffic control service for Naples Municipal Airport, is able to communicate with aircraft on the ground at Naples. Provincetown-Boston Airlines will provide weather observation and reporting service during the hours the control zone is effective. It is anticipated the control zone will be effective from 0700 to 2300 hours, local time, daily from November to April and from 0700 to 2200 hours during the remainder of the year. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Naples Municipal Airport, FL—New

Within a 5-mile radius of Naples Municipal Airport (Lat. 26°09'08" N., Long. 81°46'32" W; within 3.5 miles each side of Collier County VOR/DME 052° and 218° radials, extending from the 5-mile radius area to 8.5 miles northeast and southwest of the VOR/DME; excluding that airspace within a one-mile radius of Wing South Airpark (lat. 26°08'59" N., Long. 81°42'12" W.). This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and time will thereafter by continuously published in the Airport/Facility Directory.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(a), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on February 25, 1983.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 83-6072 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Parts 205, 294, and 298

[Economic Regulation Docket 37531; EDR—395C]

Aircraft Accident Liability Coverage, Canadian Charter Air Taxi Operators, and Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: By this notice, the CAB is asking for further comment on its proposal to revise the insurance requirements for noncommuter and Canadian charter air taxi operators. That proposal presented three alternatives: (1) increase the per-person minimum from $75,000 to $150,000 and the third-party per-occurrence minimum from $400,000 to $2,000,000; (2) retain the present minimums, eliminating safety-related exclusions; or (3) eliminate insurance minimums. This notice adds another alternative: increase the per-person minimum to $100,000, as required by the State of Alaska. The notice asks for additional facts upon which the Board can base its decision.

DATES: Comments by May 17, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: March 28, 1983.

The Docket Section prepares the Services List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 37531, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: For specific information on compliance, for U.S. air taxi operators, Patricia Szrom, Chief, Special Authorities Division (202–673–5068), or for Canadian charter air taxi operators, Richard Loughlin, Chief, Regulatory Affairs Division (202–673–5828); for general information, Joseph A. Brooks, Attorney-Advisor, Office of the General Counsel (202–673–5442), Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION: Comments in this rulemaking were received in response to a supplemental notice of proposed rulemaking (EDR–395B, 46 FR 52585, October 27, 1981). That notice proposed that the insurance requirements for noncommuter and Canadian charter air taxi operators be changed to correspond to those in 14 CFR Part 205, which states general requirements for all other carriers, but that the per-person level of coverage be

set at $150,000. As in Part 205, third-party coverage would be $2,000,000 per occurrence, which is the current level for Canadian air taxi operators. Two alternatives to the proposal were also included in the notice. Alternative A would have eliminated required insurance coverage for these carriers and would have substituted a notice to the passengers to that effect. Alternative B would have retained present U.S. air taxi coverage amounts including the per-person minimum coverage at $75,000, while prohibiting safety-related exclusions.

Comments on those proposals were received from: G.M. Bleisdell, Jr. (an air taxi owner/operator), Cannon Creek Air Charter, Crow, Inc., Eastern North Caroline Air Taxi, Ketchum Air Charters, National Air Transportation Association, North Dakota Aeronautics Commission, Seagreen Air Transport, Ltd., Virgin Air, and Westside Air Park.

The commenters were divided among the three options proposed. Some recommended that the Board eliminate insurance requirements for on-demand air taxi operators. They argued that most operators now carry more insurance than would be required, and that for others, any increase, combined with elimination of the present safety exclusions, would greatly increase their insurance premiums. One operator stated that the proposed minimum would increase the carrier's premium by 24 percent, while another stated that it could result in a tripling of premiums.

Since insurance is usually the highest indirect operating cost for these operators, they argued, if insurance premiums were raised they would lead to higher costs for passengers and could threaten the existence of many such operators, thus jeopardizing needed air service in rural areas and in the isolated areas of Alaska.

One commenter took this argument a step further and recommended that insurance requirements be eliminated for all small carriers providing on-demand or charter service, under any authority. This commenter stated that "small carrier" should be defined in terms of operating revenue rather than equipment size.

The National Air Transportation Association stated that a poll of its membership (on-demand air taxi operators and fixed-base operators) showed that awards and settlements of air taxi accident average approximately $100,000 per person. The figures were not broken down, however, between fatalities and injuries. NATA concluded that the current requirements (75,000 per person) may not be adequate and that the $150,000 limit appeared reasonable. It argued against elimination of insurance requirements, stating that this would permit marginal operators to avoid financial responsibility for accidents and eliminate the availability of even minimal compensation for public losses.

One commenter, a commuter carrier, argued that commuters and on-demand air taxi operators compete for the same passengers in certain locations and should be required to maintain the same insurance. The commuter further argued that all passengers should receive the same protection whether travelling in scheduled or on-demand service.

Since issuing EDR-395 and reviewing the comments in response, the Board has become concerned about the lack of information about the cost impact of its proposals on noncommuter air taxi operators, especially those in Alaska. This is particularly so in view of the small number of comments received and the fact that none were received from insurers.

At its meeting on December 16, 1982, the Board voted to increase the minimum per-person insurance coverage for noncommuter air taxi operators and Canadian Charter air taxi operators from $75,000 to $150,000, to increase the third-party per occurrence minimum from $400,000 to $2,000,000 (this is the current level for Canadian air taxi operators), and to eliminate the present authority allowing policies to include certain safety-related exclusions. On January 27, the Board rescinded that action.

In its place, the Board is re-issuing EDR-395B. In addition to the normal service list, the Board will send this notice to those insurers who commented in response to earlier rulemakings on the subject of insurance.

The Board in this notice is also asking for comment on other alternatives: raising the per-person minimum amount to $100,000 as is now required by the State of Alaska for intra-Alaska operators for all air taxi operators; or raising the limit to that amount just for Alaska, while setting a different amount for non-Alaskan operations. In this alternative, the third-party per-occurrence minimum would be set at $2,000,000 and safety-related exclusions would be prohibited.

The Board would like factual information on the following:

(1) Whether minimums that apply to Alaska should be different from those for other areas;

(2) What would be the impact on premiums of each alternative proposal, especially for those operators in Alaska;

(3) Whether there would be a substantial difference in costs for those operators in Alaska as opposed to those in other areas, and why;

(4) What is the cost impact of (a) increasing the per-person minimum, (b) increasing the third-party per-occurrence minimum, and (c) eliminating the safety-related exclusions;

(5) What are the average settlements and awards for personal injury and death for these carriers, and how these figures have changed since 1969; and

(6) At present, who are the providers of liability insurance to noncommuter operators in the State of Alaska, and in what dollar increments is this insurance usually issued.

Initial Regulatory Flexibility Analysis

The same analysis applies as in EDR-395B.

List of Subjects in 14 CFR Parts 205, 294, and 298

Air carriers, Air taxis, Aircraft, Antitrust, Canada, Charter flights, Consumer protection, Freight, Insurance, Reporting and recordkeeping requirements, and Trade names.

For the convenience of interested persons, the preamble discussion of EDR-395B is repeated below.

EDR-395B

In Notice of Proposed Rulemaking EDR-395 (45 FR 7566, February 4, 1980), the Board proposed to revise and update its insurance requirements for all direct U.S. and foreign air carriers, and to put them in a new consolidated part of its regulations (14 CFR Part 205). The proposal would have made the present insurance requirements for on-demand air taxi operators (14 CFR Part 298) the same as those poroposed for all U.S. carriers. There would have been no exception for Canadian charter air taxi operators registered under new Part 294. It would thus have increased the minimum required per-person amounts for U.S. air taxi operators from $75,000 to $300,000 for both passenger and third-party coverage. The minimum per-occurrence amounts would have been changed. The requirements would have prohibited most of the coverage exclusions now permitted in U.S. air taxi operator policies, primarily those that are safety related. The rule (ER-1253), with many technical revisions, was adopted contemporaneously with this proposal essentially as proposed, except that it does not apply to on-demand air taxi operators. Canadian charter air taxi operators must maintain the same per-person amounts of coverage as U.S. on-demand air taxi operators. A list of the commenters is attached to the preamble of the rule adopted today (This list was

attached to the original issuance of EDR–395B).

In their comments, on-demand U.S. air taxis objected to being required to have the same minimum amounts and to follow the same rules for liability coverage as larger, scheduled airlines. They argued that their service is distinguishable from the others based on the type of service, the type and number of passengers served, and the type of equipment operated. On-demand air taxis argued that while larger, scheduled airlines must accept passengers and cargo under the terms of their schedules or tariffs, on-demand air taxis negotiate a separate contract with each passenger for each flight and settle on mutually agreeable terms and conditions. These contracts can, and often do, include liability coverage additional to that now required by the Board. Further, on-demand air taxis tend to use small, single-engine aircraft as compared to the multi-engine and turbo-prop aircraft operated by commuter and certificated carriers. Therefore, they contend, while damage awards and settlements well in excess of the current minimum requirements may be the rule with regard to cases involving large carriers, claims, awards and settlements in those accidents involving on-demand air taxis average approximately $100,000, based on a recent National Air Transportation Association study. Those arguments would apply as well to Canadian charter air taxi operators.

While a few of these commenters conceded that some increase in required amounts might be justifiable, even those commenters stated that the amount of the proposed increase is unreasonable. On the whole, the on-demand air taxi commenters stated that the proposed increase in the minimum amounts of coverage and changes in the exclusions would impose a severe economic burden on them and would result in a decrease in readily available on-demand air transportation, especially in rural areas, because they could not afford to continue operations with the added costs of such coverage. According to those commenters, the cost of insurance is second only to that of fuel in an on-demand air taxi operator's fixed costs. If the proposed changes in the Board's rules were adopted, the on-demand air taxis estimate that the cost of their insurance coverage would increase from 14 to 200 percent. This cost increase, they contend, would force many small carriers out of business, affecting primarily service to small communities.

In view of such comments, the Board is proposing to require that on-demand air taxi operators and Canadian charter air taxi operators follow the same liability coverage rules as other carriers, except that the minimum amount would be set at $150,000 per-person for bodily injury. All other amounts and coverage would be the same as for those carriers now covered by Part 205. As with coverage required for other carriers, safety-related exclusions from coverage would be prohibited. In considering liability coverage rules for all carriers, one of the most difficult issues faced by the Board is what to do about exclusions from coverage. The present exclusion allowed for U.S. air taxi operators remove the liability coverage in cases where the air taxi has violated safety requirements, has operated aircraft illegally, or has violated any geographic restriction on its operations. There are no similar exclusions allowed in new Part 294 for Canadian charter air taxi operators. Nor were they allowed for charter and all-cargo carriers before Part 205 was adopted. Such exclusions have the effect of denying an injured person a recovery if the airline's assets are not sufficient to pay the damages. Under today's pro-competitive and deregulatory policy, the only reason to require such a minimum source of compensation for damages is to provide a sure source for possible compensation if the air taxi is found liable in an aircraft accident. In the case of on-demand air taxi operators, if this source of compensation is removed for such a reason whenever an air taxi violates a safety requirement that results in an accident, the insurance requirement is not adequately protecting the public.

As the Board stated in adopting such a rule for other air carriers, the cost of such coverage could be reduced by negotiating with an insurer to provide catastrophic coverage, where the insurance would only pay if the net assets of the air taxi have been expended. We would particularly like to have costs estimates from the supporters of continued required coverage at this level, with the conditions set forth in Part 205 of the Board's regulations.

If insurance regulation is continued for on-demand air taxi operators, the filing of certificates or other evidence of coverage would be the same as proposed in EDR–395, but as changed and adopted in Part 205. All other terms and conditions and requirements would also be the same as in Part 205.

In the context of on-demand air taxi service, those commenters stated that a deregulatory, free-market environment assumes that carriers and passengers are fully capable of negotiating conditions of carriage, including insurance coverage, to meet their respective needs. The carrier and the passenger are better able to assess the amount of insurance necessary to protect their interests than is the government.

For U.S. air taxi operators and their counterparts, registered Canadian charter air taxi operators, providing only on-demand service, the Board is therefore further asking for comments on eliminating all insurance requirements. A simple requirement for disclosure of the existence or absence of insurance, as now required for domestic cargo carriers in 14 CFR 205.8, would be required for on-demand U.S. air taxi operators and for Canadian charter air taxi operators instead of required standard coverage.

As the commenters stated, on-demand air taxi service appears to be different from other forms of air transportation. The customer and the operator deal on an equal basis, each knowing the risks and the costs, unlike the somewhat remote relationship between passenger and carrier in larger, scheduled operations. For this reason, insurance regulation of these small carriers might no longer serve a purpose sufficient to warrant a governmental presence.

The Board also requests comment on whether the present standards, except for safety-related exclusions, should be retained for on-demand air taxi and for Canadian air taxi operators. That is, the minimum amounts of per-person coverage would remain at $75,000, and other amounts would remain as now in Part 298.

Essential Air Service

If the Board adopts the second alternative proposed, to eliminate insurance requirements for on-demand air taxis, then those air taxis that are not commuters and that provide essential air service would not be required by the government to carry a specific amount of insurance. The Board would like to have comments on whether all carriers, regardless of type or size, should be required to carry some amount of aircraft accident liability insurance. If they are so required, the Board would like comments on the amount of coverage that would be necessary as a minumum source of compensation if the carrier is found liable.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–534, took effect on January 1, 1981. The Act is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities defined in the Act. It

requires regulatory flexibility analyses for rules that, if adopted, will have a "significant economic impact on a substantial number of small entities." Such analyses are only required to be done for notices of proposed rulemaking issued after January 1, 1981. EDR-395 was issued before that date. No analysis was included in that notice of proposed rulemaking. This case, because of the effect of its supplemental proposal on on-demand air taxi operators, most of which are small businesses, and the possible secondary effects on the many small businesses and communities that rely on these air carriers, requires an intial regulatory flexibility analysis.

The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the action proposed here. The first three requirements are met by the discussion in this supplemental notice of proposed rulemaking and in EDR-395. The impact of this proposal would be to decrease insurance costs and to remove standard insurance protection for passengers and third parties. The proposal attempts to minimize the cost to small air taxi operators by reducing the required minimum amount of coverage from the earlier proposal in EDR-395. Since the first alternative to the existing rules is designed to eliminate completely the accident liability insurance requirements for on-demand air taxi operators and substitute a simple disclosure statement, there are no alternatives to that change that would "minimize any significant impact of the proposed rule on small entities." The last alternative would retain much of the status quo, and thus keep the impact on small entities low. There are no Federal rules that duplicate, overlap, or conflict with the proposed rule.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes the following from EDR-359B and the additional Alternative C in this notice:

$150,000/$2,000,000/No Exclusions

PART 298—[AMENDED]

1. Section 298.41 of Part 298 would be amended by removing paragraphs (a), (b), (c), and (d), and by revising the section to read:

§ 298.41 Basic requirements.

No air taxi operator shall engage in air transportation unless such carrier has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

§§ 298.37, 298.42, 298.43, 298.44, 298.45 [Removed] and § 298.3 [Amended]

Sections 298.37, 298.42, 298.43, 298.44, and 298.45, and paragraph (a)(4) of § 298.3, would be removed and reserved.

PART 205—[AMENDED]

3. Section 205.2 would be revised to read:

§ 205.2 Applicability.

These rules apply to all U.S. and foreign direct air carriers that provide air transportation.

4. Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter that are not commuters by virtue of their scheduled service, and Canadian charter operators registered under Part 294, shall maintain the following coverage:

(1) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons, including nonemployee cargo attendants, other than passengers, and for damage to property, with a minimum coverage of $150,000 for any one person in any one occurrence, and a total of $2,000,000 per involved aircraft for each occurrence, except that such carriers operating aircraft of more than 60 seats or 18,000 pounds maximum payload capacity shall maintain coverage for those aircraft of $20,000,000 per involved aircraft for each occurrence.

(2) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers, with a minimum coverage of $150,000 for any one passenger and a total per involved aircraft for each occurrence of $150,000 times 75 percent of the number of passenger seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified in paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

No Minimums/No Exclusions

PART 298—[AMENDED]

Alternative A

Subpart E—[Reserved]

§ 298.3 [Amended]

1. Part 298 would be amended by removing and reserving Subpart E—*Liability Insurance Requirements*, and paragraph (a)(4) of § 298.3.

2. Section 298.37 would be revised to read:

§ 298.37 Prohibition of services not covered by insurance.

No air taxi operator classified as a commuter by virtue of its scheduled service under § 298.2(f)(1) shall engage in air transportation unless such commuter has and maintains in effect aircraft accident liability coverage that meets the requirements of Part 205 of this chapter.

3. The Table of Contents of Part 298 would be amended accordingly.

PART 294—[AMENDED]

Subpart E—[Reserved]

§ 294.3 [Amended]

4. Part 294 would be amended by removing and reserving Subpart E—Insurance Requirements, and paragraph (c) of § 294.3.

PART 205—[AMENDED]

5. Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter that are not commuters by virtue of their scheduled service, and Canadian charter air taxi operators under Part 294, shall give notice in writing to any passenger of the existence or absence of bodily injury liability accident insurance. The notice shall be clearly and conspicuously included on or attached to all fare listings and passenger contracts.

$75,000/$400,000/No Exclusions

Alternative B

Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part

298 of this chapter that are not commuters by virtue of their scheduled service, and Canadian charter air taxi operators registered under Part 294, shall maintain the following coverage:

(1) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons other than passengers, and for damage to property, with a minimum coverage of $75,000 for any one person in any one occurrence, and a total of $300,000 per involved aircraft for bodily injury, and $100,000 for property damage each occurrence.

(2) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers or nonemployee cargo attendants with a minimum coverage of $75,000 times 75 percent of the number of passenger seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified in paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

$100,000/$2,000,000/No Exclusions

Alternative C

Section 205.5 would be amended by revising paragraph (f) to read:

§ 205.5 Minimum coverage.

* * * * *

(f) Notwithstanding paragraphs (b) and (c) of this section, air taxi operators providing air transportation under Part 298 of this chapter than are not commuters by virtue of their scheduled service, and Canadian charter air taxi operators registered under Part 294, shall maintain the following coverage:

(1) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall maintain third-party aircraft accident liability coverage for bodily injury to or death of persons other than passengers, and for damage to property, with a minimum coverage of $100,000 for any one person in any one occurrence, and a total of $2,000,000 per involved aircraft for each occurrence, except that such carriers operating aircraft of more than 60 seats or 18,000 pounds maximum payload capacity shall maintain coverage for those aircraft of $20,000,000 per involved aircraft for each occurrence.

(2) Air taxi operators and Canadian charter air taxi operators in air transportation under this paragraph shall in addition to the coverage required in paragraph (f)(1) of this section maintain aircraft accident liability coverage for bodily injury to or death of aircraft passengers or nonemployee cargo attendants with a minimum coverage of $100,000 times 75 percent of the number of passenger seats installed in the aircraft.

(3) Coverage under this paragraph may be obtained with a combined single limit as specified paragraph (d) of this section, applying the amounts of coverage stated in this paragraph.

(Secs. 204, 401, 402, 407, 416, 418, Pub. L. 85-726, as amended, 743, 754, 757, 768, 771, 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1372, 1377, 1386, 1389)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6609 Filed 3-9-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 24 and 113

Proposed Customs Regulations Amendments To Establish Interest Charges on Certain Delinquent Accounts

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to establish interest charges for the last payment of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services, and miscellaneous bills issued by Customs to organizations outside the U.S. Government, including sureties.

Customs and the Treasury Department believe that charging interest on delinquent accounts will provide an incentive for prompt payment and, if accounts are not paid timely, provide for reimbursement of interest costs resulting from Government borrowing.

DATE: Comments must be received on or before May 9, 1983.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Accounting and Policy Aspects: Robert B. Hamilton, Accounting Division, (202-566-2566); Bond Text Aspects: William Rosoff, Carriers, Drawback and Bonds Division, (202-566-5856); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

In a report from the Comptroller General to Congress dated August 21, 1978, the General Accounting Office recommended that Customs charge interest on all supplemental duty accounts 30 days past due as part of an effort for the U.S. Government to maximize its use of Customs collections to decrease Government borrowings. That report states that in the Customs Regions of Boston, Chicago, Los Angeles, and New York, accounts receivable for supplemental duties averaged $8.5 million each month from April 1973 to March 1977 and that approximately 36 percent of that amount was over 90 days past due.

Section 306 of Pub. L. 96-304 (94 Stat. 928, July 8, 1980), requires that an agency improve the collection of overdue debts owed to the United States within the jurisdiction of that agency and bill interest on delinquent debts as required by the Federal Claims Collection Standards.

Chapter II of Title 4, CFR, "Federal Claims Collection Standards" provides in § 102.1 (4 CFR 102.1), that the head of an agency or his designee shall take aggressive action, on a timely basis with effective followup, to collect all claims of the United States for money or property arising out of the activities of, or referred to, his agency in accordance with the standards set forth in that chapter. Also, 4 CFR 102.11 provides that in the absence of a different rule prescribed by statute, contract, or regulation, interest should be charged on delinquent debts and debts being paid in installments in conformity with the Treasury Fiscal Requirements Manual ("TFRM").

House Report 97-21, on Customs authorization bill for Fiscal Year 1982 at pages 6 and 7, expressed the clear intent that Customs charge interest on overdue duties and fees.

Courts have held that interest may be charged on overdue accounts without express statutory authority when the Government's position is primarily that of a creditor collecting from a debtor, *Billings* v. *United States* 232 U.S. 261, 284-88 (1914); *McGrath* v. *Manufacturers Trust Co.*, 338 U.S. 241 (1949); *Rodgers* v. *United States*, 332

U.S. 371 (1947). Thus, interest may be assessed pursuant to statutes having no express reference to the collection of interest where the obligation accrues to the Government upon contractual indebtedness or indebtedness arising out of taxes. In particular, interest has been collected by the Government for unpaid overdue Customs duties, *United States* v. *Mexican International Railway Co.*, 154 Fed. 519 (1907).

In an effort to improve cash management practices, the Treasury Department has issued requirements prescribing cash management related procedures, including the necessity for interest charges on overdue receivable accounts. Part 6, Chapter 8020.20, TFRM, provides that a late charge will be collected at a percentage rate based on the current value of funds to the Treasury for overdue payments owed to the U.S. Government. It is noted that the Debt Collection Act of 1982, Pub. L. 97–365, changes the method by which the Secretary of the Treasury assesses interest charges for outstanding debts on claims owed the Government. Furthermore, in light of Section 8(e) of Pub. L. 97–365, it appears that Customs is not covered by major portions of this recent law because except as noted therein, the law does not apply to claims or indebtedness arising under the "tariff laws of the United States." However, because the Government also would be recovering its costs in matters relating to Customs, Customs intends to use the applicable percentage rate of interest based upon the current value of funds to the Treasury which is published in TFRM bulletins. In most instances in which a debtor fails to pay its debts to the Customs Service on a timely basis, the inherent authority identified in Federal Court opinions fully supports the adoption and use of an interest rate that covers the cost of money to the United States. Customs specifically invites the public to submit comments on this point.

Present Customs collection policy is to (1) issue a bill which indicates that it is due and payable upon receipt, (2) pursue collection in accordance with the Federal Claims Collection Act, and (3) if a surety is jointly liable, to make a formal demand on the surety for payment if the bill remains unpaid. Importers are required to post a bond along with each Customs entry to guarantee the payment of increased or additional duties and satisfy other Customs requirements.

Currently, there is no provision for collection of an amount exceeding the principal amount, regardless of the time period of delinquency or additional administrative costs to the U.S. Government incurred as the result of special collection efforts. In Fiscal Year 1979, for instance, the percentage of the number of Customs supplemental duty and reimbursable services bills issued during that fiscal year and paid within 30 days was 57 percent. Another 30 percent of these bills were paid within 60 days, and only the remaining 13 percent of the bills were paid more than 60 days after the date of the bill. Customs and the Treasury Department believe that charging interest on delinquent accounts will provide an incentive for prompt payment and, if accounts are not paid timely, provide for reimbursement of interest costs resulting from unnecessary Treasury borrowing. Customs believes that a majority of those bills which are now paid within 31 and 60 days after the date of billing will be paid within 30 days with the added incentive of interest charges. This mean that approximately 13 percent of the bills issued would result in action by Customs to charge interest.

The proposed regulations provide that interest charges would apply to late payments of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services (such as provided for in §§ 24.16 and 24.17, Customs Regulations (19 CFR 24.16, 24.17)), and miscellaneous bills (bills other than duties, taxes, reimbursable services, liquidated damages, fines, and penalties) issued by Customs to organizations outside the U.S. Government, including sureties.

If payment for an above-mentioned bill is not received by Customs within 25 days after the due date of the bill, interest charges would be assessed upon the delinquent principal amount of the bill, and calculated from the due date of the bill. The applicable interest rate would appear on the bill. Interest on an overdue bill would be assessed on the delinquent principal amount by 30-day periods. The full 30-day interest charge would be assessed for each additional 30-day period or portion thereof that payment is delayed. The current interest rate charged will be published in the **Federal Register** and TFRM bulletin by the Bureau of Government Financial Operations, Department of the Treasury, prior to each calendar quarter beginning on January 1, April 1, July 1, and October 1. The interest rate also would be available from any Customs regional financial management office after it is published. The rate of interest that will be in effect for the period beginning on January 1, 1983, and ending on March 31, 1983, is 13.00 percent.

If the proposal were adopted, applicable Customs bonds would be amended to provide for the joint and several liability of the principal and surety for interest charges assessed on bills for supplemental duties, reimbursable services, and miscellaneous amounts if such bills are not paid in a timely manner.

As the surety bond would now cover both the principal amount and the interest for late payment of duty, we note that the surety is also subject to an additional amount of 6 percent per year on only the amount of duty due pursuant to the Act of March 2, 1799, c. 22, section 65, 1 Stat. 676 (19 U.S.C. 580).

It is the position of the U.S. Customs Service that section 580 is not an interest charge for the use of funds, but an exaction aimed at motivating apparently recalcitrant debtor sureties to pay rather than force the Government to sue to collect. The retroactive nature of the exaction exposes a nonpaying surety to potential liability far out of proportion to the liability of a surety that pays the day before it is sued. In effect, a delay in payment of a period as short as a single day may carry liability for months or years of "interest". Thus, it appears that the six percent charge is not a charge for the use of funds, nor should it be viewed as an alternative to the imposition of such a charge. The views of the public on this question will, of course, be welcomed.

Both the principal (i.e., the importer of record or party in interest) and the surety would be individually notified, at the time of the initial billing for interest and every 30 days thereafter, of the following factors: (i) the amount due, (ii) the accrual of interest charges if payment is not received within 25 days after the due date of the bill, (iii) the applicable TFRM interest rate, and (iv) the joint and several liability of the principal and the surety.

Effective Date

The regulations, if adopted, would become effective 180 days after the date of publication of a final rule as a Treasury Decision in the Federal Register and apply:

(1) With respect to overdue bills for supplemental duties, to all entries filed on or after the effective date.

(2) With respect to overdue bills for reimbursable services and miscellaneous amounts, to all actions giving rise to such bills on or after the effective date.

During the period of the delayed effective date, a bond rider would be executed and attached to applicable Customs bonds already on file to

provide for the joint and several liability of the principal and surety for interest charges on overdue bills for supplemental duties, reimbursable services, and miscellaneous amounts. In accordance with § 113.28(a), Customs Regulations (19 CFR 113.28(a)), this action would be completed at least 60 days before the delayed effective date. The bond rider also would be attached to, or printed on, all applicable bonds that are executed and filed after the delayed effective date. Use of the rider would eliminate the need for new bond forms at this time.

Bond Rider

It is proposed that a bond rider in the following form shall be executed and attached to applicable Customs bonds:

Rider

(To be attached to all applicable bonds)

If the U.S. Customs Service does not receive payment of any bill for supplemental duty, reimbursable services, or a miscellaneous amount within 25 days after the due date of the bill, the obligors agree to pay a late charge on that bill in an amount and on terms as provided by regulation for each 30-day period or part thereof that the bill remains unpaid.

Authority

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sec. 1, 19 Stat. 247 (19 U.S.C. 197), sec. 1, 36 Stat. 965, as amended (19 U.S.C. 198), sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484), sec. 500, 46 Stat. 729, as amended (19 U.S.C. (500), sec. 505, 46 Stat. 732, as U.S.C. 1505), sec. 623, 46 Stat. 759, as amended, (19 U.S.C. 1623), sec. 624, 46 Stat. 759, (19 U.S.C. 1624), sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington D.C. 20229.

The Regulatory Flexibility Act

This document is subject to the "Regulatory Flexibility Act" (Act), Pub. L. 96–354, approved on September 19, 1980. However, it has been determined that the proposed amendments do not require a regulatory flexibility analysis under the provisions of sections 603 and 604 of Title 5, United States Code (as added by section 3 of the Act). It is certified that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The bulk of the delinquent amounts outstanding tend to be from large importers, not small importers and other small entities. Indeed, neither small nor large entities are likely to be affected unless they are delinquent in their payments.

Inapplicability of E.O. 12291

It has been determined that these proposed amendments do not meet the criteria for a "major rule" specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared for this regulatory project.

Related Court Decision

The U.S. Court of International Trade in *Heraeus-Amersil, Inc.*, v. *United States*, 2 CIT———, 515 F. Supp. 770 (1981), held that any liquidated duties, charges, or exactions are not due and payable at liquidation, but rather at the time of filing of the action or at the expiration of the statute of limitations if no action is filed. In *United States* v. *Heraeus-Amersil, Inc.*, Appeal No. 81–19 (February 18, 1982), the U.S. Court of Customs and Patent Appeals affirmed this decision. In light of this holding, Customs has published a final rule document in the **Federal Register** (T.D. 83–14, 48 FR 1186, January 11, 1983) amending section 24.3(e), Customs Regulations (19 CFR 24.3(e)), to clarify the due date of Customs bills.

Drafting Information

The principal author of this document was Charles D. Ressin, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 24

Accounting.

19 CFR Part 113

Surety bonds.

Proposed Amendments

It is proposed to amend parts 24 and 113, Customs Regulations (19 CFR Parts 24, 113), in the following manner:

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

It is proposed to amend Part 24 by adding a new § 24.3a after § 24.3 to read as follows:

§ 24.3a Interest charges on certain bills; notice to principal and surety.

(a) Customs bills for supplemental duties (additional duties assessed upon liquidation), reimbursable services (such as provided for in §§ 24.16 and 24.17), and miscellaneous amounts (bills other than duties, taxes, reimbursable services, liquidated damages, fines, and penalties) shall be due as provided for in § 24.3(e). If payment isnot received by Customs within 25 days after the due date of the bill, interest charges will be assessed upon the delinquent principal amount of the bill, and calculated from the due date of the bill.

(b) (1) The percentage rate of interest to be charged on such bills will be based on the current value of funds to the Treasury Department, as provided by Part 6 of the Treasury Fiscal Requirements Manual. The current interest rate may be obtained from any Customs regional financial management office shortly after it is available to Customs.

(2) The percentage rate of interest applied to an overdue bill will remain in effect for that bill until complete payment is received.

(3) Interest on overdue bills will be assessed on the delinquent principal amount by 30-day periods. The full 30-day interest charge will also be assessed for additional periods of less than 30 days (e.g., if payment is received by Customs 38 days after the due of the bill, interest will be charged for a full 60-day period).

(4) In the case of any late payment, the payment received will first be applied to the interest charge on the delinquent principal amount and then to payment of the delinquent principal amount.

(5) The date to be used in crediting the payment is the date on which the payment is received by Customs.

(c) Both the principal (i.e., the importer of record or party in interest) and the surety shall be individually notified on the bill, at the time of the initial billing for interest and every 30 days thereafter, of the following factors:

(1) The amount due,

(2) The accrual of interest charges if payment is not received within 25 days after the due date of bill,

(3) The applicable Treasury Fiscal Requirements Manual interest rate, and

(4) The joint and several liability of the principal and the surety.

PART 113—CUSTOMS BONDS

It is proposed to amend Part 113 by adding a new § 113.4 to read as follows:

§ 113.4 Liability of principals and sureties for interest charges.

The surety and the principal (i.e., importer of record or party in interest) are jointly and severally liable for interest charges on overdue bills for supplemental duties, reimbursable services, and miscellaneous amounts (see 19 CFR 24.3a). All references in Chapter 1 of this title to bills for supplemental duties, reimbursable services, and miscellaneous amounts will be construed to include interest charges as provided for under 19 CFR 24.3a in the event that these bills are delinquent.

Approved: February 17, 1983.

William von Raab,
Commissioner of Customs.

John M. Walker, Jr.,
Assistant Secretary of the Treasury

[FR Doc. 83-6174 Filed 3-9-83; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 13-83-06]

Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.
ACTION: Notice of proposed rule making.

SUMMARY: This notice establishes a restricted zone in the areas of Union Bay, Portage Bay and Lake Washington on May 7, 1983, from 0800 until 1500. This action is required to permit the conducting of an approved marine event. It is intended to restrict general navigation in the area for the safety of the spectators and participants in the event.

DATE: Comments must be received on or before April 7, 1983.

ADDRESSES: Comments should be mailed to Commander, U.S. Coast Guard Group, 1519 Alaskan Way, South, Seattle, WA 98134. The comments will be available for inspection and coping at Coast Guard Group Operations Office, Room 104, 1519 Alaskan Way, South, (Pier 36) Seattle. Normal office hours are between 7:30 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ens. S. M. Pollock, Operations, (206) 442-1874.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 13-83-06), and the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. Notification was not received early enough to provide for a longer comment period.

Drafting Information

The drafters of this notice are Ens. S. M. Pollock, USCG, Project Officer, USCG Group Seattle, Operations Office, and CDR. Thomas F. McGrath, USCG, Project Attorney, CCGD13 Legal Office.

Discussion of Proposed Regulation

The annual yachting season Opening Day Yacht Parade sponsored by the Seattle Yacht Club is scheduled to be held on May 7, 1983, in the Lake Washington Ship Canal between Portage Bay and Webster Point beginning at about 0800 and ending at about 1500 Pacific Daylight Savings Time. A collegiate crew race will also be conducted in this area between 1100 and 1200 PDST. As a result of these two events, traffic in the area will be congested. The congestion, in Portage Bay, and the narrow width of Portage Cut (also known as Montlake Cut) and Bay Reach inhibits vessel maneuverability. For this reason it is proposed that participating sailing vessels in the restricted zone maneuver by propelling machinery. Maneuvering with the assistance of a spinnaker will be allowed if it does not interfere with the sailing vessel's ability to maneuver. The primary concern is for the safety of participants and spectators in an area which is narrow and known for unpredictable winds.

By the authority contained in Title 46, U.S.C. 454, as implemented by Title 33, Part 100, U.S. Code of Federal Regulations, a Special Local Regulation controlling navigation on the waters described is promulgated. By the same authority, the waters involved will be patrolled by vessels of the U.S. Coast Guard. Coast Guard Officers and/or Petty Officers will enforce the regulation and cite persons and vessels in violation.

Economic Assessment and Certification

These proposed regulations are considered to be nonsignificant in accordance with DOT Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since no major shipping industry or trade will be interfered with. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

PART 100—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33 Code of Federal Regulations, by adding § 100.1306 to read as follows:

§ 100-1306 Lake Washington/Portage Bay/Union Bay/opening day crew race and yacht parade.

(a) This event will take place on May 7, 1983, between the hours of 0800 PDST and 1500 PDST.

(b) The patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander who is empowered to forbid and control movement of vessels on the parade course and in the adjoining water areas immediately prior to, during and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 1030 PDST until the termination of the yacht parade.

(c) All sailing vessels in the restricted zone participating in the parade shall use propelling machinery for maneuvering. Spinnakers may be used,

in addition to propelling machinery, to the extent that control of the vessel is not impaired.

(d) Specific areas restricted to general navigation or anchorage from 0800 PDST until termination of the yacht parade are:

(1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47°39′ N, 122°18′40″W, 425 yards South-West across Portage Bay to the North-West corner of the "L" shaped moorage (at the foot of East Shelby St.) at 47°39′52″, N, 122°18′52″W.

(2) All waters of Portage Cut (also known as Montlake Cut), to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters between an East and West line connecting Union Bay Channel Buoy 27, Union Bay Channel Buoy 29 and Union Bay Channel Buoy 31 and Webster Point Light 33 and an East and West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, 470 yards East of Union Bay Channel Buoy 30 to a point 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern edge of the channel described above. This area is generally the area South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs showing over their sides.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(Sec. 1, 35 Stat. 69, as amended, 46 U.S.C. 454; sec. 6(b)(1), 80 Stat. 938 (49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

C. F. DeWolf,

Rear Admiral, U.S. Coast Guard.

February 22, 1983.

[FR Doc. 83-6173 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA No. 866 A-7-FRL #2272-7a]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA is proposing to approve regulations submitted by the State of Kansas to satisfy conditions placed on that state's Part D plan revision (46 FR 20164, April 3, 1981). These regulations were submitted in draft form on October 9, 1981, and a notice of receipt was published in the **Federal Register** on March 26, 1982 (47 FR 12965). Final regulations to satisfy these conditions: (1) To make certain revisions to the new source permitting regulations and (2) to adopt a regulation controlling volatile organic compound (VOC) emissions from tank trucks serving bulk terminals were submitted on June 15, 1982. The submittal contained other revisions not required by the conditions.

On September 1, 1982, (47 FR 38531), EPA published an approval of the Kansas June 15, 1982 submittal under special procedures explained in the **Federal Register** on September 4, 1981 (46 FR 44477). Elsewhere in today's **Federal Register**, EPA is withdrawing the September 1, 1982, approval.

The purpose of todays action is to propose approval of a portion of the Kansas June 15, 1982, submittal so that the conditions on their Part D SIP may be removed. EPA also proposes to approve certain other portions of the Kansas amendments to the regulations and to defer action on several amendments.

DATE: Comments must be received by April 11, 1983.

ADDRESSES: Copies of the state submission are available during normal business hours at the following locations:

Environmental Protection Agency , Region VII, Air Branch, Room 1415, 324 East 11th Street, Kansas City, Missouri 64106;

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66101.

Written comments should be sent to: Robert J. Chanslor, Environmental Protection Agency , Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert J. Chanslor at the above address or telephone (816) 374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 3, 1981, EPA conditionally approved certain portions of the Kansas SIP with regard to the requirements of Part D of the Clean Air Act, as amended. The conditions were specific regarding Section 172(b)(2), Section 172(b)(10), and Section 173(3). A detailed discussion of that action may be found in the **Federal Register** published on that date (46 FR 20164). Today's proposal would remove the remaining conditions arising from that action and found at 40 CFR 52.875.

To comply with one of the conditions, the state was to adopt statutory amendments to revise its new source permitting regulations to comply with Section 173(3) of the Act by April 30, 1981; file the revised regulations as temporary amendments with the Revisor of Statutes by July 1, 1981; and adopt the revised regulations as permanent amendments to the Kansas air quality regulations by May 1, 1982.

In order to comply with two other conditions, the state was to adopt and file with the Revisor of Statutes a regulation controlling volatile organic compound (VOC) emissions from tank trucks serving bulk petroleum terminals by July 1, 1981, and adopt the revised regulations as permanent amendments to the Kansas air quality regulations by May 1, 1982.

The Kansas Department of Health and Environment submitted draft revisions to the state regulations on October 9, 1981, to satisfy these conditions. Other revisions not required by the conditions were submitted at the same time.

EPA published a notice in the **Federal Register** on March 26, 1982 (47 FR 12965), that regulations had been adopted after a public hearing on November 18, 1981, and that regulations to satisfy the SIP conditions were submitted to the Revisor of Statutes on December 23, 1981, and to the Kansas Legislature in January 1982. These new regulations and regulatory changes became permanent regulations effective May 1, 1982, and were submitted to EPA on June 15, 1982.

The regulations submitted in addition to those required by April 3, 1982, conditions are 28-19-16, certain definitions in 28-19-16a, 28-19-16b, 18-19-16c, 28-19-16f, 28-19-16g, 28-19-16h, and 28-19-16i. These regulations contain new source permit requirements for nonattainment areas. Regulation 28-19-16a contains definitions which includes a definition of source that is consistent with the EPA definition found at 46 FR 50766 (October 14, 1981).

EPA has received notice that a member of the public wishes to submit adverse or critical comment on the rulemaking including the approval of the source definition and the deletion of the definition of "reconstruction". Therefore, elsewhere in today's **Federal Register**, EPA is withdrawing the September 1, 1982, approval of the June 15, 1982, SIP submittal. In this notice,

EPA proposes to approve the Part D plan revisions submitted to satisfy conditions found at 40 CFR 52.875. EPA also proposes to approve the remaining Kansas regulatory revisions not relating to the source definition.

EPA proposes to defer action on the following regulation revisions affecting new source review:

1. Regulation 28–19–16a(d) which defines "Building, Structure, Facility or Installation";
2. Deletion of Regulation 28–19–16a(v) "Reconstruction";
3. Deletion of the term reconstruction in Regulations 28–19–16, 28–19–16b, 28–19–16c, 28–19–16f, 28–19–16h, and 28–19–16i; and
4. Deletion of Regulation 28–19–16a(o) which defines "Installation".

The language of Regulation 28–19–16a(x), defining "Stationary Source", has not been explicitly revised, but the definition of "Installation" has been revised by deleting the old definition at 28–19–16a(o) and adding this term to Regulation 28–19–16a(d). Because the terms "Building, Structure, Facility or Installation", are used in the definition of "Stationary Source", the effect is to alter the Kansas source definition for new source review.

EPA believes that action should be deferred on the Kansas regulations discussed above in light of the Courts ruling in *NRDC v. Gorsuch*, No. 81–2206 (D.C. Cir., decided August 17, 1982). The Kansas revisions are substantially similar to the EPA revisions which eliminated the dual source definition (see 40 CFR 51.18(j)(1) (i) and (ii)). The EPA revision was vacated in the above decision.

The revision to Regulation 28–19–16a(g) changes the definition of contemporaneous to be consistent with the EPA approved definition in the comparable Missouri regulations.

Other changes appear at 28–19–16a(a), 28–19–16a(b), 28–19–16a(c), 28–19–16a(d) 28–19–16a(e), 28–19–16a(k), and 28–19–16a(o). These changes were made for the purpose of clarification and style.

The definition subsections have been renumbered from 28–19–16a(o) through 28–19–16a(x). The title of 28–19–16g is changed, old paragraph (a) is deleted and new paragraphs (a) through (c) are added. Regulation 28–19–51 regarding fugitive dust emissions was revoked by the state because it was found to be ineffective.

EPA is proposing to approve regulation 28–19–70 and 28–19–62 applicable to VOC emissions from tank trucks and regulation 28–19–61h applicable to new source permits as revisions to the Kansas Part D SIP. Regulation 28–19–61h requires permit applicants who own or operate other sources in the state to certify compliance or be on a schedule of compliance with all applicable emission limits before a permit may be issued for a new or modified source in a nonattainment area.

Interested persons are invited to submit pertinent comments on this proposed approval in writing. EPA will consider all such comments received 30 days from publication.

Under 5 U.S.C. Section 605(b), I certify this action, if promulgated, would not have a significant economic impact on a substantial number of small entities. It imposes no new regulatory requirements.

Under Executive Order 12291, today's action is not "major". It has been submitted to the Office of Management and Budget for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110 of the Clean Air Act, as amended (42 U.S.C. 7401)).

Dated: December 8, 1982.

William W. Rice,

Acting Regional Administrator.

[FR Doc. 83-6119 Filed 3-9-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[FCC 83–46; Docket Nos. 20521, 20548, BC Docket No. 78–239, and MM Docket No. 83–46; RM–3653; RM–3695; RM–4045]

Corporate Ownership Reporting and Disclosure by Broadcast Licensees and; Amendment of the Rules Relating to Multiple Ownership of Standard, FM, and Television Broadcast Stations and CATV Systems and; Reexamination of the Rules Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making initiates a proceeding aimed at comprehensively reviewing the Commission's ownership attribution rules. This action is necessary to consolidate a number of related, pending proceedings and to ensure that our attribution rules do not unnecessarily restrict capital investment in FCC-licensed facilities.

This rule making proposes to increase the level of cognizable ownership interests up to a level of 5 to 20 percent. In addition, a number of ancillary proposals are made to revise the Commission's ownership reporting requirements, eliminate the existing distinction between ownership interests in closely-held and widely-held corporations and reduce the effect of the attribution rules on officers and directors of corporate licensees.

DATES: Comments must be submitted by April 25, 1983, and reply comments by May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Randy W. Thomas, Office of the General Counsel, (202) 632–6990.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 73

Radio broadcast, Television.

47 CFR 76

Cable television.

Adopted: January 27, 1983.

Released: February 15, 1983.

By the Commission: Commissioner Quello concurring in the result; Commissioners Fogarty and Rivera concurring and issuing a joint statement; Commissioner Jones concurring and issuing a statement.

I. Introduction

1. This Notice of Proposed Rule Making commences a proceeding aimed at comprehensively revising the standards for attributing interests in broadcast, cable television and newspaper properties for the purpose of applying the multiple ownership rules. The goal of the Commission's multiple ownership rules is to promote economic competition in telecommunications and to provide a diversity of voices in the marketplace of ideas by ensuring that control of the broadcast media is not concentrated in only a few hands:[1]

> Simply stated, the fundamental purpose * * * of the multiple ownership rules is to promote diversification of ownership in order to maximize diversification of program and service viewpoints as well as to prevent undue concentration of economic power contrary to the public interest.

Amendment of Multiple Ownership Rules, Docket No. 8997, 18 FCC 288, 291–292 (1953). *See also Notice of Proposed Rulemaking*, Docket No. 14711, FCC 62–

747, 27 FR 6486 (1962). The attribution portion of the rules is the mechanism by which the multiple ownership rules are given practical effect. That is, the attribution rules define what constitutes a "cognizable interest" for the purpose of applying the multiple ownership rules to specific situations.

2. It has been almost three decades since the Commission first addressed the issue of what constitutes a "cognizable interest" for purposes of operation of its multiple ownership proscriptions. During that period, a number of significant developments have taken place in the investment community and the telecommunications marketplace that warrant revisiting the attribution rules. In addition, there currently are pending several proceedings involving our ownership rules: three related dockets,[1] three undocketed proceedings [2] and several waiver requests.[3] These related proceedings have ben pending from between one to eight years. It is our intention that the present proceeding be wide-ranging and, to the extent practicable, dispositive of these interrelated proceedings. We intend to resolve the outstanding proceedings that have been consolidated into this docket in subsequent *Report and Orders*, as Commission resources permit.[4]

[1]The docketed ownership proceedings that are still pending are as follows: *Notice of Proposed Rule Making* in Docket 20521, issued June 11, 1975, regarding corporate ownership disclosure; *Further Notice of Proposed Rule Making* in Docket 20548, issued March 9, 1977, regarding a ten percent cognizable ownership benchmark for all multiple ownership purposes, except the seven station rule; and BC Docket 78–238, issued July 27, 1978, regarding voting trusts and other non-voting interests.

[2]The undocketed ownership proceedings that are before the Commission are as follows: RM–3853, filed April 21, 1980 by the First Manhattan Company, regarding a rule amendment to establish a 5% cognizable ownership benchmark for investment advisors; RM–3995, filed June 5, 1980, by the Investment Company Institute, regarding a rule amendment to increase the cognizable ownership benchmark to 10% and RM–4045, filed January 27, 1982, by the Centennial Fund, regarding a rule change to allow self-administered pension funds to be subject to a 5% ownership benchmark.

[3]Several waiver requests have been filed with the Commission. For example, the Ford Foundation is currently seeking a waiver to grant it a 5% benchmark for both closely-held and widely-held corporate licensees; and the Commission recently granted a waiver to permit the New York State Teachers' Retirement System to have a 5% benchmark for its self-administered pension fund. *Harry L. Drubin, Jr., Esq.*, FCC–83–18, (adopted January 20, 1983, released January 24, 1983).

[4]It is not the Commission's intention in this proceeding to evaluate the underlying premises of the individual multiple ownership rules; it is only to determine to whom and how those rules should be applied.

II. Discussion

A. Multiple Ownership Rules and Policies

3. Collectively, the media multiple ownership rules consist of three broad types of geographic proscriptions: national, regional and local. The national rules are: (1) the "seven station" rule, which establishes an absolute limit on an individual entity's broadcast station ownership. No entity may own, operate, control or have any interest in more than seven AM, seven FM and seven television (of which no more than five may be VHF) stations, 47 CFR 73.35(b)(1), 73.240(a)(2) and 73.636(a)(2); and (2) the "network/cable cross-ownership" rule, which prohibits an entity from owing, operating, controlling or having an interest in both a national television network and a cable television system. 47 CFR 76.501(a)(1).[5]

4. The "regional concentration of control" rule proscribes common ownership, operation or control of three or more broadcast stations (in any service) where any two are within 100 miles of the third and there is primary service contour overlap of any of the stations' signals. 47 CFR 73.35(b)(1), 73.240(a)(2) and 73.636(a)(2).

5. The local multiple ownership rules consist of: (1) the "duopoly" rule, which prohibits any party from owning, operating or controlling two or more broadcast stations in the same service if there is overlap of the stations' signals, 47 CFR 73.35(a)(1), 73.240(a)(1) and 73.636(a)(1); (2) the "one-to-a-market" rule, which essentially limits common ownership, operation or control of a radio and television station in the same community; *Id.;* (3) the "newspaper/broadcast cross-ownership" rule, which prohibits any entity from owning, operating or controlling a broadcast station and a daily newspaper in the community in which the newspaper is published, *Id.;* and (4) the "broadcast/cable cross-ownership" rule, which applies to the common ownership, control and operation prohibition to co-located broadcast television and cable television system, 47 CFR 76.501(a)(2).

6. Closely related to these rules is the "cross interest policy" that prohibits certain types of interests in two broadcast stations in the same service in the same community. Essentially meant to encourage arms-length transactions, this policy would limit, for example, ownership of one AM radio station in a market by one entity, if at the same time, that entity's principals maintain a signficent employment or managerial role in another AM station in the same market. *See Cleveland Television Corp.*, 52 RR 2d 581, 585 (Rev. Bd. 1982); *Farmville Broadcasting Co.*, 47 FCC 2d 403, 404 (1974); *United Community Enterprises, Inc.*, 37 FCC 2d 953, 960 (Rev. Bd. 1972).

[5]There is currently pending a Notice of Proposed Rule Making that proposes the deletion of the network/cable television cross-ownership rule. *Notice of Proposed Rule Making*, CT Docket No. 82–434, 47 FR 39212 (Sept. 7, 1982).

B. Attribution Rules

7. The attribution rules are the mechanisms by which the multiple ownership rules are implemented and enforced. Ownership interest banchmarks have been set at a point below which the rules are not applied. These ownership benchmarks define the interests in or relations to a Commission licensee, cable system or newspaper that are cognizable for purposes of compliance with the Commission's multiple ownership rules. The benchmarks define the amount of minority ownership that is cognizable under the various provisions of the ownership rules. As the Commission previously noted:

> For corporate broadcast licensees, the decisive factors in detemining whether stock holdings may thwart the purpose of the [ownership] rules are the amount of stock held and the right to vote the stock.

Multiple Ownership of AM, FM and TV Stations (Docket No. 15627), 13 FCC 2d 357, 363 (1968).

8. Simply stated, the attribution rules provide that media interests are imputed following the line of control to an ultimate entity. Thus, media interests of broadcast licensees and cable operators are ascribed to officers, directors, partners, trustees and significant shareholders (vertical attribution upward). Media interests of individual officers, directors, partners, trustees and shareholders of the same entity are not aggregated (no horizontal attribution).[6] An interest that is "significant" or reportable is defined through the various ownership benchmarks.

9. Although administrative interpretation and case law have generated variable standards of permissible minority equity ownership in corporate licensees,[7] the ownership benchmarks generally provide that for corporate licensees with more than fifty shareholders, a cognizable interest is inherent in officers and directors as well

[6]The provisions in the multiple ownership rules limiting "indirect" ownership, operation or control provide the basis for the attribution mechanics.

[7]*Further Notice of Proposed Rule Making*, Docket No. 20548, 63 FCC 2d 602 (1977).

as shareholders with 1% or more of the outstanding voting stock.[8] The holdings of bank trust departments and investment and insurance companies are subject, however, to a 5% benchmark.[9] For closely-held corporations; *i.e.*, those with fewer than fifty shareholders, a cognizable interest is inherent in officers, directors and all shareholders. Any voting partnership or proprietorship interest is congnizable.

C. Historical and Comparative Perspective

10. Multiple ownership restrictions in the broadcast context first became effective in the early 1940's.[10] In 1953, the Commission concluded a five year rule making proceeding on multiple ownership by adopting the seven station rule as well as attribution rules that considered ownership of 1% or more of the voting stock in a corporate licensee with more than 50 shareholders to be a cognizable interest. The Commission reasoned that "owners of 1% of the stock *may* have considerable voice in the control and management" of corporate licensees. *Amendment of Multiple Ownership Rules, supra* at 294 (emphasis added). As early as 1953, the Commission considered an attribution benchmark of at least 5%. *Id.* The 1% attribution rule was upheld by the court of appeals on remand of a case from the Supreme Court that challenged the multiple ownership rules. *Storer Broadcasting Co. v. United States*, 240 F.2d 55, 56 (D.C. Cir. 1956). The court observed, however, that interests of more than one percent do not necessarily constitute control. *Id.*

11. Over the years, the 1% rule has been modified to accommodate the investment objectives of certain institutions presumed to be "passive" investors who were concerned with investment profits and who did not invest for purposes of control or influence over programming. The first modification was made in 1968 when the benchmark for cognizable ownership interests was raised from 1% to 3% for investment companies.[11] *Report and Order, Docket 15627*, 13 FCC 2d 357, 369–70 (1968). The effect of this exception was to permit investment companies to own up to 3% of the voting stock of a broadcast licensee before that interest became cognizable. In 1972, the broadcast multiple ownership rules were amended to raise the benchmark from 1% to 5% for the ownership of broadcast licensee voting stock by bank trust departments. *Report and Order, Docket 18751*, 34 FCC 2d 869 (1972). At that time, the Commission declined to raise to 5% the benchmark for bank trust department holdings in cable systems. *Id.* at 892.

12. A rule making proceeding commenced by the Commission in 1975 culminated in further expanding the modifications to the 1% rule. The Commission adopted 5% as the standard for determining a cognizable interest for insurance companies, bank trust departments and investment companies. *Multiple Ownership and Cross Ownership*, 59 FCC 2d 970, 975 (1976), *aff'd sub nom. National Citizens Committee for Broadcasting v. FCC*, 559 F.2d 187 (D.C. Cir. 1977). Both the broadcast multiple ownership rules and the cable television cross-ownership rules were amended to adopt the 5% benchmark for bank trust departments, insurance companies and investment companies. The Commission found this action to be "in the public interest because it will most likely increase investments in broadcast and cable companies and thus strengthen the economic foundation of the broadcasting and cable industries without creating undue concentration of control." *Id.* at 974–75.

13. As part of the multiple ownership rule making in *Docket No. 20548*, the Commission also proposed the adoption of a uniform 10% attribution rule for the duopoly, one-to-a-market and the regional concentration rules. 54 FCC 2d 331, 335 (1975). The Commission proposed the 10% attribution benchmark with the provision that investors would file a disclaimer of intent to control the licensee or station. This proposal received very little attention in the comments filed in the proceeding. In a *Further Notice of Proposed Rule Making*, the Commission again sought comment on the 10% attribution proposal. 63 FCC 2d 832 (1977). This rule making still is pending.

14. As a point of reference, it may be useful to compare the Commission's current 1% and 5% attribution rules with other federal legal ownership requirements. The alien ownership provisions of the Communications Act provide that aliens may own no more than 20% of the capital stock of a corporate licensee, nor may aliens own or control more than 25% of the capital stock of a controlling corporation whose subsidiary holds a license. 47 U.S.C. 310(b)(3)–(4). Two of the statutes that govern the Securities and Exchange Commission ("SEC") contain provisions that may provide a useful reference point for the present analysis. The Securities and Exchange Act of 1934 provides that any person who acquires more than 5% of certain classes of securities must disclose specified ownership and background information to the issuer, stock exchanges and the SEC. 15 U.S.C. 78m(d)(1). On the other hand, the Investment Company Act of 1940 provides a 25% benchmark for control of a corporation. 15 U.S.C. 80a–2(a)(9). That Act presumptively defines "control" as the direct or indirect beneficial ownership of more than 25% of the voting securities of any company. *Id.* We note that these statutes are referenced only for illustrative purposes; public policy considerations may require the adoption of unique ownership attribution benchmarks for telecommunications.

III. Need for the Notice of Proposed Rule Making

15. One of the statutory mandates of the Commission is "to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide and world-wide wire and radio communication service * * *" 47 U.S.C. 151. Sections 154(i) and 303(r) of the Communications Act grant the Commission broad authority to enact appropriate regulations to further the Commission's statutory purposes. As explained below, we believe the attribution rules may work against the realization of an efficient nationwide radio service by unnecessarily limiting the number and location of broadcast and cable television interests that may be held. Accordingly, it is important that we scrutinize the policies that underlie the rules to ensure that our statutory objectives are being fulfilled by the rules, that the costs and impact are not outweighing their benefits and that those costs imposed upon society are not excessive or creating disproportionate economic inefficiencies.

16. To the extent that our rules are based upon economic concentration considerations, it is appropriate for the Commission to consider whether the attribution rules advance the objectives of the antitrust component of the public interest standard embodied in the Communications Act. The antitrust laws provide guidance for making our public interest determinations in this area. The attribution rules should be scrutinized to insure that they advance antitrust objectives and further the public interest

[8] 47 CFR 73.35, 73.240, 73.636, note 3.

[9] *Id.*, at notes 4 and 5.

[10] The Commission adopted multiple ownership rules for FM broadcasting in 1940, 5 FR 2384 (June 26, 1940); television broadcasting in 1941, 6 FR 2284 (May 6, 1941); and AM broadcasting in 1943, 8 FR 16065 (November 27, 1943).

[11] Investment companies (mutual funds) are defined by Section 80(a)(3) of the Investment Company Act of 1940, 15 U.S.C. 80(A)(3).

in efficiency of operation, investment decisions and consumer welfare.[13] Unnecessarily restrictive attribution rules could hinder the most efficient combination of video distribution resources by erecting ownership standards which proscribe combinations that would not be suspect under the Justice Department's recently revised antitrust and merger guidelines.[14]

17. It is particularly important to determine whether the attribution rules further the Commission's concern for program diversity. The ownership benchmarks may be set at levels that do not reflect ability to control the programming of a licensee. Depending on variable criteria, 1% equity ownership of a corporate licensee may or may not vest power in an entity to control station programming. Nevertheless, the attribution rules implicity make the assumption that such control exists. A benchmark that is not a reasonably tailored proxy for control over programming will not advance diversity concerns yet will curb broadcasting investments. The public interest suffers from such unnecessary government intrusions.

18. We also are concerned that our current attribution rules may create a restraint on the amount of capital that otherwise would flow into broadcast or cable television ventures. Capital resources are difficult to obtain in today's economy.[15] Operators frequently must turn to non-traditional means of financing to obtain needed capital. Such techniques may provide for acquisition of subordinated equity holdings which quickly may bring investors to the ownership limits permissible under the Commission's Rules. Thus, the attribution rules may impose an impediment to increased investment. We may find in reevaluating our rules that the assumptions prevalent at the time of adopting the rules are no longer valid or, even more likely, that certain ownership patterns are not necessarily correlated to the possibility of control over corporate licensees.

19. Telecommunications is one area of the economy that today is showing real signs of positive growth and the concomitant need for investment capital. In addition, recent deregulatory actions of the Commission have increased the need for capital resources. For example, the Commission's deregulation of the subscription television service,[16] authorization of the direct broadcast satellite service,[16] and low power television [17] each will create additional demands for telecommunications investment capital.[18] Since these services (aside from STV) have no formal ownership and attribution rules *per se*, the existence of restrictive broadcast and cable television attribution rules may distort the flow of investment capital into the new unfettered services.

20. An additional public benefit that may be derived from our modifying the attribution rules as a result of this proceeding is that new entrants in general, and minority group entrants in particular, should enjoy additional capital availability. It has been advocated that potential minority group investors are foreclosed from opportunities in telecommunications due to their inability to obtain adequate financial support.[19] Minorities often must seek funds from secondary lenders, such as venture capitalists, Small Business Investment Companies (SBIC) and Minority Enterprise Small Business Investment Companies (MESBIC).[20] Due to the restrictions on ownership established by the Commission's multiple ownership and attribution rules, lenders who acquire equity interests in licensees may have to restrict the number of ventures in which they participate. One of the public interest reasons for seeking to expand the attribution benchmarks in this proceeding may be to facilitate more readily available financing for minority group applicants. A recent report to the Commission indicates that the operation of the Commission's attribution and ownership rules actually may constitute a barrier for minority group entrepreneurs entry into the field of telecommunications.[21] It thus appears that it may be in the public interest for the Commission to lift some of the restrictions on investment created by the attribution rules to increase the opportunity for new entrants and applicants.

IV. Options for Revision of the Commission's Attribution Rules.

21. We intend in this proceeding to conduct a fresh inquiry by examining regulatory options ranging from attribution only for interests over 20% to maintaining the *status quo ante*. We also will inquire, whether, in light of the rapid changes in the services offered by financial institutions, the Commission should change its current position of specifying particular financial institutions subject to the 5% attribution rule in favor of either broad rules or a set or sets of indicia to identify on an *ad hoc* basis, the various entities that should be subject to certain levels of attributable interests due to their potential for licensee control.

22. First, we solicit comment on the broad question of whether the public interest requires attribution of an ownership interest of less than 20%. Under our current statutory scheme, a 20% interest in a licensee is the maximum direct interest that may be held by aliens.[22] The common denominator in both the Commission's multiple ownership rules and the statutory ownership limit is that there is a minimum level at which influence or control is presumed. Given Congressional guidance that a 20% level of interest confers such control, an amount greater than that for purposes of applying the multiple ownership rules does not appear to be appropriate. We seek comment on what probable ownership patterns would emerge under this standard.

23. Comments and data are also requested on the advisability of substituting a definition and set of indicia of control to be applied on a case-by-case basis for the current practice of specifying particular entities subject to certain ownership benchmarks.[23] In this connection,

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[13] *See generally*, Bork, The Antitrust Paradox, Ch. 2. (1978); and Posner, Antitrust Law: An Economic Perspective, Ch. 1. (1976).

[14] 2 Trade Reg. Rep. (CCH) ¶¶ 4501–05.

[15] *Newsweek* magazine recently reported that venture capitalists back only 2 or 3 out of every 100 new proposals that they receive. *Newsweek*, June 14, 1982, p. 19[illegible].

[16] 47 FR 30099 (July 12, 1982) (to be codified at 47 CFR 73.642–643).

[16] *Report and Order, Gen. Docket No. 80–603*, adopted June 23, 1982; released July 14, 1982, FCC 82–285, 47 FR 31555 (July 21, 1982).

[17] *Report and Order, BC Docket No. 78–253*, —— FCC 2d ——, 51 RR 2d 476 (1982).

[18] The potential expansion of the multipoint distribution service to a multi-channel service may, if authorized, create additional demands for capital in the video distribution market. *See* In re Applications for Developmental Authorizations to Construct and Operate a Multichannel Over-the-Air Pay Video Service in the 2 GHz Band. File No. BPEX–8208–02–KH (Aug. 2, 1982).

[19] *See* Strategies for Advancing Minority Ownership Opportunities in Telecommunications, FCC Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications Final Report, (May 1982), at 25–30.

[20] SBICs and MESBICs are licensed, regulated and partially financed by the Small Business Administration. *See* 15 U.S.C. 661 *et seq.* For an overview of the operation of these federally-chartered investment companies, *see* Turner, *SBICs, MESBICs and Conflicts of Interest*, 30 Fed. Bar J. 185 (1978).

[21] Strategies for Advancing Minority Ownership Opportunities in Telecommunications, *supra* note 19, at 14.

[22] 47 U.S.C. 310(b)(3).

[23] It should be noted that in 1984 the Commission abandoned its previous practice of dealing with multiple ownership problems on an *ad hoc* basis in favor of a "particularized" standard. *1984 Multiple Ownership Rules*, note 7, *supra* at 1478. There may be administrative burdens associated with a case-by-case approach, and we request comments on the possible burdens to applicants and the Commission.

comments are requested on the advisability of establishing a set of presumptions to assist the Commission in making case-by-case judgments. For example, a conclusive presumption could be established that a 20% or greater ownership interest in a licensee portrayed a cognizable interest in the entity. On the other hand, a rebuttable presumption could be established that less than 20% ownership of a licensee does not constitute a cognizable interest. As a starting point, indicia that could be analyzed for making control determinations for less than 20% ownership could include, *inter alia:*

- Potential for management influence and control;[24]
- Size of ownership interests;
- Nature of ownership interests, *i.e.*, type and nature of partnership or other non-corporate interest and the type and quality of corporate ownership interest (voting or non-voting stock);
- Significant holdings of non-voting interests;
- Power to sell or control the sale of securities and the impact such sales would have on other holders of that security;
- Interlocking directorates with other relevant corporations;
- Express disclaimers of control (such as insulation letters executed by bank directors disavowing intent to participate in trust department activities);
- Coextensive federal or state securities and investment regulation;
- Dispersion of stock among shareholders;
- Existence of voting trusts, shareholder agreements or other non-voting equity interests such as preferred stock;
- Redemption, liquidation or convertability rights in stock or other securities;
- Ownership interests of parent or affiliated corporations.

24. In connection with the above indicia of control, an option exists to essentially shift the burden of proof as to whether a particular entity exercises control over a media property. Under this option, an entity would only be attributed with those media interests if it is affirmatively demonstrated by the Commission or others that actual control under the indicia will occur. Comment is sought as to the effectiveness of this approach.

25. Another option upon which we seek comment is the advisability of linking the Commission's attribution rules to other legal or regulatory requirements. For example, should we establish a disclosure requirement for persons or entities that own more than 5% of the voting securities in a corporate licensee as required by the 1934 Securities and Exchange Act? 15 U.S.C. 78m(d)(1). The attribution rules could be modeled after the Commission's 20% alien ownership rules. The advantages of linkage of the attribution rules with other regulatory requirements are that consistency of federal regulations would be enhanced, and the reporting and administrative burden on licensees and investors may be reduced. On the other hand, the underlying public interest considerations in telecommunications may be unique, and we may not necessarily be able to rely upon other standards of regulatory ownership.

26. A final regulatory option is to retain the current attribution levels. Are the current attribution rules set at appropriate levels to prevent influence over licensees and yet ensure adequate availability of capital? Should the attribution benchmarks be raised to some level less than 20%? Given the recommendation of the Commission's Advisory Committee on Alternative Financing, would it be appropriate to maintain the present attribution rule structure and grant a higher benchmark for SBICs and MESBICs to increase the availability of capital for the acquisition of telecommunications facilities by minority entrepreneurs? [25] Specific data and facts should be provided to demonstrate whether the current rule structure is justified. Should the current benchmarks be retained with a revisonary effort directed toward clarifying the explanatory notes? Would the public be served better if the FCC modified the current benchmarks to provide a flat, across-the-board standard?

27. We have sought comment on the issue of how the attribution rules should function in conjunction with the use of voting trusts and the ownership of non-voting preferred stock. [26] These forms of ownership, expressly avoiding control, insulate the holder from attributable ownership interests. [27] In reevaluating the attribution rules, the Commission will take into account comments in BC Docket No. 78–239 (non-voting equity ownership interests in corporate licensees). To the extent that those comments require alteration in light of the higher benchmarks now under consideration, we request that that information be submitted.

28. One issue on which we are especially interested in obtaining comments is the effect that a change in the attribution rules would have on the investment community and entrepreneurs seeking financing for telecommunications ventures. To what extent would minority group members and new entrants have greater access to financing if the restrictions were eased?

29. The Commission is interested in obtaining public comment on the advisability of treating all investors in a similar fashion. For example, should bank trust departments, insurance companies, investment companies, mutual funds, venture capitalists, SBIC/MESBICs, pension funds, investment clubs and others be accorded identical treatment under the attribution rules? Are there policy or legal reasons why a different standard should apply to any particular group of investors? Should different benchmarks be established for active and passive investors; should there be no distinction or should the distinction be framed differently? Should "passive" investment be defined in a different manner than it has in the past? What is the optimal mix of benchmarks for the different investment groups? Should the attribution rules be the same for national, regional and local ownership situations, or are there reasons for delineating specific rules for each? In this connection, should the Commission explicitly link its cross interest policy to the attribution benchmarks? Should the attribution rules vary according to the type of media or with mode of distribution?

30. Apart from the ownership benchmark portion of the attribution rules, we seek to elicit comment on the degree to which indirect interests are attributed. Comments are sought on the appropriate approach for attributing ownership interests in vertical ownership situations. Should the current approach of mechanically determining

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[24] At least with respect to larger corporations, there is some debate whether management or owners (*i.e.*, stockholders) control the company. *See e.g.*, F. M. Scherer, Industrial Market Structure and Economic Performance 32–33 (2d ed. 1980). This point is especially relevant to the underlying premise of the multiple ownership rules which assumes that programming decisions are made by, or are the responsibility of, officers, directors and shareholders.

[25] Strategies for Advancing Minority Ownership Opportunities in Telecommunications, *supra* note 19, at 18. *See also*, Petition for Rule Making on Minority Ownership, National Association of Black Owned Broadcasters ("NABOB"), October 1981. The NABOB Petition, *inter alia*, requests the Commission to consider exempting MESBICs from the multiple ownership rules.

[26] The pending *Notice of Inquiry and Proposed Rule Making* in BC Docket No. 78–239, explores various issues related to voting trusts and non-voting stock. 66 FCC 2d 1302 (1978).

[27] *Evening Star Broadcasting Co., Inc.*, 68 FCC 2d 129, 135–36, *reaff'd as modified on other grounds*, 68 FCC 2d 158 (1978); *Bonneville International Corp.*, 43 RR 2d 863, 865 (1977).

whether each level of ownership exceeds the benchmarks be replaced with a more efficacious method of limiting the effect of the attribution benchmarks to only those entities with a reasonable nexus to the licensee? Should a "multiplier" be used to limit the effect of the attribution benchmarks such as that which currently is used in the alien ownership context? [29] For purposes of illustrating the current "chain effect" of the attribution rules in the vertical ownership context, consider the following example: The X Corporation is the licensee of two standard broadcast stations. Twenty percent of X's voting stock is owned by Y Company. In turn, five percent of Y's voting stock is owned by Z Corporation. Under our current attribution rules, to compute ownership for all of the multiple ownership rules, the two stations would be attributed to X, Y and Z, since the chain effect would mean that each owns 1% or more of the voting stock in the company below. Each corporate entity itself has a greater than 1% interest. In addition, officers and directors of Z Corporation would have a cognizable interest in the two stations. Using a multiplier approach, Z's interest in X, the licensee, would be 1% (5% of 20%). Under the current benchmark, that is a cognizable interest. Using a higher benchmark, the interest would not be reportable for multiple ownership purposes.

31. Closely related to the chain effect on voting interests is the issue of imputing those interests to non-shareholder officers, directors, partners and trustees. Commenters are asked to address whether and to what extent these parties should be attributed with media interests of their corporations or non-incorporated associations such as limited partnerships. Assuming a multiplier approach is adopted as a method for establishing a nexus to programming decisions for those entities with ownership interests, what similar types of limiting devices may be used for non-interest owning corporate officers and directors and non-corporate representatives? An option would be to attribute a corporate or non-corporate entity's cognizable media interests to the officers, directors and other representatives except where specific, affirmative insulating mechanisms are employed; *e.g.*, letters abdicating responsibility for an disavowing intent to participate in decisions directly affecting station operation and programming.

32. Another issue requiring comment concerns corporate size and the attribution rules. The concerns of closely-held and widely-held corporations appear to be somewhat different with regard to investment financing. New licensees, particularly minority groups often organize as closely-held corporations. The attribution rules relevant to close corporations require that *any* equity interest be cognizable. On the other hand, the larger widely-held broadcasting and cable television operations have a different concern. [30] Large scale investors may be able to invest in only one or a few of the larger widely-held communications firms because the attributable holdings may run afoul of, *e.g.*, the duopoly or regional concentration rules. Moreover, in combination with the ownership transfer constraints of 47 U.S.C. 310(d), the ownership of a remote attributable interest in a single broadcast property may delay or preclude a takeover bid by another entity. This effect may skew the normal operation of corporate financial affairs.

33. Given these circumstances, we therefore inquire into the distinction the Commission has drawn between closely-held and widely-held corporations. Should the same attribution rules apply to each? Is there a justifiable reason for continuing to define a closely-held corporation as one that has 50 or fewer share-holders? [30] Should a closely-held corporation be redefined in terms of 25 or fewer shareholders, [31] or should the quantitative approach be abandoned in favor of a functional definition? Should the Commission's traditional distinction between closely-held and widely-held corporations be deleted as being unduly discriminatory against the efforts of closely-held corporations to raise capital? Should closely-held corporations be subject to a higher attribution benchmark because a higher proportion of stock ownership may be necessary to influence the corporation? Comment is also sought whether non-corporate associations should be treated in a manner similar to closely-held corporations and to what extent equity interests such as limited partnership interests are equivalent to corporate equity interests for attribution purposes.

34. It has been noted that private pension funds currently control over $400 billion of investment capital. [32] Those assets constitute one of the largest available pools of investment funds. Although pension funds are subject to the 1% ownership rule in all FCC multiple and cross-ownership contexts, [33] we currently have pending an undocketed petition for rule making requesting a 5% cognizable ownership level for pension funds. [34] Should these funds be subject to the same benchmarks as investment and insurance companies and other apparently passive investors?

35. Reporting ownership interests raises questions on which we also seek comment. In terms of cognizable interests, should the Commission continue to monitor ownership activity by requiring the submission of reports on FCC Form 323 pursuant to 47 CFR 73.3615 and FCC Form 325, schedules 3 and 4 pursuant to 47 CFR 76.403? If so, how often should such disclosures be made? Are routine reports necessary or should the Commission address ownership questions only in the context of license assignment and transfer of control situations or only when the ownership benchmarks are exceeded?

36. Finally, an issue also exists with regard to the ability of parties to evade the proscriptions of the multiple ownership rules. Under the current attribution structure, entities may be able to avoid a strict application of the multiple ownership rules by maintaining independent accounts, each of which contains less than a cognizable voting interest in the licensee, but aggregated exceed that amount. For example, Mr. Q may maintain accounts in two separate brokerage houses with 0.5% of the outstanding voting shares of each of the three national television networks in each account. The networks, as licensees, are required to furnish information regarding their shareholders having the right to vote 1% or more of their stock. Although each brokerage house may hold in its "street name" an

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[29] *See e.g., Closer & Fletcher*, 33 R.R. 2d 37, 38 (1975); and Watkins, *Alien Ownership and the Communications Act*, 33 Fed. Comm. L.J. 1, 32 n. 126 (1981). We use the word "multiplier" to describe the reduction of an intermediate investment entity's interest in the licensee.

[30] Even the larger communications concerns are relatively small compared to other domestic corporations. Some of the larger broadcasting firms do not even rank in the *Fortune* 500. B. Compaine, C. Sterling, T. Guback & J. Noble, Who Owns the Media? 327 (2d ed. 1982).

[30] In 1976 the Commission reaffirmed the 50 shareholder cutoff as the distinction between closely and widely-held corporations. *First Report and Order*, Docket No. 20521, 59 FCC 2d 905, 908 (1976).

[31] *See* 28 U.S.C. 1371(a).

[32] American Council of Life Insurance, 1982 Life Insurance Factbook 30 (1982).

[33] A special exception has been carved out for the College Retirement Equities Fund ("CREF"), which provides pension plans for educational institutions. The Commission has treated CREF like an investment company and permits it to take advantage of the 5% benchmark due to its passive investment objectives. *Multiple Ownership and Cross Ownership*, 59 FCC 2d 970, 979 (1976).

[34] RM–4045, filed January 27, 1982, by The Centennial Fund.

aggregated interest greater than 1% of the stock of each network, Mr. Q would not appear as having the right to vote that amount. Hence, our reporting requirements in connection with the benchmarks would not disclose Mr. Q's otherwise cognizable interest in each network. Comment is sought as to whether there is an administratively workable mechanism that would prevent parties from evading our ownership constraints by breaking down their interests into non-cognizable discrete investments.

V. Tentative Recommendations

37. After reviewing the ownership benchmarks, the mechanism for imputing them, their regulatory history and Commission decisions construing these rules, we believe that some of the burdens currently imposed by the attribution rules should be removed. The benchmarks were developed at a time when telecommunications services were not as diverse and dynamic as they are today. Indeed, the underlying facts and assumptions that were prevalent at the time the attribution rules were developed seem no longer to be necessarily valid. Healthy competition exists from both within and between each of the traditional service areas. For example, the Commission has found that sufficient competition exists within broadcasting to permit deletion of many of the ascertainment and commercial guidelines for radio broadcasters [36] and drop many of the subscription television regulations.[36] Cable, broadcast and multipoint distribution service are competing on an unprecedented level to fulfill consumers' video needs. Moreover, the recently authorized low power television [37] and interim DBS service [38] will provide additional competitive stimuli. Given these circumstances, the levels at which the benchmarks are set appear to be overly restrictive.

38. It is our tentative view that the ownership benchmarks should be raised to allow more investment in broadcast and cable facilities so as to improve the flow of capital and open opportunities for increased participation in the media distribution market. We believe that to the extent practicable all of the ownership benchmarks should be uniform and understandable. Thus, we propose that all of the benchmarks be lifted from their current levels to some point between 5% and 20%. We would treat the interests of non-corporate entities in an identical fashion. Interests greater than this benchmark but less than majority control will be subject to a rebuttable presumption that the interest held is controlling.

39. An attribution benchmark in the proposed range does not appear to be an unreasonable level that would constitute a significant ability to control licensee's policies or programming.[39] For example, a mid-point 12% corporate ownership interest constitutes less than one-eight interest in total ownership. As with any administrative decision, if experience proves our recommended benchmark to be too high, it can be scaled back accordingly by further rulemaking. Moreover, the Commission could act upon a showing that an ownership level less than the benchmark does, in fact, constitute control. Rather than hindering the public interest, we believe that increasing the ownership benchmarks will fulfill our statutory mandate to "encourage the larger and more effective use of radio in the public interest," [40] by encouraging new capital investment to invigorate the financial health of licensees and applicants and potentially improving the quality of available programming.

40. We would propose, therefore, to modify our ownership reporting requirements to conform to the attribution benchmark that results from this proceeding.[41] Currently, § 73.3615 of the Rules requires corporate broadcast licensees and permittees with more than 50 shareholders to file an annual report with the Commission that specifies stockholders who have 1% or more of the voting or nonvoting stock of the corporation. 47 CFR 73.3615. Additionally, § 76.403 of the Rules requires cable system operators to submit comprehensive annual ownership data upon request by the Commission. 47 CFR 76.403. We can perceive no reason to continue this inconsistency between the attribution and broadcast and cable reporting rules. Thus, we would propose to modify these rule sections to conform to the proposed attribution benchmark and require such reports only when the attribution benchmark is exceeded. The Commission may, of course, reserve the right to require licensees to report specific ownership information if the need arises.

41. It also appears that the current operation of the attribution benchmarks in the vertical ownership context disserves the public interest by making cognizable, ownership interests that are too far removed from the licensee to have any effect on its policies. To correct this situation, we propose to use a multiplier, described earlier, in vertical ownership situations. We believe that the use of a multiplier will provide a sound means of limiting the attribution benchmarks to those situations where there is a reasonable connection between the investor and the licensee.[42] Moreover, we believe that the cross interest policy should conform to the attribution rules. These changes, we hope will help eliminate uncertainty and encourage more investment in telecommunications facilities.

42. We believe it is in the public interest to delete the existing distinction between closely-held and widely-held corporations. The current rules appear to have an unnecessarily discriminatory impact on the ability of closely-held corporations to raise capital. Therefore, we would propose to apply the same ownership benchmarks to both types of corporations.

43. Moreover, we believe that the ownership restrictions applicable to officers, directors and other representatives such as partners and trustees should be reexamined. In some cases, these officials exercise minimal power and serve in honorary or emeritus positions. We intend to explore whether in some cases it might be possible to create an insulation mechanism for officers, directors and other representatives of corporate and non-corporate entities with cognizable interests who could relinquish all authority over programming.[43]

44. In addition to proposing new attribution benchmarks for the multiple ownership rules, the Commission is, at this time, also proposing to provide exceptions to the proposed benchmark. Although we believe that our proposed benchmark is justifiable and reasonable,

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[36] *Radio Deregulation*, 84 FCC 2d 968, *recon. granted in part*, 87 FCC 2d 797, (1981), *appeal docketed*, No. 81-1082 (D.C. Cir. Jan. 14, 1981).

[37] 47 FR 30089 (July 12, 1982) (to be codified at 47 CFR 73.642-643).

[38] *BC Docket No. 78-253, supra*, n. 18.

[39] *Direct Broadcast Satellites, Supra*, n. 17.

[39] Various studies have used the assumption that five, ten or twenty percent ownership of the outstanding voting stock is necessary for control of larger corporations. F. M. Scherer, Industrial Market Structure and Economic Performance 33-33 (2d ed. 1980).

[40] 47 U.S.C. 303(g).

[41] *See generally, Notice of Proposed Rule Making, Docket No. 20521*, 40 FR 20543 (June 11, 1975).

[42] To determine an intermediary investor's interest in a licensee, the multiplier procedure simply requires multiplication of an investor's interest in the licensee by the interest held in that investor and so on up the chain. At the point where the product is less than the benchmark, attribution stops.

[43] *See e.g., Whitcom Investment Company*, FCC 82-582, ——FCC 2d ——, (1983) (released January 6, 1983). In *Whitcom*, the Commission waived the network/cable television cross-ownership rule because, *inter alia*, of a pledge of non-participation and the proposed use of structural insulating mechanisms to "wall-off" a new partner with network ownership interests.

it may not be appropriate in all cases. As in many areas of government regulation, it is difficult to predict with precision every future circumstance in which the attribution benchmark may be applied. In some instances, the benchmark may disserve the public interest by being too expansive or restrictive. Although we do not anticipate granting exceptions on a routine basis, they should be available where the facts of the case indicate that the public interest would be better served by deviating from the "bright line" test that we are now proposing for the attribution benchmarks. We acknowledge that experience with new attribution benchmarks may demonstrate the need for occasional exceptions.

45. It is our intention that this proceeding be, to the extent practicable, dispositive of the issues in the related docketed and undocketed multiple ownership proceedings, as well as any waiver requests that are pending at the time of publication of this *Notice* in the **Federal Register.**[44] Any outstanding proceedings not resolved by this rule making will be resolved as resources permit. We fully intend the disposition of this proceeding to establish a comprehensive policy framework for the attribution rules.

VI. Conclusion

46. By this Notice, we hope to elicit thorough analysis and discussion of the issues that have been raised. We invite concise and thorough legal briefs as well as extensive economic, social and policy analyses. Because it is expected that the staff will have a large number of comments and reply comments to synthesize, we suggest that the comments generally follow the order of discussion of issues in this Notice. The records in the consolidated proceeding should be updated where the record may be stale. Commenters should, however, avoid redundancy.

47. The Commission is particularly interested in the submission of specific, empirical data relating to the proposals set forth herein. We are interested in data that address the probable impact on diversity of ownership and concentration of control of licensees; industry's need for additional capital infusion; the probable increase of capital availability as a result of the proposed rule change; and the potential for anticompetitive practices. In addition, we seek specific comment and the submission of empirical evidence on the public interest impact of our proposed rule changes.

48. *Regulatory Flexibility Act Initial Analysis.* Persuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 *et seq.*, the Commission issues the following regulatory flexibility analysis:

I. Reason for Action. This proposal was prompted by the Commission's desire to reexamine its rules and policies that attribute licensed telecommunications ownership interest to certain entities. Through this proceeding, the Commissioner seeks to establish an overall policy to assist in the resolution of several incomplete proceedings in the ownership area.

II(a). Objective. The purpose of this Notice is to initiate a rule making proceeding and seek comment on whether the Commission's current attribution rules, designed to prevent undue concentration of ownership interests, continue to serve the public interest in light of increased competition in the provision of telecommunications services and the difficulty in financing new communications ventures.

II(b). Legal Basis. The legal authority for seeking comment on these policies resides in Sections 1, 4(i), 303(r) and 403 of the Communications Act of 1934, as amended (47 U.S.C. 151, *et. seq.*).

III. Description, Potential Impact and Number of Small Entities Affected. These proposals should benefit all entities seeking telecommunications licenses from the Commission that rely on external financing. Existing and potential FCC license applicants range in size from single individuals and small partnerships to multi-million dollar corporations. This proposal is expected to maintain the Commission's traditional policy of ownership diversity, while enhancing the availability of capital for applicants and licensees. Hence many small entities should find increased capital availability and more open entry into the telecommunications business.

IV. Recording, Record Keeping and Other Compliance Requirements. The ease of filing FCC Form 301 (Application for Commercial Construction Permit), Form 314 (Assignment of Broadcast Station Construction Permit or License), FCC Form 315 (Transfer of Corporate Licensee or Permitee Control) and FCC Form 325—schedules 3 and 4 (Cable Operator Ownership Data) should be substantially improved.

V. Federal Rules Which Overlap, Duplicate or Conflict With These Rules. There are no other federal rules that directly conflict with the Commission's attribution rules.

VI. Any Significant Alternative Minimizing Impact on Small Entities and Consistent with Stated Objectives. None.

49. Written public comments are requested on the Initial Regulatory Flexibility Analysis (IRFA) *supra.* These comments must be filed in accordance with the same filing deadlines as comments on the balance of the Notice, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall send a copy of this Notice to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) (1980).

50. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff that addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally,* 1.1231 of the Commission rules, 47 CFR 1.1231.

51. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before April 25, 1983 and reply comments on or before May 10, 1983.[45] All relevant and timely

[44] The pending ownership proceedings are cited at notes 1 through 3 *supra.*

[45] Due to the Commission's desire to act promptly on this matter and because of the large amount of

comments and reply comments will be considered by the Commission before further action in this proceeding. The Commission may also consider any other relevant information brought to its attention.

52. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a written summary indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. In accordance with the provision of § 1.419 of the FCC's Rules and Regulations, an original and 5 copies of all comments, replies or other documents filed in this proceeding shall be furnished to the FCC. Participants filing the required copies who also desire that each Commissioner receive a personal copy of the comments may file an additional 6 copies. Members of the general public who wish to express their interest by participating informally in this proceeding may do so by submitting one copy of their comments, without regard to form, provided that Mass Media Docket No. 83-46 is specified in the heading. Such informal participants who desire that responsible members of the staff receive a personal copy may file an additional five copies. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room (Room 239) at headquarters in Washington, D.C. (1919 M Street, N.W.). Further information concerning this proceeding may be obtained from Randy W. Thomas, Office of General Counsel, 202-632-6990.

(Secs. 4,303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Joint Concurring Statement of Commissioners Henry M. Rivera and Joseph R. Fogarty

In Re: Notice of Proposed Rulemaking on Ownership Attribution Rules

We concur in the adoption of this Notice of Proposed Rulemaking (NPRM), but only because we agree that existing ownership attribution benchmarks may be ready for reevaluation and, in some instances, upward adjustment.[46] The tentative recommendations outlined in paragraphs 37–44 of the Notice are not our recommendations, and we strongly disagree with the overall approach to attribution espoused by this NPRM.

As an initial matter, this Notice is ill-advised because it continues this Commission's newfound penchant for piecemeal evaluation of ownership issues. Picking off longstanding ownership rules one by one can only produce disjointed results,[47] and give credence to criticism that this agency has abandoned its interest in promoting diversity of expression through effective structural restraints.

The essential premise of this Notice is also misguided. The NPRM proceeds from a belief that the attribution rules "may work against the realization of an efficient nationwide radio service," paragraph 15, and goes on to argue that the rules must be scrutinized so that the costs they impose on society "are not excessive or [do not] create disproportionate economic inefficiencies." *Id.* The item further observes that the attribution rules operate to restrict combinations permissible under the Justice Department's revised antitrust and merger guidelines, paragraph 16, and implies that such inconsistency alone warrants their amendment.

By attempting to ground the Commission's ownership attribution benchmarks primarily in principles of "economic efficiency," and proposing their substantial upward amendment in accordance with that reformulation, this Notice advocates a deep and disturbing break with bedrock public policy governing media ownership. At the heart of the existing multiple ownership rules is the Commission's historic policy favoring diversification of ownership and control. The FCC has long emphasized that:

> [T]he fundamental purpose * * * of the multiple ownership rules is to promote diversification of ownership in order to maximize diversification of program and service viewpoints as well as to prevent undue concentration of economic power contrary to the public interest.[48]

The public interest rationale for a dramatic policy shift away from these established principles to the putative virtues of economic efficiency is less than self-evident. The Notice expresses concern that the current benchmark may inhibit capital investment in media industries subject to our regulation, but other than the evidence compiled by the Advisory Committee's Final Report, *See* note 1 *supra*, no evidence—empirical, anecdotal or otherwise—is cited for the proposition that those industries are lacking in needed capital infusions or that the public interest is in any way suffering as a result of the existing attribution rules. Paragraph 26 of the Notice emphasizes that "specific data and facts should be provided to demonstrate whether the current rule structure is justified;" unfortunately, the Notice does not subject its new policy predisposition to the same rigorous test. It is even more unfortunate that this glib shift in the burden of policy persuasion has not been squared with basic First Amendment principles.[49]

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information now on file in the various related dockets, we believe this time frame is appropriate. We do not intend to grant extensions of time to any commenters in this proceeding except for exceptionally compelling circumstances.

[46] For example, the *Final Report of the Advisory Committee on Alternative Financing for Minority Opportunities in Telecommunications* recently recommended that the FCC liberalize the attribution benchmarks applicable to MESBICs and SBICs, which often serve as lenders to prospective minority media owners. Those proposals are highly meritorious and worthy of adoption because of the important policy goal they would further. It is most unfortunate that these recommendations are all but buried in the instant Notice. We hope they will not be overlooked by the commenters, since they were a key element of the Advisory Committee's plan to increase minority participation in telecommunications.

While the Notice prominently cites the hardship that the existing rules work on minorities, and the benefits that radically elevated benchmarks would confer upon them, we note that if the Commission wished specifically to address the financing problems faced by minorities, it could tailor special attribution rules for minority ownership enterprises rather than propose a reflexive opening of the concentration floodgates.

[47] Currently pending before the Commission are other proceedings designed to eliminate existing structural restraints, and several Commissioners have publicly stated their interest in reexamining still other restrictions on ownership. The Commission cannot, however, revise its ownership rules in a coherent manner if it examines each one in isolation. In the cable/network ownership rulemaking, for example, the Commission has proposed a media concentration index to safeguard against excessive domination by any one entity. If adopted, however, the index would perforce conflict with the policy premises of the so-called seven-station rule, leaving at least the impression that the rule had been amended without public comment, let alone agency forethought. Similarly, in the context of this NPRM, if a twenty percent benchmark is adopted and no duty to report ultimate beneficial owners is imposed, an entity could easily defeat existing multiple and cross-ownership restrictions by creating several layers of wholly-owned intermediate companies, each holding less than the operative attribution benchmark.

We are not contending that the Commission cannot make a judment on any of its ownership rules unless it conducts a "massive" omnibus proceeding on ownership; we do submit that the Commission must *at least* expressly acknowledge and analyze the impact of proposed changes on interdependent existing rules and policies, and should time the various proceedings such that we have the information necessary to make intelligent decisions.

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[48] *Amendment of Multiple Ownership Rules*, 18 FCC 288, 291–92 (1983); *see also FCC* v. *Nat'l. Citizens Comm. for Broadcasting*, 436 U.S. 775, 780 (1990).

[49] As the Supreme Court has stated: "The 'public interest' standard necessarily invites reference to First Amendment principles * * * and, in particular,

In seeking to identify the level at which investors may *control* programming, rather than the level at which programming *influence* is possible, the Notice further underscores its apparent disinterest in promoting diversity of ownership and viewpoint. In its several prior reexaminations of the attribution benchmarks, the Commission has consistently emphasized that ability to influence should be the focus and concern of FCC ownership rules. In this connection, the Commission has stated:

> The principle of diversification and the realities of the situation require that no distinction be made between a minority non-controlling interest and a full or controlling one. While the holder of a small interest in many instances may have a slight influence on the operation of the station in question, it is also true such a person can exert considerable influence—to an extent clearly within the objectives and purview of the prescribed diversification policy.[50]

In the light of this consistent precedential emphasis on programming influence, the failure of the Notice to explain and justify its shift in focus to programming control makes what might otherwise be perceived as subtle inquiry an obvious exercise in predestination.

The NPRM is also seriously flawed by its impoverished analysis of this refined and complicated area of ownership attribution benchmarks. The superficial approach taken by the Notice not only disserves the commenting parties by forcing them to shadow-box untenable options, but also sells this agency short by creating the unfortunate impression that we have little appreciation of the business environment in which our regulatees operate. Stripped of rule citations and history, open-ended questions, and rhetorical assertions about competition and change, the Notice is little more than two pages of conclusory "tentative recommendations." An expert agency should look like one; we regret having to observe that such expertise is notably lacking here.

Turning to specific weaknesses, the Notice's failure to analyze, even superficially, the characteristics of various common business entities and investment arrangements—for example, the significant differences between closely-held and widely-held corporations—has led it to the unrealistic and unwise tentative recommendation that all investors be subject to identical attribution benchmarks. Can it seriously be argued that ten percent holdings in a publicly-traded company and in a closely-held company with a handful of stockholders confer equivalent potential for decision making influence or control? It is equally implausible that an institutional investor, such as a pension fund, no matter how "passive" its intentions, will not dominate with a ten, fifteen or twenty percent interest in a publicly-held media company. The Commission previously took cognizance of these business realities by shaping rules appropriate to particular classes of entities. This rulemaking should have continued that level of analytic sophistication.

The failure of the NPRM to recognize and deal intelligently with basic business realities is more than matched by its cursory analysis of the quantitative benchmark issue. Here, the Notice makes a decisive, if silent, break with past Commission proceedings on attribution of ownership. This lapse of institutional memory is evident from the fact that an outstanding Further NPRM on this identical subject—proposing to raise the benchmark across-the-board to ten percent, except for purposes of the seven-station rule—is barely referenced, and no rationale is supplied for rejecting that approach in this proceeding.

Still more troubling is the unexplained departure of this Notice from the Commission's prior view of the relevance of benchmarks set elsewhere in the Communications Act or other federal statutes to the decision as to when and where our ownership rule restrictions should apply. The Commission previously rejected cross-reference to such other statutory guidelines, stating:

> The Communications Act uses a figure of 20 percent with regard to alien control of a broadcast corporation, and we have noted that the Investment Company Act uses a standard of 25 percent. In other words, under one set of circumstances legislators have agreed on one figure; in different circumstances, on another. Although in other contexts, and for other purposes, other standards might be appropriate, we believe that in the field of broadcasting, where the important public interest consideration of preserving diversity of programming and service viewpoints attaches, special caution is warranted.[51]

Despite this prior interpretation and conclusion, and the absence of any intervening legislation or other congressional declaration, this Notice now blithely suggests that Congress may have intended the alien ownership maximum of Section 310 of the Communications Act to serve as a guide for determining when all other ownership rules should become operative.[52] If any federal standard should serve to inform us on the issue, why not the five percent benchmark specified by the Securities and Exchange Act as the level that confers the potential to affect a company's decisions?[53] Again, a public interest rationale for the preferences of this Notice is less than intuitively obvious.

The tentative recommendation to require ownership disclosure only when the attribution benchmark is exceeded is also highly inappropriate because it poses a significant threat to fundamental interests in robust economic competion and spirited competition in ideas. Not requiring identification of the ultimate beneficial owners of any company holding less

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to the First Amendment goal of achieving 'the *widest possible* dissemination of information from diverse and antagonistic sources.' " *FCC* v. *Nat'l. Citizens Comm. for Broadcasting*, 436 U.S. at 795 (citations omitted, emphasis added). Given these paramount policy guideposts, our media ownership policies should "never be driven by a desire to facilitate a market structure which, short of domination by a few firms, would yield maximum organizational efficiencies." *Report and Order Terminating Docket 18691*, —— FCC 2d —— (1982).

It also bears emphasizing that many of the economic arguments against retention of existing attribution rules apply equally to the FCC's "substantive" ownership restrictions. To the extent this proceeding is designed to rule on the validity of such arguments, it appears specious to maintain that "it is not the Commission's intention * * * to evaluate the underlying premises of individual multiple ownership rules * * *." *See* NPRM at n.4.

[50] *Amendment of Multiple Ownership Rules*, 18 FCC 288, 289–90 (1953).

[51] *Multiple Ownership of AM, FM and TV Stations*, 13 FCC 2d 357, 370 (1968).

[52] The alien ownership restrictions of the Communications Act were fashioned to curb alien activities against the United States in time of war. *See Hearings on H.R. 8301 Before the House Comm. on Interstate and Foreign Commerce*, 73d Cong., 2d Sess. 26 (1934). Those provisions of Section 310 have remained essentially unchanged since 1934.

[53] The Securities and Exchange Act of 1934 provides that a person who acquires more than five percent of certain classes of securities must disclose specific ownership and background information to the issuer, the stock exchanges, and the SEC. 15 U.S.C. 78m(d)(1) (1976). The purpose of this reporting requirement is to protect other investors in those securities and to maintain investor confidence in exchange markets by discouraging insider trading. *See* H. Rep. No. 1383, 73d Cong., 2d Sess. 13 (1934). Originally, the Act provided for disclosure by beneficial owners of more than ten percent of any equity security registered on a national securities exchange. 4 B. Schwartz, *The Economic Regulations of Business and Industry* 2033–34 (1973). However, in 1970, Congress amended the Act to require disclosure of holdings of more than five percent. Pub. L. No. 91–567 (Dec. 22, 1970). This amendment was designed to give extra protection to investors with respect to corporate tender offers and other securities acquisitions. The lower level of five percent was intended to prevent persons from obtaining eight or nine percent of a company's stock to avoid the original disclosure requirement, a practice which Congress believed deprived investors of information necessary to make certain investment decisions. It is significant to our inquiry here that Congress concluded that purchases of over five percent are material to investment decisions because they can lead to important changes in the management or business of a company. *See* H. Rep. No. 1655, 91st Cong., 2d Sess., *reprinted in* 1970 *U.S. Code Cong. and Admin. News* 5025, 5027–28.

than twenty percent of an entity with media interests would enable parties to violate existing local and regional concentration rules in some cases,[54] and to go undetected as media participants in others.[55] Those who have the capacity to use the airwaves and the power to influence public opinion should be known to the public and this Comission. Accordingly, if the Commission decides to raise existing benchmarks, it should require parties to report interests that fall short of the new level and should devise a means to detect violation of remaining ownership limitations.

One might be tempted to take some comfort in the fact that the Notice outlines a fairly broad range of options. A cursory reading of the Notice quickly makes plain, however, that most of the listed options are decorative only. For instance, it is difficult to credit the possibility that the Commission will adopt the *ad hoc* factor analysis described in paragraphs 23–24. That approach would produce nothing short of an administrative and business planning nightmare.[56] The Commission long ago recognized that ineluctable effect, and abandoned the practice of making individualized determinations of multiple ownership issues in favor of hard-and-fast rules on cognizable interests.[57] Furthermore, the suggestion that the FCC or the general public bear the burden of proving "actual control" under an *ad hoc* approach is particularly disingenuous from the standpoint of a continuing Commission commitment to furthering diversity of ownership, given the limited resources and incentives for "outsiders" to make such showings.

Maintenance of the *status quo*, another option identified, is theoretically possible but unlikely as a practical matter given the sanguine but largely rhetorical references of the Notice to the "dynamic," "rapid," "significant," and "competitive" changes that have occurred in telecommunications since the prevailing benchmarks were adopted.[58] However, in view of the paucity of data and analysis proffered to support the "tentative recommendations" of this NPRM, preserving the *status quo* may be the most rational of the posited alternatives.

February 7, 1983.

Concurring Statement of Commissioner Anne P. Jones

In Re: Notice of Proposed Rulemaking on Attribution of Ownership Interests in Broadcast, Cable Television, and Newspaper Entities

There are a number of things about this Notice which trouble me, perhaps most especially the "tentative recommendations" in it, which I am not prepared to endorse. However, I agree that reexamination of these rules and policies may be worthwhile, so I concur in issuance of the Notice.

[FR Doc. 83-6216 Filed 3-9-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-76; Notice 1]

Transportation of Natural and Other Gas by Pipeline; Monitoring of External Corrosion Control

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice invites comments on the problem of conducting electrical tests of cathodic protection systems and electrical surveys to determine areas of active corrosion. Compliance with current requirements is controversial for pipelines located in areas that are subject to stray electrical currents or beneath continuous paving. Comments received will be considered with a view to proposing specific changes to the existing requirements for monitoring of external corrosion control.

DATE: Interested persons are invited to submit written comments on this notice before June 8, 1983. Late filed comments will be considered so far as practicable. All interested persons must submit as part of their written comments all the supporting material that they consider relevant to any statement of fact made by them.

ADDRESS: Communications should be sent to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

All comments and docket materials may be reviewed in the Dockets Branch, Room 8426, between the hours of 8:30 a.m. to 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Paul J. Cory, 202–426–2082, regarding the content of this notice, or the Dockets Branch, 202–426–3148, regarding copies of this notice or other information in the docket.

SUPPLEMENTARY INFORMATION:

Statement of the Problem

MTB has reviewed the requirements of § 192.465(a) that each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of § 192.463. A copy of the Regulatory Review Report is in the docket. At issue is the technical feasibility of making the necessary tests on pipelines under cathodic protection, as required by § 192.465(a), in areas where the pipeline is located beneath continuous paving or in areas where electrical stray currents interfere with cathodic protection measurements. The review was conducted in accordance with Executive Order 12291 as a part of MTB's program to review existing regulations and revoke or revise those that are not achieving their intended purpose. Consideration of the difficulties in meeting the requirements of § 192.465(a) also disclosed similar problems in meeting §§ 192.457(b)(3) and 192.465(e). Therefore, this rulemaking action to change § 192.465(a) also considers and seeks answers to related compliance problems associated with these other two sections.

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[54] For instance, under the approach outlined in the Notice, an entity seeking to control a newspaper and television station serving the same community in violation of the newspaper broadcast cross-ownership ban could easily do so without detection simply by holding either media outlet through six wholly-owned subsidiaries, five owning 19.9 percent each and the sixth owning the remaining .5 percent. The Notice's contention that such circumvention is possible even now completely overlooks the fact that such evasion would be extremely cumbersome, and therefore unlikely with a one percent benchmark. That would not be true if the attribution ceiling were lifted to fifteen or twenty percent.

[55] It is unclear, for example, how the Commission would be able to promote one of its primary broadcast licensing objectives—maximum diffusion of control—in the comparative hearing process if interests that are significant are not required to be reported.

[56] An *ad hoc* approach to attribution would sap our limited agency resources, inevitably produce inconsistent and arbitrary results, and make it virtually impossible for businesses to plan their endeavors with any reasonable degree of advance assurance.

[57] *See Multiple Ownership of Standard, FM and Television Broadcast Stations*, 45 FCC 1476, 1749 (1964); *Multiple Ownership of Standard, FM and Television Broadcast Stations*, 50 RR 2d 85, 89 (1975).

[58] It is "little more than wishful thinking to predicate a finding of 'workable competition' on new technology and services (e.g., DBS, Low Power TV, and fledgling STV and MDS) which are more on the horizon than with us here and now. In the final analysis, this Commission must have more than merely the *assumption* of a 'workably competitive' marketplace as the basis for policy making." Staff Report, FCC, *FCC Policy on Cable Ownership* 1, 1-2 (Nov. 1981) (Concurring Statement of Commissioner Joseph R. Fogarty).

Background

The American Society of Mechanical Engineers (ASME) Gas Piping Standards Committee on February 27, 1976, petitioned the Office of Pipeline Safety Operations (OPSO), predecessor to the Office of Pipeline Safety Regulation (OPSR), (Docket No. Pet. 76–5) to add a new paragraph to § 192.465, External corrosion control: Monitoring, to permit the use of annual leakage surveys, corrosion and leak history studies to verify and monitor the effectiveness of cathodic protection and other corrosion procedures.

The ASME contended that where pipelines are beneath paving, the reference electrode often cannot be placed in intimate electrical contact with the soil and readings taken with contact on the paving surface were often found to be invalid. Similarly, the ASME contended that electrical tests conducted on pipelines located in areas of stray current could not be relied upon as an indicator of the level of cathodic protection.

By a letter of September 15, 1976, OPSO denied that petition because the objective of the monitoring required by § 192.465 is to find and correct faulty cathodic protection in time to prevent corrosion leaks. The denied pointed out that use of the proposed alternatives of leak surveys and leak history studies are weak forms of preventive maintenance since they would be fruitful only after cathodic protection has become so ineffective that leaks are occurring. Particularly in paved areas, such leaks are more likely to be potentially hazardous to the safety of the public. In addition, OPSO was not convinced that electrical testing was impractical or ineffective for the reasons set forth in the petition. In its denial OPSO stated, "According to contract studies performed for this Office, the best indicator of effective corrosion control appears to be frequent monitoring and interpreting of pipe potentials." (Study report, Ferrous Pipeline Corrosion Processes, Detection, and Mitigation, October 1971, DOT–OS–A8–108).

In a meeting of the Technical Pipeline Safety Standards Committee (TPSSC) held in Washington, D.C., on January 17 and 18, 1978, the Committee recommended that OSPO institute rulemaking procedures to amend § 192.465. This proposal would permit the use of annual leakage surveys, and corrosion and leak history studies to verify and monitor the effectiveness of cathodic protection and other corrosion control procedures where it was found that electrical methods for evaluating and monitoring pipeline cathodic protection systems are impractical or are ineffectual. This would provide an alternative method for determining whether cathodic protection meets requirements of § 192.463 where the pipeline is located in areas such as (1) those congested with numerous buried metallic structures, (2) business and commercial areas where roadway and sidewalk paving exists between buildings on each side of the street, (3) where stray current effects are predominant, and (4) in lakes, rivers, and marsh lands.

The Committee gave as a reason for this recommendation that electrical tests will not always be effective in determining whether cathodic protection is effective and other means should be provided.

By a letter of August 28, 1978, OPSR dined this specific recommendation, citing the similarity to the February 27, 1976, petition of the ASME that is previously discussed and giving the same reasons. In reconsidering this recommendation, MTB believes that areas congested with numerous buried metallic structures would normally be included as part of the paved area being reviewed. In addition, MTB has no information to show that lakes, rivers, and marsh lands should be excepted from the requirements of § 192.465(a).

The continuing controversy involved over the requirements of testing the effectiveness of cathodic protection on pipelines under paving and in stray current areas prompted the Department to study the feasibility of applying testing techniques necessary to comply with § 192.465(a) in such areas.

This study, done by the Harco Corporation under Contract DTRS–5680–C–00004, completed in January 1982, was based on making electrical measurements on cathodically protected steel pipelines located in business or commercial areas where roadway and sidewalk paving exist between buildings on each side of the street and other underground metallic structures are buried and in areas where stray current effects are predominant.

In paved areas, four pipelines were selected that had other underground structures present as is considered typical of those found in distribution systems. These included pipelines that were:

1. Effectively coated with galvanic anode cathodic protection, located entirely under concrete paving;

2. Bare with galvanic anode cathodic protection, part under asphaltic macadam and part under asphalt on top of concrete paving;

3. Effectively coated with impressed current cathodic protection, mostly under an asphalt surface over brick and limestone but with a few areas having a concrete paving; and

4. Bare with impressed current cathodic protection, located under asphalt paving.

In all four paved locations, it was found that both asphalt and concrete paving influence the resultant pipe-to-soil measurements and that each material has a different effect. On asphalt, the resistance in the contact between the reference electrode and the paving was found to be the major consideration in obtaining pipe-to-soil voltage readings. On concrete, the effect of contact resistance was negligible, but other conditions introduced errors in the voltage potentials measured as explained below.

Conclusions to the Harco study pointed out that:

1. On all locations having asphalt pavement:

a. Potential measurements were often obtainable at cracks in the paving.

b. Potential measurement with the reference electrode placed on dry, well-sealed asphalt pavement were not possible.

c. With water poured on well-sealed, asphalt pavement, potential measurements were obtainable, but these potentials were obtained only where the water "bridged" the asphalt surface between the location where the reference electrode was placed to a crack in the asphalt or to an unpaved area. Where the water remained "local" on well-seal asphalt, a valid reading was not obtained.

d. When the entire asphalt pavement was wet (such as during or immediately after rain), readings were obtained without difficulty, but the exact meaning of the readings with respect to location of the reference electrode is in doubt.

2. Conclusions to the Harco study pointed out that on concrete pavement:

a. Apparently valid potential measurements taken with the reference electrode placed on concrete pavement were easily obtainable with instruments of high input resistance.

b. However, potentials taken with the reference electrode on concrete differed from those taken with contact to the soil at the same location through a drilled hole or an adjacent unpaved area. In most instances, the potential indicated on the concrete was more negative than the potential in the adjacent soil although the reverse condition was also seen.

c. Despite the error in potential readings introduced by concrete

pavement on piplines with impressed current systems, the changes in potential (delta E) obtained when the rectifier unit was turned "off" and "on," were approximately the same on concrete and in soil at the same locations.

In areas of stray current, two pipelines were selected for study. Both pipelines, one in Pittsburgh, Pennsylvania, and the other in Berkeley, California, were being subjected to stray current resulting from the operation of public transit systems. Both pipelines were well coated. The Pittsburgh pipeline was protected by galvanic anode cathodic protection, and the Berkeley pipeline had an impressed current cathodic protection system. It was found that valid pipe-to-soil potentials could be obtained on both pipelines during nonrush hour periods either by use of a direct reading high resistance voltmeter or by use of a recording voltmeter.

Conclusions to the Harco study pointed out that in areas where stray currents are predominant:

1. Every situation is unique and must be dealt with in a manner which fits the particular condition encountered.

2. It is first necessary to overcome any possible adverse effects generated by that stray current (see 49 CFR 192.473(a)).

3. The fluctuations in pipe-to-soil potential will be proportional to the magnitudes of the stray currents.

4. Because the fluctuations in pipe-to-soil potentials are unpredictable in stray current areas, the only appropriate criterion listed in Appendix D of Part 192 that would be useable for those areas would be a negative voltage of at least 0.85 volts with reference to a saturated copper-copper sulfate half cell rather than using those criteria related to a change of voltage potential. However, these measurements can only be made during time periods when stray currents are minimal.

Review Determination

(a) Paved Locations

Harco's testing of cathodic protection on pipelines under paving verified the ASME contention that pipe-to-soil voltage readings were often not obtainable using surface contact, and when readings were obtained, they were often of little or no value in determiing the level of cathodic protection being provided. The only reliable readings that could be taken were obtained at cracks in the pavement or by boring holes through the pavement to permit contact with the soil.

Contrary to the ASME petition, Harco found that readings which were obtained using surface contact for pipelines under concrete paving were inconsistent and could not have a correction factor applied to obtain meaningful data.

As a result of the above, it is clear that tests required under § 192.465(a) on pipelines that are located where readings are only taken on the paving surface covering the pipeline cannot be relied upon to show compliance with § 192.463.

(b) Stray Current Areas

Testing of cathodic protection on pipelines in stray current areas done by Harco verified the ASME Committee contention that reliable pipe-to-soil voltage readings were often difficult to obtain. However, on the two pipelines tested, it was found that meaningful test data could be obtained if taken during nonrush hour periods when the d.c. transit systems were operating at a minimum level.

To determine the extent of the d.c. transit systems that were likely to effect stray currents, MTB contacted the Urban Mass Transportation Administration who advised that there were only 10 such systems in the major cities of the United States. MTB then determined by telephone calls to the 10 transit systems that six such systems have periods when no trains are operating. The four other systems (Chicago, Newark, New York, and Philadelphia) have late night schedules with sufficient time between trains that in most locations the stray currents due to electric transit systems would be periodically reduced to a level that would permit meaningful electrical tests to be conducted on pipeline cathodic protection systems.

It must be recognized that all stray current areas do not result from subways and electric trains as was the case with the two pipelines tested. There are many different sources of stray currents, including the cathodic protection systems of other pipelines and underground cables, that do not necessarily drop to such low levels as experienced in the Pittsburgh and Berkely tests. Particularly in the crowded subsurface of streets in major cities, there are areas that experience fluctuating stray currents from multiple sources of varying characteristics. The ASME petition states that in these areas it is impossible to obtain meaningful data from the test required by § 192.465(a). This may be true of some pipelines where no action has been taken to comply with § 192.473(a), External corrosion control: Interference currents. However, where stray currents have been appropriately controlled by such steps as isolation or in some cases bonding, effective and meaningful electrical tests usually can be obtained to determine the level of corrosion control.

As a result of the above, MTB believes that § 192.465(a) can be met on most pipelines in areas of stray current where steps have been taken to control the detrimental effects of stray currents as required by § 192.473(a). In order to monitor the effectiveness of steps taken to minimize the adverse effects of stray currents under the program required by § 192.473(a), MTB would propose the use of other measures, such as Beta curves and Beta profiles under § 192.465(a) for this purpose.

In the regulatory review process OPSR concluded that one possible alternative to the present requirements of § 192.465(a) was to permit the use of more frequent leak surveys or corrosion and leak history records to be used to determine the effectiveness of corrosion control systems in lieu of electrical tests. This would only be permitted where an operator demonstrates that electrical tests are not technically or economically practicable for (a) pipelines under paving, or (b) after the steps required to minimize the effects of stray current under § 192.473(a) have been taken, tests are still impracticable.

As pointed out in the Harco study, there are paving inserts available that are now used by some operators at a few selected locations to permit tests to be conducted to evaluate cathodic protection systems. To install such inserts in streets and sidewalks in quantity may be costly from both the original costs and maintenance standpoints. OPSR believes that this would be one of the more appropriate methods of complying with the requirements of §§ 192.465(a) and 192.469 in many areas.

Cathodic protection is widely accepted by the operators of underground metallic systems (including oil, gas, and water pipelines and electric and telephone cables) as the best method available to prevent corrosion and resulting leaks or other damage. The electrical tests required for gas pipelines under § 192.465(a) are similarly accepted for determining that cathodic protection systems are operating satisfactorily on other underground metallic structures. This is a preventive measure designed to keep leaks from occurring. There are many locations where electrical tests cannot be conducted effectively by methods normally used. Due to the extraordinary effort required to obtain proper electrical data from tests on pipelines located under paving and in

some stray current areas, as contended by the ASME and confirmed generally by the Harco study, it is obvious that some alternative method of checking such areas may be needed because of the high cost of compliance.

OPSR Comment

The requirements for testing a cathodic protection system and for conducting an electrical survey to detect areas of active corrosion are generally valid; however, MTB recognizes that their accomplishment may not always be practicable. Impracticability of electrical tests or surveys must be demonstrated with written documentation of test studies, or documented past experience of the operator with electrical surveys for pipelines in the system that have a similar environment.

It seems inappropriate to amend the requirement for monitoring cathodic protection by suggesting ways that do not monitor the effectiveness of cathodic protection except after failure. However, a leak survey and corrosion and leak records often appear to be the only economically practical alternative available. Although a leak survey does not detect the failure of the cathodic protection system, it does detect the leakage which results from corrosion of the unprotected pipeline.

To assist in the selection of an appropriate alternative course of action where testing of cathodic protection and conducting electrical surveys to detect areas of active corrosion have been demonstrated to be invalid, MTB invites interested persons to participate in this rulemaking by responding to the questions which follow and submitting any substantiating information. These questions are intended to apply to both gas transmission and distribution pipelines. If comments are made for only transmission or distribution pipelines, comments should identify which, or if combined so state. Where there are significant differences, data should be submitted separately for transmission or distribution pipelines. In figuring the costs requested, consider all wages, instruments, tools, other equipment and vehicles, and overhead. Do not consider maintenance to the cathodic protection system, except on questions where this is requested. In basing costs on miles of main, also include any related costs resulting from connected service lines. Do not consider the length of services in the miles figure.

1. Describe what you consider must be done to prepare for and conduct an electrical survey to determine areas of active corrosion for the first time on an existing, unprotected gas pipeline. (§§ 192.457(b)(3) and 192.465(e))

2. What is the average annual cost of conducting electrical surveys to determine areas of active corrosion under § 194.465(e):

a. On a gas pipeline with minor or no paving or stray currents:

(i) The first time, when electrical isolation is done, test leads installed, etc.? ($/mile of pipeline)

(ii) Subsequent surveys? ($/mile of pipeline)

b. In paved areas where drilling of pavement is used:

(i) The first time, when electrical isolation is done, test leads installed, etc.? ($/mile of pipeline)

(ii) Subsequent surveys? ($/mile of pipeline)

c. In stray current areas requiring special measures, such as nighttime or weekend field testing and/or use of recording voltmeters? ($/mile of pipeline)

3. Should § 192.465(a) include a reference to the use of Beta curves and Beta profiles as a means of determining the effectiveness of measures taken to mitigate the adverse effects of stray currents during peak periods?

4. Describe how you interpret data from electrical surveys or by other means to determine areas of active corrosion. (§§ 192.457(b) and 192.465(e))

5. When you dig up pipe in areas where active corrosion is indicated by electrical survey and other data, what percent of the instances do you actually find active corrosion? (§§ 192.457(b) and 192.465(e))

6. Under § 192.465(e), in areas where an electrical survey is impractical, what are the methods used to determine areas of active corrosion from study of corrosion and leak history records, leak detection survey, or other means?

a. If there are significant ways such means are applied or interpreted, please explain for each method.

b. Provide pertinent cost data for each. ($/mile of pipeline)

c. What are frequencies for each study, survey, or other method?

7. Describe how you conduct tests under § 192.465(a) to determine whether cathodic protection meets the requirements of § 192.463.

8. What is the annual cost of conducting electrical tests under § 192.465(a) to determine whether the cathodic protection meets the requirements of § 192.463:

a. On a gas pipeline with minor or no paving or stray currents? ($/mile of pipeline)

b. In paved areas where, in the absence of inserts, drilling of pavement is used? ($/mile of pipeline)

c. In stray current areas requiring special measures, such as night time or weekend field testing and/or use of recording voltmeters? ($/mile of pipeline)

d. An anode installations made at corrosion repairs under § 192.483(c) (average $/location); and under the sampling category of § 192.465(a)? ($/mile of pipeline)

9. Under what conditions should monitoring be considered as causing extreme hardship and expense for tests required by § 192.465(a)? Specifically, for installations made under § 192.483(c)?

10. What would be the cost burden of having to keep a written record demonstrating that electrical surveys are impractical on a given pipeline? ($/mile of pipeline) (§§ 192.457(b)(3) and 192.465(e))

11. If recording voltmeters are used, what is their capital cost? ($/unit)

12. What is the cost of installing access to the soil beneath paved areas (pavement inserts, etc.) as needed in areas of continuous paving:

a. For one insert? ($/insert)

b. For the conducting of electrical tests under § 192.465(a)? ($/mile of pipeline)

c. For the conducting of electrical surveys under § 192.465(e)? ($/mile of pipeline)

d. If pavement inserts are not installed, how is access to the soil obtained? ($/location)

13. Where access to the soil beneath paved areas (pavement inserts, etc.) and test stations required by § 192.469 have been installed, what would be the cost of conducting:

a. Electrical tests under § 192.465(a)? ($/mile of pipeline)

b. Electrical surveys under §§ 192.457(b) or 192.465(3)? ($/mile of pipeline)

14. Are there any feasible alternative methods to the use of electrical tests for determining the level of cathodic protection on a pipeline that is located beneath paving other than using leak surveys, corrosion and leak history studies? What are their associated costs? ($/mile of pipeline) (§ 192.465(a))

15. Describe locations, other than paved areas or some stray current areas, where electrical surveys might be considered impractical. (§§ 192.457(b) and 192.465(e))

16. Considering the design life of anodes installed on unisolated segments of pipeline, is 1 year a reasonable time interval between electrical tests at such

anodes from a maintenance and safety cost/benefit basis? If not, what interval should apply? Explain. Please differentiate between urban and rural locations.

17. Should there be a requirement other than § 192.469 for installation of a permanent test station on cathodically protected pipelines at locations where a minimal response to cathodic protection is detected or otherwise believed to exist on cathodically protected pipelines in paved areas and stray current areas? Explain.

18. What is the life expectancy of a test station, and what is the estimated capital costs for test stations? ($/mile of pipeline)

19. What is the average cost of repairing ineffectively operating cathodic protection systems? ($/mile of pipeline)

20. What is the average cost of leak surveys in paved areas? ($/mile of pipeline)

21. How frequently should leak surveys be run to serve as an alternative to annual electrical tests under § 192.465(a)?

22. What is the average cost of repairing leaks in paved areas? ($/repair)

23. If a cathodic protection system is not operating effectively (i.e., active corrosion is present), on average, how long do you think it will be before a corrosion leak occurs? (——— years?)

24. Are there areas where the potential for developing faults in cathodic protection systems are less than normal that would justify a longer interval between tests of the cathodic protection systems than the current requirements? If yes, describe any such areas and state intervals considered appropriate.

25. What percent of the cathodic protection systems tested under § 192.465(a) are found to be operating effectively?

26. At the Technical Pipeline Safety Standards Committee meeting in Washington, D.C., on November 17, 1982, one pipeline operator suggested that an operator be permitted to increase the time interval between tests of a cathodic protection system under § 192.465(a) to 2 years if that system has been tested and found to be operating satisfactorily for two consecutive years. Systems found to have failed would have to be repaired and then if subsequently found to be operating effectively for two consecutive years could be placed on a 2-year test interval. What would be the effect of such a program on your system? How would this change your costs per mile of monitoring cathodically protected pipelines? ($/mile of pipeline)

List of Subjects in 49 CFR Part 192

Pipelines.

(49 U.S.C. 1672, Section 203, Pub. L. 96–129, 93 Stat. 1004 (49 U.S.C. 2002); 49 CFR 1.53, Appendix A of Part 1 and Appendix A of Part 106)

Issued in Washington, D.C., on March 2, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-6344 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Part 571

[Docket No. 83-01; Notice 1]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 105; Hydraulic Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA); DOT.

ACTION: Requests for comments.

SUMMARY: This notice announces the publication by NHTSA of a preliminary Evaluation Report concerning Safety Standard No. 105, Hydraulic Brake Systems. This staff report evaluates the safety effectiveness and costs of two major improvements in the design of passenger car brakes: dual master cylinders and front disc brakes. The report was developed in response to Executive Order 12291, which provides for government-wide review of existing major Federal regulations. The Agency seeks public review and comment on this evaluation. Comments received will be used to complete the review required by Executive Order 12291.

DATE: Comments must be received no later than: May 9, 1983.

ADDRESSES: Interested persons may obtain a copy of the report free of charge by contacting Mr. Robert Hornickle, Office of Management Services, National Highway Traffic Safety Administration, Room 4423, 400 Seventh Street, S.W., Washington, D.C., 20590 (202–426–0674). All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours, 8:00 a.m.–4:00 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim, Director, Office of Program Evaluation, Plans and Programs, National Highway Traffic Safety Administration, Room 5212, 400 Seventh Street, SW., Washington, D.C. 20590, (202–426–1574).

SUPPLEMENTARY INFORMATION: Safety Standard No. 105 (49 CFR 571.105) requires that passenger cars have a dual braking system and contains specifications for stopping performance under a variety of normal and adverse conditions. The purpose of a dual braking system is to provide a back-up braking capability in the event of a hydraulic failure. The two most significant changes in brake design of the 1960's and 70's were the introduction of dual master cylinders and front disc brakes. Dual master cylinders are the principal hardware element of a dual braking system. Disc brakes are not required by Standard 105, but they do make it easier for a car to meet the standard's stopping tests simulating brake fade and water immersion; in addition, they improve a car's handling during brake applications.

Pursuant to Executive Order 12291, NHTSA recently conducted an evaluation of dual master cylinders and front disc brakes to determine the effectiveness of the technology selected by the manufacturers in preventing accidents, deaths and injuries and to determine the costs of the technology to consumers. Under the Executive Order, agencies are to review existing regulations to determine whether the regulations are achieving the Order's policy goals, i.e., achieving legislative goals effectively and efficiently and without imposing any unnecessary burdens on those affected. This preliminary evaluation, however, is limited to dual master cylinders and disc brakes and does not deal with other aspects of Standard 105.

The principal findings and conclusions of the report are the following:

- Dual master cylinders are effective in reducing the number of accidents due to defective brakes. They eliminate 40,000 accidents per year, resulting in an estimated reduction of 280 fatalities, 24,000 injuries and $132 million in property damage (in 1982 dollars).
- Dual master cylinders add $17 to the cost of purchasing and operating a car over its lifetime (in 1982 dollars).
- Front disc brakes are effective in reducing the number of accidents due to defective brakes. They eliminate 9,800 accidents per year, resulting in an estimated reduction of 84 fatalities, 5,700

injuries and $32 million in property damage.

• Front disc brakes add $21 to the lifetime cost of a car.

The report was developed from statistical analyses of North Carolina, Texas and Fatal Accident Reporting System data, a review of Indiana in-depth accident analyses, and manufacturing and repair costs analyses for production brake assemblies.

NHTSA welcomes public review of the evaluation report and invites the public to submit comments.

It is requested but not required that 10 copies of comments be submitted.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 and 501.8)

Issued on: March 3, 1983.

Barry Felrice,

Associate Administrator for Plans and Programs.

[FR Doc. 83-6980 Filed 3-8-83; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 81-04; Notice 3]

Federal Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to propose an amendment to Safety Standard No. 205, Glazing Materials, to permit the installation of glass-plastic glazing as windshields and windows in motor vehicles and to adopt appropriate performance requirements for such glazing. The existing requirements of the standard do not permit the use of glass-plastic glazing in certain locations on the automobile, principally by operation of the abrasion resistance requirement.

The agency has conducted an extensive evaluation to determine the performance characteristics of glass-plastic glazing in the critical areas of injury reduction, visibility distortion and impact attenuation for occupants in a crash. Research data indicate that such glazing may substantially reduce lacerative injuries when vehicle occupants strike glazing in an accident.

The proposed amendment would establish performance requirements specifically designed to ensure the safety and performance of glass-plastic glazing. This notice implements the agency's granting of a petition for rulemaking by Saint Gobain Vitrage and follows the issuance of an advance notice for proposed rulemaking.

DATES: Comments must be received on or before April 25, 1983. Proposed effective date: Upon publication of a final rule.

ADDRESS: All comments should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Edward Jettner, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 205, Glazing Materials (49 CFR 571.205), specifies performance requirements for the types of glazing that may be used in motor vehicles, as well as the vehicle locations in which the various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," § 26.1—1966 (ANS § 26). The requirements in ANS § 26 are specified in terms of performance tests that the various types or "Items" of glazing must pass. There are 13 "Items" of glazing for which requirements are currently specified in the standard. The only current items of glazing that may be used in the windshield of a motor vehicle are Item 1, Safety Glazing Material for Use Anywhere in Motor Vehicle, and Item 10, Bullet Resistant Glass for Use Anywhere in Motor Vehicle.

The windshield in virtually every car in the U.S. today is a "safety" or "High Penetration Resistant" (HPR) windshield whose interior and exterior surfaces are made of Item 1 laminated glass. (ANS § 26 describes laminated glass as two or more sheets of glass held together by an intervening layer or layers of plastic material.) This type of windshield was first provided as standard equipment on motor vehicles over twenty years ago. The layer of plastic in the HPR windshield acts as a barrier to prevent the occupant's head from completely penetrating the windshield when the occupant strikes the glazing during a crash. However, on impact, both the inner and outer glass layers tend to break, leaving edges of broken glass on the inner surface.

To alleviate the problem of lacerative injuries resulting with current HPR windows, Saint Gobain Vitrage (SGV) of France developed an innovative new glazing called Securiflex. The Securiflex windshield is composed of laminated glass to which a layer of polyurethane (plastic) is bonded on the inner side (i.e., the side of the windshield facing inside the occupant compartment). The Securiflex windshield reduces the risk of lacerations to car occupants who strike the window in an accident because the plastic inner layer prevents the occupant from coming into contact with the sharp glass edges that are formed when the glazing is struck and broken.

In early 1980 SGV requested an interpretation from the agency stating that the abrasion requirements of Standard No. 205 are applicable only to the exterior, glass side of glass-plastic materials such as Securiflex. On April 22, 1980, the agency issued an interpretation which stated that both sides of windshield glazing material must pass the performance tests specified in the standard for a particular glazing item (contrary to the interpretation urged by SGV). When ANS § 26 was first drafted, almost all types of glazing material were symmetrical, i.e., both sides of the glazing were made of the same substance. Thus, Standard No. 205 did not contemplate asymmetrical glazing material such as Securiflex, and the agency had determined that the existing requirements of the standard are not appropriate for glass-plastic glazing.

Subsequently, SGV filed a petition for rulemaking requesting that Standard No. 205 be amended to permit the use of glass-plastic glazing (June 12, 1980). The agency finally granted the petition on December 8, 1980. An amendment of the standard was necessary because the interior plastic side of glass-plastic windshields cannot pass Test No. 18, Abrasion Resistance, and therefore Securiflex cannot qualify as Item 1 glazing under the standard.

After granting the SGV petition, the agency still did not issue a proposal to amend the standard to permit the use of glass-plastic glazing. Rather, on January 26, 1981, the agency issued an advance notice of proposed rulemaking concerning possible amendment of Standard No. 205 to adopt specific requirements for glass-plastic glazing (46 FR 8076). At that time, the agency was beginning a study of the new glazing material and requested information from the public concerning various issues associated with that material.

Primary among these issues was whether the inner plastic side of glass-plastic glazing materials such as Securiflex can adequately resist abrasion. Plastic does not resist the surface damage caused by rubbing and scuffing as well as glass. Abrasion is a potential concern since it produces haze which scatters the light passing through the glazing in a way that can make it more difficult for the driver to see through the windows. Obviously, the sources of abrasion are less numerous and severe on the inside of a vehicle window than on the outside. Nevertheless, abrasion on the inner side is still an important issue.

Another possible problem of concern to the agency was delamination. The Securiflex windshield consists of four layers of glass and plastic bonded together. As the number of bonding layers increases, the probability of a bonding failure may increase. Such delamination may result in vision distortion and optical deviation and thus present a safety hazard to drivers.

Other considerations discussed in the advance notice included rearview mirror attachment to the inner side of the windshield, attachment to and removal from the inner side of the windshield of decals such as State inspection stickers, the ability of the plastic coating to withstand body repair shop paint bake ovens, and the ability of the plastic coating to withstand inboard frost accumulation and its removal.

To address these concerns, the advance notice listed various questions and areas in which data and information were requested so that appropriate performance requirements could be established for glass-plastic glazing to ensure the safety and structural integrity of this new development in automotive glazing. Since that time, the agency has also collected additional information and analyzed the effectiveness of glass-plastic glazing in reducing injuries as well as performance requirements that are necessary to address the potential problems that could result with the use of such materials.

The agency has always recognized that glass-plastic glazing would have substantial potential for reducing lacerative injuries in motor vehicle accidents, and has now tentatively concluded that the standard can and should be amended, consistent with and in furtherance of the interests of the safety of occupants, to permit this type of glazing in the windshield and all windows of motor vehicles.

This notice proposes specific performance requirements designed particularly for glass-plastic glazing, recognizing the varying environmental demands placed on the outer and the inner or occupant compartment side of glazing materials.

The agency believes that the proposed performance requirements will ensure adequate abrasion resistance for glass-plastic glazing. As for the potential other problems discussed in the advance notice, the agency tentatively concludes that they are not so serious that they should forestall the introduction of a technology which has such great injury reducing potential.

Every year, hundreds of thousands of American motorists suffer pain, disfigurement and psychological trauma from lacerative injuries caused by broken motor vehicle windows. SGV studied this safety problem by interviewing 600 hospital physicians in the United States, and estimated that more than 350,000 patients were treated for facial injuries cause by broken windshield glass in automotive accidents during a 12-month period. Sixty percent of the lacerations required suturing and more than 15 percent required further treatment by plastic surgeons or other specialists (such as ophthalmologists) to prevent permanent disfigurement or physical handicaps. SGV estimated that the cost of medical treatment for laceration injuries caused by broken windshields could exceed $16 million annually.

NHTSA's own data indicate that more than 200,000 laceration injuries occur each year due to broken windshield glass, and that another 100,000 such injuries result from broken side window glass. (See NHTSA's July 1980 report, "Glass Related Injuries on NCSS," including the December 18, 1981, update of this report, as well as Table 10, Motor Vehicle Lacerative Injury Rate, Regulatory Evaluation, in NHTSA Docket 84-01; Notice 01 and Notice 03, respectively.)

All evidence thus indicates that glass-plastic glazing has the potential to eliminate many of these lacerative injuries. (See, for example, "Safety Performance of Securiflex Windshield," Patrick and Chou, NHTSA Docket 84-01; Notice 01.)

The amendment proposed in this notice would establish a new glazing "Item", glass-plastic glazing, which could be used anywhere in a motor vehicle, including the windshield. Specific new performance requirements would be established for this new glazing category. For example, the present standard assumes that all windshields have inner and outer layers composed of glass and, therefore, includes no specifications for testing chemical resistance, flammability and weathering. It appropriately assumes that windshields made of glass on both sides are highly resistant to all of these factors and thus specifies no tests for these capabilities. These characteristics are, however, important and less certainly are properties of less durable materials like plastics. The agency has therefore tentatively determined that minimum performance levels should be established for materials, for these characteristics, to ensure the integrity of glass-plastic glazing.

The proposed amendment specifies that glass-plastic glazing materials to be used in areas requisite for driving visibility must meet, in addition to the normal tests to which the conventional windshield is subjected, Abrasion Test No. 17 (for the plastic side of the glazing), but would allow a haze of only four percent after 100 cycles of the Taber abraser; Flammability Test No. 24; Chemical Resistance Test No. 19; Weathering Test No. 16, and Resistance to Temperature Change Test No. 20. All of these tests are already included in the standard (ANS §26). It is important to note that the four percent haze criterion specified in this proposal for the plastic side of glass-plastic glazing is far more stringent than the 15 percent haze limitation currently specified for other plastic materials which cannot be used in areas necessary for driver visibility.

The proposed abrasion requirement for the plastic side of glass-plastic glazing would result in an abrasion test procedure identical to that for glass-plastic windshields specified by the Economic Commission for Europe in ECE Regulation R43, which is currently recognized by ten European countries. Thus, the proposal would foster the international harmonization of standards in this regard. The agency believes that the typical windshield would actually experience less than 4 percent haze over its lifetime. The agency does, however, seek additional comment concerning the 4 percent haze proposal, including any information concerning whether this level of stringency is adequate to ensure visibility through glass-plastic glazing over time.

All information available to the agency indicates that the proposed test requirements for glass-plastic glazing can be met by materials such as Securiflex, and that the requirements are sufficiently stringent to ensure that inferior glass-plastic glazing is not produced. (See Exhibit 1 in Docket 81-04; Notice 01.) In addition to abrasion resistance, the other proposed test requirements for glass-plastic glazing are very similar to the requirements specified in ECE Regulation 43. The

agency has prepared a Table which illustrates the similarities and differences among the requirements proposed in this notice, ECE Regulation 43, the tests proposed by Saint Gobain in their petition, the new requirements being sponsored by the ANS § 26 committee, and the basic requirements for windshield grade material (Type 1) currently specified in the standard. (See Table 1 in Docket 81–04; Notice 03.)

The proposal also includes a requirement that manufacturers place a label on glass-plastic glazing which specifies proper cleaning instructions and other warnings. The agency has tentatively determined that such a label would help ensure that owners do not subject the plastic glazing to unduly abrasive objects for purposes of cleaning or removing decals from their windshields.

Relevant Technical Information

Following is a brief discussion of the information that has been gathered and which has led the agency to propose the requirements included in this notice. The discussion is organized in terms of some of the major points and questions included in the January 1981 advance notice.

1. The advance notice asked about the relationship between light transmittance and haze (caused by either abrasion or chemical action) for glass-plastic materials, particularly as this relationship is affected by the age of the material. It is very difficult to quantify the amount of haze that is tolerable before a driver's vision is impaired to the point that it is unsafe. However, when evaluated under the existing test procedures of Standard No. 205, Securiflex has performed very well, and other available information indicates that there would be no problem. For example, a Securiflex side window was tested by SGV during two series of development tests to determine the haze producing effects of dry, dusty friction such as could be produced by felt and rubber strips during roll-up/roll-down of typical side windows. During the first series of tests, run at 300 cycles per day, the Securiflex sample gained less than 0.1 percent haze after 27,000 cycles. During the second series, run at 1000 cycles per day, the sample gained 0.1 percent haze after 20,000 cycles. These data indicate that Securiflex is able to withstand the type of abrasion caused by the sliding motion of windows being rolled up or down.

The in-use experience of the European cars equipped with Securiflex windshields corroborates these laboratory results. The accuracy of the transmittance and haze data of high mileage and other European Securiflex car windshields provided by SGV has been verified in independent tests conducted for the agency by the National Bureau of Standards. The agency has tentatively determined that haze on both clear and tinted Securiflex windshields builds up slowly with use. The agency estimates that haze build-up for Securiflex windshields would be less than 4 percent in the typical 10 year life of a car, and could be less than 2 percent if trends of present data continue.

With regard to haze and light transmittance of Securiflex, the agency is also monitoring an experimental test program of Securiflex-equipped vehicles being conducted by the Maryland State Police in conjunction with SGV and the Insurance Institute for Highway Safety. An interim progress report concerning this test program was issued on April 7, 1982. Test measurements relating to the degree of surface deterioration were made on a number of the vehicles. These data, although preliminary, indicate that the surface quality of the Securiflex polyurethane (plastic) sheet is stable, even under the hard use condition in an American environment. (See Docket 81–04; Notice 01, Entry 001, 008, 024, 019, 025, 027.)

2. The advance notice also discussed the possible problem of delamination of the glass and plastic components of Securiflex type windows, under natural causes such as heat, light and moisture. SGV reports that its field experience with a relatively few cars for more than five years and thousands of cars for more than three years has revealed no sign of any delamination problem. Standard No. 205 currently includes four tests to measure properties associated with delamination due to natural causes (Test 1, Light Stability; Test 3, Humidity; Test 4, Boil; Test 20, Temperature Change), for laminated glass windshield material. This notice would apply these tests to glass-plastic glazing as well as one additional test not required for glass windshields (Test 16, Weathering). The agency has tentatively concluded that these tests would ensure that glass-plastic glazing materials experience no problem with delamination. (See SGV Supplement of April 22, 1981, Docket 81–04; Notice 01, Entry 035).

3. The agency asked whether the attachment of rearview mirrors to the inside plastic layer of glass-plastic windshields would present problems. A review of technical material presented in SAE Paper 770240, "Performance of a Non-Lacerative Windshield in Case of Accident and under Environmental Conditions" (NHTSA Docket 81–04; Notice 01) indicates that this is not an insurmountable technical problem. SGV has also presented a feasible solution for this problem. In recent developments in Europe, an aerobic acrylic adhesive material has been used to attach the mirror to Securiflex, polymerized by ultraviolet radiation or by chemical action. SGV reports that a mirror retainer button made of Zamac bonded with Loctite No. 356 and No. 312 adhesive materials apparently withstands the necessary performance for cleavage resistance and fatigue strength. Therefore, the agency has tentatively concluded that attachment of rearview mirrors on glass-plastic windshields would not present a problem. (See Docket 81–04; Notice 01.)

4. The advance notice also asked whether attachment and removal of decals such as State inspection stickers on glass-plastic glazing would present a problem because of the possibility of abrading or tearing the inner plastic layer. Stickers are typically removed by the use of a razor blade or other metal scraper. Although a steel cutting edge will damage the plastic of Securiflex, tests indicate that plastic scrapers would not be harmful. Under the proposed requirements of this notice, this information would be provided to all vehicle owners by a warning label on the glass-plastic windshield and information in the Owner's Manual. Additionally, SGV has worked with the American Decal and Manufacturing Co. which has produced a sticker which can be removed by a simple manual peeling action (i.e., without use of a sharp tool), and which will meet all needs of existing State required stickers, e.g., they are automatically "voided" if removed. Other options include the use of mechanical positioning devices (pedestal mounted, for example) to hold the sticker in the vicinity of the windshield. The agency has tentatively determined that this potential problem can probably be solved and should not preclude the use of a material which has such great potential for reducing lacerative injuries in vehicle accidents. (See SGV Supplement of April 22, 1981.) However, the agency remains concerned about the possibility of damaging the relatively soft plastic inner liner on these types of windshields, and solicits specific comments and suggestions on this issue, including comments concerning the adequacy and practicability of the possible solutions just discussed.

5. The advance notice asked whether Securiflex type windshields could withstand the intense heat generated in paint bake ovens (used for baking paint on a car originally or when the paint has

to be retouched or redone). Existing information indicates that the Securiflex plasic layer can withstand such exposure as well as, or better than, many other elements of a vehicle. The results of the "tunnel bake" test reported in SAE paper 770246 (Docket 81–04; Notice 01) for Securiflex windshields shows that the glass-plastic glazing successfully passed stringent tests with no bubbles appearing under the plastic layer or any other adverse effect. Therefore, the agency tentatively concludes that bake ovens will not present problems for glass-plastic windows.

6. The advance notice discussed the possible problem of inboard frost accumulation and its removal on the inner plastic layer of glass-plastic windows. Tests are currently being conducted concerning this question by Transport Canada (the Canadian regulatory agency equivalent to NHTSA), to determine if the mechanical removal of ice and frost with scrapers will scratch and damage Securiflex. The Results of these tests are scheduled for completion in the near future and will be reported to NHTSA. SGV has conducted its own test concerning this question along lines similar to the Transport Canada procedures and reports that Securiflex shows no problems. (See Docket 81–04; Notice 01.) The agency seeks any additional information which might now be available on this subject.

7. The advance notice asked, "Do the anti-lacerative properties of glass-plastic windshields, such as the Securiflex windshield, outweigh the problems of visibility distortion that may result with this type of windshield?"

This question was asked as part of the ANPRM's general inquiry. No information was presented which would indicate that visibility distortion would be a problem. As proposed in this notice, glass-plastic glazing would have to pass the light stability, luminous transmittance and deviation distortion tests currently specified in the standard for windshield-grade glazing materials. If glass-plastic materials pass these tests, the agency believes they would perform as well as existing HPR windshields with regard to visibility distortion.

8. The advance notice asked about the cost-differential between glass-plastic glazing such as Securiflex and typical HPR windshields. Although no exact cost estimates were received in response to the advance notice, the agency estimates that glass-plastic windshields will cost approximately $38 to $45 more than their standard HPR counterpart. However, use of this material would result in greatly reduced laceration injuries, with attendant savings. It should be emphasized that, as proposed in this notice, glass-plastic glazing would be permitted but not required. Therefore, the cost differential and replacement costs would depend greatly on the volume of installation chosen by manufacturers, which cannot be determined at the current time.

9. The agency notes that data reported by Patrick and Chou (see NHTSA Docket) suggest that HIC (Head Injury Criteria) values in impact tests with some types of glass-plastic glazing may be higher then for similar HPR (high penetration resistant) windshields. A review of the reported HIC values shows that the data were scattered, but that, graphically, the "best fit" curve of HIC values for glass-plastic glazing is approximately 100 units higher than the comparable curve representing the standard HPR glazing (see Regulatory Evaluation). The safety implications of these limited data are of concern to the agency. Comments and information are specifically requested on this issue.

10. The ANPRM also listed several areas of research and study which would be conducted concerning the various issues surrounding glass-plastic glazing materials. These included:

- Identifying specific methods and engineering tests to assess the suitability of glass-plastic glazing and other asymmetrical glazing for safe automotive use.
- Assessing the consistency of measurements of light transmittance through glass and plastic.
- Assessing the adequacy and consistency of current mechanical abrasion methods to measure the abrasion resistance properties of glass and plastic.
- Determining the adequacy of current methods used to measure haze and distortion in glass and plastic glazing materials.

The agency has undertaken an active effort to acquire specific information concerning the above technical areas. This work, initiated under contract DTNH22–82–C–07045, is designed to conduct optical engineering research on new and used automotive glazing for the purpose of considering longer-range modifications of Standard No. 205 if research indicates that this is advantageous. The IIT Research Institute has been awarded this contract and began work in March 1982. The final report of this contract is due in March 1983, and will be placed in the NHTSA Docket. The work being performed is expected to confirm the appropriateness of the test requirements proposed in this notice for glass-plastic glazing. The testing under this project is almost completed and there have been no advance reports of findings inconsistent with the information used by the agency to develop the specifications in this proposal.

The agency has examined the impacts of this proposed amendment and determined that the notice is not major within the meaning of Executive Order 12291 or significant according to the Department of Transportation's regulatory policies and procedures. The agency has prepared a preliminary regulatory evaluation concerning the proposed amendment, which has been placed in the public docket. (A free copy may be obtained by contacting the Docket Section.) The agency estimates that the consumer cost of glass-plastic glazing would be greater than existing laminated or tempered glass, although it is not possible to determine the exact increase in cost at the current time because this material is not being marketed. (As noted earlier, the agency estimates costs at $38 to $45 greater.) It should be noted that the proposed amendment would allow glass-plastic glazing, but not require it. Therefore, any increase in cost would be determined by the number of manufacturers which chose this alternative material for certain windows in their vehicles. The agency has determined, however, that cost increases to consumers would not be significant within the meaning of the Executive Order. Moreover, any increase in cost for this material would be offset to a certain extent by the savings which would accrue because of reduced lacerative injuries resulting from the installation of glass-plastic glazing.

NHTSA has also considered the impacts of this proposal under the Regulatory Flexibility Act. I hereby certify that permitting the use of glass-plastic glazing under Safety Standard No. 205 would not have a significant economic impact on a substantial number of small entities. Few, if any, motor vehicle manufacturers would qualify as small entities. Small organizations or governmental units that purchase vehicles equipped with glass-plastic glazing might have to pay a slightly higher price, but this cost increase would be somewhat offset by the accruing savings discussed above. The proposed amendment could have some impact on small glazing manufacturers and glazing dealers that would be considered small entities for purposes of the Act. If glass-plastic glazing were to become popular, these small entities might be forced, through competition, to stock the new item of

glazing, to provide safe and secure types of storage, to develop new material handling procedures and to ensure the soft plastic side of such glazing is not damaged during shipment and installation. These possible impacts are all speculative at the current time since the agency has no information to determine how many manufacturers would choose the option of producing glass-plastic glazing, and no information on the magnitude of the above possible impacts or on the likelihood of their occurrence. Based on the agency's judgments regarding information that is currently available, I certify that the proposed option would not have a significant economic impact on a substantial number of these small entities. Specific comments on this issue are requested.

Finally, NHTSA has analyzed this proposal for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

As provided in 49 CFR 553.21, all comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for the consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, it is proposed that Safety Standard No. 205, *Glazing Materials* (49 CFR 571.205), be amended as set forth below.

§ 571.205 [Amended]

1. Paragraph § 4 would be amended to add the following definition:

* * * * *

"Glass-plastic glazing material" means a laminate of one or more sheets of glass that has a layer of plastic that is bonded to the surface of the glazing that faces inward when the glazing is installed in a vehicle.

* * * * *

2. Existing paragraph § 5.1.2.3 would be designated § 5.1.2.4 and revised to read as follows:

* * * * *

Section 5.1.2.4 *Cleaning instructions.* Each manufacturer of glazing materials designed to meet the requirements of § 5.1.2.1, § 5.1.2.2 or § 5.1.1.3 shall affix a label, removable by hand without tools, to each item of such glazing materials. The label shall identify the product involved, specify instructions and agents for cleaning the material that will minimize the loss of transparency and instructions for removing frost and ice and, at the option of the manufacturer, refer owners to the vehicle's Owner's Manual for more specific cleaning and other instructions.

* * * * *

3. A new paragraph § 5.1.2.3 would be added to read as follows:

* * * * *

Section 5.1.2.3 Item 14—*Glass Plastics.* Glass-plastic glazing materials that comply with the labeling requirements of § 5.1.2.4 and Tests Nos. 1, 2, 3, 4, 9, 12, 15, 16, 17, 18, 19, 24, 26, and 28, as those tests are modified in (a), (b), and (c) of this paragraph, may be used anywhere in a motor vehicle.

(a) Tests Nos. 9, 16, and 18 shall be conducted on the glass side of the specimen, i.e., the surface which would face the exterior of the vehicle. Tests Nos. 17, 19, 24, and 26 shall be conducted on the plastic side of the specimen, i.e., the surface which would face the interior of the vehicle. Test No. 15 should be conducted with the glass side of the glazing facing the illuminated box and the screen, respectively.

(b) Glass-plastic specimens shall be exposed to an ambient air temperature of −40°C (±5°) (−40°F ±9°) for a period of 6 hours prior to conducting Test No. 28, rather than at the initial temperature specified in that test. After testing, the glass-plastic specimens shall show no evidence of cracking, clouding, delaminating, or other evidence of deterioration.

(c) Glass-plastic specimens tested in accordance with Test No. 17 shall be carefully rinsed with distilled water following the abrasion procedure and wiped dry with lens paper. After this procedure, the arithmetic mean of the percentages of light scattered by the three abraded specimens shall not exceed 4.0 percent.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on March 7, 1983.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 83-6186 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Development of an Agreement on Interpretation and Implementation of a Protocol on Subsistence Hunting of Migratory Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: This notice is to inform the public that the Fish and Wildlife Service in coordination with the Department of State intends to work with the Canadian Wildlife Service to develop an agreement regarding the interpretation and implementation of a protocol to amend the subsistence hunting provisions of the *Convention for the Protection of Migratory Birds* concluded by the United States and Great Britain

(acting on behalf of Canada) in 1916. The amendment would make the subsistence hunting provisions of this treaty consistent with those of the *Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and their Environment*, signed in 1976. It would provide a basis for managing subsistence hunting of migratory birds in Alaska and Canada.

DATE: Comments on this notice must be received by April 30, 1983.

ADDRESS: Address correspondence to Director, U.S. Fish and Wildlife Service (MBMO), U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, U.S. Fish and Wildlife Service, Migratory Bird Management Office, Department of the Interior, Washington, D.C. 20240; (202/254–3207).

SUPPLEMENTARY INFORMATION: On January 30, 1979, the Secretary of the Interior of the United States and the Minister of the Environment of Canada signed a protocol to amend the subsistence hunting provisions of the 1916 *Convention for the Protection of Migratory Birds*. This convention is between the United States and Great Britain (acting on behalf of Canada) and is hereafter referred to as the 1916 Treaty. The amendment would make the subsistence hunting provisions of the 1916 Treaty consistent with those of the *Convention between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and their Environment*, signed in 1976 (hereafter referred to as the US/USSR Treaty).

The US/USSR treaty provides, in essence, that residents of rural Alaska (not just Indians and Eskimos) may take migratory birds for their own nutritional and other essential needs in accordance with seasons set by the competent authority, i.e., the Secretary of the Interior. The seasons may occur during periods when hunting would otherwise be prohibited, i.e., outside the March 10–September 1 period. The treaty requires that the nutritional and other essential needs, for which subsistence hunting may be permitted, must be determined by the competent authority, and any hunting seasons set must provide for the preservation and maintenance of the stocks of migratory birds. There is a clear provision for regulation and control of subsistence hunting, which is presently lacking in the 1916 Treaty. The pertinent wording of the US/USSR Treaty is contained in Article II (1 and 2) and is as follows:

Article II

1. Each Contracting Party shall prohibit the taking of migratory birds, the collection of their nests and eggs and the disturbance of nesting colonies. Also, any sale, purchase or exchange of these birds, whether dead or alive, or their nests or eggs, and any sale, purchase or exchange of their products or parts, shall be prohibited. The importation and exportation of migratory birds and their nests, eggs, parts, and products shall also be prohibited. Exception to these prohibitions may be made on the basis of laws, decrees or regulations of the respective Contracting Parties in the following cases:

(a) For scientific, educational, propagative, or other specific purposes not inconsistent with the principles of this Convention;

(b) For the establishment of hunting seasons in accordance with Paragraph 2 of this Article;

(c) For the taking of migratory birds and the collection of their eggs by the indigenous inhabitants of the Chukchi and Koryaksk national regions, the Commander Islands and the State of Alaska for their own nutritional and other essential needs (as determined by the competent authority of the relevent Contracting Party) during seasons established in accordance with Paragraph 2 of this Article; and

(d) For the purpose of protecting against injury to persons or property.

2. The hunting seasons for migratory birds provided for in Paragraph 1(b) of this Article, and the seasons during which the indigenous inhabitants mentioned in Paragraph 1(c) of this Article may take such birds and collect their eggs for their own nutritional and other essential needs (as determined by the competent authority of the relevant Contracting Party), shall be determined by the competent authority of each Contracting Party respectively. These seasons shall be set so as to provide for the preservation and maintenance of stocks of migratory birds.

The Fish and Wildlife Improvement Act of 1978 authorized the Secretary of the Interior to implement the provisions of the US/USSR Treaty and specifically directed the Secretary to assure that subsistence hunting of migratory birds in Alaska will be guided by the language of that Treaty. In effect, Congress established the language of the US/USSR Treaty as the standard for dealing with subsistence hunting of migratory birds in Alaska.

The subsistence hunting provisions of the 1916 Treaty are inconsistent with this standard. The pertinent wording of the 1916 Treaty is contained in Article II and is described in the following excerpt:

The High Contracting Powers agree that, as an effective means of preserving migratory birds, there shall be established the following close seasons during which no hunting shall be done except for scientific or propagating purposes under permits issued by proper authorities.

The close season on migratory game birds shall be between March 10 and September 1, except * * * that Indians may take at any time scoters for food but not for sale.

The close season on other migratory birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, auklets, guillemots, murres, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

The protocol is modeled after the subsistence hunting provisions of the US/USSR Treaty. It is intended to make the 1916 Treaty consistent with those provisions, and provide a basis for managing subsistence hunting of migratory birds in Alaska and Canada. The wording of the protocol is as follows:

The Government of Canada and the Government of the United States of America,

Desirous of amending the Migratory Birds Convention signed at Washington on August 16, 1916,

Have agreed as follows:

Article I

Article 2 of the Convention of August 16, 1916 for the Protection of Migratory Birds in Canada and the United States is amended by adding the following additional paragraph:

Notwithstanding any other provision of this Convention, the High Contracting Powers may, without prejudice to those rights accorded to Indians by sub-paragraph 1 of the first paragraph of this Article and to Eskimos and Indians by sub-paragraph 3 of the said first paragraph, authorize by statute, regulation, or decree the taking of migratory birds and the collection of their eggs by the indigenous inhabitants of the State of Alaska and the Indians and Inuit of Canada for their own nutritional and other essential needs (as determined by the competent authority of each High Contracting Power), during any period of the year in accordance with seasons established by the competent authority of each High Contracting Power respectively, so as to provide for the preservation and maintenance of stocks of migratory birds.

Article II

This Protocol shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification which shall take place at Washington as soon as possible.

The major problem addressed by the protocol is that subsistence hunting of migratory birds, as practiced for generations in Alaska and Canada, for the most part is not provided for under terms of the 1916 Treaty. This treaty prohibits hunting between March 10 and September 1, the period when waterfowl are most available and most needed for food in the far North. Exceptions are made for subsistence hunting but they

apply only to Indians for the taking of scoters and to Eskimos and Indians for the taking of certain sea birds and their eggs. These species may be taken by these people at any time of the year and in any number but they are either not generally available or not traditionally utilized in most areas of Alaska. Although migratory birds generally are a relatively small part of the total subsistence needs of the people in these areas, they are a very important element at certain times of the year in some locations and the people still depend on them. Thus, the 1916 Treaty does not adequately address the legitimate subsistence needs of people.

Subsequent to the signing of the protocol an environmental assessment on *Subsistence Hunting of Migratory Birds in Alaska and Canada* was prepared by the Fish and Wildlife Service. This was made available in March 1980 as a draft for public comment. A final version, incorporating changes derived from the public comments, was completed and made available in December 1980. The assessment was structured around a proposal to amend the subsistence hunting provisions of the 1916 Treaty as well as the migratory bird treaties with Mexico, and Japan so as to make them consistent with the subsistence hunting provisions of the US/USSR Treaty. The consequences of implementing the proposal (no significant adverse impacts were found), and the alternatives of taking no action, prohibiting subsistence hunting of migratory birds, or renegotiating the protocol on subsistence hunting to make it more specific were described and evaluated. The protocol to amend the 1916 Treaty is the first and most important step in this process because the subsistence hunting provisions of this treaty are most in conflict with those of the US/USSR Treaty.

Following completion of the environmental assessment the protocol was transmitted to the Senate in December 1980 with a request for ratification but no immediate action was taken. On January 24, 1981, the Secretary of the Interior requested the Senate Foreign Relations Committee to delay action on the protocol until the Department had an opportunity to evaluate concerns that had been raised about it. Thus, the protocol was set aside and has not as yet been taken up in the Senate.

A number of organizations and individuals have expressed concern about some aspects of the protocol. Most stated that they did not object in principle to subsistence hunting if carefully regulated. However, they were concerned that the protocol was too vague and imprecise about what would be permitted in the way of subsistence hunting and who would be allowed to participate in it.

More specifically, these groups identified the following points of concern or objection:

1. The protocol does not clearly identify who has authority to set seasons for subsistence hunting.
2. It does not appear to clearly prohibit commercial use of birds taken for subsistence purposes.
3. It does not establish bag limits, season lengths, methods of taking, etc.
4. It does not set limits on the size of the subsistence harvest.
5. It does not identify those who will be allowed to engage in subsistence hunting.
6. It does not contain a viable framework and plan for enforcement of subsistence hunting regulations.

Underlying these specific points is a basic concern that subsistence hunting in Alaska and Canada will adversely affect recreational hunting in the United States. There is a particular concern about this in connection with subsistence hunting in Canada, which contains the breeding grounds for a large proportion of the ducks and geese important to U.S. hunters. In this regard it is important to note that the protocol is not aimed at increasing the amount of subsistence hunting but at regulating and controlling a subsistence harvest that has been occurring for decades. Nevertheless, some people fear that it could lead to increases in subsistence hunting to the point that a reduction in recreational hunting would be necessary.

In contrast to the views outlined above, the protocol has essentially the unanimous support of people who live in rural areas of Alaska where subsistence hunting continues to be an important means of livelihood. About 90 percent of the population in these areas is made up of Eskimos, Indians, and Aleuts. These people have long been troubled by a situation in which laws and prohibitions that they had no voice in developing are in conflict with their traditional customs and needs. They have repeatedly urged that this situation be changed.

Although the protocol was signed in 1979, it has not been implemented because the United States has not ratified it. In view of the questions raised about it since it was signed, it now appears necessary and desirable to address and clarify the points mentioned above. In order to do this the Fish and Wildlife Service intends to work with the Canadian Wildlife Service to develop a joint U.S./Canadian agreement that would further specify exactly how the two countries will interpret and implement the provisions of the protocol. It is intended that any agreement reached will be made binding on the two countries by inclusion in a signed memorandum/statement of understanding or a diplomatic exchange of notes between the governments. Any such document will be sent to the Senate for information and clarification, and so that it can be considered in deliberation on ratification of the protocol.

Items that will be considered for further discussion and definition in any such agreement will include: (1) A definition of competent authorities, (2) how birds taken under provisions of the protocol may be used, (3) means of regulating take, (4) levels of harvest, (5) who may participate in subsistence hunting, (6) geographic areas where subsistence hunting may take place, (7) provisions for enforcement of subsistence hunting regulations. It is believed that these items cover the major points of concern that have been identified.

As soon as possible after the close of the comment period on this notice of intent, and upon review and consideration of any comments received, the Fish and Wildlife Service will meet with the Canadian Wildlife Service to develop a proposed agreement on interpretation and implementation of the protocol on subsistence hunting of migratory birds. The Fish and Wildlife Service will provide public notice of the proposed agreement through publication in the **Federal Register** and will consider all comments received. In addition, public hearings will be held in Washington, D.C. and Alaska to provide additional opportunity for public comment. Notice of these hearings will be published in the **Federal Register** as soon as possible after determination of times and locations.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Dated: March 4, 1983.

Robert A. Jantzen,
Director, Fish and Wildlife Service.

[FR Doc. 83-6115 Filed 3-9-83; 8:45 am]
BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Hearings and Availability of Proposed Amendment.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold public hearings for the purpose of gathering information on possible long-term solutions to the gear conflict in Federal waters of Citrus County, Florida. This hearing has particular reference to the extension of control over shrimping and stone crabbing to the Federal waters to complement similar management of these fisheries under Florida law for Citrus County. The Council seeks views on proposed amendments of its stone crab and shrimp plans which may be necessary to provide for orderly conduct of these fisheries in Federal waters, thus reducing the possibility of conflict between stone crab and shrimp fishermen in the area. The hearings will be tape recorded with the tapes filed as an official transcript of the proceedings. A written summary will be prepared.

DATES: Written comments on the proposed management measures or alternatives from the public may be submitted no later than April 1, 1983. Individuals or organizations wishing to comment on this matter may do so at the following public hearings:

March 29, 1983, 7:00–10:00 p.m., Crystal River, Florida;

March 30, 1983, 7:00–10:00 p.m., Apalachicola, Florida.

ADDRESS: A copy of the proposed amendment, environmental assessment, regulatory impact review, and proposed regulations may be obtained from the Council at the address listed below.

Send comments to: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609.

Public Hearings Locations:

March 29—Plantation Inn and Golf Resort, Kings Bay Road, Crystal River, Florida;

March 30—The Court Room, Franklin County Court House, Market Street, Apalachicola, Florida.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council (813) 228–2815.

SUPPLEMENTARY INFORMATION: The hearings will deal with the need to amend the stone crab and shrimp plans, as a result of cumulative losses of traps by stone crab fishermen in the Gulf of Mexico, loss of damage to shrimp trawling gear, and the possibility of conflict between shrimp and stone crab fishermen in Federal waters adjacent to an area managed by the State of Florida (Chapter 81–129 of the Florida Code). This State statute provides for fishing areas for shrimping and stone crabbing which change over the course of the stone crab season and which can be modified by State regulation based on recommendation of the Citrus County Shrimping and Crabbing Advisory Committee. This Committee is duly constituted by the statute and represents both shrimping and crabbing interests. The fishing areas established by State statutes extend out to the limit of the State waters (nine nautical miles) which transects the proposed Federal area which is in the fishery conservation zone (FCZ). The Committee has petitioned the Gulf Council to modify its stone crab and shrimp plans to establish exclusive fishing areas for stone crab fishing in the FCZ during the period October 4 to May 20 each year. The Council is holding the hearings to seek public input on the proposed measure, and other alternatives that would provide a long-term solution to the conflict problem for inclusion in amendments to its stone crab and shrimp plans.

Dated: March 4, 1983.

Joe P. Clem,

Acting Chief, Fisheries Process Division, National Marine Fisheries Service.

[FR Doc. 83-6169 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 48
Thursday, March 10, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Exceptions and Waivers, Non-Lawyer Representation; Meeting

AGENCY: Administrative Conference of the United States; Committee on Regulation.

ACTION: Committee meeting.

SUMMARY: The Committee will meet with its consultants to discuss progress on the projects: (1) Exceptions and waivers in the operation of regulatory programs, and (2) Non-lawyer representation of clients in agency proceedings.

DATE: March 18, 1983, 9:30 a.m.

ADDRESS: 1250 Connecticut Avenue, NW., Washington, D.C., 8th Floor Conference Room.

Public Participation: Attendance at the Committee's meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The Committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during, or after the meeting. Minutes of the meeting will be available on request to the contact person. This meeting is subject to the Federal Advisory Committee Act (Pub. L. 92–463).

FOR FURTHER INFORMATION CONTACT: William C. Bush, Administrative Conference of the United States, 2120 L Street N.W., Suite 500, Washington, D.C. 20037. Telephone (202) 254–7065.

SUPPLEMENTARY INFORMATION: (1) Exceptions and Waivers—This project deals with the role of an exceptions and waivers process in a regulatory program. The focus will be on the operation of the Office of Hearings and Appeals at the Department of Energy. The Committee will be discussing a draft report recently submitted by our consultant, Professor Peter Schuck of Yale Law School.

(2) Non-lawyer Representation—Our consultant, Professor Jonathan Rose of Arizona State University School of Law, is advising the Committee on possible roles for non-lawyer experts in finance, economics and related fields as direct representatives of clients in agency regulatory proceedings. Particular problems to be explored are the difficulties in exerting ethical controls on non-lawyers and the treatment of a client-representative confidentiality privilege.

Richard K. Berg,
General Counsel.
March 7, 1983.

[FR Doc. 83-6197 Filed 3-9-83; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Loss Adjustment and Contract Service Agreement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith publishes this notice to provide, for the information of interested parties, the terms and conditions of the Loss Adjustment and Contract Service Agreement (FCIC–448), which becomes effective upon execution by FCIC and a private entity seeking such agreement as a loss adjustment and field service contractor, for the 1983 and succeeding crop years.

ADDRESS: Written comments on this notice may be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in Section 507(c) of the Federal Crop Insurance Act (7 U.S.C. 1507(c)), as amended by Pub. L. 96–365, 94 Stat. 1312, approved September 26, 1980, the Board of Directors of the Corporation authorized the use of contractors from the private sector to perform all services in connection with loss adjustment including, but not limited to;

1. Visiting farms to inspect damaged or destroyed crops during the growing season or following harvest;
2. Appraising potential production and giving consent to put the acreage to another use;
3. Explaining to insureds their responsibilities under the insurance contract and necessary filing procedures;
4. Determining cause and time of loss;
5. Determining actual production harvested, unharvested potential, and the amount of insured acres; and
6. Making measurements of farm-stored production.

Form FCIC–448, the Loss Adjustment and Contract Service Agreement, reproduced in part herein, prescribes the terms and conditions under which a private entity may be appointed as a contract loss adjuster.

This notice does not set out the provisions contained in Appendix I, since this document is lengthy; however, a copy will be made available to any qualified applicant for a Loss Adjustment and Contract Service Agreement.

Any interested party is invited to comment on the terms and conditions of the Loss Adjustment and Contract Service Agreement contained in this notice.

FCIC will consider all suggestions and may choose to offer publicly an additional or amended agreement or related document for subsequent crop years incorporating suggested changes.

The terms and conditions of the Loss Adjustment and Contract Service Agreement, effective with the 1983 and succeeding crop years, are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Loss Adjustment and Contract Service Agreement

For 19—— Crop Year

[ ] Tax
[ ] S.S. _____
(Identification Number)

(Name) _____

Contract Code

Designated Area

(City and State) _____
(Zip Code) _____
(Contractor's Telephone Number) _____

The Federal Crop Insurance Corporation (hereinafter referred to as the "Corporation") appoints the entity identified above (hereinafter referred to as the "Contractor") as a loss adjustment and field service contractor within the area designated on this agreement according to the provisions of 7 U.S.C. 1507(c), as amended by P.L. 96-365, 94 Stat. 1312.

I The Corporation and the Contractor hereby agree that such appointment shall be subject to the following terms and conditions:

1 The Contractor will perform all services in connection with loss adjustment as assigned by the Corporation including, but not limited to:
- a Visit farms to inspect damaged or destroyed crops during the growing season or following harvest as applicable;
- b Appraise potential production and give consent to have insured acreage put to another use;
- c Explain to insured producers their responsibilities under the insurance contract and necessary filing procedures;
- d Determine cause and time of loss;
- e Determine actual production harvested and unharvested potential and the amount of insured acres; and,
- f Make measurements of farm-stored production.

2 The Contractor will promote favorable relationships with insured producers and stimulate interest and understanding of the Federal Crop Insurance Program with present and potential policyholders.

3 All the required services shall be conducted in a manner set forth in procedures issued by the Federal Crop Insurance Corporation.

4 The Contractor and the Contractor's employees engaged in loss adjustment for the Corporation will be required to successfully complete, at the Corporation's expense, a program of classroom instruction as determined by the Corporation.

5 The Contractor shall keep such records and make such reports as may be required by the Corporation in an accurate and current manner of all activities related to the performance of this agreement. All work performed by the Contractor will be subject to review for accuracy and timeliness of service to insured producers. The Contractor will make its records available to any representative designated by the Corporation during reasonable hours. The Contractor will cooperate at all times with the Corporation in the investigation and litigation of claims.

6 The Corporation will compensate the Contractor for on-the-job training, loss adjustment and servicing, as specified in Appendix II attached.

7 The Corporation shall have the right to terminate the Contractor without advance notice if the Contractor knowingly has committed a material breach of this contract or knowingly has violated Federal law. In the event the Corporation terminates the agreement on this basis, the Corporation shall be liable to the Contractor for all compensation fully earned and for the fair value of other services rendered until the date of termination.

8 The Corporation will make payment to the Contractor on a bi-weekly basis upon submission by the contractor of the prescribed FCIC voucher form at the end of each bi-weekly period in which services are performed.

9 The Contractor shall understand and so advise the public that:
- a All findings with respect to field conditions are the property of and for the sole use of the Corporation.
- b The Contractor is not an employee and does not represent the Corporation on any matter other than specifically set forth herein.
- c the Contractor does not have the power to execute any waiver or incur any indebtedness on behalf of the Corporation.
- d The Contractor is liable for any intentional act or omission outside of or contrary to the scope of its authority and which would cause the Corporation to incur any liability whatsoever.

10 The Corporation reserves the right to modify or terminate this agreement at any time, upon giving the Contractor at least 60 days advance notice, if the Contractor's performance on loss adjustment or field servicing is deemed unsatisfactory by the Corporation, provided the Corporation has put the Contractor on notice of these performance standards, the performance standards are fairly applied on a nondiscriminatory basis to contractors similarly situated, and the Corporation has given the Contractor a reasonable opportunity to comply. Such standards will be considered a part of this agreement as though contained herein. In the event the Corporation terminates this agreement on this basis, the Contractor may continue to perform assigned services up until the date of termination and shall be entitled to full compensation for those services rendered.

11 The Contractor may cancel this agreement by giving at least 14 days advance written notice to the Corporation.

12 The Contractor agrees to give the Corporation priority in time available for loss adjustment over loss adjustments from other agencies, organizations or insurance firms.

13 The Contractor and any employee of the Contractor shall not engage in any selling, servicing or administration involving any policies of the Corporation or reinsured by the Corporation except as that work is assigned under the provision of this contract. This provision specifically does not prohibit the performance of loss adjustment service for other insurance companies as long as such loss adjustment work does not conflict with work assigned by the Corporation. This paragraph applies during the life of the contract and for one year after termination of the contract or termination of the employee status with the Contractor. The Contractor shall not engage in loss adjustment of any policy sold, administered or serviced by any member of the Contractor's family or the family of an employee of the Contractor unless the facts are reported to the Corporation and a written waiver is obtained.

14 The Corporation shall have the right to debar the Contractor or any employee of the Contractor in accordance with Office of Procurement Policy (OFPP), policy letter 82-1, and any amendment thereto (47 FR 28854-60). The Contractor shall provide the Corporation with a list of its Officers and Employees and shall amend that list within 15 days of any change. The Contractor agrees not to employ or contract with any individual or company who has been suspended or debarred by the Corporation or the United States during the term of such suspension or debarment.

15 Moneys due the Corporation from the Contractor or any employee of the Contractor shall be set off, in whole or in part, against any moneys payable to the Contractor or Contractor's employees, respectively, by the Corporation or any other United States Government agency.

II The Corporation and the Contractor further agree that the compensation rates and contract clauses in the appendixes hereto required by various statutes, regulations and executive orders are hereby made a part of the agreement to the extent that they are applicable.

Recommended by:
District Director _____
Date _____
Accepted and Executed by:
Service Contractor _____
Date _____

Approved and Executed for the Corporation by:
Contracting Officer _____
Date _____

Appendix II-STD to FCIC-448, Loss Adjustment and Contract Service Agreement

1 The Corporation will compensate the Contractor for loss adjustment and servicing as specified below:

A The Contractor will be paid at an hourly rate as stated below:

During formal classroom training None
On-job training prior to full certification $7.50
After full certification on at least two crops $10.00

B The Corporation will reimburse the Contractor for reasonable expenses which the Corporation has determined to be necessary in fulfilling this agreement. Such expenses will be paid in accordance with G&A travel regulations published for General Schedule government employees. During formal classroom training contractors will not be compensated, but will be reimbursed for travel and lodging.

C Payment for services will be made according to the Prompt Payment Act (31 U.S.C. § 1801 *et seq.*). The required payment date for this agreement shall be thirty days after receipt of a proper invoice for the amount of payment due. Proper invoices and filing procedures will be provided by the Corporation. Payment is conditional on the Contractor's meeting standards of performance, including the fulfillment of a minimum number of unit inspections, as established in writing by the Corporation.

D The Corporation will compensate and reimburse the Contractor for loss adjustment and servicing duties including, but not limited to: farm visits on which acreage is released or a final claim is prepared; and farm visits solely for the purpose of measuring farm-stored production at the insured's request.

E When producer data assigned to the Contractor for farm visit(s) includes work for Agricultural Stabilization Conservation Service (ASCS) purposes (whether solely for ASCS or in conjunction with Corporation work) the Contractor will be compensated for ASCS work at the same rates specified herein for FCIC.

2 In the event this agreement is terminated under Section 7 or 10 of the agreement and/or the Contractor withdraws from this agreement, any compensation paid to the Contractor and not earned, shall be returned to the Corporation.

3 In the event loss adjustment work performed by the Contractor must be performend again, and the original work is found to be incomplete or in error, the Contractor will not be compensated for the subsequent inspection.

This appendix is effective for the 19—— crop year for Contract Code No.——.

Initials	Date
Corporation	
Initials	Date
Service Contractor	

Done in Washington, D.C., on February 1, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

Dated: March 2, 1983.

[FR Doc. 8076 Filed 3-9-83; 8:45 am]

BILLING CODE 3410-09

Forest Service

1986–90 Period Operating Plan; Alaska Lumber and Pulp Co.; 50–Year Timber Sale; Tongass National Forest, Sitka, Alaska; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, USDA, Forest Service, will prepare an Environmental Impact Statement for the 5-year operating period 1986–90 of the Alaska Lumber and Pulp Company (ALP) 50–year timber sale and for advanced roading associated with other operating periods.

The proposed activity is to harvest 525 million board feet of timber plus an unestimated volume of timber carried over from previous operating periods, and construct roads, terminal transportation facilities, and logging communities. These actions are authorized under the existing 50–year timber sale contract between the United States Department of Agriculture and ALP and in accord with the Tongass National Forest Land Management Plan. The 50-year timber sale operating area includes portions of Chichagof, Baranof, Kruzof, and Kuiu Islands in southeast Alaska.

Public involvement will include inviting participation from those Federal, State, and local agencies, organizations, and individuals interested in the scoping process, which includes: (1) Identification of those issues to be addressed; (2) indentification of issues to be analyzed in depth; (3) elimination of insignificant issues or those which have been covered by previous environmental reviews; (4) determination of potential cooperating agencies, and assignment of responsibilities. Notice of the initiation of the scoping process will also be sent to the news media.

The Forest Service will develop a range of alternatives that will address the various issues, concerns, and opportunities established in the scoping process. One of the alternatives considered will be a no action alternative which will be within the guidelines of the Tongass Land Management Plan and responsive to the timber sale contract. Other possible alternatives will vary the amount of pre-roading, the location of cutting units and roads, and the areas to be available for harvest. Alternatives include: (1) A highly economical alternative that provides a maximum return on investment; (2) a normal harvest alternative such as occurred in past harvest practices, and which includes a mix of economical and economically marginal timber volume; (3) maximum utilization of timber volumes requiring advanced, and costly, harvesting techniques, including helicopter and multi-span skyline systems.

The preliminary issues and concerns that were identified from past planning efforts include: (1) What are the social and economic impacts of logging and associated development on existing communities? (2) Is there enough volume in the contract area to fulfill the life of the contract? (3) What are the costs of implementing the 1986–90 Operating Plan as compared to the value of the product? (4) Are interconnected transportation systems between communities desirable? (5) What is the potential for a loss of soil productivity? (6) How will fish habitat, wildlife habitat, water quality, be maintained? (7) How will the change in land base as a result of Native Corporation and State land selection affect the timber sale? (8) What is the potential for blowdown, and what would be an appropriate process for dealing with blowdown as it occurs in the 1986–90 Operating Period? (9) What will be the logistics, cost and environmental impacts, of the proposed logging camp locations? (10) How will technically marginal timber be phased into the harvesting plan? (11) How will substitution of timber volume from wilderness areas within the 50-day timber sale contract be accommodated?

The analysis is expected to take about eight months. It is anticipated that the Draft Environmental Impact Statement should be available for public review in December 1983 and the Final Environmental Impact Statement is expected to be completed in May of 1984. Implementation of harvest activities would not occur until after December 1985.

The responsible official is R. Max Peterson, Chief of the Forest Service. Comments on this Notice of Intent or on the proposed activity should be sent to William P. Gee, Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 1980, Sitka, Alaska 99835, or John M. Hughes, Forest Supervisor, Stikine Area, Tongass National Forest, P.O. Box 3091 Petersburg, Alaska 99833 by April 1, 1983.

Dated: February 28, 1983.

F. Dale Robertson,

Associate Chief, Forest Service

[FR Doc. 83-6084 Filed 3-9-83; 8:45 am]

BILLING CODE 3410-11-M

Deschutes National Forest Grazing Advisory Board; Meeting

The Deschutes National Forest Grazing Advisory Board will meet at 10 a.m. on March 30, 1983, at the Forest Supervisor's Office, 211 NE Revere, Bend, Oregon 97701. The purpose of this meeting is:

1. Review Deschutes National Forest Range Management Program for 1983 and 1984.

2. Review Allotment Management Plans and Range Betterment Funds.

3. Review status of Forest Land and Resource Management Plan.

4. Open discussion of topics of interest to the Advisory Board.

This meeting will be open to the public. Persons who wish to attend should contact Will Griffin, 211 NE Revere, Bend, Oregon 97701, telephone 382–6922, extension 382.

Dated: March 4, 1983.

Wallace S. Qual,

Acting Forest Supervisor.

[FR Doc. 83-6077 Filed 3-9-83; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Case No. 640]

Robert J. Lambert d.b.a. Computer and Test Systems, et al.; Order Temporarily Denying Export Privileges

In the matter of: Robert J. Lambert d.b.a. Computer and Test Systems, 5671 Via Ceresa, Yorba Linda, California 92686; Dierk Hagemann d.b.a. Uni-Data World Transport Corporation, 110 Standard Street, El Segundo, California 90245; and Albert Franz Kessler, 20 Kennel Street, 8800 Thawil, Switzerland.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Robert J. Lambert, doing business as Computer and Test Systems, 5671 Via Ceresa, Yorba Linda, California 92686, Dierk Hagemann, doing business as Uni-Data World Transport Corporation, 110 Standard Street, El Segundo, California 90245, and Albert Franz Kessler, 20 Kennel St., 8800 Thawil, Switzerland.

The Department states that separate administrative proceedings have been initiated against the respondents by the Department's Office of Export Enforcement alleging specific violations of the Regulations as follows: (i) That, in order to carry out certain transactions, the respondents conspired to export certain U.S.-origin electronic testing equipment from the United States to Switzerland without the validated export licenses required by the Regulations; (ii) that Mr. Kessler exported or attempted to export this equipment without the required validated export license; (iii) that Mr. Hagemann caused documents and records relating to the purchase and delivery of this equipment to be destroyed; (iv) that Mr. Lambert subsequently filed two license applications representing that the destination for this equipment was Tijuana, Mexico, knowing, however, that the actual destination was Zurich, Switzerland; and (v) that these respondents may attempt future exports contrary to the Regulations, either directly or through one or more of the known related parties, unless appropriate action is taken to preclude such attempts.

The Department further states that on September 7, 1982, a federal jury found: (1) Messrs. Lambert, Hagemann and Kessler guilty of conspiring to export U.S.-origin electronic testing equipment from the United States to Zurich, Switzerland without having first obtained the required validated export licenses from the Department; (2) Mr. Kessler guilty of attempting to export the same equipment from the United States in violation of the Regulations, and Messrs. Lambert and Hagemann guilty of aiding and abetting such attempt; (3) Mr. Hagemann guilty of causing documents and records relating to the purchase and delivery of this equipment to be destroyed; and (4) Mr. Lambert, doing business as Computer and Test Systems, guilty of knowingly and willfully making false statements and representations to a government agency (the Department).

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Robert J. Lambert, doing business as Computer and Test Systems, Dierk Hagemann, doing business as Uni-Data World Transport Corporation, and Albert Franz Kessler, and to related parties, is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. III 1979)), and the Regulations and to avoid circumvention of the administrative proceedings.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents and employees and to any successor. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Business organizations and individuals now known to be owned by or affiliated with the named respondents, and which are accordingly subject to the provisions of this order, are:

Export Assistance Services, 5671 Via Ceresa, Yorba Linda, California 92686;
Warner Trading Corporation, 5671 Via Ceresa, Yorba Linda, California 92686;
Mrs. Margaret Lambert, 5671 Via Ceresa, Yorba Linda, California 92686;
Manuel Rodrizuez d.b.a. Export Assistance Services, 5671 Via Ceresa, Yorba Linda, California 92686;
Computer Information Systems, also known as (C.I.S.), P.O. Box 90280, Los Angeles, California 90009;

Uni-Data Systems, P.O. Box 90280, Los Angeles, California 90009;
Uni-Data World Ocean Transport Inc.;
Uni-Data Customs Brokers Inc.;
Uni-Data Transport Ltd., London, England and Zurich, Switzerland.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of the administrative proceedings initiated against the respondents. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-designated related parties.

Dated: February 28, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-6181 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-DS-M

Telecommunications Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place: March 31, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230; telephone 202-377-2583.

Dated: March 3, 1983.

John K. Boidock,

Director, Office of Export Administration.

[FR Doc. 83-6180 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Minority Business Development Center Program, Jacksonville, Fla.; Soliciting Applications

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning July 1, 1983, in the Jacksonville, FL SMSA. The cost of the project is estimated to be $187,000. The maximum Federal participation amount is $168,300. The minimum amount required for non-Federal participation is $18,700. The award number will be 04-10-83006-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 7, 1983.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, NE., Suite 505, Atlanta, GA 30309.

FOR FURTHER INFORMATION CONTACT: Gordon M. Anderson/Karen Davis; telephone (404) 881-3094.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will

provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process

All proposals received as a a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff* —provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm:

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff:

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) Cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should

be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC) Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms

This program is subject to OMB Circular A–95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be held at the above address on March 24, 1983 at 1:00 p.m.

Dated: March 1, 1983.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Stanley W. Tate,

Regional Director.

[FR Doc. 83-6148 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will hold its 45th regular meeting to consider the draft fishery management plan for the shallow-water reef fish fishery of Puerto Rico and the U.S. Virgin Islands to discuss U.S.-Dominican Republic boundary negotiations, as well as discuss other related Council business.

DATES: The Council's public meeting will convene on Monday, April, 11, 1983, at approximately 2 p.m., and will adjourn at approximately 5 p.m; reconvene on Tuesday, April 12, 1983, at approximately 9:30 a.m., and will adjourn at approximately 5 p.m.

ADDRESS: The public meeting will take place at the Frederiksted Fort, Conference Room, Frederiksted, St. Croix, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Banco de Ponce Building, Suite 1108, Hato Rey, Puerto Rico 00918; telephone (809) 753–4926.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6193 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), will meet to discuss comments by the Advisory Panel and the Scientific and Statistical Committee on the red drum fishery profile; discuss public and federal comments on the proposed amendment to the Shrimp and Stone Crab Fishery Management Plans (FMP's); consider amendment to the Coastal Migratory Pelagics FMP, as well as discuss other fishery management and administrative matters, as appropriate.

DATES: The public meetings will convene on Wednesday, April 6, and Thursday, April 7, 1983, at approximately 8:30 a.m., both days, and will adjourn at approximately 5 p.m., on April 6, and at approximately noon, on April 7. The public meetings will take place at the Harbour House Restaurant, 3001 West 10th Street, Panama City, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; telephone (813) 228–2815.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6195 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council and New England Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), and the two Councils will hold joint and separate public meetings. The New England Council will meet separately to discuss reports from the Lobster Oversight and Demersal Finfish Committees, as well as discuss other fishery management and administrative matters. The Mid-Atlantic Council will meet separately to discuss the gear conflicts amendment, the Surf Clam/Ocean Quahog Fishery Management Plan (FMP), the status of other FMP's, as well as other fishery management and administrative matters. The two Councils will also meet jointly to discuss the Surf Clam/Ocean Quahog FMP, joint ventures, the status of other FMP's, as well as other fishery management and administrative matters. The meetings may be lengthened or shortened depending upon progress on the agenda.

DATES: The public meetings will convene at approximately 8:30 a.m., on April 6, 1983, and will adjourn at approximately 5 p.m., on April 7, 1983, at the Sheraton Inn Coliseum, 1215 West Mercury Boulevard, Hampton, Virginia.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, Delaware 19901; telephone (303) 674–2331.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Division, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6194 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council's Surf Clam and Ocean Quahog Subpanel; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), has established a Surf Clam and Ocean Quahog Subpanel, which will meet to discuss alternatives to Amendment #4 to the Surf Clam and Ocean Quahog Fishery Management Plan.

DATES: The public meeting will convene on Saturday, March 26, 1983, at approximately 10 a.m., and will adjourn at approximately 4 p.m. The meeting may be lengthened or shortened or agenda items rearranged, depending upon progress on the agenda.

ADDRESS: The public meeting will take place at Jonathan's at the Hub, Route 13 and Loockerman Street, Dover Delaware.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901; telephone (302) 674–2331.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6166 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Agenda Amendment

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: The agenda for the public meeting of the South Atlantic Fishery Management Council, as published in the **Federal Register**, March 4, 1983 (48 FR 9330), has been changed to include a partially closed session by the Council to discuss personnel matters, on Wednesday, March 23, 1983, from approximately 1 p.m. to 4 p.m. All other information as previously published remains unchanged.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407; telephone (803) 571–4366.

Dated: March 7, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 83-6165 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Invention; Notice of Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Health and Human Services
- SN 6–457,352 Plasmid Cloning vector pAS1
- SN 6–294,203 (4,372,888) nondenaturing Zwitterionic Detergents
- SN 6–170, 570 (4,371,673) Water Soluble Forms of Retinoids
- SN 6–769, 606 (4,371,463) Enzyme-Resistant Opiate Pentapeptides
- SN 6–160, 373 (4,371,540) Nitroimidazoles of Low Toxicity and High Activity as Radiosensitizers of Hypoxic Tumor Cells

Department of Agriculture
- SN 6–258, 462 (4,371,469) Process for the Preparation of Branched Chain Fatty Acids and Esters

Department of the Air Force
- SN 6–107, 648 (4,370,854) Fuel Valve

Department of the Army
- SN 6–202, 281 (4,371,784) Thin Film Plane-Polarized Intensity Pickoff
- SN 6–227, 890 (4,371,884) Inas-Gasb Tunnel Diode
- SN 6–279,394 (4,371,968) Monolithic Injection Laser Arrays Formed by Crystal Regrowth Techniques
- SN 6–208,961 (4,371,866) Real-Time Transformation of Incoherent Light Images to Edge-Enhanced Darkfield Representation for Cross-Correlation Applications
- SN 6–140,029 (4,372,211) Thermoelectric Power Supply for Warheads
- SN 6–148,889 (4,372,217) Double Ramp Discarding Sabot
- SN 6–219,040 (4,372,182) First Motion Detector

[FR Doc. 83-6140 Filed 3-9-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Air Force

National Security Telecommunications Advisory Committee; Closed Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) Resource Enhancements Working Group will be held beginning at 9:00 a.m. on Tuesday, March 29, 1983. The meeting will continue through Wednesday, March 30, 1983. The meeting will be held in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

A. Opening Remarks.

B. Review of NSTAC Statellite Survivability Process.

C. Government Statement of Requirements.

D. Review and Analysis of Industrial Statellite Survivability Papers.

E. Symposia on Survivability Enhancements.

F. Prioritization of Recommended Enhancements.

G. Adjournment.

Any person desiring information about the meeting may telephone (Area Code 202–692–9274) or write the Manager of the National Communications System, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

Joseph C. Wheeler,

Colonel, USAF, NCS Joint Secretariat.

March 2, 1983.

[FR Doc. 83-6143 Filed 3-9-83; 8:46 am]

BILLING CODE 3510-35-M

Air University Board of Visitors; Meeting

The Air University Board of Vistitors will hold an open meeting at 6:30 pm on 12 April 1983 in the Old South Room of the Maxwell Officers' Club, Maxwell Air Force Base, Alabama.

The purpose of the meeting is to give the board an opportunity to present to the Commander, Air University, a report of the findings and recommendations concerning Air University educational programs.

For further information on this meeting, contact Dr. Dorothy D. Reed, Coordinator, Air University Board of

Visitors, Headquarters, Air University, telephone (205) 293–5157.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–6161 Filed 3–9–83; 8:45 am]

BILLING CODE 3910–01–M

Scientific Advisory Board Ad Hoc Committee on Potential Military Utility of Manned National Space Station, Meeting

February 25, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on the Potential Military Utility of a Manned National Space Station will meet at the Pentagon, Washington, DC on March 24–25, 1983. The purpose of the meeting will be to review past studies and experimental results of pertinent Air Force programs. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. each day.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8845.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–6160 Filed 3–9–83; 10:41 am]

BILLING CODE 3910–01–M

Office of the Secretary

Defense Science Board Task Force on Close Air Support; Advisory Committee Meeting

The Defense Science Board Task Force on Close Air Support will meet in closed session on 5 thru 7 April 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 5 thru 7 April 1983, the Task Force will consider the potential for improving our capability to achieve sustained effectiveness of close air support in the future air-land battles.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

Dated: March 7, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83–6159 Filed 3–9–83; 8:45 am]

BILLING CODE 3910–01–M

Overseas Dependents Schools; National Advisory Panel on the Education of Handicapped Dependents; Meeting

The National Advisory Panel on the Education of Handicapped Dependents will meet in open session from 9 a.m. to 4 p.m., 22–24 March 1983, at the Hoffman Building, II Room 12N56, 2460 Eisenhower Avenue, Alexandria, Virginia.

The mission of the Panel is to advise the Director, Department of Defense Dependents Schools (DoDDS), of unmet needs within the system for the education of handicapped children, to comment publicly on rules and regulations proposed for issuance by the Office of Dependents Schools (ODS) concerning education for the handicapped and on procedures for distribution of funds, and to assist ODS in developing and reporting all data and evaluation as may assist the Director in performance of her responsibilities under section 618 of Pub. L. 94–142.

The Panel will review the following areas: eligibility criteria, monitoring procedures, and program development.

This meeting is open to the public; however, due to space constraints, anyone wishing to attend should contact the ODS coordinator, Dr. Diane Goltz, Chief, Special Education, 2461 Eisenhower Avenue, Alexandria, Virginia 22331, (202) 325–7810.

Dated: March 2, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83–6162 Filed 3–9–83; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs

Civil Uses of Atomic Energy; Proposed Subsequent Arrangement; Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of a contract for the sale of 15,322 grams of uranium-233 to Atomic Energy of Canada, Ltd., for use in the study of thorium fuel cycles.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 4, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83–6158 Filed 3–9–83; 8:45 am]

BILLING CODE 6450–01–M

Civil Uses of Atomic Energy; Proposed Subsequent Arrangement; Japan

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the return of 13.4 kilograms of highly enriched research reactor fuel from the Kyoto University reactor in Osaka, Japan for reprocessing and storage at the DOE facility in Idaho.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security. This arrangement for the return of U.S. origin highly enriched uranium (HEU) is consistent with U.S. non-proliferation objectives in that it serves to reduce the amount of HEU abroad.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 4, 1983.

George J. Bradley, Jr.,

Acting Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-6187 Filed 3-9-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, March 3, 1983. The listing does not contain information collection requirements contained in regulations which are to be submited under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, March 3, 1983

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, DC 20503

Jefferson B. Hill, Department of Energy, Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503

Vartkes Broussalian, Federal Energy Regulatory Commission, Desk Oficer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washingtom, D.C., March 7, 1983

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE Forms Under Review by OMB

Form No.	Form title	Type of Request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
EIA: EIA-142	International Energy Agency Imports/ Stocks-at-Sea Report.	Revision	Monthly	Mandatory	Importers of Crude oil, Natural gas liquids, feedstocks and petroleum products.	78	7956	Form EIA-142 is used to collect information on imports and stocks at sea of crude oil, natural gas liquids, feedstocks and petroleum products. The information is used to meet reporting requirements set by the International Energy Agency.
EIA-627	Annual Quantity and Value of Natural Gas Report.	Reinstatement	Annual	Voluntary	State Energy Offices	31	93	Form EIA-627 is designed to obtain information on gas production, the value of marketed natural gas and the number of producing gas wells. Data are used as input to the *Natural Gas Annual*, the *Natural Gas Monthly*, the *Monthly Energy Review* and the *Quarterly* and *Annual Reports to Congress*.
FERC: FERC-521	Headwater Benefits	Extension	On occasion	Mandatory	Electric Utilities or Industrial Plants.	10	801	Data reported on FERC-521 are needed to carry out the legislation requirements of section 10(f) of the Federal Power Act.

[FR Doc. 83-6188 Filed 3-9-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP83-176-000]

Consolidated Gas Supply Corp.; Application

March 7, 1983

Take notice that on January 31, 1983, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP83-176-000 an application pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Corning Natural Gas Corporation (Corning) under a combined service agreement which reflects Corning's acquisition of the utility assets of Southern Tier Gas Corporation (Southern Tier), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes the sale of natural gas to Corning as successor to Southern Tier, another customer of Applicant, under a combined service agreement, dated November 19, 1982. The application states that no change in sales obligations, rates, or charges would result from the proposed combination of the Corning and Southern Tier service agreements and that no new or additional jurisdictional facilities are required to be constructed in connection with the instant proposal. It is asserted that the only change not a result of the combination of Applicant's existing service agreements is the addition to Article IV of the agreement of two new delivery points in the Village of Bath, New York. These delivery

points are off-system, wholly intrastate connections for delivery of locally-produced gas purchased by Consolidated and resold to Corning, without commingling with Consolidated's general system supply, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held witout further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on it own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6176 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-188-000]

El Paso Natural Gas Co.; Application

March 7, 1983.

Take notice that on February 9, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-188-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas metering facilities and the deletion of a balancing point with Northwest Pipeline Corporation (Northwest) all located in La Plata County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that by order issued January 22, 1974, in Docket No. CP73-331, *et al.*, the Commission approved activities that were to be undertaken pursuant to a San Juan Gathering Agreement dated January 31, 1974, as amended, between Applicant and Northwest. The gathering agreement, it is said, provides for the mutual gathering and exchange of natural gas in the San Juan Basin area of northwestern New Mexico and southwestern Colorado. The authorizations, it is stated, granted by the Commission's January 22, 1974, order permitted Applicant and Northwest to utilize, among other things, a point of interconnection between their respective gathering systems in the San Juan Basin area referred to as the Point of Interconnection No. 2 in order to achieve the balancing of deliveries of exchange gas under the gathering agreement. Said Point of Interconnection No. 2 is located at the intersection of Applicant's Trunk 4A-39 pipeline and Northwest's Trunk K pipeline in La Plata County, Colorado, it is asserted.

Applicant states further that subsequent to the installation and initial operation of the Point of Interconnection No. 2 pressure differentials between gathering pipelines of Applicant and Northwest developed which made the exchange of balancing gas at that point impractical. Applicant asserts that as a direct consequence no balancing gas has been delivered by the parties at the Point of Interconnection No. 2 since December 1976. Moreover, it is stated, since the gathering agreement currently provides for four additional balancing points, Applicant and Northwest do not anticipate the need for the Point of Interconnection No. 2 in the future. Applicant and Northwest, it is said, have therefore entered into an amendatory agreement dated December 21, 1982, wherein the parties have mutually agreed to delete said balancing point from the gathering agreement. Accordingly, Applicant requests permission and approval to remove the idle metering facilities, consisting of two standard 12¾ inch O.D. orifice-type meter runs with appurtenances and place them in stock for future use.

Applicant states that no interruption, reduction or termination of natural gas service presently rendered by Applicant to any of its customers would result upon effectuation of the abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6177 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI75-122-001, et al.]

Getty Oil Company, et al.; Applications To Amend Certificates To Establish Entitlement To Section 109 Price[1]

March 7, 1983.

Take notice that each of the Applicants listed herein has either filed

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's right to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d. 376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-122-001, February 14, 1983	Getty oil company, Post Office Box 1404, Houston, Texas 77251.	Trunkline Gas Company	(1)	
CI77-17-001 February 14, 1983	do	Transco Gas Supply Company	(1)	
CI78-256-002 February 14, 1983	do	United Gas Pipeline Company	(1)	
CI78-1103-001 February 14, 1983	do	United Gas Pipeline Company	(1)	

[1] Applicant proposes to amend certificate to establish Applicant's entitlement to collect section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC* 649 F2d 376.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 83-6178 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 83-2-37-000 (PGA 83-2, IPR 83-2)]

Northwest Pipeline Corporation; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 4, 1983.

Take notice that Northwest Pipeline Corporation (Northwest), on February 15, 1983, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchase Gas Cost Adjustment Provisions ("PGAC"), contained in its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's cost of purchased gas which will become effective during the period April 1, 1983 through September 30, 1983, applied to volumes purchased for the 12-month period ending December 31, 1982; (2) its change in unrecovered purchased gas costs since Northwest's prior PGAC filing dated August 16, 1982; and (3) projecting incremental surcharges to be assessed Northwest's affected direct and sales for resale customers pursuant to Order 49. Northwest has included as part of this change in rates costs associated with its pre-1973 leasehold production valued at the applicable NGPA rates pursuant to the March 2, 1982 mandate of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Company* v. *FERC* 664 F.2d 530 (1981).

The current PGAC adjustment, for which notice is given herein, aggregates to a decrease of 1.079¢ per therm in all rate schedules affected by and subject to the PGAC. The annualized change in Northwest's rates is a decrease of $21,176,728. Northwest proposes to recover through a surcharge the adjusted balance of ($3,598,921) in its current deferral subaccount of FERC Account No. 191, as of December 31, 1982. The proposed change in rates from the PGAC and the other changes proposed by Northwest would result in a net decrease in its annual revenues from jurisdictional sales and service of $32,182,657.

Northwest is concurrently filing a notice of change in rates applicable to Section 13.7, Changes in Rates to Reflect Curtailment Credits, contained in its First Revised Volume No. 1 Tariff. In accordance with Article 13.7 contained in the aforementioned tariff, the current rate adjustments under the Demand Charge Credit Adjustment provision is to become effective on Northwest's PGAC adjustment date. Accordingly, both rate ajustments are reflected on the tendered First Amended Eighth Revised Sheet No. 10 which is proposed to become effective on April 1, 1983. Northwest also tendered for filing and acceptance Sixth Revised Sheet No. 10-B. Sixth Revised Sheet No. 10-B sets forth revised projected incremental pricing surcharges to become effective April 1, 1983 as part of the instant filing.

A copy of this filing has been served on all parties on record in Docket No. RP72-154, upon all jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6140 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 3174-001, et al.]

Ptarmigan Resources and Energy, Inc., et al; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: License Less than 5MW

b. Project No: 3174-001

c. Date Filed: January 5, 1983

d. Applicant: Ptarmigan Resources and Energy, Incorporated

e. Name of Project: Vallecito

f. Location: Los Pinos River, near the City of Durango, La Plata County, Colorado

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r)

h. Contact Person: Johnnie A. Siegfried, President, Ptarmigan Resources and Energy, Inc., P.O. Box 292, Durango, Colorado 81301

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's Vallecito Dam, Reservoir and adjacent lands and would consist of: (1) A new concrete headwall/intake structure connected to the existing outlet works; (2) a new 1200-foot long, 16-foot deep, 60-foot wide power canal; (3) a new 8.5-foot diameter, 80-foot long welded steel penstock; (4) a new powerhouse containing a single 2,350 kW turbine-generator; (5) an outlet channel; (6) an 1,800-foot long, 12.4-kV transmission line; and (7) appurtenant facilities. The Project would generate up to 8,500,000 kWh annually. The application was filed during the term of Applicant's preliminary permit for Project No. 3174.

k. Purpose of Project: Energy produced at the project would be sold to the local electric cooperative

l. This notice also consists of the following standard paragraphs: A2, B, C, D1

2a. Type of Application: Major License (Over 5 MW)

b. Project No.: P-3344-002

c. Date Filed: January 10, 1983, and revised on January 20, 1983

d. Applicant: Town of Gassaway, West Virginia

e. Name of Project: Sutton

f. Location: On the Elk River, near the Towns of Sutton and Gassaway, Braxton County, West Virginia

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r)

h. Contact Person: Mr. Robert R. Sowa, 183 Main Street, Sutton, West Virginia 26601

i. Comment Date: April 27, 1983.

j. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Sutton Dam and would consist of: (1) New trash bars; (2) a new 16-foot-diameter penstock connected to three existing outlet sluices; (3) a new gated by-pass; (4) a new powerhouse containing two generating units having a total rated capacity of 12,000-kW operated under an 89-foot-head and at a flow of 1,730 cfs; (5) a tailrace; (6) a new switchyard; (7) a new 1,400-foot-long 138-kV transmission line; and (8) miscellaneous appurtenant facilities

Applicant proposes to reschedule the flow from the reservoir to generate the maximum energy during peak hours. Applicant estimates that the proposed project would cost $12,500,000. The application was filed during the term of Applicant's preliminary permit for Project No. 3344

k. Purpose of Project: Project energy would be sold to Allegheny Power System. Applicant estimates that the average annual energy output would be 50 GWh

l. This notice also consists of the following standard paragraphs: A2, B and C

3a. Type of Application: License (5 MW or Less)

b. Project No.: 4881-002

c. Date Filed: September 7, 1982

d. Applicant: Ada County, City of Boise, & Arthur L. Bloom

e. Name of Project: Barber Dam

f. Location: On Boise River, near Boise, in Ada County, Idaho

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. Contact Person: William Kenney, Perito, Duerk, Carlson and Pinco, Suite 400, 1140 Connecticut Ave. NW., Washington, D.C. 20036

i. Comment Date: April 8, 1983.

j. Competing Application: Project No. 3598. Date Filed: 10/22/80. Notice Issued: 2/1/81

k. Description of Project: The Barber Damn Project would consist of: (1) The existing 1,500-foot-long, 25-foot-high embankment and timber-crib Barber Dam; impounding (2) a 180-acre reservoir; (3) a new intake structure; (4) a concrete powerhouse containing three generating units with a total installed capacity of 4,140 kW; (5) a 100-foot-long concrete tailrace; and (6) a 175-foot-long transmission line. The run-of-the-river project would have an estimated average annual generation of 16.5 million kWh

l. Purpose of Project: The energy generated by the project would be sold to Idaho Power Company

m. This notice also consists of the following standard paragraphs: A2, B, C, D1

4a. Type of Application: Exemption of Small Hydroelectric Power Project

b. Project No: 6186-000

c. Date Filed: April 7, 1982

d. Applicant: Birch Creek Hydro

e. Name of Project: Birch Creek

f. Location: Inyo County, California

g. Filed Pursuant to: 18 CFR Part 4 Subpart K (1980)

h. Contact Person: Mr. K. Thomas Miller, President, Fluid Energy Systems, Inc., 2210 Wilshire Blvd., #899, Santa Monica, California 90403.

i. Comment Date: April 11, 1983.

j. Description of Project: The proposed project would consist of: (1) 2 proposed powerhouses, each containing 1 generating unit rated at 1,808 kW and 3,120 kW, respectively; (2) proposed diversion and intake structures; (3) proposed steel penstocks and pipelines, ranging in size from 24 inches to 42 inches; (4) proposed 13 kV and 34 kV transmission lines; (5) proposed solar power pumping system; and (6) appurtenant facilities. The average annual energy output would be 19,942,584 kWh. The Applicant would utilize lands owned by the U.S. Forest Service and the Bureau of Reclamation.

k. Purpose of Project: The Applicant proposes to sell the generated power to Southern California Edison.

l. This notice also consists of the following standard paragraph: A1, B, C, and D3a

5a. Type of Application: 5 MW Exemption

b. Project No: P-6802-000

c. Date Filed: October 26, 1982

d. Applicant: Snowbird, Ltd.

e. Name of Project: Little Cottonwood Creek/Tannersville

f. Location: Salt Lake County, Utah; Little Cottonwood Creek

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Gale C. Corson, P.E., 594 SE Craven Rd., Bend, Oregon 97702.

i. Comment Date: April 8, 1983.

j. Description of Project: The proposed totally unconstructed and run-of-the-river project would consist of: (1) A reinforced concrete diversion structure, approximately 50.0 feet long and 6.0 feet high, and extending from bank to bank;

(2) a reservoir having negligible storage capacity; (3) a steel penstock, 36.0-inches in diameter, and approximately 5,550 feet long; (4) a powerhouse with two generating units, one 390 kW and the other 2,045 kW, giving a total installed capacity of 2,435 kW; (5) an underground 25-kV transmission line, approximately 0.2-miles long; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.2 million kWh. The project would be located within the Wasatch National Forest. Project power would be sold to the Utah Power & Light Company.

k. Purpose of Exemption: An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

l. This notice also consists of the following standard paragraphs: D3a, A1, B and C.

6a. Type of Application: License (under 5 MW)

b. Project No.: 6951–000

c. Date Filed: December 21, 1982

d. Applicant: Oglethorpe Power Corporation

e. Name of Project: Tallassee Shoals Hydro Project

f. Location: The Middle Oconee River in Clarke and Jackson Counties, Georgia

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Donald L. Martin, Oglethorpe Power Corporation, 2888 Woodcock Blvd., Atlanta, Georgia 30346

i Comment Date: April 29, 1983

j. Description of Project: The proposed project would consist of: (1) An existing quarry rock dam 365 feet long and 25 feet high with a 70-foot-wide breach; (2) a proposed impoundment with a surface area of 37 acres and with a storage capacity of 350 acre-feet; (3) the proposed installation of two 950 kW generator/turbine units for a total installed capacity of 1.9 MW; (4) the proposed refurbishing of a 1400-foot-long and 20-foot-wide headrace; (5) the proposed refurbishing of two existing penstocks which are 8-feet in diameter and which are 60 and 100 feet long respectively; (6) the proposed reconstruction of a powerhouse on the foundation works of the original powerhouse; (7) the proposed interconnection with Georgia Power Company less than one-mile from the project; and (8) appurtenant facilities. The average annual generation is estimated to be 8.0 GWh

k. The notice also consists of the following standard paragraphs: A2, B, C, and D1

7a. Type of Application: Preliminary Permit

b. Project No.: 6960–000

c. Date Filed: December 27, 1982

d. Applicant: Midvale Irrigation District

e. Name of Project: Pilot Canal Chute Hydroelectric Power Development

f. Location: Pilot Canal, Fremont County, Wyoming

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Jack Long, Manager, Midvale Irrigation District, Post Office Box 126, Pavillion, Wyoming 82523

i. Comment Date: May 2, 1983

j. Description of Project: The proposed project would consist of: (1) A proposed diverion structure at the head of the existing Pilot Canal Chute; (2) a proposed penstock; (3) a proposed powerhouse at the bottom of the Pilot Canal Chute, with an estimated installed capacity of 2,500 kW; (4) a proposed transmission line to an existing substation about 6 miles from the site; and (5) appurtenant facilities. Applicant estimates the average annual generation to be 7.0 GWh

k. Purpose of Project: The Applicant proposes to market the power generated in an appropriate local power market

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

8a. Type of Application: Minor License

b. Project No: 6961–000

c. Date Filed: January 3, 1983

d. Applicant: Ray E. Toney

e. Name of Project: South Canal Hydroelectric

f. Location: Adjacent to the existing by-pass chute connecting the High Line Canal to the South Canal in the Stony Creek basin, on U.S. Bureau of Reclamation land in Glenn County, California.

g. Filed Pursuant to: Federal Power Act (16 U.S.C. 791(a)–825(r))

h. Contact Person: Larry A. Toney, P.O. Box 1342, Redding, California 96099

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would utilize an existing irrigation canal and would consist of: (1) A gated intake structure; (2) two 48-inch-diameter, 130-foot-long concrete penstocks; (3) two turbine-generators with a total rated capacity of 350 Kw and an average annul output of 1.2 GWh; (4) a control building; and (5) a 150-foot-long transmission line connecting to an existing power line. Project construction would include extending the access road 130 feet and adding a 12-foot by 15-foot parking area. The Applicant expects the project to cost $400,000.

k. Purpose of Project: To generate electric power for sale to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1

9a. Type of Application: Preliminary Permit

b. Project No.: 6969–000

c. Date Filed: January 10, 1983

d. Applicant: Winterflow Hydro, Inc.

e. Name of Project: Little Sardine Creek

f. Location: On Little Sardine Creek, in Linn County, Oregon

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Thomas J. Gallagher, President, Winterflow Hydro, Inc., P.O. Box 40352, Portland, Oregon 97240

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would consist of: (1) A 4-foot-high, 36-foot-long diversion structure; (2) a 3-foot-high, 24-foot-long intake structure; (3) a 30-inch-diameter, 600-foot-long conduit; (4) a 12-inch-diameter, 4,500-foot-long penstock; (5) a powerhouse containing a single generating unit with a rated capacity of 305 kW, operating under a head of 1,200 feet; and (6) a transmission line tying into an existing Consumers Power, Inc., line. The average annual energy output would be 1,336,000 kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project. The estimated cost for conducting these studies is $25,000. No new access roads will be required for the purpose of conducting these studies.

k. Purpose of Project: Project power will be sold to Consumers Power, Inc.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

10a. Type of Application: Preliminary Permit

b. Project No: 7014–000

c. Date Filed: January 20, 1983

d. Applicant: Malta, *et. al.* Irrigation Districts of Montana

e. Name of Project: Fresno Dam Hydro Project

f. Location: Havre, Hill County, Montana

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r)

h. Contact Person: Mr. Sever Enkerud, Tampico Route, Glasgow, Montana 59230

i. Comment Date: April 8, 1983.

j. Competing Application: Project No. 6750–000 Date Filed: October 4, 1982. Notice Due Date: February 11, 1983.

k. Description of Project: The proposed project would be located at the Bureau of Reclamation's Fresno Dam and consists of: (1) A proposed penstock; (2) a new powerhouse to be located on the east side of the existing stilling basin with an installed capacity of 2.6 MW and an average annual generation of 8.8 GWh; (3) transmission lines; and (4) appurtenant facilities. All power generated would be sold to Montana Power Company or a local utility.

l. This notice also consists of the following standard paragraphs: A3, B, C, and D2

11a. Type of Application: Preliminary Permit

b. Project No: 7042–000

c. Date Filed: February 1, 1983

d. Applicant: Cities of Minden, Natchitoches and Ruston, Louisiana

e. Name of Project: Red River Lock and Dam #2

f. Location: Red River mile 89, near the towns of Vick and Pollard, Rapides Parish, Louisiana

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r)

h. Contact Person: Ralph L. Laukhuff, Jr., Vice President, Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers Red River Lock and Dam #2. The project would consist of a new powerhouse located adjacent to or integral with the Corps' dam structure, containing turbine-generators with a total rated capacity of 39 MW, a transmission line tie-in and appurtenant facilities. The project would produce up to 140,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be utilized in the Applicants' municipal electric system for distribution to their customers.

l. This notice also consists of the following standard paragraphs: A4b, A4d, B, C and D2

m. Proposed Scope of Studies under Permit: Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geologic investigations, coordinate studies with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under permit would be $25,000.

12a. Type of Application: Preliminary Permit

b. Project No.: 7043–000

c. Date Filed: February 1, 1983

d. Applicant: Cities of Minden, Natchitoches and Ruston, Louisiana

e. Name of Project: Red River Lock and Dam #1

f. Location: Red River mile 50, near the town of Marksville, Catachoula Parish, Louisiana

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Ralph L. Laukhuff, Jr., Vice President, Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896

i. Comment Date: May 2, 1983.

j. Description of Project: The proposed project would utilize the U.S. Corps of Engineers Red River Lock and Dam #1 which is presently under construction. The project would consist of a new powerhouse located adjacent to or integral with the Corps' dam structure, containing turbine-generators with a total rated capacity of 25 MW, a transmission line tie-in, and appurtenant facilities. The project would produce up to 100,000,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be utilized in the Applicants' municipal electric system for distribution to their customers.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

m. Proposed Scope of Studies under Permit: Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geologic investigations, coordinate studies with the U.S. Army Corps of Engineers, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under permit would be $25,000.

13a. Type of Application: Preliminary Permit

b. Project No.: 7053–000

c. Date Filed: February 3, 1983

d. Applicant: Balance One, Incorporated

e. Name of Project: Circular Dam

f. Location: Charles River, near the towns of Needham and Newton, Norfolk and Middlesex Counties, Massachusetts

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Allen Benjamin, 99 Concord Road, Wayland, Massachusetts 01778

i. Comment Date: April 29, 1983.

j. Description of Project: The proposed project would consist of: (1) An existing 11-foot high, 84-foot long granite block dam; (2) a reservior with no storage capacity at elevation 70.35 feet M.S.L.; (3) a new intake and gate/trash rack assembly; (4) a new 170-foot long reinforced concrete penstock; (5) a new powerhouse containing turbine-generators with a total rated capacity of 275 kW; (6) a new 50-foot long tailrace channel; (7) a 100-foot long transmission line; and (8) appurtenant facilities. The dam is owned by the Metropolitan District Commission. The project would generate up to 1,060,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to the Metropolitan District Commission or Boston Edison Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2

m. Proposed Scope of Studies under Permit: Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would perform surveys and geologic investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be less than $61,000.

14a. Type of Application: Change in Land Rights

b. Project No.: 485–010

c. Date Filed: August 11, 1982

d. Applicant: Georgia Power Company

e. Name of Project: Bartlett's Ferry Hydropower Project

f. Location: Layfield Creek Branch of Bartlett's Ferry Reservoir in Harris County, Georgia

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Georgia Power Company, Land Department, P.O. Box 4545, Atlanta, Georgia 30303

i. Comment Date: April 8, 1983

j. Description of Project: The Applicant seeks Commission approval

to lease approximately 1 acre of project land to the Harris County Commission of Harris County, Georgia, for the construction of a raw water pumping station consisting of: (1) A proposed floating platform positioned approximately 50 feet from shore upon which will be mounted two 750 gallon per minute pumps; (2) a proposed walkway from the shoreline to the floating platform; (3) a proposed 6-inch flange fitting cast iron water line supported by the walkway and the platform with flexible connections at the pivot points on the land and the platform through which water will be transported to the land; and (4) two proposed water intake lines extending 8 feet below the platform. The Harris County Commission intends to use the water in their municipal water works system. The estimated average water withdrawal rate will be approximately 1.2 million gallons per day initially; will increase to 1.8 million gallons per day by 1990; 2.6 million gallons per day by the year 2000; and is estimated to be 4.4 million gallons per day by the year 2014.

The water filtration plant will be located adjacent to Bartlett's Ferry Road approximately 1600 feet from the pumping station. The plant's location is outside of the project boundary defined in the license held by Georgia Power Company for Bartlett's Ferry Hydropower Project.

k. This notice also consists of the following standard paragraphs: B, C and D2.

15a. Type of Application: Application for License of 5 MW or Less

b. Project No: 6188–001

c. Date Filed: August 6, 1982

d. Applicant: Camille E. and Walton B. Held, A.W. Stuart Trust, W. Titus Nelson, and Dale E. Grenoble

e. Name of Project: Tinnemaha and Red Mountain Creeks

f. Location: County of Inyo, California

g. Filed Pursuant to: Order No. 185, RM 81–10

h. Contact Person: Camille E. Held, P.O. Box 1298, Ventura, California 93002 and Dr. Dale E. Grenoble, 2977 Willow Lane, Suite 201, Thousand Oaks, California 91361.

i. Comment Date: April 18, 1983.

j. Competing Application: Project No. 6186–001 Date Filed: April 7, 1982

k. Description of Project: The proposed project would consist of: (1) A proposed concrete masonry unit powerhouse containing 1 generating unit rated at 950 kW; (2) proposed penstock, conduits, and diversion structures; (3) proposed 12 kV transmission line; and (4) appurtenant facilities. The estimated average annual energy output would be 2,613,210 kWh. The Applicant would utilize lands owned by the U.S. Forest Service.

l. Purpose of Project: The Applicant proposes to sell the generated power to the Los Angles Department of Water and Power or the Southern California Edison.

m. The notice also consists of the following standard paragraph: A3, B, C and D1.

16a. Type of Application: Preliminary Permit

b. Project No.: 6930–000

c. Date Filed: December 16, 1982

d. Applicant: Thomas B. Weathers, Wilson B. Humphries and Roland M. Webb

e. Name of Project: Pine Crest Lake

f. Location: Tuolumne County, California; South Fork Stanislaus River

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Mr. Wilson Humphries, 17104 Mono Vista Road South, Soulsbyville, California 95372

i. Comment Date: May 9, 1983.

j. Description of Project: A preliminary permit does not authorize construction. The proposed project would consist of: (1) The existing 135-foot-high Pinecrest Lake Dam and Reservoir having an 18,300-acre-feet capacity (also known as the Strawberry Reservoir) owned and operated by the Pacific Gas and Electric Company as a flow regulation component of Project No. 2130; (2) a 21-inch-diameter, 500-foot-long penstock; (3) a powerhouse with a total installed capacity of 375 kW; and (4) a 1,200-foot-long, 4-kV transmission line connecting with an existing Pacific Gas and Electric Company transmission line.

The Applicant does not propose to construct any new roads. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct engineering, economic and environmental studies and prepare an FERC license application. These studies are estimated to cost $33,000. The proposed project would affect United States lands within the Stanislaus National Forest.

k. Purpose of Project: The estimated annual output of 2 million kWh from the proposed project would be sold to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

17a. Type of Application: Preliminary Permit

b. Project No.: P–7003–000

c. Date Filed: January 18, 1983

d. Applicant: The Phoenix Hydro Corporation

e. Name of Project: Morgan Dam

f. Location: on West Canada Creek, in the Towns of Russia and Trenton, Herkimer and Oneida Counties, New York

g. Filed Pursuant to: 16 U.S.C. 791(a)–825(r)

h. Contact Person: Diane L. Schoonmaker, 2701 Howlett Hill Road, Marcellus, New York 13108

i. Comment Date: May 9, 1983.

j. Description of Project: The proposed project would comprise the following existing facilities owned by the New York State Department of Transportation: (1) A 175-foot-long 8-foot-high concrete overflow-type dam; (2) a 25-foot-wide 10-foot-high taintor gate control at the right (west) bank; and (3) a reservoir having a one-acre surface area and a negligible storage capacity at surface elevation 752 feet M.S.L. datum.

Applicant would add the following facilities: (1) A 5-foot-diameter 75-foot-long steel penstock; (2) a powerhouse containing a generating unit having a rated capacity of 100-kW operated under a 14-foot-head; (3) a 1,000-foot-long 46-kV transmission line; and (4) miscellaneous appurtenances.

k. Purpose of Project: Project energy would be sold to Niagara Mohawk Power Corporation. Applicant estimates that the average annual generation would be 1,200,000 kWh.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope and Cost of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform studies and would prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $30,000.

8a. Type of Application: Exemption (5 MW or less)

b. Project No: 7016–000

c. Date Filed: January 24, 1983

d. Applicant: City of Hailey, Idaho

e. Name of Project: Hailey

f. Location: On Indian Creek Springs, near Hailey, within BLM lands, in Blaine County, Idaho

g. Filed Pursuant to: Section 408, Energy Security Act of 1980, 16 U.S.C. §§ 2705 and 2708 *as amended*

h. Contact Person: Wordell Rainey, Mayor, City of Hailey, P.O. Box 945, Hailey, Idaho 83333

i. Comment Date: Apr. 18, 1983.

j. Description of Project: The proposed Hailey Project would consist of: (1) The existing spring collection system, comprising 10-inch-diameter infiltration pipes and collection box; (2) a 2.5-mile-long, 12-inch-diameter pipeline; (3) a 700-foot-long, 10-inch-diameter steel

penstock, bifurcated from the water main; (4) a powerhouse containing one generating unit rated at 46 kW; and (5) an 800-foot-long, underground transmission line. The average annual energy generation is estimated to be 408,000 kWh.

k. Purpose of Project: Power will be sold to Idaho Power Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, D3a

9a. Type of Application: Preliminary Permit

b. Project No: 7029–000

c. Date Filed: January 247 1983

d. Applicant: Grisdale Hill Company

e. Name of Project: Fern Ridge Dam

f. Location: Lane County, Oregon; Fern Ridge Reservoir

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. Contact Person: Ms. Joy Leong, Morrison and Foerster, 1920 N Street, N.W., Washington, D.C. 20036.

i. Comment Date: May 9, 1983.

j. Description of Project: The proposed project would consist of: (1) Two 9-foot-diameter, 300-foot-long penstocks connected to the existing outlet works from the existing Fern Ridge Dam owned and operated by the U.S. Army Corps of Engineers; (2) a powerhouse with a total installed capacity of 2.7. MW; (3) an outdoor switchyard; and (4) a 300-foot-long, 21-kV transmission line connecting with an existing transmission line. A preliminary permit does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project and does not propose to construct any new roads.

k. Purpose of Project: The estimated 9.5 million kWh generated annually by the project would be sold to the Bonneville Power Administration or a local utility.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33 (a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33 (b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, exemption or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of responsive Documents*—Any filings must bear in all capital letters the titles "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: March 7, 1983.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6195 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-011]

Pennzoil Company; Second Amendment to Application for Immediate Clarification or Abandonment Authorization

March 4, 1983.

Take notice that on March 3, 1983, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G–7004–011 an application for immediate clarification of Order dated November 24, 1980 in the above-referenced docket, or abandonment authorization for as much gas as is required to allow sales of gas to nine new applicants for residential service in West Virginia in addition to those applicants specified in Pennzoil's original application filed on October 25, 1982. In filing this Second Amendment to its original application, Pennzoil incorporates herein and renews each of the requests for clarification or abandonment authorization set forth in that application. Service to these applicants would be provided from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the applicants and customers in West Virginia who depend upon Pennzoil for their gas supply needs. Pennzoil also states that immediate action also is required because, by order dated October 21, 1982, the Public Service Commission of West Virginia directed Pennzoil "to show cause, if any it can, why it should not be found to be in violation of its duty . . . to provide adequate gas service to all applicants . . . and why it should not be required to provide service to domestic customers in West Virginia when requests are received for same."

Consolidated has indicated that it has no objection to the requested authorization.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said amendment to the original application should on or before March 11, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any person previously granted intervention in connection with Pennzoil's original application in Docket No. G–7004–006 need not seek intervention herein. Each such person will be treated as having also intervened in Docket No. G–7004–011.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the

Commission on the amendment to the original application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6101 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-199-000]

Sabine Pipe Line Company; Application

March 7, 1983.

Take notice that on February 16, 1983,[1] Sabine Pipe Line Company (Applicant), P.O. Box 52332, Houston, Texas 77052, filed in Docket No. CP83-199-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6102 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-1-000]

Sacramento Municipal Utility District v. Pacific Gas & Electric Company; Order Denying Requests for Declaratory Order and Setting Complaint for Hearing

Issued March 7, 1983.

Sacramento Municipal Utility District (SMUD) and Pacific Gas and Electric Company (PG&E) are parties to an interconnection agreement which they call the Power Sale, Exchange and Integration Contract and which is on file with this Commission.[1] On October 21, 1982, SMUD filed a complaint against PG&E alleging that PG&E is wrongfully charging SMUD for stand-by capacity and energy under the terms of this agreement. SMUD also alleges that PG&E has unlawfully withheld payment of uncontested charges due to SMUD for other transactions governed by the agreement as a set-off without seeking Commission approval. SMUD requests that the Commission issue a declaratory order (1) finding that PG&E's allocation of costs for stand-by capacity is unlawful, and (2) requiring a just and reasonable allocation of those costs. Pending resolution of this controversy, SMUD also requests that PG&E be prohibited from collecting costs associated with "out of area purchases" through set-offs or other means.

Notice of the complaint was published in the **Federal Register**, with comments due on or before December 3, 1982. On December 3, 1982, PG&E filed its answer to the complaint. No interventions have been filed.

SMUD subsequently requested interim relief from further set-offs by PG&E in a motion filed on October 22, 1982, and a petition filed on November 30, 1982. These requests were denied by a Commission order issued December 20, 1982, without prejudice to our making a determination on the merits of the complaint.

Background

Among other things, the power sale agreement entitles PG&E to purchase excess capacity from SMUD. The rate for these purchases is determined according to the agreement, and the amounts charged for this service are uncontested.

The agreement also entitles SMUD to stand-by capacity from PG&E to cover deficiencies on SMUD's system. Article 6 of the power sale agreement provides in pertinent part:

(a) Commencing on the date Rancho Seco Unit No. 1, becomes Commercially Operable, Pacific shall use its best efforts to provide, at Points of Delivery, capacity and energy standby to meet Sacramento's load deficiencies pursuant to this Article for scheduled and unscheduled outages, and for delays in completion, of Sacramento Resources and associated Sacramento transmission facilities and Sacramento shall return energy as hereinafter set forth; *provided* such capacity standby for any such delay in completion shall not exceed the Forecasted Capability of the delayed resource.

(b) In exchange for Reserve Capacity and overhaul capacity provided by Sacramento pursuant to Articles 3 and 4, Pacific shall make available capacity to Sacramento for such outages at no charge except to the extent that unscheduled outages, scheduled outages extending beyond the scheduled period or delays in completion of Sacramento Resources and other Sacramento facilities cause Pacific to incur additional costs to obtain capacity from outside the Area to maintain adequate reliable service within the Area. Sacramento shall pay Pacific the amount of such costs.

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[1] The application was initially tendered for filing on February 16, 1983. However, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until February 16, 1983; thus filing was not completed until the latter date.

[1] Pacific Gas & Electric Company, Rate Schedule FPC No. 45, filed December 21, 1970. The contract is dated June 4, 1970.

PG&E has billed SMUD approximately $7 million [2] for outage capacity purchased outside of the contract area pursuant to Article (6)(b) between January and July of 1982. When SMUD had still not paid these charges in October of 1982, PG&E began withholding its payments for excess capacity purchased from SMUD as an offset in order to recover the disputed charges. By December 16, 1982, PG&E had offset the entire amount in dispute. SMUD now acknowledges that it owes PG&E $1,131,995 for service under Article 6(b), but SMUD has not voluntarily paid PG&E any of that amount.

SMUD asserts that PG&E's allocation of the cost of out-of-area purchases does not conform to PG&E's filed rate. Thus, SMUD asks that PG&E's present allocation of these costs be declared unlawful and that a just and reasonable allocation be substituted.

SMUD further alleges that only a small portion of PG&E's purchases between January and July of 1982 were in fact caused by SMUD's outages. According to SMUD, whenever PG&E purchases out-of-area capacity when Rancho Seco Unit No. 1 is out of service or is expected to be out of service, PG&E improperly allocates to SMUD the entire cost of the purchase or the cost of purchasing an amount of capacity equal to the capacity of Rancho Seco Unit No. 1, whichever is less. SMUD also alleges that PG&E fails to account for the extent to which PG&E's outages or delay in the completion of PG&E resources contribute to the need for the purchase.

It is SMUD's position that the cost of out-of-area purchases should be equitably allocated between SMUD and PG&E. An equitable allocation, according to SMUD, would include (1) considering Area reserves as available to "the integrated [PG&E–SMUD] system" because SMUD and PG&E contribute an equal percentage of their capacity to Area reserves; (2) making PG&E responsible for that portion of out-of-area purchases which is attributable to PG&E's own outages; and (3) prohibiting PG&E from charging SMUD for replacing capacity that PG&E is receiving from SMUD, because SMUD sells that excess capacity at cost, and it should therefore be treated for purposes of Article 6 as a resource of PG&E rather than SMUD.

According to SMUD, PG&E's present allocation makes reserves available to SMUD only to the extent that they are not needed by PG&E. SMUD contends that this allocation: (1) is unjust, unreasonable, unduly discriminatory and preferential, in violation of section 206 of the Federal Power Act; (2) is inconsistent with the terms and intent of the contract between the two parties and therefore violates PG&E's obligation under section 205 of the Act to adhere to the filed rate; and (3) constitutes a change in a filed rate schedule without the notice and permission required by section 205 of the Act and Part 35 of the Commission's regulations.

PG&E responds that its charges have been calculated in accordance with Article 6(b) and that it is SMUD's proposed allocation of the costs of out-of-area purchases that would require a departure from the filed rate. PG&E contends that SMUD has only been billed for out-of-area capacity purchases that resulted from a SMUD resource outage where PG&E did not have sufficient resources available to maintain adequate and reliable service. Where these purchases were made in anticipation of a SMUD resource outage, PG&E asserts that it charged SMUD an amount equal to the rate per kilowatt which PG&E paid for the purchase times the number of kilowatts of the purchase which were caused by the outage, as PG&E contends Article 6(b) expressly permits. PG&E states that not all out-of-area purchases are charged to SMUD, although the only example it gives occurred in August, which was after the period during which the disputed charges were made.

PG&E admits that it takes no account of its own outages or delayed resources in calculating charges for out-of-area purchases but contends that under the terms of the contract it is not required to do so. PG&E admits that SMUD contributes a share of reserve capacity without charge pursuant to Article 3(c) of the contract, but denies that the contract requires PG&E to treat reserves as being equally available to SMUD and PG&E. In addition, PG&E admits that SMUD's capacity is sold to PG&E at cost, but denies that the capacity obtained from SMUD should be treated for purposes of Article 6 as a PG&E resource rather than a SMUD resource. PG&E also admits that it "applies its own resources to meeting the needs of its own customers rather than apportioning or prorating the cost of capacity purchased from outside the Area." However, PG&E denies that the contract or PG&E's interpretation of it is unjust, unreasonable, unduly discriminatory or preferential.

Furthermore, PG&E asserts two "affirmative defenses," both of which pertain to our jurisdiction. First, PG&E alleges that SMUD is seeking a change in the terms and conditions of its own power sales to PG&E when SMUD asks that the amount of capacity it sells to PG&E be excluded from the calculation of out-of-area purchases. PG&E asserts that SMUD's rates and services are beyond the authority of the Commission because SMUD is a governmental entity formed under State law. As its second affirmative defense, PG&E asserts that SMUD is seeking to have the Commission collect SMUD's bills for rates that are not within the Commission's jurisdiction.

PG&E requests that the Commission dismiss the complaint with prejudice. In the alternative, PG&E requests a declaratory order that PG&E's interpretation of its rights to charge SMUD under Article 6(b) of the contract is correct.

Discussion

As a preliminary matter, we shall address PG&E's "affirmative defenses." The second defense was asserted against SMUD's request for a prohibition against further offsets. Without at this time disposing of questions regarding the propriety of PG&E's set-off practice, we note that SMUD's request for an order restraining PG&E from offsetting the particular amounts in controversy has for now become moot since PG&E has already withheld the entire disputed amount from its payments to SMUD for excess capacity. The first defense was asserted against SMUD's request that the amount of capacity it sells to PG&E be excluded from the calculation of out-of-area purchases. It may be true that section 201(f) exempts SMUD's rates and services from regulation by this Commission. However, SMUD is not requesting Commission approval of a change in its own rates and services. The gravamen of SMUD's complaint is that PG&E is incorrectly calculating billings under PG&E's filed rate. It is clear, and PG&E does not deny, that PG&E's rate for service to SMUD is within this Commission's jurisdiction. We see no need to preclude consideration of SMUD's argument merely because capacity sales from SMUD are also involved under the filed rate schedule.

The major question facing the Commission is whether it is appropriate at this juncture to issue a declaratory order on the matters raised by SMUD and by PG&E. SMUD and PG&E dispute several points. They apparently disagree as to whether PG&E has billed SMUD for out-of-area purchases that were not due to actual or anticipated SMUD outages. This is a question of fact which

[2] PG&E had billed SMUD $6,819,200 in charges plus $149,686 in interest as of October 12, 1982.

cannot be resolved on the basis of the pleadings submitted by the parties to date. They also disagree as to whether the contract requires PG&E to (1) take its own outages or delayed resources into account, (2) treat reserves as being equally available to SMUD and PG&E, or (3) treat capacity sold by SMUD to PG&E as a PG&E resource rather than a SMUD resource for the purposes of Article 6(b) of the contract. These are questions of interpreting the contract between the two parties. SMUD asserts that PG&E's allocation violates the intent as well as the terms of the contract. Furthermore, even in the event that PG&E prevails in its interpretation of existing contractual commitments, SMUD's complaint can be read as seeking a prospective amendment to the procedure for allocating out-of-area purchases.

In light of these and other conceivable issues, it would be inappropriate at this time for the Commission to issue an order declaring that the interpretation or actions of either party is correct. The questions raised involve matters best left for resolution after a hearing on the merits. Accordingly, we shall deny the requests for a declaratory order and, instead, set the matter for hearing.

The Commission orders:

(A) The request of SMUD for an order declaring that PG&E's allocation of costs is lawful is hereby denied without prejudice.

(B) The request of PG&E for an order declaring that PG&E's interpretation of its rights to charge SMUD under Article 6(b) of the contract is correct is hereby denied without prejudice.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 205 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR Chapter I], a public hearing shall be held concerning the matters raised in SMUD's complaint and PG&E's response thereto.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such conference shall be held for purposes of delineating the issues and establishing a procedural schedule, including a date for the submission of testimony and exhibits by all participants.

The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6183 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS81-413-000, et al.]

J. Gregory Merrion Robert L. Bayless, et al.; Applications for "Small Producer" Certificates [1]

March 7, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 22, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS71-413-000	Jan. 24, 1983 [1]	J. Gregory Merrion, Robert L. Bayless, P.O. Box 1017, Farmington, New Mexico 87499.
CS83-53-000	Feb. 7, 1983	Toxie E. Beavers, 4500 Republic Bank Tower, Dallas, Texas 75210.
CS83-54-000	do	Joseph Wm. Foren, 4500 Republic Bank Tower, Dallas, Texas 75201.
CS83-55-000	do	Bob C. Mims, 4500 Republic National Bank Tower, Dallas, Texas 75201.
CS83-56-000	Feb. 11, 1983	C. Robert Milner, Jr., 10314 Lanshire, Dallas, Texas 75238.
CS83-57-000	do	Thompson Petroleum Corporation, 4500 Republic Bank Tower, Dallas, Texas 75201.

[1] Letter received dated January 24, 1983 requesting that the small producer certificate issued to J. Gregory Merrion be changed to add the name of Robert L. Bayless to the certificate.

[FR Doc. 83-6179 Filed 3-9-83; 8:45 am]

BILLING CODE 6717-01-M

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

ENVIRONMENTAL PROTECTION AGENCY

[AH-FRL 2318-6]

Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Application for an Equivalent Method Determination

Notice is hereby given that on January 24, 1983, the Environmental Protection Agency received an application from the Texas Air Control Board to determine if their X-Ray Fluorescence Spectrometry method for the determination of lead in suspended particulate matter collected from ambient air should be designated by the Administrator of the EPA as an equivalent method under 40 CFR Part 53 (40 FR 7044, 41 FR 11255, 44 FR 37916). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT:
Larry J. Purdue, FTS 629–2665.

Dated: February 25, 1983.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-6110 Filed 3-9-83; 8:45 am]
BILLING CODE 6560-50-M

[AH–FRL 2318–7]

Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255), has designated another equivalent method for the measurement of ambient concentrations of ozone. The new equivalent method is an automated method (analyzer) which utilizes a measurement principle based on the absorption of ultraviolet radiation by ozone at a wavelength of 254 nm.

The method is:

EQOA–0383–050, "Dasibi Model 1008–AH Ozone Analyzer," operated on a range of either 0–0.5 or 0–1.0 ppm, with or without any of the following options:

Ozone Generator
BCD Digital Output
IEEE–488 General Purpose Interface Bus
RD–232–C Digital Output
Error Code

This method is available from Dasibi Environmental Corporation, 616 East Colorado Street, Glendale, California 91205. A notice of receipt of applications for this method appeared in the **Federal Register**, Volume 47, April 22, 1982, page 17331.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method.

The information submitted by the applicant will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979). For such use, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to Part 58 (44 FR 27585).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B–1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD–77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method will provide assistance to the States in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above. Technical questions concerning the method should be directed to the manufacturer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional equivalent method that is acceptable for use by States and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance (44 FR 27571, May 10, 1979) or other applciations where use of a reference or equivalent method is required.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

FOR FURTHER INFORMATION CONTACT:
Larry J. Purdue, FTS 629–2665.

Dated: February 25, 1983.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-6111 Filed 3-9-83; 8:45 am]
BILLING CODE 6560-50-M

[WH–FRL 2319–3]

Management Advisory Group to the Construction Grants Program; Open Meeting—March 30–31, 1983

Under Pub. L. 92–463, notice is hereby given that a meeting of the Management Advisory Group (MAG) to the Construction Grants Program will be held at the Environmental Protection Agency, 4th and M Streets, SW., Washington, D.C. 20460 in Room S–353 on March 30–31, 1983 beginning at 9 a.m. on March 30, 1983.

The agenda includes meetings of Task Forces on the 1982/1984 Needs Survey, Compliance/Inspections, and Sludge Management. The agenda will also

include briefings and discussions on other topics of current or future interest to MAG.

The meeting will be open to the public. Additional information on the meeting may be obtained from Ms. Georgette Brown, at the Environmental Protection Agency, WH–547, 401 M Street, SW., Washington, D.C. 20460 or on (202) 382–5859.

Dated: February 25, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water (WH–556).

[FR Doc. 83-6112 Filed 3-9-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

Peninsula Savings and Loan, FA, Newport News, Virginia; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 5(d)(6)(A) of the Home Owners' Loan Act of 1933 ("HOLA"), as amended, 12 U.S.C. 1464(d)(6)(A) (1976), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Peninsula Savings and Loan, FA, Newport News, Virginia, on March 3, 1983.

Dated: March 7, 1983.

J. J. Finn,

Secretary.

[FR Doc. 83-6164 Filed 3-9-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10374–3]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessement, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10374–3 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

Agreement No. 10374–3 among Hapag-Lloyd A.G., Intercontinental Transport (ICT) and Compagnie Generale Maritime (CGM) is designed to allow ICT and CGM to transport international cargo in the U.S. Gulf and South Atlantic/Europe trade. On August 5, 1980 (45 FR 51918) the FMC issued a Finding of No Significant Impact concerning Agreement No. 10266–4. The subject agreement encompasses the identical operational terms of Agreement No. 10266–4 and none of the energy or environmental considerations relative to the requested intermodal authority have changed since August 5, 1980.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6198 Filed 3-9-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; KYNB Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in the acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary), Washington, D.C. 20551:

1. *KYNB Bancshares Inc.*, Lexington, Kentucky; to acquire 95 percent of the voting shares or assets of Citizens Union National Bank & Trust Co., Lexington, Kentucky. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Comments on this application must be received not later than March 18, 1983.

Board of Governors of the Federal Reserve System, March 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6255 Filed 3-9-83; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company; Andrews Financial Corp.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Andrews Financial Corporation*, Andrews, Texas; to acquire 80 percent of the voting shares or assets of First National Bank of Hamilton, Hamilton, Texas. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6000 Filed 3-9-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Cambridge Bancorp et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated

for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Cambridge Bancorp*, Cambridge, Massachusetts; to become a bank holding company by acquiring 100 percent of the voting shares of Cambridge Trust Company, Cambridge, Massachusetts. Comments on this application must be received not later than April 1, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlantia, Georgia 30303:

1. *Ardmore Bancshares, Inc.*, Ardmore, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Ardmore, Ardmore, Tennessee. Comments on this application must be received not later than April 1, 1983.

2. *Williamson County Bancorp, Inc.*, Franklin, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Williamson County Bank, Franklin, Tennessee. Comments on this application must be received not later than March 30, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Purchase Area Bancorp, Inc.*, Bardwell, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of Bardwell Deposit Bank, Bardwell, Kentucky. Comments on this application must be received not later than April 1, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Bazine Bancorp, Inc.*, Bazine, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The Bazine State Bank, Bazine, Kansas. Comments on this application must be received not later than March 30, 1983.

2. *T-Mark Corporation*, Cheyenne, Wyoming; to become a bank holding company by acquiring 92 percent of the voting shares of Farmers State Bank, Lyman, Nebraska. Comments on this application must be received not later than April 1, 1983.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Alvord Financial Corporation*, Alvord, Texas; to become a bank holding company by acquiring at least 95.5 percent of the voting shares of Alvord National Bank, Alvord, Texas. Comments on this application must be received not later than April 1, 1983.

2. *Pharr Financial Corporation*, Pharr, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Security State Bank, Pharr, Texas. Comments on this application must be recieved not later than April 1, 1983.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Bay Bancorporation*, San Leandro, California; to become a bank holding company by acquiring 100 percent of the voting shares of Bay Bank of Commerce, San Leandro, California. Comments on this application must be received not later than March 30, 1983.

2. *Stadium Bancorp*, Anaheim, California; to become a bank holding company by acquiring 100 percent of the voting shares of California Bank, N.A., Anaheim, California (In Organization). Comments on this application must be received not later than March 24, 1983.

Board of Governors of the Federal Reserve System, March 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6001 Filed 3-9-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; St. Anagar Bancorporation

St. Anagar Bancorporation, St. Anagar, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of St. Anagar State Bank, St. Anagar, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

St. Anagar Bancorporation, St. Anagar, Iowa, has also applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to directly engage in general insurance activities in a town with population of less than 5,000.

These activities would be performed from Applicant's office in St. Anagar, Iowa, and the geographic area to be served is a 12-mile radius around St. Anagar, Iowa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). In addition, such insurance activities are permissible under Section 601(C) of the Garn-St Germain Depository Institutions Act of 1982.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than April 3, 1983.

Board of Governors of the Federal Reserve System, March 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6002 Filed 3-9-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities; Barclays Bank PLC et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether

consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (consumer finance, insurance, and travelers checks activities; Ohio): To continue to engage through their subsidiaries, BarclaysAmerican/Financial, Inc. ("BAF") and BarclaysAmerican/Mortgage, Inc. ("BAM"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); acting as agent for the sale of credit-related insurance, including credit life, credit accident and health, and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries; and selling at retail travelers checks issued by Barclays Bank International Limited. The proposed insurance activities are permissible under Sections 601(A) and 601(D) of the Garn-St Germain Depository Institutions Act of 1982. Comments on this application must be received not later than April 1, 1983.

2. *Citicorp,* New York, New York (finance company activities; Massachusetts, Maine, New Hampshire, Vermont and Rhode Island): To establish a *de novo* office of its subsidiary, Citicorp Acceptance Company, Inc. located in Braintree, Massachusetts. The activities in which the *de novo* office proposes to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; and the servicing for any person, of loans and other extensions of credit. The service area of the *de novo* office would be comprised of the states of Massachusetts, Maine, New Hampshire, Vermont, and Rhode Island. Comments on this application must be received not later than April 1, 1983.

3. *Citicorp,* New York, New York (consumer finance and credit related insurance activities; Washington): To establish five *de novo* offices of its subsidiary, Citicorp Homeowners, Inc. The activities in which the *de novo* offices of Citicorp Homeowners, Inc. propose to engage are: making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for each of the *de novo* offices of Citicorp Homeowners, Inc. shall be comprised of the entire state of Washington for all the aforementioned proposed activities. In regard to credit related insurance, the business of a general insurance agency will not be conducted. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Homeowners, Inc. The aforementioned activities will be conducted from offices in Spokane, Seattle, Bellevue, Tacoma and Lacey, Washington, serving the State of Washington. Comments on this application must be received not later than April 1, 1983.

4. *The Hongkong and Shanghai Banking Corporation.* Hong Kong, B.C.C. (leasing, installment and commercial financing activities; United States): To engage through its existing indirect subsidiary, U.S. Concord, Inc., in leasing and installment financing activities and to act as agent, broker or adviser for such activities; and commercial financing activities, including making installment, conditional sales and working capital loans secured by commercial and industrial equipment. These activities will be conducted from an additional *de novo* office in Dallas, serving the entire continental United States. Comments on this application must be received not later than April 6, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *South Carolina National Corporation,* Columbia, South Carolina (finance, servicing and insurance activities; South Carolina): To engage, through its subsidiary, Provident Financial Corporation, in making or acquiring of loans or extensions of credit for its own account such as would be made by a consumer finance company; servicing loans and other extensions of credit for the account of others, and offering life, accident, and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office located in and serving Columbia, South Carolina. Comments on this application must be received not later than April 1, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Altanta, Geogia 30303:

1. *Southwest Florida Banks, Inc.,* Fort Myers, Florida (real estate appraisals; Florida): To engage through its subsidiary, Southwest Financial Services, Inc., in appraisals of real estate property. These activities would be conducted in the Florida counties of Collier, Lee, Charlotte, Sarasota, Manatee, Hillsborough, Pinellas and Pasco. Comments on this application must be received not later than March 30, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northstar Bancorporation,* Wayzata, Minnesota (mortgage banking company, Minnesota): To engage, through its subsidiary, Wayzata Realty Company, in making and acquiring, for its own accounts or for the accounts of others, loans, including but not limited to permanent and construction financing

of residential, income producing, and development projects, and other extensions of credit such as would be made, for example, by a mortgage banking company and servicing of loans and other extensions of credit for any person or company. These activities will be conducted from offices in Wayzata, Minnesota, servicing Minnesota. Comments on this application must be received not later than April 1, 1983.

Board of Governors of the Federal Reserve System, March 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6083 Filed 3-9-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Line of Business Program; Request for Comments

AGENCY: Federal Trade Commission

ACTION: Request for comments on the staff analysis of the benefits and costs of the Federal Trade Commission's Line-of-Business Program.

SUMMARY: The Comission will consider in the near future whether to resume Line of Business data collection for years subsequent to 1977. The Commission requests comments on the staff analysis of the benefits and costs of the Line of Business Program to assist it in making its decision. A 45-day comment period is established and expires April 25, 1983. Comments should be submitted in writing to the Secretary of the Commission; twenty copies should be supplied.

ADDRESS: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission is currently engaged in evaluating its Line-of-Business ("LB") Program in order to decide whether to collect LB data for years subsequent to 1977. As part of the evaluation process, notices were published in the Federal Register on February 26, and April 12, 1982 (47 FR 8407, 47 FR 15646), inviting public comments on the benefits and costs of the LB Program. Comments were received from about a hundred parties. LB staff have now prepared and submitted to the Commission an analysis of the benefits and costs of the program, based in part on the information supplied by these outside parties.

By this notice, the Commission makes the staff analysis available to the public and invites interested parties to submit comments on the issues raised by the staff analysis. The comment period begins effective the date of this notice, and expires April 25, 1983. The staff analysis consists of the following set of documents.

1. Memorandum to the Commission from Robert D. Tollison, Richard S. Higgins, and William F. Shughart II, Bureau of Economics, January 20, 1983.

2. Memorandum to the Commission from William F. Long, Manager, Line of Business Program, "Line of Business Data Collection," January 20, 1983.

3. Benefits and Costs of the Federal Trade Commission's Line-of-Business Program.

a. Executive Summary;

b. Volume I: Staff Analysis;

c. Volume II: Public Comments on the Benefits and Costs of the LB Program Received in Response to Federal Register Notice Requests of February 26, 1982 and April 12, 1982;

d. Volume III: Comments of Consultant Reviewers to Preliminary Drafts of Volume I: Staff Analysis.

Interested parties may obtain a copy of those documents by writing the Distribution Branch, Office of Public Records, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580, or by calling (202) 523-3598.

FOR FURTHER INFORMATION CONTACT: FTC/ESL, David F. Lean, Washington, D.C. 20580; (202) 634-7332.

Dated: February 22, 1983.

By Direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6090 Filed 3-9-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Mental Health Research Education Review Committee; Meeting; Correction

This notice is to correct a document that was published in Federal Register Volume #48, Issue #40, Pages 8348-8349, Docket Number 83-4937 on February 28, 1983 as follows: The open portion of the Mental Health Research Education Review Committee meeting will be March 10 from 1:30-3:00 p.m., instead of March 9.

Dated: March 4, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 83-6079 Filed 3-9-83; 8:45 am]

BILLING CODE 4160-20-M

Rape Prevention and Control Advisory Committee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of April.

Rape Prevention and Control Advisory Committee: April 11-12; 9:00 a.m., Parklawn Building, Conference Room 17-09B, 5600 Fishers Lane, Rockville, Maryland 20857.

Open: April 11-12.

Contact: Mary Lystad, Ph.D., Executive Secretary, Rape Prevention and Control Advisory Committee, 5600 Fishers Lane, Room 6C-12, Rockville, Maryland 20857; (301) 443-1910.

Purpose: The Rape Prevention and Control Advisory Committee advises the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape (NCPR), on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

Agenda: The entire meeting will be open to the public. It will include a report from the National Center for the Prevention and Control of Rape on the research, training and educational activities of the Center. Discussions will be held on the role of the Nurse/practitioner, the physician, the police, and judges in handling of sexual assault cases.

Substantive program information may be obtained from the contact person listed above. A summary of the meeting and roster of the Committee members will be furnished upon request from Ms. Helen W. Garrett, Committee Management Officer, National Institute of Mental Health, Room 17C-26, Parklawn Building, Rockville, Maryland, (301) 443-4333.

Dated: March 7, 1983.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 83-6100 Filed 3-9-83; 8:45 am]

BILLING CODE 4160-20-M

National Institutes of Health

Biometry and Epidemiology Contract Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biometry and Epidemiology Contract Review Committee, National Cancer Institute, March 21, 1983, Building 31C, Vanderbilt University, Medical Center, North U–8206 Learned Laboratory, Nashville, Tennessee 37232. This meeting will be open to the public on March 21, from 8:30 a.m. to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 522(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 21, from 9:00 a.m. to adjournment, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Wilna A. Woods, Executive Secretary, Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7153) will furnish substantive program information.

Dated: February 22, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH

[FR Doc. 83-6006 Filed 3-9-83; 8:45 am]

BILLING CODE 4140-01-M

Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, March 31-April 1, 1983, Building 31C, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on March 31 from 8:30 a.m. to 9:30 a.m. to review administrative details, and to present reports by the Division Director, Branch Chief, and Executive Secretary on committee concerns. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on March 31, from 9:30 a.m. to recess, and on April 1, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. John W. Abrell, Acting Executive Secretary, Cancer Center Support Review Committee, National Cancer Institute, Westwood Building, Room 821, National Institutes of Health, Bethesda, Maryland 20205 (301/496–9767) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

Dated: February 22, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-6004 Filed 3-9-83; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Program Project Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, April 15–16, 1983, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on April 15 from 8:30 a.m. to 10:00 a.m. for reports by the Chairperson, Executive Secretary, and other staff members; and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 15, from 10:00 a.m. to recess; and on April 16, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Louise G. Thomson, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

Dated: February 22, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-6005 Filed 3-9-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N–13238]

Airport Lease Amended; Nevada

March 2, 1983.

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211–214), Sandy Valley Associates have applied to amend their airport lease N–13238, to include the following described lands:

Mount Diablo Meridian, Nevada

T. 25 S., R. 56 E.,
Sec. 1, Lots 1, 2, 3, 4 and portion of Lot 5 north of the Von Schmidt Line of 1873.

The purpose of this notice is to inform the public that the filing of this amended application segregated the described public lands from all other forms of appropriation under the public land laws. Interested persons should promptly send their comments together with their name and address to the Las Vegas District Manager, Bureau of Land

Management, 4765 Vegas Drive, Las Vegas, Nevada 89106.

Richard G. Morrison,

Acting Deputy State Director, Operations.

[FR Doc. 83-6127 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official at (202) 395-7340.

Title: 40 CFR Part 1501, 40 CFR Part 1503, 43 CFR Part 2, Public Comment Form for Energy and Mineral Resources Evaluation.

Bureau Form Number: 3030-2.

Frequency: On Occasion.

Description of Respondents: Evaluators of energy and mineral resources.

Annual Responses: 150.

Annual Burden Hours: 300.

Bureau clearance officer (alternate): Linda Gibbs (202) 653-8853.

Dated: February 8, 1983.

James M. Parker,

Acting Director.

[FR Doc. 83-6130 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

[C-35774]

Classification of Public Lands for State Indemnity Selection; Colorado

February 28, 1983.

1. Pursuant to Sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), and the provisions granted to the State of Colorado by the Act of March 3, 1875 (18 Stat. 475), the public lands described below are hereby classified for State Indemnity Selection. The State of Colorado has filed an application to acquire the described lands in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application was assigned serial number Colorado 35774.

2. The notice of proposed classification of these lands was published in the Federal Register of December 13, 1982, Vol. 47, No. 239, pages 55739-55740. The land is being classified as proposed. Public lands lying between the linear strips described in the December 13, 1982 Federal Register notice are included in this notice of classification.

3. The lands included in this classification are in Montrose County and are described as follows:

New Mexico Principal Meridian

T. 48 N., R. 16 W.,
- Sec. 19, lots 1, 2, 3, W½SW¼NE¼NW¼, and W½NW¼SE¼NW¼.

T. 48 N., R. 17 W.,
- Sec. 24, SE¼NE¼NE¼, E½SW¼NE¼NE¼, E½W½SE¼NE¼, E½SE¼NE¼, S½NE¼SW¼, SE¼NW¼SW¼, S½SW¼, NE¼NE¼SE¼, E½NW¼NE¼SE¼, S½N½SE¼, and S½SE¼;
- Sec. 25, N½, W½SW¼, E½NE¼NE¼SW¼, W½E½SW¼, W½E½E½SW¼, W½NE¼NE¼SE¼, NW¼NE¼SE¼, and N½NW¼SE¼;
- Sec. 26, E½E½, E½SW¼NE¼, and SW¼SE¼;

§ 70.8 [Amended]

- Sec. 27, Lots 3 and 4;
- Sec. 28, All that portion of Lot 36 lying within a strip 100 feet in width westerly from, and parallel to the centerline of the existing Spring Creek Mesa truck trail;
- Sec. 34, Lot 22;

Together with all those portions of the following described public lands lying southeasterly of a line extending from the center of the SE¼NE¼ of section 26, S. 59°02.0'W approximately 8,137 feet to the intersection with line 5-6 of Mineral Survey 20286, Little Basin lode mining claim in lot 20 of section 34, from which corner No. 6 of said claim bears S. 40°30.0'E. 200 feet:

- Sec. 20, SE¼SE¼NW¼SW¼, SW¼SW¼, E½SW¼, and NW¼SE¼;
- Sec. 27, S½SE¼SW¼SE¼, and SE¼SE¼; and,

All those portions of the following described public lands lying northerly of a line paralleling the centerline of the existing Spring Creek Mesa truck trail, said line being approximately 100 feet southerly from said centerline, through the following described lands:

- Sec. 34, W½ of the NW¼ of Lot 1, and Lots 20 and 21;
- Sec. 35, N½NW¼NW¼NW¼, NE¼NE¼NE¼NW¼, NW¼NE¼NW¼, and N½NW¼NW¼.

The areas described aggregate approximately 1,400 acres.

4. This classification decision is based on the following disposal criteria set forth in Title 43 Code of Federal Regulations, Part 2400.

Transfer of the lands to the State will help fulfill the Federal Government's common school land grant to the State, and constitutes a public purpose use of the land. Lands found to be valuable for a public purpose use will be considered chiefly valuable for public purposes (43 CFR 2430.2b).

5. Rights-of-way granted by the Bureau of Land Management on the above lands will transfer with the land. All minerals will be reserved to the United States if the land is clearlisted to the State of Colorado. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Board of Land Commissioners procedures provide for the offering to holders of Bureau of Land Management grazing permits, licenses or leases the first right to lease lands that are transferred to the State.

In the event these lands are clearlisted, the Bureau of Land Management authorized grazing use will terminate at the time title to the land is transferred to the state. Any cultural resources will be managed by the State.

6. The public lands classified by this notice are shown on a map on file and available for inspection in the Bureau of Land Management, Montrose District Office, 2465 South Townsend, P.O. Box 1269, Montrose, Colorado 81402.

7. For a period of 30 days from the date of publication in the Federal Register, this classification shall be subject to exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3 and 2462.3. Interested parties may submit comments to the Secretary of the Interior, LLM 320, Washington, D.C. 20240.

George C. Francis,

State Director.

[FR Doc. 83-6141 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514 and 43 CFR Part 1780, that a meeting of the Idaho Falls District Advisory Council will be held on Wednesday, April 13, 1983, at 9 a.m. at the Idaho Falls BLM District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Agenda for the meeting will include the following:

1. Wild Horse and Burro Legislation.
2. Asset Management Program.
3. Right-of-way Application, Poleline Road (Egin-Hamer).

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. The afternoon session will be a field tour to the St. Anthony area to the site of the right-of-way application. Persons wishing to attend

the field tour must provide their own transportation. Anyone wishing to make an oral statement or attend the field tour must notify the District Manager at the Idaho Falls BLM District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401 by April 9, 1983. Depending on the number of persons wanting to make oral statements, a per-person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) 30 days after the meeting.

Dated: March 1, 1983.

James Gabettas,

Acting District Manager.

[FR Doc. 83-6138 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

[M-45179]

Montana; Conveyance and Order Providing for Opening of Public Lands

March 2, 1983.

Notice is hereby given that pursuant to Sec. 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the surface estate only in the following described land has been conveyed to Carol Raffety, et al., Dillon, Montana:

Principal Meridian, Montana

T. 5 S., R. 8 W.,
Sec. 1, E½SW¼ and W½SE¼;
Sec. 2, SW¼NE¼ and SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼SW¼, and SW¼SW¼; and
Sec. 14, NW¼NW¼.

Containing 600.00 acres.

In exchange for the above land, the United States acquired the surface estate only in the following described land in Beaverhead County, Montana. The government owns the phosphate in the SW¼NE¼, SW¼, W½SE¼, Sec. 3; and the SE¼SE¼, Sec. 4. It owns all the minerals in the SE¼SE¼, Sec. 3, and the NE¼, SE¼NW¼, N½SW¼, Sec. 10;

Principal Meridian, Montana

T. 5 S., R. 8 W.,
Sec. 3, That portion of the SW¼NE¼ south of the Big Hole River, SW¼, W½SE¼ and SE¼SE¼;
Sec. 4, SE¼SE¼ and;
Sec. 10, NE¼, SE¼NW¼ and N½SE¼.

Containing 606.00 acres.

This order restores the land acquired by the United States to the operation of the public land laws generally.

The lands are located along the Big Hole River approximately 14.5 miles northwest of Dillon, Montana. These lands have high recreational values.

At 8 a.m. on April 6, 1983, the lands shall be open to the public land law generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received at or prior to 8 a.m. on April 6, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Roland Lee,

Acting Chief, Division of Lands and Renewable Resources.

[FR Doc. 83-6136 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Richfield District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Richfield District Grazing Advisory Board will be held on March 30, 1983.

The meeting will begin at 9 a.m. in the Conference Room of the Bureau of Land Management Office at 150 East 900 North, Richfield, Utah.

The agenda for the meeting includes discussion of the following items:

(1) Discuss the recently developed Cooperative Management Agreements relating to project implementation (FY 1983).

(2) Discuss 1983 AWP funds and planned projects.

(3) Discuss allotment categorization program.

(4) Discuss the planning and EIS schedule.

(5) Arrange future meeting details.

The meeting is open to the public. Interested persons may make oral statements to the board between 2 p.m. and 3 p.m. on March 30, 1983, or file written statements for the board's consideration.

Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701 by March 25, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions during regular business hours within 30 days following the meeting.

Dated: February 28, 1983.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 83-6140 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

[UT-910]

Utah Advisory Board; Meeting and Field Tour

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: A combined meeting and field tour will be held at St. George, Utah on March 31, and April 1, 1983 with District Grazing Advisory Boards from Cedar City, Richfield, Moab, Salt Lake and Vernal districts.

The purpose of the tour and meeting will be to review accomplishments in the Hot Desert area including Allotment Management Plans and Range Improvements.

The field tour will commence at 8 a.m. on March 31 and April 1 at the Four Seasons North Motel. A joint meeting will be held at the same motel on March 31 at 7:30 p.m. The meeting agenda items will include Cooperative Allotment Planning Efforts in Utah, and an update on the Randolph Stewardship area.

Individuals desiring to make a statement at the evening meeting or desiring to attend the field tour should notify the Cedar City District Manager at 801-586-2401.

The summary minutes will be maintained in the district offices and will be available 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: Margan Jensen, Cedar City District Manager, 801-586-2401.

Dated February 25, 1983.

Roland G. Robison,

State Director.

[FR Doc. 83-6139 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

[OR-34957]

Realty Action; Competitive/Modified Competitive Sale of Public Land in Lake County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713) at no less than the appraised fair market value shown:

Parcel No.	Legal description	Acreage	Appraised value
T. 27 S., R. 17 E., Willamette Meridian, Oregon			
1	Sec. 15: SW¼SE¼	40	$13,000
2	Sec. 15: SW¼SW¼	40	12,600
3	Sec. 22: SE¼NE¼	40	13,000

Parcel No.	Legal description	Acreage	Appraised value
4	Sec. 14: SE¼SW¼ Sec. 23: NE¼NW¼, S½NW¼, NW¼	100	25,500
5	Sec. 23: S½NW¼, N½SW¼	160	40,800

The sale will be held on Wednesday, May 18, 1983, at 10:00 a.m., P.D.T., Bureau of Land Management Conference Room, 1000 South Ninth Street, Lakeview, Oregon.

The sale is consistent with publicly supported Bureau planning. The sale involves isolated land completely surrounded by private land, and because of its location, is difficult and uneconomical to manage as part of the public lands, and is not suitable for management by another Federal department or agency. The public interest will be served by offering this land for sale.

Sale parcels #1, #2, #3, and #5, will be offered for sale at public auction through competitive bidding.

Sale parcel #4 will be offered for sale at public auction through modified competitive bidding with William C. Remy given preference to meet the high selling bid. Refusal or failure by Mr. Remy to meet the high selling bid immediately after the close of oral bidding shall constitute a waiver of such right.

Modified competitive bidding procedures are being used to recognize the needs of adjoining landowners and historical use by these landowners. Preference to meet the high selling bid is authorized under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3–2(a)(2)).

Federal law requires that all bidders by U.S. citizens, 18 years of age or more, a state or state instrumentality authorized to hold property, or in the case of corporations, be authorized to own real estate in the state in which the sale land is offered. Proof of these requirements shall accompany all sale bids.

Sealed written bids will be considered only if received by the Bureau of Land Management, 1000 South Ninth Street, P.O. Box 151, Lakeview, Oregon 97630, prior to 10:00 a.m., Wednesday, May 18, 1983, P.D.T., and for at least the appraised value. A separate written bid must be submitted for each sale parcel desired. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashiers check, made payable to the Bureau of Land Management for at least twenty percent (20%) of the amount bid and shall be enclosed in a sealed envelope clearly marked, "Bid for Public Land Sale OR–34957, Sale Parcel number ——, Lake County, Oregon, May 18, 1983". The written sealed bids will be opened and publicly declared at the beginning of the sale. If one or more bidders tie as high bid, the bidder who was first to submit his bid deposit and written bid shall be declared the high bidder.

In order to participate in the oral bidding on each parcel, bidders must submit a written bid for not less than the appraised value, and the twenty percent (20%) required deposit.

Oral bidding will be entertained after public declaration of the apparent high sealed bidder and all oral bids must be made in increments of $50.00 or more. After oral bids are entertained, the apparent high qualifying oral bidder shall submit payment by cash, personal check, bank draft, money order or any combination thereof, any additional amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale.

In the exercise of the preference right, whether submitted by sealed bid or oral bid, the preference right holder shall be required to submit payment as stated above immediately following the close of the sale.

The terms and conditions applicable to the sale are:

1. The apparent high bidder shall submit the remainder of the full bid price within 30 days from receipt of notice of acceptance. Failure to submit the full bid price within 30 days from receipt of notice of acceptance shall result in sale cancellation of the specific parcel and the deposit shall be forfeited.

2. The authorized officer may reject the highest qualified bid and release the bidder from his/her obligation and withdraw any tract for the sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law, or collusive or other activities have hindered or restrained free and open bidding, or consummation of the sale would encourage or promote speculation in public lands.

3. The patents will contain a reservation to the United States for ditches and canals.

4. The sale is for surface estate only. The patents will contain a reservation to the United States for all minerals.

5. The sale will be subject to all valid existing rights.

Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold. The sale price shall be based on the appraised fair market value at the time of purchase. Subsequent purchases may be transacted at the Lakeview District Office, in person, during regular business hours.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Lakeview District Office, Bureau of Land Management, 1000 South Ninth Street, Lakeview, Oregon 97630.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Lakeview District Office, Bureau of Land Management, P.O. Box 151, 1000 South Ninth Street, Lakeview, Oregon 97630. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become a final determination of the Department of the Interior.

Dated: March 3, 1983.

Richard A. Gerity,

District Manager.

[FR Doc. 83-6084 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare a Management Framework Plan Amendment Environmental Impact Statement; Roswell Resource Area; New Mexico

ACTION: Preparation of a Management Framework Plan Amendment/ Environmental Impact Statement (MFPA/EIS) on the rangeland management program in the Roswell Resource Area, Roswell District, New Mexico.

SUMMARY: This Notice of Intent amends the **Federal Register** Notice of Intent to Prepare a Resource Management Plan which was published on Thursday, June 25, 1981, pages 32939 and 32940.

SUPPLEMENTARY INFORMATION: The Roswell Resource Area, Roswell District, will prepare a MFPA/EIS on the rangeland management program (one issue) rather than a resource management plan which would cover a number of issues. The MFPA/EIS will provide resource management information and analysis for the rangeland management program on 1.4 million acres of public land administered by the Bureau in the Roswell Resource Area.

The Interdisciplinary Team

The MFPA/EIS will be developed by an interdisciplinary term under the supervision of the Roswell Resource Area Manager. Area specialists working on the team will include a Range Conservationist, Wildlife Biologist, Recreation Specialist, Realty Specialist, Geologist, Archeologist, and Surface Reclamation Specialist.

Additional technical support will be provided by the District staff as required.

Public Participation

The MFPA/EIS process has advanced to the Alternatives Formulation stage. Reasonable alternatives to be considered at this time include (1) No Action, (2) Limited Management, and (3) Intensive Management. A public scoping meeting is scheduled for March 30, 1983 from 6 to 9 p.m. at the Roswell District Office, 1717 W. 2nd St., Roswell, New Mexico 88201. The purpose is to receive input on these and any other alternatives which the public feels should be discussed.

FOR FURTHER INFORMATION CONTACT:

For further information contact Phil Kirk, Roswell Resource Area Manager or Linda Rundell, MFPA/EIS Team Leader, U.S. Bureau of Land Management, 1717 W. 2nd St., Roswell, New Mexico 88201. Telephone (505) 622–7670.

Dated: March 3, 1983.

Richard W. Baslin,

Associate District Manager, Roswell, New Mexico.

[FR Doc. 83-6068 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Multiple Use Advisory Council Meeting

Notice is hereby given, in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Coeur d'Alene District Multiple Use Advisory Council will be held on Thursday, April 28, 1983, at 10:00 a.m., at the Bureau of Land Management Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814.

Agenda for the meeting will include:

1. Introduction and biographical sketch of members;
2. Orientation, briefing, and discussion of Coeur d'Alene District programs by resource area:
3. Discussion of the function of the Council;
4. Establishment of committees;
5. Arrangement for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the council between 11:30 a.m. and 12:00 noon, or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by April 22, 1983. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 28, 1983.

Wayne W. Zinne,

District Manager.

[FR Doc. 83-6065 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 of a meeting of the Prineville District Grazing Advisory Board to be held April 7, 1983.

The meeting will take place at 1:00 P.M. in the conference room of the Bureau of Land Management office located at 185 East 4th Street, P.O. Box 550, Prineville, OR 97754.

The agenda will center on the following item:

1. Allotment categorization and ranking.

The meeting is open to the public. Anyone wishing to attend and/or make written or oral statements to the board is requested to contact the District Manager at the above address prior to April 1.

Summary minutes of the meeting will be available for review and reproduction within 30 days following the meeting.

Dated: March 1, 1983.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-6061 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 54547]

Proposed Withdrawal and Opportunity for Public Hearing; New Mexico

On February 22, 1983, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

New Mexico Principal Meridian

T. 24 N., R. 13 W.,
- Sec. 27, SW¼,
- Sec. 28, S½,
- Sec. 29, S½,
- Sec. 30, that portion of the SE¼ east of State Road 371,
- Sec. 31, that portion of the NE¼ east of State Road 371,
- Sec. 33, all,
- Sec. 34, all.

T. 23 N., R. 13 W.,
- Sec. 3, all,
- Sec. 4, all,
- Sec. 5, that portion of the N½ east of R/W NM 12221, that portion of the S½ east of R/W NM 12221,
- Sec. 9, that portion of the N½ north of County Road CO18 and R/W NM 12221,
- Sec. 10, that portion of the N½ north of County Road CO18.

The Area described contains 3,968.00 acres in San Juan County.

The purpose of the proposed withdrawal is to protect the fragile environment of the Bisti and to preserve the outstanding scenic and scenic values of the area for the enjoyment and enrichment of future generations. The lands will be segregated from the operation of the public land laws, including location under the mining laws for a period of 2 years from the date of publication of this notice in the **Federal Register** unless the application is denied or canceled or until the withdrawal is approved prior to that date. Grazing, recreation and temporary discretionary land uses will continue on the subject lands, if they will have no negative impacts on the values to be protected by the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501, within 90 days from the date of publication of the notice. Upon determination by the authorized officer that a public hearing will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the hearing.

The application will be processed in accordance with regulations set forth in 43 CFR Part 2300.

All communications in connection with this proposed withdrawal should be addressed to the State Director, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, NM 87501.

Dated: February 22, 1983.

Leroy C. Montoya,

Chief, Division of Operations.

[FR Doc. 83-6088 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Issuance of Permit for Incidental Take of Endangered Species

On December 2, 1982, a notice was published in the **Federal Register** (47 FR 54366), that an application had been filed with the U.S. Fish and Wildlife Service by the County of San Mateo, City of Brisbane, City of Daly City, and City of South San Francisco, California for a permit to incidentally take, pursuant to Section 10(a) of the Endangered Species Act of 1973, as amended, mission blue butterflies (*Icariocia icarioides missionensis*), San Bruno elfin butterflies (*Callophrys mossii bayensis*) and San Francisco garter snakes (*Thamnophis sirtalis tetrataenia*) on San Bruno Mountain, California pursuant to a multi-party agreement which implements the San Bruno Mountain Area Habitat Conservation Plan.

Notice is hereby given that on March 4, 1983, as authorized by the provisions of the Endangered Species Act of 1972 (16 USC 1539), as amended, the U.S. Fish and Wildlife Service issued a permit (PRT 2-9818), to the above named parties subject to certain conditions set forth therein.

Dated: March 4, 1983.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-6079 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-55-M

Conservation Plan for Incidental Take of Endangered Wildlife, Finding of No Significant Impact

AGENCY: Fish and Wildlife Service.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: A joint Federal Environmental Assessment and California Environmental Impact Report (hereinafter referred to as the "EA/EIR") has been prepared for the proposed incidental take of the mision blue butterfly (*Icaricia icarioides missionensis*), San Bruno elfin butterfly (*Callophrys mossii bayensis*), and San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) under a conservation plan pursuant to Section 10(a) of the Endangered Species Act of 1973, as amended. On the basis of the EA/EIR and related documents, and public comments, the Service has determined that the proposed incidental take of these endangered animals would not constitute a major Federal action significantly affecting the quality of the human environment and that a separate Federal Environmental Impact Statement will not be prepared for this proposed activity.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Parsons; Chief, Federal Wildlife Permit Office; U.S. Fish and Wildlife Service; P.O. Box 3654, Arlington, Virginia 22203; (703) 235-1903.

SUPPLEMENTAL INFORMATION: On December 2, 1982, the Service published a notice in the **Federal Register** (47 FR [232]: 54366-54367) soliciting public comments on an endangered species permit application jointly submitted by the County of San Mateo, CA; City of Brisbane, CA; City of Daly City, CA; and the City of South San Francisco, CA, for the incidental take of the endangered wildlife mentioned above. The notice provided background information on the permit application and the conservation plan to be used by the applicant to offset loss of the endangered wildlife due to incidental take during a development project within the San Bruno Mountain area in San Mateo County, California.

The Service is considering the issuance of a permit under the Endangered Species Act that would authorize the incidental taking of the mission blue butterfly, San Bruno elfin butterfly, and San Francisco garter snake, within the San Bruno Mountain area. The permit would be conditioned on implementation of the San Bruno Mountain Area Habitat Conservation Plan through an Agreement with respect to such Plan to be entered into by concerned Federal, State, and local parties. The 1982 San Bruno Mountain Area Habitat Conservation Plan and the proposed permit have been the subject of a combined EA/EIR which was finalized in November, 1982. Between 1976 and 1982, local government entities in San Mateo County approved general plans for development and for protection of open space areas on San Bruno Mountain. These local government land use decisions were subject to full consideration in California Environmental Impact Reports and issuance of the proposed permit would be a harmony with such decisions.

Based on a review of these public comments and evaluation of the information provided by the EA/EIR, the Habitat Conservation Plan, the Agreement, and other relevant documents, the Service tentatively determined that issuance of a permit authorizing the incidental taking of mission blue butterflies, San Bruno elfin butterflies, and San Francisco garter snakes within the San Bruno Mountain area was not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act. On January 26, 1983, the Service published a notice in the **Federal Register** (48 FR 3663-3664) of the availability of a proposed Finding of No Significant Impact on the issuance of the permit. The public review period ended on February 25, 1983.

Several comments were received in response to this notice. Based on these and other public comments received and on the above-mentioned documents, the Director has concluded that, as conditioned and mitigated by the requirements of the Habitat Conservation Plan and the Agreement, issuance of a permit authorizing the incidental taking of mission blue butterflies, San Bruno elfin butterflies, and San Francisco garter snakes within the San Bruno Mountain Area is not a major Federal action which would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act. Therefore, a separate Federal Environmental Impact Statement for this action will not be prepared.

Copies of the Finding of No Significant Impact will be on file for public review, during normal business hours, at the following locations: Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 601, Arlington, VA 22201, (703/235-1903); U.S. Fish and Wildlife Service, Region 1, Office of Federal Assistance, Lloyd 700 Building, Suite 550, 500 NE Multnomah Street, Portland, OR 97232 (503/231-6134) and; U.S. Fish and Wildlife Service, Sacramento Office of Endangered Species, 1230 "N" Street, 14th Floor Sacramento, CA 95814 (916/440-2791).

This action has been reviewed under the requirements of the National Environmental Policy Act (NEPA), as amended, the Council on Environmental Quality's NEPA Regulations (40 CFR 1500-1508), and the Service's guidelines concerning the implementation of NEPA.

Done this 4th day of March, 1983.

Robert A. Jantzen,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-6074 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Pesticide Use Proposal (To monitor the amount and impact of pesticides used on national wildlife refuge lands).

Bureau Form Number: N/A.

Frequency: On occasion.

Description of Respondents: Individuals, farms, mosquito and insect control agencies or businesses.

Animal Responses: 500.

Annual Burden Hours: 50.

Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Robert E. Gilmore,

Acting Associate Director, Wildlife Resources.

[FR Doc. 83-6152 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-090

Decided: February 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150303, filed January 24, 1983. Applicant: HALLOUS H. GARRETT d.b.a. GARRETT TRUCKING COMPANY, Route 3, Box 240, Greenbrier, AR 72058. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201, (501) 375-9151. Transporting *general commidities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI), under continuing contract(s) with Kirkpatrick Rubber Company, of Greenbrier, AR.

MC 5623 (Sub-62), filed February 4, 1983. Applicant: ARROW TRUCKING CO., 4230 South Elwood, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

(703) 893-3050. *Mercer commodities, machinery, and chemcials and related products*, between points in the U.S. (except HI), under continuing contract(s) with Standard Oil of California and its wholly owned operating subsidiaries, of San Francisco, CA, and Magcobar Group—Dresser Industries, Inc., of Houston, TX.

MC 152383 (Sub-7), filed February 1, 1983. Applicant: C. C. M. ENTERPRISES INC., Suite 40, 27 Produce Dr., Cincinnati, OH 45202. Representative: John R. Mateyko (same address as applicant), 513-621-7566. Transporting (1) *such commodities* as are dealt in or used by manufacturers, operators, and repairers of pipelines and public utility plants, between points in the U.S. (except AK and HI); and (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, IL, IN, OH, and PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152843 (Sub-3), filed February 7, 1983. Applicant: GENE E. CARTER d.b.a. GENE E. CARTER TRUCKING, 203 S. State Box 223, Norton, KS 67654 0223. Representative: Gene E. Carter (same address as applicant), 913-877-5195. Transporting (1) *lumber and wood products*, between points in OR and WA, on the one hand, and, on the other, points in KS, NE, and OK; (2) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in KS, NE, CO, IA, MO, OK, CA, TX, UT, MT, and WY.

MC 155013 (Sub-3), filed February 7, 1983. Applicant: FREIGHTMASTER, INC., P.O. Box 664, Taylorsville, NC 28681. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615-790-2510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (expect AK and HI).

Volume No. OP2-092

Decided: March 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 52793 (Sub-122), filed February 7, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant), 312-547-2184. Transporting *electronic and computerized business machines*, between points in the U.S (except AK and HI), under continuing contract(s) with Edward Mancini Inc., of Chicago, IL.

MC 05112 (Sub-3), filed February 8, 1983. Applicant: FOGARTY VAN LINES, INC., 1109 Cumberland Ave., Tampa, FL 33602. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, 813-223-2411. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 128633 (Sub-34), filed January 14, 1983. Applicant: LAUREL HILL TRUCKING COMPANY, 614 New County Rd., Secaucus, NJ 07094. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, 516-427-0100. Transporting (A) (1) *furniture and fixtures*, (2) *metal products*, (3) *waste or scrap materials not identified by industry producing*, (4) *such commodities* as are dealt in or used by department stores, (5) *chemicals and related products*, (6) *paper products*, (7) *rubber and plastic products*, (8) *clays, concrete, glass or stone products*, and (9) *food and related products*, between points in the U.S. (except AK and HI); (B) (1) *paint and painting equipment*, (2) *patching compounds and adhesives*, and (3) *wood products*, between Bayonne, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI); (C) *stereos and turntables*, between New York, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental revocation of permits Nos. MC 12868 Sub 32 and MC 128058 Sub 8, issued March 11, 1982 and October 13, 1981, respectively.

Note.—Applicant seeks to convert its permit Nos. MC 128633 (Sub 32) and MC 128058 (Sub 8) to a Certificate of Public Convenience and Necessity.

MC 145243 (Sub-4), filed February 7, 1093. Applicant: REDBIRD DEVELOPMENT, INC., 1018 Whitlock Rd., Rochester, NY 14609. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, 716-265-9510. Transporting (1) *hazardous waste materials, metal bearing residues, metal hydroxide sludges, and metal drill dust*, between points in the U.S., under continuing contract(s) with WRC Processing Company, of McLean, VA; and (2) *such commodities* as are dealt in or used by manufacturers and distributors of bank vaults, between points in the U.S., under continuing contract(s) with Ridge Welders and Riggers, Inc., of Rochester, NY.

MC 145922 (Sub-2), filed February 7, 1093. Applicant: WRIGHT TRUCKING, INC., Rt. 1, Box 116, Coalville, UT 84017. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, 801-531-1300. Transporting *such commodities* as are dealt in by wholesale grocery houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Fleming Companies, Inc., of Salt Lake City, UT.

MC 152393 (Sub-5), filed January 26, 1983. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, 555 143rd Avenue, San Leandro, CA 94577. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518, (415) 825-1774. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 161512 (Sub-1), filed February 7, 1983. Applicant: RICHARD HUSKEY AND HARLEY SMITH, d.b.a. GRAPEVINE EXPRESS, R.R. 1, Box 143, Granville, IL 61326. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, 216-652-2789. Transporting *food and related products*, between points in IL, those in Avovelles Parish, LA, Sampson County, NC, and Clark County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166042, filed February 3, 1983. Applicant: UNLIMITED WAREHOUSING, INC., 2250 Devon Ave., Elk Grove Village, IL 60007. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, 312-782-6937. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, on the one hand, and, on the other, points in IN, WI, MN, MI, IA, MO, and OH.

MC 166082, filed February 7, 1983. Applicant: OUI DELIVER COURIER SERVICE, P.O. Box A 2068, 98 Front St., New Bedford, MA 02740. Representative: Peter S. Mason, 292 Slocum Road, North Dartmouth, MA 02747, (617) 996-4388. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Bronx, Queens and New York Counties, NY, Hartford, New Haven, Middlesex and New London Counties, CT, and RI, VT, MA, NH and ME.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-78

Decided: March 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–804, filed February 7, 1983. Applicant: HAWAIIAN DISTRIBUTION SYSTEM, INC., 871 66th Ave., Oakland, CA 94621. Representative: William D. Taylor, 100 Pine St., #2550, San Francisco, CA 94111, (415) 986–1414. As a freight forwarder, in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in CA and NV, on the one hand, and, on the other, points in HI.

MC 104675 (Sub-46), filed February 16, 1983. Applicant: FRONTIER DELIVERY, INC., 4238 Ridge Lea Road, Amherst, NY 14228. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701, (716) 664–5210. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Ashland Oil, Inc., of Ashland, KY.

MC 150084 (Sub-5), filed February 15, 1983. Applicant: PRIDE TRANSPORT, 1102 W 2100 So, Salt Lake City, UT 84104. Representative: D. Jeffrey England (same address as applicant), (801) 972–8890. Transporting (1) *furniture and fixtures*, between points in CA, CO, ID, MT, NV, UT and WY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *food and related products, metal products, machinery and equipment*, between points in the U.S. (except AK and HI).

MC 159514 (Sub-1), filed February 16, 1983. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 2897 (Hwy. 182), Morgan City, LA 70381. Representative: C. W. Ferebee, 3910 FM 1960 W., Suite 106, Houston, TX 77068, (713) 537–8156. Transporting *Mercer commodities* and *pipe*, between points in the U.S. (except AK and HI).

MC 161825, filed February 15, 1983. Applicant: WELLS WATSON, 2412 South Cooper Street, Arlington, TX 76010. Representative: Clint Oldham, 623 South Henderson, Suite 200, Fort Worth, TX 76104. Transporting *lumber*, between points in AR, LA, OK, and TX.

MC 161834, filed February 15, 1983. Applicant: KWIK-WAY TRUCKING CO., INC., Route 2, P.O. Box 108, Vale, NC 28168. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28168, (704) 372–6730. Transporting *machinery*, between points in Wayne County, MI and Cuyahoga County, OH, on the one hand, and, on the other, points in Broward and Dade Counties, FL.

MC 166266, filed February 15, 1983. Applicant: HICKORY MOTOR LINES, INC., P.O. Box 1631, 2515 Highway 64–70 SW, Hickory, NC 28603. Representative: William D. Keller (same address as applicant), (704) 322–7355. Transporting (1) *paper and paper products*, and (2) *textile mill products*, between points in NC and SC, on the one hand, and, on the other, points in the U.S. in and east of TX, OK, KS, NE, SD, and ND.

Volume No. OP3–76

Decided: March 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 53965 (Sub-205), filed February 11, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 20th Fl., Detroit, MI 48226, (313) 496–3534. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation of Troy, MI.

MC 118304 (Sub-11), filed February 15, 1983. Applicant: CALDWELL TRANSPORT LTD., P.O. Box 127, Florenceville, NB, Canada EOJ IKO. Representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, (617) 749–6500. Transporting *building materials, paper and related products*, and *chemicals and plastic products*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 128734 (Sub-9), filed February 15, 1983. Applicant: W.B. PRODUCE HAULERS, INC., 525 Cottage Grove, S.E., Grand Rapids, MI 49507. Representative: David E. Jerome, 436 North Center, Northville, MI 48167, (313) 348–4433. Transporting *food and related products*, between points in MI and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133035 (Sub-30), filed February 15, 1983. Applicant: DILTS TRUCKING, INC., Route 1, Box 156, Crescent, IA 51526. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036 (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Commerce Express, Inc., of New Brighton, MN.

MC 135304 (Sub-55), filed February 8, 1983. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517 (717) 344–3030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Polymers, Inc., of Middlebury, VT.

MC 135824 ((Sub-8), filed February 11, 1983. Applicant: KLAPEC TRUCKING COMPANY, R.D. #1, 673 N. Seneca St., Oil City, PA 16301. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Chicago Pneumatic Tool Company and its subsidiaries of Franklin, PA.

MC 143775 (Sub-171), filed February 8, 1983. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85311. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, D.C. 20006 (202) 828–5015. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Borden Chemical Company of North Andover, MA and Paul Yates, A Sole Proprietorship, of Glendale, AZ.

MC 144315 (Sub-11(a)), filed February 8, 1983. Applicant: PORT CITY LEASING, INC., P.O.B. 498, Lewiston, ID 83501. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701 (208) 343–3071. Transporting (1) *chemicals and related products, minerals and ores*, between points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI), and (2) *petroleum and petroleum products*, between points in ID, OR, and WA on the one hand, and, on the other, points in the U.S. in and west of WI, IL, MO, AR, and LA.

MC 146055 (Sub-22), filed February 8, 1983. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Bldg., Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114 (402) 397–9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Douglas, Washington, Dodge and Sarpy Counties, NE and Pottawattamie County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146314 (Sub-11), filed February 15, 1983. Applicant: G & T TRUCKING CO., 11111 Deuce Road, Elko, MN 55020. Representative: Thomas Zwiers (same

address as applicant) (612) 481–2181. Transporting *chemicals and related products*, between points in the U.S.

MC 154795 (Sub-3), filed February 8, 1983. Applicant: MMR, INC., 3528 Whippoorwill Road, Louisville, KY 40213. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202 (502) 589–5400. Transporting *such commodities* as are dealt in or used by drug stores, hardware stores, wholesale grocery stores, and automotive supply stores, between Jersey City, NJ, Kansas City, MO, Louisville, KY, Cleveland, OH, Chicago, IL, Milwaukee, WI, Minneapolis, MN, Memphis, TN, Boston, MA, Philadelphia, PA, Atlanta, GA, Jacksonville, FL, New Orleans, LA, Houston, TX, Los Angeles, CA, Portland, OR, and points in Wake County, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158635 (Sub-1), filed February 10, 1983. Applicant: NORTHLAND TRANSPORTATION, INC., P.O. Box 65, Magnet, NE 68749. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106 (402) 392–1220. Transporting *commodities in bulk, chemicals, petroleum products, and automobile care products*, between points in NE, IA, MN, SD, WY, KS, MO, LA, AR, CO, WI, IL, OK, TX, NM, ND, MT and IN.

MC 166114, filed February 7, 1983. Applicant: BILL THOMPSON TRANSPORT LIMITED, P.O. Box 547, Highway 3 East, St. Thomas, Ontario, Canada N5P 3N6. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226 (313) 962–6492. In foreign commerce only, transporting *general commodities* (except household goods and classes A and B explosives), between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166304, filed February 15, 1983. Applicant: R.M.T. COMPANY, d.b.a. ROCKY MOUNTAIN TRUCKING, P.O. Box 30457, Billings, MT 59107. Representative: Charles A. Murray, Jr., 2822 Third Ave., N., Billings, MT 59101 (406) 252–4165. Transporting *beverages*, between points in Yellowstone County, MT, on the one hand, and, on the other, points in WA, OR, CA and WI.

MC 67234 (Sub-67), filed December 2, 1982, previously noticed in the **Federal Register** on December 21, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

Note.—This republication shows that applicant is fit, willing, and able, to transport household goods.

Volume No. OP3–82

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 106194 (Sub-19), filed February 11, 1983. Applicant: WILLIAM B. MEYER, INCORPORATED, P.O. Box 4206, Bridgeport, CT 06607. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in U.S. (except AK and HI), under continuing contract(s) with General Mills, Inc. of Minneapolis, MN.

MC 150854 (Sub-1), filed February 17, 1983. Applicant: NORWALK TRANSFER AND STORAGE, INC., 13900 E. Rosecrans Ave., Santa Fe Springs, CA 90670. Representative: Wayne Nogle (same address as applicant), (213) 921–5501. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 155175 (Sub-2), filed February 10, 1983. Applicant: CAPITAL CITY TRUCKING, INC., 13th & Front, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in ND, SD, MN and MT, on the one hand, and, on the other, points in the U.S. (except HI).

MC 156044, filed February 15, 1983. Applicant: LARRY EDISON MORGAN, d.b.a. MORGAN TRUCKING, Rt. 1, Box 419–D, Arden, NC 28704. Representative: William P. Farthing, Jr., 1100 Cameron–Brown Bldg., Charlotte, NC 28204 (704) 372–6730. Transporting *food and related products*, between points in VA, NC, SC, TN, KY, GA, AL, and FL.

MC 160055 (Sub-2), filed February 17, 1983. Applicant: AWC TRANSPORTATION CORPORATION, 355 Boyce-Greeley Bldg., Sioux Falls, SD 57102. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, (712) 323–9124. Transporting (1)(a) *pulp, paper and related products*, (b) *plastic products*, and (c) *chemicals and related products*, between New York, NY, and points in CO, MO, NM, OK, and TN, on the one hand, and, on the other, points in CA, CO, CT, IL, IA, KS, KY, LA, MN, MT, NE, NC, OH, OK, TX, WI, and WY, and (2) *millwork and building materials*, between points in CA, IA, MN, NE, ND, OH, OR, and WA.

MC 166145, filed February 8, 1983. Applicant: BOB HARDT TRUCKING, P.O. Box 304, Chiloquin, OR 97624. Representative: Bob Hardt (same address as applicant), (503) 783–2732. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 166314, filed February 17, 1983. Applicant: GTL TRUCK LINES, INC., 2027 Tenth St., Gering, NE 69341. Representative: William H. Borghesani, Jr., 1150 7th St., NW., Suite 1000, Washington, D.C. 20036, (202) 457–1122. Transporting *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, between points in CO, MT, WY, ND, SD, NE, KS, OK, TX, MN, IA, WI, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Vol. No. OP4–120

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 42487 (Sub-1067), filed February 16, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Minle Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 228–46902. Transporting *general commodities* (except classes A and B explosives, hosuehold goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with WYO–BEN, Inc., of Billings, MT.

MC 152366 (Sub-6), filed February 23, 1983. Applicant: AMERICAN COLLOID CARRIER CORP., P.O. Box 951, Scottsbluff, NE 69361. Representative: Robert N. Garity (same address as applicant), (308) 635–3157. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Pioneer Wood Products, Inc., of Kansas City, MO.

Vol. No. OP4-121

Decided: March 3, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC 97006 (Sub-16), filed February 22, 1983. Applicant: HOWARD'S EXPRESS, INC., East North St., P.O. Drawer 72, Geneva, NY 14456. Representative: Morton E. Kiel, Suite 1632, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, ME, NH, VT, MA, RI, CT, NJ, PA, DE, MD, and DC.

MC 103926 (Sub-111), filed February 22, 1983. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, Suite 1200, 235 Peachtree St., NE., Atlanta, GA 30303, (404) 522–2322. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 109887 (Sub-3), filed February 18, 1983. Applicant: WEST END MOVING & STORAGE CO., INC., 241 Pine St., P.O. Box 3374, Bridgeport, CT 06605. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Uniroyal, Inc., of Middlebury, CT.

MC 114457 (Sub-590), filed February 16, 1983. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, MN 55114. Representative: Alan D. Swenson (same address as applicant), (612) 645–0323. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with General Foods Corporation of White Plains, NY and its subsidiaries.

MC 116077 (Sub-441), filed February 17, 1983. Applicant: DSI TRANSPORTS, INC., P.O. Box 1505, Houston, TX 77001. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washington, DC 20006, (202) 828–5015. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contracts with Union Carbide Corporation of Danbury, CT.

MC 118666 (Sub-52), filed February 17, 1983. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Rd., Hammond, IN 46234. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Signode Corporation of Glenview, IL.

MC 125996 (Sub-103), filed February 16, 1983. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84126. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 128546 (Sub-3), filed February 16, 1983. Applicant: ABLE EXPRESS, INC., P.O. Box 5235, Lake Station, IN 46405. Representative: Carl L. Steiner, 135 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144826 (Sub-3), filed February 23, 1983. Applicant: COMET TRUCKING, INC., 6 Stuart Rd., Chelmsford, MA 01824. Representative: Dominic J. DiSalvo (same address as applicant), (617) 256–6551. Transporting (1) *rubber and plastic products*, under continuing contract(s) with W. B. C. Extrusion Products, Inc., of Lowell, MA, and (2) *textile mill products*, under continuing contract(s) with Nathan Solomon & Co., Inc., of Lowell, MA, between points in the U.S. (except AK and HI).

MC 149576 (Sub-27), filed February 16, 1983. Applicant: TRANS-AMERICAN TRUCKING SERVICE, INC., 130 Meadow Rd., P.O. Box 1247, Nixon Station, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150647 (Sub-2), filed February 17, 1983. Applicant: MIDWEST SECURITY TRANSFER, INC., 836 N. Main Ave., P.O. Box 1577, Sioux Falls, SD 57101. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. (605) 335–1777. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between Fargo, ND, and points in MN, SD, those points in IA on and west of U.S. Hwy 59 and those points in NE on and east of U.S. Hwy 81.

MC 152947 (Sub-1), filed February 22, 1983. Applicant: FLOOD, INC., 8194 S. Washtenaw Ave., Chicago, IL 60652. Representative: Michael J. Flood, (same address as applicant), (312) 538–0700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KY, MI, MN, MO, NE, ND, OH, TN, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153707 (Sub-1), filed February 17, 1983. Applicant: JET DELIVERY, INC., 750 E. 10th St., Los Angeles, CA 90021. Representative: Thomas M. Loughran, 100 Bush St. 21st Floor, San Francisco, CA 94104, (415) 986–5778. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AZ, CA and NV.

MC 162237 (Sub-3), filed February 17, 1983. Applicant: SWIFT ENTERPRISES, INC., 7901 4th St., North, Suite 306, St. Petersburg, FL 33704. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in AL, AZ, AR, CA, IL, CO, CT, DE, FL, GA, ID, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, WY, and DC.

MC 166146 (Sub-1), filed February 22, 1983. Applicant: ALL FREIGHT TRUCKING, INC., P.O. Box 780, Sturbridge, MA 01566. Representative: David M. Marshall, Sixth Floor, 95 State St., Springfield, MA 01103 (413) 732–1136. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Plastics and Resins Co. of Deep River, CT, and Purex Corporation of Lakewood, CA.

MC 166277, filed February 16, 1983. Applicant: JOHN J. BURGESS d.b.a., BURGESS PIGGYBACK SERVICE, P.O. Box 1002, 718 Glennaddie Ave., Anniston, AL 36202. Representative: George M. Boles, 629 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251–6602. Transporting *general commodities* (except commodities in bulk) (1) between points in Lee, Elmore, Montgomery, Autauga, Chilton, Bibb, Tuscaloosa, Jefferson, Walker, Blount, Shelby, Coosa, Tallapoosa, Chambers, Randolph, Clay, Talladega, Cleburne,

Calhoun, St. Clair, Cullman, Morgan, Lawrence, Madison, Marshall, Jackson, DeKalb, Etowah, Limestone and Cherokee Counties, AL, and (2) between points in the named counties in (1) above, on the one hand, and, on the other, points in Hamilton County, TN, and Fulton, Douglas, Cobb and DeKalb Counties, GA. Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives it shall be limited in point of time to a period expiring 5 years from its date issue.

MC 160356, Filed February 22, 1983. Applicant: FALCON EXPRESS, INC., 9130 15th Place South, Seattle, WA 98108. Representative: Robert L. Geddes, (same address as applicant), (206) 763–3840. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY.

[FR Doc. 83-6121 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–089

Decided: February 28, 1983.

MC 5623 (Sub-63), filed February 4, 1983. Applicant: ARROW TRUCKING CO., 4230 South Elwood, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 165982, filed February 1, 1983. Applicant: MAINOR'S BUS SERVICE, 4205 Kaywood Dr. #A–1, Mount Rainier, MD 20712. Representative: Charles B. Mainor, (same address as applicant), 301–779–3247. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–091

Decided: March 1, 1983.

MC 128772 (Sub-22), filed February 7, 1983. Applicant: STAR BULK TRANSPORT, INC., 821 North Front St., New Ulm, MN 56073. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612–333–1341. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

[FR Doc. 83-6120 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Restriction Removals

The following restriction removal applications are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

Volume No. OP3–72

Decided: March 2, 1983.

MC 109104 (Sub-8)X, filed January 14, 1983. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Ave., Jonesboro, AR 72401. Representative: Robert J. Brooks, 1828 L St., NW., Suite 1111, Washington, D.C. 20036, (202) 466–3892. Lead, Sub 5 and Deviation Nos. 2, 3 and 4. (1) To authorize service at all intermediate points on passenger carrier's specified routes in lead certificate (a) between West Memphis, AR and Hoxie, AR, (b) between West Memphis, AR and Memphis, TN, and remove restriction against pick-up and discharge on same route, (c) between Advance, MO and St. Louis, MO and eliminate limitations on service at Chester, IL and (d) between Clarkston, MO and Gideon, MO; (2) to authorize service at all intermediate points on applicant's specified routes in Sub-No. 5 (a) between Little Rock, AR and Newport, AR, (b) between Beebe, AR, Searcy, AR, and Judsonia, AR and junction of their branch routes with U.S. Hwy 67, and (c) eliminate service restrictions at Jacksonville, AR and at intermediate points between Jacksonville and Little Rock, AR; (3) authorize service at all intermediate points on deviation routes between (a) St. Louis, MO and Perryville, MO, (b) Memphis, TN and Gilmore, AR, and (c) Perryville, MO and Cape Girardeau, MO; (4) remove restriction limiting pick-up of passengers at St. Louis destined to Cape Girardeau and vice versa on deviation route between Cape Girardeau and Perryville; (5) remove for operating convenience only limitation on deviation routes.

Volume No. OP3–77

Decided: March 3, 1983.

MC 135294 (Sub-3)X, filed February 18, 1983. Applicant: WILLIES BOAT MOVING LTD., 14257 64th Ave., Surrey, BC, Canada V3W. Representative: Jim Pitzer, 15 South Grady Way-Suite 321, Renton, WA 98055 (206) 235–1111. Sub 1 Certificate: (1) broaden port of entry at or near Blaine, WA, to read "ports of entry on the International Boundary line between the United States and Canada, in WA"; (2) broaden Seattle, WA, to "points in King, Pierce, Kitsap and Snohomish Counties, WA"; and (3) change one-way to radial authority.

Volume No. OP3–84

Decided: March 4, 1983.

MC 141385 (Sub-8)X, filed February 16, 1983. Applicant: PENNER FEED & SUPPLY, INC., Inman Industrial Park, P.O. Box 476, Inman, KS 67546. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Subs 1, 3F, 6F, and 7F Permits, (a) broaden (1) Sub 1 to "chemicals and related products" from paints and coating (except in bulk), (2) Subs 3F and 6F to "food and related products" from (a) feed and feed products (except in bulk), and (b) flour, flour products, and baker ingredients and supplies, (B) Subs 1, 3F, 6F, and 7F broaden the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers, and (C) Subs 1, 3F, and 7F, remove commodity restriction "except in bulk."

For the following, please direct status calls to Team 4 (202) 275–7669.

Volume No. OP4–125

Decided: March 3, 1983.

MC 16536 (Sub-8)X, filed February 18, 1983. Applicant: STANDARD FORWARDING CO., INC., 2925 Morton Dr., East Moline, IL 61244. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Lead and Sub 5 permits: (1) broaden Lead (a) from agricultural implements, farm machinery, and materials and supplies used in the manufacture, sale, or distribution of agricultural implements and farm machinery, agricultural-implement and farm machinery show displays, and experimental types of the above to "machinery, lumber and wood products, transportation equipment, fabricated metal products, pulp, paper, and related products, furniture and fixtures, printed matter, rubber and plastic products, instruments, photographic goods and optical goods, watches and clocks and miscellaneous products of manufacturing", and (b) from tractors, internal combustion engines, pumping jacks, non-self-propelling vehicles, and parts to "machinery and transportation equipment"; (2) remove bulk restriction in Sub 5; and (3) broaden territorial description to in Lead between points in the U.S. under continuing contract(s) with persons whose business is the manufacture or sale of agricultural implements and farm machinery, for the transportation of the commodities indicated and in the manner specified in part (1)(a) above, under contract with unnamed shippers in part (b), and in Sub 5 under contract with a named shipper.

[FR Doc. 83-6127 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 346; Sub-12]

Petition to Exempt Storage Leases of Norfolk and Western

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: In response to a petition filed by Norfolk and Western Railway Company, the Commission is exercising its authority under 49 U.S.C. 10505 to exempt the leasing of surplus covered hopper cars from regulation to permit N&W to compete more effectively with private car companies in the leasing of these idle cars for storage purposes.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) (275–7245).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy of the full decision, contact T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: March 2, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6124 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 393; Sub-1]

Standards for Railroad Revenue Adequacy

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Revision to Existing Standards for Determination of Revenue Adequacy of Railroads.

SUMMARY: The purpose of this proceeding is to improve the standards adopted in Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 I.C.C. 803 (1981) (46 FR 20806, April 7, 1981), for determining railroad revenue adequacy. We indicated in our decision an intent to consider major modifications in our revenue adequacy proceedings. The time now seems appropriate to re-examine and resolve issues deferred by our previous decision, and certain principles and procedures adopted with dispatch to comply with the mandatory time limits specified in the Staggers Rail Act of 1980.

Specific proposed revisions in present standards addressed in this proceeding are: (1) Calculation of Return on Investment (ROI) to consider exclusively all transportation elements of income, expense, and investment; (2) Use of normalized or weighted normalized data to compute ROI; (3) Computation of ROI on a consolidated basis to include railroad affiliates; and (4) Conversion from an original cost investment base to one based on current or replacement costs in revenue adequacy determinations, and use of current cost information in other regulatory proceedings.

DATE: Written responses and accompanying data should be filed with the Commission within 60 days from the publication in the **Federal Register.**

COPIES: Copies of the full decision are available from the Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, D.C. 20423, Phone (202) 275–7428.

ADDRESS: An original and 10 copies of any comment should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr., (202) 275–7489.

SUPPLEMENTARY INFORMATION: The purpose of this revision is to resolve those issues left pending in Ex Parte No. 393, *Standards for Railroad Revenue Adequacy*, 364 ICC 803 (1981).

The most significant change proposed is the adoption of inflation adjusted accounting procedures employing specific inflation indices developed internally by the Commission. Other changes to be considered include refining definitions of the railroad net investment base and operating income to include all transportation related elements and exclude non-transportation related items. In addition, it is proposed that normalized data be used over a four year period, in lieu of single year data to determine revenue adequacy. Finally, it is proposed to consider the inclusion of railroad affiliates in determining the revenue needs of railroad systems.

We seek comments from the parties on each of these issues to assist us in resolving them in this proceeding. Additionally, we request comments on possible implications of the Economic Recovery Tax Act of 1981 (ERTA) on future revenue adequacy determinations.

Regulatory Flexibility Act

The Commission certifies that these proposed standards will not have a significant economic impact on a substantial number of small entities. The rule changes considered in this proceeding affect only information already supplied by Class I railroads or available to them from their subsidiaries.

We seek comments on the various issues and approaches contained in this notice. In addition, while this action does not appear to affect significantly the quality of the human environment or conservation of energy resources, we invite comments on these subjects.

(49 U.S.C. 10321, 10701(e), 10704(a); section 205(a)(1), Pub. L. 96–448; 4 U.S.C. 553.)

Decided: February 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett dissented in part with a separate expression. Commissioner Andre dissented with a separate expression. Vice Chairman Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

Commissioner Sterrett, dissenting in part:

The Commission's revenue adequacy standards have taken on greatly increased significance because a majority of the Commission is proposing, in Ex Parte No. 347 (Sub-No. 1), to use revenue adequacy as a constraint on pricing. Thus, it is imperative that the Commission be particularly careful in proposing changes to the existing revenue adequacy standards.

The Commission's stated purpose in this proceeding is "to provide a more accurate reflection of the profitability of railroad operations." Yet, three of the proposals made here would distort the real picture by including in the determination of a rail carrier's profitability (1) the financial results of certain non-carrier, but "transportation-related" affiliates; (2) the financial results of other railroads, related only by common control; and (3) the rail carrier's past financial results, instead of just its current performance. In short, whether a railroad is revenue adequate would be determined by considering the financial performance of non-carriers and other carriers, over past years. I question whether this is either legally or practically justifiable.

Commissioner Andre, dissenting

On the whole, the notice approved by the majority proposed worthwhile changes in the method of determining railroad return on investment.

I must, however, dissent from the majority's proposal to retreat from current use of the nominal (without inflation adjustment) cost of capital in determining the proper level of earnings. The majority proposes to reduce the nominal cost of capital to what it considers to be the "real" cost of capital by subtracting from the nominal cost of capital an estimate of the future rate of inflation. In my dissenting vote in the Notice of Rulemaking in Ex Parte No. 274 (Sub-No. 5), *Revision of Abandonment Regulations* (unprinted, served October 1, 1982), I opposed a similar deduction of an inflation estimate.

Briefly, I submit that sound policy requires us to focus upon the railroads' true opportunity cost of capital when we are setting their allowable return on investment. The railroads' opportunity cost of capital is the sum that the railroads must forgo by keeping their assets in railroad use instead of investing them elsewhere. It is the value of the railroads' investment multiplied by a percentage return figure which is a reasonable estimate of the return that a railroad could get by investing its funds elsewhere.

The railroads' investment is currently determined on a book or original cost basis. The use of original cost assumes that an investment in real assets is like a deposit of cash in an interest-bearing bank account, in that money value of the original investment does not change. An asset value at original cost, like a sum of money in a bank, will not increase in nominal value (or even real value) due to inflation.

In the real world, however, railroads put their money into real assets. Real assets can increase in nominal value due to inflation. (The majority would give proper recognition to inflationary changes in value by the proposal to use index numbers to develop an acceptable proxy for depreciated reproduction cost values.) Moreover, in the real world, a railroad could (in the absence of regulatory restraint) sell its assets at their (inflation-influenced) reproduction cost values and invest the proceeds *at market rates of return*, with no inflation adjustment of the type proposed by the majority. The sum that the railroads would receive if they were to do this is the true opportunity cost of capital, i.e., what other sectors of the economy are sacrificing when rail assets are kept in rail use.

The majority, however, ignores the true cost of capital when it uses the inflation rate deduction to allow less than the actual market rate of return to be used as the cost of

capital. In my vote in Ex Parte No. 274 (Sub-No. 5), supra, I explained why this deduction is not necessary to prevent railroads from "double counting" the effect of inflation on rate of return. The same reasoning applies here.

[FR Doc. 83-6123 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

[Nos. MC-F 15157; OP4F-124]

Alaska Terminals, Inc.; Control Exemption; Alaska Sea Van, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343,* 367 ICC 113 (1982), Alaska Terminals, Inc. (No. MC-118491) and Golden North Van Lines, Inc. (No. MC-140586), both motor common carriers, seek an exemption from the requirement under section 11343 of prior regulatory approval for the transfer of control of Alaska SeaVan, Inc. (No. MC-136038), a regulated carrier doing business as Mitchell Moving and Storage, through the purchase by Alaska Terminals, Inc. from Golden North Van Lines, Inc. of all capital stock of Alaska SeaVan, Inc.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101.

Comments should refer to No. MC-F-15157.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioners' representative. In the alternative, the petition for exemption may be inspected at the Offices of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Herber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6130 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15144]

Baker Truck Service, Inc.; Purchase Exemption; Shoemaker Trucking Company (Lorean Wetzel, Trustee in Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Baker Truck Service Inc. (Baker) MC-138652) and Shoemaker Trucking Company (Shoemaker) (MC-138875) seek an exemption from the requirement of prior regulatory approval of the purchase of a portion of Shoemaker's operating rights (Subs 296, 297, 309X, and 312X), authorizing the transportation of general and specified commodities between points in all or specified portions of the United States.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423,

and

(2) Petitioner's representative: David E. Wishney, P.O. Box 837, Boise, ID 83701.

Comments should refer to No. MC-F-15144

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6129 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15125]

Dutton Trucking, Inc.; Purchases Exemption; Grand Island Express, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Dutton Trucking, Inc. (No. MC-153281) seeks an exemption from the requirement of prior regulatory approval for its proposed acquisition of a portion of the operating authority of Grand Island Express, Inc. (No. MC-135283). This authority authorizes the transportation of malt beverages and empty malt beverage containers between specified points in Minnesota, Illinois, and Nebraska.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative: Jack L. Shultz, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501.

Comments should refer to No. MC-F-15125.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6131 Filed 3-9-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15116]

Five Star Trucking, Inc.; Purchase Exemption; Chism, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carrjers of Property under 49 U.S.C. 11343,* 363 I.C.C. 113 (1982), Five Star Trucking Inc. (No. MC-140889) seeks an exemption from the requirement under section 11343 of prior regulatory approval of the purchase of all authorities issued to Chism, Inc. (No. MC-156329). Authority is also sought by

Five Star to temporarily lease Chism's operating rights pending disposition.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representatives: Max W. Lilley, Esq., Lilley & Cowan, P.C., Suite 221, Woodruff Building, P.O. Box 1305, S.S.S., Springfield, MO 65805

and

David M. O'Boyle, Esq., Wick, Rich, Fluke & Streiff, 1610 Two Chatham Center, Pittsburgh, PA 15219.

Comments should refer to No. MC–15116.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitoner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6130 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15138]

Rowley Interstate Transportation Company, Inc.; Purchase (Portion) Exemption; Sawyer Transport, Inc. (Nathan Yorke, Trustee-In-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 ICC 113 (1982), Rowley Interstate Transportation Company, Inc., (Rowley) (Nos. MC–114028 and MC–147718) seeks an exemption from the requirement under section 11343 of prior regulatory approval for the purchase of a portion of the operating rights of Sawyer Transport, Inc., (MC–123407), authorizing generally the transportation of metal products between points in specified counties, on the one hand, and, on the other, points in the United States. An application for temporary authority has been filed.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603.

Comments should refer to No. MC–F–15138.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's represenative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 3, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6132 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30106]

Burlington Northern Railroad Company; Abandonment Exemption; in Greene County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Burlington Northern Railroad Company from 49 U.S.C. 10903 *et seq.* in connection with 0.04 mile of rail line in Greene County, IL, subject to employee protective conditions.

DATES: This exemption is effective on April 8, 1983. Petitions to stay the effectiveness of this decision must be filed by March 21, 1983, and petitions for reconsideration must be filed by March 30, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Thomas A. Ehlinger, 176 E. Fifth St., St. Paul, MN 55101

Pleadings should refer to Finance Docket No. 30106.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to TS InforSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423 or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5203.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6125 Filed 3-9-83; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 83.1, Amdt. No. 1]

Associate Assistant to the Administrator for Management; Redelegation of Authority Regarding the Directorate for Program and Management Services

Pursuant to the authority delegated to me by the Agency for International Development Delegations of Authority Nos. 36, 40, 41, 56, 57, 64, 67, 93, 99, 110, 122, and 137, I hereby amend the redelegations thereunder to substitute "Associate Assistant to the Administrator" for "Deputy Assistant to the Administrator" wherevery it appears.

Except as provided herein these Redelegations of Authority remain unchanged and continue in full force and effect.

This amendment is effective immediately.

Dated: February 25, 1983.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

[FR Doc. 83-6144 Filed 3-9-83; 8:45 am]

BILLING CODE 8116-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enforce the Clean Air Act; Lehigh Carting Co.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 22, 1983, a proposed consent decree in *United States* v. *Lehigh Carting Company, Inc.*, Civil Action No. 83–C–2213 was lodged with the United States

District Court for the Eastern District of New York.

The proposed consent decree provides for compliance with both the New York State Implementation Plan (SIP) and the Clean Air Act. The decree enjoins open burning and waste incineration, requires the company to comply with future requests for information made by the Environmental Protection Agency pursuant to its statutory authority, grants EPA access to the company's property for inspection purposes, and orders payment by the company of a $4,000 civil penalty.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Lehigh Carting Company, Inc.*, D.J. No. 90-5-2-1-565.

A proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of New York, U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201; and the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-6088 Filed 3-9-83; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Thursday, March 24, 1983 at the Department of Housing and Urban Development, 451 7th Street, SW., Room 10233, Washington, D.C. 20410. This meeting will be open to the public and will begin at 9:00 a.m.

The meeting will be concerned with an overview of the Office's Program Plan as well as a review of the Coordinating Council Program Plan.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, NW., Room 1102, Washington, D.C. 20531, telephone (202) 724-7655.

Alfred S. Regnery,

Acting Administrator, Office of Juvenile Justice and Delinquency, Prevention.

[FR Doc. 83-6159 Filed 3-9-83; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel (Solo Recitalists); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Solo Recitalists) to the National Council on the Arts will be held on March 24-25, 1983, from 9:00 a.m.-5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

March 2, 1983.

[FR Doc. 83-6150 Filed 3-9-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-61 issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. This amendment is effective as of its date of issuance.

The amendment approves changes to the Appendix A Technical Specifications to allow hydrostatic and leak testing of the primary system at lower temperatures.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 1, 1982, and a revision thereto dated February 28, 1983, (2) Amendment No. 53 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russel Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 2055, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of March 1983.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 83-6165 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLB No. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OM, 50-330 OM; Docket Nos. 50-339 OL, 50-330 OL.]

Consumers Power Co. (Midland Plant, Units 1 and 2); Rescheduled Evidentiary Hearings

March 4, 1983.

Notice is hereby given that, as announced at a recent evidentiary hearing (Tr. 12162), hearings on QA/QC issues, previously scheduled for April 12–16 and 18–22, 1983 (see Order dated January 7, 1983), have been rescheduled for April 26–30 and May 2–6, 1983. The hearings will be held at Room E, Quality Inn, 1815 S. Saginaw Road, Midland, Michigan.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-6166 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322-OL]

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1); Schedule and Location for Resumption of Evidentiary Hearing

March 7, 1983.

As discussed with the affected parties during the conference call of March 2, 1983, the evidentiary hearing in this operating license proceeding will resume on Tuesday, April 5, 1983, at 10:30 a.m., at the: Riverhead Suffolk County Center, Legislative Hearing Room, Center Drive, Riverhead, New York 11901.

The hearing will continue until the completion of systems interaction and safety classification issues raised by Mr. Conran's affidavit, on a Tuesday through Friday schedule.

For the one day of Thursday, April 7, 1983, the hearing will be held at the: Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901.

The hearing will commence at 10:30 a.m. on Tuesdays, and at 9:00 a.m. on other days.

For the Atomic Safety and Licensing Board.

Lawrence Brenner,

Chairman, Administrative Judge.

March 7, 1983.

[FR Doc. 83-6167 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 89 and 89 to Facility Operating Licenses Nos. DPR–44 and DPR–56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The changes to the TSs reduce the Reactor Vessel Differential Pressure Alarm setpoint to permit proper alarm operation for detection of Core Spray Sparger pipe breaks within the reactor vessel annulus area.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated October 1, 1981, (2) Amendment No. 89 to License No. DPR–44 and Amendment No. 89 to License No. DPR–56 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-6168 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al., Issuance of Amendments To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 90 and 90 to Facility Operating Licenses Nos. DPR–44 and DPR–56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The revised TSs provide operability and surveillance requirements for the scram discharge volume vent and drain isolation valves.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated December 15, 1982, (2) Amendment No. 90 to License No. DPR–44 and Amendment No. 90 to License No. DPR–56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the

Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 83-6199 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445, 50-446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Resumed Evidentiary Hearing

March 4, 1983.

I

Please take notice that the evidentiary hearing in this operating license proceeding will be resumed on Monday, April 4, 1983 at 9:30 a.m., local time, at the Metro Center Hotel, 600 Commerce Street, Fort Worth, Texas 76102 and will continue through April 8, 1983. The hearing will address matters in controversy that have not been completed, including both issues and evidentiary or testimonial proof previously described in our Memorandum and Order dated January 4, 1983.

The NRC Staff is hereby directed and ordered to prepare and serve subpoenas for the appearance as Board Witnesses, at 9 a.m. Monday, April 4, 1983, of the following persons: Richard Ice, Jim Hawkins, Donna Lewellen, Randy Smith, Gordon Purdy, Tom Brandt, Ron Tolson, David Chapman, Albert Boren and Chet Wright.

All parties to this proceeding and their attorneys, representatives and persons in privity with them are hereby directed to refrain from conferring with, discussing, talking to, or "preparing" any of these witnesses on matters related, directly or indirectly, to the Charles A. Atchison allegations concerning his wrongful discharge as a QC inspector at Comanche Peak facility, his job performance, the NRC investigation of the Atchison allegations, the evidentiary hearing on alleged illegal discharge conducted by the Department of Labor (DOL) resulting in a Recommended Decision in Case No. 82-ERA-9 filed by an Administrative Law Judge on December 3, 1982, and the evidence or testimony adduced at such DOL evidential hearing. The subpoenaed witnesses listed herein above are also directed to refrain from discussing the facts involved in the above-described Atchison allegations and hearings with each other, or with the parties to this proceeding and the parties' counsel or representatives, until after all such witnesses have testified before the Board as Board Witnesses on April 5, 1983.

II

The reasons for taking evidence from these Board Witnesses and the Board's own determination of its informational needs in that regard in order to resolve important factual and credibility issues, were set forth in our Orders dated January 4, 1983, September 30, 1982 and August 4, 1982. The Board has concluded that the circumstances surrounding the investigation and testimony of an NRC investigator that allegations of the wrongful discharge of a QC inspector were not substantiated (Staff Exhibits 197-199), should "be fully aired and resolved," regardless of "whether or not the parties are themselves otherwise interested in pursuing those matters." [1]

Some clarification is required as to the controversy between the legal Staff and the Board. The dispute is over the production of documents as ordered by the Board. These documents are the original, unaltered, signed witness statements taken by the NRC investigator when he interviewed the ten witnesses listed above. Theses witnesses are not Staff witnesses, and their identities were not dug up by the Staff investigation. They were chiefly supplied to the investigator by the original "whistleblower," Mr. Atchison, when he alleged that he had been wrongfully fired as a QC inspector at Comanche Peak because he tried to report serious construction defects and practices at the site.

The Licensing Board is well aware, as the Appeal Board found,[2] that the identities of the ten interviewees "had become public knowledge through the inequivocal testimony of a highly reliable applicants' witness." [3] However, it is necessary to develop a complete record in order to make findings concerning the adequacy and reliability of NRC investigations of serious safety allegations by a discharged QC inspector. The production for Board review of the original, signed witness statements would assist in developing a full record. The Staff's offer of heavily blacked out and thus censored copies is an unacceptable substitute for the original, unaltered documents.

Public confidence in the ability and willingness of NRC to investigate QC allegations by "whistleblowers" is very important to perceptions of the integrity of our adjudicatory process. As we have previously stated, it would be anomalous to have DOL and NRC investigators coming to opposite conclusions regarding the wrongful firing of a QC inspector when based upon substantially the same evidence or witness' statements.[4] Clearly the Board should be able to take additional direct evidence itself on these important matters of credibility without running into an "* * * 'unnecessary,' delay grounded in a Staff desire to perpetuate a now academic disagreement with the Licensing Board" (ALAB-716 at 7). In any event, the Board would not be perpetuating any dispute with the Staff, as it already has the names of the ten witnesses it wants to subpoena and interrogate directly. The Staff is required only to perform the ministerial task of preparing and serving subpoenas.[5] Most of the names of these witnesses were furnished initially by Mr. Atchison, and they were not the result of any Staff investigation or original promises of confidentiality. The latter argument appears to be a belated and self-serving effort by the Staff to obstruct the Board from determining whether or not QC "whistleblowers" were improperly fired, as found by the DOL Administrative Law Judge after a full adjudicatory hearing. Such finding, which was subsequent to the Staff's initial and continued refusal to furnish witness statements or names, constitutes additional necessity for the Board to clear the air by making an independent record on the issue of discharge of a QC inspector allegedly for disclosing construction defects. It should also be noted that a large number of I&E reports have been admitted into evidence at the request of both the Staff and Intervenor CASE. It will be necessary for the Board to determine the adequacy of such investigations as they relate to the QA/QC program. In that context, an

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[1] Consumers Power Company (Midland Plant, Units 1 and 2), ALAB-458, 7 NRC 155, at 177, footnote 87 (1978).

[2] ALAB-714 (February 24, 1983), Slip Opinion at 6-7, 15-18.

[3] *Id.*, at 17.

[4] Memorandum and Order dated January 4, 1983, at 2-5.

[5] If the Commission does not grant the Staff's Application For A Stay Of The Effectiveness of ALAB-714, filed March 1, 1983, in such a manner as to relieve the Staff of its duty to produce unaltered witness statements, the Board will require the Staff to produce copies of the signed witness statements as expressly directed in its prior orders.

examination of the contemporaneous witness statements as well as the witnesses themselves will help the Board evaluate the quality of such investigations and the validity of their conclusions.

An independent examination of Board witnesses will enable the balance of the hearing on disputed contentions to proceed expeditiously without impacting adversely on the balance of the hearing schedule. This procedure, by providing for an early hearing of the Board's witnesses, takes into account the Licensing Board's concern that "the progress of this operating license proceeding might well be impeded" (ALAB-716, Slip Op. at 6). There is also no question that there is "a manifest need to avoid unnecessary delay in the completion of the proceeding" (*ibid*).

The procedure of directing all witnesses not to discuss the subject of their testimony in advance of their appearance as Board witnesses, was successfully followed in *Consumers Power Company* (Midland Plant, Units 1 and 2) (Remand Proceeding), LBP-81-63, 14 NRC 1968 (1981). The views of the Commission on disclosure in that proceeding are set forth in the Statement of the Commission, CLI-83-3 (February 18, 1983), which for convenience is attached hereto as Appendix 1. In addition, this procedure is not contrary to the so-called *Summer* doctrine regarding restrictions on expert witnesses being called by licensing boards, because a finding of necessity has been made by the Board. Also, the Staff has not offered to supply the testimony itself as it did in *Summer*, but rather has refused to do so.[6]

Finally, the Applicants and the Staff are hereby directed to file with the Board, and with the appropriate NRC Public Document Room, one copy each of the Transcript of the DOL evidentiary hearing in Case No. 82-ERA-9, wherein Charles A. Atchison was the complainant and Brown and Root, Inc., was the respondent on allegations of illegal discharge. Copies of the material core exhibits admitted into evidence by the DOL shall also be furnished if not unduly bulky or expensive. These documents and transcripts shall be filed and in the hands of the Board at its Bethesda, Maryland office by March 21, 1982.

It is so ordered.

Dated at Bethesda, Maryland this 4th day of March, 1983.

[6] South Carolina Electric & Gas Company (Virgil C. Summer Nuclear Station, Unit 1), ALAB-663, 14 NRC 1140 (1981); ALAB-710, 16 NRC—(Jan. 13, 1983).

For the Atomic Safety and Licensing Board.

Marshall E. Miller,

Chairman, Administrative Judge.

[FR Doc. 83-6170 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Generating Co., et al. (Comanche Peak Steam Electric Station, Units 1 and 2); Receipt of Petition

Notice is hereby given that the Citizens Association for Sound Energy has filed a request for action pursuant to 10 CFR 2.206 with respect to the Comanche Peak Station which is being constructed by the Texas Utilities Generating Co. under construction permits issued by the Nuclear Regulatory Commission. The petition alleges that the company's failure to have certain design documents within its possession constitutes a violation of NRC regulations. Consequently, the petitioner requests that the Director, Office of Inspection and Enforcement issue an order to show cause why the licensee should not be found in violation of NRC regulations or, in the alternative, produce the documents.

In accordance with 10 CFR 2.206, appropriate action will be taken on the petition within a reasonable time. Copies of the petition are available for public inspection in the Commission's public document room at 1717 H Street, NW., DC 20555, and in the local public document rooms for the Comanche Peak Station at the Somerville County Public Library, On the Square, P.O. Box 1417, Glen Rose, Texas 76043 and the University of Texas Library, Arlington, Texas 76019.

Dated at Bethesda, Maryland this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 83-6171 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 84 to Facility Operating License No. DPR-32 and Amendment No. 85 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to remove a restriction on moving a spent fuel cask into the Fuel Building. Requirements are added to install cask impact pads in the spent fuel pool and to not store spent fuel decayed less than 150 days in the first three rows of fuel racks adjacent to the Fuel Building Trolley Load Block.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated September 23, 1982, as supplemented January 17, 1983, (2) Amendment Nos. 84 and 85 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 83-6172 Filed 3-9-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations; Availability

Reports Issued:

Marine Accident Report: Collision of the U.S. Barge Carrier SS DELTA NORTE and the Liberian Freighter M/V AFRICAN PIONEER in the Gulf of Mexico about 115 Nautical Miles Southeast of Galveston, Texas, February 19, 1982 (NTSB–MAR–82–6).

Aircraft Accident Report: Reeve Aleutian Airways Nihon YS–11A, N169RV, King Salmon, Alaska, February 16, 1982 (NTSB–AAR–82–14).

Pipeline Accident Report: The Gas Company of New Mexico, Natural Gas Explosion and Fire, Portales, New Mexico, June 28, 1982 (NTSB–PAR–83–1).

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation Issue Number 9 of 1981 Accidents (NTSB–BA–82–11).

Aircraft Accident Reports: Brief Format, U.S. Civil Aviation Issue Number 11 of 1981 Accidents (NTSB–BA–82–13).

Recommendations to:

Aviation—*Federal Aviation Administration: Feb. 24: A–83–1:* Amend TSO C–100 to permit the use of any infant or child restraint device bearing a label in conformance with 49 CFR 571.213, S5.5.2(e) aboard aircraft during takeoff, landing, and in-flight operations, until such time as the Federal Aviation Administration and the National Highway Traffic Safety Administration issue standards for devices acceptable for use in both motor vehicles and aircraft.

Highway—*State of Arkansas: Jan. 20: H–83–1:* Develop a coordinated program with the railroad companies that operate within the State, to extend the Operation Lifesaver program to the rural communities where the majority of trackage and unprotected grade crossings are located by working directly with local officials, farm bureaus, and farming cooperative associations to promote grade crossing safety within rural communities. *H–83–2:* Encourage all railroad companies that operate within the State to develop a near miss data system that will permit them to promptly report to the State authorities all violators of grade crossing safety laws.

Missouri Pacific Railroad: Jan. 20: H–83–3: Expand the company's ongoing near miss reporting program in the Louisiana division to require that operating and engine crews also report vehicles other than hazardous material trucks and schoolbuses that violate grade crossing safety laws. *H–83–4:* Encourage company operating employees in all districts to increase their participation in the Operation Lifesaver program in order to disseminate to a wider section of the public their experiences with near misses and accidents that occur along the train line over which they operate.

American Association of Community and Junior Colleges: Feb. 24: H–83–5: Advise your members of the circumstances of the truck accident involving 66 students in Lynchburg, Virginia, on Oct. 6, 1982. *H–83–6:* Urge your members to establish a policy for the transportation of student groups to and from offcampus events that would: (1) Prohibit the use of trucks and other nonpassenger-carrying vehicles, (2) discourage the use of drivers who are members of the student group being transported, and (3) advocate the use of buses and trained, for-hire drivers.

Railroad—*Southern Pacific Transportation Company: Jan. 28: R–83–1:* Review, and modify if necessary, the evaluation process concerning track inspection defect data for tracks carrying passenger trains or trains with hazardous materials to better assure that rails having defects which might result in catastrophic failure are replaced. *R–83–2:* Improve current Total Operations Processing System Procedures to better assure that traincrews of trains carrying hazardous materials are furnished accurate information regarding the train consist and the appropriate emergency response for the hazardous material. *R–83–3:* Initiate procedures to require that waybills for Trailer-On-Flat-Car and Container-On-Flat-Car shipments containing hazardous material include accurate information regarding the contents of the trailer and/or containers. *R–83–4:* Require train crewmembers to review carefully all shipping documentation in their possession to determine whether any hazardous materials are present on the train.

Research and Special Programs Administration: Jan. 28: R–83–5: Require that all shipping papers accompanying hazardous materials in Trailer-On-Flat-Car or Container-On-Flat-Car shipments identify the originating shipper of the hazardous materials in order to facilitate access to technical emergency response information in the event of a hazardous material incident. *R–83–6:* In conjunction with the Association of American Railroads, the American Trucking Associations, Inc., the Federal Highway Administration, and the Federal Railroad Administration, develop, validate, and urge implementation of a model plan for use by railroads and motor carriers to make certain that waybills for Trailer-On-Flat-Car and Container-On-Flat-Car shipments containing hazardous materials include accurate information regarding the contents of the trailers and/or containers.

Association of American Railroads: Jan. 28: R–83–7 through –9: Inform its membership of the facts, conditions, and circumstances of the accident which occurred at Thermal, California, on January 7, 1982, and recommend to its member railroads that they: Review, and modify if necessary, their evaluation process concerning track inspection defect data for tracks carrying passenger trains or trains with hazardous materials to better assure that rails having defects which might result in catastrophic failure be replaced. (R–83–7) Assess their procedures to make certain that traincrews of trains carrying hazardous materials have in their possession accurate documentation of, and emergency response information for, all hazardous materials being carried. (R–83–8) In conjunction with the American Trucking Associations, Inc., the Federal Highway Administration, the Federal Railroad Administration, and the Research and Special Programs Administration, develop, validate, and urge implementation of a model plan for use by railroads and motor carriers to make certain that waybills for Trailer-On-Flat-Car and Container-On-Flat-Car shipments containing hazardous materials include accurate information regarding the contents of the trailers and/or containers. (R–83–9)

American Short Line Railroad Association: Jan. 28: R–83–10 and –11: Inform its membership of the facts, conditions, and circumstances of the accident which occurred at Thermal, California, on January 7, 1982, and recommend to its member railroads that they: Review, and modify if necessary, their evaluation process concerning track inspection defect data for tracks carrying passenger trains or trains with hazardous materials to better assure that rails having defects which might result in catastrophic failure be replaced. (R–83–10) Assess their procedures to make certain that traincrews of trains carrying hazardous materials have in their possession accurate documentation of, and emergency response information for, all hazardous materials being carried. (R–83–11)

American Trucking Associations, Inc.: Jan. 28: R–83–12: Inform its membership of the facts, conditions and circumstances of the accident which occurred at Thermal, California, on January 7, 1982, and recommend to its membership that they assess their procedures to make certain that waybills for Trailer-On-Flat Car and Container-On-Flat-Car shipments containing hazardous material include accurate information regarding the contents of the trailers and/or containers. *R–83–13:* In conjunction with the Association of American Railroads, the Federal Highway Administration, the Federal Railroad Administration, and the Research and Special Programs Administration, develop, validate, and urge implementation of a model plan for use by railroads and motor carriers to make certain that waybills for Trailer-On-Flat Car and Container-On-Flat-Car shipments containing hazardous materials include accurate information regarding the contents of the trailers and/or containers.

Federal Railroad Administration: Jan. 28: R–83–14: Develop, validate, and implement a model plan of recommended inspection practices containing clearly defined limits of allowable track structure conditions for the use of industry employed railroad track inspectors to facilitate uniform and knowledgeable appraisals of defective track structure conditions. *R–83–15:* In conjunction with the Association of American Railroads, the Federal Highway Administration, the American Trucking Association, Inc., and the Research and Special Programs Administration, develop, validate and urge implementation of a model plan for use by railroads and motor carriers to make certain that waybills for Trailer-On-Flat Car and Container-On-Flat-Car shipments containing hazardous materials include accurate information regarding the contents of the trailers and/or containers. *R–83–16:* In

conjunction with the Federal Highway Administration, initiate a regulatory compliance study which samples Trailer-On-Flat Car and Container-On-Flat-Car shipments designated as Freight-All-Kind to determine if those shipments contain hazardous materials and take enforcement action as required in those cases of noncompliance.

Federal Highway Administration: Jan. 28: R–83–17: In conjunction with the Federal Railroad Administration, initiate a regulatory compliance study which samples Trailer-On-Flat Car and Container-On-Flat-Car shipments designated as Freight-All-Kind to determine if those shipments contain hazardous materials and take enforcement action as required in those cases of noncompliance. *R–83–18:* In conjunction with the Association of American Railroads, the Federal Railroad Administration, the Research and Special Programs Administration, and the American Trucking Associations, Inc., develop, validate, and urge implementation of a model plan for use by railroads and motor carriers to make certain that waybills for Trailer-On-Flat Car and Container-On-Flat-Car shipments containing hazardous materials include accurate information regarding the contents of the trailers and/or containers.

Burlington Northern Railroad Company: Feb. 28: R–83–19: Adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operations of train movements. *R–83–20:* Review and revise, where necessary, the training provided to employees whose responsibilities may affect the protection of train movements during conditions of severe weather, to enable those employees to better assess climatic threats to safe train movements.

National Railroad Passenger Corporation (Amtrak): Feb. 28: R–83–21: Adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operation of passenger train movements for all Amtrak routes. *R–83–22:* Require that those railroads under contractual agreement to operate passenger trains adopt a system of professionally gathered and evaluated meteorological information to better assure timely knowledge of climatic conditions that may affect the safe operation of those passenger train movements. *R–83–23:* Provide copies of Amtrak's Emergency Evacuation Procedures booklet to all emergency response organizations not possessing those procedures from the original distribution, along all designated passenger train routes. *R–83–24:* Review and revise, where necessary, the training and retraining programs for onboard employees in emergency procedures, including the operation of emergency exits, to improve onboard employee competence to render effective assistance to passengers in emergency situations. *R–83–25:* Evaluate and modify, as necessary, emergency lighting systems in passenger-carrying cars to better protect the functioning of emergency lights in emergency situations. *R–83–26:* Formulate and implement an onboard briefing program for onboard passengers in methods of emergency evacuation.

Pipeline—*Research and Special Programs Administration: Jan. 27: P–83–1:* Discontinue its planned withdrawal of rulemaking in Docket PS–61 and expedite rulemaking to require pipeline operators to maintain maps and records necessary for the safe operation of their systems.

Gas Company of New Mexico: Jan. 27: P–83–2: Include accurate information on its system maps to identify the existence and location of all service lines. *P–83–3:* Revise its construction, maintenance, and emergency procedures and its training program, and develop explicit instructions for its employees to follow when repairing damaged gas facilities. Particular emphasis should be placed on investigating and testing for unseen pipe separation.

American Gas Association, the National L.P. Gas Association, and the American Public Gas Association: Jan. 27: P–83–4: Notify its member companies of the circumstances of the accident in Portales, New Mexico, on June 28, 1982, and urge them to include accurate information on their system maps sufficient to identify the existence and location of all their pipeline facilities, and to emphasize to their employees the importance of checking for unseen damage where their facilities have been damaged by excavation operations.

American Public Works Association: Jan. 27: P–83–5: Notify its members of the circumstances of the accident in Portales, New Mexico, on June 28, 1982, and urge them to cooperate with the pipeline operator in determining the extent of damage when pipeline facilities have been damaged.

City of Pryor, Oklahoma: Feb. 4: P–83–6: Immediately advise citizens to notify the gas company should they detect the odor of gas in a building and advise them regarding appropriate emergency procedures. Additionally, cause buried residential gas service lines to be inspected for corrosion damage and require the replacement of lines found to be hazardous. *P–83–7:* Develop a program to require periodic inspection of all buried residential service lines.

Marine—*U.S. Coast Guard: Feb. 16: M–83–1:* Review from a realistic, professional firefighting viewpoint the minimum number of self-contained breathing apparatus and spare charges that should be required on board cargo vessels which operate on international voyages and, based upon the results, amend the appropriate sections of Title 46, Code of Federal Regulations to reflect a more realistic quantity of that equipment required on board U.S. cargo vessels and work within the framework of the International Maritime Organization to obtain acceptance of a more realistic international standard as to the minimum number of self-contained breathing apparatus on cargo vessels. *M–83–2:* Within the framework of the International Maritime Organization, work to develop an international standard for conducting more meaningful shipboard fire drills. *M–83–3:* Propose adoption of a resolution by the International Maritime Organization to the effect that operating instructions for vital emergency equipment and vital ship data, such as stability information, be printed in a language which is readily understood by the ship's officers. *M–83–4:* Expedite the development of guidelines to Captains of the Port for coordinating multijurisdictional planning for various port disasters. *M–83–5:* Take the initiative in promoting the availability of a more rapid response to a shipboard fire in remote areas on the Columbia River with major firefighting resources. *M–83–6:* Require that COTP fire contingency plans define the lines of authority and responsibility for actually fighting a shipboard fire and that a pre-arranged, written agreement be formulated with the various local firefighting authorities within the COTP zone. *M–83–7:* Establish and execute a policy whereby private firefighting and marine salvage firms are summoned to take control of firefighting activities if the immediate extinguishment of a shipboard fire is beyond the capabilities of the local fire department, or if the fire occurs while the ship is located outside a municipal fire jurisdiction.

U.S. Coast Guard: Feb. 28: M–83–8: Expedite the promulgation of regulations regarding personnel qualifications and manning standards for mobile offshore drilling units. *M–83–9:* Require that the master and the person-in-charge of a mobile offshore drilling unit be licensed and that their licenses be endorsed as qualifed in mobile offshore drilling operations, including knowledge of U.S. Coast Guard regulations, stability characteristics of mobile offshore drilling units, the operation of ballast systems on mobile offshore drilling units, and the use of lifesaving equipment peculiar to mobile offshore drilling units. *M–83–10:* Require that the person-in-charge of a mobile offshore drilling unit also be a certified lifeboatman. *M–83–11:* Require that the station bill on mobile offshore drilling units identify by name the certified lifeboatmen required by the U.S. Coast Guard Certificate of Inspection. *M–83–12:* Provide guidance to officers-in-charge of marine inspection which relates the manning requirement for certificated lifeboatmen on a MODU to the size of the lifeboats and the number of nonmarine crew aboard a mobile offshore drilling unit and not to the mode of operation of the unit. *M–83–13:* Require that a control room operator on self-propelled and nonself-propelled semisubmersible mobile offshore drilling units be certificated or licensed and be qualified in the stability characteristics and ballasting procedures of mobile offshore drilling units and as a certificated lifeboatman. *M–83–14:* Require that the operating manual for a self-propelled or nonself-propelled semisubmersible mobile offshore drilling unit include guidance regarding: (1) Accidental flooding of empty or partially empty lower hull compartments or tanks and the appropriate countermeasures; (2) any limitations in the functioning of the ballast pumps due to trim or heel; and (3) precautions for preventing downflooding into chain lockers from wave action. *M–83–15:* Revise the stability standard for semisubmersible mobile offshore drilling units to include the capability of the drilling units to survive the flooding of any two

adjacent lower hull compartments or tanks and to pump out any of lower hull tanks after the assumed flooding. *M–83–16:* Urge that the International Maritime Organization review and amend or extend, as necessary, the following particulars of its 1979 Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU): (1) The stability standard for column stabilized units to include the capability of surviving flooding of any two adjacent lower hull compartments or tanks and to pump out any lower hull tanks after the assumed flooding; (2) requirements for lifeboat launching systems on MODU's; (3) inclusion in the lifesaving requirements for MODU's assignment at all times of a suitable vessel capable of retrieving persons from the water under severe weather conditions; and (4) inclusion in operating manuals guidance on the accidental flooding of empty or partially empty lower hull compartments or tanks on column stabilized units and the appropriate countermeasures. *M–83–17:* Evaluate the suitability of currently approved lifeboat, liferaft, and other launching systems, such as free fall lifeboats, under severe weather conditions on mobile offshore drilling units and require modifications if currently approved systems are found inadequate. *M–83–18:* Determine what caused the buoyancy chambers on the OCEAN RANGER liferafts to separate and upgrade U.S. Coast Guard liferaft specifications, as necessary. *M–83–19:* Review current Coast Guard instructions regarding approval of lifesaving equipment to determine if adequate safeguards exist to prevent equipment from being approved before the prototype has been approved and make appropriate modifications, if necessary. *M–83–20:* Require that a suitable vessel, capable of retrieving persons from the water under adverse weather conditions, be assigned to all U.S. mobile offshore drilling units at all times for the purpose of evacuating personnel from the unit in an emergency. *M–83–21:* Establish a system to determine when Certificates of Inspection of U.S. vessels are about to expire and to notify owners accordingly. *M–83–22:* Cancel the proposal to amend 46 CFR 107.289 which would discontinue reinspections of mobile offshore drilling units in international service and withdraw the policy guidance that suspended reinspections of mobile offshore drilling units in international service as of January 7, 1982. *M–83–23:* Evaluate the adequacy of existing standards for portlight installations in ballast control rooms and other critical locations in columns of semisubmersible mobile offshore drilling units and require that modifications be made, if necessary.

Ocean Drilling and Exploration Company: Feb. 28: M–83–24: Require that the station bill on ODECO mobile offshore drilling units identify by name the certificated lifeboatmen required by the U.S. Coast Guard Certificate of Inspection. *M–83–25:* Require that all regular and relief masters and the persons-in-charge be fully instructed and qualified in the operation of the ballast control system of semisubmersible mobile offshore drilling unit to which assigned. *M–83–26:* Define in detail the nonindustrial duties and responsibilities of the master and the person-in-charge on all ODECO mobile offshore drilling units in all modes of operation. *M–83–27:* Define in detail the necessary qualifications for ballast control room operators on ODECO semisubmersible mobile offshore drilling units, and require that the qualifications be met and that potential control room operators attend a stability school before being assigned to a MODU as a control room operator.

M–83–28: Review and revise the operating manuals for self-propelled and nonself-propelled semisubmersible mobile offshore drilling units to include general guidance on the duties of ballast control room operators and specific guidance regarding: (1) Accidental flooding of empty or partially empty lower hull compartments or tanks and the appropriate countermeasures; (2) any limitations in the functionings of the ballast pumps due to trim or heel; (3) precautions for preventing flooding into chain lockers from wave action; (4) the effect of random seas on the drilling unit's roll period; and (5) duties and responsibilities of ballast control room operators. *M–83–29:* Install a permanent pumping system to dewater the chain lockers on all new and existing mobile offshore drilling units. *M–83–30:* Include in the operating manuals for semisubmersible mobile offshore drilling units detailed operating instructions for emergency operation of the ballast system in the event that the primary control system fails. *M–83–31:* Install internal draft gauges with direct readouts in the ballast control rooms on semisubmersible mobile offshore drilling units. *M–83–32:* Establish procedures to ensure that requests to the U.S. Coast Guard for renewal of U.S. Coast Guard Certificates of Inspection are initiated in time to avoid lapse of U.S. Coast Guard Certificates of Inspection for mobile offshore drilling units, especially those operating in international service. *M–83–33:* Establish procedures to ensure that U.S. Coast Guard approved liferafts are serviced only at approved servicing facilities.

Mobil Oil Canada, Ltd.: Feb. 28: M–83–34: Require that vessels engaged as standby boats for mobile offshore drilling units be equipped with apparatus for recovering persons from the water under adverse sea conditions and that the crews of standby boats be provided with exposure suits designed for rescue operations. *M–83–35:* Revise the Contingency Plans and Emergency Procedures Manual for mobile offshore drilling units to include a detailed disaster action plan for heavy weather damage similar to the disaster action plans for fire, explosion, or collision.

American Bureau of Shipping: Feb. 28: M–83–36: Revise the stability criteria contained in the Rules for Building and Classing Mobile Offshore Drilling Units to require that semisubmersible mobile offshore drilling units include the capability to survive the flooding of any two adjacent lower hull compartments or tanks and to pump out any of the lower hull tanks after the assumed flooding.

International Association of Drilling Contractors: Feb. 28: M–83–37: Recommend that members review the suitability of lifeboat, liferaft, and other launching systems on mobile offshore drilling units under severe weather conditions, and promote the development of improved launching systems if the current systems are found inadequate.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Dated: March 3, 1983.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

[FR Doc. 83–6015 Filed 3–9–83; 8:45 am]

BILLING CODE 4910–59–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Regional Conservation and Electric Power Plan; Additional Hearings

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council.

ACTION: Notice of additional hearings.

SUMMARY: On January 26, 1983, the Pacific Northwest Electric Power and Conservation Planning Council ("the Council") adopted a draft regional conservation and electric power plan. The Council issued public notice of its hearings and opportunity to comment on the draft plan in the **Federal Register** (48 FR 5406) on February 4, 1983. Because of oversubscription of the scheduled public hearings, the Council has scheduled additional hearings to provide an opportunity for public comment to as many individuals and organizations as possible.

DATES AND ADDRESSES: The Council has scheduled additional hearings as follows:

1. March 17, 1983—Salem, Oregon, Employment Building Auditorium, 875 Union Street, N.E. (in Capitol Mall area), 9 a.m. to 5 p.m. and 7 p.m. to 9:30 p.m.;
2. March 17, 1983—Seattle, Washington, South Auditorium, Federal Building, 915 Second Avenue, 1 p.m. to 5:00 p.m. and 7 p.m. to 9:30 p.m.;
3. March 21, 1983—Portland, Oregon, Portland Hilton Hotel, 921 S.W. Sixth, 9 a.m. to 5:00 p.m. and 7 p.m. to 9:30 p.m.

Depending upon subscription at these additional hearings, the Council may continue the hearing at the Portland location beyond March 21 to accommodate those who cannot be

heard at the earlier hearings. Requests for time slots at any of the hearings should be made by calling Ms. Janie Pearcy at 1–800–222–3355 (toll free in Montana, Idaho, Washington and California), 1–800–452–2324 (toll free in Montana, Idaho, Washington and California), 1–800–452–2324 (toll free in Oregon) or 503–222–5161. Written requests should be directed to Ms. Pearcy at the Council's central office, 700 S.W. Taylor Street, Suite 200, Portland, Oregon 97205. Time slot requests must be received by the Council at least five (5) weekdays prior to the day of the hearing at which a time slot is requested, and in no case later than 5 p.m. Friday, March 11, 1983.

As explained in the previous public notice, all written comments on the Council's draft energy plan must be received in the Council's central office by 5 p.m. Monday, March 21, 1983. In the event additional hearings are held beyond that date, the Council's administrative record will be held open only to receive oral comments made at those hearings.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohoe, Director of Public Involvement, 700 S.W. Taylor, Suite 200, Portland, Oregon 97205 (toll free 1–800–222–3355 in Montana, Idaho, Washington and California; 1–800–452–2324 toll free in Oregon; or 503–222–5161).

SUPPLEMENTARY INFORMATION: The Council welcomes public comments on its draft energy plan, and has scheduled these additional hearings to accommodate public participation. The Council urges speakers to use their hearing time to summarize written comments. Each interested agency, organization or individual will be permitted to speak at only one of the hearings. The Council reserves the right to limit or consolidate testimony in order to expedite the hearings. Council members will chair the additional hearings scheduled for Salem and Seattle. Council staff members will chair the additional hearing in Portland. Court reporters will compile a verbatim transcript of oral testimony at all public hearings on the Council's draft plan. Those transcripts will become part of the Council's administrative record, and copies will be available for review and copying between 9 a.m. and 4:30 p.m. at the Council's central office, 700 S.W. Taylor Street, Suite 200, Portland, Oregon 97205.

(Sec. 4 Pub. L. 96–501, 16 U.S.C. 839b)

Edward Sheets,
Executive Director.

[FR Doc. 83-6276 Filed 3-9-83; 8:45 am]
BILLING CODE 6560-50-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating To Sale of Assets by an Employer That Contributes To a Multiemployer Plan; Heinemann's, Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a joint request from Heinemann's, Inc. and Davidson's, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Comments must be submitted on or before April 25, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254–4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular

transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127 (1981)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a joint request from the purchaser, Heinemann's, Inc. ("Heinemann"), and the seller, Davidson's, Inc. (now known as Thorndale Corp.) ("Davidson") (collectively referred to as the "Parties") for an exemption from the requirement of ERISA section 4204(a)(1)(B). In the request, the Parties represent, among other things, that:

1. Effective August 2, 1982, Davidson sold its assests to Heinemann.

2. Heinemann has assumed the responsibilities of Davidson under a collective bargaining agreement with the United Food and Commercial Workers International Union, Local No. 1550, which required contributions to the United Food and Commercial Workers Unions and Employers Midwest Pension Fund (formerly known as the Retail Clerks Unions and Employers Midwest Pension Plan and Pension Fund) (the "Fund"). Davidson's potential withdrawal liability to the Fund has been estimated to be $47,662.

3. The amount of the bond or escrow reguired under ERISA section 420 (a)(1)(B) is $21,118 (the annual contribution required to be made by Davidson for the 1981 plan year, the plan year preceding the sale).

4. In the sale contract, Davidson agreed that, if the purchaser withdraws and fails to pay withdrawal liability within five years of the date of the sale, Davidson would be secondarily liable for any withdrawal liability it would have had to the Fund but for the operation of ERISA section 4204.

5. A copy of Heinemann's audited financial statements for the three fiscal years preceding the sale were submitted as part of the application. However, Heinemann has asseted that the financial information is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552(b)(4), and PBGC regulations, 29 CFR 2603.18).

6. The Parties assert that the request for a variance should be granted on a *de minimis* basis. Based on information provided by the fund, the average annual contributions made by all employers to the Fund for the three plan years preceding the plan year in which the sale occurred was $16.3 million. The amount of the bond/escrow ($21,118) which would be required in the absence of a variance is approximately one-eighth of one percent (0.12%) of that amount. Accordingly, the parties conclude that relief is warranted under section 4204(c). PBGC is considering granting this request for a variance on a *de minimis* basis.

7. A copy of this request has been sent by the Parties to the Fund and the collective bargaining representative of the seller's former employees.

Comment

All interested persons are invited to submit written comments on the pending class exemption to the above address, on or before April 25, 1983. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 4th day of March 1983.

Charles Tharp,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-6113 Filed 3-9-83; 8:45 am]

BILLING CODE 7708-01-M

POSTAL RATE COMMISSION

[Docket No. A83-17]

John and Mildred Ernst, et al., Petitioners; Notice and Order of Filing of Appeal

March 1, 1983.

On February 22, 1983, the Commission received a letter from John and Mildred Ernst ("petitioners"), Grand Pass, Missouri 64501, indicating their opposition to the alleged plans of the United States Postal Service to close the Grand Pass, Missouri post office. Although the letter makes no reference to the Postal Reorganization Act and does not technically conform to the requirements of our Rules of Practice and Procedure, we believe it should be construed as a petition for review pursuant to section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)). In our view, the petition sets forth the Potal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service has complied with the applicable law and regulations relating to closings and consolidations of post offices.[1]

Specifically, the petitioners assert their belief that the needs of the Grand Pass citizens have not been fully considered. They point out that Grand Pass is a small community and that the post office facility is used both as a daily gathering place and also for the posting of community notices. Further, the petitioners suggest that the Postal Service should have considered alternatives to closing the post office, such as instituting shorter business hours.

In the interest of expediting this proceeding under the 120-day decisional deadline set forth by 39 U.S.C. 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on any issues of law disclosed by our review in this proceeding. In the event that the Commission finds such memorandum necessary, it will make its request by order, specifying the issues to be addressed. Following the issuance of such a request, the memorandum shall be due within 20 days and a copy of the memorandum shall be served upon the petitioners and all intervenors.

The Commission's rules of practice require that the Postal Service file the Administrative Record of the case within 15 days after the date upon which the petition for review has been filed with the Commission.[2]

A procedural schedule of the various phases of this docket is set forth as an appendix.

The Commission orders:

A. The letter received from John and Mildred Ernst constitutes a petition for review pursuant to section 104(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).

B. The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

[1] The Commission has also received several other letters from residents of Grand Pass, some of which arguably constitute petitions for review. Therefore, we are consolidating those letters with the present appeal.

[2] 39 CFR 3001.113(a).

APPENDIX

Feb. 22, 1983	Filing of Petition.
Mar. 1, 1983	Notice and Order of Filing of Appeal.
Mar. 14, 1983	Last day for filing of petitions to intervene (see 39 CFR 3001.111(b)).
Mar. 24, 1983	Petitioners' Initial Brief (see 39 CFR 3001.115(a)).
Apr. 8, 1983	Postal Service Answering Brief (see 39 CFR 3001.115(b)).
Apr. 25, 1983	(1) Petitioners' Reply Brief should Petitioners choose to file one (see 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
June 22, 1983	Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5)).

[FR Doc. 83-6154 Filed 3-9-83; 8:45 am]
BILLING CODE 7715-01-M

POSTAL RATE COMMISSION

[Docket No. A83-18; Order No. 489]

Madras, Georgia 30254 (Mrs. H. H. Rooks, Petitioner); Notice and Order of Filing of Appeal

Issued: March 1, 1983.

On February 20, 1983, the Commission received a petition from Mrs. H. H. Rooks of Madras, Georgia (hereinafter "petitioner") concerning the alleged United States Postal Service (hereinafter "Postal Service" or "Service") intent to consolidate Madras, Georgia post office. The petitioner contends that the Postal Service failed to consider the effect on the community and the level of service to be provided, in its proposal to consolidate the Madras, Georgia, post office.

The Act requires that the Service provide the affected community with at least 60 days notice prior to issuance of its Final Decision. The requirement is to "* * * ensure that such persons will have an opportunity to express their views." [1] The petition does not mention whether this notice was provided. Moreover, there is no explicit mention in the petition of any hearings, nor is there any indication of any Final Determination, in this matter, pursuant to 39 U.S.C. 404(b)(3).[2] Furthermore, petitioner has neither attached a copy of the Postal Service's Final Determination to his petition as is required by Commission rules of practices, nor made any specific reference to 39 U.S.C. 404(b), which gives the Postal Rate Commission jurisdiction in the matter.

However, the document does clearly indicate that petitioner is requesting the type of review provided by statute. Furthermore, petitioner has made a sufficient statement to enable the Commission to assume jurisdiction in this matter. Thus, we conclude that petitioner has substantially complied with Commssion rules of practice and his petition will be considered a petition for review pursuant to Section 404(b) of the Postal Reorganization Act (hereinafter "Act").

Applicable Law in This Proceeding

The Postal Reorganization Act states:

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small postal office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determination by the Postal Service to close or consolidate post offices. The effect on the community is also a mandatory consideration under Section 404(b)(1)(A) of the Act.

Upon preliminary inspection, the petitioners appear to raise the following issues of law:

1. Is the Postal Service's proposed closing of this post office consistent with the "maximum degree of effective and regular postal services" standard of Section 404(b)(2)(C)?

2. Has Postal Service adequately considered the effect of this proposed consolidation on the Madras, Georgia, community, as is required by Section 404(b)(2)(A)?

3. Must the Postal Service consider that the alternative post offices may be inaccessible to a number of Madras postal patrons as part of its treatment of the "maximum degree of effective and regular postal services" standard of Section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had an opportunity to examine the determination made by the Postal Service. Such additional issues may emerge during Commission review of the Service's determination. Conversely, the determination may be found to resolve adequately one or more of the issues described above.

Commission Procedure in This Docket

In view of the statutory requirements, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the Determination and record pursuant to section 113 of the rules of practices [4] make the request by order specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioner by the Service.

In addition, the Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and noe is being appointed.[6]

(A) The petition from Mrs. H. H. Rooks shall be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before March 9, 1983, pursuant to the Commission's rules of practice (39 CFR 3001.112(a)).

By the Commission.

David F. Harris,

Secretary.

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[1] 39 U.S.C. 404(b)(1).

[2] Petitioner has not supplied a copy of the Postal Service's Final Determination, if indeed one is in existence.

[3] 39 U.S.C. 101(b).

[4] 39 CFR 3001.113.

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 86 to the Postal Service upon receipt of such appeal.

[6] In the matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

APPENDIX

Feb. 22, 1983	Filing of Petition.
Mar. 1, 1983	Notice and Order of Filing of Appeal.
Mar. 8, 1983	Filing of Record by Postal Service (see 39 CFR 3001.113(a)).
Mar. 14, 1983	Last day for filing of petitions to intervene (see 39 CFR 3001.111(b)).
Mar. 24, 1983	Petitioners' Initial Brief (see 39 CFR 3001.115(a)).
Apr. 8, 1983	Postal Serfve Answering Brief (see 39 CFR 3001.115(b)).
Apr. 25, 1983	(1) Petitioners' Reply Brief should Petitioners choose to file one (see 39 CFR 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.
June 22, 1983	Expiration of 120-day decisional schedule (see 39 U.S.C. 404(5)).

[FR Doc. 83-6155 Filed 3-9-83; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13064; 811-2129]

American Industry Share, Inc.; Application Filing

March 3, 1983.

In the matter of: AMERICAN INDUSTRY SHARES, INC., 405 Central Avenue, St. Petersburg, FL 33701; (811–2129); Notice of filing of an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company. Notice is hereby given that American Industry Shares, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on December 14, 1982, and an amendment thereto on January 14, 1983, for an order pursuant to Section 8(f) of the Act declaring that applicant has ceased to be an investment company as defined in the Act. Interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Florida corporation. Applicant represents that it was originally registered under the Act as Qualidex Fund, Inc., and filed a registration statment pursuant to the Securities Act of 1933 with respect to 10,000 shares of its common stock. That registration became effective on July 31, 1972, and Applicant commenced the intial offering of its shares on October 1, 1972.

Applicant further represents that, on August 20, 1982, its board of directors adopted Articles of Merger and approved the proposed merger of Applicant into American Shares, Inc. ("American Shares"), which was ratified by Applicant's shareholders on September 22, 1982. Pursuant to the Articles of Merger, on November 1, 1982, all assets and liabilities of Applicant and Applicant's shares were exchanged for shares of American Shares on the basis of Applicant's net asset value per share on October 29, 1982. In addition, Applicant distributed as a dividend to its shareholders of record on October 29, 1982, all its undistributed, taxable net investment income for the 28-day period ended October 29, 1982.

According to the application, Applicant has taken the steps necessary to dissolve itself in accordance with the provisions of Florida law and now seeks an order of the Commisson terminating its registration as an investment company under the Act.

Applicant represents that it has no assets, liabilities or securityholders, and that it is not a party to any litigation or administrative proceedings. Applicant further represents that it is not now engaged, nor does it propose to engage, in any business activities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6069 Filed 3-9-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13072, 812-5429]

Dean Witter Developing Growth Securities Trust; Application Filing

March 4, 1983.

In the matter of Dean Witter Developing Growth Securities Trust, Five World Trade Center, New York, NY 10048; (812–5429); notice of filing of application for an order pursuant to Section 6(c) of the Act granting exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), and 22(d) and Rule 22c–1 thereunder.

Notice is hereby given that Dean Witter Developing Growth Securities Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 18, 1980, requesting an order pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit Applicant to assess a contingent deferred sales charge on redemptions of its initial and future series of shares, and to permit Applicant to waive the contingent deferred sales charge under certain circumstances. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below and to the Act for the text of the provisions from which applicants seek to be exempted.

According to the application, Applicant was organized as a business trust under the laws of the Commonwealth of Massachusetts on December 28, 1982. Although Applicant presently consists of one initial series, and has no current intention to create and issue any additional series, it requests that the proposed exemptive relief extend to its initial series of shares and any additional series or classes of shares that may at any time hereafter be offered on substantially the same basis.

According to the Applicant, mutual funds sold with a sales charge have traditionally imposed a front-end charge, so that purchase payments are invested after the deduction of any applicable sales charge. Applicant proposes to offer its shares without

initial sales charge so that investors will have the entire amount of their purchase payments fully invested when made. However, Applicant also proposes to pay to the distributor a contingent deferred sale charge from the proceeds of certain redemptions of Applicant's shares. Applicant states that in no event could the amount of such charges, in the aggregate, exceed 5% of the aggregate purchase payments made by the investor.

Applicant represents that the contingent deferred sales charge would be imposed if an investor redeems an amount which causes the value of the investor's account with Applicant to fall below the total dollar amount of purchase payments made by the investor during the preceding six years. According to the application, no contingent sales charge is imposed to the extent that the net asset value of the shares redeemed does not exceed (i) the current net asset value of shares purchased more than six years prior to the redemption, plus (ii) the current net asset value of shares purchased through reinvestment of dividends or capital gains distributions, plus (iii) increases in the net asset value of the investor's shares above the total amount of payments for the purchase of Applicant's shares made during the preceding six years. Applicant also proposes that the imposition of the contingent deferred sales charge be waived on the following redemptions: (i) redemptions following the death or disability, as defined in Section 72(m)(7) of the Internal Revenue Code (the "Code"), of a shareholder, and (ii) redemptions in connection with certain distributions from Individual Retirement Accounts ("IRA's") or other qualified retirement plans.

Applicant states that in determining the applicability of a contingent deferred sales charge to each redemption, the amount which represents an increase in the net asset value of the investor's shares above the amount of the total payments for the purchase of shares within the last six years will be redeemed first. In the event the redemption amount exceeds such increase in value, Applicant states that the next portion of the amount redeemed will be the amount which represents the net asset value of the investor's shares purchased more than six years prior to the redemption and/or purchased through reinvestment of dividends or distributions. Any portion of the amount redeemed which exceeds an amount which represents both such increase in value and the value of shares purchased through reinvestment of dividends or distributions will be subject to a contingent deferred sales charge. Where a contingent deferred sales charge is imposed, the amount of the charge will depend on the number of years since the investor made the purchase payment from which an amount is being redeemed, according to the following table:

Year since purchase payment made	Contingent deferred sales charge as a percentage of amount redeemed
First	5.0
Second	4.0
Third	3.0
Fourth	2.0
Fifth	2.0
Sixth	1.0
Seventh and thereafter	None

The amount of the contingent deferred sales charge (if any) is calculated by determining the date on which the purchase payment which is the source of the redemption was made, and applying the appropriate percentage to the amount of the redemption subject to the charge.[1] The application contains the following example illustrating the operation of the proposed contingent deferred sales charge. Assuming an investor makes a purchase payment of $10,000 and that 2½ years later the value of the investor's account has grown through investment performance and reinvestment of distributions to $14,000, the investor may then redeem up to $4,000 ($14,000 minus $10,000) without incurring a contingent deferred sales charge. If the investor should redeem $5,000, and such redemption is not made either following the death or disability of the investor or is not a distribution from an IRA or other qualified retirement plan of the type described below, a contingent deferred sales charge will be imposed on $1,000 (the amount by which the value of the investor's shares after the redemption fell below the amount of the purchase payment). Since the redemption takes place in the third year after the purchase, the contingent deferred sales charge is imposed at the rate of 3.0% and amounts to $30.00.

Applicant states that in determining the rate of any applicable contingent deferred sales charge, it will be assumed that a redemption is made of shares held by the investor for the longest period of time within the applicable six year period. Applicant represents that this will result in any such charge being imposed at the lowest possible rate.

Applicant believes that the imposition of the contingent deferred sales charge is fair and is in the best interests of its shareholders. Applicant submits that the proposed transaction permits shareholders to have the advantages of greater investment dollars working for them from the time of their purchase of Applicant's shares. Moreover, Applicant states that because the contingent deferred sales charge applies only to redemptions of amounts representing purchase payments (during the first six years after the payments), it does not apply to increases in the value of a shareholder's account through increases in net asset value per share, or to amounts representing reinvestment of distributions.

Applicant proposes to finance its own distribution expenses pursuant to a distribution plan adopted under Rule 12b-1 under the Act. Under the proposed distribution plan, Applicant will pay an annual fee to its underwriter/distributor, Dean Witter Reynolds Inc. ("Dean Witter"), as reimbursement for expenses incurred by Dean Witter in connection with the offering of Applicant's shares. According to the application, these expenses include advertising and promotional costs, sales administration and related sales expenses, including the costs of printing and distributing prospectuses to prospective investors, and sales commissions and incentive compensation. Applicant's distribution fee is calculated on the basis of 1.0% per annum of aggregate purchase payments (subject to a cap at 1.0% of net assets). Thus, under the proposed plan, the annual distribution fee to be borne by Applicant is equal to 1.0% of the lesser of (i) aggregate gross sales of Applicant's shares since Applicant's inception (not including reinvestment of dividends or capital gain distributions), less the aggregate net asset value of Applicant's shares redeemed since Applicant's inception upon which a contingent deferred sales charge has been imposed or upon which such charge has been waived (as provided below), or (ii) Applicant's daily net assets. Applicant states that Dean Witter also will receive the proceeds of the contingent deferred sales charge imposed upon any redemption.

[1] Applicant states that solely for purposes of determining the number of years from the time of any payment for the purchase of shares, all payments during a month will be aggregated and deemed to have been made on the last day of the month.

Where amounts attributable to purchase payments are redeemed (and thus no longer contribute to the annual distribution charge) applicant believes that it is fair (1) to impose on the withdrawing shareholder a lump sum payment reflecting approximately the amount of distribution expense which has not been recovered through payments by Applicant and (2) to remove the assets on which the contingent deferred sales charge was imposed from the base amount on which Applicant's distribution fee is calculated. Applicant asserts that the amount, computation and timing of the contingent deferred salses charge thus are designed to promote fair treatment of all shareholders, while permitting Applicant to offer investors the advantage of having purchase payments fully invested on their behalf immediately. Applicant states that, in their review of its distribution plan pursuant to Rule 12b–1, Applicant's trustees will also consider the use by Dean Witter of revenues raised by the contingent deferred sales charge.

Applicant proposes to waive the contingent deferred sales charge on any redemption following the death or disability of a shereholder. An individual will be considered disabled for this purpose if he meets the definition thereof in Section 72(m)(7) of the Code, which in pertinent part defines a person as disabled if such person "is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-contained and indefinite duration."[2] Applicant states that the waiver is applicable where the decedent or disabled person is either an individual shereholder or owns the shares with his or her spouse as a joint tenant with right of survivorship, and where the redemption is made within one year of the death or initial determination of disability. This waiver of the contingent deferred sales charge applies to a total or partial redemption but only to redemptions of shares held at the time of the death or initial determination of disability.

Applicant also proposes to waive the contingent deferred sales charge when a total or partial redemption is made in connection with certain distributions from IRA's or other qualified retirement plans. It is proposed that the charge be waived for any redemption in connection with a lump-sum or other distribution following retirement or, in the case of an IRA or Keogh Plan or a custodial account pursuant to Section 403(b)(7) of the Code, after attaining age 59½. The charge also would be waived on any redemption which results from the tax-free return of an excess contribution pursuant to Section 408(d)(4) or (5) of the Code, or from the death or disability of the employee.

Applicant argues that the proposed contingent deferred sales charge is consistent with all provisions of the Act and that, but for the provision that the charge be waived on certain types of redemptions as specifically detailed above, no exemptive relief would be required in order to implement the proposed transactions. However, to avoid any possibility that questions may be raised as to the potential applicability of various definitional and regulatory sections of the Act and to permit the charge to be waived in connection with redemptions following the death or disability of a shareholder and redemptions in connection with certain distributions from an IRA or other qualified retirement plan, Applicant requests exemptions to the extent necessary, from the provisions of the Act detailed below.

Applicant submits the imposition of the proposed contingent deferred sales charge would not cause shares of Applicant to fall outside the definition of "redeemable securit(ies)" in Section 2(a)(32) of the Act, and Applicant believes, therefore, that it qualifies as an open-end company under Section 5(a)(1) of the Act. Applicant further believes that imposition of the proposed contingent deferred sales charge will in no way restrict a shareholder from receiving his proportionate share of Applicant's current net assets, but merely defers the deduction of a sales charge and makes it contingent upon an event which may never occur. Although the proposed contingent deferred sales charge is not a redemption charge in the ordinary sense, Applicant submits that the conditions of Section 10(d) of the Act contemplate that an investment company may both be an open-end company and impose a discount from net asset value on redemption of its shares. However, in order to avoid uncertainty in this regard, Applicant requests an exemption from the operation of Section 2(a)(32) of the Act to the extent necessary to permit implementation of the proposed contingent deferred sales charge.

Applicant asserts that the proposed contingent deferred sales charge is consistent with the intent of the definition of sales load contained in Section 2(a)(35) of the Act. The contingent deferred sales charge is paid to the underwriter/distributor to reimburse it solely for expenses related to offering Applicant's shares for sale to the public, and, therefore, Applicant submits that this arrangement is within the Section 2(a)(35) definition of sales load, but for the timing of the imposition of the charge. Applicant contends that the deferral of the sales charge, and its contingency upon the occurrence of an event which might not occur, does not change the basic nature of this charge, which is in every other respect a sales charge. However, Applicant requests an exemption from the provisions of Section 2(a)(35), to the extent necessary to implement the proposed charge.

Applicant asserts that implementation of the proposed contingent deferred sales charge is in no way violative of Section 22(c) or Rule 22c–1 thereunder. When a redemption of shares of Applicant is effected, the price of the shares on redemption will be based on current net asset value. The contingent deferred sales charge will merely be deducted at the time of redemption in arriving at the shareholder's proportionate redemption proceeds. However, in order to avoid any possibility that questions might be raised as to the potential applicability of Section 22(c) and Rule 22c–1, Applicant requests an exemption from the operation of the provisions of Rule 22c–1 to the extent necessary or appropriate to permit Applicant to implement the proposed contingent deferred sales charge.

Applicant contends that notwithstanding the fairness and rationality of imposing the contingent deferred sales charge with respect to all redemptions subject thereto, Applicant and Dean Witter have determined that it would be fair and equitable and in the public interest and in the interest of shareholders for the contingent deferred sales charge to be waived on certain types of redemptions. In each situation in which the charge would be waived, the redeeming shareholder is a member of a class of shareholders which is favored under the tax laws or the securities laws. Applicant further asserts that the proposed waiver is consistent with the purposes of Applicant. As stated in its prospectus, Applicant is designed for long-term investors, including those who wish to use its shares as the funding vehicle for IRA's or other tax-deferred retirement

[2] While applicant does not specifically adopt the balance of the Code definition which pertains to furnishing the Secretary of Treasury with such proof as he may require, Applicant contends that Dean Witter will require satisfactory proof of death or disability before it determines to waive the contingent deferred sales charge.

plans. The prospectus further states that Applicant is not designated for investors who intend to liquidate their investments after a short period. Applicant states that in situations in which the contingent deferred sale charge will be waived, the redemption is either unforeseen by the shareholder at the time of purchase (i.e., resulting from the extraordinary circumstances of death or disability) or is fully intended at the time of purchase (i.e., ordinary retirement plan). Accordingly, Applicant contends that neither situation would be inconsistent with Applicant's purpose or the investor's initial intention of making a long-term investment in Applicant.

Applicant submits that the requested order is fair to remaining shareholders because the Applicant will not be charged with any revenue lost as a result of waiver of the contingent deferred sales charge in the above circumstances. According to the application, amounts redeemed are removed from the base of aggregate purchase payments for purposes of calculating the distribution fee in connection with Applicant's proposed distribution plan where the redemption results in imposition of the contingent deferred sales charge. Applicant asserts this is because the charge is designed to recover through a lump sum payment the amount of distribution expense which has not been recovered through payment of distribution fees by Applicant with respect to the redeemed amount. As with all redemptions subject to the contingent deferred sales charge, Applicant represents that its distribution plan pursuant to Rule 12b–1 provides that amounts on which a contingent deferred sales charge would have been imposed but for the waiver of such charge pursuant to this provision are also removed from the base of purchase payments.

Applicant further contends that the waiver of the contingent deferred sales charge in the extraordinary circumstance of death or total disability of the investor is justified on basic considerations of fairness. Applicant asserts that waiving the charge on certain distributions from a qualified retirement plan is fully consistent with the policies reflected in (i) the Code provisions granting favored tax treatment to accumulations under such plans and imposing additional taxes on early distributions from IRA's and other plans and (ii) Rules 22d–1(a)(3) and 22d–1(b)(3) under the Act, which permit quantity discounts to plans qualified under Code Section 401, and Rule 22d–1(f) under the Act, which permits variations in the sales load for qualified and non-qualified employee benefit plans (which need not be based on realization of economies where the plans are qualified under Section 401 of the Code).

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant assets that the exemptions it requests are appropriate and in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the Act. Applicant further submits that waiver of the contingent deferred sales charge under the above-described circumstances will not harm Applicant or its remaining shareholders or unfairly discriminate among shareholders or purchasers. Additionally, Applicant represents that it will fully disclose the waiver provision in its prospectus. Applicant therefore requests that the Commission issue an order under Section 6(c) as requested.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6156 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13071; 812-5148]

E. W. Axe & Co., Inc, et al.; Application Filing

March 4, 1983.

In the matter of E. W. Axe & Co., Inc., Axe Securities Corporation, Axe-Houghton Income Fund, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., 400 Benedict Avenue, Tarrytown, New York 10591; (812–5148); Notice of filing of application pursuant to section 6(c) of the act for an amended order exempting application from the provisions of section 22(d) of the act and rule 22d–1 thereunder.

Notice is hereby given that Axe-Houghton Income Fund, Inc., Axe-Houghton Fund B, Inc., and Axe-Houghton Stock Fund, Inc, (the "Funds"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, E. W. Axe & Co., Inc. ("E. W. Axe"), the Fund's investment adviser and Axe Securities Corporation ("Axe Securities"), their principal underwriter (collectively the "Applicants"), filed an application on January 13, 1983, pursuant to Section 6(c) of the Act, for an order of the Commission amending an order previously issued by the Commission (Investment Company Act Release No. 12540, July 8, 1982). That order, pursuant to Section 6(c) of the Act, exempted from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder the offer and sale of the Funds' shares at prices which reflected reductions in the usual schedule of sales charges disclosed in the prospectus of each of the Funds. All interested persons are referred to the application on file with the commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of those provisions therein from which an exemption is being sought.

The application for the amended order states that, except as otherwise specifically indicated, all the facts and circumstances set forth in the prior notice (Investment Company Act Release No. 12479, June 10, 1982) and the prior order continue to be as stated in the prior application filed on March 30, 1982, and in such prior notice and order. Applications represent that the Funds currently offer their shares to the public at net asset value plus sales charges in accordance with the schedule of charges set forth in the proposectus of each Fund, and that Axe Securities, a wholly-owned subsidiary of E. W. Axe, acts as

the principal underwriter for each of the Funds pursuant to underwriting agreements which provide that Axe Securities, as agent, will use its best efforts to sell shares of the Funds.

The application states that since July 8, 1982, the effective date of the prior order, shares of the Funds have been acquired by persons associated with the National Rural Electric Cooperative Association ("NRECA") who are eligible to participate in a retirement program sponsored by NRECA ("Program Participants") at a reduced sales charge pursuant to the exemption provided by the prior order under the same terms as those which apply to purchases made by persons acquiring Fund shares through an "Eligible Retirement Program" as defined in the supplement dated March 29, 1982, to the prospectus of each of the Funds. Applicants state that approximately 90 Program Participants purchased shares of the Funds after March 28, 1982, and before July 8, 1982, in the mistaken belief that they qualified for the reduced sales charge of .5 percent. The application states that such Program Participants have informed Applicants that their erroneous belief resulted from statements made to them by the sales representative of Axe Securities, who was a vice president of Axe Securities and who negotiated the arrangement under which the offering of the Funds' shares was made to persons associated with NRECA by Axe Securities. The application further states that the officer left the employ of E. W. Axe and Axe Securities without notice in late October, 1982.

The application also states the E. W. Axe and Axe Securities belief that they have a moral and perhaps a legal obligation to "make whole" such Program Participants because, although the statements relied upon appear to have been inaccurate, they were made by a person upon whom the Program Participants were entitled to rely. It is represented that E. W. Axe and Axe Securities therefore wish to purchase from the Funds and creditto the accounts of the approximately 90 Program Participants who purchased shares of the Funds prior to the effective date of the prior order (but not earlier than March 29, 1982) that number of shares of the Funds as is equal to the number of shares that would have been credited to the account of each such Program Participant had a sales charge of .5 percent been applied to their purchases. The application states that counsel has advised Applicants, however, that to do so might be deemed inconsistent with the terms of the prior order, and therefore could be deemed a violation of Section 22(d) of the Act.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act and the rules promulgated thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Pursuant to section 6(c) of the Act, Applicants requested and received the prior order of the Commission permitting sales of shares of the Funds to Program Participants at a reduced sales charge. Applicants now request that such order be amended so as to permit E. W. Axe and Axe Securities to effect the remedy described above. In support of their application, Applicants represent that all expenses incurred in connection with the application and the actions contemplated thereby will be borne by E. W. Axe and/or Axe Securities and that neither the Funds not their shareholders will bear any expense related to this matter. Applicants further agree that the foregoing representations may be made a condition to the amended order.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6100 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13066; 812-5455]

Kuparuk Transportation Capital Corp.; Application Filing

March 3, 1983.

In the matter of Kuparuk Transportation Capital Corporation, c/o Atlantic Richfield Company, 515 South Flower Street, Los Angeles, California 90071; (812-5455); Notice of filing of an application pursuant to section 6(c) of the act for an order exempting applicant from all provisions of the act.

Notice is hereby given that Kuparuk Transportation Capital Corporation, a Delaware corporation ("Applicant"), filed an application on February 14, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its only securities presently outstanding are one hundred shares of its capital stock, all of which are owned by Kuparuk Pipeline Company, a Delaware corporation ("Kuparuk") which is a wholly-owned subsidiary of Atlantic Richfield Company, a Pennsylvania corporation ("Atlantic"). Upon the formal creation of Kuparuk Transporation Company (the "Partnership"), a general partnership expected shortly to be formally created under the laws of the State of Alaska, all such shares shall be transferred by Kuparuk to the Partnership. The three general partners (the "Partners") of the Partnership will be BP Alaska Pipelines Inc., Kuparuk and Sohio Alaska Transportation Company. Each is a Delaware corporation. The Partners are wholly owned subsidiaries, respectively, of The British Petroleum Company p.l.c., an English corporation ("BP"), Atlantic, and The Standard Oil Company, an Ohio corporation ("Sohio"). BP, Atlantic and Sohio are integrated petroleum companies principally engaged in the exploration, production, transportation, refining and marketing of crude oil and its products.

The application states that the Partnership will be organized to construct, own and operate a 24-inch common carrier pipeline approximately 27 miles in length, smaller connecting pipelines and related facilities on the North Slope of Alaska (the "Pipeline") to transport crude oil from the Kuparuk River Unit Field to the existing Trans Alaska Pipeline System Pump Station No. 1. The currently projected cost of the

Pipeline is approximately $115,000,000 (including interest during construction). The Partnership anticipates that the Pipeline will be operational in December 1984.

Applicant states that it is a special purpose corporation formed to assist in financing the Pipeline and its only business will be the issuance of debt securities from time to time (the "Debt Securities") and the lending of the proceeds thereof to the Partnership. Loans by Applicant to the Partnership will be evidenced by one or more master notes ("Partnership Notes"). The principal of, premium, if any, and interest on the Partnership Notes will be equal to the principal of, premium, if any, and interest on Applicant's Debt Securities. All expenses of Applicant will be reimbursed to it by the Partnership.

Applicant further states that each series of Debt Securities issued by it will be secured, among other things, by the pledge of one or more Partnership Notes. The Partnership Notes will be secured by the several obligations of BP Alaska Exploration Inc., a Delaware corporation, ARCO Alaska, Inc.,[1] a Delaware corporation, and Sohio Alaska Petroleum Company, a Delaware corporation (collectively hereinafter called the "Throughput Obligors") under a Throughput and Deficiency Agreement (the "Throughput and Deficiency Agreement") to be entered into by the Throughput Obligors and the Partnership. The Throughput Obligors are, respectively, wholly owned subsidiaries of BP, Atlantic and Sohio. According to the application, each of BP, Atlantic and Sohio is guaranteeing the performance by its subsidiary of such subsidiary's obligations under the Throughput and Deficiency Agreement. Under the Throughput and Deficiency Agreement, if for any reason, whether prior to or after completion of construction of the Pipeline, the Partnership has a cash deficiency on the date that any payment is due with respect to debt service on the Partnership Notes, each Throughput Obligor will be severally and unconditionally obligated to advance in cash its percentage share of such cash deficiency.

Applicant represents that the initial series of its Debt Securities will be short term notes issued under a Trust Agreement between it and Morgan Guaranty Trust Company of New York, a banking corporation organized and existing under the laws of the State of New York, as trustee for the noteholders (the "Trustee"). Such notes will be issued in denominations of not less than $100,000, although the usual denomination is expected to be significantly larger. Such notes will not be advertised for sale to the general public but will be sold to Salomon Brothers Inc. or by Salomon Brothers Inc., in the commercial paper market only to institutional investors and other entities which normally purchase commercial paper in large denominations. Such notes will be issued as either discount or interest-bearing obligations payable to bearer with a maturity at the time of issuance not to exceed nine months, exclusive of days of grace. Such notes will not contain any provisions for payment on demand or for automatic "roll over". It is expected that these notes will be accorded the highest commercial paper rating by two nationally recognized rating agencies. The Partnership, through Applicant, may also issue intermediate or long-term debt securities, as market conditions permit or dictate, in the public or private debt markets.

Applicant further states that as security for the initial series of its Debt Securities (i) a related Partnership Note will be pledged to the Trustee and (ii) the rights of the Partnership under the Throughput and Deficiency Agreement and the related performance guarantees of BP, Atlantic and Sohio will be assigned to the Trustee. Future similar security arrangements with respect to other issues of Debt Securities of Applicant will be made on a *pari passu* basis without restriction and, as to assignments, without priority by reason of time of assignment or perfection or on a subordinated basis.

Applicant states that it may be deemed to be an "investment company" as defined in the Act (i) by reason of its proposed acquisition and holding of the Partnership Notes, which will constitute substantially all its assets, and (ii) because securities (other than short term notes) which it intends to offer may be held by more than 100 persons. Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application states that the sole purpose and only business of Applicant is to serve as a vehicle to facilitate debt financing for the Partnership. Applicant will not hold shares of capital stock of any other corporation. Once it has been formally established, the Partnership will maintain sole ownership of all the shares of Applicant's capital stock. Since Applicant's Debt Securities will be secured by the pledge of the related Partnership Notes, and by the assignment of the Parternership's rights under the Throughput and Deficiency Agreement and the related guarantees of BP, Atlantic and Sohio, it is contended that purchase of Applicant's Debt Securities will be substantially equivalent to a purchase of direct obligations of the Throughput Obligors, severally guaranteed by BP, Atlantic and Sohio as to the respective subsidiaries of each. It is further contended that, since it is intended that (i) the only significant assets of Applicant will be the Partnership Notes, (ii) Applicant will not sell, trade or otherwise deal in the Partnership Notes and will not sell, trade or otherwise deal in other securities (with the possible exception of purchases of its own securities to satisfy sinking fund obligations), (iii) none of the securities of Applicant (other than its Debt Securities) will be held by anyone other than the Partnership, and (iv) the purchase of Applicant's Debt Securities by investors will allegedly be substantially equivalent to purchasing obligations of BP, Atlantic and Sohio, it is not necessary or appropriate in the public interest or consistent with the protection of investors to regulate Applicant within the meaning of the Act.

Applicant agrees to the insertion in an exemptive order of one or more of or all the following conditions:

(1) Applicant will file with the Commission within 120 days after the close of its first fiscal year (a) information with respect to (i) persons in a control relationship with it (except with respect to persons under common control with it), (ii) persons and number of persons owning equity securities of Applicant and (iii) directors, officers, employees and legal counsel required by Items 11 and 12 of Form N–2 under the Act, and (b) a statement of financial position as of the close of such fiscal year, including a statement of income, paid-in surplus and retained earnings, and a schedule of investments as of the close of such fiscal year, and will notify the Commission promptly of any

[1] By letter dated February 22, 1983, counsel for Applicant advised that ARCO Kuparuk Shipping Company has been substituted for ARCO Alaska, Inc.

material change in such information or statement.

(2) Applicant will file with the Commission within 120 days of the close of its first fiscal year a schedule of the number of holders of its short-term or other bearer securities and of its securities in registered form as of the close of such fiscal year and the number of transfers of such registered securities during such fiscal year, and will notify the Commission promptly of any material change in such schedule.

(3) Applicant will not sell any equity securities other than to the Partnership or sell any Debt Securities other than debt securities which are to be held by the Partnership, the Partners, the Throughput Obligors, BP, Atlantic or Sohio, or which (i) are secured by a pledge of corresponding debt securities or other obligations of the Partnership which in turn are secured by an assignment of rights and proceeds under the Throughput and Deficiency Agreement and the performance guarantees hereinabove referred to and (ii) are (A) offered and sold in transactions not involving any public offering to institutions, located in the United States and elsewhere, which are not "underwriters" of the securities within the meaning of the Securities Act of 1933, (B) sold in offerings outside the United States pursuant to agreements and procedures reasonably designed to prevent such debt securities from coming into the hands of a United States national or resident, or (C) notes which arise out of current transactions or the proceeds of which have been or are to be used for current transactions, and which have a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, unless Applicant shall have first given written notice to the Commission describing the proposed issuance of such additional debt securities (including notice of a proposed filing of a registration statement under the Securities Act of 1933, as amended, pursuant to Commission Rule 415) not less than 60 days prior to the date of such proposed issuance, subject, however, to the right of the Commission, upon request of Applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt of said written notice, determine that a substantial question exists as to whether or not the exemption granted by the order requested in the application should continue and the Commission shall, within 30 days after receipt by the Commission of such written notice from Applicant, mail or otherwise give notice to that effect to Applicant, in care of Kuparuk Pipeline Company, 515 South Flower Street, Los Angeles, CA 90071, Attention: Treasurer, Applicant will not issue such additional debt securities unless, after receipt by Applicant of such notice from the Commission and not less than 30 days prior to the issuance of such additional debt securities, Applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional debt securities, and upon the giving of such notice by Applicant, the order requested in the application shall be deemed to have terminated as of the date the Applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6102 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13068; 812-5438]

Mount Isa Mines Ltd.; Application Filing

March 3, 1983.

In the matter of; Mount Isa Mines (Coal Finance) Limited c/o Cravath, Swaine & Moore, One Chase Manhattan Plaza, New York, New York 10005 (812-5438); Notice of filing of application pursuant to section 6(c) of the act exempting applicant from all provisions of the act.

Notice is hereby given that Mount Isa Mines (Coal Finance) Limited (the "Company") filed an application on January 24, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting the Company from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Company states that it is organized under the laws of the Australian Capital Territory and that its only securities currently outstanding are shares of its capital stock, all of which are beneficially owned by Mount Isa Mines Limited ("Isa"), a limited liability company organized under the laws of the State of Queensland, Australia. The Company states that Isa is a diversified mineral, coal and metal producer in Australia and that Isa is wholly-owned by M.I.M. Holdings Limited, a publicly-held limited liability company organized under the laws of the State of Queensland, Australia.

The Company represents that Isa intends to expand its existing coal mining operations in Collinsville, Queensland, Australia, and to develop, mine and exploit certain mining leases in Newlands, Queensland, Australia, for coal (the "Project"). The Company maintains that the current projected net outlay on the Project is approximately $832,000,000 (Australian dollars), including interest during construction and credit for net cash flow generated during construction. The Company further maintains that Isa anticipates that the Project will be completed in April, 1984. The completed Project, including existing coal mining operations in Collinsville, will have a production capacity of 6.3 million metric tons of coal per annum, most of which will be sold under long-term export contracts to non-Australian consumers.

The Company asserts that its sole purpose is to assist Isa in financing the Project by making loans to Isa, which loans will in turn be financed by (1) loans ("Project Loans") to be made to the Company be several groups of international banks (the "Project Loan Banks") and (2) issuances and sales by the Company of debt securities ("Bank Guaranteed Notes"), which will have the benefit of guarantees or letters of credit ("Project Credits") issued (or participated in) by other groups of United States and foreign banks ("the Project Credit Banks") for the account of the Company. The Company states that proceeds of the Project Loans and Bank Guaranteed Notes are currently expected to finance three-quarters of the $832,000,000 (Australian dollars) projected net outlay of the Project. The Company states further that, in

consideration of the Company lending to Isa the proceeds of Project Loans and of Bank Guaranteed Notes, Isa will agree, on a limited recourse basis, to discharge directly the Company's payment and reimbursement obligations, in respect of Project Loans, Bank Guaranteed Notes and all other costs and expenditures incurred by the Company in assisting in the financing of the Project.

The Company currently plans that the Project Loans will consist of borrowings from several bank groups in various currencies and that the Bank Guaranteed Notes will initially take the form of debt securities issued through a short-term revolving Euronote program in London, England, and a commercial paper program in the United States. The Company states that the sale of Bank Guaranteed Notes through each of these programs will be made possible by the Project Credits of the Project Credit Banks supporting the Company's payment obligations in respect of such Notes. The Company indicates that separate bank groups will issue or participate in the Project Credits issued in connection with the Euronote program and the commercial paper program. The Company may have the option to reduce the size of the Euronote program and/or the commercial paper program and to issue other types of Bank Guaranteed Notes in other markets similarly supported by Project Credits.

The Company states that a Production Loan and Credit Agreement (the "Credit Agreement") among the Company, Isa, the Project Credit Banks and the Project Loan Banks (jointly, the "Project Banks") will contain, among other things, (1) the commitments of the Project Banks to the Company to make Project Loans and to issue Project Credits, (2) the Company's agreement to make loans to Isa to assist Isa in financing the Project, and (3) Isa's agreement to be responsible, on a limited recourse basis, for the costs and expenditures incurred by the Company in so assisting Isa. The Company maintains that neither the Company's obligations to the Project Banks nor Isa's obligations to the Company, under the Credit Agreement, will be separately evidenced by a note or other instrument, except that a note will be issued by Isa to the Company to evidence the indebtedness from Isa to the Company arising from loans made by the Company to Isa out of the proceeds of the sale of commercial paper and a similar note may be issued in connection with the Euronote program (such notes are hereinafter called the "Isa Secured Notes"). The Company states that the principal and interest on each Isa Secured Note will be equal to the principal of and interest on the Company's outstanding Bank Guaranteed Notes to which such Isa Secured Note relates.

The Company represents that the Project Banks will have only limited recourse to the Company and Isa in respect of the Project Loans and the unreimbursed disbursements made by the Project Credit Banks under the Project Credits (which will be automatically converted into Project Loans), and the Company will have only limited recourse to Isa in respect of its loans to Isa (including but not limited to those evidenced by the Isa Secured Notes). The obligations of the Company and Isa to the Project Banks will, however, be secured by security documents ("Security Agreements"), pursuant to which Isa, together with certain of its affiliates (including the Company), will grant a security interest in certain Project assets, which may include coal sales contracts under which Isa will market Project coal and the shares of capital stock of the Company (the "Project Collateral"). The Company states that the Security Agreements will also secure the obligations of Isa in respect of the Isa Secured Notes *pari passu* with the Company's and Isa's obligations to the Project Banks.

The Company's United States commercial paper (the "Notes") will be issued under the Credit Agreement and an agreement between the Company and a United States bank, acting as issuing agent and depositary thereunder. The Company states that the Notes will (1) have muturities not exceeding 180 days, (2) be issued in denominations of not less than $100,000 (United States dollars), with the average denomination expected to be significantly larger, (3) not be advertised for sale to the general public and (4) be sold in the commercial paper market only to institutional investors or other entities which normally purchase commercial paper in large denominations. The Company states that the Notes will be supported by irrevocable letters of credit issued by a major United States bank (and unconditionally participated in by certain Project Credit Banks). The Company states that it will pledge the relevant Isa Secured Note to a commercial paper trustee as additional security for holders of the Notes. The Company states further that it will pledge the relevant Isa Secured Note, if any, to a Euronote trustee as additional security for the Euronote holders. According to the application, it is expected that the Notes will be accorded the commercial paper ratings of the bank which issues the letters of credit (currently the highest ratings granted). The Company represents that the Notes will be exempt from registration under the Securities Act of 1933 (the "1933 Act") pursuant to Section 3(a)(2) thereof.

In connection with the issuance and sale of the Notes, the Company will appoint a corporate entity which normally acts in such capacity to accept service of process in any action commenced in any State or Federal court in the United States by any holder of the Notes against the Company based on the Notes. The Company will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes shall be paid. The Company represents that it will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes.

The Company states that it may be deemed an "investment company" as defined by the Act because its only substantial assets will be its advances to Isa (evidenced in part by one or more Isa Secured Notes), which may be deemed to be securities under Section 2(a)(36) of the Act. Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Company maintains that the exemption requested is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The Company asserts that its sole purpose and only business is to serve as a vehicle to facilitate the funding of debt financing for the Project for Isa on favorable terms (the Project credit risk being borne by the Project Banks and the Bank Guaranteed Notes being essentially an additional funding mechanism). The Company further asserts that it will not

deal with the Isa Secured Notes after they have been pledged as security for the benefit of the holders of the Company's Bank Guaranteed Notes. The Company avers that it will not make any investment decisions on behalf of the holders of Bank Guaranteed Notes or the Project Banks.

The Company represents that it will not hold shares of capital stock of any other corporation. The Company represents further that since the Company's Bank Guaranteed Notes will have the benefit of the guarantees or letters of credit furnished by the Project Credit Banks, which Banks should they be called upon to honor such guarantees or letters of credit will have reimbursement rights which have the benefit of the Project Collateral, purchases of Bank Guaranteed Notes will be substantially the equivalent of purchasing bank-guaranteed limited recourse obligations of Isa.

The Company agrees that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

(1) The Company will file with the Commission within 120 days after the close of the first fiscal year of the Company (a) information with respect to persons in a control relationship with the Company (except with respect to persons under common control with the Company), persons and number of persons owning equity securities of the Company and directors, officers, employees and legal counsel required by Items 11 and 12 of Form N–2 under the Act, (b) a statement of financial position as of the close of such fiscal year, including a statement of income, paid-in surplus and retained earnings, and (c) a schedule of investments as of the close of such fiscal year, and thereafter notify the Commission promptly of any material change in such information, statement or schedule.

(2) The Company will file with the Commission within 120 days of the close of the first fiscal year of the Company a schedule of the number of holders of its short-term or other bearer securities and of its securities in registered form as of the close of such fiscal year and the number of transfers of such registered securities during such fiscal year, and thereafter notify the Commission promptly of any material change in such schedule.

(3) The Company will not sell any equity securities other than to Isa or sell any debt securities other than debt securities (a) which are to be held by Isa, M.I.M. Holdings Limited or its affiliates, or (b) which (i) have the benefit of Project Collateral or the guarantees or letters of credit furnished by the Project Credit Banks (which Banks should they be called upon to honor such guarantees or letters of credit will have reimbursement rights which have the benefit of the Project Collateral) and (ii) are (A) offered and sold in transactions not involving any public offering to institutions, located in the United States and elsewhere, which are not "underwriters" of the securities within the meaning of the 1933 Act, (B) sold outside the United States pursuant to agreements and procedures reasonably designed to prevent such debt securities from coming into the hands of a United States national or resident, or (C) are exempt from the provisions of the 1933 Act by virtue of Section 3(a)(2) or Section 3(a)(3) thereof, unless the Company shall have first given written notice to the Commission describing the proposed issuance of such additional debt securities (including notice of a proposed filing of a registration statement under the 1933 Act, pursuant to Commission Rule 415 or otherwise) not less than 60 days prior to the date of such proposed issuance, subject, however, to the right of the Commission, upon request of the Company, to decrease such number of days. The Company further agrees that if the Commission shall, after receipt by the Commission of such written notice, determine that a substantial question exists as to whether or not the exemption granted by the requested order should continue and the Commission shall, within 30 days after receipt by the Commission of such written notice from the Company, mail or otherwise give notice to that effect to the Company, in care of Cravath, Swaine & Moore, One Chase Manhattan Plaza, New York, New York 10005, the Company will not issue such additional debt securities unless, after receipt by the Company of such notice from the Commission and not less than 30 days prior to the issuance of such additional debt securities, the Company shall mail or otherwise give written notice to the Commission stating its intention to issue such additional debt securities, and upon the giving of such notice by the Company the requested order shall be deemed to have terminated as of the date the Company shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 25, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6108 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12297]

Standard Oil Company (an Indiana Corporation); Application and Opportunity for Hearing

March 4, 1983.

Notice is hereby given that Standard Oil Company, an Indiana corporation ("Standard") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Citibank, N.A. ("Citibank") under an indenture between Standard and Citibank, as trustee, dated as of August 1, 1977 (the "1977 Indenture"), which was heretofore qualified under the Act, and the trusteeship by Citibank under an indenture among Amoco Australia Limited ("Amoco Australia"), Amoco Holdings Pty. Limited ("Holdings"), as Guarantor, and Citibank, as Trustee (the guarantee of Holdings being jointly and severally guaranteed by Standard and Amoco International Finance Corporation ("AIFC")), dated as of February 1, 1983 (the "1983 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1977 Indenture.

In support of its application, Standard alleges that:

(1) Standard has outstanding on the date hereof $400,000,000 aggregate principal amount of its 7¾% Debentures Due 2007 (the "7¾% Debentures") issued under the 1977 Indenture executed by Standard and Citibank, as Trustee. The 7¾% Debentures were registered under the Securities Act of

1933, as amended (File No. 2-50457), and the 1977 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-6282). Citibank is currently acting as trustee under the 1977 Indenture.

(2) Pursuant to the 1983 Indenture and the Guarantee Agreement, Amoco Australia issued $50,000,000 aggregate principal amount of 9⅛% Bearer Notes due 1990, which are guaranteed by Holdings (the "Guaranteed Notes"), which guarantee is jointly and severally guaranteed by Standard and AIFC (the "Joint and Several Guarantee"). Inasmuch as the Guaranteed Notes have been offered and sold outside the United States, its territories and possessions, to persons who are not nationals or residents thereof, the Guaranteed Notes have not been registered under the Securities Act of 1933 and the 1983 Indenture has not been qualified under the Act.

(3) Section 7.08 of the 1977 Indenture provides in part as follows:

Section 7.08 *Conflicting Interest of Trustee.* (a) If the Trustee has or shall acquire any conflicting interest, as defined in this Section 7.08, it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign in the manner and with the effect specified in Section 7.10.

(b) In the event that the Trustee shall fail to comply with the provisions of subsection (a) of this Section 7.08, the Trustee shall, within ten days after the expiration of such ninety-day period, transmit notice of such failure to all holders of Debentures, as the names and addresses of such holders appear upon the registration books of the Company.

(c) For the purposes of this Section 7.08 the Trustee shall be deemed to have a conflicting interest if

(1) The Trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company, are outstanding, unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this indenture; provided that there shall be excluded from the operation of this paragraph any indenture or indentures under which other securities, or certificates of interest or participation in other securities, of the Company, are outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under this Indenture and such other indenture or indentures, or (ii) the Company shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures."

(4) Execution of the 1983 Indenture could involve Citibank in a conflict of interest within the meaning of Section 7.08 of the 1977 Indenture since the 1983 Indenture is not qualified under the Act and is not the subject of any other proceeding of the Commission.

(5) The 1977 Indenture and the 1983 Indenture are wholly unsecured. The Joint and Several Guarantee given pursuant to the 1983 Indenture ranks equally with Standard's other unsecured and unsubordinated indebtedness, including the 7⅞% Debentures. The primary differences between the 1977 Indenture and the 1983 Indenture, and between the rights of the holders of the 7⅞% Debentures and the holders of the Guaranteed Notes as beneficiaries of the Joint and Several Guarantee, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions on transferability, provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such difference and any other difference in the provisions of the 1977 Indenture and the 1983 Indenture and Guarantee Agreement are not so likely to involve any material conflict of interest between the respective trusteeships of Citibank under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1977 Indenture.

(6) Standard is not in default under the 1977 Indenture, the 1983 Indenture or the Guarantee Agreement.

Standard has filed an application which is on file in the offices of the Commission at 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549, with respect to the matters of fact and law asserted herein.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after April 1, 1983, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended. Any interested person may, not later than April 1, 1983, at 5:30 P.M., Eastern Standard Time, in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporate Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6196 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19556; File No. SR-Amex-82-27]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Amendment of Exchange Rule 950(k) Regarding Restrictions on Options Specialists

Pursuant to Section 19(b)(1) of the Securites Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1982, the American Stock Exchange filed with the Securites and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Rule 950(k) to permit a member organization which is affiliated with an options specialist to:

- Engage in non-material business transactions with the issuer or insiders of the issuer of a stock underlying a specialty option,
- Accept unsolicited orders in specialty options from pension and profit sharing funds with assets of less than five million dollars, and
- Perform certain types of research and advisory services with respect to stocks underlying options, provided certain conditions are met.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received

on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* For many years the Exchange has had rules restricting certain activities of a specialist so as to minimize potential conflicts of interest between the specialist's agency and dealer functions as well as to help assure fair and orderly markets. Amex rule 190 governing a specialist's transactions with public customers is one such rule.

At the inception of the Exchange's options program in the mid-1970's, these rules were applied to options specialists, with only minor changes. (Rule 190 was made applicable to options specialists by Rule 950(k)). At that time the Exchange expressed to the staff of the Securities and Exchange Commission its concern that specialist restrictions developed specifically for stocks might have to be revised or eliminated in the light of experience gained by trading options. In particular, it was stated that if these restrictions unnecessarily impinged upon the ability of the Exchange to attract major retail firms to specializing, the Exchange would reconsider their application to options.

The Exchange has concluded that Rule 950(k) indeed operates as a disincentive to diversified firms acting, or contemplating acting, as an options specialist. Among other things, this Rule prohibits such firms from engaging in any business transactions with the issuer (or its insiders) of a stock underlying a specialty option, from making recommendations for the purchase or sale of both the option and the underlying stock, and from accepting orders in specialty options from institutions. None of the other options exchanges impose equivalent restrictions.

Several months ago Exchange representatives met with Division of Market Regulation staff to discuss the problems experienced by options specialist firms and to review the ideas for the rule changes which are the subject of this filing.

A. Business Transactions

Rule 950(k) prohibits an options specialist firm from engaging in *any* business transaction with the issuer of an underlying stock or any of its insiders. This prohibition was specifically adopted to prevent the establishment of a relationship through which a specialist firm could obtain non-public corporate information from an issuer, or an issuer could obtain non-public market information from a specialist.

However, the scope of this Rule is so broad that, particularly when applied to options specialists, it precludes the establishment of specialist-issuer relationships in which the potential for abuse is, at best, remote. For example, because of the "business transactions" prohibition the Exchange has advised options specialists that they could not engage in the following activities:

- Handling brokerage accounts for the issuer, etc., whether or not the brokerage orders are for specialty or non-specialty securities,
- Handling a commodities trading account for an issuer,
- Allowing an account executive to continue to deal with a long standing customer who had become the chief executive officer of an issuer in whose options the firm specialized.

In each of the examples listed above the potential that one of the parties might obtain non-public information is remote because the transactions are not material in value to either party, and do not otherwise give either of the parties access to material, non-public information. The potential for abuse is further minimized by the very nature of options trading. Since options are derivative securities they respond primarily to price changes in the underlying security, and it is more difficult for an options specialist to affect short-term price movements in the option. Thus, there are compelling reasons in favor of the Exchange's modifying the business transaction prohibition with respect to its options specialists. The Exchange believes that it can accomplish this change without sacrificing its underlying need to bar the flow of non-public information between issuers and specialists.

Accordingly, the Exchange has amended the business transactions restriction so as to permit an options specialist firm to engage in non-material business transactions with the issuer of a stock underlying a specialty option or its insiders. A material transaction is defined as one which (a) is material in value to either party, or (b) provides access to material non-public information relating to the issuer or the specialist. By so defining materiality the Exchange will be able to preclude the establishment of specialist-issuer relationships in which there is a realistic potential for improper disclosure of inside information, while permitting those relationships which do not give rise to such a concern. It should be noted that even with this change, options specialist firms will still be prohibited from accepting option orders from the issuer of the underlying stock or its insiders.

B. Recommending Underlying Securities

Another long-standing restriction on a stock specialist is the prohibition against recommending the purchase or sale of a specialist security. This prohibition was enacted to avoid the resulting conflict that would be created between a specialist's marketmaking and other business activities. When options trading commenced, the Exchange not only applied this prohibition to options specialists—i.e. specified that they could not issue a recommendation in their specialty options—but expanded it so as to also preclude them from issuing recommendations in underlying securities. It is this expansion of the Rule which has engendered business difficulties for options specialist firms, particularly in light of the fact that the Rule applies not only to the individual specialists, but also to their firms, parent companies, and all of the officers, directors and employees associated with such firms.

The difficulties caused by the application of this restriction to options specialist firms can be broken down into two primary categories. The first is the inability of such firms to provide comprehensive research coverage of the industries which include their underlying securities. Thus, the Amex specialist in Gulf options cannot prepare an analysis of the oil industry which would include a discussion of Gulf. Inevitably, the research coverage provided by options specialist firms will suffer in comparison to that offered by other firms, a fact which will not go unnoticed by the investing public. The second difficulty engendered by this restriction is that an account executive, even acting in the absence of a firm-wide recommendation, cannot solicit orders in underlying stocks from *any* of his customers. This forces options specialist firms to include underlying securities on restricted lists and creates yet another competitive disadvantage for them.

The Exchange believes that the differences between stock and options trading are such that the regulatory interest served in maintaining this restriction in its present form is outweighed by the competitive

disadvantage it has placed upon options specialists firms. The Exchange therefore believes that it is appropriate to lift the absolute prohibition against recommendations in underlying securities if, as discussed below, the specialist firm adopts adequate procedures which will satisfy the Exchange's regulatory needs.

In view of the above, the Exchange has amended Rule 950(k) to permit an options specialist firm to make recommendations in underlying securities provided that the firm adopts procedures (which first must be filed with and approved by the Exchange) to preclude the flow of information between the individual specialist and the relevant non-specialist areas of the firm. These procedures—tantamount to a "Chinese wall"—must assure that the research and marketing areas of a firm will be precluded from gaining information concerning positions taken by the options specialist, and, conversely, that the specialist would be barred from obtaining information about his firm's forthcoming recommendations which might influence his market-making activities. The Exchange is confident that a structurally sound "Chinese wall," such as those which many firms have used for years to separate retail and investment banking functions, will serve to substantially reduce the possibility that information might flow between the specialist and other areas of a firm.

At a minimum, the procedures submitted for review must be sufficiently specific so as to enable the Exchange to evaluate their effectiveness in terms of the firm's structural and functional operation, and the maintenance and surveillance of the procedures must be specifically allocated to senior management within the firm. Any firm receiving Exchange approval will be required to fully disclose its status as specialist in any form of recommendation it makes, and will be apprised that its adoption of a "Chinese wall" will not insulate it from liability under the securities laws or the Exchange's own rules. For those firms which choose not to establish such procedures, and thus not to recommend underlying securities, the current restrictions will remain in place. The current restriction against recommendation of specialty options will also remain unchanged for all options specialist firms.

The Exchange will monitor compliance with this Rule change through its options surveillance program. The Exchange's surveillance procedures are designed to detect instances of trading on inside information, and will be used to check for breaches of the "Chinese wall." The Exchange's Trading Analysis Division which routinely reviews specialists' options and underlying stock activity will have primary responsibility for this surveillance. The Exchange will carefully monitor its surveillance program and will make any enhancements which may be necessary to ensure that this new procedure is not abused.

C. Orders From Small Pension and Profit-Sharing Plans

The final change which the Exchange has made relates to the prohibition against a specialist's accepting orders in his specialty securities from an institutional customer. This restriction was adopted to prevent a specialist from giving—or being pressured into giving—favored treatment to such orders. As applied to options trading, this restriction relates only to specialty options, i.e., it does not prohibit a specialist from accepting an institutional order in the underlying security. The Exchange has carved out a limited exception to this prohibition which would permit an options specialist to accept *unsolicited* orders in specialty options from pension and profit-sharing plans with assets of less than five million dollars.

Several factors support this change. First, plans of this size are too small to exercise coercive pressure on a specialist. Further, such plans are typically established for the benefit of an individual or small group of individuals (such as a doctor's profit-sharing or KEOGH plan) and are thus in reality more akin to individual accounts than institutional ones. This limited change will thus enable an options specialist firm to accept customer orders which raise no regulatory concern.

(b) *Basis.* The proposed amendments are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b)(5) in particular in that they are designed to remove impediments to, and perfect the mechanism of, a free and open market and to protect investors and the public interest by removing barriers to entry into specializing and encouraging competition in specializing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes are intended to reduce burdens on competition which were excessive since they created disincentives to options specializing without any offsetting regulatory benefits. Rule 950(k), as amended, does impose certain burdens on competition, but only for the purpose of satisfying the Exchange's regulatory interest. If necessary at a later date, the Exchange will readdress the Rule to ensure that this competitive balance is maintained.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 30 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 1, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

Proposed Amendment to Rule 950(k)

It is proposed that Rule 950(k) be amended as set forth below. (Brackets [ ] indicate words to be deleted; italics indicate words to be added.)

Rule 950. (k) The provisions of Rule 190 and Commentary thereto shall apply to the trading of option contracts with the addition of the following commentary:

* * * Commentary

.02 With respect to a specialist registered in one or more classes of options:

(1) Paragraph (a) of this Rule shall be deemed to prohibit any *material* business transactions with the company which is the issuer of the underlying stock that is the subject of any such class of options or with any officer, director or 10% stockholder of any such company. [; and] *A material transaction for purposes of this Commentary .02 is one which is material in value either to the issuer or the specialist; would provide access to material non-public information relating to the issuer; or would give rise to a control relationship between the issuer and the specialist.*

(2) Paragraph (b) of this Rule shall be deemed to prohibit the acceptance of any order for the purchase or sale of an option contract of any such class directly (1) from the company which is the issuer of the underlying stock that is the subject of any such class of options, (2) from any officer, director or 10% stockholder of any such company, (3) from any pension or profit-sharing fund *with assets exceeding $5,000,000*, or (4) from any bank, trust company, insurance company, investment company or similar institution. This Rule shall not be deemed to prohibit the acceptance of orders for the purchase or sale of the underlying stock from pension and profit-sharing funds, banks, trust companies, investment companies and similar institutions.

(3) It is contrary to good business practice for specialist or his member organization, or any member, officer, employee or approved person therein to make any recommendation in any such class of options or in the underlying stock that is the subject of any such class of options, except that recommendations in the underlyuing stock shall not be prohibited if the specialist organization has established and obtained Exchange approval of procedures designed (A) to preclude the flow of information regarding the activities and positions of the specialist and the activities of relevant non-specialist lines of business between the individual specialist and any member, officer, employee or approved person associated with the specialist who might, in the oridinary course of business, have knowledge of such recommendations and (B) to assure disclosure in connection with any such recommendation of the specialist's status as such in such class of options.

Any such proposed procedures submitted for the Exchange's approval shall, at a minimum provide:

(i) sufficient specificity to establish a basis for the Exchange to evaluate their effectiveness in the context of the specialist organization's structural and functional operation; and

(ii) specificity regarding responsiblity within the organization for maintenance and surveillance of such procedures.

[FR Doc. 83-6355 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19562]

Proposed Rule Change Submitted by the National Securities Clearing Corporation ("NSCC"); Order Approving Proposed Rule Change

March 2, 1983.

On November 24, 1982, NSCC submitted a proposed rule change (SR–NSCC–82–27) under Section 19(b)(2) of the Securities Exchange Act of 1934 (the "Act") that would modify NSCC's rules regarding the terms of issuance of irrevocable letters of credit issued by banks to secure participants' clearing fund obligations. The Commission published notice of the proposal in the Federal Register on December 30, 1982, and invited persons to comment.[1] No letters of comment were recieved. NSCC received one letter of comment.[2]

Currently, NSCC's Rule 4, Section 1 provides that NSCC participants may secure, in part, the non-cash portion of their clearing fund contributions ("open account indebtedness") by depositing with NSCC irrevocable letters of credit.[3] NSCC accepts, under that Rule, letters of credit from qualified banks that execute contractual agreements with NSCC governing the terms and conditions of such letters of credit. More specifically, each agreement provides that the bank will establish irrevocable letters of credit in favor of NSCC, for the account of an NSCC participant, with an expiration date expresly stated in the agreement.[4] In addition, the agreement establishes a stated dollar amount that is payable to NSCC upon the presentation of a sight draft accompanied by a certification signed by NSCC stating that the claimed amount does not exceed the participant's liabilities to NSCC.[5] Finally, the agreement will be governed by Article 5 of the New York Uniform Commercial Code.

The proposed rule change would modify NSCC's rules to allow NSCC to accept an additional category of letters of credit. Under the proposal, NSCC would be authorized for the first time to accept letters of credit that can be terminated at the issuer's request, provided the issuer gives NSCC five days written notice.[6] As discussed above, NSCC currently accepts only letters of credit that cannot be terminated prior to their expiration date. More specifically, under the proposal NSCC would amend its contractual agreements to provide that letters of credit (i) can be terminated upon written notice from the issuing bank; and (ii) can be drawn down by NSCC at any time within five business days after NSCC's receipt of the banks termination notice. Moreover, in the event of such early termination, the issuer would not require NSCC to certify in writing that the participant, on whose behalf the letter of credit was issued, had defaulted in certain of its obligations to NSCC. The proposed rule change also would require that the participant replace the terminated letter of credit with other suitable collateral within such time as NSCC specifies upon its receipt of the termination notice. In addition, the proposal sets forth conforming amendments to NSCC's agreement with issuing banks.

NSCC stated in its filing that it believes the proposed rule change is necessary in view of changing industry practices. As a result of those changing

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[1] Securities Exchange Act Release No. 19358, (December 21, 1982), 47 FR 56419 (December 30, 1982).

[2] Leonard Mayer of Mayer and Schweitzer, Inc. (a market maker firm), in a letter dated November 26, 1982, to NSCC, endorsed NSCC's proposal, citing cost efficiencies in the use of letters of credit for clearing members' contributions to the clearing fund and the need to accommodate issuers of letters of credit so that NSCC participants can obtain letters of credit for clearing fund purposes in the future.

[3] Under NSCC's existing rules, participants may secure their open account indebtedness by the pledge of (i) certain unmatured bearer bonds issued and guaranteed by the United States or a state or one of its subdivisions ("qualifying bonds"); (ii) letters of credit issued by a bank approved by NSCC; and (iii) certain corporate and debt securities (*See* Securities Exchange Act Release No. 19486, (February 9, 1983), 48 FR 7080 (February 17, 1983).

[4] The expiration date may not be more than twelve months from the date of issuance.

[5] Under NSCC's Rules and Procedures, NSCC may draw down a letter of credit issued in its behalf when the participant that has obtained the letter of credit defaults in its obligations to NSCC. The liability of NSCC's participants is determined in accordance with NSCC's Rules and Procedures. Under the Agreement, such obligations can be satisfied first from that participant's cash and/or qualifying bonds contributions to the Clearing Fund before NSCC may also draw down on deposited letters of credit. NSCC may also draw down an expiring letter of credit, under the agreement, if the participant fails, within 10 calendar days prior to expiration, to make a substitution for that letter of credit, as required by NSCC's Rules.

[6] The Options Clearing Corporation ("OCC") currently permits letters of credit issued for OCC margin purposes to be revoked by issuers upon two full days' notice to OCC.

practices, NSCC has been advised recently by issuers of letters of credit that they will no longer issue letters of credit unless NSCC permits such letters of credit to be terminated prior to the stated expiration date at the option of the issuing bank. NSCC further stated that the continued availbility of letters of credit to secure, in part, participants' clearing fund open account indebtedness is important because using letters of credit is less costly than using qualifying bonds.

The Commission believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act. NSCC, as stated *supra*, has been advised that unless NSCC agrees to accept letters of credit that can be terminated by the issuer prior to the stated expiration date, those issuers will cease to issue new letters of credit on behalf of NSCC. It is particularly important that letters of credit continue to remain available to NSCC participants for clearing fund proposes, in light of the significant advantages that letters of credit afford both NSCC and its participants. Letters of credit provide participants with a means of securing clearing fund obligations at significant costs savings relative to other forms of collateral.[7] At the same time, NSCC's letter of credit program includes important regulatory controls that enable NSCC to accept certain letters of credit safely and efficiently.[8]

Furthermore, the Commission believes that the proposal provides important benefits to NSCC without exposing NSCC or its participants to any appreciable increase in risk. NSCC's proposal ensures that in the event an issuer of a letter of credit chooses to exercise its right to terminate an outstanding letter of credit, NSCC will nonetheless have time to secure alternative clearing fund deposits from the affected participant. Issuing banks will be obligated to notify NSCC five days prior to terminating the letter of credit. In addition, if substitute collateral is not obtained, NSCC will be permitted, during the five day period, to draw down immediately the letter of credit by presenting a sight draft to the issuer, without having to present accompanying documents that are ordinarily necessary.

In accordance with the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and, in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved.

By the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6100 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[7] A letter of credit may be obtained at a fraction of the cost of a cash clearing fund deposit. It should be noted, however, that clearing members that choose to deposit letters of credit must deposit $50,000 in cash, instead of the usual $10,000 deposit. *See* Securities Exchange Act Release No. 18772, (May 28, 1982), 47 FR 25085 (June 9, 1982) and Securities Exchange Act Release No. 16878 (June 6, 1980), 45 FR 40270, (June 13, 1980).

[8] Among other things, letters of credit, unlike government securities, are not subject to market fluctuation, and therefore, NSCC is adequately protected without having to reevaluate periodically the value of the deposited collateral. In contrast, during periods of rising interest rates, the market value of municipal and government securities can decline as interest rates rise. Because this loss of market value has the effect of reducing the liquidation value of clearing fund contributions that consist of municipal and government securities, NSCC must periodically reevaluate the sufficiency of those clearing fund contributions and ask for additional contributions when necessary.

[File No. 1-3314]

Alaska Airlines, Inc.; Application To Withdraw From Listing and Registration

March 4, 1983.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Alaska Airlines, Inc. ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on February 4, 1983, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before March 25, 1983, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should by imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6212 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13062; (812-5441)]

Allied Capital Corp. and Allied Investment Corp.; Filing of Application

March 2, 1983.

In the matter of Allied Capital Corporation and Allied Investment Corporation, 1625 Eye Street, NW., Washington, D.C. 20006.

Notice is hereby given that Allied Capital Corporation ("ACC"), a closed-end, internally-managed investment company registered under the Investment Company Act of 1940 ("Act"), and its wholly-owned subsidiary, Allied Investment Corporation ("AIC"), a closed-end, internally-managed investment company licensed as a small business investment company under the Small Business Investment Act of 1958 (together, the "Applicants") filed an application on February 1, 1983, and an amendment thereto on February 15, 1983, for an order of the Commission pursuant to Sections 17(b) and 17(d) and Rule 17d-1 thereunder, exempting Applicants' proposed transaction from the provisions of Sections 17(a) and 17(d). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for further information as to the provisions to which the exemption applies.

AIC has developed an opportunity to arrange a $2,500,000 debenture financing

for Southern Systems, Inc. ("Southern Systems") upon the terms summarized below. AIC has the capacity and proposes to participate in such financing to the extent of $500,000. Other venture capital investment entities who have agreed to participate in the financing, to the extent listed after their names, are the following:

Atlantic Venture Partners	$500,000
Heritage Capital Corporation	300,000
Kitty Hawk Capital, Ltd.	200,000
Teribe S.A.	1,000,000
Total	2,000,000

Since one of the participants in the Applicants' proposed transaction includes Teribe S.A. ("Teribe"), a Panamanian corporation and the parent of Alcap, Limited ("Alcap"), and since Alcap holds 17.7% of ACC's outstanding capital Stock, Teribe may be deemed an affiliate or an affiliate of an affiliate of ACC pursuant to Section 2(a)(3) of the Act.

Of ACC's outstanding capital stock, 237,000 shares (17.7%) are held by Alcap, a British Virgin Islands corporation, which is a wholly-owned subsidiary of Teribe. Teribe, in turn, is a second-tier subsidiary of Enterprises Quilmes, S.A. ("EQ"), a Luxembourg holding company listed on the Paris and Luxembourg Stock Exchange. Mr. Willem F.P. de Vogel, a vice president of Three Cities Research, Inc., New York, another EQ affiliate ("Three Cities"), serves as a director of ACC's and AIC's boards of directors. Under an agreement dated October 30, 1980, pursuant to which Alcap acquired its investment in ACC, Alcap has the right to nominate two persons for election to ACC's board of directors, but to date has chosen to nominate only one person, Mr. de Vogel. As a matter of practice, ACC elects all members of its own board of directors to constitute the board of directors of AIC.

The Applicant's proposed transaction involves Southern Systems, a Florida corporation primarily engaged in the business of manufacturing and selling impact printers, page printers, and interface electronics for printers to users of electronic data processing equipment. On November 30, 1982, Southern Systems had assets of approximately $4,227,700 and a net worth of approximately $792,100; for the year then ended it had sales of approximately $9,040,300 and its pre-tax earnings amounted to approximately $123,400. Mr. J. Joseph Horn, Jr., of Fort Lauderdale, Florida, who is Southern Systems' chief executive officer, and his spouse, own all of Southern Systems' outstanding capital stock. As part of its financing plan, Southern Systems has obtained a $2,000,000 secured, revolving line of credit from North Carolina National Bank, which is not affiliated with any other party to this transaction. The financing plan contemplates further that Southern Systems will sell to the participants of this proposal two series of debentures. The debentures of both series will bear interest at the rate of 13% per annum, payable monthly. During the first 36 months from closing, Southern Systems will, on the amount disbursed, pay interest only; in each of the succeeding 48 months it will pay an amount calculated to amortize the principal and interest in level payments over the four year period. The debentures will mature in any event at the end of seven years after closing, but may be prepaid in whole or in part at any time.

The debentures of the first series, in the aggregate principal amount of $1,500,000, are issuable at the closing. They will be convertible at any time through November 30, 1985, into a number of common shares of Southern Systems equal to 25% of its common equity after giving effect to the conversion. Thereafter, these debentures in part or in whole will be convertible into a percentage of Southern Systems' equity determined in accordance with a scale as a function of Southern Systems' earnings for its fiscal year ended November 30, 1985, varying from $500,000 principal amount of debentures for 35% of the equity if such earnings are less than $3,367,000 to $1,500,000 principal amount of debentures for 25% of the equity if such earnings are greater than $6,690,000. Such conversion right remains in effect for seven years after the closing and may be execised through the application of cash to the extent of payments on account of the debentures' principal prior to exercise. The debentures of the second series, in the aggregate principal amount of $1,000,000, are not convertible and are issuable only upon the attainment of certain sales targets prior to November 30, 1983.

The participants in the financing will participate in both series of debentures and the conversion privilge pro rata to their total commitment, as follows:

	Convertible debentures	Convertible into percent of equity	Non-convertible debentures
Allied Investment Corp. [1]	$300,000	5	$200,000
Atlantic Venture Partners	300,000	5	200,000
Heritage Capital Corp.	180,000	3	120,000
Kitty Hawk Capital, Ltd.	120,000	2	80,000
Teribe S.A. (1)	600,000	10	400,000
Total	1,500,000	[2]25	1,000,000

[1] Subject to the order requested herein.
[2] Subject to adjustment as previously described.

The investment agreement will contain provisions protecting the investors' equity in the event of a sale or outside offer to purchase the outstanding shares of Southern Systems or its assets; first refusal rights to participants in additional equity financing; demand and "piggy-back" registration rights; provisions for collateral, in which the rights of the debentureholders will be subordinated to those of North Carolina National Bank; and other representations, warranties, and covenants. Southern Systems will be required to pay all legal fees incident to the transaction and, in addition, a $20,000 financing fee to AIC which will not be shared with the other participants in the transaction regardless of whether AIC participates therein. Southern Systems will also pay as a fee to North Carolina National Bank an amount equal to 5% of each amount disbursed by the participants in the debenture financing. The Applicants state that the payment to AIC of a financing fee for services rendered by it in structuring and negotiating the transaction does not make the basis of its participation less advantageous than that of the other participants in contravention of Rule 17d–1.

Applicants acknowledge that participation by AIC in a transaction in which Teribe also participates might be considered a participation by AIC and Teribe in a joint enterprise in contravention of Section 17(d) of the Act and Rule 17d–1 thereunder unless authorized by order of the Commission. Applicants state that the terms of the transaction require disbursement of at least $1,500,000 of the financing around March 1, 1983. Realizing that the requested order could not be issued prior to that date, Teribe has agreed to buy for its own account the participation proposed for AIC, and to resell such participation to AIC at cost plus accrued interest (as long as the order is issued prior to March 31, 1983). Such resale would, however, contravene Section 17(a)(1) of the Act unless exempted therefrom by order of the Commission pursuant to Section 17(b).

Applicants represent that the proposed transaction meets the standards for exemption of both Section

17(b) and Rule 17d–1 and that an order of the Commission should therefore be issued authorizing the transaction.

Applicants represent that the board of directors of AIC (which is identical in composition with the board of directors of ACC) unanimously approved the proposed transaction and that the boards of directors include one representative of Alcap, one representative of another institutional investor not involved in the proposed transaction, and nine others. The ten directors unaffiliated with and not interested in Alcap, EQ, Teribe, Three Cities, or Southern Systems personally own, in the aggregate, a number of shares greater than the number owned by Alcap.

Applicants assert that the terms of the proposed transaction may be presumed to be fair and reasonable because they have been negotiated at arms-length by parties who are independent of one another. Applicants acknowledge that Nutter, McClennen & Fish ("NMF") represented the investor participants in the proposed transaction, that NMF currently represents ACC and its subsidiaries before the Commission, and that NMF has from time to time acted as special counsel to Teribe and its affiliates. Applicants submit that none of the participants in the proposed transaction has the economic power or other influence to overreach any of the other parties.

Applicants represent that the terms of AIC's participation in the Southern Systems financing are on a basis identical to that of the participation of all the other investors, with the exception of the payment to AIC of a financing fee for services rendered in structuring the transaction. As noted earlier, Applicants contend that such a financing fee does not make AIC's basis of participation less advantageous than that of the other participants.

Applicants submit that the proposed investment is consistent with the fundamental investment policies of AIC and, hence, of ACC (included in AIC's fundamental policies is the policy to make loans to and purchase convertible debentures from small business concerns as contemplated by the Small Business Investment Act of 1958). Applicants further submit that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6295 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22569; (70-5899)]

Columbia Gas System, Inc., Proposed Issuance of Common Stock Pursuant To Tax Reduction Employee Stock Ownership Plan

March 4, 1983.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a post-effective amendment to a declaration previously filed with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

By prior order dated August 16, 1979 (HCAR No. 21189), this Commission authorized Columbia to issue shares of common stock pursant to its tax reduction employee stock ownership plan ("Plan") in which all domestic, wholly-owned subsidiaries of Columbia participate (collectively, the "System"). Provisions of the Internal Revenue Code have allowed special investment tax credits to provide the funds for this type of plan. With respect to the 1977 through 1983 Plan Years, Columbia was previously authorized to issue one million shares, 500,000 funded by a one percent investment tax credit and 500,000 by a combination of a one half percent credit and matching employee contributions. Columbia now seeks authorization to increase the number of shares provided for issuance for the 1982 Plan Year by 200,000 and to issue an additional 600,000 shares with respect to a new, payroll-based Plan in the years 1983 to 1987.

Under Columbia's current Plan, as well as the new, proposed Plan, the number of shares issued in any given year is determined by dividing the amount of the available tax credit by the average of the closing prices of Columbia's common stock on the New York Stock Exchange Composite tape for the twenty consecutive trading days immediately preceding the date of issue on which the stock in contributed to the Plan. In no case are shares issued for less than the $10 par value.

Of the 500,000 shares previously authorized with respect to the noncontributory feature of the current Plan, 106,793 shares remain. However, it is now estimated that 170,300 shares will be required to be issued for the 1982 Plan Year. This estimate is based on an available one percent tax credit of approximately $5,106,000 and an assumed average issue price of $30 per share. With respect to the contributory feature of the Plan, 147,010 shares remain. It is estimated that 170,300 shares will be required to be issued under this one half percent tax credit matched by voluntary empolyee contributions. In order to provide for possible changes in its estimates, such as variations in the common stock price, Columbia requests that the Commission authorize the issuance of an additional 100,000 shares of each feature of the current Plan for the 1982 Plan Year.

Beginning with the 1983 Plan Year, the investment tax credits of the current Plan have been terminated due to a change in federal tax laws and will be replaced by a new tax credit based on total payroll. For purposes of this credit, employee contributions are no longer permitted. For the 1983 and 1984 Plan Years the new credit will amount to 0.50% of employee compensation, and for the 1985–1987 Plan Years, the percentage will increase to 0.75%. It is estimated that System contributions for 1983 through 1987 will amount to aproximately $13,000,000. At an assumed average issuance price of $30 per share, 435,000 shares of stock would be required for issuance. To provide for possible changes in issuance price or in the amount of payroll, Columbia requests an additional 600,000 shares be authorized for issuance with respect to the years 1983–1987.

Dividends on shares held in the Plan will continue to be paid currently to the beneficial owners. As is presently the case, the trustee of the Plan will not be permitted to vote the shares it holds unless it shall have received voting instructions from participating employees.

The declaration, as amended by the post-effective amendment, and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 29, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service [by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant at delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6202 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13063; (812-5425)]

Mellon Bank Canada, Filing of Application

March 2, 1983.

In the matter of Mellon Bank Canada c/o Mellon Bank, N.A., Mellon Square, Room 3415, Pittsburgh, Pennsylvania 15230.

Notice is here given that Mellon Bank, N.A. ("Applicant"), a banking association organized under the laws of the United States and a wholly-owned subsidiary of Mellon National Corporation ("MNC"), a Pennsylvania corporation that is registered as a bank holding company under the Bank Holding Company Act of 1956, as amended, filed an application on January 17, 1983, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") on behalf of Mellon Bank Canada ("MBC"), a corporation to be formed by Applicant under the laws of Canada, for an order of the Commission exempting MBC from all provisions of the Act, and the rules and regulations thereunder. All interested persons are referred to the application on file with the commission for a statement of the representations contained therein, which are summarized below.

Applicant states that all of the capital stock of MBC will be held by Mellon Bank International ("MBI"), a wholly-owned subsidiary of Applicant. It is stated that on July 28, 1982, the Board of Governors of the Federal Reserve System consented to the ownership of MBC by MBI, that Applicant has applied to the Canadian Government to establish MBC, and that approval of such application is expected in the first quarter of 1983. Applicant represents, in addition, that MNC is a one-bank holding company organized in August, 1971 under the laws of the State of Pennsylvania, having as of September 30, 1982 total assets of $21,709,278,000 and equity capital of $1,046,980,000, and that as of that date MNC was the 14th largest bank holding company in the United States in terms of assets, the 17th largest such entity in terms of deposits, and the 15th largest in terms of capital. It is stated further that Applicant, which with its predecessors has been engaged in business since 1869, and which became the principal wholly-owned subsidiary of MNC in November, 1972, ranked as the 14th largest U.S. commercial bank as of June 30, 1982, in terms of total assets, and the 10th largest in terms of total deposits. Applicant represents that it engages in worldwide commercial banking, trust banking and investment services as well as domestic retail banking, that it is a member of the Federal Reserve System, and that its deposits are insured by the Federal Deposit Insurance Corporation to the extent required by law.

Applicant also states that other wholly-owned subsidiaries of MNC engage in consumer financing, equipment leasing, mortgage banking and real estate financing. It is further stated that as of September 30, 1982, MNC had 113 domestic branches, seven domestic representative offices; international branches in Frankfurt, Grank Cayman, Hong Kong, London and Tokyo; international representative offices in eight countries and 151 domestic non-banking offices; and more than 7,500 employees and 8,000 shareholders world-wide.

Applicant represents, in addition, that on July 30, 1982, MNC and the Girard Company ("Girard"), a registered bank holding company, entered into a Plan of Merger whereby Girard would be merged into MNC. Applicant states that as of September 30, 1982, Girard had total assets of $4,662,749,000 and equity capital of $295,720,000. On November 8, 1982, Applicant states, the proposed merger was approved by the shareholders of MNC and Girard, subject to certain regulatory approvals.

Applicant states that as a United States national bank, it is subject to pervasive regulation by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation. It is stated further that the statutory source of this regulatory system is a series of federal statutes pertaining to national banks, banks that are members of the Federal Reserve System and banks with insured deposits.

Upon its formation, Applicant states, MBC will operate as a wholesale banking organization servicing Canadian companies by providing working capital financing, medium-term (5–8 year) financing for capital expansion, loans to Canadian importers and exporters in connection with their international trade financing, and short- and medium-term financing to Canadian energy companies. MCB, Applicant states, will operate and be chartered as a Canadian Bank.

Applicant states that as a bank under Canadian law, MBC will be regulated pursuant to the Banks and Banking Law Revision Act 1980, by the Canadian Federal Government, which has for many years exercised exclusive jurisdiction over the banking industry, and that such jurisdiction is exercised principally by the Bank of Canada and the Inspector General of Banks. It is further stated that the Bank of Canada, which is Canada's government-owned central bank, is charged with the principal function of regulating Canada's money supply and credit. Its primary tools for meeting these objectives, Applicant states, are adjusting the *rate* charged on funds loaned to chartered banks and imposing *reserve* requirements on bank deposits, functions which are similar to some of those undertaken by the Board of Governors of the Federal Reserve System in the United States. The Inspector General of Banks, it is also stated, is charged with, among other things, insuring that all banks are prudently managed and examining each bank at least annually.

Applicant further states that MBC proposes to issue and sell in Canada and the United States unsecured commercial paper notes ("notes"), which will be unconditionally guaranteed by Applicant. As direct liabilities of MBC, Applicant states, the notes will rank prior to equity securities and *pari passu* among themselves and equally with all other unsecured, unsubordinated indebtedness, including liabilities to depositors, except amounts due to the Government of Canada or to any province thereof, in trust or otherwise, which would rank above the notes. It is further stated that the notes will be prime quality and sold in minimum

denominations of $100,000, either directly by MBC, or through commercial paper dealers to institutional investors who normally purchase commercial paper in large quantities. Applicant represents that MBC will act to assure that the notes will not be advertised or otherwise offered for sale to the general public, that MBC and each dealer in the notes will provide each offeree, prior to purchase, with a memorandum describing Applicant's business as well as that of MBC and MNC, including the most recent publicly available fiscal year-end balance sheets and income statements for MBC and MNC and that these financial statements, shall have been audited in such manner as is customarily done for MNC by its United States auditors, and for MNC by its Canadian auditors. Such memorandum, Applicant states, will describe differences which are material to investors, if any, between Canadian accounting principles applicable to MBC and "generally accepted accounting principles" as employed by United States banks. Applicant further represents that such memorandum will be at least as comprehensive as those customarily used by United States banks or bank holding companies in offering commercial paper in the United States and will be updated promptly to reflect material changes in the financial condition of MBC and MNC.

It is stated, in addition, that the notes will be exempt from registration under the Securities Act of 1933 ("Securities Act") pursuant to Section 3(a)(2) thereof, which specifically exempts from registration the sale of notes "guaranteed by a bank" (e.g., Applicant). Applicant further states that although the notes will be prime quality, negotiable commercial paper, they will not necessarily qualify for the exemption from registration provided by Section 3(a)(3) of the Securities Act, which provides an exemption from registration for certain securities arising out of current transactions and having maturities limited to nine months. Applicant further represents that it will not issue and sell the notes until it has received an opinion of its United States counsel to the effect that, under the circumstances of the proposed offering, the notes would be entitled to an exemption from the Securities Act pursuant to Section 3(a)(2). It is also stated the MCB does not request Commission review or approval of United States counsel's opinion letter regarding the availability of an exemption under Section 3(a)(2) of the Securities Act.

Applicant represents, in addition, that the presently proposed issue of notes and all future issues of securities in the United States by MBC shall have received prior to issuance one of the three highest investment grades issued by one nationally recognized investment rating organization, and Applicant undertakes that either Applicant or MBC will certify to MBC's United States counsel that such a rating has been obtained prior to the issuance of the notes.

Applicant states that MBC will appoint Applicant or another bank in the United States to serve as its authorized agent to issue the notes in the United States, from time to time. MBC, it is further stated, will appoint Applicant, an affiliate, or some other United States person which normally acts in such capacity to accept any process which may be served in any action based on any note or with respect to the offer and sale of any note by means of the offering memorandum and instituted by the holder of such note in any State or Federal court. Applicant further states that MBC will expressly accept the jurisdiction of any State or Federal court in the City of Pittsburgh in the State of Pennsylvania in respect of any such action. It is stated further that such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid. MBC, Applicant states, will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering or otherwise. It is stated that the authorized agent will not be a trustee for the noteholders and will not have any responsibilities or duties to act for such holders as would a trustee.

Applicant represents, in addition, that MBC may, from time to time in the future offer other debt securities unconditionally guaranteed by Applicant (but not shares of MBC's capital stock). Further offerings by MBC of securities in the United States, Applicant states, will be made only pursuant to an applicable exemption from registration under the Securities Act, or pursuant to an effective registration statement under the Securities Act, and in general in accordance with the terms and conditions to which Applicant has agreed in connection with the presently proposed offering.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as MBC would be considered an investment company as defined in the Act. Applicant asserts that, among other things, compliance by MBC with various provisions of the Act would conflict with its operation as a bank and would therefore effectively prevent MBC from selling securities in the United States if it were required to register as an investment company. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because these investors would otherwise be precluded from purchasing MBC's commercial paper notes. Applicant additionally argues that the activities of MBC are extensively regulated by Canadian banking authorities and that the provisions of such banking laws will provide substantial protection to investors in its debt securities. As a closely regulated commercial bank, Applicant contends, MBC is different from the type of institution which Congress intended the Act to regulate, and that abuses of the type that the Act is designed to eliminate are not inherent in the business of commercial banking.

Applicant also asserts that it would be inequitable to permit the existence of impediments to the sale of securities in the United States by foreign banks under circumstances in which such impediments do not exist for domestic banks. Any such inequity, it is further asserted, would directly conflict with the purpose of the International Banking Act of 1978, which, it is stated, was intended to place domestic and foreign

banks on a basis of competitive equality in their transactions in the United States. It is noted, in addition, that the securities of MBC will be guaranteed by Applicant, a United States national bank subject to regulation by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation. Applicant therefore concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6211 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22866; (70-6781)]

Montaup Electric Co., et al.; Proposed Issuance and Sale of Short-Term Notes to Banks

March 4, 1983.

In the matter of Montaup Electric Co., P.O. Box 391, Fall River, Massachusetts 02722; Eastern Edison Co., 110 Mulberry Street, Brockton, Massachusetts 02400; Blackstone Valley Electric Co., Washington Highway, P.O. Box 1111, Lincoln, Rhode Island 02865.

Eastern Edison Company ("Eastern Edison"), Montaup Electric Company ("Montaup"), and Blackstone Valley Electric Company ("Blackstone"), electric utility subsidiaries of Eastern Utilities Associates, a registered holding company, have filed with this Commission a post-effective amendment to a declaration, previously filed and amended, pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

By order dated December 22, 1982 (HCAR No. 22796), the Commission authorized Montaup, Eastern Edison, and Blackstone to issue and sell up to $28 million, $13 million, and $6 million, respectively, of short-term notes to banks from time to time until December 31, 1983. The terms of the bank credit line agreements include: (1) Borrowing at the prime rate or money market rates, if lower, with no formal compensating balances; (2) borrowing at the prime rate or money market rates, if lower, with compensating balances not exceeding 10%; and (3) borrowing at the prime rate or money market rates, if lower, together with a commitment fee not exceeding 6% of the prime rate on the credit line.

By post-effective amendment Eastern Edison and Montaup propose to increase their short-term borrowings from $13 million to $15 million and from $28 million to $35 million, respectively. The terms of the borrowings will remain the same as authorized in the order of December 22, 1982 (HCAR No. 22796). Under such terms and assuming full usage and a prime rate of 11.5%, the effective interest cost of the proposed borrowings would not exceed 12.8% resulting from compensating balances of 10%. Eastern Edison and Montaup are seeking the increases because in the period since the filing of the declaration in this matter in October 1982, certain changes have occurred with respect to the assumptions regarding 1983 construction expenditures and the 1983 financing program of the holding company system of Eastern Utilities Associates. First, the lead participant in the ongoing construction of two nuclear generating units at Seabrook, New Hampshire, in which Montaup has a 2.90% interest, announced substantial increases in the construction cost estimates of the units. Second, it is now expected that a major bond financing of Eastern Edison, which had been proposed for completion in April, will not be completed until May of 1983.

The funds to be derived by Eastern Edison and Montaup from the issuance of the Bank Notes will be applied, together with other funds available to these companies, to: (1) Renew outstanding notes payable to banks, as they become due; (2) finance their respective 1983 cash construction expenditures which are estimated to be approximately $11,300,000 in the case of Eastern, and $59,700,000 in the case of Montaup, and (3) provide funds to meet certain bond maturities and sinking fund requirements in the case of Eastern Edison.

The declaration as amended by the post-effective amendment and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6204 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19564]

National Association of Securities Dealers, Inc.; Order Granting Extension of Exemption

March 3, 1983.

On March 23, 1982, the Commission issued an order granting the National Association of Securities Dealers, Inc. ("NASD"), among other things, two temporary exemptions from Rule 11Ac1–1 under the Securities Exchange Act of 1934 ("Act")[1] with respect to those over-the-counter ("OTC") securities that are designated as national market system securities ("NMS Securities")[2] pursuant to Rule 11Aa2–1 under the Act ("NMS Securities Rule").[3] Specifically, the

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[1] Securities Exchange Act Release No. 18654 (March 23, 1982), 47 FR 13395.

[2] NMS Securities are "reported securities" as that term is defined in Rule 11Ac1–1(a)(6). As reported securities, NMS Securities are subject to, among other things, the Commission's quotation reporting and dissemination requirements contained in Rule 11Ac1–1.

[3] The NMS Securities Rule employs a two-tiered approach to determine which OTC securities are to be designated as NMS Securities. In this respect,

Commission granted the NASD a temporary exemption from making available to securities information vendors quotations and size for each market maker in an NMS Security until October 1, 1982, or until such time as: (1) A vendor has requested this data, (2) a suitable agreement with the vendor is negotiated, (3) appropriate charges are established, and (4) the NASDAQ system is modified accordingly, whichever comes first.[4]

On October 12, 1982, the Commission extended the NASD's temporary exemption from the requirement of making information available to vendors until March 1, 1983, in response to a NASD request. The Commission noted at that time its serious concern about the NASD's failure to complete the steps necessary to make information available, despite the timely request for the information by the Institutional Network's Corporation ("Instinet"). The Commission also noted the potential conflict of interest inherent in the NASD's role, through its NASDAQ subsidiary, as a neutral exclusive processor of NMS Securities data, and its role as a retail vendor of this data in competition with Instinet, and the Commission acknowledged its responsibility to ensure that the NASD negotiated in good faith with potential competitors. Nonetheless, the Commission decided to extend the NASD's exemption in view of the Commission's deferral of the implementation of Tier 2 until February 1, 1983, and to provide additional time for full discussions between the NASD and Instinet. The Commission indicated, however, that it would monitor these negotiations.

Although the negotiations between the NASD and Instinet have made some progress since October, 1982, they have not resulted in the agreement on an acceptible fee structure. Nor, in view of this lack of agreement, has the NASD made the necessary technical modifications to make NMS quotation information available. Consequently, on February 25, 1983, the NASD requested a further extension of the exemption until June 30, 1982,[5] arguing that the NASD's program to improve the reliability of the NASDAQ system had delayed the other modifications and prevented the NASD from completing these changes by the expiration of the exemption.

The Commission recognizes the importance of attaining improved NASDAQ service. Accordingly, the Commission has determined to grant the NASD a further extension of the temporary exemption until June 30, 1983. This extension is granted, however, for the sole purpose of allowing the NASD to complete its technical preparations to make the information available. Given the NASD's two prior extensions, the Commission cannot foresee any circumstances that would justify further extension of this exemption beyond June 30, 1983, and the Commission fully expects that, on or before that date, the NASD will provide to Instinet (or any other vendor who desires to receive the data) full quotation information, as envisioned by the Act and required pursuant to the NMS Securities Rule and Rule 11Ac1–1.

The Commission is extremely concerned regarding the lack of progress in the negotiations, particularly in light of the statutory duty imposed on the NASD to provide access to this information in at least a non-discriminatory manner and at a cost which does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this connection, the Commission believes that any fees imposed regarding this information must be set at levels reasonably related to the costs entailed in providing the information to Instinet and other interested vendors. The Commission notes that lack of progress in the negotiations with Instinet or other vendors can not be used by the NASD as an excuse for failing to complete the preparations for making this information available, for the NASD is required by Commission rule to make the information available irrespective of any prior agreement with vendors. Notwithstanding this fact, however, the Commission urges the NASD and Instinet to complete their negotiations promptly to ensure cooperation in designing the means of providing the required data to vendors.

For the reasons discussed above, the Commission has determined that granting the NASD an extension of its temporary exemption from Rule 11Ac1–1 is consistent with the public interest, the protection of investors and the removal of impediments to, and perfection of the mechanisms of, a national market system.

Accordingly, the NASD is granted an extension of its temporary exemption from making available to quotation vendors quotations and size for each market maker in an NMS Security until June 30, 1983 or such earlier time as: (1) A vendor has requested this data, (2) a suitable agreement with the vendor is negotiated, (3) appropriate charges are established, and (4) the NASDAQ system is modified accordingly.

This exemption is subject to modification or revocation at any time if the Commission determines that such action is necessary or appropriate in light of progress made toward a national market system or otherwise in furtherance of the purposes of the Act.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6306 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

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pursuant to the Tier 1 criteria, which became effective on April 1, 1982, the most actively traded OTC securities were designated automatically as NMS Securities. In addition, the Rule currently permits those securities meeting the less stringent Tier 2 criteria to be designated as NMS Securities on or after February 1, 1983, if the issuers of those securities so elect. As of March 1, 1983, 184 OTC securities have been designated as NMS securities.

[4] Securities Exchange Act Release No. 19118 (October 12, 1982).

[5] Letter from Frank Wilson, Executive Vice President and General Counsel, NASD, to George A. Fitzsimmons, Secretary, SEC, dated February 25, 1983.

[Release No. 22866, (70-6111)(31-606)]

Northern States Power Co.; Plan for Simplification of Holding Company System

March 3, 1983.

In the matter of Northern States Power Co., 414 Nicollet Mall, Minneapolis, Minnesota 55401.

Northern States Power Company, Inc. ("Northern States"), a holding company registered for the limited purpose of achieving compliance with Section 11(b)(2) of the Public Utility Holding Company Act of 1935 ("Act") and Lake Superior District Power Company ("Lake Superior"), an electric utility subsidiary of Northern States, have filed a joint plan pursuant to Section 11(e) of the Act, providing for the retirement of the minority interest in the common stock of Lake Superior. Pursuant to a Commission order dated December 23, 1981 (HCAR No. 22334), Northern States acquired 97.18% of the common stock of Lake Superior by a tender offer to exchange 0.48 shares of Northern States common stock for one share of Lake Superior common stock. Lake Superior has outstanding 1,336,149 shares of common stock. There remain outstanding 37,724 unexchanged shares, held by 320 record owners. The minority stock will be retired on the same terms as under the tender offer, 0.48 shares of Northern States common stock for each share of Lake Superior common stock.

The plan provides for an effective date of the exchange, which shall be no

later than 30 days after expiration of the time for the appeal of the District Court's order approving and enforcing the plan pursuant to Section 11(e) of the Act. On the effective date, the holders of Lake Superior common stock, other than Northern States, shall cease to be shareholders of Lake Superior, and become owners of Northern States common stock under the terms of the plan. On surrender of the certificates for Lake Superior stock, the holder thereof shall be entitled to receive Northern States common shares plus accrued dividends and other distributions since the effective date of the plan. No fractional shares will issued, and cash will be paid therefor.

At least once a year for five years from the effective date of the plan, Northern States shall solicit, at their last known address, the holders of certificates for common stock of Lake Superior who have not surrendered these certificates for exchange, and will take other appropriate steps to locate holders of unsurrendered stock certificates of Lake Superior. After the fifth anniversary of the effective date, Northern States shall be entitled, with the approval of the Commission, to apply to the District Court, for an order finding that these actions have been taken and declaring the neither Northern States nor Lake Superior shall have any further obligation to solicit or locate holders of unsurrendered certificates. On the fifteenth anniversary of the effective date, such holders will have no claims against Northern States, Lake Superior, or any other person.

The plan and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 31, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law raised by the plan. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the plan, as amended or as it may be further amended, may be approved as provided in Section 11(e) of the Act or the Commission may take such other action as it may deem appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6803 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22967; (70-6832)]

Ohio Power Co. and Central Ohio Coal Co.; Proposed Capital Investments in Coal Mining Subsidiary and Issuance of Long-Term Notes by Subsidiary

March 3, 1983

In the matter of Ohio Power Co., Central Ohio Coal Co., 301 Cleveland Avenue, S.W., Canton, Ohio 44702.

Ohio Power Company ("Ohio Power"), an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, and Central Ohio Coal Company ("COCO"), a coal mining subsidiary of Ohio Power, have filed with this Commission an application-declaration and an amendment thereto pursuant to Sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(3) promulgated thereunder.

Ohio Power has requested authorization to make additional capital investments totaling $20 million in COCO, its coal mining subsidiary. Such additional investments will be represented, in part, by unsecured promissory notes to be issued by COCO to Ohio Power.

COCO was incorporated in Ohio in 1946 for the purpose of conducting surface coal mining operations for Ohio Power. COCO operates the Muskingum Mine, a large surface coal mine which is located in the Ohio counties of Morgan, Muskingum and Noble, on lands owned or controlled by Ohio Power. In its surface mining operations, COCO utilizes equipment, known as draglines, to remove overburden at the mining site, thus enabling smaller equipment to load exposed coal. A major component of one dragline, a large base support structure, requires extensive overhaul or replacement. In light of various factors, including expected efficiencies, extended useful life of the machinery and a reduction in mining downtime, it has been determined that purchase of a new support structure is preferable to major overhaul. It is proposed that Ohio Power supply the necessary financing, estimated to be $9.2 million, which includes the cost of the support structure, related parts, labor, freight and provisions for contingencies.

The balance of the proposed capital investment, $10.8 million, would provide COCO with an increase in working capital required to operate the Muskingum mine at current levels. It is stated that COCO's increase in working capital needs results in part from normal inflation in operating cost and from the implementation of a new mining plan which requires handling a larger volume of overburden to maintain current production levels. Costs incurred to remove overburden are deferred as an element of inventory, and expensed when the exposed coal is actually mined. The average deferred costs applicable to the coal inventory are estimated to be $8.5 million.

The remaining working capital requirements, totaling $4.3 million, are attributable to the deferral of strike costs and to an increase in the material and supply inventory that COCO is required to maintain in connection with its modified mining plan. COCO has found it necessary to add a significant number of pieces of support equipment to implement the modified mining plan, and, in connection therewith, to maintain an inventory of production materials and spare parts.

It is proposed that Ohio Power's additional investment in COCO be represented by a combination of long-term loans and cash capital contributions in proportions equal to the debt-equity ratio of Ohio Power as of December 31, 1982. The ratio as of that date was 54.4% for debt and 45.6% for preferred and common equity. A method for calculating Ohio Power's imputed capital costs to the debt and equity components of the additional investments has been designed to reflect current costs of capital, whether or not Ohio Power has actually sold long-term debt or preferred stock contemporaneously with the making of such additional investment. This method, as hereinafter detailed, has been proposed in the instant case due to the sharp decline in capital costs since Ohio Power's last issuance of mortgage bonds and preferred stock in March 1982. Ohio Power also intends to employ this method of imputing capital costs to future investments in this subsidiary.

Each long-term loan by Ohio Power to COCO will be evidenced by an unsecured promissory note of COCO, payable December 31, 2012. The annual interest rate for each note will be determined as follows:

(1) If Ohio Power has issued and sold first mortgage bonds within a period of thirty days preceding or thirty days following any additional investment in COCO, then the rate per annum on the note issued by COCO shall equal the effective cost to Ohio Power of such

series of first mortgage bonds (the interest rate may initially be estimated and later adjusted when the precise effective rate is determined);

(2) If no such series of Ohio Power's first mortgage bonds have been issued and sold, then the rate per annum on each note shall equal the average effective cost of comparable quality first mortgage bonds issued and sold by other electric utility companies within the thirty-day period preceding each additional investment in COCO; if no such sales have occurred during this period, then reference shall be made to sales within the thirty-day period following each additional investment in COCO.

Each note issued by COCO may be repaid at any time without penalty.

The return on equity applicable to the proposed capital contribution of Ohio Power to COCO shall be based on, and shall equal, the weighted average of the effective costs of Ohio Power's preferred stock and the rate of return on common equity determined and allowed by the Federal Energy Regulatory Commission ("FERC") in the most recent wholesale rate proceeding involving Ohio Power. The effective cost of Ohio Power's preferred stock shall be equal to the cost determined in the following manner:

(1) If Ohio Power has issued and sold a series of preferred stock within a period of thirty days preceding or thirty days following any additional equity investment in COCO, then the effective cost of Ohio Power's preferred stock shall equal the effective cost of Ohio Power of such series of preferred stock (the effective cost may initially be estimated and later adjusted when the precise effective cost is determined);

(2) If no such series of Ohio Power's preferred stock has been sold, then the effective cost of Ohio Power's preferred stock shall equal the average effective cost of comparable quality series of preferred stock issued and sold by other electric utility companies in the thirty-day period preceding each equity investment in COCO; if no such sales have occurred within this period, then reference shall be made to sales within the thirty-day period following each additional investment in COCO.

Certificates filed pursuant to Rule 24 following each additional investment by Ohio Power in COCO will describe in reasonable detail the manner in which Ohio Power has imputed capital costs to the debt and equity components of each additional investment in COCO in accordance with the foregoing.

Calculation of the allowable return on the equity capital of COCO, excluding retained earnings, shall be based ordinarily on the latest FERC allowed return on common equity of Ohio Power as of the beginning of each calendar year. Because there is presently no such applicable order, and until such time, it is proposed that the return on equity shall be based on the return on common equity of Ohio Power allowed by the Public Utilities Commission of Ohio ("PUCO") in the most recent retail electric rate proceeding as of the beginning of each calendar year. Accordingly, it is proposed that for 1983 the rate of return on common equity be 15%, which does not exceed the most recent return allowed by PUCO. The return with repect to any particular calendar year would be at a single rate, to be adjusted only if necessary on Januray 1 of each succeeding calendar year.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so request will be notified of any hearing, if so ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6239 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19558; File No. SR PHLX 83-8]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1983, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to By-Laws 27-2 and 27-3, and Circular 82-1, the Philadelphia Stock Exchange, Inc., (Exchange) proposes to fix and impose a foreign currency options (FCO) user's fee of $1,000 per annum on a calendar year basis.

The FCO user's fee will be payable semi-annually in advance on January 1 (except for 1983) and July 1. In 1983, the first installment, pro rated, is to be payable on and after January 10th.

The user's fee is to be paid to the Exchange by each foreign currency options participant (FCOP) for the use of the equipment and facilities of the Exchange and for the particular services and privileges afforded.

Notwithstanding the foregoing, the yearly dues paid to the Exchange during a particular year by a member who is also an FCOP, shall be credited in their entirety against the FCO user's fee assessed against such a member during that year.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C), below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, for the Proposed Rule Change

The purpose of the rule change is to meet, in part, the costs of operating a foreign currency options market by imposing a fee on participants in the market for the use of the equipment, facilities and services of the Exchange. Since FCO participants who are also Exchange members will be supporting the Exchange financially by the payment of yearly membership dues, such dues paid by members are to be credited in their entirety against the FCO user's fee

assessed against those members during the same year.

The basis for the rule change is consistent with Section 6(b)(4) of the Act which requires exchange rules to provide for equitable allocation of reasonable fees among its members and other persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition because the level of the fee is modest and reasonable in relation to the services and facilities afforded.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments were solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6307 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13065; (811-3222)]

PWC Money Market Fund, Inc.; Filing of Application

March 3, 1983.

In the matter of PWC Money Market Fund, Inc., 600 Cleveland Street, Clearwater, FL 33515.

Notice is hereby given that PWC Money Market Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 3, 1983, for an order of the Commission pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On July 13, 1981, Applicant, a Maryland corporation, filed its registration statement pursuant to Section 8(b) of the Act. Applicant represents that it has never made, and does not propose to make, a public offering of its securities.

Applicant represents that it has no debts or other outstanding liabilities and is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not for any reason transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activity.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 28, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6308 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22570; (70-6342)]

Southern Co., et al.; Proposed Issuance and Sale of Notes to Banks and Commercial Paper to Dealers; Notes to Holding Company; Capital Contributions to Subsidiaries; Exception From Competitive Bidding

March 4, 1983.

In the matter of the Southern Company, 64 Perimeter Center East, Atlanta, Georgia 30346; Mississippi Power Company, 2992 West Beach, Gulfport, Mississippi 39501; Gulf Power Company, 75 North Pace Boulevard, Pensacola, Florida 32520; Southern Electric International, Inc., 41 Perimeter Center East, Atlanta, Georgia 30346.

The Southern Company ("Southern"), a registered holding company, and three of its subsidiaries, Mississippi Power Company ("Mississippi"), Gulf Power Company ("Gulf"), and Southern Electric International, Inc. ("International"), have filed an application-declaration, and an amendment thereto, pursuant to Sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(2), and 50(a)(5) promulgated thereunder.

Southern, Mississippi, and Gulf propose to issue and sell from time to time, prior to April 1, 1984, short-term notes to banks and commercial paper to dealers up to the aggregate principal amounts at any one time outstanding of $100 million for Southern, $65 million for Gulf and $90 million for Mississippi.

As funds are required, it is proposed that notes be issued, and if required,

renewed from time to time prior to April 1, 1984. The maximum short-term debt authorized for Gulf and Mississippi will be reduced by the amount of net-cash proceeds that these companies receive from the sale of long-term debt and/or preferred stock from April 1, 1983 to March 31, 1984. However, the short-term debt authorization will not be reduced below those amounts authorized under Section 6(b) of the Act.

Southern has obtained commitments aggregating $100 million consisting of $40 million from Barclays Bank International Limited and $20 million each from Credit Suisse, Swiss Bank Corporation and Union Bank of Switzerland. Each commitment currently matures December 31, 1983 and is subject to renewal in accordance with its term. A commitment fee of ⅛% per annum on undrawn amounts is payable for each commitment. At Southern's option, borrowings will bear interest at an effective rate of (a) ½% per annum over the lender's floating prime rate or (b) a margin over the London Interbank Offered Rate ("LIBOR"). Swiss Bank Corporation also offers borrowings at ½% per annum over its prime rate on the date of the advance, fixed for 90 days.

Borrowings under option (a) are prepayable by Southern at any time, without premium or penalty. In connection with option (b), advances from Credit Suisse and the Union Bank of Switzerland are not prepayable and advances from Barclays International Limited and the Swiss Bank Corporation are prepayable only if amounts prepaid are accompanied by a compensatory premium, usually equal to the amount by which interest that would have been earned on the amount prepaid through scheduled maturity exceeds that amount of interest either bank could earn on relending such amount through scheduled maturity.

Except in the case of the Swiss Bank Corporation, advances bearing interest at a rate related to the lender's floating prime rate may be for any term provided that they mature no later than the earlier of one year or the then current expiration date for the commitment. Advances by Swiss Bank Corporation based on its floating prime rate are to mature within 180 days but in any event no later than the date of expiration of the commitment.

A summary of the margins over LIBOR at which advances are available from these banks and the tenor of advances bearing interest based on LIBOR are as follows:

Bank	Margin over LIBOR (percent)	Tenor
Barclays Bank International Ltd.	⅛	Periods of 30 to 180 days.
Credit Suisse	⅛	Periods of 30, 60 or 90 days.
Swiss Bank Corp.	⅛	Periods of 30 to 180 days.
Union Bank of Switzerland.	⅛	Periods of 1 to 6 months.

Assuming 50% usage of the commitment of each bank, a prevailing prime interest rate and a LIBOR of 10%, the effective cost of borrowings (including commitment fees) under these facilities would be 10.75% from each bank under option (a), and option (b), 10.75% from Union Bank of Switzerland and 11.00% from the other banks. Southern would not use option (b) unless the LIBOR was such that the related cost was less than the cost under option (a).

In addition to the above-described specific bank borrowing arrangements, Mississippi and Gulf propose to borrow from other banks within the authorized limits. These bank borrowings will be evidenced by either notes dated as of the borrowing date or the initial borrowing date for master notes. The notes will mature 9 months or less after the date of issue, will be prepayable in whole or in part without penalty or premium, and will be at the prevailing prime rate plus the maintenance of compensating balances of up to 10% of the undrawn amounts and up to 20% of amounts borrowed (or comparable fees in lieu of balances). The maximum effective interest cost of amounts so borrowed under such a facility would be 12.5% based on an assumed prevailing prime interest rate of 10%. A list of these banks and the principal amount of borrowing from each bank will be provided to the Commission.

Southern, Mississippi, and Gulf propose to issue and sell commercial paper with the aggregate principal limit set forth above for each company. The commercial paper will be in the form of promissory notes of the issuing company with varying maturities not to exceed 270 days. Actual maturities will be determined by market conditions, the effective interest costs and the company's anticipated cash flow, including the proceeds of bank borrowings, at the time of issuance. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $5,000,000 and will not by their terms be prepayable prior to maturity.

The commercial paper will be sold by each of the issuers directly to or through a dealer (the "dealer"). The First Boston Corporation for Southern and A.G. Becker & Co., Incorporated for Gulf and Mississippi. The discount rate (or the interest rate in the case of interest bearing notes), including any commissions, will not be in excess of the discount rate per annum (or equivalent interest rate) prevailing at the date of issuance for prime commercial paper of comparable quality of the particular maturity sold by issuers thereof to commercial paper dealers; provided, however, no commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which the issuer could borrow from banks in an amount at least equal to the principal amount of such commercial paper.

No commission or fee will be payable in connection with the issuance and sale of commercial paper, except for a commission not to exceed ⅛ of 1% per annum payable to the dealer in respect of commercial paper sold through the dealer as principal for the issuing applicant. The dealer will reoffer such commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing interest rate to the issuer or at an equivalent cost if sold on an interest bearing basis.

The commercial paper of each company will be offered by the dealer to not more than 200 customers of the dealer identified and designated in a nonpublic list prepared in advance by the dealer. Such list will include commercial banks, insurance companies, corporate pension funds, investment trusts, foundations, colleges and universities, municipal and state benefit funds, and eleemosynary and non-financial corporations which invest surplus funds in commercial paper. No sale will be made to any such customer unless and until it has received from the dealer a current report as to the financial position of the issuer. No additions will be made to such list of customers. It is expected that the commercial paper of the companies will be held by customers to maturity; but, if they wish to resell prior thereto, the dealer will repurchase the commercial paper pursuant to a verbal repurchase agreement and reoffer the same to others on the customer lists.

International proposes to issue and sell unsecured notes to Southern, from time to time prior to April 1, 1984, with maturities no later than December 31, 1999, in an aggregate principal amount not to exceed $1,000,000 for the purpose of meeting its working capital requirements.

To the extent necessary, Southern proposes to use the proceeds of its borrowings, together with treasury funds and the proceeds from other external sources to make additional equity investments in the form of capital contributions through March 31, 1984 not to exceed $30 million to Gulf and $25 million to Mississippi, as well as not to exceed $120 million to Alabama Power Company and $395 million to Georgia Power Company, two other electric utility subsidiaries of Southern. Southern will also make loans to Southern Company Services, Inc. and International and for other corporate purposes.

The proceeds from short-term borrowings will be used by Gulf and Mississippi for lawful corporate purposes, including the financing in part of their future construction programs. Except as may be otherwise authorized by the Commission, part or all of the net proceeds of any long-term financing will be applied to pay or reduce the principal amount of outstanding short-term borrowings.

Except as may be otherwise authorized by the Commission, any short-term borrowings of the applicants outstanding hereunder after March 31, 1984 will be retired from internal cash resources, the proceeds of equity financings, or, in the case of Gulf and Mississippi, the proceeds of long-term debt.

The applicant-declarants seek an exception from the competitive bidding requirements of Rule 50(b) pursuant to subparagraph (a)(5) thereof for the issuance of commercial paper because the commercial paper will have maturities not in excess of 270 days, current commerical paper rates for prime borrowers are published in daily financial publications and it is impractical to invite competitive bids for commercial paper.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 28, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6288 Filed 3-9-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 850]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted proposed collections of information to the Office of Management and Budget for review.

PURPOSE: The proposed information collections are for use by the Bureau of Politico-Military Affairs, Office of Munitions Control in the control of commercial exports, imports or sales of Munitions List articles; and the reporting of commissions paid in connection with the sale of defense articles or services.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—extension.
(2) Number of forms submitted—one.
(3) Form number—DSP–5.
(4) Title of information collection—Application/License for Permanent Export of unclassified Defense Articles and Related Unclassified Technical Data.
(5) Frequency—On occasion.
(6) Respondents—Exporters of items on the U.S. Munitions List.
(7) Estimated number of respondents—30,641.
(8) Estimated total number of hours needed to fill out form—7,660. The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.
(2) Number of forms submitted—one.
(3) Form number—DSP–9.
(4) Title of information collection—Application for Registration.
(5) Frequency—On occasion.
(6) Respondents—Manufacturers of and exporters of items on the U.S. Munitions List.
(7) Estimated number of respondents—1,754.
(8) Estimated total number of hours needed to fill out form—438. The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.
(2) Number forms submitted—one.
(3) Form number—DSP–61.
(4) Title of information collection—Application/License for Temporary Import of Unclassified Defense Articles.
(5) Frequency—On occasion.
(6) Respondents—Temporary importers of items on the U.S. Munitions List.
(7) Estimated number of respondents—2,853.
(8) Estimated total number of hours needed to fill out form—713. The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.
(2) Number of forms submitted—one.
(3) Form Number—DSP–73.
(4) Title of information collection—Application/License for Temporary Export of Unclassified Defense Articles.
(5) Frequency—On occasion.
(6) Respondents—Temporary exporters of items on the U.S. Munitions List.
(7) Estimated number of respondents—3,193.
(8) Estimated total number of hours needed to fill out form—798. The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.
(2) Number of forms submitted—one.
(3) Form number—DSP–83.
(4) Title of information collection—Nontransfer and Use Certificate.
(5) Frequency—On occasion.
(6) Respondents—Exporters of items on the U.S. Munitions List.
(7) Estimated number of respondents—2,500.
(8) Estimated total number of hours needed to fill out form—625. The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.
(2) Number of forms submitted—one.
(3) Form number—DSP–85.
(4) Title of information collection—Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data.
(5) Frequency—On occasion.
(6) Respondents—Exporters/importers of items on the U.S. Munitions List.
(7) Estimated number of respondents—953.
(8) Estimated total number of hours needed to fill out form—238.
The following summarizes the information collection proposal submitted to OMB:
(1) Type of request—extension.

(2) Title of information collection—Political Contributions and Fees or Commissions in Connection with the Sale of Defense Articles or Services.

(3) Frequency—On occasion.

(4) Respondents—Exporters of items on the U.S. Munitions List.

(5) Estimated total number of hours needed to report—264,000.

(6) Estimated number of respondents—1,320. Section 3504(h) of Pub. L. 96–511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed study and supporting documents may be obtained from Gail J. Cook, Departmental Clearance Officer (202) 632–3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395–7231.

Dated: February 24, 1983.

Thomas M. Tracy,

Assistant Secretary for Administration.

[FR Doc. 83-6008 Filed 3-9-83; 8:45 am]

BILLING CODE 4710-05-M

SYNTHETIC FUELS CORPORATION

Clarifications of the Competitive Solicitation for Oil Shale Projects

On January 20, 1983 the U.S. Synthetic Fuels Corporation issued a Competitive Solicitation for Oil Shale Projects (the "Solicitation"). Since that date, the Corporation has held discussions with prospective applicants to the Solicitation. These discussions have highlighted several areas appropriate for clarification which may also be of interest to all applicants. The corporation therefore wishes to notify all interested persons of these clarifications.

1. Definition of "Project"—Appendix A

In order to be eligible for loan or price guarantees under the Solicitation, the upgrading process or processes necessary to achieve the shale oil product specifications set forth in section 1.4 must be integrated with the retorting process or processes proposed at a specific geographic location in the United States.

The Corporation will apply these requirements on a case specific basis. In determining whether processes are "integrated" the Corporation will consider the extent to which the various processes are operationally dependent, including examination of such factors as physical connection, relative capacity and utilization, process flow relationship and management structure. With respect to the determination of whether the facility incorporating the integrated process or processes is "at a specific geographic location", factors the Corporation will consider, among others, are distance, technical and economic reasons for, and interrelationships among, process locations, topological and geographical characteristics of the area, infrastructure requirements, environmentals, socioeconomic and permitting needs.

2. Definition of "Project"—Appendix A

In order to be eligible for any form of financial assistance under the Solicitation, facilities for expanded production, must meet all specifications included in the Solicitation and sponsors must submit the information required by Appendix B to the Solicitation with respect to the entire project, including such expansion facilities. The Corporation must be able to make the required findings and determinations with respect to the entire project, including without limitation, with respect to the committment of sponsors. All documentation with respect to Corporation financial assistance will address the entire project.

3. Maximum Loan Guarantees—Sections C.2.1 and C.3.2

The Maximum Corporation Liability refers to the maximum liability of the Corporation to guaranteed lenders arising out of the guaranteed loan. This limitation applies to the sum of (a) the Corporation's liability for principal (including funds borrowed to pay interest capitalized during construction and startup) and (b) a reserve for the amount of accrued but unpaid interest (up to a nine month period between the date of the last interest payment and the date of payment on the guarantee). Applicants for loan guarantees must include this total amount of liability in their competitive parameter; in no event can it exceed 75% of the Baseline Cost Estimate.

4. Resources

In accordance with section 112(18)(A)(ii) of the Act only land and mineral rights required directly for use in connection with the facilities for the production of synthetic fuels can be included in the synthetic fuel project. Therefore only such land and mineral rights Synthetic fuel project. Therefore only such land and mineral rights (which may include mineral rights necessary for reasonable contingency reserves) as are required for the life of the project for which assistance is applied for under the Solicitation may be included. To the extent that such interests are contributed by persons with an ownership or profit interest in the project, section 131(m) of the Act requires that they be valued at the lower of fair market value (exclusive of any value attributable to the prospect of receiving financial assistance from the Corporation) or cost to the project. Such valuation will be determined by the Corporation on the factors and circumstances specifically applicable to each project.

5. Section 1.3—Project Scale

10,000 barrels per stream day nominal design capacity means that the plant has been designed, specified and will be constructed for the purpose and intent of producing 10,000 barrels of Eligible Product each operating day of the plant based on the average grade of the shale to be mined over the project life.

6. Appendix B—Section B.6.1

The requirement for proposers to provide information on the "Source of each proposed technology and status of licensing" means that proposers should list or tabulate the proposed processing technologies intended to be utilized to:

—Convert oil shale into specification grade product.
—Process all incoming utilities streams.
—Process all effluent solid, liquid and gaseous streams.

For each listed technology, proposer should indicate whether proprietary or otherwise commercial, the licensor of the proprietary technology and the status of licensing agreements from technology owners. If the proposer owns a technology, that should be so stated.

Dated: March 7, 1983.

United States Synthetic Fuels Corporation.

Charles A. Cowan, Jr.,

Senior Vice President for Projects.

[FR Doc. 83-6201 Filed 3-9-83; 8:45 am]

BILLING CODE 0000-00-M

Competitive Solicitation for Oil Shale Projects

AGENCY: U.S. Synthetic Fuels Corporation.

ACTION: Issuance of clarifications of the competitive solicitation for oil shale projects.

SUMMARY: Notice is hereby given that on March 7, 1983, the United States Synthetic Fuels Corporation issued a Statement of Clarifications of the Competitive Solicitation for Oil Shale Projects issued by the Corporation on January 20, 1983.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph L. Bayrer, Vice President for Projects, United States Synthetic Fuels

Corporation, 2121 K Street, NW., Washington, D.C. 20586; (202) 822–6436.

For Copies of the Clarifications of the Solicitation, Contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586; (202) 822–6460.

Dated: March 7, 1983.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

[FR Doc. 83-6300 Filed 3-9-83; 8:45 am]

BILLING CODE 6820-SS-M

DEPARTMENT OF TRANSPORATATION

Federal Aviation Administration

[Summary Notice No. PE–83–6]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before March 30, 1983,

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rule Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on March 4, 1983.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought
23480	San Juan Airlines	14 CFR 135.244	To permit petitioner to apply operating experience obtained in the Cessna 207 toward experience gained in the Cessna 172 and 182 aircraft.
23209	Bell Helicopter, Textron, Inc.	14 CFR 133.1(b) & 133.45(a)(3)	To permit petitioner to operate its helicopters in external-load operations to exercise the Dallas/Ft. Worth Metroplex Helicopter Emergency Lifesaver Plan (HELP). This operation involves lifting personnel in a suspended Billy Pugh safety net.
23536	Southern Air Transport, Inc.	14 CFR 65.71(a)(2)	To permit James B. Barrow to apply for a mechanic certificate and associated ratings although he does not meet the specific eligibility requirements. Mr. Barrow is a deaf mute.
21779	Hawaiian Air Tour Service	14 CFR 135.158	Renewal of Exemption 3379 to permit petitioner to operate its DeHavilland 114–2X aircraft without an operable pilot heat indicating system.
23537	Frank B. Angarola	14 CFR 61.16(b)	To permit petitioner to apply for an airline transport pilot certificate with a rotocraft rating although he has not flown 1,200 hours of flight time as pilot within the past 8 years.
22532	Squadron Aviation, Inc.	14 CFR 159.53	To allow a person to operate a civil aircraft at Dulles Int'l. Airport, including touch and go operations, without the necessity of that person holding at least a private pilot certificate.

Dispositions of Petitions for Exemption

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
23242	Stephen A. Fellows	14 CFR 91.47	To permit petitioner to use a Lockheed L–18 aircraft for the purpose of sport parachute jumping, carrying 24 properly equipped and trained parachute jumpers and 2 crewmembers. *Denied 2/25/83.*
19892	American Airlines Training Corp	§ 141.33(a)(3)	To renew Exemption 2920, as amended, to permit petitioner to use instructors who do not possess flight instructor certificates for flight or ground instruction in courses approved under Part 141 that lead to the issuance of a type rating, provided they have airline transport pilot certificates with appropriate type rating. *Granted 3/1/83.*
23366	Mid Pacific Airlines, Inc.	14 CFR 121.371(a), & 121.378	To permit petitioner to utilize Toa Domestic Airlines (TDA), an FAA-certified foreign repair station, and Nitto Maintenance Co. for the inspection, overhaul, and repair of its YS–11 aircraft. *Granted 2/28/83.*
23241	Air Tractor, Inc	14 CFR 45.29(b)(1)	To permit all types of aircraft licensed in restricted category and used primarily for agriculture and pest control to display 3-inch registration marks. *Denied 2/28/83.*
20846	Braniff Airways, Inc.	14 CFR Part 121, portion of Appendix H	To extend current Exemption No. 3147 to permit petitioner to conduct training and checking as permitted under the Phase II simulator requirements without meeting the continuous minimum visual field-of-view requirement. *Granted 2/28/83.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
16787	Petroleum Helicopters Inc.	14 CFR 133.1(b) & 122.34(a)	To amend Exemption 2834, as amended, to permit petitioner to use, for hire, its Bell 212 and Puma SA-330 helicopters to lower and hoist harbor pilots on an external hoist, to and from ships at sea, on a test basis. The amendment would include petitioner's Bell 214ST helicopter. *Granted 3/2/83.*
20465	Everts Air Fuel	14 CFR 91.31(a)	To permit petitioner to operate its DC-6B aircraft, N161, at a 5 percent increase in zero fuel and landing weight for the purpose of transporting diesel fuel to isolated native villages and seismic exploration teams in the Alaskan back country. *Granted 3/2/83.*
22809	Karm-Air, Inc.	14 CFR 135.261	To extend the December 31, 1982, termination date of Exemption 3466 to allow petitioner to continue to operate helicopters in emergency medical evacuation service from Shands Teaching Hospital, Gainesville, FL, without complying with the flight and duty time requirements of the section. *Granted 3/2/83.*
22926	Guyana Airways Corp. (GAC)	14 CFR 11.25(b)(1)	To amend Exemption 3434A to reinstate the inclusion of a leased U.S.-registered B-707-321B Advanced aircraft, N860PA, the use of which was terminated on December 31, 1982. Exemption 3434A permits GAC to operate certain aircraft using an FAA-approved minimum equipment list (MEL). *Granted 2/25/83.*

[FR Doc. 83-6087 Filed 3-9-83; 8:45 am]
BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Study Group on Airborne Thunderstorm Detection Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Study Group on Airborne Thunderstorm Detection Equipment to be held on April 5-6, 1983 in RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Second Meeting Held on February 6-8, 1983; (3) Review Initial Draft of Study Group Report; (4) Develop Recommendations to the RTCA Executive Committee; and (5) other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on March 4, 1983.

Karl F. Bierach,
Designated Officer.

[FR Doc. 83-6088 Filed 3-9-83; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Clarke-Oconee Counties, Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Clarke-Oconee Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: James Erickson, District Engineer, Federal Highway Administration, Suite 700, 1422 West Peachtree Street, NE., Atlanta, Georgia 30309, telephone (404) 881-4758, or Peter Malphurs, State Environmental Analysis Engineer, Georgia Department of Transportation, Office of Environmental Analysis, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696-4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportaion (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to construct the Athens South Bypass. The Bypass is proposed to be a partially controlled access, four-lane divided highway with a 40' median, beginning at S.R. 10 (U.S. 78) and the Athens North Bypass (U.S. 29), and extending in a southeasterly and easterly direction on new location for approximately 7.78 miles, terminating at S.R. 72 (U.S. 441) just east of Whitehall Road. Access points are proposed at public roads only in accordance with the Department's policy. Timothy Road is proposed to be grade separated over the Bypass Mainline with no access provided. An interchange will be completed at the beginning and ending of this project. Right-of-way width of 200' to 300' will be required throughout portions of this project.

Alternatives under consideration include: one build alternate, and a no-build alternate.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. No formal scoping meeting have been scheduled at this time, on the local level. A series of public meetings will be held, if requested, during the progress of the proposed project. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, *Highway Research, Planning and Construction.* The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

James Erickson,
District Engineer, Atlanta, Georgia.

[FR Doc. 83-6087 Filed 3-9-83; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Jefferson, Bullitt, Spencer, Nelson Counties, Kentucky

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for a proposed highway project in Jefferson, Bullitt, Spencer, Nelson Counties, Kentucky.

FOR FURTHER INFORMATION CONTACT: Robert E. Johnson, Division Administrator, Federal Highway Administration, 330 West Broadway, Frankfort, Kentucky 40601 or Donald L Ecton, Director, Division of Project Development, Kentucky Transportation Cabinet, 419 Ann Street, Frankfort, Kentucky 40622.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Kentucky Transportation Cabinet, is preparing an environmental impact statement for a highway project located in Jefferson, Bullitt, Spencer, and Nelson Counties, Kentucky. The proposed improvement involves the reconstruction of US 31E/150 from southeast of Louisville in Jefferson County, southward to northern Nelson County, a distance of approximately 14 miles. Improvements to the corridor are considered necessary to provide for existing and future traffic demand as well as for safety needs. An integral part of the proposal is a bypass of the city of Mount Washington in Bullitt County.

Possible alternatives under consideration include the (1) do-nothing alternative, (2) alternative transportation modes, (3) project postponement, (4) design alternatives within the corridor with various design options.

This project has been under development for several years and public meetings, and Interdisciplinary Team Meetings have been held. The project has been coordinated with various federal, state, and local agencies and officials and other private organizations and parties identified as being impacted by this project or having an interest in its development. No formal scoping meeting is planned. A combination corridor/design public hearing will be held.

It is estimated that the Draft EIS will be ready for public review and comment in late April 1983.

Issued on: March 3, 1983.

Robert E. Johnson,

Division Administrator, Frankfort, Kentucky.

[FR Doc. 83-6060 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Honolulu, Hawaii

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: H. Kusumoto, Division Administrator, Federal Highway Administration, Box 50206, Honolulu, Hawaii 96850.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Hawaii Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve Kahekili Highway (FAP 83) in Honolulu, Hawaii. The proposed improvement would involve the widening of the existing FAP 83 between Kamehameha Highway and Likelike Highway for a distance of about 4 miles. Also included in this proposal is the construction of an interchange with Likelike Highway. These improvements are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration other than widening the existing roadway include (1) taking no action; and (2) improving alternate corridors.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A series of public meetings will be held in Kaneohe during 1983 and early 1984. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

H. Kusumoto,

Division Administrator, Honolulu, Hawaii.

[FR Doc. 83-6142 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 FR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes March 24, 1983.

ADDRESS: Address comments to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
1982-X	Greer Hydraulics, Inc., Los Angeles, CA.	1982
2000-X	Los Alamos Scientific Laboratory, Los Alamos, NM.	2000
2708-X	Union Carbide Corporation, Danbury, CT.	2708
3051-X	Liquid Air Corporation, Bun Ridge, IL.	3051
3109-X	U.S. Department of Defense, Washington, DC.	3109
3302-X	Liquid Air Corporation, Burr Ridge, IL.	3302
5206-X	Austin Powder Company, Cleveland, OH.	5206
5206-X	Nelson Brothers, Incorporated, Farmah, AL.	5206
5206-X	Gulf Oil Chemicals Company, Houston, TX.	5206
5246-X	The Boeing Company, Seattle, WA.	5246
5843-X	Union Carbide Corporation, Danbury, CT.	5843
5862-X	Dow Chemical Company, Midland, MI.	5862
6126-X	Dow Chemical Company, Midland, MI.	6126
6151-X	Virginia Chemicals Inc., Portsmouth, VA.	6151
6218-X	Welding & Therapy Service, Inc., Louisville, KY.	6218
6218-X	Messer Griesheim Industries, Inc., Valley Forge, PA.	6218
6257-X	Coastal Industries, Incorporated, Carlstadt, NJ.	6257
6432-X	Messer Griesheim Industries, Inc., Valley Forge, PA.	6432
6443-X	Montana Sulphur & Chemical Company, Billings, MT (See Footnote 1).	5443
6557-X	General Fire Extinguisher Corporation, Northbrook, IL.	6557
6566-X	Chilton Metal Products Division, Chilton, WI.	6566
6752-X	Pennwalt Corporation, Philadelphia, PA.	6752
6772-X	Green Chemical Company, Inc., Winchester, VA.	6702
6762-X	Aquaphase Laboratories, Inc., Adrian, MI.	6762
7060-X	Central Skyport Inc., Columbus, OH.	7060
7413-X	Chilton Metal Products Division, Chilton, WI.	7413
7451-X	Union Carbide Corporation, Danbury, CT.	7451
7486-X	Kaiser Aluminum & Chemical Corporation, Erie, PA.	7486
7486-X	Firmenich Incorporated, Princeton, NJ.	7486
7486-X	Micor Company, Inc., Milwaukee, WI.	7486
7513-X	MG Burdett Gas Products Company, Incorporated, Reading, PA.	7513
7725-X	Economics Laboratory, Inc., St. Paul, MN.	7725
7985-X	Process Engineering, Incorporated, Plaistow, NH.	7985
8129-X	Iowa State University, Ames, IA.	8129
8129-X	Triangle Resource Industries, Laurel, MD.	8129
8129-X	University of Maryland, College Park, MD.	8129
8129-X	Kerr-McGee Chemical Corporation, Oklahoma City, OK.	8129
8151-X	Ropak West, Inc., La Mirada, CA.	8151
8152-X	Allied Corporation, Morristown, NJ.	8152
8184-X	Trojan Corporation, Salt Lake City, UT.	8184
8225-X	Hoover Universal, Inc., Beatrice, NE.	8225
8269-X	M-D Trailer Company, Fort Worth, TX (See Footnote 2).	8269
8518-X	Pacific Tank and Manufacturing, Long Beach, CA.	8518
8523-X	Dehon Services, Paris, France.	8523
8535-X	Advanced Aviation Services, Inc., Mesa, AZ.	8535
8556-X	L'Air Liquide Corporation, Paris, France.	8556
8569-X	U.S. Department of Defense, Washington, DC.	8569
8577-X	Micor Company, Inc., Milwaukee, WI.	8577
8581-X	Northrop Services, Inc., Research Triangle Park, NC (See Footnote 3).	8581
8585-X	Bergen Barrel and Drum Company, Demarest, NJ.	8585
8599-X	Air Products and Chemicals, Inc., Allentown, PA.	8599
8602-X	Minnesota Valley Engineering, Inc., New Prague, MN.	8602
8644-X	Richmond Lox Equipment Company, Livermore, CA.	8644
8679-X	Micro D International, Corona, CA.	8679
8725-X	CNG Fuel Cylinder Corporation, Long Beach, CA (See Footnote 4).	8725
8736-X	Pressure Transport, Inc., Austin, TX (See Footnote 5).	8736
8868-X	Reilco Chemical Company, Oak Brook, IL (See Footnote 6).	8868
8911-X	Olin Corporation, East Alton, IL (See Footnote 7).	8911
8921-X	Hoover Universal, Inc., Beatrice, NE (See Footnote 8).	8921

[1] Request renewal and to authorize two MC-331 cargo tanks with the option of effecting certain improvements.
[2] To authorize 43 additional cargo tanks under the terms of the exemption.
[3] To renew, and to expand on present packaging requirements and to add additional commodities.
[4] To use NOL ring testing instead of tensile testing and to modify cycling test requirements.
[5] To expand exemption to allow servicing of other pipeline sources.
[6] To reissue exemption to a shipper instead of a carrier.
[7] To remove private carriage restriction, handling of cargo by Olin employees only, limitation of 30 miles radius and to allow an alternate corrugated square drum container.
[8] To authorize water as an additional mode of transportation.

Application No.	Applicant	Parties to exemption
2567-P	Welding & Therapy Service, Incorporated, Louisville, KY.	2567
2709-P	United Technologies, Sunnyvale, CA.	2709
3004-P	Big Three Industries, Inc., Houston, TX.	3004
3004-P	Liquid Air Corporation, San Francisco, CA.	3004
4106-P	Welding and Therapy Service, Inc., Louisville, KY.	4106
4453-P	PACCO, Inc., Tenino, WA (See Footnote 1).	4453
6530-P	Savage Welding Supplies, Inc., Phoenix, AZ.	6530
6762-P	United Laboratories, Inc., Addison, IL.	6762
6762-P	Suhm Laboratories, Inc., Greenlake, WI.	6762
7015-P	Helium Sales, Inc., Amarillo, TX.	7015
7025-P	Helium Sales, Inc., Amarillo, TX.	7025
7526-P	Dow Chemical Company, Freeport, TX.	7526
7849-P	Welding Products of Georgia (HOLOX), Atlanta, GA.	7849
7867-P	Vulcan Systems Inc., Rantoul, IL.	7867
8129-P	CECOS International, Inc., Buffalo, NY.	8129
8129-P	American Scientific Products, McGaw Park, IL.	8129
8129-P	Lion Technology Inc., Lafayette, NJ.	8129
8156-P	Union Carbide Corporation, Danbury, CT.	8156
8196-P	Allied Chemical Company, Morristown, NJ.	8196
8214-P	Mercedes-Benz of North America, Inc., Montvale, NJ.	8214
8308-P	Tradewind Enterprises Inc., Hillsboro, OR.	8308
8511-P	The Chloramone Corporation, Allentown, PA.	8511
8511-P	Coyne Chemical Company, Philadelphia, PA.	8511
8554-P	Florida Explosives, Inc., Hialeah Gardens, FL.	8554
8554-P	Cordeiro Trucking, Dania, FL.	8554
8556-P	Helium Sales, Inc., Amarillo, TX.	8556
8723-P	PACCO, Inc. Tenino, WA (See Footnote 2).	8723
8877-P	Eurotainer, S.A., Paris France.	8877
8882-P	PPG Industries, Inc., Pittsburgh, PA.	8882

[1] To authorize water as an additional mode of transportation.
[2] Request party status and to authorize water as an additional mode of transportation.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 1, 1983.

Joseph T. Herring,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-5861 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes April 12, 1983.

ADDRESSES: Address Comment to: Dockets Branch, Office of Regulatory Planning and Analysis, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

New Exemptions

Application number	Applicant	Regulation(s) affected	Nature of exemption thereof
8008-N	Oil-Air Industries, Inc., Brookshire, TX	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell seamless hydraulic accumulators having a capacity of not over 40 gallons with a design pressure of either 3,000 psi or 5,000 psi, for shipment of nitrogen, classed as a nonflammable gas. (modes 1, 2, 3, 4)
8009-N	Scott Aviation Div. of Figgie International, Inc., Lancaster, NY.	49 CFR 172.200-172.205(b), 175.30, 175.85	To manufacture, mark and sell an emergency escape breathing device containing an oxidizer, corrosive material and a Class C explosive described as oxidizer, n.o.s. to be shipped without shipping paper, and carried in the cabin of passenger aircrafts. (modes 1, 2, 4, 5)
8001-N	Chesterfield Cylinder Company, Inc., Enid, OK	49 CFR 178.46	To manufacture, mark and sell non-DOT specification steel cylinders similar to DOT Specification 3T except one end is not concaved to pressure, the water capacity is less than 99 pounds, and the wall thickness is 0.21, for shipment of those gases authorized in DOT-3AA and 3T cylinders. (mode 1)
8002-N	PepsiCo, Inc., Purchase, NY	49 CFR 178.210-10	To authorize shipment of certain corrosive liquids, n.o.s. (flavoring components) in four one-gallon Specification 2E container with a tamper-evident plastic cap, overpacked in DOT Specification 12A fiberboard boxes, to be exempt from side drop tests. (modes 1, 2, 3)
8003-N	General Electric Company, San Jose, CA	All CFR 173.306	To authorize a one-time shipment of sodium metal in non-DOT specification steel portable tanks. (mode 1)
8004-N	Matric Corporation, Tulsa, OK	49 CFR 173.119, 173.304, 173.315	To manufacture, mark and sell mechanical displacement meter proving units affixed to a truck or trailer used to calibrate meters containing liquid hdyrocarbon products. (mode 1)
8005-N	Emerald Air, Austin, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (mode 4)
8006-N	Infilco Degremont Inc., Richmond, VA	49 CFR 173.266, 175.3	To authorize shipment of not exceeding 70% nitric acid in minute quantities contained in glass ampules/polystyrene clam shell/fiberboard box configuration. (modes 1, 2, 4)
8007-N	U.S. Environmental Protection Agency, Washington, DC.	49 CFR 173.302, 175.3	To authorize shipment of compressed air samples which may or may not contain radioactive materials, in non-DOT specification steel cylinders. (mode 4)
8008-N	Reynolds Manufacturing Company, McAllen, TX	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations, for transportation of waste flammable, corrosive or poison B liquids or semi-solids. (mode 1)
8009-N	Stauffer Chemical Company, Westport, CT	49 CFR 173.356	To authorize shipment of thiophosgene, poison B, in DOT Specification 6C stainless steel drums. (modes 1, 2, 3)
8010-N	United Technologies Chemical Systems, Sunnyvale, CA.	49 CFR 173.86(e)(2)(ii), 173.62	To authorize shipment of rocket motors, Class B explosive in a specially designed container to be shipped in a propulsive state (mode 1)
8011-N	Inland Steel Container, Chicago, IL	49 CFR 175.3, 178.100-11, 178.115-12, 178.116-12, 178.117-13, 178.118-12, 178.80-13, 178.81-13, 178.82-13, 178.99-11, 178.99-11.	To authorize certain DOT Specification 5, 6 and 17 series drums constructed of stainless steel, nickel or monel to be exempted from certain steel drum test requirements, for shipment of those commodities presently authorized for each drum. (modes 1, 2, 3, 4)
8012-N	Thiokol Corporation, Brigham City, UT	49 CFR 173.182, 173.239a	To authorize shipment of ammonium perchlorate and sodium nitrate, classed as oxidizers in DOT Specification 5B aluminum portable tanks modified to incorporate a pressure equalizing apparatus. (modes 1, 2)
8013-N	Monsanto Company, St. Louis, MO	49 CFR 173.286	To authorize benzyl chloride, corrosive material, in 18 gauge 55-gallon DOT Specification 17E steel drums with a corrosion resistant lining and recently developed triple seam chimes. (modes 1, 2, 3)
8014-N	Hunter Drums Limited, Burlington, Ont., Canada	49 CFR 173.119, 173.125, 173.256, 173.266(b), 178.19, Part 173, Subpart F.	To manufacture, mark and sell non-DOT specification 55-gallon polyethylene drums comparable to DOT Specification 34, for shipment of corrosive liquids authorized in Specification 34, hydrogen peroxide, methyl alcohol solutions or mixtures (thereof, and cleaning compound containing hydrofluoric acid. (modes 1, 2, 3)
8015-N	Monsanto Company, St. Louis, MO	49 CFR 173.217	To authorize shipment of trichloro-s-triazinetrione, classed as an oxidizer, in non-DOT specification flexible semi-bulk bags of 2,000 pound capacity. (modes 1, 2, 3)
8016-N	Van Leer Verpackungen, GmbH, Hamburg, West Germany.	49 CFR 173.127, 173.175, 173.184	To manufacture, mark and sell non-DOT specification fiber drums not to exceed 55-gallon capacity, for shipment of certain flammable liquids and flammable solids. (modes 1, 2, 3)
8017-N	EVA, Eisenbahn-Verkehrsmittel, GmbH, Dusseldorf, West Germany.	49 CFR 173.264	To authorize shipment of hydrogen fluoride anhydrous, classed as corrosive material, in non-DOT specification IMO Type portable tank comparable to DOT Specification 51. (modes 1, 2, 3)

NEW EXEMPTIONS—Continued

Application number	Applicant	Regulation(s) affected	Nature of exemption thereof
9018-N	Schering, Aktiengesellschaft, Berghamen, West Germany.	49 CFR 173.134	To authorize shipment of pyrophoric liquids, n.o.s., classed as flammable liquid, in non-DOT specification IMO Type portable tanks comparable to DOT Specification 51. (modes 1, 2, 3)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on March 2, 1983.

Joseph T. Herring,

Chief, Exemptions and Approvals Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-6062 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Regulations; Alcoholic Beverages; Interpretation

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Notice of withdrawal of interpretation.

SUMMARY: The MTB hereby withdraws a letter of interpretation of § 173.118(c) of the Hazardous Materials Regulations (49 CFR 173.118(c)) concerning the regulation of "alcoholic beverages" as that term is defined in the regulations of the Bureau of Alcohol, Tobacco, and Firearms of the Internal Revenue Service (27 CFR 4.10 and 5.11). As written, the letter of interpretation (which was not published in the **Federal Register**) could be construed to apply to numerous products other than beverages and beverage components thereby effectively deregulating them—a regulatory action the MTB believes should only be accomplished in accordance with its rulemaking procedures.

DATE: Withdrawal of the letter of interpretation cited in this document is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590; telephone (202) 426–0656.

SUPPLEMENTARY INFORMATION: In accordance with MTB's exemption procedures, I notified an exemption applicant on October 1, 1982, of denial of its application for an exemption to permit the transportation of a concentrated flavoring component which includes 65% alcohol in units of one gallon or less as an ORM–E. The reason for the denial was that the exemption was unnecessary since the applicant's commodity was within the exception prescribed in § 178.118(c), and thus not regulated. It has come to the attention of the MTB that this response received wide dissemination among formulators of various products who use alcohol as a primary constituent.

Subsequently, on December 28, 1982, in response to a request for an interpretation of § 173.118(c) designed to expand on the interpretation cited above, I issued, by letter, the following interpretation of the term "alcoholic beverages" (wines and distilled spirits as defined in 27 CFR 4.10 and 5.11) as used in § 172.118(c):

> Under the above-referenced section(s) of Title 27, the Bureau of Alcohol, Tobacco and Firearms of the Internal Revenue Service limits the wine and distilled spirits referenced therein to those "for non-industrial use", i.e., for use as beverages but not those used "in the manufacture of . . . flavoring extracts, syrups, or food products". From a transportation safety perspective, wine and distilled spirits have the same characteristics regardless of end use. Consequently, we interpret section 173.118 to except from the HMR all wines and distilled spirits as defined in the referenced ATF regulations, whether for industrial or non-industrial use.

The intent of this interpretation was to remove the industrial/non-industrial distinction created by the BATF with respect to alcoholic beverages and beverage components only, in recognition that the distinction bore no relationship to transportation safety. However, in removing that distinction, the interpretation had the unintended effect of expanding the exception stated in § 173.118(c) to include, as provided in 27 CFR 2.12,—

(a) Medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists;

(b) Toilet preparations;

(c) Flavoring extracts, syrups, or food products; or

(d) Scientific, chemical, mechanical or industrial products.

As thus expanded, the effects of the interpretation go far beyond the MTB's intent in issuing it. The net result is deregulation of hundreds of formulations containing alcohol. Clearly, such an impact should only be dealt with through rulemaking, and accordingly, the interpretation discussed in this Notice is hereby withdrawn. In taking this action, the MTB is aware that some product formulators may have begun to act in reliance on the interpretation. To help minimize any adverse impacts from such reliance, the MTB will notify each of the operating administrations within DOT having hazardous materials enforcement responsibility that the interpretation was duly issued but has since been withdrawn. For a reasonable period of time, and depending on the merits of a given case, such action should be sufficient to insulate from enforcement action persons who have acted in good faith out of reliance on the interpretation.

Issued: March 4, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-6190 Filed 3-9-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Customs Service

[TMK-2 CO:R:E:E]

Application for Recordation of Trade Name "CHAMS DE BARON LTD."

Application has been filed pursuant to § 133.21 Customs Regulations (19 CFR 133.21), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "CHAMS DE BARON LTD.", used by

Chams De Baron Ltd., a corporation organized under the laws of the State of New York, located at 1350 Broadway, New York, New York 10018.

The application states that the trade name is used in connection with the following merchandise which is manufactured in Taiwan, Hong Kong, South Korea and the Philippines: Men's and Women's wearing apparel, including shirts, tops, sweaters, jackets and pants in the U.S. Patent and Trademark Office Class 39. Appropriate acompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Entry, Licensing and Restricted Merchandise Branch, Washington, D.C. 20229, in time to be received no later than 60 days from the date of publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

Notice of the action taken on the application for recordation of this trade name will be published in the Federal Register.

Dated: January 28, 1983.

A. Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 83-6122 Filed 3-9-83; 8:45 am]

BILLING CODE 4820-02-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document consists of a revised form. The entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the proposed form and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW, Washington DC, 20420 (202) 389–2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATE: Comments on the form should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: March 4, 1983.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Revised Form

(1) Department of Medicine and Surgery.

(2) Application for Furnishing Nursing Home Care to Beneficiaries of the VA.

(3) VA Form 10–1170.

(4) Once per applicant.

(5) Any applicant for a nursing home care contract with the VA.

(6) 800 responses per annum.

(7) 800 hours.

(8) Not applicable under 3504(H).

[FR Doc. 83-6159 Filed 3-9-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 48
Thursday, March 10, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-375; March 4, 1983]

Short Notice of Closed Meeting for March 7, 1983

TIME AND DATE: 2 p.m., March 7, 1983.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. All-cargo Service Between the United States and Peru. (BIA)
2. Discussion of the U.S.-Canada Negotiations. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, (202) 673–5068.

[S-343-83 Filed 3-8-83; 3:54 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, March 18, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-339-83 Filed 3-8-83; 1:52 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Friday, March 11, 1983.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing

CONTRACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6114.

[S-340-83 Filed 3-8-83; 1:53 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 9417, Friday, March 4, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, March 15, 1983.

CHANGES IN THE MEETING: The meeting has been postponed to 2 p.m. on March 15, to be held in the 8th Floor Conference Room.

[S-342-83 Filed 3-8-83; 3:54 pm]

BILLING CODE 6351-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its close meeting held at 2:30 p.m. on Monday, March 7, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,607–L—Franklin National Bank, New York, New York

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)).

Dated: March 7, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-338-83 Filed 3-8-83; 11:54 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 7, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,603–L—American City Bank &Trust Company, National Association, Milwaukee, Wisconsin

Case No. 45,608—The Greenwich Savings Bank New York, New York

Case No. 45,609–NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Case No. 45,616–L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

By the same majority vote, the Board further determined that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: March 7, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. S-337-83 Filed 3-8-83; 11:54 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 15, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the plublic.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 17, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth flobr).

STATUS: This meeting will be open to the plublic.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Proposed notice of rulemaking for general election regulations
Finance Committee report
Routine Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-341-83 Filed 3-8-83; 3:54 pm]

BILLING CODE 6715-01-M

8

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 9125, March 3, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 9, 1983.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

2. Petition of Trans Freight Lines for investigation of rates on military cargoes charged by Sea-Land Service and United States Lines.

[S-334-83 Filed 3-8-83; 10:30 am]

BILLING CODE 6730-01-M

9

LEGAL SERVICES CORPORATION

Meeting of the Board of Directors

STATUS OF MEETING: Open (Portion of Meeting is to be closed to discuss personnel and litigation matters under 45 CFR 1622.5 (a)(3) and (h). Vote and certification of authorization for closing are as follows:

The Executive Session in item 1 of this agenda is called pursuant to the vote of the five Directors presently in office to adopt the following resolution:

"Upon motion of Board member, Robert McCarthy, duly seconded, the Legal Services Corporation hereby closes the initial portion of the Board Meeting of March 15, 1983, pursuant to the provisions of 45 CFR 1622.6, in order to discuss matters falling under 45 CFR 1622.5 (a), (e), and (h)."

The members of the Board voted as follows:

Frank Donatelli, aye
Robert McCarthy, aye
Milton Masson, aye
Daniel Rathbun, aye
Donald Santarelli, aye

Certification

As General Counsel of the Legal Services Corporation, I hereby certify that a majority of the members of the Board of Directors of the Legal Services Corporation have approved closing the initial portion of the Board meeting to be held March 15, 1983, to discuss internal personnel procedures and personnel matters and litigation concerning the Corporation. I hereby certify that in my opinion the closing of this portion of the meeting is authorized by the Government in Sunshine Act, 5 U.S.C. 552b(c) (2), (6) and (10), and under the Legal Services Corporation relations, 45 CFR 1622.5 (a), (e) and (h).

Alan R. Swendiman,

General Counsel.

Dated: March 7, 1983.

PLACE:

Executive Session: Legal Services Corporation, 733 15th Street NW., Washington, D.C. 20005;
Public Portion: GSA Central Office Auditorium, 18th and F Streets NW., Washington, D.C.

TIME AND DATE: Executive Session: 9:30 a.m., Public Portion: 10:30 a.m., Tuesday, March 15, 1983.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Election of Chairman and Vice Chairman.
3. Public Ratification of Meeting Closure/Report from Executive Session.
4. Approval of Minutes.
5. Organization of Committees.
6. Report from President—Hill Testimony.
7. Report from General Counsel/Approval of Final Lobbying Regulations.
8. Report from Office of Government Relations.
9. Report on Field Programs by Acting Director of Office of Field Services and Acting Director of Information Management.
10. Report from Comptroller:
   A. Budget Review/Modification.
   B. Appointment of Independent Accountants.
11. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Secretary of the Corporation, (202) 272–4040.

Dated: March 7, 1983.

Donald P. Bogard,

President.

[S-335-83 Filed 3-8-83; 10:30 am]

BILLING CODE 6820-35-M

10

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL (Northwest Power Planning Council)

ACTION: Meeting notice.

STATUS: Open.

TIME AND DATE: At the conclusion of daytime session of scheduled public hearing (approximately 5 p.m.), March 14, 1983.

PLACE: North Shore Hotel, North Star Plaza, Coeur d'Alene, Idaho.

MATTERS TO BE CONSIDERED:

- Selection of Fish Propagation Panel members.
- Ratification of Council comments on responses to Bonneville Power Administration Notice of Program Interest.
- Ratification of Intergovernmental Agreement with Bonneville Power Administration.
- Approval of Council minutes.
- Council administrative matters.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

[S-338-83 Filed 3-8-83; 1:35 pm]

BILLING CODE 0000-00-M

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federal register

Thursday
March 10, 1983

Part II

Department of Transportation

Research and Special Programs Administration

Requirements for Transportation of Radioactive Materials

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 175, 176, 177, and 178

[Docket No. HM-169; Amdt. Nos. 171-71, 172-78, 173-162, 174-42, 175-26, 176-15, 177-57, 178-75]

Requirements for Transportation of Radioactive Materials

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule revises requirements of the Hazardous Materials Regulations concerning radioactive materials to make them compatible with the latest revised international standards for transport of radioactive materials as promulgated by the International Atomic Energy Agency (IAEA). A parallel amendment by the U.S. Nuclear Regulatory Commission (NRC), to Title 10 CFR Part 71, "Packaging of Radioactive Materials for Transport and Transportation of Radioactive Materials Under Certain Conditions" will be published in the Federal Register at a future date.

EFFECTIVE DATE: July 1, 1983, unless otherwise specified by the regulations adopted under this rulemaking, except for revised proper shipping names and identification numbers appearing in § 172.101 which may be used immediately, and except for §§ 173.415, 173.425 (b) and (c), 173.441(c), 173.477(b) and 173.478 (b) and (c) which contain information collection requirements which are under review at OMB. This effective date may be extended depending on the publication and effective date of corresponding amendments to 10 CFR, Part 71, by the Nuclear Regulatory Commission.

FOR FURTHER INFORMATION CONTACT: R. R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, Telephone (202) 426-2311.

SUPPLEMENTARY INFORMATION:

I. Background

In keeping with MTB's commitment to maintain harmony between the international and U.S. regulations for the transportation of hazardous materials, this docket changes the requirements pertaining to radioactive materials. These changes will ensure essential uniformity between the Hazardous Materials Regulations dealing with radioactive materials and the latest international regulations, the International Atomic Energy Agency's (IAEA) "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)." Detailed information of the U.S. participation in the development of these international regulations was given in the preambulatory text of the notice of proposed rulemaking (NPRM) for this docket (44 FR 1852, January 8, 1979).

Since certain aspects of the transportation of radioactive materials are regulated by the NRC, changes in their regulations necessary to maintain compatibility will be published in the future in the Federal Register. Those changes to 10 CFR Part 71 will deal with Type B and fissile radioactive materials packages and NRC licensee requirements.

The NPRM for this docket contained several proposed requirements which met with substantial objection by the commenters. In some cases a review of the costs and safety benefits involved has resulted in either modification or deletion of the proposed requirement. In another case, a provision has been made to eliminate unnecessary duplicative requirements for import and export shipments which must meet both DOT and IAEA requirements.

II. Substantive Changes

The first four of the substantive changes adopted in this amendment follow closely the proposed requirements in the notice. The other substantive changes are either modified versions of the proposed requirements or are new. Any new changes included here have been determined to have a very positive effect on reducing the cost of complying with the regulations with no adverse effect on transportation safety.

A. Individualized Type A Quantities

The system by which radionuclides have been divided, for the purpose of specifying the number of curies permitted in Type A packages, into seven transport groups according to their radiotoxicity has been eliminated. Under the previous system, the allowable number of curies for each radionuclide in a group or radionuclides is the same as the allowable number of curies for the most restrictive radionuclide. In some cases the least restrictive nuclides have a maximum permissible body burden more than ten times that of the most radiotoxic members.

The amendments have deleted the concept of transport groups. Instead, for each radionuclide two values, A_1 and A_2, are assigned which represent the maximum number of curies pemitted in Type A packages in special form and normal form, respectively. The A_1 and A_2 values for various radionuclides are listed in § 173.435. Methods by which these values were established are described in IAEA Safety Series No. 37, "Advisory Material for the Application of the IAEA Transport Regulations."

The value of A_1 for special form material is based on the possible external radiation dose to individuals if the contents of the package are released, except that an upper limit of 1,000 curies is imposed. Under the revised regulations, special form material must also be nondispersible, as determined by certain stringent criteria (which differ somewhat from present criteria for special form) described in § 173.469.

The bases for the A_2 value for normal form material (that is, all forms other than special form) are: (1) an accident of moderate severity might release 0.1% of the contents of a Type A package, and 0.1% of the amount released might then be taken into the body of a human being in the vicinity; this intake should not exceed half the maximum permissible annual intake for workers as given in IAEA Safety Series No. 9, 1967 Edition; and (2) A_2 shall not exceed A_1. Intake values are based on International Commission on Radiological Protection (ICRP) 1966 recommended limits for radiation exposure. It is expected that the IAEA will be producing new A_1 and A_2 values based on the latest ICRP data and models and these will be published at a later date for comment.

This change will sometimes permit a single Type A package to replace two or more present packages. Also, some of the small Type B packages with contents near the lower limit for Type B could be reclassified as Type A. The net effect of this clarification is expected to be insignificant with respect to the number of Type A packages or the total amount of material in Type A packages.

For special form material, some limits are increased and some are decreased. As a result of a number of comments, the previously specified value has been retained for americium and plutonium contained in special form americium-beryllium or plutonium-beryllium neutron sources or in nuclear-powered pacemakers which will not be exported. There are a large number of special form sources in existence which were fabricated to the 20 curie limit and have been safely transported in Type A packages. It is believed that the expense involved in transporting these sources in Type B packages or replacing them with sources of lower content is not justified

in light of the marginal safety gains. Consequently, for domestic shipments the existing 20 curie limit is retained for these types of neutron sources. For import and export shipments, however, the IAEA limits, which are lower, have been adopted to foster compliance with the IAEA regulations which are applied in all other major countries. The exception for domestic special form neutron sources is found in § 173.435, footnote 1. Consequently, the changes in the number of such packages should be small.

B. Requirements for Special Form Radioactive Material

The qualification tests for special-form radioactive material have been modified, primarily by adding a bending test, providing more detailed instructions for the immersion or leaching procedure, and changing the maximum loss by leaching to 0.05 microcurie in each of two determinations rather than the present 0.005% by weight for a single determination. Long, slender objects are more likely to suffer bending under rough handling or accident conditions than are short or large-diameter objects. A minimum length of 10 centimeters and a minimum length-to-width ratio of 10 have been selected for application of the bending test. The leaching test specified by the IAEA regulations has been selected as suitable and should yield uniform results. An absolute amount of activity leached is better related to the hazard than is a fixed percentage of weight. Although 0.05 microcurie is much smaller than any of the A_1 quantities, in this case it is specified as a measure of the indispersibility and is equivalent to the maximum permissible nonfixed surface contamination on 500 square centimeters of a package surface.

Previous regulations required that "special form radioactive material" have either: (1) No dimension less than 0.5 millimeters, or (2) at least one dimension greater than 5 millimeters. It is now required that special form radioactive material must have at least one dimension not less than 5 millimeters. The first option has been removed because of the possible difficulty of identifying, for safe handling, an object as small as 0.5 millimeters in every dimension.

The proposed definition for special form would have required all encapsulations to be "so constructed that it can be opened only by destructive means." This phrase was intended to clarify the IAEA requirement which states that an encapsulation must be "so constructed that it can be opened only by destroying the capsule". Comments received indicated that IAEA wording was less subject to varying interpretations and so it has been incorporated in the definition of special form. Commenters pointed out some difficulties which would result from performing cutting and welding or brazing operations in the closed environment of a glove-box or hot cell, but these objections were not quantified to any degree and are routinely performed in certain industries. It was not established by the commenters that the proposed requirement could not be met or that it would be too costly to meet the requirement.

An option has been added to the requirements dealing with leak testing of special form capsules. The proposal only specified a leaching assessment method whereby the test specimen is immersed in water and stored in air with subsequent water immersion. The activity leached by the water immersion determines if the source is leakfree. As an option to this test, which takes over one week, a volumetric leak rate of 10^{-4} torr-liter/second for solids and 10^{-6} torr-liter/second for liquid and gaseous contents is specified as being equivalent to passing the leaching test. However, this volumetric leak test is only suitable for sources with an internal void volume of at least 0.10 milliliter and is restricted to these source designs. Providing this optional acceptance criteria allows the tester to utilize a number of different testing methods which are sensitive enough to detect volumetric leak rates of this magnitude.

A phase out period of two years has been provided in § 173.403(z) for special form capsule designs which are not requalified under the special form requirements in order to provide for the construction of additional capsules to existing designs. These capsules may continue to be transported to the end of their useful life. Two years following the effective date of this publication all new designs and all new construction must meet the current requirements.

C. Addition of Lead-201

In response to a petition for rulemaking by Diagnostic Isotopes, Inc., to the NRC, lead-201 (201-Pb) is added to the table of radionuclides found in § 173.435. The daughter radionuclide resulting from the decay of 201-Pb is thallium-201 which is useful in nuclear medicine and clinical diagnosis. The details of the calculations for the A_1 and A_2 values for 201-Pb are found in Appendix B of the Environmental Impact Appraisal of Changes to Radioactive Material Packaging and Transportation Regulations, prepared by the NRC.

D. Metrication

The metric system, as represented by the International System of Units (SI), has been employed to the extent practicable in the revised regulations. Rounded-off values of equivalents for the English system are given in parentheses, except in a few cases where the conversion seems unnecessary or inappropriate. In some cases conventional units have been retained to prevent the confusion which would result from using SI units which are used very little as of this date, e.g., the millirem is retained instead of converting to Sieverts.

E. Low Specific Activity (LSA) Materials and Low Level Solid (LLS) Materials

The proposed regulations for LSA and LLS were in accord with the 1973 IAEA regulations in many regards but would have imposed more stringent packaging requirements. Many commenters objected to the increased costs which would have been incurred in upgrading or phasing out many existing package designs. Several commenters were of the opinion that more stringent packaging requirements and the associated costs would not significantly improve the safety of these materials in transportation.

Additionally, the NRC, with MTB cooperation, is studying the regulatory requirements and basis for LSA and LLS materials. This study is addressing the hazards, packaging requirements and costs involved in shipping these materials.

The IAEA has proposed an extensive revision of the LSA and LLS requirements including the imposition of additional radiation level limitations and more stringent packaging. These proposals are not expected to be adopted before mid-1984.

As a result of these current activities concerning LSA, MTB believes that the most prudent course of action is to make no substantive changes in the LSA packaging requirements at this time. Subsequently, the packaging requirements and any other identified concerns pertaining to LSA will be addressed in a future rulemaking. Consequently, this HM-169 final rule is greatly simplified over its proposal as many LSA requirements which were proposed have been deleted including the LLS category and such defined terms as the "transport index for low specific activity material or low level solid material transported as a full load. . . ."

The definition of LSA materials has been modified since the transport group system of radionuclide classification has been replaced by the A_1/A_2 system. LSA materials which are not specifically listed by name are classified according to the A_2 value for the nuclide or nuclides present in the LSA. For uniform mixtures of nuclides the following formula will determine if the mixture is defined as LSA:

$$\frac{APG_1}{0.0001} + \frac{APG_2}{0.005} + \frac{APG_3}{0.3} < 1$$

Where:

APG_1 = the total activity per gram of material of all nuclides present with an A_2 value of less than 0.05 curie.

APG_2 = the total activity per gram of material of all nuclides present with an A_2 value of more than 0.05 but less than 1.0 curie.

APG_3 = the total activity per gram of material of all nuclides present with an A_2 value exceeding 1.0 curie.

If the above summation for a given uniform mixture is less than or equal to 1 then the mixture may be classified as LSA.

The breakpoint values of 0.05 and 1.0 curie have been chosen to maintain as closely as possible the results obtained using the old transport group system with those obtained under the A_1/A_2 system.

F. Empty Packaging

A modification has been made to the provisions for shipping radioactive materials packagings which have been emptied of contents but still contain some residual material. Previously, § 173.29(b) prescribed the conditions under which packages could be shipped as "empty." These requirements in many respects were the same as for "limited quantities," that is, no significant external contamination and no radiation levels exceeding 0.5 millirem per hour at the packaging surface. In keeping with the excepted nature of these empty packagings the total residual radioactivity with the packaging was not to exceed a limited quantity as previously specified in § 173.391(a).

This presented a serious problem to shippers of these packagings in that in many instances it is not practical to determine the exact amount of residual radioactive material in the packaging. This is particularly true when the internal contamination is a combination of removable and fixed contamination. The removable constituents can be quantified by smear or wipe sampling but the fixed contamination is extremely difficult to quantify accurately unless the exact radionuclide mix is known. Consequently, there were only a few instances when it was possible to ship packages as empty.

The IAEA has adopted criteria for empty packages which eliminate this problem, while still ensuring that these packages represent no significant hazard during transportation, by placing limits on the:

(1) Removable external surface contamination;

(2) Removable internal contamination; and,

(3) Radiation level at the external surface of the packaging.

These three controls make it unnecessary to limit the total radioactivity present per se. The removable contamination limits ensure safety in handling and limit consequences in the event the packaging is damaged or opened. The radiation level limits ensure that exposures are extremely low and effectively places a limit on the amount of fixed contamination that may be present.

MTB believes that the IAEA criteria, as adopted in § 173.427, will provide for the continued safe shipping of empty packagings while providing needed flexibility in making these shipments.

G. Import/Export Shipments

Section 171.12 has been revised to permit the shipment of radioactive materials packages, in international commerce, which conform with the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition" (as amended) with certain restrictions. Prior to this amendment, such provisions were only available to packages not exceeding a Type A quantity, low specific activity radioactive materials, and non-fissile radioactive materials. Extending this authorization to fissile radioactive materials and shipments requiring a Type B packaging will greatly facilitate the through movement of these packages by reducing the administrative burden on shippers and carriers to comply with varying requirements between the U.S. and the international community, without a sacrifice in safety. However, certain requirements designed to aid in emergency response activities do remain—detailed shipping papers and placarding for "highway route controlled quantities" (see H., below) for example. In addition, for a shipper to qualify under this section its packages must be certified as being approved for use by the country of origin and foreign-designed packages must be revalidated or endorsed by MTB as is already required. This certification process addresses activity limits, authorized contents, suitability of package design, special handling controls, and other areas which focus on the acceptability of packages for shipment, thereby assuring their ability to safely contain radioactive materials in transport. The MTB revalidation procedure is being maintained in order to ensure essentially equivalent levels of safety between import shipments and domestic shipments. MTB believes that this change will not decrease safety in any way because many of the differences still existing between the 1973 IAEA regulations and this rulemaking result from the IAEA regulations being too restrictive or imposing what MTB believes to be unnecessary requirements. One example is large freight container placarding. The U.S. regulations require placarding only under the three conditions presented in § 172.504, Table 1. The IAEA requires large freight container labeling and placarding for all radioactive materials except for limited quantities. However, in cases like this it is believed that there is no detriment in displaying the labels and placards and the provisions of § 171.12 relieve a significant burden on the shipper who otherwise must add or remove placards and labels at the border. The other existing differences between the U.S. and IAEA regulations are of a similar nature and allowing import and export shipments to move with minimal delay and expense with no detrimental effect on safety is believed to be in the public interest.

H. Designation of Highway Route Controlled Quantities

The adoption of the A_1/A_2 system to replace the transport group system of classifying radionuclides has removed the basis on which the term "large quantity" (§ 173.389(b)) was defined. The term "large quantity" was originally used to: (1) designate quantities of radioactive materials which generate sufficient decay heat to warrant consideration of heat dissipation in the package design and approval; and (2) identify packages whose contents are sufficient to require supplemental operational controls such as periodic venting of pressure or use of an active cooling system. This concept was embodied in the 1961, 1964 and 1967 IAEA transport regulations. Consequently the term was still in the Hazardous Materials Regulations as a vestige of the earlier IAEA versions.

Present practice in the U.S. is that all Type B packages are approved for specified contents and are limited to these specific contents. Decay heat rejection is one of the considerations taken into account in approving the

contents for a package design. This is a superior approach to the earlier, somewhat arbitrary establishment of "across the board" large quantity designations because decay heat rejection is in fact a contents *and* package dependent consideration. For example, a relatively small heat source could be thermally degraded if the package was an extremely good insulator and did not allow the generated heat to be rejected. Current practice in the U.S. is in line with the current (1973) IAEA approach which is to consider heat removal in *all* Type B package approvals.

The use of operational controls is another concept which has essentially been abandoned in the U.S. as well as world-wide. Current practice is to require that the package itself be capable of maintaining its integrity and meeting the hypothetical accident conditions without human intervention.

As a result of the evolution of the package approval process over the last 15 years the concept of a "large quantity" package design is now superfluous as it pertains to Type B package designs, approvals, and contents limitations. Currently, all Type B package designs meet the criteria which were, at one time, required only for high activity content packages.

The only remaining use for the term "large quantity" has been as a result of Docket HM–164 (46 FR 5298, January 19, 1981) which established rules governing the highway routing of radioactive materials shipments. Any vehicle transporting a Type B package contining a "large quantity" of radioactive materials is subject to additional requirements including specific routing criteria. Obviously, some provisions must be made for the continuity of this rule, a fact that was noted at the time the HM–164 rule was proposed (See 45 FR 7152, January 31, 1980) as well as when the final HM–164 rule was published (See 46 FR 5298, January 19, 1981).

The MTB, in conjunction with the NRC, has selected new criteria based on the A_1/A_2 system which will duplicate the "large quantity" criteria as closely as practical. The criteria selected also reflect some of the IAEA criteria for determining which shipments shall be subjected to additional administrative controls. The following criteria determine whether a particular amount of radioactive material within a single package shall be subjected to the additional administrative controls required by the HM–164 rules:

(1) 3,000 × A_1 for special form material;

(2) 3,000 × A_2 for normal form material; or

(3) 30,000 curies, whichever is least.

For any particular radionuclide or mixture, these values correspond to 3,000 times the contents permitted in a Type A package, or in the case of nuclides with an A_1 or A_2 (as appropriate) value of more than 10 curies, a designation of 30,000 curies as the value. In order to make these values as easy to understand and use as possible, the term "highway route controlled quantity" has been adopted. MTB believes that the term avoids confusion with the previously used term "large quantity" which means different things to different people and which is now obsolete.

There are some differences between the old values for "large quantity" and the new values for "highway route controlled quantity." The most significant differences occur for special form materials and alpha-emitting transuranic elements. For most special form materials, the new values are higher than the old value of 5,000 curies. This reflects the fact that the new values are directly related to the radiation source strength rather than an "across-the-board" value based on decay heat generation. The majority of special form shipments which will be relieved from specific routing requirements are medical and industrial shipments of cobalt-60 and cesium-137 irradiation sources. These sources typically fall into the range of 5,000–10,000 curies and are used in a variety of medical and industrial applications where medium strength sources are needed. It should be noted that while these sources are of significant activity when compared to "normal form" values, special form materials are essentially nondispersible. The integrity of the sources is high since the capsules themselves must be capable of withstanding severe accident conditions (30 foot drop, 1,475°F heat, percussion and immersion). This provides what is essentially a "Type B within a Type B" package, thus ensuring an extremely high level of integrity. Of the 140 shipments reported to MTB by October 31, 1982, as required by § 173.22(c), 42 of these would be relieved from the HM–164 routing and reporting requirements. The MTB believes this is a justified reduction of costs and delays given the integrity of the materials and in some cases the time-critical nature of the shipments. It should be noted that no irradiated reactor fuel is expected to fall into this category and be relieved from these requirements.

For some normal form alpha-emitting nuclides the new A_2 values are lower than the old 20 curie limit for Transport Group I nuclides. There are 9 of these nuclides which will have lower highway route controlled quantities than before and some additional shipments of these materials would be subjected to the HM–164 requirements. Except for the thorium and plutonium nuclides, the affected nuclides which have lower values are not frequently shipped and the effect of lowering the values will be very small. For the thorium and plutonium isotopes, the result of the new values will also be small because these nuclides are generally shipped in mixtures which are very high in activity and will simply continue to be covered by HM–164 requirements or are in forms which are of such low specific activity that they are not covered under either the new or old criteria.

There are some shipments of normal form materials which have been reported to MTB which would be relieved from HM–164 requirements and these can be characterized as research related. These materials are generally mixtures destined for analysis or further research and generally fall into the range of 20 to 1,000 curies. The number of these shipments is low by virtue of their nature.

The MTB is convinced that the new highway route controlled quantities are superior to the old large quantity values for the purpose of HM–164 requirements. The new values more accurately reflect a uniform level of hazard for the contents. It is recognized that while some values will go higher and some will be lower, the net result will be a positive safety benefit and more accurately relates the package contents to the additional administrative controls imposed by HM–164.

III. Minor Changes

A. Marking of Limited Quantities and Devices

The Notice contained proposals concerning marking limited quantities and devices as required by the 1973 IAEA regulations. Several commenters objected to this, basically for two reasons:

(1) For limited quantities, the proposal that the packaging bear the marking "Radioactive" in such a manner as to be visible upon opening would require marking in several places since the shipper has no control over how the package is opened; and

(2) For radioactive devices, it is highly impractical to mark many devices (such as electron tubes) which contain minute amounts of radioactive material.

The MTB agrees with these comments and has removed the proposed marking

requirements for these materials, retaining the previously existing marking requirements (§ 173.391(a)) which are reasonable. Export or import shipments which need to comply with the 1973 IAEA regulations may be so marked and exported or imported in accordance with § 171.12(e).

B. DOT Specification 55 Packaging

As amended herein, the use of existing DOT Specification-55 (Spec 55) packages will be discontinued two years after the effective date of these amendments. As a result of prior rulemaking in Docket HM–111 (39 FR 45238), published on December 31, 1974, construction of Spec. 55 packages after March 31, 1975, has not been authorized. As was stated in the preamble to the notice of proposed rulemaking in Docket HM–111 (39 FR 29483, October 25, 1973), the Department announced its intention to phase out the Spec. 55 as a "limited Type B" packaging at some later date. Future use of such packagings two years after the effective date of this amendment to Part 173 will be contingent upon the user either requalifying the package design as a DOT Specification 7A (for Type A shipments), using the existing Specification 55's in conjunction with DOT Specification 20 WC or 21 WC wooden or wooden/steel outer packagings, or having the packaging approved by the NRC. This change from the proposal will still result in the phase out of Specification 55 packagings per se but will allow their continued use when requalified, reapproved, or used in conjunction with 20 WC and 21 WC outer packaging. The existence of these options significantly reduce the cost of this discontinuance and yet will ensure that the Spec 55's will meet the performance standards required of all other packages in order to ensure public safety.

C. DOT Specification 7A Packaging

Since the tests required for Specification 7A packagings are somewhat different than the previously required tests, a two year period has been established for shippers to adapt to the new test requirements.

Existing packagings may continue to be used as long as they will meet the previously existing Specification 7A test requirements. New packagings may be constructed to existing designs for a period of two years from the effective date of the amendment. The provisions allow for the continued use of existing packagings throughout their useful life and allows construction of new packagings to the "old" designs for two years.

Two years following the effective date of this publication all new packaging designs and all new packaging construction must meet the requirements of § 178.350 adopted herein and, consequently, the test requirements of § 173.465.

D. Labeling Requirements

In keeping with MTB's objective of simplifying and clarifying the regulations whenever possible, § 172.403 has been rewritten to include a table for use in determining the proper label to place on radioactive materials packages. The requirements pertaining to labeling have not been changed but the tabular presentation is believed to be an improvement over the previous text.

E. Redesignation of Subpart I in Part 173

Although the notice of proposed rulemaking considered reissuance of the radioactive materials regulations in a new Part 127 it has subsequently been determined to retain these requirements in Part 173, but in a separately identified subpart. Subpart I is the most logical choice since the regulations pertaining to radioactive materials will retain their same relative position in the Hazardous Materials Regulations with respect to the other hazard classes, and since the Special Requirements for Certain Rail Shipments or Movements will have greater visibility in Subpart A. Consequently, §§ 173.426 and 173.432 are recodified at §§ 173.9 and 173.10, respectively. The heading of Subpart I is changed to read "Radioactive Materials."

F. Type A Limits for Certain Beta-Emitting Radionuclides

The IAEA, as part of its effort to maintain the continued adequacy of the regulations, has adopted a modified system for determining A_1 and A_2 values. This new system will be incorporated in the 1984 revision of the IAEA regulations which is being prepared. The system was adopted in principle by the IAEA at the March 1982, Advisory Group on the revision and it was subsequently refined by a special Working Group which met in August 1982. When the IAEA circulates the "3rd Draft" version of the regulations, DOT will be making it available and will seek public comment.

It has become apparent to MTB that the new system incorporates a radiological exposure pathway which has not been considered previously. This pathway involves consideration of the dose to the skin of a person contaminated with a radionuclide. For most radionuclides this is not a limiting pathway as other considerations in both the present and proposed systems are generally more limiting. Examples of the other more limiting considerations are radiation levels from unshielded material and internal pathways such as inhalation. For some beta-emitting nuclides, however, the contaminated skin consideration is limiting. In some cases the Type A limits calculated under the newly adopted system are significantly lower than the previously accepted A_2 values and some are even lower than the earlier Transport Group values.

The MTB believes that it cannot ignore the contribution that the contaminated skin consideration makes toward a complete system for calculating Type A values. This is particularly true for radionuclides which have high A_2 values under the 1973 IAEA regulations and would have considerably lower A_2 values under the new IAEA system due to their potential for significant dose to contaminated skin. Of the radionuclides which would have lower values under the new IAEA system, some have values below the old transport group values (case 1) and some have values between the old transport group and the 1973 IAEA values (case 2). These two cases can be represented graphically as:

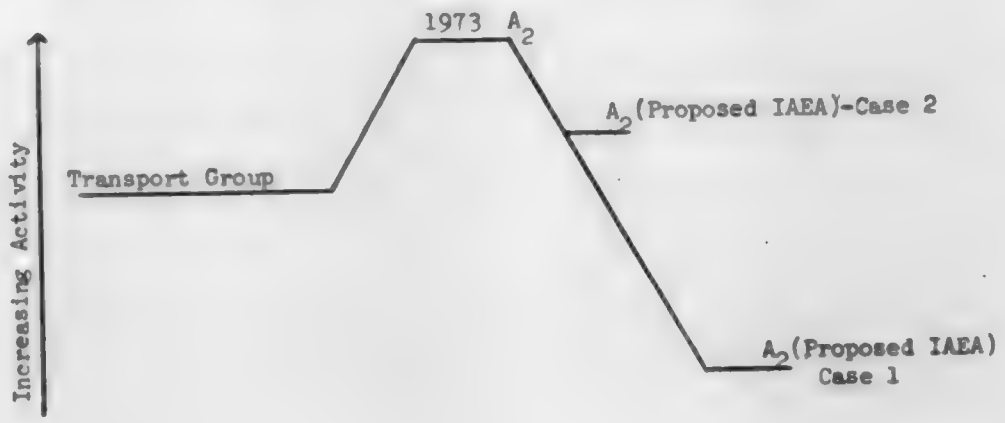

The MTB believes that it is prudent to both accept this new pathway as necessary to provide a complete system for setting Type A values and to minimize unnecessary fluctuations in the Type A limits. While there is some uncertainty as to the exact values which will result from the final, accepted new IAEA system the MTB is confident that the values now available are conservative and will most probably not be lowered. Therefore, for those nuclides which are limited by the skin exposure pathway values have been selected as follows:

Case 1: The transport group values are adopted as the new A_2 values.

Case 2: The values now available are adopted in lieu of the 1973 IAEA values.

The radionuclides which are affected in case 1 are:

Ag-111	Nd-147	Sb-31
As-77	Nd-149	Sm-153
Au-198	Os-193	Te-127M
Cd-115	Pd-109	Te-127
Ce-143	Pm-149	Te-129
Dy-165	Pr-143	W-187
Er-171	Pt-197m	Zn-69m
Gd-159	Pt-197	Zn-69
In-115m	Re-186	
Mo-99	Sc-47	

The radionuclides which are affected in case 2 are:

Au-199	Eu-155	Rb-105
Br-77	Hf-181	Ru-103
C-14	Hg-203	S-35
Ca-45	I-133	Sb-125
Ce-141	In-111	Sr-89
Cl-36	Ir-192	Tb-160
Cs-134m	K-43	Tc-99
Cs-135	Lu-177	Te-129m
Cs-137	N-13	Th-231
Cu-64	Np-239	Tl-204
Cu-67	O_s-191	Tm-170
Er-169	Pm-147	W-185
Eu-152	Rb-81	Yb-175

In both cases the values adopted herein are no lower than the previously existing transport group values and yet are lower than the previously proposed 1973 IAEA A_2 values. For the radionuclides listed under case 1, the A_2 is set at the old limit of 20 curies as each nuclide was previously in transport group IV which had this limit. The nuclides listed in case 2 have been assigned the currently available values under the new IAEA system. These values are between the old transport group and the 1973 IAEA values. When the new IAEA system is fully implemented by the IAEA and the skin exposure pathway is taken into due account then MTB expects to complete the alignment of A_2 values between the U.S. and the IAEA.

IV. Classification of Rule; Reporting Requirements; and Impact on Small Entities

A. Non-major rule

The Materials Transportation Bureau has determined that this regulatory amendment is not a major rule under terms of Executive Order 12291 or significant under DOT regulatory procedures (44 FR 11034) and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 et. seq.).

This determination is made on the basis that: (1) The final rule will have an annual effect on the economy not exceeding $100 million, (2) there will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local governmental agencies, or geographic regions, and (3) it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Department has determined under Council of Environmental Quality guidelines not to prepare an environmental impact statement for the amendment herein.

Concurrently with the publication of this rulemaking document, the Department is making available in its Dockets Branch at the address indicated above, an "Environmental Impact Assessment of Changes to Radioactive Materials Transport Regulations" intended to support a negative declaration. This assessment was prepared by the U.S. Nuclear Regulatory Commission in support of its changes to 10 CFR Part 71 which are to be published in a subsequent issue of the **Federal Register**. Its analyses and conclusions are considered directly applicable to the proposals by the Department herein, in support of this negative declaration.

B. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), certain reporting or recordkeeping provisions that are included in this regulation have been submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this regulation. Other information collection requirements contained in this regulation (§§ 173.471 (a), (d), and (f), 173.472 (b) and (e), 173.473(a), 173.476 (a) and (b), and 173.478(a)) have been approved by OMB and assigned control numbers indicated in the regulatory text of this document.

C. Impact on Small Entities

Based on limited information available concerning size and nature of entities likely to be affected, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. Small businesses potentially affected include manufacturers, distributors, carriers, and users of: (1) Radiopharmaceuticals; (2) measuring, detecting, and calibrating devices which employ radioactive materials; and (3) packagings specifically designed for use in the transportation of radioactive materials. The economic impact on such small entities will be minimal.

V. List of Subjects

49 CFR Part 171

Exports, hazardous materials transportation, Imports.

49 CFR Part 172

Hazardous materials transportation, Labeling.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 175

Hazardous materials transportation, Air carriers, Radioactive materials.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

49 CFR Part 177

Hazardous materials transportation, Motor carriers.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 171, 172, 173, 174, 175, 176, 177, and 178 of Title 49, Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraphs (c)(15), (d)(10) and (d)(11) are revised to read as follows, and paragraph (c)(25) is removed and reserved.

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(15) IAEA: International Atomic Energy Agency, Wagramerstrasse 5, P.O. Box 100, A–1400, Vienna, Austria

* * *

* * * * *

(25) [Reserved]

* * * * *

(d) * * *

(10) IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)."

(11) United States Nuclear Regulatory Commission (USNRC) 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions."

* * * * *

2. In § 171.8, the entry for "full load" is removed, a definition for "IAEA" is added in its proper alphabetical sequence, and the following definitions are revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"IAEA" means International Atomic Energy Agency.

* * * * *

"Package" or "Outside Package" means a packaging plus its contents. For radioactive materials, see § 173.403 of this subchapter. "Packaging" means the assembly of one or more containers and any other components necessary to assure compliance with the minimum packaging requirements of this subchapter and includes containers (other than freight containers or overpacks), portable tanks, cargo tanks, tank cars, and multi-unit tank car tanks. For radioactive materials, see § 173.403 of this subchapter.

* * * * *

"Preferred route" or "Preferred highway" is a highway for shipment of "highway route controlled quantities" of radioactive materials so designated by a State routing agency, and any Interstate System highway for which an alternative highway has not been designated by such State agency as provided by § 177.825(b) of this subchapter.

* * * * *

"Radioactive materials" See § 173.403 of this subchapter for definitions relating to radioactive materials.

* * * * *

2a. In § 171.11, paragraph (d)(6)(ii), is amended by removing section reference "§ 173.393(b)" and inserting in its place "§ 173.471, 173.472 and 173.473"; paragraph (d)(6)(iii) is amended by removing section reference "173.393 (p)(q) and (r)(3)" and inserting in its place "173.448 (e)(f) and (g)(3)"; paragraph (d)(6)(iv) is amended by removing section reference "§ 173.391" and inserting in its place "§§ 173.421, 173.422 or 173.424, as appropriate"; and paragraph (d)(6)(v) is revised to read as follows:

§ 171.11 Use of ICAO Technical Instructions.

* * * * *

(d) * * *

(6) * * *

(v) Type A package contents shall be limited in accordance with § 173.431 of this subchapter.

* * * * *

3. In § 171.12, paragraph (e) is revised to read as follows:

§ 171.12 Import and export shipments.

* * * * *

(e) Radioactive materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled and otherwise prepared for shipment in accordance with IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)", if:

(1) The radioactive material is offered and accepted in accordance with the requirements of Subparts C and F of Part 172 of this subchapter pertaining to shipping papers and placarding;

(2) For fissile materials and Type B packages, the competent authority certifiction and any necessary revalidation is obtained from the appropriate competent authorites as specified in §§ 173.471, 173.472 and 173.473 of this subchapter; and all requirements of the certificates and revalidations are met;

(3) Type A package contents shall be limited in accordance with § 173.431 of this subchapter; and

(4) The country of origin for the shipment has adopted the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)."

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

4. The Hazardous Materials Table to § 172.101 is amended as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
↳ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(5)	(5)	(6)	(6)	(6)	(6)	(6)
	Deletions										
	Plutonium nitrate, solution	Radioactive Material	RAD101	Radioactive (See 172.403)	173.393	173.396			1,2	1,2	

5. In §
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(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Radioactive device, n.o.s.	Radioactive Material	UN2911	None	173.391				1,2	1,2	
	•	•	•	•	•		•	•			
	Revisions										
	•	•	•	•	•		•	•			
	Radioactive material, empty packages.	Radioactive Material	UN2908	Empty	173.427				1,2	1,2	
	Radioactive material, fissile, n.o.s.	Radioactive Material	UN2918	Radioactive	173.453	173.417			1,2	1,2	
	Radioactive material, instruments and articles.	Radioactive Material	UN2911	None	173.422 173.424				1,2	1,2	
	Radioactive material, limited quantity, n.o.s.	Radioactive Material	UN2910	None	173.421				1,2	1,2	
	Radioactive material, low specific activity *or* LSA, n.o.s.	Radioactive Material	UN2912	Radioactive	173.421 173.422 173.424	173.425			1,2	1,2	
	Radioactive material, n.o.s.	Radioactive Material	UN2982	Radioactive	173.421 173.422 173.434	173.415 173.416			1,2	1,2	
	Radioactive material, special form, n.o.s.	Radioactive Material	UN2974	Radioactive	173.421 173.422	173.415 173.416			1,2	1,2	
	•	•	•	•	•		•	•			
	Thorium metal, pyrophoric.	Radioactive Material	UN2975	Radioactive and Flammable Solid.	None	173.418	Forbidden	2.5 pounds	1,2	1,2	
	Thorium nitrate	Radioactive Material	UN2976	Radioactive and Oxidizer.	None	173.419	Forbidden	25 pounds	1,2	1,2	Separate longitudinally by a complete hold or compartment from explosives.
	•	•	•	•	•		•	•			
	Uranium hexafluoride, fissile (containing *more than 0.72% U-235*).	Radioactive Material	UN2977	Radioactive and Corrosive.	173.453	173.417			1,2	1,2	
	Uranium hexafluoride, low specific activity.	Radioactive Material	UN2978	Radioactive and Corrosive.	173.421	173.425			1,2	1,2	
	Uranium metal pyrophoric.	Radioactive Material	UN2979	Radioactive and Flammable solid.	None	173.418	Forbidden	Forbidden	1,2	1,2	
E	Uranyl acetate (RQ-5000/2270).	Radioactive Material	NA9180	Radioactive	173.421 173.425	173.415 173.416			1,2	1,2	
E	Uranyl nitrate hexahydrate solution (RQ-5000/2270).	Radioactive Material	UN2980	Radioactive and Corrosive.	173.421 173.425	173.415 173.416 173.417			1,2	1,2	
E	Uranyl nitrate, solid (RQ-5000/2270).	Radioactive Material	UN2981	Radioactive and Oxidizer.	None	173.419	Forbidden	25 pounds	1,2	1,2	Separate longitudinally by an intervening hold or compartment from explosives.
	•	•	•	•	•		•	•			

5. In § 172.203, paragraph (d)(1)(i) is amended by removing section reference "§ 173.390" and inserting in its place "§ 173.435"; paragraph (d)(1)(vi)(A) is amended by removing section reference "§ 173.396(a)" and inserting in its place "§ 173.453"; paragraph (d)(1)(vi)(B) is amended by removing section reference "§ 173.389(a)" and inserting in its place "§ 173.455"; paragraph (d)(1)(vii) is amended by removing the phrases "U.S. Energy Research and Development Administration (ERDA)" and "ERDA", and inserting in their appropriate place "U.S. Department of Energy (DOE)" and "DOE", and by removing section reference "§ 173.393a" and inserting in its place "§ 173.471"; paragraph (d)(1)(viii) is amended by removing section reference "§ 173.393b(a)(3)" and inserting in its place "§ 173.473"; paragraph (d)(1)(ix) is removed; and the last sentence of paragraph (d)(1)(iii) is amended to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(d) * * *

(1) * * *

(iii) * * * For the shipment of a package containing a highway route controlled quantity of radioactive

materials (see § 173.403(1) of this subchapter), the words "Highway route controlled quantity" must be entered in association with the basic description.

* * * * *

§ 172.204 [Amended]

6. In § 172.204, paragraph (c)(4) is amended by removing section reference "§ 173.391(a)(b) or (c)" and inserting in its place "§§ 173.421, 173.422, 173.424."

§ 172.310 [Amended]

7. In § 172.310, paragraph (a)(2) is amended by removing section reference "§§ 173.389(j) and (k) and 173.398(b) and (c)" and inserting in its place "§ 173.403"; and paragraph (a)(3) is amended by removing section reference "§§ 173.393a and 173.393b" and inserting in its place §§ 173.471, 173.472, and 173.473."

8. In § 172.400, paragraph (b)(10) is revised to read as follows:

§ 172.400 General labeling requirements.

* * * * *

(b) * * *

(10) Package of low specific activity radioactive material, when being transported in a transport vehicle assigned for exclusive use of the consignor under § 173.425(b) of this subchapter.

* * * * *

9. In § 172.403, paragraph (a) is amended by removing section reference "§ 173.391 or § 173.392" and inserting in its place "§§ 173.421 through 173.425"; paragraph (g)(1) is amended by removing section reference "§ 173.390" and inserting in its place "§ 173.435"; paragraph (g)(2) is amended by removing the phrase "Number of curies" and inserting in its place "Activity"; paragraph (g)(3) is amended by removing the section reference "§ 173.389(i)" and inserting in its place "§ 173.403"; paragraph (d) is removed and reserved; and paragraphs (b) and (c) are revised to read as follows:

§ 172.403 Radioactive material.

* * * * *

(b) The proper label to affix to a package of radioactive material is based on the radiation level at the surface of the package, the transport index (§ 173.403 of this subchapter) and, if appropriate, the fissile characteristics of the package. The proper category of label shall be determined in accordance with paragraph (c) of this section. The label to be applied shall be the highest category required for any of the three determining conditions for the package. Radioactive White-I is the lowest category and Radioactive Yellow-III is the highest. For example: a package with a transport index of 0.8 and a maximum surface radiation level of 60 millirem per hour which contains no fissile material must bear a Radioactive Yellow-III label.

(c) Category of Label to be Applied to Radioactive Materials Packages:

Transport index (T.I.)	Radiation level at package surface (RL)	Fissile criteria	Label category.[1]
T.I. = 0	RL ≤ 0.5 millirem per hour [mrem/h]	Fissile class I only, no fissile class II or III.	White-I.
T.I. ≤ 1.0	0.5 mrem/h < RL ≤ 50	Fissile class I, fissile class II, with T.I. ≤ 1.0, no fissile class III.	Yellow-II.
1.0 < T.I.	50 mrem/h < RL	Fissile class II with 1.0 < T.I., fissile class III.	Yellow-III.

[1] Any package containing a "highway route controlled quantity" (§ 173.403 of this subchapter) must be labeled as Radioactive Yellow-III.

(d) [Reserved]

* * * * *

§ 172.504 [Amended]

10. In § 172.504, footnote 5 to Table 1 is amended by removing section reference "§§ 173.389(c) and 173.389(o)" and inserting in its place "§ 173.403", and by removing section reference "§ 173.392(b)" and inserting in its place "§ 173.425(b)".

10a. Section 172.507 is revised to read as follows:

§ 172.507 Special placarding provisions: Highway.

Each motor vehicle used to transport a package of highway route controlled quantity radioactive materials (see § 173.403(l) of this subchapter) must have the required RADIOACTIVE warning placard placed on a square background as described in § 172.527.

§ 172.510 [Amended]

10b. In § 172.510, paragraph (d) is amended by removing section reference "173.426" and inserting, in its place, "173.9".

§ 172.527 [Amended]

10c. In § 172.527, paragraph (a) is amended by removing the term "large quantity" and inserting in its place "highway route controlled quantity".

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

§ 173.7 [Amended]

10d. In §173.7, paragraph (d) is amended by removing section reference "§§ 173.393a and 173.394 through 173.396" and inserting in its place, "§§ 173.416 and 173.417".

§ 173.22 [Amended]

10e. In § 173.22, paragraph (c) is amended by removing the phrase "large quantity packages of radioactive material (see § 173.389 of this subchapter)" and inserting in its place "highway route controlled quantity packages of radioactive materials (see § 173.403)"; and paragraph (d) is amended by removing the phrase "large quantity of radioactive material (see § 173.389(b))" and inserting in its place "highway route controlled quantity of radioactive material (see § 173.403(1))".

§ 173.29 [Amended]

11. In § 173.29, paragraph (b) is removed and reserved.

§ 173.121 [Amended]

11a. In § 173.121, paragraph (a)(6) is amended by removing section reference "173.432" and inserting in its place "173.10."

§ 173.123 [Amended]

11b. In § 173.123, paragraph (a)(5) is amended by removing section reference "173.432" and inserting in its place "173.10".

§ 173.226 [Reserved]

12. Section 173.226 is removed and reserved.

§ 173.389 through 173.398 [Reserved]

13. Sections 173.389 through 173.398 are removed and reserved.

§ 173.9 [Redesignated from § 173.426]

13a. Section 173.426 is transferred to Subpart A and redesignated as § 173.9.

§ 173.10 [Redesignated from § 173.432]

13b. Section 173.432 is transferred to Subpart A and redesignated as § 173.10.

14. Subpart I is revised to read as follows:

Subpart I—Radioactive Materials

Sec.

173.401 Scope.
173.403 Definitions.
173.411 General design requirements.
173.412 Additional design requirements for Type A packages.
173.413 Requirements for Type B packages.
173.415 Authorized Type A packages.
173.416 Authorized Type B packages.
173.417 Authorized packaging—fissile materials.
173.418 Authorized packaging—pyrophoric radioactive materials.
173.419 Authorized packaging—oxidizing radioactive materials.
173.421 Limited quantities of radioactive materials.

Sec.
173.422 Exceptions for instruments and articles.
173.423 Table of activity limits—excepted quantities and devices.
173.424 Excepted article containing natural uranium or thorium.
173.425 Transport requirements for low specific activity (LSA) radioactive materials.
173.427 Empty radioactive materials packaging.
173.431 Activity limits for Type A and Type B packages.
173.433 Requirements for determination of A_1 and A_2 values for radionuclides.
173.435 Table of A_1 and A_2 values for radionuclides.
173.441 Radiation level limitations.
173.442 Thermal limitations.
173.443 Contamination control.
173.444 Labeling requirements.
173.446 Placarding requirements.
173.447 Storage incident to transportation—general requirements.
173.448 General transportation requirements.
173.451 Fissile materials—general requirements.
173.453 Fissile materials—exceptions.
173.455 Classification of fissile materials packages.
173.457 Transportation of Fissile Class III shipments—specific requirements.
173.459 Mixing of fissile material packages.
173.461 Demonstration of compliance with tests.
173.462 Preparation of specimens for testing.
173.463 Packaging and shielding—testing for integrity.
173.465 Tests for proposed packagings designed for normal conditions of transportation.
173.466 Additional tests for Type A packagings designed for liquids and gases.
173.467 Tests for demonstrating the ability of Type B and fissile radioactive materials packagings to withstand accident conditions in transportation.
173.469 Tests for special form radioactive materials.
173.471 Requirements for U.S. Nuclear Regulatory Commission approved packages.
173.472 Requirements for exporting DOT specification Type B and fissile packages.
173.473 Requirements for foreign-made packages.
173.474 Quality control for construction of packaging.
173.475 Quality control requirements prior to each shipment of radioactive materials.
173.476 Approval of special form radioactive materials.
173.477 Approval for export shipments.
173.478 Notification to competent authorities for export shipments.

Subpart I—Radioactive Materials

§ 173.401 Scope.

(a) This subpart sets forth requirements for the transportation of radioactive materials by carriers and shippers subject to this subchapter. The requirements prescribed in this subpart are in addition to, but not in lieu of, other requirements set forth in this subchapter and in 10 CFR Part 71 for the packaging and transportation of radioactive materials.

(b) This subpart does not apply to—

(1) Radioactive materials produced, used, transported, or stored within an establishment other than during the course of transportation.

(2) Radioactive materials contained in a medical device, such as a heart pacemaker, which is implanted in a human being or live animal.

(3) Radiopharmaceuticals that have been injected into, or ingested by, and are still in human beings or live animals.

§ 173.403 Definitions.

In this subpart:

(a) "A_1" means the maximum activity of special form radioactive material permitted in a Type A package.

(b) "A_2" means the maximum activity of radioactive material, other than special form or low specific activity radioactive material, permitted in a Type A package. These values are either listed in § 173.435 or may be derived in accordance with the procedure prescribed in § 173.433.

(c) "Closed transport vehicle" means a vehicle equipped with a securely attached exterior enclosure that during normal transportation restricts the access of authorized persons to the cargo space containing the radioactive materials. The enclosure may be either temporary or permanent, and in the case of packaged materials may be of the "see-through" type, and must limit access from top, sides, and ends.

(d) "Containment system" means the components of the packaging intended to retain the radioactive contents during transportation.

(e) "Conveyance" means any vehicle, aircraft, vessel, freight container, or hold, compartment or defined deck area of an inland waterway craft or seagoing vessel.

(f) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(g) "Design" means the description of a special form material, a package, or a packaging, that enables those items to be fully identified. The description may include specifications, engineering drawings, reports showing compliance with regulatory requirements, and other relevent documentation.

(h) "Enriched uranium" means uranium containing more uranium-235 than the naturally occurring distribution of uranium isotopes.

(i) "Exclusive use" (also referred to in other regulations as "sole use" or "full load") means the sole use of a conveyance by a single consignor and for which all initial, intermediate, and final loading and unloading are carried out in accordance with the direction of the consignor or consignee.

(j) "Fissile material" means any material consisting of or containing one or more fissile radionuclides. Fissile radionuclides are plutonium-238, plutonium-239, plutonium-241, uranium-233 and uranium-235. Neither natural nor depleted uranium are fissile material. Fissile materials are classified according to the controls needed to provide nuclear criticality safety during transportation, as provided in § 173.455. Certain exclusions are provided in § 173.453.

(k) "Freight container" means a reusable container having a volume of 1.81 cubic meters (64 cubic feet) or more, designed and constructed to permit being lifted with its contents intact and intended primarily for containment of packages in unit form during transportation. A small freight container is one which has either one outer dimension less than 1.5 meters (4.9 feet) or an internal volume of not more than 3.0 cubic meters (106 cubic feet). All other are designated as "large freight containers."

(l) "Highway route controlled quantity" means a quantity within a single package which exceeds:

(1) 3000 times the A_1 value of the radionuclides as specified in § 173.433 for special form radioactive material;

(2) 3000 times the A_2 value of the radionuclides as specified in § 173.433 for special form radioactive material; or

(3) 30,000 curies, whichever is least.

(m) "Limited quantity of radioactive materials" means a quantity of radioactive material not exceeding the limits given in § 173.423.

(n) "Low specific activity material (LSA)" means any of the following:

(1) Uranium or thorium ores and physical or chemical concentrates of those ores.

(2) Unirradiated natural or depleted uranium or unirradiated natural thorium.

(3) Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries per milliliter.

(4) Material in which the radioactivity is essentially uniformly distributed and in which the estimated average concentration per gram of contents does not exceed:

(i) 0.0001 millicurie of radionuclides for which the A_2 quantity is not more than .05 curie;

(ii) 0.005 millicurie of radionuclides for which the A_s quantity is more than .05 curie, but not more than 1 curie; or

(iii) 0.3 millicurie of radionuclides for which the A_s quantity is more than 1 curie.

(5) Objects of nonradioactive material externally contaminated with radioactive material, provided that the radioactive material is not readily dispersible and the surface contamination, when averaged over an area of 1 square meter, does not exceed 0.0001 millicurie (220,000 disintegrations per minute) per square centimeter of radionuclides for which the A_s quantity is not more than .05 curie, or 0.0001 millicurie (2,200,000 disintegrations per minute) per square centimeter for other radionuclides.

(o) "Multilateral approval" means approval by both the appropriate competent authority of the country of origin and of each country through or into which the shipment is to be transported. This definition does not imply approval from countries over which radioactive materials are carried in aircraft, if there is no scheduled stop in that country.

(p) "Natural thorium" means thorium with the naturally occuring distribution of thorium isotopes (essentially 100 weight percent thorium-232).

(q) "Natural uranium" means uranium with the naturally occuring distribution of uranium isotopes (approximately 0.711 weight percent uranium-235 and the remainder essentially uranium-238).

(r) "Non-fixed radioactive contamination" means radioactive contamination that can be readily removed from a surface by wiping with an absorbent material. Non-fixed (removable) radioactive contamination is not significant if it does not exceed the limits specified in § 173.443.

(s) "Normal form radioactive material" means radioactive material which has not been demonstrated to qualify as "special form radioactive material."

(t) "Package" means, for radioactive materials, the packaging together with its radioactive contents as presented for transport.

(u) "Packaging" means, for radioactive materials, the assembly of components necessary to ensure compliance with the packaging requirements of this subpart. It may consist of one or more receptacles, absorbent materials, spacing structures, thermal insulation, radiation shielding, and devices for cooling or absorbing mechanical shocks. The vehicle, tie-down system, and auxiliary equipment may sometimes be designated as part of the packaging.

(v) "Radiation level" means the radiation dose-equivalent rate expressed in millirem per hour (mrem/h). Neutron flux densities may be converted into radiation levels according to Table 1:

TABLE 1.—NEUTRON FLUX DENSITIES TO BE REGARDED AS EQUIVALENT TO A RADIATION LEVEL OF 1 MILLIREM PER HOUR (MREM/H)[1]

Energy of neutron	Flux density equivalent to 1 mrem/h (Neutrons per square centimeter per second(n/cm²/s))
Thermal	[illegible]
5 keV	220.0
[illegible]keV	112.0
100 keV	32.0
500 keV	16.0
1 MeV	7.2
5 MeV	7.2
10 MeV	6.8

[1] Flux densities equivalent for energies between those listed above may be obtained by linear interpolation.

(w) "Radioactive article" means any manufactured device such as an instrument, clock, electronic tube or apparatus, or similar device having radioactive material as a component part.

(x) "Radioactive contents" means the radioactive material, together with any contaminated liquids or gases, within the package.

(y)"Radioactive material" means any material having a specific activity greater than 0.002 microcuries per gram (uCi/g)(see definition of "specific activity").

(z) "Special form radioactive material" means radioactive material which satisfies the following conditions:

(1) It is either a single solid piece or is contained in a sealed capsule that can be opened only by destroying the capsule;

(2) The piece or capsule has at least one dimension not less than 5 millimeters (0.197 inch); and

(3) It satisfies the test requirements of § 173.469. Special form encapsulations designed in accordance with the requirements of § 173.389(g) in effect on June 30, 1983, and constructed prior to July 1, 1985 may continue to be used. Special form encapsulations either designed or constructed after June 30, 1985 must meet the requirements of this paragraph.

(aa) "Specific activity" of a radionuclide, means the activity of the radionuclide per unit mass of that nuclide. The specific activity of a material in which the radionuclide is essentially uniformly distributed is the activity per unit mass of the material.

(bb) "Transport index" means the dimensionless number (rounded up to the first decimal place) placed on the label of a package to designate the degree of control to be exercised by the carrier during transportation. The transport index is determined as follows:

(1) The number expressing the maximum radiation level in millirem per hour at one meter (3.3 feet) from the external surface of the package; or

(2) For Fissile Class II packages or packages in a Fissile Class III shipment, the number expressing the maximum radiation level at one meter (3.3 feet) from the external surface of the package, or the number obtained by dividing 50 by the allowable number of packages which may be transported together, whichever is larger.

(cc) "Type A package" means a Type A packaging together with its limited radioactive contents. A Type A package does not require competent authority approval, since its contents are limited to A_1 or A_2.

(dd) "Type B package" means a Type B packaging together with its radioactive contents.

(ee) "Type B(M)" means a Type B packaging, together with its radioactive contents, that for international shipments requires multilateral approval of the package design, and may require approval of the conditions of shipment. Type B(M) packages are those Type B package designs which have a maximum normal operating pressure of more than 7 kilograms per square centimeter (100 pounds per square inch) gauge or a relief device which would allow the release of radioactive material to the environment under the hypothetical accident conditions specified in 10 CFR Part 71.

(ff) "Type B(U) package" means a Type B packaging, together with its radioactive contents, that for international shipments, requires unilateral approval only of the package design and of any stowage provisions that may be necessary for heat dissipation.

(gg) "Type A packaging" means a packaging designed to retain the integrity of containment and shielding required by this part under normal conditions of transport as demonstrated by the tests set forth in §§ 173.465 or 173.466, as appropriate.

(hh) "Type B packaging" means a packaging designed to retain the integrity of containment and shielding required by this part when subjected to the normal conditions of transport and hypothetical accident test conditions set forth in 10 CFR Part 71.

(ii) "Uncompressed gas" means, for the purposes of this subpart, gas at a pressure not exceeding the ambient

atmospheric pressure at the time and location the containment system is closed. All other radioactive gases are considered to be compressed.

(jj) "Unilateral approval" means approval by the competent authority of the country of origin only.

(kk) "Unirradiated thorium" means thorium containing not more than 10^{-7} grams uranium-233 per gram of thorium-232.

(ll) "Unirradiated uranium" means uranium containing not more than 10^{-6} grams plutonium per gram of uranium-235 and a fission product activity of not more than 0.25 millicuries of fission products per gram of uranium-235.

§ 173.411 General design requirements.

Except for a package that contains a limited quantity or excepted device under §§ 173.421 through 173.424, each package used for shipment of radioactive materials shall be designed so that—

(a) The package can be easily handled and properly secured in or on a conveyance during transport;

(b) A package with a gross weight exceeding 10 kilograms [22 pounds) and up to 50 kilograms [110 pounds) has a means for manual handling;

(c) A package with a gross weight of 50 kilograms (110 pounds) or more can be safely handled by mechanical means;

(d) Each lifting attachment on the package, when used in the intended manner, with a minimum safety factor of three, does not impose an unsafe stress on the structure of the package. In addition, the lifting attachment shall be so designed that failure under excessive load would not impair the ability of the package to meet all other requirements of this subpart. Each attachment or other feature on the outer surface of the packaging that could be used to lift the package must be removable or otherwise capable of being made inoperable for transport, or shall be designed with strength equivalent to that required for lifting attachments;

(e) The external surface, as far as practicable, may be easily decontaminated;

(f) The outer layer of packaging will avoid, as far as practicable, pockets or crevices where water might collect; and

(g) Each feature that is added to the package at the time of transport, and that is not a part of the package, will not reduce the safety of the package.

§ 173.412 Additional design requirements for Type A packages.

In addition to meeting the general design requirements prescribed in § 173.411, each Type A packaging shall be designed so that:

(a) The smallest overall external dimension of the package is not less than 10 centimeters (4 inches);

(b) The outside of the packaging incorporates a feature, such as a seal, that is not readily breakable, and that, while intact, is evidence that the package has not been opened. In the case of packages shipped in exclusive use closed transport vehicles, the cargo compartment may be sealed instead of the individual packages;

(c) As far as practicable, the external surfaces are free from protrusions and are designed and finished so that they can be easily decontaminated;

(d) Containment and shielding would be maintained during transportation and storage in a temperature range of −40°C (−40°F) to 70°C (158°F) with account being taken of the possibility of brittle fracture;

(e) It is able to withstand the effects of any acceleration, vibration, or vibration resonance that may arise during normal transportation, without any deterioration of the effectiveness of closing devices or of the integrity of the package as a whole and without loosening or unintentional release of nuts, bolts, or other securing devices even after repeated use;

(f) It includes a containment system securely closed by a positive fastening device that cannot be opened unintentionally or by pressure that may arise within the package during normal transport. Special form, as demonstrated in accordance with § 173.469 may be considered as a component of the containment system;

(g) The materials of the packaging and any components or structures are physically and chemically compatible with each other and with the contents, taking into account the behavior of each under irradiation;

(h) For each component of the containment system account is taken, where applicable, of radiolytic decomposition of materials and the generation of gas by chemical reaction and radiolysis;

(i) The containment system will retain its radioactive contents under the reduction of ambient pressure to .25 kilograms per square centimeter [3.5 pounds per square inch);

(j) Each valve through which the radioactive contents could otherwise escape is protected against damage and unauthorized operation and, except for a pressure relief device, has an enclosure to retain any leakage;

(k) Any radiation shield that encloses a component of the packaging specified as part of the containment system will prevent the unintentional escape of that component from the shield;

(l) Failure of any tie down attachment on the packaging under excessive load will not impair the ability of the package to meet other requirements of this subpart;

(m) When subjected to the tests specified in § 173.465 or evaluated against these tests by any of the methods authorized by § 173.461(a), the packaging will prevent—

(1) Loss or dispersal of the radioactive contents; and

(2) Any significant increase in the maximum radiation level recorded or calculated at the external surface for the condition before the test;

(n) Each packaging designed for liquids will—

(1) Meet the conditions prescribed in paragraph (m) of this section when subjected to the tests specified in § 173.465 or evaluated against these tests by any of the methods authorized by § 173.461(a);

(2) For any package with a liquid volume not exceeding 50 cubic centimeters (1.7 fluid ounces), have sufficient suitable absorbent material to absorb twice the volume of the liquid contents. The absorbent material shall be compatible with the package contents and suitably positioned to contact the liquid in the event of leakage; and

(3) For any package with a liquid volume exceeding 50 cubic centimeters (1.7 fluid ounces), either;

(i) Have sufficient absorbent material as prescribed in paragraph (n)(2) of this section; or

(ii) Have a containment system composed of primary inner and secondary outer containment components designed to assure retention of the liquid contents within the secondary outer components in the event that the primary inner components leak; and

(o) Each package designed for compressed or uncompressed gases other than tritium or argon-37 not exceeding 200 curies will be able to prevent loss of contents when the package is subjected to the tests prescribed in § 173.465 or evaluated against these tests by any of the methods authorized by § 173.461(a).

§ 173.413 Requirements for Type B packages.

Each Type B(U) or Type B(M) package must be designed and constructed to meet the applicable requirements in 10 CFR Part 71.

§ 173.415 Authorized Type A packages.

The following packages are authorized for shipment, if they do not

contain quantities exceeding A_1 or A_2 as appropriate:

(a) U.S. Department of Transportation (DOT) Specification 7A (§ 178.350 of this subchapter) Type A general packaging. Each shipper of a Specification 7A package must maintain on file for at least one year after the latest shipment, and shall provide to DOT on request, a complete documentation of tests and an engineering evaluation or comparative data showing that the construction methods, packaging design, and materials of construction comply with that specification. Specification 7A packagings designed in accordance with the requirements of § 178.350 in effect on June 30, 1983, and constructed prior to July 1, 1985, may continue to be used. Packagings either designed or constructed after June 30, 1985, must meet the requirements of § 178.350 applicable at the time of their design or construction.

(b) DOT Specification 55 metal-encased shielded packaging constructed before April 1, 1975. Such packaging constructed after March 31, 1975 is not authorized unless it is requalified under DOT Specification 7A. Each packaging designed for liquids must also meet the requirements of § 173.412 (m) and (n). Use of this packaging as DOT Specification 55 is not authorized after June 30, 1985.

(c) Any Type B(U) or B(M) packaging, pursuant to § 173.416.

(d) Any foreign made packaging that bears the marking "Type A" and complies with the regulations of the country of origin applicable to Type A packages.

§ 173.416 Authorized Type B packages.

Each of the following packages is authorized for shipment of quantities exceeding A_1 or A_2, as appropriate:

(a) DOT Specification 55 metal-encased shielded packaging constructed before April 1, 1975, for domestic shipments only of special form radioactive materials of 300 curies or less. Such packaging constructed after March 31, 1975 may not be designated as DOT Specification 55. Use of this packaging is not authorized after June 30, 1985 unless approved in accordance with paragraph (b) of this section.

(b) Any Type B(U) or Type B(M) packaging that meets the applicable requirements in the regulations of the U.S. Nuclear Regulatory Commission (10 CFR Part 71) and that has been approved by that Commission may be shipped pursuant to § 173.471.

(c) Any type B(U) or B(M) packaging that meets the applicable requirements of the regulations of the International Atomic Energy Agency (IAEA) in its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6; 1973 Revised Edition (as amended)" and for which the foreign competent authority certificate has been revalidated by DOT pursuant to § 173.472. Authorized only for export and import shipments.

(d) DOT Specification 6M (§ 178.104 of this subchapter) metal packaging, only for solid or gaseous radioactive materials that will not undergo pressure generating decomposition at temperatures up to 121°C (250° F) and that do not generate more than 10 watts of radioactive decay heat.

(e) For contents in other than special form; DOT Specification 20 WC (§ 178.194 of this subchapter), wooden protective jacket, when used with a single, snug-fitting inner DOT Specification 2R (§ 178.34 of this subchapter), or a DOT Specification 55 container constructed prior to April 1, 1975. Such packagings constructed after March 31, 1975, may not be designated as DOT Specification 55. For liquid contents, the inner packaging must comply with § 173.412 (m) and (n).

(f) For contents in special form only; DOT Specification 20WC (§ 178.194 of this subchapter), wooden protective jacket, with a single snug-fitting inner Type A packaging that has a metal outer wall and conforms to § 178.350 of this subchapter, or an inner DOT Specification 55 packaging constructed prior to April 1, 1975. Such packagings constructed after March 31, 1975, may not be designated as DOT Specification 55. Radioactive decay heat may not exceed 100 watts.

(g) For contents in special form only; DOT Specification 21WC (§ 178.195 of this subchapter), wooden protective overpack, with a single inner DOT Specification 2R (§ 178.34 of this subchapter) or an inner DOT Specification 55 container constructed prior to April 1, 1975. Such packagings constructed after March 31, 1975, may not be designated as DOT Specification 55. Contents shall be loaded within the inner packaging in such a manner as to prevent loose movement during transportation. The inner packaging shall be securely positioned and centered within the overpack so that there will be no significant displacement of the inner packaging if subjected to the 9 meter (30 feet) drop test described in 10 CFR Part 71.

§ 173.417 Authorized packaging—Fissile materials.

(a) Except as provided in § 173.453, fissile materials containing not more than A_1 or A_2 as appropriate, shall be packaged in one of the following packagings:

(1) DOT Specification 6L (§ 178.103 of this subchapter), metal packaging, for materials prescribed in paragraph (b)(1) of this section.

(2) DOT Specification 6M (§ 178.104 of this subchapter), metal packaging, for materials prescribed in paragraph (b)(2) of this section.

(3) Any packaging listed in § 173.415, limited to the following radioactive materials:

(i) 500 grams of uranium-235 in a single shipment as Fissile Class III or not more than 40 grams of uranium-235 per package as Fissile Class II. For Fissile Class II shipments, the transport index assigned to each package shall not be less than 0.4 for each gram of uranium-235 above 15 grams up to the maximum of 40 grams (transport index of 10).

(ii) 320 grams of plutonium-239 as plutonium-beryllium neutron sources in special form. Total radioactivity content may not exceed 20 curies. The transport index to be assigned to each package must be 0.5 of each 20 grams, or fraction thereof, of fissile plutonium.

(4) Any other Type A or Type B packaging for fissile radioactive materials that also meets the applicable standards for fissile materials in the regulations of the U.S. Nuclear Regulatory Commission (10 CFR Part 71), and is used in accordance with § 173.471.

(5) Any other Type A or Type B packaging that also meets the applicable requirements for fissile material packaging in Section VI of the International Atomic Energy Agency "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)", and for which the foreign competent authority certificate has been revalidated by the Associate Director for HMR, in accordance with § 173.472. Authorized only for export and import shipments.

(6) A DOT Specification 6J (§ 178.100 of this subchapter) or 17H (§ 178.118 of this subchapter) 55-gallon steel drum, subject to the following conditions:

(i) The quantity may not exceed 350 grams of uranium-235 in any non-pyrophoric form, enriched to any degree in the uranium-235 isotope.

(ii) Each drum must have a minimum 18 gauge body and bottom head and 16 gauge removable top head with one or more corrugations in the cover near the periphery.

(iii) Closure must conform to § 178.103–5(a) of this subchapter.

(iv) At least four equally spaced 12 millimeter (0.5 inch) diameter vent holes shall be provided on the sides of the drum near the top, each covered with weatherproof tape or equivalent device.

(v) Appropriate primary inner containment of the contents and sufficient packaging material, such as plastic or metal jars or cans shall be provided such that Specification 7A (§ 173.350 of this subchapter) provisions are satisfied by the inner packaging.

(vi) Each inner container shall be capable of venting if subjected to the thermal test described in 10 CFR Part 71.

(vii) Liquid contents shall be packaged in accordance with § 173.412(m) and (n).

(viii) The maximum weight of contents including internal packaging may not exceed 91 kilograms (200 pounds) with fissile material content limited as shown in Table 2:

TABLE 2.—FISSILE MATERIAL CONTENT AND TRANSPORT INDEX FOR SPECIFICATION 6J OR 17H PACKAGES

Maximum U-235 per package (grams)	Minimum transport index per package as Fissile Class II	Maximum packages per transport vehicle as Fissile Class III
350	1.8	72
300	1.0	129
250	0.5	256
200	0.3	500
150	0.1	500
100	0.1	500
50	(1)	(1)

[1] Fissile Class I.

(7) Any metal cylinder that meets the performance requirements of §§ 173.415 and 178.350 of this subchapter for Specification 7A Type A packaging may be used as a Fissile Class I package for the transport of residual "heels" of enriched solid uranium hexafluoride without a protective overpack in accordance with Table 3:

TABLE 3.—ALLOWABLE CONTENT OF URANIUM HEXAFLUORIDE (UF_6) "HEELS" IN A SPECIFICATION 7A CYLINDER

Maximum cylinder diameter		Cylinder volume		Maximum Uranium-235 enrichment (weight percent)	Maximum "heel" weight per cylinder			
					UF_6		Uranium-235	
Inches	Centimeters	Cubic Feet	Liters		kg	(lb)	kg	(lb)
5	12.7	0.311	8.8	100.0	0.045	0.1	0.031	0.07
8	20.3	1.359	39	12.5	0.227	0.5	.019	0.04
12	30.3	2.410	68	5.0	0.454	1.0	.015	0.03
30	76	25.64	725	5.0	11.3	25.0	.365	0.84
48	122	106.9 (10 ton)	3084	4.5	22.7	50	.690	1.52
		142.7 (14 ton)	4041					

(8) DOT Specifications 20PF–1, 20PF–2, or 20PF–3 (§ 178.120 of this subchapter) or Specifications 21PF–1 or 21PF–2 (§ 178.121 of this subchapter) phenolic-foam insulated overpack with snug fitting inner metal cylinders, for materials prescribed in paragraph (b)(5) of this section.

(b) Fissile radioactive materials with radioactive content exceeding A_1 or A_2 shall be packaged in one of the following packagings:

(1) DOT Specification 6L (§ 178.103 of this subchapter), metal packaging. Authorized only for uranium-235, plutonium-239 or plutonium-241, as metal, oxide, or compounds that do not decompose at temperatures up to 149°C (300°F). Radioactive decay heat output may not exceed 5 watts. Radioactive materials in normal form shall be packaged in one or more tightly sealed metal cans or polyethylene bottles within a DOT Specification 2R (§ 178.34 of this subchapter) containment vessel. Packages are authorized as Fissile Class II and III with materials limited in accordance with Table 4:

TABLE 4.—AUTHORIZED CONTENTS IN KILOGRAMS (KG) AND CONDITIONS FOR SPECIFICATION 6L PACKAGES

Uranium-235		Plutonium-[1]			
H/X<3 [2]	3<H/X<10	H/X<10	10<H/X<20	Fissile class II transport index	Fissile class III maximum number of packages per transport vehicle
14	[3]3.6	2.5	2.4	1.3 1.8	80 50

[1] Plutonium solutions are not authorized.
[2] H/X is the ratio of hydrogen to fissile atoms in the inner containment with all sources of hydrogen in the containment considered.
[3] Volume not to exceed 3.6 liters.

(2) DOT Specification 6M (§ 178.104 of this subchapter), metal packaging. Authorized only for solid radioactive materials that will not decompose at temperatures up to 121°C(250°F). Radioactive decay heat output may not exceed 10 watts. Radioactive materials in other than special form shall be packaged in one or more tightly sealed metal cans or polyethylene bottles within a DOT Specification 2R (§ 178.34 of this subchapter) containment vessel. For fissile materials:

(i) Fissile Class I packages are limited to the following amounts of fissile radioactive materials: 1.6 kilograms of uranium-235; 0.9 kilograms of plutonium (except that due to the 10-watt thermal decay heat limitation, the limit for plutonium-238 is 0.02 kilograms); and 0.5 kilograms of uranium-233. The maximum ratio of hydrogen to fissile material must not exceed three, including all of the sources of hydrogen within the DOT Specification 2R containment vessel.

(ii) Maximum quantities of fissile material for Fissile Class II and Fissile Class III, and other restrictions are given in Table 5. For a Fissile Class II package, the minimum transport index to be assigned is shown in Table 5 and for a Fissile Class III shipment, the allowable number of similar packages per transport vehicle is shown. Each Fissile Class III shipment is also subject to the requirements in § 173.457. Where a maximum ratio of hydrogen to fissile material is specified in Table 5, only the hydrogen interspersed with the fissile material need be considered. For a uranium-233 shipment, the maximum inside diameter of the inner containment vessel must not exceed 12.1 centimeters (4.75 inches). Where necessary, a tight fitting steel insert shall be used to

reduce a larger diameter inner containment vessel specified in § 178.104–3(b) of this subchapter to the 12 centimeter (4.75 inch) limit.

TABLE 5.—AUTHORIZED CONTENTS FOR SPECIFICATION 6M PACKAGES[1]

Uranium-233[2]			Uranium-235[2 7]			Plutonium[2 3 4]			Fissile class II transport index	Fissile class III maximum number of packages per transport vehicle
Metal or alloy	Compounds		Metal or alloy	Compounds		Metal or alloy	Compounds			
[8]H/X=0	H/X=0	H/X<3	H/X=0	H/X=0	H/X<3	H/X=0	H/X=0	H/X<3		
3.6	4.4	2.9	7.2	7.6	5.3	3.1	4.1	3.4	0.1	1,250
[6]4.2	5.2	3.5	8.7	9.5	6.4	3.4	4.8	4.1	0.2	625
[6]5.2	6.6	4.3	11.2	13.9	8.3	4.2	.....	4.5	0.5	250
.....	.....	.....	13.8	16.0	10.1	4.5	.....	.....	1.0	125
.....	.....	.....	.....	26.0	16.1	.....	.....	.....	5.0	25
.....	.....	.....	.....	32.0	19.8	.....	.....	.....	10.0	12

[1] Quantity in kilograms.
[2] Minimum percentage of plutonium-240 is 5 weight percent.
[3] 4.5 kilogram limitation of plutonium due to 10 watt decay heat limitation.
[4] For a mixture of uranium-235 and plutonium an equal amount of uranium-235 may be substituted for any portion of plutonium authorized.
[5] Maximum inside diameter of Specification 2R containment vessel not to exceed 12 centimeter (4.75 inch) (see par. (b)(2)(ii) of this section).
[6] Granulated or powdered metal with any particle less than 6 millimeter (0.25 inch) in the smallest dimension is not authorized.
[7] Maximum permitted uranium-235 enrichment is 93.5 percent.
[8] H/X is the ratio of hydrogen to fissile atoms in the inner containment with all sources of hydrogen in the containment considered.

(3) Type B(U) or B(M) packaging that meets the standards for packaging of fissile materials in 10 CFR Part 71, and is approved by the U.S. Nuclear Regulatory Commission in accordance with § 173.471.

(4) Type B(U) or B(M) packaging that meets the applicable requirements for fissile radioactive materials in Section VI of the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)" and for which the foreign competent authority certificate has been revalidated by the Associate Director for HMR in accordance with § 173.472. Authorized only for import and export shipments.

(5) DOT Specification 20PF–1, 20PF–2, or 20PF–3 (§ 178.120 of this subchapter) or Specification 21PF–1 or 21PF–2 (§ 178.121 of this subchapter) phenolic-foam insulated protective overpacks, with snugfitting inner metal cylinders meeting all of the applicable requirements of §§ 173.24, 173.411, and 173.412. Handling procedures and packaging criteria shall be in accordance with U.S. Department of Energy Report No. ORO–651 or ANSI Standard N–14.1–1971. Quantities of uranium; hexafluroide are authorized as shown in Table 6, with each package to be shipped as Fissile Class II, and assigned a minimum transport index as also shown:

TABLE 6.—AUTHORIZED QUANTITIES OF URANIUM HEXAFLUORIDE (UF_6) AS FISSILE CLASS II

Protective overpack specification number	Maximum inner cylinder diameter		Maximum weight of UF_6 contents		Maximum U-235 enrichment (weight percent)	Fissile Class II transport index
	Centimeter	Inch	Kilograms	Pounds		
20PF–1	12.7	5	25	55	100.0	0.1
20PF–2	20.3	8	114	250	12.5	4.0
20PF–3	30.5	12	209	460	5.0	1.1
21PF–1 [1]	[2]76	[3]30	2,247	4,950	5.0	5.0
	[2]76	[3]32	2,279	5,020	5.0	5.0
21PF–2 [1]	[2]76	[3]30	2,247	4,950	5.0	5.0
	[2]76	[3]30	2,279	5,020	5.0	5.0

[1] For 76 centimeter cylinders, the maximum permitted H/U atomic ratio is 0.088.
[2] Model 30A inner cylinder (Reference: ORO–651).
[3] Model 30B inner cylinder (Reference: ORO–651).

§ 173.418 Authorized packaging-pyrophoric radioactive materials.

(a) Pyrophoric radioactive materials, as referenced in § 172.101 of this subchapter, in quantities not exceeding A_2 per package shall be packaged in Type A packagings which are constructed of materials which will not react nor be decomposed by the contents. Contents must be:

(1) In solid form and must not be fissile unless excepted by § 173.453;

(2) Contained in sealed and corrosion resistant receptacles with positive closures (friction or slip-fit covers or stoppers are not authorized);

(3) Free of water and any contaminants which would increase the reactivity of the material; and

(4) Made inert to prevent self-ignition during transport by either:

(i) Mixing with large volumes of inerting materials such as graphite or dry sand, or other suitable inerting material, or blended into a matrix of hardened concrete; or

(ii) By filling the innermost receptacle with an appropriate inert gas.

(b) In addition to the applicable requirements of § 173.24 each package must be capable of passing the test conditions of § 173.465 without leakage of contents.

§ 173.419 Authorized packaging-oxidizing radioactive materials.

Certain oxidizing radioactive materials, as referenced in § 172.101 of this subchapter, and which are not fissile materials and not in quantities exceeding A_2, shall be packed in suitable inside packagings of glass, metal or compatible plastic and suitably cushioned with a material which will not react with the contents. Inner packaging and cushioning shall be enclosed within an outside packaging of wood, metal, or plastic. The package shall be capable of meeting the applicable test requirements of § 173.465 without leakage of contents. For shipment by air, the maximum quantity in any package may not exceed 11.3 kilograms (25 pounds).

§ 173.421 Limited quantities of radioactive materials.

Radioactive materials whose activity per package does not exceed the limits specified in § 173.423 are excepted from the specification packaging, marking, and labeling requirements of this subchapter and requirements of this subpart if—

(a) The materials are packaged in strong, tight packages that will not leak any of the radioactive materials during conditions normally incident to transportation;

(b) The radiation level at any point on the external surface of the package does not exceed 0.5 millirem per hour;

(c) The nonfixed (removable) radioactive surface contamination on the external surface of the package does not exceed the limits specified in § 173.443(a);

(d) The outside of the inner packaging or if there is no inner packaging, the outside of the packaging itself bears the marking "Radioactive"; and

(e) Except as provided in § 173.424, the package does not contain more than 15 grams of uranium-235.

§ 173.422 Exceptions for instruments and articles.

Instruments and manufactured articles (including clocks, electronic tubes or apparatus) or similar devices having radioactive materials in gaseous or non-dispersible solid form as a component part are excepted from the specification packaging, marking and labeling requirements of this subchapter and requirements of this subpart, if—

(a) The activity of the instrument or device does not exceed the relevant limit listed in the table in § 173.423;

(b) The total activity per package does not exceed the relevant limit listed in Table 7 in § 173.423;

(c) The radiation level at 10 centimeters (4 inches) from any point on the external surface of any unpackaged instrument or device does not exceed 10 millirem per hour;

(d) The radiation level at any point on the external surface of a package bearing the device or instrument does not exceed 0.5 millirem per hour, or, for exclusive use domestic shipments, 2 millirem per hour;

(e) The nonfixed (removable) radioactive surface contamination on the external surface of the package does not exceed the limits specified in § 173.443(a);

(f) Except as provided in § 173.424, the package does not contain more than 15 grams of uranium-235; and

(g) At least one external dimension of the package is not less than 10 centimeters (4 inches).

§ 173.423 Table of activity limits—excepted quantities and devices.

The limits applicable to instruments, devices, and limited quantities subject to exceptions under §§ 173.421 and 173.422 are shown in Table 7:

TABLE 7.—ACTIVITY LIMITS FOR LIMITED QUANTITIES, INSTRUMENTS, AND DEVICES

Nature of contents	Instruments and devices		Materials package limits
	Instrument and article limits [1]	Package limits	
Solids:			
Special form	$10^{-2}A_1$	A_1	$10^{-2}A_1$.
Other forms	$10^{-2}A_2$	A_2	$10^{-3}A_2$
Liquids:			
Tritiated water:			
<0.1 Ci/liter			1000 Curies.
0.1 Ci to 1.0 Ci/l			100 Curies.
>1.0 Ci/liter			1 Curie.
Other liquids	$10^{-3}A_1$	$10^{-4}A_1$	$10^{-4}A_2$
Gases:			
Tritium [2]	2 Curies	200 Curies	20 Curies.
Special form	$10^{-3}A_1$	$10^{-2}A_1$	$10^{-3}A_1$.
Other forms	$10^{-3}A_2$	$10^{-2}A_2$	$10^{-3}A_2$.

[1] For mixture of radionuclides see § 173.433(b).
[2] These values also apply to tritium in activated luminous paint and tritium adsorbed on solid carriers.

§ 173.424 Excepted articles containing natural uranium or thorium.

Manufactured articles in which the sole radioactive material content is natural or depleted uranium or natural thorium are excepted from the specification packaging, marking and labeling requirements of this subchapter and requirements of this subpart if—

(a) The outer surface of the uranium or thorium is enclosed in an inactive sheath made of metal or other protective material; and

(b) The conditions specified in § 173.421 (b), (c), and (d) are met.

§ 173.425 Transport requirements for low specific activity (LSA) radioactive materials.

In addition to other applicable requirements specified in this subchapter, low specific activity (LSA) materials shall be transported in accordance with paragraph (a) of this section, or if transported as exclusive-use may be transported in accordance with paragraph (b) or (c) of this section.

(a) DOT Specification 7A (§ 178.350 of this subchapter) Type A package. The requirements of § 173.412 (a), (b), (d), and (n) do not apply.

(b) Packaged shipments of LSA material consigned as exclusive use shall either be in accordance with paragraph (a) of this section or shall comply with the following in which case they are excepted from specification packaging, marking and labeling:

(1) Materials must be packaged in strong, tight packages so that there will be no leakage of radioactive material under conditions normally incident to transportation.

(2) Packages must not have any significant removable surface contamination (see § 173.443).

(3) External radiation levels must comply with § 173.441.

(4) Shipments must be loaded by consignor and unloaded by consignee from the transport vehicle in which originally loaded.

(5) There must be no loose radioactive material in the car or vehicle.

(6) Shipment must be braced so as to prevent shifting of lading under conditions normally incident to transportation.

(7) Except for shipments of unconcentrated uranium or thorium ores, the transport vehicle must be placarded with the placards prescribed in accordance with Subpart F of Part 172 of this subchapter, as appropriate.

(8) The exterior of each outside package must be stenciled or otherwise marked "Radioactive—LSA".

(9) Specific instructions for maintenance of exclusive use shipment controls must be provided by the shipper to the carrier. Such instructions must be included with the shipping paper information.

(10) Transportation by aircraft is prohibited.

(c) Unpackaged (bulk) shipments of LSA materials shall be transported only in exclusive use closed transport vehicles and shall comply with the following:

(1) Authorized materials are limited to the following:

(i) Uranium or thorium ores and physical or chemical concentrates of those ores.

(ii) Uranium metal or natural thorium metal, or alloys of these materials.

(iii) Materials of low radioactive concentration, if the average estimated radioactivity concentration does not exceed 0.001 millicurie per gram and the contribution from materials with an A_2 value (see § 173.435) of less than 0.05 curie does not exceed one percent of the total radioactivity.

(iv) Objects of nonradioactive material externally contaminated with radioactive material, if the radioactive material is not readily dispersible and the surface contamination, when averaged over one square meter, does not exceed 0.0001 millicurie per square centimeter of radionuclides for which the A_2 value is less than 0.05 or 0.0001 milicurie per square centimeter of other radionuclides. Such objects must be suitably wrapped or enclosed.

(2) Bulk liquids must be transported in the following: (i) Specification 103CW, 111A60W7 (§§ 179.200, 179.201, 179.202 of this subchapter) tank cars. Bottom openings in tanks prohibited.

(ii) Specification MC 310, MC 311, MC 312, or MC 331 (§§ 178.343 or 178.337 of this subchapter) cargo tanks. Authorized only where the radioactivity

concentration does not exceed 10 percent of the specified low specific activity levels (see § 173.403(n)). The requirements of § 173.412(n) do not apply to these cargo tanks. Bottom fittings and valves are not authorized. Trailer-on-flat-car service is not authorized.

(3) External radiation levels must comply with § 173.441(b).

(4) Shipments must be loaded by the consignor, and unloaded by the consignee from the transport vehicle in which originally loaded.

(5) Except for shipments of unconcentrated uranium or thorium ores, the transport vehicle must be placarded with the placards prescribed in Subpart F of Part 172 of this subchapter, as appropriate.

(6) There must be no leakage of radioactive materials from the vehicle.

(7) Specific instructions for maintenance of exclusive use shipment controls must be provided by the shipper to the carrier. Such instructions must be included with the shipping paper information.

(8) Transportation by aircraft is prohibited.

§ 173.427 Empty radioactive materials packaging.

Any packaging which previously contained radioactive materials and has been emptied of contents as far as practical, is excepted from marking and labeling requirements of this subchapter and from requirements of this subpart, provided that:

(a) It complies with the requirements of § 173.421(b), (c) and (e);

(b) The packaging is in unimpaired condition and is securely closed so that there will be no leakage of radioactive material under conditions normally incident to transportation;

(c) Internal contamination does not exceed 1000 times the limits specified in § 173.443, Table 10; and

(d) Any labels previously applied in conformance with Subpart E of Part 172 of this subchapter are removed, obliterated or covered and the "Empty" label prescribed in § 172.450 is affixed to the packaging.

§ 173.431 Activity for Type A and Type B packages.

(a) A Type A package shall not contain radioactive contents with an activity greater than the following, as listed in § 173.435, or for other materials as determined under § 173.433:

(1) For special form radioactive materials, A_1; or

(2) For all other radioactive materials, A_2.

(b) The limits on activity contained in a Type B(U) and Type B(M) package are those prescribed in § 173.416 or in the applicable approval recertificate under §§ 173.471 and 173.472.

§ 173.433 Requirements for determination of A_1 and A_2 values for radionuclides.

(a) *Single radionuclides.*

(1) For single radionuclides of known identity, the values of A_1 and A_2 are those given in the table in § 173.435. The values of A_1 and A_2 are also applicable for radionuclides contained in (α,n) or (γ,n) neutron sources.

(2) For any single radionuclide of known identity, which is not listed in § 173.435, the values of A_1 and A_2 shall be determined in accordance with the following:

(i) If the radionuclide emits only one type of radiation, A_1 is determined in accordance with paragraphs (A), (B), (C), and (D) of this subparagraph. For radionuclides emitting different kinds of radiation, A_1 is the most restrictive value of those determined for each kind of radiation. However, in both cases, A_1 is restricted to a maximum of 1000 curies. If a parent nuclide decays into a shorter lived daughter, of a half-life not greater than 10 days, A_1 is calculated for both the parent and the daughter, and the more limiting of the two values is assigned to the parent nuclide.

(A) For gamma emitters, A_1 is determined by the expression: $A_1 = 9\,\Gamma$ curie

where Γ is the gamma-ray constant, corresponding to the dose in roentgens per hour at 1 meter per curie; the number 9 results from the choice of 1 rem per hour at a distance of 3 meters as the reference dose-equivalent rate.

(B) For x-ray emitters, A_1 is determined by the atomic number (Z) of the nuclide:

$Z < 55 \qquad A_1 = 1000$ curies

for $Z > 55 \qquad A_1 = 200$ curies

(C) For beta emitters, A_1 is determined by the maximum beta energy (E_{max}) according to Table 8:

TABLE 8.—A_1 for Beta Emitters

E_{max} (MeV)	A_1 (curies)
<0.5	1000
0.5-<1.0	300
1.0-<1.5	100
1.5-<2.0	50
>2.0	10

(D) For alpha emitters, A_1 is determined by the expression:

$A_1 = 1000\ A_2$

where A_2 is the value listed in Table 9:

TABLE 9.—A_2 for Alpha Emitters

	A_2		
Atomic number	Half-life less than 1,000 days	Half-life 1,000 days to 10^9 years	Half-life greater than 10^9 years
1 to 81	3 curies	30 millicuries	3 curies.
82 and above.	2 millicuries	2 millicuries	3 curies.

(ii) For assignment of A_2 values, A_2 is the more restrictive of the following values:

(A) The corresponding A_1.

(B) The value A_2 obtained from Table 9.

(3) For any single radionuclide whose identity is unknown, the value of A_1 is 2 curies and the value of A_2 is 0.002 curies. However, if the atomic number of the radionuclide is less than 82, the value of A_1 is 10 curies and the value of A_2 is 0.4 curies.

(b) *Mixture of radionuclides, including radioactive decay chains.*

(1) For mixed fission products, where a detailed analysis of the mixture is not carried out, the following activity limits apply:

(i) $A_1 = 10$ curies.

(ii) $A_2 = 0.4$ curies.

(2) A single radioactive decay chain is considered to be a single radionuclide when the radionuclides are present in their naturally occurring portions and no daughter nuclide has a half-life either longer than 10 days or longer than that of the parent nuclide. The activity to be taken into account and the A_1 or A_2 value to be applied are those corresponding to the parent nuclide of that chain. When calculating A_1 or A_2 values, radiation emitted by daughters must be taken into account. However, in the case of radioactive decay chains in which any daughter nuclide has a half-life either longer than 10 days or greater than that of the parent nuclide, the parent and daughter nuclides are considered to be mixtures of different nuclides.

(3) In the case of a mixture of different radionuclides, where the identity and activity of each radionuclide is known, the permissible activity of each radionuclide $R_1, R_2, \ldots R_n$ must be such that $F_1 + F_2 + \ldots F_n$ is not greater than unity, when—

$$F_1 = \frac{\text{Total activity of } R_1}{A_1(R_1)}$$

$$F_2 = \frac{\text{Total activity of } R_2}{A_1(R_2)}$$

$$F_n = \frac{\text{Total activity of } R_n}{A_1 R_n}$$

Where A_1 (R_1, R_2 . . . R_n) is the value of A_1 or A_2 as appropriate for the nuclide R_1, R_2 . . . R_n.

(4) When the identity of each radionuclide is known but the individual activities of some of the radionuclides are not known, the formula given in subparagraph (3) of this paragraph must be applied to establish the values of A_1 or A_2 as appropriate. All the radionuclides whose individual activities are not known (but whose total activity is known) must be classed in a single group and the most restrictive value of A_1 or A_2 applicable to any one of them shall be used as the value of A_1 and A_2 in the denominator of the fraction.

(5) Were the identity of each radionuclide is known but the individual activity of the radionuclides is not known, the most restrictive value of A_1 or A_2 applicable to any one of the radionuclides present is the applicable value.

(6) When the identity of the radionuclides is not known, the value of A_1 is 2 curies and the value of A_2 is 0.002 curies. However, if alpha emitters are known to be absent, the value of A_2 is 0.4 curies.

§ 173.434 Activity-mass relationships for uranium and natural thorium.[1]

Radioactive material	Curies per gram	Grams per curie
Uranium—(Wt% ^{235}U present):		
0.45	5.0×10^{-7}	2.0×10^{6}
0.72 (natural)	7.08×10^{-7}	1.42×10^{6}
1.0	7.6×10^{-7}	1.3×10^{6}
1.5	1.0×10^{-6}	1.0×10^{6}
5.0	2.7×10^{-6}	3.7×10^{5}
10.0	4.8×10^{-6}	2.1×10^{5}
20.0	1.0×10^{-5}	1.0×10^{5}
35.0	2.0×10^{-5}	5.0×10^{4}
50.0	2.5×10^{-5}	4.0×10^{4}
85.0	5.8×10^{-5}	1.7×10^{4}
93.0	7.0×10^{-5}	1.4×10^{4}
95.0	9.1×10^{-5}	1.1×10^{4}
Natural thorium	2.2×10^{-7}	4.6×10^{6}

[1] The figures for uranium include representative values for the activity of uranium-234 which is concentrated during the enrichment process. The activity for thorium includes the equilibrium concentration of thorium-228.

§ 173.435 Table of A_1 and A_2 values for radionuclides.

Symbol of radionuclide	Element and atomic number	A_1(Ci)	A_2(Ci)	Specific activity (Ci/g)
^{227}Ac	Actinium (89)	1000	0.005	7.2×10.
^{228}Ac		10	4	2.2×10^{4}
^{105}Ag	Silver (47)	40	40	3.1×10^{4}
^{110m}Ag		7	7	4.7×10^{2}
^{111}Ag		100	20	1.6×10^{3}
^{241}Am	Americium (95)[1]	5	0.008	3.2.
^{243}Am		5	0.008	1.9×10^{-1}.
^{37}Ar (compressed or uncompressed)	Argon (18)	1000	1000	1.0×10^{5}
^{41}Ar (uncompressed)		20	20	4.3×10^{2}
^{41}Ar (compressed)		1	1	4.3×10^{2}
^{73}As	Arsenic (33)	1000	400	2.4×10^{4}
^{74}As		20	20	1.0×10^{3}
^{76}As		10	10	1.6×10^{3}
^{77}As		300	20	1.1×10^{3}
^{211}At	Astatine (85)	200	7	2.1×10^{5}
^{193}Au	Gold (79)	200	200	9.3×10^{3}
^{196}Au		30	30	1.2×10^{3}
^{198}Au		40	20	2.5×10^{3}
^{199}Au		200	25	2.1×10^{4}
^{131}Ba	Barium (56)	40	40	8.7×10^{4}
^{133}Ba		40	10	4.0×10^{3}
^{140}Ba		20	20	7.3×10^{4}
^{7}Be	Beryllium (4)	300	300	3.5×10^{5}
^{206}Bi	Bismuth (83)	5	5	9.9×10^{4}
^{207}Bi		10	10	2.2×10^{3}
^{210}Bi (fluoride)		100	4	1.2×10^{4}
^{212}Bi		6	6	1.5×10^{5}
^{249}Bk	Berkelium (97)	1000	1	1.8×10^{3}
^{77}Br	Bromine (35)	70	25	7.1×10^{3}
^{82}Br		6	6	1.1×10^{3}
^{11}C	Carbon (6)	20	20	8.4×10^{3}
^{14}C		1000	60	4.6.
^{45}Ca	Calcium (20)	1000	25	1.9×10^{4}
^{47}Ca		20	20	5.9×10^{3}
^{109}Cd	Cadmium (48)	1000	70	2.6×10^{3}
^{115m}Cd		30	30	2.6×10^{4}
^{115}Cd		80	20	5.1×10^{3}
^{139}Ce	Cerium (58)	100	100	6.5×10^{3}
^{141}Ce		300	25	2.8×10^{4}
^{143}Ce		80	20	6.6×10^{3}
^{144}Ce		10	7	3.2×10^{3}
^{249}Cf	Californium (98)	2	0.002	3.1.
^{250}Cf		7	0.007	1.3×10^{3}
^{252}Cf		2	0.009	6.5×10^{3}
^{36}Cl	Chlorine (17)	300	10	3.2×10
^{38}Cl		10	10	1.3×10^{5}.
^{242}Cm	Curium (96)	200	0.2	3.3×10^{4}
^{243}Cm		9	0.008	4.2×10.
^{244}Cm		10	0.01	8.2×10.
^{245}Cm		6	0.009	1.0×10^{-1}.
^{246}Cm		6	0.006	3.6×10^{-1}.
^{56}Co	Cobalt (27)	5	5	3.0×10^{4}
^{57}Co		90	90	8.5×10^{3}
^{58m}Co		1000	1000	5.9×10^{5}
^{58}Co		20	20	3.1×10^{4}
^{60}Co		7	7	1.1×10^{3}
^{51}Cr	Chromium (25)	600	600	9.2×10^{4}
^{129}Cs	Cesium (55)	40	40	7.6×10^{5}
^{131}Cs		1000	1000	1.0×10^{5}
^{134m}Cs		1000	10	7.4×10^{4}
^{134}Cs		10	10	1.2×10^{3}

Symbol of radionuclide	Element and atomic number	A_1(Ci)	A_2(Ci)	Specific activity (Ci/g)
^{135}Cs		1000	25	8.8×10^{-4}
^{136}Cs		7	7	7.4×10^{4}
^{137}Cs		30	10	8.8×10
^{64}Cu	Copper (29)	80	25	3.8×10^{4}
^{67}Cu		200	25	7.9×10^{4}
^{165}Dy	Dysprosium (66)	150	20	8.2×10^{4}
^{166}Dy		1000	200	2.3×10^{5}
^{169}Er	Erbium (68)	1000	25	8.2×10^{4}
^{171}Er		90	20	2.4×10^{4}
^{152m}Eu	Europium (63)	80	20	2.2×10^{4}
^{152}Eu		20	10	1.9×10^{3}
^{154}Eu		10	5	1.5×10^{3}
^{155}Eu		400	50	1.4×10^{4}
^{18}F	Fluorine	20	20	9.3×10^{7}
^{52}Fe	Iron (26)	8	5	7.3×10^{4}
^{59}Fe		1000	1000	2.2×10^{3}
^{67}Ga	Gallium (31)	10	10	4.9×10^{4}
^{68}Ga		100	100	6.0×10^{5}
^{72}Ga		20	20	4.0×10^{5}
^{153}Gd	Gadolinium (64)	7	7	3.1×10^{3}
^{159}Gd		700	200	3.6×10^{3}
^{68}Ge	Germanium (32)	800	20	1.1×10^{4}
^{71}Ge		20	10	7.0×10^{3}
^{3}H	Hydrogen (1) See T-Tritium	1000	1000	1.6×10^{3}
^{181}Hf	Hafnium (72)	30	25	1.6×10^{4}
^{197m}Hg	Mercury (80)	200	200	6.6×10^{4}
^{197}Hg		700	200	2.5×10^{4}
^{203}Hg		80	25	1.4×10^{4}
^{166m}Ho	Holmium (67)	30	30	6.9×10^{3}
^{123}I	Iodine (53)	50	50	1.9×10^{5}
^{125}I		1000	70	1.7×10^{4}
^{126}I		90	10	7.8×10^{3}
^{129}I		1000	2	1.6×10^{-4}
^{131}I		90	10	1.2×10^{5}
^{132}I		7	7	1.1×10^{7}
^{133}I		90	10	1.1×10^{6}
^{134}I		8	8	2.7×10^{7}
^{135}I		10	10	3.5×10^{6}
^{111}In	Indium (49)	30	25	4.2×10^{5}
^{113m}In		40	30	1.6×10^{7}
^{114m}In		30	30	2.3×10^{4}
^{115m}In		100	30	6.1×10^{4}
^{190}Ir	Iridium (77)	10	10	6.2×10^{4}
^{192}Ir		20	10	9.1×10^{3}
^{194}Ir		10	10	8.5×10^{5}
^{42}K	Potassium (19)	10	10	6.0×10^{5}
^{43}K		50	10	3.3×10^{5}
^{85m}Kr (uncompressed)	Krypton (36)	100	100	8.4×10^{5}
^{85m}Kr (uncompressed)		3	3	8.4×10^{5}
^{85}Kr (uncompressed)		1000	1000	4.0×10^{3}
^{85}Kr (compressed)		5	5	4.0×10^{3}
^{87}Kr (uncompressed)		20	20	2.8×10^{7}
^{87}Kr (uncompressed)		0.6	0.6	2.8×10^{7}
^{140}La	Lanthanum (57)	30	30	5.6×10^{5}
LSA	Low specific activity material—see § 173.403			
^{177}Lu	Lutetium (71)	350	25	1.1×10^{5}
MFP	Mixed fission products	10	0.4	
^{28}Mg	Magnesium (12)	8	8	5.2×10^{5}
^{52}Mn	Manganese (25)	5	5	4.4×10^{5}
^{54}Mn		20	20	8.3×10^{3}
^{56}Mn		8	5	2.2×10^{7}
^{99}Mo	Molybdenum (42)	100	20	4.7×10^{5}
^{13}N	Nitrogen (7)	80	10	1.5×10^{5}
^{22}Na	Sodium (11)	8	8	6.3×10^{3}
^{24}Na		5	5	8.7×10^{6}
^{93m}Nb	Niobium (41)	1000	200	1.1×10^{3}
^{95}Nb		20	20	3.9×10^{4}
^{97}Nb		20	20	2.6×10^{7}
^{147}Nd	Neodymium (60)	100	20	8.0×10^{4}
^{149}Nd		30	20	1.1×10^{7}
^{59}Ni	Nickel (28)	1000	900	8.1×10
^{63}Ni		1000	100	4.6×10
^{65}Ni		10	10	1.9×10^{7}
^{237}Np	Neptunium (93)	5	0.005	6.9×10^{-6}
^{238}Pu		200	25	2.3×10^{3}
^{185}Os	Osmium (76)	20	20	7.3×10^{3}
^{191}Os		400	200	4.6×10^{4}
^{191m}Os		200	200	1.2×10^{4}
^{193}Os		100	25	5.3×10^{3}
^{32}P	Phosphorus (15)	30	30	2.9×10^{6}
^{230}Pa	Protactinium (91)	20	0.5	3.2×10^{4}
^{231}Pa		.2	0.002	4.5×10^{-6}
^{233}Pa		100	100	2.1×10^{4}
^{201}Pb	Lead (82)	20	20	1.7×10^{6}
^{210}Pb		100	0.2	8.8×10
^{212}Pb		6	5	1.4×10^{5}
^{103}Pd	Palladium, (46)	1000	700	7.5×10^{4}
^{109}Pd		100	20	2.1×10^{4}
^{147}Pm	Promethium (61)	1000	25	9.4×10^{3}
^{148}Pm		100	20	4.2×10^{4}
^{210}Po	Polonium (84)	300	0.2	4.5×10^{3}
^{142}Pr	Praseodymium (59)	10	10	1.2×10^{4}
^{143}Pr		300	20	6.6×10^{4}

Symbol of radionuclide	Element and atomic number	A_1(Ci)	A_2(Ci)	Specific activity (Ci/g)
^{191}Pt	Platinum (78)	100	100	2.3×10^{3}.
^{193m}Pt		200	200	2.0×10^{3}.
^{197m}Pt		300	20	1.2×10^{3}.
^{197}Pt		300	20	6.8×10^{3}.
^{236}Pu	Plutonium (94)[1]	3	0.003	1.7×10.
^{238}Pu		2	0.002	6.2×10^{-3}.
^{239}Pu		2	0.002	2.3×10^{-4}.
^{240}Pu		1000	0.1	1.1×10^{2}.
^{241}Pu		3	0.003	3.9×10^{-3}.
^{242}Pu		50	0.2	5.0×10^{-1}.
^{223}Ra	Radium (88)	6	0.5	1.6×10^{3}.
^{224}Ra		10	0.05	1.0.
^{226}Ra		10	0.05	2.3×10^{2}.
^{228}Ra		30	25	8.2×10^{4}.
^{81}Rb	Rubidium (37)	50	30	8.1×10^{4}.
^{86}Rb		Unlimited	Unlimited	6.6×10^{-3}.
^{87}Rb		Unlimited	Unlimited	1.8×10^{-3}.
Rb (natural)		100	30	1.9×10^{-4}.
^{186}Re	Rhenium (75)	Unlimited	Unlimited	3.8×10^{-3}.
^{187}Re		10	10	1.0×10^{-6}.
^{188}Re		Unlimited	Unlimited	2.4×10^{-4}.
Re (natural)		1000	1000	3.2×10^{-7}.
^{103m}Rh	Rhodium (45)	200	25	8.2×10^{-4}.
^{105}Rh		10	2	1.5×10^{-5}.
^{222}Rn	Radon (86)	50	50	5.5×10^{-1}.
^{97}Ru	Ruthenium (44)	30	25	3.2×10^{-4}.
^{103}Ru		25	20	6.6×10^{-4}.
^{105}Ru		10	7	3.4×10^{-2}.
^{106}Ru		1000	60	4.3×10^{4}.
^{35}S	Sulphur (16)	30	30	3.5×10^{4}.
^{122}Sb	Antimony (51)	5	5	1.8×10^{4}.
^{124}Sb		40	25	1.4×10^{3}.
^{125}Sb		8	8	3.4×10^{4}.
^{46}Sc	Scandium (21)	200	20	8.2×10^{3}.
^{47}Sc		5	5	1.5×10^{3}.
^{48}Sc		40	40	1.4×10^{4}.
^{75}Se	Selenium (34)	100	20	3.9×10^{2}.
^{31}Si	Silicon (14)	Unlimited	Unlimited	2.0×10^{-3}.
^{147}Sm	Samarium (62)	1000	90	2.6×10.
^{151}Sm		300	20	4.4×10^{2}.
^{153}Sm		80	60	1.0×10^{4}.
^{113}Sn	Tin (50)	100	100	4.4×10^{3}.
^{119m}Sn		10	10	1.1×10^{3}.
^{125}Sn		80	80	3.2×10^{2}.
^{85m}Sr	Strontium (38)	30	30	2.4×10^{4}.
^{85}Sr		50	50	1.2×10^{3}.
^{87m}Sr		100	10	2.9×10^{4}.
^{89}Sr		10	0.4	1.5×10^{3}.
^{90}Sr		10	10	2.6×10^{2}.
^{91}Sr		10	10	1.3×10^{4}.
^{92}Sr		1000	1000	9.7×10^{3}.
T (uncompressed)	Tritium (1)	1000	1000	9.7×10^{3}.
T (compressed)		1000	1000	9.7×10^{3}.
T (activated luminous paint)		1000	1000	9.7×10^{3}.
T (adsorbed on solid carrier)		1000	1000	9.7×10^{3}.
T (tritiated water)		20	20	9.7×10^{2}.
T (other forms)		20	20	9.7×10^{2}.
^{182}Ta	Tantalum (73)	20	10	1.1×10^{4}.
^{160}Tb	Terbium (65)	1000	1000	3.8×10^{3}.
^{96m}Tc	Technetium (43)	6	6	3.2×10^{3}.
^{96}Tc		1000	200	1.5×10^{4}.
^{97m}Tc		1000	400	1.4×10^{-2}.
^{97}Tc		100	100	5.2×10^{3}.
^{99m}Tc		1000	25	1.7×10^{-2}.
^{99}Tc		1000	100	1.8×10^{4}.
^{125m}Te	Tellurium (52)	300	20	4.0×10^{4}.
^{127m}Te		300	20	2.6×10^{3}.
^{127}Te		30	10	2.5×10^{4}.
^{129m}Te		100	20	2.0×10^{3}.
^{129}Te		10	10	8.0×10^{4}.
^{131m}Te		7	7	3.1×10^{3}.
^{132}Te		200	0.2	3.2×10^{4}.
^{227}Th	Thorium (90)	8	0.008	8.3×10^{2}.
^{228}Th		3	0.003	1.9×10^{-2}.
^{230}Th		1000	25	5.3×10^{2}.
^{231}Th		Unlimited	Unlimited	1.1×10^{-3}.
^{232}Th		10	10	2.3×10^{-4}.
^{234}Th		Unlimited	Unlimited	2.2×10^{-3}.
Th (natural)				
Th (irradiated)[2]				
^{200}Tl	Thallium (81)	20	20	5.8×10^{3}.
^{201}Tl		200	200	2.2×10^{3}.
^{202}Tl		40	40	5.4×10^{4}.
^{204}Tl		300	10	4.3×10^{2}.
^{170}Tm	Thulium (69)	300	40	6.0×10^{3}.
^{171}Tm		1000	10	1.1×10^{3}.
^{230}U	Uranium (92)	100	0.1	2.7×10^{4}.
^{232}U		50	0.03	2.1×10.
^{233}U		100	0.1	9.6×10^{-3}.
^{234}U		100	0.1	6.2×10^{-4}.
^{235}U		100	0.2	2.1×10^{-6}.
^{236}U		200	0.2	6.5×10^{-6}.
^{238}U		Unlimited	Unlimited	3.3×10^{-7}.
U (natural)		Unlimited	Unlimited	(see § 173.434).

Symbol of radionuclide	Element and atomic number	A_1(Ci)	A_2(Ci)	Specific activity (Ci/g)
u (enriched) < 20%		Unlimited	Unlimited	(see § 173.434).
20% or greater		100	0.1	(see § 173.434).
u (depleted)		Unlimited	Unlimited	(see § 173.434).
u (irradiated)[3]				
^{48}V	Vanadium (23)	6	6	1.7×10^{3}.
^{181}W	Tungsten (74)	200	100	5.0×10^{3}.
^{185}W		1000	500	9.7×10^{-3}.
^{187}W		40	20	7.0×10^{3}.
^{127m}Te (uncompressed)	Xenon (54)	70	70	2.8×10^{4}.
^{127m}Te (compressed)		5	5	2.8×10^{4}.
^{131m}Te (compressed)		10	10	1.0×10^{5}.
^{131m}Te (uncompressed)		100	100	1.0×10^{5}.
^{133}Te (uncompressed)		1000	1000	1.9×10^{5}.
^{133}Te (compressed)		5	5	1.9×10^{5}.
^{135}Te (uncompressed)		70	70	2.5×10^{5}.
^{135}Te (compressed)		2	2	2.5×10^{5}.
^{87}Y	Yttrium (39)	20	20	4.5×10.
^{90}Y		10	10	2.5×10^{5}.
^{91}Y		30	30	4.1×10^{3}.
^{91m}Y		30	30	2.5×10^{4}.
^{92}Y		10	10	9.5×10^{5}.
^{93}Y		10	10	3.2×10^{5}.
^{169}Yb	Ytterbium (70)	80	60	2.3×10^{5}.
^{175}Yb		600	25	1.8×10^{5}.
^{65}Zn	Zinc (30)	30	20	8.0×10^{3}.
^{69}Zn		40	20	3.3×10^{6}.
^{69m}Zn		300	20	5.3×10^{7}.
^{95}Zr	Zirconium (40)	1000	700	3.5×10^{-3}.
^{97}Zr		20	20	2.1×10^{4}.
		60	20	2.0×10^{6}.

[1] For shipments solely within the United States the A_1 value is 20 curies for americium and plutonium contained in Am-Be or Pu-Be neutron sources or in nuclear-powered pacemakers.
[2] The values of A_1 and A_2 must be calculated in accordance with the procedure specified in § 173.433 of this subchapter, taking into account the activity of the fission products and of the uranium-233 in addition to that of the thorium.
[3] The values of A_1 and A_2 must be calculated in accordance with the procedure specified in § 173.433 of this subchapter, taking into account the activity of the fission products and plutonium isotopes in addition to that of the uranium.

§ 173.441 Radiation level limitations.

(a) Except as provided in paragraph (b) of this section, each package of radioactive materials offered for transportation shall be designed and prepared for shipment so that under conditions normally incident to transportation the radiation level does not exceed 200 millirem per hour at any point on the external surface of the package, and the transport index does not exceed 10.

(b) Except for shipments by air, a shipment which exceeds the radiation level limits specified in paragraph (a) of this section, may be transported as an exclusive use shipment if the radiation level does not exceed any of the following at any time during transportation:

(1) 200 millirem per hour on the accessible external surface of the package unless the following conditions are met, in which case the limit is 1000 millirem per hour:

(i) The shipment is made in a closed transport vehicle;

(ii) Provisions are made to secure the package so that its position within the vehicle remains fixed during transportation; and

(iii) There are no loading or unloading operations between the beginning and end of the transportation;

(2) 200 millirem per hour at any point on the outer surface of the vehicle, including the upper and lower surfaces, or, in the case of an open vehicle, at any point on the vertical planes projected from the outer edges of the vehicle, on the upper surface of the load, and on the lower external surface of the vehicle;

(3) 10 millirem per hour at any point 2 meters (6.6 feet) from the vertical planes represented by the outer lateral surfaces of the vehicle, or, in the case of an open vehicle, at any point 2 meters from the vertical planes projected from the outer edges of the conveyance; and

(4) 2 millirem per hour in any normally occupied position in the car or vehicle, except that this provision does not apply to private motor carriers when the personnel are operating under a radiation protection program and wear radiation exposure monitoring devices.

(c) For shipments made under the provisions of paragraph (b) of this section, the shipper shall provide specific written instructions for maintenance of the exclusive use shipment controls to the carrier. The instructions shall be included with the shipping paper information.

§ 173.442 Thermal limitations.

Each package of radioactive material shall be designed, constructed, and loaded so that—

(a) The heat generated within the package because of the radioactive contents will not, at any time during transportation, affect the integrity of the package under conditions normally incident to transportation; and

(b) The temperature of the accessible external surfaces of the loaded package will not, assuming still air in the shade at an ambient temperature of 38° C (100° F), exceed either—

(1) 50°C (122°F) in other than an exclusive use shipment; or

(2) 82°C (180°F) in an exclusive use shipment.

§ 173.443 Contamination control.

(a) The level of non-fixed (removable) radioactive contamination on the external surfaces of each package offered for shipment shall be kept as low as practicable. The level of non-fixed radioactive contamination may be determined by wiping an area of 300 square centimeters of the surface concerned with an absorbent material, using moderate pressure, and measuring the activity on the wiping material. Sufficient measurements shall be taken in the most appropriate locations to yield a representative assessment of the non-fixed contamination levels. Except as provided in paragraph (b) of this section, the amount of radioactivity measured on any single wiping material when averaged over the surface wiped shall not exceed the limits given in Table 10 at any time during transport. Other methods of assessment of equal or greater efficiency may be used. When other methods are used the detection efficiency of the method used shall be taken into account and in no case shall the non-fixed contamination on the external surfaces of the package exceed ten times the limits listed in Table 10.

TABLE 10.—REMOVABLE EXTERNAL RADIOACTIVE CONTAMINATION LIMITS

Contaminant	Maximum permissible limits	
	μCi/cm²	dpm/cm²
Beta-gamma emitting radionuclides; all radionuclides with half-lives less than ten days; natural uranium; natural thorium; uranium-235; uranium-238; thorium-232; thorium-228 and thorium-230 when contained in ores or physical concentrates	10^{-5}	22
All other alpha emitting radionuclides	10^{-5}	2.2

(b) Except as provided in paragraph (d) of this section, in the case of packages transported as exclusive use shipments by rail or highway only, the removable (non-fixed) radioactive contamination at any time during transport shall not exceed ten times the levels prescribed in paragraph (a) of this section.

(c) Except as provided in paragraph (d) of this section, each transport vehicle used for transporting radioactive materials as an exclusive use shipment which utilizes the provisions of paragraph (b) of this section shall be surveyed with appropriate radiation detection instruments after each use. A vehicle shall not be returned to service until the radiation dose rate at each accessible surface is 0.5 millirem per hour or less, and there is no significant removable (non-fixed) radioactive surface contamination as specified in paragraph (a) of this section.

(d) Paragraph (b) and (c) of this section do not apply to any closed transport vehicle used solely for the transportation of radioactive material packages with contamination levels that do not exceed 10 times the levels prescribed in paragraph (a) of this section if—

(1) A survey of the interior surfaces of the empty vehicle shows that the radiation dose rate at any point does not exceed 10 millirem per hour at the surface or 2 millirem per hour at 1 meter (3.3. feet) from the surface;

(2) Each vehicle is stenciled with the words "For Radioactive Materials Use Only" in letters at least 76 millimeters (3 inches) high in a conspicuous place on both sides of the exterior of the vehicle; and

(3) Each vehicle is kept closed the except for loading or unloading.

§ 173.444 Labeling requirements.

Each package of radioactive materials, unless excepted by §§ 173.421, 173.422, 173.424, 173.425(b), or 173.427 shall be labeled as provided in Subpart E of Part 172 of this subchapter.

§ 173.446 Placarding requirements.

See Subpart F of Part 172 of this subchapter.

§ 173.447 Storage incident to transportation-general requirements.

The following requirements apply to temporary storage during the course of transportation but not to Nuclear Regulatory Commission or Agreement State licensed facilities or U.S. Government owned or contracted facilities.

(a) The number of packages bearing Radioactive Yellow II or Radioactive Yellow III labels stored in any one storage area, such as a transit area, terminal building, store-room, or assembly yard, shall be limited so that the sum of the transport indexes in any individual group of packages does not exceed 50. Groups of these packages must be stored so as to maintain a spacing of at least 6 meters (20 feet) from other groups of packages containing radioactive materials.

(b) Mixing of different kinds of packages, including Fissile Class I packages with Fissile Class II packages, is authorized in accordance with § 173.459 of this subchapter.

§ 173.448 General transportation requirements.

(a) Each shipment of radioactive materials shall be secured in order to prevent shifting during normal transportation conditions.

(b) Except as may be specifically required by the competent authority in the applicable certificate, a package of radioactive materials may be carried among packaged general cargo without special stowage provisions, if:

(1) The heat output in watts does not exceed 0.1 times the minimum package dimension in centimeters; or

(2) The average surface heat flux of the package does not exceed 15 watts per square meter and the immediately surrounding cargo is not in sacks or bags or otherwise in a form that would seriously impede air circulation for heat removal.

(c) Packages bearing labels prescribed in § 172.403 of this subchapter may not be carried in compartments occupied by passengers, except in those compartments exclusively reserved for couriers accompanying those packages.

(d) Mixing of different kinds of packages, including Fissile Class I packages with Fissile Class II packages, is authorized in accordance with § 173.459.

(e) No person shall offer for transportation aboard a passenger-carrying aircraft any single package with a transport index greater than 3.0 or an overpack with a transport index greater than 3.0.

(f) No person shall offer for transportation aboard a passenger carrying aircraft any radioactive material unless that material is intended for use in, or incident to, research, or medical diagnosis or treatment, or is excepted under the provisions of § 175.10 of this subchapter.

(g) If an overpack is used to consolidate individual packages of radioactive materials, the packages shall comply with the packaging, marking, and labeling requirements of this subchapter, and the following:

(1) The overpack shall be labeled as prescribed in § 172.403 of this subchapter except as follows:

(i) the "contents" entry on the label may state "mixed" unless each inside package contains the same radionuclide(s).

(ii) The "number of curies" entry on the label must be determined by adding together the number of curies of the radioactive materials packages contained therein.

(iii) For a non-rigid overpack, the required label together with required package markings shall be affixed to the overpack by means of a securely attached, durable tag. The transport index shall be determined by adding together the transport indexes of the radioactive materials packages contained therein.

(iv) For a rigid overpack, the transport index shall be determined by—

(A) Adding together the transport indexes of the radioactive materials packages contained in the overpack; or

(B) Except for fissile radioactive materials, direct measurements as prescribed in § 173.403(bb) which have been taken by the person initially offering the packages contained within the overpack for shipment.

(2) The overpack shall be marked as prescribed in Subpart D of Part 172 of this subchapter and § 173.25(a).

(3) The transport index of the overpack shall not exceed 3.0 for passenger-carrying aircraft shipments, or 10.0 for cargo-only aircraft shipments.

§ 173.451 Fissile materials—general requirements.

(a) Except as provided in § 173.453, each package containing fissile radioactive materials must comply with §§ 173.451 through 173.459.

§ 173.453 Fissile materials—exceptions.

The requirements of §§ 173.451 through 173.459 do not apply to—

(a) A package containing not more than 15 grams of fissile radionuclides. If

the material is transported in bulk, the quantity limitation applies to the conveyance;

(b) A package containing irradiated natural or depleted uranium including the products of irradiation if the irradiation has taken place only in the thermal reactor;

(c) A package containing homogeneous solutions or mixtures where:

(1) The minimum ratio of the number of hydrogen atoms to the number of atoms of fissile radionuclides (H/X) is 5200;

(2) The maximum concentration of fissile radionuclides is 5 grams per liter; and

(3) The maximum mass of fissile radionuclides in the package is 500 grams, except for a mixture where the total mass of plutonium and uranium-233 does not exceed 1% of the mass of uranium-235 the limit is 800 grams. If the material is transported in bulk, the quantity limitations apply to the conveyance;

(d) A package containing uranium enriched in uranium-235 to a maximum of 1% by weight, and with a total plutonium and uranium-233 content of up to 1% of the mass of uranium-235, if the fissile radionuclides are distributed homogeneously throughout the package contents, and do not form a lattice arrangement within the package;

(e) A package containing any fissile material if it does not contain more than 5 grams of fissile radionuclides in any 10-liter volume, and if the material is packaged so as to maintain this limit of fissile radionuclide concentration during normal transport;

(f) A package containing not more than one kilogram of plutonium of which not more than 20% by mass may consist of plutonium-238, plutonium-241, or any combination of those radionuclides;

(g) A package containing liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of 2% by weight, with total plutonium and uranium-233 not more than 0.1% of the mass of uranium-235; or

(h) A package containing thorium or uranium with not more than 0.72% by weight of fissile material used for shipment solely within the United States.

§ 173.455 Classification of fissile materials packages.

(a) Except as provided in § 173.453, each package of fissile materials shall be classified as follows:

(1) *Fissile Class I.* Packages that may be transported in unlimited number, and in any arrangement, and that require no nuclear criticality safety controls during transportation. A transport index is not assigned to Fissile Class I packages for the purposes of nuclear criticality safety control, although, the external radiation levels may require a transport index number.

(2) *Fissile Class II.* Packages that may be transported together in any arrangement but in numbers that do not exceed an aggregate transport index of 50. For the purposes of nuclear criticality safety control, individual packages may have a transport index of not less than 0.1 and not more than 10. However, the external radiation levels may require a higher transport index number. These shipments require no nuclear criticality safety control by the shipper during transportation.

(3) *Fissile Class III.* Shipments of packages of fissile materials that do not meet the requirements of Fissile Class I or Fissile Class II and that are controlled in transportation as prescribed in § 173.457 by appropriate arrangements between the shipper and the carrier.

(b) The numerical values for package assignments as Fissile Class I, the transport indexes for Fissile Class II packages, and the vehicle limitations for Fissile Class III shipments shall be determined in accordance with 10 CFR Part 71.

§ 173.457 Transportation of Fissile Class III shipments-specific requirements.

(a) Fissile Class III shipments shall incorporate transportation controls which are performed by the shipper or carrier, as appropriate, and which:

(1) Provide nuclear criticality safety;

(2) Protect against loading, storing, or transporting that shipment with any other fissile material; and

(3) Include in the shipping papers the description required by § 172.203(d) of this subchapter.

(b) Fissile Class III shipments shall be transported:

(1) In a transport vehicle assigned to the exclusive use of the shipper with a specific restriction for the exclusive use to be provided in the appropriate arrangements between shipper and carrier and with instructions to that effect issued with the shipping papers;

(2) Except for shipments by aircraft, with an escort in a vehicle having the capability, equipment, authority, and instructions to provide administrative controls necessary to assure compliance with this section;

(3) In a transport vehicle containing no other packages of radioactive material that are required to bear one of the labels prescribed in § 172.403 of this subchapter. Specific arrangements must be made between the shipper and the carrier, with instructions to that effect issued with the shipping papers; or

(4) Under any other procedure specifically authorized by the Associate Director for HMR in accordance with Part 107 of this subchapter.

§ 173.459 Mixing of fissile material packages.

Shipments of fissile materials packages and the commingling of fissile materials packages with other radioactive materials packages shall be in accordance with the provisions of this section.

(a) Mixing of fissile material packages with other types of radioactive materials, including Fissile Class I with Fissile Class II packages is authorized if the total transport index in any transport vehicle or storage location does not exceed 50.

(b) For Fissile Class II packages shipped under the exclusive use provisions of § 173.441(b), the transport index number which is calculated for nuclear criticality control purposes shall not exceed 10 for any single package nor a total of 50 for the load.

(c) Fissile Class II packages may be shipped with an external radiation level greater than 10 millirem per hour at 1 meter (3.3 feet), and combined with other packages of the same or different designs in a Fissile Class III shipment, under the conditions prescribed in § 173.457, if:

(1) Each package in the shipment has been assigned a transport index for criticality control purposes in accordance with the Fissile Class II criteria;

(2) The transport index which has been assigned in the package approval for nuclear criticality control purposes does not exceed 10 for any single package;

(3) The total transport index for nuclear criticality control purposes does not exceed 100 for all packages in the shipment;

(4) The shipment complies with § 173.441(b); and

(5) The shipment is not transported by vessel.

(d) A Fissile Class III shipment of packages may be combined with other packages of the same or different design when each package has been assigned a transport index for nuclear criticality control purposes in accordance with Fissile Class II criteria, and may be combined with Fissile Class II packages into a Fissile Class III shipment under the conditions prescribed in § 173.457, if:

(1) The transport index which has been assigned in the package approval for nuclear criticality control purposes

does not exceed 50 for any single package;

(2) The total transport index for nuclear criticality control purposes for all packages in the shipment does not exceed 100;

(3) The shipment satisfies the provisions of § 173.441(b) if any package has a radiation level exceeding 10 millirem per hour at 1 meter (3.3 feet) from any accessible external surface of the package; and

(4) The shipment is not transported by vessel.

§ 173.461 Demonstration of compliance with tests.

(a) Compliance with the test requirements in §§ 173.463 through 173.469 shall be shown by any of the methods prescribed in this paragraph, or by a combination of these methods appropriate for the particular feature being evaluated:

(1) By performance of tests with prototypes or samples of the packaging as normally presented for transportation, in which case the contents of the packaging for the test shall simulate as closely as practicable the expected normal radioactive contents;

(2) By reference to a previous, satisfactory demonstration of compliance of a sufficiently similar nature;

(3) By performance of tests with models of appropriate scale incorporating those features that are significant with respect to the item under investigation, when engineering experience has shown results of those tests to be suitable for design purposes. When a scale model is used, the need for adjusting certain test parameters, such as the penetrator diameter or the compressive load, must be taken into account; or

(4) By engineering evaluation or comparative data.

(b) With respect to the initial conditions for the tests under §§ 173.463 through 173.469, except for the water immersion tests, compliance shall be based upon the assumption that the package is in equilibrium at an ambient temperature of 38°C (100°F).

§ 173.462 Preparation of specimens for testing.

(a) Each specimen (i.e., sample, prototype or scale model) shall be examined before testing to identify and record faults or damage, including:

(1) Divergence from the specifications or drawings;

(2) Defects in construction;

(3) Corrosion or other deterioration; and

(4) Distortion of features.

(b) Any deviation found under paragraph (a) of this section from the specified design shall be corrected or suitably taken into account in the subsequent evaluation.

(c) The containment system of the packaging shall be clearly specified.

(d) The external features of the specimen shall be clearly identified so that reference may be made to any part of it.

§ 173.463 Packaging and shielding—testing for integrity.

After each of the applicable tests specified in § 173.465 and § 173.466, the integrity of the packaging, or of the packaging and its shielding, shall be retained to the extent required by § 173.412(m) for the packaging being tested.

§ 173.465 Tests for proposed packagings designed for normal conditions of transportation.

(a) The proposed packaging must be capable of withstanding the tests prescribed in this section. One prototype may be used for all tests if the requirements of paragraph (b) of this section are complied with.

(b) *Water spray test.* The water spray test must precede each test or test sequence prescribed in this section. The water spray test shall simulate exposure to rainfall of approximately 5 centimers (2 inches) per hour for at least one hour. The time interval between the end of the water spray test and the beginning of the next test shall be such that the water has soaked-in to the maximum extent without appreciable drying of the exterior of the specimen. In the absence of evidence to the contrary, this interval may be assumed to be two hours if the water spray is applied from four different directions simultaneously. However, no time interval may elapse if the water spray is applied from each of the four directions consecutively.

(c) *Free drop test.* The free drop test consists of a fall onto the target in a manner that causes maximum damage to the safety features being tested, and:

(1) For packages weighing 5,000 kilograms (11,000) pounds) or less, the distance of the fall measured from the lowest point of the packaging to the upper surface of the target shall not be less than 1.2 meters (4 feet).

(2) For packages weighing more than 5,000 kilograms (11,000 pounds), the distance of the fall shall not be less than the distance specified in Table 11, for the applicable packaging weight:

TABLE 11.—FREE-FALL DISTANCE FOR PACKAGINGS WEIGHING MORE THAN 5,000 KILOGRAMS

Packaging weight		Free-fall distance	
Kilograms	Pounds	Feet	Meters
5,000 to 10,000	11,000 to 22,000	3	0.9
10,000 to 15,000	22,000 to 33,000	2	0.6
More than 15,000	More than 33,000	1	0.3

(3) For Fissile Class II packagings, the free drop specified in subparagraph (1) or (2) of this paragraph shall be preceded by a free drop from a height of .3 meter (1 foot) on each corner. For cylindrical packagings, the .3 meter (1 foot) drop shall be onto each of the quarters of each rim.

(4) For fiberboard or wood rectangular packages not exceeding 50 kilograms (110 pounds) in weight, a separate specimen of the proposed packaging shall be subjected to a free drop onto each corner from a height of .3 meter (1 foot).

(5) For fiberboard cylindrical packages weighing not more than 100 kilograms (220 pounds) a separate specimen of the proposed packaging shall be subjected to a free drop onto each of the quarters of each rim from a height of .3 meter (1 foot).

(6) The target shall have a flat, horizontal surface of such mass and rigidity that any increase in its resistance to displacement or deformation upon impact by the specimen would not significantly increase the damage to the specimen.

(d) *Compression test.* The compression test shall last for a period of at least 24 hours and consists of a compressive load equivalent to the greater of the following:

(1) Five times the weight of the actual package; or

(2) 1300 kilograms per square meter (225 pounds per square foot) multiplied by the vertically projected area of the package. The compressive load shall be applied uniformly to two opposite sides of the packaging specimen, one of which must be the base on which the package would normally stand.

(e) *Penetration test.* For the penetration test the packaging specimen shall be placed on a rigid, flat, horizontal surface that will not move while the test is being performed. The test shall consist of:

(1) A bar of 3.2 centimeters (1.25 inches) in diameter with a hemispherical end, weighing 6 kilograms (13.2 pounds) being dropped with its longitudinal axis vertical, onto the center of the weakest part of the packaging specimen, so that, if it penetrates far enough, it will hit the

containment system. The bar must not be deformed by the test; and

(2) The distance of the fall of the bar measured from its lower end to the upper surface of the packaging specimen shall not be less than 1 meter (3.3 feet).

§ 173.466 Additional tests for Type A packagings designed for liquids and gases.

(a) In addition to the tests prescribed in § 173.465, Type A packagings designed for liquids and gases shall be capable of withstanding the following tests:

(1) *Free drop test.* The packaging specimen shall fall onto the target in a manner which will cause it to suffer the maximum damage to its containment. The distance of the fall measured from the lowest part of the packaging specimen to the upper surface of the target shall be not less than 9 meters (30 feet).

(2) *Penetration test.* The specimen must be subjected to the test specified in § 173.465(e) except that the distance of the fall shall be 1.7 meters (5.5 feet).

§ 173.467 Tests for demonstrating the ability of Type B and fissile radioactive materials packagings to withstand accident conditions in transportation.

Each Type B packaging or packaging for fissile material shall meet the test requirements prescribed in 10 CFR Part 71 for ability to withstand accident conditions in transportation.

§ 173.469 Tests for special form radioactive materials.

(a) Special form radioactive materials must meet the test requirements of paragraph (b) of this section. Each solid radioactive material or capsule specimen to be tested shall be manufactured or fabricated so that it is representative of the actual solid material or capsule which will be transported with the proposed radioactive content duplicated as closely as practicable. Any differences between the material to be transported and the test material shall be taken into account. In addition:

(1) A different specimen may be used for each of the tests;

(2) The specimen must not break or shatter when subjected to the impact, percussion, or bending tests;

(3) The specimen must not melt or disperse when subjected to the heat test; and

(4) After each test, leaktightness or indispersibility of the specimen shall be determined by a method no less sensitive than the leaching assessment prescribed in paragraph (c) of this section. For a capsule resistant to corrosion by water, and which has an internal void volume greater than 0.1 milliliters, an alternative to the leaching assessment is a demonstration of leaktightness of 10^{-4} torr-l/s (1.3×10^{-4} atm-cm^3/s) based on air at 25°C (77°F) and one atmosphere differential pressure for solid radioactive content, or 10^{-6} torr-l/s (1.3×10^{-6} atm-cm^3/s) for liquid or gaseous radioactive content.

(b) *Test methods:*

(1) *Impact Test.* The specimen must fall onto the target from a height of not less than 9 meter (30 feet). The target must be as specified in § 173.465(c)(6);

(2) *Percussion Test.* (i) The specimen shall be placed on a sheet of lead that is supported by a smooth solid surface, and be struck by the flat face of a steel billet so as to produce an impact equivalent to that resulting from a free fall of 1.4 kilograms (3 pounds) through 1 meter (3.3 feet);

(ii) The flat face of the billet shall be 25 millimeters (1 inch) in diameter with the edges rounded off to a radius of 3 millimeters ±0.3 millimeters (.12 inch ±.012 inch);

(iii) The lead shall be of a hardness within 3.5 to 4.5 on the Vickers scale, and not more than 25 millimeters (1 inch) thick, and shall cover an area greater than that covered by the specimen;

(iv) A fresh surface to lead shall be used for each impact; and

(v) The billet must strike the specimen in a manner that causes maximum damage.

(3) *Bending test.* (i) This test applies only to long, slender sources with a length of 10 centimeters (4 inches) or more and with a length at least 10 times the minimum width;

(ii) The specimen must be securely clamped in a horizontal position so that one half of its length protrudes from the face of the clamp;

(iii) The position of the specimen must be such that it will suffer maximum damage when its free end is struck by the flat face of a steel billet;

(iv) The billet must strike the specimen in a manner that produces an impact equivalent to that resulting from a free vertical fall of 1.4 kilograms (3 pounds) through 1 meter (3.3 feet); and

(v) The flat face of the billet must be 25 millimeters (1 inch) in diameter with the edges rounded off to a radius of 3 millimeters (.12 inch) ±0.3 millimeters (.012 inch).

(4) *Heat test.* The specimen shall be heated in air to a temperature of not less than 800°C (1472°F), held at that temperature for a period of 10 minutes, and then allowed to cool.

(c) *Leaching assessment methods.* (1) For indispersible solid material—(i) The specimen shall be immersed for seven days in water at ambient temperature. The water must have a pH of 6–8 and a maximum conductivity of 10 micromho per centimeter at 20°C (68°F);

(ii) The water and specimen shall then be heated to a temperature of 50°C±5° (122°F±9°) and maintained at this temperature for four hours;

(iii) The activity of the water shall then be determined;

(iv) The specimen shall then be stored for at least seven days in still air with humidity not less than 90 percent at 30°C (86°F);

(v) The specimen shall then be immersed in water with the same pH and maximum conductivity specifications as in subparagraph (1)(i) of this paragraph. The water and specimen must be heated to 50°C±5° (122°F±9°) and maintained at that temperature for four hours;

(vi) The activity of the water shall then be determined. The activities determined in subparagraph (1)(iii) and this subparagraph shall not exceed 0.05 microcuries.

(2) For encapsulated material—(i) The specimen shall be immersed in water at ambient temperature. The water must have a pH of 6–8 and a maximum conductivity of 10 micromho per centimeter. The water and specimen shall be heated to a temperature of 50°C±5° (122°F±9°) and maintained at this temperature for four hours;

(ii) The activity of the water shall then be determined;

(iii) The specimen shall then be stored for at least seven days in still air at a temperature not less than 30°C (86°F);

(iv) Step (i) shall be repeated; and

(v) The activity of the water shall be determined. The activities determined in paragraph (c)(2)(ii) and this paragraph (c)(2)(v) shall not exceed 0.05 microcuries.

§ 173.471 Requirements for U.S. Nuclear Regulatory Commission approved packages.

In addition to the applicable requirements of the U.S. Nuclear Regulatory Commission (USNRC) and Parts 171–177 of this subchapter, any shipper of a Type B or fissile material package that has been approved by the USNRC in accordance with 10 CFR Part 71 shall also comply with the following requirements:

(a) The shipper shall be registered with the USNRC as a party to the approval, and the shipment must be made in compliance with the terms of the approval;

(Approved by the Office of Management and Budget under OMB control number 2137-0513)

(b) The outside of each package shall be durably and legibly marked with the package identification marking indicated in the USNRC approval;

(c) Each shipping paper related to the shipment of the package shall bear the package identification marking indicated in the USNRC approval;

(d) Before the first export shipment of the package, the shipper shall obtain a U.S. Competent Authority Certificate for that package design or if one has already been issued, the shipper shall register with the U.S. Competent Authority as a user of the certificate. Upon registration as a user of the certificate the shipper will be furnished with a copy of it. The shipper shall then submit a copy of the U.S. Competent Authority Certificate applying to that package design to the national competent authority of each country into or through which the package will be transported, unless a copy has already been furnished;

(Approved by the Office of Management and Budget under OMB control numbers 2137–0514 and 2137–0515)

(e) The U.S. Competent Authority responsible for administering the requirements of Section VIII of the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)," is the—

Materials Transportation Bureau, Office of Hazardous Materials Regulation (OHMR), U.S. Department of Transportation, Washington, D.C. 20590.

(f) Each request for a U.S. Competent Authority Certificate as required by the IAEA regulations shall be submitted in writing to the address set forth in paragraph (e) of this section. The request shall be in duplicate and include copies of the applicable USNRC approval and a reproducible drawing showing the make-up of the package. Each request is considered in the order in which it is received. To allow sufficient consideration by OHMR, requests should be received at least 45 days before the requested effective date; and

(Approved by the Office of Management and Budget under OMB control number 2137–0514)

(g) Import and export shipments may be made in accordance with § 171.12 of this subchapter.

§ 173.472 Requirements for exporting DOT specification Type B and fissile packages.

(a) Any shipper who exports a DOT specification Type B or fissile material package authorized by §§ 173.416 or 173.417 shall comply with paragraphs (b) through (f) of this section.

(b) The shipper shall register with the U.S. Competent Authority as a user of the appropriate U.S. Competent Authority Certificate and the shipment shall be made in accordance with the certificate;

(Approved by the Office of Management and Budget under OMB control number 2137–0515)

(c) The outside of each package must be durably and legibly marked with the package identification marking indicated in the U.S. Competent Authority Certificate;

(d) Each shipping paper related to the shipment of the package must bear the package identification marking indicated in the U.S. Competent Authority Certificate;

(e) Before the first export shipment of the package, the shipper must submit a copy of the U.S. Competent Authority Certificate applying to that package design to the national competent authority of each country into or through which the package will be transported, unless a copy has already been furnished; and

(Approved by the Office of Management and Budget under OMB control number 2137–0515)

(f) Import and export shipments may be made in accordance with § 171.12 of this subchapter.

§ 173.473 Requirements for foreign-made packages.

In addition to the applicable requirements of Parts 171 through 177 of this subchapter, each shipper of a foreign-made Type B or fissile material package for which a competent authority certificate is required by the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)" shall also comply with the following requirements:

(a) Prior to the first shipment of such a package of radioactive materials into or from the U.S., the shipper shall:

(1) Have the foreign competent authority certificate revalidated by the U.S. Competent Authority, unless this has been done previously. The request must be in duplicate and contain all the information required by Section VIII of the IAEA regulations. Each request is considered in the order in which it is received. To allow sufficient consideration by OHMR, requests should be received at least 45 days before the requested effective date.

(2) Submit a copy in English of the foreign competent authority certificate with the request for revalidation;

(3) Register its identity in writing with the U.S. Competent Authority as a user of the package covered by the foreign competent authority certificate and its revalidation. If the shipper is requesting the revalidation, this is automatically done by OHMR; and

(4) Supply to the carrier, upon request, the applicable competent authority certificates. However, the competent authority certificates are not required to accompany the packages to which they apply.

(Approved by the Office of Management and Budget under OMB control number 2137–0517.)

(b) The outside of each package shall be durably and legibly marked with the same competent authority identification marking indicated on the competent authority certificate and revalidation;

(c) Each shipping paper for a shipment of radioactive materials shall bear a notation of the package identification marking indicated on the competent authority certificate or revalidation; and

(d) Import and export shipments may be made in accordance with § 171.12 of this subchapter.

§ 173.474 Quality control for construction of packaging.

(a) Prior to the first use of any packaging for the shipment of radioactive material, the shipper shall determine, that—

(1) The packaging meets the quality of design and construction requirements as specified in this subchapter; and

(2) The effectiveness of the shielding, containment, and, when required, the heat transfer characteristics of the package, are within the limits specified for the package design.

§ 173.475 Quality control requirements prior to each shipment of radioactive materials.

Before each shipment of any radioactive materials package, the shipper shall ensure by examination or appropriate tests, that—

(a) The packaging is proper for the contents to be shipped;

(b) The packaging is in unimpaired physical condition, except for superficial marks;

(c) Each closure device of the packaging, including any required gasket, is properly installed, secured, and free of defects;

(d) For fissile material, each moderator and neutron absorber, if required, is present and in proper condition;

(e) Each special instruction for filling, closing, and preparation of the

packaging for shipment has been followed;

(f) Each closure, valve, or other opening of the containment system through which the radioactive content might escape is improperly closed and sealed;

(g) Each packaging containing liquid in excess of an A_2 quantity and intended for air shipment has been tested to show that it will not leak under an ambient atmospheric pressure of not more than 0.25 atmosphere, absolute, (0.25 kilograms per square centimeter or 3.6 psia). The test must be conducted on the entire containment system, or on any receptacle or vessel within the containment system, to determine compliance with this requirement;

(h) The internal pressure of the containment system will not exceed the design pressure during transportation; and

(i) External radiation and contamination levels are within the allowable limits specified in this subchapter.

§ 173.476 Approval of special form radioactive materials.

(a) Each shipper of special form radioactive materials shall maintain on file for at least one year after the latest shipment, and provide to the MTB on request, a complete safety analysis, including documentation of any tests, demonstrating that the special form material meets the requirements of § 173.469.

(Approved by the Office of Management and Budget under OMB control number 2137-0510.)

(b) Prior to the first export shipment of a special form radioactive material from the United States, each shipper shall obtain a U.S. Competent Authority Certificate for the specific material. Each petition shall be submitted in accordance with § 173.471(e) and must include the following information:

(1) A detailed description of the material or if a capsule, a detailed description of the contents. Particular reference must be made to both physical and chemical states;

(2) If a capsule is to be used, a detailed statement of its design and dimensions, including complete engineering drawings and schedules of material, and methods of construction; and

(3) A statement of the tests that have been made and their results; evidence based on calculative methods to show that the material is able to pass the tests; or other evidence that the special form radioactive material complies with § 173.469.

(Approved by the Office of Management and Budget under OMB control number 2137-0510.)

(c) Paragraphs (a) and (b) of this section do not apply in those cases where A_1 equals A_2 and the material is not described on the shipping papers as "Radioactive Material Special Form, n.o.s."

§ 173.477 Approval for export shipments.

(a) Each export shipment of a package for which an IAEA certificate of competent authority has been issued or revalidated in accordance with §§ 173.471, 173.472, or 173.473 shall have multilateral approval, if the shipment includes—

(1) A vented Type B(M) package;

(2) A Type B(M) packaging containing radioactive materials with an activity greater than 3×10^3 A_1, or 3×10^3 A_2, as appropriate, or 3×10^4 curies, whichever is less;

(3) A Fissile Class III shipment; or

(4) Transportation by special arrangement.

(b) Each application for shipment approval shall contain—

(1) The period of time for which the approval is sought;

(2) A description of the contents, the expected modes of transportation, the type of vehicle to be used, and the proposed route; and

(3) An explanation of how the special precautions and special administrative and operational controls referred to in the package design certificates are to be put into effect.

(c) The packaging and shipment approvals may be combined into a single approval issued in accordance with §§ 173.471, 173.472 or 173.473.

(d) Approval by competent authorities is not required for packagings designed for materials covered by §§ 173.421 through 173.427 nor for Type A packagings designed for non-fissile radioactive materials.

§ 173.478 Notification to competent authorities for export shipments.

(a) Before the first export shipment of any packaging with contents exceeding A_1 or A_2, the shipper shall ensure that copies of each applicable competent authority certificate issued in accordance with §§ 173.471, 173.472, or 173.473 have been submitted to the competent authority of each country through which or into which it is to be transported. The shipper is not required to await an acknowledgment from the competent authority prior to shipping the radioactive material, nor is the competent authority required to acknowledge receipt of the certificate.

(Approved by the Office of Management and Budget under OMB control number 2137-0515.)

(b) For each of the shipments described in this paragraph, the shipper shall notify the competent authority of each country through which or into which the shipment is to be transported. This notification must be received by each competent authority at least 15 days before the shipment starts for the following:

(1) Type B(U) packagings containing radioactive materials with an activity greater than 3×10^3 A_1, 3×10^3 A_2, as appropriate, or 3×10^4 curies, whichever is the least;

(2) Type B(M) packages;

(3) Fissile Class III shipments under Section VIII of the IAEA "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6, 1973 Revised Edition (as amended)"; or

(4) Transportation by special arrangements.

(c) The shipper notification must include—

(1) Sufficient information to enable the packaging to be identified, including all applicable certificate numbers and identification marks; and

(2) Information as to the date of shipment, the expected date of arrival, and the proposed routing.

(d) The shipper is not required to send a separate notification if the required information has been included in the application for shipment approval.

PART 174—CARRIAGE BY RAIL

§ 174.208 [Amended]

14a. In § 174.208, paragraph (b) is amended by removing section reference "173.426" and inserting, in its place, "173.9".

15. In § 174.700, paragraph (a) is amended by removing section reference "§ 173.389(c) and § 173.392" and inserting in their respective places "§§173.403 and 173.425"; paragraph (b) is amended by removing section reference "§ 173.389(i)" and inserting in its place "§ 173.403(bb)"; and by removing section references "§§ 173.389(o) and 173.392, 173.393(j), or 173.396(f)" and inserting in their respective places "§§ 173.403, 173.425, 173.441, and 173.457"; paragraph (d) is amended by removing section references "§ 173.389(a)(3) and § 173.396(g)" and inserting in their respective places "§ 173.455(a) (3) and § 173.457"; and a new paragraph (g) is added to read as follows:

§ 174.700 Special handling requirements for radioactive materials.

* * * * *

(g) In the case of packages shipped under the exclusive use provisions of § 173.441(b) for packages with external radiation levels in excess of 200 millirem per hour at the package surface:

(1) The rail car shall meet the requirements for a closed transport vehicle (§ 173.403 of this subchapter); and

(2) Provisions must be made to secure the packages so that their position within the vehicle remains fixed under conditions normally incident to transportation.

§ 174.715 [Amended]

16. In § 174.715, paragraph (a) is amended by removing section reference "§ 173.389(o)" and inserting in its place "§ 173.403"; and by removing section reference "§ 173.397(a)" and inserting in its place "§ 173.443".

§ 174.750 [Amended]

17. In § 174.750, paragraph (a) is amended by removing section reference "§ 173.387" and inserting in its place "§ 173.443."

PART 175—CARRIAGE BY AIRCRAFT

§ 175.710 [Amended]

18. In § 175.10, paragraph (a)(6) is amended by removing section reference "§ 173.391 (a), (b), or (c)" and inserting in its place "§§ 173.421, 173.422, or 173.424."

19. In § 175.700, the section heading is revised; paragraph (b) is amended by removing section reference "§ 173.397" and inserting in its place "§ 173.443"; paragraph (c) is amended by removing section reference "§ 173.391 (a), (b), or (c)" and inserting in its place "§§ 173.421, 173.422, or 173.424"; and a new paragraph (d) is added to read as follows:

§ 175.700 Special limitations and requirements for radioactive materials.

* * * * *

(d) Type B(M) packages may not be offered or accepted for transportation, nor transported, on passenger-carrying aircraft.

20. In § 175.703, paragraph (b) is amended by removing section reference "§ 173.393(r)" and inserting in its place "§ 173.448(g)"; paragraph (c) is amended by removing section reference "§ 173.389(a)(3)" and inserting in its place "§ 173.455(a)(3)"; and paragraphs (d) and (e) are added to read as follows:

§ 175.703 Other special requirements for the acceptance and carriage of packages containing radioactive materials.

* * * * * *

(d) No person may offer or accept for transportation, nor transport, by air:

(1) Any Type B(U) or Type B(M) package with an accessible surface temperature in excess of 50°C (122°F);

(2) Continuously vented Type B(M) packages, packages which require external cooling by an ancillary cooling system or packages subject to operational controls during transport; or

(3) Liquid pyrophoric radioactive materials.

(e) Exclusive use shipments of packages having a surface radiation level in excess of 200 millirem per hour may not be transported by air except by special arrangement approved by MTB.

PART 176—CARRIAGE BY VESSEL

21. In Part 176, Subpart M is revised to read as follows:

Subpart M—Detailed Requirements for Radioactive Materials

Sec.

176.700 General stowage requirements.
176.704 Requirements relating to transport.
176.706 Segregation distance table.
176.710 Care following leakage or sifting of radioactive materials.
176.715 Contamination control.

Subpart M—Detailed Requirements for Radioactive Materials

§ 176.700 General stowage requirements.

(a) Radioactive materials must not be stowed in the same hold with mail bags.

(b) A package of radioactive materials which in still air has a surface temperature more than 5°C (9°F) above the ambient air may not be overstowed with any other cargo. If the package is stowed under deck, the hold or compartment in which it is stowed must be ventilated.

(c) Each Fissile Class III shipment must be stowed in a separate hold, compartment, or defined deck area and be separated by a distance of at least six meters (20 feet) from all other Radioactive Category II or III-Yellow labeled packages. For a shipment of radioactive materials requiring supplemental operational procedures, the shipper must furnish the master or person in charge of the vessel a copy of the necessary operational instructions.

(Paperwork requirement excepted from Office of Management and Budget approval)

(d) A person may not remain unnecessarily in a hold or compartment or in the immediate vicinity of any package on deck containing radioactive materials.

§ 176.704 Requirements relating to transport indexes.

(a) The sum of the transport indexes for all packages of radioactive materials not in freight container on board a vessel, may not exceed 200.

(b) Except as provided in paragraph (e) of this section, the sum of transport indexes for packages not in a freight container may not exceed 50 in any hold, compartment, or defined deck area. Each group of radioactive material packages must be separated by a distance of at least six meters (20 feet) at all times.

(c) Except as provided in paragraph (e) of this section, the number of freight containers with packages of radioactive materials contained therein must be limited so that the total sum of the transport indexes in the containers in any hold or defined deck area does not exceed 200, and:

(1) The sum of transport indexes for any individual freight container, or group of freight containers, does not exceed 50; and

(2) Each freight container or group of freight containers is handled and stowed in such a manner that groups are separated from each other by a distance of at least six meters (20 feet).

(d) The limitations specified in paragraphs (a), (b), and (c) of this section do not apply to consignments of low specific activity materials if the packages are marked "RADIOACTIVE LSA" and no Fissile Class II or Fissile Class III radioactive materials are included in the shipment.

(e) For exclusive use shipments, the limitations specified in paragraphs (b) and (c) of this section do not apply if—

(1) For packages not in freight containers, the sum of the transport indexes of Fissile Class II packages does not exceed 50 in each hold;

(2) For packages in freight containers, the radiation level does not exceed 200 millirem per hour at any point on the surface and 10 millirem at two meters (6 feet) from the outside surface of the freight container and the sum of transport indexes of Fissile Class II packages does not exceed 50 in each freight container and 200 in each hold or defined deck area; and

(3) Each group of Fissile Class II packages is separated from other radioactive material by a distance of at least six meters (20 feet) at all times.

(f) The limitations specified in paragraphs (a) through (e) of this section do not apply when the entire vessel is reserved or chartered for use by a single shipper under exclusive use conditions if the number of Fissile Class II and Fissile Class III packages of radioactive

materials aboard the vessel does not exceed the amount authorized in §§ 173.451 through 173.459 of this subchapter. The entire shipment operation must be approved by the Office of Hazardous Materials Regulation (OHMR) in advance.

§ 176.704 Segregation distance table.

(a) Table III applies to the stowage of packages of radioactive materials on board a vessel with regard to transport index numbers which are shown on the labels of individual packages. Radioactive Category II or III-Yellow labeled packages may not be stowed any closer to living accommodations, regularly occupied working spaces, spaces that may be continually occupied by any person (except those spaces exclusively reserved for couriers specifically authorized to accompany such packages), and undeveloped film than the distance specified to Table III. Where only one consignment of a radioactive substance is to be loaded on board a vessel under exclusive use conditions, the appropriate segregation distance may be established by demonstrating that the direct measurement of the radiation level at regularly occupied working spaces and living quarters is less than 0.75 millirem per hour. More than one consignment may be loaded onboard a vessel with the appropriate segregation distance established by demonstrating that direct measurement of the radiation level at regularly occupied working spaces and living quarters is less than 0.75 millirem per hour, provided that the vessel has been chartered for the exclusive use of a competent person specialized in the carriage of radioactive material. Stowage arrangements shall be predetermined for the entire voyage, including any radioactive substances to be loaded at ports of call enroute. The radiation level shall be measured by a responsible person skilled in the use of monitoring instruments.

TABLE III

Sum of transport indexes of the packages	Minimum distance in feet from living accommodation or regularly occupied working space	Minimum distance in feet from undeveloped film and plates																								
		1 day voyage			2 day voyage			4 day voyage			10 day voyage			20 day voyage			30 day voyage			40 day voyage			50 day voyage		
		Cargo thickness in feet (unit density)																								
	Nil	3	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6
0.1 to 0.5	5	X	8	5	X	8	X	X	11	X	X	17	4	X	25	8	X	30	7	X	35	8	X	39	8	X
0.6 to 1	5	X	8	X	X	11	X	X	16	4	X	25	8	X	35	8	X	42	10	X	50	12	X	55	15	X
1.1 to 2	9	X	11	X	X	16	4	X	22	5	X	35	8	X	50	12	X	61	14	X	70	17	X	78	19	X
2.1 to 3	10	X	14	X	X	19	5	X	27	6	X	42	10	X	61	14	X	74	18	X	86	20	X	96	23	X
3.1 to 5	13	X	17	4	X	25	6	X	35	8	X	55	13	X	78	19	X	96	23	X	110	26	X	124	29	7
5.1 to 10	19	4	25	6	X	35	8	X	50	12	X	78	18	X	110	26	X	135	33	8	155	37	9	175	42	10
10.1 to 20	26	6	35	8	X	50	12	X	69	17	X	110	26	X	155	37	9	190	46	11	220	53	13	250	59	14
20.1 to 30	32	8	43	10	X	61	14	X	85	20	X	135	32	8	190	45	11	235	56	13	270	65	16	305	72	17
30.1 to 50	42	10	55	13	X	78	19	X	110	26	X	175	42	10	245	58	14	300	73	17	350	84	20	390	94	22
50.1 to 100	59	14	78	19	X	110	26	X	155	37	9	245	59	14	350	82	20	430	105	24	515	118	28	550	130	32
100.1 to 150	72	17	96	23	X	135	32	8	190	46	11	300	72	17	425	100	24	525	125	30	600	145	35	(1)	165	39
150.1 to 200	84	20	110	26	X	155	37	9	200	53	13	350	84	20	490	115	28	600	140	35	(1)	165	40	(1)	190	45
200.1 to 300	105	24	135	32	X	190	46	11	270	64	15	425	105	25	600	145	35	(1)	180	42	(1)	205	49	(1)	230	55
300.1 to 400	120	29	160	37	9	220	53	13	310	75	18	500	120	29	(1)	165	40	(1)	205	49	(1)	235	57	(1)	265	63

Note:
(1) X—indicates that thickness of screening cargo is sufficient without any additional segregation distance.
(2) By using 6 feet of intervening unit density cargo for persons and 10 feet for film and plates, no distance shielding is necessary for any length of voyage specified.
(3) Using 1 steel bulkhead or steel deck—multiply segregation distance by 0.8. Using 2 steel bulkheads or steel decks—multiply segregation distance by 0.64.
(4) "Cargo of Unit Density" means cargo stowed at a density of 1 ton (long) per 36 cubic feet; where the density is less than this the depth of cargo specified must be increased in proportion.
(5) "Minimum distance" means the least in any direction whether vertical or horizontal from the outer surface of the nearest package.
(6) The total consignment on board at any time must not exceed transport indexes totalling 200 except if carried under the provisions of § 176.704(l). The figures below the double line of the table should be used in such a contingency.
(7) Not to be carried unless screening by other cargo and bulkheads can be arranged in accordance with the other columns.

Sum of transport indexes of the packages	Minimum distance in meters from living accommodation or regularly occupied working space	Minimum distance in meters from undeveloped film and plates																								
		1 day voyage			2 day voyage			4 day voyage			10 day voyage			20 day voyage			30 day voyage			40 day voyage			50 day voyage		
		Cargo thickness in meters (unit density)																								
	Nil	1	Nil	1	2	Nil	1	2	Nil	1	2	Nil	1	2	Nil	1	2	Nil	1	2	Nil	1	2	Nil	1	2
0.1 to 0.5	2	X	2	X	X	3	X	X	4	X	X	6	2	X	8	2	X	10	3	X	11	3	X	12	3	X
0.6 to 1.0	2	X	3	X	X	4	X	X	5	2	X	8	2	X	11	3	X	13	4	X	15	4	X	17	4	X
1.1 to 2.0	3	X	4	X	X	5	2	X	7	2	X	11	3	X	15	4	X	19	5	X	22	5	X	24	6	X
2.1 to 3.0	4	X	5	X	X	6	2	X	9	2	X	13	4	X	19	6	X	23	6	X	27	7	X	30	7	X
3.1 to 5.0	4	X	6	2	X	8	2	X	11	3	X	17	4	X	24	6	X	30	7	X	34	8	X	38	9	3
5.1 to 10.0	6	2	8	2	X	11	3	X	16	4	X	24	6	X	34	8	X	42	10	3	48	12	3	54	13	3
10.1 to 20.0	8	2	11	3	X	16	4	X	22	5	X	34	8	X	48	12	3	59	14	4	68	16	4	76	18	5
20.1 to 30.0	10	3	13	4	X	19	5	X	28	7	X	42	10	3	59	14	4	72	17	4	83	20	5	93	22	6

Sum of transport indexes of the packages	Minimum distance in meters from living accommodation or regularly occupied working space		Minimum distance in meters from undeveloped film and plates																						
			1 day voyage			2 day voyage			4 day voyage			10 day voyage			20 day voyage			30 day voyage			40 day voyage			50 day voyage		
30.1 to 50.0	13	3	17	4	X	24	6	X	34	8	X	54	13	3	76	18	5	92	23	6	110	26	7	120	29	7
50.1 to 100.0	18	5	24	6	X	34	8	X	48	12	3	76	18	5	110	25	8	130	32	8	150	35	9	170	40	10
100.1 to 150.0	22	6	30	7	X	42	10	3	59	14	4	93	22	6	130	31	8	160	39	10	185	45	11	(7)	50	12
150.1 to 200.0	26	6	34	8	X	48	12	3	68	16	4	110	26	7	150	36	9	185	43	11	(7)	51	13	(7)	58	14
200.1 to 300.0	32	8	42	10	3	58	14	4	83	20	5	130	32	8	185	44	11	(7)	55	13	(7)	63	15	(7)	70	17
300.1 to 400.0	36	9	48	12	3	66	16	4	91	23	6	150	36	9	(7)	50	13	(7)	63	15	(7)	73	18	(7)	81	20

Note:
(1) X—indicates that thickness of screening cargo is sufficient without any additional segregation distance.
(2) By using 2 meters of intervening unit density cargo for persons and 3 meters for film and plates, no distance shielding is necessary for any length of voyage specified.
(3) Using 1 steel bulkhead or steel deck—multiply segregation distance by 0.8. using 2 steel bulkheads or steel decks—multiply segregation distance by 0.64.
(4) "Cargo of Unit Density" means cargo stowed at a density of 1 ton (metric) per cubic meter, where the density is less than the the depth cargo specified must be increased in proportion.
(5) "Minimum distance" means the least in any direction whether vertical or horizontal from the outer surface of the nearest package.
(6) The total consignment on board at any time must not exceed transport indexes totalling 200, unless carried under the provisions of § 176.704(l). The figures below the double line of the table should be used in such a contingency.
(7) Not to be carried unless screening by other cargo and bulkheads can be arranged in accordance with the other columns.

§ 176.710 Care following leakage or sifting of radioactive materials.

(a) In case of fire, collision, or breakage involving any shipment of radioactive materials, other than materials of low specific activity, the radioactive materials must be segregated from unnecessary contact with personnel. In case of obvious leakage, or if the inside container appears to be damaged, the stowage area (hold, compartment, or deck area) containing this cargo must be isolated as much as possible to prevent radioactive material from entering any person's body through contact, inhalation, or ingestion. No person may handle the material or remain in the vicinity unless supervised by a qualified person.

(b) A hold or compartment in which leakage of radioactive materials has occurred may not be used for other cargo until it is decontaminated in accordance with the requirements of § 176.715.

(c) For reporting requirements, see § 171.15 of this subchapter.

§ 176.715 Contamination control.

(a) Each hold, compartment, or deck area used for the transportation of low specific activity radioactive materials under exclusive use conditions shall be surveyed with appropriate radiation detection instruments after each use. Such holds, compartments, and deck areas may not be used again until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour, and the removable (non-fixed) radioactive surface contamination is not greater than the limits prescribed in § 173.443 of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

§ 177.825 [Amended]

21a. In § 177.825, paragraphs (b), (c), and (d) are amended by removing the phrase "large quantity radioactive material as defined in § 173.389(b)" and inserting in its place "highway route controlled quantity radioactive materials as defined in § 173.403(l)"; and paragraphs (b)(2)(iii) and (d)(2)(iv) are amended by removing the term "large quantity" and inserting in its place "highway route controlled quantity."

22. In § 177.842, paragraph (a) is amended by removing section references "§ 173.389(i), § 173.393(j), § 173.398(f) and § 173.392", and inserting in their respective places "§§ 173.403, § 173.441(b), § 173.457, and § 173.425"; paragraph (c) is amended by removing section references "§ 173.389(c) and § 173.392", and inserting in their respective places §§ 173.403 and § 173.425"; paragraph (f) is amended by removing section references "§ 173.389(a)(3) and § 173.398(g)", and inserting in their respective places "§§ 173.455(a)(3) and 173.457"; and paragraph (g) is added to read as follows:

§ 177.842 Radioactive material.

* * * * *

(g) For shipments transported under exclusive use conditions the radiation dose rate must not exceed 2 millirem per hour in any position normally occupied in the vehicle. For shipments transported as exclusive use under the provisions of § 173.441(b) for packages with external radiation levels in excess of 200 millirem per hour at the package surface, the vehicle must meet the requirements of a closed transport vehicle (§ 173.403 of this subchapter).

23. In § 177.843, paragraph (a) is revised to read as follows:

§ 177.843 Contamination of vehicles.

(a) Each motor vehicle used for transporting radioactive materials under exclusive use conditions in accordance with §§ 173.425(c) or 173.443(c) shall be surveyed with radiation detection instruments afer each use. A vehicle may not be returned to service until the radiation dose rate at each accessible surface is 0.5 millirem per hour or less and the removable (non-fixed) radioactive surface contamination is not greater than the level prescribed in § 173.443(a).

* * * * *

§ 177.861 [Amended]

24. In § 177.861, paragraph (a) is amended by removing section reference § 173.397 and inserting in its place § 173.443.

Appendix A—[Amended]

24a. In Appendix A, all references to "large quantity" throughout Appendix A are changed to read "highway route controlled quantity".

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.350–2 [Amended]

25. In § 178.350–2, paragraph (a) is amended by removing section references "§ 173.389(j) and § 173.398(b)", and inserting in their respective places §§ 173.403 and § 173.465".

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A. to Part 1)

Issued in Washington, D.C., on February 24, 1983

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83–6215 Filed 3–9–83; 8:45 am]
BILLING CODE 4910–60–M

VOL
48
ISS
48
MR
10
1983
UMI

federal register

Thursday
March 10, 1983

Part III

Water Resources Council

Repeal of Water and Related Land Resources Planning Principles, Standards and Procedures; and Adoption of Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies

WATER RESOURCES COUNCIL

18 CFR Parts 711, 713, 714, and 716

Water and Related Land Resources Planning Principles, Standards and Procedures; Repeal of Regulations

AGENCY: Water Resources Council.

ACTION: Repeal of rules.

SUMMARY: This document repeals 18 CFR Parts 711, 713, 714, and 716 which contain the Water Resources Council Principles, Standards and Procedures for Water and Related Land Resources Planning. The purpose of the repeal is to reduce the burden on agencies in complying with detailed and legally binding technical rules for formulation and evaluation of water and related land resources plans and projects.

EFFECTIVE DATE: This repeal becomes effective July 8, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Deason, Department of the Interior (202) 343–3150.

SUPPLEMENTARY INFORMATION:

1. Background

A notice of proposed repeal of the Principles, Standards and Procedures (PS&P) in 18 CFR Part 711, 713, 714 and 716 was published on September 11, 1981, at 46 FR 45368. Many commenters requested the opportunity to review the proposed replacement, the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G), to assist them in commenting on repeal of the existing rules. In response, the comment period was re-opened on March 22, at which time proposed P&G were published at 47 FR 12297. Comments were requested on repeal of the PS&P and on adoption of the proposed P&G, including the procedures for evaluating national economic development (NED) and environmental quality (EQ). This document contains the discussion of and addresses the comments received on both proposals.

2. Issuance of the P&G

The proposed P&G were reappraised by the Water Resources Council (WRC) in light of comments received during the initial and re-opened public review periods. A discussion of the comments received and WRC responses is presented in Section 4 below.

The P&G, as revised in response to public comments, have been established by the WRC, and a notice announcing their adoption and availability is published in today's Federal Register. This action implements the requirement of the Water Resources Planning Act (Pub. L. 89–80) that the WRC establish principles, standards and procedures for planning water and related land resources projects. The Principles and the Guidelines have been approved by the President and the Chairman of the WRC, respectively.

3. Required Analyses

It has been determined that the repeal of the PS&P is not a major rule under Executive Order 12291 and that therefore a regulatory impact analysis is not required. The repeal of the PS&P will reduce the costs attributable to water resources planning by Federal agencies and have an estimated economic effect of significantly less than $100 million. The repeal of the PS&P is not expected to increase costs or prices of goods and services in the private sector, or have other adverse economic effects.

It has also been determined that the repeal of the PS&P will not have a significant economic effect on a substantial number of small entities and that therefore a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The repeal of the PS&P is expected to reduce the type and quantity of data requested from small units of government by Federal water resources agencies, and have only a limited effect on the provision of services by small businesses. The repeal of the PS&P is not expected to significantly affect the type or number of water resources projects that are undertaken.

Based on an environmental assessment prepared in accordance with 40 CFR 1500–1508, the WRC has determined that repeal of the PS&P and issuance of the new P&G will not significantly affect the quality of the human environment.

Copies of the environmental assessment and the finding of no significant impact may be obtained from the Chairman of the Water Resources Council, Department of the Interior, Washington, D.C. 20240.

4. Response to Comments

During the initial and re-opened comment periods, 948 comments were received. The comments addressed subjects ranging from fundamental policy issues to technical corrections in evaluation procedures.

Numerous changes have been made throughout the P&G to improve clarity, correct technical points, and respond to issues raised by the public. Minor changes, including improvements in editorial style and technical corrections, are not individually addressed in the comment summaries and responses that follow.

Many simplifying changes have been made. However, several of the evaluation procedures remain complex and detailed. Where possible, a simplified alternative procedure has been developed for use under limited conditions. The final P&G represent a balance between the need for flexibility and simplicity and the need for theoretically sound and thorough analysis.

The following discussion summarizes significant and/or frequent comments and explains the responses to them reflected in the P&G.

Removal From Status as Regulations

Comment: Many commenters stated that the Principles, Standards and Procedures (PS&P) should be retained as rules. Others supported repeal and stated that the PS&P should never have been made rules.

Response: The task confronting the government has been to develop principles, standards and procedures that relate to functions of a number of agencies. Each agency operates under distinct legislative authorizations and, therefore, the programs for which each is responsible are to some extent unique. The water resource plans to which the principles and standards must apply, therefore, are varied in nature, size and expense, ranging from small soil conservation projects, which can be planned and constructed over a short period of time, to massive regional projects that require years of planning and take years to construct.

The ultimate goal of principles and standards then, is to establish uniform methods by which the agencies will plan and evaluate those projects, while at the same time permit agencies the necessary flexibility to vary the analysis to more appropriately fit the plan under evaluation. Decisionmakers require uniformity to allow appropriate comparisons and to ensure that alternatives have been adequately planned and evaluated. Flexibility is required so that planners may use only those steps and procedures necessary to evaluate a plan. Flexibility also avoids the expenditure of time and money in unnecessary or inappropriate analysis.

Promulgation of principles and standards as regulations provides a basis for uniformity. Such regulations could also provide a basis for flexibility. However, to provide flexibility either they would have to be very complex, or they would have to provide for exceptions that would require only

necessary planning and analysis on any given project.

Flexibility in regulations will also present problems if litigation occurs. Recent history demonstrates that litigation over water projects is frequent. In many cases, the issue of compliance with appropriate regulations is raised. If the necessary flexibility is built into regulations, questions will be raised as to whether appropriate regulations have been followed and whether in the planning it was appropriate for exceptions to have been allowed. These uncertainties change the focus of planners from performing the appropriate analysis to mechanical compliance with regulations to avoid difficulties in litigation. Thus, time and money are expended on matters unnecessary to the planning process.

The purpose of the change from regulations to guidelines is to keep the focus on the performance of appropriate planning and analysis. Uniform, professionally accepted procedures form the general basis of the planning process.

Moreover, they will be flexible because they are guidelines. As guidelines they can be less complex because explicit provision for exceptions to general planning procedures will be unnecessary. The change from regulations to guidelines also removes or reduces the threat of litigation for failure to comply, thus permitting planners to focus on the appropriate task and not on a concern for mechanical compliance with complex and detailed regulations.

Comment: Repeal will result in violation of environmental protection laws and regulations.

Response: This is not a correct assertion. The changes proposed will not affect any environmental laws or regulations. Those laws and regulations remain, so compliance with them is still required.

Comment: The right of the public to enforce the Principles, Standards and Procedures (or Principles and Guidelines) may be impaired. Planners should be held accountable for their analysis.

Response: The P&G will continue to provide a basis to make planners accountable for their analysis. Plans will undergo rigorous review within each responsible agency, by States and other Federal agencies, and in the review process of the Office of Management and Budget. Public enforcement through litigation is not contemplated in the planning process. The P&G permit planners to focus on the task at hand, which is appropriate planning, not avoidance of litigation. Public participation in the formulation and evaluation of alternative plans is not diminished through the proposed change.

Comment: Rather than repeal the PS&P, amend them as necessary to decrease the burden and increase flexibility.

Response: As discussed above, in order to provide the flexibility required in the PS&P as regulations, it would be necessary either to provide separate regulations for each type of planning situation or to provide in the regulations that in appropriate circumstances exceptions could be made. The first method leads to very complex regulations. The second increases uncertainty on the part of planners as to whether they have complied with the regulations. Moreover, since regulations may be subject to litigation, the uncertainty created by either greater complexity or broader exceptions will create greater potential for litigation. With the PS&P as regulations it is difficult to decrease the burdens and yet provide the necessary flexibility.

Comment: Some commenters urged retaining the PS&P as rules to achieve uniformity, a more proper goal than flexibility. Others stated that all uniform planning procedures since 1973 should be disregarded.

Response: The need for uniformity is recognized, and it is not intended that uniformity be foregone. The P&G set forth general uniform requirements for the planning process substantially the same as those in the existing PS&P. The intent is to provide flexibility within those broad guidelines, such as in the scope of data collection or the level of detail required, depending upon the plan being evaluated. Moreover, absolute uniformity fails to account for the differences in the scope and magnitude of the alternative plans that would be studied under the P&G or the PS&P.

Comment: Repeal the procedures but not the P&S, because only the procedures are burdensome.

Response: The procedures, as now issued in the P&G, reflect the fact that they are intended to be a more detailed explication of how to comply with principles and standards (Chapter 1 of the P&G). While repealing only the procedures as rules would permit some greater flexibility, it would not resolve the problem, since consistency is necessary between the principles and standards and these procedures. A greater measure of flexibility results from changing the principles and standards to guidelines.

Comment: Repeal means that future changes in the P&G can be made with no public involvement whatsoever.

Response: Although no particular process is specified, public participation in future revisions to the P&G is not precluded. Continuing public review and comment will assist in consideration of possible future improvements in the P&G.

Comment: The P&G contain professionally accepted methods for formulating and evaluating plans, so compliance should be legally required.

Response: It is agreed that the P&G contain accepted methods for formulation and evaluation of plans. These methods reflect the state of the art in this type of analysis. However, the threat of litigation on minor technical points misdirects the focus of the planner. (See response above concerning accountability.) The change to guidelines permits planners to use those methods as applicable. These are widely accepted technical methods and will be followed by agency planners.

The Single Federal Objective

Comment: Several commenters wrote that the establishment of only one objective for water and related land resources project planning will result in inadequate consideration of environmental values. Conversely, several commenters wrote that the Federal objective of Principle #2 was appropriate.

Response: Principle #2 states that: "The Federal objective of water and related land resources project planning is to contribute to national economic development consistent with protecting the Nation's environment, pursuant to national environmental statutes, applicable executive orders, and other Federal planning requirements."

Thus, the objective is not without constraints; it includes consideration of Federal responsibilities for protecting the Nation's environment, as reflected in Federal law and regulation. This single objective is consistent with the change that reduced the P&G coverage to the four primary water resources development agencies. Planning activities of other programs are not constrained by the P&G. In addition, Principle #5 allows plans to be formulated to address State and local concerns not adequately addressed by the NED plan. These concerns may include environmental concerns.

Comment: Several commenters stated that emphasis upon national economic development in planning will result in projects that are inconsistent with State and local needs.

Response: A fundamental premise of the P&G is that Federal water resources planning is to be responsive to State and

local concerns. This has been explicitly stated in Principle #3. This includes all State and local concerns, not just those related to national economic development. Principle #5 provides increased flexibility for planners to formulate water development plans that address State and local concerns not fully addressed by the NED plan. The P&G and NEPA require development and display of all significant effects of alternative plans, including environmental, regional, and social effects. Also, Chapter I, Paragraph 1.6.2(c), provides that each plan should be formulated in consideration of four criteria: completeness, effectiveness, efficiency, and acceptability. Acceptability is defined as the workability and viability of a plan with respect to acceptance by State and local entities and the public and compatibility with existing laws, regulations, and public policies.

Comment: The principles are not in accord with the congressional statement, contained in Section 209 of the Flood Control Act of 1970, that four objectives (regional economic development, the quality of the total environment, the well-being of the people and national economic development) were to guide water project planning.

Response: The Flood Control Act of 1970 gives no operational definition to its statement of objectives. The P&G define operationally the National Economic Development (NED) objective. The expression of State and local concerns in the planning of individual projects will provide guidance for addressing the other objectives stated in the 1970 Act.

Plan Selection Principle

Comment: Selection of the plan with the "greatest net economic benefit" does not ensure that the recommended plan will make a net overall contribution when all social and environmental costs are considered.

Response: Agree. It is for this reason that the P&G provides for exception to the NED plan selection rule when consideration of effects of a plan indicate that there are overriding reasons for selecting another plan. Changes have been made to ensure that every recommended plan will, in the judgment of the responsible decisionmaker, produce overall beneficial effects that outweigh its overall adverse effects.

Comment: Selection of plans should not involve the Cabinet Council on Natural Resources and Environment.

Response: Neither the March 22, 1982, proposal nor the final P&G envisions a plan selection role for the Cabinet Council on Natural Resources and Environment. An earlier draft proposal did, however, consider such a role.

Comment: The selected plan should be the alternative that "reasonably maximizes" net economic benefits, not the one with the greatest net economic benefits.

Response: The text has been revised to clarify that the plan with the greatest net economic benefits, that is the NED plan, is the one that reasonably maximizes net economic benefit.

Comment: Requiring the recommended plan normally to be the one with the greatest net economic benefits is overly restrictive and does not recognize the State and local concerns addressed in plan formulation. Certainly, such a requirement is inappropriate when the project is to be entirely paid for by nonfederal interests.

Response: The requirement normally to recommend the plan with the greatest net economic benefits emphasizes the commitment of the Federal Government to the economic efficiency criteria in water project planning and selection. The provision for recommendation of another plan when overriding conditions warrant recognizes that concerns of State and local governments are to be fully addressed and balanced against the Federal objective in the planning process. Even if a project is to be paid for entirely by nonfederal interests, the fact that there is Federal involvement requires a balancing of net national economic development benefits and other benefits in selecting the overall best plan.

Comment: Responsibility for plan selection should rest with the responsible regional agency official, not the Secretary of a Department.

Response: The responsible field-level agency official would tentatively recommend a plan in every case under the P&G. If a plan other than the NED plan were recommended, that recommendation would become the agency's position only if the agency head grants an exception. This procedure recognizes that the highest-ranking official of an agency is ultimately responsible for the agency's activities and is to be involved in the selection of plans not fully responsive to the Federal objective.

Comment: Absent guiding criteria or appeal procedures, the exception clause allows the Secretary of a department or head of an independent agency an inordinate amount of discretion.

Response: Because of the subjective nature of the tradeoffs required in deciding whether to grant an exception, no specific criteria are appropriate other than the directive that there be overriding reasons. Chapter I of the Guidelines states that: "The basis for selection of the recommended plan should be fully reported, including considerations used in the selection process."

Agency Coverage

Comment: Comments took various positions on what agency programs should be subject to the P&G. The positions were: In favor of continued coverage of eight agency programs; in favor of expansion of coverage to include additional agencies; and support for the proposal to reduce coverage to the four primary water resource development agencies.

Response: The P&G are for use in planning water projects. Reducing coverage to the four primary water resource development agencies (Corps of Engineers, Bureau of Reclamation, Soil Conservation Service, and Tennessee Valley Authority) is consistent with the content and degree of specificity in the P&G, and especially with the stated Federal objective. Expansion of agency coverage could be accomplished only with fundamental changes in the P&G planning framework. This would introduce undesirable complexity into the P&G.

Applicability

Comment: The definition of and extent of "water resource project plans" subject to the P&G should be clarified.

Response: Water resources project plans of the four agencies covered by the P&G include all pre- and postauthorization project formulation and evaluation studies that are not approved by the agencies' field officers within 120 days of this action. Guidance provided in Section 1.1.1(d) intends broad applicability to both pre- and postauthorization planning of the agencies covered. Limitation of applicability to certain types of water project studies was not intended.

Comment: While some comments supported the absence of a "grandfather" provision that would exempt certain studies, others stated that studies of projects previously authorized for construction should be excluded from coverage.

Response: No change has been made from the March proposal in the applicability of the P&G. All studies completed more than 120 days after the P&G take effect will be covered, so that future studies will contain consistent and comparable evaluations, regardless of the status of the project for which the study is done.

Relationship to Administration's Fiscal Policies

Comment: Some commenters stated that the proposed action was inconsistent with the Administration's policies for fiscal restraint. Others stated that the proposed action supported efforts to reduce costs associated with Federal programs.

Response: The emphasis in the P&G on national economic development is intended to improve water project investment decisions and is, therefore, consistent with the President's fiscal policies.

Cost Sharing

Comment: Cost sharing policies should apply only to projects not yet authorized, and should reflect the degree to which the selected plan addressed desires of Federal, State, and local governments.

Response: Neither the PS&P nor the P&G establish cost sharing and, therefore, that subject is beyond the scope of this action. As stated in Principle #11, cost sharing policies for water projects will be addressed separately.

Compliance With the National Environmental Policy Act

Comment: Several commenters pointed to changes proposed in the P&G that had not been addressed in the preliminary environmental assessment (EA). Others stated that the EA was generally inadequate.

Response: Response to these comments is reflected in the amended environmental assessment.

Compliance With WRC Regulations and Pub. L. 89-80

Comment: WRC administrative regulations require that decisions affecting the authorities and programs of agencies that are not voting members of WRC are to be made in formal meetings. The proposed repeal decision, which was made in a written WRC Action Memorandum, should have been made at a formal recorded meeting of the WRC.

Response: WRC's administrative regulations call for decisions affecting nonmember agencies to be made in formal meetings of the Council. After review of comments received during the initial 30-day comment period and the 60-day extension, the final decision whether to repeal the PS&P was made by the WRC members in a formal meeting, in accordance with WRC regulations.

Clarification of WRC Status

Comment: It is unclear what the future role of the WRC will be, because the proposed Guidelines would be issued under the Water Resources Planning Act authority, and they include references to the WRC.

Response: The Administration has proposed no future funding for a separate WRC staff or for its programs. As long as the Water Resources Planning Act (Pub. L. 89-80) is in effect, the policymaking Council, made up of eight agency heads, has the statutory responsibility for establishing principles, standards, and procedures for planning water resources projects, subject to the approval of the President. The P&G, including the procedures in chapters II and III, constitute, "principles, standards, and procedures," as required by law. Administrative activities formerly carried out by the WRC staff have been or will be assigned to other agencies or to ad hoc interagency groups.

General Comments on Chapter I—Standards

Comment: Clarification is needed that, although "implementation studies" includes both plan formulation and plan evaluation, only the Guideline sections addressing evaluation apply when restudies do not include plan reformulation.

Response: Chapter I has been changed to clarify this point. An example of when this would occur is the updating of financial and economic material to re-examine plan feasibility.

Discount Rate

Comment: Given that the discount rate may change annually, what is the appropriate rate to be used in studies formulated or evaluated over a period of more than one year?

Response: The appropriate discount rate is the rate currently in effect. It changes over time. Such changes must be accommodated in the planning process.

Prices

Comment: The prices used for evaluation should reflect real exchange values. The sections on relative and general prices should be changed to emphasize this.

Response: Section 1.4.10 of the P&G has been changed for clarity and to reflect this comment.

Appraisal of Plan Effects

Comment: The judgment involved in the appraisal process should apply to evaluation of NED effects as well as to evaluation of environmental and social effects.

Response: It is recognized that judgments are necessary to identify the best overall plan. However, the term "appraisal," as used in the P&G, is defined as the process of assigning social values other than dollars to effects of alternative plans.

Mitigation

Comment: Section 6.1(g) overemphasizes the mitigation concept, and fails to provide for recognition of potential benefits for enhancement of the environment.

Response: Environmental enhancement measures may be included in alternative plans if they address State or local concerns or produce net NED benefits.

Comment: Some commenters stated that Section 6.1(g), which deals with mitigation, should be deleted because mitigation requirements allow project opponents to impose unreasonable conditions as a price of withdrawing opposition. Other commenters wanted to strengthen this section by deleting "where practical," in order to ensure that wildlife conservation and enhancement receive equal consideration. Some commenters also pointed out that the Fish and Wildlife Coordination Act does not apply to the Watershed Protection and Flood Prevention Act. One commenter pointed out the fact that all alternatives do not require mitigation.

Response: Fish and wildlife and other mitigation is appropriate and consistent with the Federal objective of contributing to national economic development consistent with protecting the Nation's environment. This section has been retained with editorial changes.

Comment: Section 6.2(b) suggests that incremental mitigation measures not providing net beneficial NED effects cannot be included in the NED plan.

Response: Mitigation measures are not required to produce net NED benefits. Each increment of the NED plan, with its appropriate mitigation measures, must produce net NED benefits. The language has been modified to clarify this point.

Nonstructural Measures

Comment: Many commenters urged retention of the requirement for a primarily nonstructural plan in all cases. Similarly, one commenter stated that consideration of nonstructural measures should be required because nonstructural alternative analysis is critical if an acceptable range of choices

is to be considered. Another commenter stated the opposing view that nonstructural measures should be deleted since they do not provide the same results as structural measures. Other commenters supported deletion of the nonstructural plan requirement as a simplification of the planning process.

Response: While there is no requirement to formulate a separate, primarily nonstructural alternative, nonstructural measures are to be considered in alternative plans (see Section 6.1(f)). The consideration of nonstructural measures in alternatives—alone or in combination with structural measures—is retained, since they sometimes offer more efficient and effective solutions to problems.

Formulation of Alternative Plans

Comment: Section 6.1(e) is overly specific with regard to its stated concern for water demand and supply, since the intended concept applies to other concerns as well, such as flood protection. A range of practical possibilities must be evaluated if alternative plans are to be developed.

Response: Section 6.1(e) has been changed for a more general application.

Comment: Language should be returned to Section 6.1(e) to state that water conservation is to be fully integrated into plan formulation. The provision that drew a clear contrast between water conservation elements and storage facilities is conspicuously absent.

Response: The whole planning process is appropriately concerned with the conservation of water and other resources. Section 6.1(e)(4) was added in the proposal to make it clear that the development and management of water supplies are elements of conservation.

Comment: Section 6.2(b) allows formulation of plans that do not provide net NED benefits, but only if they are cost effective measures. This should be broadened to allow consideration of nonmonetary costs.

Response: Measures which are included to address concerns other than the Federal objective should be those measures that are most cost effective and meet the four criteria of completeness, effectiveness, efficiency, and acceptability. It is proper (when we are trying to hold down Federal expenditures to improve the Nation's economy) to invest in the least costly solutions to problems.

Comment: Section 6.4(c) requires the development of plans in direct conflict with existing laws. This should be optional.

Response: This section has been rewritten to provide flexibility. It now states that alternative plans that include removal of institutional barriers should be presented where such plans are implementable.

Accounts, General

Comment: In the display of effects discussed in section 7.1(e), add "wetlands protection, related terrestrial habitats," between "ground water" and "instream flow."

Response: This is not necessary. The proposed categories are covered by section 6.1(g), *Mitigation.*

Comment: Are significant EQ effects (Section 7.3(c)) part of the EIS?

Response: Yes. Preparation of the EIS is an integral part of the planning process.

Comment: The EQ procedures referenced in Section 7.3(a)(4) should be the required procedure and not simply a "suggested" one, in order to assure uniformity of comparison between alternative plans.

Response: The EQ procedures provide only a conceptual framework for evaluation of EQ effects. Other procedures that include measurement techniques may be superior to these procedures in certain instances; therefore, the use of other evaluation procedures remains an option.

Comment: There is no requirement for a State economic development account. A separate accounting would be helpful to State and local government entities.

Response: Such an accounting is not precluded. A State may be treated as a region if such an accounting is needed for decisionmaking purposes.

Comment: Flexibility should be provided to allow the use of State projections in evaluating regional economic development effects.

Response: The regional analysis addresses impacts in more than one region. A meaningful presentation requires the use of consistent projections for all regions.

Comment: The proposals in Section 7.5 (other social effects account) dilute this section to the point of ineffectiveness.

Response: Flexibility has been added in order to focus the evaluation on the effects that have a material bearing on the decisionmaking process.

Comment: The discussion of other social effects (section 7.5(e)) states that agricultural land is a renewable resource. For all practical purposes this is not true. Agricultural land is a nonrenewable resource.

Response: The text has been changed to remove this distinction.

The NED Account

Comment: The NED account is the only required account. Some commenters favored two accounts—NED and EQ. Others favored all four accounts—NED, EQ, OSE and RED—for consistency purposes. They stated that too much emphasis is placed on NED and not enough is placed on other effects of alternative plans. One commenter stated that NEPA is the basis for the EQ account. Other commenters stated that it is sufficient to establish the NED account and questioned the need for the details of the other accounts.

Response: The flexibility of using either the remaining accounts (EQ, RED and OSE) or some other appropriate format for presentation of effects is retained. This satisfies NEPA and the requirement of displaying significant effects for decisionmaking purposes. The proper emphasis is placed on the NED account since it displays information relevant to the Federal objective. The evaluation and display of effects is limited to those which would have a material bearing on the decisionmaking process. This helps to eliminate wasteful inventory and evaluation work and improves the planning process by placing the focus on significant issues.

Comment: The full employment assumption in sections 7.2(c)(3) and 4.9(c) is not consistent with benefit values associated with the use of otherwise unemployed or underemployed labor.

Response: Even in a full employment economy there are areas with persistent unemployment problems due to labor immobility in the short run. It is appropriate to claim employment benefits in such areas if unemployment is substantial and persistent at the time of authorization or new start appropriation decisions.

Comment: Why is the net income approach not utilized to estimate unemployed or underemployed labor benefits?

Response: It is used. Section 7.2(e)(1) has been changed to clarify this.

Comment: Limiting unemployed or underemployed labor benefits to labor employed on site during construction underestimates beneficial effects.

Response: The benefit procedure is consistent with the current state of the art, and it provides a reasonable estimate of the benefits.

Comment: Benefits of employment should not be restricted to construction employment. The greatest long-term benefit will be permanent new jobs.

Response: There are no valid techniques for estimating long-run employment benefits. Also, a basic assumption in benefit-cost analysis is that in the long run there are no unemployed labor resources.

Comment: Section 7.2(e)(1), which discusses the opportunity costs of otherwise unemployed and underemployed labor, is confusing, controversial, and partly unnecessary.

Response: The section has been changed to increase clarity and brevity.

Comment: How do the procedures account for the difference in willingness to pay among various planning regions?

Response: The value of goods and services to the Nation is defined as the willingness of users to pay for each increment of output. Thus, the value of project outputs is the willingness of users in the benefiting region to pay for that increment of project output they will receive.

Comment: Clarification is needed that estimates of benefits should be based on costs of the most likely alternative only when there is evidence that the alternative would be implemented.

Response: Clarification has been provided in the procedures which utilize the cost of the most likely alternative as a means to estimate the willingness of users to pay. There must be evidence that the alternative would be implemented in the absence of any of the alternative plans under consideration (the without-project condition).

Comment: The statement is made that "the external economies in the NED account do not include decreases in the price of products or service, * * *" yet in section 7.2(f)(2) and g(4) these external economies are specifically allowed to be included in the accounts.

Response: The referenced sections covered external *diseconomies;* therefore, they were conceptually sound. However, the problem has been resolved by removing these vague categories of benefits and costs and replacing them with a category called "other direct effects."

Comment: In section 7.2(g)(1), the statement that "these costs do not include transfer payments such as replacement housing, assistance payment, * * *" is not consistent with section 9.1(b).

Response: The difference in the two sections occurs because Section 7 deals with NED costs (net economic costs), while Section 9 deals with financial costs (implementation outlays).

Comment: Water quality should be included in the category of goods and services in the NED account.

Response: The beneficial and adverse effects of water quality changes are contained in the categories of benefits and costs associated with water use, for example, recreation and water supply.

Comment: Low flow augmentation can produce benefits and should be included in the list of goods and services.

Response: The economic benefits of low flow augmentation are contained in the categories of benefits associated with water use, e.g., recreation and water supply.

Comment: NED benefits should include fish and wildlife management benefits.

Response: Where fish and wildlife benefits can be quantified in monetary terms, they are included in the recreation and commercial fishing categories.

Comment: Administratively established values, such as for recreation, have been historically grossly understated. Such value should be the minimum Federal wage times eight hours per day.

Response: The commenter offers a measure of the value of leisure. However, the willingness to pay for use of the particular site under consideration in an evaluation cannot be directly related to labor income foregone. In addition to the unit-day values schedule, alternative techniques are provided to estimate the value of a visitor-day of recreation use. They are considered to provide more accurate estimates, but at the expense of added complexity.

Displays

Comment: The concept of a "candidate plan" should be retained. Use of this concept ensured the availability of alternative plans with very different priorities.

Response: The term "candidate plans" has been eliminated as a simplifying change. However, the concept is retained in the requirement that alternative plans be formulated to address not only the Federal objective, but also other State and local concerns.

Comment: Effects should be displayed in the four account system. Section 8.2(b)(3) should eliminate the "some other appropriate format" language.

Response: The language has been retained in the interest of flexibility. Other display methods are equally valid for making consistent comparisons of alternative plans.

Comment: The table formerly required under 711.71(c)(2) of the PS&P should be retained. The proposed section does not substitute for the determination of a plan's compliance with environmental statutes.

Response: Such a table is not needed. The P&G require that each alternative plan comply with all environmental statutes.

Cost Allocation

Comment: Is the proposed cost allocation method the same as the separable costs/remaining benefits (SC/RB) method?

Response: Yes, except as otherwise provided in Section 1.9.3(b) of Chapter I, by which joint costs may be allocated in proportion to the use of facilities.

Comment: Some commenters proposed broadening the use of alternative costs in the cost allocation procedure.

Response: The section addressing use of alternative costs was expanded to indicate that an alternative cost approach is to be used whenever costs would be incurred for a purpose not addressing the NED objective, e.g., a State or local concern.

Comment: One commenter stated that there was ambiguity in the definition of financial costs to be allocated.

Response: The section on cost allocation has been clarified to include the value of contributed lands used for a plan.

Plan Selection

Comment: In order to eliminate confusion it should be made clear that the plan with the greatest net economic benefit is the NED plan. Suggest "The plan with the greatest net economic benefit (the NED plan) is to be selected * * *"

Response: This change has been made.

Comment: There is a conflict between Section 10.2(a), which states that the plan with the greatest net economic benefit is to be selected "unless the Secretary of a department or head of an independent agency grants an exception * * *," and Section 10.2(c), which states that selection of the recommended plan should be made by the agency decisionmaker.

Response: The Secretary of a department or head of an independent agency is the agency decisionmaker for these purposes.

Comment: The selected plan must be consistent with State water management plans and policies. The Governor of the affected States must concur in the final plan selection.

Response: Consistency with State water management plans and policies is an indicator of a plan's acceptability. Concurrence by the Governors of affected States is also a measure of a plan's acceptability. The NED plan is to

be formulated in consideration of the acceptability criterion, i.e., acceptance by State and local entities and compatibility with existing laws, regulations and policies. This is adequately covered in Section 6.2(c). Another indicator of the plan's acceptability is the willingness of nonfederal sponsors to sign agreements to provide financing, lands, easements, and rights-of-way.

Comment: Section 10.2(c) indicates that selection of the recommended plan should be made by State or local sponsors for federally-assisted projects. Section 10.2(a) requires selection of the NED plan unless the Secretary of a department grants an exception. This is an inconsistency. There is also an inconsistency in requiring formulation of alternative plans to respond to State and local concerns, but requiring selection of the NED plan.

Response: Section 10.2(c) has been modified to recognize that State and local sponsors may recommend the selection of a plan other than the NED plan. However, plan selection is to be made by the agency decisionmaker for both Federal and federally-assisted programs.

General Comments on Procedures

Comment: The degree of flexibility in the procedures should be increased in order to be consistent with the change from rules to guidelines.

Response: The Guidelines state in Section 1.7.2(a)(4) that the NED procedures can be abbreviated when appropriate, but that planners are expected to use the approved procedures unless or until more accurate alternative methods have been approved by the Water Resources Council or, if policy changes are involved, the Cabinet Council on Natural Resources and Environment. Additional analyses can also be presented for comparison. This policy is reflected in the NED procedures. The EQ procedures are included as one alternative evaluation system that may be used by affected Federal agencies.

NED Procedures, General (Subparts A and B)

Comment: Subparts A and B should be deleted because they do not include benefit evaluation procedures, and the material is adequately addressed in Chapter I of the Guidelines.

Response: It is agreed that this material does not include procedures for measuring NED benefit categories. Material that was adequately covered in Chapter I has been removed. The material on risk and uncertainty has been edited to be general guidance on how to treat risk and uncertainty and has been moved to a supplemental Chapter I. This change also recognizes the fact that considerations of risk and uncertainty apply not only to NED analysis, but also to environmental quality, regional, and social effects analyses.

Comment: The calculation of net NED benefits in this section should be presented in average annual equivalent (annualized) terms, rather than in present value terms.

Response: Agree. In the interest of consistency, the presentation of net NED benefits in this section has been changed from "present value" to "average annual equivalent" terms. This is the normal presentation of benefits in agency reports.

Comment: The definition of the period of analysis needs to be clarified.

Response: Agree. The language in old section 2.1.2(c) has been revised to provide clarification and consistency.

M&I Water Supply (Subpart C)

Comment: The Federal discount rate should not be used in valuing the most likely nonfederal alternative M&I project, because it undervalues the costs that would be incurred in nonfederal development.

Response: In order to assess comparable value of all alternatives on a common basis, the Federal discount rate is used in evaluations. This ensures that the unrelated element of variable financing will not bias the evaluation toward Federal, rather than local or private, investment.

Agriculture (Subparts D, E and F)

Comment: Some commenters objected to the sole use of ten basic crops (rice, cotton, corn, soybeans, wheat, milo, barley, oats, hay, and pasture) in the analysis of intensification benefits for agricultural floodwater, erosion, sedimentation, drainage, and irrigation. They stated that this is unnecessarily arbitrary and restrictive and may result in an understatement of the actual NED benefit. On the other hand, another commenter stated that if crop restrictions are eliminated, NED benefits will be overstated because benefit claims will be made for transfers in production from one area to another.

Response: The theory underlying the distinction between basic crops and other crops has been clarified. In a national context, the production of crops other than basic crops is seldom limited by the availability of suitable land. The limitations on production are generally market demand, risk aversion, and other supply factors. When suitable lands are already available, making additional land available will not lead to a national increase in production. Rather, it will lead to transfers of production from one area to another. The area losing production of these other crops would switch to production of basic crops. As a result, national benefits from a project would accrue from any decreases in the cost of production of these other crops and from the increased production of basic crops.

However, it is agreed that the designation of certain crops as basic for the analysis of all projects is an overly simple solution to what is in reality a complex empirical problem. Therefore, a test has been added to the procedure to determine whether the absence of suitable land is constraining production in a proposed project area. When it can be demonstrated that crops not considered basic crops are land constrained, they may be evaluated as basic crops in the determination of agricultural intensification benefits.

Comment: Why not circumvent the problem of crop selection by going directly to the change in land value associated with irrigation, rather than focusing on which crops should be included or excluded from the agricultural benefit calculations?

Response: An alternative procedure has been added in which intensification benefits from a plan are based on differences in the market value of land. This procedure is to be implemented by qualified land appraisers. The land value procedure can be substituted for an income calculation of intensification benefits associated with a plan. It is recognized that in some cases obstacles to proper land evaluation analysis may prohibit use of this procedure.

Comment: Increased returns to family labor and to farm management should be counted as benefits rather than as costs. This is because the opportunity cost of additional effort for most farm areas is almost zero due to the immobility of these factors. Furthermore, the level of management charge is arbitrary and inflexible.

Response: The procedures are designed to evaluate the benefits of the project measure that remain after accounting for all costs of implementation. These costs include project costs and associated on-farm costs such as family labor and management. Although these costs are not financial outlays, they are opportunity costs and must be counted to properly evaluate a plan. It is unrealistic to infer that farm labor and management will be immobile over the long life of a water project and, thus, to assign them zero opportunity cost. The

existing treatment of farm labor is proper. However, in the case of management the procedure has been modified to allow the use of a range of charges appropriate to the type of farming operation.

Comment: One commenter has indicated that the procedures are inconsistent in the treatment of benefits from increases in yields due to future improvements in technology. They are permitted for damage reduction benefits, but not in the analysis of intensification benefits.

Response: Agree. Increases in yields due to changes in technology, as well as the costs associated with those changes, should be included in intensification benefits, since realization of the benefits from improved technology is dependent on the installation of the water resources project. This change results in consistent treatment of benefits from changes in technology.

Comment: Benefit should be allowed in computing net farm income for marketing field crops through livestock.

Response: The current procedures recognize that irrigated crops are appropriately valued at their market price regardless of the form in which they are ultimately marketed. That is, the crop and livestock activities are considered to be independent. However, in geographically isolated locations, increased livestock production may depend on the development of the project. Where this can be demonstrated, net income from additional livestock production may be included as a benefit. All costs associated with the increased livestock production, including the value of the feed and forage from the project used in feeding the livestock, must be included as costs in the evaluation.

Hydropower (Subpart H)

Comment: Simplified procedures for small-scale hydropower projects should apply to projects of 100 MW capacity or less.

Response: The procedures have been revised to permit the use of simplified evaluations for single-purpose projects of 80 MW capacity or less at existing Federal facilities. This capacity was selected because it is defined as small-scale under the Public Utility Regulatory Practices Act of 1978.

For projects at undeveloped sites, which involve more uncertainties and generally have higher unit costs, the simplified evaluation will continue to apply to projects of 25 MW or less capacity.

Comment: The procedures should allow use of market data in evaluating hydropower projects.

Response: In recognition of the fact that a market exists to guide nonfederal energy development decisions, an alternative procedure has been provided for use under certain conditions. This alternative procedure permits the evaluation of single-purpose hydropower alternatives on the basis of market data when those plans would be 100 percent nonfederally financed and would have no significant adverse incidental effects.

Comment: One commenter suggested that the most likely nonfederal interest rate should be used in determining hydropower benefits. Another commenter urged that the Federal discount rate continue to be used.

Response: Distortions would be introduced into comparison of alternatives if an interest rate other than the Federal discount rate were used to evaluate the most likely nonfederal alternative.

Recreation (Subpart K)

Comment: Recreation benefit procedures are overly complex and, given the imprecision of recreation economics, cannot yield cost effective results. The threshold for use of the contingent valuation method (CVM) or the travel cost method (TCM) should be increased to one million visits annually.

Response: The procedures for the evaluation of recreational benefits of a project as proposed in these guidelines reflect the current state of the art and if used with skill and judgment by the analyst should provide the best estimates that can be obtained. Three alternative methods and their appropriate uses are presented in the guidelines with detailed explanation in the attached appendices. In the interest of increasing flexibility and reducing planning costs, the threshold for use of the CVM and TCM methods has been increased from 500,000 to 750,00 visits annually.

Comment: The existing unit-day value schedule is too restrictive, and there is a wide disparity between these values and those developed using the travel cost method, particularly for specialized hunting and fishing activities. Additional work is needed to ensure that values are reasonable, acceptable, and representative of expected user benefits.

Response: Reevaluation of the schedule of unit-day values is beyond the scope of this action. Unit-day values are cooperatively established by Federal water resource agencies, as provided for in Section 2.10.10(c)(2). The values have been updated by use of the Consumer Price Index to reflect current dollar (FY 1983) values.

External Economies (Subpart M)

Comment: The procedure concerning external economies should be deleted, because all known benefits should be internalized in the planning process.

Response: Agree. National economic planning should internalize all known direct beneficial and adverse effects. Consequently, this procedure has been rewritten as new *Section XII, Other Direct Benefits.*

Comment: This procedure contains potentially serious ambiguities and should be revised to ensure that only technological economies are included.

Response: It is correct that only direct effects of a plan arising from technological relationships are to be included in the analysis. The section has been rewritten to clarify this point.

Unemployed or Underemployed Labor Resources (Subpart N)

Comment: The procedure should extend the value for employment benefits to projects within reasonable commuting distance of areas of high and persistent unemployment.

Response: The procedure is limited to projects physically located in areas of high or persistent unemployment because the values (see Step 5 of evaluation procedure) are based on a study of projects physically located in areas of high and persistent unemployment. It would be inappropriate to apply these same values to projects outside these areas. Expenditures on projects outside of these areas would have a somewhat smaller but unspecifiable impact; however, the state of the art does not include procedures for measuring these unspecifiable benefits.

Procedure for Evaluating Structural Failure (OSE Account)

Comment: Some commenters urged retention of the OSE procedure for structural failure. Others supported the proposal to eliminate it from the P&G.

Response: The P&G do not include the former structural failure procedure. That procedure assumed arbitrary conditions for structural failure and resulting analyses could not be translated into expected losses. Without such capability, the procedure would not have provided useful information to assist in decisionmaking.

Final Action

PART 711—[REMOVED]

PART 713—[REMOVED]

PART 714—[REMOVED]

PART 716—[REMOVED]

Title 18 of the Code of Federal Regulations is amended by removing Parts 711, 713, 714 and 716.

(Secs. 103 and 402 of the Water Resources Planning Act (Pub. L. 89–80, 42 U.S.C. 1962, 1962b–2 and 1962d); E.O. 11747, November 7, 1973, 38 FR 30993).

Dated: February 22, 1983.

James G. Watt,

Chairman, Water Resources Council.

[FR Doc. 83-6067 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-10-M

WATER RESOURCES COUNCIL

Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies

AGENCY: Water Resources Council.

ACTION: Notice of adoption and availability.

SUMMARY: This notice announces the adoption and availability of administrative Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies (P&G) as approved by the President on February 3, 1983, and the Chairman of the Water Resources Council on February 22, 1983. The P&G replace 18 CFR Parts 711, 713, 714 and 716 and apply to implementation studies for water and related land resources projects of the Bureau of Reclamation, the Corps of Engineers, the Soil Conservation Service and the Tennessee Valley Authority.

DATE: The new P&G become effective July 8, 1983.

ADDRESS: Written comments for future improvements in the P&G should be addressed to: Chairman of the Water Resources Council, Department of the Interior, Washington, D.C. 20240. Copies of the P&G may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 (Stock Number 052–045–00085–1).

FOR FURTHER INFORMATION CONTACT: Jonathan P. Deason, Department of the Interior (202) 343–3150.

SUPPLEMENTARY INFORMATION:

I. Background

A notice of proposed repeal of the Principles, Standards and Procedures (PS&P) in 18 CFR 711, 713, 714, and 716 was published on September 11, 1981, at 46 FR 45368. Many commenters requested the opportunity to review the proposed P&G to assist them in commenting on repeal of the existing rules. In response, the comment period was re-opened on March 22, at which time proposed P&G were published at 47 FR 12297. Comments were requested on repeal of the PS&P and on adoption of the proposed P&G, including the procedures for evaluating national economic development (NED) and environmental quality (EQ).

II. Issuance of the P&G

The proposed P&G were reappraised by the Water Resources Council (WRC) in light of comments received during the initial and re-opened public review periods. A discussion of the comments received and WRC responses is presented in the document repealing 18 CFR Parts 711, 713, 714, and 716 which is published in today's **Federal Register**.

The P&G, as revised in response to public comments, have been established and adopted by the WRC. This action implements the requirement of the Water Resources Planning Act (Pub. L. 89–80) that the WRC establish principles, standards and procedures for planning water and land resources projects.

To assist in consideration of possible future improvements, continuing public review and comment are welcomed. Changes should be suggested to the Chairman of the WRC. All suggested changes will be considered at the time of the next revisions to the P&G. Copies of the P&G may be obtained from the Superintendent of Documents at the above address.

Dated: March 4, 1983.

Garrey E. Carruthers,

Alternate to the Chairman, Water Resources Council.

[FR Doc. 83-6068 Filed 3-9-83; 8:45 am]

BILLING CODE 4310-10-M

VOL
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federal register

Thursday
March 10, 1983

Part IV

Department of the Interior

Minerals Management Service

Outer Continental Shelf; St. George Basin

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VOL.
48

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Oil and Gas Lease Sale No. 70
St. George Basin

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR 256 (formerly 43 CFR 3300; see the Federal Register at 47 FR 47006, October 22, 1982)). A revision of those regulations appeared in the Federal Register of June 16, 1982 at 47 FR 25967 and 26031. The revisions became effective on July 16, 1982, and will therefore apply to this sale.

2. Filing of Bids. Sealed bids will be received by the Regional Manager, Alaska Outer Continental Shelf (OCS) Region, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., April 11, 1983, or by personal delivery to the Howard Rock Ballroom, Sheraton Anchorage Hotel, 401 East 6th Ave., Anchorage, Alaska, between the hours of 8:30 a.m., a.h.s.t., and 9:30 a.m., a.h.s.t., April 12, 1983. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Regional Manager prior to 9:30 a.m., a.h.s.t., April 12, 1983. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR 256. The list of restricted joint bidders which applies to this sale was published in the Federal Register at 47 FR 44166, October 6, 1982.

3. Method of Bidding. A separate bid in a sealed envelope, labeled, "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.h.s.t., April 12, 1983," must be submitted for each tract. A suggested bid form appears in 30 CFR 256, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check, payable to the order of the Minerals Management Service. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to no more than five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256. Partnerships also need to submit a list of signatures authorized to bind the partnership. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $5 per hectare or fraction thereof and a minimum royalty of $5 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 70-10, 70-11, 70-12, 70-13, 70-14, 70-15, 70-16, 70-23, 70-24, 70-25, 70-26, 70-27, 70-28, 70-29, 70-36, 70-37, 70-38, 70-39, 70-40, 70-41, 70-42, 70-49, 70-50, 70-51, 70-52, 70-53, 70-54, 70-55, 70-73, 70-74, 70-75, 70-76, 70-77, 70-78, 70-79, 70-80, 70-81, 70-82, 70-83, 70-84, 70-85, 70-86, 70-87, 70-105, 70-106, 70-107, 70-108, 70-109, 70-110, 70-111, 70-112, 70-113, 70-114, 70-115, 70-116, 70-117, 70-118, 70-119, 70-137, 70-138, 70-139, 70-140, 70-141, 70-142, 70-143, 70-144, 70-145, 70-146, 70-147, 70-148, 70-149, 70-150, 70-151, 70-159, 70-160, 70-161, 70-162, 70-163, 70-164, 70-165, 70-166, 70-167, 70-168, 70-169, 70-170, 70-171, 70-172, 70-173, 70-181, 70-182, 70-183, 70-184, 70-185, 70-186, 70-187, 70-188, 70-189, 70-190, 70-191, 70-192, 70-193, 70-194, 70-195, 70-203, 70-204, 70-205, 70-206, 70-207, 70-208, 70-209, 70-210, 70-211, 70-212, 70-213, 70-214, 70-215, 70-216, 70-217, 70-225, 70-226, 70-227, 70-228, 70-229, 70-230, 70-231, 70-232, 70-233, 70-234, 70-235, 70-236, 70-237, 70-238, 70-239, 70-247, 70-248, 70-249, 70-250, 70-251, 70-252, 70-253, 70-254, 70-255, 70-256, 70-257, 70-258, 70-259, 70-260, and 70-261 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $16.697566 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $16.697567 million, but less than or equal to $11822.537759 million, the royalty percent due on the unadjusted value or amount of production is given by

$Rj = b[Ln (Vj/S)]$ where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 8.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.50

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	14.88602	4.46581
90.000000	200.0	4/3	67.500000	23.67492	21.30743
270.000000	200.0	4/3	202.500000	32.46382	87.65231
810.000000	200.0	4/3	607.500000	41.25271	334.14695
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	13.10087	3.93026
90.000000	250.0	5/3	54.000000	21.88977	19.70079
270.000000	250.0	5/3	162.000000	30.67867	82.83241
810.000000	250.0	5/3	486.000000	39.46757	319.68732

1 Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

2 Column (A) divided by Inflation Factor.

3 Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

Figure 1
Form of the Sliding Royalty Schedule

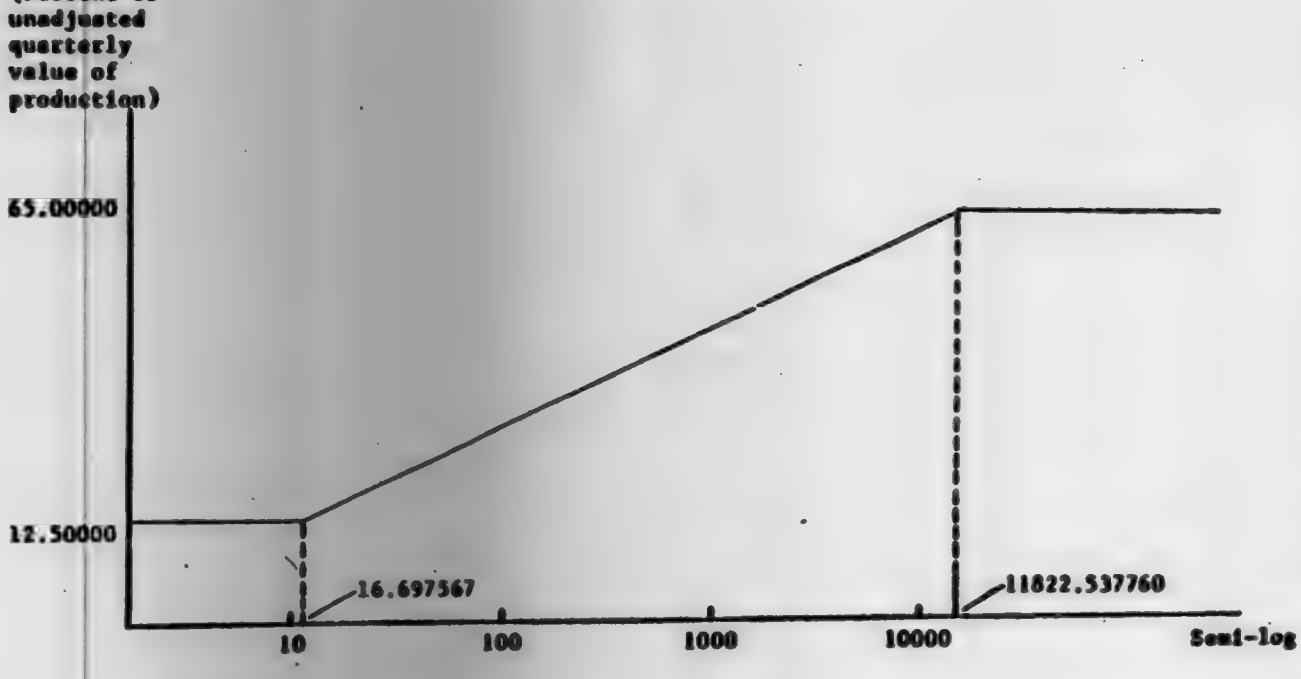

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When the adjusted quarterly value of production is equal to or greater than $11822.537760 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 35.624831 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., a.h.s.t., April 12, 1983, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-4 (June 1982), and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See "Information to Lessees" item 14(h).

6. Bid Opening. Bids will be opened on April 12, 1983, beginning at 10 a.m., a.h.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, April 12, 1983, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

a. The bidder has complied with all requirements of this notice and applicable regulations;

b. The bid is the highest valid cash bonus bid; and

c. The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $371 or more per hectare or fraction thereof. Any bid submitted which does not conform to the requirements of this notice of sale, the OCS Lands Act, as amended, or applicable regulations may be returned to the person submitting that bid by the Regional Manager and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's rental and satisfy the bonding requirements of 30 CFR 256 Subpart I within the time provided in 30 CFR 256.47. A modification of payments procedures for successful bidders appeared in the latest revision of 30 CFR 256 (see paragraph 1, above). These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Regional Manager, Alaska Outer Continental Shelf Region, at the first address stated in paragraph 2, at a cost of $2 each:

a. Outer Continental Shelf Official Protraction Diagram NN 3-1, Davidson Bank (approved November 29, 1974).

b. Outer Continental Shelf Official Protraction Diagram NO 2-8, St. George Island (approved November 29, 1974).

c. Outer Continental Shelf Official Protraction Diagram NO 3-7 (approved November 29, 1974).

12. Tract Descriptions. Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. The tracts offered for bid are as follows:

OCS OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

OCS OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-1	19	All	2304.00
70-2	20	All	2304.00
70-3	63	All	2304.00
70-4	64	All	2304.00
70-5	65	All	2304.00
70-6	107	All	2304.00
70-7	108	All	2304.00
70-8	109	All	2304.00
70-9	110	All	2304.00
70-10	212	All	2304.00
70-11	213	All	2304.00
70-12	214	All	2304.00
70-13	215	All	2304.00
70-14	216	All	2304.00
70-15	217	All	2304.00
70-16	218	All	2304.00
70-17	233	All	2304.00
70-18	234	All	2304.00
70-19	235	All	2304.00
70-20	236	All	2304.00
70-21	237	All	2304.00
70-22	238	All	2304.00
70-23	256	All	2304.00
70-24	257	All	2304.00
70-25	258	All	2304.00
70-26	259	All	2304.00
70-27	260	All	2304.00
70-28	261	All	2304.00
70-29	262	All	2304.00
70-30	277	All	2304.00
70-31	278	All	2304.00
70-32	279	All	2304.00
70-33	280	All	2304.00
70-34	281	All	2304.00
70-35	282	All	2304.00
70-36	300	All	2304.00
70-37	301	All	2304.00
70-38	302	All	2304.00
70-39	303	All	2304.00
70-40	304	All	2304.00
70-41	305	All	2304.00
70-42	306	All	2304.00
70-43	321	All	2304.00
70-44	322	All	2304.00
70-45	323	All	2304.00
70-46	324	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-47	325	All	2304.00
70-48	326	All	2304.00
70-49	344	All	2304.00
70-50	345	All	2304.00
70-51	346	All	2304.00
70-52	347	All	2304.00
70-53	348	All	2304.00
70-54	349	All	2304.00
70-55	350	All	2304.00
70-56	365	All	2304.00
70-57	366	All	2304.00
70-58	367	All	2304.00
70-59	368	All	2304.00
70-60	369	All	2304.00
70-61	370	All	2304.00
70-62	371	All	2304.00
70-63	372	All	2304.00
70-64	373	All	2304.00
70-65	374	All	2304.00
70-66	375	All	2304.00
70-67	376	All	2304.00
70-68	377	All	2304.00
70-69	378	All	2304.00
70-70	379	All	2304.00
70-71	380	All	2304.00
70-72	381	All	2304.00
70-73	382	All	2304.00
70-74	383	All	2304.00
70-75	384	All	2304.00
70-76	385	All	2304.00
70-77	386	All	2304.00
70-78	387	All	2304.00
70-79	388	All	2304.00
70-80	389	All	2304.00
70-81	390	All	2304.00
70-82	391	All	2304.00
70-83	392	All	2304.00
70-84	393	All	2304.00
70-85	394	All	2304.00
70-86	395	All	2304.00
70-87	396	All	2304.00
70-88	409	All	2304.00
70-89	410	All	2304.00
70-90	411	All	2304.00
70-91	412	All	2304.00
70-92	413	All	2304.00

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OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-93	414	All	2304.00
70-94	415	All	2304.00
70-95	416	All	2304.00
70-96	417	All	2304.00
70-97	418	All	2304.00
70-98	419	All	2304.00
70-99	420	All	2304.00
70-100	421	All	2304.00
70-101	422	All	2304.00
70-102	423	All	2304.00
70-103	424	All	2304.00
70-104	425	All	2304.00
70-105	426	All	2304.00
70-106	427	All	2304.00
70-107	428	All	2304.00
70-108	429	All	2304.00
70-109	430	All	2304.00
70-110	431	All	2304.00
70-111	432	All	2304.00
70-112	433	All	2304.00
70-113	434	All	2304.00
70-114	435	All	2304.00
70-115	436	All	2304.00
70-116	437	All	2304.00
70-117	438	All	2304.00
70-118	439	All	2304.00
70-119	440	All	2304.00
70-120	453	All	2304.00
70-121	454	All	2304.00
70-122	455	All	2304.00
70-123	456	All	2304.00
70-124	457	All	2304.00
70-125	458	All	2304.00
70-126	459	All	2304.00
70-127	460	All	2304.00
70-128	461	All	2304.00
70-129	462	All	2304.00
70-130	463	All	2304.00
70-131	464	All	2304.00
70-132	465	All	2304.00
70-133	466	All	2304.00
70-134	467	All	2304.00
70-135	468	All	2304.00
70-136	469	All	2304.00
70-137	470	All	2304.00
70-138	471	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVILSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-139	472	All	2304.00
70-140	473	All	2304.00
70-141	474	All	2304.00
70-142	475	All	2304.00
70-143	476	All	2304.00
70-144	477	All	2304.00
70-145	478	All	2304.00
70-146	479	All	2306.00
70-147	480	All	2304.00
70-148	481	All	2304.00
70-149	482	All	2304.00
70-150	483	All	2304.00
70-151	484	All	2306.00
70-152	507	All	2306.00
70-153	508	All	2304.00
70-154	509	All	2304.00
70-155	510	All	2304.00
70-156	511	All	2306.00
70-157	512	All	2304.00
70-158	513	All	2304.00
70-159	514	All	2304.00
70-160	515	All	2304.00
70-161	516	All	2304.00
70-162	517	All	2304.00
70-163	518	All	2304.00
70-164	519	All	2304.00
70-165	520	All	2304.00
70-166	521	All	2304.00
70-167	522	All	2304.00
70-168	523	All	2304.00
70-169	524	All	2304.00
70-170	525	All	2304.00
70-171	526	All	2304.00
70-172	527	All	2304.00
70-173	528	All	2304.00
70-174	551	All	2304.00
70-175	552	All	2304.00
70-176	553	All	2304.00
70-177	554	All	2304.00
70-178	555	All	2304.00
70-179	556	All	2304.00
70-180	557	All	2304.00
70-181	558	All	2306.00
70-182	559	All	2304.00
70-183	560	All	2304.00
70-184	561	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-185	562	A11	2304.00
70-186	563	A11	2304.00
70-187	564	A11	2304.00
70-188	565	A11	2304.00
70-189	566	A11	2304.00
70-190	567	A11	2304.00
70-191	568	A11	2304.00
70-192	569	A11	2304.00
70-193	570	A11	2304.00
70-194	571	A11	2304.00
70-195	572	A11	2304.00
70-196	595	A11	2304.00
70-197	596	A11	2304.00
70-198	597	A11	2304.00
70-199	598	A11	2304.00
70-200	599	A11	2304.00
70-201	600	A11	2304.00
70-202	601	A11	2304.00
70-203	602	A11	2304.00
70-204	603	A11	2304.00
70-205	604	A11	2304.00
70-206	605	A11	2304.00
70-207	606	A11	2304.00
70-208	607	A11	2304.00
70-209	608	A11	2304.00
70-210	609	A11	2304.00
70-211	610	A11	2304.00
70-212	611	A11	2304.00
70-213	612	A11	2304.00
70-214	613	A11	2304.00
70-215	614	A11	2304.00
70-216	615	A11	2304.00
70-217	616	A11	2304.00
70-218	639	A11	2304.00
70-219	640	A11	2304.00
70-220	641	A11	2304.00
70-221	642	A11	2304.00
70-222	643	A11	2304.00
70-223	644	A11	2304.00
70-224	645	A11	2304.00
70-225	646	A11	2304.00
70-226	647	A11	2304.00
70-227	648	A11	2304.00
70-228	649	A11	2304.00
70-229	650	A11	2304.00
70-230	651	A11	2304.00
70-231	652	A11	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-232	653	A11	2304.00
70-233	654	A11	2304.00
70-234	655	A11	2304.00
70-235	656	A11	2304.00
70-236	657	A11	2304.00
70-237	658	A11	2304.00
70-238	659	A11	2304.00
70-239	660	A11	2304.00
70-240	683	A11	2304.00
70-241	684	A11	2304.00
70-242	685	A11	2304.00
70-243	686	A11	2304.00
70-244	687	A11	2304.00
70-245	688	A11	2304.00
70-246	689	A11	2304.00
70-247	690	A11	2304.00
70-248	691	A11	2304.00
70-249	692	A11	2304.00
70-250	693	A11	2304.00
70-251	694	A11	2304.00
70-252	695	A11	2304.00
70-253	696	A11	2304.00
70-254	697	A11	2304.00
70-255	698	A11	2304.00
70-256	699	A11	2304.00
70-257	700	A11	2304.00
70-258	701	A11	2304.00
70-259	702	A11	2304.00
70-260	703	A11	2304.00
70-261	704	A11	2304.00
70-262	720	A11	2304.00
70-263	721	A11	2304.00
70-264	722	A11	2304.00
70-265	723	A11	2304.00
70-266	724	A11	2304.00
70-267	725	A11	2304.00
70-268	726	A11	2304.00
70-269	727	A11	2304.00
70-270	728	A11	2304.00
70-271	764	A11	2304.00
70-272	765	A11	2304.00
70-273	766	A11	2304.00
70-274	767	A11	2304.00
70-275	768	A11	2304.00
70-276	769	A11	2304.00
70-277	770	A11	2304.00
70-278	771	A11	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-279	772	All	2304.00
70-280	808	All	2304.00
70-281	809	All	2304.00
70-282	810	All	2304.00
70-283	811	All	2304.00
70-284	812	All	2304.00
70-285	813	All	2304.00
70-286	814	All	2304.00
70-287	815	All	2304.00
70-288	816	All	2304.00
70-289	852	All	2303.00
70-290	853	All	2304.00
70-291	854	All	2304.00
70-292	855	All	2304.00
70-293	856	All	2304.00
70-294	857	All	2304.00
70-295	858	All	2304.00
70-296	874	All	2304.00
70-297	875	All	2304.00
70-298	876	All	2304.00
70-299	877	All	2304.00
70-300	897	All	2304.00
70-301	898	All	2304.00
70-302	899	All	2304.00
70-303	900	All	2304.00
70-304	901	All	2304.00
70-305	902	All	2304.00
70-306	915	All	2304.00
70-307	916	All	2304.00
70-308	917	All	2304.00
70-309	918	All	2304.00
70-310	919	All	2304.00
70-311	920	All	2304.00
70-312	921	All	2304.00
70-313	941	All	2304.00
70-314	942	All	2304.00
70-315	943	All	2304.00
70-316	944	All	2304.00
70-317	945	All	2304.00
70-318	946	All	2304.00
70-319	959	All	2304.00
70-320	960	All	2304.00
70-321	961	All	2304.00
70-322	962	All	2304.00
70-323	963	All	2304.00
70-324	964	All	2304.00
70-325	965	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, DAVIDSON BANK NN 3-1
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-326	1003	All	2304.00
70-327	1004	All	2304.00
70-328	1005	All	2304.00
70-329	1006	All	2304.00
70-330	1007	All	2304.00
70-331	1008	All	2304.00
70-332	1009	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, ST. GEORGE ISLAND NO 2-8
(Approved 11/29/74)

OFFICIAL PROTRACTION DIAGRAM, NO 3-7
(Approved 11/29/74)

OFFICIAL PROTRACTION DIAGRAM, ST. GEORGE ISLAND NO 2-8
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-333	341	A11	2304.00
70-334	342	A11	2304.00
70-335	385	A11	2304.00
70-336	386	A11	2304.00
70-337	387	A11	2304.00
70-338	388	A11	2304.00
70-339	389	A11	2304.00
70-340	390	A11	2304.00
70-341	391	A11	862.83
70-342	431	A11	2304.00
70-343	432	A11	2304.00
70-344	433	A11	2304.00
70-345	434	A11	2304.00
70-346	435	A11	963.60
70-347	476	A11	2304.00
70-348	477	A11	2304.00
70-349	478	A11	2304.00
70-350	479	A11	1064.32
70-351	521	A11	2304.00
70-352	522	A11	2304.00
70-353	523	A11	1165.00

OFFICIAL PROTRACTION DIAGRAM, NO 3-7
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-354	358	A11	862.83
70-355	359	A11	2304.00
70-356	360	A11	2304.00
70-357	361	A11	2304.00
70-358	362	A11	2304.00
70-359	363	A11	2304.00
70-360	402	A11	963.60
70-361	403	A11	2304.00
70-362	404	A11	2304.00
70-363	405	A11	2304.00
70-364	406	A11	2304.00
70-365	407	A11	2304.00
70-366	408	A11	2304.00
70-367	446	A11	1064.32
70-368	447	A11	2304.00
70-369	448	A11	2304.00
70-370	449	A11	2304.00
70-371	450	A11	2304.00
70-372	451	A11	2304.00
70-373	452	A11	2304.00
70-374	453	A11	2304.00
70-375	490	A11	1165.00
70-376	491	A11	2304.00
70-377	492	A11	2304.00
70-378	493	A11	2304.00
70-379	494	A11	2304.00
70-380	495	A11	2304.00
70-381	496	A11	2304.00
70-382	497	A11	2304.00
70-383	498	A11	2304.00
70-384	534	A11	1265.82
70-385	535	A11	2304.00
70-386	536	A11	2304.00
70-387	537	A11	2304.00
70-388	538	A11	2304.00
70-389	539	A11	2304.00
70-390	540	A11	2304.00
70-391	541	A11	2304.00
70-392	542	A11	2304.00
70-393	578	A11	1366.20
70-394	579	A11	2304.00
70-395	580	A11	2304.00
70-396	581	A11	2304.00
70-397	582	A11	2304.00
70-398	583	A11	2304.00
70-399	584	A11	2304.00
70-400	585	A11	2304.00

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OFFICIAL PROTRACTION DIAGRAM, NO 3-7
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-401	586	All	2304.00
70-402	622	All	1466.72
70-403	623	All	2304.00
70-404	624	All	2304.00
70-405	625	All	2304.00
70-406	626	All	2304.00
70-407	627	All	2304.00
70-408	628	All	2304.00
70-409	629	All	2304.00
70-410	630	All	2304.00
70-411	631	All	2304.00
70-412	666	All	1567.19
70-413	667	All	2304.00
70-414	668	All	2304.00
70-415	669	All	2304.00
70-416	670	All	2304.00
70-417	671	All	2304.00
70-418	672	All	2304.00
70-419	673	All	2304.00
70-420	674	All	2304.00
70-421	675	All	2304.00
70-422	676	All	2304.00
70-423	677	All	2304.00
70-424	710	All	1667.61
70-425	711	All	2304.00
70-426	712	All	2304.00
70-427	713	All	2304.00
70-428	714	All	2304.00
70-429	715	All	2304.00
70-430	716	All	2304.00
70-431	717	All	2304.00
70-432	718	All	2304.00
70-433	719	All	2304.00
70-434	720	All	2304.00
70-435	721	All	2304.00
70-436	754	All	1767.99
70-437	755	All	2304.00
70-438	756	All	2304.00
70-439	757	All	2304.00
70-440	758	All	2304.00
70-441	759	All	2304.00
70-442	760	All	2304.00
70-443	761	All	2304.00
70-444	762	All	2304.00
70-445	763	All	2304.00
70-446	764	All	2304.00
70-447	765	All	2304.00

OFFICIAL PROTRACTION DIAGRAM, NO 3-7
(Approved 11/29/74)

Tract	Block	Designation	Hectares
70-448	798	All	1868.31
70-449	799	All	2304.00
70-450	800	All	2304.00
70-451	801	All	2304.00
70-452	802	All	2304.00
70-453	803	All	2304.00
70-454	804	All	2304.00
70-455	805	All	2304.00
70-456	806	All	2304.00
70-457	807	All	2304.00
70-458	808	All	2304.00
70-459	809	All	2304.00
70-460	843	All	2304.00
70-461	844	All	2304.00
70-462	845	All	2304.00
70-463	846	All	2304.00
70-464	847	All	2304.00
70-465	848	All	2304.00
70-466	849	All	2304.00
70-467	850	All	2304.00
70-468	851	All	2304.00
70-469	852	All	2304.00
70-470	853	All	2304.00
70-471	888	All	2304.00
70-472	889	All	2304.00
70-473	890	All	2304.00
70-474	891	All	2304.00
70-475	892	All	2304.00
70-476	893	All	2304.00
70-477	894	All	2304.00
70-478	938	All	2304.00
70-479	982	All	2304.00

13. Lease Terms and Stipulations.

a. All leases issued as a result of this sale will be for an initial

c. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term RS refers to the Regional Supervisor, Offshore Field Operations,

13. Lease Terms and Stipulations.

a. All leases issued as a result of this sale will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form MMS-2005 (August 1982), available from the Regional Manager, Alaska Outer Continental Shelf Region, at the first address stated in paragraph 2.

b. For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4(a), Form MMS-2005 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows: when the quarterly value of production, adjusted for inflation, is less than or equal to $16.697566 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $16.697567 million, but less than or equal to $11822.537759 million, the royalty percent due on the unadjusted value or amount of production is given by

Rj = b[Ln (Vj/$)] where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 8.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

$ = 3.50

When the adjusted quarterly value of production is equal to or greater than $11822.537760 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 35.624831 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

c. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term RS refers to the Regional Supervisor, Offshore Field Operations, Minerals Management Service, formerly Regional Deputy Minerals Manager, Offshore Field Operations, Minerals Management Service.

Stipulation No. 1: If the RS has reason to believe that a site, structure, or object of historical or archaeological significance, hereinafter referred to as a "cultural resource," may exist in the lease area and gives the lessee written notice that the lessor is enforcing the provisions of this stipulation, the lessee shall, upon receipt of such notice, comply with the following requirements.

(1) Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys and/or prepare a report, as specified by the RS, to determine the potential existence of any cultural resource that may be affected by such operation. All data produced as well as other pertinent natural and cultural environmental data shall be examined by an archaeologist and geophysicist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of such surveys and assessment prepared by an archaeologist and geophysicist shall be submitted by the lessee to the RS.

(2) If such cultural resource indicators are present, the lessee shall: (a) locate the site of the lease operation so as not to adversely affect the identified location; or (b) establish to the satisfaction of the RS, on the basis of further archaeological investigation conducted by an archaeologist and geophysicist using such survey equipment and techniques as deemed necessary by the RS, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

(3) A report of the latter investigation prepared by the archaeologist and geophysicist shall be submitted to the RS for review. Should the RS determine that the existence of a cultural resource which may be adversely affected by such operations is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the RS has given directions as to its protection.

In addition, the lessee agrees that if any cultural resource should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the RS and make every reasonable effort to protect the cultural resource until the RS gives directions as to its protection.

Stipulation No. 2: The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the Regional Supervisor. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated by qualified instructors experienced in each pertinent field of study, and shall employ effective methods to insure that personnel are informed of archaeological, geological, and biological resources, including bird colonies and sea mammal haul-out areas, and to insure that personnel understand the importance of avoidance and non-harassment of wildlife resources. The program shall be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating. The program shall also include information concerning the domestic and foreign fishing industries in order to reduce potential conflicts.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3: Subsea wellheads and temporary abandonments, or suspended operations that leave protrusions above the seafloor, shall be protected, if feasible and as appropriate, in such a manner as to allow commercial fisheries trawling gear to pass over the structure without snagging or otherwise damaging the structures or the fishing gear. Latitude and longitude coordinates of these structures, along with water depths, shall be submitted to the Regional Supervisor. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 m) at 200 miles (322 km).

All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. If an irregular pipe surface is unavoidable because of the need for valves, anodes, or other structures, it shall, as appropriate, be protected in such a manner as to allow trawling gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

Stipulation No. 4: If the Regional Supervisor has reason to believe that biological populations or habitats which may require additional protection are on any leased tract(s), the Regional Supervisor may require the lessee to conduct environmental surveys to determine the extent and composition of biological populations or habitats which might require additional protective measures on that tract. The Regional Supervisor shall provide written notice to the lessee of his decision to require such surveys.

Based on any surveys which the Regional Supervisor may require of the lessee, or other information available to the Regional Supervisor on special biological resources, the Regional Supervisor may require the lessee to: (1) relocate the site of operations; (2) establish to the satisfaction of the Regional Supervisor on the basis of a site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist; (3) operate during those periods of time that operations do not adversely affect the biological resources as established by the Regional Supervisor; and/or (4) modify operations to ensure that significant biological populations or habitats deserving protection are not adversely affected.

The lessee agrees that, if any area of biological significance should be discovered during the conduct of any operations on the leased area, he will immediately report such findings to the Regional Supervisor and make every reasonable effort to preserve and protect the biological resource from damage until the Regional Supervisor has given the lessee direction with respect to its protection.

The lessee shall submit all data obtained in the course of such surveys to the Regional Supervisor with the locational information for drilling or other activity. The lessee may not take any action that might affect the biologic populations or habitats surveyed until the Regional Supervisor provides written directions to the lessee with regard to permissible actions.

Stipulation No. 5. (To be included only in the leases resulting from this sale for the fixed sliding scale royalty tracts identified in paragraph 4(a) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

Stipulation No. 6. Pipelines will be required (a) if pipeline rights-of-way can be determined and obtained; (b) if laying such pipelines is technically and economically feasible and environmentally preferable; and (c) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental cost of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to be placed in certain designated management areas. In selecting the means of transportation, including any loading facilities, consideration will be given to any recommendation of the Regional Technical Working Group or other similar advisory group with participation of Federal, State, and local government and industry.

All pipelines, including both flow lines and gathering lines for oil and gas, shall be designed and constructed to provide for adequate protection from water currents, storms and ice gouging, subfreezing conditions, and other hazards as determined on a case-by case basis.

Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RS.

Maps locating major wildlife concentration areas are available for route planning from the Regional Supervisor, Offshore Field Operations, Alaska OCS Region, and appropriate resource agencies.

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Following the development of sufficient pipeline capacity, no crude oil will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the RS.

Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for transporting hydrocarbons from the leased area must conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C. 391a), as amended.

Stipulation No. 7. (To be included in leases only for Tracts 70-10 through 70-16, 70-23 through 70-29, 70-36 through 70-42, 70-49 through 70-55, 70-76 through 70-87, 70-109 through 70-119, 70-142 through 70-151, 70-164 through 70-173, 70-187 through 70-195, 70-210 through 70-217, 70-233 through 70-239, 70-255 through 70-261, 70-296 through 70-299, 70-306 through 70-312, 70-319 through 70-339, 70-342 through 70-344, 70-347 through 70-348, and 70-351.)

In order to protect the wildlife and subsistence resources of the Pribilof Islands and the Aleutian Chain, offshore loading on this tract of produced oil, except during testing for well producibility or in the case of an emergency, is prohibited if such a prohibition on offshore loading is technically and economically feasible, safe, and environmentally preferable.

14. Information to Lessees: (a) Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, as amended; the Endangered Species Act of 1973, as amended; and International Treaties.

The lessee or its contractors should be aware that disturbance of wildlife could be determined to constitute harassment, and thereby be in violation of existing laws. Violations under these acts and treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate. Behavioral disturbance of most birds and mammals found in or near the Sale No. 70 area would be unlikely if vessels and aircraft maintained at least a 1-mile distance from observed wildlife or known wildlife concentration areas such as bird colonies and marine mammal haul-out and rookery areas. Therefore, in concurrence with the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed or known wildlife concentrations. Human safety will take precedence at all times.

Of particular concern are wildlife populations of the Pribilof Islands, Izembek Lagoon, and other coastal wilderness or refuge areas. For guidance regarding prohibited activities, attention of the lessees is directed particularly to existing National Wildlife Refuge System rules, 50 CFR Parts 27 and 215, and Part 36, rules for the Alaska National Wildlife Refuges (46 FR 31818, June 17, 1981), wherein 50 CFR 36.21(c) states: "The operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited."

Maps locating major wildlife concentration areas are available for route planning from the Regional Supervisor, Offshore Field Operations, Alaska OCS Region, and appropriate resource agencies.

(b) Lessees are advised that the state coastal management program contains policies which may be relevant to activities associated with this lease. In addition, local coastal management programs now being developed may have more specific policies related to energy facility siting, areas with particular geologic hazards, subsistence uses, habitats, transportation and areas which have historic or prehistoric resources. Early consultation and coordination with local Coastal Resource Service Area (CRSA) Boards, local planning agencies, and state agencies involved in coastal management review could prevent unsuitable facility siting. Local coastal districts engaged in program development include Bristol Bay CRSA, Aleutian Islands East CRSA, Bethel, and Bristol Bay Borough. Other agencies which would be appropriate to contact include, but are not limited to, the Alaska Office of Coastal Management, the Alaska Department of Natural Resources, and the Alaska Department of Community and Regional Affairs.

(c) Current information indicates that portions of the sale area may contain shallow gas deposits.

(d) The areas adjacent to the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which may be established, among other reasons, for the purpose of protecting maritime commerce. Bidders are advised that the United States may designate necessary fairways through leased tracts pursuant to the Port and Tanker Safety Act of 1978.

(e) Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with Section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(f) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(g) Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

(h) Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 F.R. 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form MMS-2005 (August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in Section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

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Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

(i) Bidders are advised that the State of Alaska will be consulted by the MMS throughout the stages of OCS development. In addition to State involvement in the Intergovernmental Planning Program (IPP), and the Scientific Committee of the OCS Advisory Board, the Regional Supervisor will involve the State in the review of exploration and development plans.

(j) Lessees are notified that adequate oilspill contingency plans are required under Alaska OCS Operating Order No. 7, and under 30 CFR 250.34, prior to approval of exploration or development and production plans. OCS Operating Order No. 2 provides that exploration and development and production plans include provisions to meet emergency situations including a means of drilling a relief well should a blowout occur; loss or disablement of a drilling unit or a drilling rig; loss or damage to support craft; hazards unique to the site of drilling operations. In addition, environmental reports, exploration and development and production plans should address, among other things, environmental issues and subsistence values. In accordance with 30 CFR 250.34-1, MMS is required to review oilspill contingency plans. Approval of oilspill contingency plans will require demonstration of theoretical, experimental, and physical capability to detect, contain, cleanup, and dispose of spilled oil in the sale area in accordance with Best Available and Safest Technologies (BAST) requirements, as determined by the Regional Supervisor. Unimak Pass, Isanbak, Moffet and Nelson Lagoons, along with areas of the Pribilof Islands, are identified as areas of special biological sensitivity, and under Alaska OCS Operating Order No. 7 and 30 CFR 250.34-3, will require protection in oilspill contingency plans. Due to the severe weather conditions of the St. George Basin area and the sensitivity of these areas to spilled oil, special attention will be given to deployment plans and time requirements in the review of oilspill contingency plans. Such protection should not include dispersant usage unless such usage has been approved in advance.

(k) For protection of endangered whales, operators of fixed wing aircraft or helicopters should maintain a 1500 feet altitude (except during take-off and landing) during times when these whales are likely to be present.

(l) Lessees are advised that the RS has the authority to suspend oil and gas exploratory drilling activities on any lease whenever gray whales are present in the migratory corridor or sale area and are near enough to be subject to probable oilspill risk or probable risk from other disturbances. The Department of the Interior has determined that gray whales migrate through or are in the vicinity of St. George Basin generally from April to June and from October to December. If gray whales are present, the RS may order the cessation of exploratory drilling below a threshold depth predetermined by the RS until it is determined that the whales are outside the zone of likely influence or no longer subject to risk from oilspills or other disturbances.

(m) Lessees are advised that Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) permits are required for discharge of drilling fluids, produced waters and other drilling wastes generated during exploration and development/production phases.

(n) In addressing biological concerns, the RS will receive recommendations from a Bering Sea Biological Task Force (BTF). The BTF will be composed of designated representatives of MMS, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Environmental Protection Agency. Before making recommendations to the RS, the Bering Sea BTF should consult with representatives of the State of Alaska and local communities who can contribute to biological evaluations.

(o) Lessees should design the environmental training program required by Stipulation No. 2 to incorporate the views and concerns of local individuals and communities. Lessees are encouraged to provide opportunities to local individuals, organizations, and governments, including local coastal districts, to participate in the development of the environmental training programs.

(p) Lessees are encouraged to hire Alaska residents to perform work done by and for them within the State of Alaska. Lessees are advised that there is considerable local interest in employment associated with petroleum exploration, development and production activities. Lessees are encouraged, through affirmative action programs or otherwise, to provide opportunities to local individuals and organizations to acquire the skills necessary to participation in exploration, development, and production activities and are encouraged to provide, through affirmative action programs or otherwise, employment opportunities for qualified local individuals and organizations. Lessees are also advised that employment of local individuals and organizations may be one method of mitigating certain local social and economic impacts.

(q) Lessees are advised that exploration, development, and production activities may directly and indirectly have significant social and economic impacts on local individuals and communities. Lessees are encouraged to consult with local individuals, organizations, and governments, including local coastal districts, to identify direct and indirect social and economic impacts of exploration, development and production activities prior to undertaking those activities. Lessees are encouraged to consult with and enter into agreements with local individuals, organizations, and governments to compensate for direct and indirect social and economic impacts of exploration, development, and production activities. Lessees are advised

that this may include, among others, support to or provision of local community recreation facilities, mental health, drug, and alcohol treatment services and facilities, or community safety services and capital improvement projects.

that this may include, among others, support to or provision of local community recreation facilities, mental health, drug, and alcohol treatment services and facilities, or community safety services and capital improvement projects.

(r) Lessees are reminded that potential onshore or nearshore development, e.g., pipelines or port or terminal development, may be subject to land use controls, including the Bristol Bay Cooperative Management Plan, now under preparation.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Alaska OCS Orders, effective November 22, 1982, and any other applicable OCS Order as it becomes effective. Final Alaska OCS Orders were published in the Federal Register at 47 FR 47180, on October 22, 1982.

Director, Minerals Management Service
Harold Doley

Date MAR 7 1983

Approved:

Secretary of the Interior
J.J. Simmons III

Certified to be a true copy of the original.

Certifying Officer

[FR Doc. 83-6222 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-MR-C

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UNITED STATES
DEPARTMENT OF THE INTERIOR
Minerals Management Service
Outer Continental Shelf
St. George Basin

Notice of Leasing Systems, Sale No. 70

Section 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf Lands Act (OCSLA), as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use, and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 70, tracts will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed sliding scale royalty on 148 tracts, and (2) bonus bidding with a 12 1/2 percent royalty on 331 tracts.

(1) Bonus Bidding with a Fixed Sliding Scale Royalty. This system is authorized by section (8)(a)(1)(C) of the OCSLA, as amended. The sliding scale is designed to establish higher royalty rates for larger reservoirs with higher production rates. As such, the expected bonus is reduced compared to a fixed one-sixth royalty system. This may improve competition for leases, and also tends to reduce the likelihood of production losses that could result if higher royalty rates are set by other means, such as royalty bidding, prior to reservoir delineation and production. The fixed sliding scale formula provided for Sale No. 70 is based on the current assumed range of costs and wellhead prices for this area.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $16.697566 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $16.697567 million, but less than or equal to $11822.537759 million, the royalty percent due on the unadjusted value or amount of production is given by

$$Rj = b\,[\ln (Vj/S)]$$ where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

b = 8.0

ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.50

When the adjusted quarterly value of production is equal to or greater than $11822.537760 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64.

(2) Bonus Bidding with a 12 1/2 Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA, as amended. This system has been chosen for certain deeper water tracts proposed for Sale No. 70 because these tracts are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to more shallow water tracts. Department of the Interior analyses indicate that the minimum economically developable discovery on a tract in such high cost areas under a 12 1/2 percent royalty system would be less than for the same tracts under a 16 2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

B. Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(1) Every effort was made based on available information so that different bidding systems did not split a single geological structure.

(2) Tracts were selected in those resource and cost areas that were appropriate to the identified sliding scale parameters for this sale.

The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a Fixed Sliding Scale Royalty--Tracts 70-10 thru 70-16, 70-23 thru 70-29, 70-36 thru 70-42, 70-49 thru 70-55, 70-73 thru 70-87, 70-105 thru 70-119, 70-137 thru 70-151, 70-159

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The specific tracts to be offered under each system are as follows:

(a) Bonus Bidding with a Fixed Sliding Scale Royalty--Tracts 70-10 thru 70-16, 70-23 thru 70-29, 70-36 thru 70-42, 70-49 thru 70-55, 70-73 thru 70-87, 70-105 thru 70-119, 70-137 thru 70-151, 70-159 thru 70-173, 70-181 thru 70-195, 70-203 thru 70-217, 70-225 thru 70-239, and 70-247 thru 70-261.

(b) Bonus Bidding with a 12 1/2 Percent Royalty -- All remaining tracts.

Director, Minerals Management Service
Harold Doley

Approved:

Secretary of the Interior
J.J. Simmons III

Certified to be a true
copy of the original

Certifying Officer

[FR Doc. 83-6223 Filed 3-9-83; 8:45 am]
BILLING CODE 4310-MR-C

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federal register

Thursday
March 10, 1983

Part V

Department of Education

Indian Fellowship Program

DEPARTMENT OF EDUCATION

34 CFR Part 263

Indian Fellowship Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary issues proposed regulations to provide appropriate criteria for awarding Indian Fellowships, and to reduce burdens upon applicants by clarifying the regulations governing the Indian Fellowship Program.

DATE: comments must be received on or before April 25, 1983.

ADDRESSES: Comments should be addressed to Director, Indian Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (FOB-6, Room 2177), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mrs. Alice T. Ford, Coordinator, Indian Fellowship Program, U.S. Department of Education, 400 Maryland Avenue, SW. (FOB-6, Room 2147) Washington, D.C. 20202. Telephone: (202) 245-8840.

SUPPLEMENTARY INFORMATION: (a) The purpose of the Indian Fellowship Program is to provide Federal financial assistance to Indian students by awarding fellowships in order to enable them to pursue a course of study leading toward a postbaccalaureate degree in medicine, law, education, and related fields; or an undergraduate or graduate degree in engineering, business administration, natural resources, and related fields. This program is authorized by Pub. L. 92-318, the Indian Education Act, Section 423, as amended by the Education Amendments of 1978, Pub. L. 95-561, Section 1152, 20 U.S.C. 3385b.

The major issues are:

- Should the Indian Education Fellowship Program be administered without revised regulations which clarify the meaning of the fellowship statute?

Without revised regulations the Indian Education Fellowship Program will experience a substantial burden of monitoring applicants. Revised regulations will make it possible to administer the Indian Education Fellowship Program in a more cost effective manner.

- Should the criteria for the Indian Education Fellowship Program be revised to eliminate "Financial need" as a criterion?

Currently, the Fellowship regulations award points to applicants on a criterion entitled, "Financial need," but the regulations do not require specific information concerning an applicant's needs and resources. The proposed regulations eliminate this criterion, but include a section entitled "Application contents: evidence of financial aid need" to more clearly specify the information that is required to determine the applicant's financial aid need. This change will allow the Indian Education Programs office to make a better assessment of the amount of funds that are awarded to successful applicants for fellowships. This should result in more efficient use of program funds and allow the award of additional fellowships.

(b) The present regulations for the Indian Fellowship Program do not sufficiently clarify certain aspects of the statute. The main provisions of the proposed regulations substantially reduce administrative burdens on program administrators and on the applicants. The direct effect of the proposed regulations will be to provide clarity on the statutory requirements and to minimize the potential for administrative abuses.

(c) These regulations are also needed to—

(1) Better assure that Indian students are able to attend institutions of higher education to pursue a course of study leading to a graduate or undergraduate degree in certain critical professions;

(2) Maximize fellowship resources thereby allowing more Indian students to be served by the program;

(3) Reduce administrative burdens; and

(4) Reduce the rate of abuse of program funds.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations will not have significant economic impact on a substantial number of small entities. The proposed regulations apply to fellowship applicants and individuals who are not classified as small entities.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before (the 45th day after publication of this document) will be considered before the Secretary issues the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Federal Office Building 6, Room 2177, 400 Maryland Avenue, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, public comment is especially invited on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary also particularly requests comments on whether the regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 263

Colleges and universities, Education, Engineers, Health professions, Indians—education, Law, Natural resources, Scholarships and fellowships.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

(Catalog of Federal Domestic Assistance No. 84.087; Indian Fellowship Program)

Dated: March 4, 1983.

T. H. Bell,

Secretary of Education.

The Secretary proposes to amend Part 263 of Title 34 of the Code of Federal Regulations to read as follows:

PART 263—INDIAN FELLOWSHIP PROGRAM

Subpart A—General

Sec.

263.1 What is the purpose of the Indian Fellowship Program?
263.2 Who is an eligible applicant for financial assistance?
263.3 What definitions apply to the Indian Fellowship Program?
263.4 What are the allowable fields of study?
263.5 What does a fellowship award include?
263.6 Application contents: evidence that the applicant is Indian.

Sec.

263.7 Application contents: evidence of admission or attendance.
263.8 Application contents: transcripts.
263.9 Application contents: evidence of financial aid need.
263.10 Application contents: other information.

Subpart B—How Are Fellows Selected?

263.11 What priorities may the Secretary establish?
263.12 What priority is given to certain applicants?
263.13 How does the Secretary evaluate applications?

Subpart C—What Conditions Must Be Met by Fellows?

263.21 Required certification of information.
263.22 Time period for a fellowship.
263.23 Responsibilities of a Fellow.
263.24 Leave of absence requests.
263.25 Discontinuation of fellowship payments.
263.26 Requirements for an alternate Fellow.

Subpart D—Who Is Responsible for Administration of Grant Payments?

263.31 Disbursement of funds.

Authority: Indian Education Act, section 423 (20 U.S.C. 3385b) as amended, unless otherwise noted.

Subpart A—General

§ 263.1 What is the purpose of the Indian Fellowship Program?

The Indian Fellowship Program provides Federal financial assistance to Indian students by awarding fellowships in order to enable them to pursue a course of study leading toward—

(a) A postbaccalaureate degree in medicine, law, education, and related fields; or

(b) An undergraduate or graduate degree in engineering, business administration, natural resources, and related fields.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.2 Who is an eligible applicant for financial assistance?

(a) An applicant must be an Indian as defined in § 263.3.

(b) An applicant must be a United States citizen.

(c) An applicant is ineligible for a fellowship award if he or she already has obtained a terminal graduate or postbaccalaureate degree in one of the fields listed in § 263.4.

(d) An applicant must be a full-time undergraduate or graduate student at an accredited institution of higher education in one of the fields or related fields listed in § 263.4 and must be recognized by his or her institution of higher education as a degree candidate, except as provided in § 263.7(b).

(e) An applicant must have demonstrated financial aid need, as defined in § 263.3.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.3 What definitions apply to the Indian Fellowship Program?

The following definitions apply to the Indian Fellowship Program:

"Department" means the U.S. Department of Education.

"Dependent care" means the care of minor children who reside with the Fellow.

"Expenses" means tuition and required fees, required university health insurance, room and board at or near the institution, travel in cases of extreme hardship, instructional supplies, and dependent care associated with attendance at an institution of higher education.

"Fellow" means the recipient of a fellowship under the Indian Fellowship Program.

"Fellowship" means an award under the Indian Fellowship Program.

"Financial aid need" means the difference between a student's expenses for the academic year and his or her resources.

"Full course load" means the number of credit hours which the institution requires of a full-time student.

"Full-time student" means a student who is a degree candidate, carries a full course load, and who is not employed for more than 20 hours a week.

"Good standing" means a cumulative grade point average of 2.0 on a 4.0 grade point scale in which failing grades are computed as a part of the average.

"Indian" means any individual who is—

(a) A member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(b) A descendant, in the first or second degree, of any individual described in paragraph (a) of this definition;

(c) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(d) An Eskimo or Aleut or other Alaska Native.

(Indian Education Act, Section 453(a); U.S.C. 1221h(a))

"Indian tribe" means any federally or State recognized Indian tribe, band, nation, rancheria, pueblo, Alaska Native village, or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (85 Stat. 688), that exercises the power of self-government.

"Institution of higher education" means that term as defined in 34 CFR 250.4.

"Resources" means income, savings, spouse's income, family contributions and other sources of financial aid.

"Secretary" means the Secretary of the Department of Education or an official or employee of the Department acting for the Secretary under a delegation of authority.

"Stipend" means that portion of a fellowship award which is used for personal living expenses.

"Undergraduate degree" means a baccalaureate (bachelor's) degree awarded by an institution of higher education.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.4 What are the allowable fields of study?

(a) The allowable fields and related fields of study under this program are—

(1) Medicine. Fields related to medicine such as—
(i) Veterinary medicine;
(ii) Nursing;
(iii) Dentistry;
(iv) Optometry or Ophthalmology;
(v) Biochemistry;
(vi) Pharmacy;
(vii) Nutrition; and
(viii) Clinical psychology.

(2) Law.

(3) Education. Fields related to educ.. on such as—
(i) Computer science; and
(ii) Technology.

(4) Business Administration. Fields related to business administration such as—
(i) Accounting;
(ii) Economics;
(iii) Computer science and technology;
(iv) Public administration; and
(v) Mathematics.

(5) Engineering. Fields related to engineering such as—
(i) Architecture;
(ii) Urban or Rural Planning; and
(iii) Communication technology.

(6) Natural Resources. Fields related to natural resources such as—
(i) Agricultural science;
(ii) Forestry;
(iii) Horticulture;
(iv) Hydrology;
(v) Fisheries;
(vi) Environmental or earth sciences;
(vii) Geology or Geophysics;
(viii) Oceanography;
(ix) Marine biology;
(x) Mining;

(xi) Chemical and petroleum refining; and

(xii) Metallurgy.

(b) The Secretary considers, on a case-by-case basis, the eligibility of applications for fellowships in related fields of study in addition to those listed in paragraph (a) of this section.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.5 What does a fellowship award include?

(a) The Secretary awards a fellowship in an amount up to but not more than, the difference between the student's resources, including other sources of financial aid, and the student's expenses, as defined in § 263.3 The assistance provided by the program either—

(1) Fully finances a student's educational expenses; or

(2) Supplements other resources of the student in meeting these expenses.

(b) The Secretary announces for each field of study the expected maximum amounts for subsistence and other fellowship costs in the annual application notice published in the Federal Register.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.6 Application contents: evidence that the applicant is Indian.

An application must contain evidence that the applicant is Indian as defined in § 263.3 of this part.

(Indian Education Act, Section 453(a); 20 U.S.C. 1221h(a))

§ 263.7 Application contents: evidence of admission or attendance.

(a) An application must contain evidence that the applicant is currently in attendance or has been accepted for admission as a full-time student at an accredited institution of higher education in one of the eligible fields of study listed in § 263.4.

(b) An applicant who has not yet been accepted for admission may submit an application that the Secretary may consider, provided that the applicant is accepted by an accredited institution of higher education by a date to be specified by the Secretary.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.8 Application contents: transcripts.

(a) An applicant for an undergraduate fellowship shall submit high school and, if appropriate, undergraduate transcripts.

(b) An applicant for a graduate fellowship shall submit undergraduate and, if appropriate, graduate transcripts.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.9 Application contents: evidence of financial aid need.

(a) An applicant shall demonstrate a need for financial assistance beyond commitments of personal resources, other educational grants, scholarships, Pell Grants, and work study programs. Financial assistance is provided to enable a Fellow to meet allowable expenses for attending an institution of higher education full-time.

(b) To demonstrate need for financial assistance, the applicant must submit the following:

(1) Information showing the amount of tuition and fees charged by the institution of higher education to be attended.

(2) Letters of commitment from granting sources of other financial aid.

(3) Evidence of other pending applications for financial aid.

(4) A copy of the Graduate and Professional Schools Financial Aid Statement (GAPSFAS), the American College Testing Program's Student Need Analysis Statement (Family Financial statement), or a similar complete statement of financial resources that has been submitted to the institution of higher education.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.10 Application contents: other information.

An application must contain—

(a) Three letters of assessment;

(b) An educational commitment essay;

(c) Evidence of scholastic and service awards, leadership positions held, and other special recognition by school, religious, tribal, and civic organizations; and

(d) Standardized test scores appropriate to the applicant's proposed field and level of study.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

Subpart B—How Are Fellows Selected?

§ 263.11 What priorities may the Secretary establish?

(a) Each year, the Secretary may establish priorities among the allowable fields of study described in § 263.4.

(b) The Secretary announces the priorities selected and the approximate amount of funds reserved for any combination of the various fields or related fields of study in the application notice published in the Federal Register.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.12 What priority is given to certain applicants?

The Secretary shall award 15 additional points beyond those awarded under § 263.13 to applicants who apply for graduate fellowships in the fields of engineering, business administration, natural resources, and their related fields.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.13 How does the Secretary evaluate applications?

(a) The Secretary evaluates an application on the basis of the criteria listed in paragraphs (c) and (d) of this section, in addition to the priority listed in paragraphs (c) and (d) of this section, in addition to the priority points awarded under § 263.12. The maximum possible point range for each criterion is stated in parentheses. The number of points the Secretary awards for each criterion depends on how well the application addresses all of the factors of that criterion. The total number of points available under the criteria in this section is 100.

(b) The Secretary evaluates and ranks an application with other applications for the same field and related fields.

(c) *Academic record and leadership potential. (70 points)*

(1) The Secretary considers the quality of the applicant's academic record and the applicant's potential for success in his or her field of study by reviewing the items in paragraphs (c) (2) and (3) of this section. The Secretary awards up to 35 points for paragraph (c)(2) and up to 35 points for paragraph (c)(3).

(2) The Secretary reviews the applicant's grades and standardized test scores, such as the Scholastic Aptitude Test (SAT), American College Testing Assessment Program (ACT), Graduate Record Examination (GRE), Law School Admission Test (LSAT), Medical College Admissions Test (MCAT), and achievements tests.

(3) The Secretary reviews documentation of any leadership positions held by the applicant while in school and three letters of assessment that address the applicant's potential for success and leadership in his or her field of study. The letters must be from—

(i) A teacher or instructor of the applicant;

(ii) A school principal, counselor, or coordinator of a program funded

under Part A of the Indian Education Act; and

(iii) A parent committee member of an Indian Education Act, Part A, project, tribal council member, an advisor or civic leader who has observed the applicant in educational, social, or civic activities.

(d) *Commitment.* (30 points)

(1) The Secretary considers the applicant's commitment by reviewing an educational commitment essay written by the applicant. The Secretary awards up to 30 points for this criterion.

(2) In reviewing the essay, the Secretary looks for—

(i) The applicant's ability to write clearly;

(ii) How well and the extent to which the applicant expresses a commitment of pursuing his or her chosen field of study; and

(iii) The extent to which the essay explains how participation in the fellowship program will enable the applicant to achieve his or her potential and assist him or her in providing leadership to the Indian Community.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

Subpart C—What Conditions Must Be Met by Fellows?

§ 263.21 Required certification of information.

To verify the accuracy of the information provided in the application, the applicant, if requested, shall provide all information and documents, including a copy of his or her Federal Income Tax return. The applicant's failure to provide the requested information and documents invalidates the application.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.22 Time period for a fellowship.

(a) The Secretary awards a fellowship for a period of time—

(1) Not to exceed four academic years for an undergraduate or doctorate degree; and

(2) Not to exceed two academic years for a master's degree.

(b) The Secretary reviews the status of each Fellow at the end of each year and continues support only if the Fellow—

(1) Has complied with the Indian Education Act and applicable regulations;

(2) Has remained a full-time student in good standing in the field in which the fellowship was awarded; and

(3) Has submitted a noncompeting continuation application to request additional support.

(4) Has demonstrated continued financial aid need.

(c) A fellowship terminates when the Fellow receives the degree being sought. A fellowship holder who is awarded an undergraduate degree may seek support under this program to pursue a graduate level or postbaccalaureate degree by submitting a new application.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.23 Responsibilities of a Fellow.

A Fellow shall—

(a) Start school during the first year of the award at the institution named on the grant award document and complete at least one full academic term;

(b) Submit to the Secretary two copies of his or her official grade report at the close of each academic term;

(c) Request a leave of absence from the Secretary for any interruption in his or her program of academic study;

(d) Submit to the Secretary within 60 days from the start of each academic year, a current financial report which has been reviewed and signed by the financial aid officer at the institution of higher education. The financial report shall state all sources and amounts of financial assistance received by the Fellow for the academic year for which the fellowship applies; and

(e) Report to the Secretary any changes in academic or financial status.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.24 Leave of absence requests.

(a) A Fellow may request a leave of absence from the Secretary for a period not longer than 12 months.

(b) The Secretary permits a leave of absence only if the institution certifies that the Fellow is eligible to resume his or her course of study at the end of the leave of absence.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.25 Discontinuation of fellowship payments.

(a) The Secretary may discontinue the fellowship, if the Fellow—

(1) Fails to comply with the provisions under this part, including failure to obtain an approved leave of absence under § 263.24, or with the terms and conditions of the fellowship award;

(2) Fails to disclose any information which substantially affects his or her financial status; or

(3) Fails to report any change in his or her academic status.

(b) The Secretary will discontinue a fellowship only after providing reasonable notice and an opportunity for the Fellow to rebut, in writing or in an informal meeting with the responsible official in the Department of Education, the basis for the decision.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

§ 263.26 Requirements for an alternate Fellow.

If a fellowship is vacated or discontinued, the Secretary may award the unexpended funds from that fellowship to an alternate applicant at that institution, for a period of study which does not exceed the term of the original fellowship.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

Subpart D—Who Is Responsible for the Administration of Grant Payments?

§ 263.31 Disbursement of funds.

(a) Funds are disbursed directly to the institution of higher education where a Fellow is enrolled. Stipends shall be distributed to Fellows in installments by the institution. No fewer than two installments per academic year shall be made. If the fellowship is vacated or discontinued, the Secretary selects an alternate Fellow at that institution or the institution must return the unexpended funds.

(b) A Fellow who officially or unofficially withdraws or is expelled from an institution before completion of a term shall refund a prorated portion of the stipends, that has been received, as determined by the Secretary.

(Indian Education Act, Section 423; 20 U.S.C. 3385b)

[FR Doc. 83-6218 Filed 3-9-83; 8:45 am]
BILLING CODE 4000-01-M

VOL
48
ISS
48
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10
1983
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federal register

Thursday
March 10, 1983

Part VI

Department of Agriculture

Animal and Plant Health Inspection

Citrus Canker; Mexico; Proposed Amendment to Interim Rule and Notice of Public Hearing

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 83-308]

Citrus Canker; Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed amendment to interim rule and notice of public hearing.

SUMMARY: This document proposes to amend the "Citrus Canker—Mexico" interim regulations to allow any importer to import restricted articles for movement to and use in certain northern parts of Louisiana and Texas in accordance with certain conditions, and to allow restricted articles to be culled and repacked under certain conditions in restricted areas in Texas. This proposal is in response to requests from importers and State officials and appears to be warranted in order to relieve unnecessary restrictions with respect to restricted articles.

This document also gives notice of a public hearing concerning this proposed action.

DATES: Written comments concerning the proposal must be received on or before March 30, 1983. A public hearing concerning the proposal will be held at 10 a.m. on March 24, 1983.

ADDRESSES: Written comments concerning this proposal should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

A public hearing concerning the proposal will be held at the Crockett Room, The Hilton Inn, 2721 South Tenth Street, McAllen, Texas 78501.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 637 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8248.

Stephen Poe, Plant Pathologist, Emergency Programs, Plant Protection and Quarantine, APHIS, USDA, Room 609 Federal Building, Hyattsville, MD 20782; 301-436-8365.

SUPPLEMENTARY INFORMATION:

Public Hearing

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. Any interested person may appear and be heard in person, by attorney, or by other representative.

The hearing will begin at 10 a.m. and is scheduled to end at 5 p.m. local time. However, the hearing may be terminated at any time after it begins if all of those persons desiring an opportunity to speak have been heard. Persons who wish to speak are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 a.m. to 10 a.m. Those registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard.

Comments

Written comments are solicited for 20 days after publication of this document in the **Federal Register**. It appears that there is no longer a need for imposing certain restrictions on the importation of restricted articles and that prompt action should be taken to relieve the unnecessary restrictions. Therefore, a comment period of 20 days appears to be warranted and adequate under the circumstances.

The current "Citrus Canker-Mexico" regulations are established as interim regulations. The comment period for the current interim regulations expired on January 17, 1983. Any comments received in response to this proposal will also be considered in connection with the establishment of final regulations.

Background

This document proposes to amend the "Citrus Canker-Mexico" interim regulations (contained in 7 CFR 319.27 *et seq.* and referred to below as the regulations). The regulations were initially established on November 17, 1982, by a document published in the **Federal Register** on the same day (47 FR 51723-51729). The regulations were changed effective November 17, 1982, and this was announced in the **Federal Register** on December 2, 1982 (47 FR 54273-54275). The regulations were further changed effective January 20, 1983, by a document published in the **Federal Register** on January 5, 1983 (48 FR 387-393).

The regulations were established to protect against the introduction of citrus canker disease, which is caused by the infectious bacterium *Xanthomonas campestris* pv. *citri* (Hasse 1915) Dye 1976. This was necessary because of the finding of citrus canker disease in the State of Colima and in the municipio of Coahuayana in the State of Michoacan in Mexico (these areas are referred to below as infected areas).

The regulations provide that any fruit or peel of Mexican lime (*Citrus aurantifolia*) from any area of Mexico, and any other fruit or peel of citrus or citrus relatives (fruit or peel of any genera, species, or varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae) from infected areas in Mexico offered for importation into the United States will be refused importation unless imported by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions.

The regulations also designate as restricted articles fruit or peel of ethrog (*Citrus medica*), grapefruit (*Citrus paradisi*), lemon (*Citrus limon*), orange (*Citrus sinensis*), Persian lime (*Citrus latifolia*), and tangerine (*Citrus reticulata*) from uninfected areas in Mexico. Under the regulations any restricted article is allowed to be imported into the United States by the U.S. Department of Agriculture for experimental or scientific purposes under certain conditions and is allowed to be imported by any importer if imported in accordance with certain conditions.

A restricted article is allowed to be imported by any importer only if imported in accordance with provisions concerning permits, inspection and phytosanitary certificates of inspection, treatment and other requirements, marking and identity, arrival notification, costs and charges, ports of entry, destination requirements, and restricted destination permits. In accordance with these requirements, a restricted article may be imported only for movement to and use in locations other than Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas, or the Virgin Islands of the United States. The **Federal Register** document of January 5, 1983, set forth the rationale for not allowing restricted articles to be imported for movement to or use in these areas. It was explained that a significant number of host plants are grown either commercially or noncommercially in these areas (48 FR

389–390). It was further explained that as an additional precaution against the establishment of citrus canker disease caused by bacteria trapped in pores or wounds of restricted articles, it was necessary to establish procedures designed to prevent restricted articles from being destined to areas in the United States where host plants are grown either commercially or noncommercially in significant amounts (48 FR 388–390).

Movement to and Use in Louisiana and Texas

Importers of restricted articles have requested that the regulations be amended to allow restricted articles to be imported for movement to and use in northern parts of Louisiana and Texas where citrus or citrus relatives are not grown either commercially or noncommercially in significant amounts. It appears that there is a basis for amending the regulations to allow restricted articles to be moved to and used in areas in northern parts of Louisiana and Texas. In this connection, it is proposed to allow restricted articles to be moved to and used in any part of Louisiana not included in that part of Louisiana more than 15 miles south of Interstate Highway 20 and it is proposed to allow restricted articles to be moved to and used in any part of Texas not included in that part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10.

The regulations also currently require that a restricted article bear on the outer container the statement "Not to be distributed within Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas, or the Virgin Islands of the United States." Therefore, in accordance with the proposal to allow restricted articles to be moved to and used in parts of Louisiana and Texas, it is also proposed to change the required statement to read "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States."

In addition, the regulations currently provide that a restricted article may be moved from the port of entry to locations other than Arizona, California, Florida, Hawaii, Louisiana, Puerto Rico, Texas, or the Virgin Islands of the United States only pursuant to a restricted destination permit issue by an inspector. Therefore, in accordance with the proposed provisions explained above, it is further proposed to provide that a restricted destination permit also may be issued for movement to locations in the northern parts of Louisiana and Texas described above.

It appears that restricted articles could be allowed to be imported for movement to and use in such northern parts of Louisiana and Texas under the conditions explained above without presenting a significant risk of causing the introduction of citrus canker disease into the United States.

The proposed marking requirements and restricted destination permit requirements appear to be adequate to prevent the commercial movement of these articles into restricted areas, including any restricted areas in Louisiana or Texas. In this connection, it should be particularly noted that the regulations already provide that a restricted destination permit will be issued for the movement of a restricted article only upon the presentation of evidence, such as U.S. Customs bond, an invoice, or other shipping document indicating destination, sufficient, to establish that the article would be shipped to a location in the United States where it would be eligible for distribution and use.

Also, the proposed boundary lines in Louisiana and Texas appear to be sufficiently distant from areas where citrus or citrus relatives are grown in significant amounts to provide adequate protection against shoppers purchasing restricted articles in areas where restricted articles are allowed and taking the articles back home to areas where citrus or citrus relatives are grown. The boundary lines are at least one hundred and fifty miles from areas in Louisiana and Texas where citrus or citrus relatives are grown in significant amounts.

As an added precaution, it is also proposed to allow restricted articles to be moved from the port of entry to a wholesale distributor in the specified parts of northern Louisiana and Texas only if the wholesale distributor is operating under a valid compliance agreement whereby the wholesale distributor agrees not to reship the restricted articles to areas where they would not be eligible for distribution and use and agrees not to reship restricted articles to any other wholesale distributor in a restricted area not operating under such a compliance agreement. This is in accord with requests of State officials of Louisiana and Texas who asserted that these precautions were needed if the proposal to allow restricted articles to be distributed and used in northern parts of Louisiana and Texas were adopted.

Since areas in these northern parts of Louisiana and Texas have at times served as distribution points for areas where the articles would not be allowed to be distributed and used, the proposed compliance agreement requirements appear to be necessary to assure that wholesale distributors understand and comply with the applicable requirements. Further, it is proposed to establish due process requirements as set forth in the proposed text for the withdrawal of such compliance agreements for noncompliance with the regulations or any conditions imposed pursuant thereto.

Culling and Repacking

As noted above, the regulations are designed to provide that a restricted article may be imported only for distribution and use in locations other than areas where citrus or citrus relatives are grown in significant amounts. Currently, the regulations only allow restricted articles to move from the port of entry to destination and do not allow restricted articles to be culled and repacked in the restricted areas where they would not be eligible for distribution and use. Importers of restricted articles have requested that the regulations be amended to allow restricted articles to be culled and repacked in an restricted areas in Texas. Certain importers own facilities for these activities in the restricted areas in Texas. In this connection, it appears that importers want to be allowed to cull and repack restricted articles in their own facilities in Texas since it is more expensive for these importers to have the restricted articles culled and repacked in other facilities in Mexico or in areas in the United States where restricted articles are allowed to be distributed and used.

In order to allow restricted articles to be culled and repacked in restricted areas in Texas, it is necessary to have adequate safeguards to protect against the introduction of citrus canker disease into the United States. It is necessary to have adequate assurance that the restricted articles would remain identifiable as restricted articles while in the restricted areas and that the restricted articles would be shipped to destination where they are eligible to be distributed and used. It is further necessary to require that any restricted articles unpacked and not repacked be disposed of in a manner adequate to

prevent the introduction of citrus canker disease into the United States. It is also necessary that the outer containers of the repacked restricted articles bear sufficient information (1) to indicate that the restricted articles are to be shipped only to destinations where they are eligible to be distributed and used and (2) to provide a means of tracing the articles back to the repacker if additional information were needed concerning the articles for enforcement purposes.

It appears that there would be adequate safeguards if the culling and repacking in the citrus producing areas in Texas were allowed to be conducted only pursuant to a compliance agreement between Plant Protection and Quarantine (the unit of the Animal and Plant Health Inspection Service responsible for administering the regulations) and the person conducting the culling and repacking whereby it is agreed that these activities would be conducted under the following conditions:

(1) The culling and repacking, and any related activities would be subject to monitoring by inspectors;

(2) The culling and repacking would be conducted only under conditions found by an inspector as adequate to assure that the restricted articles would not be commingled with nonrestricted articles and would remain identifiable as restricted articles during such activities (i.e., restricted articles must be separated from nonrestricted articles by being in separate rooms or by being separated by partition, the equipment used for culling restricted articles may not be used for processing nonrestricted articles until all restricted articles which have been culled by that equipment have been repacked for distribution or put in containers for disposal);

(3) The outer containers of the repacked restricted articles would plainly and correctly bear the general nature and quantity of the contents, the country or locality of origin, the name and address of repacker, the name and address of consignee, and the statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States States"; and

(4) Any restricted articles taken out of their containers and not repacked for distribution and use in areas where they are eligible for distribution and use must be disposed of daily by returning them to Mexico, or be disposed of daily by incineration or burial in a landfill (the incinerator or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of citrus canker disease and be certified by the responsible State or local official as currently complying with the applicable laws for environmental protection); and any restricted articles held or moved for disposal must be held or moved in covered containers adequate to prevent spillage of the articles and marked so as to identify these as culled restricted articles.

Accordingly, it is proposed to allow persons to cull and repack restricted articles in the restricted areas of Texas under the specified conditions.

Also, it is proposed to establish due process requirements as set forth in the proposed text for the withdrawal of such compliance agreements for noncompliance with the regulations or any specified conditions imposed pursuant thereto.

As noted above, it is proposed to allow culling and repacking to occur under the conditions in Texas but not in the other specified citrus producing jurisdictions. If there are requests to allow culling and repacking in other jurisdictions where restricted articles are not allowed to be distributed and used, amendment of the regulations to allow such activities will be considered.

As noted above, it is proposed to require the culling and repacking to be subject to monitoring by inspectors and to be conducted only under conditions found by an inspector to meet certain criteria. In this connection, it should be noted that an inspector is defined in the interim rule as:

Inspector. Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Miscellaneous

In order ot make the regulations more easily understood it is proposed to define the areas where restricted articles are not allowed to be distributed and used as "restricted areas" and to make certain other nonsubstantive changes in the regulations.

Executive Order 12291 and Regulatory Flexibility Act

This proposed amendment to the interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposal would not have a significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, it is necessary to complete this rulemaking proceeding as quickly as possible in order to take any warranted action to relieve unnecessary restrictions. The emergency nature of this action makes it impracticable for the agency to follow the procedure of Executive Order 12291 with respect to this action.

It appears that the restricted articles that would be allowed to be distributed and used in northern parts of Louisiana and Texas would not constitute a significant portion of these types of articles distributed and used within the United States.

Further, it appears that the culling and repacking of restricted articles in accordance with the proposal in areas in Texas would not constitute a significant portion of the culling and repacking of fruits in the United States and would not constitute a significant portion of these activities involving small entities

James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Plant diseases, Plants (agriculture), Transportation, Citrus Canker, Fruit.

PART 319—CITRUS CANKER—MEXICO

Under the circumstances referred to above, "Subpart—Citrus Canker—Mexico" in 7 CFR Part 319 is proposed to be amended as follows:

1. Section 319.27–1 would be amended by adding a definition of "Restricted area" in alphabetical order to read as follows:

§ 319.27-1 Definitions.

* * * * *

Restricted area. Any area listed as a restricted area in § 319.27-9.

§ 319.27-5 [Amended]

2. Paragraph (a)(8) of § 319.27-5 would be revised to read as follows:

* * * * *

(a) * * *

(8) The statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States."

* * * * *

3. Provisions in § 319.27-9 and 319.27-10 would be revised and new §§ 319.27-11 and 319.27-12 would be added to read as follows:

§ 319.27-9 Restricted areas.

The following areas are designated as restricted areas: Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States.

§ 319.27-10 Destination requirements.

Any restricted article may be imported only for movement to and use in an area not included as a restricted area except that restricted articles may be culled and repacked in restricted areas in Texas as provided in § 319.27-12.

§ 319.27-11 Restricted destination permits.

A restricted article may be moved from the port of entry to a location not in a restricted area only pursuant to a restricted destination permit issued by an inspector. A restricted destination permit will be issued for the movement of a restricted article only upon the presentation of evidence, such a U.S. Customs bond, an invoice, or other shipping document indicating destination, sufficient to establish that the article would not be shipped in violation of this subpart and would be shipped to a location in the United States not in a restricted area.

§ 319.27-12 Culling and packing in Texas; movement to areas in northern parts of Louisiana and Texas; compliance agreements.

(a) Restricted articles may be culled and repacked in restricted areas in Texas in accordance with a valid compliance agreement between Plant Protection and Quarantine and the person conducting such activities whereby it is agreed that any culling or repacking would be conducted under the following conditions:

(1) The culling and repacking, and any related activities would be subject to monitoring by inspectors;

(2) The culling and repacking would be conducted only under conditions found by an inspector as adequate to assure that the restricted articles would not be commingled with nonrestricted articles and would remain identifiable as restricted articles during such activities (i.e., restricted articles must be separated from nonrestricted articles by being in separate rooms or by being separated by a partition, the equipment used for culling restricted articles may not be used for processing nonrestricted articles until all restricted articles which have been culled by that equipment have been repacked for distribution or put in containers for disposal);

(3) The outer containers of the repacked restricted articles would plainly and correctly bear the general nature and quantity of the contents, the country or locality of origin, the name and address of repacker, the name and address of consignee, and the statement "Not to be distributed within Arizona, California, Florida, Hawaii, any part of Louisiana more than 15 miles south of Interstate Highway 20, Puerto Rico, any part of Texas more than 15 miles south of the direct route from the Louisiana border to the New Mexico border beginning on Interstate Highway 20 and continuing on Interstate Highway 10, or the Virgin Islands of the United States"; and

(4) Any restricted article taken out of its container and not repacked for distribution and use in areas where it is eligible for distribution and use must be disposed of by daily returning it to Mexico, or be disposed of daily by incineration or burial in a landfill (the incinerator or landfill must have equipment and use procedures that are determined by the Deputy Administrator to be adequate to prevent the dissemination of citrus canker disease and be certified by the responsible State or local official as currently complying with the applicable laws for environmental protection); and any restricted articles held or moved for disposal must be held or moved in covered containers adequate to prevent spillage of the articles and marked so as to identify as culled restricted articles.

(b) A restricted article may not be moved from the port of entry to any wholesale distributor or restricted articles in an area in Louisiana or Texas not designated as a restricted area, unless the wholesale distributor is operating under a valid compliance agreement between Plant Protection and Quarantine and the wholesale distributor whereby the wholesale distributor agrees not to reship restricted articles to any restricted area and agrees not to reship restricted articles to any other wholesale distributor in a restricted area not operating under such a compliance agreement.

(c) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefor shall be confirmed in writing as promptly as circumstances permit. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, to the Deputy Administrator within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(Secs. 105, 106, and 107; 71 Stat. 32-34; 7 U.S.C. 150dd, 150ee, 150ff; secs. 5, 7, and 9; 37 Stat. 316-18; 7 U.S.C. 159, 160, 162; 7 CFR 2.17, 2.51, and 371.2(c))

Done at Wahington, D.C., this 8th day of March, 1983.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-6429 Filed 3-9-83; 12:30 pm]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Rules and Regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the designation of the consolidated flue-cured tobacco markets of Mebane and Burlington, North Carolina. A referendum was conducted during the period of January 10–14, 1983, among tobacco growers who sell their tobacco at auction in Mebane and Burlington, North Carolina, to determine producer approval of the designation of these two markets as one consolidated market. Eligible producers voted unanimously in favor of the designation. Therefore, for the 1983 and succeeding flue-cured marketing seasons, the Mebane and Burlington, North Carolina, tobacco markets shall be designated as and be called Mebane-Burlington. The regulations are herein amended to reflect this new designated market.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Mary C. Duncan, (202) 447–5836.

SUPPLEMENTARY INFORMATION: A notice was published in the January 4, 1983, issue of the **Federal Register** (48 FR 316) advising that a referendum would be conducted among flue-cured producers who market their tobacco on the Mebane and Burlington, North Carolina, markets to ascertain if such producers favored the designation of the consolidated markets. Mebane and Burlington had been officially and separately designated on June 26, 1942 (7 FR 4611) under the Tobacco Inspection Act of 1935 (7 U.S.C. 511 *et seq.*).

The referendum was conducted among producers who were engaged in the production of flue-cured tobacco marketed in Mebane and Burlington, North Carolina, for calendar year 1982. Ballots for the January 10–14 referendum were mailed to approximately 650 producers. The Department received a total of 302 responses: 272 eligible producers voted in favor of the consolidation of the Mebane and Burlington markets, and 30 ballots were determined to be ineligible because 20 were postmarked prior to January 10, 1983, contrary to written instructions contained on the ballot, and 10 ballots were not completed and/or signed.

Upon the basis of the results of the referendum, it is determined that the consolidated market of Mebane-Burlington, North Carolina, is hereby designated as a flue-cured tobacco auction market and that this designated market shall receive mandatory, federal grading of tobacco sold at auction for the 1983 and succeeding seasons.

The referendum was held in accordance with the provisions of 7 U.S.C. 1312(c) and the regulations set forth in 7 CFR Parts 29 and 717.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order.

Additionally, in conformance with the provisions of Pub. L. 96–354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have no adverse economic impact upon all entities, small or large, and will in no way affect the normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department amends the regulations under the Tobacco Inspection Act contained in 7 CFR part 29, Subpart D, as follows:

§ 29.8001 [Amended]

The table contained in § 29.8001, entitled "Designated Tobacco Markets" is amended as follows:

(1) Item (t) is amended by deleting the words "Burlington, N.C." and "Mebane, N.C." from the column entitled Auction Markets.

(2) A new item (ww) is added under (vv) at end of the table, the new (ww) to read as follows:

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(ww) North Carolina.	Flue-Cured.	Mebane-Burlington.	Mar. 11, 1983	48 FR—.

Dated: March 7, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6386 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program

AGENCY: Food and Nutrition Service.

ACTION: Restatement of interim rule.

SUMMARY: This document corrects a technical error both in the January 1, 1981 and the January 1, 1982 revision of Part 210 of Title 7 of the Code of Federal Regulations. On September 20, 1980, the Department published an interim rule (45 FR 64068) which amended § 210.13(b) of the National School Lunch Program. This interim rule was to be effective January 1, 1981. On December 16, 1980, the Department published an emergency final rule, Amendment 44 to Part 210 (45 FR 82621) which also amended § 210.13(b). Amendment 44 was made effective upon publication in order to implement the provision in Pub. L. 96–

108 which required that fiscal year 1980 Claims for Reimbursement be submitted by January 1, 1981. The Department intended that the Amendment 44 language be replaced by the interim rule language on January 1, 1981. This would have extended the claim submission requirements to subsequent years. As a result of a technical error, the revised Code of Federal Regulations reflects the obsolete language of Amendment 44 rather then the interim provision set forth by the Department for the period beginning January 1, 1981. The Department is re-publishing the interim rule provision in order to correct the Code of Federal Regulations.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 756–3620.

PART 210—[AMENDED]

Accordingly, 7 CFR 210.13(b) is corrected to read as follows:

§ 210.13 Reimbursement procedures.

* * * * *

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 210.14(g)(2). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for meals served during any fiscal year shall be filed with the State agency, or FNSRO where applicable, prior to January 1, of the following fiscal year in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim. Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB Circular A–102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 210.5(a) of this Part. Any requested increase in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Report shall be handled in accordance with the provisions of § 210.16 of this Part except that amounts recovered may not be used to make program payments.

* * * * *

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 7(a), Pub. L. 95–627, 92 Stat. 3622, 42 U.S.C. 1751)

Dated: March 7, 1983.

Robert E. Leard,

Acting Administrator, Food and Nutrition Service.

Editorial Note: The text of 7 CFR 210.13(b) reprinted above was originally published in the **Federal Register** on September 26, 1980 (45 FR 64068). Subsequently, paragraph (b) was amended by an interim rule published in the **Federal Register** on July 20, 1982 (47 FR 31371). The text of the January 1, 1983 revision of Title 7, Code of Federal Regulations, Parts 210–299 will reflect the original text as amended by the July 20, 1982 amendment.

[FR Doc. 83-6341 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 402; Lemon Reg. 401, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period March 13–19, 1983, and increases the quantity of lemons that may be shipped during the period March 6–12, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective March 13, 1983, and the amendment is effective for the period March 6–12, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on March 8, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based

and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.702 is added as follows:

§ 910.702 Lemon regulation 402.

The quantity of lemons grown in California and Arizona which may be handled during the period March 13, 1983, through March 19, 1983, is established at 250,000 cartons.

2. Section 910.701 Lemon Regulation 401 (48 FR 9235) is revised to read as follows:

§ 910.701 Lemon regulation 401.

The quantity of lemons grown in California and Arizona which may be handled during the period March 6, 1983, through March 12, 1983, is established at 265,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 10, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–6583 Filed 3–10–83; 11:36 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Parts 1809, 1945, and 1951

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its insured Emergency (EM) loan regulations to clarify Subpart D so that production loss calculations will be made on a fair and equitable basis for all farmers. This final rule terminates Subpart B and changes the title of Subpart D.

This action is needed to implement administrative changes to correct program deficiencies. The intended effect is to provide for more efficient administration of the program so that EM loans will be made on a fair and equitable basis to farmers suffering substantial agricultural losses, and who need the Federal assistance to continue their farming operations.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Keith L. Smalley, Emergency Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5346–S, Washington, D.C. 20250, telephone (202) 382–1651.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be "non major". This action will cause no major increase in costs or prices for individuals, organizations, or other Government agencies affected; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

The Catalog of Federal Domestic Assistance number is 10.404 Emergency Loan (EM).

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law (Pub. L.) 91–190, an Environmental Impact Statement is not required.

Need for Governmental Action

The Congress has been critical of FmHA's overall management of the Disaster Emergency Program. The Administration agrees with these criticisms.

Emergency (EM) loans are being made to farmers who have suffered losses to one crop while having offsetting good production in another crop(s). Although some corrective measures have been taken to assure that EM loans are needed and made only to those actually suffering production losses, it has become evident that a need exists for further revision and clarification of the regulations governing the EM loan program. Revisions must be made in Subpart D of Part 1945 so that farmers served under these regulations receive equal and fair treatment in obtaining EM loans.

The termination of Subpart B of Part 1945 eliminates the confusion that can be caused by having two loan regulations. The elimination of Subpart B will not have any effect on borrowers who were eligible for actual loss loans under Subpart B, as the time for applying for such loans has expired. Applicants for major adjustment and annual production loans are treated the same under Subpart D as they were under Subpart B. These loan applications will be processed under Subpart D of Part 1945. By terminating Subpart B of Part 1945, it will be necessary to revise the title of Subpart D, Part 1945.

A proposed rule was published in the **Federal Register** (47 FR 41978) on September 23, 1982. This action proposed revisions of Part 1945, Subpart B and Part 1945, Subpart D and the termination of processing EM loans under Part 1945, Subpart B as of September 30, 1982. A 60 day period was granted for public comment which ended November 22, 1982. Two comments were received. These comments were concerned about items that are statutory in nature and eligibility for EM loans. One of the comments was concerned about the deletion of acreage-poundage controls as a consideration in calculating production losses. This change in the regulations provides that crops under acreage-poundage controls will be treated the same as other crops in loss calculations thereby providing a more equitable basis for all loss calcuiations.

Since the September 23, 1982 date of publication of the proposed rule did not permit publishing the revisions to Part 1945, Subpart B as a final rule prior to September 30, 1982; the proposed revisions to Part 1945, Subpart B are withdrawn by this action and the regulation will be terminated on the close of business on the date this final rule is published in the **Federal Register**.

The following is a summary of the revisions being made by this action:

1. Subpart B, §§ 1945.51 through 1945.100 are removed and reserved.

2. The reference is deleted to disaster designations having a beginning incidence period date on or after May 26, 1981, in the title of Part 1945, Subpart D.

3. Section 1945.154 (a)(23) is revised to delete the reference to tobacco under acreage-poundage control as a consideration in establishing normal year's production and in calculating production losses. The source of records

and their priority of use is redesignated as §1945.163 (a)(1).

4. Section 1945.154 (a)(33)(i) is revised to clarify the definition of basic security.

5. Section 1945.154 (a)(33)(ii) is revised to clarify the definition of normal income security.

6. Section 1945.154 (a)(33)(iii) is revised to clarify the definition of additional security.

7. Section 1945.162 (a)(2) is revised to define a joint farming operation.

8. Section 1945.162 (d) is revised to reference this paragraph with § 1945.163 (a)(2)(xvii) in regard to calculating production losses when an applicant's farming operation is conducted in both a designated and nondesignated county(ies).

9. Section 1945.163 (a)(1) is completely revised to redesignate the source of prices and priority of records to be used in calculating production losses.

10. Section 1945.163 (a)(2)(i), (a)(2)(ii), (a)(2)(iv) and (a)(2)(vi) are revised for clarity and (a)(2)(xvii) is added to this paragraph to clarify how production losses are calculated for an EM applicant whose farming operation is conducted in both a designated and a nondesignated county(ies).

11. Section 1945.166 (a)(1) is revised to reference this paragraph with § 1945.163 (a)(2)(xvii).

12. Section 1945.166 (d) is revised for clarification.

13. Section 1945.167 (a) is revised for clarification.

14. Section 1945.167 (e) is revised to clarify that subsequent annual production EM loans can only be made to borrowers who were indebted for EM loan(s) on December 15, 1979.

15. Section 1945.167 (i) is added to this paragraph to provide that FmHA employees will not guarantee repayment of advances from other credit sources.

16. Section 1945.169 (f)(1) is revised to state that up to 75 percent of planned gross farm income can be advanced for annual production purposes, and to delete the reference to the greater of $100,000 or 75 percent of the estimated gross farm income when the applicant can provide only a first lien on a crop(s) and/or livestock and livestock products.

17. References to Subpart B of Part 1945 of this Chapter are deleted in Subpart A of Part 1809, Subpart A of Part 1945 and Subpart A of Part 1951 of this Chapter.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance, Intergovernmental relations, Livestock, Loan programs—Agriculture.

Therefore, Chapter XVIII Title 7, Code of Federal Regulations, is amended as follows:

PART 1809—APPRAISALS

Subpart A—Appraisal of Farms and Leasehold Interests

§ 1809.1 [Amended]

1. In Section 1809.1, paragraph (b) is amended by removing the words "and Subpart B" in line 7.

PART 1945—EMERGENCY

Subpart A—Disaster Assistance—General

§ 1945.21 and 1945.26 [Amended]

2. In §§ 1945.21(b)(2) and (c)(1), and 1945.26(d) amendments to the paragraphs are made by removing the words "Subparts B and D" and inserting in their place, "Subpart D."

Subpart B—Emergency Loan Policies, Procedures and Authorizations for Those Applications Associated With Disaster Designations Having a Beginning Incidence Period Dated Prior to May 26, 1981

§§ 1945.51-1945.100 [Removed and Reserved]

3. Sections 1945.51 through 1945.100 are removed and reserved.

Subpart D—Emergency Loan Policies, Procedures and Authorizations for Applications Associated with FmHA Disaster Designations Having a Beginning Incidence Period Date on or After May 26, 1982

4. The title of Subpart D is revised to read as follows:

Subpart D—Emergency Loan Policies, Procedures and Authorizations

§ 1945.154 [Amended]

5. In § 1945.154, paragraphs (a)(23), (a)(33)(i), (a)(33)(ii), and (a)(33)(iii) are revised to read as follows:

§ 1945.154 Definitions and abbreviations.

(a) * * *

(23) *Normal year's production.* The normal year's production is the average per acre yield or production per animal unit of the 4 better years out of the 5 years immediately preceding the disaster year.

* * * * *

(33) *Security.* * * *

(i) *Basic security.* Real estate, fixtures, personal property, *e.g.*, foundation herds, flocks, aquatic animals and plant organisms, and machinery and equipment serving as security. When no collateral other than crops, livestock and/or livestock products and/or repayment ability, as defined in § 1945.169(d) of this Subpart, is available as security for the loan(s), the collateral is also considered to be basic security and sales proceeds *will not* be released for any purpose unless the Farm and Home Plan for that crop year includes plans for release of the proceeds for necessary farm operating or family living expenses.

(ii) *Normal income security.* All collateral (crops, livestock, and/or livestock products) planned to be marketed in the regular course of business, except as set forth in subparagraph (a)(33)(i) of this section, unless liquidation is approved. When liquidation is approved, all security, including normal income security, becomes basic security and sales proceeds *cannot* be released except as reflected in the Farm and Home Plan for that crop year.

(iii) *Additional Security.* All collateral not covered by subparagraphs (a)(33)(i) or (ii) of this section including: general intangibles, accounts and contract rights, which is encumbered, in addition to basic security and normal income security. Real estate and chattels can be additional security if required by loan approval conditions.

* * * * *

§ 1945.162 [Amended]

6. In § 1945.162, paragraphs (c)(2) and (d) are revised to read as follows:

§ 1945.162 Eligibility requirements.

* * * * *

(c) * * *

(2) An individual involved in a joint farming operation is not considered to be an established farmer for EM loan purposes. A joint farming operation is an operation where two or more farmers work together sharing equally or unequally land, labor, equipment, expenses and income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. Thus, the latter type of arrangement is not considered a joint operation, but two separate individual operations.

* * * * *

(d) *Operate in a disaster area.* An applicant for an actual loss loan must have sustained qualifying losses in an area in which the availability of EM loans for actual losses has been determined in accordance with Subpart A of Part 1945 of this Chapter and must have filed an application before the expiration of the termination date. When an applicant's farming operation is located both in a designated county(ies) and a non-designated

county(ies) refer to § 1945.163 (a)(2)(xvii) of this Subpart.

* * * * *

§ 1945.163 [Amended]

7. In section 1945.163, paragraphs (a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iv) and (a)(2)(vi) are revised and paragraph (a)(2)(xvii) is added to read as follows:

§ 1945.163 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s), annual production and major adjustment loan(s).

* * * * *

(a) *Production Losses.*

(1) The normal years production will be established by eliminating the poorest year of the 5-year production history immediately preceding the disaster year and averaging the remaining 4 years' production. The applicant *must* select the year to be eliminated. The year selected to be eliminated *must* be the same year for all farm enterprises (ie., *all* crops, livestock, and livestock products), which constituted a part of the applicant's farming operation during that year. A State Supplement will be issued which will be used in connection with subparagraph (a)(1)(iii) of this section. The State Supplement will contain average production figures provided by the USDA State Crop and Livestock Reporting Service, when available. If those records are not available, the State Supplement will contain statistical data on production from similar State or Federal bodies. When this information is available by County, County averages will be used. If available only by State, the State averages will be used throughout the State. In those States where neither a county nor State average is available for an agricultural commodity(ies), the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish County or State averages and advise County offices of these averages in the State Supplement. State directors and Farmer Programs Chiefs in adjoining States will consult with each other before releasing these figures. An applicant must use data from the production record source(s) in the order of priority as listed in subparagraphs (a)(1) (i), (ii) and (iii) of this section. The applicant will identify, on Form FmHA 1945-22, the production record source(s) to be used in determining the normal year's production for each commodity that was produced on all farms operated by the applicant in the disaster year. The order of priority of production records that will be used is:

(i) The applicant's actual reliable farm records.

(ii) The Agricultural Stabilization and Conservation Service (ASCS) established yields. When this production record source is used, an applicant must obtain the information from ASCS and submit it with the application to FmHA. This production record source will be used only for those commodities for which the applicant's reliable farm records were not maintained.

(iii) County or State averages. When this production record source is used, an applicant needs to provide production data for only the disaster year. The averages will be found in the State Supplement mentioned in paragraph (a)(1) of this section. This production record source will be used only for those commodities for which neither the applicant's reliable farm records nor ASCS established yields are available.

(iv) When one source of records is not available for the full 5 years preceding the disaster year a combination of record sources in paragraphs (a) (i), (ii) and (iii) of this Section will be used.

(v) When an applicant's production loss is on land being developed and maximum production capacity has not been attained, the State Director will establish normal yields on a case by case basis.

(2) * * *

(i) In calculating production losses, the same established unit prices will be used for the disaster year and the normal year in computing the dollar value of each enterprise. Unit prices will be established in accordance with subparagraph (a)(2)(iii) of this section. In the production loss calculation, those crop production yields and production per animal unit records authorized in subparagraphs, (a)(1) (i), (ii) and (iii) of this section will be used.

(ii) Information certified on Form FmHA 1945–22 for the disaster year for all single enterprises (as defined in § 1945.154(a)(15)(i)), which suffered a loss due to the disaster, will be transposed from Form FmHA 1945–22 to the appropriate places on Form FmHA 1945–26. The FmHA official completing Form FmHA 1945–26 is responsible for verifying loss information provided by the applicant. Information obtained from ASCS on Form FmHA 1945–29 will be cross checked with information provided by the applicant on Form FmHA 1945–22. Any discrepancies will be resolved, loss calculations adjusted if necessary, and the correct information recorded in the County Office case file. When the applicant's disaster loss is due to a reduction in *quality,* rather than due to a reduction in *quantity,* the applicant will be given credit for this by adjusting actual production yield downward. This will be accomplished by converting the dollar value of the quality loss to a yield reduction equal in value to the quality loss. When such an adjustment in necessary, the basis used in making the adjustment will be the applicant's *accurate* records of production and sales receipts showing the price received and the grade of the commodity in question. This information will be well documented by the County Supervisor.

* * * * *

(iv) The amount of actual production loss will be calulated for the single enterprise which is a basic part of the farming operation (see § 1945.154(a)(15) of this Subpart) by subtracting all compensatory disaster payments which are related to the disaster and which have been received or will be received; *i.e.,* crop insurance indemnity payments, ASCS disaster program payments, or any other disaster compensation *for that enterprise,* from the gross dollar amount of production losses for that enterprise as determined in subparagraph (a)(2)(iii) of the section.

* * * * *

(vi) Once eligibility is established based on production losses, the total production loss sustained by the applicant, directly attributable to the disaster, is computed by adding the gross dollar amount of production losses of *all* single enterprises, whether or not they constitute a basic part of the farming operation, and subtracting from this total all compensatory disaster payments received or to be received for those enterprises.

* * * * *

(xvii) When an applicant's farming operation(s) is conducted in a designated county(ies) and a nondesignated county(ies), eligibility will be established based on losses to a single enterprise which constitutes a basic part of the farming operation, without regard to whether the single enterprise is located in the designated county. The disaster year's *actual* yields, both in the designated and nondesignated counties, will be used to determine losses. Compensatory payments will be subtracted as explained in subparagraph (a)(2)(iv) of this section when determining eligibility. The amount of the production loss loan will be limited to the production loss sustained in the designated county, *minus* compensatory payments received or to be received for that portion of the

farming operation located in the designated county.

* * * * *

§ 1945.168 [Amended]

8. In § 1945.168 (a)(1) and (d) are revised to read:

§ 1945.168 Loan Purposes.

* * * * *

(a) *Loans for actual losses.*

(1) The amount of the maximum actual loss loan(s) in addition to the limitations contained in § 1945.163 (a)(2)(xvii) and (d) of this Subpart, is further limited to the actual dollar loss, or the actual amount of essential family, farm, and nonfarm enterprise credit that the applicant needs to carry on normal operations, *whichever is the lesser.* Actual loss loan funds will not be used to finance a nonfarm enterprise, unless such enterprise is needed to support a reasonable standard of living for the family. The use of the loss loan funds will be identified in the Farm and Home Plan so that a determination can be made as to whether such loan(s) were used for authorized purposes and covered all or a portion of the actual dollar loss.

* * * * *

(d) *Annual production and major adjustment loan indebtedness.* During fiscal year 1983, and all fiscal years thereafter, *no* annual production or major adjustment loan assistance may be made or guaranteed in any amount. Borrowers with EM loans outstanding on December 15, 1979, may receive subsequent EM annual production loans in accordance with the provisions of paragraph (b) of this section in amounts necessary to continue their normal farming operation(s) without regard to any indebtedness ceiling. (See § 1945.167(e), of this Subpart, concerning subsequent EM loans.)

* * * * *

§ 1945.167 [Amended]

9. In § 1945.167, the introductory text of paragraph (a) and paragraph (e) are revised and paragraph (i) is added to read as follows:

§ 1945.167 Loan limitations and special provisions.

(a) *Use of EM loan funds not authorized for expansion purpose(s).* EM actual loss loan funds *will not* be used to expand an applicant's farming, ranching, or aquaculture operation beyond that which constituted the normal predisaster operation(s). This limitation is not intended to prohibit minor changes in crop or livestock enterprises provided:

* * * * *

(e) *Subsequent EM loans.* Only those borrowers who were indebted for EM loans on December 15, 1979, and who received an initial annual production loan based on an application filed within 12 months from a disaster authorization dated prior to December 15, 1979, may receive subsequent EM annual production loans.

* * * * *

(i) *Prohibition on guaranteeing repayment of advances from other credit sources.* FmHA employees will not guarantee repayment of advances from other credit sources, either personally or on behalf of applicants, borrowers, or FmHA.

§ 1945.169 [Amended]

10. In § 1945.169, paragraph (f)(1) is revised to read:

§ 1945.169 Security requirements.

* * * * *

(f) *Operating purposes.*

(1) Loan funds used for annual production purposes will be secured by a first lien on the crop(s) and/or livestock and livestock products being financed with EM loan funds, plus enough additional security, as defined in 1945.154(a)(33)(iii) to assure that the Government's financial interest will be protected. When the applicant can provide *no* security other than a first lien on the crop(s) and/or livestock and livestock products, the amount of the loan will be limited to 75 percent of the planned gross farm income as shown on Form FmHA 431–2, or as shown on another acceptable plan of operation based on normal production and prices authorized by the State Director for developing annual farm plans within the State. When an EM borrower, who is indebted for an annual operating loan which is secured by only a first lien on the crop(s) and/or livestock and livestock products, needs a subsequent EM annual production loan to complete that year's farming operation, and the loan is needed to protect the Government's investment already in the crop and/or livestock and livestock products, the 75 percent gross income requirement may be waived by the State Director.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

§ 1951.10 [Amended]

11. In § 1951.10, paragraph (a)(5) is amended by removing the words "§ 1945.50(b)(4) of Subpart B of Part 1945 and,"

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: January 20, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-6388 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule will accomplish two purposes. First, it will terminate the nonimmigrant status of Libyan nationals and third country nationals acting on behalf of Libyan entities who are presently engaged in aviation or nuclear-related education or training in the United States. Secondly, it will bar certain benefits to such individuals where the intent is to obtain such education or training. The Secretary of State has determined that this type of education or training is detrimental to the security of the United States, and that it falls within section 212(a)(27) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(27).

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633–3048.

For specific information: Michael Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633–2620.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR Part 214 will bar the continued education or training of Libyan nationals and third country nationals acting on behalf of Libyan entities, in the fields of aviation maintenance, flight operations and nuclear-related studies or training. This amendment will also prohibit changes in nonimmigrant status, school transfer, extensions of stay, reinstatement of student status, employment authorization and practical training, where the purpose is to obtain the prohibited training or education.

These prohibitions are based upon a determination by the Secretary of State that aviation and nuclear-related training by foreign nationals in the United States, whose skills could be used by the Government of Libya, are detrimental to the security of the United States within the meaning of section 212(a)(27) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(27). Based on this determination, the Department of State has suspended the issuance of nonimmigrant visas to persons who intend to travel to the United States to receive training. The Department of State will also revoke previously issued nonimmigrant visas when it is determined that the purpose of the individual's travel to the United States is to engage in the prohibited activity. The regulations published here will insure that persons in the barred categories who have already entered the United States, or who may subsequently enter, will not be able to participate in aviation or nuclear-related training or education programs.

This final rule is exempt from the requirements of Executive Order 12291 because the rule is issued with respect to a foreign affairs function of the United States.

Compliance with 5 U.S.C. 553 as to notice and delayed effective date is not required because the rule involves a foreign affairs function and it is in the public interest to avoid delay.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Employment, Schools, Students.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

Part 214 is amended by adding the following new § 214.5:

§ 214.5 Libyan and third country nationals acting on behalf of Libyan entities.

(a) Notwithstanding any other provision of this Title, the nonimmigrant status of any Libyan national, or of any other foreign national acting on behalf of a Libyan entity, who is engaging in aviation maintenance, flight operations, or nuclear-related studies or training is terminated.

(b) Notwithstanding any other provision of this chapter, the following benefits will not be available to any Libyan national or any other foreign national acting on behalf of a Libyan entity where the purpose is to engage in, or seek to obtain aviation maintenance, flight operations or nuclear-related studies or training:

(1) Application for school transfer.

(2) Application for extension of stay.

(3) Employment authorization or practical training.

(4) Request for reinstatement of student status.

(5) Application for change of nonimmigrant status.

(Secs. 103, 212, 214, 248; 8 U.S.C. 1103, 1182, 1184, 1258)

Dated: September 28, 1982.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-6357 Filed 3-10-83; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR PART 204

[Economic Regulation ER-1307A; Docket 38904]

Data To Support Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board set a two-year review period for fitness determinations for nonoperating air carriers, in ER-1307 (47 FR 52977, November 24, 1982). The Office of Management and Budget approved the revised reporting requirements contained in this final rule (14 CFR 204.8) through December 31, 1984, under OMB No. 3024-0041.

DATES:

Effective: February 22, 1983.

Adopted: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 204

Air carriers, Essential air service, and Reporting requirements.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6405 Filed 3-10-83; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 239 and 274

[Release Nos. 33-6454, IC-13049; File No. S7-963]

Advertising by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of temporary amendments to rule 482 and Form N-1 and solicitation of comments.

SUMMARY: The Commission is adopting on a temporary basis and soliciting comments on amendments to rule 482 under the Securities Act of 1933, applicable to investment companies registered under the Investment Company Act of 1940, and an amendment to Form N-1, the registration form used by open-end management investment companies. These amendments will permit registered investment companies to mail advertisements directly to prospective investors and would permit money market funds to advertise their effective yield.

DATE: The temporary amendments are effective March 11, 1983.

Comments should be received on or before April 29, 1983.

ADDRESS: Comments should be submitted in quintuplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comment letters should refer to File No. S7-963. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Esq. (202) 272-2115, Special Counsel, or Gregory K. Todd, Esq. (202) 272-7317), Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today adopting on a temporary basis and publishing for comment amendments to rule 482 [17 CFR 230.482] under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a *et seq.*] and an amendment to Form N-1 [17 CFR 239.15, 274.11], the registration form used by open-end management investment companies. These amendments will: (i) Permit investment companies registered under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a-1 *et seq.*] to

send advertisements permitted under that rule by direct mail to potential investors, (ii) modify the present method of determining current yield by changing the method by which the base period return is calculated, and (iii) permit investment companies that are money market funds to advertise yield figures comparable to compound interest rates. The Commission solicits comments on these temporary amendments.

Background

In 1979, the Commission adopted rule 482 under the 1933 Act [1] to allow registered investment companies greater freedom to advertise through "bona fide" public media than is permitted in "tombstone" advertisements by rule 134 under the 1933 Act [17 CFR 230.134]. The Commission adopted rule 482 pursuant to section 19(b) of the 1933 Act [15 U.S.C. 77j(b)], which authorizes the Commission to permit, for certain purposes [2], the use of prospectuses that either omit in part or summarize the information contained in the full prospectus. Accordingly, a rule 482 advertisement is a prospectus for purposes of potential civil liability under section 12(2) of the 1933 Act [3] [15 U.S.C. 771(2)]. Rule 482 contains the following specific conditions: (i) The issuer must be registered under the 1940 Act or must be a business development company making a public offering of its securities pursuant to the 1933 Act; (ii) the advertisement must appear in a bona fide newspaper or magazine, or be used on radio or television; (iii) the advertisement must contain only information the substance of which is included in the issuer's statutory prospectus; and (iv) the advertisement must conspicuously state from whom a statutory prospectus may be obtained, and that the investor should read the statutory prospectus before investing in securities of the issuer. [4]

In 1980, rule 482 was amended to add the requirement that any quotation of a money market fund's yield in such an advertisement must be based on the "method of computation prescribed in Item 17 (and the instructions thereto) of Form N–1 * * * and [must identify the date of the last day in] the period used in computing that quotation." [5] These requirements were added in order to provide a standardized method of calculating yield by money market funds. The Commission believed that a standardized method was necessary so as to enable investors to compare accurately the yields of different funds. [6]

Discussion

After reviewing the requirements of rule 482 in light of experience with the rule and other developments discussed below, the Commission has determined to expand the availability of the rule in two regards: (i) To permit rule 482 prospectuses to be used in direct mail solicitations (the rule currently permits only mass media advertisements); and (ii) to permit money market funds to advertise effective yield on a basis that is comparable to the compound interest advertised by other financial institutions. The Commission is also making a technical change in the existing yield calculation formula to eliminate a bias in favor of funds that pay dividends monthly rather than daily.

Expansion to Permit Direct Mail Advertising

As stated above, rule 482 permits the use of omitting prospectuses in mass media advertising but not in direct mail solicitations. [7] With regard to this limitation, the release adopting the rule states that the Commission was concerned in 1979 that direct mail advertisements might be more likely than mass media advertisements to be viewed by investors as the primary selling document. In this regard, the Commission believed that, while economic considerations would keep mass media advertisements relatively short, direct mail advertisements might be so lengthy as to give the appearance of a full prospectus. Upon further consideration, however, the Commission is no longer convinced that the prohibition against rule 482 prospectuses being used for direct mail advertising is justified. First, rule 482 presently provides that the omitting prospectus must state conspicuously from whom a full statutory prospectus may be obtained and that the investor should read the full prospectus carefully before investing. The Commission believes that this legend substantially reduces the likelihood that an investor would confuse the direct mail advertisement with a full prospectus. Moreover, it would seem that direct mail solicitations, like mass media advertisements, would be subject to economic considerations which would tend to keep them relatively short. In particular, it appears that the postal costs of direct mail advertising should provide investment companies with an incentive for transmitting short documents that investors should not confuse with a statutory prospectus. The Commission requests specific information on the costs of direct mail.

In addition to the foregoing, the Commission has had three years of experience with the rule and is of the opinion that there is little reason to believe that, if rule 482 prospectuses were used for direct mail, investors would receive inaccurate, incomplete, or misleading information. Given that the securities laws do not require delivery of a prospectus prior to sale, investors who receive direct mail solicitations (pursuant to rule 482) that contain only information extracted from or

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[1] The rule was adopted as rule 434d, Securities Act Release No. 6110, August 31, 1979 [44 FR 52818 (September 10, 1979)], but was renumbered as rule 482 without modification in 1982 with the revision of Regulation C under the 1933 Act. Securities Act Release No. 6383, March 3, 1982 [47 FR 11380 (March 16, 1982)].

[2] A "summary" or "omitting" prospectus authorized pursuant to section 10(b) of the 1933 Act may not replace the full statutory prospectus that must be delivered no later than the time at which the sale that is subject to section 5 of the 1933 Act [15 U.S.C. 77e] is confirmed. However, an authorized summary or omitting prospectus may be used prior to delivery of the full statutory prospectus.

[3] Rule 482 prospectuses, however, are not part of the registration statement for purposes of liability under section 11 of the 1933 Act [15 U.S.C. 77k]. Rule 134 "tombstone" advertisements are neither prospectuses nor part of the registration statement, and therefore neither section 11 nor section 12(2) liability attaches to such advertisements. Rule 134 was adopted pursuant to section 2(10) of the 1933 Act [15 U.S.C. 77b(10)], which authorizes the Commission to define communications that contain only certain limited types of information as not being prospectuses.

[4] Rule 482 also requires that the statement provided in 17 CFR 230.481(b)(2) ("A registration statement relating to these securities has been filed * * *") must be included if the advertisement is used prior to the effective date of the registration, but the statement provided by 17 CFR 230.481(b)(1) ("THESE SECURITIES HAVE NOT BEEN APPROVED * * *") need not be included in the advertisement. The advertisement need not be filed with the issuer's registration statement, but must be filed pursuant to rule 424 (17 CFR 230.424).

[5] Securities Act Release No. 6243, September 30, 1980 [45 FR 67079 (October 9, 1980)], defines a "money market fund" as any investment company that holds itself out as a "money market" fund or has an investment policy calling for investments in debt securities maturing in 13 months or less. Pursuant to that release, Form N–1 was amended to include new Item 17, which requires that prospectuses for money market funds include a description of a standardized method of computing yield, as set forth in that item, and a yield quotation based on that method. The yield quotation must be calculated by dividing the fund's average daily net investment income per share earned during the seven days ended on the date of the fund's most recent financial statements by its average daily price per share (usually $1.00) and multiplying the result by 365, with the resulting figure represented as a percent carried to at least the nearest hundredth of one percent.

[6] The method of calculating yield adopted by the Commission was originally recommended by the investment company industry. *See* Investment Company Institute (pub. avail. November 10, 1979).

[7] "Sales literature" may currently be sent by direct mail under section 2(10)(a) of the 1933 Act [15 U.S.C. 77(b)(10)(a)]. However, such sales literature must be accompanied or preceded by a full statutory prospectus.

summarizing the statutory prospectus may, in fact, in some cases receive better information prior to making an investment decision than they would otherwise. For these reasons the Commission believes that expanding rule 482 to permit the use of direct mail is consistent with the rule's purpose of providing more information to investors about alternative investment opportunities.[8]

Advertising Effective Yield

As discussed above, in 1980 the Commission adopted a standardized yield computation for use in prospectuses and advertisements of money market funds. Based on its experience with the standardized yield, the Commission is now proposing to modify that standardized yield computation. The proposal would change the method of determining the base period return and would permit the use of a compounded effective yield in addition to the simple annualized yield.

As a technical amendment to Item 17 of Form N–1, the Commission is changing the determination of the base period return to eliminate a bias in the current computation toward funds that pay dividends monthly rather than daily. Some money market funds declare and pay dividends daily; others declare them daily and pay them monthly. If funds of the same size were to earn the same return on their portfolios, a fund that pays dividends daily would declare a smaller amount of dividends per share over a period of time (because of a daily increasing number of shares outstanding) than one that pays monthly. As a result, the fund paying monthly dividends would show a higher yield.

As demonstrated in the example provided as the Appendix to this release, the proposed yield calculations are based on the consideration of a hypothetical account having a balance of exactly one share at the beginning of a seven day period. The base period return would be the change in the value of the hypothetical account during the seven day period, including dividends declared on the original share, dividends declared on any shares purchased with dividends on that share, and any monthly account charges or sales charges that would affect an account of average size, but excluding any capital changes. The adoption of this method of determining the base period return would eliminate the discrepancy that can result from differences in frequency of dividend payment.

As is the case with the existing standardized yield, capital changes (realized gains and unrealized appreciation and depreciation) are to be excluded from the computation of the base period return. Although some funds reflect capital changes in their dividends, the Commission believes that limiting the yield computation to net investment income better indicates the earning potential of a fund's portfolio and thus both promotes comparability of yields and reduces the potential for misleading investors by the use of advertised yields.

Use of a Compounded Effective Yield

The current standardized yield figure, which is the only one that money market funds may include in rule 482 advertisements, is an annualization, without compounding, of the rate of return the fund received on its portfolio during the base period. Nevertheless, while money market funds do not undertake to pay a stated rate of interest or to compound it at specified intervals, a money market fund investment may earn in effect a compounded rate of return. When a fund's portfolio instruments mature, it reinvests the proceeds (unless they are needed for some other purpose, such as redemptions). Since those proceeds include both original principal and interest earned, the fund has increasing amounts to invest each time a particular investment matures. Such a progressive growth of assets to invest in effect compounds the return received by the fund. Because the portfolios of money market funds consist, to a large extent, of instruments that will mature in substantially less than a year, these funds would realize over the course of a year, assuming consistent interest rates,[9] a return greater than that expressed by the simple annualization of the return earned in a seven day period.

Accordingly, the Commission believes that money market funds should be permitted to advertise, in addition to the uncompounded annualization of the return for the seven day base period, figures reflecting a compound effective yield in rule 482 advertisements. Such a change in rule 482 seems particularly appropriate in view of the fact that, in recent months, depository institutions have been permitted to offer accounts competitive with the money market funds, and interest rates on these accounts are permitted to be advertised on a compound basis. It is logical to assume that many investors wish to compare the rates advertised by the depository accounts with the yields advertised by money market funds, and such comparisons would be facilitated by permitting yield figures to be advertised on a basis equivalent to the compound interest rates advertised by depository institutions.

The amendment to Item 17 of form N–1 permits the use of an effective yield quotation based on daily compounding. Because the compound effect realized by a fund would be dependent on its receipt of investment proceeds upon maturity of its portfolio instruments, the Commission requests comment on whether a compounding period related to a fund's weighted average portfolio maturity would be more appropriate than daily compounding.

Temporary Adoption and Implementation

The Administrative Procedure Act ("APA") generally requires that any agency or commission publish a notice of proposed rule-making that provides adequate opportunity for comment by interested persons. Section 553(b)(B) of the APA provides an exception from this requirement in situations where the agency for good cause finds that prior notice and comment are "impractical, unnecessary, or contrary to the public interest." These standards are incorporated in Rule 4(b) of the Commission's Rules of Practice [17 CFR 201.4(b)], which requires publication of prior notice of proposed rule amendments "[e]xcept where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."

In addition, the APA provides in section 553(d) that an adopted rule must be *published* at least 30 days prior to the rule's effective date. However, section 553(d)(1) contains an exception to this required publication of an adopted rule and 30 day delay in effectiveness when the rule is a substantive one that grants an exception or relieves a restriction.

The purpose of the temporary amendments to rule 482 and Form N–1 is to permit investors to be better informed about competing investment alternatives including not only other money market funds, but also the new depository accounts that are directly competitive with and intended to be equivalent to

[8] In adopting Rule 482, the Commission stated that: Institutions such as savings and loan companies and insurance companies, which compete with investment companies for investor interest, are not subject to the same advertising limitations as investment companies, and thus existing limitations on investment company advertising may have had the effect of restricting the availability of information about all revelant investment possibilities.

Securities Act Release No. 6116 (August 31, 1979), 44 FR at 52816.

[9] The same assumption underlies the advertising of compounded yields by depository institutions.

money market funds. The Commission believes that it is particularly important at the present time that investors choosing among various investment opportunities have a broad range of information available to them to assist them in their investment decisions. The Commission is of the opinion that investors may be confused if they are not able to compare accurately these competing investment products. Accordingly, the Commission finds that notice and opportunity for comment are contrary to the public interest before the adoption of these amendments on a temporary basis. Further, the Commission finds that a 30 day delay in effectiveness after publication is not required pursuant to section 553(d)(1) of the APA, because the amendments to Rule 482 and Form N–1 relieve restrictions. Therefore, these temporary amendments to rule 482 and Form N–1 will become effective immediately upon publication in the **Federal Register**.

Funds desiring to use yield quotations in rule 482 advertisements, in accordance with that rule, must have in their prospectuses a description of the new method of determining current yield proposed in this release, and a quotation of current yield based on that method, which identifies the length of the base period and date of the last day in the base period used in computing that quotation. Funds wishing to use rule 482 to advertise their effective yield on a compound basis must also include in their prospectuses a corresponding quotation of effective yield determined in accordance with the method described herein.

The Commission is aware that the prospectuses of almost all money market funds already include a description of a standardized method of computing yield, as set forth in current Item 17 of Form N–1, and a yield quotation based on that method. The Commission believes that in view of the foregoing, funds wishing to include yield figures in rule 482 advertisements before their prospectuses are ready for regular updating, may revise their prospectuses to include a "sticker" containing the necessary information pursuant to rule 424(c) of the 1933 Act [17 CFR 230.424(c)].

List of Subjects

17 CFR Parts 230 and 239

Reporting requirements, Securities.

17 CFR Part 274

Investment companies, Reporting requirements, Securities.

Text of Temporary Amendments to Parts 230, 239 and 274

In accordance with the foregoing, Title 17 of the Code of Federal Regulations, parts 230, 239 and 274 is temporarily amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. In § 230.482, paragraph (a)(2) is removed, paragraph (a)(3) is redesignated as (a)(2), paragraph (a)(4) is redesignated as (a)(3); paragraph (a)(5) is redesignated as (a)(4), and paragraph (d) is revised as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of section 10.

* * * * *

(d) In the case of an investment company which holds itself out to be a "money market" fund or has an investment policy calling for investment of at least 80% of its assets in debt securities maturing in 13 months or less, any quotation of such company's yield contained in such advertisements shall be: (1) A quotation of current yield based in the method of computation prescribed in Item 17 of Form N–1, set forth in §§ 239.15 and 274.11 of this chapter, and identifying the length of and the date of the last day in the base period used in computing that quotation, or (2) a quotation of current yield described in clause (1) above and a corresponding quotation of effective yield determined in accordance with the instructions to Item 17 of Form N–1.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

2. By amending Item 17 of Part I of Form N–1 [§§ 239.15 and 274.11] to read as follows:

§ 239.15 Form N–1 for open-end management investment companies registered on Form N–8A.

§ 274.11 Form N–1 registration statement of open-end management investment companies.

* * * * *

Part I. Information Required in Prospectus of Registration Statement

* * * * *

Item 17 *Yield Quotations of Money Market Funds (Prospectus only)*

(a) * * *

(i) a yield quotation based on the seven days ended on the date of the most recent financial statements of the Registrant included in the prospectus, computed by determining the net change exclusive of capital changes in the value of a hypothetical pre-existing account having a balance of one share at the beginning of the period, dividing the net change in account value by the value of the account at the beginning of the base period to obtain the base period return, and multiplying the base period return by (365/7) with the resulting yield figure carried to at least the nearest hundredth of one percent; and

(ii) * * *

(b) For purposes of the calculation required in subsection (a), above, the determination of net change in account value must reflect:

(i) the value of additional shares purchased with dividends from the original share, and dividends declared on both the original share and any such additional shares; and

(ii) all fees that are charged to all shareholder accounts, in proportion to the length of the base period and the fund's average account size.

(c) The capital changes to be excluded from the calculation required in subsection (a) are realized gains and losses from the sale of securities and unrealized appreciation and depreciation.

Instructions:

1. In connection with the presentation of the yield figure, the prospectus must disclose any material net change in the yield figure that would result from the inclusion of capital changes that are excluded in the computation pursuant to Item 17(a).

2. In addition to the yield quotation required by Item 17, the registrant may also include a quotation of effective yield, carried to at least the nearest hundredth of one percent, computed by compounding the unannualized base period return by dividing the base period return by 7, adding 1 to the quotient, raising the sum to the 365th power, and subtracting one from the result, according to the following formula,

$$\text{Effective yield} = \text{base period return}/7 + 1)^{365} - 1.$$

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Aanalysis in accordance with 5 U.S.C. 603 regarding the amendments to rule 482 and Form N–1 proposed herein. The analysis notes that the temporary amendments would permit registered investment companies to mail

advertisements directly to prospective investors and would permit money market funds to advertise their effective yield. The objective of these amendments is to provide prospective investors with sufficient information to make an informed choice concerning the various investment alternatives available.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Gregory K. Todd, Esq., Office of Disclosure Legal Services, Securities and Exchange Commission, Room 5128, 450 Fifth Street, NW., Washington, D.C. 20549.

Statutory Authority

These amendments are being adopted pursuant to sections 10 and 19(2) of the 1933 Act [15 U.S.C. 77] and 77s(a)] and section 38(a) of the 1940 Act [15 U.S.C. 80a-37(a)].

By the Commission.

Dated: February 28, 1983.

George A. Fitzsimmons,

Secretary.

APPENDIX

Example:

Assumptions:

Value of a hypothetical pre-existing account with exactly one share at the beginning of the period	$1.000000000
Value of the same account* (excluding capital changes) at the end of the seven day period	$1.001919388
*This value would include the value of any additional shares purchased with dividends from the original share, and all dividends declared on both the original share and any such additional shares	
Monthly account charge for each account	$5.00
Average account size	10,000

Calculation:

Ending account value	$1.001919388
Less beginning account value	1.000000000
Net change in account value	0.001919388
Monthly account charge	$5.00
	×12
Annual account charge	60.00
Seven days proportional charge per share based on average account size: (7/365)×60÷10,000 shares	0.000115068
Adjusted change in account value	$0.001804320
Base period return: (adjusted change/beginning account value) $0.001804320/$1.000000000=	0.001804320

Current yield=0.001804320×(365/7)=9.41%

Effective yield=(1+0.001804320/7)^{365}−1=9.86%

[Shares.

[FR Doc. 83-6342 Filed 3-10-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket Nos. 76G-0073, 76G-0445, 77G-0049, 77G-0099, 81G-0048, and 82G-0148]

Substances Generally Recognized as Safe; High Fructose Corn Syrup and Insoluble Glucose Isomerase Enzyme Preparations

Correction

In FR Doc. 83-3215, beginning on page 5716, in the issue of Tuesday, February 8, 1983, on page 5717, in the first column, in the sixth line, "(GRASP 7G0042)" should read "GRASP 4G0042)".

BILLING CODE 1505-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Oral Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Schering Corp. providing for safe and effective use of gentamicin sulfate oral solution in swine drinking water for control and treatment of colibacillosis and dysentery.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed NADA 91-191 providing for use of gentamicin sulfate oral solution (50 milligrams of gentamicin per milliliter) in drinking water: (1) In wanling swine for control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin; (2) in swine for control and treatment of swine dysentery associated with *Treponema hyodysenteriae*. Schering has demonstrated safety and effectiveness of the drug for the labeled conditions of use through submission of data derived from adequate and well controlled studies. The NADA is approved, and the regulations are amended accordingly.

On January 7, 1983 (48 FR 791), the agency approved the use of injectable gentamicin sulfate to treat porcine colibacillosis. Therefore, for the purposes of human safety, this NADA is considered to be a Category II supplement because it provides for an alternative route of administration (oral versus injectable) in the same species (swine). The sponsor demonstrated that 3 days after the last treatment with the recommended dosage of gentamicin sulfate oral solution, the total residues of gentamicin in the edible tissues are below the established tolerance. Accordingly, approval of this application poses no increased risk to humans from exposure to residues of gentamicin, and review of the underlying safety data was not required.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)), may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 520

Animal drugs, oral.

Therefore, under the Federal Food,

Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1044, to read as follows:

PART 520—ORAL DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1044 Gentamicin sulfate oral solution.

(a) *Specifications.* Each milliliter of aqueous solution contains gentamicin sulfate equivalent to 50 milligrams of gentamicin.

(b) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.300 of this chapter.

(d) *Conditions of use*—(1) *Amount.* Colibacillosis: 1 milliliter per 2 gallons of drinking water for 3 consecutive days, to provide 0.5 milligram/pound/day; swine dysentery: 1 milliliter per 1 gallon of drinking water for 3 consecutive days, to provide 1.0 milligram/pound/day.

(2) *Indications for use.* In weanling swine control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin, and in swine for control and treatment of swine dysentery associated with *Treponema hyodysenteriae.*

(3) *Limitations.* For use in swine drinking water only. Do not store or offer medicated drinking water in rusty containers since the drug is quickly destroyed in such containers. Medicated drinking water should be prepared daily and be the sole source of drinking water for 3 consecutive days. Treatment may be repeated if dysentery recurs. Do not slaughter treated swine or food for at least 3 days following treatment.

Effective date. March 11, 1983.

(Sec. 512(i), 82 stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 3, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6288 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 522

Implantation of Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dinoprost Tromethamine Sterile Solution

Correction

In FR Doc. 83-3714 beginning on page 6330 in the issue of Friday, February 11, 1983, the third column of that page, the eighth line, the word "and" should not have appeared.

BILLING CODE 1505-01-M

21 CFR Part 555

Chloramphenicol Drugs for Animal Use; Chloramphenicol Tablets

Correction

In FR Doc. 83-3626 appearing on page 6331 in the issue of Friday, February 11, 1983, make the following corrections in the third column:

1. In the sixteenth line "§ 555.10a" should have read "§ 555.110a".

2. In § 555.110a (c)(1)(ii), the fourth line, the word "milligrams" should have read "milligram".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7873]

Income Tax; Taxable Years Beginning After December 31, 1953; Information Returns of Brokers.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to information returns of brokers. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations require brokers to make returns of information on dispositions (including short sales) of securities commodities, regulated futures contracts, and forward contracts effected for customers. They also require barter exchanges to make returns of information with respect to exchanges of property or services through the barter exchange. The regulations affect brokers effecting dispositions (including short sales) of securities, commodities, regulated futures contracts, and forward contracts, and barter exchanges, providing them with the guidance needed to comply with the law.

DATES: Effective on March 3, 1983.

The regulations apply with respect to transactions occurring on or after July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gregory A. Roth of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3238 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1982, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 6045 of the Internal Revenue Code of 1954 (47 FR 51415). The amendments were proposed to provide rules relating to returns of brokers under section 6045 of the Internal Revenue Code of 1954. Section 311 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 600) amended section 6045.

A public hearing was held on January 27, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Explanation of Provisions

The final regulations generally require brokers to make returns of information with respect to sales by customers. In addition, barter exchanges are required to file returns of information on exchanges of property or services through the barter exchange if there are at least 100 such exchanges during the calendar year. The rules in the final regulations are substantially the same as the rules in the notice of proposed rulemaking, which are summarized in the preamble of the notice of proposed rulemaking. Several rules have been changed, however, in response to public comments received. These changes are summarized below.

Comments and Changes Due to Comments

A number of comments suggested that the regulations should permit reporting on an aggregate rather than a transactional basis. For reasons set forth below, the Internal Revenue Service believes that transactional reporting is necessary. The Service recognizes, however, that brokers would benefit from additional time to implement a transactional reporting system. Accordingly, the final regulations permit brokers and barter exchanges to elect aggregate reporting for calendar year 1983 and should provide brokers and barter exchanges with sufficient time to implement a transactional reporting system in a cost-efficient manner.

Transactional reporting is necessary, as a general rule, so that the amount received in a sale of property can be matched with the basis of the property to determine gross income. The Service received numerous comments suggesting that aggregate reporting would reduce the burden on reporters and should be adequate for the Service's needs. These comments were given careful

consideration. In the case of broker reports that provide only gross proceeds information, however, the Service's planned uses of the reports (selecting returns for correction processing under the information returns processing program, selecting returns for audit, implementing audits, and monitoring taxpayer compliance) generally require transactional data. Transactional data facilitates thorough, accurate, and cost-efficient audits.

In the case of transactions in regulated futures contracts, however, the Service has concluded that aggregate reporting may provide adequate information since such reporting generally provides sufficiently accurate gross income information. Accordingly, the final regulations provide special aggregate reporting requirements for regulated futures contracts. A broker is required to separately report such contracts annually and on an account-by-account basis. As to regulated futures contracts in each customer account, the broker must report the realized profit or loss during the year, the unrealized profit or loss at the end of the preceding year, the unrealized profit or loss at the end of the year, and the unadjusted taxable gain or loss for the year. The reporting rules were formulated solely taking into consideration the optimal form of reporting of commodities transactions in general and without regard to considerations of the tax treatment of options on futures.

The Service intends to monitor taxpayer compliance with respect to regulated futures contracts to determine whether aggregate reporting hampers enforcement efforts to reduce avoidance of tax. If abuses are detected, the Service will reconsider these special reporting rules for regulated futures contracts.

Several comments objected to the requirement in the proposed regulations that brokers and barter exchanges file returns of information on magnetic media. In general, the comments requested additional time to implement magnetic media reporting and suggested that requiring the use of magnetic media would impose an undue burden on brokers and barter exchanges that lack the necessary data processing capacity. The comments also suggested that the exemption for brokers with fewer than 250 customers and barter exchanges with fewer than 250 members or clients is of limited applicability.

The final regulations require magnetic media reporting, but not until calendar year 1984. The final regulations provide, as did the proposed regulations, that the Commissioner may waive the magnetic media requirement on a showing of undue hardship. Existing brokers and barter exchanges must file an application for waiver on or before September 15, 1983; new brokers and barter exchanges will have at least two full months after becoming a broker or barter exchange to file an application for waiver. It is anticipated that the waiver authority will be exercised liberally so as not to unduly burden brokers and barter exchanges that lack both the necessary data processing facilities and cost-efficient access to computer service bureaus. This waiver policy will effect the relief that the exemption in the proposed regulations was intended to provide. Accordingly, these regulations do not include that exemption.

The proposed regulations provided that, for purposes of section 6045, a sale occurs on the date the customer becomes entitled to the gross proceeds thereof (settlement date). Comments received indicate that many brokers do not treat the settlement date as the sale date, but instead consider that a sale occurs on the date it is entered on the books of the broker (trade date). The final regulations allow a broker to report using either the settlement date or the trade date.

The proposed regulations required brokers to report the cost of property used to cover a short sale in the year of cover. A number of comments objected to this requirement because such cost information frequently is not available to the broker. In addition, this requirement was inconsistent with provisions of the regulations that required gross proceeds information with respect to other types of sales. The final regulations require brokers to report the amount received on the entry into the short sale in the year of entry. The Service recognizes that in situations where a short sale is not covered in the year of entry, the report by the broker under section 6045 will be made with respect to a year preceding the year in which the customer reports the sale for tax purposes.

The proposed regulations required brokers to report in terms of United States dollars the proceeds of a sale paid in a foreign currency directly or indirectly convertible into United States dollars, with conversion of the foreign currency into United States dollars at the exchange rate on the day of sale. Some brokers commented that it is difficult for them to determine what currencies are indirectly convertible. Additionally, some comments observed that there is no single exchange rate on a given day. Some comments expressed concern that the proposed regulations, in effect, required brokers to keep dual records for all affected accounts: one in the foreign currency and another in United States dollars.

The Service needs reports in United States dollars to audit returns effectively. However, the Service recognizes the need to provide some flexibility. Consequently, the regulations provide simplified rules for foreign currency conversion. Conversion is required as to any directly convertible foreign currencies and as to any indirectly convertible currencies specified in a notice published in the **Federal Register**. Conversion may be at the exchange rate on the day of sale or on the last day of the reporting period. A broker may use generally recognized financial publications as a source for exchange rates.

The Service received a number of comments on the exemption provided in the proposed regulations for obligor payments on short-term obligations and certain types of accounts at financial institutions. Many of the comments requested clarification of the scope of the exemption. Other comments noted that certain similar transactions that have no tax effect or are already subject to reporting under provisions of the Internal Revenue Code other than section 6045 were not exempt under the proposed regulations.

To clarify the proposed exemption and to extend the exemption to debt transactions otherwise adequately reported or not likely to have tax effect, the final regulations exempt obligor payments on nontransferable obligations (including savings bonds, savings accounts, checking accounts, and NOW accounts), obligations as to which the entire gross proceeds are reported by the broker under provisions of the Internal Revenue Code other than section 6045, retirement of short-term obligations that have original issue discount, and retirement of book entry or registered form obligations as to which no interim transfers have occurred.

Comments received from depository trusts, dividend reinvestment plans, and similarly situated brokers noted that they frequently purchase or redeem fractional shares for various reasons. It is possible that the cost of reporting such transactions would be disproportionate compared to the potential tax on such transactions. In response to these concerns, the regulations provide an exemption for redemptions and repurchases of fractional shares for less than $20.

Some comments requested that barter exchanges be allowed to report

exchanges in terms of trade credits rather than the cash equivalent of such credits. The Service is unable to use information reported in terms other than cash. Moreover, barter exchanges are better situated to convert credits into their cash equivalent than is the Service. Accordingly, this suggestion was not adopted.

Special Analyses

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

The Secretary of the Treasury certifies that the regulations in this document do not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The Secretary's certification is based on a determination that the economic impact of the reporting requirements is primarily attributable to requirements imposed directly by the statute. The Service has significant discretion under the statute to require reporting of information other than information regarding gross proceeds. In general, however, the regulations require only gross proceeds information, the reporting of which is expressly contemplated by the statute. As to the manner of reporting, the regulations obtain the information contemplated by the statute in a usable form with the minimum possible impact on small entities and the economy in general. The regulations require reports with respect to each transaction and require the use of magnetic media because alternative methods of reporting provide information in an unusable form and would not result in the improved compliance contempleted by Congress. In an effort to minimize the burdens on brokers, the regulations permit brokers to elect a monthly, quarterly, or annual reporting period. Brokers also may send statements to their customers on the same basis. Although the Service believes year-end statements to customers would contribute to significant improvements in taxpayer compliance, it recognizes the possiblity that such a requirement would increase the burden imposed by the regulations. Finally, the impact of the regulations on small entities is minimized by certain exemptions.

Drafting Information

The principal author of these regulations is Gregory A. Roth of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.6001-1—1.6109-2

Income taxes, Administration and procedure, Filing requirements.

PART 1—[AMENDED]

Admendments to the Regulations

The amendments to 26 CFR Part 1 are as follows:

Paragraph. New § 1.6045-1 is added immediately after § 1.6044-5. The new section is set forth below.

§ 1.6045-1 Returns of information of brokers and barter exchanges.

(a) *Meaning of terms.* The following definitions apply for purposes of this section:

(1) The term "broker" means a person that, in the ordinary course of a trade or business during the calendar year, stands ready to effect sales to be made by others. (2) The term "customer" means, with respect to a sale effected by a broker, the person (other than such broker) that makes the sale, if the broker acts as—

(i) An agent for such person in the sale;

(ii) A principal in the sale; or

(iii) The participant in the sale responsible for paying to such person or crediting to such person's account the gross proceeds on the sale.

[3] The term "security" means—

(i) A share of stock in a corporation (foreign or domestic);

(ii) An interest in a trust;

(iii) An interest in a partnership;

(iv) A debt obligation;

(v) An interest in or right to purchase any of the foregoing in connection with the issuance thereof from the issuer or an agent of the issuer or from an underwriter that purchases any of the foregoing from the issuer, or

(vi) An interest in a security described in paragraph (a)(3) (i) or (iv) (but not including options or executory contracts that require delivery of such type of security).

(4) The term "barter exchange" means any person with members or clients that contract either with each other or with such person to trade or barter property or services either directly or through such person. The term does not include arrangements that provide solely for the informal exchange of similar services on a noncommercial basis.

(5) The term "commodity" means—

(i) Any type of personal property or an interest therein (other than securities as defined in paragraph (a)(3)) the trading of regulated futures contracts in which has been approved by the Commodity Futures Trading Commission;

(ii) Lead, palm oil, rapeseed, tea, tin, or an interest in any of the foregoing; or

(iii) Any other personal property or an interest therein that is of a type the Secretary determines is to be treated as a "commodity" under this section, from and after the date specified in a notice of such determination published in the **Federal Register.**

(6) The term "regulated futures contract" means a regulated futures contract within the meaning of section 1256(b).

(7) The term "forward contract" means—

(i) An executory contract that requires delivery of a commodity in exchange for cash and which contract is not a regulated futures contract; or

(ii) An executory contract that requires delivery of personal property or an interest therein in exchange for cash, or a cash settlement contract, if such executory contract or cash settlement contract is of a type the Secretary determines is to be treated as a "forward contract" under this section, from and after the date specified in a notice of such determination published in the **Federal Register.**

(8) The term "closing transaction" means any termination of an obligation under a forward contract or a regulated futures contract.

(9) The term "sale" means any disposition of securities, commodities, regulated futures contracts, or forward contracts for cash, and includes redemptions of stock, retirements of indebtedness, and enterings into short sales. In the case of a regulated futures contract or a forward contract, the term "sale" means any closing transaction. When a closing transaction in a regulated futures contract involves making or taking delivery, the profit or loss on the contract is a sale, and, if delivery is made, such delivery is a separate sale. When a closing transaction in a forward contract involves making or taking delivery, the delivery is a sale without separation of the profit or loss on the contract from the profit or loss on the delivery, except that taking delivery for United States dollars is not a sale. The term "sale" does not include grants or purchases of options, exercises of call options, or enterings into contracts that require delivery of personal property or an interest therein.

(10) The term "effect" means, with respect to a sale, to act as—

(i) An agent for a party in the sale wherein the nature of the agency is such

that the agent ordinarily would know the gross proceeds from the sale; or

(ii) A principal in such sale.

Acting as an agent or principal with respect to grants or purchases of options, exercises of call options, or enterings into contracts that require delivery of personal property or an interest therein is not of itself effecting a sale. A broker that has on its books a forward contract under which delivery is made effects such delivery.

(11) The term "foreign currency" means currency of a foreign country.

(12) The term "convertible foreign currency" means a foreign currency that is either:

(i) Readily convertible into United States dollars; or

(ii) Of a type the Secretary determines is to be treated as a "convertible foreign currency," from and after the date specified in a notice of such determination published in the **Federal Register**.

(13) The term "cash" means United States dollars or any convertible foreign currency.

(b) *Examples.* The following examples illustrate the definitions in paragraph (a):

Example (1). The following persons generally are brokers within the meaning of paragraph (a)(1):

(i) A mutual fund, an underwriter of the mutual fund, or an agent for the mutual fund, any of which stands ready to redeem or repurchase shares in such mutual fund.

(ii) An obligor that regularly issues and retires its own notes.

(iii) A professional custodian (such as a bank) that regularly arranges sales for custodial accounts pursuant to instructions from the owner of the property.

(iv) A depositary trust or other person who regularly acts as an escrow agent in corporate acquisitions, if the nature of the activities of the agent is such that the agent ordinarily would know the gross proceeds from sales.

(v) A stock transfer agent for a corporation, which agent records transfers of stock in such corporation, if the nature of the activities of the agent is such that the agent ordinarily would know the gross proceeds from sales.

(vi) A dividend reinvestment agent for a corporation that stands ready to purchase or redeem shares.

Example (2). The following persons are not brokers within the meaning of paragraph (1)(a) in the absence of additional facts that indicate the person is a broker:

(i) A stock transfer agent for a corporation, which agent daily records transfers of stock in such corporation, if the nature of the activities of the agent is such that the agent ordinarily would not know the gross proceeds from sales.

(ii) A person (such as a stock exchange) that merely provides facilities in which others effect sales.

(iii) An escrow agent or nominee if such agency is not in the ordinary course of a trade or business.

(iv) An escrow agent, otherwise a broker, which agent effects no sales other than such transactions as are incidental to the purpose of the escrow (such as sales to collect on collateral).

(v) A floor broker on a commodities exchange, which broker maintains no records with respect to the terms of sales.

(vi) A corporation that issues and retires long-term debt on an irregular basis.

(vii) A clearing organization.

Example (3). A, B, and C belong to a carpool in which they commute to and from work. Every third day, each member of the carpool provides transportation for the other two members. Because the carpool arrangement provides solely for the informal exchange of similar services on a noncommercial basis, the carpool is not a barter exchange within the meaning of paragraph (a)(4).

Example (4). X is an organization whose members include retail merchants, wholesale merchants, and persons in the trade or business of performing services. X's members exchange property and services among themselves using credits on the books of X as a medium of exchange. Each exchange through X is reflected on the books of X by crediting the account of the member providing property or services and debiting the account of the member receiving such property or services. X also provides information to its members concerning property and services available for exchange through X. X charges its members a commission on each transaction in which credits on its books are used as a medium of exchange. X is a barter exchange within the meaning of paragraph (a)(4) of this section.

Example (5). A warehouse receipt is an interest in personal property for purposes of paragraph (a). Consequently, a warehouse receipt for a quantity of lead is a commodity under paragraph (a)(5)(ii). Similarly an executory contract that requires delivery of a warehouse receipt for a quantity of lead is a forward contract under paragraph (a)(7)(ii).

Example (6). The only customers of a depository trust acting as an escrow agent in corporate acquisitions, which trust is a broker, are shareholders to whom the trust makes payments or shareholders for whom the trust is acting as an agent.

Example (7). The only customers of a stock transfer agent, which agent is a broker are shareholders to whom the agent makes payments or shareholders for whom the agent is acting as an agent.

Example (8). D, an individual not otherwise exempt from reporting, is the holder of an obligation issued by P, a corporation. R, a broker, acting as an agent for P, retires such obligation held by D. Such obligor payments from R represent obligor payments by P. (See paragraph (c)(3)(v)). D, the person to whom the gross proceeds are paid or credited by R, is the customer of R.

(c) *Reporting by brokers*—(1) *Requirement of reporting.* Any broker shall, except as otherwise provided, report in the manner prescribed in this section.

(2) *Sales required to be reported.* Except as provided in paragraphs (c)(3), (c)(5), (g), and (p)(1), a broker shall make a return of information with respect to each sale by a customer of the broker effected by the broker in the ordinary course of a trade or business in which the broker stands ready to effect sales to be made by others.

(3) *Exceptions*—(i) *Sales for exempt recipients.* No return of information is required with respect to a sale by a customer that is an exempt recipient described in section 3452(c)(2) (A) through (E) or (G) through (I) (relating to exemptions from withholding) as determined under § 35.3452(c)–1.

(ii) *Multiple brokers.* In the case of a sale in which a broker is instructed to initiate the sale by a person that is an exempt recipient described in section 3452(c)(2) (F) or (K)(i) (relating to exemptions from withholding) as determined under § 35.3452(c)–1, no return of information is required with respect to the sale by the broker so instructed. In the case of a redemption of stock or retirement of securities, only the broker responsible for paying the holder redeemed or retired, or crediting the gross proceeds on the sale to such holder's account, is required to report the sale.

(iii) *Custodians and trustees.* No return of information is required with respect to a sale effected by a custodian or trustee in its capacity as such, provided the sale is otherwise reported by the custodian or trustee on a properly filed Form 1041 and all Schedule K–1 reporting requirements are satisfied.

(iv) *Sales at issue price.* No return of information is required with respect to a sale of an interest in a regulated investment company (within the meaning of section 851) that computes its current price per share for purposes of distributions, redemptions, and purchases so as to stabilize the price per share at a constant amount that approximates its issue price or the price at which it was originally sold to the public.

(v) *Obligor payment on certain obligations.* No return of information is required with respect to payments representing obligor payments on—

(*a*) Nontransferable obligations (including savings bonds, savings accounts, checking accounts, and Now accounts);

(*b*) Obligations to which the entire gross proceeds are reported by the broker of Form 1099 under provisions of the Internal Revenue Code other than section 6045 (including stripped coupons issued prior to July 1, 1982); or

(*c*) Retirement of short-term obligations, as defined in § 35.3455(b)-1 (b)(1), that have original issue discount,

as defined in section 1232(b)(1).

(vi) *Callable obligations.* No return of information is required with respect to demand obligations that also are callable by the obligor and that have no premium or discount.

(vii) *Foreign currency.* No return of information is required with respect to a sale of foreign currency other than a sale pursuant to a forward contract or regulated futures contract that requires delivery of foreign currency.

(viii) *Fractional share.* No return of information is required with respect to a sale of a fractional share of stock if the gross proceeds on the sale of the fractional share are less than $20.

(ix) *Certain retirements.* No return information is required from an issuer or its agent with respect to the retirement of book entry or registered form obligations as to which the relevant books and records indicate that no interim transfers have occurred.

(4) *Examples.* The following examples illustrate the application of the reporting requirements:

Example (1). A, an individual, places an order with B, a person generally known in the investment community to be a federally registered broker/dealer, to sell A's stock in a publicly traded corporation. B, in turn, places an order to sell the stock with C, a second broker, who executes the sale. B discloses to C the identity of the customer placing the order. C is not required to make a return of information with respect to the sale because C was instructed by B, an exempt recipient described in section 3452 (c)(2)(F) and § 35.3452 (c)-1 (j), to initiate the sale.

Example (2). The facts are the same as in Example (1) except that B has an omnibus accont with C so that B does not disclose to C whether the transaction is for a customer of B or for B's own account. C is not required to make a return of information with respect to the sale because C was instructed by B, an exempt recipient described in section 3452(c)(2)(F) and § 35.3452(c)-1 (j), to initiate the sale.

Example (3). D, an individual not otherwise exempt from reporting, owns bonds that are held by E, a broker/dealer, in an account for D with E designated as nominee for D. Upon retirement of the bonds, the gross proceeds are automatically credited to the account of D. E is required to make a return of information with respect to the redemption because E is the broker responsible for making payment of the gross proceeds to D.

(5) *Form of reporting for regulated futures contracts*—(i) *In general.* A broker effecting closing transactions in regulated futures contracts shall report information with respect to regulated futures contracts solely in the manner prescribed in this paragraph (c)(5). In the case of a sale that involves making delivery pursuant to a regulated futures contract, only the profit on loss on the contract is reported as a transactions with respect to regulated futures contracts under this paragraph (c)(5); such sales are, however, subject to reporting under paragraph (d)(2). The information required under this paragraph (c)(5) must be reported on a calendar year basis, unless the broker is advised in writing by an account's owner that the owner's taxable year is other than a calendar year and the broker elects to report with respect to regulated futures contracts in such account on the basis of the owner's taxable year. The following information must be reported as required by Form 1099 with respect to regulated futures contracts held in a customer's account:

(*a*) The name, address, and taxpayer identification number of the customer.

(*b*) The net realized profit or loss from all regulated futures contracts closed during the calendar year.

(*c*) The net unrealized profit or loss in all open regulated futures contracts at the end of the preceding calendar year.

(*d*) The net unrealized profit or loss in all open regulated futures contracts at the end of the calendar year.

(*e*) The aggregate profit or loss from regulated futures contracts ((*b*)+(*d*)—(*c*)).

(*f*) Any other information required by Form 1099. See 17 CFR 1.33. For this purpose, the end of a year is the close of business of the last business day of such year. In reporting under this paragraph (c)(5), the broker shall make such adjustments for commissions that have actually been paid and for option premiums as are consistent with the books of the broker. No additional returns of information with respect to regulated futures contracts so reported are required.

(ii) *Examples.* The following examples illustrate the application of the rules in this paragraph (c)(5):

Example (1). On October 30, 1984, A, an individual who is a calendar year taxpayer not otherwise exempt from reporting, buys one March 1985 put on Treasury Bond futures (i.e. A purchases an option to enter into a short regulated futures contract of $100,000 face value U.S. Treasury bonds). A pays $500 for the option. On December 19, 1984, A, through B, exercises the option and enters into the futures contract. On February 15, 1985, A, through B, enters into a closing transaction with respect to the futures contract. These are A's only transactions in the account. Since B's books list A's regulated futures contract on December 31, 1984, B must report for A, for 1984, the unrealized profit or loss in the contract as of December 31, 1984. For 1985, B will report the same amount for A as the unrealized profit or loss at the beginning of 1985. The return of information for 1985 will also include the gain or loss from the contract in the net realized profit or loss from all regulated futures contracts sales during 1985.

Example (2). The facts are the same as in Example (1) except that A does not enter into the closing transaction, but instead, on March 20, 1985, B informs A that A will make delivery under the contract. On March 22, 1985, A does so; consequently, A becomes entitled to the gross proceeds. B enters the closing transaction on its books on March 20, 1985. In addition to the returns of information required by paragraph (c)(5), as described in Example (1), B must report the March 22, 1985 delivery as a separate transaction. B may use as the sale date for the delivery either March 20, 1985, the date the transaction is entered on the books of B, or March 22, 1985, the date A becomes entitled to the gross proceeds. B may not deduct the $500 premium from the gross proceeds with respect to the March 22, 1985 delivery.

Example (3). The facts are the same as in Example (2) except that A buys a call on Treasury bond futures and takes delivery. B will supply the returns of information required by paragraph (c)(5), as described in Example (1). B is not required to make a return of information with respect to A's taking delivery.

Example (4). C, an individual who is a calendar year taxpayer not otherwise exempt from reporting, has an account with D, a broker. C trades both regulated futures contracts and forward contracts through C's account with D. D must report C's regulated futures contracts on an annual basis as required by paragraph (c)(5). With respect to C's forward contracts, D may elect to use the calendar month, quarter, or year as D's reporting period as provided in paragraph (c)(6).

(6) *Reporting periods and filing groups*—(i) *Reporting period—(a) In general.* A broker may elect to use the calendar month, quarter, or year as the broker's reporting period. A broker may separately elect a reporting period for each filing group.

(b) Election. For each calendar year, a broker shall elect a reporting period by filing Forms 1096 and 1099 in the manner elected. A different reporting period may be subsequently elected by filing in the manner subsequently elected, provided no duplication of reported transactions results.

(ii) *Filing group—(a) In general.* A broker may elect to group customers or customer accounts by office, branch, department or other method of operational classification and separately file Forms 1096 and 1099 for each filing group.

(b) Election. For each calendar year, a broker shall elect filing groups by filing Forms 1096 and 1099 in the manner elected. Different filing groups may be subsequently elected by filing in the manner subsequently elected, provided no duplication of reported transactions results.

(iii) *Example.* The following example illustrates the rules of this paragraph (c)(6):

Example. The A department of C, a broker, files a separate report for each month of 1984, whereas the B department of C files one report for all of 1984. C makes no other

reports or returns of information under section 6045 for 1984. C had thereby elected two filing groups for 1984, the A department and the B department. The A department has the calendar month as its 1984 reporting period, whereas the B department has the calendar year as its 1984 reporting period. The same result would occur if A and B were offices or branches of C.

(d) *Information required.*—(1) *In general.* A broker that is required to make a return of information under paragraph (c) during a reporting period shall report on a separate Form 1099 for each filing group, showing such information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(2) *Transactional reporting.* As to each sale with respect to which a broker is required to make a return of information under this section, the broker, except as provided in paragraphs (c)(5) and (p)(1), shall show on Form 1099 the name, address, and taxpayer identification number of the customer, the property sold, Committee on Uniform Security Identification Procedures (CUSIP) number of the security sold (if known), the gross proceeds, sale date, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(3) *Bond sales between interest payment dates.* As to each sale of a debt obligation prior to maturity with respect to which a broker is required to make a return of information under this section, a broker shall show separately on Form 1099 the amount of accrued and unpaid interest as of the sale date that must be reported by the customer as interest income under § 1.61–7(d) (but not the amount of any original issue or market discount). Such interest information shall be shown in the manner and at the time required by Form 1099 and section 6049.

(4) *Sale date*—(i) *In general.* Except as otherwise provided in this paragraph (d)(4), a broker may report a sale as occurring on the date the sale is entered on the books of the broker of the date the customer becomes entitled to the gross proceeds thereof. The method of reporting the date the sale occurs shall be consistently applied by the broker as to all reports with respect to a filing group during a calendar year.

(ii) *Exception.* For purposes of this section, a broker shall report a short sale as occurring on the date the short sale is entered on the books of the broker.

(iii) *Example.* The following example illustrates the application of the rules in this paragraph (d)(4):

Example. C, an individual not otherwise exempt from reporting, through J, a broker, enters into a short sale with respect to 100 shares of the stock of corporation B for $50 per share on July 12, 1985. J is required to report the sale as occurring on July 12, 1985 with gross proceeds of $5,000 dollars.

(5) *Gross proceeds.* The gross proceeds on a sale are the total amount paid to the customer or credited to the customer's account as a result of such sale reduced by the amount of any interest reported under paragraph (d)(3) and increased by any amount not so paid or credited by reason of repayment of margin loans. In the case of a closing transaction which results in a loss, gross proceeds are the amount debited from the customer's account. The broker may, but is not required to, take commissions and option premiums into account in determining gross proceeds, provided the treatment chosen is consistent with the books of the broker.

(6) *Conversion of proceeds paid in foreign currency*—(i) *Convertible currency.* In the event the proceeds of a sale are paid in convertible foreign currency, the amount subject to reporting under this section shall be computed by converting such foreign currency into United States dollars at the exchange rate determined in the following manner. The broker may choose, with respect to a filing group, to use either the exchange rate on the date the sale occurs or the exchange rate at the close of business on the last business day of the reporting period in which the sale occurs. In either case, the broker may use as such exchange rate the rate at which the broker was able to purchase the foreign currency at the relevant time or, if there is no such rate, the exchange rate quote for such foreign currency at such time in any generally recognized financial publication, provided the broker consistently uses the same publication.

(ii) *Nonconvertible currency.* [Reserved.]

(e) *Reporting of barter exchanges*—(1) *Requirement of reporting.* A barter exchange shall, except as otherwise provided, report in the manner prescribed in this section.

(2) *Exchanges required to be reported*—(i) *In general.* Except as provided in paragraphs (e)(2)(ii), (g), and (p)(2), a barter exchange shall make a return of information with respect to exchanges of personal property or services through the barter exchange during the calendar year among its members or clients or between such persons and the barter exchange. For this purpose, property or services are exchanged through a barter exchange if payment for property or services is made by means of a credit on the books of the barter exchange or scrip issued by the barter exchange or if the barter exchange arranges a direct exchange of property or services among its members or clients or exchanges property or services with a member or client.

(ii) *Exemption.* A barter exchange through which there are fewer than 100 exchanges during the calendar year is not required to report for, or make a return of information with respect to exchanges during, such calendar year. The Commissioner may require multiple barter exchanges to be combined for purposes of the proceeding sentence upon a determination that a material purpose for the formation or continuation of one or more of the barter exchanges to be combined was to receive one or more exemptions pursuant to this subparagraph.

(f) *Information required*—(1) *In general.* A person that is a barter exchange during a calendar year shall report on Form 1099 showing the information required thereon for such year.

(2) *Transactional reporting.* As to each exchange with respect to which a barter exchange is required to make a return of information under this section the barter exchange, except as provided in paragraph (p)(2), shall show on Form 1099 the name, address, and taxpayer identification number of each member or client providing property or services in the exchange, the property or services provided, the amount received by the member or client for such property or services, the date on which the exchange occurred, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(3) *Exchange date.* For purposes of this section an exchange is considered to occur with respect to a member or client of a barter exchange on the date cash, property, a credit, or scrip is actually or constructively received by the member or client as a result of the exchange. (See § 1.451–2 for rules pertaining to constructive receipt.)

(4) *Amount received.* The amount received by a member or client in an exchange includes cash received, the fair market value of any property or services received, and the fair market value of any credits to the account of the member or client on the books of the barter exchange or scrip issued to the member or client by the barter exchange, but does not include any amount received by the member or client in a subsequent exchange of credits or scrip. For purposes of this section, the fair market value of a credit

or scrip is the value assigned to such credit or scrip by the issuing barter exchange for the purpose of exchanges unless the Commissioner requires the use of a different value that the Commissioner determines more accurately reflects fair market value.

(5) *Meaning of terms.* For purposes of this paragraph (f)—(i) A credit is an amount on the books of the barter exchange that is transferable from one member or client of the barter exchange to another such member or client, or to the barter exchange in payment for property or services;

(ii) Scrip is a token issued by the barter exchange that is transferable from one member or client, of the barter exchange to another such member or client, or to the barter exchange, in payment for property or services; and

(iii) Property does not include a credit or scrip.

(6) *Reporting period.* A barter exchange shall use the calendar year as the reporting period.

(g) *Exempt foreign persons*—(1) *In general.* No return of information is required with respect to the participation in any transaction during a calendar year of a person who furnishes during such calendar year (or who has furnished during any of the two preceding calendar years) to the broker or barter exchange (irrespective of whether the branch of the broker or barter exchange is within or without the United States) a statement, signed under penalty of perjury, that such person is an exempt foreign person, unless an employee or other agent of the broker or barter exchange who is responsible for receiving or reviewing such statement has actual knowledge that such statement is incorrect. However, the broker or barter exchange may, at its option, require the statement to be provided with respect to each separate transaction. The broker or barter exchange shall retain such statement for at least four years following the end of the last calendar year for which a return of information is not required by reason of such statement. See § 1.6001–1 (relating to records in general) for the requirements relating to the retention of statements provided under this paragraph (g). If, after providing such statement, the person ceases to be an exempt foreign person, such person shall so notify the broker or barter exchange in writing within 30 days of this change in status. For purposes of this paragraph (g), an exempt foreign person is a person who, during a calendar year in which such person participates in transactions with respect to which a return of information would otherwise be required under this section—

(i) Is neither a citizen of the United States, a resident of the United States, nor a person treated as a resident of the United States by reason of an election under section 6013 (g) or (h);

(ii) Is not subject to the provisions of section 877;

(iii) In the case of an individual, has not been, and at the time the statement is furnished reasonably expects not to be, present in the United States for a period aggregating 183 or more days (or is a beneficiary of a tax treaty to which the United States is a party and pursuant to which gains from such person's transactions are exempt from Federal income taxation); and

(iv) At the time the statement is furnished, is not, or reasonably expects not to be, engaged in a trade or business in the United States during such year (or is a beneficiary of a tax treaty to which the United States is a party and pursuant to which gains from such person's transactions are exempt from Federal income taxation).

(2) *Example.* The following example illustrates the application of the exception to the reporting requirements for exempt foreign persons:

Example. In March 1983, F, an individual, opens an account with G, a foreign branch of a brokerage firm incorporated in the United States. G requires new customers to complete a form signed under penalty of perjury that includes 4 questions corresponding to the 4 criteria for an exempt foreign person listed in paragraph (g)(1)(i) through (iv). F's responses to the 4 questions indicate that the 4 criteria are satisfied, and the sole employee of G responsible for receiving and reviewing such statement has no actual knowledge to the contrary. G does not require F to provide a statement that F is an exempt foreign person for each separate transaction it effects on F's behalf and does not require F to provide such a statement on a periodic basis. During 1984, 1985 and 1986, F does not furnish to G a statement that F is an exempt foreign person. If G is not notified by F that F has ceased to be an exempt foreign person, G is not required to make a return of information with respect to sales effected for F during 1983, 1984 and 1985. However, if no other exception applies, G is required to make a return of information with respect to sales effected for F during 1986.The same result would occur if G were a United States branch of either a United States or a foreign brokerage firm.

(h) *Identity of customer*—(1) *In general.* For purposes of this section, a broker or barter exchange shall treat the person who appears on the books and records of the broker or barter exchange with respect to property or services as the principals with respect thereto.

(2) *Examples.*The following examples illustrate the rule of this paragraph (h):

Example (1). The records of A, a broker, show an account in the name of "B". B is a nominee for C. All reporting with respect to such account shall treat B as the customer.

Example (2). J, an individual, places an order with H, a broker, to sell J's stock that is held by P, a broker/dealer, in an account for J with P designated as nominee for J, and to credit the gross proceeds from the sale to J's account with P. The account is in the name of P, so that H's customer is P.

(i) [Reserved.]

(j) *Time and place for filing.* Forms 1096 and 1099 required under this section shall be filed after the last calendar day of the reporting period elected by the broker or barter exchange and on or before the end of the second calendar month following the close of the calendar year of such reporting period with the appropriate Internal Revenue Service Center, the address of which is listed in the instructions for Form 1096.

(k) *Requirement and time for furnishing statement*—(1) *Requirement for furnishing statements.* A broker or barter exchange making a return of information under this section with respect to a transaction shall furnish to the person whose identifying number is (or is required to be) shown on such return a written statement showing the information required by paragraph (c)(5), (d), (f), or (p) of this section and containing a legend stating that such information is being reported to the Internal Revenue Service if the return of information is not made on magnetic media, this requirement may be satisfied by furnishing to such person a copy of all Forms 1099 with respect to such person filed with the Internal Revenue Service Center. A statement shall be considered to be furnished to a person to whom a statement is required to be made under this paragraph (k) if it is mailed to such person at the last address of such person known to the broker or barter exchange.

(2) *Time for furnishing statements.* A broker or barter exchange may furnish the statements required by this paragraph (k) yearly, quarterly, monthly or on any other basis, without regard to the reporting period elected by the broker or barter exchange, provided that all statements required to be furnished under this paragraph (k) for a calendar year shall be furnished on or before January 31 of the following calendar year.

(l) *Use of magnetic media*—(1) *In general.* Except as otherwise provided by paragraph (l) (2) and (3), a broker or a barter exchange required to file returns of information under this section, shall, in lieu of filing Form 1099 for such year, file such returns of information on magnetic media

authorized by the Commissioner and shall follow the appropriate revenue procedures for such magnetic media filing in lieu of following Form 1099 instructions.

(2) *Exception for undue hardship.* (i) The Commissioner may authorize a broker or barter exchange to file returns of information on Form 1099 instead of on magnetic media if undue hardship is shown on an application filed with the appropriate Internal Revenue Service Center.

(ii) In the case of a person who is a broker or barter exchange on July 1, 1983, an application to file returns of information on Form 1099 must be filed on or before September 15, 1983. In the case of a person who becomes a broker or barter exchange after July 1, 1983, such application must be filed by the end of the second month following the month in which such person becomes a broker or barter exchange.

(3) *Transitional rule.* A broker or barter exchange may submit returns of information on Form 1099 for reporting periods that—

(i) End before January 1, 1984; or

(ii) Begin before 30 days after the date on which a timely filed request to file returns of information on Form 1099 is denied.

(m) *Reporting on options transactions.* [Reserved]

(n) *Reporting on bond discounts.* [Reserved]

(o) *Additional reporting by stock transfer agents.* [Reserved]

(p) *Transitional rules*—(1) *Information required from brokers.* In the case of reporting periods ending before January 1, 1984, a broker may show the information required by this paragraph (p)(1) on Form 1099 in lieu of the information required under paragraph (d)(2). As to each customer account for which a return of information is required under this section with respect to sales, the broker must report the name, address, and taxpayer identification number of the customer, the aggregate gross proceeds of all sales of the account during the reporting period for which a return of information is required under this section, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(2) *Information required from barter exchanges.* In the case of reporting periods ending before January 1, 1984, a barter exchange may show the information required by this paragraph (p)(2) on Form 1099 in lieu of the information required under paragraph (f)(2). As to each member or client providing property or services in an exchange for which a return of information is required under this section, the barter exchange must report the name, address, and taxpayer identification number of the member or client, the aggregate amount received by the member or client during the reporting period for property or services provided by such member or client in exchanges for which a return of information is required, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(q) *Effective date.* This section applies to calendar year 1983 and all succeeding calendar years, and, as to 1983, only to transactions occurring on or after July 1, 1983.

(Secs. 6011(e), 6045 and 7805 of the Internal Revenue Code of 1954, (98 Stat. 810, 68A Stat. 747, 917; 26 U.S.C. 6011(e), 6045, 7805)

James I. Owens,

Acting Commissioner of Internal Revenue.

Approved: March 3, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6878 Filed 3-9-83; 4:49 pm]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 459]

Ingredient Labeling of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Reinstatement of Treasury Decision ATF-66.

SUMMARY: This notice announces the Treasury Department's reinstatement of the ingredient labeling regulations as originally promulgated in T.D. ATF-66 (456 FR 40538; June 13, 1980). The Treasury Department and ATF are making this announcement pursuant to the order of the United States District Court for the District of Columbia, in *Center for Science in the Public Interest* v. *Department of the Treasury*, Civil Action No. 82-610.

By order dated February 8, 1983, the court vacated and set aside T.D. ATF-94, 46 FR 55093 (November 6, 1981) which rescinded T.D. ATF-66. This document requires ingredient labeling of alcoholic beverages after February 8, 1984.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Imelda M. Koett Kirk, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, 202-566-7806.

SUPPLEMENTARY INFORMATION: The Treasury Department and the Bureau of Alcohol, Tobacco and Firearms are announcing that T.D. ATF-66, 45 FR 40538 (June 13, 1980), requiring ingredient labeling of alcoholic beverages will be mandatory on February 8, 1984. The Treasury Department and ATF are making this announcement pursuant to the order of the United States District Court for the District of Columbia, in *Center for Science in the Public Interest v. Department of the Treasury*, Civil Action No. 82-610..

By order dated February 8, 1983, the court vacated and set aside T.D. ATF-94, 46 FR 55093 (November 6, 1981) which rescinded T.D. ATF-66. The court further ordered the Department to announce within 30 days a new date, not to exceed one year from the date of its order, upon which T.D. ATF-66 will be mandatory. The Government subsequently moved the court to amend its order to allow the Government 60 days in which to announce a new effective date so that the Government could decide whether to appeal before announcing a new mandatory compliance date. This motion was denied.

Publication of this notice is without prejudice to, and not a waiver of, the Government's right to appeal the district court's decision, seek a stay of the court mandated effective date of T.D. ATF-66 or take other appropriate administrative action. Such appeal, stay, or other action which the Government is still considering could result in a change in the mandatory date.

Signed: March 8, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 9, 1983.

David Q. Bates,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-6441 Filed 3-10-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8-R, Amdt. No. 19]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This amendment revises policies and procedures for appealing benefit decisions made by Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Civilian Health and Medical Program of the Uniformed Services Europe (OCHAMPUSEUR) and CHAMPUS fiscal intermediaries. It will simplify the appeal process and provide more timely responses to appeal requests at all levels.

EFFECTIVE DATE: This amendment is effective May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Marion M. Blackburn, Policy Branch, OCHAMPUS, telephone (303) 361-4078.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

In FR Doc. 82-26095 appearing in the **Federal Register** on September 22, 1982 (47 FR 41761), the Office of the Secretary of Defense published a proposed amendment to Part 199 revising the policies and procedures for appealing benefit decisions made by Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Civilian Health and Medical Program of the Uniformed Services Europe (OCHAMPUSEUR) and CHAMPUS fiscal intermediaries. Public comments were to be submitted by October 22, 1982.

All comments supported the proposed rulemaking.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, Part 199 is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

1. Section 199.8 is amended by removing the paragraph designations and adding or revising the following definitions, which are to be inserted in alphabetical order:

§ 199.8 Definitions.

(a) * * *

Amount in Dispute. "Amount in Dispute" means the amount of money, determined in accordance with the provisions of this Regulation, which CHAMPUS would pay for medical services and supplies involved in an adverse determination being appealed if the appeal were resolved in favor of the appealing party. See § 199.16 for additional information concerning the determination of "amount in dispute" under this Regulation.

* * * * *

Appealable Issue. "Appealable Issue" means disputed questions of fact which, if resolved in favor of the appealing party, would result in the authorization of CHAMPUS benefits or approval as an authorized provider in accordance with this Regulation. An appealable issue does not exist if no facts are in dispute, if no CHAMPUS benefits would be payable, or if there is no authorized provider regardless of the resolution of any disputed facts. See § 199.16 for additional information concerning the determination of "appealable issue" under this Regulation.

Appealing Party. "Appealing Party" means any party to the initial determination who files an appeal of an adverse determination or requests a hearing under the provisions of this Regulation.

* * * * *

Initial Determination. "Initial Determination" means a formal written decision on a CHAMPUS claim, a request for benefit authorization, a request by a provider for approval as an authorized CHAMPUS provider, or a decision disqualifying or excluding a provider as an authorized provider under CHAMPUS. Rejection of a claim or a request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding CHAMPUS benefits are not initial determinations.

* * * * *

Party to the Initial Determination. "Party to the Initial Determination" includes CHAMPUS and also refers to a CHAMPUS beneficiary and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, a provider who has been denied approval as an authorized CHAMPUS provider is a party to that initial determination, as is a provider who is disqualified or excluded as an authorized provider under CHAMPUS, unless the provider is excluded based on a determination of abuse of fraudulent practices or procedures under another federal or federally funded program. See § 199.16 for additional information concerning parties not entitled to administrative review under the CHAMPUS appeals and hearing procedures.

* * * * *

Representative. "Representative" means any person who has been appointed by a party to the initial determination as counsel or advisor and who is otherwise eligible to serve as the counsel or advisor of the party to the initial determination, particularly in connection with a hearing.

* * * * *

2. Section 199.16 is revised as follows:

§ 199.16 Appeal and hearing procedures.

(a) *General.* This Section sets forth the policies and procedures for appealing decisions made by OCHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries, adversely affecting the rights and liabilities of beneficiaries, participating providers, and providers denied the status of authorized provider under CHAMPUS. An appeal under CHAMPUS is an administrative review of program determinations made under the provisions of law and regulation. An appeal cannot challenge the propriety, equity or legality of any provision of law or regulation.

(1) *Initial Determination.*

(i) *Notice of Initial Determination and Right to Appeal.*

(A) OCHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries shall mail notices of initial determinations to the CHAMPUS beneficiary at the last known address. For beneficiaries who are under 18 years of age or who are incompetent, a notice issued to the parent or guardian, under established CHAMPUS procedures, constitutes notice to the beneficiary.

(B) CHAMPUS fiscal intermediaries and OCHAMPUSEUR shall notify providers of an initial determination on a claim only if the providers participated in the claim. (See § 199.13, "Claims Submission, Review and Payment.")

(C) Notice of an initial determination on a claim processed by a CHAMPUS fiscal intermediary or OCHAMPUSEUR normally shall be made on a CHAMPUS Explanation of Benefits (CEOB) form.

(D) Each notice of an initial determination on a request for benefit authorization, a request by a provider for approval as an authorized CHAMPUS provider, or a decision to disqualify or exclude a provider as an authorized provider under CHAMPUS shall state the reason for the determination and the underlying facts supporting the determination.

(E) In any case where the initial determination is adverse to the beneficiary or participating provider, or to the provider seeking approval as an

authorized CHAMPUS provider, the notice shall include a statement of the beneficiary's or provider's right to appeal the determination. The procedure for filing the appeal also shall be explained.

(ii) *Effect of Initial Determination.* The initial determination is final unless appealed in accordance with this § 199.16, or unless the initial determination is reopened by OCHAMPUS or the CHAMPUS fiscal intermediary.

(2) *Participation in an Appeal.* Participation in an appeal is limited to any party to the initial determination, including CHAMPUS, and authorized representatives of the parties. Any party to the initial determination, except CHAMPUS, may appeal an adverse determination. The appealing party is the party who actually files the appeal.

(i) *Parties to the Initial Determination.* For purposes of the CHAMPUS appeals and hearing procedures, the following are not parties to an initial determination and are not entitled to administrative review under this § 199.16.

(A) A provider disqualified or excluded as an authorized provider under CHAMPUS based on a determination of abuse or fraudulent practices or procedures under another federal or federally funded program is not a party to the CHAMPUS action and may not appeal under this section.

(B) A sponsor or parent of a beneficiary under 18 years of age or guardian of an incompetent beneficiary is not a party to the initial determination and may not serve as the appealing party, although such persons may represent the appealing party in an appeal.

(C) A third party, such as an insurance company, is not a party to the initial determination and is not entitled to appeal even though it may have an indirect interest in the initial determination.

(D) A nonparticipating provider is not a party to the initial determination and may not appeal.

(ii) *Representative.* Any party to the initial determination may appoint a representative to act on behalf of the party in connection with an appeal. Generally, the parent of a minor beneficiary and the legally appointed guardian of an incompetent beneficiary shall be presumed to have been appointed representative without specific designation by the beneficiary.

(A) The representative shall have the same authority as the party to the appeal and notice given to the representative shall constitute notice required to be given to the party under this Regulation.

(B) To avoid possible conflicts of interest, an officer or employee of the United States such as an employee or member of a Uniformed Service, including an employee or staff member of a Uniformed Service legal office or a CHAMPUS advisor, subject to the exceptions in Title 18, United States Code, Section 205, is not eligible to serve as a representative. An exception usually is made for an employee or member of a Uniformed Service who represents an immediate family member. In addition, the Director, OCHAMPUS, or designee, may appoint an officer or employee of the United States as the CHAMPUS representative at a hearing.

(3) *Burden of Proof.* The "Burden of Proof" is on the appealing party, affirmatively to establish by substantial evidence, the appealing party's entitlement under law and this Regulation to the authorization of CHAMPUS benefits or approval as an authorized provider. Any cost or fee associated with the production or submission of information in support of an appeal shall not be paid by CHAMPUS.

(4) *Late Filing.* If a request for reconsideration, formal review, or hearing is filed after the time permitted in this section written notice shall be issued denying the request. Late filing may be permitted only if the appealing party can reasonably demonstrate to the satisfaction of the CHAMPUS fiscal intermediary, OCHAMPUSEUR, or the Director, OCHAMPUS, or designee, that timely filing of the request was not feasible due to extraordinary circumstances over which the appealing party had no practical control. Each request for an exception to the filing requirement will be considered on its own merits.

(5) *Appealable Issue.* An appealable issue is required in order for an adverse determination to be appealed under the provisions of this section. Examples of issues which are not appealable under this section include:

(i) A dispute regarding a requirement of law or regulation.

(ii) The amount of the CHAMPUS-determined allowable cost or charge, since the methodology for determining allowable costs or charges is established by this Regulation.

(iii) Certain other issues on the basis that the authority for the initial determination is not vested in CHAMPUS. Such issues include but are not limited to the following examples:

(A) Determination of a person's eligibility as a CHAMPUS beneficiary is the responsibility of the appropriate Uniformed Service. Although CHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries must make determinations concerning a beneficiary's eligibility in order to ensure proper disbursement of appropriated funds on each CHAMPUS claim processed, ultimate responsibility for resolving a beneficiary's eligibility rests with the Uniformed Services. Accordingly, a disputed question of fact concerning a beneficiary's eligibility will not be considered an appealable issue under the provisions of this § 199.16, but will be resolved in accordance with § 199.9, "Eligibility."

(B) Similarly, decisions relating to the issuance of a Nonavailability Statement (DD Form 1251) in each case are made by the Uniformed Services. Disputes over the need for a nonavailability statement or a refusal to issue a nonavailability statement are not appealable under this section. The one exception is when a dispute arises over whether the facts of the case demonstrate a medical emergency for which a nonavailability statement is not required. Denial of payment in this one situation is an appealable issue.

(C) The decision to disqualify or exlude a provider because of a determination against that provider of abuse, or fraudulent practices or procedures, under another federal or federally funded program, is not an initial determination which is appealable under this Regulation. The provider is limited to exhausting administrative appeal rights offered under the federal or federally funded program that made the initial determination of abuse, or fraudulent practices or procedures. However, a determination to disqualify or exclude a provider because of abuse, or fraudulent practices or procedures under CHAMPUS is an initial determination which is appealable under this Regulation.

(6) *Amount in Dispute.* An amount in dispute is required for an adverse determination to be appealed under the provisions of this section, except as set forth below.

(i) The amount in dispute is calculated as the amount of money CHAMPUS would pay if the services and supplies involved in dispute were determined to be authorized CHAMPUS benefits. Examples of amounts of money that are excluded by the Regulation from CHAMPUS payments for authorized benefits include, but are not limited to:

(A) Amounts in excess of the CHAMPUS-determined allowable charge or cost.

(B) The beneficiary's CHAMPUS deductible and cost-share amounts.

(C) Amounts which the CHAMPUS beneficiary, or parent, guardian, or other responsible person has no legal obligation to pay.

(D) Amounts excluded under the provisions of § 199.14 "Double Coverage", of this Regulation.

(ii) The amount in dispute, for appeals involving a denial of a request for authorization in advance of obtaining care, shall be the estimated allowable charge or cost for the services requested.

(iii) There is no requirement for an amount in dispute when the appealable issue involves a denial of a provider's request for approval as an authorized CHAMPUS provider or the determination to disqualify or exclude a provider as an authorized CHAMPUS provider.

(iv) Individual claims may be combined to meet the required amount in dispute if all of the following exist:

(A) The claims involve the same beneficiary.

(B) The claims involve the same issue.

(C) At least one of the claims, so combined, has had a reconsideration decision issued by OCHAMPUSEUR or a CHAMPUS fiscal intermediary.

Note.—A request for administrative review under this appeal process which does not involve an appealable issue § 199.16(a)(5)) or a sufficient amount in dispute (§ 199.16(a)(6)) may not be rejected at the reconsideration level of appeal. However, an appeal shall involve an appealable issue and sufficient amount in dispute to be granted a formal review or hearing.

(7) *Levels of Appeal.* The sequence and procedures of a CHAMPUS appeal vary depending on whether the initial determination was made by the CHAMPUS fiscal intermediary, OCHAMPUSEUR, or OCHAMPUS.

(i) *Appeal Levels for Initial Determination Made by OCHAMPUSEUR or CHAMPUS Fiscal Intermediary.*

(A) Reconsideration by OCHAMPUSEUR or CHAMPUS fiscal intermediary.

(B) Formal Review by OCHAMPUS.

(C) Hearing.

(ii) *Appeal Levels for Initial Determinations Made by OCHAMPUS.*

(A) Formal Review by OCHAMPUS.

(B) Hearing.

(b) *Reconsideration.* Any party to the initial determination made by OCHAMPUSEUR or the CHAMPUS fiscal intermediary may request a reconsideration.

(1) *Requesting a Reconsideration.*

(i) *Written Request Required.* The request shall be in writing, shall state the specific matter in dispute, and shall include a copy of the notice of initial determination made by OCHAMPUSEUR or the CHAMPUS fiscal intermediary such as the CEOB Form.

(ii) *Where to File.* The request shall be submitted to the office that made the initial determination such as OCHAMPUSEUR, or the CHAMPUS fiscal intermediary, or any other fiscal intermediary designated in the notice of initial determination.

(iii) *Allowed Time to File.* The request must be mailed within 90 days after the date of the notice of initial determination.

(iv) *Official Filing Date.* A request for a reconsideration shall be deemed filed on the date it is mailed and postmarked. If the request does not have a postmark, it shall be deemed filed on the date received by OCHAMPUSEUR or the CHAMPUS fiscal intermediary.

(2) *The Reconsideration Process.* The purpose of the reconsideration is to determine whether the initial determination was made in accordance with law, regulation, policies, and guidelines in effect at the time the care was provided or requested, or at the time the provider requested approval under CHAMPUS as an authorized provider. The reconsideration is performed by a member of the OCHAMPUSEUR or fiscal intermediary's staff who was not involved in making the initial determination and is a thorough and independent review of the case. The reconsideration is based on the information submitted which led to the initial determination, plus any additional information that the appealing party may submit or OCHAMPUSEUR or the fiscal intermediary may obtain.

(3) *Timeliness of Reconsideration Determination.* OCHAMPUSEUR or the fiscal intermediary normally shall issue its reconsideration determination no later than 60 days from the date of receipt of the request for reconsideration by OCHAMPUSEUR or the fiscal intermediary.

(4) *Notice of Reconsideration Determination.* OCHAMPUSEUR or the CHAMPUS fiscal intermediary shall issue a written notice of the reconsideration determination to the appealing party at his or her last known address. The notice of the reconsideration determinations must contain the following elements:

(i) A statement of the issue or issues under appeal.

(ii) The provisions of law, regulation, policies and guidelines that apply to the issue or issues under appeal.

(iii) A discussion of the original and additional information that is relevant to the issue or issues under appeal.

(iv) Whether the reconsideration upholds the initial determination or reverses it, in whole or in part, and the rationale for the action.

(v) A statement of the right to further appeal in any case where the reconsideration determination is less than fully favorable to the appealing party and the amount in dispute is $50 or more.

(5) *Effect of Reconsideration Determination.* The reconsideration determination is final if either of the following exists:

(i) The amount in dispute is less than $50.

(ii) Appeal rights have been offered, but a request for formal review is not received by OCHAMPUS within 60 days of the date of the notice of the reconsideration determination.

(c) *Formal Review.* Any party to the initial determination may request a formal review by OCHAMPUS if the party is dissatisfied with the reconsideration determination and the reconsideration determination is not final under the provisions of paragraph (b)(5) of this section. Any party to the initial determination made by OCHAMPUS may request a formal review by OCHAMPUS if the party is dissatisfied with the initial determination.

(1) *Requesting a Formal Review.*

(i) *Written Request Required.* The request must be in writing, shall state the specific matter in dispute, shall include copies of the written determination (notice of reconsideration determination or OCHAMPUS initial determination) being appealed, and shall include any additional information or documents not previously submitted.

(ii) *Where to File.* The request shall be submitted to the Chief, Appeals and Hearings, OCHAMPUS, Aurora, Colorado 80045.

(iii) *Allowed Time to File.* The request shall be mailed within 60 days after the date of the notice of the reconsideration determination or OCHAMPUS initial determination being appealed.

(iv) *Office Filing Date.* A request for a formal review shall be deemed filed on the date it is mailed and postmarked. If the request does not have a postmark, it shall be deemed filed on the date received by OCHAMPUS.

(2) *The Formal Review Process.* The purpose of the formal review is to determine whether the initial determination or reconsideration determination was made in accordance with law, regulation, policies, and

guidelines in effect at the time the care was provided or requested, at the time the provider requested approval by CHAMPUS as an authorized provider, or at the time of the action by OCHAMPUS to disqualify or exclude a provider under CHAMPUS. The formal review is performed by the Chief, Appeals and Hearings, OCHAMPUS, or designee, and is a thorough review of the case. The formal review determination shall be based on the information upon which the initial determination or reconsideration determination was based, and any additional information the appealing party may submit or OCHAMPUS may obtain.

(3) *Timeliness of Formal Review Determination.* The Chief, Appeals and Hearings, OCHAMPUS, or designee, normally shall issue the formal review determination no later than 90 days from the date of receipt of the request for formal review by OCHAMPUS.

(4) *Notice of Formal Review Determination.* The Chief, Appeals and Hearings, OCHAMPUS, or designee, shall issue a written notice of the formal review determination to the appealing party at his or her last known address. The notice of the formal review determination must contain the following elements:

(i) A statement of the issue or issues under appeal.

(ii) The provisions of law, regulation, policies and guidelines that apply to the issue or issues under appeal.

(iii) A discussion of the original and additional information which is relevant to the issue or issues under appeal.

(iv) Whether the formal review upholds the prior determination or determinations or reverses the prior determination or determinations in whole or in part, and the rationale for the action.

(v) A statement of the right to request a hearing in any case where the formal review determination is less than fully favorable, the issue is appealable, and the amount in dispute is $300 or more.

(5) *Effect of Formal Review Determination.* The formal review determination is final if one or more of the following exists:

(i) The issue is not appealable. (See § 199.16(a)(5), "Appealable Issue.")

(ii) The amount in dispute is less than $300. (See § 199.16(a)(6), "Amount in Dispute.")

(iii) Appeal rights have been offered, but a request for hearing is not received by OCHAMPUS within 60 days of the date of the notice of the formal review determination.

(d) *Hearing.* Any party to the initial determination may request a hearing if the party is dissatisfied with the formal review determination and the formal review determination is not final under the provisions of paragraph (c)(5) of this section.

(1) *Requesting a Hearing.*

(i) *Written Request Required.* The request shall be in writting, state the specific matter in dispute, include a copy of the formal review determination and include any additional information or documents not previously submitted.

(ii) *Where to File.* The request shall be submitted to the Chief, Appeals and Hearings, OCHAMPUS, Aurora, Colorado 80045.

(iii) *Allowed Time to File.* The request shall be mailed within 60 days after the date of the notice of the formal review determination being appealed.

(iv) *Official Filing Date.* A request for hearing shall be deemed filed on the date it is mailed and postmarked. If a request for hearing does not have a postmark, it shall be deemed filed on the date received by OCHAMPUS.

(2) *The Hearing Process.* The hearing shall be conducted as a nonadversary, administrative proceeding to determine the facts of the case and to allow the appealing party the opportunity personally to present the case before an impartial hearing officer. The hearing is a forum in which facts relevant to the case are presented and evaluated in relation to applicable law, regulation, policies and guidelines in effect at the time the case was provided or requested, or at the time the provider requested approval under CHAMPUS as an authorized provider.

(3) *Timeliness of Hearing.*

(i) Except as otherwise provided in this section, within 60 days following receipt of a request for hearing, the Director, OCHAMPUS, or designee, normally will appoint a hearing officer to hear the appeal. Copies of all records in the possession of OCHAMPUS which are pertinent to the matter to be heard or which formed the basis of the formal review determination shall be provided to the hearing officer, and upon request, to the appealing party.

(ii) The hearing officer, except as otherwise provided in this Section, normally shall have 60 days from the date of written notice of assignment to review the file, schedule and hold the hearing, and issue a recommended decision to the Director, OCHAMPUS, or designee.

(iii) The Director, OCHAMPUS, or designee, may delay the case assignment to the hearing officer if additional information is needed which cannot be obtained and included in the record within the time period specified above. The appealing party will be notified in writing of the delay resulting from the request for additional information. The Director, OCHAMPUS, or designee, in such circumstances, will assign the case to a hearing officer within 30 days of receipt of all such additional information, or within 60 days of receipt of the request for hearing, whichever shall occur last.

(iv) The hearing officer may delay submitting the recommended decision if, at the close of the hearing, any party to the hearing requests that the record remain open for submission of additional information. In such circumstances the hearing officer will have 30 days following receipt of all such additional information, including comments from the other parties to the hearing concerning the additional information, to submit the recommended decision to the Director, OCHAMPUS, or designee.

(4) *Representation at a Hearing.* Any party to the hearing may appoint a representative to act on behalf of the party at the hearing unless such person is currently disqualified or suspended from acting in another federal administrative proceeding, or unless otherwise prohibited by law, this Regulation, or any other DoD regulation (See § 199.16 (a)(2)(ii).) A hearing officer may refuse to allow any person to represent a party at the hearing when such person engages in unethical, disruptive, or contemptuous conduct, or intentionally fails to comply with proper instructions, requests of the hearing officer, or the provisions of this Regulation. The representative shall have the same authority as the appealing party and notice given to the representative shall constitute notice required to be given to the appealing party.

(5) *Consolidation of Proceedings.* The Director, OCHAMPUS, or designee, may consolidate any number of proceedings for hearing when the facts and circumstances are similar and no substantial right of any appealing party will be prejudiced.

(6) *Authority of the Hearing Officer.* The hearing officer in exercising the authority to conduct a hearing under this Regulation will be bound by Chapter 55 of Title 10, United States Code, and this Regulation. The hearing officer in addressing substantive, appealable issues shall be bound by policy statements, manuals, instructions, procedures, and other guidelines issued by the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) or designee or by the Director, OCHAMPUS, or designee, in effect for the period in which the matter in dispute arose. A

hearing officer may not establish or amend policy, procedures, instructions, or guidelines. However, the hearing officer may recommend reconsideration of the policy, procedures, instructions or guidelines by the Assistant Secretary of Defense (Health Affairs), or designee, when the final decision is issued in the case.

(7) *Disqualification of Hearing Officer.* A hearing officer shall voluntarily disqualify himself or herself and withdraw from any proceeding in which the hearing officer cannot give a fair or impartial hearing, or in which there is a conflict of interest. A party to the hearing may request the disqualification of a hearing officer by filing a statement detailing the reasons the party believes that a fair and impartial hearing cannot be given or that a conflict of interest exists. Such request shall immediately be sent by the appealing party or the hearing officer to the Director, OCHAMPUS, or designee, who shall investigate the allegations and advise the complaining party of the decision in writing. A copy of such decision shall also be mailed to all other parties to the hearing. If the Director, OCHAMPUS, or designee, reassigns the case to another hearing officer, no investigation shall be required.

(8) *Notice and Scheduling of Hearing.* The hearing officer shall issue by certified mail, when practicable, a written notice to the parties to the hearing of the time and place for the hearing. Such notice shall be mailed at least 15 days before the scheduled date of the hearing. The notice shall contain sufficient information about the hearing procedure, including the party's right to representation, to allow for effective preparation. The notice shall also advise the appealing party of the right to request a copy of the record prior to hearing. Additionally, the notice shall advise the appealing party of his or her responsibility to furnish the hearing officer, no later than 7 days prior to the scheduled date of the hearing, a list of all witnesses who will testify and a copy of all additional information to be presented at the hearing. The time and place of the hearing shall be determined by the hearing officer, who shall select a reasonable time and location mutually convenient to the appealing party and OCHAMPUS.

(9) *Dismissal of Request for Hearing.*

(i) *By Application of Appealing Party.* A request for hearing may be dismissed by the Director, OCHAMPUS, or designee, at any time prior to the mailing of the final decision, upon the application of the appealing party. A request for dismissal must be in writing and filed with the Chief, Appeals and Hearings, OCHAMPUS, or the hearing officer. When dismissal is requested, the formal review determination in the case shall be deemed final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this § 199.16.

(ii) *By Stipulation of the Parties to the Hearing.* A request for a hearing may be dismissed by the Director, OCHAMPUS, or designee, at any time prior to the mailing of notice of the final decision under a stipulation agreement between the appealing party and OCHAMPUS. When dismissal is entered under a stipulation, the formal review decision shall be deemed final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this § 199.16.

(iii) *By Abandonment.* The Director, OCHAMPUS, or designee, may dismiss a request for hearing upon abandonment by the appealing party.

(A) An appealing party shall be deemed to have abandoned a request for hearing, other than when personal appearance is waived in accordance with paragraph (d)(11)(xiii) of this section, if neither the appealing party nor an appointed representative appears at the time and place fixed for the hearing and if within 10 days after the mailing of a notice by certified mail to the appealing party by the hearing officer to show cause, such party does not show good and sufficient cause for failure to appear and failure to notify the hearing officer before the time fixed for hearing that an appearance could not be made.

(B) An appealing party shall be deemed to have abandoned a request for hearing if, before assignment of the case to the hearing officer, OCHAMPUS is unable to locate either the appealing party or an appointed representative.

(C) An appealing party shall be deemed to have abandoned a request for hearing if the appealing party fails to prosecute the appeal. Failure to prosecute the appeal includes, but is not limited to, an appealing party's failure to provide information reasonably requested by OCHAMPUS or the hearing officer for consideration in the appeal.

(D) If the Director, OCHAMPUS, or designee, dismisses the request for hearing because of abandonment, the formal review determination in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this section.

(iv) *For Cause.* The Director, OCHAMPUS, or designee, may dismiss for cause a request for hearing either entirely or as to any stated issue. If the Director, OCHAMPUS, or designee, dismisses a hearing request for cause, the formal review determination in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this section. A dismissal for cause may be issued under any of the following circumstances:

(A) When the appealing party requesting the hearing is not a proper party under the paragraph (a)(2)(i) of this § 199.16, or does not otherwise have a right to participate in a hearing.

(B) When the appealing party who filed the hearing request dies and there is no information before the Director, OCHAMPUS, or designee, showing that a party to the initial determination who is not an appealing party may be prejudiced by the formal review determination.

(C) When the issue is not appealable (see § 199.16(a)(5), "Appealable Issues").

(D) When the amount in dispute is less than $300 (see § 199.16(a)(6), "Amount in Dispute").

(E) When all appealable issues have been resolved in favor of the appealing party.

(v) *Vacation of Dismissal.* Dismissal of a request for hearing may be vacated by the Director, OCHAMPUS, or designee, upon written request of the appealing party, if the request is received within 6 months of the date of the notice of dismissal mailed to the last known address of the party requesting the hearing.

(10) *Preparation for Hearing.*

(i) *Prehearing Statement of Contentions.* The hearing officer may on reasonable notice require a party to the hearing to submit a written statement of contentions and reasons. The written statement shall be provided to all parties to the hearing, before the hearing takes place.

(ii) *Agency Records.*

(A) *Hearing Officer.* A hearing officer may ask CHAMPUS to produce for inspection, any records or relevant portions of records when they are needed to decide the issues in any proceeding before the hearing officer or to assist an appealing party in preparing for the proceeding.

(B) *Appealing Party.* A request to a hearing officer by an appealing party for disclosure or inspection of CHAMPUS records shall be in writing and shall state clearly what information and records are required.

(iii) *Witnesses and Evidence.* All parties to a hearing are responsible for producing, at each party's expense, meaning without reimbursement of payment by CHAMPUS, witnesses and other evidence in their own behalf, and for furnishing copies of any such documentary evidence to the hearing

officer and other party or parties to the hearing. The Department of Defense is not authorized to subpoena witnesses or records. The hearing officer may issue invitations and requests to individuals to appear and testify without cost to the Government, so that the full facts in the case may be presented.

(iv) *Interrogatories and Depositions.* A hearing officer may arrange to take interrogatories and depositions, recognizing that the Department of Defense does not have subpoena authority. The expense shall be assessed to the requesting party, with copies furnished to the hearing officer and other party or parties to the hearing.

(11) *Conduct of Hearing.*

(i) *Right to Open Hearing.* Because of the personal nature of the matters to be considered, hearings normally shall be closed to the public. However, the appealing party may request an open hearing. In that event, the hearing shall be open except when protection of other government purposes dictates closing certain portions of the hearing.

(ii) *Right to Examine Parties to the Hearing and Their Witnesses.* Each party to the hearing shall have the right to produce and examine witnesses, to introduce exhibits, to question opposing witnesses on any matter relevant to the issue even though the matter was not covered in the direct examination, to impeach any witness regardless of which party to the hearing first called the witness to testify, and to rebut any evidence presented. Except for those witnesses employed by OCHAMPUS at the time of the hearing, or records in the possession of OCHAMPUS, a party to a hearing shall be responsible, that is to say no payment or reimbursement shall be made by CHAMPUS, for the cost or fee associated with producing witnesses or other evidence in the party's own behalf, or for furnishing copies of documentary evidence to the hearing officer and other party or parties to the hearing.

(iii) *Burden of Proof.* The burden of proof is on the appealing party affirmatively to establish by substantial evidence the appealing party's entitlement under law and this Regulation to the authorization of CHAMPUS benefits or approval as an authorized provider. Any part of the cost or fee associated with producing or submitting information in support of an appeal shall not be paid by CHAMPUS.

(iv) *Taking of Evidence.* The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties to the hearing. Before taking evidence, the hearing officer shall identify and state the issues in dispute on the record and the order in which evidence will be received.

(v) *Questioning and Admission of Evidence.* A hearing officer may question any witness and shall admit any relevant evidence. Evidence which is irrelevant or unduly repetitious shall be excluded.

(vi) *Relevant Evidence.* Any relevant evidence shall be admitted, unless unduly repetitious, if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil or criminal actions.

(vii) *CHAMPUS Determinations First.* The basis of the CHAMPUS determinations shall be presented to the hearing officer first. The appealing party shall then be given the opportunity to establish affirmatively why this determination is held to be in error.

(viii) *Testimony.* Testimony shall be taken only on oath, affirmation, or penalty of perjury.

(ix) *Oral Argument and Briefs.* At the request of any party to the hearing made before the close of the hearing, the hearing officer shall grant oral argument. If written argument is requested, it shall be granted, and the parties to the hearing shall be advised as to the time and manner within which such argument is to be filed. The hearing officer may require any party to the hearing to submit written memoranda pertaining to any or all issues raised in the hearing.

(x) *Continuance of Hearings.* A hearing officer may continue a hearing to another time or place on his or her own motion or, upon showing of good cause, at the request of any party. Written notice of the time and place of the continued hearing, except as otherwise provided here, shall be in accordance with this Regulation. When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to each party to the hearing who is present at the hearing.

(xi) *Continuance for Additional Evidence.* If the hearing officer determines, after a hearing has begun, that additional evidence is necessary for the proper determination of the case, the following procedures may be invoked:

(A) *Continue Hearing.* The hearing may be continued to a later date in accordance with subsection (d)(11)(x) of this section.

(B) *Closed Hearing.* The hearing may be closed, but the record held open in order to permit the introduction of additional evidence. Any evidence submitted after the close of the hearing shall be made available to all parties to the hearing, and all parties to the hearing shall have the opportunity for comment. The hearing officer may reopen the hearing if any portion of the additional evidence makes further hearing desirable. Notice thereof shall be given in accordance with paragraph (d)(8) of this section.

(xii) *Transcript of Hearing.* A verbatim taped record of the hearing shall be made and shall become a permanent part of the record. Upon request, the appealing party shall be furnished a duplicate copy of the tape. A typed transcript of the testimony will be made only when determined to be necessary by OCHAMPUS. If a typed transcript is made, the appealing party shall be furnished a copy without charge. Corrections shall be allowed in the typed transcript by the hearing officer solely for the purpose of conforming the transcript to the actual testimony.

(xiii) *Waiver of Right to Appear and Present Evidence.* If all parties waive their right to appear before the hearing officer for presenting evidence and contentions personally or by representation, it shall not be necessary for the hearing officer to give notice of, or to conduct a formal hearing. A waiver of the right to appear must be in writing and filed with the hearing officer or the Chief, Appeals and Hearings, OCHAMPUS. Such waiver may be withdrawn by the party by written notice received by the hearing officer or Chief, Appeals and Hearings, no later than 7 days prior to the scheduled hearing or the mailing of notice of the final decision, whichever occurs first. For purposes of this Section, failure of a party to appear personally or by representation after filing written notice of waiver, shall not be cause for a finding of abandonment and the hearing officer shall make the recommended decision on the basis of all evidence of record.

(12) *Recommended Decision.* At the conclusion of the hearing, and after the record has been closed, the matter shall be taken under consideration by the hearing officer. Within the time frames previously set forth in this section, the hearing officer shall submit to the Director, OCHAMPUS, or designee, a written recommended decision containing a statement of findings and a statement of reasons based on the evidence adduced at the hearing and otherwise included in the hearing record.

(i) *Statement of Findings.* A statement of findings is a clear and concise statement of fact evidenced in the

record or conclusions that readily can be deduced from the evidence of record. Each finding must be supported by substantial evidence which is defined as such evidence as a reasonable mind can accept as adequate to support a conclusion.

(ii) *Statement of Reasons.* A reason is a clear and concise statement of law, regulation, policies, or guidelines relating to the statement of findings which provides the basis for the recommended decision.

(e) *Final Decision.*

(1) *Director, OCHAMPUS.* The recommended decision shall be reviewed by the Director, OCHAMPUS, or designee, who may concur without comment or who may prepare a written evaluation of the recommended decision. The Director, OCHAMPUS, or designee, shall not alter the recommended decision; however, the Director, OCHAMPUS, or designee, may return the recommended decision to the hearing officer for correction of technical or procedural errors. The hearing officer shall take appropriate action within 60 days to correct the technical or procedural errors and return the recommended decision to the Director, OCHAMPUS. In the absence of technical or procedural errors, the Director, OCHAMPUS, or designee, normally will take action with regard to the recommended decision within 90 days of its receipt.

(i) *Final Action.* If the hearing officer recommends in favor of the appealing party and the Director, OCHAMPUS, or designee, concurs in the statement of findings and statement of reasons, no further agency review is required. The appealing party will be notified by certified mail of the recommended decision and its adoption by the Director, OCHAMPUS, or designee, as the final agency decision.

(ii) *Referral for Final Review.* If the hearing officer recommends against the appealing party, whether or not the Director, OCHAMPUS, or designee, concurs, or if the Director, OCHAMPUS, or designee disagrees with the recommended decision (whether or not the finding is for or against the appealing party), the Director, OCHAMPUS, or designee, shall forward the recommended decision, together with a statement of concurrence or statement giving the reasons for disagreement, to the ASD(HA) for final agency action.

(2) *Assistant Secretary of Defense (Health Affairs).* The decision by the ASD(HA), or designee, concerning a case arising under the procedures of this § 199.16, shall be the final agency decision.

(i) *Review of the Recommended Decision.* The ASD(HA), or designee, shall adopt or reject the recommended decision. In the case of rejection, the ASD(HA), or designee shall prepare a statement outlining the reasons for disagreement with the recommended decision and the underlying facts supporting such disagreement. In this circumstance, the ASD(HA), or designee, may have a final decision prepared based upon the record, or may remand the matter to the hearing officer for appropriate action. In the latter instance, the hearing officer than shall submit a new recommended decision within 30 days of receipt of the remand order.

(ii) *Final Decision.* The decision of the ASD(HA), or designee, is final. Copies of the final decision shall be sent by certified mail to the appealing party or parties.

* * * * *

(10 U.S.C. 1079, 1086, 5 U.S.C. 301)

Dated: March 8, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 83-6286 Filed 3-10-83; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-6-FRL 2320-1]

Approval and Promulgation of State Implementation Plans; Utah Fluoride Plan—Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This action corrects an error in the June 11, 1982 (47 FR 25335), approval of the Utah Fluoride plan under Section 111(d) of the Clean Air Act. In that action a new § 62.1110 under Subpart TT was erroneously established. That Section number is corrected to be § 62.11100.

FOR FURTHER INFORMATION CONTACT: David S. Kircher, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION: On June 11, 1982 (47 FR 25335), EPA approved the Utah plan for the control of fluoride emissions which was submitted under Section 111(d) of the Clean Air Act. In that approval EPA estblished a new section under Subpart TT of 40 CFR Part 62. The new section entitled "Identification of Plan" was incorrectly assigned the Section number 62.1110. That number is corrected to be § 62.11100.

Dated: August 26, 1982.

Steven J. Durham,

Regional Administrator.

[FR Doc. 83-6280 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amdt. G-60]

Use of Facsimile Signature; Public Voucher for Transportation Charges, SF 1113

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the current requirement that facsimile signatures of certifying officers that appear in the "Payee's Certificate" section of the Public Voucher for Transportation Charges, SF 1113, be initialed by duly authorized persons. Eliminating this requirement will reduce cost and time to carriers.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202-786-3014).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Background: A notice of proposed rulemaking was published in the **Federal Register** of September 29, 1982 (47 FR 42763), inviting comments for a period of 30 days ending October 29, 1982. No comments were received.

List of Subjects in 41 CFR Part 101–41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger Services, Railroads, Transportation.

PART 101–41 [AMENDED]

Subpart 101–41.2—Passenger Transportation Services Furnished for the Account of the United States

1. Section 101–41.214–5(c) is revised as follows:

§ 101–41.214–5 Preparation of carrier billing form.

* * * * *

(c) The carrier shall complete the "Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initialed by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official. The carrier shall complete the tear-off portion of the SF 1113 and shall not substitute a memorandum copy (SF 1113–A) for the tear-off portion.

* * * * *

Subpart 101–41.3—Freight Transportation Services Furnished for the Account of the United States

2. Section 101–41.310–2(c) is revised as follows:

§ 101–41.310–2 Preparation of carrier billing form.

* * * * *

(c) The carrier shall complete the "Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initialed by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official.

* * * * *

(31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Dated: February 15, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-6324 Filed 3-10-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 32

Medical Care for Seamen and Certain Other Persons

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Final rulemaking.

SUMMARY: This action is taken in order to delete obsolete material from Part 32 of the Public Health Service regulations dealing with medical care for seamen and other persons.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Walter W. Ward, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443–1034.

SUPPLEMENTARY INFORMATION: Pursuant to section 986 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), the entitlement of American seamen and certain other persons formerly eligible for care at Public Health Service facilities under 42 U.S.C. 249 was terminated effective October 1, 1981. This final regulation revises Part 32 to remove those sections related to such care and rendered obsolete by Pub. L. 97–35. Also removed are provisions at 42 CFR 36.6(c) referencing circular instructions governing the care and treatment or physical examination of certain other persons at PHS hospitals and clinics. These circulars are obsolete following closure and transfer of the PHS hospitals and clinics (other than the National Hansen's Disease Center at Carville, Louisiana) pursuant to sections 985 through 988 of Pub. L. 97–35.

The provisions of 42 CFR Part 32 concerning care and treatment of persons with Hansen's disease, and emergency treatment for non-beneficiaries, remain unchanged.

Rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

(B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

In this case notice and comment procedures are unnecessary because, as explained above, the changes made to Part 32 merely remove material made obsolete by congressional action.

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the changes made to the regulation remove obsolete material and do not affect health care providers or current PHS beneficiaries. The Secretary has also determined, in accordance with Executive Order 12291 of February 17, 1981, entitled "Federal Regulation" that the proposed rule does not constitute a "major rule" because it will not: Have an annual effect on the economy of $100 million or more; result in major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 32

Contagious diseases, Diseases, Emergency medical services, Hansen's disease, Health, Health care, Health facilities, Hospitals, Leprosy, Medical care, Medical facilities, Public health.

Dated: January 26, 1983.

Edward N. Brandt,

Assistant Secretary for Health.

Approved: February 18, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

For the reasons set out in the preamble, it is proposed to amend 42 CFR Part 32 as follows:

PART 32—[AMENDED]

1. The title and table of contents and authority citation for Part 32 are revised to read as follows:

PART 32—MEDICAL CARE FOR PERSONS WITH HANSEN'S DISEASE AND OTHER PERSONS IN EMERGENCIES

Definitions

32.1 Meaning of Terms.

Beneficiaries

32.6 Persons eligible.

Persons with Hansen's Disease

Sec.
32.86 Admissions to Service facilities.
32.87 Confirmation of diagnosis.
32.88 Examinations and treatment.
32.89 Discharge.
32.90 Notification to health authorities regarding discharged patients.
32.91 Purchase of services for Hansen's disease patients.

Nonbeneficiaries: Temporary Treatment In Emergency

32.111 Conditions and extent of treatment; charges.

Authority: Sec. 320, 321 and 322(b) of the Public Health Service Act (42 U.S.C. 247e, 248 and 249(b)).

2. Section 32.1 is amended by removing paragraphs (d), (e), (g) and (h), redesignating paragraph (f) as paragraph (d), and be revising paragraph (d), as so redesignated, to read as follows:

§ 32.1 Meaning of terms.

* * * * *

(d) "Authorizing official" means Service officers or eployees duly designated by the Director, Bureau of Health Care Delivery and Assistance, to authorize and provide care and treatment to beneficiaries at Service expense.

3. Section 32.6 is amended by removing paragraph (c) and revising paragraphs (a) and (b) to read as follows:

§ 32.6 Persons eligible.

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Persons afflicted with Hansen's disease; and

(2) Non-beneficiaries for temporary treatment and care in cases of emergency.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service (see Part 31 of this chapter);

(2) Physical and mental examination of aliens (see Part 34 of this chapter); and

(3) Medical care for Native Americans (see Part 36 of this chapter).

§§ 32.11 through 32.76 [Removed]

4. Sections 32.11 through 32.76 are removed.

§§ 32.86 through 32.91 [Authority citation removed]

5. The authority citation appearing under the undesignated heading "Persons With Hansen's Disease" and before the text of §§ 32.86 through 32.91 is removed.

§ 32.106 [Removed]

6. Section 32.106 is removed.

[FR Doc. 83-6333 Filed 3-10-83; 8:45 am]
BILLING CODE 4160-16-M

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42 CFR Part 51b

Project Grants for Preventive Health Services and Grants for Influenza Immunization Programs

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Removal of regulation.

SUMMARY: The Public Health Service (PHS) amends its regulations at 42 CFR Part 51b by removing Subpart E governing Grants for Influenza Immunization Programs. These programs formerly were authorized under Section 317 of the PHS Act. Changes in legislation in 1981 eliminated authority for influenza immunization programs. Therefore, the regulation is obsolete and should be removed.

EFFECTIVE DATE: The removal is effective on March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: Subpart E, Grants for Influenza Immunization Programs, was published as an interim final rule on November 14, 1978 (43 FR 52707) in accordance with the then-existing section 317(g)(1)(C) of the PHS Act, which authorized appropriations for disease control programs other than programs for which appropriations were specifically authorized. This authority was utilized by Congress to appropriate funds for influenza programs in the second supplemental appropriation for 1978, approved September 8, 1978. Funds have not been appropriated for influenza immunization programs since 1978.

Section 317 of the PHS Act was subsequently amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 approved August 13, 1981). Section 928 of Public Law 97-35 eliminated the authority to appropriate funds for influenza immunization programs.

Due to changes in legislation, the current regulations are obsolete and should be removed. For this reason, the Secretary has determined that this final rule revoking an existing rule is not a "major rule" under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

PART 51b—[AMENDED]

Subpart E—[Removed and reserved]

Part 51b of Title 42, Code of Federal Regulations, is amended by removing Subpart E, §§ 51b.501 through 51b.506.

List of Subjects in 42 CFR Part 51b

Communicable diseases, Immunization.

Dated: January 31, 1983.
Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: February 22, 1983.
Thomas R. Donnelly, Jr.,
Acting Secretary.

[FR Doc. 83-6331 Filed 3-10-83; 8:45 am]
BILLING CODE 4160-18-M

Centers for Disease Control

42 CFR Part 65

Fees for Direct Training—Centers for Disease Control

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Revocation of regulation.

SUMMARY: The Public Health Service revokes its regulation in 42 CFR Part 65 on direct training fees. The current regulation provides that the Centers for Disease Control may waive the fee requirement when such waiver is judged to be in the public interest. Changes in legislation in 1976 created separate authority for charging such fees and made the waiver provisions unnecessary, thus making the current regulation obsolete and requiring its revocation.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Seth N. Leibler, Ed. D., Acting Director, Center for Professional Development and Training, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 262-6671 or FTS: 236-6671.

SUPPLEMENTARY INFORMATION: Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b)) authorizes the Secretary of Health and Human Services to train State and local health workers. Under this authority, technical training historically has been provided by the Centers for Disease Control (CDC) to help ensure that health workers

throughout the country possess the necessary skills and knowledge to achieve the objectives of disease prevention and control programs.

In 1973, the Office of Management and Budget ruled that tuition should be paid by persons attending CDC training courses. Under the authority of 31 U.S.C. 483a, a notice was published in the **Federal Register** on June 25, 1973 (38 FR 16658), to amend Subchapter E of Chapter I, Title 42, by establishing a new Part 65 which set forth a fee policy and a fee schedule for training conducted by CDC. Interested persons were invited to participate in the rulemaking through the submission of comments.

In response to these comments, a waiver procedure for States was included in the final rule published in the **Federal Register** on October 12, 1973 (38 FR 28290). The waiver procedure required a written request for waiver of fees on the basis that such training was in the public interest.

Legislation in 1976 created a specific authority to charge for training fees and made the waiver provision unnecessary. Section 202(c) of Public Law 94–317, Disease Control Amendments of 1976, approved June 23, 1976, amended Section 311(b) of the PHS Act to provide that "The Secretary may charge only private entities reasonable fees for the training of their personnel * * *." Furthermore, the subsequent appropriations bills have contained language stating "* * * That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training." See Department of Labor and HEW Appropriations Act, 1977; Public Law 94–439; 90 Stat. 1422; approved September 30, 1976; and Department of Labor and HEW Appropriations Act, 1979; Public Law 95–480; 92 Stat 1572; approved October 18, 1978; together with the various continuing resolutions.

In accordance with the 1976 amendment to Section 311, the waiver provisions are not applicable, since CDC now charges fees to all private agencies and does not charge fees to State and local Government agencies. Also the charging of fees is now done under the authority of Section 311, rather than under 31 U.S.C. 483a, which had required regulations.

Due to changes in legislation, the current regulations are obsolete and should be removed. For this reason, the Secretary has determined that this final rule revoking an existing rule is not a "major rule" under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

List of Subjects in 42 CFR Part 65

Educational study programs, Health professions.

PART 65—[REMOVED]

Part 65 of Title 42, Code of Federal Regulations, is removed, effective on March 11, 1983.

Dated: January 31, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: February 16, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-6350 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6363

[NM 55270]

New Mexico; Restoration of Lands to Ownership of the Caddo and Delaware Tribes; Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order 6363.

SUMMARY: This action will terminate the withdrawal of 15 acres of ceded public lands and restore them to the ownership of the Caddo and Delaware Tribes.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Delores L. Vigil, New Mexico State Office, 505–988–6659

SUPPLEMENTARY INFORMATION:

By virtue of the authority contained in Section 3 of the Act of June 18, 1934, 25 U.S.C. 463, and pursuant to the recommendations of the Tribal Council and the Acting Assistant Secretary of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Caddo and Delaware Tribes of Indians to the United States pursuant to agreement ratified by the Act of March 2, 1895, 28 Stat. 876,896, having been reserved for use by the Bureau of Indian Affairs for school, agency, cemetery and administrative purposes and not needed for such uses, are hereby restored to tribal ownership for use and benefit of the Caddo and Delaware Tribes of Indians and are added to and made a part of the existing reservation, subject to valid existing rights:

Indian Meridian

T.8 N., R.10 W.,
sec. 34, W½NE¼NE¼NW¼NW¼ and S½NW¼NE¼NW¼NW¼ and SE¼NW¼NW¼NW¼ and SW¼NE¼NW¼NW¼ and NW¼SE¼NW¼NW¼ and N½NE¼NE¼NW¼.

The area described aggregates 15 acres in Caddo County.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 3, 1983.

[FR Doc. 83-6284 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78–72; FCC 82–579]

Access Charges; MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC, pursuant to the Fourth Supplemental Notice of Inquiry and Proposed Rulemaking published on June 21, 1982, at 47 FR 26668, adopts rules for the computation and assessment of end user and carrier's carrier access charges and the creation of an exchange carrier association to prepare access charge tariffs and distribute pooled access charge revenues. The Commission concluded that this action was necessary because existing methods of access compensation produce unlawful discrimination and preferences in interstate rates. These rules were designed to eliminate such unlawful discrimination and preferences.

EFFECTIVE DATE: March 12, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632–9342.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Cost allocation, Exchange carrier association, Revenue pooling, Tariffs.

In the matter of MTS and WATS Market Structure CC Docket No. 78–72, Phase I.

Third Report and Order

Adopted: December 22, 1982.
Released: February 28, 1983.

By the Commission: Commissioners Quello, Fogarty, Dawson, Rivera and Sharp issuing separate statements; Commissioner Jones concurring and issuing a separate statement.

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I. Introduction

A. Outline of the Plan

1. When this Commission initiated this proceeding to determine an optimal market structure for the MTS–WATS market, we concluded that it would also be necessary to prescribe the compensation that exchange carriers should receive for the origination or termination of all interstate and international services of all carriers. We recognized that it would be impossible to determine "access" compensation for services of carriers that compete with MTS or WATS without correcting existing disparities in access compensation among services offered by AT&T and its telephone company partners.

2. We subsequently invited comments upon a tentative plan for carrier's carrier access charges that would allocate exchange plant costs among four service categories on the basis of relative use. We hoped that such a plan would eliminate discrimination or preferences in rates that were charged to end users of all services that we regulate. Comments in this and other proceedings and other developments led us to conclude that the tentative plan would not produce a correct solution to the discrimination problem. The recovery of fixed costs through usage charges produces discrimination among MTS users that is a primary cause of the inter-service disparities. The comments in this proceeding reveal a fairly broad consensus that this is the case.

3. We have accordingly concluded that a substantial portion of fixed exchange plant costs that are assigned to interstate services should ultimately be recovered through flat per line charges that are assessed upon end users. We are adopting access charge computation rules that will accomplish that result.[1] Those rules incorporate exceptions for pay telephones, the portion of a local dial switch that is sometimes described as non-traffic sensitive, and "private line" facilities used for services that are not close substitutes for MTS. Certain other fixed costs assigned to interstate services for customer premises equipment, inside wiring, and a Universal Service Fund will not be recovered through end user charges and will continue to be recovered through carrier's carrier charges. The Universal Service Fund will be designed to preserve universal service by enabling high cost local exchange companies to establish local exchange rates that do not substantially exceed local exchange rates charged by other local exchange companies.

4. A transitional plan is necessary for several reasons. Immediate recovery of high fixed costs through flat end user charges might cause a significant number of local exchange service subscribers to cancel local exchange service despite the existence of a Universal Service Fund. Such a result would not be consistent with the goals of the Communications Act. Some transitional adjustments are also necessary to avoid anomalous effects of existing disparities in interstate costs in different areas and to establish access charges for competing carriers that reflect existing inequalities in the quality of access arrangements. The transitional plan will also enable us to adjust rules in the future if unexpected developments demonstrate that changes are warranted.

5. This combination of factors has led us to adopt rules that incorporate two transitions. Some fixed costs in addition to any high cost or Universal Service Fund costs will be recovered through carrier's carrier charges during a 5-year transition period. A substantial portion of those costs will initially be assessed to AT&T as a charge for premium access. The remaining costs will be assessed to end users and will be recovered through a combination of usage and flat charges during a 7-year transition period. Before the end of the fifth year of the 7-year transition, we will evaluate the rules and policies adopted in this *Report and Order* and, if necessary, will make adjustments needed to promote the expressed goals of this proceeding. A minimum charge will be assessed upon all end users. The remainder of the costs may be recovered through usage charges until the usage charge for any line equals a cap or maximum. We are giving the exchange carriers considerable discretion to devise a combination of minimum, usage and maximum charges. This will give the carriers discretion as to how rapidly to phase in flat charges. It will enable carriers to respond quickly to any bypass threat where this is a problem, while allowing for a more gradual phase-in where it is not. We are, however, imposing some limits upon carrier discretion. A minimum charge cannot be less than $2 per month for residential customers and $4 per month for business customers and the business minimum cannot exceed 200% of the residential minimum. Maximum charges will assure that customers do not pay more through end user charges for interstate use of a line that is used for local exchange and interstate services than they would pay for a line that is dedicated to a particular interstate service.

6. We are also prescribing rules for the computation of carrier's carrier

[1] The rules are contained in Appendix A. Appendices B and D list persons who filed comments in response to the *Second* and *Fourth Supplemental Notices*. Appendices C and E contain summaries of those comments. Appendix F contains supplemental information with respect to the "bypass" phenomenon and Appendix G contains supplemental information with respect to the universality of service.

charges for access services other than exchange plant. Although the tentative plan we described in 1980 would have limited the definition of access to facilities that are used in common by exchange and interexchange services, we have expanded the definition of access to correspond with the *Modified Final Judgment* in the AT&T antitrust case.[2] We have established nine different elements for such carrier's carrier changes and are prescribing rules for the computation of each element charge that are tailored to the nature of each service. We have established two elements for the use of local dial switches, three elements for operator services, and two elements for other switching and transmission facilities. We have also established a Billing and Collection element and a Special Access element that consists primarily of the use of a variety of "private line" facilities.

7. We have decided that we should neither compel all exchange carriers to join in pooled uniform charges for all access elements nor permit unrestricted deaveraging. We are mandating the creation of an exchange carrier association that will collect and distribute the carrier's carrier portion of the non-traffic sensitive charges and file tariffs and administer revenue pools for companies that choose to join in the association's common tariffs for other access elements.

8. We are directing AT&T to prepare the initial association tariffs in order to ensure that access charges will be in place on January 1, 1984.

B. Background: The Origins and Purpose of the Access Charge Proceeding

9. This proceeding began in February, 1978 with the issuance of a *Notice of Inquiry and Proposed Rulemaking* (the *"Initial Notice"*), 67 FCC 2d 757 (1978), to determine the MTS–WATS market structure that would best serve the public interest. To resolve this fundamental question, we have issued four subsequent notices of inquiry.[3] Each represented a refinement in our understanding of the issues requiring resolution. In the *Third Supplemental Notice*, we concluded that a general policy of open entry in the domestic MTS/WATS market, including Hawaii, would be in the public interest. While tentatively reaching the same conclusion for the Alaska submarket, we decided to give further consideration to issues relating to that submarket. In light of the conclusions reached in the *Third Supplemental Notice*, we determined that future proceedings in this docket would be restricted to consideration of two issues. In Phase I of the docket, we would develop a system of access charges by which local telephone companies would receive compensation for the use of their plant to complete competitive interstate telecommunications offerings. In Phase II we would determine the appropriate market structure for MTS/WATS in the Alaskan submarket.

10. We recently resolved Phase II of the docket by affirming our tentative conclusion that an open entry policy in the Alaskan interstate MTS/WATS market would be in the public interest. *See Second Report and Order* in CC Docket No. 78–72, FCC No. 82–515, released November 30, 1982. Today we resolve Phase I by adopting rules that will determine the rates interexchange carriers and end users will pay for access to local telephone company facilities used to complete interstate service offerings. We believe that through these rules we shall achieve the competitive market structure that is the explicit goal of both this proceeding and of the MFJ.

11. As we have noted above, this phase of the proceeding was instituted to determine, first, whether the existing methods of compensation for exchange plant used in interstate telephone service should be replaced by a tariffed access charge framework and, second, if so, what the structure of such tariffs should be. The entry of the MFJ has effectively mooted the first question. Currently, approximately 80% of revenues for this plant are covered by the Bell System's Division of Revenues process. This private contractual agreement has transferred revenues of almost $7 billion per year within the Bell System. On the date of divestiture, the system will no longer exist. The MFJ requires the termination of this system and its replacement by a generalized tariffed offering of access service.

12. While it would theoretically be possible to maintain the private settlements mechanism (which is equivalent to the Division of Revenues plan) to compensate non-Bell telephone companies, we believe that, even absent this *Report and Order*, some generalized access charge tariff scheme would result. We now decide that the public interest requires that the basic structure of such access tariffs be set by this Commission. We expect access tariffs to be filed in 1983 and require that such access tariffs be in conformance with the rules adopted herein.

13. The plan described in this *Report and Order* is, of course, limited to basic, or regulated, services. The plan is also limited to interstate and foreign services subject to our jurisdiction. We have assumed, for purposes of the proceeding, that the existing *Separations Manual* correctly identifies the costs assignable to those interstate and foreign services. Some commenting participants, *e.g.*, Satellite Business Systems, have argued that non-traffic sensitive access costs should no longer be allocated between the intrastate and interstate jurisdictions. They propose that a single charge should recover the entire revenue requirement associated with non-traffic sensitive facilities. They claim that such a charge should fall within Federal jurisdiction, despite the Supreme Court's decision in *Smith* v. *Illinois Bell Telephone*, 282 U.S. 133 (1930). In this proceeding we need make no determination as to whether *Smith* requires jurisdictional separations of NTS plant. As we said in the *Fourth Supplemental Notice*, 90 FCC 2d at 154, it is the separations process that determines what costs must be recovered from the interstate jurisdiction by means of an access charge. That process is currently being investigated by a Joint Board and is beyond the scope of this docket. In the *Order Requesting Further Comments* ("Joint Board Order" hereinafter), the Joint Board specifically invited parties to comment on whether separation of NTS costs by jurisdiction is required, and on the desirability of a discretionary assignment of 100 percent to either jurisdiction.[4] 47 Fed. Reg. 54479, 54517 (December 3, 1982).

14. Finally, we have limited our consideration here to the provision of that portion of interstate and foreign service which we consider to be "access" service. We had earlier used the term "access" to describe the use of certain exchange plant necessary to originate and terminate interexchange services. We have, however, decided to expand the scope of our access charge

[2] *See* Modified Final Judgment in United States v. American Telephone and Telegraph Co., Civil Nos. 74–1698 and 82–0192, —— F. Supp. ——, 47 Fed. Reg. 40, 392 (D.D.C. 1982), (hereinafter "MFJ").

[3] Supplemental Notice of Inquiry and Proposed Rulemaking ("First Supplemental Notice"), 73 FCC 2d 222 (1979), Second Supplemental Notice of Inquiry and Proposed Rulemaking ("Second Supplemental Notice"), 77 FCC 2d 224 (1980); Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking ("Third Supplemental Notice"), 81 FCC 2d 177 (1980); and Fourth Supplemental Notice of Inquiry and Proposed Rulemaking ("Fourth Supplemental Notice"), 90 FCC 2d 135 (1982).

[4] A decision to assign 100% to either jurisdiction would, of course, require changes in the access charge rules we are adopting.

rules to conform to the boundaries established by MFJ. In the *Fourth Supplemental Notice* we suggested that it might be desirable to expand our access charge plan to encompass all services or facilities that will be included in access charges of the divested Bell Operating Companies ("BOCs") and invited "interested persons to submit suggestions for accomplishing that purpose." 90 FCC 2d at 153. We have concluded that such a course would be desirable because disparities would be likely to arise in the future if independent telephone companies and the undivested BOCs [5] are compensated through some other mechanism for services or facilities that are included in divested BOC access charges. The access rules we prescribe will therefore cover all services and facilities that are classified as exchange access for purposes of the MFJ. We are, however, adopting less detailed rules for the computation of charges for access elements that we might have excluded from our plan if the MFJ did not exist. For non-access interstate facilities and services, we have assumed that any questions concerning apportionment or allocation will be resolved in the *Interim Cost Allocation Manual* or a successor to that *Manual*.[6]

15. Although Phase I of this docket is a part of a larger proceeding to determine and encourage an optimal structure for a market that includes MTS and WATS, we have not limited this phase to the apportionment of access costs among competing interexchange carriers. The *Initial Notice* said that we expect to prescribe "divisions" for all interstate services of all carriers. 67 FCC 2d at 759.

16. We reiterated this view in the *Second Supplemental Notice*. We explained that subsequent events had confirmed our preliminary conclusion that it will not be possible to establish access compensation for the MTS–WATS equivalent services of the new interexchange carriers without correcting existing disparities in access compensation that is paid directly or indirectly by users of services offered by the telephone company partnership. AT&T had proposed access charges for MTS–WATS equivalent services that purported to establish parity with the access compensation for MTS and WATS that the BOCs receive through the Bell System division of revenues process. Carriers that provided the MTS–WATS equivalent services claimed that the proposed charges would create unlawful discrimination because the charges would be much higher than the charges that customers of Foreign Exchange ("FX") service pay for access service at the foreign exchange or "open" end. Those carriers alleged that the access they received was identical with the access FX customers received. The affected carriers eventually entered into an agreement known as "ENFIA" that established an intermediate rate for MTS–WATS equivalent (or "Execunet/SPRINT type") access for an interim period.[7] This Commission concluded that allowing the negotiated rate for an interim period would serve the public interest.

17. The *Second Supplemental Notice* concluded (77 FCC 2d at 230–231):

> The history of the ENFIA negotiations demostrates that it would be impossible to prescribe any charges for the origination and termination of services that are functionally equivalent to MTS or WATS without determining the appropriate relationship among origination and termination services for MTS–WATS, functional equivalents of MTS–WATS, and FX–CCSA open ends. That history also indicates that there is no basis for assuming that the present relationship is appropriate.

18. That *Notice* also concluded that "the discrimination problem" is not confined to differences in access compensation among MTS, WATS, FX, CCSA and MTS–WATS equivalent services and described a tentative access charge plan that included the origination and termination of private line services. *Id.* at 231. Some comments that were filed in response to the *Second Supplemental Notice* questioned the inclusion of private line services other than FX and CCSA in an access charge plan.[8]

19. Private line services are not as distinct from an engineering or an economic perspective as they are sometimes perceived to be. A private line between two customer locations is normally routed in much the same manner as are telecommunications that use the switch that is used also for local exchange service. The access portion of the private line service consists primarily of the provision of lines or loops that connect a customer terminal with the interexchange portion of the facilities. The exchange carrier uses the right-of-way that it was granted for the purpose of providing local exchange service to place that line between the customer location and the interexchange facility.

20. Private line and message services not only employ similar facilities, but are also frequently used by customers to satisfy the same telecommunications needs. The interchangeability factor necessarily requires that at least some private line access service be included in an access compensation scheme that is designed to establish parity among all services that are reasonably interchangeable with MTS. We have specifically established such parity with MTS for the "open end" of FX and CCSA services.

21. It would be possible to distinguish private line service that is a close substitute for MTS from private line service that is not. We could possibly accomplish our original purpose by limiting access charge rules to access for MTS, WATS, MTS–WATS equivalents, FX, CCSA and other private line service that is a close substitute for MTS, limiting the scope of access to the use of equipment, facilities, or right-of-way used in common with local exchange services.

22. As already noted, however, we have decided, in response to the MFJ, to expand the scope of access to include all tariffed services and facilities that the BOCs will provide for the origination or termination of interstate calls. The decree definition of access service—and thus the conforming definition of access service relied upon in this *Report and Order*—includes some services and facilities that we might exclude in designing access charges for the sole purpose of establishing parity among MTS and all telephone company or "other" carrier services that are close substitutes for MTS.

23. The provision of an origination-termination service could be viewed as providing an interexchange carrier with access to exchange facilities. The service could also be viewed as providing an end user or subscriber with access to interexchange services through exchange facilities that interconnect with interexchange facilities.[9] The earlier notices in this

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[5] Cincinnati Bell Inc. and Southern New England Telephone Company.

[6] The *Interim Cost Allocation Manual* or *"ICAM"* was adopted in *Amer. Tele. and Tele. Co.*, 84 FCC 2d 384, *recon. denied*, 86 FCC 2d 667 (1981), *affirmed sub nom. MCI Telecommunications Corp. v. FCC ("ICAM")*, 679 F.2d 408 (D.C. Cir. 1982), to establish rules for the apportionment of AT&T costs among the MTS, WATS, private line and ENFIA service categories. We expect to provide guidance in separate proceedings to enable AT&T to reflect access charges in *ICAM* cost apportionments.

[7] *See Exchange Network Facilities (ENFIA)*, 71 F.C.C. 2d 440 (1979).

[8] *E.g.*, American Satellite Co. Comments, p. 7; ARINC reply, p. 9.

[9] When a divested BOC provides interstate access to another carrier, "interexchange" will usually be synonymous with a service that is described as inter-LATA for purposes of the MFJ and the "exchange" facilities will correspond to intra-facilities. The geographic scope of access services provided by other local exchange telephone companies may be different. Such differences are

proceeding viewed access services as services that a local carrier provides to a long haul carrier. These notices assumed that the local carrier would receive access compensation from a long haul carrier. Most of the earlier notices assumed that a carrier's carrier charge would be the mechanism for access compensation. The *Fourth Supplemental Notice* invited comment upon some additional alternatives that could result in a combination of end user and carrier's carrier charges. We have decided to prescribe such a combination. Terms such as access, access service and access charges will be used in this *Third Report and Order* to encompass both end user and carrier's carrier charges.

24. The inequities between existing forms of compensation for the identical use of such access plant by different interstate services make these forms an inappropriate model for the development of access tariffs. We have decided that a single, uniform and nondiscriminatory structure for interstate access tariffs covering those services that make identical or similar use of access facilities is required by the Communications Act. While we have provided considerable flexibility for telephone companies within our access rules, we believe that the development of the competitive interstate telecommunications market requires certain uniform principles covering both BOC and independent telephone company access tariffs.

25. The amount of money that will have to be recovered through the access tariffs is immense. The revenue requirement for interstate NTS exchange plant alone will be approximately 8.5 billion dollars in 1984, the first year of our plan. An additional amount of approximately 2.5 to 3 billion dollars will be required to recover the costs of traffic sensitive plant for the first year. Based upon the assumption that 100 million lines will be in use in 1984 (as assumption we consider to be reasonably accurate), this translates into a total revenue requirement per access line of approximately $8.50 per month for NTS costs and $3.50 to $3.00 per month for traffic sensitive costs. In its first year the plan would assign $4.00 per line per month or $4.3 billion overall in interstate NTS costs to be recovered directly from the end user by his or her local telephone operating company. Of this amount a minimum of $2.00 for residential subscribers and $4.00 for business subscribers would have to be recovered through the use of a flat charge. The remainder of the $4.00 per line revenue requirement could be recovered, at the carrier's option, through traffic sensitive charges. The maximum amount that could be charged any customer directly would be no greater than the interstate costs of obtaining a private access facility dedicated to interstate use. NTS costs over $4.00 per line—approximately $4.2 billion—will continue to be collected in the first year of the plan through carrier's carrier charges. Of this amount, $1.4 billion will be paid by AT&T and its partners in the form of a charge for premium access.[10] The costs related to the Universal Service Fund, terminal equipment (CPE) ($1.4 billion in 1984) and inside wiring ($1.6 billion in 1984) will either be removed from the carrier revenue requirement through deregulation or will continue to be paid in subsequent years through carrier's carrier charges. The remaining amount collected through a carrier's carrier charge in the first year plus any additional amounts added in subsequent years will be converted to customer charges over a five year periiod. Over the same five year period the maximum end user charge that may be charged any specific customer for interstate access for message service will be reduced at the rate of 10% per year.

26. The plan is designed to move swiftly and surely from the present reliance on additions to the price of interstate toll minutes as the mechanism for recovery of these costs towards a pricing plan which recognizes that non-traffic sensitive costs covering plant dedicated to individual end users neither increase nor decrease as a result of usage made of that plant. We are taking this important step because we view this new direction as the only means of satisfying our goals of universal service, nondiscrimination, network efficiency, and prevention of uneconomic bypass.

27. Economics teaches us that, except in certain circumstances involving market failure, prices equal to the cost of producing another increment of a good, i.e., equal to the marginal cost of production, are optimal.[11] Provision of telephone services involves two marginal costs. One varies with the traffic level. The other varies with the number of access lines demanded. For this reason, efficient pricing requires both usage sensitive and non-usage sensitive charges for recovery of access costs.[12]

28. The cost imposed upon the nation's telecommunications system, and ultimately upon the general public, by our present usage sensitive method of recovering these NTS costs pose a substantial danger to the long term viability of our nation's telephone systems. New technologies and radical improvements in older technologies make available alternatives to the traditional telephone network. Telecommunications is substitutable for a wide variety of other goods and services produced by our society. Prices based upon the true cost characteristics of telephone company plant are necessary both to make a decision on whether use of the alternative technologies is appropriate and to make a decision on whether to substitute telecommunications for other activities.

29. As telecommunications plays a larger and larger role in fundamental U.S. industries, the problems resulting from inapproporiate pricing grow. Computer technology and communications have grown so similar that the Commission has redrawn its traditional definition of communications.[13] Access pricing that does not reflect cost can turn computer technologies from directions that would enhance the productivity of this essential U.S. industry and all of the industries that depend on computers and communications toward simple avoidance of non-cost based telecommunications prices. Investment may be misdirected as a result.

30. The possibility of users, particularly the nation's largest telecommunications users, abandoning the network for less efficient alternatives, *i.e.*, "uneconomic bypass", has been cited by many participants as a major justification for the movement

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most likely to be reflect in the access element we have described as Common Transport. The formula we have adopted for the computation of access charges will enable carriers to devise charges for the "common transport" that a particular carrier provides. Adapting access charge rules to access service that a divested BOC provides to itself or another carrier for an intra-LATA transmission that is interstate for purposes of the Communications Act may require a special approach. We have decided that it would not be appropriate to establish guidelines for such situations before a final detrmination of LATA boundaries.

[10] Some independent telephone companies will continue to participate in joint rate offerings with AT&T after access charges become effective. Therefore, the premium will in fact be paid by an interexchange partnership. Section 69.307 describes that partnership as "the carriers that offer MTS and WATS * * *."

[11] *See*, for example, Francis M. Bator, "The Simple Analytics of Welfare Maximization," *The American Economic Review*, pp. 25–59, March 1957.

[12] *See also* P.R.G. Lazard and A.A. Walters, *Micro-Economic Theory*, McGraw-Hill Co., New York, 1978, p. 178.

[13] *See Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)*, 77 FCC 2d 384 (1980) (Final Decision), *reconsideration*, 84 FCC 2d 50 (1980), *futher reconsideration*, 88 FCC 2d 512 (1981), *aff'd sub nom. CCIA v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982).

toward cost based customer access charges. Bypass is a growing phenomenon.[14] We also recognize that the elimination of preferential rates covering NTS access plant for large users is certain to increase significantly the incentives of these users to bypass the local phone network. We could attempt to eliminate bypass through our facility authorization authority, but have determined that this is not a good solution. See Part III. A., *infra.*

31. Despite the uncertainty surrounding the precise size and threat of uneconomic bypass, a delay in the institution of a system of access charges that does not recover most fixed costs through usage rates is not justified. If we delayed making a change now, it is likely that circumstances would quickly force such changes upon us. In such a case, however, we would be unable to afford the luxury of the gradual transition needed to satisfy our objective of maintaining affordable service. Moreover, as a result of bypass, delay might mean higher long run costs for those who were required to remain on the network, and even for those who were able to use bypass services.

32. Moreover, were we to delay instituting the smooth movement towards a rational pricing system until a sufficient number of large users had initiated constructing alternative bypass systems, it could well be too late for any remedial action. Usually uneconomic bypass is uneconomic only before the construction of bypass facilities starts. Once a large telecommunications user has committed significant capital to building a private bypass system, the maintenance of that system is no longer uneconomic. Consequently, we believe that prompt action is essential to preserve the public interest.

33. We believe it is important to state explicitly that this decision does not, in any way, constitute a judgment that subsidizing the costs of basic telephone services for certain customers or for all customers is improper. Our decision is, rather, based upon the more limited judgment that an attempt to generate revenues for such subsidization through a permanent bundling of NTS costs into interstate toll rates would be a harmful and, ultimately, futile approach—one that could lead to the deterioration of a nationwide telephone network providing a variety of services to a wide variety of consumers.

34. In the *Second Supplemental Notice* we had described a plan for imposing usage based charges for access to the local network upon both private line and public switch services. We had first thought that such an approach would assure full, fair competition in the MTS/WATS market and also avoid unlawful preferences or discrimination between private line users and users of switched services. Comments filed in response to that *Notice* caused us to question whether the plan might have the fundamental flaw of encouraging heavy users of private line service to bypass the local network. Our concern has been heightened by the terms of the MFJ that require AT&T to divest itself of its operating companies (other than Cincinnati Bell and Southern New England). For the first time AT&T itself could have a significant incentive to bypass local exchange facilities if such bypass would be profitable.

35. Responding to these concerns, in the *Fourth Supplemental Notice* we introduced an alternative approach that we believed could achieve our primary goals of promoting competition and eliminating discrimination while avoiding the potential problems of the original plan. Instead of creating an access rate structure for private line services like the usage-base MTS/WATS rate structure, we considered the possibility of treating facilities used for access to the public switched network like private line facilities. Specifically, we discussed the possibility of assigning the costs of non-traffic sensitive subscriber plant directly to the customers using it. Thus the costs of private line facilities would continue to be directly assigned, removing one potential incentive for heavy users of such services to bypass local facilities. Every customer of interstate switched services would, however, pay a flat monthly charge reflecting the cost of the non-traffic sensitive subscriber plant dedicated to his use in connection with these services. The plan we adopt today will ultimately point toward this result. In order to avoid the adverse effects that could accompany such a departure from the traditional way in which end users have paid for their use of interstate services, the plan provides for the gradual introduction of these end user access charges. This plan, like the tentative plan of the *Second Supplemental Notice*, still imposes a carrier's carrier charge upon all interexchange carriers for the use of the remainder of local telephone company plant upon which they rely to complete their interstate service offerings.

II. Commission Authority To Adopt Access Charge Rules

36. Most comments that have been filed in response to the various notices we have issued in this proceeding do not discuss the scope of this Commission's statutory authority to prescribe access charges for the origination and termination of interstate and foreign services. Almost all of the participants have assumed that this Commission does have the power to prescribe some kind of access service compensation arrangement.

A. Section 201(a) Authority

37. After noting that the division of revenues and settlements "have traditionally been industry devised" (67 FCC 2d at 759), the *Initial Notice* said (*id.*) that "[i]t may be timely to exercise our jurisdiction under Section 201(a) of the Communication Act to establish the divisions of charges." The carriers that provide local exchange service receive most of their access compensation through the division of revenues and settlements procedures that have been devised to divide revenues from joint rate services among the members of the telephone company partnership. Section 201(a) authorizes this Commission to replace the industry-devised contractual arrangement with a Commission-devised formula.

38. Section 201(a) provides in pertinent part:

> It shall be the duty of every common carrier * * * in accordance with the orders of this Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

39. After received comments in response to the *Initial Notice* and considered filings that were provoked by AT&T's initial ENFIA taffif, we tentatively concluded that a system of carrier's carrier access charges should be established to replace the existing combination of carrier's carrier charges, end user charges, and contractual "divisions" and "settlements." That conclusion was announced in the *Supplemental Notice* and a tentative plan for carrier's carrier access charges was described in the *Second Supplemental Notice.*[15]

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[14] Our staff has conducted a preliminary survey of the current status of bypass services. The results of that survey are set forth for informational purposes as Appendix F of the *Report and Order.*

[15] Several different methods have been used in the telecommunications and transportation industries to compensate participating carriers when two or more carriers participate in the transmission or transportation. The utlimate customer or end user

40. Western Union comments that were filed in response to the *Second Supplemental Notice* claimed that Section 201(a) cannot be invoked to replace carrier's carrier access charges with different carrier's carrier charges. Western Union noted that the term "divisions" is normally used to describe the division of joint rate revenues and that it does not maintain any joint rates with the telephone companies. We have concluded that Western Union's claim is incorrect because the language and history of Section 201(a) demonstrate that Congress used the term "divisions" in that particular provision to encompass any arrangement for the compensation of carriers that participate in a through service.[16] That term is at least broad enough to include carrier's carrier charges that compensate an exchange carrier for its participation in a through service that an interexchange carrier offers to the public.

41. Section 201(a) authorizes this Commission to prescribe "divisions" if we find that such action is "necessary or desirable."[17] We have concluded that it is necessary and desirable to establish access charges in lieu of existing access compensation arrangements in order to eliminate existing access compensation disparities and to prevent the development of disparities that might arise if a variety of access compensation mechanisms were used in the future.

B. Section 205 Authority

42. When we issued the *Fourth Supplemental Notice* that invited comments upon some alternative plans that included end user access charges, we expanded the list of Communications Act provisions we might invoke to include Section 205. Section 205(a) of the Act, 47 U.S.C. § 205(a), empowers this Commission to prescribe end user or carrier's carrier charges for any interstate or foreign service.

43. Although the rules we are adopting will not establish the precise charge for most access elements, we are establishing many of the steps that carriers must follow in order to compute access charges. Our Section 205(a) power to prescribe charges includes the power to prescribe steps in the computation of charges. We have exercised that power in the past in prescribing a rate of return that is to be used in computing charges and in prescribing an allocation of investment and expense among major service categories that is to be used in computing AT&T rates. Those actions were affirmed in *Nader* v. *FCC*, 520 F. 2d 182, 204 (D.C. Cir. 1975) and *MCI Telecommunications Corp.* v. *FCC ("ICAM")*, *supra*.

44. Section 205(a) provides in pertinent part that whenever "the Commission shall be of the opinion that any charge * * * is or will be in violation of any of the provisions of this Act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge * * *." Thus, this Commission must find that existing charges are or will be unlawful and that the new methods for computing charges will be "just and reasonable" in order to prescribe methods for computing charges pursuant to Section 205(a).[18]

45. Paragraph 28 of the *Second Supplemental Notice* states that disparities in access service compensation "may also indirectly result in end user rates which violate Section 202(a) of the Communications Act * * *." 77 FCC 2d at 230. We refrained from using conclusory language in that paragraph in order to afford persons who might wish to defend the *status quo* an opportunity to do so before we made a final determination with respect to the legality of the existing combination of access service compensation arrangements. We are now prepared to make such a determination.

46. Section 202(a) provides:

> It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communications services, directly or indirectly, by any means, or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

47. The portion of Section 202(a) that prohibits "unreasonable discrimination" in connection with "like services" was derived from Section 2 of the original Interstate Commerce Act, 24 Stat. 379. Section 2 of the Interstate Commerce Act was designed primarily to eliminate rebates to favored shippers that produced different charges for the shipment of the same quantity of the same commodity at approximately the same time.

48. The portion of Section 202(a) that prohibits "undue" preferences was derived from Section 3(1) of the Interstate Commerce Act, 24 Stat. 380. Section 3(1) of that Act was designed to remedy disparities in rates to different points that did not reflect actual cost differences. Although Section 3(1) was designed primarily to remedy the locality discrimination problem, the prohibition also encompassed excessive rate differentials for different commodities and shipments of different quantities of the same commodity.

49. In view of the origin of Section 202(a) the unjust discrimination prohibition must be interpreted as imposing a heavy burden upon telecommunications carriers to justify any differential in rates for like services and the undue preference prohibition must be interpreted as imposing a duty upon carriers to maintain rational and reasonable differentials for unlike services.

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could be billed separately for the service each carrier provides, but the end user usually pays one of the carriers and that carrier transmits money to the other carrier. The end user may pay a combination or end-on-end rate that is equal to the combined separate charges of the participating carriers. The end user may pay a joint rate and the carriers may divide joint rate revenues in accordance with an agreed or prescribed formula. Sometimes one of the carriers offers the service to the public and pays a charge to a connecting carrier for the use of the other carrier's facilities. We have used the term "carrier's carrier" charge to describe such an arrangement and have used the term "end user" to distinguish the ultimate user from a carrier or an enhanced service provider that obtains services as a customer of another carrier. The carrier's carrier charge arrangement produces essentially the same result as the remission of a "local" rate by a carrier that collected a combination rate charge. Changes in a carrier's carrier charge are not, however, automatically and instantaneously reflected in the rate that an end user pays.

[16] In *St. Louis Southwestern R. Co.* v. *United States*, 245 U.S. 135, 139 n.2 (1917), the Court defined "through route" as "an arrangement, express or implied, between connecting railroads for continuous carriage of goods from the originating point on the line of one carrier to destination on the line of another." The Court added (*id.*) "Through carriage implies a through rate. This 'through rate' is not necessarily a 'joint rate.' It may be merely an aggregation of separate rates fixed independently by the several carriers forming the through route * * *." The reports of the House and Senate Commerce Committees on bills that became the Communications Act of 1934 describe Section 201(a) as requiring carriers "to establish with other carriers physical connections, through routes, through rates, and divisions of through rates." Committee on Interstate Commerce, S. Rep. No. 781, 73rd Cong., 2d Sess., p. 4 (1934); Committee on Interstate and Foreign Commerce, H.R. Rep. No. 1850, 73rd Cong., 2d Sess., p. 5 (1934).

[17] *See United Telephone Co. of the Carolinas*, 54 FCC 2d at 289, 290 (1975), *Affirmed, United Telephone Co. of the Carolinas* v. *FCC*, 559 F. 2d 720 (D.C. Cir. 1977).

[18] Section 205(a) states that the prescription power may be exercised "after full opportunity for hearings, upon complaint or under an order for investigation and hearing made by the Commission on its own initiatives * * *." Notice and comment rulemaking proceedings are sufficient to satisfy that hearing requirement. *American Tel. & Tel. Co.* v. *FCC*, 572 F. 2d 17, 21–23 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978). Such proceedings also satisfy the Section 201(a) hearing requirement. *Bell Telephone Co. of Pennsylvania* v. *FCC*, 503 F. 2d 1250, 1264–66 (3rd Cir. 1974), cert. denied, 422 U.S. 1026 (1975).

50. The existing access service compensation arrangements do not produce results that are consistent with those Congressional objectives. This is scarcely surprising in view of the manner in which those arrangements evolved. Neither the carriers nor the regulators viewed access service as a distinct service before this Commission ordered the telephone companies to provide access service to the new "specialized" carriers.[19] The preexisting access compensation arrangements were by-products of managerial or regulatory decisions that were made for some purpose other than fixing access service compensation. Access service compensation for the new carriers could not be fixed in a manner that established parity with each of the preexisting services offered by the telephone companies or the old "other" carriers.

51. Comments from the carriers that receive access service compensation generally acknowledge that there is no system. Although comments from some carriers and some end users that indirectly pay access service compensation claim that any discrimination or preference problem can and should be remedied without changing the access compensation for some services, none of the participants has attempted to demonstrate that there is any reasonable or rational relationship to justify the wide disparities among the charges for access that are directly or indirectly levied upon users of the various interstate services that might satisfy the requirements of Section 202(a). It is readily apparent that it would be impossible to do so. Indeed, the current methods of recovering costs of jointly used non-traffic sensitive subscriber plant for MTS, open-end FX, CCSA and WATS services and the ENFIA services are totally different and produce widely differing results even though each service uses the same plant in the same manner. The FX and CCSA services pay local exchange rates for open end access, the MTS/WATS equivalent services must pay the higher ENFIA rates, and MTS and WATS pay even higher access compensation through the settlements and divisions of revenues process. The level of the ENFIA charge has been negotiated to reflect a discount from the MTS access compensation. It was also designed to produce a rate that is higher than the local exchange rate paid by FX and CCSA customers. Since no one has attempted to justify the disparate rates charged for like access services in this proceeding, we must find them to be unlawfully discriminatory. Moreover, the access compensation differences among services that do use exchange plant differently bear little relationship to actual cost differences. In the absence of any justification for such rate disparities, we must also find that such disparities violate the prohibition of undue preferences. We accordingly conclude that the existing combination of access service compensation arrangements violates Section 202(a) of the Communications Act.[20]

52. Moreover, the existing access compensation arrangements produce results that conflict with Congressional goals other than the elimination of discrimination or preferences that are discussed in Subpart II.D, *infra*. Congress has conferred broad powers upon this Commission in Section 4(i) of the Act, 47 U.S.C. 154(i), to adopt orders and regulations to achieve those goals. Those powers would be sufficient to enable us to adopt the access charge rules we are adopting in this *Report and Order* apart from the powers conferred by Sections 201(a) and 205.[21]

53. We believe that the procedures for computing access charges that we are prescribing in this phase of this proceeding are "just and reasonable" or "just, fair and reasonable" for purposes of Section 205(a). Several comments that were filed in response to the *Second Supplemental Notice* urged us to consider the then recent decision in *MCI Telecommunications Corp. v. FCC*, 627 F. 2d 322 (D.C. Cir. 1980), in deciding how to proceed in prescribing new access service compensation arrangements. That court concluded that a Section 205(a) just and reasonable warranty does not require absolute certainty and precision. After noting that WATS tariffs had remained in effect for several years after this Commission concluded that AT&T had failed to demonstrate that existing tariffs are just and reasonable, that Court declared (*id.* at 340):

> [The Communications Act] assumes that rates will be finally decided within a reasonable time encompassing months, occasionally a year or two, but not several years or a decade. The standard of "just and reasonable" rates is subverted when the delay continues for several years. Rate making theories may change; new information may become relevant; one proceeding may have to take account of another. But there must be some reasonably prompt decisionmaking point at which the FCC says: "To the best of our knowledge and expertise at this time, the rates are just and reasonable. Perfect, perhaps not, but just and reasonable, yes." That is all the statute requires.

54. Thus, a prescribed rate is just and reasonable for purposes of Section 205(a) if it represents the best approximation of a rate that satisfies all statutory requirements that this Commission is capable of devising within a reasonable period of time. We proceeded on that assumption when we adopted an *Interim Cost Allocation Manual* for AT&T services that we described as "far from perfect." *Amer. Tele. and Tele. Co., supra*, 84 FCC 2d at 411. The Court of Appeals for the District of Columbia Circuit affirmed that exercise of our Section 205 prescription powers. *MCI Telecommunications Corp. v. FCC (ICAM), supra.*

55. The rules we are adopting in this order are designed in part as a replacement for ICAM allocations of exchange and certain interexchange plant costs. We believe that these rules represent a significant further improvement. In light of the Court of Appeals interpretation of the Section 205(a) warranty requirement, we can and do warrant that the rules for the computation of access charges and the allocation of access charge revenues that we are prescribing are "just and reasonable."[22]

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[19] *See Specialized Common Carrier Services*, 29 FCC 2d 870, 940 (1971), *affirmed sub nom. Washington Utilities and Transportation Commission v. FCC*, 513 F. 2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975). See also *Bell System Tariff Offerings*, 46 FCC 2d 413 (1974), *affirmed sub nom. Bell Tel. Co. of Pennsylvania v. FCC, supra.*

[20] That conclusion is reinforced by the observations in a December 17, 1981 MCI filing. That filing was styled as a complaint, but could not be processed as a complaint because it was not directed at any existing tariff. We accordingly decided to incorporate that document as a comment in the access charge phase of this docket. *See Extension of ENFIA Agreement*, 90 FCC 2d 0, 9, n.3 (1982) *review pending sub nom. MCI Telecommunications Corporation v. FCC*, D.C. Cir. No. 82–1553. That MCI filing argued that "local exchange service" provided to business customers with PBXs, foreign exchange customers, WATS extension customers, Federal Telephone System customers, value-added carriers, domestic record carriers, international record carriers, time sharers and CCSA customers, was functionally identical to "local exchange service" provided to MCI. MCI requested that the Commission issue an order requiring that unlawful discrimination promptly be eliminated. As a result of this *Report and Order*, any discrimination among interstate services will be eliminated.

[21] In *Nader v. FCC, supra*, the Court observed (520 F. 2d at 203): The discretion that must be afforded the Commission in the exercise of its ratemaking power is enhanced by Section 4(i) of the Communications Act, 47 U.S.C. 154(i) (1970), which gives the Commission the power to issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions.

[22] Our decision to adopt the ICAM at that time was based in part upon our desire to comply with the Court of Appeals schedule for the resolution of some questions relating to WATS tariffs. Similar considerations have caused us to conclude that we should not defer the adoption of access charge rules

C. Effect of Dual Regulation Upon Commission Powers

56. A number of participants have asserted that this Commission cannot prescribe particular types of access charges or cannot prescribe access charges at this particular time because such actions would intrude upon the jurisdiction or prerogatives of state regulatory commissions. One participant has even asserted that this Commission cannot prescribe interstate access charges of any kind because such power is vested in the state commissions.[22]

57. We believe the latter claim reflects a misconception with respect to the nature of jurisdiction to regulate interstate commerce. Any action of this Commission that establishes or prescribes charges for the origination and termination of interstate services cannot appropriately be described as a "preemption" of state regulation because such charges are appropriately within the federal jurisdiction, not state jurisdiction. Federal rate regulation began with the enactment of the Interstate Commerce Act in 1887. The creation of a federal commission to regulate interstate rail rates was prompted in part by the Supreme Court decision in *Wabash, St. Louis & Pacific Railway Co. v. Illinois,* 118 U.S. 557 (1886), that held that state legislatures and state commissions cannot regulate rates for interstate railroad shipments because such regulation is precluded by the Commerce Clause of the United States Constitution. The Interstate Commerce Act filled the gap in railroad regulation that was created by the *Wabash* decision. That Act was amended in 1910 to fill a similar gap in telecommunications regulation. The Communications Act of 1934 transferred jurisdiction to regulate interstate and foreign telecommunications rates from the Interstate Commerce Commission to this Commission.

58. The origination or termination of an interstate communication, including the use of a local loop between an end user's home or office and a local switch of a local exchange carrier, is necessarily a part of an interstate communication.[24] It is as much "in commerce" as the interexchange trunk that actually crosses a state line. If the *Wabash* principle is still applicable, the states would not acquire jurisdiction to regulate rates for such interstate access even if this Commission were abolished.

59. The Supreme Court's decision in *Smith v. Illinois Bell, supra,* supports this view of federal jurisdiction. In *Smith* the Court considered the validity of a state public utility commission prescription of telephone rates based on evidence that made no distinction between the interstate and intrastate uses of jointly used telephone property. The telephone companies and the regulators had been using a "board-to-board" separations methodology to determine toll and local exchange rates. The toll rates reflected transmission costs from one long distance switchboard to another. All the costs we have described as NTS and some of the traffic sensitive exchange plant costs were reflected in local exchange service rates. The Supreme Court concluded that the board-to-board method was improper. The Court said (*id.* at 148):

> The separation of the intrastate and interstate property, revenues and expenses of the company is important not simply as a theoretical allocation to two branches of the business. It is essential to the appropriate recognition of the competent governmental authority in each field of regulation.

60. We reject claims in some comments that the *Smith* decision in some way precludes this Commission from establishing any flat rates for interstate access.[25] The Supreme Court did not purport to determine whether state or federal commissions should mandate flat or usage rates or some combination of flat and usage rates for exchange or toll services. Such rate structure questions were not presented in that case and were not discussed in the opinion. The Court merely attempted to ensure that state or federal regulators do not exceed the limits of their respective powers when they determine economic and social policy questions that have been entrusted to their judgment.

61. The decision to exclude interstate access from local rates could have been implemented by including the interstate access costs in flat or usage rates regulated by federal regulators without violating any express or implicit directive in the *Smith* opinion. AT&T made the decision to recover the interstate exchange plant costs on a usage basis when it recomputed its interstate investment and expenses in 1943 to reflect some exchange plant costs in interstate MTS rates. It had always imposed distance-weighted usage charges upon MTS customers and did not change the pre-existing rate structure when some NTS costs were added to the MTS costs. The NTS exchange plant costs represented a relatively small part of interstate MTS costs at that time. Changes in relative costs and separations allocations during the intervening years have caused NTS costs to become a very significant part of MTS costs. No opinion of this Commission prior to the *Fourth Supplemental Notice* discusses legal, economic or policy implications of recovering the NTS portion of MTS costs through flat or usage charges. Thus, the inclusion of flat charges in an access charge plan does not conflict with precedent. It merely alters a carrier-initiated practice that appears to be the product of historical accident.

62. We accordingly conclude that this Commission's discretion to establish flat or usage charges or some combination of flat and usage charges for interstate access is not inconsistent with past court or Commission decisions.

63. Some comments have expressed the view that we are required to consult with state regulators though the Joint Board mechanism before we make any final decision to adopt an access charge plan.[26] We received extensive comments with respect to the appropriate role of a Joint Board in response to the *First Supplemental Notice*. We concluded in the *Second Supplemental Notice* that a Joint Board referral of questions with respect to interstate rates and the apportionment of interstate costs among interstate services would not be necessary or desirable. 77 FCC 2d at 236.

64. Most who claim that a Joint Board must or should be consulted claim that interstate access charges will affect jurisdictional separations.[27] Section

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in order to achieve further refinements. The MFJ will cause the filing of BOC access charge tariffs that will become effective on the day of divestiture unless we reject or suspend the tariffs. The public interest would not be served if we allowed BOC access charge tariffs to become effective and implemented a significantly different methodology a few months later. We have decided that we should act now in order to establish Commission access charge rules that can be implemented at the beginning of 1984.

[22] District of Columbia Public Service Commission, pp. 2–4.

[24] *See, e.g., New York Telephone v. FCC,* 631 F. 2d 1059 (2d Cir. 1980).

[25] *See* Kansas Corporation Commission, p. 8; California Public Utilities Commission, p. 3; Haviland Telephone Co., p. 6; NARUC Reply, p. 8; Roseville Reply, p. 4.

[26] *See* Kansas Corporation Commission Staff, pp. 1–2; Michigan Action Group, p. 6; NARUC, p. 4; Missouri Public Service Commission Staff, pp. 2–3; Michigan Public Service Commission, p. 4; California Public Utility Commission, p. 3; Rural Telephone Coalition, pp. 43–48; REA, p. 2; Haviland Telephone Co., p. 5; Utah Public Service Commission, p. 2; Ketchikan Public Utilities, pp. 3, 10; Rural Coalition Reply, p. 41; NARUC Reply, pp. 8–9.

[27] We are using the term "separations" to describe the process of apportioning investment and expense between the interstate and intrastate jurisdictions. We are not using the term "separations" to describe the divisions/settlements process that is described in the *Second Supplemental Notice. Id.* at 226–228.

410(c) of the Communications Act, 47 U.S.C. 410(c), requires that this — Commission obtain an Initial Decision of a Joint Board composed of three federal and four state commissioners before we adopt any change in separations rules.

65. The Missouri Public Service Commission Staff claims a Joint Board referral is mandatory because the implementation of access charges will affect the results that are produced by any separations formula. We do not believe Section 410(c) requires any Joint Board consideration of decisions that merely indirectly affect separations results. Every rate decision by this Commission or any state commission has some effect upon separations results. The regulatory processes would be paralyzed if consultation were required before a state or federal commission adopted any decision that affects separations results.

66. Most participants who say that interstate access charge questions should be referred to a Joint Board contend that the adoption of access charges rules will affect the final decision in the pending Docket 80-286 proceeding to reexamine separations rules for the apportionment of exchange plant. NARUC and the Rural Telephone Coalition even assert that the outcome of that proceeding will be "foreordained" by any decision to adopt rules for the computation of interstate access charges. *See* NARUC Reply, p. 9.

67. Such fears are unfounded. We have, of course, asked the Joint Board to consider consistency with access charges in formulating its recommendations for separations changes. *Amendment of Part 67 of the Commission's Rules*, 78 FCC 2d 837, 845 (1980).[28] We have also necessarily made some assumptions with respect to the likely outcome of the pending separations proceeding in order to devise access charge rules that can be implemented in 1984. These actions should not be interpreted as a final decision upon the part of this Commission with respect to questions in Docket No. 80-286 and should not be interpreted as inhibiting the discretion of the Joint Board in formulating its recommendations. If the final decision in that proceeding departs from our current assumptions in a manner that requires a revision of the access charge rules, we will, of course, revise the rules we are adopting in this *Report and Order*.

68. Some participants have recommended that we either refer access charge questions to the Docket 80-286 Joint Board or defer action on access charges until we make a final decision with respect to separations changes in order to avoid the possibility that access charge rules may have to be revised to fit unanticipated separations changes. We have concluded that such a course would not be desirable under the present circumstances because a delay of a few months in the adoption of access charges would not allow sufficient lead time to enable carriers to prepare access charge tariffs that can be filed on or before October 3.[29] If BOC access charges that are not based upon these rules become effective at the beginning of 1984 and radically different charges were substituted a few months later, we could expect considerable confusion and disruption. Such a scenario would be likely to create far greater problems than any changes that might be required to adapt access charges to fit unanticipated separations changes.[30]

69. Some participants have suggested that we refer access charge questions to a Joint Board because they hope that such a proceeding would produce a consensus among all regulators that would enable carriers to compute interstate and intrastate access charges in the same manner. It appears doubtful that such a consensus would emerge within a short period of time. Some participants have proposed alternative methods to achieve unified access charges. SBS has proposed that we preempt state regulation of intrastate access charges and others have suggested that we delegate responsibility for interstate access charges to the state commissions. We rejected somewhat similar suggestions when we adopted the *Second Supplemental Notice*. 77 FCC 2d at 232.

70. Unified access charges conceivably might be achieved without new legislation by assigning 100% of the exchange plant investment and related expenses to one jurisdiction or the other. Such a change in jurisdictional separations would, of course, have to be considered by a Joint Board in the first instance. The Joint Board has recently invited comments with respect to the legality and desirability of a 100% assignment of NTS costs in Docket 80-286. *See* para. 13, *supra*.

71. We believe there is reason to hope that a considerable degree of uniformity will in fact emerge even though this *Report and Order* does not require that state commissions follow this Commission's approach to charging for access. The same considerations that have led us to conclude that our plan is an appropriate strategy for reducing discrimination may lead many state commissions to reach similar conclusions. Moreover, all commissions will necessarily recognize that administrative efficiency is served when a single approach to structuring access charges for long distance use of local plant is adopted. State commissions that do not choose to recover all costs in precisely the same way will undoubtedly find many of our methodologies helpful. State commissions will also have an incentive to adopt end user charges because failure to adopt a similar approach to the recovery of non-traffic sensitive costs assigned to state toll would increase toll rate disparity.[31]

72. Our access charge plan for NTS plant is based upon the following four principles. First, it is important to move towards collecting these costs from customers rather than carriers and on a flat rather than on a usage sensitive basis. Second, it is important to accomplish the transition to flat rates in a smooth and measured way. Third, it is vital to ensure that the plan does not threaten the universal character of telephone service. Fourth, the plan should provide for sufficient flexibility so that telephone companies serving dramatically different service areas can adopt transitional approaches that best serve their unique areas.

73. While the precise timing and mechanics of our access charge plan are based upon the interstate telecommunications market, we believe that these same four principles can serve as the basis for appropriate and acceptable state access charge plans. Obviously, the precise minima, maxima and transition periods would reflect not only unique state usage characteristics but also the level of NTS assignment to state toll service. We stand ready to provide technical or other assistance to

[28] Part III of the *Joint Board Order* discusses possible separations changes to achieve consistency with access charges.

[29] Access charges must be filed on October 3, 1983, to provide a full 90 days notice before a January 1, 1984 effective date.

[30] Many decisions that affect the computation of access charges will, of course, be made in the separations proceeding. For example, the size of the Universal Service Fund, the characteristics of participating exchange carriers, and the formula that indirectly determines Fund distributions to particular local exchange carriers will be determined in Docket 80-286 after an Initial Decision of that Joint Board.

[31] Toll rate disparity describes the condition that occurs when, because of different ratemaking philosophies adopted by the federal and state jurisdictions and other factors, a call of given duration is priced at different levels depending upon whether it is intrastate or interstate. Toll rate disparity sometimes results in a price for a call to a city in the same state that is much higher than the price for a call to a more distant city in another state.

state commissions that wish to integrate their access charge plans with the interstate approach. This integration would also be appropriate, technically feasible and reasonable with respect to traffic sensitive plant.

D. Effect of Section 1 Upon Commission Discretion

74. Although we are establishing rules for the computation of interstate access charges in order to remedy discrimination and preferences that violate Section 202(a) of the Communications Act, we are also required to consider other policies in designing an appropriate remedy. A variety of different methods could be used to produce access charges that do not result in unreasonable discrimination or undue preferences. We must be guided by Congressional goals expressed in Section 1 of the Act, 47 U.S.C. 151, in choosing among such methods. We observed in the *First Supplemental Notice* that "[a]ll provisions of the Act must be read in the light of that statement of purpose." 73 FCC 2d at 230.

75. Section 1 provides in relevant part:

> For the purpose of regulating interstate and foreign commerce in communications by wire and radio so as to make available, so far as possible, to all people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, * * * there is hereby created a commission to be known as the "Federal Communications Commission," * * * which shall execute and enforce the provisions of this Act.

76. The *First Supplemental Notice* said (73 FCC 2d at 230):

> The reference to the rapidity and efficiency of service and the adequacy of facilities obviously means that Congress wanted to maintain and enhance the quality of communications services. The reference to reasonable charges demonstrates that Congress was also concerned with the level of rates and expected this Commission to follow policies which would minimize the cost of communications services to ultimate users. This concern with the cost and quality of service demonstrates that economic efficiency is one of the goals of the Act.

77. An efficient communication service could also be defined in a narrower sense as efficient utilization of a network that enables a carrier to provide service at the lowest possible unit cost. Customer choices that affect the utilization of a network are necessarily influenced by the rate structure. Therefore, the creation of customer incentives that will promote efficient network utilization necessarily must be one of the objectives of any rate structure proceeding.

78. The bypass phenomenon that we discussed in the *Fourth Supplemental Notice* can be viewed as a network utilization problem. Diversion of traffic to bypass facilities that are in fact more costly than the access facilities provided by the local exchange telephone companies obviously would not promote efficient utilization of telecommunications facilities. Therefore, we concluded that discouraging uneconomic bypass must be one of the criteria for the design of an access plan.

79. The *Fourth Supplemental Notice* identified a fourth objective in addition to eliminating discrimination or preferences, promoting efficient network utilization generally, and discouraging uneconomic bypass. We said that an access charge plan should be designed to "limit any substantial setback in the availability of telephone service" (90 FCC 2d at 147) and noted that some options could produce "an increase in the price of access to the public network, and a possible reduction in the subscriber base." *Id.* at 140.

80. Most participants who filed comments in response to the *Fourth Supplemental Notice* apparently agree that encouraging persons to subscribe to local exchange service must be one of the objectives of this proceeding. This is usually described as the "universal service" objective or goal. The term "universal service" has rarely been defined. Most participants apparently agree that "universal service" has existed on a nationwide basis for several years. In the context of this proceeding a "universal service objective" means avoiding actions that would cause a significant number of local exchange service subscribers to cancel that service.

81. Although interstate access charges will not have any effect upon local exchange service rates, a customer's decision to subscribe to local exchange service will necessarily be affected by the combined fixed charges that a customer must pay to access all services from a terminal in his own home or place of business. One could not describe every increase in fixed charges subscribers must pay for local, intrastate toll and interstate access as conflicting with a universal service objective. Such a conflict would arise only if the magnitude and timing of any increase in the fixed charges were sufficient to cause a significant number of subscribers to cancel service.[33]

82. Although most participants apparently agree that universal service is one of the goals of the Act, MCI has questioned the existence of such a statutory goal. Comments, p. 5, Reply, pp. 5–6. The term "universal service" does not appear in the Communications Act and the existence of a universal service goal may not be self-evident from the language Congress used to describe its purposes in Section 1.

83. The *First Supplemental Notice* noted that making service "available * * * to all the people of the United States * * * at reasonable charges" could mean that "Congress wanted to create conditions in which such services, or some of them, are 'affordable' to all." 73 FCC 2d at 231. We also said: "While this may be a credible interpretation of Section 1, it does not appear to be the only possible interpretation." *Id.* We have now concluded that the "available * * * to all" language does contemplate that telephone exchange service should be made available at reasonable rates. Such a universal service goal should also be inferred from the Congressional declaration that "promoting safety of life and property through the use of wire and radio communication" is one of the purposes of the Act. A subscription to local exchange service can be useful for safety purposes.

84. Many of the participants have argued that the relative universality of service affects the value of a telecommunications service for all users of a service. If some persons elected to cancel local exchange service, other customers would not be able to place local or long distance calls to those persons. Even if economic efficiency were the sole goal of the Act, a diminution of universal service might reduce economic efficiency in a broader sense.

85. In addition to those four objectives, we necessarily must consider the competitive effects of alternative rate structures. We concluded in the *Third Supplemental Notice* that a competitive interexchange market structure will further the goals of the Communications Act. If identical access services were offered to all competing interexchange carriers, we could assume that cost-based access charges will lead to an optimal interexchange market structure. This is not the case today and it will not be possible to remedy all inequalities in access service offerings before the initial access charges become effective. Therefore, preserving an

[33] Appendix G of this *Report and Order* describes and discusses past studies of the effect of rate increases upon demand for local exchange telephone service.

opportunity for fair competition during a transition period must also be viewed as an objective that will further the goals of the Act.

86. The relative priorities that should be afforded goals or factors that can be inferred from Section 1 is an open question. The priorities question was also discussed in the *First Supplemental Notice*. Paragraph 24 said (73 FCC 2d at 231):

> Some comments have suggested that we establish relative priorities in this Supplemental Notice which will be observed if some of the explicit or implicit goals of the Act conflict. It would be unwise to assign any priorities at this time. It seems unlikely that Congress intended to give priority to any particular goal under all conceivable circumstances. A public interest determination is necessarily a balancing process which requires the exercise of judgment, and different goals may take precedence depending on the facts of each case. Therefore, we shall wait until the facts have been developed in the record before we attempt to set priorities for goals in this case.

87. Although those observations related primarily to the entry policy question and a Section 214 public interest determination, we believe that a similar balancing process is required when we exercise our Section 201(a) power to establish through rate divisions or our Section 205 or Section 4(i) powers to prescribe steps in the computation of a charge.

88. An ideal access charge plan would eliminate all discrimination or preferences within or among services, create incentives for the most efficient utilization of all telecommunications facilities, discourage all uneconomic bypass, ensure that no local exchange service subscriber cancels that service, and establish full and fair competition in the interexchange services market. All of those objectives could not be fully accomplished simultaneously and immediately even if we had perfect knowledge. Therefore, we necessarily must exercise judgment and discretion in devising an access charge plan that takes all of those objectives into account.

89. Neither the language of the Act nor past court or Commission opinions preclude this Commission from striking a reasonable balance. On the contrary, Congress undoubtedly anticipated that an exercise of judgment would be required when he required when it declared that it was creating this Commission in order to achieve multiple purposes "so far as possible." Congress conferred broad discretion upon this Commission in order to enable us to fulfill that mandate.

III. Guidelines for Recovery of NTS Costs

A. Alternative Strategies For Reducing Discrimination

90. Exchange plant that an end user or subscriber would need in order to use any local or long distance service is often described as non-traffic sensitive or NTS plant because the cost of providing such equipment does not vary with usage. NTS encompasses all equipment that a subscriber would need to access the local exchange switch including terminals and other customer premises equipment, the protection block and drop wire and the line or loop between the customer's premises and a local exchange switch or a manual switchboard.

91. A portion of a local dial switch is also classified as non-traffic sensitive plant for separations purposes in order to segregate costs of terminating a line in the switch from the costs of switching. We proposed to include such costs in a non-traffic sensitive element in the tentative plan described in the *Second Supplemental Notice*. We subsequently asked a Joint Board to reexamine the classification of local dial switching equipment.[33] Inasmuch as that proceeding may produce new classifications we have decided that it would not be appropriate to include any local dial switching equipment in an NTS access plan at this time.

92. In order to achieve parity between interstate and international services that use the same subscriber line that is used for local exchange service and other services that are close substitutes for such services, an NTS plan must include comparable facilities that are used by such substitute services. Therefore, for purposes of this *Report and Order* NTS also includes portions of various lines on the customer's side of the class 5 or "end office" that are dedicated to a particular service. These include a WATS access line, an FX or CCSA "closed end" line, or a "private line" terminating in a PBX or other customer premises equipment that may be used for local exchange service. Our NTS plan does not encompass customer side dedicated lines that do not terminate in such equipment.

93. In the *Second Supplemental Notice* we presented a tentative plan to achieve parity among such services by apportioning the total NTS costs among four service categories—MTS/WATS, FX–CCSA Open End, OCC–ENFIA and Private Line—on the basis of relative use. This would have represented a substantial departure from the cost apportionment that is presently used to compute private line rates. The *Separations Manual* has generally assigned the entire cost of facilities that are used exclusively for interstate service to the interstate jurisdiction and has usually apportioned the cost of facilities used jointly for interstate and intrastate calling. A usage-based formula has traditionally been used to apportion jointly used NTS facilities between the jurisdictions. For ratemaking purposes all costs of AT&T assigned to the interstate jurisdiction are apportioned among interstate service categories through the *ICAM*.[34] The costs assigned by the *ICAM* to private line services are, in general, based upon the assignment of these costs to the interstate jurisdiction. Thus, the present rates for private line services reflect the "directly assigned" costs of private line loops. Inasmuch as private line customers normally have very high usage per line as compared to MTS customers, a usage cost allocation would produce a per line assigment to private lines that is much higher than the per line cost that is directly assigned under the *Separations Manual*.

94. Many of the comments that were filed in response to the *Second Supplemental Notice* contended that it would be unjust, inequitable and unlawful to compel private line customers to pay charges that are based upon a cost assignment that exceeds the actual cost of the line they use. Many of those comments also contended that a usage assignment of such fixed costs would be uneconomic because it would discourage usage by pricing the facilities in a manner that greatly exceeds the actual costs of the private line loops.

95. Those arguments caused us to reexamine the assumption that discrimination or preferences between private line and MTS users could best be corrected by assigning all NTS costs on a usage basis. The ratemaking principles advanced in those comments would compel the conclusion that the existing MTS rate structure is incorrect because the usage rates for MTS allocate some fixed costs on a usage basis. The same arguments would support the conclusion that the MTS rate structure compels large MTS users to subsidize other MTS users because a large user of that service would pay NTS costs that substantially exceed the cost of the NTS facilities such a customer uses to make MTS calls. That analysis also suggests

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[33] *Amendment of Part 67 of the Commission's Rules*, *supra*, 78 FCC 2d at 942.

[34] *See* footnote 6, *supra*. With some exceptions the other telephone companies concur in AT&T's tariffs for MTS, WATS and private line service.

that the increasing use of private lines for purposes that could be served by MTS reflects an effort to avoid the subsidy that is inherent in the MTS rate structure and that private lines are being used inefficiently to serve purposes that from a network standpoint could be accomplished more economically through MTS.

96. The discrimination or preference problem could not be solved by maintaining the *status quo*. If one assumes that all users of competing services should pay per minute charges for NTS, total equality could be achieved by apportioning total NTS costs among such services on the basis of minutes of use. If one assumes that all users of competing services should pay per line charges, total equality could be achieved by continuing to assign private line NTS costs on a direct assignment basis and revising the MTS rate structure to include a flat charge for NTS and a reduced usage charge for the other exchange and interexchange facilities that are used to place an MTS call. We described those alternatives as "pure strategies" in the *Fourth Supplemental Notice* because they would produce equality on a per minute or on a per line basis. For convenience, we called the usage apportionment described in the *Second Supplemental Notice* "Pure 1" and the per line apportionment alternative "Pure 2."

97. Section 202(a) of the Communications Act does not require total equality of rates at all times or under all circumstances. The Act prohibits "unjust or unreasonable" discrimination, "undue or unreasonable" preferences, and subjecting persons or localities to an "undue or unreasonable prejudice or disadvantage." This necessarily implies that departures from total equality are permissible and may be required to achieve Communications Act goals other than the elimination of discrimination or preferences. The *Fourth Supplemental Notice* accordingly invited comments upon "mixed" strategies that might combine usage and flat charges or usage and fixed cost apportionments. We described two examples of such "mixed strategies" in that *Notice* and invited interested persons to suggest other alternatives. The *Notice* called the two examples "Mixed 1" and "Mixed 2" for convenience. "Mixed 1" would have allocated NTS costs between MTS/WATS and private line service using "equivalent lines." While the charge for private line users would have been a flat rate, each would be required to participate in the "contribution" to the local revenue requirement embodied in an interstate revenue requirement based on the subscriber plant factor. The "Mixed 2" strategy would have continued charging for private line services on a dedicated basis, but would have imposed a new rate structure on MTS. Under this plan, customers would be charged a usage based rate for recovery of NTS costs up to a cap. After this point, no additional NTS contribution would be required. Thus there would be economically efficient pricing for those calls made after the cap was reached.

98. Our decision to invite comments on alternative plans was based on developments that had occurred since the adoption of the *Second Supplemental Notice* and that suggested that Pure 1 might not be feasible even if we concluded that per minute equality would be ideal. At the time we adopted the *Second Supplemental Notice* we assumed that a reapportionment of costs among service categories would produce a shift from telephone company private line services to MTS that would enhance efficient utilization of the telephone companies network by discouraging the use of service-dedicated lines for purposes that could be served by the use of lines that can be commonly used for multiple services to multiple points. We also assumed that the reallocation of costs would produce a reduction in MTS rates.

99. The comments that were filed in this proceeding in 1980 did not dispute those assumptions, but some of the 1981 comments in the Joint Board proceeding did. Several of those comments noted that new technologies provide alternatives to the use of any telephone company loop for the origination or termination of interexchange telecommunications. Some asserted that any change in rate structure that increases telephone company private line charges would cause private line users to shift to such alternative services. Some also asserted that the access compensation that is reflected in MTS rates must also be reduced in order to avoid a shift to alternative technology services that "bypass" all telephone company facilities.

100. The subsequent settlement of the AT&T anti-trust case caused us to conclude that bypass may be an even more imminent possibility than it originally appeared to be. AT&T would have a much greater capability to provide bypass services on a large scale than other entrants in interexchange markets. AT&T would not have any incentive to do so as long as it retained a massive investment in local exchange facilities. The divestiture of all of its local exchange facilities would remove that inhibition.

101. The selection of a cost apportionment method necessarily affects the decision to prescribe end user or carrier's carrier access charges or some combination of such charges. Although some access charge options might be implemented through any of those methods, the Pure 2 alternative necessarily requires flat rates that are assessed upon end users in order to ensure that each end user pays the fixed costs that are attributable to NTS facilities that are dedicated to that particular user. Such a flat end user charge also must be collected by the exchange carrier because the subscriber line that is used for MTS access can be used for other interstate services including open end WATS, FX and CCSA originations and terminations and switched services offered by carriers that compete with AT&T interexchange services. The *Fourth Supplemental Notice* assumed that Pure 1 or Mixed 1 would be implemented through carrier's carrier access charges and Mixed 2 would be implemented through end user charges.

102. Each of the plans received support from at least some of the participants who responded to the *Fourth Supplemental Notice*. Several states and small telephone companies preferred the Pure 1 scheme. Mixed 1 received some support from commenting parties. This approach was supported (at least as an interim measure) by several participants who were convinced that a Pure 1 approach was overly restrictive.[35] Participants supporting this approach argued that private line users should be expected to contribute to the support of the nationwide system. To some extent the support for Mixed 1 appeared to be based on the perception that this approach represents a relatively small deviation from the current rate structure.

103. Pure 2, or some variation of Pure 2, was supported by many of the participants who filed comments in response to the *Fourth Supplemental Notice*. Most of the support for Mixed 2 came from those who saw it as the first step toward a Pure 2 approach. However, while the concept of a rate structure combining a flat fee with a usage-based charge to recover NTS costs received considerable support, the Mixed 2 scheme itself was viewed by most participants as unviable. Because many customers make few or no calls in any one period, and because the

[35] *See, e.g.*, Comments of Florida PSC, Michigan PSC Staff, NARUC, Oregon PUC, Washington UTC.

interstate jurisdiction is assigned NTS costs regardless of the actual use of those facilities, both the charge per unit of use and the cap would have had to be so great that the benefits of cost-based pricing would have been denied to most consumers. Thus, even those participants supporting a rate structure that combined a usage charge with a flat fee were almost unanimous in recommending that each end user be assessed some flat fee for access to the network regardless of his actual usage.

104. We have decided that none of the access charge options presented in our *Fourth Supplemental Notice* is entirely satisfactory. The access charge plan that we are adopting herein is more complex, and we believe it fair to say more sophisticated, than any of these options. Our new plan, however, incorporates elements of the options in the *Fourth Supplemental Notice* and reflects the ideas and suggestions expressed in many of the comments.

105. The pure strategies that were discussed in the *Fourth Supplemental Notice* do have the advantage of providing for a uniform rate structure for MTS and WATS service on the one hand, and private line services on the other. This is an important advantage because we have found that it is virtually impossible to eliminate discrimination among services while maintaining the current MTS/WATS structure and encouraging cost-based rates for other services. We have attempted for many years to eliminate unreasonable discrimination among private line, WATS, and MTS services. These attempts have imposed heavy burdens on users, carriers, and on the Commission, but have achieved, at best, mixed results. We conclude that the costs associated with the nontraffic sensitive plant used to provide these services must ultimately be recovered through charges based on the same rate structure.

106. These NTS facilities are essentially identical regardless of the service with which they are associated. Specifically, all of these facilities include access loops and associated wire and CPE that are dedicated to particular customers and allocated to the interstate jurisdiction. We have found in Part II. B, *supra*, that the rate structures for recovering the costs of these similar facilities are very different and result in unlawful discrimination. Only by charging for these facilities on a similar basis can the problems of discrimination be resolved.

107. Although the Pure 1 approach would have the advantage of charging all facilities on the same basis, we must reject the Pure 1 option. Comments by numerous participants have convinced us that bypass is an actual threat and present danger.[36] For this reason, and because of the dynamic economic distortions that Pure 1 would impose on the U.S. economy, we find Pure 1 to be an unacceptable solution.[37]

108. In the *Fourth Supplemental Notice*, we asked whether large users were likely to abandon the network if they were forced to pay prices equal to those paid by MTS users (the Pure 1 approach). Numerous comments indicated that bypass is real. Even with today's rate structure, which allows many large users to escape paying the full MTS rate through use of private line or other services, many large corporations and state, local, and federal governments are planning or using facilities that bypass the local loop. Newly available technologies such as digital termination service (DTS) and cellular radio provide valuable new services in their own right, but may also be used to provide uneconomic bypass if access pricing continues to diverge from cost. Alternative means of resolving unlawful discrimination among services (such as the plan proposed in the *Second Supplemental Notice)* would encourage still more bypass.

109. Because users have alternatives to the traditional telephone network, it is increasingly difficult to force heavy users to pay rates that greatly exceed their costs. Such users would abandon the network, leaving the small consumers who have fewer options with the full costs of the network. Indeed, attempts to overrecover cost from those groups most able to escape these charges may backfire and result in inferior service to large and small users alike.

110. Many participants responded to our expressed concern with the effects of uneconomic bypass by suggesting that we use our powers under Section 214 of the Communications Act, 47 U.S.C. 214, to deny authorizations to construct facilities that would bypass local telephone company facilities.[38] We reject that suggestion. We noted in the *Fourth Supplemental Notice* that a flat prohibition of bypass services would not be desirable because bypass services can serve functions that are not adequately served by existing telephone company services. We also noted that overpricing of telephone company services could lead to the substitution of bypass services that may in fact be more costly to provide than telephone company services that could serve the same purpose. We concluded that access charges should accordingly be designed to avoid this "uneconomic bypass" and invited interested persons to comment upon the compatibility of various pure or mixed NTS access plans with that objective.

111. We continue to adhere to this view. Development of bypass technology provides a competitive spur to ensure that the telephone system offers the type of service that is in demand and is technologically feasible. In many cases it may be appropriate to use some service other than the traditional wireline carrier. We are simply not in a position to determine what constitutes an uneconomic "bypass" service and what is a wholly new service that will attract a new set of users and enhance the ability of all users to make full use of telecommunications service-potential. For example, some comments assert that cellular services constitute a bypass technology. We have concluded, however, that cellular radio is a distinct service that serves distinct needs and that cellular service could be complementary to existing wireline service. Indeed, a given technology may be the efficient means of providing service to certain groups yet constitute uneconomic bypass for other services or groups.

112. In addition to the bypass problem, long run reliance upon usage-based prices for the recovery of fixed-costs will distort economy-wide investment decisions, artificially restrict calling patterns, and may jeopardize the competitive position the U.S. now holds in the world marketplace. In comments filed in response to the *Fourth Supplemental Notice,* NTIA has estimated that non-cost based pricing results in a $1.7 billion annual consumer loss due to repression of calls that would have been made at rates equal to cost. While we have some questions concerning the methodology used in this study, we find the prospect of losses of such a magnitude to be deeply disturbing.[39]

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[36] *See, e.g.*, comments of Aeronautical Radio, Inc.; American Petroleum Institute; Association of Data Communications Users; AT&T and BOCs; Centel; Executive Agencies of the United States; Florida PSC; IBM; Ketchikan Public Utilities; Nevada PSC; NTIA; Pennsylvania PSC; Rochester Telephone; SBS; Southern New England Tel (SNET); Southern Pacific Communications (SPC); United Telephone System, Inc.; USITA; Western Union.

[37] Such distortions include the misdirection of investment and industry from paths that make the most productive use of communications to paths that respond to non-cost related communication pricing. For example, the development of computer and related technologies could be inhibited by such a rate structure.

[38] *See, e.g.*, NARUC and Rural Telephone Coalition comments.

[39] In an independent study, James Griffin estimates this loss (including the loss due to

113. Cost-based rates provide correct signals to the marketplace. Both investors and consumers are certain to respond to such cost-based rates by redirecting their behavior in ways that redound to the benefit of the U.S. economy. In the short run, substantial growth in toll calling could be expected as consumers make better use of the network. In the long run, technologies that make more intensive use of the telecommunications system will create even larger benefits. In an economy increasingly dependent upon information and communications, the dynamic losses caused by investment misdirection can no longer be afforded.

114. Arguments against the Mixed 1 option were similar to those leveled against Pure 1. As with the Pure 1 approach, rates for private line users would be substantially increased. As with Pure 1, it was argued that such substantial rate increases would result in bypass and in economic inefficiency. Several of these participants also argued that the means by which the contribution would have been allocated between private line and message services under Mixed 1 was arbitrary.[40]

115. We are persuaded that either the Pure 1 or Mixed 1 approaches would result in rates that are unrelated to costs for an important class of users and that any subsidy that could be collected from these rates would be shortlived. As users who are best served by the telephone network found lower priced (though higher cost) alternatives, society as a whole would be the loser and the public interest would be disserved.

116. The Mixed 2 plan would eliminate much of the discrimination between private line and message services through use of a ceiling rate. Telephone subscribers who make no use of the interstate network, however, would continue to pay nothing. Supporters of the Mixed 2 approach argued that this approach would resolve the bypass threat by greatly reducing the total bill paid by any large user, while continuing to allow small users and non-users to pay very little or nothing, maintaining universal service.[41]

117. We are convinced, however, that the Mixed 2 proposal, as described in the *Fourth Supplemental Notice*, is unworkable. The distribution of interstate calls by subscribers is highly skewed. A substantial portion of total callers make no calls in any given month. Under the Mixed 2 approach, such users would pay nothing. Heavy users are currently a small fraction of total users, but make a large majority of total calls. Such users would be protected by the maximum charge. The Mixed 2 approach, however, does not alter total revenue requirements. The costs allocated to the interstate jurisdiction are unlikely to fall as a result of the Mixed 2 approach. To recover revenue requirements, access tariffs would have to levy heavy usage charges on moderate users. These charges could be far in excess of the current payments. This approach could result in an inefficient and undesirable increase in the number of subscribers who make no interstate calls. As a result, telephone companies could find themselves unable to devise charges to meet their authorized revenue requirements. For these reasons, we conclude that the Mixed 2 approach is inappropriate.

118. Proponents of the Pure 2 approach[42] argue that Pure 2 corresponds with economic cost causation and that only the Pure 2 approach can eliminate bypass, encourage efficient use of the national telecommunications network, and be sustained in a competitive environment. Pure 2 would also resolve the discrimination between private line and message service, a fundamental objective of this proceeding. It would do so by charging all users in the same way. Only costs that vary on a usage basis would be recovered on a usage basis. Costs imposed on a non-usage basis would be recovered on a non-usage basis.

119. The majority of those commenting supported the Pure 2 option for the same reasons they found both the Pure 1 and Mixed 1 schemes objectionable.[43] They assert that the Pure 2 approach would enhance network efficiency in at least two ways. First, since under this plan charges would reflect costs, they claim that Pure 2 would eliminate uneconomic bypass. Only these alternative technologies that have real advantages over the telephone network would survive. Second, usage based rates could fall substantially since such rates would no longer recover NTS costs. As a result, telephone users would no longer artificially restrain their calling. Users could weigh the price of a call against the benefit that they would receive from a call, and would make that call whenever the value of the call is at least equal to its cost.

120. Opponents of the Pure 2 approach[44] make two arguments. First, some contended that we could not lawfully impose charges on end users. Access charges, they argue, must be paid from interstate carriers to exchange carriers. In the alternative, some argued that we could not impose charges on subscribers who make no interstate calls. Second, many argued that even if we could impose such a charge we should not. It was argued that Pure 2 would constitute a substantial step away from universal service since many users would be unable or unwilling to pay the flat fee for interstate access. Further, it was argued that the Pure 2 approach could lead to the loss of nationwide rate averaging. These drawbacks, it was felt, would be particularly severe in high cost rural areas. Some of these considerations have led us to reject the Pure 2 approach.

121. We reject the notion that we cannot impose a flat fee on subscribers, or that a subscriber must make interstate calls before a subscriber can be assessed such a charge. A subscriber who obtains a line to a local dial switch or a manual switchboard necessarily obtains access to interstate as well as local services. The cost of that access has traditionally been described as non-traffic sensitive because such costs do not vary with usage. A subscriber who does not use the subscriber line to place or receive calls imposes the same NTS costs as a subscriber who does use the line. A subscriber who does not make local calls would normally pay a flat fee

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intrastate MTS pricing) as $1.5 billion annually. *See* James M. Griffin, "The Welfare Implication of Externalities and Price Elasticities for Telecommunication Pricing," *Review of Economics and Statistics*, February 1982, pp. 59–68. Certain assumptions underlying the results of this study are questionable or unclear. Nevertheless, while this Commission has been unable fully to corroborate estimates of damage, the evidence that significant harm results from current pricing structures seems strong.

[40] *See, e.g.*, Comments of Ad Hoc Telecommunications Users; Aeronautical Radio, Inc.; AT&T/BOCs; First Data Resources; GTE; IBM; Kansas Public Service Commission; NTIA; Pennsylvania PUC.

[41] *See, e.g.*, Comments of Rural Electrification Administration, Virginia Corporation Commission.

[42] Proponents of the Pure 2 approach include ABC/CBS/NBC; Ad Hoc TeleCommunications Users Committee; Aeronautical Radio; Association of Long Distance Telephone Companies; AT&T/BOCs; Business Telecommunications Corporation; Department of justice (in reply comments); First Data Resources; GTE; IBM; MCI; Rochester Tel; SNET; SPC; Tel. Systems Management Corp., *et al.*; US Tel; USTS; Western Union.

[43] AT&T and many other telephone companies that had supported the tentative plan in their comments filed in response to the *Second Supplemental Notice*, reversed their earlier position and agreed with heavy users that Pure 1 is an invitation to bypass.

[44] Those arguing against the Pure 2 approach include the California PUC; Consumers Union, *et al.*; Florida PSC; Haviland Telephone *et al.*; Michigan PSC staff; NARUC; National Association of State Utility Consumer advocates; North Dakota PSC; Rural Electrification Administration; Washington UTC; Wisconsin PSC.

for the exchange portion of such costs. Imposing a flat charge for the interstate portion of those costs is equally reasonable. Any other procedure violates the general principle that costs should be recovered from the cost-causative ratepayer whenever it is possible to do so.[45]

122. We find more merit, however, in the second point raised by the opponents of Pure 2. We cannot ignore the problems which the implementation of Pure 2, especially its implementation on an immediate basis, would have upon universal service and rural subscribers. It has become quite clear to us that the major goals in this proceeding—the continued assurance of universal service; the elimination of unjust discrimination or unlawful preferential rates; the encouragement of network efficiency; and the prevention of uneconomic bypass—are to some extent conflicting and that there is no possibility of devising a "perfect" plan that would fully and immediately effectuate all of our goals. Rather, it has become clear that any acceptable plan must balance these goals in a satisfactory manner. For example, it would be unacceptable for the Commission to put a plan into effect that ameliorates existing efficiency, bypass and discrimination problems, but which, at the same time, had serious consequences for universal service.

123. Moreover, we recognize that the balance to be drawn is a very delicate one and that some adjustments may be necessary. For this reason, we have felt it necessary to move cautiously and have incorporated a transition period for our plan. We have also taken the special precaution of establishing a Universal Service Fund to protect the needs of subscribers in rural or high costs areas. We now proceed in the succeeding sections to describe our plan.

B. The Long Range Plan

124. We are adopting a transition plan that will produce steps toward a rate structure that promotes optimal utilization of telecommunications facilities and a long range plan that will recover significant portions of NTS costs through flat charges that are collected from end users by exchange carriers. We believe it will be possible to achieve that result at the end of a transition period without jeopardizing universal service. We will, however, keep CC Docket 78–72 open in order to conduct a proceeding in the fifth year of the transition and to receive periodic or special reports during the course of the transition period that will enable this Commission to make any adjustments that might be necessary.

125. Although the long range NTS plan will not be fully effective until the 1990's, the total plan will probably be more understandable if we begin with a description of that plan. Under the long range plan, different charges will be assessed for the interstate use of lines that are also used for local exchange service and the use of lines that are dedicated to interstate service. The latter category includes interstate WATS access lines. It also includes all private lines, including closed end FX or CCSA lines, that terminate in a PBX, key system, or other customer premises equipment that is not used exclusively for a particular interstate service.

126. The charges for the line that is commonly used for multiple services will reflect the interstate portion of investment in that line, associated NTS plant, and other investment and expenses that are attributed to that element. We will call these the "Common Line" charges. The charge for the other category, which we will call "Dedicated Access Line", will inevitably be higher because it will reflect the total or unseparated cost of these facilities.[46]

127. We have made some revisions in the existing cost allocations to reflect private line usage of certain station equipment that is in fact jointly used by common line users and users of any private line that terminates in a PBX or similar equipment. Such jointly used equipment is apportioned to MTS and WATS under the current cost apportionment procedures. We are also apportioning a pro rata share of investment in unused or reserve lines to the Dedicated Access Line element. These changes will correct anomalies in the existing cost apportionment methods that impose an unfair burden upon MTS customers. We have decided to refrain from apportioning costs to a private line category as a surrogate for a leaky PBX charge as proposed in the *Second Supplemental Notice*. 77 FCC 2d at 241. This problem is likely to become much less significant in the future because the access charge plan will remove much of the incentive for substituting private line service for MTS. Moreover, any remaining inequity will be at least roughly balanced by the assignment of investment in unused lines to the Dedicated Access Line element on the basis of relative use. An apportionment that was based upon projected use would probably apportion a smaller portion of that investment to the Dedicated Access Line element because common line use is likely to grow at a faster rate than private line use in the future.

128. We are also establishing a third NTS category for pay telephones. Although the NTS costs associated with pay telephone calls do represent fixed costs, it would be impossible to recover such costs through flat rates. We are accordingly prescribing usage charges that will be collected from end users when an interstate or international call is made from a pay telephone. We will call this element the Pay Telephone Element.

129. We have also decided that a portion of the common line revenue requirement should be recovered through a carrier's carrier charge. At the present time most interstate common line costs are reflected in nationally averaged MTS and WATS rates, but the compensation that exchange carriers receive through the settlements and divisions of revenues process reflects the actual costs of each carrier that participates in the pool arrangement.[47] When we adopted the *Second Supplemental Notice* we assumed that we could eliminate discrimination and preferences in end user rates for interstate services without drastically altering the telephone industry's voluntary pooling arrangement. We accordingly proposed to establish carrier's carrier access charges that would be uniform in all exchanges of all carriers and proposed that access charge revenues be pooled in essentially the same manner that MTS and WATS revenues are pooled now.[48]

130. Although some comments that were filed in response to the *Second Supplemental Notice* questioned the desirability of uniform access charges with pooling, comments from both large and small telephone companies generally supported that proposal. None of the telephone companies indicated that it would not wish to be included in any such arrangement.

131. After the settlement of the AT&T antitrust case was announced, we recognized that it would probably be necessary to create different arrangements for the preparation of any common tariffs and the administration

[45] *See Phase II Final Decision and Order in Docket 19129*, 64 FCC 2d 1 (1977); *see also First Report and Order in CC Docket 78–105*, (uniform system of accounts), 85 FCC 2d 818 (1981).

[46] Although we are describing this element as the "Dedicated Access Line" element, it does not include all lines that are dedicated to interstate services. Some of those lines or portions of such lines are included in the Special Access and Dedicated Transport elements.

[47] That arrangement is described in the *Second Supplemental Notice*. *See* 77 FCC 2d at 226–228.

[48] The pool we proposed at that time would have differed from the settlements/divisions pool in some respects. *Id.* at 238–239.

of any revenue pools. The *Fourth Supplemental Notice* invited comment upon a proposal to create an association to perform administrative functions that AT&T would have performed under the tentative plan in the *Second Supplemental Notice*. The *Fourth Supplemental Notice* also invited further comments upon some possible alternatives to nationwide averaging of access charges.

132. The most recent comments demonstrate that the telephone industry consensus no longer exists. The AT&T comments indicate that the BOCs do not wish to participate in common access tariffs or access revenue pools. Rochester, Continental and Centel have also indicated that they do not wish to participate in such arrangements. Many telephone companies and others have argued that nationwide averaging of access charges should be maintained. Some contend that nationwide averaging with pooling is essential to avoid severe hardships for some subscribers.[49] Such national averaging would allow below cost rates in high cost rural areas with attendent gains in universal service. Opponents of nationwide averaging argue that averaging results in a deviation of costs from rates and the prospect of inefficient use of the network.[50] Some contend that averaging might also have an undesirable effect on incentives to contain costs.[51] Uniform rates also limit a carrier's flexibility to meet unique circumstances, such as an unusual threat of uneconomic bypass or a reduction in universal service in the area served by a particular carrier. If we adopt rules that require every carrier to follow the same path, we will be hardpressed to satisfy legitimate needs of companies that require more rapid movement toward cost-based pricing and those companies that require a more gradual transition.

133. For reasons that are explained more fully in Part VI, we have decided that we should not require every exchange carrier to participate in common tariffs for all access elements. We have also concluded that some adjustment in flat end user common line access charges must be made in order to balance the critical need to move towards a rational cost-based pricing system for access plant with the maintenance of universal service. We do not anticipate that end user rates will ever reflect the full common line NTS costs of the highest cost carriers.

134. Costs of different local exchange carriers do vary. Many of these cost variations are attributable to factors that carrier management cannot control. The Docket 80-286 Joint Board has tentatively endorsed an industry proposal to include a high cost factor in any new separations formula for the apportionment of NTS plant. *Joint Board Order, supra*, 47 FR at 54485. Such a factor would represent a percentage of the NTS costs of high cost companies that would be added to a base factor percentage to determine the portion of such a company's NTS costs that would be allocated to the interstate jurisdiction. Such a percentage factor would necessarily take into account any increasing cost pressures caused by inflation or other factors. The high cost factor would promote or preserve universal service by enabling high cost companies to establish local exchange rates that do not substantially exceed rates charged by other companies. In view of the purpose such a factor would serve, we will describe it as a universal service factor in this *Report and Order*. Revenues attributable to the universal service factor will be described as the Universal Service Fund.

135. The purpose that the Universal Service Fund would be designed to serve would obviously be frustrated if all NTS costs were recovered through end user charges that reflect the interstate NTS costs of a particular exchange carrier. Any reduction in the local exchange rates of such a carrier would be offset by increased end user access charges. We have accordingly decided that common line costs that are assigned to the interstate jurisdiction as a result of the application of a universal service factor should be recovered through an access charge that is assessed upon interexchange carriers.

136. Many parties have called for the creation of a "life line" exception to any mandatory flat customer access charge. Life line services have been introduced in a considerable number of state jurisdictions. Such rates have not always provided benefits to the class of users who are the intended beneficiaries.

137. We are, nevertheless, prepared to entertain waiver requests from carriers who wish to provide "life line" options under the following circumstances. First, any such waiver request should state with specificity the terms and conditions which apply to life line service. Second, such waiver requests must specify the revenues which would be lost were such a life line option to be instituted. Third, such waiver requests must specify the specific adjustment to the customer access charge tariff which has been made to secure the revenues lost through the life line option. During the transition period these measures may be either an increase in the minimum flat rates or an increase in the usage charge imposed upon customers for access service. An increase in the transitional maximum charge will not be permitted. Of course, states continue to have full authority to modify existing life line rates for local exchange telephone service or to institute such rates should they believe it is necessary to ameliorate the effects of interstate access charges.

C. The Transitional Plan for Carrier Common Line Charges

138. Although we expect that revenues from the Carrier Common Line element will eventually be limited to the Universal Service Fund portion of the Common Line revenue requirement, substantial additional amounts must be included in that carrier's carrier charge during an interim period to avoid anomalous results that would occur if deaveraged end user rates for all other Common Line costs were implemented in 1984.

139. We have recently adopted a change in jurisdictional separations rules that will accomplish the phased removal of CPE from the interstate rate base. We decided to implement that aspect of our decision in *Second Computer Inquiry, supra*, in that manner in order to avoid an abrupt increase in local exchange rates that would result if the interstate CPE allocation were removed on a flash cut basis. The Joint Board has recently invited comment upon an alternative formula that will achieve the same results even if the divested BOCs do not have any CPE to allocate after the divestiture occurs.[52]

140. The purposes of the phased removal of CPE or the allocation of surrogate CPE costs would be frustrated if costs assigned to the interstate jurisdiction to limit increases in local exchange service rates were added to end user access charges. Such a cost assignment could have the same effect upon end users as a local rate increase. In these circumstances, we have concluded that it would be more appropriate to recover such costs through a carrier's carrier charge. Since

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[49] *See especially*, Haviland Telephone Company, p. 7; Ketchikan Public Utilities, p. 2; Michigan Action Groups, p. 6; Rural Telephone Coalition, p. 14; REA, p. 6; Curtis M. Bushnell, p. 2; First Data Resources Reply, p. 16; NARUC Reply, p. 2.

[50] *See, e.g.*, comments of AT&T; Centel; Continental Telecom; GTE (in the future); NTIA; Rochester Telephone; SNET; Cincinnati Bell; USTS; Vermont PSB; Western Union.

[51] *See especially* Rochester Telephone, p. 34.

[52] The alternative formula is described in Part IV. D. of the *Joint Board Order*.

such costs will disappear four years after the access charges become effective, the exclusion of such costs from End User Common Line charges will avoid churning effects upon End User Common Line charges that could make the transition to a new rate structure unnecessarily difficult.

141. Similar considerations warrant the exclusion of inside wiring costs from End User Common Line charges. Inside wiring that was capitalized as investment before this Commission required the expensing of inside wiring is being amortized and will disappear from the rate base in the early 1990's. We are also considering proposals to remove expenses associated with the installation of new inside wiring from interstate rate computations.[53] It would be inappropriate to add such costs to new flat charges imposed upon end users in view of the uncertainties with respect to the future status of inside wiring. It would also be inappropriate to recover inside wiring or CPE costs through a per line charge because there is little or no relationship between CPE or inside wiring costs of a particular subscriber and the number of loops used by that subscriber.

142. The present *Separations Manual* apportions NTS plant on the basis of a factor, which is called the Subscriber Plant Factor or SPF, that has been computed separately for each "study area." A study area normally means the area served by a particular telephone company within a particular state. The current factors differ widely from one study area to another and many companies that probably will not be classified as high cost companies have interstate NTS costs that are substantially higher than the national average because they happen to have a higher interstate SPF. If deaveraged end user rates were implemented under the present circumstances, their customers would be subjected to excessive rate increases.

143. The Joint Board is presently considering a number of alternatives to the current factors that would not be likely to produce such results. Any new factor that differs significantly from an existing factor is, however, likely to be phased in over a transition period. In these circumstances common line costs other than Universal Service Fund (USF), CPE and inside wiring costs that exceed an appropriate cut-off will be assigned to the Carrier Common Line element for an interim period.[54]

144. An additional assignment to the Carrier Common Line element is also desirable to place some limit upon the flat end user charges that carriers would be permitted to adopt during the transition period for End User Common Line charges. In view of all of these considerations, we have decided that, in 1984, Common Line revenue requirements that exceed $4 per line per month should be allocated to the Carrier Common Line charges.

145. The rules we are adopting establish a five-year transition period for the elimination of Common Line costs other than USF, CPE and inside wiring costs from the pooled Carrier Common Line charges. Common Line costs other than USF, CPE and inside wiring could be described as the third component of a Common Line revenue requirement. This third component contains all the residual costs. For each local telephone company, this total residual amount is calculated as follows:

Total interstate per line residual amount = total Common Line per line revenue requirement − $4. − (CPE + USF + Inside Wiring).

146. Over a five year period, the total residual amount is to be allocated annually between the End User Common Line charges and the Carrier Common Line charge under the following formula:

Year	Percent	
	Carrier contribution to total residual amount	End user contribution to total residual amount
1984	100	0
1985	80	20
1986	60	40
1987	40	60
1988	20	80
1989	0	100
1990	0	100

147. Thus, in the first year of the transition period these residual costs will be recovered fully through the Carrier Common Line charges imposed on all providers of interstate switched services. In the second year, only 80 percent of the residual costs for that year will be recovered from carriers, with 20 percent recovered from end users.

148. We recognize that end user charges constitute a substantial departure from the historic means of cost recovery. Exchange carriers are unfamiliar with this new system. Such carriers, especially small carriers that are unable to devote substantial resources to this task, might be subjected to unnecessary risks if forced to move immediately to full recovery of subscriber plant through subscriber charges. The Carrier Common Line charges, administered through the exchange carrier association, offer a limited degree of risk sharing and increased certainty to these exchange carriers in the early years of the new environment. The fairly rapid reduction of such charges through the transition appears likely to limit uneconomic bypass substantially during the transition to cost-based pricing.

149. The Carrier Common Line charge will also provide the mechanism to adjust the prices charged interexchange carriers for access to reflect differences in access quality. To achieve this result, we have required that the Carrier Common Line element be subdivided into two charges. The first charge, a usage charge, will be imposed upon all interexchange carriers. The second, a premium access charge, will be imposed upon only certain carriers described below.

1. The Usage Charge

150. This charge shall be calculated on a straightforward minutes of use basis for services using common lines (*e.g.*, MTS, WATS, FX, and OCC–ENFIA). This charge shall be levied on a nationwide equal per minute basis regardless of the costs of particular originating or terminating exchange carriers, the length of haul, or the rate charged by the interexchange carrier. An exchange carrier association, described in Part VI, shall be responsible for tariffing and collecting both the premium charge and this usage charge and distributing revenues to all participating carriers.

2. The Premium Access Charge

151. There is little disagreement that the quality of interconnection now received by the OCCs [55] through their ENFIA A arrangements is distinctly inferior to that received by the traditional interexchange partnership (predominantly AT&T). Indeed, it appears that the level of interconnection received by the OCCs even under ENFIA B and ENFIA C arrangements (if

[53] *See Deregulation of Customer Premise Inside Wiring*, 88 FCC 2d 885 (1981); *Notice of Proposed Rulemaking*, (CC Docket No. 82–881), 47 Fed Reg. 44770 (October 12, 1982).

[54] *See* Subpart F of the rules.

[55] The term "Other Common Carriers" or "OCCs" is often used to describe carriers other than telephone companies. The term "OCC" is used in the context of this *Report and Order* to describe an interexchange carrier that offers an MTS/WATS equivalent service such as Execunet or SPRINT.

available) is inferior to that received by the partnership.[56] Such quality differences would give a substantial advantage to the carriers that offer MTS and WATS unless access pricing is adjusted to account for quality differences until equal interconnection is available to all interexchange carriers. It is not clear, however, that this inferior level of interconnection is any cheaper to provide. Cost-based pricing would appear to require that all carriers pay their full costs regardless of any quality differences.

152. Over the past several years, BOCs have been compensated for use of their facilities for OCC interconnection through the ENFIA tariff. That tariff provides a 45 percent discount from the "SEP" amount, *i.e.*, the amount that AT&T calculates that BOCs receive for exchange access through the division of revenue process. This arrangement is the result of compromise, and was adopted only as an interim measure, until the issues involved in this proceeding are solved and an access charge devised.

153. While the OCCs have generally sought a continued rate differential, few participants in this proceeding now assert that any differential should take the form of a "discount". Southern Pacific argues, however, that the existing OCC rate should not be described as a discount since the concept of discount implies that the same good is being provided. While we shall not dispute that definition of discount, cost-based pricing does not appear to allow non-cost based rates, including reductions below the cost of service, regardless of whether the service being provided is inferior to an equally costly service provided others. Instead of justifying an OCC discount, MCI claims, in reply comments, that an AT&T surcharge is appropriate.

154. If the type of access received by AT&T can be provided only to one carrier (at least in the short run), then even if it does not cost much to provide this access to that one carrier, this access has an "opportunity cost" that is equal to the amount that other carriers would be willing to pay for this preferred access. The cost of providing the favored carrier with this unique level of access includes the denial of this access to other carriers. Those carriers who receive the level of service that could be provided to any number of carriers would pay the full costs of this service. Carriers who receive the premium access service would pay the observable costs and an additional amount reflecting these opportunity costs. A surcharge for such premium access could theoretically be computed to reflect such opportunity costs, but it would probably be necessary to conduct an auction to determine the amount a carrier would pay for such premium access. We have decided that an auction would not be feasible. We will, however, assess a charge upon AT&T and its interexchange partners that will reflect an estimate of premium value. We will describe that charge as the premium access charge. We will not, however, permit exchange carriers to recover premium value in addition to a total revenue requirement that is computed in the usual manner. The premium access payments will be deducted from the Carrier Common Line revenue requirement in order to compute usage charges.

155. Revenues collected from the premium carrier need not flow to the exchange carrier having the greatest value of premium access. Indeed, if exchange carriers were able to levy premium access charges, such exchange carriers would have strong incentives to continue to offer preferential service for a longer period than would be necessary. We have concluded, therefore, that the premium charge should be levied by the exchange carrier association on a nationwide basis.

156. By September of 1986, the quality of interconnection generally available to OCCs will have to be far closer to the quality of access offered the premium carrier because of MFJ requirements. Even then, however, there will still be differences having potential advantages to a premium carrier, including the premium carrier's position as fallback carrier for current subscribers not specifying some other default carrier, and the continued unique premium access to nonelectronic and small switches. This residual premium access will have some value, but will have a value far smaller than is given by its present position. A decreasing surcharge is, therefore, appropriate.[57]

157. A premium charge might be levied as either a lump sum or a per minute charge. We have determined that a lump sum approach serves the public interest. The value of premium access does not depend on the actual rate structure selected by the premium carrier or the usage generated through that rate structure. Rather, it depends on the value of premium access in its best alternative use. This value is constant without respect to the behavior of the particular carrier receiving premium access.

158. Thus, for example, the premium carrier may make investments to expand its network or reduce blockage in hopes of stimulating increased call volumes. If the premium charge were assessed on a usage basis, these investments might not be made even if they would redound to the benefit of the calling public. By levying a lump sum charge on the carrier receiving premium access, this distortion is avoided. The economic justification for a premium charge is, therefore, consistent with a lump sum charge rather than with a usage based premium charge.

159. We have invited proponents of a large or a small differential in the access compensation paid by OCCs and the telephone company partnership to submit a case for a particular differential both in this docket and in proceedings relating to the ENFIA agreement. Those participants have apparently been unable to produce submissions that have much evidentiary value. In these circumstances, we necessarily must exercise our best judgment to establish an appropriate premium amount.

160. The Element 3 discount in the ENFIA agreement was designed in part to reflect an estimate of the value of differences in access arrangements by the parties to that agreement, but that discount would not establish an appropriate 1984 premium even if that discount could be readily translated into a premium. We noted in *Extension of ENFIA Agreement, supra*, 90 FCC 2d at 16, that the formula for the computation of ENFIA charges was probably designed to produce a charge that would be higher than the FX Open End charge and lower than a charge that would replicate the compensation BOCs receive from the division of MTS revenues. This was apparently perceived to be necessary to achieve equity in view of access compensation disparities between MTS and FX.

161. The existence of those disparities was an important factor in our decision to extend the ENFIA agreement without altering the Element 3 discount factor. We said (*id.* at 16–17):

> We believe it is still reasonable to allow OCCs to pay charges that are lower than MTS/WATS access charges and higher than

[56] ENFIA A provides interconnection to the line side of a Class 5 switch, ENFIA B provides interconnection to the trunk side of a Class 5 switch, and ENFIA C provides interconnection through a tandem switch.

[57] Nothing in the record causes us to expect any carrier other than the AT&T partnership will receive premium access. Improved access received by other carriers appears to reduce the vaule of AT&T's premium, but not to constitute a replacement of AT&T as the premium carrier. Our prescribing the gradual elimination of the premium access charge reflects our belief that exchange carriers will quickly move toward equal access.

other access costs during the interim period. That interim period will, of course, end when access charges are established pursuant to the rules we are prescribing in CC Docket No. 78-72.

162. The access charge rules we are adopting do eliminate those disparities. We would have adopted a smaller discount factor when we extended the ENFIA agreement if that factor had been designed for the sole purpose of reflecting the value of qualitative differences between ENFIA and MTS/WATS access. We would have made a further reduction in the ENFIA Element 3 discount if ENFIA Element 2 had been computed to reflect differences in switching costs that will be reflected in our rules for the computation of charges for the Local Switching element. See Part IV.A, *infra*. A smaller premium is also necessary because OCCs will be receiving some access before and during 1984 that is better than the ENFIA A arrangements that existed at the time the ENFIA agreement was negotiated. Nothing has occurred during the years since the ENFIA agreement was signed that would indicate that the parties to the ENFIA agreement overestimated the value of the qualitative differences in OCC and partnership access arrangements. Therefore, the 1984 premium should be smaller than an amount that would replicate the present ENFIA discount.

163. Nevertheless, a substantial premium access assessment is required in 1984 because significant disparities in the quality of access will exist during that year. Those disparities will continue to provide AT&T with a significant competitive advantage.

164. Although we have not approved a differential in access compensation to provide artificial advantages for new competitors, we are, of course, mindful of the adverse effect than an abrupt elimination of access compensation disparities could have upon competition under existing conditions of unequal interconnection. In view of the uncertainties with respect to the magnitude of premium access value and the future progress to equal access, we have decided that a phased elimination of the access compensation differential is justified in order to encourage full and fair competition. That course is consistent with our determination in this proceeding that a competitive interexchange market will produce significant public benefits.

165. We have decided to implement that decision by using the dollar amount of the interstate CPE costs or surrogate CPE costs of all local exchange carriers to determine the premium access assessment.

166. Those costs have been fixed through our decision to remove a base amount from the interstate rate base during a five year transition period that begins in 1983. Thus, the interstate CPE costs will be declining at the rate of 25 percent per year during the first years that access charges are in effect. Disparities in the quality of access arrangements for OCCs and premium carriers will be phased out during approximately the same time frame.

167. We also believe that 1984 interstate CPE costs, which we estimate to be about $1.4 billion, will correspond with our present estimate of 1984 premium access value. Such an assessment will be substantial and is likely to be significantly smaller than an assessment that would replicate the ENFIA A Element 3 discount. The use of CPE costs also serves administrative convenience.

168. We cannot, however, be certain that the decline in the premium value will correspond to the decline in CPE costs. We have accordingly described the CPE costs as a default formula for the computation of the premium in the access charge rules. Section 69.207 of the Rules says that premium access shall be equal to a CPE or CPE surrogate revenue requirement "[i]n the absence of a Commission order designating the premium access portion * * *." We do not intend to designate a different amount for the 1984 premium assessment, but we may designate a different amount in subsequent years if we have reason to believe that premium value is declining at a much faster or slower rate than the interstate CPE costs.

D. Transitional End User Common Line Charges

169. Although the allocation of Common Line costs to Carrier Common Line charges should be sufficient to offset anomalies that could result from the application of transitional separations factors, this would not be sufficient to avoid the disruptive effects of immediate implementation of flat charges for the entire end user portion. The introduction of a $4 per month per line charge for residential end users on a flash cut basis could create an undue risk that a number of residential users would choose to cancel local exchange service.[88]

170. As we noted in the *Fourth Supplemental Notice*, we are quite concerned about the impact of flat charges for NTS costs, and especially a sudden shift to flat charges, on small users and on subscribers in high cost areas. Despite the attractiveness of such flat charges from the standpoint of economic efficiency, we are unwilling to require immediate implementation of flat charges for the entire end user portion. The guidelines that we adopt, however, constitute a gradual transition to a new approach to compensation for interstate access that balances the goals of the Communications Act in a manner that best serves the public interest.

171. Many participants who found at least some flat charges acceptable or desirable argue that a transition period is appropriate.[89] Such a transition would allow subscribers and telephone companies the opportunity to adjust to the new environment. Other participants take the opposite view that a flash-cut approach would be most appropriate.[90] Such a flash cut would allow cost-based pricing immediately to go into effect and confer the economic advantages of flat charges that much earlier.

172. We have concluded that a transition to the flat End User Common Line charge we require is appropriate. A gradual transition allows a more comfortable adjustment to the new economic realities. If the timing of the transition is known, the dynamic efficiency losses that result from failing immediately to move will be small. The extremely long transition advocated by MCI appears unnecessary.

173. The gradual transition we are adopting has several advantages that, we believe, will outweigh any drawbacks. First, it establishes a schedule for movement to a cost-based access arrangement over a medium length period. Companies that have invested heavily in technologies made economic only by the continuance of uneconomic and non-cost based prices will have several years in which to amortize these investments. A pre-set transition will encourage investors to target new investments on technologies that are consistent with the underlying costs of the network and hence on the most efficient possible use of the nationwide telecommunications system.

174. A pre-set transition plan like the one we are adopting has the advantage of providing some certainty to those who must make investments in communications technologies. A fairly rapid movement toward cost-based

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[88] Possible effects of access charges upon the universality of service are discussed in Appendix G.

[89] *See, e.g.*, Comments of Ad Hoc Telecommunications User's Committee; AT&T; MCI; NTIA; Pennsylvania PUC; SNET; SPCC; United Telephone System, Inc.; USITA; U.S. Tel.; Vermont P&B.

[90] *See, e.g.*, Comments of Aeronautical Radio, Inc.; GTE; Rochester Tel; Tel. Systems Management Corp., *et. al.*

pricing can allow time for corrections in past investment, yet new investments would be made with the forthcoming prices in mind. It appears unlikely that any company would spend the thousands or even millions of dollars necessary to take advantage of the variance between price and cost during the transition if it understands that the gap is to be reduced year by year, until it is completely eliminated at the end of a mid-length transition period. Thus, while the transition plan incorporates some features in the Mixed 2 plan in the *Fourth Supplemental Notice*, it will not have the fundamental flaw that the maximum rate must remain many times higher than cost.

175. We believe that a more lengthy transition would unnecessarily delay the advantages of cost based rates and might encourage unnecessary bypass and inefficient development of the economy. While the seven-year transition plan we have adopted might appear unnecessarily slow to some users and exchange carriers, the flexibility it provides will allow those carriers who feel compelled to move rapidly the opportunity to do so, while not forcing all carriers to adjust at this same pace. The details of the transition plan are explained in the next subpart and in Subpart C of the access charge rules.

E. End User Common Line Rate Structure

1. The Minimum Change

176. As we have already indicated, the End User Common Line charges will meet an increasing share of total NTS costs assigned to the interstate jurisdiction. This element, combined with the Carrier Common Line charges, will recover most of the costs of subscriber plant, including CPE, inside wire, outside wire (*i.e.*, the drop line and interface) and loop costs allocated to the interstate jurisdiction. All of these costs are non-traffic sensitive and, for the most part, are dedicated to particular consumers. (Only party line loops and any investment associated with coin phones are non-dedicated.)

177. During the transition period for End User Common Line charges we shall require that the access tariff include a minimum flat fee of at least two dollars per month for each residential common line. This payment shall be imposed regardless of whether the particular customer makes or receives any interstate calls. The minimum business line customer charge shall be four dollars per common line loop per month. The difference in these charges should reflect the typically higher interstate revenue requirement generated by business lines as compared to residential lines. In addition, we believe that this differential should reduce the incentive a business subscriber might have to use its dedicated facilities in a way calculated to reduce the usage sensitive portion of its access charge, solely to escape usage payments.

178. We also believe that a differential in the transitional minimum charges for business and residential customers is justified because we have selected a low residential minimum in order to avoid an adverse effect upon universal service. Minimum charges for business customers are unlikely to have any meaningful effect upon universal service because demand for business local exchange service—at least for a single line—tends to be inelastic. We have, however, concluded that some limitations should be imposed upon carrier discretion to select a higher minimum rate. Section 69.203 of our Rules precludes any carrier from establishing a business minimum charge that is more than 200% of the residential minimum charge.

2. The Usage Charge

179. The difference between the minimum flat fee (which must be at least two dollars per month per line for residence and four dollars per month per line for business) and the total revenue requirement associated with the end user charge (four dollars per month per line in the first year and increasing amounts in later years) may be recovered through a usage charge, up to a maximum.

180. Traditionally usage has been measured on the basis of minutes of use. The *Fourth Supplemental Notice* had suggested that a per call (rather than per minute) usage measure might be more appropriate for any usage component in the end user access charge. Because nontraffic sensitive costs do not vary with minutes or number of calls, we find neither of these approaches to be clearly superior in all cases. The selection should be based on which will lead to the smaller distortion in usage patterns.

181. Charging users on a per minute basis will encourage users to make shorter calls than they would under efficient pricing. Charging users on a per call basis would encourage them to make fewer and longer calls. Once customers make a call they would have an incentive to communicate as long as efficient, but this efficiency gain must be evaluated against the efficiency loss of fewer calls.

182. The selection of a measure of usage should be based on relative elasticities of demand.[61] If most short calls are made to convey pressing information, the per call charge would not discourage too many callers and this alternative would be desirable. If this is not the case and customers would be willing to make fewer calls or take advantage of patterned calling (*e.g.*, making collect or person-to-person calls that are designed to be refused but to convey information in the request), the per minute option would be preferable. Either a per call or a per minute charge could be used as a valuable component in our transitional plan. Such a charge could be set in order to recover revenue directly from end users (rather than carriers) while prolonging the period before all rates are set on a flat basis. In the *Fourth Supplemental Notice*, we expressed our belief that the elasticity and measurement cost conditions might warrant a per call charge. Several of the comments suggest that under a Mixed 2 option the per call fee would be so high that it would discourage large numbers of calls, and that a per minute charge would be more appropriate. Under the rate structure we have prescribed the per minute or per call charge would be substantially lower than would be necessary under a zero-based Mixed 2 option. We have concluded, however, that the selection of a measure of usage should be left to the exchange carriers. It is certainly possible that different carriers may face customer demands of varying elasticities. The choice that is appropriate for some may be inappropriate for others.

3. The Maximum Charge

183. Because common lines are similar to dedicated interstate lines, we shall require that the maximum collected on any such line through end user charges (the sum of the minimum and any usage payment) be less than or equal to the rate established for dedicated access lines. Throughout the transition period we shall require that no one customer be charged in excess of a pre-set maximum. To eliminate unlawful discrimination among services, the maximum should be no more than the rate that a customer would pay as an end user Dedicated Access Line charge.[62] In special cases, however, we may allow local companies facing hardship in meeting our requirements to raise the maximum and

[61] For a discussion of how relative elasticities of demand are related to cost recovery, *see* W. J. Baumol and D. Bradford, "Optimal Departures from Marginal Cost Pricing," American Economic Review, vol. 60, pp. 265–283, June, 1970.

[62] *See* § 69.205 of the rules for a description of the computation of maximum rates in each transition year

the rate charged for the Dedicated Access Line element above the Dedicated Access Line per line cost. Such an exception would be allowed only as a temporary expedient in the early years of the transition.

184. In each of the five years subsequent to the introduction of the access charge, the maximum allowed each carrier shall be reduced by 10 percent, but shall never fall below total interstate costs. The exchange carrier or the exchange carrier association may adjust either the minimum, usage component, or both to recover revenue. At the end of the five year transition period, the highest maximum allowed would be reduced to 50 percent of its initial level and all Common Line costs, other than the Universal Service Fund and inside wiring costs would be recovered directly from end users.

185. For the last two years of the seven year transition period, we shall allow exchange carriers to continue to recover their End User Common Line revenue requirement through such a combination of flat fee minimum charges and usage charges with the pre-set maximum. Exchange carriers facing substantial bypass threat may wish to introduce flat rate pricing for recovery of all End User Common Line costs early in the transition period. In areas where bypass is a smaller threat, the more gradual transition permitted by continuing to allow usage recovery (to a maximum) appears to have benefits that outweigh the costs.

186. A maximum End User Common Line charge that is no greater than the price paid for a dedicated interstate loop (such as that associated with a closed end WATS line) or an interstate closed end FX line will allow heavy users to make a more rational choice among private line, MTS, WATS or FX service. It would resolve fundamental problems facing this Commission in this and other proceedings. The maximum is also desirable in its own right to reduce the threat of bypass. Since a substantial share of non-traffic sensitive costs is to be assigned to the End User Common Line element and recovered through minimum and maximum charges, the portion of NTS costs recovered in usage sensitive interstate rates will be substantially reduced. Heavy users, therefore, will find message rates that are dramatically reduced toward costs and would find bypass a less desirable option. The expectation of further reductions in both the maximum and the usage charge will further reduce the dangers of uneconomic bypass.

187. Generally, the usage charges will be imposed upon originating callers. We find, however, that it would be inappropriate to assess a usage charge upon the originating caller for certain calls that have traditionally been charged to the recipient. These include collect MTS calls, IN–WATS calls, and calls to an FX or CCSA subscriber that originate at the open end. The purposes that these services were designed to serve would be frustrated if usage charges were assessed to the originating caller.

188. It would be difficult to assess such usage charges directly to the party who receives the call because that end user will normally be served by a different local exchange carrier. We have, therefore, decided to impose a charge upon the interexchange carriers that provide such services as a surrogate for usage charge upon the recipient of the call. Such surrogate charges will, of course, be reflected in the interexchange carrier's charges to recipients in a manner that indirectly recovers appropriate costs from such recipients.

189. We have described this surrogate charge as a "transitional surcharge" in our Rules. Section 69.206 of the Rules describes the formula for computing the transitional surcharges. Although the transitional surcharge will be a carrier's carrier charge, it is an integral part of the transition plan for End User Common Line charges. Transitional surcharge revenues will be deducted from the End User Common Line revenue requirement in order to compute the usage charges that are assessed directly to end users.

190. As ENFIA A access is currently provided, it is difficult for some exchange companies to attribute usage to originating customers. It might appear difficult, therefore, to apply the usage sensitive charges and the maximum charge to these services. One solution is to develop a surrogate charge for these services. We believe, however, that coordination of billing between the exchange carrier and the interexchange carrier offering ENFIA A service is more desirable, efficient, and non-discriminatory.

191. In this *Report and Order* we require local exchange carriers to offer billing services to all interexchange carriers if they offer billing services to any. *See* Part IV. C, *infra*. We anticipate that the OCCs will take advantage of exchange carrier billing services and will submit their calling records to the exchange carriers doing the billing. The exchange carriers can, and are expected to, compare the identities of ENFIA A or C callers with their own subscriber rolls, coordinate calls and callers made over ENFIA A or C lines with calls made over other types of interconnection, and bill the end user with a usage charge appropriate for the totality of interstate calls made. If OCCs take advantage of exchange carrier billing services, or if ENFIA A or C minutes can be attributed to end users without this service, no surrogate charge is necessary.[63]

192. So long as the maximum End User Common Line charge differs from the minimum, we must deal with the incentives that might encourage heavy use of one line for interstate and other lines for local or intrastate toll calling. We have considered two options. First, all users, business or residential, could be required to pay the maximum for all lines in addition to their first line. Alternatively, total usage could be aggregated and divided over total lines regardless of use.

193. Transitional issues become important in making that choice. While such users should not expect to be subsidized in the long run, it might be unjust and inefficient to require them to pay high rates if they made their original investments in good faith and with the expectation that the current pricing structure would continue. Furthermore, the number of lines is likely to be a very poor proxy for ability to pay. Such users appear entitled to the benefits of a transition.

194. We, therefore, shall require customers having multiple lines to pay as if their calling had been spread evenly over all of their lines. Because the total usage of all of these phones is aggregated, customers would have no incentive to load all interstate calling inefficiently on any one line. Moreover, the transition plan will tend to limit the willingness of any user to distort investment strategies in response to differences in single line and multiline rates.

F. Monitoring of the Effects of End User Charges

195. We are well aware that the plan we adopt today constitutes a significant departure from interstate pricing approaches developed in a monopoly environment. We are totally committed to insure that this approach does not lead to a disruption of our nation's telecommunications system or to the elimination of universal service. That commitment is reflected in our decision to exclude Universal Service Fund costs from end user charges before and after the transition periods that are described

[63] We are not including such a surrogate charge in the rules we are adopting, but will consider waiver petitions to permit such surrogate ENFIA A charges if a carrier demonstrates that it would not be feasible to collect the charges from end users. We would expect a strong showing that alternative methods are not feasible.

in this *Report and Order*. That commitment is also reflected in our decision to conduct another notice-and-comment phase of this docket before taking the final steps in the transition to flat rate end user charges.

196. In view of the importance that we attach to the universal service objective, we have decided that this Commission should also monitor the effects of the implementation of end user access charges during the transition period. We are accordingly directing the Common Carrier Bureau to develop and present to us a monitoring system designed to insure that any developments based upon our access charge plan which threaten the "universal" character of service are brought to our attention in sufficient time for us to be able to take ameliorative action. We further direct that such a plan be in place on or before January 1, 1984, the date of institution of access charges. This monitoring plan should be designed to place as little a burden as possible upon the small businesses which constitute the overwhelming majority of our nation's telephone systems. The Common Carrier Bureau is directed to present to us within 90 days of the release of this *Report and Order* its proposal for such a monitoring program.

IV. Guidelines for Recovery of Traffic Sensitive Costs

197. In the *Second Supplemental Notice* we presented a plan to prescribe access charges for four categories of interstate service: MTS/WATS; FX/CCSA open-end access; private line; and OCC–ENFIA. Because it would have included toll connecting trunks which did not carry exchange traffic, we rejected the definition of "exchange circuit plant" appearing in the *Separations Manual* as a basis for defining the investment to be included in the access revenue requirement. Instead, in order to determine the investment that would be allocated to exchange access services, we defined "exchange plant" as plant used to furnish both toll and local service. Investment in other plant, called interexchange plant, would be excluded from the access revenue requirement. 77 FCC 2d at 239–240.

198. We had proposed that investment in exchange trunk outside plant (OSP) used jointly for exchange and toll message service (exchange trunk OSP in Category 1.22) and related exchange trunk circuit equipment (central office equipment in Category 8.12) be distributed among the three message service categories on the basis of minutes of use. Investment in exchange plant used for private line services and related equipment was to be directly assigned to the private line category. (OSP linking end offices and toll offices, however, was to be excluded and considered interexchange plant.)

199. Investment in traffic sensitive Category 6 central office equipment (local dial switching equipment) was to be distributed among the message access service categories (MTS/WATS; OCC–ENFIA, and FX/CCSA) on the basis of relative dial equipment minutes (DEMs), except for that portion directly assigned to private line services like CCSA. We proposed to rely on the factors specified in the *Separations Manual* for allocating investment in other traffic sensitive plant among the four access service categories. Direct investment in traffic sensitive equipment unrelated to OCC exchange access, however, was to be excluded from exchange plant. If *Manual* factors could not be used, we proposed at least to rely upon *Manual* principles or, alternatively, relative minutes of use to distribute the cost of the remaining traffic sensitive plant among the service categories.

200. Because the costs and revenues associated with interstate FX and CCSA open-end access services have been treated as intrastate, we found it necessary to adjust the revenue requirement for each access service category to reflect a credit to the FX/CCSA category. Only in this way could we prevent a double charge to users of this interstate service. By the time our access charge plan is implemented, however, we expect that the *Separations Manual* will be revised. We note that the Joint Board has unanimously proposed that the investment, expenses and revenue attributable to interstate FX and CCSA open-end access services be treated as interstate costs and revenues.[64] Thus, when the access charge tariff replaces the intrastate tariff for these services, there should be no need to make the proposed credit adjustment.

201. To compute the access charge for each message service, we proposed that its revenue requirement be divided by total holding time minutes of use for that category to obtain a charge per holding time minute of use. An interstate carrier using that message access service would then pay the local carrier an amount equal to the product of that unit charge and that carrier's holding time minutes of use.

202. The MFJ is, of course, a supervening event that occurred since we released the *Second Supplemental Notice*. The MFJ not only requires AT&T's divestiture of the BOCs, but also imposes upon the BOCs the obligation to provide exchange access to all interexchange carriers equal in price and quality to that provided to AT&T. Recognizing that facilities to provide such access do not presently exist, the MFJ sets a timetable for phasing in the required equal access. Each BOC must begin to offer such access to all interexchange carriers no later than September 1, 1984.[65] BOCs must file tariffs (to be effective on the date of divestiture) which will govern BOC provision of exchange access to all interexchange carriers.

203. Tariffs described in the MFJ must meet the following general criteria:

(1) That they provide unbundled schedules of charges for all exchange access services, including those provided to AT&T (MFJ, App. B, Section B, para. 1);
(2) that they discriminate against no carrier or other customer (MFJ, App. B, Section B, para. 1);
(3) that they require interexchange carriers to pay only for the type of access they use (i.e., no "take it or leave it" bundling of services) (MFJ, App. B, Section B, para. 2); [66]
(4) that their charge for each type of exchange access must be cost justified (MFJ, App. B, Section B, para. 2).[67]

204. The MFJ defines "exchange access" to include any activity or function that a BOC performs in connection with the origination or termination of interexchange telecommunications. The judgment envisions a tariffed "menu" of such services from which an interexchange carrier may select the options it wants. It expects that each BOC will unbundle the rates for as many of these services or functions as technology will permit. The goal of this requirement is to give an interexchange carrier maximum flexibility in requesting and paying for

[64] *See Joint Board Order, supra*, 47 FR at 54495.

[65] By September 1, 1985, equal access must be available through end offices serving at least one-third of that BOC's exchange access lines. Unless a BOC obtains a waiver of the schedule requirements, equal access through each of its end offices must be available by September 1, 1986. Such a waiver is available only for end offices using electromechanical switches or serving fewer than 10,000 access lines. To receive the waiver, the BOC must show the Court that for particular categories of service the cost of equal access through such end offices outweighs the potential benefits to users of telecommunications services. Any denial of access based on this exception must be minimized both to its extend and duration. *See MFJ*, App. B, Section A, para. 3.

[66] Nothing in the decree precludes a BOC from also offering exchange access superior or inferior in type or quality to that provided AT&T at charges reflecting the increased or reduced cost of access.

[67] This means that differences in charges must be justified on the basis of differences in services.

the precise type of exchange access it requires.

205. As the Competitive Impact Statement prepared by the Department of Justice makes clear,[68] the MFJ does not purport to prevent the Commission from prescribing access charges to recover BOC costs allocated to exchange access by jurisdictional separations that do not satisfy all the conditions imposed by the MFJ upon carrier initiated tariffs. Its intent is only to require that, given the Commission's ground rules, the BOCs use a cost-based tariff structure, non-discriminatory in effect, to differentiate among the access charges they levy for each element of service.[69]

206. In the *Second Supplemental Notice*, we had concluded that the only way to eliminate the discrimination among interstate and foreign services was to develop "new allocation procedures in which formulae would be applied uniformly for all services to those plant elements which are used in basically the same way by all services and applied selectively to specific services for those plant elements which are used differently for different services." 77 FCC 2d at 231. Thus, the general criteria that the MFJ imposes upon BOC initiated access charges are fundamentally consistent with the goals of this proceeding. The MFJ, however, would include in access charges compensation for the use of facilities and services that our tentative plan had excluded from its definition of access services. In the *Fourth Supplemental Notice* we noted that while the BOCs could comply with MFJ requirements by filing supplemental charges for elements excluded from our rules for computing access charges, it might be desirable to adapt our plan to include charges for such facilities and services.[70] 90 FCC 2d at 153. We sought suggestions to adapt that plan to include these additional services and facilities.

207. We have concluded that, for reasons we have already discussed, the better choice is to adapt our tentative plan to account for the additional access elements contemplated by the MFJ. In particular, we have added to the plan an element we call the "Dedicated Transport element" through which local telephone companies will recover the interstate revenue requirement associated with the costs of the facilities linking the switches of interexchange carriers to the distribution facilities of local carriers. While we recognize that this element reflects costs that are fundamentally non-traffic sensitive in nature, we have chosen to include the Dedicated Transport element in our discussion of traffic sensitive costs because we perceive it to be an intrinsic part of the costs associated with providing interexchange carriers with access to the local network. Moreover, while the costs associated with the Dedicated Transport element are not traffic sensitive and will not be recovered through usage sensitive rates, these facilities will continue to have such an impact upon the local carrier's configuration of the traffic sensitive components of its network that we believe it is logical to discuss recovery of the cost associated with this component of local network facilities in this Part of this *Report and Order*.

208. The *Separations Manual* classifies certain central office equipment as non-traffic sensitive and allocates the related investment between the jurisdictions as if it were subscriber plant equipment. As previously noted, we have decided that we should not include this non-traffic sensitive central office equipment in our NTS plan because the separations classifications may change in the future. We are, nevertheless, including separate elements for traffic sensitive and non-traffic sensitive portions of Category 6 central office equipment in this part of our plan for the initial access charges because it appears unlikely that any changes in the separations classifications for Category 6 central office equipment could be implemented in 1984.

209. In the *Fourth Supplemental Notice*, we stated that we still found it "reasonable to expect interchange carriers to compensate exchange carriers for traffic sensitive costs on a traffic sensitive basis." 90 FCC 2d at 152. The tentative plan in the *Second Supplemental Notice* called for interexchange carriers to compensate exchange carriers for traffic sensitive costs on a traffic sensitive basis. In their responses to the *Fourth Supplemental Notice*, some participants stated that end users should be charged directly for all costs associated with access services, including traffic sensitive costs.[71] This, they asserted, would reduce administrative expenses and eliminate the inaccuracies of separations and settlements. We believe it would accomplish neither. With the adoption of our access rules, the settlement process for access service compensation will end. While billing end users for all access costs might indeed reduce administrative expenses for the interexchange carriers, such an approach would impose a tremendous burden on the exchange carriers and end users. If the customer originating the call had to pay directly for the costs of the facilities used to terminate his interstate call, this would require the terminating exchange carrier, apparently through recourse to the interexchange carrier involved, to identify the end user originating the call and then to bill that user directly for the costs associated with the type of interconnection provided to the interexchange carrier. This would not only impose substantially greater administrative burdens upon these exchange carriers, but also would constitute a drastic change in the relationships among end users, local telephone companies and interexchange carriers, a change that we cannot perceive to be in the public interest. If instead all end users are expected to bear the costs of all plant in their exchange area used to provide access service to interstate carriers, whether the resulting charge is flat, usage sensitive or a combination of both, almost certainly that approach will result in costs being recovered from customers who have not caused the exchange carrier to incur those costs. In particular, end users will be subsidizing the use of their local facilities by those terminating calls in their exchange area. Such an unfair result cannot be in the public interest. Moreover, this approach would not eliminate any alleged inaccuracies in the separations process.

210. In general, those participants addressing the appropriate structure for charges to recover traffic sensitive costs agreed that the rates should be usage sensitive.[72] In its comments to the *Fourth Supplemental Notice*, Southern Pacific adds that these charges should be sufficiently unbundled to assure that each interexchange carrier pays only for the local access facilities it receives. We believe that the rules we have adopted to recover the costs of access facilities are sufficiently refined to achieve this

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[68] *See* Competitive Impact Statement filed by United States Department of Justice at 35–36, United States v. American Telephone and Telegraph Co., D.D.C. Civil Action No. 74–169.

[69] An antitrust decree could not, of course, limit this Commission's power to prescribe a system of charges that is designed to satisfy Communications Act requirements. The MFJ does not purport to do so.

[70] Examples of such facilities and services include the lines or trunks between a telephone company end office and an interexchange switch and billing and collection services.

[71] *See, e.g.*, Comments of United States Transmission Services, pp. 12, 20; Comments of the Association of Long Distance Telephone Companies, p. 8 at n. 10, pp. 25–26; Joint Comments of Tel. Systems Management Corporation, Satelco, Inc. and Teltec Saving Communications Co., p. 2; Comments of Curtis M. Bushnell, Public Utility Consultant, pp. 15, 19.

[72] *See, e.g.*, Comments of Centel, SBS and USITA.

result. Southern Pacific also asserts that these charges should be adjusted to reflect the diminished value of interexchange service resulting from unequal interconnection. We have already explained why we have chosen to rely upon a premium access charge to account for differences in the quality of interconnection offered to different interexchange carriers. *See* Part III.C, *supra*. Consequently, our rules for computing charges to recover traffic sensitive costs rely only upon cost causation to compute charges.

211. In developing our access charge rules we have considered exchange access for interexchange carriers providing switched services to be composed of two categories or groups of elements. The first category consists of the transmission (and related switching) facilities which carry interexchange traffic between the interexchange carrier's facilities and the Class 5 (end) office at which this traffic originates or terminates. This plant always includes some dedicated trunks which carry only that interexchange carrier's traffic to a switch within the exchange. It also includes the interface between the dedicated transport line and the exchange carrier's switch. For the OCCs, it would correspond to Rate Element 1 in the ENFIA A tariff (BSOC–8) and in the ENFIA B and C tariff (BSOC–9). This is the element we have called "Dedicated Transport." If the local switch is not the end office switch used to terminate or originate an interexchange call, additional trunks and possible local tandem switches will be required to complete transmition between that end office switch and the interexchange carrier facilities. Most of this equipment is traffic sensitive (TS) and because it may be shared by several carriers, we call the associated access element "Common Transport."

212. The second category, called the "end office" category, corresponds to the central office equipment in the end office at which the interexchange carrier's traffic originates or terminates. This element includes all the traffic sensitive central office equipment (COE) used to provide switching and related services, including operator assistance services. In this Part, we describe the guidelines we have developed to recover the costs allocated to the different plant elements within the categories. We also discuss the rules that will govern recovery of costs for such special services as Billing and Collection.

A. End Office Charges

213. To complete transmission of interstate or foreign switched communications to and from the premises of an end user, an interexchange carrier must rely upon facilities located at the end office to which that end user's telephone is directly linked. In particular it must use local dial switching equipment and may use operator services to assure successful transmissions. We refer to the charges associated with the use of this equipment generically as "end office charges." In this section we unbundle these charges into five elements: (1) Line Termination; (2) Local Switching; (3) Intercept services; (4) Information services; and (5) Operator Assistance services. The first two elements reflect an interexchange carrier's use of local switching equipment, which the *Separations Manual* classifies as Category 6 central office equipment; the remaining three elements reflect an interexchange carrier's use of equipment that the *Separations Manual* classifies as Category 1 central office equipment. For this reason we are adopting these *Separations Manual* categories as the basis for defining the direct costs allocated to each of these elements.[73]

1. Category 6 Central Office Equipment.

214. *Line Termination Element.* The *Separations Manual* divides Category 6 Central Office Equipment (COE) into non-traffic sensitive (NTS) and traffic sensitive (TS) subcategories to distinguish the fixed costs of terminating lines in the switch from the usage sensitive costs of switching.[74] The Line Termination element consists of the portion of the investment in the local switch that separations considers non-traffic sensitive and the associated indirect investment and expenses. Such costs should be recovered from all interstate carriers providing switched services and allocated among these carriers based on their relative conversation minutes.[75]

215. Separations has relied upon factors developed by Bell-USITA studies to determine the portion of investment in different types of switches that is and is not traffic sensitive. In CC Docket No. 80–286, the Joint Board is considering whether these factors should be revised.[76] We believe, however, that to assure that our access charge plan becomes effective on January 1, 1984, we must provide carriers with specific guidelines for developing their access charges as early as possible. Consequently, we must proceed to establish these guidelines without the benefit of the Joint Board's recommendations. We have concluded that in developing the access charges to become effective in 1984 it is reasonable to rely upon existing Bell-USITA factors to distinguish NTS from TS Category 6 COE. If Joint Board recommendations result in the revision of these factors, we would expect these changes to be reflected in access charges for later years.

216. Our tentative plan in the *Second Supplemental Notice* had assigned Line Termination costs to private lines even though they do not terminate in a Class 5 (end office) switch. We intended that apportionment to serve as a surrogate for certain costs, including those attributable to "leaky PBXs", that cannot be easily identified.[77] In the plan we adopt today, we have already allocated to private lines the costs of other NTS plant that could serve to ensure recovery as a surrogate for these less easily identifiable costs. We also believe that the leaky PBX phenomenon may become much less significant in the

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[73] The procedures for computing charges for those elements are described in §§ 69.108–69.110 of the rules.

[74] That portion of non-traffic sensitive category 6 central office equipment used to provide trunk conditioning and signalling between the carriers' switching facilities is included in the Dedicated Transport element.

[75] The allocation of NTS Central Office Equipment on a usage basis represents an apparent inconsistency with the approach we have taken to recover almost all other non-traffic sensitive plant. We believe, however, that this apparent inconsistency is resolved by a closer examination of the facilities involved.

Non-traffic sensitive facilities the costs of which are to be recovered through end user charges are all dedicated to particular subscribers or, in the case of party lines, groups of subscribers. (The only exception is pay phone service, the costs of which are apportioned on a usage basis).

As compared to older electro-mechanical facilities, a far larger fraction of modern central office facilities has been classified as non-traffic sensitive. Such modern facilities can offer subscribers many more or improved service options than could the facilities that they replace. Not all subscribers require or even desire such additional services. It does not seem appropriate, therefore, to treat these facilities as if they were dedicated.

The Joint Board will have the opportunity more closely to investigate whether the *Separations Manual's* treatment of the costs associated with these electronic switches should be revised. It is possible that after its investigation is completed we shall perceive a need to revise the rate structure for this element so that it reflects cost causation more accurately.

[76] *See Joint Board Order, supra*, 47 FR at 54496.

[77] These costs include the costs of "hard wiring" these lines into place or otherwise providing special arrangements or treatment for private lines. They also include costs attributable to the "leaky PBX" phenomenon that we described in the *Second Supplemental Notice*. *See* 77 FCC 2d at 241. This phenomenon arises whenever an interstate call is "patched" through a PBX from a private line to a common subscriber line. That common line, the local exchange switch, another subscriber's common line and another subscriber's station equipment are all used to complete the call, but such private line usage of those facilities is not presently reflected in the computation of private line access service compensation.

future as cost-based access charges produce a shift to MTS by those private line customers capable of "leaking." For these reasons we are not assigning any Line Termination costs to private line services.

217. *Local Switching Element.* Through charges associated with this element, local carriers will recover the costs associated with interexchange carriers' use of traffic sensitive (TS) Category 6 Central Office Equipment (COE) to complete interstate switched services.[78]

218. In the *Second Supplemental Notice* we had concluded that no traffic sensitive costs should be assigned to services not using the local exchange's switching facilities. Consequently, we proposed that these costs be allocated on a usage basis among three switched service categories: MTS/WATS; FX/CCSA open end access; and OCC–ENFIA. Weighted dial equipment minutes (DEMs) were used as the unit of measurement.

219. The *Separations Manual* uses DEMs as the unit of measurement for purposes of allocating the traffic sensitive portion of Category 6 COE between the interstate and intrastate jurisdictions. However, § 24.63 of the *Manual* applies a weighting factor known as TWF (Toll Weighting Factor) to the "toll" DEMs to reflect the difference in average cost per toll minute of use as compared to the average cost per exchange minute of use. The present *Manual* does not specify the TWF factors.[79] Different factors were developed for different types of switches in the Bell-USITA studies that developed NTS-TS ratios for the same categories of switches. The TWF factor differs from the subscriber plant factor (SPF) in that TWF is related to cost causational principles. Long distance calls require switching capabilities that local exchange calls do not. The TWF factor was designed to segregate costs that are peculiar to long distance calls.[80]

220. In comments filed in response to the *Second Supplemental Notice,* Southern Pacific suggested that costs that are assigned to the interstate jurisdiction as a result of the application of the TWF factor should be excluded from the computation of ENFIA A access charges because ENFIA A services use the local exchange in the same manner as local exchange service.[81] (Comments, pp. 49–50). In Reply Comments to the same *Notice,* AT&T agreed that some adjustment would be reasonable. It noted that at the open-end FX also uses local exchange switching in the same manner as local exchange service. (Reply, p. 63).

221. In the recent *Joint Board Order,*[82] the Joint Board proposed that both interstate FX/CCSA open-end access services and interstate ENFIA services be explicitly recognized in the *Separations Manual* as interstate services. It also recommended that for apportioning costs of traffic sensitive switching equipment, all FX/CCSA, ENFIA A and ENFIA C dial equipment minutes be treated like exchange service DEMs with no toll weighting factor applied to them. Recognizing that ENFIA B appeared to use the local switch more like MTS than like exchange service, the Joint Board is seeking to determine whether the similarity between ENFIA B and MTS warrants treating DEMs generated by ENFIA B use of local switches like DEMs generated by MTS use.

222. If the average costs associated with different interstate switched services' use of local dial switching equipment vary, these differences should be reflected in the rate structure of this element in order to assure that there will be no unlawful discrimination in rates for functionally equivalent services. As a first approximation to achieving this goal we are requiring that exchange carriers establish separate charges for two categories of service. The first category corresponds to local dial switching provided through line side termination at a Class 5 (or end) office or, for interstate services other than MTS and WATS, through termination in a local tandem switch. The second corresponds to a local dial switching provided through trunk side termination at a Class 5 office for MTS/WATS equivalent services and switching provided for MTS and WATS. Based on avilable information we believe these service categories result in a grouping together of those interstate service offerings for which the average cost per minute of using the local switch is approximately the same. In particular, use of switching equipment by FX/CCSA open-end access, ENFIA A and ENFIA C services should fall within the first category of service while end office switching for MTS, WATS and ENFIA B should fall within the second category.

223. For computing 1984 access charges, the costs associated with local dial switching equipment shall be allocated between the two service categories based on relative DEMs, after the toll weighting factors developed in the separations process have been applied to DEMs generated by services in the second service category.[83] To convert these allocations to monthly per minute charges, the revenue requirement for each service category shall be divided by that category's projected average conversation minutes.[84] For a given month, the local switching equipment charge levied upon a carrier providing a service (or services) included in that service category will be the product of that category's unit charge and the conversation minutes generated by the carrier's service(s).

224. In responses to our *Second Supplemental Notice,* some participants had suggested that the tentative plan be modified in order to incorporate peak and off-peak pricing in the prescribed access charges. (Consumers Union Reply, pp. 9–10; NTIA Reply, pp. 32–33). Such a modification would presumably be limited to the traffic sensitive components like the Local Switching element inasmuch as non-traffic sensitive costs do not vary with usage. That suggestion warrants consideration as a long-run solution. However, we

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[78] Some services classified as private line are, in fact, switched (e.g., CCSA). If costs of some traffic sensitive switching equipment are now directly assigned to such services, we intend such direct assignment to continue.

[79] The Joint Board has tentatively recommended that this continue. *See Joint Board Order, supra,* 47 FR at 54505.

[80] Although the TWF factor was designed to reflect cost causational principles, it is not based on a historical cost causational principle. The *Manual* was designed to allocate costs between two "old" services that will continue to exist. Allocations are based upon actual relative use during a prior period rather than projected use during some future period.

[81] At the time these comments were filed, the ENFIA B and ENFIA C service offerings did not exist. ENFIA B and ENFIA C provide access through trunk side connections to end offices and through trunk side connections to tandem offices respectively. ENFIA B provides more signaling information to the interexchange carrier than does ENFIA A, as well as automatic number identification and answer supervision. ENFIA B also permits subscriber use of rotary dial telephones to reach OCC switches. While ENFIA C does not provide these additional services, it permits an OCC switch to serve subscribers in more than one exchange directly.

[82] *See Joint Board Order, supra,* 47 FR at 54496, 54498.

[83] We recognize that the Joint Board deliberations may result in development of new TWFs to be applied exclusively to ENFIA B services. We anticipate that the scheme for allocating investment in TS local dial switching equipment we prescribe here would be altered so that these new TWFs would be applied to ENFIA B DEMs. We believe, however, that it is unrealistic to expect that development of such new TWFs could be completed before the end of the third quarter of 1983. The carriers require a reasonable time to develop and file their 1984 access charges and we shall require time to review these filings. For this reason, we conclude that 1984 access charges should not reflect the development of any new TWFs for ENFIA B services.

[84] These averages shall be developed through traffic studies, with necessary information being supplied by the interexchange carriers if the exchange carrier is unable to obtain such information directly.

could not devise adequate rules for computing cost-based peak or off-peak access charges for this traffic sensitive plan from the information in this record. Therefore the rate structure, at least for 1984 access charges, will reflect no discount for off-peak usage of traffic sensitive exchange facilities.[86]

225. It should be noted that the efficiency benefits of peak pricing flow from the use of peak pricing in end user rates. The use of peak pricing in a carrier's carrier charge need not have any direct effect upon usage. Consistency between carrier's carrier charges and end user rates would be desirable, but time of day pricing of access service compensation is not a condition precedent for time of day pricing of end user services. MTS tariffs have established different rates for different times for a number of years even though the settlements formula for computing MTS access service compensation has never assigned different weights to different MTS minutes.

2. Manual Switchboard Services

226. Category 1 central office equipment consists of investment in manual switchboards. Manual switchboards are used primarily in connection with MTS and WATS service. In reply comments to the *Second Supplemental Notice*, however, AT&T asserted that the OCC–ENFIA and FX–CCSA services should share in costs relating to manual switchboards providing information and intercept services because both FX–CCSA open end access and OCC–ENFIA services also rely upon those operator services. AT&T indicated that directory and intercept switchboards can be identified without undue difficulty. Therefore, we propose to associate Category 1 investment allocated to the interstate access with one of three access elements: (a) The Intercept element; (b) the Information element; and (c) the Operator Assistance element.

227. *Intercept Element.* A local carrier provides Intercept services when it causes a telephone call directed to an improper telephone number to be redirected to an operator or a recording that tells the caller why the call, as dialed, could not be completed and if possible, provides the correct number. By its nature, this service must be provided either to all interexchange carriers or to none. We believe that because all rely upon this service to assure successful completion of their customers' interexchange calls, all should share in the costs associated with its provision. There do not appear to be any cost or value differences with respect to the use of Intercept services that would warrant the application of any weighting factors to distinguish one interexchange carrier's use from another's. Therefore, we have decided to subject all interexchange carriers to a per minute Intercept charge that is computed by dividing costs allocable to this element by total conversation minutes for all switched or partially switched interstate services.

228. *Information Element.* As its name suggests, Information service is provided when, by dialing the proper service code or number, a customer is connected to an operator who will tell him the telephone number of another customer, provided that the latter's number is or will be listed in the telephone directory. Based upon AT&T's *Second Supplemental Notice* Reply Comments we conclude that the costs associated with this service can be unbundled from those associated with the use of other Category 1 COE. We believe that these costs should be unbundled from other manual switchboard costs. At the present time directory information that is provided for long distance services is provided through transmission facilities of AT&T and its interexchange partners. These costs will accordingly be assessed upon those carriers unless other interexchange carriers establish connections with such directory assistance facilities.[86]

229. *Operator Assistance Element.* This element describes the remaining interstate operator services, primarily direct assistance in the completion of toll calls. To this element we allocate that investment in Category 1 COE not already allocated to either the Intercept or Information elements, as well as the indirect investment and expenses associated with this Category 1 investment under our allocation rules. The costs associated with this element should be recovered through a non-discriminatory, usage-sensitive rate structure imposed only upon those interexchange carriers who in fact use these interstate Operator Assistance services.

B. Transport Charges

230. As part of its access service, each local exchange carrier will provide transmission (and possibly) switching facilities to carry interstate switched traffic between an interexchange carrier's facilities and the end office through which this traffic originates or terminates. This plant always includes some dedicated trunks or lines, which carry only that interexchange carrier's traffic to a switch within the area served by the local carrier.[87] We refer to the element corresponding to this plant as the "Dedicated Transport" element. If this exchange carrier switch is not the end office switch used to originate or terminate the interstate call, additional trunks, local office and local tandem switches will be required to complete the communications path between the originating (or terminating) end office and the interexchange carrier's facilities. We refer to the element corresponding to this plant as the "Common Transport" element.[88] The cost associated with both Dedicated Transport and Common Transport will be recovered as part of the carrier's carrier charge for access to the local company's facilities needed to complete interstate communications.[89]

1. Dedicated Transport Element

231. This element consists of the dedicated voice grade transmission facilities and the interface at which those facilities and the exchange carrier's switch are joined.[90] For non-

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[86] We intend shortly to establish a Joint Board that will consider the need for changes to the *Separations Manual* that will allocate investment and expenses between the jurisdictions based on peak and off-peak use of exchange facilities. When that Board has completed its work on this subject, we shall reconsider our decision concerning a peak/off-peak rate structure for traffic sensitive access charge elements.

[86] If that contingency arises, exchange carriers that provide the information service will be required to devise an appropriate method to apportion such costs among all interexchange carriers that are connected with such directory assistance switchboards.

[87] In some cases, two exchange companies jointly might provide such a trunking service.

[88] The procedures for computing changes for the Transport elements are described in §§ 69.111 and 69.112 of the Rules.

[89] We are not, however, including any use of switching in a local dial (Category 5) switch in the Common Transport element.

[90] The facilities included in this element and other elements are the subject of the Settlement Agreement between the Bell System companies and the OCCs that we accepted as a disposition of Docket 20099. *See* 52 FCC 2d 727 (1975). That agreement established interim rates for the OCCs' use of certain Bell System facilities. It also established procedures for revising such rates that are still in effect. In particular, it permitted a carrier-initiated increase in the rates only on six months' notice to the OCCs. *Id.* at 734–35. We predicated our acceptance of that agreement on our finding that "the responsibilities undertaken by the parties are in the public interest because they expedite and further the implementation of established Commission policy." *Id.* at 732. If applied to the access tariffs which will replace the existing tariffs under which the BOCs provide dedicated transport facilities to the OCCs, such a notice requirement could prevent the timely implementation of these access tariffs. We have not determined whether the agreement purports to establish a notice requirement under these circumstances. Because we find such delay contrary to the public interest, we

premium carriers, *i.e.* the OCCS, this element would correspond to what is now designated as rate element 1 in the ENFIA A tariff. To this element we allocate investment in the outside plant linking the carriers' switching facilities as well as any Category 8 and non-traffic sensitive Category 6 central office equipment used to provide trunk conditioning and signaling between the carriers switching facilities.

232. USITA has suggested that the costs associated with this element be recovered through rate structures reflecting "capacity ordered." A rate structure based on "capacity ordered" may bear little relationship to what is, in fact, provided. We believe that an interexchange carrier should pay only for facilities it in fact receives. We can appreciate that in order to plan its network to assure the highest quality of service to all its customers a local carrier requires advance information of an interexchange carrier's anticipated needs and demands upon the local system. We do not believe that this information bears any intrinsic relationship to the costs incurred in currently providing services to these carriers.[91]

233. We are requiring that the revenue requirement associated with the Dedicated Transport element be split into three parts on the basis of relative net investment in: (1) Interface arrangements; (2) voice grade transmission facilities; and (3) equipment used to provide conditioning for such transmission facilities. As a result, the charge associated with the Dedicated Transport element will be the sum of a charge reflecting the costs of voice grade transmission facilities dedicated to an interexchange carrier's use, a charge reflecting the costs of conditioning those facilities and a charge reflecting the costs of any additional central office equipment located at the boundary between those facilities and the local carrier's switch to which they are joined. In requiring this unbundling of charges our aim is to assure that the charges imposed upon an interexchange carrier for its use of dedicated transport facilities reflect the costs associated with the facilities provided to that carrier.[92]

234. *Interface Arrangements.* To this subelement we have allocated all investment in central office equipment used to provide interface arrangements. We have taken this step because we recognize that exchange carriers will be offering to interexchange carriers access arrangements that rely upon central office equipment to provide different signaling and other capabilities. We shall require that each exchange carrier establish in its access tariff a separate charge for each additional kind of interface arrangement it proposes to offer.[93]

235. We shall require that each exchange carrier present a listing of subelements corresponding to all the interface arrangements it intends to offer. It is through these subelements that the carrier will recover the share of its projected revenue requirement for Dedicated Transport that our allocation rules have apportioned to interface arrangements. To provide carriers with sufficient flexibility to develop access charges reflecting the many kinds of interface arrangements they may choose to offer, we have refrained from prescribing rules specifying precisely how the charges associated with these subelements must be calculated. We do require, however, that differences in the charges for these interface arrangements reflect cost differences.

236. *Conditioning arrangements.* The quality of voice communications over transmission facilities may be impaired by such factors as trunk loss, noise or echo. Alone or in combination, these factors may partially or sometimes completely obscure the information content of voice transmissions. Transmission facilities, however, may be conditioned to control these parameters [94] in order to improve the quality of such transmissions.

237. We shall require that each exchange carrier present a system of subelements corresponding to all the conditioning arrangements it intends to offer. Subelement charges will also be designed to recover the aggregate conditioning revenue requirement and charges for particular subelements will be designed to reflect cost differences among conditioning arrangements.[95]

238. *Transmission facilities.* To this subelement we allocate investment in all dedicated voice grade transmission facilities to be provided to interexchange carriers to complete their interstate or international communications service. These dedicated facilities are analogous to the non-traffic sensitive subscriber line plant dedicated to an end user's use. Consequently, we shall require local telephone companies to recover the costs associated under our allocation rules with this subelement through a flat monthly charge imposed upon each interexchange carrier receiving access through such facilities. The costs associated with Dedicated Transport facilities are a function of two parameters. The first is the distance between the interexchange carrier's facilities and the "entry switch" through which that carrier's traffic enters the exchange area. The second is the number of voice grade channels provided to the interexchange carrier. The latter we shall call "conversation capacity." We shall require that the monthly charge levied upon an interexchange carrier for voice grade facilities dedicated to its use shall be based upon the conversation capacity provided by these facilities and a distance factor.

239. At this time all AT&T toll offices are linked to local offices through 4-wire or 4-wire equivalent voice grade facilities. At least some AT&T offices are collocated with end office switches. Other interexchange carriers, however, have never been allowed to collocate their switches with local telephone company switches. A strictly distance-sensitive rate structure for dedicated transmission facilities would thus give AT&T an unfair competitive advantage. Consequently, we shall require that for

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are abrogating any contractual notice requirement of the Settlement Agreement that might be applicable. Any other provision of the agreement or the subsequent ENFIA agreement that may be inconsistent with the Rules we are adopting will of course, cease to be effective when access charges become effective. The decision in *MCI Telecommunications Corp. v. FCC*, 665 F. 2d 1300 (D.C. Cir. 1981) does not preclude us from abrogating provisions that are inconsistent with our prescription of an access charge plan. That decision related to carrier-initiated tariff charges.

[91] *See* Reply Comments of United States Independent Telephone Association.

[92] We believe that this is very similar to the refinements within this rate element advocated by the Ad Hoc Committee and Southern Pacific in their comments submitted in response to the *Fourth Supplemental Notice*. *See* Report on Access Charges attached to Comments on the Fourth Supplemental Notice filed by the Committee and Comments of Southern Pacific Communications Company, Appendix B.

[93] Such arrangement might include, for example, an E & M lead interface, which is:

A specific form of interface between a switching system and a trunk in which the signaling information is transferred across the interface via 2-state voltage conditions on two leads, each with ground return, separate from the leads used for message information. The message and signaling information are combined (and separated) by a signaling system appropriate for application to the transmission facility.

Engineering and Operations in the Bell System (1977) at 652. For a general discussion of common interface arrangements, *see id.* at 161–66, 394–403.

[94] *See, e.g.*, the family of "W types" of conditioning offered in the Bell System's Facilities for Other Common Carrier Tariffs.

[95] Association tariffs may contain exceptions for participating carriers that offer interface and conditioning arrangements that differ from any standard subelements in the association tariff. Similar exceptions will be permitted for Special Access subelements.

purposes of computing a monthly charge associated with this subelement, for an interexchange carrier other than AT&T the distance between the interexchange carrier's facility and the "entry switch" to which it is linked shall be deemed to be the minimum of the following: the airline distance between the entry switch and this interexchange carrier facility; and the airline distance between the entry switch and any AT&T toll switch within 5 miles of the interexchange carrier's facility.[96]

240. We recognize that the costs of providing Dedicated Transport to a particular interexchange carrier also depend upon the transmission media selected to carry its traffic between its facilities and the "entry switch." A purely cost-based rate structure would tie the charges imposed on an interexchange carrier to this factor also. With all the permutations and combinations of transmission media possible, however, such a rate structure could easily become unworkably complicated. The rate structure we have adopted today, while not purely cost-based, avoids the administrative problems associated with such a rate structure and provides local exchange carriers with the incentive to use the most efficient means of transmitting traffic and the flexibility they need in planning their network. We believe that these advantages warrant this limited departure from cost-based pricing, at least during the first year in which access charges are in effect.

2. Common Transport Element

241. To this element we allocate the investment in all outside plants used in whole or in part to transmit an interexchange carrier's switched traffic between the end office at which it originates or terminates and the transport facilities dedicated to that carrier's use. We also allocate some investment in intermediate switching facilities such as local tandem offices.[97]

242. The costs associated with this access element are both usage and distance sensitive. Consequently, we are prescribing a rate structure that is both usage and distance sensitive. The measure of usage shall be conversation minutes of use, while the measure of distance shall be the airline distance from "entry switch" to the end office at which a call originates or terminates.

C. Other Charges

1. Billing and Collection Services

243. To this element we are allocating all the costs associated with a local carrier's providing billing and collection services to an interexchange carrier. In particular this would include investment in Category 4 central office equipment, automatic message recording equipment, and most of the revenue accounting expenses allocated to the interstate jurisdiction.[98]

244. The MFJ would permit a BOC to restrict its offer of billing and collection services to only some interexchange carriers unless the BOC threatened to withhold service from a customer failing to pay charges levied by such interexchange carriers.[99] The MFJ does require, however, that if a BOC offers billing and collection services to even one interexchange carrier, that the charge for this service must be in the BOC's access tariff. Only common carrier services can be tariffed. The hallmark of a common carrier service is that it is offered to all indifferently. *See CCIA* v. *FCC, supra,* slip op. at 25. Consequently, to assure a result consistent with our powers under Title II of the Communications Act of 1934, as amended, 47 U.S.C. 201 *et seq.*, and the intent of the MFJ, we shall require that an exchange carrier offering billing or collection or billing information services to one interexchange carrier must offer them to all.

245. In contrast with our treatment of rates related to other access elements, the only restrictions we shall place upon a local carrier offering Billing and Collection services is that it not discriminate among carriers selecting these services. Any differences in charges levied for these services must be cost justified.

2. Special Access

246. Special Access includes a variety of services and facilities that we have decided to include in our system of access charges in order to ensure that tariffed access charges of all exchange carriers encompass services and facilities that the divested BOCs will be offering pursuant to tariffed access charges.[100] If the MFJ did not exist, we would probably exclude these facilities from the access charge scheme and classify them as "Interexchange" for this purpose. Most services that use these facilities—such as program transmission, telex, etc.—are not close substitutes for MTS and changes in existing rate structures would not be required in order to eliminate discrimination or preferences among MTS and services that are close substitutes for MTS.

247. The Special Access category also includes a portion of interstate or international private lines that terminate in a PBX or similar equipment and interstate WATS lines. We limit the Dedicated Access Line element to the portion of those lines on the customer side of an end office in order to create a Dedicated Access Line element that is analogous to the Common Line element. We use the demarcation in order to establish parity for comparable elements. A portion of such private lines and a portion of some WATS access lines that are not included in the Dedicated Access Line element are included in access service for purposes of the MFJ. We are assigning those portions of those lines to Special Access in order to make access charges for all carriers correspond with the BOC access charges.

248. Although we have described Special Access as an element for cost allocation purposes, the Special Access category in fact encompasses a number of elements that must be priced separately. The same charges could not be applied to video "lines", telex lines and pieces of WATS access lines without creating unlawful preferences. Such facilities have very different cost characteristics and are used for very different purposes.

249. We have not attempted to provide guidelines for apportioning the Special Access revenue requirement among the rate elements or subelements within that category and we have not described the subelements that should

[96] This "five-mile" requirement is similar to one imposed in the MFJ upon any BOC-initiated tariff to reduce the competitive advantage AT&T enjoys over other interexchange carriers because of the location of some of its switches. The MFJ has required that under such tariffs until September 1, 1991, the charge for delivery or receipt of traffic of the same type between an end office and each interexchange carrier's facilities located within the exchange area (or any reasonable subarea) be equal per unit of traffic delivered or received for all such carriers. If the facilities of another interexchange carrier are located within 5 miles of an AT&T Class 4 switch, with respect to any end office served by that switch, the OCC facility is to be considered within the same subarea as the AT&T switch. This requirement applies even if a BOC uses different transmission and switching facilities to serve AT&T and the other interexchange carriers; it exists to assure that the OCCs are not charged more for transmission merely because AT&T's switches are more advantageously located with respect to or linked to an end office.

[97] We note that the plan we adopt today for developing a carrier's carrier charge will accommodate access arrangements provided by the independent telephone companies and by the divested BOC, regardless of the shape of the local access and transport areas (LATAs) ultimately approved by the court in United States v. Western Electric Company, D.D.C. Civil Action No. 82-0192.

[98] Computation of charges for this element is described in § 69.124 of the Rules.

[99] In the latter case the MFJ does require the BOC to offer billing and collection services to all.

[100] Computation of charges for this element is described in § 69.123 of the Rules.

be used. This proceeding was not designed to develop criteria for designating such subelements or for apportioning costs among appropriate subelements and the record in this docket does not contain much information that would be useful for those purposes. Such questions have been or will be addressed in other Commission proceedings.[101] We are accordingly directing exchange carriers to establish subelements and methods for computing subelement charges that are consistent with applicable Commission rules and decisions.

V. Computation of Access Charges

250. In order to compute a charge for an access element it will generally be necessary to compute a revenue requirement for that element. Under the rate base—rate of return method of ratemaking costs or revenue requirements consist of two components. The return component is computed by multiplying the rate base or investment by an allowed rate of return. The expense component covers the carrier's allowable operating expenses.

251. We have decided that the usual rate base—rate of return method should be used to compute access charges for each element except Billing and Collection. We are not imposing any constraint upon the return carriers may earn for that service because local exchange carriers do not possess sufficient market power with respect to that service to warrant a rate of return prescription. If the local exchange carriers establish excessive Billing and Collection charges, the interexchange carriers can, and undoubtedly will, do their own billing and collection.

A. Rate of Return

252. We will require the exchange carriers to compute charges for all the other access elements that are targeted to earn the same return. We are not, however, specifying a prescribed return in the text of the access charge rules. Such prescriptions necessarily must be revised from time to time in *ad hoc* proceedings that are designed for that purpose. It would not be appropriate to effect changes in a prescribed rate of return through amendments to the rules. We are, however, requiring exchange carriers to use the currently authorized rate of return to compute access charges until that prescription is superseded by further order of this Commission.

253. We have already prescribed a rate of return of 12.75% for AT&T interstate operations. This targeted rate was established after consideration of all AT&T interstate capital costs, including capital costs associated with the provision of access service. Although that prescription has not been imposed directly upon other telephone companies, the existing partnership interstate settlements arrangement has been designed to enable every telephone company to realize the same achieved rate of return that AT&T realizes on interstate operations. Thus, the use of any rate of return other than 12.75% for the purpose of targeting access charges for BOCs or independent telephone companies would be a departure from the *status quo*.

254. Although the *Second Supplemental Notice* did propose to use the AT&T authorized rate of return for purposes of targeting access charges, the *Fourth Supplemental Notice* invited comment on the desirability of prescribing a different return inasmuch as BOC costs of capital may diverge from AT&T costs of capital after divestiture.[102] Most participants who have discussed this subject have suggested that the 12.75% return be used for the initial access charges. No evidence has been developed in this record that would enable us to predict any future divergence in AT&T and BOC costs of capital. Therefore, we will require that a 12.75% return be used to target access charges of any exchange carrier and interexchange services of AT&T until a different authorized rate of return is established in subsequent proceedings. We may or may not conduct separate proceedings to consider any future revisions in the prescribed rate of return for access and interexchange services.

B. Identification of Access Costs

255. Several steps are necessary to identify the investment and expense that is attributable to a particular access element. Investment and expenses relating to telephone operations must be segregated from other investment and expense. Interstate telephone operations investment and expense must be segregated from intrastate investment and expense. The access charge or exchange plant portion of interstate investment and expense must be segregated from other interstate investment and expense. The access portion must be allocated among the access elements.

256. Carriers are already obliged to perform the first two steps in order to compute revenue requirements for interstate services. This Commission has provided guidance for the identification of regulated service costs through accounting rules and decisions in tariff proceedings. We have also prescribed rules for the separation of investment and expense between the interstate and intrastate jurisdictions. Those rules are contained in the *Separations Manual* that has been incorporated as Part 67 of our Rules, 47 CFR Part 67. The telephone companies have developed detailed and elaborate procedures to implement the separations rules.

257. The tentative plan described in the *Second Supplemental Notice* would have used the division of revenue or "DR" procedure that AT&T developed to implement the *Separations Manual* in order to determine interstate investment and expense for the computation of access charges. Several comments that were filed in response to that *Notice* questioned the wisdom or propriety of using the DR procedures for that purpose. MCI noted that there is no single fixed document describing Bell System DR procedures that could be incorporated by reference in access charge computation rules. MCI observed that the 11-volume DR Manual is revised monthly and does not contain a complete description of the procedures used to separate interstate and intrastate costs. In its *Second Supplemental Notice* comments, MCI said (p. 55):

> The operative steps are actually taken by a computer located in Atlanta referred to as ISIS. AT&T has informally advised MCI that the programming for ISIS was developed sequentially over a period of many years and that there is no complete set of program inputs in existence.

258. Inasmuch as there is no fixed set of DR procedures we could not incorporate the DR procedures in access charge rules even if we could warrant that the DR procedures have produced accurate results in the past. Moreover, we are not in a position to give such a warranty. The SBS *Second Supplemental Notice* comments observed (p. 48) that the 11-volume DR Manual implements a 96-page *Separations Manual*. SBS implied that some errors of interpretation must have been introduced into the separations

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[101] *See AT&T Private Line Rate Structure and Volume Discount Practices*, 74 FCC 2d 226 (1979).

[102] The *Fourth Supplemental Notice* also suggested that returns allowed by state commissions might be used if access charges are disaggregated on a state-by-state basis. The Executive Agencies of the United States recommended that procedure (Comments, p. 18), but Southern New England Telephone Company said (Comments, p. 12) that it would probably be "inappropriate" to use a state rate of return for any interstate service. Inasmuch as we have decided that such disaggregation would not be appropriate, there is no reason to give further consideration to that approach. Any nationwide charges necessarily must be based upon a nationwide rate of return.

implementation process in the course of amplifying the prescribed rules. Although our staff does monitor these processes, this Commission has not formally addressed the myriad of interpretation questions that are lurking within the separations implementation process.

259. USTS filed a petition for evidentiary hearing that was based in large part upon its contention that an evidentiary hearing would be required to compile a record that would enable us to prescribe any separations implementation procedures. We agree that an evidentiary hearing may be necessary to prescribe separations implementation procedures. We have, however, concluded that it will not be necessary to prescribe such procedures in order to prescribe rules for the computation of access charges. We are adopting rules for the computation of access charge revenue requirements that are based upon the premise that investment and expense attributable to regulated interstate operations has already been identified. We can proceed on that assumption without sanctioning separations implementation procedures that may be questionable or foreclosing interested persons from raising questions with respect to the accuracy of the underlying data when access service tariffs are filed.

260. We recognize that the information filed pursuant to Rule § 61.38 may not at present be sufficient to enable this Commission or affected persons to identify all questions with respect to the accuracy of interstate costs that might be raised in a tariff proceeding. We have, however, decided that we should not delay the adoption of access charge rules to resolve data problems that are not unique to access charges. Any errors in the separations implementation process affect all state and federal tariffs for services offered by telephone companies. Proceedings other than this docket can and will be used to make separations implementation more visible to regulators and all affected persons. [103]

261. The allocation rules we are adopting do establish procedures for segregating access investment and expense from other interstate investment and expense and procedures for apportioning the access investment and expense among access elements. We have generally used the term "interexchange category" to describe investment, etc., that is not apportioned to any access element. For convenience, we have combined apportionments between interexchange and access and apportionments among access elements in a single set of rules. We have included the Billing and Collection element in that apportionment scheme even though our rules do not require the computation of a revenue requirement for that element because it is necessary to apportion costs to that element in order to identify the costs that are attributable to the other elements.

262. The plan we have adopted for the allocation of certain non-traffic sensitive costs between end user and carrier's carrier charges requires a further step in order to compute charges for the End User Common Line and Carrier Common Line elements. The combined charges for those elements will be designed to recover a revenue requirement for the provision of common lines. Subpart F describes the procedure for segregating that revenue requirement among those elements. We have described the combined revenue requirement for those elements as the Common Line element in the investment and expense allocation rules. [104]

C. Apportionment of Investment

263. Investment can be described as direct investment or indirect investment. The direct investment includes the facilities and equipment such as terminals, lines and switches that are actually used in the telephone operations. Indirect investment includes land, buildings, vehicles, office furniture, etc.

264. The allocation of direct investment is generally determined by the nature of the access elements we have described in Parts III and IV of this *Report and Order*. The elements encompass functions that usually correspond to particular categories of facilities and equipment. [105] For example, the Intercept element encompasses the switching facilities and operator services that perform the intercept function and the portion of manual switchboard facilities that are used for that purpose are assigned to the Intercept element.

265. The direct investment allocation rules (§ 69.303–69.306) relate the description of access elements in Parts III and IV to the plant categories that have traditionally been used for separations purposes. The *Separation Manual* describes three major categories of direct investment—station equipment, outside plant or OSP and central office equipment or COE.

266. Station equipment consists primarily of equipment included in Account 231 (station apparatus), 232 (station connections) and 234 (large PBXs). All such equipment is normally described as nontraffic sensitive plant. Some station equipment is used exclusively in connection with Special Access or Pay Telephone services and is assigned to those access elements. Some station equipment is used by the telephone companies in their own operations and should be viewed as indirect investment that is not directly associated with any access element. That investment will be apportioned in the same manner as furniture, office equipment, vehicles, etc.

267. Most of the station equipment is used in conjunction with common lines, but this same equipment is often used in connection with WATS access lines or private lines. Whenever a private line terminates in a PBX, the PBX, the terminals and the inside wiring between the terminals and the PBX are used to originate or terminate calls that are transmitted over the private line. Therefore, this category must be apportioned between the Common Line element and the Dedicated Access Line element. We have decided to use an equivalent line concept that is similar to the Mixed 1 proposal for that purpose. The total number of common or local exchange subscriber lines will be multiplied by the applicable interstate separations factor to determine the Common Line element line count that will be used for purposes of that apportionment.

268. The Joint Board in Docket 80–286 is considering a new formula in order to replicate the results that would be produced by the present transitional plan for the elimination of CPE from the interstate rate base in an environment in which some local exchange telephone companies may not own any CPE. We have generally described such an interstate apportionment as surrogate CPE in the access charge rules. Inasmuch as any surrogate CPE investment or expense is indirectly attributable to the use of CPE, surrogate CPE will be apportioned in the same manner as CPE investment or expenses if we adopt such a transitional separations factor.

269. The apportionment of Outside Plant or OSP reflects the basic scheme of the access charge plan. The rules use the term "Customer OSP" to describe

[103] The exchange plant Joint Board has invited comments upon a proposal that may serve that purpose. *See Joint Board Order, supra*, 47 FR at 54499.

[104] Total revenue requirements for some other elements such as Local Switching, Dedicated Transport and Special Access will also have to be segregated to compute subelement charges.

[105] In view of the functional nature of the access charge elements, the rules for apportionment of direct investment in subpart D essentially define each access element except the End User Common Line and Carrier Common Line Elements.

lines that are included in our NTS plan and comparable portions of Special Access lines. That category does not include any line that connects an interexchange carrier or an enhanced service provider with the local exchange switch. The Customer OSP lines in use will, or course, be assigned to the Common Line, Pay Telephone, Dedicated Access Line or Special Access elements. An equivalent line apportionment will be used to apportion the unused voice grade lines among those elements.

270. The present separations formula includes common lines and WATS access lines in the same category for purposes of determining interstate investment. If we elect to retain that approach in the separations proceeding, an adjustment will be necessary in the apportionment between the Dedicated Access Line and Common Line elements in order to assign an amount to the Dedicated Access Line element that reflects unseparated investment in interstate WATS access lines. The access charge rules describe such a contingent adjustment.

271. OSP that is not classified as Customer OSP must be apportioned between access elements and the interexchange category. The MFJ demarcation points will be used for that purpose in order to produce traffic sensitive access elements for the independent telephone companies and the undivested BOCs that will be comparable to the access elements of the divested BOCs.

272. The remaining OSP will be apportioned between Special Access and the Transport elements. Special Access not only includes the portion of lines or trunks used for special services such as telex and video that are not located on the customer side of the end office, but also includes comparable portions of lines or trunks that are used for the "Dedicated Access Line" services. We have used this demarcation in order to produce charges for a Dedicated Access Line element that are comparable to the NTS common line charges.

273. The Transport elements encompass the trunks between the end office and the interexchange facility. These may include exchange trunks between Class 5 offices or Class 5 offices and tandem offices. The assignment to Dedicated Transport or Common Transport is, of course, determined by the definition of those elements that is described in Part IV. If the line or trunk is used exclusively for interexchange services of a particular interexchange carrier it is assigned to Dedicated Transport. Other lines or trunks that are classified as Transport facilities are assigned to the Common Transport element.

274. The description of traffic sensitive elements in Part IV of this *Report and Order* necessarily determines the apportionment of Central Office Equipment that is included in COE Categories 1 and 6 in the present *Separations Manual*. COE 1 equipment will be apportioned among the Intercept, Information and Operator Assistance elements. COE 6 equipment will be apportioned between the Line Termination and Local Switching elements.

275. Inasmuch as the Transport elements encompass facilities between the end office switch and the interexchange switch, tandem switch investment (COE Category 2) and any portion of COE Category 3 investment that is classified as exchange investment for purposes of the MFJ will be included in the Common Transport element. We are not, however, assigning any COE 6 investment to Common Transport when an interexchange transmission is routed through more than one local dial switch at the originating or terminating end. The apportionment formula for COE 6 investment has been designed to take such usage into account.

276. The *Separations Manual* classifies Automatic Message Recording Equipment as COE Category 4. Inasmuch as information recorded by such equipment is used primarily for billing purposes that investment will be assigned to the Billing and Collection element.

277. Although COE Category 5 is described as Other Toll Dial Switching Equipment, it includes equipment "used primarily for operator dialed toll * * * traffic." Any Category 5 equipment that may be classified as exchange for MFJ purposes will accordingly be assigned to the Operator Assistance element. Category 5 equipment that is not exchange equipment for MFJ purposes will, of course, be assigned to the interexchange category.

278. COE Category 7 includes the type of switching equipment that is used for services we have described as Special Access. Such investment will accordingly be assigned to Special Access unless it would be classified as interexchange for MFJ purposes.

279. The circuit equipment that is included in the COE 8 category will be assigned or allocated in the same manner as the associated OSP.

280. The *Second Supplemental Notice* proposed to use factors in the 1978 AT&T FDC 7 Central Submission for purposes of apportioning indirect investment and expenses. 77 FCC 2d at 243. Upon further reflection we have concluded that we should not use those factors for this purpose. Those factors were developed for an analogous but somewhat different allocation purpose and would accordingly have to be modified to fit our access charge plan.[105] Even if each factor could be adapted, it would not be desirable to use a cost allocation methodology that employs such a large number of different factors. Both BOC and independent telephone company data must be used to compute access charges. Some limitation must be placed upon the number of different categories that are used in order to enable independents to develop or provide data for the computation of access charges and the computation of distributions from any access charge revenue pools. We have accordingly used indirect investment and expense categories that are more aggregated than either the 1978 Central Submission categories or the categories described in the appendix to the AT&T *Second Supplemental Notice* comments.

281. Land and building investment represents the bulk of the indirect investment. We have accordingly concluded that we can strike an appropriate balance between excessive disaggregation and excessive aggregation by apportioning subcategories of Land and Building investment in a particularized manner and apportioning all other indirect investment on the basis of the apportionment of combined direct investment and land and building investment.

282. We have decided to use the space categories in the *Separations Manual* for purposes of apportioning building investment. This should not impose an undue burden on the carriers because such investment has already been assigned to those categories in order to identify the interstate investment. Many of the space categories are closely related to equipment categories that we are using for purposes of apportioning the direct investment.

283. The *Separations Manual* divides Space Category 1 (Operating Room and Central Office Equipment Space) into three subcategories—Manual Switchboard, Circuit equipment, and Dial switching—that do correspond with identifiable equipment categories. Each of those categories will be apportioned

[105] Categories and factors that were subsequently adopted in the *ICAM* would also have to be adapted because they were designed for four service categories that are quite different from the functional access categories described in this *Report and Order*.

in the same proportions as the associated COE. Space Categories 2 and 3 also consist primarily of operator space and will be apportioned in the same proportions an manual switchboard investment.

284. Space Categories 4, 6 and 9 (Commercial Office, Revenue Accounting and General Office) are associated with major expense categories and will be apportioned in the same manner as combined expense in each such category.

285. Space Categories 5, 8 and 11 describe investment that is not related to any access service. Such investment will accordingly be assigned to the interexchange category.

286. Space Category 7 includes garage and storeroom space. Inasmuch as equipment that would be contained in such space is likely to be used primarily for OSP installation and repair that investment will be apportioned in the same proportions as combined OSP investment.

287. Space Category 10 investment (Antenna Support) will necessarily be apportioned in the same proportions as the antenna supported.

288. Most land investment can and will be apportioned in the same manner as the buildings that occupy the land. Storage space is likely to be used in the same manner as garage and storage space in buildings and will accordingly be apportioned in accordance with the same formula. Land other than storage space that is not occupied by a building obviously cannot be related to any particular category. Such investment will be apportioned in the same proportions as combined land investment in the other land categories.

D. Apportionment of Expenses

289. Expenses can also be classified as direct or indirect expenses. Certain expenses such as depreciation and maintenance can be directly associated with particular tangible investments in buildings, facilities and equipment. Such expense will be apportioned in the same manner as the associated investment. Property taxes can also be associated with a particular investment and will be apportioned in the same manner.

290. We have concluded that rental payments for the use of a switch or a building, etc., should be apportioned in the same manner that investment would have been apportioned if the carrier owned the equipment or the facility. Therefore, we are also describing such rental payments as direct expense.

291. Indirect expense includes taxes and certain hypothetical taxes that are treated as expenses for ratemaking purposes as well as the expenses in the 600 series of accounts. We have departed somewhat from the separations methodology for apportioning income taxes because that methodology includes some steps that appear to be unnecessary when charges for almost all the relevant categories are to be targeted to earn the same rate of return.[107] Inasmuch as the income taxes are taxes upon profits and the profits will be directly related to net investment, such tax expense will be apportioned upon the basis of relative net investment.

292. Hypothetical tax expenses, such as expense related to investment tax credits that are claimed for tax purposes, are associated with particular investments. Such expenses and related credits will accordingly be attributed to the associated investment and apportioned in the same manner as such associated investment.

293. Traffic expenses consist primarily of operator activities and will accordingly be apportioned among the three operator elements in the same proportions as th COE 1 investment.

294. A substantial portion of Commercial Expenses are generated by sales and advertising activities that should be excluded from access charges because there is no reason to anticipate that the local exchange carriers will have any reason to advertise exchange access services. We have accordingly assigned expenses in Accounts 642 and 643 to the interexchange category.

295. Commercial expense also includes Connecting Company Relations, Local Commercial expense, Public Telephone Commissions, Directory expenses and other commercial expenses. The public telephone commissions are obviously attributable to the Pay Telephone element and the directory expenses are obviously attributable to the Information element. Local Commercial expense consists primarily of billing and collection activities and will accordingly be assigned to the Billing and Collection element.

296. At the present time a substantial portion of Connecting Company Relations expense is attributable to the administration of the settlements process. That process will be replaced in large part by access charges. Companies will still incur expenses in connection with the computation of access charges and the computation of distributions from access charge revenue pools. We have, however, decided to classify the access charge expenses as revenue accounting expenses for purposes of this expense apportionment. Inasmuch as most of the expenses that will remain in the Connecting Company Relations category will be attributable to interexchange settlements, the Connecting Company Relations expense will be assigned to the interexchange category.

297. The remaining commercial expenses cannot readily be attributed to any category or element. Those expenses will be apportioned in the same proportions as the combined commercial expenses that have been directly assigned to an access element or the interexchange category.

298. Revenue accounting expenses that are not attributable to access charges will be assigned to the Billing and Collection element because such expenses are generated primarily by such activities. We have also established a formula for the allocation of access charge revenue accounting expenses among access charge elements. Most of those expenses will be allocated to end user access elements because the billing and collection of end user charges is likely to generate greater expense.

299. The Big 4 Wage Factor from the *Separations Manual* will be used to apportion certain expenses such as social security taxes and pensions that are closely related to wage expenses. The Big 4 Wage Factor is based upon the wage portion of maintenance, traffic, commercial and revenue accounting expenses.

300. The *Separations Manual* also uses the Big 4 Wage Factor to apportion general office expenses other than engineering expenses. We have concluded that it would be appropriate to use the same factor for this purpose. Inasmuch as engineering expense is related to the equipment and facilities that are used in telephone operations, we have decided to apportion that expense on the basis of the apportionment of the combined direct investment.

301. Although the existing license contracts between AT&T and the BOCs will be terminated before access charges become effective, it will still be necessary to apportion this type of expense because some independents have similar arrangements and the BOC central organization will probably perform some services that AT&T General Departments have performed in the past. We believe expenses for services that are performed by an affiliated company should be

[107] The separations methodology computes taxable income separately for interstate and intrastate services and uses that ratio to apportion tax expense. That step appears to be necessary for separations purposes because state and federal regulators authorize different returns.

apportioned in the same manner as expenses for services that a company performs for itself. We are accordingly requiring that license contract expense be apportioned in that manner.

302. Expenses and income charges and credits that are not included in one of the specific categories described in the rules will be apportioned on an aggregate basis. The Other Investment factor for indirect investment that is not land and building investment will be used for that purpose.

VI. Levels of Aggregation

A. Prior Proposals

303. The tentative plan described in the *Second Supplemental Notice* proposed nationally averaged carrier's carrier access charges and the creation of an access charge revenue pool. Uniform charges necessarily require revenue pooling because different exchange carriers have different costs. Some carriers would be overcompensated and others would be deprived of a compensatory return if each carrier kept the proceeds from access charges that are computed to reflect the average costs of all carriers.

304. The *Second Supplemental Notice* said that distributions from an access charge revenue pool would reallocate total access charge revenues "among the exchange carriers in order to enable each exchange carrier to receive its interstate exchange plant costs and a share of the residue that reflects its pro rata share of the interstate exchange plant investment." 77 FCC 2d at 233.

305. Some comments that were filed in response to the *Second Supplemental Notice* observed that we did not specify whether distributions taken from a pool would be based upon the authorized or the achieved rate of return. We always contemplated that any pool distributions would be based upon an achieved return although the charges would, of course, be designed to produce revenues that are equal to the authorized revenue requirement.

306. The *Fourth Supplemental Notice* invited comments upon the desirability and feasibility of some alternatives to nationwide uniform charges. One of those alternatives—separate access charges on a state-by-state basis—would have required revenue pooling. The other two alternatives—a separate schedule for a limited number of classes of exchange carriers or a separate schedule for a limited number of classes of exchanges—would not require revenue pooling.

307. All four alternatives were based upon the assumption that all exchange carriers would be participating in common tariff arrangements. We assumed that this would be the case because none of the telephone company comments that were filed in response to the *Second Supplemental Notice* expressed a desire to opt out of such arrangements. Inasmuch as some telephone company comments that were filed in response to the *Fourth Supplemental Notice* do express such a desire, the advantages or disadvantages of the alternatives described in that *Notice* may be academic unless we conclude that we can and should compel unwilling carriers to participate in common tariff arrangements.

B. Compulsory Common Tariffs

308. Most comments that discuss the advantages and disadvantages of common tariff arrangements apparently assume that this Commission does have discretion to require averaging or deaveraging, but a few participants have raised questions with respect to the scope of our discretion. Some carriers who do not desire to join in common tariff arrangements apparently believe that any carrier has an absolute right to establish its own rates based on its own costs.[108] Other participants who state that averaging is essential to achieve Communications Act goals contend, or at least imply, that it would be unlawful for us to permit any carrier to withdraw from averaged common tariff arrangements.

309. No provision of the Communications Act explicity supports either position. That Act does not expressly require averaged rates and it does not confer any express right to deaverage. Neither this Commission nor the courts have been required to determine whether a carrier has a right to establish separate charges because no carrier has ever attempted to withdraw completely from the uniform MTS rate structure.[109]

310. We believe that our general powers under Section 4(i) of the Act, 47 U.S.C. 154(i), are sufficient to enable this Commission to compel carriers to participate in common tariff arrangements if we find that such arrangements are necessary to accomplish Communications Act goals. Section 4(i) provides:

> The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.[110]

311. A rule that requires a common tariff arrangement would not conflict with any express provision of the Act. A rule that makes participation in such arrangements voluntary also would not conflict with any express provision of the Act. Therefore, we do not have discretion to compel, or to refrain from compelling, participation in a common tariff arrangement.

312. We believe that our power to compel participation in such arrangements should be used sparingly. A carrier should not be prohibited from pursuing a course that its management believes to be in its best interests unless the public interest requires such a prohibition. A carrier obviously should not be precluded from filing separate access charge tariffs that reflect the costs of that carrier if such a prohibition would produce results that are less consistent with Communications Act goals than results that the filing of a separate tariff would produce.

313. In view of these conclusions we have decided that the advantages and disadvantages of mandatory common tariff arrangements should be examined separately for different groups of access elements. We have reached different conclusions for different groups.

314. The Carrier Common Line element was designed in part to mitigate the effects that unlimited deaveraging would produce. Therefore, we believe it is essential to recover those charges through interexchange carrier assessments that are computed on a uniform nationwide basis and to create a pool arrangement for the distribution of such revenues. Our purpose would be frustrated if some exchange carriers recovered the carrier's carrier portion of the Common Line revenue requirement directly from the interexchange carrier. Such a practice could lead to a deaveraging of MTS and other switched service rates that would reflect cost differences among carriers. This would impose burdens upon the customer of high cost or high SPF carriers that the Carrier Common Line charge was designed to avoid.

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[108] *See* especially Rochester Telephone Corporation Reply, p. 14.

[109] Rochester Telephone cites *American Telephone and Telegraph Company v. FCC*, 487 F. 2d 864 (2d Cir. 1973) and *MCI Telecommunications Corp. v. FCC*, 561 F. 2d 365, 375 (D.C. Cir.), *cert. denied*, 434 U.S. 1040 (1977), to support its claim that it has an absolute right to file its own tariffs. Neither case involved any question with respect to separate or common tariffs. Moreover, the general language with respect to carrier's rights related to revisions of carrier-initiated tariffs that had never been found to be unlawful. Those courts were not describing the scope of the remedial powers we may exercise after we have found that the entire telephone industry has been maintaining an unlawful rate structure.

[110] Those powers have been construed very broadly in the past. *See, e.g., U.S. v. Southwest Cable Co.*, 392 U.S. 157 (1968); *National Broadcasting Co. v. U.S.*, 319 U.S. 190 (1943).

315. A common tariff arrangement is also necessary at this time because a large portion of the Carrier Common Line revenue requirement will be recovered through the premium access assessment during the early years of the transition. Differences in the quality of interconnection will vary from place to place and from month to month during the transition period. Any effort to measure premium value in a particular exchange in a particular month would create significant administrative burdens for all carriers and for this Commission. We have decided that it would be preferable to compute an annual premium on a national basis that reflects our best estimate of the premium access that will exist during a particular year. It may be impossible to compute a premium access charge in any other manner.

316. The considerations that require a uniform nationwide charge for the carrier's carrier portion do not apply to the end user portion of the Common Line revenue requirement. Premium access is not a factor and separate tariffs for the end user portion need not impose hardships in high cost or high SPF areas.[111] There is accordingly no reason to preclude a carrier from devising its own charges if it wishes to do so.

317. Moreover, a compulsory common tariff arrangement for that element would not only be unnecessary, but would also be undesirable. We have designed transitional rules for End User Common Line charges that give carriers considerable discretion in designing a transition to flat rates for all end users. Flexibility is desirable because different approaches are likely to be appropriate for different carriers in different areas.

318. Our effort to achieve parity among services would be frustrated if a carrier filed a tariff for one or two end user elements that reflected its own costs and joined a common tariff for other end user elements that reflected average costs of a group of carriers. Some restriction upon the filing of separate end user tariffs is accordingly necessary in order to achieve the primary objective of this phase of this proceeding. Section 69.3 of our Rules permits a carrier to file a separate tariff for an end user access element if, but only if, that carrier files a separate tariff for all end user access elements.[112]

319. We do not perceive any significant advantage from requiring a common tariff for the other carrier's carrier elements that we have described as traffic sensitive. Any deaveraging of the access charges will not, of course, automatically lead to a deaveraging of the interexchange carrier's end user rates. Even if that result did occur, it appears doubtful that the differentials would be large enough to impose a significant hardship upon end users in particular areas. Present and proposed separations methods for the apportionment of traffic sensitive plant do not create the same kind of discrepancies that are or may be reflected in interstate NTS costs. Therefore, we will not preclude separate tariffs for the traffic sensitive elements.

320. We will, however, preclude a carrier from filing a separate tariff for any traffic sensitive element if the carrier does not file a separate tariff for all traffic sensitive elements. Many of these elements are closely interrelated and a combination of separate and common tariffs for the same carrier could produce anomalous results that are inconsistent with the goals and requirements of the Communications Act.

321. The existence of multi-carrier extended area arrangements also requires a further restriction upon the filing of separate tariffs for traffic sensitive elements. If an extended area arrangement exists an interexchange carrier that interconnects with any local exchange carrier in the extended area necessarily obtains access to the entire extended area. The local exchange carriers are essentially providing a joint access service. Therefore, we will not permit any local exchange carrier to file separate traffic sensitive tariffs for a portion of an extended area. We will permit carriers in an extended area to file a joint tariff for traffic sensitive elements that differs from any national common tariff if all of the participating carriers concur in the rate and agree upon an apportionment of the revenues. Such a joint tariff must, of course, reflect the combined costs of all participating carriers.

322. If carriers in an extended area cannot agree upon a rate for a particular area, common tariff arrangements that have been established nationally will have to be used for that purpose. Such a requirement is necessary to assure that some access charge will be effective in all areas even if the participating exchange carriers cannot agree upon rates or the division of revenues.

C. Deaveraging by a Carrier

323. A separate tariff for end user or traffic sensitive elements might be computed to reflect the average costs of a particular carrier or group of carriers. A tariff could also be devised to reflect greater disaggregation. The comments indicate that a few carriers may wish to file separate tariffs that are highly disaggregated.

324. Our discussion of deaveraging in the *Third Supplemental Notice* noted that past efforts to devise deaveraged rates for a particular carrier or group of carriers have not produced lawful rates. We also concluded that our past decisions have established a policy that precludes selective deaveraging by a carrier in the absence of a showing that such deaveraged rates reasonably approximate actual cost differences. 81 FCC 2d at 194. We said that we would continue to enforce that policy and we noted that Central Submission data submitted by AT&T indicates that AT&T did not have the data that would be necessary to justify a deaveraged rate schedule. 81 FCC 2d at 195.

325. We have not received any information in or out of this record during the intervening two years that would indicate that any carrier is presently in a position to devise highly disaggregated access tariffs that will not create new forms of discrimination. We have, therefore, concluded that unlimited deaveraging within tariffs of a particular carrier or group of carriers should not be permitted at this time.

326. Data that are collected on a study area basis may, however, be sufficient to enable a carrier to justify rate differentials among different study areas. We will, therefore, permit a carrier to file access tariffs with different rates in different study areas if it chooses to do so. Our decision to permit such filings does not, of course, relieve such a carrier of its duty to submit cost support data that will justify any such differentials.

D. Voluntary Common Tariffs

327. Most participants in this proceeding agree that exchange carriers who wish to enter into a voluntary common tariff arrangements and a voluntary revenue pool should be permitted to do so. Some participants have, however, observed that any averaging and pooling arrangement has some disadvantages. Some have said that such arrangements do not create incentives for users or carriers that promote economic efficiency.

328. AT&T observed (Comments, p. 71): "Because rate averaging separates prices from local costs, averaging encourages the overuse of the more costly but underpriced facilities and the underuse of the less costly but overpriced facilities."

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[111] Universal Service Factor costs and transitional SPF costs will, of course, be assigned to the carrier's carrier portion. *See* Subparts III.B and III.C, *supra*.

[112] All of the restrictions upon separate tariffs and deaveraging are described in § 69.3.

329. Voluntary common tariff arrangements for access elements other than the Carrier Common Line element would not be likely to produce significant distortions because the lowest cost carriers are likely to withdraw from such pooling arrangements in due course. An access plan that includes such arrangements will probably ultimately produce common tariffs and revenue pools for a large number of relatively small companies that do in fact have comparable costs.

330. Some comments have observed that pooling does not create efficiency incentives for carriers that participate in a pool. For example, Rochester Telephone said (Comments, p. 34):

> If the pooled revenues are distributed according to each carrier's costs, as presumably they would have to be, there is little or no economic incentive to reduce the cost of access under this system. Indeed, an exchange carrier that reduces its costs becomes relatively more disadvantaged, for it receives from the pool a smaller proportion of the interstate revenues contributed by its subscribers to the pool.

331. The present partnership settlements arrangement for BOCs and independent telephone companies that are described as "cost study" companies essentially provides cost plus compensation for each carrier. This method of compensation does appear to create little or no incentive to improve efficiency. Many participants do believe, however, that any access charge revenue pool should be designed to provide a uniform return for all pool participants.[113]

332. Although a uniform common tariff arrangement necessarily requires a revenue pool, it does not inevitably require pool distributions that are based upon the settlements partnership model. It may be possible to create greater efficiency incentives by devising a pool distribution formula that does not guarantee a uniform return for all participants. Since such questions apply to involuntary as well as voluntary pools, we believe this possibility warrants further study. We do not, however, have sufficient information at this time to devise pool distribution rules that differ from the settlements model. The public interest would not be served by delaying initial access charges to devise such an alternative. We have accordingly decided to adopt distribution rules that do follow the settlements model.[114]

333. Rochester Telephone also asserts (Comments, p. 39) that companies that participate voluntarily in a common tariff and pooling arrangement "would run the risk of antitrust liability under the Sherman Act." It appears doubtful that common tariff and revenue pooling arrangements that are limited to access services could provide a basis for a colorable antitrust claim. The Sherman Act does not prohibit concerted activities, it merely prohibits concerted activities that are likely to produce an unreasonable restraint of trade.

334. We observed in the *Second Supplemental Notice* that such arrangements are unlikely to produce anticompetitive effects. That *Notice* said (77 FCC 2d 235):

> Local exchange facilities are presently provided exclusively on a monopoly basis and carriers providing such service do not compete with each other in the provision of that service. We recognize that this situation may change with time as improving technology (*e.g.*, direct satellite, cellular radio) makes exchange competition more economically feasible. However, these changes will not occur in the short run. (footnote omitted).

335. Access service competition between the carriers that are likely to participate in a pool is not likely to occur even in the more distant future. Alternative access that bypasses wireline facilities of a local exchange carrier is likely to be offered in conjunction with an interexchange service. Therefore, a local exchange carrier is not likely to be providing bypass in the franchise area of another local exchange carrier if that carrier is not providing interexchange services. The MFJ bars the divested BOCs from the interexchange market and most smaller independents do not have the means to enter that market. One can imagine large independents offering bypass services in BOC exchanges, but the BOCs are not likely to remain in any pools by the time that becomes a realistic possibility. Therefore, any common tariff and pooling arrangements that we are mandating or permitting cannot be viewed as price-fixing or profit-pooling by actual or potential competitors in an access service market.

336. The Justice Department apparently shares our perception of the competitive implications of voluntary access pools. The Justice Department comments do not oppose voluntary common tariffs or voluntary pools as such.

337. Such voluntary arrangements not only do not have disadvantages that would warrant a prohibition, but also have important advantages. The telephone industry is composed of a limited number of large companies that serve over 90% of the local exchange subscribers and a very large number of small companies that serve the remaining subscribers. Most of these smaller companies have never filed any tariff of any kind with this Commission. It would be totally unrealistic to expect such companies to prepare and justify separate tariffs in accordance with the rules we are adopting in this *Report and Order*. It would also be unrealistic to suppose that this Commission could review 1500 access tariffs in a meaningful manner if they did choose to do so. A common tariff arrangement that most of the exchange carriers can use is clearly necessary to make any access charge rules work. Such arrangements would, therefore, presumably be immune from antitrust sanctions because they are necessary to make the regulatory scheme work even if this Commission did not mandate or sponsor such arrangements. *See Silver v. New York Stock Exchange*, 373 U.S. 341 (1963).

338. The involuntary arrangements for universal service charges should not, of course, present any antitrust question because participation in those arrangements would be the product of regulatory coercion.[115]

E. Creation of the Association

339. A voluntary or involuntary common tariff arrangement necessarily requires that some entity compute the charges and prepare and justify the tariffs on behalf of all the participating carriers. A revenue pool requires that some entity compute the distributions that each participant is entitled to receive from the pool.

340. In the past AT&T has acted as a tariff filing agent for the entire industry and has also performed most of the administrative functions in connection with the settlements pooling arrangement. The AT&T role as a tariff filing agent is implicitly recognized in Section 203(a) of the Act. Section 203 requires every common carrier "except connecting carriers" to file tariffs with this Commission for interstate and international services. It also requires

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[113] *See* GTE, p. 23; United Telephone System, Inc., p. 2; Ketchikan Public Utilities, p. 7, Curtis M. Buehner, p. 21.

[114] The distribution of revenues to carriers that are not average schedule companies is described in Sections [illegible] of the Rules.

[115] The decision in *Cantor v. Detroit Edison Co.*, 428 U.S. 579 (1976), would not be analogous because the regulatory coercion in the rules we are adopting does not have the same *pro forma* character as the actions of the Michigan Commission.

that the tariffs describe charges between points on the carrier's system and between points on the carrier's system and "points on the system of its connecting carriers." This essentially relieved a "connecting carrier" of the burden of filing its own tariffs with this Commission and imposed that burden upon the carrier that is not described as a "connecting carrier." The term "connecting carrier" encompasses most independent telephone companies and probably encompassed almost all non-Bell companies when the Act was adopted. Thus, Congress effectively made AT&T a tariff filing agent for the entire industry.

341. The *Fourth Supplemental Notice* invited comment on a proposal to create a new intra-industry entity to perform the tariff filing and pool distribution functions because such an AT&T role in the post-divestiture environment would appear to conflict with the spirit, and possibly the letter, of the then proposed consent decree. Most comments from participants who do not oppose any common tariff or pooling arrangement have endorsed the industry association concept.

342. A few comments have questioned the desirability or legality of Commission action to mandate the creation of such an association. Such participants apparently believe that we should allow institutional arrangements for common tariffs and pools to emerge spontaneously. We do not believe that would be a feasible option if an access charge system is to be in place by the beginning of 1984. Such an association must have a functioning organization by the time the divestiture occurs. We necessarily must mandate the creation of an exchange carrier association and adopt some rules with respect to its organization and functions in order to ensure that an access charge system will work.[116]

343. Rochester Telephone has questioned our authority to mandate the creation of such an association and has described such an action as a delegation of powers to a private organization. Comments, p. 39; Reply, p. 13. We do not believe it would be appropriate to describe our action as a "delegation" because the preparation of tariffs and the administration of revenue pools is not a governmental function. It would probably be more accurate to describe our action as an exercise of our Section 203(b)(2) power to modify the requirements of Section 203 by creating a new entity to perform functions that Section 203(a) assigned to AT&T. If we failed to exercise our power to transfer such functions from AT&T to a new entity we would be creating an unnecessary conflict between the regulatory scheme and the MFJ. Moreover, as previously noted, the creation of such an association is essential to the success of an access charge system and is accordingly within our Section 4(i) power to issue orders that are necessary to the performance of our statutory functions.

344. Although the Justice Department did not oppose common tariffs or voluntary pooling of access charge revenues, the Department has expressed the view that this Commission should not sponsor a carrier association. That view may reflect a concern that a Commission-sponsored association could become a vehicle for other concerted activities that might have anti-competitive implications. We feel that such activities are unlikely. Nevertheless, we have decided that we should impose some restrictions upon the scope of the association's activities. We will preclude the association from engaging in activities that are not directly related to the preparation of access charge tariffs or the distribution of access charge revenues unless such additional activities are expressly authorized by this Commission. We will, of course, expect the association to seek prior approval for any additional association activities.

F. Organization of the Association

345. We have concluded that membership in the association should be limited to *exchange* carriers that participate in access charge revenue pools that are administered by the association and that the governing board should be composed exclusively of exchange carrier representatives. Although the *Fourth Supplemental Notice* invited comment upon the advisability of including a Commission representative on the association board, further reflection leads us to conclude that it would be unwise to do so. This Commission will be obliged to review the tariffs that the association files and to determine the merits of any petitions to investigate, suspend or reject such tariffs. An appearance of a conflict of interest might be created if a Commission representative participated in the association decisions that might be challenged in such proceedings. We have also decided not to accept suggestions that state commissions, interexchange carriers or consumers be represented on the governing board of the association. As we stated in the *Fourth Supplemental Notice*, "the Communications Act already provides safeguards adequate to protect the interests of these groups in the fair, evenhanded implementation of any access charge plan we might adopt." 90 FCC 2d at 150.

346. We have concluded that we should adopt a rule describing the membership of the governing board in order to establish appropriate representation for different classes of carriers. We are not, however, adopting that rule at this time. We will issue a supplemental order in this docket adopting such a rule and prescribing some organizational steps after the notice period expires for carriers that may choose not to participate in common tariffs for 1984.[117]

347. We do not plan to adopt rules that would restrict the association's discretion in acquiring staff or borrowing staff from its members or contracting with accounting firms, banks or others to perform some of the association's tasks. The observation in the *Fourth Supplemental Notice* that the BOC central organization might continue to perform many tariff preparation and pool distribution functions that have traditionally been performed by AT&T personnel was presented as a possible solution to staffing problems the association may encounter. We do not believe, and have never believed, that it would be necessary or desirable for this Commission to prescribe the staffing arrangements the association would be required to adopt.

348. The association will be responsible for filing the Carrier Common Line tariffs and common tariffs for every other access element for those carriers that choose to join in association tariffs.[118] In general, carriers may choose to participate in common tariffs for the end user elements or the traffic sensitive carrier's carrier elements or both. In order to enable the association to adjust its tariffs to reflect the costs of carriers that do choose to participate in common tariffs, we shall require that any exchange carrier that does not desire to participate in a common tariff provide ample advance notice that it has chosen to file a separate tariff.

349. The costs of managing the pooling and distribution, along with the costs of actually filing tariffs, are to be included among costs recovered through association charges.

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[116] Those rules are set forth in Subpart G.

[117] We do not plan to invite further supplemental comments before we issue that supplemental order.

[118] This will, of course, take the form of a single tariff with multiple elements. We will permit carriers who do not join some elements to cross-reference the association tariff for elements such carriers join.

G. AT&T Role in Preparation of Initial Tariffs

350. It appears doubtful that the association could have an organization in place in sufficient time to prepare the initial access service tariffs that must be filed by October 3, 1983. We have accordingly decided that AT&T should continue to perform its traditional role in the preparation of tariffs for the telephone industry until the initial access charge tariff is ready for filing.[119] AT&T should, of course, respond to policy directives from the association directors when a governing board has been selected.

351. AT&T participation in the preparation of the initial access charge tariffs would probably be necessary even if the association could create a functioning organization immediately. AT&T will necessarily be required to file new end user tariffs for interstate and international services in order to reflect the effect of the access charges. In view of the magnitude of the changes that the implementation of initial access charges will produce, access charges and new end user charges for interexchange services should become effective simultaneously. We could not responsibly permit massive changes in end user rates to become effective upon less than 90 days notice and it appears doubtful that we could require more than 90 days notice for access tariff filings. In these circumstances, coordination in the development of access charge tariffs and new end user tariffs for AT&T services is essential to ensure a smooth transition.[120]

352. Such coordination problems should not be as significant in subsequent years because the changes in access charges probably will not be significant enough to require simultaneous changes in end user rates. It should be possible to achieve a smooth transition by mandating an AT&T role in the preparation of common tariffs for access charges that ends when the initial access charges are filed. We do not envision, mandate or sanction any AT&T role in the preparation of access charge tariffs or the distribution of access charge revenues after divestiture of the BOCs occurs.

353. The Justice Department comments indicate that the Department does not object to a pre-divestiture AT&T role in the preparation of access charge tariffs. We accordingly assume that the procedure we envision will not conflict with the letter or the spirit of the MFJ.

354. The preparation of the initial access charge tariffs will undoubtedly be a difficult task. In order to enable AT&T to begin collecting the necessary data, we are making this *Order* effective on the day after the date of publication in the **Federal Register**. We have decided to require exchange carriers that choose to file any separate tariffs for 1984 to notify AT&T of their decision within 40 days after the release of this *Report and Order*. We are also requiring that AT&T notify all the affected carriers that this notice requirement exists within 10 days of the release of this *Report and Order*.

355. It is vitally important that acceptable access tariffs become effective by the day on which divestiture of the BOCs occurs. We therefore feel compelled to monitor the progress of access charge preparation. To this end, we require AT&T to file progress reports until the initial access charges have been filed. The first report will be filed 8 weeks after the release of this *Report and Order* and subsequent reports will be filed at 6-week intervals.

356. We also expect that AT&T and any carrier that may choose to file a separate tariff will file petitions for waiver if shortcuts must be used to adapt readily available data to the methods we are prescribing for the computation and assessment of access charges. We recognize that some carriers will not be able to provide all of the data that would be required and that some kind of sample procedure will be necessary to develop data for average schedule companies. The filing of such waiver petitions will provide an additional opportunity to monitor the progress of access charge preparation.[121]

357. We believe the procedures we are adopting will achieve the purposes of this proceeding without imposing undue burdens upon any carrier or creating administrative burdens that exceed the capabilities of our staff.[122]

H. Regulatory Flexibility Certification

358. For the following reasons, we certify that the Regulatory Flexibility Act is not applicable to the rules we are adopting in this proceeding.

359. A few of the comments have questioned the adequacy of the initial regulatory flexibility analysis in the *Fourth Supplemental Notice*.[123] The Regulatory Flexibility Act is not literally applicable to this proceeding. That Act was apparently designed for the protection of small businesses that are directly subject to administrative rules rather than businesses that are indirectly affected by the results that any rules will produce. the access charge rules are, of course, imposed upon the local exchange carriers that will be required to compute and collect access charges in accordance with those rules. Those carriers are accordingly the only businesses that might be entitled to claim some protection under that Act.

360. Although some local exchange carriers are very small, no telephone company appears to fall within the Regulatory Flexibility Act's very special definition of a "small entity." That Act incorporates the definition of a "small business" in Section 3 of the Small Business Act as a definition of a "small entity." The latter definition excludes any business that is dominant in its field of operation. Exchange carriers, even small ones, enjoy a dominant monopoly position in their local service area. This Commission has found all exchange carriers to be dominant in the *Competitive Carrier Rulemaking*, 85 FCC 1, 23–24 (1980). Indeed the smallest exchange carriers are probably even more dominant than the large ones because bypass competition is very unlikely to develop in the areas they serve.

361. Although the Regulatory Flexibility Act is not applicable to this proceeding, Congress did express essentially the same policy objective in the Communications Act. Sections 2(b) and 203(a) of the 1934 Act were designed to relieve most small telephone companies from many reporting and other burdens that the Act imposed upon AT&T.

362. We recoginize that we cannot and should not expect a telephone company with eight employees to do everything that Pacific Telephone is expected to do. We have designed the access charge rules to minimize the administrative burdens that are imposed upon smaller companies. We have mandated the creation of an association

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[119] Inasmuch as the association will be relieving AT&T of burdens imposed by Section 203, we expect that AT&T will lend funds to the association to permit it to function until it receives a disbursement from access charge revenues.

[120] End user rates of other interexchange carriers will undoubtedly also be changed to reflect access charges. We do not, however, expect to require 90 days notice from those carriers.

[121] The Chief of the Common Carrier Bureau will, of course, act upon any waiver petitions that do not present fundamental policy questions that require a Commission decision.

[122] We have necessarily been obliged to impose some restrictions upon the option of carriers that do not choose to join in common tariffs in order to prevent the filing of tariffs that could not be adequately reviewed. For example, the rules we are adopting preclude tariffs that are disaggregated within a study area. We may relax such restrictions in the future after we have acquired more experience with access service tariffs.

[123] *See* especially Small Business Administration comments.

that will perform tariff preparation and pool distribution functions and we have designed requirements for those functions that will adapt the existing average schedule settlements procedures to an access charge system. We believe that we have complied fully with the requirements of the Communications Act and the spirit of the Regulatory Flexibility Act.

VII. Conclusion

363. We emphasize how difficult and how important has been the task of devising an access charge plan. In this proceeding, we have focused on the present and the future rather than the past. The monopoly telecommunications environment of the past has ended. The approaches, taken in the past to balance the four goals of universal service, non-discriminatory, cost-based prices and a viable, efficient telecommunications network—goals which we believe have been the aim of the Communications Act since its passage—are no longer appropriate. These past approaches have essentially been nothing more than the development of special, discriminatory rates for different customers making identical use of access plant in interstate service. It is readily apparent that in an era of facilities-based competition and resale such approaches are not viable. Any attempt to insure continued support for local telephone service through the prohibition of bypass systems would lead to a stifling of innovation and, quite probably, to the transformation of the nation's telephone system—currently the best in the world—into an outmoded and technically inefficient system. Such a system would almost certainly be unable to attract sufficient capital to maintain, much less upgrade, the system.

364. In our *Fourth Supplemental Notice* we put forth for comment four differing approaches to the resolution of the principal question in the access charge docket. These were not presented as specific plans subject to a vote of the parties. Rather they were propounded as examples of the types of plans which could be developed. In issuing that *Notice* we hoped that participants would propose methods to combine or improve upon the simplistic approaches we described. Our hope was well justified. The comments filed by participants in this proceeding have, in overwhelming measure, been constructive and of tremendous value to us in fulfilling our task. Our task, we state once again, is to devise that access charge plan which best balances the many objectives of the Communications Act.

365. The plan we adopt today is largely based upon those comments. It recognizes both the need for some national averaging and the clear advantages of disaggregation when such disaggregation is desired by the carriers and is in the public interest. It clearly recognizes the need for a smooth transition from the existing system of discriminatory but largely usage based carrier charges to a new system relying chiefly upon flat customer charges. Such a movement is, in our opinion, necessary to serve the public interest and to insure the maintenance of our nationwide network of telephone service. Despite this we have, through our plan, insured that universal service will not be eliminated. The inclusion of a permanent, nationally averaged, carrier's pool to direct revenues to high cost areas is a central feature of this plan. We have not been limited by the traditional division between "traffic sensitive" and "non-traffic sensitive" costs in determining which costs should ultimately be placed upon individual customers. Rather, we have attempted to differentiate network functions, which may appropriately be recovered through carrier's carrier charges, from end user service, which can only be ordered by end users, which is dedicated to individual end users, and which must, in our opinion, be recovered from those end users.

366. We have directed the Common Carrier Bureau to develop a monitoring function to insure that the changes that will result from this *Report and Order* do not impair universal service. Such a monitoring function must and will be in place before the institution of access charges. Along with our transition plan, this will insure that, should unforeseen circumstances arise, we have an ample opportunity to act before irreparable harm to the universal character of telephone service takes place. We now commit ourselves to taking such action should, contrary to our expectations, it be necessary. Such actions might include adjusting end user flat charges, adjusting the Universal Service Fund, adjusting the degree of nationwide pooling, or requiring that certain transitional benchmarks be met.

367. Finally, we have provided a two-year period after individual phone companies are responsible for collecting most dedicated NTS costs from their subscribers before equal flat customer access charges will be required. We recognize that during the transition period some telephone companies may develop mechanisms for recovering those costs from their customers which will better balance the four goals of the Communications Act than can a single national plan. We will conduct a further notice and comment phase of this proceeding in the fifth year and will evaluate nationwide and local effects of the transition before proceeding with the final steps in the transition plan. We recognize that a plan that may be ideal for most of the country may not be ideal for all of the country. This *Report and Order* recognizes that individual carrier flexibility is fully consistent with the Communications Act. We expect to work with State regulatory commissions, and State legislatures, during the transition period to continue to seek better ways to reconcile the need for an efficient, cost-based cost recovery scheme with the need for a universal telephone system and to harmonize our efforts so as not to frustrate the achievement of our policies and objectives.

368. The task we have faced in designing our access charge plan has been, perhaps, the most difficult ever to come before the Commission. It is also, quite probably, the most important to have come before us. The correct resolution of this phase of this docket is an essential prerequisite for the development of meaningful competition in interstate telecommunications, for the assurance that common carrier telecommunications can play the central role in our nation's economy and, indeed, in the world economy that is warranted by its value to citizens and by its unique characteristic of being substitutable for a wide variety of goods and services. No one, and no commission, can predict the future of telecommunications with any degree of certainty. Our access charge plan is, in our opinion the best plan for the present and immediate future that can be devised based upon our present level of knowledge. We remain committed to careful monitoring of developments in the field of common carrier telecommunications and to making any adjustments that may be warranted, based upon these future developments, to serve the public interest.

VIII. Ordering Clauses

369. Accordingly, it is hereby ordered, That pursuant to 47 U.S.C. §§ 154(i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. § 553, Part 69 is added to the Rules of this Commission as set forth in the attached Appendix A, effective on the date following publication in the Federal Register.

370. It is further ordered, That each revenue requirement that is computed in accordance with such rules shall be

based upon a 12.75% return until further order of this Commission.

371. It is further ordered, That in accordance with the rules in Appendix A and the directives of this *Report and Order*, AT&T shall prepare the initial tariffs for interstate access services provided by members of telephone company association and shall file these tariffs no later than October 3, 1983.

372. It is further ordered, That AT&T file reports describing its progress in preparing these initial access tariffs with the Chief, Common Carrier Bureau. These reports shall continue until AT&T has filed the initial access tariffs. The first report shall be filed eight (8) weeks after the release of this *Report and Order*. Subsequent reports shall be filed thereafter at six (6) week intervals.

373. It is further ordered, That within ten (10) days of the release of this *Report and Order* AT&T shall notify each telephone company that has participated in the division of revenues or settlements process that the company is required to decide whether to file any tariffs separate from those filed by the association and to notify AT&T of its decision.

374. It is further ordered, That each telephone company that has participated in the division of revenues or settlements process shall notify AT&T of its decision to file any separate tariffs within forty (40) days of the release of this *Report and Order*.

375. It is further ordered, That the Petition for Evidentiary Hearing of the United States Transmission Systems, Inc. filed on June 26, 1980, is denied.

376. It is further ordered, That the Motions for Leave to File Late Comments filed by the Federal Executive Agencies and the Council on Wage and Price Stability are granted.

(Secs. 1, 2, 4, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201–205, 208, 215, 218, 313, 314, 403, 404, 410, 602.)

Federal Communications Commission.[136]

William J. Tricarico,

Secretary.

Note.—Due to the continuing effort to minimize publishing costs, Appendices B, C, D, E, F, G, and Attachments will not be printed herein. However, copies of this document in its entirety may be obtained from the Downtown Copy Center, 1114 21st St., N.W. Washington, D.C. 20037, (202) 452–1422. A copy is filed as part of the original and also available for public inspection in the FCC Dockets Branch, Rm. 239, and the FCC Library, Rm. 639, 1919 M St. N.W., Washington, D.C. 20554.

[136] See attached separate statements of Commissioners Quello, Fogarty and Sharp. Separate statements of Commissioners Jones and Dawson will be issued at a later date.

Appendix A

Part 69 is added to Chapter I of Title 47 of the Code of Federal Regulations to read as follows:

PART 69—ACCESS CHARGES

Subpart A—General

Sec.
69.1 Application of access charges.
69.2 Definitions.
69.3 Filing of access service tariffs.
69.4 Charges to be filed.

Subpart B—Computation of Charges

69.101 General.
69.102 Dedicated access line.
69.103 Pay telephone.
69.104 End user common line.
69.105 Carrier common line.
69.106 Line termination.
69.107 Local switching.
69.108 Intercept.
69.109 Information.
69.110 Operator assistance.
69.111 Common transport.
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69.114 Billing and collection.

Subpart C—Computation of Transition Charges

69.201 General.
69.202 End user common line charges.
69.203 Minimum charges.
69.204 Usage charges.
69.205 Maximum charges.
69.206 Transitional surcharges.
69.207 Premium access.
69.208 Transitional Carrier Common Line.

Subpart D—Apportionment of Net Investment

69.301 General.
69.302 Net investment.
69.303 Station equipment.
69.304 Customer OSP.
69.305 Carrier OSP.
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69.307 Buildings.
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69.309 Other investment.

Subpart E—Apportionment of Expenses

69.401 Direct expenses.
69.402 Current taxes.
69.403 Deferred tax expenses.
69.404 Traffic expenses.
69.405 Commercial expenses.
69.406 Revenue Accounting expenses.
69.407 General Office expenses.
69.408 Relief and pensions.
69.409 License contract expenses.
69.410 Other expenses.

Subpart F—Segregation of Common Line Element Revenue Requirement

69.501 General.
69.502 Base factor apportionment.
69.503 Apportionment of transitional portion.

Subpart G—Exchange Carrier Association

69.601 Exchange carrier association.
69.602 Board of directors.
69.603 Association functions.
69.604 Billing and collection of access charges.
69.605 Distribution of Carrier Common Line revenues.
69.606 Computation of average schedule company payments.
69.607 Disbursement of Carrier Common Line residue.
69.608 Carrier Common Line hypothetical net balance.
69.609 End User Common Line hypothetical net balances.
69.610 Other hypothetical net balances.

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

Subpart A—General

§ 69.1 Application of access charges.

(a) This Part establishes rules for access charges for interstate or foreign access services provided by telephone companies on or after January 1, 1984.

(b) Charges for such access services shall be computed, assessed and collected and revenues from such charges shall be distributed as provided in this Part. Access service tariffs shall be filed and supported as provided under Part 61 of this chapter, except as modified herein.

§ 69.2 Definitions.

For purposes of this Part:

(a) "Access Service" includes services and facilities provided for the origination or termination of any interstate or foreign telecommunication that is subject to regulation pursuant to Title II of the Communications Act or provided for the origination or termination of any interstate or foreign enhanced service that is exempt from tariff regulation pursuant to Subpart G of Part 64 of this chapter;

(b) "Annual revenue requirement" means the sum of the return component and the expense component;

(c) "Association" means the telephone company association described in Subpart G of this Part;

(d) "Big 4 Wage Factor" means that ratio of combined wage expense except building maintenance wage expense attributable to general office space in the following expense categories:

(1) Maintenance;

(2) Traffic;

(3) Commercial; and

(4) Revenue Accounting;

(e) "Buildings" includes investment that is described as building investment in the *Separations Manual;*

(f) "Carrier Outside Plant" or "Carrier OSP" means all outside plant that is not Customer OSP;

(g) "Central Office Equipment" or "COE" includes all equipment or

facilities that are described as Central Office Equipment in the *Separations Manual;*

(h) "Commerical Expenses" includes all expenses that are described as Commercial Expenses in the *Separations Manual,* except for any expense incurred in computing, billing or collecting access charges which shall be deemed to be Revenue Accounting expense;

(i) "Current taxes" includes taxes other than property taxes that are actually accured during the relevant period less credits attributable to past deferrals and does not include hypothetical taxes that are allowable expenses for ratemaking purposes or taxes assessed upon end users;

(j) "Customer Outside Plant" or "Customer OSP" means all lines or trunks on the customer side of a Class 5 or end office switch, including lines or trunks that do not terminate in such a switch, except lines or trunks that connect an interexchange carrier or enhanced service provider facility with such a switch;

(k) "Dedicated access line" means a WATS access line or a private line that does not terminate in customer premises equipment that is used exclusively for a particular interexchange service;

(l) "Direct Expense" means expenses that are attributable to a particular category of tangible investment described in Subpart D of this Part and includes:

(1) Maintenance;

(2) Depreciation and amortization;

(3) Rental payments for buildings, facilities or equipment; and

(4) Property taxes;

(m) "End user" means any customer of an interstate or foreign telecommunications service or enhanced service that is not a carrier or enhanced service provider except that a carrier other than a telephone company or an enhanced service provider shall be deemed to be an "end user" when such carrier or enhanced service provider uses a telecommunication service for administrative purposes and a person or entity that offers telecommunications services exclusively as a reseller shall be deemed to be an "end user" if all resale transmissions offered by such reseller originate on the premises of such reseller;

(n) "Entry switch" means the telephone company switch in which a dedicated transport line or trunk terminates;

(o) "Expense component" means the total expenses and income charges for an annual period that are attributable to a particular element or category;

(p) "Expenses" include allowable expenses in the 600 series of the Uniform System of Accounts apportioned to interstate or international services pursuant to the *Separations Manual* and allowable income charges apportioned to interstate and international services pursuant to the *Separations Manual;*

(q) "General Office Expenses" includes Executive (Account 661) expense, Treasury (Account 663) expense, Law (Account 664) expense, Other General (Account 665) expense and the portion of Accounting (Account 662) expense that is not Revenue Accounting expense;

(r) "Interexchange" or the "interexchange category" includes services or facilities provided as an integral part of an interstate or foreign telecommunications or an interstate or foreign enhanced service that is not described as "access service" for purposes of this Part;

(s) "License contract" means an agreement to reimburse an entity that is jointly owned by telephone companies or companies that own telephone companies or an entity that directly or indirectly controls or is controlled by, or is under direct or indirect control with, a telephone company, for services, facilities, patents or other know-how;

(t) "Line" or "trunk" includes transmission facilities such as microwave towers, satellites, earth stations, etc. as well as wire and cable;

(u) "Net investment" means allowable original cost investment in Accounts 100.1–100.4 and 122 that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* from which depreciation, amortization and other reserves attributable to such investment that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* have been subtracted and to which working capital that is attributable to interstate and foreign services has been added;

(v) "Origination" of a service that is switched in a Class 4 switch or an interexchange switch that performs an equivalent function ends when the transmission enters such switch and "termination" of such a service begins when the transmission leaves such a switch, except that:

(1) Switching in a Class 4 switch or transmission between Class 4 switches that is not deemed to be interexchange for purposes of the Modified Final Judgment entered August 24, 1982, in *United States v. Western Electric Co.,* D.C. Civil Action No. 82–0192, will be "origination" or "termination" for purposes of this Part, and;

(2) "Origination" and "termination" does not include the use of any part of a line, trunk or switch that is not owned or leased by a telephone company;

(w) "Origination" of any service other than a service that is switched in a Class 4 switch or a switch that performs an equivalent function ends and "termination" of any such service begins at a point of demarcation that corresponds with the point of demarcation that is used for a service that is switched in a Class 4 switch or a switch that performs an equivalent function;

(x) "Outside Plant" or "OSP" includes all equipment or facilities that are described as outside plant in the *Separations Manual;*

(y) "Private line" means a line that is used exclusively for an interexchange service other than MTS or WATS, including a line that is used at the closed end of an FX or CCSA service or any service that is substantially equivalent to a CCSA service;

(z) "Return component" means net investment attributable to a particular element or category multiplied by the authorized annual rate of return;

(aa) "Revenue Accounting Expenses" includes all expenses that are described as Revenue Accounting Expenses in the *Separations Manual* and expenses associated with the preparation of access charge tariffs and the distribution of access charge revenues;

(bb) "Station equipment" includes all equipment or facilities that are described as station equipment in the *Separations Manual* except station equipment that is used by telephone companies in their own operations;

(cc) "Telephone company" means a carrier that provides telephone exchange service as defined in Section 3(r) of the Communications Act of 1934;

(dd) "Traffic Expenses" includes all expenses that are described as traffic expenses in the *Separations Manual;*

(ee) "Unit of capacity" means the capability to transmit one conversation; and

(ff) "WATS access line" means a line or trunk that is used exclusively for WATS service.

§ 69.3 Filing of access service tariffs.

(a) A tariff for access service shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice, with a scheduled effective date of January 1.

(b) The requirement imposed by paragraph (a) of this Section shall not preclude the filing of revisions to those

annual tariffs that will become effective on dates other than January 1.

(c) Any access service tariff filing, the filing of any petitions for rejection, investigation or suspension and the filing of any responses to such petitions shall comply with the applicable rules of this Commission relating to tariff filings.

(d) The association shall file a tariff as agent for all telephone companies that participate in an association tariff.

(e) A telephone company or group of telephone companies may file a tariff that is not an association tariff. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such tariff must comply with the requirements hereinafter provided:

(1) Such a tariff must cross-reference association charges for the Carrier Common Line element or elements if such company or companies participate in the distribution of revenues from such elements;

(2) Such a tariff that cross-references an association charge for any end user access element or the transitional surcharge must cross-reference association charges for all end user access elements and the transitional surcharge;

(3) Such a tariff that cross-references an association charge for any carrier's carrier access element other than the Carrier Common Line element or elements and the transitional surcharge must cross-reference association charges for all carrier's carrier access charges other than the Carrier Common Line element or elements and the transitional surcharge;

(4) Any charge in such a tariff that is not an association charge must be computed to reflect the combined investment and expenses of all companies that participate in such a charge;

(5) A telephone company or companies that elect to file such a tariff for 1984 access charges shall notify AT&T on or before the 40th day after the release of the Commission order adopting this Part;

(6) A telephone company or companies that elect to file such a tariff for any year subsequent to 1984 shall notify the association not later than June 30 of the preceding year if such company or companies did not file such a tariff in such preceding year or cross-referenced association charges in such preceding year that will not be cross-referenced in the new tariff;

(7) Such a tariff shall not contain charges for any access elements that are disaggregated or deaveraged within a study area that is used for purposes of jurisdictional separations;

(8) Such a tariff for a company that provides extended area local exchange telephone service shall not establish any charge for a carrier's carrier access element that does not apply to the entire extended area; and

(9) Such a tariff shall not include a charge other than an association charge for an extended area that is served by two or more telephone companies without the concurrence of all telephone companies that serve such extended area.

§ 69.4 Charges to be filed.

(a) The end user charges for access service filed with this Commission shall include charges for each of the following elements:

(1) Dedicated Access Line;
(2) Pay Telephone; and
(3) End User Common Line.

(b) Except as provided in Subpart C of this Part, the carrier's carrier charges for access service filed with this Commission shall include charges for each of the following elements:

(1) Carrier Common Line;
(2) Line Termination;
(3) Local Switching;
(4) Intercept;
(5) Information;
(6) Operator Assistance;
(7) Common Transport;
(8) Dedcated Transport; and
(9) Special Access.

(c) The carrier's carrier charges for carriers that offer a billing and collection or billing information service shall also include a Billing and Collection element.

Subpart B—Computation of Charges

§ 69.101 General.

Except as provided in Subpart C of this Part, charges for each access element shall be computed and assessed as provided in this Subpart.

§ 69.102 Dedicated access line.

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users for each interstate or foreign dedicated access line.

(b) Such charge will be computed by dividing one-twelfth of the projected annual revenue requirement for the Dedicated Access Line element by the projected average number of interstate or foreign dedicated access lines in use during such annual period.

§ 69.103 Pay telephone.

(a) A charge that is expressed in dollars and cents per call shall be assessed upon end users for each interstate or foreign call that is placed from a pay telephone, except that collect or third number billing calls will not be assessed.

(b) Such charge shall be computed by dividing the projected annual revenue requirement for the Pay Telephone element by the projected annual number of calls that are subject to assessment.

§ 69.104 End user common line.

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users that subscribe to local exchange telephone service. Such charge shall be assessed for each line between the premises of an end of an end user and a Class 5 office that is or may be used for local exchange service transmissions.

(b) Charges to multi-line subscribers shall be computed by multiplying a single line rate by the number of lines used by such subscriber.

(c) Charges to party line subscribers shall be computed by dividing a single line rate by the number of users that share such line.

(d) The single line rate or charge shall be computed by dividing one-twelfth of the projected annual revenue requirement for the End User Common Line element by the projected average number of local exchange service subscriber lines in use during such annual period.

§ 69.105 Carrier common line.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign telecommunications services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Carrier Common Line element by the projected annual conversation minutes for all interstate or international services that use local exchange switching facilities. Each minute of use of any local exchange switch by such services shall be counted for purposes of computing and assessing this charge.

§ 69.106 Line termination.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange facilities for the provision of interstate or foreign telecommunications services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Line

Termination element by the projected annual conversation minutes for all interstate or foreign services that use local exchange switching facilities. Each minute of use of any termination in a local exchange switch by such services shall be counted for purposes of computing and assessing this charge.

§ 69.107 Local switching.

(a) Charges that are expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign services.

(b) Separate charges shall be established for two categories of service. The first category, or LS 1, shall consist of local dial switching for services other than MTS or WATS that is provided through a line side termination in a Class 5 switch or through a termination in a local tandem switch. The second category, or LS 2, shall consist of local dial switching for MTS and WATS and local dial switching for a service other than MTS or WATS that is provided through a trunk side termination in a Class 5 switch.

(c) The projected annual revenue requirement for Local Switching shall be apportioned between LS 1 and LS 2 on the basis of weighted relative usage. LS 1 dial equipment minutes shall be counted as one. LS 2 dial equipment minutes shall be multiplied by the Toll Weighting Factor or TWF that is used for jurisdictional separations purposes to allocate investment in a particular type of switch.

(d) A per minute charge for the LS 1 category shall be computed by dividing the LS 1 portion of the annual revenue requirement by the projected annual LS 1 conversation minutes.

(e) A per minute charge for the LS 2 category shall be computed by dividing the LS 2 portion of the projected annual revenue requirement by the projected annual LS 2 conversation minutes.

(f) If end users of an interstate or foreign service that uses local switching facilities pay message unit charges for such calls in a particular exchange, a credit shall be deducted from the Local Switching element charges to such carrier for access service in such exchange. The per minute credit for each such exchange shall be multiplied by the monthly conversation minutes for such service to compute the monthly credit to such a carrier.

(g) If all local exchange subscribers in such exchange pay message unit charges, the per minute credit described in paragraph (f) of this Section shall be computed by dividing total message unit charges to all subscribers in a particular exchange in a representative month by the total minutes of use that were measured for purposes of computing message unit charges in such month.

(h) If some local exchange subscribers pay message unit charges and some do not, a per minute credit described in paragraph (f) of this Section shall be computed by multiplying a credit computed pursuant to paragraph (g) of this Section by a factor that is equal to total minutes measured in such month for purposes of computing message unit charges divided by the total local exchange minutes in such month.

§ 69.108 Intercept.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange facilities for the provision of interstate or foreign telecommunication services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Intercept element by the projected annual conversation minutes for all interstate or foreign services that use local exchange switching facilities.

§ 69.109 Information.

(a) A charge shall be assessed upon all interexchange carriers that are connected to assistance boards through interexchange directory assistance trunks.

(b) If such connections are maintained exclusively by carriers that offer MTS, the projected annual revenue requirement for the Information element shall be divided by 12 to compute the monthly assessment to such carriers.

(c) If such connections are provided to additional carriers, charges shall be established that reflect the relative use of such directory assistance service by such interexchange carriers.

§ 69.110 Operator assistance.

(a) A charge shall be assessed upon all interexchange carriers that offer an operator-assisted service that uses local exchange switching facilities and uses the services of telephone company operators.

(b) If such service is provided exclusively to the carriers that offer MTS, the projected annual revenue requirement for the Operator Assistance element shall be divided by 12 to compute the monthly assessment to such carriers.

(c) If such a service is provided to additional carriers a charge that is expressed in dollars and cents per call shall be assessed upon each carrier that receives such a service.

(d) Such a per call charge shall be computed by dividing the projected annual revenue requirement for the Operator Assistance revenue requirement by the projected annual number of operator-assisted calls.

§ 69.111 Common transport.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use switching or transmission facilities that are apportioned to the Common Transport element for purposes of apportioning net investment.

(b) The per minute charge shall be weighted by a distance factor that reflects the airline distance between the Class 5 or end office switch that serves an end user and the entry switch.

(c) Charges shall be designed to produce annual revenue that is equal to the projected annual revenue requirement for the Common Transport element.

§ 69.112 Dedicated transport.

(a) The projected annual revenue requirement for Dedicated Transport shall be divided into three parts. The revenue requirement shall be apportioned on the basis of relative net investment in the following investment categories:

(1) Interface arrangements;

(2) Voice grade transmission facilities; and

(3) Conditioning arrangements.

(b) Appropriate subelements shall be established for the use of interface arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers for the interface arrangements they use to provide interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the interface arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

(c) A charge for the use of voice grade transmission facilities shall be assessed upon interexchange carriers that use such facilities to provide interstate or foreign services. Such charges shall be

expressed in dollars and cents per unit of capacity. Total units of capacity provided to an interexchange carrier shall be measured by ascertaining the number of conversations that could be transmitted simultaneously without producing blocking in the dedicated transport facilities. The capacity unit charge for carriers that offer MTS shall be weighted by a distance factor that reflects the airline distance between the entry switch and the interexchange facility. The capacity unit charge for other carriers shall be weighted by a distance factor that reflects the lesser or least of the airline distance between the entry switch and such carrier's interexchange facility or the airline distance between the entry switch and any interexchange facility of carriers that offer MTS that is located within 5 miles of such carrier's interexchange facility.

(d) Appropriate subelements shall be established for the use of conditioning arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers that use conditioning arrangements in their provision of interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the conditioning arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

§ 69.113 Special access.

(a) Appropriate subelements shall be established for the use of equipment or facilities that are assigned to the Special Access element for purposes of apportioning net investment.

(b) Charges for all subelements shall be designed to produce total annual revenue that is equal to the projected annual revenue requirement for the Special Access element.

(c) Charges for an individual subelement shall be assessed upon all interexchange carriers or enhanced service providers that use the equipment or facilities that are included within such subelement.

(d) Charges for individual subelements shall be designed to reflect cost differences among subelements in a manner that complies with applicable Commission rules or decisions.

§ 69.114 Billing and collection.

(a) Billing and collection service shall be offered to all interexchange carriers if such a service is offered to any interexchange carrier. Charges shall be assessed upon all interexchange carriers that elect to use such services.

(b) Any difference in charges for such service or for a billing information service shall reasonably approximate cost differences in the service provided.

Subpart C—Computation of Transition Charges

§ 69.201 General.

Notwithstanding §§ 69.4, 69.104 and 69.105, charges for the access elements described in this subpart shall be computed in the manner described in this subpart for the period commencing January 1, 1984 and ending December 31, 1990.

§ 69.202 End user common line charges.

(a) Common line charges shall consist of a minimum charge that is expressed in dollars and cents per line per month, a maximum charge that is expressed in dollars and cents per line per month, and a usage charge that is expressed in dollars and cents per conversation minute or dollars and cents per call. Except as provided for in Section 69.206, all End User Common Line charges shall be assessed upon end users.

(b) The transitional End User Common Line charges shall be computed as provided in §§ 69.203–69.205.

§ 69.203 Minimum charges.

(a) A minimum charge shall be assessed upon each local exchange service subscriber that does not pay the maximum charge. A minimum charge may be established at any level that does not exceed the charge that would have been computed pursuant to § 69.104(d) for the year in question, provided that the minimum charge for a single line residential or party line subscriber shall not be less than $2 and the minimum charge for a single-line business local exchange service customer shall not be less than $4 or more than 200% of the residential minimum charge.

(b) The minimum for a multi-line local exchange service subscriber shall be computed by multiplying the applicable single line rate by the number of local exchange subscriber lines such subscriber uses.

(c) For purposes of this section, a line shall be deemed to be a residential line if the subscriber pays a rate for such line that is described as a residential rate in the local exchange service tariff. All other lines shall be deemed to be business lines.

§ 69.204 Usage charges.

(a) A usage charge shall be assessed for each originating conversation minute or originating call except originating minutes or calls for a collect MTS call, an In-WATS call or an open end FX, CCSA or CCSA equivalent call until the combined minimum and usage charges equal or exceed the maximum charge in a particular month. Third party billing calls shall be assessed to the line billed. Usage charges for a multi-line local exchange service subscriber shall be attributed equally to each line for purposes of determining whether such a subscriber shall pay the maximum charge for any line in any month.

(b) The usage charge shall be computed by subtracting projected annual revenues from maximum and minimum charges and the surcharges described in § 69.206 from the projected End User Common Line annual revenue requirement. That residual revenue requirement shall either be divided by the projected annual conversation minutes of end users that do not pay the maximum charge to compute a per minute charge or divided by the projected annual number of calls by such end users to compute a per call charge.

§ 69.205 Maximum charges.

(a) A maximum charge may be established at any level that is not less than the charge that would have been computed pursuant to section 69.104(d) for the year in question, provided that the maximum shall not be more than the charges described in paragraph (b) of this section unless a charge described in paragraph (b) of this section is less than the applicable § 69.104(d) charge.

(b) The maximum for each transition year shall be as follows:

(1) 1984—the Dedicated Access Line per line rate;

(2) 1985—90% of the 1985 Dedicated Access Line per line rate;

(3) 1986—80% of the 1986 Dedicated Access Line per line rate;

(4) 1987—60% of the 1987 Dedicated Access Line per line rate; and

(5) 1988–1990—50% of the 1988 Dedicated Access Line per line rate.

§ 69.206 Transitional surcharges.

(a) During the period that a usage charge is assessed upon end users, a surcharge shall be assessed upon interexchange carriers that offer MTS, In-WATS, FX, CCSA or CCSA equivalent service as a surrogate for usage charges upon an end user that

originates a collect MTS call or originates an In-WATS call or an FX, CCSA or CCSA equivalent call that originates at the open end.

(b) If usage charges are assessed upon a per minute basis, the transitional surcharge shall be computed by multiplying the conversation minutes of such originating calls transmitted to a particular interexchange carrier by a per minute charge that is computed by multiplying the end user per minute usage charge by a factor that is equal to projected annual non-collect MTS conversation minutes of end users that do not pay maximum charges divided by total projected annual non-collect MTS conversation minutes.

(c) If usage charges are assessed upon a per call basis, the transitional surcharge shall be computed by multiplying such originating calls transmitted to a particular interexchange carrier by a per call charge that is computed by multiplying the end user per call usage charge by a factor that is equal to projected annual non-collect MTS calls of end users that do not pay maximum charges divided by total projected annual non-collect MTS calls.

§ 69.207 Premium access.

(a) Until the Commission determines that equivalent access arrangements are being offered to all interexchange carriers in all or almost all exchanges a portion of the Carrier Common Line revenue requirement shall be designated by Commission order as premium access. Such premium access shall be assessed to the carriers that offer MTS and WATS and shall be billed in equal monthly installments.

(b) In the absence of a Commission order designating the premium access portion, the premium access portion shall be equal to a projected annual revenue requirement for CPE other than Category 2 CPE or any surrogate for CPE costs that may be assigned to interstate and foreign services, but in no event shall premium access exceed the total annual Carrier Common Line revenue requirement.

§ 69.208 Transitional Carrier Common Line.

Premium access revenues shall be deducted from the projected Carrier Common Line annual revenue requirement to determine the Transitional Carrier Common Line annual revenue requirement. Charges for the Transitional Carrier Common Line element shall be assessed and computed in the same manner as the post-transition Carrier Common Line element.

Subpart D—Apportionment of Net Investment

§ 69.301 General.

(a) For purposes of computing annual revenue requirements for access elements net investment shall be apportioned among the interexchange category and access elements as provided in this subpart and expenses shall be apportioned as provided in Subpart E of this Part.

(b) The End User Common Line and Carrier Common Line elements shall be combined for purposes of this subpart and Subpart E of this Part. Those elements shall be described collectively as the Common Line element. The Common Line element revenue requirement shall be segregated in accordance with Subpart F of this Part.

§ 69.302 Net investment.

(a) Investment in Accounts 100.1 and 122 shall be apportioned among the interexchange category and appropriate access elements as provided in §§ 69.303–69.309.

(b) Investment in Accounts 100.2–100.4 shall be apportioned in the following manner:

(1) COE investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 COE investment;

(2) OSP investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 OSP investment;

(3) Buildings investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 Buildings investment; and

(4) Investment that is not COE, OSP or Buildings investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 investment that is not COE, OSP or Buildings investment.

§ 69.303 Station equipment.

(a) Investment in station equipment that is included in Separations Category 2 shall be assigned to the Special Access element.

(b) Investment in pay telephones and appurtenances shall be assigned to the Pay Telephone element.

(c) Investment in all other station equipment shall be apportioned between the Dedicated Access Line and Common Line elements on the basis of the relative number of equivalent lines in use. Each interstate or foreign dedicated access line shall be counted as one Dedicated Access Line. Local exchange subscriber lines shall be multiplied by the applicable interstate separations factor to determine the number of equivalent local exchange subscriber lines attributable to the Common Line element.

(d) Any investment that is apportioned to interstate and foreign services as a surrogate for customer premises equipment shall be apportioned between the Dedicated Access Line and Common Line elements in the same manner as investment apportioned pursuant to paragraph (c) of this section.

§ 69.304 Customer OSP.

(a) Interstate and foreign private lines that are described as dedicated access lines in this Part shall be assigned to the Dedicated Access Line element. All other private lines shall be assigned to the Special Access element.

(b) Interstate WATS access lines shall be assigned to the Dedicated Access Line element. In the event that a portion of investment in interstate WATS access lines is allocated to intrastate services and a portion of intrastate WATS access lines is allocated to interstate services, the total unseparated investment in interstate WATS access lines that are described as dedicated access lines shall be assigned to the Dedicated Access Line element and investment apportioned to the Common Line element shall be adjusted to reflect the difference between unseparated interstate WATS access line investment and the WATS access line investment apportioned to interstate services pursuant to the *Separations Manual*.

(c) Investment in pay telephone lines shall be assigned to the Pay Telephone element.

(d) Investment in local exchange subscriber lines shall be assigned to the Common Line element.

(e) Investment in voice grade lines that are not in use shall by apportioned among the Dedicated Access Line, Pay Telephone, Common Line and Special Access elements on the basis of the relative number of equivalent voices grade lines in use. Each interstate or foreign dedicated access line shall be counted as one line. Pay telephone lines and local exchange subscriber lines shall be multiplied by the applicable interstate separations factor to determine the number of equivalent pay telephone or local exchange subsriber lines.

(f) Investment in unused lines that are not voice grade shall be assigned to the Special Access element.

§ 69.305 Carrier OSP.

(a) Carrier OSP that is not used for "origination" or "termination" as defined in sections 69.2(v) and 69.2(w) shall be assigned to the interexchange category.

(b) Carrier OSP other than WATS access lines not assigned pursuant to paragraph (a) of this section that is used for interexchange services that use switching facilities that are also used for local exchange telephone service shall be apportioned between the Dedicated Transport and Common Transport elements. Such OSP shall be assigned to the Dedicated Transport element if it is used exclusively for the interexchange services of a particular carrier.

(c) All Carrier OSP that is not apportioned pursuant to paragraphs (a) and (b) of this section shall be assigned to the Special Access element.

§ 69.306 Central office equipment.

(a) The *Separations Manual* categories shall be used for purposes of apportioning investment in such equipment except that any Central Office Equipment attributable to a Dedicated Transport subelement shall be assigned to the Dedicated Transport element.

(b) Category 1 COE (Manual Switchboards) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance access elements. COE 1 of a telephone company that is not required to transfer assets pursuant to the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the interexchange category if such equipment would have been transferred to an interexchange carrier pursuant to that Modified Final Judgment. COE 1 that is used for intercept services shall be assigned to the Intercept element. COE 1 that is used for directory assistance service shall be assigned to the Information element. COE 1 that is not assigned to the interexchange category or the Intercept and Information elements shall be assigned to the Operator Assistance element.

(c) Category 2 COE (Tandem Switches) shall be assigned to the Common Transport element.

(d) Category 3 COE (Intertoll Dial Switching Equipment) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Common Transport element. All other COE 3 shall be assigned to the interexchange category.

(e) Category 4 COE (Automatic Message Recording Equipment) shall be assigned to the Billing and Collection element.

(f) Category 5 COE (Other Toll Dial Switching Equipment) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Operator Assistance element. All other COE 5 shall be assigned to the interexchange category.

(g) Category 6 COE (Local Dial Switching) that is classified as non-traffic sensitive for purposes of jurisdictional separations shall be assigned to the Line Termination element except as provided in paragraph (a) of this section. COE 6 that is classified as traffic sensitive for jurisdictional separations purposes shall be assigned to the Local Switching element. In the event that any COE 6 is not used for local dial switching, such equipment shall be deemed to be Category 7 equipment for purposes of this Part.

(h) Category 7 COE (Special Services Switching) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Special Access element. All other COE 7 shall be assigned to the interexchange category.

(i) Category COE 8 (Circuit Equipment) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. 8 COE shall be apportioned in the same proportions as the associated OSP except as provided in paragraph (a) of this Section.

§ 69.307 Buildings.

(a) The *Separations Manual* space categories and subcategories shall be used for purposes of apportioning Buildings investment.

(b) Category 1A space investment (Manual Switchboard) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance elements. Such investment shall be apportioned in the same proportions as COE 1 investment.

(c) Category 1B space investment (Circuit Equipment) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as COE 8 investment.

(d) Category 1C space investment (Dial Switching) shall be apportioned among the interexchange category and the Line Termination, Local Switching, Operator Assistance, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as combined investment in COE categories 2, 3, 5, 6 and 7.

(e) Category 2 space investment (Operator Quarters) and Category 3 space investment (General Traffic Supervision) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance elements. Such investment shall be apportioned in the same proportions as COE 1 investment.

(f) Category 4 space investment (Commercial Office) shall be apportioned among the interexchange category and the Pay Telephone, Information and Billing and Collection elements. Such investment shall be apportioned in the same proportions as combined commercial expenses.

(g) Category 5 space investment (Used Interstate by Another Company) and Category 11 space investment (Constructed for Another Company for interstate use) shall be assigned to the interexchange category.

(h) Category 6 space investment (Revenue Accounting) shall be apportioned among the interexchange category and all access elements in the same proportions as combined revenue accounting expenses.

(i) Category 7 space investment (Garages and Storerooms) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special access elements. Such investment shall be apportioned in the same manner as combined OSP investment.

(j) Category 8 space investment (Rented to others) shall be assigned to the interexchange category.

(k) Category 9 space investment (General Office) shall be apportioned among the interexchange category and all access elements in the same proportions as combined General Office expenses.

(l) Category 10 space investment (Antenna Support) shall be apportioned among the interexchange category and the appropriate access elements in the same manner as the antenna supported.

§ 69.308 Land.

(a) Investment in land other than storage space that is occupied by a building or buildings or a building or buildings under construction shall be apportioned among the interexchange category and the appropriate access

elements in the same manner as the buildings on such land.

(b) Investment in parcels of land other than storage space that are contiguous with a parcel described in paragraph (a) of this section shall be apportioned in the same proportions as investment in such contiguous parcel.

(c) Investment in storage space shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as combined OSP investment.

(d) Investment in land that is not apportioned pursuant to paragraphs (a), (b) and (c) of this section shall be apportioned among the interexchange category and all access elements in the same proportions as the combined land investment that is apportioned pursuant to paragraphs (a), (b) and (c) of this section.

§ 69.309 Other investment.

Investment that is not apportioned pursuant to §§ 69.303–69.308 shall be apportioned among the interexchange category and all access elements in the same proportions as the combined investment that is apportioned pursuant to §§ 69.303–69.308.

Subpart E—Apportionment of Expenses

§ 69.401 Direct expenses.

(a) Direct expense shall be assigned to the appropriate investment category and shall be apportioned among the interexchange cateogy and appropriate access elements in the same proportions as the associated investment.

(b) Amortization of embedded inside wiring investment and installation of new inside wiring and any maintenance or depreciation expense that is apportioned to interstate and foreign services as a surrogate for CPE maintenance or depreciation shall be deemed to be associated with § 69.303(c) other station equipment investment for purposes of the apportionment described in paragraph (a) of this section.

§ 69.402 Current taxes.

(a) State income taxes and state gross receipts or gross earnings taxes that are collected in lieu of a corporate income tax shall be apportioned among the interexchange category and all access elements in the same proportions as the combined Station Equipment, OSP, COE, Buildings and Land investment attributable to property that is located within the state that imposed the tax.

(b) Social Security taxes shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

(c) All other current taxes including federal income taxes shall be apportioned among the interexchange category and all access elements in the same manner as § 69.309 Other Investment.

§ 69.403 Deferred tax expenses.

(a) Account 304 investment tax credits shall be assigned to the investment category that produced the tax credit. Credits from amortization of past investment tax credits shall be deducted from the balance for the relevant investment category. The net balance shall be apportioned among the interexchange category and appropriate access elements in the same proportions as the associated investment.

(b) Other deferred tax expenses, including Account 308.1 and 308.2 expenses and comparable expenses in Account 307, shall be assigned to the investment category that produced the hypothetical tax. Such expense shall be apportioned among the interexchange category and appropriate access elements in the same proportions as the associated investment.

§ 69.404 Traffic expenses.

Traffic expenses shall be apportioned among the interexchange category and the Intercept, Information and Operation Assistance elements in the same proportions as COE 1 investment.

§ 69.405 Commercial expenses.

(a) Sales, Advertising and Connecting Company Relations expenses (Accounts 642, 643 and 644) shall be assigned to the interexchange category.

(b) Local Commercial expenses (Account 645) shall be assigned to the Billing and Collection element.

(c) Public Telephone Commissions expense (Account 648) shall be assigned to the Pay Telephone element.

(d) Directory expenses (Account 649) shall be assigned to the Information element.

(e) All other Commercial Expenses shall be apportioned among the interexchange category and the Pay Telephone, Information and Billing and Collection elements in the same proportions as the combined expense apportioned pursuant to paragraphs (a)–(d) of this section.

§ 69.406 Revenue accounting expenses.

(a) Revenue Accounting Expenses that are attributable to End User access billings shall be apportioned among the Dedicated Access Line, Pay Telephone and Common Line elements. Such expenses shall be apportioned on the basis of relative investment other than revenue accounting space investment apportioned to each such element.

(b) Revenue Accounting Expenses that are attributable to carrier's carrier access billings shall be apportioned among all carrier's carrier access elements except the Common Line element. Such expenses shall be apportioned on the basis of relative investment other than revenue accounting space investment apportioned to each such element.

(c) All other Revenue Accounting Expenses shall be assigned to the Billing and Collection element.

§ 69.407 General office expenses.

(a) The portion of Account 665 expense that is attributable to engineering expenses shall be apportioned among the interexchange category and all access elements in the same proportions as the combined investment in Station Equipment, OSP and COE.

(b) All other General Office Expenses shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

§ 69.408 Relief and pensions.

Relief and pensions expense shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

§ 69.409 License contract expenses.

License contract expenses shall be assigned to expense categories in the same manner as expenses that are incurred directly by the telephone company and shall be apportioned in the same manner as such directly incurred expenses.

§ 69.410 Other expenses.

Expenses that are not apportioned pursuant to §§ 69.401–69.409 shall be apportioned among the interexchange category and all access elements in the same manner as § 69.309 Other Investment.

Subpart F—Segregation of Common Line Element Revenue Requirement

§ 69.501 General.

(a) Any portion of the Common Line element annual revenue requirement that is attributable to the application of a jurisdictional separations factor that is described as a High Cost Factor or a Universal Service Factor shall be

assigned to the Carrier Common Line element or elements.

(b) Any portion of the Common Line element annual revenue requirement that is attributable to CPE investment or expense or surrogate CPE investment or expense shall be assigned to the Carrier Common Line element or elements.

(c) Any portion of the Common Line element annual revenue requirement that is attributable to inside wiring investment or expense shall be assigned to the Carrier Common Line element or elements.

(d) Any portion of the Common Line element revenue requirement that is not assigned to Carrier Common Line elements pursuant to paragraphs (a), (b) and (c) of this section shall be apportioned between End User Common Line and Carrier Common Line pursuant to §§ 69.502 and 69.503. Such portion of the Common Line element annual revenue requirement shall be described as the base factor portion for purposes of this Subpart.

§ 69.502 Base factor apportionment.

(a) The base factor portion shall be divided by the projected average number of subscriber local exchange lines in use during the relevant year in order to determine a base factor per line annual revenue requirement.

(b) If the base factor per line annual revenue requirement is $48 or less per year the base factor portion shall be assigned to the End User Common Line element.

(c) If the base factor per line revenue requirement is more than $48 per year—

(1) An amount that equals $48 multiplied by the projected average number of local exchange subscriber lines in use during the relevant year shall be assigned to the End User Common Line element; and

(2) The remainder of the base factor portion or transitional portion shall be apportioned in accordance with Section 69.503.

§ 69.503 Apportionment of transitional portion.

(a) The transitional portion shall be assigned to the Carrier Common Line elements in 1984 access charges.

(b) In 1985 access charges 80% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(c) In 1986 access charges 60% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(d) In 1987 access charges 40% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(e) In 1988 access charges 20% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(g) The transitional portion shall be assigned to the End User Common Line element in access charges for 1989 and subsequent years.

Subpart G—Exchange Carrier Association

§ 69.601 Exchange carrier association.

(a) An association shall be established in order to prepare and file access charge tariffs on behalf of all telephone companies that do not file separate tariffs or concur in a joint access tariff of another telephone company for all access elements.

(b) All telephone companies that participate in the distribution of Carrier Common Line revenues collected by the association shall be deemed to be members of such association.

§ 69.602 Board of directors. [Reserved]

§ 69.603 Association functions.

(a) The association shall not engage in any activity that is not related to the preparation of access charge tariffs or the collection and distribution of access charge revenues unless such additional activity is expressly authorized by order of the Commission.

(b) Participation in Commission or court proceedings relating to access charge tariffs, the billing and collection of access charges, or the distribution of access charge revenues shall be deemed to be authorized association activities.

§ 69.604 Billing and collection of access charges.

(a) The association shall bill and collect all Carrier Common Line access charges including any premium access assessment.

(b) Telephone companies shall bill and collect all other End User or Carrier's Carrier access charges.

(c) All access charges shall be billed monthly.

§ 69.605 Distribution of Carrier Common Line revenues.

(a) Carrier Common Line revenues received by the association shall be distributed monthly in accordance with this Subpart.

(b) Association expenses incurred during the month that are allowable access charge expenses shall be reimbursed before any other funds are disbursed.

(c) Except as provided in paragraph (b) of this section, payments to average schedule companies that are computed in accordance with § 69.606 shall be disbursed before any other funds are disbursed. For purposes of this Part, a telephone company that was participating in average schedule settlements on December 1, 1982, shall be deemed to be an average schedule company except that:

(1) Any company that directly or indirectly controls, is directly or indirectly controlled by, is under direct or indirect control with, or merges with a telephone company that did not participate in average schedule settlements on December 1, 1982, shall not be deemed to be an average schedule company; and

(2) Any company that does not join in association tariffs for all access elements shall not be deemed to be an average schedule company.

(d) The residue shall be disbursed to telephone companies that are not average schedule companies in accordance with §§ 69.607–69.610.

§ 69.606 Computation of average schedule company payments.

(a) Payments shall be made in accordance with a formula approved or modified by the Commission. Such formula shall be designed to produce disbursements to an average schedule company that simulate the disbursements that would be received pursuant to § 69.607 by a company that is representative of average schedule companies.

(b) AT&T shall submit a proposed 1984 formula to the Commission on or before June 30, 1983. The association shall submit a proposed revision of the formula for each year after 1984 or certify that a majority of the directors of the association believe that no revisions are warranted for such year on or before June 30 of the preceding year.

§ 69.607 Disbursement of Carrier Common Line residue.

(a) The association shall compute a monthly net balance for each member telephone company that is not an average schedule company. If such a company has a negative net balance, the association shall bill that amount to such company. If such a company has a positive net balance, the association shall disburse that amount to such company.

(b) The net balance for such a company shall be computed by multiplying a hypothetical net balance for such a company by a factor that is computed by dividing the Carrier

Common Line residue by the sum of the hypothetical net balances for such companies.

(c) The hypothetical net balance for each company shall be the sum of the hypothetical net balances for each access element except the Billing and Collection element. All Carrier Common Line elements shall be deemed to be one element and all End User Common Line elements including transitional surcharges assessed to interexchange carriers shall be deemed to be one element for purposes of computing such hypothetical net balances. Such hypothetical net balances shall be computed in accordance with §§ 69.606–69.610.

§ 69.608 Carrier Common Line hypothetical net balance.

The hypothetical net balance shall be equal to a Carrier Common Line revenue requirement for each such company that is computed in accordance with Subpart F of this Part.

§ 69.609 End User Common Line hypothetical net balances.

(a) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(b) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by multiplying an amount that is computed by deducting access revenues collected by such company for such element from an End User Common Line revenue requirement for such company that is computed in accordance with Subpart F of this Part by a factor that is computed by dividing access revenues collected by all such companies for such element by an End User Common Line revenue requirement for all such companies that is computed in accordance with Subpart F of this Part.

§ 69.610 Other hypothetical net balances.

(a) The hypothetical net balance for an access element other than Billing and Collection or a Common Line element shall be computed as provided in this section.

(b) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(c) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by deducting access revenues collected for such element from the sum of expense attributable to such element and the element residue apportioned to such company. The element residue shall be apportioned among such companies in the same proportions as the net investment attributable to such element.

(d) The element residue shall be computed by deducting expenses of all participating companies attributable to such element from revenues collected by all participating companies for such element.

Statement of FCC Commissioner James H. Quello

In Re: Report and Order in CC Docket No. 78–72, Phase 1, In the Matter of MTS and WATS Market Structure

To state that this was a difficult decision would be to carry the use of understatement to its extreme. The decision was difficult because of its complexity, to be sure, but it was made even more difficult because it is so far reaching. It's difficult to imagine that any American will be untouched by the action the Commission has taken today.

It would have been easy to resist taking any action at this time, merely postponing action until it was forced upon us. But delay would not serve the public, the telecommunications industry nor would it serve the Commission itself. The die was cast long ago and we are rapidly moving into a new era of telecommunications in this country and throughout the world. Moving toward competition and away from monopoly requires that the industry move toward cost-based pricing. Equal access to the network has been mandated by both this Commission and by the Court in its approval of the Modified Final Judgment. It is also mandated by competition and by technology. We cannot turn back the clock.

This decision was bounded by two very strong considerations. The first is the abiding concern of this Commission and the Congress that the concept of universal service not be sacrificed. In my mind, this is the overriding concern as we attempt to fashion a new rate structure. It bears very heavily upon our second constraint; i.e., the threat that the local exchange will be bypassed by large users. Bypass, while not widely understood and appreciated, provides perhaps a greater threat to universal service than do increased local rates of a magnitude far above those implied by our action today. For example, AT&T has claimed that 5 percent of its customers generate 63 percent of its revenues. By ignoring the threat of bypass, we could only encourage more and more of those large users to leave the local exchanges across the country leaving those exchanges with most of their present costs but without present revenues. Bypass is a phenomenon which feeds upon itself. As more large users leave the exchange, those which remain must bear a larger share of the costs, encouraging more bypass and even higher costs. Clearly, we do not want to encourage such a scenario.

The Report and Order, in my view, is a measured, carefully considered step along a path which will lead to an even better telecommunications service in the future without destroying what we must rely upon in the present. Is it a perfect approach to this very complex problem?

In the words of Voltaire:

Perfection is attained by slow degrees; it requires the hand of time.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: MTS and WATS Market Structure, CC Docket No. 78–72, Phase I

The adoption by the Federal Communications Commission of this Access Charge Order is of historic importance. This decision marks the culmination of a long and tortuous inquiry into a proper access charge structure.[135] Because this Order prescribes the manner of compensation that all exchange carriers will receive for the origination and termination of all interstate and international telecommunications or enhanced service, every ratepayer in this country will be affected. In the first year alone, the access charge plan will require the restructuring of rates for 11 to 13 billion dollars in non-traffic sensitive (NTS) and traffic sensitive (TS) plant.

Given the magnitude of our decision, I believe that I am correct in asserting that the *MTS and WATS Market Structure* rulemaking is one of the most important proceedings which has come before the Commission during my tenure, if not during the entire history of the Commission. The issues before the Commission in Phase I were not only technically complex, but also raised several important and competing policy considerations. In adopting this access charge plan, the Commission has succeeded admirably in balancing these competing values. The Commission has resisted the Siren-song lure of theoretical purity, recognizing the reality of the need for reasonable rates and maintenance of universal service. In the process, we have developed a plan which advances the overall public interest and is the best solution that could be fashioned under the circumstances. I wholeheartedly support this decision.

Section 1 of the Communications Act mandates that this Commission regulate "so as to make available, so far as possible, to all the people of the United States a rapid, efficient * * * communications service with adequate facilities at reasonable charges." In my judgment, the most critical factor in this proceeding has been the need to structure an access charge plan which would protect this principle and value of universal service. While local exchange service is not so elastic as toll service, it certainly is not inelastic.[136] In the monopoly environment of the past, the FCC and the State commissions made deliberate compromises in favor of the immediate, pragmatic objective of universal service at the expense of more theoretical objectives, such as economic efficiency. The

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[135] *See MTS and WATS Market Structure*, CC Docket No. 78–72, Notice of Inquiry and Proposed Rulemaking, 67 FCC 2d 757 (1978); Supplemental Notice of Inquiry and Proposed Rulemaking, 73 FCC 2d 222 (1979), Second Supplemental Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 224 (1980); Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking, 81 FCC 2d 177 (1980); and Fourth Supplemental Notice of Inquiry and Proposed Rulemaking, 90 FCC 2d 135 (1982).

[136] *See generally*, Appendix G.

dilemma created by technological progress and competition is that such compromises have become increasingly difficult to forge, implement, and maintain. No longer are regulators free to increase the load of NTS costs on long distance users in order to keep local residential rates low. Technological advance now affords major toll users the option of bypassing the public network altogether to avoid uneconomic charges. This phenomenon of bypass, with its negative revenue consequences, must still be weighed, however, against the harm that the direct assignment of all NTS costs to end users might cause. Even though bypass would be discouraged, such a strategy of total direct assignment could result in an unacceptable loss in the subscriber base as rural users, the poor and the elderly would be put to a hard choice between essentials.

The access charge structure adopted by the Commission meets this concern by striking an appropriate balance between the need to encourage efficiency and the need to preserve universal service. Under this structure, uneconomic bypass should be discouraged while at the same time there should be no substantial service dislocations. Universal service in rural, high cost areas will be protected by the universal service factor element of the carrier common line charge. Similarly, service discontinuance by those too poor to absorb large rate increases will be discouraged by the implementation of a reasonable maximum end user charge based upon the anticipated joint Board recommendation in Docket 80-286.[127]

In achieving this balance, the access charge plan affords both protection to ratepayers and flexibility to telephone companies. The transition period is structured so that the increase in the end user charge to its maximum cost will be gradual, starting with a $4 per month average revenue requirement. Heavy toll users will be protected by a cap on the amount that they may be charged for NTS costs. Telephone companies will be afforded the flexibility to determine how customer charges will be collected during the transition through a combination of usage and flat charges. As a consequence, those low-cost companies facing significant bypass problems and little threat of subscriber loss may move quickly to their full end user charge, while those companies with less significant bypass problems may move more slowly. In addition, the Exchange Carriers Association will allow companies the option to pool their costs in a manner somewhat reminiscent of current practice. This is crucial because of many small carriers developing and administering access charges would present an impossible burden.

Flexibility is also granted to the States as this decision permits them to recover intrastate NTS costs in any fashion they desire. This is important because the amount of NTS plant in the intrastate jurisdiction dwarfs the amount of interstate NTS plant. Further, the circumstances differ between the States, and it may be impossible to develop uniform Federal rules for the access charge treatment of intrastate NTS costs.[128] Leaving this discretion with the States will promote the regulatory flexibility and experimentation which has proved so beneficial in the past.

Of even more importance is the fact that there will be a monitoring system, in place by January 1, 1984, designed to ensure that any unforeseen developments that threaten universal service are discovered in time for corrective action to be taken. This built-in flexibility is critical because of the uncertainties involved. In addition, the requirements of periodic staff reports to the Commission and further Commission action before continuing the plan beyond the fifth year will ensure the fulfillment of our statutory mandate.

In addition to striking a realistic balance between the new imperative of economic efficiency and the continuing mandate of universal service, this decision takes the long overdue step of ending what has been an intolerable discrimination between MTS/WATS and ENFIA. Under the rules we have adopted, the OCCs will finally pay the full cost of interconnection—even during the transition. There will be no more discounts. Further, open-end Private Line and FX will also contribute fully for the first time to the recovery of common costs. This is only fair. For too long MTS and WATS ratepayers have been picking up costs which should have been borne by ENFIA and open-end Private Line and FX users.[129] Although during transition AT&T will pay a premium access charge theoretically based on its superior interconnection, the differential will be smaller than the current ENFIA discount and will end at approximately the same time as the OCCs are afforded equal access under the divestiture decree.[130]

In conclusion, I believe that the Commission has succeeded in developing the best possible access charge plan—a plan which carefully balances competing policy values and recognizes a continuing need for surveillance and possible adjustment in the public interest.

Separate Statement of Commissioner Stephen A. Sharp

In the past, local telephone companies have been compensated in different ways when their plant has been used for the origination or termination of interstate of foreign communications. In general, local telephone companies receive the highest compensation when their plant is used in the provision of interstate MTS/WATS. The lowest rate of compensation is the so-called B-1 rate, which is the monthly rate, usually flat, that local telephone companies charge business customers for local exchange telephone service. Vast interstate private line networks have been created by connecting private lines to B-1 service in each area where the customer wishes to communicate; in some cases these networks rival the public switched telephone network in their coverage. Yet these networks pay only the B-1 rate for "access";[131] in part because the B-1 rate is in most instances considerably cheaper than the rate for access that is bundled into the cost of a MTS/WATS call,[132] the same telephone call often costs the customer less on a private line network than it does under MTS/WATS.

With the rise of competition, the other common carriers (OCCs) sought to utilize B-1 service for access. The established telephone industry naturally opposed this and sought to obtain compensation at the higher MTS/WATS rate. The result of this dispute was a compromise: the OCCs were charged the ENFIA rate for access,[133] which was higher than the B-1 rate but lower than that received by local telephone companies under MTS/WATS.[134]

The Commission seeks to resolve these rate disparities with a single federal access charge. While this is a laudable goal, I wish to point out that there are many services tariffed with the various states which can be and are being used for purposes of access. Some examples of these services are intrastate WATS and intrastate private line service. It is not always obvious or simple to determine whether these services, tariffed with the states, are in fact being used for interstate and foreign communications. And to the extent that these services are priced lower than the federal access charge, users will attempt to substitute the former for the latter.[135]

If *all* rates, including those tariffed with the states, were based upon the cost of providing the respective service, it would not be necessary to establish a federal access charge since users would be free to use *any* service, whether tariffed with this Commission or the states, for interstate or intrastate communications as they saw fit. Carriers would remain financially whole regardless of differences in the way the same service is *used*. There would be no incentives on the part of customers to substitute one service for another because of non-cost based rate disparities, and no need for either the

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[127] The alternative of a government-sponsored "phone stamps" program is not viable. Among the many problems with such a plan are the fact that the program would be difficult to target and the fact that it would call for increased government expenditures at a time when such expenditures are not feasible.

[128] We face a very different situation here on access charges than that which we recently confronted on depreciation policy. *See Amendment of Part 31*, on reconsideration, —— FCC 2d —— (1982).

[129] *See* Dissenting Statement of Commissioner Joseph R. Fogarty. *Extension of ENFIA Agreement*, 90 FCC 2d 6, 20-21 (1982).

[130] *See* Modified Final Judgment, *United States* v. *Western Electric Co.*, Civil Action No. 82-0192 (D.D.C., entered August 24, 1982).

[131] The term "access" is used henceforth to denote the use of a local telephone company's plant for the origination and termination of interstate *and* foreign communication.

[132] AT&T has estimated that the rate for access in an MTS/WATS call is approximately 7¢ per minute in each local exchange.

[133] As the Commission has recognized, ENFIA service is local exchange (i.e., B-1) service at a rate different from that on file with local jurisdictions for that service. *See* AT&T, 89 FCC 2d 1000, 1091 n. 4 (1982).

[134] *See* ENFIA, 71 FCC 2d 440 (1979).

[135] In page 20 of Appendix F of the order, for example, the Commission notes that in its 1981 Annual Report, Aeronautical Radio, Inc., a large user of communications services, stated that it had replaced federally tariffed private lines in its private line intercity network with cheaper private lines obtained under state tariffs.

Commission or the telephone companies to police the use to which various services were put in order to make the federal access charge workable.[136]

We know that local exchange service can be employed practically to interconnect any two points within that local calling area, including points at which access to interstate and intrastate toll can be obtained. In the long run, it appears neither reasonable nor practical to maintain differences in rates for the same service depending on the use to which local exchange service is put; i.e., for interstate and foreign communication, intrastate toll communication, or local exchange communication.

It is true that different jurisdictions, in seeking to implement their own policies, may see fit to use different ratemaking approaches which can result in different charges for similar or identical products. From a practical point of view, however, as distinctions between jurisdictionally interstate and jurisdictionally intrastate communications become increasingly blurred and resale becomes more widespread, the desirability of cost-based local exchange rates for each local area will become increasingly apparent. In this way, users of telephone service will pay the same rates regardless of how they use their local service, thereby discouraging uneconomic bypass and eliminating opportunities for arbitrage based upon differing rates for the same service or services.

I hope that the Commission will keep this long term solution in mind when it revisits and reviews the progress in implementing access charges.

Separate Statement of Commissioner Henry M. Rivera

In re: MTS and WATS Market Structure, CC Docket No. 78–72, Phase I (Access Charge)

I write separately to emphasize my concern that any access charge plan assure that universal service is maintained. Being from a state with a low population density, I am especially mindful of how necessary telephone communications are to the health and well-being of rural America. I am delighted that the Commission apparently shares my concerns.[137]

No doubt should exist that the immediate, overriding policy concerns of the Commission for assurance of universal service and network preservation will set the future development and evolution of this plan.

[FR Doc. 83–6107 Filed 3–10–83; 8:45 am]
BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1190, 1191, and 1192

[Ex Parte No. 432]

Reorganizations of Rail and Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The Commission is removing its regulations dealing with reorganizations of rail and motor carriers. These regulations no longer serve any purpose in view of the 1978 amendments to the Bankruptcy Act, Title 11, U.S. Code. We no longer have a direct role in the organization of protective committees, ratification of trustees, and confirmation of rail reorganization plans with respect to bankruptcies occurring after passage of the 1978 Act. Consequently, parts 1190, 1191, and 1192 are now used rarely, if at all. An *ad hoc* procedure is implemented for present rail reorganization under former section 77 of the Bankruptcy Act.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245, Richard Gaynor (202) 275–6019.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking (NPR) published in the **Federal Register** on September 16, 1982, at 47 FR 40816, this proceeding was instituted to excise the Commission's regulations in Title 49 of the Code of Federal Regulations, Chapter X, Parts 1117—Reorganization of Railroads, 1118—Corporate Reorganization of Carriers and Corporations, and 1135—Corporate Reorganizations of Motor Carriers.[1] The notice explained that the Bankruptcy Act of 1978 Pub. L. No. 95–598, 92 Stat. 2549 (1978 Act) has substantially reduced our involvement in rail and motor carrier reorganizations. In particular, we no longer have a direct role in the organization of protective committees, ratification of trustees, and confirmation of rail reorganization plans with respect to bankruptcies occurring after passage of the 1978 Act. Consequently, Parts 1190, 1191, and 1192 are now used rarely, if at all.

The only problem we foresaw concerned applications that may be filed in reorganization proceedings begun before 1979. However, our records showed only a handful of rail reorganizations now pending with the Commission, and no ongoing motor reorganizations.[2] We determined that in these circumstances retention of those regulations is unwarranted. We stated that should an application under former sections 77 or 177 of the Bankruptcy Act be contemplated in the future, we would inform the parties on an *ad hoc* basis of the information required.

Comments in response to the NPR were filed by Burlington Norther n Railroad Company (BN), Chicago and North Western Transportation Company (CNW), the Milwaukee Road, and the Association of American Railroads (AAR). BN maintains that, because of the substantial changes which have resulted from the 1978 Act, the Commission's role in authorizing protective committees of creditors and shareholders, in the ratification of the appointment of trustees, and in the certification of a plan of reorganization, is now obsolete. While it offers no comment on Part 1192, it supports the NPR with respect to parts 1190 and 1191. BN agrees that the eventual Milwaukee

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[136] If users were free to substitute other, cheaper services for the federal access charge, they would have no incentive to obtain service under federal access tariffs. Under these circumstances, either the Commission or the telephone companies would have to police how substitutable services were being used in order to prevent avoidance of the federal access charge.

[137] The Commission has adopted a plan that recognizes that the national interest is best served if universal service is maintained. This plan accomplishes this objective by:

- the contemplated *monitoring* program and commitment to take corrective action and to undertake a formal *"revisitation"* of this proceeding to ensure immediate, appropriate modifications should any unanticipated disruptive or deteriorating effects upon the nationwide telecommunications system or upon the continued maintenance of universal service develop (paras. 124, 195–196, 366–367);
- the establishment of the *Universal Service Fund*, enabling high cost companies to maintain affordable local exchange rates that do not substantially exceed rates charged by other companies, and selective mandatory *pooling* requirements (and voluntary participation in common tariff and revenue pool arrangements) to assure continuation of universal service in rural America and other high cost areas (paras. 134–135, 308–338);
- the provision for waivers to allow *"life line"* service (paras. 136–137);
- our recognition of possible justified *local deviations* from a single national plan requiring all dedicated end user costs be recovered through flat and equal charges on all customers (para. 367);
- a *transition* with a smooth and gradual, yet flexible, pace to allow a more "comfortable" adjustment to the new economic realities (para. 172);
- the allowed rate structure *flexibility* for the exchange carrier to implement the transition in a manner, within reason, to fit its individual situation and requirements (paras. 132, 175, 182, 185); and
- the careful balancing of conflicting objectives including the elimination of unlawful discrimination and preferences, and the promotion of competition, network economic and engineering efficiencies and, importantly, universal service as mandated by Section 1 of the Communications Act (". . . to make available, so far as possible, to all the people of the United States a rapid efficient, Nation-wide . . . communications service with adequate facilities at reasonable charges . . ."]—see para. 83.

[1] Now 49 CFR Parts 1190, 1191, and 1192, respectively. For consistency, we will refer to these regulations by their current numbers.

[2] Railroads involved in such proceedings include the Boston and Maine Corporation; the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road); the Morristown and Erie Railroad Company; and the New York, Susquehanna and Western Railroad Company. The Milwaukee Road is the only railroad that has not submitted a reorganization plan for approval by the Commission.

Road plan can be accommodated by the Commission on an *ad hoc* basis.

AAR supports the proposal to delete the regulations in Parts 1190 and 1191. It offers no comment on Part 1192. AAR agrees that the retention of regulations rendered outmoded and obsolete by the 1978 Act is not justified.

CNW does not object to elimination of Part 1192 but it maintains that the proposal goes too far at this time in suggesting elimination of Parts 1190 and 1191. CNW urges that those regulations be preserved until completion of all reorganizations presently pending under former section 77 of the Bankruptcy Act. CNW is of the view that the existing regulations constitute an orderly and known procedure and that, in effect, the NPR would substitute uncertainty for a respectable body of precedent.

The Milwaukee Road argues that the Part 1190 procedures which deal with protective committees and the ratification of trustees may be needed in the future by those railroads now in reorganization. It also argues that those railroads which must file a plan of reorganization need the procedural guidelines of Part 1191. The Milwaukee Road maintains that elimination of established procedures will cause delays and engender disputes regarding the fairness, adequacy, and legality of procedures adopted on an *ad hoc* basis. Milwaukee makes no comment with respect to Part 1192.

After giving full consideration to the comments submitted, we conclude that our regulations dealing with reorganizations of rail and motor carriers should be deleted. Although certain rail reorganizations are pending, and the Milwaukee Road has yet to file its plan of reorganization, it is not necessary to preserve Parts 1190 and 1191 until such time as those reorganizations are completed. We will be able adequately to discharge our responsibilities in regard to rail reorganizations under former section 77 of the Bankruptcy Act by means of an *ad hoc* procedure employing the same rules as are now contained in Parts 1190 and 1191. This will assure fairness to the parties, eliminate any uncertainty and disputes engendered by deletion of those sections, and provide for a continuation of established guidelines. There are no pending motor carrier reorganizations under former section 77 of the Bankruptcy Act, and the likelihood that Part 1192 may be required in the future is remote. Moreover, no party objects to elimination of that part.

Environmental and Energy Considerations

We adopt our preliminary finding in our NPR that this action will not have any significant impact on the quality of the human environment or the conservation of energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted.

Regulatory Flexibility Analysis

We affirm our previous determination that this proceeding will not have a significant impact on a substantial number of small entities, and that this action will further the general regulatory goal of eliminating unneeded regulations.

List of Subjects

49 CFR Part 1190

Administrative practice and procedure, Bankruptcy, Railroads, Trusts and trustees.

49 CFR Part 1191

Bankruptcy, Railroads.

49 CFR Part 1192

Bankruptcy, Motor carriers.

PARTS 1190, 1191, and 1192—[REMOVED]

It is ordered: Parts 1190, 1191, and 1192 (formerly Parts 1117, 1118, and 1135) of Title 49, Code of Federal Regulations, are removed.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553 and 559.

Decided: March 4, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6388 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 49
Friday, March 11, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

Milk in the Ohio Valley Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Ohio Valley Federal milk order. The action was requested by a proprietary handler operating four distributing plants pooled under the order. It would suspend for the months of April through September 1983 the requirement that a distributing plant dispose of not less than 45 percent of its receipts as route disposition in March through August, and 50 percent during September through February.

DATE: Comments are due on or before March 18, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication it the Federal Register. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 2, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing without the necessity of inefficient handling and transportation of milk.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). The suspension of the following provisions of the order regulating the handling of milk in the Ohio Valley marketing area is being considered for April through September 1983:

In § 1033.12, paragraph (a)(2). All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the Federal Register. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for April through September 1983 the provision requiring a distributing plant to dispose of not less than 45 percent of its receipts as route disposition during the months of March through August, and 50 percent during September through February, in order to remain pooled. The suspension was requested by Beatrice Foods Company, a proprietary handler which operates four pool distributing plants under the order.

In support of its request, Beatrice cites producer milk deliveries in the Ohio Valley market which are increasing both seasonally and over the level of previous years. At the same time that milk production is at its seasonal peak, Beatrice anticipates a decline in Class I disposition from its plants due to summer closure of schools and the resulting loss of fluid milk sales to schools.

For January 1983, producer receipts in Ohio were 3.8 percent over December 1982 production and 5.3 percent above January 1982. With the combination of increasing production and summer school closures, Beatrice states that it expects that the proportion of milk regularly associated with its distributing plants which will be needed to meet its route disposition requirements will be less than 45 percent in the months of April through August, and less than 50 percent in the month of September this year.

In the absence of suspension action, Beatrice indicated that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling its distributing plants and the milk of dairy farmers who regularly have supplied the fluid milk needs of the market.

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on March 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-6363 Filed 3-10-83; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 304, 307, 308, 333, 337, 339 and 344

Review of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Regulations Selected for Review.

SUMMARY: In compliance with a requirement of the Regulatory Flexibility Act, the Board of Directors of the Federal Deposit Insurance Corporation (the "FDIC") is publishing a list of its regulations selected for review during 1983. FDIC is inviting public comment on each of the regulations selected.

ADDRESS: Comments may be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550–17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Alan J. Kaplan, Deputy Executive Secretary, Office of the Executive Secretary, (202) 389–4446.

SUPPLEMENTARY INFORMATION: Pursuant to the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601–612), The FDIC must review each of its existing rules that has a significant economic impact upon a substantial number of small entities by September 1990. The FDIC will satisfy this requirement by following the more stringent requirements of its statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 44 FR 76858, December 28, 1979), which prescribes the review of each rule (whether or not it has a significant economic impact on a substantial number of small entities) at least every five years.

Reviews will address all relevent issues, including whether the regulations should be continued, revised, or eliminated. Any change to a regulation as a result of a review will be published in the **Federal Register** in accordance with the requirements of the Administrative Procedure Act, as either a proposed rulemaking action subject to public comment or as a final rulemaking action. Each review will evaluate:

(a) The continued need for the regulation;

(b) Alternative methods of accomplishing the purpose of the regulation;

(c) The type and number of complaints or suggestions received;

(d) The need to minimize the burden imposed on those affected by the regulation, especially small banks;

(e) Possible simplification or clarification of the regulation;

(f) The need to eliminate overlapping and duplicative regulations; and

(g) The length of time since the regulation was last evaluated and the extent to which technology, economic conditions, and other factors have changed in the area affected by the regulation.

The regulations of the FDIC are set forth in the several parts which constitute chapter III of title 12 of the Code of Federal Regulations. The Board of Directors has directed the review during 1983 of the following regulations.

Part 304—Forms, Instructions, and Reports

Legal basis: 12 U.S.C. 1819.

Description and need: Part 304 identifies the forms and reports used for submitting information to the FDIC, describes the circumstances under which a particular form or report should be used, identifies sources for obtaining preprinted forms, and prescribes the required contents of a report for which there is no preprinted form. The forms and reports serve various supervisory functions. The particular need for information collected by means of each of FDIC's forms and reports has been cleared by the Office of Management and Budget in accordance with requirements of the Paperwork Reduction Act of 1980.

Part 307—Termination of Insured Status

Legal basis: 12 U.S.C. 1818(a), 1818(o), 1818(q), 1819.

Description and need: Part 307 requires an FDIC insured bank to provide its depositors with specific information when its insured status is terminated other than by action of the FDIC. The requirements address situations where deposits are assumed by another institution insured by the FDIC or the Federal Savings and Loan Insurance Corporation, or where Federal insurance will not continue. The regulation ensures that individual depositors are given timely and adequate notification of changed circumstances that may materially affect the safety of their funds.

Part 308—Rules of Practice and Procedures

Legal basis: 12 U.S.C. 1819; 15 U.S.C. 78w; 12 U.S.C. 1972; 5 U.S.C. 504.

Description and need: Part 308 contains the procedural rules applicable to administrative enforcement proceedings conducted by the FDIC. The regulation is subdivided into thirteen subparts, two of which set out generally applicable rules and the remainder of which address specific types of proceedings. For example, subpart H recites the procedures applicable to the assessment and collection of civil penalties for the violation of cease-and-desist orders or certain Federal statutes. The regulation establishes procedures necessary for the fair disposition of the FDIC's administrative enforcement responsibilities and provides parties with due process guaranties.

Part 333—Extension of Corporate Powers

Legal basis: 12 U.S.C. 1816, 1819.

Description and need: Part 333 applies to insured State nonmember banks and consists of two brief sections plus two interpretations. The regulation classifies banks into five categories and prohibits a bank from changing the nature of its business from one classification to another without the FDIC's prior consent. The five classifications are: Commercial banks, banks and trust companies, savings banks (including mutual and stock), industrial banks, and cash depositories. The regulation serves to clarify the meaning of general language appearing in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816).

Part 336—Employee Responsibilities and Conduct

Legal basis: Executive Order No. 11222, 3 CFR 1964–1965 Comp., p. 306; 5 CFR 735.104.

Description and need: This regulation prescribes acts of misconduct and conflicts of interest by FDIC employees and provides for surveillance over potential conflicts of interest by requiring certain employees to periodically submit statements of employment and financial interest to the FDIC Ethics Counselor. The regulation's high standards of honesty, intergrity, impartially, and conduct by FDIC employees are essential to maintaining the proper performance of the FDIC's regulatory and supervisory responsibilities and maintaining the public's confidence in its public employees.

Part 337—Unsafe and Unsound Banking Practices

Legal basis: 12 U.S.C. 1819, 1828(j)(2); sec. 442, 96 Stat. 1469, Pub. L. No. 97–320.

Description and need: The provisions of this part define the term "standby letter of credit" and fix limitations on the use by insured State nonmember banks of letters of credit. Additionally, the regulation generally makes insured State nonmember banks subject to the Federal Reserve Board's Regulation O which limits extensions of credit by a bank to its officers, directors and principal shareholders. The regulation is needed as a deterrent against banks engaging in practices that are likely to have adverse effects on their safety and soundness or that are likely to result in violations of law or regulations.

Part 339—Loans in Areas Having Special Flood Hazards

Legal basis: 42 U.S.C. 4012a(b), 4104a, 4106(b).

Description and need: Part 339 requires that improved real estate or a mobile home located in an area for which flood insurance is available under the National Flood Insurance Act of 1968 must be covered by flood insurance before an insured State nonmember bank may extend credit secured by such property. The regulation also specifies related recordkeeping and notice requirements. The regulation implements provisions of the Housing and Community Development Act of 1974 and the Flood Disaster Protection Act of 1973.

Part 344—Recordkeeping and Confirmation Requirements for Securities Transactions

Legal basis: 12 U.S.C. 1817, 1818, 1819.

Description and need: Part 344 requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and underlying order tickets reflecting specified information, provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records.

By Order of the Board of Directors, February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-6344 Filed 3-10-83; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172, 182, and 184

[Docket No. 78N-0349]

Certain Glycerides; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83-3212, beginning on page 5751, in the issue of Tuesday, February 8, 1983 make the following corrections:

1. On page 5753, in the first column, the eighth line should read "183.130)."

2. In the second column, in the second paragraph, in the seventeenth line "1,007" should read "10.7".

3. In the third column, in Footnote 1, in the third line "America" should read "American".

4. On page 5457,in the second column, in § 184.1505(a), line three "and minor" should read "with minor".

5. In the third column, in § 184.1521(b), in the third line "phosphate" should read "phosphate derivatives of".

6. On page 5758, in the first column, in § 184.1901(a), in the first line "$C_6H_{14}O_6$," should read $C_6H_{14}O_6$,".

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 78N-0346]

Glycerin; Affirmation of GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 83-3213, beginning on page 5758, in the issue of Tuesday, February 8, 1983, on page 5760, in the first column, the last line of the first paragraph should read "184.1(b)(1))."

BILLING CODE 1505-01-M

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21 CFR Part 348

[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 83-3217, beginning on page 5852, in the issue of Tuesday, February 8, 1983, make the following corrections:

1. On page 5855, in the third column, paragraph (8) under **References**, in the third line "C0007" should read "C00007"; in item (10), in the fourth line "0201" should read "0301".

2. On page 5858, in the third column, in the first paragraph, in the second line "(49 FR 47740)" should read '(46 FR 47740)".

3. On page 5863, in the second column, in the fourth line "system" should read "Symptom".

4. On page 5865, in the second column, in the table the second and third entries should read

"Chloral hydrate	‖	‖
Eucalyptus oil	‖	‖".

5. On page 5867, in the second column, in the first line of the "Authority", "501," should be removed.

6. Also on page 5867, in the third column, in § 348.10(a)(1), "Bensocaine" should read "Benzocaine".

7. On page 5868, in the first column, in the heading for § 348.20, "Premitted" should read "Permitted".

BILLING CODE 1505-01-M

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21 CFR Part 500

[Docket No. 77N-0026]

Chemical Compounds in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues

Correction

In FR Doc. 83-3627 beginning on page 6361 in the issue of Friday, February 11, 1983, make the following corrections:

1. On page 6361, the third column, the fourteenth line from the bottom, the word "metabolish" should have read "metabolism".

2. On page 6362, the first column, the seventh line, the word "metabolish" should have read "metabolism".

3. On the same page, the third column, the third line, the Federal Register citation which reads "44 FR 74742" should have read "44 FR 71742".

BILLING CODE 1505-01-M

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21 CFR Part 1030

[Docket No. 75N-0007]

Microwave Diathermy Products; Withdrawal of Proposal

AGENCY: Food and Drug Administration.

ACTION: Proposed rules; withdrawal for reconsideration.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing for reconsideration an advance notice of proposed rulemaking and a proposed performance standard for microwave diathermy products. This action is part of the agency's reconsideration of proposed and existing regulations in light of the purposes of Executive Order 12291 entitled "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: Melvyn R. Altman, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 3, 1975 (40 FR 23877), FDA published an advance notice of its intent to propose a performance standard for microwave diathermy equipment under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C.

263b et seq.)). In the Federal Register of July 29, 1980 (45 FR 50359), FDA published the proposed standard. The proposed performance standard was to apply only to microwave diathermy devices intended for use in physical medicine and manufactured after the effective date of the standard.

Comments received on the advance notice of proposed rulemaking expressed concern that the proposed standard would not cover existing microwave diathermy devices and shortwave diathermy devices. the agency agrees that the approximately 15,000 microwave diathermy units already in use also deserve attention. However, under the Radiation Control for Health and Safety Act of 1968, performance standards may not apply to equipment existing before the effective date of the standard. Little, if any, new microwave diathermy equipment for use in physical medicine is now being marketed. FDA also agrees that shortwave diathermy devices merit serious consideration, but further investigations are needed before the agency can decide how best to regulate these devices.

In 1980, FDA began a program to reconsider and to withdraw outstanding proposed rules that had become obsolete because of the development of the new technology, the passage of time, changes in agency priorities and policies, comments received, availability of regulatory alternatives that achieve the same consumer protection goals, or other reasons.

Furthermore, Executive Order 12291 requires Federal agencies, to the extent permitted by law, to undertake regulatory actions only when potential benefits to society outweigh potential costs to society. In addition, in both the Regulatory Flexibility Act (Pub. L. 96–354) and the Paperwork Reduction Act of 1980 (Pub. L. 96–511), Congress intended that Federal agencies reduce unwarranted regulatory burdens.

As a result of the agency's reevaluation of pending proposed rules and in light of the purposes of the Presidential and statutory directives described above, FDA is withdrawing for reconsideration the proposed performance standard. Withdrawal of the proposal does not mean that FDA has lost interest in the subject. FDA may reinstitute rulemaking if, after reconsideration, it decides that publishing a proposed rule, guideline, or recommendation on microwave diathermy products is necessary.

Even without establishing a performance standard for microwave diathermy and shortwave diathermy devices, FDA has authority under both the Radiation Control for Health and Safety Act of 1968 and the Federal Food, Drug, and Cosmetic Act to take regulatory action against microwave diathermy or shortwave diathermy devices that present a risk to health. Therefore, FDA has decided not to establish a mandatory performance standard at this time.

The agency will continue to gather data on both microwave diathermy and shortwave diathermy devices. The essential features of the withdrawn standard will be included in a technical report whose availability will be announced in the Federal Register. This technical report could form the basis of voluntary standards efforts. The agency also will continue to work with professional organizations to encourage voluntary efforts to assure the safe performance of microwave diathermy and shortwave diathermy devices.

In the Federal Register of August 28, 1979 (44 FR 50511, 44 FR 50512, 44 FR 50514, and 44 FR 50531), FDA proposed to classify, as physical medicine devices, four generic types of diathermy devices. The withdrawal by FDA of the proposed performance standard for microwave diathermy products has no effect on FDA's classification of these four devices.

The agency welcomes public participation in the development of its education program concerning the above matter. Individuals or organizations who wish to receive technical reports or further details on program development or to review draft copies of educational materials may have their names placed on the mailing list by writing to the National Center for Devices and Radiological Health, Division of Electronic Products (HFX–200), 5600 Fishers Lane, Rockville, MD 20857.

This notice is issued under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 356, 358, 82 Stat. 1174–1179 (42 U.S.C. 263d, 263f)) and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 302 et seq., as amended) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982).

The administrative record in this proceeding, including copies of any comments received and related correspondence, is on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, under the docket number found in the heading of this document and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 1, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Thomas R. Donnelly, Jr.,

Acting Secretary of Health and Human Services.

[FR Doc. 83–6666 Filed 3–10–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–133–80]

Refund of Mistaken Contributions

February 25, 1983.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating, in the case of multiemployer plans, to the return of employer contributions or withdrawal liability overpayments determined to have been made due to a mistake of fact or law. Changes to the applicable laws were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide the public with the guidance needed to comply with that act and affect employers contributing to multiemployer plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 10, 1983. The amendments are to be generally effective on January 1, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, attention: CC:LR:T (EE–133–80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Michael A. Thrasher of the Employee Plans and Exempt Organizations Division, Office of Chief, Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (attention: CC:LR:T) (202–566–6212) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(2) of the Internal Revenue Code of 1954. These amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Under prior law, employer contributions to pension plans were generally not refundable. However, a contribution made due to a mistake of fact was permitted to be returned if returned within one year after the date of the contribution.

The Multiemployer Pension Plan Amendments Act of 1980 amended section 401(a) of the Internal Revenue Code to reflect the belief that the requirement of a mistake of fact for the return of an employer contribution was too narrow in the multiemployer context. Thus, under conditions set out in these regulations, a contribution made due to a mistake of fact or law may be returned within six months of the date that the plan administrator determines that it was made in error.

The regulations also reflect the amendment of section 401(a)(2) by the Act to permit the return of any withdrawal liability payment determined to be an overpayment made due to a mistake of fact or law within six months of that determination.

The amendments are retroactive to January 1, 1975. For multiemployer plans maintained before the date of enactment, the date on which the plan administrator determines that the contribution or overpayment resulted from a mistake of fact or law is deemed to be the date of enactment of the statute, September 26, 1980.

Nonapplication of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and Office of Management and Budget implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of this proposed regulation is Michael A. Thrasher of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects in 26 CFR 1.401-0-1.425-1

Income taxes, Employee benefit plan, Pension, Multiemployer pension plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. The following new section is added immediately after § 1.401 (a)-2:

§ 1.401(a)-3 Refund of mistaken employer contributions and withdrawal liability payments.

(a) *Introduction*—(1) *In general.* Section 401(a)(2) provides that a contribution or payment of withdrawal liability made to a multiemployer plan due to a mistake of fact or mistake of law can be returned to the employer under certain conditions. This section specifies the conditions under which an employer's contribution or payment may be returned.

(2) *Effective date.* This section generally is applicable to multiemployer plans for taxable years beginning after December 31, 1974. For years prior to the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, the date on which the plan administrator determines that the contribution or payment resulted from a mistake of fact or mistake of law is deemed to be the date of enactment of that statute, September 26, 1980.

(b) *Conditions for return of contributions*—(1) *In general.* In the case of a contribution or a withdrawal liability payment to a multiemployer plan which was made because of a mistake of fact or mistake of law, the contribution or payment may be returned without penalty within six months after the date the plan administrator determines that the contribution or payment was the result of a mistake of fact or law. It is sufficient for purposes of this section that the employer establish a right to a refund of the amount mistakenly contributed or paid by filing a claim with the plan administrator within six months from the date in which the plan administrator determines that a mistake did occur. For purposes of this section, "plan administrator" is defined in section 414(g) and the regulations thereunder.

(2) *Applicable conditions*—In general. The employer making the contribution or withdrawal liability payment must demonstrate that an excessive contribution or overpayment, subsequent to January 1, 1975, has been made due to a mistake of fact or law. A mistake of law relating to plan qualification under section 401 or to trust exemption under section 501 is not considered to be a mistake of law which entitles an employer to a refund under this section. These rules are applicable only to multiemployer plans. For purposes of this section, a multiemployer plan is defined in section 414(f) and the regulations thereunder.

(ii) *Amount to be returned.* The amount to be returned to the employer is the excess of the amount contributed or paid over the amount that would have been contributed or paid had no mistake occurred. This amount is the "excess contribution" or "overpayment."

(A) Any earnings attributable to the excess contribution or overpayment as a return on investment to the trust may not be returned to the employer. Losses attributable to the excess contribution or overpayment must reduce the amount to be returned.

(B) In no event may a participant's account be reduced to an amount less than that amount which would properly have been in that participant's account had no mistaken occurred. The excess contribution or overpayment returned to the employer may not exceed this overall limitation.

(iii) *Amount refunded includible in employer's income.* Generally the amount of the excess contribution or overpayment must be included in gross income by the employer in the taxable year in which it is returned if the excess contribution or overpayment resulted in a tax benefit in a prior year.

(iv) *Application of section 412.* The amount of the excess contribution of overpayment for which the funding standard account was credited under section 412 creates an offsetting charge to the funding standard account in the year in which the excess contribution or overpayment is returned.

(3) *Examples.* The provisions of this section are illustrated by the following examples:

Example (1) Contributions are made to a pension trust fund maintained by several employers pursuant to various collective bargaining agreements. Under the terms of the trust and the collective bargaining agreements, self-employed individuals and people holding partnership interests of ten percent or more are not eligible to receive benefits from the fund and employer contributions are not required on their behalf. Over several years, contributions have been made to the fund on behalf of members of those groups under a mistaken belief that

such contributions were required by the agreement. These contributions were based on a mistake of law as to the proper interpretation of the eligibility standards of the trust documents and terms of the collective bargaining agreement. The employers who made the mistaken contributions may obtain a refund of the excess contributions.

Example (2). The facts are the same as in Example (1), except that a computational error was made in the calculation of the amount of an employer's contribution to the plan. Because this arithmetical error is a mistake of fact, the employer may receive a refund of the excess contribution.

Example (3). The fact are similar to those in Example (1), except that the plan is not qualified under section 401(a). Contributions to the plan were made by an employer based on its assumption that the plan was qualified under section 401(a). This is not considered as a mistake of fact or law for purposes of this section and this section does not permit the employer to receive a refund of the contributions.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6345 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[LR-252-81]

Deductibility of Employee Awards; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations that provide rules governing the deductibility by employers of expenses for awards to employees.

DATES: The public hearing will be held on May 3, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 18, 1983.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-252-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 274(b) of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Thursday, December 16, 1982 (47 FR 56307).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit not later than April 18, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-6347 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 51

[LR-217-81]

Oil From a Stripper Well Property; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations dealing with the definition of oil from a stripper well property for purposes of tier 2 and for the exemption from the windfall profit tax for exempt stripper well oil.

DATES: The public hearing will be held on April 27, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 13, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-217-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 4991 and 4994(g) of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Thursday, January 20, 1983 (48 FR 2562).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit not later than April 13, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyong the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-6346 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Parts 85 and 85a

Use of Personal Sampling Devices During NIOSH Investigations

AGENCY: National Institute for Occupational Safety and Health, Centers for Disease Control, HHS. (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: NIOSH proposes to amend its regulations covering health hazard evaluations (42 CFR Part 85) and research investigations (42 CFR Part 85a) of the workplace to expressly provide for the use of personal sampling devices as an investigative technique. This action is necessary to give notice that employees may be requested to wear personal sampling devices as part of the environmental sampling procedures used by NIOSH during its investigations.

DATE: Comments must be submitted on or before April 11, 1983.

ADDRESS: Comments should be submitted to: Mr. Larry W. Sparks, Executive Officer, NIOSH, Bldg. 1, Room 3106, Centers for Disease Control, 1600 Clifton Rd. N.E., Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Larry W. Sparks, (404) 329–3061 or FTS 236–3061.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Act (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act (30 U.S.C. et seq.) direct the Secretary of Health and Human Services to conduct occupational health and safety research. To implement these functions, the Secretary promulgated Parts 85 and 85a of Title 42, Code of Federal Regulations, to establish the procedures for NIOSH's conduct of occupational health and safety research investigations at places of employment. Part 85 governs the evaluation of workplace conditions requested by employers or authorized representatives of employees, while Part 85a concerns the conduct of investigations under NIOSH-initiated research projects.

Included among these procedures is a recital of the various investigative activities NIOSH is authorized to perform. Thus, § 85.7(c) and § 85a.5(d) provide that NIOSH is authorized to, among other things, collect environmental samples and samples of substances, to measure environmental conditions and employee exposures, and to employ other reasonable investigative techniques. Since the promulgation of these regulations, NIOSH has interpreted its regulations as authorizing the use of personal sampling devices to measure individual employee exposures to substances and physical agents. The most common personal sampling devices are those that use sampling pumps to draw air through liquid or solid sorbents, filters, etc., and those in which a reaction takes place directly on the sorbent. The latter devices are known as passive chemical monitors. The other common personal sampling device, the noise dosimeter, is used for measuring cumulative employee noise exposures over a given period of time. The sampling medium or dosimeter is attached to the worker's clothing as near as possbile to the worker's breathing or hearing zone. The remainder of the sampling device (if required), such as a sampling pump or recording unit, is connected by flexible hose or wire to the sampling medium or dosimeter and also is attached to the worker in a place that interferes the least with work requirements (e.g., on the employee's belt). NIOSH uses personal samplers because they are the most accurate way to monitor a worker's exposures during the normal work routine and workday.

NIOSH use of personal sampling devices to measure individual employee exposure has been judicially upheld. In *Establishment Inspection of Keokuk Steel Castings, Division of Kasty Metals*, 638 F. 2d 42 (8th Cir. 1981), the Court upheld enforcement of the warrant issued to NIOSH which included the use of personal samplers by workers willing to wear them. In so holding, the Eighth Circuit expressly disagreed with the Ninth Circuit decision in *Plum Creek Lumber Co., v. Hutton*, 608 F. 2d 1289 (9th Cir. 1979) which involved an Occupational Safety and Health Administration (OSHA) compliance inspection. In *Plum Creek*, the Court held that it was without authority to order an employer to permit its employees to wear personal sampling devices contrary to the employer's written policy in absence of a regulation or law specifying the use of such devices.

In *Establishment Inspection of Metro-East Manufacturing Co.*, 655 F. 2d 805 (7th Cir. 1981), the only other Circuit Court decision on this issue, a divided panel held that the OSHA regulations did not give employers fair warning of what is required or prohibited because they failed to specify the use of personal samplers as a reasonable investigative technique. The Court suggested that the OSHA regulations be amended to give employers this fair warning. Since the NIOSH inspection regulations are similar to those of OSHA, NIOSH announces its intention to amend Parts 85 and 85a to expressly authorize the use of personal sampling devices in the conduct of NIOSH research investigations. Although there are some employers who have contended that personal samplers pose a safety hazard, many other employers are now routinely using these devices in conducting their own industrial hygiene operations. The public record from a similar OSHA rulemaking appears to corroborrate NIOSH's experience that personal samplers do not cause any undue hazards to workers.

This rule is primarily a clarification of procedures currently in use. Experience indicates that these devices are compact, take minimal time to attach to the employee, and neither hinder nor obstruct employee job performance. Thus, there are not substantive adverse effects on productivity due to the use of personal samplers. NIOSH is unaware of any injuries or accidents caused by the use of these devices. Personal samplers used during an investigation are provided by NIOSH at no cost to the employer. For these reasons, the Secretary has determined that this rule is not a "major rule" under Executive Order 12291. Further, because these regulations do not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

The recordkeeping and reporting requirements contained in 42 CFR Parts 85 and 85a have been reviewed and approved by the Office of Management and Budget (OMB Approval Nos. 0920–0102 and 0920–0037, respectively). These programs are not subject to OMB Circular A–95 (revised) nor Health Systems Agency review.

List of Subjects

42 CFR Part 85

Investigations, Mine safety and health, Occupational safety and health, Poison prevention.

42 CFR Part 85a

Investigations, Mine safety and health, Occupational safety and health.

For the reasons stated in the preamble, Parts 85 and 85a of Title 42, Code of Federal Regulations, are amended as set forth below.

Dated November 4, 1982.

Approved: Feburary 18, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS

1. In § 85.7, paragraph (c) is revised to read as follows:

§ 85.7 Conduct of investigations.

* * * * *

(c) NIOSH officers are authorized to collect environmental samples and samples of substances or measurements of physical agents (including measurement of employee exposure by the attachment of personal sampling devices to employees), to take or obtain photographs related to the purpose of the investigation, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent or employee. The employer shall have the opportunity to review photographs taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

* * * * *

PART 85a—OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

1. In § 85a.5, paragraph (d)(1) is revised to read as follows:

§ 85a.5 Conduct of investigations of places of employment.

* * * * *

(d)(1) NIOSH authorized representatives are authorized: To collect environmental samples and samples of substances; to measure environmental conditions and employee exposures (including measurement of employee exposure by the attachment of personal sampling devices to employees); to take or obtain photographs, motion pictures or video tapes related to the purpose of the investigation; to employ other reasonable investigative techniques, including medical examinations, anthropometric measurements and standardized and experimental functional tests of employees with the informed consent of such employees; to review, abstract, and duplicate such personnel records as are pertinent to mortality, morbidity, injury, safety, and other similar studies; and to question and interview privately any employer, owner, operator, agency, or employee from the place of employment. The employer, owner, operator, or agent shall have the opportunity to review photographs, motion pictures, and video tapes taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

* * * * *

[FR Doc. 83-6884 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-19-M

Health Care Financing Administration

42 CFR Parts 431, 435, 440, 441, and 447

Medicaid Program; Relation With Other Agencies and Miscellaneous Medicaid Definitions

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We proposed to amend the Medicaid regulations to allow States the option of paying cost sharing amounts for Medicaid beneficiaries who are covered under Medicare Part B "Buy-in" agreements. We also propose to revise several definitions and clarify ambiguities in existing Medicaid regulations. The proposed definition changes are related to private duty nursing services, inpatient psychiatric services, inpatient and outpatient and outpatient. All changes are a part of the Department's regulatory reform effort which targets for revision those regulations that are ambiguous or that have been identified as problematic.

DATE: To assure consideration, comments should be received by May 10, 1983.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Maryland 21235, ATTN: BPP-513-P.

In commenting, please refer to file code BPP-513-P.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspections as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave., S.W., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202- 245-7890).

FOR FURTHER INFORMATION CONTACT:

William Hickman, Relations With Other Agencies, (301) 594-9101

Thomas Hoyer, Miscellaneous Medicaid Definitions, (301) 594-9446.

SUPPLEMENTARY INFORMATION:

Background

A. General

In the spring of 1981, HCFA established a Task Force on Regulatory Reform as part of its efforts to reduce the burden of existing regulations. The Task Force reviews and analyzes existing regulations and makes specific recommendations to delete or revise provisions that are ambiguous or that imposes excessive and unnecessary burdens on the public or that are not cost effective. With one exception, the revisions proposed in this document were recommended by the Task Force to resolve problems with and clarify various Medicaid regulations in 42 CFR Chapter IV. The exception, a clarification of 42 CFR 447.40 regarding reserved beds, is discussed in paragraph II.F.

B. Relations with Other Agencies—Buy-In

Medicaid program (Title XIX of the Social Security Act) provides medical assistance to certain categories of individuals with low income. The program is jointly funded by the State and Federal government but is administered by the State. Section 1843(a) of the Act specifically permits State agencies to enter into "buy-in" agreements with the Secretary under which the State agency enrolls in Medicare Part B (Supplementary Medical Insurance) Those Medicaid beneficiaries who are also eligible for Medicare. Medicare Part B, generally, covers certain physicians' and medical services and supplies, home health care services, outpatient hospital services and therapy, and other health services not requiring stays in institutions such as hospitals or skilled nursing facilities. State agencies which "buy-in" to Medicare Part B on behalf of those persons who are eligible for both programs enroll their Medicaid clientele and agree to pay the Part B premium on their behalf. In addition, States may elect to pay the Medicare Part B premiums for eligible Medicaid recipients even in the absence of a "buy-in" agreement. (See sections 1840(a) and 1902(a)(10)—clause (II) following (D) of the Act.)

The primary intent of the "buy-in" program has been to make Medicare Part B services available to individuals who are eligible but financially unable

to pay the monthly Part B premium amounts. States may claim Federal matching through the Medicaid program for Part B premiums paid on behalf of Medicaid beneficiaries who also receive cash assistance.

Since 1971, HHS policy has been to require State agencies that have a "buy-in" agreement to pay, in addition to the Part B premium, the Part B coinsurance and deductible amount for services provided to beneficiaries under Part B, even if the services are not routinely provided under the Medicaid State plan. The only Medicare Part B services not generally covered under Medicaid are the following: speech and physical therapy services, podiatric services, chiropractic services, and rental of certain medical equipment. In effect, if a State agency enters into a "buy-in" agreement, all the benefits under Part B have become part of the State plan for beneficiaries covered under the agreement.

Several States have objected to this policy of reimbursing for what they consider to be noncovered services under their State plans because they believe to do so is not efficient and cost-effective. In addition, in the case of Fob James v. Harris 499 F. Supp. 594 (U.S.D.C.M.D. Alabama, 1980), the court held that our policy was not supported by the statute. We have reviewed our policy in light of these factors and decided that since there is not express statutory basis for our requirements, States should be given flexibility in the area of program administration. Therefore, we are proposing to revise our "buy-in" policy so that States may choose whether to pay the Part B deductible and coinsurance amounts on the full range of Part B services

II. Provisions of the Regulations

A. Relations With Other Agencies—Buy-In

We are proposing to revise 42 CFR 431.625 so that States may choose whether to pay the Part B deductible and coinsurance amounts on the full range of Part B services.

Specifically, we are adding a provision, redesignated § 431.625(c) that states that a State payment of Part B premiums on behalf of a Medicaid recipient does not obligate it to pay on the recipient's behalf of the Part B deductible and coinsurance amounts on the full range of Part B services not covered in the Medicaid State plan.

In addition, we propose to make technical changes to update cross references and other information. For example, current regulations at § 431.625(a) state that, if the State desired to do so, it must have entered into a "buy-in" agreement before January 1, 1970. Section 945 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) provided an additional one-year period, January 1 through December 31, 1981, during which any State which had not already done so could request to enter into or modify its "buy-in" agreement with the Secretary. Therefore, we propose to amend the regulations to reflect this additional period. We are changing the statutory citation in § 431.625(a)(2) from "Section 1902(a)(10)(C)(ii)(II)" to "Section 1902(a)(10) (in clause (II) following subparagraph (D)" in order to correctly reference the law as amended, most recently by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248).

B. Definitions

1. Private Duty Nursing Services. The current definition in Medicaid regulations of private duty nursing services (42 CFR 440.80) states that these services are provided to a recipient in three settings: the recipient's home, a hospital, or a skilled nursing facility. The current regulations have been interpreted to mean that a State providing private duty nursing services must provide those services in all three settings. Since that was not our intent, we propose to amend the definition to clarify that States have flexibility and may limit the provision of these services to any one or more of the three cited locations.

2. Inpatient Psychiatric Services. Two provisions in the regulations contained in Part 440 and Part 441 concerning inpatient psychiatric services for individuals under age 21 are inconsistent. Section 440.160 defines inpatient psychiatric services for individuals under age 21 as those that are provided "in a facility or program" accredited by the Joint Commission on Accreditation of Hospitals (JCAH). In contrast, regulations at § 441.151 specify that the psychiatric services be provided "by a psychiatric facility or an inpatient program in a psychiatric facility * * *" accredited by the JCAH. This unintentional inconsistency between provisions has created confusion regarding whether services in non-psychiatric facilities are included within the scope of the inpatient psychiatric services benefit. We believe the language in § 441.151 is more consistent with statutory language (section 1905(h)(1)(A) of the Act) that specifies that these services include only those provided "in an institution which is accredited as a psychiatric hospital * * *" We, therefore, are proposing to make the language in the two sections consistent and to clarify that inpatient psychiatric services for recipients under age 21 must be provided in a psychiatric facility. We note that Federal financial participation (FFP) for inpatient psychiatric services is available to individuals of all ages when these services are provided as inpatient services in an acute general hospital.

We are also proposing to clarify language in § 441.151(c) regarding continuing eligibility for inpatient psychiatric services for individuals attaining age 21. The statutory provision (section 1905(h)(1)(C) of the Act) permits an individual who was receiving inpatient psychiatric services "in the period immediately preceding the date on which he attained 21" to continue to receive them until he reaches age 22 if he requires the services. We propose to revise the language in the regulations to clarify that receipt of services "immediately preceding the date on which he attained age 21" means that the recipient was receiving the services on the day before the date he or she reached age 21.

3. Inpatient Hospital Services. Current Medicaid regulations at 42 CFR 440.10 defining "inpatient hospital services" specify among other requirements that the services be furnished "in an institution that * * * (b) Is licensed or formally approved as a hospital * * *; (c) Meets the requirements for participation in Medicare * * *" We are concerned that taken together, these requirements could be misinterpreted as making FFP available for "inpatient hospital services" in a skilled nursing facility. This misinterpretation is possible because there are facilities or distinct parts of facilities that are licensed or formally approved as a hospital, but meet the requirements for participation in Medicare as a skilled nursing facility. We, therefore, propose to add the phrase "as a hospital" following "* * * Meets the requirements for participation in Medicare * * *" in order to clarify the intent of the regulations.

4. Outpatient Hospital Services. Similarly, the current Medicaid regulations at 42 CFR 440.20 defining "outpatient hospital services" also specify that the services be provided "* * * by an institution that * * * (1) Is licensed or formally approved as a hospital * * * and (2) Meets the requirements for participation in Medicare." Our concern, as in the definition of "inpatient hospital services," is that the requirements might be misinterpreted as providing FFP for "outpatient hospital services" provided

by a skilled nursing facility. Again, in order to clarify the intent of the regulation, we propose to add the phrase "as a hospital" following "* * * Meets the requirements for participation in Medicare."

We are also proposing to amend this section to enable States at their discretion to limit the scope of the outpatient hospital services benefit to exclude those outpatient services not generally furnished by most hospitals in the State. States have expressed the concern that services that are otherwise optional under the State plan become mandatory services when provided in the outpatient hospital setting, because outpatient services are *mandatory*. This result conflicts with a State's prerogative to choose which optional services will be covered under the State's program. Although States would still be required to cover the other mandatory services (such as physicians services) and some optional services when they are provided in the outpatient hospital setting, the States would have greater flexibility under the proposed amendment to exclude any optional services that are not generally furnished by most hospitals in the State. The definition of "services that are generally furnished" would be left to the State and could conceivably be limited by a time frame (e.g., services generally furnished by most hospitals in the State within the last ten years).

5. Inpatient, Outpatient. Current Medicaid definitions defining "inpatient" (42 CFR 435.1009) and "outpatient" (42 CFR 440.2(a)) are unclear regarding the patient's status when admitted to a medical institution for less than 24 hours. The current definition of "inpatient" refers to a patient receiving room, board and professional services "* * * on a continuous 24-hour-a-day basis."

The definition of outpatient refers to a patient who does not receive room, board and professional services "on a continuous 24-hour-a-day basis." The phrase "on a continuous 24-hour-a-day basis" is vague and could be interpreted to mean that services must be provided for at least a 24 hour period for them to be reimbursed as inpatient hospital services.

Our intent is that "inpatient" status be determined by a patient's stay of at least 24 hours or by the facility's decision to admit the patient as an inpatient with the expectation that the patient will remain for a period of at least 24 hours. Thus, if a patient is admitted to a hospital as an inpatient and remains at least 24 hours, he or she is considered an inpatient. If a patient is admitted to a hospital as an inpatient and is expected by the hospital to remain for a period of at least 24 hours, the patient would also be considered an inpatient even though it might later develop that the patient is discharged, is transferred to another facility or dies and does not actually stay for 24 hours. If a patient enters a hospital and is expected to remain less than 24 hours, and this expectation is realized, the patient would be considered an outpatient regardless of the hour of admission, whether or not the patient used a bed, or whether or not the patient remained in the hospital past midnight.

We propose to amend the current definitions of "inpatient" and "outpatient" in Medicaid regulations to clarify our intent. These proposed definitions are more consistent with the Medicare definitions of these terms (*Medicare Part A Intermediary Manual*, Section 3101.).

Additionally, we believe that the definitions should be located in both Parts 435 and 440 to facilitate use of the regulations, to eliminate any possibility of either definition being overlooked and to make the relationship between "inpatient" and "outpatient" clear. We, therefore, propose to add the definition of "outpatient" to § 435.1009 (which currently defines "inpatient") and to add the definition of "inpatient" to § 440.2 (which currently defines "outpatient" and "patient").

6. Payments for Reserving Beds in Institutions. We are proposing to clarify an ambiguity in the existing Medicaid regulations at 42 CFR 447.40. Current regulations have been erroneously interpreted to mean that FFP is available for reserving a bed in a facility only when a recipient's absence is for some purpose other than hospitalization. Therefore, we are amending this provision to clearly indicate that the intent of current regulations is to allow FFP for a reserved bed when a recipient is hospitalized, as well as in other circumstances.

III. Impact Analysis

A. Executive Order 12291

We have determined that these proposed regulations are not likely to result in an annual economic effect of $100 million or meet other threshold criteria of section 1(b) of the Order.

This regulation would not obligate States to pay on behalf of the beneficiary the Part B deductibles and coinsurance amount on the full range of Part B services. Our actuary assumes that two-thirds of the States would elect this option. They estimate that the Federal savings resulting from these States exercising this option would be approximately $5 million in FY 1984 and $6 million in FY 1985. As these estimates are significantly less than the $100 million threshold, a regulatory impact analysis is not required.

The revision to the definition of outpatient hospital services provides that the States may, at their discretion, exclude services not generally furnished as outpatient hospital services by most hospitals in the State. Data are not currently available to determine the extent to which States are now paying for these services or the extent to which they will choose to exercise this option. Therefore, our actuaries believe that it is not possible to estimate, with precision, the economic effect of this provision, although it would be less than $100 million annually.

The remaining proposed provisions are simply clarifications of existing regulations. Our actuaries estimate at most, negligible effect to result from these provisions.

B. Regulatory Flexibility Analysis

The Secretary certifies under 5 U.S.C. 605(b), enacted by Pub. L. 96-354, that these proposed regulations would not have a significant impact on a substantial number of small entities.

The provision, allowing States the option of paying cost sharing amounts for Medicaid beneficiaries covered under "buy-in" agreements, does not require a regulatory flexibility analysis because there is no impact upon small entities. As defined by the Regulatory Flexibility Act, the term "small entity" has the same meaning as the term "small governmental jurisdiction" which means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand". No State meets this definition, and as this provision only affects States, a regulatory flexibility analysis is not required.

The provision allowing State flexibility in the definition of outpatient hospital service may have an impact on some hospitals. Although, as noted in the Executive Order discussion, our actuaries are not able to estimate the impact with precision, we believe it would not be significant.

The remaining proposals are simply clarifications of existing regulations. We believe that these proposals would not result in a significant impact on a substantial number of small entities.

IV. Response To Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them

individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

List of Subjects

42 CFR Part 431

Administrative practice and procedure, Contracts (Agreements), Fair hearings, Federal financial participation, Grant-in-Aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (Disclosure), Medicaid, Mental health centers, Prepaid health plans, Privacy, Quality control, Reporting requirement.

42 CFR Part 435

Aid to Families with Dependent Children, Aliens, Categorically needy, Contracts (agreements—State Plan), Eligibility, Grant-in-Aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

42 CFR Part 440

Clinics, Dental health, Drugs, Grant-in-Aid program—health, Health care, Health facilities, Health professions, Hearing disorders, Home health services, Inpatients, Laboratories, Language disorders, Lung diseases, Medicaid, Mental health centers, Nurse midwives, Occupational therapy, Personal care services, Physical therapy, Prosthetic devices, Outpatients, Ophthalmic goods and services, Rural areas, Speech disorders, X-rays.

42 CFR Part 441

Abortions, Aged, Early Periodic Screening Diagnosis and Treatment (EPSDT), Family planning, Grant-in-Aid program—health, Health facilities, Infants and children, Institutions for mental diseases (IMD), Kidney diseases, Maternal and child health, Medicaid, Mental health centers, Nurse midwives, Opthalmic goods and services, Penalties, Psychiatric facilities, Sterilizations.

42 CFR Part 447

Accounting, Clinics, Contracts (Agreements), Copayments, Drugs, Grant-in-Aid program—health, Health facilities, Health professions, Hospitals, Medicaid, Nursing homes, Payments for services—general, Payments—timely claims, Reimbursement, Rural areas.

We are proposing to amend 42 CFR Chapter IV as set forth below.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

Subpart M—Relations With Other Agencies

Section 431.625 is amended by revising paragraph (a), redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

§ 431.625 Coordination of Medicaid with Medicare part B.

(a) *Basis and purpose.* (1) Section 1843(a) of the Act requires the Secretary to have entered into an agreement with any State that requested that agreement before January 1, 1970, or during calendar year 1981, under which the State could enroll certain Medicare-eligible recipients under Medicare part B and agree to pay their premiums.

(2) Section 1902(a)(10)(C) of the Act (in clause (II) following subparagraph (D)), allows the State to pay the premium, deductibles, cost sharing, and other charges for recipients enrolled under Medicare part B without obligating itself to provide the range of part B benefits to other recipients; and

(3) Section 1906 (a)(1) and (b) of the Act authorize FFP for State payment of Medicare part B premiums for certain recipients.

* * * * *

(c) *Effect of payment of premiums on State liability for cost sharing.* State payment of Part B premiums on behalf of a Medicaid recipient does not obligate it to pay on the recipient's behalf the Part B deductible and coinsurance amounts on the full range of Part B services not covered in the Medicaid State plan.

(d) *Federal financial participation.* (1) No FFP is available in State expenditures for Medicare part B premiums for Medicaid recipients who receive no money payments under title I, IV-A, X, XIV, XVI (AABD), or XVI (SSI) of the Act. However, FFP is available in these expenditures for—

* * * * *

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

§ 435.1009 [Amended]

Section 435.1009 is amended by revising the definition of "inpatient" and by adding in alphabetical order the definition of "outpatient".

* * * * *

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer; or

(2) Is expected by the institution to receive room, board and professional services in the institution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the intitution for 24 hours.

* * * * *

"Outpatient" means a patient of an organized medical facility, or distinct part of that facility who is expected by the facility to receive, and who does receive, professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the facility past midnight.

* * * * *

PART 440—SERVICES: GENERAL PROVISIONS

The authority citation for Part 440 reads as follows:

Authority. Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

1. Section 440.2(a) is amended by revising the definition of "Outpatient" and by adding in alphabetical order the definition of "Inpatient".

§ 440.2 Specific definitions; definitions of services for FFP purposes.

(a) *Specific definitions.*

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer; or

(2) is expected by the institution to receive room, board and professional services in the institution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the institution for 24 hours.

* * * * *

"Outpatient" means a patient of an organized medical facility, or distinct part of that facility who is expected by

the facility to receive and who does receive professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the facility past midnight.

* * * * *

2. Section 440.10 is amended by revising paragraph (a)(3)(iii) to read as follows:

§ 440.10 Inpatient hospital services, other than services in an institution for tuberculosis or mental diseases.

(a) "Inpatient hospital services means services that—

* * * * *

(3) Are furnished in an institution that—

* * * * *

(iii) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

* * * * *

3. Section 440.20 is amended by revising paragraph (a)(3)(ii) and adding paragraph (a)(4) to read as follows:

§ 440.20 Outpatient hospital services and rural health clinic services.

(a) *"Outpatient hospital services"* means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that—

* * * * *

(3) Are furnished by an institution that—

* * * * *

(iii) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

(4) May be limited by a Medicaid agency in the following manner: A Medicaid agency may exclude from the definition of "outpatient hospital services" those items and services that are not generally furnished by most hospitals in the State.

* * * * *

4. Section 440.80 is revised to read as follows:

§ 440.80 Private duty nursing services.

"Private duty nursing services" means nursing services for recipients who require more individual and continuous care than is available from a visiting nurse or routinely provided by the nursing staff of the hospital or skilled nursing facility. These services are provided—

(a) By a registered nurse or a licensed practical nurse;

(b) Under the direction of the recipient's physician; and

(c) To a recipient in one or more of the following locations at the option of the State—

(i) His or her own home;

(ii) A hospital; or

(iii) A skilled nursing facility.

5. Section 440.160 is amended by reprinting the first paragraph and revising paragraph (b) as follows:

§ 440.160 Inpatient psychiatric services for individuals under age 21.

"Inpatient psychiatric services for individuals under age 21" means services that—

* * * * *

(b) Are provided in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals; and

* * * * *

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

The authority citation for Part 441 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

Section 441.151 is amended by reprinting the first paragraph and revising paragraphs (b) and (c) to read as follows:

§ 441.151 General requirements.

Inpatient psychiatric services for recipients under age 21 must be provided—

* * * * *

(b) In a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals; and

(c) Before the recipient reaches age 21 or, if the recipient is receiving the services on the day before the date he or she reaches age 21, before the earlier of the following—

(1) The date he or she no longer requires the services, or

(2) The date he or she reaches age 22.

PART 447—PAYMENT FOR SERVICES

The authority citation for Part 447 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

Section 447.40 is amended by revising paragraph (a) to read as follows:

§ 447.40 Payments for reserving beds in institutions.

(a) The Medicaid agency may make payments to reserve a bed during a recipient's temporary absence from an inpatient facility, if—

(1) The absence is for—

(i) Hospitalization, or—

(ii) A purpose other than hospitalization, and the recipient's plan of care provides for those absences; and

(2) The State plan provides for such payments and describes any limitations on the reserved bed policy.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 30, 1982.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

Approved: February 17, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-6312 Filed 3-10-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

Privacy Act of 1974; Records and Testimony

AGENCY: Interior Department.

ACTION: Proposed rule.

SUMMARY: Department of the Interior regulations relating to certain exemptions to provisions of the Privacy Act of 1974 and Departmental regulations relating thereto are proposed to be revised. This revision proposes to: Add Privacy Act System of Records entitled Investigative Records, Interior/Office of Inspector General to those systems of records listed in 43 CFR 2.79(a).

DATES: Comments must be received on or before April 11, 1983.

ADDRESS: Comments concerning the proposed regulations may be submitted to: Assistant Inspector General for Administration, U.S. Department of the Interior, Office of Inspector General, Room 5354, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Danny P. Danigan, Assistant Inspector General for Administration, at (202) 343-8231, or Maurice O. Ellsworth, Associate Solicitor, Audit and Inspection, at (202) 343-8275. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rule is Betty J. Foyes of the Office of the Assistant Inspector General for Administration, Office of Inspector General, telephone number (202) 343–5459.

A discussion of the proposed revisions to 43 CFR 2.79(a) is provided below:

Privacy Act System of Records entitled Investigative Records, Interior/Office of Inspector General—2 is being added to those systems of records listed in 43 CFR 2.79(a) which are exempt under 5 U.S.C. 552a(j)(2) of the Privacy Act of 1974 from all of the provisions of 5 U.S.C. 552a and Department of Interior regulations in 43 CFR, Part 2, Subpart D—Privacy Act, except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the rgulations in Subpart D implementing these subsections. The system of records is maintained in the Office of Inspector General pursuant to the provisions of the Inspector General Act of 1978, 5 U.S.C. app. sections 1–12. The office is a recognized criminal justice agency under the provisions of 28 CFR, Part 20, § 20.3(c) and is a component of the Department of the Interior with its principal function the investigation of violations of criminal provisions of the U.S. Code. Promulgation of this rule will prevent premature disclosure of information that a criminal investigation is being conducted; premature disclosure of information gathered for criminal prosecution; and premature release of information furnished to the Justice Department or other law enforcement agency. The rule is necessary to safeguard, in some instances, the physical well-being of investigators assigned to the investigation. This exemption would also remove the requirement that when engaged in investigations of violations of criminal statutes the agency collect information to the greatest extent practicable from the subject individual and that the agency inform each person whom it asks to supply information of its authority, purposes, routine uses of the information, and the effects on him/her of not providing the information.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed amendment and rule to the location identified in the Addresses section of this preamble. Comments must be received on or before April 11, 1983.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Freedom of Information, Privacy.

PART 2—[AMENDED]

Accordingly, under authority of 5 U.S.C. 301, 552a and 5 U.S.C. app. section 9(a)(1)(D) and 9(b), it is proposed to amend 43 CFR 2.79 by adding paragraph (a)(4) to read as follows:

§ 2.79 Exemptions.

(a) *Criminal Law enforcement records exempt under 5 U.S.C. 552a(j)(2).*

* * * * *

(4) Investigative Records, Interior/Office of Inspector General—2.

* * * * *

Dated: March 3, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 83-6231 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30304-32]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Island Area

AGENCY: National Oceanic and Atmospheric Adminstration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule for Amendment 3 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area. The amendment would establish a management system to reduce the incidental catch of salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species for the foreign groundfish fishery in the Bering Sea and Aleutian Islands area. This management system is proposed in response to a growing concern that the general prohibition against taking and retaining prohibited species has not reduced their incidental catch in the foreign trawl fishery, which adversely affects the domestic target fisheries that fully utilize salmon, Pacific halibut, king crab, and Tanner crab.

The intended effect of this action is to reduce the incidental catch and unnecessary mortality of salmon, Pacific halibut, king crab, and Tanner crab in foreign groundfish operations, while still allowing the foreign fisheries an opportunity to harvest their groundfish allocations.

DATE: Comments are invited until April 22, 1983.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Individual copies of the amendment, the environmental impact statement, and the regulatory impact review/initial regulatory flexibility analysis may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907–274–4563.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson (Regional Plan Coordinator), 907–586–7220.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) was implemented January 1, 1982, (46 FR 63295, December 31, 1981) by the NOAA Assistant Administrator for Fisheries (Assistant Administrator) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Eight amendments to the FMP have been adopted by the North Pacific Fishery Management Council (Council). The notice of final approval and implementation of Amendments 1a and 2 was published January 12, 1982 (47 FR 1295). The proposed rule for Amendment 4 was published on December 12, 1983 (47 FR 57306). Amendment 1 has been submitted for review to the Assistant Administrator. Amendment 5 was approved by the Assistant Administrator on December 30, 1982; proposed rules are pending.

Amendment 1 would establish a framework management system for the Bering Sea and Aleutian Islands area

groundfish complex and would change the time of the foreign trawl closure in the area known as Petrel Bank. Amendment 4 adjusts various species quotas and apportionments to the foreign and domestic fisheries. Amendment 5 would reduce the number of chinook salmon that may be taken incidentally in the eastern Bering Sea foreign trawl fishery. Amendments 6 and 7 are being prepared for submission to the Assistant Administrator. Amendment 6 would establish a fishery development zone in which fish may be harvested only by U.S. vessels. Amendment 7 would reduce a restriction on foreign longline vessels.

Amendment 3 to the FMP is the subject of this action and was adopted by the Council on September 28, 1981. This amendment would establish prohibited species catch (PSC) limits for salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species in the foreign groundfish fisheries and are caught incidentally in those operations. These proposed rules are published under section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-453, which requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the amendment and regulations. Consequently, publication of these proposed rules does not indicate that the amendment they would implement has been determined to be consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, is required to take into account the data, views, and comments received from interested persons during the 75-day comment period running from receipt of the amendment.

Under this amendment, when U.S. observer data, or other reported statistics that are considered reliable, indicate that trawl vessels of a particular nation have caught incidentally a specified portion of the PSC for one of the above species, those vessels will be subject to a significant time/area closure in order to redure or eliminate further taking of these species in the Bering Sea and Aleutian Islands area. This action is taken in response to the growing concern that the current requirement to return to the sea immediately those salmon, Pacific halibut, king crab, and Tanner crab caught incidentally in foreign groundfish operations has not reduced the incidental catch and associated mortality of these species. This situation has complicated the management of salmon, Pacific halibut, king crab, and Tanner crab, and the impacts have adversely affected the domestic target fisheries that utilize these species.

Salmon, Pacific halibut, and Tanner crab are also prohibited species in the domestic groundfish fishery, and king crab will become so upon implementation of a Bering Sea/Aleutian Islands king crab fishery mangement plan. While the Council advocates and strongly supports the development of the domestic groundfish fishery, it maintains that domestic groundfish fishermen must share in the responsibility of avoiding incidental catches of these species to the fullest extent possible. It is the present policy of the Council, that through voluntary measures developed cooperatively with domestic groundfish fishermen, stocks of salmon, Pacific halibut, king crab, and Tanner crab can be sufficiently protected from needless and wasteful incidental catch to make unnecessary the imposition of special protective regulations upon the domestic groundfish fishery.

Management decisions made by the Secretary to carry out the intent and purpose of Amendment 3 and its implementing rules will be made in consultation with the Council whenever possible.

Determination of annually reduced prohibited species catches

Part 1: Pacific halibut, king crab and Tanner crab

Incidental catches of Pacific halibut, king crab, and Tanner crab will be reduced by reducing incidental catch rates in the directed groundfish fisheries. Maximum annual catch rates for prohibited species (R) have been established for these three prohibited species, as shown in Table 3 of § 611.93(c)(2)(ii)(D)(*2*)(*iii*). The Rs have been calculated as percentage reductions of the average 1977–80 incidental catch rates (weight or number of each prohibited species per metric ton of groundfish caught). R is different for halibut, king crab, and Tanner crab.

The average 1977–80 incidental catch rate for Pacific halibut is to be reduced 50 percent by 1986. This catch rate reduction was chosen over a more stringent one due to the difficulty of avoiding halibut in the yellowfin sole fishery.

The average 1977–80 incidental catch rate for king and Tanner crab will be reduced 25 percent by 1986. Currently, golden king crab, *Lithodes aequispina*, and the Tanner crab, *Chionoecetes opilio*, comprise 72–91 percent and 50–78 percent of the incidental catch for king and Tanner crab, respectively. *L. aequispina* and *C. opilio* are less valuable to the domestic fisheries relative to other king and Tanner crab species utilized by domestic fishermen. The 25 percent reduction schedule for the king and Tanner crab incidental catch (Table 6) was chosen upon consideration of (1) the relatively slight biological impact of the incidental crab catches on crab stocks utilized by domestic crab fisheries, and (2) the lesser socio-economic impact of the incidental catches on the domestic crab fishing industry.

An initial amount of PSC for halibut, king crab, and Tanner crab (species j) will be calculated each year (year i) by the following equation:

PSC_{ij} equal R_{ij} multiplied by Total Groundfish TALFF.

The PSC_{ij} for halibut, king crab, and Tanner crab will increase in accordance with increases in the total groundfish TALFF (total allowable level of foreign fishing) which result from the apportionment of groundfish reserves or the surplus domestic annual harvest (DAH) to TALFF.

The total annual PSC for halibut, king crab, or Tanner crab will equal R_{ij} multiplied by the final groundfish TALFF. The annual PSCs for these species in any year will be distributed to each nation in direct proportion to a nation's groundfish allocation by the following equation.

Nation's PSC_{ij} equals R_{ij} multiplied by Nation's Groundfish Allocation.

Since the total PSC_{ij} for halibut, king crab, and Tanner crab is based upon an incidental catch rate and will increase throughout the fishing year as TALFF is increased, a nation's PSC_{ij} for these species may also increase accordingly.

If the Regional Director projects that a nation will not catch its groundfish allocation due to its interception of prohibited species, he will caution the nation to avoid further prohibited species by-catches. Once a nation's specified portion of the PSC for Pacific halibut, king crab, or Tanner crab has been caught, the entire Bering Sea and Aleutian Islands area will be closed to all trawling by vessels of that nation unless the Regional Director notifies the nation that specific areas and/or selected elements of the trawl fleet are exempted from such a closure, as specified under "Exemptions to PSC Regulations," below.

Part 2: Salmon

The absolute number of salmon established as PSC amounts will be reduced annually. The annual

reductions for chinook salmon and for all species of salmon combined are shown in Table 2 of § 611.93(c)(2)(ii)(D)(*1*)(*i*) These values are based on the Council's approved PSC reduction schedule for chinook salmon, negotiated between the principal domestic and foreign user groups (western Alaska residents and Japanese trawl industry representatives).

Salmon PSCs are indicated for 1981, 1982, and 1983 in Table 2. A complete review of the salmon PSC reduction program will be conducted by the Council in 1983 to determine the PSCs to be established during 1984 and 1985. The objective is to achieve a 75-percent reduction of the 1981 salmon PSC level by 1986. The 1983 review will consider the status of the chinook salmon resource, the economic and technological possibility of further PSC reductions, the economic and technological reasonableness of the 75-percent reduction goal by 1986, and other relevant matters.

The total salmon PSC for any year is based upon a negotiated absolute number which will not vary with TALFF. The salmon PSC will be allocated among foreign nations so that a nation's share of the salmon PSC at the beginning of a fishing year will be in the same proportion to the total salmon PSC as its initial groundfish allocation is to the total initial groundfish TALFF plus reserves, and is automatically established by the following equation:

Nation's Initial Salmon PSC equals Total Salmon PSC multiplied by the Nation's Initial Groundfish Allocation divided by Total Initial Groundfish TALFF plus Reserves.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations because groundfish reserves will not be apportioned and some of the initial TALFF may not be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF or groundfish reserves.

The PSC reduction schedule established for salmon will be subject to a "rolling PSC limit" which fixes the incidental catch levels over a period of three successive years. A nation's incidental salmon catch may exceed its specified portion of the salmon PSC established for a fishing year by up to 10 percent, provided that the total incidental catch by that nation in any consecutive 3-year period does not exceed the sum of its specified portion of the salmon PSC established for those three years. All calculations of the rolling PSC limit will start with the 1982 fishing season.

Once a nation's rolling PSC limit is reached for salmon or a nation has exceeded by 10 percent in a fishing year that nation's annual PSC, Fishing Area II and that portion of Fishing Area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude will be closed to trawling by vessels of that nation for so much of the months of January, February, March, October, November, and December as remains in that fishing year. If any more salmon are caught by vessels of that nation in the areas which remain open, those incidental catches will be deducted from its next year's salmon PSC consistent with the rolling PSC limit.

Annual Review and Adjustment of PSCs

Since fisheries resources and socioeconomic conditions of the fishing industry are expected to change, the PSC management system for salmon, Pacific halibut, king crab, and Tanner crab will be reviewed annually by the Council. Annual PSCs, incidental catch rates, periods of PSC reductions, and the percentage reduction in PSCA or incidental catch rates over the previous year may be adjusted by the Secretary. The annual review by the Council will be conducted to respond to concerns arising from changes in the following:

1. The stock condition and abundance of prohibited species;
2. The stock condition and abundance of target groundfish species, except that in the annual reviews, this concern will not be applied to salmon; however, it will be included in the 1983 review of the salmon PSC which is referenced above and in Table 2;
3. The socioeconomic impact of catches of prohibited species on domestic fisheries dependent on them; and
4. The impact of PSCs on the ability of foreign fisheries to take their groundfish TALFF.

When annual adjustments of the PSCs or incidental catch rates are determined to be necessary during the annual review process, the Secretary will consider all of the following, in descending order of priority, when making such adjustments:

1. The need to protect prohibited species for biological and other conservation reasons;
2. The impact of PSCs on the domestic fisheries dependent on these species;
3. The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and
4. The impact of PSCs on the foreign groundfish fisheries.

Prior to the beginning of each year, the latest scientific and technical information bearing on changes to the fishery resources and their associated fisheries will be provided to the Secretary and the Council so that timely decisions are made on annual PSC adjustments and notifications to foreign nations of such adjustments are given by the beginning of the fishing year.

Exemptions to PSC Regulations

Although a nation's PSC for Pacific halibut, king crab, or Tanner crab may have been reached, the Regional Director may notify the nation that selected fishing elements of the nation's fleet will be allowed to continue fishing under specified conditions until the nation's groundfish allocation is reached. The Regional Director will take into account the following considerations when making such allowances: (1) the risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized users of prohibited species posed by continued trawling by the selected elements; (2) the extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year; (3) the confidence of the Regional Director in the accuracy of the estimates of prohibited species catches by the selected elements up to that point in the fishing year; (4) whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and (5) the enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources. Any additional; incidental catches of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits.

The foreign longline fishery is currently exempted from the PSC regulations established for salmon, halibut, king crab, and Tanner crab, but it will be closely monitored for its impact on these species. The decisions to include or exclude this or other selected gear types from PSC regulations shall be made by the Secretary after his evaluation of their impact on prohibited species.

Incentives to Reduce Prohibited Species Catches

Under Amendment 3, every foreign nation fishing for groundfish in the Bering Sea and Aleutian Islands area must make an earnest attempt to reduce its catch of prohibited species and remain within its PSC limitation for salmon, Pacific halibut, king crab, Tanner crab. A nation's efforts to reduce its prohibited species catch rate or number will be an important consideration when the Secretary of State allocates supplemental TALFF to foreign nations. The annual and inseason supplemental allocations to a nation will be intended as a reward to that nation for its compliance with PSC regulations and should serve as an incentive to that nation to continue developing fishing methods which avoid incidental catches of prohibited species.

In order to arrive at long-term solutions for controlling the incidental catch of prohibited species, foreign nations fishing for groundfish in the Bering Sea and Aleutian Islands area are encouraged to; (1) Conduct NMFS-approved gear experiments which are intended to reduce the incidental catch of prohibited species; (2) collect detailed information on the characteristics of incidental catches; and (3) transfer information and technology gained during gear experiments to the United States for use by government and industry.

As an incentive to a nation to conduct these sanctioned gear experiments, any prohibited species which are caught during the experiments will be exempted from the PSC limits for that nation for that year. Groundfish catches which are retained for commercial purposes during the experiments will continue to be counted towards the nation's groundfish allocations.

In the event that the rule implementing Amendment 3 becomes effective sometime during 1983 (year i), each nation's portion of the PSC_{ij} for Pacific halibut, Tanner crab, and king crab (species j) will be determined based on the unharvested amount of each nation's current 1983 groundfish allocation so that:

PSC_{ij} = (Nation's groundfish allocation − Nation's groundfish catch) × R_{ij}.

The foreign trawl fishery is currently limited to a chinook salmon PSC of 55,250 fish under Amendment 1a to the FMP and Amendment 5 proposes to further reduce the chinook salmon PSC to 45,500 fish. In 1982, a total of 15,726 salmon (all species) were caught by foreign trawl vessels operating in the Bering Sea and Aleutian Islands area. This amount represents only about 26 percent and 32 percent of the 1982 and 1983 salmon PSCs proposed by Amendment 3. While foreign nations will be accountable for all salmon caught during 1983, the mid-season implementation of the salmon PSC limit of 48,925 fish is liberal in relation to their recently demonstrated ability to minimize incidental catches.

Changes to the Proposed Regulations

Two changes have been made to the Council's proposed rule to implement Amendment 3 and the explanations for those changes are as follows: (1) Table 2 referenced in § 611.93(c)(2)(ii)(D) was revised to eliminate specific reference to chinook salmon so that only the PSC for total salmon is listed. This change was necessary to clarify that the Council intends to limit the total incidental catch of all salmon; and (2) § 611.93(c)(2)(ii)(D)(*2*) was revised to clarify how the time/area closure of the entire management area will be applied to trawl vessels of a foreign nation which has caught its current portion of the PSC for Pacific halibut, king crab, and Tanner crab prior to receiving its final groundfish allocation.

Classification

The environmental impact statement written for the FMP and filed with the Environmental Protection Agency addresses Amendment 3 and is available from the Council at the address set forth above.

The Assistant Administrator has determined that this amendment is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by section 307(C) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C.

This proposed regulation is exempt from the procedures of E.O. 12291 under provisions of Section 8(a)(2) of that order. A delay in publishing this proposed rule beyond 30 days after its receipt by the Secretary would conflict with deadlines imposed under Magnuson Act, as amended by Pub. L. 97–453. The proposed regulation is being reported to the Director, Office of the Management and Budget, with an explanation of why it is impracticable to follow procedures of the order.

The rulemaking was estimated to have maximum net benefits of $14.8 million and, although not quantified, the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) concludes that the amendment will not produce any measurable adverse impacts on unemployment, distributional stability, product availability, or price to consumers. The rulemaking, therefore, is not a "major rule" under E.O. 12291 and does not require the preparation of a regulatory impact analysis.

The net benefits derived by U.S. directed fisheries as a result of the reduced incidental loss to groundfish trawls of juvenile Pacific halibut, crab, and salmon are considerable. The specific methodology employed in estimating these net benefits is summarized in the RIR/IFRA. The discounted real present value of the savings to U.S. target fisheries from the implementation of Amendment 3 range from $1.17 million from the 1982 PSC reduction to nearly $4 million from the 1986 PSC reduction. Assuming maintenance of the 1983 salmon interception figures as a base for 1984 through 1986 (PSC reductions for salmon during these years are unknown at this time), the total discounted real present value of the five-year PSC reduction program for halibut, king crab, Tanner crab, and salmon is more than $14.8 million at the ex-vessel level. Considerably greater total benefits will accrue to regional as well as U.S. economies as the impact of these savings move through the support, processing, wholesale/distribution, and retail sectors.

Other benefits accruing from the implementation of Amendment 3 are associated with the enhanced development opportunities of the domestic groundfish fishery. Under the amendment, no restrictive regulation is imposed upon domestic groundfish trawlers to reduce PSC levels, but rather, voluntary measures on the part of the U.S. trawlers are expected to protect prohibited species stocks adequately. This regulatory flexibility is seen to be vitally important to the sustained growth and economic success of the domestic groundfish industry, and many sectors of the industry have indicated that the U.S. groundfish fishery would not exist without this de-facto exemption from mandatory PSC reduction levels.

The last category of benefits associated with Amendment 3 involve the prospects for impoved management of the Pacific halibut, king crab, Tanner crab, and salmon resources. By significantly reducing the interception and attendant mortality of juvenile prohibited species in the groundfish trawl fisheries, the amendment enhances the health and stability of these resources and contributes to the efficient management of U.S. fisheries dependent upon them.

Amendment 3 carries with it no additional management nor enforcement costs beyond those already incurred in implementation of the Bering Sea and Aleutian Islands area FMP, and all the data on PSCs necessary for administering the provisions of the amendment are presently collected by the existing U.S. observer program or through other currently available sources.

The Administrator has further determined that implementation of Amendment 3 will have a significant beneficial economic impact on a substantial number of small domestic entities. The RIR/IRFA prepared on Amendment 3 concludes that the amendment could impose costs on those foreign nations which fail to achieve the target reductions in PSC by preventing those nations from harvesting a portion of their TALFF due to time and area closures or gear restrictions triggered by attainment of allocated PSC quotas. However, the assumption underlying the schedule of reductions set forth in the amendment is that achievement of these target levels is feasible without unduly inhibiting the attainment of TALFF. Information on the incidental foreign trawl catch of salmon, Pacific halibut, King crab, and Tanner crab during 1981 and 1982 supports this assumption. Had the PSC constraints proposed in Amendment 3 been in place during 1981 and 1982, in only two cases might they have constrained a foreign nation's fishing activity—those cases resulting from Korea exceeding its Pacific halibut PSC limit by a decreasing margin each year. For all other nations, the proposed PSC limits would have imposed no barrier to full attainment of allocated TALFF and there is no evidence to suggest that this is likely to change. As annual performance in meeting the scheduled reductions in PSC is observed, however, quantitative estimates of the cost of groundfish catch foregone, if any, will be possible.

Finally, the proposed rule does not contain a collection of information requirement or involve any collection of information within the meaning of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated March 6, 1983.

William G. Gordon,

Assistant Administrator for Fisheries.

For reasons set out in the preamble, 50 CFR Part 611 is proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.93 paragraph (c)(2)(ii)(D) is revised and paragraph (e) is added to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *

(2) * * *

(iii)* * *

(D) Prohibited species catch (PSC) limits.

(1) Salmon. (I) During any fishing year, that portion of fishing area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted an amount of salmon which exceeds by 10 percent that nation's portion of the salmon prohibited species catch (PSC) established for the current fishing year (Table 2), or when vessels of that nation have intercepted an amount of salmon in any consecutive three-year period which exceeds the sum of that nation's portion of the salmon PSC established for those three years. Any salmon caught incidentally by vessels of that nation in the area which remains open will be applied against its portion of the following years' salmon PSC. Fishing areas I and II are shown in § 611.9, Appendix II, Figure 2.

TABLE 2.—TARGET REDUCTION SCHEDULE OF SALMON PROHIBITED SPECIES CATCHES BASED ON THE AVERAGE 1977–80 FOREIGN TRAWL SALMON INCIDENTAL CATCH

Year	Salmon: Total salmon [1]
Base numbers: 1977–80	80,000
Reduced catch levels:	
1981	[illegible]
1982	[illegible]
1983	48,925
1984	[?]
1985	[?]
1986	17,473

[1] Total salmon numbers are calculated on the assumption that 93 percent of incidentally caught salmon are chinook. [illegible]

(ii) A nation's initial portion of the salmon PSC for a fishing year will be determined by multiplying the total salmon PSC for that year by the ratio of that nations's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's initial salmon PSC equals total salmon PSC multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations, because groundfish reserves will not yet be apportioned and some of the initial TALFF may not yet be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF and groundfish reserves.

(2) Pacific halibut, king crab, and Tanner crab. *(i)* When during any fishing year the trawl vessels of a nation have taken incidentally that nation's current portion of the PSC for Pacific halibut, king crab, or Tanner crab, the entire management area will be closed to trawling by vessels of that nation for the remainder of that fishing year or until that nation's groundfish allocation is increased. Any increase in a nation's groundfish allocation will result in a corresponding increase in its current portion of PSC for Pacific halibut, king crab, and Tanner crab.

(ii) For any (year i), the PSC_{ij}s for each of these species (species j) are based upon the incidental catch rates (R_{ij}) shown in Table 3:

PSC_{ij} equals R_{ij} multiplied by the total groundfish TALFF.

Using this formula, the PSC for Pacific halibut, king crab, and Tanner crab will increase in proportion to increases in the total TALFF which result from the apportionment of groundfish reserves or surplus DAH to TALFF under paragraph (b)(2) of this section.

(iii) A nation's current portion of the PSC_{ij}s for Pacific halibut, king crab, and Tanner crab, at any time during the fishing year, is determined by multiplying that nation's current groundfish allocation by R_{ij}:

Nation's PSC_{ij} equals R_{ij} multiplied by a nation's groundfish allocation.

TABLE 3.—INCIDENTAL CATCH RATE REDUCTIONS FOR PACIFIC HALIBUT, KING CRAB AND TANNER CRAB, BASED ON THE AVERAGE 1977–80 FOREIGN TRAWL GROUNDFISH AND PROHIBITED SPECIES CATCHES

Year	Halibut [1]	King crab [2]	Tanner crab [2]
Base catch rate:			
1977–80	8,182	916,604	16,003,329
Average	[3] 1,301,250	[4] 1,301,250	[5] 1,301,250
	Rate Reduction Schedule, R and R as percentage of base R (percent)		
1981	R=.00220 90	R=.00951 95	R=11.6840 95
1982	R=.00195 80	R=.00410 90	R=11.0886 90
1983	R=.00171 70	R=.00867 85	R=10.4537 85
1984	R=.00147 60	R=.00365 80	R=9.8087 80
1985	R=.00122 50	R=.00842 75	R=9.2236 75

[1] Metric tons per metric ton of groundfish.
[2] Number of individuals per metric ton of groundfish.
[3] Base R=0.00234.
[4] Base R=0.70456.
[5] Base R=12.25643.

* * * * *

(e) *Inseason management decisions.*

(1) *Field orders.*—(i) Any field order issued by the Secretary under this section will include the following:

(A) The Secretary's findings required by paragraph (e)(2) of this section;

(B) A description and order of the modification of time and area limitations, based upon the Secretary's findings; and

(C) The effective dates of the modification.

(ii) No field order issued under this section may take effect until:

(A) It has been filed for publication with the **Federal Register**;

(B) The foreign nations concerned and the designated representatives for affected foreign fishing vessels are notified. If practicable, notification shall be given at least 48 hours before the field order is to be effective; and

(C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for a period of at least thirty (30) days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation and management of groundfish or unallocated species.

(iii) If the Secretary finds that prior opportunity for public comment on the proposed findings and order of modification would adversely affect the conservation and management of groundfish or unallocated species, he will receive public comments on the field order for thirty (30) days after its effective date, making available to the public during business hours the aggregate data on which it was based. After considering the comments received, the Secretary will determine whether the field order should be changed.

(iv) Any modification prescribed by a field order issued under this section will remain in effect in accordance with the terms of the field order, or of any subsequent field order which may be issued under this section.

(2) *Prohibited species catch (PSC) limits.* (i) The PSCs or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab established in paragraph (c)(2)(ii)(D) of this section will be reviewed annually by the Secretary, in consultation with the North Pacific Fishery Management Council, in order to respond to changes in relevant circumstances, including the following:

(A) Changes in the stock condition and abundance of prohibited species;

(B) Changes in the stock condition and abundance of target groundfish species, except that such changes will not be considered relevant to the salmon PSC except in the course of a full and complete review of the salmon PSC reduction program to be conducted during 1983;

(C) Changes in the degree of socioeconomic impact of prohibited species catches on the domestic fisheries dependent on those species; and

(D) Changes in the impact of PSC's on the opportunity of foreign fisheries to take their groundfish allocations.

(ii) Based upon the most recent scientific and technical information available, and prior to the beginning of the fishing year, the Secretary will issue a field order under paragraph (e)(1) of this section to adjust the PSC's or incidental catch rates from salmon, Pacific halibut, king crab, and Tanner crab after consultation with the North Pacific Fishery Management Council under paragraph (e)(2)(i) of this section and after he has considered all of the following in descending order of priority and issued relevant findings:

(A) The need to protect prohibited species for biological and other conservation reasons;

(B) The impact of PSC regulations on the domestic fisheries dependent on prohibited species;

(C) The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and

(D) The impact of PSC regulations on the foreign groundfish fisheries.

(iii) The Regional Director will notify a nation when its portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(ii)(D) of this section, is approached, so that voluntary efforts by vessels of that nation may reduce the incidental catch of these species. Once a nation's portion of the PSC for Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(ii)(D) of this section, has been reached, the Regional Director may by field order allow selected fishing elements of the nation's fishing fleet to continue fishing under specified conditions until the nation's groundfish allocation is reached, although any additional incidental catch of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits. The Regional Director will take into account the following considerations when making such allowance and will issue relevant findings:

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected elements;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

[FR Doc. 83-6343 Filed 3-8-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 49
Friday, March 11, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: ACTION.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

Information About This Proposed Collection: Agency Clearance Officer—Richard D. English—202–254–8501.

Agency Address: ACTION, 806 Connecticut Ave., NW. Washington, D.C. 20525.

Title of Forms: Project Profile and Volunteer Activity Survey.

Office of ACTION Issuing Proposal: Office of Domestic Operations, Office of Older American Volunteer Programs.

Agency Official to Contact for Further Information: C. Wade Freeman, Director, Older American Volunteer Programs.

Type of Request: Revision.

Frequency of Collection: One time each year.

General Description of Respondents; Project Directors of OAVP projects (FGP, RSVP, SCP).

Estimated Number of Responses: 1090.

Estimated Hours for All Respondents to Complete Form: 10 Hours or less.

Respondent's Obligation to Reply: Voluntary.

This *is not* a collection proposal under Sec. 3504(h) of the Paperwork Reduction Act.

Person responsible for OMB Review: James L. Thomas, 202–395–6880.

Richard D. English,
Deputy Assistant Director, ACTION.

[FR Doc. 83-6285 Filed 3-10-83; 8:45 am]
BILLING CODE 6050-01-M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 9:30 a.m., Tuesday, March 29, 1983, in FTC Hearing Room #1 (lower level), 2120 L Street, NW., Washington, D.C. The Committee will meet to discuss two items: Professor Colin Diver's study of the degree of articulation of agency policies, and a proposed study of the procedure for certifying claims under the Contract Disputes Act.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202–254–7065.) Minutes of the meeting will be available on request.

Dated: March 8, 1983.
Richard K. Berg,
General Counsel.

[FR Doc. 83-6322 Filed 3-10-83; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[1983-Crop Peanuts]

1983 Peanut Program: Determination Regarding National Average Support Level for Quota Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This Notice of Determination sets forth, effective with respect to the 1983 crop of peanuts, the national average level of support for quota peanuts. This determination is necessary to satisfy the requirements of Section 108A of the Agricultural Act of 1949 and to provide producers with information which is needed in order to make financial plans in accordance with program provisions.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732-South Building, P.O. 2415, Washington, D.C. 20013; (202) 447–5953. The Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance program that this notice

applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

A notice that the Secretary was preparing to make a determination with respect to the quota support level for the 1983 peanut crop was published in the **Federal Register** on January 25, 1983 (48 FR 3389). The written comment period ended February 11, 1983. All comments received were considered in making the final determination. A total of 71 comments were received: 3 from national farm groups, 9 from State farm groups, 16 from Members of Congress, 2 from sheller associations, 1 from an area marketing association, 1 from a State Department of Agriculture, 1 from a State Agricultural Stabilization and Conservation Committee, and 38 from individuals.

Fifty-three respondents requested a 6 percent increase in the support level, while 17 respondents requested an increase but did not recommend a specific amount of increase. One respondent recommended maintaining the quota support level at the level which was applicable to the 1982 crop.

Determination

After taking into consideration the comments received as well as the applicable statutory provisions and the latest available data, it has been determined that the national average level of support for the 1983 crop of quota peanuts shall be $550 per ton. The support price specified herein applies to 1983-crop farmers stock peanuts in bulk or in bags, net weight basis, which are eligible for price support at quota levels under the General Price Support Regulations at 7 CFR Part 1446.

Section 108A(1) of the Agricultural Act of 1949 provides that the national average support level for each of the 1983, 1984 and 1985 crops of quota peanuts shall be the national average quota support rate for such peanuts for the preceding crop, adjusted to reflect any increase, during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined, in the national average cost of peanut production, excluding any increase in the cost of land, except that in no event shall the national average quota support rate for any such crop exceed by more than 6 per centum the national average quota support rate for the preceding crop.

Because the 1982 calendar year immediately precedes the marketing year for which the 1983 quota support is being determined, the 1983 quota support level is required to be the 1982 quota support of $550 per ton adjusted to reflect the increase, if any, under the conditions specified above, in the cost of production for 1982-crop peanuts. However, based on the Department's analysis of the latest available data, the cost of producing 1982-crop peanuts is estimated to be below the cost of producing 1981 crop peanuts. Therefore, the national average support level for the 1983 crop of quota peanuts remains unchanged from the 1982 level of $550 per ton. The individual elements of the cost of production estimates are set forth in the Final Regulatory Impact Analysis and the cost estimates are summarized in the following table.

ESTIMATES OF NATIONAL AVERAGE COST OF PEANUT PRODUCTION

[Dollars per ton]

Item	1981	1982	1982 [1] excluding increase in land cost
Variable costs, machinery ownership, farm overhead, and management	445.60	419.89	419.89
Land allocation:			
Composite, current	106.82	111.16	108.63
Composite, acquisition	93.58	96.71	93.58
Current value	85.34	88.72	85.34
Total costs with:			
Composite, current	564.23	530.06	527.52
Composite, acquisition	549.18	516.60	513.47
Current value	520.94	497.61	494.23

[1] Excluding increase in land cost.

Signed at Washington, D.C., on March 8, 1983.

John R. Block,

Secretary.

[FR Doc. 83-6374 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Curtis Tungsten, Inc., Special Use Permit Application for Road 2N06; Angeles National Forest, Los Angeles Co., California; Availability of an Environmental Impact Statement

The Department of Agriculture, Forest Service, has prepared a Draft Impact Statement for the proposed issuance of a special use road permit for access to Curtis Tungsten, Inc. mining operation.

A range of 5 alternatives was considered. One of these was the nonissuance of the permit. Other alternatives considered various access routes and different means of access to the mining operations. The actual mining operation was not considered as part of the project.

The Mt. Baldy District Ranger will hold a public meeting to take written comments and to answer questions concerning the Draft E.I.S. All coments must be in writing and will be accepted through May 13, 1983. This meeting will be held at the Bidwell Forum, Glendora City Library, 140 South Glendora Avenue, Glendora, CA 91740 at 7:30 p.m., Monday, April 11, 1983.

Gray Reynolds, Forest Supervisor, Angeles National Forest, is the responsible official.

Questions about the proposed action and Environmental Impact Statement should be directed to Charles McDonald, Environmental Coordinator, Angeles National Forest, 150 S. Los Robles Avenue, Pasadena, CA 91101, phone 213-577-0050.

Gray F. Reynolds,

Supervisor, Angeles National Forest.

[FR Doc. 83-6375 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

San Isabel Electric Association, Inc.; Environmental Impact

AGENCY: Rural Electrification Administration.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Bulletin 20-21:320-21, Environmental Policies and Procedures, has made a Finding of No Significant Impact in connection with an approval of a Facilities Agreement, Large Power Contract, and Agreement for Service to San Isabel Electric Association, Inc., (San Isabel) of Pueblo, Colorado.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and San Isabel's Supplemental Borrower's Environmental Report (SBER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electric, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-8846, or Mr. William Wood, Manager, San Isabel

Electric Association, Enterprise & Aerospace Drive, Pueblo, Colorado 81002, telephone (303) 547–2160, during regular business hours.

SUPPLEMENTARY INFORMATION: San Isabel originally proposed to construct a 69 kV transmission line to serve the Gardner area; however, they now propose to serve the area using an existing 115 kV line constructed by the Atlantic Richfield Oil Company (ARCO). This revised project consists of approximately 51 km (32 mi) of 115 kV transmission line extending from Walsenburg Substation located approximately 0.8 km (0.5 mi) southwest of Walsenburg, Colorado, to the ARCO CO2 project site located near Sheep Mountain in the vicinity of Gardner, Colorado, all in Huerfano County, Colorado.

REA has reviewed the SBER submitted by San Isabel in connection with the revised project and has determined that it represents an accurate assessment of the environmental impacts of the revised project. The SBER and EA adequately consider potential impacts of the revised project to resources including threatened and endangered species, important farmlands, cultural resources, floodplains and wetlands.

Alternatives to the revised project examined include no action, underground construction, alternative connection points in their Huerfano County, alternative routes in Huerfano County between the Walsenburg Substation and the ARCO CO2 project site, use of additional feeder lines in Huerfano County to the ARCO CO2 project site and construction of the proposed Walsenburg to Gardner 69 kV transmission line. After reviewing these alternatives, REA determined the 115 kV transmission line is an acceptable alternative because it meets San Isabel's needs with minimum of adverse impact.

Based upon the SBER and other support documents, REA prepared an EA and Finding of No Significant Impact concerning the ARCO 115 kV transmission line. It is REA's view that the proposed approval of a Facilities Agreement, Large Power Contract, and Agreement for Service will not be a major Federal action that will affect significantly the quality of the human environment.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 7, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-6363 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-15-M

Telephone Utilities of Eastern Oregon, Inc.; Vancouver, Washington; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA).

ACTION: Proposed loan guarantee.

SUMMARY: Under the Authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180 pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $18,228,000 to Telephone Utilities of Eastern Oregon, Inc. of Vancouver, Washington. The loan guarantee will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

FOR FURTHER INFORMATION CONTACT: Mr. A. M. Gleason, President, Telephone Utilities of Eastern Oregon, Inc., 915 Main Street, Vancouver, Washington 98660–0014.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. A. M. Gleason at the address given above.

In order to be considered, proposals must be submitted (within 30 days of the date of this notice) to Mr. Gleason. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received, as Telephone Utilities of Eastern Oregon, Inc. and REA deem appropriate. Prospective lenders are advised that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 in Rural Telephone Loans and Loan Guarantees.

Dated: March 7, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-6364 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Deer Ridge RC&D Measure, Iowa; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Deer Ridge RC&D Measure, Union County, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515–284–4260.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for Water-Based Fish and Wildlife Development. Planned works of improvement include the construction of a 3.9 acre pond, tree planting, and two parking lots.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above

address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting William J. Brune.

No Administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projected is applicable.)

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

Finding of No Significant Impact for Deer Ridge RC&D Measure, Union County, Iowa

Introduction

Deer Ridge is a Federally assisted action authorized under Section 102 of the Food and Agriculture Act of 1962 (PL 87–703) and the Soil Conservation Service Act of April 27, 1935, (16 U.S.C. 590 a–f). Sponsors of this measure are the Union County Conservation Board and the Union County Soil Conservation District. An environmental evaluation was conducted in consultation with local, State and Federal agencies along with other interested organizations and individuals. Data developed during the evaluation are available for review at the following location: U.S. Department of Agriculture, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Recommended Action

This measure plan includes the installation of a dam to provide a 3.9 acre pond, tree and shrub plantings for wildlife and two parking lots adjacent to a county road. The dam will have a fill height of 32 feet and the principal spillway will be a 15 inch corrugated metal pipe. The pond will receive drainage from 147 acres including grassland, and 3 acres of roads. Seventy-eight percent of this drainage area is adequately protected to control erosion.

Proposed work of improvement will be installed in accordance to Section IV of the Technical Guide prepared for the Union County Soil Conservation District.

Effects of Recommended Action

This measure will create a 3.9 acre pond for fish, waterfowl and other aquatic animals and maintain flow of 1.2 miles of stream for riparian wildlife.

Shrub plantings will provide travel lanes and increase diversity of habitat for wildlife. Tree plantings of adapted native hardwoods will be used to improve species composition and age class of existing woodland.

Two parking lots will be provided to facilitate walk-in access to the area and to eliminate roadside parking hazards.

Installation of this measure will cause no loss of wildlife habitat, no known cultural resource sites are involved and no endangered species will be affected.

There are no wetlands in the project area. No prime farmland will be affected.

Construction will temporarily accelerate erosion and increase concentration of exhaust smoke and dust.

Measures installed will be operated and maintained by the Union County Conservation Board.

Alternatives

No project action would not meet objective of developing areas for fish and wildlife habitat.

Installation of items included in measure plan will provide a pond with capability of maintaining minimum flows in stream below. Tree and shrub plantings will provide diversity of habitat for wildlife and two parking lots will provide off-road parking.

Conclusion

The Environmental Assessment indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on these findings, I have determined that an environmental impact statement for Deer Ridge RC&D Measure is not required.

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83–6117 Filed 3–10–83; 8:45 am]

BILLING CODE 3410–16–M

Patterson Creek Subwatershed, West Virginia; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fort Ashby Mill Race Channel Work, Patterson Creek Subwatershed, Mineral County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304–291–4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood control along the Fort Ashby Mill Race, a man made waterway. The planned works of improvement include 2,650 feet of channel work.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: March 1, 1983.

Rollin N. Swank,

State Conservationist.

[FR Doc. 83–6145 Filed 3–10–83; 8:45 am]

BILLING CODE 3410–16–M

Upper Explorerland RC&D Area; Critical Area Treatment Measures, Iowa; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Critical Area Treatment Measures, Howard, Winneshiek, Allamakee, Fayette and Clayton Counties, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515–284–4260.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these

findings, William J. Brune, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, tile outlet terraces and diversions, sediment and water control basins, critical area planting, debris basins, streambank protection, and fencing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting William J. Brune.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

Finding of No Significant Impact for Critical Area Treatment Measures in the Upper Explorerland RC&D Area, Iowa

Introduction

Critical Area treatment measures in the Upper Explorerland RC&D Area are Federally assisted actions authorized under Section 102 of the Food and Agriculture Act of 1962 (PL-703) and the Soil Conservation Act of April 27, 1935, (16 U.S.C. 590 a-f). The Upper Explorerland RC&D Area encompasses Allamakee, Clayton, Fayette, Howard and Winneshiek Counties (2,114,560 acres) in northeast Iowa. An interdisciplinary assessment of the environment was made by the Soil Conservation Service in consultation with local, state and federal agencies and interested persons during the planning of these measures.

Data developed during the assessment are available for review at the following location: U.S. Department of Agriculture, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Recommended Action

About 30 miles of trout streams, approximately 500 severely eroding areas along public roads and facilities, and eroding areas on private land where damage occurs to public facilities, will be treated by installation of these measures. These are critical areas requiring special treatment, some of which may involve replacement of existing bridges with grade stabilization structures. The area estimated to be affected by measure action is 6,000 acres within the RC&D area. Measure sites are identified by local elected officials or the affected landowners. The planned actions are reviewed by RC&D Steering Committees, Soil Conservation Districts, planning commissions, and citizens groups at public meetings. All critical area treatment measure plans are reviewed through the Project Notification and Review System.

Each measure is individually planned and environmentally assessed. The State Division of Historic Preservation, Iowa Conservation Commission, local historical societies, and other groups are consulted for impact appraisal.

Project actions include some or all of the following erosion control practices; small grade stabilization structures; tile outlet terraces and diversions; sediment and water control basins; critical area plantings; debris basins; streambank protection; and fencing. Typical grade stabilization structures and debris basins will consist of vegetated earth dams 5-30 feet high with or without pools. Pools may cover from 1 to 5 acres with an average depth of 8 feet. Tile outlet terraces are earthen embankments constructed across slopes and range from 1 to 6 feet high. Surface inlets drain runoff water through underground conduits. The tile outlet terraces will be located in cropland. Diversions will be associated with areas in permanent vegetative cover.

Sediment and water control basins are short, earth embankments constructed generally across slopes and minor watercourses that drain runoff through underground conduits. Critical area planting is accomplished by vegetating seriously eroding areas.

Effects of Recommended Action

The planned action will change approximately 2000 acres from gullies along roads and in other land uses to permanent vegetation. Other areas (approximately 4000 acres) will be protected from excessive erosion with permanent vegetation or structural measures. Erosion of areas to be treated by measure action will be reduced at least 60 percent. Water quality in the area will be improved by reduced yields of sediment and the attached pesticides and nutrients to downstream areas. Installation of the measures will temporarily increase erosion and sedimentation during the construction period extending up to three months. Sediment leaving construction areas will not exceed limits established by soil conservation districts. About 100 multiple use structures will be encouraged and will contribute to the esthetic appeal of the area. Approximately 2500 acres of grasses and legumes will be established as critical area plantings. Terrestrial wildlife habitat will be changed. About 1500 acres of upland terrestrial habitat consisting of woody vegetation, grazed grassland, and crop fields will be changed to ecosystems of grasses and legumes on approximately 1200 acres and aquatic habitat on 300 acres. Impoundments to prevent gullying of small ephemeral water courses will decrease peak flows and increase duration of downstream flow. Reduced peak discharge will increase stability of the gullies.

Where gullies are damaging roads, installation of these measures will decrease traffic hazards and will reduce maintenance costs of roads and bridges. Construction will temporarily disrupt traffic. Elimination of gullies used for trash dumps will improve esthetics and reduce potential for vectors. Pools associated with these measures may increase the incidence of mosquitoes in this predominantly rural area.

Consultation with the State Historic Preservation Officer and local historical societies and groups will be used to plan these measures so that installation will not adversely affect any important archeological, historical, or other cultural resource. Biological assessments of the affected areas will be used so no habitat of threatened and/or endangered species will be affected. No wetlands, perennial streams, or important aquatic ecosystems will be affected. Required treatment associated with these measures will insure that prime farmlands will not be degraded by erosion or sedimentation.

Alternatives

The planned action consists of a set of alternative measures that best solve the land resource problems. The only other reasonable alternative is no action. The effects of the no-action alternative are the continued production of sediment; continued pollution to downstream areas and reservoirs; continued damage to roads and other public facilities; and an increasing traffic safety hazard. Gullies would continue to attract dumping.

Conclusion

The Environmental Assessment indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on these findings, I have determined that environmental impact statements for Critical Area Treatment Measures in the Upper Explorerland RC&D are not required.

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83-6146 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Moncove Lake Critical Area Treatment RC&D Measure, West Virginia; Environmental Impact

AGENCY: Soil Conservation Service, U.S.D.A.

ACTION: Notice of a finding of No Significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-291-4151.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agricultural, gives notice that an environmental impact statement is not being prepared for the Moncove Lake Critical Area Treatment RC&D Measure, Monroe County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment at Moncove Lake. The planned works of improvement will include a water control structure, small check dams, stone lined channel, and revegetation of a critical area. These works of improvement will enable the Sponsors to establish vegetation and reduce the erosion to the critical area. This will improve the water quality and reduce the sedimentation to the lake.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are of file and may be reviewed by contacting Mr. Rollin N. Swank, State Conservationist. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy request at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 3, 1983.

Rollin N. Swank,

State Conservationist.

[FR Doc. 83-6277 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Sage Creek Watershed, Montana; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sage Creek Watershed, Liberty County, Montana.

FOR FURTHER INFORMATION CONTACT: Van K Haderlie, State Conservationist, Soil Conservation Service, P.O. Box 970, Bozeman, Montana 59715, telephone 406–587–5271.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Van K Haderlie, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection to control saline seep on dry cropland. The planned works of improvement include flexible cropping systems, grasses or legumes in rotation, and critical area plantings.

The Notice of a Finding of No Significant Impact (Notice) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the Notice and Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Van K Haderlie.

No administrtive action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 23, 1983.

Van K Haderlie,

State Conservationist.

[FR Doc. 83-6276 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; Week ended March 4, 1983. (See, 14 CFR 302.1701 et seq.)

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Dated filed	Docket No.	Description
Feb. 28, 1983	A1321	British American Air, Inc., c/o Jerry W. Ellinghouse, Potter, Ellinghouse & Miner, 5900 Sepulveda Boulevard, Suite 550, Van Nuys, California 91411. Application of British American Air, Inc. pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled foreign air transportation of passengers, property and mail, as follows: Between points within the United States of America including, but not limited to, the following coterminal points:

Dated filed	Docket No.	Description
		Washington, D.C.; Philadelphia, Pa.; Las Vegas, Nev.; Boston, Maine; Long Beach, Calif.; San Jose, Calif.; Baltimore, Md.; Reno, Nev.; Honolulu, Hawaii; Los Angeles, Calif.; San Francisco, Calif.; and Ontario, Calif. and points in the following countries: United Kingdom, including London and Hong Kong Japan, including Tokyo The Netherlands, including Amsterdam Belguim, including Brussels Conforming Applications, Motions to Modify Scope, and Answers, may be filed by March 28, 1983.
Mar. 2, 1983	41332	The Flying Tiger Line Inc., c/o Joel Stephen Burton, Ginsburg Feldman, Weil and Brees, 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of The Flying Tiger Line Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 119 so as to authorize scheduled foreign air transportation of property and mail on a permissive basis between the United States and Lebanon and between the United States [illegible]
		Conforming Applications, Motions to Modify Scope and Answers may be filed by March 30, 1983.
Do	[illegible]	Kuwait Airways Corporation, c/o G. Joseph Minetti, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037. Amendment to the Application of Kuwait Airways Corporation pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, amends its application for a foreign air carrier permit authorizing it to engage in foreign air transportation between Kuwait and New York, New York via London, England. Answers may be filed by March 30, 1983.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 83-6367 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41163]

Newark-London Backup Case; Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this case is assigned to be held before the Board on Wednesday, March 23, 1983, at 2:00 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Tuesday, March 15, 1983, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., March 4, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6368 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 38019 and 38961]

Order Concerning the Wien Air Alaska Mainline and Bush Mail Rates Investigation, Intra-Alaska Class Service Mail Rate

Order 83-3-7, adopted March 1, 1983, Dockets 38019 and 38961 addresses the issue of the Postal Service's procedures for the distribution of bush-bound mail within the State of Alaska.

Copies of the order are available from the Distribution Section, Civil Aeronautics Board, Rom 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington area may send a postcard request to that address.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6369 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Softwood Products From Canada; Preliminary Negative Countervailing Duty Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary negative countervailing duty determinations.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are not being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described in the "Scope of Investigations" section of this notice. The total estimated net subsidy for each product is *de minimis*, and therefore our preliminary countervailing duty determinations are negative.

If these investigations proceed normally, we will make our final determinations by May 23, 1983.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHE INFORMATION CONTACT: Roland MacDonald or Mary S. Clapp, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-4087 or (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

For purposes of these investigations, the following programs are preliminarily found to confer subsidies to the producers of the products under investigation. The total estimated net subsidies are 0.32 percent *ad valorem* for softwood lumber, 0.24 percent *ad valorem* for softwood shakes and shingles, and 0.29 percent *ad valorem* for softwood fence. These *ad valorem* subsidies are *de minimis*. Therefore, we preliminarily determine that there is no reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described in the "Scope of the Investigations" section of this notice. Our preliminary determinations are negative.

A. Federal Programs

1. Investment Tax Credit.
2. Program for Export Market Development.
3. Forest Industry Renewable Energy Program.
4. Regional Development Incentives Program-Grants.

B. Federal/Provincial Programs

1. Agricultural and Rural Development Agreements.
2. General Development Agreements.
   a. Federal/Provincial Industrial Subsidiary Agreements.
   b. British Columbia—Assistance to Small Enterprise Program.
   c. New Brunswick.

(1) Northeast New Brunswick Development Program.
(2) Kent Region Pilot Project.
(3) Industrial Development Subsidiary Agreements.
d. Canada/Nova Scotia Forestry Subsidiary Agreement—Sawmill Improvement Component Grants.

C. Provincial Programs

1. Alberta—Timber Salvage Incentive Program.
2. British Columbia
a. Low-interest Loan Assistance.
b. Stumpage Payment Deferral.
3. Ontario—Stumpage Billing Deferral.
4. Québec.
a. Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.
b. FRI Tax Abatement Program.
c. SDI Export Expansion Program.

Case History

On October 7, 1982, we received a petition from counsel for the United States Coalition for Fair Canadian Lumber Imports on behalf of a number of producers in the United States of certain softwood products. The petitioner alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to manufacturers, producers, or exporters in Canada of certain softwood products. We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations, and on October 27, 1982, we initiated countervailing duty investigations (47 FR 49878). We stated that we expected to issue preliminary determinations by December 31, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 730(c) of the Act, and postponed our preliminary determinations for 65 days until March 7, 1983 (47 FR 56688).

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiations. On November 22, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring U.S. industries.

We presented questionnaires concerning the allegations to the Embassy of Canada in Washington, D.C. on December 6, 1982. On January 4, 1983, we received responses. Additional information was received on January 17, 1983. A supplemental questionnaire was presented on February 9, 1983, and a response was received on February 23, 1983. Additional information was submitted on numerous dates.

Scope of the Investigations

The products covered by these investigations are:
- Softwood lumber.
- Softwood shakes and shingles.
- Softwood fence.

The products are fully described in appendix A of this notice. There is a large number of producers and/or exporters of certain softwood products in Canada (approximately 1800). The period for which we are measuring subsidization is calendar year 1981.

Analysis of Programs

In its responses, the government of Canada (GOC) provided data at the federal and provincial levels for the applicable periods. In addition, information was provided by counsel for the Canadian producers and counsel for the petitioners.

General principles applied by the Department of Commerce (the Department) to the immediate investigations concerning certain softwood products from Canada, many of which are repeated throughout this notice, are described in detail below. Specific principles are discussed in the appropriate sections of this notice.

Petitioners alleged that respondent companies have received numerous grants for various purposes. Grants determined to be countervailable have been treated according to the Department's established methodology.

To calculate the benefit received from the type of grants being considered in these investigations, we allocated the present value of grants "tied" to the purchase of capital equipment over the number of years reflecting the average useful life of equipment used by the sector which produces the products under investigation. A grant is considered tied where the intended use is known to the donor, and where such use is acknowledged prior to, or concurrently with, its bestowal. The majority of grants encountered in these investigations have been tied to capital investment in plants and equipment, and have been allocated over a 15-year period representing the average useful life of sawmill plants and equipment. The Canadian government has indicated that its own survey of the industry establishes a conservatively estimated combined average useful life for sawmill equipment and buildings of 15 years.

In the grant methodology, we determine the present value of grants in order to calculate the current value of the benefit to the grant recipient. The calculation of the present value of funds received is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For these preliminary determinations, we determine that the most appropriate discount rate is the "risk-free" rate, as established by the secondary market rate for long-term (10 years and over) Canadian government debt. The foundation of a country's interest rate structure is usually its government's debt interest rate (the "risk-free rate"). The source used to determine the Canadian "risk-free" rate was *Financial Statistics* published by the Organization for Economic Co-operation and Development (OECD).

Certain small grants were expensed in the year received for reasons discussed in the "Programs Preliminary Determined to Confer Subsidies" section of this notice in the appropriate program descriptions.

We normally use data from a uniform period in calculating subsidies. The response contained mutually exclusive data based on both fiscal years and calendar years. Where the grants were reported on a fiscal year basis, we used those amounts as the best information available and allocated the calculated net benefit over annual sales values. Where information provided was based on fiscal year performance and it was necessary to apply a discount rate, a fiscal year discount rate was calculated by averaging the appropriate monthly rates. We will seek information regarding these benefits on a calendar year basis.

Unless otherwise stated in the "Programs Preliminarily Determined to Confer Susidies" section of this notice, the denominator used to calcuate an *ad valorem* subsidy depended on whether the response reported loans and grants to producers of the products under investigation on a product-by-product basis or on a combined basis. Where loans and grants were reported on a product-by-product basis, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of that specific product.

Where loans and grants were reported on a combined basis for some or all of the products under investigation, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of those certain softwood products.

To determine the total sales figures for the producers of the products under investigation, we used sales statistics provided by the GOC, which are the most recent and best data available. We

adjusted these statistics as necessary to reflect more accurately the total sale of the producer of each of the products under investigation.

Based on our analysis to date of the petition and responses to our questionnaires, we have preliminarily determined the following.

I. Programs Preliminarily Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Canada of certain softwood products included in these investigations under the programs described below. The total estimated net subsidy for each product under investigation, however, is *de minimis*, and therefore our preliminary determinations are negative.

A. Federal Programs

1. *Investment Tax Credit.* The investment tax credit program is a federal program which provides income tax credits in amounts ranging from 7 to 50 percent for new depreciable manufacturing assets. This tax incentive is available to all entities that purchases equipment for manufacturing; processing; or activities involving oil and gas production, mining of minerals, processing mineral ore, prospecting or exploring for mineral resources, logging, farming, fishing, storing grain, and processing industrial minerals.

The amount of the credit received depends upon where the depreciable assets will be used. A credit of 50 percent of the capital cost of the depreciable assets is given to companies located in areas of Canada containing five percent of the population suffering the most from high family unemployment and low per capita income. These areas were not specifically identified in the GOC's responses. Since all areas of each province in Canada are specified in the regions eligible for one of the 20 percent, 10 percent or 7 percent credits, we assume that the 50 percent credits apply to locations within the above areas which meet the eligibility requirements relating to unemployment and low income. Companies located in the Atlantic area (Newfoundland, Prince Edward Island (PEI), Nova Scotia, New Brunswick and the Gaspe Peninsula) receive 20 percent of the capital cost of depreciable assets as a tax credit. Companies located in the Regional Development Incentive Program (RDIP) area (all of Canada except the southern portions of British Columbia (BC), Alberta and Ontario) receive 10 percent. All other areas in Canada receive the basic 7 percent credit (southern BC, southern Alberta and southern Ontario).

The investment tax credit is not available to all companies on equal terms. A larger tax credit is available to companies in designated areas. The criteria of "high family unemployment" and low per capita income are subjective criteria which are not "triggered" automatically. Based on information currently available to the Department, this criteria for eligibility could be operated to limit benefits to companies within specific regions. Therefore, we find that the tax credits in excess of 7 percent are limited to companies located within specific regions, and we preliminarily determine that the tax credits in excess of 7 percent confer benefits which constitute a subsidy.

The GOC reported that there are no statistics indicating the amount of tax credit clamied by the producers of the products under investigation in each of the four rate categories of the investment tax credit program.

Therefore, for the purposes of these preliminary determinations, the investment tax credits claimed in 1980 (the most recent period for which information is available) were evenly allocated to each of the four rate categories, and were used by the Department as best information available. Having assigned an amount to each category, the capital cost of the depreciable assets eligible for credits was calculated for each of the four categories.

The subsidy calculation for this program accounts for the fact that an investment tax credit immediately reduces the depreciable value of an asset. The capital cost allowance benefits lost because of the investment tax credit were captured in the subsidy calculation. For purposes of these preliminary determinations, we assumed: (1) That the investment tax credit is taken in the year in which the asset is acquired, and (2) that the capital cost allowance taken in conjunction with the investment tax credit would be equal to 25 percent, the rate applicable for the year in which an asset is acquired. The net benefit from the capital cost allowance is equal to the amount of the deduction multiplied by the taxpayer's tax rate. Since provincial governments use a taxpayer's federal taxable income as the base for calculating provincial taxes, we used the combined federal and provincial tax rate of 41 percent (in 1979) as the best information available for the purposes of our calculation.

Only the amounts in excess of the 7 percent level were found countervailable since the 7 percent tax credit is not limited to specific industries, groups of industries, or regions. The benefit to softwood lumber, and to shakes and shingles was allocated over the value of total 1980 sales for sawmills and planing mills and a subsidy of 0.9 percent ad valorem was calculated. The benefit to fence was allocated over the value of total 1980 sales of miscellaneous wood products, and a subsidy of 0.05 percent *ad valorem* was calculated. (In both instances, 1980 is the most recent period for which information is available.)

2. *Program for Export Market Development (PEMD).* PEMD is administered by the Canadian Department of Industry, Trade and Commerce and is available to all businesses in the manufacturing or service sectors which export, including producers of the products under investigation. The program facilitates the development of export markets for Canadian products by funding various companies' export market development activities through interest-free loans with forgivable repayment terms. If sales result from such activities, the funds must be repaid at a rate of two percent of sales generated for a period of three years up to the amount of assistance provided.

Only two projects were funded at a total of Canadian $4,077 by PEMD to develop market opportunities in the United States for the products under investigation. Because the sole purpose of PEMD is to stimulate exports, we preliminarily determine that assistance provided under the program confers benefits which constitute export subsidies. We allocated the benefit over the total 1981 exports sales to the United States of the products under investigation. However, the amount of the benefit provided to exporters of the products under investigation is so small relative to the value of exports to the United States of the products under investigation that the subsidy is less than 0.001 percent *ad valorem*.

3. *Forest Industry Renewable Energy Program.* The Forest Industry Renewable Energy (FIRE) program is administrated by the federal Department of Energy, Mines and Resources. The purpose of the program, which began in 1979, is to encourage the substitution of biomass energy sources for fossil fuels by companies that would otherwise have no economic incentive to do so. FIRE assistanace is given in the form of taxable grants that are tied to the purchase of captial equipment

(facilities for burning biomass in place of fossil fuels).

Prior to April 1, 1981, funds were made available under the FIRE program only to "forest industry firms," as defined by the GOC according to the Treasury Board submission of August 10, 1978. Thereafter, FIRE assistance became available to all industries throughout Canada according to the Treasury Board submission of January 8, 1981. Because the FIRE program by its terms limited eligibilty for grants to a designated group of industries for the first two years of its existence, we preliminarily determine that the benefits received by the producers of the products under investigation during that period conferred subsidies within the meaning of the Act. Benefits after that period did not confer subsidies because eligibility was not limited to a specific industry, group of industries or companies in specific regions.

The benefit is based on the amount of grants received by the producers of the products under investigation during the first two years of the program's existence. We calculated the benefit to these producers in accordance with the grant methodology described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales value of the producers of the products under investigation, and calculated a subsidy of 0.003 percent *ad valorem*.

4. *Regional Development Incentives Program (RDIP)—Grants.* The RDIP is administered by the federal government's Department of Regional Economic Expansion (DREE) for the purpose of creating stable employment opportunities in areas of Canada where employment and economic opportunity are chronically low. The program provides development incentives (grants) and loan guarantees to manufacturers whose capital investment projects for establishing new facilities are expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economically disadvantaged. Loan guarantees are discussed in the "Program Preliminarily Determined Not to Confer Subsidies" section of this notice. The Governor in Council may designate a region upon the report of the Minister of the DREE, if satisfied that existing opportunities for productive employment in the region are exceptionally inadequate and the provision of development incentives will make a significant contribution to economic expansion and social adjustment within that region. Development incentives and loan guarantees are currently not available to manufacturing and processing industries located in southern Ontario, southern Alberta and southern BC.

The prime criterion for DREE approval of a proposed project is the likelihood that the project will provide needed economic opportunities and social adjustment. Projects which would proceed without RDIP assistance are ineligible.

The GOC stated in its responses that grants have been provided to producers of the products under investigation. We preliminarily determine that grants provided through the RDIP program of DREE confer subsidies because the benefits are limited to companies located within specific regions.

The subsidy to producers of the products under investigation has been calculated according to the grant methodology as described in the "Analysis of Programs" section of this notice.

The amounts of grants received since fiscal 1970 (when the program started) were provided on a product-by-product basis. Therefore, we have calculated a separate subsidy for each product. The amount of subsidy provided by RDIP grants is 0.18 percent *ad valorem* for softwood lumber, 0.07 percent *ad valorem* for softwood shakes and shingles, and 0.15 percent *ad valorem* for softwood fence.

B. Federal/Provincial Programs

1. *Agricultural and Rural Development Agreements (ARDA) Programs.* The Agricultural and Rural Development Act was the federal legislation establishing the ARDA's. These agreements resulted from joint determinations by the federal and provincial governments that government action is required to promote economic development and to alleviate conditions of social and economic disadvantages in certain rural areas. These agreements are available to all provinces throughout Canada and can be negotiated at provincial initiative; however, only BC and Ontario have entered into these agreements.

There are six programs under the General ARDA's and the producers of the products under investigation have received grants under the "Alternative Income and Employment Opportunities in Rural Development Region" program of the agreements. This program provides grants for the establishment, expansion, or modernization of production facilities in an effort to increase income and alternative employment opportunities for low income people in designated rural areas of a province. Both BC and Ontario have received federal funds to finance 50 percent of the assistance given under this program for rural areas which are "economically depressed." As the eligibility is limited to companies located within specific regions, we preliminarily determine that benefits under this program confer a subsidy.

There is a Special ARDA program which supplements the General ARDA and which is aimed at improving employment and income opportunities for people of native ancestry in rural BC. The rural area is defined in the Canada-British Columbia Special Rural Development Agreement which provides that ten specifically defined areas are not eligible for assistance under this program.

The Special ARDA advisory committee considers the relative isolation of the community, the number of residents affected and the projected impact the proposal will have on future economic development.

The maximum contribution through Special ARDA is 50 percent of the expected costs of buildings, machinery and initial working capital.

The GOC responses state that sixteen projects, tied to the purchase of equipment and construction of buildings, were undertaken by producers of the products under investigation. These projects were available in areas with a population of less than 2,000 residents of whom at least 30 percent were of native ancestry. The Special ARDA grants were funded equally by the federal and provincial governments as were those under the General ARDA. Because the program limits availability to companies located in rural areas, we preliminarily determine that it confers subsidies.

We used the grant methodology which is described in the "Analysis of Programs" section of this notice to calculate the benefits under the ARDA programs. The benefits were allocated over the total sales value of producers of the products under investigation and a total subsidy of 0.004 percent *ad valorem* was calculated for grants received under General and Special ARDAs.

2. *General Development Agreements.* As part of its activities to spur development in Canada, DREE entered into 10-year General Development Agreements (GDA's) with all provinces except PEI. A similar 15-year comprehensive development plan exists for PEI. GDA's have become the principal instruments of DREE's development policies, both in terms of expenditure and coordination of planning and programming. Within each GDA, specific subsidiary agreements

have been negotiated with individual provinces. These mainly fund general planning, infrastructure and community development, although some assistance has been provided to individual companies.

a. *Federal/Provincial Industrial Development Subsidiary Agreements.* Under the GDA's described above, Industrial Development Subsidiary Agreements with provisions for assistance to small enterprises are available to all provinces and were negotiated with Ontario, Manitoba, BC and New Brunswick. The GOC states that funds were provided to producers of the products under investigation only in the latter two provinces.

b. *British Columbia—Assistance to Small Enterprise Program (ASEP).* This program was established by a BC Order in Council on July 7, 1977. Under the program, small enterprises with sales of less than Canadian $500,000 located in areas other than "Lower Mainland" and "Southern Vancouver Island" are eligible for interest-free forgivable loans for approved projects for new facilities or the expansion or modernization of existing facilities.

For new projects, benefits can be as much as 50 percent of the "eligible capital cost" of the project or Canadian $30,000, whichever is less. For expansion or modernization projects, the limit is the lesser of 30 percent or Canadian $18,000. The applicant is required to provide new equity of at least 20 percent of the total cost of the project. Producers of the products under investigation received interest-free forgivable loans under this program between 1976 and 1981.

We preliminarily determine that benefits under this program are countervailable because they are limited to companies located within specific regions. Because loans under the programs are forgivable and the majority apparently have already been forgiven, we treated the benefits as grants.

In calculating the benefits, we used the grant methodology which is described in the "Analysis of Programs" section of this notice. The benefits under this program amount to a subsidy of 0.003 percent *ad valorem* for softwood lumber, 0.05 percent *ad valorem* for shakes and shingles, and 0.02 percent *ad valorem* for fence.

c. *New Brunswick—NED, KED and SIFAP.* Three parts of the subsidiary agreement between New Brunswick and the federal government provide assistance to small enterprises in the province. These are the Northeast New Brunswick Development (NED), the Kent Region Pilot Project (KED), and the Industrial Development Subsidiary Agreements (SIFAP). The responses of the GOC state that no applications for funds under these programs were accepted during the 1980–81 fiscal year, and that no funds were disbursed since March 31, 1982.

The benefits under these programs were interest-free forgivable loans. The total amount of funding provided could not exceed 50 percent of the cost of new manufacturing or processing facilities or 30 percent for modernization or expansion of existing facilities. To be eligible, firms had to have average sales of less than Canadian $1,000,000 over the past two years and had to be located in development regions, which varied for each of the three programs. Companies were required to make a contribution of new equity of at least 20 percent of the cost of a project. Producers of the products under investigation received interest-free forgivable loans under this program between 1978 and 1981.

We preliminarily determine that benefits under NED, KED, and SIFAP are countervailable because they are limited to companies located within specific regions. Because loans under the programs are forgivable and the majority apparently have already been forgiven, we treated the benefits as grants.

In calculating the benefits, we used the grant methodology which is described in the "Analysis of Programs" section of this notice. The benefits under this program amount to subsidies of 0.006 percent *ad valorem* for softwood shakes and shingles, and 0.007 percent *ad valorem* for softwood fence. However, the amount of the benefit provided to producers of softwood lumber is so small relative to the value of total sales of the producers of softwood lumber that the subsidy is less than 0.001 percent *ad valorem*.

d. *Canada/Nova Scotia Forestry Subsidiary Agreement—Grants.* Subsidiary agreements for forest management could be negotiated under the GDAs. Forestry subsidiary agreements have been reached with seven provinces.

Under the Nova Scotia forestry subsidiary agreement, grants were provided to producers of the products under investigation under two components, the sawmill improvement component and the forest management component. The forest management component grants are discussed in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice. The forestry subsidiary agreements with other provinces are discussed in the "Programs Preliminarily Determined Not to Confer Subsidies" and the "Programs Preliminarily Determined Not to Be Used" sections of this notice.

The sawmill improvement component of the Canada/Nova Scotia Forestry Subsidiary Agreement provided grants of up to Canadian $50,000 per mill to encourage the adoption of improved sawmilling technology, better safety and improved conditions. The GOC states that the grants under this component were designed and used to offset the short-term operating expenses and the lower productivity associated with the installation of improved sawmilling technology and better safety and working conditions in the recipient mill.

The GOC stated in its responses that producers of the producers under investigation received improvement grants. We preliminarily determine that this grant program confers a subsidy on producers of the products under investigation because eligibility is limited to sawmills.

Because the grants were used to offset short-term operating expenses, we allocated them to the year received. We assumed that all funds were received in 1981, because the response did not provide a breakdown by year of receipt. We allocated the benefits over total sales by sawmills to calculate a subsidy of 0.006 percent *ad valorem*.

C. Provincial Programs

1. *Alberta.*—Timber Salvage Incentive Program. The Timber Salvage Incentive Program was created in response to the problem of harvesting large amounts of timber damaged or destroyed by fire or insects. Ordinarily, it is the companies' responsibility to salvage timber damaged by natural causes. The responses state that because of the depressed lumber markets, the companies have been unable to salvage the damaged timber economically. Because it is the province's interest to have the timber harvested (if it is not harvested there is a danger that fire and disease will spread, and reforestation cannot be carried out), the government instituted the Timber Salvage Incentive Program effective November 1, 1981 through October 31, 1983. The program provides an incentive of Canadian $34 per thousand board feet of lumber manufactured from fire-killed and beetle-killed timber. These payments are available only to producers of lumber.

The GOC's responses state that despite the incentive payment, the companies did not recover the additional costs associated with harvesting damaged timber. The GOC acknowledges, however, that the

companies are expected to salvage damaged timber at their expense as part of their contribution to the long-term management of Alberta's forests. Furthermore, as noted above, only lumber producers receive these grants. Accordingly, we preliminarily find that payments received by softwood lumber producers under this program during the period for which we are measuring subsidization are grants which confer subsidies. Because these grants specifically apply only to lumber, they do not confer benefits on softwood shakes and shingles or softwood fence. We have expense the 1981 incentive payments in the year received and allocated them over the total sales value of softwood lumber in 1980 (the most recent period for which information is available) to find to subsidy of 0.008 percent *ad valorem* for softwood lumber.

2. *British Columbia.*—a. *Low-Interest Loan Assistance (LILA).* The joint Canada-British Columbia Industrial Development Subsidiary Agreement (IDSA) of 1977 established the LILA program which provides business enterprises with loans at favorable interest rates. LILA was authorized by administrative action after the IDSA Agreement was signed. The British Columbia Development Corporation (BCDC) acts as trustee for the province in administering the LILA program and as the trustee, reports to the BC Ministry of Industry and Small Business Development on activities under this program. Funding for the LILA program is provided through the budget of the BC Ministry of Industry and Small Business Development and/or loans by BCDC from the BC Ministry of Finance.

The purpose of LILA is to enhance the province's industrial base by assisting in the establishment, modernization, or expansion of manufacturing and processing firms, or by assisting those companies providing services to the manufacturing/processing sector located in the province. A LILA loan must be used for capital improvements for plant expansion or modernization, or for the establishment of a new production facility which will create new economic activity and benefits.

Generally an applicant must make a minimum equity contribution to the project of 15 percent. The loan size (within the range of Canadian $18,000 to Canadian $200,000) is a maximum of one third of the capital costs of the fixed assets being purchased. The maximum term of a LILA loan is the lesser of three years or the economic life of the fixed asset. The GOC's responses indicate that loans may be amortized over a longer period but must be financed at commercial rates for any excess period. The LILA loan rate is established twice a year on March 15 and September 15, and is the BCDC's prime commercial rate divided by two, subject to a maximum interest rate of 10 percent per year. No principal or interest payments are required for the first six months (prior to 1981, 12 months) following the initial disbursement of the loan. LILA loans are secured by means of debentures, mortgages or personal guarantees, and there are no forgiveness provisions.

During the period 1978 through September 30, 1982, producers of softwood lumber and fence received 24 loans. From February 1978 to April 1979, loans were not available to companies located within the "lower Mainland and southern Vancouver Island" regions. After April 1979, companies in all regions of BC could apply for funds. Therefore, we preliminary determine that all four loans given during February 1978 to April 1979 are countervailable because the availability of LILA loans during that period was limited to companies within specific regions, and loans were provided on terms inconsistent with commercial considerations.

To calculate the subsidy rate for LILA loans given at a non-commercial interest rate, we compared what a company would pay a normal commercial lender in principal and interest in any given year with what was actually paid on the loan in that year. For purposes of the preliminary determinations, we included the one-year deferral of principal and interest payments in our subsidy calculations. The benchmark rate used was the chartered banks' prime rate in Canada, as reported in the OECD *Financial Statistics*. After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made using the secondary market bond yield for Canadian government bonds (one to three years), as reported in the OECD *Financial Statistics*, as the discount rate.

The GOC did not report the precise terms of individual loans. Because the program limits the loans to a term of the lesser of three years or the economic life of the fixed assets purchased, we allocated the benefits over three years as the best information available. Any amount financed beyond this period must be at commercial rates.

Benefits from the four LILA loans used by producers of softwood lumber and fence during February 1978 through April 1979 were allocated over the total sales value of the producers of softwood lumber and fence. We calculated a subsidy of 0.001 percent *ad valorem*.

b. *Stumpage Payment Deferral.* The Fort Nelson Selling Price Zone was created in northeastern BC in recognition of the problems of logging in spruce swamplands where logging is only possible after "freeze-up" (mid-November to March 1). However, the lumber mills operate over a 12-month period. The volumes logged during the period November through February are allocated during the period November through October and stumpage is billed accordingly, regardless of the month in which the lumber was actually cut. Only licensees within the Fort Nelson Selling Price Zone are eligible for this deferral.

We preliminarily determine that this deferral of stumpage payments confers a subsidy since the deferral eligibility is limited to companies located within a specific region and the deferral is preferential as compared with other companies in the province. The subsidy was calculated by taking the difference between the monthly stumpage payments due based on when the timber was actually cut and the monthly stumpage payments due based on the 12-month distribution plan. The best information available for calculating the benefit from the deferral of stumpage payments due was billing information for the period November 1981–October 1982.

However, the amount of the benefit provided to producers of the products under investigation is so small relative to the value of sales of the products under investigation to the United States that the subsidy is less than 0.001 percent *ad valorem*.

3. *Ontario.—Stumpage Billing Deferral.* In December 1981, the government of Ontario initiated a six-month program whereby billings for stumpage payments could be deferred for approved applicants. The program was extended for an additional six months.

The GOC in its responses indicates that this program was available only to sawmills. Therefore, we preliminarily determine that the program conferred a subsidy on the products under investigation because the benefits were limited to sawmills.

The subsidy was calculated by treating the amount of stumpage payments deferred during the period for which we are measuring subsidization as a short-term loan at a zero interest rate. We multiplied the amount of the loan by a benchmark short-term interest

rate, the three-month Treasury bill rate in Canada, for the one month in which billings were deferred in 1981. However, the amount of the benefit provided to sawmills is so small relative to the total sales value of the products of sawmills that the subsidy is less than 0.001 percent *ad valorem*.

4. *Québec.* a. *Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.* The Société de Récupération, d'Exploitation et de Développement Forestiers du Québec (REXFOR) was incorporated in 1973 under Québec's REXFOR Act as a provincial Crown corporation. Jointly administered by the Ministére des Finances and the Ministére de l'Energie et des Ressources of Québec, its entire stock is allotted to the former, which approves REXFOR's operating and investment budgets.

REXFOR was created to manage specific provincially owned forest lands, to preserve and protect provincial forest lands through silviculture, and to encourage the development of the "forest industry" in Québec. REXFOR owns sawmills and pulp and paper mills, and produces the softwood products under investigation as well as a wide variety of products not under investigation. In carrying out these activities, REXFOR receives funds from both the Canadian and Québec governments, and is also an active investor in and provider of funds to the "forest products industry" in Québec.

(1) *Assistance to REXFOR from the Government of Canada.* REXFOR and three of its subsidiaries producing softwood lumber received six RDIP grants from DREE. These grants, which we preliminarily determine to confer subsidies, are included in the federal portion of the "Programs Preliminarily Determined to Confer Subsidies" section of this notice.

(2) *Assistance to REXFOR from the Government of Québec.* (a) Loans and Loan Guarantees. Between 1973 and 1977, REXFOR and its subsidiaries received a number of loans and a loan guarantee from the government of Québec at interest rates inconsistent with commercial considerations. We consider these loans and loan guarantee to have been targeted to a specific company. Accordingly, we preliminarily determine that these loans and loan guarantee confer a subsidy on REXFOR.

To calculate the subsidy for the loans and the loan guarantee made by the government of Québec to REXFOR, we compare the principal and interest a company would pay a normal commercial lender in any given year with amounts actually repaid in that year. For purposes of these preliminary determinations, we included deferral of principal and interest payments in our subsidy calculations.

The benchmark rate used was the chartered banks' prime rate in Canada as published in the OECD *Financial Statistics*. After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made, using the secondary market bond yield for Canadian government bonds, as published in the OECD *Financial Statistics*, as the discount rate.

We allocated the benefits from these loans and loan guarantee over the total sales of the producers of softwood lumber and shakes and shingles and calculated a subsidy of 0.004 percent *ad valorem*.

(b) Grants. Between 1977 and 1981, REXFOR received a number of grants from the government of Québec for the production of softwood lumber. We consider grants made to REXFOR by the government of Québec to have been targeted to a specific company. Accordingly, we preliminarily determine that these grants confer a subsidy on REXFOR.

We calculated the benefit to REXFOR in accordance with the grant methodology described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales of the producers of softwood lumber, and calculated a subsidy of 0.001 percent *ad valorem*.

(c) Loss Coverage. In two instances, the government of Québec covered operating losses sustained by REXFOR in connection with two of its subsidiaries which respectively produce softwood lumber (Scieries Chic-Chocs) and all the products under investigation (Samoco). In both instances, the amounts received exceeded the losses sustained by REXFOR. In the case of Scieries Chic-Chocs, the excess of the funds received over the loss incurred was used to purchase fixed assets; in the case of Samoco, the excess was transferred into REXFOR's retained earnings.

We preliminarily determine that loss coverage confers a subsidy. We expensed those portions of the grants used to cover actual operating losses in the year in which they were received. We treated the excess amounts as grants and allocated them over 15 years, the average useful life of capital assets of sawmill plants and equipment. We allocated the benefit received over the total sales of the producers of softwood lumber (in the case of Scieries Chic-Chocs) and of the producers of the products under investigation (in the case of Samoco), and calculated a subsidy of 0.02 percent *ad valorem*.

(d) Equity Purchases. The government of Québec has made equity purchases of REXFOR under two different sections of the REXFOR Act. Under section 6 of the REXFOR Act, the proceeds from Québec's equity purchases are made available to REXFOR for "general investment" purposes to be used as the company sees fit. Under section 7, the proceeds from Québec's purchases of REXFOR stock are specifically directed by the government of Québec to be used for loans to or equity purchases in third companies which may or may not be subsidiaries or affiliates of REXFOR, some of which produce softwood lumber or shakes and shingles.

(i) After analyzing REXFOR's financial statements since 1973, especially the company's debt position and rate of return on equity, we conclude that the government of Québec's section 6 equity infusions into REXFOR were not inconsistent with commercial considerations. Therefore, we preliminarily determine that government equity purchases in REXFOR that were not specifically directed do not confer a subsidy.

(ii) With regard to government equity purchases made pursuant to section 7 that were specifically directed, but *not* to producers of the products under investigation, we preliminarily determine that these purchases did not confer subsidies on the products under investigation.

(iii) With regard to equity purchases made by the government of Québec pursuant to section 7 that were specifically directed to producers of the products under investigation:

- Where the proceeds were used by REXFOR to make equity infusions in subsidiaries, affiliates or unrelated companies, we must consider whether these infusions were made on terms inconsistent with commercial considerations.

Our analysis of these companies leads us to conclude, based on financial data contained in the responses and REXFOR's annual reports, that REXFOR's equity purchases in these companies were in fact not inconsistent with commercial considerations. Accordingly, we preliminarily determine that these equity purchases do not confer subsidies within the meaning of the Act on producers of the products under investigation.

- There were no loans made by REXFOR pursuant to section 7 that were specifically directed to producers of the products under investigation, for which principal was still outstanding during

the period for which we are measuring subsidization.

b. *FRI Tax Abatement Program.* The Tax Abatement Program (TAP) is one of two programs under the aegis of the Fonds de Relance Industrielle (FRI) of Québec, which provided assistance to producers of the products under investigation. The second FRI program, *i.e.*, the Industrial Incentives Fund, is discussed below in the section titled "Programs Preliminarily Determined Not to Confer Subsidies."

The FRI is a fund, administered by the Ministère de l'Industrie, du Commerce et du Tourisme of Québec with the assistance of Revenu Québec, which grants financial aid to businesses in order to promote economic recovery.

Under the TAP, firms can deduct 25 percent of the cost of approved capital investments up to a maximum of 50 percent of taxes payable to the province, with an overall limit per company of Canadian $500,000 for the life of the program. Companies located in the metropolitan area of Montréal are excluded from this program. Since this program is limited to companies located within specific regions, we preliminarily determine that it confers subsidies.

Producers of the products under investigation received tax savings under this program. In the GOC responses, the government of Québec reported the aggregate tax savings for these producers over the period from 1977 to 1981. We divided this amount by five (the number of years reported) to obtain an estimate of the 1981 savings, because this was the best information available. Because taxes are normally expensed in the year paid, we allocated these 1981 savings over the total sales value of producers of the products under investigation, and calculated a subsidy of 0.005 percent *ad valorem.*

c. *SDI Export Expansion Program.* The Société de Développement Industriel (SDI) was established in 1971 by the Assemblée Nationale (Legislature) of Québec as a Crown corporation. SDI, which is wholly owned by the province, is an investment company acting on behalf of the government of Québec, and as such grants financial assistance to the private sector in order to promote new business investment, plant expansion or modernization, and the export of Québec goods and services.

According to its latest annual report, SDI assistance to the private sector comes in several forms: "subsidies" or grants, loans or loan guarantees, total or partial assumption of the interest on loans, partial forgiveness of loans, and acquisition of capital stock (the latter with the proviso that SDI not hold a majority of any given company's shares).

SDI receives annual budget appropriations voted by the Assemblée Nationale which are used to cover its operating costs and "subsidies." In fiscal 1981–1982, SDI received Canadian $55.8 million from the Assemblée, of which Canadian $44.9 million was specifically earmarked for "subsidies." Another government assets deposited with SDI in the amount of Canadian $47.4 million, of which Canadian $32 million is in the form of an endowment. Finally, SDI finances itself, in part, through borrowings on the capital markets, which amounted to Canadian $74 million as of July 15, 1982.

SDI assistance programs fall under three categories: the Export Expansion Program, which we preliminarily determine to confer a subsidy for the reasons outlined below, development programs, and financial assistance to manufacturing firms. The latter two categories are described later in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice.

Under the Export Expansion Program, discontinued in May 1982, reimbursements on interest charges were paid to firms demonstrating high export growth over a five-year period. The maximum amount paid was the lesser of Canadian $250,000, two percent of export sales value, or the amount of the interest expense incurred in any given year.

Producers of softwood lumber who exported to the United States received funds under this program. We preliminarily determine this program to confer an export subsidy. Because interest charges are normally expensed in the year paid, we computed the benefit by allocating the amounts provided by SDI in the 1981–1982 fiscal year to softwood lumber producers over the total sales value of exports of softwood lumber to the United States, and calculated a subsidy of 0.04 percent *ad valorem.* Producers of softwood shakes and shingles and fence did not receive funds under this program during the period for which we are measuring subsidization.

II. Programs Preliminarily Determined Not To Confer Subsidies

We preliminarily determine that the Canadian federal and provincial governments are not providing subsidies to manufacturers, producers, or exporters of certain softwood products included in these investigations under the following programs:

A. *Stumpage Programs of the Canadian Federal and Provincial Governments*

Petitioner alleges that the stumpage programs of the Canadian federal and provincial governments confer a subsidy on the products under investigation. In general, "stumpage" refers to standing timber and "stumpage programs" refer to the systems by which the Canadian governments furnish private firms with the right to cut and remove standing timber from government lands in exchange for various in-kind and monetary payments by those private firms. (The stumpage programs of the various Canadian governments are described in further detail in Appendix B of this notice.) In Canada, the overwhelming majority of timber is owned by the governments, and has been owned by them for over a century. The Canadian governments did not recently acquire the lands involved and then begin to sell stumpage on those lands at rates below those which prevailed prior to government ownership.

Petitioner alleges that stumpage programs confer a domestic subsidy. (In a footnote to the petition, petitioner also alleges that stumpage programs confer an export subsidy.) Petitioner alleges that stumpage programs are provided to a specific industry within the meaning of subsection 771(5)(B) of the Act. Also, rather than alleging that stumpage programs constitute the provision of a good at preferential rates under subsection 771(5)(B)(ii) of the Act, petitioner alleges that stumpage programs constitute the assumption of a cost of production within the meaning of subsection 771(5)(B)(iv) of the Act. Essentially, petitioner claims that "assumption," as used in subsection (iv), should have a broad, all-inclusive meaning, encompassing any governmental activity that reduces or absorbs production costs on terms inconsistent with commercial considerations.

Based upon available information, the Department preliminarily determines that stumpage programs of the Canadian federal and provincial governments do not confer a subsidy on the products under investigation for the following reasons.

Stumpage programs do not confer an export subsidy, because they do not operate and are not intended to stimulate export rather than domestic sales, and because they are not offered contingent upon export performance. The mere fact that significant quantities of products made from stumpage are exported to the U.S. does not mean that

stumpage programs confer an export subsidy.

Further, stumpage programs do not confer a countervailable domestic subsidy for the following reasons. First, we preliminarily determine that stumpage programs are not provided only to a "specific enterprise or industry, or group of enterprises or industries." Rather, they are available within Canada on similar terms regardless of the industry or enterprise of the recipient. The only limitations as to the types of industries that use stumpage reflect the inherent characteristics of this natural resource and the current level of technology. As technological advances have increased the potential users of standing timber, stumpage has been made available to the new users. Any current limitations on use are not due to the activities of the Canadian governments; there is no evidence of governmental targeting regarding stumpage.

Although nominal general availability of a program does not necessarily suffice to avoid its being considered a possible domestic subsidy, the Department further preliminarily determines that stumpage is widely used within Canada by more than one group of industries. Stumpage is cut by the lumber and wood products industries (which manufacture products ranging from simple "two-by-fours" to window frames), the veneer, plywood and building boards industries, and the pulp and paper industries (which manufacture products ranging from cardboard boxes to newsprint), each of which requires different types of processing equipment and uses different channels of trading. Stumpage permits are also held by individual consumers and by industries producing turpentine, charcoal, wood alcohol, and even food additives (*i.e.*, wood flour, vanillin, and lignin). In this regard, we note also that, under the classification systems of both Canada and the United States, the lumber and wood products industries and the pulp and paper industries constitute two distinct groups of industries. Therefore, in view of its general availability without governmental limitation and its use by wide-ranging and diverse industries, we preliminarily determine that stumpage is not provided to a "specific group of * * * industries."

We note, however, the importance of stumpage's general availability without governmental limitation. Where, on the other hand, the governments expressly limit programs to the so-called "forest products industries," we have found some domestic subsidies. Unlike stumpage programs, these types of programs involve the provision of benefits, usually money, that can be used by all enterprises and all industries. In such cases, the restricitons on availability are due entirely to government direction, and not to any specific characteristics of the program involved. With respect to these types of programs, we believe that there is sufficient evidence of governmental targeting to support a preliminary determination that a benefit is conferred upon a "specific group of * * * industries."

Second, even if stumpage programs were being provided to a "specific group of * * * industries," we preliminarily determine that they would not confer a domestic subsidy within the meaning of subsection 771(5)(B). In this regard, we preliminarily determine that Canadian stumpage programs do not provide goods at perferential rates to the producers of the products under investigation within the meaning of subsection 771(5)(B)(ii). As used in that subsection, "preferential" normally means only more favorable to some within Canada than to others in Canada.[1] In this context, it does not mean "inconsistent with commercial considerations," a distinct term used in subsection 771(5)(B)(i) (which is not applicable with regard to stumpage programs, because they do not involve the provision of capital, loans, or loan guarantees). We note in this respect that we have preliminarily found certain programs in the provinces to confer subsidies under subsection (ii) as the perferential provision of "goods or services," bcause the goods or services were provided on preferential terms (*see, e.g.*, deferral of stumpage payments in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice).

Petitioner claims that stumpage programs fall under subsection (iv) as the assumption of production costs on terms inconsistent with commercial considerations. Insofar as subsection (iv) may apply, we preliminarily determine that Canadian stumpage programs do not "assume" a cost of production. We believe that the most reasonable interpretation of "assumption" is that it refers only to government activity which relieves an enterprise or industry of a pre-existing statutory or contractual obligation. Otherwise, subsection (iv) would embrace all of the activities described in preceding subsections (i)–(iii), because the activities described in those subsections could all be regarded as activities which reduce or absorb—and thereby arguably "assume"—costs of production. Such a broad construction of the term "assumption" would make subsection (iv) largely redundant of subsections (i)–(iii) and is, as a matter of law, not preferred. Accordingly, "assumption," as used in subsection (iv), means something other than the universe of governmental activities which could have the effect of reducing or absorbing a cost of production. Rather, it refers to a specific type of activity. In the financial and legal terms relevant to subsection 771(5)(B)'s list of domestic subsidies, and "assumption" is the relief from a pre-existing statutory or contractual obligation.

Under this interpretation, stumpage programs do not constitute the assumption of a cost of production, because the Canadian governments do not relieve the producers of any pre-existing statutory or contractual obligations. To the contrary, the government impose a cost for the stumpage, which they have owned themselves for well over a century. These imposed costs include not only cash payments, but also in-kind services, such as road building, silviculture, and forest managment provided by the companies cutting the stumpage.

Even if "assumption" were construed more broadly, we preliminarily determine, based upon available information in the record of these investigations, that Canadian stumpage programs have not effectively reduced, and thereby "assumed," a cost of production. Petitioner claims that because there is an allegedly unified North American market for softwood lumber, shakes and shingles and fence, the Department should compare Canadian stumpage prices to prices for stumpage in the United States. We disagree. First, it has been the Department's policy not to use cross-border comparisons in establishing commercial benchmarks. Second, the absence of an international market price for stumpage makes any other comparative analysis unjustifiable. Third, while there may be a unified North American market for each of the products under investigation, there is not a unified market and a unified price for stumpage, because each individual stand of timber is unique due to a variety of factors, such as species combination, density, quality, size, age, accessibility, and terrain and climate. Because of these factors, a common

[1] There may be other cases in which the number of users of a good or service may be so limited that the preferentiality test may need to be examined further.

price for stumpage does not exist. Stumpage prices vary substantially both regionally and locally within Canada and the United States, even within a mill's timber supply area. For example, a publication called *Timber-Mart South* publishes stumpage prices for the southeastern United States. This publication covers thirteen states, each divided into three regions, and lists separate prices for each species within each region of each state. Thus, it is not reasonable to compare Canadian prices with U.S. prices.

In the absence of a market price for stumpage—either within Canada or elsewhere—with which Canadian stumpage prices may reasonably be compared, we could alternatively determine whether Canadian stumpage prices reflect "true market value."

The value of stumpage derives from a number of factors, including the price of the end products made from it, and not from any intrinsic value of the standing timber. Thus, a reasonable basis for determining the "true market value" of stumpage is to calculate its residual value based upon the end-product price.

Under the residual value approach, the seller makes allowances for normal profit and risk factors and deducts manufacturing costs from the end-product price to determine the minimum price for stumpage below which it will not sell. Any additional amount collected over and above the minimum price will be "economic rent." The practical significance of economic rent is that its decline does not reduce the supply of timber, and therefore it does not interfere with the efficient allocation of natural resources or the operation of market forces. If the price of timber is high, one can then obtain a higher rent from the resource, but the higher price of timber is not the result of higher rent.

The evidence we have thus far supports the conclusion that the residual value approach, as well as the competitive bid approach, is used in Canada. For example, residual valuation is used in British Columbia and Ontario. Thus, based upon information currently available, it appears that the Canadian governments are using methods of valuation that are a reasonable means of valuing their timber (indeed, these methods are used by the United States Forest Service). Accordingly, one cannot find that Canadian stumpage programs assume a cost of production, even if that term is interpreted broadly.

As implied above, a comparison of Canadian stumpage prices with U.S. prices would be arbitrary and capricious in view of: (1) The wide disparity between quality and accessibility of the standing timber in the U.S. and throughout Canada; (2) the significant in-kind payments which are required generally in Canada in addition to monetary payments, but not generally in the United States; and (3) the fact that in recent years prices in the U.S. usually have been bid anywhere between two to five years in advance of use, without having taken into account the decline in the housing industry. We are not convinced that there is a rational basis to adjust for these significant differences.

If, alternatively, one believes that there is a rational basis for adjustments, the record of these investigations includes studies showing that once appropriate adjustments are made to take into account these differences, Canadian prices for standing timber do not vary significantly from U.S. prices. Indeed, in some cases the Canadian price may be higher. Therefore, even if one were to use U.S. prices as a benchmark, there is evidence in the record which establishes that the Canadian governments do not assume costs of production through their stumpage programs.

For these reasons, we preliminarily determine that Canadian stumpage programs do not assume a cost of producing the products under investigation.

In conclusion, based upon currently available information, we preliminarily determine that Canadian stumpage programs do not confer a subsidy within the meaning of the Act, because they are not provided to a "specific enterprise or industry, or group of enterprises or industries," and because they do not confer a domestic subsidy within the meaning of subsection 771(5)(B).

B. Federal Programs

1. *Deductible Inventory Allowance.* The federal Income Tax Act authorizes a deduction equal to three percent of the opening value of inventories held for sale or for the production of goods for sale. This deduction is available on equal terms to all businesses holding inventories for sale throughout Canada.

We preliminarily determine that the deductible inventory allowance does not confer countervailable benefits because it is not limited to a specific industry groups of industries or to companies in specific regions.

2. *Capital Cost Allowances.* The federal Income Tax Regulations provide for a capital cost allowance for businesses throughout Canada that purchase qualifying assets used in abating water or air pollution, manufacturing or processing, or conserving energy. These companies receive a full write-off over three years with a cumulative maximum deduction of 25 percent in the first year, 75 percent in the second year and 100 percent in the third year. This is the only method of depreciation allowed for these properties, and they are depreciated according to this schedule regardless of use by industrial sector.

We preliminarily determine that these capital cost allowances do not confer countervailable benefits because they are not limited to a specific industry, group of industries or to companies in specific regions.

3. *Export Credit Insurance.* Petitioner alleges that the GOC covered export credit insurance losses incurred by the Export Development Corporation (EDC). EDC is a Canadian Crown corporation providing financial services to Canadian exporters and foreign buyers to develop Canada's export trade. One of EDC's services is export credit insurance. EDC maintains its own commercial operation as well as a separate operation on behalf of the government. Exports to the United States are insured solely through the EDC's commercial operation.

EDC has never incurred a fiscal year loss on its commercial operation, although there has been a downward trend in earnings. Although EDC does not maintain separate financial accounting systems for each of its services, the GOC responses state that the premiums charged by EDC are based on the perceived risk of the transaction and the need to cover its administrative expenses. In this regard, EDC allocates 38 percent of current premium revenue to cover future claims. Furthermore, premium rates were raised twice in the last two years. During the period October 1, 1977 through September 30, 1982, claims paid on insured shipments of softwood lumber totaled Canadian $110,603 while premiums totaled Canadian $298,015.

The GOC is the sole stockholder in EDC. During 1981, the GOC purchased an additional Canadian $40 million in EDC shares; however, the major portion of EDC's capitalization is long-term debt payable to non-government lenders. All of EDC's earnings are retained. Dividends were not disbursed.

Based upon our review of available information, it appears that the petitioner's allegation pertains to export credit insurance losses sustained by EDC in its operation on behalf of the GOC and not in its commercial operation. Since exports to the United States are insured solely through EDC's commercial operation and since it appears that export credit insurance premiums charged by EDC are sufficient to cover long-term operating costs and

losses in its commercial operations, we preliminarily determine that EDC's export credit insurance does not confer an export subsidy within the meaning of the Act.

4. *Federal Employment Programs.—A. Local Employment Assistance Program.* The Local Employment Assistance Program (LEAP), administered by the Canadian Employment and Immigration Commission (CEIC), aims to increase the self-sufficiency of chronically un- or under-employed workers through grants for job creation and worker training. As LEAP assistance was not limited to a specific industry, group of industries or to companies in specific regions, we preliminarily determine that these grants did not confer any countervailable benefits upon the producers of the products under investigation.

b. *Worksharing Program.* The purpose of the Worksharing Program, which is also administered by the CEIC, is to avert temporary layoffs during short-term economic downturns by reducing workweeks, taking steps so that available work is shared, and providing unemployment benefits when no work is available. Employees of producers of the products under investigation received benefits under this program.

It appears that this program was funded under section 37 of Canada's Unemployment Insurance Act by contributions from employers and employes, as well as from the federal government. Eligibility was not limited to a specific industry, group of industries or to companies in specific regions. Therefore, we preliminarily determine that the Worksharing Program did not confer any counteravailable benefits to producers of the products under investigation.

5. *Regional Development Incentives Program (RDIP)—Loan Guarantees.* The RDIP, administered by DREE, as described in the "Programs preliminarily Determined to Confer Subsidies" section of this notice, provides loan guarantees to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economically disadvantaged.

Under the loan guarantee program, DREE insures ultimate payment of losses related to approved loans at a cost of one percent of the balance of guaranteed principal per annum. No defaults have occurred, and loans are made on terms not inconsistent with commercial considerations.

We preliminarily determine that no benefit is being provided by RDIP loan guarantees, as all loans to producers of products under investigation were contracted at a rate of interest above the average Canadian commercial rate of interest based on the chartered banks' prime lending rate as reported in the OECD *Financial Statistics.*

6. *Enterprise Development Program.* The Enterprise Development Program (EDP) was established in 1977 to provide loans, loan insurance and contributions to manufacturers (individuals, firms or corporations in Canada engaged in a manufacturing or processing activity) and, in the case of loan insurance, to private lenders to assist in projects of product development or enhancement, or for other types of productivity initiatives. The program is administered by one national and ten regional Enterprise Development Boards (one in each province), in conjunction with the federal Department of Industry, Trade and Commerce.

Enterprise Development Regulations provide a listing of the qualifying purposes for which any loan, loan insurance or contribution may be issued, and state that a regional board may exercise and perform the powers, duties and functions of the Board under the regulations in respect of:

- Any loan, insurance or contribution made where the total amount of any such loan, insurance or contribution does not exceed Canadian $200,000, the aggregate liability of the manufacturer does not exceed Canadian $200,000 and the dollar volume of sales of the manufacturer did not exceed Canadian $5,000,000 in its fiscal year immediately preceding the application for the loan, insurance or contribution.
- Any loan or insurance where the total amount of any such loan or insurance does not exceed Canadian $50,000 and the aggregate liability of the manufacturer does not exceed Canadian $200,000, except as a result of the making of such loan or the provision of such insurance.
- Any contribution where the total amount of the contribution does not exceed Canadian $20,000 and the aggregate liability of the manufacturer does not exceed Canadian $200,000, except as result of the making of such contributions.

Loan insurance and contributions are preliminarily determined not to confer subsidies and are discussed below, while loans provided under EDP are discussed in the "Programs Preliminarily Determined Not to Be Used" section of this notice.

a. *EDP Loan Insurance.* The GOC provides loan insurance under the EDP to private lenders for loans to companies for approved productivity projects. The private lender pays a fee of one percent per annum, twice yearly, on the outstanding obligation for the insurance. This charge is usually passed on to the loan recipient. The insurance allows the lender to recover up to 90 percent of the actual loss it experiences on defaulted loans after all security has been realized.

Companies participating in this program first negotiate a loan insurance agreement with the Enterprise Development Board and then go to the private market to negotiate a loan. Loans vary in duration from 3 to 10 years, with the repayment schedule being set by the lender. All loans, according to the GOC, are obtained at commercial interest rates.

Loan insurance may be provided under EDP on loans made by a private lender to a manufacturer, individual, firm or corporation in Canada if a loan is required to enable the manufacturer to meet changing competitive circumstances and if the provision of loan insurance is necessary to encourage private lending at normal commercial rates.

The GOC states in its responses that producers of the products under investigation received loan insurance under the EDP. We preliminarily determine that the provision of the loan insurance is not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions, and therefore does not confer a subsidy.

b. *EDP Contributions.* Under EDP the GOC shares the cost of approved projects with companies. Audits are conducted to verify that expenditures were made for the intended purpose. Contributions are administered in accordance with the terms and conditions approved by the Treasury Board. The funds are available to manufacturers in any industry or region for a project which represents a significant departure from a company's traditional productivity improvement practices and has an existing potential for productivity gains but demonstrated uncertainty as to benefits. The cost of any feasibility study and implementation of the results thereof should represent a significant burden on the company's resources. In addition, the manufacturer must be capable of implementing the results of the study.

All contributions provided to producers of the products under investigation were to assist in the cost of outside consultants to examine the feasibility of improving productivity of manufacturing operations.

We preliminarily determine that contributions given under the EDP are not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions, and therefore do not confer a countervailable benefit to producers of the products under investigation.

7. *Transportation Programs.*—a. *Rail Freight Rates.* There are 33 common carrier companies providing rail transportation services in Canada, almost half of which are U.S. subsidiary lines. Of the Canadian lines, two companies—Canadian National (CN) and Canadian Pacific (CP)—are engaged in countrywide transport. Their combined trackage comprises 89 percent of the total railway trackage in Canada.

CP is a privately owned company, while CN is a Canadian Crown corporation. Laws and regulations governing railway operations and freight rates are promulgated by the federal government and administered by the Canadian Transport Commission.

Both Canadian and U.S. railroads offer three types of rates: class rates, commodity rates, and contract rates. In Canada, "agreed charges" is the term applied to contract rates for intra-Canadian shipments. Rail shipments within Canada that do not fall under agreed charges generally move under commodity rates. At the present time, class rates apply to very little rail traffic. International rail shipments move under rates established jointly by the U.S. and Canadian rail companies involved.

The petitioner alleged that agreed charges are a domestic subsidy because they are below "tariff rates" and because they apply only to "forest (wood) products." According to the GOC's responses, there are a total of 277 agreed charges in effect for a large number of different commodities, such as foodstuffs, automobiles, appliances and petroleum products. Ten of these agreed charges cover shipments of lumber, shakes and shingles, and fence.

The responses also state that agreed charges are rates agreed upon after arm's-length negotiations between the Canadian railway(s) and the shippers. Agreed charges are renegotiated every year and reflect such variables as market and modal competition, value of the commodity, loadability, and equipment use. Although rates are not calculated on a per car-mile or per ton-mile basis, revenue figures from 1977 (the latest available published statistics) show that "forest products" generated higher revenue for the railways than all other commodities both on a per car-mile and per ton-mile basis.

Because there are a number of agreed charges covering a wide range of commodities and because agreed charges are negotiated at arm's length, we preliminarily determine that agreed charges do not confer benefits which constitute subsidies within the meaning of the Act.

b. *Currency Exchange Rate Tariff (No. 6016A).* The currency exchange rate tariff was implemented in 1921 on all rail shipments between the United States and Canada. Because of currency fluctuations, the railroads agreed that the value of that portion of the rail haul taking place in the United States should be reflected in U.S. currency and the value of that portion taking place in Canada should be reflected in Canadian currency. A study was conducted showing that of the total amount of freight charges collected on international shipments, 60 percent accrued to U.S. railways and 40 percent accrued to Canadian railways. Based on this study, Canadian railways were authorized to collect a surcharge of 60 percent or to provide a discount of 40 percent on international shipments depending on prevailing exchange rates. These percentages were calculated to correspond to the average portion of a movement that took place in each country. Although the Canadian government has not legally mandated the exchange rate tariff since 1967, it is still applied by the Canadian railroads to all rail traffic between Canada and the United States.

The program works as follows: when U.S. funds are at a premium in relation to Canadian funds, the Canadian railways collect a surcharge of 60 percent of the current exchange rate differential on any prepaid movement from Canada to the United States without regard to the industry or region involved. When United States funds are at a discount in relation to Canadian funds, the shipper who pays in Canadian funds receives a discount of 60 percent of the exchange rate differential. If, however, charges are paid in the United States, the Canadian shipper must pay a surcharge of 40 percent of the prevailing exchange rate. Because the sole purpose of the tariff is to adjust for the differences in the value of the two currencies, it applies only to shipments exported to the United States.

Since 1977, U.S. currency has been at a premium in relation to Canadian currency. Therefore, Canadian shippers have been paying a surcharge on exports to the United States. Because Canadian shippers have been paying a surcharge, no benefits are being bestowed through the currency exchange rate tariff on exports of the products under investigation. Based upon our review of available information, the tariff is not intended nor does it operate to stimulate exports. Rather, it is a mechanism for maintaining Canadian rail carrier revenue. Therefore, we preliminarily determine that the currency exchange rate tariff does not confer a subsidy within the meaning of the Act.

c. *Fuel Tax Refund.* The fuel tax refund is a program which applies to the movement of motor carriers operating in interstate service within the United States, in interprovincial service within Canada, or in international service between Canada and the United States. The purpose of this program is to ensure that all states and provinces collect taxes equal to the actual fuel consumed within each jurisdiction but which has been purchased outside that jurisdiction. The tax refund is applied by each jurisdiction uniformly on all truck movements regardless of the type of merchandise carried, if any.

Each motor carrier must keep a log of travel to ensure proper payment of tax. Each jurisdiction may have different means of assessing the tax and the amount of fuel tax refund. Assessments are made on the basis of a motor carrier's log.

The fuel tax refund is simply a mechanism to ensure that each state or province receives proper payment of its share of fuel taxes. It does not relieve carriers of any tax, nor does it provide any benefits to shipments of the products under investigation. Therefore, we preliminarily determine that the fuel tax refund does not confer a subsidy on the products under investigation.

C. Federal/Provincial Programs

1. *Forestry Subsidiary Agreements.*—*a. Funding for Long-Term Forest Management Under the Forestry Subsidiary Agreements.* As described in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice, DREE entered into 10-year GDAs with all provincial governments except PEI. A similar 15-year comprehensive development plan exists for PEI. Forestry subsidiary agreements are available to any province with a GDA and apparently to PEI as well, and have been negotiated with seven provinces.

Most of the funding under these agreements is for long-range resource management on public lands and public infrastructure development. A few other programs are funded under the forestry subsidiary agreements; these are discussed in other sections of this notice, as appropriate. The long-term forest management activities are conducted by the province on provincial lands, and apparently do not relieve any

companies of obligations incurred in their licensing arrangements.

The benefits from these long-term forest management activities will not be realized until the rotation age, (life span from planting to cutting for a tree) is met. This span is at least 40–60 years in eastern Canada and 60–80 years in the west. Further, activities under the forestry subsidiary agreements are primarily designed to help achieve the government's goal of renewing a "sustained-yield" forest. For example, the silvicultural camps facilitate cone collection for seed supplies of tree nurseries, and soil surveys are for the study of the proper species to plant in certain areas. These benefits would be attributable to the owner of the resource, the government, not to the short- or medium-term licensee, which may have its annual allowable yield reduced as a result of these long-term management practices.

Because these benefits will not be bestowed on the products under investigation until well into the future and would be attributable to the government as owner of the resource, we preliminarily determine the funding of long-term forest management activities under the forestry subsidiary agreements does not confer a countervailable benefit on producers of the products under investigation in the period for which we are measuring subsidization.

Under the forestry subsidiary agreements, the federal government makes payments to the provincial governments for the construction of forest access roads. Although the extraction of wood is one of the primary purposes of building forest roads, access to mineral resources, recreation, environmental protection, general development and forest management are other purposes. For example, there is information on the record regarding one province indicating that the notice of a closure of a forest road must be published in one or more newspapers having a general circulation in the area of the province affected by the closure. This indicates that usage is presumed to be general, necessitating widespread public notice regarding closure.

Further, the establishment of minimum standards and specifications for various classes of forest roads, above those standards which would be required by those harvesting stumpage, ensures that the roads will meet the needs of not only those holding stumpage rights, but also the traveling public and other users. For these reasons, we preliminarily determine that the construction of forest access roads does not confer a subsidy within the meaning of the Act.

b. *Saskatchewan Forestry Subsidiary Agreement: Opportunity Identification and Technological Advancement.* Under the Opportunity Identification and Technological Advancement Sector of the Saskatchewan Forestry Subsidiary Agreement, research and feasibility studies were funded and conducted by the province. The studies were designed to determine industrial opportunities in forestry and transfer known technology to an existing or new industrial application. The response indicates that the results of the studies were made available publicly. Therefore, we preliminarily determine that the studies did not confer a countervailable benefit on the products under investigation.

c. *Forestry Job Progam.* The Employment Bridging Assistance Progam (EBAP) is a job creation program sponsored jointly by the province of BC and the Canadian government (under section 38 of the Federal Unemployment Insurance Act of 1971). The purpose of the program is to allow forestry-dependent communities to retain their skilled workers and maintain their forestry payroll during a period of recession. The program also seeks to lend additional economic support to unemployed persons. The eligibility criteria of the program specify that a project sponsor may be any group or individual capable of implementing an acceptable project. The sponsor's work program must enhance forest improvement and all projects must be completed before March 31, 1983. Workers receiving funds must be recipients of unemployment insurance benefits.

Sponsors submit project proposals to the district manager of the BC Ministry of Forests. If approved, the proposals are then examined by a management committee consisting of representatives from the provincial Ministry of Forests and Labor and from the Canadian Forestry Service and the Canadian Employment and Immigration Commission (CEIC). The sponsor is responsible for project administration and for ensuring that project objectives are attained. Projects cannot be used to meet sponsors' forest management obligations under contracts to harvest public timber.

Funding for the program is provided by CEIC (to bring weekly payment up to Canadian $240 per week), the Canadian Forestry Service (equipment and supervisory costs), and the BC Ministry of Forests (a Canadian $80 weekly payment for wage, health, and other benefits).

The sponsors act as a conduit in passing payments to the workers and do not retain any funds provided through this program. Even though funds are paid directly to sponsors the program does not relieve the sponsor of any contractual obligations to engage in forest management. We preliminarily determine that this program does not confer a subsidy, because there will be no benefits until future years, and the benefits would be attributable to the government as owner of the resource. Therefore, there are no benefits attributable to the products under investigation during the period for which we are measuring subsidization.

d. *Canada/Nova Scotia Forestry Subsidiary Agreement—Forest Management Component Grants.* The forest managment component of the Canada/Nova Scotia Forestry Subsidiary Agreement provided grants to private landowners to promote effective management of their forest resources and to support various silvicultural activities. The GOC stated in its responses that producers of the products under investigation received grants under this program.

We preliminarily determine that forest management component grants do not confer countervailable benefits because they are not limited to a specific enterprise or industry, or a group of enterprises or industries, or to companies in specific regions.

D. Provincial Programs

1. *Alberta.—Alberta Opportunity Company.* The Alberta Opportunity Company (AOC) is a provincial Crown corporation and is funded by the government of Alberta. We have reviewed the annual reports of AOC and found that a variety of industries in the manufacturing and service sectors received assistance from AOC and that the lumber and wood products producers received only a small percentage of the total assistance provided by AOC. We preliminarily determine that AOC aid is not limited to a specific industry, a group of industries, or to companies in specific regions, and therefore is not countervailable.

2. *Ontario.—Employment Development Fund.* The Employment Development Fund (EDF) was created in the spring of 1979 by an administrative action of the Cabinet of Ontario. The fund was designed to increase long-term investment and employment in the province through the provision of grants and loan guarantees to companies making investments that had the potential to create new jobs. Funding was generally limited to between

Canadian $2,000 and Canadian $3,000 per job created where the new fixed asset investment was from 10 to 20 times the size of the grant. The EDF was terminated in January 1981, although committed disbursements were made through August 31, 1982. The responses of the GOC indicate that in 1979 one grant was provided under this program to producers of the products under investigation.

EDF funding was provided to a wide range of industries in Ontario and was not limited to a specific industry, a group of industries, or to companies specific regions. Therefore, we preliminary determine that the EDF did not confer a subsidy on the products under investigation.

3. *Québec.*—a. *Caisse de Dépôt et Placement du Québec.* The Caisse de Dépôt et Placement du Québec (CDPQ) was established by an Act of the Assemblée Nationale of Québec in 1965. Under the trusteeship of the provincial Ministère des Finances and the Régie des Rentes du Québec, CDPQ manages several pension funds and insurance programs, namely:

- The universal auto insurance program against physical injury to persons;
- A specific insurance program for farmers;
- The universal pension plan for all citizens of Québec; and
- Specific pension plans for all Québec civil servants and construction workers.

It appears that CDPQ is prevented by law from acquiring more than 30 percent of any company's common stock, and that it may not make funds available to companies on other than commercial terms. Indeed, CDPQ is compelled by law, as a fiduciary institution, to invest pension and insurance funds in order to achieve the best possible return on investment for the benefit of its annuitants. CDPQ funds are invested over a broad spectrum of industries not only throughout Québec and Canada, but also on the international financial markets. Accordingly, we preliminarily determine that none of the producers of the products under investigation received any countervailable benefits from CDPQ.

b. *FRI Industrial Incentives Fund for Small- and Medium-Sized Businesses.* This program, which falls under the aegis of FRI (see the "Programs Preliminarily Determined to Confer Subsidies" section of this notice), was established to allow participating firms to deposit one half of their income tax payable to the province into an escrow fund, from which they could withdraw funds equivalent to 25 percent of the cost of approved development projects (up to the amount of their deposit only).

As this program, which was discontinued in 1981, was not limited to a specific industry, a group of industries, or to companies in specific regions, we preliminarily determine that this program did not confer subsidies within the meaning of the Act on the products under investigation.

c. *Programme Expérimental de Création d'Emplois Communautaires.* The Programme Expérimental de Création d'Emplois Communautaires (PECEC), administered by the Office de Planification et de Développement du Québec (OPDQ), makes cash payments to entrepreneurs to assist them in maintaining and creating jobs for the chronically unemployed. A few producers of the products under investigation received grants under this program. Because the program was not limited to a specific industry, a group of industries, or to companies in specific regions, terms, we preliminarily determine that this program does not confer any subsidies within the meaning of the Act on the products under investigation.

d. *PME-Innovation.* The PME-Innovation (PME–I) program, which was discontinued late in 1981, was administered by the Ministère de l'Industrie, du Commerce et du tourisme of Québec. Its purpose was to assist small- and medium-sized businesses ("petites et moyennes entreprises") in obtaining capital for investment in a production or marketing project. Under this program, one loan was made to a softwood lumber export consortium. PME–I assistance was not limited to a specific enterprise or industry, a group of enterprises or industries, or to companies in specific regions of the province of Québec. Therefore, we preliminarily determine that the program does not confer a subsidy within the meaning of the Act.

e. *SDI Programs.* The Export Expansion Program administered by SDI is discussed in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice. In addition, SDI manages a number of domestic programs of which producers of the products under investigation availed themselves. These programs fall under two headings: "development programs" and "financial assistance to manufacturing firms."

(1) *Development Programs.*—(a) Financial Assistance Program for High-Growth Firms. Under this program, SDI assumes a percentage of the interest charges for an eligible development project. This percentage is based on the land, building and equipment costs of the project.

(b) Financial Assistance Program for Mergers and Acquisitions. Under this program, which was discontinued in the summer of 1982, SDI paid a percentage of the purchase price of the stock or assets invested in an approved merger. Benefits paid under this program were sometimes combined with reductions in interest rates on loans bestowed under the program described in (2) below.

We note that in our final affirmative countervailing duty determination on "Railcars from Canada" [48 FR 6569 (February 14, 1983)], we erroneously determined SDI's domestic programs to be countervailable on the basis that their availability only in Québec made them region-specific within the broader context of Canada. Further, we erroneously calculated the benefit by considering funds authorized instead of funds actually disbursed. The petition was withdrawn and the case terminated before we discovered these two errors. We have now calculated that the correct subsidy in that case, after deduction of the improperly applied SDI "benefit" of the U.S. $173 per railcar, was actually U.S. $110,392 per railcar, instead of the U.S. $110,565 as set forth in the final determination (a reduction of 0.16 percent).

(2) *Financial Assistance to Manufacturing Firms.* Under this program, loans, loan guarantees and equity participations are provided to firms with sound financial prospects when these firms cannot otherwise obtain working capital on commercially reasonable terms. The SDI loan rate is a monthly composite of long-term commercial loan rates by the 10 major lenders in Québec.

Because their availability was not limited to a specific industry, group of industries or to companies in specific regions, we preliminarily determine that they do not confer a subsidy within the meaning of the Act.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations" are not used by the manufacturers, producers, of exporters of the products subject to these investigations.

A. Federal Programs

1. *Federal Employment Program—CIAP.* The Community-based Industrial Adjustment Program (CIAP), which began early in 1981, is administered by the Department of Industry, Trade and

Commerce. Its purpose is to encourage industrial firms in "designated" Canadian communities to undertake viable capital projects.

CIAP assistance was not made available to any producers of the products under investigation. Accordingly, we preliminarily determine this program was not used by producers of the products under investigation during the period for which we are measuring subsidization.

2. *Enterprise Development Program—Loans.* The Enterprise Development Program includes a component that provides loans to companies, as described in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice. The GOC has stated that no loans under the EDP were issued to producers of the products under investigation. We preliminarily determine that this part of the EDP program was not used by producers of the products under investigation during the period for which we are measuring subsidization.

B. Federal/Provincial Program

New Brunswick Forestry Subsidiary Agreement. Under the New Brunswick Forestry Subsidiary Agreement, funds are provided to small independent landowners to increase the future availability of wood fiber. The GOC states in its responses that no funds were provided under this program to producers of the products under investigation. Accordingly, we preliminarily determine that this program was not used.

C. Provincial Programs

1. *Alberta.*—a. *Deferral of Stumpage Payment.* The government of Alberta has deferred the payment of stumpage dues, reforestation levies and holding and protection charges for one year from May 1, 1982 to May 1, 1983. This applies to holders of stumpage rights under Forest Management Agreements, Quota Certificates, and Commercial Timber Permits.

However, this deferral was not in effect during the period for which we are measuring subsidization. Therefore, we preliminarily determine that this program was not used. If these investigations result in a countervailing duty order, the Department will review Alberta's program for deferral of stumpage payments in the annual review required under section 751 of the Act.

b. *Inventory Financing.* The Alberta Inventory Financing program was administered by the Alberta Opportunity Company. Although the program was approved there were no disbursements made under it, and the program is no longer in effect. Producers of the products under investigation have not used the program during the period for which we are measuring subsidization.

2. *British Columbia.—Market Development Assistance (MDA).* The MDA program is designed to benefit manufacturers of new, innovative products who are attempting to develop new export markets. Only two or three producers/exporters of the products under investigation have received support under this program, and all were assessing markets other than the United States. Therefore, we preliminarily determine that this program was not used by producers/exporters of exports to the United States of the products under investigation during the period for which we are measuring subsidization.

3. *Québec.* a. *Aide à la Promotion des Exportations.* The Aide à la Promotion des Exportations (APEX) program, administered by the Office Québecois du Commerce Extérieur (OQCE), which is a subdivision of the Ministère de l'Industrie, du Commerce et du Tourisme of Québec, has been available since 1977 to manufacturing and service companies in Québec. Under APEX, OQCE grants funds to companies for market research and for trade expositions for the promotion of exports of Québec goods and services outside of Canada.

No grants were made under this program to exporters of the products under investigation. Therefore, we preliminarily determine that the program was not used by producers of the products under investigation.

b. *SDI—Financial Assistance Program to Advanced Technology Manufacturing Firms.* Producers of the products under investigation were not eligible for the Financial Assistance Program to Advanced Technology Manufacturing Firms, one of the three development programs administered by SDI (see the "Programs Preliminarily Determined Not To Confer Subsidies" section of this notice). Accordingly, we preliminarily determine that this program was not used by any of the producers of the products under investigation.

IV. Programs for Which Petitioner Withdrew Its Subsidy Allegations

The petitioner withdrew its subsidy allegations with regard to the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations": "Federal Business Development Bank," "Canadian Forestry Service," "Manpower," "Small Business Loans," certain aspects of "Taxation Measures," and certain aspects of "Transportation."

Verification

In accordance with section 776(a) of the Act, we will verify all data used in making our final determinations.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on April 14, 1983, at the U.S. Department of Commerce, Room 3407, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099–B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by April 7, 1983. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 7, 1983.

Appendix A

Description of Products

The products covered by these investigations are described below:

1. The term *"softwood lumber"* covers those products included in the *Tariff Schedules of the United States (1982) (TSUS)* in items 202.03–202.30 (rough, dressed, or worked softwood lumber). Specifically excluded are drilled and treated lumber, wood siding, and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width. "Rough lumber" is lumber just as it comes from the saw, whether in its original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes. "Dressed lumber" is lumber which has been dressed or surfaced by planning on at least one edge or face. "Worked lumber" is lumber which has been matched (tongue-and-grooved), shiplapped (rabbeted or lapped joint), or

patterned on a matching machine, sticker, or molder.

2. The term *"softwood shakes and shingles"* refers to wood products most frequently made from red cedar, that are used for roofing or siding. "Softwood shakes" are approved durable wood or random widths ranging from 4 inches to 14 inches which come in four types: hand-split and resawan, taper-split, straight-split and taper-sawn. "Softwood shingles" are tapered pieces of approved durable wood, sawed both sides, of random widths ranging from 3 inches to 14 inches and in lengths of 16 inches, 18 inches or 24 inches. For purposes of this investigation, the term "softwood shakes and shingles" refers only to those products designated in TSUS as item 200.55.

3. The term *"softwood fence"* refers to three types of fences: picket, stockade, and rail. Picket fences are made of wood pickets nailed to horizontal back rails which are fastened to the supporting posts. The pickets vary in length and thickness, lengths range from 24" to 92", and thickness varies from ¾" to 3". The species of wood used in picket fences is usually cedar for the posts and conifers or softwoods for the backrails and pickets. Rail fences consist of line posts and horizontal rails. Cedar is generally used for the line posts and cedar or conifers or northern softwoods are used for the rails. Stockade fences vary in height from 3 feet to 10 feet. Widths are usually 7 feet or 8 feet. Line posts are generally cedar, and stockade sections are made from northern softwoods. This investigation covers softwood fences both assembled and unassembled, which fall under TSUS item 200.75.

Appendix B

Provincial Stumpage

Provincial Crown lands account for 81 percent of the productive forest lands in Canada. Under the terms of the Canadian Constitution, provincial crown lands fall under the jurisdiction of the provincial governments who are exclusively responsible for the management and administration of the forests on these lands.

Alberta

Background

Approximately two-thirds of Alberta is covered by forests, almost all of which are owned by the provincial government. Much of the forested area is inaccessible, and logging can only be carried out during winter when the ground is frozen. According to the provinical government, cold-weather logging increases timber harvesting costs. Managed by the Alberta Forest Service under a long-term sustained yield policy, the forests are divided into forest management units which are allocated under the stumpage allocation arrangements described below. Only 60 percent of the annual allowable cut (AAC) has been allotted under the stumpage allocation arrangements because supply exceeds demand. Any company, including foreign companies, registered in Alberta or Canada can be awarded stumpage rights under the various allocation arrangements.

Softwood lumber is the only product under investigation manufactured in Alberta. Lumber accounted for 61.7 percent by volume of the coniferous round timber harvested in 1981. Plywood accounted for 8.9 percent and pulpwood 25.9 percent.

Stumpage Allocation Arrangements

There are five stumpage allocation arrangements in Alberta:

- Forest Management Agreement (FMA)
- Timber or Coniferous Quota Certificate (Quota)
- Commercial Timber Permit (CTP)
- Local Timber Permits
- Forest Products Tags

FMA's and quotas are 20-year allocations while the CTP's can range from 1 to 5 years, and the Local Timber Permits and Forest Products Tags are limited to terms of 1 year or less. The rights to cut standing timber under any of these allocation arrangements do not vary by the type of product that will be manufactured from the stumpage, but they do vary by type of allocation arrangements. These arrangements can cover both coniferous and deciduous timber; however, different requirements and dues rates are specified for each type of timber. Under all the allocation arrangements, the Forest Service retains primary responsibility for fire prevention and suppression, as well as for insect and disease control.

Forest Management Agreement

Currently, there are six Forest Management Agreements (FMA's) outstanding which account for 35.8 percent of the allocated annual allowable cut (AAC). The term of each FMA is 20 years with renewal rights for an additional 20 years. The procedure for acquiring stumpage rights through an FMA is as follows.

The Forest Service advertises a development area and invites proposals for one year. The proposals are analyzed by the Forest Service and public hearings are held, after which the successful proponent is selected by the government. After selection, the actual agreement is negotiated and approved by the Cabinet through an Order-in-Council.

The government's intent in allocating timber under an FMA is to ensure sustained long-term yield of the timberland. In order to achieve this, the company holding an FMA is required to develop a management plan to ensure sustained yield, and to develop inventory studies, conduct reforestation and regeneration, conduct on-going silviculture, develop roads, and make a capital investment ranging from Canadian $25,000 to Canadian $2,000,000 in the development area.

In addition to undertaking these responsibilities, the company must pay stumpage dues on the sawlogs harvested. All FMA holders except one pay the regulation rate of dues set forth in the Timber Management Regulations of the Forest Act of 1971. The Regulations state that the General Rate of Crown Dues on green coniferous timber suitable for lumber manufacture is Canadian $0.70 per cubic meter. Holders must also pay annual holding and protection charges which cover ground rent and protection costs.

Under the FMA's the provincial government must approve the management plan and the annual allowable cut in accordance with Timber Management Regulations.

Timber Quota Certificates

The quota certificate (Quota) is a long-term right to harvest a share of the AAC of a forest management unit. Implemented in 1966, the Quota system replaced the short-term competitive bid system. Currently, the Quota system accounts for 19.9 percent of the allocated AAC. The purpose of the Quota system was threefold:

1. To eliminate abuses inherent in the bid system, such as speculation resulting in timber being held and not cut;

2. To ensure that a fair price would be paid and that timber would be cut; and

3. To provide timber operators with a long-term secure stumpage supply in order to encourage industry to make capital investments in the area.

In 1966, quotas were granted to all established timber operators for up to 20 years based on each operator's average production from 1960 through 1964. Most Quotas issued since 1966 have been sold competitively.

The 20-year term of the Quota is divided into 5-year periods. At the end of every 5-year period, a Quota holder is subject to penalties, including revocation of the Quota, if the amount of timber harvested is not within 10

percent of the total of the annual allowable cuts for the 5-year period.

In order to cut the timber authorized in the Quota, a holder must submit, for Forest Service approval, an annual operating plan. The Quota holder is also responsible for regeneration and reforestation as well as for road construction and silviculture.

Stumpage dues paid by the Quota holder are determined through an appraisal formula which modifies the regulation rate of dues according to logging conditions. The appraisal factor is based on four elements and is fixed for five years:

1. Average haul distance to nearest usable trackage point;
2. Average gross volume per harvestable acre;
3. Average gross volume per tree; and
4. Average cull as a percentage of gross volume.

Timber Management Regulations provide that the minimum rate of dues under the Quota system, after taking into account the appraisal factor, cannot be less than 25 percent of the regulation rate. The appraisal system, in effect, provides incentives to log the poorer, more distant stands of timber. Quota holders must also pay annual holding and protection charges.

Under the Quota system, the Forest Service is responsible for the sustained yield management plan. The Forest Service lays out the cutting sequence and selects the areas to be logged, thereby limiting the annual allowable cut under the Quota.

Commercial Timber Permit

The Commercial Timber Permits (CTP's) are short-term (1 to 5 years with an average of 2 to 3 years) arrangements which are sold at public auction to the highest bidder except when issued to Quota holders for the salvage of dead or damaged timber. Only 2.4 percent of the allocated AAC is allotted under CTP's. Generally, to obtain a CTP the permittee must own or operate a mill within the area and must not hold any other active stumpage arrangement.

The bidding process for a CTP determines the actual amount of dues to be paid. The minimum starting bid equals the regulation rate of dues plus the appraisal factor which can be a positive or negative number. This starting bid becomes the upset price which is added to the highest bid rate in order to establish the rate of dues to be paid. In addition to dues, the CTP holder must deposit a performance guarantee, pay a reforestation levy, and pay holding and protection charges.

As with the Quota system, CTP holders must submit an annual operating plan for Forest Service approval. Under a CTP the Forest Service is responsible for selection of the stands to be cut, silviculture and reforestation (the company pays a reforestation levy).

The CTP differs from a Quota in that the CTP represents the right to cut standing timber while the Quota grants the right to a certain share of the AAC. As such, while the "value" of the stumpage forms the basis of the bid price for a CTP, the Quota bid cannot be based on the "value" of the stumpage since the share of AAC provided under the Quota varies in accordance with the changes in the AAC.

Local Timber Permit (LTP)

Issued for a term of one year or less, the LTP authorizes logging for the permittee's own use or to supplement his income by selling logs to local mills. LTP's account for 1.5 percent of the allocated AAC. LTP's are issued on a first-come first-served basis unless demand is high, in which case they are issued by draw.

The dues charged are the regulation rate in effect at the time the LTP is issued. Permittees are exempt from cruising, holding and protection charges, and only pay a reforestation levy if the volume harvested is over 130 cubic meters.

Forest Products Tags

Forest Products Tags are 30-day authorizations to cut timber for personal use or for small volumes of Christmas trees, firewood and fenceposts. The Tag is non-renewable and non-refundable. The holder pays the regulation rate of dues but no other charges. The percentage of AAC allocated under Forest Products Tags is negligible.

British Columbia

Background

There are seven different forest tenure arrangements in British Columbia: Three Farm Licenses, Forest Licenses, Timber Sale Licenses (Major), Timber Sale Licenses (Minor), Timber Sales, Pulpwood Agreements and Woodlot Licenses. Annual rents represent a charge for reserving the use of the resources under license.

On request or independently, the Minister of Forests may advertise and invite applications for licenses. A license may not be entered into unless there has been an advertisement and a public hearing has been held on all applications. In addition, an evaluation of the proposal in terms of social benefits in the province (increased employment), management and use of Crown timber, environmental issues must be made, and the development of Crown objectives and revenues must be appraised. Stumpage rights can be awarded to non-Canadian persons and/or companies doing business in British Columbia. However, a non-Canadian company must register in British Columbia before acquiring the license.

The tenure agreements are described in detail below:

1. *Tree Farm License.*

A tree farm license shall:

(a) Be for a term of 25 years, and can be revised at each succeeding 10-year anniversary under an "evergreen arrangement" which initiates a new 25-year replacement license with revised conditions;

(b) Describe a tree farm license area composed of Crown land and private tenures;

(c) Require its holder to pay to the Crown stumpage or royalty, in addition to a bonus bid (which is fully paid when the license is issued);

(d) Require its holder to submit for the approval of the Chief Forester, once every five years, a management and working plan prepared by a registered professional forester;

(e) Grant to its holder the exclusive right to harvest timber (chosen by licensee) from the tree farm license area during the term of the license;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing the annual allowable cut (determined by the Chief Forester) to be harvested from specific areas in the tree farm license area within plus or minus 50 percent on a yearly basis and within plus or minus 10 percent on a five-year basis, subject to a penalty assessment;

(g) Require that each year during its term a volume of timber chosen by the licensee shall be harvested by persons under contract with its holder;

(h) Reserve to the Crown the right to enter into a free use permit on the tree farm license area with a person other than the holder of the tree farm license.

A tree farm license cutting permit authorizes timber harvesting operations on a specific portion of the tree farm license area. It provides for the determination of stumpage rates payable through an appraisal system established under section 84 of the Forest Act and for periodic rate adjustments based on changes in the average market value of the logs or lumber products. Separate permits are issued for operations on different geographic parts of the license, where separate stumpage rate determinations are appropriate or where different cutting permit conditions are needed.

Tree farm licenses account for 28.6 percent of the Province's total annual allowable cut.

2. *Forest Licenses* (formerly Timber Sale Harvesting Licenses).

The timber sale harvesting license was a license to harvest timber within a public sustained yield unit at a stipulated annual rate. These licenses, granted under the former Forest Act, were not replaced by forest licenses until the latter part of 1982. We assume that the timber sale harvesting licenses in effect during the period of investigation are very similar to the forest license explained below.

A forest license:

(a) Shall be for a term not exceeding 20 years, and can be revised at each succeeding 5-year anniversary under an "evergreen arrangement" which initiates a new 15-year replacement license with revised conditions;

(b) Shall describe a public sustained yield unit of a timber supply area within timber may be harvested;

(c) Shall specify an annual allowable cut (determined by the Chief Forester) that may be harvested under the license from specific areas of land, subject to annual and five-year cut control provisions;

(d) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount offered in the application;

(e) Shall require its holder to submit, for the approval of the regional manager, a management and working plan prepared by a professional forester;

(f) Shall require that if the allowable annual cut of the timber supply area declines, the licensees must accept proportional reduction in harvesting rates without compensation;

(g) May make provisions for timber to be harvested by persons under contract with its holder.

A forest license cutting permit is identical to the tree farm license cutting permit.

Forest licenses account for 61 percent of the Province's total annual allowable cut.

3. *Timber Sale Licenses* (Major).

The timber sale licenses (major) have the same requirements as the new "forest licenses." The award of a new timber sale license (major) is by the appropriate Regional Manager or District Manager. The Forest Act requires the award be made to the applicant submitting the highest bonus bid.

This license is used in circumstances where an evergreen replacement feature would not be appropriate; for example, a situation where an ongoing supply of timber is not intended (flood area, fire, insect infestation), but where the volume comprises part of the approved annual allowable cut and a limit is therefore imposed on the rate of harvesting.

A timber sale license (major):

(a) Shall be for a term not exceeding 10 years; there is no provision for replacement and rights are renewable pursuant to section 18(5);

(b) Shall describe an area of land within which Crown timber may be harvested;

(c) May specify an annual allowable cut (determined by the Forest Service) that its holder is eligible to harvest, subject to annual and five-year cut control provisions;

(d) May provide for cutting permits to be issued by the Crown to its holder to authorize an annual allowable cut to be harvested, within the limits provided in the license;

(e) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount bid;

(f) Shall require its holder to submit, for the approval of the Chief Forester, a management and working plan prepared by a registered professional forester.

Timber sale licenses (major) account for 1.3 percent of the Province's total annual allowable cut.

4. *Timber Sale Licenses* (Minor).

The award of a timber sale license (minor) is made by the appropriate Regional or District Manager of the Forest Service to the highest bidder.

This license is used for sales of timber under the small business enterprise program and other instances where the volume of timber is not sufficient to warrant delegation of major forest management responsibilities for investments.

A timber sale license (minor):

(a) Shall be granted through a competitive bid process which determines the total amount of stumpage dues payable (although the appraisal system determines the base rate of stumpage due, adjusted monthly and subject to annual reappraisal);

(b) Shall be for a term from one to three years, without provision for replacement;

(c) Shall allow the licensee to cut the timber, within site-specific areas, at any rate within the terms of the license and the periodic cut control requirements;

(d) Requires small business enterprises without timber processing facilities to sell all harvested logs, small business enterprises with timber processing facilities to process a pre-specified portion of the logs harvested.

Timber sale licenses (minor) account for 7.2 percent of the Province's total annual allowable cut.

5. A pulpwood agreement shall:

(a) Be for a term not exceeding 25 years, with "evergreen replacement" at 10-year intervals;

(b) Describe an area of land as a pulpwood area;

(c) Require its holder to construct, expand or continue a timber processing facility in accordance with his application.

6. A woodlot license shall:

(a) Be for a term not exceeding 15 years, with an "evergreen replacement" at 5-year intervals with satisfactory performance;

(b) Describe a woodlot license area determined by the regional manager or district manager to be composed of private land and not more than 400 hectares of Crown land;

(c) Give to its holder the exclusive right to harvest timber on the Crown land for its term subject to five-year cut control provisions (determined by the Forest Service);

(d) Require its holder to pay to the Crown stumpage in respect of timber harvested from land and a bonus bid, if any, in the amount tendered;

(e) Provide for cutting permits to be issued to its holder to authorize timber to be harvested from specific areas in the woodlot license area.

Woodlot licenses account for 0.7 percent of the Province's total annual allowable cut; however, there have been no woodlot licenses offered to date.

7. A timber license shall:

(a) Describe an area of Crown land over which it is to apply;

(b) Be for a term that expires with the tree farm license (when in a tree farm license area), and for terms based on a required schedule for the continued orderly logging of all the timber licenses held by the licensee (when not in a tree farm license area);

(c) Grant to its holder the exclusive right during its term to harvest all merchantable timber in the area of Crown land;

(d) Where the timber license is in a tree farm license area, require its holder to harvest timber in accordance with the tree farm license and the management and working plan approved under it;

(e) Where a timber license is not in a tree farm license area, require its holder to submit an operating plan prepared by a professional forester which is used by the Forest Service to determine the annual allowable cut;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing timber to be harvested from specific areas of land described in the timber license;

(g) Require its holder to pay to the Crown stumpage or royalty;

(h) Requires its holder to carry out reforestation or other treatment for the re-establishment of the forest on the land described in the timber license.

Timber licenses comprise approximately five percent of harvest but are not subject to any allowable cut restrictions. There have been no new timber licenses offered, and the Forest Act does not provide for any to be offered in the future.

Stumpage prices for all forest tenure agreements in British Columbia are established when an authority to cut has been issued. Prices are determined by using historical operating and milling costs trended to the mid-point of the appraisal period and the average market values in force at the time of appraisal. The stumpage price is subject to monthly adjustments based on selling price fluctuations and an annual reappraisal. Licensees pay at the adjusted rate in effect for each species during the month the timber was scaled. Charges due are payable upon receipt, with interest due after 30 days, at prime plus one percent. The Ministry of Forests of the British Columbia provincial government is responsible for fee collection.

Because of the type and quality of trees in British Columbia, there are two appraisal systems in operation. The coastal appraisal system emphasizes quality and the interior appraisal system emphasizes quantity. Stumpage prices are established by appraisal to an "average efficient operator." The costs, harvesting methods or equipment and milling practices or equipment of the purchaser or expected purchaser are not considered in the appraisal. All Crown timber in British Columbia is sold without regard as to intended use or category of purchaser.

A. *Coastal British Columbia Appraisal System.*

Sales Value of End Products

Coastal appraisals are based on log prices and exclude manufacturing costs. Three-month rolling average prices for each species are established monthly by log grades from a monthly survey of domestic log sales representing arm's length transactions. "These prices apply in the appraisal on a graded basis relating to the cutting permit cruise log grade percent distribution."

Operating Costs

Logging costs account for all costs of development, harvesting, transportation, contractural obligations, administration and tenure agreement responsibilities. The "average efficient operator" concept is used by the Ministry for appraisal purposes. Costs are derived from industry experience (as determined from annual surveys) to estimate what costs would be incurred by an efficient operator in harvesting timber and the expected recovery value of that timber in terms of revenue. In the appraisal, logs are assumed to be transported to the point which would result in the highest total stampage price, no consideration is given to the location of the purchaser's mill.

Minimum Stumpage Prices

This is the lowest price at which the government would sell its timber resource. The minimum rate is used whenever the appraised rate falls below the minimum rate, and their is no compensation provision.

"Timber quality is determined at the time of the timber cruise, by a determination of percentage of log grades for each species." Log quality influences the logging cost estimate in the appraisal.

B. *Interior British Columbia Appraisal System.*

Sales Value of End Products

In the interior, the appraisal assumes the end value to be lumber and by-product pulp chips. Three-month rolling averages are established monthly from lumber sales in the five interior selling price zones, based on sales f.o.b. mill, consummated in each of these zones. Approximately 80 mills report monthly lumber sales transactions which are audited by the Ministry of Forests. These prices are single averages for each of the species by zone. The same method is used to derive a separate set of prices for stud-only-producing mills. Stud producers, generally working in small timber, have their sales appraised using stud prices and stud manufacturing costs.

Lumber selling prices are in dollars per thousand board feet and standing timber is cruised (measured) for appraisal purposes in cubic meters. A "lumber recovery factor" is used to convert cubic measures of timber into the value of the end product. By-product pulp chip prices are set around Canadian $10 per bone-dry unit. The government contends that the introduction of an actual chip value would not have a significant effect on stumpage fees.

Stud producers and small operators (those having annual production less than 3775 cubic meters) are separately classed. Although the appraisal system is identical in structure for all categories, product prices, operating practices and costs which are pertinent to these groups are taken into consideration in the appraisal.

Operating Costs

The same method is used as in the coastal appraisal system, supra.

Milling Costs

Manufacturing costs are required for interior appraisals, where lumber and by-product chips are the appraisal products, rather than logs, as is the case on the coast. The manufacturing costs are obtained from an annual survey of about 55 sawmills deemed to represent the efficient segment of the industry. Separate zonal milling costs have been established for the Prince George-Quesnel area, Ft. Nelson area, two isolated milling centers north of Ft. Saint James, and the remainder of the interior of the Province. A second survey is made for stud-producing mills.

Minimum Stumpage Prices

Interior statutory minimum stumpage rates are established for each species at three percent of the selling price of lumber and by-product pulp chips (on a sale-by-sale basis).

The statutory minimum rate may be reduced to 0.75 percent for salvage timber.

Timber is cruised and classified according to species, size, and visual defect.

Stumpage prices change by two methods:

A. *Stumpage Price Adjustment Method.*

The stumpage price of any species will change at the beginning of each month: provided the selling price of lumber (interior) of that species departs Canadian $5.00 per 1000 board feet or more from the selling price last used to determine the existing stumpage price; or whenever the selling price of logs (coast) of that species departs by Canadian $1.00 per cubic meter or more from the selling price last used to determine the existing stumpage price. The entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

B. *Annual Stumpage Price Reappraisal.*

A full reappraisal, allowing for changes to product prices, logging costs, milling costs and profit ratio, is made annually at the anniversary date of the contract or cutting permit. Again, the entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

Manitoba

Background

Manitoba is a farm-oriented province with its timber resources in the north.

Most of its timber (80 percent) is not very large (10" in diameter). Forest harvesting operations are small and include a fair proportion of part-time operators.

Stumpage Rights and Payments

Prior to 1965 timber rights were allocated through a competitive process, by auction or sealed tender, for one to five years. In 1965 the Timber Quota System was introduced. This system provided long-term (15 years) fixed allocations to then established operators at set (regulation) stumpage rates. Surplus timber was advertised and sold competitively.

The Timber Quota System was revised in 1980 to continue for another ten years. Stumpage rates were increased and set to be revised annually thereafter according to the national forest product price indices for lumber and paper and pulp companies, weighted as they are produced in Manitoba.

Uncommitted surplus timber is either offered for sale at established stumpage rates plus a lump sum bid, or available for development and allocation on a negotiable basis for companies with sufficent capital to undertake the commitments involved.

Cutting rights for Manitoba Crown timber are allocated by the Forestry Branch and are classfied as "major" or "minor." "Minor" allocations are based on volume and area where mature timber is ready for harvest. They run for a 10-year period, renewable depending on performance of the licensee. Prices are based on regulation rates (mentioned above), reviewed and indexed annually to reflect product price increases. Prices also reflect location of timber relative to mill and distance of mill from market.

For "major" licenses an initial rate is negotiated at the start of the contract (contracts run for 20 years with a renew option). The initial rate takes into account geography, timber supply and demand, and basic (regulation) stumpage rates. Prices are adjusted according to dates and indices specified in each contract.

New Brunswick

Background

The three categories of ownership of timberland in New Brunswick are: the province (Crownlands 48.5 percent), the "forest industry" (industrial holdings 21.0 percent), and individual (non-industrial 30.5 percent).

The products under investigation are all manufactured from the primary product, softwood logs. Over half of these logs have come from the private sector during the past five years. The actual breakdown is: Crownlands, 46.6 percent; company-owned lands, 30.4 percent; and private lands, 23.0 percent.

New Brunswick has no surplus timber to allocate to new plants or for expansion. The current annual supply of softwood species is 7.6 million cubic meters. This accounts for 80 percent of the industrial timber requirement for softwood species. Of the 7.6 million cubic meters harvested, only 5.5 million cubic meters are reforested naturally. The deficiency is made up by silviculture inputs.

The province has undergone a major restructuring of its forest management policy. The change was instituted in early 1982 (no specific date given). The purpose of the change was to effect the organizational structure of the licensing system. The previous 85 licensees were divided into 6 licensees and 79 sub-licensees, and were issued 10 licenses and 105 sub-licenses, respectively.

Stumpage Allocation under Old System

Stumpage rights were allocated by area-based licenses under the old system. The issuance varied from 1 to 50 years and 250 to 450,000 hectares. The licenses were renewable upon satisfactory review. The differences in the licenses were a result of fluctuating supply and applicant's demand.

The licensee was responsible for operational costs including operational cruising, inventories, and some management planning. The province retained overall responsibility for forest management including silviculture, reforestation and fire protection. Areas of dual responsibility were road construction and pest control.

Stumpage Allocation under New System

Under the new system there is a license and sub-license classification. The license is area-based and conveys responsibility for many of the duties previously carried out by the province. The sub-license is volume-based, and is issued to parties either not wanting to or incapable of carrying out the forest management duties.

The license is a 25-year renewable license with 5-year reviews. The licensee must submit a 25-year forest management plan and is responsible for the forest management. This includes: road construction and maintenance planning; inventory and records; specified silviculture; boundary lines maintenance; management activities including sub-license obligations; fire protection of harvest operation; submission of management plans for private lands; and payment of stumpage royalties.

The sub-license is issued for 5 years and is renewable depending upon satisfactory performance. The sub-licensee must submit a 10-year operating plan and must maintain and operate a processing plant as specified in the plan. Other responsibilities include submission of a plan for private lands, cooperation with the licensee and payment for his services, and payment of royalty on stumpage harvested.

Newfoundland

Background

The sawmill industry in Newfoundland is very small and the great majority of sawmills are not mechanized. Newfoundland's only lumber exports are approximately 1 MMfbm/yr. of dunnage, which is rough sawn softwood lumber used for blocking (i.e., as packing material) in shipments of rolls of newsprint. This production is only about 0.19 percent of the total harvest or 2 percent of the total lumber production.

Stumpage Rights and Payments

Stumpage rights are allocated on the basis of an annual permit, which is renewable. A sawmill permit costs Canadian $20, and a cutting permit costs Canadian $10. A sawmill applies to the Province for stumpage rights, specifying the volume and location of timber required (in accordance with established regulations). Rights are granted depending on availability of timber and previous performance of the applicant. Anyone is eligible to apply.

Stumpage fees are paid to the Department of Forest Resources and Lands on the basis of harvested volume, currently Canadian $7 per thousand board feet. The price is set legislatively and, as of January 1983, is indexed annually to the implicit price index of government goods and services and selling price index of lumber. The price is lower in designated salvage areas, or higher where government-built roads are used for harvesting sawlogs (see below). No stumpage is sold through competitive sale.

The government assumes responsibility for the construction of main roads, as well as for forest management, silviculture, fire and disease protection, etc. The roads become public upon completion with unrestricted access. Where these roads are used for harvesting sawlogs, the stumpage rate is 40 percent higher than in areas where the operator provides his own access.

Stumpage and tensive rights differ for pulpwood, but the same formula is used for setting stumpage rates for bott pulpwood and lumber.

Nova Scotia

Background

Nova Scotia is the second smallest province in Canada. About 25 percent of all forested area is Crown land. Average annual harvest for the province over the last five years has been slightly in excess of 3.3 million cubic meters of softwood timber. The sawmilling industry is of the small local variety. About 73 percent of the annual harvest is used in the production of pulp and paper; 27 percent is used for sawlogs.

Most of the province's very limited exports of softwood lumber go to Europe, with only one to two percent of total production being exported to the U.S. Nova Scotia does not export shakes, shingles, or fence.

Stumpage Rights and Payments

Crown timber is allocated to pulp and paper companies by means of long-term licenses (40+ years). One of the pulp and paper companies holding a license also operates a sawmill and produces softwood sawlogs. In 1981 approximately 37 percent of softwood sawlogs produced from Crown lands originated under this particular pulp and paper license agreement. (No agreements of this type have been negotiated in the past ten years.) Under such agreements the mills have the right to standing timber within certain defined areas, with annual allowable harvest set by the provincial government.

The province is responsible for fire prevention and fighting as well as insect and disease protection. However, each pulp and paper company is responsible for silviculture, regeneration and reforestation, and the building of roads. Stumpage rates are negotiated between the province and the company for each license. By and large, rates for the pulp and paper companies are lower (than for sawmills) in exchange for the companies' long-term commitments to bear the costs of forest management, roads, etc.

Wood harvested by pulp and paper companies under license agreements must be used in the mill(s) operated by the licensee.

Agreements negotiated with sawmilling companies accounted for approximately 51 percent of the softwood sawlog harvest from Crown lands in 1981. These agreements are similar to those with pulp and paper companies except that they normally run for 10 years (with a 10-year renew option), and the Province retains forest management responsibilities. The companies do pay for road construction and maintenance. Base stumpage rates are determined by the Province at the time of the agreement, as a percentage of end-product prices, based on tender sales in the area and the rate accorded under similar agreements elsewhere in the Province. Provisions for periodic review and adjustment are included in the agreements; adjustment is based on an indexing mechanism which relates to the market price for softwood lumber of various sizes.

The Nova Scotia government responds to applications for license agreements on a "first-come first-served" basis. One agreement was awarded in 1981, and one in 1982. No payments were received to acquire stumpage rights under this type of arrangement during these years. All stumpage fees are collected by the Nova Scotia Department of Lands and Forest.

In addition to license agreements, the province disposes of small lots of sawlogs by public tender from time to time, either as standing timber or as logs piled at road side. In 1981, such tender sales accounted for about 11 percent of sawlogs sold from Crown lands. These sales involve a small amount of timber, and all terms, including volume and location, are set by the province. Prices are established under a competitive bidding system with an upset price based on the knowledge of going rates in the area.

Ontario

Licensing System

The primary type of timber cutting license in Ontario has traditionally been the Order-in-Council License (OCL). OCL's were introduced in the 1920's to accommodate the timber needs of scattered pulp and paper mills in northern Ontario. During the 1940's and 1950's, sawmill operators began using the system, first for salvage operations and then increasingly for undamaged timber. Technological advances during the 1960's and 1970's led to higher volume demand by sawmill operators, until all of the available yield in the province's forestland was allotted.

OCL's are gradually being replaced by Forest Management Agreements (FMA), which cover large areas and convey many forest management responsibilities to the licensee. Other types of licenses in Ontario are Salvage Licenses, which permit expedient harvesting of damaged timber; District Cutting Licenses, which are issued primarily to individuals; and a few competitively bid Sale Licenses, which are awarded in small areas of high demand.

To acquire stumpage rights on Crown lands in Ontario, an applicant must be incorporated to carry on timber harvesting activities in the province, or own and operate a mill, or have a contract to supply wood to a mill. Stumpage licenses are managed by the Ministry of Natural Resources of Ontario.

Ontario identifies 12 criteria used by the Ministry to evaluate license applications. These fall under three paramount factors, which are timber and land characteristics, viability of the applicant, and impact on the provincial economy. This last factor includes revenues expected, employment to be generated, and other economic, social, and environmental objectives.

In Ontario, the Crown approves management and operating plans which specify the volume to be cut annually on each license. These plans also allow provincial direction of all forest management activities. The extent to which the province also performs these activities depends on the license type or the amount of area which has been licensed to one company within a management unit. The Ministry has divided the entire provincially owned forest into Crown Management Units (CMU) to administer its forest management policies.

Stumpage rights in Ontario are granted under equal terms to Canadian and non-Canadian companies, although exports of logs are banned by the province. A study in 1972 indicated that approximately 40 percent of the total area under license was granted to non-Canadian controlled companies, and the province estimates that this percentage is still accurate.

Payment for Stumpage

The payment system for stumpage in Ontario is also managed by the Ministry of Natural Resources, which maintains procedures for wood measurement and financial services. Stumpage fees consist of an area charge, Crown dues, a bonus price, and in the case of sale licenses, a tendered bid. Interest is charged at one percent a month for all overdue stumpage payments.

The area charge in Ontario is rent for ground used and is not related to the volume of timber cut. It is designed to cover fire protection and other management costs. The charge is uniform and increases by 10 percent a year; it is currently Canadian $60.00 per square mile.

Crown dues cover most of the total stumpage fees. They are specified under the Crown Timber Act of 1980 for major species and product categories. Ontario states that the dues are designed to provide a fair return to the province and are based on past provincial costs to maintain, improve, and regenerate the resource.

The Crown Timber Act specifies two sets of Crown dues. The first set uses a minimum price for the competitively bid sale licenses and also applies to district cutting licenses. The second set applies to volume agreement prices. Volume agreements were introduced in the 1960's to allow for OCL's to be issued for species not being cut by long-term license holders who cut other species in the same area. They now encompass virtually all areas under license.

Regulation 234 of the Crown Timber Act sets out the schedule for the two sets of Crown dues. The dues are then tied to a base and are adjusted in proportion to a six-month, rolling-average Commodity Selling Price Index produced by Statistics Canada, a federal agency. The rolling average is updated quarterly, so both sets of Crown dues change with it on a quarterly basis.

The bonus price is a negotiated payment in addition to Crown dues. It is expected to take into account material differences in the location and quality of stumpage obtained by a firm. It is updated much less frequently than Crown dues, ranging in review period from one to five years depending on the license type.

Order-in-Council Licenses (OCL's)

Order-in-Council Licenses (OCL's), originating in the 1920's, are still the widespread vehicle for stumpage allocation in Ontario. OCL's currently cover 74 percent of timber area under license and represent 83 percent of licenses in issuance. Three hundred ninety eight OCL's are outstanding, but they are expected to be phased out in favor of Forest Management Agreements during the 1980's.

The duration and the area of coverage of OCL's vary widely and are at the discretion of the Ministry of Natural Resources. Other terms and conditions of OCL's are negotiated, but tend to be consistent from one license to the next. Renewals are permitted on OCL's only to complete the harvesting intended for the original term. OCL's may be transferred, but not for the profit of the original licensee.

Forest management activities under OCL's are managed by the Crown through the negotiation of annual operating and management plans. Normally, the province supervises the harvesting and conducts the renewal and improvement of the forest. Fire prevention and insect and disease protection are also largely performed by the Crown. Some forest management activities may be performed by the company with the approval of the Crown.

Stumpage fees for OCL's consist of the basic Crown dues and the negotiated bonus price. The bonus price is reviewed every three years, unless otherwise specified in the license.

Forest Management Agreements

After all softwood in Ontario became fully committed in the 1960's, the province made plans to intensify forest management. Such extensive improvements were needed that major responsibilities had to be assigned to timber licensees. Thus, forest management agreements were developed to replace existing licenses. Currently these agreements have been reached strictly with pulp and paper manufacturers, although the province expects to extend their coverage to all Crown forest areas during the upcoming decade.

Stumpage fees under forest management agreements consist of Crown dues and the negotiated bonus price. The bonus price is reviewed at five-year intervals only.

Other Licenses

Ontario issues Salvage Licenses to hasten harvesting of damaged timber. Fifty Salvage Licenses are outstanding, cover less than one percent of the total area under license. They are issued normally for one-year periods and generally convey no management responsibilities to the licensee. Stumpage fees are negotiated and may be less than the applicable Crown dues.

District Cutting Licenses are issued in Ontario to cover very small areas for one year. Roughly 20,000 of these licenses are issued annually to individual or small commercial operators. The total area under these licenses is less than one percent of the area under license.

Forest management responsibilities under District Cutting Licenses are retained by the Crown. Stumpage fees consist of Crown dues, which are set separately by statute from dues under other license types (except sale licenses), and a bonus price set by the province.

Ontario also issues about 15 competitively bid Sale Licenses per year which cover less than one percent of the total area under license. These are used for the sale of small areas of timber in locations where demand exceeds available supply, usually in high quality hardwood stands. Sale Licenses are normally issued for one or two years and convey no forest management responsibility to the licensee.

For Sale Licenses, the Crown dues and a bonus price set by the district office form the starting bid price. Sealed tender offers above the starting price become the basis for issuance of the license.

Prince Edward Island

Background

There are approximately 20.9 million cubic meters of standing timber in Prince Edward Island (P.E.I.), most of which is generally poor quality. The province owns about 10 percent of the total volume. Many of the 50 small mills comprising the lumber industry are part-time operations supplementing other sources of income.

Most of the lumber is not graded according to official standards and is of non-exportable quality. The response shows that none of the lumber produced was exported during 1981 and 1982. No shakes, shingles or fence are exported from P.E.I.

Stumpage Rights and Payments

There is no allocation process. Stumpage rights and prices for standing timber on Crown land are determined through a competitive bid process. The Crown advertises "stump tenders" (offers of blocks of standing timber) once a year. Advertisements appear in provincial newspapers at least three weeks prior to closing date, and bids are opened at a public meeting. The highest bidder is normally awarded the contract, except where that bidder's record of past performance is demonstrably poor. Stumpage prices are in effect for one year; *i.e.*, the duration of the contract.

A minimum base price ("upset price") may be established by the provincial Forest Service to ensure that bids do not come in below known stumpage rates in the industry. Estimation of expected stumpage values are based on the Forest Service staff estimations of the volume of logs, pulpwood, etc. which could be removed. The price of finished products, transport costs, recovery factor, or mill costs are not used in setting stumpage upset prices.

Rights do not differ between millers and pulpwood contractors. The P.E.I. Forest Service establishes the volume of timber allowed to be cut under the contracts. Once the timber has been paid for and removed, the contractor

may dispose of it within any market as he/she wishes.

Quebec

Background

Québec's supply of standing timber is a mixture of deciduous and coniferous species, generally sparsely scattered and consisting of rather small trees. The vast majority of these timber resources (approximately 90 percent) is located on Crown lands.

Until the early 1970's, the relatively poor quality of Québec's timber combined with inadequate technology made it inefficient and uneconomical for use in the sawmill industry. Consequently, most of Québec's timber was used by the pulp and paper industry, and the only timber allocation system in the province—the timber limit system—had been set up with the needs of that industry for long-term timber supplies in mind.

Early in the 1970's, however, technological advances in the sawmill industry in the form of sophisticated, computerized machinery, made it possible to process this timber into lumber and its by-products. As a result of these changes, Québec started to allocate stumpage under a new system—supply agreements from domanial forests—whose purpose was to increase the profits derived from provincial timberlands and to make the timber resource more accessible to other possible users, including the sawmill industry.

Accordingly, no additional timber limit concessions have been awarded since 1974; all new concessions since then have been in the form of supply agreements from domanial forests. The province, through the retrocession or outright revocation of timber limits as they come up for renewal, aims to make domanial forests the only form of tenure and supply agreements the sole form of allocation of stumpage.

Under both systems, all fees and dues are administratively set by the province through Orders-in-Council, sometimes through negotiation. There is no system of competitive bidding for stumpage in Québec. The specific features of both allocation systems are described below.

Timber Limits

Under the timber limit system, "limit holders" are assigned all rights to standing timber in a given area. The limit holder is responsible for forest management and silviculture within his area. Accordingly, he must submit on a regular basis a forest management plan to the provincial authorities. The government grants an annual cutting license to the limit holder, based on its estimate of the concession's sustained yield possibilities.

Under the timber limit system, the province traditionally provided the sawmill industry with that portion of timber not used by limit holders at lower stumpage dues, given the poor quality of the timber.

Supply Agreements (Domanial Forests)

Domanial forests are public lands managed by the provincial government of Québec. The province enters into supply agreements for standing timber from these forests with any interested companies. For sawmills, the duration of these agreements varies from five to twenty years, depending on each mill's size. In effect, these are fixed-term timber purchase agreements in which the holder's rights to timber are limited to areas specified by the province. This contrasts with the earlier system, whereby the holder can select the areas to be harvested each year within the concession area up to the total amount specified by the cutting license. Another difference between the two systems is that under supply agreements, timber cut from a domanial forest can be used only to supply the holder's mills and cannot be resold.

Renewal of the supply agreements depends on the yield and performance of the agreement holder. The province is responsible for devising and implementing forest management plans. The agreement holder prepares an annual logging plan for submission to the provincial authorities, who then issue annual cutting permits for a specific volume of wood defined by species.

Saskatchewan

Background

Saskatchewan's major industries are farming and mining. Its forest industry is underdeveloped, and softwood timber is small and scattered. In order to attract mills, long-term agreements with negotiable conditions were initiated.

Stumpage

In Saskatchewan, stumpage rights are allocated in two ways: (1) under a timber permit, which is granted annually; and (2) under Forest Management License Agreements (FMLA's). About 13 percent of the production of the softwood industry under investigation is allocated by permit, and the balance by FMLA's.

A timber permit authorizes the holder to harvest a stated volume of timber, is valid for one year, and is renewable. FMLA's are negotiated separately with each company and therefore their terms vary. Stumpage rights can be awarded for up to 20 years with a renew option. Under both arrangements, the Forestry Branch of the provincial government specifies the annual allowable cut. The area to be harvested is selected by the permittee or company, subject to government approval.

For timberland under the permit system, the province is responsible for management, silviculture, main road construction, reforestation, fire and disease prevention, etc. In contrast, under FMLA's the company is completely responsible for forestry management, but other services may be carried out by the province with the company paying partial costs, according to the individual agreement; *e.g.*, the company might pay Canadian $0.20 per cord on all timber harvested toward the costs of reforestation. The province is always responsible for fire and disease protection. Main roads are constructed by the Province up to a negotiated quantity specified in each contract. If a company requires additional roads, it must construct them at its own expense.

Stumpage fees are paid on a monthly (or sometimes quarterly) basis to the Forestry Branch. Timber permit allocations pay on the lumber outturn of the mill. Rates take into account timber quality. FMLA's are of two types: volume agreements and area agreements. Volume agreement stumpage dues are paid on the mill outturn and can be renegotiated periodically. Area agreement fees are paid on scaled volume delivered to the mill yard and are indexed.

Federal Stumpage

Background

Federal Crown lands represent 11 percent of productive timberlands in the Dominion of Canada. Management of the federal timberlands is divided among the Departments of National Defense (DND), Parks Canada (DPC), and Indian and Northern Affairs (DINA). Ninety-five percent is managed by DINA and is located in the Yukon and Northwest Territories. This ninety-five percent is administered under terms of the Territorial Land Act and under Indian Timber Regulations of the Indian Act. The Canadian Forestry Service administers the remaining 5 percent of the federal forests on behalf of the DND and the DPC under appropriate Acts and Agreements.

Of the 11 percent federal Crown lands, 90 percent is inaccessible for economical supply of North American timber markets, and other acreages are

dedicated to parks, defense establishments and Indian Reserves. On about 130 thousand square kilometers (km^2) of national parks, logging is prohibited. Federal lands controlled by DND are dedicated to military matters. Indian Reserves are subject to a wide array of muses including some wood production. Territorial lands are beyond effective market areas, and parks are reserved for recreational uses.

In 1981, 0.8 percent of total Canadian timber (hardwoods plus softwoods) harvested from the federal Crown lands was cut in small quantities from small tracts of federal lands in five provinces and two territories, with most of the volume cut from Indian Reserves.

In every instance, stumpage was allocated according to "volume agreements," whereby an allowable cut is specified. The two largest sales were made from DND lands and one park where cutting is allowed. Each of these two sales was made under the particular stumpage sales procedures of the province in which the timber was located.

All other timber sales on federal lands in the provinces were made under provisions of the Forestry Development and Research Act, Forestry and Timber Regulations. These regulations apparently provide for two systems of stumpage sales:

(a) *Permits:* Where dues (total stumpage fee) do not exceed Canadian $2,500; the Minister may establish stumpage rates.

(b) *Agreements:* Where estimated stumpage dues exceed Canadian $2,500,

—the Minister or Forest Officer shall publicly advertise and invite tenders for cutting;
—after public advertising, an auction shall be held and bids accepted for cutting.

In addition, the *Territorial Lands Act* provides for the issuing of permits in the Yukon and Northwest Territories, with flexibility for setting terms of sale. The Governors may:

—issue permits;
—prescribe terms and conditions for the payment of ground rent;
—prescribe permit fees;
—prescribe dues to be paid for volume of timber cut.

For timberlands within the Indian Reserves, stumpage sales are made under *Indian Timber Regulations.* These provide for two types of permits and one form of license. A permit may be issued to cut timber free of dues to an Indian Group or band members. The second type of cutting permit is granted for selling timber to a member of a band or to a group, with stumpage dues set at prevailing rates for timber cut on band land.

Under the license procedure, tenders to purchase timber on Indian Reserves are invited by public advertising, or, the Minister may dispense with advertising and dispose of timber by any other method he may deem advisable. However, stumpage dues are not to exceed a total of Canadian $2,500. Licenses also provide for the charging of ground rent each year at Canadian $10.00 per sq. mile, and a license fee of Canadian $10.00 annually. The licensee is responsible for and pays all costs of fire protection and suppression on the cutting area under license.

[FR Doc. 83-6310 Filed 3-10-83; 8:45 am]
BILLING CODE 3510-25-M

Kansas State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 81-00283R. Applicant: Kansas State University, Department of Chemistry, Manhattan, Kansas 66506. Instrument: Vapor Synthesis Reactor with Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of August 17, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (May 5, 1981). Reasons: This application is a resubmission of Docket Number 81-00283 which was denied without prejudice to resubmission on November 4, 1982 for informational deficiencies. The foreign instrument can vaporize tungsten as well as other heavy transition metals. The National Bureau of Standards advises in its memorandum dated January 31, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6312 Filed 3-10-83; 8:45 am]
BILLING CODE 3510-25-M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00172R. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, NY 14853. Instrument: Excimer Laser, Model TE-861M-2 with 505FX and 503RX Quartz Optics and Dye Laser. Application is a resubmission, notice of which was published in the **Federal Register** of May 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such pruposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (December 30, 1981). Reasons: This application is a resubmission of Docket Number 82-00172 which was denied without prejudice to

resubmission on September 7, 1982 for informational deficiencies. The foreign instrument is a system composed of an excimer laser integrated to a dye laser. At the time the foreign instrument was ordered there were domestic manufacturers of excimer lasers who could combine their respective products with a dye laser produced by another manufacturer. However this would not constitute a "reasonable combination of instruments" within the meaning of § 301.5(d)(1)(i) of the regulations unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the overall performance specifications of the excimer and dye laser system. (See decisions on Gas Chromatograph/Mass Spectrometer Docket Number 68–00516–01–11000, 33 FR 11097, August 3, 1968 and Docket Number 69–00116–01–11000, 34 FR 13336 and 13337. August 16, 1969.) We note that at the time of order of the foreign instrument there were no such domestic combinations manufactured in the United States.

The foreign instrument provides an amplified spontaneous emission of less than one percent. The National Bureau of Standards advises in its memorandum dated January 4, 1983 that: (1) The amplified spontaneous emission of the foreign instrument is pertinent to the applicant's intended purposes and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other combination of instruments of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States and was being offered as a functionally integrated single instrument at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6310 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

Institute for Environmental Studies; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to the decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82–00119. Applicant: Institute for Environmental Studies, 42 Atkinson Hall, Louisiana State University, Baton Rouge, LA 70803. Instrument: Fluid Inclusion System, Model #TH 600. Manufacturer: Scientific Instruments, United Kingdom. Intended use of instrument: See Notice on page 13393 in the **Federal Register** of March 30, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument has a programmable temperature control dynamic range of −180 degrees centigrade (°C) to +600°C with resolution of 0.1°C for −180°C to +200°C and 1.0°C for +200°C to +600°C. The National Bureau of Standards advises in its memorandum dated January 28, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

Richard M. Seppa,

Director, Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 83-6314 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

Massachusetts Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00291. Applicant: Massachusetts Institute of Technology, Rm. E18-360, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Model FL-2002E, Dye Laser. Manufacturer; Lambda Physics, Inc., West Germany. Intended use of instrument: See Notice on page 51436 in the **Federal Register** of November 15, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (November 17, 1980). Reasons: This application is a resubmission of Docket Number 81-00191 which was denied without prejudice to resubmission on January 26, 1982 for informational deficiencies. The foreign instrument provides an amplified spontaneous emission of one percent or less. The National Bureau of Standards advises in its memorandum dated January 18, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes at this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6315 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of California, Regents; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00029R. Applicant: The Regents of the University of California, Davis, UCD Nuclear Magnetic Resonance Facility, Davis, California 95616. Instrument: 11.74 Testla NMR Magnet and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of December 8, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the foreign instrument was ordered (December 19, 1979). This application is a resubmission of Docket Number 82-00029 which was denied without prejudice to resubmission on September 7, 1982 for informational deficiencies. The foreign instrument provides an uncompensated drift rate of five hertz and a high field strength of 11.7 Testla. Reasons: The Department of Health and Human Services advises in its memorandum dated December 20, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6309 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center at Dallas; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 82-00311. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, TX 75235. Instrument: Topical Magnetic Resonance System. Manufacturer: Oxford Research Systems, United Kingdom. Intended use of instrument: See Notice on page 41409 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (July 7, 1982). Reasons: The foreign instrument provides a 30 centimeter bore size magnet with a large probe. The Department of Health and Human Services advises in its memorandum dated December 15, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6313 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No.: 83-29. Applicant: University of Washington, Seattle, WA 98195. Instrument: (3) TGA-3A Water Level Gauges and (2) Model 2860 Printers. Manufacturer: Anderaa Instruments, Norway. Intended use of instrument: See Notice on page 53083 in the **Federal Register** of November 24, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides: (a) A deployment capability of greater than one year; (b) a deployment depth of 650 meters; and (c) a serial 10 bit word long and short pulse, capable of interfacing with the translation system in the applicant's possession. The National Oceanic and Atmospheric Administration advises in its memorandum dated January 31, 1983 that: (1) The capabilities of the foreign instrument described above are

pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6911 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; Dolphin Biology Research Associates, Inc.

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Mr. Randall S. Wells (P319), Dolphin Biology Research Associates, Inc., 163 Siesta Drive, Sarasota, Florida 33581.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*) up to 105.

4. Type of Take: The dolphins are to be captured, sampled, marked and/or tagged, and released. The purpose of the research is to examine a free ranging population of Atlantic bottlenose dolphins to determine the age and sex structure of the population and the relationships between individuals.

5. Location of Activity: Central West Coast of Florida.

6. Period of Activity: Two years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 7, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6901 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Maine Department of Marine Resources

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: Maine Department of Marine Resources (P134C), State House—Station 21, Augusta, Maine 04333.

2. Type of Permit: Scientific Purposes.

3. Summary of Request: To capture and release an unspecified number and to tag up to 1,000 adult shortnose sturgeon (*Acipenser brevirostrum*) to study the spawning stock. The applicant is also requesting to retain specimens accidentally killed or found dead.

4. Location of Activity: Androscoggin, Kennebec, and Sheepscot Rivers, Maine.

5. Period of Activity: 5 years.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 8, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6900 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 2; Permit No. 363]

University of California

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 363 issued to Drs. Jennifer Buchwald, Carl Shipley, and Robin Fisher, University of California, Los Angeles, California 90024 on January 4, 1982, as modified on January 6, 1983 (48 FR 684), is further modified as follows:

Special Condition B–1 is deleted and replaced by:

1. The animals shall be taken by administering drugs as recommended by a competent doctor of veterinary medicine, or by shooting as described in the application.

This modification became effective on March 3, 1983.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 3, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6560 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture

SN 6-171,625 (4,373,553) Log Handling Machine

Department of the Air Force

SN 6-270,060 (4,373,255) Method of Making Oxide Passivated Mesa Epitaxial Diodes with Integral Plated Heat Sink

Department of the Army

SN 6-111,736 (4,373,553) Broad Band Fluoric Amplifier

SN 6-225,596 (4,373,686) Canard Drive Mechanism Latch for guided Projectile

SN 6-196,322 (4,373,808) Laser Doppler Attitude Measurement

SN 6-277,365 (4,373,977) Method of Making a Composit Wire

SN 6-293,415 (4,374,091) Gas Generators Having Controlled Operational Attitudes

SN 6-219,056 (4,374,112) Stable NF_4+ Salt of High Fluorine Content

SN 5-471,782 (4,374,201) Process for Coating a Dry Variola Virus

Department of Commerce

SN 6-313,045 (4,374,171) Smolder and Flame Resistant Insulation Materials, Composition and Method

Department of Health and Human Services

SN 6-294,203 (4,372,866) Nondenaturing Zwitterionic Detergents

SN 6-458,251 Adaptable Blood Pressure Cuff for Humans and Animals

SN 6-458,312 Medication Compliance Monitoring Device

SN 6-410,966 Analgesic and Antitussive Normorphinan-6-Ones

[FR Doc. 83-6520 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for MSC Afloat Employment (MSC FORM 12310/1)

This report is used to establish eligibility for Military Sealift Command (MSC) afloat (seagoing) positions. Because of the need for specific licenses and certification information involved in afloat emloyment a custom form is required. This form, used instead of SF-171, is being submitted for extension of approval under the Federal Reports Act.

Applicants for Military Sealift Command afloat employment: 11,250 responses, 16,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A659, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Commander, Military Sealift Command (Code M-14), Department of the Navy, Washington, D.C. 20390, telephone (202) 282-2623.

Dated: March 8, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6597 Filed 3-10-83; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Notice of a new system of records.

SUMMARY: The U.S. Marine Corps proposes to add a system of records to its inventory of systems of records subject to the Privacy Act of 1974. The notice for the new record system is set forth below.

DATES: The proposed action will be effective without further notice on April 11, 1983, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone 202/694-1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notices for records systems subject to the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896 *et al.*) were published in the **Federal Register** as follows:

FR Doc. 81-897 (46 FR 6639) January 21, 1981;

FR Doc. 82-674 (46 FR 2829) January 18, 1982;

FR Doc. 82-2406 (46 FR 4328) January 29, 1982;

FR Doc. 82-9405 (46 FR 14939) April 7, 1982;

FR Doc. 82-18001 (46 FR 28964) July 2, 1982.

A new systems report as required by 5 U.S.C. 552a(o) was submitted on February 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 7, 1983.

MMN00048

SYSTEM NAME:

Performance Evaluation Review Board System

SYSTEM LOCATION:

The Career Planning Branch (Code MMCP), Personnel Management

Division, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the Marine Corps who has submitted a petition to the Performance Evaluation Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains identifying data on the petitioner, date of request, action requested, activity member attached to at time of alleged error, any subsequent board decisions and record of petitioner notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 5031; 5 U.S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL:

Headquarters, U.S. Marine Corps—Used by the Career Planning Branch to monitor petitions submitted to the Performance Evaluation Review Board. Information is used to determine the status of any particular request at any given time and to record statistical information/trends of petitions.

Board for Correction of Naval Records will have access to cases forwarded to that agency for resolution of petitioner's request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disks and back-up generations are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Records are accessed by social security number and docket number.

SAFEGUARDS:

System information is protected by the following software features: user account number; user identification number; password and the file is restricted to authorize personnel only. The office where the terminal is located is locked after official working hours. Access to the building where the terminal and the computer system is located is protected by security guards who require positive identification for admission.

RETENTION AND DISPOSAL:

Records are retained 1 year after completion of case and then destroyed by erasing magnetic tapes. Back-up tapes are maintained approximately 3 years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

NOTIFICATION PROCEDURES:

Inquiries should be directed to the system manager at the address indicated.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, D.C. 20380. Written requests for information should contain the full name of the individual, social security number and signature. Individuals may inquire in person at the Career Planning Branch (Code MMCP), Federal Office Building #2, Columbia Pike and Arlington Ridge Road, Arlington, Virginia. For personal visists, the individual should provide military indentification or driver's license for proof of identification.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual, Manpower Management System and the Performance Evaluation Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-6817 Filed 3-10-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 53146-3804-03-04-82]

Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of availability of the Tentative Staff Analysis on the pending prohibition order proceedings relating to the Virginia Electric and Power Company's (Vepco) Possum Point Generating Station Units 3 and 4 (hereafter referred to as Possum Point 3 and 4), located in Dumfries, Virginia.

The proposed prohibition orders for Possum Point 3 and 4, issued on May 16, 1980 (45 FR 34346 (May 22, 1980)) and January 17, 1980 (45 FR 5365 (January 23, 1980)), respectively, will, if finalized, prohibit the units from burning petroleum or natural gas as a primary energy source. ERA's Tentative Staff Analysis concludes that the findings of technical capability and financial feasibility required by former section 301(b) of FUA can be made, and accordingly, recommends that final prohibition orders be issued to Possum Point 3 and 4. The Tentative Staff Analysis does not represent ERA's decision to issue final prohibition orders, however. That decision will be made following the expiration of the comment period established below, and will be based upon the evidence contained in the entire record of the proceeding, including any comments received in response to this notice.

The prohibition order procedures for facilities electing continued coverage under former section 301 of FUA [1] are found at 10 CFR 501.51, and 504.7. Additional information on the proceedings and a discussion of the Tentative Staff Analysis appear in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: Written comments on the proposed prohibition orders and the Tentative Staff Analysis are due on or before March 25, 1983. A request for a public hearing must be made within the same 14 day period. (See explanation of comment periods in the **SUPPLEMENTARY INFORMATION** section below.)

ADDRESSES: Fifteen copies of written comments or any requests for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301 (b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, Vepco, on November 23, 1981, notified ERA of its election to have Possum Point 3 and 4 remain subject to former section 301(b) of FUA and thus to become "electing powerplants" as defined in 10 CFR 500.2.

ERA Case No. 5316-3804-03-04-82 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Director, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room GA-093, Phone: (202) 252-1316.

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, Washington, D.C. 20585, Phone: (202) 252-2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: the Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: ERA issued proposed prohibition orders to Vepco's Possum Point 3 and 4 on May 16, 1980 (45 FR 34346 (May 22, 1980)) and January 17, 1980 (45 FR 5365 (January 23, 1980)), respectively, commencing thereby proceedings designed to prohibit the use of petroleum or natural gas as the primary energy source in these units if the required findings of section 301(b) of FUA, discussed below, could be made. In accordance with 10 CFR 501.51(b) of the FUA procedural regulations applicable to existing powerplants, the issuance of the proposed prohibition orders to Possum Point 3 and 4 commenced an initial three-month public comment period, in each case, respectively, during which period interested parties, including Vepco, were given the opportunity to challenge ERA's initial finding that Possum Point 3 and 4 have or previously had the technical capability to use coal as their primary energy source. During this same period, Vepco and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which former section 301(b) of FUA requires ERA to make prior to the issuance of final prohibition orders to Possum Point 3 and 4. Vepco was additionally required, during this period, to identify any exemptions for which it believed Possum Point 3 and 4 might qualify, but was not required to submit evidence supporting the claim of entitlement to any exemption at that time. The initial public comment period on the Possum Point 3 and 4 proposed prohibition orders expired on August 22, 1980 and April 25, 1980 respectively. No comments contrary to ERA's initial finding were received. Vepco did, however, submit evidence relating to the other statutory findings that ERA has to make under former section 301(b) and tentatively identified the potential exemption qualifications that might be asserted against the application of final prohibition orders to Possum Point 3 and 4. (These potential exemption qualifications were noted and identified in the respective Notices of Intent to Proceed, cited below.)

On the basis of the evidence available to it following the expiration of the initial comment periods, ERA determined to continue with the order proceedings involving Possum Point 3 and 4 and, accordingly, issued its Notices of Intent to proceed with the proceedings on July 9, 1982, (47 FR 31040 (July 16, 1982)) and January 8, 1981 (46 FR 3269 (January 14, 1981)), respectively. These actions commenced a second three-month public comment period in each case, which periods expired on August 16, 1982 and April 16, 1981, respectively, without receipt of comment and without the demonstration by Vepco of its entitlement to any of the potential exemptions identified during the initial comment periods as potentially available to Possum Point 3 and 4.

Tentative Staff Analysis: Summary

Since the expiration of the second public comment periods, the ERA staff has prepared a Tentative Staff Analysis in which it concludes that the findings required by former section 301(b) of FUA can be made and supported on the basis of reliable, probative and substantial evidence in the complete administrative record. The required findings include the initial finding that, under former section 301(b)(1), the powerplants have or previously had the technical capability to use coal as a primary energy source; the finding under former section 301(b)(2) that the powerplants could have the technical capability to use coal (if they do not currently have such capability) without substantial physical modification of the units or substantial reduction in their rated capacities; and the finding under former section 301(b)(3) that it is financially feasible to use coal as the primary energy source in the powerplants.

The criteria which ERA used in assessing the evidence in support of the required findings are described in the proposed prohibition orders.

Finding of Technical Capability

The finding of technical capability for Possum Point 3 and 4 is based upon design specifications which indicate that the units were designed and constructed to burn coal as their primary energy source (Contract Data Sheets dated November 27, 1961 and December 21, 1954). Evidentiary statements on the record, submitted by Vepco, indicate that the units have so operated in the past (Unit #3, 1955 thru 1969; Unit #4, 1962 thru 1969) and that their current conversion will require no modifications to the boilers and will result in no deratings of unit capacity (Vepco letter dated February 24, 1983, submitted in response to an ERA request for additional information).

Finding of Financial Feasibility

The finding of financial feasibility is based upon calculations conducted by the ERA staff using the general cost calculation formula prescribed by 10 CFR 504.12, which indicates that the use of coal as the primary energy source for Possum Point 3 and 4 will not substantially exceed the cost of using imported petroleum. (The costs used in the calculations are consistent with those by Vepco in the letter dated February 24, 1983, referred to, above). The ERA staff calculations conclude that the savings over the remaining useful life of the units that will result from the use of coal, as opposed to the use of oil, will amount to $29 million for Possum Point 3 and $106 million for Possum Point 4. In accordance with 10 CFR 504.6(f)(1), the ERA staff, therefore, presumed that the use of coal as the primary energy source for the units is financially feasible. In addition to ERA's cost calculations, however, the record contains evidence submitted by Vepco (letter dated March 25, 1980) which indicates that the conversion to and operation of Possum Point 4 on coal is financially feasible. The staff review of the entire record also did not reveal any potential inability on the part of Vepco to raise the necessary capital to finance the conversions.

To the contrary, the record indicates that the conversion of Possum Point 3 was commenced in 1981 and that of Possum Point 4 in 1980 (letter from Vepco dated February 24, 1983, submitted in responses to ERA's request for additional information).

Procedures

The publication of this Notice of Availability would normally commence a 45-day written comment period on the Tentative Staff Analysis. Vepco has, however, by letter dated February 28,

1983, requested that the public comment periods be reduced to the minimum period permitted under ERA regulations which is 45 days from the time of publication of the proposed orders (10 CFR 501.51(b)). This minimum had, at the time of Vepco's request, been exceeded. Accordingly, ERA, in granting Vepco's request, is herby giving notice of a reduced comment period of 14 days provided for the purpose of receiving comment on the proposed prohibition orders and the Tenttive Staff Analysis. The comment period shall commence with the publication of this notice. Any requests for a public hearing must also be made during this 14-day period. If a hearing is requested, it will be held in accordance with Subpart C of 10 CFR Part 501.

The Tentative Staff Analysis does not constitute a decision by ERA to issue final prohibition orders to Possum Point 3 and 4. At the close of the comment period established by this notice, ERA shall determine whether the final prohibition orders will be issued, based upon its review of the entire administrative record of the proceedings, as required by 10 CFR 501.51(c).

Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register**. The final orders shall not take effect earlier than sixty days after such publications.

Issued in Washington, D.C. on March 7, 1983.

Robert L. Davies

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6236 Filed 3-10-83; 8:45 am]
BILLING CODE 6450-01-M

Revocation of Export Authorizations and Presidential Permits

AGENCY: Economic Regulatory Administration (ERA), DOE.

ACTION: Revocation of Export Authorizations PP–1–A and PP–37–A and Presidential Permits PP–1 and PP–37.

SUMMARY: Pursuant to the Order published herein, ERA rescinds the export authorizations granted to the Arizona Public Service Company (APS) in ERA Dockets No. PP–1–A and No. PP–37–A, and the companion Presidential Permits. On November 23, 1982, APS notified the DOE that it had disconnected service under export authorization PP–1–A at the request of its customer, Comision Federal de Electricidad de Agua Prieta (CFE/Agua Prieta). On the same day, APS also notified DOE that service authorized in PP–37 was discontinued on October 19, 1982 at the request of its customer, CFE/Sonoyta. Interconnection facilities for both transmission lines were removed by APS on or before December 31, 1982.

FOR FURTHER INFORMATION CONTACT:

Lise Courtney M. Howe, Office of General Counsel (GC–11), Department of Energy, Forrestal Building, Mail Stop 6F–094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2900

Garet Bornstein, Division of Petroleum and Electricity (RG–44), Office of Fuels Programs, Department of Energy, Forrestal Building, Room GA–017, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–5935

SUPPLEMENTARY INFORMATION:

Order Rescinding Export Authorizations and Presidential Permits Issued to Arizona Public Service Company ERA Dockets PP–1 and PP–37

The Arizona Public Service Company (APS) notified the Department of Energy (DOE) on November 23, 1982, that it had disconnected service under export authorization PP–1–A, at the request of the customer, Comision Federal de Electricidad de Agua Prieta (CFE/Agua Prieta) and that it also had disconnected service under export authorization PP–37–A, at the request of its customer, Comision Federal de Electricidad Division Baja, California (CFE/Sonoyta). The interconnection facilities for both transmission lines were removed by APS on or before December 31, 1982.

Presidential Permit No. PP–1 originally was issued to the Arizona Edison Company, Inc. (AEC), on July 30, 1941, in Docket No. IT–5331. The Permit was transferred to APS on August 28, 1952, when the AEC merged with the Central Arizona Light and Power Company, becoming the Arizona Public Service Company. The electricity exported was delivered to the CFE/Agua Prieta via a transmission line running from Fairview Station, north of Douglas, Arizona, to the Mexican border at Agua Prieta, Sonora, Mexico, with an authorized maximum transmission rate of 5,500 KW per year. On August 12, 1981, APS was authorized to increase the delivery voltage of the electric transmission facilities from a three phase 2.4 kilowatt system to a 7.2/12.5 kilowatt system.

APS discontinued service and removed the interconnection facilities, including two spans of interconnecting wire, recloser device, circuit breaker, capacitor banks, and meter on or before December 31, 1982. CFE as been providing energy to meet its own requirements since December 1980.

On October 20, 1965, a second Presidential Permit, PP–37, was issued to APS in Docket No. E–7224. Construction of this line provided transmission of electricity to CFE for the community of Sonoyta, Sonora, Mexico. The transmission facility crossed the international boundary near Lot 4 of U.S. Customs Immigration Reserve at Lukeville, Arizona, with an authorized transmission rate of 400 KW per year.

Service to CFE for Sonoyta was discontinued at CFE's request on October 19, 1982. In addition, the interconnection facilities, which included a 30-foot span of wire, a transmission metering pole and line, and current transformers, also were removed by APS on or before December 31, 1982. CFE now is supplying sufficient energy to meet Sonoyta's needs.

DOE Finds:

(A) That the termination of service by APS under export authorization PP–1–A and PP–37–A, to CFE/Agua Prieta and to CFE/Sonoyta, respectively, and the removal of the interconnection facilities at the U.S./Mexican border, authorized in Presidential Permits No. PP–1 and PP–37, are consistent with the public interest, because such terminations have been requested by APS's customers.

DOE Orders:

(1) The authorization to export electric energy to CFE/Agua Prieta, issued pursuant to section 202(e) of the Federal Power Act in Docket No. IT–5331 (PP–1–A), and the Presidential Permit PP–1, issued pursuant to Executive Order 10485, as amended, are rescinded.

(2) The authorization to export electric energy to CFE/Sonoyta, issued pursuant to section 202(e) of the Federal Power Act in Docket No. E–7224 (PP–37–A), and Presidential Permit PP–37, issued pursuant to Executive Order 10485, as amended, are rescinded.

Issued in Washington, D.C. on March 3, 1983.

Rayburch Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 83-6237 Filed 3-10-83; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER83-329-000]

The Cleveland Electric Illuminating Co.; Filing

March 7, 1983.

The filing Company submits the following:

Take notice that on February 17, 1982, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for the sale to the City of Cleveland, Ohio of 40 MW of power and associated energy generated by Big Rivers Electric Corporation, Henderson, Kentucky, at the cost of CEI of purchasing it from Ohio Power Company, and transmitted from the 345 kv interconnection point on CEI's Juniper-Canton Line with Ohio Power Company to the City in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on February 1, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214). All such petitions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6232 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-32-000]

Colorado Interstate Gas Co.; Proposed Changes in Rates Under Purchased Gas Adjustment Clause Provision

March 7, 1983.

Take notice that Colorado Interstate Gas Company (CIG), on February 24, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes would increase the commodity rate under CIG's jurisdictional rate schedules by .24 cent per Mcf and decrease the demand rate by 34.00 cents per Mcf. This filing reflects a net annual decrease in purchased gas costs of approximately $5.0 million.

The filing was made to enable CIG to reflect in its rates, pursuant to Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1, net decreased purchased gas costs it will experience as of April 1, 1983, as the result of a rate filing made by Northwest Pipeline Corporation.

CIG requests that the instant filing be made effective on April 1, 1983.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6233 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-34-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions

March 7, 1983.

Take notice that on February 28, 1983, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff to be effective April 1, 1983.

Original Volume No. 1

30th Revised Sheet No. 3–A
Seventh Revised Sheet No. 3–B

Original Volume No. 2

20th Revised Sheet No. 128

The aforementioned tariff sheets contain changes in FGT's resale rates, under Rate Schedules G and I, and in Rate Schedule T–3 resulting from the purchased gas adjustment clause and incremental pricing provision of FGT's Tariff. FGT proposes to make the rate changes effective April 1, 1983.

Southern Natural Gas Company (Southern) supplies natural gas to FGT under SNG's rate schedule OCDL–1 and also under SNG's Rate Schedule AOL–1. FGT states that it has been advised by Southern that Southern intends to file alternative tariff sheets (55th Revised Sheet No. 4–A and Substitute 55th Revised Sheet No. 4–A) with a proposed effective date of April 1, 1983. FGT's 30th Revised Sheet No. 3–A of Original Volume No. 1 and 20th Revised Sheet No. 128 of Original Volume No. 2 reflect Southern's rates pertaining to FGT as set forth on Southern's Substitute 55th Revised Sheet No. 4–A.

The net effect of the above-mentioned adjustments for Rate Schedule G and I is to decrease the currently effective rate by 1.523¢/therm. Based on estimated G and I sales for the next 12 months, this results in an annual revenue decrease of approximately $12,932,700. The net effect on the above-mentioned adjustments for Rate Schedule T–3 is a decrease of 1.23¢/Mcf. The annual effect on revenues from Rate Schedule T–3 is a decrease of approximately $784,100.

According to FGT, the changes contained on 30th Revised Sheet No. 3–A and 20th Revised Sheet No. 128 are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (Section 15, General Terms and Conditions). FGT also states that Seventh Revised Sheet No. 3–B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and interested State Commissions and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies

of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6234 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-212-000]

Michigan Wisconsin Pipe Line Co.; Application

March 8, 1983.

Take notice that on March 2, 1983, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226 (Applicant), filed in Docket No. CP83-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation service for Michigan Consolidated Gas Company (MichCon), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, MichCon has agreed to sell to Indiana Glass Company (Indiana Glass) up to 4,000 dt equivalent per day and 1,500,000 dt equivalent of natural gas per year subject to interruption to the extent the gas supplies are required by MichCon to provide adequate service to its distribution customers. The term of the agreement is for an initial period of two years commencing from the date of first deliveries and is extendable for successive two-year periods. In an affidavit by the president and general manager of Indiana Glass, included in the application, it is estimated that the purchase of gas from MichCon would result in annual fuel cost savings of approximately $1.2 million and would likely prevent permanent extensive lay-offs of employees. Applicant further states that upon authorization of the requested service, 425 employees currently laid off would be recalled.

Applicant states that it has entered into an agreement with MichCon dated February 23, 1983, which provides for the transportation of up to 4,000 dt equivalent per day of natural gas. Applicant would receive the natural gas from MichCon by displacement at an existing point of delivery at Applicant's Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan, and would deliver thermally equivalent volumes to Indiana Gas Company, Inc. (Indiana Gas), at an existing delivery point located near Muncie in Delaware County, Indiana. Since the transportation service is by displacement, Applicant states, MichCon has agreed to pay it two cents for each dt equivalent of natural gas delivered to Indiana Gas for the account of MichCon based on Applicant's administrative and general expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6235 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-49-009 and RP82-62-001]

Natural Gas Pipeline Company of America; Change in Rate Design

March 7, 1983.

Take notice that on February 18, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective April, 1, 1983:

Fiftieth Revised Sheet No. 5
Nineteenth Revised Sheet No. 5A
Eighth Revised Sheet No. 5B

Natural states that the purpose of the filing is to revise its rates, which are currently designed on the *United* method, to reflect a *Seaboard* method of rate design the redesigned rates are being filed pursuant to Article II of Natural's Stipulation and Agreement at Docket No. RP81-49-000.

A copy of this filing has been mailed to Natural's jurisdictional customers, all parties to Docket Nos. RP81-49 and RP82-62 and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to interve or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6236 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-50-000]

Northwest Pipeline Corp.; Tariff Filing

March 7, 1983.

Take notice that on February 25, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets.

Original Volume No. 2 Tariff

Seventh Revised Sheet No. 2
Third Revised Sheet No. 2-B

First Revised Volume No. 1 Tariff

Seventh Revised Sheet No. 10-A

Pursuant to the provision contained on Sheet Nos. 2 and 2-B of Northwest's Volume No. 2 Tariff and Section 7.3 of Rate Schedule T-1 in its First Revised Volume No. 1 Tariff, Northwest is filing to reflect new Fuel Reimbursement Percentages to be effective April 1, 1983

based on the calendar year ending December 31, 1982.

The proposed effective date of the tendered tariff sheets is April 1, 1983.

A copy of this filing has been served on Pacific Interstate Transmission Company, Northwest's jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public convenience.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6237 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 83-2-37-001 (DCA83-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

March 7, 1983.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 15, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DE-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered First Amended Eighth Revised Sheet No. 10 which is proposed to become effective April 1, 1983.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions of protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6236 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-39-000 (PGA 83-2 and IPR 83-2)]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

March 7, 1983.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on March 1, 1983, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Twenty-second Revised Sheet No. 4
Sixth Revised Sheet No. 4-A
Seventeenth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to Pacific Interstate's purchased Gas Cost Adjustment (PGA) provision and incremental pricing provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates reflected thereon is April 1, 1983.

Pacific Interstate also states that the above-tendered tariff sheets reflect a proposed April 1, 1983 Pacific Interstate Rate Schedule S-G-1 commodity rate of 268.34¢ per decatherm, an increase of 15.25¢ per decatherm from the 253.34¢ perdecatherm rate effective October-2, 1982, the date of the last S-G-1 commodity rate change, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $4,585 and that the Surcharge Adjustment is designed to recover, over a six-month period beginning April 1, 1983 an amount of $2,911.66, which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at December 31, 1982. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washingto, D.C. 20426, in accordance with Section 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6239 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-33-000]

Pacific Power & Light Co.; Notice of Application

March 7, 1983.

Take notice that on Febraury 22, 1983, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to (1) issue and sell its short-term notes to foreign banks, brokers, and other securities dealers from time-to-time in aggregate principal amounts not to exceed $100,000,000 at any one time outstanding under a five-year, Euronote Facility Agreement with a group of foreign banks and Credit Suisse First Boston Limited as Agent, and (2) to enter into other credit agreements with the same or other foreign banks or their affiliates to borrow, from time-to-time, principal amounts which, together with Euronotes issued and outstanding, will not exceed $100,000,000 in the aggregate at any time. The Euronote Facility Agreement is expected to become

operative in March 1983, replacing a facility which expires on March 21, 1982.

Any person desiring to be heard or to make protest with reference to the application should, on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6240 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-7-000(PGA83-2)]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 7, 1983.

Take notice that Southern Natural Gas Company (Southern), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective April 1, 1983. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items.

(1) A Current Adjustment pursuant to § 17.3 of the General Terms and Conditions of Southern's Tariff, reflecting an annual decrease in the cost of purchased gas to jurisdictional customers of $19,074,923 or approximately 3.837¢ per Mcf.

(2) A Surcharge Adjustment for Unrecovered Purchased Gas Costs of 14.019¢ per Mcf which is an increase of 3.758¢ from the present Surcharge Adjustment. This Surcharge Adjustment will amortize the $69,701,070 balance in Southern's Deferred Account which was accumulated during the period July through December, 1982 over the estimated sales for the twelve-month period commencing April 1, 1983. Southern has requested a waiver of the Commission's Regulations and section 17.4 of its tariff in order to amortize the current unrecovered balance over a twelve-month period. In the event Southern's requested waiver is denied, Southern's Surcharge Adjustment, effective April 1, 1983, would become 37.091¢ per Mcf, an increase of 26.830¢ over the present Surcharge Adjustment rate.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to § 9.6(3) of the General Terms and Conditions of Southern's Tariff of (.006¢) per Mcf which is an increase of .065¢ from the present Surcharge Adjustment.

Pursuant to § 282.602(a)(1)(ii) of the Commission's Regulations, Southern is also filing Seventh Revised Sheet No. 45R with a proposed effective date of April 1, 1983. Such tariff sheet reflects Southern's projected incremental pricing surcharge for the six-month period beginning April 1, 1983 to be zero.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wising to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6241 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-41-000 PGA83-2]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 7, 1983.

Take notice that Southwest Gas Corporation ("Southwest") on February 28, 1983 tendered for filing Eighteenth Revised Sheet No. 10 and Sixth Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective April 1, 1983. The proposed increase in rates is April 1, 1983.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6242 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 7, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 1, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet: Substitute Third Substitute Sixty-fourth Revised Sheet No. 14.

The above sheet is being issued in substitution for that sheet filed February 15, 1983 which reflected a revision to Texas Eastern's semiannual PGA tracking adjustment to be effective February 1, 1983. The sole purpose of the above substitute sheet is to reflect the Commission's approved reduction in Texas Eastern's Rate Schedule SS-II and ISS-II space charges. Such reduced space charges were accepted to be effective January 1, 1983 by the Commission's order dated February 16, 1983 in Docket No. TA83-1-17.

The proposed effective date of the above substitute tariff sheet is February 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure. All such motions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6943 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-53-000]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 7, 1983.

Take notice that United Gas Pipe Line Company (United), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending November 30, 1982, as adjusted, and would increase jurisdictional revenues by $88,053,188.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended November 30, 1982, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change which became effective January 1, 1983, as reflected on Sixty-First Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the States of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6944 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** CALIFORNIA DEPARTMENT OF CONSERVATION **********									
-AMERADA HESS CORPORATION				RECEIVED:	02/14/83	JA: CA			
8322061	82-6-0064	0409500147	108			"PETERS" #3	MAINE PRAIRIE GAS	19.8	PACIFIC GAS & ELE
8322056	83-6-0002	0409500207	108			RIO VISTA GAS UNIT #188	RIO VISTA GAS	7.4	PACIFIC GAS & ELE
-ARCADY OIL CO				RECEIVED:	02/14/83	JA: CA			
8322075	82-6-0076	0407720397	102-4			KLEIN 1-1	LATHROP GAS FIELD	7.3	PACIFIC GAS & ELE
-ARGO PETROLEUM CORP				RECEIVED:	02/14/83	JA: CA			
8322076	82-6-0082	0406720163	103			"ELLIOT RANCH" #1-73	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
8322079	82-6-0083	0406720179	103			"ELLIOT" #32-36	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
8322077	82-6-0081	0406720204	103			"NGC-ELLIOT" 32-48X	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
-ARKOMA PRODUCTION CO				RECEIVED:	02/14/83	JA: CA			
8322082	82-6-0089	0401320195	102-4			STOLICH 7-1	SOUTH OAKLEY	1800.0	PACIFIC GAS & ELE
-ATLANTIC OIL CO				RECEIVED:	02/14/83	JA: CA			
8322063	82-6-0043	0401320169	102-4			"LOO" #1	OAKLEY	243.0	PACIFIC GAS & ELE
-CAPITOL OIL CORP				RECEIVED:	02/14/83	JA: CA			
8322064	82-6-0065	0409520563	102-4			MCELMAINE #1	BUNKER GAS	0.6	PACIFIC GAS & ELE
-CHEVRON U S A INC				RECEIVED:	02/09/83	JA: CA			
8322050	82-6-0071	0401120217	102-4			ARBUCKLE ROAD #10	GRIMES GAS	300.0	PACIFIC GAS & ELE
-CHEVRON U S A INC				RECEIVED:	02/14/83	JA: CA			
8322083	82-6-0072	0401120221	102-4			ARBUCKLE ROAD #11	GRIMES GAS	300.0	PACIFIC GAS & ELE
8322068	82-6-0073	0411320455	102-4			KNAGGS-WALLACE #1	ZAMORA GAS	100.0	PACIFIC GAS & ELE
8322067	82-6-0069	0401320166	102-4			PERRY #1	LOS MEDANOS	0.0	
-CITIES SERVICE COMPANY				RECEIVED:	02/14/83	JA: CA			
8322078	82-6-0080	0411320715	102-2			HORGAN UNIT "A" #1	CACHE CREEK	700.0	
-HILLIARD OIL & GAS INC				RECEIVED:	02/14/83	JA: CA			
8322065	82-6-0066	0411320695	102-4			EDSON #2	GRAYS BEND GAS	360.0	SHELL OIL CO
8322066	82-6-0068	0409520564	102-4			WHITLOCK #1	BUNKER GAS	640.0	SHELL OIL CO
-MCCULLOCH OIL & GAS CORP				RECEIVED:	02/14/83	JA: CA			
8322069	82-6-0067	0409520559	102-4			"HIGHLANDS WILLOW SPRINGS" - #3-12	LINDSEY SLOUGH GAS	550.0	PACIFIC GAS & ELE
8322070	82-6-0078	0409520468	102-4			HASTINGS RANCH #1-22	LINDSEY SLOUGH	265.0	PACIFIC GAS & ELE
8322071	82-6-0079	0409520565	103			HIGHLANDS WILLOW SPRINGS #1-11	LINDSEY SLOUGH	550.0	PACIFIC GAS & ELE
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	02/14/83	JA: CA			
8322062	82-6-0088	0401120229	102-4			ANDREOTTI #1	GRIMES FIELD	128.1	PACIFIC GAS & ELE
8322074	83-6-0001	0411320595	102-4			WESTERN GLIDE COLBY #1	PUTAH SINK (YOLO BY P	180.0	PACIFIC GAS & ELE
-NORDIC PETROLEUMS INC				RECEIVED:	02/14/83	JA: CA			
8322073	82-6-0058	0402120217	102-4			MASON-MARIN #36-1	WILLOWS-BEEHIVE BEND	183.0	PACIFIC GAS & ELE
-NORTHERN MICHIGAN EXPLORATION CO				RECEIVED:	02/14/83	JA: CA			
8322052	83-4-0198	0402962092	102-4			STOCKTON #25-4	MOUNTAIN VIEW	180.0	PACIFIC GAS & ELE
-OGLE PETROLEUM INC				RECEIVED:	02/09/83	JA: CA			
8322046	82-6-0061	0410120196	102-4			OPI GIUSTI #1-8	TISDALE (JOSEPHINE GA	200.0	PACIFIC GAS & ELE
8322048	82-6-0054	0410120192	102-4			OPI MCCLURE #1-5	TISDALE (JOSEPHINE GA	340.0	PACIFIC GAS & ELE
8322047	82-6-0055	0410120193	102-4			OPI MCGRATH #1-31	TISDALE (JOSEPHINE GA	340.0	PACIFIC GAS & ELE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8322049	82-6-0056	0410120198		102-4		OPI NL&F #1-5
-OXY PETROLEUM INC				RECEIVED:	02/14/83	JA: CA
8322054	82-2-0016	0411121040		102-4		VENTURA REALTY #34X-1
8322053	82-2-0017	0411121070		102-4		VENTURA REALTY #63X-1
8322055	82-2-0018	0411121122		102-4		VENTURA REALTY #83X-1
-SAMSON RESOURCES COMPANY				RECEIVED:	02/14/83	JA: CA
8322072	82-6-0070	0409520561		102-4		BRIGANTINO #1
-TENNECO OIL COMPANY				RECEIVED:	02/14/83	JA: CA
8322060	82-6-0077	0407720399		102-4		NIES 1-15
-TXO PRODUCTION CORP				RECEIVED:	02/14/83	JA: CA
8322057	83-6-0003	0409520576		102-4		DERNER 17-1 & REDHILL
8322059	82-6-0084	0409520580		102-4		DONOVAN 21-2
8322081	82-6-0074	0411320717		102-4		NGC COWELL 27-2
8322058	82-6-0075	0402120234		102-4		TORRES 12-3
8322080	82-6-0086	0402120241		102-4		TRANSAMERICA MALTON 9-1
LOUISIANA OFFICE OF CONSERVATION						
-AMINOIL USA INC				RECEIVED:	02/15/83	JA: LA
8322194	82-3140	1707522954		102-4	103	SL 2028 #22
8322193	82-3142	1707522954		102-4	103	SL 2028 #220
-ENTEX PETROLEUM INC				RECEIVED:	02/15/83	JA: LA
8322191	82-2542	1711300000		102-4		EVITA ABSHIRE #1
-GETTY OIL COMPANY				RECEIVED:	02/15/83	JA: LA
8322202	82-2991	1705320758		102-4		IRVIN FONTENOT #1
-HERD PRODUCING COMPANY INC				RECEIVED:	02/15/83	JA: LA
8322195	82-1591	1711123339		102-4	103	GRAFTON #1 VUA
-INEXCO OIL COMPANY				RECEIVED:	02/15/83	JA: LA
8322192	82-3150	1707522802		102-4		A J MAIER #2
-K-B EXPLORATION CO				RECEIVED:	02/15/83	JA: LA
8322200	82-2483	1709920941		102-4		IBERVILLE LAND CO
-LADD PETROLEUM CORPORATION				RECEIVED:	02/15/83	JA: LA
8322201	82-2232	1705320698		102-4		H G CHRISTIAN #1
-NESTOR PETROLEUM CO				RECEIVED:	02/15/83	JA: LA
8322197	82-3399	1702321754		102-4		STEPHEN CARTER #1 SERIAL NO 178751
-SUPERIOR OIL CO				RECEIVED:	02/15/83	JA: LA
8322196	82-922	1710922510		102-4		R W BUCKLEY UNIT 9 #7
-TEXAS CRUDE OIL INC				RECEIVED:	02/15/83	JA: LA
8322199	82-1571	1700720328		102-4		JULES A BLANCHARD #2
-VOLVO PETROLEUM INC				RECEIVED:	02/15/83	JA: LA
8322198	82-3314	1770920237		102-4		SL 7634 #2
NORTH DAKOTA INDUSTRIAL COMMISSION						
-AMOCO PRODUCTION CO				RECEIVED:	02/15/83	JA: ND
8322183	694	3302500330		102-2		KUKLA AMOCO UNIT "D" #1
8322184	695	3300700456		102-2		ROMANYSHYN #1
-GULF OIL CORPORATION				RECEIVED:	02/15/83	JA: ND
8322187	698	3302500298		102-2		EDDIE SABROSKY 2-6-36
8322188	699	3302500327		102-2		HARTMAN 1-8-18
8322189	700	3302500328		102-2		KOSTELNAK 5-30-3D
-PENNZOIL COMPANY				RECEIVED:	02/15/83	JA: ND
8322182	693	3305301464		102-2		FLAT TOP BUTTE #15-32BN

FIELD NAME	PROD	PURCHASER
TISDALE (JOSEPHINE GA	183.0	PACIFIC GAS & ELE
CHAFFEE CANYON FIELD	1.7	UNION OIL CO OF C
CHAFFEE CANYON FIELD	675.3	UNION OIL CO OF C
CHAFFEE CANYON	38.3	UNION OIL CO OF C
MAINE PRAIRIE GAS	273.0	PACIFIC GAS & ELE
SMITH LAKE AREA (FIEL	210.0	GOLDEN STATE RESO
BUNKER GAS FIELD	150.0	PACIFIC GAS & ELE
MAINE PRAIRIE GAS	500.0	PACIFIC GAS & ELE
PUTAH SINK GAS	150.0	SHELL OIL & GAS C
BOUNDE CREEK GAS	200.0	PACIFIC GAS & ELE
MALTON BLACK BUTTE	100.0	PACIFIC GAS & ELE
LAKE WASHINGTON	730.0	SOUTHERN NATURAL
LAKE WASHINGTON	550.0	SOUTHERN NATURAL
LELEUX	1614.0	TRANSCONTINENTAL
FENTON	0.0	
BERNICE	391.0	LOUISIANA GAS INT
HAPPY JACK	200.0	
HAPPYTOWN	800.0	MONTEREY PIPELINE
BAYOU ROGERS	237.0	CONOCO INC
KINGS BAYOU 4896	1000.0	LOUISIANA RESOURC
FOUR ISLE DOME	1000.0	TENNESSEE GAS PIP
OAKLEY	310.0	SUGAR BOWL GAS CO
WILDCAT 9727	700.0	TEXACO INC
LITTLE KNIFE	92.0	MONTANA DAKOTA UT
WILDCAT	4.4	WESTERN GAS PROCE
LITTLE KNIFE	34.0	
LITTLE KNIFE (MISSION	52.0	
LITTLE KNIFE	16.0	MONTANA-DAKOTA UT
FLAT TOP BUTTE	6.3	KOCH HYDROCARBON

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-ROCO PRODUCING COMPANY				RECEIVED:	02/15/83	JA: ND
8322185	696	3305301463		102-2		FLAT TOP BUTTE #16-32BN
-SHELL OIL CO				RECEIVED:	02/15/83	JA: ND
8322186	697	3305301465		102-2		FLAT TOP BUTTE #14-32BN
-TEXACO INC				RECEIVED:	02/15/83	JA: ND
8322190	701	3305301466		102-2		FLAT TOP BUTTE #13-32BN

FIELD NAME	PROD	PURCHASER
FLAT TOP BUTTE	0.0	
FLAT TOP BUTTE	0.0	
FLAT TOP BUTTE	0.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-POGO PRODUCING COMPANY				RECEIVED:	02/15/83	JA: ND			
8322186	697	3305300000		102-2		JOHNSRUD #1-3	PEMBROKE	548.0	
-SUNBEHM GAS INC				RECEIVED:	02/15/83	JA: ND			
8322185	696	3305301211		102-2		SKEDSVOLD #1	ALEXANDER	30.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO				RECEIVED:	02/15/83	JA: ND			
8322190	701	3305301555		102-2		CUTLIP #1	ELK	0.0	PHILLIPS PETROLEU
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	02/15/83	JA: ND			
8322181	692	3305301563		102-2		BROCKMIER #2	WILDCAT	975.0	KOCH HYDROCARBON
********** PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES **********									
-BEARER MARTIN L				RECEIVED:	02/14/83	JA: PA			
8322150	19090	3706326842		103		CHESTNUT RIDGE GOLF CLUB #1	BURRELL TOWNSHIP	144.0	
-C & C TROYER BROTHERS				RECEIVED:	02/14/83	JA: PA			
8322097	17937	3704922129		107-TF		ADAMS #3	WASHINGTON	10.0	NATIONAL FUEL GAS
8322096	17936	3704922129		102-2		ADAMS #3	WASHINGTON	10.0	NATIONAL FUEL GAS
8322093	17918	3704922002		102-2		ANDRE #1 (#65)	WASHINGTON	14.0	NATIONAL FUEL GAS
8322092	17917	3704922002		107-TF		ANDRE NO ONE (#65)	WASHINGTON	14.0	NATIONAL FUEL GAS
8322094	17921	3704921990		107-TF		BURGETT #1 (#63)	WASHINGTON	10.0	NATIONAL FUEL GAS
8322095	17922	3704921990		102-2		BURGETT #1 (#63)	WASHINGTON	10.0	NATIONAL FUEL GAS
8322102	17996	3704922227		107-TF		DONNELL #1	WATERFORD	13.0	NATIONAL FUEL GAS
8322101	17995	3704922227		102-2		DONNELL #1	WATERFORD	13.0	NATIONAL FUEL GAS
8322085	17700	3704921985		102-2		GOLDSMITH #1 (#60)	WATERFORD	20.0	NATIONAL FUEL GAS
8322084	17699	3704921985		107-TF		GOLDSMITH #1 (#60)	WATERFORD	20.0	NATIONAL FUEL GAS
8322099	17746	3704921986		107-TF		MEANS #1 (#61)	WASHINGTON	15.0	NATIONAL FUEL GAS
8322089	17745	3704921986		102-2		MEANS #1 (61)	WASHINGTON	15.0	NATIONAL FUEL GAS
8322090	17913	3704922131		102-2		SCHMITT & BRAEGER #2	WASHINGTON	11.0	NATIONAL FUEL GAS
8322091	17914	3704922131		107-TF		SCHMITT & BRAEGER #2	WASHINGTON	11.0	NATIONAL FUEL GAS
8322100	17939	3704922130		107-TF		STRAND #1	WASHINGTON	13.0	NATIONAL FUEL GAS
8322098	17938	3704922130		102-2		STRAND #1	WASHINGTON	13.0	NATIONAL FUEL GAS
-CABOT OIL & GAS CORP				RECEIVED:	02/14/83	JA: PA			
8322107	18638	3708520472		102-2		ARNOLD RADEMACHER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322106	18637	3708520472		107-TF		ARNOLD RADEMACHER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322114	18827	3708520470		102-2		CHARLES FLICKINGER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322113	18826	3708520470		107-TF		CHARLES FLICKINGER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322130	19001	3712133389		102-2		CHARLES WHITMAN #2	CANAL	50.0	TENNESSEE GAS PIP
8322129	19000	3712133389		107-TF		CHARLES WHITMAN #2	CANAL	50.0	TENNESSEE GAS PIP
8322104	18577	3708520478		102-2		FRANCIS O'BRIEN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322103	18576	3708520478		107-TF		FRANCIS O'BRIEN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322109	18640	3708520461		102-2		JAMES DEAN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322108	18639	3708520461		107-TF		JAMES DEAN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	02/14/83	JA: PA			
8322125	18970	3703921874		107-TF		CHESTER TAU #2 82-30 PA PER CRA-21*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322126	18971	3703921860		107-TF		K FRNDAK #2 82-31 PA PER CRA-21860	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322124	18947	3703921715		107-TF		WM LUTZ #3 82-22 PA PER # CRA-21715	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CASTLE GAS CO INC				RECEIVED:	02/14/83	JA: PA			
8322132	19019	3706323455		108		H C LONG #2 (PNG-5094) IND-23455	GRANT TOWNSHIP	4.3	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/14/83	JA: PA			
8322088	13384	3703320929		108		ANNA HORN WN 1786	BRADY TOWNSHIP	24.0	GENERAL SYSTEM PU
8322120	18885	3703320619		102-4		ANSEL B THOMAS #1 WN-1558	GREENWOOD	11.0	GENERAL SYSTEM PU
8322118	18879	3703320547		102-4		HARRY E ROBERTSON #1 WN-1335	SANDY	3.0	GENERAL SYSTEM PU
8322086	12069	3706521713		108		J A BARTLETT WN 1727	MCCALMONT TOWNSHIP	27.7	GENERAL SYSTEM PU
8322119	18880	3706521079		102-4		SAMUEL L CRAWFORD #1 WN-1373	SNYDER	7.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322087	12070	3703320935		108		V H BECK #1 WN 1635	BRADY TOWNSHIP	24.0	GENERAL SYSTEM PU
-FLANIGAN BROTHERS				RECEIVED:	02/14/83	JA: PA			
8322111	18785	3703921812		107-TF		THOMAS WILSON #1	CRAWFORD	12.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC				RECEIVED:	02/14/83	JA: PA			
8322131	19018	3706320363		107-TF		F M SLOAN #1	FRANKLIN TOWNSHIP	11.0	PEOPLES NATURAL G
-GLENN V TROYER				RECEIVED:	02/14/83	JA: PA			
8322115	18828	3704900000		102-2	107-TF	HOAG 3-C	LEBOEUF	20.0	COLUMBIA GAS TRAN
8322116	18829	3704900000		102-2	107-TF	HOAG 3C	LEBOEUF	20.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	02/14/83	JA: PA			
8322121	18944	3706326487		103		DALE STARTZELL #2 PS-358	CANOE	0.4	CONSOLIDATED GAS
-JOHN H REETZ JR				RECEIVED:	02/14/83	JA: PA			
8322151	19100	3705300000		108		WARRANT #1 3159	JENKS	3.6	NATIONAL FUEL GAS
8322152	19101	3705300000		108		WARRANT #2-3159	JENKS	3.6	NATIONAL FUEL GAS
8322153	19102	3705300000		108		WARRANT #3-(3159)	JENKS	3.6	NATIONAL FUEL GAS
8322154	19103	3705300000		108		WARRANT #4 (3159)	JENKS	0.0	NATIONAL FUEL GAS
8322155	19104	3705300000		108		WARRANT #5 (3159)	JENKS	3.6	NATIONAL FUEL GAS
8322156	19105	3705300000		108		WARRANT #6 (3159)	JENKS	0.0	NATIONAL FUEL GAS
8322157	19106	3705300000		108		WARRANT #7 (3159)	JENKS	0.0	NATIONAL FUEL GAS
-KRIEBEL GAS CO INC				RECEIVED:	02/14/83	JA: PA			
8322127	18998	3706522698		103		NOVICKI #1	BELLS MILLS	20.0	
-KRIEBEL WELLS 82				RECEIVED:	02/14/83	JA: PA			
8322128	18999	3706327276		103		RAGER #2	JOHNSONBURG	20.0	
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/14/83	JA: PA			
8322123	18946	3703921795		103		H F SHELLITO UNIT #1	CONNEAUT LAKE (MEDINA	4.1	TENNESSEE GAS PIP
8322122	18945	3703921795		107-TF		H F SHELLITO UNIT #1	CONNEAUT LAKE (MEDINA	4.1	TENNESSEE GAS PIP
-T W PHILLIPS GAS & OIL CO				RECEIVED:	02/14/83	JA: PA			
8322139	19030	3700500000		108		G D REARICK #1	PLUMCREEK	1.9	T W PHILLIPS GAS
8322140	19031	3700500000		108		P N REEFER #1	PLUMCREEK	1.1	T W PHILLIPS GAS
8322135	19026	3700520283		108		S F PETERS #1	PLUMCREEK	3.0	T W PHILLIPS GAS
8322136	19027	3700520214		108		S F PETERS #2	PLUMCREEK	2.9	T W PHILLIPS GAS
8322137	19028	3700520215		108		S F PETERS #3	PLUMCREEK	2.4	T W PHILLIPS GAS
8322138	19029	3700520207		108		S F PETERS #4	PLUMCREEK	0.4	T W PHILLIPS GAS
8322141	19032	3700521519		108		W K REEFER #1	PLUMCREEK	10.6	T W PHILLIPS GAS
8322133	19024	3700520219		108		WILLIAM J OCHS JR #1	PLUMCREEK	1.7	T W PHILLIPS GAS
8322134	19025	3700520324		108		WILLIAM J OCHS JR #2	PLUMCREEK	1.6	T W PHILLIPS GAS
-TURM OIL INC				RECEIVED:	02/14/83	JA: PA			
8322110	18645	3706326981		103		EDWARD A & ANNA MARY ROTH #1	BRUSH VALLEY	24.0	T W PHILLIPS GAS
8322117	18863	3706325877		108		F L MCCAULEY JR #1	ROCHESTER MILLS	10.0	INDUSTRIAL ENERGY
8322105	18636	3706326921		103		PETER A & BETTY PROVIAS #1	BRUSH VALLEY	30.0	T W PHILLIPS GAS
-VINCENT KUTCH				RECEIVED:	02/14/83	JA: PA			
8322112	18815	3706321065		107-TF		HOLMES #1	CRETE	7.0	PEOPLES NATURAL G
-WBC EXPLORATION & DEVELOPMENT INC				RECEIVED:	02/14/83	JA: PA			
8322145	19077	3704920296		108		BABBS #2	CONNEAUT	1.7	CONSOLIDATED GAS
8322146	19078	3704920191		108		GOEDECKER #1	CONNEAUT	5.1	NATIONAL FUEL GAS
8322143	19075	3704920302		108		LAYMAN #1	CONNEAUT	1.7	CONSOLIDATED GAS
8322142	19073	3704920304		108		MILLER #1	CONNEAUT	3.3	CONSOLIDATED GAS
8322144	19076	3704920279		108		R FISHER #1	CONNEAUT	3.2	CONSOLIDATED GAS
8322147	19079	3704920242		108		STEVENS #2	CONNEAUT	3.7	CONSOLIDATED GAS
8322148	19080	3704920192		108		WALKER #1	CONNEAUT	2.1	NATIONAL FUEL GAS
8322149	19081	3704920241		108		WEHRUNG #1	CONNEAUT	7.5	CONSOLIDATED GAS
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
**********									
-ASHLAND EXPLORATION INC				RECEIVED:	02/14/83	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
							LOGAN-WYOMING	20.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322169		4710900510		108		W M RITTER LUMBER CO #172-026520	LOGAN-WYOMING	20.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:	02/14/83	JA: WV			
8322174		4700701370		108		JOHN POSEY #1	HEATERS	10.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/14/83	JA: WV			
8322167		4710301196		108		MILLS WETZEL LAND INC WN 12672	GRANT	1.1	GENERAL SYSTEM PU
8322165		4704700292		108		OLGA COAL CO WN-10700	SANDY RIVER	21.0	GENERAL SYSTEM PU
8322166		4704700322		108		OLGA COAL CO WN-10808	SANDY RIVER	22.0	GENERAL SYSTEM PU
8322168		4710900827		108		POCAHONTAS LAND CORP I-19 WN 12587	BARKERS RIDGE	23.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	02/14/83	JA: WV			
8322178		4704900653		108		B LAUGHLIN #1 KL-125	LINCOLN DISTRICT	25.0	CONSOLIDATED GAS
8322177		4703302523		108		D M SHINN #2 KL-105	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8322176		4703302235		108		E ADAMS #1 KL-119	UNION DISTRICT	25.0	CONSOLIDATED GAS
-HARRY C BOGGS				RECEIVED:	02/14/83	JA: WV			
8322161		4700701635		108		H A EDGELL #2	NICUT	12.0	COLUMBIA GAS TRAN
8322162		4700701636		108		H A EDGELL #3	NICUT	12.0	COLUMBIA GAS TRAN
8322159		4700701632		108		M C CHAPMAN #3	NICUT	18.0	COLUMBIA GAS TRAN
8322160		4700701634		108		M C CHAPMAN #5	NICUT	18.0	COLUMBIA GAS TRAN
8322163		4701302857		108		R F STALNAKER #7	NICUT	18.0	COLUMBIA GAS TRAN
8322164		4701302859		108		R F STALNAKER #9	NICUT	0.0	COLUMBIA GAS TRAN
8322158		4700701631		108		RUIE HALL #3	NICUT	18.0	COLUMBIA GAS TRAN
-RENDOVA OIL CO				RECEIVED:	02/07/83	JA: WV			
8322051		4707301191		103		JENKINS #1	MCKIM DISTRICT	57.6	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	02/14/83	JA: WV			
8322171		4708300612		102-4		BREWSTER-HIGHLAND #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322172		4709702406		102-4		HAYES SCOTT #1-A	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322173		4708300618		102-4		HAYES SCOTT #4	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322170		4708300614		102-4		MARVIN CURRENCE #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
-TYRONE ENERGY				RECEIVED:	02/14/83	JA: WV			
8322175		4708300632		107-DV		JAMES LAROSA/TYRONE #10	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8322180		4708300635		107-DV		JAMES LAROSA/TYRONE #9	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8322179		4708300468		107-DV		ROY HOWES/TYRONE ENERGY #1	ROARING CREEK	0.0	COLUMBIA GAS TRAN

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED:	02/10/83	JA: WY			
8322015	NG 250-82	4903721873		107-TF		CHAMPLIN 271 AMOCO "C" #1 (MESAVER)	UNNAMED-MESAVERDE	22.0	
8322025	NG 329-82	4900720763		107-TF		CHAMPLIN 444 AMOCO "L" #1	BARREL SPRINGS II - M	80.3	CITIES SERVICE GA
8322029	NG 333-82	4904120282		107-DP		CHAMPLIN 457 AMOCO "A" #3	WHITNEY CANYON - BIGH	4000.0	NATURAL GAS PIPEL
8322028	NG 332-82	4904120345		107-DP		CHAMPLIN 457 AMOCO "E" #1	WHITNEY CANYON - BIGH	9000.0	NATURAL GAS PIPEL
8322016	NG 257-82	4903721583		103		LOST SOLDIER UNIT #135 (TENSLEEP)	LOST SOLDIER - TENSLE	6.0	NORTHERN GAS CO
8322014	NG 249-82	4903721609		107-TF		RED DESERT UNIT #3-5 (LEWIS)	WILDCAT - LEWIS	90.0	CITIES SERVICE GA
-APACHE CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322007	NG 95-82	4900525684		102-2		MOORE 1-21	POWELL	115.0	MONTANA DAKOTA UT
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322012	NG 215-82	4903502560		102-4		C 73-23	C	0.0	NORTHWEST PIPELIN
8322010	NG 211-82	4903520626		103		C75-36	CHIMNEY BUTTES UNIT	0.0	NORTHWEST PIPELIN
8322009	NG 210-82	4903516026		103		ELBU 35-5	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
8322011	NG 212-82	4902320400		103		GRBU 77-13	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/10/83	JA: WY			
8322017	NG 269-82	4900526551		103		STATE #2 34-36	PORCUPINE	66.0	MGPC INC
8322018	NG 270-82	4901922052		103		UPRR #1 13-19	PETRICK DRAW	255.0	COLORADO INTERSTA
8322042	NG 354-82	4903722073		103		UPRR 43-31 #1	WEST DESERT SPRINGS	124.0	COLORADO INTERSTA
8322019	NG 271-82	4900720762		102-2		UPRR 44-5 #1	WILDCAT	180.0	COLORADO INTERSTA

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAVIS OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8322004	NG 60-82	4900525706		102-2		BELLE FOURCHE #2	MILIGHT	13.4	PHILLIPS PETROLEU
8322020	NG 323-82	4902521400		103		MOCASSIN STATE #1	WILDCAT	38.8	KANSAS-NEBRASKA N
8322013	NG 232-82	4900931220		102-2		OLLIE KANE #1	WILDCAT	21.4	PHILLIPS PETROLEU
-HPC INC				RECEIVED:	02/10/83	JA: WY			
8322036	NG 340-82	4900922070		103		LUCILLE #2	MIKES DRAW	1.0	PHILLIPS PETROLEU
8322043	NG 355-82	4900922074		102-2		MOHR #21-1	SCOTT	1.0	PHILLIPS PETROLEU
8322034	NG 338-82	4900922051		103		WELL DRAW #24-1	WELL DRAW	33.8	PHILLIPS PETROLEU
8322035	NG 339-82	4900922118		103		WELL DRAW #36-1	WELL DRAW	22.4	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:	02/10/83	JA: WY			
8322032	NG 336-82	4900921640		102-2		DONNELLY #1-7	SCOTT	30.0	PHILLIPS PETROLEU
8322030	NG 334-82	4900921853		102-2		STATE 025 #1-16	SCOTT	50.0	PHILLIPS PETROLEU
8322031	NG-335-82	4900921849		102-2		STATE 025 #2-16	SCOTT	50.0	PHILLIPS PETROLEU
8322033	NG 337-82	4900921909		102-2		STATE 025 #3-16	SCOTT	50.0	PHILLIPS PETROLEU
-LEONARD HAY				RECEIVED:	02/10/83	JA: WY			
8322044	NG 356-82	4903500000		107-TF		JENSEN #1	PINEDALE ANTICLINE	600.0	NORTHWEST PIPELIN
-MILESTONE PETROLEUM INC				RECEIVED:	02/10/83	JA: WY			
8322039	NG 346-82	4900526720		103		BIRDSALL 41-8	HOUSE CREEK - SUSSEX	40.0	PHILLIPS PETROLEU
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/10/83	JA: WY			
8322005	NG 62-82	4902320127		108		RED GAP #1	BIG PINEY FRONTIER-MU	21.7	NORTHWEST PIPELIN
-PRENALTA CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322006	NG 71-82	4904521646		102-2		PRENALTA 21-16-41-60 STATE 04521646	PLUM CANYON	1.5	PRENALTA CORP
-TENNECO OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8322041	NG 352-82	4900922128		102-2		ADCOCK 3-2	SCOTT	25.0	
8322008	NG 203-82	4901321087		103		JOHN K COOLIDGE #1-4	PAVILLION	0.0	MONTANA DAKOTA UT
-TEXACO INC				RECEIVED:	02/10/83	JA: WY			
8322025	NG 330-82	4903700000		103		TABLE ROCK UNIT #51	TABLE ROCK	0.0	COLORADO INTERSTA
8322038	NG 342-82	4903722116		103		TABLE ROCK UNIT #53	TABLE ROCK	43.9	COLORADO INTERSTA
8322037	NG 341-82	4903722117		103		TABLE ROCK UNIT #54	TABLE ROCK	89.1	COLORADO INTERSTA
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	02/10/83	JA: WY			
8322027	NG 331-82	4900526378		103		BOOS 22-25	SW BIG HAND	162.0	PHILLIPS PETROLEU
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322024	NG 327-82	4900526470		103		PINE TREE UNIT #18-41	PINE TREE	1.0	WESTERN GAS PROCE
8322023	NG 326-82	4900526470		102-4		PINE TREE UNIT #18-41	PINE TREE	1.0	WESTERN GAS PROCE
8322045	NG 351-82	4900921963		102-2		TAYLOR UNIT #4	TAYLOR	64.0	WESTERN GAS PROCE
8322040	NG 350-82	4900921963		102-2		TAYLOR UNIT #4	TAYLOR	32.0	WESTERN GAS PROCE
8322021	NG 324-82	4900921809		103		WILLIAM TAYLOR #21-1	POWELL	179.0	MONTANA-DAKOTA UT
8322022	NG 325-82	4900921809		103		WILLIAM TAYLOR #21-1	POWELL	0.0	MONTANA-DAKOTA UT

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6366 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-C

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Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	02/10/83	JA: NM			
8321548		3004524188		103		GALLEGOS CANYON UNIT #106E	BASIN DAKOTA	33.0	EL PASO NATURAL G
-CORPENING ENTERPRISES				RECEIVED:	02/10/83	JA: NM			
8321545		3001500000		108-ER		EXXON STATE #1	SQUARE LAKE QUEEN	0.0	PHILLIPS PETROLEU
-EVANS JAMES L				RECEIVED:	02/10/83	JA: NM			
8321566		3002527074		103		STEELER A #3	LANGLIE MATTIX	3.3	EL PASO NATURAL G
8321564		3002528044		103		STEELER A #4	LANGLIE MATTIX	25.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	02/10/83	JA: NM			
8321543		3002527774		103		NEW MEXICO "DD" STATE #3	SCHARB-WOLFCAMP	1.0	HARKEN PETROLEUM
-FLAG-REDFERN OIL CO				RECEIVED:	02/10/83	JA: NM			
8321568		3000520797		103		SOUTHARD "A" #3	TOM-TOM (SAN ANDRES)	5.0	NATURAL GAS PIPEL
8321567		3000520841		103		SOUTHARD "A" #4	TOM-TOM (SAN ANDRES)	5.8	NATURAL GAS PIPEL
-GETTY OIL COMPANY				RECEIVED:	02/10/83	JA: NM			
8321563		3002500000		108-ER		SKELLY "G" STATE #1	EUNICE - MONUMENT	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	02/11/83	JA: NM			
8321582		3002521251		108		BELL RAMSAY (NCT-A) #13	EUNICE MONUMENT	13.5	PHILLIPS PETROLEU
8321583		3004120201		108		ROOSEVELT "AN" STATE #2	TODD-LOWER SAN ANDRES	1.7	CITIES SERVICE OI
-HARVEY E YATES COMPANY				RECEIVED:	02/10/83	JA: NM			
8321544		3001522450		102-2		AMOCO 22 STATE #1	WILDCAT ATOKA	0.0	LLANO INC
8321542		3002527721		102-2		MCDONALD UNIT #2	WILDCAT	0.0	TENNESSEE GAS PIP
-J E M RESOURCES				RECEIVED:	02/10/83	JA: NM			
8321547		3001500000		108		STATE #1	CAVE G-SA	10.6	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/10/83	JA: NM			
8321549		3003907472		108		SAN JUAN 29-5 #38	BLANCO MESAVERDE	18.4	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/10/83	JA: NM			
8321565		3002502922		108		E VACUUM GB/SA UNIT TR 2851 #001	VACUUM GRAYBURG SAN A	3.0	EL PASO NATURAL G
-RALPH NIX				RECEIVED:	02/10/83	JA: NM			
8321560		3001500000	D	103		FIKES #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321557		3001500000		103		HONDO KELLY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321554		3001500000		103		KELLY #2	UNDESIGNATED ATOKA YE	35.0	PHILLIPS PETROLEU
8321555		3001500000		103		LYNN #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321556		3001500000		103		MELAINE BATTERY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321561		3001500000	D	103		MELAINE BATTERY #2	UNDESIGNATED ATOKA YE	35.0	PHILLIPS PETROLEU
8321558		3001500000		103		MERRI #1	WILDCAT BONE SPRINGS	35.0	PHILLIPS PETROLEU
8321559		3001500000		103		MERRILL BATTERY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321550		3001500000		103		MERRILL BATTERY #2	ATOKA YESO	35.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	02/10/83	JA: NM			
8321553		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8321552		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8321551		3002500000		108-ER		STATE B-148 #1	JALMAT YATES GAS	0.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	02/10/83	JA: NM			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321562		3004520382		108		STATE COM C5
-TXO PRODUCTION CORP				RECEIVED:	02/11/83	JA: NM
8321584		3000560396		103		O'BRIEN #1
-YATES PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: NM
8321570		3000560938		102-3		BITTER LAKE "PX" STATE #1
8321571		3000561016		102-3		ROADRUNNER "VY" ST #1
8321569		3001523793		102-4		SHARP "QS" COM #1
8321546		3002527981		103		VALENTINE "VL" ST #1
WEST VIRGINIA DEPARTMENT OF MINES						
-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:	02/07/83	JA: WV
8321437		4706703480		103		1 W SNODGRASS #1
-ALLSTATE ENERGY CORP				RECEIVED:	02/07/83	JA: WV
8321422		4708505140		108		BARKER #1
8321445		4708502232		108		BULLINGER #1
8321427		4708504956		108		CUNNINGHAM #1
8321443		4708504980		108		DAVID SMITH #1
8321442		4708504981		108		DAVID SMITH #2
8321426		4708504954		108		DEEM #1
8321444		4708504735		108		GEORGE #1
8321440		4708504912		108		GIEBELL #1
8321439		4708504913		108		GIEBELL #2
8321420		4708505138		108		HARDBARGER #1
8321438		4708504940		108		HAYHURST #1
8321434		4708504955		108		HAYHURST #2
8321419		4708505246		108		HERSMAN #1-44
8321465		4708505313		108		HERSMAN #2-50
8321423		4708505273		108		HERSMAN #3-45
8321421		4708505131		108		LAYTON #2
8321441		4702102674		108		SIMMONS #1
8321424		4708505236		108		SWEET #1
8321425		4708505272		108		SWEET #2-46
-ASHLAND EXPLORATION INC				RECEIVED:	02/07/83	JA: WV
8321461		4701900392		108		EASTERN GAS & FUEL #61 087131
-BRAXTON OIL AND GAS CORP				RECEIVED:	02/07/83	JA: WV
8321463		4700701428		108		TOLLEY #1
-CABOT OIL & GAS CORP				RECEIVED:	02/07/83	JA: WV
8321466		4708100513		108		BROWN PAYNE #1
8321467		4708100518		108		RALEIGH COUNTY COMMISSION #1
8321469		4703901634		108		SMUNK LAND CO #16
8321468		4709901720		108		WILSON COAL A-6
-CARDINAL DRILLING FUND 79-6 LTD				RECEIVED:	02/07/83	JA: WV
8321430		4708504447		108		JOYCE HOWARD H-884
8321431		4708504443		108		KENNETH PERINE H-880
8321446		4708504491		108		KENNETH PERINE H-893
8321433		4702103622		108		MILTON ALLMAN H-980
8321432		4702103623		108		MILTON ALLMAN H-981
-CARSON PETROLEUM CORP				RECEIVED:	02/07/83	JA: WV
8321394		4704102947		108		L L D PETERS #1A
8321392		4702102764		108		NELLIE BARBAROW #1
8321391		4701702665		108		SEVERN #1A
8321393		4702103664		108		SPROUSE #1

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FIELD NAME	PROD	PURCHASER
AZTEC PICTURED CLIFFS	17.0	EL PASO NATURAL G
STRAWN - LUST LAKE	100.0	TRANSWESTERN PIPE
WILDCAT ABO	0.0	TRANSWESTERN PIPE
UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
POW MORROW	0.0	TRANSWESTERN PIPE
SAUNDERS PERMO-PENN	0.0	WARREN PETROLEUM
WALTON DISTRICT	30.0	COLUMBIA GAS TRAN
MURPHY DISTRICT	3.6	CONSOLIDATED GAS
UNION DISTRICT	2.3	CARNEGIE NATURAL
MURPHY DISTRICT	0.5	CONSOLIDATED GAS
CLAY DISTRICT	1.7	CARNEGIE NATURAL
CLAY DISTRICT	1.7	CARNEGIE NATURAL
UNION DISTRICT	0.5	CARNEGIE NATURAL
UNION DISTRICT	4.4	CARNEGIE NATURAL
UNION DISTRICT	3.6	CONSOLIDATED GAS
UNION DISTRICT	3.6	CONSOLIDATED GAS
UNION DISTRICT	0.7	CONSOLIDATED GAS
UNION DISTRICT	5.9	CONSOLIDATED GAS
UNION DISTRICT	5.9	CONSOLIDATED GAS
UNION DISTRICT	0.5	CARNEGIE NATURAL
UNION DISTRICT	2.9	CARNEGIE NATURAL
UNION	0.2	CARNEGIE NATURAL
UNION DISTRICT	4.9	CONSOLIDATED GAS
TROY DISTRICT	4.2	CONSOLIDATED GAS
UNION DISTRICT	3.7	CARNEGIE NATURAL
UNION DISTRICT	3.7	CARNEGIE NATURAL
PAINT CREEK	18.0	COLUMBIA GAS TRAN
GERMAN - CHAPEL	10.0	COLUMBIA GAS TRAN
TOWN	1.8	COLUMBIA GAS TRAN
TOWN	13.3	COLUMBIA GAS TRAN
CABIN CREEK	2.0	CONSOLIDATED GAS
LINCOLN	15.3	TENNESSEE GAS PIP
UNION DISTRICT	20.0	CONSOLIDATED GAS
UNION DISTRICT	20.0	CONSOLIDATED GAS
UNION DISTRICT	20.0	CONSOLIDATED GAS
TROY DISTRICT	20.0	CONSOLIDATED GAS
TROY DISTRICT	20.0	CONSOLIDATED GAS
INDIAN FORK	11.0	CONSOLIDATED GAS
TROY DISTRICT	17.0	CONSOLIDATED GAS
ST CLAIR	19.0	CONSOLIDATED GAS
BIG ELLIS	19.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321389		4701702664		108		SEVERN #2A
8321390		4701702666		108		SEVERN #3A
-CHESAPEAKE APPALACHIA LTD				RECEIVED:	02/07/83	JA: WV
8321452		4708505139		108		BARKER #2
8321453		4708505141		108		BARKER #3
8321454		4708505142		108		BARKER #4
8321455		4708505143		108		BARKER #5
8321456		4708505144		108		BARKER #6
8321457		4708505145		108		BARKER #7
8321458		4708505146		108		BARKER #8
8321459		4708505147		108		BARKER #9
8321460		4708505148		108		BARKER #10
8321447		4708505149		108		BARKER #11
8321448		4708505150		108		BARKER #12
8321449		4708505151		108		BARKER #13
8321450		4708505152		108		BARKER #14
8321451		4708505153		108		BARKER #15
-CONSOLIDATED GAS SUPPLY CORP				RECEIVED:	02/07/83	JA: WV
8321395		4704102948		108		L L D PETERS #2A
8321396		4704102949		108		L L D PETERS #3A
8321397		4704102950		108		L L D PETERS #4A
8321398		4704102951		108		L L D PETERS #5A
8321399		4704102952		108		L L D PETERS #6A
8321400		4704102953		108		L L D PETERS #7A
8321401		4704102954		108		L L D PETERS #8A
8321402		4704102955		108		L L D PETERS #9A
8321403		4704102956		108		L L D PETERS #10A
8321404		4704102957		108		L L D PETERS #11A
8321405		4704102958		108		L L D PETERS #12A
8321406		4704102959		108		L L D PETERS #13A
8321407		4704102960		108		L L D PETERS #14A
8321408		4704102961		108		L L D PETERS #15A
8321409		4704102962		108		L L D PETERS #16A
8321410		4704102963		108		L L D PETERS #17A
8321411		4704102964		108		L L D PETERS #18A
8321412		4704102965		108		L L D PETERS #19A
8321413		4704102966		108		L L D PETERS #20A
8321414		4704102967		108		L L D PETERS #21A
8321415		4704102968		108		L L D PETERS #22A
8321416		4704102969		108		L L D PETERS #23A
8321417		4704102970		108		L L D PETERS #24A
8321418		4704102971		108		L L D PETERS #25A

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FIELD NAME	PROD	PURCHASER
UNION DISTRICT	3.7	CARNEGIE NATURAL
UNION DISTRICT	3.7	CARNEGIE NATURAL
UNION DISTRICT	3.6	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
-CITIES SERVICE COMPANY				RECEIVED:	02/07/83	JA: WV
8321457		4700501164		108		KINDER 'A' #1
-COASTAL CORP				RECEIVED:	02/07/83	JA: WV
8321428		4710301257		107-DV		PARAMOUNT #1
8321429		4710301245		107-DV		PARAMOUNT #3
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/07/83	JA: WV
8321485		4704102077		108		A T SIMMONS WN 12123
8321397		4703300922		108		AB POST WN 12596
8321488		4700100901		108		ARTHUR HICKMAN WN 12238
8321479		4709702270		103		BOYNTON CO INC WN 12690
8321398		4703300319		108		JACKSON ARNOLD WN-10529
8321487		4703300832		108		MAE GASTON #11826
8321486		4703302359		108		W D DAMSON 12652
-CONTINENTAL PETROLEUM CO				RECEIVED:	02/07/83	JA: WV
8321447		4702103688		107-DV		J MESSENGER #1-A
8321449		4702103785		107-DV		ROGERS #1-A
8321448		4702103770		107-DV		ROGERS #2-A
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	02/07/83	JA: WV
8321490		4701702499		108		H STICKLE #1
8321489		4702103527		108		J DAVIS #3
-FRANCIS E CAIN				RECEIVED:	02/07/83	JA: WV
8321452		4701303029		108		FRANCIS CAIN (HAGAN BARR)
-GLENN L HAUGHT & SONS				RECEIVED:	02/07/83	JA: WV
8321436		4708504528		108		L W DAVIS H-920
8321435		4708545290		108		L W DAVIS H-921
8321415		4708504445		108		MARY ELDER H-882
8321416		4708504446		108		MARY ELDER H-883
8321417		4708504492		108		PEARLY PIFER H-894
8321418		4708504493		108		PEARLY PIFER H-895
-HAUGHT INC				RECEIVED:	02/07/83	JA: WV
8321404		4708505578		107-DV		CHARLES WOLFE H-670
-J & J ENTERPRISES INC				RECEIVED:	02/07/83	JA: WV
8321478		4701702528		107-DV		J-100
8321477		4701702653		107-DV		J-101
8321482		4701702524		107-DV		J-103
8321476		4701702686		107-DV		J-277
8321483		4701702689		107-DV		J-278
8321481		4701702599		107-DV		J-38
8321460		4701727710		108		J-49
8321484		4709722960		103		J-523
8321480		4701726040		107-DV		J-86
-JAMES F SCOTT				RECEIVED:	02/07/83	JA: WV
8321459		4703302617		102-2		R L BARNES S-325
8321458		4703302461		102-2		TRUMAN GORE S-319
-KEITH CRIHFIELD				RECEIVED:	02/07/83	JA: WV
8321402		4702102108		108		GEORGE SPONAUGLE #1
8321403		4702102157		108		GEORGE SPONAUGLE #2
8321401		4702102030		108		SPONAUGLE #1
8321399		4702101927		108		STOUT #1
8321400		4702101938		108		STOUT #2
-MARTHA BLAND LEASE #1				RECEIVED:	02/07/83	JA: WV
8321395		4701300365		108		MARTHA BLAND LEASE #1
-MILTON CAIN OWNER				RECEIVED:	02/07/83	JA: WV

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FIELD NAME	PROD	PURCHASER
DARTMONT	7.0	ASHFORD GAS CO
GREEN	280.0	
GREEN	52.5	
FREEMANS CREEK DISTRI	0.0	GENERAL SYSTEM PU
GRANT	15.0	GENERAL SYSTEM PU
ELK	12.0	GENERAL SYSTEM PU
MEADE DISTRICT	16.0	GENERAL SYSTEM PU
ELK	21.0	GENERAL SYSTEM PU
GRANT DISTRICT	14.0	GENERAL SYSTEM PU
GRANT DISTRICT	6.0	GENERAL SYSTEM PU
GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
GLENVILLE NORTH	50.0	CONSOLIDATED GAS
GLENVILLE NORTH	50.0	CONSOLIDATED GAS
SNAKE RUN	25.0	COLUMBIA GAS TRAN
GLENVILLE	0.0	EQUITABLE GAS CO
SHERIDAN DISTRICT	0.0	CABOT CORP
GRANT DISTRICT	20.0	CONSOLIDATED GAS
GRANT DISTRICT	20.0	CONSOLIDATED GAS
UNION DISTRICT	18.0	CONSOLIDATED GAS
UNION DISTRICT	18.0	CONSOLIDATED GAS
GRANT DISTRICT	20.0	CONSOLIDATED GAS
GRANT DISTRICT	20.0	CONSOLIDATED GAS
MURPHY DISTRICT	20.0	ROARING FORK GAS
NEW MILTON	0.0	CONSOLIDATED GAS
NEW MILTON	0.0	CONSOLIDATED GAS
NEW MILTON	0.0	CONSOLIDATED GAS
WEST UNION	0.0	CONSOLIDATED GAS
WEST UNION	0.0	CONSOLIDATED GAS
NEW MILTON	0.0	CONSOLIDATED GAS
NEW MILTON	0.0	CONSOLIDATED GAS
UNION	0.0	COLUMBIA GAS TRAN
GREENBRIER	0.0	CONSOLIDATED GAS
COAL	20.0	CONSOLIDATED GAS
COAL DISTRICT	10.0	CONSOLIDATED GAS
CEDARVILLE	4.0	COLUMBIA GAS TRAN
CEDARVILLE	4.0	COLUMBIA GAS TRAN
CEDARVILLE	3.0	COLUMBIA GAS TRAN
CEDARVILLE	2.0	COLUMBIA GAS TRAN
CEDARVILLE	2.0	COLUMBIA GAS TRAN
SHERMAN DISTRICT	4.2	CABOT CORP

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321453		4701303032		108		BATTELL FERRELL	SHERIDAN DISTRICT	0.0	CABOT CORP
8321454		4701303072		108		C L & COLUMBIA SHANKS	SHERIDAN DISTRICT	0.0	CABOT CORP
8321456		4701303283		108		HAGAN BARR #1	SHERIDAN DISTRICT	0.0	CABOT CORP
8321455		4701303073		108		MARTHA SIMS	SHERIDAN DISTRICT	0.0	CABOT CORP
-NATURAL GAS OF WVA INC				RECEIVED:	02/07/83	JA: WV			
8321412		4710300046		108		A CHURCH #1	CHURCH	3.0	CONSOLIDATED GAS
8321414		4706100017		108		CLOVIS #1	CHURCH	5.0	CONSOLIDATED GAS
8321413		4710300044		108		FREELAND #1	CHURCH	6.0	CONSOLIDATED GAS
8321407		4710300642		108		HENRY CHURCH #1	CHURCH	6.0	CONSOLIDATED GAS
8321411		4710300062		108		HENRY CHURCH #2	CHURCH	4.0	CONSOLIDATED GAS
8321406		4710300172		108		HOSTUTTLE #2	CHURCH	6.0	CONSOLIDATED GAS
8321409		4710300213		108		HOSTUTTLE #3	CHURCH	3.0	CONSOLIDATED GAS
8321410		4710300066		108		NULL & MOOREHEAD #4	CHURCH	3.0	CONSOLIDATED GAS
8321408		4710300247		108		NULL & MOOREHEAD #5	CHURCH	4.0	CONSOLIDATED GAS
8321405		4710300152		108		RHOME #1	CHURCH	1.2	CONSOLIDATED GAS
-PACIFIC STATES GAS & OIL INC				RECEIVED:	02/07/83	JA: WV			
8321494		4702102998		108		L RADCLIFF #1	GLENVILLE	23.0	EQUITABLE GAS CO
8321493		4702103204		108		S A HAYS #4	GLENVILLE	31.0	EQUITABLE GAS CO
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	02/07/83	JA: WV			
8321492		4700100684		108		CRUSTON JOSEPH WV 81282	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8321491		4704700545		108		ROYALTY SMOKELESS 1-A	BROWNS CREEK DISTRICT	0.0	CABOT CORP
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/07/83	JA: WV			
8321396		4707700110		108		HOLMES C #1	SOUTH BURNS CHAPEL	10.0	CONSOLIDATED GAS
-PRIOR IDA MAE				RECEIVED:	02/07/83	JA: WV			
8321495		4702103571		108		BUELL BUSH #1	TROY DISTRICT	0.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	02/07/83	JA: WV			
8321462		4704700764		108		GEORGIA PACIFIC #2	BIG CREEK	15.0	COLUMBIA GAS TRAN
-RENDOVA OIL CO				RECEIVED:	02/07/83	JA: WV			
8321472		4707301135		107-DV		BUTCHER #1	UNION DISTRICT ST MAR	3.3	COLUMBIA GAS TRAN
8321471		4707301135		103		BUTCHER #1	UNION DISTRICT ST MAR	3.3	COLUMBIA GAS TRAN
8321473		4707301138		107-DV		CLARK #1	UNION DISTRICT ST MAR	36.5	COLUMBIA GAS TRAN
8321470		4707301138		103		CLARK #1	UNION DISTRICT ST MAR	36.5	COLUMBIA GAS TRAN
8321474		4707301139		107-DV		CLARK #2	UNION DISTRICT ST MAR	25.0	COLUMBIA GAS TRAN
8321475		4707301191		107-DV		JENKINS #1	MCKIM DISTRICT	57.0	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	02/07/83	JA: WV			
8321464		4709702278		102-4		SAMPSON #1-8	WASHINGTON	35.0	TENNESSEE GAS PIP
-UNITED STATES ENERGY CORP				RECEIVED:	02/07/83	JA: WV			
8321451		4702102509		108		BUD MOORE 1-A	GLENVILLE	9.1	CONSOLIDATED GAS
-W J LORENTZ LEASE				RECEIVED:	02/07/83	JA: WV			
8321450		4702100246		108		W L LORENTZ LEASE #1	GLENVILLE DISTRICT	2.4	CONSOLIDATED GAS

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED:	02/10/83	JA: WY			
8321534	NG 254-82	4903720953		107-RT		CHAMPLIN 449 AMOCO "A" #1	LOST CREEK BASIN - LL	25.0	CITIES SERVICE GA
8321535	NG 255-82	4903721456		107-RT		CHAMPLIN 452 AMOCO "E" #1 (LEWIS)	SIBERIA RIDGE - (LEWI	40.0	CITIES SERVICE GA
8321538	NG 319-82	4903721943		103		LOST SOLDIER UNIT #101 (DARWIN)	LOST SOLDIER - DARWIN	1.0	NORTHERN GAS CO
8321537	NG 312-82	4903721943		103		LOST SOLDIER UNIT #161 (MADISON)	LOST SOLDIER - MADISO	1.0	NORTHERN GAS CO
-APACHE CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321541	NG 349-82	4900921874		102-2		STATE #36-1	WILDCAT	90.0	PHILLIPS PETROLEU
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321533	NG 242-82	4903520658		103		BIRD STATE 3-16	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/08/83	JA: WY			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321533	NG 242-82	4903520658		103		BIRD STATE 3-16	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/08/83	JA: WY			
8321534	NG 254-82	4903720953		107-RT		CHAMPLIN 449 AMOCO "A" #1	LOST CREEK BASIN - LL	25.0	CITIES SERVICE GA
8321535	NG 255-82	4903721456		107-RT		CHAMPLIN 452 AMOCO "E" #1 (LEWIS)	SIBERIA RIDGE - (LEWI	40.0	CITIES SERVICE GA
8321538	NG 319-82	4903721943		103		LOST SOLDIER UNIT #101 (DARWIN)	LOST SOLDIER - DARWIN	1.0	NORTHERN GAS CO
8321537	NG 312-82	4903721943		103		LOST SOLDIER UNIT #161 (MADISON)	LOST SOLDIER - MADISO	1.0	NORTHERN GAS CO
-APACHE CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321541	NG 349-82	4900921874		102-2		STATE #36-1	WILDCAT	90.0	PHILLIPS PETROLEU
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321533	NG 242-82	4903520658		103		BIRD STATE 3-16	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/08/83	JA: WY			

JD NO	JA DKT	API NO	J	SEC(1)	SEC(2)	WELL NAME
8321515	NG 318-82	4904120478		102-2		CHURCH BUTTES 1-5
8321516	NG 319-82	4904120479		103		CHURCH BUTTES 1-9
8321517	NG 320-82	4904120479		107-TF		CHURCH BUTTES 1-9
				RECEIVED:	02/10/83	JA: WY
-CHAMPLIN PETROLEUM COMPANY						
8321532	NG 231-82	4900720832		102-2		BELL SPRINGS 32-5 #2
8321540	NG 348-82	4903722140		103		LEUCITE HILLS 1-19
8321539	NG 347-82	4903722102		103		LEUCITE HILLS 1-33
				RECEIVED:	02/10/83	JA: WY
-CHEVRON U S A INC						
8321527	NG 195-82	4904120295		102-4		PAINTER RESERVOIR UNIT 13-5A
				RECEIVED:	02/10/83	JA: WY
-CITIES SERVICE COMPANY						
8321523	NG 117-82	4903721628		107-TF		STATE "I" #1
				RECEIVED:	02/10/83	JA: WY
-COBRA OIL AND GAS CORPORATION						
8321522	NG 109-82	4900921955		102-2		WINTERMOTE "10" #1
				RECEIVED:	02/08/83	JA: WY
-DAVIS OIL COMPANY						
8321518	NG 322-82	4900922083		102-2		STEVICK HUTMIER #1
				RECEIVED:	02/10/83	JA: WY
-DAVIS OIL COMPANY						
8321524	NG 110-82	4900525944		102-4		HOADLEY #1
				RECEIVED:	02/10/83	JA: WY
-DIAMOND SHAMROCK CORPORATION						
8321520	NG 105-82	4900526167		102-4		ELLIOTT FEE 13-27
				RECEIVED:	02/10/83	JA: WY
-JOHN S WOLO						
8321529	NG 204-82	4900700000		107-TF		BUZZARD RANCH CO 7-1
				RECEIVED:	02/10/83	JA: WY
-MARATHON OIL COMPANY						
8321526	NG 174-82	4902320462		102-2		HAM'S FORK #1-43
				RECEIVED:	02/10/83	JA: WY
-MICHIGAN WISCONSIN PIPE LINE CO						
8321530	NG 207-82	4900720281		108		CRESTON #1-9
				RECEIVED:	02/10/83	JA: WY
-PHILLIPS PETROLEUM COMPANY						
8321519	NG 101-82	4900526059		103		WYOMING STATE A #1
				RECEIVED:	02/10/83	JA: WY
-SOUTHLAND ROYALTY CO						
8321525	NG 171-82	4901920334		102-2		STATE OF WYOMING #1-16
8321531	NG 220-82	4900921954		102-4		WYOMING STATE #1-16
				RECEIVED:	02/10/83	JA: WY
-THE ANSCHUTZ CORPORATION						
8321521	NG 107-82	4902921110		102-2		DUNCAN STATE 2537 #12-30A
				RECEIVED:	02/08/83	JA: WY
-WESTERN PRODUCTION CO						
8321508	NG 309-82	4904521890		102-4		BERG 3-19
8321512	NG 314-82	4904521622		102-4		COLEN 1-10
8321509	NG 310-82	4904521830		102-4		COLEN 4-10
8321511	NG 313-82	4904505494		102-4		COLLINS #1
8321513	NG 315-82	4904521692		102-4		COXEN 3-10
8321505	NG 299-82	4904521305		102-4		FINN #14
8321504	NG 298-82	4904521689		102-4		FINN #18
8321503	NG 297-82	4904521690		102-4		FINN #19
8321506	NG 300-82	4904521098		102-4		FINN #5
8321507	NG 301-82	4904521165		102-4		FINN #6
8321510	NG 311-82	4904521469		102-4		FLORES 1
8321498	NG 292-82	4904521468		102-4		GRAHAM #1
8321496	NG 290-82	4904521330		102-4		GRIEVES #7
8321499	NG 293-82	4904521331		102-4		GRIEVES #8
8321497	NG 291-82	4904521917		102-4		GRIEVES 18
8321514	NG 316-82	4904521650		102-4		WESTERN PRODUCTION 1-3
8321500	NG 294-82	4904521727		102-4		WESTERN STATE 1-16
8321501	NG 295-82	4904521797		102-4		WESTERN STATE 2-16
8321502	NG 296-82	4904521713		102-4		WESTERN STATE 3-30
-WESTERN PRODUCTION CO				RECEIVED:	02/10/83	JA: WY

FIELD NAME	PROD	PURCHASER
CHURCH BUTTES BUFFER	270.0	MOUNTAIN FUEL SUP
CHURCH BUTTES	620.0	MOUNTAIN FUEL SUP
CHURCH BUTTES	620.0	MOUNTAIN FUEL SUP
WILDCAT	590.0	INTER NORTH INC
WILDCAT	275.0	
LEUCITE HILLS	222.0	
EAST PAINTER	756.0	
STANDARD DRAW	154.0	CITIES SERVICE GA
SHAWNEE	75.0	INEXCO GASOLINE P
WILDCAT	301.0	PHILLIPS PETROLEU
NORTH HILIGHT	97.4	PHILLIPS PETROLEU
WILDCAT	63.0	PHILLIPS PETROLEU
BUZZARD RANCH	90.0	NORTHERN GAS CO
WILDCAT	150.0	
CRESTON NOSE	10.0	MICHIGAN WISCONSI
PAYNE	5.1	PANHANDLE EASTERN
HOLLER DRAW	19.0	PHILLIPS PETROLEU
POWELL	240.0	MOUNTAIN FUEL SUP
ANSCHUTZ RANCH EAST	308.0	CODY GAS CO
SHURLEY	2.6	M G P C INC
SHURLEY	3.6	M G P C INC
SHURLEY	3.2	M G P C INC
SHURLEY	1.9	M G P C INC
SHURLEY	4.1	M G P C INC
FINN	3.2	M G P C INC
FINN	3.1	M G P C INC
FINN	3.4	M G P C INC
FINN	3.1	M G P C INC
FINN	4.2	M G P C INC
SHURLEY	2.9	M G P C INC
SHURLEY	2.8	M G P C INC
FINN	1.9	M G P C INC
FINN	2.4	M G P C INC
FINN	3.1	M G P C INC
SHURLEY	3.6	M G P C INC
SHURLEY	1.9	M G P C INC
SHURLEY	1.4	M G P C INC
SHURLEY	3.2	M G P C INC

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321536	NG 289-82	4904521304		102-4		GRIEVES #4	FINN	2.3	M G P C INC
-WOODS PETROLEUM CORPORATION				RECEIVED: 02/10/83		JA: NY			
8321528	NG 201-82	4900526466		102-4		PINE TREE UNIT 16-43	PINE TREE	1.0	WESTERN GAS PROCE

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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO

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-ARCO OIL AND GAS COMPANY				RECEIVED: 02/09/83		JA: CO 1			
8321578	CD 0608-82	0506706470		103	107-TF	SOUTHERN UTE 21-3 32-8 (TF)	IGNACIO BLANCO	90.0	WESTERN SLOPE GAS
-COSEKA RESOURCES (USA) LIMITED				RECEIVED: 02/10/83		JA: CO 1			
8321587	CD 0606-82	0510308882		102-2		ARCO-FEDERAL #4-33-4-103	WILDCAT	64.4	NORTHWEST PIPELIN
8321590	CD 0404-82	0510308206		103		FEDERAL #2-K-23	THUNDER	45.4	NORTHWEST PIPELIN
8321588	CD 0605-82	0510308825		102-2		FEDERAL #8-11-4-104	WILDCAT	52.6	NORTHWEST PIPELIN
8321589	CD 0405-82	0510308205		103		FEDERAL 1-K-23	THUNDER	28.3	NORTHWEST PIPELIN
-EXCEL ENERGY CORP				RECEIVED: 02/09/83		JA: CO 1			
8321577	CD 0807-82	0508106488		103		FEDERAL #43-7	WINTER VALLEY	277.4	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY				RECEIVED: 02/10/83		JA: CO 1			
8321585	CD 0102-82	0506705102		100		SAM BURCH #1	IGNACIO BLANCO MESAVE	10.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC				RECEIVED: 02/09/83		JA: CO 1			
8321576	CD 0604-82	0504506302		103	107-TF	FEDERAL #M-25-7-96-S	RULISON	15.1	
-KOCH INDUSTRIES INC				RECEIVED: 02/09/83		JA: CO 1			
8321573	CD 0597-82	0507708513		107-TF		WINTER FLATS 1-12-100	WINTER FLATS	30.0	NORTHWEST PIPELIN
8321574	CD 0596-82	0507708502		107-TF		WINTER FLATS 1-18-99	WINTER FLATS	35.0	NORTHWEST PIPELIN
-RAYMOND T DUNCAN				RECEIVED: 02/10/83		JA: CO 1			
8321586	CD 0568-82	0503306064		102-4		RANGER FEDERAL 24-7	UNDESIGNATED	0.0	MOUNTAIN FUEL SUP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED: 02/09/83		JA: CO 1			
8321575	CD 0609-82	0510300000		103		SAGE BRUSH HILLS II #19-1-99	CORRAL CREEK	100.0	INTER NORTH INC
-TENNECO OIL COMPANY				RECEIVED: 02/09/83		JA: CO 1			
8321581	CD 0603-82	0504506402		102-2		DOUGLAS PASS UNIT USA 21-14	DOUGLAS PASS	190.0	NORTHWEST PIPELIN
8321580	CD 0598-82	0504506408		102-2		DOUGLAS PASS UNIT YOUNG USA 29-10	DOUGLAS PASS	175.0	NORTHWEST PIPELIN
-MARATHON OIL COMPANY				RECEIVED: 02/09/83		JA: NB 1			
8321572	NB 0571-82	2603322127		103		MARATHON FEDERAL #5	HUNTSMAN (J-SAND)	15.0	KANSAS NEBRASKA N
-CONOCO INC				RECEIVED: 02/10/83		JA: UT 1			
8321591	UO 0159-82	4304731000		103	107-TF	CONOCO BLUE FEATHER 4 #30	NATURAL BUTTES	180.0	MOUNTAIN FUEL SUP
-ODEGARD RESOURCES INC				RECEIVED: 02/09/83		JA: UT 1			
8321579	UO 0569-82	4301930892		103		FEDERAL "8" #1	WESTWATER	180.0	NORTHWEST PIPELIN

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8081.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6845 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 845]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

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Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-BOBBY ANDERSON				RECEIVED: 02/08/83		JA: OH			
8321836		3416727303		103		TRATCHEL #4	WATERTOWN	730.0	COLUMBIA GAS TRAN
8321834		3416726927		103		WARNER #2	WARREN	3.6	COLUMBIA GAS TRAN
8321835		3416727214		103		WARNER #3	WARREN	3.6	COLUMBIA GAS TRAN
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED: 02/08/83		JA: OH			
8321839		3416725972		103		JARRELL #1	ADAMS	1.0	OHIO ENERGY GROUP
8321838		3416725889		103		JARRELL #2	ADAMS	1.0	OHIO ENERGY GROUP
8321837		3416725777		103		M N & S #1	ADAMS	1.0	OHIO ENERGY GROUP
-CARLTON OIL CORP				RECEIVED: 02/08/83		JA: OH			
8321840		3416725833		103		EFFIE EDGAR #6	LAWRENCE	50.0	RIVER GAS CO
8321841		3416727237		103		FRY #1	GRANDVIEW	50.0	RIVER GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED: 02/08/83		JA: OH			
8321842		3405520389		103	107-TF	KOTH #1	CLARIDON	25.0	EAST OHIO GAS CO
8321843		3405520390		103	107-TF	ROGERS #1	MONTVILLE	25.0	EAST OHIO GAS CO
-DUSTY DRILLING COMPANY INC				RECEIVED: 02/08/83		JA: OH			
8321844		3411522630		107-TF		ALTIER 2-A	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321856		3411522728		107-TF		DODRILL #1-C	MALTA	14.4	COLUMBIA GAS TRAN
8321847		3411522681		107-TF		FISHER 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321854		3411522720		107-TF		HANN 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321851		3411522715		107-TF		HINKLE 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321845		3411522679		107-TF		J T SIDWELL #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321846		3411522680		107-TF		MELRAGON 2-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321853		3411522717		107-TF		MELRAGON 3-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321850		3411522714		107-TF		PATTERSON 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321857		3411522766		107-TF		POPE #2-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321855		3411522723		107-TF		SLIVKA #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321848		3411522683		107-TF		THOMPSON #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321852		3411522716		107-TF		THOMPSON #5-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321849		3411522697		107-TF		THOMPSON #6-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP				RECEIVED: 02/08/83		JA: OH			
8321859		3411522980		103	107-TF	DAVID JENKINS #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8321858		3410522572		107-DV		NORTHERN LIGHT L S CHURCH #2	OLIVE	20.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 02/08/83		JA: OH			
8321860		3400721790		103	107-TF	ASHTABULA COUNTY AIRPORT AUTHORITY	DENMARK	16.0	
-ENERGY PRODUCTION INC				RECEIVED: 02/08/83		JA: OH			
8321863		3412121711		103	107-TF	ESCHMAN #3	CALDWELL	5.0	TEXAS EASTERN TRA
8321861		3405923180		103	107-TF	MOORE #1	SPENCER	15.0	TEXAS EASTERN TRA
8321862		3409921436		103	107-TF	TENZEK UNIT #2	GOSHEN	25.0	EAST OHIO GAS CO
-ESTATE OF JEROME GOLDBERG				RECEIVED: 02/08/83		JA: OH			
8321872		3410522119	D	107-TF		T WESTEN #2	SUTTON	10.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC				RECEIVED: 02/08/83		JA: OH			

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321864		3415723753		103	107-TF	BROWN #1	WASHINGTON	0.0	
-GENERAL ELECTRIC CO				RECEIVED:	02/08/83	JA: OH			
8321869		3415522256		103	107-TF	D & E MILLER #1	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321868		3415522255		103	107-TF	D & E MILLER #3	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321870		3415522257		103	107-TF	DETWEILER #3	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321866		3413322951		103	107-TF	ZUPP #1	RAVENNA	30.0	EAST OHIO GAS CO
8321867		3413322952		103	107-TF	ZUPP #2	RAVENNA	20.0	EAST OHIO GAS CO
-GREEN GAS COMPANY				RECEIVED:	02/08/83	JA: OH			
8321871		3409321187		107-TF		BARTTER #2	COLUMBIA	40.0	COLUMBIA GAS TRAN
-HANLEY HARDIN				RECEIVED:	02/08/83	JA: OH			
8321873		3410522600		107-TF		GRAHAM #1	SCIPIO	0.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	02/08/83	JA: OH			
8321874		3411522266		107-TF		SCOTT FISHER #1	HOMER	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN				RECEIVED:	02/08/83	JA: OH			
8321875		3403124936		103	107-TF	LOWE #1	CLARK TWP	2.0	COLUMBIA GAS TRAN
-J O DRILLING CO				RECEIVED:	02/08/83	JA: OH			
8321876		3410522197		107-TF		CHARLES & GERTRUDE NEECE #2	SALISBURY	7.0	COLUMBIA GAS TRAN
8321877		3410522198		107-TF		J B & ROBERTA O'BRIEN #2	RUTLAND	6.0	COLUMBIA GAS TRAN
-JAMES R SMAIL				RECEIVED:	02/08/83	JA: OH			
8321964		3416923151		107-TF		HANZIE #1	CANAAN	35.0	COLUMBIA GAS TRAN
8321965		3416923348	D	107-TF		SARGEANT UNIT #1	PLAIN	36.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED:	02/08/83	JA: OH			
8321920		3407523870		107-TF		ELI MILLER #1	BERLIN	36.0	COLUMBIA GAS TRAN
-KEN-TRAK VIII				RECEIVED:	02/08/83	JA: OH			
8321878		3410522527		107-TF		LENVILLE HARMON #1	LOWER MISSISSIPPIAN	0.0	COLUMBIA GAS TRAN
-L & M OIL & GAS DEVELOPMENT CO				RECEIVED:	02/08/83	JA: OH			
8321905		3416923407		103		LADRACH #2	PLAIN	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	02/08/83	JA: OH			
8321912		3407523941		103	107-TF	ADEN R MILLER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321908		3407523897		103	107-TF	ALBERT YODER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321913B		3407523942		107-TF		ARTHUR HAGAR #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8321913A		3407523942		103		ARTHUR HAGAR #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8321910		3407523920		103	107-TF	FLOYD E TROYER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321909		3407523900		103	107-TF	JACOB MAST #1	CLARK	15.0	COLUMBIA GAS TRAN
8321911		3407523924		103	107-TF	MELVIN J YODER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321906		3407523842		103	107-TF	NOAH M S MILLER	CLARK	15.0	COLUMBIA GAS TRAN
8321907		3407523896		103	107-TF	SAMUEL D ERB #1	CLARK	15.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	02/08/83	JA: OH			
8321915		3413322871		107-TF		C ENGLISH #1	SHALERSVILLE	24.0	
8321914		3405320265		108		GINGERICH/BYLER #1		3.1	EAST OHIO GAS CO
-M C F OIL CO				RECEIVED:	02/08/83	JA: OH			
8321919		3407522947		103		JEAN SKEEN #1	MONROE	5.0	COLUMBIA GAS TRAN
-MCCLAIN OIL CO				RECEIVED:	02/08/83	JA: OH			
8321921		3408924440		103		FLOWERS #1	HANOVER	10.0	NATIONAL GAS & OI
-NATIONAL PETROLEUM CORP				RECEIVED:	02/08/83	JA: OH			
8321924		3400720721		108		EWING #1		2.0	TIMKIN CO
8321925		3400720722		108		EWING #2		2.0	TIMKIN CO
8321929		3400720731		108		EWING #4		2.0	TIMKIN CO
8321928		3400720730		108		EWING #5		2.0	TIMKIN CO
8321927		3400720727		108		OBERNYER #3		2.0	TIMKIN CO
8321926		3400720726		108		OBERNYER #4		2.0	TIMKIN CO
8321923		3400720691		108		R ALLEN #1		1.0	TIMKIN CO
8321930		3400720769		108		R ALLEN #3		1.0	TIMKIN CO

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NEVA PETROLEUM CORP				RECEIVED:	02/08/83	JA: OH			
							WASHINGTON	9.0	

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NEVA PETROLEUM CORP				RECEIVED:	02/08/83	JA: OH			
8321931		3411122008		107-DV		LOUISA WILSON #1	WASHINGTON	9.0	
-NEW FRONTIER EXPLORATION INC				RECEIVED:	02/08/83	JA: OH			
8321934		3415123803		103	107-TF	CLARENCE JOHNSON #3	WASHINGTON	22.0	YANKEE RESOURCES
8321935		3415123804		103	107-TF	DONALD ROHR #3	WASHINGTON	22.0	YANKEE RESOURCES
8321933		3415123788		103	107-TF	FRANK GABRIC #2	WASHINGTON	0.0	YANKEE RESOURCES
8321932		3412120296		103	107-TF	GEORGE SLATER #2	NOBLE	22.0	YANKEE RESOURCES
-OIL DRILLING & DEVELOPMENT CLUB				RECEIVED:	02/08/83	JA: OH			
8321936		3405320805		107-TF		WOODS #1	CHESHIRE	10.0	
-ONE LIVINGSTON ENTERPRISES				RECEIVED:	02/08/83	JA: OH			
8321937		3410521711		107-RT		HAROLD & JUNE DEWHURST #1	RUTLAND	1.5	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP				RECEIVED:	02/08/83	JA: OH			
8321938		3405520392		107-TF		GEAUGA COUNTY INFIRMARY #2 GC-310	CLARIDON TOWNSHIP	40.0	EAST OHIO GAS CO
-RED HILL DEVELOPMENT				RECEIVED:	02/08/83	JA: OH			
8321900		3415723252		108		ANDREWS-MILLER - WELL #1		9.0	
8321897		3415723241		108		BEACHY-SWIHART - WELL #1		6.0	
8321892		3415723214		108		C HAGLOCK - WELL #1		3.0	
8321883		3415723170		108		C SCHMIDT - WELL #1		7.0	
8321902		3415723314		108		C SCHOTZINGER - WELL #1		6.0	
8321881		3415723157		108		D FINZER - #1		13.0	
8321888		3415723188		108		D JOHNSON - WELL #1		11.0	
8321901		3415723313		108		F LANZ - WELL #1		18.0	
8321890		3415723195		108		H BEITZEL - WELL #2		12.0	
8321904		3415723364		108		J COMANITA - WELL #1		5.0	
8321879		3415723123		108		J HOCHSTETLER - WELL #1		5.0	
8321893		3415723221		108		J SWEITZER - WELL #1		7.0	
8321885		3415723184		108		K MCCLUGGAGE - WELL #1		17.0	
8321896		3415723238		108		L SPECHT - WELL #1		7.0	
8321891		3415723196		108		L WALTER - WELL #1		5.0	
8321898		3415723244		108		L YODER - WELL #1		12.0	
8321903		3415723329		108		M LAHMERS - WELL #1		10.0	
8321882		3415723165		108		METZGER-FLINNER - WELL #1		7.0	
8321899		3415723245		108		N MILLER - WELL #1		9.0	
8321894		3415723228		108		P ANDREAS - WELL #1		7.0	
8321889		3415723194		108		P ELLIOTT - WELL #1		11.0	
8321884		3415723174		108		P RABER - WELL #2		10.0	
8321886		3415723185		108		T BREYER - WELL #1		20.0	
8321887		3415723186		108		T BREYER - WELL #2		16.0	
8321895		3415723229		108		T BREYER - WELL #3		17.0	
8321880		3415723145		108		WM SWIHART - WELL #1		8.0	
-RHINE OIL CO				RECEIVED:	02/08/83	JA: OH			
8321939		3403124941		107-TF		SHERWIN #1	BETHLEHEM	10.0	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP				RECEIVED:	02/08/83	JA: OH			
8321945		3411523019		107-TF		BAKER #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321946		3411523041		107-TF		BAKER #6	BLOOM	11.0	COLUMBIA GAS TRAN
8321947		3411523042		107-TF		BAKER #7	BLOOM	11.0	COLUMBIA GAS TRAN
8321944		3411523018		107-TF		H REX #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321943		3411523017		107-TF		H REX #3	BLOOM	11.0	COLUMBIA GAS TRAN
8321942		3411523016		107-TF		H REX #4	BLOOM	11.0	COLUMBIA GAS TRAN
8321941		3411522950		107-TF		RICHARDSON #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321940		3411522943		107-TF		RICHARDSON #6	BLOOM	11.0	COLUMBIA GAS TRAN
8321948		3411523068		107-TF		RUSH #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321949		3411523071		107-TF		RUSH #3	BLOOM	11.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROYAL LEVERAGED LTD 82-II				RECEIVED: 02/08/83		JA: OH			
8321959		3410522585		103	107-TF	F ROSS #1	BEDFORD	5.0	COLUMBIA GAS TRAN
-ROYAL LEVERAGED LTD 82-III				RECEIVED: 02/08/83		JA: OH			
8321956		3405327980		103	107-TF	BEN BICKERS #1	ADDISON	5.0	COLUMBIA GAS TRAN
8321957		3410522573		103	107-TF	D HOWARD #1	SCIPIO	5.0	COLUMBIA GAS TRAN
8321958		3410522578		103	107-TF	R WILLIAMS #1	RUTLAND	5.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM LTD 82-B				RECEIVED: 02/08/83		JA: OH			
8321950		3400922677		103	107-TF	DUTIEL #1	AMES	5.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM LTD 82-C				RECEIVED: 02/08/83		JA: OH			
8321955		3410522599		103	107-TF	E J MILLER #1	RUTLAND	5.0	COLUMBIA GAS TRAN
8321951		3405320788		103	107-TF	LAWHON #2	ADDISON	5.0	COLUMBIA GAS TRAN
8321952		3405320789		103	107-TF	LAWHON #3	ADDISON	5.0	COLUMBIA GAS TRAN
8321953		3405327900		103	107-TF	LAWHON #4	ADDISON	5.0	COLUMBIA GAS TRAN
8321954		3405328040		103	107-TF	WHEELER #1	ADDISON	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 02/08/83		JA: OH			
8321960		3416727302		103		CHARLES HALL #1	INDEPENDENCE	10.9	
-SENECA ENERGY CORP				RECEIVED: 02/08/83		JA: OH			
8321963		3403124942		107-TF		BROWN #2	MILLCREEK	21.0	COLUMBIA GAS TRAN
8321962		3403124914		107-TF		CROFT #3	MILLCREEK	38.0	COLUMBIA GAS TRAN
8321961		3403124880		107-TF		MILEY #2	MILLCREEK	18.0	COLUMBIA GAS TRAN
-STONEWALL GAS CO INC				RECEIVED: 02/08/83		JA: OH			
8321970		3410522317		107-TF		BOBBY & CLARA POWERS #1	SHADS	0.0	COLUMBIA GAS TRAN
8321969		3410522316		107-TF		BOBBY & CLARA POWERS #2	BEDFORD	0.0	COLUMBIA GAS TRAN
8321973		3410522361		107-TF		CLARENCE L STORY #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8321967		3405320756		107-TF		GALLIA COUNTY IMPROVEMENT CORP #1	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321968		3405320757		107-TF		GALLIA COUNTY IMPROVEMENT CORP #2	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321966		3405320730		107-TF		HAMLIN & MARY KING #1	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321972		3410522334		107-TF		LARRY & JUDY #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8321971		3410522333		107-TF		VERNAL & LOUISE #2	BEDFORD	0.0	COLUMBIA GAS TRAN
-STRATA CORP				RECEIVED: 02/08/83		JA: OH			
8321975		3400922646		107-TF		R LAUGHLIN #1	ROME	5.0	
8321974		3400922498		107-TF		W SNYDER #1	ROME	5.0	
-T B GAITANAROS				RECEIVED: 02/08/83		JA: OH			
8321865		3415321164		107-TF		T B GAITANAROS #1	COPLEY	20.0	EAST OHIO GAS CO
-TATUM PETROLEUM OHIO INC				RECEIVED: 02/08/83		JA: OH			
8321976		3407523560		107-TF		HENRY C YODER #2	NEW BEDFORD	700.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 02/08/83		JA: OH			
8321922		3415723790		103	107-TF	EVERHARD-COLE #5	GOSHEN	7.5	EAST OHIO GAS CO
-TIGER OIL INC				RECEIVED: 02/08/83		JA: OH			
8321980		3411922879		108		CLAPPER #1		2.0	EAST OHIO GAS CO
8321978		3411922870		108		F CULBERTSON #1		1.0	EAST OHIO GAS CO
8321979		3411922878		108		FLOWERS ESTATE #1		5.0	EAST OHIO GAS CO
-TWINOAKS OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321981		3408924563		103		RANDALL COOPER #1	MARYANN	6.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 02/08/83		JA: OH			
8321982		3408720308		107-OV		DAVY & DIXIE TURNER 6001	WINDSOR TOWNSHIP	0.0	COLUMBIA GAS TRAN
-W B C CORP				RECEIVED: 02/08/83		JA: OH			
8321984		3400720074		108		R & WANDA BENSON #1		2.3	EAST OHIO GAS CO
8321983		3400720039		108		ROY ENGLISH #1		2.3	EAST OHIO GAS CO
-W J LYDIC INC				RECEIVED: 02/08/83		JA: OH			
8321916		3407523691		103	107-TF	MILLER #1-16-2	MECHANIC	25.0	COLUMBIA GAS TRAN
8321918		3411129371		107-OV		PHILLIP CHRISTMAN #1	SUMMIT	8.0	
8321917		3407523713		103	107-TF	UHL #1	MECHANIC	10.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WESTGROWTH PETROLEUMS INC				RECEIVED: 02/08/83		JA: OH			
8321965		3405320755		107-TF		ROBERT & MARY KING #1	GALLIPOLIS	10.0	COLUMBIA GAS TRAN
-WILLIAMS OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321977		3411922869		108		ROBERT & MARY KING #1		1.0	EAST OHIO GAS CO
-WOLFE OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321964		3405320754		107-TF		ROBERT & MARY KING #2	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321985		3400720075		108		R & WANDA BENSON #2		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321986		3400720076		108		R & WANDA BENSON #3		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321987		3400720077		108		R & WANDA BENSON #4		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321988		3400720078		108		R & WANDA BENSON #5		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321989		3400720079		108		R & WANDA BENSON #6		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321990		3400720080		108		R & WANDA BENSON #7		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321991		3400720081		108		R & WANDA BENSON #8		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321992		3400720082		108		R & WANDA BENSON #9		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321993		3400720083		108		R & WANDA BENSON #10		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321994		3400720084		108		R & WANDA BENSON #11		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321995		3400720085		108		R & WANDA BENSON #12		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321996		3400720086		108		R & WANDA BENSON #13		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321997		3400720087		108		R & WANDA BENSON #14		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321998		3400720088		108		R & WANDA BENSON #15		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321999		3400720089		108		R & WANDA BENSON #16		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322000		3400720090		108		R & WANDA BENSON #17		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322001		3400720091		108		R & WANDA BENSON #18		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322002		3400720092		108		R & WANDA BENSON #19		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322003		3400720093		108		R & WANDA BENSON #20		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322004		3400720094		108		R & WANDA BENSON #21		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322005		3400720095		108		R & WANDA BENSON #22		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322006		3400720096		108		R & WANDA BENSON #23		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322007		3400720097		108		R & WANDA BENSON #24		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322008		3400720098		108		R & WANDA BENSON #25		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322009		3400720099		108		R & WANDA BENSON #26		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322010		3400720100		108		R & WANDA BENSON #27		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322011		3400720101		108		R & WANDA BENSON #28		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322012		3400720102		108		R & WANDA BENSON #29		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322013		3400720103		108		R & WANDA BENSON #30		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322014		3400720104		108		R & WANDA BENSON #31		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322015		3400720105		108		R & WANDA BENSON #32		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322016		3400720106		108		R & WANDA BENSON #33		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322017		3400720107		108		R & WANDA BENSON #34		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322018		3400720108		108		R & WANDA BENSON #35		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322019		3400720109		108		R & WANDA BENSON #36		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322020		3400720110		108		R & WANDA BENSON #37		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322021		3400720111		108		R & WANDA BENSON #38		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322022		3400720112		108		R & WANDA BENSON #39		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322023		3400720113		108		R & WANDA BENSON #40		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322024		3400720114		108		R & WANDA BENSON #41		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322025		3400720115		108		R & WANDA BENSON #42		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322026		3400720116		108		R & WANDA BENSON #43		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322027		3400720117		108		R & WANDA BENSON #44		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322028		3400720118		108		R & WANDA BENSON #45		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322029		3400720119		108		R & WANDA BENSON #46		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322030		3400720120		108		R & WANDA BENSON #47		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322031		3400720121		108		R & WANDA BENSON #48		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322032		3400720122		108		R & WANDA BENSON #49		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322033		3400720123		108		R & WANDA BENSON #50		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322034		3400720124		108		R & WANDA BENSON #51		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322035		3400720125		108		R & WANDA BENSON #52		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322036		3400720126		108		R & WANDA BENSON #53		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322037		3400720127		108		R & WANDA BENSON #54		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322038		3400720128		108		R & WANDA BENSON #55		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322039		3400720129		108		R & WANDA BENSON #56		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322040		3400720130		108		R & WANDA BENSON #57		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322041		3400720131		108		R & WANDA BENSON #58		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322042		3400720132		108		R & WANDA BENSON #59		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322043		3400720133		108		R & WANDA BENSON #60		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322044		3400720134		108		R & WANDA BENSON #61		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322045		3400720135		108		R & WANDA BENSON #62		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322046		3400720136		108		R & WANDA BENSON #63		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322047		3400720137		108		R & WANDA BENSON #64		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322048		3400720138		108		R & WANDA BENSON #65		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322049		3400720139		108		R & WANDA BENSON #66		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322050		3400720140		108		R & WANDA BENSON #67		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322051		3400720141		108		R & WANDA BENSON #68		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322052		3400720142		108		R & WANDA BENSON #69		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322053		3400720143		108		R & WANDA BENSON #70		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322054		3400720144		108		R & WANDA BENSON #71		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322055		3400720145		108		R & WANDA BENSON #72		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322056		3400720146		108		R & WANDA BENSON #73		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322057		3400720147		108		R & WANDA BENSON #74		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322058		3400720148		108		R & WANDA BENSON #75		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322059		3400720149		108		R & WANDA BENSON #76		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322060		3400720150		108		R & WANDA BENSON #77		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322061		3400720151		108		R & WANDA BENSON #78		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322062		3400720152		108		R & WANDA BENSON #79		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322063		3400720153		108		R & WANDA BENSON #80		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322064		3400720154		108		R & WANDA BENSON #81		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322065		3400720155		108		R & WANDA BENSON #82		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322066		3400720156		108		R & WANDA BENSON #83		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322067		3400720157		108		R & WANDA BENSON #84		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322068		3400720158		108		R & WANDA BENSON #85		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322069		3400720159		108		R & WANDA BENSON #86		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322070		3400720160		108		R & WANDA BENSON #87		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322071		3400720161		108		R & WANDA BENSON #88		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322072		3400720162		108		R & WANDA BENSON #89		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322073		3400720163		108		R & WANDA BENSON #90		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322074		3400720164		108		R & WANDA BENSON #91		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322075		3400720165		108		R & WANDA BENSON #92		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322076		3400720166		108		R & WANDA BENSON #93		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322077		3400720167		108		R & WANDA BENSON #94		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322078		3400720168		108		R & WANDA BENSON #95		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322079		3400720169		108		R & WANDA BENSON #96		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322080		3400720170		108		R & WANDA BENSON #97		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322081		3400720171		108		R & WANDA BENSON #98		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322082		3400720172		108		R & WANDA BENSON #99		2.3	EAST OHIO GAS CO
-WOOSTER OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8322083		3400720173		108		R & WANDA BENSON #100		2.3	EAST OHIO GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WESTGROWTH PETROLEUMS INC				RECEIVED:	02/08/83	JA: OH			
8321985		3410522444		107-TF		MEIGS COUNTY BEAGLE CLUB #1	SCIPIO	10.0	COLUMBIA GAS TRAN
-3 M DRILLING CO				RECEIVED:	02/08/83	JA: OH			
8321977		3407523841		107-TF		CLINTON NEALE #1	CLARK	6.0	COLUMBIA GAS TRAN
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-ADVANCE ENERGY SYSTEMS INC				RECEIVED:	02/09/83	JA: OK			
8321811	18417	3514321626		108		A SIVADON #20	EAST MOUNDS	7.3	PHILLIPS PETROLEU
-ALTMAN OPERATING CO				RECEIVED:	02/09/83	JA: OK			
8321812	18946	3511123940		108		NELLIE FRANK #1	HECTORVILLE	5.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/09/83	JA: OK			
8321802	19796	3506120339		108		RABON HEIRS UNIT #2 N/C	KINTA	18.3	OKLAHOMA GAS & EL
-ARTESIAN OIL & GAS CORP				RECEIVED:	02/10/83	JA: OK		0.0	TRANSWESTERN PIPE
8322003	19478	3504520429		102-4 103		KRETZ #1-9			
-B J HOWELL				RECEIVED:	02/09/83	JA: OK			
8321795	19455	3506300000		108		BOYD #1	SHADY GROVE	15.7	HILL TOP INVESTME
8321796	19456	3506300000		108		SHOWALTER #1	SHADY GROVE	8.1	HILL TOP INVESTME
8321833	19457	3506300000		108		STEPHENS #1	SHADY GROVE	11.5	HILL TOP INVESTME
8321832	19454	3506300000		108		TRUMBO #1	SHADY GROVE	12.7	HILL TOP INVESTME
-BILL O ANDRESS				RECEIVED:	02/10/83	JA: OK			
8321998	19762	3512120857		103		COLLIER #1-3		75.0	ARKANSAS LOUISIAN
-C W SMITH & ASSOCIATES INC				RECEIVED:	02/09/83	JA: OK			
8321810	19747	3508121664		103		JAMES MURPHY #3	S E DAVENPORT	18.0	MERIDIAN ENERGY I
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/09/83	JA: OK			
8321825	17744	3509300000		103		JOSEPH WILSON #2	E CHANEY DELL	80.0	CHAMPLIN PETROLEU
-COLOMA PETROLEUM INC				RECEIVED:	02/10/83	JA: OK			
8321988	19802	3504722322		108		MERRITT #1	SOONER TREND	6.0	PANHANDLE EASTERN
-DYCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: OK		250.0	
8321993	19782	3500920496		103		JARVIS #1-10			
-F C D OIL CORP				RECEIVED:	02/10/83	JA: OK			
8321991	19792	3504722735		103		EIS 1-17	N W KREMLIN	36.5	C R A INC
-FIRST NATIONAL OIL INC				RECEIVED:	02/09/83	JA: OK			
8321821	15166	3513921191		103		CLARK #1	GUYMON - HUGOTON	7.5	PHILLIPS PETROLEU
-GEORGE RODMAN INC				RECEIVED:	02/09/83	JA: OK			
8321831	19275	3508720683		103		LOCKMILLER 1-29	SW WAYNE	0.0	
-GEORGE RODMAN INC				RECEIVED:	02/10/83	JA: OK			
8322000	19677	3504921590		103		BULLOCK 1-5	BRADLEY POOL	36.5	
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED:	02/10/83	JA: OK			
8321995	19777	3504700000		103		LUELLA #1	N MARSHALL	0.0	EASON OIL CO
-HARPER OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321801	19996	3507300000		108		HOBBS #2	SOONER TREND	4.0	PHILLIPS PETROLEU
-HAWKINS OIL & GAS INC				RECEIVED:	02/09/83	JA: OK			
8321830	19103	3515321325		102-4		STARK #1-2A	S WOODWARD	1095.0	PRODUCERS GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321822	11549	3504700000		108		ALBERT #1-7	SPRING VALLEY	27.0	GRACE PETROLEUM C
-KANOKLA ENERGY CORP				RECEIVED:	02/09/83	JA: OK			
8321800	19739	3513321732		103		JEFFERSON #1		36.5	KANOKLA ENERGY CO
8321808	19742	3511321884		103		JEFFERSON #2		18.0	KANOKLA ENERGY CO
8321807	19741	3513300000		103		JORDAN #1		18.2	KANOKLA ENERGY CO
8321799	19738	3513300000		103		JORDAN #2		36.5	KANOKLA ENERGY CO
8321806	19740	3513321900		103		JORDAN #3		73.0	KANOKLA ENERGY CO
-LOUIS KAHAN				RECEIVED:	02/10/83	JA: OK			

VOLUME 845 PAGE 006

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321994	19781	3504722799		103		ROY BUSS	ENID NORTHEAST	54.0	CRA INC
-MAC ENGINEERING & OPERATING CO				RECEIVED:	02/10/83	JA: OK			
8321992	19784	3511721589		103		CHAMBERS #1		124.1	M J D CATTLE CO
-MAY PETROLEUM INC				RECEIVED:	02/10/83	JA: OK			
8321999	19690	3510321702		103		VANN "D" #1		365.0	
-MOBIL OIL CORP				RECEIVED:	02/09/83	JA: OK			
8321820	20000	3501900000		108		GRAHAM DEESE #1-11J (J LAHMAN #11)	SHO VEL TUM	0.2	LONE STAR GAS CO
8321817	20002	3501900000		108		GRAHAM DEESE #1-12E (E LAHMAN #12)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321816	20001	3501900000		108		GRAHAM DEESE #1-13E (E LANHAM #13)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321819	20004	3501900000		108		GRAHAM DEESE #1-19E (E LANHAM #19)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321818	20003	3501900000		108		GRAHAM DEESE #8-2 (A D DAVIS #2)	SHO VEL TUM	0.1	LONE STAR GAS CO
-MONTGOMERY EXPLORATION COMPANY				RECEIVED:	02/09/83	JA: OK			
8321797	19718	3509322444		103		MCQUOWN #2-19	NE SEILING	0.0	DELHI GAS PIPELIN
8321798	19719	3509322467		103		MCQUOWN #4	NE SEILING	0.0	DELHI GAS PIPELIN
-MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: OK			
8321809	19745	3502720651		103		TRAVIS "A" #1	WEST NORMAN FIELD	0.0	SUN GAS CO
-NATIONAL OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321814	19223	3509321902		103		L B PERRY #1	S E MENO	6.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/09/83	JA: OK			
8321803	19790	3500700000		108		BLAKEMORE AH #1	COMO FLORIS GAS AREA	0.0	INTER NORTH INC
8321804	19789	3500700000		108		BLAKEMORE DH #1	MOCANE LAVERNE	0.0	INTER NORTH INC
-RED EAGLE OIL CO				RECEIVED:	02/10/83	JA: OK			
8321996	19775	3509322498		103		LAVERNE #1	WEST FAIRVIEW	155.0	PHILLIPS PETROLEU
8321997	19774	3509322550		103		SCHOEPPEL #1	WEST FAIRVIEW	27.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321794	19118	3501722158		102-2	103	GARTEN #1-28		11.0	PHILLIPS PETROLEU
8321813	19116	3501722300		102-4		JUNKER #1-32		146.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:	02/10/83	JA: OK			
8322002	19489	3513921524		102-2	103	BLASER #1-11		282.2	PANHANDLE EASTERN
-STANTON ENERGY INC				RECEIVED:	02/10/83	JA: OK			
8321989	19798	3511921972		103		SMITH #1		12.0	SUN GAS TRANSMISS
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/09/83	JA: OK			
8321815	19226	3507323110		103		BARNES GAS UNIT #2L	LACEY SW (SIMPSON)	97.0	ARKANSAS LOUISIAN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/10/83	JA: OK			
8322001	19533	3500700000		108		EDWARD WAHL #1	S E BOYD	15.0	NATURAL GAS PIPEL
-SWAN PETROLEUM CORP				RECEIVED:	02/10/83	JA: OK			
8321990	19795	3515300000		103		SCHICKEDANZ #1	SO WOODWARD	0.0	INTER NORTH INC
-UNION TEXAS PETROLEUM				RECEIVED:	02/09/83	JA: OK			
8321826	17985	3509322525		103		A L MCFADDEN #2	HODGE AREA	584.0	PANHANDLE EASTERN
8321824	17467	3500320986		103		M HASSON #2	HODGE	91.3	PANHANDLE EASTERN
-WARD PETROLEUM CORP				RECEIVED:	02/09/83	JA: OK			
8321827	18047	3509322478		103		FLESHMAN FREED #1	S W AMES	365.0	TRANSOK PIPELINE
-WESTERN STATES OIL & GAS CO				RECEIVED:	02/09/83	JA: OK			
8321823	16580	3510300000		103		CERMAK #1	S W PERRY	0.0	AMINOIL U S A
-WESTHEIMER-NEUSTADT CORP				RECEIVED:	02/09/83	JA: OK			
8321805	19749	3504900000		108		COLWELL #2	E FOSTER POOL	17.0	WARREN PETROLEUM
-101 ENERGY CORP				RECEIVED:	02/09/83	JA: OK			
8321829	18991	3504722970		103		BECKNER 16-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8321828	18975	3504722865		103		SHIMANEK 33-1	SOONER TREND	35.0	WELLHEAD ENTERPRI

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OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES

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-REICHHOLD ENERGY CORP				RECEIVED:	02/11/83	JA: OR			
8321987		3600900110		102-2		COLUMBIA COUNTY 13-34	MIST GAS FIELD	0.4	NORTHWEST NATURAL
8321986		3600900089		102-2		PAUL 34-32	MIST GAS FIELD	0.7	NORTHWEST NATURAL

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8081.

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft. rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old BCS leave

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonially affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–6247 Filed 3–10–83; 8:45 am]

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0.7 NORTHWEST NATURAL
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MIST GAS FIELD

NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

8321986 3600900089 102-2 PAUL 34-32

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATI
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SP

BILLING CODE 6717-01-C

[Volume 844]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OKLAHOMA CORPORATION COMMISSION									
-S K TUTHILL & B J BARBEE				RECEIVED:	02/11/83	JA: OK			
8321793	00541	3515300000	D	103		SIMPSON WALKER #1-31	SE FAIRVALLEY	0.0	PANHANDLE EASTERN
-SUN OIL COMPANY				RECEIVED:	08/07/81	JA: OK			
8151031	8197	3507300000		108		BORELLI #1-8		0.0	
8151032	10075	3503700000		108		STROUD PRUE SD UNIT TR 20 #1		0.0	
TEXAS RAILROAD COMMISSION									
-AMERICAN ENERGY GROUP INC				RECEIVED:	02/09/83	JA: TX			
8321785	F-09-063320	4207700000		103		PERKINS 22472	BUFFALO SPRINGS SOUTH	15.0	TEXAS UTILITIES F
8321786	F-09-063321	4207700000		103		PERKINS 22472	BUFFALO SPRINGS SOUTH	20.0	TEXAS UTILITIES F
-AMERICAN QUASAR PETROLEUM CO				RECEIVED:	02/09/83	JA: TX			
8321636	F-09-058954	4218130897		102-4		MARY #1-L	W F CHAPPIN SURVEY A-	0.0	LONE STAR GAS CO
8321668	F-8A-061561	4244530641		102-4		SEATON #1	SECTION 92 BLOCK T DL	0.0	CITIES SERVICE GA
-AMOCO PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321752	F-10-063260	4239330022		108		BEN A HILL #2	PARSELL	14.5	TRANSWESTERN PIPE
-ARIES OPERATING INC				RECEIVED:	02/09/83	JA: TX			
8321769	F-78-064267	4213332615		102-4		OSCAR SCHAEFER "A" #1 (17108)	LBS (CADDO)	1.0	EL PASO HYDROCARB
-B & W EXPLORATION				RECEIVED:	02/09/83	JA: TX			
8321618	F-78-055977	42133329e5		102-4		MOATES #1 (103003)	MOATES (MARBLE FALLS	135.0	LONE STAR GAS CO
-BILL FORNEY INC				RECEIVED:	02/09/83	JA: TX			
8321789	F-02-063324	4229733177		102-4		SCHREINER RANCH TRUST II #2 #101126	OAKVILLE (WILCOX 9700	350.0	HOUSTON PIPE LINE
8321762	F-02-063275	4229733214		102-4		SCHREINER RANCH TRUST II #3 #102910	OAKVILLE (WILCOX 9700	290.0	HOUSTON PIPE LINE
-BISON PETROLEUM CORP				RECEIVED:	02/09/83	JA: TX			
8321708	F-10-062905	4235730956		102-4		HANK #1 089930	MCGEE (UPPER MURRUM)	20.0	INTER NORTH INC
-CARTER EXPLORATION CO				RECEIVED:	02/09/83	JA: TX			
8321647	F-02-060278	4202500000		102-4	105	MOLLIE SUGAREK "A" G U #1	WILDCAT	0.0	
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/09/83	JA: TX			
8321621	F-04-056396	4235531172		103		G P WARDNER #133	WILDCAT	0.0	TENNESSEE GAS PIP
8321610	F-04-054524	4235532028		102-4	103	TEXON ROYALTY "B" GP #3-L	STRATTON (6-21-5)	10.0	TENNESSEE GAS PIP
-CHEVRON U S A INC				RECEIVED:	02/09/83	JA: TX			
8321660	F-04-061097	4247933116		102-4		MCGEN PENN #1	LA MANGANA (LOBO B)	365.0	HOUSTON PIPE LINE
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321705	F-09-062828	4223734688		103		L P RICHEY #1	JACK COUNTY REGULAR	0.0	CITIES SERVICE CO
8321706	F-09-062830	4223734702		103		SHANVER "A-2"	JACK COUNTY REGULAR (	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY				RECEIVED:	02/09/83	JA: TX			
8321784	F-08-063315	4238931314		103		PRIEST E #4	COLLIE (DELAWARE)	46.0	INTRATEX GAS CO
-CONOCO INC				RECEIVED:	02/09/83	JA: TX			
8321740	F-08-063208	4210931666		103		G E RAMSEY "44" #10 ID #27636	GERALDINE/DELAWARE 34	14.2	EL PASO NATURAL G
8321756	F-08-063265	4213533893		103		GIST UNIT #135 ID #19373	FOSTER	2.9	EL PASO HYDROCARB
8321757	F-78-063266	4243331507		103		GUEST CANYON SAND UNIT #51 #10855	GUEST/CANYON SAND	2.0	CITIES SERVICE CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321675	F-04-061730	4242700000		108		T B SLICK ESTATE A-485 NO 139	RINCON (C-7)	21.0	TENNESSEE GAS PIP
-COOK PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321696	F-08-063870	4223700000		102-4		ANDY SHANVER #1	SHANVER (2600 STRAWN)	10.0	TEXAS UTILITIES F

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321675	F-04-061730	42+2700000		108		T B SLICK ESTATE A-485 NO 139
				RECEIVED:	02/09/83	JA: TX
-COOK PRODUCTION CO						
8321606	F-09-053870	4223700000		102-4		ANDY SHAWYER #1
				RECEIVED:	02/09/83	JA: TX
-CORDOVA RESOURCES INC						
8321704	F-7B-062827	4213333750		103		NORTH PIONEER UNIT #1404
				RECEIVED:	02/09/83	JA: TX
-DELRAY OIL INC						
8321727	F-7B-063188	4220731283		102-4		F A ULMER #1
				RECEIVED:	02/09/83	JA: TX
-DIAMOND SHAMROCK CORPORATION						
8321624	F-10-057053	4221131474		103		LESLIE WEBB "M" #2
				RECEIVED:	02/09/83	JA: TX
-DINERO OIL CO						
8321617	F-04-055852	4235531401		103		MCKINZIE UNIT #1
				RECEIVED:	02/09/83	JA: TX
-DYNEX ENERGY INC						
8321607	F-06-054120	423e531473		102-4	103	DOUGLAS ROSS #2 PERMIT #158474
				RECEIVED:	02/09/83	JA: TX
-EL PASO NATURAL GAS COMPANY						
8321652	F-10-060466	4248325989		108		AYCOCK #1
				RECEIVED:	02/09/83	JA: TX
-ERICKSEN W R						
8321678	F-7B-061848	4213334063		102-4	103	FRANCES COX #1
				RECEIVED:	02/09/83	JA: TX
-EXXON CORPORATION						
8321791	F-04-063365	4204700000		108		MCGILL BROS 389-F (091168)
8321712	F-8A-062939	421e532309		103		ROBERTSON CLEARFORK UNIT #9603
				RECEIVED:	02/09/83	JA: TX
-FLORIDA GAS EXPLORATION COMPANY						
8321602	F-7C-051122	4241300000		103	107-TF	FLORENCE 24 #2
8321601	F-7C-050970	4243532670		103	107-TF	FLORENCE 28 #3
				RECEIVED:	02/09/83	JA: TX
-GETTY OIL COMPANY						
8321749	F-7C-063242	4245131023		103		EDWIN BOOK 940 #1
8321748	F-8A-063241	4216931846		103		KIRKPATRICK #3
				RECEIVED:	02/09/83	JA: TX
-GLENN COPE						
8321633	F-10-058392	424e330518		108		G R SEWELL #1
				RECEIVED:	02/09/83	JA: TX
-GULF OIL CORPORATION						
8321753	F-08-063262	4213508561		108		COWDEN R B #2
8321770	F-08-063290	4247532538		103		CRAWAR FIELD UNIT #7
8321672	F-09-061644	421d130820		103		CULLAR UNIT #1
8321754	F-08-063263	4247532647		103		HUTCHINGS STOCK ASSN #118b
8321751	F-08-063249	4210332782		103		W N WADDELL #1158
8321742	F-08-063222	4210332991		103		W N WADDELL #1169
				RECEIVED:	02/09/83	JA: TX
-GWELCO PRODUCTION CO						
8321692	F-7b-062502	424e933496		102-4		RUBY DAVIS 1035 -B- #1
				RECEIVED:	02/09/83	JA: TX
-H-M OIL CO						
8321654	F-02-060629	4246931766		102-4	103	NANCY F SHELTON #2
				RECEIVED:	02/09/83	JA: TX
-HENDERSON CLAY PRODUCTS INC						
8321671	F-06-061568	4240131452		102-3	107-TF	BUSBY ESTATE GAS UNIT A-1
8321646	F-06-060113	4240131514		102-3	107-TF	GAY TAYLOR GAS UNIT
				RECEIVED:	02/09/83	JA: TX
-HENRY PETROLEUM CORP						
8321653	F-8A-060569	4211500000		103		KOEHLER 82-1
8321640	F-8A-059194	4211500000		103		WEAVER "82" #1
				RECEIVED:	02/09/83	JA: TX
-HILL INTERNATIONAL PRODUCTION CO						
8321713	F-0e-062941	4220330933		103	107-TF	VAUGHN #1
				RECEIVED:	02/09/83	JA: TX
-HILL JOHN H						
8321659	F-7C-061051	4243532787		103	107-TF	HILL-EDWIN S MAYER JR "K-1"
8321656	F-7C-060878	4243532818		103	107-TF	HILL-EDWIN S MAYER JR Z-1
8321655	F-7C-060870	4243532699		103	107-TF	HILL-H E GLASSCOCK #1
				RECEIVED:	02/09/83	JA: TX
-HNG OIL COMPANY						
8321605	F-04-052598	4247900000		102-4	103	BRUNI MINERAL B #4

FIELD NAME	PROD	PURCHASER
RINCON (C-7)	21.0	TENNESSEE GAS PIP
SHAWYER (2600 STRAWN)	10.0	TEXAS UTILITIES F
EASTLAND COUNTY REGUL	14.0	ODESSA NATURAL GA
WEREWOLF (4900)	27.4	RUST OIL CO
MENDOTA NW	0.0	INTER NORTH INC
TURKEY CREEK (5370)	70.0	ESPERANZA TRANSMI
BECKVILLE (TRAVIS PEA	100.0	EASTEX GAS TRANSM
PANHANDLE EAST	30.1	EL PASO NATURAL G
RANGER NW (MARBLE FAL	14.4	LONE STAR GAS CO
KELSEY DEEP (19-M W)	9.0	TRUNKLINE GAS CO
ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
PHYLLIS SONORA	0.0	INTRATEX GAS CO
PHYLLIS SONORA	0.0	INTRATEX GAS CO
HARRIET M E	2.0	
ROCKER "A" S W (ELLEN	8.0	
PANHANDLE EAST	1.7	EL PASO NATURAL G
GOLDSMITH N (SAN ANDR	7.8	PHILLIPS PETROLEU
CRAWAR (SAN ANDRES)	0.0	TRANSWESTERN PIPE
MINERAL CREEK WEST (V	200.0	
WAGON WHEEL (PENN)	62.0	LABOT CORP
DUNE	30.0	
DUNE	4.3	
DAVIS (CADDO)	0.0	GREAT WESTERN GAS
UNA WEST (6550)	0.0	UNITED TEXAS TRAN
HENDERSON N (COTTON V	730.0	B & A PIPE LINE C
CYRIL (COTTON VALLEY)	704.0	B & A PIPE LINE C
TEX-HAMON (DEAN)	0.0	ADOBE OIL & GAS C
LAMESA NORTH (7850')	0.0	PHILLIPS PETROLEU
WASKOM (COTTON VALLEY	550.0	TEXAS EASTERN TRA
SAWYER (CANYON)	159.0	LONE STAR GAS CO
SAWYER (CANYON)	219.0	LONE STAR GAS CO
SAWYER (CANYON)	160.0	LONE STAR GAS CO
JUANITA (LOBO)	0.0	HOUSTON PIPELINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321605	F-04-052598	4247900000		107-TF		BRUNI MINERAL B #4	JUANITA (LOBO)	0.0	HOUSTON PIPELINE
→HORN J R				RECEIVED:	02/09/83	JA: TX			
8321596	F-09-047874	4250300000		102-2		CARTER #1	HORN CONGLOMERATE	75.0	SOUTHWESTERN GAS
→HOUSTON OIL & ENERGY INC				RECEIVED:	02/09/83	JA: TX			
8321717	F-78-063093	4244132242		102→		KEY ESTATE #1	WILDCAT	413.0	LONE STAR GAS CO
-INCA OIL CO				RECEIVED:	02/09/83	JA: TX			
8321619	F-02-056091	4217531532		103		WILKINSON #1	WILDCAT	3.2	TEXAS EASTERN TRA
-INDIAN WELLS OIL CO				RECEIVED:	02/09/83	JA: TX			
8321599	F-7C-049856	4223531853		102-2	103	RICHEY #42A#6	PROBANDT (CANYON)	0.0	INTER NORTH INC
-INTERNATIONAL OIL & GAS CORP				RECEIVED:	02/09/83	JA: TX			
8321776	F-04-063303	4235532020		103		MCNAIR #1	KUYPERS 5900	0.0	UNITED GAS PIPELI
8321612	F-7C-055465	4210533356		102→	103	VERNON B COX "A" #2	DUDLEY EAST (DEVONIAN	45.0	INTRASTATE GATHER
-J B HERRMANN				RECEIVED:	02/09/83	JA: TX			
8321691	F-10-062456	4223331456		103		LUCAS #10 #04565	PANHANDLE→HUTCHINSON	21.0	PHILLIPS PETROLEU
-JAMES B HARBIN				RECEIVED:	02/09/83	JA: TX			
8321678	F-78-061861	4204900000		108		RAYMOND CARRUTH #1 069102	BLANKET (MARBLE FALLS	9.0	LONE STAR GAS CO
→K L H OIL & GAS INC				RECEIVED:	02/09/83	JA: TX			
8321698	F-78-062809	4204933339		102→		H C WILLIAMS #3	CHAMBERS (CONGL)	59.0	EL PASO HYDROCARB
→KA→HUGH INTERNATIONAL INC				RECEIVED:	02/09/83	JA: TX			
8321642	F-02-059233	4223900000		102→		LIONEL PASTOR #1	WILDCAT→PROPOSED LA M	91.0	UNITED GAS PIPELI
8321638	F-02-058962	4246931941		103		M A HILL #1	TELFERNER (4000)	109.5	DELHI GAS PIPELIN
→KAISER→FRANCIS OIL COMPANY				RECEIVED:	02/09/83	JA: TX			
8321597	F-10-048572	4240300000		102→	103	UNDERWOOD #1-7	WHEELER (N W)	300.0	PIONEER NATURAL G
→KARPER & GLASS OIL CO				RECEIVED:	02/09/83	JA: TX			
8321728	F-09-063189	4250300000		108		J A BIRDWELL ID #20286	ROCK CREEK (MARBLE FA	18.0	LONE STAR GAS CO
-L & F DRILLING CO				RECEIVED:	02/09/83	JA: TX			
8321677	F-04-061858	4235500000		102→		W D SWILLING #1(RRCID UNASSIGNED)	RICHARD KING (4300')	0.0	DELHI GAS PIPELIN
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	02/09/83	JA: TX			
8321718	F-03-063140	4205132354		102→		AUSLEY #2	HOOKER CREEK (NAVARRO	34.2	FERGUSON CROSSING
8321719	F-03-063141	4205132246		102→		BRYMER #1	HOOKER CREEK (NAVARRO	40.0	FERGUSON CROSSING
8321720	F-03-063142	4205132247		102→		SEBESTA #1	HOOKER CREEK (NAVARRO	20.0	FERGUSON CROSSING
-LHG RESOURCES INC				RECEIVED:	02/09/83	JA: TX			
8321620	F-78-056349	4242933153		103		HAGAMAN RANCH #3	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
→MARIANAS OPERATING CO INC				RECEIVED:	02/09/83	JA: TX			
8321666	F-78-061494	4208333128		102→		HUDSON #1	WILDCAT	1025.0	UNION TEXAS PETRO
→MARSHALL EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321622	F-06-056456	4241930390		103		MACLEAN #1	PAXTON (TRAVIS PEAK)	120.0	UNITED GAS PIPELI
→MCI INC				RECEIVED:	02/09/83	JA: TX			
8321774	F-03-063300	4204130810		102-2		TODD UNIT #1-L	KURTEN (BUDA)	146.0	FERGUSON CROSSING
8321775	F-03-063301	4204130810		102-2		TODD UNIT #1-U	BRYAN (WOODBINE)	125.0	FERGUSON CROSSING
→MEADCO PROPERTIES				RECEIVED:	02/09/83	JA: TX			
8321657	F-7C-060932	4223531986		102-2		UT-25 A #1 RRC #	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8321661	F-7C-061110	4223531987		102-2		UT-41 A #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
→MID→AMERICA PETROLEUM INC				RECEIVED:	02/09/83	JA: TX			
8321739	F-7C-063207	4238332187		103		SHAW #3	SPRABERRY (TREND AREA	12.0	INTER NORTH INC
→MITCHELL ENERGY CORPORATION				RECEIVED:	02/09/83	JA: TX			
8321688	F-78-062432	4236300000		108		D L HART #1 #068998	GRAFORD (BEND CONGL)	13.0	SOUTHWESTERN GAS
8321648	F-7C-060388	4245131033		102→	103	FREYSCHLAG 219 A #3-L #09637	K W B (STRAWN LO)	375.0	ESPERANZA PIPELIN
8321603	F-09-051518	4249732336		103		GILBERT SHAWN #5	BOONSVILLE (BEND CONG	219.0	NATURAL GAS PIPEL
8321679	F-05-061883	4239530275		102→		T W WHALEY #1	BALD PRAIRIE (COTTON	274.0	UNITED TEXAS TRAN
→MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED:	02/09/83	JA: TX			
8321738	F-02-063205	4239100314		108		F B ROOKE & SONS #S-1	LA ROSA WEST (3900 SA	10.2	UNITED GAS PIPELI
→MOLE OPERATING COMPANY INC				RECEIVED:	02/09/83	JA: TX			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321716	F-78-063020	4222100000		108		MUSICK A-2	LIPAN (STRAWN)	9.2	WARREN PETROLEUM
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321721	F-03-063143	4205132248		102→		SEBESTA #2	BRANKFORD (STRAWN 4900	9.6	INTER NORTH INC
8321722	F-03-063144	4205132249		102→		SEBESTA #3	K W B (STRAWN LO)	375.0	ESPERANZA PIPELIN
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321723	F-03-063145	4205132250		102→		SEBESTA #4	HOOKER CREEK (NAVARRO	34.2	FERGUSON CROSSING
8321724	F-03-063146	4205132251		102→		SEBESTA #5	HOOKER CREEK (NAVARRO	40.0	FERGUSON CROSSING
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX	HOOKER CREEK (NAVARRO	20.0	FERGUSON CROSSING
8321725	F-03-063147	4205132252		102→		SEBESTA #6			
8321726	F-03-063148	4205132253		102→		SEBESTA #7			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321727	F-03-063149	4205132254		102→		SEBESTA #8			
8321729	F-03-063150	4205132255		102→		SEBESTA #9			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321730	F-03-063151	4205132256		102→		SEBESTA #10			
8321731	F-03-063152	4205132257		102→		SEBESTA #11			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321732	F-03-063153	4205132258		102→		SEBESTA #12			
8321733	F-03-063154	4205132259		102→		SEBESTA #13			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321734	F-03-063155	4205132260		102→		SEBESTA #14			
8321735	F-03-063156	4205132261		102→		SEBESTA #15			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321736	F-03-063157	4205132262		102→		SEBESTA #16			
8321737	F-03-063158	4205132263		102→		SEBESTA #17			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321740	F-03-063159	4205132264		102→		SEBESTA #18			
8321741	F-03-063160	4205132265		102→		SEBESTA #19			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321742	F-03-063161	4205132266		102→		SEBESTA #20			
8321743	F-03-063162	4205132267		102→		SEBESTA #21			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321744	F-03-063163	4205132268		102→		SEBESTA #22			
8321745	F-03-063164	4205132269		102→		SEBESTA #23			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321746	F-03-063165	4205132270		102→		SEBESTA #24			
8321747	F-03-063166	4205132271		102→		SEBESTA #25			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321748	F-03-063167	4205132272		102→		SEBESTA #26			
8321749	F-03-063168	4205132273		102→		SEBESTA #27			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321750	F-03-063169	4205132274		102→		SEBESTA #28			
8321751	F-03-063170	4205132275		102→		SEBESTA #29			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321752	F-03-063171	4205132276		102→		SEBESTA #30			
8321753	F-03-063172	4205132277		102→		SEBESTA #31			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321754	F-03-063173	4205132278		102→		SEBESTA #32			
8321755	F-03-063174	4205132279		102→		SEBESTA #33			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321756	F-03-063175	4205132280		102→		SEBESTA #34			
8321757	F-03-063176	4205132281		102→		SEBESTA #35			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321758	F-03-063177	4205132282		102→		SEBESTA #36			
8321759	F-03-063178	4205132283		102→		SEBESTA #37			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321760	F-03-063179	4205132284		102→		SEBESTA #38			
8321761	F-03-063180	4205132285		102→		SEBESTA #39			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321762	F-03-063181	4205132286		102→		SEBESTA #40			
8321763	F-03-063182	4205132287		102→		SEBESTA #41			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321764	F-03-063183	4205132288		102→		SEBESTA #42			
8321765	F-03-063184	4205132289		102→		SEBESTA #43			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321766	F-03-063185	4205132290		102→		SEBESTA #44			
8321767	F-03-063186	4205132291		102→		SEBESTA #45			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321768	F-03-063187	4205132292		102→		SEBESTA #46			
8321769	F-03-063188	4205132293		102→		SEBESTA #47			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321770	F-03-063189	4205132294		102→		SEBESTA #48			
8321771	F-03-063190	4205132295		102→		SEBESTA #49			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321772	F-03-063191	4205132296		102→		SEBESTA #50			
8321773	F-03-063192	4205132297		102→		SEBESTA #51			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321777	F-03-063193	4205132298		102→		SEBESTA #52			
8321778	F-03-063194	4205132299		102→		SEBESTA #53			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321779	F-03-063195	4205132300		102→		SEBESTA #54			
8321780	F-03-063196	4205132301		102→		SEBESTA #55			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321781	F-03-063197	4205132302		102→		SEBESTA #56			
8321782	F-03-063198	4205132303		102→		SEBESTA #57			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321783	F-03-063199	4205132304		102→		SEBESTA #58			
8321784	F-03-063200	4205132305		102→		SEBESTA #59			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321785	F-03-063201	4205132306		102→		SEBESTA #60			
8321786	F-03-063202	4205132307		102→		SEBESTA #61			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321787	F-03-063203	4205132308		102→		SEBESTA #62			
8321788	F-03-063204	4205132309		102→		SEBESTA #63			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321789	F-03-063205	4205132310		102→		SEBESTA #64			
8321790	F-03-063206	4205132311		102→		SEBESTA #65			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321791	F-03-063207	4205132312		102→		SEBESTA #66			
8321792	F-03-063208	4205132313		102→		SEBESTA #67			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321793	F-03-063209	4205132314		102→		SEBESTA #68			
8321794	F-03-063210	4205132315		102→		SEBESTA #69			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321795	F-03-063211	4205132316		102→		SEBESTA #70			
8321796	F-03-063212	4205132317		102→		SEBESTA #71			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321797	F-03-063213	4205132318		102→		SEBESTA #72			
8321798	F-03-063214	4205132319		102→		SEBESTA #73			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321799	F-03-063215	4205132320		102→		SEBESTA #74			
8321800	F-03-063216	4205132321		102→		SEBESTA #75			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321801	F-03-063217	4205132322		102→		SEBESTA #76			
8321802	F-03-063218	4205132323		102→		SEBESTA #77			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321803	F-03-063219	4205132324		102→		SEBESTA #78			
8321804	F-03-063220	4205132325		102→		SEBESTA #79			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321805	F-03-063221	4205132326		102→		SEBESTA #80			
8321806	F-03-063222	4205132327		102→		SEBESTA #81			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321807	F-03-063223	4205132328		102→		SEBESTA #82			
8321808	F-03-063224	4205132329		102→		SEBESTA #83			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321809	F-03-063225	4205132330		102→		SEBESTA #84			
8321810	F-03-063226	4205132331		102→		SEBESTA #85			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321811	F-03-063227	4205132332		102→		SEBESTA #86			
8321812	F-03-063228	4205132333		102→		SEBESTA #87			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321813	F-03-063229	4205132334		102→		SEBESTA #88			
8321814	F-03-063230	4205132335		102→		SEBESTA #89			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321815	F-03-063231	4205132336		102→		SEBESTA #90			
8321816	F-03-063232	4205132337		102→		SEBESTA #91			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321817	F-03-063233	4205132338		102→		SEBESTA #92			
8321818	F-03-063234	4205132339		102→		SEBESTA #93			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321819	F-03-063235	4205132340		102→		SEBESTA #94			
8321820	F-03-063236	4205132341		102→		SEBESTA #95			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321821	F-03-063237	4205132342		102→		SEBESTA #96			
8321822	F-03-063238	4205132343		102→		SEBESTA #97			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321823	F-03-063239	4205132344		102→		SEBESTA #98			
8321824	F-03-063240	4205132345		102→		SEBESTA #99			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321825	F-03-063241	4205132346		102→		SEBESTA #100			
8321826	F-03-063242	4205132347		102→		SEBESTA #101			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321827	F-03-063243	4205132348		102→		SEBESTA #102			
8321828	F-03-063244	4205132349		102→		SEBESTA #103			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321829	F-03-063245	4205132350		102→		SEBESTA #104			
8321830	F-03-063246	4205132351		102→		SEBESTA #105			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321831	F-03-063247	4205132352		102→		SEBESTA #106			
8321832	F-03-063248	4205132353		102→		SEBESTA #107			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321833	F-03-063249	4205132354		102→		SEBESTA #108			
8321834	F-03-063250	4205132355		102→		SEBESTA #109			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321835	F-03-063251	4205132356		102→		SEBESTA #110			
8321836	F-03-063252	4205132357		102→		SEBESTA #111			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321837	F-03-063253	4205132358		102→		SEBESTA #112			
8321838	F-03-063254	4205132359		102→		SEBESTA #113			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321839	F-03-063255	4205132360		102→		SEBESTA #114			
8321840	F-03-063256	4205132361		102→		SEBESTA #115			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321841	F-03-063257	4205132362		102→		SEBESTA #116			
8321842	F-03-063258	4205132363		102→		SEBESTA #117			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321843	F-03-063259	4205132364		102→		SEBESTA #118			
8321844	F-03-063260	4205132365		102→		SEBESTA #119			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321845	F-03-063261	4205132366		102→		SEBESTA #120			
8321846	F-03-063262	4205132367		102→		SEBESTA #121			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321847	F-03-063263	4205132368		102→		SEBESTA #122			
8321848	F-03-063264	4205132369		102→		SEBESTA #123			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321849	F-03-063265	4205132370		102→		SEBESTA #124			
8321850	F-03-063266	4205132371		102→		SEBESTA #125			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321851	F-03-063267	4205132372		102→		SEBESTA #126			
8321852	F-03-063268	4205132373		102→		SEBESTA #127			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321853	F-03-063269	4205132374		102→		SEBESTA #128			
8321854	F-03-063270	4205132375		102→		SEBESTA #129			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321855	F-03-063271	4205132376		102→		SEBESTA #130			
8321856	F-03-063272	4205132377		102→		SEBESTA #131			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321857	F-03-063273	4205132378		102→		SEBESTA #132			
8321858	F-03-063274	4205132379		102→		SEBESTA #133			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321859	F-03-063275	4205132380		102→		SEBESTA #134			
8321860	F-03-063276	4205132381		102→		SEBESTA #135			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321861	F-03-063277	4205132382		102→		SEBESTA #136			
8321862	F-03-063278	4205132383		102→		SEBESTA #137			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321863	F-03-063279	4205132384		102→		SEBESTA #138			
8321864	F-03-063280	4205132385		102→		SEBESTA #139			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321865	F-03-063281	4205132386		102→		SEBESTA #140			
8321866	F-03-063282	4205132387		102→		SEBESTA #141			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321867	F-03-063283	4205132388		102→		SEBESTA #142			
8321868	F-03-063284	4205132389		102→		SEBESTA #143			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321869	F-03-063285	4205132390		102→		SEBESTA #144			
8321870	F-03-063286	4205132391		102→		SEBESTA #145			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321871	F-03-063287	4205132392		102→		SEBESTA #146			
8321872	F-03-063288	4205132393		102→		SEBESTA #147			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321873	F-03-063289	4205132394		102→		SEBESTA #148			
8321874	F-03-063290	4205132395		102→		SEBESTA #149			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321875	F-03-063291	4205132396		102→		SEBESTA #150			
8321876	F-03-063292	4205132397		102→		SEBESTA #151			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321877	F-03-063293	4205132398		102→		SEBESTA #152			
8321878	F-03-063294	4205132399		102→		SEBESTA #153			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321879	F-03-063295	4205132400		102→		SEBESTA #154			
8321880	F-03-063296	4205132401		102→		SEBESTA #155			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321881	F-03-063297	4205132402		102→		SEBESTA #156			
8321882	F-03-063298	4205132403		102→		SEBESTA #157			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321883	F-03-063299	4205132404		102→		SEBESTA #158			
8321884	F-03-063300	4205132405		102→		SEBESTA #159			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321885	F-03-063301	4205132406		102→		SEBESTA #160			
8321886	F-03-063302	4205132407		102→		SEBESTA #161			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321887	F-03-063303	4205132408		102→		SEBESTA #162			
8321888	F-03-063304	4205132409		102→		SEBESTA #163			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321889	F-03-063305	4205132410		102→		SEBESTA #164			
8321890	F-03-063306	4205132411		102→		SEBESTA #165			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321891	F-03-063307	4205132412		102→		SEBESTA #166			
8321892	F-03-063308	4205132413		102→		SEBESTA #167			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321893	F-03-063309	4205132414		102→		SEBESTA #168			
8321894	F-03-063310	4205132415		102→		SEBESTA #169			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321895	F-03-063311	4205132416		102→		SEBESTA #170			
8321896	F-03-063312	4205132417		102→		SEBESTA #171			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321897	F-03-063313	4205132418		102→		SEBESTA #172			
8321898	F-03-063314	4205132419		102→		SEBESTA #173			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321899	F-03-063315	4205132420		102→		SEBESTA #174			
8321900	F-03-063316	4205132421		102→		SEBESTA #175			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321901	F-03-063317	4205132422		102→		SEBESTA #176			
8321902	F-03-063318	4205132423		102→		SEBESTA #177			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321903	F-03-063319	4205132424		102→		SEBESTA #178			
8321904	F-03-063320	4205132425		102→		SEBESTA #179			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321905	F-03-063321	4205132426		102→		SEBESTA #180			
8321906	F-03-063322	4205132427		102→		SEBESTA #181			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321907	F-03-063323	4205132428		102→		SEBESTA #182			
8321908	F-03-063324	4205132429		102→		SEBESTA #183			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321909	F-03-063325	4205132430		102→		SEBESTA #184			
8321910	F-03-063326	4205132431		102→		SEBESTA #185			
→MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX			
8321911	F-03-063327	4205132432		102→		SEBESTA #186			
8321912	F-03-063328	4205132433		102→		SEBESTA #187			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321716	F-7B-063020	4222100000		108		MUSICK A-2
-MORAN EXPLORATION INC				RECEIVED:	02/09/83	JA: TX
8321699	F-7C-062812	4238330137		108		ROCKER "B" #38
8321700	F-7C-062813	4238330247		108		ROCKER B "B" #1
-NATOMAS NORTH AMERICA INC				RECEIVED:	02/09/83	JA: TX
8321639	F-02-059048	4228531501		102-4		ALLEN #1
8321644	F-7C-059638	4245131005		102-4		JONES #5
-NEEB H L				RECEIVED:	02/09/83	JA: TX
8321592	F-7B-023315	4205900000		103		STRALEY 1-349 #1
8321593	F-7B-023316	4205900000		103		STRALEY 1-370 #1
-OLSEN ENERGY INC				RECEIVED:	02/09/83	JA: TX
8321707	F-08-062866	4237133679		107-TF		WILLIAMS #1
-PANHANDLE ENERGY CORP				RECEIVED:	02/09/83	JA: TX
8321745	F-10-063226	4206531285		103		SHANNON #2 (ID# 05245)
8321744	F-10-063225	4206531286		103		SHANNON #3 (ID# 05245)
8321743	F-10-063223	4206531287		103		SHANNON #4 (ID# 05245)
-PANHANDLE PRODUCING COMPANY				RECEIVED:	02/09/83	JA: TX
8321715	F-10-062981	4223300000		108		WHITTENBURG #4 (023805)
8321747	F-10-063231	4223300000		108		WHITTENBURG #6 (023807)
-PARKER & PARSLEY INC				RECEIVED:	02/09/83	JA: TX
8321697	F-08-062709	4231700000		103		NAIL "B" #1
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	02/09/83	JA: TX
8321714	F-08-062945	4237700000		107-TF		R E KORN #1 057774
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/09/83	JA: TX
8321777	F-08-063304	4213500368		108		(12239) CUMMINS A #12
8321726	F-10-063171	4217900000		108		ANNIE #11
8321725	F-10-063170	4206500000		108		COOPER C #7
8321724	F-10-063169	4206500000		108		COOPER C #8
8321778	F-08-063305	4213504344		108		FORBESS #3 (04805)
8321723	F-10-063168	4217900000		108		FOXX J #6
8321722	F-08-063158	4213533518		108		GOLDSMITH ADOBE UNIT #39-14 (18713)
8321721	F-08-063157	4213503141		108		GOLDSMITH ANDECTOR UNIT N-14
8321779	F-08-063306	4213505843		108		TXL-A #2C (06963)
-PLACER ENERGY CORP				RECEIVED:	02/09/83	JA: TX
8321626	F-7C-057205	4238332004		103		A V MCMASTERS #2
-PLEXUS PETROLEUM CO				RECEIVED:	02/09/83	JA: TX
8321665	F-7C-061467	4239932529		102-4		FRED SPREEN #1
-PRODECO EXPLORATION INC				RECEIVED:	02/09/83	JA: TX
8321645	F-03-060064	4204130797		102-2		D TRIOLA #1
-PYRO ENERGY CORP				RECEIVED:	02/09/83	JA: TX
8321658	F-04-060950	4224731469		102-4		MESTENA "5-J-2" #1
-R A W ENERGY CORP				RECEIVED:	02/09/83	JA: TX
8321604	F-09-051834	4223700000		102-4	103	MENDERSON #1
-RANGER OIL CO				RECEIVED:	02/09/83	JA: TX
8321631	F-03-058246	4201500000		102-4	103	LIEBERMAN #1
-RANGER PETROLEUM				RECEIVED:	02/09/83	JA: TX
8321674	F-10-061714	4206531227		103		TERRY #3
-ROBERT KLABZUBA				RECEIVED:	02/09/83	JA: TX
8321681	F-7C-062107	4209530434		102-2		RANSBARGER #1 #C95696
8321682	F-7C-062108	4209530431		102-2		SCHWETHELM CHESTER #1 #81295
-ROMINES AND WARNER				RECEIVED:	02/09/83	JA: TX
8321746	F-10-063227	4223331229		103		WHITTENBURG "K" #A-2 (ID# 02055)
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:	02/09/83	JA: TX

FIELD NAME	PROD	PURCHASER
LIPAN (STRAWN)	9.2	WARREN PETROLEUM
SPRABERRY (TREND AREA	9.6	INTER NORTH INC
SPRABERRY (TREND AREA	4.4	INTER NORTH INC
PROVIDENCE CITY 2130	240.0	GOLDENROD TRANSMI
HOUR (STRAWN)	50.0	INTER NORTH INC
STRALEY (JENNINGS SAN	0.0	TEXAS UTILITIES F
STRALEY (JENNINGS SAN	0.0	TEXAS UTILITIES F
ABELL (CLEAR FORK)	75.0	INTER NORTH INC
PANHANDLE CARSON	50.0	GETTY OIL CO
PANHANDLE CARSON	50.0	GETTY OIL CO
PANHANDLE CARSON	50.0	GETTY OIL CO
WEST PANHANDLE	6.0	COLORADO INTERSTA
WEST PANHANDLE	7.0	COLORADO INTERSTA
SPRABERRY (TREND AREA	0.0	ADOBE OIL & GAS
KORN (ATOKA)	0.0	WEST TEXAS GAS IN
GOLDSMITH (CLEARFORK)	9.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
PANHANDLE CARSON	0.0	GETTY OIL CO
PANHANDLE CARSON	0.0	GETTY OIL CO
PENWELL (ELLENBERGER)	1.0	EL PASO NATURAL G
PANHANDLE GRAY	0.0	
GOLDSMITH (5600')	2.0	EL PASO NATURAL G
GOLDSMITH (CLEARFORK)	24.0	EL PASO NATURAL G
TXL (ELLENBURGER)	2.0	SHELL OIL CO
SPRABERRY (TREND AREA	0.7	UNION TEXAS PETRO
WILDCAT	162.0	EL PASO HYDROCARB
KURTEN (BUDA)	177.0	FERGUSON CROSSING
WEST COYOTE (PROPOSED	165.0	
JACK COUNTY REGULAR (	0.0	SOUTHWESTERN GAS
SEALY (WILCOX 10,400'	365.0	SOUTHWESTERN GAS
PANHANDLE CARSON FIEL	80.1	PANHANDLE EASTERN
FUZZY CREEK (GUEN)	200.0	
FUZZY CREEK (GUEN)	100.0	
PANHANDLE HUTCHINSON	70.0	PHILLIPS PETROLEU

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JD NO	DA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321615	F-03-055610	4228731237		102-2	103	BIGON #1	GIDDINGS (AUSTIN CHAL	30.5	P&P GAS PRODUCTS
8321616	F-03-055611	4228731256		102-2	103	FRITSCHE #1	GIDDINGS (BUDA)	30.5	P&P GAS PRODUCTS
8321627	F-03-057391	4228700000		102-2	103	MINNIE #1	GIDDINGS (AUSTIN CHAL	30.5	P&P GAS PRODUCTS
8321614	F-03-055608	4228731257		102-2	103	PKG #1	GIDDINGS (AUSTIN CHAL	30.5	P&P GAS PRODUCTS
-SCANDRILL INC				RECEIVED:	02/09/83	JA: TX			
8321669	F-09-061565	4223734690		102-4		PEMBERTON #10	STEVE LOWER STRAWN	54.6	LONE STAR GAS CO
8321670	F-09-061566	4223734517		103		REYNOLDS #1	JACK COUNTY REGULAR	73.0	LONE STAR GAS CO
8321690	F-09-062441	4250300000		102-4		SCAN-KING "E" #6	WOODWARD RANCH (STRAW	0.0	J H TAYLOR GAS CO
8321673	F-09-061659	4250336134		102-4		SCAN-KING "E" #7	WOODWARD RANCH (STRAW	54.8	J H TAYLOR GAS CO
8321689	F-09-062440	4250300000		102-4		SCAN-KING "E" #8	WOODWARD RANCH (STRAW	0.0	J H TAYLOR GAS CO
-SEAGULL INTERNATIONAL EXPLORATION I				RECEIVED:	02/09/83	JA: TX			
8321641	F-06-059204	4236531032		102-4		SMITH-WALLACE GAS UNIT #1	PINEHILL SE (TRAVIS P	91.3	UNITED GAS PIPE L
-SHELL OIL CO				RECEIVED:	02/09/83	JA: TX			
8321628	F-7C-057541	4210500000		108		FORRISTALL-B #12	TIPPETT WOLFCAMP UPPE	20.7	NELEN OIL & GAS C
-SIERRA EXPLORATION CO				RECEIVED:	02/09/83	JA: TX			
8321613	F-02-055604	4229732416		102-4		L DOLAN "A" #1	WILDCAT	41.0	EL PASO NATURAL G
-SNOW OIL CO				RECEIVED:	02/09/83	JA: TX			
8321680	F-7B-062077	4213334314		102-4		CASTLEBERRY-WEST #1	REB (MARBLE FALLS)	88.0	LONE STAR GAS CO
-SOJOURNER DRILLING CORP				RECEIVED:	02/09/83	JA: TX			
8321734	F-7B-063201	4220731297		102-4		HESTER "A" #1-30 (18828)	SHIELDS (STRAWN 4500)	2.0	CITIES SERVICE CO
8321729	F-7B-063194	4220731193		102-4		HESTER "A" #1-31 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321733	F-7B-063199	4220731284		102-4		HESTER "A" #1-32 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321732	F-7B-063198	4220731303		102-4		HESTER "A" #2-30 (18828)	SHIELDS (STRAWN 4500)	2.0	CITIES SERVICE CO
8321730	F-7B-063195	4220731282		102-4		HESTER "A" #2-31 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321731	F-7B-063196	4220731290		102-4		HESTER "A" #3-31 (18828)	SHIELDS (STRAWN 4500)	38.0	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO				RECEIVED:	02/09/83	JA: TX			
8321758	F-7C-063270	4210533609		103		UNIVERSITY "13" #1	CUESTA HILL	45.0	WEST TEXAS GAS IN
-STALLWORTH OIL & GAS INC				RECEIVED:	02/09/83	JA: TX			
8321594	F-06-045023	4242330385		102-4	103	LEWIS OIL UNIT (#10240)	CHAPEL HILL (TRAVIS P	32.9	UNITED GAS PIPELI
8321595	F-06-045024	4242330015		102-4		SANDERS OIL UNIT #1 RRC #10453	CHAPEL HILL (TRAVIS P	138.7	UNITED GAS PIPELI
-SUEMAUR CORP				RECEIVED:	02/09/83	JA: TX			
8321696	F-04-062643	4213134990		102-4		WELDER HEIRS #1-211	DEJAY NORTH (FIRST GU	360.0	VALERO TRANSMISSI
-SUGARBERRY OIL & GAS CORP				RECEIVED:	02/09/83	JA: TX			
8321667	F-7C-061506	4241331134		103	107-TF	CASE #3-T	VELREN (HENDERSON UPP	54.8	CRA INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321687	F-7B-062340	4242900000		108		A S VEALE -C- #9	VEALE (MARBLE FALLS)	18.0	SOUTHWESTERN GAS
8321702	F-8A-062821	4250132228		103		BENNETT RANCH UNIT #336	WASSON	9.0	SHELL OIL CO
8321703	F-8A-062822	4250132218		103		BENNETT RANCH UNIT #342	WASSON	11.0	SHELL OIL CO
8321611	F-04-054914	4242731523		102-4		BENTSEN BROS "A" #6	YZAQUIRRE	136.0	
8321768	F-7B-063281	4242933408		103		J M WARD "C" #123	STEPHENS COUNTY REGUL	7.0	PETROLEUM CORP OF
8321767	F-7B-063280	4242933419		103		J M WARD "C" #124	STEPHENS COUNTY REGUL	0.4	PETROLEUM CORP OF
8321766	F-7B-063279	4242933395		103		J M WARD "C" #125	STEPHENS COUNTY REGUL	2.0	PETROLEUM CORP OF
8321761	F-7B-063274	4242933380		103		J M WARD "C" #126	STEPHENS COUNTY REGUL	0.4	PETROLEUM CORPORA
8321765	F-7B-063278	4242933389		103		J M WARD "C" #127	STEPHENS COUNTY REGUL	7.0	PETROLEUM CORP OF
8321764	F-7B-063277	4242933388		103		J M WARD "C" #128	STEPHENS COUNTY REGUL	2.0	PETROLEUM CORP OF
8321763	F-7B-063276	4242933396		103		J M WARD "C" #131	STEPHENS COUNTY REGUL	5.0	PETROLEUM CORP OF
8321759	F-08-063272	4246100000		108		MCELROY S W UNIT #29	MCELROY	0.2	PHILLIPS PETROLEU
8321760	F-08-063273	4200300000		108		O B HOLT -H- #1	NORTH COWDEN	1.5	PHILLIPS PETROLEU
8321694	F-8A-062560	4221933500		103		SOUTHEAST LEVELLAND UNIT #291	LEVELLAND	4.0	AMOCO PRODUCTION
8321693	F-8A-062509	4221933498		103		SOUTHEAST LEVELLAND UNIT #293	LEVELLAND	7.0	AMOCO PRODUCTION
8321625	F-04-057075	4242731508		102-4		SULEMA GARZA #1	LOCKHART	3.0	TENNESSEE GAS PIP
8321701	F-8A-062819	4250132249		103		WASSON N CLEARFORK UT #91	N E WASSON (CLEARFORK	10.0	SHELL OIL CO
-TENNECO OIL COMPANY				RECEIVED:	02/09/83	JA: TX			

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JD NO	DA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321704	F-8A-062823	4250132217		103		BENNETT RANCH UNIT #343	WASSON	11.0	SHELL OIL CO
8321705	F-8A-062824	4250132216		103		BENNETT RANCH UNIT #344	WASSON	11.0	SHELL OIL CO
8321706	F-8A-062825	4250132215		103		BENNETT RANCH UNIT #345	WASSON	11.0	SHELL OIL CO
8321707	F-8A-062826	4250132214		103		BENNETT RANCH UNIT #346	WASSON	11.0	SHELL OIL CO
8321708	F-8A-062827	4250132213		103		BENNETT RANCH UNIT #347	WASSON	11.0	SHELL OIL CO
8321709	F-8A-062828	4250132212		103		BENNETT RANCH UNIT #348	WASSON	11.0	SHELL OIL CO
8321710	F-8A-062829	4250132211		103		BENNETT RANCH UNIT #349	WASSON	11.0	SHELL OIL CO
8321711	F-8A-062830	4250132210		103		BENNETT RANCH UNIT #350	WASSON	11.0	SHELL OIL CO
8321712	F-8A-062831	4250132209		103		BENNETT RANCH UNIT #351	WASSON	11.0	SHELL OIL CO
8321713	F-8A-062832	4250132208		103		BENNETT RANCH UNIT #352	WASSON	11.0	SHELL OIL CO
8321714	F-8A-062833	4250132207		103		BENNETT RANCH UNIT #353	WASSON	11.0	SHELL OIL CO
8321715	F-8A-062834	4250132206		103		BENNETT RANCH UNIT #354	WASSON	11.0	SHELL OIL CO
8321716	F-8A-062835	4250132205		103		BENNETT RANCH UNIT #355	WASSON	11.0	SHELL OIL CO
8321717	F-8A-062836	4250132204		103		BENNETT RANCH UNIT #356	WASSON	11.0	SHELL OIL CO
8321718	F-8A-062837	4250132203		103		BENNETT RANCH UNIT #357	WASSON	11.0	SHELL OIL CO
8321719	F-8A-062838	4250132202		103		BENNETT RANCH UNIT #358	WASSON	11.0	SHELL OIL CO
8321720	F-8A-062839	4250132201		103		BENNETT RANCH UNIT #359	WASSON	11.0	SHELL OIL CO
8321721	F-8A-062840	4250132200		103		BENNETT RANCH UNIT #360	WASSON	11.0	SHELL OIL CO
8321722	F-8A-062841	4250132199		103		BENNETT RANCH UNIT #361	WASSON	11.0	SHELL OIL CO
8321723	F-8A-062842	4250132198		103		BENNETT RANCH UNIT #362	WASSON	11.0	SHELL OIL CO
8321724	F-8A-062843	4250132197		103		BENNETT RANCH UNIT #363	WASSON	11.0	SHELL OIL CO
8321725	F-8A-062844	4250132196		103		BENNETT RANCH UNIT #364	WASSON	11.0	SHELL OIL CO
8321726	F-8A-062845	4250132195		103		BENNETT RANCH UNIT #365	WASSON	11.0	SHELL OIL CO
8321727	F-8A-062846	4250132194		103		BENNETT RANCH UNIT #366	WASSON	11.0	SHELL OIL CO
8321728	F-8A-062847	4250132193		103		BENNETT RANCH UNIT #367	WASSON	11.0	SHELL OIL CO
8321735	F-8A-062848	4250132192		103		BENNETT RANCH UNIT #368	WASSON	11.0	SHELL OIL CO
8321736	F-8A-062849	4250132191		103		BENNETT RANCH UNIT #369	WASSON	11.0	SHELL OIL CO
8321737	F-8A-062850	4250132190		103		BENNETT RANCH UNIT #370	WASSON	11.0	SHELL OIL CO
8321738	F-8A-062851	4250132189		103		BENNETT RANCH UNIT #371	WASSON	11.0	SHELL OIL CO
8321739	F-8A-062852	4250132188		103		BENNETT RANCH UNIT #372	WASSON	11.0	SHELL OIL CO
8321740	F-8A-062853	4250132187		103		BENNETT RANCH UNIT #373	WASSON	11.0	SHELL OIL CO
8321741	F-8A-062854	4250132186		103		BENNETT RANCH UNIT #374	WASSON	11.0	SHELL OIL CO
8321742	F-8A-062855	4250132185		103		BENNETT RANCH UNIT #375	WASSON	11.0	SHELL OIL CO
8321743	F-8A-062856	4250132184		103		BENNETT RANCH UNIT #376	WASSON	11.0	SHELL OIL CO
8321744	F-8A-062857	4250132183		103		BENNETT RANCH UNIT #377	WASSON	11.0	SHELL OIL CO
8321745	F-8A-062858	4250132182		103		BENNETT RANCH UNIT #378	WASSON	11.0	SHELL OIL CO
8321746	F-8A-062859	4250132181		103		BENNETT RANCH UNIT #379	WASSON	11.0	SHELL OIL CO
8321747	F-8A-062860	4250132180		103		BENNETT RANCH UNIT #380	WASSON	11.0	SHELL OIL CO
8321748	F-8A-062861	4250132179		103		BENNETT RANCH UNIT #381	WASSON	11.0	SHELL OIL CO
8321749	F-8A-062862	4250132178		103		BENNETT RANCH UNIT #382	WASSON	11.0	SHELL OIL CO
8321750	F-8A-062863	4250132177		103		BENNETT RANCH UNIT #383	WASSON	11.0	SHELL OIL CO
8321751	F-8A-062864	4250132176		103		BENNETT RANCH UNIT #384	WASSON	11.0	SHELL OIL CO
8321752	F-8A-062865	4250132175		103		BENNETT RANCH UNIT #385	WASSON	11.0	SHELL OIL CO
8321753	F-8A-062866	4250132174		103		BENNETT RANCH UNIT #386	WASSON	11.0	SHELL OIL CO
8321754	F-8A-062867	4250132173		103		BENNETT RANCH UNIT #387	WASSON	11.0	SHELL OIL CO
8321755	F-8A-062868	4250132172		103		BENNETT RANCH UNIT #388	WASSON	11.0	SHELL OIL CO
8321756	F-8A-062869	4250132171		103		BENNETT RANCH UNIT #389	WASSON	11.0	SHELL OIL CO
8321757	F-8A-062870	4250132170		103		BENNETT RANCH UNIT #390	WASSON	11.0	SHELL OIL CO
8321762	F-8A-062871	4250132169		103		BENNETT RANCH UNIT #391	WASSON	11.0	SHELL OIL CO
8321769	F-8A-062872	4250132168		103		BENNETT RANCH UNIT #392	WASSON	11.0	SHELL OIL CO
8321770	F-8A-062873	4250132167		103		BENNETT RANCH UNIT #393	WASSON	11.0	SHELL OIL CO
8321771

JD NO	DK DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8321629	F-10-057698	4239330913		102-2		LEDRICK 3-55
8321600	F-10-049956	4239330872		102-2	103	MORRISON #2-1
				RECEIVED:	02/09/83	JA: TX
-TERRY L MCIVER						
8321634	F-7B-058410	4208333150		102-4		DOYLE EVANS #1
				RECEIVED:	02/09/83	JA: TX
-TEXACO INC						
8321735	F-10-063202	4206500000		108		M C BURNETT NCT-5 #4
8321736	F-10-063203	4206500000		108		M C BURNETT NCT-5 #6
8321686	F-8A-062309	4221933654		103		MONTGOMERY ESTATE DAVIES NCT-2 #94
8321737	F-10-063204	4223300000		108		S B BURNETT NCT-5 #19
8321685	F-08-062307	4243131229		103		STERLING "J" FEE 5
8321684	F-08-062306	4243131228		103		STERLING "K" FEE #5
8321695	F-08-062615	4243131233		103		STERLING "K" FEE #6
8321635	F-08-056476	4213533986		102-4		W E CONNELL NCT-2 #162
8321683	F-8A-062117	4221933649		103		W T COBLE "A" NCT-1#40
				RECEIVED:	02/09/83	JA: TX
-TEXAS INTERNATIONAL PET CORP						
8321608	F-03-054139	4205100000		102-2		BLINKA POEHLS #2
8321643	F-03-059635	4204100000		102-2		PETERS #I
8321598	F-03-049743	4204100000		102-2		PETERS #I
				RECEIVED:	02/09/83	JA: TX
-TEXLAND-RECTOR & SCHUMACHER						
8321782	F-8A-063310	4221933086		103		DAVIS "B" #6
8321783	F-8A-063311	4221932707		103		DAVIS "B" 4-X
8321781	F-8A-063309	4221933440		103		J J STALLINGS #4
8321780	F-8A-063308	4221933637		103		J J STALLINGS #5
				RECEIVED:	02/09/83	JA: TX
-TRIPLE L OIL CO INC						
8321792	F-04-063374	4235531989		102-4		MORGAN-CLARK #2
				RECEIVED:	02/09/83	JA: TX
-TUMBLEWEED PRODUCTION CO						
8321788	F-10-063323	4206500000		103		LINDA #4
				RECEIVED:	02/09/83	JA: TX
-TXO PRODUCTION CORP						
8321630	F-04-058020	4226130416		102-4		ERCK #7
8321609	F-04-054229	4227331272		103		YEARY #1
				RECEIVED:	02/09/83	JA: TX
-UNION OIL COMPANY OF CALIF						
8321664	F-01-061389	4210534110		102-2		PAMELA ACTON #1
				RECEIVED:	02/09/83	JA: TX
-UNITED CO						
8321711	F-8A-062926	4207930548		108		MARTY WRIGHT #42 072329
8321710	F-8A-062925	4207900000		108		REED WRIGHT B #1Z 049400
				RECEIVED:	02/09/83	JA: TX
-VANDERBILT RESOURCES CORPORATION						
8321709	F-01-062920	4217731667		102-4		PETTUS #3
				RECEIVED:	02/09/83	JA: TX
-W H TAYLOR ESTATE						
8321663	F-10-061225	4217900000		108		TAYLOR RANCH #18
8321662	F-10-061223	4217900000		108		TAYLOR RANCH #38
				RECEIVED:	02/09/83	JA: TX
-WAGNER & BROWN						
8321755	F-08-063264	4243131218		103		FLINT #3-24
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/09/83	JA: TX
8321772	F-08-063292	4210332968		103		J B TUBB "A" #44
8321771	F-08-063291	4210332839		103		J B TUBB "B" #54
8321773	F-08-063293	4210333002		103		M B MCKNIGHT #130
8321741	F-08-063220	4210333003		103		P J LEA #130
8321750	F-08-063246	4210332797		103		STATE "EG" #30
				RECEIVED:	02/09/83	JA: TX
-WELLS-BATTELSTEIN OIL & GAS INC						
8321649	F-7B-060439	4235331239		102-4		L W SWEET #1
8321650	F-7B-060441	4235331283		102-4		L W SWEET #2
8321651	F-7B-060442	4235331300		102-4		L W SWEET #3
8321623	F-04-056977	4224931533		102-4		MARGARET ADAMS #2

FIELD NAME	PROD	PURCHASER
SOUTH LEDRICK RANCH	90.0	TRANSWESTERN PIPE
WILDCAT	40.0	TRANSWESTERN PIPE
TRICKHAM (CROSSCUT LO	30.0	LONE STAR GAS CO
PANHANDLE CARSON COUN	1.0	PHILLIPS PETROLEU
PANHANDLE CARSON COUN	1.0	PHILLIPS PETROLEU
LEVELLAND	0.0	AMOCO PRODUCTION
PANHANDLE HUTCHINSON	2.0	PHILLIPS PETROLEU
CONGER (PENN)	0.0	VALERO TRANSMISSI
CONGER (PENN)	0.0	VALERO TRANSMISSI
CONGER (PENN)	0.0	VALERO TRANSMISSI
JORDAN WEST	95.2	PHILLIPS PETROLEU
LEVELLAND	0.0	AMOCO PRODUCTION
GIDDINGS (BIG "A" TAY	0.0	CLAJON GAS CO
KURTEN (AUSTIN CHALK)	0.0	PRODUCER'S GAS CO
GIDDINGS	319.0	
SLAUGHTER	1.0	AMOCO PRODUCTION
SLAUGHTER	1.0	AMOCO PRODUCTION
LEVELLAND	8.0	AMOCO PRODUCTION
LEVELLAND	8.0	AMOCO PRODUCTION
SAXET	182.5	DELHI GAS PIPELIN
PANHANDLE	124.6	GETTY OIL CO
MCGILL (9400' SEGMENT	0.0	FLORIDA GAS TRANS
YEARY WILDCAT	0.0	TEXAS EASTERN TRA
MASSIE (STRAWN)	350.0	INTRATEX GAS CO
LEVELLAND (SAN ANDRES	15.2	EL PASO NATURAL G
LEVELLAND (SAN ANDRES	18.5	EL PASO NATURAL G
PEACH CREEK (BUDA)	72.0	VALERO TRANSMISSI
WEST PANHANDLE (GAS)	18.5	PHILLIPS PETROLEU
WEST PANHANDLE (GAS)	18.4	PHILLIPS PETROLEU
CONGER (PENN)	117.8	TEXAS UTILITIES F
SAND HILLS (MCKNIGHT)	40.6	EL PASO NATURAL G
SAND HILLS (JUDKINS)	183.3	EL PASO NATURAL G
SAND HILLS (MCKNIGHT)	52.7	EL PASO NATURAL G
LEA (SAN ANDRES)	63.9	EL PASO NATURAL G
DUNE	3.1	EL PASO NATURAL G
SUGGS	66.0	LONE STAR GAS CO
SUGGS	182.0	LONE STAR GAS CO
SUGGS (ELLENBURGER)	37.0	LONE STAR GAS CO
ALFRED UPPER STILLWEL	146.0	SOUTHERN GAS PIPE

VOLUME 044 PAGE 007

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		FIELD NAME	PROD	PURCHASER
-WESLEY SENKEL INC				RECEIVED:	02/09/83		JA: TX			
8321790	F-09-063360	4250336190		102→		LOFTIN #2		SENKEL (CADDO 4600) F	24.0	SOUTHWESTERN GAS
-WILSON RICHARD NEAL				RECEIVED:	02/09/83		JA: TX			
8321637	F-78-056957	4213300000		102→		BISHOP #1		FOSTER (PERMIAN SAND)	59.0	EL PASO HYDROCARB
-WINN EXPLORATION/DULCE CO				RECEIVED:	02/09/83		JA: TX			
8321632	F-01-058257	4250700000		102→		PRYOR RANCH		WINN-DULCE	0.0	INTER NORTH INC
-WY-VEL CORP				RECEIVED:	02/09/83		JA: TX			
8321787	F-10-063322	4217931247		103		KERSEY (05256) #1		PANHANDLE	100.0	GETTY OIL CO

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8681.

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The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old BCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal seams
107–DV: Devonian shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6346 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-345-000]

Connecticut Light and Power Co.; Filing

March 8, 1983.

Take notice that on February 22, 1983, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Exchange Agreement) between CL&P, the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company ((WMECO), and together with HELCO and CL&P, the NU Companies) and Montaup Electric Company (Montaup). The Exchange Agreement, dated as of June 30, 1982, provides for an exchange of excess capacity and associated energy from the NU Companies' system, "system power" for an equal amount of capacity from certain generating units on Montaup's system (the Exchange Units). CL&P states that the timing of the exchanges cannot be accurately estimated but that the NU Companies and Montaup would enter into an exchange only when it was economic for both to do so.

Montaup will pay an hourly energy reservation charge to the NU Companies for each hour of each exchange in an amount equal to the capacity exchange amount (expressed in kilowatts) for such exchange, times an amount not to exceed $0.007 per kilowatt. Montaup will pay a fuel charge to the NU Companies for each exchange in an amount equal to the kilowatt hours provided by the NU Companies during such exchange, times a fuel charge rate. The fuel charge is based on the heat rate and the New England Power Exchange's replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide system power at the time of an exchange.

The NU Companies will pay Montaup a fuel charge for each exchange in an amount equal to the kilowatthours provided by Montaup during such exchange, times a fuel charge rate. The fuel charge rate associated with Montaup's generating units is based on the heat rate and the New England Power Pool Exchange's replacement fuel price for each such unit. The NU Companies will pay a variable maintenance charge to Montaup for any portion of an exchange made from any gas turbine type generating units equal to the product of the applicable variable maintenance rate (expressed in $/hour of operation) and the NU Companies' fractional entitlement in each such unit. The NU Companies will also pay an additional variable maintenance charge associated with Montaup's gas turbine type generating units equal to the product of the applicable additional variable maintenance charge rate (expressed in $/hour of operation) and the NU Companies' fractional entitlement in each such unit.

CL&P requests an effective date of June 30, 1982 and therefore request wavier of the Commission's notice requirements.

Copies of this filing have been served upon HELCO, WMECO and Montaup.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6338 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-341-000]

Gulf States Utilities Co.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Gulf States Utilities Company (Gulf States) tendered for filing an Agreement between Gulf States and the Louisiana municipality of New Roads, together with Service Schedules LTS (Transmission Service), ES (Emergency Service), RE (Replacement Energy) and ECON (Economy Energy Supply).

GSU proposes that the Agreement and related Service Schedules become effective no later than June 1, 1983, or the date that all facilities required to implement the Interconnection Agreement are in service. GSU expects service under the filing to commence on June 1, 1983.

Copies of the filing have been served on the municipality of New Roads, the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211, and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6329 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-594-000]

Iowa Power and Light Co.; Settlement Compliance Report

March 8, 1983.

Take notice that on February 18, 1983, Iowa Power and Light Company filed a Settlement Compliance Report pursuant to the Commission's order issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6330 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-212-000]

Michigan Wisconsin Pipe Line Co.; Application

March 8, 1983.

Take notice that on March 2, 1983, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226 (Applicant), filed in Docket No. CP83-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation service for Michigan Consolidated Gas Company (MichCon), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, MichCon has agreed to sell to Indiana Glass Company (Indiana Glass) up to 4,000 dt equivalent per day and 1,500,000 dt equivalent of natural gas per year subject to interruption to the extent the gas supplies are required by MichCon to provide adequate service to its distribution customers. The term of the agreement is for an initial period of two years commencing for the date of the first deliveries and is extendable for successive two-year periods. In an affidavit by the president and general manager of Indiana Glass, included in the application, it is estimated that the purchase of gas from MichCon would result in annual fuel cost savings approximately $1.2 million and would likely prevent permanent extensive lay-offs of employees. Applicant further states that upon authorization of the requested service, 425 employees currently laid off would be recalled.

Applicant states that it has entered into an agreement with MichCon dated February 23, 1983, which provides for the transportation of up to 4,000 dt equivalent per day of natural gas. Applicant would receive the natural gas from MichCon by displacement at an existing point of delivery at Applicant's Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan and would deliver thermally equivalent volumes to Indiana Gas Company, Inc. (Indiana Gas), at an existing delivery point located near Muncie in Delaware County, Indiana. Since the transportation service is by displacement, Applicant states, MichCon has agreed to pay it two cents for each dt equivalent of natural gas delivered to Indiana Gas for the account of MichCon based on Applicant's administrative and general expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or befor March 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regualtions under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without futher notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6331 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-181-000]

Northern States Power Company (Wisconsin); Refund Compliance Report

March 8, 1983.

Take notice that on February 12, 1982, Northern States Power Company (Wisconsin) submitted for filing a refund compliance report pursuant to the Commission's letter order dated February 20, 1981 approving settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6332 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-340-000]

Otter Tail Power Co.; Filing

March 8, 1983.

Take notice that on February 22, 1983, Otter Tail Power Company (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1983 is requested for the increase, estimated at approximately $7,617 per year, in rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 154. An effective date of March 20, 1983 is requested for the increase estimated at approximately $2,175 in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 171.

Otter Tail requests waiver of the Commission's notice requirements to allow these two schedules to become effective on April 1, 1983 and March 20, 1983, respectively.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6333 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER75-532-000]

Pacific Gas and Electric Co.; Refund Report

March 8, 1983.

Take notice that on February 22, 1983, Pacific Gas and Electric Company submitted for filing a refund report pursuant to the Commission's Opinion No. 143, issued August 18, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6334 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-338-000]

Pacific Power & Light Co.; Filing

March 8, 1983.

Take notice that Pacific Power & Light Company (Pacific) on February 22, 1983, tendered for filing an Agreement providing for temporary wheeling services for the City of Gillette, Wyoming.

Pacific requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to the City of Gillette, Wyoming and the Public Service Commission, the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6335 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-334-000]

Puget Sound Power & Light Co.; Filing

March 8, 1983.

Take notice that Puget Sound Power & Light Company (Puget), on February 18, 1983, tendered for filing Puget's Schedule 5 to Appendix 1 to the Residential Purchase and Sale Agreement between Puget and the Bonneville Power Administration (BPA). Schedule 5 to Appendix 1 reflects BPA's average system cost calculations.

Puget requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Puget has sent notice of this filing to the parties who commented to BPA regarding Schedule 5.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6336 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-342-000]

Vermont Electric Power Company, Inc.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Vermont Electric Power Company, Inc. (VELCO) tendered for filing an amendment to its Three-Party Power Agreement with Central Vermont Public Service Company and Green Mountain Power Corporation. That agreement assigns to VELCO the entitlements of Central Vermont and Green Mountain to the output of the Vermont Yankee nuclear power plant located in Vernon, Vermont. VELCO, in turn, makes the output of that unit available to all Vermont utilities elected to participate. The proposed amendment is necessitated by a filing submitted by Vermont Yankee Nuclear Power Corporation to begin the collection of decommissioning charges. The amendment would permit VERLO to pass those decommissioning charges through to the Vermont participants.

VELCO requests that the proposed amendment be accepted effective April 24, 1983 but that it be permitted to defer inclusion of decommissioning charges until September 1, 1983 to track the relief requested by Vermont Yankee. If the decommissioning charge had been in effect for the full calendar year 1983, the increase to the Vermont participants would have been 7.8 percent or $4,561,150. Of that amount approximately one-half represents the collection of taxes. If Vermont Yankee is able to obtain a favorable tax ruling, which it is seeking, the dollars collected for taxes will be refunded to its customers, including the Vermont participants.

VELCO states that copies of this filing, and of the complete Vermont Yankee filing, have been served on all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6337 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-343-000]

Vermont Yankee Nuclear Power Corp.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing an amendment to Section 7 of the Power Contract between Vermont Yankee and its ten owner-sponsors governing the sale of the output of Vermont Yankee's nuclear power plant located in Vernon, Vermont. The amendment would permit Vermont Yankee to begin collecting decommissioning charges. The ten owner-sponsors of Vermont Yankee are: Central Vermont Public Service Corporation, Green Mountain Power Corporation, New England Power Company, The Connecticut Light and Power Company, Central Maine Power Company, Public Service Company of New Hampshire, the Hartford Electric Light Company, Western Massachusetts Electric Company, Montaup Electric Company, and Cambridge Electric Light Company.

Vermont Yankee requests that the proposed amendment to Section 7 of the Power Contract be permitted to become effective April 24, 1983 but that it be permitted to defer inclusion of the decommissioning charge until September 1, 1983. The proposed amendment to Section 7 of the Power Contract would, according to the Company, have increased revenues by 7.8 percent or $8,293,000 if the decommissioning charge had been in effect for the full calendar year 1983. Of that amount approximately one-half represents the collection of taxes. Vermont Yankee indicates that it is seeking a ruling that decommissioning charges are not subject to federal income tax. If it prevails, the amounts collected for federal income taxes will be refunded to its customers.

Vermont Yankee states that copies of the filing have been served upon each of the customers taking power from Vermont Yankee, both the owner-sponsors and the secondary purchasers who have contracted for a portion of the entitlement of an owner-sponsors. Copies of the filing have also been served on each state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 29426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6338 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2032-000]

William F. Miller; Application

March 8, 1983.

Take notice that on February 15, 1983, William F. Miller filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Pacific Gas & Electric Company
Director, Fireman's Fund Insurance Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6339 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of January 10 Through January 28, 1983

During the period of January 10 through January 28, 1983, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Piedmont Petroleum Company, Middleburg, Virginia; HEE-0045, No. 2, Distillate

On October 13, 1982, Piedmont Petroleum Company (Piedmont) filed an Application for Exception from the Energy Information Administration's reporting requirements. The exception request, if granted, would permit Piedmont to be relieved of the obligation to file Form EIA–9A, "No. 2 Distillate Price Monitoring Report." On January 25, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Rogers Fuels, Inc., Middleburg, Virginia, HEE–0045, No. 2, Distillates

Rogers Fuels, Inc. (Rogers) filed an Application for Exception from the reporting requirements of the Energy Information Administration. The exception request, if granted, would relieve Rogers of the responsibility of filing Form EIA–9A. On January 26, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Spring Brook Ice & Fuel Company, Waterville, Maine, HEE–0048, No. 2, Distillates

On November 10, 1982, Spring Brook Ice & Fuel Company (Spring Brook) filed an Application for Exception from the reporting requirements of the Energy Information Administration. The exception request, if granted, would permit Spring Brook to discontinue filing a monthly report, Form EIA–782B, "Monthly No. 2 Distillate Sales Report." On January 27, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-6230 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of January 17 Through January 21, 1983

During the week of January 17 through January 21, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Brownlie, Wallace, Armstrong & Bander, Inc., Denver, Colorado; HRO–0112, Crude Oil

On January 20, 1983, Brownlie, Wallace, Armstrong, Bander, Inc. (BWAB), 555 17th Street, Suite 3300, Denver, Colorado 80202, filed a Notice of Objection to a Proposed Remedial Order that the Economic Regulatory Administration of the DOE issued to the firm on December 22, 1982. In the PRO the ERA determined that during the period from January 1, 1979 through December 31, 1980, BWAB misapplied the provisions of 10 CFR 212.79 and Ruling 1980–3 and as a result improperly classified and priced crude oil sold from the Burlington-Northern 11–21 property located in McKenzie County, North Dakota. According to the PRO the BWAB violation resulted in $370,234.34 of overcharges.

Mira Oil Co., Spring Valley, New York; HRO–0113, Motor Gasoline

On January 20, 1983, Mira Oil Co., 53 Main Street, Spring Valley, New York 10977, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 2, 1982. In the PRO the Northeast District found that during the period June 1, 1979 through December 31, 1979, Mira charged prices in excess of the maximum lawful selling price in its sales of motor gasoline. According to the PRO the Mira Oil Co. violation resulted in $112,949.96 of overcharges.

Osborne Energy Corp., Houston, Texas; HRO–0116, Crude Oil

On January 21, 1983, Osborne Energy Corp., Eleven Greenway Plaza, Suite 626, Houston, Texas 77046, filed a Notice on Objection to a Proposed Remedial Order which the DOE Houston Office of Special Counsel of the Economic Regulatory Administration issued to the firm on January 6, 1983. In the PRO the Houston Office found that during the period October 1980 through December 1980, Osborne, a crude oil reseller, charged prices for crude oil in excess of the actual purchase price without providing any service or function traditionally and historically associated with the resale of crude oil. According to the PRO Osborne received illegal revenues for the period October through December 1980 totalling $3,002,029.71. In the exercise of its administrative prosecutorial discretion, the ERA proposes in the PRO that the firm refund $978,637, the amount of its gross profits from sales of crude oil during the October through December 1980 period, plus the appropriate interest.

Transco Trading Company and Refiners & Producers Marketing, Inc., Midland, Texas; HRO–0114, Crude Oil

On January 21, 1983, Kenneth Cory, Controller of the State of California c/o Lobel, Novins & Lamont, 1523 L Street, NW., Washington, D.C. 20005, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel of the Economic Regulatory Administration issued to Transco on December 21, 1983. On February 3, 1983, Transco 230 West Wall Street, Suite 612, Commerce Bank Building, Midland, Texas 79709, filed a Notice of Objection to the PRO. In the PRO the Office of Special Counsel found that during the period July 1978 through May 1980, Transco, a crude oil reseller, sold crude oil at prices in excess of those permitted under 10 C.F.R. Part 212. According to the PRO the Transco violation resulted in $21,187,493.46 of overcharges.

Zephyr Oil & Trading Co., Houston, Texas; HRO–0115, Motor Gasoline

On January 21, 1983, Zephyr Oil & Trading Co., 4801 Woodway, Suite 300–D, Houston, Texas 77024 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 21, 1982. In the PRO the Northeast District found that during the period July 1, 1978 through October 30, 1979, Zephyr charged prices in excess of the Maximum Lawful Selling Price for Motor Gasoline. According to the PRO the Zephyr violation resulted in $618,627.00 of overcharges.

[FR Doc. 83-6262 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Period of January 24 Through February 4, 1983

During the period of January 24 through February 4, 1983, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Kelly Trading Corp., Houston, Texas; HRO–0117, Crude Oil

On February 2, 1983, Kelly Trading Corp. (Kelly), 5065 Westheimer, Suite 805 East, Houston, Texas 77056, filed a Notice of Objection to a Proposed Remedial Order which the DOE's Economic Regulatory Administration (ERA) issued to the firm on January 6, 1983. In the PRO the ERA found that during the period January through November, 1980, Kelly violated the crude oil pricing regulations found in 10 CFR 212.186, 210.62 and 205.22. According to the PRO the Kelly violation resulted in $360,906.25 of overcharges.

[FR Doc. 83-6261 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of February 4 Through February 11, 1983

During the Week of February 4 through February 11, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 3, 1983.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 4 through February 11, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 3, 1983	Texaco Inc., Washington, D.C.	HRZ-0134	Interlocutory order. If granted: The Office of Special Counsel would be required to supplement its response to the Motion for Discovery filed by Texaco Inc. (Case No. HRO-0077).
Feb. 7, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0021	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. HRO-0012) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 8, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0029	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. BRO-1467) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 9, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0030	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. HRO-0032) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 10, 1983	Edward G. Connor, Washington, D.C.	HFA-0018	Appeal of an information request denial. If granted: The January 10, 1983, Freedom of Information Request Denial issued by the Director of Personnel would be rescinded and Edward G. Connor would receive access to further documents regarding the vacancy announcement number 82-21C, Program Analysts GM-345-15.

REFUND APPLICATIONS RECEIVED

[Week of February 4, to February 11, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Feb. 10, 1983	Ada Resources/ Growsdyke Transport Co.	RF24-2.
	Amoco Refund Applications.	RF21-1843; RF21-2337.

[FR Doc. 83-6263 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of February 14 Through February 18, 1983

During the week of February 14 through February 18, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives acutal notice, whichevef occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Wyoming Energy Conservation, Cheyenne, Wyoming, HEE-0035

The Wyoming Energy Conservation Office filed an Application for Exception from the provisions of 10 CFR 455.83. The exception request, if granted, would permit Wyoming in utilizing grant monies under Cycle IV of the Institutional Conservation Program, to spend more than five percent of the funds to defray administrative expenses associated with the program.

[FR Doc. 83-6260 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Motion To Terminate Proceeding

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Motion To Terminate Investigation of Common Carrier Pipelines, Ex Parte 308 (Sub-No. 1), Case No. DOP-0003.

SUMMARY: On February 10, 1983, the Economic Regulatory Administration (ERA) of the Department of Energy filed a motion with the Office of Hearings and Appeals (OHA) requesting that OHA issue an order terminating the investigation of common carrier petroleum pipelines initiated by the Bureau of Investigation and Enforcement of the Interstate Commerce Commission on February 24, 1976. Responsibility for conducting that investigation was transferred to the ERA upon the establishment of the Department of Energy. Comments on the ERA motion may be filed within 20 days of the publication of this Notice in the **Federal Register**. An original and one copy of all comments should be sent to: The Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Comments should contain the OHA case number (DOP–0003) and a certificate of service indicating that copies of the comments have been served upon the parties named on the service list in the Appendix to this Notice, and upon Theodore A. Miles, Assistant General Counsel for Administrative Litigation, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585. Comments should not contain any proprietary, confidential information.

SUPPLEMENTARY INFORMATION: On February 24, 1976, the Interstate Commerce Commission (ICC) initiated an investigation of Common Carrier Pipelines, pursuant to Section 11 of the Clayton Act, 15 U.S.C. 21, and Sections 12 and 13 of the Interstate Commerce Act, 49 U.S.C. 12 and 13. the purpose of the ICC investigation, which was designated Ex Parte 308 (Sub-No. 1), was to determine whether ownership and active control of common carrier petroleum pipelines by their shippers may tend substantially to lessen competition or to create a monopoly, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. All common carrier pipelines subject to the provisions of Part I of the Interstate Commerce Act were made respondents in the proceeding.

On July 8, 1976, the respondents were served with eight interrogatories propounded by the ICC Bureau of Investigations and Enforcement (BIE), concerning their operations during the period from 1960 through 1975. Approximately 93 respondents submitted answers in whole or in part. In an order served on March 2, 1977, an ICC administrative law judge directed those respondents that had not responded to the interrogatories do so within 30 days, and specified procedures to maintain the confidentiality of the material submitted in response to the interrogatories. On June 7, 1977, the BIE served two additional interrogatories on the respondents. On September 30, 1977, the ICC modified the March 2 order by specifying procedures for the transmittal of confidential material to the Federal Trade Commission Bureau of Competition; and the ICC established a number of conditions regarding use by the Bureau of Competition of confidential data which the Bureau received in connection with its participation in Ex Parte 308 (Sub-No. 1).

Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, as implemented by E.O. 12009, FR 46267(September 15, 1977), and DOE Delegation Order No. 0204–4, the existing proceedings under Ex Parte No. 308 (Sub-No. 1) were transferred from the ICC to the Economic Regulatory Administration (ERA) of the DOE. On January 4, 1978, the Administrator of the ERA determined that the Office of Enforcement of the ERA would perform all functions previously performed in Ex Parte 308 (Sub-No. 1) by the BIE. 43 FR 1639-40 (January 11, 1978). All records in this matter which were in the possession of the BIE were subsequently transferred to the DOE Office of Enforcement. In addition, in that January 11, 1978 Federal Register Notice, the DOE Office of Administrative Review (OAR), the predecessor of the office of Hearings and Appeals, was designated to perform all functions in connection with the proceeding that were previously performed by the members of the ICC or by the administrative law judge designated by the ICC to hear and decide any aspect of the matter. *Id.* Accordingly, all records which were held by the Secretdary of the ICC and the administrative law judge designated by the ICC to oversee the investigation were transferred to the OAR.

On January 6, 1978, the OAR issued a Decision and Order that stayed the provisions of the September 30 ICC order regarding disclosure of confidential information to the Bureau of Competition, pending a determination with respect to motions for reconsideration of the September 30 order which had been filed by several respondents. *Common Carrier Pipelines,* 1 DOE ¶82,020 (1978). On February 10, 1978, the OAR issued a Proposed Decision and Order in which it specified the procedures that it proposed to follow in connection with Ex Parte 308 (Sub-No. 1). *Investigation of Common Carrier Pipelines,* Case No. DOP-0003, 43 FR 7017 (February 17, 1978). Written comments on the Proposed Decision were invited, and the OAR received 17 submissions on behalf of 43 respondents in the investigation. No final procedures for this proceeding were ever issued.

On February 10, 1983, the ERA filed a "motion to Terminate Proceeding" with the OHA. After summarizing the history of this proceeding, the motion states:

> At this time, the Administrator of the ERA has determined not to pursue the investigation of common carrier pipelines initiated by the ICC Bureau of Investigations and Enforcement.

Accordingly, the ERA requests that the OHA issue an order terminating Ex Parte No. 308 (Sub-No. 1). If the ERA motion were granted, the OHA would dismiss the proceeding pending before it (Case No. DOP-0003) and all confidential material furnished to the ICC would be treated pursuant to the provisions of the March 2, 1977 order. In accordance with that order, the Administrative Litigation Division of the DOE Office of General Counsel, as counsel for the DOE Office of Enforcement, the successor to the BIE, would return to the supplying respondents all confidential material in the possession of the Office of Enforcement, and the Office of Hearings and Appeals, as successor to the ICC and the administrative law judge, would seal all confidential information in its possession. *(1)* A complete copy of the ERA motion may be inspected in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Ofice Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

Footnote

(1) Paragraphs 8 and 9 of the Protective Order appended to the March 2, 1977 order provide that:

8. [N]o later than thirty (30) days following the conclusion of this proceeding, all confidential discovery materials, all extracts, tabulations and compilations containing portions of such materials, all copies thereof, and all computerizations thereof, and indices thereto, in any form, shall be returned to such supplying repondent by counsel of record for the [ICC] Bureau [of Investigations and Enforcement]. Receipt of such material by the supplying respondent shall be acknowledged in writing. If a tabulation or compilation contains confidential information supplied by more than one respondent, that tabulation or compilation will be destroyed.

9. In the event that any document containing Confidential information is filed with the Secretary of the Commission, the Administrative Law Judge, or with the Commission or members thereof, or with any United States court, in support of or as a part of a motion or other pleading or otherwise as

a part of the record in this proceeding, the Confidential portion shall be filed in sealed envelopes or other appropriate containers and shall be endorsed to the effect that the envelopes are sealed pursuant to the instant Order and by reason of containing Confidential documents in the instant proceeding.

The existing service list in this proceeding does not contain the full names or current addresses of each person who may be interested in this proceeding. Accordingly, and in view of the importance of the motion, this Notice is being published in the **Federal Register** in order to provide an opportunity for all interested persons to comment.

Dated: March 3, 1983.

George B. Breznay,

Director Office of Hearings and Appeals:

FOR FURTHER INFORMATION CONTACT:

Richard W. Dugan, Associate Director, Office of Hearings and Appeals, (202) 633–8194

Ted Hochstadt, Assistant Director, Office of Hearings and Appeals, (202) 633–8383.

Appendix

Service List

Ex Parte 308 (Sub. 1) OHA Case No. DOP–0003

Bolivar C. Andrews, Jack D. Head, P.O. Box 2521, Texas Eastern Transmission Corp., Houston, TX 77001

Anti-Trust Division, U.S. Dept. of Justice, Washington, D.C. 20530

Augellow & Pezdd, P.C., Attorney for Long Island Fuel Oil Ass'n. 120 Main Street, P.O. Box Z Huntington, New York 11743

William J. Ayers, The Permian Corp., 2000 South Post Oak Road, Houston, TX 77001

Albert R. Beal, Ste. 400, 201 King of Prussia Rd., Radnor, PA 19087

James F. Bell, Attorney for Marathon Pipe Line Co., Jones, Day, Reavis & Pogue, 1100 Connecticut Ave., N.W., Washington, D.C. 20036

Paul D. Borghesani, 2800 W. Lexington Avenue, Elkhart, IN 46514

David W. Brawn, U.S. Dept. of Justice, P.O. Box 7513, Washington, D.C. 20044

Charles W. Burkett, Attorney for Southern Pacific Pipe Lines, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

T. E. Burnett, Dixie Pipeline, Post Office Box 2220, Houston, TX 77001

Robert L. Calhoun, 1025 Connecticut Ave., N.W., Ste. 500, Washington, D.C. 20036

Tom Cator, New Senate Office Bldg., Room G 133, Washington, D.C. 20510

E. Check, Ruan Transport Corp., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309

Louise Corso, Foster Oil Pipeline Report, 1101 17th Street, N.W., Washington, D.C. 20036

H. T. Chilton, Richard F. Taylor, Colonial Pipeline Company, 3390 Peachtree Road, N.E., Lenox Towers, Atlanta, GA 30326

Wesley S. Chused, 15 Court Square, Boston, MA 02108

John M. Cleary, 914 Washington Building, 15th St. & New York Ave., N.W., Washington, D.C. 20005

L. V. Cooley, IV, Counsel for Olympic Pipe Line Co., P.O. Box 900, Dallas, TX 75221

Kevin F. Cunningham, John E. Bailey, O. Gordon Oldham, P.O. Box 3725, Houston, TX 77001

Michael Q. Davis, 6 N. 3rd Street, Bergner Bldg., Harrisburg, PA 17108

Harry L. Delung, 80 East Jackson Blvd., Chicago, IL 60604

Tefft W. Smith, Kirkland & Ellis, 200 E. Randolph Drive, Suite 5600, Chicago, IL 60601

Fred W. Drogula, James Wessner, Ginsburg, Feldman and Bress, 1700 Pennsylvania Ave., N.W., Washington, D.C. 20006

Robert M. Dubbe, 100 Matson Ford Rd., Radnor, PA 19087

Dane J. Durham, C. Douglas Floyd, Pillsbury, Madison & Sutro, P.O. Box 7880, San Francisco, CA 94120

J. Donald Durand, Association of Oil Pipe Lines, 1725 K Street, N.W., Suite 1208, Washington, D.C. 20006

Glenn E. Davis, Legal Division, Phillips Petroleum Co., 519 Frank Phillips Building, Bartlesville, OK 74004

Robert O. Foerster, III, Interstate Commerce Commission, Bureau of Enforcement, Washington, D.C. 20423

Joseph P. Foley, 2000 Westchester Avenue, White Plains, New York 10650

J. Wallace Adair, James R. Fox, W. Thomas Haynes, Howrey & Simon, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006

Bernard A. Gould, Director, Bureau of Enforcement, Interstate Commerce Commission, Room 7417, Washington, D.C. 20423

Charles E. Graham, 3390 Peachtree Rd., N.E., Atlanta, GA 30326

David D. Green, Airforce Pipeline, Inc., P.O. Box 1808, Washington, D.C. 20013

Donald F. Haas, 2223 Dodge St., Omaha NE 68102

Robert W. Hawkins, 1700 Pennsylvania Ave., N.W., Washington, D.C. 20006

Frank L. Heard, Jr., Exxon Pipeline Company, P.O. Box 2220, Houston, TX 77001

John D. Heckert, 1100 Connecticut Ave., N.W., Suite 600, Washington, D.C. 20036

Dennis J. Helfman, Santa Fe Pipeline Co., 80 East Jackson Blvd., Chicago, IL 60604

Stanley Hoffman, 270 Park Avenue, New York, NY 10017

Steven R. Hunsicker, Baker & Botts, 1701 Pennsylvania Ave., N.W., Washington, D.C. 20006

J. Richard Horner, Shank, Irwin, Conant, Williamson, & Grevelle, 3100 First National Bank Bldg., Dallas, TX 75202

Harvey Huston, Gulf Central Pipeline Co., 80 East Jackson Blvd., Chicago, IL 60604

Alfred F. Dougherty, Jr., Owen M. Johnson, Jr., Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580

Robert A. Johnson, Sohio Pipe Line Co., 1725 Midland Bldg., Cleveland, OH 44115

Robert E. Jordan, III, James H. Pipkin, Jr., Richard H. Porter, Steptoe & Johnson, 1250 Connecticut Ave., N.W., Washington, D.C. 20036

Martin J. Keating, 200 E. Randolph Dr., Room 2103–A, Chicago, IL 60601

Andrew J. Kilcarr, Maureen O'Bryon, Donovan, Leisure, Newton & Irvine, 1850 K Street, N.W., Washington, D.C. 20006

Katherine R. Kile, Attorney for Kerr-McGee Pipeline Corp and White Shoal Pipeline Co., P.O. Box 25861, Oklahoma City, OK 73125

William Simon, John S. Kingdon, Stuart H. Harris, 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006

Rhett R. Krulla, 425 13th Street, N.W., Suite 701, Washington, D.C. 20004

William A. Kutzke, Assistant General Counsel for Litigation, Department of Transportation, 400 Seventh Street, N.W., Washington, D.C. 20590

John A. Ladner, P.O. Box 2039, Tulsa, OK 74120

John Lansdale, 21 Dupont Circle, Washington, D.C. 20036

J. Furman Lewis, Marathon Pipeline Company, Findlay, OH 45840

William F. Schwind, Jr., Platte Pipe Line Company, 539 South Main Street, Findlay, OH 45840

Betty T. Burke, Edward R. Adwon, P.O. Box 2197, Houston, TX 77001

John P. Mathis, 1701 Penn. Ave., N.W., Washington, D.C. 20006

Herbert J. Martin, 1100 Connecticut Ave., N.W., Washington, D.C. 20036

Walter B. Mackenzie, T. M. Niblack, Plantation Pipe Line Company, P.O. Box 18616, Atlanta, GA 30326

Howard Mahany, Jr., American Hess Corporation, 1185 Avenue of the Americas, New York, NY 10036

MAPCO Inc., 1800 South Baltimore Ave., Tulsa, OK 74119

James W. McCartney, Vinson & Elkins, 2100 First City National Bank Bldg., Houston, TX 77002

Howard D. McCloud, Explorer Pipe Line Co., P.O. Box 2650, Tulsa, OK 74101

Charles McDermott, Gorsuch, Kirgis, Campbell, Walker and Grover, Suite 1200 818 17th Street, Denver, CO 80202

Peter J. McHugh, 1670 Broadway, P.O. Box 5568, Denver, CO 80217

Archie A. Messenger, 270 Park Avenue, New York, NY 10017

John R. Morris, 620 Juliana St., Parkersburg, WV 26101

Daniel M. O'Donoghue, Assistant Director, Bureau of Enforcement, Interstate Commerce Commission, Room 7336, Washington, D.C. 20423

Keith E. Pugh, 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006

Richard W. Pogue, Jones Day Reavis & Pogue, 1700 Union Commerce Building, Cleveland, OH 44115

Harry L. Reed, P.O. Box 2463 Houston, TX 77001

C. Frank Reifsnyder, Patrick Raher, Richard C. Green, Hogan & Hartson, 815 Connecticut Ave., N.W., Washington, D.C. 20006

Charles F. Riddle, I.C.C. Bldg., Rm. 7138, 12th & Constitution Ave., N.W., Washington, D.C. 20423

Clifton Peter Rose, Patton, Boggs & Blow, 1200 Seventeenth Street, N.W., Washington, D.C. 20036

Hays & Landsman, Attn: David A. Ross, Eleven Broadway, New York, NY 10004
E. W. Hack, P.O. Box 300, Tulsa, OK 74102
W. A. Schneeberg, Amdel Pipeline, Inc., P.O. Box 2159, Dallas, TX 74102
David M. Schwartz, 1025 Connecticut Avenue, N.W., Suite 500, Washington, D.C. 20036
Frank Lipson, Federal Trade Commission, Room 932–0, 425 13th Street, N.W., Washington, D.C. 20004
Peter J. McHugh, Western Crude Oil, Inc., 1670 Broadway, Box 5568, Denver, CO 80217
Tefft W. Smith, 200 East Randolph Drive, Chicago, IL 60601
L. F. Springer, Kaneb Pipe Line Co., Suite 550, 100 North Broadway, Wichita, KS 67207
Clifford O. Stone, Jr., P.O. Box 3000, Tulsa, OK 74102
J. Stanley Stroud, Mayer, Brown & Platt, 888 17th Street, N.W., Washington, D.C. 20006
Albert S. Tabor, Jr., Vinson & Elkins, First City Nat'l Bank Bldg., Houston, TX 77002
Ronald Taylor, P.O. Box 900, Dallas, TX 75221
W. Charles Tegeler, 1437 S. Boulder Ave., Tulsa, OK 74119
Marcus L. Thompson, Andrews, Kurth, Campbell & Jones, 2500 Exxon Building, Houston, TX 77002
Robert S. Turkington, Bureau of Inves. & Enforcement, I.C.C., Rm. 7417, Washington, D.C. 20423
Husky Oil Co., Attn: Traffic Department, 6060 South Willow Drive, Englewood, CO 80111
Frederic L. Wood, 914 Washington Building, Washington, D.C. 20005

[FR Doc. 83-6258 Filed 3-10-83; 8:45 am]
BILLING CODE 6450-01-M

Second State Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of section stage refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has issued a Decision and Order concerning second stage refund procedures to be implemented for distribution of the consent decree fund remitted to the DOE by PVM Oil Associates, Inc.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633–8377.

SUPPLEMENTARY INFORMATION: The Decision an Order which appears below establishes procedures for distribution of the $215,000 consent decree fund remitted to the DOE by PVM Oil Associates, Inc. (PVM). The entire balance of this fund, plus all interest accrued to date, remain unclaimed following the expiration of the deadline for firms who purchased fuel oil marketed by PVM to submit applications for refund. In this Decision, the Office of Hearings and Appeals (OHA) orders the distribution of 11.35 percent of the consent decree fund, or $24,402 plus accrued interest, to the General Electric Lamp Division, and 57.04 percent of the fund, or $122,636 plus accrued interest, to the Missouri Pacific Railroad. The OHA has ascertained that both of these firms were end-users of No. 2 fuel oil which was marketed or brokered by PVM, and were injured as a result of PVM's alleged violations. Disbursement to Missouri Pacific is conditioned on receipt of a statement by the firm indicating that it has notified its governing regulatory agency of the refund, and explaining how the refund will be passed on to its customers. The purpose of this requirement is to ensure that those persons likely to have been injured as a result of PVM's alleged violations will receive the benefit of the refund.

The remaining 31.61 percent of the consent decree fund, or $67,961 plus accrued interest, will be distributed to New York State, upon approval by the OHA of a plan submitted by the state which will provide restitutionary benefits to consumers of No. 2 fuel oil in the New York City metropolitan area. These consumers were the end-users of the remainder of the fuel oil covered by the PVM consent decree. The state government is an appropriate body to formulate a distribution plan in this proceeding which will provide effective and efficient restitution to fuel oil consumers in the New York City metropolitan area.

Issued in Washington, D.C., on March 4, 1983.

George B. Breznay,
Director, Office of Hearings and Appeals.
March 4, 1983.

Decision and Order of the Department of Energy

Supplemental Order

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.

Date of Filing: December 15, 1982.

Case Number: HQF–0012.

On May 20, 1982, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders entered into with Panhandle Eastern Pipeline Company, PVM Oil Associates, Inc. (PVM), Loveladdy Oil Company, Armstrong and Associates, and Ethyl Corporation. *Office of Enforcement,* 9 DOE ¶ 82,569 (1982) (hereinafter cited as *Panhandle*). Under the terms of the consent orders, each firm placed money into a DOE escrow account to be distributed, together with interest, in accordance with the directives of the OHA pursuant to special refund proceedings in order to compensate for alleged violations of the DOE price regulations. While the common legal and factual issues in these cases made it appropriate to consolidate them for the purpose of instituting special refund procedures, the consent order funds have remained separate, and the refund proceedings in each case will be handled separately. The present Decision concerns only the PVM consent order fund.

The May 20 Decision established a two-stage process for the distribution of the PVM consent order fund. In the first stage, applications for refund were invited from claimants who purchased No. 2 fuel oil which was marketed by PVM during the period January 1, 1974 through July 31, 1975. The deadline for the submission of refund applications was August 24, 1982. The May 20 Decision also suggested that any funds remaining after qualified claimants had been paid would be distributed to entities which would pass through the benefits of any refunds to the group of persons who were likely injured as a result of the allegedly improper pricing practices.

The deadline for the submission of claims has now passed, and we have not received any refund applications. Under these circumstances, no funds have as yet been distributed directly to purchasers of fuel oil marketed by PVM. This Decision will therefore address the procedures to be instituted for distribution of consent order funds in the second stage of the refund process. Based on our analysis of the investigatory records leading up to the enforcement action against PVM, which is further explained below, the following parties incurred injury as a result of PVM's alleged violations and should share in the escrow fund: the Missouri Pacific Railroad; the General Electric Lamp Division in Cleveland, Ohio; and consumers of No. 2 fuel oil in the New York City metropolitan area.

Background

PVM is a "reseller" of petroleum products as that term was defined in 10 CFR 212.31, and is engaged in operations in the New York City metropolitan area. During the relevant time period, PVM was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart F, which governed the maximum prices that could lawfully be charged by resellers in the sale of fuel oil, motor gasoline, and other covered products.

On June 29, 1979, the United States Attorney for the Eastern District of New York filed a civil action under Section 209 of the Economic Stabilization Act of 1970, 12 U.S.C. 1904 note, against PVM Oil Associates, Inc., Pasquale V. Mazzarulli, its President, and Joseph V. DiMauro, a PVM employee. *United States v. PVM Oil Associates, Inc.,* Civil Action No. 79C 1697 (E.D.N.Y., filed June 29, 1979). The complaint alleged that during the period January 1, 1974 through July 31, 1975, the defendants were involved in a scheme to violate the DOE Mandatory Petroleum Price Regulations by charging prices exceeding

maximum lawful levels in sales of No. 2 fuel oil. The defendants had allegedly participated in "daisy-chains" consisting of essentially fictional paper transactions in which fuel oil was "resold" several times between a number of firms with the aim of artificially inflating prices, in violation of the applicable DOE regulations. The lawsuit was resolved by a consent decree, entered into on June 29, 1979, by which the defendants agreed to remit $215,000 to the DOE in settlement of all claims raised in the complaint. The DOE Office of Enforcement was unable to identify any persons or firms that purchased heating oil from PVM during the audit period, and consequently filed a Petition for Implementation of Special Refund Procedures with the Office of Hearings and Appeals.

Second Stage Refund Procedures

As we have stated in a number of previous Decisions, the primary purpose of Subpart V special refund procedures is to provide restitution to persons injured by alleged regulatory violations. *See generally, Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers).* The Subpart V refund process offers a means of compensating individuals who, because they lack resources or do not have a sufficient financial stake in the outcome to institute private lawsuits under Section 210 of the Economic Stabilization Act, have suffered injuries which would otherwise go unredressed. To accomplish these objectives, we have generally utilized a two-stage refund process. In the first stage, payment is made to claimants who file applications for refund and demonstrate that they were injured in some way by the alleged overcharges. Any funds remaining after valid claims are paid are distributed through second stage procedures which permit the fashioning of distribution programs consistent with the restitutionary objectives of the Subpart V regulations and the underlying statutes. In the present case, no injured purchasers have filed claims for refunds in the first stage, and thus the entire $215,000 consent decree fund remains available for distribution through second stage refund procedures.

We must therefore address, at this time, the best means to channel the consent decree fund to persons injured as a result of PVM's alleged violations. Since the issuance of the *Panhandle* decision, we have obtained additional information which has enabled us to identify some of the persons who were injured by the alleged PVM overcharges. While there was insufficient information in the consent decree or the civil complaint for us to make any determinations regarding the nature of the alleged violations or their probable effects, we have recently examined the investigatory files prepared by the DOE Office of Special Investigations (OSI) which led up to the civil complaint against PVM and the other defendants. Before turning to that information, it is important to note that the consent decree is the result of a negotiated settlement which compromises the allegations therein and is in no way an admission of liability by PVM or its officers. Thus, the DOE investigatory files represent preliminary determinations made by the agency, and do not reflect actual overcharges. Nonetheless, we believe that these files, which formed the basis of the government's complaint and which underlie the settlement, do provide an appropriate basis on which to fashion an equitable plan for restitution of the available funds in this case. *See Armstrong and Associates/City of San Antonio,* 10 DOE ¶ 85,505 (1983).

The OSI files document a number of highly complex "daisy chain" transactions. In some of these transactions, PVM actually took title to the fuel oil at one point in the chain, and in others PVM acted as a broker, arranging sales between other parties. In these instances, the parties who were ultimately injured were end-users at the end of each daisy chain who were not in a position to pass on the increased costs. (*1*) Our analysis of the transactions documented in the DOE investigatory files indicates that in two of these daisy-chains, fuel oil was ultimately sold to a large firm which was an end-user of the product. These entities are the General Electric Lamp Division in Cleveland, Ohio, and the Missouri Pacific Railroad. Even though neither of these firms filed a first stage refund application, equitable considerations which are discussed below dictate that they should receive refunds at this time. These firms were unaware of the true origin of some of the fuel oil they purchased. Although in *Panhandle* we stated that the product covered by the PVM settlement was sold to consumers in Westchester County, New York, we now know that the effects of PVM's alleged violations were not localized in Westchester County. 9 DOE at 82,569, n.2. Under these circumstances, there was no reasonable way for either General Electric or the Missouri Pacific to have known that they were eligible to file a first stage refund claim for any of the fuel oil involved in the PVM settlement.

Missouri Pacific is a common carrier whose rates are regulated by a government agency. In numerous previous decisions we have approved the use of rate-regulated transportation companies and utilities as an efficient, cost-effective and equitable means of distributing refunds to overcharged customers in first-stage proceedings. *See Office of Enforcement* (Northeast Petroleum Industries, Inc.), 10 DOE ¶ 85,021 (1982); *Panhandle; Office of Special Counsel* (Pennzoil), 9 DOE ¶ 82,545 (1982); *Office of Enforcement* (Tenneco), 9 DOE ¶ 82,538 (1982). Our determination was based on representations by the Transportation Group, an organization comprised of regulated transportation companies including the Association of American Railroads, that any refunds received by these companies would be passed on to their customers by the regulatory bodies. Moreover, we noted that the DOE's Office of Special Counsel has reviewed the operation of the agencies that regulate transportation companies and has determined that refunds to these firms are indeed factored into their rate-making systems. *See, e.g., Pennzoil,* 9 DOE at 82,244. We therefore stated in each of those cases that we would approve refunds to regulated firms if they provided us with an explanation of the manner in which the refunds would be passed on to their customers in the form of lower prices or better services. In addition, receipt of refund money was conditioned on notice to the relevant regulatory body. We believe that the same conditions are appropriate in the instant proceeding, and therefore will issue a refund to Missouri Pacific upon receipt of a statement from the firm which indicates that it has notified its governing agency, and which explains how the refund will be passed on to its customers.

With regard to General Electric, it is impossible for us to ascertain the impact of any increase in fuel oil prices on the firm's operations, and an inquiry into the pricing practices of an end-user engaged in the manufacture of non-petroleum products would be beyond the scope of the present special refund proceeding. Accordingly, we have determined that Missouri Pacific and General Electric should receive a portion of the PVM escrow fund equal to the percentage of fuel oil purchased by each company relative to the total volume of fuel oil which was the subject of documented daisy chain transactions. General Electric should receive 11.35 percent of the consent decree fund and Missouri Pacific should receive 57.04 percent of the fund. Each of these companies should also receive an appropriate share of the interest accrued on the PVM consent decree funds.

In each of the remaining four daisy chain transactions documented by the DOE, the final purchasers of the fuel oil were small residential and commercial customers located in the New York City metropolitan area. Consequently, we have determined that the remaining 31.61 percent of the escrow fund (plus accured interest) which corresponds to these transactions should be distributed to these consumers. As further discussed below, we believe that the government of the State of New York is the most appropriate body to formulate a distribution plan which will benefit consumers of No. 2 fuel oil in the New York City metropolitan area. This portion of the escrow fund will be disbursed to New York State upon approval of a restitutionary distribution plan. In the remainder of this Decision we will first consider the comments we have received concerning the second stage refund procedures in this case. We will then discuss our determination that these funds should be distributed to consumers of fuel oil in the New York City metropolitan area through a plan devised by New York State. Finally, we will provide guidance to New York to assist it in formulating a distribution plan that may be approved by the DOE.

Comments on Second Stage Refund Procedures

During the course of this proceeding we suggested several alternatives for distributing funds in the second stage. We stated that "[s]ince restitution is the primary concern of Subpart V proceedings, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by PVM. . . ." *Office of Enforcement,* No. BEF–0041 (November 4, 1981) (proposed decision) at 11. We therefore

suggested the following possible distribution mechanisms: (1) First purchasers, who are in the best position to channel refunds to downstream purchasers, would be invited to formulate plans for distribution; (2) refunds might be made in the form of lowered energy or energy-related costs in PVM's market area, through special programs formulated by state governments; and (3) in the event that other distribution mechanisms proved infeasible or inappropriate, deposit the remaining funds into the United States Treasury. Finally, we solicited comments from interested parties for alternative distribution mechanisms.

The comments we received concerning the second stage refund procedures can be divided into two groups: comments filed by the Transportation Group, an *ad hoc* organization of four trade associations whose members are regulated transportation companies, and comments filed by state governments.(2) In its comments the Transportation Group essentially argues that in special refund proceedings the OHA is obligated to refund money to purchasers of product during the consent order period, and that this obligation limits OHA's authority to fashion second stage refund procedures. The Transportation Group therefore maintains that a distribution of funds to rate-regulated utilities or states upon an agreement to benefit the class of consumers who was injured is inconsistent with DOE statutes and regulations which require that refunds be made only to injured persons.

As an initial matter, we find no legal support for the position that we are *obligated* to refund settlement money only to direct purchasers of product covered by the consent decree. Nevertheless we believe that the Transportation Group's concerns have been adequately met by the refund procedures established in this proceeding. In addition to efforts made by the DOE Office of Enforcement during the investigative stage, any injured party was permitted to file an application for a portion of the consent decree fund during the first stage of this proceeding. The second stage refund procedures set forth in this Decision represent a further effort to provide restitution to injured parties. In fact, the major portion of the consent decree fund will be distributed to documented purchasers of product which was marketed or brokered by PVM. As discussed below, our analysis of the investigatory record leading up to the civil action against PVM revealed that in the remaining four transactions, which correspond to less than one-third of the consent decree fund, the adverse effects of the alleged overcharges were borne by consumers of No. 2 fuel oil in the New York City metropolitan area. Distribution of the escrow funds for the benefit of these consumers furthers the restitutionary goals of the statutes and regulations under whose authority special refund proceedings are undertaken. *See generally* 10 CFR Part 205, Subpart V; *Sauder v. DOE*, 648 F. 2d 1341 (Temp. Emer. Ct. App. 1981); *Vickers* at 55,396.

Comments were also filed in the *Panhandle* proceeding by state agencies and offices of Idaho, Oregon, Michigan, Connecticut, Maine and Iowa. These States all favor the distribution of second stage refund money through plans formulated by state governments to benefit injured consumers within the state concerned.(3) In addition, in comments filed August 23, 1982, the New York State Energy Office stated that it supports the distribution of remaining funds through the New York State government. Since these comments generally support the action taken, they need not be discussed further in this decision.(4)

Distribution of Remaining Consent Decree Funds Through a New York State-Formulated Plan

For the reasons explained below, we believe that distribution of the remaining portion of the consent decree fund to the government of the State of New York, in accordance with the guidelines set forth below, is most consistent with the restitutionary goals of Subpart V and the underlying statutes. Our examination of the DOE investigatory records leading up to the civil complaint against PVM revealed that the effects of four of six transactions would have been localized among purchasers of No. 2 fuel oil in the New York City metropolitan area. New York State is familiar with the energy needs of its populace, and with the existing and potential mechanisms for distributing these funds through energy-related programs in a cost effective manner. A state-formulated plan will therefore provide effective and efficient restitution to fuel oil consumers in the New York metropolitan area.

Accordingly, we will direct the disbursement of the remaining 31.61 percent of the consent decree fund, or $67,961, plus interest, to the State of New York upon the approval of a plan for spending this money submitted by the State. This plan should meet the general restitutionary objective of benefiting the class of persons who were injured by the alleged violations—users of No. 2 fuel oil in the New York City metropolitan area. The plan will be scrutinized to ensure that administrative costs will be minimized. The refunds must not be used as a substitute for state funds to implement projects or programs which would be funded regardless of this distribution. In other words, the money distributed to New York should be used to supplement, not supplant, any state or federal funds which are already budgeted for those purposes. Each program must be implemented within a reasonable period following receipt of the funds. Upon implementation of the plan, New York State should certify that the funds were spent in accordance with the approved plan.

Following the broad guidelines discussed above, the plan that New York submits should include the following information: (1) A description of the programs to be funded; (2) the time frame for implementation of the programs; (3) a statement explaining whether each program is an enlargement of an existing program or a new project; (4) an explanation of the manner in which consumers of No. 2 fuel oil in the New York City metropolitan area will benefit from the programs; (5) a statement certifying that the submitting agency or office has authority under state law to submit the plan; and (6) a statement committing the agency or office responsible for administering the plan to filing with the OHA a post-plan report, which will include a certification that the funds were spent in accordance with the DOE-approved plan.

Finally, to assist the State of New York in formulating a suitable distribution plan, we can suggest the following types of programs which would provide restitutionary benefits to consumers of No. 2 fuel oil:

(1) Residential or commercial building energy audits;

(2) Grant or loan programs for weatherization or other energy conservation equipment installation;

(3) Energy assistance programs for low-income persons to subsidize heating fuel costs or make emergency repairs;

(4) Energy conservation or energy research programs related to fuel oil consumption in the New York City metropolitan area.

To the extent that benefits will be derived by the class of persons who are users of No. 2 fuel oil in the New York City metropolitan area, the funds may be used to augment various federal energy-related programs already implemented for these purposes. The above list is by no means exhaustive, and the State is free to select any appropriate energy-related project or program, so long as the funds will be spent in a manner which satisfies the restitutionary objectives of this special refund proceeding.

The following procedures will govern the processing of New York's share of the second stage refund money in this proceeding. The State of New York should submit a plan to spend the PVM funds. If approved, we will direct disbursement of this portion of the PVM escrow fund. New York will be required to submit a post-plan report when the project(s) is completed. A copy of the plan and the post-plan report will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th Street and Pennsylvania Avenue, NW., Washington, D.C.

It is Therefore Ordered That:

(1) The Director of the Office of Finance and Accounting, Washington Financial Services Division, of the DOE Office of the Controller shall take appropriate action to disburse $24,402 plus 11.35% of the accrued interest from the deposit fund escrow account established at the Department of the Treasury for this purpose to General Electric Lamp Division at the following address: Mr. Ralph D. Ketchem, Senior Vice President and Group Executive, Lighting Business Group, General Electric, Nela Park, Cleveland, Ohio 44112.

(2) A portion of the PVM escrow fund equal to $122,636, plus 57.04% of the accrued interest, will be distributed to Missouri Pacific Railroad upon receipt of a statement submitted by the firm which conforms with the requirements set forth in the foregoing Decision.

(3) The remaining 31.61 percent of the PVM escrow fund, or $67,961 plus accrued interest, shall be distributed to New York State, upon approval by the Office of Hearings and Appeals of a plan submitted by the state which conforms with the guidelines set forth in the foregoing Decision.

(4) This is a final order of the Department of Energy.

Dated: March 4, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Notes

(1) In none of these transactions was PVM the final purchaser, and thus PVM's customers would not have been injured as a result of its alleged regulatory violations.

(2) Comments were filed by the following agencies and offices within the respective state governments: the State of Idaho Department of Water Resources, the Oregon Department of Justice, the Attorney General of the State of Michigan, the Connecticut Office of Policy and Management (Energy Division), the State of Maine Office of Energy Resources, and the Iowa Department of Justice.

(3) A number of states have voiced specific objections to one or more of the alternative suggested distribution plans set forth in the Proposed Decision.

(4) In accordance with our determination in *Attorneys General of the States of Delaware, Iowa, Louisiana, North Dakota and Rhode Island*, 10 DOE ¶ 82,536 (1982), we have considered the Petition for Special Redress filed by the aforementioned states with the Office of Hearings and Appeals on October 5, 1982 as an Application for Refund in this proceeding. By their petition, these states requested that all funds remaining in any Subpart V proceeding after identifiable claimants have been paid be distributed to consumers of petroleum products through their agents, the state governments. The Petitioners claim that restitution can best be achieved by distributing the remaining escrow funds to the states on the basis of their proportionate consumption of the covered products sold by the firms that entered into the consent orders.

[FR doc. 83-6294 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140029A; TSH-FRL 2318-5]

Toxic and Hazardous Substances Control; VIAR and Company; Change in Transfer of Data to Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As announced in the Federal Register of October 7, 1982 (47 FR 44426), VIAR and Company has been granted access to confidential business information submitted to EPA under sections 5 and 8(a), (b), and (d) of the Toxic Substances Control Act (TSCA). However, VIAR and Company is now working under subcontract to Computer Sciences Corporation and no longer under subcontract to Systems Development Corporation.

DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: J. P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: As announced in the Federal Register of October 7, 1982 (47 FR 44426), VIAR and Company of Alexandria, Virginia, has been granted access on EPA premises to information, including confidential business information, submitted by manufacturers, processors, and importers of chemical substances under sections 5 and 8(a), (b) and (d) of TSCA. As stated in that notice, VIAR and Company is maintaining conversion and optimization software and implementing ADP systems to process this information.

VIAR and Company is now performing this work under subcontract (dated January 24, 1983) to Computer Sciences Corporation of Falls Church, Virginia, and no longer under subcontract to Systems Development Corporation. Transfer of data to Computer Sciences Corporation under contract No. 68-01-6639 was announced in the Federal Register of February 3, 1983 (48 FR 4908).

As under the previous subcontract, VIAR and Company is required to safeguard TSCA Confidential Business Information from any unauthorized disclosure and must comply with the provisions of the EPA security manual "Contractor Requirements for the Control and Security of TSCA Confidential Business Information."

Dated: February 25, 1983.

Linda A. Travers,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-6601 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51457; BH-FRL-2318-8]

Toxic and Hazardous Substances Contol; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-five PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-508, 83-509, 83-510, 83-511, 83-512, 83-513, 83-514, 83-515, 83-516 and 83-517; May 25, 1983.

PMN 83-518 and 83-519; May 28, 1983.

PMN 83-520, 83-521, 83-522, 83-523, 83-524, 83-525 and 83-526; May 29, 1983.

PMN 83-527, 83-528, 83-529, 83-530, 83-531 and 83-532; May 30, 1983.

Written comments by:

PMN 83-508, 83-509, 83-510, 83-511, 83-512, 83-513, 83-514, 83-515, 83-516 and 83-517; April 25, 1983.

PMN 83-518 and 83-519; April 28, 1983.

PMN 83-520, 83-521, 83-522, 83-523, 83-524, 83-525 and 83-526; April 29, 1983

PMN 83-527, 83-528, 83-529, 83-530, 83-531 and 83-532; April 30, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51457]" and the specific PMN number should be sent to: Document Control Officer (TS-793), office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review/Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-508

Manufacturer. Confidential.

Chemical. (G) Substituted benezenesulfonic acid salt.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 2,500-5,000 kg/yr.

Toxicity Data. Acute oral: 3,000 mg/kg; Acute dermal: <1,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Secondary waste treatment compatibility study: 5,000 mg/L did not inhibit glucose metabolism 50%; LC_{50}: <100 mg/l; Plant growth effects: No

significant effects at 100 mg/L; Repeated skin application: Slight.

Exposure. Manufacture and processing: dermal and inhalation, a total of 60 workers, up to 2 hrs/da, up to 90 da/yr.

Environmental Release/Disposal. Minimal release to water. Disposal by publicly owned treatment works (POTW), biological treatment system and incineration.

PMN 83-509

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzotriazole.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 50–200 kg/yr.

Toxicity Data. Acute oral: >1,300 mg/kg; Acute dermal: >1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Secondary waste treatment compatibility: 63 mg/L caused a 50% decrease in glucose metabolism; Acute effects on seven aquatic species, LC_{50}: >100 mg/L for one species; 10–100 mg/L for five species; and 1–10 mg/L for one species; Skin sensitizaton: Low; Repeated skin application: Moderate.

Exposure. Manufacture and processing: dermal and inhalation, minimal.

Environmental Release/Disposal. Minimal release to water. Disposal by POTW, biological treatment system and incineration.

PMN 83-510

Manufacturer. Confidential.

Chemical. (G) Reaction product of an aromatic dianhydride with a substituted C_{8-14} alcohol and epichlorohydrin.

Use/Production. (G) Dispersive use. Prod. range: 25,000–100,000 kg/yr.

Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin—Not an irritant, Eye—Not an irritant.

Exposure. Manufacture: dermal, a total of 14 workers, up to 4,500 man/hrs/yr.

Environmental Release/Disposal. Minimal release to water.

PMN 83-511

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and eye, a total of 6 workers, up to 24 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 10–1,000 kg/yr released to land. Disposal by approved landfill.

PMN 83-512

Importer. Confidential.

Chemical. (G) Polymer of amino-alkyl-carbomonocycle, Hexamethylene diisocyanate, propylene oxide, alkane triol, alkanone, and disubstituted alkane diol.

Use/Import. (S) Crosslinker for industrial coatings. Import range: Confidential.

Toxicity Data. Acute oral: >5 ml/kg; Irritation: Skin—Strong, Eye—Strong.

Exposure. Processing and use: dermal and inhalation, a total of 9 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-513

Importer. Confidential.

Chemical. (G) Polymer of isophorone diisocyanate, alkanoic acid, mixed alkane diols, alkane triol, oxo-heteropolycycle, and neopentyl glycol.

Use/Import. (S) Croslinker for industrial coatings. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-514

Importer. Confidential.

Chemical. (G) Substituted indolium, salt.

Use/Import. (S) Colorant for textiles and paper. Import range: Confidential.

Toxicity Data. Acute oral: 1.18 ml/kg; Irritation: Skin—Moderate, Eye—Severe; Bacterial Inhibition: LC_{50}, 10 mg/L; Fish Toxicity, 48 hrs.: 10 mg/L.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-515

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Styrene co-polymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by landfill and in-house water treatment facility.

PMN 83-516

Manufacturer. Confidential.

Chemical. (G) Aromatic polyester with substituted alkanes.

Use/Production. (S) Site limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to ½ hr/da, up to 225 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and land. Disposal by approved landfill.

PMN 83-517

Manufacturer. Confidential.

Chemical. (G) Polyurethane polymer, with an aromatic polyester.

Use/Production. (S) Site limited coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 7 workers, up to 4 hrs/da, up to 208 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 1,000–10,000 kg/yr to land. Disposal by approved landfill.

PMN 83-518

Manufacturer. The Dow Chemical Company.

Chemical. (S) 1,1'[isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) bis (inner salt) tetrahydrate.

Use/Production. (S) Production of polymeric cross-linked article. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: 2 g/kg; Irritation: Skin—Non-irritant, Eye—Moderate; Eye Absorption study: No effect.

Exposure. Manufacture and use: dermal and eye, a total of 27 workers, up to 2 hrs/da, up to 52 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-519

Manufacturer. Confidential.

Chemical. (G) Functionalized acrylic polymer.

Use/Production. (S) Industrial general purpose trade sales dispersant. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Inconsequentially irritating.

Exposure. Manufacture and processing: dermal and eye, a total of 9 workers, up to 8 hrs/da.

Environmental Release/Disposal. 100–10,000 kg/yr released to land. Disposal by POTW and approved landfill.

PMN 83-520

Manufacturer. Confidential.

Chemical. (G) Polyester polycarboxylate salt.

Use/Production. (S) Glass fiber binder resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: dermal, a total of 15 workers, up to 24 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by incineration.

PMN 83–521

Manufacturer. Confidential.

Chemical. (G) Carbomonocyclic ester.

Use/Production. (G) Open use. Prod. range: 3,000–9,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and eye, a total of 54 workers, up to 6 hrs/da, up to 5 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by incineration.

PMN 83–522

Manufacturer. The Dow Chemical Company.

Chemical. (S) Reaction product of succinic anhydride and 1,2-ethanediamine, N-[3-(trimethoxy-silyl)propyl].

Use/Production. (S) Primer coatings formulations for crosslinked polymer. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate.

Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, less than 4 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system and approved landfill.

PMN 83–523

Manufacturer. The Dow Chemical Company.

Chemical. (S) 1,1'[isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) mixed salts.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >2 g/kg.

Exposure. Manufacture: dermal and eye, a total of 3 workers, up to 1 hr/da, up to 12 da/yr.

Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 83–524

Importer. Confidential.

Chemical. (G) Polymer of trisubstituted methane, alkyl phenol and substituted bis benzene derivative.

Use/Import. (S) Injection-molded parts and extruded parts. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing and disposal: dermal, a total of 10 workers, occasional exposure.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–1,000 kg/yr to land. Disposal by approved landfill.

PMN 83–525

Importer. Confidential.

Chemical. (G) Substituted benzindolium, salt.

Use/Import. (S) Colorant for textiles and paper. Import range: Confidential.

Toxicity Data. Acute oral: 7,572 g/kg; Irritation: Skin—Irritant, Eye—Irritant; Fish toxicity, 48 hrs.: Not toxic @ 1 mg/L.

Exposure. Use: Negligible.

Environmental Release/Disposal. No release. Disposal by POTW.

PMN 83–526

Manufacturer. Confidential.

Chemical. (G) Isocyanate derived polyamide.

Use/Production. (G) Products for industrial components. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to water with 100–1,000 kg/yr to land. Disposal by certified waste disposal service.

PMN 83–527

Importer. Confidential.

Chemical. (G) Sulfonaphtholazonaphthol, chromium complex.

Use/Import. (S) Commercial colorant for leather. Import range: Confidential.

Toxicity Data. Acute oral: >10 g/kg; Irritation: Skin—Irritant, Eye—Highly irritating.

Exposure: Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by POTW and captive waste treatment plant.

PMN 83–528

Manufacturer. Wilmington Chemical Corporation.

Chemical. (G) Dimer-trimer triglycidyl ester.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and disposal: air, dermal and inhalation, a total of 10 workers, up to 24 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water.

PMN 83–529

Importer. Sandoz Colors and Chemicals.

Chemical. (G) Dicarboxylic acid, polyamine polymer.

Use/Import. (S) Quencher for fluorescent whitening agents in paper making. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure. Use: dermal, a total of 1 worker, up to 1 hr/da per shift, per site.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by biological treatment system.

PMN 83–530

Manufacturer. Confidential.

Chemical. (G) Disubstituted carbomonocyclic ester.

Use/Production. (S) Open use. Prod. range: 4,600–11,500 kg/yr.

Toxicity Data. Irritation: Skin—Not a primary skin irritant by FHSA definition, but reactions on human skin would be anticipated.

Exposure. Manufacture, processing and use: dermal and eye, a total of 35 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr released to land. Disposal by incineration.

PMN 83–531

Manufacturer. Confidential.

Chemical. (G) Polyoxo arylene triazino epoxy derivative.

Use/Production. (G) A thermosetting resin intended for industrial use. Prod. range: 100–300,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 35 workers, occasional.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with less than 10–100 kg/yr released to land. Disposal by approved landfill.

PMN 83–532

Manufacturer. Celanese Chemical Company, Inc.

Chemical. (G) Glyceryl propoxy diacrylate.

Use/Production. (G) Diluent for coatings and adhesives. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Moderate, Eye—Severe.

Exposure. Confidential.
Environmental Release/Disposal. No release. Disposal by biological treatment system and incinceration.

Dated: March 2, 1983.

Woodson W. Barcaw,
Acting Director, Management Support Division.

[FR Doc. 83-6305 Filed 3-10-83; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2320-2]

Availability of Environmental Impact Statements Filed February 28 Through March 4, 1983 Pursuant To 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076.

Corps of Engineers:
EIS No. 830122, Final, COE, HI, Alenio Stream Flood Control Plan, County and Island of Hawaii, due: Apr. 11, 1983
EIS No. 830123, Final, COE, WA, Sequim Bay Boat Haven/Marina Facility Construction, Clallam County, due: Apr. 11, 1983
Department of the Interior:
EIS No. 830126, Draft, FWS, MA, Parker River Nat'l Wildlife Refuge Mgmt. & Development, Essex County, due: May 2, 1983
EIS No. 830127, Draft, BLM, CA, McLaughlin Gold Extraction and Milling Project, Permits, due: Apr. 25, 1983
EIS No. 830124, Final, BLM, CA, California Desert Conservation Area Plan and E. San Diego County MFP, due: May 10, 1983
EIS No. 830129, Draft, MMS, CA, PAC, OCS, Oil and Gas Lease Sale No. #73, Pacific Ocean, due: Apr. 25 1983
Environmental Protection Agency:
EIS No. 830130, Draft, EPA, TX, Martin Lake D Area Lignite Surface Mine, NPDES Permit, Rusk County, due: May 3, 1983
Department of Defense, Navy:
EIS No. 830128, Draft, USN, VA, East Coast Landing Craft Air Cushion Operational Base, Location, due: Apr. 25, 1983
EIS No. 830125, Final, USN, RI, Newport Naval Center, Frigate Long Range Homeporting, Newport County, due: Apr. 11, 1983
Department of Agriculture:
EIS No. 830121, Draft, AFS, CA, Angeles National Forest, Special Use Road Permit, Los Angeles County, due: May 13, 1983
Amended Notices:
EIS No. 830108, Final, COE, NY, Hudson River Federal Channel Maintenance Dredging, published FR March 4, 1983—Review period reestablished due to noncompletion of distribution, due: Apr. 11, 1983
EIS No. 830091, Final, BLM, OR, Andrews Grazing Management Program, Harney County, Published FR February 25, 1983—Review extended, due: Mar. 30, 1983
EIS No. 830063, Draft, COE, AK, Bristol Bay Small Boat Harbor Improvements, Dillingham, published FR February 11, 1983—Review extended, due: Apr. 1, 1983

Dated: March 8, 1983.

Paul C. Cahill,
Director, Office of Federal Activities.

[FR Doc. 83-6306 Filed 3-10-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-226]

California Federal Savings and Loan Association, Los Angeles, California.; Final Action Approval of Conversion Applications

Notice is hereby given that on February 18, 1983, the Federal Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 83-92 approved the application of California Federal Savings and Loan Association, Los Angeles, California ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California.

Dated: March 8, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 83-6360 Filed 3-10-83; 8:45 am]
BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10051-8]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10051-8 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The Signatories to this Agreement include Spanish Line, Costa Line, Farrell Lines, Inc., Ibero Line, Sea-Land Service and Prudential Lines. The amendment extends the scope of the Force Majeure agreement to include as well the trades between Mediterranean ports and Gulf ports of the United States.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,
Secretary.

[FR Doc. 83-6319 Filed 3-10-83; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

United Jersey Banks; Application; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 83-4987), printed at page 8347 of the issue for Monday, February 28, 1983. The proposed activities would be performed at an office of Richard Blackmum & Co., Inc. located in Paramus, New Jersey, and at some or all of the existing offices of Applicant's subsidiary banks located throughout the State of New Jersey, and the geographic areas to be served are the State of New Jersey, contiguous counties of the States of Pennsylvania and New York, and the New York City metropolitan area.

Board of Governors of the Federal Reserve System, March 7, 1983.

James McAfee,
Associate Secretary of the Board.

[FR Doc. 83-6283 Filed 3-10-83; 8:45 am]
BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Advertising Substantiation Program; Request for Comments

AGENCY: Federal Trade Commission.

ACTION: The Federal Trade Commission is requesting comments from the public regarding the implementation of its advertising substantiation requirement.

SUMMARY: The Federal Trade Commission is undertaking a review of the implementation of its advertising substantiation requirement. Under a legal doctrine announced in 1972, advertisers are expected to have a "reasonable basis" for the objective

claims they make in advertising. The amount of support an advertiser is expected to have, *i.e.*, what constitute a "reasonable basis" for a particular claims, is flexible and depends on factors such as: (1) The type and specificity of the claim made; (2) the type of product; (3) the possible consequences of a false claim; (4) the degree of reliance by consumers on the claim; and (5) the type and accessibility of evidence adequate to form a reasonable basis for making the particular claim. The Commission is seeking comments on various aspects of how it applies the ad substantiation requirement.

FOR FURTHER INFORMATION CONTACT: Collot Guerard, Federal Trade Commission, Bureau of Consumer Protection, 724–1499, Washington, D.C. 20580.

Comments: Comments should be filed in Room 136, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20500, no later than July 15, 1983.

SUPPLEMENTARY INFORMATION: Under Commission law and policy, advertisers are expected to have a reasonable basis for objective claims in advertising before an ad is disseminated. The Commission remains committed to this principle, which has been an important element of the Commission's program for deterring unfair and deceptive claims and preserving public confidence in the reliability of advertising. By undertaking this public inquiry, the Commission does not intend to depart from this basic requirement. Any perception that the Commission is relaxing the requirement that advertisers possess a reasonable basis when they make objective claims would be wrong. Some aspects of the implementation and application of the ad substantiation requirement have been controversial and unclear, however. The Commission seeks information about the administration of the doctrine in order to improve it.

There are several reasons why advertisers should possess a reasonable basis for their objective claims. First, consumer dissatisfaction over deceptive claims creates an incentive for firms to possess a reasonable basis that a claim is true before making it to consumers. Otherwise, firms risk damaging their reputations, one of the most valuable assets for companies that advertise. Second, as part of the self-regulatory process, which includes possible consideration by the National Advertising Review Board and pre-clearance by the major television networks, advertisers are required to possess a reasonable basis. Finally, as explained above, the Commission requires that advertisers possess a reasonable basis when they make certain claims. In these circumstances, consumers are likely to expect that claims made by advertisers are supported by a reasonable basis.

The Commission has implemented the substantiation requirement in two ways. First, it has ordered firms within certain selected industries to submit substantiation for specific ad claims, pursuant to its authority under section 6(b) of the FTC Act. Between 1971 and 1981, the Commission conducted 29 of these industry-wide rounds. Second, the Commission has implemented the program on a case-by-case basis, in which the staff asks an individual advertiser to provide substantiation for claims made in its advertising. Both processes have led to a number of law enforcement actions. As of January 1, 1983, the Commission has issued 21 litigated orders and 126 consent orders. Firms under these orders are subject to civil penalties if they fail to possess a reasonable basis for future ad claims.

The Commission is absolutely committed to fulfilling its mandate to police the marketplace to prevent unfair or deceptive advertising. As part of that effort, the Commission had relied on its prior substantiation doctrine, a requirement whose general concept has received very wide support, including support from all members of the current Commission. Chairman Miller and others, however, have identified several questions concerning how the Commission applies the requirement. For example, do advertisers realize which claims require substantiation, or is the line between objective performance claims requiring substantiation and subjective claims that do not need substantiation unclear? Moreover, and closely related, how should the doctrine be applied to implied claims that are not reasonably apparent on the face of the ad and whose very existence is in dispute? Further, has the amount of evidence required as a "reasonable basis" sometimes been excessive, thereby deterring truthful advertising that would be useful to consumers? Finally, should the Commission evaluate substantiation that is not developed or produced until after a claim has been made and if so, how and when?

The Commission's staff has been engaged in an ongoing study of specific aspects of the administration of the advertising substantiation program, to address these and other questions. To facilitate systematic evaluation, the Commission is soliciting data and comments bearing on the implementation of the requirement. Although it is also interested in receiving comments on other issues relating to ad substantiation that seem important to the commentor, the Commission is particularly interested in the general issues outlined below, and the specific questions raised under each. We are seeking comment from interested individuals and groups on these issues, including advertisers, ad agencies, consumer research houses, academics, consumers and consumer groups, advertising media, advertising self-regulatory groups, and trade associations. The Commission is particularly interested in specific comments and any available support evidence. Empirical evidence such as surveys would be mor useful if accompanied, to the extent possible, by relevant underlying data and details concerning methodology.

A. Procedures for Implementing the AD Substantiation Program

1. As noted above, the FTC has sought substantiation either by industry-wide rounds (Section 6(b) orders) or on an individual basis. In both cases, the substantiation is treated confidentially, but law enforcement initiatives against individual companies may result. What has been the impact of each process? Comments from companies who have received both a 6(b) order and an individual request for information would be particularly useful.

2. Should the Commission employ one process instead of another, and if so, under what circumstances?

3. Could either process be improved, and if so how?

4. When should the ad substantiation program be used as a broad investigatory tool to develop possible cases *e.g.*, by requesting substantiation from all firms in an industry, and when should it be used as a more narrowly focused tool to explore alleged problems?

B. Standards for Reviewing Substantiation or Standards Included in Reasonable Basis Orders

1. Are general standards (*e.g.*, possess and rely on a reasonable basis) for advertisers/ad agencies under order preferable to specific standards (*e.g.*, two well controlled clinical studies)? Why?

2. Would advertisers and ad agencies affected by the Commission's program prefer to have specific standards issued, such as (depending on the product and the claim made for it):

— Two well-controlled double-blind clinical studies;
— Written results of dynamometer testing according to test cycles established by an agency or department of the United States government;
— A written certification from the manufacturer, proprietor or licensee of the brand name, or qualified testing laboratory that there is a reasonable basis;
— Valid and reliable scientific evidence;
— Competent and reliable objective materials available in written form;
— Competent and reliable opinions of engineering or other experts.

Please explain why.

3. Could specific standards for the reasonable basis requirement be clearer? If so, how? How do advertisers and agencies under order interpret such phrases as "two well-controlled clinical tests" in terms of parameters of the tests such as sample size, confidence levels, etc.?

4. Would a reasonable basis order that included both a general and a specific standard, either of which the advertiser/ad agency under order could follow at their option, be preferable?

5. In determining the amount of substantiation to require of an advertiser/ad agency under order, how should the Commission balance the risk of suppressing truthful information against the risk of allowing dissemination of deceptive information?

6. Under current law, advertisers are required to have a reasonable basis for factual claims before the ad is disseminated. Should subsequent substantiating evidence (developed after a claim is made) be evaluated in FTC enforcement proceedings and, if so, how and when? Specifically, should any such evaluation consider:

—When the post-claim evidence was actually developed (*i.e.*, before or after an investigation is initiated)?
—Whether the advertiser reasonable believed that the ad did not make the claim for which substantiation is sought?

7. What tests, protocols, or other procedures do advertisers and ad agencies conduct to ascertain which claims their advertisements convey to consumers? Please provide specific examples.

C. Expectations of Consumers

1. The Commission believes that consumers expect that advertisers have support for certain claims they make in advertising. Please provide any consumer research or other evidence to support or refute this point, including as much specific information as possible.

2. If an ad states explicitly that it is based on clinical tests, or some other particular kind of evidence, consumers are likely to expect the advertiser to possess the evidence identified. For claims that are less explicit, however, the amount of substantiation that consumers expect is less clear. Even when an advertisement identifies a particular basis, issues arise concerning the quantum or quality of substantiation that consumers expect. For example, when an ad claims that it is based on tests, how sophisticated or extensive do consumers expect the tests to be? If an ad claims that it is based on medical opinion, what kind and amount of opinion do consumers expect? Please provide any consumer research or other evidence regarding the amount of substantiation that consumers expect in such instances including as much specific information as possible.

3. The Commission also believes that consumers' expectations about the amount of substantiation depend on a variety of factors, including: the product, the type and specificity of the claim, the possible consequences of a false claim, the degree of reliance by consumers on the claim, and the type and accessibility of evidence adequate to form a reasonable basis. For instance, consumers may expect a higher quantum and better quality of substantiation for health and safety claims, or claims that contain specific details, or claims that use the words "proves" or "guarantees." Please provide any consumer research or other evidenc addressing how expectations differ depending on these factors, including as much specific information as possible. The Commission is also interested in any evidence addressing the quantum or quality of substantiation consumers expect for:

—Objective performance claims making no reference to specific evidence;
—Claims in which a competitor is named or implied;
—Claims for frequently-purchased, inexpensive products that are easily evaluated by the consumer at a low cost;
—Claims concerning subjective product attributes, such as taste, appearance, or smell.

D. Relationship of FTC A Substantiation Program To Self-Regulatory Bodies

1. What effect, if any, did the establishment of the FTC substantiation requirement have on the advertising standards set by companies for internal use, by self-regulatory bodies, or by others?

2. How, when, and why did the self-regulatory units, including the network continuity clearance departments, develop? Is there a regulatory unit similar to continuity clearance for national print ads?

3. What substantiation, if any, did advertisers and agencies develop before the FTC established the reasonable basis requirement? If substantiation was developed, why? What kind of documentation was developed?

—If documentation was developed, did the FTC's requirement change the type or amount of documentation? If yes, how did the requirement affect the documentation?

4. What documentation do advertisers and ad agencies develop for other purposes, such as network copy clearance, National Advertising Division (NAD) review, or otherwise? Is the same documentation developed for these purposes as is developed in response to the FTC's ad substantiation requirement?

5. Substantiation developed by advertisers and ad agencies can be reviewed by a variety of regulatory bodies including the networks the NAD, and the FTC. Do the standards differ among the networks, the NAD, and the FTC? How? Is one entity more stringent than another with respect to particular areas of advertising? How?

6. Do the types of claims pursued by the FTC and self-regulation units differ? If so, please explain.

7. To what extent are the decisions by the network clearance departments or by the self-regulation units based on FTC decisions and orders, policy statements, or guides?

8. What effect does the FTC's ad substantiation program have on self-regulation today?

9. How have the decisions by the networks or the self-regulatory units differed from those of the FTC?

10. What has been the effect on advertisers/ad agencies of decisions by the NAD, or courts under the Lanham Act?

11. Do self-regulatory bodies require advertisers/ad agencies to provide substantiation to support the implied—as well as the express—claims they make in advertising? If so, what sorts of documentation do they require advertisers/ad agencies to provide to support implied claims? How do they ascertain what implied claims exist?

E. Role of Government Agencies Other Than the FTC

1. Do government agencies other than the FTC, including state and local government, have an effect on how advertising claims are made? Please

explain what the agencies are and their effect.

2. What effect, if any, has the FTC's prior substantiation requirement had on advertising regulation by state and local governments?

3. Is there inconsistency between standards and requirements followed by other government agencies and by self-regulatory units?

F. Complaints

1. Under what circumstances does an advertiser complain to the NAD? To the networks? To the FTC? Commence a private law suit under Section 43 of the Lanham Act?

2. How often, and under what circumstances, do consumers complain to advertisers or to other institutions about advertising?

3. How often does one advertiser complain privately to another about that company's advertising?

4. How much does it cost an advertiser or consumer to pursue to final resolution a complaint before the networks? Before the FTC? Before the NAD? In court under the Lanham Act?

G. Benefits of the FTC's AD Substantiation Program

For the following questions addressing benefits and costs of the substantiation program, we are particularly interested in academic research. For example, such research might include studies of changes in advertising for an industry or a specific product as a result of specific Commission action. Studies comparing advertising before and after the substantiation requirement was announced would also be useful.

1. What are the benefits of the ad substantiation program? Please submit any available data documenting such benefits.

2. What changes have occurred in the content of advertising since the inception of the ad substantiation program in 1972? Have there been more or less of some types of claims since the ad substantiation program came into existence? Have ads become more or less factual? To what extent are these changes attributable to ad substantiation?

3. Has advertising become more accurate and believable since 1972? What data or other information support or refute this proposition? What factors explain this proposition, if it is true? If it is true, to what extent has it lessened the overall cost of advertising?

4. Has the ad substantiation program deterred dissemination of false ads or ads that omit material information and, if so, how? Is the current deterrent effect sufficient?

5. Have there been other benefits of the ad substantiation program? Please explain.

H. Cost of the AD Substantiation Program

1. What are the costs of the ad substantiation program? Please submit any available data documenting such costs.

2. There may be claims that an advertiser believed were adequately substantiated but decided not to make because of concerns about substantiation. For example, have advertisers avoided claims concerning scientific controversies in the belief that the Commission would require a higher degree of substantiation than the advertiser possessed? Have there been claims that an advertiser believed were adequately substantiated, but for which self-regulatory bodies requested additional support? Have advertisers in such circumstances revised or abandoned claims rather than develop additional evidence? What was the specific reasons that the claim was not made? Please provide specific examples if possible.

3. What has been the additional cost, if any, of developing documentation to meet the general ad substantiation requirement beyond the cost of documentation that would have been developed in any event? What has been the cost of responding to FTC requests for substantiation for individual requests? For Section 6(b) industry-wide requests?

4. Have advertisers developed materials because of the ad substantiation requirement that they would not have developed for the networks, or other purposes? What has been the cost of developing those materials?

5. What has been the cost of complying with an FTC ad substantiation order for a company under order in terms of developing additional documentation? Has the effect of the ad substantiation doctrine been different on those companies under order from those only required to meet the general ad substantiation concept? If so, please explain how.

6. Has the ad substantiation program had any effect on advertising budgets or on advertising/sales ratios? Please explain.

7. What effect, if any, does the ad substantiation program have on the decision whether to prepare advertising in-house or use an ad agency? What cost, if any, has this effect imposed?

8. Has the ad substantiation program had different effects on large and small advertisers or agencies? What has been the significance of these effects? Please be as specific as possible

9. Are there any other costs associated with the ad substantiation program? Please explain.

10. On balance, how do the benefits of the program compare to its costs? Please explain.

I. Effects of AD Substantiation Orders

1. What has been the effect of an ad substantiation order against an advertiser on that advertiser? On other manufacturers of the same product? For example, have such companies instituted new review procedures, either for products subject to the order or for other products? Have companies developed additional supporting evidence? Please describe these changes, and provide any specific data.

2. What has been the effect of an ad substantiation order against a specific ad agency on that agency? On ad agencies that handle accounts for competing products? For example, do agencies under order find it more difficult to obtain new accounts for products covered by the order? Have such agencies instituted new review procedures, either for products subject to the order or for other products? Have agencies developed or requested additional supporting evidence? Please describe these changes, and provide any specific data.

J. Recommendations

1. What changes in the implementation of the ad substantiation requirement, if any, would improve the program?

By direction of the Commission.

Dated: March 3, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6040 Filed 3-10-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 150; 10-I-OR-651]

J-1 Lateral, Lost River Area, Klamath County, Oregon; Conveyance of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the General Services Administration dated February 14, 1983,

the property, consisting of 3.5 acres of unimproved land, known as J–1 Lateral, Lost River Area, Klamath County, Oregon (10–I–OR–651), has been conveyed to the State of Oregon, Department of Fish and Wildlife.

2. The above described property was conveyed for wildlife conservation in accordance with the provisions of section 1 of said Pub. L. 80–537 (16 U.S.C. 667b), as amended by Pub. L. 92–432.

Dated: February 18, 1983.

Carroll Jones,

Commissioner.

[FR Doc. 83-6323 Filed 3-10-83; 8:45 am]

BILLING CODE 4320-06-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. April 14 and 15, 9 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 14, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, April 15, 8:30 a.m. to 4 p.m.; Jack Gertzog, National Center for Drugs and Biologics (HFN–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will begin review of the Office of Biologics research program.

General Hospital and Personal Use Device Section of the General Medical Devices Panel

Date, time, and place. April 18, 9 a.m., Rm. 503–529A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Robert R. Gatling, National Center for Devices and Radiological Health (HFK–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before April 4, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss and make classification recommendations on the following devices: Antimicrobial Treated Hospital Products; Apgar Timer; Chemical Disinfection System; Implanted Percutaneous Intravascular Delivery Catheter; Implanted Subcutaneous Intravascular Delivery Catheter; Implanted Subcutaneous Intraventricular Delivery Catheter; Implanted Subcutaneous Lumbar Delivery Catheter; Infusion Fluids Microwave Warmer; Infusion Fluids Thermal Warmer; Miniature Ion Selective Electrodes; and Multiple Needle Injector.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: March 4, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6060 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Orlando District Office, chaired by Adam J. Trujillo, District Director.

DATE: Thursday, March 31, 1983, 9:30 a.m. to 12 m.

ADDRESS: Dade County Department of Housing and Urban Development Conference Room, 1407 NW. 7th St., Miami, FL 33125.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305–855–0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues. The topics to be discussed are tamper-resistant packaging, patient education, quackery, and diet products.

Dated: March 3, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6314 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0050]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant/stabilizer.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B3697) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing to amend the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant/stabilizer.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6260 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following national consumer exchange meeting, chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: Monday, March 28, 1983, 10 a.m. to 12 m.

ADDRESS: Health and Human Services (HHS) North Bldg. Auditorium, 330 Independence Ave. SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16–85, Rockville, MD 20857, 301–443–5006 (TTY (telephone for the deaf): 301–443–1818).

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for top FDA officials and consumers to exchange views and to relay information on vital health and policy issues. Proposed discussion at this meeting will focus on direct-to-consumer advertising of prescription drugs, an emerging issue on which the agency seeks public opinion.

Dated: March 7, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6252 Filed 3-10-83; 8:45 a.m.]

BILLING CODE 4160-01-M

[Docket No. 83F-0052]

Rohm & Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm & Haas Co. has filed a petition proposing that the food additive regulation be amended to provide for the safe use of divinylbenzene polymers for use in the removal of organic substances from aqueous foods.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3686) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for the safe use of divinylbenzene polymers for use in the removal of organic substances from aqueous foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6250 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0055]

Teletronics Proprietary, Ltd.; Premarket Approval of Autima™ Model 2251 Pulse Generator and Model 2600 Programmer

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Autima™ Model 2251 Pulse Generator and Model 2600 Programmer sponsored by Teletronics, Inc., Suffield, CT. After reviewing the recommendation of the Circulatory System Devices Panel, FDA notified the sponsor that the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 11, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets

Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 8, 1982, Telectronics, Inc., Suffield, CT, submitted to FDA an application for premarket approval of the Autima™ Model 2251 Pulse Generator and Model 2600 Programmer. The application was reviewed by the Circulatory System Devices Panel, an FDA advisory committee, which recommended approval of the application for use of this device as a cardiac pacing system. On February 10, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this appliction. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 11, 1983, file with the Dockets Management Branch (address above) two copies of copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–6251 Filed 3–10–83; 8:45 am]

BILLING CODE 4160–01–M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on March 4.

Social Security Administration

Subject: Application for Widow's or Widower's Insurance Benefits (SSA–10–BK/SSA–1050–U5 (1–83))—Revised.

Respondents: Individuals or households.

OMB Desk Officer: Milo Sunderhauf.

Office of Human Development Services

Subject: Standard Setting Requirements for Medical and Nonmedical Facilities where SSI Recipients Reside—New.

Respondents: State agencies that license medical or nonmedical facilities.

OMB Desk Officer: Milo Sunderhauf.

Health Care Financing Administration

Subject: Medicare Home Office Cost Statement (HCFA 287)—Revised.

Respondents: Home offices of health care provider chain organizations participating in the Medicare program.

OMB Desk Officer: Fay S. Iudicello.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strand, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201.

OMB Reports Management Branch New Executive Office Building, Room 3208 Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: March 4, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83–6108 Filed 3–10–83; 8:45 am]

BILLING CODE 4160–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Fort Hall Irrigation Project

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On January 28, 1983, in 48 FR 4053, there was published a notice of proposed assessment rates and related provisions on the Fort Hall Irrigation Project for Calendar Year 1983 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of March 1, 1907, (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective 30 days after date of publication in the **Federal Register.**

Fort Hall Irrigation Project

Regulations and Charges

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations.

Irrigation Season

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-in-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery:* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and Submission of a Water Schedule:* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for Deliveries of Irrigation Water:* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water

Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5-acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges

A bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1983 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate.....$17.00 per acre
(2) Michaud Unit basic rate.....$21.00 per acre
Additional rate for sprinkler when pressure is supplied by project...$8.50 per acre
(3) Minor Units basic rate.....$14.00 per acre

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Payments

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Assessments on Indian Owned Land

When land owned by members of the Shoeshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands on non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938).

Stanley Speaks,

Area Director.

[FR Doc. 83-6294 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[INT Draft MFP Amendment/EIS 83-12]

Las Cruces/Lordsburg Resource Area; Draft Management Framework Plan Amendment; Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Las Cruces District, Interior.

ACTION: Notice of availability, public meetings and public hearings.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a Draft Management Framework Plan Amendment/Environmental Impact

Statement (MFPA/EIS) to reconsider constraints on energy minerals leasing imposed by existing decisions for the Las Cruces/Lordsburg Resource Area (Dona Ana, Luna, Hidalgo, and Grant Counties) and to implement a rangeland management program for the 3-county area (Luna, Hidalgo, and Grant Counties) of the Las Cruces District in southwest New Mexico. The energy minerals issue involves the identification and analysis of areas where potential resource conflicts would be significant enough to either preclude or restrict oil and gas or geothermal leasing and associated operations. The rangeland management issue involves the amount of vegetation allocated to grazing and other uses, the methods of grazing management, support facilities, monitoring and evaluation, and maintenance of rangeland developments. For each issue, a general implementation schedule has been outlined; standard operating procedures and interrelationships with other agencies in the Resource Area are discussed.

DATE: Written comments on the MFPA/EIS must be received in the Las Cruces District Office no later than 90 days from this notice.

ADDRESS: Comments should be sent to the Las Cruces District Office, Attn: Mary Austin, MFPA/EIS Team Leader, P.O. Box 1420, Las Cruces, New Mexico 88004.

FOR FURTHER INFORMATION CONTACT: Mary Austin, MFPA/EIS Team Leader, at the above address. Telephone: (505) 524–8551 or FTS 571–8312.

SUPPLEMENTARY INFORMATION: Copies of the Draft MFPA/EIS have been distributed to a mailing list of identified interested parties. A limited number of additional copies are available at the Las Cruces District Office, 317 North Main, P.O. Box 1420, Las Cruces, New Mexico 88004. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, Joseph M. Montoya Federal Building and U.S. Post Office, Santa Fe, New Mexico and public and university libraries in Las Cruces, Deming, Silver City, Lordsburg, Albuquerque, New Mexico, and El Paso, Texas. Reviewers should retain the Draft MFPA/EIS for future reference, as the final MFPA/EIS may not reprint the full text of the Draft MFPA/EIS. (The Draft MFPA/EIS will be incorporated by reference in the final statement.)

Public meetings and hearings will be held at 10 a.m. and 1:30 p.m. on April 12, 13 and 14, 1983 to receive oral or written comments on the merits of the proposal and alternatives and the adequacy of the Draft MFPA/EIS.

PUBLIC MEETINGS AND HEARINGS: Public meetings and hearings will be held on the dates and at the locations listed below to receive oral or written comments on the merits of the proposal and alternatives and the adequacy of the Draft MFPA/EIS.

Tuesday, April 12, 1983

Deming, New Mexico
Location: Council Chambers of the Deming City Hall, 309 S. Gold Avenue
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

Wednesday, Arpil 13, 1983

Las Cruces, New Mexico
Location: Branigan Memorial Library, Room B, 200 E. Picacho
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

Thursday, April 14, 1983

Lordsburg, New Mexico
Location: Lordsburg Civic Center, 313 East 4th Street
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

During the public meetings, representatives of the BLM will be available for discussion and to answer questions. During the public hearings, oral comments will be limited to 10 minutes and should be accompanied with a written text. Anyone wanting to register for the public hearings to present oral comments should contact Rena Gutierrez at the Las Cruces District Office, phone (505) 524–8551, prior to April 5, 1983.

Dated: February 24, 1983.

Monte G. Jordan,

Associate State Director, New Mexico.

[FR Doc. 83-6224 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-84-M

Environmental Statement; San Juan Resource Area, Utah

AGENCY: Bureau of Land Management, Moab District, Utah, Interior.

ACTION: San Juan Resource Area, Utah; Resource Management Plan and Environmental Impact Statement (RMP/EIS).

SUMMARY: A Resource Management Plan (RMP) and an Environmental Impact Statement are being prepared for the San Juan Resource Area, based on the requirements of section 202(f) of the Federal Land Policy and Management Act and section 102(c) of the National Environmental Policy Act.

The San Juan Resource Area contains approximately 2 million acres of public land located in San Juan County of southeastern Utah.

General issues to be addressed in the San Juan Resource Area RMP/EIS include livestock requirements, wildlife habitat requirements, critical watersheds, off-road vehicle (ORV) use and management, lands disposal or lease, minerals, recreation, and fire management.

The RMP/EIS will be prepared by an interdisciplinary team consisting of a planning coordinator, a soil conservationist, a hydrologist, a wildlife management biologist, an outdoor recreation planner, a lands specialist, two range conservationists, a geologist and an economist.

Public participation is being sought as part of the issues identification process. Public workshops will be held on April 5, 1983 at 7:00 p.m. at the San Juan County Library in Monticello and on April 6, 1983 at 7:00 p.m. at the San Juan County Library in Blanding.

FOR FURTHER INFORMATION CONTACT: Edward R. Scherick, Area Manager, San Juan Resource Area, P.O. Box 7, Monticello, Utah 84535, or call (801) 587–2201.

Dated: March 4, 1983.

Vernon M. Wright,

Acting District Manager.

[FR Doc. 83-6274 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-84-M

[Modified Competitive Sale I–16802]

Idaho Falls District Realty Action; Public Land in Caribou County, Idaho

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at not less than the fair market value of $8,400.

Boise Meridian, Idaho

T. 6 S. R. 42 E.,
Sec. 11: SW¼SE¼—40 acres.

The land will be sold at public auction by modified competitive bidding. Monsanto Company, Soda Springs, Idaho 83276 will be the designated bidder to have a preference right to purchase the land by meeting the highest bid. Such preference right is being offered because they are the adjoining landowners and have a pending phosphate use permit application (I–3800) on the subject tract.

The above described lands will be offered for sale on Tuesday, May 17, 1983 at 1:30 p.m. The subject public sale will be held at the Soda Springs BLM office.

The lands are being offered for sale in order to facilitate land-use planning in the area and enhance land-use

compatibility with adjoining private lands. The lands do not complement BLM programs and the location and physical characteristics of the tract, along with the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land. This is consistent with the Bureau's planning for the lands involved and has been discussed with the Caribou County Planning and Zoning Commission. Disposal would not have any significant effect on resource values and would best serve the public interest.

The terms and conditions applicable to the sale are:

1. The sale of this land will be subject to all Caribou County regulations.

2. The sale of this land will be subject to all existing rights.

3. Preference right will be given to Monsanto Company. No bids will be accepted for less than the appraised price and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State or the United States. Proof of citizenship shall accompany the bid.

4. Upon disqualification of the apparent high bidder, the next high bid will be honored.

5. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976 U.S.C. 1719.

6. A right-of-way is reserved for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

Bid Standards: No bid will be accepted for less than the appraised fair market value of $8,400. Bids must be for all the land in the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276, prior to 1:30 p.m. on May 17, 1983. Bids sent in by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left hand corner, "Sealed Bid, Public Land Sale I–18802, sale to be May 17, 1983." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than $50. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Modified Bidding: For a period of 30 days following the date of the sale, Monsanto Company will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them, and the other bid will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a waiver of such bidding provision.

Final Details: The successful high bidder, whether it is by sealed or oral bid will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Tuesday at the same hour and place and continued on each succeeding Tuesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further Information/Inquiries: Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Soda Springs Resource Area Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of the Interior.

Dated: March 4, 1983.

James Gabettas,

Acting District Manager.

[FR Doc. 83-6280 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-84-M

Las Cruces District Grazing Advisory Board; Meeting Correction

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of Meeting.

SUMMARY: Correction.

DATE: March 24, 1983, 9:30 am

ADDRESS: Crimson Room, Howard Johnson Motor Lodge, 2600 South Valley Drive, Las Cruces, New Mexico

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004 Phone: (505) 524–8851

Correction

SUPPLEMENTARY INFORMATION: Federal Register Document Number, 83–4835, p. 8144 appearing February 25, 1893, should have read Las Cruces District Grazing Advisory Board.

Dated: March 3, 1983.

Marvin M. James,

Acting District Management.

[FR Doc. 83-6272 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-84-M

Las Vegas District, Nevada; Stateline-Esmeralda Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Preparation of Esmeralda Resource Management Plan.

SUMMARY: The Las Vegas District Office of the Bureau of Land Management is initiating land use planning for that portion of the Stateline-Esmeralda Resource Area exclusive of Clark County. The Esmeralda Planning Area covers all of Esmeralda County and that part of Nye County south and west of Nellis Air Force Base Bombing and Gunnery Range. The planning area is 3,105,160 acres in size and includes the communities of Beatty, Goldfield, Silverpeak, Dyer, Lida, Goldpoint, Coaldale, Lathrop Wells, Pahrump, Ash Meadows, and the Amargosa Farm Area. The planning area is a part of the Basin and Range Physiographic

Province, characterized by north-south trending mountain ranges. From north to south, these are: Monte Cristo, Lone Mountain, Cedar Mountain, Weepah Hills, Silver Peak Range, Palmetto Mountains, Montezuma Range, Magruder Mountain, Mount Jackson Ridge, Slate Ridge, Gold Mountain, Goldfield Hills, Grapevine Mountains, Bullfrog Hills, and Bare Mountains. The area includes Boundary Peak in the northwest corner which, at 13,145 feet elevation, is the highest point in Nevada.

The Resource Management Plan is a land use plan which focuses on specific issues, identifies goals for resource condition and use levels, program constraints, and outlines needs for more detailed management plans.

The BLM, at this time, anticipates the issues to be management of wilderness study areas, vegetative uses, and in southern Nye County, community expansion, and endangered species.

An interdisciplinary team representing range management, wildlife habitat management, lands and realty, minerals, and wilderness will be assigned to this planning task.

The plan will be prepared according to BLM planning regulations (43 CFR 1600).

Public comment and involvement is necessary throughout the planning process and in developing the inclusive Environmental Impact Statement. From now through September 1983, public participation will be needed to identify issues and help develop planning criteria.

DATES: The times, dates and locations of public meetings and hearings, and other public participation opportunities to obtain the aforementioned information have yet to be determined. News releases will be issued identifying specific meeting places and times as per 43 CFR 1601.3.

FOR FURTHER INFORMATION CONTACT: William T. Civish, Area Manager, Stateline-Esmeralda Resource Area, 301 E. Stewart Ave., P.O. Box 7384, Las Vegas, Nevada 89125, (702) 385-6627.

SUPPLEMENTARY INFORMATION: Planning documents and other pertinent materials may be examined at the Stateline-Esmeralda Resource Area Office located at 301 E. Stewart Ave., Las Vegas, Nevada, between 7:30 a.m. and 4:15 p.m., Monday through Friday.

Roger J. McCormack,

Associate State Director.

[FR Doc. 83-6670 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Motorized Vehicles on Public Lands; Utah

March 4, 1983.

AGENCY: Bureau of Land Mangement, Utah, Interior.

ACTION: Notice of restriction of use of motorized vehicles on public lands.

Notice is hereby given that use of motorized vehicles on certain public lands in the Goblin Valley area is temporarily restricted, in accordance with the provisions of 43 CFR, Subpart 8362. These restrictions do not apply to emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit, contract or statute.

The area affected by this restriction is located approximately 13 miles north of Hanksville, Utah. The area is accessible from the entrance road to Goblin Valley State Reserve and lies adjacent to the State Reserve at its entrance. The area comprises 60 acres of the eastern slope of Wild Horse Butte and the flats to the east connecting with the entrance road to Goblin Valley State Reserve and the Wild Horse Butte road to the north.

The purpose of this emergency closure is to prevent excessive erosion, unnecessary destruction of plant life, public health and safety and the natural environment. The area has been excessively used by off-road vehicles (ORVs) resulting in conditions which necessitate this closure. This action has resulted from consultation with the Utah Division of Parks and Recreation and complaints received from visitors to Goblin Valley State Reserve.

The entire area will be signed at common points of ORV access.

Maps showing the area are available at the Moab District Office in Moab, Utah and the Price Area Office, in Price, Utah.

This notice is effective upon publication and will be in effect until June 1, 1983.

Dated: March 4, 1983.

Vernon M. Wright,

Acting District Manager.

[FR Doc. 83-6670 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Emergency ORV Closure

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Emergency ORV Closure.

SUMMARY: Notice is hereby given that effective immediately all public lands in Sections 3, 4, 10, 11, T. 29 S., R. 3 E., NMPM, located south and west of the road paralleling the top of the Rio Grande Mesa are closed to all off road vehicle use.

DATE: This closure will remain in effect until further notice.

ADDRESS: Las Cruces/Lordsburg Resource Area Office, 1705 N. Valley Drive, Las Cruces, New Mexico 88001.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District Office, P.O. Box 1420, Las Cruces, New Mexico 88004.

SUPPLEMENTARY INFORMATION: The purpose of this closure is to protect the known cultural resources in the area from damage by motor vehicles.

The authority for this closure is 43 CFR 8341.2.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 83-6671 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Advisory Council Meeting

Notice is given in accordance with Pub. L. 92-463, that a meeting of the Winnemucca District Advisory Council will be held on April 15, 1983. The meeting will be from 10:00 a.m. to 5:00 p.m. in the Conference Room of the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445.

The agenda for the meeting will include: (1) Orientation, (2) Land Use Plan, (3) Election of Officers and (4) History of Public Lands in the United States.

The meeting is open to the public. Interested persons may make oral statements to the Council at 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445, by April 5, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: March 3, 1983.

Frank G. Shields,

District Manager for State Director, Nevada.

[FR Doc. 83-6268 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

[Int DES 83-8]

Availability of Draft Environmental Impact Statement for Homestake Mining Company's McLaughlin Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and 43 CFR 3809, the Bureau of Land Management has had a draft environmental impact statement prepared for Homestake Mining Company's McLaughlin Project, near Knoxville, California. This statement was prepared by Engineering-Science of Berkeley, California, and also satisfies the requirements of the California Environmental Quality Act (CEQA) as an Environmental Impact Report. Napa County is the Lead Agency for CEQA; Lake and Yolo counties are Responsible Agencies. Alternatives discussed in detail include the proposed plan of operation, no action, an alternative water supply reservoir, and alternative mill sites.

DATES: Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations.

Written comments should be submitted by April 25, 1983, to the District Manager, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482.

Public hearings will be held by Napa County on March 16 and April 25; by Lake County on April 7; and by Yolo County on April 4 and April 20. Contact the county planning departments for further information or changes in schedules.

ADDRESSES: A limited number of copies of the statement are available at the Ukiah District Office, or by contacting James Goodfellow, Project Coordinator, 1195 Third Street, Room 210, Napa, California 94558. Telephone (707) 253–4416. Copies are avilable for review at public libraries in Lake, Napa, and Yolo counties.

FOR FURTHER INFORMATION CONTACT: Timothy P. Julius, Planning and Environmental Coordinator, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Telephone (707) 462–3873.

Dated: March 1, 1983.

Van W. Manning,

District Manager.

[FR Doc. 83-6282 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

[N-34756]

Nevada; Realty Action; Noncompetitive Sale of Public Lands in White Pine County

March 1, 1983.

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian

T. 13 N., R. 66 E.,
Sec. 5, lots 17, 19, 20, 22 and 23.

The above described land, comprising 17.04 acres, is being offered by direct sale to Joseph Miller at fair market value.

The lands are being offered as a direct, noncompetitive sale to Mr. Miller, the owner of the adjoining tract and improvements on the sale tract. Mr. Miller has filed mining claims and made improvements on the sale parcel. He is willing to relinquish the mining claims prior to title transfer. Disposal by direct sale to Mr. Miller will legalize his occupancy of the land, protect his equity investment in the improvements on the land, and resolve a complicated trespass situation.

The land has not been used and is not required for any federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system. The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for highway purposes which have been granted to the State of Nevada, Department of Highways, its successors or assigns, by Permit No. Nev–014144, under the Act of November 9, 1921, 42 Stat. 212.

2. Those rights for powerline purposes which have been granted to Mt. Wheeler Power, Inc., its successors or assigns, by Permit No. Nev–062177, under the Act of December 21, 1928, 45 Stat. 1057, 43 U.S.C. 617d.

3. Those rights for communication line purposes which have been granted to Nevada Bell, its successors or assigns, by Permit No. Nev–065208, under the Act of March 4, 1911, 36 Stat. 1253, 43 U.S.C. 961.

4. Pursuant to the authority contained in sec. 3(d) of Executive Order 11988 of May 25, 1977 (42 FR 26955), this patent is subject to a restriction which constitutes a covenant running with the land, that the portion of the land lying within the 100 year flood plain, in Lots 17, 19, 22 and 23, may be used only for agricultural purposes or for park and nonintensive open space recreation purposes, but not for dwellings or buildings.

Detailed information concerning the sale is available for review at the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada.

For a period of 45 days, interested parties may submit comments to the State Director (N–943), P.O. Box 12000, Reno, Nevada 89520.

Richard G. Morrison,

Acting Deputy State Director, Operations.

[FR Doc. 83-6325 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-DES 83-13]

Galesville Project, Douglas County, Oregon; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed Galesville Project in Douglas County, Oregon.

Under provisions of the Small Reclamation Projects Act (Pub. L. 84–984, as amended), Douglas County has applied for a Federal loan to develop a dam and reservoir at the Galesville site on Cow Creek which would provide for irrigation, municipal and industrial water supply, stream enhancement, flood control, hydropower generation, and outdoor recreation opportunities.

Written comments on the draft environmental statement may be submitted to the Regional Director, Pacific Northwest Region, Bureau of Reclamation, by May 7, 1983.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Communications, Washington, D.C. 20240; telephone (202) 343–9247;

Department of the Interior, Bureau of Reclamation, Office of Environmental Affairs, Washington, D.C. 20240; telephone (202) 343–4991;

Engineering and Research Center, Divisions of Engineering Support, Technical Service and Publications Branch, Denver Federal Center, Denver, Colorado 80225; telephone (303) 234–3006;
Office of the Regional Director, Bureau of Reclamation, Pacific Northwest Region, Box 043, 550 West Fort Street, Boise, Idaho 83724; telephone (208) 334–1207; or
Douglas County, Department of Water Resources Survey, Justice Building, Room 104, Roseburg, Oregon 97470; telephone (503) 440–4255.

Single copies of the statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

Dated: March 8, 1983.

R. N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 83-6366 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

Notice is hereby given that an Applicant has applied in due form for an amendment to permit PRT 2–9740 to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Bolt Beranek and Newman, Inc., 10 Moulton Street, Cambridge, Massachusetts.
2. Type of Permit: Amendment; Take (harassment).
3. Name and Number of Animals: Sea otter (*Enhydra lutris*) unknown.
4. Type of Activity: Use of an air gun array by seismic exploration ship to provide acoustic response data for this type of source.
5. Location of Activity: Coastal waters south of Monterey, California.
6. Period of Activity: 18 April–7 May 1983.

The purpose of this application is for the applicant to obtain an amendment to his permit to authorize the taking (harassment) of sea otters that may be close to areas where the applicant plans to conduct research, using an air gun array, on the impacts of noise by oil and gas development to gray whales.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The appliction has been assigned file number PRT 2–9740. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particulat application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C.

Dated: March 8, 1983.

R. K. Robinson,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 83-6365 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202–395–7340.

Title: Report of Migratory Birds Taken.
Bureau Form Number: 3–430a.
Frequency: On occasion.
Description of Respondents: Persons who collect migratory birds under the authority of a scientific collecting permit.
Annual Responses: 1,852.
Annual Burden Hours: 370.
Service Clearance Officer: Arthur J. Ferguson, 202–653–7499.

Dated: March 7, 1983.

Don W. Minnich,

Acting Associate Director, Wildlife Resources.

[FR Doc. 83-6326 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202–395–7340.

Title: Bird Band Recovery Report (To aid the Service in determining the population size, mortality and survival rates, longevity and migration patterns of migratory birds).
Bureau Form Number: 3–1807.
Frequency: On occasion.
Description of Respondents: Individuals, State and Federal employees who are licensed bird banders.
Annual Responses: 50,000.
Annual Burden Hours: 2,500.
Service Clearance Officer: Arthur J. Ferguson, 202–653–7499.

Dated: March 7, 1983.

Don W. Minnich,

Acting Associate Director, Wildlife Resources.

[FR Doc. 83-6327 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; CNG Producing Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that CNG Producing Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3902, Block 318, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978,

that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 2, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6279 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Howell Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Howell Petroleum Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4909, Block 64, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 2, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6279 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Bouras Industries, Inc. (incorporated in State of New Jersey), 475 Springfield Ave., P.O. Box 662, Summit, NJ 07901.

2. Wholly-owned subsidiaries which will participate in the operations (all incorporated in the State of New Jersey):

A. Nicholas J. Bouras, Inc., 475 Springfield Avenue, P.O. Box 662, Summit, NJ 07901.

B. Prior Coated Metals, Inc., 2233–26th Street, SW., P.O. Box 4117, Allentown, PA 18105.

C. United Steel Deck, Inc., 14 Harmich Road, P.O. Box 352, South Plainfield, NJ 07080.

D. A.B.A. Trucking Corp., 14 Harmich Road, P.O. Box 352, South Plainfield, NJ 07080.

1. Parent corporation and address of principal office: Dean Foods Company, 3600 North River Road, Franklin Park, IL 60131.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

DFC Transportation Company, 12007 Smith Drive, Huntley, IL 60142
Creamland Dairies, Inc., 1911–2nd Street, NW., Albuquerque, NM 87125
Amboy Packaging Co., 100–108 Bluff Street, Amboy, IL 61310
Dean Foods Company, 630 Meadow Street, Belvidere, IL 61008
McCadam Cheese Co., 23 Collins Street, Chateaugay, NY 12920
Dean Foods Company, 6303 Maxon Road, Harvard, IL 60033
Baskin-Robbins, 9400 West Foster, Chicago, IL 60656
Vita Foods Products, 2222 West Lake Street, Chicago, IL 60612
Dean Foods Company, 802 Court Street, Conway, AR 72032
Amboy Packaging Company, 820 Palmyra Avenue, Dixon, IL 61021
Green Bay Food Company, Marlin Street, Eaton Rapids, MI 48827
Price's Creameries, 600 North Piedras, El Paso, TX 79003
Liberty Dairy, 530 North River Street, Evart, MI 49631
Creamland Dairies, Inc., 1201 W. Apache, Farmington, NM 87401
McArthur Dairy, Inc., 1101 N.W. 40th Avenue, Fort Lauderdale, FL 33313
Green Bay Food Company, 857–897 School Place, Green Bay, WI 54303
McCadam Cheese Company, 12 Annette Street, Heuvelton, NY 13654
Dean Foods Company, 11713 Mill Street, Huntley, IL 60142
Dean Foods Co. Warehouse, 12007 Smith Drive, Huntley, IL 60142
Dean Foods Company, 216 Center Avenue, Janesville, WI 53545
Dean Foods Company, 11121 Rodney Parham Road, Little Rock, AR 72212
Dean Milk Company, Inc., 4420 Bishop Lane, Louisville, KY 40218
Dean Foods Company, 6316 Material Avenue, Loves Park, IL 61111
Bell Dairy Products, 201 University, Lubbock, TX 79408
St. Thomas Dairies, Inc., Box 2937, St. Thomas, V.I. 00801
Dean Foods Company, 2040 Madison Avenue, Memphis, TN 38104
Mrs. Weaver's Salads, 2040 Madison Avenue, Memphis, TN 38104
McArthur Dairy, Inc., 6851 N.E. Second Avenue, Miami, FL 33138
Life Style Products Div., Highway 15A, Orange City, FL 32763
T. G. Lee Foods, Inc., 315 N. Bumbay Ave., Orlando, FL 32802
Dean Foods Company, 215 West Third Street, Pecatonica, IL 61063
Dean Foods Company, Business U.S. 31 North, Rochester, IN 46975
Dean Foods Company, 1126 Kilburn Avenue, Rockford, IL 61101
Candy's Dairies, Inc., 332 Pulliam Street, San Angelo, TX 76903
Creamland Dairies, Inc., 1591 Pacheco St., Santa Fe, NM 87501
Field Crest Sales, 401 South Main Street, Westby, WI 54667

Juice Services, Inc., Blackstone Valley Way, 146–295 Industrial Park, Lincoln, RI 02865
Atkins Pickle Company, Inc., 602 East First Street, Atkins, AR 72823

1. Parent corporation and address of principal office. George Weston, Ltd., 22 St. Clair, Avenue E., Suite 202, Toronto, Ontario, Canada M4T 2S3.

2. Wholly-owned subsidiaries which would participate in the operations and the address of their respective principal office.

(a) E. B. Eddy Forest Products Ltd., P.O. Box 3521 Station C, Ottawa, Ontario, Canada Kly 4L5.

(b) William Neilson Ltd., 277 Gladstone Ave., Toronto, Ontario, Canada M6J 3L9.

(c) Bowes Co. Ltd., 75 Vickers Road Toronto, Ontario, Canada M9B 6B8.

(d) Eastern Fine Papers, Inc., 517 South Maine, Brewer, Maine 04412.

(e) Chocolate Products Co. Ltd., 335 Judson Street, Toronto, Ontario, Canada M8Z 5Pl.

1. Parent corporation and address of principal office: Inland Container Corporation, 151 North Delaware St., P.O. Box 925, Indinapolis, Indiana 46206.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation:

a. Anderson Box Company, Inc., Indiana

b. Container Systems, Inc., Colorado

c. El Morro Corrugated Box Corporation, Delaware

d. El Morro Corrugated Box Corporation, de Puerto Rico

e. Fibre-Pacific Paper Products, Inc., California

f. Eastex Packaging Corporated, Delaware

g. Indisc, Inc., Indiana

i. Inland Paper Company, Inc., Indiana

j. Inland Real Estate Investments, Inc., Indiana

k. Pacific Kraft Corporation, California

l. Summit Container Corporation, Virginia

1. Parent corporation: J. R. May Co., Inc., P.O. Box 147, Friendswood, texas 77546.

2. Wholly-owned subsidiary: American Suncoast Transportation, Inc. (Texas).

1. Parent corporation and address of principal office: Norton Simon, Inc., 277 Park Avenue, New York, New York 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Avis, Inc., 900 Old Country Road, Garden City, New York 11530; Delaware.

(ii) Glass Containers Corporation, 535 North Gilbert Avenue, Fullerton, California 92634; Delaware.

(iii) Halston Enterprises, Inc., 6454 Fifth Avenue, New York, 10022; Delaware.

(iv) Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, California 92634; Delaware.

(v) Max Factor & Co., 1655 North McCadden Place, Los Angeles, California 90028; Delaware.

(vi) McCall Pattern Company, The 230 Park Avenue, New York, 10017; Delaware.

(vii) Somerset Importers, Ltd., 1114 Avenue of the Americas, New York, New York 10036; Delaware.

(viii) United Can Company, P.O. Box 4360 2800 East Nutwood Avenue, Fullerton, California 92634;' Delaware.

1. Parent corporation and address of principal office: Seaward Construction Company, Inc., Route 236, Kittery, ME 03904.

2. Wholly-owned subsidiary which will participate in the operation, and State of incorporation: Interstate Equipment Corporation, Incorporated in Delaware.

1. Parent corporation and address of principal office: Universal Management Corporation, Highway 45 South, Post Office Box 192, Columbus, Mississippi 39703–0192.

2. Wholly-owned subsidiarie which will participate in the operations and state of incorporation:

(I) Five star Corporation—Delware.

(II) Century Transportation Corporation—Mississippi

(III) Universal Industries Corporation—Mississippi

(IV) MBI International Corporation—Mississippi.

(V) Vital Systems, Inc.—Nevada.

(VI) Universal Health Services, Inc.—Alabama.

(VII) Two Bits, Inc.—Mississippi.

(VIII) UDI Corporation—Delaware.

(IX) Drinks For All Seasons—Mississippi.

(IX) Universal Marketing Corporation—Mississippi.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6291 Filed 3–10–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only;) Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 47 FR 53271. For compliance procedures, see 49 CFR 1160.88. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publicaiton, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (303) 275–5223.

Volume No. OP3–83

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 138756 (Sub-3(a)), filed February 11, 1983.

Applicant: WORTS TRANSIT CO., INC., 1315 N. North Dr., McHenry, IL 60050. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602 (312) 263–2307. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportion.

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 144184 (Sub-3), filed February 18, 1983. Applicant: DONALD R. SPRAY d.b.a. ELK RIVER LINES, 302 So. Atlantic St., Tullahoma, TN 37388. Representative: L. Wayne Bomar, 104 Depot St., P.O. Box 129, Shelbyville, TN 37160 (615) 684–6213. Transporting *passengers*, in charter and special operations, beginning and ending at points in TN and AL and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 154755 (Sub-2), filed February 18, 1983. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., P.O. Box 278, Badger, IA 50516. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159785 (Sub-1), filed February 18, 1983. Applicant: MEDICINE LAKE BUS COMPANY, INC. d.b.a. MEDICINE LAKE LINES, 835 Decatur Ave., N., Golden Valley, MN 55427. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340–0606. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166034, filed February 2, 1983. Applicant: BAR BEA TRUCK LEASING CO., INC., 70 Kennedy Blvd., Bayonne, NJ 07002. Representative: Barbara Gallagher (same address as applicant), (201) 339–4827. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166315, filed February 18, 1983. Applicant: DUNSMITH INTERNATIONAL U.S., INC., 198 Hill Place Rd., Venetia, PA 15367. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166324, filed February 17, 1983. Applicant: J. LOUIS ASSOCIATES, INC., 3 Tunxis Village, Farmington, CT 06032. Representative: William P. Botticello, 3 Cobbs Rd., West Hartford, CT 06107, (203) 521–8636. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166334, filed February 17, 1983. Applicant: KARL N. MELLON, d.b.a. MELLON TRANSPORTATION, Box 321, North East Harbor, ME 04662. Representative: Hughan R. H. Smith, 28 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166365, filed February 23, 1983. Applicant: TRU-JEN, LTD., 3515 Greenpoint Ave., Long Island City, NY 11101. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755–9500. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3–89

Decided: March 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144315 (Sub-11(b)), filed February 8, 1983. Applicant: PORT CITY LEASING, INC., P.O.B. 498, Lewiston, ID 83501. Representative: Timothy R. Stivers, P.O.B. 1570, Boise, ID 83701, (208) 343–3071. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–123

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 96007 (Sub-32), filed February 18, 1983. Applicant: KENNETH HUDSON, INC., d.b.a. HUDSON BUS LINES, 70 Union St., Medford, MA 02155. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396–4090. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166228, filed February 28, 1983. Applicant: MONTANA TRAVEL, INC., d.b.a. MONTANA TRAVEL/SPECIAL TRAFFIC, 209 S. Willson Ave., P.O. Box 459, Bozeman, MT 59715. Representative: Audrey O'Connell (same address as applicant), (406) 587–4449. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166386, filed February 23, 1983. Applicant: WILLIAM R. EGEMO, 4 N. 15th St., Fort Dodge, IA 50501. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166427, filed February 25, 1983. Applicant: GREER TOURS, INC., 1403 Chestnut Ridge, Kingwood, TX 77339. Representative: Robert G. Greer (same address as applicant), (713) 358-8854. Transporting *passengers*, in special operations, beginning and ending at points in Harris County, TX and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special transportation.

MC 166436, filed February 22, 1983. Applicant: C. W. ENNIS, 3554 McReynolds Ave., Modesto, CA 95355. Representative: George LaBissoniere, 15 So. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166437, filed February 23, 1983. Applicant: WILLIAM HALES d.b.a. FAR WEST ENTERPRISES, 14901 Chandler Rd., Omaha, NE 68138. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. As a *broker of general commodities* (except household goods), between points in the U.S. (except HI).

Vol. No. OP4-130

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 727 (Sub-3), filed February 23, 1983. Applicant: HEGINS VALLEY LINES, INC., P.O. Box 407, Millersburg, PA 17061. Representative: Lloyd L. Persun, P.O. Box 729, Harrisburg, PA 17108-0729, (717) 232-6701. Transporting *passengers*, in charter and special transportation, between points in PA, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 11316 (Sub-2), filed March 1, 1983. Applicant: THE GALION & MANSFIELD TRANSIT COMPANY, 1271 Bowman St., Mansfield, OH 44903. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *passengers*, in charter and special operations, between points in OH, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 45276 (Sub-1), filed February 25, 1983. Applicant: WERTZ MOTOR COACHES, INC., 24 East 9th St., Marcus Hook, PA 19061. Representative: J. Raymond Clark, Suite 350, 1225 19th St., N.W., Washington, DC 20036, (202) 659-0770. Transporting *passengers* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 142867 (Sub-1), filed February 28, 1983. Applicant: AMERICAN PACIFIC FORWARDERS, 5480 Ferguson Dr., Suite 102, Los Angeles, CA 90022. Representative: Paul J. Fox (same address as applicant), (213) 726-1452. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Vol. No. OP4-132

Decided: March 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 144407 (Sub-30), filed March 1, 1983. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. Transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166497, filed February 28, 1983. Applicant: DALTON BUS SERVICE, INC., Route 2, Box 350, Baxter, TN 38544. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219, (615) 255-0540. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166516, filed February 23, 1983. Applicant: S&J SMITH CORPORATION, 307 W. Evans, Rice Lake, WI 54868. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *passengers*, in charter and special operations, beginning and ending at points in WI, MN, MI, IA, and IL and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202-275-7288.

Volume No. OP5-98

Decided: March 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 12798 (Sub-3), filed February 18, 1983. Applicant: XYZ CORPORATION, 1745 Fifteenth St., Boulder, CO 80302. Representative: Andy James (same address as applicant), 303-449-2700. Transporting *passengers*, in charter and special operations, beginning and ending at points in Boulder, CO., and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 134779 (Sub-12), filed February 22, 1983. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1600 S. Jackson, Janesville, WI 53545. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., NW., Washington, DC 20005, 202-296-5188. Transporting for and on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 140319 (Sub-3), filed February 18, 1983. Applicant: SALEM STAGE, INC., 2101 Hamburg Pike, Jeffersonville, IN 47130. Representative: Allison J. Maggiolo, 2556 First National Tower, Louisville, KY 40202, 502-589-4100. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 149189 (Sub-3), filed February 11, 1983. Applicant: PIPELINE INDUSTRIES, INCORPORATED, 11250 East Firestone Blvd., Norwalk, CA 90650. Representative: Kenneth D. McNicol (same address as applicant), (213) 924-0688. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),

between points in the U.S. (except AK and HI).

MC 166268, filed February 15, 1983. Applicant: KENTUCKY CHURCH TOURS INC., 4718 Manslick Rd., Louisville, KY 40216. Representative: Ray Grasmick (same address as applicant), 502–367–8066. Transporting *passengers*, in charter and special operations, beginning and ending at Louisville, KY and points in its commercial zone, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166278, filed February 16, 1983. Applicant: KENNETH E. DUCKER, 4070 Polk Ave., Riverside, CA 92501. Representative: Richard C. Celio, 2300 Camino del Sol, Fullerton, CA 92633, 714–738–3869. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166299, filed February 17, 1983. Applicant: TRIDON BUS CO., INC., 41 Purdy Ct., Rockville Center, NY 11570. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, 212–755–0500. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166328, filed February 18, 1983. Applicant: MERCHANDISE WAREHOUSE CO., INC., 1414 So. West St., P.O. Box 575, Indianapolis, IN 46206. Representative: John A. Finneran (same address as applicant), (317) 632–2525. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166338, filed February 18, 1983. Applicant: YANKEE EXPRESS, INC., 2710 Eastern Ave., Perry, IA 50220. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515–245–4300. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166348, filed February 18, 1983. Applicant: ROCKAWAY VALLEY BUS CO., INC., 23 Slope Drive, Dover, NJ 07801. Representative: James Cicatelli (same address as applicant) (201) 361–5705. Transporting *passengers*, in charter and special operations, beginning and ending at points in NJ, NY, PA, and FL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166349, filed February 17, 1983. Applicant: SAN DIEGO TRAFFIC SERVICES, INC., 4340 Vandever Ave., Suite S, P.O. Box 20597, San Diego, CA 92120. Representative: William R. Daly (same address as applicant), (619) 280–3334. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5–101

Decided: March 2, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 84728 (Sub-68), filed February 16, 1983. Applicant: SAFEWAY TRAILS, INC., 1200 "I" St., NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Suite 415, Dallas, TX 75201, (214) 655–7937. Transporting (1) *passengers*, in charter and special operations, between points in the U.S. (except HI). NOTE: Applicant seeks to provide privately-funded charter and special transportation, and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 127669 (Sub-7), filed February 24, 1983. Applicant: AMERICAN WAY COACH, INC., Beech Ave. & Route 73, (P.O. Box H), Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., 426 Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *passengers*, in special and charter operations, beginning and ending at points in CT, DE, MD, NJ, NY, PA, RI, VA, WV, and DC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148069 (Sub-3), filed February 23, 1983. Applicant: SUSQUEHANNA TRANSIT COMPANY, P.O. Box U, Avis, PA 17721. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, 215–925–8300. Transporting Passengers in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 163879 (Sub-1), filed February 22, 1983. Applicant: MICHAEL CHARLES BROOKS, PATRICIA ANN BROOKS AND ROBERT ARTHUR DOCKERTY, d.b.a. CALIFORNIA LEISURE CHARTER, 2597 Hampshire Rd., Riverside, CA 92506. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166269, filed February 15, 1983. Applicant: DAVID STOCKERT, d.b.a. NORDAK COACHES, 4308 LaSalle Dr., Mandan, ND 58554. Representative: David Stockert (same address as applicant), 701–663–2226. Transporting *passengers*, in charter and special operations, beginning and ending at points in ND and SD and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5–104

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 49366 (Sub-116) filed February 22, 1983. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Wilmer B. Hill, Suite 366, 1030 15th St., NW., Washington, DC 20005, 202–296–5188. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 111749 (Sub-3) filed February 18, 1983. Applicant: H. E. ROHRER, INC., d.b.a. ROHRER BUS SERVICE, P.O. Box 1062, Duncannon, PA 17020. Representative: Robert J. Brooks, 1828 L Street, NW., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165388 (Sub-1) filed February 23, 1983. Applicant: RONSON LEASING, INC., 1244R Manheim Pike, Lyndhurst, NJ 17602. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299–1181. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 166358, filed February 23, 1983. Applicant: ALL WAYS TRAVEL, INC., 11631 W. Florissant, Florissant, MO 63033. Representative: Richard G. Gross (same address as applicant), (314) 831–4444. Transporting *passengers*, in

charter and special operations between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-6882 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 5 at (202) 275-7289.

Volume No. OP5-97

Decided: March 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-669, filed February 17, 1983. Applicant: COUGHLIN TRANSPORTATION, INC., 27050 Wick Rd., Taylor, MI 48180. Representative: William B. Larkin (same address as applicant), 313-946-5010. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives), between Detroit, MI and points in the U.S. (except AK and HI).

MC 41096 (Sub-95), filed February 18, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Hughes Aircraft Company of El Segundo, CA.

MC 79658 (Sub-59), filed February 18, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812-424-2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Combined International Corporation of Northbrook, IL.

MC 103798 (Sub-57), filed February 17, 1983. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (except classes A and B explosives, and household goods), betwen points in the U.S. (except AK and HI), under continuing contract(s) with Mondovi Foods Corporation and Whiteall Processing, Inc., both of Mondovi, WI.

MC 139588 (Sub-9), filed February 18, 1983. Applicant: GRANDVIEW ENTERPRISES, INC., 8265 N. Bothwick Ave., P.O. Box 17335, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in

OR, CA, AZ, WA, ID, UT, TX, CO, MO, MT, OK, and NV, on the one hand, and, on the other, points in OR, WA, RI, NJ, MA, OH, MN, IL, IN, MI, WI, NY, CT, PA, MD, VA, WV, DE, NC, SC, GA, FL, CA, TN, KY, IA, and WY.

MC 140689 (Sub-32), filed February 18, 1983. Applicant: FIVE STAR TRUCKING, INC., 1638 Pioneer Way, El Cajon, CA 92020. Representative: Jon Gramc, 4720 Beidler Rd., Willoughby, OH 44094, 216–953–0300. Transporting *general comodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145978 (Sub-11), filed February 18, 1983. Applicant: R & S TRUCKING, INC., 3421 Hoveland Avenue, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting (1) *food and related products,* between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, TX, UT, WI, and WY, and (2) *chemicals and related products, building materials, clay, concrete, glass or stone products, and ores and minerals,* between points in Custer and Pennington Counties, SD and Natrona County, WY, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KY, LA, MN, MS, MT, NE, ND, NJ, NY, OH, OK, PA, TN, TX, WI, and WY.

MC 155238 (Sub-5), filed February 14, 1983. Applicant: EVAN F. SITTON, d.b.a. E. SITTON TRUCKING, 2211 Whistlers Park Rd., Roseburg, OR 97470. Representative: Evan F. Sitton (same address as applicant), 503–672–2767.Transporting (1) *building materials,* between points in the U.S. (except HI), and (2) *metal products,* between points in CA, IL, MO, on the one hand, and, on the other, points in AZ, CA, CO, ID, ND, NM, NV, MT, OR, TX, UT, WA, and WY.

MC 156829 (Sub-1), filed February 18, 1983. Applicant: AMHOF TRUCKING, DIVISION OF AMHOF FARMS, INC., R.R. 3, Davenport, IA 52804. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4865. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Scot and Clinton Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber, wood products, and building materials,* between points in Cerro Cordo County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162239 (Sub-2), filed February 16, 1983. Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston-Salem, NC 27103. Representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Ave., N.W., Washington, DC 20006, 202–393–5710. Transporting *clothing and related products,* between points in the U.S. under continuing contract(s) with L'eggs Products, a division of Consolidated Foods Corp. of Winston-Salem, NC.

MC 163078 (Sub-1), filed February 17, 1983. Applicant: ART KNIGHT, INC., 705 North Cook St., Portland, OR 97227. Representative: Harold E. Hass, P.O. Box 14626, Portland, OR 97214, 503–284–7431. Transporting *geneal commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 163079 (Sub-1), filed February 18, 1983. Applicant: LETICA RESOURCES, INC., d.b.a., LETICA FREIGHTLINES, 1600 W. Hamlin Rd., Rochester, MI 48063. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313–349–3960. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with DFC Transportation Company of Franklin Park, IL.

MC 164218 (Sub-1), filed February 14, 1983. Applicant: CONTAINER MAINTENANCE SERVICE, INC., P.O. Box 24781, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, 713–898–8066. Transporting (1) *electrical equipment,* and (2) *scrap metal,* between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Pulaski, Quachita, and Hempstead Counties, AR.

MC 165038, filed February 15, 1983. Applicant: JOHNSON TRUCK LINES, INC., P.O. Box 7387, High Point, NC 27264. Representative: Alexander L. Johnson, Jr. (same address as applicant), 919–476–3101. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, SC, VA and GA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165539 (Sub-1), filed February 14, 1983. Applicant: PONDEROSA TRUCKING CO., INC., Rt. 1, Box 12, Houston, MS 38851. Representative: Melvin E. Gann (same address as applicant), (601) 456–5335. Transporting *furniture and fixtures,* between points in Chickasaw County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165809 (Sub-1), filed February 14, 1983. Applicant: COUGAR EXPRESS LINES, INC., 24–50 Wright Ave., Auburn, NY 13021. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, 202–296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165848, filed February 16, 1983. Applicant: P. L. PECORARO, d.b.a. P. L. PECORARO TRUCKING, 1227 Wooded Fork, Chesterfield, MO 63017. Representative: P. L. Pecoraro (same address as applicant), 314–458–2093. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Prairie Farms Dairy, Inc., and its P.F.D. Supply Corp. Division of Granite City, IL.

MC 166288, filed February 16, 1983. Applicant: J & L TRUCKING, INC., 214 Escambia Drive, Winter Haven, FL 33880. Representative: M. Craig Massey, 1701 South Florida Avenue, P.O. Drawer 2787, Dixieland Station, Lakeland, FL 33806-2787, (813) 682-1178. Transporting *food and related products,* between points in FL, GA, AL, NC and SC, on the one hand, and, on the other, points in MI, OH, IN, IL, IA, MO, NE, KS, MN, ND, SD, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. § 11343 (e) seeking an exemption from the requirements of 49 U.S.C. § 11343, (2) file an application under 49 U.S.C. § 11343 (A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

Volume No. OP5–100

Decided: March 2, 1983.

By the Commission. Review Board No. 1, members Parker, Chandler, and Fortier.

MC 41098 (Sub-98), filed February 22, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., 20006, (202) 833–8884. Transporting *households goods,* between points in the U.S., under continuing contract(s) with the Hertz Corporation, of New York, NY.

MC 51018 (Sub-20), filed February 18, 1983. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati,

OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S (except AK and HI), under continuing contract(s) with Cincinnati Milacron Marketing Company, of Cincinnati, OH.

MC 118838 (Sub-101), filed February 22, 1983. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Patrick M. Porritt (same address as applicant), 218-847-9217. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI).

MC 143709 (Sub-2), filed February 18, 1983. Applicant: JAMES H. PAXSON & SONS, INC., P.O. Box 57P, West Grove, PA 19390. Representative: Brian S. Stern, 5411-D Backlick Rd. Springfield, VA 22151, 703-941-8200. Transporting *food and related products*, between points in New Castle County, DE, and Delaware, Chester, Lancaster, Berks, and Montgomery Counties PA, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 144428 (Sub-17), filed February 18, 1983. Applicant: TRUCKADYNE, INC., Route 16 P.O. Box 306, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant) 1-800-982-4723. Transporting *printed matter*, and *pulp, paper and related products*, between points in the U.S. (except AK and HI), under continung contract(s) with Rand McNally & Co., of Skokie, IL.

MC 144858 (Sub-53), filed February 18, 1983. Applicant: DENVER SOUTHWEST EXPRESS, INC., 11900 Stagecoach Rd., Little Rock, AR 72219. Representative: Scott E. Daniel (same address as applicant) (501) 455-4911. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159659 (Sub-3), filed February 18, 1983. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Ave., Hillside, NJ 07205. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Transporting *instruments and photographic goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Disposable Medical Products, Inc., Of Slidell, LA.

MC 163948 (Sub-1), filed February 17, 1983. Applicant: SID ROLLINGS AND TINA ROLLINGS, d.b.a. ROLLINGS TRUCKING, Box 273, Hudson, SD 57034. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103 (605) 335-1777. Transporting *metal products, lumber and wood products, and machinery*, between points in IA and SD, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 166359, filed February 22, 1983. Applicant: ROBERT M. MENNING, d.b.a. BOB MENNING TRUCKING, Route 1, Box 298, Edgerton, MN 56128. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103 (605) 335-1777. Transporting (1) *food and related products, and chemicals and related products*, between points in IL, KS, and UT, on the one hand, and, on the other, points in IA, MN, SD, and WI, and (2) *chemicals and related products, and farm equipment and supplies*, between points in MN, on the one hand, and, on the other, points in IA, MN, MT, NE, SD, and WI.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-126

Decided: March 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-165357, filed February 16, 1983. Applicant: RUSS' DISTRIBUTING, INC., 555-76th St., SW, Grand Rapids, MI 49509. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503 (616) 459-6311. Transporting *household appliances, furniture and fixtures, musical instruments, plumbing and heating equipment, fixtures, accessories and supplies, office equipment, building and remodeling equipment and supplies*, between points in Montcalm, Ionia, Newaygo, Muskegon, Kent, Allegan, Barry, Kalamazoo and Ottawa Counties, MI, under continuing contracts(s) with Sears, Roebuck & Co., of Chicago, IL.

Volume No. OP4-122

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-13087 (Sub-61), filed February 16, 1983. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd St., SW, Mason City, IA 50401. Representative: William L. Fairbank., 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC-74416 (Sub-36), filed February 23, 1983. Applicant: LESTER M. PRANGE, INC., P.O. Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 296-3555.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with A & S Transportation Services, Inc., of Coatesville, PA.

MC-156306 (Sub-1), filed February 28, 1983. Applicant: SHIPPER'S CHOICE CORPORATION, 200 Curry Hollow Rd., Pittsburgh, PA 15236. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC-160556 (Sub-1), filed February 22, 1983. Applicant: MARCO TRANSPORTATION, 3225 Dug Gap Rd., P.O. Box 2468, Dalton, GA 30720. Representative: Walter E. Collins (same address as applicant) (404) 277-9841. Transporting (1) (a) *pulp, paper and related products*, and (b) *rubber and plastic products*, between points in the U.S. (except AK and HI), (2) *clay, concrete, glass or stone products*, between points in TN and OH, on the one hand, and, on the other, points in AL, GA, NC, SC, KY, VA, MS, MI, PA, IL, IN, WV, and MO, (3) *textile mill products*, (a) between points in MI, OH, VA, NC, SC, TN, GA, IN, and TX, (b) between points in NJ, on the one hand, and, on the other, points in MI, IN, OH, VA, NC, SC, GA, and TX, and (c) between points in VA, on the one hand, and, on the other, points in GA, AL, TN, KS, MI, IL, IN, OH, PA, and MO, and (4) *X-ray, radiology, electrical and surgical equipment, boxes, cabinets, desks, tables, and chairs*, between points in MI, IL, IN, WI, OH, PA, MO, GA, AL, LA, TX, and FL.

MC 164406 (Sub-1), filed February 25, 1983. Applicant: MERIT MOTOR FREIGHT, INC., 3467 Holeman Place, Memphis, TN 38118. Representative: Danny R. Henderson (same address as applicant) (901) 363-4035. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IN, TN, LA, TX, OH, MN, CA, FL, VA, OR, KS, AL, AR, GA, IL, IA, MI, MS, MO, NE, NC, OK, SC, WV, WI, NY, PA, WA, NJ, MD, and CO.

MC 164947, filed February 25, 1983. Applicant: HAF GROUP, INC., 341 Cumberland, St., Memphis, TN 38112. Representative: Ralph D. Golden, Suite 2348—100 N. Main Bldg., Memphis, TN

38103, (901) 526–1122. Transporting *carpet and carpet products*, between Columbus, GA, on the one hand, and, on the other, points in TN, MS, LA, AR, MO, AL, TX, OK, KY, NC, and SC, under continuing contract(s) with Columbus Mills, Inc., of Columbus, GA.

MC 166396, filed February 23, 1983. Applicant: MOTORCYCLE DEALER SERVICE, INC., 604 Rancheros Dr., San Marcos, CA 92069. Representative: John H. Lawson (same address as applicant), (619) 727–1190. Transporting *transportation equipment and machinery*, between points in AZ, on the one hand, and, on the other, points in CA.

Volume No. OP4–127

Decided: March 3, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 111947 (Sub-13), filed February 7, 1983, noticed in the **Federal Register** issue of February 24, 1983, and republished this issue. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232–6500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, GA, IL, IN, IA, KS, KY, MD, ME, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC.

Note: The purpose of this republication is to correct the territorial description.

[FR Doc. 83-6283 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP3–81]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: March 2, 1983.

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49500, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3, at (202) 275–5223.

MC 139754 (Sub-6)X, filed February 23, 1983. Applicant: SOFT DRINK CARRIERS, INC., 1882 East Highland Road, Twinsburg, OH 44087. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765–1600. Sub 3 and 4F Permits: broaden commodity description from soft drinks (except in bulk) and materials, equipment and supplies to "beverages and related products" (Sub 3), broaden containers, container closures, packaging products, container components, and scrap materials and equipment, materials and supplies used in the manufacture, and/or distribution of containers to "containers and related products and metal products" (Sub 4F); and broaden the territorial description to between points in the U.S. (except AK and HI), under contract(s) with named shippers (Sub 3 and 4F).

[FR Doc. 83-6286 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP3–MCFC–82]

Motor Carriers; Decision Notice; Finance Applications

Decided: March 4, 1983.

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 3, (202) 275–5223.

MC–FC–81108. By decision of March 4, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to T. G. & D. S. FREIGHT SERVICE, INC. d.b.a. G & S FREIGHT SERVICE of Certificate No. MC–4024 issued December 5, 1983 to HORN TRUCKING CO. authorizing the transportation of *general commodities* (usual exceptions), over regular routes between Marine, IL and St. Louis, MO, serving all intermediate and off-route points within five miles of Marine, IL, (a) from Marine over unnumbered hwy to St. Jacob, IL, then over U.S. Hwy 40 to St. Louis, and return over the same route, and (b) from Marine over unnumbered hwy to junction IL Hwy 43, then over IL Hwy 43 to junction U.S.

Hwy 40, then over U.S. Hwy 40 to St. Louis, and return over the same route.

Notes.—(1) Transferee is a non-carrier. (2) An application for temporary authority has been filed.

[FR Doc. 83-6285 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15114]

Adrian Carriers, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor in Possession)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte 400 (Sub-No. 1), *Procedures Handling Exemptions filed by Motor Carriers*, 367 I.C.C. 113 (1982), Adrian Carriers, Inc. (MC-146553) seeks an exemption from the requirement under § 11343 of prior regulatory approval for the acquisition of a portion of the operating authority of Spector Red Ball, Inc. (SRB) (MC-2229) which authorize generally the transportation of general and specific commodities over regular, irregular and alternate routes in IL, WI, IA, CO, NE, IN, KS, and MO. Temporary authority has been requested.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, James M. Hodge, Isaacon, Clarke, Vernon & Hodge, 3730 Ingersall, Des Moines, IA 50312.

Comments should refer to No. MC-F-15114.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6286 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15151]

Dick Irvin, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Dick Irvin, Inc. (Dick Irvin) (No. MC-119634) and Shoemaker Trucking Company (Shoemaker) (No. MC-138875) (acting by Loren Wetzel, its trustee in bankruptcy) seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by Dick Irvin of a portion of the operating rights of Shoemaker.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send Comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701.

Comments should refer to No. MC-F-15151.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6288 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15126]

Rock Haulers, Inc.—Purchase Exemption—D.D.H., Inc.

Decided: March 7, 1983.

Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Rock Haulers, Inc. (Rock Haulers), a noncarrier, and D.D.H., Inc. (D.D.H), a motor carrier holding authority in Certificate No. MC-149353 seek an exemption from the requirement of prior, regulatory approval under 49 U.S.C. 11343 for the acquisition by Rock Haulers of D.D.H.'s operating authority. The parties have failed to establish that the proposed transaction would otherwise be subject to our regulation under section 11343 and, accordingly, the petition for exemption will be dismissed.

The parties state that D.D.H. seeks to transfer its operating authority to Rock Haulers without compensation. In addition, they note that the stockholders, officers, and directors of D.D.H. and Rock Haulers are identical. Revenues of D.D.H. do not exceed $2 million.

The transaction proposed here is one involving the transfer of operating rights, a "split-up" of its authority, and therefore subject to 49 U.S.C. 10926. Compare *County of Marin* v. *United States*, 356 U.S. 412 (1958), and *See* No. MC-FC-71649, *Zimmerman Moving & Storage Co., Transferee and T. M. Zimmerman Company, Transferor* (not printed), decided May 25, 1970, which extended *County of Marin* to situations involving transfers of authority between horizontal corporate affiliates.

Even in the absence of *County of Marin* and *Zimmerman*, the transaction would still be a section 10926 transfer, since Rock Haulers is a noncarrier. Approval under 49 U.S.C. 11343 of its control in a common interest with D.D.H. is not required because D.D.H's revenues are below the $2 million jurisdictional threshold of section 11343(d)(1).

We may use the section 11343(e) procedures to exempt only transactions which would otherwise be subject to regulation under section 11343. Here the transfer of D.D.H's authority to Rock Haulers is not subject to regulation under that section, and, accordingly, the petition for exemption must be dismissed. The parties should refile using Form OP-FC-1 in accordance with the Commission's regulations set forth at 49 CFR Part 1181.

It is ordered:

The petition for exemption, filed pursuant to 49 U.S.C. 11343(e), is dismissed.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6287 Filed 3-10-83; 8:45 am]
BILLING CODE 7035-01-M

Society of the Plastics Industry; Section 10706(a)(5)(A) Application No. 7

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comment.

SUMMARY: Under the provisions of 49 U.S.C. 10706(a)(5)(A), shippers wishing to enter into an agreement among themselves to discuss the amount of compensation to be charged rail carriers for the use of privately owned cars must apply to the Commission for approval of the agreement. The Commission will approve the agreement only upon finding that it furthers the rail transportation policy set forth in 49 U.S.C. 10101a; if necessary, the commission can impose conditions to further that policy. If the agreement is approved, the antitrust laws do not apply to parties and other persons with respect to the making and carrying out of the agreement.

An application for approval of an agreement under 49 U.S.C. 10706(a)(5)(A) has been filed by The Society of the Plastics Industry on behalf of members who own or lease rail cars. the application may be inspected at the Office of the Secretary, Interstate Commerce Commission, in Washington, DC.

Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101a? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of the agreement?

(3) What, if any, safeguards are necessary to ensure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the society?

(4) What other matters should the Commission consider in determining whether the agreement should be approved?

While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

DATES: An original and 10 copies of comments by interested parties should be filed by March 31, 1983.

ADDRESS: Comments should be addressed to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Louise E. Gitomer, (202) 275–7245.

(49 U.S.C. 10706(a)(5))

Dated: March 7, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6280 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15131]

Stephen A. Lawrence, Alton S. Lawrence, Jay A. Lawrence, and E. Ross Flowers—Control Exemption—T-Line, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers*, 363 I.C.C. 113 (1982), Steven A. Lawrence, Alton S. Lawrence, Jay A. Lawrence, and E. Ross Flowers, who jointly control Lawrence Transportation Services, Inc., a non-carrier, which in turn controls Redwing Transportation Corporation (No. MC–148036), seek an exemption from the requirement under section 11343 of prior regulatory approval for their acquisition of control of T–Line, Inc. (No. MC–147913), through the purchase of all of T–Line's stock.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, D.C. 20036.

Comments should refer to No. MC–F–15131.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 7, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6284 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(3), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275–7278, or Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
843	Ann Arbor Railroad System, ICC–AA–C–0010 (Switching charges)	3	3–7–83
844	Burlington Northern Railroad Co., ICC–BN–C–0294, (Soda ash)	1	3–7–83
845	Norfolk and Western Railway Co., ICC–NW–C–7017, (Bituminous coal) Port of Charleston, SC	3	3–7–83
849	The Texas Mexican Railway Co., ICC–TM–C–31, Supplement 2, (Grain)	3	3–7–83
851	St. Louis Southwestern Railway Co., ICC–SSW–C–0366, (Lumber)	1	3–7–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6290 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

Commission Issuance; Absentee Voting

AGENCY: Interstate Commerce Commission.

ACTION: Commission issuance.

SUMMARY: This notice adds a new procedure to the issuance that governs the Commission's internal operations. The procedure explains absentee voting by members of the Commission, and the circumstances under which such voting is permitted.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King, 202-275-0956.

SUPPLEMENTARY INFORMATION: The Commission issuances are amended by adding the following provisions:

14. *Absentee Voting* (a) *General.* No Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action. A Commissioner may, however, vote when absent if the Chairman determines that one of the special cicumstances delineated below is met. The absent Commissioner's vote shall be based on his or her reasoned judgment after consideration of the details of the matter as explained to him or her by a member of the Commissioner's staff. The absent Commissioner must vote by a telephone call to the Chairman's office. The absent Commissioner must confirm the vote by telegram, mailgram or other written communication addressed to the Chairman and delivered no later than the close of business of the second succeeding working day.

(b) *Special Circumstances.* Absentee voting may be permitted if: (1) A majority is needed on a particular matter, and the Chairman determines that action is in the public interest; (2) a Commissioner notifies the Chairman's office at any time prior to the close of the voting period that he or she wishes to vote on a particular matter that will be voted upon while he or she is away; or, (3) a Commissioner notifies the Chairman that he or she is physically unable to be present because of illness, injury, or other incapacity.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

(49 U.S.C. 10306, 10321(a); 5 U.S.C. 553(b)(A))

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6417 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisor Committee Act, notice is hereby given of the fifty-fifth meeting of the Board for International Food and Agricultural Development (BIFAD) on March 31, 1983.

The purpose of the meeting is to consider the AID-university Memorandum of Understanding process, progress and prospects; discuss the AID strategy papers in agriculture and nutrition and their relation to regional strategies; receive a status report on a proposed program for orientation and preparation of Title XII university personnel for AID overseas technical assistance contracts; hear a report on the activities of the Joint Committee on Agricultural Research and Development (JCARD); and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:30 a.m. and adjourn at 12:15 p.m., and will be held in Room 1107, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 8:00 a.m. and adjourn at 9:15 a.m. This meeting will be held in Room 1408, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Research and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as AID Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: March 8, 1983.

Erven J. Long,

AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 83-6382 Filed 3-10-83; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Advisory Committee on the Implementation of the Job Training Partnership Act; Establishment

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Labor has determined that the establishment of the Advisory Committee on the Implementation of the Job Training Partnership Act (JTPA) is in the public interest in connection with the performance of duties imposed on the Department by the Job Training Partnership Act, Pub. L. 97-300, October 13, 1982.

The Committee will advise the Assistant Secretary on the transition issues from the Comprehensive Employment and Training Act (CETA) into programs authorized by JTPA. The Committee's objective and the scope of its activity wil be to:

1. Identify and assess options relating to the transition into the Job Training Partnership Act and out of CETA;

2. Encourage timely and accurate communication among all parts of the training and employment system;

3. Identify potential impediments to the development and implementation of training and employment programs, and

4. Engender a spirit of partnership throughout the implementation of the Job Training Partnership Act.

The Committee will consist of approximately 30 members including representatives of: (a) Private employers; (b) State governments, including both the executive and legislative branches; (c) local governments, including both cities and counties; (d) labor organizations; (e) community organizations; and (f) other related perspectives, including academe.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will

be filed under the Act 15 days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on the Implementation of the Job Training Partnership Act. Such comments should be addressed to: Mr. Patrick J. O'Keefe, Director, Transition Task Force, Office of the Assistant Secretary, Employment and Training Administration, 601 D Street, NW., Room 8400, Patrick Henry Building, Washington, D.C. 20213; telephone (202) 376–6444.

Signed at Washington, D.C., this 8th day of March 1983.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 83-6679 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Periods in the States of Iowa and Rhode Island

This notice announces the beginning of new Extended Benefit Periods in the States of Iowa and Rhode Island, effective on February 20, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of each State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 5, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, new Extended Benefit Periods commenced in those States with the week beginning on February 20, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency of each State will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency of each State also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in a State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on February 28, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-6677 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97–300); Proposed Allotment Methodology for Distribution of Funds to the Territories Under Title II, Part A, Section 201(a); Training Services for the Disadvantaged; Adult and Youth Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice proposes an approach to the distribution of funds to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands for programs under Title II–A, Section 201(a) of the Job Training Partnership Act (JTPA). There is no statutory formula for distributing funds among the territories.

FOR FURTHER INFORMATION CONTACT: Robert Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street NW., Room 6402, Washington, D.C. 20213, telephone number (202) 376–6093.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Job Training Partnership Act (JTPA) requires that not more than $5,000,000 be allotted among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. There is not statutory formula for distributing the $5,000,000 among the territories.

In the past (under CETA) the territories' allotments were tied to the appropriation and went up or down as the appropriation went up or down.

In an atttempt to be consistent with the statutory formula for allotment among the States, the following formula is proposed:

1. 100 percent of the $5,000,000 be allotted on the basis of the relative population (as published by the U.S. Bureau of the Census) residing in each territory as compared to the total population residing in all territories.

2. No territory shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this allotment process, the allotment percentage for each territory for the Fiscal Year 1982 is the percent that each territory received in 1982, pursuant to the total of such allocations for all territories made under CETA in Fiscal Year 1982. For each succeeding fiscal year the allotment percentage of a territory shall be the percentage which the territory received of allotments pursuant to this allotment formula.

The population data will be updated annually, No unemployment data are available for the territories.

DATE: Comments must be submitted on or before April 11, 1983.

ADDRESS: Comments should be addressed to Robert Colombo, Acting Director, Office of Employment and Training Programs, 601D Street, NW., Room 6402, Washington, D.C. 20213.

Signed this 7th day of March 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

[FR Doc. 83-6381 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-11-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, St. Louis, MO 63102 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms and guards) to its Black Mesa Surface Mine (I.D. No. 02-00533) located in Navajo County, Arizona. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer bank of elevated roadways.

2. The surface mining operation is multiple seam method that requires equipment within the pits to travel upon the coal seam or parting.

3. Petitioner states that installation of berms on the coal seam and parting within the working area of the pits would result in a diminution of safety for the miners affected because:

a. Equipment must be used extremely close to the edge in order to place the berms;

b. The berms obscure vision, especially at night and during inclement weather.

4. As an alternate method, petitioner proposes to:

a. Mark the boundary of coal seams by use of eight-foot tall warning tubes placed at suitable intervals;

b. Make frequent inspection of the boundary tubes to determine their adequate placement and repair;

c. Continue a regular program of safety instruction on the specific hazards involved with equipment near the edge.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 11, 1983. Copies of the petition are available for inspection at that address.

Dated: March 7, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-6379 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Program

Employee Benefit Plans; Prohibited Transaction Exemptions

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

A. G. Edwards Directed Investment Retirement Plan for Self-Employed Individuals (Keogh), Retirement Accounts, Inc. (the Plan), Located in El Paso, Texas

[Application No. D-3493]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of certain partnership

interests by the Plan to Cliff Electrodiagnostic, Inc. (Cliff), a party in interest with respect to the Plan, for the total amount of $10,500, provided that the terms of the sale are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

Summary of Facts and Representations

1. The Plan is a self-directed Keogh plan with two participants. The Plan trustee is A. G. Edwards (the Trustee), a national stock brokerage firm. The Plan was adopted in 1977 by the medical practice of Martin Heitzman, M.D. (Dr. Heitzman) for its employees. The two participants in the Plan are Dr. Heitzman and Phyllis Geary, a common law employee of the medical practice. Contributions to the Plan ceased in 1981 when Dr. Heitzman incorporated his practice. As of December 10, 1982, Dr. Heitzman's account in the Plan had total assets of $29,428.

2. In August of 1981, Dr. Heitzman directed the Trustee to acquire five units of ownership (the Partnership Interests) in El Paso Medical Laboratory, Ltd. (the Partnership) for his individual account at a cost of $10,000.

3. Dr. Heitzman requests an exemption to permit him to sell the Partnership Interests to Cliff, a Texas corporation in which he owns a 50 percent interest. Dr. Heitzman wishes to sell the Partnership Interests because they will not generate significant earnings for some time, and he now believes that the Partnership Interests are a poor investment for his account in the Plan.

4. Dr. Heitzman proposes to sell the Partnership Interests to Cliff for $2,100 per unit. This would be a total sales price of $10,500 for the Partnership Interests payable in cash. Dr. Heitzman represents that this price represents fair market value because on May 18, 1982 an unrelated third party acquired two units of the Partnership at $2,100 per unit.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) The transaction will be a one-time, cash transaction;

(2) The Plan will be able to divest itself of a low income producing investment which has proven difficult to sell to an unrelated party;

(3) The Plan will receive fair market value for the Partnership Interests; and

(4) The only Plan participant to be affected by the proposed transaction will be Dr. Heitzman and he requests that the transaction be consummated.

Notification of Interested Persons: Because Dr. Heitzman is the only person affected by the transaction, there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after publication in the Federal Register.

For Further Information Contact: Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Emjay Corporation Master Profit Sharing Trust and Plan (the Trust) as Adopted by the Warner S. Bump Medical Group, S.C. Profit Sharing Plan and Trust (the Plan), Located in Rhinelander, Wisconsin

[Application No. D-3763]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan of funds by the Plan to Warner S. Bump Medical Group, S.C. (the Employer), the sponsor of the Plan, and the Warner S. Bump Medical Building (the Partnership), parties interest with respect to the Plan, provided that the terms and conditions of the loans are not less favorable to the Plan than those obtainable in similar transactions with an unrelated third party.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 78 participants. As of March 31, 1982, the Plan had net assets of $1,764,618. The Plan adopted the Trust on April 2, 1979. Three principals of the Employer, Drs. George F. Pratt, John F. Brown and Leo G. Norden constitute an administrative committee which directs the trustee of the Trust, Mr. Louis A. Maier III, as to Plan investments.

2. The Employer is a medical clinic located in Rhinelander, Wisconsin. As of November, 1982, the Employer employed 16 physicians of which 14 are equal shareholders of the Employer. As of January 1, 1983, the Partnership consisted of 13 partners, many of whom are shareholders of the Employer. The Partnership was formed for the purpose of owning, operating and leasing real estate to be used in the practice of medicine.

3. The applicant is requesting an exemption to allow the Plan to loan $114,800 to the Partnership (Partnership Loan) and $64,000 to the Employer (Employer Loan). The proceeds from the Partnership Loan will be used by the Partnership to refinance indebtedness incurred with respect to the acquisition of two parcels of real property located adjacent to the Employer's main facility, and the renovation and construction of portions of the second floor of the Employer's main facility. The total purchase price of the two parcels of real property was $51,500, and the total cost of the renovation will be approximately $115,000. The proceeds from the Employer Loan will be used to refinance indebtedness incurred with respect to the purchase by the Employer of data processing equipment (the Equipment) on March 30, 1982. The total cost of such equipment, excluding sales tax, was $60,942. The Equipment was purchased from SSI/MSI, located in Milwaukee, Wisconsin.

4. The terms of each loan will provide for the payment of interest on its unpaid principal balance at a rate the greater of 1¼% above the prime rate as quoted by the First National Bank of Minneapolis, or 8%. The interest rate will be adjusted monthly. The Partnership Loan will be repaid in 120 equal monthly installments, and the Employer Loan will be repaid in 48 equal monthly installments.

5. The loans will be secured by a perfected first security interest in the Equipment and any and all additions made to the Equipment, and in all accounts receivable owned and to be owned in the future by the Employer. As of September, 1982, the accounts receivable had a face value of $903,622. The average balance in the outstanding accounts is $74.45, and in 1982 a reserve for bad debts of 4.5% was established. As of September, 1982, receivables having a value of $365,170 were outstanding for greater than 120 days. In addition to the previously mentioned collateral, the Partnership Loan will also be secured by a duly recorded first mortgage on the two parcels of real property recently acquired by the Partnership. The Employer will insure all of the collateral for the loans against fire or other loss and the Plan will be the named insured of such insurance policies.

6. The partners of the Partnership will jointly and severally guarantee the repayment of the loans. The partners have a net worth, as of May, 1982, in excess of $2.7 million.

7. The Richfield Bank & Trust Co. (the Bank), located in Richfield, Minnesota,

will serve as the fiduciary for the Plan with regard to the assets of the Plan to be involved in the loan transactions. The Bank does not maintain any commercial and/or business relationships with the Employer. The Bank has broad experience in pension and profit sharing plan administration, and has general investment and management expertise. The Bank has reviewed the terms of the loans and has initially detemined that the loans are appropriate investments of the Plan, and will be in the best interests of the Plan and its participants and beneficiaries. The Bank has determined that the interest rates of the loans are appropriate interest rates. The Bank has reviewed the value of the properties, computer equipment, and accounts receivable which will act as security for the proposed loans and believes that such collateral is adequate to secure the loans.

8. The Bank will have final administrative authority and control over the loans, and will monitor and enforce the performance of the Employer's and the Partnership's obligations under the loans. Additionally, the Bank's duties will include, but not be limited to, the monthly adjustment of the loans' interest rates, the determination of any need for the provision of additional collateral to ensure that the total value of the collateral securing the loans remains in excess of 150% of the outstanding balance of the loans, determining whether adequate insurance on all collateral is maintained to protect against a loss by fire or other damage, and the execution and filing of a valid security agreement, financing statement and first mortgage in favor of the Plan.

9. In summary, the applicant represents that the proposed loans will satisfy the statutory criteria of section 408(a) of the Act because: (a) The loans will be secured by a perfected first security interest and a duly recorded first mortgage in insured collateral which has a value greatly in excess of the outstanding balance of the loans; (b) the Bank, an independent qualified party will serve as the fiduciary of the Plan with regard to the loans and has determined that the loans are appropriate and in the best interests of the Plan; and (c) the Bank will completely monitor the loans and enforce the performance of the Employer's and the Partnership's obligations under the loans.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Tarboro Clinic, P.A. Restated Money Purchase Pension Plan (the Money Purchase Plan) and the Tarboro Clinic, P.A. Restated Profit Sharing Plan (the Profit Sharing Plan; collectively, the Plans), Located in Tarboro, North Carolina

[Application Nos. D-3780 and D-3781]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 408(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the past purchases totalling 240 shares of the common stock of the Edgecombe Bank and Trust Company (Edgecombe) from Dr. Victor Herring III (Herring), by the individual accounts of Herring in the Plans provided that the price paid for such stock was not greater than the fair market value of the stock at the time of the transactions. Herring is a director of the Tarboro Clinic, P.A., the sponsor of the Plans and at the time of such purchases was a director of Edgecombe.

1. The Plans are administered under a single trust by the Branch Banking and Trust Company (the Bank) located in Tarboro, North Carolina, which is the trustee of the Plans. Pursuant to the Plans' documents, participants of the Plans may direct the investments of their individual accounts.

2. At his own direction, on April 13, 1977, Herring sold to his individual accounts 100 shares of common stock of Edgecombe, a bank which was formerly the trustee of the Plans and which subsequently merged with the Bank. The price of the Edgecombe common stock per share in such transaction was $26.50. The price of $26.50 was established by the Bank on the basis of an estate tax valuation which had been performed by the Bank. The Bank represents that such estate tax valuation was used because at the time of the transaction the lack of a trading market in the edgecombe common stock prevented obtaining a market price quotation. This purchase involved 12.66% of Herring's individual account balances at the time of this transaction. The Pension Plan received 24.08 shares, having contributed $638.12 of the purchase price, and the Profit Sharing Plan received 75.92 shares, having contributed $2,011.88 of the purchase price. The applicant represents that this allocation of shares received by each Plan was mandated by the terms of the trust instrument of the Plans. At his own direction, on February 5, 1979, Herring sold to his individual accounts 100 shares of common stock of Edgecombe. The price of the stock per share in such transaction was $25.875, which was the prevailing bid price obtained by the Bank from Merrill, Lynch, Pierce, Fenner, and Smith, Inc. (Merrill Lynch) and Wheat First Securities, Inc., both of which are New York Stock Exchange member brokers that maintained market positions in the Edgecombe common stock at the time of this transaction. This purchase involved 9.24% of Herring's individual account balances at the time of this transaction. The Pension Plan received 24.06 shares, having contributed $623.07 of the purchase price, and the Profit Sharing Plan received 75.92 shares, having contributed $1,964.43 of the purchase price. This allocation between the Plans was mandated by the terms of the trust instrument of the Plans. At his own direction, on July 13, 1979, Herring sold to his individual accounts 40 shares of the common stock of Edgecombe. The price of the Stock per share in such transaction was $26.625, which was the prevailing bid price obtained by the Bank from Merrill Lynch and Wheat First Securities, Inc. Both of which maintained market positions in the Edgecombe stock at the time of the transaction. This purchase involved 3.35% of Herring's individual account balances at the time of this transaction. The Pension Plan received 9.63 shares, having contributed $256.45 of the purchase price, and the Profit Sharing Plan received 30.37 shares, having contributed $808.55 of the purchase price. This allocation between the Plans was mandated by the terms of the trust instrument of the Plans.

3. The total cumulative investment of Herring's individual accounts in purchases of the Edgecombe common stock from Herring amounted to 19.84% of Herring's individual account balances following the final purchase. The shares of the Edgecombe common stock purchased from Herring have at all times been held in Herring's individual accounts and have not been commingled with other assets of the Plans. The purchases of Edgecombe common stock from Herring did not involve any brokerage commissions or other expenses. Herring's individual accounts in the plans are 100% vested.

4. At the time of each transaction, Herring was a director of Edgecombe. The applicant represents that the directorship provided only nominal economic benefit to Herring involving only the receipt of meeting attendance fees. The applicant represents that the Edgecombe common stock was purchased by the Plans because it was a desirable investment for his individual accounts. In addition, the Bank represents that such purchases were in the best interests of the individual accounts for which the Edgecombe common stock was purchased. The Bank has also certified that the prices of the Edgecombe common stock purchased for Herring's individual accounts represented the fair market value of the Edgecombe common stock at the time of each purchase.

5. In summary, the applicant represents that the transactions satisfied the statutory criteria of section 406(a) of the Act because: (1) The trustee of the Plans has certified that the transactions were in the best interests of the individual accounts for which the purchases were made; (2) the Edgecombe common stock was sold to Herring's individual accounts at the prevailing fair market price as certified by the Bank; and (3) the only assets of the Plans affected by the transactions are those in Herring's individual accounts and he directed the purchases in accordance with the provisions of the trust instrument of the Plans.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free Number.)

Gerber & Linton Self-Employed Retirement Plan—H.R. 10 Plan (the Plan), Located in Reading, Pennsylvania

[Application No. D-3918]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the loans (the Loans) made by the Plan on October 19, 1982 to Mr. Jack A. Linton and Mr. Bernard R. Gerber, respectively, both of whom are owner-employees with regard to the Plan as defined in section 401(c)(3) of the Code. The Loans involve only the individual Plan accounts of Messrs. Linton and Gerber. Section 408(d)(1) of Title I of the Act provides that the Department lacks authority to grant an exemption under section 408(a) of the Act for loans by a Plan to an owner-employee. Therefore, the Department cannot grant an exemption under Title I for the Loans. However, there is jurisdiction under Title II of the Act, pursuant to section 4975 of the Code. The applicant recognizes that the exemptive relief proposed herein would not apply to prohibited transactions described in Title I of the Act.

Effective Date: The effective date of the proposed exemption, if granted, will be October 19, 1982.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with five participants and net assets of $116,590.09 as of October 19, 1982. The Plan trustee (the Trustee) is American Bank and Trust Company. While the Trustee has fiduciary authority and responsibility with regard to Plan assets, Messrs. Linton and Gerber directed the Trustee to make the Loans from their respective nonforfeitable accrued individual Plan accounts.

2. On October 19, 1982, the Plan made Loans of $22,500 to Mr. Linton and $10,500 to Mr. Gerber. Each Loan bears an annual interest rate of 16½% and a term of five years with payments of interest only until the end of the Loan term. The security for each Loan is the nonforfeitable accrued benefit of the borrower, which was $55,417.16 for Mr. Linton and $57,949.28 for Mr. Gerber at the time the Loans were made. The net worth of Messrs. Linton and Gerber is substantially in excess of the amounts of their respective Loans. The terms of the Loans were arrived at in consultation with the Trustee. The interest rate reflects the rate charged by the Trustee bank to its customers for similar loans at the time the Loans were made.

3. In summary, the applicants represent that the Loans satisfy the statutory criteria of section 406(a) of the Act due to the following:

(a) The Loans involve only the respective individual accounts of Messrs. Linton and Gerber;

(b) The terms of the Loans were arrived at in consultation with the Trustee;

(c) The interest rate payable under the Loans was determined by comparison with rates charged by the Trustee bank for similar loans; and

(d) The security for each Loan greatly exceeds the amount of the Loan.

For Further Information Contact: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

The Group Health Cooperative of Puget Sound Staff Pension Plan (the Plan), Located in Seattle, Washington

[Application No. D-3950]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 406(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to certain transactions involving the contribution, sale and purchase of "no-load" mutual fund shares (the "No-Load" Mutual Fund Shares) between the Plan and professional and administrative employees (the Participants) of the Group Health Cooperative of Puget Sound (the Employer), provided all purchases and sales of the "No-Load" Mutual Fund Shares are conducted at fair market value and all Participant contributions of "No-Load" Mutual Fund Shares are valued at their fair market value on the date contributed.

Summary of Facts and Representations

1. The Employer is a health maintenance organization serving the Seattle, Olympia and Tacoma, Washington metropolitan areas. The Employer serves over 240,000 subscribers and employs more than 3,500 individuals.

2. The Plan is an integrated, defined contribution plan providing benefits to approximately 300 participants who are employed in professional and administrative positions. The Plan does not cover individuals employed by the Employer on a temporary or contractual basis nor does it include those persons employed in a residency program. As of December 31, 1981, the Plan had total assets of $19,041,252. The trustee of the Plan (the Trustee) is the Rainier National Bank, a national banking concern having its principal office in Seattle, Washington.

3. The Plan contains three types of Participant accounts whereby individual Participants direct their investments. The first type of account is the Employer Contribution Account which reflects contributions made by the Employer to the Plan. The second type of account is the Participant Contribution Account which includes both voluntary contributions by Participants and pre-

1971 mandatory contributions. The third kind of account is the Rollover Account to which rollover amounts are transferred pursuant to applicable Code provisions.

4. Participants in the Plan are afforded a broad range of options as to the investment of their account balances. A Participant may direct any portion of his/her accounts be held in one of four Commingled Investment Funds: a General Fund, a Fixed Income Fund, an Equity Fund and a Short Term Money Market Fund. In addition, a Participant may request that any portion of his/her accounts be held in one or more Individually Directed Portfolios (the Portfolios): the Mutual Fund Portfolio, consisting of "load"-type mutual funds (the "Load" Mutual Fund Shares) which are selected by the Participant and held in the name of the Trustee for the benefit of the Participant; the Treasury Issue Portfolio which holds U.S. Treasury bills, notes and bonds; the Insurance Portfolio which consists of life insurance and annuity contracts selected by the Participant and held by the Trustee; and the Broker Portfolio which consists of assets purchased through a stock brokerage firm chosen by the Participant.

5. On July 20, 1982, at 47 FR 31459, the Department granted Prohibited Transaction Exemption (PTE) 82–118 which permitted the contribution, sale or purchase of "Load" Mutual Fund Shares, U.S. Treasury shares and other securities. Participants are allowed to engage in these transactions with the Portfolios maintained by the Plan. Pursuant to PTE 82–118, a Participant is permitted to contribute, sell or purchase "Load" Mutual Funds Shares held in the Mutual Fund Portfolio; individual life insurance contracts and annuities held in the Insurance Portfolio subject to the limitations of PTEs 77–7 and 77–8,[1] and other securities held in the Broker Portfolio and which appear on an approved list of securities issued by brokerage firms approved by the Employer.[2] The transactions are permitted to the extent they do not contravene the Plan's articles. However, certain investments are expressly prohibited, e.g., commodity contracts, tax exempt municipal bonds, securities issued by the Employer or other participating employers and securities purchased on margin or acquired subject to margin restrictions.

[1] The Department did not propose an exemption for the purchase or sale of insurance contracts beyond that provided in PTEs 77–7 and 77–8.

[2] Ten brokerage firms which are members of the New York Stock Exchange have been approved by the Employer.

6. PTE 82–118 also imposes additional restrictions on the transactions. For example, all securities are to be traded on a national or regional securities exchange or with the brokerage firm acting as principal. No private sales or placements are permitted. In addition, the values of the securities, "Load" Mutual Fund Shares and Treasury issues involved in the transactions are to equal their fair market valuations as of the end of the day of actual transfer. Such values are to be based on listings appearing in *The Wall Street Journal.* Where separate bid and asked for quotes are given, the value taken is the average of two quotes.

7. Participants who wish to engage in the transactions described in PTE 82–118 are not permitted to deal directly with the financial institutions, brokerage houses or mutual fund companies involved. All such transactions, which are subject to annual audit by an independent accounting firm, are to be conducted by the Employer at the Participant's request and in accordance with detailed procedures. Essentially, the Employer is to inform the Trustee to transfer securities from the Participant's personal account to the Participant's account under the Plan (or vice versa) and then cause funds to be remitted to the Participant or collected from the Participant.

8. An exemption is requested to expand the terms of PTE 82–118 by allowing Participants to contribute, sell and purchase "No-Load" Mutual Fund Shares. Specifically, the proposed exemption will give Participants the opportunity to: (a) Take "No-Load" Mutual Fund Shares held as personal assets outside the Plan and contribute those shares to the Participant's individually-directed Mutual Fund Portfolio held by the Plan; (b) take "No-Load" Mutual Fund Shares held as personal assets outside the Plan and sell those shares to the Participant's individually-directed Mutual Fund Portfolio held by the Plan; and (c) direct the Trustee to allow the Participant to purchase "No-Load" Mutual Fund Shares from the Participant's individually directed Mutual Fund Portfolio held by the Plan. The proposed transactions will be conducted in accordance with the procedures and limitations prescribed in PTE 82–118. It is represented that the proposed exemption will result in increased flexibility for individual Participants, and it is likely to encourage voluntary contributions by Participants to the Plan.

9. In summary, it is represented that the proposed transactions will satisfy the statutory criteria of section 408(a) of the Act because: (a) The market value of "No-Load" Mutual Fund Shares is readily determinable and all transactions will be comparable to open market transactions; (b) the transactions will result in increased flexibility for the Participants; and (c) all transactions will be conducted on the specific instructions of the Participant, and only such Participant's accounts will be affected by the transaction.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the partcipants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and

that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 8th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-6868 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs,Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Mine Safety Health Administration

- Noise Data Report Form

MSHA 214

Semiannually and annually

Businesses or other institutions; small business or organization

SIC: 111 and 121

175,000 responses; 12,430 hours

Requires coal mine operators to report to MSHA the environmental noise levels to which each miner is exposed. The purpose of these reports is to monitor the noise levels miners are exposed to so as to prevent a noise induced hearing loss.

Escape and Evacuation Plan

MSHA 400

Other: As configuration of mine changes

Businesses or other institutions; small business or organization

SIC: Multiple

900 responses; 21,600 hours

Requires development of a specific escape and evacuation plan for each underground metal and nonmetallic mine. It additionally requires revisions as mining progresses, availability to the inspector, conspicuous posting for the benefit of affected miners.

Signed at Washington, D.C. this 8th day of March 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-6870 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the National Panel will be held at 806 15th Street, NW., Washington, D.C. 20506.

DATE: April 1, 1983.

Time: 9:00 a.m. to 5:30 p.m.

Room: 1134.

Program: This meeting will review applications submitted for Research Materials: Computer Panel, Division of Research Programs, for projects beginning after July 1, 1983.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial of financial information obtained from a person and privileged of confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-6862 Filed 3-10-83; 8:45 am]

BILLING CODE 7536-01-M

Institute of Museum Services; Museum Assessment Program

AGENCY: Institutes of Museum Services, NFAH.

ACTION: Grant application announcement for fiscal year 1983.

SUMMARY: *This grant application announcement applies only to the Museum Assessment Program (MAP).* Following the date of publication of this announcement the Institute of Museum Services (IMS) will be receiving applications for grants under the Museum Assessment Program (MAP) under 34 CFR 64.20 through 64.26 for Fiscal Year 1983.

Nature of Program: The Director of IMS makes grants under the Museum Assessment Program to assist museums in carrying out institutional assessments (34 CFR 64.20). The program is designed to help museums—particularly those with small budgets—to provide better services and broaden their bases of private and other non-Federal financial support through an independent professional assessment of their programs and operations. A museum as defined in 34 CFR 64.3 may apply for a MAP grant (34 CFR 64.21(a)). A museum which receives a MAP grant for a fiscal year may not receive another MAP grant in the same or any subsequent fiscal year (34 CFR 64.21(b)). Accordingly, a museum which received a grant under the MAP program in Fiscal Year 1981 (the only prior fiscal year in which grants were made) is ineligible for such assistance in Fiscal Year 1983 or any subsequent fiscal year. A museum which applies for a MAP grant for Fiscal Year 1983 is not barred from applying for or receiving a General Operating Support or Special Project grant for Fiscal Year 1983.

A museum must use the grant for assessment assistance to pay for: expenses of institutional assessment such as registration fees; surveyor honoraria; travel and other expenses of a surveyor; and technical assistance materials (34 CFR 64.22). The amount of a MAP grant to a museum may not exceed $800 (34 CFR 64.23(b)).

Grant Application Procedures: Under 34 CFR 64.24, the Director considers an application (*on a form supplied by IMS*) by a museum for a grant for assessment assistance only if: (1) The museum first applies for assessment to an appropriate professional organization as defined in the regulations and (2) that professional organization notifies IMS that the application (to the professional organization) for assessment is *complete* and that the museum applying for assessment is *eligible* to participate as a museum as defined in 34 CFR 64.3 of the regulations. The American Association of Museums (AAM) is an organization which has been designated under 34 CFR 64.24 as an appropriate professional organization. To participate in the assessment program, a museum must apply to AAM and complete the self-study questionnaire provided by AAM.

In order to avoid needless paperwork by museums, IMS supplies an application form and instructions to a museum *only after* the professional organization had notified IMS that the museum qualifies under the above-described procedures. Applications are supplied by IMS to such museums until available funds are exhausted or until May 6, 1983, whichever first occurs. Accordingly, a museum interested in the program should first apply to the professional organization (AAM). Interested museums should contact AAM for further information: The American Association of Museums, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007. Telephone (202) 338–5300.

The Director approves applications meeting the MAP grant requirements on a first-come, first-served basis, (i.e., in the order in which an application is received and has been determined to have met such requirements) (34 CFR 64.25). Applications are approved for awards, subject to the availability of funds, until a given date in the fiscal year established by publication in the Federal Register. For Fiscal Year 1983, IMS establishes such date as June 6, 1983. There are *no* selection criteria (34 CFR 64.25(b)). Matching requirements do *not* apply (34 CFR 64.24(c)), H.R. Rept. No. 97–978, 97th Cong. 2d Sess. 42 (1982).

Applicable Regulations: Applicable regulations are found in 34 CFR 64.20 through 64.26, also published in 46 FR 33247 (June 29, 1981) and other related provisions in 34 CFR Part 64. (These regulations and the procedures set forth therein were the regulations and procedures used in conducting the program in Fiscal Year 1981.)

IMS has recently published proposed regulations for its General Operating Support and Special Project support grants, (47 FR 57871 (Dec. 21, 1982)). Because IMS funds only recently became available for MAP for Fiscal Year 1983 and because IMS desires to make this assistance available to museums as soon as possible in the fiscal year, IMS is not able to develop new proposed regulations for the MAP program for Fiscal Year 1983. IMS believes that the current regulations already in effect (34 CFR 64.20 through 64.26 and related provisions) are adequate and reflect simple procedures which will not be overly burdensome to museums. When the proposed GOS/SP regulations published on December 21, 1982 are published in final form, IMS anticipates that it will also republish current MAP regulations (in Subchapter E of Title 45 CFR) so that all IMS regulations are found in one place in the Code of Federal Regulations under the heading of the National Foundation on the Arts and the Humanities.

In applying the current regulations for Fiscal Year 1983, IMS will observe the following as a result of legislation enacted since the regulations were promulgated:

(1) The Interior Department and Related Agencies Appropriation Act, 1983, provides that IMS shall hereafter be an entity within the National Foundation on the Arts and the Humanities rather than the Department of Education. Accordingly, references in the regulations to the Secretary of Education should be deemed to be references to the Director of IMS.

(2) Although the regulations provide that the aggregate amounts of the grants under the MAP program may not exceed $24,000 for a fiscal year (34 CFR 64.23(c)), the legislative history of the Interior Department and Related Agencies Appropriation Act, 1983, indicates that up to $120,000 may be spent for the Museum Assessment Program in Fiscal Year 1983. (Cong. Rec. S. 14302 (Daily Ed., Dec. 9, 1982)). Accordingly, the aggregate amount of the grants for assessment assistance under MAP will not exceed $120,000 for Fiscal Year 1983.

(3) In view of the the transfer of IMS out of the Education Department effected by the Interior Department and Related Agencies Appropriations Acts for Fiscal Years 1982 and 1983, Pub. L. 97–210 and 97–394 and consistent with consideration by the National Museum Services Board, of general regulations for the Institute, IMS will not apply provisions of the Education Department General Administrative Regulations (EDGAR) to Fiscal Year 1983 MAP grants.

Further Information: For further information contact Mary Kahn, Grants Director, Institute of Museum Services, Mary Switzer Building, Room 4006, 330 C Street, S.W., Washington, D.C. 20202. Telephone (202) 426–6577.

(Catalog of Federal Domestic Assistance No. 45.301 Institute of Museum Services)

Dated: March 9, 1983.

Lilla Tower,

Director, Institute of Museum Services.

[FR Doc. 83-6880 Filed 3-10-83; 8:45 am]

BILLING CODE 4000-03-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 92 to Facility Operating License No. DPR-31, and Amendment No. 86 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to be consistent with the Regulations 10 CFR 50.54(t) and 10 CFR 73.40(d) which require Emergency Plans and Security Plans be independently audited at least every 12 months.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments are not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 1, 1983; (2) Amendment Nos. 92 and 86 to License Nos. DPR-31 and DPR-41; and (3) the Commission's related letter dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6879 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498 and 50-499]

Houston Lighting and Power Co., South Texas Project, Units 1 and 2; Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied the petition filed by Mr. Lanny Sinkin on August 4, 1982 on behalf of the Concerned Citizens About Nuclear Power, Inc. The petition has been treated pursuant to 10 CFR 2.206 of the Commission's regulations.

The petition addressed numerous allegations dealing with deficiencies in design and construction and non-compliance with Commission regulations and criteria. The allegations were based on findings contained in a report prepared by the Quadrex Corporation for the Applicant, Houston Lighting and Power Company. The petitioner requested that the Commission suspend construction of the Applicant's South Texas Project, direct an immediate third party review of the project's design, and establish an Atomic Safety and Licensing Board to hold hearings on the alleged design deficiencies identified in the Quadrex Report.

The Staff has concluded that the findings in the Quadrex Report were addressed in an adequate and timely fashion by the Applicant and that no violation of Commission regulations occurred in the handling and disposition of the report. Therefore, the petitioner's request has been denied.

The reasons for the above conclusions are put forth in a "Director's Decision Under 10 CFR 2.206" which is available in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555; at the Bay City Library, 1900 Fifth Street, Bay City, Texas 77414; and at the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78768.

A copy of the decision is being filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-6871 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352A and 353A]

Philadelphia Electric Co.; Receipt of Antitrust Information

The Philadelphia Electric Company has submitted antitrust information accompanying its application for operating licenses for two boiling water nuclear reactors (known as Limerick Generating Station, Units 1 and 2) near Pottstown, in Limerick Township, Montgomery County, Pennsylvania. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an intitial finding as to whether there have been "significant changes" under Section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and coping for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect

to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust review should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Office of Nuclear Reactor Regulation, on or before April 14, 1983.

Dated at Bethesda, Maryland, this 2nd day of March 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-6372 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537]

United States Department of Energy, Project Management Corp., Tennessee Valley Authority (Clinch River Breeder Reactor Plant) Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Gary J. Edles, Chairman
Dr. W. Reed Johnson
Howard A. Wilber

Dated: March 7, 1983.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-6373 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, April 7, 1983; Thursday, April 14, 1983; Thursday, April 21, 1983; Thursday, April 28, 1983.

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

Dated: March 2, 1983.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 83-6213 Filed 3-10-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13074; 812-5385]

IMI Commercial Paper, Inc.; Application

March 4, 1983.

In the matter of IMI Commercial Paper, Inc., 21 Dupont Circle, NW., Washington, D.C. 20036 (812-5385) application for order prusuant to Section 6(c) of the Act exempting applicant from all provisions of the Act.

Notice is hereby given that IMI Commercial Paper, Inc. ("Applicant") filed an application on November 24, 1982, and an amendment thereto on January 5, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, is a wholly-owned subsidiary of IMI International Holding S.A., a Luxembourg corporation ("Holding") which, in turn, is a wholly-owned subsidiary of Istituto Mobiliare Italiano ("IMI"), a government-controlled, statutory entity. Applicant proposes to issue and sell its commercial paper notes (the "Notes") in the United States commercial paper market and utilize the net proceeds of sale thereof to make advances (the "Advances") to two wholly-owned subsidiaries of Holding, Industrial Mulitinational Investments Limited, a Jersey, Channel Islands corporation ("IMIL") and The Euram Corporation, a Delaware corporation ("Euram") (together with IMIL, the "Designated Subsidiaries"), for use by the Designated Subsidiaries in making loans and extending credit in the ordinary course of their businesses. Applicant states further that payment of amounts owed by Applicant in respect of the Notes will be supported by an irrevocable letter of credit (the "Letter of Credit") to be issued by Bankers Trust Company ("Bankers") pursuant to a Credit Agreement (the "Credit Agreement") among Applicant, the Designated Subsidiaries, Bankers,

certain other banks (together with Bankers, the Banks), and Bankers, as agent for the Banks. Applicant states that is obligations to the Banks will be irrevocably and unconditionally guaranteed by IMI. Substantially all of the Applicant's assets will consist of its right to receive repayment from the Designated Subsidiaries of the Advances made by the Applicant to the Designated Subsidiaries.

Applicant states that IMI was established under Italian law in 1931 by Royal Decree Law No. 1398 as an Ente di Diritto Publico (Public Law Institute), a government-controlled, statutory entity with corporate status. The application states that IMI is managed by a twenty-member board of directors whose composition is established by Italian law and IMI's by-laws. Applicant states that nine members of IMI's board of directors are appointed by the Italian government and act as its representatives thereto. Applicant states further that the eleven remaining directors are elected by the holders of IMI's equity capital. According to the application, IMI's purpose is to contribute to the development and strengthening of the Italian economy by carrying out credit and financial transactions, principally through the extension of medium and long-term credit to public and private sector entities. IMI also provides export credit financing to finance the export of goods and products manufactured in Italy. The application further states that, through wholly-owned or majority-owned direct and indirect subsidiaries incorporated in Italy and elsewhere, IMI engages in a variety of activities incidental to its principal business. Those activities include finance company lending, financial consulting services, real estate investment, management of an investment company operating outside of the United States and rendering investment advisory services to an investment company operating outside of the United States.

Applicant states that the principal factors in IMI's determination to provide financing are the economic viability of the financing transaction and the extent to which the particular project would contribute to the development and strengthening of the Italian economy. Applicant states that among the Italian industries to which IMI has extended credit and financing are: iron and steel, petrochemicals, textile and clothing, agriculture, public utilities, telecommunications, air and land transport, building, and shipping. Applicant submits that approximately 43% of IMI's current loan portfolio consists of loans extended to Italian industrial entities, approximately 53% consists of loans to Italian public utilities and service entities and approximately 4% consists of loans to Italian shipping concerns. Applicant states that IMI does not, as a general rule, extend financing by making equity investments.

Applicant states that, as of March 31, 1982, IMI had total assets of 18,805.1 billion lire (U.S. $14,224,735,250). Applicant states further that, as of March 31, 1982, 15,252.8 billion lire (U.S. $11,537,690,200) (after provision for loan losses), or approximately 82%, of IMI's total assets, consisted of loans. Applicant represents that no other category of assets constituted more than approximately 4.9% of IMI's total assets as of March 31, 1982. Applicant maintains that securities holdings of IMI representing investments of its excess cash constituted approximately 4.2% of IMI's total assets as of that date. Applicant asserts that, for the fiscal year ended March 31, 1982, IMI had net revenues from lending operations (after provision for loan losses) of 221.3 billion lire (U.S. $167,397,882), net revenues of 73.3 billion (U.S. $55,446,293) from other sources and net income (after provision for income taxes) of 72.1 billion lire (U.S. $54,538,578). Applicant states that, as of March 31, 1982, IMI's investments in subsidiaries performing activities incidental to its principal business was 232.0 billion lire (U.S. $175,491,679), or approximately 1.2% of IMI's total assets.

Applicant states that, as of March 31, 1982, IMI's paid in equity capital was 500 billion lire (U.S. $378,214,826). Applicant represents that approximately 85% of IMI's equity capital is owned and controlled by the Italian government directly or indirectly through other Italian government-controlled, statutory entities or Italian public sector entities. Applicant states that IMI's principal additional source of funds is the issuance and sale of its bonds in Italy. Applicant states that, as of March 31, 1982, IMI had 10,925.6 billion lire (U.S. $8,264,447,806) principal amount of bonds outstanding, an amount equal to approximately 58% of its total liabilities and stockholders' equity.

Applicant represents that the banking operations, books and records of IMI are subject to supervision by Banca d'Italia. Applicant represents that, in addition, as a medium-term and long-term credit institution established as a public statutory body, IMI's general activities and business are subject to supervision by a number of Italian governmental entities, including the Interministerial Committee on Credit and Savings, the Ministry of the Treasury, Banca d'Italia, and the Governor of the Banca d'Italia.

The application states that Holding, pursuant to IMI's direction, acts as a holding company for corporations owned by IMI that are engaged in business and incorporated outside of Italy. Applicant states that Holding owns the entire capital stock of ten subsidiary corporations and owns minority interests in two other corporations. Applicant states further that the wholly-owned subsidiaries of Holding include the Designated Subsidiaries, which, as of December 31, 1981, together represent approximately 41.8% of Holding's consolidated total assets of $444,849,436. Applicant states that Holding's remaining wholly-owned subsidiaries are engaged in real estate activities, management and administrative services, export credit financing, the management of an investment company operating outside of the United States, investment advisory services and other financing activities. Applicant states that, as of December 31, 1981, $351,129,283, or approximately 78.9% of Holding's consolidated assets, consisted of loans and advances made by its subsidiaries. Applicant states further that Holding had aggregate net income (prior to consolidation adjustments) of $9,670,493 on consolidated revenues of $82,164,752.

Applicant represents that IMIL is a finance corporation engaged primarily in making medium-term loans to Italian public and private sector borrowers and to non-Italian borrowers. Applicant represents that approximately 42.5% of IMIL's currently outstanding loans are to Italian entities, about 64.7% of which consist of loans to Italian public sector entities, and the remaining 57.5% of IMIL's loans are to non-Italian entities. Applicant submits that such loans to non-Italian entities are often made for the purpose of facilitating development of the Italian economy, including the foreign purchase of Italian goods and services. Applicant represents that, as of December 31, 1981, IMIL's total assets were $169,106,642, of which $166,692,149, or 98.6%, consisted of loans. Applicant states that for its fiscal year ended December 31, 1981, IMIL had net income from its loan portfolio of $24,051,572, or approximately 97.9% of IMIL's gross income for that period.

Applicant states that Euram is a Delaware corporation engaged primarily in financing activities. Applicant states further that, as of December 31, 1981, promissory notes evidencing loans made by Euram amounted to $10,218,756, or approximately 60%, of Euram's total assets of $17,028,967 at such date.

Applicant states further that, as of that date, Euram's principal assets other than its loans consisted of two office buildings located in Washington, D.C. Applicant asserts that, as of December 31, 1981, the book value of such office buildings and associated land was $4,725,401, or approximately 23% of Euram's assets on that date. Applicant states that the remainder of Euram's assets consisted of a participation in a real estate venture and temporary investments in marketable securities. Applicant states that Euram also provides administrative and consulting services to Holding and other companies. Applicant represents that, of its approximately $10.2 million of loans, as of December 31, 1981, approximately 55% in principal amount consisted of loans to a number of Italian public sector entities. Applicant submits that the remaining 45% in principal amount consisted of loans made to three non-Italian borrowers. Income from Euram's loan portfolio for its fiscal year ended December 31, 1981 amounted to $1,437,081, or approximately 50.8% of Euram's revenues. Rental income from its real estate amounted to $1,158,060, or approximately 40.9% of Euram's revenues for that period.

Applicant states that one or both of the Designated Subsidiaries may from time to time, pursuant to the Credit Agreement, request Applicant to make an Advance to it. Applicant states that to obtain funds to make the Advances, Applicant proposes to issue and sell the Notes, which will be short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act") by virtue of paragraph 3(a)(2) or 3(a)(3) thereof and generally referred to as commercial paper. The Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and will neither be payable on demand prior to maturity nor be eligible for any extention, renewal, or automatic "rollover" at the option of either the holder or Applicant.

Applicant undertakes not to market any Notes prior to receiving an opinion of counsel to the effect that the proposed offering of the Notes is exempt from the registration requirement of the 1933 Act by virtue of paragraph 3(a)(2) or 3(a)(3) thereof. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Notes under paragraph 3(a)(2) or 3(a)(3) of the 1933 Act. Applicant represents that the Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market.

Applicant undertakes to insure that each dealer in the Notes will furnish to each offeree memoranda describing the businesses of IMI, the Designated Subsidiaries, Bankers and the Applicant and providing the most recent annual financial information for IMI, the Designated Subsidiaries and Bankers. Applicant states that IMI's financial information will include its most recent fiscal year-end balance sheet and statement of income for the entire fiscal year accompanied by the description prepared by the independent public accountants of IMI of the accounting principles applied in the preparation of such financial statements. The application states that the memoranda will be updated as promptly as practicable to reflect material adverse changes in the financial status of Applicant, IMI, the Designated Subsidiaries of Bankers and will be at least as comprehensive as memoranda customarily used in offering commercial paper. Applicant consents to the inclusion, in any order granting the application, of an express condition that it comply with the undertakings in this paragraph.

Applicant maintains that it will select a major commercial bank, expected to be Bankers, to act as issuing and paying agent for the Notes (the "Depositary"). Applicant further maintains that Bankers will issue the Letter of Credit in favor of the Depositary, in trust for the benefit of the holders of the Notes. Applicant represents that, in order to obtain funds to pay each maturing Note, the Depositary will make a drawing under the Letter of Credit and apply the funds received to the payment of the maturing Note. Applicant represents that, prior to their issuance, the Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. Applicant represents that there has been, and undertakes that in the future there will be, no public offering of Applicant's common stock or of any other equity security of the Applicant.

Applicant states that it could be deemed to be an investment company subject to the Act's registration requirements because Applicant's rights in respect of the Advances, which would constitute virtually all of Applicant's assets, could be deemed to be investment securities. Section 6(c) of the Act provides, in part, that the Commission upon application may by order conditionally or unconditionally exempt any person from the provisions of the Act if the exemption would be necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that approval of the application is necessary or appropriate in the public interest because, among other reasons, approval of the application would further the policy of opening the United States capital markets to foreign entities, thus encouraging the free flow of capital among nations. Applicant further asserts that approval of the application would be consistent with the protection of investors because Applicant is an indirect wholly-owned subsidiary of IMI whose capital structure and operations are regulated by Italian law and supervised by departments and officials of the Italian government. Applicant states that the holders of the Notes will not require the protections accorded investors under the Act because holders of the Notes will be adequately protected by the Letter of Credit of Bankers. Applicant further maintains that approval of the application would be consistent with the purposes of the Act because Applicant is not the type of entity to which the Act was intended to apply.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6366 Filed 3-10-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements for OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before March 31, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 10416. Telephone (202) 653–8538;

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503. Telephone (202) 395–4814.

SUPPLEMENTARY INFORMATION:

Forms Submitted for Review

Title: 8(a) Business Plan Application
Form Nos.: SBA 1010 A–E and I
Frequency: Non-recurring
Description of Respondents: Applicants desiring consideration as socially and economically disadvantaged owners of small business.
Annual Responses: 3,000
Annual Burden Hours: 60,000
Type of Request: Extension

Title: Procurement Automated Source System—Company Profile
Form Nos.: SBA 1167, 1167A
Frequency: Non-recurring
Description of Respondents: Small businesses interested in government contracting
Annual Responses: 20,000
Annual Burden Hours: 5,000
Type of Request: Extension (No change)

Title: SBI Program Evaluation
Form Nos.: SBA 24, 1351
Frequency: Non-recurring
Description of Respondents: Small Business Clients of Small Business Institutes
Annual Responses: 1,800
Annual Burden Hours: 660
Type of Request: Extension (adjustment to burden)

Title: Survey of Government Contractors to Assess Level of Subcontracting to Small Business
Form Nos.: None
Frequency: Non-recurring
Description of Respondents: Firms awarded Federal contracts in excess of $10,000 in FY 1981
Annual Responses: 2,250
Annual Burden Hours.: 300
Type of Request: New

Dated: March 7, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83-6875 Filed 3-10-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period February 25 through March 3, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 300, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0023.
Form Number: 720.
Title: Quarterly Federal Excise Tax Return.
OMB Number: N-A (new submission).
Form Number: 6084.
Title: Elderly Tax Clinic Response Card.
OMB Number: 1545–0271.
Form Number: 6627.
Title: Environmental Taxes.
OMB Number: 1545–0271.
Form Number: 500–5–56.
Title: Letter to follow up on Undelivered Orders.
OMB Number: 1545–0120.
Form Number: 1099–G.
Title: Statement for Recipient of Certain Government Payments.
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Alcohol, Tobacco and Firearms

OMB Number: 1512–0065.
Form Number: ATF F 1450 (5130.13).
Title: Application and Withdrawal Permit to Procure Spirits Free of Tax.
OMB Number: 1512–0117.
Form Number: ATF F 2147 (5620.7).
Title: Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers, or Cigarette Tubes.
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Comptroller of the Currency

OMB Number: 1557–0094.
Form Number: None.
Title: Notice for Future and Forward Placement Contracts Activities.
OMB Reviewer: Richard Sheppard (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 7, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83-6906 Filed 3-10-83; 8:45 am]

BILLING CODE 4810-25-M

Bureau of Alcohol, Tobacco and Firearms

Firearms; Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202–566–7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Ackerman, Patrick H., 41408 Sunset Way, Stayton, Oregon, convicted on May 5, 1980, in the United States District Court, Judicial District of Oregon.

Adams, Craig Henry, 1002 South Camino, DeLas Palmas, Tucson, Arizona, convicted on September 11, 1969, in the Superior Court of Pima County, Arizona.

Agnello, Joseph C., 482 Barton Drive, Lewiston, New York, convicted on March 29, 1976, in the Supreme Court of Niagara County, New York.

Aldridge, Derrick Avery, 716 East Morango, Flint, Michigan, convicted on August 4, 1978, in the Tenth Judicial Court of Birmingham, Alabama; and on September 17, 1972, in the District Court of Pine Bluff, Arkansas.

Allen, James Arthur, 1501 Alamo Drive, B–4, Vacaville, California convicted on June 10, 1976, in the Superior Court of California, Solano County, California.

Allred, Harry Jackson, 1202 7th Street, Southwest, Cullman, Alabama, convicted on August 25, 1975; and on March 3, 1976, in the Circuit Court of Cullman County, Alabama.

Amato, Daniel Ralph, 63 Allen Street, Springfield, Massachusetts, convicted on December 8, 1970, in the Hampden County Superior Court, Springfield, Massachusetts.

Anderson, John W., 301 Belle, Waterloo, Iowa, convicted on July 20, 1945; and on November 19, 1948, in the Black Hawk District Court, Waterloo, Iowa.

Avery, James William, Sr., 1351 Wilma Drive, West Columbia, South Carolina, convicted on April 10, 1979, in the United States District Court, Columbia, South Carolina.

Andrews, James Lee, 956th Street, Fond Du Lac, Wisconsin, convicted on December 27, 1967, in the Sheboygen County Court, Sheboygen, Wisconsin.

Bailey, Harold David, 1437 Reed Drive, Lot #18, Marietta, Georgia, convicted on April 23, 1953; and September 20, 1955, in the Superior Court of Cobb County, Georgia; and on May 15, 1962, in the Circuit Court of Birch County, Georgia.

Bakian, John David, 6851 Rose Road, Plymouth, Indiana, convicted on November 14, 1968, in the Marshall County Circuit Court, Plymouth, Indiana.

Bannister, Harwood A., 1231 South Tenth Street, Mount Vernon, Washington, convicted on July 2, 1971, in the Superior Court of Skogit County, Mount Vernon, Washington.

Barker, Robert Lee, Post Office Box 211, Crimora, Virginia, convicted on September 26, 1975, in the Circuit Court of Augusta, Virginia.

Bayne, Ernest E., Underwood Road, Milledgeville, Georgia, convicted on April 18, 1979, in the United States District Court, Middle Judicial District of Georgia.

Bean, Mitchell Ewell, Northwest 205 Anthony Hall, Apartment 4, Pullman, Washington, convicted on January 25, 1973, in the McCracken Circuit Court, Commonwealth of Kentucky.

Bennett, Scott Edward, 368 Highway 101 West, Port Angeles, Washington, convicted on January 23, 1976, in the Superior Court of Challan County, Washington.

Bennington, Karl W., Jr., 401 LaVeta Drive, Richmond, Virginia, convicted on July 16, 1980, in the Circuit Court of Henrico County, Virginia.

Beresovoy, Louie Carl, Jr., West 3321 Bruce, Spokane, Washington, convicted on July 28, 1975, in the Superior Court of Spokane, Washington.

Berke, Donald E., 60 Morrow Avenue, Scarsdale, New York, convicted on October 14, 1954, in the United States District Court, Eastern District of New York.

Betts, Walter Charles, 3014 Pershing Way, Longview, Washington, convicted on June 12, 1968, in the Superior Court of Cowlitz County, Washington.

Blanton, Jimmy Berry, Good Neighbor Road, Loyall, Kentucky, convicted on April 13, 1964, in the United States District Court, London, Kentucky.

Bledsoe, Kenneth Wayne, 200 East Burgess Road, Apartment 38A, Pensacola, Florida, convicted on March 26, 1970, in the United States District Court of Pensacola, Florida.

Boatman, Michael R., P.O. Box 28, 1355 East Fourth North Street, Mountain Home, Idaho, convicted on August 8, 1978, in the Fourth District Court of Idaho.

Bone, Alfred Lee, 144 Whittier Street, Gadsden, Alabama, convicted on January 4, 1982, in the United States District Court, Northern Judicial District of Alabama.

Boroody, Samuel Joseph, 544 Chapel Lake Drive, Apartment 101, Virginia Beach, Virginia, convicted on October 11, 1977, in the United States District Court, Eastern District of Virginia.

Bouten, James Jerome, Jr., 1713 Hardy, Apartment 27, Houston, Texas, convicted on June 5, 1979, in the Superior Court of Spokane County, Washington.

Bowen, Jack David, Route 2, Quail Ridge, Apartment 6, Whiteville, North Carolina, convicted on November 20, 1969, in the Superior Court of Whiteville, North Carolina.

Bowers, Cowyn Edward, 1620 West First Street, Apartment 68, Winston-Salem, North Carolina, convicted on November 11, 1977, in the United States District Court, Wilkesboro, North Carolina.

Bowling, Lawrence Edward, 1511 Clark Street, Flatwoods, Kentucky, convicted on April 6, 1955, in the Martin County Circuit Court of Kentucky; on October 28, 1954, in the Lawrence County Circuit Court of Kentucky; and on June 20, 1956, in the Oldham County Circuit Court, LaGrance, Kentucky.

Bradberry, Swint Edward, Jr., Post Office Drawer B, Wrightsmill Road, Aiken, South Carolina, convicted on January 12, 1973, in the General Sessions Court, Aiken, South Carolina.

Breeden, Harry Lee, Post Office Box 16, Free Union, Virginia, convicted on June 8, 1973, in the Circuit Court of Page County, Virginia.

Brinkley, Gerald Lee, 327–B Gage Boulevard, Richland, Washington, convicted on November 19, 1976, in the Superior Court of Franklin County, Washington.

Brown, Benny Neal, 10 Oliver Street, Seminole, Oklahoma, convicted on September 20, 1957, in the Superior Court of Seminole, Oklahoma; and on November 3, 1959, and November 28, 1966, in the District Court of Seminole, Oklahoma.

Brown, Emory L., Old Highway 55, Red Level, Alabama, convicted on August 4, 1978, in the Circuit Court of Andalusia, Alabama.

Brown, James Linwood, Jr., 5454 Narcissus Avenue, Baltimore, Maryland, convicted on Decmebor 9, 1968, in the Criminal Court of Baltimore, Maryland.

Brunas, Deborah M., 19704 Westbrook, Detroit, Michigan, convicted on August 1, 1978, in the Circuit Court of Wayne County, Detroit, Michigan.

Buckley, Raymond L., Route 1, Mount Herman, Kentucky, convicted on November 16, 1975, in the Barren County Circuit Court, Glasgow, Kentucky.

Burgin, William Garner, Jr., 823 Fallwood Avenue, Columbus, Mississippi, convicted on July 24, 1980, in the United States District Court of Appeals, Fifth Circuit, Southern District of Biloxi, Mississippi.

Cabe, Randall Lee, 1046 Southwest 21st Street, Chehalis, Washington, convicted on May 21, 1979, in the Superior Court of Lewis County, Washington.

Camp, Frank Wade, Route 2, Box 75–A, Calloway, Virginia, convicted on October 7, 1974, in the Franklin County Circuit Court, Rocky Mount, Virginia.

Canzone, Michael J., 1922 McGraw Avenue, Bronx, New York, convicted on February 19, 1936, in the Court of General Sessions, New York County, New York.

Capitani, Charles W., 2825 6th Avenue, Hibing, Minnesota, convicted in April 1973, in the United States District Court, Northern District, Illinois.

Capps, Bruce George, 1001 Hillcrest Road, Apartment 60, Mobile, Alabama, convicted on March 12, 1976, in the United States District Court, Southern District of Alabama.

Capps, John Terry, c/o Mr. R. H. Bowers, 1679 Ware Avenue, East Point, Georgia, convicted on November 6, 1972, in the Circuit Court of Jefferson County, Birmingham, Alabama.

Carlson Richard P., 3227 West 48th Street, Indianapolis, Indiana, convicted on May 9,

1980, in the United States District Court, Southern District of Indianapolis, Indiana.

Carnes, Dale Duane, Sr., 208 Southwest Arlan Drive, Ankeny, Iowa, convicted on February 8, 1959, in the District Court of Warren County, Indianola, Iowa.

Caroon, Michael S., 4534 South 54th Street, Lincoln, Nebraska, convicted on September 10, 1975, in the District Court of Lancaster County, Nebraska.

Catlett, Vernon Max, Rural Route 2, Box 171, Hamburg, Iowa, convicted on May 3, 1976, in the United States District Court, Southern District of Iowa.

Cermak, Kenneth, General Delivery, Kildeer, North Dakota, convicted on May 3, 1977, in the First Circuit Court of Yorktown County, South Dakota.

Cerveny, William J., 183 Western Avenue, Westfield, Massachusetts, convicted on August 15, 1975; and on December 21, 1976, in the Hampden County Superior Court, Springfield, Massachusetts.

Chapman, James Richard, 9830 Lakemere, Dallas, Texas, convicted on April 21, 1977, in the United States District Court, Western District of Oklahoma City, Oklahoma.

Cheek, David E., Rural Route 1, Charleston, Maine, convicted on January 31, 1974, in the Providence County Superior Court, Providence, Rhode Island.

Clardy, John D., Post Office Box 20, Timber Ridge Ranch, Harrison, Idaho, convicted on June 15, 1978, in the United States District Court, Northern District of California.

Clayton, Michael Edward, 9806 Beckley Crest, Dallas, Texas, convicted on December 5, 1979, in the 204th Judicial District Court, Dallas, Texas.

Cochrane, David J., 710 Oakdale Road, Johnson City, New York, convicted on May 30, 1977, in the Superior Court of Broome County, Binghamton, New York.

Cockran, Marvin Leo, Post Office Box 77, North Thibodaux Road, Ponchatoula, Louisiana, convicted on August 9, 1978, in the United States District Court, Eastern District of New Orleans, Louisiana.

Collins, Lawrence P., Route 1, Box 88, Everton, Missouri, convicted on January 28, 1970, in the Fourteenth Judicial District Court of Tulsa, Oklahoma.

Combs, Phillip, 9505 Joce Road, Jacksonville, Florida, convicted on January 19, 1970, in the Circuit Court of Duval County, Florida.

Conley, Lawrence, 924 Tenth Avenue, Tuscaloosa, Alabama, convicted on May 16, 1977, in the Circuit Court of Tuscaloosa County, Alabama.

Corman, Michael H., 353 State Highway 12, Space 71, Montewana, Washington, convicted on December 28, 1973, in the Superior Court of Grays Harbor County, Washington.

Corso, Leonard, 40 Old Route 25A, Fort Salonga, New York, convicted on March 5, 1971, in the United States District Court, Eastern District of Brooklyn, New York.

Cotton, James Beatty, 3456 Boxdale Street, Memphis, Tennessee, convicted on January 16, 1979, in the United States District Court, Eastern District of New Orleans, Louisiana.

Crawford, David Calvin, 929 North Baehr, Wichita, Kansas, convicted on June 11, 1964, in the District Court of Sedgwick County, Kansas; and on June 15, 1966, in the District Court of Finney County, Kansas.

Crenshaw, Joseph C., Route 1, Box 30–A, Daphne, Alabama, convicted on January 17, 1977, in the United States District Court, Southern District of Mobile, Alabama.

Crigler, Kenneth D., Jr., 3361 Nancy Avenue, Dayton, Ohio, convicted on May 14, 1963, in the Court of Common Pleas, Montgomery County, Ohio.

Crook, Arthur Lee, 4307 Martha Lane, Richmond, Virginia, convicted on January 8, 1969, in the Hustings Circuit Court of Richmond, Virginia.

Davis, Dennis R., Route 4, Box 65, St. Maries, Idaho, convicted on February 9, 1979, in the First District Court, Benewah, Idaho.

Davis, Lee Edward Michael, 643 Loop Drive, Moses Lake, Washington, convicted on January 15, 1971, in the Superior Court of Hiant County, Washington.

Davis, Leonard Rea, Route 1, Box 153, Keswick, Virginia, convicted on January 30, 1958, in the District Court of Brazos County, Brazos, Texas.

Davis, Robert Lee, Route 3, Box 196, North Platte, Nebraska, convicted on April 14, 1975, in the District Court of Lincoln County, North Platte, Nebraska.

Deal, John L., 2425 Handon Loop Road, Pasco, Washington, convicted on November 7, 1975, in the Superior Court of Franklin County, Washington.

Deaton, Michael Glenn, Prather Mobile Home Park #10, Flaherty, Kentucky, convicted on June 6, 1970, in the Circuit Court of Meade County, Brandenburg, Kentucky.

Demore, Raymond John, 208 Parkerville Road, Southboro, Massachusetts, convicted on November 9, 1971, in the Suffolk County Superior Court of Boston, Massachusetts.

Doroff, Gary Wayne, 1440 10th Avenue, Fargo, North Dakota, convicted on March 9, 1978, in the District Court of Cass County, North Dakota.

Dornbusch, James Robert, 3534 Park Drive, Covington, Kentucky, convicted on March 4, 1977, in the United States District Court, Cattettsburg, Kentucky.

Doucet, Joseph M., Jr., 12494 Red Creek Road, Wolcott, New York, convicted on December 11, 1959, in the Yates County Supreme Court, Penn Yan, New York.

Downard, Douglas Dean, 1101 West Lincoln Avenue, Yakima, Washington, convicted on March 10, 1976, in the Superior Court of Yakima County, Washington.

Druien, Michael D., 510 South Main Street, Maron City, Illinois, convicted on January 17, 1974, in the Maron County Circuit Court of Haranna, Illinois.

Dunn, Curtis Wayne, 1101 West Hall, Apartment 3, Midland, Texas, convicted on April 5, 1979, in the 106th Judicial District Court, Dawson County, Texas.

Dupell, Arnold, 800 Nelson Street, Lebanon, Oregon, convicted on November 12, 1941, in the District Court of Jefferson County, Colorado.

Edmonson, Douglas E., Route 1, Post Office Box 983, Cadiz, Kentucky, convicted on September 9, 1975, in the Circuit Court of Trigg County, Kentucky.

Fair, Hollie William, 212A North Holly, Cleveland, Texas, convicted on February 21, 1977, in the 75th District Court, Liberty County, Texas.

Fanti, Duilio Thomas, Jr., 1019 Garfield, Cartondale, Colorado, convicted on November 30, 1978, in the United States District Court, Detroit, Michigan.

Farley, David Wilton, Post Office Box 45, Boissevain, Virginia, convicted on August 17, 1979, in the Circuit Court of Tazewell County, Virginia.

Ferdig, Duane Allan, Box 53, East Star Route, Blackduck, Minnesota, convicted on November 29, 1976, in the Ninth District Court, Itasca, Minnesota.

Ferguson, Larry Glen, 2845 Walton, Apartment 234, Fort Worth, Texas, convicted on October 15, 1971, in the Criminal District Court, Dallas, Texas.

Ferguson, Thomas R., Route 2, Box 333, Port Townsend, Washington, convicted on October 12, 1979, in the United States Superior Court, Jefferson County, Washington.

Finch, Glenn E., Route 1, Box 204, Mead, Washington, convicted on August 24, 1976, in the Superior Court, Spokane County, Washington.

Finkbone, John Edward, 311 Mariposa, Carlsbad, New Mexico, convicted on August 18, 1964, in the District Court of Otero County, Alamogordo, New Mexico.

Flack, Jerry E., 2479 South Anchor Way, Lincoln City, Oregon, convicted on January 31, 1969, in the Superior Court of Sacramento County, California.

Fleming, Lee E., 1544 North Union, Decatur, Illinois, convicted on January 16, 1970, in the Circuit Court of Macon County, Illinois.

Folsom, Johnny A., 2523 East Blackmore Road, Mayville, Michigan, convicted on August 22, 1977, in the Circuit Court of Tuscola County, Caro, Michigan.

Fontaine, Francis Arthur, 15 Allen Road, Granby, Connecticut, convicted on May 14, 1979, in the United States District Court of Connecticut.

Ford, William Kent, 520 Sampson Avenue, Dyersburg, Tennessee, convicted on July 11, 1978, in the United States District Court, Eastern District of Louisiana.

Fox, Ronald Malcolm, Route 3, Box 159, Kaufman, Texas, convicted on March 27, 1974, in the 204th Judicial District Court, Dallas County, Texas.

Fucci, Robert A., 373 Singleton Street, Auburn, Alabama, convicted on December 9, 1977, in the United States District Court, Middle District of Alabama.

Fuhst, William Paul, Jr., 504 West Flaming Gorge Way, Green River, Wyoming, convicted on June 30, 1976, in the 11th Judicial District Court, McKinley County, New Mexico.

Gambill, Steven Lee, 1204 Old Nelson Hill, Richmond, Virginia, convicted on May 14, 1975, in the Superior Court, Pender County, North Carolina.

Garcia, Pablo S., 811 Grant Avenue, Sunnyside, Washington, convicted on November 5, 1976, in the Superior Court of Yakima County, Washington.

Gebhart, Milford Lee, 11220 Studebaker, Warren, Michigan, convicted on June 12, 1963, in the Circuit Court of Genesee County, Michigan.

Giles, Alfred Wilson, 206 South 18th Street, Erwin, North Carolina, convicted on February

6, 1968, in the United States District Court, Raleigh, North Carolina.

Gill, Charles Francis, 1617 Pagewood, Odessa, Texas, convicted on November 1, 1966, in the 42nd Judicial District Court, Taylor County, Texas.

Gilmore, Thomas Woodrow, Jr., 3744 Longmeadow Way, Fort Worth, Texas, convicted on January 29, 1979, in the 212th Criminal District Court, Galveston, Texas.

Gordon, Thomas Lee, 20421 Cherrylawn, Detroit, Michigan, convicted on February 11, 1938, in the Detroit Recorders Court, Detroit, Michigan.

Graden, Kenneth Wayne, 2146 Bo Peep Court, Jacksonville, Texas, convicted on May 1, 1970, in the Circuit Court of Duval County, Jacksonville, Florida.

Graff, Michael J., 7149 Ustick Road, Boise, Idaho, convicted on October 23, 1980, in the Superior Court of Maricopa County, Arizona.

Green, Guy, Route 3, Box 438, Kettle Falls, Washington, convicted on September 6, 1979, in the Superior Court of Stevens County, Washington.

Gregory, Robert Maurice, Route 6, Box 197, Leander, Texas, convicted November 18, 1976, in the 197th Judicial District Court of Travis County, Texas.

Hairston, Calvin Lee, 616 Parke Avenue, Clairton, Pennsylvania, convicted on February 3, 1969, in the Allegheny County Court, Pittsburgh, Pennsylvania.

Hale, Warren A., Rural Route 2, Meadow Grove, Nebraska, convicted on July 16, 1976, in the District Court of Madison County, Nebraska.

Handy, Arden M., 516 West 4th Street, Lennox, South Dakota, convicted on February 9, 1959, in the United States District Court, Florence, South Carolina; and on February 20, 1959, in the Court of Common Pleas, Wyandot County, Ohio.

Harrington, Bobby Joe., Rural Route 2, Box 5B, Leavenworth, Kansas, convicted on June 14, 1971, in the Circuit Court of Pulaski County, Arkansas; and on April 18, 1973, in the Circuit Court of Pulaski County, Arkansas; and on January 6, 1971, in the United States District Court of Springfield, Missouri.

Harris, Charles F., 3825 North Highway 95, Lake Havasau City, Arizona, convicted on January 6, 1977, in the United States District Court of California.

Hart, Albert Stephen, 5585 Walnut Grove Road, Memphis, Tennessee, convicted on April 23, 1976, in the United States District Court, Western Judicial District of Tennessee.

Hatfield, William Charles, Jr., Route 1, Box 322, Alcolu, South Carolina, convicted on March 27, 1978, in the Court of General Sessions, Sumter County, South Carolina.

Hayes, David Paris, Jr., 139 Frost Creek Road, Glenoma, Washington, convicted on March 2, 1971, in the Superior Court of Pierce County, Washington.

Henderson, Wanda Jo, 2941 Antares Circle, Garland, Texas, convicted on October 21, 1963, in the United States District Court of Northern Texas; and on May 14, 1971, in the District Court of Smith County, Texas; and on September 7, 1972, in the United States District of Northern Texas.

Hendrix, Gary Dale, 4805–A Bradford Drive, Dallas, Texas, convicted on May 26, 1972, in the 181st District Court, Amarillo, Texas.

Heywood, John Patrick, 2014 Edgewater Avenue, Orden Hills, Minnesota, convicted on October 17, 1973, in the Ramsey County Court, St. Paul, Minnesota.

Highland, David, 1606 Cyclone Avenue, Harlan, Iowa, convicted on February 2, 1961, in the District Court of Webster County, Webster City, Iowa.

Hollen, Edward Alan, Road 2, Cochranton, Pennsylvania, convicted on May 6, 1963, in the Court of Quarter Sessions, Crawford County, Pennsylvania; and on January 23, 1967, in the Criminal Court of Crawford County, Pennsylvania.

Holmes, Lawrence Hasford, Jr., P.O. Box 37, Western Kentucky University, Bowling Green, Kentucky, convicted on February 2, 1972, in the United States District Court, Southern District of Texas, Larado Division.

Holmes, John Thomas, 4163 9th Street, Ecorse, Michigan, convicted on October 6, 1975, in the United States District Court of Detroit, Michigan.

Holroyd, Robert, 205 Oak Avenue, Baltimore, Maryland, convicted on January 25, 1955, in the City of Baltimore.

Holt, Farron Eugene, Route 1, Box 27, DD, Bowman, South Carolina, convicted on March 11, 1974, in the Court of General Sessions, Orangeburg, South Carolina.

Hooper, William James, 4025 North Dells Street, Harvey, Louisiana, convicted on November 6, 1973, in the 24th Judicial District Court, Parish of Jefferson, Louisiana.

Horner, Christopher Thomas, 1001 South Lewis, Prior, Oklahoma, convicted on April 16, 1968, in the Tulare County District Court, Visalia, California.

Hubbs, Haynes A., Box 175, Route 2, Camden, Texas, convicted on September 12, 1980, in the United States District Court, Middle District of Tennessee.

Huckaba, Charles L., Rural Route 2, C.R. 681, Box 244A, Hartford, Michigan, convicted on January 17, 1961, in the Circuit Court of Broward County, Florida.

Hunley, Ronald Joe, Route 15, Box 1118, Tyler, Texas, convicted on January 7, 1976, in the 7th Judicial District Court of Smith County, Texas.

Huntley, Scott L., P.O. Box 592, Hemet, California, convicted on January 4, 1969, in the Superior Court of Riverside, California.

Jackson, Donald Lee, 3509 Dodge Park Road, No. 203, Landover, Maryland, convicted on February 9, 1971, in the Circuit Court of Alexandria, Virginia.

Jaggers, Barry Lee, 2408 Catalina, Mesquite, Texas, convicted on March 3, 1980, in the Criminal District Court No. 2, Dallas County, Texas.

Johnson, Kecil W., Route 1, Box 345, Sugar Grove, Virginia, convicted on October 6, 1969, in the United States District Court of Abington, Virginia.

Jones, William J., 153 Chestnut Street, Northwest, Atlanta, Georgia, convicted on May 24, 1974, in the United States District Court of El Paso, Texas.

Kaiser, George W., 19399 South River Road, Elmore, Ohio, convicted in December 1969, in the Common Pleas Court of Fremont, Ohio.

Kay, Bruce E., Ext. Grand Avenue, Saratoga Springs, New York, convicted on February 22, 1977, in the United States District Court of Northern New York.

Keegan, Randy Scott, 1506 South 10th Street, Grand Forks, North Dakota, convicted on February 11, 1980, in the District Court of Grand Forks, North Dakota.

Keller, Clerance, 213 Washington Street, Killeen, Texas, convicted on October 31, 1979, in the Judicial District Court of Bell County, Texas.

Kelly, Joseph Franklin, Route 2, Box 204, Burgaw, North Carolina, convicted on February 26, 1979 in the Superior Court of New Hanover County, North Carolina.

Keyser, George A., Route 2, Box 456, Lancaster, Virginia, convicted on March 18, 1977, in the Circuit Court of Lancaster County, Virginia.

Kinckle, Vassar J., 2306 Koko Lane, Baltimore, Maryland, convicted on November 20, 1959, in the United States District Court of Baltimore, Maryland.

King, Arthur L., Route 2, Oakland, Mississippi, convicted on May 15, 1958; and on March 18, 1960; and on July 25, 1968; and on May 15, 1970, U.S. District Court, Northern District of Mississippi.

King, William W., 3 North Larchmont Drive, Memphis, Tennessee, convicted on January 30, 1981, in the United States District Court, Western District of Tennessee.

Kinlaw, Herman V., P.O. Box 157, Waterfront Street, Little River, South Carolina, convicted on June 6, 1980, in the United States District Court, Florence Division, Florence, South Carolina.

Kloeber, David Nash, 824 Greenridge Street, St. Charles, Missouri, convicted on October 21, 1953; and on December 9, 1954, in the Superior Court of Los Angeles County, California.

Knight, Calvin Ray, P.O. Box 494–R3, Wills Point, Texas, convicted on May 4, 1979, in the 194th Judicial District Court, Dallas County, Texas.

Korreck, Joseph Michael, 210 Market Street, P.O. Box 3014, Greenwood, South Carolina, convicted on March 19, 1979, in the Court of General Sessions, Pickens County, South Carolina.

Korthals, Lawrence James, 908 17th Street, Bay City, Michigan, convicted on May 3, 1976, in the Bay County Circuit Court, Michigan.

Kuresh, Donald, Rural Route 2, Onawia, Minnesota, convicted on October 27, 1978, Benton County Court, Foley, Minnesota.

Laprad, Larry W., P.O. Box 79, Hardy, Virginia, convicted on August 3, 1973, in the Circuit Court of Roanoke, Virginia.

Larson, Lennis Ray, 2214 South 120th Street, Seattle, Washington, convicted on February 15, 1979, in the Superior Court of King County, Seattle, Washington.

Leasy, Bruce Edward,, 177 Third Street, Baker, Oregon, convicted on November 2, 1978, in the Circuit Court of Umatilla County, Oregon.

Lee, Thomas Wong, 2406 Phawn Street, Philadelphia, Pennsylvania, convicted on January 12, 1970, in the Common Pleas Court, Philadelphia, Pennsylvania.

Leonard, James E., Box 255, Laurel Hill Road, Ferin, New York, convicted on September 21, 1978, in the Cheming Court of Ferin, New York.

Leonard, Lee L., 131 East Airport Road, Butler, Pennsylvania, convicted on March 12, 1970, in the United States District Court of Pittsburgh, Pennsylvania.

Littles, Rush, Route 1, Box 48, Sandy Ridge, North Carolina, convicted on July 10, 1978, in the United States District Court, Middle District of North Carolina.

Long, Jimmy Leon, Route 3, Dallas, Georgia, convicted on September 27, 1979, in the Paulding County Superior Court, Dallas, Georgia.

Longfellow, Michoel F., 2207 Pannon, Danville, Illinois, convicted on January 1, 1974, in the Circuit Court of Virmition, Illinois.

Lohr, Samuel N., Route #3, Box 3186, East 7th, Kennewick, Washington, convicted on July 11, 1960, in the Franklin County Superior Court of Pasco, Washington.

Lowe, Joseph N., 7357 Ralston Avenue, Indianapolis, Indiana, convicted on September 23, 1963, in the Criminal Court of Marion County, Indiana.

Lucas, Dale Edgar, 36179 South Megan Drive, Motalla, Oregon, convicted on April 3, 1973, in the Circuit Court of Klamath County, Oregon.

Luckey, Arthur James, 25957 Richmond Hill Road, Conifer, Colorado, convicted on October 8, 1950, in the 11th Judicial District Court of Chaffee County, Colorado.

Lumley, Kenneth R., 788 West Taylor Street, San Jose, California, convicted on April 4, 1975, in the Superior Court of California.

Lund, Robert Scott, Space 61, Garcia Lane, Elko, Nevada, convicted on December 12, 1978, in the 4th District Court, Elko, Nevada.

Marcum, Squire, Route 3, Box 217 A, Manchester, Kentucky, convicted on April 4, 1960, in the United States District Court, London, Kentucky.

Mangum, Clyde Franklin, 180 Garden Grove Street, Danville, Virginia, convicted on February 10, 1969, in the Federal District Court, Danville, Virginia.

Marflak, John Paul, 524 Waddell Avenue, Clainton, Pennsylvania, convicted on April 10, 1973, in the Elk County Criminal Court, Oyer, Pennsylvania.

Martin, Louis Fritz, Sr., P.O. Box 122, Glenoma, Washington, convicted on May 24, 1971, in the Superior Court of Kitsap County, Washington.

Martin, Ronny Lee, 1304 East 23rd Street, Odessa, Texas, convicted on March 20, 1979, in the 70th Judicial District Court of Extor County, Texas.

Mason, Audrey Lee, 1216 I Street, Las Vegas, Nevada, convicted on April 23, 1964, in the 8th District of Nevada, Law Vegas, Nevada.

Matarazzo, Carl Stephen, 52 Shawn Street, Norwalk, Connecticut, convicted on July 2, 1965, Unknown Court due to pardon.

Mattingly, Charles J., 2240 Elks Lane, Unit 26, Yuma, Arizona, convicted on September 30, 1974, in the United States District Court of Arizona.

Mattos, Frank Wayne, Post Office Box 771, (303 Randolph Street), Gridley, California, convicted on April 10, 1980, in the Superior Court of California, Butte County, California.

McGraw, John, 2175 Yulee Street, Jacksonville, Florida, convicted on January 18, 1934, in the Circuit Court of Hillsborough County, Tampa, Florida.

McGaughy, Paul D., 704 West 2nd Street, Bicknell, Indiana, convicted on January 22, 1945, in Detroit, Michigan.

McGlothlen, Alan Richard, 11900 4th Street Southwest, Seattle, Washington, convicted on January 7, 1972, in the Superior Court of King County, Washington.

Micetta, Robert Joseph, 902 Lydia Drive, Roseville, Minnesota, convicted on October 10, 1978, in the United States District Court, Southern, New York.

Minnish, Steve Dencil, 610 Picadilly Lane, Troutman, North Carolina, convicted on October 22, 1974, in the Superior Court of Statesville, North Carolina.

Mintch, William Lyman, Donque Street, Saint Regis Falls, New York, convicted on October 25, 1978, in the Franklyn Country Superior Court, Malone, New York.

Mobley, Charles E., 2721 Spa Drive, Deer Park, Texas, convicted on June 14, 1978, in the 228th District Court of Houston, Texas.

Moiser, Timothy James, 6339 LaVaque Road, Duluth, Minnesota, convicted on January 5, 1979, in St. Louis County District Court, Duluth, Minnesota.

Montz, Ronald A., 8315 Southeast Lafayette Avenue, Portland, Oregon, convicted on March 7, 1966, in the 1st District Circuit Court of Hawaii.

Morgan, Clarence Richard, Box 101 E, Route 2, Inman, South Carolina, convicted on March 19, 1979, in the United States District Court, Greenville, South Carolina.

Morgan, James Otis, P.O. Box 158, Cross Anchor, South Carolina, convicted in 1950, in the Laurens County Court of General Sessions.

Moriwaki, Michael Lee, Route 2, Box 404, Waupin, Wisconsin, convicted on October 22, 1971, in the Circuit Court of Milwaukee County, Wisconsin.

Morril, Larry Dean, Box 325, Route 1, Illmo, Missouri, convicted on February 25, 1965, in the Scott County Circuit Court, Benton, Missouri.

Morrison, Randy Lee, Route 3, Box 3087, East Wenatchee, Washington, convicted on May 10, 1977, in the United States District Court, Eastern District of California.

Morrison, Wilbur Graham, 200 1st Avenue South, St. Paul, Minnesota, convicted on June 27, 1950, in the Superior Court of Pierce County, Washington; and on August 8, 1953, in the District Court of Pottawattamie, Iowa; and on May 7, 1965, in the Washburn County Court, Washburn County, Minnesota.

Mosley, Timothy Earl, 418 Reed Road, Lot 132, Owensboro, Kentucky, convicted on May 22, 1979, in the Onslow County Superior Court, Jacksonville, North Carolina.

Myers, Sydney G., 5838 Collins Avenue, Apartment 9B, Miami Beach, Florida, convicted on June 28, 1977, in the United States District Court, Southern District of Florida.

Nannenga, Charles E., 143 16th Street Northwest, Mason City, Iowa, convicted on June 20, 1972, in Gerro Gardo County Court, Mason City, Iowa.

Nelson, Clarence Reynold, Jr., Rural Route 3, Boone, Iowa, convicted in May 1979, in the United States District Court, Des Moines, Iowa.

Nelson, Thomas R., 2011 Russell Road, Centralia, Washington, convicted on January 30, 1975, in the Superior Court of Lewis County, Washington.

Neumann, Walter, 380 Ganesvoort Boulevard, Staten Island, New York, convicted on April 22, 1977, in the New York Supreme Court, New York County, New York.

New, Daniel A., 5346 Mosquito Lake Road, Deming, Washington, convicted on October 4, 1977, in the Superior Court of Whatcom County, Washington.

Nice, Terry Delane, 1850 13th Street, Gering, Nebraska, convicted on September 29, 1980, in the County District Court, Gering, Nebraska.

Norred, Lewis, 21 West Johnson Avenue, Pensacola, Florida, convicted on December 15, 1952, in the Court of Records of Escamria County, Pensacola, Florida.

Nudo, Robert Joseph, 200 West Hermosa, Apartment 101, Tempe, Arizona, convicted on July 10, 1961, in the Maricopa County Superior Court, Maricopa County, Arizona.

Oakley, Kenny, P.O. Box 667, Knightdale, North Carolina, convicted on July 14, 1980, in the Superior Court, Wake County, North Carolina.

Overholt, Ronald R., Rout 6, Box 662, Gainesville, Texas, convicted on December 20, 1979, in the Criminal District Court, Gainesville, Texas.

Palmer, Lawrence David, 2106 Sixth Street, Santa Monica, California, convicted on March 3, 1977, in the Harris County District Court, Harris County, Texas.

Palmer, Thomas Harry, 4128 Bridge Street, Whitehall, Pennsylvania, convicted on January 28, 1974, in the Court of Common Pleas, Criminal Division, Lehigh County, Allentown, Pennsylvania.

Parks, Circo Wayne, 4585 Avalon Street, Eugene, Oregon, convicted on May 13, 1970, in the Circuit Court of Lane County, Oregon.

Parmentier, Michael T., 5024 Aleova Route, Box 14, Cooper, Wyoming, convicted on June 7, 1979, in the 7th District of Wyoming, Natcona County, Wyoming.

Perdieu, Roy Alvin, 1501 Pierce Street, Lynchburg, Virginia, convicted on September 9, 1976, in the Lynchburg Circuit Court, Lynchburg, Virginia.

Pettit, Ricky Harmon, Box 452, Route 2, Stanley, Virginia, convicted on November 20, 1976, in the Circuit Court of Page County, Virginia.

Phipps, Burrow Scott, 926 Polk Street, Vicksburg, Mississippi, convicted on July 21, 1975, in the Circuit Court of Duval County, Florida; and on July 21, 1975, in the Circuit Court of Clag County, Florida.

Phillips, Larry Joseph, Route 1, Box 195, Bentonville, Virginia, convicted on March 13, 1980, in the Circuit Court of Warren County, Virginia.

Pierce, Ronald, 137 North Washington, Ypsilanti, Michigan, convicted on June 24, 1975, in the Circuit Court of Lenewge County, Michigan.

Peirsol, James Wayne, 507 Fawcett, Sioux City, Iowa, Convicted on April 13, 1966, in the Buena Vista District Court, Storm Lake, Iowa.

Pilot, Roger Ray, 5376 Stiffler Road, Flint, Michigan, convicted on May 7, 1980, in the Genesee Circuit Court, Flint, Michigan; and

on July 26, 1972, in the Shiawassee Circuit Court, Carunna, Michigan.

Pollack, Daniel J., 4913 West Earll Drive, Phoenix, Arizona, convicted on April 21, 1978, in the Maricopa County Superior Court, Phoenix, Arizona.

Pomponio, Paul Peter, 1900 South Eads Street, Apartment 612, Arlington, Virginia, convicted on April 24, 1974, in the United States District Court, Alexandria, Virginia.

Porter, James Steven, 815 University Avenue, St. Paul, Minnesota, convicted on March 7, 1977, in the Hennepin County District Court, Minneapolis, Minnesota.

Potter, Donald C., 82954 North Scott Lane, Cresswell, Oregon, convicted on March 14, 1974, in the Circuit Court of Lane County, Oregon.

Potts, Wanda Kay, 7212 Skillman, #1147, Dallas, Texas, convicted on October 20, 1975, in the 199th District Court of McKinney, Texas.

Price, James E., 329 Jeffery Drive, Montgomery, Alabama, convicted on December 5, 1979, in the United States District Court, Middle District of Alabama.

Priori, Rocco Leonard, 9114 Cambridge Avenue, Cleveland, Ohio, convicted on November 23, 1942, in the Common Pleas Court, Cleveland, Ohio.

Quillin, James W., 8309 272nd Street, North West, Stanwood, Washington, convicted on September 17, 1976, in the United States District Court of Denver, Colorado.

Ragle, Charles Gregory, Route #1, Box 242–A, Longville, Louisiana, convicted on September 7, 1979, in the 36th Judicial District Court, Parish of Beauregard, Louisiana.

Ransom, Frank E., 11528 Southeast Tyler, Portland, Oregon, convicted on November 5, 1970, and on April 27, 1971, in the Umatilla County Circuit Court, Umatilla County, Arizona.

Raybuck, James Edwin, Rural Route 1, Box 108A, Reynoldsville, Pennsylvania, convicted on August 13, 1973, in the Court of Common Pleas, Clearfield County, Pennsylvania.

Read, Daniel Boone, West Point, Kodiak, Alaska, convicted on May 12, 1941, in the District Court of Alaska.

Reason, Jesse James, 1248, Laurel Lane, Jackson, Michigan, convicted on June 27, 1977, in the 13th Circuit Court of Jackson County, Michigan.

Richardson, Steven Thomas, 854 East Main Street, Frankfort, Kentucky, convicted on January 2, 1976, in the Anderson Circuit Court, Lawrenceberg, Kentucky.

Riddell, Donald, 900 Southwest St. Clair, Apartment 601, Portland, Oregon, convicted on January 26, 1976, in the United States District Court of Oregon, Portland, Oregon.

Robinson, Gene William, Route 8, Cool Springs Road, Gainesville, Georgia, convicted on January 23, 1979, in the United States District Court of Gainesville, Georgia.

Robinson, Quenteri Robert, 15260 Rushmore, Taylor, Michigan, convicted on January 27, 1977, in the Oakland County Court, Pontiac, Michigan.

Rolby, Leonard A., 3350 Southwest 22th Terrace, Miami, Florida, convicted on January 10, 1972, in the Criminal Court of Dade County, Florida.

Rompola, Mitchell Raymond, 3109 Townline Road, Traverse City, Michigan, convicted on April 18, 1980, in the United States District Court, Grand Rapids, Michigan.

Ross, Michael K., 9026 Ohio Street, Highland, Indiana, convicted on January 20, 1972, in the Superior Court of Tippecanoe County, Indiana.

Rouse, John Robert, Route 1, Box 157, Powhatan, Virginia, convicted on October 1, 1930, in the Circuit Court of Washington County, Virginia.

Royal, Rex Junior, Route 1, Box 10, McGrady, North Carolina, convicted on October 21, 1974, in the United States District Court of Wildesboro, North Carolina.

Runyan, Kelly, Route 1, Box 70, Hartsfield, Georgia, convicted on March 20, 1979, in the Circuit Court of Barbour County, Alabama.

Schamun, Patrick Robert, 5212 Sitton Way, Sacramento, California, convicted on October 8, 1959, in the Circuit Court of Volusia County, Florida.

Schindler, Stephen M., 3421 Mooney Road, Houston, Texas, convicted on July 10, 1974, in the Circuit Court of Multnomah County, Oregon.

Schultz, William John, 307 2nd Street, Fox Lake, Wisconsin, convicted on December 19, 1962, in the Waukesha County Court, West Bend, Wisconsin.

Scott, Richard Lewis, 520 30th Street, Newport News, Virginia, convicted on May 5, 1980, United States District Court of Hampton, Virginia.

Shaw, Alfred Christian, Mills Creek Road, Staatsburg, New York, convicted on April 2, 1957, in the Dutchess County Court, Poughkeepsie, New York.

Shoemaker, Austin W., West 2617 Del Drive, Spokane, Washington, convicted on August 24, 1979, in the Superior Court of Benton County, Washington.

Shutts, Michael Thomas, 626 Church Road, Sterling, Virginia, convicted on April 1, 1974, in the Circuit Court of Fairfax, Virginia.

Simmons, Gary Wayne, Route 2A, Pine Trail Shores, Flint, Texas, convicted on February 27, 1975, in the Criminal District Court of Dallas County, Texas.

Sinclair, Richard Allen, Route 1, Box 798, Stanley, Virginia, convicted on November 15, 1977, in the United States District Court, Harrisonburg, Virginia, and on November 24, 1980, in the Circuit Court, Page County, Virginia.

Skinner, Vincent Joseph, 126 East Liberty, Rapid City, South Dakota, convicted on December 31, 1970, in the Fourth District Court of Hennipin County, Minnesota.

Slate, Arthur B., II, 505 Warren Avenue, Front Royal, Virginia, convicted in April 1975, in the Warren County Circuit Court, Front Royal, Virginia.

Smith, Jay William, 2614 South 13th Street, Council Bluffs, Iowa, convicted on April 16, 1972, in the District Court for Roscommon County, Michigan.

Snapp, Danny W., 935 Lillian Street, Prosser, Washington, convicted on April 11, 1974, in the Superior Court of Snohomish County, Everett, Washington.

Snapp, Joann E., 935 Lillian Street, Prosser, Washington, convicted on May 29, 1975, in the Superior Court of King County, Washington.

Spencer, John Martin, P.O. Box 6191, Ketchikan, Alaska, convicted on June 9, 1977, in the Superior Court of Washington, Mason County, Washington.

Spradlin, Thomas Ewing, 162 Morningstar Avenue, Oroville, California, convicted on December 1, 1972, in the Superior Court of Butte County, California.

Stamper, Thomas F., 1302 Dale Drive, Winchester, Kentucky, convicted on March 4, 1977, in the United States District Court of Charleston, West Virginia.

Stayton, Mervyn R., P.O. Box 1069, Elma, Washington, convicted on July 31, 1979, in the Superior Court of Olympia, Washington.

Stokes, Jerry Lee, 1021 South Glenn, Springfield, Missouri, convicted on December 8, 1961, in the Circuit Court of Webster County, Missouri.

Styes, Jack Edward, 3140 Tipsico Lake Road, Milford, Michigan, convicted on June 28, 1974, in the United States District Court, Eastern District of Michigan.

Stokes, Nathan P., P.O. Box 58, Rumsey, Kentucky, convicted on March 3, 1980, in the United States District, Western District of Owensboro, Kentucky.

Suiter, Timothy J. S., 16804 Southeast, 128th Street, Kenton, Washington, convicted on April 17, 1978, in the Superior Court of King County, Washington.

Sutherland, Alexander, 1805 Winfield, Apartment A, Bremerton, Washington, convicted on November 17, 1975, in the Superior Court of Kitsap County, Washington.

Sutherland, James, 864 Allen Street, Caro, Michigan, convicted on December 4, 1978, in the Tuscola County Court, Caro, Miciigan.

Sutton, Douglas, S., 33 Highland Court, Paris, Illinois, convicted on March 12, 1976, in the Circuit Court of the Fifth Judicial Circuit, Edgar County, Paris, Illinois.

Switzer, Ronald, Route 4, Russellville, Kentucky, convicted on April 29, 1975, in the Federal District Court of Bowling Green, Kentucky.

Szency, Timothy A., 217 State Park Drive, Bay City, Michigan, convicted on December 8, 1975, in the Circuit Court of Bay County, Michigan.

Tate, John Dennis, 5868 Sixteen Mile Road, Cedar Springs, Michigan, convicted on July 28, 1960, in the District Court, 2nd Judicial District, Carbon County, Rawlins, Wyoming.

Taylor, George F., Star Route, Box 28B, Addy, Washington, convicted on July 15, 1977, in the Superior Court of Stevens County, Stevens County, Washington.

Taylor, Karl Leroy, 612 Church Street, Apartment B, Clifton Forge, Virginia, convicted on September 11, 1979, in the Circuit Court of Roanoke, Virginia.

Thoms, Benny Joe, 29 West 23rd Street, Newton, North Carolina, convicted on October 10, 1978, in the Superior Court of Catawba County, North Carolina.

Thomas, Earl G., 4526 West Montebello, Phoenix, Arizona, convicted on October 6, 1962, in the United States District Court of California; and on July 12, 1956, in the Superior Court of Los Angeles, California.

Thompson, John Brian, 663 2nd Avenue, San Francisco, California, convicted on October 2, 1969, in the Superior Court of Santa Cruz, California.

Thompson, Mary Louise, 44 Vanira Avenue Southeast, Atlanta, Georgia, convicted on March 2, 1959, in the Circuit Court of Montgomery County, Alabama.

Thornley, Thomas R., III, 1409 Hemlock, Cayce, South Carolina, convicted on June 27, 1974, in the Richland County Criminal Court, Richland, North Carolina.

Thorpe, Earl Howard, 619 Monogahela Avenue, Glassport, Pennsylvania, convicted on June 10, 1955, in the Court of Quarter Sessions, Pittsburg, Pennsylvania.

Tobey, Leonard J., 507 Pilot Drive, Herscher, Illinois, convicted on November 8, 1978, in the United States District Court, Danville, Illinois.

Tooker, Steven Allen, P.O. Box 1097, Bushnell, Florida, convicted on October 25, 1968, in the Circuit Court of Marion County, Florida; June 20, 1969, in the Circuit Court of Marion County, Florida; and on March 12, 1976, in the Circuit Court of Sumter County, Florida.

Trahan, Matthew J., Vista Village Trailer Park No. 17, Bayou Vista, Louisiana, convicted on May 11, 1979, in the Third Judicial District Court, Parish of Lincion, Louisiana.

Tschoar, Alexander W., 1200 Hospital Avenue, Apartment 31, Angleton, Texas, convicted on May 18, 1978, in the Beaioria, County Court, Angleton, Texas.

Tuttle, Ricky Eugene, 6617 East Mockingbird, Dallas, Texas, convicted on April 29, 1975, in the 204th Judicial District, Dallas, Texas.

Uetz, Steven Dana, 522 South Nevada Street, Ridgecrest, California, convicted on May 27, 1975, in the Municipal Court of Kern County, California.

Vanderpool, Selwyn, Route 5, Box 515, Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.

Van Note, Daryl A., 14518 Rockwell, Spokane, Washington, convicted on August 9, 1977, in the 19th District Court, Judicial District of Montana.

Varnado, Jack D., 6044 West 20th Avenue, Kennewick, Washington, convicted on April 24, 1958, in the Circuit Cout of Franklin County, Florida; and on July 11, 1958, in the Circuit Court of Leon County, Florida.

Vitale, John J., 2 Grace Court, Brooklyn, New York, convicted on April 5, 1956, in the General Court Martial, Fort Knox, Kentucky.

Waggoner, Richard K., Box 733, Bridgeport, Washington, convicted on February 25, 1977, in the Superior Court of Grant County, Washington.

Wahus, Gordon E., Box 1311, Huran, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.

Wall, William Joseph, III, 4606 Kenwood Drive, Woodbridge, Virginia, convicted on April 23, 1979, in the Circuit Court, of Farifax County, Fairfax, Virginia.

Waltman, Richard James, Box 231, Burlington, Wyoming, convicted on June 28, 1968, in the District Court of Marshall County, Iowa.

Wahus, Gordon E., Box 1311, Huran, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.

Wardell, Stephen Wayne, Route 6, Box 12, Holts Trailer Park, Conway, South Carolina, convicted on October 11, 1977, in the Cabarrus County Superior Court, Concord, North Carolina.

Warren, Jack B., P.O. Box 706, Jena, Louisiana, convicted on January 21, 1961, in the United States District Court, Easter District of Louisiana.

Welch, Don Seaton, 818 Saratoga Avenue, Apartment L-20, San Jose, California, convicted on October 3, 1979, in the United States District Court, Northern District of Oklahoma.

Weinstein, Bernard, 6632 Brookmont Terrace, Nashville, Tennessee, convicted on August 6, 1980, in the United States District Court, Middle District of Tennessee.

Weiss, Marvin, 32 Hampton Road, New York, New York, convicted on April 28, 1950, in the Bronx Supreme Court, Bronx, New York.

Welch, Don Seaton, 818 Saratoga Avenue, Apartment L-201, San Jose, California, convicted on October 3, 1979, in the United States District Court, Northern District of Oklahoma.

Wells, Douglas Bruce, 123 Windham Way, Hendersonville, North Carolina, convicted on February 9, 1979, in the Superior Court of Hendersonville, North Carolina.

Westerfield, Ronnie G., 709 East Drive, Danville, Kentucky, convicted on April 27, 1972, in the Circuit Court of Jefferson County, Louisville, Kentucky.

Westfield, Daniel A., Box 432, Fox Lake, Wisconsin, convicted on April 27, 1978, in the Circuit Court of Green Lake County, Marquette, Wisconsin.

Wheeler, Michael, G., Sr., P.O. Box 8, Second Street, Mesa, Washington, convicted on March 23, 1961, in the Superior Court of Benton County, Washington.

Whirley, David D., 228 Gary Drive, Grand Rapids, Minnesota, convicted on March 6, 1978, in the 9th Judicial District, Grand Rapids, Minnesota.

White, Kenneth Avon, 104 Savannah, Pensacola, Florida, convicted on August 16, 1971, in the United States District Court; and on August 6, 1971.

White, Robert Ronald, Sr., 616 East Finch Street, Siler City, North Carolina, convicted on August 1, 1977, in the United States District Court, Western District of North Carolina.

Whitehead, Daniel, Sr., 1404 6th Avenue North, Birmingham, Alabama, convicted on September 1, 1972, in the Tenth Circuit Court of Birmingham, Alabama.

Williams, Stanley Atherton, Route 2, Box 12, Purdy Road, Calhoun, Louisiana, convicted on June 30, 1978, in the Fourth Judicial District Court, Monroe, Louisiana; and on April 13, 1978, in the Fourth Judicial District Court, Monroe, Louisana.

Williamson, Gary Dale, Route 1, Box 128-B, Candor, North Carolina, convicted on February 8, 1979, in the Justice Superior Court Division, Haywood County, North Carolina.

Willis, Alvin Wynn, 241 South Ardmore Avenue, Dayton, Ohio, convicted on May 24, 1951, in the United States District Court of Dayton, Ohio.

Wilson, William Raymond, 1205 North MacArthur, Irving, Texas, convicted on July 30, 1973, in the United States District Court of Corpus Christi, Texas.

Winstead, Millar, Route 3, Box 83C, Perry, Florida, convicted on March 12, 1966 in the Circuit Court of Taylor County, Taylor County, Florida.

Wingo, Beverly James, 1930 Lebanon Street, Adelphi, Maryland, convicted on April 27, 1965, in the Circuit Court, Mecklenburg, Virginia.

Woods, Henry Odis, 2877 Winding Avenue, Lemay, Montana, convicted on June 17, 1946, in the Jefferson County Court, Jefferson County, Alabama.

Word, Lou Gene, 1610 Gartland Avenue, Nashville, Tennessee, convicted on September 19, 1969, in the 10th Judicial Circuit, Davidson County, Tennessee.

Yancey, Harvey Emmett, 1124 Memorial Avenue, Williamsport, Pennsylvania, convicted on January 8, 1970, in the Court of Quarter Sessions, Philadelphia, Pennsylvania.

Yates, David Dallas, Route 1, Box 1241, Yakima, Washington, convicted on December 10, 1980, in the Superior Court of Yakima County, Washington.

Zellner, Ronald Allen, 2214 Hillshire Cove, Memphis, Tennessee, convicted on February 28, 1972, in the Criminal Court of Shelby County, Tennessee.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46FR13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: March 7, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-6301 Filed 3-10-83; 8:45 am]

BILLING CODE 4810-31-M

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. While the comments may apply to any tax form issued by IRS, the Service would particularly appreciate specific suggestions on ways to reduce paperwork on the tax forms. The hearings will be held in 3 separate

cities on Thursday, May 5, 1983. The hearings will be held in Port Washington, NY, Indianapolis, and Houston beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as well as the hearing locations, are listed below:

Port Washington
Internal Revenue Service, Attn: Public Affairs, GPO Box 606, Brooklyn, NY 11202; Phone (212) 330–7257
Hearing Location: Port Washington Public Library, 245 Main Street, Port Washington, NY 11050

Houston
Internal Revenue Service, Attn: Public Affairs, 3223 Briarpark Houston, TX 77042, Mail Stop 6030BP; Phone (713) 953–6434
Hearing Location: Internal Revenue Service, 3223 Briarpark, Third Floor, Houston, TX 77042

Indianapolis
Internal Revenue Service, Attn: Public Affairs, P.O. Box 44211, Indianapolis, IN 46244, Attn: Stop 60; Phone (317) 269–6034
Hearing Location: Indiana Central University, Good Hall, 1400 East Hanna Avenue, Indianapolis, IN 46227

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is April 27. However, if there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made becase of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, we request that written submissions be made on or before June 1, 1983.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Further information concerning this notice may be obtained by calling (202) 566–6254.

Dated: March 8, 1983.

Robert Brauer,

Director, Tax Forms and Publications Division.

[FR Doc. 83-6345 Filed 3-10-83; 8:45 am]
BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 49
Friday, March 11, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Monday, March 14, 1983; 9:30 a.m.–12 noon.

STATUS OF MEETING: Part open to public, part closed to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Indiana Advisory Committee Report Entitled *Sworn to Protect Whom?*
IV. Nebraska Advisory Committee Report Entitled *Nebraska Human Rights Agencies*
V. Civil Rights Developments in the Central States Region
VI. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports
VII. (Closed Session) Discussion of Further Agency Action on a Contracted Project
VIII. Proposed Followup Regarding Obtaining Information From Executive Agencies
IX. Review of the *Adams* States Project
X. Discussion on Improving State Advisory Committee Communications

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254–6697.

[S-348-83 Filed 3-9-83; 1:44 pm]

BILLING CODE 6335-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, March 15, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 82–12–FOIA–55–NO, concerning a request for certain documents contained in two Title VII charge files.
4. Freedom of Information Act Appeal No. 82–12–FOIA–181–NY, concerning a request for materials denied from a charge file.
5. Freedom of Information Act Appeal No. 82–12–FOIA–135–CH, concerning a request for documents from a closed ADEA file.
6. Freedom of Information Act Appeal No. 82–11–FOIA–120–CH, concerning a request for materials denied from a charge file.
7. Freedom of Information Act Appeal No. 82–12–FOIA–64–NO, concerning a request for the content of a charge file.
8. Interpretative Bulletin on Employee Benefit Plans under the Age Discrimination in Employment Act of 1967, as amended.
9. Review of the Uniforms Guidelines on Employee Selection Procedures (UGESP) under Executive Order 12291.

Closed:

1. Litigation Authorization; General Counsel Recommendations (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634–6748.

This Notice Issued March 8, 1983.

[S-352-83 Filed 3-9-83; 3:09 pm]

BILLING CODE 6570-06-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, March 16, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agneda.

1. Proposed extension with revisions of the Report of Broker Carrying Margin Accounts (FR 240).
2. Proposals to: (1) Extend with revisions reports under the Board's securities regulations, and (2) delete the report, Market Value of Long and Short Positions Being Carried in Specialists' Accounts (FR 2020).
3. Proposed changes to Advance Reort of Deposits from Large Banks (FR 2000) and the Advance Report of Deposits from Selected Member Banks (FR 2001) to be effective when contemporaneous reserve requirements are implemented.

Discussion Agenda:

4. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) reducing time deposit maturities to which reserve requirements apply, to conform with actions of the Depository Institutions Deregulation Committee.
5. Proposals with respect to fees for wire transfer of funds and net settlement services.
6. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 9, 1983.

James McAfee,
Associate Secretary of the Board.

[S-345-83 Filed 3-9-83; 11:00 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, March 16, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of office space needs of the Federal Reserve Board.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announcing meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 9, 1983.

James McAfee,

Associate Secretary of the Board.

[S-346-83 Filed 3-9-83; 11:07 am]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-11]

TIME AND DATE: 2:30 p.m., Tuesday, March 22, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–124 (Preliminary) (Potatoes afrom Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-350-83 Filed 3-9-83; 2:15 pm]

BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-12]

TIME AND DATE: 10 a.m., Thursday, March 24, 1983.

PLACE: Room 331, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation TA–201–48 (Stainless Steel and Alloy Tool Steel)—briefing and vote on injury.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-351-83 Filed 3-9-83; 2:16 pm]

BILLING CODE 7020-02-M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-8]

TIME AND DATE: 9:30 a.m., Monday, March 21, 1983.

PLACE: Conference room 8 ABC, Eighth floor, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Pan American World Airways, Inc., Boeing 727–235, N4737, New Orleans International Airport, Kenner, Louisiana, July 9, 1982.

The agenda is subject to change on short notice.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

March 10, 1983.

[S-347-83 Filed 3-9-83; 1:21 pm]

BILLING CODE 6910-58-M

8

NEIGHBORHOOD REINVESTMENT CORPORATION

[No. 27]

FEDERAL REGISTER Citation of Previous Announcement: Published February 22, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 23, 1983, 2 p.m.

CHANGE IN THE MEETING: The meeting is rescheduled to March 15, 1983 at 1 p.m., Suite 400, 1850 K Street NW., Washington, D.C.

March 9, 1983.

Donnie L. Byrant,

Secretary.

[S-344-83 Filed 3-9-83; 10:54 am]

BILLING CODE 6000-00-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 14, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, March 15, 1983, at 10:00 a.m. Open meetings will be held on Wednesday, March 16, 1983, at 3:00 p.m. and on Thursday, March 17, 1983, at 10:00 a.m. and 3:00 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 15, 1983, at 10:00 a.m., will be:

Formal orders of investigation.
Amend formal order of investigation.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of administrative procedings of an enforcement nature.
Litigation matters.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Wednesday, March 16, 1983, at 3:00 p.m., will be:

The Commission will meet with representatives of the Securities Investor Protection Corporation ("SIPC") to discuss matters of mutual concern relating to the operations of SIPC. For further information, please contact Edward Kwalwasser at (202) 272–2790.

The subject matter of the open meeting scheduled for Thursday, March 17, 1983, at 10:00 a.m., will be:

1. Consideration of whether to permit William P. Crum, Jr. to become associated with FSC Securities Corporation in a supervisory and proprietary capacity. For further information, please contact Mary Binno at (202) 272–2318.
2. Consideration of whether to grant the application by the Pacific Stock Exchange for unlisted trading privileges in the common stock of Xonics, Inc., a non-reported security presently trading over-the-counter. For further information, please contact Michael Cavalier at (202) 272–2910.
3. Consideration of whether to authorize the publication of a release describing rule and form changes that would (1) consolidate two existing forms for the registration of American Depositary Receipts ("ADRs") into a single form; (2) permit depositary banks to specify the date and time of effectiveness of certain registration statements for ADRs; and (3) various other technical changes to up-date and simplify the registration of ADRs. For further information, please contact Ronald Adee (202) 272–3250.

The subject matter of the open meeting scheduled for Thursday, March 17, 1983, at 3:00 p.m., will be:

The Commission will be meeting with representative of North American Securities Administrators Association, Inc. to discuss issues of mutual concern relating to regulation of financial institutions, new offerings and tender offers. For further information, please contact Ardith Eymann at (202) 272-2844.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

March 9, 1983.

[S-349-83 Filed 3-9-83; 1:21 pm]

BILLING CODE 8010-01-M

VOL 48 ISS 49 MR 11 1983 UMI

federal register

Friday
March 11, 1983

Part II

Office of Personnel Management

Notice of Positions Which Were Career Reserved During 1982

OFFICE OF PERSONNEL MANAGEMENT

Positions Which Were Career Reserved During 1982

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1982.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, Office of Executive Personnel, (202) 632–4625.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1982, whether or not they were still career reserved on December 31, 1982. Section 3132(b)(4) of Title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year. OPM is publishing the list for all agencies.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982

Agency and organization	Career reserved positions
ACTION	
Otc of the Director	Assistant Director for Compliance Inspector General
	Asst Dir for Financial Management
	Director-Accounting Division
Otc Assoc Dir for Domestic & Anti-Poverty Operations.	
Administrative Conference of the U.S. Administrative Conference of the U.S.	Executive Director
	General Counsel
	Research Director
Advisory Council on Historic Preservation Otc of the Exec Director	Executive Director
Department of Agriculture	
Otc of the Inspector General.	Asst Inspector General for Investigations
	Dep Asst Inspector General for Investigation
	Asst Inspector General for Auditing
	Dep Asst Inspector General for Auditing
	Asst Inspector Gen for Planning Res & Eval
	Asst Inspector General for Sec & Spec Oper
	Asst Inspector General for Analysis and Eval
Office of Asst Sec'y Administration.	Assistant Secretary for Administration
Office of Operations	Director Office of Operations
Organization Abolished	Dep Dir for Administrative Services
Farmers Home Administration.	Dep Admr-Financial and Administrative Opers
	Dir, Finance Otc
	Asst Admin Accounting & Dir Finance Office
	Asst Admr, Community and Business Programs
Rural Electrification Administration.	Asst Admr-mgmt
	Financial Mgr (Director) REA
Agricultural Marketing Service.	Deputy Administrator, Management
	Director, Fruit & Vegetable Division
	Director, Cotton Division
	Director, Dairy Division
	Dir-Livestock Poultry Grain and Seed Division
	Dir Fruit & Vegetable Quality Div FSQS
	Dir Meat Quality Div FSQS
	Dir Warehouse Division
	Director, Tobacco Division.
	Agricultural Marketing Svc, Dir Poultry Div
Animal & Plant Health Inspection Service.	Dep Admr for Management
	Asst Dept Admin for Mgt
	Assist Dep Admin for International Programs
Veterinary Services	Asst Dep Admr: R-Animal Health Progs-Vet Serv
	Asst Dep Admr, Invest Prog, Vet Services
	Dir Natl Veterinary Services Labs, Ames
	Dir, Nat Prog Planning Staffs, Vet Services
	Co-Director U.S.-Mexico Screwworm Commission
	Director, Northern Region
	Dir, S E Region, veterinary Services
	Dir, Natl Brucellosis Eradication Program
Plant Protection & Quarantine Service.	Dir, Nat Prog Plan Staff, Plant Prot & Quarantine
	Dir, S E Region, Plant Prot & Quarantine
	Assist Dep Admin for Natl & Emergency Progr
	Director Northeastern Region
Federal Grain Inspection Service.	Asst Dep Admr-Program Operations (Staff)
	Asst Dep Admin-Program Opers (Field)
Food & Nutrition Service.	Dep Admr-Financial Mgmt (Comptroller)
	Deputy Admr for Management
Food Safety and Inspection Service.	Assistant Deputy Administrator
	Dep Admr-Administrative Mgmt
	Dir Northeast Region, Phila., PA
	Regl Director, Atlanta Georgia
	Dir, North Central Region, Des Moines, Iowa
	Director, Southwestern Region, Dallas, Texas
	Dir, Western Region, Alameda, California
	Asst Dep Admr Comp & Staff Operations
	Asst Deputy Admin Regional Operations
	Assistant Deputy Admr Science FSQS
	Asst Dep Admin (Admin Mgt)
	Deputy Administrator, Science
	Dep Admr Interntl Programs
Agricultural Stabilization & Conservation Service.	Accounting Officer
Foreign Agricultural Service.	Asst Administrator, Management
Commodity Programs	Director Tobacco Cotton & Seeds Division
	Dir, Grain & Feed Div
	Dir, Oilseeds & Prod Div
	Dir, Dairy, Livestock & Poultry Div
	Deputy Assistant Administrator Export Credits
Agricultural Attaches	Dep Asst Admr. Interntl Agric Statistics
Otc of Dir Science and Education Administration.	Research Leader, Wheat Research
	Research Leader-Fruit & Vegetable Chem Research
	Research Leader-Plant Physio & Photosynthesis Res
	Dep Dir for Adm

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Director, Nutrition Research Ctr on Aging
	Assoc Dep Dir for Adm Management
	Dir, Children's Nutrition Research Center
	Chief Livestock and Veterinary Sciences Staff
	Chief Post Harvest Science and Technology Stf
	Dir, Western Human Nutrition Research Center
	Pesticide Management Coordinator
Agricultural Research Service.	Chrmen-Nutrition Inst, Beltsville MD
	Chief Oilseed Crops Laboratory
	Chief Fermentation Laboratory
	Research Leader-Soil & Water Research Mgmt
	Chf, Plant Virology Lab Beltsville, MD
	Res Leader Natural Products Chemistry Res
	Dir, Southern Regional Res Center, New Orleans
	Chief, Crop Protection Staff
Regional Offices, ARS	Assoc Dep Admr
	Dir, Northern Region Research Center
	Dir, Nat'l Animal Disease Ctr
	Dir, Beltsville Agricultural Research Center
	Chf Tobacco Lab
	Director, Eastern Regl Research Center
	Dir, Plum Island Animal Disease Ctr
	Chf Scientist, PIADC-Orient Point, NY
	Director, Western Regional Research Center
	Research Leader Feedstuffs Research
	Director, California-Hawaii-Nevada Area
	Director, Florida-Antilles Area
	Director, Oklahoma-Texas Area
	Director, Athens, Georgia Area
	Chief Soil Water & Air SCI Staff
National Program Staff	Asst. Admr. National Program Staff
Research Staff	Director, U.S. Salinity Laboratory
	DIR Insects Affecting Man Laboratory
Extension Service	Dep. Admr. Home Economics & Human Nutrition
Soil Conservation Service.	Director Engineering Division
	Dir, Ecological Sciences and Technology Divisi
	Dep. Chf. for Administration
	Dir, Conev. Planning and App
	Dir, Project Dev. and Maint
	Dir, Basin & Area Planning (Soil Consery)
	Assoc Dep Chief for Administration
	Dir, Soils (Soil Scientist)
	Dir, Land Treatment Program
Forest Service	Dep Chf for Administration
	Associate Deputy Chief-Administration
	Dir, Forest Insect & Disease Mgmt Staff
Research	Director, Timber Mgmt. Research Staff
	Dir, Insect and Disease Research Staff
	Dir, Forest Environment Research Staff
	Dir, Forest Economics Research Staff
	Dir, Forest Products & Eng. Res. Staff
Nat'l Forest System	Dir, Range Management Staff
	Dir, Recreation, Mgmt Staff
	Dir, Timber Management Staff
	Director, Engineering Staff
	Director, Aviation and Fire Management Staff

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Director, Lands Staff
	Dir, Land Management Planning Staff
	Dir, Wildlife Mgt. Staff
	Dir, Minerals & Geology Staff
	Dir, Watershed Mgt. Staff
State & Private Forestry	Dir, of Area Planning & Dev Staff
	Dir, Cooperative Forestry
Field Units	NE Area Dir, State & Private Forestry, U Darb
	Dir, SE Area State & Private Forestry
	Dir, Intermountain Forest & Range Exp Stat, OGD
	Dir, N Eastern Forest Experiment Station
	Dir, North Central Forest Exp Station
	Dir, Pacific NW Forest & Range Exp Station
	Dir, Pacific SW For & Range Exper Sta
	Director Rocky Mt Forest & Range Exper Stat
	Dir S Eastern Forest Experiment Station
	Dir, S. Forest Experiment Station, New Orleans
	Director, Forest Products Laboratory
	Dep Dir Forest Prouducts Lab
Economic Research Service.	Admr, Economic Research Service
	Assoc Admr
	Dep Admr, Economic Research Service
	Director, International Economics Division
	Director, National Economics Division
	Dir, Natural Resource Economics Div
	Director, Economic Development Division
Economics Management Staff.	Director, Economics Management Staff
	Director, Commodity Economics Div
Statistical Research Service.	Administrator, SRS
	Dep Admr, Statistical Research Service
	Dir, Estimates Div
	Director, Survey Division
	Director, Statistical Research Division
	Director, State Statistaical Division
World Agricultural Outlook Board.	Chairperson
	D/Chrperson for Res Weather & Remote Sensing
	Deputy Chairperson for Economic Intelligence
Board for International Broadcasting	
Board Staff	Exec Director
	Dir for Research & Engineering
	Financial Manager, Foreign Information Officer
	Foreign Information Officer
Department of Commerce	
Ofc of the Under Sec for Economic Affairs.	Statistical Coor for the Asst Sec for Eco Aff
Ofc of Asst Secy for Productivity, Tech & Innov.	Research and Development Administrator
National Technical Information Service.	Assoc Dir for Financial & Admin Mgmt
Ofc of the Inspector General.	Assistant Inspector General for Auditing
	Dep Dir, Ofc of Audits
	Asst Inspector General for Investigations
	Dir, Ofc of Policy & Administration
	Deputy Assistant Inspector Gen for Auditing
	Asst Inspector Gen for Planning & Evaluation
	Technical Advisor to the Inspector General
	Asst Insp Gen for Vulnerability Assec & Mgt Svc

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Personnel	Dir, Office of Personnel
	Dep Dir for Personnel Development
	Deputy Director of Personnel
Executive Director for Operations.	Dir Ofc of Investigations & Security
Executive Director for Information Resources Management.	Dir, Ofc of Information Management
	Dir, Ofc of Information Systems
Office of Controller	Dep Asst Secy for Acquisition, Grants & Info
	Dep Dir for Procurement
	Director, Office of Information Management
Economic Development Administration.	Dir, Off of Public Works
	Dir, Ofc of Technical Assistance
	Director, Ofc of Economic Research
	Spec Asst for Indian Affairs
	Director, Ofc of Plan, Techn Asst, Res & Eval
	Dir Ofc of Eligibility and Industry Studies
National Oceanic and Atmospheric Administration.	Asst Dir, Ocean Minerals and Energy
Asst Admr for Policy and Planning.	Dir, National Marine Pollution Program Office
Management and Budget.	Director, Ofc of Program Evaluation & Budget
	Director, Office of Personnel
	Director, Office of Management & Computer Sys
	Dir, Office of Administrative Operations
Fisheries Centers and Laboratories.	Dir, NE Fisheries Ctr
	Dir, SE Fisheries Ctr
	Dir, SW Fisheries Center
	Dir, NW & Alaska Fisheries Ctr
Regional Offices	Regl Dir, Northeast Reg, Reg III
	Regl Dir, Southeast Reg Reg, II
	Regl Dir, Northwest Reg, Reg I
	Regl Dir, Alaska Reg, Region V
National Earth Satellite Service.	Dir, Ofc of Operations
	Assoc Dir for Data Processing
	Dir, Ofc of Research
	Dir, Satellite Experiment Lab
	Director, Office of Data Services
	Director, Systems Developent,
	Director, of Satellite Operations
	Director, Earth Sciences Laboratory
Ofc of Research and Development.	Director, Ofc of Ocean Programs
	Dep Dir, Ofc of Marine Pollution Assessment
	Director, Special Research Programs Office
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories
	Dir, Weather Modification Prog Ofc
	Director, Space Environment Laboratory
	Dir, ARL
	Dir, Meteorological Lab, Durham, NC
	Dir, Great Lakes Environmental Research Lab
	Dir, Pacific Marine Environmental Lab
	Dir, Nat'l Severe Storms Lab
	Dir, Ofc of Weather Res & Modification
Atlantic Oceanographic and Meteorological Labs.	Dir, Atlantic Oceanographic & Meteorological Labs
	Depy Dir, Atlantic Oceanographic & Meteorological Labs
Wave Propagation Lab	Director
	Dep Dir, Wave Propoagation Laboratory
Aeronomy Lab	Director, Aeronom Laboratory
	Senior Scientist/Deputy Director
Geophysical Fluid Dynamics Laboratories.	Director
	Research Meteorologist
	Res Team Leader Exp Predictions
	Research Meteorologist
Oceanic and Atmospheric Services.	Dir, Satellite & Advanced Technology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Ocean Technology and Engineering Services.	Dep Dir, Ofc of Ocean Tech & Engr Serv
	Director, Plans and Programs Office
	Dir, Undersea Science & Technology Program
	Dir, NOAA Data Buoy Ofc
	Dir, Ocean Inst Eng Ofc
National Ocean Survey	Dep Dir
	Chf Scientist
	Dir, Geodetic Research & Development Lab
	Assoc Dir, Ofc of Aeronautical Charting & Cart
	Dir, Engrg Dev Lab
	Oceanographic Science Advisor
	Chief Geodesist
Environmental Data and Information Service.	Dep Dir, Environmental Data Service
	Associate Director for Marine Sciences
	Dir, Center for Environmental Assessment Svcs
	Dir, Environmental Science Info Center
	Dir, Nat'l Oceanographic Data Center
	Dir, Nat'L Climatic Center
	Dir, National Geophy & Solar Terres Data Center
National Weather Service.	Dep Dir, National weather Service
	Executive Director, NWS
	Dir, Nexrad Joint Systems Program OFC
Office of Meteorology and Oceanography.	Dir, OFC of Meteorology & Oceanography
	Chf, Meterological Services Division
Office of Hydrology	Associate Director
	Dir, Hydrologic Services Division
	Dir, Hydrologic Research Lab
National Meteorological Center.	Dir, Climate Analysis Ctr
	Director, National Meteorological Center
	Deputy Director
	Chf, Data Automation Div
	Chief, Development Div
	Chf, Forecast Division
Systems Development Office.	Dir, Systems Development OFC
	Director, Integrated Systems Laboratory
	Dir, Techniques Dev Lab
	Director, Advanced Systems Laboratory
Office of Technical Services.	Dir, OFC of Technical Services
	Chf, Communications Division
	Chf, Data Systems Division
	Chief, Engineering Division
	Chief, Ales Operations Division
Regional Offices	Dir, Nat'l Severe Storms Forecast Center
	Dir Southern Region, Ft worth
	Director, Nat'l Hurricane Center
	Dir, Salt Lake City Region
	Dir, Alaska Region, Anchorage
	Dir, Eastern Region NWS
	Director, Central Region
Institute for Telecommunications Sciences.	Assoc Admr for Telecommunications Science
	Dep Assoc Admin for Telecommunication Scie
	Associate Director, ITS
	Assoc Dir, ITS
	Deputy Dir For Systems & Networks
	Special Technical Liaison
	Deputy Director for Spectrum
National Bureau of Standards.	Assoc Dir for International Affs
	Director, Boulder Labs
	Tech Advisor to the Director
	Director, Planning Ofc
	Assoc Dir for Programs, Budget, and Finance
	Scientific Assistant to the Director
	Deputy Dir, Office of Product Standards Policy

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Measurement Lab.	Senior Science Adviser
	Senior Mathematical Statistician
	Associate Director for Planning
	Assoc Dir for Measurement Service
	Chief, Metallurgy Div
	Group Leader, Ion Thermochemistry
	Group Leader, Surface and Structure Kinetics
	Chief, Gas and Particulate Science Division
Deputy Director for Programs.	Deputy Director for Programs
	Chief, Olc of Environmental MEMTS
	Chief, Office of Standard Reference Data
	Chief, Olc of Standard Reference Materials
	Chf, Olc of Measurements for Nuclear Safeguard
	Prog Manager, Industrial Process Data
	Program Manager, Energy and Environmental Data
	Principal Scientist for Environmental Measure
	Chf, Olc of Nondestructive Evaluation
Center for Absolute Physical Quantities.	Dir, Ctr for Absolute Physical Quantities
	SR Research Fellow and Chf, Quantum Metrology
	Chf, Electrical Measurements and Stds Division
Quantum Physics Division.	Chf, Quantum Physics Div (Ctr for Apq)
	Sr Sci & Fellow of Jila
	Senior Research Scientist
	Senior Scientist, Boulder
	Sr Scientist & Fellow of Jila
	Senior Scientist, Fellow of Jila
Time and Frequency Division.	Chf, Time & Frequency Div
	Group Leader, Time and Frequency Division
	Senior Sci, Time & Frequency Div Ctr for Apq
Center for Analytical Chemistry.	Director, Center for Analytical
	Chf, Radiochemical Analyses Section
	Scientific Asst to the Dir, Ctr for Analytical
	Chf, Organic Anal Research Div
Center for Radiation Research.	Dir, Center for Radiation Research
	Dep Dir, Ctr for Radiation Research
	Chf, Atomic & Plasma Radiation Div
	Chf, Radiation Science & Instrumentation Div
Nuclear Radiation Division.	Chief, Nuclear Radiation Div.
	Physicist, (Nuclear)
	Principal Scientist, Neutron Standards
	Chief, Radiation Theory Section
Radiation Physics Division.	Prin Scientist in X-Ray Physics
	Group Leader for Far Ultraviolet Physics
Center for Material Science.	Dir, Center for Material Science
	Deputy Dir, Center for Material Science
	Senior Scientist
	Group Leader for Fiberous Systems
	Chf, Metallury Div-Ctr for Materials Science
	Scientific Assistant to the Director
Fracture and Deformation Division.	Chf, Fracture and Deformation Division
	Group Leader, Frac Cer & Comp Frac & Def Div
Chemical Stability and Corrosion Division.	Chf, Chemical Stability & Corr Div
	Group Leader, Corrosion and Electrodeposition
Ceramics Glass and Solid State Science Division.	Group Leader for Crystallography
	Chf, Inorganic Glass Section
Polymer Science and Standards Division.	Chf, Polymers Science and Standards Div
	Physicist (Solid State)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Reactor Radiation Division.	Chf, Reactor Radiation Div
	Group Leader, Reactor Radiation Division
Center for Chemical Physics.	Director, Center for Chemical Physics
	Quantum Chemistry Group Leader
	Group Leader for Environ Chemical Process
	Senior Scientist
	Scientific Asst to Dir, Cen for Thermo & M/S
	Director, Center for Chemical Physics
	Chief, Surface Science Div
	Deputy Director, Center for Chemical Physics
National Engineering Lab.	Assoc Dir for Technical Evaluation
	Assoc Dir for Program Coordination
	Senior Engineer
	Group Leader, Equation of State
	Chief, Office of Sponsored Programs
	Deputy Director for NEL Programs
	Deputy Director, Ctr for Chemical Engineering
Center for Fire Research.	Director, Center for Fire Research
	Deputy Director, Center for Fire Research
	Chf, Fire Science Division
	Chief, Fire Safety Technology Division
Center for Building Technology.	Director, Center for Building Technology
	Deputy Director, Center for Building Tech
	Chf, Structures, Materials, & Life Safety Div
	Chief, Building Thermal and Service Systems
	Chf, Building Economics & Regulatory Tech Divs
	Chf, Thermal Analysis Program
	Chf, Building Materials Div
	Chief, Building Equipment Division
Ctr for Mechanical Engineering & Process Technology.	Dir, Ctr for Mechanical Engineering & Process
	Dep Dir, Ctr for Mechanical Engineering & Proc
	Chf, Thermal Processes Division
	Chief, Automated Production Technology Div
	Chf, Thermophysical Properties Div
Center for Applied Mathematics.	Director, Center For Applied Mathematics
	Deputy Director
	Chf, Mathematical Analysis Div
	Chf, Statistical Engineering Division
	Senior Research Fellow
	Assoc Dir for Computing
	Chief, Operations Research Division
Center for Electronics and Electrical Engring.	Dir, Ctr for Electronics & Electrical Engineer
	Dep Director
	Chf, Electrosystems Division
	Chf, Electromagnetic Technology Division
	Senior Research Scientist
Center for Consumer Product Technology.	Director, Office of Engineering Standards
	Dep Dir, Center for Consumer Product Technology
Center for Field Methods.	Dir, Ctr Field Methods
	Chf, Olc of Energy Programs
	Chief, Semiconductor Devices & Circuits Div
	Chief, Electromagnetic Fields Division
Center for Chemical Engineering.	Director, Center for Chemical Engineering
	Chief, Thermophysics Division
	Chief, Fluid Engineering Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Inst for Computer Sciences and Tecnology.	Dir, Center for Programming Science & Techn
	Chf, Olc of Developmental Automation & Contrl
	Dir, Center for Computer Systems Engineering
	Assoc Dir for Planning Budget & Evaluation
	Chief, System Components Division
Bureau of the Census	Dep Dir
	Chief, Data User Services Division
	Asst Dir for International Programs
Administration	Associate Director for Administration
	Assistant Director for Administration
Statistical Standards and Methodology.	Assoc Dir for Statistical Standards & Method
	Asst Dir for Statistical Research
Information Technology	Asst Dir for Computer Services
	Chief, Computer Operations Division
Demographic Fields	Associate Director for Demographic Fields
	Asst Dir for Demographic Censuses
	Chf, Population Div.
	Chf, Statistical Methods Div
	Chief, Demographic Surveys Division
	Chief, Decennial Census Div
Economic Fields	Assoc Dir for Economic Fields
	Asst Dir for Economic & Agric Censuses
	Chief, Agriculture Div.
	Chf, Business Div
	Chf, Construction Statistics Div
	Chf, Econ Surveys Div
	Chf, Foreign Trade Div
	Chf, Government Div
	Chf, Industry Div.
	Senior Economic Advisor
	Chief, Center for Economic Studies
Field Operations	Assoc Dir for Field Operations
	Chf, Geography Div.
	Chf, Field Div
	Assistant Director for Processing
Bureau of Economic Analysis.	Director
	Dep Dir, Bur of Economic Analysis
	Assoc Dir for Nat'l Economic Accounts
	Assoc Dir for Nat'l Analysis & Projections
	Assoc Dir for Regional Economics
	Assoc Dir for Internat'l Economics
	Chief Economist
	Chf Statistician
	Asst to the Director for Econometrics
	Chf, Nat'l Income & Wealth Div
	Chief, Current Business Analysis Div
	Chief, Business Outlook Div.
Bureau of Industrial Economics.	Dir, Bureau of Industrial Economics
	Dep Dir, Bureau of Industrial Economics
	Director, Office of Industrial Statistics
	Dir, Olc of Industry Econ Res and Analysis
	Director, Office of Producer Goods
	Dir, Olc of Basic Industries
	Dir, Olc Consumer Goods & Svc Ind
Patent and Trademark Administration.	Asst Commissioner for Finance and Planning
	Assistant Commissioner for External Affairs
Office of Assistant Commissioner for Patents.	Adm'r for Documentation
Chemical	Group Director—110
	Group Director—120
	Group Director—140
	Group Director—160
	Group Director—170

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Electrical	Group Director—210
	Group Director—220
	Group Director—230
	Group Director—240
	Group Director—250
Mechanical	Group Director—310
	Group Director—320
	Group Director—330
	Group Director—340
	Group Director—350
Office of Assistant Commissioner for Trademarks.	Director, Trademark Examining Operation
	Chairman, Trademark Trial & Appeal Board
	Deputy Asst Commissioner for Trademarks
Board of Patent Interferences.	Chairman
Commodity Futures Trading Commission	
Office of the General Counsel.	Assoc Gen Counsel for Opinions and Review
	Assoc Gen Coun (Litigation)
	Assoc Gen Counsel (Rules)
	Deputy General Counsel (Reg & Adm)
Office of the Executive Director.	Dep Exec Dir
Office of the Chief Economist.	Dep Chf Economist
	Chf, Analysis Section
Division of Enforcement	Deputy Dir, Division of Enforcement
	Deputy Director, Division of Enforcement
Division of Trading and Markets.	Deputy Director, Div of Trading & Markets
	Dep Dir, Div of Trading and Markets
Consumer Product Safety Commission	
Ofc of General Counsel	Dep Gen Counsel, Reg Afl/Gen Law
Ofc of Executive Dir	Dir, Ofc of Prog Mgt
	Director, Ofc of Budget, Prog Plan & Eval
Office of AED for Epidemiology.	Associate Exec Dir for Epidemiology
Ofc of AED for Compliance & Administrative Litigation.	Assoc Exec Dir for Compl & Admin Litigation
Ofc of AED for Health Sciences.	Assoc Exec Dir for Field Opers
Ofc of AED for Administration.	Assoc Exec Dir for Adm
Ofc Secy of Defense	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight)
Ofc of Asst to the Secy of Def (Review and Oversight).	Principal Deputy Asst to Sec of Defense
	Dep Asst to the Secy (Follow-up Report & Mgmt)
	Dep Ast to the Secy of Def (O E & C P)
	Director, Contract Audit Follow-up
	Dir, Audit Res & Internal Audit & Invest Fol-up
	Dep Asst to the secy of Def (Criminal Investigation)
	Dir, Special Projects & Analyses
	Dir, Internal Audit Oversight & Evaluation
	Dir, Contract & Ext O/Sight and Evaluation
	Director for Criminal Policy and Oversight
Ofc of Deputy Under Secy (Policy).	Dir, Counter Intel & Investigative Prog
	Dir, Information Security
Ofc of the Asst Secy of Def (Internal Security Programs).	Dep Director, DOD SALT Task Force
	Asst Dep Dir for Strat Sys & Semir OSD Activ

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc Dep Asst Sec (Civilian Personnel Policy & Reg).	Staff Dir, CPP/Dir for Personnel Mgmt
	Dir, Compensation & Position Mgmt
	Dir, Staffing and Career Mgmt
	Dir, Overseas & Nonappropriated Fund Per/Mgmt
	Dir, Personnel Management
	Deputy Director for Labor Management Relation
Ofc Dep Asst Sec, Mil Personnel & Force Management.	Director, Accession Policy
Ofc of Deputy Asst Sec., Equal Opportunity.	Dir for Civilian Equal Opportunity Programs
Ofc of Dir Of DOD Dependents Schools.	Dir, DOD Dependents Schools
	Dir, Pacific Region DODDS
Office of Assistant Secretary, Public Affairs.	Dir, Freedom of Information & Security Review
Ofc of Dep Director (Strategic Programs).	Dir, Strat Def and Theater Nuclear Forces Div
Washington Headquarters Services.	Director of Personnel and Security
Ofc Dep Asst Secy of Defense (Cost & Audit).	Deputy Asst Secy of Defense (Audit Policy)
	Dep Comptroller for Audit Policy
Ofc of Under Secretary for Research and Engineering.	Spec Asst for Assessment & Exec Officer—DSE
	Director, Program Control and Administration
Ofc of Asst to Secy for Atomic Energy.	Sr Analyst for Long Range Resource Planning
Ofc of Dep Under Secy (Intermissile Programs and Tech).	Asst Dep Under Secy of Def (Interntl Progs)
	Dir, Technology Export
	Director , Technology Trade
	Staff Specialist for Interntl Programs & Poli
	Special Asst for Planning and Requirements
	Dir, F/East, M/East & Southern Hemisp Affairs
Ofc of Asst Dep Und Secy of Def (Prod Policy).	Asst Dep Under Secy of Def (Production Pol)
	Director, Embedded Computer Resources
	Dir, Standardization & Acquisition Support
	Director for Production Resources
Ofc of Asst Dep Und Secy of Def (Acquisition).	Asst Dep Under Secy of Defense (Acquisition)
	Director, Cost Pricing and Financ
	Dir, Contract Placement and Administration
	Dir, Defense Acquisition Regulatory Systems
	Director, Major Systems Acquisition
	Dir, Dod Contract Studies & Mgmt Spt Services
	Director, Contract Policy
	Director, Contract Administration
Office of the Director, Test and Evaluation.	Dep Dir (Strategic & Naval Sys Div)
	Dep Dir for Test Facilities and Resources
	Staff Spec for Strategic & Naval Warfare Sys
Ofc of Dep Under Secy for Research and Advanced Tech.	Spec Asst to Dus (Research & Advanced Technol)
	Asst Dep Under Sec of Defense (Res & Adv Tech)
	Dir, Very High Speed Integrated Cir & Elec De
Ofc, Dir, Engineering Technology.	Dir (Engineering Technology)
	Staff Spec for Aeronautics and Hydronautics
	Staff Specialist for Vehicle Propulsion
	Staff Specialist for Materials & Structures
	Staff Specialist for Ordnance
	Staff Specialist for Weapons Technology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc, Dir, Electronics and Physical Sciences.	Dir, Electronics and Physical Science
	Staff Spec for Electron Dev & Integrated Circ
	Staff Spec for Electron Dev & Integrated Circ
	Staff Spec For Elec Warfare and Target Acq
	Staff Specialist for Search and Surveillance
Ofc, Dir, Environmental Life and Sciences.	Staff Specialist for Chemical Technology
Ofc, Dir, Rsch and Technical Info.	Dir, Research & Technical Information Ofc
	Staff Specialist for Research
Office of Directed Energy Programs.	Dir, Directed Energy Programs Ofc of the Dir, Offensive and Space Systems
	Dir, Offensive and Space Systems
	Staff Specialist for Space & Advanced Systems
	Staff Spec for Techn & Analysis (Off Sys)
Ofc, Dir, Defensive Systems.	Dir, Defensive Systems
	Staff Specialist for Early Warning & Attack
	Staff Specialist for Defensive Systems
	Staff Spec for Early warn, Air Def & Al Assmt
	Staff Spec for Ball Missile Def Sys
Ofc of Dir, Cruise Missile Systems.	Director, Cruise Missile Sys
Ofc, Dir, Start & Arms Control Office.	Director, Start and Arms Control Office
Ofc of Dep Under Secy Tactical Warfare Progs.	Spec Asst for Plans and Analysis
Ofc, Dir, Land Warfare	Dir, Ofc of Land Warfare
	Staff Specialist for Close Combat Systems
	Staff Specialist for Ground Air Defense Sys
Ofc, Dir, Air Warfare	Director, Air Warfare
	Staff Spec for Interdiction/Naval Strike
	Staff Spec, Close Air Sup/Battlefield Intl
Ofc of Director, Naval Warfare.	Director, Naval Warfare
	Staff Spec for Toe and Electromagnetic Techno
	Staff Spec for Antisub & Mine Systems
	Stf Spec for Naval Proj & Anti-Air Systems
Office of Mobility and Special Projects.	Director, Mobility and Special Projects
	Staff Specialist for Air Mobility
Ofc of Asst Dep Under Secy of Def (C3I).	Asst Dep Under Sec of Def (Commun Comm & Cont)
	Staff Spec for Switched & Spec Purpose Comm S
	Spec Asst for Technical Plans and Research
	Staff Spec for WWMCCS & Other C3 Systems Arc
	Staff Spec for Satellite Communications Syste
	Staff Specialist for Tactical Command & Contr
	Dir, Office of Communication Systems
	Dir, Electronic Warfare & C3 Countermeasures
	Director, Information Systems
	Stf Spec/Elec Warfare & C3 C/ Mass Supt Activ
	Dir, Theater & Tactical Commun Command & Contr
	Dir, Strategic & Theater Nuclear Forces C3
Ofc of Asst Dep Under Secy of Defense (Intelligence).	Director, Tactical Intelligence Systems
	Director, National Intelligence Systems
	Sr Staff Spec for Reconn Surveil & Target Acq
	Sr Scientist for Natl Intelligence Systems

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Asst Dep Under Secy of Def (Systems Integration).	Dir, Long-Range Planning & Sys Evaluation
	Director, Systems Architecture and Analysis
	Staff Specialist for Combat Systems Analysis
Defense Advanced Research Projects Agency.	Deputy Director for Research
	Deputy Director for Technology
	Asst Deputy Dir for Technology
	Technical Advisor to the Director, DARPA
Regional Office-Europe	Dir, Darpa Reg'l Ofc—Europe
Tactical Technology Office.	Dir, Tactical Technology Office
	Dep Dir, Tactical Technology Office
	Asst Dir for Target Acq and Engagement
	Asst Dir for Ocean Monitoring & Control
	Asst Dir for Weapons Technology & Concepts
Information Processing Techniques Office.	Dir, Information Processing Techn Ofc
	Prin Res Manager (Info Process Tech Ofc)
Material Sciences Office.	Asst Dir for Cybernetics Technology
	Assistant Director for Materials Sciences
Defense Sciences Office.	Dir, Defense Sciences Ofc
	Dep Dir, Def Sciences Ofc
	Assistant Director for Geophysical Sciences
Strategic Technology Office.	Dir, Strategic Technology Office
	Asst Dir, Surveillance
	Dep Dir, Strategic Techn Ofc
Directed Energy Office	Dir, Directed Energy Ofc
	Dep Dir, Directed Energy Ofc
	Asst Dir for Technology, Directed Energy Off
	Assistant Dir for Space Defense Technology
Vehicles Technology Office.	Dir, Air Vehicles Technology Ofc
Office of the Joint Chiefs of Staff.	Scientific and Technical Advisor to the Chief
	Dep Function Proj Manager/Chief Sys Integ Ofc
Defense Contract Audit Agency.	Director, DCAA
	Deputy Director, DCAA
	Asst Dir, Operations & Professional Dev
	Asst Dir, Policy & Plans
	Director Field Detachment
Regional Managers	Regional Director, Atlanta
	Regional Director, Boston
	Regional Director, Chicago
	Regional Director, Los Angeles
	Regional Director, Philadelphia
	Regional Director, San Francisco
	Dep Exec Dir, Quality Assurance
Off of Exec Dir, Qual Assurance, Cobbles.	
Ofc of the Staff Dir—Small & Disadvantaged Business Util.	Staff Dir, Small & Disadvantaged Business Util
Office of Staff Director, Personnel.	Staff Director, Personnel
Exec Dir, DLA Contracting.	Executive Director, Contracting
	Chief, Contracts Division
Exec Dir, DLA Tech & Logistics Services.	Chf, Property Disposal Div
Defense Contract Admin Service' Regions.	Deputy (DCASR, Los Angeles)
Office of the Director	Chief Scientist & Assoc Dir, Technology
	Asst Manager for Technology and Standards
National Communications System.	Deputy Manager, National Communications System
	Asst Mgr, NCS Plans and Operations
	Asst Deputy Dir, Plans and Programs

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
WWMCCS System Engr Organ.	WWMCCS System Engineer
	Dep, WWMCCS System Engineer/Europe
	Dep, WWMCCS System Engineer
	Chief, WWMCCS Information System Office
	Spec Asst to the Dep Dir, C3I-(A & MA)
Defense Communications Engineering Center.	Dep Dir, Def Communications Engineering Cente
	Chf, Computer & Software Systems Division
	Senior Science Advisor for Technology
	Chf, Interoperability & Standards Div
	Chf, Switched Systems Engr Div
	Chf, Systems Engineering Div
	Associate Director for Integrated Sys Design
	Deputy Director, Switched Network Engineering
	Associate Deputy Director, Switched Systems
Ofc of Dep Dir, Commd & Control Techn Ctr.	Dep Dir, Command and Control Technical Center
	Tech Dir, WWMCCS ADP Technical Supt Direct
Command and Control Engineering Directorate.	Chief, Systems Plans and Programs Division
	Technical Dir, UAMHS Project Management Office
	Associate Deputy Director for Technology
	Chief, Strategic Connectivity Engineering Div
	Deputy Director for C2 Engineering
Nat'l Military Comd Syst ADP Directorate, DCTC.	Asst Deputy Dir, NMCS ADP
	Asst Dep Dir for Computed Services
	Asst Dep Dir, Def Communications Engr Ctr
Military Satellite Communications Office.	Dep Dir, Mil Satellite Communication Systems
Office of the Director	Scientific Advr to the Commander, FD Command
	Dir, Acquisition Management Directorate
	Dep Dir (Science & Technology)
Office of Deputy Director Science & Technology.	Scientific Asst to Dep Dir (Science and Tech)
	Asst to Dep Dir (Sci & Tec) for Theoretical R
	Asst to the Dep Dir (Experimental Res)
	Asst to the Dep Dir (Sci & Tech) for Testing
	Chf, Strategic Structures Division
	Chf, Aerospace Sys Div
	Chief, Atmospheric Effects Division
	Scientific Advisor (AFRI)
	Tech Pro Mngr for Nuclear Assessment Director
	Chf, Electromagnetic Pulse Eff Div
DMA Headquarters	Dep Dir for Systems & Techniques
	Dep Dir, Mngmt & Technology
	Dep Dir for Progs, Prod & Opers
	Asst Dep Dir for Plans and Requirements
	Chief, Advanced Technology Division
	Chf, Acq Sys Dev Div
	Staff Director of Personnel
	Asst Deputy Dir for Programming
	Asst Deputy Dir for Production and Distribution
	Dir, Spec Prog Ofc for Exploitation Modernization
DMA Field Activities	Tech Dir, DMA Aero Center
	Tech Dir, DMA Hydrographic/Topographic Center
	Dep Dir, Prog Prod Oper DMA Htc
	Dep Dir, for Progs, Production and Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Defense Audit Service	Director, Defense Audit Service
	Deputy Director, Defense Audit Service
	Assoc Director—Special Program Audits
	Assoc Dir, Intelligence and Communications Audits
	Assoc Dir, Systems & Logistics Audits
	Assoc Dir, Resources & Overseas Audits
	Assoc Dir, Financial Mgmt and Manpower Audits
Defense Investigative Service.	Dir, Defense Investigative Service
	Director for Investigations
	Dep Dir (Industrial Security)
Department of the Air Force	
Office of the Secretary	Administrative Assistant to the Secy
	Dep Adm Asst
Office of the Under Secretary.	Dep Under Sec for Intern'l Affairs
OAS Manpower and Reserve Affairs and Installations.	Dep for Air Force Review Boards
OPDAS Installations	Deputy for Installations Management
	Asst Deputy for Base Utilization
DAS Research, Development and Logistics.	Principal Deputy Asst Secy (Research, Dev & Log(st)
DDAS Research & Development.	Deputy for Systems Requirements
DDAS Acquisition Management.	Dep for Acquisition
	Dep for Programs & Production
DDAS Logistics	Dep for Supply & Maintenance
	Dep for Transportation & Civil Aviation
Office of Assistant Secretary, Financial Management.	Deputy for Accounting and Internal Audit
	Deputy for Productivity Management
The Air Force Audit Agency.	Dir, Acquisition & Logistics Systems
	The Auditor General of the Air Force
	Director of Field Activities
	Director of Operations
	Director of Forces and Support Management
Office, Chief of Staff	Chief, Office of Air Force History
Office, Vice Chief of Staff.	Chief, Publishing Div
Dir of Data Automation/Commander Data Automation Agency.	Associate Director (Technical)
Ofc of Dep Chief of Staff, Logistics and Engineering.	Assoc Dir for Logistics Plans & Programs
	Assoc Dir of Maintenance Engineering & Supply
	Assoc Dir for Engineering & Services
	Dir, Ofc of Small & Disadv Bus Utilization
Off Dir of Procurement Policy.	Assoc Director of Procurement Policy
Office of Dep Chf of Staff, Res & Dev and Acquisition.	
Special Advisory Group	Special Advisor
	Special Advisor
Director of Civilian Personnel.	DAS (Civ Personnel Pol) Dir Civilian Pers
	Deputy Director of Civilian Personnel
	Chf, Ofc of Civilian Personnel Opers
	Dep A/S (CPP & EEO) & Dir of Civilian Pers
Office of Deputy Chief of Staff, Comptroller.	Dep Comptroller
Director of Management Analysis.	Chief, Budget Management Division
	Assoc Dir of Mgmt Analysis
Director of Budget	Chf, Investment Appropriations Div
	Deputy Director of Budget
Directorate of Accounting & Finance.	Director, Plans & Systems
	Dep Dir, Acctng & Finance
Director of Programs	Associate Dir for Progs
National Guard Bureau	Dir of Personnel
	Spec Asst to the Chief, NGB

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
AF Engrg and Services Center (Field).	Technical Director
	Technical Director
	Assistant for Product Assurance
Office of the Commander.	
DCS Procurement & Manufacturing.	Prin Asst/Contracting & Manufacturing
	Chairperson, Contract Review Committee
	Dir of Manufacturing
Deputy Chief of Staff/ Personnel.	Director of Civilian Personnel
Deputy Chief of Staff/ Comptroller.	Asst to the DCS/Comptroller
DCS/Intelligence	Dep Chf of Staff for Intelligence
AF Human Resources Lab.	Chief Scientist
Space and Missile Systems Organization.	Asst Dep for Procurement & Manufacturing
Foreign Technology Div	Tech Dir (Electromagnetic Threat)
	Technical Director (Engineering)
	Technical Director (Technology and Threat)
Flight Test Center, Edwards AFB, Calif.	Technical Director, Test Engineering & Service
	Techn Dir (Engineering)
AF Weapons Lab	Techn Dir (Physical Optics, Lasers, Prototype)
	Sr Advisor (Radiation Effects)
	Technical Director (Nuclear Technology)
Materials Laboratory AFWAL.	Dir, Metals & Ceramics Div
	Senior Scientist (Environment Effects)
	Sr Sci, Organic Chemistry
Aero Propulsion Laboratory AFWAL.	Dir, Turbine Engine Div
AF Rocket Propulsion Laboratory.	Dir, Solid Rocket Div
USAF School of Aerospace Medicine.	Research Director (Crew Technology)
Aerospace Medical Research Lab.	Dir, Toxic Hazards Div
	Chf, Mathematics & Analysis Br
	Director Human Engineering
Aeronautical Syst Div	Deputy Comptroller
	Techn Dir, Flt Systems Engineering
Dep for Systems Mgmt, ASD.	Technical Director (Systems)
	Asst Dep (Dep for Tactical Systems)
Deputy for Tactical Warfare, ASD.	Tech Dir (Propulsion System)
Dep for Proc & Manufacturing ASD.	Asst Deputy for Procurement and Manufacturing
Deputy for Engineering	Tech Dir, Directorate of Equipment Engineering
	Techn Dir, Directorate of Avionics
	Technical Director, Deputy for Avionics
	Director of Engineering Tactical Systems
	Engineering Advisor, Product Assurance Div
Sys Engrg Office Dep for Engrg ASD.	Sys Eng Dir, F–15
	Systems Engineering Dir (Advanced Systems)
	Systems Engineering Director (F–III)
	Dir of Eng Reconnaissance & Elec Warfare Sys
	Director of Engineering (Airlift Trainer Sys)
Electronic Systems Division.	Deputy (Technical Operations & Prod Assurance)
	Asst Dep for Contracting & Manufacturing
	Assistant Deputy for Tactical Systems
	Asst Dep for Strategic Systems
	Techn Dir & Asst for Techn
Rome Air Development Center.	Director (Plans)
	Techn Dir (Intelligence & Reconnaissance)
	Technical Director (Communications)
	Tech Dir, Reliability & Compatibility
	Technical Dir (Surveillance)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Armament Division	Technical Advisor
	Techn Dir, Directorate of Range Engineering
	Asst Dep Commander for Test & Eval
Aeronomy Division	Director, Aeronomy Division
	Ch, Atmospheric Structure Br
Space Physics Division	Dir, Space Physics Div. AFGL
Aerospace Instrumentation Division.	Dir, Aerospace Instrumentation Div. AFGL
Meteorology Division	Chief, Climatology Dynamics Branch
	Sr Scientist, Heat Transfer
Optical Physics Division	Dir, Optical Physics Division
Air Force Logistics Command.	Asst Dep Chf of Staff, Maintenance
	Chairman AF Logistics Command Procur Committ
	Asst DCS/Logistics Operations
	Asst DCS/Plans & Operations
	Asst DCS/Procurement & Production
	Dir, Direc of MAT Requ & Financial Res Mgmt
	Deputy Asst to the Commdr-Internl Logistics
	Asst Dep Chief/Logistics Management Systems
Headquarters, Dayton, Ohio.	Director of Civilian Personnel
AF Acquisition Logistics Div.	Asst DCS-Comptroller
	Asst to the Commander AFALD
	Deputy for Contracting and Manufacturing
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintenance
	Dep Dir, Directorate of Material Mgmt
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Material Mgmt
	Dep Dir, Directorate of Maintenance
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Material Mgt
	Deputy Dir, Dir of Maintenance
Air Logistics Center, Ogden.	Dep Dir, Directorate of Maintenance
	Deputy Director, Directorate of Material Mgt
Air Logistics Center, Sacramento.	Dep Dir, Directorate of Material Management
	Dep Dir, Directorate of Maintenance
Air Force Security Service.	Asst to the Commander
Air Force Communications Command.	Tech Asst to Comdr Data Sys Design Center
	Tech Dir—Space Satellite Communications Ofc
Science & Research	Chf, Technology Assessment Division
	Chf, Systems Evaluation Division
Tactical Air Command	Chief, Scien Tactical Fighter Weapons Ctr
	Chief, Scientist Tactical Air Warfare Ctr
	Chief, Operations Analysis
Headquarters, Pacific Air Force.	Director of Civilian Personnel
U.S. Air Forces in Europe.	Senior Scientific and Technical Advisor
Dep Chf of Staff, Plans & Programs.	Scientific Advisor (Test & Evaluation)
AF Test and Eval Center (AFTEC).	Technical Director
Joint Electronic Warfare Center (JEWC).	
Air Force Commissary Service.	Deputy to the Commander, A F Commissary Serv
Joint Program Management Office (JPMO).	Technical Director
Department of Army	
Office of the Under Secretary.	Operations Research Analyst
	Chf, Opers Res Grp for Forces & Readiness
	Operations Research Analyst for Systems
	Opers Research Analyst for Cmd, Cont., C & I

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of the Administrative Assistant.	Adm Asst to the Secy of the Army
	Dep Administrative Assistant
DASA Research Development and Acquisition.	Director, Acquisition Management Review Agency
ODASA Acquisition	Dep for Material Acq Mgmt
	Dep for Procurement Policy
ODASA Management and Budget.	Deputy for Management & Budget
Ofc of Asst Secy—Installations Logistics and Finan Mgmt.	Asst Deputy for Installations & Housing
	Asst Dep for Logistics
Off of Asst Secretary, Manpower & Reserve Affairs.	Dep for Civ Personnel Pol & Eq Opportunity
	DASA (De Review Bds and Personnel Security)
Office, Assistant Chief of Staff, Intelligence.	Spec Asst to the ACSI
Ofc of Asst Chief of Staff, Automation & Communications.	Dir, Army Mgmt Systems Support Agency
	Dep Asst of Chf of Staff, Automation and Comms
	Army Spectrum Manager
Ballistic Missile Def Sys Command.	Chief, Contracts Office
	Director, Prog & Sys Anal Dir
Ballistic Missile Def Adv Techn Ctr.	Dir, Technology Analysis Directorate
	Dir, Discrimination Directorate
	Dir, Missile Directorate
	Director, Radar Directorate
	Dir, Data Processing Directorate
	Director, Optics Directorate
Chf Scientist & Director of Army Research.	Asst Dir For Laboratory Activities
	Asst Director for Research Programs
	Asst Dir for Technology overview
	RDA Analysis Officer
Dir of Combat Support Systems.	Physical Scientist Admr (Chem & Engr SCI)
	Combat Spt Sys Technl Mgr
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr)
	Weapons Systems Technol Mgr
Office, Dep Chief of Staff for Personnel.	U.S. Army Safety Director
Directorate of Civilian Personnel.	Director of Civilian Personnel
	Dep Director, Off Civ Personnel
	Chief, Position & Pay Management Division
	Chief, Staffing and Career Management Div
Civilian Personnel Center.	Chf, Civilian Personnel Ctr
Army Research Institute for Behavioral & Social Sciences.	Director, Systems Research Laboratory
	Dir, Training Res Lab & Assoc Dir Ari
	Dir, Manp & Pers Res Lab & Assoc Dir, Ari
Dir, Manpower plans and Budget.	Dep Dir, Manpower Plans and Budget
Office, Deputy Chief of Staff for Logistics.	Chief Security Assistance Policy Coord Ofc
	Asst Director for Supply Mgmt
	Asst Dir of Resources and Mgmt
	Asst Dir for Maintenance Mgmt
	Spec Asst to Dcslog & Chf Av Log Ofc
	Spec Asst to DCSLOG & Chf Av Log Ofc
Office of the Comptroller of the Army.	Dep Comptroller
	Director of Cost Analysis
	Deputy Director of Operations & Maintenance
Finance and Accounting Center.	Dep Cmdr, US Army Finance & Acctng Ctr
	Dep Dir of Finance & Accounting
Director of Army Budget	Deputy Director
	Dep Dir of Army Budget for Budget Management
Army Audit Agency	Auditor General
	Deputy Auditor General
	Director, Logistical & Financial Audits
	Dir Acquisition and Force Management Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Personnel and Force Management Audits
	Dir Audit Policy Plans and Resources
Ofc, Dep Chf of Staff for Operations & Plans.	Tech Adv to Dep Chf of Staff for Opers & Plan
US Army Nuclear Agency.	Technical Director
Concepts Analysis Agency, DCSOPS.	Dir for Joint Forces & Strategy
	Dir of Methodology & Resources & Computation
Army Center of Military History.	Chief Historian
Army War College	Director of Academic Affairs
US Army Med Res Inst of Infectious Dis, Ft Detrick MD.	Program Director Hazardous Vi- ruses
	Deputy for Science
Training and Doctrine Command (TRADOC).	Dir, Combined Arms Studies & Analysis Activ
Combat Developments Experimentation Command.	Scientific Advisor
US Army TRADOC Systems Analysis Activity.	Div US Army TRADOC System Analysis Activity
TRADOC Combined Arms Test Facility.	Scientific Advisor
Military Traffic Mgmt Command.	Spec Asst for Transportation Engr
US Army Forces Command.	Civilian Personnel Director
US Army Corps of Engineers.	Chief, Office of Personnel
	Spec Asst to the Chf of Engrs for Interni Aff
Ofc, Asst Chf of Engineers.	Chief, Programming Div. Ace
Director of Civil Works	Chf, Ofc of Policy
	Chf, Eng Div, Civil Work
	Chief, Elect & Mech Br, Engineering Div
	Chf, Programs Div
	Chf, Planning Division
	Chf, Construction-Operations Division
	Chief, Dredging Division
MX Program Agency	Deputy Director for Cerropa
	Chief, Engineering Directorate
Director of Military Programs.	Chief, Engineering Division
	Chf, Construction Division
	Chf, Operations & Maintenance Div
Board of Engineers for Rivers and Harbors.	Tech Dir, Bd Engr Rivers and Harbors
Institute for Water Resources.	Director, Institute for Water Resources
Planning Divisions, COE	Chief, Planning Division
	Chf, Planning Div, Ohio River Div
	Chf, Planning Div, No Pacific Div
	Chf, Planning Div, South Atlantic Div.
	Chief, Planning Division Lower Mississippi Va
	Chf, Planning Div, Mo River Div
	Chf, Planning Div, South Pacific
	Chf, Planning Div, Southwestern Div
	Chf, Planning Div, North Central Div
Engineering Divisions, COE.	Chief, Engineering Div, Ohio River Div
	Chief, Engineering Div, Southeast Div
	Chf, Eng Div, N Central Div, Chicago
	Chief, Engr Div, S Pacific Div, San Francisco
	Chief, Engineering Div, N Atlantic Div, N Y
	Chief, Engineering Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chief, Engr Div, L Miss Val Div, Vicks, Miss
	Chief, Engineering Div, Middle East
	Chief, Engineering Div, Missouri River Div
	Chief, Engineering Div, North Pacific Div
	Chief, Eng Div, Pacific Ocean Div, Honolulu
	Chf, Engineering Div, European Div
	Chf, Engineering Div, Huntsville
Construction Divs—COE.	Chief, Construction—Operating Division
	Chf, Construction Div, Middle East
	Chf, Construction—Operating Div, N Atlantic
	Chief Construction—Operating Division
Direc for Mgmt Info Sys	Dir of Mgmt Information Systems
Direc for Supply, Maint & Trans.	Dep Dir of Supply Maintenance & Transp
Direc for Quality Assurance Darcom Hq.	Director of Product Assurance and Test
	Director of Product Assurance
	Deputy Director of Product Assurance and Test
OFC Dep Cmdg Gen Material Dev Darcom.	Prin Asst Dep for Res, Develop and Acquisition
	Asst Dep For International Rsch, D&S
	Chief, Lab and Dev Command Management
Dir for Dev & Energ Darcom.	Assoc Dir for Systems Evaluation & Testing
	Assoc Dir for Systems Development
	Deputy for Systems Management
Office of Manufacturing Technology.	Dir. of Manufacturing Technology
Ofc, Dep Cmdg Matl Readiness.	Asst Dep for Material Readiness
Direc for Internatl Logistics.	Dep Dir of Security Assistance
Direc for Material Management.	Associate Director for Material Programs
	Dep Dir of Material Mgmt
	Deputy for Weapon Systems Management
Direc for Readiness	Dep Dir of Readiness
	Deputy Director of Readiness
Direc for Procurement & Production.	Assoc Dir for Procurement
	Dep Dir, Procurement and Production
Ofc, Dep Commanding General for Resource Management.	Assistant Deputy for Resources and Management
Direc for Personnel Trng & Force Dev.	Dep Dir, Personnel Training & Force Devel
	Chief, Civilian Personnel Div
Office of Comptroller, DARCOM HQ.	Deputy Comptroller
	Chf, Cost Analysis Div
Program Analysis & Evaluation Directorate.	Dir of Program Analysis & Evaluation
Armament Materiel Readiness Command (ARRCOM).	Deputy for Logistics Readiness
	Comptroller
	Deputy for Procurement and Production
Office of Commander ARRADCOM.	Assoc Tech Dir (Adv Process Technology)
	Assoc Tech Dir (Sys Dev & Engineering)
	Chf—Energetic Materials Div
Large Caliber Weapon Systems Lab ARRADCOM.	Chf—Non Nuclear Munitions Div
	Chief, Nuclear and Fuze Division
	Chief, Applied Sciences Divison
Fire Cont & Small Caliber Weapon Sys Lab ARRADCOM.	Chf, Fire Control Systems Division
	Chf, Armament Div
Chemical Sys Lab ARRADCOM.	Chf, Munitions Division
	Chf—Research Division
Ballistics Research Lab ARRADCOM.	Chf, Ballistic Modeling Div
	Chief, Interior Ballistics Division
	Chf—Launch and Flight Division
	Chf, Terminal Ballistics Div
	Chf, Vulnerability Lethality Division
Directorate of Systems Engineering.	Director, Development and Qualification

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Research and Technology Labs—AVRADCOM.	Dir—Aeromechanics Laboratory
	Dir—Structures Laboratory
	Director, Propulsion Laboratory
	Dir—Research and Technology Labs
Communications & Elect Materiel Readi CMMD (CERCOM).	Comptroller, CERCOM
	Dir of Procurement and Production
Communications Res & Dev Command (CORADCOM).	Director, Communications Systems Center
	Dir, Systems Engineering and Integration
	Assoc Techn Dir (Command, Control & Commun)
Program Mgr Army Tactical Data Systems (CORADCOM).	Deputy for Technical Operations
Depot Systems Command (DESCOM).	
Electronics Research & Development Cmmd (ERADCOM).	Assoc Technical Dir for Res & Technology
	Assoc Tech Dir for Elec Warfare and Intel
	Assoc Techn Dir for Production & Acqui
Harry Diamond Labs (ERADCOM).	Chf, Dev & Eng Div
Night Vision & Electro-Optics Lab (ERADCOM).	Dep Dir, Night Vision and Electro-Optics Lab
Ofc of Commander—(MICOM).	Associate Director for Systems
	Dir, Missile Logistics Ctr
	Director for Procurement and Production
Project Mgmt Offices (MICOM).	Deputy Project Manager, US Roland
	Deputy Director for Directed Energy
Engineering Lab (MICOM).	Dir for Test and Evaluation
	Dep Dir, Systems Simulation & Development
	Dir for System Engineering
Technology Lab (MICOM).	Asst Dep for Readiness
	Director for Advanced Sensors
	Chief, Advanced Technology Function
Missile Intelligence Agency.	Dep Dir, Missile Intelligence Agency
Mobility Equip Rsch & Dev. Command (MERADCOM).	Assoc Tech Dir for Research & Dev
	Assoc Tech Dir for Engineering and Acqui
Natick Res and Dev Comd (NARADCOM).	Director, Individual Protection Laboratory
	Director, Science & Advanced Technology Lab
	Director, Food Engineering Laboratory
	Dep Techn Dir, Food Service Systems Program
Tank-Automotive Mat Readiness Comd (TARCOM).	Comptroller, TARCOM
	Dir for Procurement and Production
Aberdeen Proving Ground, Md. T&E Command.	Assoc Dir—Materiel Testing Directorate
White Sands Missile Range, T&E Command.	Tech Dir & Chf Sci
Troop Spt & Aviation Mat Readiness CMD (TSARCOM).	Dir of Procurement and Production
Patriot Project Office	Dep Project Manager, Patriot
XM-1 Tank Project Office.	Chf Engineer/Chf, Systems Engineering Div
Fighting Vehicle Systems Project Ofc.	Dep Program Mgr—Fighting Vehicle Systems
Army Research Office Darcom (Durham NC).	Dir, Engr Sci Div
Foreign Science & Technol CTR Darcom.	Dep Director, Foreign Sci & Technology Center
	Dir of Intelligence Production
Army Materiel Systems Analysis Agency Darcom.	Chf, Combat Support Div Amsaa
	Chf, Air Warfare Div
	Chf, Reliability, Availability & Maintainabil
	Chf, Ground Warfare Division-Amsaa
Army Communications Command.	Comptroller

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Headquarters, US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers)
Joint Tactical Communications (TRITAC).	Dep Dir, Acquisition Management Directorate
	Dep Dir for Engineering
	Associate Director, Tri-Tac Office
DCD Wage Fixing Authority, Department of Navy	Chf, Systems Div
	Director, Technical Staff
Office of the Under Secretary.	Assistant for Administration
Office of the General Counsel.	Asst General Counsel (Acquisition)
	Asst Gen Counsel (Civilian Personnel Law)
OAS, Financial Management/ Comptroller of the Navy.	Director of Banking and Contract Financing
	Counsel
Asst Comptroller, Budget & Reports/ Fiscal Mgt Div.	Assoc Dir, Budget & Reports/ Fiscal Manag Div
	Dir, Investment & Dev Div
	Assoc Dir for Finance
	Dir, Budget & Mgmt. Policy and Procedures Div
	Dir, Budget Evaluation Group
Asst Comptroller Financial MGT Systems.	Dep Asst Comptroller (Financial Management)
	Deputy Assistant Comptroller (Accounting)
	Dir, Civilian Manpower Division
OFC of Auditor General	Auditor General of the Navy
	Dir, Naval Audit Service Capital Region
	Director, Plans Policy and Resources
	Director, Audit Operations
	Dir, Navy Comptroller Standard Sys Activity
Olc of Principal Dep Asst Secy (Manpower & Reserve Affs).	Staff Dir/Director, Manpower Analysis
Office of Naval Research.	Technical Director
	Science Advisor
	Dir, of Planning and Assessment
	Assistant TD for Ocean Science
	Dep Dir For Technology Programs
	Councel, Office of Naval Research
Office of The Comptroller.	Dir, Fin Mgmt/Compt/Spec Asst(Fm) To Ans(R, E&S
	Deputy Comptroller
Office of Assistant Chief For Patents.	Dir, Navy Patents program
	Field Dir, Navy Patents
	Department Director, Navy Patents
Office of Procurement Services.	Director, Acquisition
Office of Assistant Chief for Research.	Dir of Research programs
	Dir, Biological Sci Div
	Dir, Physiology Program
	Dir, Physics Program
	Engineerings Sciences Advisor,Math Sciences Dl
	Dir, Engrg Psychology Progs
	Dir, Psychological Sci Div
	Director, Mathematical & Inf Sci Div
	Leader, Information Sciences Division
	Leader, Physicis Division
	Leader, Chemistry Division
	Dir, Metallurgy & Ceramics Program
	Leader, Geophysical Sciences Division
	Leader, Materials Division
Asst Chief for Technology.	Tactical Develop & Evaluation Sup Proj Mgr
	Director, Corporate Management
Ocean Science and Technology Division.	Dir, Ocean Sci & Technology Div
	Associate Director for Environmental Sciences
Navy Ocean Research and Development Activity.	Tech Dir
	Assoc Tech Dir & Dir Ocean Prog Mgmt Olc
Anti-Sub Warfare Research Centre.	Assoc Tech Dir & Dir O/S & Technology Lab
	Director, NATO Seclant ASW Research Centre
Office of the Director of Research.	Dir of Research

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Technical Services Directorate.	Assoc Dir of Res & Dir of Tech Services
Systems Research and Technology Directorate.	Assoc Dir of Res & Dir of Sys Res and Tech
Acoustics Division	Supt, Acoustics Div
Underwater Sound Reference Detachment.	Supt, Underwater Sound Reference Detachment
Radar Division	Supt, Radar Div
Marine Technology Division.	Superintendent, Marine Technology Division
Tactical Electronic Warfare Division.	Supt, Tactical Electronic Warfare Div
Material Science and Component Technology Directorate.	Assoc Dir of Res & Dir of Mat Sci & Comp Tech
	Head, Magnetism Branch
	Chf Sci, Lab for Structure of Matter
Chemistry Division	Supt, Chemistry Div
	Head, Combustion and Fuels Branch
Material Science and Technology Division.	Supt, Materials Sci and Tech Division
	Head, Thermostructural Materials Branch
Electronics Technology Division.	Superintendent, Electronics Technology Div
Optical Sciences Division.	Superintendent, Optical Sciences Div
Radiation Technology Div.	Supt, Condensed Matter & Radiation Sci Div
Plasma Physics Div	Chief, Sci Lab for Computational Physics
Space and Communications Technology Directorate.	Assoc Dir of Res & Dir of Space & Comm Techn
	Head, Spacecraft Technology Center
	Manager, Advanced Projects Olc
	Superintendent, Space Systems Div
	Dir, Navy Ctr for Appl Res in Art Intel
Space Systems Division	Superintendent, Space Systems Div
	Head, Space Technology Br
Communication Sciences Division.	Superintendent, Communications Sciences Div
	Chf, Sci for Telec & Hd, Transm Techn Br
General Science and Technology Directorate.	Assoc Dir of Res & Dir of Gen Sci and Tech
Plasma Physics Division	Superintendent, Plasma Physics
	Cont Therm Res Coord/Hd, Exp Plas Physics Br
Environmental Sciences Division.	Superintendent, Environmental Sciences Div
	Assoc Superintendent for Ocean Sci Applicatio
Space Science Division	Superintendent, Space Science Div
U.S. Marine Corps	Fiscal Dir of the Marine Corps
	Asst Dcs for Installations and Logistics
	Dir, Contracts Division
	Counsel for Commandant
	Accounting Officer of Marine Corps
	Special Assistant to the Dir of Intelligence
	Deputy Director, Material Division
Off Dep Chf—R&D	Sci Adv
Dir, Command and Control and Communications (C3) Programs.	Dir, Electromagnetic Spectrum Management
Dir—Naval Intelligence	Spec Asst (estimates), Dir of Naval Intelligen
	Spec Asst to Dir of Naval Intel—Investigatns
	Tech Dir—Olc of Naval Intelligence
	Advisor for Research & Development Programs
	Sr Adv to the Dir of Naval Intel for Scv Doc
	Technical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Asst Dep Chf of Naval Operations (Civilian Personnel).	Asst Dep Chf of Naval Opers (Civilian Personnel)
	Dep Dir, Civilian Personnel Div
	Hd, Personnel Dev Branch
	Head, Staffing and Pay Systems Branch
	Hd, Labor & Employee Relations Branch
	Dir—Navy Civilian Personnel Command
	Director, Total Force Information Sys Mgt Div
	Dir, Pacific Field Div
	Head, Personnel Management & Evaluation Br
Director, Research, Development, Test & Evaluation.	Spec Asst for Financial Matters
Olc Dcno (Submarine Warfare).	Scientific & Techn Adv for SSBN Survivability
Dir—Navy Program Planning Office.	Asst for Readiness & Sustainability
Systems Analysis Div	Asst for Net Assessment & Mid-Range Objective
	Asst for Spec Analyses & Head, Proj Forces Br
	Asst for Advanced Res & Analytical Techniques
	HD Support Force Manpower & Logistics Branch
	Secnav/Cno Advisor for Resource Analysis
Olc of the Asst for Advanced Systems.	Technical Advisor (095X)
US Naval Observatory	Dir, Time Service Div
Office of the Oceanographer.	Dep for International & Interagency Affairs
Olc of the Chf of Naval Training.	Assistant Chief of Staff for Resources Mgmt
	Prin Adv Edu Trng/Deputy Cnet Edu Dev and R&D
Naval Training Equipment Center—Orlando Florida.	Technical Director
	Director of Engineering
Naval Aerospace Medical Institute.	Spec Asst, Scien Progs & Hd, Psychophysiology
Naval Medical Research Unit #3.	Hd, Medical Zoology Dept, Cairo, Egypt
Naval Medical Research and Development Command.	Dir of Prog & Scientific Advisor
Naval Security Group Command.	Technical Director
Naval Intelligence Support Center.	Director of Threat Assessments
Naval Data Automation Command.	Technical Director
Military Sealift Command.	Comptroller
	Dep Ex Dir
Naval Material Command.	Engineering Officer
Executive Development Cadre.	Comptroller
	Dir, Manpower/Personnel Mgmt
	Dir, CCPO, Crystal City
	Manager for Executive Development
	Corporate Management Consultant to the Cmdr
Director of Resources Management.	Dir of Resources Management
	Cnm Advisor for Cost Analysis/ Estimating
	Spec Asst to Dir, Res Mgmt/Dir Fin Mgmt Sys Di
Dep Chf of Naval Material (Logistics).	Asst Dep Chf of Naval Material (Oper & Logist)
	Asst Dep Chf of Naval Matr for Acquist Div
	Dir, Logistic Programs & Assessments Div
Dep Chf of Naval Material (Acquisition).	Executive Director, For Acquisition
Asst Dep Chf of Naval Material (Contracts & Bus Mgmt).	Exec Dir for Contracts and Business Management
	Dir, Procurement Control & Clearance Div
Asst Dep Chf of Naval Material (Technology & Labs).	Assoc Dir of Nv Labs
	Assoc Tech Dir for Weapons & Platform Tech
	Technical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Asst Dep Chf of Naval Material (Reliability & Engg).	Asst Dep Chf, Nav Mat (Reliability and Engg)
Strategic Systems Project Office.	Chf Engr
Plans & Programs Division.	Director
	Dep Dir, Plans & Programs Div
Technical Division, Navigation Branch.	Hd, Navigation Equip Sect
	Hd, Navigation Systems Sect
Test & Operations Branch.	Test & Instrumentation Branch Engineer
Fire Control & Guidance Branch.	Hd, Guidance Section
	Head, Fire Control Section
	Br Engr, Fire Control & Guidance Br
SSBN Security Technology Program.	Chief Scientist, SSBN Security Technology Pro
Missile Branch	Head, Operations Engineering Section
	Sec Engr, Engrg Section
	Chf Engr, Missile Branch
	Sect Head, Reentry Systems Sect, Missile Br
	Asst for Systems Integration & Compatibility
Launcher & Handling Branch.	Branch Engr, Launcher & Handling Branch
Ship Installation & Design Branch.	Branch Engr, Ship Installation & Design Br
Antisubmarine Warfare Systems Project Office.	Director, Financial Management Division
	Chief Analyst, Systems Analysis Off
	Techn Dir
	Dir, Plans & Programs
Trident System Project Office.	Technical Dir, Trident Systems Project Office
	Dir, Logistics Support Div
Joint Cruise Missile Project Office.	Exec Dir, Acquisition Directorate
	Chief Engineer, Joint Cruise Missiles Project
Nuclear Warfare Project Office.	Tech Dir, Theater Nuclear Warfare Proj Office
David W Taylor Naval Ship R&D Center.	Dir for Long Range Plans & Programcard, Md
	Tech Dir, Consultant
Aviation & Surface Effects Dept.	Assoc Tech Dir for Systems Development
	Asst Tech Dir (Research Consultant)
	Assoc Tech Dir for Aviation
	Assoc Tech Dir, Computation & Mathematics
Ship Acoustics Department.	Assoc Tech Dir, Ship Acoust & Hd Ship Acoust Dp
Propulsion & Auxiliary Systems Dept.	Assoc Tech Dir, Prop & Auxiliary Systems
Ship Performance Department.	Assoc Tech Dir for Ship Performance Dept
Materials Dept	Assoc Techn Dir for Materials Sci & Technology
Structures Dept	Head Submarine Division
	Assoc Tech Dir
Naval Surface Weapons Center, Dahlgren.	Tech Dir, Consultant
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Techn Dir/Assoc Techn Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Associated Test Director
Combat Systems Integration Dept.	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Weapons Systems Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Strategic Systems Dept.	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Engineering Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Research & Technology Dept.	Dept Hd/Dep Tech Dir/Assoc Tech Dir

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Naval Ocean Sys Center, San Diego.	Dir Command Control and Communications
	Director, Ocean Surveillance
	Director, Weapon Systems
	Director, Engineering and Computer Sciences
	Chief, Res Sci Subm Artic Tech & Dir Artic Subm
	Dir, Independent Research and Development
	Technical Director/Consultant
	Assoc Technical Dir, San Diego, Cal
	Spec Asst for Command Cont & Commun Integrat
	Dir, Marine Science & Technology Div
	Dir for Administration
	Head, Electronics, Engineering & Sciences Dept
	Technical Director, Nprdc
Naval Personnel Research & Development Ctr.	Dep Techn Dir for Manpower & Personnel
Naval Weapons Center, China Lake, Calif.	Tech Dir/Consultant
	Test & Eval Dir/Asst Tech Dir for Test & Eval
	Head Aerothermochemistry Division
Laboratory Directorate-Nwc.	Laboratory Dir/Deputy Tech Dir
	Hd, earth & Planet Sci Div, Research Dept
	Asst Tech, Dir Dev (E/W)/Hd Elec Warfare Dept
	Asst Tech, Dir Dave (Ord Sys) & Dept Head
	Asst Tech, Dir for Weapons & Head Weapons Dept
	Asst Tech, Dir for Ree & Head Ree Dept
	Asst Tech, Dir for Sys & Hd Sys Dev Dept
	Asst Tech, Dir for Engrv & Head Engrv Dept
	Asst Tech, Dir for Plans & Hd Weapons Plan Grp
	Asst Tech, Dir for Fuzes/Hd Fuzes Dept
	Asst Tech, Dir for Weapons & Head Weapons Dept
Naval Air Development Center, Johnsonville, Pa.	Dir-Communication & Navigation Tech Directora
	Dir, Sensors & Avionics Technology Directorate
	Head—Computer Department
	Dir—Systems Directorate
	Dir Aircraft and Crew Systems Technology Dire
	Dir—Planning Assessment Resources Staff
	Technical Director/Consultant
	Assoc Techn Dir
	Dir, Software & Computer Tech Directorate
	Senior Sci, Airborne Asw Technol
	Dep Dir, Directorate Cmd Projects
	Weapons Systems Technology Manager
Naval Coastal Systems Center.	Tech Dir Naval Coastal Systems Center
	Hd, Coastal Technol Dept
Naval Underwater System Center.	Head Systems Department
	Deputy Technical Director
Assoc Tech Dir Plans & Analysis.	Tech Dir, Consultant
	Assoc Tech Dir for Plans & Analysis
	Head, Systems Analysis Dept
	Head, Warfare Analysis Dept
Systems Development Directorate.	Head, Submarine Sonar Department
	Hd, Weapons Sys Dept
	Head, Surface Ship Sonar Department
	Hd, Combat Sys Control Dept
	Head, Undersea Ranges Department
	Senior Advisor for Submarine Warfare Systems
Science & Technology Directorate.	Assoc Tech Dir for Technology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Off of Asst Commander for Res & Technology.	Director, Research Division
	Surveillance Technology Advsr
	Command Control & Guidance Technology Advsr
	Dir, Advanced Weapons Systems Division
	Dir Adv Aircraft Dev & Sys Obj Olc
	Associate Technical Director
	Tech Dir, Advanced Systems Division
	Techn Dir, Res & Techn
Off of Asst Chf for Contracts.	Exec Dir, Procurement Management
	Dir, Aircraft Weapons Systems Purchase Div
	Dir, Missile Weapons Systems Contract Div
Asst Commander for Logistics/Fleet Support.	Deputy Dir Logistics/Fleet Support & Group
	Asst Dir, Logistics Mgmt Div
Dep Commander for Plans & Programs.	Executive Director, Management, Plans & Progr
	Asst Dep Commander for Anti-Air Warfare R&EWP
	Deputy Project Mgr F18
	ADC/For Anti-Submarine Warfare & Support Proj
Dep Cmdr for ASW Warfare Projects.	Deputy Project Manager (Lamps)
Organization & Manpower Management Office.	Asst Dir, Org & Manpwr Mgmt Off
Deputy Comptroller	Deputy Comptroller
	Exec Dir, For Acquisition Management
Asst Comdr for Systems and Engineering.	Tech Dir—Armament Div
	Asst Dir, Engr Div
	Techn Dir, Core Avionics Div
	Dir, Evaluation Div
	Dir, Design Management Div
	Dir, Systems Acquisition Directorate
	Director, Cost Analysis Division
	Dir, Systems Alternatives Directorate
	Dir, Design Analysis Div
	Dir, Mission and Effectiveness Analysis Div
	Asst Dir, Propulsion & Power Division
	Assoc Dir, Systems Engineering Mgmt
Asst Cmdr for Test & Evaluation, Navair.	Tech Dir, Test & Evaluation Group (Air-28)
	Director, Resources Division
Naval Air Engineering Center.	Technical Director
Naval Air Test Center, Patuxent River, Md.	Technical Director, NATC, Patuxent Riv, Md
Naval Avionics Facility	Dir of Applied Research, Research & Engr Div
	Tech Dir, Naval Avionics Facility, Ind
	Director of Engineering
	Exec Dir
Naval Aviation Logistics Center.	Technical Director
Pacific Missile Test Center.	
Systems Evaluation Directorate.	Assoc Dir—Sys Evaluation Directorate
	Head Systems Technology Department
Range Directorate	Assoc Dir and Assoc Td (Ranges and Tests)
	Head, Capabilities Development Dept
Naval Electronic Systems Command.	Techn Dir
	Deputy Comptroller
	Counsel
Director, Logistics Directorate.	Exec Dir, Logistics Directorate
	Executive Director, Life Cycle Support Group
Contracts Directorate	Exec Dir, Contracts

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Navelex Project Offices	Asst Proj Mgr, Ship & Shore Communications Div
	Tech Dir, Navy Space Project Ofc
	Dep Proj Mgr & Tech Dir Revison Systems Proj
	Asst Project Mgr for ELF Communications
	Asst Proj Manager for Submarine Commun Syst
	Tech Dir—Spec Communications Project Office
	Tech Dir, Undersea Surveillance Proj Off
	Project Manager for Communications Systems
	Deputy Director Research and Technology Group
Research & Tech Directorate.	Exec Dir, C3I Requirements Analysis Group
Acquisition Engrg Directorate.	Techn Dir, Material Acquisition Directorate
	Techn Dir, Air Traffic Cont Surv & Nag Sys Dl
	Techn Dir, Marine Corps Systems Project Ofc
	Adc-Life Cycle (Engring & Pld)
	Deputy Project Mgr/Tech Dir Com Sys Proj Ofc
Command Support Sys Ofc.	Exec Director for Systems Engineering
Ofc of Commander & Staff Offices, Navsea (00).	Director, Reliability and Maintainability
Research Tech and Assessment Ofc, Navsea.	Dir, Research Techn & Assessment Ofc
Designated Project Offices, Navsea.	Dep Proj Mgr, Guided Miss Frig Ship Acq Proj
	Dep, Proj Mgr for Anti Ship Miss Defense Proj
	Exec Dir-Aegis Shipbuilding Project
	Dep, Proj Mgr/Tech Dir Nucl Power Aircraft Lab
	Dep, Proj Mgr/Tech Dir Attack Sub Project Ofc
	Dep Project Mgr-High Energy Laser Project Ofc
	Director-S5W Submarine Systems Division
	Dep, Proj Mgr/Tech Dir Aux & Spec Mission Ship
	Dep & Techn Dir Adv Lwt Torpedo Project
	Deputy project manager
	Proj Mgr Destroyer Ship Acquisition Project
	Dep Techn Dir Aegis Shipbuildg Proj
	Techn Dir, Asst Proj Mgr for Deep Ocean Eng
	Torp Mk 48 Adv Cap Weap Sys Proj Manager
	Project Manager, Deep Submergence Sys Project
Acquisition Directorate, Navsea (90).	Executive Director Acquisition Directorate
Management Support Directorate, Navsea (09).	Dep Commander Management & Adm Directorate
	Asst Dep Comd for Acquisition & Admin
Compt Directorate Navsea (01).	Asst Dep Commdr, Plans, Prog Finance Mgt/Dep Com
	Dir, Cost Estimating & Analysis Div
Contracts Directorate, Navsea (02).	Asst Dep Commander for Contracts
	Dir, Shipbldg & Overhaul Contracts Div
Industrial and Facilities Mgmt, Directorate Navsea (07).	Asst Dep Cmdr for Ind & Facility Mgmt
Surface Combatant Ships Directorate, Navsea (93).	Exec Dir, Surface Combatant Ships Directorate
	Dep Dir, Surface Combatant Ship Logistics Div
Submarine Directorate, Navsea (92).	Dep Dir, Submarine Logistics Div
Logistics Directorate, Navsea (04).	Exec Dir Submarine Directorate
	Executive Director, Logistics Directorate

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
A/Craft Carriers, Amphib & Aux Ships Direct Navsea (94).	Exec Dir Aircraft Carriers Amph & Aux Ships
Undersea Warfare Sys Group WS&E Navsea.	Dep Asst (Techn) for ASW & Undersea WF Sys
Surface Warfare Systems Group WS&E Navsea.	Exec Dir, Surface Warfare Sys Grp
Nuclear Propulsion Directorate, Navsea (08).	Director-Reactor Materials Division
	Head, Advanced Design Branch
	Head, Improved Reactor Design Branch
	Dir-Secondary Plant Components Division
	Asst Dir React Engr Div, Hd Adv Reactor Br
	Deputy Director for Submarines
	Dir, Surface Ship Systems Division
	Technical Assistant for Surface Ship Systems
Naval Undersea W/ Fare Engr Stn, K. Wa. N/Sea Fld Act.	Technical Director
Naval Weapons Stn, Seal Bch, Ca-Navsea Field Activity.	Technical Director
Naval Ordance Stn, Indian Hd, Md-Navsea Field Activity.	Technical Director
Ship Design and Integration Directorate, Navsea (03).	Dir, Ship Des Res & Tech Ofc (Sea-03R)
	Dir, Adv Des Div/At Dep Dir, Ship Conc Dev Gp
	Dir, Structural Integrity Div
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Dir, Ship Systems Res & Technology Office
	Deputy Director, Propulsion Systems Subgroup
	Deputy Director, Hull Systems Group
	Dep Dir, Audiary Systems Group
	Deputy Director, Electrical Systems Group
	Director, Materials Engineering Office
Ship Systems Directorate, NAVSEA (05).	Asst Div Dir/Tech Dir Combat Sys Des & Int Dl
	HD, Ship Design & Fleet Engineering Branch
	Deputy Dir, Ammunition Systems Group
Combat Systems Directorate, NAVSEA (06).	Exec Director, Combat Systems Directorate
	Technical Director
Naval Ship Weapons Sys Engr St, Pt Hueneme, CA—NFA.	
Headquarters	Counsel
	Asst Dep Commander for Plans, Policy & Syst D
	Asst Dep Cmdr for Fin Mgmt/ Comp
	Asst Dep Commander, Fleet Support & Oper
Aviation Supply Office	Executive Dir Logistics Planning & Support
Navy Ship Parts Control Center.	Exec Dir Acquisition & Logistics Plng & Suppt
Office of Commander	Counsel
	Dep Dir of Programs & Comptroller
	Techn Advisor-Real Property Management
Asst Comdr, Design & Engineering.	Chf Design Engineer/Dep Asst Comm for Eng Des
Dep Comdr for Acquisition.	Assistant Commander for Contracts
	Chief Engineer
Naval Construction Bn Ctr.	Technical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Department of Education	
Office of Planning, Budget and Evaluation.	Dir, Div of Postsecondary Analysis
Management	The Comptroller
	Dir, Admin Resource Management Service
	Director, Personnel Management Service
	Dir, Assistance Management & Procurement Serv
Inspector General	Assistant Inspector General for Audits
	Asst Insp Gen for Policy Plng & Mgmt Serv
	Asst Inspector General for Investigation
	Deputy Asst Inspector Gen for Investigation
	Dep Asst Insp General for Tech Serv & Fld Ope
	Dep Asst Inspector General (HQ Audit Div)
General Counsel	Deputy General Counsel for Programs
National Center for Education Statistics.	Admr, Natl Cntr for Educ Statistics
	Dep Admr, Natl Center for Education Statistic
	Asst Admr for Elem & Secondary Edu Stats
Department of Energy	
Office of Hearings and Appeals.	Dep Dir for Legal Analysis
	Dep Dir for Financial Analysis
	Dep Dir for Econ Analysis
Chicago Operations Office.	Asst Manager for Administration
	Area Manager, Batavia Area Office
	Asst Mgr for Acquisition and Assistance
Idaho Operations Office	Asst Mgr for Plns Budget & Engr
	Asst Mgr for Admin
	Dir, Reactor Ops & Prgms
	Dir, Nuclear fuel Cycle and Waste Mgmt Div
Oak Ridge Operations Office.	Dir Enriching Op Div
	Asst Mgr for Admin
Richland Operations Office.	Asst Mgr for Admin
	Asst Mgr for Tech Op
	Dep Asst Manager for Technical Operations
San Francisco Operations Office.	Asst Mgr Admin
	Director, Livermore Site Office
Albuquerque Operations Office.	Asst Mgr for Plns and Bud
	Dir, Res Mgmt Div
	Dir, Weapons Dvlmp Div
	Dir, Weapons Prod Div
	Director, Quality Assurance Division
	Dir, Operational Safety
	Asst Mgr for Logistics
	Dir, Fac Const Mgmt Div
	Dir, Transportation & Safeguards Div
	Asst Mgr for Administration
Nevada Operations Office.	Asst Mgr for Admin
Savannah River Operations Office.	Asst Mgr for Plns Engr & Bud
	Asst Mgr for Admin
Ofc of Asst Insp Gen for Audits.	Asst Inspector General for Audits
	Dir, Financial and Procure Audits
	Director, Division of Program Audits
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec
	Dep Inspector General for Inspections
Ofc of Asst Insp Gen for Investigations.	Asst Ins/Gen for Investigations
	Dep Asst I/G for Investigations
Ofc of Chief Accountant	Deputy Chief Accountant
	Dir, Division of Audits
	Dep Dir, Div of Audits
Ofc of Pipeline and Producer Regulation.	Dir Reg Asst Div
Economic Regulatory Administration.	
Office of the Administrator.	Dir Reg Intervention Div
	Dir, Ofc of Mgmt and Program Coordination
Ofc of Special Counsel	Director National Cases Division
Energy Information Administration.	Dir, El ADP Services Staff
	Director, Nuclear & Alternate Fuels Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Olc of Oil and Gas	Dir, Olc of Oil and Gas
	Dep Dir, Olc of Oil and Gas
	Director, Petroleum Supply Division
	Chf, Develop Collection Proc & Maintenance Br
	Chief, Data Analysis & Forecasting Branch
	Director, Petroleum Marketing Division
	Director Natural Gas Division
	Dir, Reserves & Data Consolidation Division
	Director, Electric Power Division
Olc of Coal, Nuclear, Electric and Alternate Fuels.	Dir, Coal, Nucl, Elec & Altern Fuels Div
	Director, Coal Division
	Chf, Develop Collection Proc & Maintenance Br
Olc of Energy Markets and End Use.	Dir Olc of Energy Markets & End Use
	Director, Energy End Use Division
	Director, Short-Term Information Division
	Director, Longer-Term Information Division
	Director, Economics & Statistics Division
Olc of Statistical Standards.	Dir, Olc of Statistical Standards
	Director, Quality Assurance Division
Organization Abolished	Director Natl Energy Information Center
	Project Advisor
Asst Secy for Conservation and Renewable Energy.	Dep Dir Geo En/Chf Hydro Spt Br
	Chf Thermal and Mechanical Sys Br
	Dir, Wind Energy Systems Div
	Dep Dir, Central Solar Tech Div
	Dir, Power Supply & Integration Branch
	Dir, Olc of International & Sci Prgms
	Dir, Market Development Division
	Dir, Conservation Techn Dev Div
	Director, Consumer Products Division
	Director, Automotive Tech Development Division
	Dir, Resource Management Division
	Director, Buildings Division
	Dir, Policy Plng and Eval Div
Olc of Policy and Management.	
Office of State and Local Assistance Programs.	Dir, Olc of Budg and Adm Spt
Bonneville Power Administration.	Dir, Weatherization Assistance Programs Div
Western Area Power Administration.	Asst Admr for Mgmt Serv
Office of Energy Systems Research.	
	Asst Admr for Mgmt Svcs
Office of Vehicle and Engine—R&D.	Director, Energy Storage Division
Office of Solar Heat Technologies.	Director, Electric Energy Systems Division
	Dir, Transportation Systems Utilization Div
	Dir, Active Heating and Cooling Division
	Dep Dir, Olc of Solar Applications for Buildg
Office of Renewable Technology.	Dir, Biomass Energy Systems Division
	Dir, Geothermal & Hydropower Technologies Div
	Dir, Biomass Energy Technical Division
	Dir, Solar Thermal Technology Div
A/S for Environmental Protection, Safety & Emerg Preps.	Dir, Olc of Resource Mgmt
	Dir, Pwr Supply and Reliability Div
	Chief, Envir Control Technology Branch
Dep Asst Secy for Environment, Safety and Health.	Dep Dir, Tech Ass Div and Chf N T Br
	Chf, Safety Analysis Branch
	Chf, Policy Measurements & Instl Stnds
	Medical Director
	Chf, Occupational Safety Branch
	Dep Dir, Olc of Management Support

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Operational Safety.	Dep Dir, Op and Env Safety
Office of Nuclear Safety	Chf, Environmental Protection & Pub Safe Br
	Dir, Mgmt Div
	Asst Proj Mgr for Management & Admin
Dep Asst Secy for Strategic Petroleum Reserve.	Dir, Off of Prgms Coord
	Dir for Assessments & Liaison
Asst Secy for Defense Programs.	Dir, Prog Analysis & Resource Management Div
Deputy Assistant Secretary for Military Application.	Special Asst
	Dir, Division of R&D & By Products Management
Dep Asst Sec for Nuclear Materials.	Dir Incident Mgmt Div
Office of Safeguards and Security.	Dir, Div of Safeguards
	Dir, Div of Pol and Prog Support
	Dir Olc of Intl Prgm Spt
Asst Secy for International Affairs.	
Office of Energy Research.	Dir Div of Acquisition & Coordination
	Dir Budg and Pres Coord Div
Olc of Program Administration and Operation.	Deputy Dir for Management
Olc of Management	Director, Fiscal Management Division
	Director, Human Health & Assessment Div
Olc of Health and Environ Research.	Dir, Health Effects Research Division
	Director for Management
Olc of Fusion Energy	Dir, Engr Math and Geo Sci Div
Office of Basic Energy Sciences.	Dir, Chem Sci Div
	Dir, Adv Egy Proj Div
	Dir, Mat Sci Div
	Chf, Metallurgy and Ceramics Br
	Chf Fund Interactions Br
	Chf, Processes and Tech Br
	Chf, Solid St Phy and Mat Chemistry Branch
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch
	Dir, High En Physics Div
Assistant Secretary for Fossil Energy.	Dir Olc of Res Mgmt and Acquis
	Deputy Director for Management
	Director, Office of Resource Mgmt
Dep Asst Sec for Mgmt, Planning & Tech Cooperation.	Dir, Olc & Major Proj Management
	Chf Plans and Policy Br
	Dep, Asst Secy for Management
Assistant Secretary for Nuclear Energy.	Director, Fiscal Division
	Dir, Olc of Plans & Resource Mgmt
Deputy Assistant Secretary for Naval Reactors.	Assoc Dir for Commiss Subsi
	Asst Dir for Reactor Saf & Comp
	Hd, Op Reactors Sec
	Sr, Nav Reactors Rep (MAD)
	Chf Submarine Sys Br
	Chf, Instrumentation & Control Br
	Assoc Dir for Fiscal Mtrs
	Hd Submarine Section
	Assoc Dir for Trid & Adv Sub Progs
	Chf, Reactor Refueling Br
	Dep Reactors Refueling Br
	Assoc Dir for Surf Ship & WCB
	Hd Surface Ship Section
	Asst to the Assoc, Dir, for SS & WCB
	Dep Dir, Nav Reactors Div
	Prog Mgr for Prototypes & Sepco
	Asst Chf Scientist
	Director, Nuclear Technology Div
	Assoc Dir for Security, Public & Foreign Mat
	Dir, Reactor Engineering Division
	Chief, Advanced Core Manufacturing Branch
	Head Core Manufacturing Branch
	Dep Dir, Nuclear Techn Div
	Dep Director Reactor Materials Division
Schenectady Naval Reactors Office.	Sr Nav Reactors Rep (W Milton)
	Asst Manager for Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Pittsburgh Naval Reactors Office.	Sr, Naval Reactors Rep (Portsmouth)
	Sr, Naval Reactors Rep (Nwpt News)
	Senior Naval Reactors Rep (Pearl Harbor)
	Sr, Naval Reactors Representative (Peace, Ma)
	Senior Naval Reactors Representative
Dep Asst Sec for Tech Waste Mgmt and Remedial Action.	Director, Olc of Resource Management
Dep Asst Secy for Uranium Enrichment and Assessment.	Chf, Facilities Construction Branch
	Chf, Tech Spt Br
Dep Asst Secy for Breeder Reactor Programs.	Chf, Contracting & Marketing Br
	Deputy Director for Nuclear Reactor Programs
	Chf, Adv Isotope Separation Br
	Chf, Nucl Reactor Eval Br
	Chf Safety & Physics Br
	Chf, Nuclear Fuel Cycle Program Branch
	Chf, Space & Terres Sys Br
	Asst Mgr for Projects
	Chf, Gas Cooled Fast Reactor Br
Assistant Secretary Management and Administration.	Director Personnel Management Evaluation
Olc of Personnel	Dir Olc of Personnel
	Dep Dir of Personnel
	Dir-Exec Resources Management Division
	Dir, Policies and Prgm Div
	Dir, Empl Dvlmt & Trng Div
	Dir, Hq Personnel Operations Div
Olc of Orgn and Mgmt Systems.	Dir Olc of Org and Mgmt Sys
	Dir, Management Sys Analysis Div
	Dir, Manpwr Res Mgmt Div
	Dep Dir, Olc of Org and Mgmt
	Dir Org Plng and Mgmt Div
	Dir Office of Facility Planning & Support
Office of Project and Facilities Management.	Dir Construction & Facilities Mgmt Div
	Dir, Div of Real Estate and Fac Mgmt
	Dir, Program-Project Operations Mgmt Division
	Director, Real Estate Management Division
Olc of Admin Services	Dir Olc of Admin Svcs
	Dep Dir, Olc of Admin Serv
Olc of Adp Management.	Dir Olc of Adp Mgmt
	Dep Dir, Olc of Adp Mgmt
Olc of Comp Serv & Telecommun Management.	Dir Olc of Comp Serv and Tel Mgmt
	Dep Dir, Olc of Comp Serv and Tele Mgmt
	Dir, Div of Telecommunications
	Director, Operations Division
	Dir, Information Systems Division
	Director Division of Technical Support
Office of Industrial Relations.	Dir Olc of Industrial Relations
	Dep, Olc of Industrial Relations
	Dep Dir, Olc of Industrial Relations
	Dir Cont Pers Mgmt Div
	Dir, Prgm and Asmt Div
Procurement and Asst Management Directorate	Dir Tech & Resource Applications Support Div
	Director, Procurement Management Prev Div
Of Small and Disadvantaged Business Utilization.	Dir of Sm and Disadv Bus Utiliz
Office of Policy	Dir Olc of Policy
	Dir, Policy and Procedures Div
	Dir Contr and Prop Mgmt Div
Office of Procurement Support.	Dir Olc of Procurement Support
	Dir, Olc of Prgm Support
	Dep Dir, Pso and Dir Cs and Is Div
Office of Procurement Review.	Director Office of Procurement Review
	Dir, Olc of Procur Mgmt
	Dir, Cont Bus Clmns Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Procurement Operations.	Dir Olc of Procurement Operations
	Dep Dir, Olc of Procur Op
	Director, Operations Review Staff
Controller	Dep Dir, Olc of Management Info Systems
	Dir, Olc of Management Inf Systems
Office of Budget	Dir Olc of Budget
	Dep Dir, Olc of Budget
	Dir, Budget Anal Div
	Dir, Budget Oper Div
	Dir, External Coord & Spec Projects Staff
Office of Financial Policy and Accounting.	Dir Olc of Financial Pol Analysis & Gac Liaso
	Dep Dir, Olc of Fin and Acctg
	Dir, Financial Analysis Div
	Dir, Financial Policy Div
	Dir, Financial Policy & Acctg
	Dep Dir Olc of Financial Policy & Accounting
	Dir, Dept Accounting & Analysis Div
	Director, Financial Pol & Rev Div
Washington Financial Services.	Dir Wash Finan Sen Ctr
Asst Secy Congressional, Intergovernmental & Pub/Affs.	Dir Exec Office
Environmental Protection Agency	
Olc of the Administrator	Principal Radiation Science Adviser
Office of the Inspector General.	Assist Inspector Gen for Investigations
	Dep I/G-Asst I/G for Auditing
	Asst Inspector General for Audits
	Dep Asst Inspector General for Audits
	Dep Inspector General
	Dep Asst Inspector General for Investigations
	Asst Insp General for Mgmt & Technical Assess
	Dep Dir, Programs & Operations
Office of International Activities.	
Region I—Boston	Dir, En Div Reg I
	Dir, Water Div Reg I
	Dir—Air and Hazardous Materials Div Reg I
	Reg'l Coun & Assoc G/C for Reg'l Coord, Reg 1
Region II—New York	Dir—Surveillance & Analysis Div, Reg II
	Dir—Enforcement Div—Reg II
	Dir—Water Div Reg II
	Asst Regl Admr for Planning & Mgmt
	Dir, Air & Waste Management Division
	Regional Counsel, Region II, New York
Region III—Philadelphia	Dir, Enforcement Div Reg III
	Dir, Water Div Reg III
	Dir, Air and Hazardous Materials Division
	Regional Counsel
Region IV—Atlanta	Dir, Water Div Reg IV
	Dir, Enf Div Reg IV
	Dir, Air & Hazardous Materials Div Reg IV
	Dir, Surveillance & Analysis Division
	Asst Regional Admin for Policy and Mgmt
	Regional Counsel, Reg IV, Atlanta, Georgia
Region V—Chicago	Dir, Enforcement Div Reg V
	Dir, Air & Hazardous Materials Div Reg V
	Dir, Surveillance and Analysis Region V
	Director—Water Div Reg V
	Asst Regl Admr for Planning and Management
	Regional Counsel

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Region VI—Dallas	Dir, Enf Div Reg VI
	Dir—Air & Hazardous Materials Div Reg VI
	Director—Water Div Reg VI
	Dir—Surveillance & Analysis Div
	Asst Regional Admr for Planning and Mgmt
	Regional Counsel
Region VII—Kansas City	Dir Water Div Reg VII
	Dir—Enforcement Div—Reg VII
	Dir—Air & Hazardous Materials Div Region VII
	Regional Counsel
Region VIII—Denver	Dir water Div Reg VIII
	Dir, Air & Hazardous Materials Div Reg VIII
	Director Enforcement Division Region VIII
	Dir, Surveillance & Analysis Div
	Regional Counsel, Region VIII
Region IX—Region San Francisco.	
Dir—Water Div Reg IX	
	Dir, Air & Hazardous Material Div
	Dir—Enforcement Div—Reg IX
	Director, Air Management Division
	Director, Surveillance and Analysis Division
	Regional Counsel, Reg IX, San Fran, Cal
	Asst Regl Admr for Pol, Techn & Res Mgmt
	Dir, Toxics & Waste Management Div
Region X—Seattle	Dir, Air & Hazardous Materials Div Reg X
	Dir—Water Div—Reg X
	Dir—Enforcement Div—Reg X
	Dir—Surv and Analysis Division—Reg 10
	Regional Counsel
Olc of Assoc Admr for Pol & Resources Management.	Dep Assoc Admr for Policy & Resources Mgmt
Office of Comptroller	Dir, Olc of the Comptroller
	Dir, Program Analysis Division
	Deputy Director, Office of Comptroller
Office of Policy Analysis	Dir, Econ Analysis Div
	Director, Energy Policy Division
Office of Standards and Regulations.	Dir, Standards and Regulations Div
Office of Management Systems and Evaluation.	Dir, Olc of Management Systems & Evaluation
	Dir, Program Reporting Div
	Director, Program Evaluation Division
	Dir, Management Systems Div
Olc of the Assoc Admr for Legal and Enforcement Counsel.	Dir Olc of Progs and Mgmt Opers
National Enforcement Investigations Ctr—Denver.	Dir Olc of Management Operations
	Dir, Nat L Enforcement Investigations Center—D
Office of the Asst Admr for Administration.	Assoc to Asst Adm for Prog Mgmt and Policy
	Dir, Olc Admin, Cincinnati
	Dir, Olc Admin, Research Triangle Park
	Spec Asst to the Asst Admin for Administration
Office of Personnel and Organization.	Dir, Olc of Occupational Health and Safety
	Director, Personnel Management Div
	Dir, Management and Organization Division
Office of Fiscal and Contracts Management.	
Dir, Contracts Mgmt Div	
	Dir, Grants Admin Div
	Dir, Financial Mgmt Div
	Dir, Procurement & Contracts Mgmt Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Management Information & Support Services.	Dir, Olc of Mgmt Info and Support Services
	Dir, Mgmt Info and Data Sys
	Dep Dir, Olc of Mgmt Info & Support Services
	Dir, Facilities and Support Services Division
Office of the Assistant Administrator.	Policy Advisor for Water.
Office of Water Enforcement.	Director Enforcement Division
	Director, Permits Division
Office of Water Regulations and Standards.	Director, Effluent Guidelines Division
	Director, Monitoring & Data Support Div
	Dir, Criteria and Stds Div
Office of Water Program Operations.	Director, Municipal Construction Division
	Dir, Facility Requirements Division
	Dir, Water Planning Division
Office of Drinking Water.	Dir, Criteria and Standards Division
	Dir, Olc of Prog Dev & Evaluation
	Dir, State Programs Div
Office of Solid Waste	Dir, Hazardous & Industrial Waste Div
	Dir, State Prog & Resource Recovery Div
Office of Emergency and Remedial Response.	Dir, Hazardous Response Support Div
Olc of the Asst Admr for Air, Noise and Radiation.	Director, Olc of Program Mgmt Operations
Office of Air Quality Planning and Standards.	Dir-Stationary Source Enforcement Div
	Director, Control Programs Development Division
	Director, Monitoring & Data Analysis Division
	Dir, Strategies & Air Stds Div—Durham, NC
	Dir, Emissions Stds & Engr Div
	Director, Emission Control Technology Div
	Dir, Certification Division
	Dir, Manufacturers Operations Division
	Dir, Field Operations & Support Division
	Dir, Tech & Federal Programs Division
Office of Noise Abatement and Control.	Director, State & Local Programs Div
	Director, Standards & Regulation Div
	Director, Health Effects Scientific Staff
	Director, Technology Assessment Div
Office of Radiation Programs.	Dir, Criteria & Standards Div
	Dir, Surveillance & Emergency Prepared Div
	Dir, Statistics & Applied Mathematics Div
	Dir, International Chemical Affairs Staff
	Dir, Integration Staff
	Dir, Pesticides Enforcement Div
Olc of Asst Admr for Pesticides & Toxic Substances.	
Office of Pesticides and Toxic Substances Enforcement.	
Office of Pesticide Programs.	Dir, Olc of Pesticides Programs
	Senior Science Advisor (Minor Use Pesticides)
	Dir, Spec Pesticide Review Division
	Dir-Registration Division
	Director-Program Support Division
	Dir-Hazard Evaluation Division
	Dir, Benefits and Field Studies Div
	Sr Science Advr (Hazard Evaluation)
	Dir-Environmental Review Division
	Director, Exposure Evaluation Division
	Director, Assessment Div
Office of Mobile Sources.	
Office of Toxic Substances.	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Health & Environmental Rev Div
	Director, Chemical Control Division
	Dir, Industry Assistance Ofc
	Sr Scientific Advisr for Chemical Info
	Director, Economics & Technology Division
	Principal Physical Science Advisor
Ofc of the Asst Admr for Research and Development.	Dir, Ofc of Exploratory Research
	Principal Science Advisor for Ecology
	Dep Dir for Technical Information
Ofc of Research Program Management.	Dep Dir for Operations
Center for Environmental Research Info—Cincinnati.	Dir, Environmental Research Information Center
Office of Health and Environmental Assessment.	Director, Environ Rsch Info Center, Cincinnati
	Exec Dir, Carcinogen Assessment Group
	Exec Dir, Reproductive Effects Assess Group
	Executive Director, Exposure Assessment Group
Ofc of Monitoring Systems and Quality Assurance.	Dir, Air Toxics & Radiation Monitoring Res Div
	Dir, Water & Waste Mgmt Monitoring Res Div
Ofc of Environmental Engineering and Technology.	Dir, Industrial & Extractive Processes Div
	Dir, Waste Management Division
	Dir, Energy Processes Division
Industrial Environmental Research Lab—Cincinnati.	Dep Dir-Industrial Env Res Lab Cincinnati
Municipal Environmental Research Lab—Cincinnati.	Dir, Water Supply Research Div
Office of Environmental Process and Effects Res.	Dir, Integrated Pest Management Program
	Director, Toxics and Pesticides Division
	Director, Water and Land Division
Environmental Sciences Research Laboratory—Rtp.	Dep Dir-Environmental Sciences Rsch Lab—Rtp
Office of Health Research.	Dir, Air, Noise & Radiation Health Res Div
	Dir, Water & Toxic Substance Health Res Div
Health Effects Laboratory—Rtp.	Dir, Res Adv & Spec Studies Ofc
Equal Employment Opportunity Commission	
Regional Directors	Dist Dir (Baltimore)
	Dist Dir (New York)
	Dist Dir (Atlanta)
	Dist Dir (Houston)
	District Director (Detroit)
	Dist Dir (San Francisco)
	Dist Dir (Dallas)
	Dist Dir (Chicago)
	Dist Dir-(St Louis)
	Dist Dir (Miami)
	Dist Dir-(Indianapolis)
	Dist Dir (Memphis)
	Program Manager
	Dist Dir-(Denver)
	Dist Dir-(Birmingham)
	Dist Dir-(New Orleans)
	Dist Dir-(Phoenix)
	Dist Dir-(Milwaukee)
	Dist Dir-(Charlotte)
	Dist Dir-(Seattle)
	Dist Dir-(Cleveland)
	Dist Dir-(Philadelphia)
Farm Credit Administration	
Ofc of Supervision	Asst Deputy Governor
	Assoc Dep Governor, Supervision
Office of Examination	Assoc Dep Governor and Chf Examiner
Ofc of Administration	Director, Administrative Division
Federal Communications Commission	
Broadcast Bureau	Chf, Complaints & Compliance Div
	Chief, Broadcast Facilities Div
	Chf, Hearing Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chief, Audio Services Division
	Chief, Video Services Division
	Chf, Enforcement Div
Field Operations Bureau	Chief, Enforcement Division
Common Carrier Bureau	Chief, Tariff Division
	Chf, Enforcement Division
	Chf, Mobil Services Div
	Asst Bureau Chief (International)
	Chief, Domestic Facilities Division
Ofc of Science & Technology	Chief, Spectrum Management Division
	Chief, Technical Analysis Division
	Chief, Authorization & Standards Div
Federal Emergency Management Agency	
Office of the Director	Inspector General
National Preparedness Programs Directorate	Chief, Scientific Advisor
	Asst Associate Director
Office of Resource Preparedness	Asst Assoc Dir, Off Resource Prep
	Chief, Economic Resources Division
Office of Government Preparedness	Asst Assoc Dir, Off of Govt Prep
	Chief, Government Continuity Div
	Chief, President Continuity Div
Office of Research	Asst Assoc Dir, Off of Research
Resource Management and Administration Directorate	Deputy Director, Finance and Administration
	Comptroller
	Dir, Computer Mgmt Div
	Dir, Spec Facility
	Asst Assoc Dir, Ofc of Res Planning & Util
Federal Home Loan Bank Board	
Office of Administration	Director, Administration
Office of Examinations & Supervision	Dep Dir, Examinations/Field Operations
	Deputy Director—Examinations/Policy
Ofc of Internal Eval and Compliance	Dir, Internal Evaluation and Compliance Ofc
Federal Labor Relations Authority	
Federal Service Impasses Panel	Exec Director, FSIP
Ofc of the Executive Director	Executive Director
	Deputy Executive Director
	Solicitor
Office of the Chief Counsel	Chief Counsel
	Asst Chf, Coun for Oper & Tech Asst
	Asst Chf, Counsel for Arbitration
	Asst Chief, Counsel for Negotiability
	Asst Chf, Coun for Rep & Unfair Labor Practice
Ofc of the General Counsel	Deputy, General Counsel
	Asst General Counsel (Field Management)
	Asst General Counsel (Field Management)
	Asst General Counsel (Appeals)
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston
	Regional Director—New York
	Regional Director—Atlanta
	Regional Director—Kansas City
	Regional Director—Dallas
	Regional Director—Chicago Illinois
	Regional Director—Los Angeles
	Regional Director, San Francisco
	Regional Director, Denver
Federal Maritime Commission	
Office of the Members	Secretary
Office of the General Counsel	Dep Gen, Coun for Legis and Ord and LRA
	Dep Gen, Coun for Reports Opinions and recision
Bureau of Hearings & Field Operations	Dep Managing Dir

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Bureau of Agreements
	Director, Bureau of Certification & Licensing
	Dir, Bureau of Investigation & Enforcement
	Dir, Bureau of Tariffs
Federal Mediation and Conciliation Service	
Office of Policy and Resource Management.	Director, Ofc of Policy & Resource Mgmt
Organization Abolished	Dir, Office of Administration
Federal Trade Commission	
Ofc of Executive Director.	Deputy Exec Dir for Management
General Services Administration	
Office of the Administrator.	Special Council to the Admr for Ethics
	Dir, Ofc of Small & Disadvantaged Bus Utiliz
Office of Policy and Management Systems.	Dir of Management Improvement
Office of Oversight	Director, Office of Oversight
	Dir of Administrative SVCS/OFC of Oversight
Office of the Inspector General.	Asst Inspector Gen for Auditing
	Deputy Asst Inspector General for Auditing
	Asst I/G for Investigations
	Asst Insp General for Inspections
	Assistant Inspector Gen for Pol Plans & Evtl
Office of Acquisition Policy.	Asst Admr for Acquisition Policy
	Deputy Assistant Admr for Acquisition Policy
	Dir, Acquisition Policy
	Director, Federal Procurement Regulation
Office of Organization and Personnel.	Director of Personnel
	Director, Ofc of Employee Dev & Training
	Dir of Organization & Staff Utilization
Office of Plans, Programs and Financial Management.	Dir of Finance
	Director of Budget
	Director of Data Systems
	Deputy Director of Data Systems
	Director, of Transportation Audits
Federal Property Resources Service.	Asst Commr for Personal Property
	Dep Asst Commr for Personal Property
	Asst Comm, R for Real Property
	Asst Commissioner for Stockpile Management
	Asst Commissioner for Stockpile Transactions
Transportation and Public Utilities Service.	Dir of Transportation
	Asst Comm for Transportation Audits
	Asst Commr for Transportation & Travel Mgmt
	Asst Comm for Public Utilities
	Asst Commr for Motor Equipment
Public Building Service	Asst Commissioner for Buildings Management
	Dep Asst Commr for Buildings Management
	Asst Commr for Space Planning & Management
	Asst Commr for Design and Construction
	Asst Commr for Contracts
	Asst Commissioner for Fed Protective Ser Mgmt
	Assistant Commissioner for Public Utilities
Automated Data and Telecommunications Service.	Director of Information Resources Procurement
	Director of Network Services
	Asst Commr for Policy & Planning
	Dir, Data Communications Systems Div
	Director of Advanced Planning

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Network Engineering MGMT Division
	Dir, Software Development Office
	Director of Office Information Systems
	Director of Regional Information Services
National Archives and Records Service	Asst Archivist, Pres Libraries
	Dir, L B Johnson Library
	Asst Archivist for Fed Records Ctr
	Asst Archivist for Records and Info Mgmt
	Dir, Harry S Truman Library
	Dir, Dwight D Eisenhower Library
	Asst Archivist, Natl Archives
	Asst Archivist for Educational Programs
	Assistant Archivist for Program Development
Federal Supply Service	Asst Commissioner for Supply Director, of Procurement
	Asst Commissioner for Programs & Requirements
	Dir of Policy & Agency Assistance
	Assistant Commissioner for Procurement
	Director of Property Management
	Dep Asst Admr
Region 1—Boston	Dep Regional Administrator, Region 1
	Asst Regional Administrator for PBS Region 1
Region 2—New York	Asst Regl Admr for PBS
Region 3—Philadelphia	Asst Regional Admr for Contracting
National Capital Region	Deputy Regional Admr, National Capital Region
	Regional Controller
	Asst Regl Admr for Pub Bldgs & Real Property
Region 4—Atlanta	Asst Reg Admr for Public Bldg & Real Pro R-4
	Assistant Reg Admin for Inform Res Mgmt-R-4
Region 5—Chicago	Deputy Regional Admr R-5 (Chicago)
	Asst Regional Administrator for Admin
	Asst Regl Admr for Pub Bldgs & Real Prop R-5
	Asst Regl Admr for Personal Property Reg-5
Region 6—Kansas City	Deputy Regional Administrator
	Regional Controller—Region 6
	Asst Regl Admr for Public Buildings & R E
Region 7—Fort Worth	Asst Regl Admr for Public Buildings Service
	Asst Regl Admr for Info Resources Mgmt R-7
	Asst Regional Administrator for Personal Pro
Region 8—Denver	Asst Regional Adm for Public Buildings Serv
Region 9—San Francisco	Asst Regl Administrator for Administration
	Asst Regl Admr for Pub Bldgs & Real Property
	Asst Regl Admr for Personal Property R-9
Region 10—Auburn, Washington.	Asst Regl Admr Public Build & Real Prop
Department of Health and Human Services	
Office of the Inspector General.	Dep Asst Inspector General for Auditing
	Assoc Dir—Division of Audit Coordination
	Assoc Dir Div of Social Security Audits
	Asst I/G for Health Care and Systems Review
	Asst Inspector General for Investigations
	Dep Asst Inspector Gen for Investigations
	Assoc Dir, Div of Univ & Nonprofit Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Sr Asst Insp Gen for Audit & Systems
	Executive Assistant Inspector General
Ofc for Management and Budget.	Asst Sec For Mgmt and Budget
	Dep Asst Sec, Finance
	Dir, Div of Accounting Systems & Procedures
	Dir, Div of Grants Policy & Regulations Devel
	Dir Ofc of Grant & Contract Financial Mgmt
	Dep Asst Secy for Procurement, Asst and Log
	Dir Ofc of Procurement & Asst Policy
Ofc of Asst Secy for Personnel Administration.	Asst Sec for Personnel Administration
	Dir Ofc of Personnel Systems Integrity
Office of the General Counsel.	Asst Gen Counsel (Business & Admin Law Div)
Health Care Financing Administration.	Dep. Dir., Bureau of Support Services
	Dir, Ofc of Prog Adm, Bur of Prog Operations
	Dir, Bur of Support Services
	Dir, Ofc of Program Validation
	Dir, Ofc of Financial Management
	Deputy Director, Bureau of Quality Control
	Director, Ofc of Research
	Dir Office of Quality Control Programs
	Dir Office of Human Resources & Admin Service
	Chairman Provider—Reimbursement Review Board
	Dir, Ofc of Financial & Actuarial Analysis
	Dir, Ofc of Professional Stds Review Org
	Dir, Bureau of Data Management and Strategy
	Dep Dir, Bureau of Data Management & Strategy
Ofc of Policy	Dir, Div of Supplemental Security Studies
	Dir, Ofc of Material Resources
Ofc of Mgmt, Budget, and Pers.	Dir, Ofc of Financial Resources
Ofc of Assessment	Assoc. Commr. for Assessment
	Dir, Ofc of Security and Program Integrity
	Deputy Associate Commissioner Assessment
Ofc of Hearings and Appeals.	Dep Assoc Commr Ohe
Actuary	Chf Actuary
	Dep Chief Actuary (Long-Range)
	Dep, Chief Actuary Short Range SSA
Assistant Secretary for Health.	Dep. Dir, Office of Administrative Management
	Director, Office of Resource Management
	Associ Dir for Data Systems
	Economist
	Dir, Div of Intramural Research
	Associate Director for Research
	Assoc Dir for Coop Health Statistics System
	Assoc Dir for Analysis & Epidemiology
	Assoc Dir for Research & Methodology
Immediate Office of the Director.	Deputy Director, Fogarty International Ctr
	Associate Dir for Med Applications of Resch
Division of Research Resources.	Dir, Div of Research Resources
	Dep Dir, Div of Res Resources
Division of Research Services.	Chf, Biomedical Engineering & Instrumentation
Associate Director for Administration.	Director, Div of Financial Management
	Director, Division of Contracts & Grants
Division of Computer Research & Tech.	Chief, Computer Center Branch
	Chief, Lab of Applied Studies
	Chief, Physical Sciences Lab

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Library of Medicine.	Dep Dir, Natl Lib of Medicine
	Deputy Dir for Res and Education
	Assoc Dir for Library Operations
	Associate Director, Div of Extramural Programs
	Dir, LHNC for BC Bethesda Maryland
	Assoc Dir, Specialized Info Services
	Asst Dir for International Programs
	Dep Dir, Lister Hill Nat'l Ctr for Biomedical
	Associate Director for Planning
	Director, Natl Medical Audiovisual Ctr
National Institue of Health Clinical Center.	Assoc Dir for Clin Care NIH & Dir Clinical Cen
	Health Systems Administrator
Natl Institute of Environmental Health Sciences.	Assoc Dir for Health Hazard Assessment
	Chf, Lab of Pharmacology
	Chf, Laboratory of Biomedical Genetics
	Chf, Laboratory of Molecular Genetics
	Chf, Lab of Animal Genetics
	Chf, Lab of Pulmonary Function and Toxicology
	Chief, Biometry Branch
	Hd, Cell Pharmacology Section
National Inst of Allergy and Infectious Diseases.	Dir—Immunology—Allergic & Immunologic Disease
	Assoc Dir—Intramural Research Prog
	Chf, Lab of Parasitic Diseases
	Chf, Lab of Biology of Viruses
	Chf, Laboratory of Microbial Immunity
	Spec Asst for Biometry, Off Sci Dir
	Hd, Molecular Viral Disease
	Director, Microbiology & Infectious Dis Progs
	Chief, Lab of Immunogenetics
	Director, Extramural Activities Program
Natl Institute of Neurological & Comm Disorders & Stroke.	Chf, Ofc of Biometry and Epidemiology
	Chf, Lab of Neurochemistry
	Chf, Surgical Neurology Branch
	Chf, Lab of Neuro-Otolaryngology
	Clinical Dir, NINCDS
	Director, Communicative Disorders Program
	Director, Stroke and Trauma Program
Intramural Research	Chf, Devel & Metab Neurology Branch
	Chf, Lab of Molecular Biology
	Hd, Cellular Neuropathology Section
	Chief, Section on Neuroradiology
	Chief, Lab or Biophysics
	Chf, Lab of Neuropathology & Neuroanatomical
	Hd, Section on Neuronal Interactions
	Dir, Fundamental Neurosciences Program
	Chief, Laboratory of Molecular Genetics
Collaborative and Field Research.	Chief, Lab of Central Nervous System Studies
	Deputy Chief, Lab of Central Nervous Sys Stud
Natl Heart, Lungs, and Blood Institute.	Assoc Director for Review
	Dir, Div of Lung Diseases
	Dep Dir, Div of Lung Diseases
	Dir, A/Sclerosis, Hypertension & Lip Met Prog
Div of Blood Diseases and Resources.	Chf, Sickle Cell Disease Branch
	Dir, Div of Blood Diseases & Resources
Associate Director for Intramural Research.	Chf, Surgery Br
	Chf, Lab of Biochemical Genetics
	Chf, Lab of Biochemistry
	Chief, Lab of Molecular Hematology
	Chief, Macromolecules Section
Laboratory of Biochemistry.	Sr Rsch Chemist, Sect on Cell Biology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Laboratory of Chemical Pharmacology.	Hd, Sect on Enzyme Drug Interaction
Molecular Disease Branch.	Hd, Section on Chemistry
Division of Heart & Vascular Diseases.	Dir, Div of Heart & Vascular Diseases
	Assoc Dir for Epidemiology and Biometry
Associate Director, for Extramural Research and Training,	Dep Director, Div of Extramural Affairs
National Cancer Institute.	Chf—Drug Evaluation Branch
	Chf—Lab of Medical Chemistry and Biology
	Chief, Clinical Epidemiology Branch
	Chief, Laboratory of Biochemistry
	Assoc Div for Medical Appl of Cancer Research
	Director, Extramural Research Program
	Dir, Div of Extramural Activities
	Assoc Dir, Cancer Therapy Evaluation Program
Div of Resources Centers & Community Activity.	Special Asst for Liaison Activity
	Dir, Div of Resources, Centers Comm Activity
Div of Cancer Cause & Prevention.	Chf—Lab of Experimental Pathology
	Sci Coord for Environmental Carcinogenesis
	Deputy Director, Div of Cancer Cause & Preven
	Chief, Lab of Viral Carcinogenesis
	Dir, Div of Cancer Cause and Prevention
General Laboratories and Clinics.	Head, Mathematical Biology Section
	Chief, Laboratory of Cell Biology
	Hd, Protein Chemistry Section
Division of Cancer Biology and Diagnosis.	Chf—Laboratory of Pathophysiology
	Chf, Lab of Immunobiology
	Hd, Biochemical Genetics Section
	Head, Comparative Oncology Section
	Assoc Chf—Lab/Immunobiology/Hd Humoral Immunl
	Head, Cell Organization Sect, Lab Molecular
	Head, Invitro Carcinogenesis Section
	Head, Developmental Biochemistry Section
Radiation Branch	Chf—Radiation Oncology Br
Associate Scientific Director for Demography.	Chf, Biometry Branch
	Head, Meth Statistics & Applied Mathematics
Associate Scientific Director for Carcinogenesis.	Chief, Lab of Biology
	Chief, Laboratory of Molecular Carcinogenesis
Chemotherapy	Dep Dir—Div of Cancer Treatment
	Assoc Dir, Developmental Therapeutics Prog
	Chf, Laboratory of Chemical Pharmacology
	Director, Division of Cancer Treatment
Nat'l Inst of Arthritis, Diabetes & Digest & Kidney Dis.	Assoc Dir, Prog Anal & Scientific Communicatio
	Assoc Dir for Digestive Sidseases & Nutrition
	Assoc Dir for Kidney, Urologic, & Blood Diseas
	Ad for Diabetes, Endocrine & Metabolic Dis
	Assoc Dir for Arthritis, Bone, Skin Diseases
	Chief, Laboratory of Bio-Organic Chemistry
Extramural Programs	Assoc Dir for Extramural Prog Activities

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Intramural Research	Chf, Sect on Enzymes & Cellular Biochemistry
	Chf, Sect on Intermediary Metabolism
	Chief, Section on Biochemical Mechanisms
	Chf, Section on Spectroscopy & Structure
	Chf, Sect on Human Biochemical Genetics
	Sr Res Physicist, Mathematical Research Br
	Sr Chemist, Clinical Endocrinology Br
	Senior Research Chemist
	Chief, Section on Physical Biochemistry
	Chf, Arthritis & Rheumatism Br
	Chf, Pediatric Metabolism Br
	Chief, Genetics and Biochemistry Branch
Laboratory of Physical Biology.	Chf, Lab of Physical Biology
	Chf, Section on Comparative Physiology
Laboratory of Biochemical Pharmacology/DChf, Sect on Biochemistry.	
Chf, Sect Biochemistry of Amino Acids	
Laboratory of Chemistry	Chief, Lab of Chemistry
Laboratory of Nutrition and Endocrinology.	Chf, Laboratory of Nutrition & Endocrinology
Laboratory of Molecular Biology.	Chf, Sect on Metabolic Enzymes
	Chf, Sect on Physical Chemistry
	Head, Section on Molecular Structure
	Senior Research Chemist
Laboratory of Chemical Biology.	Chf, Lab of Chemical Biology
Nat'l Institute of General Medical Sciences.	Dir, Pharmacology/Toxicology Program
	Dir, Cell & Molec Basis of Disease Prog
	Dir, Genetics Program
	Assoc Dir for Program Activities
	Dir, Pharmacological Sciences Program Branch
National Institute of Child Health and Human Development.	Director, Dir For Res for Mothers & Children
	Clin Dir Nat'l Inst for Child Hlt & Human Dev
	Dir, Epidemiology & Biometry Res Program
Center for Population Research.	Dep Dir, Center for Population Res
Intramural Research	Chief, Laboratory of Molecular Genetics
	Chf, Endocrinology & Reproduction Research Br
National Institute on Aging.	Scientific Dir NIA
	Clinical Dir and Chf, Clin Physiology Branch
	Chief, Lab of Molecular Aging
	Chief, Lab of Cellular & Molecular Biology
	Associate Dir for Behavioral Science Res
National Eye Institute	Clinical Director, NEI
	Chf, Lab of Vision Research
	Chf, Clc of Biometry & Epidemiology
	Dep Chief Clc of Biometry and Epidemiology
	Head, Sec on Exp Embryology
	Head Experimental Pathology Section
	Dir, Intramural Research Program, NEI
National Institute for Dental Health.	Chief, Lab of Biochemistry
	Chief, Lab of Microbiology & Immunology
	Chf, Laboratory of Dev Biology & Anomalies
	Chf, Oral Pharyngeal Dev & Function Sec
	Chf, Enzyme Chemistry Section
	Chf, Caries Prevention and Research Branch
	Dir Natl Institute of Dental Res

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Food and Drug Administration.	Dep Assoc Commissioner for Regulatory Affairs
	Regional Director, FDA, Reg II, New York Reg: L Dir, Food & Drug Adm, Reg IX (San Francisco
	Reg: L Dir, Food & Drug Adm, Reg IV, Atlanta
	Regl Food and Drug Director, Reg V, Chicago
	Regl Food & Drug Dir. Reg X, Seattle
	Regl Food & Drug Dir, Reg III, Philadelphia
	Regl Food & Drug Dir Reg VII, Kansas City
	Regl Food & Drug Dir. Reg I, Boston
	Regional Food & Drug Dir, Reg VI, Dallas
	Regl Food and Drug, Reg VIII, Denver
	Director, Enforcement Policy Staff
	Director, Parklawn Computer Center
	Director, Orphan Products Development
National Center for Toxicological Research.	Assoc Dir for Biometry & Experimental Design
	Assoc Dir for Research
	Assoc Dir for Chemical Evaluations
Bureau of Foods	Dep Dir, Office of Sciences
	Dir Division of Toxicology
	Dir, Div of Chemistry & Physics
	Assoc Dir for Regulatory Evaluation
	Associate Director for Physical Sciences
	Dir, Div of Food Technology
	Deputy Associate Dir for Physical Sciences
	Assoc Dir for Nutrition & Food Sciences
	Dir, Div of Nutrition
	Assoc Dir for Compliance
	Dep Dir, Bureau of Foods
	Dir, Div of Microbiology
	Director, Division of Regulatory Guidance
	Dep Associate Dir for Nutrition & Food Sci
	Dir, Div of Chemical Technology
	Assoc Dir for Toxicological Sciences
National Center for Drugs and Biologics.	Assoc Director for New Drug Evaluation
	Dir, Div of Anti-Ineffective Drug Products
	Dir Div Oncology & Radiopharmaceutical Drug P
	Dir Div of Scientific Investigations
	Dir, Div of Cardio-Renal Drug Products
	Assoc Dir for Compliance
	Dep Assoc Dir for Drug Monographs
	Assoc Dir for Pharmaceutical Research & Testi
	Dir, Div of Drug Biology
	Director-Division of Drug Chemistry
	Assoc Dir for Information Systems
	Dep Assoc Dir for Biometrics & Epidemiology
	Dir, Div of Biometrics
	Asst to the Dir for Medical Programs
	Dir, Div of Pathology
	Dir, Div of Drug Experience
	Director Div of Biopharmaceutics
	Dir, Div of Blood & Blood Products
	Dir, Div of Surgical Dental Drug Products
	Dir, Div of Metabolism & Endocrine Drug Prod
	Assoc Dir, Biometrics and Epidemiology
	Dir, Div of Biologics Evaluation
	Dep Dir for Prog Management

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Bureau of Veterinary Medicine.	Dir, Div of Veterinary Medical Research
	Dir, Div of Drugs for Ruminant Species
	Dir—Div of There Drugs for Non-Food Animals
	Dir, Div of Drugs for Avian Species
	Dir, Div of Drugs for Swine & Minor Species
	A/D for Surveillance & Compliance
	Assoc Dir for Science Evaluation
	Assoc Dir for Research
	Assoc Dir for Human Food Safety
Bureau of Radiological Health.	Dir, Div of Biological Effects
Bureau of Medical Devices.	Assoc Dir for Device Evaluation
	Associate Director for Compliance
Centers for Disease Control.	Dir, Bacteriology Div
	Chf, Licensure & Proficiency Testing Division
	Dir, Parasitology Div
	Dir, Clinical Chemistry Div
	Assistant to the Director
Alcohol, Drug Abuse & Mental Health Administration.	Assoc Admr for Extramural Programs
	Associate Director for Research
National Institute of Mental Health.	Dir, Div of Extramural Res Progs
	Dir, Div of Scientific & Techn Info
	Chf, Theoretical Statistics & Mathematics Bran
	Dir, Intramural Research Programs
	Dir, Division of Special Mental Health Research
	Chief, Lab of Preclinical Pharmacology
	Chf, Lab of Cerebral Metabolism
	Chief, Section on Myelin Chemistry
	Chf, Lab of Neurochemistry
	Chf, Lab of Gen & Comparative Biochemistry
	Chief, Lab of Brain Evolution & Behavior
	Chief, Lab of Neurobiology
	Chf, Lab of Neurophysiology
	Dir, Div of Clinical & Behavorial Research
	Chf, Lab of Socio-Environmental Studies
	Chf, Lab of Developmental Psychology
	Chf, Sect on Neuropsychology
	Chf, Sect on Pharmacology
	Chf-Clinical Neuropharmacology Branch
	Chf, Clinical Psychobiology Branch
	Dir, Div of Mental Health SVC Programs
	Assoc Dir, Extramural Programs
	Chief, Lab of Psychology and Psychopathology
	Associate Director, Minority Concern
	Chf, Pharmacologic & Somatic T/ Manta Res Br
Saint Elizabeths Hospital.	Asst Superintendent, St Elizabeths Hospital
	Director, John F Marr Division
	Dir, Gooding Div
	Director, Richardson Division
	Dir, Overholser Division of Training
Dir, Div of Medical Surgical Support Programs	
Chief, Blackburn Laboratory	
Dir, Medicine & Surgery Branch	
	Chief, Department of Medicine
	Chf, Dept of Surgery
Nat'l inst of Alcohol Abuse and Alcoholism.	Director, Div of Alcohol SVCS Development

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Department of Housing and Urban Development	
Office of the Inspector General.	Deputy, Inspector General
	Deputy, Asst Inspector General for Audit Oper
	Asst Inspector General for Investigations
	Asst Inspector General for Audit
	Asst I G for Fraud Control & Mgmt Operations
Assistant Secretary for Administration.	Deputy, Director of Personnel
	Director, Office of Finance & Accounting
	Dir, Mortgage Insurance Accounting Group
	Director, Ofc of Procurements & Contracts
	Director, General & Program Accounting Group
	Deputy Director, Office of Finance & Accounts
Asst Secy for Policy Development and Research.	Dir, Construction Technology Division
	Dir, Government Capacity Sharing Division
Assistant Secretary for Housing	Dir, Ofc of Interstate Land Sales Regis
Asst Secy for FAstr Housing and Equal Opportunity.	Dir, Ofc of HUD Program compli-ance
	Dir, Ofc of Fair Housing Enforce and Sec 3
Asst Secy for Community Planning and Development.	Dir, Office of Environment and Energy
Region I Boston	Area Manager, Reg I Boston
Region II New York	Area Manager, Newark Region II
	Area Manager, NY Region II
Region III Philadelphia	Area Manager, Philadelphia Region III
	Area Manager, Pittsburgh Reg III
Region IV Atlanta	Area Manager, Region IV Atlanta
	Area Mgr—Reg IV Jacksonville, Fla
	Area Mgr, Reg. IV Greenwood, NC
Region V Chicago	Area Mgr, Columbus Area Office
	Area Manager, Chicago Area
	Area Mgr, Detroit Area
	Area Manager, Indianapolis Area
	Area Manager, Minn/St Paul Area
Region VI Dallas	Area Manager, Dallas, Reg VI
	Area Mgr, Okla City Area, Dallas
	Area Mgr, New Orleans Area
Region IX San Francisco.	Area Manager (Los Angeles, California)
	Area Mgr
Department of Interior	
Ofc of the Inspector General.	Assistant Inspector General for Auditing
	Asst Inspector General for Investigations
	Deputy Inspector General
Board of Surface Mining and Reclamation Appeals.	Chrman—Bd of Surface Mining and Reclamation A
	Mem-Bd of Surface Mining and Reclamation Appe
	Mem-Bd of Surface Mining & Reclamation Appeal
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law
	Deputy Assoc Solicitor, Indian Affairs
	Asst Solicitor, Bureau of Parks and Recreation
	Asst Solicitor, Offshore Minerals & Int Law
	Special Asst to the Assoc Solicitor-Gen Law
Asst Sec'y-Policy & Budget & Administration.	Chief, Division of Acquisition and Grants
	Asst Dir for Economics
	Asst Dir for Studies
	Asst Dir for Programs
	Chf, Div of Budget Operations
	Chief Division of Prgram Review
Nat'l Park Service	Ch Off of Pk Plan & En Qual
	Asst Dir, Park Operations
	Asst Dir, Cultural Resources
	Senior Scientist

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
US Fish & Wildlife Service.	Deputy Assoc Dir-Federal Assistance
	Chief, Office of Biological Services
	Dep Assoc Dir—Natl Wildlife Refuge Sys
	Deputy Associate Director-Research
	Senior Scientist
	Dir, Natl Fisheries Center
	Dir, Denver Wildlife Research Center
	Assoc Dir, Planning and Budget
	Deputy Associate Director-Fishery Resources
	Deputy Assoc Dir—Wildlife Resources
	Deputy Associate Director—Environment
Bureau of Mines	Chief Scientist
	Dir Div of Minerals Resource Technology
	Research Director Denver Mining Res Cen
	Dir, Div of Minerals Health and Safety Technol
	Dir, Div of Analytic Studies
	Dir Div, of Minerals and Land Assessment
	Chief Branch of Foreign Data
	Dir, Div of Prod/Consump/Data Collec & Interp
	Resch Dir, Pittsburgh Research Center
	Research Director, Albany Research Ctr
	Chf, Div of Minerals Informations Systems
	Chief Div of Materials & Recycling Technology
	Chief, Mineral Economist
	Dir, Div of Research Ctr Operations
	Research Program Coordinator-Mining Research
	Chief, Division of Minerals Availability
	Staff Asst to Asst Dir Mineral Data Analysis
	Staff Asst to Asst Dir Minerals Information
	Dir, Div of Minerals Environmental Technology
	Chief Div of Extractive Metallurgy Technology
	Dir, Div of Minerals Availability
	Chf, Branch of Domestic Data
	Research Director, Twin Cities Research Ctr
	Dir, Div of Field Operations
	Deputy Management Services Officer
	Staff Asst to Asst Dir Mining Research
	Chief, Div of Health & Safety Technology
	Chief, Div of Conservation & Development
	Chief, State Liaison Office
US Geological Survey	Chief, Earth Resources Observation Sys Prog
	Chief, Computer Center Div
	Chief of Natl Petroleum Reserve in Alaska
	Chief, Eros Data Center
	Deputy Asst Dir for Information Systems
	Assoc Chf, Ofc of Earth Sciences Applications
	Staff Geologist for NPRA/Alaska Activities
National Mapping Div	Chief, National Mapping Division
	Associate Chief, National Mapping Division
	Asst Division Chief for Plans Operations
	Chief, Western Mapping Center

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
	Chief, Mid-Continent Mapping Center
	Chief, Rocky Mountain Mapping Center
	Asst Div Chief for Information & Data Svc
	Chief, Eastern Mapping Center
	Asst Dir Chf for Research
Water Resources Div	Chief, Hydrologist
	Assoc Chief, Hydrologist
	Regl Hydrologist Central Reg Lakewood
	Chief, Branch of Surface Water
	Chief, Branch of Ground Water
	Regl Hydrologist Southeastern Region
	Asst Chief Hydrologist, Res & Tech Coordination
	Regional Hydrologist, Western Region
	Regional Hydrologist, Northeastern Region
	Chief, Branch of Water Quality
	Chf, Water Data Coordn
	Asst Chf, Hydrologist for Operations
	Asst Chf, Hydrologist, Solen Public & Data Mtl
	Dep Asst Chf, Hydrologist for Res & Tech Coord
	Sit Asst to the Chf Hydrologist for Spec Proj
	Chf Water Res Scie Info Ctr (WRSIC) Oper Ofc
Geologic Div	Chief, Geologist
	Chf, Ofc Earthquake Studies
	Chief, Ofc of Scientific Publications
	Assoc Chf, Geologist
	Chf, Ofc of Mineral Resources
	Chf, Ofc of Energy Resources
	Chief, Office of International Geology
	Chief, Office of Regional Geology
	Chief, Ofc of Marine Geology
	Chief, Ofc of Geochemistry & Geophysics
	Assistant Chief, Geologist for Programs
	Staff Assistant to Chief Geologist
Conservation Div	Chf, Conservation Division
	Assoc Chief, Conservation Div
	Regional Conservation Mgr—Eastern Region
	Deputy Div Chief for Offshore Minerals Regula
	Regl Conservation Manager, Central Region
	Regl Conservation Mgr, Gulf of Mex OCS Operat
	Reg'l Conservation Mgr, No. Central Region
	Dep Div Chf for Onshore Minerals Regulation
	Dep Div Chf, Royalty Management
	Regional Conservation Mgr, Pacific (OCS)
	Special Assistant to Chief, Conservation Div
Ofc of Surface Mining Reclam and Enforcement.	Dep Asst Dir for Prog Opers & Insp (East)
	Tech Admr Service Ctr (East)
	Administrator, Technical Service Ctr (West)
	Spec Asst to the Asst Dir Prog Opers & Inspec
Minerals Management Service.	Minerals Manager, South Central Region
	Minerals Manager, Central Region
	Regional Manager, Gulf of Mexico OCS Region
	Dep Associate Director for Offshore Leasing
	Regional Manager, Atlantic Ocs Region
	Regional Manager, Alaska OCS Region
	Minerals Manager, North Central Region
	Regional Manager, Pacific Ocs Region
	Dep Associate Dir for Royalty Management
	Chief, Offshore Leasing Management Division
	Dep Associate Dir for Offshore Operations
Bureau of Reclamation	Spec Asst for Emergency Water Planning
	Chief, Div of Design
	Chief, Div of Atmospheric Water Resources Mgm
	Chief, Div of Research
	Asst Dir—Technology and Information Transfer
	Asst Dir, Research
	Chief, Division of Planning
	Spec Asst for Research Programs
	Chief, Div of Operation & Maintenance
Bureau of Land Management.	Asst Dir—Technical Services
	Asst Dir—Renewable Resources
	Assistant Director, Administration
	Asst Dir, Land Resources
	Asst Dir for Onshore Energy & Mineral Res
	Asst Dir, Offshore Energy & Mineral Resources
Office of Water Policy	Senior Water Research Coordinator
Bureau of Indian Affairs	Deputy Dir—Indian Education Programs
	Director, Technical Assistance & Training
	Assistant Dir of Admin (Financial Manager)
International Development Cooperation Agency	
Ofc of the General Counsel	Leg Counselor to the Admin & Dep Gen Counsel
Office of the Inspector General	Deputy Auditor General
	Asst Inspector General for Security
	Asst Inspector General for Investigations
	Asst Inspector General for Audit
Office of Equal Opportunity Programs	Dir—Ofc of Equal Opportunity Programs
Bureau for Management	Controller and Senior Financial Officer
	Assistant to the Administrator for Management
Office of Financial Management.	Deputy Controller
Office of Personnel Management.	Dep Dir Ofc of Personnel Management
Directorate for Program and Management Services.	Associate Director for Management
	Dir Ofc of Contract Management
	Dep Dir Ofc of Contract Management
	Dir, Commodity Management
	Director, Ofc of Data Management
	Dir, Ofc of Management Operations
Interstate Commerce Commission	
Office of the General Counsel.	Associate General Counsel, Litigation
	Assoc Gen Counsel for Legal Counsel
	Associate General Counsel for Legal Counsel
Ofc of the Managing Director.	Dir of Personnel
Bureau of Accounts	Dir, Bur of Accounts
	Dep Dir, Accounting Policy & Fin Data Report
Bureau of Traffic	Director, Bu of Traffic
	Asst Dir, Bu of Traffic

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
Office of Transportation Analysis.	Assoc Dir, Ofc of Transportation Analysis
	Dep Dir, Section of Rail Services Planning
	Dep Dir and Chf, Sect of Motor Policy
Office of Compliance & Consumer Assistance.	Dir Ofc of Compliance & Consumer Assistance
	Deputy Director for Enforcement
	Associate Director
	Dep Dir for Policy Dev & Coordination
Regional Offices	Regional Director (Boston)
	Regional Director (Philadelphia)
	Regional Director (Atlanta)
	Regional Director (Chicago)
	Regional Director (Fort Worth)
	Regional Director (San Francisco)
Ofc of Proceedings	Associate Dir
	Assistant to Director
Section of Finance	Dep Dir & Chf, Section of Finance
	Asst Dep Dir & Asst Chief, Section of Finance
Section of Rates	Dep Dir & Chf Section of Rates
	Asst Dep Dir & Ast Chf, Section of Rates
Section of Operating Rights.	Deputy Director Section of Operating Rights
	Asst Dep Dir & Asst Chf, Sect of Operating Ri
Department of Justice	
Office of the Attorney General.	Counsel on Professional Responsibility
	Dep Counsel on Professional Responsibility
	Dir Audit Staff
Justice Management Division.	Deputy Director Audit Staff
	Asst Attorney General for Administration
	Prin Dep Asst Atty General for Administration
	Director, Security Staff
	Special Asst to the Asst Attorney Gen for Adm
	Senior Management Counsel
Office of the Controller	Deputy Assistant Attorney General
	Director, Budget Staff
	Dir, Finance Staff
	Director, Evaluation Staff
Office of Personnel and Administration.	Director, Personnel Staff
	Deputy Assistant Attorney General
	Director, Procurement and Contracts Staff
Office of Information Technology.	Deputy Assistant Attorney General
	Dir, Computer Techn & Telecommunications Staff
	Director, Systems Policy Staff
Ofc of Juvenile Justice & Delinquency Prevention.	Dep Admin Ofc of Juvenile Justice/Delin Prev
	Asst Administrator Ofc of Criminal Justice Pr
National Institute of Justice.	Asst Dir, Ofc of Research Programs
	Asst Dir, Ofc of Dev Testing & Dissemination
Bureau of Justice Statistics.	Deputy Dir, Bureau of Justice Statistics
Office of Justice Research Statistics.	Asst Dir, Ofc of Planning and Management
	Gen Counsel
	Comptroller, Ofc of the Comptroller
Community Relations Service.	Regl Director, Region V, Chicago
	Regl Director, Region IX, San Francisco
	Regl Director, Region III, Philadelphia
Executive Ofc for U.S. Attorneys.	Dep Dir, Exec Ofc for U.S. Attorneys
	Dir, Ofc of Mgmt Information Systems Support
U.S. Parole Commission	Executive Director
Federal Prison System	Asst Dir for Planning and Development
	General Counsel
	Assoc Comm, Fed Prisons Industries, Unicor
	Dep Assoc Comm—Sec, Fed Prison Industries, I
	Deputy Associate Commissioner

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Correctional Programs.	Dep, Asst Dir for Correctional Programs
	Asst Dir, Correctional Programs Div
Northeast Region	Regional Director
	Assistant Regional Director
	Warden, Lewisburg, PA
	Warden, Otisville, New York
	Warden, Petersburg, VA
Southeast Region	Regional Director
	Warden, Atlanta
	Warden, Lexington, Kentucky
	Warden, Butner, North Carolina
North Central Region	Regional Director
	Warden, Leavenworth, Kansas
	Warden, Springfield, Missouri
	Warden, Marion, Illinois
	Warden, Terre Haute, IN
South Central Region	Regional Director
	Warden, El Reno, Okla
Western Region	Regional Director
	Warden, Terminal Island, Ca
	Warden, Lompoc, CA
Immigration & Naturalization Service.	Exec Asst to the Commissioner
	Comptroller
	Asst Comm for Naturalization
	Chf, Spec Inquiry Officer
	Asst Commissioner for Detention & Deportation
	Asst Comm for Administration
	Assistant Commissioner for Adjudication
	Asst Comm for Inspection
	Asst Commissioner for Information Services
	Asst Commissioner for Investigation
	Asst Comm for Border Patrol
	Asst Commissioner for Personnel & Training
Regional Offices—INS	Dep Regional Commissioner, Burlington, VT
	Dep Regl Commr, Twin Cities, Min
District Offices—INS	Dist Director, SW Region, San Francisco Dis
	District Director—San Diego
U.S. Marshals Service	Asst Dir for Administration
	Asst Dir for Operations
Department of Labor	
Ofc of the Inspector General.	Deputy Inspector General
	Asst Inspector Gen for Investigations
	Asst Inspector Gen for Audit
	Dir, Ofc of Loss Prevention and Analysis
	Deputy Asst Inspector General for Audit
	Asst Inspector General for Audit
Office of the Solicitor	Associate Solicitor for Labor—Management Laws
	Assoc Solicitor for Plan Benefits Security
	Assoc Solicitor for Labor Relations & Civil R
	Assoc Solicitor for Occupational Safety & Hl
	Assoc Solicitor for Mine Safety & Health
	Assoc Solicitor for Fair Labor Standards
	Assoc Solicitor for Employee Benefits
	Associate Solicitor for Spec Litigation
	Deputy Solicitor (Regional Operations)
	Assoc Sol for Spec Appel & Sup Court Lit
Regional Solicitors	Regional Solicitor, Chicago
	Regional Solicitor Region IV—Atlanta
	Regl Solicitor Boston
	Regl Solicitor New York
	Regional Solicitor Philadelphia
	Regl Solicitor Dallas
	Regl Solicitor Kansas City
	Regl Solicitor San Francisco

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
DAS for Administration and Management.	Asst Sec'y for Admin & Mgmt
	Dep Asst Sec for Adm and Mgmt
	Director, Administrative Programs & Service
	Dir, Ofc of Budget
	Dir, Ofc Labor Mgmt Relations
	Dir of Management Policy
	Comptroller for the Department
	Dir., Office of Equal Employment Opportunity
	Dir of Personnel Management
	Dep Dir of Personnel Management
	Deputy Comptroller
	Dir Ofc of Information Technology
	Dir Ofc of Executive Personnel Management
	Deputy Director Office of Civil Rights
	Dir, Ofc of Civil Rights
Office of Management Administration and Planning.	Dir. Ofc of Prog Development & Accountability
	Dir Ofc of Mgmt. Administration and Planning
Ofc of Federal Contract Compliance Programs.	Dir—Div of Enforcement Coordination
Wage and Hour Division	Asst Adm'r for Fair Labor Standards
	Asst Admr for Govt contract Wage Standards
Ofc of Workers Compensation Programs.	Dir Federal Employees Compensation
	Dir Coal Mine Workers Compensation
Pension & Welfare Benefit Programs.	Dep Admr for Pension & Welfare Benefit Prog
	Asst Admr. Enforcement
	Asst Admr for Pension & Welfare Benefit Prog
	Asst Admr for Fiduciary Standards
	Asst Admr. Reporting & Plan Standards
	Director, Office of Management
Planning Evaluations & Systems.	
Labor-Management Standards Enforcement.	Dir Ofc of Labor-Management Stds Enforcement
	Asst Director for Compliance & Enforcement
	Asst Dir for Standards Tech Asst & Disclosure
	Asst Commr for Field Operations
Bureau of Labor Statistics.	
Data Analysis	Asst Commr. Occupational Safety & Health Stat
	Asst Commr. Economic Growth
	Assoc Commr for Prices and Living Conditions
	Asst Commr Productivity & Technology
	Asst Commissioner for Current Employment Anal
	Asst Commr for Wages & Industrial Relations
	Asst Commr for Research Methods & Standards
	Asst Commr for Employment Structure & Trends
	Dep Assoc Commr for Prices & Liv Conditions
	Asst Commr for Consumer Prices & Price Indexes
	Asst Commr for Indust Prices & Price Indexes
	Deputy Asst Commr for Employment Str & Trends
	Asst Commissioner for Survey Design
Statistical Operations & Processing.	Assoc Commr for Statistical Operations
	Asst Commissioner for Systems & Standards
	Dep Assoc Commr for Statistical Operations
	Asst Commissioner for Mathematical Statistics
	Assoc Commr for Administrative Management
Administrative Management.	Reg Commr—Sts (Chicago)
Regional Commissioners.	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Comprehensive Employment and Training.	Director Office of Management and Training
Office of Employment Security.	Director, Ofc of Trade Adjustment Assistance
	Director, Office of Technical Support
Office of Administration and Regional Management.	Adm'r Administration and Mgt
	Admin Ofc of Admin and Regional Management
	Dep Adm Ofc Adm & Regional Mgmt
Office of Financial Control and Management Systems.	Dir, Ofc of Management Information Systems
	Comptroller
	Admin, Ofc of Financial Control & Mgmt Syst
Organization Abloshed	Chf, Div of Indian & Native American Programs
	Director, Ofc of Program Evaluation
Ofc of Strategic Planning and Policy Development.	
Administrative Programs	Dir, Adm Progs
Health Standards Programs.	Dir, Health Standards Programs
Safety Standards Programs.	Director, Safety Standards Programs
Federal Compliance & State Programs.	Dir, Federal Compliance & State Programs
Technical Support	Dir, Tech Support
Mine Safety and Health Administration.	Chf of Standards, Regulations & Variances
	Director of Administration and Management
	Director of Assessments
	Director of Technical Support
Merit Systems Protection Board	
Ofc of Managing Director.	Managing Dir
	Assistant Managing Director for Management
	Asst Managing Dir for Regional Operations
Ofc of General Counsel	General Counsel
	Deputy General Counsel
Office of Legislative Counsel.	Legislative Counsel
Ofc of Merit Systems Review and Studies.	Assoc Dir for Special Studies, Mans/Associate Director for Operations, Mans
Ofc of Appeals	Dir, Ofc of Appeals
Ofc of Administration	Director of Administration
Field Offices	Regional Director, New York/Regional Director, San Francisco
	Regional Director, Chicago
	Regional Director, Atlanta
	Regional Director, Philadelphia
	Regional Director, Dallas
	Regional Director, Washington, D.C.
Ofc of Special Counsel	Assoc Spec Counsel (Investigation)
	Assoc Spec Counsel (Investigation)
	Dep Assoc Spec Counsel (Investigation)
	Assoc Special Counsel (Prosecution)
National Aeronautics and Space Administration	
Office of the Comptroller.	Asst Compt for Prog Status Rev & Cost Assess
	Spec Asst to the Comptroller
Institutional Analysis Division.	Director, Institutional Analysis Division
Financial Management Division.	Dir, Financial Mgmt Div
	Dep Dir, Financial Management Div
Resources Analysis Division.	Deputy Dir, Resources Analysis Div
Budget Operations Division.	Dir, Budget Operations Div

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
Ofc of Chief Engineer, NASA.	Director, Program Assurance Division
	Director, Safety Division
	Dir, Reliability & Quality Assurance Division
	Dep Chief Engr for Safety Reliability & Q/A
	Dir, Safety Reliability & Quality Assur Progs
Ofc of the Assoc Admr, Space Science and Applications.	Spec Asst to Assoc Admr for Sp & Terres Apps
	Asst Assoc Admr for Advanced Planning
	Director, Space Station Concept Development
Materials Processing in Space Office.	Asst Dir for Materials Science
Environmental Observations Division.	Dep Director, Environmental Observations Div
	Chief, Atmospheric Processes Branch
	Chief, Oceanic Processes Branch
	Discipline Scientist, Space Plasma Physics
Communications Division.	Chief, Data Systems Branch
	Chf, Communications Systems Branch
	Deputy Director Communications Division
Life Sciences Division.	Dep Dir Life Sciences Division
	Chf, Res & Tech Development Branch
	Manager Operational Medicine
	Chief, Flight Programs Branch
	Dep Div, Earth Planetary Exploration Division
	Chief, Non-Renewable Resources Branch
	Chief, Renewable Resources Branch
	Chief Scientist, Earth & Ocean Dynamics
	Chief, Geodynamics Branch
	Chf, Solar Sys Mission Operations Br
Earth and Planetary Exploration Division.	Dep Dir, Earth and Planetary Exp Div (Tech)
	Dep Dir, Earth & Planetary Exploration Div
	Chf, Planetary Astronomy and Astrophysics Br
Spacelab Flight Division.	Dep Dir, Spacelab Flight Div
	Mgr, Advanced Instrumentation & Sensor Engineer
	Chief, Terrestrial Applications Branch
	Chf, Space Science Missions Branch
	Chief, Instrument Development Branch
Astrophysics Division.	Deputy Director, Astrophysics Division
	Manager, Advanced Programs & Technology
	Chf, High Energy Astrophysics Br
	Chief, Astronomy/Relativity Branch
	Chf, Research Flight Progs Dev Br
	Chf, Astrophysical Observ Dev Br
	Chf, Solar Terrestrial Observ Dev Br
	Chf, Solar & Heliospheric Physics Br
	Asst Director, Astrophysics Div (Technical)
Office of Procurement.	Asst Admr for Procurement
	Deputy Asst Admr for Procurement
	Assoc Dir of Procurement (Policy & Management)
Advanced Planning Division.	Dep Dir, Adv Progs
Organization Abolished.	Director, Reliability/Quality & Safety Office
Resource Management/Division (Development).	Dep Dir, Resource Management Administration
	Chief, Sta Program Budget and Control
Resources Management Division (Operations).	Director, Resources Management & Admin
	Deputy Director, Resources Management & Admin
	Chf, Sta Operations Program Budget Control
Upper Stages Branch.	Deputy Director, Upper Stage Division
	Chief, Inertial Upper Stage Branch
Spacelab Division.	Deputy Director, Spacelab Program Division
	Chief, Engineering Branch
	Chf, Integration and Test Branch
Sta Utilization Branch.	Chief, Flying Launch Agreements & Customer
	Chief, Mission Analysis & Integration Branch
System Planning and Effectiveness Branch.	Dir, Systems Planning & Effectiveness Div
Orbiter Programs Division.	Director, Space Shuttle Orbiter Division
	Chief, Avionics and Electrical Systems Branch
	Chief, Mechanical/Structural Systems Br
Engine Program Division.	Dir, Space Shuttle Main Engine Program
Solid Rocket Booster and External Tank Division.	Dir, Solid Rocket Booster & External Tank Div
	Chief, External Tank Branch
Ground Systems and Flight Tests Division.	Dir, Sta Ground Sys & Flight Tests Div
	Dep, Sta Ground Sys & Flight Tests Div
	Chf, Flight Test Branch
Systems Engineering and Integration Division.	Dir, Sta Systems Eng & Integration Div
	Chief, Systems Engineering Branch
	Chief, Sta Integration Branch
Space Shuttle Operations Division.	Director, Space Shuttle Operations Division
	Chf, Production & Logistics Branch
Office of the Associate Administrator, Management.	Chief, NASA Safety Office
Headquarters Administration Division.	Director, Management Support Office
	Dep Dir, Headquarters Administration Division
Facilities & Engineering and Computer Management Div.	Dir, Facilities Engineering & Comp Mgmt Div
	Director of Facilities
	Deputy Director, Facilities Division
	Asst Dir, Inst Opers Div
	Deputy for ADP Management & Ofc Automation
	Deputy for Facilities Management
Logistics Management and Information Programs Division.	Dir, Logistics Mgmt & Info Programs Division
	Chf, Mgmt Processes and Directives Br
	Dir, Supply & Equipment Management
	Chf, Scientific and Tech Info Br
Personnel Programs Div.	Dir, Personnel Programs Div
	Dep Dir, Personnel Progs Div
Ofc of the Assoc Admr, Aeronautics and Space Tech.	Deputy Chief Engineer for Facilities
	Asst Assoc Administrator for Mgmt Support
Energy Systems Division.	Space Utilization Sys Ofc
	Manager, Solar Terrestrial Systems Office
	Conservation and Fossil Energy Systems
	Manager, Alternate Energy Sources
	Deputy Director, Aeronautical Systems Div
Aeronautical Systems Division.	General Aviation Ofc, Manager of the
	Manager, Rotocraft
	Manager, High Performance Aircraft
	Manager, Subsonic Aircraft
	Assistant Director for Program Development
Space Systems Division.	Dep Dir, Space Sys Div
	Information Systems Ofc, Manager
	Manager, Spacecraft Systems Office
	Manager, Transportation Systems Office
	Manager, Space Station Systems
Research and Technology Division.	Deputy Director, Aerospace Research Division
	Elec and Human Factors Office
	Manager, Space Energy Conversion
	Manager for Propulsion
	Manager, Fluid and Thermal Physics
	Materials and Structures, Manager of the
	Manager, Computer Science and Electronics
Ofc of the Assoc Admr, Space Tracking and Data Systems.	Asst Assoc Admr (Technical)
	Spec Asst (Operations)
Communications and Data Systems Division.	Dir, Communications & Data Systems Div
	Assoc Dir, Communications & Data Systems Div
Deep Space Network Operations Programs.	Manager, Deep Space Network Operations Programs
	Mgr, Space Tracking and Data Network Programs
TDRSS Division.	Assoc Dir, Tracking & Data Relay/SSPD
	Chief, TDRSS Operations
Discrimination Complaints Division.	Director, Discrimination Complaints Division
Office of the Inspector General.	Asst Insp General for Mgmt & Evaluation
	Assist Inspector General for Investigation
	Assistant Inspector General for Auditing
Ames Research Center.	Assoc Dir, NASA Ames Res Ctr
	Chief Engineer
Aeronautics and Flight Systems Directorate.	Chief, Helicopter Technology Division
	Dep Dir of Aeronautics and Flight Systems
	Chief, Aerodynamics Division
	Chief, Aircraft Operations Division
	Chf, Flight Systems & Simulation Rsch Div
	Chief, Simulation Sciences Division
	Chf, Helicopter & Powered Lift Technology Div
	Deputy Chief, Flight Support Division
Life Sciences Directorate.	Deputy Director of Life Sciences
	Chief, Biomedical Research Division
	Chief, Extraterrestrial Research Division
	Chief, Biosystems Division
	Chief, Man-Vehicle Systems Research Division
	Chief, Research Facilities & Instrumentation
Research Support Directorate.	Deputy Director of Astronautics
Astronautics Directorate.	Chief, Airborne Mission & Applications Div
	Chief, Space Science Division
	Chief, Thermo- and Gas-Dynamics Division
	Chief Computational Fluid Dynamics Branch
	Chief, Space Projects Division
	Chf Engineer
Flight Operations Directorate.	Chief Dryden Aircraft Operations Division
	Chief Flight Support Division
	Deputy Chief Dryden Aircraft Operations Div
	Chief Shuttle Project Office
Goddard Space Flight Center.	Comptroller
	Dir, Prog and Institutional Planning Ofc
	Assistant Director for Program Planning
	Chief Counsel
	Deputy Comptroller

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Management Operations Directorate.	Dep Dir of Management Operations
	Procurement Officer
Flight Assurance Directorate.	Director of Flight Assurance
Flight Projects Directorate.	Deputy Director of Flight Projects
	Deputy Director of Flight Projects
	Assoc Dir of Flight Proj for User Systems
	Assoc Dir of Flight Proj for Sys Mgmt
	Assoc Dir of Flight Projects for New Projects
	Project Manager, Landsat-D
	Project Mgr, Tracking & Data Relay Satellite Sy
	Deputy Project Manager
	Proj Mgr, Shuttle Payloads Integ & Rocket Ex
	Assoc Dir of Flight Proj for Mission Systems
	Manager Adv Land Observ Sys Studies Ofc
	Proj Mgr Attached Sci & Appl Payloads Proj
Mission and Data Operations Directorate.	Dep Dir of Mission & Data Operations
	Asst Dir of Mission & Data Ops (Rsch & Tech)
Sciences Directorate	Assoc Dir of Sciences
	Head, Electrodynamics Branch
	Chief, Lab for High Energy Astrophysics
	Chief, Lab for Astronomy and Solar Physics
	Chief, Lab for Extraterrestrial Physics
Enginering Directorate	Dep Dir of Engineering
	Chief, Instrument Division
	Chf, Applied Engineering Div
Networks Directorate	Deputy Director of Networks
	Deputy Dir of Networks (For Networks)
	Dep Dir of N/Works for the Tdrs
Applications Directorate	Deputy Director of Applications
	Asst Dir of Aps for Earth & Ocean Phys Aps Prog
	Chief, Lab for Atmospheric Sciences
	Chief, Information Extraction Div
	Chief, Lab for Planetary Atmospheres
	Chief Earth Survey Applications Division
	Chief, Applications System Analysis Ofc
	Chief, Applications Systems Analysis Ofc
Johnson Space Center	Tech Asst to the Dir
	Dir of Public Affairs
Technical Planning Office.	Chief, Tech Planning Office
Administration and Program Support.	Dep Dir of Administration & Program Support
	Asst Dir of Administration & Program Support
	Dir of Procurement
	Manager Space Shuttle Program Control Office
Flight Operations	Deputy Dir of Flight Operations
	Chf, Flight Control Div, Flight Operations
	Chief, Astronaut Office
	Chief, Aircraft Operations Division
	Chief, Training Division
	Chief, Flight Operations Integration Office
	Chief, Operations Division
	Chief, Systems Div
	Dep Chief, Flight Operations Integration Ofc
Engineering and Development.	Deputy Director of Engineering and Dev
	Chief, Tracking & Communications Dev Div
	Chief, Avionics Systems Div
	Chief, Propulsion & Power Division
	Chief, Structures & Mechanics Division
	Chf, Engineering Analysis Div
	Chf, Shuttle Avionics Integ Div Engineerl
	Chf, Crew Systems Div, Engineering & Dev
	Chf, Space Environ Test Div, Engineering &
	Asst Director for Systems Engineering
	Assistant Director for Research and Dev
	Assistant to the Director for Future Programs
	Asst Director for Integration and Products
	Special Asst to the Dir Engineering & Develop
Data Systems and Analysis.	Dep Dir of Data Systems & Analysis
	Chf, Flight Simulation Div
	Chief, Mission Planning & Analysis Division
	Chf, Ground Data Systems Div, Data Systems
	Chf, Spacecraft Software Div, Data Systems
	Asst Dir of Data Systems & Analysis
Center Operations	Dep Dir of Center Operations
Space Shuttle Program Office.	Deputy Manager, Space Shuttle Program Office
	Manager for Orbital Flight Test
	Manager, Systems Integration
	Manager, Systems Engineering Office
Space Shuttle Orbiter Program Office.	Dep Mgr, Space Shuttle Orbiter Project Ofc
	Asst Manager, Space Shuttle Orbiter Project
	Dep Manager, Space Shuttle Program Ofc
Safety, Reliability and Quality Assurance.	Dir, Safety, Reliability, & Quality Assurance
	Dep Dir, Safety, Reliability & Qual Assurance
Sts Operations Program Office.	Deputy Manager, Sts Operations Program Ofc
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility
Space and Life Sciences.	Asst Dir of Space and Life Sciences
	Chief, Planetary & Earth Sciences Div
	Chief, Medical Sciences Division
	Dep Dir of Space and Life Sciences
Program Operations Office.	Manager, Programs Operations Ofc
Kennedy Space Center	Dir, Exec Management Ofc
	Dir Public Affairs
Biomedical Office	Chf., Biomedical Office
Safety, Reliability and Quality Assurance.	Dir., Safety, Reliability & Quality Assurance
Sts Development	Associate Director for Sts Development
Shuttle engineering	Director, Shuttle Engineering
Cargo Operations	Deputy Director, Cargo Operations
	Director, Deployable Payloads
Design Engineering	Deputy Director of Design Engineering
	Director, Project Management
	Dir., Mechanical & Facilities Engineering
	Director, Electronic Engineering
Information systems	Director of Information systems
Ground Systems	Director, Ground Systems
Cargo Projects	Deputy Manager, Cargo Projects Office
Operations Management.	Director of Center Support Operations
	Deputy Director of Center Support Operations
Shuttle Processing	Director, Shuttle Processing
	Dir Sts Cargo Operations
Shuttle Projects Office	Deputy Manager, Shuttle Projects Office
	Manager, KSC Off-Site Operations Shuttle Proj
Projects Directorate	Mgr Aircraft Energy Efficiency Project Ofc
	Manager, Aeronautical Systems Office
Electronics Directorate	Chf., Terminal Configured Vechiles Prg. Ofce.
	Chf., Analysis & Computation Division
	Chief, Flight Dynamics and Control Division
	Chf., Flight Electronics Division
	Chf. Instrument Research Division
Structures Directorate	Chf., Acoustics & Noise Reduction Div
	Asst chief, Acoustics & Noise Reduction Div
	Chief, Structural Mechanics Division
	Chf., Materials Division
	Chief, Loads and Aeroelasticity Division
Aeronautics Directorate	Chief Transonic Aerodynamics Div
	Chief, High-Speed Aerodynamics Div
	Chief, Flight Mechanics Div
Space Directorate	Chief, Space Systems Division
	Chief, Marine & Applications Technology Div
	Chief Atmospheric Sciences Division
	Special Assistant to the Director for Space
Systems engineering and Operations Directorate.	Assistant Dir for Systems Engineering Oper
	Chief, Facilities Engineering Division
	Chief, Systems Engineering Div
	Chief, Computer Services Division
Administration Directorate.	Asst for Computer Systems
Aeronautics Directorate	Chief, Propulsion Aerodynamics Division
	Chief, Engine Systems Division
	Chief, Transport Propulsion Office
Energy Directorate	Dep Dir of Energy
	Chief, Transportation Propulsion Division
	Chief, Solar & Electrochemistry Div
	Chief, Wind and Stationary Power Division
Science and Technology Directorate.	Director of Science & Technology
	Deputy Director of Science and Technology
	Chf, Aerothermodynamics and Fluids Division
	Chief, Fluid Mechanics and Acoustics Div
	Chf, Physics and Electronics Division
	Chief Structures & Mechanical Technol Div
Space Directorate	Deputy Director of Space
	Chf, Communications & Applications Div
	Chief, Space Propulsion & Power Division
	Chf, Launch Vehicles Div
Marshall Space Flight Center.	Center Comptroller, NASA MSFC
	Assistant Director for Policy and Review
Science and Engineering.	Dep Dir, Science & Engineering
	Director, Electronics & Control Laboratory
	Assoc Dir for Engineering
	Chf Engineer, Solid Rocket Booster Integratio

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chf, Engineer, Space Shuttle Main Engineer
	Chf Engineer, Space Telescope
	Chf Engineer, Inertial Upper Stage
	Dir, Reliability & Quality Assurance Ofc
	Dir, Data Systems Laboratory
	Dep Dir, Data Systems Lab
	Dep Dir, Electronics & Control Laboratory
	Chf, Guidance Cont and Instrumentation Div
	Dir, Materials & Processes Laboratory
	Director, Space Sciences Lab
	Chf, Aerospheric Sciences
	Director, Structures & Propulsion Laboratory
	Dep Dir, Structures and Propulsion Lab
	Director, Syst Anal & Integration Laboratory
	Dep Dir, Sys Analysis and Integration Lab
	Chf, Mission Analysis Division
	Director, Systems Dynamics Laboratory
	Chf, Aerophysics Div
	Dir-Tvac Laboratory
	Deputy Director, Materials and Processes Lab
	Chf Engineer, External Tank Project
	Chf Engineer, Space Shuttle Main Propul Sys
	Director, Information & Electronic Sys Lab
	Dep Dir Information & Electronic Systems Lab
Special Projects Office	Manager, Solar Energy Applications Project
	Manager, Inertial Upper Stage Project
Spacelab Payload Project	Dep Mgr, Spacelab Payload Proj Ofc
	Manager, Office of Space Science Missions
	Manager, Applications & Technology Missions
	Manager, Science Payload Projects
Spacelab Program Office	Deputy Manager, Spacelab Program Office
Program Development	Deputy Director, Program Development
	Director, Program Planning Office
	Director, Preliminary Design Office
	Manager, Space Platform Project Office
Shuttle Projects Office	Deputy Manager, Shuttle Projects Office
	Manager, External Tank Project Office
	Manager, Solid Rocket Booster Project Office
	Manager, Main Engine Project
	Deputy Manager, for Development
	Deputy Manager, for Production & Logistics
	Manager, Engineering and Major Test Mgmt Ofc
Space Telescope Project Office	Deputy Manager, Space Telescope Project
Administration and Program Support	Dep Dir, Administration & Program Support
National Space Technology Laboratories	Deputy Manager
	Deputy Manager—Programs
National Capital Planning Commission	
National Capital Planning Commission Staff	Assoc Exec Dir Regional Affairs
	Executive Director
	Assoc Exec Dir D.C. Affairs
	Asst Executive Dir (Admin)
	General Counsel
	Assistance Executive Director for Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Credit Union Administration	
Central Office	Director, Off of Internal Audit & Invest
	Dir Ofc of Administration
	Deputy Director of Administration
	Executive Vice President/Dep Dir
National Endowment for the Arts	
National Endowment for the Arts	Director of Adm
	Director of Program Coordination
	Deputy Chairman for Management
National Endowment for the Humanities	Deputy Chairman for Management
National Labor Relations Board	
Ofc of the Board Members	Executive Secy
	Deputy Executive Secretary
Div of Enforcement Litigation	Deputy Assoc. Gen. Counsel Appellate Court Br
	Director, Office of Appeals
Div of Advice	Associate Gen Counsel, Div of Advice
	Deputy Assoc Gen Counsel
Div of Administration	Director of Administration
	Deputy Director of Administration
Div of Operations Management	Assoc General Counsel, Div of Operation-Mgmt
	Dep Assoc Gen Counsel, Div of Operations-Mgmt
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
Regional Offices	Regl Dir, Reg 1 Boston
	Regional Director, Reg. 2, New York
	Regional Director, Reg. 3, Buffalo
	Regl Dir, Reg. 4 Philadelphia
	Regional Director, Reg. 5, Baltimore
	Regional Director, Reg. 6, Pittsburgh
	Regl Dir, Region 7, Detroit, Mich
	Regional Director, Reg. 8, Cleveland
	Regional Director, Reg. 9, Cincinnati
	Regl Dir, Reg 10, Atlanta
	Regl Dir, Reg 11, Winston Salem
	Regional Director, Reg 12, Tampa
	Regional Director, Reg 13, Chicago
	Regl Dir, Reg 14, St Louis
	Regl Dir, Reg 15, New Orleans
	Regl Dir, Reg 16, Ft Worth
	Regl Dir, Reg 17, Kansas City
	Regl Dir, Reg 18, Minneapolis
	Regl Dir, Reg 19, Seattle
	Regional Dir, Reg 20, San Francisco
	Regional Director, Reg 21, Los Angeles
	Regional Director, Reg 22, Newark
	Regional Director, Reg 23, Houston Texas
	Regional Director, Reg 24, Hato Rey, Puerto Rico
	Regl Dir, Reg 25, Indianapolis
	Regl Dir, Reg 26, Memphis
	Regl Dir, Reg 27, Denver
	Regl Dir, Reg 28, Phoenix
	Regl Dir, Reg 29, Brooklyn
	Regl Dir, Reg 30, Milwaukee
	Regl Dir, Reg 32, Oakland
	Regional Director, Reg 33, Peoria, Ill.
	Regl Dir, Reg 31, Los Angeles
National Science Foundation	
Office of the Director	Special Assistant
Office of Scientific Ocean Drilling	Field Operations Officer
Ofc of Scientific & Engineering Personnel & Education	Head, Fellowship section
	Senior Staff Associate
	Senior Staff Associate

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of the General Counsel	Associate Gen Counsel
Office of Audit and Oversight	Director
	Deputy Director
	Head, Evaluation Staff
Ofc of Planning and Resources Management	Prog Dir, Exp Prog to Stim Comp Res
	Executive Assistant for Budget Policy
	Exec Asst for Inter-Agency Affs
Division of Budget and Program Analysis	Division Director
Division of Planning and Policy Analysis	Division Director
Organization Abolished	Division Director
Office of Government and Public Programs	Assoc Dir for Public Programs
	Head, Congressional Liaison Branch
	Senior Staff Associate
Direct for Astro, Atmospheric, Earth and Oc Sci	
Div of Astronomical Sciences	Section Head, Ast Center Section
	Section Head, Ast Research Section
Div of Atmospheric Sciences	Section Head—Ctrs and Facilities Program Sec
	Section Head, Grant Programs Section
Div of Ocean Sciences	Sec Hd, Oceanographic Facilities Support Sec
	Section Head, Ocean Sciences Research Section
Div of Polar Programs	Deputy Division Director
	Manager, Polar Ops Section
Directorate for Engineering	Special Assistant to Assistant Director
Dir of Electrical Computer and Systems Eng	Deputy Division Director
Division of Chemical and Process Engineering	Deputy Division Director
Direct for Biological, Behavioral and Soc Sciences	Executive Asst/Planning
Division of Biotic Systems and Resources	Deputy Division Director
Div of Physiology, Cellular, and Molecular Biology	Senior Scientist
Div of Behavioral and Neural Sciences	Deputy Division Director
Division of Social and Economic Sciences	Sect Head Political & Policy Sciences Sect
	Section Head Economics Section
	Sect Hd, Social Meas and Anal
	Senior Staff Associate for Planning
Direct for Mathematical and Physical Sciences	Senior Staff Associate for Operations
	Dep Asst Dir
Div of Physics	Deputy Division Dir
	Section Head, Nuclear Science Section
Div of Mathematical and Computat Sciences	Section Hd, Computer Sciences
	Sect Hd, Math Sciences
Div of Materials Research	Section Head Material, Research Lab
	Sect Hd, Metallurgy & Metals
	Sect Hd, Cond Matter Science
Div of Chemistry	Sect Hd, Chem Syn and Analy
	Sect Hd, Phy Chem and Dynam
	Senior Staff Associate
Organization Abolished	Deputy Division Director
	Deputy Division Director
Directorate for Sci, Tech and Internat'l Affs	Dir of Strategic Planning and Assessment
Div of Policy Research and Analysis	Deputy Division Director
	Group Leader, Socio Econ
	Group Leader, Tech Assessment
	Group Leader, Envir Energy & Resources
Div of Science Resources Studies	Dep Division Director
	Section Head, Sci & Tech Pers
Div of International Programs	Deputy Division Director
	Sect Hd, Africa and Asia
	Sect Hd, Latin Amer & Pacific

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Division of Industrial Science & Technical Innovation.	Section Head, Western Europe Section
	Section Head, Special Program Section
	Section Head, Industrial Support Section
	Head Innovation, Processes Research Section
	Senior Staff Associate
Div Research Initiation & Improvement.	Dep Dir for Intergovernmental Progs
Div of Grants and Contracts.	Division Director
	Deputy Division Director
Division of Financial Management.	Division Director
Div of Information Systems.	Division Director
Div of Personnel and Management.	Division Director
National Transportation Safety Board	
Office of the Managing Director.	Project Manager
	Deputy Managing Director
Bureau of Administration.	Dir, Bureau of Administration
Bureau of Accident Investigation.	Director, Bureau of Accident Investigation
	Dep Dir for Operations
	Dep Dir for Management
Bureau of Technology	Dir Bureau of Technology
	Deputy Director of Technology
Bureau of Safety Programs.	Director, Bureau of Safety Programs
Nuclear Regulatory Commission	
Atomic Safety and Licensing Bd. Panel.	Chairman Asltp
	Deputy Chief Administrative Judge Executive
Atomic Safety and Licensing Appeal Panel.	Chairman Asltp
	Vice Chairman Asltp
Office of Inspector and Auditor.	Dir OIA
	Asst Dir for Investigations
	Dep Dir and Asst Dir for Audits
Office of Investigations	Dir Policy & Program Support Staff
Office of Public Affairs	Dep Dir OPA
Olc of Ana and Eval of Opn Data.	Chief Reactor Operations Analysis Branch
Contracts	Director Division of Contracts
Hearing Division	Assistant Chief Hearing Counsel
	Assistant Chief Hearing Counsel
	Assistant Chief Hearing Counsel
Division of Accounting and Finance.	Dir Division of Accounting and Finance
Operating Reactors	Chf Operating Reactors Branch #1
	Chief Operating Reactors Br #2
	Chief Operating Reactors Br #3
	Chief Operating Reactors Br #4
Licensing	Chief Licensing Branch #1
	Chief Licensing Branch #2
	Chf Standardization & Spec Projects Branch
	Chief Licensing Branch #3
	Chief Licensing Branch #4
Safety Assessment	Chief Operating Reactors Branch #5
	Chf, Systematic Evaluation Program Branch
	Chief Operating Reactors Assessment Branch
Components and Structure Engineering	Chief Structural Engineering Branch
	Chief Mechanical Engineering Branch
	Chief Hydrologic and Geotech Eng Branch
	Chief Geoscience Branch
Materials and Qualifications Engineering.	Chief Materials Engineering Branch
	Chief Equipment Qualif Branch
	Chief Quality Assurance Branch
	Chief Chemical Engineering Branch
Environmental Technology.	Chief, Environmental Engineering Branch
	Chief Siting Analysis Branch

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Plant Systems	Chief Instrum & Control Systems Branch
	Chief Power Systems Branch
	Chief Containment Systems Branch
	Chief Auxiliary Systems Branch
Radiation Protection	Chief Radiological Assessment Branch
	Chief Accident Evaluation Branch
	Chief, Meterology & Effluent Treatment Branch
Reactor Safety	Chief Reactor Systems Branch
	Chief Systems Interaction Branch
	Chief Core Performance Branch
Human Factors Engineering Branch.	Chief Human Factors Engr Branch
	Chief Procedures and Test Review Branch
	Chief Licensee Qualification Branch
	Chief Operator Licensing Branch
Asst Dir for Generic Projects.	Chief Generic Issues Branch
	Chief Licensing Guidance Branch
	Chief Research and Stds Coordination Branch
Asst Director for Technology.	Chief, Safety Program Evaluation Branch
	Chief Reliability & Risk Assessment Branch
Office of Nuclear Material Safety and Safeguards.	Dir Nmss
Safeguards	Chief Physical Security Development Br.
	Chief Regulatory Improvements Branch
	Chief Physical Security Licensing Br
	Chief Mtl Control & Accountability Lic Br
	Chf, Technical Planning and Integration Br
	Chief Technology Assessment Branch
	Chief Material Transfer Sg Licensing Branch
	Chief Fuel Facility Sg Licensing Branch
	Chief Power Reactor Sg Licensing Branch
	Chf, Licensing Policy and Programs Br
Licensing	Chief Transportation Branch
	Chf Uranium Fuel Licensing Br
	Chief Procedures and Certification Br
	Chf Advanced Fuel & Spent Fuel Licensing Br
Waste Management	Chf Hi-Level Waste Tech Dev Br
	Chf Hi-Level Waste Licns Mgmt Br
	Chief Low-Level Waste License Br
	Chf Licensing Proc and Integration Br
	Chf Uranium Recovery License Br
Olc of Nuc Regulatory Research.	Chief Systems Analysis Branch (Reactor Risk)
Division of Engineering Technology.	Chief Mechanical Structural Branch
	Chief Materials Engineering Br
	Chief Chemical Engineering Branch
	Chief Electrical Engineering Branch
Division of Accident Evaluation.	Chf Site Safety Res Br
	Chief, Severe Accident Assessment Branch
	Chief Fuel Behavior Branch
	Chief Experimental Programs Branch
	Chief, Analytical Models Branch
Division of Risk Analysis.	Chief, Transportation & Materials Risk Br
	Chief, Rsy Analysis Br
	Chief Risk Methodology Data Branch
Safeguards Research	Chief, Safeguards Br

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Division of Facility Operations.	Chief, Human Factors Br
	Chief, Instrumentation & Control Staff
	Chief Occupational Protection Branch
Division of Health Siting and Waste Management.	Chief Earth Sciences Branch
	Chief Waste Management Branch
	Chief Health Effects Branch
Office of Inspection and Enforcement.	Director Enforcement Staff
Division of Fuel Facility Materials and Safeguards.	Asst Dir Div of Reac Core Insp
	Chf, Performance Appraisal Br
	Chf, Safeguards Branch
	Chief, Fuel Facility & Materials Branch
Division of Reactor Programs.	Asst Dir for Field Coordination
	Asst Dir for Tech Prog
	Chief, Reactor Construction Programs Branch
	Chief, Operating Reactor Programs Branch
Division of Engineering and Quality Assurance.	Asst Dir, Div of Fuel Fac & Mtl Sfty Insp
	Chief, Reactor Engineering Branch
	Chief, Reactor Projects & Resident Insp Brch
	Chief, Events Analys Branch
	Chf, Engr and Technical Support Branch
	Chief, Quality Assurance Branch
Division of Emergency Preparedness.	Chf, Emergency Preparedness Licensing Branch
	Chief, Incident Response & Development Branch
Region I	Deputy Regional Administrator, Region I
	Dir, Div of Resident and Reactor Project Insp
	Dir, Div of Eng & Tech Inspection, Region I
Region II	Deputy Regional Administrator, Region II
	Dir, Div of Engineering & Technical Inspection
	Dir, Div of Res and Reactor Project Inspection
Region III	Dep Regional Administrator, Region III
	Dir, Div of Eng & Tec Inspection
	Dir, Div of Res & Reactor Project Inspection
Region IV	Deputy Regional Administrator, Region IV
	Dir, Div of Vendor & Technical Programs
	Dir, Div of Regional Project & Vendor Inspec
	Director, Uranium Recovery Field Office
Region V	Deputy Regional Administrator, Region V
	Dir, Div of Res Reactor Project & Eng Inspec
	Dir, Div of Radiological Safety & Safeguards
Office of Management and Budget	
Olc of Administration	Asst to the Director for Administration
Legislative Reference Division.	Asst Dir, Legislative Reference
	Dep Asst Dir, Legislative Reference Division
	Chief, Economics, Science & Govt Branch
	Chf, Resources, Defense, Intern'l Br
Budget Review Division	Deputy Chief, Budget Preparation Branch
Office of Federal Procurement Policy.	Principal Assoc Admr for Procurement
	Asst Admr for Regulations
	Asst Admr for Commercial Products
	Dir, Federal Acquisition Institute

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Information and Regulatory Affairs.	Chief, Information Policy Branch
	Chief, Reports Management Branch
	Senior Mgmt Policy Analyst
	Chief, Regulatory Policy Branch
	Senior Regulatory Policy Analyst
	Chief, Statistical Policy Branch
Associate Director for Management.	Asst Dir, Fed Pers Policy
Management Improvement and Evaluation Division.	Asst Dir, Mgt Improvement & Eval
	Dep Asst Dir for Evaluation
	Sr Mgmt Assoc, Mgmt Improvement & Eval
	Sr Mgmt Assoc
	Senior Management Associate
Org Deleted	Asst to the Asst Dir for Fed Pers Policy
Intergovernmental Affairs Division.	Dep Assoc Dir for Intergovernmental Affairs
	Chief, Field Operations Branch
	Chief, Assistance Policy Branch
	Chf, Fed Assistance Information Branch
Financial Management Division.	Deputy Assoc Dir for Financial Management
Budget Review Division	Asst Dir for Budget Review
	Dep Assistant Director for Budget Review
	Chief, Fiscal Analysis Branch
	Dep Chief, Fiscal Analysis Branch
	Chf, Budget Preparation Branch
	Chief, Resources Systems Branch
	Chief, Fed Prog Info Branch
Assoc Dir for National Security and International Affs.	Dep Assoc Dir for Management
International Affairs Division.	Dep Assoc Dir for Internatl Affairs
	Dep Chief, International Affairs Division
	Chief, State—ICA Branch
	Chief, Economic Affairs Branch
	Chief, International Security Affairs Branch
National Security Division.	Dep Assoc Dir for National Security
	Dep Chief
	Chf, Intelligence Community Branch
	Chief, Navy Branch
	Chief, Air Force Branch
	Chief, Army Branch
	Chief, Manpower, Pay & Policy Branch
Assoc Dir for Human Resources, Veterans and Labor.	Dep Assoc Dir for Management
Health and Income Maintenance Division.	Dep Assoc Dir for Health & Income Maintenance
	Chief, Health Branch
	Chf, Income Maintenance Branch
Labor, Veterans, and Education Division.	Deputy Associate Director for Labor, Vet & Ed
	Dep Div Chf—Labor
	Chief, Education Branch
	Chf, Veteran Affairs Branch
Associate Director for Economics and Government.	Dep Assoc Dir for Special Studies
Transportation, Commerce, and Housing Division.	Dep Assoc Dir for Transportation—Comm & Housing
	Chief, Transportation Branch
	Chief, Commerce Branch
	Chf, Housing & Urban Dev Branch
Justice, Treasury, and General Management Division.	Dep for Justice, Treas & Gen Mgmt
	Chf, General Management Branch
	Chief, Justice, Treasury Branch
	Senior Management Analyst
Assoc Dir for Natural Resources, Energy, and Science.	Dep Assoc Dir for Spec Studies
Natural Resources Division.	Dep Associate Dir for Natural Resources
	Deputy Div Chief
	Chief, Water Resources Branch
	Chief, Agricultural Branch
	Chief, Environment Branch
	Chief, Interior Branch

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Energy and Science Division.	Dep Assoc Dir for Energy & Science
	Dep Div Chf for Programming
	Chief, Energy Technology Branch
	Chief, Science and Space Programs Branch
	Chief, Energy Conservation & Regulation Branch
Office of Personnel Management	
Office of the Inspector General.	Assistant Dir for Internal Evaluation
	Inspector General
Chief Actuary	Chief Actuary
Assistant Director for Retirement Programs.	Asst Dir for Retirement Programs
Assistant Director for Insurance Programs.	Chief, Medical Division
	Asst Dir for Insurance Programs
Assistant Director for Staffing.	Chief, Medical Policy and Programs Division
Assistant Director for Standards Development.	Assistant Dir for Standards Development
Asst Dir for Personnel Research and Development.	Asst Dir for Personnel Research & Development
Assistant Director for Agency Compliance & Eval.	Asst Dir for Agency Compliance & Evaluation
	Dep Asst Dir for Agency Compliance & Evaluati
Assistant Director for Personnel Investigations.	Asst Dir for Personnel Investigations
Railroad Retirement Board	
Board Staff	Dir of Research
	Dir, Unemployment & Sickness Ins
	Dir of Retirement Claims
	Chief Executive Officer
	Chf Actuary
	Dep Executive Officer
	Dir, Budget & Fiscal Opers
	Dir, Bureau Processing and Accounts
	Gen Counsel
	Dir, Bureau of Accounts & Certification
	Dir, Bureau of Data Processing
Securities and Exchange Commission	
Office of the Chairman	Dep Chf Accountant
Office of the Executive Director.	Dep Exec Director
Div of Corporation Finance.	Assoc Dir (Operations)
Selective Service System	
Selective Service System.	Assoc Dir, Administration
	Assoc Director, Planning
	Assoc Dir, Management Information Systems
	Assoc Dir, Policy Development
Small Business Administration	
Ofc of the Inspector General.	Assistant Inspector General for adults
	Asst Inspector General for Investigations
Office of EEO and Compliance.	Dir, Ofc of Equal, Employment Opport & Complain
Office of Hearings and Appeals.	Asst Administrator for Hearings and Appeals
Office of Procurement & Technology Assistance.	Director of Procurement Assistance
Ofc of Minority Small Business & Capital Ownership Dev.	Dir of Business Development
	Deputy Dir of Business Development
Office of Administration	Director of Computer Sciences
Office of Personnel	Director of Personnel
District Directors	District Dir, Phila
	District Director, Region IX, San Francisco
	District Director, Region V, Chicago
	District Director, New York
Department of State	
Policy Planning Staff	Member, Planning & Coordination Staff

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Bureau of Economic Affairs.	Dir, Office of East-West Trade
	Spec Asst, Asst Sec State, Economic Affs
Bureau of Intelligence and Research.	Deputy Director for Coordination
	Dir, Ofc of Resources Policy
	Dir, Ofc of Research & Analysis Soviet Affrs
International Boundary & Water Commission.	Supervisory Civil Engineer
Department of Transportation	
Office of Inspector General.	Assistant Inspector General for Audits
	Asst I/G for Policy, Planning and Resources
	Dir, DOT—Wide Programs
	Director, Regional Programs
	Asst I/G for Investigations
	Dir, Ofc of Surface Transportation Programs
	Dir, Ofc of Aviation Marine & Research Progs
	Asst Secy for Administration
Asst Sec for Administration.	
Ofc of Installations and Logistics.	Dir, Ofc of Installations & Logistics
	Dep Dir, Ofc of Installations & Logistics
Assoc Adm'r for Safety	Assoc Admr for Safety
Ofc of Pipeline Safety Regulation.	Assoc Dir, Ofc of Pipeline Safety Regulation
Ofc of Operations and Enforcement.	Assoc Dir, Ofc of Opers & Enforcement—M.T.B.
Maritime Administration	Deputy Administrator
	International Activities Officer
	Assoc Admr for Marketing & Domestic Enterpris
Office of Associate Administrator for Research and Dev.	Dir, National Maritime Research Center, K P.
	Director, Office of Advanced Ship Development
	Dir, Office of Advanced Ship Operations
	Director, Office of Maritime Technology
Office of Assoc Admr for Shipbuilding and Ship Opers.	Dir, Ofc of Ship Construction
	Dir, Ofc of Shipbuilding Costs
Office of Associate Administration for Maritime Aids.	Associate Administrator for Maritime Aids
	Dep Assoc Admin for Maritime Aids (Trade)
	Dep Assoc Admr for Maritime Aids (Finance)
	Director, Ofc of Ship Financing Guarantees
Office of Accounting and Audit.	Director, Office of Accounting and Audit
Logistics Service	Director, Logistics Service
	Dep Dir, Logistics Service
	Chf, Contracts Div
Air Traffic Service	Dir, Air Traffic Svc
	Deputy Director, Air Traffic Service
	Chief, Procedures Division
	Chf, Atc Automation Division
	Chief, System Programs Division
	Chief, Airspace & Air Traffic Rules Division
	Chief, Operations Division
Office of Airport Planning & Programming.	Dir, Office of Airport Planning & Program
	Chief, Grants-in-Aid Division
Assoc Admr for Aviation Standards.	Assoc Adm, R for Aviation Standards
	Deputy Assoc Admr for Aviation Standards
Office of Airworthiness	Director, Office of Airworthiness
	Chief, Aircraft Engineering Division
	Chief, Aircraft Maintenance Division
Office of Aviation Safety.	Director, Office of Aviation Safety
	Dep Dir, Ofc of Aviation Safety
	Chief, Safety Regulations Division
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security
	Dep Dir of Civil Aviation Security
Office of Flight Operations.	Dir Ofc of Flight Operations
	Chf Aircraft Programs Division
	Chief General Aviation and Commercial Div
	Chief, Air Transportation Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Aviation Standards—National Field Office.	Dir, Aviation Standards Natl Field Ofc
Office of Aviation Medicine.	Fed Air Surgeon
	Deputy Federal Air Surgeon
	Chief, Aeromedical Stds Div
Mike Monroney Aeronautical Center.	Chief Civil Aeromed Institute
Great Lakes Region—Chicago.	Chief, Air Traffic Division
	Chf—Flight Standards Division
New England Region—Burlington, Ma.	Chief, Flight Standards Division
	Chief, Aircraft Certification Division
Northwest Mountain Region—Seattle.	Chief Aircraft Certification Division
	Chf, Los Angeles Area Aircraft Cert Ofc
	Chief, Seattle Area Aircraft Cert Office
	Chief, Flight Standards Div
	Chief, Air Traffic Division
Central Region—Kansas City.	Chief, Flight Standards Div
	Chief, Aircraft Certification Division
	Chief Air Traffic Division
Eastern Region—New York.	Chief, Air Traffic Division
	Chf Flight Standards Div
Southern Region—Atlanta.	Chief Flight Standards Division
	Chief, Air Traffic Division
Southwest Region—Fort Worth.	Chf Air Traffic Div
	Chf, Flight Standards Div
	Chief Aircraft Certification Division
Western Pacific Region—Los Angeles.	Chief Flight Standards Division
	Chief Air Traffic Division
Federal Highway Administration.	Executive Director
Assoc Adm'r for Safety	Assoc Adm'r for Safety
Bu of Motor Carr Safety	Director
	Dep Dir
Office of Highway Safety.	Dir Ofc of Highway Safety
Assoc Admr for Right of Way and Environment.	Assoc Admr for Right-of-Way & Environment
Off of Environmental Policy.	Dir Ofc of Environmental Policy
	Chf Environmental Programs Div
Off of Right of Way	Dir, Office of Right-of-Way
	Chief, Real Estate Division
	Chief Relocation Division
Natl Center for Statistics and Analyses.	Chf, Mathematical Analysis Div
	Chf, Accident Investigation Div
Vehicle Research and Test Ctr.	Chf Safety Research Lab
Ofc of Vehicle Safety Comp.	Chief, Validation Division
Ofc of Vehicle Safety Standards.	Chf Crash Avoidance Division
	Chf Crashworthiness Division
Ofc of Automotive Fuel Economy Standards.	Chf Light Truck Standards Division
	Chf, Passenger Automobile Standards Branch
US Coast Guard	Technical Director
Department of Treasury	
Office of the Secretary	Senior National Intelligence Advisor
Ofc of the Inspector General.	Deputy Inspector General (Audit)
Ofc of Tax Analysis	Deputy Director (Revenue Estimating)
	Assistant Director (Revenue Forecasting)
Federal Finance	Dir, Ofc of Finance and Market Analysis
Ofc of Asst Secy (Economic Policy).	Asst Dir, for Economic forecasting
	Dir, Ofc of Pol Research
	Senior Adv for Bal of Payments Anal & Proj
	Dir, Energy Leg & Regulatory Anal Staff
	Sr Economist
Ofc of Developing Nations Finance.	Dep Dir, Ofc of Dev Nations Finance
Ofc of Multilateral Development Banks.	Alternate Dir, Asian Dev Bank
	Dep Dir Ofc of Internat'l Development Banks
Ofc of Foreign Exchange Operations.	Dir Ofc of Foreign Exchange Operations
Ofc of International Monetary Affairs.	Dep Dir, Ofc of International Monetary Affs
	Assoc Dir, Ofc of Interni Monetary Affs
Ofc of the Comptroller of the Currency.	Dir for Inspections and Audit
	Dep Comptroller for Sys and Financial Mgmt
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance
	Dir, Litigation Div
Comptroller of the Currency.	Senior Deputy Comptroller for Policy
	Dep Compt for Research & Economic Progs
	Dir Bank Org and Structure
	Dep Comp Customer and Comm Progs
	Dep Comp for Interagency Coordination
	Asst Dep Comptroller for Customer & Comm Prog
	Dir, Strategic Analysis Division
	Dep Comp for Bank Organization and Structure
	Deputy Comptroller for Industry & Pub Affs
	Deputy Comptroller for Operations
	Sr. Deputy Comptroller (Resources Management)
Sr Dep Comptroller (Bank Supervision).	Sr. Dep Comptroller for Bank Supervision
Multinational Banking	Dep Comp for Multinational Banking
	Dep Comptroller for Multinational Banking
Specialized Examinations.	Dep Compt for Specialized Exams
	Deputy Comptroller for Trust and Securities
Special Surveillance	Dep Comptroller for Spec Surveillance
	Dir for Spec Projects
Chief National Bank Examiner.	Chf National Bank Examiner
	Asst Chf National Bank Examiner
	Asst Chf Natl Bank Exam (Multinatl Banking)
	Chf National Bank Examiner
	Deputy Comptroller for Examinations
	Deputy Comptroller for International Banking
Senior Dep Comptroller (Operations).	Senior Dep Comptroller for Operations
	Sr. Deputy Comptroller (Nat'l Operations)
	Senior Dep Comptroller (National Operations)
Regional Offices	Reg'l Adm'r of National Banks (Region 2)
	Reg'l Adm'r of National Banks (Reg 7)
	Reg'l Adm'r of Nat'l Banks (Reg 12)
	Reg'l Admr of Nat'l Banks (Reg 8)
	Regl Admr of Natl Banks (Reg 3)
	Regional Admr of National Banks (Reg 6)
	Regl Admr of Natl Banks (Reg 10)
	Regl Admr of Natl Banks (Reg 11)
	Regl Admr of Natl Banks (Reg 9)
	Regl Admr of National Banks (Reg 13)
	Regl Admr of Natl Banks (Reg 5)
	Regl Admr of Natl Banks (Reg 13)
	Regl Admr of Natl Banks (Reg 1)
	Regl Admr of Natl Banks (Reg 4)
Ofc of the Fiscal Asst Sec'y.	Fiscal Assistant Secretary
	Deputy Fiscal Asst Secy
	Asst Fiscal Asst Secy (Financing)
	Asst Fiscal Assistant Secretary (Banking)
Bureau of Government Financial Operations.	Comm'r of Government Financing Operations
	Dep Commr, Bur of Gov Financial Operations
	Asst Commissioner, Banking & Cash Management
	Asst Commissioner, Comptroller
	Asst Commr, Govt-Wide Accounting
	Asst Commr, Disbursement & Claims
	Asst Commr, Adm
	Dir, Div of Check Claims
	Disbursing Officer
	Dir, Govt Accounting Sys Staff
	Dir, Div of Govt Accounts and Reports
	Dir, Div of ADP
Bureau of Public Debt	Assoc Commr, Bur of Gov Financial Operations
	Commissioner
	Dep Commr of the Public Debt
	Asst Commr (Field)
	Assistant Commissioner (Washington)
	Asst Commr (Financing)
Ofc of Personnel	Dep Dir of Personnel
	Asst Dir (Exec Manpower and Emp)
Ofc of Budget & Prog Ana.	Dep Dir (Prog Analysis) Chf Prog Analysis Div
Bur of Alcohol, Tobacco, Firearms.	Asst Dir (Regulatory Enforcement)
	Asst Dir (Criminal Enforcement)
	Asst Dir (Tech and Scientific Ser)
	Dep Asst Dir (Reg Enforcement)
	Dep Asst Dir (Criminal Enforcement)
	Regional Director for Investigations
	Regional Director for Investigations
	Regional Director for Investigations
	Midwest Regl Counsel
	Central Regl Counsel
	Southeast Regl Counsel
	Deputy Asst Dir (Criminal Enforcement)
	Assistant Director (Internal Affairs)
	Regional Dir of Investigations, Chicago Ofc
	Regl Dir of Investigations, Atlanta, Georgia
US Customs Service	Asst Commr (Mgmt Integrity)
	Director Office of Management Inspection
	Deputy Assistant Commissioner
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigate)
	Miami Regl Counsel
	Chicago Regl Counsel
	New York Regl Counsel
	San Francisco Regl Counsel
Office of the Comptroller.	Director, Planning and Budget Division
	Dir, Ofc of Financial Management & Prog Eval
	Asst to the Comr
	Director, Ofc of Data Systems
Ofc of Asst Commr for Border Operations.	Director, Ofc of Inspection
	Dep Asst (Border Operations)
	Dir Ofc of Patrol
	Dir Ofc of Investigations
	Assistant Commissioner (Inspection)
	Dir Ofc of Enforcement Support
	Deputy Assistant Commissioner (Enforcement)
Ofc of Asst Commr for Commercial Operations.	Asst Commr for the Ofc of Regulations & Rul
	Director, Technical Services Div
	Director, Classification and Value Division
	Dir Ofc of Regulations and Rulings
	Director, Entry Procedures & Penalties Div
	Dir Duty Assessment Div
	Dir Ofc of Trade Operations
Regional Offices	Regl Commr Reg 2 NY
	Reg Commr, Reg 1, Boston
	Regal Commr of Customs, Reg 7, Los Angeles
	Asst Regn Commr Operations Reg II New York
	Dir Inspection and Control Div-Reg II New York
	Regl Commr Reg 3 Baltimore
	Regl Commr, Reg 4, Miami
	Regl Commr of Customs, Reg 8, San Francisco
	Regl Commr, Reg V. New Orleans
	Reg Commr of Customs Reg VI
	Regional Commissioner of Customs
	Asst Regional Commr (Operations)
	Asst Regl Commr (Operations)
	Asst Regl Commr

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
	Asst Regl (Operations)
	Asst Regional Comr (Operations)
	District Director, Los Angeles Region
	Area Dir JFK Airport New York Region
	Asst Regional Commissioner LA. (Enforcement)
	District Director Miami Region
	Asst Regl Comm-Houston (Enforcement)
	Asst Regl Comm-Miami (enforcement)
	Asst Regl Comm (enforcement)
US Secret Service	Director of the Secret Service
	Deputy Director, U.S. Secret Service
	Asst to the Dir, Training
	Asst to the Dir, Pub Affs
	Spec Asst to Dep Secy/Dir, Border Mgmt Study
Dir of Administration	Assistant Director, Administration
Dir of Inspection	Assistant Director, Inspection
Dir of Protective Research	Asst Dir (Protective Research)
	Dep Asst Dir, Protective Res
	Spec Agent in Charge—Tech Sec Div
	Spec Agent in Charge—Intelligence Div
Dir of Protective Operations	Asst Dir (Protective Operations)
	Dep Asst Dir (Protective Operations)
	Spec Agent in Charge—Presidential Protective
	Dep Protective Opers (Uniformed Div)
	Spec Agent in Charge—VP Protect Div
Office of Investigations	Asst Director, Investigations
	Dep Asst Dir, Investigations
	Special Agent in Charge, New York Office
	Dep Spec Agent in Charge—NY Field Office
	Special Agent in Charge, Chicago
	Special Agent in Charge, Los Angeles Office
	Spec Agent in Charge—Washington Field Office
	Spec Agent in Charge—Philadelphia Field Office
Bureau of Engraving and Printing	Associate Director of Operations
Bureau of the Mint	Assoc Dir of Pol & Management
Office of the Commissioner	Deputy Commissioner
	Taxpayer Ombudsman
	Asst to the Deputy Commissioner
	Asst to the Commissioner (Public Affairs)
	Dir—Legislative Analysis Div
	Asst Dir, Examination Div
	Asst to the Commissioner (Equal Opportunity)
	Deputy Assistant Commissioner (Examination)
Organization Abolished	Assistant Commissioner (Compliance)
	Deputy Assistant Commissioner (Compliance)
	Dir, Examination Div
	Dir, Criminal Div
	Asst Dir, Criminal Investigation Div
	Assistant Commissioner (Planning & Research)
	Director, Statistics Division
	Dir, Research & Operations Analysis Div
	Asst Dir, Statistics Division
	Asst Dir, Research
Appeals Division	Asst Commissioner (Taxpayer Service & Returns)
	Deputy Asst Commissioner
	Director, Appeals Division

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
	Regl Dir of Appeals—Central Region
	Reg Dir of Appeals, Mid-Atlantic Region
	Regl Dir of Appeals—Southwest Reg
	Regl Dir of Appeals—Southeast Reg
	Regional Dir of Appeals, North Atlantic Region
	Regl Dir of Appeals, Midwest Reg
	Regional Director of Appeals—Western Region
	Dir, Disclosure Operations Div
	Asst Dir, Collection Div
Data Processing	Assoc Commissioner (Data Processing)
	Deputy Asst Commissioner (Data Services)
	Director, Taxpayer Service Division
	Director, National Computer Center
	Dir, Returns Processing and Accounting Div
	Assistant Dir, Taxpayer Service Division
	Director, Planning and Control Staff
	Director, Systems Development Division
	Dir, Program Planning & Review Staff
	Asst Dir, Returns Processing & Accounting Div
	Dep Asst Commissioner (Computer Services)
	Deputy Asst Comm (Returns & Info Processing)
	Director, Statistics of Income Division
	Director, Collection Division
	Assistant Commissioner (Computer Services)
	Dir, Systems Support Div
	Asst Dir, Statistics of Income Division
	Director, Management Systems Div
	Asst Dir, Tax Systems Division
	Director, Tax Systems Division
	Asst Comm (Returns & Information Processing)
Dir of Asst Comm, Inspection	Assistant Commissioner (Inspection)
	Dep Asst Comm (Inspection)
	Director, Internal Audit Div
	Director, Internal Security Division
	Asst Dir, Internal Security Division
	Regional Inspector, Midwest Reg
	Regional Inspector, North Atlantic
	Regional Inspector, Western Region
	Regional Inspector, Southwest Reg
	Regional Inspector, Mid-Atlantic Reg
	Regional Inspector, Central
	Regional Inspector, Southeast
	Asst Dir, Internal Audit Division
Policy and Management	Associate Commissioner (Policy and Mgmt)
	Asst Comm (Resources Management)
	Dep Asst Comm (Resources Management)
	Dir, Tax Forms & Publications Div
	Dir, IRS Data Center Detroit
	Fiscal Management Officer
	Director, Security Standards & Evaluation Div
	Dir, Training Div
	Dir, Facilities Mgt Div
	Director, Personnel Division
	Asst Dir, Personnel Div
	Asst Dir, Fiscal Management Div
	Dir, Resources Management Div

Positions That Were Career Reserved During Calendar Year 1982—Continued

Agency and organization	Career reserved positions
	Director, Tax Administration Adv Serv Div
	Assistant Director, Tax Forms & Publications
	Asst Comm (Planning, Finance & Research)
	Dep Asst Commissioner (Support and Services)
	Dep Asst Comm (Planning, Finance, & Result)
	Asst Dir, Disclosure & Security Division
	Director, Centralized Service Division
	Assistant Commissioner (Support & Services)
	Director, Planning and Analysis Division
	Director, Disclosure and Security Division
	Dep Asst Comm (Human Resources)
	Spec Asst to AC (Compliance)
	Director, Training and Dev Div
	Director, Research Division
	Asst Fiscal Management Officer
	Assistant Commissioner (Human Resources)
Central Region	Regional Comm
	Arc (Tax Payer Service & Returns Processing
	Arc (Examination) Central Region
	Asst Regional Commissioner (Criminal Invest)
	Asst Regl Comm (Resource Management)
	Assistant Regional Commissioner (collection)
	District Dir (Cleveland)
	District Director, Detroit
	Dir, Service Ctr, Cincinnati
	Program Manager, District Director, Parkersburg
	District Director, Indianapolis
	District Director, Louisville
	District Dir, Cincinnati
	Asst District Director, Cleveland
	Assistant District Director, Detroit
Mid-Atlantic Region	Reg'l Commissioner
	ARC (TS,RP) Mid-Atlantic Region
	ARC (Examination) Mid-Atlantic
	ARC (Criminal Investigation) Mid-Atlantic Reg
	ARC (Resources Mgmt)
	Asst Reg'l Comm (collection)
	District Dir, Newark
	District Dir, Philadelphia
	Service Center Dir, Philadelphia
	District Dir, Pittsburgh
	District Director, Richmond District
	Asst District Dir, Philadelphia
	Program Manager, Asst District Dir, Newark Dist
	Assistant District Director—Baltimore, Md
	District Director, Wilmington
	District Dir, Baltimore
	Director, Foreign Operations District
Midwest Region	Regional Comm, Midwest Region
	ARC (Taxpayer Serv & Return Processing)
	Asst Reg'l Comm'r (Resources Mgmt)
	Arc (Examination), Midwest Region
	Arc (Collection) Midwest Region
	District Dir, Chicago
	District Director, St Louis
	Spec Dir Div, Kansas City
	District Dir, Des Moines
	District Dir, St Paul
	District Dir, Omaha
	District Dir, Springfield
	District Dir, Milwaukee
	Asst District Dir, Chicago
	Asst District Dir, St Louis
	District Director, Fargo

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	District Director, Aberdeen
	Program Manager Chief, Examination Division
	ARC (Criminal Investigation) Midwest Region
North Atlantic Region	Reg'l Comm'r
	Asst Regl Comm (Taxpayer Svc & Returns Proc
	Asst Regl Commr (Exam) North Atlantic Reg
	ARC (Criminal Investigating)
	ARC (Resources Mgmt)
	ARC (Collection) North Atlantic Region
	District Dir, Manhattan
	District Dir, Brooklyn
	District Dir, Boston
	Service Center Director, Andover, Mass
	Srvc Ctr Dir, Brookhaven
	Chief, Examination Div Manhattan
	District Dir, Albany
	District Dir, Hartford
	District Dir, Buffalo
	Asst Dist Dir, Brooklyn
	Assistant District Director, Manhattan
	Asst District Dir, Boston
	District Director, Providence
	Dist Dir, Augusta
	District Director, Portsmouth
	District Director, Burlington
	Chief, Appeals Office, New York City
Southeast Region	Reg'l Comm'r
	ARC (TS/RP) Southeast Region
	ARC (Examination) Southeast Region
	Asst Reg'l Commissioner—Criminal Investigation
	Asst Reg'l Commr (Resources Management)
	Asst Reg'l Commr (Collection)—SE Reg, Atlanta
	District Dir, Jacksonville
	District Dir, Atlanta
	Service Center Director, Memphis
	Srvc Ctr Dir, Atlanta
	District Director, Greensboro
	District Dir, Nashville
	District Director, Birmingham
	District Director, Columbia
	District Director, Jackson, Miss
	Asst District Director, Jacksonville
	Assistant District Director, Atlanta
Southwest Region	Regional Commissioner
	Asst Reg Commissioner (Taxpayer serv & Returns Proc)
	Asst Regl Commr (Examination)
	ARC (Criminal Investigation) SW Region
	ARC (Resources Mgmt)
	Assistant Regional Commissioner (Collection)
	District Dir, Austin
	District Director, Dallas
	Service Center Dir (Austin)
	District Director, Wichita
	District Director, Oklahoma City
	District Dir, New Orleans
	District Director, Little Rock District
	District Dir, Denver
	Asst Dist Dir, Austin
	Assistant District Director, Dallas
	District Director, Albuquerque
	District Director, Cheyenne
	Assistant District Director
	District Director, Houston
Western Region	Regional Commissioner
	ARC (Taxpayer Service and Returns Proc) W R
	Asst Reg'l Comm'r (Examination)
	ARC (Criminal Investigation)
	ARC (Resources Management)
	Asst Reg'l Comm'r (Collection)—Western Region
	District Dir, Los Angeles
	District Dir, San Francisco
	Service Center Director, Fresno

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Service Center Dir, Ogden
	District Dir, Reno
	District Director, Portland District
	District Dir, Seattle
	District Dir, Phoenix
	Asst District Dir, Los Angeles
	Asst Dist Dir, San Francisco
	District Director, Salt Lake City
	District Director, Honolulu
	District Director, Anchorage
	District Director, Boise
	District Director, Helena
	Chf, Examination Div, Los Angeles
	Special Assistant to the Director
Operations	Assoc Commr (Operations)
	Asst Comm'r (Employee Plans & Exemp & Organiz)
	Deputy Asst Comm'r
	Director, Exempt Organizations Division
	Dir, Employee Plans Division
	Director, Actuarial Division
	Special Asst for Exempt Organization Matters
	Asst Dir, Exempt Organizations Div
	Assistant Director, Employee Plans Division
	Chf, Technical Branch
	Chf, Technical Branch
	Spec Asst for Employee Plans
	Assistant Commissioner (Examination)
	Asst Commr (Criminal Investigation)
	Dep Asst Commr (Criminal Investigation)
	Tech Adv/Asst to Dir, Employee Plans Div
	Dep Asst Commr (Collection)
	Assistant Commissioner (Collection)
Olc of Chf Counsel	Dep Chf Counsel (Technical)
	Dep Chief Counsel (Litigation)
	Dep Chf Counsel (General)
	Associate Chief Counsel (Technical)
	Associate Chief Counsel (Litigation)
	Prin Tech Advr to Assoc Chief Counsel
	Assistant Commissioner
	Dep Asst Commr (Technical)
	Director Individual Income Tax Div
	Director, Corporation Tax Division
	Tech Adv to Dir-Corp Tax Div
	Chf, Corporation Tax Branch
	Chf Individual Income Tax Branch
	Chf, Excise Tax Branch
	Chief, Engineering & Valuation Branch Corp Ta
	Asst Dir, Individual Tax Division
	Asst Dir, Corporation Tax Div
	Dir, General Litigation Div
	Dir, Tax Litigation Div
	Dir, Interpretive Div
	Dir, Legislation & Regulations Div
	Dir, Administrative Services Div
	Dir, Criminal Tax Div
	Dir, Gen Legal Services Div
	Technical Advisor to the Chf Counsel
	Director, Disclosure Litigation Division
	Dir, Employee Plans & Exempt Org Div
	Asst Dir, Tax Court Litigation Div
	Technical Advisor to the Chief Counsel
	Asst Dir, Interpretive Div
	Asst Dir, Legislation & Regulations Div
	Chf, Estate & Gift, Wage Excise & Prov Br
	Techn Adv to the Assoc Chf Counsel (Techn)
	Deputy Associate Chief Counsel (Technical)
	Deputy Chief Counsel
	Special Appellate Counsel

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Sen Tech Adv to the Assoc Chf Counsel (Tech)
	Assistant Deputy Chief Counsel (Litigation)
	Special Assistant to the Chief Counsel
	Branch Chf, Reorg Br Corp Tax Div
	Special Litigation Counsel
Reg'l Counsels	Regl Counsel, Central Reg
	Dep Regl Counsel (Criminal tax)
	Regional Counsel, Mid-Atlantic Region
	Dep Regl Counsel (Criminal Tax)
	Regl Counsel, Midwest Region
	Dep Regl Counsel (Criminal Tax)
	Dep Regl Counsel (General Litigat)
	Dep Regl Counsel (Tax Litigation)
	Regl Counsel, North Atlantic Region
	Dep Regl Coun (Tax Litigat) No-Atlantic Reg
	Deputy Regional Counsel (General Litigation)
	Regional Counsel, SE Region
	Regl Counsel, Southwest Region
	Regl Counsel, Western Region
	Dep Regl Counsel (Gen Litigation)
	District Counsel—Boston
	District Counsel—Los Angeles
	District Counsel—Cincinnati
	District Counsel—Philadelphia
	District Counsel—Newark
	District Counsel—Chicago
	District Counsel—Manhattan
	District Counsel—Atlanta
	District Counsel—Dallas
	District Counsel—San Francisco
U.S. Arms Control and Disarmament Agency	
Olc of Administration	Administrative Director
Office of Operations Analysis.	Chf, Olc of Operations Analysis
	Dep Chf, Olc of Operations Analysis
Office of the General Counsel.	Assistant General Counsel
Theatre Affairs Division	Chief, Regional Div
	Chief, Theatre Affairs Division
Strategic Affairs Division.	Chf, Strategic Affs Div
Nuclear and Weapons Control Bureau.	Chief, Def Prog & Analysis Div
	Chief, Technology Transfer Group
	Chf, Nuclear Safeguards & Technology Div
	Chief, International Nuclear Affairs Division
Multilateral Affairs Bureau.	Chief, Advanced Technology Div
United States Information Agency	
Bureau of Management	Director, Office of Personnel
	Director, Office of Comptroller
	Dir, Otf Security
	Dep Dir of Admin for Technology
Olc of the Gen Counsel & Cong Liaison.	Dep General Counsel
U.S. International Trade Commission	
Office of Industries	Dir, Olc of Industries
Office of Investigations	Dir, Olc of Investigations
Veterans Administration	
Inspector General	Dep Inspector General
	Assistant Inspector General for Auditing
	Asst Inspector General for Investigation
	Asst Insp Gen for Policy, Plan & Resources
	Executive Asst to Inspector General
	Deputy Asst Inspec General for Investigation
	Dep Asst for Inspec General for Hdqtrs Audits
	Dep Asst Inspec General for Regional Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Board of Veterans Appeals.	Chairman
	Vice Chairman
	Deputy Vice Chairman
	Deputy Vice Chairman
Office of Construction.	Project Director, Northeastern Region
	Project Dir Southern Region
	Project Director—Central Region
	Project Director, Western Region
	Dir Program Control and Analysis
Office of Procurement and Supply.	Asst Dep Admr for Procurement Supply
	Deputy Asst Deputy Admin for Procurement Supl
Office of Reports and Statistics.	Asst Deputy Admin for Reports & Statistics
Office of Data Management and Telecommunications.	Dir, Benefits Delivery Support Svc
	Dir Health Care Delivery Systems Support Svc
	Dir Memorial Affairs and Govt Sys Support Svc
Data Processing Center (DPC) Directors.	Director DDC Austin
Office of Personnel and Labor Relations.	Assoc Asst Admin for Personnel Policy
	Assoc Asst Admin for Personnel Operations
Department of Veterans Benefits.	Director Budget Staff
	Dep Dir Compensation & Pension Service
	Dep Dir Loan Guaranty Svc
Department of Medicine & Surgery.	Dep Dir Adp Sys Management Ofc VA Central Ofc
	Dir Facility Eng Plann & Construction Office
	Director Health Systems Information Svc
	Dep Dir, Mental Health & Behavioral Sciences
	Dir Canteen Service
	Dep Dir, Facility Eng, Plan & Const Ofc
	Dep to Asst Chf Med Dir for Academic Affairs
	Dir, Resources Management Ofc
	Deputy Director, Resource Management Office
Research Positions	Chf Calcium Research Lab
Water Resources Council (Terminated 10/1/82)	
Water Resources Council Staff.	Assistant Director—Policy

[FR Doc. 83-6101 Filed 3-10-83; 8:45 am]

BILLING CODE 6325-01-M

VOL 48 ISS 49 MR 11 1983 UMI

federal register

Friday,
March 11, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Iowa:	
IA83-4049	Oct. 9, 1982.
IA83-4030	June 18, 1982.
IA82-4032	June 18, 1982.
Illinois: IL83-2011	Feb. 18, 1983.
Kansas: KS83-4009	Feb. 4, 1983.
Maryland:	
MD80-3047	Aug. 29, 1980.
MD81-3031	May 15, 1981.
Arkansas: AR82-4006	Feb. 12, 1982.
Massachusetts: MA81-3054	Sept. 4, 1981.
Minnesota:	
MN82-2067	Dec. 10, 1982.
MN82-2064	Nov. 26, 1982.
New Mexico: NM83-4016	Jan. 28, 1982.
New hampshire: NH81-3013	Jan. 30, 1981.
Ohio: OH83-2010	Feb. 11, 1983.
South Dakota:	
SD81-5155	Oct. 2, 1981.
SD81-5151	Sept. 4, 1981.
Rhode Island: RI81-3042	Aug. 15, 1981.
Texas:	
TX82-4024	Aug. 20, 1982.
TX82-4052	Oct. 29, 1982.
West Virginia: WV82-3002	Oct. 29, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida: FL81-1246 (FL83-1012)	June 12, 1981.
Illinois: IL82-2033 (IL83-2017)	May 14, 1982.
Indiana:	
IN79-2059 (IN83-2016)	June 22, 1979.
IN79-2064 (IN83-2019)	Nov. 2, 1979.
Iowa: IA82-4032 (IA83-4022)	June 18, 1982.
Michigan:	
MI82-2012 (MI83-2015)	Feb. 26, 1982.
MI82-2013 (MI83-2018)	March 5, 1982.
North Carolina: NC79-1161 (NC83-1013)	Dec. 14, 1979.
West Virginia: WV82-3003 (WV83-3000)	May 14, 1982.

Signed at Washington, D.C., this 4th Day of March 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

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Modification Page 1

Decision #IA82-4049-Mod.06 (47 FR 44667-10/8/82) Scott Co., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers	$16.08	2.98
Decision #IA82-4030-Mod.14 (47 FR 26537-6/18/82) Black Hawk, Cerro Gordo, Clinton, DesMoines, Dubuque, Johnson, Linn & Polk Cos., Iowa		
CHANGE:		
Laborers:		
Zone 6-Group 1	12.35	1.50
Group 2	12.70	1.50
Zone 8-Group 2	11.975	1.64
Painters:		
Zone 5:		
Brush or roller; paperhanging; tapers	11.50	1.60
High work & steel	12.05	1.60
Sheet metal workers:		
Zones 3 & 4	16.08	2.98
Zone 5	14.33	2.98
DECISION NO. IA82-4032 - MOD. #1 (47 FR 26536 - 6/18/82) Statewide (except Cerro Gordo, Scott & Webster Cos)		
Change Description of Work to Read: Highway Projects (does not include building structures in rest area projects.)		
DECISION NO. IL83-2011 - MOD. #1 (48 FR 7382 - February 18, 1983) Cook County, Illinois		
Omit:		
Ironworkers:		
Metal Fence Erectors:		
Black Book	$16.10	$2.69+c
Red Book	11.59	3.335+c
Footnote: c. $.069 per employee per week		
Add:		
Ironworkers:		
Metal Fence Erectors:		
Black Book	17.10	3.335
Red Book	11.84	3.335

DECISION NO. KS83-4009 MOD. #2 (48 FR 5438 Feb. 4, 1983 Leavenworth Co., Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters	$15.05	$2.07
Elevator Constructors' Helpers	70%JR	a+2.18
Truck Drivers:		
Group 1	14.085	2.75
Group 2	14.135	2.75
Group 3	14.21	2.75
Group 4	14.335	2.75
Group 5	14.235	2.75
Group 6	14.435	2.75
Group 7	14.285	2.75
Group 8	14.185	2.75

DECISION NO. MD80-3047-Mod. #9 (45 FR 57922-August 29,1980) Allegany & Garrett Counties, MD	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	$13.57	2.38
PILEDRIVERMEN	13.94	2.38
CEMENT MASONS	15.32	.85
DECISION NO. MD81-3031-Mod. #6 (45 FR 27051-May 15,1981) ALLEGANY & GARRETT COUNTIES, MD		
CHANGE:		
CARPENTERS	$13.71	2.77
PILEDRIVERMEN	14.11	2.77
MILLWRIGHTS	14.18	2.77
CEMENT MASONS	15.63	.85
PLASTERERS	15.63	.85

DECISION #AR82-4006-Mod.#5 47FR6547-February 12, 1982 Sebastian, Crawford and Washington Counties, Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SEBASTIAN & CRAWFORD COS.		
BRICKLAYERS-STONEMASONS	$14.15	.69
ASBESTOS WORKERS	16.00	2.85

Modification Page 2

DECISION NO. MA81-3054 - MOD. #12 (46 FR 44631 - Sept. 4, 1981) BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH & SUFFOLK COS., MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
MIDDLESEX (Ashland, Hopkinton, Hudson, Marlboro and Stow)	16.00	1.81+ 11%
BRISTOL (Attleboro, N. Attleboro); NORFOLK (Plainville)	15.00	29%+ .04
BRISTOL (Mansfield, Norton, Taunton, Raynham, Rehoboth, Dighton, Berkley) PLYMOUTH (Lakeville, Middleboro)	15.00	2.75+ 4.1%
Residential	11.75	2.75+ 4.1%
NORFOLK (Avon, Holbrook, Randolph, Stoughton); PLYMOUTH (Remainder of County); BRISTOL (Easton) Electrical Contracts over $75,000	19.98	1.00+ 1.75%
Electrical Contracts under $75,000	11.99	1.00+ 1.75%
ESSEX (Andover, Lawrence, Methuen, N. Andover, Salisbury, W. Newbury, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley	14.87	3.65+3%
ESSEX (Remainder of Co.) Contract over $30,000	19.19	2.65+ 3%
Contract $30,000 or less	13.79	2.65+ 3%

DECISION NO. MN82-2067 - MOD. #1 (47 FR 55589 - December 10, 1982) Carlton, Cook, Itasca, Koochiching, Lake, & St. Louis Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Change:		
Sheet Metal Workers:		
Carlton, Cook, Lake, & St. Louis (S 1/3) Cos.	$15.15	$3.41

DECISION NO. MN82-2064 - MOD. #3 (47 FR 53622 - November 26, 1982) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Anoka (Anoka & Fridley Twps. & the cities of Andover, Anoka, Columbia Heights, Coon Rapids, Fridley, Hilltop, Ramsey & Spring Lake Park), Carver, Hennepin, & Scott Counties:		
Commercial Building:		
Electricians	$16.50	$4.41
Cable Splicers	17.00	4.55
Residential Electricians	14.19	2.87
Anoka (Remainder of Co.) & Remaining Counties:		
Commercial Building:		
Electricians	15.73	4.84
Cable Splicers	16.33	4.91
Residential Electricians	13.75	2.61

DECISION #NM83-4016 Mod. #1 48FR4221-January 28, 1983 STATEWIDE, NEW MEXICO	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SHEET METAL WORKERS:		
Zone IIA	$13.80	1.51
Zone IIB	15.30	1.51
Zone IIC	16.05	1.51

DECISION NO. NH81-3013 - MOD. #1 (46 FR 10067 January 30, 1981) Merrimack County, New Hampshire	Basic Hourly Rates	Fringe Benefits
Change:		
BOILERMAKERS	$18.25	4.72
BRICKLAYERS	13.14	1.94
CARPENTERS	12.36	1.80
CEMENT MASONS	13.14	1.94
ELECTRICIANS:		
General contracts $400,00 & over	16.02	3%+ 1.67
General contracts less than $400,000	11.03	3%+ 1.67
IRONWORKERS:		
Structural, Ornamental, and Reinforcing	15.21	3.19
LABORERS	10.11	2.35
PAINTERS	10.65	1.00
PLUMBERS & PIPEFITTERS	15.60	2.10
SHEET METAL WORKERS	14.60	2.33

Decision No. OH83-2010 - MOD. #1 (48 FR 6469 - Feb.11,1983) Adams,Allen,...Wood & Wyandot Counties, Ohio		
Change:		
Footnote:		
e. 9 paid holidays: A thru P, plus Good Friday, Friday after Thanksgiving Day & Christmas Eve		

DECISION NO. SD81-5155 - Mod. #2 (46 FR 48855 - October 2, 1981) Statewide, South Dakota	Basic Hourly Rates	Fringe Benefits
Delete:		
Line Construction:		
Group 1	$14.60	$.45+3%
Group 2	14.55	.45+3%
Group 3	11.68	.45+3%
Group 4	9.72	.45+3%
Group 5	8.93	.45+3%
Add:		
Line Construction:		
Lineman; Cable Splicer	15.30	.65+7%
Lineman Equipment Operator	13.95	.65+7%
Groundman	8.93	.65+7%

DECISION NO. SD81-5151 - Mod. #5 (46 FR 44657 - September 4, 1981) Meade and Pennington Counties, South Dakota		
Change:		
Plumbers; Steamfitters	$11.69	$1.75

DECISION NO. KY81-3042
MOD. NO. 11
(46 FR 42615 - August 15, 1981)
Statewide, KY.

CRAFT	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
Electricians:					
Tiverton & Little Compton	$14.90	7%	3%+1.00	6%	4%
Westerly Tp Twp.	15.80	1.25	3%+3.10		4%
Cement masons:					
Remainder of State	15.60	1.15	.75		
LABORERS: BUILDING CONSTRUCTION Laborers; Carpenter Tenders; Cement Finisher Tenders; Mason Tenders; Scaffold Erectors & Wrecking Laborers	12.40	.95	1.30		.15
Asphalt Rakers; Adzemen; Pipe-Trench Bracers; Demolition Burners; Chain Saw Ops.; Fence & Guard Rail Erectors; Setters of Metal Forms for Roadways; Pipelayers; Riprap & Dry Stonewall Builders; Highway Stone Spreaders	12.65	.95	1.30		.15
Pneumatic Tool Ops.; Wagon Drill Ops.; Tree Trimmers; Barco Type Jumping Tampers; Mechanical Grinder Ops.; Plasterers' Tenders; Scaffold Builders; & Mortar Mixers	12.90	.95	1.30		.15
Pre-cast Floor and Roof Plank Erectors	13.05	.95	1.30		.15
Pumping Machine Operator	13.15	.95	1.30		.15
Air Track Ops.; Block Pavers; Rammers; & Curb Setters	13.40	.95	1.30		.15
Blasters; Powdermen					

DECISION NO. TX82-4042 - MOD. #3 (47 FR 36522 - 8/20/82)	Basic Hourly Rates	Fringe Benefits
Change:		
Footnote:		
e. 9 paid holidays: A thru P, plus Good Friday, Friday after Thanksgiving Day & Christmas Eve		

	Basic Hourly Rates	Fringe Benefits

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DECISION NO. RI81-3042 MOD. NO. 11 CONT'D.	Basic Hourly Rates	Fringe Benefits Payments: N & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS: HEAVY & HIGHWAY Laborers; Carpenter & Cement Finisher Tenders & Wrecking Laborers	12.40	.95	1.30		.15
Adzeman; Asphalt Rakers; Barco-type Jumping Tampers; Chain Saw Ops.; Concrete & Power Buggy Ops.; Concrete Saw Ops.; Demolition Burners; Fence & Guard Rail Erectors; Highway Stone Spreaders; Mason Tenders; Mechanical Grinder Ops.; Mortar Mixers; Pipelayers; Pipe-Trench Bracers; Pneumatic Tool Ops.; Riprap & Dry Stonewall Builders; Scaffold Erectors; Setters of Metal Forms for Roadways; Wagon Drill Ops.; Wood Chipper Ops.	12.65	.95	1.30		.15
Air track drill ops.; Brick Pavers; Block Pavers; Rammers; Curb Setters	13.15	.95	1.30		.15
Blasters & Powdermen	13.40	.95	1.30		.15

Modification Page 6

DECISION NO. TX82-4042 - MOD. #3 (47 FR 36522 - 8/20/82) Bowie County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE: Plumbers & pipefitters: Outside a 25 mile radius of Texarkana	$14.68	1.60

DECISION NO. TX82-4052 - MOD. #1
(47 FR 49213 - 10/29/82)
Statewide Texas

Change Description of Work for following Zones:
ZONE 3-Mills Co. only; ZONE 8-Williamson Co. only; ZONE 9-All Cos.; ZONE 14-Leon, Milam & Robertson Cos. only-Heavy construction (excluding tunnels, dams & work on water or sewage treatment plant or lift/pump stations) and highway projects (does not include building structures in rest area projects)

DECISION NO. WV82-3002 MOD. NO. 2 (47 FR -49220 - October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan, W.Va.	Basic Hourly Rates	Fringe Benefits
CHANGE: Millwrights Zone 3	$13.56	3.64

Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTY: DUVAL
DECISION NO.: FL83-1012 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1246 dated June 12, 1981 in 46 FR 31187.
DESCRIPTION OF WORK: HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
BOILERMAKERS	16.20	$3.315
CARPENTERS	7.00	
CEMENT MASONS	8.91	
ELECTRICIANS	13.30	2.37+3%
IRONWORKERS	12.75	1.78
LABORERS	5.41	
LINE CONSTRUCTION:		
Groundmen	6.30	1.53+3%
Linemen	13.40	3.15+3%
PIPELAYERS	6.00	
PILEDRIVERMEN	11.92	1.68
PLUMBERS & PIPEFITTERS	15.15	1.62
TRUCK DRIVERS	5.41	
WELDERS--Rate for Craft		
POWER EQUIPMENT OPERATORS		
Backhoe	8.14	
Bulldozer	6.00	
Crane	10.02	
Dragline	7.15	
Loader	7.44	
Mechanic	7.05	
Motor Grader	7.00	
Oiler	5.41	
Pump	5.41	
Scraper	6.00	
Piledriver	8.75	
Trenching Machine	6.10	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: *See Below
DECISION NO.: IL83-2017 DATE: Date of Publication
Supersedes Decision No.: IL82-2033, dated May 14, 1982 in 47 FR 20984
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.00	$3.03
BOILERMAKERS	18.40	5.00
BRICKLAYERS; Stonemasons:		
DuPage & Lake Cos.	16.84	2.74
Grundy & Will Cos.	17.08	2.52
Kane, Kendall & McHenry Cos.	16.84	2.71
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:		
DuPage & Lake Cos.	16.50	3.38
Grundy & Will Cos.:		
Commercial Building	18.78	3.15
Kane, Kendall & McHenry Cos.	16.00	2.24
CEMENT MASONS:		
DuPage Co.	15.40	2.92
Grundy & Will Cos.	17.31	3.35
Kane (S. Part) & Kendall Cos.	16.80	3.31
Kane (N. Part) & McHenry Cos.	18.05	2.06
Lake Co.	16.20	3.90
ELECTRICIANS:		
DuPage Co.	17.78	4.80
Grundy & Will Cos.:		
Commercial Building:		
Electricians	17.68	3.09
Cable Splicers	18.08	3.10
Residential	13.20	2.18
Kane (N ½) & McHenry Cos.	18.35	3.58
Kane (S ½) & Kendall Cos.	17.95	3.50
Lake Co.	17.71	4.07
ELEVATOR CONSTRUCTORS:		
DuPage, Lake & Will Cos.:		
Mechanics	17.36	2.33+a+b
Helpers	70%JR	2.33+a+b
Helpers (Prob.)	50%JR	
GLAZIERS:		
DuPage, Kane, Kendall (Eastern part), Lake & Will Cos.	13.70	2.27
Grundy & Kendall (Western part) Cos.	14.41	.90+c
McHenry Co.	10.93	1.49
IRONWORKERS:		
DuPage (Argonne & Vic.), Grundy, Kendall (S. part), & Will Cos.	$16.09	$3.535
DuPage (Rem. of Co.), Kane, Kendall (N. part), & McHenry (SE ¼) Cos.	19.75	1.705
Lake & McHenry (Hebron, Woodstock & E. thereof) Cos.:		
Reinforcing & Structural	17.68	4.83
Ornamental	17.10	3.335
Metal Fence Erectors:		
Black Book	17.10	3.335
Red Book	11.84	3.335
McHenry (NW ¼) Co.	17.00	4.375
LATHERS:		
DuPage & Lake Cos.	13.82	1.29
LINE CONSTRUCTION:		
DuPage, Kane, Kendall, Lake & McHenry Cos.:		
Linemen; Digger Op. & Crane Op. (15 ton & above)	17.05	2.61+d
Equipment Op.; Semi Truck Drivers	14.48	2.32+d
Groundman Truck Drivers	11.54	1.98+d
Groundmen	11.16	1.93+d
Grundy & Will Cos.:		
Linemen; Equipment Ops.	17.03	3.79
Groundmen	12.10	2.69
MARBLE SETTERS:		
DuPage, Lake & Will Cos.	17.66	2.15
MARBLE SETTERS' FINISHERS:		
DuPage & Lake Cos.	13.20	2.15
PAINTERS:		
DuPage, Kane, Kendall & McHenry Cos.:		
Brush; Drywall Tapers & Finishers; Sandblasters; & Spray	13.55	1.91
Grundy & Will Cos.:		
Brush; Drywall Taping; Paperhanging; & Sign Spray	14.55	2.10
	15.30	2.10
Lake Co.:		
Brush; Decorators; Paperhangers; & Tapers	14.50	1.87

	Basic	Fringe
PILEDRIVERMEN; Dock Builders; Foundation Men	$16.09	$3.535
PLASTERERS	17.10	3.335
PLUMBERS & PIPEFITTERS	17.68	4.83
ROOFERS	13.82	1.29
SHEETMETAL WORKERS	17.68	4.83
SPRINKLER FITTERS	17.68	4.83
STEAMFITTERS	17.68	4.83
TERRAZZO FINISHERS	13.20	2.15
TERRAZZO WORKERS	17.66	2.15
TILE SETTERS	17.66	2.15
TILE FINISHERS	13.20	2.15
TRUCK DRIVERS:		
DuPage, Kane, Kendall & McHenry Cos.:		
Dump Trucks	14.48	2.32+d
Mechanics; Trailer Trucks	14.48	2.32+d
Oilers	11.54	1.98+d
Grundy & Will Cos.:		
Dump Trucks	14.48	2.32+d
Mechanics; Trailer Trucks	14.48	2.32+d
Oilers	11.16	1.93+d
Lake Co.:		
Dump Trucks	14.48	2.32+d
Mechanics; Trailer Trucks	14.48	2.32+d
Oilers	11.54	1.98+d

LABORERS CLASSIFICATIONS:

	Basic	Fringe
DuPage, Kane, Kendall, Lake & McHenry Cos.:		
Group 1	11.16	1.93+d
Group 2	11.54	1.98+d
Group 3	11.84	2.03+d
Group 4	12.10	2.07+d
Group 5	12.48	2.13+d
Grundy & Will Cos.:		
Group 1	12.10	2.69
Group 2	12.48	2.75
Group 3	12.78	2.80
Group 4	13.04	2.84
Group 5	13.42	2.90
Lake Co.:		
Group 1	11.54	1.98+d
Group 2	11.84	2.03+d
Group 3	12.10	2.07+d
Group 4	12.48	2.13+d
Group 5	12.78	2.18+d

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	Basic Hourly Rates	Fringe Benefits
PLASTERERS:		
DuPage Co.	$16.46	$2.60
Grundy & Will Cos.	14.395	2.14
Kane (S. part) & Kendall Cos.	16.80	3.31
Kane (N. part) & McHenry Cos.	18.05	2.06
Lake Co.	15.12	3.90
PLUMBERS; Pipefitters; & Steamfitters:		
DuPage (Naperville & S.) Co.	16.88	3.17
DuPage (Exclu. Naperville & S), Grundy (W. of Rt. 47), Lake, McHenry, & Will (Except city limits of Joliet) Cos.:		
Pipefitters & Steamfitters	18.00	3.00
DuPage (Exclu. Naperville & S. Co.: Plumbers	17.30	2.75
Grundy (W. of Rt. 47) Co.: Plumbers	17.72	1.50
Grundy (E. of Rt. 47) & Will (Joliet & Vic.) Cos.	18.00	3.00
Kane (Elgin & Vic.) Co.	17.05	2.99
Kane (Aurora & Vic.) & Kendall (Exclu. Yorkville) Cos.	17.31	2.74
Kendall (Yorkville) Co.	17.72	1.50
Lake Co.:		
Plumbers	15.80	3.95
Pipefitters; Steamfitters	18.00	3.00
Will (Except city limits of Joliet) Co.: Plumbers	17.05	2.97
ROOFERS:		
DuPage & Lake Cos.	16.30	2.85
Grundy & Will Cos.	18.85	2.51
Kane, Kendall & McHenry (S. part inclu. cities of McHenry Woodstock, & Crystal Lake) Cos.	16.63	2.65
McHenry (Rem. of Co.) Co.	16.97	1.68
SHEET METAL WORKERS:		
DuPage Co.	16.97	2.51
Grundy & Will Cos.	17.76	3.23
Kane, Kendall & McHenry Cos.	15.75	4.01
Lake Co.:		
Commercial Building	16.15	3.04
Residential Aluminum Gutter Work	8.00	3.04
SPRINKLER FITTERS:		
DuPage & Lake (Within 30 mi. radius of Chicago City Hall) Cos.	17.38	3.43
Grundy, Kane, Kendall, Lake (Rem. of Co.), McHenry & Will Cos.	16.67	2.83
TERRAZZO WORKERS; Tile Setters DuPage, Grundy, Lake, & Will Cos.	$15.66	$2.77
TILE SETTERS' FINISHERS: DuPage, Lake & Will Cos.	13.83	2.23
TRUCK DRIVERS:		
2-3 Axles	12.25	$1.00+a
4 Axles	12.40	$1.00+a
5 Axles	12.40	$1.00+a
6 Axles	12.80	$1.00+a
LANDSCAPE WORK: DuPage, Kane, Lake, McHenry & Will Cos.:		
Plantsmen	8.18	f&g
Truck Driver - Tractor Trailer (3 axle or more) & Equipment Operator	8.66	f&g
Truck Driver - 2 Axle	8.24	f&g
LABORERS:		
Group 1	13.65	2.17
Group 2	13.725	2.17
Group 3	13.75	2.17
Group 4	13.80	2.17
Group 5	13.85	2.17
Group 6	13.875	2.17
Group 7	13.975	2.17
Group 8	14.00	2.17
Group 9	14.10	2.17
Group 10	14.225	2.17
POWER EQUIPMENT OPERATORS:		
Class 1	17.10	4.50
Class 2	15.85	4.50
Class 3	14.20	4.50
Class 4	13.40	4.50

LABORERS CLASSIFICATIONS:
Group 1 - Construction; Plasterers' Tenders; & Pumps for Dewatering & other Power Equipment
Group 2 - Cement Gun
Group 3 - Chimney over 40 ft.; Scaffold
Group 4 - Cement Gun Nozzle (Gunite)
Group 5 - Stone Derrickmen & Handlers
Group 6 - Jackhammerman; & Power Driven Concrete Saws & Other Power Equipment
Group 7 - Firebrick & Boiler Setters
Group 8 - Chimney on Fire Brick; Caisson Diggers; & Well Point System Men
Group 9 - Boiler Setter Plastic
Group 10 - Jackhammerman on Fire Brick

POWER EQUIPMENT OPERATORS CLASSIFICATIONS:

Class 1: Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Bemoto (requires 2 Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front EndLoader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver 27S cu. ft.; Concrete Placer; Concrete Towar; Cranes (all); Cranes, Hammerhead; Derricks (all); Derricks, traveling; Grader; Elevating Grouting Machines; Highlift Shovels or Front Endloader 2¼ yd. and over; Hoists, 1, 2 and 3 drum; Hoists, 2 tuggers one floor; Hydraulic Boom Trucks; Locomotives (all); Motor Patrol; Piledrivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes: Squeeze Cretes, Screw Type Pumps; Gypsum Hulker and Pump; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops, tractor drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor w/boom and side boom; Trenching Machines

Class 2: Boilers, Bulldozers, Broom, all power propelled; Concrete Mixer (2 bag and over); Conveyor, portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2¼ yd.; Hoists, automatic; Hoists, all elevators; Hoists, Tugger, single drum; Rollers (all); Steam Generators; Stone Crushers; Tractors (all); Winch Trucks with "A" Frame

Class 3: Air Compressor, small 125 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor, large over 125 combination, small equipment Operator; Generators, small 50KW and under; Generators, large over 50 KW; Heaters, mechanical; Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, well points; Welding Machines (2 through 5); Winches, 4 small electric drill; Winches

Class 4: Oilers

SUPERSEDEAS DECISION

STATE: Indiana

COUNTIES: Lake, LaPorte, Porter and St. Joseph

DECISION NO. IN83-2016

DATE: Date of Publication

Supersedes Decision No. IN79-2059 dated June 22, 1979 in 44 FR 36677

Description of Work: Building Construction Projects (Does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Lake and Porter Cos.	$18.00	2.976
LaPorte and St. Joseph Cos.	16.96	2.696
BOILERMAKERS	18.83	3.405
BRICKLAYERS:		
Lake, LaPorte & Porter Counties	17.05	2.75
St. Joseph County	15.72	2.77
CARPENTERS:		
Lake, LaPorte and Porter Counties	17.90	2.77
St. Joseph County	16.15	2.43
CARPENTERS (Heavy & Highway Construction)	14.11	2.35
CEMENT MASONS:		
Building Construction:		
Lake County (Hammond Area)	17.37	2.93
Remainder of Lake & Porter Counties	17.36	2.92
St. Joseph County	16.13	2.09
Heavy & Highway Const.:		
St. Joseph County	14.21	3.54
Highway, Bridge and Airport Construction:		
Lake Co. (Hammond & vicinity)	14.68	2.03
Lake Co. (Gary & vicinity) and Porter Co. (Western half including Valparaiso and Charleston)	15.96	2.53
LaPorte Co. & Porter Co. (Eastern 1/2)	18.00	2.16
ELECTRICIANS:		
Lake County	17.55	2.24
St. Joseph County	17.40	14 1/2%
LaPorte & Porter Cos.	17.85	12 1/2%
GLAZIERS:		
Lake, LaPorte and Porter Counties	15.55	1.65
St. Joseph County	16.30	2.57
IRONWORKERS:		
St. Joseph Co. and Part of LaPorte County	15.40	4.56
Lake, LaPorte (Michigan city), & Porter Cos.	17.80	3.87
PAINTERS:		
Residential & Commercial:		
Northern Lake & Porter Cos.	14.85	2.27
Southern Lake & Porter Cos.	14.70	2.39
St. Joseph County	12.64	1.95
PLASTERERS:		
Lake & LaPorte Cos.	15.35	2.93
St. Joseph Co.	15.89	
PLUMBERS:		
Lake & LaPorte Cos. & St. Joseph Co.	15.93	2.45
Lake Co. (Western Part)	16.05	3.05
Lake Co. (Eastern Part)	16.73	3.61
ROOFERS:		
Composition (St. Joseph Co.)	14.60	2.03
Slate (St. Joseph Co.)	15.10	2.03
Lake Co.	16.91	2.38
SHEET METAL WORKERS:		
Lake County	17.15	2.96
St. Joseph Co.	16.16	2.16
SPRINKLER FITTERS	16.67	2.73
LABORERS:		
AREA I:		
Group I	13.23	1.89
Group II	13.43	1.89
Group III	13.53	1.89
Group IV	14.53	1.89
Group V:		
A.	13.43	1.89
B.	13.305	1.89
C.	13.53	1.89
D.	13.505	1.89

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PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day After Thanksgiving Day; & G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for less than 5 years
b. 7 Paid Holidays: A through G
c. 7 Paid Holidays: A through G
d. 4 Paid Holidays: B, C, D, & E
e. Per Week Per Employee
f. 6 Paid Holidays: A, B, C, D, E & G
g. 1 year's service - 1 week's paid vacation; 3 or more years - 2 weeks' paid vacation

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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	Basic Hourly Rates	Fringe Benefits
LABORERS (Cont'd):		
AREA II:		
Group I	13.23	1.89
Group II	13.43	1.89
Group III	13.53	1.89
Group IV	14.53	1.89
Group V:		
A.	13.43	1.89
B.	13.305	1.89
C.	13.53	1.89
D.	13.505	1.89
LATHERS	17.90	2.77
MILLWRIGHTS	16.15	2.43
OPERATING ENGINEERS:		
Building Construction:		
Lake County	17.37	2.93
Remainder of Lake & Porter Counties	17.36	2.92
St. Joseph County	16.13	2.09
Heavy & Highway Const.:		
St. Joseph County	14.21	3.54
Highway, Bridge and Airport Construction:		
Lake Co. (Hammond & vicinity)	14.68	2.03
Lake Co. (Gary & vicinity) and Porter Co. (Western half including Valparaiso and Charleston)	15.96	2.53
LaPorte Co. & Porter Co. (Eastern 1/2)	18.00	2.16
PAINTERS:		
Residential & Commercial:		
Northern Lake & Porter Cos.	14.85	2.27
Southern Lake & Porter Cos.	14.70	2.39
St. Joseph County	12.64	1.95
PILEDRIVERMEN	17.90	2.77
PLASTERERS:		
Lake & LaPorte Cos.	15.35	2.93
St. Joseph Co.	15.89	
PLUMBERS:		
Lake & LaPorte Cos. & St. Joseph Co.	15.93	2.45
Lake Co. (Western Part)	16.05	3.05
Lake Co. (Eastern Part)	16.73	3.61
ROOFERS:		
Composition (St. Joseph Co.)	14.60	2.03
Slate (St. Joseph Co.)	15.10	2.03
Lake Co.	16.91	2.38
SHEET METAL WORKERS:		
Lake County	17.15	2.96
St. Joseph Co.	16.16	2.16
SPRINKLER FITTERS	16.67	2.73
TILE SETTERS	17.90	2.77
TRUCK DRIVERS:		
Lake, LaPorte & Porter Counties	17.05	2.75
St. Joseph County	15.72	2.77

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	Basic Hourly Rates	Fringe Benefits
WELDERS:		
Lake, LaPorte and Porter Counties	17.90	2.77
St. Joseph County	16.15	2.43

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits
AREA IA:		
Group I	12.98	1.89
Group II	13.18	1.89
Group III	13.28	1.89
Group IV	14.28	1.89
Group V:		
A.	13.18	1.89
B.	13.055	1.89
C.	13.28	1.89
D.	13.255	1.89
AREA IB:		
Group I	11.73	1.89
Group II	11.93	1.89
Group III	12.23	1.89
Group IV	13.23	1.89
POWER EQUIPMENT OPERATORS		
CLASS I	16.40	3.95
CLASS II	15.50	3.95
CLASS III	15.05	3.95
CLASS IV	14.25	3.95
CLASS V	13.45	3.95

CLASSIFICATION DEFINITIONS

LABORERS:

AREA I: Lake County; Porter County (North of U. S. Highway NO. 20)
AREA IA: Porter county (South of U. S. Highway No. 20); LaPorte County
AREA IB: St. Joseph County

GROUP I - Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers Cleaners; Waterboys & Toolhousemen; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Mason Tenders for Area I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 Inches

GROUP II - Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators; Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III - Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV - Dynamite Men

GROUP V:
A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)
B. Boiler Setter Laborers (Fire Brick)
C. Boiler Setters Laborers (Mortar Mixers)
D. Expeditor; Bottom Man & Bell Man

DECISION NO. IN83-2016

POWER EQUIPMENT OPERATORS:

CLASS I - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two Engineers); Boiler and Throttle Valve; Boring Machine (Road); Caisson Rigs; Central Redi-Mix Plant; Concrete Conveyor Systems; Concrete Power over 27 cu. ft. and under; Concrete Placer; Concrete Pumps (truck mounted) ; Concrete Tower; Cranes, All Cranes, Hammerhead; Crater Cranes ; Derricks, All; Forklift capable of hoisting and mechanically moving forks horizontally; Grader, Elevating; Highlift Shovels or Front End Loader; Hoists, Two or more Drums; Locomotives, All; Motor Patrol; Pile Drivers and skid Rig; Pre-stress Machine; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops - Tractor Drawn; Slip Form Paver; Tournapull; Tractor with Boom, and side boom; Trenching Machines 12 or more inches in width

CLASS II - Combination Backhoe Front end Loader Machine with Backhoe bucket or with attachments

CLASS III - Air Compressor 600 cu. ft. and over; Bobcat (over ¼ cu. yd.) Boilers; Broom, All Power Propelled; Bulldozers; Compressors and Throttle Valve; Concrete Breaker (truck mounted) Concrete Mixer or more than 21 cu. ft. capacity; Forklift with a fixed or tilt mast; Greaser Egineer; Hoists, one drum; Hydraulic Boom Trucks; Post Hole Digger (vehicle mounted) Pump Cretes; Squeeze Cretes Screw Type Pumps; Gypsum Bulker and Pump; Rollers, All Steam Generators; Stone Crusbers; Straddle Buggies; Tractors; Winch Trucks with "A" Frame

CLASS IV - Buck Hoist; Combination - Small Equipment Operator; Conveyor, Portable Grouting Machines; Hoist Elevators Mat'l. & Personnel; Hydraulic Power Units Grouting and Pile Driving; Stud Welder; Trenching Machines less than 12 inches in width; Wlders Machines through 15

CLASS V - Bobcat (up to and including 3/4 cu. yd.) Compressor over 210 cu. ft. and less than 600 cu. ft.; Generators - over 50kw, Heaters, Mechanical; Hoists, All elevators (perm. installation); Hoist, Automatic; Hoist, Tugger Single Drum Oilers; Pumps, Well Points and Electric Submersibles Small Rubber Tired End Loaders ¾ cu. yd. and under; Tractors, Farm type Welding Machines (2 through 6)

SUPERSEDEAS DECISION

STATE: Indiana — COUNTIES: Montgomery and Tippecanoe

DECISION NO.: IN83-2019 — DATE: Date of Publication

Supersedes Decision No.: IN79-2084, dated November 2, 1979 in 44 FR 63442

DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pension	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 7.75				
BRICKLAYERS	9.12				
CARPENTERS	7.16				
CEMENT MASONS	7.60				
DRYWALL FINISHERS/TAPERS	10.00				
DRYWALL HANGERS	8.00				
ELECTRICIANS	6.67				
HEATING MECHANICS	7.75				
INSULATORS	7.90				
LABORERS	4.92				
PAINTERS	6.59				
PLUMBERS	7.44				
ROOFERS	8.37				
SHEET METAL WORKERS	9.16				
SOFT FLOOR LAYERS/CARPET LAYERS	6.88				
TRUCK DRIVER					
FLAT BED TRI AXLE	6.85				
POWER EQUIPMENT OPERATORS					
BACKHOE OPERATOR	8.44				
CONCRETE PUMP OPERATOR	8.50				
GRADER OPERATOR	10.30				
PAVER OPERATOR	10.03				
ROLLER OPERATOR	7.62				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: IOWA — COUNTIES: Statewide (except Cerro Gordo, Scott & Webster Cos.)

DECISION NO. IA83-4022 — DATE: Date of Publication

DECISION NO. IA83-4022 ZONE DEFINITIONS Page 2

ZONE 1 - City of Council Bluffs
ZONE 2 - Black Hawk, Linn & Polk Cos.; Cities of Ames, Dubuque & Iowa City

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SUPERSEDEAS DECISION

STATE: IOWA

COUNTIES: Statewide (except Carro Gordo, Scott & Webster Cos.)

DECISION NO: IA83-4022

DATE: Date of Publication

Supersedes Decision No. IA82-4032, dated 6/18/82, in 47 FR 26536

DESCRIPTION OF WORK: Heavy Projects (does not include work on or pertaining to the Mississippi or Missouri Rivers or on water & sewage treatment plants in Black Hawk, Clinton, Des Moines, Dubuque, Johnson, Linn, Polk & Pottawattamie Cos.)

	Basic Hourly Rates	Fringe Benefits
CARPENTERS, PILEDRIVERMEN & MILLWRIGHTS:		
ZONE 1	$10.71	$1.65
ZONES 2 & 3	11.12	1.40
ZONE 4	8.78	.90
ZONE 5	8.53	
ZONES 6 & 7	7.92	
ZONE 8	7.66	
CEMENT MASONS:		
ZONE 1	10.30	1.27
ZONES 2 & 3	11.12	1.40
ZONE 4	8.78	.90
ZONE 5	8.53	
ZONE 6	7.92	
ZONE 7	7.78	
ZONE 8	7.66	
LABORERS:		
ZONE 1 - Group 1	9.64	1.55
Group 2	9.76	1.55
Group 3	9.87	1.55
Group 4	9.93	1.55
Group 5	9.99	1.55
Group 6	10.22	1.55
Group 7	10.37	1.55
ZONES 2 & 3 - Group 1	9.91	1.22
Group 2	9.61	1.22
Group 3	9.41	1.22
ZONE 4 - Group 1	7.00	.95
Group 2	6.70	.95
Group 3	6.50	.95
ZONE 5 - Group 1	7.00	.82
Group 2	6.35	.40
Group 3	5.90	.40
ZONES 6, 7 & 8 - Group 1	6.05	.95
Group 2	5.75	.95
Group 3	5.55	.95
POWER EQUIPMENT OPERATORS:		
ZONE 1 - Group 1	11.66	1.90
Group 2	11.16	1.90
Group 3	10.56	1.90
ZONE 2 - Group 1	12.05	2.12
Group 2	11.25	2.12
Group 3	10.56	2.12
ZONE 3 - Group 1	11.40	2.13
Group 2	9.79	2.13
Group 3	8.94	2.13
ZONE 4 - Group 1	9.64	1.10
Group 2	9.64	1.10
Group 3	9.25	1.10
Group 4	8.84	1.10

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd):		
ZONE 5 - Group 1	$ 9.03	$ .70
Group 2	8.54	.70
Group 3	8.11	.70
Group 4	7.31	.70
ZONE 6 - Group 1	8.35	.70
Group 2	7.93	.70
Group 3	7.31	.70
Group 4	6.57	.70
ZONE 7 - Group 1	7.95	.70
Group 2	7.52	.70
Group 3	6.90	.70
Group 4	6.16	.70
ZONE 8 - Group 1	7.69	.70
Group 2	7.25	.70
Group 3	6.64	.70
Group 4	5.90	.70
TRUCK DRIVERS:		
ZONE 1:		
Single axle	7.73	1.00
Tandem axle; euclids; power lift form truck	7.79	1.00
Three axle tandem	7.84	1.00
Lowboys; tractor trailers; water pulls	7.92	1.00
Tandem dump with aux. dump trailer	7.97	1.00
Lumber carrier	8.09	1.00
ZONES 2 & 3	10.43	.87
ZONE 4	8.35	.65
ZONE 5	7.02	.35
ZONE 6	6.15	.35
ZONE 7	6.27	.30
ZONE 8	6.00	.30
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. IA83-4022 ZONE DEFINITIONS Page 2

ZONE 1 - City of Council Bluffs

ZONE 2 - Black Hawk, Linn & Polk Cos.; Cities of Ames, Dubuque & Iowa City

ZONE 3 - Cities of Burlington (including Burlington Ordnance Plant) & Clinton

ZONE 4 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek Townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities)

ZONE 5 - Des Moines, Louisa & Muscatine (excluding Cities of Burlington (incl. Burlington Ordnance Plant), Muscatine & abutting municipalities)

ZONE 6 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)

ZONE 7 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek Townships)

ZONE 8 - Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

Group 1 - Common Laborer

Group 2 - Towboat & dredge deckhands

Group 3 - Form setter tender

Group 4 - Pipelayer; concrete saw operator

Group 5 - Chain saw op.; raker and screedman on asphalt; mortar mixer

Group 6 - Tunnelers, free air

Group 7 - Form setter & precast manhole setter; inlet builders & manhole setter

LABORERS - ZONES 2 thru 8

Group 1 - Sandblasters; Powderman & blaster; Powderman tender; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility topman & laser op.; Gunnite nozzleman; Diamond & core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, tag line or block & tackle, Drill ops. of air tracs, wagon drills & similar drillings; Tree climber Form setters; Rakers, Automatic asphalt & concrete power curbing machines; Potmen, not mechanical; Timbermen; Underpinning & shoring; Caissons over 12' depth; Grade checker & cutting torches on demolition work; Trencher; Self-propelled vibrating compactors; Safety boat ops.

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS - ZONES 2 thru 8 (Cont'd)
Group 2 - Power buggyman;Concrete & paving sawmen;Form Line,Expansion joint assembler;Bottom man;Caulker,jointer & painter;Timber & chair-sawman;Mechanical grouters;Stresser or stretcherman on post tension or prestressed concrete on or off the job;Form tamper;Air,Gas,Electric tool ops.;Vibrator,barco hammer,paving breakers,spaders,tampers, electric drills,hammer & jack hammers;Tree Groundman;Chain Tender; Tool room man & checkers;Sandblaster tender;Concrete processing material & monitors;Cement finisher tenders;Stringman or paving work & power broom op. (not self-propelled)
Group 3 - Fence erectors;Handling & placing of metal mesh,dowel bars, reinforcing bars & chairs; Dumpman & spotters;Carrying Reinforcing rods;Corrugated culvert pipe;Stake Chaser,seeding & mulching & planting of trees, shrubs & flowers;Mechanic tenders;Group Greaser tender;Water pumps·Compressors;Common Labor;Carpenter tender & hot asphalt labor

POWER EQUIPMENT OPERATORS - ZONES 1,2 & 3
Group 1 - Power Shovel,Crane,Backhoe & Dragline;Central Mix Plant;Dredge Engineer;Dredge Leverman;Paver or Spreader;Hoisting Engineer (steel erection);Motor Patrol;Piledriver Machine;Concrete Mixer;Tow or Push Boat;Master mechanic;CMI paver;CMI subgrader(or equivalent);Asphalt Plant;Front Endloader;Scraper;Bulldozer;Push Cat;Tractor Pulling Scraper;Sideboom Tractor;Churn or Rotary Drill;Trenching Machine (Cleveland 80 or similar capacity);Asphalt Laydown;Asphalt Screed; Asphalt Heater-Planer Unit;Asphalt Roller;Self-propelled Elevating Grader or similar machine;Spreader (concrete);Horizontal Boring Machine;Mechanics-Welders;Group Equip. Greaser;Concrete Pump;Self-propelled Curb Machine
Group 2- Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene,Haiss Loader or similar machine;Tractor-pulling ripper,disc, sheepsfoot or flat roller;Self-propelled Sheepsfoot Roller; Self-propelled Roller(other than asphalt);Distributor;Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine (other than above);Steel Placing Machine;Conveyor;Finishing Machine (on concrete);Flexplane;Bullfloat;Form Grader;Water Wagon on Compaction
Group 3 - Boiler;Mechanical Broom;Oiler;Farm-type Tractor(pulling disc, harrow or Roller);Welding Machine;Pump(other than dredge);Boom & Winch Truck;Compressor;Tank Car Heater(combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler;Concrete Curbing Machine;Safety Boat;Batch Plant,dry; Light Plants;Compressors;Mechanical Heaters;Pumps;Welding Machines; Conveyors

POWER EQUIPMENT OPERATORS - ZONES 4,5,6,7 & 8
Group 1 - Power Shovel;Crane;Backhoe(3/4 cu. yd. or larger);Dragline; Dredge Engineer & Leverman;Hoisting Engineer(steel erection);Motor Patrol (finish); Piledriver;Master Mechanic;Sideboom Tractor;Horizontal Boring Machine
Group 2 - Central Mix Plant;Paver or Self-propelled Spreader;Tow or Push Boat; CMI Paver,Subgrader or equivalent;Asphalt Plant;Scraper(over 12 cu. yd.);Bulldozer(finish);Push Cat;Mechanics-Welders;Churn or Rotary Drill;Trenching Machine(Cleveland 80 or similar capacity)·Asphalt Laydown;Asphalt Screed;Asphalt Heater-Planer;Concrete Pump;Self-propelled Curb Machine

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS - ZONES 4,5,6,7 & 8 (Cont'd)
Group 3 - Motor Patrol(rough);Front End Loader (3 cu. yd. or over); Scraper (12 cu. yd. & under);Bulldozer(rough);Backhoe(under 3/4 cu. yd.);Asphalt Roller;Group Equip, Greaser;Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene, Haiss Loader or similar machine;Crawler Tractor(pulling disc, sheepsfoot,ripper or flat roller);Self-propelled Sheepsfoot Roller; Self-propelled Roller;Distributor;Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine(other than above); Steel Placing Machine;Conveyor;Finishing Machine(on concrete);Flex Plane;Bullfloat;Form Grader
Group 4 - Boiler;Mechanical;Boom;Oiler;Farm-type Tractor(pulling disc, harrow or roller);Welding Machine;Pump(other than dredge);Boom & Winch Trucks;Compressor;Tank Car Heater(combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler;Concrete Curbing Machine;Safety Boat;Batch Plant, dry;Spreader attachments;Utility Tractor with attachments

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SUPERSEDEAS DECISION

STATE: MICHIGAN DECISION NUMBER: MI83-2015
COUNTIES: ALLEGAN, BARRY, BERRIEN, BRANCH, CALHOUN, CASS, CLINTON, EATON, HILLSDALE, INGHAM,

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SUPERSEDEAS DECISION

STATE: MICHIGAN

DECISION NUMBER: MI83-2015

COUNTIES: ALLEGAN, BARRY, BERRIEN, BRANCH, CALHOUN, CASS, CLINTON, EATON, HILLSDALE, INGHAM, IONIA, JACKSON, KALAMAZOO, LENAWEE, ST. JOSEPH, & VAN BUREN.

Supersedes Decision Number MI82-2012, dated February 26, 1982, in 47 FR 8506.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartment up to and including four stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airport, Sewer & Water Lines Projects).

DATE: DATE OF PUBLICATION.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Berrien & Cass Counties	$16.96	2.57
Lenawee (E. 1/3) County	16.85	2.42
Remainder of Counties	15.93	4.00
BOILERMAKERS:		
Hillsdale & Lenawee Counties	19.15	3.155
Remainder of Counties	18.54	3.35
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS:		
Branch & Hillsdale Counties	13.80	2.38
Lenawee County:		
Bricklayers & Stone masons	15.21	1.83
Allegan (Northern Tier Twps.), Barry (Northern Tier Twps.), & Ionia (W. 1/2) Counties:		
Bricklayers & Stone masons	13.55	1.14
Marble, Tile, Terrazzo Wkrs.	12.51	1.10
Allegan (SE. 2/3), Barry (SW. 1/2), Kalamazoo, St. Joseph, & Van Buren (E. 1/2) Counties:		
Bricklayers & Stone masons	13.76	2.39
Marble, Tile, Terrazzo Wkrs.	13.02	1.35
Allegan (Remainder of County), Berrien, Cass, & Van Buren (Remainder of County) Counties:		
Bricklayers & Stone masons	13.35	2.50
Barry (Remainder of County), Calhoun, & Eaton (SW. Corner) Counties	14.10	2.35
Ingham (Southern Tier Twps.) & Jackson Counties:		
Bricklayers, Stone & Marble masons	15.50	2.18
Tile & Terrazzo Workers	13.94	2.19
Clinton, Eaton (Remainder of County), Ingham (Remainder of County), & Ionia (Remainder of County) Counties:		
Bricklayers & Stone masons	15.19	1.30
Marble, Tile, Terrazzo Wkrs.	14.03	1.10
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Jackson & Lenawee Counties	14.77	2.15
Berrien (Twps. of Chickaming, New Buffalo, & Three Oaks) County:		
Carpenters & Piledrivermen	17.10	3.57

	Basic Hourly Rates	Fringe Benefit
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS (Cont'd.):		
Clinton, Eaton (Except the Twps. of Bellevue, Walton, Kalamo, & Vermontville), Ingham, & Ionia (SE. Corner) Counties:		
Carpenters & Piledrivermen	$14.77	2.15
Soft floor layers	13.69	2.11
Remainder of Counties:		
Carpenters	13.94	2.20
Piledrivermen	14.29	2.20
Soft floor layers	11.59	2.20
CEMENT MASONS & PLASTERERS:		
Branch & Hillsdale Counties	13.80	2.38
Lenawee County:		
Cement masons	14.47	1.83
Plasterers	14.12	1.83
St. Joseph County:		
Cement masons	12.87	2.39
Plasterers	12.87	2.39
Ionia County:		
Cement masons	12.07	1.92
Plasterers	13.54	1.93
Allegan (W. 1/2), Berrien, Cass, & Van Buren (W. 1/2) Counties:		
Cement masons	12.38	2.50
Plasterers	12.75	2.50
Remainder of Counties:		
Cement masons	13.05	1.92
Plasterers	13.54	1.93
ELECTRICIANS:		
Berrien & Cass Counties	17.55	14.3%
Hillsdale & Lenawee Counties	19.50	3.3%+1.80
Ionia (Except SE. Corner) Co.	12.00	3%+1.36
Clinton, Eaton (Except the Twps. of Sunfield, Vermontville, Kalamo, Bellevue, Eaton, & Brookfield), Ingham (Except the Twps. of Leslie, Onondaga, Stockbridge, & Bunker Hill), & Ionia (Remainder of Co.) Counties	17.27	3.3%+2.35
Ingham (Remainder of Co.) & Jackson Counties	18.19	3%+2.24
Barry (E. 1/2), Branch, Calhoun & Eaton (Remainder of Co.) Counties	16.66	3.3%+1.00
Remainder of Counties	15.96	10%+1.00

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Ionia County:		
Mechanics	$14.25	2.69+a
Helpers	9.975	2.69+a
Probationary helpers	7.125	
Clinton County:		
Mechanics	16.37	2.69+a
Helpers	11.46	2.69+a
Probationary helpers	8.185	
Eaton, Hillsdale, Ingham, & Jackson Counties:		
Mechanics	16.60	2.465+a
Helpers	11.62	2.465+a
Probationary helpers	8.30	
Lenawee County:		
Mechanics	17.37	2.69+a
Helpers	70%JR.	2.69+a
Probationary helpers	50%JR.	
Remainder of Counties:		
Mechanics	15.98	2.465+a
Helpers	11.19	2.465+a
Probationary helpers	7.99	
GLAZIERS:		
Allegan (N.1/2), Barry(N.1/2), & Ionia Counties	11.60	1.25
Allegan (S.1/2), Barry (S.1/2), Branch, Calhoun, Kalamazoo, St. Joseph, & Van Buren Cos.	14.23	
Berrien & Cass Counties	13.42	16%
Lenawee County	14.69	2.72+b
Remainder of Counties	13.14	2.31
IRONWORKERS:		
Berrien & Cass Counties	15.40	4.56
Lenawee County	17.75	3.44
Clinton, Ingham, & Jackson Counties:		
Ornamental & Structural	15.26	47%+.09
Reinforcing	13.53	7.52+.61b
Remainder of Counties	15.12	2.91
LATHERS:		
Lenawee (E.1/2) County	16.32	3.84
Clinton, Eaton (Except SW. Corner), Ingham, Ionia (SE. Corner), Jackson, Lenawee (Remainder of County) Counties	15.02	2.57
Remainder of Counties (Except SW. Corner of Berrien County)	14.05	2.57
MILLWRIGHTS:		
Lenawee County	14.77	2.15
Clinton, Eaton, Ingham, & Jackson Counties	15.19	37%+1.73
Remainder of Counties (Except SW. Corner of Berrien County)	16.10	2.20

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Ingham (Twps. of Locke, Leroy, Williamston, Wheatfield, & White Oak) County:		
Linemen - Technicians	$17.38	11%+1.70
Cable splicers	18.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck driver & groundmen	13.12	"
Groundmen	12.09	"
Remainder of Counties:		
Linemen - Technicians	15.00	8%+.65+c
Cable splicers	15.61	"
Combination digger operators, tractor operators, groundmen	11.68	"
Light equipment operators-groundmen; Distribution line truck drivers operators - groundmen	10.25	"
Combination winch truck drivers - groundmen	9.77	"
Combination trunk drivers - groundmen	8.27	"
PAINTERS:		
Allegan (Northern Portion) & Ionia (W.1/2) Counties:		
Brush & Roller	12.00	1.07
Paperhangers, wall coverers, drywall finishers, & painters on railroad bridges	12.25	1.07
Swing stage & window jacks	12.50	1.07
Spray, pressure roller, steam cleaning, sand & water blast	12.75	1.07
Allegan (SE1/2), Berrien, Cass (W.1/2), & Van Buren (W.1/2) Cos.		
Brush, roller, paperhangers, &drywall tapers/finishers	13.80	
Spray, sandblast, swing stage, boatswain chair, steeple jack, & structural steel	15.16	
Allegan (Remainder of Co.), Cass (Remainder of Co.), Kalamazoo, St. Joseph, & Van Buren (E.1/2) Counties:		
Brush, roller, drywall taper	13.10	1.60
Wallpaper-vinyl	13.30	1.60
Structural steel	13.75	1.60
Steeple jack	13.95	1.60
Spray, sandblast, swing stage	14.30	1.60

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PAINTERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
Barry, Branch, Calhoun, Hillsdale (W.1/3) Counties:		
Brush & Roller	$12.90	.95
Swing stage, spray, sandblast, drywall tapers, wall coverers	13.50	.95
Hillsdale (Remainder of Co.), Jackson, & Lenawee Counties:		
Brush & Roller	13.25	4.00
Spray, sandblast, swing stage, & open steel	13.75	4.00
Remainder of Counties:		
Brush, roller, drywall(hand)	14.80	1.0525
Structural steel & towers	15.20	1.0525
Spray, sandblast, drywall (machine)	15.55	1.0525
PLUMBERS & PIPEFITTERS:		
Allegan (Northern tier Twps.), Barry (Northern tier Twps.), & Ionia (Except NE. Corner) Counties	15.49	2.77
Allegan (Remainder of Co.), Barry (SW), Kalamazoo, St. Joseph, & Van Buren Counties	16.92	3.00
Barry (Remainder of Co.), Branch, Eaton (Except Northern tier Twps.), & Calhoun Counties	17.07	3.96
Berrien County	15.69	2.32
Cass County	15.93	2.45
Clinton, Eaton (Remainder of Co.), & Ingham Counties	15.64	3.99
Hillsdale, Jackson, & Lenawee (Except NE. Corner) Counties	16.40	3.42
Lenawee County (NE. Corner)	14.93	4.85
ROOFERS:		
Allegan, Barry, & Ionia Cos.:		
Slate, Tile, & Asbestos	11.60	1.50
Built-up	11.35	1.50
Berrien County:		
Composition	13.60	1.58
Slate & Tile	14.10	1.58
Clinton, Eaton, & Ingham Cos.	11.83	2.90
Hillsdale & Jackson Counties	15.02	3.30
Lenawee County	16.50	3.09
Remainder of Counties:		
Roofers	14.70	
Slate & Tile	14.95	
Pitch work	15.20	

SHEET METAL WORKERS:	Basic Hourly Rates	Fringe Benefits
Berrien, Cass, St. Joseph, & Van Buren (West End) Cos.	$16.16	2.16
Lenawee County	16.825	3.635
Remainder of Counties	16.32	3.65
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Allegan, Barry, Berrien, Cass, Kalamazoo, St. Joseph, & Van Buren Counties:		
Straight or dump trucks	10.82	*89.50
Semi & double bottom trucks	10.82	*89.50
Ionia (W.½) County:		
Trucks 8 cu. yds. & under	11.50	*76.50
Trucks over 8 cu. yds.	11.60	*76.50
Semi trucks, mechanics	11.70	*76.50
Clinton, Eaton (W.½), Ingham, Ionia (Remainder of Co.) Cos.:		
Dump trucks 8 cu. yds. & over, & pole trailers	10.26	*89.50
Lowboy & double bottom trucks	10.36	*89.50
All other trucks	10.16	*89.50
Branch, Calhoun, & Eaton (Remainder of Co.) Counties:		
Trucks under 8 cu. yds.	11.35	*65.00 +80¢ p/h
Trucks 8 cu. yds & over, tandem axle, & semi	11.45	*

*PER WEEK PER EMPLOYEE.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; Vacation Pay Credit: Employer contributes 6% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day; Memorial Day; Labor Day; Christmas Day.

c. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; provided the employee worked the scheduled work day preceding and following the day observed.

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DECISION NO. MI83-2015

LABORERS:	Basic Hourly Rates	Fringe Benefits
Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, & Van Buren Counties:		
Group 1 - General Laborers	$10.60	1.44
Group 2 - Plasterer tender, material mixer, portable mixer, air/electric/gas tool operators, motor driven buggy, swing scaffold	10.75	1.44
Group 3 - Jackhammer operator, crook layer, caisson in buildings	10.85	1.44
Group 4 - Top man on chimney or tower over 30' in height	11.10	1.44
Ionia County:		
Group 1 - General laborers	10.11	1.44
Group 2 - Plasterer tender, material mixer, portable mixer, air/electric/gas tool operators, motor driven buggy, swing scaffold	10.26	1.44
Group 3 - Jackhammer operator, crook layer, caisson in buildings	10.36	1.44
Group 4 - Top man on chimney or tower over 30' in height	10.61	1.44
Clinton, Eaton, & Ingham Counties:		
Group 1 - General laborers, mortar mixer, plasterer tender, portable concrete mixer (1½ Yd. & Under), air/electric/gas tool operators, hot dope carrier, tar kettle tender, gasoline vibrator, concrete saw, concrete gas buggy, signal man & top man on sewer, caisson construction(open cut work), tunnel man, concrete shoveler, car pusher, bottom man on sewer work	11.35	1.69
Group 2 - Windlass operator on caisson work, crook or pipe layers, caisson worker, tunnel mucker, tunnel miner, jackhammer, burner	11.59	1.69

LABORERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
HILLSDALE, JACKSON, & LENAWEE COUNTIES:		
Group 1 - General laborers	$11.48	1.69
Group 2 - Jackhammer & acetylen torch	12.10	1.69
LABORERS: OPEN CUT CONSTRUCTION:		
Clinton, Eaton, Ingham, & Ionia (SE. Corner) Counties:		
Class 1	11.89	2.29
Class 2	11.99	2.29
Class 3	12.09	2.29
Class 4	12.14	2.29
Class 5	12.24	2.29
Hillsdale, Jackson, & Lenawee Counties:		
Class 1	11.50	2.29
Class 2	11.60	2.29
Class 3	11.70	2.29
Class 4	11.75	2.29
Class 5	11.85	2.29
Ionia (Remainder of Co.) Co.:		
Class 1	9.80	2.29
Class 2	9.90	2.29
Class 3	10.00	2.29
Class 4	10.05	2.29
Class 5	10.15	2.29
Remainder of Counties:		
Class 1	10.61	2.29
Class 2	10.71	2.29
Class 3	10.81	2.29
Class 4	10.86	2.29
Class 5	10.96	2.29
CLASSIFICATIONS ON PAGE #6		
LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:		
Class 1	12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29
CLASSIFICATIONS ON PAGE #6		
LANDSCAPE LABORERS:		
Class A - Landscape specialist (including air, gas, diesel electric tool and equipment)	8.18	
Class B - Landscape laborers, truck drivers, material haulers, & small powered equipment	6.14	

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CLASSIFICATIONS DEFINITIONS:

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Lenawee County:		
Class A - Crane with boom & jib or leads 220' or longer	$16.34	3.35+13%
Class B - Crane with boom & jib or leads 140' or longer	16.12	3.35+13%
Class C - Crane with boom & jib or leads 120' or longer	15.56	3.35+13%
Class D - Regular crane operator	15.08	3.35+13%
Class E - Regular engineer	14.71	3.35+13%
Class F - Engineer when operating compressor or welding machine	12.46	3.35+13%
Class G - Fireman or oiler	11.64	3.35+13%
Remainder of Counties:		
Class A - Crane with main boom & jib 220' or longer	16.80	3.35
Class B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick	15.95	3.35
Class C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operators, sweeping machine, winch truck, bobcat & similar type equipment fork truck (over 20' lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non swinging), fork truck (under 20' lift)	13.55	3.35
Class F - Air compressor, welder, generators, pumps under 6", grease men, conveyors	12.15	3.35
Class G - Oiler, fireman & heater operators	11.30	3.35

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: STEEL ERECTION - Clinton, Ingham, Jackson, & Lenawee Counties:		
Class A - Engineer when operating combination of boom & jib 220' or longer	$18.52	3.35+13%
Class B - Engineer when operating combination of boom & jib 140' or longer	18.24	3.35+13%
Class C - Crane operator, job mechanic	17.25	3.35+13%
Class D - Hoisting engineer	17.02	3.35+13%
Class E - Compressor or welder operator	13.95	3.35+13%
Class F - Oiler or fireman	12.65	3.35+13%
Remainder of Counties:		
Class A - Crane operator with main boom & jib 120' or longer	16.55	3.35+13%
Class B - Crane operator with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	16.30	3.35+13%
Class C - Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	15.80	3.35+13%
Class D - Air tugger (single drum), material hoist, pump 6" & over	14.20	3.35+13%
Class E - Air compressor, welder, generator, conveyor	12.85	3.35+13%
Class F - Oiler or fireman	11.50	3.35+13%
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION - Branch, Calhoun, Clinton, Eaton, Hillsdale, Ingham, Jackson, & Lenawee Counties:		
Class A	14.80	3.35+13%
Class B	14.42	3.35+13%
Class C	13.77	3.35+13%
Class D	12.29	3.35+13%
Remainder of Counties:		
Class A	13.28	3.35+13%
Class B	12.76	3.35+13%
Class C	12.32	3.35+13%
Class D	12.07	3.35+13%

CLASSIFICATIONS DEVIATIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, bracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crook, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, bracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (Euclid type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trencher (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (snow-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumporete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: ALCONA, ALPENA, ANTRIM, ARENAC, BENZIE, CHARLEVOIX, CHEBOYGAN, CLARE, CRAWFORD, EMMET, GLADWIN, GRAND TRAVERSE, KALKASKA, LAKE, LEELANAU, MANISTEE, MASON, MECOSTA, MIDLAND, MISSAUKEE, MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OGEMAW, OSCEOLA, OSCODA, OTSEGO, PRESQUE ISLE, ROSCOMMON, & WEXFORD.
DECISION NUMBER: MI83-2018 DATE: DATE OF PUBLICATION
Supersedes Decision Number MI82-2013, dated March 5, 1982, in 47 FR 9675.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airport, & Sewer Projects).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS:		
Arenac, Gladwin, Midland, & Ogemaw Counties:		
Bricklayers & Stone masons	13.99	2.51
Marble setters, Tile setters, & Terrazzo workers	14.36	.40
Lake, Mason, Muskegon, Newaygo, & Oceana Counties:		
Bricklayers & Stone masons	13.395	1.65
Marble setters	13.21	1.65
Tile setters & Terrazzo workers	11.96	1.65
Mecosta & Montcalm Counties:		
Bricklayers & Stone masons	13.55	1.14
Marble setters, Tile setters, & Terrazzo workers	12.51	1.10
Remainder of Counties:		
Bricklayers, Stone masons, & Marble masons	12.25	2.13
Tile setters & Terrazzo workers	11.69	2.13
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Benzie (Southern portion, south of Frankfort & Beulah), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties:		
Carpenters	13.94	2.20
Millwrights	16.10	2.20
Piledrivermen	14.29	2.20
Soft floor layers	11.59	2.11
Arenac, Clare, Gladwin, Midland, & Ogemaw Counties:		
Carpenters & Piledrivermen	14.60	2.12
Millwrights	15.19	1.73+3%
Soft floor layers	13.69	2.11
Remainder of Counties:		
Carpenters & Soft floor layers	12.01	2.13
Millwrights:		
Missaukee, Osceola, & Wexford Counties	16.10	2.20
Remainder of Counties	13.01	2.13
Piledrivermen	12.46	2.13
CEMENT MASONS & PLASTERERS:		
Arenac, Gladwin, Midland, & Ogemaw Counties:		
Cement masons	$13.32	2.20
Plasterers	15.90	1.45
Lake & Mason Counties:		
Cement masons	13.395	1.65
Plasterers	13.395	1.65
Muskegon, Newaygo, & Oceana Counties:		
Cement masons	11.55	1.92
Plasterers	13.54	1.93
Montcalm Counties:		
Cement masons	12.07	1.92
Plasterers	13.54	1.93
Mecosta, Osceola (Southern Portion, including Reed City & Evart) Counties:		
Cement masons	12.87	1.00
Plasterers	13.54	1.93
Remainder of Counties:		
Cement masons	11.80	2.13
Plasterers	12.25	2.13
ELECTRICIANS:		
Arenac, Clare (E. ½), Gladwin, Midland (E. 2/3, including Midland), Ogemaw (Except Northern tier Twps.), & Roscommon (Southern tier Twps.) Counties	17.09	2.54+3%
Midland (Remainder of Co.) County	15.55	3.05+3%
Alcona, Alpena, Cheboygan (Except Mentor Twp.), Crawford (NE. Corner), Ogemaw (Remainder of Co.), Oscoda, Otsego (Dover, Chester, & Charlton Twps.), & Presque Isle Counties	14.98	2.54+3%
Mecosta, Montcalm, & Osceola (Evart, Hersey, Orient, & Richmond Twps.) Counties	12.00	1.36+3%
Lake (Except North of Cherry Valley, Pinora, Sweetwater & Webber Twps.), Mason (except Freesoil, Grant & Meade Twps.), Muskegon, Newaygo, & Oceana Counties	15.01	1.00+9.3%
Remainder of Counties	14.96	1.00+ 10.35%

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Alcona, Alpena, Arenac, Cheboygan, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Mechanics	$16.37	2.69+a
Helpers	11.46	2.69+a
Probationary helpers	8.185	
Remainder of Counties:		
Mechanics	14.25	2.69+a
Helpers	9.975	2.69+a
Probationary helpers	7.125	
GLAZIERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties	9.15	.76
Remainder of Counties	11.60	1.80
IRONWORKERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Structural & Ornamental	15.26	9%+4.7%
Reinforcing	13.53	7.52+.6%
Remainder of Counties	15.12	1.91
LATHERS:		
Arenac, Clare, Gladwin, Midland & Ogemaw Counties	15.02	2.57
Benzie (Southern tier Twps.), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties	14.05	2.57
Remainder of Counties	13.51	2.57
LINE CONSTRUCTION:		
Lineman - technicians	15.00	6%+4.7%
Cable splicers	15.61	"
Combination digger operators, tractor operators, groundmen	11.68	"
Light equipment operators, groundmen, & distribution line truck driver operators, groundmen	10.25	"
Combination winch truck drivers & groundmen	9.77	"
Combination truck drivers & groundmen	8.87	"
MARBLE, TILE, TERRAZZO FINISHERS	9.83	1.55

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	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Alcona, Alpena, Charlevoix (Except the SW. Part, drawing a straight line from Elmira to Charlevoix), Cheboygan, Emmet, Oscoda, Otsego, & Presque Isle Counties:		
Brush, roller, & drywall	$12.05	
Paperhanging	12.55	
Spray	12.80	
Sandblasting, steam cleaning	14.01	
Steeple jack, tanks, towers, stacks, & flag poles	14.26	
Antrim, Charlevoix (Remainder of Co.), Grand Traverse, Kalkaska, Leelanau, & Wexford Counties:		
Brush & roller	11.00	1.02
Paper & vinyl hangers	11.50	1.02
Swing stage, boatswain chair, window jack, tapers, brush & prep work over 40'	11.60	1.02
Spray	11.65	1.02
Sandblasting, steamcleaning	11.75	1.02
Steeple jack work	12.00	1.02
Arenac & Ogemaw Counties:		
New Construction:		
Brush, roller, taper	12.55	1.65
Spray, sandblast	13.40	1.65
Repaint Work:		
Brush, roller, taper	11.95	1.65
Spray & sandblast	12.80	1.65
Industrial Work:		
Brush, roller, taper	13.35	1.65
Spray, sandblast	14.20	1.65
Benzie, Lake, Manistee, & Mason Counties:		
Brush & roller	12.75	.02
Paperhanger, drywall, structural steel	13.85	.02
Spray & sandblast	13.50	.02
Muskegon, Newaygo (W. ½), & Oceana Counties:		
Brush & roller	10.75	
Spray, sandblast, pressure roller, boatswain chair, swing stage, work performed with a falling distance over 50', perfa tapes, & sander on drywall work	11.25	

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	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd.):		
Mecosta, Montcalm, Newaygo (E. ½), & Osceola (Southern Part, including Evart & Reed City) Counties:		
Brush & roller	$12.00	1.07
Paperhangers, wall coverers, drywall finishers, & painters on railroad bridges	12.25	1.07
Swing stage & window jacks	12.50	1.07
Spray, sand & water blast	12.75	1.07
Remainder of Counties:		
New Construction:		
Brush, roller, drywall taper	13.33	1.67
Wall coverer	13.83	1.67
Spray	13.78	1.67
Sandblast	13.98	1.67
Repaint & Maintenance Work:		
Brush, roller, drywall taper	7.33	1.67
Wall coverer	7.83	1.67
Spray	7.73	1.67
PLUMBERS & PIPEFITTERS:		
Alcona, Arenac, Crawford, Ogemaw, Oscoda, & Roscommon Counties	16.16	2.87
Alpena, Cheboygan, Otsego, & Presque Isle Counties	16.11	1.70
Clare, Gladwin, & Midland Counties	15.84	3.19
Mecosta, Montcalm, & Osceola Counties	15.49	2.77
Lake, Manistee, Mason, Muskegon, Newaygo, & Oceana Counties	15.89	3.20
Remainder of Counties	15.90	3.01
ROOFERS:		
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties	13.00	3.95
Mecosta, & Montcalm Counties:		
Slate & Tile	11.60	2.50
Built-up	11.35	3.50
Lake, Mason, Muskegon, Newaygo, & Oceana Counties:		
Roofers	12.12	1.81
Slate & Tile	12.37	1.81
Remainder of Counties:		
Roofers	13.56	
Pitch	14.06	

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Gladwin, Midland, Ogemaw, Oscoda, & Presque Isle Counties	$15.53	2.26
Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, & Osceola Counties	13.00	4.23
Remainder of Counties	15.18	1.65
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Trucks under 8 cu. yds. capacity	10.30	*80.50
Trucks 8 cu. yds. capacity & over, & tandem trucks	10.40	*80.50
Semi, double bottom, low boy, Pitman ops. & related equipment	10.50	*80.50
Euclid type equipment	10.60	*80.50
Antrim, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Mecosta, Missaukee, Montcalm, Osceola, & Wexford Counties:		
Semi trucks, mechanics	11.70	*76.50
Trucks over 8 cu. yds capacity	11.60	*76.50
All other trucks	11.50	*76.50

* PER WEEK, PER EMPLOYEE.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day provided the employee worked the scheduled work day preceeding and following the day observed.

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	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Mecosta, Montcalm, & Osceola Counties:		
CLASS A	$10.11	1.44
CLASS B	10.26	1.44
CLASS C	10.36	1.44
CLASS D	10.61	1.44
Muskegon, Newaygo, & Oceana Counties:		
CLASS A	9.96	1.44
CLASS B	10.11	1.44
CLASS C	10.21	1.44
CLASS D	10.46	
CLASSIFICATIONS FOR ABOVE SIX COUNTIES:		
CLASS A - General laborers		
CLASS B - Material mixer, operator of portable mixer, air/electric/gas tools, motor driven buggy, laborers working on swing scaffold, plasterer & mason tender		
CLASS C - Jackhammer operator, crook layer & caisson worker in buildings		
CLASS D - Top man on chimney or tower over 30' in height.		
Lake, Manistee, & Mason Counties:		
CLASS A - General laborers	9.70	1.69
CLASS B - Plasterer & mason tender, mortar mixer, material mixer, all power tools, vibrator, chain saw, nozzle man, green cut concrete work, & well wheel	9.85	1.69
CLASS C - Jackhammer, acetylene & propane torch, & plasterer tender - machine pumped.	10.15	1.69
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:		
CLASS A - General laborers	11.24	1.44

LABORERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
CLASS B - Mechanized mortar mixer, air/electric/gas driven tools	$11.36	1.44
CLASS C - Air or electric driven pavement breaker, concrete vibrator, plasterer tender & plaster mixer, crook & pipe layer, signal man & top man or caisson work in buildings	11.44	1.44
CLASS D - Driller, blaster, burner, & welder	12.01	1.44
Remainder of Counties:		
CLASS A - All construction laborers	9.50	1.69
CLASS B - Concrete breaker (90 lb. hammer or less), & cement nozzleman	10.10	1.69
LABORERS: OPEN CUT CONSTRUCTION:		
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:		
Class 1	11.81	2.29
Class 2	11.91	2.29
Class 3	12.01	2.29
Class 4	12.06	2.29
Class 5	12.16	2.29
Mecosta, Montcalm, & Osceola Counties:		
Class 1	9.80	2.29
Class 2	9.90	2.29
Class 3	10.00	2.29
Class 4	10.05	2.29
Class 5	10.15	2.29
Lake (E. ½), Muskegon, Newaygo, & Oceana Counties:		
Class 1	10.61	2.29
Class 2	10.71	2.29
Class 3	10.81	2.29
Class 4	10.86	2.29
Class 5	10.96	2.29
Remainder of Counties:		
Class 1	9.45	2.29
Class 2	9.55	2.29
Class 3	9.65	2.29
Class 4	9.70	2.29
Class 5	9.80	2.29

CLASSIFICATIONS ON PAGE 5

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	Basic Hourly Rates	Fringe Benefits
LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:		
Class 1	$12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29
CLASSIFICATIONS ON PAGE 6		
LANDSCAPE LABORERS:		
Class A - Landscape specialist (including air, gas, diesel, electric tools & equipment)	8.18	
Class B - Landscape laborers, truck drivers, material haulers, & small powered equipment	6.14	
POWER EQUIPMENT OPERATORS:		
Class A - Crane with main boom & jib 220' or longer	16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick	15.95	3.35
Class C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, bobcat & similar equipment, fork truck (over 20' lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non-swinging), fork truck (under 20' lift)	13.55	3.35
Class F - Air compressor, welder, generator, pumps under 6", grease man, conveyors	12.15	3.35
Class G - Oiler, fireman, & heater operator	11.30	3.35

POWER EQUIPMENT OPERATORS: TUNNEL CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Class A - Engineer when operating combination of boom & jib 220' or longer	$18.52	3.35+13%
Class B - Engineer when operating combination of boom & jib 140' or longer	18.24	"
Class C - Crane operator, job Mechanics	17.25	"
Class D - Hoisting engineer	17.02	"
Class E - Compressor or welder operator	13.95	"
Class F - Oiler or fireman	12.65	"
Remainder of Counties:		
Class A - Crane operator with main boom & jib 220' or longer	18.55	3.35+13%
Class B - Crane operator with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	18.30	"
Class C - Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	15.80	"
Class D - Air tugger (single drum), material hoist, pump 6" & over	14.10	"
Class E - Air compressor, welder, generator, conveyor	12.85	"
Class F - Oiler or fireman	11.50	"
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:		
Midland County:		
Class A -	14.80	3.65+13%
Class B	14.42	"
Class C	13.77	"
Class D	12.29	"
Remainder of Counties:		
Class A	13.28	"
Class B	12.76	"
Class C	12.32	"
Class D	12.07	"

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CLASSIFICATIONS DEFINITIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, bracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crock, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, bracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: HEAVY & ROAD CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (Euclid type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trencher (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (pneu-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumpcrete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTIES: BUNCOMBE, HAYWOOD, HENDERSON, McDOWELL

SUPERSEDEAS DECISION

STATE: WEST VIRGINIA COUNTY: STATEWIDE

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA

COUNTIES: BUNCOMBE, HAYWOOD, HENDERSON, McDOWELL, MADISON, TRANSYLVANIA, & YANCY

DECISION NO.: NC83-1013

DATE: DATE OF PUBLICATION

Supersedes Decision No.: NC79-1161 dated December 14, 1979 in 44 FR 72824.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION Projects (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$ 8.50	
A/C MECHANICS	7.50	
BOILERMAKERS	17.70	3.315
BRICKLAYERS	7.77	
CARPENTERS	6.66	
CEMENT MASONS	5.27	
ELECTRICIANS	8.36	
GLAZIERS	10.00	
IRONWORKERS	6.66	
LABORERS:		
Asphalt Rakers	5.21	
Mason Tenders	4.52	
Mortar Mixers	4.52	
Plasterers Tenders	5.00	
Unskilled	4.52	
LATHERS	7.00	
MARBLE, TILE, & TERRAZZO WORKERS	7.00	
TERRAZZO GRINDERS	6.00	
PAINTERS	8.00	
PLASTERERS	8.40	.40
PLUMBERS & PIPEFITTERS	8.06	
ROOFERS	5.60	
SHEET METAL WORKERS	7.21	
SPRINKLER FITTERS	6.57	
SOFT FLOOR LAYERS	9.50	
TRUCK DRIVERS	4.52	
WELDERS--Rate for Craft		

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits
Backhoe	$ 6.00	
Bulldozer	5.00	
Crane	9.00	
Grader	6.35	
Loader	5.00	
Lutemen	4.85	
Pan/Scraper	5.00	
Paver, Distributor, Screed	5.21	
Roller	5.49	
Tractor	6.00	
Trenching Machine	5.25	
Compactor	5.26	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: WEST VIRGINIA

COUNTY: STATEWIDE

DECISION NO.: WV83-3000

DATE: DATE OF PUBLICATION

Supersedes Decision No. WV82-3003, dated May 14, 1982, in 47 FR 20992.

DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS & STONEMASONS:		
AREA 1	15.12	1.67
AREA 2	15.44	1.30
AREA 3	13.99	2.32
AREA 4	15.23	.68
AREA 5	17.21	1.66
AREA 6	14.35	.90
AREA 7	12.29	1.80
AREA 8	13.20	.50
CARPENTERS:		
Heavy Construction	13.33	2.47
Highway Construction	13.07	2.47
CEMENT MASONS:		
Heavy Construction	14.65	1.33
Highway Construction	14.37	1.33
ELECTRICIANS:		
AREA 1		
Wiremen	18.34	.79+ 8%
Cable splicers	20.17	.79+ 8%
AREA 2		
Contracts $15,000 or less:		
Wiremen	12.82	2.27+ 3%
Cable splicers	13.12	2.27+ 3%
Contracts over $15,000:		
Wiremen	15.72	2.27+ 3%
Cable splicers	16.02	2.27+ 3%
AREA 3		
Wiremen	14.58	4.07+ 3%
Cable splicers	16.04	4.07+ 3%
AREA 4		
Wiremen	15.03	4.29+ 3%
Cable splicers	15.28	4.29+ 3%
AREA 5		
Wiremen	17.05	25%
AREA 6		
Contracts under $50,000:		
Wiremen	10.20	3.81+ 3%

	Basic Hourly Rates	Fringe Benefits
AREA 6 (CONT'D)		
Contracts $50,000 or more:		
Wiremen	16.65	4.06+ 3%
Cable splicers	16.80	4.06+ 3%
AREA 7		
Wiremen	15.50	4.81+ 3%
Cable splicers	15.85	4.81+ 3%
AREA 8		
Wiremen	17.32	2.76+ 3%
Cable splicers	18.19	2.76+ 3%
AREA 9		
Wiremen	17.82	2.76+ 3%
Cable splicers	18.71	2.76+ 3%
AREA 10		
Wiremen	17.82	2.76+ 3%
Cable splicers	18.71	2.76+ 3%
AREA 11		
Wiremen	13.70	1.60+ 3 3/4%
AREA 12		
Wiremen	13.70	1.60+ 3 3/4%
AREA 13		
Wiremen	14.70	1.60+ 3 3/4%
AREA 14		
Wiremen	13.60	.75+ 3½%
Cable splicers	14.00	.75+ 3½%
AREA 15		
Contracts $15,000 or less:		
Wiremen	13.12	2.27+ 3%
Cable splicers	13.42	2.27+ 3%

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (CONT'D):		
AREA 15 (CONT'D)		
Contracts over $15,000:		
Wiremen	16.02	2.27+3%
Cable splicers	16.32	2.27+3%
AREA 16		
Contracts $15,000 or less:		
Wiremen	13.32	2.27+3%
Cable splicers	13.62	2.27+3%
Contracts over $15,000:		
Wiremen	16.22	2.27+3%
Cable splicers	16.52	2.27+3%
AREA 17		
Contracts under $30,000:		
Wiremen	6.95	.50+3 3/4%
Contracts $30,000 or more:		
Wiremen	10.95	.50+3 3/4%
AREA 18		
Wiremen	13.30	23%
Cable splicers	13.70	23%
AREA 19		
Putnam County		
Wireman	19.02	.79+8%
Cable splicer	21.00	.79+8%
AREA 20		
Roane, Clay, Fayette, Raleigh, Boone County & Montgomery Township		
Wireman	19.34	.75+8%
Cable splicers	21.27	.75+8%
AREA 21		
Calhoun, Gilmer, Braxton, Webster & Nicholas Counties		
Wiremen	20.34	.79+3%
Cable splicer	22.37	.79+3%

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
AREA 1	15.96	3.19
AREA 2	13.96	4.47
AREA 3	15.33	2.15
AREA 4		
Zone 1 - 10 miles from Union Hall	12.07	1.96
Zone 2 - 10 to 15 miles from Union Hall	12.22	1.96
Zone 3 - 15 to 20 miles from Union Hall	12.32	1.96
Zone 4 - over 20 miles from Union Hall	12.42	1.96
AREA 5	14.47	3.05
AREA 6	13.10	1.98
LABORERS:		
Heavy Construction:		
Group 1	12.87	2.15
Group 2	12.35	2.15
Group 3	11.98	2.15
Group 4	11.57	2.15
Group 5	11.27	2.15
Group 6	10.92	2.15
Highway Construction:		
Group 1	12.63	2.15
Group 2	12.11	2.15
Group 3	11.71	2.15
Group 4	11.31	2.15
Group 5	10.94	2.15

All classifications who are required to work in open vertical ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

LINE CONSTRUCTION:		
AREA 1		
Linemen	18.31	2.20+3%
Cable splicer and linemen welder	20.14	2.20+3%
Mechanized equipment operators	14.65	2.20+3%
Groundmen	11.90	2.20+3%

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D)		
AREA 2		
Linemen and operators (all mechanized equipment)	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 3		
Linemen and equipment operators	15.30	4.95+3%
Cable splicers	16.83	4.95+3%
Groundmen	12.24	4.95+3%
AREA 4		
Linemen and equipment operators	14.58	4.00+3%
Cable splicers	16.04	4.00+3%
Groundmen and truck drivers	11.66	4.00+3%
AREA 5		
Linemen & operators (all mechanized equipment)	15.03	4.00+3%
Cable splicers	15.28	4.00+3%
Groundmen	12.02	4.00+3%
AREA 6		
Linemen & operators (all mechanized equipment)	17.05	29%
Cable splicers	17.60	29%
Groundmen	11.09	29%
AREA 7		
Linemen & operators (all mechanized equipment)	14.65	4.25+3%
Cable splicers	16.12	4.25+3%
Groundmen & truck drivers	11.72	4.25+3%

	Basic Hourly Rates	Fringe Benefits
AREA 8		
Linemen	10.15	.75+3%
Equipment operators	9.64	.75+3%
Truck drivers & groundmen	6.60	.75+3%
AREA 9		
Linemen	15.00	2.30+3%
Equipment operators	14.27	2.30+3%
Truck drivers & groundmen	9.89	2.30+3%
AREA 10		
Linemen	15.60	2.30+3%
Equipment operators	14.87	2.30+3%
Truck drivers & groundmen	10.49	2.30+3%
AREA 11		
Linemen, cable splicers & equipment operators	12.11	.45+3%
Truck with winch, pole or steel handling	7.43	.45+3%
Groundmen	7.17	.45+3%
AREA 12		
Linemen and operators (all mechanized equipment)	16.17	2.14+3%
Cable splicers	16.47	2.14+3%
Groundmen	12.94	2.14+3%
AREA 13		
Linemen and operators (all mechanized equipment)	16.37	2.14+3%
Cable splicers	16.67	2.14+3%
Groundmen	13.10	2.14+3%

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D)		
AREA 14		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 15		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 16		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 17		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 18		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 19		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 20		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 21		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D)		
AREA 22		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 23		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 24		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 25		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 26		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 27		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 28		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 29		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 30		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 31		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 32		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 33		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 34		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 35		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 36		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 37		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 38		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 39		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 40		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 41		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 42		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 43		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 44		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 45		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 46		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 47		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 48		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 49		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 50		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 51		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 52		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 53		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 54		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 55		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 56		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 57		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 58		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 59		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 60		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 61		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 62		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 63		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 64		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 65		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 66		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 67		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 68		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 69		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 70		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 71		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 72		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 73		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 74		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 75		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 76		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 77		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 78		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 79		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 80		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 81		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 82		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 83		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 84		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 85		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 86		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 87		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 88		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 89		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 90		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 91		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 92		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 93		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 94		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 95		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 96		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 97		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 98		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 99		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 100		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 101		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 102		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 103		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 104		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 105		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 106		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 107		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 108		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 109		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 110		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 111		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 112		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 113		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 114		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 115		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 116		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 117		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 118		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 119		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 120		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 121		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 122		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 123		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 124		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 125		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 126		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 127		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 128		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 129		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 130		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 131		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 132		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 133		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 134		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 135		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 136		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 137		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 138		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 139		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 140		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 141		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 142		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 143		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 144		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 145		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 146		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 147		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 148		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 149		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 150		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 151		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 152		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 153		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 154		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 155		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 156		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 157		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 158		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 159		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 160		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 161		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 162		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 163		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 164		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 165		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 166		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 167		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 168		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 169		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 170		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 171		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 172		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 173		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 174		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 175		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 176		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 177		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 178		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 179		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 180		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 181		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 182		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 183		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%
Groundmen	12.70	2.14+3%
AREA 184		
Linemen	15.87	2.14+3%
Cable splicers	16.17	2.14+3%

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D)		
AREA 14		
Linemen	8.65	.35+ 3%
Cable splicers	9.06	.35+ 3%
Equipment operators	7.85	.15+ 3%
Trucks with earth boring auger	6.06	.35+ 3%
Truck with winch, groundmen	4.76	.35+ 3%
AREA 15		
Linemen & equipment operators	13.30	23%
Cable splicers	13.70	23%
Truck drivers & groundmen	11.90	23%
PAINTERS:		
AREA 1		
Painters		
An area within 50 miles of Huntington, W.V.	11.40	.82
An area 50 miles and beyond of Huntington, W.V.	12.95	.82
Bridge & Hazardous Work (Includes towers, smoke stacks, flag poles & tanks)		
An area within 50 miles of Huntington, W.V.	12.77	.82
An area 50 miles and beyond of Huntington, W.V.	14.23	.82
AREA 2		
Brush, roller, and spray	9.35	.30
Industrial structural steel	12.65	.30
Power cleaning tools and lining machine work - 50¢ over appropriate scale		
Material emitting toxic vapors-$1.00 over appropriate scale		
Height clause - additional $1.00 per hour 100'		

	Basic Hourly Rates	Fringe Benefits
AREA 3		
Painters	11.66	.20
Structural steel after erection	12.57	.20
Bridge painting	12.47	.20
Spray painters	13.16	.20
Towers, tanks & stacks	13.00	.20
Repaint industrial & structural steel	11.77	.20
Sand blasters	13.64	.20
AREA 4		
New Construction:		
Brush	10.76	.31
Roller	11.02	.31
Spray & Blast, Pot-Men	11.78	.31
Repaint Work		
Brush	9.34	.31
Roller	9.62	.31
Spray & Pot-Men	11.78	.31
Bridge		
Brush	11.46	.31
Roller	11.71	.31
Spray, Blast, glove	12.46	.31
Open structural steel Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	11.11	.31
AREA 5	11.71	.31
Brush	13.03	.65
Air Compressor Operator	13.03	.65
Roller, spray, dipping & mitten work	13.55	.65
Water blasters, steam jenny nozzle men, swinging scaffold & boatswain chair, window jack work	14.42	.65
Brush painters on bridges needle beam, cable work, power tool work, brush & flame cleaning	14.75	.65
Sand blaster	15.20	.65
All stacks, vent pipes, flag poles in excess of 30' high, all towers, elevated tanks, electrical switch yards, transformer banks, television towers	16.54	.65

DECISION NO. WV83-3000	Basic Hourly Rates	Fringe Benefits
PAINTERS: (CONT'D)		
AREA 5 (CONT'D)		
Spray painter or sandblaster on bridges needle beam cable work	15.20	.65
AREA 6:		
Brush & roller	9.87	1.17
Glove	10.12	1.17
Spray, sandblast & steamcleaning	10.87	1.17
Height over 40' - Brush	10.37	1.17
Locks and dams - brush	10.95	1.17
Towers - brush	12.19	1.17
Elevated tanks over 35' - brush and roller	12.19	1.17
Brush and roller, powerline towers-brush, flagpoles over 40'-brush, and substations brush	12.19	1.17
Railroad and highway bridges:		
Spray and sandblast	12.19	1.17
Brush	11.19	1.17
Glove and roller	11.44	1.17
AREA 7		
Brush & roller	6.20	.90
Spray	7.20	.90
AREA 8		
Light Work		
Brush, rollers, sign painting	10.35	.50
Brush & roller (toxic materials)	10.85	.50
Spray, sandblasting & use of flame burning & power tools	11.35	.50
Spray (toxic materials)	11.85	.50
Heavy & Hazardous Work:		
Brush & sign painting	11.35	.50
Brush (toxic materials)	11.85	.50
Spray, rollers, sandblasting, & use of flame burning & power tools	12.35	.50
Spray & roller (toxic materials)	12.85	.50

	Basic Hourly Rates	Fringe Benefits
PILEDRIVERMEN - HEAVY CONSTRUCTION:		
AREA 1	15.12	27%
AREA 2	13.74	2.47
PILEDRIVERMEN - HIGHWAY CONSTRUCTION:		
AREA 1	15.12	27%
AREA 2	13.47	2.47
PLUMBERS AND PIPEFITTERS:		
AREA 1		
Harrison, Marion, and Monongolia Counties	11.57	2.547
AREA 2		
Barbour, Doddridge, Lewis, Preston, Taylor, And Upshure Counties	11.82	2.547
AREA 3		
Braxton, Gilmer, Randolph, and Tucker Counties	12.07	2.547
AREA 4		
Grant, Hampshire, Hardy Mineral, and Pendleton Counties	12.32	2.597
AREA 5		
Brooke (south of Buffalo Creek), Marshall, Ohio, and Wetzel Counties	11.79	3.04
AREA 6		
Brooke (remainder of county) and Hancock Counties	12.81	.62+ 16%
AREA 7		
Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt, and Wood Counties	12.83	1.36
AREA 8		
Cabell, Lincoln, Logan, Mason, Mingo, and Wayne Counties:		
Zone 1 - Within 8 mile radius of Cabell County Courthouse	10.88	2.02
Zone 2 - 8 to 15 miles from the Courthouse	11.00	2.02

DECISION NO. WV83-3000

All truck driver classifications performing tunneling and underground work shall receive an additional 25¢ per hour

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.
AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.
AREA 4 - Brooke & Hancock Counties.
AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
AREA 7 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
AREA 8 - McDowell, Mercer, Monroe & Wyoming Counties.

AREAS COVERED BY ELECTRICIANS

AREA 1 - Kanawha County (not including Montgomery Township)
AREA 2 - Raleigh (remainder of county) County
AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel
AREA 5 - Brooke (except Buffalo Twp) & Hancock (except Grant Twp.)
AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties
AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties
AREA 8 - Cabell & Wayne Counties
AREA 9 - Logan, Mason & Mingo Counties
AREA 10 - Lincoln County
AREA 11 - Mineral County
AREA 12 - Berkeley, Hampshire & Morgan Counties
AREA 13 - Grant County
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties
AREA 15 - Fayette (remainder of county) County
AREA 16 - Summers & Wyoming Counties
AREA 17 - Hardy, Jefferson & Pendleton Counties
AREA 18 - Hancock County - Grant Twp. only
AREA 19 - Putnam County
AREA 20 - Roane, Clay, Fayette, Raleigh & Boone County and Montgomery Township
AREA 21 - Calhoun, Gilmer, Braxton, Webster & Nicholas Counties

DECISION NO. WV83-3000

	Basic Hourly Rates	Fringe Benefits
PLUMBERS AND PIPEFITTERS: (CONT'D)		
AREA 8 (CONT'D)		
Zone 3 - 15 to 25 miles from the Courthouse	11.28	2.02
Zone 4 - Over 25 miles from the Courthouse	11.53	2.02
AREA 9		
McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties:		
Contracts $75,000 or less	8.55	1.24
Contracts over $75,000	12.33	1.24
AREA 10		
Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Pocahontas, Putnam, Roane and Webster Counties	12.95	1.20
AREA 11		
Berkeley, Jefferson, and Morgan Counties	7.82	1.40+a
POWER EQUIPMENT OPERATORS:		
Heavy Construction:		
Group 1	14.84	2.45
Group 2	13.94	2.45
Group 3	12.91	2.45
Group 4	12.61	2.45
Group 5	11.80	2.45
Group 6	13.31	2.45
All classifications performing tunneling and underground work shall receive an additional 25¢ per hour		
POWER EQUIPMENT OPERATORS:		
Highway Construction:		
Group 1	14.63	1.82
Group 2	13.59	1.82
Group 3	12.66	1.82
Group 4	12.36	1.82
Group 5	11.55	1.82
Group 6	11.08	1.82
All classifications performing tunneling and underground work shall receive an additional 25¢ per hour		

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Heavy Construction		
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan and Pendleton		
Group 1	11.95	b+c
Group 2	12.16	b+c
Group 3	12.46	b+c
Group 4	12.89	b+c
Group 5	12.99	b+c
Group 6	13.21	b+c
Group 7	13.46	b+c
Group 8	13.51	b+c
Area 2: Grant, Hardy, Hampshire, Mineral, Morgan, and Pendleton Counties:		
Group 1	11.95	2.54
Group 2	12.16	2.54
Group 3	12.46	2.54
Group 4	12.89	2.54
Group 5	12.99	2.54
Group 6	13.21	2.54
Group 7	13.46	2.54
Group 8	13.51	2.54
TRUCK DRIVERS:		
Highway Construction:		
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton		
Group 1	11.70	b+c
Group 2	11.90	b+c
Group 3	12.20	b+c
Group 4	12.65	b+c
Group 5	12.72	b+c
Group 6	12.95	b+c
Group 7	13.14	b+c
Group 8	13.24	b+c
Area 2: Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Cos.:		
Group 1	11.70	2.54
Group 2	11.90	2.54
Group 3	12.20	2.54
Group 4	12.65	2.54
Group 5	12.72	2.54
Group 6	12.95	2.54
Group 7	13.14	2.54
Group 8	13.24	2.54

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DECISION NO. WV83-3000

DECISION NO. WV83-3000

DECISION NO. WV83-3000

AREAS COVERED BY IRONWORKERS

AREA 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties
AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties
AREA 4 - Cabell, Mingo & Wayne Counties
AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties
AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner and Powderman
GROUP 2 - Mucker-Chucker
GROUP 3 - Caison Bottom man, Pipe Layer (including Laser Beam Setup), Form setter (road), Drill Operator and Inside Laborer
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Mullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer

AREAS COVERED BY LINE CONSTRUCTION

AREA 1 - Boone, Braxton, Cabell, Calhoun, Clay, Fayette (Falls and Kanawha Twps.), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twps.), Roane, Wayne & Webster Counties
AREA 2 - Raleigh County (excluding Clear Fork and Marsh Fork Twps.)
AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties
AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties
AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties
AREA 6 - Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties
AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties
AREA 8 - Mineral County
AREA 9 - Berkeley, Hampshire & Morgan Counties
AREA 10 - Grant County
AREA 11 - Hardy, Jefferson & Pendleton Counties
AREA 12 - Fayette County (excluding Falls and Kanawha Twps)
AREA 13 - Summers & Wyoming Counties
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties
AREA 15 - Hancock County - Grant Twp. only

DECISION NO. WV83-3000

AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties
AREA 2 - Monongalia & Preston Counties
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties
AREA 7 - Brooke (remainder of county), & Hancock Counties
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties

AREAS COVERED BY PILEDRIVERMEN
HEAVY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties
AREA 2 - All remaining Counties

AREAS COVERED BY PILEDRIVERMEN
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio & Wetzel Counties
AREA 2 - All remaining Counties

CLASSIFICATION DEFINITION FOR POWER EQUIPMENT OPERATORS ON
HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Cranes, derricks, tower cranes, all shovels, drag lines, clamshells, backhoes, cableways, derricks (2 drums or more), dredge, sideboom tractors and similar equipment having a reach from the top of the boom to the ground of 150 feet, or a capacity of 3 cubic yards and/or a lift capacity of 50 tons. Endloaders and concrete mixing plants of 4 cubic yards capacity or over. Hoist with 18,000 pound line pull or over, tug, tow or work boat above 25 horsepower engine. Transloader. (Capacities to be based on manufacturer's specifications). Master Mechanic.
GROUP 2 - Crane, derrick boat, drag-line, grade-all, hoist (two drums or more), mechanic (heavy), mixer plant (two or more mixers including batch control), paver (dual drums), pile driver, shovel, coredrill operator, trencher, (20" or over), truck crane, backhoe, hi-lift (1-1/2 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard guage locomotive, concrete pump, controlled fine grade machine, slip form paver operator, dozer with sloper, log loader, bulldozer operator, motor grader, rubbertired scraper, tractor pan, and bulldozers 100 flywheel horsepower and over

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CLASSIFICATION DEFINITION ACF POWER EQUIPMENT OPERATORS ON HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP 3 - Bulldozers under 180 flywheel horsepower, fork lift, self-propelled concrete spreader, concrete finishing machine, derrick (single drum), hi-lift (under 1-1/2 cubic yards), hoist (single drum), single drum paver, trencher (under 20"), air tugger, Ross Carrier, "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, horizontal road boring machine, conductor of locomotive, tie distributor, track lining machine, ballast tamper, anchor application machine, ribbon rail puller, ballast regulator, auto sled, turn table.
GROUP 4 - Concrete mixer (single drum) one cubic yard or over, fireman, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, form subgrader, power form handling equipment, burlap and curing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine, and power broom.
GROUP 5 - Air compressor, concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, fireman, mechanic's helper, oiler, deckhand, screed man, spreader box man, farm tractor, joint sealer and pump,steam jenny and brakeman of locomotive.
GROUP 6 - Class V operators may operate up to five (5) pieces of utility equipment, but when operating one (1) or more 600 CFM compressors or one(1) or more pumps 4" or larger,or more than one (1) air compressor, conveyor-belt or bucket, light plan, welding machine, and pumps, the Class V operator shall receive class six (6) rate

CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTRUCTION

GROUP 1 - Warehouse, yardmen, truck helper, pick-ups, station wagons, panel trucks, team 2-up
GROUP 2 - Single axle trucks used as dump, supply, fiel, water, van, flatbody, monorail, distributor, (Other than Bituminous distributors) and including towed single units - material checkers, material receivers, team 4-up, greasers, firemen and mechanic helpers (trucks).
GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van, flatbody, monorail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, agitator or mixer trucks (up to and including 5 c.y.).
GROUP 4 - Agitator or mixer trucks over 5 c.y. and less than 12 c.y., rubber-tired tractors (towing or pushing), drag drivers, and tag alongs.
GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.)
GROUP 6 - Mobile metered mixer, agitator or mixer trucks (over 20 c.y.), off highway rear dump trucks to 75 tons.

[FR Doc. 83-6088 Filed 3-10-83; 8:45 am]
BILLING CODE 4510-27-C

DECISION NO. WV83-1000

CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTRUCTION CONT'D

GROUP 7 - "A" frame operator
GROUP 8 - Off highway rear dump - over 75 tons.

FOOTNOTES:

a. Holiday: Christmas Day

b. Employer contributes $158.17 per month per employee

c. Employer contributes $121.33 per month per employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

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Part IV

Department of Labor

Mine Safety and Health Administration

Safety Standards for Ground Control

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Safety Standards for Ground Control

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to current ground control standards for the metal and nonmetal mining industry. MSHA seeks comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATES: Comments must be received on or before May 11, 1983.

ADDRESSES: Send comments to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Towers, #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology. MSHA believes that this review will result in more effective regulations for assuring the safety and health of miners. The review is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (45 FR 57243) listing eight sections the Agency had selected for priority review. Standards related to ground control were included in the priority group.

On March 9, 1982, MSHA published a notice in the **Federal Register** announcing public conferences to discuss issues related to the standards under priority review. The Section 3 conferences were concluded in May 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section 3. In addition to revising the substance of the existing standards, the Agency has reorganized Parts 55, 56, and 57 into a single Part 58. This reorganization would eliminate the current repetition of identical standards in the Code of Federal Regulations. The revised standards are designated general surface and underground, surface, and underground so that they would apply only to the appropriate mining application.

The Agency requests comment on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in any economic data or other regulatory impact information commenters may wish to submit.

A copy of the preproposal draft has been mailed to persons and organizations who have expressed an interest in this rulemaking. All other interested persons and organizations may obtain a copy of the draft by submitting a request to the address provided above. The document contains the Agency's intended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: March 8, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–6321 Filed 3–10–83; 8:45 am]

BILLING CODE 4510–43–M

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federal register

Friday
March 11, 1983

Part V

Department of Commerce

International Trade Administration

Export Trade Certificates of Review; Interim Rule

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 325

[Docket No. 21215-252]

Export Trade Certificates of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements Title III of the Export Trading Company Act, Pub. L. 97-290. These regulations establish the procedures by which businesses may apply for and by which the Secretary of Commerce will issue export trade certificates of review. The holder of a certificate and its members will have specific protections from liability under Federal and State antitrust laws. These protections extend to the certificate holder's export trade, export trade activities, and methods of operation that are covered by the certificate and conducted while the certificate is in effect.

DATES: Effective March 11, 1983.

Comments due: May 10, 1983.

ADDRESS: Interested persons are invited to submit written comments, with five copies, to: Office of the Assistant General Counsel for Export Trading Companies, Department of Commerce, Room 5870, Washington, D.C. 20230.

Comments should refer to this rule by its title, "Export Trade Certificates of Review."

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Department of Commerce, Washington, D.C. 20230, (202) 377-0937 or (202) 377-4772.

These are not toll free numbers.

SUPPLEMENTARY INFORMATION: On October 1, 1982, Congress passed the Export Trading Company Act (Pub. L. No. 97-290, 96 Stat. 1233) which the President signed into law on October 8, 1982. In order to increase United States exports of products and services, Title III of the Act (15 U.S.C. 4011-4021) authorizes the Secretary of Commerce to issue export trade certificates of review. A certificate of review protects its holder from civil and criminal liability under Federal and State antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate, except that private parties may bring actions for injunctive relief or actual damages for a violation of the eligibility standards found in section 303 of the Act.

Section 310 of the Act gives the Secretary the authority to issue, with the concurrence of the Attorney General, rules and regulations to carry out the purposes of Title III. On December 21, 1982, the Secretary issued proposed regulations which were published in the Federal Register (47 FR 56972 and corrected by 48 FR 31). The proposed regulations explained how to apply for a certificate of review and the kinds of information that the application should contain so that the Secretary and Attorney General can determine whether they should issue the certificate. The regulations also explained how the Secretary and Attorney General will review applications and how a certificate can be amended, modified or revoked. Finally, the regulations discussed how the Secretary proposed to implement section 305 of the Export Trading Company Act which governs the judicial review of the Secretary's decisions to grant, deny, amend, modify, or revoke a certificate. A more detailed discussion of these provisions can be found in the preamble of the proposed rule.

The Department provided 30 days for public comment on the proposed rule. The Department received and considered 32 comments. The commenters include manufacturers, export management and trading companies, representative trade associations, attorneys, banks, port authorities and a local chamber of commerce. Twenty-six commented on the information requirements found in § 325.3(b), more than any other section, and seventeen on the procedures and standards for issuing certificates in § 325.4. The Department has adopted many of the commenters' suggestions in preparing these interim regulations. The Department's goal in making these changes is to simplify the export trade certificate of review process. The interim rule also includes many editorial changes to make the regulations easier to read and understand. A discussion of the public comments follows.

Issuing Interim Regulations

The proposed regulations provided thirty days for public comment. A number of commenters expressed the opinion that the comment period was inadequate. The Department was constrained to limit the comment period because, by virtue of section 312 of the Act, it will not have the legal authority to accept applications or to issue certificates of review until 90 days after regulations become effective. Given the need to promote exports, the Department believes that thirty days gave the public a reasonable opportunity to comment. However, in order to have a fuller discussion of these regulations which are important to the many businesses interested in exporting, the Department has decided to issue interim regulations which will allow another 60 days for public comment. This interim rule is effective immediately so that the application process can begin 90 days from now. In preparing the final regulations, the Department will consider all of the comments it receives before the comment period closes. The Department will also consider those comments on the proposed rule which were received too late to be considered here.

Protection for Officers, Directors, Employees, and Agents

The Department received comment that the regulations should extend the certificate's antitrust protection of the certificate holder and its members to their officers, directors, employees and agents. The Commerce and Justice Departments agree that the Act's protection extends to officers, directors, employees and agents of the certificate holder or members who carry out the activities specified in the certificate. The certificate will not have to identify each officer or director by name, and would not have to be amended whenever the identity of an officer or director is changed. Thus, when a certificate is issued, the officers, directors, employees and agents of the certificate holder and of members identified in the certificate will also receive the protection of section 306 of the Act.

Definitions

1. The Department has decided not to adopt the suggestion that "control" (§ 325.2(g)) should be defined as ownership of "over 50 percent" of a company's voting stock instead of "50 percent or more." Even in closely-held corporations, where ownership is more likely to be concentrated, the 50-percent owner has at least veto power or negative control in connection with the corporate decisions of the company.

2. The interim rule, in § 325.2(o), adds the definition of "services" found in section 311(2) of the Act.

3. Some commenters expressed uncertainty as to whether the definitions of "applicant" (§ 325.2(a)), "person" (§ 325.2(m)) and "member" (§ 325.2(k)) permit foreign firms to apply for a certificate of review. The proposed regulations contemplated that a foreign company would be eligible to apply for a certificate either: (1) Through its U.S.

subsidiary or (2) as a "member" of a trading entity created under U.S. law. This rule continues that position, which is supported by the objective of Title III ("to promote and encourage export trade") and by the legislative history. It is also consistent with the scope of eligibility for membership in a Webb-Pomerene association.

Applying for a Certificate

In response to public comments, and in order to make it easier to apply for a certificate of review, the Department is making the following changes in the application procedure.

1. The Department has revised § 325.3(a) to allow applicants to deliver their applications by first class mail. However, the Department recommends that the applicant, for its own records and protection, use registered mail or some other method of delivery that provides evidence of receipt.

Section 325.3(a) specifies that applications are to be delivered to the International Trade Administration's Office of Export Trading Company Affairs. Only applications that are properly delivered to this office will be accepted for review.

2. Section 325.3(d) of the proposed regulations gave the Secretary five working days after receiving an application to determine whether the application is complete and can be deemed submitted. The interim regulations add a sentence which makes clear that the application will be deemed properly submitted if the Secretary does not act within the time allowed.

3. The interim regulations require the Secretary to ask for supplemental information from the applicant in writing. In addition, § 325.3(f) requires the Secretary and Attorney General to decide promptly whether the supplemental information that the applicant provides is complete, and to notify the applicant of the determination. This assures the applicant that the request for supplemental information will not unduly delay the application.

Contents of the Application

The Department received more comments on § 325.3(b) than on any other. Twenty-six commenters made 56 comments on the information requirements in § 325.3(b). Many questioned the need for one or more of the items that § 325.3(b) requires to be included in the application. Others questioned the need to require the information in all cases, suggesting, for example, that requirements for information relating to shareholders of the applicant be applied only to those who own a specified percentage of the applicant's stock.

The Department recognizes the legitimate business concerns behind these comments. The applicant will have to spend some time and effort to provide even the simplest information. Some might fear that they risk disclosing information to their competitive disadvantage. In order to encourage businesses to apply for a certificate of review, the Department's policy in drafting these regulations is to require only the information that it will normally need to determine whether the applicant's proposed export conduct satisfies the four eligibility standards specified in section 303 of the Act and can therefore be certified. The regulations attempt to balance the need of the Commerce and Justice Departments for the information in order to be able to evaluate an application properly and the burden on the applicant to provide the information requested with its application.

In addition, the applicant does not have to provide any item of the information requested if it is unable to do so, or if it believes that the information would be burdensome to obtain and not needed for a determination on the application. Section 325.3(b) allows the applicant to omit the information requested or provide the information in less detail, if he gives an explanation. The applicant can, for example, provide the 4-digit instead of the 7-digit SIC number that § 325.3(b)(8)(ii) asks for if he believes that it would be burdensome and unnecessary to provide the 7-digit number. However, for purposes of accepting the application for review, the Secretary and Attorney General will not be bound by the applicant's decision not to submit the information requested. The Secretary and Attorney General may later make a supplemental request under § 325.3(f) for the information omitted.

In order to minimize further the burden on applicants, the Department is making the following changes and clarifications:

1. Two state port authorities commented on § 325.3(b). The commenters agree that although, as government entities, they are eligible to apply for certificates of review, § 325.3(b) requires information which is only appropriately asked of private commercial enterprises. Other commenters argue that the regulations put new companies at a disadvantage because they cannot provide the information that § 325.3(b) requires.

The Department notes that it intends to be flexible in applying the regulations; it will not insist that the applicant provide information which does not exist. For this reason, § 325.3(b) is qualified to require the applicant to provide information only if the item requested is applicable to the applicant's circumstances. For example, a new company can answer that paragraph (9) is not applicable to its circumstances because it has no prior sales. This answer, if it is appropriate, will not adversely affect the applicant's ability to get a certificate of review.

2. Section 325.3(b)(3) requires the applicant to submit a copy of any legal instrument under which the applicant is organized or will operate. A commenter objected to the requirement that the applicant include copies of contracts under which it " . . . conducts or proposes to conduct its export trade activity." The Department intended to require only contracts in the nature of a corporate charter, bylaws, or partnership, joint venture, membership and similar agreements under which the applicant is organized, and not contracts for the applicant's specific business transactions. However, the Department has deleted the language quoted in order to avoid any confusion.

3. The Department has rewritten paragraph (4) to emphasize that it is interested only in the information requested, and not the precise form that the information takes. As revised, paragraph (4) allows the applicant to submit either a narrative description or an organizational chart of its export-related operations.

Paragraphs (5) and (6) have also been revised and are made consistent. Paragraphs (5) and (6) no longer require the applicant, a member or a controlling entity to describe its methods of operation. The applicant should describe its methods of operation under paragraph (11) to the extent the applicant wants them to be certified.

4. The interim regulations make clear that § 325.3(b)(8) requires a description only of those goods and services for whose export that the applicant wants certification in order to minimize the burden on applicants and to limit the information requirements to what ordinarily would be needed to evaluate the application. This limitation will also apply to § 325.3(b) (9) and (10).

5. Section 325.3(b)(8)(ii) asks the applicant to identify the goods and services to be certified for export by their Standard Industrial Classification numbers. The regulations ask that goods be identified at the 7-digit level and services be identified at the highest SIC level available. The Department wants to note that the applicant has to supply

the SIC numbers only if they are reasonably available to the applicant. Furthermore, information of this detail is being requested for purposes of analysis only. This is not intended to imply that the certificate necessarily will identify the products or services which the applicant or its members will export with this degree of specificity.

6. Section 325.3(b)(9)(ii) asks for the dollar value of the applicant's and each member's total domestic and export sales for the two preceding years of each good or service that the applicant exports or proposes to export. The Secretary and the Attorney General, in the preamble of the proposed rule, noted that in certain circumstances the exchange of such information might raise antitrust concerns and solicited comment on how applicants can best compile this information for the application without raising those concerns. In response, one commenter suggested that the protection from antitrust liability be extended to any activity needed to prepare the application, including exchanges of information. The Commerce and Justice Departments do not believe they have this authority under the Act. For administrative reasons, the Department is also not capable of accepting separate submissions from each member. One alternative is to have an independent agent, such as an attorney or accountant, compile this information for submission to the Department. The Department leaves this decision to the applicant, which may wish to seek the advice of legal counsel on whether any safeguards of this or any other sort would be advisable in the applicant's particular circumstances. The Department has decided to note this issue in the application form.

In raising this issue, the Commerce and Justice Departments did not intend to suggest that the sharing of the information required by § 325.3(b)(9)(ii) among the applicant and its members would pose antitrust problems in most instances. On the contrary, it is unlikely to be of concern when the firms involved have, among them, a small share of the market for the particular product or service. The sharing of this information will not necessarily pose problems where larger market shares are involved, either, but applicants may wish to give more consideration to the issue in those circumstances.

7. At the suggestion of a commenter, § 325.3(b)(11)(iv) now indicates that the applicant should specify any restrictions on membership that it wants certified in addition to restrictions on membership that it wants certified in addition to restrictions on withdrawal from membership.

8. Section 325.3(b)(12) of the proposed regulations required the applicant to submit "[a] statement of whether the export trade, export trade activities or methods of operation for which certification is sought will involve, directly or indirectly, any agreement or any exchange of information with respect to domestic prices, production or sales, or will involve any exchange of other business confidential information." A number of commenters indicated that because "directly or indirectly" is vague, they are uncertain of which agreements they are required to disclose. In response to these comments, this clause has been deleted. The deletion, however, is intended to clarify and not to narrow the requirement. The applicant should identify any agreements or exchanges of this nature that are contemplated in connection with the proposed export trade activities or methods of operation.

The Department emphasizes that, contrary to the fears expressed by some commenters, an exchange of information will not disqualify the applicant from receiving a certificate of review. In fact, exchanges of information on prices, production, sales, or other confidential business information may be certifiable under the Act.

9. Section 325.3(b)(13) of this interim rule requires the applicant to state whether it "intends or reasonably expects that any exported goods or services covered by the proposed certificate will re-enter the United States, either in their original or modified form." If the applicant answers "yes," the Secretary may still certify the proposed export conduct in certain circumstances.

10. Section 325.3(b) no longer requires the applicant to give the number of its employees and the number of each member's employees.

Standards for Issuing a Certificate

1. Many of the commenters asked for an explanation of § 325.4(b) which repeats the four standards for issuing a certificate that are specified in section 303(a) of the Act. The Secretary and the Attorney General plan to promulgate guidelines for issuing certificates of review. These guidelines will explain the standards and analytical approach that the Secretary and Attorney General will take in determining whether to certify an applicant's proposed export trade, export trade activities and methods of operation. The Secretary and the Attorney General hope to publish the guidelines in the **Federal Register** in time to help applicants prepare their applications.

2. Three commenters thought that § 325.4(a) as it was proposed might give the Attorney General the right to take up to an additional 30 days to consider an application, even if the applicant does not approve. The Department has revised this paragraph to make clear that the applicant must approve any extension regardless of whether it is the Secretary or the Attorney General who seeks the additional time.

3. A number of commenters suggested that, before he issues a certificate that is different from the draft that the applicant submitted, the Secretary should notify the applicant and allow the applicant to suggest alternatives or to withdraw its application. Section 325.4(d) incorporates this suggestion.

4. In response to the objections of six commenters, the Department has not included in the interim regulations § 325.4(e) of the proposed rule which provided that an applicant is not entitled to resubmit an application that the Secretary has denied within twelve months of the date of the denial.

Publications in the Federal Register

1. The interim rule revises § 325.5(a) to require the Secretary to submit to the **Federal Register** for publication a notice that an application has been submitted within 10 days after the application is deemed submitted. The interim rule also adds a provision that the Secretary will notify the applicant if he plans to publish a summary of the application that is different from the summary submitted by the applicant.

2. Section 325.5(c) of the proposed regulations would have required the Secretary to publish in the **Federal Register** a copy of each certificate he issues. The Department has received many comments urging the Department to keep the specific terms of a certificate confidential. The commenters argue that the publication of the certificate will discourage potential applicants who do not want to disclose their business plans to their competitors. Applicants might also not describe their proposed export activity in detail and so limit the certainty of the certificate's protection.

Having considered these comments, the Commerce and Justice Departments have concluded that it is not necessary to publish the certificate in the **Federal Register**. Therefore, the Department is revising § 325.5(c) to provide that the Secretary will publish a summary of the certificate he issues. However, it is the present intent of the Commerce and Justice Departments to make the certificate available for public

inspection in the International Trade Administration Freedom of Information Records Inspection Facility. The Departments request comments from the public on whether confidential information may or should be deleted from the publicly available certificate. The comments should address the interest in giving potentially aggrieved parties sufficient notice of the conduct covered by the certificate to exercise rights of judicial review.

Modifying or Revoking a Certificate

Section 325.9 controls how the Secretary and Attorney General can modify or revoke a certificate. Under § 325.9(b) the Secretary can ask the certificate holder for any information necessary to determine whether the certificate holder's export trade, export trade activities and methods of operation still meet the standards for certification. The interim revises rule § 325.9 by clarifying that the certificate holder's failure to provide the information requested by the Secretary is grounds for modifying or revoking the certificate. This makes the regulation consistent with section 304 of the Export Trading Company Act.

Confidential Information

1. Section 325.14(b) limits the government's disclosure of commercial or financial information if the information is privileged or confidential and if disclosing the information would harm the person who submitted it. One commenter expressed concern that the regulation conditions confidentiality of the Department's finding that disclosure would be harmful. Another commenter suggested that information be kept confidential if disclosure would be "disadvantageous" to the person who submitted the information.

Section 325.14(b) incorporated into the regulations section 309(b) of the Export Trading Company Act. The Department cannot change the statute by regulation. However, in order to encourage the submission of information relevant to an application or certificate, the Department has revised § 325.14(b) to allow the person submitting information to designate the documents or information which it considers privileged or confidential and the disclosure of which would cause it harm. This input, although not controlling, will help determine whether information may be disclosed.

2. Section 309(b)(2)(B) of the Act authorizes officers and employees of the United States to disclose privileged or confidential information "in a judicial or administrative proceeding, subject to appropriate protective orders." Section 325.14(b)(2)(ii) incorporates this provision into the regulations.

Section 325.10(c) of the proposed regulations further provided that, in actions under section 305(a) of the Act, "the parties shall seek an appropriate protective order prior to the disclosure of any confidential or privileged documents or information." Section 309(b)(2)(B), however, applies to all judicial or administrative proceedings instead of just actions for judicial review of the Secretary's decision to issue, deny, amend, modify, or revoke a certificate. The Department does not intend to distinguish actions under section 305 of the Act from other judicial or administrative proceedings as the proposed regulations may have implied. For this reason, the Department has omitted § 325.10(c) from these interim regulations and has added a new § 325.14(c) which will apply to all judicial or administrative proceedings. Under § 325.14(c), the Secretary or the Attorney General will try to notify the party who submitted confidential or privileged information whenever disclosure of this information is sought from the Secretary or Attorney General in a judicial or administrative proceeding. The Secretary or Attorney General also may seek or support an appropriate protective order on behalf of the party who submitted the information.

The Department is providing a period of 60 days for public comments on this rule. In developing the final regulations, the Department will consider all of the comments it receives before the close of the comment period. If possible, the Department will consider comments it receives after the end of the comment period, but their consideration cannot be assured. The Department will not consider public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. These comments and materials will be returned and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available to the public to inspect and copy. In the interest of accuracy and completeness, comments in written form are preferred. If commenters make oral comments, they must follow them with written memoranda, which will also be a matter of public record and will be available for the public to inspect and copy. Communications from agencies of the United States government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001–B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The public may inspect and copy records in this facility, including written public comments and memoranda summarizing the substance of oral communications, according to the regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspecting and copying records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. The regulations are procedural in nature and will not have an annual effect on the economy of $100 million or more. Analysis of the regulations also indicates that they will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, a Regulatory Impact Analysis of this rule is not required.

The only potential costs of the proposed regulations are the costs to businesses of applying for certification and the costs to the government for processing applications. The recordkeeping, administrative burdens, and direct financial costs to a business to prepare an application under the regulations are expected to be minimal. Furthermore, the certification process is voluntary. A firm that wants to conduct an export venture is not required to get a certificate of review. The costs to the Federal government for reviewing applications for export trade certificates are not expected to be significant.

The interim rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, no assessment of

environmental impact statement has been or will be prepared.

The interim rule is exempt from the Regulatory Flexibility Analysis requirements of Section 603 of the Regulatory Flexibility Act since the Department is not required by Section 553 of Title V, United States Code, or any other law, to publish general notice of proposed rulemaking for interpretative rules, general statements of policy, and rules of procedure or practice. However, even if the proposed rule were not exempt, preparation of an initial Regulatory Flexibility Analysis would not be required because the record keeping, administrative burdens and other costs on any individual entity applying for a certificate of review under the regulations would be minimal and those costs would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

The Department has requested approval of the information collection requirements contained in these regulations by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

List of Subjects in 15 CFR Part 325

Exports, Antitrust, Administrative practice and procedure, Reporting requirements, and Freedom of information.

For the reasons set out in the preamble, 15 CFR Chapter III, Subchapter A, is amended by adding a new Part 325 to read as follows:

PART 325—EXPORT TRADE CERTIFICATES OF REVIEW

Sec.
325.1 Scope.
325.2 Definitions.
325.3 Applying for a certificate of review.
325.4 Issuing the certificate.
325.5 Publishing notices in the Federal Register.
325.6 Amending a certificate.
325.7 Expediting the certification process.
325.8 Reconsidering an application that has been denied.
325.9 Modifying or revoking a certificate.
325.10 Judicial review.
325.11 Returning the applicant's documents.
325.12 Nonadmissibility in evidence.
325.13 Submitting reports.
325.14 Protecting confidential information.

Authority: Title III of the Export Trading Company Act, Pub. L. 97–290 (96 Stat. 1240–1245, 15 U.S.C. 4011–4021).

§ 325.1 Scope.

This part contains regulations for issuing Export Trade Certificates of Review under Title III of the Export Trading Company Act, Pub. L. No. 97–290. Certificate holders and their members who are identified in these certificates have specific protections from liability under the antitrust laws for certified export trade, export trade activities, and methods of operation that they engage in while the certificates are in effect.

§ 325.2 Definitions.

As used in this part:

(a) "Act" means Title III of Pub. L. 97–290, Export Trade Certificates of Review.

(b) "Antitrust laws" means the antitrust laws, as the term is defined in the first section of the Clayton Act (15 U.S.C. 12), section 5 of the Federal Trade Commission Act (15 U.S.C. 45) (to the extent that section 5 prohibits unfair methods of competition), and any State antitrust or unfair competition law.

(c) "Applicant" means the person or persons who submit an application for a certificate.

(d) "Application" means an application for a certificate to be issued under this Act.

(e) "Attorney General" means the Attorney General of the United States or his designee.

(f) "Certificate" means a certificate of review issued pursuant to this Act.

(g) "Control" means either: (1) Holding 50 percent or more of the outstanding voting securities of an issuer; or (2) having the contractual power presently to designate a majority of the directors of a corporation, or in the case of an unincorporated entity, a majority of the individuals who exercise similar functions.

(h) "Controlling entity" means an entity which directly or indirectly controls a member or applicant, and is not controlled by any other entity.

(i) "Export trade" means trade or commerce in goods, wares, merchandise, or services that are exported, or are in the course of being exported, from the United States or any territory of the United States to any foreign nation.

(j) "Export trade activities" means activities or agreements in the course of export trade.

(k) "Member" means, with respect to an applicant, a partner, shareholder or participant who is seeking protection under the certificate. This applies to partners in partnerships or joint ventures; shareholders of corporations; or participants in associations, cooperatives, or other forms of profit or nonprofit organizations or combinations, by contract or other arrangement.

(l) "Method of operation" means any method by which a person conducts or proposes to conduct export trade.

(m) "Person" means an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether it is organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between or among such persons.

(n) "Secretary" means the Secretary of the Department of Commerce or his designee.

(o) "Services" means intangible economic output, including, but not limited to—

(i) Business, repair, and amusement services,

(ii) Management, legal, engineering, architectural, and other professional services, and

(iii) "Financial, insurance, transportation, informational and any other data-based services, and communication services.

(p) "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

§ 325.3 Applying for a certificate of review.

(a) *Place of filing.* An original and two copies of an application for certification shall be submitted for filing by personal delivery during normal business hours or by first class mail to the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Washington, D.C. 20230. Although not required, the applicant should consider using registered mail or some other delivery method that provides evidence of receipt.

(b) *Contents of application.* Any person may submit an application for certification. The application shall contain, where applicable, the information listed below. Some information, in particular the identification of goods or services that the applicant exports or proposes to export, is requested in a cetain form (Standard Industrial Classification [SIC] numbers) if reasonably available. Where information does not exist in this form, an applicant is not required to create it, and may satisfy the request for

information by providing it in some other convenient form. If an applicant is unable to provide any of the information requested or if the applicant believes that any of the information requested would be burdensome to obtain and unnecessary for a determination on the application, the applicant should state that the information is not being provided or is being provided in lesser detail, and explain why.

(1) Name and principal address of the applicant and of its controlling entity, if any. Include the name, title, address, telephone number and relationship to the applicant of the individual or individuals to whom the Secretary should address correspondence.

(2) The name and principal address of each member, and of each member's controlling entity, if any.

(3) A copy of any legal instrument under which the applicant is organized or will operate. Include copies, as applicable, of its corporate charter, bylaws, partnership, joint venture, membership or other agreements or contracts under which the applicant is organized.

(4) A brief description, preferably in the form of a chart or table, of the organization of the export-related operations of the applicant.

(5) A copy of the applicant's most recent annual report, if any, and that of its controlling entity, if any. To the extent the information is not included in the annual report, or other documents submitted in connection with this application, a brief description of the applicant's operations, including the nature of its business, the types of products or services with which it deals, and the places where it does business.

(6) A copy of each member's most recent annual report, if any, and that of its controlling entity, if any. To the extent the information is not included in the annual report, or other documents submitted in connection with this application, a brief description of each member's operations, including the nature of its business, the types of products or services with which it deals, and the places where it does business.

(7) The names, titles, and responsibilities of the applicant's directors, officers, partners and managing officials, and their business affiliations with other members or other businesses that produce or sell any of the types of goods or services described in paragraph (b)(8) of this section.

(8)(i) A description of the goods or services which the applicant exports or proposes to export under the certificate of review. This description should reflect the industry's customary definitions of products and services.

(ii) If it is reasonably available, an identification of the goods or services according to the Standard Industrial Classification (SIC) number. Goods should normally be identified according to the 7-digit level. Services should normally be identified at the most detailed SIC level available.

(9) For each class of the goods, wares, merchandise or services described in paragraph (b)(8) of this section:

(i) The principal geographic area or areas in the United States in which the applicant and each member sell their goods and services.

(ii) For the previous two calendar years, the dollar value of the applicant's and each member's (A) total domestic sales, if any; and (B) total export sales, if any. Include the value of the sales of any controlling entities and all entities under their control.

(10) For each class of the goods, wares, merchandise or services described in paragraph (b)(8) of this section, the best information or estimate accessible to the applicant of the total value of sales in the United States by all companies for the last two years. Identify the source of the information or the basis of the estimate.

(11) A description of the specific export trade activities and methods of operation which the applicant seeks to have certified. Only the specific activities and methods described in the application will be eligible for certification. Examples of the types of activities that the applicant may want to have certified, and of the degree of specificity that the applicant should provide, include, where applicable:

(i) The types of services which the applicant will provide to or secure for persons engaged in export trade and the manner in which those services will be provided;

(ii) The manner in which prices and quantities of products and services to be exported will be established;

(iii) Any agreements to sell exclusively to or through the applicant or other person, any agreements with foreign persons who may act as joint or exclusive agents, any agreements for pooling tangible or intangible property or resources, and any territorial or price maintenance restrictions that will be imposed or agreed to;

(iv) The nature of any restrictions on membership or membership withdrawal.

(12) If the export trade, export trade activities, or methods of operation for which certification is sought will involve any agreement or any exchange of information with respect to domestic prices, production, sales, or other confidential business information, specify the nature of the agreement or exchange of information.

(13) A statement of whether the applicant intends or reasonably expects that any exported goods or services covered by the proposed certificate will re-enter the United States, either in their original or modified form. If so, identify the goods or services and the manner in which they may re-enter the U.S.

(14) A statement of whether the applicant proposes to export goods or services that are supplied by persons who are not covered by the certificate.

(15) A proposed non-confidential summary of the conduct for which certification is sought for publication in the Federal Register under § 325.5(a) of this part.

(16) A draft proposed certificate for the export conduct which the applicant seeks to have certified.

(17) Any other information that the applicant believes will be necessary or helpful to a determination of whether to issue a certificate under the standards of the Act.

(c) *Conformity with regulations.* No application shall be deemed submitted unless such document is in compliance with these regulations. Applicants are encouraged to seek guidance and assistance from the Department of Commerce in preparing and documenting their applications.

(d) *Review and acceptance.* On the day that an application is received in the Office of Export Trading Company Affairs, the Secretary will stamp the application. From that date, the Secretary will have five working days to determine whether the application is complete, has been properly prepared and can be deemed submitted under this Act. On the date on which the application is deemed submitted, the Secretary will stamp it with that date, and notify the applicant that the application has been accepted for review. If the application is not accepted for review, the Secretary shall advise the applicant that it may refile the application after correcting the deficiencies that the Secretary has specified. If the Secretary does not take action on the application within the five day period, the application shall be deemed submitted as of the sixth day.

(e) *Withdrawal of application.* An applicant may withdraw an application by written request at any time before the Secretary has made his determination under § 325.4 of this part. An applicant who withdraws an application may submit a new application at any time, in accordance with these regulations.

(f) *Supplemental information.* If, after an application has been accepted for review, the Secretary or Attorney General finds that additional information is necessary to make a determination on the application, the Secretary will request in writing such supplemental information from the applicant. If the applicant consents to supply the additional information, the time period for determination on the application will be suspended from the date on which the request is sent until the supplemental information is received and is considered complete. The Secretary shall promptly determine whether the supplemental information is complete, and shall notify the applicant of his determination. If the information is being sought by the Attorney General, the Attorney General must concur in the determination that the supplemental information is complete. If the applicant does not agree to provide the additional information, and the Secretary or Attorney General considers the information in their possession insufficient to make a determination on the application, the applicant may withdraw the application, or the Secretary shall deny it.

§ 325.4 Issuing the certificate.

(a) *Time period.* The Secretary shall issue or decline to issue a certificate to an applicant within 90 days after an application is deemed submitted under this Act pursuant to § 325.3(d) (excluding any time period which has been suspended pursuant to § 325.3(f)). If the Secretary or Attorney General considers it necessary, and the applicant agrees, the Secretary may take up to an additional 30 days before issuing or declining to issue a certificate.

(b) *Determination.* The Secretary shall issue a certificate to the applicant if he determines, and the Attorney General concurs, that the proposed export trade, export trade activities and methods of operation will—

(1) result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

(2) not unreasonably enhance, stabilize, or depress prices within the United States of the class of the goods, wares, merchandise or services exported by the applicant;

(3) not constitute unfair methods of competition against competitors who are engaged in the export of goods, wares, merchandise or services of the class exported by the applicant; and

(4) not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

(c) *Concurrence of the Attorney General.* (1) Within seven days after an application is deemed submitted under this Act pursuant to § 325.3(d), the Secretary shall forward to the Attorney General a copy of the application, any information submitted in connection with the application, and any other relevant information in his possession. The Secretary and the Attorney General shall make available to each other copies of other relevant information that was obtained in connection with the certification review process, unless otherwise prohibited by law.

(2) Immediately upon completion of an initial draft of a certificate, but in no event later than twenty days prior to the expiration of the time period for a determination on the application, the Secretary shall make it available to the Attorney General for discussion and comment. If the Attorney General disagrees with the proposed certificate, he shall, no later than ten days prior to the running of the time period for a determination on the application, so advise the Secretary and state the reasons for the disagreement. The Secretary, with the concurrence of the Attorney General, may modify or revise the proposed certificate to resolve the objections and problems raised by the Attorney General, or deny the application for a certificate.

(3) If, after having received the draft certificate by the date specified in paragraph (c)(2) of this section, the Attorney General does not render advice within the time period specified in the preceding paragraph, he shall be deemed to concur in the proposed certificate.

(d) *Content of certificate.* The certificate shall specify the export trade, export trade activities, methods of operation, and all persons which are protected from liability under the antitrust laws. The Secretary may certify in whole or in part the proposed export trade, export trade activities, and methods of operation contained in the applicant's draft certificate with such changes, modifications, terms or conditions as appropriate. If the Secretary intends to issue a certificate different from the draft certificate submitted by the applicant, the Secretary shall first consult with the applicant.

(e) *Certificate procured by fraud.* A certificate shall be void ab initio with respect to any export trade, export trade activities, or methods of operation for which a certificate was procured by fraud.

(f) *Minimum thirty day period.* The Secretary may not issue a certificate of review earlier than thirty days from the date the notice is published in the **Federal Register** according to § 325.5

§ 325.5 Publishing notices in the Federal Register.

(a) Within ten days after an application is deemed submitted for filing under § 325.3(d), the Secretary shall submit to the **Federal Register** for publication a notice that the application has been submitted. The notice shall include the names of the applicant and each member and a summary of the conduct for which certification is sought. If the Secretary does not intend to publish the summary as proposed by the applicant, he shall notify the applicant.

(b) Within twenty days from the date of publication in the **Federal Register**, interested parties may submit in writing to the Secretary information relevant to his determination of whether to issue a certificate.

(c) If a certificate is issued to an applicant, the Secretary shall publish a summary of the certificate in the **Federal Register**. If an application for a certificate is denied, the Secretary shall publish a notice of denial of the application.

§ 325.6 Amending the certificate.

An application for an amendment shall be treated in the same manner as an original application under these regulations. The application for an amendment to a certificate shall set forth the proposed amendment(s) and the reasons for them. It shall contain any information specified in § 325.3(b) that is relevant to the determination of the application for an amendment. The effective date of an amendment, if it is granted, will be the date on which the application for the amendment is deemed submitted for filing under § 325.3(d).

§ 325.7 Expediting the certification process.

(a) *Request for expedited action.* (1) An applicant may request expedited action on its application if circumstances indicate that the applicant has a special need for a quick decision on his application. The applicant should set forth the facts and circumstances that warrant expedited processing of its application.

(2) The Secretary shall, with the concurrence of the Attorney General, advise the applicant within 10 days after an application is deemed submitted under § 325.3(d) whether it will receive expedited action. The Secretary may grant the request in part and process the

remainder of the application through the normal procedures.

(b) *Time period.* With regard to any application for which the Secretary has granted a request for expedited action, and subject to the minimum time period in § 325.4(f) of this part, the Secretary shall issue or decline to issue a certificate within forty five days after an application is deemed submitted under § 325.3(d) (excluding any time period which has been suspended pursuant to § 325.3(f)) of this part.

(c) *Concurrence of the Attorney General.* (1) Immediately upon completion of an initial draft of a certificate, but in no event later than ten working days prior to the expiration of the time period for a determination on the application, the Secretary shall make it available to the Attorney General for discussion and comment. If the Attorney General disagrees with the proposed certificate, he shall, no later than five working days prior to the running of the time period for a determination on the application, so advise the Secretary and state the reasons for the disagreement. The Secretary, with the concurrence of the Attorney General, may modify or revise the proposed certificate to resolve the objections and problems raised by the Attorney General, or deny the application for a certificate.

(2) If, after having received the draft certificate by the date specified in paragraph (c)(1) of this section, the Attorney General does not render advice within the time period specified, he shall be deemed to concur in the proposed certificate.

§ 325.8 Reconsidering an application that has been denied.

(a) If the Secretary determines to deny a certificate to an applicant, in whole or in part, he shall notify the applicant in writing of his decision and the reasons for his determination.

(b) Within 30 days after receiving a notice of denial the applicant may request the Secretary to reconsider his determination.

(1) The request for reconsideration should include a written statement setting forth the reasons why the applicant believes the decision should be reconsidered, and any additional information that the applicant considers pertinent.

(2) Upon the request of the applicant, the Secretary and the Attorney General will meet informally with the applicant and/or his representative to discuss the applicant's reasons why the determination on the application should be changed.

(c) The Secretary shall consult with the Attorney General with regard to reconsidering an application. The Secretary may modify his original determination only if the Attorney General concurs.

(d) The Secretary shall notify the applicant, in writing, of his final determination after reconsideration and of his reasons for this determination within thirty days after the request for reconsideration has been received.

§ 325.9 Modifying or revoking a certificate.

(a) *Action subject to modification or revocation.* A person holding a certificate whose export trade, export trade activities or methods of operation no longer comply with the requirements set forth in § 325.4(b) of this part, or who fails to comply with a request for information under paragraph (b) of this section, may be subject to any of the following actions:

(1) Revocation of certificate. A certificate may be revoked, in whole or in part.

(2) Modification of certificate. A certificate may be modified by the Secretary in such a manner and upon such terms and conditions as necessary.

(b) *Request for information.* If the Secretary or the Attorney General has reason to believe that the export trade, export trade activities, or methods of operation of a person holding a certificate no longer comply with the requirements set forth in § 325.4(b), the Secretary shall request any information that he or the Attorney General consider to be necessary to resolve the matter.

(c) *Proceedings for the revocation or modification of a certificate.*

(1) *Notification letter.* If, after reviewing any relevant information in their possession, the Secretary or the Attorney General believe that the export trade, export trade activities, or methods of operation of a person holding a certificate no longer comply with the requirements set forth in § 325.4(b) of this part, or that the failure to comply with the request for information under paragraph (b) of this section should result in the revocation or modification of the certificate, the Secretary shall notify the holder of a certificate in writing of his intent to revoke or modify the certificate. The notification shall be sent by registered or certified mail to the address specified in the certificate. The notification shall include a detailed statement setting forth the facts, conduct or circumstances which may warrant the revocation or modification of the certificate.

(2) *Answer.* The certificate holder shall respond to the notification letter within 30 days after receiving it, unless the Secretary, in his discretion, grants an additional 30 days extension for good cause shown. The certificate holder shall respond specifically to the statement included with the notification letter and state in detail why the facts, conduct or circumstances described in the notification letter are not true, or if they are true, why they do not warrant the revoking or modifying of the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the allegations contained in the notification letter.

(3) *Resolution of factual disputes.* Where material facts are in dispute, the Secretary and the Attorney General shall, upon request, meet informally with the certificate holder. The Secretary or Attorney General may require the certificate holder to provide any documents or information that are necessary to support its contentions. After reviewing the statements of the certificate holder and the documents or information that the certificate holder has submitted, and upon considering other relevant documents or information in his possession, the Secretary shall make a proposed determination of the factual matters in dispute. The Attorney General is not bound by the proposed determination.

(4) *Final determination.* The Secretary and Attorney General shall review the notification letter and the certificate holder's answer to it, the proposed factual determination made under paragraph (c)(3) of this section, and any other relevant documents or information in their possession. If, after his review, the Secretary or Attorney General determines that the export trade, export trade activities, or methods of operation no longer comply with the standards set forth in § 325.4(b) of this part, the Secretary shall revoke or modify the certificate as appropriate. If the Secretary or Attorney General determines that the certificate holder has failed to comply with the request for information under paragraph (b) of this section, and that the failure to comply should result in revocation or modification, the Secretary shall revoke or modify the certificate as appropriate. The decision will be final and will be issued to the certificate holder in writing. The decision shall include a statement of the circumstances underlying, and the reasons in support of the determination. It the Secretary determines to revoke or modify the certificate, the decision shall specify the effective date for the revocation or modification; this date must be at least thirty days but not more than ninety

days after the Secretary gives notice of his determination. The Secretary shall publish notice of his final action in the Federal Register.

(d) *Investigative information.* In proceedings under this section, the Attorney General shall make available to the Secretary any information that has been obtained in response to Civil Investigative Demands issued under section 304(b)(3) of this Act. The Attorney General and the Secretary shall also make available to each other any other information which each is relying upon under these proceedings, unless such disclosure is prohibited by law.

§ 325.10 Judicial review.

(a) *Review of certain determinations.* (1) Any person aggrieved by final orders of the Secretary under §§ 325.4, 325.6, 325.8, and 325.9 of these regulations may, within thirty days of the determination, bring an action in an appropriate district court of the United States to set aside the determination on the grounds that it is erroneous.

(2) (i) For purposes of this section, an order is final under §§ 325.4 and 325.6 of this part, when notice is published in the Federal Register of the final determination, (A) to grant, in whole or in part, the application or request for amendment; or (B) to deny, in whole or in part, the application or request for amendment, unless the applicant requests reconsideration of the determination within 30 days under § 325.8 of this part. I if the applicant requests reconsideration, the final determination after reconsideration is final when notice is published in the Federal Register.

(ii) For purposes of this section, an order is final under §325.9 of this part, when notice is published in the Federal Register of a final determination under §325. 9(c)(4) of this part.

(b) *Record for judicial review.* For purposes of this section, the record, unless otherwise stipulated by the parties, shall consist of:

(1) With regard to the determination to grant or deny an application for a certificate, a copy of all information presented to or obtained by the Secretay which had a bearing on the determination;

(2) With regard to revoking or modifying a certificate, all information relating to the preparation of the notification letter and all information which had a bearing on the final determination;

(3) A copy of the determination and the supporting statement.

(c) *Limitation on judicial review.* Except as provided in paragraph (a) of this section, no agency action taken under this Act shall be subject to judicial review.

§ 325.11 Returning the applicant's documents.

(a) Upon the denial or withdrawal of an application for a certificate in its entirety, the applicant may request the return of all documents and all copies of the documents available to the Department of Commerce or the Department of Justice. The applicant shall submit this request to both the Secretary and the Attorney General.

(b) The Secretary and the Attorney General shall return the documents to the applicant within thirty days after they receive the applicant's request.

§ 325.12 Nonadmissibility in evidence.

The denial of an application for a certificate, in whole or in part, or for an amendment to a certificate, and the revocation or modification of a certificate, and any statement of reasons in support thereof shall not be admissible in evidence in any administrative or judicial proceeding in support of any claim under the antitrust laws.

§ 325.13 Submitting reports.

On the anniversary date of each year after a certificate is issued, a certificate holder shall submit a report to the Secretary. This report shall contain any changes relevant to the matters specified in the certificate, an update of the information contained in the application, and any other information the Secretary considers appropriate, after consultation with the Attorney General.

§ 325.14 Protecting confidentiality of information.

(a) Any information that is submitted by any person under this Act is exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552).

(b)(1) Except as authorized under paragraph (b)(3) of this section, no officer or employee of the United States shall disclose commercial or financial information submitted under this Act if the information is privileged or confidential, and if disclosing the information would cause harm to the person who submitted it.

(2) A person submitting information shall designate the documents or information which it considers privileged or confidential and the disclosure of which would cause harm to the person submitting it. The Secretary shall endeavor to notify these persons of any requests or demands before disclosing any of this information.

(3) An officer or employee of the United States may disclose information covered under paragraph (b)(1) of this section, only under the following circumstances—

(i) Upon a request made by either House of Congress or a Committee of the Congress,

(ii) In a judicial or administrative proceeding subject to issuance of an appropriate protective order,

(iii) With the written consent of the person who submitted the information,

(iv) When the Secretary considers disclosure of the information to be necessary for determining whether or not to issue, amend, or revoke a certificate, if—

(A) The Secretary determines that a non-confidential summary of the information is inadequate; and

(B) The person who submitted the information is informed of the intent to disclose the information, and has an opportunity to advise the Secretary of the potential harm which disclosure may cause,

(v) In accordance with any requirement imposed by a statute of the United States.

(C) In any judicial or administrative proceeding in which disclosure is sought from the Secretary or Attorney General of any confidential or privileged documents or information submitted under this Act, the Secretary or Attorney General shall attempt to notify the party who submitted the information of the request or demand for disclosure. In appropriate circumstances the Secretary or Attorney General may seek or support an appropriate protective order on behalf of the party who submitted the documents or information.

[The Department has requested approval of the information collection requirements contained in these regulations by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).]

Dated: March 8, 1983.

Malcolm Baldridge,

Secretary of Commerce.

[FR Doc. 83-6257 Filed 3-10-83; 8:45 am]
BILLING CODE 3510-25-M

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(1964 through 1972)

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Presidential Documents

Title 3—

The President

Proclamation 5030 of March 10, 1983

Exclusive Economic Zone of the United States of America

By the President of the United States of America

A Proclamation

WHEREAS the Government of the United States of America desires to facilitate the wise development and use of the oceans consistent with international law;

WHEREAS international law recognizes that, in a zone beyond its territory and adjacent to its territorial sea, known as the Exclusive Economic Zone, a coastal State may assert certain sovereign rights over natural resources and related jurisdiction; and

WHEREAS the establishment of an Exclusive Economic Zone by the United States will advance the development of ocean resources and promote the protection of the marine environment, while not affecting other lawful uses of the zone, including the freedoms of navigation and overflight, by other States;

NOW, THEREFORE, I, RONALD REAGAN, by the authority vested in me as President by the Constitution and laws of the United States of America, do hereby proclaim the sovereign rights and jurisdiction of the United States of America and confirm also the rights and freedoms of all States within an Exclusive Economic Zone, as described herein.

The Exclusive Economic Zone of the United States is a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands (to the extent consistent with the Covenant and the United Nations Trusteeship Agreement), and United States overseas territories and possessions. The Exclusive Economic Zone extends to a distance 200 nautical miles from the baseline from which the breadth of the territorial sea is measured. In cases where the maritime boundary with a neighboring State remains to be determined, the boundary of the Exclusive Economic Zone shall be determined by the United States and other State concerned in accordance with equitable principles.

Within the Exclusive Economic Zone, the United States has, to the extent permitted by international law, (a) sovereign rights for the purpose of exploring, exploiting, conserving and managing natural resources, both living and non-living, of the seabed and subsoil and the superjacent waters and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and (b) jurisdiction with regard to the establishment and use of artificial islands, and installations and structures having economic purposes, and the protection and preservation of the marine environment.

This Proclamation does not change existing United States policies concerning the continental shelf, marine mammals and fisheries, including highly migratory species of tuna which are not subject to United States jurisdiction and require international agreements for effective management.

The United States will exercise these sovereign rights and jurisdiction in accordance with the rules of international law.

Without prejudice to the sovereign rights and jurisdiction of the United States, the Exclusive Economic Zone remains an area beyond the territory and territorial sea of the United States in which all States enjoy the high seas freedoms of navigation, overflight, the laying of submarine cables and pipelines, and other internationally lawful uses of the sea.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-6727
Filed 3-11-83; 10:20 am]
Billing code 3195-01-M

Editorial Note: A statement by the President on establishing the zone and a fact sheet on U.S. oceans policy, both dated Mar. 10, 1983, are printed in the *Weekly Compilation of Presidential Documents* (vol. 19, no. 10).

Rules and Regulations

Federal Register
Vol. 48, No. 50
Monday, March 14, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the United States Standards for Grades of Dry Whole Milk. The revision removes the premium grade category and updates the quality criteria so that the standards accurately define the levels of quality of dry whole milk manufactured. This revision has been developed in cooperation with the American Dry Milk Institute.

EFFECTIVE DATE: May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Richard W. Webber, Head, Standardization Section, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7473.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that the revision will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601-612), because it is a voluntary grade standard and the revision will not increase the cost to those utilizing the standard.

In accordance with the United States Department of Agriculture policies for regulatory review, the Dairy Division's Standardization Section initiated a review of the U.S. Standards for Grades of Dry Whole Milk. A prior review had been started but had to be abandoned due to other program requirements. This current review commenced on October 24, 1980.

The review was organized to obtain both current and historical information to support the criteria of the standard as written, or to support any changes necessary for modernization of the standard that might become apparent from the review. It was the intent of the review to obtain as much information as possible from as many varied sources and interested parties as possible.

The review consisted of several phases. First, a computer search of the National Agricultural Library (NAL) resources pertaining to dry whole milk was conducted. From this search, a number of articles and texts were selected having a direct bearing on the standard review. Next, the dry milk industry was contacted for input via the American Dry Milk Institute. Also contacted were other interested parties who may use the product and, therefore, would have an interest in its quality criteria.

Dry Whole Milk (DWM) production for 1981 was 92.1 million pounds, approximately 7.0 percent of the production of nonfat dry milk (NDM) for the same period. However, unlike nonfat dry milk, the production and commercial sales of DWM are well balanced. For 1981 the commercial sales for DWM were 93.1 million pounds. This represents an 11 percent increase in production and a 29 percent increase in sales over year earlier figures. It is apparent that the DWM segment of the industry is viable and growing.

Traditionally, DWM has not been utilized as a beverage product in the United States. Many experiments and research projects have been conducted toward this objective, but the ready availability of fresh fluid milk and the excellent quality of NDM have not resulted in any consumer demand for DWM in this use. The primary use of DWM is as an ingredient in a variety of other foods such as ice cream, soups, candies and bakery products. A limited quantity of DWM is produced for export as a beverage commodity.

The United States Standards for Dry Whole Milk currently in effect were established in December 1970. During the ensuing years, a number of technological advances have been accomplished within the dairy industry, new market trends and preferences have emerged, and improved milk quality has gained increased significance.

The DWM industry through its trade association, the American Dry Milk Institute, has worked closely with USDA on the preparation of this revision and supports the changes. This revision includes the following changes.

(a) The premium grade criteria and designation are eliminated. Premium grade was originally established as a quality level for DWM used as a beverage. DWM used as a beverage is not a normal item of commerce for the dairy industry.

(b) The Explanation of Terms section is expanded to provide clear definitions of the terminology used in the document and to be consistent with the format of other U.S. grade standards for dairy products.

(c) The reporting method for moisture content is changed to be consistent with the Food and Drug Administration (FDA) standard of identity for dry whole milk. This is not a substantive change in the allowable amount of moisture permitted by the standard.

(d) The solubility index criteria are increased for each grade level to be consistent with commercially produced DWM. This was requested by the American Dry Milk Institute.

(e) The oxygen content is eliminated as a grade criterion and its determination had been made optional. Determination of oxygen content is particularly important when DWM is used as a beverage. However, with the elimination of the premium grade criteria and designation, oxygen content as a grade criterion for the remaining grade designations is no longer appropriate.

USDA grade standards are voluntary standards that are developed to assist the orderly marketing process. Dairy plants are free to choose whether or not to use the grade standards. USDA grade standards for dairy products have been developed to identify the degrees of quality in the various products. Quality in general refers to the usefulness,

desirability, and value of a product—its marketability—but the precise definition of quality depends on the individual commodity. When dry whole milk is graded, the regulations governing the grading services of manufactured or processed dairy products, which require all graded dairy products to be produced in a USDA approved plant, would be in effect. These regulations also require a charge for grading services provided by USDA.

Public Comments

On November 16, 1982, the Department published a proposed rule to revise the United States Standards for Grades of Dry Whole Milk (47 FR 51581–51583).

The public comment period closed on January 17, 1983, with three parties submitting comments. The specific comments are as follows:

1. One respondent made four editorial change suggestions to improve consistency, to correct typographical errors and to improve readability for the users of the standards. All four suggested changes were accepted.

2. Two respondents requested the proposed revision be written to include dry whole milk produced from goat's milk. The Food and Drug Administration Standards of Identity for Dry Whole Milk (21 CFR 131.147) and Milk (21 CFR 131.110) do not include goat's milk. The Department, therefore, maintains that inclusion of goat's milk in the revision is not appropriate because the voluntary grade standard is based on a legally defined product.

3. One respondent requested the maximum butterfat criterion be removed to permit the higher butterfat found in goat's milk. Since the inclusion of goat's milk in the standards has been determined to be inappropriate, alteration of the butterfat criterion would also be inappropriate.

List of Subjects in 7 CFR Part 58

Food grades and standards, Dairy products.

PART 58—[AMENDED]

In consideration of the foregoing, 7 CFR Part 58 is amended by revising §§ 58.2701 through 58.2708 and the heading for Subpart S and by adding new §§ 58.2709 and 58.2710 to read as follows:

Subpart S—United States Standards for Grades of Dry Whole Milk

Definitions

Sec.
58.2701 Dry whole milk.
58.2702 Milk.

U.S. Grades

Sec.
58.2703 Nomenclature of U.S. grades.
58.2704 Basis for determination of U.S. grades.
58.2705 Specifications for U.S. grades.
58.2706 Basis for oxygen content determination.
58.2707 Optional tests.
58.2708 U.S. grade not assignable.
58.2709 Test methods.

Explanation of Terms

58.2710 Explanation of Terms.

Subpart S—United States Standards for Grades of Dry Whole Milk [1]

Definitions

§ 58.2701 Dry whole milk.

"Dry whole milk" made by the Spray process or Roller process is the product obtained by removal of water only from pasteurized milk which may have been homogenized. Alternatively, dry whole milk may be obtained by blending fluid, condensed, or dried nonfat milk with liquid or dried cream or with fluid, condensed, or dried milk, as appropriate, provided the resulting dry whole milk is equivalent in composition to that obtained by drying. It contains the lactose, milk proteins, milkfat, and milk minerals in the same relative proportions as the milk from which it was made. It may be optionally fortified with either Vitamins A or D or both.

§ 58.2702 Milk.

The term "Milk", when used in this part, means milk produced by healthy cows and pasteurized at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction before or during the manufacture of dry whole milk.

U.S. Grades

§ 58.2703 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

(a) U.S. Extra grade.
(b) U.S. Standard grade.

§ 58.2704 Basis for determination of U.S. grades.

The U.S. grades of dry whole milk are determined on the basis of flavor, physical appearance, bacterial estimate, coliform estimate, direct microscopic count, milkfat content, moisture content, scorched particle content, and solubility index.

§ 58.2705 Specifications for U.S. grades.

(a) *U.S. Extra grade.* U.S. Extra grade dry whole milk shall conform to the following requirements (See tables I, II, and III):

(1) *Flavor.* (applies to the reconstituted product). Shall be sweet, pleasing and desirable. It may possess a slight feed flavor; and a definite cooked flavor. It shall be free from undesirable flavors.

(2) *Physical appearance.* Shall be white or light cream color, free from lumps that do not break up under slight pressure, and practically free from visible dark particles. The reconstituted product shall be free from graininess.

(3) *Bacterial estimate.* Not more than 50,000 per gram standard plate count.

(4) *Coliform estimate.* Not more than 10 per gram.

(5) *Milkfat content.* Not less than 26.0%, but less than 40.0%.

(6) *Moisture content.* Not more than 4.5% (as determined by weight of moisture on a milk solids not fat basis).

(7) *Scorched particle content.* Not more than 15.0 mg. for spray process, and 22.5 mg. for roller process.

(8) *Solubility index.* Not more than 1.0 ml. for spray process , and 15.0 ml. for roller process.

(b) *U.S. Standard grade.* U.S. Standard grade dry whole milk shall conform to the following requirements (See tables I, II, and III):

(1) *Flavor.* (applies to the reconstituted product) Shall be sweet and should have a pleasing flavor. It may possess the following flavors to a slight degree: bitter, oxidized, scorched, stale, and storage; and to a definite degree: feed and cooked. It shall be free from undesirable flavors.

(2) *Physical appearance.* Should be white or light cream color, but may possess a slight unnatural color; and shall be free from lumps that do not break up under moderate pressure; and reasonably free from visible dark particles. The reconstituted product shall be reasonably free from graininess.

(3) *Bacterial estimate.* Not more than 100,000 per gram standard plate count.

(4) *Coliform estimate.* Not more than 10 per gram.

(5) *Milkfat content.* Not less than 26.0%, but less than 40.0%.

(6) *Moisture content.* Not more than 5.0% (as determined by weight of moisture on a milk solids not fat basis).

(7) *Scorched particle content.* Not more than 22.5 mg. for spray process and 32.5 mg. for roller process.

(8) *Solubility index.* Not more than 1.5 ml. spray process, and 15.0 ml. for roller process.

§ 58.2706 Basis for oxygen content determination.

Oxygen content (if gas packed) is not a U.S. grade requirement. Percentage of oxygen content will be made available

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

only on a U.S. graded product and the results will be shown on the grading certificate as follows:

Oxygen Content

Not more than 2% Oxygen or,
Not more than 3% Oxygen or,
Oxygen content ——%

TABLE I.—CLASSIFICATION OF FLAVOR

Identification of flavor characteristics	U.S. extra grade	U.S. standard grade
Cooked	Definite	Definite.
Feed	Slight	Definite.
Bitter		Slight.
Oxidized		Slight.
Scorched		Slight.
Stale		Slight.
Storage		Slight.

TABLE II.—CLASSIFICATION OF PHYSICAL APPEARANCE

Identification of physical appearance characteristics	U.S. extra grade	U.S. standard grade
Dry product:		
Unnatural color	None	Slight.
Lumps	Slight pressure	Moderate pressure.
Visible dark particles.	Practically free	Reasonably free.
Reconstituted product:		
Grainy	Free	Reasonably free.

TABLE III.—CLASSIFICATION ACCORDING TO LABORATORY ANALYSIS

Laboratory tests	U.S. extra grade	U.S. standard grade
Bacterial estimate, SPC/gram.	50,000	100,000.
Coliform estimate/gram.	10	10.
Milkfat content, percent.	Not less than 26.0, but less than 40.0.	Not less than 26.0, but less than 40.0.
Moisture content, percent [1].	4.5	5.0
Scorched particle content, mg:		
Spray proc.	15.0	22.5.
Roller proc.	22.5	22.5.
Solubility index, ml:		
Spray proc.	1.0	1.5.
Roller proc.	15.0	15.0.

[1] Milk solids not fat basis.

§ 58.2707 Optional tests.

There are certain optional test requirements in addition to those specified in section 58.2705. Testing for these requirements may be done occasionally at the option of the Department and will be done whenever they are requested by an interested party.

These optional requirements are as follows:

(a) *Copper content.* Not more than 1.5 p.p.m.

(b) *Iron content.* Not more than 10 p.p.m.

(c) *Titratable acidity.* Not more than 0–15 percent.

(d) *Vitamin addition.* When either or both Vitamin A or D is added, they shall be present in such quantity that, when prepared according to label directions, each quart of the reconstituted product shall contain:

Vitamin A. Not less than 2,000 I.U.
Vitamin D. 400 I.U.

§ 58.2708 U.S. grades not assignable.

Dry whole milk shall not be assigned a U.S. grade for one or more of the following reasons:

(a) Fails to meet the requirements for U.S. Standard grade.

(b) Has a direct microscopic clump count exceeding 100 million per gram.

(c) Fails to meet the requirements for any optional tests as specified in section 58.2707, when such tests have been performed.

(d) Produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment, or facilities, or to be operating under unsanitary plant conditions.

(e) Produced in a plant which is not USDA approved.

§ 58.2709 Test methods.

All required tests, and optional tests when specified, shall be performed in accordance with "Methods of Laboratory Analysis", DA Instruction No. 918–103 (dry milk products series), Dairy Grading Branch, AMS, U.S. Department of Agriculture, Washington, DC 20250; and "Official Methods of Analysis of the Association of Official Analytical Chemists", 13th Ed. or latest revision.

Explanation of Terms

§ 58.2710 Explanation of terms.

(a) *With respect to flavor:*

(1) *Slight.* An attribute which is barely identifiable and present only to a small degree.

(2) *Definite.* An attribute which is readily indentifiable and present to a substantial degree.

(3) *Undesirable.* Those flavors in excess of the intensity permitted or those not otherwise listed.

(4) *Bitter.* Similar to taste of quinine and produces a puckery sensation.

(5) *Cooked.* Similar to a custard flavor and imparts a smooth aftertaste.

(6) *Feed.* Feed flavors (such as alfalfa, sweet-clover, silage, or similar feed) in milk carried through into the dry whole milk.

(7) *Oxidized.* A flavor resembling cardboard and sometimes referred to as "cappy" or "tallowy".

(8) *Scorched.* A more intensified flavor than "cooked" and imparts a burnt aftertaste.

(9) *Stale, Storage.* Lacking in freshness and imparting a "rough" or "harsh" aftertaste.

(10) *Sweet.* The lack of detectable acidity.

(b) *With respect to physical appearance:*

(1) *Practically free.* Is barely identifiable upon examination and present to a very small degree.

(2) *Reasonably free.* Is easily identifiable upon examination and present to a small degree.

(3) *Slight pressure.* Lumps fall apart with only light touch.

(4) *Moderate pressure.* Only sufficient pressure to disintegrate the lumps readily.

(5) *Grainy.* Minute particles of undissolved powder appearing in a thin film on the surface of a glass or tumbler.

(6) *Unnatural color.* A color that is more intense than light cream and/or is brownish, dull or grey-like.

(7) *Lumps.* Loss of powdery consistency but not caked into hard chunks.

(8) *Visible dark particles.* The presence of scorched or discolored specks readily visible to the eye.

(Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624)

Effective Date: May 13, 1983.

Done at Washington, D.C. on March 8, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-0514 Filed 3-11-83; 8:45 am]
BILLING CODE 3410-02-M

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7 CFR Part 907

[Navel Orange Reg. 560, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Minimum Size Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation continues through July 28, 1983, the current minimum diameter requirement of 2.32 inches for fresh shipments of navel oranges produced in Arizona and designated part of California. Such action is necessary to promote orderly marketing of suitable sizes of fresh

navel oranges in the interest of producers and consumers.

EFFECTIVE DATE: March 25, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

An interim rule was published in the **Federal Register** (48 FR 2728) on January 21, 1983, which specified the minimum size requirement applicable to fresh domestic shipments of California-Arizona navel oranges. That rule provided an opportunity to submit comments through February 22, 1983. No comments were received.This final rule contains the same requirements as specified in the interim rule. The rule is effective for the period March 25, 1983 through July 28, 1983.

This regulation is issued under the marketing agreement and Order No. 907 (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon a recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

The 1982-83 season crop of navels is currently estimated at 81,900 carlots, compared to 55,800 carlots during the past season. The committee reports that demand in regulated fresh channels is expected to require about 56 percent of this volume. The remaining 44 percent would be available for utilization in export and processing outlets. The committee indicates that volume and size composition of the crop of navels are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee also reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes. Navel oranges failing to meet such requirements could be shipped to fresh export markets, left on trees to attain further growth, or utilized in processing. In those circumstances, elimination of sizes smaller than those specified is appropriate in the interest of producers and consumers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) an interim rule was published in the **Federal Register** (48 FR 2728) and no comments were received during the period provided; (2) the requirements of this final rule are the same as those currently in effect; (3) navel orange handlers have been apprised of these requirements and the effective date; (4) and these requirements will not require any additional preparation by handlers which cannot be completed by the effective date hereof.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

Therefore, § 907.860 (Navel Orange Regulation 560, 48 FR 2728) is amended to read as follows (as so amended, § 907.860 expires July 28, 1983, and will not be published in the annual Code of Federal Regulations):

§ 907.860 Navel Orange Regulation 560.

(a) During the period March 25, 1983, through July 28, 1983, no handler shall handle any navel oranges grown in the production area which are of a size smaller than 2.32 inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the oranges in any container may measure smaller than 2.32 inches in diameter.

(b) As used in this section, "handler", "handle" and "production area" mean the same as defined in the marketing order. Diameter shall mean the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 9, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-6431 Filed 3-11-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1065

[Milk Order No. 65]

Milk in the Nebraska-Western Iowa Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for the months of March through August 1983 certain provisions affecting the regulatory status of milk plants under the Nebraska-Western Iowa milk order. The action was requested by a cooperative association that operates supply plants under the order and which is the principal supplier of milk to other handlers in the market. The action makes inoperative the provisions that a cooperative must deliver at least 51 percent of its member producer milk to pool distributing plants each month to qualify its supply plants as pool plants under the order. The action is needed to avoid inefficient handling and transportation of the milk and to assure that dairy farmers who have regularly been associated with the market will continue to share in the market's fluid milk sales.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued February 16, 1983; published February 22, 1983 (48 FR 7463).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the

completion of the required suspension procedures in time to include March 1983 in the suspension period. The initial request for this action was received February 1, 1983. A notice of proposed suspension was issued on February 16, 1983, inviting interested parties to comment on the proposed action by March 1, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continume to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 7463) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of March through August 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1065.7(c), the words "51 percent or more of the".

Statement of Consideration

This action makes inoperative for March through August 1983 the provisions that a cooperative must deliver at least 51 percent of its member producer milk to pool distributing plants each month to qualify its supply plants as pool plants under the order. The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that operates supply plants under the order and which is the principal supplier of milk to other handlers in the market.

Mid-Am experienced considerable difficulty in meeting the 51 percent delivery requirement during 1982. The requirement was suspended for July and August of last year in recognition of the cooperative's problem. In certain other months during 1982, the cooperative did not pool the milk of certain dairy farmers or shifted some producers to other markets in order to maintain pool status for its supply plants.

Mid-Am's deliveries to handlers under the order during December 1982 were about 6 percent below its deliveries in the same month a year earlier. Moreover, the normal seasonal increase in milk production most likely will begin earlier this year because of the mild winter. Thus, it is expected that the cooperative's supply-demand situation will not improve significantly until schools reopen in the fall. Accordingly, the delivery requirement should be suspended for March through August 1983.

Unless the suspension is granted, pool status for all of the producer milk regularly associated with Mid-Am's supply plants could be maintained during March through August of this year only by shifting the milk of some producers to other markets or by not pooling the milk of certain dairy farmers. Either of these actions by the cooperative would be disruptive to producers who have been regularly associated with the cooperative's supply plants and the fluid needs of the market.

This suspension action will avoid the development of such uneconomic and disorderly marketing conditions. It will facilitate the handling of milk supplies that are excess to the market's fluid milk needs and will result in considerable savings in plant handling and hauling costs.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to assure the orderly marketing of milk in the marketing area. Without this action the milk of dairy farmers currently associated with the cooperative's supply plants would not continue to have all of their milk priced under the order and thereby receive the benefits that accrue from such pricing.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension. No views opposing this suspension were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1065.7(c) of the order are hereby suspended for March through August 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 14, 1983.

Signed at Washington, D.C., on March 8, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6632 Filed 3-11-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Northeastern International Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Northeastern International Airways, Inc. to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

EFFECTIVE DATE: March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Northeastern International Airways, Inc. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an

air carrier to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended as follows:

1. Add in alphabetical order, "Northeastern International Airways, Inc.", under "At Bermuda".

* * * * *

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: March 8, 1983.

Perry A. Rivkind,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 83-6619 Filed 3-11-83; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 543 and 552

[No. 83-127]

Organization and Chartering of de Novo Federal Stock Associations and Related Regulatory Amendments

March 3, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; Request for comments.

SUMMARY: In order to implement statutory revisions contained in the Garn-St Germain Depository Institutions Act of 1982, the Federal Home Loan Bank Board is amending its regulations to provide procedural rules for the organization and chartering of *de novo* Federal stock savings and loan associations and Federal stock savings banks ("Federal stock associations"), interim Federal stock associations, and Federal stock associations proposed by the Federal Savings and Loan Insurance Corporation.

DATES: Effective March 3, 1983. Comments must be received by May 5, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION, PLEASE CONTACT: Donna K. Ralston, Attorney, Office of General Counsel, (202-377-6427), David A. Permut, Attorney, Office of General Counsel, (202-377-6962), or K. Diane Boyle, Director, Program Analysis Development Division, Office of District Banks (202-377-6720).

SUPPLEMENTARY INFORMATION:

Background

A. Federal Stock Associations

Title III of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982) ("DIA"), amends sections 5(a) and 5(b) of the Home Owners' Loan Act of 1933 ("HOLA"), to be codified as 12 U.S.C. 1464(a) and 1464(b), to authorize the Federal Home Loan Bank Board ("Board") to organize and charter *de novo* Federal stock associations.

Previously, the Board was permitted only to organize and charter *de novo* Federal mutual savings and loan associations. These statutory revisions are significant because they give Federal thrift institutions greater flexibility in choosing their form of organization and in raising capital.

In order to implement this statutory authority, the Board is adopting certain amendments to its regulations to provide procedural rules for the organization and chartering of *de novo* Federal stock associations and interim Federal stock associations. The rules for Federal stock associations and interim Federal stock associations are substantially similar to those contained in Part 543 for the organization and chartering of *de novo* Federal mutual associations and interim Federal mutual associations, with the addition of certain requirements regarding the sale of the association's capital stock.

By another Resolution of this date, published elsewhere in this Federal Register, the Board proposed regulations to govern the offer and sale of securities by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("FSLIC"). The proposed securities offerings regulations must be complied with by Federal stock associations in organization after the effective date of these regulations (March 3, 1983). Federal stock associations in organization upon the date that final securities offerings regulations, if any, become effective must comply with those requirements rather than the requirements of the proposed securities offerings regulations.

B. Interim Federal Stock Associations

On December 8, 1982, the Board indicated its intention to issue, where appropriate, *de novo* stock charters for interim Federal stock associations for the purposes of facilitating the reorganization of a stock association into holding company form or the acquisition of an FSLIC-insured institution by a savings and loan holding company. *See* Bd. Res. No. 82-788, 48 F.R. 173, published January 3, 1983. By its action today, the Board is adopting regulations to provide procedures for the organization of interim Federal stock associations.

C. Federal Stock Associations Proposed by the FSLIC

Title I of the DIA, which amends section 5 of the HOLA by adding paragraph (p), to be codified as 12 U.S.C. 1464(p), increases and reaffirms the FSLIC's authority to charter institutions to facilitate the resolution of failing institutions in supervisory cases by authorizing the FSLIC to charter a Federal stock association to acquire the assets of or merge with an FSLIC-insured mutual savings and loan association or FSLIC-insured Federal mutual savings bank. Such action must be taken by the FSLIC to assist an institution in receivership, to improve the financial condition of an institution whose stability is threatened by severe financial conditions, or to aid an institution with which the FSLIC has contracted to provide financial assistance. This statutory provision increases the options available to the FSLIC to deal with failing institutions and, therefore, will serve the public interest while, at the same time, minimizing the cost of assistance in such cases to the FSLIC. Accordingly, the Board is adopting regulations to provide that the general rules applicable to the organization and chartering of *de novo* Federal stock associations and interim Federal stock associations will not apply to Federal stock associations proposed by the FSLIC in supervisory cases under section 5(p) of the HOLA, as well as those Federal stock associations proposed under section 406 of the National Housing Act, as amended ("NHA").

Procedure

A. Federal Stock Associations

The procedure for organization of Federal stock associations is set forth in new § 552.2–1. Applicants must file an application for permission to organize with the Supervisory Agent of the approporiate Federal Home Loan Bank. (A copy of the form of application is published with this Resolution for the public's convenience.) Applications are subject to the provisions of 12 CFR 543.2(a) through 543.2(f) and the fulfillment of any requirements or conditions imposed by the Board. Upon Board approval of an application, the association, if a Federal stock savings and loan association, will be issued a Charter S, and, if a Federal stock savings bank, will be issued a Charter T. However, in order to be issued a Charter S or Charter T, the association's organization must be completed within six months after the Board approves the application, or within such additional time period as the Board may grant. Upon issuance of the Charter S or Charter T, the association must proceed promptly to offer and sell its capital stock pursuant to the requirements of 12 CFR Part 563g, proposed for adoption by the Board today. In addition, the association must promptly qualify as a member of the appropriate Federal Home Loan Bank and meet all requirements necessary to obtain insurance of its accounts by the FSLIC.

Subject to Board approval, the applicants will be the associations' interim board of directors, and those persons identified in the application will be the association's interim officers. After completion of the sale of its capital stock, the association must promptly provide notice pursuant to its charter and bylaws of a meeting of stockholders to elect directors. A subsequent meeting of directors must be held to elect officers and to undertake any other action necessary under the charter or bylaws to complete corporate organization.

The organization of a Federal stock association will be deemed complete when the association has received FHLB membership and insurance of its accounts from the FSLIC; has completed the sale of and received full payment for its capital stock; has complied with all filing requirements of proposed 12 CFR Part 563g; has held its organizational meeting for the election of directors and all directors have been elected; has elected and bonded its officers; and has met any other requirement that may have been imposed by the Board.

B. Interim Federal Stock Associations

Procedural rules for the organization and chartering of interim Federal stock associations are contained in new § 552.2–2. The procedures prescribed in 12 CFR 543.2(d) through 543.2(f) regarding the filing of an application for permission to organize and 12 CFR 552.2–1(b) regarding approval of applications need not be followed. However, decisions on all applications must be made by the Board, and the requirements of 12 CFR Parts 546, 563, or 584 must be fulfilled.

Preliminary approval of an application will be conditioned upon board approval of an application to merge the interim Federal stock association and an existing insured stock institution or upon Board approval of any other transaction. Final approval may be granted in conjunction with Board approval of an application filed pursuant to 12 CFR 584.4 or acquiescence in a filing under 12 CFR 584.4–1 after organization of the interim Federal stock association has been completed. If a merger or other transaction facilitated by the existence of the interim federal stock association has not been approved within six months after the Board approves the application or within such additional time period as the Board may grant, the charter shall be void and all subscriptions for capital stock shall be returned.

C. Federal Stock Associations Proposed by the FSLIC

New § 552.2–3 provides that the incorporation and organization of Federal stock associations proposed by the FSLIC in supervisory cases under section 5(p) of the HOLA and section 406 of the NHA are complete when the Board so determines. The procedures for organization of Federal stock associations and interim Federal stock associations contained in new sections 552.2–1 and 542.2–2 do not apply to these Federal stock associations.

Miscellaneous

A. Corporate Title

Pursuant to the requirements of new section 552.2–1(a), applicants seeking permission to organize a Federal stock association must seek the approval of the Board for the association's corporate title, to be included as Section One of the association's charter. In addition, new § 552.2 makes applicable to Federal stock associations the provisions of 12 CFR 543.1, including those in paragraph (b) relating to a change of corporate title.

B. Issuance of Charter

The Board is amending 12 CFR 522.3 to provide for the issuance of a Charter S or Charter T to a Federal stock association that has been organized pursuant to new §§ 552.2–1, 552.2–2, or 552.2–3.

Final Regulatory Flexibility Analysis

Although the regulations promulgated herein have not been proposed for public notice and comment, the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objective and legal basis underlining the final rule.* These elements are incorporated above in the supplementary information section regarding the regulation.

2. *Small entities to which the final rule would apply.* The final rule would apply equally to all institutions chartered by the Board.

3. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, of conflict with the final regulation.

4. *Alternatives to the final rule.* The final regulations will benefit any organizing group seeking to apply for a Federal stock charter by providing the necessary procedures. Increased flexibility for all applicants will result from this regulation since they will have the opportunity to apply for a Federal stock charter as well as a Federal mutual charter. The regulations will not have a disproportionate impact on small institutions, and there is no alternative action that would change the impact of increased chartering authority on small institutions.

List of Subjects in 12 CFR Parts 543 and 552

De novo Federal stock charters, Savings and loan associations, Savings banks.

The Board finds that the public notice and comment procedures of 5 U.S.C. 503(b) and 12 CFR 508.13 are unnecessary for the following reason: Immediate regulatory action is in the public interest in that Congress expressly intended, in enacting the Garn-St Germain Depository Institutions Act of 1982, that Federal associations be granted increased organizational flexibility.

Since this is a new procedure, however, the Board is soliciting comment from the public for a period of 60 days on all aspects of this regulation.

Accordingly, the Board hereby amends Parts 543 and 552 of Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

Subchapter C—Federal Savings and Loan System

1. Revise the heading of Part 543 to read as follows:

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL MUTUAL ASSOCIATIONS

2. Revise the heading of Part 552 to read as follows:

PART 552—INCORPORATION, ORGANIZATION, AND CONVERSION OF FEDERAL STOCK ASSOCIATIONS

3. Amend § 552.1 by revising paragraph (c) thereof and adding a new paragraph (d) thereto, as follows:

§ 552.1 Definitions.

* * * * *

(c) *Capital.* The term "capital" means the aggregate of the consideration received upon the issuance of capital stock.

(d) *Federal stock association.* A savings and loan association or savings bank chartered by the Board under section 5 of the Home Owners' Loan Act of 1933, as amended, which has its charter in the form of a Charter S or Charter T, respectively, and, except as the Board may otherwise provide, any building and loan, savings and loan, building, or homestead association, organized or incorporated under the laws of the District of Columbia so chartered. An interim Federal stock association is defined in § 541.8–1 of this Subchapter.

* * * * *

4. Redesignate §§ 552.2 and 552.2–1 as §§ 552.2–5 and 552.2–6, respectively, and add new §§ 552.2, 552.2–1, 552.2–2, 552.2–3 and 552.2–4, as follows:

§ 552.2 Corporate title.

The provisions of § 543.1 of this Subchapter shall be applicable to Federal stock associations.

§ 552.2–1 Procedure for organization of Federal stock association.

(a) *Application for permission to organize.* Applications for permission to organize a Federal stock association shall be subject to the provisions of paragraphs (a) through (f) of § 543.2 of this Subchapter.

(b) *Conditions of approval.* Decisions on all applications for permission to organize a Federal stock association will be made by the Board. Approvals of applications will be conditioned on the following: (1) The sale of a minimum amount of fully-paid capital stock of the association; (2) the submission of a statement that (i) the applicants have incurred no expense in organization which is chargeable to the association, and that no such expense will be incurred, and (ii) no funds will be accepted for deposit by the association until organization has been completed; (3) compliance with all applicable laws, rules, and regulations; and (4) the satisfaction of any other requirement or condition the Board may impose.

(c) *Issuance of charter.* Upon approval of an application, the Board shall issue to the association a Charter S or Charter T, as requested by the applicants, and bylaws of a Charter S or Charter T institution, which charter and bylaws shall be in the form provided in this Part. Issuance of the charter shall be subject to the condition subsequent that the organization of the association is completed pursuant to this section.

(d) *Interim board of directors and officers.* Upon approval of the application and the issuance of the charter, the applicants shall constitute the interim board of directors of the association until the board of directors of the association are elected by its stockholders at the organizational meeting required by paragraph (g) of this section, and the interim officers of the association shall be those persons set forth in the application for permission to organize.

(e) *Sale of capital stock.* Upon the issuance of the charter, the association shall proceed to offer and sell its capital stock pursuant to the requirements of Part 563g of this Chapter.

(f) *Bank membership and insurance of accounts.* Promptly upon the issuance of the charter, a Federal stock association must qualify as a member of the appropriate Federal Home Loan Bank and meet all requirements necessary to obtain insurance of accounts by the Federal Savings and Loan Insurance Corporation.

(g) *Organizational meeting.* Promptly upon the completion of the sale of its capital stock, the association shall provide notice, pursuant to its charter and bylaws, of a meeting of its stockholders to elect a board of directors. Immediately following such election, the directors shall meet to elect the officers of the association and to undertake any other action necessary under the charter or bylaws to complete corporate organization.

(h) *Completion of organization.* Organization of a Federal stock association shall be deemed complete for the purposes of this Part when: (1) the association has obtained Federal Home Loan Bank membership and insurance of its accounts from the Federal Savings and Loan Insurance Corporation; (2) it has completed the sale of and received full payment for its capital stock; (3) it has complied with all filing requirements of Part 563g of this Chapter; (4) it has held its organizational meeting for the election of directors and all directors have been elected; (5) its officers have been elected and bonded; and (6) it has met any other requirement or condition that may have been imposed by the Board.

(i) *Failure of completion.* If organization of a Federal stock association is not completed within six months after the Board approves the application, or within such additional period as the Board may, in its discretion, for good cause grant, the charter shall become void and all subscriptions to capital stock shall be returned.

§ 552.2–2 Procedures for organization of interim Federal stock association.

(a) The procedures prescribed in paragraphs (d) through (f) of § 543.2 of this Subchapter and § 552.2–1(b) of this Part shall not be required with respect to applications for permission to organize an interim Federal stock association, except that decisions on all such applications will be made by the Board and except as may be required by Parts 546, 563, or 584 of this Chapter.

(b) Preliminary approval of an application for permission to organize an interim Federal stock association shall be conditioned upon Board approval of an application to merge the interim Federal stock association and an existing insured stock institution, or upon Board approval of any other transaction. After organization has been completed pursuant to §§ 552.2–1(h) and 552.2–1(i) of this Part, final approval may be granted in conjunction with Board approval of an application filed pursuant to § 584.4 or acquiescence in a filing under § 584.4–1. In evaluating the information provided in accordance with requirements of § 543.2(b) of this Subchapter, the Board will consider the purpose for which the association will be organized, the form of any proposed transactions involving the organizing association, the effect of the transactions on existing institutions involved in the transactions, and the effect of the transactions on the community and on other properly conducted existing thrift institutions.

(c) If a merger or other transaction facilitated by the existence of the interim Federal stock association has not been approved within six months of the approval of the application for

permission to organize, unless extended by the Board in its discretion for good cause shown, the charter shall be void and all subscriptions for capital stock shall be returned.

§ 552.2–3 Federal stock association proposed by Federal Savings and Loan Insurance Corporation.

Sections 552.2–1 and 552.2–2 of this Part do not apply to a Federal stock association which is proposed by the Federal Savings and Loan Insurance Corporation under section 5(p) of the Home Owner's Loan Act of 1933, as amended, or section 406 of the National Housing Act, as amended. Incorporation and organization of such associations are complete when and under such conditions as the Board so determines.

§ 552.2–4 Limitations on transaction of business.

No person may organize a Federal stock association, collect money from others for such purpose, or represent himself as authorized to do so, and no Federal stock association shall transact any business prior to completion of its organization, except as provided in this Part.

5. Amend paragraph (a) of § 552.3 by removing the reference to "552.2" and substituting therefor a reference to "552.2–5".

6. Amend § 552.3 by revising paragraph (b) as follows:

§ 552.3 Issuance of charter.

* * * * *

(b) A Charter S or Charter T in the following form shall be issued to a Federal stock association that has been organized pursuant to §§ 552.2–1, 552.2–2, or 552.2–3 of this Part, and to a state stock institution that has converted to a Federal stock savings and loan association or to a Federal stock savings bank pursuant to § 552.2–6 of this Part. In a case not involving an association that has converted from mutual to stock form, Section 7 of Charter S or Charter T requiring a liquidation account and all references thereto shall be deleted, Sections 8 and 9 shall be redesignated Sections 7 and 8 respectively, and the optional provision contained in § 552.4(b) of this Part shall not be applicable.

* * * * *

(Secs. 2 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); Secs. 402, 403 and 407, 48 Stat. 1256, 1257, and 1260, as amended (12 U.S.C. 1725, 1726, and 1730); Reorg. Plan No. 3 of 1947; 12 FR 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board

J. J. Finn,

Secretary.

Outline of Information To Be Submitted in Support of an Application for Permission To Organize a Federal Association

Federal Home Loan Bank Board

Outline of Information To Be Submitted in Support of an Application for Permission To Organize a Federal Association

Introduction

An application for Permission to Organize a Federal Association must be submitted by persons seeking permission from the Federal Home Loan Bank Board ("Board") to organize a Federal savings and loan association or a Federal savings bank, pursuant to Part 543 or Part 552 of the Rules and Regulations for the Federal Savings and Loan System ("Federal Regulations"). An Application for Permission to Organize a Federal Association must be supported by the documents and information prescribed in this Outline of Information. The term "association" is used in the Outline of Information to refer to either a proposed Federal savings and loan association or a proposed Federal savings bank.

Procedures for filing an Application for Permission to Organize a Federal Association are outlined in Part 543 or Part 552 of the Federal Regulations. The Outline of Information contains two copies of each application form that must be completed by the applicants, one to serve as the work copy and one for the final copy. The original and three copies of all completed application forms, and four copies of all supporting documents, must be submitted to the Supervisory Agent at the Federal Home Loan Bank for the District in which the applicant is or will be located. After the Supervisory Agent at the District Bank determines that the application is complete, the association will be instructed to publish notice in a local newspaper. (A sample of the form of public notice is included in the Outline of Information.)

Statutory Requirements

Section 5(e) of the Home Owners Loan Act, as amended, sets forth the basic criteria which the Board must consider when acting on an application for permission to organize a Federal savings and loan association or Federal savings bank. Section 5(e) states that the Board may grant a Federal charter only if, in the Board's judgment: (1) The organizers are persons of good character and responsibility; (2) a necessity exists for the institution in the community to be served; (3) there is a reasonable probability of the institution's usefulness and success; and (4) the institution can be established without undue injury to other properly conducted local thrift and home-financing institutions. In addition, pursuant to the Community Reinvestment Act of 1977, the Board is required to consider the effect of the application on local community credit needs.

Immediately upon receipt of a Federal charter, the association will be required to apply for and obtain membership in the Federal Home Loan Bank System and insurance of accounts by the Federal Savings and Loan Insurance Corporation. The association thereafter will be subject to the Rules and Regulations for the Federal Home Loan Bank System, the Federal Savings and Loan System and Insurance of Accounts.

Minimum Capital Requirements

To safeguard the Federal Savings and Loan Insurance Corporation against potential loss and to ensure that a new association has sufficient capital to commence operations, the Board will require the organizers of a proposed Federal savings and loan association or Federal savings bank to obtain a minimum amount of pledged savings accounts (mutual association requirement) or capital stock (stock association requirement) prior to beginning operations. The following represents the Board's minimum capital guidelines for newly organized savings and loan associations and savings banks.

If population of area is:	New mutual S&L or Savings Bank	New stock S&L or Savings Bank
	Pledged savings requirement	Capital stock requirement
Under 100,000	$1,000,000	$1,000,000
100,000 and over	2,000,000	2,000,000

When determining the appropriate minimum capital requirement, the population of the area should be based upon (a) the Standard Metropolitan Statistical Area (SMSA) if the association will be located in an SMSA, or (b) the delineated market area or the county in which the association will be located, whichever is greater.

For a mutual association, the full amount of required pledged savings must be collected and the passbooks, savings or investment certificates or the

documents evidencing title to the pledged accounts must be delivered to the District Bank prior to issuance of the institution's insurance certificate. Pledged accounts will be held in escrow at the District Bank for five years or until such time thereafter that the association meets the reserve requirements of Section 563.13 of the Insurance Regulations.

A stock association must collect 100% of the capital stock requirement prior to issuance of the institution's insurance certificate. Generally the amount of paid-in surplus should be limited to 20% of the capital stock requirement.

All stock or subscriptions to stock should be sold at a price that is reasonable and equitable to all parties. Officers, directors and principal organizers should not receive payment of commissions or other compensation for the subscription to or sale of capital stock.

The above schedule represents the Board's minimum capital requirements and higher requirements may be imposed. Any funds collected on these accounts prior to the association opening for business must be deposited with a Federally insured institution or with the District Bank.

Action By the Board

Decision on all Applications for Permission To Organize A Federal Association will be made by the Federal Home Loan Bank Board. The Board's approval of an Application for Permission To Organize A Federal Association will be conditioned upon submission of evidence to the Board that the applicant has complied satisfactorily with certain requirements established by the Board for the granting of a Federal association charter.

Failure by an applicant to comply with the Board's conditions within the time established for such compliance will result in the expiration of the conditional approval. Any subsequent application from such applicant will be treated as a new application. Applicants may obtain a copy of the Board's standard conditions of approval for permission to organize a Federal association from the Supervisory Agent at the District Bank.

Notice of Filing of Application for Permission To Organize a Federal (Savings and Loan Association or Savings Bank)

This is to inform the public that under § 543.2 of the Rules and Regulations for the Federal Savings and Loan System ("Federal Regulations"), (Name of organizing group) ——— has filed an application with the Federal Home Loan Bank Board for permission to organize a (Federal Savings and Loan Association or Federal Savings Bank) to be located at, or in the immediate vicinity of, (Street Address) ———, (City) ———, (State) ———.

Anyone may write in favor or protest of the application. Four copies must be sent to "Supervisory Agent, Federal Home Loan Bank of ———, (Street Address) ———, (City) ———, (State and Zip Code) ———," within 10 days of the publication of this notice. An additional 7 days to submit comments may be obtained if a written request is received by the Supervisory Agent within the 10-day period.

Anyone sending a protest deemed substantial by the Principal Supervisory Agent may request an oral argument on the application by submitting a written request to the Supervisory Agent during the 10-day period. For a protest to be considered substantial, it must be written and received on time, the reasons for the protest must be consistent with the regulatory basis for denial of the application, and the protest must be supported by the information specified in § 543.2(e)(4) of the Federal Regulations.

You may look at the application and all comments filed at the Federal Home Loan Bank of ———, unless any such materials are exempt by law from disclosure. If you have any questions concerning these procedures, contact the Federal Home Loan Bank of ——— at (telephone number) ———.

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Section I

Legal Documents and Forms

Instructions: Items 1 Through 6 Must Be Submitted By All Applicants. Items 7, 8 and 9 Must Be Submitted For Proposed Stock Associations.

1. Properly executed form for (a) Application For Permission To Organize A Federal Mutual Savings and Loan Association (FHLBB Form 138–A, Revised); (b) Application for Permission To Organize A Federal Mutual Savings Bank (FHLBB Form 138–B, Revised); (c) Application For Permission To Organize A Federal Stock Savings and Loan Association (FHLBB Form 138–C, Revised); or (d) Application For Permission To Organize A Federal Stock Savings Bank (FHLBB Form 138–D, Revised). Copies of the appropriate form can be obtained from the Supervisory Agency at the District Bank.

2. Proposed charter in the prescribed form.

3. Proposed bylaws.

4. Each form of withdrawable account certificate or passbook proposed (share certificate, investment certificate, mutual capital certificate, passbook, or other evidence of shareholding), together with an opinion from legal counsel that such forms of certificate comply with the requirements of applicable laws and regulations and the institution's charter and bylaws.

5. A copy of the proposed Community Reinvestment Act Statement to be adopted by the institution's board of directors/trustees pursuant to Part 563e of the Rules and Regulations for Insurance of Accounts (Community Reinvestment).

6. Any proposed contract not entered into in the ordinary course of business or in excess of 15% of the proposed operating budget.

Stock Association

7. Proposed form of stock certificate, including any required restrictive legends.

8. If a holding company is involved in the organization of a new Federal stock association, submit copies of the holding company application including its: (a) existing charter, as amended; (b) existing bylaws, as amended; (c) description of business, including background; and (d) the most recent and past five years certified financial statement.

9. Any proposed voting trust agreements.

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Section II

Management

Instructions: All Applicants Must Submit Items A through C.

A. For each organizer, proposed director/trustee and proposed managing officer, submit a Biographical and Financial Report (FHLBB Form 139), properly prepared and executed. (Note: Pages 4 through 7 of Form 139 will be held confidential by the Federal Home Loan Bank Board and will not be available for public disclosure.)

B. Submit the following information on the proposed managing officer of the association:

(1) A description of the managing officer's qualifications and previous experience with other financial institutions and the amount of his or her

proposed salary, including any provisions for bonuses; and

(2) Copies of any proposed employment contract and evidence that the contract will comply with the provisions of Section 563.39 of the Insurance Regulations; and

C. If applicable, describe in complete detail any proposed stock option plans for employees of the association.

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Section III

Financial Program

Instructions: Each Item In This Section Is To Be Completed By All Applicants.

A. *Capital Structure* (Complete Applicable Section)

(1) *Mutual Associations:* Provide a complete description of the association's plans for the acquisition of the minimum amount of pledged savings accounts required pursuant to the Board's Minimum Capital Requirements for establishment of a Federal association. List the name of each pledgor, indicating his/her prospective affiliation with the association (i.e., director, officer or other), and total dollar amount of accounts to be pledged. If the pledgor is not required to submit a Biographical or Financial Report (FHLBB Form 139), also indicate the pledgor's residential address.

(2) *Capital Stock Associations:*

(a) *Sales Price:* Provide complete information relative to the sales price of the capital stock, including a breakdown of the amount included in the price which is to be allocated to each of the following: capital stock, paid-in surplus and other capital accounts.

(b) *Ownership of Capital Stock:* Provide a complete schedule of the subscribers to capital stock proposed to be issued initially. List the name of each subscriber, indicating his/her prospective affiliation with the association (i.e., director/trustee, officer or other), the number of shares, and the total cost of capital stock. If a subscriber is not required to submit a Biographical and Financial Report (FHLBB Form 139), also indicate the residential address of the subscriber.

(c) *Dividends on Capital Stock:* Provide a statement of the association's plans for the payment of dividends on capital stock.

(3) *Mutual and Stock Associations:* Provide a complete description of any offering of securities by a Federal association in connection with its organization or upon the commencement of its operations. Include the following:

(a) a copy of any offering materials used or to be used in connection with an offering of its securities; and

(b) a legal opinion that the offering and issuance of securities, as described, is in accordance with applicable requirements under Federal and/or state law.

B. *Budget*

Complete the Proposed Operating Budget (following this section) for the first two years following the date of opening for business. The Proposed Operating Budget should be accompanied by a written explanation outlining the assumptions used in formulating the budget projections.

Federal Home Loan Bank Board

Name of Applicant, City and State

Proposed Operating Budget, Application for Permission To Organize a Federal Association

PART III.—STATEMENT OF CONDITION

	Projected for Period from —— 19—— to ——19——	Projected for Period from —— 19—— to ——19——
Assets		
Mortgage Loans (Excluding Loans in Process)		
Other Loans		
Other Investment Securities		
Liquid Assets (Excluding Non-Earning Assets)		
Cash and Other Non-Earning Assets		
FHLB Stock		
Prepaid Expenses		
Reserve for Loan Losses		
Deferred Losses on Securities Sold		
Loan Discounts		
Fixed Assets		
Other Assets (And Loans in Process)		
Total Assets		
Liabilities		
Deposits and Savings Accounts		
Certificates of $100,000 or More		
Other Certificate Accounts (Specify Type)		
Passbook, NOW, Club and Similar Accounts		
Total Deposits and Savings Accounts		
Reverse Repurchase Agreements		
Advances		
Other Borrowed Money		
Deferred Credits		
Other Liabilities		
Total Liabilities		
Net Worth		
Total Liabilities and Net Worth		

Federal Home Loan Bank Board

Proposed Operating Budget Application for Permission To Organize a Federal Association

Name of Applicant, City and State

Instructions: Complete Proposed Operating Budget for First Two Years of Operation Following Insurance of Accounts. (Indicate all amounts in thousands of dollars)

PART I.—INCOME AND EXPENSE

	Projected for period from —— 19—— to ——19——	Projected for period from —— 19—— to ——19——
Operating Income		
Interest Income		
Mortgage Loans and Contracts		
Other Loans		
Investments and Deposits		
Loan Fees		
Service Charges and Other Fees		
Other Operating Income		
Total Operating Income		
Operating Expense		
Compensation		
Directors, Officers and Employees Expense		
Office Occupancy, Furniture, Fixtures and Equipment		
Advertising		
Other		
Total Operating Expense		
Net Operating Income Before Cost of Money		
Cost of Money		
Withdrawable Savings and Certificates		
Advances and Borrowed Money		
Total Cost of Money		
Net Operating Income (Operating Income Less Operating Expense and Cost of Money)		
Non-Operating Income		
Non-Operating Expense		
Income Tax		
Net Income		

Federal Home Loan Bank Board

Proposed Operating Budget Application for Permission To Organize a Federal Association

Name of Applicant, City and State

PART II.—CASH FLOW

		Projected for period from —— 19 —— to —— 19 ——		Projected for period from —— 19 —— to —— 19 ——	
Net Income					
Add Back Depreciation					
Add Back Interest Credited on Savings					
Equals Cash Provided From Operations			(A)		(A)
Cash Proceeds From:					
Repayment of Loans					
Sales of Loans					
Payments to Customer Escrows					
Savings Deposits (Excluding Interest Credited on Savings)					
Borrowings					
Sales or Maturities of Investment Securities (Excluding Items Eligible for Liquidity)					
Sales of Mortgage-Backed Securities					
Other Cash Receipts (Specify)					
Cash Proceeds			(B)		(B)
Cash Disbursements for:					
Loans Originated					
Loans Purchased					
Disbursement From Customer Escrows					
Savings Withdrawals					
Repayment of Borrowings					
Purchase of Investment Securities (Excluding Items Eligible for Liquidity)					
Purchase of Mortgage-Backed Securities					
Purchase of FHLB Stock					
Other Cash Disbursements (Specify)					

PART II.—CASH FLOW—Continued

		Projected for period from — 19 — to — 19 —		Projected for period from — 19 — to — 19 —	
Cash Disbursements			(C)		(C)
Beginning Cash and Other Liquidity					
Cash Provided From Operations	(A)				
Plus Cash Proceeds	(B)			—	
Less Cash Disbursements	(C)				
Net Change in Other Liquidity Items					
Ending Cash and Other Liquidity					

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Section IV

Office Quarters and Market Area

Instructions: Each Item In This Section Is To Be Completed By All Applicants.

1. Identify and briefly describe the market area to be served by the applicant and the characteristics of the community. Submit data relating to population trends and income levels.

2. Provide a brief description of the proposed office quarters and the area in the immediate vicinity. If office quarters will be purchased or leased from an affiliated person, as defined in Section 561.29 of the Insurance Regulations, the applicant should follow the procedures set forth in Section 563.41 of the Insurance Regulations.

3. Discuss the convenience and draw of the proposed office location and its relationship to all sections of the proposed market area.

4. Provide a map which delineates the proposed market area, the applicant's proposed office location, and the location of all offices of thrift institutions and commercial banks in the market area and within a one-mile radius of the market area boundary. The map must be legible and contain a distance scale and the following notations:

(a) Proposed Market Area—Outlined with a heavy line.

(b) Proposed Office Location)—Identified as an encircled X.

(c) Thrift Institutions—Numbered and inscribed in triangles.

(d) Commercial Banks—Numbered and inscribed in diamonds.

5. Submit a description of the proposed market area (value, type and number of existing and proposed residential units, shopping centers, office buildings, industries and major economic base, etc.)

6. Describe the savings and lending services the association proposes to initially offer to its community.

7. Provide any additional information considered pertinent and in support of the application.

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Applicant

EXHIBIT A.—SOCIOECONOMIC DATA

	Proposed market area	City,	County
A. Population:			
1980			
Present Estimate			
Projected Estimate			
B. Median Age:			
1980			
Present			
C. Median Family: Income			
1980	$	$	$
Present	$	$	$

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Name of Applicant, City and State

PART B

[(1) List Existing and Proposed Offices of Thrift Institutions in the Market Area and (2) List Offices of Thrift Institutions in a One-Mile Radius of the Market Area Boundary or Nearest IF None Within One Mile.]

	Name and location	Home office	Facilities	Air miles and direction from site	Date opened	←To be completed by supervisory agent→ Savings totals (Omit 000's) latest and last two calendar years			Assets (Omit 000's)
						As of dates			As of date
(A)									
(B)									

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Association

Name of Applicant, City and State

PART C

[(1) List Existing and Proposed Commercial Bank Offices in the Market Area and (2) List Commercial Bank Offices Within a Mile Radius of the Market Area Boundary or Nearest If None Within One Mile.]

Name and location	Home office	Facilities	Air miles and direction from site	Date opened	←To be completed by supervisory agent→ Savings totals (Omit 000's) latest and last two calendar years: As of dates			Assets (Omit 000's): As of date

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Mutual Savings and Loan Association

City ——
State ——
Date ——

To: Federal Home Loan Bank Board,
Washington, D.C.

The Undersigned, citizens of the United States, desirous of forming a thrift institution for the deposit and investment of funds and for the extension of credit for homes and other goods and services, being persons of good character and responsibility, believing in the necessity for such an association in the community to be served and in the reasonable probability of its usefulness and success without undue injury to properly conducted existing local thrift and home-financing institutions, and having complied in all respects with the Home Owners' Loan Act of 1933, as amended, and with the rules and regulations governing the organization of a Federal savings and loan association ("association").

Do Respectfully Make Application to the Federal Home Loan Bank Board for permission to organize, under such terms and conditions as the Federal Home Loan Bank Board may prescribe, a Federal mutual savings and loan association and for approval of a Charter, pursuant to 12 C.F.R. Part 543 of the Rules and Regulations for the Federal Savings and Loan System, under the name of ——, such association to be located at or in the immediate vicinity of ——, in the —— of ——, County of ——, State of ——, And Do Hereby Agree To Raise Initial Savings Capital That Will Be Pledged as guaranty to the association against operating deficits and losses in excess of its reserves in the amount of not less than $—— or such other amount as may be designated by the Federal Home Loan Bank Board, under such conditions as it may prescribe,

FHLBB Form 138A
REV.

And Hereby Appoint —— of —— to represent the undersigned before the Federal Home Loan Bank Board, and to receive all notices, correspondence, and documents relating to this application.

And Do Jointly And Severally Represent And Warrant to the Federal Home Loan Bank Board, for the purpose of inducing the Federal Home Loan Bank Board to permit the organization of said Federal savings and loan association upon the terms and conditions as may be required by the Federal Home Loan Bank Board (and with the intention that the Federal Home Loan Bank Board should rely upon the following), that:

The Undersigned Will Not Represent Themselves as authorized to organize such association until this application is approved and, upon notification that the application has been approved, they will proceed only in accordance with the provisions of the Home Owners' Loan Act of 1933, as amended, Title IV of the National Housing Act, Federal Home Loan Bank Act, and with rules and regulations made thereunder;

The Undersigned Are Not Acting in this application as representative of or on behalf of any person, partnership, association, or corporation undisclosed to the Federal Home Loan Bank Board;

No Charge Or Expense incurred in connection with the organization of the Federal savings and loan association shall be charged to the association;

No Money Will Be Collected on account of such association prior to the approval of a charter to it by the Board.

An Organization Committee Will Be Created promptly when the Board approves an application for permission to organize a Federal savings and loan association and the members of such committee will serve as temporary officers of the association until officers are elected by the association.

The Association Will Qualify as a member of the appropriate Federal Home Loan Bank Board and meet all requirements necessary to obtain insurance of accounts by the Federal Savings and Loan Insurance Corporation.

The Undersigned, Being Duly Sworn, Depose And Say:

That We Are The Applicants in this Application for Permission to Organize a Federal Mutual Savings and Loan Association;

That We Will Constitute The Members of the organization committee and agree that we will organize the association upon approval of a charter by the Board and that those signing as officers of such committee will serve as temporary officers of the association until officers of such association have been elected by its board of directors in accordance with the provisions of Section 543.6 of the Rules and Regulations for the Federal Savings and Loan System.

That All Of The Statements And Representations made in this Application for Permission to Organize, signed by each affiant, and dated the—— day of——, 19—, and all evidence and data submitted in support thereof are consistent with the facts to the best of our information and belief.

NAME	TITLE	ADDRESS	SIGNATURE

Federal Home Loan Bank Board

Application for Permission To Organize a Federal Mutual Savings Bank

City ——
State ——
Date ——

To: Federal Home Loan Bank Board,
Washington, D.C.

The Undersigned, citizens of the United States, desirous of forming a thrift institution for the deposit and investment of funds and for the extension of credit for homes and other goods and services, being persons of good character and responsibility, believing in the necessity for such an association in the community to be served and in the reasonable probability of its usefulness and success without undue injury to properly conducted existing local thrift and home-financing institutions, and having complied in all respects with the Home Owners' Loan Act of 1933, as amended, and with the rules and regulations governing the organization of a Federal savings bank ("association").

Do Respectfully Make Application to the Federal Home Loan Bank Board for permission to organize, under such terms and conditions as the Federal Home Loan Bank Board may prescribe, a Federal mutual savings bank and for approval of a Charter, pursuant to 12 C.F.R. Part 543 of the Rules and Regulations for the Federal Savings and Loan System, under the name of——, such association to be located at or in the immediate vicinity of——, in the—— of——, County of——, State of——,

And Do Hereby Agree To Raise Initial Savings Capital That will Be Pledged as guaranty to the association against operating deficits and losses in excess of its reserves in the amount of not less than $—— or such other amount as may be designated by the Federal Home Loan Bank Board, under such conditions as it may prescribe, and Hereby Appoint—— of—— to represent the undersigned before the Federal Home Loan Bank Board, and to receive all notices, correspondence, and documents relating to this application.

FHLBB Form 136B
REV.

And Do Jointly And Severally Represent And Warrant to the Federal Home Loan Bank Board, for the purpose of inducing the Federal Home Loan Bank Board to permit the organization of said Federal savings bank upon the terms and conditions as may be required by the Federal Home Loan Bank Board (and with the intention that the Federal Home Loan Bank Board should rely upon the following), that:

The Undersigned Will Not Represent Themselves as authorized to organize such association until this application is approved and, upon notification that the application has been approved, they will proceed only in accordance with the provisions of the Home Owners' Loan Act of 1933, as amended, Title IV of the National Housing Act, Federal Home Loan Bank Act, and with rules and regulations made thereunder;

The Undersigned Are Not Acting in this application as representative of or on behalf of any person, partnership, association, or corporation undisclosed to the Federal Home Loan Bank Board;

No Charge Or Expense incurred in connection with the organization of the Federal savings bank shall be charged to the association;

No Money Will Be Collected on account of such association prior to the approval of a charter to it by the Board.

An Organization Committee Will Be Created promptly when the Board approves an application for permission to organize a Federal savings bank and the members of such committee will serve as temporary officers of the association until officers are elected by the association.

The Association Will Qualify as a member of the appropriate Federal Home Loan Bank Board and meet all requirements necessary to obtain insurance of accounts by the Federal Savings and Loan Insurance Corporation.

The Undersigned, Being Duly Sworn, Depose And Say:

That We Are The Applicants in this Application for Permission to Organize a Federal Savings Bank;

That We Will Constitute The Members of the organization committee and agree that we will organize the association upon approval of a charter by the Board and that those signing as officers of such committee will serve as temporary officers of the association until officers of such association have been elected by its board of trustees in accordance with the provisions of Section 543.6 of the Rules and Regulations for the Federal Savings and Loan System.

That All Of The Statements And Representations made in this Application for Permission to Organize, signed by each affiant, and dated the —— day of ——, 19—, and all evidence and data submitted in support thereof are consistent with the facts to the best of our information and belief.

NAME	TITLE	ADDRESS	SIGNATURE

Federal Home Loan Bank Board

Application For Permission To Organize a Federal Stock Savings and Loan Association

City ——————————
State ——————————
Date ——————————

To: Federal Home Loan Bank Board,
Washington, D.C.

The Undersigned, citizens of the United States, desirous of forming a thrift institution for the deposit and investment of funds and for the extension of credit for homes and other goods and services, being persons of good character and responsibility, believing in the necessity for such an association in the community to be served and in the reasonable probability of its usefulness and success without undue injury to properly conducted existing local thrift and home-financing institutions, and having complied in all respects with the Home Owners' Loan Act of 1933, as amended, and with the rules and regulations governing the organization of a Federal savings and loan association ("association").

Do Respectfully Make Application to the Federal Home Loan Bank Board for permission to organize, under such terms and conditions as the Federal Home Loan Bank Board may prescribe, a Federal stock association and for approval of a Charter, pursuant to 12 C.F.R. Part 552.2-5 of the Rules and Regulations for the Federal Savings and Loan System, under the name of ——, such association to be located at or in the immediate vicinity of ——, in the —— of ——, County of ——, State of ——, And Do Hereby Agree To Sell Fully Paid Capital Stock of the association in the amount of not less than $——, or such other amount as may be designated by the Federal Home Loan Bank Board, under such conditions as it may prescribe,

FHLBB Form 136C
REV.

And Hereby Appoint —— of —— to represent the undersigned before the Federal Home Loan Bank Board, and to receive all notices, correspondence, and documents relating to this application.

And Do Jointly and Severally Represent And Warrant to the Federal Home Loan Bank Board, for the purpose of inducing the Federal Home Loan Bank Board to permit the organization of said Federal savings and loan association upon the terms and conditions set forth in the application or upon such other terms and conditions as may be required by the Federal Home Loan Bank Board (and with the intention that the Federal

Home Loan Bank Board should rely upon the following), that:

The Undersigned Will Not Represent Themselves as authorized to organize such association until this application is approved and, upon notification that the application has been approved, they will proceed only in accordance with the provisions of the Home Owners' Loan Act of 1933, as amended, Title IV of the National Housing Act, Federal Home Loan Bank Act, and with rules and regulations made thereunder;

The Undersigned Are Not Acting in this application as representative of or on behalf of any person, partnership, association, or corporation undisclosed to the Federal Home Loan Bank Board;

No Charge Or Expense incurred in connection with the organization of the Federal savings and loan association shall be charged to the association;

No Funds Will Be Accepted for deposit by the association until its organization has been completed.

The Association Will notice, pursuant to its charter and bylaws, of a meeting of its stockholders to elect a board of directors promptly upon the completion of the sale of its capital stock. The directors will meet immediately following their election to elect the officers of the association and to undertake any other action necessary under the charter or bylaws to complete corporate organization.

The Association Will Proceed to offer and sell its capital stock pursuant to the requirements of Part 563g of the Rules and Regulations for Insurance of Accounts upon the issuance of a charter.

The association will qualify as a member of the appropriate Federal Home Loan Bank and meet all requirements necessary to obtain insurance of accounts by the Federal Savings and Loan Insurance Corporation

The undersigned, being duly sworn, depose and say:

That we are the applicants in this application for permission to organize a federal stock savings and loan association;

That we will constitute the interim board of directors upon board approval of the application and issuance of the charter until the association's board of directors have been elected in accordance with the provisions of Section 522.2–1(g) of the Federal Regulations, and agree that we will organize the association, and that those persons set forth in the application for permission to organize will serve as interim officers of the association until officers of such association have been elected by the association's board of directors in accordance with the provisions of Section 552.2–1(g) of the Federal Regulations.

That all of the statements and representations made in this application for permission to organize, signed by each affiant, and dated the —— day of ——, 19—, and all evidence and data submitted in support thereof are consistent with the facts to the best of our information and belief.

NAME	TITLE	ADDRESS	SIGNATURE

Federal Home Loan Bank Board

Application for Permission to Organize a Federal Stock Savings Bank

City ——
State ——
Date ——

To: Federal Home Loan Bank Board,
Washington, D.C.

The undersigned, citizens of the United States, desirous of forming a thrift institution for the deposit and investment of funds and for the extension of credit for homes and other goods and services, being persons of good character and responsibility, believing in the necessity for such an association in the community to be served and in the reasonable probability of its usefulness and success without undue injury to properly conducted existing local thrift and home-financing institutions, and having complied in all respects with the Home Owners' Loan Act of 1933, as amended, and with the rules and regulations governing the organization of a Federal savings bank ("association").

Do respectfully make application to the Federal Home Loan Bank Board for permission to organize, under such terms and conditions as the Federal Home Loan Bank Board may prescribe, a Federal stock association and for approval of a Charter, pursuant to 12 C.F.R. Part 552.2–5 of the Rules and Regulations for the Federal Savings and Loan System, under the name of ——, such association to be located at or in the immediate vicinity of ——, in the —— of ——, County of ——, State of ——, and do hereby agree to sell fully paid capital stock of the association in the amount of not less than $——, or such other amount as may be designated by the Federal Home Loan Bank Board.

And hereby appoint —— of —— to represent the undersigned before the Federal Home Loan Bank Board, and to receive all notices, correspondence, and documents relating to this application.

FHLBB Form 138D

REV.

And Do Jointly And Severally Represent And Warrant to the Federal Home Loan Bank Board, for the purpose of inducing the Federal Home Loan Bank Board to permit the organization of said Federal savings bank upon the terms and conditions as may be required by the Federal Home Loan Bank Board (and with the intention that the Federal Home Loan Bank Board should rely upon the following), that:

The Undersigned Will Not Represent Themselves as authorized to organize such association until this application is approved and, upon notification that the application has been approved, they will proceed only in accordance with the provisions of the Home Owners' Loan Act of 1933, as amended, Title IV of the National Housing Act, Federal Home Loan Bank Act, and with rules and regulations made thereunder;

The Undersigned Are Not Acting in this application as representative of or on behalf of any person, partnership, association, or corporation undisclosed to the Federal Home Loan Bank Board;

No Charge Or Expense incurred in connection with the organization of the Federal savings bank shall be charged to the association;

No Funds Will Be Accepted for deposit by the association until its organization has been completed.

The Association Will notice, pursuant to its charter and bylaws, of a meeting of its stockholders to elect a board of directors, pursuant to its charter promptly upon the completion of the sale of its capital stock. The directors will meet immediately following their election to elect the officers of the association and to undertake any other action necessary under the charter or bylaws to complete corporate organization.

The Association Will Proceed to offer and sell its capital stock pursuant to the requirements of Part 563g of the Rules and Regulations for Insurance of Accounts upon the issuance of a charter.

The Association Will Qualify as a member of the appropriate Federal Home Loan Bank and meet all requirements necessary to obtain insurance of accounts by the Federal Savings and Loan Insurance Corporation.

The Undersigned, Being Duly Sworn, Depose And Say:

That We Are The Applicants in this Application for Permission to Organize a Federal Savings Bank;

That We Will Constitute The Interim Board Of Directors upon Board approval of the Application and the issuance of the charter until the association's board

of directors have been elected in accordance with the provisions of Section 552.2–1(g) of the Federal Regulations, and agree that we will organize the association, and that those persons set forth in the Application will serve as interim officers of the association until officers have been elected by the association's board of trustees in accordance with the provisions of Section 552.2–1(g) of the Federal Regulations.

That All Of The Statements And Representations made in this Application for Permission to Organize, signed by each affiant, and dated the —— day of ——, 19—, and all evidence and data submitted in support thereof are consistent with the facts to the best of our information and belief.

NAME	TITLE	ADDRESS	SIGNATURE

[FR Doc. 83-0120 Filed 3-11-83; 8:45 am]
BILLING CODE 4720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-74 AD, Amdt. 39-4585]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) which requires inspection of the wing landing gear jury strut spindles for cracks. In one incident a broken spindle resulted in the wing landing gear being down but not locked. An unlocked wing gear could be dislocated by touchdown forces and allow a wing-low rollout which could result in damage/loss of the outboard engine and a possible fire. Terminating action will be the replacement of the spindle with an improved spindle.

DATE: Effective April 18, 1983.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESS: The Boeing Service bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S, telephone (206) 767-2516. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD was published in the **Federal Register** on September 20, 1982 (47 FR 41399). The comment period for the proposal closed on November 8, 1982.

Interested persons have been afforded an opportunity to participate in the making of this AD. Due consideration has been given to all comments received.

Since publication of the Notice of Proposed Rulemaking, Boeing has issued Service Bulletin 747-32-2261 Rev. 1, dated October 8, 1982, which defines terminating action. Termination action consists of installing an improved wing landing gear jury strut spindle assembly and modification of the jury strut attachment fitting assembly. The inspection requirements, also defined in this Service Bulletin, will continue until terminating action is taken.

The manufacturer requested that the replacement schedule be based on gear cycles/hours if different than airplane cycles/hours. The FAA concurs, and this change is incorporated into paragraph D. of the amendment.

The Air Transport Association of America requested that credit be given to the operators for inspections already accomplished. The FAA concurs, and paragraph A. is accordingly revised.

Another comment was received which proposed tracking inspection cycles/hours directly against the spindle part number. The FAA concurs, and the final rule accommodates this when approved by the Principal Maintenance Inspector.

Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection of the wing gear jury strut spindle and replacement of the spindle as terminating action.

It is estimated that 170 airplanes of U.S. registry will be affected by this AD, that it will take approximately 42 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Repair parts are estimated at $1,800 per airplane. Based on these figures, the total cost impact of the AD is estimated to be $591,600. For these reasons the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act would be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the proposed rule with the changes noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to all Boeing Model 747 series airplanes certificated in all categories listed in Boeing Service Bulletin 747-32-2261 Rev. 1, or later FAA approved revisions. To prevent wing landing gear jury strut spindle failures, accomplish the following:

A. Unless already accomplished within the last 375 landings, within the next 375 landings after the effective date of this AD or prior to the accumulation of 7625 landings, whichever is later, and thereafter at intervals not to exceed 750 landings, magnetic particle or dye penetrant inspect the wing landing gear jury strut spindles for cracks in accordance with Table I of Boeing Service Bulletin 747-32-2261 Rev. 1, or later FAA approved revisions. Cracked parts are to be replaced prior to further flight.

B. Upon the installation of the improved spindles in accordance with Boeing Service Bulletin 747-32-2261 Rev. 1, or later FAA approved revisions, the requirements of this AD are terminated.

C. Alternate means of compliance with this AD which provides an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. For purposes of complying with this AD, subject to acceptance by the assigned FAA Principal Maintenance Inspector, the number of flight cycles may be determined by dividing each airplane's hours time in service by the operator's fleet average from takeoff to landing for the airplane type. If the gear/jury strut spindle cycles and hours are different from the airplane cycles and hours, the gear/jury strut spindle times shall be used.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 18, 1983.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). I certify under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on March 2, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6906 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-NM-08-AD; Amdt. 39-4584]

Airworthiness Directives; Boeing Model 767-200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective to all known U.S. owners and operators of certain Boeing Model 767-200 airplanes by individual telegrams. The AD requires eddy current inspection of the horizontal stabilizer hinge fittings on the body station 1809.5 bulkhead to ensure that these parts are correctly heat treated. This action was prompted by the discovery that two such parts, on two separate airplanes on the manufacturer's production line, had not been properly heat treated per design. Two adjacent incorrectly heat treated parts could result in progressive deterioration and ultimate breakage of the hinge fittings which would seriously affect airplane controllability.

DATES: Effective March 22, 1983, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T83-03-52 dated February 4, 1983, which contained this amendment.

Compliance required before further flight after the effective date of this AD, unless already accomplished.

ADDRESSES: The Boeing Service Bulletin specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. A copy of the service bulletin is contained in the Rules Docket at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Yarges, Airframe Branch, ANM-120S, telephone (206) 767-2516. Mailing address: FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: This AD was prompted by the discovery that two horizontal stabilizer hinge fittings, on two separate airplanes on the manufacturers production line, had not been properly treated. The left and right horizontal stabilizer hinge fittings on the body station 1809.5 bulkhead consist of two pairs of nested, angle shaped, fittings. These parts constitute a primary structural support for the horizontal stabilizer. The parts are made of 7075 aluminum and should be heat treated to the T73 temper. The discrepant parts were in the unheat-treated condition, having material strength and durability properties considerably different than those necessary for the structural integrity of the stabilizer support. Two adjacent incorrectly heat treated parts could result in progressive deterioration and ultimate breakage of the hinge fitting which would seriously affect airplane controllability. The manufacturer's investigation indicated that eight airplanes may have been delivered to commercial service with one or more unheat-treated fittings.

Unheat-treated parts can be identified using an eddy current conductivity test. Boeing Service Bulletin 767-53A1 describes the test procedure applicable to the horizontal stabilizer hinge fitting.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued February 4, 1983, to all known U.S. owners and operators of certain Boeing Model 767-200 airplanes. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing: Applies to Boeing Model 767-200 airplanes certificated in all categories. This AD is required to detect improperly heat treated horizontal stabilizer hinge fittings, which could fail during flight, resulting in a possible reduction in controllability of the airplane.

Unless previously accomplished, perform the following prior to further flight on those airplanes listed in Boeing Alert Service Bulletin 767-53A1 dated February 3, 1983, or later FAA approved revision:

A. Inspect the horizontal stabilizer hinge fittings for correct heat treatment in accordance with the accomplishment instructions of paragraph III of Boeing Alert Service Bulletin 767-53A1, dated February 3, 1983, or later FAA approved revision.

B. Replace any hinge fittings found not to have the correct heat treatment with serviceable fittings prior to further flight.

C. Ferry flights not permitted without prior concurrence of the Manager, Seattle Aircraft Certification Office.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington.

This amendment becomes effective March 22, 1983, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T83-03-52 issued February 4, 1983, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an

unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Seattle, Washington on March 2, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6305 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-10-AD; Amendment 39-4582]

Airworthiness Directives; British Aerospace, Aircraft Group, (Formerly Scottish Aviation Limited) Model HP.137 Jetstream MK-1 and Series 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to British Aerospace Aircraft Group Model HP.137 Jetstream MK-1 and Series 200 airplanes. It requires removal and inspection of the fuel filter bleed pipe non-return valves (NRV). There have been reports of NRV failures in the open position. This undetected failure could result in engine failure in the event of an electrical system failure when the fuel level in the tank is lower than the NRV, and may cause inability to isolate the engine fuel system if the fuel level in the tanks is above the fuel filter. Undetected open position failures of both NRV could result in a total power loss in the event of an electrical failure. The actions prescribed in this AD will preclude engine failure due to lack of fuel transfer capabilities.

DATES: Effective date: March 17, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Scottish Aviation Limited Jetstream Service Bulletin (SB) No. 18/3 dated February 22, 1974, and British Aerospace Aircraft Group Jetstream Modification No. 5179 Issue 1, dated December 1981, applicable to this AD may be obtained from British Aerospace Incorporated, 13850 McLearen Road, Dulles Industrial Aerospace Park, Herndon, Virginia 22070. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. P. Cormaci, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106 Telephone 816/374-6932.

SUPPLEMENTARY INFORMATION: Two instances have been reported of the fuel filter bleed pipe NRV Part Number (P/N) 702CD02 having failed in the open position on Model HP.137 MK-1 airplanes. This filter would not normally be detected during a 100 hour inspection and it will not affect the normal operation of the system. It could, however, result in engine failure following an electrical failure with no booster pumps available, if the tank fuel level fell below the level of the NRV. Also, it will result in the inability to isolate the engine fuel system if the tank fuel level is above the level of the fuel filter. Since failures can go undetected indefinitely during normal operation the potential exists for a complete power loss following an electrical failure. Further the inability to isolate an engine fuel system could result in an unsafe condition. As a result, Scottish Aviation Limited has issued Jetstream SB No. 18/3 which specifies an initial inspection within 20 hours and recurrent inspections each 200 hours thereafter until British Aerospace Modification No. 5179 is installed. The United Kingdom Civil Aviation Authority (UKCAA) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom has classified this SB and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Scottish Aviation Limited Jetstream SB No. 18/3 and the mandatory classification of this SB by the UKCAA.

Based on the foregoing, the FAA has determined that the condition addressed by this SB is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States.

Therefore, an AD is being issued requiring removal and visual inspection of the fuel filter bleed pipe NRV on British Aerospace Aircraft Group Model HP.137 Jetstream MK-1 and series 200 airplanes in accordance with Scottish Aviation Limited Jetstream SB No. 18/3 dated February 22, 1974. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new AD.

British, Aerospace, Aircraft Group, Scottish Division: Applies to Model HP.137 Jetstream MK-1 and Series 200 airplanes (all serial numbers) certificated in any category.

Compliance: Required as indicated, unless already accomplished. To preclude failure of the fuel filter bleed pipe non-return valve (NRV) Part Number (P/N) 702CD02 unless accomplished in the previous 200 hours time-in-service within the next 20 hours time-in-service after the effective date of this AD and thereafter at intervals not to exceed 200 hours time-in-service, accomplish the following:

(a) Remove and visually inspect the fuel filter bleed pipe NRV P/N 702CD02 for cleanliness and correct operation in accordance with the "Action" section of Scottish Aviation Limited Jetstream SB No. 18/3 dated February 22, 1974, or FAA approved equivalent.

(b) If a defective NRV is found, prior to further flight, clean, repair, or replace the valve as necessary in accordance with the vendor's overhaul manual.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) The inspections required by paragraph (a) of this AD are no longer required when British Aerospace Modification No. 5179 is installed.

(e) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD if used must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 17, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 1, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-6887 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-ANE-10; Amdt. 39-4526]

Airworthiness Directives; Garrett Turbine Engine Company Engine Models TSE331-3; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a typographical error in Docket No. 82-ANE-10, Amdt. 39-4526, which revised the turbine wheel life limit and was published in the Federal Register on January 10, 1983 (48 FR 1031).

FOR FURTHER INFORMATION CONTACT: Bill Moring, Aerospace Engineer, ANM-174W, Western Aircraft Certification Field Office, Northwest Mountain Region, Post Office Box 92007, Worldway Postal Center, Los Angeles, California 90009; telephone: (213) 536-6361.

Accordingly, the FAA is correcting Amendment No. 39-4526 on page 1033 of the Federal Register of January 10, 1983 (48 FR 1031), paragraph "h", in the line beginning "either this time for initial inspection of this" as follows: change "of" to "or".

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Issued in Burlington, Massachusetts, on March 7, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 83-6891 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 83-CE-9-AD; Amendment 39-4583]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A., Models P68 and P68B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Models P68 and P68B airplanes which requires replacement of the engine oil cooler left-hand elbow fitting and a visual inspection of the engine oil cooler hoses for wear. The manufacturer has indicated that this fitting may develop cracks and the routing to accommodate this fitting can cause chafing of the oil cooler hoses. The replacement of this fitting and inspection of the oil hoses will preclude these occurrences and consequent loss of engine oil.

DATES: Effective date: March 17, 1983.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Partenavia SB No. 45, Registro Aeronautico Italiano (RAI) approved July 9, 1979, applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., Via Cava, Casoria-Napoli, Italy. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Al O. Astorga, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Paul Cormaci, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6942.

SUPPLEMENTARY INFORMATION: The manufacturer indicates that the engine oil cooler installation may develop cracks in the left-hand elbow fitting and the routing of the hose to this fitting can cause chafing of the engine oil cooler hoses on Partenavia Models P68 and P68B airplanes. Occurrences of this type could result in the loss of engine oil, engine failure or an inflight fire. As a result, Partenavia issued SB No. 45, R.A.I. approved July 9, 1979, which recommends replacement of the engine oil cooler left-hand elbow fitting, P/N AN822-6-6D, with a new fitting, P/N 7.5541-1, and an inspection of the engine oil cooler hoses for wear. The R.A.I., who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the R.A.I. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of Partenavia SB No. 45 and the mandatory classification of this Service Bulletin by the R.A.I.

Based on the foregoing, the FAA has determined that the unsafe condition described herein is likely to exist or develop in other products of the same type design certificated for operation in the United States. Accordingly, an AD is being issued requiring replacement of the engine oil cooler left-hand elbow fitting and a visual inspection of the engine oil cooler hoses for wear on Partenavia Costruzioni Aeronautiche S.p.A., Models P68 and P68B airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new AD.

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to Models P68 and P68B (Serial Nos. 1 through 182, excluding Serial Nos. 74, 89, 133, 142, 155, 163, and 171) airplanes certificated in any category.

Compliance: Required as indicated, unless already accomplished. To prevent possible failure of the engine oil cooler left-hand elbow fittings and oil cooler hoses, within the next 50 hours time-in-service on airplanes having 500 or more hours time-in-service on the effective date of this AD or prior to 550 hours time-in-service on airplanes having less than 500 hours time-in-service on the effective date of this AD, accomplish the following:

(a) Replace the engine oil cooler left-hand elbow fitting in accordance with steps one through nine of the INSTRUCTIONS FOR REPLACEMENT section of Partenavia Costruzioni Aeronautiche S.p.A. SB No. 45, R.A.I. approved July 9, 1979.

(b) Visually inspect the oil cooler hoses for chafing or damage, and prior to further flight, replace any unairworthy hoses.

(c) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, Aircraft Certification Staff, Federal Aviation Administration, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on March 17, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on March 1, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-6308 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-57]

Alteration of Control Zone, Anniston, Alabama

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Anniston, Alabama, control zone by revising the geographical coordinates of the airport and increasing the size of the control zone arrival extension. The arrival extension presently established is not of sufficient size to contain aircraft while they are executing the nondirectional radio beacon instrument approach procedure to Runway 5 (NDB RWY 5). This action will provide the required controlled airspace.

EFFECTIVE DATE: 0901 G.m.t., June 9, 1983.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Monday, December 27, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the geographical coordinates of the Anniston-Calhoun County Airport and increasing the size of the control zone extension associated with the NDB RWY 5 instrument approach procedure (47 FR 57498). Subsequent to issuance of the Notice, the final approach course of the instrument approach procedure was changed from 235° to 237°. This change is reflected in the revised description of the control zone. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received in response to publication. Except for the change in final approach course noted above, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations corrects the coordinates of the Anniston-Calhoun County Airport and increases the size of the control zone extension to accommodate aeronautical activities in the vicinity of the airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., June 9, 1983, as follows:

Anniston-Calhoun County Airport, AL—Amended

By deleting the words, "* * * (latitude 33° 35'23"N., longitude 85° 51'20"W.); within 1 mile each side of the ILS localizer SW course, extending from the 5-mile zone to the OM * * *", and substituting for them the words, "* * * (Lat. 33° 35'24"N., Long. 85° 51' 20"W.); within 3 miles each side of the 237° bearing from the Anniston RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN * * *".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6 (c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on March 3, 1983.

Thomas H. Protiva,

Acting Director, Southern Region.

[FR Doc. 83-6309 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Organization Regulation Amendment No. 122; Regulation OR-208]

Delegations and Review of Action Under Delegation; Nonhearing Matters

AGENCY: Civil Aeronautics Board

ACTION: Final rule.

SUMMARY: The CAB amends its delegations of authority to allow the Director, Bureau of International Aviation, to grant waivers of its filing fee requirements to foreign air carriers. This rule is intended to simplify the waiver process for these carriers.

DATES: Effective: March 14, 1983.

Adopted: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia DePuy, Regulatory Affairs Division, 202-673-5878; or Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: By OR-204 (48 FR 635, January 6, 1983), the Board adopted a new filing fee schedule for work items primarily benefiting the applicant (14 CFR Part 389). In that rule, the Board stated that it did not have the authority to grant a blanket waiver from these fees for foreign air carriers. Under section 1102 of the Federal Aviation Act, however, the Board is required to act in accordance with international agreements and treaties, between the United States and foreign countries (49 U.S.C. 1502). For that reason, the Board further stated that it would consider granting waivers to foreign carriers to the extent that their home countries charge or do not charge fees to U.S. air carriers for filing documents.

By this rule, the Board is delegating authority to the Director, Bureau of International Aviation (BIA), to grant or deny applications under 14 CFR 389.24 by foreign air carriers, based on reciprocity with their home governments, for waivers of the filing fee requirements in Part 389. The Director, BIA, has knowledge of reciprocity issues and handles many of the filing by foreign carriers.

List of Subjects in 14 CFR Part 385

Administrative practice and procedure, and Authority delegations.

PART 385—[AMENDED]

1. Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegations and Review of Action under Delegation: Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 410, Pub. L. 85-726, as amended; 72 Stat. 740, 743, 754, 757, 758, 766, 771; 49 U.S.C. 1302, 1324, 1371, 1372, 1378, 1377, 1388. Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. Section 385.26 is amended by adding a new paragraph (dd) to read:

§ 385.26 Delegation to the Director of the Bureau of International Aviation

* * * * *

(dd) Grant or deny, or ask for additional information about, applications by or on behalf of foreign air carriers, when filed under § 389.24 of this chapter, for waiver of the Board's filing fee requirements, in accordance with Board policy and precedent.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6820 Filed 3-11-83; 8:45 am]

BILLING CODE 6320-01-M

14 CFR Part 389

[Organization Regulations Amdt. No. 32; Regulation OR-209]

Fees and Charges for Special Services

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its filing fee rules to require that applications for waivers of fees by foreign air carriers be filed with the Director, Bureau of International Aviation. This will simplify the processing of those applications.

DATES: Effective: March 14, 1983. Adopted: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia DePuy, Regulatory Affairs Division, 202-673-5878; or Joseph A. Brooks, Office of the General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: The reasons for this rule are explained in OR-208, issued contemporaneously.

List of Subjects in 14 CFR Part 389

Archives and Records.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 389, *Fees and Charges for Special Services*, as follows:

PART 389—[AMENDED]

1. The authority for Part 389 is:

Authority: Secs. 204, 1002, Pub. L. 85-726, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1502. Act of August 3, 1951, Ch. 370, 65 Stat. 290; 31 U.S.C. 483a.

2. Section 389.24 is revised to read:

§ 389.24 Foreign air carriers.

A foreign air carrier, or such carriers, if from the same country, acting jointly, may apply for a waiver of the requirements of this part based on reciprocity for U.S. air carriers contained in the requirement of their home governments, or as provided in a treaty or agreement with the United States. To apply for a waiver under this section, foreign air carriers shall send waiver requests to the Director, Bureau of International Aviation. The request should include applicable official government rules, decisions, statements of policy, or comparable evidence concerning filing fees for U.S. air carriers, or for all carriers serving that country. Once a waiver has been granted for a specific country, no further waiver applications need be filed for that country.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6821 Filed 3-11-83; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 33-6456; 34-19565; IC-13069; File No. 57-921]

Prohibitions Against Trading by Persons Interested in a Distribution

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting amendments to Rule 10b-6 under the Securities Exchange Act of 1934. The rule regulates trading in securities by participants in a distribution of those securities. Among other things, the amendments define the term "distribution" for purposes of the rule and permit certain distribution participants to continue trading securities until the commencement of the applicable two or ten business day cooling-off period. The Commission also is adopting an amendment to Rule 10b-8 under the Act, which applies to purchases and sales during rights offerings. The amendment extends the scope of Rule 10b-8 to cover purchasing and selling activity by broker-dealers who act as "standby underwriters" in connection with a call for redemption of convertible securities.

EFFECTIVE DATES: April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Any of the following attorneys in the Office of Legal Policy and Trading Practices, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, D.C. 20549: John B. Manning, Jr., (202–272–2879); Howard A Bartnick (202–272–2880); Kenneth B. Orenbach (202–272–7391); Joel M. Bludman (202–272–2846); Allyn C. Shepard (202–272–2828); Eneida Rosa (202–272–7496); Nancy J. Burke (202–272–2878); Kevin A. Corcoran (202–272–7394).

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Background

The Securities and Exchange Commission is adopting amendments to Rules 10b–6 [1] and 10b–8 [2] under the Securities Exchange Act of 1934 (the "Act"). These amendments were published for comment on March 16, 1982.[3]

Subject to certain exceptions, Rule 10b–6 prohibits persons who are engaged in a distribution of securities from bidding for or purchasing, or inducing other persons to bid for or purchase, such securities, any security of the same class and series at those securities, or any right to purchase any such security until they have completed their participation in the distribution. The rule's purpose is to prevent those persons from conditioning the market to facilitate the distribution. The rule is thus designed to protect the integrity of the securities trading market as an independent pricing mechanism during the distribution period. The rule originally contained eleven exceptions to its general prohibitions that were designed to facilitate an orderly distribution of securities or to limit disruption in the trading market for the securities being distributed.

Rule 10b–8 was adopted, together with rules 10b–7 [4] and 10b–8, in 1955.[5] Over the succeeding quarter century, the securities markets have changed considerably. For many securities, the markets are deeper and generally more liquid. The implementation of new trading systems has greatly enhanced market efficiency. Also, the dissemination of market information concerning securities transactions has vastly improved. These changes suggest that the scope of the original prohibitions of the rule is more restrictive than necessary today.

In addition, increasingly varied techniques have been developed since 1955 to effect distributions of securities. At the same time, the process by which securities are registered for sale has been streamlined. These developments have raised questions under Rule 10b–6 that were not contemplated when it was adopted, involving in many instances transactions that would be prohibited if the rule were literally applied but that do not present a significant opportunity for manipulative abuse. Through the exemptive and no-action and interpretive processes, the Commission and its staff have attempted to accommodate the rule to changing business needs consistent with its anti-manipulative purpose. A result of this process, however, has been the development of staff positions under the rule that, in connection with various kinds of transactions, require case-by-case application to the Commission for routine exemptive relief. In addition, some interpretive positions have not received sufficient publicity to avoid uncertainty among market participants. The amendments adopted today codify many staff interpretive positions, substantially reducing the need to seek interpretive relief under the rule, and thereby eliminate unnecessary costs and burdens that have been imposed on both the Commission and persons subject to the rule.

Sixty-one comments were received with respect to the proposed amendments to Rule 10b–6.[6] Many commentators supported the rule changes proposed while making suggestions concerning the substance and language of the rule. Many of these suggestions have been incorporated by the Commission in the amendments adopted today.

II. Summary of Amendments

In general, these amendments track those proposed in March 1982, as more fully discussed below. The rule, as amended, permits underwriters, prospective underwriters, and dealers to continue solicited purchasing activity, as principal, whether in the over-the-counter market or on an exchange, until two business days before commencement of any offers or sales in a distribution, in the case of stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares, or a security of the same class and series as such stock, or any right to purchase any such security. Purchases as principal by participants in distributions of securities that do not meet those criteria remain subject to the traditional ten day "cooling-off" period.[7] The amendments also allow unsolicited principal transactions to be effected until the date of commencement of offers and sales in a distribution, without regard to the type of security being distributed. The rule now also permits issuers and certain related persons to effect purchases that otherwise would be prohibited until the applicable two or ten business day "cooling-off" period before any offers or sales in the distribution.[8]

The Commission also is adopting a definition of the term "distribution" for purposes of the rule. The definition codifies principles established through administrative and judicial decisions. After considering adverse comments, however, the Commission has decided not to adopt the "safe harbor" provision that was set forth in the definition as proposed. The Commission has also adopted new Exception (xiii) to Rule 10b–6. This exception covers bids for and purchases of nonconvertible debt securities and nonconvertible preferred stock rated by at least one nationally recognized statistical rating organization as being of "investment grade."

III. Review of Rule 10b–6

Rule 10b–6, as amended today, is designed to apply to all types of distributions, including shelf-registered

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[1] 17 CFR 240.10b–6.

[2] 17 CFR 240.10b–8.

[3] Securities Exchange Act Release No. 18628 (March 3, 1982), 47 FR 11482 (the "Proposing Release").

[4] 17 CFR 240.10b–7.

[5] Securities Exchange Act Release No. 5194 (July 5, 1955). *See also* Securities Exchange Act Release Nos. 5040 (May 18, 1954) (publishing proposals for comment), and 5150 (April 19, 1955) (publishing revised proposals for comment); Securities Exchange Act Release Nos. 3505 and 3508 (November 16, 1943).

[6] File No. S7–821 contains these public comment letters as well as a Summary of Comments prepared by the staff of the Commission. Three comment letters were received by the Commission subsequent to the preparation of the Summary of Comments. These letters are contained in the rulemaking file and were considered by the Commission in reaching its conclusions with regard to this rulemaking proceeding.

[7] Of course, this ten business day period will now apply to exchange as well as over-the-counter transactions.

[8] This release discusses the applicability of the rule to participants in shelf offerings under new Rule 415 under the Securities Act of 1933 ("Securities Act"). 17 CFR 230.415; Securities Act Release No. 6383 (March 3, 1982), 47 FR 11380 (release adopting temporary Rule 415); Securities Act Release No. 6423 (September 2, 1982), 47 FR 39799 (release extending Rule 415). In Securities Exchange Act Release No. 18699, (April 20, 1982), 47 FR 18359, the Commission published a letter of its Division of Market Regulation in which the Division set forth certain interpretive positions regarding the application of the proposed amendments to certain activities engaged in during offerings of securities involving the use of Rule 415 ("Interpretive Release"). To the extent that this release or any of the final amendments are inconsistent with positions set forth in the Interpretive Release, such positions are so modified.

offerings pursuant to Rule 415. Prior to December 31, 1983, the Commission will determine whether to adopt Rule 415 on a permanent basis, whether to adopt modifications to the rule, or whether to allow it to expire.[9] When the Commission makes that determination, it will have the opportunity to re-examine the changes to Rule 10b–6 being implemented today. In that regard, the Commission invites interested persons to provide their views and any supporting data concerning the effects of these amendments. The Commission expects that any reevaluation of Rule 10b–6 will consider the operation of the amendments to Exception (xi) and the adoption of Exception (xii), the impact of the single distribution analysis on participants in shelf-registered offerings, the appropriate categories of persons that should be subject to the rule's prohibitions, the practicability of pre-effective stabilization in compliance with Rule 10b–7, the advisability of shortening the cooling-off period for the exercise of exchange-traded call options, and the advisability of permitting solicited brokerage transactions under Exception (xi) or (v).

IV. Regulatory Flexibility Act Considerations

The Chairman of the Commission has certified that the proposed amendments to Rules 10b–6 and 10b–8, if adopted, would not have a significant impact on a substantial number of small entities. The Commission received two comments concerning the Chairman's certification. Both of these comments, however, related to the proposed definitional safe harbor which the Commission has determined not to adopt.

V. Effects On Competition and Statutory Basis

Section 23(a)(2) of the Act[10] requires the Commission, in adopting rules under the Act, to consider the anti-competitive effect of such rules, if any, and to balance any impact against the regulatory benefits gained in terms of furthering the purposes of the Act. The Commission has considered the amendments to Rules 10b–6 and 10b–8 in light of the standards cited in Section 23(a)(2) and believes for the reasons stated in this release that adoption of the amendments will not impose any burden on competition not necessary or appropriate in furtherance of the Act.

The amendments to Rules 10b–6 and 10b–8 are adopted under the Act, 15 U.S.C. 78a *et seq.*, and particularly Sections 2, 3, 9(a)(6), 10(b), 13(e), 15(c) and 23(a), 15 U.S.C. 78b, 78c, 78i(a)(6), 78j(b), 78m(e), 78o(c) and 78w(a).

Additional Information

The discussion concerning the amendments is divided into five parts. The first discusses the definition of the term "distribution" for purposes of the rule, including the Commission's interpretation of the term in the context of shelf offerings under Rule 415. The second part discusses the securities covered by the rule, specifically new Exception (xiii) relating to certain nonconvertible investment grade securities. The third section discusses persons subject to the rule, specifically affiliated purchasers of issuers or other persons ("selling shareholders") on whose behalf a distribution is being made and affiliates of underwriters, prospective underwriters, brokers and dealers. The fourth part discusses the relaxation of the rule's prohibitions by amendment to Exception (xi) and the adoption of Exception (xii). This part includes a discussion of the operation of these exceptions in connection with both mergers and Rule 415 offerings. The fifth part of the release details the amendments to Exceptions (ii), (iii), (iv) and (vii) of the rule (and certain conforming changes to Rule 10b–8), the status of "overallotment" options for purposes of Rule 10b–6, and an amendment to Rule 10b–8 relating to standby underwriting arrangements.

I. Definition of the Term "Distribution" for Purposes of Rule 10b–6

A. *Definition of "Distribution".* In the Proposing Release, the Commission published for public comment a definition of the term "distribution" for purposes of Rule 10b–6. As proposed, a distribution would have been distinguished from customary trading and market making transactions by reference to the magnitude of the offering or the presence of special selling efforts and selling methods or the payment of compensation greater than that normally paid in connection with ordinary trading transactions. These criteria were intended to identify circumstances that may give rise to an incentive to engage in manipulative purchasing activities.[11] The definition as proposed also included a "safe harbor" that would have excepted from its scope transactions that comply with the volume limitations and manner of sale provisions of Rule 144 under the Securities Act.

After analyzing comments received, the Commission has determined to include in Rule 10b–6 a definition of the term distribution that substantially reflects current decisional law, particularly that set forth in the *Bruns, Nordeman* case.[12] That is, a distribution for purposes of Rule 10b–6 is to be distinguished from ordinary trading transactions on the basis of the magnitude of the offering and the presence of special selling efforts and selling methods.[13] The Commission believes that it is useful to codify as a part of Rule 10b–6 its longstanding approach to the distribution question. By specifically including in the rule the factors under existing case law that should be applied to specific facts, the Commission will provide issuers, broker-dealers and other persons subject to Rule 10b–6 a measure of guidance in determining whether certain of their activities fall within the scope of the rule. At the same time, the definition retains the flexibility necessary to take into account changes in the securities markets and the processes by which securities are offered and sold.

B. The Proposed Safe Harbor. In the Proposing Release, the Commission proposed to add to the definition of distribution a "safe harbor" for sales of securities that comply with the volume limitations and the manner of sale provisions of paragraphs (e) and (f), respectively, of Rule 144 under the Securities Act.[14] The Commission received a significant number of comments that opposed inclusion of the safe harbor in the definition. Several commentators argued that the safe harbor was unnecessary and of uncertain utility, particularly in light of the narrow scope of Rule 144, the

[9] Securities Act Release No. 6423 (September 2, 1982).

[10] 15 U.S.C. 78w(a)(2).

[11] In the leading decision discussing the scope of the term "distribution" as used in Rule 10b–6, the Commission noted that the term, construed in light of the rule's purposes, includes offerings of securities of such a nature or magnitude that purchases by participants should be restricted in order to prevent manipulative practices. Thus, a distribution was to be distinguished from ordinary trading transactions and other normal conduct of a securities business based upon the magnitude of the offering and the selling efforts and selling methods employed. *See In the Matter of Bruns, Nordeman & Co.*, 40 SEC 652, 660 (1961) (*"Bruns, Nordeman"*).

[12] One commentator proposed a definition that would limit the term "distribution" to primary public offerings of securities for cash or in exchange for other publicly-held securities and organized secondary offerings involving unusual selling efforts. Such a definition would, however, represent a significant departure from administrative and judicial cases construing the term "distribution" for purposes of Rule 10b–6, which hold that there may be situations in which other offerings constitute distributions.

[13] The presence of special selling efforts and selling methods may be indicated in a number of ways, including the payment of compensation greater than that normally paid in connection with ordinary trading transactions.

[14] 17 CFR 230.144.

likelihood that any sale of securities that satisfied its requirements would clearly fall outside of the scope of the traditional definition of distribution, and the potential interpretive difficulties that could arise from incorporating portions of a Securities Act rule into Rule 10b–6.[15] Accordingly, the Commission has determined not to adopt the "safe harbor" proviso.

C. Application of the Term "Distribution" to Shelf-Registered Offerings. The definition of "distribution" adopted today applies to offerings of securities currently permitted under Rule 415 of the Securities Act. As indicated in the Proposing Release, the determination of whether there is a distribution for purposes of Rule 10b–6 in the context of both primary and secondary shelf-registered offerings will depend on the same factors as does any other offering of securities.[16] The Commission continues to believe that any shelf-registered offering that constitutes a Rule 10b–6 distribution should be considered a single distribution for purposes of the rule. The issuer or selling shareholder therefore will be deemed to be engaged in a distribution from the time it determines to proceed with a shelf-registered offering of securities that constitutes a distribution. As discussed below in greater detail, when a broker-dealer will be deemed to have commenced its participation in a shelf-registered distribution will depend upon the particular circumstances of its decision to participate in an offering.[17]

Since there may be extended periods during which there are no selling efforts under an effective shelf-registration, the Commission believes it is unnecessary to subject issuers, broker-dealers and other persons otherwise subject to Rule 10b–6 to the strict prohibitions of the rule throughout the life of the shelf. For that and other reasons, the Commission today is adopting new Exception (xii) [18] and has modified Exception (xi),[19] to permit issuers, underwriters, prospective underwriters and dealers and certain other persons engaged in a distribution, including a shelf distribution, of securities to bid for or purchase the securities that are the subject of the distribution up until at least two business days prior to any offers or sales off the shelf,[20] in the case of securities meeting the minimum price and public float test. Issuers, underwriters, prospective underwriters, dealers and other participants in a distribution of other securities would be subject to the traditional ten business day cooling-off period. Persons subject to the rule as a consequence of their participation in a shelf-registered distribution therefore are only required to cease their purchasing activities with respect to the security in distribution during the applicable cooling-off period and during any period in which offers or sales are being made off the shelf. The short "cooling-off" periods afforded by these exceptions are designed, in part, to eliminate any unnecessary hardship that Rule 10b–6 may have on persons that come within the rule's prohibitions as a result of their participation in a shelf-registered distribution. The Commission plans to continue to review the impact of Rule 10b–6 on persons participating in shelf-registered distributions and welcomes the views and supporting data of any interested persons.

II. Securities Covered by Rule 10b–6: A New Exception for Nonconvertible Investment Grade Debt and Preferred Securities

Historically, Rule 10b–6 has applied to distributions of all types of securities. The Commission is today adopting a new exception to the rule, Exception (xiii), that permits persons subject to the rule to bid for or purchase certain nonconvertible investment grade securities of an issuer during a distribution of such securities or during a distribution of certain other nonconvertible investment grade securities of that issuer that are of the same class and series as those to be purchased.

As proposed, Exception (xiii) substantially followed the criteria established in a no-action letter concerning American Telephone and Telegraph Company (dated February 20, 1975) ("AT&T letter") and reflected the Commission's belief that the fungibility of certain investment grade debt securities makes manipulation of their price very difficult. The Commission proposed that transactions in nonconvertible debt securities be excepted from Rule 10b–6, provided that the issuer is subject to the reporting requirements of Section 13 or Section 15(d) of the Act; that the securities in distribution and those to be purchased are rated in one of the four highest rating categories by at least two nationally recognized statistical rating organizations ("NRSROs"); and that the issuer's outstanding public debt amount to an aggregate of at least $100 million in face value.

Every commentator that addressed Exception (xiii) argued that requiring the securities to be rated by two NRSROs was overly restrictive, particularly since it is not uncommon for an issuer of debt securities to obtain just one such rating.[21] Accordingly, the Commission has modified Exception (xiii) to specify that the nonconvertible securities must be rated by at least one NRSRO in one of its generic rating categories that signifies investment grade. Both the securities in distribution and those to be purchased must have an investment grade rating. Moreover, the exception will still be available for securities that are rated investment grade by one NRSRO but lower by one or more other NRSROs.

To ensure flexibility, the Commission has determined not to specifically define the particular categories signifying investment grade. Rather, the Commission accepts, for purposes of the exception, the investment grade categories adopted by each NRSRO or, if a particular NRSRO does not specifically designate certain categories as investment grade, those categories commonly viewed as investment grade within the securities industry. For general guidance, the Commission notes that the definition of "investment grade securities" contained in the General Instructions to Form S–3 under the Securities Act typically includes the four highest rating categories, within which there may be sub-categories or gradations. The Commission recognizes,

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[15] Many commentators feared that the safe harbor would become a prescriptive standard as a result of which any sale of securities failing to meet both the volume limitations and manner of sale provisions of Rule 144 automatically would be deemed to constitute a distribution within the meaning of Rule 10b–6, although no such presumption was intended nor reasonably implied by the Commission's proposal.

[16] Among the volume factors historically utilized by the staff to determined whether a shelf offering constitutes a distribution for purposes of Rule 10b–6 are the number of shares to be registered for sale by the issuer and the percentage of the outstanding shares, the public float and the trading volume that those shares represent.

[17] See Section IV.A. *infra.*

[18] See Section IV.B. *infra.*

[19] See Section IV.A. *infra.*

[20] Depending on the particular security, two or ten business days is the maximum "cooling-off" period. Depending upon when a broker-dealer becomes a participant in the distribution, that period may be shorter. In a shelf-registered offering, a broker-dealer will generally not be subject to the prohibitions of Rule 10b–6 for the entire distribution period unless it has a continuing agreement with the issuer. See Section IV.A.4. *infra.*

[21] Most commentators favored the approach taken by the Commission in its adoption, as part of the integrated disclosure system, of Form S–3 under the Securities Act, pursuant to which certain primary offerings of nonconvertible debt and preferred securities need be rated investment grade by only on NRSRO to qualify for registration on Form S–3, provided that the registrants meet the other eligibility requirements for use of that form. *See* Securities Act Release No. 6383 (March 3, 1982).

however, that a particular NRSRO may utilize a differing rating system (*e.g.*, a number scale) as to which that definition is not helpful and which may include more than four investment grade categories.

Several commentators suggested expanding the exception to include nonconvertible preferred securities. Nonconvertible preferred securities possess some of the attributes of debt securities and, when rated investment grade, generally trade on the basis of their value in relation to comparably-rated offerings of other issuers. In light of those comments, and particularly in light of the fact that the potential for price manipulation of such securities appears negligible, the Commission has decided to include in the exception, as adopted, investment grade nonconvertible preferred securities.

Commentators were specifically requested to address the need for the conditions contained in the AT&T letter which required that (1) the issuer be a reporting company and (2) the issuer maintain a minimum aggregate outstanding public debt. Two commentators remarked that it was unnecessary to require reporting by the issuer since the availability of information under the reporting provisions did not cause such investment grade securities to be more or less subject to manipulative abuse than other investment grade securities. In addition, as a practical matter, publicly offered debt and preferred securities, aside from certain foreign issues, generally do not receive an investment grade rating unless the issuer is a reporting company. Consequently, the Commission has determined not to include this condition in Exception (xiii) as adopted.

Commentators also questioned the need for the condition requiring the issuer's total outstanding public debt to aggregate at least $100 million in face amount. As with the reporting condition, it was argued that this requirement was unnecessary, especially in view of the apparent difficulty of manipulating the price of investment grade securities that trade on the basis of their relative value. As the Commission indicated in the Proposing Release, the aggregate outstanding public debt condition may be somewhat inconsistent with the concept on which Exception (xiii) is based, *viz*, that investment grade debt and preferred securities are traded on the basis of their yields and financial ratings and therefore are largely fungible. Since such a requirement may provide only limited added assurance against price manipulation in a context in which manipulation seems difficult, the Commission has also adopted Exception (xiii) without this condition.

In the case of debt securities failing to satisfy the requirements of proposed Exception (xiii), the Commission noted in the Proposing Release the staff's intention to adhere to the position taken in the no-action letter concerning Gamble-Skogmo, Inc. (dated January 11, 1974) ("Gamble-Skogmo letter"). In the Gamble-Skogmo letter, the staff considered outstanding non-investment grade debt securities of an issuer that varied by at least one percent in the coupon interest rate and by at least ten years in the maturity date from the terms of the debt securities being distributed not to be of the "same class and series." [22]

The Commission solicited comments, however, regarding whether the staff should modify the *Gamble-Skogmo* standards. A few commentators proposed that the debt securities outstanding and those in distribution should not be deemed to be of the "same class and series" whenever a significant variation exists in either the interest rates or maturity dates. One of these commentators suggested retaining the current one percent factor while lowering the maturity date factor to five years, but adopting these as alternative criteria. Another commentator recommended that the *Gamble-Skogmo* standards be revised to require a two percent variation in the coupon rates and a four year variation in the maturity dates in order for the debt securities outstanding and those being distributed not to be considered of the "same class and series." Although the Commission has decided not to modify, on an across the board basis, the *Gamble-Skogmo* criteria in the case of debt securities that do not fall within Exception (xiii), the staff may continue to provide no-action relief where an appropriate set of facts and circumstances indicates that outstanding noninvestment grade debt to be purchased is not part of the same class and series as the securities being distributed.

III. Affiliates and Affiliated Purchasers of Distribution Participants

A. *Affiliated Purchasers of Issuers and Selling Shareholders.* Historically, the prohibitions of Rule 10b–6 have been interpreted to apply to distribution participants and to all affiliates of such participants.[23] Thus, unless specifically exempted from or excepted by the rule, an affiliate of a distribution participant has been precluded from bidding for or purchasing the security being distributed or any other security covered by the rule during the distribution period.

Today, the Commission has narrowed the categories of persons associated with issuers or other persons (selling shareholders) on whose behalf a distribution is being made that are covered by the rule. Rule 10b–6 now applies to issuers and selling shareholders and their "affiliated purchasers," a new term defined in the rule by alternative tests. Under the definition of "affiliated purchaser," any person acting in concert with the issuer or selling shareholder in connection with the acquisition or distribution of the issuer's securities is subject to Rule 10b–6. The Commission notes that persons, particularly decisional officers of the issuer, that participate directly or indirectly in the recommendation of, determination to proceed with, or implementation of, the distribution will be considered to be acting in concert with the issuer in effecting purchases during periods when the issuer would be prohibited from purchasing.

The second clause of the definition restricts coverage of the rule to any affiliate who, directly or indirectly, controls the purchases of the issuer or selling shareholder, whose purchases are controlled by the issuer or selling shareholder, or whose purchases are under common control with those of the issuer or selling shareholder.[24] As guidance, the Commission notes that one kind of control relationship covered by the second clause of the definition would arise when an affiliate of the issuer or selling shareholder has the ability or authority to purchase, or direct the purchase of, the issuer's securities for such issuer or selling shareholder.[25]

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[22] The staff in the Gamble-Skogmo letter also viewed outstanding debt securities of the issuer not to be of the "same class and series" as the debt securities being distributed when there existed a 23-year difference in the securities' maturity dates, regardless of their respective interest rates.

[23] To determine whether certain persons were covered by Rule 10b–6 owing to their relationship as an affiliate of a distribution participant, the staff has looked to whether a person controls, is controlled by, or is under common control with such participant. In addition, the prohibitions of the rule have been considered applicable to any other person sharing a special relationship with the distribution participant which would provide that person with an incentive to condition the market to facilitate the distribution of the offered security.

[24] The term "affiliated purchaser," as defined in new paragraph (c)(6) of Rule 10b–6, is similar to the definition of that term contained in paragraph (a)(2) of Rule 10b–18, 17 CFR 240.10b–18(a)(2). See Securities Exchange Act Release No. 19244 (November 17, 1982), 47 FR 53333.

[25] The determination of whether an affiliate satisfies any of the control criteria specified in the definition must in the first instance be made by the issuer, selling shareholder or the affiliate. While the definition of affiliated purchaser is intended to limit

Of course, affiliates of the issuer or selling shareholder, *e.g.*, officers and directors, who do not have the ability or authority to purchase, or to direct purchases of, the issuer's securities on behalf of the issuer or selling shareholder, would not be affiliated purchasers under this clause of the definition, although depending on their involvement, certain of them may be affiliated purchasers under the first clause thereof.

B. *Affiliates of Underwriters and Broker-dealers.* In the Proposing Release, the Commission did not propose to modify its historical position that all affiliates of an underwriter, prospective underwriter, broker or dealer participating in a distribution are subject to the prohibitions of Rule 10b–6 to the same extent as the distribution participant. The Commission recognizes, however, that to continue to subject every affiliate of a broker-dealer to the rule's restrictions may be unnecessarily restrictive, particularly in light of the increasing number of firms that are offering diversified financial services, often through separate but affiliated entities. In addition, certain affiliates of financial service firms may not offer financial services at all.

The Commission intends to reconsider the appropriate scope of Rule 10b–6 as it applies to affiliates of underwriters, brokers, and dealers involved in a distribution. In that connection, the Commission may consider a variety of approaches to the affiliate issue. It might, for example, be appropriate to amend the rule to delineate with greater particularity the precise categories of natural persons and entities that should be subject to the rule's purchasing limitations. Since the Commission has not previously solicited comment on this issue and commentators generally did not address it, the Commission is not now amending Rule 10b–6 in this area. The Commission, however, encourages interested persons to submit their views on whether the Commission should amend the rule to define more precisely its application to affiliates of an underwriter or broker-dealer.

IV. General Relaxation of Trading Restrictions

A. *Exception (xi).* Exception (xi) of the rule has permitted underwriters, prospective underwriters and dealers participating in a distribution of securities to bid for or purchase covered securities ten or more business days prior to the proposed commencement of such distribution (or five business days in the case of unsolicited purchases) provided that such bids and purchases are made otherwise than on a securities exchange. As proposed, Exception (xi) would have been amended to permit underwriters and other dealer participants to bid for or purchase covered securities until the later of three business days before the commencement of offers or sales of the security in distribution or such other time as those persons become participants in the distribution.[26] In addition to shortening the cooling-off period, the proposed revisions would have eliminated the distinction that existed under the exception between exchange traded and over-the-counter transactions.[27]

The comments on the proposed amendments to Exception (xi) generally supported making the exception less restrictive in light of the changes in the securities markets since the rule's adoption. Many commentators, however, suggested alternative approaches regarding the appropriate duration of the cooling-off period and the parties to whom the exception should apply. After considering these comments, the Commission has determined to adopt the proposed amendments with certain modifications.

In summary, the Commission has determined to shorten the maximum cooling-off period to two business days in the case of stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares, or any security of the same class and series as that stock, or any right to purchase any such security. A five business day maximum cooling-off period is imposed for the exercise of exchange-traded call options on such securities. The current ten business day maximum cooling-off period is retained for all other securities. In addition, the Commission is adopting its proposal to extend the application of Exception (xi) to both exchange and over-the-counter transactions. The Commission has also determined to adopt proposed revisions to the exception permitting unsolicited purchases of any type of security until the date of commencement of offers or sales in a distribution.

1. *Cooling-Off Period.* In the Proposing Release, the Commission proposed reducing the maximum ten business day cooling-off period under Exception (xi) for solicited bids and purchases by underwriters, prospective underwriters and dealers to three business days. The Commission, however, requested comment on whether there should be a longer cooling-of period for certain securities, such as securities of issuers qualified only to use new Form S–1 under the Securities Act.

Many of the commentators supported this proposal without significant qualifications. Some also supported requiring a longer cooling-off period in connection with distributions of illiquid, thinly traded securities that might be easily manipulated. In response to the Commission's request for comments on whether a longer cooling-off period should be imposed in distributions of securities of an issuer qualified only to use Form S–1, several commentators asserted that criteria other than eligibility for a particular registration form should be used to determine which issuers should be subject to a longer cooling-off period. Several approaches were suggested.

One commentator suggested a test based on the depth and liquidity of the market, while another recommended that specific criteria, such as volume, number of market makers and availability of quotation information, be used. Another commentator suggested that the three business day period be made available to those issuers that meet the eligibility standards of paragraphs B (securities registered under the Act) and C(1) (three year reporting company) of Form S–2 under

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the persons who otherwise would be subject to Rule 10b–6, the issuer need not institute or maintain a formal program providing for the repurchase of its securities as a prerequisite to an affiliate's designation as an affiliated purchaser. The critical factor is whether the affiliate is empowered, expressly or implicitly, to bid for or purchase the issuer's securities, or to direct such purchasing activities, on behalf of the issuer or selling shareholder, if such purchases were to be effected.

[26] Unsolicited bids or purchases could be made until the day offers or sales commence.

[27] In the Proposing Release, the staff took the position that it would not recommend that the Commission take enforcement action under Rule 10b–6 if broker-dealers participating in certain distributions subject to Rule 10b–6 conformed their trading activity to the proposed amendments from the date of the Proposing Release until the amendments to the rule were adopted. Under this interim no-action position, broker-dealers participating in distributions conducted on behalf of issuers qualified to use Form S–2 or S–3 under the Securities Act were subject to the proposed three day cooling-of period. The traditional ten day cooling-off period continued to apply to distributions of securities of those issuers solely qualified to use Form S–1 under the Securities Act. The longer cooling-off period was applied to broker-dealer participants in distributions on behalf of issues for whom only Form S–1 is available, because the markets for these securities may be less liquid and stable than the markets for securities of issuers qualified to use Form S–2 or S–3. In addition, less information is publicly available concerning such issuers and these issuers do not have extensive reporting histories. The Commission also specifically solicited comment on whether a longer cooling-off period should be provided under Exception (xi) for distributions of certain securities, in particular, securities of an issuer qualified only to use Form S–1, and whether criteria other than the particular registration statement filed by an issuer should be utilized to determine the appropriate length of the cooling-off period.

the Securities Act, asserting that this standard would ensure that the issuer has been part of the integrated disclosure system for a suitable period of time. Two commentators suggested that the Commission apply the three day cooling-off period to all issuers for a limited period on an experimental basis until such time as the Commission determines that a different period is appropriate for some issuers.

One commentator asserted that the cooling-off period should be reduced to two business days. In addition, in response to the Commission's request for comments as to whether a longer cooling-off period should be applied to distributions of securities of an issuer qualified only to use Form S–1, this commentator asserted that the two business day cooling-off period should extend to all reporting companies, but suggested that if a longer cooling-off period were to be imposed for certain securities, the shorter cooling-off period should be extended, at a minimum, to all securities quoted in the National Association of Securities Dealers Automated Quotation system or listed on an exchange.

After considering the comments, the Commission has determined to shorten the cooling-off period from three to two business days in the case of certain securities. Bids for or purchases of stock, whether common or preferred, having a minimum price per share of five dollars and a minimum public float of 400,000 shares will be permitted by underwriters, prospective underwriters, or dealers prior to two business days before the commencement of offers or sales or the time they determine to participate, whichever is later. This shortened period also applies to purchases of any security of the same class and series as such stock, or any right to purchase any such security.[28] The current cooling-off period under which bids and purchases are permitted ten or more business days before the commencement of offers or sales or up until the determination to participate, whichever is later, will continue to apply to those securities that do not meet the minimum price and public float requirements for the two day cooling-off period.[29] The two day period will alleviate the liquidity problems for such securities and may also facilitate pre-effective stabilization, as more fully discussed below. At the same time, the Exception (xi) proviso prohibiting purchases made for the purpose of manipulating the market, as well as the general antifraud and anti-manipulative provisions under the Act, remain applicable in the event manipulative conduct does occur.

The manner in which the minimum price and minimum public float requirements are to be determined under Exception (xi) are codified in new paragraph (c)(7) of the rule. In the case of a stock the principal market for which last sale information is made available pursuant to Rule 11Aa3–1 under the Act,[30] the five dollar minimum prices per share requirement of Exception (xi) will be computed by use of the average of the closing price so reported during a two consecutive calendar week period commencing within 30 business days prior to the commencement of offers or sales of the security to be distributed. For stocks listed and registered on a national securities exchange for which last sale information is not made available pursuant to Rule 11Aa3–1, the minimum price shall be computed by reference to the average of the closing prices for such security on such exchange during that same period. With respect to all other stocks, *i.e.*, securities traded solely in the over-the-counter market which are not national market system securities, the minimum price shall be computed by reference to the average of the best independent bids or the best independent closing bids during that period.

As set forth in paragraph (c)(7), the minimum public float requirement of Exception (xi) will be computed by determining the total number of shares of stocks outstanding minus shares held by officers, directors and any persons who are, directly or indirectly, the beneficial owners of ten percent or more of the underlying stock in distribution. Information regarding the public float should be obtained by reference to the most recently available information as is possible by reasonable inquiry.[31]

The requirements used to determine eligibility for the shortened cooling-off period are based on market related criteria of a stock in distribution and, thus, are more appropriate to an anti-manipulative rule, like Rule 10b–6, than criteria based on a particular registration form. The Commission believes that public float provides a reasonable indication of the depth and liquidity of the market for a security. In addition, the Commission believes that a minimum price per share requirement is an appropriate criterion in light of the generally greater volatility of low-priced stocks. The standard adopted today also has the advantage of being relatively certain and easily determinable.[32]

The Commission has determined to retain the current ten business day cooling-off period for those securities that do not meet the minimum price and public float requirements for the two day cooling-off period. Such securities usually do not enjoy a market of significant depth and liquidity. The impact of purchases of such securities by distribution participants would not likely be dissipated quickly. Thus, the markets for these securities may be less stable than the markets for securities meeting the minimum price and public float requirements and more easily manipulated. As a result, a reduced cooling-off period would not ensure that market forces would establish independent prices for such securities.

Only three of the commentators addressed the Commission's proposal to eliminate the five business day cooling-off period for unsolicited purchases.

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[28] For purposes of Rule 10b–6, convertible securities are considered to be a "right to purchase" the underlying security in distribution when it is economically beneficial for the holder of the convertible securities to convert them, *i.e.*, when they would likely be used as a means of obtaining the underlying securities. That situation arises whenever the relative prices of the convertible securities and the underlying securities and other relevant factors are such that there is a reasonable expectation that significant amounts of convertible securities might be converted.

The shortened cooling-off period applies in cases where a convertible security, which is a right to purchase the qualified underlying stock, is in distribution and distribution participants bid for or purchase the convertible security.

[29] The current ten day period under Exception (xi), the pertinent language that has been retained in Exception (xi) and included in Exception (xii), permits purchases "ten or more business days" before an offering and accordingly actually requires a cooling-off period of only nine full business days, since purchases are permitted on the tenth business day before commencement. In contrast, the two business day cooling-off period is drafted to permit purchases "*prior to* two business days before the commencement of offers or sales" (emphasis added), and accordingly requires a cooling-off period of two full business days.

[30] 17 CFR 240.11Aa3–1. This category would include all stocks included in the consolidated transaction reporting systems, *i.e.*, stocks listed on the New York and American ("Amex") Stock Exchanges and stocks listed on other exchanges which substantially meet Amex listing standards, as well as stocks which are included in the National Association of Securities Dealers Automated Quotation system and have been designated as national market system securities pursuant to Rule 11Aa2–1 under the Act. 17 CFR 240.11Aa2–1.

[31] In determining the number of shares held by officers, directors and ten percent shareholders, persons who do not have access to more recent information generally may rely on the most recent information furnished to the Commission by the issuer pursuant to Item 403 of Regulation S–K. 17 CFR 229.403. Such information is required in proxy soliciting materials, and is also required to be included or incorporated by reference in the issuer's annual report on Form 10–K and in certain registration statements filed under the Securities Act.

[32] The Commission has considered whether the above criteria should include a minimum trading volume requirement, and has decided not to include such a requirement.

Each expressly endorsed the proposed modification. The Commission has determined to adopt this proposal, as a result of which unsolicited purchases will be permitted until the date of commencement of offers or sales in a distribution.[33]

2. *Pre-effective Market Making.* In the Proposing Release, the Commission asked commentators to address whether Rule 10b–6 should permit participants to engage in limited market making activity during the Exception (xi) cooling-off period.[34] Six commentators generally supported the concept of limited market making and argued that various safeguards could be devised to ensure that participants' market activities during the cooling-off period would be passive in nature.[35] The Commission has, however, determined not to amend Rule 10b–6 at this time to permit market making by participants during the cooling-off period. The amendments to Exception (xi) being adopted today should serve to eliminate to a large extent the liquidity problems that arose under the ten business day cooling-off period. Also, the shortening of the Exception (xi) cooling-off period to two business days for securities meeting the minimum price and public float criteria may make it more practicable for participants to engage in pre-effective stabilization in compliance with Rule 10b–7,[36] while the discipline that Rule 10b–7 imposes will protect against the possibility of uncoordinated stabilizing activity occurring during the cooling-off period.[37] The Commission intends, however, to continue to assess the practicability of pre-effective stabilization in compliance with Rule 10b–7. After developing some experience under these amendments, the Commission may revisit this issue, and interested persons may, therefore, wish to provide to the Commission their views and supporting data.

3. *Competitive and Other Bidding Practices.* Several commentators requested that the Commission clarify when a broker-dealer would be deemed to commence its participation in a distribution for purposes of the rule and therefore be subject to the cooling-off period, particularly in the context of shelf-registered offerings under Securities Act Rule 415.[38]

When a broker-dealer submits a bid in response to an issuer's solicitation in the context of formal competitive bidding, the broker-dealer is subject to the cooling-off period beginning at the time that it makes the decision to submit the bid.[39] Manipulative incentives may arise at that point. In Rule 415 offerings an issuer may solicit bids in different ways, indicating that it has some intention to proceed with an offering. It is also possible that broker-dealers may submit bids in the absence of any concrete solicitation by the issuer. The Commission has determined that it is appropriate to treat in the same way distributions involving traditional competitive bidding and Rule 415 shelf offerings where an issuer is soliciting bids, albeit by more indirect or informal means, and is codifying the position that a broker-dealer is subject to the rule at the time it decides to submit a bid in response to such a solicitation in paragraph (c)(2)(i) of the rule. When the issuer has not solicited a bid, however, the broker-dealer submitting a bid will not be deemed a participant until the bid has been accepted or the broker-dealer has reason to believe that it will be accepted.

Some of the factors that would indicate an indirect or informal solicitation of bids are: (1) The issuer has explicitly solicited (orally or in writing) broker-dealers to submit bids; (2) public notification of the impending offering has been made; (3) the issuer has imposed a specific due date for submitting bids; and (4) meetings have been held with prospective underwriters in which bidding terms and procedures have been discussed. Any of these factors may give rise to a reasonable expectation that an offering is imminent.[40] Under this approach, the broker-dealer would be deemed to be a participant in the distribution whenever it decides to submit a bid in response to a particular solicitation of bids by an issuer in connection with a particular underwriting.[41]

4. *Continuing Agreements.* In both the Proposing and Interpretive Releases, the Commission stated that a broker-dealer with a continuing agreement with an issuer to sell, from time to time, securities that are registered on the shelf would be required to be out of the market during the entire cooling-off period before commencing any sales of the offered security.[42] Several

[33] The limited purpose of this exception is to permit a distribution participant to purchase in an unsolicited transaction where the offer to sell is made directly to that participant. It does not apply to purchases in response to offers to sell made to the market generally. Therefore, a purchase by a distribution participant made from or through a broker or dealer in response to any offer made on an exchange floor or displayed or disseminated in any quotation medium would not be an unsolicited purchase.

[34] The National Association of Securities Dealers ("NASD") had suggested permitting participants who are registered as market makers with the interdealer quotation system in which they propose to make stabilizing bids and purchases to engage in market making during the cooling-off period prior to the commencement of a firm commitment offering at a price not in excess of the highest independent bid for such security displayed in that system on the day before the start of the cooling-off period. *See* letter dated November 19, 1981, from Frank J. Wilson, Esq., Executive Vice President, NASD, to Douglas Scarff, Director, Division of Market Regulation, publicly available in File No. S7–921.

[35] These safeguards included support for the NASD proposal to permit market making at a price no higher than the last independent bid, proposals to permit "normal" market making or "bona fide" market making during the cooling-off period and a proposal to permit purchases by participants that comply with the pricing restrictions of the Commission's then-proposed Rule 13e–2. Securities Exchange Act Release No. 17222 (October 17, 1980) 45 FR 70690. Proposed Rule 13e–2 has been withdrawn and new Rule 10b–18, which was derived from it, has recently been adopted by the Commission as a safe-harbor. Rule 10b–18 is not available, however, for purchases prohibited by Rule 10b–6 or otherwise. See Securities Exchange Act Release Nos. 19344 and 19345 (November 17, 1982).

[36] Rule 10b–7(e) permits multiple stabilizing bids on behalf of the syndicate provided they are made in compliance with the provisions of the rule.

[37] Even with respect to the question of manager risk due to late syndicate formation, the Commission is not convinced that a regulatory solution is necessary at this time. Business practices could evolve so that syndicates are formed earlier if pre-effective stabilizing is needed, with the result that the capital exposure associated with stabilizing during a shortened cooling-off period is allocated among the prospective underwriters (even if the offering ultimately does not go forward).

[38] The Proposing Release discussed whether a broker-dealer that is only named in a shelf-registration statement (and that does not have a continuing agreement with the issuer) may be deemed a participant in the distribution. The Commission indicated that whether a broker-dealer has become a participant depends upon the "facts and circumstances surrounding the broker-dealer's relationship with the issuer and its relationship with other broker-dealers acting on the issuer's behalf." Being named as a possible underwriter would not alone, however, cause a broker-dealer to be deemed a participant in a distribution. Securities Exchange Act Release No. 18528, 47 FR 11488, n. 36 (March 3, 1982). In Securities Exchange Act Release No. 18666 (April 20, 1982), the staff reiterated the Commission's position that the key consideration is the nature of its agreement with the issuer. That release also discussed various factors that, alone or in combination, would not result in a broker-dealer being deemed a participant in a shelf-registered distribution. The Commission endorses those views.

[39] The staff has consistently interpreted the language of paragraph (c)(2)(i) of Rule 10b–6 (which defined "prospective underwriter" as a person "who has agreed to submit or has submitted a bid") to mean a person "who has decided to submit a bid." The Commission has determined to clarify this interpretation by codifying this position.

[40] These factors, however, are not the exclusive means of determining whether solicitation of bids has been made by an issuer. In addition, they are not necessarily of equal importance. Obviously, explicit solicitation is the clearest of the factors, although the others also tend to show solicitation.

[41] Under circumstances where an issuer solicits bids from one or more broker-dealers identified in a shelf registration statement as possible underwriters, the broker-dealer also would not be deemed a "prospective underwriter" until it has made the decision to submit its bid in connection with a particular offering.

[42] For examples of recent shelf-registered offerings containing continuing agreements, see

commentators argued that this position inappropriately discriminated against broker-dealers with continuing agreements since subjecting such broker-dealers to the prohibitions of the rule would put them at a disadvantage compared to other broker-dealers through whom the issuer would still be free to offer securities without the full cooling-off period. One commentator suggested that Rule 10b–6 should be amended to provide that broker-dealers with such agreements would be deemed participants only after they know that the issuer has determined to proceed with a particular offering as promptly as possible or at a fixed future date. Other commentators recommended that a broker-dealer with a continuing agreement should be considered a participant only after the broker-dealer and issuer have communicated with regard to a reasonably imminent sale of particular securities.

The Commission continues to believe that a broker-dealer with a continuing agreement may have an incentive to condition the market to facilitate a distribution because of the certainty of its participation in such a distribution. Although it is difficult to delineate with precision when a firm would or would not have a continuing agreement with an issuer, such agreements are likely to result in close and continuous contact and coordination between an issuer and the broker-dealer concerning details, including timing, of an offering. Consequently, the Commission reiterates its view that a broker-dealer that agrees with the issuer always to participate in all offerings, or in all of a particular type of offering, of securities registered on the shelf would be deemed to have a "continuing agreement" with the issuer and would be a participant in all offerings of the type for which it has such an agreement with the issuer. Such agreements tend to present precisely the sort of manipulative potential that Rule 10b–6 is designed to address. As a result, the broker-dealer, because it is a distribution participant throughout the effectiveness of the shelf registration, will be subject to the entire two or ten business day cooling-off period that is applicable before any particular offer or sale off the shelf.[43]

5. *Dissemination of Research Reports.* Rule 10b–6 prohibits any person participating in a distribution from inducing any person to purchase securities covered by the rule. A number of commentators recommended that Exception (xi) be amended expressly to permit inducements to purchase prior to the commencement of the cooling-off period. These commentators were particularly concerned with the dissemination of research reports by market professionals before an offering commences.[44]

After considering the suggestions made by these commentators, the Commission has determined not to amend the provisions of Exception (xi) to include in it the dissemination of research reports that by their nature constitute inducements to purchase.[45] Extending the provisions of the exception to include the dissemination of such research reports could generate purchase activity in the security to be distributed unrelated to the special market making continuity concerns historically associated with Exception (xi). In addition, the Commission is concerned that the dissemination of promotional research reports by underwriters, prospective underwriters or dealers would generate purchases for an undetermined period of time subsequent to the dissemination of the reports, thereby nullifying the cooling-off period provided under Exception (xi).

The Commission has concluded, however, that research reports disseminated as part of a firm's continuing research program covering industry or sub-industry groups need not be considered "inducements to purchase," for purposes of Rule 10b–6. These kinds of reports, issued in the ordinary course of the firm's research activities, would usually cover several issuers without giving special treatment to the security to be distributed or would constitute a factual or statistical update on an issuer in an industry or sub-industry regularly covered by the firm. These research reports would also be substantially similar in appearance and tone and would be distributed with reasonable regularity by the broker-dealer.

Historically, the staff has taken the position that the guidelines for the type of research reports that will be permitted as not constituting inducements to purchases are provided by the provisions of Rule 139 under the Securities Act.[46] The Division of Corporation Finance anticipates reviewing Rules 137, 138 and 139 under the Securities Act, with a view to determining whether the scope of permissible research reports under the Securities Act may be broadened. In connection with that review, the Commission may redefine permissible research reports under Rule 10b–6 by reference to such rules. In the interim, the Commission notes that research reports in addition to those that meet the limitations currently contained in Rule 139, in some instances, may constitute neither inducements to purchase for Rule 10b–6 purposes nor offers for sale or offers to sell securities for purposes of Sections 2(10) and 5(c) of the Securities Act.[47] For example, an industry or sub-industry report circulated as part of a firm's continuing research program would not constitute a

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Middle South Utilities, Inc., (Reg. No. 2–80949) (declared effective January 6, 1983); Pacific Gas and Electric Company, (Reg. No. 2–80820) (declared effective January 5, 1983); The Southern Company, (Reg. No. 2–80970) (declared effective November 23, 1982); Sea Containers, Ltd., (Reg. No. 2–80998) (declared effective November 22, 1982).

[43] As proposed, the amendment to Exception (xi) would have permitted bids for or purchases of securities until the later of three business days "before the commencement of offers or sales of the securities to be distributed." In Securities Exchange Act Release No. 18666, the Division of Market Regulation sought to clarify that the cooling-off period under Exception (xi) is measured from the commencement of an offer and not merely the solicitation of indications of interest. The Division stated that the language of Exception (xi) refers to "offers subsequent to the effective date of the registration statement" and that, in the case of transactions off a shelf that require only the filing of a prospectus supplement relating to such transactions, the phase "commencement of offers or sales" refers to offers made subsequent to the filing of the prospectus supplement relating to such transactions. One commentator noted that where no post-effective amendment is required, sales off a shelf might be completed before the filing of the prospectus supplement and no additional offers made thereafter. Although the Commission believes that the language of Exception (xi) indicating that the cooling-off period is measured from the "commencement of offers or sales of the securities to be distributed" need not be changed at this time, it agrees that "offers or sales," whether made before or after the filing of the prospectus supplement relating to such transactions, is the reference point for the cooling-off period.

[44] As an alternative to adopting this proposed change to Exception (xi), several commentators proposed that the Commission redefine "inducement" to exclude research reports.

[45] In Securities Exchange Act Release No. 18666, the staff indicated that the proposed amendments to Rule 10b–6 as well as the interim no-action position taken in the Proposing Release would not prohibit the dissemination of research reports prior to the commencement of the cooling-off period under Exception (xi) irrespective of whether such research complies with Rule 138 or 139 under the Securities Act. 17 CFR 230.138 and 139. Moreover, the staff stated that the dissemination of such research would not by itself operate to disqualify participants from relying on Exceptions (ii), (v) and (xi) in connection with purchases that occur after the dissemination of these reports. The superseding position adopted by the Commission today, therefore, changes the position taken heretofore by the staff.

[46] With respect to research reports distributed by broker-dealers with continuing agreements with the issuer, in Securities Act Release No. 6383 (March 3, 1982), 47 FR 11380, n. 94, the Commission indicated that the staff has generally taken the position that reports complying with Rule 139 under the Securities Act do not constitute prohibited inducements to purchase under Rule 10b–6.

[47] 15 U.S.C 77b(10) and 77c(c). This position modifies the interim no-action position with respect to Rule 139 which was set forth in footnote 94 of Securities Act Release No. 6383 (March 3, 1982), 47 FR 11398, n.94.

prohibited inducement to purchase even if it does not comply with the requirements of Rule 139 and even if it specifically recommends the issuer's securities, provided that the report is of the nature outlined above. Research that does not fall within that category, however, will continue to be prohibited throughout the distribution.[48]

6. *Exchange-traded Options.* In the Proposing Release, the Commission stated that the interim no-action position taken at that time with respect to the amendments to Exception (xi) would not be available with respect to the exercise of exchange-traded call options by participants in a distribution of the security underlying such options. At that time, the Commission stated that it might be appropriate to impose a longer cooling-off period under Exception (xi) for the exercise of exchange-traded call options and requested comments on the latest time before commencement of sales in the underlying stock that persons subject to Rule 10b–6 should be permitted to exercise exchange-traded call options.

Commentators generally opposed the imposition a of longer cooling-off period for the exercise of exchange-traded call options. One commentator stated that option holders would have little incentive to condition the price of the security in a distribution. Another indicated that it was unlikely that an option holder with an incentive to manipulate would attempt to do so by exercising options.[49]

The selection of a cooling-off period for option exercises raises difficult balancing questions involving the likelihood that options could or would be used to manipulate the underlying security and the desirability of avoiding unnecessary regulatory restraints on the trading of securities. The exercise of exchange-traded call options creates a potential for manipulative abuse because the exercise of these options on the eve of the cooling-off period can reasonably be expected to result in market purchases during the cooling-off period since some percentage of option writers are uncovered. The impact of the exercise of exchange-traded call options is both delayed and reasonably certain to occur within the cooling-off period because market purchases that occur pursuant to an exercise usually take place one to three days after the option holder notifies the Options Clearing Corporation of his desire to exercise.

In order to minimize the probability that market purchases will occur during the two business day cooling-off period as a result of the exercise of options for securities qualified for the shortened cooling-off period, the Commission has determined to impose a five business day cooling-off period prior to the commencement of offers or sales of the underlying security for the exercise of such exchange-traded call options by participants in a distribution. Under the amendment, exercises would be permitted prior to five business days before any offers or sales or the time an underwriter, prospective underwriter, or dealer determines to participate, whichever is later. This period reflects the Commission's continuing concern that some potential for manipulation exists in this context. The Commission will analyze its experience under this cooling-off period and will continue to consider whether exercise limits and general antifraud and anti-manipulative provisions may make possible a further reduction in the cooling-off period or its eventual elimination.[50]

7. *Solicited Brokerage Transactions.* Since the publication of the Proposing Release, the Division of Market Regulations has received a number of requests to clarify the Commission's position with respect to solicited brokerage transactions and Exceptions (v) and (xi).

Exception (xi) was originally intended to permit dealer participants in an offering of over-the-counter securities to act as market makers until ten days before the commencement of the offering. The exception reflected the desirability of maintaining market making continuity to the maximum extent possible, consistent with the objectives of Rule 10b–6. In the Proposing Release, the Commission for several reasons proposed to broaden this principal exception to cover exchange as well as over-the-counter transactions.[51] The provisions of Exception (v) under Rule 10b–6, by contrast, permit unsolicited brokerage transactions throughout the time the subject security is in distribution. No exception currently permits solicited brokerage.[52]

One commentator specifically proposed that the Commission amend the provisions of Exception (v) to permit solicited brokerage transactions prior to a cooling-off period. While the Commission is not at this time amending Rule 10b–6 to permit solicited brokerage transactions, it is prepared to consider, and solicits the views of interested persons on, whether there are any circumstances when broker-dealer participants should be permitted under Rule 10b–6 to effect solicited brokerage transactions before the commencement of offers and sales in a distribution. While, in the case of conventional offerings, Section 5 under the Securities Act [53] may impose limitations independent of Rule 10b–6, the extent to which Rule 10b–6 should prohibit such conduct raises somewhat different considerations.

Currently, the prohibition on solicited brokerage transactions might create some hardship for those broker-dealers with continuing agreements with issuers to sell securities registered on a shelf pursuant to Rule 415, in view of the Commission's position that such persons are continuous distribution participants. Accordingly, the staff has determined that it will not recommend that the Commission take enforcement action under Rule 10b–6 if broker-dealers with continuing agreements with issuers engage in solicited brokerage transactions ten or more business days

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[48] Whether a particular research report is an inducement to purchase instead of ordinary course research is a judgment which, in the first instance, must be made by the issuing broker-dealer in light of the above factors. Pending the anticipated review of Rules 137, 138 and 139, the staff will not issue interpretive advice under Rule 10b–6 on particular research reports.

[49] Two commentators indicated that the Commission should eliminate all restrictions on the exercise of exchange-traded options. They argued that the exercise of exchange-traded options has a limited impact on the market for the underlying security.

[50] In Securities Exchange Act Release No. 17609 (March 6, 1981), 46 FR 16670, the staff took a "no-action" position under Rule 10b–6 to permit underwriters, prospective underwriters, brokers or dealers participating in a distribution of securities underlying exchange-traded options to effect closing call option purchases and closing put option sales for their proprietary accounts and to recommend and effect such transactions for their customers until five business days before the proposed commencement of the distribution. The staff has reconsidered this position and has determined that it is unnecessarily restrictive in light of current industry practices and that such closing transactions should be permitted at any time during a distribution. Therefore, the staff will not recommend that the Commission take enforcement action under Rule 10b–6 if an underwriter, prospective underwriter, broker or dealer, with regard to an option position entered into prior to its participation in a distribution, effects closing call option purchases or closing put option sales for their proprietary accounts or recommends or effects such transactions for its customers during a distribution. To the extent that any other position taken in Securities Exchange Act Release No. 17609 is inconsistent with the amendments adopted today, such other positions are so modified.

[51] See Securities Exchange Act Release No. 18528 (March 3, 1982), 47 FR 11487.

[52] It should be noted that where either side of a brokerage transaction is unsolicited, a broker may solicit the other side and still rely on Exception (v). For example, where a seller approaches a broker with an unsolicited order to sell securities the broker may solicit a customer to purchase such securities under the exception. Similarly, the solicitation of a sell order is permitted if the broker first receives an unsolicited order to purchase securities.

[53] 15 U.S.C. 77e.

before the commencement of offers or sales of securities registered on the shelf, or the time at which they determine to participate in an offer or sale off the shelf, whichever is later (in the case of any offers or sales made subsequent to an initial offering pursuant to an effective shelf registration).[54] The alternative periods in the no-action position eliminate the necessity of the broker-dealer determining in advance the time when offers or sales are to be made off the shelf.

B. *Exception (xii).* In the Proposing Release, the Commission suggested adding to Rule 10b–6 a new exception, to be denominated Exception (xii), that would have relaxed the rule's prohibitions generally as they apply to issuers or other persons (selling shareholders) on whose behalf a distribution is being made and their affiliated purchasers. Under proposed Exception (xii), those persons would have been permitted to bid for or purchase the security that is the subject of the distribution, and any other covered security, until three business days prior to the commencement of any offers or sales of such security.[55]

Certain commentators indicated that the Commission, in making any modifications to proposed Exceptions (xi) and (xii), should attempt to make the provisions of these two exceptions as congruent as possible. Two commentators expressed their view that a distinction should not be made between the purchasing activities of broker-dealers and those of issuers, selling shareholders and their affiliated purchasers.

The Commission has determined to adopt Exception (xii) substantially as proposed. The cooling-off periods under Exception (xii) are coextensive with those contained in Exception (xi). In addition, the Commmission is adopting, with technical changes, the limitation as to the coverage of the rule to affiliated purchasers of issuers and selling shareholders.

C. *Applicability of Exception (xii) to Issuer Purchases During Distributions Resulting from Mergers.* Exception (xii), a proposed, was not intended to address activities by an issuer in the context of mergers and other acquisitions involving a distribution of the issuer's securities.[56] In a merger that constitutes a distribution for purposes of Rule 10b–6,[57] an issuer traditionally has been deemed to be engaged in such distribution from the time it reaches an agreement in principle with respect to the merger. Accordingly, after that time, unless specifically exempted from or excepted by Rule 10b–6, an issuer or its affiliates could not purchase the security subject to the distribution (or any other securities covered by Rule 10b–6, including any "right to purchase" the subject security),[58] until the distribution was over. In such situations, the staff routinely has granted exemptions from Rule 10b–6 to permit issuers and their affiliates to purchase the security in distribution and the securities of the target company [59] pursuant to certain conditions, including a prohibition on such purchases from the earlier of thirty days prior to the target company's shareholder vote on the merger or five business days prior to the mailing of proxy materials to target company shareholder.[60] Such prohibitions generally remained in effect until the merger was abandoned or until target company shareholders voted on the merger. Furthermore, if there were any period during which the market price of the offered security was a factor in determining the consideration to be paid pursuant to the merger ("valuation period"), under the exemption the issuer was required to cease bidding for or purchasing the security five business days to and for the duration of the valuation period. A similar restriction was applied to any period during which target company shareholders had the right to elect among various forms of consideration offered in connection with merger ("election period").[61]

In the Proposing Release, the Commission suggested that it may be appropriate to reduce the five business day cooling-off period to three business days with respect to the mailing of proxy materials and the valuation periods and asked commentators to respond to the advisability of codifying these proposed positions. Several commentators supported codification of these proposals.

In light of the Commission's determination to extend Exception (xii) to purchasing activities by issuers and their affiliated purchasers in the case of any distribution, Exception (xii) also applies to mergers or similar acquisitions that constitute distributions. For purposes of the exception, the mailing of proxy solicitation materials [62] will be deemed to be the equivalent of the "commencement of offers or sales of the securities to be distributed." Thus, the issuer and its affiliated purchasers must cease bidding for or purchasing the security being distributed, or any related security, during the applicable two or ten business day cooling-off period for the issuer prior to the solicitation of proxies and for the duration of the period during which proxies are

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[54] This position applies to shelf-registered distributions of all securities, even those as to which Exception (xi) is available for solicited principal transactions until two business days before the date of commencement of the offering.

[55] Pending final Commission actions on the amendments to Rule 10b–6, the staff in the Proposing Release took a no-action position to permit issuers, selling shareholders and their affiliated purchasers to rely on proposed Exception (xii) in connection with their purchasing activities in the context of a distribution involving a shelf-registered offering pursuant to Rule 415, provided that the issuer was qualified to use Form S–3 or S–3 under the Securities Act.

[56] For purposes of this section, the term "issuer" generally refers to the acquiring company and its affiliated purchasers, but where attribution of the distribution or purchases is warranted, it may also apply to the target company.

[57] Historically, the staff has applied the *Bruns, Nordeman* criteria to determine whether a merger constitutes a distribution within the meaning of Rule 10b–6. The staff has traditionally considered the solicitation of proxies which is aimed at insuring a favorable vote on the merger by target company shareholders to satisfy "the presence of special selling efforts and selling methods" criterion of *Bruns, Nordeman.*

As noted above, the *Bruns, Nordeman* criteria have been codified in the definition of distribution. As such, there should be no change from prior practice with respect to the determination of whether certain merger transactions constitute Rule 10b–6 distributions.

[58] For purposes of Rule 10b–6, the securities of the target company are deemed to be "rights to purchase" the securities that are the subject of a distribution in connection with the merger.

[59] It is not free from doubt whether the public announcement by an acquiring company of its intention to make pre-merger purchases of target company securities constitutes a tender offer for purposes of Rule 10b–13 under the Act. 17 CFR 240.10b–13. If such an announcement does constitute a tender offer, purchases of, or the making of any arrangements to purchase, such securities otherwise than pursuant to the offer, including in the merger itself, would be prohibited by Rule 10b–13 after such announcement. Nevertheless, the staff has routinely stated that it would not recommend that the Commission take enforcement action under Rule 10b–13 for pre-merger purchases of up to 15 percent of the outstanding shares of the target company.

[60] In the case of bids or purchases by the acquiring company or any affiliates of the issuer's own securities, such exemptions were conditioned on compliance with the provisions of an appendix (denominated as Appendix C) that was attached to the staff's exemptive letter. Appendix C contained restrictions on the volume, price, timing and manner of purchase of the acquiring company's securities.

[61] In mergers with post-shareholder vote valuation periods or election periods, the distribution is deemed to continue until the termination of such periods.

[62] In certain instances, procedures other than the formal solicitation of proxies may be utilized in connection with the consummation of the merger. For example, a letter of transmittal or similar materials may be forwarded to target company shareholders to inform them of the proposed acquisition and of any steps that they may want or need to take prior to the transaction's consummation. In such cases, the staff will provide advice to issuers or their counsel concerning the event that triggers the applicable Exception (xii) cooling-off period.

solicited, until the merger is abandoned or the target company shareholders vote on the merger.[65] Similarly, the Commission will consider the commencement of any valuation period or any election period as the equivalent of the "commencement of offers or sales" for purposes of the exception. Thus, the issuer and its affiliated purchasers must also cease purchasing activities during the applicable cooling-off period and for the duration of the valuation period or election period. The historical staff position regarding the period of an issuer's participation in a distribution resulting from a merger is retained. Accordingly, unless the merger is abandoned, an issuer generally will be deemed to have completed its participation in the merger once the target company shareholders have voted on the merger or, in the case of post-shareholder vote valuation periods or election periods, upon termination of all such periods.[66]

V. Other Amendments

A. *Exception (ii).* The Commission has adopted the proposed amendments to Exception (ii) of the rule. Previously, Exception (ii) excepted "unsolicited privately-negotiated purchases, each involving a substantial amount of such security, effected neither on an exchange nor from or through a broker or dealer." Although Exception (ii) was originally intended to require that purchases be made in the over-the-counter market or otherwise off an exchange, the staff for some time has interpreted the exception to permit purchases that otherwise qualify under the exception to be effected on an exchange. The continuing development of market information and trading systems that involve transactions effected both on and off exchanges have made distinctions in Rule 10b–6 between these markets less justifiable.[67]

The Commission believes that the requirements that transactions effected in reliance on the exception must be "privately-negotiated," "unsolicited" and not made "from or through a broker or dealer," are sufficient to preclude the use of Exception (ii) in any systematic scheme to manipulate the price of a security.[68] Accordingly, the Commission is adopting the proposed amendment to the exception to eliminate the requirement that transactions not be effected on an exchange. The Commission is also codifying the staff's position that the phrase "substantial amount" for purposes of the exception means a "block" of such security.[69]

B. *Exception (iii).* The Commission is adoping the proposed amendment to Exception (iii) to Rule 10b–6 [70] with several modifications. The amendment, as proposed and adopted, codifies the staff's long-standing position that, for an issuer to avail itself of Exception (iii), purchases of the subject security must be made in order to satisfy mandatory sinking fund obligations that become due within twelve months of the date of purchase. The purpose of the exception is to permit issuers to satisfy such obligations that are both mandatory and current. Purchases of recently distributed securities that are made solely to satisfy current sinking fund obligations after the forty day cooling-off period should not be manipulative.

The only commentator to address Exception (iii) supported the Commission's proposal to amend it. However, this commentator believed that the Proposing Release's discussion of sinking fund purchases should apply equally to such obligations for both debt securities and preferred stock. The Commission has concluded that Exception (iii), as proposed and adopted, permits purchases for the purpose of fulfilling mandatory sinking fund or similar obligations regardless of whether such obligations apply to debt securities or preferred stock.

The commentator also expressed concern about the operation of the exception in the context of a shelf offering registered under Rule 415. The commentator asserted that if a distribution were to commence each time sales are made off the shelf, the utility of the exception would be diminished substantially because the forty day waiting period would be triggered each time sales commence. The Exception (iii) waiting period is intended, however, to be imposed only once in connection with a single distribution. To make that clear, the Commission has amended Exception (iii) to provide expressly that the waiting period is to be measured from the effective date of the registration statement or, in the case of an unregistered distribution, the commencement of offers or sales.

C. *Exception (iv).* The Commission is adopting certain amendments to Exception (iv) to Rule 10b–6. Historically, Exception (iv) excepted from the prohibitions of Rule 10b–6 "odd-lot transactions (and the off-setting round-lot transactions hereinafter referred to) by a person registered as an odd-lot dealer in such security on a national securities exchange who offsets such odd-lot transactions in such security by round-lot transactions as promptly as possible."

Today, not all odd-lot dealers are registered as such with the national securities exchanges, and the function formerly performed by such dealers is now often performed by exchange specialists and other broker-dealers. Accordingly, the Commission is amending Exception (iv) substantially as proposed, to continue to except from Rule 10b–6 the function formerly performed by registered odd-lot dealers by excepting "odd-lot transactions and round-lot transactions that offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business by a person who acts in the capacity of an odd-lot dealer."[71] This exception recognizes that such odd-lot transactions and the accompanying

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[65] Because of the applicability of Exception (xii), the staff will no longer impose Appendix C conditions in the case of bids and purchases by the acquiring company or any affiliates of its own securities. During periods in which purchases are not prohibited by Rule 10b–6, issuers and their affiliated purchasers may wish to look to the guidelines of recently adopted Rule 10b–18 in connection with their purchases.

[66] In the case of post-shareholder vote valuation periods or election periods, issuers and their affiliated purchasers are permitted to begin purchasing activities after the vote, but must cease such activities during the applicable cooling-off period prior to the valuation period or election period and for the duration of such period.

[67] See Securities Exchange Act Release No. 18628 (March 3, 1982), 47 FR 11489.

[68] Several commentators on the proposed amendments to Exception (ii) suggested that the prohibition against having a broker-dealer on the "sell" side of the transaction be eliminated. The Commission, however, continues to believe that broker-dealers should not be permitted on the sell side of transactions effected under Exception (ii), as principal or as agent, because of the enhanced manipulative opportunity that they have, as a result of their proximity to the market as market professionals. Non-participating broker-dealers who hold blocks or who have the ability to accumulate blocks for resale to distribution participants can exert undue pressure on participants to purchase such blocks. Thus, a relaxation in the exception could undermine the exception's provision requiring "unsolicited" purchases and otherwise affect the integrity of the market as a pricing mechanism.

[69] The Commission has not defined the term "block" for purposes of Rule 10b–6, but participants in distributions may look to the definition of the term "block" contained in Rule 10b–18(a)(14) for guidance with regard to purchases of common stock. For other securities not covered by that definition, the term "block" will have the same meaning as is normal and customary in the securities industry.

[70] Exception (iii) provided that purchases by an issuer that were effected more than forty days after the commencement of a distribution, for the purpose of satisfying a sinking fund or similar obligation to which the issuer was subject, were not prohibited by Rule 10b–6.

[71] One commentator expressed concern that the proposal to amend Exception (iv) deleted the requirements that round-lot transactions be "off-setting" and that they be effected "as promptly as possible." The exception, as adopted, appropriately addresses these concerns. In addition, the exception avoids any inference that the odd-lot transactions must precede the off-setting round-lot transactions.

round-lot transactions do not ordinarily raise manipulative concerns that require the absolute bar of Rule 10b–6.

The Commission is also adopting a corresponding change to Rule 10b–6(a)(2).[70]

D. *Exception (vii).* The Commission is amending Exception (vii) to Rule 10b–6 substantially as proposed to provide an exception for "the exercise of any right or conversion privilege, set forth in the instrument governing a security, to acquire any security directly from the issuer." The amendment clarifies the scope of Exception (vii) to eliminate any possibility that the exception may be interpreted as applying to exchange-traded options [71] or to the exercise of contractual or other options that are not conferred pursuant to the terms of a security.[72] Exception (vii), which was originally drafted before the advent of exchange-traded options, was intended to permit transactions involving the exercise or conversion of a security that do not involve any significant market impact or manipulative potential and are thus not subject to the concerns at which Rule 10b–6 is directed.

E. *Overallotment Options.* In connection with a firm commitment public offering, the underwriters may create a syndicate short position by selling more than the maximum amount of securities being offered, for the primary purpose of anticipating customer cancellations.[73] The managing underwriter thus may negotiate with the issuer to obtain an overallotment option that can be used to cover the syndicate short position that may result from such oversales. In the Proposing Release, the Commission solicited comment on whether it should codify a staff interpretive position that a distribution in connection with a public offering of securities is not deemed to have been completed for purposes of Rule 10b–6 until any overallotment option granted in connection with the distribution has been either exercised or cancelled.

Commentators critized the Commission's proposal to amend paragraph (c)(3)(ii) of the rule to codify the staff position. They argued that an underwriter should not be forced to make a potentially uneconomic decision with respect to how it should cover a syndicate short position at a time when the distribution, that is, the selling effort in connection with the sale of offered securities, has already been completed. The commentators stated that there is not any manipulative potential in permitting an underwriter to cover its short position by means of purchases both in the open market and pursuant to the overallotment option.

The Commission has decided to amend paragraph (c)(3)(ii) of the rule consistent with the concerns raised by the commentators. To ensure that the distribution has in fact terminated, *i.e.*, all selling efforts have ceased, prior to the time when purchases are made to cover a syndicate short position, the Commission is amending the rule to indicate that an underwriter may exercise its overallotment option at any time after such selling efforts have ceased, but only to the extent of any remaining syndicate short position. If the overallotment option is exercised for securities beyond the amount necessary to cover the short position, the distribution will not be deemed to have been completed and any open market purchases made prior to the exercise of the option would constitute a violation of Rule 10b–6.

F. *Amendment to Rule 10b–8.* The Commission has determined to amend Rule 10b–8 under the Act. The proposed amendment would have excepted from Rule 10b–6, by operation of Exception (ix), purchases of convertible securities ("Convertibles") by an underwriter pursuant to a standby underwriting agreement with an issuer in connection with a call for redemption of the Convertibles, if such purchases were made in compliance with Rule 10b–8(d). As adopted, Exception (ix) will except such purchases from Rule 10b–6, and Rule 10b–8, as amended, will provide that the conditions contained in paragraphs (b) and (c) of Rule 10b–8 also apply to sales of the underlying security made in connection with such a standby underwriting.[74]

Pursuant to a standby underwriting agreement, an underwriter generally agrees to make an offer to purchase any Convertibles tendered to it by holders ("Standby Offer"), to convert all such securities into common stock, and thereafter to sell the common stock. The underwriter also will agree to purchase from the issuer the common stock underlying any Convertibles that the issuer actually redeems, and to resell such common stock.

To minimize its exposure to market fluctuations and the risk that it will hold large amounts of the issuer's common stock at the end of the redemption period, the underwriter may sell short shares of the common stock. It may purchase Convertibles, either in the market or pursuant to the Standby Offer, and convert them and use the common stock received upon conversion to cover its short position or it may sell the securities directly pursuant to a Securities Act registration statement.[75]

The standby underwriting agreement marks the commencement of the underwriter's participation in a distribution, for purposes of Rule 10b–6, of the common stock obtained upon conversion of the Convertibles. In the absence of an exemption of exception, Rule 10b–6(a) prohibits purchases of a security in distribution or any "right to purchase" such a security, *i.e.*, the Convertible, by a participant in the distribution.[76]

Exception (ix) to Rule 10b–6 permits participants in a distribution of securities offered through rights issued on a pro rata basis to bid for or purchase those rights in compliance with the conditions set forth in Rule 10b–8. Convertibles, although they generally would be deemed to be "rights to purchase" the underlying common stock in the context of a redemption call by an issuer, are not "rights issued on a pro rata basis," and thus are not

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[70] The Commission also proposed a corresponding technical change to Rule 10a–1(e) (3) and (4) under the Act. 17 CFR 240.10a–1(e) (3) and (4). In view of the fact that Rule 10a–1 already specifically excepts short sales by any persons acting in the capacity of an odd-lot dealer (whether on an exchange or over-the-counter), the Commission does not believe it is necessary to adopt the proposed change to Rule 10a–1 to bring it in conformity with Rule 10b–6.

[71] The amendments to Exceptions (xi) and (xii) that the Commission is adopting today permit exercises of certain exchange-traded call options by participants in a distribution until five business days before the commencement of offers or sales in the distribution. The Commission is adopting this position in order to ensure that any purchases of such a security resulting from option exercises will be made at least two business days prior to the commencement of offers or sales in the distribution.

[72] The staff has, in the past, taken an interpretive position that options that are not conferred pursuant to the terms of a security are not within the scope Exception (vii). Options that are excluded from Exception (vii) on this basis include, but are not limited to, options granted pursuant to the terms of a "lock-up" option arrangement or executory contract in the context of a merger or tender offer.

[73] See Securities Exchange Act Release No. 18528 (March 3, 1982) 47 FR 11490, n. 48.

[74] In order to eliminate possible ambiguities in the amendment, the Commission has made certain technical revisions. The Commission has revised the amendment to state that purchases of Convertibles made pursuant to a standby redemption plan are included within the definition of "rights" as used in paragraph (a)(3)(ix) of Rule 10b–8. The amendment as redrafted clarifies that purchases of Convertibles made in connection with a redemption standby agreement (as purchases of rights during rights offerings) are subject to paragraph (d) of Rule 10b–8 only in the situations described in the introductory text to that paragraph. In addition, the amendment has been revised to conform to the Commission's position that, in the context of standby underwriting agreements, the conditions of Rule 10b–8(d) apply to market purchases only, and not to standby purchases.

[75] This strategy is analogous to that employed by underwriters in connection with certain pro rata rights offerings ("Shields Plans"). Shields Plans were developed for use in connection with rights offerings conducted in compliance with Rule 10b–8.

[76] See note 28 *supra*.

specifically addressed by Rule 10b–8 and Exception (ix). Consequently, underwriters intending to purchase Convertibles pursuant to a Standby Offer have had to apply to the Commission for a written exemption from Rule 10b–6. In granting such exemptions, the staff, pursuant to delegated authority, historically has treated such purchases as analogous to purchases during a rights offering, and has permitted such purchases conditioned on compliance with Rule 10b—8.[77] The Commission is codifying this past practice.

In addition to suggesting revisions to clarify certain ambiguities in the proposed amendment to Rule 10b–8,[78] two commentators suggested that paragraphs (b) and (c) of that rule should also apply to a standby underwriting since it is conducted in a manner analogous to a Shields Plan pro rata offering.[79] Paragraph (b) of Rule 10b–8 sets certain price limitations upon sales of the securities being distributed in a rights offering. Paragraph (c) of the rule lists six exceptions to paragraph (b). The Commission agrees that sales made during a standby underwriting should not be treated differently from sales made during a pro rata rights offering.[80] It has therefore decided to make clear that the conditions of paragraphs (b) and (c) apply to sales of the underlying security by participants during the redemption period.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

VI. Text of Amendments to Rules 10b–6 and 10b–8

In accordance with the foregoing, Part 240 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By amending § 240.10b–6, by revising paragraphs (a)(2), (a)(3) (ii), (iii), (iv), (vii) and (xi), (c)(2)(i), and (c)(3)(ii), and adding paragraphs (a)(3) (xii) and (xiii), and (c) (5), (6) and (7) as follows:

§ 240.10b–6 Prohibitions against trading by persons interested in a distribution.

(a) * * *

(2) Who is the issuer or other person on whose behalf such a distribution is being made, or who is an affiliated purchaser, as that term is defined in paragraph (c)(6) of this section, or

(3) * * *

(ii) Unsolicited privately negotiated purchases, each involving at least a block of such security, that are not effected from or through a broker or dealer; or

(iii) Purchases by an issuer effected more than forty days after the effective date of the registration statement covering the securities being distributed, or in the case of an unregistered distribution, more than forty days after the commencement of offers or sales of the securities being distributed, for the purpose of satisfying a sinking fund or similar obligation to which it is subject and which becomes due as of a date that does not exceed twelve months from the date of purchase; or

(iv) Odd-lot transactions and round-lot transactions that offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business by a person who acts in the capacity of an odd-lot dealer; or

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(vii) The exercise of any right or conversion privilege, set forth in the instrument governing a security, to acquire any security directly from the issuer; or

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(xi) Bids or purchases by an underwriter, prospective underwriter, or dealer, if none of such bids or purchases is for the purpose of creating actual, or apparent, active trading in or raising the price of the security, and if all such bids or purchases are made (A) In the case of stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of exchange-traded call options, prior to the later of two business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or (B) In the case of the exercise of exchange-traded call options of securities qualified under paragraph (a)(3)(xi)(A) of this section, prior to the later of five business days before the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or (C) In the case of other securities, by the later of ten or more business days prior to the commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution, or (D) In the case of unsolicited purchases, prior to the later of the date of commencement of offers or sales of the securities to be distributed or the time such person becomes a participant in the distribution; or

(xii) Bids or purchases by an issuer or other person on whose behalf a distribution is being made or by an affiliated purchaser (as defined in paragraph (c)(6) of this section), if none of such bids or purchases is for the purpose of creating actual, or apparent, active trading in or raising the price of such security, and if all such bids or purchases are made (A) In the case of stock with a minimum price of five dollars per share and a minimum public float of 400,000 shares, or any security of the same class and series as such stock, or any right to purchase any such security, except for the exercise of exchange-traded call options, prior to two business days before commencement of offers or sales of the securities to be distributed, or (B) In the case of the exercise of exchange-traded call options of securities qualified under paragraph (a)(3)(xiii)(A) of this section, prior to five business days before the commencement of offers or sales of the securities to be distributed, or (C) In the case of other securities, by ten or more business days prior to the commencement of offers or sales of the securities to be distributed, or (D) In the case of unsolicited purchases, prior to the date of commencment of offers or sales of the securities to be distributed; or

(xiii) Transactions in nonconvertible debt securities or nonconvertible preferred securities: *Provided, however,* That at least one nationally recognized statistical rating organization, as that term is used in Rule 15c3–1 under the Act, [§ 240.15c3–1] has rated both the nonconvertible securities being distributed and those to be purchased in

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[77] The Commission's staff, in granting exemptive relief, has, in the past, required aggregation of market purchases and standby purchases made pursuant to a Standby Offer for the purpose of determining whether paragraphs (d)(1)–(7) of Rule 10b–8 apply to market purchases. Stabilizing purchases were not required to be aggregated, however. The staff, on its own initiative, has reconsidered this position in the context of granting exemption requests, and has concluded that all market purchases, *including* stabilizing purchases, must be aggregated in making the determination. This interpretive position applies to the amendments adopted today.

[78] The Commission has acted upon these proposals. See note 74 *supra.*

[79] In a Shields Plan offering, the underwriter reduces the market risk of a decline in the price of the underlying security by making short sales of the underlying security, and using securities obtained upon conversion of rights to acquire that security to cover the short sales.

[80] In fact, in granting exemption requests for redemption standby offerings, the staff has routinely subjected both purchases of the Convertibles and sales of the underlying security to the conditions of the rule.

one of its generic rating categories that signifies investment grade.

* * * * *

(c) * * *

(2) * * *

(i) who has decided to submit a bid to become an underwriter of securities as to which the issuer or other person on whose behalf the distribution is to be made, has issued, directly or indirectly, an invitation for bids, or

* * * * *

(3) * * *

(ii) an underwriter, when he has distributed his participation, including all other securities of the same class acquired in connection with the distribution, and any stabilization arrangements and trading restrictions with respect to such distribution to which he is a party have been terminated: *Provided, however,* That an underwriter will not be deemed to have completed his participation if he has obtained an option in connection with that distribution pursuant to which he purchases from the issuer an additional amount of securities not necessary to cover any syndicate short position that remains in connection with that distribution;

* * * * *

(5) For purposes of this section only, the term "distribution" means an offering of securities, whether or not subject to registration under the Securities Act of 1933, that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods.

(6) The term "affiliated purchaser" means (i) A person acting in concert with the issuer or other person on whose behalf the distribution is being made in connection with the acquisition or distribution of the issuer's securities, or (ii) an affiliate who, directly or indirectly, controls the purchases by the issuer or other person of the issuer's securities, whose purchases are controlled by the issuer or such other person, or whose purchases are under common control with those of the issuer or such other person.

(7) For purposes of paragraphs (a)(3)(xi) and (xii) of this section, the "minimum price" will be computed (i) In the case of a stock for which last sale information is reported pursuant to Rule 11Aa3–1 under the Act, [§ 240.11Aa3–1] by use of the average of the closing prices so reported during a two consecutive calendar week period commencing within thirty business days prior to the commencement of offers or sales of the securities to be distributed, (ii) in the case of stocks listed and registered on a national securities exchange for which last sale information is not available pursuant to Rule 11Aa3–1, by use of the average of the closing prices for such stock on such exchange during such period, or (iii) in the case of all other stocks, by use of the average of the best independent bids or the best independent closing bids during such period. For purposes of such paragraphs, the "minimum public float" will be computed by the total number of shares of the stock outstanding minus shares held by officers, directors, and any persons who, directly or indirectly, are the owners of ten percent or more of the stock in distribution.

* * * * *

2. By amending § 240.10b–6 by revising paragraph (c)(2) and adding a new sentence at the end of paragraph (a) and adding a new sentence at the end of the introductory text of paragraph (d) as follows:

§ 240.10b–6 Distributions through rights.

(a) * * * The provisions of this section and Rule 10b–6 (a)(3)(ix) under the Act [§ 240.10b–6(a)(3)(ix)] apply to convertible securities called for redemption pursuant to a standby underwriting agreement; the convertible securities are deemed to be rights and the securities issuable upon conversion thereof are deemed to be the securities being distributed.

* * * * *

(c) * * *

(2) odd-lot transactions and the round-lot transactions that offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business by a person who acts in the capacity of an odd-lot dealer.

* * * * *

(d) * * * In connection with purchases of convertible securities that have been called for redemption, the conditions imposed upon bids for or purchases of rights in paragraphs (d)(1) through (7) of this section shall apply only to market purchases of such securities effected in accordance with a standby underwriting agreement.

(1) * * *

Dated: March 4, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6060 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, (21 U.S.C. 801 *et seq.*), and from certain Drug Enforcement Administration (DEA) regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATE: This rule is effective May 13, 1983, subject to being suspended, reinstated, revoked or amended by the Deputy Assistant Administrator of the Office of Diversion Control upon consideration of any comments or objections timely filed on or before May 13, 1983, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 633–1366.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

The Drug Enforcement Administration (DEA) has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR § 1308.24.

It has been determined that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal and either (a) contains no narcotic

controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. It has been further determined that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts and suppliers of these products.

DEA has also received correspondence from companies who have discontinued marketing or manufacturing products which had previously been granted exempt chemical preparation status. These discontinued products are being deleted from the list of exempt chemical preparations set forth in 21 CFR § 1308.24.

These matters have been informally discussed with the Office of Management and Budget (OMB). It has been determined that they are minor internal management matters not requiring formal OMB review.

The Deputy Assistant Administrator of the DEA Office of Diversion Control hereby certifies that these matters will have no significant negative impact upon small businesses or other entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 501 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from certain sections of the Controlled Substances Act of 1970 and regulations.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Deputy Assistant Administrator of the DEA Office of Diversion Control hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears. (Sec. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b)).

Dated: March 3, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

§ 1308.24 [Amended]

a. Section 1308.24(i) is amended by removing the following from the table in paragraph (i):

PART 1308.—SCHEDULES OF CONTROLLED SUBSTANCES

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level I—Subtherapeutic.	Bottle: 5 ml	06-17-81
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level II—Therapeutic.	Bottle: 5 ml	06-17-81
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level III—Toxic.	Bottle: 5 ml	06-17-81
American Ass'n. Clinical Chemistry	TDM vial A	Serum vial: 10 ml	05-11-79
American Ass'n. Clinical Chemistry	TDM vial C	Serum vial: 10 ml	05-11-79
Harleco, Division of EM Industries, Inc.	Phosphatase Substrate, 65043C.	Bottle: 75 mg dry powder	10-21-81
Harleco, Division of EM Industries, Inc.	Clinicard Pseudocholinesterase Test No. 32307.	Kit: 20 cuvettes	10-21-81
Harleco, Division of EM Industries, Inc.	Buffer Salt Mixture Type B-1, No. 3947.	Vial: 12.12 g	10-21-81
Harleco, Division of EM Industries, Inc.	Buffer Salt Mixture, Type B-2, No. 3948.	Vial: 16.16 g	10-21-81
Hoffmann-La Roche, Inc.	Abuscreen 125 I-Tetrahydrocannabinol Derivative.	Vial: 500 ml, 20 ml	06-14-81
SIGMA Chem Co.	BUN Single Assay, Stock No. 66-1.	Vial: 6 cc	02-24-77
SIGMA Chem Co.	BUN 10 Assay, Stock No. 66-10.	Vial: 30 cc	02-24-77

b. Section 1308.24(i) is amended by adding the following to the table in paragraph (i):

Manufacturer of supplier	Product name and supplier's catalog number	Form of product	Date of application
American Diagnostics	Amerifluor Fluorescent Immunoassay—Phenobarbital	Kit: 100 tests	04-30-82
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level I—Low	Bottle: 5 ml	01-21-82
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level II—Intermediate	Bottle: 5 ml	01-21-82
American Hospital Supply Corp. (Dade Division)	Stratus TDM Control Level III—High	Bottle: 5 ml	01-21-82
American Hospital Supply Corp. (Dade Division)	Stratus Enzyme-Labeled Phenobarbital	Bottle: 3 ml	01-25-82
American Hospital Supply Corp. (Dade Division)	Stratus Calibrator A-Catalog No. B5700-10	Bottle: 2 ml	07-15-82
American Hospital Supply Corp. (Dade Division)	Moni-Trol. ES Level I.X Special Order Request, B5106-75XX	Vial: 10 ml	09-10-82
Amersham Corp	Amerlex beta-hcg Kit	Kit: 100 tests, 400 tests	04-22-82
Analytical Systems	Proficiency Sample	Bottle: 20 ml	06-22-82
Armed Forces Institute of Pathology	11-nor-9-carboxy-delta 8-THC in Ethanol Ampule	Glass Ampule: 1 mg/ml, 1 ml, 5 ml, 10 ml.	01-25-82
EM Science, A Division of EM Industries, Inc	Phosphatase Substrate, 65043C	Bottle: 75 mg dry powder	10-21-81
EM Science, A Division of EM Industries, Inc	Clinicard Pseudocholinesterase Test No. 32307	Kit: 20 cuvettes	10-21-81
EM Science, A Division of EM Industries, Inc	Buffer Salt Mixture, Type B-1, No. 3947	Vial: 12.12 g	10-21-81
EM Science, A Division of EM Industries, Inc.	Buffer Salt Mixture, Type B-2, No. 3948	Vial: 16.16 g	10-21-81
Fisher Scientific Co.—Diagnostics Division	SeraChem Normal Clinical Chemistry Control Serum (Human), Unassayed.	Vial: 5 ml, 10 ml, 50 ml	04-16-82
Fisher Scientific Co.—Diagnostics Division	SeraChem Abnormal Clinical Chemistry Control Serum (Human), Unassayed.	Vial: 5 ml, 10 ml, 50 ml	04-16-82
Fisher Scientific Co.—Diagnostics Division	SeraChem Clinical Chemistry Control Serum (Bovine), Unassayed, Level I.	Vial: 5 ml, 10 ml, 50 ml	04-16-82
Fisher Scientific Co.—Diagnostics Division	SeraChem Clinical Chemistry Control Serum (Bovine), Unassayed Level II.	Vial: 5 ml, 10 ml, 50 ml	04-16-82

Manufacturer of supplier	Product name and supplier's catalog number	Form of product	Date of application
Fisher Scientific Co.—Diagnostics Division	SeraChem Normal Clinical Chemistry Control Serum (Human), Assayed.	Vial: 5 ml	04-18-82
Fisher Scientific Co.—Diagnostics Division	SeraChem Abnormal Clinical Chemistry Control Serum (Human), Assayed.	Vial: 5 ml	04-18-82
Calman Sciences, Inc.	Hi-Phere Buffer	Glass vial: 15 g	02-11-82
General Diagnostics Division of Warner Lambert	Profile General Set	Kit Cig: 6 vials	02-23-82
General Diagnostics Division of Warner Lambert	Profile General-Level I	Vial: 5 ml	02-25-82
General Diagnostics Division of Warner Lambert	Profile General-Level II	Vial: 5 ml	02-25-82
Hoffman—LaRoche, Inc.	Abuscreen 125 I-Tetrahydrocannabinol Reagent	Vial: 550 ml, 20 ml	08-14-81
Hoffman—LaRoche, Inc.	Abuscreen Positive Cannabinoid Urine Control, 20 ng/ml	Vial: 100 ml, 4 ml	03-12-82
Hyland Division Travenol Laboratories, Inc.	Toxicology Urine Control No. 0941	Vial: 10 ml	08-11-82
Hyland Division Travenol Laboratories, Inc.	Toxicology Urine Control No. 0942	Vial: 3 ml	08-11-82
Kallestad Labs, Inc.	Quantiplate (for Alternative Pathway-Complement Activity), No. 729	Plastic tray	12-28-81
Kallestad Labs, Inc.	Quantiplate Alternative Pathway Complement test kit), No. 680	Kit cig: 4 plates	12-28-81
Research Triangle Institute	11-nor-9-carbony-delta 9-THC in BSTFA	Ampul: 2 ml; Vial 0.9 ml	10-27-82
Sigma Chemical Co.	Morphine-3-B-D Glucuronide No. M-4286	Ampul: 1 ml	10-21-82
Sigma Chemical Co.	Paraldehyde No. D-3776	Ampul: 1 ml	10-21-82
SYVA Co.	Emit-st Urine Cocaine Metabolite Assay	Kit: 40 tests	09-15-82
SYVA Co.	Emit-st Urine Methadone Assay	Vial: 3 ml, 80 vials/kit	03-22-82
SYVA Co.	Emit-st Urine Methaqualone Assay	Kit: 80 vials	04-27-82
SYVA Co.	Emit-st Urine Methaqualone Calibrator	Vial: 3 ml	04-27-82
SYVA Co.	Emit-st Urine Methaqualone Controls	Vial: 3 ml	04-27-82
SYVA Co.	Emit-dau Methaqualone Assay	Kit: 100 tests	04-27-82
SYVA Co.	Emit-dau Methaqualone Medium Calibrator	Vial: 3 ml	04-27-82
SYVA Co.	Emit-dau Methaqualone Low Calibrator	Vial: 8 ml	04-27-82
SYVA Co.	Advance T-3 Uptake Assay	Kit: 100 tests	05-11-82
SYVA Co.	Advance Thyroxin Assay	Kit: 100 tests	05-11-82
SYVA Co.	Toxicology Serum Control Dried #88112	Bottle: 10 ml	07-29-82
Utak Laboratories	Toxicology Serum Control Dried #88113	Bottle: 10 ml	07-29-82
Utak Laboratories	Toxicology Serum Control Dried #88120	Bottle: 10 ml	07-29-82
Utak Laboratories	Toxicology Urine Control Dried #88121	Bottle: 10 ml	07-29-82
Utak Laboratories	Toxicology Urine Control Dried #88100	Bottle: 20 ml	07-29-82

[FR Doc. 83-6630 Filed 3-11-83; 8:45 am]

BILLING CODE 4410-09-M

21 CFR Part 1308

Schedules of Controlled Substances; Excepted Stimulant and Depressant Drugs

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This final rule issued by the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), to incorporate the Table of Excepted Prescription Drugs, currently contained in a separate volume of Title 21, into § 1308.32 of Title 21 of the Code of Federal Regulations. This revision does not affect any of the regulations pertaining to the application for or granting of excepted prescription drug status to products under the Controlled Substances Act (CSA). Transferring the Table of Excepted Prescription Drugs will allow DEA to have all of the regulations implementing the CSA in one volume of the Code of Federal Regulations.

DATES: This rule is effective March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 202(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)) (CSA) authorizes the Attorney General to grant exceptions from specific provisions of the CSA and its regulations to preparations even though they contain controlled substances. Exceptions may be granted to those products meeting the necessary criteria (published at 45 FR 74091-2) and for which an appropriate application has been reviewed as outlined in §§ 1308.13(a-c) and 1308.32 of Title 21 of the Code of Federal Regulations. An alphabetized listing of the excepted products is found in the Table of Excepted Prescription Drugs. Included in the table are the trade name, dosage form, qualitative and quantitative composition, manufacturer or supplier, National Drug Code listing, when available, and marketing status of the excepted preparations. This table was originally published at 42 FR 17300-17412 on March 31, 1977 and updated at 47 FR 53728-53733 on November 29, 1982. It is currently contained in a separate volume of Title 21, entitled Chapter II—Drug Enforcement Administration, Table of Excepted Prescription Drugs to Part 1308.

Many of the products listed in the table of Excepted Prescription Drugs are no longer marketed. Deletion of these products from the table has reduced its size by over fifty percent. Economic considerations no longer make it beneficial to publish the Table in a separate volume of Title 21.

Matters dealing with excepted prescription drugs have been informally discussed with the Office of Management and Budget (OMB). It has been determined that they are minor internal management matters not requiring formal OMB review.

The Deputy Assistant Administrator of the DEA Office of Diversion Control hereby certifies that these matters will have no significant negative impact upon small businesses or other entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 501 *et seq.* The transfer of the Table of Excepted Prescription Drugs from a separate volume of Title 21 to section 1308.32 has no effect on the regulations pertaining to excepted prescription drugs under the Controlled Substances Act.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

PART 1308—[AMENDED]

Therefore, pursuant to the Controlled Substances Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Deputy Assistant Administrator of the DEA Office of Diversion Control hereby orders that the Table of Excepted Prescription Drugs be transferred from a separate volume of Title 21 to § 1308.23 of Title 21 of the Code of Federal

Regulations; that the Editorial Note at the end of § 1308.32 be deleted; and that § 1308.32 be revised to read as follows: (Sec. 202(d), 301, 501(a), Controlled Substances Act, 21 U.S.C. 812(d), 821, 871(a), 28 CFR 0.100, 47 FR 43370–1).

§ 1308.32 Excepted compounds.

Until criteria are adopted by the Administration by which the Acting Administrator may determine whether to except any compound, mixture or preparation containing any depressant or stimulant substance listed in §§ 1308.12(e), or in 1308.13 (b) or (c), or in 1308.14 or in 1308.15 from the application of all or any part of the Act (21 U.S.C. 812(d)), the drugs listed in the Table of Excepted Prescription Drugs set forth below have been excepted by the Administrator from the application of sections 302 through 305, 307 through 309, 1002 through 1004 of the Act (21 U.S.C. 822, 823, 825, 827–9, 952–4) and §§ 1301.11, 1301.12, 1301.21 through 1301.24, 1301.31, 1301.32, and 1301.71 through 1301.76 of this chapter for administrative purposes only. The exception of these drugs by the Administrator should not be construed as an adoption or rejection of the criteria by which these drugs were originally excepted. Any deviation from the quantitative composition of any of the listed drugs shall require a petition for exception in order for that drug to be excepted.

Dated: March 7, 1983.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 83-6423 Filed 3-11-83; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7869]

Income Tax; Taxable Years Beginning After December 31, 1953; Deep Discount Industrial Development Bonds

Correction

In FR Doc. 83–1124 beginning on page 1708 in the issue of Friday, January 14, 1983, make the following corrections:

On page 1709, in the table, in the second column, the purchase price for "Aug. 1, 1984" should read $20,490,403.66"; and in the third column, the interest for "Aug. 1, 1986" should read $2,479,336.84".

BILLING CODE 1505-01-M

26 CFR Part 51

[T.D. 7871]

Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980; Exempt Royalty Oil

Correction

In FR Doc. 83–1127 beginning on page 1711, in the issue of Friday, January 14, 1983, make the following corrections:

1. On page 1711, second column, second full paragraph, fifteenth line from the bottom, remove the second phrase "owner also".

2. On page 1712, first column, the section number now reading "§ 51–4995–2" should read "§ 51.4995–2"; third column, the authority citation should read as set forth below:

"(This Treasury decision is issued under the authority contained in sections 4995 and 7805 of the Internal Revenue Code of 1954 (95 Stat. 337 and 68A Stat. 917; 26 U.S.C. 4995 and 7805).)"

BILLING CODE 1505-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions filed with the Commission. Publication of this amendment effectuates the designation of the City of Salina (Kansas) Human Relations Commission and Department as a 706 Agency.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20506, telephone 202/634–6850.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

In Title 29, Chapter XIV of the Code of Federal Regulations, § 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * * City of Salina (Kansas) Human Relations Commission and Department

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a))

Signed at Washington, D.C. this 8th day of March, 1983.

For the Commission.

John D. Schmelzer,

Legal Advisor.

[FR Doc. 83-6533 Filed 3-11-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF DEFENSE

Defense Nuclear Agency

32 CFR Part 218

Guidance for the Determination and Reporting of Nuclear Radiation Dose For DOD Participants in the Atmospheric Nuclear Test Program (1945–1962)

AGENCY: Defense Nuclear Agency, DOD.

ACTION: Final rule.

SUMMARY: This rule establishes guidance to DoD Components for the determination and reporting of ionizing radiation dose for DoD participants in the atmospheric nuclear test program (1945 to 1962). This rule is being published to establish scientific principles on this methodology, and its intended effect is to standardize the methodology used in the dose reconstruction effort of the nuclear test personnel review program.

EFFECTIVE DATE: This rule will be effective March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Brittigan, Defense Nuclear Agency, ATTN: GC, Washington, D.C. 20305 (Telephone 202–325–7681).

SUPPLEMENTARY INFORMATION: On May 20, 1982, the Defense Nuclear Agency (DNA) published and solicited public comments upon a "Request for Comments on Proposed Guidance" (47 FR 21853). Five comments were received; two from individuals and three from organizations. Based upon the comments, the proposed guidance was

amended as indicated below and is now being published as a final rule.

Legal Authority

On March 20, 1982, the United States District Court for the District of Columbia filed a Memorandum Order in the case of *Gott v. Nimmo*, Civil Action No. 80-906. The order requires the Defense Nuclear Agency to promulgate "rules which establish methodologies and standards to calculate radiation exposure." A notice of appeal has been duly filed and, in the event the decision of the District Court is reversed, this rule will be withdrawn.

Discussion of Comments

One organization commented that inadequate data is available to permit any meaningful dose reconstruction and that the Defense Nuclear Agency, because of institutional bias, should not be permitted to engage in dose reconstruction. We believe that adequate data is available regarding film badge records, the radiological environments, activities of participants, internal exposure hazards, and all other factors in the methodology. We also believe that DNA's national security responsibilities do not preclude the Agency from conducting unbiased research. Moreover, promulgation of this rule is required under the Order in *Gott v. Nimmo*, an Order which the commenting organization, representing the plaintiffs, expressly sought and obtained.

Several comments recommended that dose reconstruction methodologies applicable to veterans of the Hiroshima/Nagasaki occupation be included. Although the detonations at Hiroshima and Nagasaki were not tests, American servicemen were involved and their doses were reconstructed using the methodology in this rule ("Radiation Dose Reconstruction, U.S. Occupation Forces in Hiroshima and Nagasaki, Japan, 1945–1946," DNA Report 5512F, Aug. 1980).

One comment addressed the time required for the review and declassification or sanitization of documents. Declassification of documents is outside the scope of this rule. However, substantial declassification has already taken place.

One organization expressed concern that Department of Defense personnel may have participated in unannounced nuclear tests. We know of no unannounced tests involving DoD personnel in the period covered by this rule.

Several comments urged DNA to consider the current health experience of the veterans in determining dose estimates. There are no scientific means to determine a radiation dose based upon the health of an individual some twenty to thirty-five years after exposure.

A comment was received that indicated that DNA methods do not adequately include radiation exposure from radioactive material inhaled or ingested by test participants. Research indicates that the greatest radiation hazard to the majority of test participants was from external gamma radiation. However, where analysis suggests a meaningful contribution from internal dose, its reconstruction is clearly included by the rule.

The methodologies set forth in this rule are based on established scientific principles and reflect our best judgement as to the proper approach. Reports using the methodology have been widely distributed and reviewed. We have received no comments that suggest that the methodology is unsound. Furthermore, the National Academy of Sciences has examined case histories employing the methodology and has not recommended changes thereto. Moreover, each participant can obtain, upon request, detailed information regarding the procedures used to determine his dose and can subject that methodology to independent review.

Regulatory Impact Analysis

Under E.O. 12291, the Department of Defense must determine if a regulation is "major" and therefore subject to a Regulatory Impact Analysis. Because the Department of Defense believes that this amendment is not "major"; it is not subject to such an analysis.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, the Department of Defense certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Paper Work Reduction Act

This rule does not impose any additional reporting or recordkeeping requirements requiring Office of Management and Budget clearance.

List of Subjects in 32 CFR Part 218

Radiation dose determination, Dose reconstruction, Dose reconstruction methodology, Radiation environment.

M. S. Healy,

OSD, Federal Register Liaison Officer, Department of Defense.

Accordingly, Title 32, Chapter 1 is amended by adding a new Part 218, reading as follows:

PART 218—GUIDANCE FOR THE DETERMINATION AND REPORTING OF NUCLEAR RADIATION DOSE FOR DOD PARTICIPANTS IN THE ATMOSPHERIC NUCLEAR TEST PROGRAM (1945-1962)

Sec.

218.1 Policies.
218.2 General procedures.
218.3 Dose reconstruction methodology.

Authority: U.S. District Court of the District of Columbia, Civil Action No. 80-906.

§218.1 Policies.

(a) The basic means by which to measure dose from exposure to ionizing radiation is the film badge. Of the estimated 220,000 Department of Defense participants in atmospheric nuclear weapons tests, about 145,000 have film badge dose data available. The information contained in the records has been reproduced in a standard format and is being provided to each military service, which can use the film badge dose data to obtain a radiation dose for a particular individual from that service. This is done upon request from the individual, the individual's representative, the Veterans' Administration, or others as authorized by the Privacy Act. Upon request, the participant or his or her authorized representative will be informed of the specific methodologies and assumptions employed in estimating his or her dose. The participant can use this information to obtain independent opinions regarding exposure.

(b) From 1945 through 1954, the DoD and Atomic Energy Commission (AEC) policy was to issue badges only to a portion of the personnel in a homogeneous unit such as a platoon of a battalion combat team, Naval ship or aircraft crew. Either one person was badged in a group performing the same function, or only personnel expected to be exposed to radiation were badged. After 1954, the policy was to badge all personnel. But, some badges were unreadable and some records were lost or destroyed, as in the fire at the Federal Records Center in St. Louis. For these reasons the Nuclear Test Personnel Review (NTPR) Program has focused on determining the radiation dose for those personnel (about 75,000) who were not issued film badges or for whom film badge records are not available.

(c) In order to determine the radiation dose to individuals for whom film badge data are not available, alternative approaches are used as circumstances warrant. All approaches require investigation of individual or group activities and their relationship to the

radiological environment. First, if it is apparent that personnel were not present in the radiological environment and had no other potential for exposure, then their dose is zero. Second, if some members of a group had film badge readings and others did not—and if all members had a common relationship with the radiological environment—then doses for unbadged personnel can be calculated. Third, where sufficient badge readings or a common relationship to the radiological environment does not exist, dose reconstruction is performed. This involves correlating a unit's or individual's detailed activities with the quantitively determined radiological environment. The three approaches are described as follows:

(1) Activities of an individual or his unit are researched for the period of participation in an atmospheric nuclear test. Unit locations and movements are related to areas of radiation. If personnel were far distant from the nuclear detonation(s), did not experience fallout or enter a fallout area, and did not come in contact with radioactive samples or contaminated objects, they were judged to have received no dose.

(2) Film badge data from badged personnel may be used to estimate individual doses for unbadged personnel. First, a group of participants must be identified that have certain common characteristics and a similar potential for exposure to radiation. Such characteristics are: individuals must be doing the same kind of work, referred to as activity, and all members of the group must have a common relationship to the radiological environment in terms of time, location or other factors. Identification of these groups is based upon research of historical records, technical reports or correspondence. A military unit may consist of several groups or several units may comprise a single group. Using proven statistical methods, the badge data for each group is examined to determine if it adequately reflects the entire group, is valid for use in statistical calculations, or if the badge data indicate the group should be sub-divided into smaller groups. For a group that meets the tests described above, the mean dose, variance and confidence limits are determined. An estimated dose equal to 95% probability that the actual exposure did not exceed the estimate is assigned to unbadged personnel. This procedure is statistically sound and will insure that unbadged personnel are assigned doses much higher than the average/mean for the group.

(3) Dose reconstruction is performed if film badge data are unavailable for all or part of the period of radiation exposure, if film badge data are partially available but cannot be used statistically for calculations, special activities are indicated for specific individuals, or if other types of radiation exposures are indicated. In dose reconstruction, the conditions of exposure are reconstructed analytically to arrive at a radiation dose. Such reconstruction is not a new concept; it is standard scientific practice used by health physicists when the circumstances of a radiation exposure require investigation. The underlying method is in each case the same. The radiation environment is characterized in time and space, as are the activities and geometrical position of the individual. Thus, the rate at which radiation is accrued is determined throughout the time of exposure, from which the total dose is integrated. An uncertainty analysis of the reconstruction provides a calculated mean dose with confidence limits. The specific method used in a dose reconstruction depends on what type of data are available to provide the required characterizations as well as the nature of the radiation environment. The radiation environment is not limited to the gamma radiation that would have been measured by a film badge, but also includes neutron radiation for personnel sufficiently close to a nuclear detonation, as well as beta and alpha radiation (internally) for personnel whose activities indicate the possibility of inhalation or ingestion of radioactive particles.

§ 218.2 General procedures.

The following procedures govern the approach taken in dose determination:

(a) Use individual film badge data where available and complete, for determining the external gamma dose.

(b) Identify group activities and locations for period(s) of possible exposure.

(c) Qualitatively assess the radiation environment in order to delineate contaminated areas. If no activities occurred in these areas, and if no other potential for exposure exists, a no dose received estimate is made.

(d) If partial film badge data are available, define group(s) of personnel with common activities and relationships to radiation environment.

(e) Using standard statistical methods, verify from the distribution of film badge readings whether the badged sample adequately represents the intended group.

(f) Calculate the mean external gamma dose, with variance and confidence limits, for each unbadged population. Assign a dose equal to 95% probability that actual exposure did not exceed the assigned dose.

(g) If badge data is not available for a statistical calculation, conduct a dose reconstruction.

(h) For dose reconstruction, define radiation environment through use of all available scientific data, e.g., measurements of radiation intensity, decay, radioisotopic composition.

(i) Quantitatively relate activities, shielding, position, and other factors to radiation environment as a function of time. Integrate dose throughout period of exposure.

(j) Where possible, calculate mean dose with confidence limits; otherwise calculate best estimate dose or, if data are too sparse, upper limit dose.

(k) Compare calculations with available film badge records to verify the calculated doses.

(l) Whether or not film badge data is available, calculate initial and internal doses where identified as a meaningful contribution to the total dose.

§ 218.3 Dose reconstruction methodology.

(a) *Concept:* The specific methodology consists of the characterization of the radiation environments to which participants, through all relevant activities, were exposed. The environments, both initial and residual radiation, are corrected with the activities of participants to determine accrued doses due to initial radiation, residual radiation and/or inhaled/ingested radioactive material, as warranted by the radiation environment and the specific personnel activities. Due to the range of activities, times, geometries, shielding, and weapon characteristics, as well as the normal spread in the available data pertaining to the radiation environment, an uncertainty analysis is performed. This analysis quantifies the uncertainties due to time/space variations, group size, and available data. Due to the large amounts of data, an automated (computer-assisted) procedure is often used to facilitate the data-handling and the dose integration, and to investigate the sensitivity to variations in the parameters used. The results of the gamma data calculations are then compared with film badge data as they apply to the specific period of the film badges and to the comparable activities of the exposed personnel, in order to validate the procedure and to identify personnel activities that could have led to atypical doses. Radiation dose from

neutrons and dose commitments due to inhaled or ingested radioactive material are not detected by film badges. Where required, these values are calculated and recorded separately.

(b) Characterization of the Radiological Environment.

(1) This step describes and defines the radiological conditions as a function of time for all locations of concern, that is, where personnel were positioned or where personnel activities took place. The radiation environment is divided into two standard categories—initial radiation and residual radiation.

(2) The initial radiation environment results from several types of gamma and neutron emissions. Prompt neutron and gamma radiation are emitted at the time of detonation, while delayed neutrons and fission-product gamma, from the decay of radioactive products in the fireball, continue to be emitted as the fireball rises. In contrast to these essentially point sources of radiation, there is gamma radiation from neutron interactions with air and soil, generated within a fraction of a second. Because of the complexity of these radiation sources and their varied interaction properties with air and soil, it is necessary to obtain solutions of the Boltzmann radiation transport equation. The radiation environment thus derived includes the effects of shot-specific parameters such as weapon type and yield, neutron and gamma output, source and target geometry, and atmospheric conditions. The calculated neutron and gamma radiation environments are checked for consistency with existing measured data, as available. In those few cases displaying significant discrepancies that cannot be resolved, an environment based on extrapolation of the data is used if it leads to a larger calculated dose.

(3) In determining the residual radiation environment, all possible sources are considered including radioactive clouds, radiation that may have been encountered from other tests, and radioactive debris that may have been deposited in water during oceanic tests. The residual radiation environment is divided into two general components—neutron-activated material that subsequently emits, over a period of time, beta and gamma radiation; and radioactive debris from the fission reaction or from unfissioned materials that emit alpha, beta, and gamma radiation. Because residual radiation decays, the characterization of the residual environment is defined by the radiation intensity as a function of type and time. Radiological survey data are used to determine specific intensities at times of personnel exposure. Interpolation and extrapolation are based on known decay characteristics of the individual materials that comprise the residual contamination. In those rare cases where insufficient radiation data exist to adequately define the residual environment, source data are obtained from the appropriate weapon design laboratory and applied in standard radiation transport codes to determine the initial radiation at specific distances from the burst. This radiation, together with material composition and characteristics, leads to description of the neutron-activated field for each location and time of interest. In all cases, observed data, as obtained at the time of the operation, are used to calibrate the calculations.

(c) *Activities of Participants.* This step uses all official records, augmented by personnel interviews where gaps exist, to depict a scenario of activities for each individual or definable group. When a dose reconstruction is performed for a specific individual, information available from the individual is accepted unless demonstrably inaccurate. For military units, whose operations were closely controlled and further constrained by radiological safety monitors, the scenario is usually well defined. The same is true for observers, who were restricted to specific locations both during and after the nuclear bursts. Ships' locations and activities are usually known with a high degree of precision from deck logs. Aircraft tracks and altitudes are also usually well defined. Personnel engaged in scientific experiments often kept logs of their activities; moreover, the locations of their experiments are usually a matter of record. Where the records are insufficiently complete for the degree of precision required to determine radiation exposure, participants' comments are used and reasonable judgments are made to further the analysis. Possible variations in the activities, as well as possible individual deviations from group activities, with respect to both time and location, are considered in the uncertainty analysis of the radiation dose calculations.

(d) *Calculation of Dose.* (1) The initial radiation doses to close-in personnel (who were normally positioned in trenches at the time of detonation) are calculated from the above-ground environment by simulating the radiation transport into the trenches. Various calculational approaches, standard in health physics, are employed to relate in-trench to above-trench doses for each source of radiation. Detailed modeling of the human body, in appropriate postures in the trench, is performed to calculate the gamma dose that would have been recorded on a film badge and the maximum neutron dose. The neutron, neutron-generated gamma, and prompt gamma doses are accrued during such a short time interval that the posture in a trench could not be altered significantly during this exposure. The fission-product gamma dose, however, it delivered over a period of many seconds. Therefore, the possibility of individual reorientation (e.g., standing up) in the trench is considered.

(2) The calculation of the dose from residual radiation follows from the characterized radiation environment and personnel activities. Because radiation intensities are calculated for a field (i.e., in two spatial dimensions) and in time, the radiation intensity is determinable for each increment of personnel activity regardless of direction or at what time. The dose from exposure to a radiation field is obtained by summing the contribution (product of intensity and time) to dose at each step. The dose calculated from the radiation field does not reflect the shielding of the film badge afforded by the human body. This shielding has been determined for pertinent body positions by the solution of radiation transport equations as applied to a radiation field. Conversion factors are used to arrive at a calculated film badge dose, which not only facilitates comparison with film badge data, but serves as a substitute for an unavailable film badge reading.

(3) The calculation of the dose from inhaled or ingested radioactivity primarily involves the determination of what radioisotopes entered the body in what quantity. Published conversion factors are then applied to these data to arrive at the radiation dose and future dose commitments to internal organs. Inhalation or ingestion of radioactive material is calculated from the radioactive environment and the processes of making these materials inhalable or ingestible. Activities and processes that cause material to become airborne (such as wind, decontamination or traffic) are used with empirical data on particle lofting to determine airborne concentrations under specific circumstances. Volumetric breathing rates and durations of exposure are used to calculate the total material intake. Data on time-dependent weapon debris isotopic composition and the above-mentioned conversion factors are used to calculate the dose commitment to the body and to specific body organs.

(e) *Uncertainty Analysis.* Because of the uncertainties associated with the

radiological data or calculations used in the absence of data, as well as the uncertainties with respect to personnel activities, confidence limits are detemined where possible for group dose calculations. The uncertainty analysis quantifies the errors in available data or in the model used in the absence of data. Confidence limits are based on the uncertainty of all relevant input parameters, and thus vary with the quality of the input data. They also consider the possible range of doses due to the size of the exposure group being examined. Typical sources of error include orientation of the weapons, specific weapon yields, instrument error, fallout intensity data, time(s) at which data were obtained, fallout decay rate, route of personnel movements, and arrival/stay times for specific activities.

(f) *Comparison with Film Badge Records.* (1) Calculations of gamma dose were compared with film badge records for two military units at Operation PLUMBBOB to initially validate this methodology. Where all parameters relating to radiation exposure were identified, direct comparison of gamma dose calculations with actual film badge readings was possible. Resultant correlations provided high confidence in the methodology.

(2) Film badge data may, in some cases, be unrepresentative of the total exposure of a given individual or group; nevertheless, they are extremely useful for direct comparison of incremental doses for specific periods, e.g., validating the calculations for the remaining, unbadged period of exposure. Moreover, a wide distribution of film badge data often leads to more definitive personnel grouping for dose calculations and to further investigation of the reason(s) for such distribution. In all cases, personnel film badge data are not used in the dose calculations, but rather are used solely for comparison with and validation of the calculations. For dose reconstructions accomplished to date, comparison has been favorable and within the confidence limits of the calculations.

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[FR Doc. 83-0287 Filed 3-11-83; 8:45 am]
BILLING CODE 3810-01-M

POSTAL SERVICE

39 CFR Part 111

Domestic Mail Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes the numerous miscellaneous revisions consolidated in the Transmittal Letter for Issue 11 of the Domestic Mail Manual (DMM), which is incorporated by reference in the Federal Register, 39 CFR 111.1

Most of the revisions are minor, editorial or clarifying. Substantive changes, such as the increase in rates for preferred rate mailers, have previously been published in the Federal Register.

EFFECTIVE DATE: January 20, 1983.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

SUPPLEMENTARY INFORMATION: The Domestic Mail Manual, which is incorporated by reference in the Federal Register (see 39 CFR 111.1) has been amended by the publication of a transmittal letter for issue 11, dated January 20, 1983. The text of all published changes is filed with the Director of the Federal Register. Subscribers to the Domestic Mail Manual receive these amendments automatically from the Government Printing Office.

The following excerpt from the Summary of Changes section of the transmittal letter for issue 11 covers the minor changes not previously described in interim or final rules published in the Federal Register.

Note.—Issue 11 contains all DMM revisions published between August 5, 1982 and January 20, 1983 (PB 21351 through 21367).

B. SUMMARY OF CHANGES

Major Revisions

1. * * *

2. *Post Office Boxes.* The term "lockbox" has been replaced by the term "post office box". Therefore, Exhibit 113.66, sections 155, 156, 323, 367, 467, 622, 667, 912, 951, 952, 953, and the Index are revised to replace the term "lockbox" with the term "post office box" (PB 21263, 8–5–82).

3. *Requester Publications.* The term "controlled circulation publication" has been replaced by the term "requester publication". In addition, requester publications are now a subclass of second-class mail rather than a separate classification. The following revisions are made to reflect these changes:

a. Section 159.242*c* is deleted and 159.242*d* through 159.242*h* are renumbered as 159.242*c* through 159.242*g*, respectively (PB 21366, 9–9–82).

b. Section 146.222*c*(3) is deleted and 146.222*c*(4) is renumbered as 146.222*c*(3) (PB 21368, 9–9–82).

c. Section 159.311 is revised to eliminate a reference to "Controlled Circulation" (PB 21368, 9–9–82).

d. Sections 136.311, 137.273*b*(1), 411.3, 422.1, 422.6, 423.14, 423.2, 423.3, 425.6, 441.1, 441.31, 442.1, 443.421, 444.2, 447.1, 447.2, 448.3, 467.7, and 483.2 are revised to replace the term "controlled circulation publications" with the term "requester publications" (PB 21378, 11–18–82).

Other Revisions

1. Section 111.2 is revised to reflect changes in the administrative responsibility for Palau (PB 21374, 10–21–82).

2. Section 113.222 is revised to allow postal customers whose post offices have been discontinued to preserve community identity by retaining their original ZIP Code (PB 21367, 9–2–82).

3. * * *

4. Section 124 is revised to remove the Department of Transportation's "Other Regulated Material" (ORM) marking requirements for domestic surface mail (PB 21366, 8–26–82).

5. Exhibit 125.2 is updated (PB 21386, 1–13–83).

6. Sections 136.1, 221.1, 230, 263.3, and 294.1 are revised, and new section 136.7 is added, to standardize procedures for Express Mail drop shipments (PB 21366, 9–9–82).

7. Exhibit 137.12 and section 137.63 are revised to incorporate changes made in Franking Laws by Public Law 97–69 (PB 21386, 1–13–83).

8. Section 144.13 and Exhibit 144.41a are revised to delete the National Cash Register Company (NCR) as an authorized meter manufacturer (PB 21383, 12–23–82).

9. Section 144.61 is revised to simplify and standardize procedures for postage meter quarterly verifications (PB 21369, 9–16–82).

10. Section 146.15 is revised to eliminate the postage due requirement for incidental written enclosures in second-, third-, and fourth-class matter (PB 21366, 9–9–82).

11. Section 149.3 is revised to reflect that indemnity claims involving mail sent to or from APOs and FPOs are now processed like other domestic mail claims (PB 21382, 12–16–82).

12. Section 156.515 is revised to update the list of approved mailbox manufacturers (PB 21350, 5–6–82).

13. Sections 159.551 and 159.552 are revised to update the list of dead letter branches (PB 21364, 8–12–82).

14. Section 159.561*a* is revised to refer to Publication 65, *National Five-Digit ZIP Code and Post Office Directory*, as the source for determining to which Bulk Mail Center (BMC) area a post office is assigned. Section 159.561*b* is added to provide a list of dead parcel branches, and old 159.561*b* is renumbered as 159.561*c* and revised to reflect changes in dead parcel branch service areas (PB 21364, 8–12–82).

15. Section 411 is revised to clarify regulations concerning the level of sortation required to qualify for certain second-class rates.

16. The last sentence of 425.7*o* is deleted to eliminate the requirement to place certain publications in an envelope or wrapper for mailing (PB 21368, 9–9–82).

17. Sections 467.4, 467.5, and 467.6 are renumbered as 467.5, 467.6, and 467.7 respectively. Section 467.4 is reserved (PB 21371, 9–30–82).

18. * * *

19. Sections 622.14, 667.11, and 667.13 are revised to allow mailers to combine bulk third-class machinable and irregular parcels in 5-digit and optional city sacks (PB 21371, 9–30–82).

20. Sections 667.6 and 667.7 are renumbered as 667.7 and 667.8, respectively. Section 667.6 is reserved (PB 21371, 9–30–82).

21. Exhibit 722 is updated, and a note is added to emphasize rules applying to Intra BMC/ASF rates (PB 21364, 8–12–82; PB 21382, 12–16–82; PB 21385, 1–6–83).

22. Sections 767.411*c*, 767.42*a*, and 767.42*b* are revised and section 767.411*d* is added to reflect changes in the regulations for bundling bound printed matter (PB 21372, 10–7–82).

23. Sections 941.13 and 941.36 are revised to eliminate all references to money order validation and limitation plates (PB 21371, 9–30–82).

24. Section 945.152 is revised to allow checks to be used in payment of fees for the correction of mailing lists (PB 21366, 8–26–82).

25. Minor editorial changes are made to update references and correct printing errors in sections 136.5, 146.222*c*(2), 149.731, 425.82, 467.114, 914.531*b*, 914.61, 945.132, 945.154, and 945.16.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

* * * * *

Transmittal letter for issue 11	Dated: Jan. 20, 1983	FEDERAL REGISTER publication 48 FR

(5 U.S.C. 552(a); 39 U.S.C. 401, 407, 408, 3001–3011, 3201–3218; 3403–3405, 3601, 3621; 42 U.S.C. 1973 cc–13, 1973 cc–14)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-6448 Filed 3-11-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2310-2; FL-007]

Approval and Promulgation of Implementation Plans; Florida: Open Burning and Frost Protection Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Florida Department of Environmental Regulation (FDER) has revised its open burning and frost protection rule to address the present concerns of the public in areas where there is no trash collection available. EPA today announces its approval of this revision in the Florida plan.

EFFECTIVE DATE: This action will be effective on May 13, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20400.

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.
Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2000 Blair Stone Road, Tallahassee, Florida 32301.

Comments may be sent to Barry Gilbert at the Region IV address above.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Gilbert, Air Management Branch, EPA Region IV at the above address and telephone number 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Florida's open burning and frost protection rules were adopted in 1971 and approved as part of the State Air Implementation Plan in 1972. On January 14, 1976, a revision to Section 17-5.06, Florida Administrative Code (FAC) Frost Protection, was submitted for EPA's approval. This revision was approved on November 1, 1977, at 42 FR 57124. On October 28, 1981, the Florida Environmental Regulation Commission adopted changes in several sections of Chapter 17-5, FAC. These changes included the modification of one definition, the addition of five definitions, a prohibition on burning certain materials, the revision of the frost protection section, the modification of some of the criteria for open burning to clear land, and improvements in the "Open Burning Allowed" section. On April 12, 1982, (47 FR 15581) EPA approved this revision.

On November 15, 1982, FDER submitted a plan revision which again revised the Open Burning and Frost Protection Fires Rule (17-5.03 and 5.09). The amended rule will allow the open burning of trash and household paper products where the following conditions are met: (1) There is no collection service, (2) the burning does not create a nuisance, (3) the burning is more than 200 feet from an occupied building other than that owned or leased by the individual doing the burning, (4) the burning is more than 100 feet from a public road, (5) it is ignited after 9:00 a.m. and is extinguished one hour before sunset, (6) burning is not prohibited by local rule, and (7) prior authorization is obtained from the Division of Forestry unless burning is done in a container covered by a metal mesh or grill.

Action. EPA is today approving the Florida plan for open burning (including frost protection). This is done without prior proposal because the changes in the regulations will have limited impact on air quality and no comments are anticipated.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wished to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 13, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: February 25, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

Section 52.520 is amended by adding paragraph (c)(49) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified. * * *

(49) Changes in Open Burning and Frost Protection Fire Rule, submitted on November 15, 1982, by the Florida Department of Environmental Regulation.

[FR Doc. 83-6794 Filed 3-11-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 62

[A-3-FRL 2272-6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Delaware

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice approves the State of Delaware's certification that there are no kraft pulp mills or primary aluminum reduction plants located in the State of Delaware. These negative declarations were submitted as required by Section 111(d) of the Clean Air Act and 40 CFR Part 62.

EFFECTIVE DATE: This action will be effective May 13, 1983 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the submittal are available for inspection during normal business hours at the following offices:
U.S. Environmental Protection Agency, Region III, Air Programs & Energy Branch, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Gaughan
Delaware Department of Natural Resources & Environmental Control, Air Resources Section, Tatnall Building, P.O. Box 1401, Dover, DE 19901, Attn: Robert R. French
Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460
The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

All comments should be sent to Mr. Henry J. Sokolowski, P.E. (3AW12) at the EPA Region III address listed above.

FOR FURTHER INFORMATION CONTACT: Cynthia A. Clark (3AW12) at the EPA Region III address listed above, telephone 215/597-9377.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act, requires EPA to establish procedures under which States submit plans to control existing sources of particular pollutants. On November 17, 1975 (40 FR 53340), EPA promulgated Subpart B of 40 CFR 60, which establishes procedures and

requirements for adoption and submittal of State plans for control of "designated pollutants" from "designated facilities." Designated pollutants are those not already listed under Section 108(a) (National Ambient Air Quality Standards) or Section 112(b)(1)(A) (Hazardous Air Pollutants) of the Clean Air Act, but for which standards of performance for new sources have been established under Section 111(b) (Standards of Performance for New Stationary Sources). Designated facilities emit designated pollutants.

If a State does not have a designated facility within its borders, it may submit a certification of negative declaration in lieu of a control plan.

On September 8, 1982, the Secretary of the Delaware Department of Natural Resources and Environmental Control submitted certification that there are no kraft pulp mills or primary aluminum reduction plants within the State of Delaware. The negative declarations satisfy Federal regulations and are approved by EPA.

The public is advised that this action will become effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and other notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. Section 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 13, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting requirements.

Authority: 42 U.S.C. 7411(d).

Dated: January 12, 1983.

Anne M. Gorsuch,

Administrator.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart I—Delaware

(1) New center headings, § 62.1900, and § 62.1925 are added to read as follows:

Total reduced Sulfur Emissions From Kraft Pulp Mills

§ 62.1900 Identification of plan—negative declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on September 8, 1982, a letter certifying that there are no kraft pulp mills in the State subject to Part 60, Subpart B of this chapter.

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.1925 Identification of plan—negative declaration.

The Delaware Department of Natural Resources and Environmental Control submitted on September 8, 1982, a letter certifying that there are no primary aluminum reduction plants in the State subject to Part 60, Subpart B of this chapter.

[FR Doc. 83-6465 Filed 3-11-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6364

[OR-11479 (WASH)]

Washington; Withdrawal of Public Land for Natural Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 80 acres of public land from surface entry and mining for protection of the Hot Lake Natural Area for a period of 20 years. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from settlement, sale, location, or entry, under the general land laws, including the mining laws (30 U.S.C. Ch. 2), and reserved for its educational, scientific, and research values in connection with the Hot Lake Natural Area:

Willamette Meridian

T. 40 N., R. 27 E.,
Sec. 7, SE¼SE¼;
Sec. 18, NE¼NE¼.

The area described contains 80 acres in Okanogan County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. The withdrawal shall remain in effect for a period of 20 years from the effective date of this order.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: March 3, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-6443 Filed 3-11-83; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6497]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program; Maine et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It

will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or 30 days after the date of this Federal Register publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the Federal Register or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program. (42 U.S.C. 4001–4128).

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

1	2	3	4	5	6	7	8	9		10		11	12	13	14
State	Identification number	Community name and county name	Panels printed (number and suffix)	Inland/coastal	Hazard	60.3 code	Program status	Status of		Previous map dates		Revision code(s)	Rescission	Floodways panels printed	Location of map repository
								FHBM	FIRM	FHBM	FIRM				
Effective date: February 4, 1983															
ME	230329	Whitneyville, Town of, Washington County.	0005B	I	FL	B	1	3	1	6-7-77	N/A	9	N/A	N/A	Mr. Werden Grover, 1st Selectman, Town of Whitneyville, Whitneyville, Maine 04662.
Effective date: February 8, 1983															
MO	290194	City of Warrensburg (Johnson County).	0001 B	I	FL	B	1	3	1	12-17-73 01-15-76	N/A	8 9	N/A	N/A	Honorable Glenn Lonpeich, Mayor, City of Warrensburg, 102 S. Holden St., Warrensburg, MO 64093, (816) 747-9131.
NB	310165	City of Aurora (Hamilton County).	0001 B	I	FL	B	1	3	1	05-03-74 11-28-75	N/A	8 9	N/A	N/A	Honorable Harold E. Warek, Mayor, City of Aurora, City Hall, 904 13th St., Aurora, NB 68818, (402) 694-2571.
WA	530189	Skamania County (Uninc. Areas).	0000 0007 A 0014 A 0015 A 0016 A 0017 A 0018 A 0019 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Clara Lamb, County Clerk, Skamania County, P.O. Box 239, 2nd St. (State Road #14) Stevenson, WA 98648, (509) 427-5141.
Effective date: February 22, 1983															
NV	320014	Lincoln County (Uninc. areas) Index: 1575A, 1577A, 2241A, 2242A, 2244A, 2519A, 2575A-2579A, 3007A, 3026A, 3279A, 3691A.	Index	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Mr. Mike Fogliani, Chairman, Board of Supervisors, P.O. Box 98, Pioche, NV 89043, (702) 962-5182.

1	2	3	4	5	6	7	8	9		10		11	12	13	14
State	Identification number	Community name and county name	Panels printed (number and suffix)	Inland/coastal	Hazard	60.3 code	Program status	Status of FHBM	Status of FIRM	Previous map dates FHBM	Previous map dates FIRM	Revision code(s)	Rescission	Floodways panels printed	Location of map repository
Effective date: March 4, 1983															
NY	360889	Pembroke, Town of, Genesee County.	0001 0002B 0210B 0015B 0020B	I	FL	B	1	3	1	4-5-74 9-3-76	N/A	10	N/A	N/A	Mr. Joseph Murray, Supervisor, Town of Pembroke, 1145 Main Road, Corfu, New York 14036.
Effective date: March 11, 1983															
NC	370348	Richmond County, Unincorporated Areas.	0000 0004B 0007B	I	FL	B	2	3	1	7-26-76	N/A	N/A	N/A	N/A	Honorable G. R. Kindley, Mayor, Richmond County, 311 East Franklin Street, Rockingham, North Carolina 28379.
Effective date: March 16, 1983															
NM	350074	Village of Williamsburg, Sierra County.	0001A	I	FL	B	1	3	1	12-20-74	N/A	7 9 10	N/A	N/AA	Charles H. Blewett, Mayor, P.O. Box 150, Williamsburg, NM 87942, (505) 894-6385.
Effective date: March 18, 1983															
PA	421588	Township of Oil Creek, Crawford County.	0005A 0010A 0015A 0020A	I	FL	B	1	3	1	10/22/76	N/A	9 10 16	N/A	N/A	Dillon Westcost, Chairman, Township Supervisors, R.D. #2, Titusville, PA 16354, 814-827-3066.

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two letter state designator
2. FIA Community 6-digit identity number
3. Community name, County(ies) name
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
   I=Inland; C=Coastal; W=Wave Height
6. Hazard:
   FL=Flood; MS=Mudslide; ER=Erosion; NF=Non Flood Prone; MF=Minimally Flood Prone
7. 60.3 Code:
   A=Special Hazard not defined, no elevation data (No FHBM)
   B=Special Hazard Designated, no elevation data (FHBM)
   C=FIRM, No Floodway or Coastal High Hazard
   D=FIRM, Regulatory Floodway Designated [1]
   E=FIRM, Coastal High Hazard [1]
8. Program status:
   1=Emergency; 2=Regular; 3=Not participating, no map; 4=Not participating, with map; 45=Withdrew; 6=Suspended
9. FHBM Status:
   1=Never mapped; 2=Original; 3=Revised; 4=Rescinded; 5=Superseded by firm
10. Firm status:
    1=Never mapped; 2=Original; 3=Revised; 4=Rescinded; 5=All zone C—no published firm; 6=All zone A and C—No elevations determined
11. Dates of all previous maps
12. Revision codes:
    1. 67 BFE (Base Flood Elevation) Decrease
    2. 67 BFE Increase
    3. 65 SFHA (Special Flood Hazard Area) Change
    4. Change of Zone Designation; revised FIRM
    5. Curvilinear
    6. 64 Incorporation
    7. 64 Discorporation
    8. 64 Annexation
    9. SFHA Reduction
    10. Non-67 SFHA Increase Without Numbered Zones
    11. Non-67 SFHA Increase With Numbered Zones
    12. Drafting Correction; Printing Errors
    13. Suffix Change ONLY
    14. Change to Uniform Zone Designations (7/1/74)
    15. Revisions Withdrawn
    16. Refunds Possible
    17. Letter of Map Amendment (70)
    18. Letter of Map Amendment (70 without Federal Register publication)
    19. Federal Register Omission
    20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
    21. Miscellaneous
13. List of Numbered Floodway Panels Printed
14. Address of Community Map Repository

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127; 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

[1] Dual entry is available.

Issued: March 1, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6400 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA—6498]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program; New Jersey et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood

Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, (202) 287–0230, Federal Emergency Management Agency, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood Insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the Federal Register.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on the substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 65—[AMENDED]

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community	Date of conversion to regular program
New Jersey	Bergen	Borough of Edgewater.	Apr. 1, 1983.
Do	Gloucester	Township of Harrison.	Do.
Do	Sussex	Borough of Hopatcong.	Do.
Do	Gloucester	Borough of Pitman.	Do.
New York	Chautauqua	Town of Harrison.	Do.
Do	Chenango	Town of Preston.	Do.
Pennsylvania	Schuylkill	Township of Ryan.	Do.
Do	Chester	Township of West Fallowfield.	Do.
Do	Schuylkill	Township of West Mahanoy.	Do.
Nevada	Unincorporated areas.	Lander County.	Apr. 5, 1983.
Florida	Pasco	City of Zephyrhills.	Apr. 8, 1983.
New Jersey	Salem	Borough of Elmer.	Do.
New York	Chautauqua	Town of Arkwright.	Do.
Do	Chenango	Town of Columbus.	Do.
Do	Wayne	Village of Red Creek.	Do.
Pennsylvania	Chester	Township of Highland.	Do.
Nevada	Unincorporated Areas.	Nye County.	Apr. 12, 1983.
New Jersey	Salem	Township of Quinton.	Apr. 15, 1983.
Arkansas	Lonoke	City of Cabot.	Apr. 19, 1983.
Do	Perry	City of Perryville.	Do.
Oklahoma	Le Flore	Town of Arkoma.	Do.
Do	do.	Town of Cameron.	Do.
Michigan	Monroe	Township of Dundee.	Apr. 22, 1983.
Florida	Hillsborough.	City of Plant City.	Apr. 29, 1983.
New Jersey	Camden	Township of Waterford.	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued February 17, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6459 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (final) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts

flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Yuma (City), Yuma, County FEMA-6431	Colorado River	At center of Fourth Avenue Bridge	*136
		Yuma Levee	At the intersection of Colorado Street and 21st Avenue.	*133
		Shallow Flooding	At the intersection of 1st Street and 9th Avenue	*133
			At the intersection of 3rd Street and Maiden Lane	*136
			On 10th Street, 500 feet west of Southern Pacific RR	*142
		East Main Canal	At the intersection of 17th Street and Magnolia Avenue.	#3
			100 feet upstream from 12th Street crossing	#2
Maps available for inspection at the Department of Development Services, 3W 3rd Street, Yuma, Arizona.				
California	Tulare (City), Tulare County FEMA-6431	Elk Bayou	Confluence with Elk Bayou Ditch	*286
		Shallow Flooding	On Avenue 200, one hundred feet east from center of intersection with Southern Pacific Railroad.	#1
		Shallow Flooding	300 feet southwest from confluence of Elk Bayou and Elk Bayou Ditch.	#2
Maps available for inspection at the Planning Department, 411 East Kern Avenue, Tulare, California.				
Florida	Dania, City of, Broward County (Docket No. FEMA-6442).	Atlantic Ocean	50 feet inland from shoreline along Dania Beach	*11
			100 feet inland from shoreline along Dania Beach	*8
		Atlantic Ocean/Inland Waterways	Intersection of 7th Avenue S.E. and Pershing Street	*8
Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Beach Boulevard, Dania, Florida.				
Florida	Unincorporated Areas of Gulf County (FEMA-6431)	St. Joseph Bay	Along the shoreline of St. Joseph State Park	*8
			Along the shoreline of Port St. Joe	*10
			Along the shoreline of Beacon Hill	*10
		Gulf of Mexico	Along the shoreline of St. Joseph Point	*8
			Along the shoreline of Cape San Blas	*9
			Along the southern shoreline of the Indian Peninsula	*10
		Indian Lagoon	Along the north shoreline	*11
		Apalachicola	At confluence of Brothers River	*13
			Approximately 3000 feet downstream of confluence of Chipola River.	*21
Maps available for inspection at Office of the Circuit Court Clerk, Gulf County Courthouse, 100 Fifth Street, Port St. Joe, Florida 32456.				
Florida	Town of Mexico Beach, Bay County (FEMA-6431)	Gulf of Mexico	Approximately 650 feet Seaward from intersection of 38th Street and Highway 98 along 38th Street.	*9
			Approximately 130 feet Seaward from intersection of 15th Street and Highway 98 along 15th Street.	*9
			Approximately 100 feet Seaward of intersection of 1st Street and Highway 98 along 1st Street.	*9
Maps available for inspection at Town Hall, Fourteenth Street, Mexico Beach, Florida 32410.				
Florida	New Port Richey (City), Pasco County (FEMA-6442)	Gulf of Mexico	Intersection of State Highway 55/U.S. Highway 19 and Avery Road.	*12
		Pithlachascotee River	Intersection of Calhoun Street and Wyoming Avenue	*11
Maps available for inspection at Building Department, 320 E. Main Street, New Port Richey, Florida.				
Florida	Port Richey (City), Pasco County (FEMA-6442)	Gulf of Mexico	Intersection of U.S.Highway 19/State Highway 55 and River Gulf Road.	*13
			Intersection of Old Post Road and Beach Drive	*16
Maps available for inspection at City Hall, 100 U.S. 19, Port Richey, Florida.				
Florida	City of Port St. Joe, Gulf County (FEMA-6431)	St. Joseph Bay along the shoreline		*10
Maps available for inspection at City Clerk's Office, City Hall, Fifth and Williams Streets, Port St. Joe, Florida 32456.				
Georgia	Unincorporated Areas of DeKalb County (FEMA-6431).	Barbashela Creek	Just downstream from Redan Road	*836
			Approximately 150 feet upstream of Redan Road	*840
			Approximately 700 feet upstream from Main Street Park Drive.	*849
			Approximately 350 feet downstream from Rockbridge Road.	*861
		Barbashela Creek Tributary A	Approximately 650 feet upstream from Golf Cart Trail Bridge.	*830
			Approximately 70 feet downstream from Hidden Hills Parkway.	*869
		Blue Creek	Approximately 100 feet upstream from River Road	*773
			Just upstream from Dam and Bridge above River Road.	*776
		Burnt Fork Creek	Approximately 300 feet upstream from Druid Hills Road	*911
			Approximately 300 feet upstream from Pangbron Road	*958
			Just upstream from Interstate Highway 285	*1012

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Camp Creek	Approximately 120 feet downstream from Antebellum Drive.	*957
			Approximately 140 feet upstream from Antebellum Drive.	*975
		Camp Creek Tributary A	Approximately 1,130 feet upstream from Seaboard Coast Line Railroad.	*852
		Clarks Creek	Just downstream from Heam Road	*726
			Approximately 600 feet upstream from Lombard Road	*737
		Cobbs Creek	Just downstream from Rainbow Drive	*796
			Just upstream from Interstate Highway 20	*802
			Just upstream from Snapfinger Road	*953
			Approximately 90 feet upstream from Glenwood Drive	*870
			Approximately 360 feet upstream from Peachcrest Road.	*904
			Just downstream from Bobbie Lane	*937
		Conley Creek	Approximately 700 feet downstream from Ellingwood Road.	*770
			Approximately 250 feet upstream from Bouldercrest Road.	*777
			Just downstream from east Conley Creek Road	*807
		Corn Creek	Just downstream from Flakes Mill Road	*751
			Just upstream from Flakes Mill Road	*752
		Crooked Creek Tributary, Stone Mountain.	Just upstream from South Deshon Road	*770
			Just downstream from Stephenson Road	*783
			Just upstream from Stephenson Road	*782
		Crooked Creek Tributary A	Just downstream from Mystery Valley—Golf Course Drive.	*839
			Approximately 125 feet upstream from Mystery Valley—Golf Course Drive.	*840
		Crooked Creek Tributary A-1	Just upstream from Kilgore Road	*854
			Approximately 100 feet downstream from Shadow Rock Drive.	*861
		Crooked Creek (South River)	Approximately 160 feet upstream from Browns Mill Road.	*690
			Just downstream from Berline Drive	*694
		Doless Creek	Just upstream from Interstate Highway 285	*783
		Doolittle Creek	Just downstream from Interstate Highway 285	*776
			Approximately 100 feet upstream from Flat Shoals Road.	*803
			Approximately 150 feet upstream from Whites Mill Road.	*816
			Just upstream from Tilson Road	*876
			Just upstream from Barberrie Avenue	*929
		Doolittle Creek Tributary "A"	Just upstream from Hermosa Drive	*805
		Doolittle Creek Tributary "B"	Just upstream from Dawn Drive	*870
		Fowler Branch	Approximately 300 feet upstream from Snapfinger Road.	*819
			Just upstream form Wedgefield Circle	*845
		Nancy Creek	Just upstream from Ashford Dunwoody Road	*872
			Just upstream from Shallow Ford Road	*929
			Just upstream from Cotillion Drive (interstate Highway 285.	*941
			Just upstream from Amberly Drive	*974
		Nancy Creek Tributary A	Just downstream from Peachford Road	*937
			Just downstream from Peeler Road	*951
		Nancy Creek Tributary B	Just downstream from Plantation Lane	*936
		Nancy Creek Tributary C	Approximately 130 feet upstream from Harts Mill Road	*874
		Nancy Creek Tributary D	Approximately 70 feet downstream from Mill Creek Road.	*855
		North Fork Nancy Creek	Just downstream from Interstate Highway 285	*899
			Just upstream from Private Entrance	*910
		North Fork Peachtree Creek	Just upstream from Buford Highway	*828
			Approximately 150 feet downstream from Clairmont Road.	*854
			Just upstream from Shallowford Road	*882
			Just upstream from Chamblee—Tucker Road	*903
			Just upstream from Pleasantdale Road	*916
		North Fork Peachtree Creek Tributary A.	Approximately 200 feet downstream from Buford Highway.	*851
			Just downstream from Dresden Drive	862*
		North Fork Peachtree Creek Tributary B.	Just upstream from Capehart Circle	*881
			Just upstream from Plaster Road	*890
		North Fork Peachtree Creek Tributary C.	Just upstream from Summitridge Drive	*914
		North Fork Peachtree Creek Tributary D.	Approximately 100 feet downstream from Melinda Drive.	*859
		Panthers Branch	Just upstream from Snapfinger Road	*765
			Just upstream from Zinzendorf Drive	*769
			Just upstream from Thompson Mill Road	*809
			Just upstream from Interstate Highway 20	*844
		Peachtree Branch	Approximately 200 feet downstream from Henderson Mill Road.	*808
		Peavine Creek	Approximately 300 feet downstream from Oxford Road	*857
			Just upstream from North Decatur Road	*888
			Just upstream from Durand Falls Drive	*925
		Pole Bridge Creek	Just upstream from Browns Mill Road	*859
			Just upstream from Evans Mill Road	*736
			Just upstream from Hillandale Road	*798

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream from Marbut Road	*834
		Pole Bridge Creek Tributary A	Approximately 100 feet upstream from Hillandale Road	*769
		Pole Bridge Creek Tributary B	Approximately 100 feet upstream form Covington Road.	*815
			Approximately 80 feet upstream from Marbut Road	*838
		[illegible] Creek	Just upstream from Columbia Drive	*759
			Just upstream from Rainbow Drive	*788
			Just upstream from Ember Drive	*814
			Just upstream from Glenwood Drive	*883
			Just downstream from Memorial Drive	*902
		Snapfinger Creek	Just upstream from Snapfinger Road	*759
			Just upstream from Covington Road	*816
			Just downstream from Reden Road	*864
			Just downstream from Raye Road	*900
			Just downstream from Hemlock Drive	*927
			Just upstream from Memorial Drive	*945
		Snapfinger Creek Tributary A	Approximately 140 feet upstream from dam	*775
			Approximately 80 feet downstream from Harvest Hill Court.	*805
		Snapfinger Creek Tributary B	Approximately 220 feet downstream from South Indian Creek Drive.	*867
		Snapfinger Creek Tributary C	Just upstream from Memorial Drive	*905
			Just upstream from Memorial College Avenue	*906
			Just upstream from Dunleith Court	*919
		Snapfinger Creek Tributary D	Just upstream from Memorial Drive	*932
			Just upstream from Krueger Store Access Road	*940
			Just downstream from Abingdon Drive	*948
		Snapfinger Creek Tributary E	Approximately 100 feet downstream from Central Drive	*975
		South Fork Peachtree Creek	Just downstream from Old Briarcliff Road	*839
			Approximately 300 feet upstream from Old Clairmont Road.	*850
			Just upstream from Willvee Drive	*901
			Just upstream from Stone Mountain Freeway	*915
			Just upstream from Idlewood Road	*998
			Just downstream from Elmdale Drive	*1049
		South Fork Peachtree Creek Tributary A.	Just upstream from Brockett Road	*879
			Approximately 100 feet downstream from Jarlco Road	*995
		South Fork Peachtree Creek Tributary B.	Just upstream from Stone Mountain Freeway (U.S. Highway 87).	*995
			Just upstream from Franke Drive	*997
		South Fork Peachtree Creek Tributary C.	Just downstream from Access Road	*922
			Just upstream from Milecott Drive	*939
			Just upstream from Access Bridge	*941
		South River	Just upstream from Bridge Road	*690
			Just upstream from McDonough Road	*705
			Just upstream from Flakes Mill Road	*737
			Just upstream from Waldrop Road	*753
			Just upstream from Panthersville Road	*760
			Just upstream from Boulder Chreet Road	*772
			Just upstream from Moreland Avenue	*792
		South River Tributary A	Just upstream from Lehigh Boulevard	*815
		Stephenson Creek	Just upstream from Browns Mill Road	*697
			Just upstream from South Goddard Road	*701
		Stone Mountain Creek	Just upstream from Rock Chapel Road	*745
			Just upstream from North Deshon Road	*773
			Just upstream from Stewart Mill Road	*788
			Approximately 200 feet upstream from Stone Mountain Freeway (U.S. Highway 78) (State Road 10).	*830
			Just upstream from Silver Hill Road	*880
		Stone Mountain Creek Tributary A	Approximately 100 feet upstream from North Deshon Road.	*817
		Sugar Creek	Approximately 100 feet downstream from Clifton Church Road.	*774
			Approximately 200 feet upstream from Mary Lou Lane	*895
			Approximately 100 feet upstream from Fayetteville Road.	*901
		Sugar Creek Tributary A	Just upstream from Glenwood Avenue	*925
		Swift Creek	Just upstream from Georgia Railroad Spur	*761
			Approximately 200 feet downstream from Rogers Lake Road.	*807
		Swift Creek Tributary A	Approximately 140 feet downstream from Dam	*765
			Just upstream from Georgia Railroad Spur	*827
			Just downstream from Rogers Lake Road	*873
		Tom George Pine Mountain Creek	Just upstream from Dam	*751
			Just downstream from Lithonia Corporate Limits	*851
		Yellow River	Just downstream from Pleasant Hill Road	*720
			Approximately 700 feet downstream from County Line	*744

Maps available for inspection at Director of the County Development Department, Room 308, Calloway Building, Decatur, Georgia 30030.

Georgia	Unincorporated Areas of Fayette County (FEMA-[illegible])	Line Creek	Just upstream of Castlewood Road	*857
			Just upstream of Palmetto Road	*870
		Whitewater Creek	Just upstream of Starrs Mill Pond Lake Dam	*752
			Just upstream of Bernhard Road	*770
			Just upstream of Willow Pond Road	*785
		South Camp Creek	Just upstream of Redwine Road	*773
			Just downstream of E.A. Brown Dam	*782

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of E.A. Brown Dam	*787
		Ginger Cake Creek	Just upstream of State Highway 54	*812
			Just upstream of Hood Road	*822
		Sandy Creek	Just downstream of Sandy Creek Road	*816
			Just upstream of Sandy Creek Road	*820
		Sandy Creek Tributary	Approximately 2050 feet upstream of confluence with Sandy Creek.	*825
		Whitewater Creek Tributary	Just downstream of Coleman Dam	*905
			Just upstream of Coleman Dam	*912
		Flint River	Just upstream of Indian Road	*774
			Just upstream of McDonough Road	*784
			Just upstream of State Highway 54	*793
			Just upstream of State Highway 85 (southbound)	*805
			Just upstream of Westbridge Road	*839
		Camp Creek	Just downstream of Helmer Road	*816
			Just upstream of Helmer Road	*819
			Just downstream of State Highway 138	*831

Maps available for inspection at Zoning Administrator's Office, Fayette County Courthouse, 692 North Glynn Street, Fayetteville, Georgia 30214.

Georgia	City of Gainesville, Hall County (FEMA-6442)	Flat Creek	Approximately 150 feet downstream of McEver Road	*1,095
			Approximately 500 feet upstream of Old Flowery Branch Road.	*1,130
			Approximately 125 feet downstream of Jones and Dale Road.	*1,140

Maps available for inspection at Planning and Zoning Department, City-County Administration Building, 300 Green Street, Gainesville, Georgia 30503.

Georgia	Unincorporated Areas of Newton County (FEMA-6442)	South River	Just upstream of Butler Bridge Road	*592
			State Highway 20	*614
		Yellow River	Just downstream of Rocky Plains Road	*650
			Just upstream of the Georgia Railroad	*644
		Dried Indian Creek	Just upstream of Flat Shoals Road	*584
		Turkey Creek	Approximately 5300 feet upstream of the confluence with Yellow River.	*638
		Big Haynes Creek	At Bald Rock Road	*652
		Little Haynes Creek	Just upstream of the Dials Mill Pond Dam	*677
			Just upstream of State Highway 138	*687

Maps available for inspection at Building Inspection Department, Newton County Courthouse, Covington, Georgia 30209.

Georgia	City of Stockbridge, Henry County (FEMA-6333)	Brush Creek	Just upstream of East Atlanta Road	*745
			Just upstream of Davis Road	*758
			Just upstream of Shields Road	*774

Maps available for inspection at City Hall, 130 Berry Street, Stockbridge, Georgia 30281.

Illinois	(V) Channahon will County (Docket No. FEMA-6299)	Du Page River	At mouth at Des Plaines River	*511
			About 600 feet downstream of Channahon	*517
			Just upstream of Channahon Dam	*522
			About 900 feet upstream of Eames Street	*524
		Rock Run South	About 500 feet downstream of Chicago, Rock Island and Pacific Railroad.	*521
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*522

Maps available for inspection at the Village Hall, R.R. #1 CC, Channahon, Illinois.

Illinois	(V(Joppa Massac County (Docket No. FEMA-6431)	Ohio River	About 0.6 mile downstream of confluence of Bayou Creek.	*305
			About 0.2 mile upstream of confluence of Bayou Creek.	*336

Maps available for inspection at the Village Hall, Joppa, Illinois.

Illinois	(V) Lake Zurich Lake County (Docket No. FEMA-6431).	Buffalo Creek	At downstream of corporate limit	*803
			About 600 feet downstream of Sandalwood Court	*820
			About 1,000 feet upstream of Old Mill Grove Road	*823
		North Flint Creek	Just upstream of U.S. Route 12	822*
			Just downstream of Briarwood Road	*834
		Echo Lake	Within corporate limits	*844
		Lake Zurich	Within corporate limits	*844

Maps available for inspection at the Village Clerk's Office, Municipal Building, 61 West Main Street, Lake Zurich, Illinois.

Illinois	(Uninc.) Massac County (Docket No. FEMA-6431)	Ohio River	About 15.3 miles downstream of Interstate 24 (at downstream county boundary).	*334
			About 12.7 miles upstream of Interstate 24 (at upstream county boundary).	*341
		Massac Creek	Just upstream of U.S. Route 45	*338
			Just downstream of County Highway 13	*345
			Just downstream of Interstate 24	*369
			Just downstream of State Route 145	*404

Maps available for inspection at the County Clerk's Office, County Courthouse,Superman Square, Metropolis, Illinois.

Illinois	(C) McHenry, McHenry County (Docket No. FEMA-5700).	Fox River	Within corporate limits	*740
		Boone Creek	Just upstream of Green Street	*740
			About 350 feet downstream of Dam	*765
			Just upstream of Dam	*767

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lakeland-Park Drainage Ditch	About 1.2 miles upstream of Dam	*772
			Mouth at Boone Creek	*743
			About 0.25 miles upstream of Chicago and North Western Railroad	*747
Maps available for inspection at the City Clerk's Office, City Hall, 1111 North Green Street, McHenry, Illinois.				
Illinois	(V) Olmsted, Pulaski County (Docket No. FEMA-6431)	Ohio River	At downstream corporate limit	*332
			At upstream corporate limit	*333
Maps available for inspection at the Village Hall, Olmsted, Illinois.				
Indiana	(C) Gas City, Grant County (Docket No FEMA-6442)	Mississinewa River	About 0.7 mile downstream of State Route 22	*819
			About 0.9 mile upstream of State Route 22	*823
Maps available for inspection at City Hall, 211 East Main, Gas City, Indiana.				
Indiana	(T) Mauckport, Harrison County (Docket No. FEMA-6442).	Ohio River	Within the community	*436
Maps available for inspection at Town Hall, Mauckport, Indiana.				
Indiana	(T) New Amsterdam, Harrison County (Docket No. FEMA-6442).	Ohio River	Within the community	*434
Maps available for inspection at Town Hall, Central, Indiana.				
Indiana	(T) Troy, Perry County (Docket No. FEMA-6442)	Ohio River	Within the community	*368
Maps available for inspection at Town Hall, Troy, Indiana.				
Maine	Ogunquit, Village York County (Docket No. FEMA-6431).	Josias River	At confluence with basin	*9
			Downstream of U.S. Route 1	*27
			Upstream corporate limits	*34
		Ogunquit River	At Beach Street	*9
			Upstream of U.S. Route 1	*25
			At confluence of Ogunquit River Tributary	*62
			Upstream of North Village Road	*87
		Ogunquit River	At confluence with Ogunquit River Tributary	*62
			Downstream of Maine Turnpike	*71
		Atlantic Ocean	At southern corporate limits	*23
			At Jacks Cove	*13
			At Perkins Cove	*15
			At Oarweed Cove	*14
			At northern corporate limits	*14
Maps available for inspection at the Village Hall, School Street, Ogunquit, Maine.				
Maine	Wells, Town York County (Docket No. FEMA-6431)	Blacksmith Brook	Confluence with Webhannet River	*9
			Upstream of U.S. Route 1	*44
			Approximately 1,050' upstream of U.S. Route 1	*63
		Depot Brook	Confluence with Webhannet River	*9
			Upstream of Concrete Dam	*38
			Approximately 2,600' upstream of U.S. Route 1	*77
		Webhannet River	Confluence with Atlantic Ocean	*9
			Upstream of waterfall	*31
			Approximately 2,700' above U.S. Route 1	*60
		Green Brook	Confluence with Ogunquit River	*90
			Approximately 60' downstream of Hillcrest Lane	*104
		Tributary 1 to Green Brook	Confluence with Green Brook	*103
			Approximately 1,400' upstream of Hillcrest Lane	*116
		Little River	Entire length within corporate limits	*9
		Merriland River	Confluence with Little River	*9
			Upstream Boston and Maine Railroad	*24
			Upstream Old Farm Road	*130
			Downstream Quary Road	*168
		Ogunquit River	Downstream corporate limits	*9
			Upstream of U.S. Route 1	*35
			Upstream Maine Turnpike Southbound	*70
			Confluence with Green Brook	*90
		Stevens Brook	Confluence with Ogunquit River	*9
			Upstream U.S. Route 1	*31
			Approximately 3,600' above U.S. Route 1	*51
		West Brook	Approximately 3,100' downstream of Bragdon Road	*132
			Upstream of downstream crossing of Bragdon Road	*158
			Approximately 2,600' upstream of upstream crossing of Bragdon Road.	*161
		South Branch of West Brook	From confluence of West Brook to a point approximately 2,400' upstream of confluence with West Brook.	*158
		Atlantic Ocean	At northern corporate limits	*14
			At Drakes Island Road extended	*17
			At Mile Road extended	*16
			At Eldridge Road extended	*18
			At southern corporate limits	*12
Maps available for inspection at the Municipal Building, Wells, Maine.				
Maryland	Worcester County (FEMA 6401)	Atlantic Ocean	Along the eastern coast of Assateague Island, from the Town of Ocean City to Route 611.	*13

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			On Assateague Island, east of Collins Point	*9
			On Assateague Island, south of Route 611	*6
			Along the eastern coast of Assateague Island, from Route 116 to Scotts Landing.	*12
			On Assateague Island, at Scotts Landing	*9
			Along the eastern coast of Assateague Island, from Scotts Landing to the southern county boundary.	*13
			At Pope Bay	*9
		Sinepuxent Bay	Just east of Ocean City Harbor	*10
			At Grays Point	*10
			At Sandy Point	*10
			At Green Point	*9
		Newport Bay	At the confluence with Cattbird Creek	*9
			At Cut Point	*9
		Chincoteague Bay	At Log Point	*9
			At Windmill Cove	*9
			At Cotter Cove	*10
			At Tingles Narrows	*9
			At Martin Bay	*10
			At Pirate Islands	*9
			At Brockatonorton Bay	*10
			At Johnson Bay	*10
			At West Bay	*9
			At Purnell Bay	*10
		Massey Branch Creek	Area generally located between U.S. Route 113 and Langmaid Landing.	*7
		Waterworks Creek	Area generally located between Bowden Road extended and just downstream of Basket Switch Road.	*7
		Robins Creek	Area generally located between a point approximately 2300 feet upstream of the confluence with Chincoteague Bay and the limit of detailed study.	*7
		Pawpaw Creek	Area generally located between Bayside Road and Pawpaw Creek Road.	*7
		Scarboro Creek	Area generally located between a point approximately 2800 feet upstream of Scarboro Landing and Route 12.	*9

Maps are available for inspection at the Planning and Zoning Office, 111 North Washington Street, Snow Hill, Maryland.

Massachusetts	Harvard, Town Worcester County (Docket No. FEMA-6714).	Nashua River	Downstream Corporate Limits	*332
			Jackson Road (upstream)	*226
			Upstream Corporate Limits	*229
		Bowers Brook	Downstream Corporate Limits	*226
			Dam (upstream) located approximately 200 feet upstream of Old Mill Road.	*236
			Downstream crossing of Ayer Road (upstream)	*251
			Cruft Lane (upstream)	*256
			Upstream crossing of Ayer Road (upstream)	*275
			Harvard Depot Road (upstream)	*336
			Approximately 1,120 feet upstream of Still River Road	*345
			Taharito Trail (upstream)	*357
			Woodside Road	*384
		Cold Spring Brook	Confluence with Bowers Brook	*228
			Approximately 690 feet upstream of upstream crossing of Patton Road.	*240
		Elizabeth Brook	Approximately 1,960 feet downstream of Eldridge Road.	*236
			Eldridge Road (upstream)	*245
			Approximately 120 feet downstream of Northbound Interstate Route 495.	*244
			Approximately 520 feet upstream of Southbound Interstate Route 495.	*252
			Approximately 330 feet downstream of Sherry Road (at Corporate Limits).	*280
			Sherry Road (downstream)	*317
			Approximately 1,010 feet upstream of Sherry Road	*340
		Tributary to Elizabeth Brook	Confluence with Elizabeth Brook	*280
			Upstream crossing of Stow Road	*259
		Bennetts Brook	Downstream Corporate Limits	*266
			Shaker Road (upstream)	*270

Maps available for inspection at the Harvard Planning Board, Town Hall, Woodside Road, Harvard, Massachusetts.

Massachusetts	Littleton, Town Middlesex County (Docket No. FEMA-6683).	Beaver Brook	Downstream Corporate Limits	*206
			At Mill Pond	*217
			Upstream Corporate Limits	*227
		Great Road Tributary	At confluence with Beaver Brook	*210
			Approximately 1,500 feet upstream of I-495	*217
		King Street Tributary	At confluence with Beaver Brook	*215
			Approximately 2,400 feet upstream confluence with Beaver Brook.	*219
		Mill Pond Tributary	At confluence with Beaver Brook	*217
			Approximately 6,200 feet upstream confluence with Beaver Brook.	*219
		Bennetts Brook	Upstream Corporate Limits	*227

Maps available for inspection at the Office of the Town Clerk, Town Hall, Foster Street, Littleton, Massachusetts.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	North Andover, Town Essex County (Docket No. FEMA-6345).	Merrimack River	Downstream Corporate Limits	*31
			Approximately 2 miles above Corporate Limits	*33
			Confluence of Shawsheen River	*34
		Shawsheen River	Downstream Corporate Limits	*34
			Salem Turnpike State Route 114 (downstream)	*34
		Cochichewick Brook	Confluence with Merrimack River	*83
			Upstream of Sutton Pond Dam	*90
			Upstream of Osgood Pond Dam	*75
			Approximately 400 feet upstream of Elm Street	*90
			Approximately 600 feet upstream of Osgood Street	*97
			Approximately 910 feet upstream of Osgood Street	*113
Maps available for inspection at the Board of Public Works Office, North Andover Town Hall, North Andover, Massachusetts.				
Massachusetts	Northbridge, Town, Worcester County (Docket No. FEMA-6347).	Blackstone River	Downstream Corporate Limits	*241
			Upstreamn of Church Street	*255
			Upstream corporate limits	*276
		Mumford River	Downstream Corporate Limits	*259
			Upstream of Footbridge	*270
			Downstream of Dam	*312
		Whitins Pond	Entire shoreline within community	*313
Maps available for inspection at The Town Clerk's Office, Memorial Town Hall, Whitinsville, Massachusetts.				
Massachusetts	Royalston, Town Worcester County (Docket No. FEMA-6265).	Millers River	Downstream Corporate Limits	*770
			Upstream State Route 68	*815
			Approximately 5,830 feet upstream of State Route 68	*821
Maps available for inspection at the Royalston Town Hall, Royalston, Massachusetts.				
Massachusetts	Shirley, Town Middlesex County (Docket No. FEMA-6254).	Nashua River	Downstream Corporate Limits	*215
			Upstream Corporate Limits	*226
		Squannacook River	Confluence with Nashua River	*215
			300 feet upstream of West Groton Road	*238
			Upstream Corporate Limits	*258
		Catacoonamug Brook	Confluence with Nashua River	*224
			Upstream of Phoenix Pond Dam	*241
			180 feet upstream of Main Street (Leominster Road)	*259
			Upstream of dam	*265
			Confluence of Bow Brook	*272
		Bow Brook	Confluence with Catacoonamug Brook	*272
			Private Drive	*282
		Morse Brook	Confluence with Nashua River	*216
			4,175 feet upstream of Walker Road	*224
		Mulpus Brook	Confluence with Nashua River	*216
			Upstream of Private Drive	*236
			Approximately 100 feet upstream of Hazen Road	*264
			Upstream of Longley Road	*285
			Upstream Corporate Limits	*296
		Walker Brook	Confluence with Nashua River	*216
			2,700 feet upstream of Walker Road	*230
			Approximately 5,045 feet upstream Walker Road	*245
		Trout Brook	Confluence with Nashua River	*223
			120 feet downstream of Front Street	*245
			560 feet upstream of Ayer Road	*260
			Clark Road	*273
Maps available for inspection at the Town of Shirley Town Hall, Lancaster Road, Shirley, Massachusetts. Send comments to Honorable Henry D. Fagan, Chairman of the Town of Shirley Board of Selectmen, Lancaster Road, Shirley, Massachusetts 01464.				
Massachusetts	Westford, Town, Middlesex County (Docket No. FEMA-6431).	Stony Brook	Downstream corporate limits	*143
			Upstream of Depot Road	*167
			Downstream of Town Farm Road	*191
			Upstream of Murray Printing Company Dam	*206
		Beaver Brook	Confluence with Forge Pond	*206
			Upstream corporate limits	*209
		Boutwell Brook	Confluence with Stony Brook	*189
			Upstream of Hartford Road	*207
		Tadmuck Brook	Confluence with Stony Brook	*160
			Upstream of Main Street	*200
			Upstream of Providence Road	*225
		Butler Brook	Downstream corporate limits	*175
			Upstream of Carlisle Road	*201
			Upstream of Griffin Road	*210
		Tadmuck Swamp Brook	Downstream corporate limits	*197
			Approximately 3,300' upstream from Interstate 495	*201
		Forge Pond	Entire shoreline within community	*206
Maps available for inspection at the Selectmen's Office, Town Hall, 55 Main Street, Westford, Massachusetts 01886.				
Michigan	(Twp.) Carrollton Saginaw County (Docket No. FEMA-6421).	Saginaw River	About 1.2 miles downstream of Sixth Avenue	*580
			About 0.95 mile upstream of Sixth Avenue	*590
		Shallow Flooding (Overflow from Saginaw River and Universal Drain).	At intersection of Titabawassee Road and Venoy Road	*587
			At intersection of Schust Road and Mapleridge Street	*588

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At intersection of Hickory Street and Gladstone Street	*588
			Area about 1,200 feet west of the intersection of Church Street and Michigan Avenue	*589
Maps available for inspection at the Town Hall, 1645 Mapleridge Road, Saginaw, Michigan.				
Missouri	(Uninc.) Boone County (Docket No. FEMA-6431)	Missouri River	At downstream county boundary	*582
			About 1.4 miles downstream of confluence of Little Bonne Femme Creek	*576
			About 1.8 miles upstream of Interstate 70	*594
		Bear Creek	At mouth at Rocky Fork Creek	*609
			About 660 feet downstream of Oakland Road (near City of Columbia)	*707
			Just upstream of Oakland Road (near Farm Road)	*739
			About 1.8 miles upstream of Oakland Road (upstream crossing)	*775
		Clear Creek	About 2,300 feet upstream of State Highway 163	*630
			Just upstream of Rock Quarry Road	*676
			Just downstream of Woodhaven Childrens Home Road	*727
			Just upstream of Woodhaven Childrens Home Road	*732
			At City at Columbia corporate limits	*741
		Callahan Creek	At mouth at Perche Creek	*506
			Just upstream of County Road (7.0 miles from mouth)	*619
		Gans Creek	About 1.24 miles downstream of County Road (downstream crossing)	*606
			Just upstream of County Road (downstream crossing)	*730
			About 250 feet downstream of U.S. Highway 63	*746
		Harmony Creek	At mouth at Perche Creek	*592
			About 2,900 feet upstream of County Highway ZZ	*600
		Hinkson Creek	At mouth at Perche Creek	*564
			About 2,000 feet upstream of third Missouri Kansas Texas Railroad crossing (abandoned)	*596
			About 1.05 miles downstream of confluence of Nelson Creek	*710
			About 1.24 miles upstream of Hinkson Creek Road	*741
		Little Bonne Femme Creek	About 3.0 miles upstream of mouth at Missouri River	*578
			About 0.5 mile upstream of Hillcreek Road	*602
		Little Bonne Femme Tributary No. 1.	At confluence of unnamed tributary	*590
			About 1.25 miles upstream of County Highway K	*630
		Little Bonne Femme Tributary No. 2.	At mouth	*595
			About 1,200 feet upstream of County Highway K	*648
		Little Bonne Femme Tributary No. 3.	At mouth	*594
			About 2,940 feet upstream of County Highway K	*631
		Turkey Creek	About 1.66 miles downstream of U.S. Highway 63	*740
			About 400 feet downstream of U.S. Highway 63	*767
		Mill Creek	At mouth at Hinkson Creek	*564
			Just upstream of County Highway KK	*603
			At City at Columbia corporate limits	*620
		Perche Creek	Just downstream of Missouri Kansas Texas Railroad (abandoned)	*584
			Just Upstream of Interstate 70	*694
			Just downstream of County Highway E	*600
		Nelson Creek	At mouth at Hinkson Creek	*723
			Just upstream of County Road (1,500 feet upstream of mouth)	*727
			Just upstream of County Highway PP	*783
			About 2.05 miles upstream of County Highway PP	*845
		Rocky Fork Creek	At mouth at Perche Creek	*599
			Just downstream of County Highway VV	*636
			Just upstream of County Highway VV	*644
			About 4,300 feet upstream of County Highway VV	*645
		Cow Branch	At mouth at Bear Creek	*604
			Just upstream of Creasy Spring Road	*642
			Just downstream of U.S. Highway 63	*716
		Meredith Branch	Just upstream of County Highway TT	*664
			About 1,900 feet upstream of County Highway TT	*686
		Sugar Branch	At mouth at Perche Creek	*585
			Just upstream of Wehmeyer Road	*603
			About 300 feet downstream of Interstate 70	*685
		Midway Branch	At mouth at Callahan Creek	*596
			Just upstream of County Road (near mouth)	*603
			Just upstream of Main Street	*652
			About 0.6 mile upstream of Main Street	*709
		Boodin Branch	At mouth at Meredith Branch	*564
			Just downstream of Georgetown Road	*604
			About 450 feet upstream of County Road	*627
		Henderson Branch	At mouth at Perche Creek	*581
			About 0.42 mile upstream of County Highway UU	*601
			About 3,600 feet upstream of County Highway UU	*629
		Sugar Branch Tributary	At mouth at Sugar Branch	*586
			About 800 feet upstream of County Highway UU	*590
			About 3,200 feet upstream of County Highway UU	*616
Maps available for inspection at the Boone County Planning Department, 701 East Broadway, Columbia, Missouri.				
Missouri	(C) Carthage, Jasper County (Docket No. FEMA-6431).	Spring River	About 700 feet downstream of Francis Street	*936
			About 3,000 Feet upstream of State Highway 96	*947

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		City Branch	Just upstream of Mound Street	
			About 100 feet downstream	
			Just upstream of Central Avenue	*955
			Just upstream of Chestnut Street	*973
			Just downstream of 13th Street	*993
Maps available for inspection at 214 South Garrison, Carthage, Missouri.				
Missouri	(C) Fulton, Callaway County, (Docket No., FEMA-[illegible])	Stinson Creek	About 1800 feet downstream of confluence of Smith Branch.	*692
			Just upstream of Nichols Street	*727
			About 1,000 feet upstream of U.S. Highway 54	*770
		Smith Branch	At mouth at Stinson Creek	[illegible]
			Just downstream of County Highway O	*721
			Just upstream of County Highway O	*732
			Just upstream of Vine Street	*783
			About 0.7 mile upstream of Westminster Avenue	*820
		Willow Branch	At mouth at Stinson Creek	*712
			Just downstream of Mokane Road	*724
			Just upstream of Mokane Road	*750
			About 900 feet upstream of East Reed Street	*784
		Westminster Branch	At mouth at Stinson Creek	*725
			About 1,200 feet upstream of West 7th Street (upstream crossing)	*782
		Big Hollow Creek	About 700 feet downstream of Cole Sans Dessien Road	*760
			About 250 feet downstream of U.S. Highway 54 (near corporate limits).	*792
			Just upstream of U.S. Highway 54 (near corporate limits).	*799
			At upstream corporate limits	*801
Maps available for inspection at the City Hall, Fourth & Market Streets, Fulton, Missouri.				
Missouri	(Uninc.) Greene County, (Docket No. FEMA-6431)	James River	About 2.5 miles downstream of County Road 141	*1104
			Just downstream of James River Dam	*1141
			About 0.2 mile upstream of James River Dam	*1151
			About 0.1 mile upstream of County Road 148	*1186
			About 1.4 miles upstream of County Road 134	*1240
		Sac River	About 0.4 mile downstream of U.S. Highway 160	*961
			About 0.6 mile downstream of County Road 80	*970
			About 0.04 mile upstream of County Road 80	*984
		Little Sac River	Just upstream of State Highway 13	*1090
			Just downstream of McDaniel Dam	*1094
			Just upstream of McDaniel Dam	*1127
			About 0.25 mile upstream of County Road 175	*1178
			Just upstream of Fellows Dam	*1261
			Just downstream of County Road 197	*1269
			Just upstream of County Road 197	*1271
			About 0.1 mile upstream of U.S. Highway 65	*1279
		Pomme De Terre River	About 200 feet downstream of County Road 225	*1106
			About 800 feet upstream of County Road 239	*1128
		Little Pomme De Terre River	Just upstream of County Highway CC	*1125
			About 0.75 mile upstream of Old U.S. Highway 65	*1163
		Wilsons Creek	About 0.25 mile downstream of County Road 182	*1116
			About 0.8 mile upstream of State Highway 13	*1210
		South Creek	At mouth	*1148
			About 200 feet upstream of County Highway FF	*1162
			Just upstream of County Road 160	*1180
			At City of Springfield corporate limits	*1256

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Ward Branch	At mouth	*1113
			About 0.66 mile upstream of U.S. Highway 160	*1212
		Dry Branch (near Ash Grove)	Just upstream of Cave	*900
			About 200 feet upstream of County Highway F	*1020
			About 100 feet upstream of St. Louis-San Francisco Railway.	*1041
		Dry Branch (near Republic)	About 2300 feet downstream of City of Republic corporate limits.	*1236
			At City of Republic corporate limits	*1254
			About 340 feet downstream of State Highway 174	*1292
		West Fork Dry Branch	About 3400 feet downstream of County Highway 174	*1226
			Just upstream of County Highway 178	*1263
			At City of Republic corporate limits	*1272
		Mt. Pleasant Branch	Just upstream of County Road 85	*1056
			About 660 feet upstream of County Road 95	*1187
		North Forh Mt. Pleasant Branch	At mouth	*1086
			Just downstream of U.S. Highway 160	*1156
		East Fork Mt. Pleasant Branch	Just downstream of St. Louis-San Francisco Railway	*1165
			At mouth	*1120
			About 0.3 mile upstream of County Road 76 (near City of Willard corporate limits).	*1185
Maps available for inspection at the Greene County Planning and Zoning Office, 833 Boonville, Springfield, Missouri.				
New Jersey	Avon-by-the-Sea, Borough Monmouth County (Docket No. FEMA-6431).	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*13
		Shark River	Entire Shark River shoreline within community	*10
Maps available for inspection at the Municipal Building, 301 Main Street, Avon-by-the-Sea, New Jersey.				
New Jersey	Bradley Beach, Borough Monmouth County (Docket No. FEMA-6431).	Atlantic Ocean	Entire shoreline within community	*13
		Fletcher Lake	Entire shoreline within community	*10
Maps available for inspection at the Municipal Building, 701 Main Street, Bradley Beach, New Jersey.				
New Jersey	Dover, Township Ocean County (Docket No. FEMA-6442).	Atlantic Ocean	East Colony Road extended 900 feet seaward from its intersection with State Route 35N.	*12
			Plainfield Avenue extended 800 feet seaward with State Route 35N.	*12
			Holiday Road extended 1,100 feet seaward from its intersection with State Route 35N.	*12
		Barnegat Bay	Intersection of Second Avenue and State Route 35S	*7
			Intersection of Amber Jack Way and State Route 35N	*7
			Intersection of Joseph Street and State Route 35S	*7
			Intersection of Shuster and Washington Avenues	*7
			Intersection of Harding Avenue and Bay Boulevard	*7
			Intersection of Coolidge Avenue and State Route 35N	*7
			Intersection of Tamiami Drive and Strickland Boulevard.	*7
			Little Sedge Island	*8
			Intersection of Catalina Avenue and St. Lawrence Avenue (on Pelican Island).	*8
			Intersection of Bahama Avenue and Nassau Drive	*7
			Intersection of Beachview Drive and Foster Road	*7
			Intersection of Harding and McKinley Avenues	*7
			Intersection of Fischer Boulevard and Matso Drive	*7
			Intersection of Lookout Drive and Windward Court	*7
			Intersection of Aldo Drive and Longman Street	*7
			Intersection of River Bend and Point O'Woods Drives	*6
			Intersection of West Water and Irons Streets	*6
Maps available for inspection at the Office of the Township Clerk, Municipal Building, 33 Washington Street, Toms River, New Jersey.				
New Jersey	Jefferson, Township, Morris County (Docket No. FEMA-6431).	Rockaway River	Most downstream corporate limits	*662
			Wharton and Northern Railroad (upstream side)	*667
			Upstream of most downstream crossing of Berkshire Valley Road.	*693
			Upstream second crossing Berkshire Valley Road	*707
			Approximately 4,500' downstream of Longwood Lake Dam.	*716
			Upstream Longwood Lake Dam	*742
			Upstream Longwood Lake Road	*744
			Confluence of Tributary No. 5 to Rockaway River	*758
			Upstream Lake Swannanoa Dam	*770
			Approximately 3,000' downstream of Dover-Milton Road.	*777
			Upstream Dover-Milton Road	*807
			Upstream of downstream crossing of Russia Road	*843
			Upstream second crossing Russia Road	*860
		Tributary No. 5 to Rockaway River	Confluence with Rockaway River	*752
			Old Mill Dam	*770
			Upstream Cozy Lake Dam	*781
			Approximately 1,900' upstream of Laurel Drive	*787
		Tributary No. 5-1 to Rockaway River.	Upstream Brookside Drive	*775
			Patterson Drive	*801
			Upstream end of Moosepac Pond	*806
		Tributary No. 6 to Rockaway River	Upstream Carib Trail	*778
			Upstream of Private Drive	*788
			Upstream of Milton Road	*805
		Tributary No. 7 to Rockaway River	Confluence with Rockaway River	*822
			Upstream Fire Lookout Road	*839

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Spillway (upstream side)	*868
			Downstream Private Drive (upstream side)	*906
			Upstream Weldon Road	*930
		Pequenock River	Downstream corporate limits	*753
			Upstream side second crossing State Route 23	*769
			Upstream side Cozy Lake Road	*782
			Upstream side Davenport Road	*787
			Oak Ridge Reservoir Dam (upstream side)	*846
		Weldon Brook	Confluence with Lake Hopatcong	*926
			State Route 15 Northbound	*926
			East Shawnee Trail (upstream side)	*940
		Tributary No. 2 to Lake Hopatcong	Township Route 181	*926
			Lorretacong Drive (upstream side)	*935
		Lake Hopatcong	Entire shoreline in community	*926
		Tributary No. 1 to Lake Hopatcong	Downstream of Espanong Road culvert	*926

Maps available for inspection at the Municipal Building, Weldon Road, Lake Hopatcong, New Jersey.

New Jersey	Port Republic, City Atlantic County (Docket No. FEMA-6401).	Atlantic Ocean	Shorelines of the Mullica River, Nacote Creek and Mathis Run.	*9
		Clarks Mill	Mill Street (upstream side)	*11
			Upstream of concrete piping just upstream of Indian Cabin Road.	*16
		Morses Mill Stream	Riverside Drive (downstream side) Corporate limits	*11
				*14

Maps available for inspection at the City Hall, 143 Main Street, Port Republic, New Jersey.

New York	Bethlehem, Town, Albany County (Docket No. FEMA-6431).	Hudson River	Downstream corporate limits	*18
		[illegible]	Upstream corporate limits	*20
		Krum Kill	Confluence with Normans Kill	*115
			Upstream of State Route 85	*142
			Upstream of New York State Thruway	*156
			Upstream corporate limits	*167
		Normans Kill	Approximately 2 miles downstream of New Scotland Road.	*110
			Upstream corporate limits	*120
		Onesquethaw Creek	At State Route 396	*118
			Downstream of South Albany Road	*147
			Downstream of Abandoned Railroad	*181
		Vloman Kill	Downstream of U.S. Route 9W	*118
			Upstream of Elm Avenue	*123

Maps available for inspection at the Town Hall, 445 Delaware Avenue, Delmar, New York.

New York	Clayville, Village, Oneida County (Docket No. FEMA-6431).	Sauquoit Creek	Downstream corporate limits	*930
			Upstream of Conrail/Main Street culvert	*962
			Upstream of downstream dam	*975
			Upstream of Oneida Street (upstream crossing)	*1,005
			Upstream of dam (3rd crossing)	*1,023
			Upstream corporate limits	*1,050

Maps available for inspection at the Village Hall, 2 Wiremill Place, Clayville, New York.

New York	Ellenville, Village, Ulster County (Docket No. FEMA-6431).	Sandburg Creek	Downstream corporate limits	*300
			Upstream Canal Street	*315
			Upstream corporate limits	*327

Maps available for inspection at the Village Hall, 81 North Main Street, Ellenville, New York.

New York	Great Neck Estates, Village, Nassau County (Docket No. FEMA-6431).	Little Neck Bay	Shoreline at southwestern corporate limits	*15
			Shoreline southwest of intersection of Cedar Drive and Shore Drive.	*13
			At Crystal Drive extended	*13

Maps available for inspection at the Village Hall, Four Atwater Road, Great Neck Estates, New York.

New York	Greenport, Village, Suffolk County (Docket No. FEMA-6431).	Greenport Harbor	From the northeastern corporate limits at the mouth of Stirling Basin to Fanning Point.	*11
			From Fanning Point to the southern corporate limits at Pipes Cove.	*8

Maps available for inspection at the Village Hall, 236 Third Street, Greenport, New York.

New York	Kings Point, Village, Nassau County (Docket No. FEMA-6431).	Little Neck Bay	At Beach Lane extended	*13
		Long Island Sound	At Steamboat Road extended	*17
			At Ballantine Lane extended	*13
			At Hewlett Point	*17
		Manhasset Bay	At Dock Lane extended	*17
			At Shore Drive Extended	*18
			At Turtle Cove Lane extended	*17
			At Harbor Way extended	*16

Maps available for inspection at the Village Hall, 32 Steppingstone Lane, Kings Point, New York.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	New Hartford, Village, Oneida County (Docket No. FEMA-8431.	Sauquoit Creek	Downstream corporate limits	*526
			Approximately 100' upstream of Genesee Street	*534
			Upstream corporate limits	*548
Maps available for inspection at the Village Hall, 46 Genesee Street, New Hartford, New York.				
New York	Plandome Manor, Village, Nassau County (Docket No. FEMA-8491).	Manhasset Bay	Shoreline at Heritage Way (extended)	*17
			Shoreline west of Estates Drive	*14
			Southern shoreline of Leeds Pond	*16
Maps available for inspection at the residence of the Village Clerk, One Gulls Cove Road, Plandome Manor, New York.				
New York	Port Washington North, Village, Nassau County (Docket No. FEMA-8431).	Manhasset Bay	Entire shoreline within community	*13
Maps available for inspection at the Village Hall, 1 Shoreview Drive, Port Washington, New York.				
New York	Sands Point, Village, Nassau County (Docket No. FEMA-8491).	Manhasset Bay	Shoreline at Cedar Lane (extended)	*13
		Long Island Sound	Shoreline at West Creek Farms Road (extended)	*17
			Shoreline west of Halfmoon Lane	*13
			Shoreline at Mott Point	*19
			Shoreline at Prospect Point	*19
Maps available for inspection at the Village Hall, Tibbetts Lane, Sands Point, New York.				
New York	Southold, Town, Suffolk County (Docket No. FEMA-8491).	Fisher Island Sound	Entire northern shoreline of Fisher Island	*14
		Block Island Sound	Entire southern shoreline of Fisher Island	*16
		Long Island Sound	Entire shoreline of Flat Hasmesh Island	*14
			Entire shoreline of North Dumpling Island	*14
			Entire shoreline of South Dumpling Island	*14
			Shoreline from Orient Point to 650 feet west of Three Waters Lane.	*13
			Shoreline from 650 feet west of Three Waters Lane to the western corporate limits of Southold.	*14
		Gardiners Bay	Shoreline from Orient Point to Long Beach Point	*12
			Shoreline from Long Beach Point to Youngs Point	*11
		Southold Bay	Entire shoreline within community	*8
		Little Peconic Bay	Entire shoreline within community	*8
		Great Peconic Bay	Entire shoreline within community	*8
Maps available for inspection at the Town Hall, Main Road, Southold, New York.				
Ohio	(V) Coal Grove, Lawrence County (Docket No. FEMA-8431).	Ohio River	At confluence of Ice Creek	*547
			About 0.63 mile upstream of Ashland-Coal Grove Highway.	*548
Maps available for inspection at the Mayor's Office, Village Hall, 513 Cemetery Lane, Coal Grove, Ohio.				
Ohio	(C) Columbus, Franklin and Fairfield Counties (Docket No. FEMA-8491).	Scioto River	About 3.5 miles downstream of Interstate 270	*697
			Just upstream of Interstate 670	*736
			Just downstream of Julian Griggs Dam	*751
			Just downstream of Julian Griggs Dam	*769
			About .8 miles upstream of confluence of Cramer Ditch.	*776
		Scioto River Divided Flow Reach	At confluence with Scioto River	*700
			At divergence with Scioto River	*708
		Scioto-Olentangy Overland Flow	Just downstream of Cheesie System	*723
			About 200 feet downstream of Edgehill Road	*725
		Olentangy River	At mouth	*721
			Just upstream of Henderson Road	*739
			About 0.8 mile upstream of Interstate 270	*761
		Alum Creek	At mouth	*726
			Just upstream of Morse Road	*780
			Just downstream of Interstate 270	*797
		Big Walnut Creek	About 7.8 miles downstream of confluence of Alum Creek.	*710
			Just upstream of Williams Road	*725
			Just upstream of Interstate 70	*760
			Just upstream of dam, about 0.4 mile upstream of Morse Road.	*815
		Georges Creek	About 1.2 miles upstream of State Route 161	*829
			About 1.47 miles downstream of Wright Road	*760
			Just downstream of Gander Road	*777
			About 0.4 mile upstream of Long Road	*800
		South Fork Georges Creek	Just upstream of Lehman Road	*764
			Just downstream of Wright Road	*764
		Tributary I	About 2500 feet upstream of mouth	*770
			Just upstream of Conrail	*781
		Tributary E	At mouth	*882
			About 4900 feet upstream of mouth	*894
		Rocky Fork	About 1.25 miles downstream of Dublin Granville Road	*945
			About 0.75 mile upstream of Dublin Granville Road	*959
		Clover Groff Ditch	Just upstream of Conrail	*823
			Just upstream of Roberts Road	*836
			About 1.05 miles upstream of Roberts Road	*838
		Hamilton Ditch	Just downstream of Private Drive	*837
			About 600 feet upstream of Private Drive	*857

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Briggsdale Run	About 0.55 mile downstream of U.S. Route 62	*740
			About 160 feet upstream of Woodbrook Lane	*767
			About 0.2 mile upstream of Clarendon Avenue	*785
		Hayden Run	At mouth	*772
			Just downstream of Falls	*776
			Just upstream of Falls	*807
			Just upstream of Hayden Run Road	*850
		Marsh Run	At mouth	*706
			About 200 feet upstream of Interstate 71	*711
			About 0.5 mile upstream of Interstate 71	*719
		Mason Run	Just upstream of Interstate 270	*740
			Just downstream of Refugee Road	*744
			Just upstream of Refugee Road	*751
			Just upstream of Main Street	*782
		Scioto Big Run	Just upstream of Interstate 270	*700
			Just downstream of Gantz Road	*727
			Just upstream of Cheese System	*752
			Just downstream of Clairbrook Avenue	*883
			Just upstream of Clairbrook Avenue	*892
			Just downstream of Sullivant Avenue	*902
			Just upstream of Sullivant Avenue	*907
		Hellbranch Run	About 0.4 mile downstream of Norton Road	*866
			Just upstream of Alkire Road	*869

Maps available for inspection at the Department of Development, City Hall, 90 West Broad Street, Columbus, Ohio.

Ohio	(V) Crown City Gallia County (Docket No. FEMA-6431).	Ohio River	Within the community	*500

Maps available for inspection at the Mayor's Office, Village Hall, Charles Street, Crown City, Ohio.

Ohio	(Uninc.) Franklin County (Docket No. FEMA-6431)	Scioto River	At downstream county boundary	*660
			Just downstream of Julian Griggs Dam	*751
			Just upstream of Julian Griggs Dam	*755
			Just upstream of State Route 161	*777
		Olentangy River	At upstream county boundary	*725
			About 0.9 mile downstream of Stadium Drive	*724
			Just downstream of Lane Avenue	*727
			About 0.06 mile downstream of Bethel Road	*741
			About 1.1 miles upstream of Bethel Road	*748
			About 0.1 mile upstream of Interstate 270	*759
			At upstream county boundary	*765
		Alum Creek	Mouth at Big Walnut Creek	*725
			Just upstream of Williams Road	*729
			Just upstream of U.S. Route 62	*760
			About 0.07 mile upstream of Sunbury Road	*764
			Just downstream of Morse Road	*779
			About 0.17 mile upstream of State Route 161	*788
			About 0.37 mile upstream of State Route 3	*794
			About 0.42 mile upstream of Schrock Road	*803
			About 1.3 miles upstream of Park Road	*814
		Georges Creek	Mouth at Little Walnut Creek	*740
			Just upstream of Cheese System	*752
			Just upstream of U.S. Highway 33	*755
			About 2.2 miles upstream of U.S. Highway 33	*768
			Just upstream of Long Road	*795
			At upstream county boundary	*808
		South Fork of Georges Creek	Mouth at Georges Creek	*758
			Just upstream of Lahman Road	*764
			Just upstream of Wright Road	*787
			At upstream county boundary	*794
		Big Walnut Creek	About 0.45 mile downstream of U.S. Route 23	*652
			Just upstream of Reese Road	*719
			About 0.5 mile upstream of Refugee Road	*749
			About 1.15 miles downstream of State Road 161	*817
			Just upstream of State Road 161	*823
			Just downstream of Hoover Dam	*835
		Little Walnut Creek	About 0.73 mile upstream of Hayes Road	*726
			About 1.71 miles upstream of Hayes Road	*731
			Just downstream of confluence of Big Run	*735
			About 1.32 miles upstream of confluence of Tussing Ditch	*747
		Tributary A	About 200 feet upstream of mouth	*1,074
			About 0.23 mile upstream of Evans Road	*1,107
		Tributary B	About 100 feet upstream of mouth	*1,054
			Just upstream of Babbitt Road	*1,072
			About 0.34 mile upstream of Babbitt Road	*1,076
		Tributary B-1	About 100 feet upstream of mouth	*989
			About 0.6 mile upstream of mouth	*1,018
		Tributary C	About 200 feet upstream of mouth	*942
			About 0.7 mile upstream of mouth	*985
		Tributary F	About 0.76 mile upstream of mouth	*691
			About 0.95 mile upstream of mouth	*698
		Tributary G	About 1.0 mile upstream of mouth	*858
			About 1.8 miles upstream of mouth	*905
		Tributary J	About 0.67 mile downstream of Ebright Road	*745
			Just downstream of Winchester Pike	*751
		Tributary K	About 730 feet upstream of mouth	*851

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Graham Road	*865
		Tributary GA	About 0.3 mile upstream of mouth	*866
			About 0.86 mile upstream of Wagoner Road	*943
		Big Darby Creek	About 0.4 mile downstream of U.S. Highway 62	*786
			Just upstream of Interstate 71	*793
			Just upstream of Alkire Road	*838
			Just upstream of U.S. Highway 40	*865
			Just upstream of Interstate 70	*878
			About 0.75 mile upstream of Scioto Darby Creek Road	*899
		Little Darby Creek	Mouth at Big Darby Creek	*837
			Just upstream of dam near Alkire Road	*841
			About 3.44 miles upstream of Alkire Road	*866
		Rocky Fork	About 1.13 miles upstream of mouth	*808
			About 2.8 miles upstream of mouth	*870
			Just upstream of Clark State Road	*912
			Just upstream of Dublin Granville Road	*958
			About 1.0 mile upstream of Walnut Street	*982
		Hamilton Ditch	Mouth at Hellbranch Run	*904
			Just downstream of Conrail	*908
			Just upstream of Conrail	*913
			Just upstream of Feder Road	*919
			Just upstream of Walker Road	*933
			About 1.94 miles upstream of Roberts Road	*940
		Clover Groff Ditch	Mouth at Hellbranch Run	*903
			Just downstream of State Route 40	*904
			Just upstream of State Route 40	*909
				*914
			Just downstream of Conrail	
			Just upstream of Conrail	*923
			Just downstream of Feder Road	*924
			About 0.2 mile upstream of Interstate 70	*930
			Just upstream of Elliot Road	*947
		Briggedale Run	Mouth at Scioto Big Run	*731
			Just upstream of County Childrens Home Road	*734
			About 0.1 mile upstream of U.S. Route 62	*751
		Mason Run	Mouth at Big Walnut Creek	*739
			About 0.4 mile upstream of Interstate 270	*742
		Marsh Run	Mouth at Scioto Big Run	*706
			Just upstream of Marlane Drive	*757
			About 0.28 mile upstream of Demorest Road	*876
		Hayden Run	Mouth at Scioto River	*772
			Just downstream of Falls	*777
			Just upstream of Falls	*807
			Just downstream of Dublin Road	*813
			Just upstream of Dublin Road	*818
			Just downstream of Hayden Run Road (about 0.19 mile upstream of Dublin Road).	*828
			Just upstream of Hayden Run Road (about 0.19 mile upstream of Dublin Road).	*834
			Just downstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*845
			Just upstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*850
			*822	
		Just downstream of Leppert Road		
			Just upstream of Leppert Road	*932
			About 1.52 miles upstream of Coagray Road	*942
		Scioto Big Run	Mouth at Scioto River	*699
			Just upstream of Gantz Road	*731
			Just downstream of Chessie System	*747
			Just upstream of Chessie System	*752
			Just downstream of Georgesville Road	*819
		Republican Run	Mouth at Mulberry Run	*748
			Just downstream of Interstate 71	*750
			About 0.05 mile upstream of Interstate 71	*767
			About 0.33 miles upstream of Stringtown Road	796
			Just downstream of Demorest Road	862
		Hellbranch Run	Mouth at Big Darby Creek	*793
			Just downstream of State Route 665	*826
			Just upstream of State Route 665	*832
			Just upstream of Beatty Road	*849
			Just upstream of Grove City Road	*860
			About 0.05 mile downstream of Kunz Road	*861
			Just upstream of Kunz Road	*886
			Just upstream of Conrail	*894
			About 1.4 miles upstream of State Route 40	*912
		Big Run	Mouth at Little Walnut Creek	*736
			Just downstream of Hayes Road	*740
			Just upstream of Hayes Road	*745
			About 0.4 mile upstream of Hayes Road	*745
		Sugar Run	Mouth at Rocky Fork	*948
			Just upstream of State Route 605	*1,025
			Just upstream of Central College Road	*1,040
			Just downstream of Walnut Street	*1,083
			Just upstream of Walnut Street	*1,098
			About 0.35 mile upstream of Walnut Street	*1,101
		Mulberry Run	Mouth at Scioto River	*699
			About 0.23 mile upstream of State Route 104	*709

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Briar Hill Road	750
			Just upstream of Briar Hill Road	757
			About 0.10 mile upstream of Haughn Road	*836
		Indian Run-North Fork Indian Run	Mouth at Scioto River	*778
			At confluence of North Fork Indian Run	*834
			Just downstream of Access Road	*887
		Grant Run	Mouth at Scioto River	*697
			Just upstream of State Route 104	*702
			Just downstream of Borror Road	*757
			Just upstream of Borror Road	*762
			Just downstream of Haughn Road	*834
			Just upstream of Haughn Road	*839
		Grant Run Tributary	Mouth at Grant Run	*704
			Just upstream of Borror Road	*716
			Just downstream of Holton Road	*749
			Just upstream of Holton Road	*755
			About 0.06 mile downstream of Interstate 71	*795
			Just upstream of Interstate 71	*803
			Just upstream of Hoover Road	*808
			Just upstream of Haughn Road	*835
		Plum Run	Mouth at Scioto River	*693
			About 0.06 mile upstream of State Route 665	*695
			Just downstream of Borror Road	*762
			Just upstream of Borror Road	*767
			Just downstream of Hoover Road	*803
			Just upstream of Hoover Road	*811
			About 1.0 mile upstream of Seeds Road	*863
		Plum Run Tributary	Mouth at Plum Run	*748
			Just upstream of Zuber Road	*764
			Just upstream of Hoover Road	*811
			Just upstream of Seeds Road	*840

Maps available for inspection at the Mid Ohio Regional Planning Commission, 410 South High Street, Columbus, Ohio.

Ohio	(C) Gallipolis, Gallia County (Docket No. FEMA-6431)	Ohio River	At downstream corporate limits	*569
			At upstream corporate limits	*570

Maps available for inspection at the City Manager's Office, 518 Second Street, Gallipolis, Ohio.

Ohio	(C) Ironton, Lawrence County (Docket No. FEMA-6442)	Ohio River	About 2.2 miles downstream of Ironton-Russell Highway	*545
			About 0.2 mile upstream of confluence with Ice Creek	*547

Maps available for inspection at the Public Works Office, City Hall, Fourth and Railroad Streets, Ironton, Ohio.

Ohio	(C) Martins Ferry, Belmont County (Docket No. FEMA-6431)	Ohio River	About 0.35 mile downstream of Conrail	*560
			About 3.85 miles upstream of Conrail (near upstream corporate limits).	*562

Maps available for inspection at the Mayor's Office, City Hall, Fifth and Walnut Streets, Martins Ferry, Ohio.

Ohio	(V) Pomeroy, Meigs County (Docket No. FEMA-6431)	Ohio River	About 0.4 mile downstream of U.S. Route 33	*577
			About 0.7 mile upstream of confluence of Kerr Run	*580

Maps available for inspection at the Mayor's Office, Village Hall, East Second Street, Pomeroy, Ohio.

Ohio	(V) Powhatan Point, Belmont County (Docket No. FEMA-6431)	Ohio River	About 1.35 miles downstream of confluence of Captina Creek (At downstream corporate limits).	*546
			About 0.9 mile upstream of confluence of Captina Creek (At upstream corporate limits).	*548

Maps available for inspection at the Mayor's Office, Village Hall, Main Street, Powhatan Point, Ohio.

Ohio	(V) Syracuse, Meigs County (Docket No. FEMA-6442)	Ohio River	About 700 feet upstream of confluence with Rose Creek.	*580
			About 3.2 miles upstream of confluence with Rose creek.	*581

Maps available for inspection at the Village Hall, State Route 124, Syracuse, Ohio.

Pennsylvania	Codorus, Township, York County (Docket No. FEMA-6407)	South Branch Codorus Creek	Downstream corporate limits	*450
			Upstream of downstream CONRAIL bridge	*488
			Upstream Larue Road	*508
			Upstream West Springfield Road	*518
			Upstream corporate limits	*532
		South Branch Codorus Creek Tributary.	Downstream corporate limits	*483
			Upstream of 3rd crossing of Shaffer Church Road	*538
			Upstream of Heindel Road	*557
		Centerville Creek	Downstream corporate limits	*532
			Upstream of Rockville Road	*541
			Upstream Fairs School Road	*578
			Upstream of State Route 216	*590
			Upstream of Sunny Slope Road	*684
			Upstream of most upstream Private Road	*712
		Centerville Creek Tributary	Confluence of Centerville Creek	*687
			Upstream of Young Road	*709

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rockville Run	Upstream of State Route 616	*524
			Upstream Private Road	*595
		Cherry Run	Confluence with South Branch Codorus Creek	*501
			Upstream of State Route 616	*504
			Upstream of Cherry Run Road	*511
		Pierceville	At Rockville Road	*552
			Upstream Schuman Road	*606
			Upstream Myers Road	*648
			Upstream Smith Road	*665
			Upstream State Route 216	*680
			Upstream Legislative Route 66166	*700
		Codorus Creek Tributary	At State Route 216	*651
			Upstream Miller Road	*676
		Codorus Creek	Downstream corporate limits	*528
			Upstream of downstream crossing of Pentland Road	*555
			Upstream of upstream crossing of Pentland Road	*576
			Upstream Tannery Road	*613
			Upstream Watertank Road	*635
			Upstream Wool Mill Road	*663
			Upstream Glenville Road	*692
			Upstream corporate limits	*705

Maps available for inspection at the Township Building, Codorus, Pennsylvania.

Tennessee	Unincorporated Areas of Fayette County (FEMA-6431).	Wolf River (Segment 1)	Just upstream of Fletcher Road	*302
			Just downstream of Roseville Macon Road	*317
		Wolf River (Segment 2)	Approximately 1,300 feet upstream of State Highway 57.	*345
		Wolf River (Segment 3)	Approximately 100 feet downstream of Yager Road	*382
		North Fork Wolf River	Just upstream of State Highway 76	*350
		Hargis Creek	Approximately 5,300 feet upstream of confluence with North Fork Wolf River.	*357
		Loosahatchie River	Just upstream of Interstate Highway 40	*280
			Just upstream of Oakland Road	*297
			Just upstream of Old Mill Road	*347
			Approximately 330 feet upstream of Laconia Road	*369
		Little Cypress Creek	Just downstream of Center Point Road	*382
		Bluff Creek	Approximately 660 feet upstream of Macon-Warren Road.	*361
		Cypress Creek	Approximately 200 feet upstream of U.S. Highway 64	*257
		Cypress Creek Tributary B	Approximately 260 feet downstream of Hickory Withe Road.	*334
		Cane Creek	Approximately 1,400 feet downstream of Center Point Road.	*279

Maps available for inspection at Planning Commission Administrator's Office, 302-C Midland Street, Somerville, Tennessee 38068.

Tennessee	Unincorporated Areas of Henry County (FEMA-6431)	Bailey Fork Creek, Town Creek, Jones Bend Creek	Just upstream of Louisville and Nashville Railroad	*386
			Just downstream of India Road	*395
		Bailey Fork, Tributary One	Just downstream of Corporate Limits	*395
		Bailey Fork, Tributary Two	Just downstream of Oak Drive	*390
		Clifty Creek	Approximately 275 feet downstream of Clifty Road	*380
			Just downstream of Reynoldsburg Road	*416
		Clifty Creek Tributary	Just upstream of Industrial Park Road	*405
			Just downstream of Reynoldsburg Road	*432
		McGowan Branch	Just downstream of India Road	*403
			Just downstream of Guthrie Road	*427
		Three Mile Branch	Approximately 4,000 feet upstream of confluence with McGowan Branch.	*441
		Smallwood Branch	Approximately 400 feet downstream of India Road	*402
		Turkeypen Creek	Just downstream of County Home Road	*377
		Henson Branch	Just downstream of Sandy Grove Road	*390

Maps available for inspection at County Clerk's Office, Henry County Courthouse, Paris, Tennessee 38242.

Tennessee	City of Jackson, Madison County (FEMA-6431)	South Fork of Forked Deer River	Just upstream of U.S. Highway 70	*347
			Just upstream of Bolivar Street	*351
		Jones Creek	Just upstream of Secondary Route 8059	*375
		Meridian Creek	Approximately 275 feet upstream of Harts Bridge Road.	*373
			Approximately 175 feet upstream of State Route 5	*376
		Bond Creek	Just upstream of Secondary Route 8189 (Perry Switch Road).	*358
			Just downstream of Harts Bridge Road West	*378
		Cane Creek	Just upstream of A Street	*393
			Just upstream of Second Street	*365
		Johnson Creek	Just downstream of Lower Brownsville Road	*345

Maps available for inspection at City Hall, 314 Main Street, or the Jackson Regional Planning Commission Office, Church Street, Jackson, Tennessee 38301.

Tennessee	Unincorporated Areas of Madison County (FEMA-6431).	Middle Fork of Forked Deer River	Just downstream of the Illinois Central Gulf Railroad	*336
			Just upstream of State Route 5	*355
		Matthews Branch	Just upstream of Old Humboldt Road	*364
		Deloach Creek	Just downstream of the Illinois Central Gulf Railroad	*347
			Approximately 350 feet upstream of the Illinois Central Gulf Railroad.	*349
		Molze Creek	Just upstream of Old Humboldt Road	*364
			Just upstream of the Illinois Central Gulf Railroad	*354
			Just downstream of Ashport Road	*381

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dyer Creek	Just downstream of Florida Steel Corporation Access Road.	*370
		Johnson Creek (Middle Fork Basin).	Just downstream of Ashport Road	*386
			Just upstream of Christmasville Road	*396
		Gilmers Creek	Just upstream of U.S. Highway 70 (State Route 1)	*424
			Just downstream of Waynick Road	*443
		Spring Creek	Just downstream of George Anderson Road	*387
			Just downstream of U.S. Highway 70 (State Route 1)	*405
		South Fork of Forked Deer River	Approximately 450 feet upstream of Secondary Route 8214.	*326
			Just downstream of Interstate Highway 40	*341
			Just upstream of Secondary Route 8056	*371
		Cypress Creek	Just upstream of Lower Brownsville Road	*335
			Just downstream of U.S. Highway 70	*368
		Cub Creek	Just upstream of Lower Brownsville Road	*343
			Just upstream of Womack Road	*403
		Johnson Creek	Just upstream of Lower Brownsville Road	*345
			Just downstream of Westover Road	*360
		Bond Creek	Just upstream of Unnamed Access Road	*401
			Just downstream of Gobelet Road	*457
		Cane Creek	Just upstream of State Route 8163 (Old Bolivar Road)	*407
		Meridian Creek	Just upstream of the Illinois Central Gulf Railroad	*367
			Just downstream of Medon Maleous Road	*410
		North Fork of South Fork of Forked Deer River.	Just upstream of Secondary Route 8162	*384
			Approximately 400 feet downstream of State Route 8241.	*372
		Bear Creek	Just downstream of State Route 5	*382
		Brown Creek	Approximately 2000 feet upstream of State Route 8059 (Bluff Road).	*388
		Sandy Creek	Just downstream of Angina Road	*418
			Just downstream of Bowman Road	*433
		Sandy Creek Tributary	Just downstream of Bowman Road	*436

Maps available for inspection at Madison County Courthouse, Main Street, Jackson, Tennessee 38301.

Tennessee	City of Murfreesboro, Rutherford County (FEMA—8431).	West Fork Stones River	Just downstream of Thompson Lane	*558
			Just downstream of U.S. Highway 41 and 70	*563
			Just upstream of Interstate Highway 24	*587
		Sinking Creek	Just downstream of Memorial Boulevard (U.S. Highway 231) Drive.	*596
			Just upstream of Highland Street	*601
			Just upstream of Ewing Road	*612
		Lytle Creek	Just upstream of Louisville and Nashville Railroad near Carnation Street.	*582
			Just upstream of the intersection of U.S. Highway 70 (Southeast Broad Street) and West Main Street.	*585
			Just upstream of Old Salem Road	*590

Maps available for inspection at City Hall, 220 Northwest Broad Street, Murfreesboro, Tennessee 37130.

Tennessee	City of Paris, Henry County (FEMA-8431)	Town Creek—Jones Bend Creek	Just downstream of India Road	*401
			Just downstream of Louisville and Nashville Railroad	*405
		Bailey Fork Tributary One	Just downstream of Oak Drive	*401
			Just upstream of Wilson Street	*409
		Bailey Fork Tributary Two	Just upstream of Lankford Road	*409
		Cliffy Creek	Just downstream of Reynoldsburg Road	*417
			Approximately 825 feet upstream of Reynoldsburg Road.	*419

Maps available for inspection at City Hall, 160 North Caldwell Avenue, Paris, Tennessee 38242.

Texas	Unincorporated Areas of Chambers County (FEMA-8431).	Barron Slough	Approximately 500 feet downstream of Whites Road	*21
		Cedar Bayou	Just upstream of Ferry Road	*17
			Just upstream of Southern Pacific Railroad	*23
		Cedar Gully	Just downstream of Cedar Bayou Bay Road	*25
		Cotton Bayou	Approximately 500 feet upstream of State Highway 65.	*16
			Just downstream of Interstate Highway 10 (Fedder Road).	*30
		Double Bayou East Fork	Approximately 300 feet upstream of Sykes Road (FM 2354).	*18
			Just downstream of State Highway 1663	*32
		Double Bayou West Fork	Just downstream of State Highway 562	*19
		Hackberry Gully	Just downstream of State Highway 565	*17
			Just upstream of Interstate Highway 10	*32
		Horsepen Bayou	Just downstream of Southern Pacific Railroad	*23
		Lee Gully	Just upstream of Speights Road (State Highway 1663)	*21
		Stovall Gully	Just upstream of Southern Pacific Railroad	*34
		Spindletop Bayou	Just upstream of State Highway 124	*15
			Just downstream of State Highway 65	*22
		Spring Branch	Just upstream of Speights Road	*26
		Whites Bayou, South of I-10	Just upstream of Bailey Road	*18
		Turtle Bayou-Whites Bayou	Approximately 400 feet downstream of State Highway 61.	*22
		Galveston Bay/Cedar Bayou	Just upstream of Tri-City Beach Road	*12
		Trinity Bay/Hackberry Gully	Just downstream of Cotton Lane Road	*13
		Trinity Bay/Trinity River	Just downstream of Interstate Highway 10	*13

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Trinity Bay/Double Bayou West Fork.	Just downstream of Eagle Road	*12
		East Bay/Oyster Bayou	Just downstream of White Ranch Road (FM 1663)	*11
		Gulf of Mexico/Mud Bayou	Just upstream of the Atchison, Topeka and Santa Fe Railway.	*12

Maps available for inspection at County Judge's Office, Chambers County Courthouse, 404 Washington Avenue, Anahuac, Texas 77514.

Vermont	Cambridge, Town Lamoille County (Docket No. FEMA-6421).	Lamoille River	Downstream corporate limits	*440
			Downstream corporate limits between Town of Cambridge and Village of Cambridge.	*[illegible]
			Approximately 200 feet upstream of State Route 15	*454
			Upstream of Town Route 23	*461
			Upstream corporate limits	*466
		Seymour River	Downstream corporate limits	*467
			Upstream of downstream Access Road	*469
			Upstream of upstream Access Road	*506
		North Branch Lamoille River	Confluence with Lamoille River	*464
			Upstream corporate limits	*470

Maps available for inspection at the Cambridge Town Offices, Jeffersonville, Vermont.

Vermont	Jeffersonville, Village Lamoille County (Docket No. FEMA-6421).	Lamoille River	Downstream corporate limits	*452
			Downstream State Route 108	*456
			Upstream corporate limits	*459
		Brewster River	Confluence with Lamoille River	*458
			Upstream Private Road	*480

Maps available for inspection at the Village Offices, Jeffersonville, Vermont.

West Virginia	Charleston, City, Kanawha County (Docket No. FEMA-6210).	Kanawha River	Approximately 9,290' downstream of confluence of Twomile Creek.	*583
			Chessie System (downstream)	*584
			Confluence of Elk River	*585
			35th Street (downstream)	*586
			Confluence of Upper Donnally Branch (downstream)	*587
			Yeager Bridge (downstream)	*588
			Upstream Extraterritorial Limits	*590
		Elk River	Confluence with Kanawha River	*595
			CONRAIL (downstream)	*596
			Spring Street (upstream)	*597
			Althea Street (extended)	*598
			Upstream Corporate Limits (downstream)	*599
			Approximately 2,300' downstream of Extraterritorial Limits.	*600
			Upstream Extraterritorial Limits	*601

Maps available for inspection at the Office of the Planning Director, City Hall, Charleston, West Virginia.

Wisconsin	(C) Plymouth Sheboygan County (Docket No. FEMA-6405).	Mullet River	About 660 feet downstream of County Highway PP	*799
			Just upstream of Brickbauer Dam	*814
			Just downstream of State Highway 67 (at downstream crossing).	*815
			About 200 feet upstream of State Highway 67 (at downstream crossing).	*820
			Just upstream of Frederick Street	*825
			Just downstream of Plymouth Dam	*833
			Just upstream of Plymouth Dam	*837
			About 4,000 feet upstream of Plymouth Dam	*837

Maps available for inspection at the Building Inspector's Office, City Hall, Plymouth, Wisconsin.

Wisconsin	(V) Potter Calumet County (Docket No. FEMA-6401)	North Branch Manitowoc River	About 0.48 mile downstream of State Highway 114	*907
			Just downstream of State Highway 114	*907

Maps available for inspection at the Village President's Office, Village Post Office, Potter, Wisconsin.

Wisconsin	(Unincorporated) Rock County (Docket No. FEMA-6000)	Rock River	At Beloit's upstream corporate limits	*749
			Approximately 0.35 mile upstream of Eau Claire Road	*757
			Janesville corporate limits, approximately 1.21 miles upstream of confluence of Fisher Creek.	*761
			Just upstream of U.S. Highway 14	*778
			At upstream county boundary	*784
		Yahara River	At confluence with Rock River	*781
			Just downstream of Fulton Dam	*787
			Just upstream of Fulton Dam	*794
			Just downstream of Caledonia Road	*798
			Just downstream of Stebbinsville Dam	*805
			Just upstream of Stebbinsville Dam	*814
		Sugar River	At downstream county boundary	*743
			Just upstream of Nelson Road	*755
			Just upstream of Beloit-Newark Road	*761
			Just downstream of County Highway T, at upstream county boundary.	*764
		Rocoon Creek	At downstream county boundary	*741
			Just upstream of Lawrence Avenue	*752
			Just upstream of Mill Pond Dam	*758
			Just downstream of State Highway 81	*772

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Unnamed Tributary No. 1 to Raccoon Creek.	At confluence with Raccoon Creek	*761
			Just upstream of State Highway 81	*772
			Just upstream of Beloit-Newark Road	*804
		Unnamed Tributary No. 2 to Raccoon Creek.	At confluence with Unnamed Tributary Number 1 to Raccoon Creek.	*762
			Just upstream of State Highway 81	*774
			Just upstream of County Highway H	*787
			Just downstream of Beloit-Newark Road	*825
		Otter Creek	Just upstream of County Line Road	*783
			Just downstream of State High 26	*821
			Just downstream of Klug Road	*835
			Just upstream of Klug Road	*840
			Just downstream of Bowers Road	*859
		Marsh Creek	Confluence with Rock River	*777
			About 150 feet upstream of County Highway E	*785
			Approximately 125 feet downstream of Chicago and North Western railroad.	*787
			Just upstream of Chicago and North Western railroad	*799
			Approximately 140 feet downstream of Burdick Road	*839
			Just upstream of Burdick Road	*843
			Just upstream of Gravel Drive	*860
			Just upstream of Potzin Road	*878
			Just downstream of State Highway 184	*881
		Bass Creek	Mouth at Rock River	*755
			Just upstream of a dam located about 0.22 mile downstream of County Highway D.	*760
			Just upstream of Johnson Road	*772
			Just upstream of Schaffner Road	*791
			Just upstream of Old State Highway 11	*804
		Turtle Creek	At City of Beloit corporate limits, located about 0.53 mile downstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*760
			Approximately 100 feet upstream of Milwaukee Road	*774
			Just upstream of Shopiere Road	*796
			Just upstream of Interstate 90	*802
			Just upstream of Sweet Allyn Park Dam	*816
			Just upstream of State Highway 140	*831
			Just upstream of Carvers Rock Road	*840
			About 2.1 miles upstream of Johnson Road	*856
		Unnamed Tributary No. 1 to Turtle Creek.	At confluence with Turtle Creek	*821
			Just downstream of Milton-Shopiere Road	*843
			About 150 feet upstream of Elm Drive	*856
		Unnamed Tributary No. 2 to Turtle Creek.	At confluence with Turtle Creek	*819
			Just upstream of Chicago and North Western railroad	*853
			Just upstream of State Highway 15	*876
			Just upstream of Buss Road	*896
			Just downstream of County Highway J	*906
		East Fork Raccoon Creek	At downstream state boundary	*746
			Just upstream of Lawrence Avenue	*753
			Just upstream of State Highway 81	*763
			Just downstream of Spring Creek Road	*770
		Unnamed Tributary to East Fork Raccoon Creek.	At confluence with East Fork Raccoon Creek	*755
			Just upstream of State Highway 81	*761
			Just upstream of Spring Creek Road	*784
			Just downstream of Beloit-Newark Road	*814
		Spring Brook (Near City of Janesville).	About 400 feet upstream of Sharon Road	*778
			About 1900 feet upstream of Sharon Road	*790
		Spring Brook	City of Beloit corporate limits at Chicago, Milwaukee, St. Paul and Pacific Railroad, located approximately 3170 feet upstream of Townhall Road.	*827
			Just downstream of second Chicago, Milwaukee, St. Paul and Pacific Railroad bridge at the Beloit Corporate limits, about 0.9 mile downstream of Walker Road.	*835
			Just upstream of second Chicago, Milwaukee, St. Paul and Pacific Railroad bridge at the Beloit corporate limits, about 0.9 mile downstream of Walker Road.	*847
			Just upstream of Walker Road	*854
			Approximately 100 feet upstream of Gustafson Road	*884
			Just downsteam of Clinton Corners Road	*911
		Blackhawk Creek	About 0.61 mile downstream of U.S. Highway 14	*821
			About 500 feet downstream of U.S. Highway 14	*831
		Allen Creek	About 0.38 mile upstream of State Highway 213	*874
			About 1.73 miles upstream of State Highway 213	*886
			At City of Evansville upstream corporate limits	*910
			About 1.1 miles upstream corporate limits	*921

Maps available for inspection at the Office of the Director of Planning, Rock County Courthouse, 51 South Main Street, Janesville, Wisconsin.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: February 17, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5532 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Glendale, Artzona Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Glendale, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Glendale, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040045, Panels 0006C and 0007C, published on October 6, 1980, in 45 FR 66116, indicate that the existing structures located on Lots 282 through 304, Westree Unit 1, Phase 4, Glendale, Arizona, as recorded in Book 208, page 22 of records, in the Office of the Recorder, Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040045, Panels 0006C and 0007C are hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6449 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5908]

Letter of Map Amendment for the City of Mesa, Ariz., Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the

National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 040048, Panel 0020B, published on October 6, 1980, in 45 FR 66116, indicates that the existing structure located on Lot 42 of Woodland Heights, Recorded as Instrument No. 354930 in Book 227, page 23, in the Office of the Recorder, Maricopa County, Arizona, is located within the Special Flood Hazard Area.

Map No. 040048, Panel 0020B is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on October 6, 1980. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6444 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Mesa, Ariz.; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Mesa, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Mesa, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazard Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70. 7(a):

Map No. 040048, Panel 0020B, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Lots 90 through 92 of Hohokam Trails Unit Two, being a 24,431-acre tract of land located in the Southwest Quarter of Section 11, Township 1 North, Range 5 East, Gila and Salt River Base and Meridian, Mesa, Arizona, and being a portion of the Deed recorded as Instrument No. 417006 in Docket 15721, pages 1155 and 1156, in the Office of the Recorder, Maricopa County, Arizona, are located with the Special Flood Hazard Area.

Map No. 040048, Panel 0020B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 16, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6445 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5908]

Letter of Map Amendment for the City of Phoenix, Arizona Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related

financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–0020.

The map amendments listed below are in accordance with § 70.7(a):

Map. No. 040051, Panel 009B, published on October 6, 1980, in 45 FR 66116, indicates that the existing structures located on Block 15, Lots 4 and 20, F.Q. Story Addition, Plat "B", as recorded in Book 9 of Maps, page 15, by the Recorder of Maricopa County, Arizona; Block 15, Lentz Corner, a replat of Lots 1, 2, and 3, of F.Q. Story Addition, Plat "B", as recorded in Book 36 of Maps, page 25, by the Recorder of Maricopa County, Arizona; and 725 West McDowell Office Building, Lot 7, a replat of Lots 5, 6, and 7 of F.Q. Story Addition, Plat "B" , as recorded in Book 186, page 11, by the Recorder of Maricopa County, Arizona, are located within the Special Flood Hazard Area.

Map No. 040051, Panel 0095B is hereby corrected to reflect that the existing structures located on the above-mentioned lots are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 16, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6446 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for City of Davis, California; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Davis, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Davis, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3494, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060424, Panel 0002B, published on October 6, 1980, in 45 FR 66117, indicates that the existing structures located on Lots 1 through 4, inclusive of the Covell Health Center, Subdivision No. 3121, filed in the Office of the County Recorder of Yolo County, California, in Map Book 12, Page Nos. 78 through 80, on May 21, 1982, as per Certificate No. 3433, are located within the Special Flood Hazard Area.

Map No. 060424, Panel 0002B is hereby corrected to reflect that the existing structures located on Lots 1 through 4 are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations or participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-5467 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5908]

Letter of Map Amendment for City of Novato, California; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Novato, California. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Novato, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 060178, Panel 0003A, published on October 6, 1980, in 45 FR 66118, indicates that any existing structures located on Lot 12, as shown upon that certain map entitled "The Woodlands, Novato, Marin County, California", filed for record August 9, 1978, in Volume 17 of Maps at page 50, in the Office of the Recorder, Marin County, California, are located within the Special Flood Hazard Area.

Map No. 060178, Panel 0003A is hereby corrected to reflect that existing structures located on the above-mentioned lot are not within the Special Flood Hazard Area identified on October 6, 1980. These structures are in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements on regulations or participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6419 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Arvada, Colorado; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arvada, Colorado. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arvada, Colorado, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 085072A, Panel H&I 04, published on October 6, 1980, in 45 FR 66109, indicates that the existing structure located on Lot 18, Block 12 of Arvada West Filing No. 4, Arvada, Colorado, recorded in Plat Book 10, at page 40, in the Office of the County Clerk and Recorder, Jefferson County, Colorado, is located within the Special Flood Hazard Area.

Map No. 085072A, Panel H&I 04 is hereby corrected to reflect that the existing structure located on the above-mentioned lot is not within the Special Flood Hazard Area identified on

October 6, 1980. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: February 18, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6451 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5309]

Letter of Map Amendment for Pinellas County, Florida; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Pinellas County, Florida. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Pinellas County, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–8620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number H and I 125139 B, Panel 09, published on October 6, 1980 in 45 FR 66060 indicates that a parcel of land containing 18.2 acres more or less in Section 6, Township 29 South, Range 16 East, in Pinellas County, Florida, said parcel being the site of the proposed Coachman Ridge Condominium project and being recorded in Deed Reference 5431, Pages 1408 and 1409, and Deed Reference 5288, Pages 393 and 394 in the Public Records of Pinellas County, Florida, is located within the Special Flood Hazard Area.

Map Number H and I 125139 B, Panel 09 is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on July 8, 1977.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support).

Issued: February 24, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6452 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5002]

Letter of Map Amendment for Village of Orland Park, Ill.; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Village of Orland Park, Illinois. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Orland Park, Illinois, that a certain structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map

amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 170140, Panel 0002D, published on March 5, 1981, in 46 FR 15269, indicates that the existing structure located on Lot 88, Park View Estates Subdivision, Village of Orland Park, Illinois, as recorded on Instrument No. 2506648 in the Recorder's Office of Cook County, Illinois, is located partially within the Special Flood Hazard Area.

Map Number 170140, Panel 0002D is hereby corrected to reflect that the existing structure located on Lot 88 of the above-mentioned property is not within the Special Flood Hazard Area identified on February 4, 1981. This structure is in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued February 10, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6488 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5097]

Letter of Map Amendment for City of Zion, Ill.; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Zion, Illinois. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Zion, Illinois, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 170399, Panel 0004B, published on February 24, 1981, in 46 FR 1369 indicates that Lots 7, 8, 16, and 17 in Sheridan Zion Manor, City of Zion, Illinois, recorded as Document 1202393, in Book 40 of Plats, Page 49 in the Lake County Clerk's Office are located within the Special Flood Hazard Area.

Map No. 170399, Panel 0004B is hereby corrected to reflect that Lots 7, 8, 16, and 17 are not within the Special Flood Hazard Area identified January 16, 1981. Lots 7, 8, 16, and 17 are located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6484 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for City of Iowa City, Iowa; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule, map correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Iowa City, Iowa. It has been determined by the Associate Director, State and Local Programs and Support after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Iowa City, Iowa, that a certain

structure is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject structure is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 190171, Panel 0010B, published on October 6, 1980, in 45 FR 66102, indicates that the property located at 412 and 416 South Linn Street, being a part of Block 19, Iowa City, Iowa, and recorded as Instrument No. 5941 in Deed Book 605, Page 332 of the Johnson County Records, is located within the Special Flood Hazard Area.

Map Number 190171, Panel 0010B is hereby corrected to reflect that the existing structure located at 412 and 416 South Linn Street, being a part of Block 19, Iowa City, Iowa, is not within the Special Flood Hazard Area identified on May 2, 1977. This structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6455 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA–5923]

Letter of Map Amendment for City of Las Vegas, Nev.; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Las Vegas, Nevada. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Las Vegas, Nevada, that certain property is not within the Special Flood Hazard Area.

This map amendment,by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(a):

Map No. 325276, Panel 0025B, published on October 21, 1980, in 45 FR 69451, indicates that the existing structures located on Lots 13 through 20, Block 1, and Lots 7 through 12, Block 2, of The Village at Washington, Las Vegas, Nevada, recorded as Document No. 1530678 in Book 28, page 9 of Plats, Book No. 1571 of Official Records, in the Office of the Recorder, Clark County, Nevada, are located within the Special Flood Hazard Area.

Map No. 325276, Panel 0025B is hereby corrected to reflect that the existing structures located on the above-mentioned lot are not within the Special Flood Hazard Area identified on September 30, 1982. These structures are in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367, delegation of authority to Associate Director, State and Local Programs and Support)

Issued: January 28, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6459 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6490]

Letter of Map Amendment for Shelby County, Tennessee; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Unincorporated Areas of Shelby County, Tennessee. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Shelby County, Tennessee, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone Toll Free (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number 470214, Panel 0135B, published on January 7, 1983 in 48 FR 795, indicates that Lots 63-75 and 91-97 in Sections E and F of Greenfields Subdivision, as recorded in Plat Book 82, Pages 21 and 22 in the Office of the Register, Shelby County, Tennessee are located within the Special Flood Hazard Area.

Map Number 470214, Panel 0135B is hereby corrected to reflect that Lots 63-75 and 91-97 in Sections E and F of Greenfields Subdivision are not located within the Special Flood Hazard Area identified on December 1, 1982. Lots 65-74 and 93 are located in Zone B. Lots 63-64, 75, 91-92, and 97 are located in Zone C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued February 25, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6460 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Brazoria County, Texas; Under National Flood Insurance Program; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule, Map Correction.

SUMMARY: The Federal Emergency Management Agency (FEMA) published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Brazoria County, Texas. It has been determined by the Associate Director, State and Local Programs and Support, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Brazoria County, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: October 27, 1978.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(a):

Map Number FIRM 485458 C, Panel Number 32, published on October 6, 1980, in FR Volume 45 No. 195, page 66097, indicates that the 46.22162 acre tract, as described in Deed Book Volume 1531, pages 338-340, of Brazoria County, Texas, is located within the Special Flood Hazard Area.

Map Number FIRM 485458 C, Panel Number 32, is hereby corrected to reflect that existing structure located on a 46.22162 acre tract of the above-mentioned property is not within the Special Flood Hazard Area identified on October 27, 1978.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 70

Flood insurance, flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6497 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 48, No. 50
Monday, March 14, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 563, 563c, and 563g

[No. 83-126]

Securities Offerings

March 3, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), proposes to adopt regulations governing certain offers or sales of securities issued by an institution ("issuer") where (1) institution is an "insured institution" as that term is defined in § 561.1 of the Board's Insurance regulations, (2) the institution is in organization as a Federally-chartered insured institution, or (3) the institution is in organization as a state-chartered institution and applies for insurance of accounts by the FSLIC within one year of organization. The proposed rules would provide that an issuer's offer or sale of securities shall only be made through the use of an offering circular which has been filed with and declared effective by the Corporation. Exemptions would be available for offerings (1) commenced prior to the effective date of any final rules, (2) to employees or directors pursuant to certain plans, (3) of securities exempt from registration under the securities Act of 1933 ("Securities Act") other than by section 3(a)(5) of the Securities Act, (4) complying with board's regulations on retail repurchase agreements, except where the issuer has a net-worth deficiency, (5) in conversions from mutual-to-stock form other than in a supervisory case, and (6) in certain non-public offerings. The offering circular would be required to comply with certain items of Form OC and, when applicable, Form PS under the Board's Conversion Regulations and with all of the item requirements of the form that the issuer would be entitled to use were it required to register the securities under the Securities Act. The Board also is proposing to amend its mutual capital certificate, outside borrowing, and subordinated debt regulations to eliminate offering circular requirements that would be rendered unnecessary by the proposed regulations, delete the minimum-denomination requirements for outside borrowing and subordinated debt securities not sold in the offices of insured institutions, and permit under specified circumstances the sale of mutual capital certificates, outside borrowing, and subordinated debt securities in the offices of insured institutions provided that the securities have a minimum denomination of $2,500. Finally, the Board proposes to amend its retail repurchase agreement regulations to clarify the offering circular requirements.

The purpose of the proposed amendments is to establish uniform rules for securities offerings applicable to all insured institutions and to relieve current restrictions on securities activities by insured institutions at their offices.

DATE: Comments must be received by May 9, 1983.

ADDRESS: Send comments to Director, Information Services, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Harry M. Zimmerman, Jr., (202-377-6459), Associate General Counsel, Division of Securities and Corporate Analysis, Office of General Counsel, of John P. Harootunian, (202-377-6415), Attorney, Division of Securities and Corporate Analysis, Office of General Counsel, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION:

The Regulation of Securities Offerings by Insured Institutions

The securities offering regulations proposed today by the Board would be applicable to institutions the accounts of which are insured by the FSLIC ("insured institutions"), Federally-chartered stock savings and loan associations and savings banks in organization, and state-chartered stock savings and loan associations in organization which apply for insurance of accounts by the FSLIC within one year of organization.

Pursuant to section 3(a)(5) of the Securities Act, securities issued by savings and loan associations and similar institutions "supervised and examined by State or Federal authority having supervision over . . . such institution[s]" are exempt from the registration requirements of the Securities Act. However, because the section 3(a)(5) exemption from securities registration is limited to savings and loan associations and similar institutions that are regulated by a Federal or state authority (which is similar to the registration exemption for commercial banks under section 3(a)(2) of the Securities Act), a principal implicit ground for the exemption is that the locus of regulation of the securities activities of financial institutions supervised and examined by state or Federal authorities should be those authorities rather than the Securities and Exchange Commission. Thus, because it has through the FSLIC supervisory and examination authority over insured institutions, it is the Board's responsibility to regulate the securities activities of those institutions when it finds such regulation to be appropriate for the protection of the investing public.

In addition, while securities issued by insured institutions are exempt from the Securities Act registration requirements, the offer and sale of those securities are subject to the antifraud provisions of the Securities Act and the Securities Exchange Act of 1934 ("Exchange Act"). Although the antifraud provisions are prohibitions against fraudulent conduct, their effect is to prescribe that an issuer make full and fair disclosure of all information material to an investment decision in connection with the offer and sale of securities. A violation of the Federal securities laws antifraud provisions would generally constitute an unsafe and unsound practice by an insured institution. In addition, the safety and soundness of the savings and loan industry is dependent upon its access to capital and the rational free market allocation of capital among individual insured institutions. The use of inadequate or misleading disclosure by individual insured institutions in connection with the offer and sale of

securities could have a significant adverse effect on the capabilities of other insured institutions to raise capital, could result in economic irrational allocation of capital within the industry, and could lead to illiquid and disorderly markets for the securities of insured institutions. Therefore, the Board also has the responsibility of regulating the securities activities of insured institutions when it finds such regulation to be appropriate for the preservation of the safety and soundness of insured institutions and the savings and loan industry. Finally, of course, the Board has the responsibility of regulating the securities activities of Federally-chartered insured institutions upon a determination that such regulation is appropriate in securing the purposes of those institutions.

The Board long has found it appropriate to regulate the offer and sale of debt securities by all insured institutions. See, 12 CFR 563.8 (f), (g), and (h), 12 CFR 563.8–1(d), and 12 CFR 563.8–4. The Board also has regulated the offer and sale of equity securities by insured institutions converting from the mutual to the stock form of organization. See, 12 CFR Part 563b. However, the Board has not regulated the post-conversion offer and sale of equity securities by insured institutions. One reason that regulation has not been extended to this area is that the constraints imposed upon converted institutions by the periodic reporting requirements of the Exchange Act ensure to some extent that disclosure made by competing insured institutions in post-conversion public offerings of equity securities would be comparable. In addition, because most converted institutions have not been in the stock form long enough to contemplate post-conversion primary offerings of equity securities, the subject of the regulation of such offerings has not before been viewed as one appropriate for immediate regulatory action.

The Board also has not regulated the offer and sale of equity or debt securities by state-chartered stock institutions in organization or the post-organization offer and sale of equity securities by state-chartered stock insured institutions. The principal reasons that regulation has not been exended to these activities are that (1) the Board did not have the power to charter *de novo* Federal stock institutions and thus did not regulate initial equity offerings of Federally-chartered institutions in organization, and (2) the Board did not regulate the post-conversion offer and sale of equity securities by Federally-chartered stock institutions. Time and events have significantly altered these considerations.

The Garn-St Germain Depository Institutions Act, of 1982, Pub. L. No. 97–320, amended section 5(a) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(a)) to authorize the Board, under such rules and regulations as it may prescribe, to provide for the organization, examination, operation, regulation, and chartering of *de novo* Federal stock savings and loan associations and savings banks. Previously, the Board's *de novo* chartering authority was limited to Federal mutual savings and loan associations, and Federal stock charters could be issued only to existing insured institutions that had converted from the mutual to the stock form or, pursuant to Section 404 of the Depository Institutions Deregulation and Monetary Control Act of 1980, had converted from state stock charter to Federal stock charter. The regulations proposed today would apply to the offer and sale of securities by Federally-chartered stock institutions in organization.

The Board's new *de novo* stock chartering authority is more than simply an additional power; it is emblematic of a demonstrable shift of the savings and loan industry from the mutual to the stock form of organization. This shift is most visible in the Board's highly successful stock conversion program. However, because of the expanded powers granted to Federal savings and loan institutions by the Garn-St Germain Depository Institutions Act of 1982, the Board anticipates that there will be a significant number of applications for *de novo* Federal charters. The Board anticipates also that there will be increasingly intense competition for capital in the public and private markets by (1) Federally-chartered stock institutions in organization, (2) state-chartered stock institutions in organization which seek insurance of accounts by the FSLIC, (3) state and Federally-chartered mutual insured institutions converting to the stock form, (4) state-chartered stock insured institutions seeking to issue additional securities; (5) seasoned converted state-chartered and Federally-chartered stock insured institutions seeking to issue additional securities; and (6) non-diversified savings and loan holding companies seeking to issue additional securities.

It is in the interest of the Board, as the primary regulator of Federally-chartered institutions, and in the interests of the FSLIC, which is secured by the capital of insured institutions, that all insured institutions compete for capital on an equal basis with full and fair disclosure of all material information; that the disclosure of insured institutions be uniform and comparable both on an intra-industry and an inter-industry basis; and that the public and private markets for the securities of insured institutions and their holding companies be liquid and orderly.

Equality of competition, comparability of disclosure, and orderly markets may all be achieved by uniform disclosure requirements. In addition the establishment for all insured institutions of regulations governing disclosure in connection with the offer and sale of securities would serve as a significant benefit to insured institutions by providing ascertainable guides to the extent and nature of the disclosure mandated by the antifraud provisions of the Federal securities laws. Therefore, the Board in these proposed securities offering regulations does not distinguish between categories of institutions, but rather, would apply the proposed regulations to the offering of equity or debt securities by any insured institution or by any state or Federally-chartered insured institution in organization.

The Board believes that these proposed regulations, along with major revisions to its Conversion Regulations to be proposed in the near future, and prompt consideration of final revisions to its financial statement regulations, will establish a modern, uniform, systematic, and rational body of regulations governing the securities activities of insured institutions that will grant to and secure for insured institutions the full benefits of the stock form of organization.

Forms and Regulations of the Securities and Exchange Commission

In adopting the Securities Act, Congress charged the Securities and Exchange Commission ("Commission") with the responsibility of developing regulations that would define and ensure full and fair disclosure. The disclosure rules set forth in the Board's Conversion Regulations and in its financial statement regulations are modeled after the rules and regulations of the Commission. As is set forth in greater detail below, the Board proposes to require insured institutions to observe many of the forms and regulations of the Commission under the 1933 Act, as modified where appropriate by the Board's regulations, in the preparation of disclosure documents used in the public offer and sale of securities. This is not proposed by the Board in the

belief that the form and regulations of the Commission approach perfection; they undergo constant revision by the Commission itself. Rather, it is proposed because it is those forms and the information disclosed pursuant to those regulations that are the forms and the information recognized in the public markets, and it would be difficult for insured institutions to compete for capital in those markets if their offering documents were not comparable with those of other companies also seeking capital. In addition, the disclosure of insured institutions should be comparable to that of savings and loan holding companies, which register their securities with the Commission. Finally, insured institutions which did not closely observe those forms and regulations would be susceptible to a greater risk of possible liability under the antifraud provisions of the Federal securities laws by the very fact of deviance from long established and universally recognized disclosure practices.

Also in the proposed regulations, the Board proposes to adopt for non-public offerings of securities by insured institutions substantially all the requirements of Regulation D of the Commission under the 1933 Act, 12 CFR 230.501 *et seq.* The Board is proposing this action as a means to differentiate a public offering from a non-public offering, *i.e.*, if an offering by an insured institution would qualify as an exempt offering under Regulation D if it were undertaken by a corporation the securities of which were subject to the registration requirements of the Securities Act, the offering would be exempt from the public offering rules of the Board's proposed regulations.

Non-Exempt Public Offerings

Proposed § 563g.2 states that unless the offering is exempt, no insured institution, Federally-chartered stock institution in organization, or state-chartered institution in organization which applies for insurance of accounts by the FSLIC within one year of the completion of organization, shall offer or sell, directly or indirectly, a security issued by it unless the offer or sale is made through an offering circular that has been filed with and declared effective by the FSLIC.

Proposed § 563g.7 would require the offering circular to comply with all of the requirements of the registration form of the Commission the issuer would be entitled to use if it were required to register its securities under the Securities Act, with appropriate modifications from the form and Regulation S–K of the Commission to comply with the Board's regulations governing the non-financial statement portion of offering circulars found in Forms PS and OC under the Conversion Regulations. The financial statements would be required to conform to the Board's offering circular accounting requirements, Subpart A of Part 563c, and, to the extent they are not inconsistent, the accounting requirements of Regulation S–X of the Commission and the financial information requirements of Regulation S–K.

Under proposed § 563g.8(a), an offering circular or an amendment declared effective by the Corporation could not be used more than nine months after the effective date unless the information contained n the offering circular were of a date not more than sixteen months prior to its use. Proposed § 563g.8(c) would prohibit the use of an offering circular subsequent to any material change in an issuer's business operations or financial condition until an amendment had been filed and declared effective. Proposed § 563g.5(b)(3) would provide a means of filing "stickered" offering circulars to reflect non-material changes.

Under proposed § 563g.8, an offering circular of an insured institution which has a class of equity securities registered with the Board under the Exchange Act and has timely filed its required reports would be deemed automatically effective ten days after filing. Offering circulars of other insured institutions would be deemed automatically effective upon the expiration of twenty days. However, if it appeared that an offering circular were incomplete or inaccurate in any material respect, the Corporation could declare the offering circular not effective until an appropriate amendment were filed.

Miscellaneous proposed regulations under Part 563g would govern matters such as communications not deemed an offer (§ 563g.2(b)), the use of a preliminary offering circular (§ 563g.2(c)), filing and signature requirements (§ 563g.5), escrow requirements (§ 563g.10), withdrawal or abandonment (§ 563g.11), public disclosure and confidential treatment (§ 563g.13), waiver (§ 563g.14), and requests for interpretive advice or waiver (§ 563.15). Proposed § 563g.9 would establish the Board's antifraud rule for securities offerings, which would be identical with Rule 10b–5 adopted by the Commission under § 10 of the Exchange Act. Proposed § 563g.12 would require the filing of a post-sale report with the Principal Supervisory Agent and the Division of Securities and Corporate Analysis of the Office of General Counsel.

Exempt Public Offerings

Proposed § 563g.3 would exempt from the offering circular requirements the following offers and sales of securities that may involve public offerings:

(a) Offerings commenced prior to the date Part 563g becomes effective, unless the issuer is a *de novo* Federally-chartered stock institution in organization.

(b) Offerings to an issuer's employees, officers, or directors pursuant to any stock purchase, stock option, or employee benefit plan;

(c) Offerings complying with the requirements for retail repurchase agreements of § 563.8–4, except where the issuer has a net-worth deficiency under that section;

(d) Offerings exempt from registration under the Securities Act by reason of an exemption other than section 3(a)(5) of the Securities Act; and

(e) Offerings made in connection with a conversion from the mutual to the stock form of organization pursuant to Part 563b, except for supervisory conversions undertaken pursuant to § 563b.1(a).

The Board does not believe that it is necessary to regulate the issuance of securities to an issuer's employees, officers, or directors because of the likelihood that they would have the information required to make an informed investment decision. Retail repurchase agreements already are subject to extensive disclosure regulations that were drafted in view of the nature of the securities, particularly their secured status and their short maturity, and the Board is not inclined at this time to bring retail repurchase agreements under the proposed securities offering regulations unless the issuing institution has a net-worth deficiency as defined in § 563.8–4. The Board also does not believe it necessary to regulate offerings that are exempt from registration under the Securities Act by reason of an exemption other than section 3(a)(5), that is, an exemption not related to the fact that the issuer is examined and supervised by the Board. Conversion stock offerings would continue to be subject to the Conversion Regulations. The Board notes, however, that offering circulars for conversion stock and offering circulars for equity securities of non-converting institutions engaged in a public offering pursuant to these proposed rules would be comparable because of the requirement of proposed § 563g.7 that public offering circulars

comply with applicable items of Forms PS and OC of the Conversion Regulations.

Exempt Non-Public Offerings

The Board proposes in § 563g.4 that offerings in which securities are not sold to more than 15 persons and offerings which comply with Regulation D of the Commission (except with regard to the notice requirement and the resale restriction provisions) would be exempt from the offering circular requirements. Generally, Regulation D establishes disclosure requirements for offerings that qualify under the regulation for an exemption from registration by reason of the small amount involved or the limited character of the public offering under section 3(b) of the Securities Act, or by reason of the non-public character of the offering under section 4(2) of the Securities Act. Under Rule 504 of Regulation D, securities aggregating less than $500,000 may be offered and sold by an institution the equity securities of which are not registered under the Exchange Act to an unlimited number of purchasers and no specific disclosure rules are required to be observed (except, of course, for the antifraud provisions of the Federal securities laws). Rule 505 of Regulation D is limited to offers and sales of securities not exceeding $5,000,000 in any six-month period while Rule 506 has no aggregate offering price limitation. However, the two rules are similar except in regard to the specific disclosure requirements and the requirement that all purchasers in a Rule 506 transaction must be either accredited or sophisticated. Both rules prohibit sales to more than 35 investors who are not accredited investors. Accredited investors are defined in Rule 501(a) and the term includes certain institutions and organizations, officers, directors, or general partners of the issuer, and individuals with substantial net worth or income. Generally, offers and sales made pursuant to Regulation D may not involve any form of general solicitation or general advertising.

The Board does not propose in its securities offering regulations to require pre-sale filing or clearance of offering documents in an offering that meets the requirements of Regulation D. Rather, in proposed § 563g.12 it would require, as in a public sale of securities, the filing of a post-sale report that would include all of the information required in a public offering post-sale report, a statement of the factual and legal grounds for the claim of a non-public offering exemption under the Board's regulations, and copies of all offering materials. In addition, to ensure that a claimed non-public offering is not actually a step in a transaction leading to a public distribution of securities, the Board would require under § 563g.4(d) that the securities acquired in an exempt non-public offering could not be resold or otherwise disposed of for a period of two years following the sale without the written consent of the Corporation.

Revision of Minimum Denomination Rule

The Board's outside borrowing (§ 563.8), subordinated debt (§ 563.8–1), and mutual capital certificate regulations (§ 563.7–4), all have minimum denomination rules that (1) establish minimum denominations for those securities, (2) regulate disclosure in connection with the offer and sale of the securities, and (3) prohibit the sale of the securities in the offices of the issuing institution or any of its affiliates except in very limited circumstances. The Board is proposing to revise these minimum denomination rules to (1) delete all disclosure requirements (since disclosure would be regulated under proposed Part 563g), (2) permit the sale of the securities in the offices of the issuing institution or its affiliates, (3) delete all minimum denomination requirements except as to securities evidencing outside borrowings, subordinated debt securities, and mutual capital certificates sold in the offices of the issuing institution or its affiliates, and (4) establish a minimum denomination of $2,500 for securities evidencing outside borrowings, subordinated debt securities, and mutual capital certificates sold in the offices of the issuing institution or its affiliates.

The prohibition against the sale of debt securities and mutual capital certificates in the offices of issuing insured institutions or their affiliates arose out of two concerns. First, there generally was a perception that the sale of such securities in the offices of a depository institution would constitute an evasion of deposit rate control. Second, there was apprehension that some insured institutions would permit the sale of such securities to unsophisticated customers who perhaps could not reasonably be expected to fully comprehend the risks of the investment (particularly an investment in long-term securities) and who may mistakenly assume that the securities were insured. The Board does not believe that, assuming these concerns are valid, they maybe properly approached only through a flat prohibition of direct institutional sales.

It is the Boards view that issues relating to rate control, which in any event is rapidly expiring, perhaps could be preferably approached by permitting the direct institutional sale of securities evidencing outside borrowings, subordinated debentures, and mutual capital certificates in the minimum denomination established by the Depository Institution Deregulatory Commission for the market-rate account mandated by the Garn-St Germain Depository Institutions Act of 1982, *i.e.*, $2,500. It also appears to the Board that concerns regarding the sale by insured institutions of securities to their customers could be resolved through the disclosure mechanism. The issuing institution would be required under the proposed regulations to provide customers with an offering circular prepared pursuant to proposed Part 563g, which would make full and fair disclosure of all information material to an investment decision, and would state in bold-face type on its cover that the security is not insured by FSLIC. In addition, the Board is proposing in § 563.8(g), to adopt the following safeguards on direct institutional sales activities to prevent possible abuses: (1) No commissions would be permitted to be paid to any employee or other person; (2) no offers or sales would be permitted to be made at a teller counter; (3) offers and sales would be permitted to made only by regular, full-time employees; (4) no unsolicited telephone calls or visits would be permitted to be made by the issuing institution to any person in connection with the offer or sale of the securities; and (5) except for retail repurchase agreements offered and sold pursuant to § 563.8–4 the issuing institution would be required to meet at the commencement of and during any offering its regulatory net-worth requirement as calculated under generally accepted accounting principles Proposed restrictions (1) through (4) would also be extended to the offer and sale of retail repurchase agreements.

In connection with this proposal, the Board specifically solicits comments regarding (1) whether insured institutions should be permitted to offer and sell mutual capital certificates, outside borrowing, and subordinated debt securities to the public at their offices, (2) whether a minimum denomination should be established for the direct offer and sale of those securities, and (3) what safeguards, if any should be imposed on insured institutions engaged in the direct sale of such securities.

Delegation

In order that action required under proposed Part 563g could be taken

expeditiously, the Board proposes in § 563g.16 to delegate its authority under Part 563g to the General Counsel or his designee.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (September 19, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective, and legal basis underlying the proposed rules.* These elements have been incorporated elsewhere in the supplementary information regarding the proposals.

2. *Small entities to which the proposed rules will apply.* The proposed rules would apply only to offers or sales of securities issued by an institution where (1) the institution is an "insured institution" defined in the Board's regulations, (2) the institution is in organization as a Federally-chartered institution, or (3) the institution is in organization as a state-chartered institution and applies for insurance of accounts from the FSLIC within one year after completion of organization.

3. *Impact of the proposed rules on small institutions.* Since the proposed rules would clarify the disclosure obligations of insured institutions in connection with the offer or sale of securities, insured institutions that may be considered small entities would be benefited. Moreover, the proposed rules would substantially reduce significant restrictions on the sale by insured institutions of debt securities and mutual capital certificates, which would benefit insured institutions that may be considered small entities.

4. *Overlapping or conflicting Federal rules.* There are no Federal rules that may duplicate, overlap, or conflict with the proposal.

5. *Alternatives to the proposed rules.* The proposed rules would clarify the requirements for information disclosure in connection with an insured institution's offering of securities. It is not possible to eliminate or significantly modify these requirements for small entities, since the disclosure requirements are governed by the nature of the offering rather than be the identity or the sized of the affected institution.

Regulatory Analysis

The elements of regulatory analysis for major proposed regulations required by Board Resolution No. 80-584 (September 11, 1980) have been incorporated into the supplementary information regarding the proposals.

List of Subjects in 12 CFR Parts 563, 563c, and 563g

Accounting, Savings and loan associations, Securities.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Parts 563 and 563c, and to add a new Part 563g under Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. Amend § 563.7-4 by removing paragraph (h); redesignating paragraphs (i), (j), (k), and (l) as paragraphs (h), (i), (j), and (k), respectively; and revising paragraphs (e) and (f); as follows:

§ 563.7-4 Mutual capital certificates.

* * * * *

(e) *Minimum denominations of mutual capital certificates.* (1) *General rule.* The minimum denomination of a mutual capital certificate shall be $2,500.

(2) *Exemptions.* There is no minimum denomination for mutual capital certificates which satisfy any of the exemptions under § 563.8(f)(2) of this Part.

(f) *Direct sales.* Mutual capital certificates shall only be offered or sold at an office of an insured institution or an affiliate if the requirements of § 563.8(g) are satisfied.

* * * * *

(h) *Supervisory objection.* * * *

(i) *Limitation on an offering period.* * * *

(j) *Reports.* * * *

(k) *Requirements as to mutual capital certificates.* * * *

2. Amend § 563.8 by removing paragraph (h); redesignation paragraphs (i), (j), and (k) as paragraphs (h), and (i), and (j), respectively, and revising paragraphs (f) and (g); as follows:

§ 563.8 Borrowing limitations.

* * * * *

(f) *Minimum denominations of securities evidencing outside borrowings.*

(1) *General rule.* The minimum denomination of a security evidencing an outside borrowing shall be $2,500.

(2) *Exemptions.* There is no minimum denomination for a security evidencing an outside borrowing:

(i) Complying with § 563.8-4 of this Part; or

(ii) Not offered or sold at any office of the institution or any of its affiliates; and

(iii) The offer and sale of which complies with Part 563g of this Subchapter.

(g) *Direct sales.* Securities evidencing outside borrowings shall only be offered or sold at an office of an insured institution or an affiliate if:

(1) No commissions are paid to any employee or other person;

(2) No offers or sales are made by tellers or at the teller counter;

(3) Offers and sales are made only by regular, full-time employees;

(4) No unsolicited telephone calls or visits are made by the issuing insured institution to any person in connection with any offers or sales; and

(5) Except for an institution issuing securities complying with § 563.8-4 of this Part, the institution's net worth at the commencement of and during any offering meets its regulatory net-worth requirement calculated under generally accepted accounting principles.

(h) *Note accounts.* * * *

(i) *Sales and repurchase of loans or loan participations.* * * *

(j) *Reverse repurchase agreements used for arbitraging.* * * *

3. Amend § 563.8-1 by revising paragraph (d)(1)(v) and by adding a new paragraph (d)(4), as follows:

§ 563.8-1 Insurance of subordinated debt securities.

* * * * *

(d) *Requirements as to securities.* * * *

(1) *Form of certificate.* * * *

(v) Be in a minimum denomination of $2,500, except that there is no minimum denomination for securities which would be exempt from the minimum denomination requirement of § 563.8(f)(2) of this Subchapter.

* * * * *

(4) *Direct sales.* Subordinated debt securities shall only be offered or sold at an office of an insured institution or an affiliate if the requirements of § 563.8(g) of this Part are satisfied.

* * * * *

4. Amend § 563.8-4 by revising paragraph (b)(5) and by adding a new paragraph (b)(6) as follows:

§ 563.8-4 Transfer and repurchase of government securities.

* * * * *

(b) * * *

(5) *Disclosure.* An institution issuing repurchase agreements shall provide each prospective repurchase agreement purchaser with an offering document which shall contain full and accurate disclosure of all material information regarding the repurchase agreement and the issuing institution. Any material change in any of the material representations set forth in the offering document shall be reflected in a revised

offering document that shall be provided to purchasers before any renewal or automatic renewal of a repurchase agreement may be effected. An institution that has a net-worth deficiency under paragraph (b)(7) of this Section shall be subject to the requirements of Part 563g of this Subchapter, except that the following financial statements may be substituted for those required to be included in an offering circular required under Part 563g:

(i) The institution's audited statements of condition and operations for its last fiscal year prepared in accordance with the requirements of § 563c.1 of this Subchapter;

(ii) On a comparative basis, the institution's latest unaudited statement of condition for the quarter ending within 135 days of any sale, renewal, or automatic renewal of a repurchase agreement, and an unaudited statement of operations for the period then ended, prepared in accordance with the requirements of § 563c.1; and

(iii) The institution's latest monthly financial report filed with the Corporation.

* * * * *

(8) *Direct sales.* Repurchase agreements shall only be offered or sold at an office of an insured institution or an affiliate if the requirements of § 563.8(g) of this Part are satisfied.

PART 563c—ACCOUNTING REQUIREMENTS

5. Amend § 563c.1 by revising paragraph (a)(2) as follows:

Subpart A—Form and Content of Financial Statements in Offering Circulars

§ 563c.1 Application of this subpart.

(a) * * *

(2) any offering circular or nonpublic offering materials required to be used in connection with an offer or sale of securities under Part 563g of this Subchapter.

* * * * *

6. Add a new Part 563g, as follows:

PART 563g—SECURITIES OFFERINGS

Sec.

563g.1 Definitions.
563g.2 Offering circular requirements.
563g.3 Exemptions.
563g.4 Nonpublic offerings.
563g.5 Filing and signature requirements.
563g.6 Effective date.
563g.7 Form, content, and accounting.
563g.8 Use of the offering circular.
563g.9 Manipulative and deceptive devices.
563g.10 Escrow requirement.
563g.11 Withdrawal or abandonment.
563g.12 Securities sale report.
563g.13 Public disclosure and confidential treatment.
563g.14 Waiver.
563g.14 Requests for interpretive advice or waiver.
563g.15 Delegation of authority.

Authority: Secs. 402, 403 and 407 of the National Housing Act, 48 Stat. 1256, 1257 and 1260, as amended, 12 U.S.C. 1725, 1726 and 1730; Sec. 5 of the Home Owners' Loan Act of 1933, 48 Stat. 132, as amended, 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 563g.1 Definitions.

(a) For purpose of this Part, the following definitions apply:

(1) "Accredited investor" means the same as in Commission Rule 501(a) (17 CFR 230.501(a)) under the Securities Act, and includes any insured institution.

(2) "Beneficial owner" means the same as in Commission Rule 13d–3 (17 CFR 240.13d–3) under the Exchange Act. (15 U.S.C. 78a–78jj).

(3) "Business combination" means the same as in Rule 501(d) (12 CFR 230.501(d)) under the Securities Act.

(4) "Commission" means the Securities and Exchange Commission.

(5) "Exchange Act" means the Seucrities and Exchange Act of 1934 (15 U.S.C. 78a–78jj).

(6) "Filing date" means the date on which any documents are actually received during business hours by the Division of Securities and Corporate Analysis, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

(7) "Insured institution" means the same as in § 561.1 of this Subchapter, and includes an institution in organization as a Federally-chartered insured institution under Part 552 of this Chapter, and an institution in organization as a state-chartered institution if it applies to the Corporation for insurance of accounts within one year after completion of organization, provided that the offer of sale of securities was commenced after the effective date of this Part.

(8) "Issuer" means an insured institution which issues or proposes to issue any security.

(9) "Offer" includes "offer to sell" and "offer for sale" and means the same as in § 563b.2(a)(22) of this Subchapter.

(10) "Person" means the same as in § 563b.2(a)(24) of this Subchapter, and includes an insured institution.

(11) "Purchase" and "buy" means the same as in § 563b.2(a)(28) of this Subchapter.

(12) "Sale" and "sell" include every contract to sell or otherwise dispose of a security or interest in a security for value.

(13) "Securities Act" means the Securities Act of 1933 (15 U.S.C. 77a–77aa).

(14) "Security" means the same as in § 561.41 of this Subchapter.

(15) "Underwriter" means the same as in § 563b.2(a)(36) of this Subchapter.

(b) A term not defined in this Part but defined in another part of this Subchapter, when used in this Part, shall have the meanings given in such other part, unless the context otherwise requires.

(c) When used in any rules, regulations, or forms of the Commission referred to in this Part, the term "Commission" shall be deemed to refer to the Corporation or the Board, the term "registrant" shall be deemed to refer to an issuer defined in this Part, and the term "registration statement" shall be deemed to refer to an offering circular filed under this Part, unless the context otherwise requires.

§ 563g.2 Offering circular requirements.

(a) *General.* No insured institution shall offer or sell, directly or indirectly, any security issued by it unless:

(a) The offer or sale is made thorugh the use of an offering circular which has been filed and declared effective pursuant to this Part; or

(2) An exemption is available under this Part.

(b) *Communications not deemed an offer.* The following communications shall not be deemed an offer under this Part:

(1) Prior to filing an offering circular, any notice of a proposed offering which statisfies the requirements of Commission Rule 135 (17 CFR 230.135) under the Securities Act; and

(2) Subsequent to filing an offering circular, any notice, circular, advertisement, letter, or other communication published or transmitted to any person which satisfies the requirements of Commission Rule 134 (17 CFR 320.134) under the Securities Act.

(c) *Preliminary offering circular.* A preliminary offering Circular may be used prior to the effective date of the offering circular if:

(1) The preliminary offering circular has been filed pursuant to this Part;

(2) The preliminary offering circular includes the information required by this Part, except for the omission of information relating to offering price, discounts or commission, amount of proceeds, conversion rates, call prices, or other matters dependent on the offering price; and

(3) The offering circular declared effective by the corporation is furnished to the purchaser prior to any sale.

§ 563g.3 Exemptions.

The offering circular requirments of § 563g.2 of this Part shall not apply to an issuer's offer or sale of securities:

(a) Commenced prior to the date this Part becomes effective, unless the issuer is a *de novo* Federally-chartered stock institution in organization.

(b) To its employees or directors pursuant to any stock purchase, stock option or employee benefit plan;

(c) Complying with the requirements for retail repurchase agreements of § 563.8–4 of this Subchapter, except where the issuer has a net worth deficiency under that Section;

(d) Exempt from registration under the Securities Act by reason of an exemption other than § 3(a)(5) of the Securities Act;

(e) In a conversion from the mutual to the stock form of organization pursuant to Part 563b of this Subchapter, except for a supervisory case conversion undertaken pursuant to § 5636.1(a) of this Subchapter; or

(f) in a non-public offering which satisfies the requirements of § 563g.4 of this Part.

§ 563g.4 Nonpublic offerings.

(a) *Requirements.* An exemption under this Part for a nonpublic offering is available for any offer or sale by an issuer of its securities which satisfies the requirements of paragraphs (b), (c), and (d) of this Section and either:

(1) The Commission's Regulation D (17 CFR 230.501–230.506), except for the notice requirements of Commission rule 503 (17 CFR 230.503) and the limitations on resale in Commission rule 502(d) (17 CFR 230.502(d)) or;

(2) The securities are sold to not more than 15 persons during the offering period, as determined under the integration provision of Commission Rule 502(a) (17 CFR 230.502(a)).

(b) *Notice.* A notice shall be filed with the Corporation not later than 10 days prior to the time any security is offered or sold in reliance on the exemption provided for a nonpublic offering, which shall include the following:

(1) The name, address, and Board file number of the issuer;

(2) The title, number, aggregate and per-unit offering price of the securities to be offered;

(3) The number of persons to whom the securities are to be offered; and

(4) A detailed statement of the grounds for the exemption claimed.

(c) *Termination of offering.* Upon the termination of a nonpublic offering, the issuer shall file a report describing the sale of its securities as required by § 563g.12(b) of this Part.

(d) *Limitations on resale.* Securities acquired in a transaction under this exemption shall not be resold or otherwise disposed of for a period of two years without the prior written consent of the Corporation.

(1) The issuer shall exercise reasonable care to ensure that the purchasers of the securities are not purchasing for resale or distribution, which reasonable care shall include, but not be limited to, the following:

(i) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(ii) Written disclosure to each purchaser prior to sale that the securities cannot be resold or otherwise disposed of for a period of two years without the prior written consent of the Corporation; and

(iii) Placement of a legend on the certificate or other document that evidences the securities which states that: "The securities evidenced by this certificate are restricted as to transfer for a period of two years from the date of this certificate pursuant to the rules and regulations of the Federal Savings and Loan Insurance Corporation and may not be sold or otherwise disposed of without the prior written consent of the Federal Savings and Loan Insurance Corporation."

(2) The determination of the period securities have been held after acquisition for the purposes of this Section shall be made as would be determined under the provisions of Commission Rule 144(df (17 CFR 230.144(d)).

(3) Where securities of the issuer are exchanged for other securities in any business combination, securities of the issuer which are restricted under this Section may be exchanged for other securities which are similarly restricted and have the legend required by paragraph (b)(1)(iii) of this Section, and the holding periods may run consecutively.

§ 563g.5 Filing and signature requirements.

(a) *Procedures.* An offering circular, amendment, notice, report, or other document required by this Part shall, unless otherwise indicated, be filed in accordance with the requirements of paragraphs (e)(1), (3) and (4); (f) to (q), and (s) of § 563b.8 of this Subchapter.

(b) *Number of copies.* (1) Unless otherwise required, any filing under this Part shall include 10 copies of the document to be filed with the Corporation.

(2) Within five days after the effective date of an offering circular or the commencement of a public offering after the effective date, whichever occurs later, 25 copies of the offering circular used shall be filed with the Corporation.

(3) After the effective date of an offering circular, an offering circular which varies from the form previously filed shall not be used, unless it includes only non-material supplemental or additional information and until 10 copies have been filed with the Corporation.

(c) *Signature.* (1) Any offering circular, amendment, exhibit, or consent filed with the Corporation pursuant to this Part, shall include an attached manually signed signature page which authorizes the filing and has been signed by:

(i) the issuer, by its duly authorized representative;

(ii) the issuer's principal executive officer;

(iii) the issuer's principal financial officer;

(iv) the issuer's principal accounting officer; and

(v) At least a majority of the issuer's directors.

(2) Any other document filed pursuant to this Part shall be signed by a person who is duly authorized.

(3) At least two copies of every document filed pursuant to this Part shall be manually signed and every copy of a document filed shall:

(i) Have the name of each person who signs typed or printed beneath the signature;

(ii) State the capacity or capacities in which the signature is provided; and

(iii) Provide the name of each director of the issuer, if the majority of directors is required to sign the document.

§ 563g.6 Effective date.

An offering circular filed by an insured institution that has a class of equity securities which are registered with the Board under Section 12 of the Exchange Act (15 U.S.C. 78*l*), and which has filed in a timely manner all reports required to be filed during the twelve calendar months preceding the filing of the offering circular and any portion of a month immediately preceding the filing of the offering circular, shall be deemed to have been automatically declared effective by the Corporation on the tenth day after filing or on such earlier date as the Corporation may determine for good cause shown, and an offering circular filed by any other insured institution shall be deemed to have been automatically declared effective by the Corporation on the twentieth day after filing or on such earlier date as the

Corporation may determine upon a showing of good cause, provided that:

(a) If any amendment is filed prior to the effective date, the offering circular shall be deemed to have been filed when such amendment was filed;

(b) the period until automatic effectiveness under § 563g.9 shall be stated at the bottom of the facing page of the Form OC or any amendment;

(c) The effectiveness will be delayed if a duly authorized amendment, telegram confirmed in writing, or letter states that the effective date is delayed until a further amendment is filed specifically stating that the offering circular will become effective in accordance with § 563.6; and

(d) If it appears to the Corporation at any time that the offering circular is incomplete or inaccurate in any material respect, the Corporation may determine to declare the offering circular not effective until a materially complete and accurate amendment is filed.

§ 563g.7 Form, content, and accounting.

(a) *Form and content.* Any offering circular or amendment filed pursuant to this Part shall:

(1) Be filed under cover of Form OC, which is under Part 563b of this Subchapter;

(2) Comply with the requirements of Items 3 and 4 of Form OC and the requirements of all items of the form that the issuer would be entitled to use were it required to register the securities under the Securities Act (17 CFR Part 239);

(3) Where a form specifies that the information required by an item in the Commission's Regulation S–K (17 CFR Part 229) should be furnished, include the information as modified by any corresponding item in Form PS, which is under Part 563b of this Subchapter;

(4) Include after the facing page of the Form OC a cross reference sheet listing each item requirement of the Securities Act form used and indicate for each item the applicable heading or subheading in the offering circular under which the required information is disclosed;

(5) Where undertakings are required by the Securities Act form used, include in Part II of the Form OC only the applicable undertakings with appropriate modifications;

(6) Where the securities offering is on behalf of a Federally-chartered institution in organization, include as an additional exhibit in Part II of the Form OC a copy of the application for permission to organize, and if the institution is a state-chartered institution in organization, include as an additional exhibit in Part II of the Form OC a copy of the application for insurance of accounts by the Corporation; and

(7) Include such information which the Corporation by interpretive release or otherwise has deemed necessary.

(b) *Accounting requirements.* To be declared effective, and offering circular or amendment shall satisfy the accounting requirements in Subpart A of Part 563c of this Subchapter and, to the extent they are not inconsistent, the accounting rules in the Commission's Regulation S–X (17 CFR Part 210) and the financial information requirements in the Commission's Regulation S–K (17 CFR Part 229).

§ 563g.8 Use of the offering circular.

(a) An offering circular or amendment declared effective by the Corporation shall not be used more than nine months after the effective date, unless the information contained therein is as of a date not more than sixteen months prior to such use.

(b) An offering circular filed under § 563g.5(b)(3) of this Part shall not extend the period for which an effective offering circular or amendment may be used under paragraph (c) of this section.

(c) No offering circular shall be used and no offer or sale of securities subject to the offering circular requirements of this Part shall be made subsequent to any material change in an issuer's business operations or financial condition, until the offering circular has been amended to include information as to the material changes and the amended offering circular has been filed with and declared effective by the Corporation.

§ 563g.9 Manipulative and deceptive devices.

In any offer, purchase, or sale in connection with an issuer's offering of its securities, exempt or not exempt under this Part, no person, directly or indirectly, shall:

(a) Employ any device, scheme, or artifice to defraud,

(b) Make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or

(c) Engage in any act, practice, or course of business' which operates or would operate as a fraud or deceit upon any person.

§ 563g.10 Escrow requirement.

(a) Any funds received in an offering pursuant to this Part, shall be held in an escrow or similar separate account prior to the termination of the sale of the issuer's securities.

(b) If an offering of securities pursuant to this Part is not completed within the term of the proposed offering period, any funds collected shall be promptly refunded.

§ 563g.11 Withdrawal or abandonment.

(a) Any offering circular, amendment, or exhibit may be withdrawn prior to the effective date. A withdrawal shall be signed and state fully the grounds upon which it is made. Any documents withdrawn will not be removed from the files of the Corporation, but will be marked "Withdrawn upon the request of the issuer on (date)."

(b) When an offering circular or amendment has been on file with the Corporation for a period of nine months and has not become effective the Corporation may, in its discretion, determine whether the filing has been abandoned, after notifying the issuer that the filing is out of date and must either be amended to comply with the applicable requirements of this Part or be withdrawn within 30 days after the date of such notice. Where a filing is abandoned, the documents will not be removed from the files of the Corporation, but will be marked "Declared abandoned by the FSLIC on (date)."

§ 563g.12 Securities sale report.

(a) Within 10 days after the termination of an offering pursuant to this Part, the issuer shall file a report with the Principal Supervisory Agent and the Division of Securities and Corporate Analysis of the Office of General Counsel describing the sale of its securities which shall include:

(1) The name, address, and Board file number of the issuer;

(2) The title, number, aggregate and per-unit offering price of the securities sold;

(3) The aggregate and per-unit dollar amounts of actual itemized expenses, discounts or commissions, and, other fees;

(4) The aggregate and per-share dollar amounts of the net proceeds raised; and

(5) The number of purchasers of each class of securities sold and the number of beneficial owners of each class of the issuer's equity securities at the termination of the offering.

(b) Within 10 days after the termination of an offering which is claimed to be exempt from filing as a non-public offering, the issuer shall file a report with the Principal Supervisory Agent and the Division of Securities and Corporate Analysis of the Office of

General Counsel describing the results of the sale of its securities, which shall include:

(1) All of the information required by paragraph (a) of this Section;

(2) A detailed statement of the factual and legal grounds for the exemption claimed; and

(3) Copies of all offering materials used attached as an exhibit.

§ 563g.13 Public disclosure and confidential treatment.

(a) Any offering circular, amendment, exhibit, notice, or report filed pursuant to this Part will be made available to the public. Any other documents relating to a filing under this Part will not be made available except in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), and Parts 505 and 505a of this Chapter.

(b) Any requests for confidential treatment of information in a document required to be filed under this Part, shall be made as required under Commission Rule 24b–2 (17 CFR 240.24b.2— under the Exchange Act.

§ 563g.14 Waiver.

The Corporation may waive any requirements of this Part, or any required information:

(a) Determined to be unnecessary by the Corporation;

(b) In a supervisory case; or

(c) Where a provision of this Part conflicts with a requirement of applicable state law.

§ 563g.15 Requests for interpretive advice or waiver.

Any requests to the Corporation for interpretive advice or a waiver with respect to any provision of this Part shall satisfy the following requirements:

(a) Six copies of the request, including any attachments, shall be filed with the Board's Division of Securities and Corporate Analysis;

(b) The provisions of this Part to which the request relates, the participants in the proposed transaction, and the reasons for the request, shall be specifically identified or described; and

(c) The request shall include a legal opinion as to each legal issue raised and an accounting opinion as to each accounting issue raised.

§ 563g.16 Delegation of Authority.

The General Counsel or his designee is authorized to act on behalf of the Corporation and the Board with respect to the exercise of any authority pursuant to this Part.

(Secs. 402, 403 and 407 of the National Housing Act, 48 Stat. 1256, 1257 and 1260, as amended, 12 U.S.C. 1725, 1726 and 1730; Sec. 5 of the Home Owners' Loan Act of 1933, 48 Stat. 132, as amended, 2 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-6962 Filed 3-8-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–NM–02–AD]

Airworthiness Directives: British Aerospace Aircraft Group Model H.S. 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an Airworthiness Directive (AD) that would require inspections for cracks, repairs and modifications to the aileron control assembly on certain British Aerospace Aircraft Group H.S. 748 airplanes in order to prevent structural failures which could result in loss of the airplane.

DATE: Comments must be received on or before May 2, 1983.

ADDRESSES: The applicable service information and copies may be obtained from British Aerospace, Inc., Librarian, Box 17414, Dulles International Airport, Washington, D.C. 20041, or may also be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM–150S, Seattle Aircraft Certification Office, FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthines Rules Docket No. 83–NM–02–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion: The Civil Aviation Authority of the United Kingdom has classified certain British Aerospace Aircraft Group service bulletins as mandatory. These bulletins require inspections, replacements, and/or modifications to correct unsafe conditions as indicated below that exist or may develop in H.S. 748 airplanes operating under British registry.

1. On three occasions cracks have been found on the outboard side, aft of the pivot boss, on the inboard main landing gear pivot brackets on high time-in-service aircraft. Repetitive inspections are needed to detect cracks in these areas. The brackets must be replaced when the cracks reach a length of 1.20 inches (reference British Aerospace Aircraft Group H.S. 748 Service Bulletin 57/59.

2. Cracks have been detected along the vertical bend/joggle line of the tailplane lower front spar web joint plate on a number of airplanes with 23,000 to 29,000 hours time in service. On one airplane with 19,000 hours time in service, a crack was detected along the vertical bend/joggle line of the tailplane front upper spar web joint plate. Inspections for cracks are needed since growth of the cracks could lead to structural failure (reference British Aerospace Aircraft Group H.S. 748 Service Bulletin 55/19, Revision 1).

3. Three cases of fatigue cracks have occurred at the lower spigot on the aileron control quadrant assembly on high time-in-service aircraft. Modifications to the aileron quadrant assemblies are necessary to prevent occurrence of this condition which could lead to structural failure (reference British Aerospace Aircraft Group H.S. 748 Service Bulletin 27/75).

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require: Inspections for cracks and replacement of parts, as necessary, on the joints between the tailplane center torsion box and outer tailplanes and modifications to the aileron quadrant assemblies.

It is estimated that 5 airplanes would be affected by this AD, that it would take approximately 63 manhours per airplane to accomplish the required actions, and that the average labor cost will be $35 per manhour. Repair parts are estimated at $2,204 per airplane. Based on these figures, the total cost impact of this proposed Ad is estimated to be $22,045. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

British Aerospace Aircraft Group: Applies to all Model H.S. 748 series 1, 2, and 2A airplanes, certificated in all categories. To prevent the development of unsafe conditions, the following three actions are required, unless previously accomplished:

1. To prevent progression of cracks with potential failure of the main landing gear inboard pivot bracket, accomplish the following: For airplanes with main landing gear inboard pivot brackets, part numbers 15F11365 and 16F11365, prior to accumulating 25,000 landings or within the next 750 hours time in service after the effective date of this AD, whichever occurs later, and thereafter at intervals not exceeding 1,500 landings from the last inspection, inspect the inboard pivot brackets for corrosion, loose bolts, and cracks, and repair if necessary, in accordance with the instructions in paragraph 2, Accomplishment Instructions, British Aerospace Aircraft Group H.S. 748 Service Bulletin 57/59, dated October 1979.

Note.—Operators of the aircraft must contact the manufacturer for repair instructions if inboard pivot brackets are corroded to a depth greater than 0.060 inch.

2. To detect cracks in the joints between the tailplane center torsion box and outer tailplanes, and to prevent structural failure at the joints, accomplish the following: Prior to the accumulation of 18,000 hours time in service or within the next 750 hours time in service if not previously accomplished within the last 750 hours time in service, and thereafter at intervals not to exceed 3,000 hours time in service, inspect and repair if necessary, the tailplane front and rear spar joint plates and webs in accordance with paragraph 2, Accomplishment Instructions of British Aerospace Aircraft Group H.S. 748 Service Bulletin 55/19, Revision 1, dated September 1982.

3. To prevent failure of the aileron control quadrant assembly and possible loss of control of the airplane which incorporates part numbers 1R4583 and 2R4583, accomplish the following: Prior to the accumulation of 12,000 hours time in service or within the next 750 hours time in service, whichever occurs later after the effective date of this AD, incorporate Modification 6112 in accordance with paragraph 2.B of British Aerospace Aircraft Group H.S. 748 Service Bulletin 27/75 dated April 4, 1978.

4. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

5. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291, and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington, on March 2, 1983.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 83-6402 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AGL-1]

Proposed Alteration of Transition Area and Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to alter the Yankton, South Dakota, control zone and transition area descriptions to accommodate two new instrument approach procedures to Chan Gurney Municipal Airport, i.e., and NDB (Non-directional Radio Beacon Runway 31 and an ILS (Instrument Landing System) Runway 31 procedure, and to revise/reduce the airspace designated for the transition area.

The intended effect of this action is to ensure segregation of the aircraft using these approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before April 18, 1983.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 83-AGL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7380.

SUPPLEMENTARY INFORMATION: The current transition area charted for Yankton, South Dakota, does not accurately depict the description as published in Advisory Circular 70-3A, Compilation of Regulations. This action revises the description of the transition area as well as the description of the Yankton control zone to accommodate both the existing airspace requirements and the future airspace requirements for two new instrument approach procedures at Chan Gurney Municipal Airport, i.e., a Runway 31 Non-directional Radio Beacon (NDB) procedure and a Runway 31 Instrument Landing System (ILS) procedure. The control zone will be extended an additional 1½ miles northwest to accommodate existing procedures. The

control zone will also be extended to the southeast from the 5¾-mile radius to the 8¾-mile radius of the Yankton very high frequency omni-directional range (VOR) with an extension width of approximately 7 miles to accommodate the two new procedures. The transition area will now be described referencing only that airspace extending upward from 700 feet above the surface within a 9-mile radius of the Chan Gurney Municipal Airport, although minimum descent altitudes for these procedures may be established below the floor of the 700-foot controlled airspace. Any reference to airspace extending from 1200 feet above the surface has been determined no longer necessary and has been deleted.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–AGL–1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, of by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment § 71.171 and 71.181 of part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone and transition area airspace near Yankton, South Dakota.

Section 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were published in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Yankton, SD

Within a 5-mile radius of the Chan Gurney Municipal Airport (latitude 42°55'.01" N., longitude 97°23'11" W.); within 2¾ miles each side of the YanktonVOR 321° radial extending from the 5-mile radius to 8¾ miles northwest of the VOR; within 2¾ miles southwest of the Yankton 140° radial and 2¾ miles northest of the Yankton 137° radial extending from the 5-mile radius to 8¾ miles southeast of the VOR.

Yankton, SD

That airspace extending upward from 700 feet above the suface within a 9-mile radius of the Chan Gurney Municipal Airport (latitude 42°55'01" N., longitude 97°23'11" W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (20 is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (30 does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Monte R. Belger,

Acting Director Great Lakes Region.

[FR Doc. 83–6400 Filed 3–11–83; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits; Basic Computation of Benefits and Lump Sums; Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability; Deductions; Reductions; and Nonpayments of Benefits; Repeal of Minimum Benefit Provision and Rounding of Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: In these proposed regulations, we explain the prospective repeal of the Old-Age, Survivors and Disability Insurance (OASDI) minimum benefit provision and the revised rules for rounding benefit amounts. We also provide an extension of the December 1978 table used to compute the primary insurance amount of many individuals. This table provides for primary insurance amounts of less than the repealed $121.80 minimum (December 1978 rate). These regulations implement the provisions of sections 2201 and 2206 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) and section 2 of Pub. L. 97–123.

DATE: We will consider your comments if we receive them on or before May 13, 1983.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be

inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Phil Berge, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7452.

SUPPLEMENTARY INFORMATION: The 1981 amendments to the Social Security Act repealed the minimum benefit provision for newly eligible beneficiaries as one step in reducing the costs and improving the equity of the Social Security program. Under that provision, the minimum primary insurance amount (before any applicable cost-of-living adjustments) on which benefit amounts are based for beneficiaries newly eligible after 1978 was $122 ($121.80 if the primary insurance amount had been computed under the old-start method in 20 CFR 404.240–404.242 or the guaranteed-alternative method explained in 20 CFR 404.230–404.233). Thus, if a computation based on a worker's earnings resulted in a primary insurance amount less than the minimum, it was raised to the minimum. Now, for a worker to whom the repeal is applicable, we will use the primary insurance amount computed on the basis of earnings regardless of how low it is. However, some beneficiaries whose OASDI benefit amount is affected by the repeal will now be eligible for Supplemental Security Income benefits.

The repeal applies to workers who first become eligible for benefits after 1981 or who die after 1981 without having become eligible before 1982. For some members of certain religous orders, the repeal is applicable to individuals who first become eligible for benefits after 1991 or who die after 1991 without having become eligible for benefits.

In these regulations, we explain that computations of primary insurance amounts for workers reaching age 62 during the period 1982 through 1983 using the guaranteed-alternative computation method will be based on the table that was in the Social Security Act in December 1978, except that it has now been extended downward to show primary insurance amounts under $121.80. We also explain the methodology used to extend the December 1978 table. This table replaces the table now in Subpart C as published on July 15, 1982 at 47 FR 30731. Where it is necessary to initially compute benefits for months before this table became effective, we will use the relevant earlier tables, as appropriate.

The revised provisions on rounding reflect the intention of congress to reduce program costs by rounding to the next lower dime at intermediate steps in the benefit computation and rounding final benefit amounts (the actual benefit amount payable to a beneficiary) to the next lower multiple of a dollar if not already a multiple of a dollar. Although the statutory provisions were effective for computations and adjustments of primary insurance amounts and benefit amounts beginning with September 1981, we did not implement the provisions until June 1982 due to processing limitations which made earlier implementation impractical.

Regulatory Procedures

Executive Order 12291—The regulations have been reviewed under E.O. 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required. Arguably, the large program savings resulting from repeal of the minimum benefit and rounding of benefits might constitute "an annual effect on the economy of $100 million or more" (sec. 1(b)(1) of Executive order 12291) and, therefore, make these regulations major. However, the program savings result from statutory amendments, which leave the Secretary no significant regulatory discretion, and not from the regulation.

Paperwork Reduction Act—These regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because they affect only benefit amounts payable to individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

(Secs. 202, 205, 215, and 1102, of the Social Security Act; 49 Stat. 623, 53 Stat. 1368, 64 Stat. 506, 49 Stat. 647; 42 U.S.C. 402, 405, 415, and 1302)

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance, 13.803 Social Security—Retirement Insurance, 13.805 Social Security—Survivors Insurance)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure; Death benefits; Disabled; Old-age, Survivors, and disability insurance.

Dated: November 10, 1982.

Paul B. Simmons,

Acting Commissioner of Social Security.

Approved: January 20, 1983.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.212, as published on July 15, 1982, at 47 FR 30731, is amended by revising paragraph (c) and by adding paragraph (e) to read as follows:

§ 404.212 Computing your primary insurance amount from your average indexed monthly earnings.

* * * * *

(c) *Computing your primary insurance amount from the benefit formula.* We compute our primary insurance amount by applying the benefit formula to your average indexed monthly earnings and adding the results for each step of the formula. For computations using the benefit formulas in effect for 1979 through 1982, we round the total amount to the next higher multiple of $0.10 if it is not a multiple of $0.10 and for computations using the benefit formulas effective for 1983 and later years, we round to the next lower multiple of $0.10. (See paragraph (e) of this section for a discussion of the minimum primary insurance amount.)

* * * * *

(e) *Minimum primary insurance amount.* If you were eligible for benefits, or if the insured worker died without having been eligible, before 1982, the primary insurance amount computed under this method cannot be less than $122. This minimum benefit provision has been repealed effective with January 1982 for most workers and their families where the worker initially becomes eligible for benefits in that or a later month, or dies in January 1982 or a later month without having been eligible before January 1982. For members of a religious order who are required to take a vow of poverty, as explained in 20 CFR 404.1024, and which religious order elected Social Security coverage before December 29, 1981, the repeal is effective with January 1982 based on first eligibility or death in that month or later.

2. Section 404.222, as published on July 15, 1982, at 47 FR 30731, is amended by revising paragraph (b) to read as follows:

§ 404.222 Use of benefit table in finding your primary insurance amount from your average monthly wage.

* * * * *

(b) *Finding your primary insurance amount from benefit table.* We find your average monthly wage in column III of the table. Your primary insurance amount appears on the same line in column IV (column II if you are entitled to benefits for any of the 12 months preceding the effective month in column IV). As explained in § 404.212(e), there is a minimum primary insurance amount of $122 payable for persons who became eligible or died after 1978 and before January 1982. There is also an alternative minimum of $121.80 (before the application of cost-of-living increases) for members of this group whose benefits were computed from the benefit table in effect in December 1978 on the basis of either the old-start computation method in §§ 404.240 through 404.242 or the guaranteed alternative computation method explained in §§ 404.230 through 404.233. However, as can be seen from the extended table in Appendix III, the lowest primary insurance amount under this method is now $1.70 for individuals for whom the minimum benefit has been repealed.

Example. In the example in § 404.221(d), we computed Mr. B's average monthly wage to be $502. We refer to the December 1978 benefit table in Appendix III. Then we find his average monthly wage in column III of the table. Reading across, his primary insurance amount is on the same line in column IV and is $390.50. A 9.9 percent automatic cost-of-living benefit increase was effective for June 1979, increasing Mr. B's primary insurance amount to $429.20, as explained in §§ 404.270 through 404.277. Then, we increase the $429.20 by the 14.3 percent June 1980 cost-of-living benefit increase and get $490.60, and by the 11.2 percent June 1981 increase to get $545.60.

3. Section 404.261, as published on July 15, 1982, at 47 FR 30731, is amended by revising paragraph (a)(2) to read as follows:

§ 404.216 Computing your special minimum primary insurance amount.

(a) *Years of coverage.*

* * * * *

(2) You must have at least 11 years of coverage to qualify for a special minimum primary insurance amount computation. However, special minimum primary insurance amounts based on little more than 10 years of coverage are usually lower than the regular minimum benefit that was in effect before 1982 (see §§ 404.212(e) and 404.222(b) of this Part). In any situation where your primary insurance amount computed under another method is higher, we use that higher amount.

* * * * *

4. Section 404.275, as published on July 15, 1982, at 47 FR 30731, is amended by revising the sentence before the example to read as follows:

§ 404.275 Amount of automatic cost-of-living increase.

* * * * *

We round the resulting amounts to the next lower multiple of $0.10 if not already a multiple of $0.10. (We round to the next higher multiple of $0.10 for increases effective before June 1982.)

* * * * *

§ 404.277 [Amended]

5. Section 404.277 is amended in paragraph (a) by adding "and before 1982," after "1978" in the second sentence.

6. Appendix III, as published on July 15, 1982, at 47 FR 30731, is amended by revising the narrative after the first paragraph and the table to read as follows:

Appendix III—Benefit Table

* * * * *

The benefit table in effect in December 1978 had a minimum primary insurance amount of $121.80. As explained in § 404.222(b), certain workers eligible, or who died without having been eligible, before 1982 had their benefit computed from this table. However, the minimum benefit provision was repealed for other workers by the 1981 amendments to the Act (the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 as modified by Pub. L. 97–123). As a result, this benefit table includes a downward extension from the former minimum of $121.80 to the lowest primary insurance amount now possible. The extension is calculated as follows: For each single dollar of average monthly wage in the benefit table, the primary insurance amount shown for December 1978 is $121.80 multiplied by the ratio of that average monthly wage to $76. The upper limit of each primary insurance benefit range in Column I of the table is $16.20 multipled by the ratio of the average monthly wage in Column III of the table to $76. The maximum family benefit is 150 percent of the corresponding primary insurance amount.

The repeal of the minimum benefit provision is effective with January 1982 for most workers and their families where the worker initially becomes eligible for benefits after 1981 or dies after 1981 without having been eligible before January 1982. For members of a religious order who are required to take a vow of poverty, as explained in 20 CFR 404.1024, and which religious order elected Social Security coverage before December 29, 1981, the repeal is effective with January 1982 based on first eligibility or death in that month or later.

To use this table, you must first compute the primary insurance benefit (column I) or the average monthly wage (column III), then move across the same line to either column II or column IV as appropriate. To determine increases in primary insurance amounts since December 1978 you should see Appendix VI. Appendix VI tels you, by year, the percentage of the increases. In applying each cost-of-living increase to primary insurance amounts, we round the increased primary insurance amount to the next lower multiple of $0.10 if not already a multiple of $0.10. (For cost-of-living increases which are effective before June 1982, we round to the next higher multiple of $0.10.)

EXTENDED TABLE OF BENEFITS EFFECTIVE JANUARY 1983

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(a)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
				$1	$1.70	$2.60
	$0.42		$2	2	3.30	5.00
$0.43	.69		3	3	4.90	7.40
.84	.85		4	4	6.50	9.80
.99	1.06		5	5	8.10	12.20
1.07	1.27		6	6	9.70	14.60
1.28	1.48		7	7	11.30	17.00
1.50	1.70		8	8	12.90	19.40
1.71	1.91		9	9	14.50	21.80
1.92	2.13		10	10	16.10	24.20

EXTENDED TABLE OF BENEFITS EFFECTIVE JANUARY 1983—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
2.14	2.34		11	11	17.70	26.60
2.35	2.55		12	12	19.20	29.00
2.56	2.77		13	13	20.90	31.40
2.78	2.98		14	14	22.50	33.80
2.99	3.19		15	15	24.10	36.20
3.20	3.41		16	16	25.70	38.60
3.42	3.62		17	17	27.30	41.00
3.63	3.83		18	18	28.90	43.40
3.84	4.05		19	19	30.50	45.80
4.06	4.26		20	20	32.10	48.20
4.27	4.47		21	21	33.70	50.60
4.48	4.68		22	22	35.30	53.00
4.69	4.90		23	23	36.90	55.40
4.91	5.11		24	24	38.50	57.80
5.12	5.32		25	25	40.10	60.20
5.33	5.54		26	26	41.70	62.60
5.55	5.75		27	27	43.30	65.00
5.76	5.96		28	28	44.90	67.40
5.97	6.18		29	29	46.50	69.80
6.19	6.39		30	30	48.10	72.20
6.40	6.60		31	31	49.70	74.60
6.61	6.82		32	32	51.30	77.00
6.83	7.03		33	33	52.90	79.40
7.04	7.24		34	34	54.50	81.80
7.25	7.46		35	35	56.10	84.20
7.47	7.67		36	36	57.70	86.60
7.68	7.89		37	37	59.30	89.00
7.90	8.10		38	38	60.90	91.40
8.11	8.31		39	39	62.60	93.90
8.32	8.52		40	40	64.20	96.30
8.53	8.73		41	41	65.80	98.70
8.74	8.95		42	42	67.40	101.10
8.96	9.16		43	43	69.00	103.50
9.17	9.37		44	44	70.60	105.90
9.38	9.59		45	45	72.20	108.30
9.60	9.80		46	46	73.80	110.70
9.81	10.01		47	47	75.40	113.10
10.02	10.23		48	48	77.00	115.50
10.24	10.44		49	49	78.60	117.90
10.45	10.65		50	50	80.20	120.30
10.66	10.87		51	51	81.80	122.70
10.88	11.08		52	52	83.40	125.10
11.09	11.29		53	53	85.00	127.50
11.30	11.51		54	54	86.60	129.90
11.52	11.51		55	55	88.20	132.30
11.73	11.93		56	56	89.80	134.70
11.94	12.15		57	57	91.40	137.10
12.16	12.36		58	58	93.00	139.50
12.37	12.57		59	59	94.60	141.90
12.58	12.78		60	60	96.20	144.30
12.79	13.00		61	61	97.80	146.70
13.01	13.21		62	62	99.40	149.10
13.22	13.42		63	63	101.00	151.50
13.43	13.64		64	64	102.60	153.90
13.65	13.85		65	65	104.20	156.30
13.86	14.06		66	66	105.80	158.70
14.07	14.28		67	67	107.40	161.10
14.29	14.49		68	68	109.00	163.50
14.50	14.70		69	69	110.60	165.90
14.71	14.92		70	70	112.20	168.30
14.93	15.13		71	71	113.80	170.70
15.14	15.34		72	72	115.40	173.10
15.35	15.56		73	73	117.00	175.50
15.57	15.77		74	74	118.60	177.90
15.78	15.98		75	75	120.20	180.30
15.99	16.20		76	76	121.80	182.70

TABLE OF BENEFITS EFFECTIVE DECEMBER 1978

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$114.30		$76	$121.80	$182.70
$16.21	16.84	116.10	$77	78	123.70	185.60

TABLE OF BENEFITS EFFECTIVE DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(a)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
16.95	17.60	118.80	79	80	120.60	180.90
17.61	18.40	121.00	81	81	128.90	193.50
18.41	19.24	123.00	82	83	131.20	196.80
19.25	20.00	125.80	84	86	134.00	201.00
20.01	20.64	128.10	86	87	136.50	204.80
20.65	21.28	130.10	88	89	136.60	207.90
21.29	21.88	132.70	90	90	141.40	212.10
21.89	22.28	135.00	91	92	143.80	215.70
22.29	22.68	137.20	93	94	146.20	219.30
22.69	23.08	139.40	95	96	148.50	222.80
23.09	23.44	142.00	97	97	151.30	227.00
23.45	23.76	144.30	98	99	153.70	230.60
23.77	24.20	147.10	100	101	156.70	235.10
24.21	24.60	149.20	102	102	159.90	238.50
24.61	25.00	151.70	103	104	161.60	242.40
25.01	25.48	154.50	105	106	164.50	246.90
25.49	25.92	157.00	107	107	167.30	251.00
25.93	26.40	159.40	108	109	169.80	254.80
26.41	26.94	161.80	110	113	172.50	258.80
26.95	27.46	164.20	114	118	174.90	262.40
27.47	28.00	166.70	119	122	177.80	266.50
28.01	28.68	169.30	123	127	180.40	270.60
28.69	29.25	171.80	128	132	183.00	274.60
29.26	29.88	174.10	133	136	185.50	278.30
29.89	30.36	176.50	137	141	188.00	282.10
30.37	30.92	179.10	142	146	190.80	286.20
30.93	31.36	181.70	147	150	193.60	290.40
31.37	32.00	183.95	151	155	195.90	293.90
32.01	32.60	186.00	156	160	198.70	298.10
32.61	33.20	189.00	161	164	201.30	302.00
33.21	33.88	191.80	165	169	203.90	305.90
33.89	34.50	194.00	170	174	206.70	310.10
34.51	35.00	196.30	175	178	209.10	313.70
35.01	35.80	198.90	179	183	211.90	318.00
35.81	36.40	201.30	184	188	214.40	321.70
36.41	37.08	203.90	189	193	217.20	326.00
37.09	37.60	206.45	194	197	219.60	329.90
37.61	38.20	208.90	198	202	222.40	333.60
38.21	38.12	211.55	203	207	225.30	338.00
38.13	39.68	214.00	209	211	228.00	342.00
39.69	40.33	216.05	212	216	230.10	345.20
40.34	41.12	218.70	217	221	233.00	349.50
41.13	41.76	221.35	222	226	235.60	353.40
41.77	42.44	223.80	226	230	238.50	357.80
42.45	43.20	226.30	231	235	241.10	361.70
43.21	43.76	229.10	236	239	244.05	366.10
43.77	44.44	231.25	240	244	246.30	371.10
44.45	44.88	233.50	245	249	248.70	376.80
44.89	46.60	236.45	250	253	251.80	384.90
		238.70	254	258	254.30	392.50
		240.80	259	263	256.50	400.00
		243.70	264	267	259.60	406.00
		246.10	268	272	262.10	413.70
		248.70	273	277	264.90	421.20
		251.00	278	281	267.40	427.20
		253.50	282	286	270.00	434.90
		256.20	287	291	272.90	442.60
		258.30	292	295	275.10	448.50
		261.10	296	300	278.10	456.10
		263.50	301	305	280.70	463.80
		265.80	306	309	283.10	469.60
		268.50	310	314	286.00	477.40
		270.70	315	319	288.30	485.10
		273.20	320	323	291.00	491.10
		275.70	324	328	293.80	498.70
		278.10	329	333	296.20	506.20
		281.00	334	337	299.30	512.50
		283.00	338	342	301.40	519.90
		285.60	343	347	304.20	527.50
		288.30	348	351	307.10	533.60
		290.50	352	356	309.40	541.20
		293.30	357	361	312.40	548.30
		295.60	362	365	314.90	554.80
		297.80	366	370	317.30	562.50
		300.60	371	375	320.20	569.90
		303.10	376	379	322.90	576.30
		305.70	380	384	325.60	584.00
		307.80	385	389	328.00	591.30
		310.30	390	393	330.50	597.40
		313.00	394	398	333.40	603.10
		315.40	399	403	336.00	612.70
		318.20	404	407	338.90	618.60
		320.20	408	412	341.10	626.30

TABLE OF BENEFITS EFFECTIVE DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		322.50	413	417	343.50	633.80
		324.80	418	421	346.00	639.90
		327.40	422	426	348.70	647.50
		329.60	427	431	351.10	655.10
		331.80	432	436	353.20	662.70
		334.40	437	440	356.20	665.70
		336.50	441	445	358.40	669.70
		338.70	446	450	360.80	673.80
		341.30	451	454	363.50	678.30
		343.00	455	459	365.90	680.10
		345.80	460	464	368.30	683.60
		347.80	465	468	370.60	687.10
		350.70	469	473	373.50	690.50
		352.60	474	478	375.60	694.60
		354.90	479	482	378.00	697.70
		357.40	483	487	380.70	701.60
		359.70	488	492	383.10	705.40
		361.90	493	496	385.50	708.40
		364.50	497	501	388.20	712.10
		366.60	502	506	390.50	715.60
		368.90	507	510	392.90	719.00
		371.10	511	515	395.30	722.80
		373.70	516	520	398.00	726.70
		375.80	521	524	400.30	729.50
		378.10	525	529	402.70	733.40
		380.80	530	534	405.60	737.10
		382.80	535	538	407.70	740.20
		385.10	539	543	410.20	744.10
		387.60	544	548	412.60	747.30
		389.90	549	553	415.30	751.60
		392.10	554	556	417.60	753.90
		393.90	557	560	419.60	756.90
		396.10	561	563	421.90	759.30
		398.20	564	567	424.10	762.30
		400.40	568	570	426.50	764.50
		402.30	571	574	428.50	767.50
		404.40	575	577	430.70	769.90
		406.20	578	581	432.70	772.60
		408.40	582	584	435.00	775.20
		410.20	585	588	436.90	778.20
		412.60	589	591	439.50	780.50
		414.60	592	595	441.60	783.90
		416.70	596	598	443.80	785.60
		418.70	599	602	446.00	788.90
		420.70	603	605	448.10	791.10
		422.80	606	609	450.30	794.00
		424.90	610	612	452.60	796.50
		426.90	613	616	454.70	799.50
		428.90	617	620	456.80	802.50
		431.00	621	623	459.10	804.80
		433.00	624	627	461.20	807.90
		435.10	628	630	463.40	810.70
		437.10	631	634	465.60	814.70
		439.20	635	637	467.80	818.50
		441.40	638	641	470.10	822.40
		443.20	642	644	472.10	826.10
		445.40	645	648	474.40	830.10
		447.40	649	652	476.50	833.70
		449.80	653	656	477.80	836.10
		449.80	657	660	479.20	838.40
		451.50	661	665	480.90	841.50
		453.10	666	670	482.60	844.50
		454.00	671	675	484.40	847.40
		456.40	676	680	486.10	850.50
		458.00	681	685	486.80	853.50
		459.80	686	690	489.70	856.40
		461.20	691	695	491.20	859.60
		462.80	696	700	492.90	862.60
		464.50	701	705	494.70	865.80
		466.10	706	710	496.40	868.00
		467.70	711	715	498.20	871.00
		469.40	716	720	500.00	874.00
		471.00	721	725	501.70	877.60
		472.60	726	730	503.40	880.70
		474.20	731	735	505.10	883.90
		475.90	736	740	506.90	886.70
		477.40	741	745	508.50	889.90
		478.90	746	750	510.10	892.70
		480.40	751	755	511.70	895.40
		481.80	756	760	513.20	897.80
		483.20	761	765	514.70	900.40
		484.80	766	770	516.00	903.00
		486.80	771	775	517.40	905.40

TABLE OF BENEFITS EFFECTIVE DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		487.20	776	780	$16.90	907.90
		488.60	781	785	520.40	910.40
		489.50	786	790	521.70	912.90
		491.10	791	795	523.10	915.40
		492.50	796	800	524.60	918.00
		494.00	801	805	526.20	920.50
		495.30	806	810	527.50	923.00
		496.70	811	815	529.00	925.80
		498.00	816	820	530.40	928.00
		499.40	821	825	531.90	930.60
		500.70	826	830	533.30	933.10
		502.00	831	835	534.70	935.70
		503.30	836	840	536.10	938.10
		504.70	841	845	537.60	940.80
		506.00	846	850	538.90	943.00
		507.50	851	855	540.50	945.70
		508.80	856	860	541.90	948.10
		510.20	861	865	543.40	950.70
		511.50	866	870	544.80	953.20
		512.80	871	875	546.30	955.70
		514.10	876	880	547.60	958.20
		515.30	881	885	549.10	960.80
		516.80	886	890	550.40	963.20
		518.20	891	895	551.90	966.00
		519.60	896	900	553.40	968.30
		521.00	901	905	554.90	970.90
		522.30	906	910	556.30	973.50
		523.70	911	915	557.60	976.00
		525.10	916	920	559.30	978.30
		526.30	921	925	560.60	981.00
		527.60	926	930	561.90	983.40
		529.00	931	935	563.40	986.00
		530.40	936	940	564.90	988.50
		531.70	941	945	566.30	991.00
		533.00	946	950	567.70	993.50
		534.50	951	955	569.30	996.10
		535.90	956	960	570.60	998.60
		537.30	961	965	572.30	1,001.00
		538.40	966	970	573.40	1,003.60
		539.80	971	975	574.90	1,006.20
		541.20	976	980	576.40	1,008.50
		542.60	981	985	577.90	1,011.10
		543.90	986	990	579.20	1,013.60
		545.20	991	995	580.70	1,016.20
		546.60	996	1,000	582.20	1,018.60
		547.80	1,001	1,005	583.50	1,020.70
		548.90	1,006	1,010	584.80	1,023.20
		550.20	1,011	1,015	586.00	1,025.30
		551.50	1,016	1,020	587.40	1,027.80
		552.60	1,021	1,025	588.60	1,029.90
		553.80	1,026	1,030	589.80	1,032.20
		555.10	1,031	1,035	591.20	1,034.50
		556.20	1,036	1,040	592.40	1,036.70
		557.50	1,041	1,045	593.80	1,039.10
		558.80	1,046	1,050	595.20	1,041.30
		560.00	1,051	1,055	596.20	1,043.40
		561.10	1,056	1,060	597.60	1,045.90
		562.40	1,061	1,065	599.00	1,048.00
		563.60	1,066	1,070	600.30	1,050.50
		564.90	1,071	1,075	601.60	1,052.60
		566.00	1,076	1,080	602.80	1,054.90
		567.30	1,081	1,085	604.20	1,057.10
		568.40	1,086	1,090	605.40	1,059.40
		569.70	1,091	1,095	606.80	1,061.70
		571.00	1,096	1,100	608.20	1,064.00
		572.00	1,101	1,105	609.20	1,066.10
		573.30	1,106	1,110	610.60	1,068.50
		574.60	1,111	1,115	612.00	1,070.70
		575.70	1,116	1,120	613.20	1,073.10
		577.00	1,121	1,125	614.50	1,075.30
		578.20	1,126	1,130	615.80	1,077.60
		579.40	1,131	1,135	617.10	1,079.70
		580.60	1,136	1,140	618.50	1,082.20
		581.90	1,141	1,145	619.80	1,084.40
		583.10	1,146	1,150	621.10	1,086.70
		584.20	1,151	1,155	622.20	1,088.80
		585.50	1,156	1,160	623.60	1,091.10
		586.70	1,161	1,165	624.90	1,093.40
		587.90	1,166	1,170	626.20	1,095.50
		589.20	1,171	1,175	627.50	1,098.00
		590.30	1,176	1,180	628.70	1,100.20
		591.40	1,181	1,185	629.90	1,102.20
		592.60	1,186	1,190	631.20	1,104.30

TABLE OF BENEFITS EFFECTIVE DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		593.70	1,191	1,195	632.30	1,106.50
		594.80	1,196	1,200	633.50	1,108.60
		595.90	1,201	1,205	634.70	1,110.60
		597.10	1,206	1,210	636.00	1,112.80
		598.20	1,211	1,215	637.10	1,114.90
		599.30	1,216	1,220	638.30	1,117.00
		600.40	1,221	1,225	639.50	1,119.00
		601.60	1,226	1,230	640.60	1,121.20
		602.70	1,231	1,235	641.80	1,123.20
		603.80	1,236	1,240	643.10	1,125.40
		605.00	1,241	1,245	644.40	1,127.50
		606.10	1,246	1,250	645.50	1,129.60
		607.20	1,251	1,255	646.70	1,131.60
		608.30	1,256	1,260	647.90	1,133.80
		609.50	1,261	1,265	649.20	1,135.90
		610.60	1,266	1,270	650.30	1,138.00
		611.70	1,271	1,275	651.50	1,140.00
		612.80	1,276	1,280	652.70	1,142.20
		613.80	1,281	1,285	653.70	1,144.10
		614.00	1,286	1,290	654.80	1,146.10
		616.00	1,291	1,295	656.10	1,148.00
		617.00	1,296	1,300	657.20	1,150.00
		618.10	1,301	1,305	658.30	1,152.00
		619.10	1,306	1,310	659.40	1,154.00
		620.20	1,311	1,315	660.60	1,155.90
		621.30	1,316	1,320	661.70	1,157.90
		622.30	1,321	1,325	662.80	1,159.80
		623.40	1,326	1,330	664.00	1,161.90
		624.40	1,331	1,335	665.00	1,163.80
		625.50	1,336	1,340	666.20	1,165.80
		626.60	1,341	1,345	667.40	1,167.70
		627.80	1,346	1,350	668.40	1,169.70
		628.70	1,351	1,355	669.60	1,171.70
		629.70	1,356	1,360	670.70	1,173.70
		630.80	1,361	1,365	671.90	1,175.60
		631.90	1,366	1,370	672.90	1,177.70
		632.90	1,371	1,375	674.10	1,179.60
		633.90	1,376	1,380	675.20	1,181.60
		634.90	1,381	1,385	676.20	1,183.40
		635.90	1,386	1,390	677.30	1,185.30
		636.90	1,391	1,395	678.30	1,187.10
		637.90	1,396	1,400	679.40	1,189.00
		638.90	1,401	1,405	680.50	1,190.80
		639.90	1,406	1,410	681.50	1,192.70
		640.90	1,411	1,415	682.60	1,194.60
		641.90	1,416	1,420	683.70	1,196.50
		642.90	1,421	1,425	684.70	1,198.30
		643.90	1,426	1,430	685.80	1,200.20
		644.90	1,431	1,435	686.90	1,202.00
		645.90	1,436	1,440	687.90	1,203.90
		646.80	1,441	1,445	689.00	1,205.70
		647.90	1,446	1,450	690.10	1,207.70
		648.90	1,451	1,455	691.10	1,209.50
		649.90	1,456	1,460	692.20	1,211.40
		650.90	1,461	1,465	693.30	1,213.20
		651.90	1,466	1,470	694.30	1,215.10
		652.90	1,471	1,475	695.40	1,216.90

7. Section 404.304 is amended by removing and reserving paragraph (c) and by adding paragraph (f) to read as follows:

§ 404.304 General rules on benefit amounts.

* * * * *

(c) [Reserved]

* * * * *

(f) *Rounding.* After all other deductions or reductions, any monthly benefit which is not a multiple of $1 is reduced to the next lower multiple of $1.

§ 404.402 [Amended]

8. Section 404.402 is amended in paragraph (a)(2) by changing the cross-reference from § 404.409 to § 404.304(f).

§ 404.403 [Amended]

9. Section 404.403 is amended in paragraph (c) by changing "higher" to "lower" in the last sentence.

10. Section 404.405 is amended by revising the second sentence of paragraph (p)(3) to read as follows:

§ 404.405 Amended.

* * * * *

(p) * * *

(3) * * * Any such increased amount, if it is not a multiple of $0.10, will be raised to the next higher multiple of $0.10 for months before June 1982 and reduced to the next lower multiple of $0.10 for months after May 1982.

§ 404.409 [Reserved]

11. Section 404.409 is removed and reserved.

12. Section 404.410 is amended in the opening paragraph by adding after the

fourth sentence the following sentence, to read as follows:

§ 404.410 Reduction in benefits for age—general.

* * * * *

Any reduction amount under this section or §§ 404.411–404.413 which is not a multiple of $0.10 will be raised to the next higher multiple of $0.10.

* * * * *

§ 404.439 [Amended]

13. Section 404.439 is amended in the second sentence by adding "and before the application of § 404.304(f) to round to the next lower dollar" after "retirement age". This section is further amended by revising the example to read as follows:

Example: A is entitled to an old-age insurance benefit of $165 and his wife is entitled to $82.50 before rounding, making a total of $247.50. After A's excess earnings have been charged to the appropriate months, there remains a partial benefit of $200 payable for October, which is apportioned as follows:

	Original benefit	Fraction of original	Benefit after deductions for excess earnings and after rounding per § 404.304(f)
A	$165	5/6	$133
Wife	82.50	1/6	66
Total	247.50		199

§ 404.440 [Amended]

14. Section 404.440 is amended by removing the last sentence and revising the example to read as follows:

* * * * *

Example: Family maximum is $150. Insured individual's excess earnings charged to the month are $25. The remaining $125 is prorated as partial payment.

	Original benefit	Fraction of original total benefits	Benefit after deductions for excess earnings but before reduction for family maximum	Benefit reduced for maximum but without deductions for excess earnings	Benefit payable after both deductions and reductions (and rounded)
Insured individual	$100	5/8	50	109.70	75
Wife	50	1/8	25	16.60	16
Child	50	1/8	25	16.60	16
Child	50	1/8	25	16.60	16

15. Section 404.441 is revised to read as follows:

§ 404.441 Partial monthly benefits; insured individual and another person entitled (or deemed entitled) on the same earnings record both have excess earnings.

Where both the insured individual and another person entitled (or deemed entitled) on the same earnings record have excess earnings (as described in § 404.430), their excess earnings are charged, and their partial monthly benefit is apportioned, as follows:

Example: M and his wife are initially entitled to combined total benefits of $264 per month based on M's old-age insurance benefit of $176. For the taxable year in question, M's excess earnings were $1,500 and his wife's excess earnings were $265.

Both were under age 65. M had wages of more than $340 in all months of the year except February, while his wife had wages of more than $340 in all months of the year. After M's excess earnings have been charged to the appropriate months (all months through July except February), there remains a partial benefit payment for August of $240, which is allocated to M and his wife in the ratio that the original benefit of each bears to the sum of their original benefits: $106 and $63. His wife's excess earnings are charged against her full benefit for February ($88), her partial benefit for August ($63), her full benefit for September, and from $9 of her October benefit, leaving an $82 benefit payable to her for that month.

§ 404.501 [Amended]

16. Section 404.501 is amended in paragraph (a)(2) by inserting the words "or decrease" after the word "increase" and by removing the reference to section 202(m).

[FR Doc. 83-6162 Filed 3-11-83; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-274-81]

Accounting for Long-Term Contract

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to regulations under sections 446, 451 and 471 of the Internal Revenue Code relating to accounting for long-term contracts. The proposed amendments would conform the regulations to section 229 of the Tax Equity and Fiscal Responsibility Act of 1982 and would affect taxpayers who have long-term contracts whether or not they use a long-term contract method of accounting for such contracts.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 13, 1983. In general, the proposed regulations relating to the allocation of indirect costs to extended period long-term contracts, and the rules relating to the use of LIFO or the lower of cost or market inventory methods with a long-term contract method are proposed to be effective for taxable years beginning after December 31, 1982. The proposed regulations relating to completion of contracts, and aggregating and severing contracts are proposed to be effective for taxable years ending after December 31, 1982. Except as otherwise provided, all other provisions of the proposed regulations are proposed to be effective for all taxable years beginning after December 31, 1953 and ending after August 16, 1954.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–274–81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Joseph M. Rosenthal of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3671, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 446, 451 and 471 of the Internal Revenue Code of 1954.

These amendments are proposed to conform the regulations to the requirements of section 229 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248, 96 Stat. 324, 493) and are to be issued under the authority contained in that section, and in sections 471 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 159, 917; 26 U.S.C. 471, 7805).

Cost Allocation Rules

Under existing regulation § 1.451–3, taxpayers are permitted to include income from a long-term contract in gross income in accordance with the percentage of completion method or the completed contract method, or any other

method if the method chosen clearly reflects income.

Under the completed contract method the gross contract price of a long-term contract is generally included in gross income, and the cost allocable to such contract (contract costs) are deducted, in the taxable year in which the contract is completed. Under the existing regulations contract costs include all direct costs, and all indirect costs that are incident to and necessary for the performance of particular contracts. In the case of taxpayers using the completed contract method, paragraph (d)(5) of § 1.451–3 contains rules for determining the indirect costs that are required to be allocated to long-term contracts and the costs that are not required to be allocated to long-term contracts. Costs that are not required to be allocated to a long-term contract may generally be deducted from gross income in the taxable year they are incurred (period costs).

Under the current regulations, certain indirect costs incurred by a taxpayer in the performance of particular long-term contracts must be allocated to such contracts. However, other costs (such as general and administrative expenses, research and experimental expenses, accelearated depreciation, pension costs and other employee benefits) are treated as costs not required to be allocated to long-term contracts without regard to whether such costs are incurred in the performance of particular long-term contracts. The present cost allocation regulations make no distinction between long-term contracts that will continue for an extended period of time and long-term contracts that are completed within a shorter period of time.

It has now been determined that in the context of accounting for extended period long-term contracts (as defined in the following section), the present period cost classification rules distort the timing of recognition of income and deductions with the result that the completed contract method does not clearly reflect income from extended period long-term contracts.

Accordingly, effective for taxable years beginning after December 31, 1982, the proposed regulations contain new indirect cost and period cost allocation rules that will result in a clear reflection of income of taxpayers using the completed contract method of accounting for extended period long-term contracts. The treatment of direct costs remains unchanged. The classifications of costs that are to be treated as indirect costs allocable to particular extended period long-term contracts are expanded and the classifications of costs not required to be included in costs attributable to extended period long-term contracts are reduced. Under the proposed regulations indirect costs required to be allocated to extended period long-term contracts include the direct and indirect costs incurred by centralized administrative, service and support functions, or departments which taxpayers might have treated as general and administrative period costs under the existing regulations. Under the proposed regulations a portion of an indirect cost may be allocable to an extended period long-term contract even though the cost also benefits another contract or another activity of the taxpayer. The indirect cost allocation rules applicable to long-term contracts that are not extended period long-term contracts are unchanged, except for clarification of the existing indirect cost allocation rules relating to research and experimental expenses and depreciation.

The proposed indirect cost allocation rules for extended period long-term contracts are proposed to be effective, with a 3-year phase-in period, for costs incurred in taxable years beginning after December 31, 1982, with respect to contracts entered into after December 31, 1982. Detailed transitional rules are provided in proposed § 1.451–3(g).

Effective for taxable years beginning after December 31, 1982, the proposed regulations also provide that the proposed cost allocation rules shall apply (and the cost allocation rules of § 1.471–11 shall no longer apply) to extended period long-term contracts entered into after December 31, 1982 that the taxpayer accounts for under an accrual-inventory method of accounting. The Commissioner of Internal Revenue invites comments on whether this requirement should be modified in the case of taxpayers using an accrual-inventory method of accounting for extended period long-term contracts under which some threshold amount of the income from such contracts is recognized in taxable years before the taxable year such contracts would be considered completed under the completed contract method.

Definition of Extended Period Long-Term Contract

The proposed indirect cost allocation rules apply only to long-term contracts that are expected to take a relatively long period to complete, with a distinction made between manufacturing contracts and construction contracts, and in the case of construction contracts, a further distinction is made between relatively large and relatively small taxpayers. Thus, an extended period long-term contract is any contract that the taxpayer estimates will not be completed within two years from the contract commencement date; except that a construction contract will not be an extended period long-term contract if (1) the taxpayer estimates that the contract will be completed within three years of the contract commencement date, or (2) if the taxpayer's average annual gross receipts over the three taxable years ending before the taxable year the construction contract is entered into do not exceed $25 million. Special rules are provided for purposes of determining the taxpayer's gross receipts: The gross receipts of trades or businesses under common control are combined under the principles of section 1.52–1 of the regulations; and, in the case of trades or businesses not under common control, under rules similar to the principles of section 318, gross receipts may be attributed to the taxpayer who enters into the contract.

Severing and aggregating Long-Term Contracts

For the purpose of clearly reflecting income from long-term contract activities, it may be necessary in some instances to treat one agreement as several contracts or to treat several agreements as one contract.

The proposed regulations contain additional rules intended to clarify the circumstances under which the severing and aggregating provisions may be applied. These provisions will apply both in the case of a taxpayer using a long-term contract method and in the case of a taxpayer using any other method of accounting for long-term contracts.

The proposed amendments are proposed to be effective for taxable years ending after December 31, 1982, with a special transitional rule for contracts that would be considered completed in an earlier taxable year under the proposed revisions.

Completion of Contracts

The proposed regulations also provide additional guidance on when a long-term contract will be considered "completed" for tax purposes. These proposed amendments are proposed to be effective for taxable years ending after December 31, 1982, with a special transitional rule for contracts that would be considered completed in an earlier taxable year under the proposed revisions.

Clear Reflection of Income

The proposed regulations clarify that the long-term contract methods, the

percentage of completion method and the completed contract method, are subject to the clear reflection of income standard of section 446. The purpose of the application of the clear reflection of income doctrine to the complete contract method is to insure (1) that taxpayers properly apply the method, and (2) that in unusual circumstances, for example when a liquidation or reorganization occurs, the Commissioner may require income to be reported on a basis other than the completed contract method. Generally the clear reflection of income standard of section 446 does not require that a taxpayer using the completed contract method for tax purposes also use that method for financial reporting purposes.

Bidding Expenses

The Commissioner of Internal Revenue invites comments on the appropriate treatment of bidding expenses incurred in the solicitation of particular extended period long-term contracts. The proposed regulations provide that bidding expenses incurred in the solicitation of particular extended period long-term contracts are to be deferred until the contract is awarded. If the contract is awarded to the taxpayer the bidding costs become a part of the indirect costs of the contract and will be deducted when income from the contract is recognized. Bidding costs incurred in the solicitation of contracts not awarded to the taxpayer become deductible in the taxable year it is determined that the taxpayer will not be awarded the contract. Bidding expenses do not include research and experimental expenditures described in section 174 and the regulations thereunder.

In the case of a taxpayer who generally is awarded only a small proportion of the total number of bids or proposals made with respect to extended period long-term contracts, the rule in the proposed regulations may be unduly harsh. Such a taxpayer's income might be clearly reflected if the taxpayer deducted bidding expenses incurred in the solicitation of extended period long-term contracts in the year such expenses are paid or incurred, and "recaptured" such expenses in the year the taxpayer is awarded an extended period long-term contract. Other treatments of such bidding expenses might also be appropriate.

Multi-Unit Contracts

The proposed regulations also clarify that under an accrual method of accounting, income from a multi-unit contract accrues at the time each item under the contract is shipped, delivered, or accepted, or when title to the item passes to the purchaser.

Lifo Method and Lower of Cost or Market Method

The proposed regulations clarify that the LIFO method and the lower of cost or market method may not be used to determine the costs attributable to a long-term contract accounted for under a long-term contract method, including the use of such methods to determine the cost of raw materials or components assigned to a long-term contract. This provision is proposed to be effective for taxable years beginning after December 31, 1982. Although this provision is to be applied prospectively, it does not represent a change in the position of the Internal Revenue Service. *See*, Rev. Rul. 59-329, 59-2, C.B. 136.

Non-Applicability of Executive Order 12291 and Regulatory Flexibility Act

The Treasury Department has determined that this proposed regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of this regulation is Joseph M. Rosenthal of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.441-1 to 1.483-2

Income taxes, Accounting, Deferred compensation plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Income Tax Regulations

(26 CFR Part 1)

Paragraph 1. Paragraph (c)(1)(ii) of § 1.446-1 is revised to read as follows:

§ 1.446-1 General rule for methods of accounting.

* * * * *

(c) *Permissible methods—(1) In general.* * * *

(ii) *Accrual method.* Generally, under an accrual method, income is to be included for the taxable year when all the events have occurred which fix the right to receive such income and the amount thereof can be determined with reasonable accuracy. Under such a method, deductions are allowable for the taxable year in which all the events have occurred which establish the fact of the liability giving rise to such deduction and the amount thereof can be determined with reasonable accuracy. The method used by the taxpayer in determining when income is to be accounted for will be acceptable if it accords with generally accepted accounting principles, is consistently used by the taxpayer from year to year, and is consistent with the Income Tax Regulations. For example, under an accrual method, a taxpayer engaged in a manufacturing business may account for the sale of an item when the item is shipped, when the item is delivered, when the item is accepted, or when title to the item passes to the customer, whether or not billed, dpending upon the method regularly employed in keeping the taxpayer's books.

* * * * *

Par. 2. Section 1.451-3 is amended as follows:

1. Paragraph (a) is amended by revising paragraph (a) (1) and (3), by adding a heading to paragraph (a)(2), and by adding new paragraphs (a)(4) (a)(5) and (a)(6);

2. Paragraph (b) is amended by adding headings to paragraphs (b)(1) (i) and (ii), revising paragraph (b)(2) and adding new paragraph (b)(3);

3. Paragraph (d) is amended by revising paragraphs (d) (1) and (5), redesignating paragraph (d)(5)(iv) as paragraph (d)(7), revising and redesignating paragraph (d)(6) as

paragraph (d)(6), and by adding new paragraphs (d) (8) and (9);

4. Paragraph (e) is amended by revising paragraph (e)(1), revising example (2) of paragraph (e)(2), redesignating example (3) of paragraph (e)(2) as example (4), and adding new examples (3), (5), and (6) to paragraph (e)(2); and

5. A new paragraph (g) is added.

The revised and added provisions read as follows:

§ 1.451-3 Long-term contracts.

(a) *Introduction*—(1) *In general.* Income from a long-term contract (as defined in paragraph (b)(1) of this section) may be included in gross income in accordance with one of the two long-term contract methods, namely, the percentage of completion method (as described in paragraph (c) of this section) or the completed contract method (as described in paragraph (d) of this section), or any other method, if the long-term contract method or the other method chosen clearly reflects income. Whichever method is chosen, it must be applied consistently to all long-term contracts within the same trade or business except that a taxpayer who has long-term contracts (as defined in paragraph (b)(1) of this section) of substantial duration and long-term contracts of less than substantial duration in the same trade or business may report the income from all the contracts of substantial duration on the same long-term contract method and report the income from the contracts of less than substantial duration pursuant to another proper method of accounting. For example, if a manufacturer of heavy machinery has special-order contracts of a type that generally take 15 months to complete and also has contracts of a type that generally take 3 months to complete, the manufacturer may use a long-term contract method for the 15-month contracts and a proper inventory method pursuant to section 471 and the regulations thereunder for the 3-month contracts. Similarly, if a construction contractor has construction contracts of a type that generally take 15 calendar months to complete and other construction contracts that take only 5 months to complete but that are long-term contracts because they are not completed in the taxable years in which they are entered into (pursuant to paragraph (b)(1)(i) of this section), such contractor may either use a long-term contract method for all the contracts of both types or use a long-term contract method for the 15-month contracts and another proper method of accounting for the 5-month contracts. If a taxpayer distinguishes between contracts of substantial duration and other long-term contracts of less than substantial duration, he must adhere to a consistently applied standard for determining substantial duration.

(2) *Reporting requirement.* When a taxpayer reports income under the percentage of completion method or the completed contract method, a statement to that effect shall be attached to his income tax return.

(3) *Allocation among activities required.* The percentage of completion method and the completed contract method apply only to the accounting for income and expenses attributable to long-term contracts. The term "expenses attributable to long term contracts" means all direct labor costs and direct material costs (within the meaning of paragraph (d)(5)(i) or (6)(i) of this section), and all indirect costs except those described in paragraph (d) (5)(iii) or, in the case of extended period long-term contracts, paragraph (d)(6)(iii). Other income and expense items, such as investment income or expenses not attributable to such contracts and costs incurred with respect to any guarantee, warranty, maintenance, or other service agreement relating to the subject matter of such contracts, shall be accounted for under a proper method of accounting. See section 446(c) and § 1.446-1(c).

(4) *Severing and aggregating contracts of certain taxpayers.* This (4) applies to taxable years ending after December 31, 1982, in the case of income from a long-term contract (as defined in paragraph (b) (1) of this section) included in gross income in accordance with a method other than one of the two long-term contract methods described in paragraph (c) or (d) of this section. For the purpose of clearly reflecting income, it may be necessary in some instances either to treat one agreement as several contracts or to treat several agreements as one contract. The rules of paragraph (e)(1) of this section shall apply to determine whether an agreement should be so severed or several agreements so aggregated.

(5) *Certain taxpayers not using a long-term contract method.* In the case of a taxpayer using an inventory method of accounting for any extended period long-term contract (as defined in paragraph (b)(3) of this section) entered into after December 31, 1982, see paragraph (d)(6) of this section.

(6) *LIFO method and lower of cost or market method not permitted.* Effective for taxable years beginning after December 31, 1982, the taxpayer may not use the LIFO inventory method described in section 472, or the lower of cost or market inventory method § 1.451-3(a)(6) described in § 1.471-2(c) and § 1.471-4 to determine the costs attributable to a long-term contract accounted for under a long-term contract method, including the use of such methods to determine the cost of materials assigned to a long-term contract or to determine the cost of finished or semi-finished components assigned to a long-term contract. See § 1.471-4(d) and § 1.472-2(m).

(b) *Definitions and special rules relating to certain contracts*—(1) *Long-term contract*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, the term "long-term contract" means a building, installation, construction or manufacturing contract which is not completed within the taxable year in which it is entered into.

(ii) *Manufacturing contracts.* Notwithstanding subdivision (i) of this subparagraph, a manufacturing contract is a "long-term contract" within the meaning of this subparagraph only if such contract involves the manufacture of *(a)* unique items of a type which is not normally carried in the finished goods inventory of the taxpayer or (*b*) items which normally require more than 12 calendar months to complete (regardless of the duration of the actual contract). Thus, for example, a contract to manufacture a unit of industrial machinery specifically designed for the needs of a customer and not normally carried in the taxpayer's inventory or a contract to manufacture machinery which will require more than 12 calendar months to complete are long-term contracts within the meaning of this subparagraph; however, a contract to manufacture 15,000 folding chairs which take 3 days each to manufacture is not a long-term contract within the meaning of this subparagraph even though it takes more than 12 calendar months to manufacture all 15,000 chairs and the contract is not completed within the taxable year it is entered into.

§1.451-3 (B)(1)(ii)

(2) *Completion*—(i) *Final completion and acceptance*—(A) *General rule.* Except as otherwise provided in this (2), and in paragraph (d)(2), (3), and (4) of this section (relating to disputes), a long-term contract shall not be considered "completed" until final completion and acceptance have occurred. Nevertheless, a taxpayer may not delay the completion of a contract for the principal purpose of deferring Federal income tax. If the preceding sentence applies to a contract, (*1*) "final completion and acceptance" shall be determined without regard to such delay, (*2*) the entire gross contract price shall be included in gross income for the taxable year in which the contract is

completed, (*3*) all costs properly allocable to the contract and which have been incurred prior to the end of the taxable year in which such contract is completed shall be deducted in such year, and (*4*) all other costs properly allocable to such contract shall be accounted for under a proper method of accounting.

(B) *Examples.* The principles of paragraph (b)(2)(i)(A) of this section are illustrated by the following examples:

Example (1). In 1982, X, a calendar year taxpayer who manufactures industrial machinery, contracts with F to build and install one large item of industrial machinery to be delivered in August 1983 and to be installed and tested by X in F's factory. The contract provides that the machinery will not be accepted by F unless the tests performed by X demonstrate that the machinery will perform within certain environmental standards required by a government agency. Because of technical problems the machinery is not ready for delivery until December 1983. F accepts delivery of the machinery in December 1983 subject to installation and testing to determine if the assembled machinery meets the environmental standards. The machinery is installed and tested during December 1983 through February 1984, and F accepts the machinery in February 1984. Under these circumstances final completion and acceptance of the machinery for Federal income tax purposes occurs in February 1984.

Example (2). In 1982, A, a calendar year contractor, contracts with B to construct a building. The initial completion date specified in the contract is October 1984. In November 1984, the building is completed in every respect necessary for the use for which the building is intended and no substantial dispute exists between A and B as to the acceptability of the work performed. Later in November 1984, B occupies the building and notifies A that certain minor deficiencies should be corrected. A agrees to correct the deficiencies without modification of the contract price. Under these circumstances, the contract is considered completed for Federal income tax purposes in A's taxable year ending December 31, 1984, without regard to when A corrects the deficiencies. The contract is considered completed because the parties have dealt with each other in a manner that indicates that the subject matter of the contract has been finally completed and accepted. A must include the gross contract price in gross income for 1984. A must deduct from gross income in 1984 all costs properly allocable to the contract which have been incurred prior to 1985. A must account for the costs properly allocable to the contract but incurred after 1984 under a proper method of accounting.

Example (3). Assume the same facts as example 2, except that there are no deficiencies in the building that require correction or repair. In addition, assume that the contract between A and B provides that none of the retainage under the contract may be released to A until A obtains an architect's certificate that the building has been completed according to the specifications of the contract. A obtains this certificate in February, 1985. Under these circumstances, the contract is considered completed for Federal income tax purposes in A's taxable year ending December 31, 1984, without regard to when A obtains the required architect's certificate, and without regard to when the retainage is released to A, because the parties have dealt with each other and with the subject matter of the contract in a manner that indicates that the contract has been finally completed and accepted.

(ii) *Contracts with more than one subject matter*—(A) *General rule.* This (2)(ii) applies to taxable years ending after December 31, 1982. In the case of a long-term contract (which, after the application of the rules provided in paragraph (e) of this section, is treated as a single long-term contract for Federal income tax purposes) for the building, installation, construction or manufacture of (*1*) one or more units (such as an aircraft or an item of industrial machinery) that represent the primary subject matter of the contract, and for (*2*) other items (such as training manuals, or spare or replacement parts or components) that do not represent the primary subject matter of the contract, "final completion and acceptance" shall be determined without regard to the contractor's obligation to supply the other items that do not represent the primary subject matter of the contract. If at the end of the taxable year in which the long-term contract is completed there remain any other items that do not represent the primary subject matter of the contract and which have not been finally completed and accepted, then (*3*) the costs which have been incurred prior to the end of such year and which are properly allocable to such other items (determined pursuant to paragraph (d)(5) or (6) (as the case may be) of this section), and (*4*) a portion of the gross contract price (if any) reasonably allocable to such other items shall be separated from the long-term contract, and such costs and such portion of the gross contract price shall be accounted for under a proper method of accounting. Such proper method of accounting does not include a long-term contract method or the cash receipts and disbursements method.

(B) *Example.* The principles of paragraph (b)(2)(ii)(A) of this section may be illustrated by the following example:

Example. In 1982, X contracts with the Y Government to manufacture five aircraft and to manufacture 12 spare and replacemnt parts for the five aircraft and for certain other aircraft supplied to Y under prior contracts. Assume that under all the facts and circumstances it is determined that the portion of the contract relating to the 12 spare and replacement parts does not have to be severed from the portion of the contract relating to the five aircraft. Assume also that under all the facts and circumstances it is determined that the five aircraft represent the primary subject matter of the contract, and that the spare and replacement parts do not represent the primary subject matter of the contract. In 1984, X tenders the five aircraft and seven of the spare and replacement parts to Y. Y accepts the aircraft and the parts subject to X's delivery of the balance of the spare and replacement parts. For Federal income tax purposes the contract is deemed to have been completed in 1984. Accordingly, X must include in gross income in 1984 the entire contract price, less the portion of the gross contract price reasonably allocable (if any) to the parts not delivered in 1984. X must deduct from gross income in 1984 the entire costs properly allocable to the contract, less the entire costs incurred that are properly allocable to the parts not delivered in 1984. X will account for the income and costs allocable to the parts not delivered in 1984 under a proper method of accounting.

(iii) *Contingent compensation.* This (2)(iii) applies to taxable years ending after December 31, 1982. In the case of a long-term contract, "final completion and acceptance" shall be determined without regard to any term of the contract providing for additional compensation contingent upon the continued successful performance of the subject matter of the contract after the subject matter of the contract has been accepted by the purchaser (such as an incentive bonus payable if a satellite remains in operation for twenty months after it is placed in orbit). Such contingent compensation shall be accounted for under a proper method of accounting other than a long-term contract method.

(iv) *Certain supervision of installation.* This (2) (iv) applies to taxable years ending after December 31, 1982. In th case of a long-term contract, "final completion and acceptance" shall be determined without regard to any obligation on the part of the contractor to assist or to supervise installation or assembly of the subject matter of the contract where such installation or assembly is to be performed by the purchaser and, under applicable contract law, the subject matter of the contract may be accepted by the purchaser prior to such installation or assembly. If the preceding sentence applies to a contract, (*1*) "final completion and acceptance" shall be determined without regard to such obligation, (*2*) the entire gross contract price less the portion of the gross contract price (if any) reasonably allocable to such obligation, shall be

included in gross income in the taxable year in which the contract is completed, (*3*) all costs properly allocable to the contract and which have been incurred prior to the end of the taxable year in which such contract is completed shall be deducted in such year, and (*4*) all other costs properly allocable to such contract and the portion of the gross contract price reasonably allocable to the obligation to assist or to supervise installation shall be accounted for under a proper method of accounting.

(v) *Subcontractors.* In the case of a subcontractor who completes work on a long-term contract prior to the completion of the entire contract, "final completion and acceptance" of the contract with respect to such subcontractor shall be deemed to have occurred when the subcontractor's work has been completed and has been accepted by the party with whom the subcontractor has contracted.

(vi) *Disputes.* Completion of a long-term contract is determined without regard to whether a dispute exists at the time the taxpayer tenders the subject matter of the contract to the party with whom the taxpayer has contracted. See paragraph (d)(2), (3) and (4) of this section.

(3) *Extended period long-term contract*—(i) *General Rule.* This (3) does not apply to contracts accounted for under the percentage of completion method. Except as provided in paragraph (b)(3)(ii) of this section, the term "extended period long-term contract" means any long-term contract that the taxpayer estimates (at the time such contract is entered into) will not be completed (as defined in paragraph (b)(2) of this section) within the 2-year period beginning on the first date (hereinafter, "the contract commencement date") that the taxpayer incurs any costs (other than costs such as bidding expenses, or expenses incurred in connection with negotiating the contract) allocable to such contract (under the cost allocation rules of paragraph (d)(6) of this section). The preceding sentence shall be applied without regard to when costs allocable to a contract are recorded under the cost accounting procedures used by the taxpayer. In general, the contract commencement date will be the first date that any of the following activities occur: the taxpayer incurs design or engineering costs allocable to the contract other than design or engineering costs incurred solely for purposes of bidding for the contract; materials or equipment are shipped to the jobsite; or workers whose labor cost is treated as direct labor are sent to the jobsite. If under the taxpayer's accounting procedures it is not possible to determine the first date when any costs allocable to a contract are incurred, the contract commencement date of a contract shall be the date such contract is entered into, unless the taxpayer establishes to the satisfaction of the district director that another date is a more appropriate contract commencement date.

(ii) *Certain construction contracts.* The term "extended period long-term contract" does not include any construction contract entered into by a taxpayer—

(A) Who estimates (at the time such contract is entered into) that such contract will be completed within the 3-year period beginning on the contract commencement date of such contract, or

(B) Whose average annual gross receipts (determined under paragraph (b)(3)(iii) of this section) over the 3 taxable years preceding the taxable year the contract is entered into do not exceed $25 million.

For purposes of this section, the term "contruction contract" means any contract for the building, construction, or erection of, or the installation of any integral component to, improvements to real property. For purposes of the preceding sentence, construction includes reconstruction and rehabilitation. Any improvement to real property includes buildings or other structures intended to be permanently affixed to real property, roadways, dams, or bridges, but does not include such items as vessels, or offshore drilling platforms which, for purposes of this section, are considered to be manufactured. An integral component to an improvement to real property includes property not produced at the site of the real property but intended to be permanently affixed to an improvement to real property, for example, elevators and central heating and cooling systems. In the case of a contract that provides for the manufacture and the installation of an integral component to an improvement to real property (such as the pollution control equipment for a power plant), only the part of the overall gross contract price and the costs properly allocable to the work of installing the finished component is a construction contract. For example, in the case of a contract to both manufacture and to install an elevator in an office building, only the portion of the gross contract price and only the costs properly allocable to installing the elevator is a construction contract. However, in determining whether the installation portion of a contract is expected to be completed within three years, the time expected to complete both the manufacture and the installation of the contract subject matter must be taken into account. Similarly, in determining whether the manufacturing portion of a contract is expected to be completed within two years, the time expected to complete both the manufacture and the installation of the contract subject matter must be taken into account. Alternatively, the taxpayer may consistently account for the manufacturing portion and the installation portion of all such agreements as separate contracts provided that the allocation of the gross contract price between the manufacturing portion and the installation portion of the agreement clearly reflects income.

(iii) *Determination of gross receipts*—(A) *Aggregation and attribution of gross receipts.* The following rules shall apply in determining the gross receipts of the taxpayer for purposes of paragraph (b)(3)(ii)(B) of this section, that is, for determining if the average annual gross receipts of the taxpayer over the 3 taxable years preceding the taxable year in which a construction contract is entered into exceed $25 million. Under paragraph (b)(3)(iii)(B) of this section, the gross receipts of all trades or businesses under commom control with the taxpayer who enters into the construction contract are combined. Under paragraph (b)(3)(iii)(C), a portion of the gross receipts of trades or businesses not under common control with the taxpayer who enters into the contract, but which are related to the taxpayer through a chain of attribution (using indirect and constructive ownership), are attributed to the taxpayer who enters into the contract. Except as provided in paragraph (b)(3)(iii)(C)(*4*)(*a*), the rules of paragraph (b)(3)(iii) (B) and (C) are both applied. For purposes of paragraph (b)(3) of this section, "gross receipts" include the gross receipts realized from the conduct of any trade or business, and shall be the gross receipts of the taxable year in which such receipts are recognized properly under the tax accounting method of the taxpayer. Gross receipts include the gross contract price of a long-term contract (whether a general contract or a subcontract).

(B) *Aggregation of gross receipts of trades or businesses under common control.* If, at any time during the calendar year in which the taxpayer enters into a construction contract, such taxpayer and any other trades or businesses (whether or not

incorporated) are under common control, then the gross receipts of such trades or businesses (for the 3 taxable years of such trades or businesses preceding the taxable year of such trades or businesses in which the construction contract is entered into) shall be combined with the gross receipts of the taxpayer for the 3 taxable years of the taxpayer preceding the taxable year of the taxpayer in which the construction contract is entered into. Gross receipts attributable to transactions between trades or businesses under common control shall be eliminated. For purposes of paragaph (b)(3) of this section, the term "trades or businesses under common control" means any group of trades or businesses that is either—

(*1*) A "parent subsidiary group under common control" as defined in § 1.52–1 (c),

(*2*) A "brother-sister group under common control" as defined in § 1.52–1 (d), or

(*3*) A "combined group under common control" as defined in § 1.52–1(e).

(C) *Attribution of gross receipts to or from individuals, proprietorships, corporations, partnerships, trusts and estates not under common control—(1) Attribution of gross receipts to the contractor from persons owning an interest in the contractor.* For purposes of paragraph (b)(3) of this section, if an interest in the person who enters into a construction contract (hereinafter, "the contractor") is owned (at any time during the calendar year in which the construction contract is entered into), directly, or indirectly with the application of this (C), by or for any person, the gross receipts of the contractor (for the 3 taxable years of the contractor preceding the taxable year of the contractor in which the contractor enters into the construction contract) include the gross receipts of such person (for the 3 taxable years of such person preceding the taxable year of such person in which the contractor enters into the construction contract) in proportion to the largest amount of the interest of such person in the contractor during such calendar year.

(*2*) *Attribution of gross receipts to the contractor from persons in which the contractor owns an interest.* For purposes of paragraph (b)(3) of this section, if (at any time during the calendar year in which the contractor enters into a construction contract) an interest in any person is owned, directly, or indirectly with the application of this (C), by or for the contractor, the gross receipts of the contractor (for the 3 taxable years of the contractor preceding the taxable year of the contractor in which the contractor enters into the construction contract) include the gross receipts of such person (for the 3 taxable years of such person preceding the taxable year of such person in which the contractor enters into the construction contract) in proportion to the largest amount of the interest of the contractor in such person during such calendar year.

(*3*) *Rules for determining ownership—*(*a*) *In general.* In determining the ownership of an interest in any person for purposes of paragraph (b)(3)(iii)(C) of this section, the indirect and constructive ownership rules of this (*3*) shall apply, subject to the operating rules contained in paragraph (b)(3)(iii)(C)(*4*). For purposes of paragraph (b)(3)(iii)(C), an "interest" means: in the case of a corporation, stock; in the case of a trust or estate, an actuarial interest; in the case of a partnership, an interest in capital or profits; and in the case of a sole proprietorship, the proprietorship.

(*b*) *Members of a family.* An individual shall be considered as owning any interest in any person owned, directly or indirectly, by or for—

(*i*) Such individual's spouse (other than a spouse who is legally separated from the individual under a decreee of divorce or separate maintenance, whether final or interlocutory), and

(*ii*) Such individual's children, grandchildren, parents and grandparents. A legally adopted child of an individual shall be treated as the child of such individual.

(*c*) *Attribution from partnerships, estates, trusts and corporations—(i) From Partnerships.* An interest in any person owned, directly or indirectly, by or for a partnership shall be considered as owned by any partner having a 5 percent or greater interest in either the profits or capital of the partnership, in proportion to such partner's interest in profits or capital, whichever is greater.

(*ii*) *From estates and trusts—(A) In general.* An interest in any person (hereinafter an "organization interest") owned, directly or indirectly, by or for an estate or trust shall be considered as owned by any beneficiary of such estate or trust who has an actuarial interest of 5 percent or greater in such organization interest, to the extent of such actuarial interest, as determined under § 11.414(c)–4(b)(3).

(*B*) *Grantor trusts, etc.* An interest in any person owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(*iii*) *From corporations.* An interest in any person owned, directly or indirectly, by or for a corporation shall be considered as owned by any shareholder who owns (directly, and indirectly with the application of paragraph (b)(3)(iii)(C) of this section) 5 percent or more in value of such corporation's stock, in proportion to the value of the stock owned by such shareholder to the total value of all the outstanding stock in such corporation.

(*d*) *Attribution to partnerships, estates, trusts and corporations—(i) To partnerships.* An interest in any person owned, directly or indirectly, by or for a partner having a 5 percent or greater interest in partnership profits or capital shall be considered as owned by the partnership in proportion to the partner's interest in profits or capital, whichever is greater.

(*ii*) *To estates and trusts—(A) In general.* An interest in any person owned, directly or indirectly, by or for a beneficiary having an actuarial interest of 5 percent or greater in value of property an estate or trust shall be considered as owned by such estate or trust in proportion to the beneficiary's actuarial interest in the assets of the estate or trust. For purposes of this (*A*), the actuarial interest of a beneficiary shall be determined under the maximum excercise of discretion by the executor or trustee in favor of such beneficiary.

(*B*) *Grantor trusts, etc.* An interest in any person owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such trust.

(*iii*) *To corporations.* An interest in any person owned, directly or indirectly, by or for a shareholder who owns (directly, and indirectly with the application of paragraph (b)(iii)(C) of this section) 5 percent or more in value of the stock in a corporation shall be considered as owned by such corporation, in proportion to the value of the stock owned by such shareholder to the total value of all the outstanding stock in such corporation.

(*e*) *Options.* If a person has an option to acquire any outstanding interest in any organization, such interest shall be considered as owned by such person. An option to acquire shall be considered as an option to acquire such an interest.

(*4*) *Operating rules—(a) Common control.* Paragraph (b)(3)(iii)(C) of this section shall not apply between two persons both of whom, under paragraph (b)(3)(iii)(B), are members of the group of trades or businesses under common

control that includes the contractor. However, in applying paragraph (b)(3)(iii)(C) between two persons where one or both of such persons are not members of the group of trades or businesses that includes the contractor, paragraph (b)(3)(iii)(C) shall be applied without regard to paragraph (b)(3)(iii)(B).

(*b*) *Reattribution.* Except as provided in paragraph (b)(3)(iii)(C) *(4)(c)* (relating to no double family reattrition or *(d)* (relating to no reattribution to certain co-owners), in applying paragraph (b)(3)(iii)(C)*(3)(b)*, *(c)*, *(d)* or *(e)*, an interest constructively owned by a person shall, in applying paragraph (b)(3)(iii)(C)*(3)(b)*, *(c)*, *(d)*, and *(e)*, be considered as actually owned by such person, and such interest may be reattributed to another person.

(*c*) *No double family attribution.* An interest constructively owned by an individual by reason of paragraph (b)(3)(iii)(C)*(3)(b)* shall not be considered as owned by such individual for purposes of again applying such paragraph to make another the constructive owner of such interest.

(*d*) *No reattribution to certain co-owners.* An interest constructively owned by a person by reason of paragraph (b)(3)(iii)(C)*(3)(d)* shall not be considered as owned by such person for purposes of applying paragraph (b)(3)(iii)(C)*(3)(c)* in order to make another person the constructive owner of such interest.

(*e*) *Option rule in lieu of family rule.* If an interest may be considered as owned by an individual under paragraph (b)(3)(iii)(C)*(3)(b)* or *(e)*, it shall be considered as owned by such individual under paragraph (b)(3)(iii)(C)*(3)(e)*.

(*f*) *Limitation.* In applying paragraph (b)(3)(iii)(C)*(3)* to determine the ownership of an interest by any person for any one purpose—

(*i*) A corporation shall not be considered to own its own stock by reason of paragraph (b)(3)(iii)(C)*(3)(d)(iii)*, and

(*ii*) If an interest owned by any person may be included in the computation more than one time, such interest shall be included only once, in the manner that will impute to the person concerned the largest total interest.

(D) *Short taxable years.* For any taxpayer required to determine its average annual gross receipts over the three taxable year period preceding the taxable year in which a construction contract is entered into, if such period includes a taxable year of less than 12 full months, the taxpayer shall place the gross receipts of such taxable year on an annual basis by dividing the gross receipts by the number of full calendar months in such taxable year and multiplying the result by 12.

(iv) *Classification of contracts*—(A) Intial classification. The taxpayer shall determine whether a contract is an extended period long-term contract at the time such contract is entered into. In estimating the time required to perform any contract, the taxpayer shall anticipate and provide a reasonable allowance for delay, rework, change orders, technology or design problems, and other problems, consistent with industry-wide experience based upon comparable contracts. If the taxpayer determines that a contract is an extended period long-term contract, the cost allocation rules of paragraph (d)(6) of this section shall apply, and such contract shall be treated as an extended period long-term contract even if such contract is actually completed within the 2-year period (3 years in the case of certain construction contracts) beginning on the contract commencement date of such contract. Except as provided in paragraph (b)(3)(iv)(B) of this section, a long-term contract that is not completed within the 2-year period (3 years in the case of certain construction contracts) beginning on the actual contract commencement date of such contract and which the taxpayer did not classify and account for as an extended period long-term contract will not be required to be reclassified (for any taxable year) and accounted for as an extended period long-term contract if, at the time the contract was entered into, the taxpayer reasonably could have expected the contract to be completed within that time. The taxpayer shall maintain contemporaneous written records setting forth the basis for classifying each contract, and such records shall be in sufficient detail to enable the district director to determine whether the taxpayer's estimate of the time required to complete a contract was made on a reasonable basis. A contract term specifying an expected completion or delivery date will not be considered evidence that the parties expected completion or delivery to occur on or about that date specified unless the agreement contains reasonable penalties for not meeting the specified date, and a party to the contract with an interest adverse to the taxpayer enforces the penalty term.

The taxpayer's estimate will not be considered unreasonable if a contract was not completed within the expected time solely because of unforeseeable factors not within the control of the taxpayer. For purposes of the preceding sentence, "unforeseeable factors" are abnormal factors that could not reasonably be anticipated considering the nature of the contract and prior industry experience. Unforeseeable factors include, but are not limited to, prolonged third-party litigation that the taxpayer could not reasonably have anticipated, abnormal weather (considering the season and the jobsite), prolonged strikes, and prolonged delays in securing required permits or licenses.

(B) *Exception for unreasonable classification; amended returns.* If under all the facts and circumstances it is determined that a contract which the taxpayer did not classify and account for as an extended period long-term contract reasonably should have been so classified and accounted for, the taxpayer shall reclassify and account for such contract as an extended period long-term contract for the current taxable year and all subsequent taxable years. In addition, the taxpayer shall file amended returns for all prior taxable years in which costs were incurred with respect to such contract, and such amended returns shall reflect an allocation to the contract of costs incurred in such prior years using the cost allocation rules provided in paragraph (d)(6) of this section. If a contract is not an extended period long-term contract by reason of paragraph (b)(3)(ii)(B) of this section, such contract shall not be reclassified regardless of the taxpayer's gross receipts for any subsequent year and regardless of the time required to complete such contract.

(v) *Special rule for contract commencement date in case of components or subassemblies produced by the taxpayer.* If the cost of components or subassemblies produced by the taxpayer represent a significant amount of the total costs allocable to a contract, the contract commencement date of such contract shall be—

(A) The date such contract is entered into, if the first date the taxpayer incurs any costs allocable to such components or subassemblies is before the date such contract is entered into; or

(B) The first date any costs allocable either to (*1*) such components or subassembies, or (*2*) any other subject matter of the contract are incurred, if costs allocable to such components or subassemblies, or (*2*) any other subject the date such contract is entered into.

See § 1.451–3(d)(6)(iv) for the cost allocation rules required in the case of certain components or subassemblies.

* * * * *

(d) *Completed contract method*—(1) *In general.* Except as otherwise provided in paragraphs (d) (2), (3) or (4) (relating to disputes) of this section, under the completed contract method, gross

income derived from long-term contracts must be reported by including the gross contract price of each contract in gross income for the taxable year in which such contract is completed (as defined in paragraph (d)(2) of this section). All costs which are properly allocable to a long-term contract (determined pursuant to paragraph (d) (5) or (6) of this section) must be deducted from gross income for the taxable year in which the contract is completed. In addition, account must be taken of any material and supplies charged to the contract but remaining on hand at the time of completion.

(5) *General rule for allocation of costs to long-term contracts.* Except as provided in paragraph (d)(6) of this section, the following rules shall apply in determining what costs are properly allocable to a long-term contract in the case of a taxpayer using the completed contract method of accounting for tax purposes.

(i) *Direct costs.* Direct material costs and direct labor costs must be treated as costs properly allocable to a long-term contract. "Direct material costs" include the costs of those materials which become an integral part of the subject matter of the long-term contract and those materials which are consumed in the ordinary course of building, constructing, installing, or manufacturing the subject matter of a long-term contract. See § 1.471–3(b) for the elements of direct material costs. "Direct labor costs" include the cost of labor which can be identified or associated with a particular long-term contract. The elements of direct labor costs include such items as basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105(d)), shift differential, payroll taxes and payments to a supplemental unemployment benefit plan paid or incurred on behalf of employees engaged in direct labor.

(ii) *Indirect costs allocated to long-term contracts.* The term "indirect costs" includes all costs (other than direct material costs and direct labor costs) which are incident to and necessary for the performance of particular long-term contracts. Indirect costs which must be allocated to long-term contracts include:

(*a*) Repair expenses of equipment or facilities used in the performance of particular long-term contracts,

(*b*) Maintenance of equipment or facilities used in the performance of particular long-term contracts,

(*c*) Utilities, such as heat, light, and power, relating to equipment or facilities used in the performance of particular long-term contracts,

(*d*) Rent of equipment or facilities used in the performance of particular long-term contracts,

(*e*) Indirect labor and contract supervisory wages, including basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105(d)), shift differential, payroll taxes and contributions to a supplemental unemployment benefit plan incurred in the performance of particular long-term contracts,

(*f*) Indirect materials and supplies used in the performance of particular long-term contracts,

(*g*) Tools and equipment not capitalized used in the performance of particular long-term contracts,

(*h*) Costs of quality control and inspection incurred in the performance of particular long-term contracts,

(*i*) Taxes otherwise allowable as a deduction under section 164 (other than State and local and foreign income taxes) to the extent such taxes are attributable to labor, materials, supplies, equipment or facilities used in the performance of particular long-term contracts,

(*j*) Depreciation, amortization and cost recovery allowances reported for financial purposes on equipment and facilities used in the performance of particular long-term contracts (but not in excess of the total depreciation, amortization or cost recovery allowance allowable under Chapter I of the Code with respect to any item of equipment or facility),

(*k*) Cost depletion incurred in the performance of particular long-term contracts,

(*l*) Administrative costs incurred in the performance of particular long-term contracts (but not including any cost of selling or any return on capital),

(*m*) Compensation paid to officers attributable to services performed on particular long-term contracts (other than incidental or occasional services),

(*n*) Costs of insurance incurred in the performance of particular long-term contracts, such as insurance on machinery and equipment used in the construction of the subject matter of a long-term contract, and

(*o*) Research and experimental expenses (described in section 174 and the regulations thereunder) directly attributable to particular long-term contracts in existence at the time such expenses are incurred, or incurred under an agreement to perform such research or experimentation.

(iii) *Costs not allocated to long-term contracts.* Costs which are not required to be included in costs attributable to a long-term contract include:

(*a*) Marketing and selling expenses, including bidding expenses,

(*b*) Advertising expenses,

(*c*) Other distribution expenses,

(*d*) Interest,

(*e*) General and administrative expenses attributable to the performance of services which benefit the long-term contractor's activities as a whole (such as payroll expenses, legal and accounting expenses, etc.),

(*f*) Research and experimental expenses (described in section 174 and the regulations thereunder) neither directly attributable to particular long-term contracts in existence at the time such expenses are incurred nor incurred under any agreement to perform such research or experimentation,

(*g*) Losses under section 165 and the regulations thereunder,

(*h*) Percentage depletion in excess of cost depletion,

(*i*) Depreciation, amortization and cost recovery allowances allowable on equipment and facilities that have been placed in service but are temporarily idle, and depreciation, amortization and cost recovery allowances allowable under Chapter I of the Code in excess of depreciation, amortization and cost recovery allowances reported by the taxpayer in the taxpayer's financial reports,

(*j*) Income taxes attributable to income received from long-term contracts,

(*k*) Pension and profit-sharing contributions representing either past service costs or representing current service costs otherwise allowable as a deduction under section 404, and other employee benefits incurred on behalf of labor. These other benefits include workmen's compensation expenses, payments under a wage continuation plan described in section 105(d), amounts includable in the gross income of employees under nonqualified pension, profit-sharing and stock bonus plans, premiums on life and heath insurance and miscellaneous benefits provided for employees such as safety, medical treatment, cafeteria, recreational facilities, membership dues, etc., which are otherwise allowable as deduction under chapter I of the Code,

(*l*) Cost attributable to strikes, rework labor, scrap and spoilage, and

(*m*) Compensation paid to officers attributable to the performance of services which benefit the long-term contractor's activities as a whole.

(6) *Allocation of costs to extended period long-term contracts.* Except as provided in paragraph (g) of this section, this (6) applies to taxable years beginning after December 31, 1982. The following rules shall apply in determining what cost are properly allocable to an extended period long-term contract (as defined in paragraph (b)(3) of this section) in the case of a taxpayer using the completed contract method or an inventory method of accounting for long-term contracts for tax purposes.

(i) *Direct costs.* Direct material costs and direct labor costs must be treated as costs properly allocable to an extended period long-term contract. "Direct material costs" include the costs of those materials which become an integral part of the subject matter of the extended period long-term contract and those materials which are consumed in the ordinary course of building, constructing, installing, or manufacturing the subject matter of an extended period long-term contract. See § 1.471–3(b) for the elements of direct material costs. "Direct labor costs" include the cost of labor which can be identified or associated with a particular extended period long-term contract. The elements of direct labor costs include such items as basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105(d)), shift differential, payroll taxes and payments to a supplemental unemployment benefit plan paid or incurred on behalf of employees engaged in direct labor.

(ii) *Indirect costs allocated to extended period long-term contracts.* The term "indirect costs" include all costs other than direct material costs and direct labor costs. In determining what indirect costs are properly allocable to an extended period long-term contract, all such costs that directly benefit the performance of extended period long-term contracts, or are incurred by reason of the performance of extended period long-term contracts must be allocated to extended period long-term contracts unless otherwise provided in paragraph (d)(6)(iii) of this section. Costs may directly benefit, or be incurred by reason of the performance of extended period long-term contracts of the taxpayer even though the same type of costs also benefit other activities of the taxpayer. Indirect costs that must be allocated to extended period long-term contracts include:

(*a*) Repair expenses of equipment or facilities used in the performance of particular extended period long-term contracts,

(*b*) Maintenance of equipment or facilities used in the performance of particular extended period long-term contracts,

(*c*) Utilities, such as heat, light, and power, relating to equipment or facilities used in the performance of particular extended period long-term contracts,

(*d*) Rent of equipment of facilities used in the performance of particular extended period long-term contracts,

(*e*) Indirect labor and contract supervisory wages, including basic compensation, overtime pay, vacation and holiday pay, sick leave pay (other than payments pursuant to a wage continuation plan under section 105(d)), shift differential, payroll taxes and contributions to a supplemental unemployment benefit plan incurred in the performance of particular extended period long-term contracts,

(*f*) Indirect materials and supplies used in the performance of particular extended period long-term contracts,

(*g*) Tools and equipment not capitalized used in the performance of particular extended period long-term contracts,

(*h*) Costs of quality control and inspection incurred in the performance of particular extended period long-term contracts,

(*i*) Taxes otherwise allowable as a deduction under section 164 (other than State and local and foreign income taxes) to the extent such taxes are attributable to labor, materials, supplies, equipment or facilities used in the performance of particular extended period long-term contracts,

(*j*) Depreciation, amortization and cost recovery allowances on equipment and facilities (to the extent allowable as deductions under Chapter I of the Code) used in the performance of particular extended period long-term contracts,

(*k*) Depletion (whether or not in excess of cost) incurred in the performance of particular extended period long-term contracts,

(*l*) Administrative costs (whether or not performed on a job-site) directly attributable to the performance of particular extended period long-term contracts (but not including any cost of selling or any return on capital),

(*m*) Direct and indirect costs incurred by any administrative, service, or support function or department to the extent such costs are allocable to particular extended period long-term contracts pursuant to paragraph (d)(9) of this section,

(*n*) Compensation paid to officers attributable to services performed on particular extended period long-term contracts (but not including any cost of selling),

(*o*) Costs of insurance incurred in the performance of particular extended period long-term contracts, such as insurance on machinery and equipment used in the construction of the subject matter of an extended period long-term contract,

(*p*) Pension and profit-sharing contributions representing current service costs otherwise allowable as a deduction under section 404, and other employee benefits incurred on behalf of labor to the extent such labor cost is allocable to an extended period long-term contract under paragraph (d)(6) of this section. These other benefits include (but are not limited to) workmen's compensation expenses, amounts includable in the gross income of employees under nonqualified pension, profit-sharing and stock bonus plans, premiums on life and health insurance and miscellaneous benefits provided for employees such as safety, medical treatment, cafeteria, recreational facilities, membership dues, etc., which are otherwise allowable as deductions under chapter I of the Code,

(*q*) Research and experimental expenses (described in section 174 and the regulations thereunder) directly attributable to particular extended period long-term contracts in existence at the time such expenses are incurred, or incurred under an agreement to perform such research or experimentation,

(*r*) Rework labor, scrap and spoilage to the extent incurred in the performance of particular extended period long-term contracts, and

(*s*) Bidding expenses incurred in the solicitation of particular extended period long-term contracts. For purposes of this section, the term "bidding expenses" does not include any research and experimental expenses described in section 174 and the regulations thereunder. The taxpayer shall defer all bidding expenses incurred in the solicitation of particular extended period long-term contracts until the contract is awarded. If the contract is awarded to the taxpayer the bidding costs become part of the indirect costs assigned to the contract. If the contract is not awarded to the taxpayer, bidding costs become deductible in the taxable year the contract is awarded, or the taxable year the taxpayer is notified that no contract will be awarded and that the contract (or a similar or related contract) will not be re-bid, or in the taxable year the taxpayer abandons its bid or proposal, whichever occurs first.

See paragraph (d)(6)(iii)(*b*) of this section.

(iii) *Costs not allocated to extended period long-term contracts.* Costs that are not required to be allocated to an extended long-term contract are:

(*a*) Marketing, selling and advertising expenses,

(*b*) Bidding expenses incurred in the solicitation of contracts not awarded to the taxpayer,

(*c*) Interest,

(*d*) General and administrative expenses (but not including any cost described in paragraph (d)(6)(ii)(*l*) or (*m*) of this section) and compensation paid to officers attributable to the performance of services that do not benefit any extended period long-term contracts,

(*e*) Research and experimental expenses (described in section 174 and the regulations thereunder) neither directly attributable to particular extended period long-term contracts in existence at the time such expenses are incurred nor incurred under any agreement to perform such research or experimentation,

(*f*) losses under section 165 and the regulations thereunder,

(*g*) Depreciation, amortization and cost recovery allowances on equipment and facilities that have been placed in service but are temporarily idle,

(*h*) Income taxes attributable to income received from extended period long-term contracts,

(*i*) Pension and profit sharing contributions allowable as a deduction under section 404 to the extent such contributions represent past service costs, and payments under a wage continuation plan described in section 105(d), and

(*j*) Costs attributable to strikes.

(iv) *Special rule for component parts or subassemblies produced by the taxpayer.* In the case of any type of component or subassembly produced by the taxpayer, the taxpayer shall use the cost allocation rules prescribed in paragraph (d)(6) of this section to determine the unit cost of the components or subassemblies that reasonably can be expected to be incorporated into the subject matter of extended period long-term contracts, and the taxpayer may use other proper cost allocation rules to determine the unit cost of the components or subassemblies that reasonably can be expected not to be incorporated into the subject matter of extended period long-term contracts.

(v) *Taxpayers not using a long-term contract method.* Taxpayers who use an inventory method of accounting for extended period long-term contracts for tax purposes must use the cost allocation rules provided in paragraph (d)(6) of this section rather than the cost allocation rules provided in § 1.471–11.

(7) *Definition.* "Costs which are properly allocable to a long-term contract" do not include costs incurred with respect to any guarantee, warranty, maintenance, or other service agreement relating to the subject matter of the long-term contract. See paragraph (a)(3) of this section.

(8) *Allocation method.* This (8) is effective for taxable years beginning after December 31, 1982. For taxable years beginning before January 1, 1983, see 26 CFR 1.451–3(d)(6) (revised as of April 1, 1982). The taxpayer shall maintain separate accounts for each long-term contract, and both the direct costs (as described in paragraph (d)(5)(i) or (d)(6)(i) of this section) and the indirect costs (as described in paragraph (d)(5)(ii) or (d)(6)(ii) of this section) incurred during the taxable year attributable to long-term contract shall be allocated to each long-term contract for the taxable year such costs are incurred. Direct costs incurred during the taxable year shall be allocated to particular long-term contracts using a specific identification (or "tracing") method. However, if direct costs attributable to more than one long-term contract are intermingled so that such costs cannot be identified (or "traced") specifically to a particular long-term contract, such costs shall be allocated to particular long-term contracts using any reasonable method, provided that the method employed reasonably allocates direct costs among long-term contracts completed during the taxable year and long-term contracts that have not been completed as of the end of the taxable year. However, the taxpayer may not use any LIFO or lower of cost or market method of identifying or allocating direct costs to any long-term contract, see § 1.451–3(a)(6). In the case of a taxpayer who is required to allocate indirect costs to long-term contracts pursuant to paragraph (d)(5)(ii) or (6)(ii) of this section, such costs may be allocated among long-term contracts either—

(i) By a specific identification (or "tracing") method, or

(ii) By a method of allocation using burden rates, such as ratios based on direct costs, hours, or other items, or similar formulas, so long as the method employed for such allocation reasonably allocates indirect costs among long-term contracts completed during the taxable year and long-term contracts that have not been completed as of the end of the taxable year. Indirect costs may ordinarily be allocated to long-term contracts on the basis of direct labor and material costs, direct labor hours, or any other basis which results in a reasonable allocation of such indirect costs. However, the taxpayer may not use any LIFO or lower of cost or market method of identifying or allocating indirect costs to any long-term contract, see § 1.451–3(a)(6). Any change in the taxpayer's method of accounting for costs attributable to long-term contracts required by this (8) is a change in method of accounting to which section 446(e) and the regulations and procedures thereunder apply.

(9) *Allocation of administrative, service or support costs to extended period long-term contracts*—(i) *Introduction.* In general, if a function or department of the taxpayer's business organization provides benefits to extended period long-term contracts, or the subject matter of such contracts, or the labor or materials used in the performance of such contracts, the cost of such function or department is allocable to such extended period long-term contracts. However, if a function or department benefits only the overall management or policy guidance functions of the taxpayer, the cost of such function or department may be deducted currently. In some cases, a function or department may provide benefits to the taxpayer's extended period long-term contract activities and to the taxpayer's overall management or policy guidance functions. In such cases, the taxpayer shall reasonably allocate the cost of such function or department between the taxpayer's extended period long-term contract activities and the taxpayer's overall management or policy guidance functions. Paragraph (d)(9) of this section provides guidance in making these allocations. However, if the methods of allocation used by the taxpayer, or the taxpayer's selection of specific types of costs to be allocated differs from the allocation methods or the specific types of costs to be allocated described in this (9), the taxpayer's allocation methods and selection of specific types of costs to be allocated shall generally not be changed, provided, that with respect to each extended period long-term contract, the total amount of costs incurred during the taxable year of a type described in this (9) that the taxpayer allocated to the contract does not differ significantly from the total amount of costs that would be allocated to the contract under this (9).

(ii) *General rule.* The total amount of administrative, service, or support costs that benefit only a particular extended period long-term contract shall be

directly assigned to such contract. The direct and indirect costs (hereinafter "service costs") of administrative, service or support functions or departments (hereinafter "service department") that benefit more than one activity shall be allocated to particular extended period long-term contracts on the basis of a factor or relationship that reasonably relates the incurring of the service cost to the benefits received by the extended period long-term contract. In general, the direct costs of a service department include costs that can be identified specifically with the services provided by the department, and the indirect costs of a service department include costs not identified specifically with the services provided by the function or department, but are incurred by reason of the direct costs of the function or department. Such direct and indirect costs include, but are not limited to, compensation (including compensation described in paragraph (d)(6)(ii)(*e*) and (*p*) of this section) of employees directly engaged in performing the services provided by the department, travel, materials and supplies consumed by the department, supervisory and clerical compensation, occupancy costs (rents or an allocable share of depreciation and property taxes), depreciation or rent of office machines, utilities, telephone, and other department overhead. The types of activities that are administrative, service or support functions or departments are not predetermined, but depend upon the facts and circumstances of each contractor's activities and business organization. In a decentralized business organization, all costs incurred at higher levels, for example, at a parent corporation or organization, or at the headquarters of a subsidiary corporation or division, are not necessarily general and administrative expenses (as described in paragraph (d)(6)(iii)(*d*) of this section) with respect to an extended period long-term contract.

(iii) *Rules for allocation of service costs.* The taxpayer shall allocate the total direct and indirect costs of a service department to extended period long-term contracts by applying consistently any reasonable method authorized by cost accounting principles. Reasonable methods include:

(A) The direct reallocation method, whereby the total costs of all service departments are allocated only to production departments, and then from the production departments to extended period long-term contracts and other production activities that are not extended period long-term contracts. The service costs allocable to such other production activities shall be accounted for under a proper method of accounting. This direct reallocation method ignores services performed by one service department for the benefit of other service departments but also excludes such other service departments from the base used to make the allocation;

(B) The step-allocation method, whereby a sequence of allocations is made beginning with the allocation (to other service departments and to production departments) of the total costs of the service department that provides services to the greatest number of other service departments, and ending with the allocation of the total costs (including the costs allocated to it from the other service departments) of the service department that provides services to the least number of other service departments. Under this allocation method, the costs of service departments allocated properly to functions or departments that are not service departments or production departments (for example, payroll costs allocated to a financial planning function or department) are not reallocated to any other service department or production department. The taxpayer shall then allocate the costs of the production departments (including the reallocated service department costs) to extended period long-term contracts and to other production activities that are not extended period long-term contracts. The service costs allocable to such other production activities shall be accounted for under a proper method of accounting; or

(C) Other methods of cost allocation authorized by cost accounting principles. However, a reasonable method does not include allocating service costs to other service departments without taking such allocation into account in allocating the costs of such other service departments.

(iv) *Relationship of service costs to benefits received.* Factors or relationships that relate the incurring or service costs to the benefits received by an extended period long-term contract include measures based upon the total output of the service department (for example, the approximate number of service hours or the approximate number or the dollar volume of transactions provided to an extended period long-term contract as a fraction of the total number of service hours or the total number or the total dollar volume of transactions provided by the department), or measures based upon the relative size of the extended period long-term contract to the size of the taxpayer's other production activities (for example, the number of direct labor employees or direct labor hours or direct labor cost (as described in paragraph (d)(6)(i) of this section) incurred on an extended period long-term contract as a fraction of the total number of direct labor employees, direct labor hours, or direct labor cost incurred by the taxpayer in all production activities). In general, allocation methods prescribed in regulations of the Cost Accounting Standards Board, 4 CFR Chapter III, Subchapter G, as well as other allocation methods consistent with the principles of paragraph (d)(9) of this section are acceptable allocation methods, provided that the taxpayer applies such methods consistently.

(v) *Additional requirements.* If, pursuant to section 482 and the regulations thereunder, the district director makes an allocation of income or deductions between members of a group controlled entities to reflect the performance of services or the provision of equipment or facilities at other than an arm's length charge, any taxpayer that has extended period long-term contracts and is affected by such allocation shall be required to take such allocation into account in making the taxpayer's allocation to extended period long-term contracts of the cost of administrative, service or support functions or departments. If the taxpayer establishes to the satisfaction of the district director that all of a particular type of administrative, service or support function is only performed at the jobsite, then all the costs of such function incurred at the jobsite shall be directly allocated to each particular extended period long-term contract and no further allocation of that type of cost shall be required. For each taxable year that the taxpayer allocates costs described in paragraph (d)(6)(ii)(*m*) and (d)(9) of this section (service costs) to an extended period long-term contract, the taxpayer shall attach a statement to the taxpayer's tax return briefly describing by type of service cost, the allocation method and the base used in allocating such service cost between the taxpayer's extended period long-term contract and the taxpayer's other activities. A change in the method or base used in allocating such service costs (such as changing from an allocation base using direct labor cost to a base using direct labor hours), or a change in the taxpayer's determination of what functions or departments of the taxpayer are required or not required to be allocated to extended period long-

term contracts is a change in method of accounting to which section 446 (e) and the regulations thereunder apply. See § 1.446–1(e).

(vi) *Illustration of types of activities required and not required to be allocated.* Activities that are administrative, service or support functions or departments generally include, but are not limited to: the administration and coordination of manufacturing or construction projects (wherever performed in the business organization of the taxpayer); personnel operations, including the cost of recruiting, hiring, relocating, assigning, and maintaining personnel records of employees whose labor cost is allocable to extended period long-term contract; purchasing operations, including purchasing materials and equipment, scheduling and coordinating delivery and return of materials and equipment to or from factories or jobsites, and expediting and follow-up; materials handling and warehousing operations; accounting and data services operations related to contract activities, including cost accounting, accounts payable, disbursements, billing, accounts receivable, and payroll; data processing; security services; and legal departments that provide legal services to contracts. Costs incurred by the following types of functions or departments ordinarily are not required to be allocated to extended period long-term contracts: functions or departments responsible for overall management of the taxpayer or for setting overall policy for all of the taxpayer's activities or trade or businesses (such as, the board of directors (including their immediate staff), and the chief executive, financial, accounting and legal officers (including their immediate staffs) of the taxpayer, provided that no substantial part of the costs of such departments or functions directly benefit particular extended period long-term contracts); general business planning; financial accounting (including the accounting services required to prepare consolidated reports, but not including any accounting for particular contracts); general financial planning (including general budgeting) and financial management (including bank relations and cash management); general economic analysis and forecasting; internal audit; shareholder, public and industrial relations; tax department; and other departments or functions that are not responsible for day-to-day operations but are instead responsible for setting policy and establishing procedures to be used by all of the taxpayer's activities or trades or businesses in areas such as purchasing (such as maintaining lists of approved suppliers, developing purchasing manuals and policy directives of general application, developing general quality standards for purchased materials and components, general auditing and review of purchasing activities to assure compliance with the taxpayer's purchasing policy and compliance with government purchasing requirements, and management of small business participation), personnel (such as establishing and managing personnel policy in general, developing general wage, salary and benefit policies, developing employee training programs unrelated to particular contracts, negotiations with labor unions and relations with retired workers), quality control, safety engineering, insurance or risk management (but not including bid or performance bonds or insurance related to particular contracts), and environmental management, provided that the cost of establishing any system or procedure that will only benefit a particular extended period long-term contract shall be directly allocated to such contract. The costs of any administrative, service or support function or department of the taxpayer not described in this (vi) are required to be allocated to extended period long-term contracts to the extent that the nature of the services provided by such function or department are more like the type of services described in the first sentence of this (vi) than like the type of services described in the second sentence of this (vi).

(vii) *Illustrations.* The following examples illustrate the types of considerations that are to be taken into account in making the allocations required by paragraph (d)(9) of this section. The taxpayer need not use the same method to allocate a particular type of administrative, service or support cost as the method described in these examples provided that the method used by the taxpayer is reasonable. The allocation methods illustrated in these examples may be used to allocate other types of service costs not illustrated in these examples:

(A) *Security services.* The cost of security or protection services benefit all areas covered by the service and should be allocated to each physical area that receives the service in proportion either to the size of the physical area, number of employees in the area, or in proportion to the relative fair market value of assets located in the area, or in any other reasonable basis applied consistently. That part of the total cost allocable to a factory or jobsite where an extended period long-term contract is performed shall be directly allocated to the contract. The treatment of the cost of security services allocable to other service departments depends upon the method of allocation adopted by the taxpayer under paragraph (d)(9)(iii) of this section.

(B) *Legal services.* The cost of a legal department includes rent (or an allocation of building depreciation and occupancy costs), travel, office machines, supplies, telephone, library, and other overhead, and the compensation of the attorneys and other employees assigned to the department. For this purpose compensation includes compensation described in paragraph (d)(6)(ii) (*e*) and (*p*) of this section. These costs only benefit activities of the taxpayer requiring legal services. These costs are generally allocable directly to an extended period long-term contract on the basis of the approximate number of hours of legal services (including research) performed in connection with the contract, including bidding, negotiating, drafting, or reviewing the contract (including subcontracts and supply contracts), obtaining necessary licenses and permits, and in resolving contract disputes, termination claims or disputes arising from the performance of the contract. Different hourly rates may be appropriate for different services. In determining the number of hours allocable to any contract, approximations are appropriate, detailed time records need not be kept, and insubstantial amounts of services provided to a contract by senior legal staff as administrators or as reviewers may be ignored. The taxpayer shall also allocate directly to a contract the cost of any outside legal services provided to the contract. Instead of an allocation based upon total hours of legal services provided to an activity, the taxpayer may choose to allocate the costs of a legal department to an extended period long-term contract and to other production activities on the basis of total direct costs (as described in paragraph (d)(6)(i) of this section) incurred on an extended period long-term contract as a fraction of the total direct costs incurred on all production activities. Legal costs may also be allocable to long-term contracts of the taxpayer that are not extended period long-term contracts under paragraph (d)(5)(ii) of this section. Legal activities relating to general corporate functions, financing, securities law compliance, anti-trust law compliance, tax compliance, industrial relations, compliance with laws and regulations not related to particular contracts, after-

the-fact review of contracts to insure compliance with company policies, patents and licensing unrelated to particular contracts, and similar general legal functions are not required to be allocated to long-term contracts.

(C) *Centralized payroll department.* The cost of a payroll department includes rent (or an allocation of building depreciation and occupancy costs), office machines, supplies, telephones and other overhead and compensation of employees assigned to the department. The department cost may also include the cost of data processing and file maintenance, or these costs may be incurred by a separate data processing or records department and allocated to the payroll department. Payroll service costs benefit any production department or other service department incurring labor costs. The cost of a payroll department is generally allocated on the basis of the gross amount of payroll processed.

(D) *Centralized data processing.* The cost of a data processing department includes rent or depreciation of data processing machines, supplies, rent (or an allocation of building depreciation and occupancy costs), power, telephone and other overhead, and the compensation of employees assigned to the department. These costs benefit all production departments and all other service departments that require data processing services. Data processing costs are generally allocated based upon the number of data processing hours supplied. Other reasonable bases, such as an allocation based upon total direct costs, may also be used. The cost of data processing systems developed for a particular long-term contract shall be directly allocated to such contract.

(E) *Engineering and design services.* Unless the engineering and design services provided to a long-term contract are properly accounted for as a separate contract, the total cost of engineering or design service departments generally is directly allocable to a long-term contract (whether or not the contract is an extended period long-term contract) on the basis of the approximate number of hours of work performed on the contract as a fraction of the total hours of engineering or design work performed for all activities. Different services may be allocated at different hourly rates. Engineering and design services may also be treated as direct costs of the contract, provided that the taxpayer also treats all engineering and design overhead as a direct or indirect cost of the contract.

(F) *Safety engineering.* The cost of a safety engineering department includes the compensation paid to employees assigned to the department and the other types of department overhead described in the other examples of paragraph (d)(9)(vi) of this section. These costs benefit all the production activities of the taxpayer and should be allocated to an extended period long-term contract on the basis of the approximate number of safety inspections made on the contract as a fraction of total inspections, or on the basis of the number of employees assigned to the contract as a fraction of total production employees, or on the basis of total labor hours worked on the contract as a fraction of total production hours, whichever is most reasonable. The cost of a safety engineering department responsible only for setting safety policy and establishing safety procedures to be used in all of the taxpayer's production activities or trades or businesses is not required to be allocated to extended period long-term contracts and other production activities. However, in determining the total costs of a safety engineering department to be allocated, costs attributable to providing a safety program only for a particular long-term contract shall be directly assigned to the contract.

(e) *Severing and aggregating contracts.*—(1) *In general.* For the purpose of clearly reflecting income, it may be necessary in some instances either to treat one agreement as several contracts or to treat several agreements as one contract. Whether an agreement should be so severed or several agreements so aggregated will depend on all the facts and circumstances. Generally, one agreement will not be treated as several contracts unless such agreement contemplates separate delivery or separate acceptance of portions of the subject matter of the contract. However, separate delivery or separate acceptance of portions of the subject matter of a contract does not necessarily require severing of a contract.

In addition, an agreement generrally will be treated as several contracts where there is no business purpose for entering into one agreement rather than several agreements. For taxable years ending after December 31, 1982, an example of a factor which may be evidence that there is no business purpose for entering into one agreement rather than several agreements is that the agreement covers two or more subject matters, and (pursuant to paragraph (b)(2)(ii) of this section) it is not readily apparent that one of the subject matters of the agreement is the principal subject matter of the agreement. For taxable years ending after December 31, 1982, if an agreement is modified (as by the exercise of an option or the issuance of a "change order") to increase the number of items to be supplied under the agreement, the additional items under such modification shall generally be treated as a separate contract or as several separate contracts, and shall be treated as entered into on the date such modifcation becomes effective. Several agreements will not generally be aggregated unless the several agreements would be treated as one contract under customary commercial practice in a taxpayer's trade or business or unless there is no business purpose for entering into several agreements rather than one agreement. For taxable years ending after December 31, 1982, an example of a factor which is evidence that two contracts entered into between the same parties should be aggregated is that (without regard to the order in which the contracts were entered into or performed, and without regard to whether one of the contracts could actually be performed without the prior or contemporaneous performance of the other contract) a reasonable business-person would not have entered into one of the contracts for the terms agreed upon but for entering into the other contract for the terms agreed upon in such other contract (or for more favorable terms). See example (2) of paragraph (e)(2) of this section. For taxable years ending after December 31, 1982, an example of a factor which is not evidence that two contracts entered into between the same parties should be aggregated is that one of the contracts would not have been entered into containing the terms agreed upon but for the expectation that the parties would enter into the other contract. See paragraph (b)(2)(ii) of this section for special rules relating to the time for completion of certain contracts having more than one subject matter. In addition to the instances described in paragraph (e)(1) of this section, for the purpose of clearly reflecting income, there may be other instances in which it may be necessary for the Commissioner to either treat one agreement as several long-term contracts or to treat several agreements as one long-term contract.

(2) *Examples.* The application of paragraph (e) of this section may be illustrated by the following examples. Examples (2), (3), (5) and (6) are effective for taxable years ending after December 31, 1982.

Example (1). X, a calendar year taxpayer engaged in the construction business and

using a long-term contract method, enters into one contract in 1972 with A, a real estate developer, to build three houses of different designs in three suburbs of a large city. The houses are to be completed, accepted, and put into service in 1973, 1974, and 1975. The portion of the total contract price attributable to each house can reasonably be determined. In these circumstances, the contract should be severed and treated as if the agreement to build each house were a separate contract for purposes of applying X's long-term contract method.

Example (2). Y, a calendar year shipbuilder using a long-term contract method, enters into two contracts at about the same time during 1982 with M. These contracts are the product of a single negotiation. Under each contract, the taxpayer is to construct for M a submarine of the same class. Although the specifications for each submarine are similar, it is anticipated that, since the taxpayer has never constructed this class of submarine before, the costs incurred in constructing the first submarine (to be delivered in 1983 will be substantially greater than the costs incurred in constructing the second submarine (to be delivered in 1984.) If the contracts are treated as separate contracts, it is estimated that the first contract would result in little or no gain, while the second contract would result in substantial profits. A reasonable businessperson would not have entered into the contract to construct the first submarine for the price specified without entering into the contract to construct the second submarine. In these circumstances, the two contracts must be treated as one contract for purposes of applying Y's long-term contract method.

Example (3). Assume the same facts as in example (2) with the addition of the following new facts: In 1983 the original contract to construct the second submarine is modified by the issuance of a "change order" providing for a third submarine of the same class to be constructed by Y and delivered to M in 1985. The portion of the total contract price attributable to the "change order" providing for the third submarine can reasonably be determined. A reasonable business person would have entered into the contracts to construct the first two submarines for the prices specified without regard to whether the contract for the second submarine would be modified to provide for the third submarine. In these circumstances, the contract to construct the second and third submarines must be severed and the "change order" providing for the third submarine must be treated as a separate contract for purposes of applying Y's long-term contract method.

Example (4). Z, a calendar year taxpayer engaged in the construction business and using a long-term contract method, enters into a contract to build an office building for the Y Bank in 1973. In 1974 the first three floors of the bank building are completed and Y occupies these floors and uses them for the conduct of its banking business. The remaining seven floors are not completed and accepted until 1975. Under the circumstances, it is clear that even though separate acceptance of portions of the subject matter of the contract has occured, the subject matter of the contract was essentially a single unit, namely a building, and that there was a business purpose for entering into one contract rather than several contracts. Consequently, the contract ordinarily will not be severed.

Example (5). T, a calendar year taxpayer engaged in the business of manufacturing aircraft and related equipment, contracts in 1982 with the B government to manufacture 10 military aircraft for delivery in 1984. It is anticipated at the time the contract is entered into that B may contract with T for the production and sale of as many as 300 of these aircraft over the next 20 years. In negotiating the price for the contract B and T take into account the expected total cost of manufacturing the 10 aircraft, the risks and the opportunities associated with the contract, and all other factors that the parties consider relevant, in such a manner that T would have entered into the contract for the terms agreed upon whether or not T would actually enter into one or more additional production contracts. However, it is unlikely that T would have entered into the contract but for the expectation that T and B would enter into additional production contracts. In 1984, the 10 aircraft are completed by T and accepted by B. In 1984, T also enters into a contract with B to manufacture 20 aircraft of the same type for delivery in 1986. In negotiating the price for these 20 aircraft, B and T take into account the fact that the expected unit costs for this production run of 20 will be different than the unit costs of the 10 aircraft completed in 1984, but also that the expected unit costs of this production run of 20 will be substantially higher than the costs of future production runs. Because the price awarded for each of the two contracts takes into account the expected total costs and the risks expected for each contract standing alone, the terms agreed upon for any one of the contracts are independent of the terms agreed upon for the other contracts. Under the facts of this example, the two contracts may not be aggregated.

Example (6). R, a calendar year taxpayer engaged in the manufacture of industrial machinery, enters into one contract in 1982 with Z to manufacture five specialized machines and to manufacture spare and replacement parts for the machines. The machines are to be delivered in 1982 and 1983, and the spare and replacement parts are to be delivered in 1983 through 1985. The portion of the total contract price attributable to the five machines and to the spare and replacement parts can reasonably be determined. The portion of the total contract price reasonably attributable to the spare and replacement parts is more than an insignificant amount of the total contract price. Assume that under all the facts and circumstances it is determined that the portion of the contract attributable to the five machines need not be severed as between the machines. In these circumstances, because the contract comtemplates separate delivery of the machines and the parts, because more than an insignificant amount of the total contract price is allocable to the spare and replacement parts, and because spare or replacement parts are items different than an entire machine, the contract should be severed and the agreement to manufacture the five machines should be treated as a separate contract and the agreement to manufacture the spare and replacement parts should be treated as another separate contract (or as several separate contracts depending on the facts and circumstances) for purposes of applying R's long-term contract method.

. . . . .

(g) *Effective date and transition to 1983 cost allocation rules; special rules*—(1) *In general.* In the case of a taxpayer using the completed contract method or an inventory method of accounting for long-term contracts, the cost allocation rules prescribed in paragraph (d)(6) of this section (hereinafter "the 1983 cost allocation method") shall apply (with the phase-in described in paragraph (g)(2) of this section) to costs incurred by the taxpayer in taxable years beginning after December 31, 1982, but only with respect to extended period long-term contracts (as defined in paragraph (b)(3) of this section) entered into after December 31, 1982. No costs incurred with respect to any contract entered into before January 1, 1983 are required to be accounted for under the 1983 cost

allocation method. Such costs shall be accounted for under the cost allocation method prescribed in paragraph (d)(5) of this section. Section 481 shall not apply to the transition to the 1983 cost allocation method.

(2) *Phase-in.* For costs required to be allocated to an extended period long-term contract under the 1983 cost allocation method that are not required to be allocated to the contract under the cost allocation method prescribed in paragraph (d)(5) of this section (or in paragraph (c) of § 1.471–11 in the case of a taxpayer accounting for extended period long-term contracts under an inventory method of accounting), in lieu of allocating the full amount of such costs to the extended period long-term contract, the taxpayer shall allocate to the contract only the applicable percentage of such costs incurred in taxable years beginning after December 31, 1982 and before January 1, 1986, with respect to extended period long-term contracts entered into after December 31, 1982. The applicable percentage shall be determined as follows:

For taxable years beginning in calendar year	The applicable percentage is
1983	[illegible]
1984	[illegible]
1985 or thereafter	100

In the case of a taxpayer whose taxable year does not begin on January 1, costs incurred with respect to extended period long-term contracts entered into after December 31, 1982, shall be accounted for under the cost allocation method prescribed in paragraph (d)(5) of this section (or paragraph (c) of § 1.471–11 in the case of a taxpayer using an inventory method) in the case of costs incurred in taxable years beginning before January 1, 1983, and under the 1983 cost allocation method (with the application of paragraph (g) of this section) in the case of taxable years beginning after December 31, 1982.

(3) *Special rule for completion of certain contracts in taxable years ending before January 1, 1983.* Any contract that would (but for this (3)) be considered to be completed in a taxable year ending before January 1, 1983, solely by reason of the application of paragraph (b)(2)(ii), (iii), or (iv) of this section, shall be considered to be completed on the first day of the taxpayer's first taxable year ending after December 31, 1982. The application of this (3) shall not be considered to be a change in method of accounting to which section 481 applies.

(4) *Special rule for severing and aggregating certain contracts in taxable years ending before January 1, 1983.* Any contract of a taxpayer that would (but for this (4)) be considered completed in a taxable year ending before January 1, 1983—

(i) Solely by reason of the application of those provisions of paragraph (e)(1) of this section expressly made applicable to taxable years ending after December 31, 1982 (hereinafter, the "severing/aggregating modifications") or,

(ii) Solely by reason of the application of both the severing/aggregating modifications and the application of paragraph (b) (ii), or (iv) of this section (hereinafter, the "completion modifications"), shall be treated as having been completed on the first day after December 31, 1982, on which any contract that was severed from such contract (by reason of the severing/aggregating modifications) is completed (determined with application of the completion modifications). The application of this (4) shall not be considered to be a change in method of accounting to which section 481 applies.

(5) *Special rule for estimated tax payments.* For purposes of the addition to the tax for underpayment of estimated tax under section 6654 (relating to individuals) and section 6655 (relating to corporations), the gross income realized in the taxpayer's first taxable year ending after December 31, 1982, attributable to long-term contracts deemed to be completed in such taxable year solely by the application of paragraphs (b)(2)(ii), (b)(2)(iii), (b)(2)(iv), (g)(3) or (g)(4) of this section, or those portions of paragraph (e)(1) of this section made applicable to taxable years ending after December 31, 1982, shall be considered to be taxable income for such taxable year, but only with respect to installments of estimated tax required to be paid on or after [Insert thirty days after date this document is published in the **Federal Register**].

(6) *Taxpayer changing from a method more inclusive of indirect costs.* If a taxpayer wishes to change to a method of accounting for indirect costs prescribed under this section (or under § 1.471–11(c) in the case of a taxpayer using an inventory method of accounting for long-term contracts) from a method of accounting for indirect costs that is more inclusive of indirect costs, the taxpayer must secure the consent of the Commissioner prior to making the change in accordance with the regulations and procedures established under section 446(e).

(7) *Taxpayers using a long-term contract method and LIFO or lower of cost or market inventory methods.* In the case of a taxpayer using the LIFO or lower of cost or market inventory methods to determine any costs attributable to a long-term contract accounted for under a long-term contract method, such taxpayer shall, for the taxpayer's first taxable year beginning after December 31, 1982, change the method used in determining such costs to a proper method in accordance with the regulations and procedures established under section 446(e).

Par. 3. Paragraph (b) of § 1.451–5 is amended by adding headings to paragraph (b)(1), (2) and (4) and by revising paragraph (b)(3) to read as follows:

§ 1.451–5 Advance payments for goods and long-term contracts.

* * * * *

(b) *Taxable year of inclusion*—(1) In general. Advance payments must be included in income either—

(i) In the taxable year of receipt; or

(ii) Except as provided in paragaph (c) of this section,

(*a*) In the taxable year in which properly accruable under the taxpayer's method of accounting for tax purposes if such method results in including advance payments in gross receipts no later than the time such advance payments are included in gross receipts for purposes of all of his reports (incuding consolidated financial statements) to shareholders, partners, beneficiaries, other proprietors, and for credit purposes, or

(*b*) If the taxpayer's method of accounting for purposes of such reports results in advance payments (or any portion of such payments) being included in gross receipts earlier than for tax purposes, in the taxable year in which includible in gross receipts pursuant to his method of accounting for purposes of such reports.

(2) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). S, a retailer who uses for tax purposes and for purposes of the reports referred to in subparagraph (1)(ii)(a) of this paragraph, an accrual method of accounting under which it accounts for its sales of goods when the goods are shipped, receives advance payments for such goods. Such advance payments must be included in gross recipts for tax purposes either in the taxable year the payments are received or in the taxable year such goods are shipped (except as provided in paragraph (c) of this section).

Example (2). T, a manufacturer of household furniture, is a calendar year taxpayer who uses an accrual method of

accounting pursuant to which income is accrued when furniture is shipped for purposes of its financial reports (referred to in subparagraph (1)(ii)(*a*) of this paragraph) and an accrual method of accounting pursuant to which the income is accrued when furniture is delivered and accepted for tax purposes. See § 1.446–1(c)(1)(ii). In 1974, T receives an advance payment of $6,000 from X with respect to an order of furniture to be manufactured for X for a total price of $20,000. The furniture is shipped to X in December 1974, but it is not delivered to and accepted by X until January 1975. As a result of this contract, T must include the entire advance payment in its gross income for tax purposes in 1974 pursuant to subparagraph (1)(ii)(*b*) of this paragraph. T must include the remaining $12,000 of the gross contract price in its gross income in 1975 for tax purposes.

(3) *Long-term contracts.* In the case of a taxpayer accounting for advance payments for tax purposes pursuant to a long-term contract method of accounting under § 1.451–3, or of a taxpayer accounting for advance payments with respect to a long-term contract pursuant to an accrual method of accounting referred to in the succeeding sentence, advance payments shall be included in income in the taxable year in which properly included in gross receipts pursuant to such method of accounting (without regard to the financial reporting requirement contained in subparagraph (1)(ii) (*a*) or (*b*) of this paragraph). An accrual method of accounting to which the preceding sentence applies shall consist of any method of accounting under which the income is accrued when, and costs are accumulated until, the subject matter of the contract (or, if the subject matter of the contract consists of more than one item, an item) is shipped, delivered, or accepted.

(4) *Installment method.* The financial reporting requirement of subparagraph (1)(ii) (*a*) or (*b*) of this paragraph shall not be construed to prevent the use of the installment method under section 453. See § 1.446–1(c)(1)(ii).

* * * * *

Par. 4. Section 1.471–4 is amended by adding a new paragraph (d) to read as follows:

§ 1.471–4 Inventories at cost or market, whichever is lower.

* * * * *

(d) *Long-term contracts.* The long-term contract methods described in § 1.451–3 are not inventory methods of accounting. Accordingly, effective for taxable years beginning after December 31, 1982, this section may not be used to determine the value of a long-term contract accounted for under a long-term contract method, including use of this section to determine the value of materials assigned to a long-term contract or to determine the value of finished or semi-finished components assigned to a long-term contract accounted for under a long-term contract method.

Par. 5. Paragraph (c) of § 1.471–11 is amended by revising paragraph (c) (1) and (3) to read as follows:

§ 1.471–11 Inventories of manufactures.

* * * * *

(c) *Certain indirect production costs*—(1) *General rule.* Except as provided in paragraph (c)(3) of this section and in paragraph (d)(6) of § 1.451–3, in order to determine whether indirect production costs referred to in paragraph (b) of this section must be included in a taxpayer's computation of the amount of inventoriable costs, three categories of costs have been provided in subparagraph (2) of this paragraph. Costs described in subparagraph (2)(i) of this paragraph must be included in the taxpayer's computation of the amount of inventoriable costs, regardless of their treatment by the taxpayer in his financial reports. Costs described in subparagraph (2)(ii) of this paragraph need not enter into the taxpayer's computation of the amount of inventoriable costs, regardless of their treatment by the taxpayer in his financial reports. Costs described in subparagraph (2)(iii) of this paragraph must be included in or excluded from the taxpayer's computation of the amount of inventoriable costs in accordance with the treatment of such costs by the taxpayer in his financial reports and generally accepted accounting principles. For the treatment of indirect production costs described in subparagraph (2) of this paragraph in the case of a taxpayer who is not using comparable methods of accounting for such costs for tax and financial reporting, see subparagraph (3) of this paragraph (d)(6) of § 1.451–3 rather than after December 31, 1982, notwithstanding this section, taxpayers who use an inventory method of accounting for extended period long-term contracts (as defined in paragraph (b)(3) of § 1.451–3) for tax purposes must use the cost allocation rules provided in paragarph (d)(6) of § 1.451–3 rather than the cost allocation rules provided in this section. After a taxpayer has determined which costs must be treated as indirect production costs includible in the computation of the amount of inventoriable costs, such costs must be allocated to a taxpayer's ending inventory in a manner prescribed by paragraph (d) of this section.

* * * * *

(3) *Exception.* Except as provided in paragraph (d)(6) of § 1.451–3, in the case of a taxpayer whose method of accounting for production costs in his financial reports is not comparable to his method of accounting for such costs for tax purposes (such as a taxpayer using the prime cost method for purposes of financial reports), the following rules apply:

* * * * *

Par. 6. Section 1.472–1 is amended by adding a new paragraph (m) to read as follows:

§ 1.472–1 Last-in, first-out inventories.

* * * * *

(m) *Long-term contracts.* The long-term contract methods described in § 1.451–3 are not inventory methods of accounting. Accordingly, use of the LIFO inventory method to determine the costs attributable to a long-term contract accounted for under a long-term contract method does not clearly reflect income, including the use of the LIFO inventory method to determine the cost of materials assigned to a long-term contract or to determine the cost of finished or semi-finished components assigned to a long-term contract accounted for under a long-term contract method.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6524 Filed 3-11-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 48

[LR—2115]

Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application to Manufacturers and Retailers Excise Taxes

Correction

In FR Doc. 82–35461 beginning on page 442 in the issue of Wednesday, January 5, 1983, make the following corrections:

1. On page 443, second column, sec 6416, number 1, first line, "295" should read "205", number 4 under section 6416, third line, "1967" should read "1976"; third column, section 6421, number 6, second line, "1978" should read "1979".

2. On page 445, second column, sixth line from the top, "file" should read "claim".

3. On page 449, first column, § 48.6161(a)–1, paragraph (a), first line, "*General*" should read "*general*"; third column, in the heading for § 48.6206–1, "**excesdive**" should read "**excessive**".

4. On page 451, first column, § 48.6302(c)–1, paragraph (f), third line

from the bottom, "semiannually" should read "semimonthly".

5. On page 454, second column, § 48.6412–3, paragraph (f)(2), fifth line, "average" should read "averaged".

6. On page 459, first column, § 48.6416(b)(2)–2, paragraph (d), seventh line, "of" should read "or"; second column, § 48.6416(b)(2)–2, paragraph (f), the undesignated paragraph after subparagraph (iv), tenth line from the bottom, "(B)(3)(C)" should read "(b)(3)(C)".

7. On page 460, second column, § 48.6416(b)(2)–3, paragraph (a)(6), eighth line, "claimaing" should read "claiming".

8. On page 462, first column, § 48.6416(b)(2)–4, paragraph (b)(2), second line from the bottom, "fule" should read "fuel", and in § 48.6416(b)(3)–1, third line, insert "an" after "be" and in the same line, "overpayments" should read "overpayment".

9. On page 464, third column, § 48.6416(b)(4)–1, paragraph (d)(1), twelfth line, "chasis" should read "chassis".

10. On page 465, first column, § 48.6416(b)(5)–1, paragraph (b), third line, "4126" should read "4216"; second column, § 48.6416(c)–1, paragraph (b), second line, "*the*" should be removed.

11. On page 466, second column, "**Pars. 31.**" should read "**Par. 31.**"; third column, § 48.6420–1, paragraph (a)(2), fourth line from the bottom, "§ 48.6420–2" should read "§ 48.6420–4"; and in paragraph (c)(1), first line, insert "any" after "or".

12. On page 469, first column, § 48.6420–4, paragraph (j), eleventh line, insert a comma after "Thus".

13. On page 471, first column, § 48.6421–1, paragraph (c)(1), sixth line, the first "State" should read "States" and "or" should be inserted after it.

14. On page 472, first column, § 48.6421–2, paragraph (b), third line from the top, "of" should read "on".

15. On page 473, first column, § 48.6421–3, paragraph (d)(3)(i), tenth line from the bottom, "quarters" should read "quarter" and in ninth line from the bottom, insert the following after "ending": "March 31, and is also entitled to payments of $1,500 for each of the calendar quarters ending".

16. On page 473, first column, § 48.6421–3, paragraph (d)(3)(ii), fourteenth line from the bottom, the first "or" should read "of"; third column, § 48.6421–4, paragraph (b)(3), fourth line from the top, insert "in" after "used".

17. On page 474, second column, § 48.6421–7, paragraph (a), fifth line from the bottom, insert the following after "of": "the income tax return or claim and a copy of"; in paragraph (b)(1), fourth line, "includes" should read "include" and in the second line from the bottom of the same paragraph, "use" should read "used"; subparagraph (4) at the bottom of the page should be removed; third column, paragraphs (b)(1) and (2) at the top of the page should be removed.

18. On page 477, first column, § 48.6424–5, paragraph (a), tenth line from the bottom, "6408" should read "6206"; second column, at the top of the page, the section number should read "§ 48.6424–6".

19. On page 478, third column, § 48.6427–3, paragraph (b)(1)(ii), third line, insert "or" after "§ 48.6427–1(c)" and remove the fourth line and the word "in" in the fifth line should be removed.

20. On page 481, first column, § 48.6427–5, paragraph (a)(3), third line from the bottom, "othe" should read "other"; second column, § 48.6675–1, paragraph (a), second line from the top, "64211" should read "6421".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Abandoned Mine Land Reclamation Program; Utah

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM) U.S. Department of the Interior.

ACTION: Proposed rule.

SUMMARY: On February 9, 1983, the State of Utah submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of this State Plan.

DATES: Written comments on the Plan must be received on or before 5:00 p.m., April 13, 1983.

ADDRESSES: Copies of the full text of the proposed Utah Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, New Mexico Field Office, 219 Central Avenue NW., Suite 216, Albuquerque, New Mexico 97102

State of Utah, Division of Oil, Gas and Mining, 4241 State Office Building, Salt Lake City, Utah 84114

Office of Surface Mining Reclamation and Enforcement, Administrative Record, 1100 L Street, NW., Rm. 5315, Washington, D.C. 20240

Written comments must be mailed or hand carried to; Director, New Mexico Field Office listed above. Comments recieved after 5:00 p.m., April 13, 1983 will not be considered or included in the administrative record for this rulemaking.

The Administrative Record will be available in two locations for public review at the OSM Offices above, on Monday through Friday, 8:00 a.m. to 4:30 p.m. excluding holidays.

FOR FURTHER INFORMATION CONTACT: Robert Hagen, Director, Office of Surface Mining, New Mexico Field Office, 219 Central Avenue, Albuquerque, New Mexico 97102. Telephone (505) 766–1486.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive responsibility and authority to implement the approved program.

On February 9, 1983, OSM received a proposed Abandoned Mine Land Reclamation Plan from the State of Utah. The purpose of this submission is to demonstrate both the State's intent and capability to assume responsibility for administering and conducting the provisions of SMCRA and OSM's Abandoned Mine Land Reclamation (AMLR) program (30 CFR Part 884, 47 FR 28600–28601, June 30, 1983.

This notice describes the proposed program and sets forth information concerning public participation in the Assistant Secretary's determination of whether or not the submitted Plan may be approved. The public participation requirements for the consideration of a State Plan are found in 30 CFR 884.13.

Additional information may be found under corresponding sections of the preamble to OSM's AMLR Program Final Rules (43 FR 49932–49940, 1978).

The receipt of the Utah State Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in the state of Utah.

By submitting a proposed Plan, Utah has indicated that it wishes to be primarily responsible for the reclamation of abandoned mine lands in that State. If the program is disapproved and the State does not choose to revise the Plan, a Federal AML Program will be implemented and OSM will be primarily responsible for these activities.

The Field Director has determined that the public was provided adequate notice and opportunity to be heard on the Plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of the Field Director's Office will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. in the Field Director's Office at the request of members of the public to receive their advice and recommendations concerning the proposed Utah Reclamation Plan and Program.

Persons wishing to meet with representatives of the Field Director's Office during this time period may place such request with Wayne D. Oliver, telephone (505) 766–1486, at the Field Director's Office.

The Department intends to continue to discuss the State's Plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contracts with States published September 19, 1979 at FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under Section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reasons for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable cost, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Utah Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A) (1), the Assistant Secretary's decision on the Utah Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine reclamation projects under 30 CFR Part 886.

The Utah Reclamation Plan for Abandoned Mine Reclamation can be approved if:

1. The Assistant Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the Plan.

4. The Plan meets all requirements of the OSM, AMLR Program Provisions.

5. The State has an approved Regulatory Program.

6. It is determined that the Plan is in compliance with all applicable State and Federal laws and regulations.

The following constitutes a summary of the contents of the Utah Reclamation Plan submission: The State of Utah Natural Resources and Energy, Division of Oil, Gas and Mining has been designated by the Governor of the State to implement and enforce the Abandoned Mine Reclamation Program in accordance with SMCRA. The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the Program;

(b) State's chief legal officer's opinion on the authority of the designated agency to conduct the program in accordance with Title IV of the SMCRA;

(c) Description of the policies and procedures to be followed in conducting the Program including:

(1) Goals and objectives;

(2) Project ranking and selection procedures;

(3) Coordination with other reclamation projects;

(4) Land acquisition, management and disposal;

(5) Reclamation on private land;

(6) Rights of entry; and

(7) Public participation in the Program.

(d) Description of the administrative and management structure to be used in the Program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the Program;

(2) Personnel staffing policies;

(3) Purchasing and procurement systems and policies; and

(4) Description of the accounting system including specific procedures for operation of the reclamation fund;

(e) Description of the public's participation in the preparation of the Plan;

(f) A general description of activities to be conducted under the Plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map;

(2) General description of the problems identified and how the Plan proposes to deal with them;

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses;

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the Plan;

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base;

(ii) Sociologic and demographic characteristics;

(iii) Significant aesthetic, historic or cultural, and recreational values;

(iv) Hydrology, including water quality and quantity problems associated with past mining;

(v) Flora and fauna, including endangered and threatened species and their habits;

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction; and

(vii) Anticipated benefits from reclamation.

List of Subjects in 30 CFR Part 944

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 1, 1983.

James R. Harris,

Director, Office of Surface Mining.

Dated: March 8, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

[FR Doc. 83-6631 Filed 3-11-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[W-7-FRL 2320-6]

Kansas Department of Health and Environment Underground Injection Control Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the Kansas Department of Health and Environment requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove or approve in part and disapprove in part the application of the Kansas Department of Health and Environment to regulate Classes I, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by April 11, 1983. The public hearing will be held on April 18, 1983, beginning at 9:00 a.m. and ending at 5:00 p.m. Written comments must be received by April 22, 1983. Should EPA not receive sufficient comments or requests to present oral testimony by April 11, 1983, the Agency reserves the right to cancel the Public Hearing.

ADDRESSES: Comments and/or requests to testify should be mailed to William Pedicino, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. Copies of the application and pertinent materials are available between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Environmental Protection Agency, Region VII, Room 1320, 324 East 11th Street, Kansas City, Missouri 64106, PH: (816) 374-6515.

Kansas Department of Health and Environment, 202 Century Plaza Building, 111 West Douglas, Wichita, Kansas 67202, PH: (316) 265-3181.

Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620, PH: (913) 862-9360.

The Hearing will be held at the Topeka-Shawnee County Health Department, 1615 West 8th Street, Topeka, Kansas.

FOR FURTHER INFORMATION CONTACT: William Pedicino, Ground Water Section, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, (816) 374-6514. Comments should be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Kansas Department of Health and Environment is for the regulation of Class I, III, IV, and V injection wells.

The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 milligrams per liter of total dissolved solids. If this application from Kansas is approved, the State would protect underground sources of drinking water from endangerment by the following kinds of injection practices:

Class I—wells which are used to inject municipal and industrial wastes (including hazardous wastes) below the deepest USDW in the area.

Class III—wells which are used to inject for the extraction of minerals.

Class IV—wells which are used to inject hazardous wastes into or above USDWs.

Class V—all other wells.

At present, Kansas has 57 known Class I wells, 394 Class III wells under 5 area permits, no identified Class IV wells, and approximately 672 Class V wells.

Class I and III wells would require a permit to operate. The permit would apply a number of technical requirements designed to assure that the injection did not result in native or injected fluids reaching USDWs. Such requirements include criteria for siting, construction, testing, operation, monitoring and abandonment.

Class IV wells will be prohibited. Class V wells will be studied to assess what further regulatory measures may be required.

The Safe Drinking Water Act requires EPA to determine whether the proposed State program meets the requirements of regulations issued at 40 CFR Parts 122, 123, 124, and 146. Should this application be disapproved, the Act requires EPA to prescribe the UIC program for the State.

This application includes a description of the State Underground Injection Control program, copies of all applicable regulations and forms, a statement of legal authority, and the memorandum of agreement between the Kansas Department of Health and Environment and the Region VII office of the Environmental Protection Agency.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123 which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part; and may not all apply to this particular notice:

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: March 4, 1983.

Rebecca W. Hanmer,

Assistant Administrator for Water.

[FR Doc. 83-6466 Filed 3-11-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-82; Notice 2]

Transportation of Natural and Other Gas by Pipeline; Leakage Surveys

AGENCY: Materials Transportation Bureau (MTB)

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: More rigid standards were proposed for the frequency and location of leakage surveys to reduce the risk of damage from gas pipeline leaks outside business districts. Also, specific procedures were proposed for conducting leakage surveys on petroleum gas systems. Subsequent review shows that because of the normally short time between the occurrence of leaks and ensuing accidents, the proposed more frequent surveys would not be cost effective in reducing risk. Similarly, the benefits of the proposed petroleum gas procedures are indefinite. As a consequence, the proposed standards are withdrawn.

FOR FURTHER INFORMATION CONTACT: L. M. Furrow, (202) 426–2392.

SUPPLEMENTARY INFORMATION: Part 192 now contains standards for the frequency and location of leakage surveys, but does not specify how the surveys are to be conducted. Section 192.723(b) provides that any portion of a gas distribution system that is located in a "business district" must be surveyed for leaks with gas detector equipment at least once each calendar year. For the remainder of the system, a survey (with or without detector equipment) must be conducted as frequently as necessary, but intervals may not exceed 5 years. On transmission lines, leakage surveys must be conducted as provided by § 192.706(b) once each calendar year. If the transmission line transports unodorized gas, more frequent surveys with gas detector equipment are required when the line crosses certain populated areas.

In Notice 1 (44 FR 72201, December 13, 1979), MTB proposed to amend the existing frequency requirements for leakage surveys so that more stringent standards (more frequent surveys with detection equipment) would apply in three so-called "high risk" areas and in "Class 3" areas as defined by § 192.5(d). The "high risk" areas were described as: (1) Populated areas designated "Class 4" by § 192.5(e), (2) areas where buildings with 20 or more occupants during normal use are located within 100 yards of the pipeline, and (3) paved areas that are susceptible to gas migration. More stringent standards were proposed in the belief that "the hazards associated with gas pipeline leaks * * * would be substantially reduced if leakage surveys were carried out at frequent intervals and with appropriate leak detection equipment." Specific procedures for leakage surveys on petroleum gas systems were proposed in the belief that some operators failed to consider the high density of petroleum gas when conducting leakage surveys on these systems.

After reviewing the numerous comments received on the notice, MTB is persuaded that more stringent frequency requirements, as proposed, would not yield sufficient public benefits to offset the substantial costs ($25 million) of compliance. For potential benefits, in terms of reduced deaths, injuries, and property damage, to offset the high costs, the proposed requirements would have to significantly reduce the expected number of accidents attributable to gas pipeline leaks in the "high risk" and Class 3 areas. To be effective in reducing accidents, it is logical that surveys would have to be conducted frequently enough to detect leaks before accidents occur.

In this regard, most commenters pointed out that in their experience the bulk of gas pipeline accidents result from system failures of recent origin, with time between leak and accident being no more than hours or at most a few days. This result is to be expected when considering sudden failures due to outside force impact, as from excavation equipment. It was substantiated for other accident causes by a study of National Transportation Safety Board accident reports submitted by two commenters, the American Gas Association and the Southern California Gas Company. In 20 of 22 accidents investigated between 1969 and 1979 and caused by underground leakage of natural gas (due to corrosion, settlement, soil stress, and other factors), a fire or explosion occurred very shortly (hours or minutes) after leakage began. In these cases, it is very unlikely that more frequent surveys would have prevented the accidents. For the two accidents with longer periods (months) between the onset of leakage and the occurence of a fire or explosion, due to the even longer time between surveys (1 or 2 years), there is still only a small probability that the proposed standards would have prevented the accidents.

To supplement this study, the gas company also submitted an analysis of the reportable incidents on its system for the years 1974–1979 to determine those incidents that might have been detected by the more frequent surveys proposed in Notice 1, and the results were projected nationwide. The analysis showed that about a 17 percent increase in early detection of accident-causing leaks could be achieved. Translating this increment into savings, however, showed potential benefits nationwide of less than $3 million a year, far less than the projected costs.

Similarly, commenters emphasized that more benefit data are needed to justify imposing the specific survey procedures on petroleum gas systems. Also, various provisions of the propsed procedures were controversial from a technical viewpoint.

In summary, there appears to be little likelihood that the proposed increase in the frequency of leakage surveys would have a positive effect on accident reduction large enough to offset the costs of compliance. Likewise, the currently available information does not show the proposed petroleum gas procedures to be cost beneficial. Therfore, Notice 1 is hereby withdrawn. MTB will not consider making any other changes to the existing leakage survey rules until persuasive cost/benefit data become available.

(49 U.S.C. 1672, 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, D.C., on March 8, 1983.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 83-6349 Filed 3-11-83; 8:45 am]
BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 48, No. 50
Monday, March 14, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Subcommittee on Human Nutrition; Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, the U.S. Department of Agriculture announces the following meeting:

Name: Subcommittee for Human Nutrition of the Technical Advisory Committee for Science and Education Research Grants Program.

Date and Time: April 25, 26, and 27, 1983, Monday—9:00 a.m. to 5:30 p.m., Tuesday—9:00 a.m. to 5:30 p.m.; Wednesday—9:00 a.m. to 5:30 p.m.

Place: Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia.

Type of Meeting: Closed.

Contact Person: Ritva R. Butrum, Associate Program Manager, Human Nutrition Program, U.S. Department of Agriculture, 1300 Wilson Boulevard, Suite 103, Rosslyn, Virginia 22209, Telephone: (703) 235–2646.

Purpose of Subcommittee: To provide advice and recommendation concerning support for research in the Human Nutrition Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Secretary of Agriculture pursuant to provisions of Section 10(d) of Pub. L. 92–463.

Orville G. Bentley,
Assistant Secretary, Science and Education.

[FR Doc. 83-6624 Filed 3-11-83; 8:45 am]
BILLING CODE 3410-03-M

CIVIL AERONAUTICS BOARD

[Order 83–3–54]

Fitness Determination of Alaska Aeronautical Industries, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 83–3–54).

SUMMARY: The Board proposes to issue a certificate under section 401 of the Act to Alaska Aeronautical Industries, Inc., to provide scheduled interstate and overseas air transportation of persons, property, and mail between all points in the United States, its territories and possessions, except for intra-Alaska and intra-Hawaii all-cargo service. The complete text of this order is available, as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's issuance of the proposed certificate shall file, and serve upon all persons listed below no later than March 30, 1983, a statement of objections together with a summary of the testimony, statistical data, and other material relied upon to support the objections.

ADDRESSES: Responses or additional data should be filed in Docket 41045 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment B to the order.

FOR FURTHER INFORMATION CONTACT: Mr. Nicholas Lowry, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5345.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–3–54 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–3–54 to that address.

By the Civil Aeronautics Board: March 9, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6617 Filed 3-11-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41334]

Guy-America Airways, Inc.; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Chief Administration Law Judge Elias C. Rodriguez. Future communications should be addressed to him.

Dated at Washington, D.C., March 9, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-6619 Filed 3-11-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41329]

Interamerica Airlines, Inc.; Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to him.

Dated at Washington, D.C. March 9, 1983.

Elias C. Rodriguez,
Chief Administrative Law Judge.

[FR Doc. 83-6618 Filed 3-11-83; 8:45 am]
BILLING CODE 6320-01-M

[Order 83–3–45 etc.]

Northern Airways Inc. et al.; Commuter Fitness Determinstion

The Board is proposing to find the following carriers fit, willing and able to provide commuter air carrier service under Section 419(c)(2) of the Federal Aviation Act, as amended, and that aircraft used in this service conform to applicable safety standards.

Order	Applicant	Response date
83–3–45	Northern Airways, Inc	Mar. 29, 1983.
83–3–46	Flamenco Airways, Inc	Do.
83–3–47	Montair Flight Service, Inc	Mar. 30, 1983.
83–3–48	Visa Airlines, Inc	Do.

All interested persons wishing to respond to the Board's tentative fitness

determination shall serve their responses on all persons listed in Attachment A of the respective orders and file response or additional data with the Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428.

The complete text of the orders is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request to the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Susan L. Blankenheimer for Order 83–3–45 at (202) 673–5336; Ms. Patricia T. Szrom for Order 83–3–46 at (202) 673–5068; and Ms. Anne W. Stockvis for Orders 83–3–47 and 83–3–48 at (202) 673–5068; Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

By the Civil Aeronautics Board: March 9, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6618 Filed 3-11-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 40511]

North American Airlines, Inc., Fitness Investigation; Cancellation of Hearing

Notice is hereby given that the hearing in the above-entitled matter which was assigned to be held on March 14, 1983 at 10:00 a.m., local time (48 FR 7766, February 24, 1983), has been cancelled.

Dated at Washington, D.C., March 9, 1983.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 83-6660 Filed 3-11-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Export Trading Company Contact Facilitation Program.

Form Numbers: OMB—None; Agency—ITA—4094P.

Type of Request: New.

Burden: 2,250 respondents; 563 reporting hours.

Needs and Uses: With the passage of the Export Trading Act of 1982, the Administration initiated a high priority program to quickly begin the certification process for Export Trading Companies and to provide related contact facilitation services. The information collected on the requested Contact Facilitation Program form will be used to register in and search a database of organizations interested in finding and using the services of an export trading company.

Affected Public: Service organizations, banks, and manufacturers.

Frequency: On occasion.

Respondent's Obligation: Voluntary. Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen 395–3785.

Agency: International Trade Administration.

Title: Recordkeeping Requirements Contained in Export Administration Regulations (EARs) 15 CFR Part 368 through 399.

Form Numbers: OMC—0625–0104; Agency—N/A.

Type of Request: Extension.

Burden: 905,256 respondents; 241,830 recordkeeping hours.

Needs and Uses: This recordkeeping is required in order to prevent violations under the Export Administration Act of 1972.

Affected Public: Commercial exporters.

Frequency: As required in applicable EAR.

Respondent's Obligation: Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: International Trade Administration.

Title: Application for the President's "E" and "E Star" Awards for Export Expansion.

Form Number: OMB—0625–0065; Agency—ITA—476P.

Type of Request: Extension.

Burden: 100 respondents; 2,000 reporting hours.

Needs and Uses: Executive Order 10978 issued on December 5, 1961 authorizes the establishment of an award program for significant contributions to the export expansion program. The Executive Order authorizes the Secretary of Commerce, with others, to establish procedures for nominations. The application form is the vehicle used to evaluate candidates.

Affected Public: Any person, firm or organization that contributes significantly in the effort to increase U.S. exports.

Frequency: On occasion.

Respondent's Obligation: Voluntary. Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: International Trade Administration.

Title: Information on Articles for Physically or Mentally Handicapped Persons Imported Free of Duty Under Pub. L. 97–446.

Form Numbers: OMB—None; Agency—ITA—362P.

Type of Request: New.

Burden: 5,000 respondents; 1,000 reporting hours.

Needs and Uses: Data will be used to assess possible injury to domestic manufacturers of articles for the handicapped. Assessment will form basis for advice to the President on whether to invoke safeguards in the law limiting U.S. obligations to the strict terms of the treaty.

Affected Public: Handicapped individuals and organizations (both commercial and nonprofit) serving their needs.

Frequency: On occasion.

Respondent's Obligation: Voluntary. Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: International Trade Administration.

Title: Small Business Export Development Assistance Program (SBEDAP) (Quarterly and Final Reports).

Form Numbers: OMB—None; Agency—ITA—4096P.

Type of Request: New.

Burden: 16 respondents; 208 reporting hours.

Needs and Uses: The information to be collected will be used to evaluate program achievements by organizations receiving SBEDAP grants, and to make recommendations to Congress concerning continuation and/or expansion of the program.

Affected Public: State and local government agencies, state universities, small businesses.

Frequency: Quarterly, Other (final report).

Respondent's Obligation: Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Financial Reports.

Form Numbers: OMB—0648–0102; Form used by Agency—SF 269 and SF 270.

Type of Request: Extension.

Burden: 60 respondents; 300 reporting hours.

Needs and Uses: The Grant-in-Aid for Fisheries program (authorized by Pub. L. 88–309 and Pub. L. 89–304) awards grants to states and non-federal entities for research, conservation, and development of the Nation's fishery resources. Financial status reports of grant expenditures are required annually of grantees. In addition, they submit requests for reimbursements periodically.

Affected Public: All state and territorial fishery agencies, some Indian tribes, universities and interstate commissions.

Frequency: On occasion, Annually.

Respondent's Obligation: Required to obtain or retain benefit.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Permit/Letters of Agreement Reports.

Form Numbers: OMB—0648–0085; Agency—N/A.

Type of Request: Extension.

Burden: 300 respondents; 900 reporting hours.

Needs and Uses: Section 104(c) of the Marine Mammal Protection Act of 1972 requires that permit holders furnish a report for all activities carried out under permit. The information is used to evaluate compliance with the permit and evaluating applications for permits.

Affected Public: Zoos, aquariums, and researchers.

Frequency: On occasion, Annually.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmosperhic Administration.
Title: Marine Mammal Mortality Reports.
Form Numbers: OMB—0648–0009; Agency—N/A.
Type of Request: Extension.
Burden: 150 respondents; 563 reporting hours.
Needs and Uses: Federal regulations require submission of reports whenever marine mammals are taken during commercial fishing operations. Reports are deemed necessary to monitor the status of populations as required by the Marine Mammal Protection Act.
Affected Public: Commercial fishermen.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain benefit.
OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.
Title: Subsequent Purchaser Reports.
Form Numbers: OMB—0648–0079; Agency—N/A.
Type of Request: Extension.
Burden: 150 respondents; 150 reporting hours.
Needs and Uses: The information collected is for the purpose of granting members of the public a privilege to engage in certain trade involving species and wildlife that would otherwise be prohibited under the Endangered Species Act.
Affected Public: Retail stores.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain benefit, Mandatory.
OMB Desk Officer: Ken Allen, 395–3785.

Agency: National Oceanic and Atmospheric Administration.
Title: Scientific Research/Public Display Permit Application.
Form Numbers: OMB—0648–0084; Agency—N/A.
Type of Request: Extension.
Burden: 75 respondents; 2,200 reporting hours.
Needs and Uses: Provides information for determining whether or not to issue scientific research and public display permits under the authority of the Marine Mammal Protection Act, Endangered Species Act, and Fur Seal Act.
Affected Public: Zoos, aquariums, researchers.
Frequency: On occasion.
Respondent's Obligation: Required to obtain or retain benefit.
OMB Desk Officer: Ken Allen, 395–3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Ken Allen, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,
Departmental Clearance Officer.

[FR Doc. 83-6515 Filed 3-11-83; 8:45 am]
BILLING CODE 3510-CW-M

Foreign-Trade Zones Board

[Docket No. 4–83]

Proposed Foreign-Trade Zone; Onondaga County, New York (Syracuse Port of Entry); Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Onondaga, New York, requesting authority to establish a general-purpose foreign-trade zone in the Town of Clay, Onondaga County, adjacent to the Syracuse Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 7, 1983. The applicant is authorized to make this proposal under County Law Section 224 (Subd. 23) of McKinney's Consolidated Laws of New York.

The proposed zone will cover 21 acres within the 1,300-acre Woodward Industrial Park on Steelway Boulevard, in the Town of Clay, some 5 miles from the Syracuse-Hancock International Airport. An existing 64,000 square foot warehouse is available for initial general-purpose zone operations. The property is owned by the Paul-Jeffrey Company, Inc., a distribution and warehousing service, which has been designated the zone operator. The zone project will be administered on behalf of the applicant by the Greater Syracuse Foreign Trade Zone, Ltd., a non-profit corporation affiliated with the Greater Syracuse Chamber of Commerce.

The application contains evidence of the need for zone services in the greater Syracuse area. A number of prospective tenants have indicated an interest in using the zone for warehousing, consolidation, packaging, manipulation and manufacturing of commercial laundry and dry cleaning equipment, compressors, filtration products, automobile lighting and safety equipment, electrical and electronic products, medical instruments, china, frozen food and wooden toys. Specific manufacturing approvals are not being sought at this time, requests to be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Robert B. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

As part of its investigation, the examiners committee will hold a public hearing on April 6, 1983, beginning at 9:00 a.m., in Room 1023 of the James M. Hanley Federal Building, 100 Clinton St., Syracuse, N.Y. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by April 1. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary at any time from the date of this notice through May 6, 1983. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Federal Building, Room 1219, 100 South Clinton Street, Syracuse, New York 13260

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Constitution, NW., Washington, D.C. 20230

Dated: March 8, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-6477 Filed 3-11-83; 8:45 am]
BILLING CODE 3510-25-M

[Docket No. 5–83]

Proposed Foreign-Trade Zone, Newport, Vermont; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Orleans County Development Corporation (OCDC), a Vermont non-profit development corporation, requesting authority to establish a general-purpose foreign-trade zone in Newport, Vermont, adjacent to the Derby Line Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 7, 1983. The applicant is authorized to make this proposal under Chapter 111, Title 9, Vermont Statutes Annotated.

The proposed foreign-trade zone covers 16 acres within the 22-acre Newport Industrial Park on Prouty Drive in Newport. OCDC owns the property and has plans to construct a 10,000 square foot building for general-purpose zone use. Open space is available for prospective users to construct their own facilities. The Northeastern Vermont Development Association, a regional planning commission, has been designated to market and operate the zone project.

The application contains evidence of the need for zone services in the northeast Vermont area. Several firms have indicated an interest in using the zone for warehousing, distribution, manipulation, and manufacture. The products involved at the outset will be cosmetics, sports apparel, and cutting tools. Specific manufacturing approvals are not being sought at this time, requests to be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: John J. Da Ponte, Jr. (Chairman), Director, Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissioner, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Walter M. Smith, Jr., District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, N.Y. 10278.

As part of its investigation, the examiners committee will hold a public hearing on April 7, 1983, beginning at 2:00 p.m., in the Council Room of the Municipal Building, 2nd Floor, Newport, Vermont. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested parties are invited to present their views at the hearing. They should notify the Board's Executive Secretary of their desire to be heard in writing at the address below or by phone (202/377–2862) by April 1, 1983. Instead of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through May 7, 1983. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, Interstate 91, P.O. Box 476, Derby Line, Vermont 05830

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1672, 14th and Constitution, NW., Washington, D.C. 20230

Dated: March 8, 1983.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 83-6478 Filed 3-11-83; 8:45 am]
BILLING CODE 3510-25-M

International Trade Administration

Correction of Notices of Initiation of Antidumping Investigations; Certain Tapered Journal Roller Bearings and Parts Thereof From Japan, Italy, and the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Correction of notices of initiation of antidumping investigations.

SUMMARY: On February 24, 1983, the Department of Commerce published Notices of Initiation of Antidumping Investigations on Certain Tapered Journal Roller Bearings and Parts Thereof from Japan, Italy, and the Federal Republic of Germany (48 FR 7766–7767). Under the paragraph headed "Scope of Investigation" in each notice, the words "assembled outside diameters between 4.25 and 7.0 inches" in the second sentence are corrected to read "assembled outside diameters between 6.5 and 10.875 inches."

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

March 8, 1983.

[FR Doc. 83-6476 Filed 3-11-83; 8:45 am]
BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Deletion of an amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete 6 and amend 3 system notices for systems of records subject to the Privacy Act of 1974. Following identification of changes, the amended notices are set forth in their entirety below.

DATE: Actions shall be effective April 13, 1983 unless public comments are received which result in a contrary determination.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG–AMR–S, Room 1146, Hoffman Building 1, 2641 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army, at the above address; telephone 703/325–6163.

SUPPLEMENTARY INFORMATION: Army systems of records notices affected by this action apear in FR Doc. 79–37052, December 17, 1979.

System notices being amended do not require a report of an altered system pursuant to 5 U.S.C. 552a(o).

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.

March 7, 1983.

Deletions

A0701.07dUSAREC

System name:

High School Folder (Lead List) (44 FR 73852), December 17, 1979.

Reason:

Records are covered by amended system of records A0704.06a USAREC appearing in this Federal Register.

A0704.03aDAPE

System name:

Accelerated Promotion/Early Discharge Report (44 FR 73859), December 17, 1979.

Reason:

Records are covered by amended system of records A0704.06a USAREC appearing in this **Federal Register**.

A0704.09aUSAREC

System name:

Center of Influence Card Files (USAREC Form 125) (44 FR 73861), December 17, 1979.

Reason:

Records are covered by amended system of records A0704.06a USAREC appearing in this **Federal Register**.

A0706.06bUSAREC

System name:

Rapid Electric Ad Coupon Transmission (REACT) (44 FR 73874), December 17, 1979.

Reason:

Records are covered by amended system of records A0704.06a USAREC appearing in this **Federal Register**.

A1010.03aDAMO

System name:

National Security Seminar Guest Reference File (44 FR 73951), December 17, 1979.

Reason:

Records are covered by amended system of records A1010.07d DAMO appearing in this **Federal Register**.

A1010.07cDAMO

Name:

Representatives of Carlisle and Vicinity (44 FR 73952), December 17, 1979.

Reason:

Records are covered by amended system of records A1010.07d DAMO appearing in this **Federal Register**.

Amendments

A0704.06aUSAREC

System name:

Recruiting Prospect Card Files

Changes:

System Identification:

Delete "aUSAREC"; substitute therefor: "DAPE."

System name:

Change to read: "Army Recruiting Prospect System."

System location:

Delete entry; substitute therefor: "Army recruiting stations, Area and District Recruiting Commands; addresses may be obtained from the Commander, US Army Recruiting Command, Ft. Sheridan, IL. Enlistment inquiries generated by public advertising and follow-up data are maintained by Army contractor—Market Compilation and Research Bureau, Inc."

Categories of individuals covered by the system:

Delete entry; substitute therefor: "Prospects for Army enlistment, individuals who have asked to be excluded from Army promotional mailing, and third parties who refer names of prospects to recruiters."

Categories of records in the system:

Delete entry; substitute therefor: "Name, SSN, home address and telephone number, schools attended, arrest record, names and addresses of parents/spouse of prospective enlistee. On acceptance, applicant's record includes information furnished by the Military Enlistment Processing Command reflecting examination results."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute the following: "By the Department of the Army: (1) To review an individual's potential for enlisting, (2) to obtain school quotas for potential enlistee's skills/educational/assignment preferences and objectives; (3) to monitor recruiter performance; (4) for personnel management, statistical, and historical reports."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry; substitute therefor: "Paper records, cards, magnetic tapes, minidiskettes/disks."

Retrievability:

Delete entry; substitute therefor: "By name or SSN of the prospective enlistee, inquirer, recruiter, or third party referring agent."

Safeguards:

Delete entry; substitute therefor: "Information in this system is maintained in locked storage areas available only to designated individuals having need therefor in the performance of official duties. Personel information on prospects which is entered into the Joint Optical Information Network—a stand-alone data processor—restricts access to specially assigned recruiter ID/program codes. Administrative, physical and technical safeguards employed by the Recruiting Command and its contractor are commensurate with the sensitivity of personal data to ensure preservation of integrity and to preclude unauthorized use/disclosure."

Retention:

Delete entry; substitute therefor: "Information furnished by a prospective enlistee is retained until 3 months following end of enlistee's initial term of service, after which it is destroyed or erased; information concerning individuals who provide names of prospects is retained until no longer needed; information on prospects not enlisted is destroyed/erased at the end of each calendar year."

System manager(s) and address:

Delete entry; substitute therefor: "The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (DAPE–MPA), the Pentagon, Washington, DC 20310."

Notification procedures:

Delete entry; substitute the following: "Individuals wishing to inquire whether this system contains informatin about them should write to the commander of the recruiting station to which information was provided, or to the Commander, US Army Recruiting Command, Ft. Sheridan, IL 60037. Individual must provide full name, SSN, details that will assist in locating the records, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individuals seeking access to information from this system should furnish information in "Notification procedure" above.

Record source categories:

Delete entry; substitute therefor: "From the individual, high school officials/yearbooks/directories, law enforcement agencies, third parties who provide prospect leads, relevant Army records/reports."

A0710.10DAAG

System name:

Reserve Personnel Information Reporting System

Changes:

System Identification:

Delete "&710.10DAAG"; substitute: "715.07bDAPE."

System Name:

Delete entry; add: "Standard Installation/Division Personnel System—US Army Reserves (SIDPERS-USAR)."

System location:

Delete entry beginning "Decentralized Segments * * * area." Change second paragraph to read: "US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute the following: "Used by the Army to accomplish promotions, demotions, transfers, and other personnel actions essential to unit readiness; to identify and fulfill training needs; and to render strength accounting, budgetary, manpower requirements, and other statistical reports. This system interfaces with other automated systems which impact on the personnel management responsibilities of supported commanders."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Change entry to read: "Tape files are stored in reel number sequence in a library within a restricted computer room complex having controlled entry. The computer room is restricted to authorized personnel and controlled by security guards. Access to on-line data is controlled within the US Army Reserve Components Personnel and Administration Center (RCPAC) by ENVIRON/1, a product of CINCOM Systems, Inc., via a six position alpha-numeric password. This password controls on-line sub-systems to which user has access. Once access to the sub-system has been gained, a further four position alphanumeric access code is required which determines the specific application which the user may access; second access codes are maintained by the RCPAC Project Management Officer and controlled by designated Major Army Command Headquarters which are on-line to the centralized data base at RCPAC through hard wired terminals. Currently, these are US Forces Command and the First, Fifth, and Sixth US Armies. By end-1984, US Army Western Command and US Army Europe will be added to the system. Users do not have on-line update capability."

Retention and disposal:

Delete entries; substitute therefor: "Information is retained for the duraton of reservist's unit assignment. The current and two previous tape files are retained."

Contesting record procedures:

Delete entry; substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505)."

Record source categories:

Change entry to read: "From individual Reservist, Army records and reports."

A1010.07dDAMO

System name:

Biographic Files.

Changes:

Systen name:

Change title to read: "Biographies: USAWC Guests."

System location:

Delete entry; substitute therefor: "US Army War College, Carlisle Barracks, PA 17013."

Categories of individuals covered by the system:

Delete entry; substitute therefor: "Persons under consideration to lecture at the US Army War College (USAWC) or to attend the National Security Seminar as guests."

Categories of records in the system:

Delete entry; substitute the following: "Name, current position, title, address, phone number; date/place of birth; biographical data consisting of education, positions held, awards, honors, etc; information from public sources relevant to the individual or to his/her achievements."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries; substitute therefor: "By the Department of the Army as a basis for selecting guest speakers, guest instructors, and annual National Security Seminar guest attendees."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add: "magnetic tape/disk."

Safeguards:

Change to read: "Information is stored in secured buildings; access is restricted to designated individuals having official need therefor. Automated data are further protected by assigned passwords changed periodically to preclude unauthorized use."

Retention and disposal:

Delete entry; substitute therefor: "Biographical data are permanent; hard copy records are retained at USAWC for 5 years, after which they are transferred to the Military History Institute, Carlisle Barracks, PA; other data are destroyed when no longer required for reference."

System manager(s) and address:

Delete entry; substitute therefor: "Chief of Staff, US Army War College, Carlisle Barracks, PA 17013."

Notification procedure:

Delete entry; substitute therefor: "Individuals desiring to know whether or not this system contains information on them may inquire of the Secretary, US Army War College, Carlisle Barracks, PA 17013. Individuals should provide their name, address, details that will facilitate locating the record, and signature."

Record access procedures:

Delete entry; substitute therefor: "Individuals should address requests as in "Notification procedure," furnishing information specified therein."

A0704.06DAPE

SYSTEM NAME:

Army Recruiting Prospect System.

SYSTEM LOCATION:

Army recruiting stations, Area and District Recruiting Commands; addresses may be obtained from the Commander, US Army Recruiting Command, Ft Sheridan, IL. Enlistment inquiries generated by public advertising and follow-up data are maintained by Army Contractor Market Compliation and Research Bureau, Inc.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Prospects for Army enlistment, individuals who have asked to be excluded from Army promotional mailing, and third parties who refer names of prospects to recruiters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, SSN, home address and telephone number, schools attended, arrest record, names and addresses of parents/spouse of prospective enlistee. On acceptance, applicant's record includes information furnished by the Military Enlistment Processing Command reflecting examination results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 503, 504, 510, and 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army: (1) To review an individual's potential for enlisting, (2) to obtain school quotas for potential enlistee's skills/educational/assignment preferences and objectives; (3) to monitor recruiter performance; (4) for personnel management, statistical, and historical reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, cards, magnetic tapes, minidiskettes/disks.

RETRIEVABILITY:

By name of SSN of the prospective enlistee, inquirer, recruiter, or third party referring agent.

SAFEGUARDS:

Information in this system is maintained in locked storage areas available only to designated individuals having need therefor in the performance of official duties. Personal information on prospects which is entered into the Joint Optical Information Network—a stand-alone data processor—restricts access to specially assigned recruiter ID/program codes. Administrative, physical and technical safeguards employed by the Recruiting Command and its contractor are commensurate with the sensitivity of personal data to ensure preservation of integrity and to preclude unauthorized use/disclosure.

RETENTION:

Information furnished by a prospective enlistee is retained until 3 months following end of enlistee's initial term of service, after which it is destroyed or erased; information concerning individuals who provide names of prospects is retained until no longer needed; information on prospects not enlisted is destroyed/erased at the end of each calendar year.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army (DAPE–MPA), The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to inquire whether this system contains information about them should write to the commander of the recruiting station to which information was provided, or to the Commander, US Army Recruiting Command, Ft. Sheridan, IL 60037. Individual must provide full name, SSN, details that will assist in locating the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information from this system should furnish information in "Notification procedures" above.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, high school officials/yearbooks/directories, law enforcement agencies, third parties who provide prospect leads, relevant Army records/reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0715.07bDAPE

SYSTEM NAME:

Standard Installation/Division Personnel System—US Army Reserve (SIDPERS–USAR).

SYSTEM LOCATION:

US Army Reserve Components Personnel and Administration Center, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals currently assigned to a US Army Reserve unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Account Number, sex, race, civilian occupation, current military assignment, grade/rank, unit identification code, date entered military service, promotion data, security clearance, military obligation expiration date, military qualifications, and other similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Army to accomplish promotions, demotions, transfer, and other personnel actions essential to unit readiness; to identify and fulfill training needs; and to render strength accounting, budgetary, manpower requirements, and other statistical reports. Information in this system interfaces with other automated systems which impact on the personnel management responsibilities of supported commanders.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

By SSAN and five characters of individual's surname.

SAFEGUARDS:

Tape files are stored in reel number sequence in a library within a restricted computer room complex having controlled entry. The computer room is restricted to authorized personnel and controlled by security guards. Access to on-line data is controlled within RCPAC by ENVIRON/1, a product of CINCOM Systems, Inc., via a six position alphanumeric password. This password controls on-line sub-systems to which user has access. Once access to the sub-system has been gained, a further four position alphanumeric access code is required which determines the specific application which the user may access; second access codes are maintained by the RCPAC Project Management Officer and controlled by designated Major Army Command Headquarters which are on-line to the centralized data base at RCPAC through hard wired terminals. Currently, these are US Forces Command and the First, Fifth, and Sixth US Armies. By end-1984, US Army Western Command and US Army Europe will be added to the system. Users do not have on-line update capability.

RETENTION AND DISPOSAL:

Information is retained for the duration of reservist's unit assignment. The current and two previous tape files are retained at any given time.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether or not this system contains information about them may inquire of the Commander of the Army Headquarters in which the unit is located, furnishing full name, SSAN, and specific information concerning the event or incident that will assist in locating the record.

RECORD ACCESS PROCEDURES:

For access to information in this system, individuals should address an inquiry and furnish information as indicated in "Notification procedure."

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual. Army records and reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1010.07dDAMO

SYSTEM NAME:

Biographies: USAWC Guests.

SYSTEM LOCATION:

US Army War College, Carlisle Barracks, PA 17013.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons under consideration to lecture at the US Army War College (USAWC) or to attend the National Security Seminar as guests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, current position, title, address, phone number; date/place of birth; biographical data consisting of education, positions held, awards, honors, etc; information from public sources relevant to the individual or to his/her achievements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army as a basis for selecting guest speakers, guest instructors, and annual National Security Seminar guest attendees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders/notebooks; magnetic tape/disk.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Information is stored in secured buildings; access is restricted to designated individuals having official need therefor. Automated data are further protected by assigned passwords changed periodically to preclude unauthorized use.

RETENTION AND DISPOSAL:

Biographical data are permanent; hard copy records are retained at USAWC for 5 years, after which they are transferred to the Military History Institute, Carisle Barracks, PA; other data are destroy when no longer required for reference.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Staff, US Army War College, Carlisle Barracks, PA 17013.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system contains information on them may inquire of the Secretary, US Army War College, Carlisle Barracks, PA 17013. Individuals should provide their name, address, details that will facilitate locating the record, and signature.

RECORD ACCESS PROCEDURES:

Individuals should address requests as in "Notification procedure", furnishing information specified therein.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual, DOD agencies, prior attendees, other academic institutions, newspapers, periodicals, books.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-6523 Filed 3-11-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Commission on Excellence in Education; Meeting

AGENCY: National Commission on Excellence in Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice is intended to notify the public of a closed meeting held by the National Commission on Excellence in Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE: March 4, 1983.

LOCATION: Georgetown Inn, 1310 Wisconsin Avenue, NW Lafayette Room, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Milton Goldberg, Executive Director, or Betty Baten, Administrative Officer (202–254–7920).

The National Commission on Excellence in Education is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth standards for the the formation and use of advisory committees. The Commission is established to advise and make recommendations to the nation and to the Secretary of Education.

The National Commission in Education met in closed session on March 4, 1983 to disscuss, review and edit in detail extensive drafts of its Final Report which is to presented to the public and to the Secretary of Education in April, 1983 under a charter issued by the Secretary in August, 1981.

The Commission had planned to assemble on March 4, 1983 in separate work groups to discuss, review and edit in detail drafts of the Final Report. Just prior to that date it was determined that these discussions should be conducted by the full Commission. It was then determined that discussions of this nature might be considered a formal Commission meeting and that such a meeting should be closed because detailed discussion in public session of the contents of an advanced draft of the Final Report would be detrimental. Therefore, approval was sought and received, from appropriate officials of the Department of Education to close the meeting of the Commission under the authority of exemption (9)(B) of Section 552b(c) of 5 U.S.C. and under Section 10(d) of the Federal Advisory Committee Act.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting at the Commission's office located at 1200 19th Street, NW., Room 222, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

Dated: March 8, 1983.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 83-6562 Filed 3-11-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), the following meeting notices are provided:

I. A meeting of the Industry Working Party (IWP) of the International Energy Agency (IEA) will be held on April 5 and 6, 1983, at the offices of Standard Oil Company of California, 575 Market Street, San Francisco, California, beginning at 9:30 a.m. on April 5.

The agenda for the meeting is as follows:

1. The status of activities of the IWP and of the Standing Group on the Oil Market (SOM).
2. Review of the IEA's financial information system.
3. Review of Questionnaire C.
4. Arrangements for future meetings of the SOM and IWP.

II. On March 7, 1983, notice was published of two meetings of the IEA Group of Reporting Companies, to be held at Castelgandolfo, Italy, on March 17 and 18, 1983, and at White Plains, New York, on March 29, 182 (48 FR 9577). Since it does not appear that any participants in the Voluntary Agreement and Plan of Action, or any affiliates of such participants who have been designated pursuant to Paragraph 9(b)(3) of the Voluntary Agreement and Plan of Action will be represented at the March 17–18 meeting at Castelgandolfo, Italy, notice of that meeting hereby is cancelled. The other notice of a meeting of the IEA Group of Reporting Companies at White Plains, New York, on March 29, 1983, remains in effect.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., March 9, 1983.

Samuel M. Bradley,

Deputy Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 83-6628 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

AD Energy, Inc. and Allen L. Dwight; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to AD Energy, Inc. and Allen L. Dwight at 12700 St. Andrews, Oklahoma City, Oklahoma 73120. This Proposed Remedial Order alleges pricing violations in the amount of $1,804,574.81 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Parts 205, 210, and 212, Subparts F and L during the time period May 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 18th day of February 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-6471 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

[SCOX00263]

Echo Drilling, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department fo Energy hereby gives Notice of a Proposed Remedial Order which was issued to Echo Drilling, Inc. of Zanesville, Ohio. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.93, 212.10 and 212.183. The total violation alleged during November 1973 through January 1981 is $354,450.18.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 28th day of February 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-6470 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

Gary Energy Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order with Gary Energy Corporation and provides an opportunity for public comment on the terms and conditions of the proposed Consent Order.

DATE: Comments by April 13, 1983.

ADDRESS: Send comments to: James O. Neet, Jr., Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200–E, Dallas, Texas 75247.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas ERA Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Suite 200–E, Dallas, Texas 75247; 214/767–7404. (Copies of the Consent Order may be obtained free of charge by writing or calling this office.)

SUPPLEMENTARY INFORMATION: On February 16, 1983, the ERA executed a proposed Consent Order with Gary Energy Corporation at 115 Inverness Drive, Englewood, Colorado 80112. Under 10 CFR 205.199J(b), a proposed Consent Order which involves the sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication of a notice in the **Federal Register** requesting comments concerning the

proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate a modification of the Consent Order or issue the Consent Order as signed.

I. The Consent Order

Gary Energy Corporation (Gary), with its home office located in Englewood, Colorado, is a refiner and gas plant owner and operator engaged in the refining of crude oil and the processing of natural gas liquids (NGLs) and natural gas liquid products (NGLPs) and the sale of covered petroleum products as well as other petroleum related activities, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212 during the period covered by this Consent Order. To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, and 212, in connection with Gary's transactions involving petroleum products during the period January 1, 1973 through January 27, 1981 ("the period covered by this Consent Order"), the ERA and Gary Energy Corporation entered into a Consent Order, the significant terms of which are as follows:

A. This Consent Order is intended by the signatories to settle the civil issues between DOE and the Consenting Firm relating to the Consenting Firm's compliance with the Federal petroleum price and allocation regulations during the period from January 1, 1973 through January 27, 1981.

B. ERA has conducted a thorough audit to determine Gary's compliance during the period covered by this Consent Order with the Federal petroleum price and allocation statutes, regulations and requirements. ERA and Gary disagree in several respects concerning the proper application of such Federal petroleum price and allocation statutues, regulations and requirements to Gary's activities during the settlement period. Gary and ERA each believes that its respective positions on the legal issues underlying such disagreements are meritorious. Neither Gary nor ERA disavows any position it has taken with respect to such legal issues.

C. Notwithstanding the above, Gary maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. Execution of the Consent Order constitutes neither an admission by the company nor a finding by ERA of any violation by the company of any statute or regulation.

II. Refunds

A. *Disposition of Refunds.* Under this Consent Order, Gary Energy Corporation will refund the sum of $000,000.00 which sum includes interest to the effective date of timely refund, to DOE for ultimate disposition. Payment is to be made commencing June 1, 1983 and if payment is not made within the specified period of time, Gary agrees to pay installment interest on the unpaid balance. Upon full satisfaction of the terms and conditions of this Consent Order by Gary Energy Corporation, the DOE releases Gary Energy Corporation from any civil claims that the DOE may have arising out of the matters covered by this Consent Order.

III. Submission of Written Comments

Interested persons are invited to submit written comments concerning the terms and conditions of this Consent Order to the address given above. Comments should be identified on the outside of the envelope and on the documents submitted with the designation, "Comments on Gary Energy Corporation Consent Order." The ERA will consider all comments it receives by 4:30 p.m., local time, on 30 days after the date of publication of this notice. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 22nd day of February 1983.

Ben L. Lenox,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-6403 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

Allegheny Petroleum Corporation and Gerome R. Smith; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Allegheny Petroleum Corporation and Gerome R. Smith, 14700, Memorial Drive, Suite 307, Houston, Texas 77069. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR §§ 212.186, 210.62(c), and 205.202. The principal amount of the alleged violations for the period August through December 1980 is $344,199.23.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 16th day of February 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-6404 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

[Form EIA-119M]

Monthly Report of Electric Energy, Capability and Peak Load; Cancellation

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of the cancellation of the Form EIA-119M, "Monthly Report of Electric Energy, Capability and Peak Load," and solicitation of comments.

SUMMARY: The Energy Information Administration (EIA) of the U.S. Department of Energy (DOE) announces the cancellation of the "Monthly Report of Electric Energy, Capability and Peak Load," Form EIA-119M, as of the end of the reporting period for December 1982, and the proposed consolidation of the electric energy, capability, peak load data on the "Annual Utility Operations Report," Form EIA-714, Schedule 5, currently being developed by EIA. (A copy of the proposed Form EIA-714, Schedule 5, is shown on the following page.) If the Form EIA-714, Schedule 5, is not approved for use by the Office of Management and Budget, then these data for the 12 months of 1983 will be collected on the annual Form EIA-119A, "Annual Projection of System Changes."

DATES: Written comments must be sent to Ms. Carol L. French at the address listed immediately below no later than 30 days following the publication of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Carol L. French, EI-541, Energy

Information Administration, U.S. Department of Energy, Mail Station: 2F-021, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252-5311.

SUPPLEMENTARY INFORMATION:

I. *Current Action.*

II. *Request for Comments.*

I. *Current Action.* The EIA announces the cancellation of the "Monthly Report of Electric Energy, Capability, and Peak Load" (Form EIA-119M) as of the end of the reporting period for December 1982. The annual respondent burden associated with the Form EIA-119M is 7,392 hours.

The EIA will collect the monthly electric energy, capability and peak load data on an annual basis on the proposed Form EIA-714, Schedule 5, If the Form EIA-714, Schedule 5, is not approved for use by the Office of Management and Budget, then these data for the 12 months of 1983 will be collected on the annual Form EIA-119A.

II. *Request for Comments.* EIA invites the public to comment on the cancellation of the Form EIA-119M and consolidation of the data into Schedule 5, of the proposed Form EIA-714.

Issued in Washington, D.C. March 9, 1983.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

Draft-Form EIA-714—Draft Annual Utility Operations Report, Schedule 5

Net Generation, Energy Receipts and Deliveries and System Peaks by Months for the Year

General Instructions

1. In column 2, show the total net generation of system plants as the case may be.

2. In columns 3, 4, 5, and 6 give a monthly accounting of all energy transfers to and from the facilities of other systems during the year, including gross sales for resale, purchases, interchanges and transfers for resale, whether on a firm interchange or any other basis, and all energy received from small power producers, cogenerators, other industrial power, or off-system share of jointly owned units.

Energy Transfer Instructions Parts A & B

Part A is for the recording of "in-load", other systems' in-load, and borderline energy transfers; and Part B is for the recording of all other energy transfers.

Part A:

A1. Show in column 3 the amounts of energy received as firm purchases and reported as firm sales for resale by the other system. Firm sales for resale are full or partial requirement power intended to meet the full customer load requirement of another system or the partial customer load of another system taking into account the other system's generation resources. If customers of respondent received energy directly from another system for the account of the respondent (border-line receipts), such transfers should be included in column 3. If part of the energy deliveries to systems were delivered as firm sales and reported in column 4 are received back into the reporting system through another interconnection, such receipts should also be entered in column 3. All other receipts should be entered in column 5.

A2. show in column 4 the amounts of energy delivered as firm sales for resale. If the respondent's system delivered energy to customers of another system ("border-line customers"), such deliveries should be included in column 4.

Part B:

B1. Report in column 5 all energy (except that reported in column 3) received from each utility system, small power producer, cogenerator, or off-system generating plant or unit.

B2. Report in column 6 the amounts of energy delivered for resale except those amounts reported in column 4. Do not report sales to industrial customers.

3. In column 10, enter the total maximum load which a generating unit, generating station, or other apparatus can carry under specific conditions without exceeding approved limits of temperature and stress at the time of the monthly peak load which were owned or operated by the respondent regardless of whether they were available or unavailable for load at the time of the peak load. This should be the respondent's best estimate of the net generating capability of the system at the time of the monthly peak load.

4. In column 11, enter the capability of respondent-owned or respondent-operated generating units that were unavailable at the time of the peak load due to scheduled maintenances, full forced outages, and other outages. These other outages may be partial outages, legal restriction on generating unit or plant output, or derating not considered in the determination of generating unit capability according to the system's rating criteria.

5. In column 12, show the maximum megawatt load on the system for each month of the year. Load data in this column should be the maximum integrated demand based on net energy for load as computed in column 7 for 60-minute clock-hour intervals. Enter the numerical day of the reporting month and hour of the day in columns 13 and 14, respectively. Where integrated demands for 60-minute clock-hour intervals are not available, it is desired that available data be adjusted to approximate such intervals. Adjustments made should be explained in notes. Where such adjustments cannot be made, load data should be furnished in the form available.

6. In column 15, the minimum hourly loads experienced during each month should be based on net energy for load as computed in column 7.

NET GENERATION, ENERGY RECEIPTS AND DELIVERIES AND SYSTEM PEAKS BY MONTHS FOR THE YEAR

Month	System net generation	Energy Transfers—Mwh				Net energy for load—MW col 2+5−6 Mwh	Net energy for system—MW col 2+3−4 Mwh	Total capability at time of Pk Ld MW	Unavailable capability at time of Peak	Load data			Minimum hourly load
		Part A		Part B						Peak load MW	Demand interval		
		Receipts	Deliveries	Receipts	Deliveries						Date	Clock-hour end	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Jan													
Feb													
March													
April													
May													
June													
July													
August													
Sept													
Oct													
Nov													

NET GENERATION, ENERGY RECEIPTS AND DELIVERIES AND SYSTEM PEAKS BY MONTHS FOR THE YEAR—Continued

Month	System net generation	Energy Transfers—Mwh				Net energy for load—MW col 2+5−6 Mwh	Net energy for system—MW col 2+3−4 Mwh	Total capability at time of Pk Ld MW	Unavailable capability at time of Peak	Load data			Minimum hourly load
		Part A		Part B						Peak load MW	Demand interval		
		Receipts	Deliveries	Receipts	Deliveries						Date	Clock-hour and	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Dec.													
Year													

[FR Doc. 83-6488 Filed 3-11-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA83-1-1-003 (PGA83-1a)]

Alabama-Tennessee Natural Gas Co.; Compliance Filing

March 8, 1983

Take notice that on March 1, 1983, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), in compliance with the Commission's letter order of February 8, 1983 in the above-referenced matter, submitted for filing revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1:

Fifth Revised Sheet No. 34
superseding
Fourth Revised Sheet No. 34
and
Third Revised Sheet No. 34–A
superseding
Second Revised Sheet No. 34–A

Alabama-Tennessee states that these revised tariff sheets clarify the tariff to show that storage gas costs are a component of Alabama-Tennessee's total purchased gas costs utilized in computing the current and deferred account adjustments of the PGA adjustments. The proposed revised tariff sheets are to become effective January 1, 1983. Alabama-Tennessee requests waiver of the Commissions' regulations regarding notices.

Copies of the filing have been mailed to Alabama-Tennessee's purchasers and interested state commissions. The above-described tariff sheets are also available for public inspection in Alabama-Tennessee's business offices.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6486 Filed 3-11-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP82-115-003]

Algonquin Gas Transmission Co.; Rate Filing Under Rate Schedule STB and Rate Schedule ST–T

March 8, 1983.

Take notice that on February 9, 1983, Algonquin Gas Transmission Company (Algonquin) tendered for filing Revised Substitute Eighth Revised Sheet No. 10–C, Alternate Revised Substitute Eighth Revised Sheet No. 10–C, Substitute Second Revised Sheet No. 10–D and Alternate Substitute Second Revised Sheet No. 10–D to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin states that Revised Substitute Eighth Revised Sheet No. 10–C and Substitute Second Revised Sheet No. 10–D are being filed to reflect in Algonquin's Rate Schedules STB and ST–T, decreases in Texas Eastern Transmission Corporation's (Texas Eastern) underlying Rate Schedules SS–II and ISS–II. Texas Eastern's decreases reflect Consolidated Gas Supply Corporation's decrease in rates, as modified pursuant to the Commission's order of July 28, 1982, under its Rate Schedule GSS to become effective January 1, 1983, in Docket No. RP82–115.

Algonquin Gas further states that Alternate Revised Substitute Eighth Revised Sheet No. 10–C and Alternate Substitute Second Revised Sheet No. 10–D are being filed to coincide with Texas Eastern's filing of an alternate sheet to be placed into effect if the Stipulation and Agreement filed on December 29, 1982, is not approved.

Algonquin Gas requests that the Commission accept the appropriate tariff sheets filed herein based on its decision with respect to Texas Eastern's rates and that the propolsed effective date be January 1, 1983.

Algonquin Gas States that it proposes to make the reduced rates effective retroactively to January 1, 1983, by crediting the appropriate amount to the next billing following Commission's acceptance of the filing.

Algonquin notes that a copy of this filing is being served upon such affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6489 Filed 3-11-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-31-001 (PGA83-2, IPR83-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 8, 1983.

Take notice that on February 28, 1983, Arkansas Louisiana Gas Company (Arkla) tendered for filing Thirty-third Revised Sheet No. 4 and Seventh Revised Sheet No. 4A to its FERC Gas Tariff First Revised Volume No. 1, Rate

Schedule No. G–2, to become effective April 1, 1983.

Arkla states that the purpose of Thirty-third Revised Sheet No. 4 is to: (1) Reflect the cost of purchased gas for the six month period commencing April 1, 1983, (2) recover the accumulated deferred gas costs as of December 31, 1983, and (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on Seventh Revised Sheet No. 4A effective April 1, 1983.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Section 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6680 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-31-000)PGA83-2, IPR83-2)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

March 8, 1983.

Take notice that on February 28, 1983 Arkansas Louisiana Gas Company (Arkla) tendered for filing 32nd Revised Sheet No. 185 and 7th Revised Sheet No. 185A to its FERC Gas Tariff Original Volume No. 3, Rate Schedule No. X–26, to become effective April 1, 1983.

Arkla states that the purpose of 32nd Revised Sheet No. 185 is to: (1) Reflect the cost of purchased gas for the six months period commencing April 1, 1983, (2) recover the accumulated deferred gas costs as of December 31, 1983, and (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 7th Revised Sheet No. 185A effective April 1, 1983.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6681 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6353–001]

Big Rivers Electric Corp.; Surrender of Preliminary Permit

March 9, 1983.

Take notice that Big Rivers Electric Corporation, Permittee for the proposed Newburgh Hydroelectric Project No. 6353, has requested that its preliminary permit be terminated. The permit was issued on August 11, 1982, and would have expired on July 31, 1984. The project would have been located on the Ohio River in Henderson County, Kentucky.

The Permittee filed its request on February 15, 1983, and the surrender of the preliminary permit for Project No. 6353 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6682 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-67-004]

Black Marlin Pipeline Co.; Filing of Service Agreement

March 8, 1983.

By order dated August 27, 1982 (Order), the Commission approved a "Stipulation and Agreement in Settlement of Rate Proceedings" (Settlement) in the above-referenced matter. The Settlement provided, *inter alia*, for a reduction in the rate which Black Marlin Pipeline Company (Black Marlin) charges Lone Star Gas Company (Lone Star) for transportation service pursuant to Section 311(a)(1) of the Natural Gas Policy Act of 1978; for Commission approval of a new FERC Gas Tariff for Black Marlin, including a new Rate Schedule T–2 applicable to Lone Star; and for the tender, by Black Marlin to Lone Star, of a new Service Agreement covering service to Lone Star under said Rate Schedule T–2. The Settlement became effective September 1, 1982.

Take notice that on February 25, 1983, Black Marlin tendered for filing pursuant to Section 154.62 of the Commission's Regulations under the Natural Gas Act (Regulations) an executed transportation Service Agreement between Black Marlin and Lone Star for service under Rate Schedule T–2. Black Marlin proposes that such Service Agreement be made effective September 1, 1982, the effective date of the Settlement, so that the reduced rate for service to Lone Star will be effective on the earliest date contemplated by the Settlement. To that end, Black Marlin requests waiver of the 30 day notice requirement, and avers that good cause for such waiver exists.

The Settlement constituted resolution of a general rate investigation into the rates of Black Marlin. Accordingly, Black Marlin requests special permission to incorporate herein by reference the relevant portions of the record of the Docket No. RP81–67–000 rate investigation proceedings, the Settlement and the Commission's August 27, 1982 order approving the Settlement as satisfactory compliance with the requirement of the Regulations that actual and estimated billing determinants and related revenues be supplied for the twelve months immediately preceding and succeeding the proposed effective date.

A copy of the filing was mailed to Lone Star Gas Company and a copy was made available for public inspection at Black Marlin's general offices in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed

on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6482 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-44-003 (PGA83-2)]

Commercial Pipeline Company, Inc.; filing

March 8, 1983.

Take notice that on February 25, 1983, Commercial Pipeline Company Inc. (Commercial) submitted a supplement to its filing of January 28, 1983, in the above proceeding, in response to an informal request from the Commission's Staff. The filing included certain information in response to Paragraph (B) of the Commission's Order of January 17, 1983, which asked for information supporting the sales and purchase volumes used in Commercial's PGA adjustment.

A copy of the schedule previously submitted by Commercial demonstrating the development of its 1.06 sales ratio is attached to the filing as Schedule A.

Also attached to the filing as Schedule B is a two page document entitled "Calculated Over/Under Recovery—Six and Four Months Average Purchase Sales Ratio." Commercial states that Schedule B shows that Commercial's use of its sales and purchase volumes in its December 14, 1982 filing was appropriate.

Commercial also states that the 1.06 purchase/sales ratio used by Commercial in the calculation of its current PGA adjustment approximates the purchase/sales factor of 1.0633 utilized in calculating Commercial's most recent semi-annual PGA adjustment which went into effect on October 23, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6483 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-177-000]

Consolidated Gas Supply Corp.; Application

March 9, 1983.

Take notice that on January 31, 1983, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP83-177-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compression and related facilities at the Borger Compressor Station in Tompkins County, New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install a 5,800 horsepower turbine-driven centrifugal compressor unit to replace four 1,000 reciprocating compressors at the Borger Station in 1983 and to install in a 1984, a 5,800 horsepower turbine-driven centrifugal compressor unit to replace two 1,100 turbine-driven centrifugal compressors. Applicant further proposes to retain the six existing 1,100 compressor units until December 1, 1986, to provide stand-by or emergency capacity at Borger Station and to retire them to stock after that date. It is asserted that the proposed construction would complete Applicant's upgrading of its Borger Compressor Station begun in 1983.

Applicant states that the estimated cost of the proposed facilities is $7,217,000 to be financed from funds on hand or to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company. Applicant avers that the proposed facilities are needed to meet normal growth in the peak flow requirements in its markets in the State of New York during the 1983-1984 winter and thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6500 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5624-000]

Zoes J. Dimos and James C. Katsekas; Surrender of Preliminary Permit

March 9, 1983.

Take notice that Zoes J. Dimos and James C. Katsekas, Permittees for the Cotton Mill Dam Power Project No. 5624 located on the Winnipesaukee River in Belknap and Merrimack Counties, New Hampshire, have requested that their preliminary permit be terminated. The preliminary permit was issued on June 28, 1982, and would have expired on December 31, 1983. The Permittees state that the Cotton Mill Dam Power Project potential has been incorporated into the downstream Clement Dam Project No. 2966 by virtue of the amended license application filed with the Commission on July 12, 1982; therefore, it is no longer

necessary for the preliminary permit for Project No. 5624 to be maintained.

Zoes J. Dimos and James C. Katsekas' request was filed January 28, 1983. The Surrender of the permit for Project No. 5624 is accepted as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6487 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-172-000]

El Paso Natural Gas Co.; Application

March 9, 1983.

Take notice that on January 6, 1983, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP83-172-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for Cominco American Incorporated (Cominco) as well as the retention and operation of a tap and value facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that under the terms of an excess gas sales contract dated January 7, 1983, between Cominco and Southern Union Gathering Company (Gathering Company) Cominco would purchase natural gas supplies which are in excess of the requirements of the intrastate and interstate markets of Gathering Company. It is further asserted that Cominco has entered into a transportation arrangement with Applicant and Gas Company of New Mexico (GASCO) whereby GASCO would receive volumes of natural gas purchased by Cominco from Gathering Company on a thermal basis and would transport and deliver equivalent quantities to Applicant at certain existing points of interconnection between the facilities of GASCO and Applicant in Eddy, Lea, San Juan, and Valencia Counties, New Mexico. It is further stated that Applicant would transport and deliver the gas received at such points of interconnection to Cominco at its Borger, Texas, fertilizer plant in Hutchinson, County. Applicant further proposes that deliveries to Cominco in Borger, Texas, would be accomplished through the retention and operation of its tap and valve assembly on its El Paso-Schafer plant to Dumas plant pipeline in Hutchinson County.

It is asserted that Applicant would transport no more than 45,000 Mcf of natural gas per day for Cominco. It is further asserted that Cominco would pay Applicant for each Mcf of natural gas delivered at Hutchinson County the "Back Haul Charge" rate in effect from time to time as set forth on Sheet No. 1-D.2 of Applicant's FERC Gas Tariff, Third Revised Volume No. 2. The currently effective "Back Haul Charge" for this service is 8.65 cents per Mcf, it is asserted.

It is stated that Cominco would use the natural gas as feed stock in the production of anhydrous ammonia at its Borger plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6502 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5941-001, 6078-001, 6080-001, and 6081-001]

Energenics Systems, Inc.; Surrender of Preliminary Permits

March 9, 1983.

Take notice that Energenics Systems, Inc., Permittee for the proposed Ohio River Lock and Dam No. 52, and Green River Lock and Dam Nos. 3, 4, and 6 has requested that its preliminary permits be terminated. The permit for Project No. 5941 was issued on July 9, 1982, and would have expired on July 9, 1984. Project No. 5941 would have been located on the Ohio River in Massac County, Illinois and McCracken County, Kentucky. The permits for Projects Nos. 6080 and 6081 were issued on July 26, 1982, and would have expired on January 1, 1984. Project Nos. 6080 and 6081 would have been located on the Green River in Ohio and Butler County respectively, Kentucky. The permit for Project No. 6078 was issued on July 28, 1982, and would have expired on January 1, 1984. Project No. 6078 would have been located on the Green River in Edmonson County, Kentucky.

The Permittee filed its request on December 28, 1982, and the surrender of the preliminary permit for Projects Nos. 5941, 6078, 6080, and 6081 are deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6503 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-161-000]

Gas Company of New Mexico; Application

March 9, 1983.

Take notice that on January 19, 1983, Gas Company of New Mexico (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP83-161-000 an application pursuant to Section 284.127 of the Commission's Regulations for approval of a transportation arrangement providing for the transportation of natural gas on behalf of El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is asserted that Applicant proposes to engage in a transportation service on behalf of El Paso which is part of a

larger transportation service which El Paso plans to render on behalf of Cominco American Incorporated (Cominco). It is stated that pursuant to an excess gas sales contract of January 7, 1983, between Cominco and Southern Union Gathering Company (Gathering Company) Cominco would purchase natural gas for use in its Borger, Texas, plant from Gathering Company. It is further stated that such gas would be delivered by Gathering Company into the pipeline system of Applicant. It is asserted that Applicant would receive such gas on behalf of El Paso and transport and redeliver such gas to El Paso at existing interconnections between the facilities of Applicant and those of El Paso in San Juan, Valencia, Eddy, or Lea Counties, New Mexico. It is submitted that El Paso would then transport the gas to Cominco's Borger, Texas, plant for use by Cominco as feed stock in the production of anhydrous ammonia.

It is estimated that Applicant would transport between 36,000 and 45,000 million Btu per day. It is further asserted that Applicant would charge a transportation rate equal to the approved rate contained in its Rate Schedule 61 on file with the New Mexico Public Service Commission. It is further stated that the term of the proposed service would extend for six months from the date of initial deliveries following authorization. It is submitted that the service may continue for an indefinite period thereafter, subject to interruption by either party, not to exceed two years.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6805 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST83-242-000]

Louisiana Intrastate Gas Corp.; Application

March 9, 1983.

Take notice that on February 4, 1983, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST 83-242-000 an application pursuant to Section 284.123(b)(2)(i) of the Commission's Regulations for approval of its rates and charges for the transportation of natural gas for Texas Eastern Transmission Corporation (Tetco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement with Tetco dated January 3, 1983, Applicant proposes to transport gas for Tetco for two years. Applicant would receive the gas for Tetco's account at a point of delivery in East Baton Rouge Parish, Louisiana, as well as other such points to which Applicant and Tetco may mutually agree. Applicant would redeliver the gas, less Tetco's *pro rata* share for compressor fuel, company use and unaccounted-for gas, at the points of redelivery in Natchitoches, Assumption, Terrebonne, Lincoln, St. Mary, Claiborne, St. Landry and Iberville Parishes, Louisiana, and such other points to which Applicant and Tetco may mutually agree.

Applicant proposes a transportation rate of 20.0 per million Btu delivered to Tetco or for Tetco's account by Applicant. Applicant states that it would be reimbursed by Tetco for all taxes which may be levied upon and/or paid by Applicant with respect to the transportation service performed. Applicant asserts that this rate is both fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commissioin will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing there in must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6806 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5273-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 9, 1983.

Take notice that Modesto Irrigation District, Permittee for the proposed Dinkey Creek-Cow Creek Project No. 5273, has requested that its preliminary permit be terminated. The premit was issued on December 22, 1981, and would have expired on November 30, 1983. The project would have been located on Dinkey and Cow Creeks in Fresno County, California.

The Permittee filed its request on December 13, 1982, and the surrender of the preliminary permit for Project No. 5273 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6808 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5383-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 9, 1983.

Take notice that Modesto Irrigation District, Permittee for the Lone Pine Creek Project No. 5383, has requested that its preliminary permit be terminated. The permit was issued on May 19, 1982, and would have expired on May 19, 1984. The project would have been located on the Lone Pine Creek in Inyo County, California.

The Permittee filed its request on November 1, 1982, and the surrender of the preliminary permit for Project No. 5383 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6809 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-194-000]

Natural Gas Pipeline Company of America; Application

March 9, 1983.

Take notice that on February 10, 1983, Natural Gas Pipeline Company of America (Applicant), 122 South

Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83–194–000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon approximately 46.0 miles of its Amarillo No. 1 line in Iowa and Illinois and for a certificate of public convenience and necessity authorizing the construction and operation of 10.45 miles of loop line as part of its Amarillo No. 4 line in Iowa and Illinois, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that its Amarillo system consists of three pipelines (Nos. 1, 2 and 3), and in places looping that has been termed the Amarillo No. 4 line. Applicant further states that the No. 1 line is Applicant's original pipeline and that it was placed in service in 1931. The No. 1 line traverses 901 miles from Fritch, Texas, to Joliet, Illinois, and is predominantly of 24-inch pipe. The pipeline construction techniques used at the time of construction involved the mechanical coupling of alternative joints of pipe. Applicant states that since about 1940 the use of couplings has been replaced by the welding of all pipe points. Applicant claims that certain of the compressor stations along the Amarillo Line also have compressor units that are old, inefficient and expensive to maintain and operate. Applicant plans in a long-range program to replace the No. 1 line from Beatrice, Nebraska, to Joliet, Illinois, and certain of the compressor units along that segment of the Amarillo Line.

Applicant proposes herein to retire approximately 46.0 miles of No. 1 line in Louisa and Muscatine Counties, Iowa, and Rock Island County, Illinois, including 0.51 mile of a six-parallel-line 12-inch river crossing, 9.96 miles of two-parallel-line 18-inch pipeline and 35.51 miles of 24-inch pipeline. Applicant states that when practical, the line would be removed and sold for scrap. Applicant proposes to install 10.45 miles of new 36-inch loop as part of its No. 4 line, including 0.85 mile of pipeline in Louisa County, Iowa, and 9.60 miles in Rock Island County, Illinois. Applicant states that the capacity of the Amarillo System would be unchanged by the proposal and that the estimated cost of retirement and installation of replacement facilities is $8,600,000, which cost would initially be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any persn wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–6610 Filed 3–11–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP82–156–001]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

March 8, 1983.

Take notice that on February 28, 1983, Natural Gas Pipeline Company of America (Natural) tendered for filing, to be a part of its FERC Gas Tariff, Second Revised Volume No. 2, six copies of initial Rate Schedule X–132, consisting of Original Sheet Nos. 1841 through 1862.

Natural states that Rate Schedule X–132 sets out the provisions of a gas transportation agreement dated May 18, 1981 between Natural and Southern Natural Gas Company. This initial rate schedule is being submitted in compliance with the Commission's order issued January 31, 1983, at Docket No. CP82–156–000.

Natural also states that, in compliance with the Commission's order issued January 31, 1983, the transportation rates for this service has been revised to reflect U–T Offshore System's settlement rates at Docket No. RP81–20.

Natural requests waiver of the Commission's regulations to the extent necessary to permit Rate Schedule X–132 to become effective January 31, 1983, the date certificate authorization in Docket No. CP82–156–000 was granted by the Commission.

A copy of this filing has been mailed to Southern Natural Gas Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–6609 Filed 3–11–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT83–6–002]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

March 8, 1983.

Take notice that on March 2, 1983, Natural Gas Pipeline Company of America (Natural) tendered for filing the following tariff sheets to be part of its FERC Gas Tariff:

Third Revised Volume No. 1
- Substitute Third Revised Sheet No. 2B

Second Revised Volume No. 2
- Substitute Third Revised Sheet No. 1B
- Original Sheet No. 1126
- Second Revised Sheet No. 1145

Natural states that the tariff sheets are submitted as a second supplement to the above referenced filing, in response to a second request by the Commission's tariff review section. The purpose of Substitute Third Revised Sheet Nos. 2B and 1B is to update the Table of

Contents of the Second Revised Volume No. 2 of Natural's FERC Gas Tariff. The purpose of Original Sheet No. 1128 and Second Revised Sheet No. 1145 is to indicate that certain sheets are reserved for future use.

Natural requests waivers of the Commission's regulations to the extent necessary to permit the sheets submitted to become effective January 1, 1983.

Copies of this filing have been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6495 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5736-001]

New England Energy Development, Inc.; Surrender of Preliminary Permit

March 9, 1983.

Take notice that New England Energy Development, Inc. Permittee for the proposed Millers River Project No. 5736, has requested that its preliminary permit be terminated. The permit was issued on May 27, 1982, and would have expired on May 31, 1985. The project would have been located on the Millers River in Franklin County, Massachusetts.

The Permittee filed its request on February 11, 1983, and the surrender of the preliminary permit for Project No. 5736 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6521 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-201-000]

Northern Natural Gas Co.; Application

March 8, 1983.

Take notice that on February 17, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-201-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain compressor facilities located in Morton County and Finney County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that the station suction and discharge pressure at the Morton County No. 2 Gathering Station must be reduced in order to meet the volume requirements from the Morton County No. 1 Field Subsystem. Therefore, Applicant requests permission and approval to abandon in place the 773 horsepower compressor unit at the Morton County No. 2 Gathering Station. Applicant states that it would replace the unit with one 200 horsepower compressor unit and one 400 horsepower compressor unit. The new units, it is asserted, would be installed pursuant to Applicant's blanket authority granted on September 1, 1982, in Docket No. CP82-401-000. The installation of the two compressors along with the proposed abandonment of the 773 horsepower compressor unit would provide the horsepower required to meet pressure conditions at the station, it is explained.

Applicant states that it also has determined that the station suction pressure at the Finney County No. 1 Gathering Station must be reduced to meet volume requirements from the Finney County No. 1 Subsystem for the 1983/84 heating season and thereafter. To achieve the required station suction pressure at the Finney County No. 1 Gathering Station, Applicant asserts that the most economical solution is to two-stage Units 1 and 2, abandon Unit 3, and install two additional compressor units at the Finney County No. 1 Gathering Station. Applicant asserts that the proposed abandonment of the units along with their subsequent replacement would allow for the more efficient utilization of horsepower at

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6512 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-533-005]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Amendment

March 9, 1983.

Take notice that on February 9, 1983, Trunkline Gas Company (Trunkline) P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle) P.O. Box 1642 Houston, Texas 77001, filed in Docket No. CP77-533-005 an amendment to the petition to amend filed August 16, 1982, in Docket No. CP77-533-004 pursuant to Section 7 of the National Gas Act so as to reduce contract volumes by 50 percent pursuant to amendments to contracts between Petitioners and between Petitioners and Northern Natural Gas Company, Division of Internorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioners' filing in Docket No. CP77–533–004 seeks authorization to alter the transportation service that the Petitioners perform on behalf of Northern and each other. Petitioners propose herein, pursuant to contract amendments with Northern and with each other, to reduce contract demand volumves by 50 percent from 50,000 Mcf per day to 25,000 Mcf per day. This reduction is in keeping with the original agreements that allowed such reductions after 5 contract years, it is asserted. Petitioners request an effective date of October 1, 1982 for the volume reductions, and request that the Commission grant authorization for the requested volume reductions on a retroactive basis.

Trunkline would reduce the volumes it transports for Northern from 50,000 to 25,000 Mcf of gas per day. Since Panhandle has a purchase option of 20 percent, or 5,000 Mcf of gas per day, the monthly charge to Northern of $112,600 would be based upon the remaining 20,000 Mcf of gas per day. Therefore, the charge is reduced from the $225,200 charge as filed in Docket No. CP77–553–004. There is an excess or deficiency charge of 18.52¢ per Mcf. Panhandle would pay Trunkline a monthly charge of $55,400, based on 5,000 Mcf of gas when and if it chooses to exercise its option to purchase 20 percent of Northern's gas. Therefore, the charge is reduced from the $110,800 charge as filed in Docket No. CP77–533–004. The excess or deficiency charge for this transportation is 26.43¢ per Mcf.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein, must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6482 Filed 3-11-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP77-92-004]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Amendment

March 9, 1983.

Take notice that on February 9, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77–92–004 an amendment to the petition to amend filed August 16, 1982, in Docket No. CP77–92–003, pursuant to Section 7 of the Natural Gas Act so as to reduce contract volumes by 50 percent pursuant to amendments to contracts between Petitioners and between Petitioners and Northern Natural Gas Company, Divison of Internorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The Petitioners' filing in Docket No. CP77–92–003 seeks authorization to alter the transportation service that the Petitioners perform on behalf of Northern and each other. Petitioners propose herein, pursuant to contract amendments with Northern and with each other, to reduce the contract demand volumes by 50 percent from 13,000 Mcf per day to 6,500 Mcf per day. This reduction is in keeping with the original agreements that allowed such reductions after 5 contract years, it is asserted. Petitioners request an effective date of February 1, 1982, for the volume reductions, and request that the Commission grant the requested volume reductions on a retroactive basis.

Trunkline would reduce the volumes it transports for Northern from 13,000 to 6,500 Mcf of gas per day. Since Panhandle has a purchase option of 20 percent, or 1,300 Mcf of gas per day, the monthly charge to Northern of $28,434 would be based upon the remaining 5,200 Mcf of gas per day. This charge is said to have been increased to $29,276 in Docket No. CP77–92–003 due to the change of delivery points. Panhandle would pay Trunkline a monthly charge of $14,404, based on 1,300 Mcf of gas per day when and if it chooses to exercise its option to purchase 20 percent of Northern's gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6481 Filed 3-11-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP77-17-013]

Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Amendment

March 9, 1983.

Take notice that on February 9, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, and Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77–17–013 a joint amendment to the petition to amend filed August 16, 1982, in Docket No. CP77–17–012 pursuant to Section 7 of the Natural Gas Act so as to reduce contract volumes by 50 percent pursuant to amendments to contracts between Petitioners and between Petitioners and Northern Natural Gas Company, Division of Internorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The Petitioners' filing in Docket No., CP77–17–012 seeks authorization to alter the transportation service that the Petitioners perform on behalf of Northern and each other. Prior to entering into the contract amendments that resulted in the filing in Docket No. CP77–17–012, Petitioners assert, they entered into contract amendments with Northern and with each other which reduced contract demand volumes by 50 percent from 11,000 Mcf per day to 5,500 Mcf per day. It is submitted that this reduction is in keeping with the original agreements that allowed such reductions after 5 contract years. Petitioners request an effective date of February 1, 1982, for the volume reductions and request that the Commission grant authorization for the requested volume reductions on a retroactive basis.

Trunkline would reduce the volumes it transports for Northern from 11,000 to 5,500 Mcf of gas per day. Since

Panhandle has a purchase option of 20 percent, or 1,100 Mcf of gas per day, the monthly charge to Northern of $500 would be based upon the remaining 4,400 Mcf of gas per day. This charge is said to have been increased to $4,444 in Docket No. CP77–17–012 due to the change in delivery points. Panhandle would pay Trunkline a monthly charge of $7,095, based on 1,1002 Mcf per day of gas when and if it chooses to exercise its option to purchase 20 percent of Northern's gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6513 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-54-000]

South Georgia Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 8, 1983.

Take notice that on March 1, 1983, South Georgia Natural Gas Company (South Georgia) tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve month period ending December 31, 1982, as adjusted, and would increase jurisdictional revenues by $1,531,525.

United states that the principal reasons for the proposed rate increase are to reflect: (1) Increased rate base and depreciation expense due to new facilities, (2) increased operation and maintenance expenses, and (3) a reduction in the sales volumes for the test year.

Copies of the filing have been served upon South Georgia's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6439 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-190-000]

Tennessee Gas Pipeline Co.; Application

March 9, 1983.

Take notice that on February 9, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83–190–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for Consolidated Gas Supply Corporation (Con Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a gas transportation agreement dated April 13, 1980, it would receive and transport for Con Gas up to 5,000 Mcf of natural gas per day. It is asserted that the gas would be transported from the interconnection of the Project 321 pipeline and Tennessee's jointly-owned 30-inch Triple T pipeline, Eugene Island-Block 302, offshore Louisiana, and delivered to Columbia Gulf Transmission Company for the account of Con Gas at an existing interconnection in Ship Shoal Block 198, offshore Louisiana. It is stated that the service would be performed on a best-efforts basis.

It is stated that Con Gas would pay Tennessee for the proposed transportation service a volume charge equal to the product of 2.67 cents multiplied by the total volume in Mcf of gas received by Tennessee during the month, less fuel. Tennessee states that the gas transportation agreement also contains a provision for a minimum monthly bill and a provision that Con Gas would provide Tennessee 1.2 percent of the volumes of natural gas received by Tennessee to compensate Tennessee for its fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6463 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-191-000]

Tennessee Gas Pipeline Co.; Application

March 9, 1983.

Take notice that on February 9, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-191-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for Consolidated Gas Supply Corporation (Con Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a gas transportation agreement dated December 31, 1980, as amended April 13, 1981, it would receive and transport for Con Gas up to 35,000 Mcf of natural gas per day. It is asserted that the gas would be transported from a point located on Tennessee's Project 349 line, Eugene Island Block 278, offshore Louisiana, and delivered to Columbia Gulf Transmission Company for the account of Con Gas at an existing interconnection in Ship Shoal Block 198, offshore Louisiana. Tennessee states that the service would be performed on a best-efforts basis.

It is further stated that Con Gas would pay Tennessee for the proposed transportation service a volume charge equal to the product of 2.15 cents multiplied by the total volume in Mcf of gas delivered by Con Gas to Tennessee during the month, less fuel. It is explained that the gas transportation agreement also contains a provision for a minimum monthly bill and a provision that Con Gas would provide Tennessee 1.2 percent of the volumes of natural gas received by Tennessee to compensate Tennessee for its fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6484 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-52-000]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

March 8, 1983.

Take notice that on March 1, 1983, United Gas Pipe Line Company (United) tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve month period ending November 30, 1982, as adjusted, and would increase jurisdictional revenues by $88,053,188.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended November 30, 1982, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change which became effective January 1, 1983, as reflected on Sixty-first Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the States of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6487 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4284-002]

Vidler Tunnel Water Co.; Surrender of Preliminary Permit

March 9, 1983.

Take notice that Vidler Tunnel Water Company, Permittee for the proposed Georgetown Project No. 4284, has requested that its preliminary permit be terminated. The permit was issued on August 28, 1981, and would have expired on July 31, 1983. The project would have been located on South Clear Creek in Clear Creek County, Colorado.

Vidler Tunnel Water Company has determined that the lack of flow at the site and the difficulty of construction and operation of this project make the economics very poor. It was concluded that this project would be economically unfeasible at this time.

Permittee filed its request on February 10, 1983. The surrender of the preliminary permit for Project No. 4284 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6488 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-57-000]

West Texas Gathering Co.; Proposed Changes in FERC Gas Tariff

March 8, 1983.

Take notice that on March 1, 1983, West Texas Gathering Company (West Texas) tendered for filing Fourth Revised Sheet Nos. 51-A, 51-B, 51-C

and 51–D to FPC Gas Tariff Original Volume No. 1, showing the proposed tariff with Northern Natural Gas Company, Division of Inter-North, Inc. for the period of April 1, 1983 to April 1, 1984.

Arkla also includes in the filing: (1) A financial statement for the year ending December 31, 1982; (2) computation of cost of Service for 1982, Federal Income Tax data, Depreciation Schedule and Revenue credited to Cost of Service; (3) a statement that no major adjustments were made at the end of 1982; and (4) Statement N–O, showing estimated costs and estimated volume of gas to be gathered for the year 1983, and estimated Cost of Service per Mcf.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6504 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-201-000]

Foss Manufacturing Co. of New Hampshire; Application for Commission Certification of Qualifying Status of Cogeneration Facility

March 9, 1983

On February 23, 1983, Foss Manufacturing Co. of New Hampshire (Applicant), Foss Lane, Hampton, New Hampshire 03842, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping cycle cogeneration facility is located at Applicant's address. The facility consists of four diesel generating sets and waste heat recovery boilers. The total electric power production capacity of the facility is 2.4 megawatts. Steam is used in heating and cooling applications. The primary energy source to the facility is No. 2 Fuel Oil. Installation of the facility began in September 1976. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6504 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-180-000]

Manville Forest Production Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 9, 1983.

On February 3, 1983, Manville Forest Production Corp. of P.O. Box 488, West Monroe, Louisiana 71291, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in West Monroe, Louisiana. The generating capacity of the facility is 72.5 megawatts. The primary energy source is biomass in the form of wood. There are no other biomass fueled small power production facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6507 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-172-000]

2013 Corp.; Application for Commission Certification of Qualifying Status of Cogeneration Facility

March 9, 1983.

On January 24, 1983, 2013 Corporation of 1500 E. Duarte Rd., Duarte, California 91010, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The Bottoming cycle facility will be located at Hope National Medical Center, 1500 E. Duarte Rd., Duarte, California 91010. The primary energy source to the facility will be natural gas. The electric power production capacity will be 2,115 kilowatts. Thermal output in the form of steam will be used in the hospital for laundry facilities, hospital steam use, environmental conditioning and other thermal needs. The facility will operate in parallel with the Southern California Edison utility to optimize the thermal tracking. Installation of the facility will be completed by July 1983. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will

not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6601 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-199-000]

Ultrapower, Inc. (Westwood); Application for Commission Certification of Qualifying Status of Small Power Production Facility

March 9, 1983.

On February 22, 1983, Ultrapower Inc. of 2400 Michelson Drive, Irvine, California 92715, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Westwood, California. The generating capacity of the facility will be 10 megawatts. The primary energy source will be biomass in the form of wood waste. There are no other biomass fueled small power production facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6602 Filed 3-11-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 3 Through January 7, 1983

During the week of January 3 through January 7, 1983, the decisions and orders summarized below were issued with respect to applications for exception and other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

Energy Cooperative, Inc.; Mobil Oil Corporation, January 4, 1983, BSG-0009, BEE-0508, BEE-1298, BES-0136, BET-0135

Energy Cooperative, Inc. filed a Petition for Special Redress requesting that its certified refining capacity be substituted for the base period runs to stills for purposes of determining the firm's eligibility for an allocation under the crude oil Buy/Sell Program, 10 CFR 211.65, as it existed prior to decontrol. The firm also filed Applications for Exception requesting that it be granted an allocation of crude oil under the Buy/Sell Program for January through June 1980 and July 1980 through March 1981. In the alternative, the firm requested that it be granted an amount of entitlement exception relief sufficient to precisely equalize its crude oil acquisition costs with the national average refiners' cost of crude oil during the same period. In a proposed decision and order issued in November 1980, OHA determined that the firm was experiencing a gross inequity and serious hardship caused by the DOE regulations and granted the firm an allocation of 5,663,624 barrels of crude oil for the period October 1980 through March 1981. This proposed relief was immediately implemented by an interim order and the firm purchased a substantial portion of the crude oil allotted. Because the issues raised by the firm in its Petition for Special Redress could be considered within the context of its Applications for Exception the petition was dismissed. In the context of the firm's second Application for Exception, a proposed decision had determined that the firm was experiencing a serious hardship attributable in part to the operation of the DOE regulations. ECI was therefore granted entitlement exception relief worth approximately $6,699,572, which was immediately implemented through the November 1980 Entitlement Notice. The level of relief granted, however, was sufficient to effectively equalize the firm's access to the benefits of price-control crude oil with the national average. The OHA refused to grant additional entitlement exception relief designed to fully equalize ECI's crude oil acquisition cost with the national average. Nevertheless, Mobil Oil Corporation filed Requests for Stay and Temporary Stay of the Interim Decision implementing the entitlement exception relief.

In the final Decision and Order, the OHA affirmed the level of Buy/Sell and entitlement relief previously granted to ECI, dismissed the Petition for Special Redress, and dismissed Mobil's stay requests as moot, since the relief had been implemented.

Hilo Coast Processing Company; Ka'u Sugar Company, Inc.; Davies Hamakua Sugar Company; Mauna Loa Macadamia Nut Corp.; Olokele Sugar Company, January 5, 1983, BEE-1697, BEE-1698, BEE-1699, BEE-1700, BEE-1701

On September 19, 1981, Hilo Coast Processing Company and four other Hawaiian firms that burn agricultural wastes as fuel filed Applications for Exception from the provisions of 10 CFR 212.87(a)(5) in which they sought to be designated producers of petroleum substitutes in order that they may receive entitlements benefits under the provisions of the Petroleum Substitutes Entitlements Program. In considering their requests, the DOE found that the applicants had failed to demonstrate any gross inequity or serious hardship as result of the amendment of the Program which precluded firms from receiving entitlements benefits unless they had received orders from the Economic Regulatory Administration prior to January 28, 1981. The DOE further found that the firm's claims did not warrant class action treatment, Accordingly, exception relief was denied.

Interlocutory Orders

Atlantic Richfield Co.; Gulf Oil Corp.; Marathon Oil Co.; Texaco, Inc.; Louisiana Land and Exploration Co., January 5, 1983, HRZ-0080, HRZ-0081, HRZ-0082, HRZ-0084, HRZ-0085

Atlantic Richfield Company, Gulf Oil Corporation, Marathon Oil Company, Texaco Inc., and Louisiana Land and Exploration Company (collectively "the producers") filed a motion to compel the Office of Special Counsel (OSC) to produce certain documents which OSC had identified as responsive to the discovery order in *Atlantic Richfield Co.*, 5 DOE ¶ 82,521 (1980), for which OSC asserted claims of privilege. In considering the producers' motion, the DOE determined that 32 of the OSC's privilege claims should be upheld. In three instances, the OSC's privilege claims were rejected. In sixteen instances, the OSC was ordered to submit documents to OHA for *in camera* review. Accordingly, the producers' motion was granted in part.

Office of Special Counsel, January 3, 1983, HRZ-0104

The Office of Special Counsel moved for an order resolving a legal dispute concerning the original regulatory definition of "property" in connection with an enforcement proceeding involving Texaco Inc. OSC noted in its motion that the Temporary Emergency Court of Appeals (TECA) had rejected a collateral challenge to the validity of applicable agency rulings by Texaco and noted that its holding will be binding upon Texaco in all other proceedings. The Office of Hearings and Appeals followed the TECA precedent and issued the requested order. OHA held that prior to September 1, 1976, the existence of

multiple reservoirs on a premises subject to a single right to produce crude oil, state recognition of separate reservoirs, or state recognition of units that comprised a portion of a single right to produce crude oil but did not aggregate multiple rights to produce or portions thereof (multi-lease units), or any combination thereof did not confer upon Texaco multiple rights to produce crude oil.

Office of Special Counsel for Compliance, January 3, 1983, HRZ-0091

The Office of Special Counsel for Compliance (OSC) filed Motions to Compel Testimony and to Implement Sanctions. These Motions related to a prior Decision in which OHA granted a Motion for Discovery filed by OSC directed Texaco Inc. to make two of its officials available for questioning by OSC. In its Motions, OSC stated that Texaco refused to let one of the ordered depositions go forward, and claimed that Texaco was engaging in deliberate delay tactics. OSC requested that OHA order Texaco to reimburse OSC for expenses it incurred during its unsuccessful attempt to depose one of the Texaco officials. OSC also asked OHA to order Texaco to make its officials available for depositions at OSC's Dallas, Texas office. In response to OSC's Motions, Texaco filed a Motion for Reimbursement, claiming that the depositions were cancelled because OSC failed to arrange for a competent court reporter, attempted to use non-stenographic methods to record the deposition sessions, and refused to question the Texaco official under oath.

After evaluating the record of this proceeding, the DOE rejected Texaco's claims that the court reporter hired by OSC to record the depositions was incompetent, and that only stenographic means should be used to record the ordered depositions. The DOE also expressed doubt as to the accuracy of Texaco's statements regarding the refusal of OSC to question the Texaco offical under oath. The DOE noted that OSC had every reason to favor deposing Texaco's officials while they are under oath and absolutely nothing to gain by refusing to do so. In view of these considerations, the DOE expressed its displeasure at Texaco's delay in permitting the depositions. Nevertheless, the DOE found that no sanctions or reimbursements were appropriate at this time and denied the ERA's Motion. The parties were directed to reschedule promptly the postponed depositions at the originally agreed upon locations.

Sun Company, Inc., January 3, 1983, HRZ-0117

Sun Company, Inc. filed a Motion for Partial Dismissal of a Proposed Remedial Order that was issued to Mapco, Inc. Sun maintained that the amount of overcharges alleged in the PRO should be reduced by Sun's working interest in the crude oil produced from one of the properties operated by Mapco, because the issue of any overcharges attributable to Sun had already been settled by a consent order between DOE and Sun. DOE found that if Mapco had a right against Sun for contribution as a result of any liability resulting from the enforcement proceeding, the proceeding would violate the terms of the consent order. On the other hand the DOE found that, since Mapco had received no benefit from the sale of Sun's share of the crude oil production, it would be unfair to Mapco to require it to refund any overcharges attributable to Sun's interest in the crude oil if it did not have a right to contribution from Sun. DOE therefore found that Sun's motions should be granted. Accordingly, the potential liability pursuant to the Mapco PRO was reduced by the amount attributable to Sun's share of the crude oil production.

Supplemental Order

Office of Enforcement Economic Regulatory Administration: In the matter of C. K. Smith & Company, Inc., January 5, 1983, HFX-0068

The DOE issued a supplemental order providing for the disbursement of money remaining in an escrow account funded pursuant to a consent order with C. K. Smith & Company. That money represented the refund shares of seven C. K. Smith customers who had been allegedly overcharged, but whose current addresses the DOE had been unable to ascertain. Since the amount of money involved was relatively small, the DOE found that it would be both practical and equitable to deposit it into the United States Treasury.

Refund Applications

Armstrong & Associates/City of San Antonio; Armstrong & Associates/City Water Board; Office of Enforcement, ERA: In the matter of Armstrong & Associates, January 6, 1983, RF17-1, RF17-2, HFX-0069

The City of San Antonio (the City) and the City Water Board of San Antonio (the Water Board) filed applications for refunds from the money obtained by the DOE through a Consent Order with Armstrong & Associates (Armstrong). In considering the applications, the DOE found that the City and the Water Board were purchasers of diesel fuel from Armstrong during the Consent Order period and met the standards for eligibility set forth in the Decision and Order instituting special refund procedures for the distribution of the Armstrong Consent Order fund pursuant to 10 CFR Part 205, Subpart V. Accordingly, the DOE concluded that the applications should be approved, and the refunds should be paid to the City and the Water Board based on each applicant's pro rata share of the Consent order fund as determined by its purchases of diesel fuel from Armstrong during the Consent Order period. In addition, the DOE determined that the remaining Armstrong Consent order funds should be distributed to the City, the State of Texas, and the Defense Fuel Supply Center in order to effectuate restitution for the alleged regulatory violations in Armstrong's sales of diesel fuel to residents and businesses in San Antonio and Texas generally and to federal installations. The level of each entity's refund was computed using a modified volumetric method.

Palo Pinto Oil & Gas/Gulf Oil Corporation; Palo Pinto Oil & Gas/Controller of the State of California, January 4, 1983, RF5-1, RF5-3

Gulf Oil Corporation (Gulf) filed an Application for Refund pursuant to the provisions of 10 CFR Part 205, Subpart V. In its application, Gulf claimed a portion of the $529,000 remitted to the DOE through a consent order with Palo Pinto Oil & Gas (Palo Pinto), a gas plant operator which had been cited for possible pricing violation in its sales natural gas liquid products (NGLPs). Gulf claimed 94.4% of the consent order pool on the basis that it had purchased 94.4% of the NGLP volumes involved in the consent order. The firm asserted it was injured by the full amount of the alleged overcharges because its banks of unrecouped costs during the relevant period exceeded the amount of the refund claim. Gulf maintained that its selling prices were not affected by the alleged overcharges and that its profit would have been higher if not for Palo Pinto's alleged violations.

In considering the firm's request, the DOE determined that in an equitable proceeding, a first purchaser must affirmatively demonstrate it was injured in order to qualify for a refund. Accordingly, the DOE rejected Gulf's assertion that as a first purchaser from Palo Pinto, it was automatically entitled to all of the refund monies. The DOE further found that the existence of sizeable cost banks was a necessary but not sufficient condition for showing injury. To determine whether Gulf had been injured by the alleged overcharges, the DOE compared the prices at which Gulf purchased NGLPs from Palo Pinto with prevailing market prices. The DOE reasoned that if Gulf had purchased NGLPs at prices above the market average, the firm was at a disadvantage, and thus had experienced a real injury. On the other hand, if Gulf had purchased at below-market prices, the firm enjoyed a competitive advantage in the market and had not been injured in any meaningful sense. After performing calculations to gauge the extent to which Gulf had experienced a competitive disadvantage due to its purchases from Palo Pinto, the DOE determined that Gulf was eligible to receive $262,096, or approximately 50 percent, of the consent order fund. The remaining funds are to be distributed upon the implementation of second-stage refund proceedings.

The Controller of the State of California also filed an Application for Refund in this proceeding. The DOE determined that California was an appropriate recipient of monies to be refunded for the benefit of end-users within its jurisdiction, and that other qualifying state governments would similarly be proper refunds recipients. However, the DOE found that indirect refunds for the benefit of end-users were not appropriate during first-stage proceedings. Accordingly the DOE stated that it will consider California's claim during second-stage refund proceedings.

Panhandle Eastern Pipeline Co./I. V. Cole Petroleum Company, January 6, 1983, RF15-1

I. V. Cole Petroleum Company (Cole), filed an Application for Refund seeking a portion of the fund obtained by the DOE through a consent order entered into by the agency and Panhandle Eastern Pipeline Company (Panhandle). Cole is a reseller-retailer of

gasoline which purchased product from Panhandle and four other firms during the consent order period. In analyzing the Cole application, the DOE found that the firm had sufficient banks of unrecouped product cost increases to support its claim for a refund. The data established that Cole paid higher than average prices for Panhandle product during 3 of the 10 months in which the firm made purchases, thus establishing a competitive injury in purchases totalling 107,510 gallons. However, the DOE noted that Cole could have made a small-case, threshhold claim for 50,000 gallons per month in each month in which it had purchased Panhandle poduct without a further showing of competitive injury. It therefore authorized a refund based upon threshhold purchases of 50,000 gallons per month for ten months, which resulted in a refund of $2,987 plus a proportionate share of the accrued interest.

Protective Order

The following firms filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Names	Case No.
Mobile Oil Corp.; Little America Refining Co.	HEJ-0029

Dismissias

The following submissions were dismissed:

Name	Case No.
Conoco, Inc.	BRO-1150 BRH-1150 BRO-1448 BRO-1446 BRO-1455 BRO-1445 HRH-0005 HRO-0002 HRH-0001 HRO-0002 BRO-1451 BRH-1448

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 4, 1983.

[FR Doc. 83-6469 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Salt Lake City Area; Post-1989 Marketing Plan

AGENCY: Western Area Power Administration, DOE.

ACTION: Extension of the submittal date for applicant profile data.

SUMMARY: The Western Area Power Administration (Western) has been developing a post-1989 marketing plan for the Colorado River Storage Project (CRSP), Collbran, Provo River, and Rio Grande Projects since the initial public information forum was held on May 22, 1980, in Salt Lake City, Utah. Western's Salt Lake City Area Office requested applicant profile data to evaluate alternate allocation methods and to complete the development of a post-1989 marketing plan for these resources in a **Federal Register** notice dated February 4, 1983. Western has now determined that a 30-day extension in the submittal date for that applicant profile data is desirable.

DATE: The submittal date for applicant profile data is now extended to on or before April 15, 1983.

ADDRESS: Applicant profile data should be sent to: Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, telephone (801) 524-6372. Further information concerning the request for applicant profile data may be obtained from Mr. Gabiola.

SUPPLEMENTARY INFORMATION: To expedite the development of the post-1989 marketing plans, Western requests applicants to submit the applicant profile data as early as it is available rather than waiting until April 15, 1983.

Issued at Washington, D.C. March 8, 1983.

Ronald K. Greenhalgh,

Assistant Administrator.

[FR Doc. 83-6472 Filed 3-11-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM—FRL 3220-4]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a) (2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers; Office of Standards and Regulations; Information Management Section (PM-223); U.S. Environmental Protection Agency; 401 M Street, SW., Washington, D.C. 20460; telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Water Programs

- Title: Certification for Exemption from Effluent Monitoring Requirements (EPA ID 1014).

Abstract: Effluent limitation regulations for several point source categories contain monitoring requirements for specific pollutants. Facilities in certain categories may obtain exemptions from monitoring by demonstrating to the permitting authority (EPA or state agency) that the pollutant is not present in the discharge.

Respondents: Facilities in the coil coating, porcelain enameling, steam electric power generating, and pulp and paper industries.

- Title: Certification of Sulfide Pretreatment Standard Applicability (EPA ID 1015).

Abstract: A leather tanning/finishing business that discharges wastewater into publicly owned treatment works (POTW) must generally meet pretreatment standards in the effluent limitation regulation, 40 CFR Part 425. However, if the POTW certifies to EPA that sulfide present in the wastewater does not interfere with its operation, EPA may waive sulfide pretreatment for that business.

Respondents: Publicly owned treatment works receiving wastewater from leather tanning and finishing facilities.

Civil Rights Programs

- Title: Nondiscrimination in EPA Assisted Programs: Recordkeeping Requirement and Report Form (EPA ID 0275).

Abstract: EPA collects information from applicants for assistance to determine their compliance with the nondiscrimination provisions of the Civil Rights Act and the Federal Water Pollution Control Act Amendments of 1972.

Respondents: Municipalities, state/local governments, educational institutions and private industry.

* * * * *

Comments on all parts of this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), 401 M Street, SW., Washington, D.C. 20460

and

Anita Ducca, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503

Dated: March 7, 1983.

N. Phillip Kaas,

Chief Statistical Policy Staff.

[FR Doc. 83-6160 Filed 3-11-83; 8:45 am]

BILLING CODE 6560-50-M

[AMS–FRL 2320–3]

Maintenance and Use Instructions: Application for Waiver From Prohibition Against Specifying Name Brand Parts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This Notice informs the public that General Motors Corporation (GMC) has asked the Administrator of EPA (the Administrator) to grant a waiver, pursuant to section 207(c)(3)(B) of the Clean Air Act (Act), from the Act's prohibition against requiring the use of a name brand part in an emission related maintenance instruction. GMC specifically wants the Agency to approve certain performance adjustment instructions which call for the substitution of a manufacturer's part number Programmable Read Only Memory (PROM) electronic chip as a means for improving emission control performance at altitudes other than those for which the vehicles were designed.

ADDRESS: Copies of information relative to this application are available for inspection in public docket EN–82–06 at the Central Docket Section (A–130) of the EPA West Tower, 401 "M" Street, SW., Washington, D.C. 20460; (202) 382–7548, weekdays between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Any comments from interested parties (in duplicate if possible) should be mailed to public docket EN–82–06 at the above address.

Any party desiring to present oral testimony on this issue should request such opportunity in writing to Mr. Richard Kozlowski, Director, Field Operations and Support Division (EN–397), U.S. EPA, 401 "M" Street, SW., Washington, D.C. 20460

DATES: All comments received by April 13, 1983 shall be considered by the Administrator in deciding whether to grant this waiver. Requests for an opportunity to make an oral presentation must be received by the Agency by March 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Steven E. Hoover, Chief, Tampering Section (EN–397), U.S. Environmental Protection Agency, 401 "M" Street, SW., Washington, D.C. 20460; (202) 382–2640.

SUPPLEMENTARY INFORMATION: Sections 203 and 207(c) of the Clean Air Act prohibit any vehicle manufacturer from issuing an emission related maintenance instruction which requires the use of any name brand parts unless prohibition has been waived by the Administrator under section 207(c)(3)(B) of the Act.

Section 207(c)(3)(B) provides that the Administrator may waive this prohibition if:

(i) The manufacturer satisfies the Administrator that the vehicle or engine will function properly only if the component or service so identified is used in connection with such vehicle or engine, and

(ii) The Administrator finds that such a waiver is in the public interest.

Similarly, the EPA regulations governing high altitude performance adjustments (adjustments designed to improve emission performance of vehicles which are to operate at altitudes other than those for which they are designed to operate) provide that requiring the use of name brand parts is sufficient grounds for EPA to disapprove altitude performance instructions "* * * unless they are necessary to ensure emission control performance and unless the Administrator grants a waiver under section 207(c)(3)(B) of the Act."

The purpose behind these prohibitions is to help prevent emission control requirements, particularly the two emission warranties required by the Act, from disrupting the marketplace, by barring vehicle manufacturers from requiring use of their parts except in those very limited instances set out in section 207(c)(3)(B).

GMC asserts in its waiver request that it meets the necessary criteria and, therefore, should be allowed to issue performance adjustment instructions which call for the substitution of its PROM electronic chip as a means for improving emission control performance at altitudes other than those for which the vehicles were designed. Specifically, GMC states:

General Motors is not aware of any other practical way to adjust or modify this electronically controlled vehicle to ensure emission control performance at high and low altitude other than the use of a different PROM in the Electronic Control Module (ECM).

To assure total emission system reliability, use of a PROM of the proper quality level is critical. The PROM specified by General Motors is a low current draw unit. An over-temperature condition could occur in the ECM if a higher current draw PROM were utilized. Thus, the General Motors specified part is important to assure overall system reliability.

The PROM program is proprietary to General Motors and is available only as a part of the complete PROM itself.

General Motors is not aware of any other manufacturer of the specified or any other programmed PROMs for use in our ECMs.

The PROM substitution specified for Altitude Performance Adjustment not only improves emission control performance at altitudes other than those for which the vehicles was (sic) designed, but converts the vehicle to a configuration that is certified for the altitude of principal use. Thus, these "adjustments" exceed the requirements of the Altitude Performance Adjustment Regulations.

Tools and procedures required for this adjustment or modification are generally available at General Motors dealerships and private service establishments. Thus, any service establishment capable of performing adjustments or modificaitons according to the manufacturer's specifications should be able to use this procedure without further training or expense.

The parts necessary for the modification will be available to all service establishments.

The Agency invites comments on the appropriateness of the waiver including, but not limited to, statements showing that GMC has, or has not, made the requisite showings.

Dated: March 3, 1983.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 83-6407 Filed 3-11-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Form Submitted To the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Revision 3067–0024.
Title: General Admission Application.

Abstract: This form is used to apply for admission to courses offered by the National Fire Academy and the Emergency Management Institute. The information requested is used to process applications and collect data on the school body.

Type of Respondents: Individuals.

Number of Respondents: 25,000.

Burden Hours: 6,250.

OMB Desk Officer: Ken Allen (202) 395–3786.

Copies of the above information collection clearance package can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 287–0906, 500 C Street, SW., Washington, D.C. 20472 and to Ken Allen, Desk Officer, OMB Reports Management Branch, Room 3235 New Executive Office Building, Washington, D.C. 20503.

Dated: March 2, 1983.

Walter A. Girstantas,

Director, Office of Administrative Support.

[FR Doc. 83-6686 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-677-DR]

California; Amendment To Notice of Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the Notice of a major disaster for the State of California (FEMA–677–DR), dated February 9, 1983, and related determinations.

DATED: March 4, 1983.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0501.

Notice: The incident period which previously ended February 8, 1983, is hereby reopened. The termination date will be determined in accordance with 44 CFR 205.31(f). The Notice of a major disaster for the State of California dated February 9, 1983, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1983: Butte, Glenn, Kern, Kings, San Bernardino, Sutter and Tehama Counties for Individual Assistance only.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

(Catalog of Federal Domestic Assistance No. 83–516, Disaster Assistance)

[FR Doc. 83-6637 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-01-M

[Docket No. FEMA-REP-4-SC-3]

South Carolina Plan for Radiological Accidents Site-Specific for the Oconee Nuclear Power Station

AGENCY: Federal Emergency Management Agency.

ACTION: Certification of FEMA findings and determination.

SUMMARY: In accordance with Federal Emergency Management Agency (FEMA) Rule 44 CFR 350 (proposed) on April 16, 1982, the State of South Carolina submitted its plans relating to the Oconee Nuclear Power Station to the Director of FEMA Region IV for review and approval. The Regional Director forwarded his evaluation to the Associate Director for State and Local Programs and Support in accordance with § 350.11 of the proposed rule. Included in this evaluation were a review of the State and local plans around the Oconee facility; a critique of the exercise conducted on March 10, 1982, in accordance with Section 350.9; and a report of the public meeting held on March 9, 1982, to discuss the site-specific aspects of the State and local plans in accordance with Section 350.10 of the proposed rule. At the Oconee joint exercise conducted on March 10, 1982, a successful and adequate test of State and local government plans around Oconee was demonstrated.

Based on the evaluation by the Regional Director and the review by the FEMA Headquarters staff, I find and determine that, subject to the condition stated below, the State and local plans and preparedness for the Oconee Nuclear Power Station are adequate to protect the health and safety of the public living in the vicinity of the station. The plans and preparedness are assessed as providing reasonable assurnace that appropriate protective measures can and will be taken offsite in the event of a radiological emergency and are capable of being implemented. The condition for the above approval is that the adequacy of the public alerting and notification system already installed and operational must be verified as meeting the standards set forth in Appendix 3 of the Nuclear Regulatory Commission/FEMA Criteria of NUREG–0654/FEMA–REP–1, Revision 1.

FEMA will continue to review the status of plans and preparedness of the State and localities associated with the Oconee Nuclear Power Station in accordance with Section 350.13 of the proposed rule.

For further details with respect to this action, refer to Docket File FEMA–REP–4–SC–3 maintained by the Regional Director, FEMA Region IV at 1375 Peachtree Street, NE., Suite 770, Atlanta, Georgia 30309.

Dated: February 23, 1983.

For the Federal Emergency Management Agency.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6685 Filed 3-11-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 9615–36.

Title: Iberian/U.S. North Atlantic Westbound Freight Conference.

Parties: Costa Line; Dart Container Line; Egyptian National Line; Farrell Lines, Inc.; Hapag Lloyd; Italian Line; Sea-Land Service, Inc.; and Zim Israel Navigation Co., Ltd.

Synopsis: The basic agreement would be amended to add comprehensive decision making procedures.

Filing Party: David F. Smith, Esq., Billig, Sher & Jones, P.C., Suite 300, 2033 K Street, N.W., Washington, D.C. 20006.

Agreement No.: 10470.

Title: Comanav/Lykes Space Charter/Equal Access Agreement.

Parties: Compagnie Marocaine De Navigation (Comanav) and Lykes Bros. Steamship Co., Inc. (Lykes).

Synopsis: The Agreement permits the parties to charter space on each others vessels for carriage of cargo in the foreign commerce of the United States and Morocco via ports on the Atlantic and Gulf of Mexico ports of the U.S. It also permits Lykes and Comanav to attain associate line status so they may operate under equal conditions in the trade.

Filing Agent: R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

By Order of the Federal Maritime Commission.

Dated: March 9, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6674 Filed 3-11-83; 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. 10421-1]

Pan American Mail Line, Inc., Linea Naviera Panatlantica, S.A., and American Atlantic Shipping, Inc.; Cancellation of Agreement

Agreement No. 10421-1 is an amendment to a cooperative working Agreement 10421, between Pan American Mail Line, Inc. (PAML) and Naviera Panatlantica, S.A. (LINAPA). This basic agreement provides that each party shall employ the firm of Chester, Blackburn & Roder, Inc. as general agent for the performance of all their management functions and that the two lines will operate their respective services under the trade name, "Pan Atlantic Lines." The purpose of amendment 10421-1 was to add American Atlantic Shipping, Inc. (AAS) as a participating party to the agreement.

Because AAS is now no longer serving the trades covered in the agreement, it will no longer be a party to the agreement. Therefore, PAML, LINAPA and AAS have mutually agreed to terminate Agreement No. 10421-1. The basic Agreement No. 10421 between PAML and LINAPA is to remain in full force and effect. Agreement No. 10421-1 will be cancelled 15 days following publication in the Federal Register.

By Order of the Federal Maritime Commission.

Dated: March 9, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6675 Filed 3-11-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

March 7, 1983.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the Federal Register. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829).

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Request for extension of an existing report

1. Report title: Notification of Foreign Branch Status
Agency form number: FR 2068
Frequency: On occasion
Reporters: Member banks, Edge and Agreement Corporations, bank holding companies
SIC Code: 602, 671, 605
Small businesses are not affected
General description of report:
Respondent's obligation to respond is mandatory [12 U.S.C. 321, 601, 602, 615]; a pledge of confidentiality is not promised.

This is a report of the opening, closing, or relocation of a foreign branch of a member bank, Edge or Agreement Corporation, or bank holding company so the Federal Reserve System can determine where foreign branches are located. This information enables the Federal Reserve System to ensure the safety and soundness of the U.S. banking system.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6567 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; Auburn Security Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President)

925 Grand Avenue, Kansas City, Missouri 64198:

1. *Auburn Security Bancshares, Inc.* (In Formation), Auburn, Kansas; to become a bank holding company by acquiring 94.4 percent of the voting shares of The Security State Bank, Auburn, Kansas. Comments on this application must be received not later than April 7, 1983.

2. *Farmers Bancshares of Erick, Inc.*, Erick, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Farmers National Bank of Erick, Erick, Oklahoma. Comments on this application must be received not later than April 7, 1983.

B. **Federal Reserve Bank of Dallas.** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Fidelity Bancshares, Inc.*, Temple, Texas; to become a bank holding company by acquiring 96.01 percent of the voting shares of Robinson State Bank, Robinson, Texas. Comments on this application must be received not later than April 7, 1983.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Banco Nororiental de Venezuela, C.A.*, Caracas, Venezuela, Corpofin, C.A., Caracas, Venezuela; and, Corpofin, N.V., Curacao, Netherlands Antilles; to become bank holding companies by acquiring an aggregate of 72.18 percent of the voting shares of People's Hialeah National Bank, Hialeah, Florida. Comments on this application must be received not later than April 7, 1983.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6384 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies; BT Financial Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *BT Financial Corporation*, Johnstown, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Johnstown Bank and Trust Company, Johnstown, Pennsylvania. Comments on this application must be received not later than April 6, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *WCB Corporation*, Omro, Wisconsin; to become a bank holding company by acquiring 94 percent of the voting shares of Winnebago County Bank, Omro, Wisconsin. Comments on this application must be received not later than April 6, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Citizens Bancshares, Inc.*, Dyersburg, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of First-Citizens National Bank of Dyersburg, Dyersburg, Tennessee. Comments on this application must be received not later than April 6, 1983.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lake Bancshares Corporation*, Langley, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of the Lakes, Langley, Oklahoma. Comments on this application must be received not later than April 6, 1983.

E. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First United Corporation*, Jackson, Mississippi; to become a bank holding company by acquiring 80 percent of the voting shares of Ashland Capital Corporation, Ashland, Alabama and thus indirectly acquiring 79 percent of the voting shares of the First National Bank of Ashland, Ashland, Alabama. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than April 6, 1983.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6380 Filed 3-11-83; 8:45 am]

BILLING CODE 6201-01-M

Acquisition of Bank Shares by Bank Holding Companies; First Jersey National Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First Jersey National Corporation*, Jersey City, New Jersey; to acquire 20.07 percent of the voting shares or assets of The Peoples National Bank of Central Jersey, Piscataway, New Jersey. Comments on this application must be received not later than April 7, 1983.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Granite Bancorporation, Inc.*, Granite City, Illinois; to acquire at least 80 percent of the voting shares or assets of Colonial Bank of Granite City, Granite City, Illinois. Comments on this application must be received not later than April 7, 1983.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6385 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Company; Proposed de Novo Nonbank Activities; Chemical New York Corp.

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York (financing and insurance activities; Shreveport, Louisiana): To continue to engage, through its subsidiary, Sunamerica Corporation, in the previously approved activities of making direct loans, purchasing installment sales finance contracts, and acting as agent or broker for the sale of credit life, accident and health insurance, and making available to its debtors property and casualty insurance, all directly related to such extensions of credit. The service area for the previously approved activities would be expanded to include the entire State of Louisiana. This application is for the relocation of an office within the same city. Comments on this application must be received not later than April 7, 1983.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6869 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities; Old Stone Corp., et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (mortgage banking and insurance agency activities; South Carolina): To engage *de novo* through an indirect subsidiary, UniMortgage Corporation of S.C., in the origination, sale and servicing of first and second mortgage loans and acting as agent in the sale of credit life and credit accident and health insurance. These activities would be conducted from offices in Columbia and Greenville, South Carolina serving central and northwestern South Carolina, respectively. Comments on this application must be received not later than April 5, 1983.

2. *Old Stone Corporation*, Providence, Rhode Island (insurance underwriting; South Carolina): To engage, through its indirect subsidiary, The Motor Life Insurance Company, in the underwriting, through reinsurance, of credit life and credit accident and health insurance directly related to extensions of credit. This activity would be conducted from an existing office in Jacksonville, Florida, serving the State of South Carolina. Comments on this application must be received not later than April 5, 1983.

B. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Citicorp*, New York, New York (finance company and credit-related insurance activities; New Mexico, Texas): To expand the activities and relocate an existing office of Citicorp Person-to-Person Financial Center, Inc., from Las Cruces, New Mexico, to El Paso, Texas; and to establish a *de novo* office of Citicorp Homeowners, Inc. at the same El Paso, Texas location. The previously approved activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage in the new location are as follows: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The activities in which the office of Citicorp Person-to-Person Financial Center, Inc. proposes to engage *de novo* in the new location are: the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate;

and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area for the office of Citicorp Person-to-Person Financial Center, Inc. in its new location shall be comprised of the entire states of New Mexico and Texas for all the aforementioned activities. The activities in which the *de novo* office of Citicorp Homeowners, Inc., proposes to engage are: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of consumer oriented financial management courses; the servicing, for any person, of loans and other extensions of credit; the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit to individuals secured by liens on residential or non-residential real estate; and the sale of mortgage life and mortgage disability insurance directly related to extensions of mortgage loans. The proposed service area of the *de novo* office of Citicorp Homeowners, Inc. shall be comprised of the entire states of New Mexico and Texas for all the aforementioned proposed activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc. and Citicorp Homeowners, Inc. Comments on this application must be received not later than April 6, 1983.

Board of Governors of the Federal Reserve System, March 8, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6391 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0433]

Reduction and Pricing of Federal Reserve Float

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Approval of proposals to reduce and price Federal Reserve float.

SUMMARY: The Board of Governors has approved a program to reduce and price Federal Reserve interterritory and holdover check float. The program for pricing Federal Reserve interterritory float will be implemented on July 1, 1983, and the program to price Federal Reserve holdover float will be phased in beginning February 24, 1983. The phase-in will be completed on October 1, 1983, when the full cost of all holdover float will be added to the cost of check services.

EFFECTIVE DATE: February 24, 1983. On that date, Reserve Banks will begin phasing in pricing of check holdover float. On July 1, 1983, Reserve Banks will implement the program to reduce and/or price interterritory check float.

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Assistant Director (202/452-2231) or Morgan J. Hallmon, Program Manager, Payments Mechanism Planning (202/452-3878), Division of Federal Reserve Bank Operations; Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Daniel L. Rhoads, Attorney (202/452-3711), or Robert G. Ballen, Attorney (202/452-3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Pub. L. 96-221) ("MCA") requires that fees be established for Federal Reserve Bank services and that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981. The MCA sets forth specific services to be priced and requires the Board to establish principles on which the schedules of fees for priced services are to be based. The MCA requires that the Reserve Banks price for Federal Reserve float that remains after operational means to reduce float are implemented.[1]

On December 31, 1980, the Board adopted a set of pricing principles and fee schedules for certain Federal Reserve services. Subsequently, the Board adopted fee schedules for Reserve Bank services in accordance with the MCA. In its December 31, 1980, action, the Board determined, in response to comments received on the Board's proposals to reduce and price float (45 FR 58689), to proceed with internal operational improvements with high benefit/cost ratios to reduce float before initiating changes in availability schedules and explicitly pricing float.

On November 1, 1982, the Board requested comment on proposals to eliminate or price approximately 80 percent of Federal Reserve float by: (1) changing crediting procedures for interterritory check deposits; (2) adopting a new accounting procedure to eliminate float associated with large dollar interterritory returned items; and (3) pricing holdover and other intraterritory check float. 47 FR 50342 (November 5, 1982).

Under the proposal to change crediting procedures for interterritory check deposits, Reserve Banks would offer two or more of the following options for eliminating and/or pricing interterritory check float:

1. Credit would be given on the day the checks are received on a timely basis by the collecting Federal Reserve Bank ("actual availability");

2. Credit would be given on the basis of a fixed availability schedule (unique to each institution) so that part of an institution's credit for a deposit is deferred an additional day, and, on average, float is zero ("fractional availability"); and

3. Credit would be given on the basis of a fixed availability schedule, with compensation for float being made through either:

a. "as of" adjustments to correct for float after it occurs ("fixed availability with 'as of' adjustments"); or

b. earnings credits on a clearing balance maintained by the depository institution at the Federal Reserve, with the value of float determined at the federal funds rate.

Under the proposal for large dollar interterritory returned items, changes would be made to Federal Reserve Bank accounting procedures in order to eliminate such float by charging the depositing institution's account for large dollar interterritory returned items on the basis of a wire notification. The depositing institution whose account was being charged would receive from its Reserve Bank the wire notifications as they become available, but in no event later than 3:00 p.m. local time. As an alternative to having its account debited immediately, a depository institution could compensate the Federal Reserve for returned item float through an "as of" adjustment to its account. Currently, the institution depositing the check is not charged for a returned item until the item is received by that institution.

The third proposal was to price, at the federal funds rate, holdover and other intraterritory float. Holdover float occurs when a Reserve Bank receives a check shipment by its deposit deadline but is unable to process the shipment for collection on a timely basis. Generally, holdover float occurs as a result of sharp daily volume fluctuations and check processing equipment malfunctions. Other intraterritory float occurs primarily as a result of local transportation delays. The value of both types of float would be added to the costs of the check collection service.

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[1] 126 *Cong. Rec.* S3167 (daily ed. March 27, 1980) (statement of Senator Proxmire).

Summary of Comments

The Board received 173 comments on the proposals.

Crediting procedures for interterritory check deposits. The majority of commenters that discussed the crediting options for interterritory check deposits were in favor of the Reserve Banks' providing interterritory crediting options. Commenters in favor of options indicated that this approach permitted institutions with different accounting procedures and systems to select the option that best met their needs. Fixed availability with "as of" adjustments received more support than the other proposed interterritory crediting options.

Fifty-four commenters were opposed to all of the proposed interterritory crediting options, stating that less costly alternatives were available, such as changing availability schedules or explicitly pricing float. Commenters also expressed concern about the lack of uniformity among the crediting options to be offered by Reserve Banks, the difference in treatment of float arising from consolidated shipments and direct-send deposits, and the lack of clarity regarding the crediting procedures for mixed and other Fed cash letters.

New accounting procedures on large dollar returned items. Most of the commenters that discussed the proposal for wire notification of charge on large dollar interterritory returned items supported the option. However, many of these commenters expressed reservations about the adequacy of data to be supplied by the notification and about their legal liabilities, as well as those of the Reserve Banks. In addition, those commenters who discussed the option of using "as of" adjustments favored it over the proposed immediate charge.

Institutions opposed to this proposal cited operational and legal concerns. For example, many of the commenters questioned their legal authority to charge a customer's account prior to receipt of the returned item. In addition, these commenters offered alternatives to the Federal Reserve's proposal that would involve establishing availability schedules for returned items, or explicitly charging for returned item processing.

Holdover and other intraterritory check float. More than 70 commenters favored the proposal to charge explicitly for holdover and other intraterritory float. These commenters believed that the proposal was fair and reasonable, that it provided incentives to Reserve Banks to reduce float and encourage competition, and that it was consistent with private sector procedures.

Many commenters opposed to explicitly pricing holdover and other intraterritory float felt that the Federal Reserve should consider these float components as a cost of doing business and stated that the Federal Reserve should not price this float category. Some stated that the proposal was premature in light of the recently adopted proposal to accelerate the collection of checks. Alternatives suggested by commenters included: (1) excluding this float from pricing; (2) pricing only a portion of this float; or (3) changing availability schedules to compensate for this float.

Discussion

After consideration of the comments on these proposals and further analysis, the Board has determined to approve implementation of a program with regard to interterritory and holdover float. Action on the proposal to change crediting procedures for large dollar interterritory returned items (the second proposal) and the proposal with regard to other intraterritory float, is being delayed pending further analysis of the issues raised by the commenters. It is anticipated that these issues will be presented to the Board in April, 1983.

Interterritory crediting options. A number of commenters suggested alternatives to the Board's proposals. Some commenters suggested that interterritory check float be priced by including the cost of float in the per item fee for check collection services. They argue that assessing float costs through per item fees would be less burdensome operationally than the proposed options. This method of pricing would, however, create equity problems because float costs are a function of the dollar value of the checks rather than the number of checks cleared. For example, the cost of one day's float at a federal funds rate of 8.25 percent is approximately $220 for a $1 million check and 11 cents for a $500 check (the average dollar value of all checks deposited at Reserve Banks). Since a relatively small percentage of checks account for a large percentage of interterritory check float, unless each check had a separate price, a per item charge for float would represent a subsidy by institutions and their customers collecting small dollar checks to institutions collecting large dollar checks.

Another alternative suggested by some commenters was for the Federal Reserve to change availability schedules in whole-day increments to eliminate float since, in their opinion, the proposed crediting procedures were designed to compensate for availability schedules that could not be achieved consistently. The on-time performance of the Federal Reserve's Interdistrict Transportation System (ITS) exceeds 95 percent, and checks sent by direct sending institutions generally are received on a timely basis. Based upon these factors, the Board believes that Federal Reserve availability schedules are, on the whole, reasonable. If Federal Reserve availability schedules were changed in whole day increments as suggested by these commenters, significant amounts of credit float would result. This would inappropriately increase costs to collecting institutions.

About 60 percent of the commenters expressed views on the actual availability option. Commenters favoring this option stated that this approach is used in their own correspondent-respondent relationships. Several of these commenters also indicated that this option would provide an effective method for allocating float back to the appropriate customers. The majority of these commenters, however, expressed concern with this option primarily because it would not provide them with the degree of predictability they find necessary. Commenters also stated that crediting information must be provided by the Reserve Banks early in the day if timely investment decisions are to be made. The cash letter monitoring system developed by the Reserve Banks is designed to provide the necessary information by midday; however, based on comments received, it is likely that banks would not regard this as early enough to meet their needs. Thus, it is anticipated that institutions would choose other options that they perceive as better meeting their needs.

Many of the larger institutions (over $3 billion in deposits) and some of the smaller institutions (under $50 million in deposits) supported the fractional availability option because it allows an institution to determine float costs at the time interterritory checks are deposited with the Federal Reserve. In addition, these institutions often indicated that this option would make it easier to allocate the cost of float to individual customers than would the other options. Nevertheless, many depository institutions commenting on the fractional availability option opposed it because of concern about the costly and complex system changes that a depository institution would have to make and concern with the number of fractions that would be used and the frequency with which the fractions would be calculated and applied.

Fractional availability is the only crediting option that allows a depository institution, *a priori*, to determine those

float costs associated with interterritory check shipments. Also, fractional availability maintains the same basic features of existing Reserve Bank availability schedules in that the availability granted for check deposits is predetermined. Thus, it is possible for depository institutions to assess the precise availability obtained for each customer. The cost and complexity of implementing this option would depend upon how a depository institution applies it in allocating float to its customers. Furthermore, the cost to depository institutions of using this option can be reduced by minimizing the number of fractions and the frequency with which those fractions are changed. The current reliability of the ITS network and the on-time performance of most direct sending institutions suggest that the number of fractions and the frequency of change should be relatively small.

The majority of commenters who addressed the fixed availability crediting option with "as of" adjustments supported it as being inexpensive to implement and use. Commenters opposed to this option indicated concern about the difficulties inherent in processing "as of" adjustments on a lagged basis. They stated that using "as of" adjustments would require depository institutions to either absorb the float costs, allocate float costs arbitrarily over their entire customer base, or develop expensive and complex allocation procedures. These commenters also expressed concern that this option could increase problems in managing reserve accounts.

The "as of" approach would require no significant changes in current check clearing procedures by either Reserve Banks or depository institutions. If receipt of a check shipment were delayed and credit were deferred, the deferral would be made through an "as of" adjustment in whole-day increments. The "as of" adjustment procedure is a well-established accounting practice between the Reserve Banks and depository institutions since it is currently used to correct for errors in cash letter handling. Although "as of" adjustments would be made on a lagged basis, depository institutions would be informed of the float generated by particular check deposits on the day the float was created.

Fixed availability with "as of" adjustments also would not make the task of reserve management more difficult under either the current lagged reserve requirement system or the contemporaneous reserve requirement system scheduled for implementation in February 1984. The adjustments to required reserve balances would generally be known in advance because the collecting institution would be notified promptly of the receipt or non-receipt of cash letters.

Commenters that favored the option of fixed availability with payment for float through earnings credits on a required clearing balance cited operational simplicity as a primary reason for their support. Many commenters, however, expressed concern about the feasibility of charging the appropriate depositors' accounts and the difficulty in managing required balances at Reserve Banks with this option. They also stated their belief that this option would provide a competitive advantage to Reserve Banks since it would increase the difficulty of comparing the costs of check collection services provided by both Reserve Banks and the private sector. Some commenters suggested that this option would be more attractive if they were permitted to pay for float through explicit charges to their reserve or clearing accounts instead of with credits earned on a clearing balance.

The use of clearing balances to pay for float charges should not complicate price comparisons between the Federal Reserve and correspondent banks, however, since it is common practice in the banking industry to use balances to compensate for services provided by correspondents. Further, the monthly statement provided by the Reserve Banks will show explicitly the float charges assessed during the billing cycle. As discussed previously, this payment method should not increase a depository institution's difficulty in managing required balances or in making necessary adjustments to depositors' accounts.

A number of commenters indicated that, unless all Reserve Banks offered the same crediting options, a depository institution could be competitively disadvantaged, particularly if the crediting options offered by its local Federal Reserve office did not include those desired by its corporate customers. Concern was expressed that, in such cases, a customer might transfer its account to an institution in a Federal Reserve District offering the desired option. Further, a depository institution may not be able to take advantage of its least cost option if that option is not offered by its local Federal Reserve office. Based upon the comments received, The Board has determined that Reserve Banks should offer identical options.

A number of commenters stated that there are significant differences between users of Federal Reserve transportation (consolidated shipments) and users of privately arranged transportation (direct shipments) that justify different crediting procedures. Direct senders state that, when they meet deposit deadlines of the receiving Federal Reserve office, they should receive 100 percent availability. Under all of the proposed crediting options, direct senders meeting the deposit deadlines of the receiving Reserve office would receive the benefit of their on-time performance and would incur no float charges.

A number of commenters expressed concern that the proposals were not in compliance with the MCA and represented unfair competition. In addition to several of the issues previously discussed, concern was expressed that: (1) The Federal Reserve would shift overhead costs to float charges resulting in generally lower prices for services; (2) the Reserve Banks would use clearing balances to provide mixed check depositors with 100 percent guaranteed availability, thus creating float and using earnings credits on clearing balances to compensate for the float created; and (3) the Federal Reserve was competing unfairly because it was both a regulator and a competitor.

With regard to the concern that overhead costs will be shifted to float charges, the MCA sets forth the standards on which fees are to be based. Further, the Board's Pricing Principle 5 states that the Board intends that fees be set so that revenues for major service categories match costs (46 FR 1338 (January 6, 1981)), and there are extensive mechanisms in place throughout the System for determining costs and establishing fee schedules. Additionally, the General Accounting Office has audited such pricing to ensure compliance with the MCA.

The concerns that Reserve Banks would provide mixed check depositors with 100 percent guaranteed availability and that no charges would be assessed for float arising from items sent between Reserve Banks stem from a misunderstanding of the proposals. It was intended that interterritory transportation float generated by other Fed items and mixed check deposits be priced in the same manner as float arising from other interterritory check shipments. Reserve Banks would therefore have no competitive advantage with regard to pricing of float arising from these deposits.

The concern that the Federal Reserve has a competitive advantage because it

is both regulator and competitor was carefully reviewed. This action does not, however, represent any regulatory change and is being implemented in accordance with the pricing requirements of the MCA. With regard to the more specific issue that the crediting of earnings credits on clearing balances at the federal funds rate (unadjusted for required reserves) provides Reserve Banks a competitive advantage, the Federal Reserve does not believe that, on balance, such an advantage exists. The competitive impact of paying an earnings credit rate unadjusted for reserves is minimized by several factors: (1) Respondents may deduct balances "due from" their correspondents from their gross transaction accounts while balances "due from" the Federal Reserve may not be deducted by respondents; (2) significant restrictions are placed on the administration of clearing balances for monetary policy reasons (e.g., balances must be maintained on a weekly average basis); (3) Reserve Banks do not pay earnings credits on balances in excess of those required as correspondents typically do; and (4) Reserve Banks do not offer the broad range of commercial services to depository institutions that correspondent banks offer.

Several commenters also suggested that the Board's request for comment on the proposals did not contain sufficient information to enable them to comment on the proposals in a meaningful way. After a review of this matter, the contents of the notice requesting comment on the proposals, the diversity of commenters and the scope of their responses, the Board has concluded that the notice and comment procedures adopted by the Board fully complied with applicable law.

Holdover float. About half of the one hundred and forty-three commenters that discussed this issue were generally in favor of the proposal to price check holdover float explicitly at the federal funds rate. They stated their belief that it was reasonable and appropriate to allocate holdover float to overhead costs and to recover the costs through per item prices. Some commenters stated that the proposal provided incentives to the Reserve Banks to reduce float and that the proposal was consistent with the method used by the private sector to recover float costs.

Seventy-two commenters expressed concern about pricing holdover float. Some commenters opposed this proposal because they believe that pricing holdover float, which is due to Federal Reserve operations, is unfair; others argued that pricing of holdover float could lead to Reserve Bank operating inefficiencies unless holdover targets were established. Some commenters stated that the proposal was contrary to the intent of Congress and would represent another "tax" on banks, that pricing holdover float would result in higher Reserve Bank prices and could diminish the Federal Reserve's role in the payments mechanism, or that the proposal was premature and deserved more study in light of other Reserve Bank changes, such as uniform later presentment and new deposit deadlines.

Reflecting the sizable gains in the effectiveness of check operations in the Federal Reserve Banks over the past few years, holdover float is currently small and represents only about 1 percent of the value of checks collected daily by the Federal Reserve Banks. While continuing efforts should be made to reduce even further the amount of holdover float, further significant reductions could be expensive to achieve.

In view of the small amount of float involved, the Board believes it is appropriate to add the cost of holdover float to check collection charges in general rather than attempt to allocate it back to specific depositors. Further, since holdover float primarily occurs as a result of Federal Reserve equipment breakdown and flutuation in volume, it is appropriate to consider holdover float as a cost of doing business and include it in the check collection charges. Reserve Banks will also be provided the incentive to monitor the cost impact of holdover float on unit fees and to make operational changes when such action will reduce float costs.

The changed deposit and presentment hours implemented by the Federal Reserve Banks on February 24, 1983, should not increase daily average holdover float because of several factors. First, the reconfigured ITS network has been operational since August 1982, and the network is expected to continue to operate in a reliable manner. Second, the Reserve Banks have estimated that the new program will have minimal impact on volume. Finally, in many cases premium prices will be charged for checks deposited at the later deadlines. These higher prices will act as an incentive for institutions to limit the number of checks deposited at the later deadlines. Reserve Banks have the flexibility to increase the premimum prices if the volume deposited during the later deadlines results in increased holdover float.

After review of the comments, the Board has determined to approve the following program to reduce and/or price interterritory check float and holdover float.

1. *Interterritory Check Float.*—a. All Reserve Banks will offer the same crediting options for interterritory check deposits. Further, each option will be made available by all Reserve Banks with the same effective date.

b. Mixed deposits and Other Fed deposits will be subject to the same interterritory crediting procedures applicable to consolidated and direct send deposits, with Reserve Banks having the same options for crediting as are available to depository institutions.

c. When consolidated and/or direct shipments arrive at the receiving Federal Reserve office after the published deposit deadline but in time for same-day processing, such shipments will continue to be processed in order of receipt.

d. Although actual availability is conceptually attractive to some depository institutions, as a practical matter, it is unlikely that many institutions would utilize it. Accordingly, this option will not be offered at this time but will be reconsidered at some future date.

e. Because fractional availability provides depository institutions with a predictable basis for determining the amount of credit they will receive when they make a deposit and because it provides an effective mechanism for depository institutions to pass float costs to depositors, all Reserve Banks will offer this option.

f. Because depository institutions are familiar with fixed availability schedules, all Reserve Banks will offer this option.

g. The comments did not indicate a clear consensus on the best method of paying for float. Therefore, all Reserve Banks will offer the following payment methods in connection with the crediting options:

—For depository institutions choosing the fractional availability option, payment could be made by deferring for an additional day a fraction of an institutions's credit.
—For depository institutions electing the fixed availability option, payment could be made through an "an of" adjustment to their reserve or clearing accounts to correct for float after it has occurred.
—Under either crediting option, depository institutions could chosse to pay for float by an explicit charge.
—Under either crediting option, depository institutions could pay for

float with credits earned on their required clearing balances.

h. Because of the amount of time needed by depository institutions and Reserve Banks to make changes to their systems, this program will be implemented July 1, 1983.

2. *Holdover Float.*—A significant amount of holdover float has been eliminated as a result of Reserve Bank operational improvements, and such improvements will continue to be emphasized in the future. In veiw of the operational changes arising from implementation of the check float program, holdover float pricing will be phased in as follows:

February 24—July 1, 1983—During this period, the cost of holdover float above 1 percent of the value of checks collected daily by the Federal Reserve Banks will be incorporated in the cost of check services to be recovered in 1983.

July 1—September 30, 1983—During this period, the cost of holdover float above ½ percent of the value of checks collected daily by the Federal Reserve Banks will be incorporated in the cost of check services to be recovered in 1983.

October 1, 1983—At this time cost of all holdover flat will be added to the cost of check services.

By order of the Board of Governors of the Federal Reserve System, March 8, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-6389 Filed 3-11-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-83-1215]

Privacy Act of 1974; Proposed Amendment to System of Records

AGENCY: Housing and Urban Development Department.

ACTION: Notice of proposed amendment to existing system of records.

SUMMARY: The Department is giving notice that it intends to amend the system name, location, routine uses and manager of a system of records.

EFFECTIVE DATE: The amendment shall become effective without further notice on April 13, 1983, unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer, telephone 202-755-5320. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The Department is making several amendments to the Delinquent/Default/Assigned (HUD/DEPT-32) system of records to accommodate HUD's new Temporary Mortgage Assistance Payments (TMAP) program. These amendments do not require the submission of a report of a new system since they are compatible with the purpose for which the system is maintained. The words "Temporary Mortgage Assistance Payments (TMAP) program" have been added to the system name. The words "Office of HUD TMAP contractor will maintain some records on TMAP cases" have been added to the system location. The words "to HUD TMAP contractor—for processing TMAP" have been added to the routine uses section of the notice. The word "loan" has been deleted from the systems manager section of the notice. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 47 FR 34322 (August 6, 1982). Appendix A, whlich lists the addresses of HUD's Offices was published at 47 FR 34331 (August 6, 1982). Previously, the system was published at 46 FR 54882 (November 4, 1981). The notice is being amended to read as follows:

HUD/DEPT-32

SYSTEM NAME:

Delinquent/Default/Assigned/ Temporary Mortgage Assistance Payments (TMAP) Program.

* * * * *

SYSTEM LOCATION:

Headquarters and field offices. For a complete listing of these offices, with addresses, see Appendix A. Office of HUD TMAP contractor will maintain some records on TMAP cases.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Routine Uses paragraphs in prefatory statement. Other routine uses: to FHA—for insurance investigations; to IRS and GAO—for investigations; to state banking agencies—to aid in processing mortgagor complaints; to state housing and redevelopment agencies—for follow-up servicing; to mortgagees—to check on the status of cases and referrals of complaints; to counseling agencies—for counseling; to Legal Aid—to assist mortgagors; to HUD TMAP contractor—for processing TMAP.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Director, Single Family Servicing Division, HSSL, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

* * * * *

(5 U.S.C. 552(a), 88 Stat. 1896; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Dated: March 8, 1983.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-6532 Filed 3-11-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Clarification of Period for Nominations of Areas of Critical Mineral Potential

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of clarification of period of nominations of areas of critical mineral potential.

SUMMARY: This notice will clarify questions raised by the public regarding the nomination period for Areas of Critical Mineral Potential set forth in the **Federal Register** notice of December 3, 1982 (47 FR 54557). In response to those requests, this notice clarifies the intention of the Department of the Interior that there should be no time limit for the submission of nominations for Areas of Critical Mineral Potential, however, those nominations that are received first will receive first consideration. Nominations received before June 30 of each year will be evaluated by the Bureau of Land Management during the following twelve months, with efforts to give the nominated areas priority by renegotiation on the withdrawal review schedules of other agencies. Also in response to requests, the Bureau is investigating ways of making available maps and overlays showing all withdrawn lands. Until such time as these maps are completed, the public is requested to contact the District or Resource Area office where the lands or interest are located for the most accurate information on the location of withdrawn lands and those closed by other means. Currently, planning unit maps or overlays, which are available in most District offices, show most lands

covered by a withdrawal or administrative closure.

DATE: Nominations for Areas of Critical Mineral Potential may be submitted at any time.

ADDRESS: Nominations of Areas of Critical Mineral Potential should be sent to: Director (580), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Susan Marcus (202) 343–3207.

James M. Parker,

Acting Director.

March 7, 1983.

[FR Doc. 83-6439 Filed 3-11-83; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 83–16]

Wyoming-Colorado; Savery Coal Preference Right Coal Lease Applications in the Divide Resource Area, Rawlins District, Wyoming; Notice of Availability of Final Environmental Impact Statement

AGENCY: Rawlins District Office, Rawlins, Wyoming.

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 notice is hereby given that the Bureau of Land Management (BLM), U.S. Department of the Interior, has prepared a final environmental impact statement for eight Preference Right Lease Applications (PRLAs) near Savery, Wyoming, and has made copies available for public review and comment.

The final EIS analyzes environmental impacts resulting from coal development of the PRLAs as proposed by the applicant. The EIS further analyzes the impacts if the PRLAs are not developed.

All comments were considered. Those which raised questions or issues concerning the effects of the alternatives, presented new information, or questioned the contents of the draft EIS were responded to in the final EIS.

DATES: The final EIS will be available on or before March 18, 1983. Written comments on the final EIS will be accepted until April 18, 1983. It is anticipated that a decision on appropriate stipulations and mitigation requirements will be made shortly after the conclusion of the comment period. These stipulations and mitigation requirements must then be considered by the preference right lease applicant in his final showing of commercial quantities of coal on the PRLAs. If the applicant demonstrates that commercial quantities of coal can be economically recovered from the PRLAs, he is entitled to a federal coal lease on the PRLAs.

ADDRESSES: Written comments on the final environmental impact statement should be sent to the District Manager, Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming 82301.

FOR FURTHER INFORMATION CONTACT: Gene Kolkman, Team Leader, Bureau of Land Management, Box 670, Rawlins, Wyoming 82301, telephone (307) 324–7171.

Jack Kelly,

Acting District Manager.

[FR Doc. 83-6438 Filed 3-11-83; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Trail Markers; Illinois et al.

AGENCY: National Park Service, Interior.

ACTION: Marking of designated national historic trail route and notice of intent to secure trademark registration of the trail marker symbol.

In the matter of; Illinois, Iowa, Nebraska, Wyoming, Utah; intent to utilize trail markers bearing a distinctive symbol to mark segments of the Mormon Pioneer National Historic Trail and intent thereby to establish use of the marker logo for purposes of securing trademark registration.

SUMMARY: This notice is to advise that the National Park Service will proceed to implement plans for the marking of the Mormon Pioneer National Historic Trail route established as a component of the National Trails System by Pub. L. 95–625, November 10, 1978. Implementation will establish official use of the specific trail marker symbol design (figure 1) for purposes of securing trademark registration of the design.

DATE: Action described will commence upon publication of this notice.

ADDRESS: Written comments should be sent to: Director, National Park Service, Attention: Chief, Office of Park Planning and Environmental Quality, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Jeff Chidlaw, Planner, Office of Park Planning and Environmental Quality (202) 272–3566.

SUPPLEMENTARY INFORMATION: Uniform marking of each national historic trail with an appropriate and distinctive symbol is required under provisions of Section 7(c) of the National Trails System Act, Pub. L. 90–543 as amended (82 Stat. 919; 16 U.S.C. 1241 et seq.). In order to prevent proliferation of the distinctive symbol, (figure 1) approved by the Mormon Pioneer National Historic Trail Advisory Council, and to assure against its use for other than the purpose of marking the historic trail route the National Park Service will proceed to secure trademark registration under 15 U.S.C. through specific use identifying to the public the designated trail route and the sevices provided by the Park Service in establishing and maintaining such routes for historical purposes.

(Figure 1)

Trail markers bearing the symbol will be erected at appropriate points where the Mormon Pioneer National Historic Trail route crosses lands administered by Federal agencies and will be maintained by each Federal agency in accordance with standards established by the Secretary of the Interior. Where the Mormon Pioneer National Historic Trail route crosses non-Federal lands written cooperative agreements will be entered into with State and local government agencies for lands under their administration and with private landowners for the erection and maintenance of trail markers to be provided by the Secretary.

Dated: March 8, 1983.

Russell E. Dickenson,

Director, National Park Service.

[FR Doc. 83-6408 Filed 3-11-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–244

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 37049 (Sub-1–1TA), filed March 3, 1983. Applicant: ARROW BUS COMPANY, INC., 88 main Street, Garfield, NJ 07026. Representative: Edward F. Bowes, Esq., P.O. Box Y, Roseland NJ 07068. *Common carrier:* regular routes: *Passengers* between Paterson, NJ and New York, NY serving all intermediate points from jct Market and Clark Sts. in Paterson, over Market Street to jct Lakeview Avenue, then over Lakeview to jct Crooks Avenue, then over Crooks Avenue to jct US Hwy 46, then over US Hwy 46 to jct Interstate Hwy 94 (New Jersey Turnpike) in Ridgefield Park, NJ, then over Interstate Hwy 94 to jct NJ Hwy 3 in Secaucus, NJ, then over NJ Hwy 3 to jct Interstate Hwy 495, then over Interstate Hwy 495 via the Lincoln Tunnel to New York, NY, and return over the same route. Supporting shippers(s): There are ten statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 149030 (Sub-1–4TA), filed March 3, 1983. Applicant: COUSINS LEASING CORPORATION, Arnold Drive, Huntington, NY 11743. Representative: George Carl Pezold, Esq., Augello, Pezold & Hirschmann, P.C., 120 Main Street, Huntington, NY 11743. *Contract carrier:* irregular routes: *(1) Such commodities as are dealt in or used by manufacturers and distributors of paper and paper products; (2) Such commodities as are dealt in or used by manufacturers and distributors of plastic and plastic products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Lindenmeyr Paper Corp. of Long Island City, NY. Supporting shipper: Lindenmeyr Paper Corp., 501 Eleventh Street, Long Island City, NY 11101.

MC 139630 (Sub-1–1TA), filed March 1, 1983. Applicant: EVERGREEN EQUIPMENT CORP., Route 94, P.O. Box 488, Blairstown, NJ 07825. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. *Common carrier:* regular routes: *Passengers* between Blairstown, NJ and the port of New York Authority Terminal, New York, NY, serving all intermediate points between Blairstown and Stanhope, NJ, including Stanhope: From jct Cashart St. and NJ Hwy 94 in Blairstown, NJ, then over NJ Hwy 94 to jct US Hwy 206, then over US Hwy 206 to jct Interstate Hwy 80, then over Interstate Hwy 80 to jct US Hwy 46, then over US Hwy 46 to jct NJ Hwy 3 (Clifton, NJ), then over NJ Hwy 3 to the Lincoln Tunnel approach, then through the Lincoln tunnel to the Port of NY Authority Terminal, and return over the same route. Supporting shipper(s): There are 57 statements in support of this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 166495 (Sub-1–1TA), filed March 1, 1983. Applicant: MARTIN'S DELIVERY SERVICE INC., 215 Wayne Drive, Cinnaminson, NJ 08077. Representative: Joseph W. Zampino, Esq., 5509 Westfield Avenue, Pennsauken, NJ 08110. *Common carrier:* irregular route: *Xerox parts and supply products* from the facilities of Martin's Delivery Service, Inc., located at Pennsauken, NJ. to points in Alexandria and Springfield, VA, Blauvelt, NY, Des Plaines, IL, Harrisburg, PA, Webster, NJ, and Rochester, NY. Supporting shipper: Xerox Corporation, 7101 Westfield Ave., Pennsauken, NJ 08110.

MC 156800 (Sub-1–8TA), filed March 1, 1983. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Raymond Talikski, 121 S. Main Street, Taylor, PA 18517. *General commodities (except Classes A and B explosives, bulk commodities, and household goods),* between New Haven County, CT, on the one hand, and, on the other, points in the U.S. (except HI). Supporting shipper: Connecticut Shipper's Association, Washington Avenue, North Haven, CT 07450.

MC 166550 (Sub-1–1TA), filed March 3, 1983. Applicant: WARRIOR SERVICES, INC., 114 Walnut Street, Box 54, Metuchen, NJ 08840. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *General commodities, except household goods, commodities in bulk, and Class A and B explosives* between points in CT, DE, DC, MN, MA, NH, NJ, NY, PA, RI, and VA. Supporting shipper(s): There are eight statements of support with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

This was first published in the **Federal Register** dated January 7, 1983.

MC 2796 (Sub-II–2TA), filed January 18, 1983. Applicant: FULLINGTON AUTO BUS COMPANY, 316 Cherry St., Clearfield, PA 16830. Representative: Christian V. Graf, 407 N. Front St. Harrisburg, PA 17101. Common, regular: *Passengers and their baggage* between DuBois, PA and Cleveland, OH, over the following route: U.S. Hwy 219 to its intersection with U.S. 119; then over U.S. 119 to its intersection with U.S. 322; then over U.S. 322 to its intersection with PA 257 at or near Cranberry; then over PA 257 to Oil City; then over U.S. 62 to Youngstown, OH; then via U.S. 422 to Cleveland, OH and return over the same route in the reverse direction; and over a deviation route beginning at the intersection of U.S. 322 and PA 208; then over PA 208 through Fryburg to its intersection with PA 157, then over PA 157 to its intersection with U.S. 62; then over U.S. 62 to Oil City. Applicant will tack this authority with its existing authority in MC–2796, SUB 8 and

pending SUB 12. It proposes to interline at Williamsport and State College, PA and Cleveland, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are five supporting statements attached to this application which may be examined at the Phila. Regional office. The purpose of this republication is to show the applicant will tack and interline which was omitted in the previous publication.

MC 166122 (Sub-II–1TA), filed February 23, 1983. Applicant: DELUXE TRAVEL INC., P.O. Box 411, Gambrills, MD 21054. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740. *Passengers and their baggage* between MD and Atlantic City, NJ for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Fort George G. Meade Chapter, Ducks Unlimited, Fort Meade, MD 20755.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 152937 (Sub-II–1TA), filed February 23, 1983. Applicant: MERRICK & SONS MOVERS, INC., 5820 Webster Street, Dayton, OH 45414. Representative: Floyd D. Merrick (same as applicant). *Contract Irregular: Household goods* for the account of the US Government incidental to the performance of package and create services on behalf of the Department of Defense between the Wright Patterson Air Force Base, Montgomery County, OH, on the one hand, and points in Montgomery, Greene, Clark and Miami Counties, OH, on the other, having a prior or subsequent movement by air in interstate commerce for 270 days. An underlying eta seeks 120 days authority. Supporting shipper(s) United States Government, Wright Patterson Air Force Base, Dayton, OH.

MC 107012 (Sub-II–269TA), filed February 22, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities* (except classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Anheuser-Busch Companies, Inc., St. Louis, Missouri, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Anheuser-Busch Companies, Inc., One Busch Place, St. Louis, MO 63118.

MC 107012 (Sub-II–270TA), filed February 23, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Honeywell Information Systems, Inc., of Brighton, MA, for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Honeywell Information Systems, Inc., 40 Guest Street, Brighton, MA 02135.

MC 166378 (Sub-II–1TA), filed February 23, 1983. Applicant: YARNELL P. WASTLER & SONS INC., Franklin & Bernard Streets, Frederick, MD 21701. Representative: Edward N. Button, 635 Oak Hill Avenue, Hagerstown, MD 21740. *Motor Vehicles,* between Frederick, MD on the one hand, and , on the other points in PA, VA, DC, WV, DE, NJ, NY and OH for 270 days. Supporting shippers: General Cable Company, 5220 Minola Road, Lithonia, GA 30058; Masterack Division-Leggett & Platt, Inc., P.O. Box 100055, Atlanta, GA 30348.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 123880 (Sub-3–3TA), filed February 28, 1983. Applicant: BROWN GOBBLE, d.b.a. GOBBLE TRUCKING COMPANY, 706 High Street, Lawrenceburg, TN 38464. Representative: Brown Gobble, 706 High Street, Lawrenceburg, TN 38464. *Fertilizer, fertilizer materials and agricultural chemicals* between points in AL, AR, FL, GA, IN, KS, KY, LA, MO, MS, OH and TN. Supporting shippers: There are seven statements in support of this application whose statements may be examined at the I.C.C. Regional Office, Atlanta, GA.

MC 166549 (Sub-3–1TA), filed March 4, 1983. Applicant: DONALD LARRY WEST, d.b.a. LARRY WEST TRUCKING, Route 4, Moultrie, GA 31768. Representative: James C. Brim, Jr., Attorney at Law, P.O. Box 304, Camilla, GA 31730. *Contract:* Irregular: *Fertilizer and fertilizer materials and ingredients in bulk and in bags and liquid nitrogen, sulfur and other liquid fertilizer materials and ingredients* under contract(s) with Pelham Phosphate Company and Agri-Business Supply, Inc. between points in the states of AL, FL, GA, MS, NC, SC, TN and VA. Supporting shippers: Pelham Phosphate Company, P.O. Box 468, Pelham, GA 31779 and Agri-Business Supply, Inc., 1102 3rd Avenue, Albany, GA 37707.

MC 164114 (Sub-3–2TA), filed March 4, 1983. Applicant: NORTH FLORIDA TRANSPORT SERVICE, Route 1, Box 505, Summerfield, FL 32691. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives and household goods),* between points in the United States (except AK and HI), under continuing contract(s) with Citro-Mexico, Montemorelos, Neuvo Leon, Mexico, and Borden, Inc., Sulphur Springs, TX. Supporting shippers: Citro-Mexico, Apartado Postal 41, Montemorelos, Neuvo Leon, Mexico and Borden, Inc., 500 North Jackson Street, Sulphur Springs, TX 75482.

MC 682 (Sub-3–8TA), filed March 4, 1983. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Boulevard, Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Avenue, NW., Suite 1112, Washington, DC 20036–5391. *Contract,* irregular *household goods,* between points in the United States, under continuing contract(s) with Eads Moving Brokers, of Santa Ana, CA. Supporting shipper: Eads Moving Brokers, 2730 South Harbor Blvd., Suite J, Santa Ana, CA 92704.

MC 166588 (Sub-3–1 TA), filed March 4, 1983. Applicant: ELLIS TRUCKING, Route #3, Bryant Store, Ky 40921. Representative: Ellis Gregory (same address as applicant). *Contract carrier:* irregular routes: *Coal* from points in Knox, Whitley, Laurel and Bell Counties, Ky, to points in TN and OH. Supporting Shipper: Kentucky Blue Coal Company, Incorporated, P.O. Box 750, Corbin, Ky 40701.

MC 142181 (Sub-3–9 TA), filed March 4, 1983. Applicant: COBLE EXPRESS, INC., P.O. Box 1104, 214 Hermitage Avenue, Nashville, TN 37202. Representative: Robert L. Baker, Sixth Floor, U.S. Bank Building, Nashville, TN 37219 (615) 244–6100. *Contract:* Irregular: *General commodities (except classes A & B explosives, household goods and commodities in bulk)* between points in the U.S. (except AK & HI), under a continuing contract(s) with Peyton's Northern Distribution, Inc. of Bluffton, Indiana. Supporting shipper: Peyton's Northern Distribution, Inc., Corning Rd. and Hwy. 100 E, Bluffton, IN 47614.

MC 166219 (Sub-3–1 TA), filed March 4, 1983. Applicant: HICKS PRODUCE CO., Rt. 5, Box 409, Boone, N.C. 28607. Representative: Walter Mack Hicks (same as above). *New empty yougurt cups & lids,* from facilities of International Paper Co. of Caldwell County, N.C. to points in TX, FL & CA. Supporting shipper: International Paper Co., 2001 International Blvd., Hudson, N.C. 28638.

MC 165399 (Sub-3–2 TA), filed March 4, 1983. Applicant: L.S. TRUCKING, INC., 9003 Tara Boulevard, Jonesboro, GA 30236. Representative: Philip L. Martin, 2220 Parklake Dr., NE, Suite 115, Atlanta, GA 30345. *Contract:* Irregular: *Clay, concrete, glass or stone products* between points in the US under continuing contract with Armstrong Glass Company, Inc. Supporting Shipper: Armstrong Glass Company, Inc., 1320 Ellsworth Industrial Way, Atlanta, GA 30318.

MC 166309 (Sub-3–1 TA), filed March 4, 1983. Applicant: WATSON POLE CO., INC., P.O. Box 163, Georgiana, AL 36033. Representative: Lynn Harold Watson (same address as applicant). *Forest products, lumber and wood products, pulp, paper and related products, and building materials between points in,* AL, FL, GA, IN, KY, MS, MO, NC, OH, SC, TN, AR, LA and TX, under continuing contract(s) with Container Corporation of America. Supporting shipper(s): Container Corporation of America, Star Route, Box 41, Minter, AL 36761.

MC 2900 (Sub-3–39TA), filed March 4, 1983. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as above). *Contract carrier:* irregular: *General Commodities (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Rohm & Haas Company. Supporting shipper: Rohm & Haas Company, Independence Mall West, Philadelphia, PA 19105.

MC 152950 (Sub-3–7TA), filed March 4, 1983. Applicant: CENTURY TRANSPORTATION CORPORATION, Post Office Box 207, Columbus, MS 39703–0207. Representative: Lloyd R. Pate (same as applicant). *Contract Carrier;* Irregular Route; *General Commodities (except Classes A & B Explosives; Household Goods; and Commodities in Bulk)* between MS on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with: Dacus, Inc., Tupelo, MS, Supporting shipper.

MC 166037 (Sub-3–1TA), filed February 28, 1983. Applicant: TOMAHAWK TRUCKING, INC., Route 1, Box 135, Harrells, NC 28444. Representative: Walter Jernigan (same as above). *Contract carrier;* irregular routes; *Textile mill commodities and finished textile products;* between Lumberton, NC, on the one hand, and, on the other, points in NJ, NY and CT, under continuing contract(s) with Maurice Silvera, Inc. Supporting shipper: Maurice Silvera, Inc., P.O. Box 312, Lumberton, NC 28358.

MC 164097 (Sub-3–2TA), filed February 28, 1983. Applicant: GREENVILLE SOUTH TOURS, INC., 111 North Main Street, Greenville, SC 29602. Representative: Archibald W. Black, 109 East North Street, Greenville, SC 29602. *Passengers and their baggage in charter and special operations* beginning and ending at points in Anderson, Greenville, and Spartanburg Counties in SC and extending to points in FL, GA, NC and TN. Supporting shipper(s): Hyatt Regency, 220 North Main St., Greenville, SC 29602 and Greenville Chamber of Commerce, P.O. Box 10048, Greenville, SC 29603.

MC 2934 (Sub-3–67TA), filed March 1, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same as above). *Contract:* Irregular; *Household goods,* between points within the U.S. (excluding AK and HI), under continuing contracts with Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201. Supporting shipper: Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53201.

MC 162239 (Sub-3–1TA), filed March 2, 1983. Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston-Salem, NC 27103. Representative: Steven J. Kalish, 1750 Pennsylvania Ave., N.W., Washington, DC 20006. *Contract* carrier: irregular: *clothing or related products and materials used in the manufacture, distribution, and sale of clothing or related products,* under continuing contract(s) with L'eggs Products, a division of Consolidated Foods Corp. between points in the U.S. Supporting shipper L'eggs Products Division of Consolidated Foods, P.O. Box 2495, Winston-Salem, NC 27102.

MC 166512 (Sub-3–1TA), filed March 2, 1983. Applicant: THE SUN TRANSPORTATION SYSTEM INC., 1401 East Eight Street, Jacksonville, FL 32206. Representative: John W. Hill (same as applicant). *Cigars & other related Tobacco products* from Dothan, AL & Jacksonville, FL to points in CA & TX. Supporting shipper: JNO. H. Swisher, & Son, Inc., 459 East 16th Street, P.O. Box 2230, Jacksonville, FL 32203.

MC 166271 (Sub-3–1TA), filed March 2, 1983. Applicant: OSCAR B. RIGSBY, 3810 Lightfoot Mill Road, Chattanooga, TN 37406. Representative: Roland M. Lowell, 5th Floor, 501 Union Street, Nashville, Tennessee 37219. *Sand, gravel, rock, fill dirt, barrow pit materials, crushed stone, debris, rip and rap, and asphalt hot mix* between points in GA and points in TN. Supporting shipper(s): The Pinkerton & Laws Co., 825 Douglas Road, NE, Atlanta, GA 30342; Brown Construction Company, P.O. Box 9282, Chattanooga, TN 37412; McDaniel and Son Construction Co., 3929 Chicamauga Avenue, Chattanooga, TN 37406. Brown Bros. Construction Co., 2026 Polymer Drive, Chattanooga, TN 37421.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 79658 (Sub-5–9TA), filed February 2, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. *Household goods* between points in the U.S. (excluding AK and HI) under continuing contract(s) with Monsanto Co., St. Louis, MO.

MC 128075 (Sub-5–8TA), filed February 22, 1983. Applicant: JOHNSRUD TRANSPORT, INC., 5301 Northeast 17th Street, Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. *Liquid calcium chloride, in bulk,* between points in the U.S., (except AK and HI) under contract with sicalco, Ltd. Supporting shipper: Sicalco, Ltd., Oak Brook, IL.

MC 136385 (Sub-5–2 TA), filed February 22, 1983. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center Des Moines, IA 50309. *Food products* between Tama County, IA on the one hand and, on the other, points in ME, VT, NH, MA, CT, RI, NY, PA, NJ, DE, MD, DC, WV, VA, OH, IN, IL, MO, KS, NE, MN, WI and MI. Supporting shipper: Tama Packing Co., Tama, IA.

MC 136646 (Sub-5–2 TA), filed February 23, 1983. Applicant: LEMARS TRANSPORT, INC., P.O. Box 353, Lemars, IA 51031. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Alcohol,* in bulk, from Peoria, IL to Bettendorf, IA. Supporting shipper: Archer-Daniels-Midland Company, Parkway, Decatur, IL.

MC 147085 (Sub-5–1 TA), filed February 23, 1983. Applicant: SIMON FEED STORE INC., P.O. Box 8, Farley, IA 52046. Representative: Carl E. Munson, P.O. 796, Dubuque, IA 52001. (1) *Metal products,* from Chicago, IL, Twin

Cities, MN, Norfolk and Waverly, NE, and Milwaukee, WI, to points in Delaware and Dubuque Counties, IA; and (2) *Metal buildings and accessories*, From points in Delaware and Dubuque Countries, IA, to points in FL, IL, IN, MI, MN, MO, NE, OH, SD and WI. Supporting shipper: Eastern Iowa Pork, Manchester, IA.

MC 162799 (Sub-5–1 TA), filed February 22, 1983. Applicant: Missouri Commercial Transportation Co., 1948 Northwest Bypass, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804. *Portland cement, fly ash, and sand* between points in Linn and Montgomery Counties, KS and Rogers County, OK on the one hand and points in Christian, Dallas, Greene, Laclede, Lawrance, Polk, Stone, Taney, Webster and Wright Counties, MO on the other hand. Supporting shippers: Rose-Con Pipe of Springfield, Inc., Springfield, MO; Springfield Ready Mix Company, Main, Springfield, MO; Rost Ready Mix and Supply, Marshfield, MO; Table Rock Asphalt Construction, Inc., Branson, MO.

MC 165773 (Sub-5–2TA), filed February 23, 1983. Applicant: Genesis Transportation Co., Inc., 2900 Kage Road, Cape Girardeau, MO 63701. Representative: Kermit J. Meystedt, P.O. Box 291, Cape Girardeau, MO 63701. *Charcoal and Charcoal related products* between Ellsinore, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Rozark Farms, Inc., Ellsinore, MO 63937.

MC 166149 (Sub-5–1TA), filed February 23, 1983. Applicant: WORTH INDUSTRIAL EQUIPMENT, INC., 206 East Mill, Butler, Missouri 64730. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, Missouri 64141. *(1) Hides and (2) Paint and Related Products and Containers*, (1) From Butler, MO, to Vernon, CA, and (2) Between points in CA, CO, IL, KS, KY, MN, MO, OK, TN, TX, WI and WY. Supporting shippers Pratt & Lambert, Inc., Andover, KS; and Cox Hide Company, Butler, MO.

MC 166352 (Sub-5–1TA), filed February 22, 1983. Applicant: ROBERT BATEMAN (an individual), Route 2, Box 127, Marionville, MO 65705. Representative: Robert Bateman (same as applicant). Transporting (1) *fertilizer in bulk in dump vehicles* from barge sites located in Muskogee and Tulsa, OK to points in Benton, Boone and Carroll Counties, AR and to points in Barton, Berry, Cedar, Christain, Dade, Dallas, Green, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, Webster Counties, MO; and from Green and Lawrence Counties, MO to points in Benton, Boone, and Carroll Counties, AR. (2) *agricultural lime and limestone in bulk in dump vehicles* from Christain and Green Counties, MO to points in Mayes, Muskogee, Rogers, Tulsa, and Wagoner Counties, OK. (3) *sand in bulk in dump vehicles* from Wagoner County, OK to points in Barton, Berry, Cedar, Christain, Dade, Dallas, Green, Jasper, Lawrence, McDonald, Newton, Polk, St. Clair, Stone, Taney, Vernon, and Webster, Counties, MO. Supporting shipper Clever Stone Co., Clever, MO; MFA Plant Foods, Springfield, MO; Coweta Sand and Gravel Co., Coweta, OK.

MC 166353 (Sub-5–1TA), filed February 22, 1983. Applicant: KEN–GO SERVICES, INC., Rt. 2, Parish Road 3–5, Abbeville, LA 70510. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C–1, Baton Rouge, LA 70806–7782. (1) *Mercer Commodities;* (2) *All liquids pertaining to drilling, bringing in, cleaning out and working over of oil and gas wells and waste materials produced by industrial and oil well operations, including, but not limited to, salt and fresh water, and drilling muds (new and used), between all points in the states of AL, AR, CA, CO, FL, GA, KS, LA, MS, NC, NJ, NM, OK, RI, SC, TN, TX, UT, VA, and WY. Supporting shippers: Ethyl Corporation, Baton Rouge, LA; NL Baroid, Lafayette, LA; Superior Oil Co. Corp., Lafayette, LA; Oilfield Services Corp. of America, Lafayette, LA.*

MC 166354 (Sub-5–1TA), filed February 22, 1983. Applicant: JEFFCO LEASING CO., INC., 4809 Oxford Dr., Imperial, MO 63052. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. (1) *beer, wine and alcoholic beverages* between St. Louis, MO, on the one hand, and, on the other, points in IL, KY, MN, NC and OH; and (2) *food and foodstuffs* between St. Louis, MO, on the one hand, and, on the other, points in AR, IL, KS, KY, MI, MN, NE, OH, TN and WI. Supporting shippers: in (1) David Sherman Corp., St. Louis, MO; Paramount Liquor Co., St., Louis, MO; and in (2) Halben Food Manfuacturing Co., Inc., St. Louis, MO and Int'l Distributing Corp., St. Louis, MO.

MC 166368 (Sub-5–1TA), filed February 23, 1983. Applicant: BROWN CHEMICAL CO., INC., Box 427, Imperial, NE 69033. Representative: Lavern R. Holdeman, 1610 South 70th, Suite 200, Lincoln, NE 68506. *Fertilizers and fertilizer ingredients* from the facilities of Terra Chemicals International, Inc., d.b.a. Bison Nitrogen Products, at or near Woodward, OK, to Chase County, NE.

MC 79658 (Sub-5–10TA), filed February 28, 1983. Applicant: ATLAS VAN LINES, INC., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. Contract, irregular; *houshold goods* between points in the U.S. (excluding AK and HI) under continuing contract(s) with Combined International Corporation.

MC 163943 (Sub-5–2TA), filed February 28, 1983. Applicant: T.J.M.A.C., INC., 11661 Dennis Road, No. 1126, Dallas, TX 75229. Representative: Doris Hughes, 546 Blueberry, Dallas, TX 75217. Contract; Irregular. *New and Used Automobiles in Truck Away service*, between all points in AZ, AR, CA, CO, FL, IL, IN, KS, KY, LA, MS, MO, NE, NV, NM, OK, MI, MN, NC, TN, TX, UT, WY, OH. Supporting shippers: 9.

MC 164774 (Sub-5–2TA), filed February 28, 1983. Applicant: PIN-BRO, INC., 13627 Crystal Brook, Norman, OK 73071. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Pumping equipment and parts and accessories thereto*, between the facilities of Hercules Energy Corporation at or near Oklahoma City, OK on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Hercules Energy Corporation, Oklahoma City, OK.

MC 166017 (Sub-5–1TA), filed February 28, 1983. Applicant: O & A TRANSPORTATION, INC., 3801 Trailmobile, Houston, TX 77229. Representative: Paul S. Broussard, 501 Crawford, Suite 401, Houston, TX 77002. *General Commodites, (ex Class A & B explosives and HHG's) restricted to shipments having prior or subsequent movement by water or rail*, between points in Galveston and Harris Counties, TX, on the one hand, and on the other, points in LA and TX. Supporting shipper(s): 5.

MC 166389 (Sub-5–2TA), filed February 28, 1983. Applicant: R & R FERTILIZER, INC., R.R. #1, Box 180, St. Anegar, IA 50472. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Liquid fertilizer and anhydrous ammonia, in bulk.* (1) From the facilities of or utilized by W. R. Grace & Co. at Webster City, Garner and Clinton, IA to all points in MN; and (2)(a) From Garner, Mason City, Jackson Junction and Dubuque, IA to points in MN and WI; and (2)(b) From LaCrosse, WI to points in IA and MN; and (2)(c) From Alden, Winona, Pine Bend and Minneapolis, MN to points in IA and

WI. Supporting shipper(s): W.R. Grace & Co., New Albany, IN; Kaiser Agricultural Chemicals, Des Moines, IA.

MC 166426 (Sub-5–1TA), filed February 28, 1983. Applicant: SYDCO, INC., 2709 Center, Dodge City, KS 67801. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Meat and meat products,* between the facilities of HyPlains Dressed Beef at or near Dodge City, KS, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper(s): HyPlains Dressed Beef, Dodge City, KS.

MC 166446 (Sub-5–1TA), filed February 28, 1983. Applicant: RICHARD E. DORAN, d.b.a. DORAN TRUCKING, P.O. Box 70, Harlan, Iowa 51537. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Machinery and parts,* between Harlan, IA and Minneapolis, MN (and points in their respective commercial zones). Supporting shipper: Harlan Manufacturing Company, Inc., Harlan, IA.

MC 166447 (Sub-5–1TA), filed February 28, 1983. Applicant: KENNETH E. KIEFER, Box 254, Kanawha, IA 50447. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Livestock trailers and horse trailers, in truckaway service,* between Hancock County, IA, on the one hand, and, on the other, points in IA, IL, IN, KS, MO, MT, NE, ND, OK, SD, WI, and WY. Supporting shipper: Keifer Built, Inc., Kanawha, IA.

MC 166448 (Sub-5–1TA), filed February 28, 1983. Applicant: GERALD SUMMERS TRUCKING, INC., P.O. Box 276, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. *Food and Related Products*—Between Crawford County, AR, on the one hand, and, on the other, points in the U.S. (except HI and AK). Supporting shipper: Bryant Preserving Company, Inc., Alma, AR.

MC 79658 (Sub-5–11TA), filed March 3, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, Indiana 47711. Representatives: Robert C. Mills, Michael L. Harvey, 1212 St. George Road, Evansville, Indiana 47711. contract, irr.; *computer systems and supplies,* new or used, and *equipment* used in manufacturing, sale or distribution of computers; *household goods; office furniture and fixtures; general commodities; excluding class A & B explosives, radioactive materials, etiologic agents, weapons and ammunition; displays and exhibits;* and, *other items, which, because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods* under continuing contract(s) with Comdisco Inc., Rosemont, IL, between points in the U.S. (except AK and HI).

MC 149168 (Sub-5–5TA), filed March 4, 1983. Applicant: INTERCOASTAL CONTAINER SERVICE CORP., P.O. Box 1770, Orange, TX 77630. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706. *General Commodities, including bulk liquid and dry bulk shipments only when moving in ocean containers (Except Classes A & B Explosives and Household Goods)* between the Commercial Zone of Houston, TX, on the one hand, and on the other, the Commercial Zones of Dallas, TX and San Antonio, TX. Restricted to shipments having a prior or subsequent movement via water or rail. Supporting shippers: Strachan Shipping Co., Houston, TX and Panalpina Air Freight, Inc., Houston, TX.

MC 151996 (Sub-5–5TA), filed March 3, 1983. Applicant: M & S TRANSPORTATION, INC., Route 1, Box 88C, North Little Rock, AR 72117. Representatives: James M. Duckett, 221 W. Second, Suite 411, Little Rock, AR 72201. *(1) Malt beverages and related advertising materials, and (2) Empty beverage containers and materials and supplies used in and dealt with by breweries,* between the facilities of Adolph Coors Company, in Jefferson County, CO, on the one hand, and, on the other, points in NC, SC, FL, GA, AL, VA and DC. Supporting shipper: Adolph Coors Company, Golden, CO.

MC 154463 (Sub-5–2TA), filed March 2, 1983. Applicant: CARPET CARRIERS, INC., d.b.a. VIKING FREIGHT SERVICE, 9144 King Arthur Dr., Dallas, TX 75247. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375. *Textile mill products* between points in CA, on the one hand, and, on the other, points in CO, GA and IL; and (2) points in GA, on the one hand, and, on the other, points in CO and IL. Supporting shippers: Tuftex Carpet Mills, Sante Fe Springs, CA, Custom Weave Carpet, Inc., W. Minster, CA, and Grass More, Inc., Chatsworth, GA.

MC 155425 (Sub-5–2TA), filed March 2, 1983. Applicant: SECURITY INTERNATIONAL INC., 4622 So. 88th Street, Omaha, NE 68127. Representatives: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Cancelled checks; electronic data processing tapes, cards, and printouts; documents and business records used in the operation of banks, banking institutions, and computer centers; and coins, currency and negotiable securities,* between Omaha, NE (and points in its commercial zone) on the one hand, and, on the other, points (including their commercial zones) in Iowa, on and west of I–35 (including I–235). Supporting shippers: 1. First National Bank of Omaha, Omaha, NE. 2. United States National Bank, Omaha, NE. 3. Omaha National Bank, Omaha, NE.

MC 160801 (Sub-5–2TA), filed March 3, 1983. Applicant: DONALD J. McCLEARY, 733 E. McKinney, Neosho, MO 64850. Representative: Donald J. McCleary (same address as applicant). *Motorcycles and motorcycle parts,* from Omaha, NE to points in AR, KS, MO, OK and TX. Supporting shipper: Ford's Storage & Moving Co. (American Honda Motor Co.), Omaha, NE.

MC 163128 (Sub-5–3TA), filed March 3, 1983. Applicant: BMC TRANSPORTATION COMPANY, P.O. Box 569, Columbus, NE 68601. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Building materials, metal products,* and *lumber* and *wood products,* between the facilities of Diamond Building Systems at or near Glenwood, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Randy Schlief Construction, Inc., Glenwood, MN.

MC 166191 (Sub-5–1TA), filed March 2, 1983. Applicant: COLGROVE CONTRACTORS, INC., Box 131, Odell, NE 68415. Representative: Allen W. Colgrove (same as above). *Rubber, plastic and metal products; machinery consisting of over-sized mixers or blenders used in agricultural production, requiring special equipment; and transportation equipment consisting of fork-lift attachments used in lieu of forks* between points in Gage, Jefferson and Pawnee Counties in NE and Marshall County, KS and points in the U.S. except AK and HI. Supporting shipper: Hoover Universal, Beatrice, NE.

MC 166301 (Sub-5–1TA), filed March 2, 1983. Applicant: LARRY THORNTON, d.b.a. CAVANAL EXPRESS COMPANY, Rt. 1, Box 153, Shady Point, OK 74956. Representative: Royce G. Caskey, P.O. Box 15681, Tulsa, OK 74158. *General Commodities (except HHG's, bulk commodities, and Classes A & B explosives).* Restricted to shipments weighing no more than 2,000 pounds between points in Le Flore, Latimer, Haskell, Sequoyah, Muskogee, Wagoner, Tulsa, Pittsburg, McIntosh, and Okmulgee Counties, OK and Sebastian, Crawford, Washington, Benton, Franklin, Logan, Johnson, Yell and Pope Counties, AR. Supporting shipper(s): 12.

Note.—Applicant intends to interline.

MC 166545 (Sub-5–1TA), filed March 3, 1983. Applicant: BULK CARRIERS, LTD., R.R. #3, Lime Springs, IA 52155. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Meat, meat products and by-products,* from the facilities of Tama Meat Packing Corporation at Tama, IA to points in IL, IN, MI, MN, MO, NE, NY, OH, PA and WI. Supporting shipper: Tama Meat Packing Corporation, Tama, IA.

MC 166504 (Sub-5–1TA), Filed March 4, 1983. Applicant: WARREN W. CRISP, Route 2, Box 129, Marvell, AR 72366. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Agricultural chemicals and fertilizers* from Cherokee, AL; Yazoo City and Friars Point, MS; Memphis, TN; and Caruthersville, MO, to facilities of USS Agri Chemical located at or near Marvell, AR, and Wheatley, AR. Supporting shipper: USS Agri Chemical, P.O. Box 867, Marvell, AR 72366.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 147952 (Sub-6–1TA), Filed February 25, 1983. Applicant: ASSEMBLY & DISTRIBUTION TERMINALS OF WASHINGTON d.b.a. A & D TERMINALS, 801 1st Ave. S., Seattle, WA 98134. Representative: Bruce C. Meyer, 801 1st Ave. S., Seattle, WA 98134. *Contract;* irregular, *general commodities* (excluding class A and B explosives and household goods) between points in the U.S. for 270 days. Supporting shippers: There are 5 shippers. Their statements may be examined in the office listed.

MC 166416 (Sub-6–1TA), Filed February 25, 1983. Applicant: ARMEN JOHN ABRAHAMIAN d.b.a. ABRAHAMIAN TRUCKING, P.O. Box 747, Oak View, CA 93022. Representative: Same as applicant. *Contract Carrier,* irregular routes: *Oilwell drilling tools and equipment; oilwell servicing equipment and products; metal products; meachinery; and commodities requiring special handling or equipment because of size or weight,* between points in the U.S. for 270 days. Supporting shipper: Teleco Oilfield Services of California, Inc. 3605 "F" Arundell Circle, Ventura, CA 93003.

MC 153215 (Sub-6–3TA), Filed February 23, 1983. Applicant: DON'S MOTOR EXPRESS, INC., 1168 168th St., R.R. #7, White Rock, B.C., Canada V4B 5A8. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. *Lumber and Wood Products,* between ports of entry on the international boundary line between the U.S. and Canada located in WA, on the one hand, and, on the other, points in WA, CA, AZ and NV under continuing contract(s) with Anglo-American Cedar Products, Ltd., Mission, B.C., Canada for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Anglo-American Cedar Products, Ltd., 33286 S. Railway Ave., Mission, B.C., Canada V2V 4M8.

MC 119555 (Sub-6–3TA), filed February 25, 1983. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O.B. 3500, Calgary, Alberta, CN T2P 2P9. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59401. *Residual Fuel Oil,* between ports of entry on the U.S.-Canada International boundary line located in MN on the one hand, and, on the other, points in MI, for 270 days. Supporting Shipper: Wisconsin Industrial Fuels, Inc., 9325 N. 107 St., Milwaukee, WI 53224.

MC 166417 (Sub-6–1TA), filed February 24, 1983. Applicant: PAC-TEN, INC., Slover Ave., Fontana, CA 92335. Representative: Frederick J. Coffman, P.O.B. 1455, Upland, CA 91786. *Contract carrier,* irregular routes, *General commodities,* (except classes A & B explosives, used household goods and hazardous waste materials), between points in CA, OK, TX, NM, AZ, NV, CO, OR, WA and UT under continuing contract or contracts with Nutro Products and Haley Brothers, Inc. for 270 days. Supporting Shippers: Haley Brothers, Inc., 6291 Orangethorpe, Buena Park, CA and Nutro Products, 445 Wilson Way, City of Industry, CA.

MC 148005 (Sub-6–1TA), filed February 23, 1983. Applicant: SAN'S TRUCKING, INC., P.O.B. 1004, Chico, CA 95927. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* irregular routes. *Furniture and Fixtures* from Gardner, MA to Berkseley, Concord, Fremont, Fresno, Hayward, Livermore, Lodi Modesto, Mountain View, Oakland, Sacramento, Salinas, San Bruno, San Francisco, San Jose, San Leandro, San Mateo, San Rafael, Santa Rosa, Stockton and Vallejo, CA, and their Commercial Zones under continuing contract(s) with S. Bent & Bros., Inc., Gardner, MA, for 270 days. *Supporting Shipper: S. Bent & Bros., Inc., 85 Winter St., Gardner, MA 01440.*

MC 147519 (Sub-6–1TA), filed February 25, 1983. Applicant: WILLIAM O. SAXTON, d.b.a. W.O. SAXTON TRUCKING, 6632 East Parlier, Fowler, CA 93625. Representative: Edward L. Fanucchi, 2409 Merced St., Suite 3, Fresno, CA 93721. *Contract Carrier,* Irregular route: *fiberglass insulation* between points in Cos., of Madera and Fresno, CA, and points in AZ and points in NV, for the account of Certainteed Corp., for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Certainteed Corp., 17775 Ave., 23½ Chowchilla, CA 93610.

MC 166418 (Sub-6–1TA), filed February 24, 1983. Applicant: SCOTT TRUCKING, INC., Rt. 2 Box 4440, Nyssa, OR 97913. Representative: Ruth L. Scott, 40240 Linnhaven Loop, Lebanon, OR 97355. (1) *Drill machines and related materials, equipment and supplies* between points in IO, OR, WA, CA, MT, and WY and (2) *Lumber and lumber mill products,* between points in OR, WA, ID, CA, AZ, and NV, for 270 days. *Supporting Shippers: Western Drill Sales, P.O. Box 606, Albany, OR 97321; Workmans Forest Products, Inc., P.O.B. 361, Clackamas, OR 97015.*

MC 166538 (Sub-6–1TA), filed March 2, 1983. Applicant: ACE EXPRESS TRANSPORTATION, P.O. Box 9380, Salt Lake City, UT 84109. Representative: T. W. Anderson (same address as applicant). *Building Materials* between AR, AZ, CA, CO, IA, ID, IL, KS, LA, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA and WY for 270 days. Supporting shippers: There are ten shippers; their statements may be examined in the Regional Office listed.

MC 165412 (Sub-6–2TA), filed March 1, 1983. Applicant: BANNOCK PAVING COMPANY, INC., P.O. Box 4002, Pocatello, ID 83201. Representative: Dennis M. Olsen, 485 "E" St., Idaho Falls, ID 83402. *Contract Carrier,* irregular routes: *Coke* derived from coal from FMC plant in Lincoln County, WY to Pocatello, ID for the account of FMC Corporation for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: FMC Corporation, P.O. Box 4111, Pocatello, ID.

MC 166484 (Sub-6–1TA), filed February 28, 1983. Applicant: THE BINGHAM CORPORATION d.b.a. BINGHAM FAST FREIGHT, P.O. Box 368, Safford, AZ 85546. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *General commodities* (excluding commodities in bulk) between points in Maricopa, Greenlee, Graham and Gila Counties, AZ, for 270 days. An underlying ETA seeks 120 days authority. There are 7 supporting shippers. Their statements may be examined at the Regional Office listed above.

MC 166481 (Sub-6–1TA), filed March 1, 1983. Applicant: COEUR D'ALENE DELIVERY SERVICE, N. 860 King's Court, Post Falls, ID 83854. Representative: Raynete R. Ballard

(same as applicant). *General Commodities,* except classes A & B explosives, household goods and commodities in bulk between Kootenai County and Bonner County, ID, and Spokane County, WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 15 shippers. Their statements may be examined at the Regional Office listed above.

MC 146044 (Sub-6–2TA), filed March 2, 1983. Applicant: JOE COSTA TRUCKING, P.O. Box 748, Drawer BB, Arcata, CA 95521. Representative: Marvin Handler, 100 Pine Street, #2550, San Francisco, CA 94111. (1) *Alcoholic beverages* from Arcata, CA to points in WA; (2) *beer and related products* from Tumwater, WA to Eureka, CA, for 270 days. Supporting shippers: Humboldt Beer Distributors, 142 West Fourth St., Eureka, CA 95501; Trombetta Distributors, 1162 Samoa Blvd., Arcata, CA 95521.

MC 125996 (Sub-6–10TA), filed March 2, 1983. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84126. Representative: John T. Wirth, 717—17th St., Suite 2600, Denver, CO 80202–3357. *(1) Foodstuffs and related products, and (2) such commodities as are dealt in or used by foodstores, department stores, and discount houses,* between points in the U.S. (except AK and HI), for 270 days. Supporting shippers: There are 15 supporting shippers. Their statements may be examined at ICC Regional Office, San Francisco, CA.

MC 166483 (Sub-6–1TA), filed February 28, 1983. Applicant: I.M.D. LEASING, INC., 1115 S.W. Allen Blvd., Box 1489, Beaverton, OR 97075. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203. *Contract carrier, irregular routes, meats and meat products, meat by-products, and articles distributed by meat packing houses,* between points in OR, WA, CO, NE, IA, TX, NM, and KS, under continuing contract(s) with Iowa Meat Distributors, Inc., for 270 days. An underlying ETA seeks 120 days authority. Shipper: Iowa Meat Distributors, Inc., 11150 S.W. Allen Blvd., Box 1489 Beaverton, OR 97075.

MC 147662 (Sub-6–3TA), filed March 2, 1983. Applicant: KMC TRANSPORT, INC., P.O. Box 962, Caldwell, ID 83605. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *General commodities* (except Classes A and B explosives, household goods and commodities in bulk) between points in the Los Angeles, CA Commercial Zone and points in Ada, Canyon, Twin Falls, Elmore, Payette and Gem Countires, ID, on the one hand, and, on the other points in CA, UT, WA, AZ, and NV, for 270 days supporting shipper(s): There are eight supporting shippers. Their statements may be examined at the Regional Office listed.

MC 166535 (Sub-6–1TA), filed March 2, 1983. Applicant: KENNETH L. POOLE, INC., 3123 Ponder Wy, Cottonwood, CA 96022. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Av, Portland, OR 97210. *Fertilizer,* between points in OR, WA, CA and ID, for 270 days. Supporting Shipper: H. J. Stoll & Sons, Inc., 2320 S E Grand Av, Portland, OR 97214.

MC 149078 (Sub-6–13TA), filed March 2, 1983. Applicant: ROAD WEST, 1315 E. Holt Blvd., Ontario, CA 91761. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. *Animal food and inedible meat products between* Savannah, GA, New Orleans, LA and Columbus, OH, on the one hand, and, on the other points, in the U.S. (except AK and HI) for 270 days. Supporting shipper: Kal Kan Foods, Inc., 3386 E. 44th St., Vernon, CA 90058.

MC 160051 (Sub-6–4TA), filed March 2, 1983. Applicant: TALENT TRUCKING CO., P.O.B. 320, Talent, OR 97540. Representative: John A. Anderson, Ste. 801, The 1515 Bldg., 1515 SW Fifth Ave., Portland, OR 97201. *Meat and meat prouducts,* from Birmingham and Montgomery, AL to Los Angeles, Oakland, San Diego, San Francisco and Wilmington, CA, for 270 days. Supporting shipper: John Morrell & Co., 191 Waukegan Rd., Northfield IL 60093.

MC 151878 (Sub-6–10TA), filed March 1, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th Street NW., Suite 800, Washington D.C. 20036. *Contract; irregular; General Commodities (except Classes A and B explosives and commodities in bulk)* between points in the U.S. (except AK and HI) under continuing contract(s) with Ampex Corporation, for 270 days. Supporting shipper: Ampex Corporation, 401 Broadway, Redwood City, CA 94063.

MC 166485 (Sub-6–1TA), filed February 28 JOAN W. THOMPSON, d.b.a., UNITED TOURS, 1956 Twelfth Street, La Verne, CA 1983. Applicant Representative: "Same as applicant". *Passengers and their baggage* in the same vehicle in charter and special services, from points in San Bernadino and Los Angeles countries, CA to points in NV, AZ, and return for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Vegas Holiday (Bowling League) c/o V. Y. Malone, 1555 N. Mountain Ave., Ontario, CA., Kiwanis of Temple City c/o W. D. Londean, P.O. Box 156, Temple City, CA 91780.

MC 166536 (Sub-6–1TA), filed March 2, 1983. Applicant: THOMAS A. WAITES & DENNIS L. WHITTON, d.b.a. W. W. TRUCKING, 6702 E. Ludlow Dr., Scottsdale, AZ 85254. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012. *Contract, irregular; alcoholic and malt beverages, cocktail mixers and non-alcoholic beverages* (except in bulk) between Phoenix, AZ on the one hand and on the other Elizabeth, NJ; Relay and Baltimore, MD; Louisville, Owensboro, and Bardstown, KY; and Lawrenceburg, IN for 270 days. Supporting shipper: All American Distributing Co., Inc. 235 East Pima St., Phoenix, AZ.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6422 Filed 3-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with

the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication and applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

For status, please call Team 2 at 202–275–7030.

Volume No. OP2–097

Decided: March 7, 1983.

MC 166333, filed February 18, 1983. Applicant: CARRIER SUPPORT SYSTEMS, INC., 6420 Wilshire Blvd., Los Angeles, Ca 90048. Representative: Miles L. Kavaller, 315 S. Beverly Dr., Suite 315, Beverly Hills, Ca 90212, (213) 277–2323. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166422, filed February 24, 1983. Applicant: BIGFOOT TRANSPORTATION COMPANY, INC., P.O. Box 370, 278 N. Main St., Walworth, WI 53184. Representative: Richard A. Rechlicz, N 88—W16414 Main St. Menomonee Falls, WI 53051, 414–251–2245. Transporting *passengers*, in charter operations, beginning and ending at points in Walworth County, WI, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter transportation.

MC 166432, filed February 24, 1983. Applicant: GUAYCURA TOURS, INC., 1188 Beyer Way, Suite 101, San Diego, CA 92154. Representative: Jorge Arangure L. (same address as applicant), 619–423–1901. Transporting *passengers*, in charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter transportation.

For status, please call Team 3 at 202–275–5223.

Volume No. OP3–86

Decided: March 4, 1983.

MC 166185 (b), filed February 9, 1983. Applicant: PORT OF TWIN FALLS, INC., 1155 Highland Ave., E., Twin Falls, ID 83301. Representative: John B. Campbell (same address as applicant), (208) 734–0943. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166235, filed February 11, 1983. Applicant: PETER SABIA AND DOMINICK C. SABIA, d.b.a. PETE'S GARAGE, 400 E. Drinker St., Dunmore, PA 18512. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–6030. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166245, filed February 11, 1983. Applicant: PAUL AAMOT, d.b.a. PAUL AAMOT TRUCKING, RR2 Box 55, Beresford, SD 57004. Representative: (same as applicant) (605) 957–4238. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166275, filed February 16, 1983. Applicant: TRANS WEST SPECIALITIES, P.O. Box 543, 715 E. Acequia, Visalia, CA 93279. Representative: Kenneth C. Baker (same address as applicant), (209) 627–2714. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately funded charter and special transportation.

[FR Doc. 83-6412 Filed 3-11-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to

an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of secton 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to team 2, (202) 275–7030.

Volume No. OP2–098

Decided: March 7, 1983.

By the Commmission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 52793 (Sub-123), filed February 23, 1983. Applicant: BEKINS VAN LINES CO., 333 South Center St., Hillside, IL 60162. Representative: David A. Gallagher (same address as applicant) 312–547–2184. transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with E. & J. Gallo Winery, of Modesto, CA.

MC 107403 (Sub-1353), filed February 22, 1983. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant) 215–259–9800. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Union Carbide Corporation of Danbury, CT.

MC 111432 (Sub-28), filed February 18, 1983. Applicant: FRANK J. SIBR & SONS, INC., 2122 York Rd., Suite 100, Oak Brook, IL 60521. Representative: Gary L. Smith, 913 South 6th St., Springfield, IL 62703, 217–753–3925. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 162682 (Sub-1), filed February 23, 1983. Applicant: UTOPIA TOURING CLUB, INC., Rte. 1, Garfield, MN 56332. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612–542–1121. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 164902, filed February 23, 1983. Applicant: ZASTROW TRUCKING CORPORATION, Box 105, Heafford Junction, WI. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 608–273–1003. Transporting *machinery* between points in the U.S. (except AK and HI), under continuing contracts) with Belarus Machinery, Inc., of Milwaukee, WI.

MC 166442, filed February 22, 1983. Applicant: TY KROETSCH & DEBORAH KROETSCH d.b.a. T & D TRUCKING, 215 Galbraith Line, Melvin, MI 48454. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, 616–941–5313. Transporting *compressed gasses*, between ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in MI. Condition: Any certificate issued in this proceeding shall be limited in point of time to a period expiring 5 years from its date of issuance.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–87

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2934 (Sub-138), filed February 22, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *medical diagnostic equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Diasonics, Inc., of Milpitas, CA.

MC 2934 (Sub-139), filed February 18, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *household goods, displays, office furniture, and electronic goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sun Exploration and Production Company, of Dallas, TX.

MC 15735 (Sub-70), filed February 22, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 661–6378. Transporting *automobiles*, between points in the U.S.

MC 82044 (Sub-8), filed February 22, 1983. Applicant: ILLIANA MOTOR SERVICE, INC., 4431 South Halsted St., Chicago, IL 60609. Representative: Gail P. Drew (same address as applicant), (312) 268–7021. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contracts with (1) Interstate Freight Brokers, Inc., of Sioux City, IA, (2) L & J Transportation Consultant's Inc., of Hickory Hills, IL, (3) M & T Transportation, Inc., of Sauk Centre, MN, (4) Flood, Inc., of Chicago, IL, (5) J & B Expediters, Inc., of Bensenville, IL, and (6) SKS Marketing Services, Inc., of Chicago, IL.

MC 116164 (Sub-20), filed February 23, 1983. Applicant: ARROW TRANSPORTATION CO., a Corporation, 1911 N.E. 58th Ave., Des Moines, IA 50313. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144645 (Sub-14), filed February 23, 1983. Applicant: ROBERT HANSEN TRUCKING, INC., Rt. 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, 710 No. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Chicago, IL and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146674 (Sub-12), filed February 18, 1983. Applicant: K.I.T. MOTOR EXPRESS, INC., P.O. Box 4004, Louisville, KY 40204. Representative: Edward J. Kiley, 1730 M St. NW., Washington, D.C. 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Dunn's Warehousing and Distribution Co. of Louisville, KY.

MC 146175 (Sub-7), filed February 23, 1983. Applicant: ROBERT W. DENTON d.b.a. SPIRIT TRUCKING, 8700 S. Wolf Rd., Hinsdale, IL 60521. Representative: Mary Jo Staben, 9100 W. 47th St., Brookfield, IL 60513, (312) 387–9338. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158515 (Sub-1), filed February 23, 1983. Applicant: INDY CARTAGE CO., INC., P.O. Box 575, Indianapolis, IN 46206. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between in IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160055 (Sub-3), filed February 18, 1983. Applicant: AWC TRANSPORTATION CORPORATION, 355 Boyce-Greeley Bldg., Sioux Falls, SD 57102. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, (712) 323–9124. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with F & E Wholesale Grocery of Wichita, KS, (2) *plastic products, pulp and paper products, and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Fey Industries, Inc. of Edgarton, MN and (3) *furniture and fixtures*, between points in the U.S. (except AK and HI), under continuing contract(s) with J. C. Leather Corporation of Sioux Falls, SD.

MC 163145 (Sub-1), filed February 18, 1983. Applicant: JAMES E. JOHNSON, d.b.a. J & M TRUCKING, 501 W. Jackson, Phoenix, AZ 85003. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AZ, CA, CO, ID, LA, MT, NV, NM, OR, TX, UT and WA.

MC 166185(a) filed February 9, 1983. Applicant: PORT OF TWIN FALLS, INC., 1155 Highland Ave., E., Twin Falls, ID 83301. Representative: John B. Campbell (same address as applicant), (208) 734–0943. Transporting *general commodities* (except classes A and B explosives and household goods), between points in ID, on the one hand, and, on the other, points in ID, OR and WA.

MC 166295, filed February 16, 1983. Applicant: U.S. TRANSPORT, INC., P.O. Box 2449, Decatur, AL 35602. Representative: Fred H. Daly, 2555 M St., N.W., Suite 100, Washington, DC 20037, (202) 293–3204. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–129

Decided: March 4, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 4426 (Sub-6), filed February 28, 1983. Applicant: M & T TRANSPORT, INC., 7391 Richmond Rd., P.O. Box 292, East Syracuse, NY 13057. Representative: Herbert M. Canter, 305 Montgomery St., Suracuse, NY 13202, (315) 472–8845. Transporting *such commodities* as are dealt in or used by telephone companies, between points in CT, RI, MA, ME, NH, VT, NY, NC, and NJ, under continuing contract(s) with New York Telephone Company, of East Syracuse, NY, and Western Electric Co., Inc., of Newark, NJ.

MC 13367 (Sub-18), filed February 28, 1983. Applicant: AG TRUCKING, INC., P.O. Box 453, Goshen, IN 46526. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 South 2nd St., Elkhart, IN 46516, (219) 293–3597. Transporting *commodities in bulk*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 59317 (Sub-22), filed February 23, 1983. Applicant: BISOM TRUCK LINE, INC., 725 1st St., North, Newton, IA 50208. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC 119917 (Sub-75), filed February 28, 1983. Applicant: DUDLEY TRUCKING COMPANY, INC., 724 Memorial Dr., SE., Atlanta, GA 30316. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146846 (Sub-6), filed February 23, 1983. Applicant: LOUIS LANE, INC., 1025 S 3rd Ave., Wausau, WI 54401. Representative: Nancy J. Johnson, 103 E Washington St., Crandon, WI 54520. Transporting *paper, paper products, plastic products and related products*, between points in Wood, Portage and Adams Counties, WI, on the one hand,

and, on the other, points in the U.S. (except AK and HI).

MC 158686 (Sub-1), filed March 1, 1983. Applicant: PHILIPS INDUSTRIES, INC., 4801 Springfield St., Dayton, OH 45401. Representative: Michael F. Morrone, 1150 17th St., NW., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), under continuing contract(s) with Charles McAlpin Brokerage, Inc., of Decatur, AL, and Frontier Express Inc. dba D & M Transportation, of Oklahoma City, OK, (2) *lumber and lumber products*, under continuing contract(s) with Banks Lumber Company, of Elkhart, IN, (3) *lumber and wood products, metal products, machinery, transportation equipment and those commodities* which because of size or weight require the use of special handling or equipment, under continuing contract(s) with Georgia-Pacific Corporation, Southern Division, of Atlanta, GA, (4) *valves*, under continuing contract(s) with Grove Valve and Regulator Company, of Sparks, NV, (5) *plumbing fixtures and supplies*, under continuing contract(s) with Delta Faucet Co., a division of Masco Corporation of Indiana, of Greensburg, IN, and (6) *air conditioning and heating equipment and supplies*, under continuing contract(s) with Waugh Bros. Supply Co., of Oklahoma City, OK, between points in the U.S. (except AK and HI).

MC 164467, filed February 23, 1983. Applicant: CROMPTON TRANSPORTATION CORP., 200 Highland Ave., Griffin, GA 30223. Representative: Frank D. Hall, 1750 Old Springhouse Lane, Suite 202, Atlanta, GA 30338, (404) 451–0401. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Crompton Company, Inc. of Waynesboro, VA.

MC 165857 (Sub-1), filed February 18, 1983. Applicant: VINER'S INC., P.O. Box 290, Emerson, IA 51533. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 166456, filed February 28, 1983. Applicant: TRANS-STAR TRANSPORTATION COMPANY, INC., 1926 Lone Trail Lane, Chesterfield, MO 63017. Representative: Archie M. Hamby (same address as applicant), (314) 436–3038. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166507, filed February 28, 1983. Applicant: AVERY LEASING, INC., 13992 Verona Rd., Marshall, MI 49068. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482–2400. Transporting *food and related products*, between points in IL, IA, IN, MI, NY, OH, PA, and WI.

Volume No. OP4–131

Decided: March 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 66746 (Sub-30), filed February 25, 1983. Applicant: SHIPPER'S EXPRESS, INC., P.O. Box 8308, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between points in AL, AR, FL, GA, IL, KY, LA, MS, MO, NC, OK, SC, TN and TX.

MC 77487 (Sub-2), filed March 1, 1983. Applicant: CONTROLLED DISTRIBUTION SERVICES, INC., 11 West Street, Brooklyn, NY 11222. Representative: Irving Klein, Garden City Law Center, Suite 7, 1205 Franklin Ave., Garden City, NY 11530, (516) 746–3050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 114737 (Sub-10), filed March 1, 1983. Applicant: O & A TEX PACK EXPRESS, INC., 1313 Ave. E., Lubbock, TX 79401. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Santa Fe and Raton, NM, over Interstate Hwy 25, serving all intermediate points, and the off-route points in San Miguel, Mora and Colfax Counties, NM.

Note.—Applicant state it intends to tack the authority herein with its presently authorized operations.

MC 141317 (Sub-9), filed February 24, 1983. Applicant: HAAG TRANSPORT, INC., P.O. Box 125, Shelburn, IN 47879. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *wood and wood products*, between points in Henderson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147807 (Sub-18), filed February 28, 1983. Applicant: TERESI TRUCKING, INC., P.O. Box 819, Lodi, CA 95241. Representative: William H. Shawn, 1730 M St., NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, and household good0, between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA and WY.

MC 148786 (Sub-6), filed February 25, 1983. Applicant: JOE GOOD d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *Mercer commodities, earth drilling commodities and metal products*, between points in the U.S. (except AK and HI).

MC 149576 (Sub-28), filed February 24, 1983. Applicant: TRANS AMERICAN TRUCKING SERVICE, INC., P.O. Box 1247, Nixon Station, Edison, NJ 08818. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ecodyne Corp. of Union, NJ.

MC 150716 (Sub-5), filed March 1, 1983. Applicant: J.R.S. LEASING CHARTER, INC., 9445 So. 51st Ave., Oak Lawn, IL 60453. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *such commodities as are dealt in or used by manufacturers and converters of pulp, paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Longview Fibre Company, of Longview, WA, Inland Container Corporation, of Indianapolis, IN, and Pride Container Corp., of Chicago, IL.

MC 152256 (Sub-4), filed February 28, 1983. Applicant: GRAMMER INDUSTRIES, INC., Box 51, Grammer, IN 47236. Representative: Robert B. Herbert, One Indiana Square, Suite 1600, Indianapolis, IN 46204, (317) 632–6262. Transporting *chemicals and related products*, between points in IN, KY, IL, and points in MI on and south of State Road 46, points in OH on and west of Interstate Hwy 77 and points in MO on and east of US Hwy 65.

MC 156467 (Sub-1), filed March 1, 1983. Applicant: APOLLO MOTOR EXPRESS, INC., 155 Hartford Turnpike, Shrewsbury, MA 01545. Representative: Robert W. Beckwith (same address as

applicant), (617) 756–4094. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, MA, ME, NH, RI and VT.

MC 160276 (Sub-2), filed February 28, 1983. Applicant: BIGELOW TRANSPORTATION COMPANY, INC., P.O. Box 3069, Greenville, SC 29602. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Package Supply & Equipment Co., Inc. of Greenville, SC.

MC 166466, filed February 24, 1983. Applicant: GERRY LAVIGNE, LTD., P.O. Box 8582, 1475 Caledon Ave., Ottawa, Ontario, Canada K1G 3H9. Representative: Leonard A. Jaskiewicz, 1730 M St., NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between ports of entry on the International Boundary line between the U.S. and Canada, at points in MI, NY, VT, NH, and ME, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, OH, MI, IL, MO, KY, and DC, and (2) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, OH, MI, IN, IL, MO, KY, and DC.

MC 166476, filed February 28, 1983. Applicant: OLEN GRILLS, dba. OLEN GRILLS TRUCKING, 5801 Akers Rd. Bakersfield, CA 93309. Representative: Olen Grills (same address as applicant) (805) 397–4317. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 166496, filed February 28, 1983. Applicant: MILES SHIPPING CORPORATION, P.O. Box 3661, Tulsa, OK 74101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Dallas and Tarrant Counties, TX, and points in OK, on the one hand, and, on the other, Galveston and Houston, TX.

MC 166526, filed February 24, 1983. Applicant: PEGASUS DISTRIBUTION, INC., 1 Jacobus Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodites in bulk), between New York, NY, and points in NJ, on the one hand, and, on the other, points in U.S. (except AK and HI).

Volume No. OP4–133

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

W–1366, filed February 18, 1983. Applicant: RIVER LOGISTICS, INC., 222 W. Grand Ave., South St. Paul, MN 55075. Representative: William S. Rosen, 1016 Conwed Tower, 444 Cedar St. St. Paul, MN 55101 (612) 227–7731. To operate as a *common carrier*, by water, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage, (1) betweeen ports and points on the Allegheny, Apalachicola, Alabama, Arkansas, Atchafalaya, Black Warrior, Chattahoochee, Cumberland, Flint, Green, Illinois, Konawha, Minnesota, Mississippi, Missouri, Mobile, Monongahela, Ouachita, Ohio, Sabine, Tennessee, Tombigbee, and Trinity Rivers, and their tributaries and waterways, and (2) between ports and points on the Illinois Waterway, the Great Lakes (Ontario, Erie, Huron, Michigan, and Superior), and the Gulf of Mexico, and their intracoastal waterways and interconnecting waterways and channels.

Note.—This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–103

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 18288, (Sub-9), filed February 23, 1983. Applicant: J. U. BAKER, INC., Landisville, PA 17538. Representative: Christian V. Gra, 407 N. Front Street, Harrisburg, PA 17101, (717) 236–9318. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), (1) between points in Beaver County, PA, on the one hand, and, on the other, points in NY, and (2) between points in Lancaster, PA, on the one hand, and on the other, points, in OH.

MC 58549 (Sub-37), filed February 23, 1983. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby Street, N.E., P.O. Box 13727, Roanoke, VA 24036–3727. Representative: Jerry D. Beard (same address as applicant) (703) 982–2120 Transporting *general commodities* (except classes A and B explosivies), between points in the U.S., under continuing contract(s) with International Freight Brokers, Inc., of Charlotte, NC.

MC 106748 (Sub-16), filed February 18, 1983. Applicant: GODDARD'S TRANSPORTATION, INC., Route 4A, P.O. Box 185, Fair Haven, VT 05743. Representative: Reginald Goddard (same address as applicant) (802) 468–5531. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Ct, DE, MA, MD, ME, NH, NJ, NY, PA, RI, and VT.

MC 135208 (Sub-8), filed February 23, 1983. Applicant: GEORGE L. BIGELOW TRUCKING, INC., 135 Wright Street, P.O. Box 421, Delavan, WI 53115 Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086 (608) 238–3119. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, IA, MN, MO, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146149 (Sub-25), filed February 22, 1983. Applicant: KENNEDY FREIGHT LINES, INC., 4989 Vulcan Ave., Columbus, OH 43228. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215 (614) 228–8575. Transporting *general commodities* (except classes A and B explosives and household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with A.P. Parts Company, of Toledo, OH.

MC 148348 (Sub-3), filed February 23, 1983. Applicant: FONT CORPORATION, Highway 52 East (Route 2), Hartford, AL 36344. Representative: Gilbert L. Font (Same address as applicant) 205–588–3754. Transporting (1) *building materials*, and (2) *lumber and wood products*, between points in the U.S. (except AK and HI).

MC 150368 (Sub-3), filed February 23, 1983. Applicant: BURKLUND TRANSPORTATION, INC., Route 1, Vulcan, MI 49892. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520, 715–478–3341. Transporting *food and related products*, between points in CA, on the

one hand, and, on the other, points in WI, MI, and MN.

MC 156888 (Sub-3), filed February 23, 1983. Applicant: VAN DE BRAKE TRUCKING, INC., Rt. 3, Box 3752, Hermiston, OR 97838. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, 503–226–3755. Transporting *food and related products*, between points in OR and WA.

MC 161238, filed February 22, 1983. Applicant: SUNRISE TRUCKING, LTD., 8705–163 Street, Edmonton, Alberta, Canada T5R 2N7. Representative: Patricia Garwasiuk (same address as applicant) (403) 489–8586. Transporting *asbestos ore*, between ports of entry on the international boundary line between the United States and Canada in MT, ID, and WA, on the one hand, and, on the other, points in CA, under continuing contract(s) with Cassiar Resources Division of Brinco Mining Limited of Vancouver, British Columbia, Canada.

MC 163828 (Sub-1), filed February 22, 1983. Applicant: SOMERS CORPORATION, 500 W. Wayne St., Celina, OH 45822. Representative: J. M. Summerly (same address as applicant) 419–586–2351. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Cramco Inc. of Philadelphia, PA, and Gerico, Inc. of Thornton, CO.

[FR Doc. 83-6414 Filed 3-11-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-141) B]

Chicago and North Western Transportation Company—Abandonment in Webster, Greene, Story, Boone, and Polk Counties, IA; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Transportation Company to abandon its rail line between (1) East Fort Dodge, milepost 2.0 and Boone, milepost 41.0; (2) Dayton, milepost 92.9 and milepost 98.0; and (3) Lanyon, Harcourt, milepost 0.0 and Hope, milepost 1.8 in Webster, Greene and Boone Counties, IA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) a financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service contained in 49 U.S.C. 10905 and 49 C.F.R. 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-6420 Filed 3-11-83; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-141)A]

Chicago and North Western Transportation Company—Abandonment—Boone to Swanwood, IA; Findings

The Commission has found that the public convenience and necessity permit Chicago and North Western Railway Company, to abandon its 29.1 mile rail line between Boone (milepost 47.2) and Swanwood (milepost 76.3) in Boone and Polk Counties, IA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-6421 Filed 3-11-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15156]

Kleysen Transport, Ltd.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343*, 363 I.C.C. 113 (1982), Kleysen Transport, Ltd. (No. MC-126706) and Sawyer Transport, Inc. (by its trustee, Nathan Yorke), seek an exemption from the requirement of prior regulatory approval for the purchase by Kleysen of the portion of Sawyer's operating rights contained in No. MC-123407 (Sub-Nos. 306, 319, 571, 647, paragraph (1) of Sub-No. 134, and paragraphs 68, 154, 159, and 328 of Sub-No. 668X). Temporary authority is also sought by Kleysen to lease Sawyer's operating rights pending disposition of the petition for exemption.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioners' representatives, Carl L. Steiner, 135 South LaSalle Street, Suite 2106, Chicago, IL 60603

and

Grant J. Merritt, Thompson, Nielsen, Klaverkamp & James, P.A., 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402

Comments should refer to No. MC-F-15156.

FOR FURTHER INFORMATION CONTACT:

Warren C. Wood, (202) 275–7949

SUPPLEMENTARY INFORMATION:

Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-6419 Filed 3-11-83; 8:45 am]
BILLING CODE 7035-01-M

[No. MC-F-15110]

Mushroom Transportation Co.; Continuance in Control Exemption; Trux Enterprises, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), Procedures for Handling Exemptions filed by Motor Carriers of Property under 49 U.S.C. 11343, 47 FR 53303 (November 24, 1982), Mushroom Transportation Company (MC–65580) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Trux Enterprises, Inc. (MC–166002).

DATES: Comments must be received within 30 days after the date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Team 2, Room 2379, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative, A. David Millner, P.O. Box Y—Seven Becker Farm Rd., Roseland, NJ 07068

Comments should refer to No. MC–F–15110.

FOR FURTHER INFORMATION CONTACT:

C. Landis Plummer, 202–275–7030

SUPPLEMENTARY INFORMATION:

Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative, In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 2, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6615 Filed 3-11-83; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee; Closed Meeting

Correction

On page 10112 in the issue of Thursday, March 10, 1983 (FR Doc. 83–6143), a document announcing a meeting of the National Security Telecommunications Advisory Committee incorrectly appeared under a heading for the Department of Defense, Department of the Air Force. It should have appeared with a heading for the National Communications System.

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

Safety Goal Development Program

The Nuclear Regulatory Commission hereby published a Policy Statement on Safety Goals for the Operation of Nuclear Power Plants. The Policy Statement contains preliminary safety goals and preliminary numerical design objectives that are intended to be consistent with the goals. The goals and objectives are preliminary in that they are subject to change at the end of a two-year evaluation period that is discussed below. The Commission previously published a Proposed Policy Statement on Safety Goals for Nuclear Power Plants and solicited comments (47 FR 7023, February 17, 1982). In response to these comments the Commission has revised the policy statement.

The Commission is also publishing the staff's Evaluation Plan that will be used during the two-year evaluation period. Comments are solicited for this plan. The Commission has chosen a 90-day period for receipt of public comments.

The Commission also announces the start of the two-year period of evaluation for the Safety Goal Policy Statement. The staff's Evaluation Plan is an initial description of the activities to be performed during the evaluation period. The Commission has not issued this document for public comment prior to this time.

The early evaluation activities to be performed will include an assessment of the public comments received on the Evaluation Plan and the preparation of a report to the Commission on these comments. The Commission is particularly interested in comments on the extent to which the Evaluation Plan establishes a foundation for the development of an implementation plan at the conclusion of the evaluation period. That implementation plan would prescribe how final safety goals and numerical design objectives would be used in the regulatory process. The evaluation period will also include an assessment of the preliminary safety goals and design objectives. The Commission would like comments on this aspect of the Evaluation Plan as well.

It should be noted that, during the evaluation period, the preliminary safety goals and preliminary numerical design objectives will not repalce the NRC's reactor regulations. Rather, NRC will continue to use conformance to regulatory requirements as the exclusive licensing basis for plants. One of the activities during the evaluation period will be to examine the extent to which the preliminary formulation of the goals and objectives, as well as possible techniques to use them, reflect the experience gained with the Commission's deterministic requirements.

The Commission recognizes that some probabilistic risk analyses have already been performed for individual nuclear plants and that safety inferences might be made as a result of comparing the results of these analyses to the preliminary design objectives. The Commission cautions against the use of such inferences to reach bottom-line safety conclusions. The Commission believes that existing requirements contained in current regulations are adequate to protect the public health and safety.

The Evaluation Plan stresses caution in making comparisons or safety inferences because collections of such analyses may not have been performed on consistent basis and because of the large uncertainties inherent in the existing probabilistic risk assessments. In particular, there are uncertainties in the source term that represents the amount of radioactive material that may be released from the reactor containment in a severe accident. Therefore, during the evaluation period, NRC will strive to set forth more consistent analytical bases and improve the treatment of uncertainties in the calculations, including use of a new source term which is currently being developed. NRC will also reassess the probabilitic risk assessments that have already been performed and compare the results to the preliminary safety goals and design objectives.

At the consclusion of the evaluation period, the Commission will consider if any revisions are necessary before the issuance of a final Policy Statement and a plan for its implementation. The documents that result will take into account the comments received from the public and the experience gained during the evaluation period.

Further information on the Commission's safety goal development program may be obtained by contacting either Dennis Rathbun or Jerry Wilson at the Office of Policy Evaluation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or phoning (202) 634–3295. Written comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, and should be received by June 8, 1983.

A report which discusses the revisions to the Policy Statement will be published within a few weeks as NUREG–0880 Revision 1, *Safety Goals for the Operation of Nuclear Power Plants.* A copy of NUREG–0880 Revision 1 will be available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of NUREG–0880, Revision 1 also will be available upon written request and at no cost. Requests should be made to the NRC–GPO Sales Program, Attention: Sales Manager, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone (301) 492–9530). Copies also may be purchased from the NRC–GPO Program and the National Technical Information Service, Springfield, Virginia 22161.

Dated at Washington, District of Columbia, this 9th day of March of 1983.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

Policy Statement on Safety Goals for the Operation of Nuclear Power Plants

I. Introduction.

A. Purpose and Scope

In its response to the recommendations of the President's Commission on the Accident at Three Mile Island, the Nuclear Regulatory Commission (NRC) stated that it was "prepared to move forward with an explicit policy statement on safety philosophy and the role of safety-cost tradeoffs in the NRC safety decisions." This policy statement is a step in that direction.

Current regulatory practices are believed to ensure that the basic statutory requirement, adequate protection of the public, is met. Nevertheless, current practices could be improved to provide a better means for testing the adequacy of and need for current and proposed regulatory requirements. The Commission believes that such improvement could lead to a more coherent and consistent regulation of nuclear power plants, a more predictable regulatory process, a public understanding of the regulatory criteria that the NRC applies, and public confidence in the safety of operating plants. This statement of NRC safety policy expresses the Commission's views on the acceptable level of risks to public health and safety and on the safety-cost tradeoffs in regulatory decisionmaking.

This policy statement focuses on the risks to the public from nuclear power plant operation. These are the risks from release of radioactive materials from the reactor to the environment from normal operations as well as from accidents. The Commission will refer to these risks as the risks of nuclear power plant operation. The risks from the nuclear fuel cycle are not included in the safety goal. These have been considered in their own right and determined to be quite small. They will continue to receive careful consideration. The possible effects of sabotage or diversion of nuclear material are also not presently included in the safety goal. At present there is no basis on which to provide a measure of risk on these matters. It is the Commission's intention that everything that is needed shall be done to keep such risks at their present, very low, level; and it is our expectation that efforts on this point will continue to be successful. With these exceptions, it is our intent that the risks from all various initiating mechanisms be taken into account to the best of the capability of current evaluation techniques.

In the evaluation of nuclear power plant operation, several types of releases are considered by the staff. The risks to the public resulting from operating nuclear power plants are addressed in current NRC practice as follows. Before a nuclear power plant is licensed to operate, NRC prepares an environmental impact assessment which includes an evaluation of the radiological impacts of routine operation of the plant and accidents on the population in the region around the plant site. The assessment is subjected to public comment and may be extensively probed in adjudicatory hearings. For all plants licensed to operate, NRC has found that there will be no measurable radiological impact on any member of the public from routine operation of the plant. (Reference: NRC staff calculations of radiological impact on humans contained in Final Environmental Statements for specific nuclear power plants, e.g., NUREG–0779, NUREG–0812, and NUREG–0854.)

The objective of the Commission's policy statement is to establish goals which limit to an acceptable level the radiological risk which might be imposed on the public as a result of nuclear power plant operation. While this policy statement includes the risks of normal operation, as well as accidents, the Commission believes that risks from routine emissions are small and therefore does not believe that they need to be routinely analyzed on a case-by-case basis in order to demonstrate conformance with the safety goals.

B. Development of This Statement of Safety Policy

In developing this policy statement, the Commission has solicited and benefited from the information and suggestions provided by workshop discussions. Two NRC sponsored workshops have been held, the first in Palo Alto, California, on April 1–3, 1981 and the second in Harpers Ferry, West Virginia, on July 23–24. The first workshop addressed general issues involved in developing safety goals. The second workshop focused on a discussion paper which presented proposed safety goals. Both workshops featured discussions among knowledgeable persons drawn from industry, public interest groups, universities, and elsewhere, and representing a broad range of perspectives and disciplines.

The Commission also received and considered a Discussion Paper on Safety Goals for Nuclear Power Plants submitted in November 1981 and a revised safety goal report submitted in July 1982, by its Office of Policy Evaluation.

In arriving at a final decision on a statement of its nuclear power plant safety policy and goals, the Commission has taken into consideration the comments and suggestions received from the public in response to the Proposed Policy Statement on "Safety Goals for Nuclear Power Plants."

II. Qualitative Safety Goals

The Commission has decided to adopt qualitative safety goals supported by design objectives for use during a 2-year evaluation period. The Commission's first qualitative safety goal is that the risk from nuclear power plant operation should not be a significant contributor to a person's risk of accidental death or injury. The intent is to require a level of safety such that individuals living or working near nuclear power plants should be able to go about their daily lives without special concern by virtue of their proximity to such plants. Thus, the Commission's first safety goal is:

> Individual members of the public should be provided a level of protection from the consequences of nuclear power plant operation such that individuals bear no significant additional risk to life and health.

Even though protection of individual members of the public inherently provides substantial societal protection, the Commission also decided that a limit be placed on the societal risks posed by nuclear power plant operation. The Commission believes that the risks of nuclear power plant operation should be

comparable to or less than the risks from other viable means of generating the same quantity of electrical energy. Thus, the Commission's second safety goal is:

> Societal risks to life and health from nuclear power plant operation should be comparable to or less than the risks of generating electricity by viable competing technologies and should not be a significant addition to other societal risks.

The comparative part of this goal is to be interpreted as requiring that the risks from nuclear power plant operation are comparable to or less than the risks of the operation of competing electricity generating plants, particularly coal-fired plants.

III. Quantitative Design Objectives

A. General Considerations

As used here, a design objective is an aiming point for public risk reduction which nuclear plant designers and operators should meet where feasible. Since the design objectives are aiming points and not firm requirements, there may be instances where a given nuclear plant may not achieve all of the objectives. A key element in formulating a safety policy which establishes design objectives is to understand both the strengths and limitations of the techniques by which one judges whether these objectives have been met.

A major step forward in the development and refinement of accident risk quantification was taken in the Reactor Safety Study completed in 1975. The objective of the Study was "to try to reach some meaningful conclusions about the risk of nuclear accidents." The Study did not directly address the question of what level of risk from nuclear accidents was acceptable.

Since the completion of the Reactor Safety Study, further progress in developing probabilistic risk assessment and in accumulating relevant data has led to recognition that it is feasible to begin to use quantitative reactor safety design objectives for limited purposes. However, because of the sizable uncertainties still present in the methods and the gaps in the data base—essential elements needed to gauge whether the objectives have been achieved—the design objectives should be viewed as aiming points or numerical benchmarks which are subject to revision. In particular, because of the present limitations in the state of the art of quantitatively estimating risks, the design objectives are not substitutes for existing regulations.

B. Quantitative Design Objectives

We want to make clear at the beginning of this section that no death attributable to nuclear power plant operation will ever be "acceptable" in the sense that the Commission would regard it as a routine or permissible event. We are discussing acceptable risks, not acceptable deaths. In any fatal accident, a course of conduct posing an acceptable risk at one moment results in an unacceptable death moments later. This is true whether one speaks of driving, swimming, flying or generating electricity from coal. Each of these activities poses a calculable risk to society and to individuals. Some of those who accept the risk (or are part of a society that accepts risk) do not survive it. We intend that no such accident(s) will occur, but the possibility cannot be entirely eliminated. Furthermore, individual and societal risks are less than the risk that society is now exposed to from each of the other activities mentioned above.

1. *Individual and Societal Mortality Risks.* The Commission has decided to adopt the following two design objectives:

- The risk to an average individual in the vicinity of a nuclear power plant of prompt fatalities that might result from reactor accidents should not exceed one-tenth of one percent (0.1%) of the sum of prompt fatality risks resulting from other accidents to which members of the U.S. population are generally exposed.
- The risk to the population in the area near a nuclear power plant of cancer fatalities that might result from nuclear power plant operation should not exceed one-tenth of one percent (0.1%) of the sum of cancer fatality risks resulting from all other causes.

The Commission adopts this 0.1% ratio of the risks of nuclear power plant operation to the risks of mortality from non-nuclear plant origin to reflect the first qualitative goal, which would provide that individuals bear no significant additional risk. However, this does not necessarily mean that an additional risk that exceeds 0.1% would by itself constitute a significant additional risk. The 0.1 percent ratio to other risks is low enough to support an expectation that people living or working near nuclear power plants would have no special concern due to the plant's proximity.

The average individual in the vicinity of the plant is defined as the average individual biologically (in terms of age and other risk factors) and locationally who resides within a mile from the plant site boundary. This means that the average individual is found by accumulating the estimated individual risks and dividing by the number of individuals residing in the vicinity of the plant.

In applying the design objective for individual risk of prompt fatality, the Commission proposes to define the vicinity as the area within 1 mile of the nuclear power plant site boundary since calculations of the consequences of major reactor accidents suggest that individuals within a mile of the plant site boundary would generally be subject to the greatest risk of prompt death attributable to radiological causes. If there are no individuals residing within a mile of the plant boundary, then the vicinity should be taken as a one-mile annulus measured outward from the location of the first individual.

In applying the design objective for cancer fatalities, as a population guideline, the Commission proposes that the population generally considered subject to significant risk be taken as the population within 50 miles of the plant site. A substantial fraction of exposures of the population to radiation would be concentrated within this distance. This design objective would ensure that the estimated increase in the risk of delayed cancer fatalities from all potential radiation releases at a typical plant woud be no more than a small fraction of the year-to-year normal variation in the expected cancer deaths from non-nuclear causes. Morever, the prompt fatality limit protecting individuals generally provides even greater protection to the population as a whole. That is, if the design objective for prompt fatality is met for individuals in the immediate vicinity of the plant, the estimated risk for delayed cancer fatality to persons within 50 miles of the plant would generally be much lower than the limit set by the design objective for cancer fatality. Thus, compliance with the design objective applied to individuals close to the plant would generally mean that the aggregated estimated societal risk for a 50-mile radius area would be a number of times lower than it would be if compliance with just the design objective applied to the population as whole were involved.

2. *Benefit-Cost Guideline.* The Commission has adopted a benefit-cost guideline for use as one consideration in decisions on safety improvements. It has decided that a guideline of $1,000 per person-rem averted the adopted for trial use. The value is to be in 1983 dollars. This value should be modified to reflect general inflation in the future.

• The benefit of an incremental reduction of societal mortality risks should be compared with the associated costs of the basis of $1,000 per person-rem averted.

This guideline is intended to encourage the efficient allocation of resources in safety-related activities by providing that the expected reduction in public risk that would be achieved should be commensurate with the costs of the proposed safety improvements. The benefits as measured by an incremental reduction of societal mortality risks in terms of person-rem averted should be compared with the reasonably quantifiable costs of achieving that benefit (e.g., design and construction of plant modifications, incremetal cost of replacement power during mandated or extended outages, changes in operating procedures and manpower requirements). Applications of the benefit-cost guideline should be focused principally on situations where one of the quantified safety goals is not met. No further benefit-cost analysis should be made when it is judged that all of the design objectives have been met. This guideline does not replace the Commission's backfitting regulation (10 CFR 50.109).

The NRC staff has some experience in the use of the benefit-cost analysis and criteria in evaluating improvements to reduce the risks from normal operations. In the past the Commission discussed a benefit-cost value of $1,000/person-rem reduction in the evaluation of improvements proposed to reduce releases of radioactive material during normal reactor operations including expected operational occurrences. However, the use of a benefit-cost guideline in evaluating the means for reducing population risks from power reactor accidents would be new.

3. *Plant Performance Design Objective.* An important objective of efforts to reduce the public risk associated with nuclear power plant operation is to minimize the chance of serious reactor core damage since a major release of radioactivity may result from accidents involving severe core damage. Therefore, to assure emphasis on accident prevention, the Commission has decided to adopt a limitation on the probability of a large-scale core melt as an objective for NRC staff use in the course of reviewing and evaluating probabilistic risk assessments of nuclear power plants. The design objective for large-scale core melt is subordinate to the principale design objectives limiting individual and societal risks. This design objective may need to be revised as new knowledge and understanding of core performance under degraded cooling conditions are acquired. Thus, the Commission has selected the following design objective:

• The likelihood of a nuclear reactor accident that results in a large-scale core melt should normally be less than one in 10,000 per year of the reactor operation.

The Commission also recognizes the importance of mitigating the consequences of a core melt accident and continues to emphasize features such as containment, siting in less populated areas, and emergency planning as integral parts of the defense-in-depth concept.

IV. Implementation.

The qualitative safety goals supported by the quantitative design objectives are being adopted for use during a 2-year evaluation period. The Commission believes that an evalution period is necessary in order to judge effectiveness of the goals and design objectives. At the end of the evaluation period the Commission will consider what changes in the regulations and regulatory practices appear necessary in light of experience during the 2 years. Proposed changes in the regulations will be addressed in rulemaking proceedings.

To provide adequate protection of the public health and safety, current NRC regulations require conservatism in design, construction, testing, operation and maintenance or nuclear power plants. A defense-in-depth approach is mandated in order to prevent accidents from happening and to mitigate their consequences. Siting in less populated areas is emphasized. Emergency response capabilities are mandated to protect the surrounding population. It is not clear how the Commission's essentially deterministic regulations would be supplemented if the qualitative safety goals and quantitative design objectives—which are based on considerations of probable risk—were incorporated into the regulatory framework.

The basic impediment to adoption of regulations requiring risks to the public to be below certain quantitative limits, as exemplified by the quantitative design objective for large-scale core melt, is that the techniques for developing quantitative risk estimates are complex and, in the cases of interest here, have substantial associated uncertainties. This raises a serious question whether, for a specific nuclear power plant, the achievement of a regulatory-imposed quantitative risk goal can be verified with a sufficient degree of confidence. For this reason, the Commission has decided that, during the evaluation period, implementation of the Policy statement should be limited to uses such as examining proposed and existing regulatory requirements, establishing research priorities, resolving generic issues, and defining the relative importance of issues as they arise. The evaluation period should be used to develop information and understanding as to how to further define and use the design objectives and the cost-benefit guideline.

The qualitative safety goals and quantitative design objectives contained in the Commission's Policy Statement will not be used in the licensing process or be interpreted as requiring the performance of probabilistic risk assessments by applicants or licensees during the evaluation period. The goals and objectives are also not to be litigated in the Commission's hearings. The staff should continue to use conformance to regulatory requirements as the exclusive licensing basis for plants.

The detailed Staff Evaluation Plan addresses ways to use the Safety Goals during this trial period so as to gain the experience necessary for later application in the regulatory process. The Evaluation Plan outlines a process for obtaining this experience in developing new regulatory requirements as well as examining existing requirements to determine whether the regulatory basis needs to be revised.

It is expected that during the evaluation period familiarization may be gained with the techniques of risk estimation and sufficient data may be collected and analyzed so that the Commission can decide whether to expand the use of the Policy Statement or to propose rulemaking that would incorporate quantitative risk limits as design objectives in the regulations. The qualitative safety goals and quantitative design objectives may be changed as a result of the experience gained during the two-year evaluation period.

Separate views of Commissioner Gilinsky on the Commission's Policy Statement on Safety Goals

I do not support the Commission's Policy Statement on Safety Goals. As the Commission's Advisory Committee on Reactor Safeguards points out, the particular safety goals chosen by the Commission are poorly conceived. In addition, the Commission appears to be headed toward an over-reliance, in its regulatory decisions, on estimates of the overall nuclear power plant risks which are based on uncertain and unreliable calculational techniques. These techniques cannot bear the weight the

Commission intends them to support. We are unlikely ever to know with much confidence whether any plant meets the safety goal. I am concerned that, in spite of this, overly optimistic calculations will be used to rationalize a weakening of the regulatory system of public protection.

Safety Doctrine

My view remains that the only reliable guides to reactor safety are the time-tested engineering principles of careful construction and operation, redundant and diverse means of protection against core damage, sound containment, sufficient distance from populated areas, and effective emergency planning. The Commission should distill its experience, and the results of calculations, including probabilistic calculations, and state clearly and succinctly how each of these principles must be satisfied separately. Such limited engineering goals may not be as grand as all-encompassing ones, but they are much more practical.

The Commission is unfortunately on an opposite course: toward allowing the several layers of protection to be traded off one against the other without limit, presumably on the assumption that probabilistic risk assessment will prove to be sufficently workable and accurate to permit confident tradeoffs in specific reactor cases among the various elements of "defense in depth".

The Commission seems also to be counting heavily on a sharp reduction in the "source term", the estimated amount of volatile radioactive material that could be released in an accident. However much we may all hope that these estimates can be reduced, it is premature to count on this. Yet the statement that "siting in less populated areas is emphasized", which reflects longstanding Commission policy, was retained in the document by only one vote, over the opposition of the chairman and one other Commissioner, both of whom apparently want to retain the option of siting in more populated areas, and it was not reflected in any of the safety goals.

Safety Goals Poorly Conceived

So far as the safety goals themselves are concerned, my views are generally in accord with those expressed by the ACRS, the Commission's statutory advisory group, in a brief but highly critical January 10, 1983, letter to the Commissioners. It is unfortunate that the Commission decided not to discuss this letter with the Committee before adopting the safety goals statement, especially because the goals depart from the traditional approach of this regulatory agency and its predecessors: to protect the most exposed individual, and to put a ceiling on the overall impact of an accident. The Commission has also dropped the principle that the risk should continue to be reduced to a level that is "as low as reasonably achievable." As the ACRS points out, dropping this element removes the incentive for the industry to continue to improve its performance in the future.

Individual Risk Too Narrowly Defined; No Real "Societal" Goal

In setting a goal for individual risk near a nuclear plant, the Commission has included the prompt radiation fatalities from a nuclear accident, but not the delayed deaths from cancer, although in most instances the number of delayed deaths are likely to be greater. The cancer deaths are included in a second goal, which is improperly labeled a "societal" goal. This sets a limit on the number of cancer deaths caused by nuclear accidents at a plant at a fraction—one thousandth—of the cancer deaths in a fifty mile circle around the plant. Choosing such large circle has the effect of averaging the higher additional risk cancer to a relatively small population near the plant with the negligible risk to a much larger population distant from the plant. More importantly, it sets no ceiling on the overall impact of an accident—as a real societal goal would. This means that the larger the population around the plant, the larger the allowed impact, even though the benefit—power produced by the plant—is the same in both cases.

What the Commission should have done—and what the ACRS urged it to do—was to include both prompt deaths and those caused by subsequent cancers in defining the individual most at risk, and set a limit on this risk. In addition, it should have set a societal goal which put a ceiling on the impact from any single accident. This would have encouraged siting in less populated areas.

Core Melt Probabities Downplayed

The one part of the safety goal which comes closest to being potentially useful and workable is the guideline limiting core melt probabilities to less than one in ten thousand per year of reactor operation. (Calculations on the reactor hardware systems are on somewhat firmer ground, though even here the uncertainties are very large.) At the strong urging of the staff, however, the Commission has downplayed this portion of the goal, labeling it "subordinate". The difficulty seems to be that a substantial fraction of the operating plants may not meet this goal. At any rate, out of a compendium of about fifteen probabilistic risk assessments for operating reactors, roughly a third fail to meet this goal. Ironically, these results, which were given to the Commission and subsequently released only after I asked about them at a meeting on January 5, were immediately branded by the agency as highly uncertain. (Which, of course, they are. But I do not remember such emphatic warnings being attached to assessments which gave favorable results.)

Additional Views of Commissioner Ahearne

Commissioner Gilinsky raises several objections to the Safety Goal Policy Statement on which comments are necessary:

(1) The fundamental purpose of attempting to develop safety goals is to bring a more rational approach to regulating nuclear safety. It is *not*, as Commissioner Gilinsky implies, to allow "overly optimistic calculations [to] be used to rationalize a weakening of the regulatory system of public protection."

(2) Commissioner Gilinsky states that "My view remains that the only reliable guides to reactor safety are the time-tested engineering principles of careful construction and operation, redundant and diverse means of protection against core damage, sound containment, sufficient distance from populated areas, and effective emergency planning." I have but two disagreements with this position: (a) The possible inference that the other Commissioners do not support those aspects. That, of course, would not be correct. I believe *all* support these factors as being vital to providing adequate protection to the public. (b) The use of the word "only." There are other items I would include (they might not be "time-tested engineering principles," but neither is emergency planning), such as use of human factors techniques to analyze control rooms and operating procedures and use of qualified and well-trained operating personnel.

Each of the factors, and many others, underlie our regulations, which will remain controlling.

(3) Commissioner Gilinsky charges that the Commission is on a course "toward allowing the several layers of protection to be traded off one against the other without limit." This is plainly wrong. I know I am not, and as fas as I can tell, neither is the Commission.

(4) Commissioner Gilinsky states "The Commissioner seems also to be counting heavily on a sharp reduction in the

'source term.' " As proof of this he mentions that a statement on siting "was retained in the document by only one vote." First, the *Commission* did adopt the statement. Second, Commissioner Gilinsky did not propose to include the siting statement—I did. I certainly am not counting heavily on a sharp reduction in the "source term," and have been critical of some in the NRC who have very high expectations for the new source term (the "Holy Grain"). Nevertheless, I do support the safety goal.

(5) ACRS ALARA—Commissioner Gilinsky's comment regarding the ACRS and the "as low as reasonably achievable" (ALARA) concept could be read as though the Commission rejected the ACRS advice on ALARA. However, the ACRS advised us *not* to apply that standard to plants currently operating or under construction. We accepted that advice. They did recommend that standard for future plants, advice we rejected. Frankly, I do not believe there will be any new plants proposed during the two-year trial period. Thus, I do not believe the current omission is significant.

(6) The question of a societal goal was debated heavily over the last two years. The NRC staff and participants in several workshops and public meetings struggled to establish individual and societal goals that were separately useful. The principle difficulty is to avoid having one be swallowed by the other. The proposed goals are not entirely satisfactory—but the purpose of a trial or pilot period is to test such ideas, see how they work, and to try to improve them.

(7) Commissioner Gilinsky describes core melt probability as being "downplayed." The safety goal philosophy does make it secondary—secondary to public health and safety. As the staff pointed out to the Commission, the NRC's mission is to protect the public, not the licensee. Consequently, our fundamental responsibility must be to prevent harmful radiation from reaching the public. It is the licensee's responsibility to ratepayers and owners to prevent plant damage. Certainly the NRC is concerned about core melt—greatly concerned. Preventing core melt prevents large offsite releases. However, we must go beyond that point and ask the "What if" questions. What if the core melts despite our best effort to prevent it? (Accidents *do* happen.) We have to be concerned about the systems that provide protection in the event the core melts (Commissioner Gilinsky has been the staunchest supporter of this, for example in his push for strong containments). Consequently we have, I believe correctly, treated core melt as subordinate.

Additional Views of Commissioner Asselstine

I support the issuance, for the purpose of further evaluation, of the Commission's safety goals policy statement. I believe that the careful evaluation of the safety goals policy statement as well as alternative safety approaches, as provided for in the proposed evaluation plan, represents a significant first step toward determining the feasibility of defining a set of safety goals that can serve as part of the basis for the Commission's regulatory and licensing decisions for nuclear power plants.

Although I support this first step, I believe that several aspects of the Commission's safety goals policy statement and the proposed evaluation plan deserve further comment.

Qualitative Safety Goals

With one exception, I support the elements of the qualitative safety goals contained in the policy statement. That exception provides that societal risks to life and health from nuclear power plant operation should be comparable to or less than the risks of generating electricity by viable competing technologies. For several years, the Commission has routinely performed a *general* comparison of the costs and benefits of alternative electric generating means in individual nuclear power plant licensing proceedings in fulfilling the agency's responsibilities under the National Environmental Policy Act of 1969. However, the Commission has acknowledged that the comparative element of the qualitative safety goals will require a more detailed, quantitative evaluation of the relative risks of nuclear and other competing electric generating methods. In adopting this element of the policy statement, the Commission has committed to undertake such a study unless some other organization is prepared to do so.

I do not support the Commission's decision to undertake such a study for several reasons. First, such a study will be very complex, time consuming and expensive. To appropriately make comparisons of the risk of competing electric energy technologies, all phases of the fuel cycles should be addressed for the different technologies. To do otherwise would unfairly bias the evaluation of comparative risks subjecting our safety goal to the charge on promotionalism.

Second, the uncertainties involved in quantifying the relevant risks, including calculations of the long-term risk for the disposal of high-level radioactive waste and uranium mill tailings and for global build-up of carbon dioxide, acid rain and the health effects of coal emissions, call into serious question our ability to make accurate risk comparisons. Given these factors, I do not believe that the conduct of a comparative risk study is a wise use of this agency's resources. In fact, I believe that similar considerations influenced the decision by the National Academy of Sciences to terminate a similar effort—the CONAES Risk/Impact Study. For these reasons, it does not appear to me that a comparative technology safety goal would provide a useful, reliable and accurate basis on which to regulate nuclear power plants.

Quantitative Design Objectives

Most of the disagreement over the safety goals policy statement, both in the Commission's discussions and in the comments submitted on the draft safety goals policy statement, has centered on the quantitative design objectives—a set of numerical expressions for individual risk, societal risk, large-scale core melt frequency, and cost-benefit comparisons that is included as part of the safety goals. As Commissioner Gilinsky indicates in his separate views, our Advisory Committee on Reactor Safeguards has proposed a number of alternative formulations of the quantitative design objectives. These alternative formulations include: retention of the as-low-as-reasonably-achievable (ALARA) concept for all future nuclear power plants; a separate design objective for the individual risk of fatal cancer due to nuclear power plant operation or accidents; the use of a smaller radius than 50 miles in calculating the societal risk of cancer from nuclear power plant operation and accidents as well as from other causes; and a cost-benefit design objective that includes consideration of the off-site economic costs of a nuclear power plant accident. I supported unsuccessful efforts to include some of these alternative approaches in the safety goals policy statement, and I proposed other elements, such as a cost-benefit design objective for the averted person-rems that would be associated with the cleanup of a nuclear power plant accident. However, a majority of the Commission did not favor these changes.

I do not believe that we now have the information to say with any real certainty that the alternative numerical

design objectives proposed by the ACRS and others are inappropriate, or that the design objectives in the policy statement constitute a fair and complete reflection of the qualitative safety goals. Indeed, it appears clear that at least one other country proposes to use numerical design objectives (allowable frequency for large-scale core melt accidents) that are considerably more stringent than those contained in the safety goals policy statement.[1] Statements have also been made by officials of the Tennessee Valley Authority that the design objectives used by the TVA nuclear program (use of the as-low-as-reasonably-achievable concept) are more appropriate than those contained in the policy statement.[2]

Moreover, there may be an even more fundamental concern with respect to the numerical design objectives contained in the safety goals policy statement. That concern relates to use of the probabilistic risk assessment (PRA) methodology as a basis for determining whether the numerical design objectives are met in a particular case.

There appears to be a strong basis for believing that PRA can:

(1) Serve as a useful tool for better understanding of the dominant sequences and for taking advantage of plant operating experience;

(2) Provide a systematic way for examining the appropriateness of operating procedures, maintenance and testing practices, technical specifications and emergency procedures;

(3) Help identify weak areas in a specific plant that may constitute significant contributors to risk; and

(4) Provide information on generic and plant-specific risks that can be used to assess the adequacy and appropriateness of existing NRC requirements as well as the need for modifications to existing requirements or for new requirements.

However, our Advisory Committee on Reactor Safeguards and others have warned that present uncertainties associated with the PRA methodology and with the existing PRA assessments for specific plants make PRA an unreliable basis for making judgments on the overall risk posed by specific plants or by nuclear power plants in general. Thus, to the extent that they depend on such "bottom line" risk assessments, the quantitative design objectives contained in the safety goals policy statement may represent an unreliable and inappropriate basis for making regulatory decisions.

In order to address these concerns, the Commission has agreed to a two-year evaluation period to asses the effects that would result from applying the safety goals and numerical design objectives as well as the alternative design objectives that have been proposed by the ACRS and others. I believe that such an evaluation process is essential to our informed judgment on the appropriateness of both the numerical design objectives contained in the policy statement and the alternative design objectives that have been proposed. I also believe that the evaluation period will provide useful insights on the uncertainties associated with PRA methodology as it would be used in conjunction with the safety goals and design objectives—insights that are needed to reach a decision on the feasibility of the safety goals approach and its elements.

Until the evaluation process has been completed and understood, the Commission has determined that neither the qualitative safety goals nor the numerical design objectives will be used as a basis for any regulatory decision. Thus, the Commission's present regulatory program, including such elements as the as-low-as-reasonably-achievable (ALARA) concept, remains the exclusive basis for reaching safety decisions for nuclear power plants. Given these factors, I believe the Commission's decision on the safety goals policy statement and evaluation plan represents a careful and deliberate step toward exploring the potential benefits and pitfalls of the use of quantitative safety goals in the NRC's regulatory decision-making for nuclear power plants.

Plan To Evalutate the Commission's Safety Goal Policy Statement

A. *Purpose.* This document provides the plan to evaluate the Commission's safety goal policy statement. The purpose of the plan is to outline (1) a description of how the safety goals will be evaluated as a factor in arriving at regulatory decisions, (2) the general approach to be used in developing the data and information needed to evaluate the usefulness of the safety goals in regulation and licensing, and (3) how the results of using the safety goals will be assessed at the end of the evaluation period.

One of the primary goals of this evaluation program is the development of an implementation plan at the conclusion of the evaluation period. That implementation plan would prescribe how final safety goals and numercial design objectives would be used in the regulatory process. The evaluation program will also include efforts to develop any revisions to the preliminary safety goals and design objectives that are show to be necessary during the evaluation period.

The first phase of the evaluation period will begin with the publication of the proposed evaluation plan for public comment for a 90-day period. During this period, it is expected that preliminary information on new radiological source terms will become available and the staff will examine the effects that this information will have on comparison of risk estimates with the proposed design objectives for individual and societal mortality risks. At the end of the public-comment period the staff will assess the comments received on the evaluation plan, as well as the impact of the new source term information, and will prepare a report to the Commission. The overall time for the first phase is expected to be about 6 months. During the second phase of the evaluation period expected to be about 18 months, the staff will conduct a limited evaluation of the safety goals and design objectives and their potential use in the regulatory process. It is anticipated that additional information on radiological source terms will become available during this second phase, and this new information will be factored into the staff's evaluations after review and approval by the Commission.

B. *Scope.* The qualitative safety goals and quantitative design objectives contained in the Commission's Policy Statement will not be used to make regulatory decisions during the evaluation period. However, the NRC has used and plans to continue using probabilistic risk assessments (PRA) to better understand the risks of various safety issues. The quantitative safety goals will be evaluated, where the PRA methodology is generally accepted, with regard to existing regulatory requirements, proposed new regulatory requirements, research priorities, prioritization and resolution of generic safety issues, and the relative safety importance of issues as they arise. These analyses will also provide information regarding the timing of implementation of any new requirements and the relative merits of alternative approaches. The safety goal will be evaluated using the results of PRA on selected plants where PRA information is already available. However, regulatory decisions on the need to backfit plants as the result of this evaluation are inappropriate.

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[1] "Britain's Approach to the PWR Stresses Safety and Reliability," by B.V. George and D.E. Hilsley, *Nuclear Engineering International*, December 1982.

[2] The Knoxville *News Sentinel*, January 12, 1983.

The safety goal design objectives will also be evaluated using the following generic issues to gain hands-on experience; however, the safety goal will not be a factor in resolution of the issues during the evaluation period. These issues will include the following:

(1) ATWS rule (RES)

(2) Pressurized thermal shock of pressure vessels (USI A–49) (NRR)

(3) Siting policy or rulemaking, after new radiological source terms are available (RES)

(4) Severe accident policy or rulemaking (RES/NRR)

(5) Station Blackout (USI A–44) (NRR)

(6) Decay Heat Removal (USI A–45) (NRR)

(7) Reconsideration of Emergency Response (RES)

The safety goal design objectives will also be evaluated during the evaluation period by examining selected existing requirements. The purpose of this reexamination is to gain hands-on experience with the safety goal; however, regulatory decisions will not be based on this reexamination. Examples of such issues which may be reexamined are the reliability criteria for the auxiliary feedwater system of PWRs and the requirement to combine seismic and LOCA loads in the design of structural and mechanical components and their supports.

In order to address that aspect of the safety goal concerning a comparison of the operation of nuclear power plants to the risks of generating electricity by viable competing technologies, the staff, within 60 days of publication of the safety goal, will survey other organizations and government agencies to determine their interest in conducting such a comparative study. If no agencies commit to performing such a study, the staff, within 120 days of publication of the safety goal, will issue a request for proposal to complete such a study with the objective of contact issuance within 180 days of publication of the study goal. The staff will keep the Commission fully informed on the progress of the above efforts.

C. *General Approach To Be Used.* The design objectives in the policy statement include the risks from routine emissions, normally expected transients and low consequence accidents, design basis accidents, and accidents which might melt the core. Compliance with Appendix I to Part 50 assures that the risks for routine emissions are small; therefore, they need not be analyzed either generically or on a plant-specific basis to demonstrate conformance with the safety goals. Also, compliance with current regulations (principally Parts 20, 50, and 100) generally provides adequate protection against the risks from anticipated transients and low consequence accidents as well as design basis accidents; therefore, these need not be analyzed to demonstrate conformance with the safety goals. Thus, to evaluate the safety goal policy statement during the evaluation period, this action plan will focus on the risks from accidents involving potential core-melt.

An early step in evaluating the policy statement will be for the Office of Nuclear Regulatory Research (RES) to collect available information on PRA studies and prepare a reference document that describes the current status of knowledge concerning the risks of plants licensed in the U.S. It is essential that a reference document be prepared and receive peer review so that the staff, licensees, and public have a common base of information on the dominant contributors to the probability of core-melt and to the public risk due to radiation from serious nuclear accidents, the strengths and weaknesses of current plant designs and operations, and the usefulness of PRA and the safety goals in assessing such strengths and weaknesses.

This reference document will assess the uncertainties associated with estimates of core-melt probabilities and radiological consequences and will attempt to provide guidelines on how these uncertainties should be treated. It will also assess the uncertainties associated with making relative risk assessments compared to absolute risk assessments; and it will address the uncertainties in assessing the risks from external events (seismic and flood), and from fire, compared to the uncertainties of assessing risks from internal accident initiators (equipment failure and operator errors).

The reference document will include an assessment of procedures used for these PRA studies and their impact on the validity of the results, as well as a discussion of when it is appropriate to consider the risks from external events such as earthquakes and floods, the likely magnitude of such risks, and how one should evaluate such risks in light of the large uncertainties involved. It will also identify those areas of plant design that appear to be most amenable to possible improvement, including insights that have been gained with regard to the desired and achievable reliability of systems and components important to safety. Significant new information developed in the preparation of the reference document will be reported to the Commission, as well as the final reference document itself.

In parallel with the development of this reference document, the staff will begin evaluating the safety goal quantitative design objectives in some of the areas identified in Section B to begin developing a base of hands-on experience. In evaluating the benefit-cost guideline, the $1,000 per person-rem averted will be in 1983 dollars, and it will be modified in reflect general inflation in the future. Both the benefits (reduction in estimated public exposure) and the costs will be assessed for the remaining lifetime of the plants.

The staff will evaluate the safety goal in the area of reliability of systems and components important to safety.

Because of the present uncertainties in analyzing the risk from external events, care will have to be taken with regard to any apportionment of the design objectives between external and all other (internal) accident initiators. This subject will be addressed in the reference document. Substantial research is now underway to develop more effective techniques to analyze the probability of core-melt and the risk from external events. When this is completed, PRA will be used to determine generically whether the risk attributable to external hazards is large enough to warrant routine consideration in safety goal decisions.

PRAs will be performed using realistic assumptions, and the estimates normally will be based on median values after propagating uncertainty distributions. Also, the analyses will include as good an estimate as is feasible of the magnitude and nature of uncertainties, including differences between median and mean estimates, together with sensitivity analyses for certain parameters important to risk. It is the intention that conservatisms will be explicitly expressed in the decision rationale, rather than be buried in the risk analyses.

One way to improve the consistency of PRA results is to provide some reasonable assurance that analysts follow equivalent procedures, make similar assumptions, treat phenomena consistently, and utilize a common data base. NRC has developed reasonably prescriptive guidance on how to conduct a PRA, drawing upon the Integrated Reliability Evaluation Program (IREP) and the work of the ANS/IEEE. Such standardization is highly desirable for effective use of the safety goal design objecties.

D. *Proposed Relation to Regulatory Decision Process.* In evaluating proposed new regulatory requirements and assessing the need for regulatory action on safety issues that arise, the

staff will evaluate the use of safety goals; however, during the evaluation period the safety goals will not be a factor in making regulatory decisions. The weight to be given the safety goal after the evaluation period will depend on many considerations. One important consideration will be the quality of the PRA information, including the source of the analysis, the methods and data used, and the extent of peer review it has received. Insofar as possible, the staff members most familiar with the PRA and its limitations will be consulted in the decision process. This staff input will provide an essential perspective to those who must consider the PRA information and weigh its importance in making a decision.

Other factors in making decisions after the evaluation period will include the uncertainties surrounding the PRA analyses, engineering judgment, the acceptability of safety tradeoffs implicit in the decision, and the applicable regulatory requirements. The staff believes that the above, coupled with the scrutiny given PRAs by the industry, the NRC staff, NRC management, the ACRS, and other experts will provide sufficient controls to avoid abuse of the use of PRAs and safety goals in regulation; but this judgment will have to be further evaluated during the evaluation period.

Because of the uncertainties inherent in PRAs one must be cautious in making absolute comparisons between a risk estimate for a plant and one of the safety goal design objectives. If, for example, such a comparison indicates that a design objective is not met, one would expect the next step would be to examine the underlying technical reasons. It could be that such an examination would reveal that an existing regulatory requirement is not met, in which case the appropriate regulatory action would be to focus on the improvements in the plant needed to meet the regulatory requirement. In other cases it may reveal a gap in our requirements, in which case appropriate actions may be needed to amend the regulations, depending on the safety benefits and the costs of the proposed actions. The timing of any corrective actions, if needed, would depend on factors such as the estimated magnitude of the risks involved, the need for power, the number of plants involved, the cost of replacement power, and the available industry and NRC resources.

It is expected that the initial focus in using the safety goal after the evaluation period will be on the design objective on core-melt frequency. Estimates of public risk will be performed if the core-melt design objective is exceeded, or a risk-important accident sequence is dominant. During the evaluation period, estimates of public risk will be performed even if the core-melt objective is not exceeded in order to gain hands-on experience. The importance of mitigating the consequences of a core-melt accident is fully recognized, and the staff will continue to emphasize features such as containment and emergency planning as integral parts of the defense-in-depth concept.

Where significant, occupational exposures would also be a consideration in any decision whether to make safety improvements. Such considerations would include any increased exposures accrued during plant modifications and any incremental increases (or decreases) subsequently required to maintain the plant. However, it is not clear whether occupational exposures would be given the same weight in decisions as would public exposures. One consideration that is important is that the occupational exposure incurred as a result of any imposed new requirement is a real impact with a small uncertainty band, whereas averted public exposures are calculated probabilistic numbers with large uncertainty bands. In at least one case the staff will include averted occupational exposure as one of the benefits in the cost-benefit evaluation. These factors will be assessed during the evaluation period.

A paramount consideration in evaluating the use of PRAs and the safety goals is that one must be sensitive to the "bottom-line risk" syndrome. The principal benefit of PRA, considering the present state-of-the-art, is to identify strengths and weaknesses in plant design and operation, not to calculate accurate, absolute risk numbers. Therefore, the primary application of PRA information during the evaluation period will be to compare the results and evaluate insights gained from the spectrum of PRA analyses done to date, which will be summarized in the reference document.

E. *Assessment of Results at End of Evaluation Period.* At the end of the evaluation period the staff will assess the information gathered on PRAs contained in the reference document, together with the hands-on experience gained in evaluating the safety goals to make recommendations to the Commission regarding the use of safety goals in regulation or licensing and any changes in the safety goals. This assessment will include:

1. A comparison of existing plant-specific PRAs with the design objectives.

2. A discussion of situations where PRAs and the design objectives might have provided a useful perspective for decisions, and where their use would not have been very beneficial.

3. The impact of any changes in source term assumptions on the safety goals, including whether the design objectives should be change.

4. An evaluation of the need for proposed guidelines as to actions to be taken when one or more plants are estimated to exceed one or both of the public risk design objectives and/or the core-melt design objective. For example, should operating levels or limits be established; and, if so, what should they be?

5. Judgments regarding the methodology for containment performance assessment and whether a containment performance design objective would be useful. If so, what should be the recommended design objective(s)?

6. The influence of occupational exposures or other factors on decisions after the evaluation period.

7. Judgments regarding the methodology that should be used to perform PRAs to enhance their use in the regulatory process.

8. For any future plant-specific applications, an evaluation of alternatives as to how conformance with the individual risk guideline should be assessed for situations where no one lives within one mile of the site boundary

9. Whether a single monetary value of averted person-rem is an appropriate and useful way to implement the benefit-cost guideline. If not, what might be more appropriate?

10. An assessment of whether the design objectives for societal cancer risk should consider the population within 50 miles, as proposed in the policy statement, or some other distance from the plant.

Careful attention will be paid to mangement of the various activities during the evaluation period. Toward this end the staff will do the following:

- Establish appropriate tasks and milestones (Ref. Section F) in the FY 83–85 EDO and Commission Program Planning and Guidance documents and in office Operating Plans.
- Establish a Steering Group which will include, as a minimum, management level representatives from the EDO, NRR, RES, IE, ELD, and OPE. The staff will maintain close involvement with the ACRS during the evaluation period.

• Provide appropriate reports to the Commission including the reference document, an assesment of substantive public comments received, and recommendations on any mid-course corrections that appear warranted.

F. *Highlight of Future Staff Actions.* The following summarizes the action items required to evaluate the safety goals and develop improved technical implementation guidance during the evaluation period. Information gathered during the evaluation period will be evaluated by the staff to assist in any subsequent recommendations to the Commission regarding the future role of PRA or the safety goals in regulation or licensing.

1. Prepare a report to the Commission that summarizes and evaluates the public comments received on the proposed evaluation plan. (EDO)—Mid-1983.

2. The staff, within 60 days of publication of the safety goal, will survey other organizations and government agencies to determine their interests in conducting a study of the comparison of the operation of nuclear power plants to the risk of generating electricity by viable competing technologies. If no agencies commit to performing such a study, the staff within 120 days of publication of the safety goal will issue a request for proposal to complete such a study with the objective of contract issuance within 180 days of publication of the safety goal. The staff will keep the Commission fully informed of the progress of the above efforts. (EDO)— 60 days; 120 days; 180 days.

3. Prepare a reference document that evaluates existing PRAs to: assess the dominant accident sequences; identify and rank safety systems and components as to their risk importance; evaluate how the risks from external events should be weighed in the decision process; estimate the magnitude, direction, and risk significance of uncertainties; and assess lessons learned with regard to strengths and weaknesses of various methodologies and procedures. (RES)—Early 1984.

4. Provide appropriate reports to the Commission regarding evaluation of the safety goal, such as the reference document, evaluation of public comments, and any recommended mid-course corrections that might appear to be warranted. (EDO)—1983–85.

5. Improve the quality and review of PRAs by developing a review plan for PRAs, consensus on the methodology for assessing the performance of all types of containments, and guidance on the assessment of the risks of external events. (NPR/RES)—1983–85.

6. Evaluate the safety goals:

a. Prioritize generic safety issues (NRR)—Early 1983.

b. Evaluate proposed new requirements that are amenable to assessment by PRA (RES/NRR)—1983–85.

c. Prioritize research in areas amenable to assessment by PRA (RES)—1983–85.

d. Develop and begin to implement a plan to assess existing requirements to determine whether some aspects need changing (RES)—1983–85.

e. Begin to develop risk-based reliability criteria for systems and components most important to safety (NRR/RES)—1983–85.

f. Begin to develop a methodology to prioritize selected reactor inspection procedures and to assist decision-making on the issuance of circulars, bulletins, and orders related to generic issues (IE)—1983–85.

7. Make recommendations at the end of the evaluation period for the future use of safety goals in regulation and licensing, including: policy changes based on the experience gained; further guidance regarding implementation; any action guidelines felt to be warranted to assist decision-making as to whether new requirements should be implemented or existing requirements waived, and the timing of implementation of new requirements; application of the safety goals to operating reactors and licensing, e.g., the use of operating limits; and the effect of new developments, such as revised radiological source terms, on the implementation of the safety goals. (EDO)—Early 1985.

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond/Escrow Requirement Relating To Sale of Assets by an Employer Who Contributes To a Multiemployer Plan; Johanna Farms, Inc. et al.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Johanna Farms, Inc. and its wholly owned subsidiary, Dairy Center, Inc., an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on December 27, 1982 (47 FR 57597). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862.

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effective or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On December 27, 1982 (47 FR 57507), the PBGC published a notice of the pendency of a request from Johanna Farms, Inc. ("Johanna") and its wholly owned subsidiary, Dairy Center, Inc. ("Dairy") to waive the bond/escrow requirement of ERISA section 4204(a)(1)(B), in connection with the purchase on May 27, 1982 by Dairy of certain operating assets of the Great Atlantic and Pacific Tea Company, Inc. ("A&P"). Johanna was a guarantor to the purchase.

A&P contributed to the Dairy Industry-Union Pension Plan for Philadelphia and Vicinity (the "Plan"). Prior to the sale, A&P's potential withdrawal liability to the Plan had been calculated to be $1,402,457. The amount of the bond or escrow required under section 4204(a)(1)(B) is $289,105 (the estimated annual contribution required to be made by A&P for the plan year preceding the year in which the sale occurred). Dairy intends to continue the operations as they were previously maintained by A&P, and has agreed to retain the same number of employees as previously were employed by A&P.

According to its consolidated financial statements for the fiscal year ending on May 31, 1981, Johanna and its subsidiaries had total net assets of approximately $13 million, and an average net income for fiscal years 1979–1981 of about $1.6 million. Johanna has asserted that all other financial information submitted as part of this request is exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(4).

In response to the request, PBGC received a comment from the Plan objecting to the exemption request by Johanna and Dairy. The Plan contended that no exemption should be granted because of the Plan's financial condition. The Plan indicated that its current unfunded vested benefits total about $28.5 million, and that "drastic actions" have been taken to keep the Plan from incurring a funding deficiency, to maintain a positive cash flow, and to otherwise avert possible termination. The objection further stated that the "trustees believe that their fiduciary obligations require them to take every reasonable action necessary to preserve the financial integrity" of the Plan, including opposing exemptions from the bond requirement which could "weaken the (Plan's) position in the event that an employer, such as (Dairy), should ever fail to pay withdrawal liability." The Plan's objection also stated that, by assuming A&P's obligations, Dairy will become one of the largest contributors to the Plan.

PBGC has previously considered a similar objection filed by a plan against an exemption request. *Kohlberg, Kravis, Roberts and Co.*, 47 FR 40201 (Sept. 13, 1982). In that decision, PBGC pointed out that the purpose of the bond/escrow requirement is to provide some indication of the purchaser's ability to meet its ongoing financial obligations to the plan, and also to afford the plan protection in the event the purchaser fails to pay its contributions. The decision further stated that the bond/escrow was "not intended to ensure that the purchaser will not withdraw from the plan * * *". In response to the specific objection in that case related to the financial strength of the plan, PBGC stated that—

> * * * while the bond or escrow may be more important to a plan "experiencing a negative financial trend," in determining whether to waive this requirement, the test under § 2643.3(a) of PBGC's regulation is the risk of financial loss to the plan, *i.e.* whether or not a loss may occur, and not the impact of a loss on a particular plan. Therefore, the focus is on the purchaser, not the plan. PBGC believes a variance from the bond/escrow requirement of section 4204(a)(1)(B) is justified where the purchaser is capable of meeting its obligations to the plan or plans at the time of the sale.

PBGC would add with respect to the instant case, that this principle is no less true where the purchaser is a large contributor to the plan.

PBGC has thus reviewed the exemption request by Johanna and Dairy on the basis of the purchaser's ability to meet its obligations to the Plan. Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, PBGC hereby grants the request by Johanna and Dairy for an exemption from the bond/escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C. on this 8th day of March 1983.

Charles C. Tharp,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-6425 Filed 3-11-83; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

March 8, 1983.

Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Archer-Daniels-Midland Company
Common Stock, No Par Value (File No. 7–6533)
Diamond Shamrock Corporation
Common Stock, No Par Value (File No. 7–6534)
Hospital Corporation of America
Common Stock, $1 Par Value (File No. 7–6535)
Household International, Inc.
Common Stock, $1 Par Value (File No. 7–6536)
Mitel Corporation
Common Stock, No Par Value (File No. 7–6537)
Norton Simon, Incorporated
Common Stock, $1 Par Value (File No. 7–6538)
Perkin-Elmer Corporation (The)
Common Stock, $1 Par Value (File No. 7–6539)
Rowan Companies, Inc.
Common Stock, $.12½ Par Value (File No. 7–6540)
Time Incorporated
Common Stock, $1 Par Value (File No. 7–6541)
Jack Eckerd Corporation
Common Stock, $.10 Par Value (File No. 7–6542)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 29, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this

opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6436 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 8, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Halliburton Company
Common Stock, $2.50 Par Value (File No. 7-6528)
Detroit Edison Company
Common Stock, $10 Par Value (File No. 7-6529)
Commodore International
Common Stock, $1 Par Value (File No. 7-6530)
Anheuser-Busch Companies, Inc.
Common Stock, $1 Par Value (File No. 7-6531)
Mesa Petroleum
Common Stock, $1 Par Value (File No. 7-6532)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 29, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6436 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Seiscom Delta, Inc.; Order Terminating Suspension of Trading

March 8, 1983.

It is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that the suspension of exchange and over-the-counter trading in the securities of Seiscom Delta, Inc., is terminated effective 10:00 a.m. on March 8, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6434 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 842; (803-21)]

Cigna Capital Advisers, Inc.; Filing of an Application

March 8, 1983.

In the matter of Cigna Capital Advisers, Inc., (formerly Connecticut General Capital Advisers, Inc.) Legal N-70, Hartford, Connecticut 06152.

Notice is hereby given that CIGNA Capital Advisers, Inc. ("Applicant"), an investment adviser registered under the Investment Advisers Act of 1940 ("Act"), filed an application on May 5, 1982, and amendments thereto on August 13 and December 1, 1982, and February 22, 1983, for an order of the Commission, pursuant to Section 206A of the Act, exempting Applicant's special fee allocation arrangement with several proposed investment funds from the provisions of Section 205(1) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the rules thereunder for the complete text of the provisions referred to herein.

The application states that Applicant, a wholly-owned subsidiary of CIGNA Corporation, proposes to establish and become the general partner of several investment funds (the "Funds"), each of which will be organized to make a specific kind or kinds of long-term investments. Applicant states that, except with respect to certain Funds which will be offered only to foreign investors ("Foreign Funds"), each Fund will be organized as a limited partnership in which Applicant will be the general partner. It is asserted that, unless sooner terminated with the consent of a specified percentage of the limited partners or upon the occurrence of certain events to be specified in each limited partnership agreement, each Fund will have a minimum life of seven years, and no Fund is expected to have a life exceeding fifteen to twenty years. Except with respect to certain Foreign Funds, each Fund will have a minimum total capital of $25,000,000, and the minimum capital contribution of each limited partner will be $1,000,000. Applicant represents that it will contribute at least 10 percent of the capital of each Fund. It is further represented that the capital contributed by Applicant will remain invested until the termination of each Fund, but may be withdrawn proportionately to any withdrawal of capital by the limited partners.

Applicant states that interests in the Funds will be offered only to institutional investors and sophisticated individuals with a net worth (or joint net worth with their spouses) at the time of investment in excess of $10,000,000 and an annual income (or a joint annual income with their spouses) in each of the two years preceding the investment in excess of $1,000,000. Applicant represents that such interests will be sold only in a manner as to be exempt, in the opinion of counsel, from registration under Section 4(2) of the Securities Act of 1933, and further represents that the Funds will be exempt from registration as investment companies under Section 3(c)(1) of the Act.

Applicant represents that each Fund's principal investment objective will be to make a specific kind or kinds of long-term investment. Applicant states that the first Fund that it proposes to establish (a "Buy-Out Fund") will make substantial debt and/or equity investments in a limited number of "leveraged buy-out" transactions. According to the application, examples of other Funds which Applicant may establish include an "Oil and Gas Fund," which may primarily make oil and gas investments, and a "Venture Capital Fund," which may primarily make traditional venture capital investments. Applicant states that it expects that there may be a number of Funds in existence at one time, including a number of the same kinds of Funds.

Applicant represents that, except for temporary investments referred to below, no Fund will invest in (i) securities that at the time of purchase by

the Fund are listed on a national securities exchange, reported through the automated quotation system of a registered securities association, or otherwise publicly traded, (ii) government securities, or (iii) money market instruments such as bank certificates of deposit, commercial paper and other similar instruments. The application states that, notwithstanding the foregoing, a Fund may make temporary investments in the securities referred to in clauses (ii) and (iii) while selecting its long-term investments, prior to distributions to partners, pending payment of expenses of the Fund and in other similar situations. In addition, Applicant states that a Fund may invest in options or warrants for, or securities that are exchangeable for or convertible into, securities of the type described above in clause (i). It is represented that if a Fund does invest in such securities, it will dispose of any such underlying securities received upon exercise, conversion, or exchange reasonably promptly after receipt thereof. Applicant also represents that if a Fund otherwise acquires securities described in clause (i), it will dispose of such securities reasonably promptly after receipt thereof.

The application states that Applicant will receive from each Fund: (1) A fixed annual fee designed to cover Applicant's expenses and the ordinary operating expenses of the Fund and (2) a "special allocation." With respect to some of the Funds, such as the Buy-Out Fund and the Venture Capital Fund, Applicant proposes to receive a special allocation in an amount equal to 10% of the Fund's net capital gains (net realized capital gains in Funds in which the Fund's books are kept, and the special allocation is made on the basis of financial statements prepared, in accordance with generally accepted accounting principles, or net recognized capital gains in Funds in which the Fund's books are kept, and the special allocation is made on the basis of financial statements prepared, in accordance with federal income tax reporting requirements). With respect to other Funds, such as the Oil and Gas Fund, it proposes to receive a special allocation in an amount equal to 10% of the Fund's net income (including items of ordinary income as well as capital gains on the basis of either generally accepted accounting principles or federal income tax reporting requirements, as explained above.) Applicant states that it will also be charged with a special allocation of loss, in an amount equal to 10% of a Fund's net realized or recognized capital losses or net losses, as the case may be, provided that over the term of a Fund, the special allocation of loss will not exceed the special allocations of gain or income. Applicant represents that in no event will it be entitled to any special allocation of gain or income if, over the term of a Fund, the special allocations of loss exceed the special allocations of gain or income. Applicant explains that, if special allocations of gain or income have been distributed to it prior to the time that subsequent special allocations of loss are charged to Applicant, such allocations of loss would be reflected in subsequent distributions during the term of the Fund or, if there are insufficient or no subsequent distributions, Applicant's final distribution upon termination of the Fund would be reduced by the amount of such special allocations of loss charged to Applicant but not therefore reflected in distributions, or, if necessary, upon termination of the Fund, Applicant would repay such amount to the Fund.

Applicant represents that distributions of cash, securities or other property will be made proportionately to the Applicant and to the limited partners in accordance with the respective balances in their accounts; thus, for example, except in certain limited situations described in the application, the Applicant may not receive a distribution in cash if the distribution to the limited partners is in the form of securities. Applicant represents that, except as described below, the special allocations allocable to Applicant will be based only on items of realized or recognized gain, income or loss, thereby, it is contended, avoiding the problems of valuation associated with measuring items of unrealized or unrecognized gain, income or loss. It is asserted that realized or recognized gain, income or loss will be determined on the basis of year-end financial statements of the Funds, which will be prepared in accordance with generally accepted accounting principles or federal income tax reporting requirements, and will be audited by independent public accountants of recognized national standing. The application states that in the event that appreciated or depreciated securities or other property are distributed in kind, the amount of such distribution will be subject to Applicant's special allocation which will reflect 10% of the items of unrealized or unrecognized gain, income or loss in respect of such securities or other property of the Funds valued at the time of such or distribution. Similarly, a distribution in kind to a withdrawing limited partner will also be subject to and reflect Applicant's special allocation. However, to the extent that the withdrawing limited partner receives cash or other items in an amount which reflects the value of the appreciated or depreciated securities or other property which remain in the Fund and are not distributed to the withdrawing limited partner, the amount of such distribution will reflect the amount of a special allocation to the Applicant of 10% of the items of unrealized or unrecognized gain, income or loss in respect of such securities or other property, subject to a subsequent adjustment as described in the application upon the realization or recognition of net gain, income or loss in respect of such securities or other property remaining in the Fund which had not been distributed to the withdrawing limited partner. It is asserted that in case of any distribution in kind or upon the withdrawal of a limited partner, any valuation in respect of unrealized or unrecognized gain, income or loss will, at the request of the withdrawing limited partner or a majority in interest of the limited partners, be subject to review by an investment banking firm of recognized standing selected by Applicant and acceptable to a majority in interest of the limited partners.

Section 206A of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from any provision or provisions of the Act, if and to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisons of the Act.

The Applicant contends that the proposed special allocation provisions do not present the kinds of danger to which Section 205(1) of the Act is addressed, and that the requested exemption would not only be consistent with the protection of investors, but would, in fact, serve the interests of the sophisticated investors that stand to benefit from the operation of the Funds. Applicant argues that the proposed investments are essentially illiquid and, therefore, not susceptible to the kinds of speculative, short-term securities trading practices that Section 205(1) is intended to discourage. Additionally, Applicant argues that its economic interest in the Funds is coincident with the economic interests of the limited partners, for it will have substantial funds of its own invested in each Fund. Applicant also contends that a special allocation based

on the performance of the Funds is appropriate in view of the investments to be made by the Funds, and, consequently, the nature of the services to be rendered by the Applicant. The Applicant argues that because its role as general partner of the Funds is far more complicated, time-consuming and costly than that of an investment adviser managing a portfolio of publicly-traded securities, it is both necessary and appropriate to allow the Applicant an additional return on its capital based on the Funds' performance. The Applicant argues that the netting concept proposed for determining the special allocation is consistent with the interests of investors in the Funds because it will insure that the Applicant does not itself benefit if a Fund performs well during one year but suffers losses in other years. The Applicant believes that its proposed special allocation arrangements will be attractive to the financially sophisticated institutions and individuals to which it will be marketing these Funds, and that such institutions and individuals will want, and should be given, the opportunity to participate in such investments on this basis. The Applicant argues that such investors do not need the protection offered by Section 205(1) of the Act. It is asserted that the exception for index-related profit participation contained in Section 205 of the Act is inapplicable to funds which will be making investments that are inherently unique and the performance of which, accordingly, cannot be compared to any quoted market prices. Moreover, Applicant represents that there are no indexes against which the performance of a Buy-Out Fund, Oil & Gas Fund or Venture Capital Fund can be appropriately measured.

To avoid the necessity of making various substantially identical applications in the future, the Applicant requests that an exemption be granted with respect to the special allocation provisions it proposes with respect to each of the Funds that may be established. Applicant asserts that each of the proposed Funds will be conducted in the same manner and have the same essential characteristics, except that the particular type of investment and investment management and the corresponding basis on which the special allocation is computed will vary from Fund to Fund. The Applicant contends that such variations do not bear on the appropriateness of the requested exemption.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by Affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6826 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13086; (811-225)]

Consolidated Investment Trust; Filing of Application

March 8, 1983.

In the matter of Consolidated Investment Trust, 201 Devonshire Street, Boston, MA 02110.

Notice is hereby given that Consolidated Investment Trust ("Applicant"), registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on January 4, 1983, for an order of the Commission pursuant to Section 8(f) of the Act, declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was an unincorporated voluntary association organized under the laws of the Commonwealth of Massachusetts on September 28, 1933, and registered under the Act on August 13, 1941. The application further states that Applicant has not filed a registration statement under the Securities Act of 1933 since 1940.

Applicant states that as of December 20, 1982, its assets were acquired by The George Putnam Fund of Boston ("Putnam") in exchange for shares of Putnam of an aggregate net asset value equal to the value of the assets of Applicant acquired, under the terms of an agreement and plan of reorganization entered into by Applicant, Putnam, and The Putnam Management Company, Inc., dated November 10, 1982. Applicant distributed to its shareholders the shares of Putnam it received in exchange for its assets.

The application also states that Applicant has no assets and no shareholders, is not a party to any litigation or administrative proceedings, and is not engaged in any business activities other than those necessary for the winding-up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6825 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13084; (812-4831)]

Federated Tax-Free Trust; Filing of Application

March 8, 1983.

In the matter of Federated Tax-Free Trust, 421 Seventh Avenue, Pittsburgh, PA 15219.

Notice is hereby given that Federated Tax-Free Trust ("Applicant"), registered

under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 27, 1981, and amendments thereto on August 31, 1981, September 23, 1981, and December 27, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Sections 2(a)(41) and 12(d)(3) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary, to permit Applicant to acquire puts from banks, brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its investment objective is to provide dividend income exempt from Federal income taxes while seeking relative stability of principal. According to the application, Applicant pursues this objective by investing in a professionally managed, diversified portfolio of short-term municipal securities including Industrial Development Bonds with remaining maturities of one year or less at the time of purchase by the Fund. It is stated in Applicant's prospectus that from time to time on a temporary basis or for defensive purposes, Applicant may invest in "Temporary Investments" which mature in one year or less at the time of purchase, consisting of: Other obligations issued by or on behalf of municipal or corporate issuers; United States Treasury bills, all other marketable obligations issued or guaranteed by the United States Government, its agencies or instrumentalities; instruments of banks and savings and loans which are members of the Federal Deposit Insurance Corporation ("FDIC") or Federal Savings and Loan Insurance Insurance Corporation ("FSLIC") (such as certificates of deposit, demand and time deposits, savings shares and bankers' acceptances; these instruments are not necessarily guaranteed by the FDIC or the FSLIC); repurchase agreements; and prime commercial paper including varible amount master demand notes. The prospectus further states that Applicant will not invest in instruments issued by banks or savings and loans unless at the time of investment such banks and savings and loans have capital, surplus and undivided profits in excess of $100,000,000 (as of the date of their most recently published financial statements). Commercial paper investments will be limited to commercial paper rated A1 by Standard & Poor's Corporation, Prime 1 by Moody's Investors Services, Inc., or F1 by Fitch Investors Service. Applicant represents in its prospectus that it may invest in these Temporary Investments, for example, due to market conditions or pending investment of proceeds of sales of shares or proceeds from the sale of portfolio securities or in anticipation of redemptions. However, the prospectus states that Applicant generally expects to invest the proceeds received from the sale of its shares in muncipal securities as soon as reasonably possible.

Applicant asserts that it is designed for assets held by banks in a fiduciary, advisory, agency, custodial or similar capacity and also for funds held by other institutions such as savings institutions, corporations, trusts, brokers, investment counselors, insurance companies and other institutions. Shares are also available for purchase by individual investors. Federated Research Corp. is Applicant's investment adviser and Federated Securities Corp. is Applicant's Distributor. Both of these corporations are wholly-owned subsidiaries of Federated Investors, Inc., of Pittsburgh, Pennsylvania.

Applicant states that it has maintained a constant $1.00 net asset value per share since commencing business and a relatively stable daily dividend rate by keeping its average weighted portfolio maturity under 120 days. The applicant represents that all of Applicant's portfolio securities are valued at amortized cost.[1]

The application states that, in addition to the assurance of a constant net asset value per share, the institutional investors for which Applicant is designed require the ability to receive same-day redemption proceeds in Federal funds. The maturities of short-term tax-exempt obligations are ordinarily not as frequent as other money market instruments and maturity dates are ordinarily not negotiable. Applicant represents that the maturity dates of available obligations are sufficiently infrequent that Applicant cannot rely on day-to-day scheduled maturities to meet net redemptions. Therefore, Applicant states that its assets must be retained in cash or very short-term instruments thereby reducing Applicant's yield (the investors return).

In order to enable Applicant to assure same-day settlements on portfolio sales, and thereby facilitate the same-day payment of redemption proceeds in Federal funds, Applicant asserts that it proposes to adopt policies permitting the acquisition of puts from banks, brokers and dealers as described below. Applicant states that when it purchases a municipal security from a bank, broker or dealer, it may also acquire the option to sell the same principal amount of such security back to the same institution at a specified price. Such an option or right is sometimes referred to as an "optional delivery," or a "stand-by commitment," and is referred to in this application as a "put." Applicant represents that the intended purpose of utilizing puts is to facilitate portfolio liquidity.

The application states that the puts may be exercisable by Applicant at any time prior to the maturity of the underlying security. Applicant asserts that its right to exercise puts will be unconditional and unqualified. Although puts will not be transferable, municipal securities purchased subject to puts could be sold at any time even though a put is outstanding. The put will not obligate Applicant to sell the underlying securities to the issuer of the put nor entitle the issuer to demand the return of the securities at its option. Applicant states that it expects that a sale of the underlying securities to a third party would terminate its rights under the related put to sell the securities back to the issuer of the put. Applicant represents that puts it acquires will be in writing and will be physically held by its custodian, State Street Bank and Trust Company.

The application states that the exercise price of puts will be substantially as follows: (i) Applicant's acquisition cost of the municipal securities which are subject to the put (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by Applicant. Applicant further represents that, absent extraordinary circumstances, it will value municipal securities on an amortized cost basis. Accordingly, Applicant states that the amount payable by the issuer of a put during the time the put is exercisable will be substantially the same as the value of the underlying securities.

Applicant represents that the acquisition or exercisability of a put will not affect the valuation or assumed maturity of Applicant's underlying

[1] Applicant received an order of the Commission on March 19, 1982 (Investment Company Act Release No. 12214), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit its assets to be valued at amortized cost.

municipal securities, which will continue to be valued on the basis of the amortized cost method. The application states that, during the term of a put, it will be very difficult if not impossible to evaluate the likelihood of eventual exercise of the put or to quantify the potential benefit to Applicant if a put were to be exercised. In light of such uncertainties, Applicant states that it will deem the put to have a "fair value" of zero, regardless of whether Applicant paid any direct or indirect consideration for the put. When Applicant pays for a put, its cost will be reflected as unrealized depreciation for the period during which the commitment is held by Applicant. Nothwithstanding the foregoing, in calculating the dollar-weighted average maturity of its portfolio, Applicant represents that puts will always be valued at zero, and the dollar-weighted average maturity will not be affected by the acquisition of the puts.

Applicant asserts that it believes there to be little risk of an event occurring that would make amortized cost valuation of its portfolio securities inappropriate. However, in the unlikely event that the market of fair value of its portfolio securities is not substantially equivalent to their amortized cost value, Applicant asserts that its Trustees may determine that the instruments should be valued on the basis of available market quotations. Applicant states that it expects that any put covering such instruments would continue to be valued as described above because it expects that it would refrain from exercising the puts to avoid imposing a loss on the bank, broker, or dealer and jeopardizing the business relationship with that entity.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d) (3) of the Act to the extent necesary to permit its acquisition of puts from brokers or dealers.

In support of the relief requested, Applicant asserts that it believes the requested relief to be appropriate in the public interest and consistent with the protection of investors. Applicant states that the proposed acquisition of puts is not expected to affect its net asset value per share for purposes of sales and redemptions, will not pose new investment risks, but will improve liquidity and its ability to pay redemption proceeds the same day in Federal funds.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6529 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13083; (812-5376)]

Mount Vernon Memorial Park; Filing of Application

March 8, 1983.

In the matter of Mount Vernon Memorial Park, 8201 Greenback Lane, Fair Oaks, CA 95628.

Notice is hereby given that Mount Vernon Memorial Park ("Applicant"), a California cemetery corporation, filed an application on November 16, 1982, and an amendment thereto on February 23, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act and the rules and regulations thereunder: (1) In connection with the completion by Applicant of all subscriptions for pre-need funeral service debenture arrangements entered into by Applicant prior to February 9, 1976, other than receiving installments for and issuing debentures after March 3, 1980; (2) by reason of Applicant having outstanding any of the pre-need funeral service debentures, and subscriptions therefor, which Applicant sold, issued, or delivered after sale before March 31, 1980, and for so long as such subscriptions and debentures are outstanding; (3) with respect to any and all redemptions, retirements or other acquisitions or attempts to re-acquire such debentures by Applicant at any time; and (4) with respect to any other discharge or termination at any time of obligations arising from the funeral and cemetery portions of such debenture arrangements. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it is a cemetery authority and a funeral director under California law, and that it operates a substantial cemetery mortuary near Sacramento, California. The application states that between 1970 and early 1975 Applicant registered with the California Department of Corporations four separate offerings of pre-need funeral service debentures. Applicant states that its debenture arrangements were coupled with contracts for funeral and burial services (and in some cases for cemetery plots). The application further states that at the times these pre-need debenture arrangements were entered into, it was Applicant's practice to deliver offering circulars notifying purchasers, among other things, that the net proceeds of the first offering would be used as working capital and the net proceeds of the remainder of the offerings would be used to reduce the trust deed indebtedness on Applicant's real property. Applicant asserts that it sold the last of its debenture arrangements in early January 1975. Applicant further maintains that its pre-need debentures are held by purchasers primarily as part-payment on extremely favorable funeral service contracts, not primarily as investment securities; no independent trading market for these instruments exist.

On January 5, 1976, the Commission announced its decision In The Matter of International Funeral Services of California, Inc. (Investment Company Act Release No. 9112), in which it found that installment sales of pre-need funeral services debentures of this type constitute the issuance of face amount certificates of the installment type, requiring the issuer to be registered under and comply with the provisions of the Act. In February, 1977, the Commission filed a civil injunctive action in the United States District Court

for the Eastern District of California against Applicant and its then president alleging: (1) Violation of the registration provisions of the Act by reason of the pre-need funeral debentures and (2) fraud based primarily on Applicant's alleged financial condition and its subsequent default on certain payments. In March, 1980, the Commission and Applicant and its then president entered into a Mutual Consent for the settlement of the fraud count of the Commission's injunctive action. On January 4, 1982, a panel of the United States Court of Appeals for the Ninth Circuit reversed the dismissal by the District Court of the first count of the Commission's injunctive action and remanded the case to the District Court for further proceedings consistent with its opinion that the Act applies to Applicant. Applicant's petition to have the case heard by the United States Supreme Court was denied in May, 1982. The District Court has allowed time to explore the possibility of settlement by means of the type of application currently filed by Applicant.

Applicant asserts that this application and the order of exemption based thereon would be without any admission that Applicant is an investment company within the meaning of the Act. Applicant emphasizes that failure to grant the exemption could operate as a substantial cause of the loss of purchasers' benefits under the above-mentioned pre-need debenture arrangements. The application states that Applicant is not seeking any exemption for the future issuance of installment debentures under existing subscription arrangements. Applicant maintains that it will send a copy of the exemption order to all of its debenture purchasers.

Applicant makes six basic representations which it asserts make it appropriate in the public interest and consistent with the protection of investors to grant the application:

1. Applicant represents that at least a year before February 9, 1976, Applicant had ceased offering or selling any new subscription agreements for the installment sale of debentures and has not done so since then, and that in the future it will not offer or sell any such subscription agreements.

2. Applicant represents that any and all of Applicant's future pre-need funeral arrangements payable to Applicant on an installment basis will be made only by way of trust arrangements pursuant to the governing provisions of California law, as currently expressed in Sections 7735, et seq. of the California Business and Professions Code.

3. Applicant represents that all installment monies received by Applicant on debenture subscription agreements since February 9, 1976, have been set aside in trust and are, and will be, used only to meet redemption requests and contract performances on debentures issued since February 9, 1976, and that in the future the funds in this account will only be reinvested in securities permitted for pre-need trust funds under California Business and Professions Code Sections 7735, et seq. and the regulations thereunder.

4. Applicant represents that, at the end of 1979, Applicant ceased to accept any further installment payments on existing subscription agreements for debentures and that substantially before March 1980, Applicant had adopted a policy of honoring written requests of debenture holders to cancel their contracts and redeem their debentures for a refund of the entire amount paid in, less a small fee for processing the cancellation, which policy has continued ever since and will continue so long as circumstances making it feasible to make such refunds continue.

5. In March, 1980, Applicant made a general mailing to all debenture holders of a copy of the Undertaking and Order setting forth the partial settlement with the Commission which included a notification that Applicant had adopted a policy of accepting cancellations and making refunds, as described above.

6. Applicant further proposes to establish a cash performance trust fund with an independent financial institution trustee in the initial amount of $10,000, in addition to the monies already set aside in trust, to be used only to contribute to completion of any of its pre-need debenture arrangements which it may be unable to perform or refund solely due to financial inability, if any should occur.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6528 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19573; File No. SR-NYSE-83-8]

Self-Regulatory Organizations; New York Stock Exchange, Inc.

Proposed rule change by New York Stock Exchange, Inc., relating to the extension of the experiment testing the operation of the Registered Representative Rapid Response Service ("R4" or the "Service") to March 14, 1984 and to the expansion of its use.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 24, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the effectiveness of R4 from March 14, 1983 to March 14, 1984. It would also allow the Exchange to expand R4 to additional member organizations, add eligible stocks in stages up to approximately 200 stocks and increase the size of eligible orders as the experiment progresses up to 599 shares.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements maybe examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to extend the operation of R4 to March 14, 1984, in order that the Exchange can consider its effectiveness over the long term and with respect to more stocks and various member organizations.

The R4 experiment, approved by the Commission for a six-month period beginning September 14, 1982, has been limited to two member organizations[1] and has included thirty stocks, the majority of which are the Dow Jones Industrial stocks. The eligible order size for the latter part of the experiment has been 1 to 299 shares. As described in more detail in File No. SR–NYSE–82–14 and Amendment No. 1 thereof, R4 supplies the mechanism for Registered Representatives to commit immediate and guaranteed executions of small-size orders to those customers who desire them.

During the past several months, the Exchange has evaluated R4 through discussions with the users (i.e., the two initial participants and the specialists in the stocks involved in the test) and through examining statistical data relating to R4 transactions. The two initial participants feel that R4 provides an excellent order execution alternative to customers with small orders and gives Registered Representatives an additional service too. Specialists have indicated no problems in maintaining markets with R4 in place.

Other member organizations have expressed an interest in participating in the R4 experiment. The Exchange would like to include such other member organizations because they have different characteristics than the two initial participants, and therefore would provide a new source of experience from which to evaluate R4 as a viable service for all of its member organizations. Moreover, the Exchange anticipates that the addition of these member organizations, coupled with the increase in the number of stocks included in the experiment and the possible increase in the size of orders, will result in more traffic through R4 and thus provide the basis for a more comprehensive evaluation of the Service and its impact on Exchange markets.

The statistical data on R4 transactions indicates that although R4 activity has been somewhat low, such activity has been consistent with the Exchange's projections. For example, the Exchange examined quotation information in relation to the price of R4 executions in order to assess the impact of any delays R4 reports may experience in reaching the Floor. For the period September 24–December 31, 1982, in 63% of the cases, the prevailing CQS quotation when the R4 report reached the Floor was the same as the CQS quotation against which the report was rendered. In its preliminary analysis, the Exchange had projected this figure to be approximately 70%. Therefore, it does not appear the impact of any delays has been severe.

Exchange statistics also show that for the three-month period noted above, the specialist gave up the book or the Crowd as the contra side to an R4 transaction in 45% of the instances in which an R4 report reached the Floor and the reported price of the completed transaction was at the current quotation on the Floor at that time. This percentage supports the Exchange's expectation that R4 transactions will whenever possible interact with and offset public buying or selling interest on the Exchange.

During the three-month period, the Exchange noted that of the 1,331 R4 transactions effected, only 26 failed to pass the validation guidelines programmed into the Service and were rejected back to the entering member organization. In addition, there were no significant problems resulting from such rejections of R4 transactions.

In its order granting accelerated approval of the R4 experiment for a six-month period (Release No. 19047, September 14, 1982), the Commission expressed its concern that "although the proposed rules require that the *contra* side to any R4 execution be either the NYSE specialist or trading interest exposed on the floor *at the same price* at the time the 'execution report' is received, there is no provision for the order to receive a superior price through exposure to trading interest in the crowd at the time the order is received on the floor."

The Exchange supports the Commission's view that the opportunity to achieve an execution superior to the CQS "best quotation" should be available to investors with small-size orders. For this reason, the Exchange offers member organizations participating in the R4 experiment and their customers a choice in the way their orders can be executed. Such customers can choose either the instananeous executions provided by R4 or they can have their orders sent to the Floor through the Designated Order Turnaround System ("DOT") if they desire to attempt to obtain a better price than that reflected by the published quotation.

The Exchange recognizes the Commission's concerns with respect to the approval of R4 on a permanent basis at this time. However, the Exchange believes it has not had sufficient experience with the program to make any definitive conclusions or changes to the current procedures. In view of the limited time period and conditions under which R4 has been operating and the lack of any unanticipated problems during the experiment, the Exchange believes its request for a one year extension and expansion of the R4 program is reasonable and should be granted.

(2) *Statutory Basis.* The extension of the R4 experiment and its expansion as proposed herein have the same statutory basis as stated in SR–NYSE–82–14. Specifically, the R4 experiment is consistent with Sections 11A(a)(1) and 17A(a)(1) of the Securities Exchange Act of 1934 (the "Act") which encourage the use of new data processing and communications techniques and more efficient market operations. It also advances the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The R4 experiment provides an opportunity for the Exchange to compete more effectively for small order flow with other exchanges which utilize automatic execution systems. Thus, the Exchange does not believe the R4 experiment imposes any burden on competition.

[1] Merrill Lynch, Pierce, Fenner & Smith Inc. and Dean Witter Reynolds Inc. are the two initial participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change. However, member organizations participating in the experiment have strongly recommended that the Exchange continue the experiment as discussed above.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 8, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6627 Filed 3-11-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Burbank-Glendale-Pasadena Airport, Burbank, California; Environmental Impact Statement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FAA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared and considered for construction of a replacement passenger terminal for the Burbank-Glendale-Pasadena Airport.

FOR FURTHER INFORMATION CONTACT: Herbert W. Hyatt, Airport Planner, AWP-643, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone (213) 536-6250.

SUPPLEMENTARY INFORMATION: The FAA, in cooperation with the Burbank-Glendale-Pasadena Airport Authority, will prepare an Environmental Impact Statement (EIS) on a replacement passenger terminal for the Burbank-Glendale-Pasadena Airport. This development involves construction of new terminal and terminal support facilities. The following terminal and terminal support facilities will be evaluated in the EIS.

—Air traffic control tower replacement
—Construction of a new replacement terminal
—Construction of aircraft parking aprons
—Terminal area roadway improvements
—Airport ground access improvements
—Parking facilities

To ensure that the full range of issues related to these proposed projects are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Issued in Hawthorne, California on March 3, 1983.

Russel S. Hathaway,

Acting Manager, Airports Division, FAA, Western-Pacific Region.

[FR Doc. 83-6628 Filed 3-11-83; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB, January 29–February 28, 1983

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, between January 29, 1983 and Feb. 28, 1983 to the Office of Management and Budget (OMB) for its approval. This notice is published in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590; (202) 426-1887, or

Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. The list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following

information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for and uses to be made of the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "FOR FURTHER INFORMATION CONTACT" paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "FOR FURTHER INFORMATION CONTACT" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection request were submitted to OMB between Jan. 29, 1983, and Feb. 28, 1983:

DOT No: 2117
OMB No: 2130–0018
By: Federal Railroad Administration
Title: Remotely Controlled Railraod Switch Operation Log
Forms: None
Frequency: On Occasion
Respondents: Railroads
Need/Use: The recordkeeping of minimum elements by the operator of remotely controlled switches is necessary to assure the safety of railroad employees. The information is used by FRA in its safety regulatory program.

DOT No: 2118
OMB No: 2130–0001
By: Federal Railroad Administration
Title: Hours of Service of Railroad Employees
Forms: None
Frequency: On Occasion
Respondents: Railroads
Need/Use: The "Hours of Service Act of 1907" specifies the maximum working hours of employees engaged in one or more critical categories of work. This information is necessary to administer the requirement of the Act.

DOT No: 2119
OMB No: 2125–0014
By: Bureau of Motor Carrier Safety
Title: Motor Carrier Accident Report (Passenger)
Forms: MCS–50B
Frequency: On Occasion
Respondents: Interstate Motor Carriers transporting passengers
Need/Use: Accident reports provide vital information upon which the BMCS administers its regulatory program.

DOT No: 2120
OMB No: None
By: Federal Highway Administration
Title: Hazardous Materials Instructions and Documents
Forms: None
Frequency: On Occasion
Respondents: Businesses
Need/Use: Motor carriers transporting class A and class B explosives are required to provide drivers with written instructions for safety and for use in emergencies.

DOT No: 2122
OMB No: 2133–0027
By: Maritime Administration
Title: Application for Capital Construction Fund and Exhibits
Forms: None
Frequency: Application—on occasion, Reports—semiannually
Respondents: Shipowners/Operators
Need/Use: The information collected is necessary to determine a citizen's eligibility for benefits under the Capital Construction Fund program and to determine their level of compliance once they have entered into an Agreement.

DOT No: 2123
OMB No: 2137–0040
By: Research and Special Programs Administration
Title: Radioactive Materials (RAM) Training Program
Forms: None
Frequency: As required
Respondents: Carriers hauling radioactive materials
Need/Use: To train drivers in the safe handling of, and emergency procedures for, shipments of large quantities of radioactive materials.

DOT No: 2124
OMB No: 2127–0040
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 551.45 Designation of Agent
Forms: None
Frequency: On Occasion
Respondents: Foreign Vehicle Manufacturers Selling in USA
Need/Use: Every foreign manufacturer offering a motor vehicle or equipment for importation into the United States must designate an agent upon whom service of all processes, notices, etc., may be made for the manufacturer.

DOT No: 2125
OMB No: 2127–0039
By: National Highway Traffic Safety Administration
Title: 49 CFR Part 557, Petitions for Hearings
Forms: None
Frequency: On Occasion
Respondents: Individuals/businesses
Need/Use: Establishes procedures for petitioning the agency for a hearing to determine if a manufacturer has met its obligation to notify vehicle owners of defect or if remedy has been made.

Issued in Washington, D.C. on March 7, 1983.

Karen S. Lee,
Deputy Assistant Secretary for Administration.

[FR Doc. 83-6679 Filed 3-11-83; 8:45 am]
BILLING CODE 4910-62-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and the Delegation of Authority from the Director, USIA (47 FR 57600, December 27, 1982), I hereby determine that the objects in the exhibit [1] titled: "China: 7,000 Years of Discovery," imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to agreement among the China Science and Technology Museum Preparatory Committee, the Museum of Science and Industry, Chicago, the Pacific Science Center Foundation, Seattle, and the Georgia Institute of Technology Foundation, Atlanta. I also determine that the temporary exhibition or display of the listed exhibit objects at the Museum of Science and Industry, Chicago, Illinois, beginning on or about June 1, 1983, to on or about October 2,

[1] An itemized list of objects included in the exhibit is available at the Museum of Science and Industry, 57th Street and Lake Shore Drive, Chicago, Illinois 60637.

1983, at the Pacific Science Center Foundation, Seattle, Washington, beginning on or about March 1, 1984, to on or about August 31, 1984, and at the Georgia Institute of Technology Foundation, Atlanta, Georgia, from on or about October 13, 1984, to on about January 13, 1985, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Jonathan W. Sloat,

General Counsel and Congressional Liaison.

Dated: March 10, 1983.

[FR Doc. 83-6726 Filed 3-11-83; 10:17 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 50
Monday, March 14, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:40 p.m. on Tuesday, March 8, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from The Bollinger County Bank, Lutesville, Missouri (Case No. 45,624–L (Amended)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsection (c)(4), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(9)(B), and (c)(10)).

Dated: March 9, 1983.

Federal Deposit Insurance Corporaton.

Alan J. Kaplan,

Deputy Executive Secretary.

[S-333-83 Filed 3-11-83; 12:14 pm]

BILLING CODE 6714-01-M

2

FEDERAL ELECTION COMMISSION

Federal Register No. 341

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 17, 1983, 10:00 a.m.

CHANGE IN MEETING: The following matter has been continued from the meeting of March 10, 1983:

Legislative Recommendations

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202–523–4065./

Lena L. Stafford,

Acting Secretary of the Commission.

[S-357-83 Filed 3-10-83; 3:45 am]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m. Thursday, March 17, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

MATTERS TO BE CONSIDERED:

Branch Office Application—Home Savings of America, a Federal Savings and Loan Association, Los Angeles, California
Designation of Brian O'Donnell as Supervisory Agent of the Federal Home Loan Bank of San Francisco
Service Corporation Activity—Coast Federal Savings and Loan Association, Los Angeles, California

[No. 22, March 10, 1983]

[S-356-83 Filed 3-10-83; 3:05 pm]

BILLING CODE 6725-01-M

4

POSTAL SERVICE

(Board of Governors)

Closed Meeting

On March 8, 1983, the Board of Governors of the United States Postal Service unanimously voted during a meeting that was open to the public to take up an agenda item that had not been previously scheduled and to close a portion of the meeting to discuss this item, on the ground that the business of the Board so required and that no earlier announcement of the change was possible. The occasion for this decision by the Board was the announcement by the Deputy Postmaster General that he would resign his position effective May 31, 1983. The Board determined that it should immediately have a discussion of the possible appointment of a new Deputy Postmaster General. The Board was of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the person immediately affected, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, the portion of the meeting to be closed was exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it was likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board also determined that the public interest did not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service certified that, in his opinion, the portion of the meeting closed might properly be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code, and 7.3(f) of title 39, Code of Federal Regulations.

March 9, 1983.

Louis A. Cox,

Secretary.

[S-354-83 Filed 3-10-83; 3:06 pm]

BILLING CODE 7710-12-M

5

POSTAL SERVICE

(Board of Governors)

Vote To Close Meeting

At its meetings of March 7 and 8, 1983, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for April 4, 1983. The

meeting will consist of discussions of: (1) Strategic planning in connection with possible future rate adjustments; (2) possible changes in E–COM rate and mail classification provisions; (3) consideration of the March 4, 1983, recommended decision of the Postal Rate Commission concerning E–COM service in Docket No. MC78–3; and (4) consideration of the possible appointment of a new Deputy Postmaster General.

As to the first three of these agenda items, the Board is of the opinion that public access to the discussion would be likely to disclose information that will become involved in future rate or classification litigation.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, these portions of the meeting are exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because they are likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification, and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code. The Board determined further that, pursuant to section 552b(c)(10) of title 5 and section 7.3(j) of title 39, Code of Federal Regulations, the discussion of each of these agenda items is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

As to the portion of the meeting to be closed which is to involve a discussion of the possible appointment of a new Deputy Postmaster General, the Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, not only in regard to the privacy of the person immediately affected, but also in regard to the privacy of others whose comparative performance might be discussed.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and section 7.3(f) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board has also determined that the public interest does not require that the Board's discussion of this matter be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c) (3), (6), and (10) of title 5 and section 410(c)(4) of title 39, United States Code, and sections 7.3 (d), (f), and (j) of title 39, Code of Federal Regulations.

March 9, 1983.

Louis A. Cox,

Secretary.

[S–355–83 Filed 3–10–83; 3:05 pm]

BILLING CODE 7710–12–M

federal register

Monday
March 14, 1983

Part II

Federal Reserve System

Reserve Requirements of Depository Institutions; Reporting Requirements

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0459]

Regulation D; Reserve Requirements of Depository Institutions; Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: The Board is proposing to amend Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to reduce substantially the amount of reporting required from most depository institutions that have total reservable liabilities of $2.1 million or less, as required by section 411 of the Garn-St Germain Depository Institutions Act of 1982. Under the proposal such institutions generally would be required to submit either a six item report each calendar quarter, a two item report once each year, or no report at all, depending upon their total deposit levels. Currently, these institutions that have not previously been deferred from reporting requirements submit a report of at least 22 items either weekly or quarterly.

DATES: Comments must be received by April 8, 1983.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the proposal to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or such comments may be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625); Paul S. Pilecki, Senior Attorney (202/452-3281); or Robert G. Ballen, Attorney (202/452-3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 102 of the Monetary Control Act (Title I of Pub. L. 96-221) ("MCA") authorizes the Board to require reports from any depository institution as the Board may deem necessary or desirable to discharge its responsibility to monitor and control monetary and credit aggregates. In this regard, the Board is permitted to classify depository institutions and impose different reporting requirements on each class (section 11(a) of the Federal Reserve Act, 12 U.S.C. 248(a)).

Section 411 of the Garn-St Germain Depository Institutions Act of 1982 (Pub. L. 97-320), which was approved on October 15, 1982, provides that a reserve requirement of zero percent shall apply to reservable liabilities of $2 million or less for each depository institution. The Act also requires that, consistent with the Board's responsibility to monitor and control monetary and credit aggregates, depository institutions with reservable liabilities of $2 million or less are to be subject to less overall reporting requirements than depository institutions that have total reservable liabilities greater than $2 million. The Board is also to minimize the reporting necessary to determine whether depository institutions have total reservable liabilities of $2 million or less. This $2 million figure is to be adjusted each year for the next succeeding calendar year by 80 percent of the percentage increase in the total reservable liabilities of all depository institutions, measured on an annual basis as of June 30. No corresponding adjustment is to be made in the event of a decrease in total reservable liabilities of all depository institutions (12 U.S.C. 461(b)(11)). The Board has adjusted this $2 million figure to $2.1 million for 1983 in accordance with the Act.

Therefore, the Board is proposing to reduce substantially the reporting required from most depository institutions that have total reservable liabilities of $2.1 million or less. Under current Regulation D, depository institutions that have not been deferred from reserve and reporting requirements[1] submit a 22 item report (Report of Transaction Accounts, Other Deposits and Vault Cash—FR 2900) and a supplement to that report (FR 2900s) either quarterly (if total deposits are less than $15 million) or weekly (if total deposits are $15 million or more) (12 CFR 204.3 (a) and (d)).[2] Under the Board's proposal, depository institutions with total reservable liabilities of $2.1 million or less,[3] with the exceptions noted below, will be required to submit either a six item report quarterly, a two item report annually, or no report at all, depending upon their total deposit levels.

Proposed reporting categories. Under the proposal, the following five categories of reporting will be instituted: First, depository institutions with more than $2.1 million in total reservable liabilities and $15 million or more in total deposits will be required to report the FR 2900 weekly as under current procedures.[4] Second, institutions with more than $2.1 million in total reservable liabilities and less than $15 million in total deposits will be required to report form FR 2900 quarterly. Third, institutions with $2.1 million or less in total reservable liabilities and $15 million or more in total deposits will be required to submit a six item report FR 2910q quarterly. All institutions that are required to report quarterly (either form FR 2900 or 2910q) shall file this report once each June, September, December, and March for the seven day computation period that begins on the third Thursday of the given month.[5] Fourth, institutions with $2.1 million or less in total reservable liabilities and $2 million or more but less than $15 million in total deposits will be required to submit a two item form FR 2910a annually. These institutions are to file this report as of a single day in June that corresponds to the last day of the seven day computation period for quarterly reporters. Fifth, institutions with less than $2 million in total deposits will not be required to submit any report if their total deposits or estimates thereof can be derived by the Federal Reserve from existing available sources of data such as Reports of Condition filed with a federal supervisory agency or reports filed with state regulators.[6] Once a year (including 1983), a depository institution may elect to report—as of the relevant reporting date in September—in accordance with any category requiring a more comprehensive form or the same form filed on a more frequent basis than required of the category in which the institution would otherwise be placed.

Institutions with $2.1 million or less in reservable liabilities that are not

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[1] The Board previously had deferred most nonmember depository institutions, other than Edge Act and Agreement Corporations and U.S. branches and agencies of foreign banks, with less than $2 million in total deposits as of December 31, 1978, from deposit reporting and reserve maintenance requirements.

[2] Any institution that obtains funds from foreign sources or that has foreign branches must also submit a five item report on Eurocurrency transactions (FR 2950/2951).

[3] This $2.1 million figure will be adjusted annually in accordance with section 411 of the Garn-St Germain Act.

[4] At the same time, the FR 2900 will be revised to incorporate items from the supplement (FR 2900s). The supplement would then be discontinued.

[5] After the implementation of contemporaneous reserve requirements on February 2, 1984, this seven day computation period would begin on the third Tuesday of the given month.

[6] If estimates of total deposits cannot be derived from existing available sources of data, these institutions will be required to submit a special FR 2910a. If they report less than $2 million in total deposits, they need not report reservable liabilities.

required to file FR 2900 will not be required to report Eurocurrency liabilities (form FR 2950). However, all institutions required to file FR 2900 will continue to report Eurocurrency liabilities as under current procedures.

Initial determination of applicable category. Under the proposal, Reserve Banks will determine that initial placement of institutions in the appropriate categories and inform the institutions. The determinations will be made as follows: For an institution currently filing the FR 2900 weekly, if the institution's total reservable liabitities are more than $2.1 million for *any one* of the last 13 reserve computation periods of 1982, that institution will continue to submit the FR 2900, either weekly or quarterly depending on the largest report of total deposits during these same 13 weeks. If an institution's total reservable liabilities are $2.1 million or less for *each* of these 13 weeks, the applicable reporting category (FR 2910q, FR 2910a, or no report at all) will be determined based upon the institution's largest report of total deposits during these same 13 computation periods. For an institution currently filing the FR 2900 quarterly, if the institution's total reservable liabilities are more than $2.1 million on either of the last two reports filed in 1982, then the institution must continue to submit the FR 2900. For purposes of determining quarterly or weekly FR 2900 reporting for an institution currently filing the FR 2900 quarterly, total deposits are based on the largest of the institution's last two deposit reports of 1982. If the institution's total reservable liabilities are $2.1 million or less for each of these two reports, the applicable reporting category also will be determined based upon the institution's largest report of total deposits for the last two deposit reports of 1982.

For depository institutions that currently do not file the FR 2900 weekly or quarterly, the applicable category will be determined from information derived from Reports of Condition submitted to federal supervisory agencies. If no such reports are available, this information will be derived from other sources such as reports filed with state regulators. If the requisite information cannot be derived from any such sources, then the institution will be expected to submit in June 1983 the FR 2910a or FR 2910q as appropriate. The appropriate category for the institution will then be determined from the submitted form.

Institutions with $2.1 million or less in reservable liabilities that currently submit the FR 2900 weekly or quartely will continue to report under current procedures through the week ending April 27, 1983, at which time they will cease reporting under current procedures. All institutions will begin reporting under the new procedures as of the appropriate reporting date for the institution's category in June 1983 as described above.

Ongoing category adjustment. Under the proposal, Reserve Banks will determine the placement of institutions in the appropriate category and inform the institutions. Movement to another category on an ongoing basis, beginning in 1984, will be determined as follows: An institution reporting the FR 2900 weekly will move to another category if on the 13 reports ending the last full reporting week of June of a given year the institution qualified for a different category under criteria described above for initial determinations. This institution will continue to submit the FR 2900 on a weekly basis until the reporting period that begins on the third Tuesday in September of that year. An institution reporting the FR 2900 quarterly or the FR 2910q will move to another category if on the two reports submitted as of March and June of a given year the institution qualified for a different category under the criteria described above for initial determinations. An institution reporting the FR 2910a will move to another category if on the June report of a given year the institution qualified for a different category. Institutions not reporting previously may be asked to submit the FR 2910a for the first time as of that June in order to determine their appropriate reporting category.

An institution that is reclassified into the category requiring the FR 2900 on a weekly basis will submit the FR 2900 weekly starting with the weekly reporting period that begins on the third Tuesday in September. An institution that is reclassified into a category requiring quarterly reports—either the FR 2900 on a quarterly basis or the FR 2910q—will submit the appropriate quarterly report starting with the September reporting date. An institution that is reclassified (on the basis of information through June) into the category requiring the FR 2910a annual report will submit the FR 2910a as of June of the following year.

Institutions not subject to the proposal. The Board proposes that the reporting procedures described above not apply to Edge Act and Agreement Corporations and U.S. branches and agencies of foreign banks. These institutions would continue to report weekly as under current procedures. The Board believes that the continuation of the present reporting procedures for these institutions is consistent with the Board's responsibility to monitor and control monetary and credit aggregates in view of the nature of the liabilities of these institutions and the opportunities available to these institutions for the avoidance of reserve requirements. The Board also noted its broad supervisory authority, including the authority to obtain reports, from Edge Act and Agreement Corporations pursuant to 12 U.S.C. 601 *et seq.* and 611 *et seq.* and the International Banking Act's specification that U.S. branches and agencies be subject to the same reporting requirements as similarly situated member banks (12 U.S.C. 3105(a)). In this regard, the Board believes that U.S. branches and agencies, as parts of much larger institutions, should be viewed as similarly situated to large member banks that are required to report weekly under the proposal.

The Board also believes that the proposed reduced reporting requirements should not apply before February 2, 1984, to those member banks and former member banks that are subject to reserve requirements pursuant to the reserve requirement structure in effect prior to the passage of the Monetary Control Act ("MCA"). These institutions would continue to report as under current procedures until the completion of the phase-in of reserve requirements of the MCA (currently scheduled for February 2, 1984), at which time the proposed reporting requirements would be applied. These institutions are required under the MCA to maintain reserve requirements until completion of this phase-in (12 U.S.C. 461(b)(8)). The information that these institutions currently are reporting is necessary to continue to calculate these reserve requirements and the Board believes that this information is necessary to administer properly the phase-in of reserve requirements mandated by the MCA.

Effect on prior amendments, timeliness of comments, small entities. The Board is proposing to amend Regulation D to provide that depository institutions will report in accordance with the proposal described above. The proposed procedures would remain in effect after the October 5, 1982, amendments to implement contemporaneous reserve requirements become effective on February 2, 1984.

Comments on this proposal must be received by April 8, 1983. Commenters are invited to comment on any aspect of the proposal, including the attached

draft forms FR 2910q and FR 2910a. Commenters are urged to submit their comments as soon as possible so that the Board is able to implement reductions in reporting requirements in as timely a manner as possible.

The impact of this proposal on small entities has been considered in accordance with section 603 of the Regulatory FlexibilityAct (Pub. L. 96–354; 5 U.S.C. 603). As described above, the proposal will reduce significantly the recordkeeping and reporting requirements imposed upon small depository institutions. The Board estimates that the proposal reduces the net reporting burden of depository institutions by approximately 600,000 hours.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Penalties, Reporting requirements.

PART 204—[AMENDED]

Pursuant to its authority under sections 11a, 19, 25, and 25(a) of the Federal Reserve Act (12 U.S.C. 248(a), 461, 601 *et seq.*, 611 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), the Board proposes to amend § 204.3 of Regulation D (12 CFR Part 204) as follows:

1. By amending § 204.3(c) by removing the heading *"Computation of required reserves."*, and inserting in its place, *"Computation of required reserves for institutions that report on a weekly basis."*; and by revising the introductory text of paragraph (a) and revising paragraph (d) as set forth below.

§ 204.3 Computation and maintenance.

(a) *Maintenance of required reserves.* A depository institution, a U.S. branch or agency of a foreign bank, and an Edge or Agreement Corporation shall maintain reserves against its deposits and Eurocurrency liabilities in accordance with the procedures prescribed in this section and § 204.4 and the ratios prescribed in § 204.9. Penalties shall be assessed for deficiencies in required reserves in accordance with the provisions of § 204.7. Every depository institution, U.S. branch or agency of a foreign bank, and Edge or Agreement Corporation shall file reports of deposits in accordance with the instructions of the Board. For purpose of this part, the obligations of a majority owned (50 percent or more) U.S. subsidiary (except an Edge or Agreement Corporation) of a depository institution shall be regarded as obligations of the parent depository institution.

* * * * *

(d) *Computation of required reserves for institutions that report on a quarterly basis.* Required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day computation period that begins on the third Thursday of June, September, December, and March. In determining the reserve balance that a depository institution is required to maintain with the Federal Reserve, the average daily vault cash held during the computation period is deducted from the amount of the institution's required reserves. The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a corresponding period that begins on the fourth Thursday following the end of the institution's computation period and ends on the third Wednesday after the close of the institution's next computation period. Such reserve balance shall be maintained in the amount required on a daily average basis during each week of the quarterly reserve maintenance period.

* * * * *

2. In addition, the Board also proposes to amend 204.3(c), published at 47 FR 44707, October 12, 1982, to become effective February 4, 1984, by removing the heading *"Computation of required reserves."*, and inserting in its place, *"Computation of required reserves for institutions that report on a weekly basis."*; and by revising § 204.3(d), also published at 47 FR 44707, to become effective February 2, 1984, as set forth below:

(d) *Computation of required reserves for institutions that report on a quarterly basis.* Required reserves are computed on the basis of the depository institution's daily average deposit balances during a seven-day computation period that begins on the third Tuesday of June, September, December, and March. In determining the reserve balance that a depository institution is required to maintain with the Federal Reserve, the daily average vault cash held during the computation period is deducted from the amount of the institution's required reserves. The reserve balance that is required to be maintained with the Federal Reserve shall be maintained during a corresponding period that begins on the fourth Thursay following the end of the institution's computation period and ends on the fourth Wednesday after the close of the institution's next computation period.
Such reserve balance shall be maintained in the amount required on a daily average basis during each week of the quarterly reserve maintenance period.

* * * * *

Board of Governors of the Federal Reserve System, March 10, 1983.

William W. Wiles,

Secretary of the Board.

BILLING CODE 6210-01-M

FR 2910a
OMB No. 7100-
Approval expires

ANNUAL REPORT OF TOTAL DEPOSITS AND
TOTAL RESERVABLE LIABILITIES
For Wednesday, June ___, 1983

This report is required by law [12 U.S.C. §248(a) and §461].

The Federal Reserve System regards the information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

DRAFT

	Amount Outstanding (in thousands of dollars)	
	Mil.	Thous.
1. Total Deposits (If the amount reported in this item is less than $2.0 million, item 2 need not be completed.)		
2. Total Reservable Liabilities		

If the amount reported in Item 1 is greater than $15 million and the amount reported in Item 2 is $2.1 million or less, please complete the attached form FR 2910q and submit that report to the Reserve Bank indicated. Otherwise please sign below and return this form (FR 2910a) to the Reserve Bank indicated.

Name of Institution

Address

Signature, title

Person to be contacted concerning this report.

(Area code) Telephone Number and Ext.

FR 2910q
OMB No. _____
Approval expires _____

QUARTERLY REPORT OF SELECTED DEPOSITS, VAULT CASH, AND RESERVABLE LIABILITIES

For the week ended _____, 19__

This report is required by law [12 U.S.C. §248(a) and §461].

The Federal Reserve System regards the information provided by each respondent as confidential. If it should be determined subsequently that any information collected on this form must be released, respondents will be notified.

PLEASE READ INSTRUCTIONS PRIOR TO COMPLETION OF THIS REPORT

Report all balances as of the close of business each day to the nearest thousand dollars

	Column 1 Thursday		Column 2 Friday		Column 3 Saturday		Column 4 Sunday		Column 5 Monday		Column 6 Tuesday		Column 7 Wednesday	
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2. Total Other Savings Deposits														
3. Total Time Deposits.....														
4. All Time Deposits in Denominations of $100,000 or More (included in Item 3).....														
5. Vault Cash.....														
6. TOTAL RESERVABLE LIABILITIES														

DRAFT

Name of Reporting Institution

Address

Please return by no later than

To:

I certify that the information shown on this report is correct

Authorized Signature Title

Person to be Contacted Concerning this Report (please print)

Area Code and Telephone Number

[FR Doc. 83-6678 Filed 3-11-83; 10:42 am]
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Vol. 48, No. 50

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Vol. 48 No. 51

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federal register

Tuesday
March 15, 1983

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, D.C. 20402

OFFICIAL BUSINESS
Penalty for private use, $300

Federal Register
(ISSN 0097-6326)

Postage and Fees Paid
U.S. Government Printing Office
375

SECOND CLASS NEWSPAPER

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Food and Drug Administration

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Intergovernmental Personnel Act Programs; Standards for a Merit System of Personnel Administration

Correction

In FR Doc. 83–5584 beginning on page 9209 in the issue for Friday, March 4, 1983, make the following correction on page 9211:

In § 900.604(a)(1), the fifth line should read "these Standards satisfies any applicable".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Potatoes for Processing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises the voluntary U.S. Standards for Grades of Potatoes for Processing. This action is the result of a request by the Potato Growers of Idaho, Inc., Idaho Association of Commerce and Industry (representing processors), and Ore-Ida (a multi-state processor), to update the current standards. This revision will provide industry with standards in alignment with current cultural and processing practices.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donald T. Paradis, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–2482.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "non-major" rule. It will not result in an annual effect of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State or local govenment agencies; or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

In 1981 sixteen billion pounds of potatoes were processed by the potato industry. Of this amount, more than ten billion pounds were inspected by the Federal-State Inspection Service on the basis of complex grower-processor contract specifications which reference the standards. However, due to technological improvements on the part of processors and changes in cultural and marketing practices by growers, in recent years there have been an increasing number of exceptions to the requirements of the grade standards in grower-processor contracts. The increased flexibility incorporated in the revised standards will make them more useful in that not only do they reflect current industry practices but will readily accommodate future changes.

Potato Growers of Idaho, Inc., Idaho Association of Commerce and Industry (representing processors) and Ore-Ida (a multi-state processor), organizations representing a substantial part of the potato processing industry, requested a revision of the current U.S. Standards for Grades of Potatoes for Processing in effect since July 1963.

During 1981 a "Market Survey" was developed by program personnel in cooperation with industry. The survey outlined a proposed revision of the standards and was widely distributed to growers and processors for review and comment. Also, Department representatives attended a number of meetings with key state inspection and industry personnel in an effort to develop standards compatible with current industry practices. Comments received on the survey were generally favorable.

A proposal to revise the U.S. Standards for Grades of Potatoes for Processing was published in the Federal Register on October 19, 1982 (47 FR 46519). Copies of the proposal were widely distributed to interested persons for review and comment. Fifty-five responses were received during the period for comment which ended December 20, 1982. The comments were in general agreement with the proposed revision. Except for a few minor changes, mostly editorial in nature, this final rule remains essentially the same as the proposed rule.

Changes and additions to the standards include, but are not restricted to the following:

—"Usable Piece" is redefined to eliminate several trimming requirements. The number of requirements are reduced from ten to three and will eliminate most of the subjective determinations.

—In the application of these standards, tolerances are provided for lots which are graded or pre-sorted for size or quality. The current standards lack flexibility in this area in accommodating changing delivery practices.

—Tests for specific gravity and fry color are optional. The use of optional procedures, in lieu of fixed requirements, are preferable in that (1) not all processors use them, and (2) discretionary use of these procedures enables processors to provide incentives to growers to produce and deliver a better quality product.

—Test procedures for glucose determination have been eliminated.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables and other products (inspection, certification, and standards).

Accordingly, the U.S. Standards for Grades of Potatoes for Processing (7 CFR 51.3410 through 51.3418) are revised to read as follows:

PART 51—[AMENDED]

Subpart—United States Standards for Grades of Potatoes for Processing [1]

Sec.

51.3410 Grades.
51.3411 Usable piece.
51.3412 Unusable material.
51.3413 Size.
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51.3416 Classification of defects.
51.3417 Optional test for specific gravity.
51.3418 Optional test for fry color.

§ 51.3410 Grades.

(a) "U.S. No. 1 Processing" consists of potatoes which meet the following requirements:

(1) Basic requirements:

(i) Similar varietal characteristics;

(ii) Moderately firm; and,

(iii) Fairly well shaped.

(2) Free from:

(i) Freezing or freezing injury;

(ii) Blackheart;

(iii) Late Blight Tuber Rot;

(iv) Southern Bacterial Wilt;

(v) Bacterial Ring Rot;

(vi) Insects, worms or larvae;

(vii) Soft rot and wet breakdown; and,

(viii) Loose sprouts, dirt and foreign material.

(3) Free from damage by any cause.

(4) *Size.* Unless otherwise specified, individual potatoes shall be not less than 2 inches in diameter or 4 ounces in weight. Percentage(s) of a larger size(s) and/or a maximum size may be specified.

(b) "U.S. No. 2 Processing" consists of potatoes or usable pieces of potatoes which meet the following requirements:

(1) Basic requirements:

(i) Similar varietal characteristics;

(ii) Moderately firm; and,

(iii) Not seriously misshapen.

(2) Free from:

(i) Freezing or freezing injury;

(ii) Blackheart;

(iii) Late Blight Tuber Rot;

(iv) Southern Bacterial Wilt;

(v) Bacterial Ring Rot;

(vi) Insects, worms or larvae;

(vii) Soft rot and wet breakdown; and,

(viii) Loose sprouts, dirt and foreign material.

(3) Free from serious damage by any cause.

(4) *Size.* Unless otherwise specified, whole potatoes shall be not less than 1½ inches in diameter, or usable pieces shall be not less than 4 ounces in weight. Percentage(s) of a larger size(s) and/or maximum size may be specified.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

§ 51.3411 Usable piece.

"Usable Piece" means that portion of the potato remaining after trimming, or as it occurs in the sample.

(a) Not have any unusable material;

(b) Unless otherwise specified, weigh at least 4 ounces; and,

(c) Must have at least 50% of peel remaining after trimming.

§ 51.3412 Unusable material.

"Unusable Material" consists of defective portions of potatoes, and potatoes which are frozen, affected by freezing injury, soft rot, wet breakdown, insects, worms, larvae, Blackheart, Late Blight Tuber Rot, Southern Bacterial Wilt, Bacterial Ring Rot, or which are seriously damaged by internal defects.

§ 51.3413 Size.

(a) The minimum size, maximum size or range in size may be specified in connection with the grade in terms of diameter or weight.

(b) Diameter means the greatest dimension in terms of inches or fractions of an inch measured at right angles to the longitudinal axis, without regard to the position of the stem-end.

(c) Weight means the minimum or maximum weight measured in terms of whole ounces. When a maximum weight is specified, the potato shall not be considered as oversize until it weighs the next higher ounce.

§ 51.3414 Application of standards.

In the application of these standards to determine the percentages of potatoes in any lot which meet the requirements of the respective grades or size categories, tolerances do not apply. However, for lots which are graded or pre-sorted for size or quality, offered for inspection and required to meet one of the grades, the following tolerances, by weight, are provided:

(a) For defects:

(1) *U.S. No. 1 Processing:* 10 percent for potatoes which fail to meet the requirements of this grade including not more than one-half of this tolerance, or 5 percent, for serious damage by any means, including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(2) *U.S. No. 2 Processing:* 10 percent for potatoes which fail to meet the requirements of this grade including not more than one-half of this tolerance, or 5 percent, for potatoes which are seriously damaged by internal defects occurring entirely within the vascular ring, including therein not more than 2 percent for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) For loose sprouts, dirt and foreign material: 2 percent.

(c) For off-size:

(1) *Undersize:* 3 percent when the minimum size specified is less than 2¼ inches in diameter or less than 5 ounces in weight; and 5 percent when the minimum size specified is 2¼ inches or more in diameter or 5 ounces or more in weight.

(2) *Oversize:* 10 percent.

§ 51.3415 Definitions.

"Similar varietal characteristics" means that the potatoes in any lot have the same general shape, color, and character of skin and color of flesh.

"Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped, or otherwise deformed.[2]

"Moderately firm" means that the potato is not seriously shriveled or flabbly.[2]

"Not seriously misshapen" means that the potato is not seriously deformed and causing more than 10% waste when determining the non-peelable area directly due to shape.

"Soft rot or wet breakdown" means any soft, mushy or leaky condition of the tissue such as Leak, slimy soft rot, wet type Fusarium Tuber Rot, or wet breakdown following freezing injury or heat injury.

"Loose sprouts, dirt and foreign material" means unattached sprouts or sprouts that become detached during the grading of the sample, stems, vines, adhering dirt, loose dirt, stones, trash and other extraneous material.

"Damage" means any defect listed in § 51.3416, or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which cannot be removed without a loss of more than 5 percent of the total weight of the potato.

"Serious Damage" means any defect listed in § 51.3416, or an equally objectionable variation of any of these defects, any other defect, or any combination of defects, which cannot be removed without a loss of more than 10 percent of the total weight of the potato.

"External Defects" are defects which can be detected externally. Cutting may be required to determine the extent of the injury.

[2] USDA Visual Aid, POT-L 1 Jan 01. This publication may be examined in the Fruit and Vegetable Division, Fresh Products Branch, AMS, U.S. Department of Agriculture, South Building, Washington, DC 20250, or any field office of the Fresh Fruit and Vegetable Inspection Service. Copies of this visual aid may be purchased from the John Henry Company, P.O. Box 17099, Lansing, MI 48901 or United Fresh Fruit and Vegetable Association, N. Washington at Madison, Alexandria, VA 22314.

"Internal Defects" are defects which cannot be detected without cutting the potato.

§ 51.3416 Classification of defects.

EXTERNAL DEFECTS

Defects	Maximum allowed for U.S. No. 1 processing	Maximum allowed for U.S. No. 2 processing
Air cracks	5% waste	10% waste.
Blackleg	5% waste	10% waste.
Bruises	5% waste	10% waste.
Cuts	Smooth, not more than 10% of surface.	Smooth, not more than ⅓ of surface.
Enlarged lenticels, discolored or sunken.	5% waste	10% waste.
Flea Beetle	5% waste	10% waste.
Folded end	5% waste	10% waste.
Fusarium tuber rot	5% waste	10% waste.
Grass, wireworm	5% waste	10% waste.
Greening, light	5% waste	10% waste.
Growth cracks	See Footnote No. 1.	10% waste.
Grub	5% waste	10% waste.
Ingrown sprouts	5% waste	10% waste.
Nematodes	5% waste	10% waste.
Rhizoctonia, solid or thick mounded.	Not more than 10% of surface.	Not more than 25% of surface.
Rodent, bird damage.	5% waste	10% waste.
Scab, pitted	5% waste	10% waste.
Scab, russet	25% of surface or 5% waste.	50% of surface or 10% waste.
Scab, surface	25% of surface or 5% waste.	50% of surface or 10% waste.
Scab, surface (elephant hide)	10% of surface or 5% waste.	25% of surface or 10% waste.
Second growth	5% waste	10% waste.
Scaling, surface cracks—when cracked, thick and has depth.	10% of surface or 5% waste.	25% of surface or 10% waste.
Sunburn	5% waste	10% waste.
Sunken discolored areas.	5% waste	10% waste.

INTERNAL DEFECTS

Defects	Maximum allowed for U.S. No. 1 processing	Maximum allowed for U.S. No. 2 processing
Occuring outside of or not entirely confined to the vascular ring		
Internal Black Spot, Internal Discoloration, Vascular Browning, Fusarium Wilt, Net Necrosis, Other Necrosis, Stem End Browning.	5% waste	10% waste.
Occuring entirely within the vascular ring		
Hollow Heart or Hollow Heart with Discoloration.	Area affected not to exceed that of a circle ¾ inch in diameter in a 10 ounce potato.[1]	Area affected not to exceed that of a circle 1¾ inches in diameter in a 10 ounce potato.[1]
Light Brown Discoloration (Brown Center).	Area affected not to exceed that of a circle ¾ inch in diameter in a 10 ounce potato.[1]	Area affected not to exceed that of a circle 1¾ inches in diameter in a 10 ounce potato.[1]
Internal Brown Spot and similar discoloration (Heat Necrosis).	Not more than the equivalent of 3 scattered spots ¾ inch in diameter in a potato 6 ounces in weight or 2½ inches in diameter, or correspondingly lesser or greater number of spots in smaller or larger potatoes.	Not more than the equivalent of 6 scattered spots ¾ inch in diameter in a potato 6 ounces in weight or 2½ inches in diameter or correspondingly lesser or greater number of spots in smaller or larger potatoes.

[1]Note: Or correspondingly lesser or greater areas in smaller or larger potatoes.

§ 51.3417 Optional test for specific gravity.

Tests to determine specific gravity shall be made in accordance with the procedures set forth in this section.

(a) The potatoes used for such determinations shall be:

(1) Taken at random from a composite sample drawn from containers representative of the lot.

(2) A comparable sample from a bulk load or storage bin.

(3) From a portion of the divided sample initially drawn or submitted for determination of grade or contract compliance.

(4) Representative of the lot with respect to size and quality.

The specific gravity for any lot of potatoes shall be the average of at least 3 corrected readings on separate tests from the composite sample. Specific gravity may also be determined, if requested, in accordance with size classifications or weighted value in proportion to size and/or grade separations in the lot.

(b) Specific gravity shall be determined by either;

(1) Calculation from the weights of the sample in air and in water made with USDA approved equipment. The reading obtained from each test shall be corrected for temperature variations using Table I.

(2) A hydrometer specifically designed for determining the specific gravity of potatoes.[3]

The pulp temperature of the potatoes and the temperature of water shall be recorded immediately before testing and the specific gravity reading corrected using Table I.

[3]The hydrometer is available from the Potato Chip/Snack Food Association, Crystal Square-3, Suite 903, 1735 Jefferson Davis Highway, Arlington, VA 22202.

TABLE I.—CORRECTION FACTORS FOR SPECIFIC GRAVITY OF POTATOES [4]

[Corrected to zero at 50° F potato temperature and 50° F water temperature]

Potato temperature	Water temperature (degrees Fahrenheit)									
	[illegible]	[illegible]	45°	50°	55°	[illegible]	[illegible]	70°	75°	[illegible]
38°	−0.0021	−0.0020	−0.0018	−0.0018	−0.0020	−0.0023	−0.0029	−0.0038	−0.0047	−0.0056
40°	−.0017	−.0016	−.0014	−.0014	−.0016	−.0019	−.0025	−.0034	−.0043	−.0052
45°	−.0009	−.0008	−.0006	−.0006	−.0008	−.0011	−.0017	−.0026	−.0035	−.0044
50°	−.0003	−.0002	0000	0000	−.0002	−.0005	−.0011	−.0020	−.0029	−.0038
55°	+.0001	+.0002	+.0004	+.0004	+.0002	−.0001	−.0007	−.0016	−.0025	−.0034
[illegible]	+.0004	+.0005	+.0007	+.0007	+.0005	+.0002	−.0004	−.0013	−.0022	−.0031
65°	+.0005	+.0006	+.0008	+.0008	+.0006	+.0003	−.0003	−.0012	−.0021	−.0030
70°	+.0006	+.0007	+.0009	+.0009	+.0007	+.0004	−.0002	−.0011	−.0020	−.0029
75°	+.0007	+.0008	+.0010	+.0010	+.0008	+.0005	−.0001	−.0010	−.0019	−.0028
80°	+.0008	+.0008	+.0011	+.0011	+.0009	+.0006	0000	−.0009	−.0018	−.0027
85°	+.0009	+.0010	+.0012	+.0012	+.0010	+.0007	+.0001	−.0008	−.0017	−.0026
90°	+.0010	+.0011	+.0013	+.0013	+.0011	+.0008	+.0002	−.0007	−.0016	−.0025
95°	+.0011	+.0012	+.0014	+.0014	+.0012	+.0009	+.0003	−.0006	−.0015	−.0024
100°	+.0012	+.0013	+.0015	+.0015	+.0013	+.0010	+.0004	−.0005	−.0014	−.0023

[4]To apply correction factor, change actual specific gravity reading by adding or subtracting the appropriate factor according to the plus or minus sign.

When requested to convert the weight in water of 5000 gram samples used in the weight in air versus weight in water method of specific gravity determinations, the conversion to total solids shall be based on Table II.

TABLE II.—SPECIFIC GRAVITY CONVERSION CHART FOR 5,000 GRAMS OF POTATOES

Water weight	Specific gravity	Total solids
300	1.0638	17.2
310	1.0661	17.7
320	1.0684	18.2
322	1.0688	18.3
324	1.0693	18.4
326	1.0697	18.5
328	1.0702	18.6
330	1.0707	18.7
332	1.0711	18.8
334	1.0716	18.9
336	1.0720	19.0
338	1.0725	19.1
340	1.0730	19.2
342	1.0734	19.3
344	1.0739	19.4
346	1.0743	19.5
348	1.0748	19.6
350	1.0753	19.7
352	1.0757	19.8
354	1.0762	19.8
356	1.0766	19.9
358	1.0771	20.1
360	1.0776	20.2
362	1.0780	20.3
364	1.0785	20.4
366	1.0790	20.5
368	1.0794	20.6
370	1.0799	20.7
372	1.0804	20.8
374	1.0808	20.9
376	1.0813	21.0
378	1.0818	21.1
380	1.0822	21.2
382	1.0827	21.3
384	1.0832	21.4
386	1.0836	21.5
388	1.0841	21.6
390	1.0846	21.7
392	1.0851	21.8
394	1.0855	21.9
396	1.0860	22.0
398	1.0865	22.1
400	1.0870	22.2
402	1.0874	22.3
404	1.0879	22.4
406	1.0884	22.5
408	1.0888	22.6
410	1.0893	22.7
412	1.0898	22.8
414	1.0903	22.9
416	1.0908	23.0
418	1.0912	23.1
420	1.0917	23.2
422	1.0922	23.4
424	1.0926	23.5
426	1.0931	23.6
428	1.0936	23.7
430	1.0941	23.8
432	1.0946	23.8
440	1.0965	24.4
450	1.0989	24.9
460	1.1013	25.4
470	1.1040	26.0

Whenever the recorded water weight for an individual reading falls between two sets of numbers as indicated in Table II, the next higher reading shall be used.

§ 51.3418 Optional test for fry color.

Fry color may be determined in accordance with contract specifications by using the Munsell Color Standards for Frozen French Fried Potatoes, Third Edition, 1972, 64–1.[5] Select a minimum of twenty (20) potatoes at random from the official sample. Slice each potato from stem to blossom-end into ⅜ square inch strips. Unless otherwise specified, fry center cut strips in oil for a minimum of 3 minutes at 350°F or 2½ minutes at 375°F.

(Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended ([7 U.S.C. 1022, 1024]))

Done at Washington, D.C. on: March 8, 1983.

Eddie F. Kimbrell,

Deputy Administrator, Commodity Services.

[FR Doc. 83-6430 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-02-M

[5] Munsell Color Standards for Frozen French Fried Potatoes, Third Edition, 1972, 64–1, may be purchased from the Munsell Color Co., 2441 North Calvert St., Baltimore, MD 21218.

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7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 8, Amdt. 21]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter requirement applicable to fresh domestic and export shipments of Honey tangerines from 2⅞₆ inches to 2⅝₆ inches. This action lowers the minimum diameter requirement for domestic shipments of Florida white seedless grapefruit and imports of white seedless grapefruit from 3⅞₆ inches to 3⅝₆ inches. This action also lowers the minimum diameter requirement for domestic shipments of Florida Temple oranges from 2⅞₆ inches to 2⅝₆ inches. The amendment is effective for the period March 14, 1983 through August 21, 1983. This action allows an increase in the supply of Honey tangerines, white seedless grapefruit, and Temple oranges in recognition of demand conditions and the size composition of the available supply in the interest of growers and consumers.

EFFECTIVE DATE: March 14, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida Honey tangerine, white seedless grapefruit, and Temple orange crops for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

The amendment with respect to Florida Honey tangerines, Temple oranges, and grapefruit is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Honey tangerines, Temple oranges, and white seedless grapefruit as hereinafter provided, will tend to effectuate the declared policy of the Act.

The minimum size requirements, specified herein, reflect the Committee's and Department's appraisal of the need to revise the size requirements applicable to Florida white seedless grapefruit, Honey tangerines, and Temple oranges. Such revision will augment the total available supply of Honey tangerines, Temple oranges, and white seedless grapefruit available for shipment to market by handlers.

Under section 8e of the Act (U.S.C. 608e–1), whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size quality or maturity requirements as those in effect for the domestically produced commodity. Thus size requirements for imported white seedless grapefruit will also change to conform to the size requirements for domestic shipments of Florida white seedless grapefruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Honey tangerines,

Florida Temple Oranges, Florida white seedless grapefruit, and imports of white seedless grapefruit. Handlers have been apprised of such provisions and the effective date.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 are amended by revising the following entries in Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch)
* * * * * * *			
Oranges: Temple	3/14/83–8/21/83	U.S. No. 1	2 4/16
	On and after 8/22/83	U.S. No. 1	2 6/16
Grapefruit: Seedless, except pink	3/14/83–8/21/83	Improved No. 2 (External) U.S. No. 1 (Internal).	3 5/16
	On and after 8/22/83	Improved No. 2 (External) U.S. No. 1 (Internal).	3 6/16
Tangerines: Honey	3/14/83–8/21/83	Florida No. 1 Golden	2 6/16
	On and after 8/22/83	Florida No. 1	2 7/16
* * * * * * *			

(b) * * *

TABLE II

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch)
* * * * * * *			
Tangerines: Honey	3/14/83–8/21/83	Florida No. 1 Golden	2 6/16
	On and after 8/22/83	Florida No. 1	2 7/16
* * * * * * *			

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-6585 Filed 3-14-83; 8:45 am]
BILLING CODE 3410-02-M

7 CFR Part 967

Celery Grown in Florida; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amends the Federal marketing agreement and order for celery grown in Florida. All of the celery growers voting in the February 8–22 referendum favored the amendment. The amendment authorizes changes in the number of industry members serving on the Florida Celery Committee.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceding: Notice of Hearing—Issued October 5, 1982, and published October 13, 1982 (47 FR 45020). Notice of Recommended Decision—Issued December 2, 1982, and published December 7, 1982 (47 FR 54975). Secretary's Decision—Issued January 18, 1983, and published January 24, 1983 (48 FR 2961).

This formal rulemaking action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action relates to industry representation on the marketing order administrative committee and to the voting procedure of that committee, and will not significantly affect costs for the handlers regulated under the program.

Preliminary Statement

This proposed amendment was formulated on the record of a public hearing held in Orlando, Florida, on November 1, 1982. Notice of the hearing was published in the October 13, 1982, issue of the **Federal Register**. The notice set forth a proposed amendment submitted by the Florida Celery Committee on behalf of celery producers and handlers in the production area.

On the basis of the evidence introduced at the hearing and placed in the record, on December 2, 1982, the Deputy Administrator filed a recommended decision with the U.S. Department of Agriculture Hearing Clerk. The recommended decision was published in the December 7, 1982, issue of the **Federal Register** (47 FR 54975), and allowed 30 days (or until January 6, 1983) for the filing of exceptions to it. No exceptions were received.

Findings and Determinations. The findings and determinations hereinafter set forth are supplementary, and in addition to, the findings and determinations previously made in

connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment of Marketing Order No. 967 (7 CFR Part 967), regulating the handling of celery grown in Florida.

Upon the basis of the record, it is found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of celery grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial activity specified in the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in its application to the smallest regional production area which is practicable consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of celery grown in the production area; and

(5) All handling of celery grown in the production area as defined in the order, as hereby amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Further Amended, Regulating the Handling of Celery Grown in Florida" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping, covered by this order, as further amended) who during the period August 1, 1981, through July 31, 1982, handled not less than 50 percent of the volume of such celery covered by the said order, as hereby further amended, and

(2) The issuance of this amendatory order, further amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1981, through July 31, 1982 (which has been determined to be a representative period) have been engaged within the production area in the production of celery for fresh market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of celery grown in Florida shall be in conformity to and in compliance with the terms and conditions of the said order, as hereby amended.

The provisions of the proposed marketing order, amending the order, contained in the recommended decision issued by the Deputy Administrator on December 2, 1982, and published in the **Federal Register** on December 7, 1982 (47 FR 54975), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

List of Subjects in 7 CFR Part 967

Marketing agreements and orders, Celery, Florida.

PART 967—CELERY GROWN IN FLORIDA

1. Section 967.25 is amended by adding paragraph (b) to read:

§ 967.25 Establishment and membership.

* * * * *

(b) The Secretary, upon the recommendation of the committee, may reestablish the number of producer or handler members on the committee. In recommending any such change, the committee shall give consideration to the total number of growers and handlers in the production area during the current or previous season, and other relevant factors. A change in the number of committee members can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

2. Section 967.27 is amended by revising paragraph (a), and adding (g) to read:

§ 967.27 Nominations.

(a) Growers in each group, as established in paragraph (d) or as reestablished pursuant to paragraph (g) of this section, may nominate persons for each member and alternate position in their respective group.

* * * * *

(g) The Secretary, upon recommendation of the committee, may reestablish groups and may reapportion committee membership among the various groups. In recommending such changes, the committee shall give consideration to: (1) Changes in the relative positions of existing groups with respect to celery production and shipments; (2) changes in the numbers of producers and handlers in each group; and (3) other relevant factors. A change in the establishment of groups or in apportionment of members among groups can become effective at any time, provided, the effective date is more than 30 days prior to the date on which nominations are held.

3. In § 967.29, paragraph (a) is revised to read:

§ 967.29 Procedure.

(a) At an assembled meeting, all votes shall be cast in person, and a simple majority of committee members (including alternates acting for absent members) shall constitute a quorum. Decisions of the committee shall require the concurring vote of a majority of the members and alternates in attendance and entitled to vote.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on March 10, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6879 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 984

Walnuts Grown in California; Decrease in Assessment Rate Approved for 1982–83 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation decreases from 0.4 cent per kernelweight pound to 0.35 cent per kernelweight pound, the assessment rate fixed to generate funds to cover authorized expenses of the Walnut Marketing Board for the 1982–83 marketing year. The funds are derived from handlers regulated under the Federal marketing order covering California walnuts. The Board works with the USDA in admininstering that order.

EFFECTIVE DATES: August 1, 1982, through July 31, 1983.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 477–5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

The Walnut Marketing Board's 1982–83 marketing year budget of $606,000 and 0.4 cent per kernelweight pound assessment rate payable by the walnut handlers was approved on October 13, 1982, and was published in the **Federal Register** on October 19, 1982 (47 FR 46490). This was done in accordance with the provisions of the marketing agreement and Order No. 984, both as amended (7 CFR 984), regulating the handling of walnuts grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board requested that the rate of assessment be reduced to reflect a substantial increase in assessable tonnage which if assessed at the 0.4 cent rate, will provide funds in excess of those needed to meet the expenses approved for 1982–83. The increase in assessable tonnage is the result of the larger than expected 1982 walnut production. Last September, the 1982 production of walnuts was estimated at 220 thousand tons. That production now is expected to be almost 233 thousand tons.

This action is based on the recommendation and information submitted by the Board, established under the order, and upon other information. It is found that the decreased rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking and good cause exists for not postponing the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553). This action reduces handlers' 1982–83 assessment obligations. Moreover, the order requires the rate of assessment for the marketing year to apply to all assessable walnuts handled from the beginning of such period.

List of Subjects in 7 CFR Part 984

Marketing agreements and orders, Walnuts, California.

PART 984—[AMENDED]

Therefore, § 984.334 "Expenses and assessment rate" is revised by changing "0.4 cent" in the first sentence to "0.35" cent. (The revision prescribes a decreased assessment rate for the 1982–83 marketing year and therefore will not be published in the Code of Federal Regulations).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 9, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-6584 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Financing of Headquarters Facilities; REA Bulletins 320–1, 320–4 and 320–14

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A—REA Bulletins by revising REA Bulletin 320–1, "Preloan Procedures for Rural Telephone Cooperatives", and REA Bulletin 320–4, "Preloan Procedures for Telephone Loan Applicants", and REA Bulletin 320–14, "Loans for Telephone System Improvements and Extensions".

The revision to each of these bulletins concerns the financing of headquarters facilities other than warehouse and garage facilities, furniture and office equipment, vehicles and other work equipment, and station apparatus and associated inside wiring. These items will be financed by the borrower from general funds or non-REA loans. For these purposes, REA includes the Rural Telephone Bank and guarantees of loans.

This change insures that all REA telephone borrowers will be treated equitably in the financing of facilities to furnish or improve telephone service in rural areas and will enable REA to make optimum use of available loan funds.

EFFECTIVE DATE: February 15, 1983.

FOR FURTHER INFORMATION CONTACT: Joel M. Babb, Chief, Loans and Management Branch, Telecommunications Management Division, Room 2913-South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 382–8549. The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of implementing each option is available on request from the above-name individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A—REA Bulletins by revising REA Bulletin 320–1, "Preloan Procedures for Rural Telephone Cooperatives", REA Bulletin 320–4, "Preloan Procedures for Telephone Loan Applicants", and REA Bulletin 320–14, "Loans for Telephone System Improvements and Extensions". This final action has been issued in conformance with Executive Order 12291, Federal Regulation. The action will not: (1) Have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies; or (3) result in significant adverse effects on competition, employment, investment or productivity, and therefore has been determined to be "not major". This action is not subject to the Regulatory Flexibility Act or OMB Circular A–95 review requirements. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees, and 10.852—Rural Telephone Bank Loans.

A notice of Proposed Rulemaking was published in the **Federal Register** on May 18, 1982, Volume 47, Number 96, page 21268.

The primary objective of this rule is to ensure optimum use of available loan funds. Additionally, it ensures that all borrowers will be treated consistently in

the financing of facilities most essential to providing telephone service.

The only available option to this rule was to take no action. This option would perpetuate the continued financing of headquarters facilities other than warehouse and garage facilities, furniture and office equipment, vehicles and other work equipment, and station apparatus and associated inside wiring at the expense of more important switching and transmission facilities. The Administrator has determined that all of the items involved are more appropriately financed from general funds or non-REA loans or are soon to be purchased directly by the consumer.

The Administrator considered the close relationship between adequate warehouse and garage facilities and efficient construction and maintenance of revenue producing plant and determined that warehouse and garage facilities would not be included as part of "headquarters facilities". Where there is a demonstrated need, REA will continue to provide financing for warehouse and garage facilities.

Public comment responses were received from several REA borrowers and the National Telephone Cooperative Association. The concerns expressed by the majority of those responding were that REA's first lien on the borrower's property and REA policy limitations on the appropriate level of general funds made the financing of headquarters facilities and the other items involved extremely difficult.

In response to the commenters' concerns, the Administrator noted the long-term trend of borrowers to accumulate cash. This trend has resulted in the present high borrower general funds level. As a result of this review of the situation, the Administrator determined that no additional exemptions were necessary. The vast majority of REA borrowers will be able to finance the items covered by the amended policy with no adverse impact on the rural consumer. In cases where some exceptional circumstances exist, present policy provides that the Administrator may make exemptions on a case-by-case basis.

REA has revised its policy concerning financing of the following items: headquarters facilities other than warehouse and garage facilities, furniture and office equipment, vehicles and other work equipment, and station apparatus and associated inside wiring. Except as otherwise determined by the Administrator, these items will be financed by borrowers from general funds or non-REA loans. For these purposes REA includes the Rural Telephone Bank and guarantees of loans.

In view of the above, the Administrator hereby amends 7 CFR Part 1701, Appendix A—REA Bulletins, by revising REA Bulletin 320–1, "Preloan Procedures for Rural Telephone Cooperatives", REA Bulletin 320–4, "Preloan Procedures for Telephone Loan Applicants", and REA Bulletin 320–14, "Loans for Telephone System Improvements and Extensions.

Indexing Terms: As required by 1 CFR 18.20, the following are the indexed terms and list of subjects for this regulation:

List of Subjects in 7 CFR Part 1701

Loan programs—communications, Telecommunications, Telephone.

Dated: February 15, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-6602 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Part 97

[Docket 82-061]

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. This amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. J. L. Ellis, Executive Office, VS, APHIS, USDA, Room 857, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8611.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, make this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. This amendment merely reflects such changes and serves to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1982 ed.), as amended May 28, 1982, (FR 23429–23431), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding or removing (in appropriate alphabetical sequence) the information as shown below:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

(In hours)

Locations covered	Served from	Metropolitan area: Within	Metropolitan area: Outside	
* *	* *	* *	* *	
Remove:				
Michigan:				
Port Huron	* *	* *	* *	1
* *	* *	* *	* *	
Add:				
Michigan:				
Detroit	Bloomfield and Port Huron			3
Port Huron	Detroit			3
Do	Saginaw			4
* *	* *	* *	* *	

(64 Stat. 561 (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register**.

Done at Washington, D.C., this 9th day of March 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-6586 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9093]

American Dental Association; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the Commission order issued on September 6, 1979 (44 FR 64803), *modified* August 3, 1982 (47 FR 36184), by relieving the association of its obligation under Paragraph III(A) of the order, to send by first-class mail a copy of Appendix A to the Final Order to each of its current members, and by reducing the number of years that Paragraphs III(A), IV(C), and IV(D) require the association to provide new members with notice of the order; make particular records available to the Commission; and file compliance reports.

DATES: Final Order issued September 6, 1979. Modifying Order issued February 7, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, Arthur N. Lerner, Washington, D.C. 20580. (202) 724-1341.

SUPPLEMENTARY INFORMATION: In the Matter of American Dental Association, a corporation, Codification under 16 CFR Part 13, appearing at 44 FR 64803, remains unchanged.

List of Subjects in 16 CFR Part 13

Dentists, Dental services.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Modification of Decision and Order, including further order requiring report of compliance therewith, is as follows:

In the Matter of American Dental Association, a corporation; Docket No. 9093.

Modification of Decision and Order

The American Dental Association ("ADA") has requested that the Commission modify its Final Order in Docket No. 9093 to (1) relieve ADA of its obligation under Paragraph III(A) of the order to send by first-class mail a copy of a letter, Appendix A to the Final Order, to each of its present members, and (2) reduce the number of years ADA is required by Paragraphs III(B), IV(C), and IV(D) to provide new members with notice of the Final Order, make certain records available to Commission staff, and file reports of compliance.

As an alternative to the requirement of Paragraph III(A) that it send separate notice of the Final Order to each of its present members, ADA has proposed that it include an explanatory article when, as required by Paragraph IV(A) of the Final Order, it publishes a copy of the Final Order in the *Journal of the American Dental Association* and *ADA News*. Because under a temporary order ADA provided separate notice to each of its members that it was subject to a Commission order that, except under certain circumstances, prohibited ADA from restricting the advertising of dentists' services, and because with respect to individual members of ADA the Final Order prohibits essentially the same conduct, the Commission has determined that the alternative to separate notice ADA has proposed is in the public interest. The Commission has also determined that it is in the public interest to modify the Final Order to reduce the number of years ADA is required to provide new members with notice of the Final Order, make records available to the Commission, and file compliance reports. Accordingly,

It is ordered that the proceeding be, and it hereby is, reopened.

It is further ordered that the Final Order be, and it hereby is, modified by substituting for Paragraphs III(A), III(B), IV(C), and IV(D) of the Final Order, the following:

III.

It is further ordered that respondent American Dental Association:

A. Send by first class mail a copy of a letter in the form shown in Appendix A to this Order to each constituent and component organization of respondent, within sixty (60) days after this Order becomes final.

B. For a period of two years, provide each new member of respondent and each constituent and component organization of respondent with a copy of this Order at the time the member is accepted into membership.

IV.

It is further ordered that respondent American Dental Association:

C. For a period of two years after this Order becomes final, maintain and make available to the Commission staff for inspection and copying upon reasonable notice, recorded adequate to describe in detail any action taken in connection with the activities covered by Part I of this Order, including but not limited to any advice or interpretations rendered with respect to advertising or solicitation involving any of its members.

D. Within one year after this Order becomes final, and annually thereafter, for a period of one year, file a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by Part I of this Order, including but not limited to any advice or interpretations rendered with respect to advertising or solicitation involving any of its members.

By the Commission. Commissioner Pertschuk dissenting.

Issued: February 7, 1983.

Benjamin I. Berman,

Acting Secretary.

Separate Statement of Chairman Miller Concerning Modification of Order in American Dental Association

The petition of the ADA to modify the compliance burdens in its order boils down to two issues, both of which lead me to clear and obvious answers. The first issue arises from the settlement the ADA reached with the Commission in 1979. The Commission agreed with the ADA that it would be treated on equal terms with the order ultimately reached with the AMA. Then for three years, the ADA operated under a temporary order that imposed essentially the same burdens as the final order. But the final order does not recognize the three years of compliance that the ADA performed while the *AMA* case was pending. I have no trouble deciding that the ADA should not incur three extra years of expensive compliance because it settled with the Commission.

The second issue concerns the purpose of reporting and record-keeping under Commission orders. Unlike the provisions relating to lawful conduct, which are perpetual in this order, the compliance requirements run for a term of several years. The ADA was required, for example, to provide copies of the order to all new members for ten years. Such compliance procedures are typically held to a limited term for an economic reason: the balance between the costs of the procedure and the probability of harm from noncompliance. While the Commission may expect that a respondent will comply immediately, there remains a chance that it will not. As the respondent gains experience in complying with an order over time however, the

likelihood of future problems diminishes. The Commission limits the term for such expensive procedures as reporting, notifying and record-keeping because at some point the probability of a problem arising will no longer justify the extra expense of special monitoring for it.

The Commission originally determined that it would take ten years before the notice to new members had served its remedial purpose. However, the developments in the market for dental services and ADA's past compliance with its order demonstrate to my satisfaction that we can revise this assessment. The likelihood that future dental school graduates will violate the Commission order is sufficiently remote that the expense of continuing to mail it beyond five years does not appear justified. Therefore, I support the Commission's decision to reduce the notice requirement from ten years to five.

Dissenting Statement of Commissioner Pertschuk Concerning Modification of Order Against American Dental Association

February 17, 1983.

I dissent from the decision of the Commission to reduce the period for which ADA is obligated to inform new members of the order, to make compliance reports available, and to make records available to the Commission. As I understand it, ADA's principal grounds for modification are: (1) ADA is obligated to carry out these obligations longer than the AMA even though the ADA settled and the AMA litigated its case to the Supreme Court; (2) ADA has complied with the order faithfully during the interim period (before the AMA order was finalized) and should get credit for this period; and (3) there is less need to give notice to new members since the legal standard for advertising has changed and new members will, therefore, be less likely to reintroduce restrictions. While the Commission, in granting the petition, appears to place reliance on all three of these factors, none actually meet the standard of Rule 2.51—that change conditions of law or fact or the public interest "requires" the order to be modified.

ADA agreed at the time the interim order was entered to be bound by an order identical—with one exception—to any final order in the AMA case. This eventual identity of orders meant ADA would have to comply with notice and reporting requirements for the period required by the interim order *plus* the period required by the AMA order.[1] Consequently, the period required for notice and reporting can hardly be called unfair or unanticipated. As for the supposed change in advertising law, the antitrust and constitutional problems in restricting advertising were well known before the ADA order was entered and, in fact, the cases ADA cites in support of its petition—except for the AMA case itself—were decided before the interim order issued.

The Commission appears to shorten ADA's requirements principally on theory that it has made a quicker than expected transition to full compliance with the order. Chairman Miller's statement, in fact, suggests that the Commission thought in 1979 that it would take an extended period for the ADA to undergo a total transition to compliance. This idea is troubling in two respects. First, the ADA order includes at least one substantive provision concerning disciplining member societies which was not in the interim order and for which we have no compliance record. More importantly, the idea that we should shorten the period of notice and reporting obligations as a reward for a rapid *transition* to compliance does not strike me as satisfying the "changed conditions of law or fact" or "public interest" requirement within the meaning of Rule 2.51. We expect immediate compliance with orders (subject to any express grace periods) and bringing an organization into comformity with order obligations in a short period of time has, heretofore at least, not been grounds to shorten compliance requirements. While the low probability of ADA violating the order is all to the good, that is precisely what we expected when the order was issued. Consequently, I would have agreed with the Bureau of Competition that the period for notice and reporting be left unchanged.

[FR Doc. 83-6804 Filed 3-14-83; 8:45 am]

BILLING CODE 6750-01-M

[1] The ADA not only wants to cut back the period for giving notice to take into account the three year period of the interim order but also to cut back the total notice period to five years, instead of the ten now required in both the AMA and the ADA orders.

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16 CFR Part 13

[Docket C-1161]

Foremost Dairies, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on January 23, 1967 (32 FR 2884), by deleting Paragraph V from the order, so as to relieve respondent of the obligation of obtaining Commission approval prior to making certain acquisitions.

DATES: Consent Order issued January 23, 1967. Modifying Order issued February 17, 1983.

FOR FURTHER INFORMATION CONTACT: PTC/CC, Elliott Feinberg, Washington, D.C. 20580. (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Foremost Dairies, Inc., a corporation. Codification appearing at 32 FR 2884 remains unchanged.

List of Subjects in 16 CFR Part 13

Drugs, Pharmaceutical preparations.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Modifying Cease and Desist Order Issued January 23, 1967 is as follows:

In the Matter of Foremost Dairies, Inc., a corporation; Docket No. C-1161.

Order Modifying Cease and Desist Order Issued January 23, 1967

By a petition dated July 9, 1982, and supplements thereto dated October 14, 1982, November 16, 1982, and January 11, 1983, respondent Foremost-McKesson, Inc. (successor to Foremost Dairies, Inc.) ("Foremost") requests that the Commission reopen the proceeding in Docket No. C-1161 and delete Paragraph V of the order issued by the Commission on January 23, 1967. Pursuant to Section 2.51 of the Commission's Rules of Practice, the petition was placed on the public record for comments. No comments were received.

Upon consideration of Foremost's petition and supporting materials, and other relevant information, the Commission now finds that the public interest warrants reopening and modification of the order. The Commission has determined that absent special circumstances an order provision that requires prior Commission approval of acquisitions by the respondent should not exceed ten years in duration. The order in this case has been in effect for 16 years and the record does not demonstrate that continued prior approval of respondent's acquisitions is necessary.

Accordingly,

It is ordered that this matter be, and it hereby is reopened and that Paragraph V of the Commission's order be and it is hereby deleted.

By direction of the Commission.

Issued: February 17, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6805 Filed 3-14-83; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket No. C-3104]

Plaskolite, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Columbus, Ohio manufacturer and seller of interior-mounted plastic storm windows, among other things, to cease misrepresenting the performance capabilities of storm windows; the amount of savings that will result from installation of storm windows on a house already equipped with prime and storm windows; and the purpose, content or conclusions of tests or surveys used by the company to substantiate energy-related claims. The order further bars the firm from using

the words "up to" or similar terms in energy-related claims, unless the maximum level of performance can be achieved by a significant number of consumers under normal circumstances, and the class of persons who can achieve this level of performance is disclosed. Additionally, the company is required to retain documentation for energy-related claims for a period of three years.

DATE: Complaint and Order issued February 23, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Marilyn J. Holmes, Washington, D.C. 20580. (202) 724–0727.

SUPPLEMENTARY INFORMATION: On Friday, December 3, 1982, there was published in the **Federal Register**, 47 FR 54452, a proposed consent agreement with analysis in the Matter of Plaskolite, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been filed, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.160 Qualities or properties of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.255 Surveys. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1757 Surveys. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Energy conservation, Plastic storm windows, Trade practices.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Benjamin I. Berman,
Acting Secretary.

[FR Doc. 83-6805 Filed 3-14-83; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 82N-0378]

D&C Red No. 6 and D&C Red No. 7; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a document that "permanently" listed D&C Red No. 6 and D&C Red No. 7 except for use in the area of the eye.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–35102 appearing at page 57661 in the issue for Tuesday, December 28, 1982, the following correction is made: On page 57668 in the third column, fourth line, the word "teflon" is changed to read "polytetrafluoroethylene".

Dated: March 8, 1983.

William F. Randolph,
Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6810 Filed 3-14-83; 8:45 am]
BILLING CODE 4160-01-M

21 CFR Parts 100, 101, 109, and 172

Food for Human Consumption; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending various food standard and food additive regulations to correct editorial errors.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: L. Robert Lake, Bureau of Foods (HFF–302), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1254.

SUPPLEMENTARY INFORMATION: Section 182.5634 was removed, and the material was incorporated in new § 184.1634 by an amendment at 43 FR 11698 (March 21, 1978). The reference in § 100.155 was not changed to reflect the amendment.

Section 105.3(b) was removed by an amendment at 44 FR 16006 (March 16, 1979), and the reference in § 101.3(e)(4)(ii) was not changed to reflect the amendment.

The "date" error in § 109.30(b) first appeared in FR Doc. 81–2812 in the **Federal Register** of January 27, 1981 (46 FR 8454).

The entry in § 172.515(b) is an erroneous, out-of-sequence entry that repeats the correct entry, "2-methoxy-4-vinylphenol; *p*-vinyl guaiacol," which is already listed correctly in proper alphabetical sequence. The entry "2-Methylallyl butyrate; 2-Methyl-2-propen-1-yl butyrate" is being restored. This entry appeared in the list as it was first published in the **Federal Register** of December 23, 1965 (30 FR 15845) under § 121.1164 *Synthetic flavoring substances and adjuvants.* (The section was redesignated as § 172.515 in the **Federal Register** of March 15, 1977 (42 FR 14491)). The entry was inadvertently dropped. This document restores the entry and corrects the other errors cited above.

List of Subjects

21 CFR Part 100

Administrative practice and procedure, Food labeling, Foods.

21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statement.

21 CFR Part 109

Contaminants, Polychlorinated biphenyls.

21 CFR Part 172

Food additives, Food preservatives, Spices and flavorings.

Under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated the Commissioner of Food and Drugs (21 CFR 5.10), 21 CFR, Subchapter B, is amended as follows:

PART 100—GENERAL

§ 100.155 [Amended]

1. In § 100.155 *Salt and iodized salt*, paragraph (a), in the first sentence by changing "§ 182.5634" to "§ 184.1634".

PART 101—FOOD LABELING

§ 101.3 [Amended]

2. In § 101.3 *Identity labeling of food in packaged form*, paragraph (e)(4)(ii),

by changing "§ 105.3(b)" to "§ 101.9(c)(7)(iv)".

PART 109—UNAVOIDABLE CONTAMINANTS IN FOOD FOR HUMAN CONSUMPTION AND FOOD-PACKAGING MATERIAL

§ 109.30 [Amended]

3. In § 109.30 *Tolerances for polychlorinated biphenyls*, paragraph (b), by changing "Analytical Methodology for Polychlorinated Biphenyls, February 1973" to "Analytical Methodology for Polychlorinated Biphenyls, June 1979."

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.515 [Amended]

4. In § 172.515 *Synthetic flavoring substances and adjuvants*, paragraph (b), by removing the entry "2-Methoxy-4-vinylphenol; *p*-vinylguaiacol-1-yl butyrate" and by adding the entry "2-Methylallyl butyrate; 2-methyl-2-propen-1-yl butyrate" in alphabetical sequence.

Effective date. March 15, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 8, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6613 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 145

[Docket No. 82N-0160]

Canned Fruits; Repeal of Standards of Identity for Canned Fruits With Rum

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is removing the standards of identity for canned apricots with rum, canned cherries with rum, canned peaches with rum, and canned pears with rum. This action is taken in conjunction with FDA's review of existing regulations to minimize unnecessary regulatory burdens.

DATES: Effective April 15, 1983, unless stayed by the filing of proper objections; objections by April 14, 1983.

ADDRESS: Written objections are to be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF-214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1164.

SUPPLEMENTARY INFORMATION: FDA published a notice in the **Federal Register** of July 14, 1981 (46 FR 36333) announcing the undertaking of a systematic review of its regulations to minimize regulatory burden while maintaining an acceptable level of consumer protection.

Among the regulations scheduled for review by FDA during the retrospective review process are the four standards of identity for canned fruits with rum. FDA was, and is, unaware of any manufacturer that produces these foods. Therefore, in the **Federal Register** of September 21, 1982 (47 FR 41579), the agency proposed to remove the standards of identity for canned apricots with rum (21 CFR 145.118), canned cherries with rum (21 CFR 145.128), canned peaches with rum (21 CFR 145.173), and canned pears with rum (21 CFR 145.178) because they were no longer necessary to protect the interest of consumers. Comments were invited on whether a need exists for these standards. FDA stated that if the comments received did not indicate a need for these standards, the agency would repeal them. No comments were received on the proposal. FDA has concluded that the standards should, as proposed, be repealed.

List of Subjects in 21 CFR Part 145

Canned fruits, Food standards, Fruits.

PART 145—CANNED FRUITS

§§ 145.118, 145.128, 145.173, 145.178 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 145 is amended by removing § 145.118 *Canned apricots with rum*, § 145.128 *Canned cherries with rum*, § 145.173 *Canned peaches with rum*, and § 145.178 *Canned pears with rum*.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 14, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Effective, April 15, 1983, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: March 8, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6574 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 155

[Docket No. 81P-0049]

Canned Vegetables; Mushrooms; Standards of Identity and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the U.S. standard of identity for canned mushrooms based on consideration of the Recommended International Standard for Canned Mushrooms developed by the Codex Alimentarius Commission (Codex standard) to define the mushroom as conforming to the characteristics of the species *Agaricus (Psalliota) bisporus* or *A. bitorquis*, to provide for quarters and random sliced as optional styles, and to provide for the use of calcium disodium ethylenediaminetetraacetate (calcium disodium EDTA) to promote color retention. FDA also is amending the drained weight requirements in the U.S. standard of fill of container based on consideration of the Codex standard and of a petition by the National Food

Processors Association (NFPA). These actions will promote honesty and fair dealing in the interest of consumers and facilitate international trade. In a final rule published elsewhere in this issue of the **Federal Register**, the agency also is amending the food additive regulation on calcium disodium EDTA.

DATES: Effective July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may begin May 16, 1983. Objections by April 14, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 22, 1982 (47 FR 26843), FDA published a proposal to revise the standard of identity for canned mushrooms in § 155.201(a) (21 CFR 155.201(a)) and to amend those provisions of the standard of identity for "Certain other canned vegetables" in § 155.200 (21 CFR 155.200) applicable to canned mushrooms based on consideration of the identity provisions of the Codex standard developed by the Codex Alimentarius Commission. FDA proposed to amend the standard of identity to define canned mushrooms as being of the species *Agaricus (Psalliota) bisporus* or *A. bitorquis*, provide for mushrooms to be so processed by heat to prevent spoilage either before or after being sealed in a container, define optional styles and provide for "quarters" and "random sliced" as additional styles, provide for optionally packing canned mushrooms in either water or other suitable liquid medium, and provide for the use of calcium disodium EDTA to promote color retention. The agency also proposed to amend the standard of fill of container for canned mushrooms in § 155.201(c) based on the Codex standard and a petition by NFPA to amend the minimum drained weight requirements. The agency also proposed to amend the food additive regulation in § 172.120(b)(1) (21 CFR 172.120(b)(1)) regarding the use of calcium disodium EDTA in canned mushrooms.

Three comments were received in response to the proposal. All three comments supported the proposal. One of the comments also requested inclusion of a provision for the use of microcrystalline cellulose and carboxymethylcellulose, substances that are generally recognized as safe (GRAS), as optional ingredients in canned mushrooms to retard discoloration and preserve texture. The information submitted in support of the request stated that mushrooms are immersed in a water solution containing 4 percent of a combined mixture of 85 percent microcrystalline cellulose and 15 percent carboxymethylcellulose, subjected to high vacuum, then drained and washed. The comment stated that not more than 2 percent by weight of the microcrystalline cellulose-carboxymethylcellulose mixture is retained by the mushrooms and that low quality mushrooms are not improved.

FDA concludes that the request is beyond the scope of the proposal and would require a petition in conformance with 21 CFR 10.30 to amend the standard of identity for mushrooms, with data and information demonstrating that such use would promote honesty and fair dealing in the interest of consumers and would not result in adulteration under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342).

FDA proposed to retain the provision for the optional style "slices" or "sliced" as currently set out in § 155.200(b), but inadvertently published the provision as "slice" or "sliced". This final rule corrects that error. In addition, the agency is making an editorial change in the numbering of § 155.200(c) to reflect an amendment published in the **Federal Register** of November 17, 1981 (46 FR 56409).

In consideration of the identity and fill of container aspects of the Codex standard and the petition submitted by NFPA, together with comments received in response to the proposal, FDA concludes that it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to amend the standards of identity and fill of container for canned mushrooms as set forth below. A final regulation to amend the food additive regulation to permit the use of calcium disodium EDTA appears elsewhere in this issue of the **Federal Register**.

In accordance with the Regulatory Flexibility Act, the agency has previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

The agency has determined under 21 CFR 25.24(b)(13) (proposed December 11, 1979; 44 FR 71742) that this action to amend the food standards (21 CFR Part 155) is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 155

Canned vegetables, Food standards, Vegetables.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 155 is amended as follows:

PART 155—CANNED VEGETABLES

Section 155.200 is amended by removing the entry "Mushrooms" from the table in paragraph (b), by removing the words "except canned mushrooms and" from paragraph (c)(3), by removing the words "except canned mushrooms" from paragraph (c)(5), by removing paragraph (c)(7) and redesignating the subsequent paragraphs as (c)(7), (8), (9), (10), (11), and (12), and by revising redesignated (c)(12), to read as follows:

§ 155.200 Certain other canned vegetables.

* * * * *

(c) * * *

(12) A vinegar or any safe and suitable organic acid for all vegetables (except artichokes, in which the quantity of such optional ingredient is prescribed by the introductory text of paragraph (c) of this section) in a quantity which, together with the amount of any lemon juice or concentrated lemon juice that may be added, is not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

2. By revising § 155.201, to read as follows:

§ 155.201 Canned mushrooms.

(a) *Identity*—(1) *Definition.* Canned mushrooms is the food properly prepared from the caps and stems of succulent mushrooms conforming to the characteristics of the species *Agaricus (Psalliato) bisporus* or *A. bitorquis*, in one of the optional styles specified in paragraph (a)(2) of this section, packed with a suitable liquid medium which

may include water; and may contain one or more safe and suitable optional ingredients specified in paragraph (a)(3) of this section. The food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(2) *Styles.* The optional styles of the mushroom ingredient referred to in paragraph (a)(1) of this section are:

(i) *Buttons*—consisting of whole mushrooms with attached stems not exceeding 5 millimeters (0.2 inch) in length, measured from the bottom of the veil.

(ii) *Whole*—consisting of whole mushrooms with attached stems cut to a length not exceeding the diameter of the cap, measured from the bottom of the veil.

(iii) *Quarters*—consisting of buttons or whole style cut into four approximately equal parts.

(iv) *Slices or sliced*—consisting of buttons or whole style of which not less than 50 percent are cut parallel to the longitudinal axis of the stem and 2 millimeters to 8 millimeters (0.08 inch to 0.32 inch) in thickness.

(v) *Random sliced*—consisting of buttons or whole style sliced in a random manner.

(vi) *Pieces and stems*—consisting of pieces of caps and stems of irregular shapes and sizes.

(3) *Optional ingredients.* One or any combination of two or more of the following safe and suitable optional ingredients as provided for in paragraph (a)(1) of this section may be used:

(i) Salt.

(ii) Monosodium glutamate.

(iii) Disodium inosinate complying with the provisions of § 172.535 of this chapter.

(iv) Disodium guanylate complying with the provisions of § 172.530 of this chapter.

(v) Hydrolyzed vegetable protein.

(vi) Autolyzed yeast extract.

(vii) Ascorbic acid (vitamin C) in a quantity not to exceed 132 milligrams for each 100 grams (37.5 milligrams for each ounce) of drained weight of mushrooms.

(viii) Organic acids (except no vinegar is permitted), only where the inside metal of the container is fully enamel-lined and in glass containers with fully enamel-lined caps. Ascorbic acid as provided for in paragraph (a)(3)(vii) of this section.

(ix) Calcium disodium ethylenediaminetetraacetate ($CaNa_2$ EDTA) in a quantity not to exceed 200 parts per million for use to promote color retention.

(4) *Labeling requirements.* (i) The name of the food is mushrooms. The style as provided for in paragraph (a)(2) of this section shall be included as part of the name or in close proximity to the name of the food.

(ii) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) [Reserved]

(c) *Fill of container.* (1) The standard of fill of container for canned mushrooms is:

(i) The fill of the mushroom ingredient and packing medium, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter, is not less than 90 percent of the total capacity of the container.

(ii) The drained weight of the mushroom ingredient is not less than 50 percent of the water capacity of the container.

(iii) Determine drained weight as specified in § 155.3(a).

(2) Determine compliance for minimum fill and drained weight as specified in § 155.3(b).

(3) If the canned mushrooms fall below the standard of fill prescribed in paragraph (c)(1)(i) and/or (ii) and (2) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein prescribed.

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 14, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. Except as to any provisions that may be stayed by the filing of proper objections, compliance with this final regulation, including any required labeling changes, may begin May 16, 1983, and all affected products initially introduced or initially delivered for introduction into interstate commerce on or after July 1, 1985, shall fully comply. Notice of the filing of objections or lack thereof will be published in the **Federal Register.**

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)))

Dated: March 8, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6572 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 172

[Docket No. 81P-0048]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Calcium Disodium EDTA

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the use of calcium disodium ethylenediaminetetraacetate (calcium disodium EDTA) in canned mushrooms and to eliminate the current requirement for a temporary marketing permit. This amendment is issued to conform with actions taken in response to a petition by the National Food Processors Association.

DATES: Effective March 15, 1983; objections by April 14, 1983.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Thomas Brown, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 22, 1982 (47 FR 26843), FDA published a proposal to amend § 172.120 (21 CFR 172.120) of the food additive regulations regarding the use of calcium disodium EDTA in canned mushrooms. The agency also proposed to amend the standard of identity for canned mushrooms in § 155.201(a) (21 CFR 155.201(a)) to, among other things, allow the use of calcium disodium EDTA in canned mushrooms. The final rule concerning

canned mushrooms is published elsewhere in this issue of the **Federal Register.**

Three comments were received in support of the proposal. None of the comments opposed the use of calcium disodium EDTA in canned mushrooms. These comments are discussed in the final rule amending the standard of identity for canned mushrooms.

FDA concludes that the proposed use of the food additive to promote color retention in cooked, canned mushrooms is safe, and that the regulations should be amended as set forth below.

The documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Dockets Management Branch (address above).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Lists of Subjects in 21 CFR Part 172

Food additives, Food preservatives, Spices and flavorings.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 172 is amended in § 172.120 in the table in paragraph (b)(1) by revising the entry for "Mushrooms (cooked canned)" to read as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.120 Calcium disodium EDTA.

* * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Mushrooms (cooked canned).	200	Promote color retention.
* * *	* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before April 14, 1983, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective March 15, 1983.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: March 8, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6573 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Hygromycin B; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a sponsor number in an animal drug regulation it published in the **Federal Register** of April 30, 1982 (47 FR 18592).

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–11751 appearing at page 18592 in the issue for Friday, April 30, 1982, the following correction is made: On page 18592 under § 558.274 *Hygromycin B* in paragraph (e)(1)(ii) in the "Sponsor" column, the sponsor number "028186" is corrected to read "026186".

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-6570 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid; Conforming Amendment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is making a conforming amendment to the regulation for lasalocid. The agency revised portions of that regulation in the **Federal Register** of October 15, 1982, but inadvertently failed to revise a cross reference. This document corrects that cross reference.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV–238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 15, 1982 (47 FR 46078), FDA amended 21 CFR 558.311 by, among other things, redesignating paragraph (e) as paragraph (f) and by redesignating paragraph (f) as paragraph (e). The agency failed to change the cross reference to paragraph (e) in § 558.311(b). This document corrects that error.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.311 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.311 *Lasalocid* in paragraph (b)(1) by changing the reference "(e)(1)" to read "(f)(1)", in paragraph (b)(2) by changing the reference "(e)(5)" to read "(f)(5)", and in paragraph (b)(3) by changing the reference "(e)(6) and (7)" to read "(f)(6) and (7)".

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-6971 Filed 3-14-83; 8:45 am]

BILLING CODE 4810-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 15b

[T. D. 7875]

Amortization of Reforestation Expenditures

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for an election under which taxpayers may amortize up to $10,000 of qualified reforestation expenditures over a seven-year period. Changes to the applicable tax law were made by the Recreational Boating Safety and Facilities Improvement Act of 1980. These regulations affect taxpayers who make expenditures to pay for planting or seeding areas for forestation or reforestation purposes. In addition, the text of the temporary regulations set forth in this document also serves as part of the text of the proposed regulations cross-referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of this issue of the **Federal Register**.

DATE: The regulations are effective for qualifying reforestation expenditures added to capital accounts after December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Robert B. Coplan of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention:CC:LR:T) 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to an election to amortize certain reforestation expenditures under section 194 of the Internal Revenue Code of 1954, as added or amended by section 301 of the Recreational Boating Safety and Facilities Improvement Act of 1980 (Pub. L. 96-451, 94 Stat. 1983). Further, a new Part 15b, Temporary Regulations under Title III of the Recreational Boating Safety and Facilities Improvement Act of 1980, is added by this document to Title 26 of the Code of Federal Regulations. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. By a separate document appearing elsewhere in this issue of the **Federal Register**, the regulations promulgated in this document are also proposed to be prescribed as final Income Tax Regulations (26 CFR Part 1) under section 194 of the Code.

In General

This document contains temporary regulations under which a taxpayer may elect to amortize, over a seven-year period, up to $10,000 of qualifying reforestation expenditures incurred during a taxable year. The expenditures must have been made in connection with qualified timber property. Only reforestation expenditures which result in additions to capital account after December 31, 1979 are eligible for amortization under section 194. Section 15b.194-1(b) provides that the amortization period must begin on the first day of the first month of the last half of the taxable year in which the taxpayer incurs the amortizable expenditures.

Amount of Deduction Allowable

Paragraph (a) of § 15b.194-2 sets forth the general rule for determining the allowable monthly amortization deduction. A taxpayer may amortize a maximum of $10,000 of reforestation expenditures ($5,000 in the case of a married taxpayer filing a separate return) in any year under § 15b.194-2(b)(1). Paragraph (b)(2) of § 15b.194-2 permits a taxpayer who incurs more than $10,000 in qualifying expenditures in connection with more than one timber property to select the manner in which the $10,000 limit on amortizable basis is to be allocated among those properties.

Controlled Groups

Rules for allocating the $10,000 limit on amortizable basis among component members of a controlled group are set forth in § 15b.194-2(b)(4). Generally, component members of a controlled group on December 31 are treated as one taxpayer in applying the $10,000 limit. In addition, the $10,000 amount may be allocated among the members of the group by the common parent corporation if a consolidated return is filed, or if separate returns are filed, the amount is to be allocated in accordance with an agreement made by the members. The definition of the term "controlled group of corporations" in section 1563(a) is modified for purposes of section 194 by substituting "more than 50 percent" for the phrase "at least 80 percent" wherever it appears. See § 15b.194-3(d).

Partnerships

The election to amortize reforestation expenditures must be made by a partnership and the $10,000 limit on expenditures applies to the partnership as well as to each partner. In general, under § 15b.194-2(b)(5)(iii), a partner's share of the partnership's amortizable reforestation expenditures is to be determined in accordance with section 704 and the regulations thereunder.

Estates

An estate may elect to amortize up to $10,000 of reforestation expenditures under § 15b.194-2(b)(6). Any amortizable expenditures by an estate must be apportioned between the estate and the income beneficiary on the basis of the income allocable to each.

Adjustment to Basis

Section 15b.194-2(b)(3)(i) provides that when a taxpayer elects to amortize reforestation expenditures under section 194, such taxpayer's basis in the qualified timber property to which the expenditures relate must be adjusted to reflect the amount of the section 194 deduction allowable to the taxpayer. However, no adjustment is required for that portion of a deduction which is apportioned to a trust which may not deduct its share of a section 194 deduction.

Time and Manner of Making Election

Section 15b.194-4(a) provides that the election under section 194 is generally made by entering the amount of the deduction at the appropriate place on the taxpayer's return for the year the expenditures were made, and by attaching a statement to the return. The regulations set forth the information to be included in the statement. A special rule is contained in § 15b.194-4(b) which allows a taxpayer who was eligible to, but did not elect section 194 amortization on a return filed before June 13, 1983 to amend that return and elect to amortize reforestation expenditures.

Drafting Information

The principal author of these temporary regulations is Robert B. Coplan of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. For the reasons set forth in the following paragraphs no general notice of proposed rulemaking is required by 5 U.S.C. 553(b). Accordingly no Regulatory Flexibility Analysis is required for this rule.

The Treasury decision adds a temporary regulation to enable eligible taxpayers to make an election to amortize reforestation expenditures. Because this regulation is necessary to provide immediate guidance to taxpayers, it is impractical to issue this Treasury decision with notice and public procedure.

List of Subjects in 26 CFR 15b.194-1—15b.194-4

Income taxes, Title III of the Recreational Boating Safety and Facilities Improvement Act of 1980.

Adoption of Regulations

Accordingly, a new part 15b, Temporary Regulations under Title III of the Recreational Boating Safety and Facilities Improvement Act of 1980, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are hereby adopted:

PART 15b—TEMPORARY REGULATIONS UNDER TITLE III OF THE RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT ACT OF 1980

Sec.

15b.194-1 Amortization of reforestation expenditures.
15b.194-2 Amount of deduction allowable.
15b.194-3 Definitions.
15b.194-4 Time and manner of making election.

Authority: Secs. 194 and 7805, Internal Revenue Code of 1954 (94 Stat. 1983, 68A Stat. 917, 26 U.S.C. 194, 7805).

§ 15b.194-1 Amortization of reforestation expenditures.

(a) *In general.* Section 194 allows a taxpayer to elect to amortize over an 84-month period, up to $10,000 of reforestation expenditures (as defined in § 15b.194-3(c)) incurred by the taxpayer in a taxable year in connection with qualified timber property (as defined in § 15b.194-3(a)). The election is not available to trusts. Only those reforestation expenditures which result in additions to capital accounts after December 31, 1979 are eligible for this special amortization.

(b) *Determination of amortization period.* The amortization period must begin on the first day of the first month of the last half of the taxable year during which the taxpayer incurs the reforestation expenditures. For example, the 84-month amortization period begins on July 1 of a taxable year for a calendar year taxpayer, regardless of whether the reforestation expenditures are incurred in January or December of that taxable year. Therefore, a taxpayer will be allowed to claim amortization deductions for only six months of each of the first and eighth taxable years of the period over which the reforestation expenditures will be amortized.

(c) *Recapture.* If a taxpayer disposes of qualified timber property within ten years of the year in which the amortizable basis was created and the taxpayer has claimed amortization deductions under section 194, part or all of any gain on the disposition may be recaptured as ordinary income. See section 1245.

§ 15b.194-2 Amount of deduction allowable.

(a) *General rule.* The allowable monthly deduction with respect to reforestation expenditures made in a taxable year is determined by dividing the amount of reforestation expenditures made in such taxable year (after applying the limitations of paragraph (b) of this section) by 84. In order to determine the total allowable amortization deduction for a given month, a taxpayer should add the monthly amortization deductions computed under the preceding sentence for qualifying expenditures made by the taxpayer in the taxable year and the preceding seven taxable years.

(b) *Dollar limitation*—(1) *Maximum amount subject to election.* A taxpayer may elect to amortize up to $10,000 of qualifying reforestation expenditures each year under section 194. However, the maximum amortizable amount is $5,000 in the case of a married individual (as defined in section 143) filing a separate return. No carryover or carryback of expenditures in excess of $10,000 is permitted. The maximum annual amortization deduction for expenditures incurred in any taxable year is $1,428.57 ($10,000/7). The maximum deduction in the first and eighth taxable years of the amortization period is one-half that amount, or $714.29, because of the half-year convention provided in § 15b.194-1(b). Total deductions for any one year under this section will reach $10,000 only if a taxpayer incurs and elects to amortize the maximum $10,000 of expenditures each year over an 8-year period.

(2) *Allocation of amortizable basis among taxpayer's timber properties.* The limit of $10,000 on amortizable reforestation expenditures applies to expenditures paid or incurred during a taxable year on all of the taxpayer's timber properties. A taxpayer who incurs more than one $10,000 in qualifying expenditures in connection with more than one qualified timber property during a taxable year may select the properties for which section 194 amortization will be elected as well as the manner in which the $10,000 limitation on amortizable basis is allocated among such properties. For example, A incurred $10,000 of qualifying reforestation expenditures on each of four properties in 1981. A may elect under section 194 to amortize $2,500 of the amount spent on each property, $5,000 of the amount spent on any two properties, the entire $10,000 spent on any one property, or A may allocate the $10,000 maximum amortizable basis among some or all of the properties in any other manner.

(3) *Basis*—(i) *In general.* Except as provided in paragraph (b)(3)(ii) of this section, the basis of a taxpayer's interest in qualified timber property for which an election is made under section 194 shall be adjusted to reflect the amount of the section 194 amortization deduction allowable to the taxpayer.

(ii) *Special rule for trusts.* Although a trust may be a partner of a partnership or an income beneficiary of an estate, it may not deduct its allocable share of a section 194 amortization deduction allowable to such partnership or estate. In addition, the basis of the interest held by the partnership or estate in the qualified timber property shall not be adjusted to reflect the portion of the section 194 amortization deduction that is allocable to the trust.

(4) *Allocation of amortizable basis among component members of a controlled group.* Component members of a controlled group (as defined in § 15b.194-3(d)) on a December 31 shall be treated as one taxpayer in applying the $10,000 limitation of paragraph (b)(1) of this section. The amortizable basis may be allocated to any one such member or allocated (for the taxable year of each such member which includes such December 31) among the several members in any manner, provided that the amount of amortizable basis allocated to any member does not exceed the amount of amortizable basis actually acquired by the member in the taxable year. The allocation is to be made (1) by the common parent

corporation if a consolidated return is filed for all component members of the group, or (2) in accordance with an agreement entered into by the members of the group if separate returns are filed. If a consolidated return is filed by some component members of the group and separate returns are filed by other component members, then the common parent of the group filing the consolidated return shall enter into an agreement with those members who do not join in filing the consolidated return allocating the amount between the group filing the return and the other component members of the controlled group who do not join in filing the consolidated return. If a consolidated return is filed, the common parent corporation shall file a separate statement attached to the income tax return on which an election is made to amortize reforestation costs under section 194. See § 15b.194–4. If separate returns are filed by some or all component members of the group, each component member to which is allocated any part of the deduction under section 194 shall file a separate statement attached to the income tax return in which an election is made to amortize reforestation expenditures. See § 15b.194–4. Such statement shall include the name, address, employer indentification number, and the taxable year of each component member of the controlled group, a copy of the allocation agreement signed by persons duly authorized to act on behalf of those members who file separate returns, and a description of the manner in which the deduction under section 194 has been divided among them.

(5) *Partnerships*—(i) *Election to be made by partnership.* A partnership makes the election to amortize qualified reforestation expenditures of the partnership. See section 703(b).

(ii) *Dollar limitations applicable to partnerships.* The dollar limitations of section 194 apply to the partnership as well as to each partner. Thus, a partnership may not elect to amortize more than $10,000 of reforestation expenditures under section 194 in any taxable year.

(iii) *Partner's share of amortizable basis.* Section 704 and the regulations thereunder shall govern the determination of a partner's share of a partnership's amortizable reforestation expenditures for any taxable year.

(iv) *Dollar limitation applicable to partners.* A partner shall in no event be entitled in any taxable year to claim a deduction for amortization based on more than $10,000 ($5,000 in the case of a married taxpayer who files a separate return) of amortizable basis acquired in such taxable year regardless of the source of the amortizable basis. In the case of a partner who is a member of two or more partnerships that elect under section 194, the partner's aggregate share of partnership amortizable basis may not exceed $10,000 or $5,000, whichever is applicable. In the case of a member of a partnership that elects under section 194 who also has separately acquired qualified timber property, the aggregate of the member's partnership and non-partnership amortizable basis may not exceed $10,000 or $5,000, whichever is applicable.

(6) *Estates.* Estates may elect to amortize in each taxable year up to a maximum of $10,000 of qualifying reforestation expenditures under section 194. Any amortizable basis acquired by an estate shall be apportioned between the estate and the income beneficiary on the basis of the income of the estate allocable to each. The amount of amortizable basis apportioned from an estate to a beneficiary shall be taken into account in determining the $10,000 (or $5,000) amount of amortizable basis allowable to such beneficiary under this section.

(c) *Life tenant and remainderman.* If property is held by one person for life with remainder to another person, the life tenant is entitled to the full benefit of any amortization allowable under section 194 on qualifying expenditures he or she makes. Any remainder interest in the property is ignored for this purpose.

§ 15b.194–3 Definitions.

(a) *Qualified timber property.* The term "qualified timber property" means property located in the United States which will contain trees in significant commercial quantities. The property may be a woodlot or other site but must consist of at least one acre which is planted with tree seedlings in the manner normally used in forestation or reforestation. The property must be held by the taxpayer for the growing and cutting of timber which will either be sold for use in, or used by the taxpayer in, the commercial production of timber products. A taxpayer does not have to own the property in order to be eligible to elect to amortize costs attributable to it under section 194. Thus, a taxpayer may elect to amortize qualifying reforestation expenditures incurred by such taxpayer on leased qualified timber property. Qualified timber property does not include property on which the taxpayer has planted shelter belts (for which current deductions are allowed under section 175) or ornamental trees, such as Christmas trees.

(b) *Amortizable basis.* The term "amortizable basis" means that portion of the basis of qualified timber property which is attributable to reforestation expenditures.

(c) *Reforestation expenditures*—(1) *In general.* The term "reforestation expenditures" means direct costs incurred to plant or seed for forestation or reforestation purposes. Qualifying expenditures include amounts spent for site preparation, seed or seedlings, and labor and tool costs, including depreciation on equipment used in planting or seeding. Only those costs which must be capitalized and are included in the adjusted basis of the property qualify as reforestation expenditures. Costs which are currently deductible do not qualify.

(2) *Cost-sharing programs.* Any expenditures for which the taxpayer has been reimbursed under any governmental reforestation cost-sharing program do not qualify as reforestation expenditures unless the amounts reimbursed have been included in the gross income of the taxpayer.

(d) *Definitions of controlled group of corporations and component member of controlled group.* For purposes of section 194, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563(a) and (b), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

§ 15b. 194–4 Time and manner of making election.

(a) *In general.* Except as provided in paragraph (b) of this section, an election to amortize reforestation expenditures under section 194 shall be made by entering the amortization deduction claimed at the appropriate place on the taxpayer's income tax return for the year in which the expenditures were incurred, and by attaching a statement to such return. The statement should state the amounts of the expenditures, describe the nature of the expenditures, and give the date on which each was incurred. The statement should also state the type of timber being grown and the purpose for which it is being grown. A separate statement must be included for each property for which reforestation expenditures are being amortized under section 194. The election may only be made on a timely return (taking into

account extensions of the time for filing) for the taxable year in which the amortizable expenditures were made.

(b) *Special rule.* With respect to any return filed before June 13, 1983, on which a taxpayer was eligible to, but did not make an election under section 194, the election to amortize reforestation expenditures under section 194 may be made by a statement on, or attached to, the income tax return (or an amended return) for the taxable year, indicating that an election is being made under section 194 and setting forth the information required under paragraph (a) of this section. An election made under the provisions of this paragraph (b) must be made not later than,

(1) The time prescribed by law (including extensions thereof) for filing the income tax return for the year in which the reforestation expenditures were made, or

(2) June 13, 1983, whichever is later. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(c) *Revocation.* An application for consent to revoke an election under section 194 shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Washington, D.C. 20224. The application shall set forth the name and address of the taxpayer, state the taxable years for which the election was in effect, and state the reason for revoking the election. The application shall be signed by the taxpayer or a duly authorized representative of the taxpayer and shall be filed at least 90 days prior to the time prescribed by law (without regard to extensions thereof) for filing the income tax return for the first taxable year for which the election is to terminate. Ordinarily, the request for consent to revoke the election will not be granted if it appears from all the facts and circumstances that the only reason for the desired change is to obtain a tax advantage.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of this section.

This Treasury decision is issued under the authority contained in sections 194 (94 Stat. 1983; 26 U.S.C. 194) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: February 26, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6721 Filed 3-14-83; 8:45 am]

BILLING CODE 4830-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning April 1, 1983. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

The valuation of plan benefits is necessary because, under section 4041 of the Act, the Pension Benefit Guaranty Corporation and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all benefits under the plan that are guaranteed by the PBGC under the Title IV plan termination insurance program.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after April 1, 1983, and will enable the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until PBGC publishes an amendment revising them.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Renae R. Hubbard, Special Counsel, Office of the General Counsel, Code 210, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–4895 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Pension Benefit Guaranty Corporation ("PBGC") issued a final regulation (46 FR 9492) establishing the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96–364, 94 Stat. 1208 (the "Act"). That regulation, 29 CFR Part 2610, was recodified as 29 CFR Part 2619 on June 24, 1981, effective June 29, 1981 (46 FR 32574). Appendix B to the regulation, which contains formulas for valuing different types of benefits, sets forth the interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

When published as part of the final regulation, Appendix B contained interest rates and factors for valuing benefits in plans that terminated during the period from September 2, 1974 through April 1, 1981. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after April 1, 1981 and before February 1, 1983 (46 FR 26765, 46 FR 31257, 46 FR 36693, 46 FR 45761, 46 FR 50788, 46 FR 55958, 46 FR 61084, 47 FR 2313, 47 FR 6426, 47 FR 20761, 47 FR 30757, 47 FR 40541, 47 FR 46273, 47 FR 51393, 47 FR 56134).

On January 14, 1983, the PBGC published rates for plans that terminate on or after February 1, 1983 (48 FR 1715). That rate has remained in effect until now and will remain in effect for plan terminations through the end of March, 1983. At this time, however, changes in the financial and annuity markets require a decrease in the rates used for valuing benefits. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for plans that terminate on or after April 1, 1983. This interest rate and these factors will remain in effect until such time as PBGC publishes another amendment concerning the rates.

Generally, the rates will be in effect for at least one month. Any change in the rates normally will be published in the Federal Register by the 15th of the month preceding the effective date of the new rates.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market

conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination. Moreover, because of the need to provide immediate guidance for the valuation of benefits under plans that will terminate on or after February 1, 1983, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041(b), 4044, and 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025, 1029 (1974) as amended by Secs. 403(1), 403(d), and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, and 1299 (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Rate Set 40 of Appendix B is revised and Rate Set 41 of Appendix B is added to read as follows:

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "C_j," for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
•	•	•	•	•	•	•	•	•
40	2-1-83	4-1-83	9.75	1.0900	1.0775	1.0400	7	8
41	4-1-83		9.50	1.0875	1.0750	1.0400	7	8

Charles C. Tharp,
Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-6902 Filed 3-14-83; 8:45 am]
BILLING CODE 7708-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

Availability of Final Abandoned Mine Land Policy Statement; Request for Comments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Availability of Final Abandoned Mine Land (AML) Policy Statement With Request for Comment.

SUMMARY: OSM is soliciting comments on a final policy governing the distribution and utilization of monies deposited in the Abandoned Mine Land Reclamation Fund.

The Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1253, establishes the Abandoned Mine Land Reclamation Fund. OSM believes achievement of the reclamation goals of SMCRA is dependent on distribution and utilization of Fund revenues in a manner which ensures all States and Tribes have an equitable opportunity to correct their most severe problems. Establishment and issuance of this Final Abandoned Mine Land Policy defines how this will be accomplished and permits States and Tribes to better plan their reclamation programs to maximize the effective use of the limited resources.

DATES: Comments must be submitted on or before April 14, 1983.

ADDRESSES: Copies of the final AML Policy statement are available for inspection at the following office: Administrative Record, Office of Surface Mining, Room 5315, 1100 L Street, N.W., Washington, D.C.

Written comments and requests for copies of the final AML policy should be sent to: Administrative Record, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Dr. Phyllis Thompson, Chief, Division of Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, Department the of Interior, 1951 Constitution Avenue, N.W., Washington, D.C. (202) 343–7937.

SUPPLEMENTARY INFORMATION: The Surface Mining Control and Reclamation Act (Act) establishes the authority of States/Tribes to administer reclamation programs using monies available as a result of the deposit of reclamation fees into the Abandoned Mine Land Reclamation (AML) Fund. It is the policy of the Director of the Office of Surface Mining (OSM) that, within the constraint of total revenues projected to be collected over the life of the Fund, monies from the Fund be applied to render benign both those conditions most hazardous to the welfare of the public and those representing most severe sources of environmental damage from past mining. The significance of this position becomes apparent when one compares the resources to be provided by the Fund with the magnitude of the Nation's reclamation problem. It is estimated that approximately $3 billion will be collected over the legislated 15-year life of the reclamation fee. However, the total cost of correcting the damage associated with past mining has been estimated at up to $30 billion.

Dated: March 10, 1983.

James R. Harris,
Director, Office of Surface Mining.

[FR Doc. 83-6718 Filed 3-14-83; 8:45 am]
BILLING CODE 4310-05-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

32 CFR Part 2400

Regulations To Implement E.O. 12356—Office of Science and Technology Information Security Program

AGENCY: Office of Science and Technology Policy.

ACTION: Implementing Regulations; Final Rule.

SUMMARY: This Office of Science and Technology Policy regulation is issued to

govern the OSTP Information Security Program. It is issued under the authority of, and pursuant to, Executive Order 12356 and Information Security Oversight Office Directive No. 1. This regulation sets forth guidance to OSTP in classifying, downgrading, declassifying, and safeguarding national security information and provides procedures to the public for obtaining information that may be declassified.

EFFECTIVE DATE: December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Jerry D. Jennings, Executive Director, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20506, (202–395–4692).

SUPPLEMENTARY INFORMATION: These regulations are issued pursuant to the provisions of 5.3(b) of Executive Order 12356. These regulations involve national security information and are exempt from the procedures of 5 U.S.C. 553.

List of Subjects in 32 CFR Part 2400

Classified information.

Jerry D. Jennings,
Executive Director.

32 CFR Chapter XXIV Part 2400 is revised to read as follows:

PART 2400—REGULATIONS TO IMPLEMENT E.O. 12356; OFFICE OF SCIENCE AND TECHNOLOGY POLICY INFORMATION SECURITY PROGRAM

Subpart A—General Provisions

Sec.
2400.1 Authority.
2400.2 Purpose.
2400.3 Applicability.
2400.4 Atomic Energy material.

Subpart B—Original Classification

2400.5 Basic policy.
2400.6 Classification levels.
2400.7 Original classification authority.
2400.8 Limitations on delegation of original classification authority.
2400.9 Classification requirements.
2400.10 Presumption of damage.
2400.11 Duration of classification.
2400.12 Identification and markings.
2400.13 Limitations on classification.

Subpart C—Derivative Classification

2400.14 Use of derivative classification.
2400.15 Classification guides.
2400.16 Derivative classification markings.

Subpart D—Declassification and Downgrading

2400.17 Policy.
2400.18 Declassification and downgrading authority.
2400.19 Declassification by the Director of the Information Security Oversight Office.
2400.20 Systematic review for declassification.
2400.21 Mandatory review for declassification.
2400.22 Freedom of Information Act and Privacy Act requests.
2400.23 Prohibition.
2400.24 Downgrading.

Subpart E—Safeguarding

2400.25 Access.
2400.26 Access by historical researchers and former Presidential appointees.
2400.27 Storage of classified information.
2400.28 Dissemination of classified information.
2400.29 Accountability and control.
2400.30 Reproduction of classified information.
2400.31 Destruction of classified information.
2400.32 Transmittal of classified information.
2400.33 Loss or possible compromise.

Subpart F—Foreign Government Information

2400.34 Classification.
2400.35 Duration of classification.
2400.36 Declassification.
2400.37 Mandatory review.
2400.38 Protection of foreign government information.

Subpart G—Security Education

2400.39 Responsibility and objectives.

Subpart H—Office of Science and Technology Policy Information Security Program Management

2400.40 Responsibility.
2400.41 Office Review Committee.
2400.42 Security Officer.
2400.43 Heads of offices.
2400.44 Custodians.
2400.45 Information Security Program Review.
2400.46 Suggestions or complaints.

Authority: E.O. 12356 and Information Security Oversight Office Directive No. 1.

Subpart A—General Provisions

§ 2400.1 Authority.

(a) Executive Order 12356 "National Security Information," dated April 2, 1982, 47 FR 14874 (Apr. 6, 1982); 47 FR 15557 (Apr. 12, 1982) and Order of Designation of May 7, 1982, 47 FR 20105 (May 11,1982).

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," dated June 23, 1982, 47 FR 27836 (June 25, 1982) (Directive No. 1).

§ 2400.2 Purpose.

The purpose of this Regulation is to ensure, consistent with the authorities of § 2400.1 that information of the Office of Science and Technology Policy (OSTP) relating to national security is protected from unauthorized disclosure, but only to the extent and for such period as is necessary to safeguard the national security.

§ 2400.3 Applicability.

This Regulation governs the Office of Science and Technology Policy Information Security Program. In accordance with the provisions of Executive Order 12356 and Directive No. 1 it establishes, for uniform application throughout the Office of Science and Technology Policy, the policies and procedures for the security classification, downgrading, declassification and safeguarding of information that is owned by, produced for or by, or under the control of the office of Science and Technology Policy.

§ 2400.4 Atomic Energy Material.

Nothing in this Regulation supersedes any requirement made by or under the Atomic Energy act of 1954, as amended. "Restricted Data" and information designated as "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Department of Energy.

Subpart B—Original Classification

§ 2400.5 Basic policy.

Except as provided in the Atomic Energy Act of 1954, as amended, Executive Order 12356, as implemented by Directive No. 1 and this Regulation, provides the only basis for classifying information. The policy of the Office of Science and Technology Policy is to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security. Information may not be classified unless its disclosure reasonably could be expected to cause damage to the national security.

§ 2400.6 Classification levels.

(a) National security information (hereinafter "classified information") shall be classified at one of the following three levels:

(1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security.

(2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security.

(3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security.

(b) Except as otherwise provided by statute, no other terms shall be used to identify classified information. Markings other than "Top Secret," "Secret," and "Confidential," such as "For Official Use Only," shall not be used to identify national security information. In addition, no other term or phrase shall be used in conjunction with one of the three authorized classification levels, such as "Secret Sensitive" or "Agency Confidential." The terms "Top Secret", "Secret", and "Confidential" should not be used to identify nonclassified executive branch information.

(c) Unnecessary classification, and classification at a level higher than is necessary shall be scrupulously avoided.

(d) If there is reasonable doubt about the need to classify information, it shall be safeguarded as if it were classified "Confidential" pending a determination by an original classification authority, who shall make this determination within thirty (30) days. If there is reasonable doubt about the appropriate level of classification the originator of the information shall safeguard it at the higher level of classification pending a determination by an original classification authority, who shall make this determination within thirty (30) days. Upon the determination of a need for classification and/or the proper classification level, the information that is classified shall be marked as provided in § 2400.12 of this Part.

§ 2400.7 Original classification authority.

(a) Authority for original classification of information as Top Secret shall be exercised within OSTP only by the Director and by such principal subordinate officials having frequent need to exercise such authority as the Director shall designate in writing.

(b) The authority to classify information originally as Secret shall be exercised within OSTP only by the Director, other officials delegated in writing to have original Top Secret classification authority, and any other officials delegated in writing to have original Secret classification authority.

(c) The authority to classify information originally as Confidential shall be exercised within OSTP only by officials with original Top Secret or Secret classification authority and any officials delegated in writing to have original Confidential classification authority.

§ 2400.8 Limitations on delegation of original classification authority.

(a) The Director, OSTP is the only official authorized to delegate original classification authority.

(b) Delegations of original classification authority shall be held to an absolute minimum.

(c) Delegations of original classification authority shall be limited to the level of classification required.

(d) Original classification authority shall not be delegated to OSTP personnel who only quote, restate, extract or paraphrase, or summarize classified information or who only apply classification markings derived from source material or as directed by a classification guide.

(e) The Executive Director, OSTP, shall maintain a current listing of persons or positions receiving any delegation of original classification authority. If possible, this listing shall be unclassified.

(f) Original classification authority may not be redelegated.

(g) *Exceptional Cases.* When an employee, contractor, licensee, or grantee of OSTP that does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with these Regulations as provided in § 2400.8(d) of this Part. The information shall be transmitted promptly as provided in these Regulations to the official in OSTP who has appropriate subject matter interest and classification authority with respect to this information. That official shall decide within thirty (30) days whether to classify this information. If the information is not within OSTP's area of classification responsibility, OSTP shall promptly transmit the information to the responsible agency. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the agency having primary subject matter interest and forward the information, with appropriate recommendations, to that agency for a classification determination.

§ 2400.9 Classification requirements.

(a) Information may be classified only if it concerns one or more of the categories cited in Executive Order 12356, as subcategorized below, *and* an official having original classification authority determines that its unauthorized disclosure, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security.

(1) Military plans, weapons or operations;

(2) The vulnerabilities or capabilities of systems, installations, projects, or plans relating to the national security;

(3) Foreign government information;

(4) Intelligence activities (including special activities), or intelligence sources or methods;

(5) Foreign relations or foreign activities of the United States;

(6) Scientific, technological, or economic matters relating to the national security;

(7) United States Government programs for safe-guarding nuclear materials or facilities;

(8) Cryptology;

(9) A confidential source; or

(10) Other categories of information which are related to national security and that require protection against unauthorized disclosure as determined by the Director, Office of Science and Technology Policy. Each such determination shall be reported promptly to the Director of the Information Security Oversight Office.

(b) Foreign government information need not fall within any other classification category listed in paragraph (a) of this section to be classified.

(c) Certain information which would otherwise be unclassified may require classification when combined or associated with other unclassified or classified information. Classification on this basis shall be fully supported by a written explanation that, at a minimum, shall be maintained with the file or referenced on the record copy of the information.

(d) Information classified in accordance with this section shall not be declassified automatically as a result of any unofficial publication or inadvertent or unauthorized disclosure in the United States or abroad of identical or similar information. Following an inadvertent or unauthorized publication or disclosure of information identical or similar to information that has been classified in accordance with Executive Order 12356 or predecessor orders, OSTP, if the agency of primary interest, shall determine the degree of damage to the national security, the need for continued classification, and in coordination with the agency in which the disclosure occurred, what action must be taken to prevent similar occurrences. If the agency of primary interest is other than OSTP, the matter shall be referred to that agency.

§ 2400.10 Presumption of damage.

Unauthorized disclosure of foreign government information, the identity of

a confidential foreign source, or intelligence sources or methods, is presumed to cause damage to the national security.

§ 2400.11 Duration of classification.

(a) Information shall be classified as long as required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Automatic declassification determinations under predecessor Executive Orders shall remain valid unless the classification is extended by an authorized official of the originating agency. These extensions may be by individual documents or categories of information. The originating agency shall be responsible for notifying holders of the information of such extensions.

(c) Information classified under predecessor Executive Orders and marked for declassification review shall remain classified until reviewed for declassification under the provisions of Executive Order 12356.

(d) Information classified under predecessor Executive Orders that does not bear a specific date or event for declassification shall remain classified until reviewed for declassification. The authority to extend the classification of information subject to automatic declassification under predecessor Orders is limited to those officials who have classification authority over the information and are designated in writing to have original classification authority at the level of the information to remain classified. Any decision to extend this classification on other than a document-by-document basis shall be reported to the Director of the Information Security Oversight Office.

§ 2400.12 Identification and markings.

(a) At the time of original classification, the following information shall be shown on the face of all classified documents, or clearly associated with other forms of classified information in a manner appropriate to the medium involved, unless this information itself would reveal a confidential source or relationship not otherwise evident in the document or information:

(1) One of the three classification levels defined in § 2400.6 of this Part;

(2) The identity of the original classification authority if other than the person whose name appears as the approving or signing official;

(3) The agency and office of origin; and

(4) The date or event for declassification, or the notation "Originating Agency's Determination Required."

(b) Each classified document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are not classified. The Director OSTP may, for good cause, grant and revoke waivers of this requirement for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers.

(c) Marking designations implementing the provisions of Executive Order 12356, including abbreviations, shall conform to the standards prescribed in Directive No. 1 issued by the Information Security Oversight Office.

(d) Foreign government information shall either retain its original classification or be assigned a United States classification that shall ensure a degree of protection at least equivalent to that required by the entity that furnished the information.

(e) Information assigned a level of classification under predecessor Executive Orders shall be considered as classified at that level of classification despite the omission of other required markings. Omitted markings may be inserted on a document by the officials specified in § 2400.18 of this Part.

§ 2400.13 Limitations on classification.

(a) In no case shall information be classified in order to conceal violations of law, inefficiency, or administrative error; to prevent embarrassment to a person, organization, or agency; to restrain competition; or to prevent or delay the release of information that does not require protection in the interest of national security.

(b) Basic scientific research information not clearly related to the national security may not be classified.

(c) The Director may reclassify information previously declassified and disclosed if it is determined in writing that (1) the information requires protection in the interest of national security; and (2) the information may reasonably be recovered. These reclassification actions shall be reported promptly to the Director of the Information Security Oversight Office. Before reclassifying any information, the Director shall consider the factors listed in section 2001.6 of Directive No. 1, which shall be addressed in the report to the Director of the Information Security Oversight Office.

(d) Information may be classified or reclassified after OSTP has received a request for it under the Freedom of Information Act (5 U.S.C. 552a) or the Privacy Act of 1974 (5 U.S.C. 552), or the mandatory review provisions of Executive Order 12356 (Section 3.4) if such classification meets the requirements of this Order and is accomplished personally and on a document-by-document basis by the Director.

Subpart C—Derivative Classification

§ 2400.14 Use of derivative classification.

(a) Derivative classification is (1) the determination that information is in substance the same as information currently classified, and (2) the application of the same classification markings. Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority. If a person who applies derivative classification markings believes that the paraphrasing, restating, or summarizing of classified information has changed the level of or removed the basis for classification, that person must consult an appropriate official of the originating agency or office of origin who has the authority to declassify, downgrade or upgrade the information.

(b) Persons who apply derivative classification markings shall:

(1) Observe and respect original classification decisions; and

(2) Carry forward to any newly created documents any assigned authorized markings. The declassification date or event that provides the longest period of classification shall be used for documents classified on the basis of multiple sources.

§ 2400.15 Classification guides.

(a) OSTP shall issue and maintain classification guides to facilitate the proper and uniform derivative classification of information. These guides shall be used to direct derivative classification.

(b) The classification guides shall be approved, in writing, by the Director or by officials having Top Secret original classification authority. Such approval constitutes an original classification decision.

(c) Each classification guide shall specify the information subject to classification in sufficient detail to permit its ready and uniform

identification and categorization and shall set forth the classification level and duration in each instance. Additionally, each classification guide shall prescribe declassification instructions for each element of information in terms of (1) a period of time, (2) the occurrence of an event, or (3) a notation that the information shall not be automatically declassified without the approval of OSTP.

(d) The classification guides shall be kept current and shall be fully reviewed at least every two years. The Executive Director, OSTP shall maintain a list of all OSTP classification guides in current use.

(e) The Executive Director, OSTP shall receive and maintain the record copy of all approved classification guides and changes thereto. He will assist the originator in determining the required distribution.

(f) The Director may, for good cause, grant and revoke waivers of the requirement to prepare classification guides for specified classes of documents or information. The Director of the Information Security Oversight Office shall be notified of any waivers. The Director's decision to waive the requirement to issue classification guides for specific classes of documents or information will be based, at a minimum, on an evaluation of the following factors:

(1) The ability to segregate and describe the elements of information;

(2) The practicality of producing or disseminating the guide because of the nature of the information;

(3) The anticipated usage of the guide as a basis for derivative classification; and

(4) The availability of alternative sources for derivatively classifying the information in a uniform manner.

§ 2400.16 Derivative classification markings.

(a) Documents classified derivatively on the basis of source documents or classification guides shall bear all markings prescribed in § 2400.12 of this Part and Directive No. 1 as are applicable. Information for these markings shall be taken from the source document or instructions in the appropriate classification guide. When markings are omitted because they may reveal a confidential source or relationship not otherwise evident, as described in § 2400.12 of this Part, the information may not be used as a basis for derivative classification.

(b) The authority for classification shall be shown as directed in Directive No. 1.

Subpart D—Declassification and Downgrading

§ 2400.17 Policy.

Declassification of information shall be given emphasis comparable to that accorded classification. Information classified pursuant to Executive Order 12356 and prior orders shall be declassified or downgraded as soon as national security considerations permit. Decisions concerning declassification shall be based on the loss of sensitivity of the information with the passage of time or on the occurrence of an event which permits declassification. When information is reviewed for declassification pursuant to this regulation, that information shall be declassified unless the designated declassification authority determines that the information continues to meet the classification requirements prescribed in § 2400.9 of this Part despite the passage of time. The Office of Science and Technology Policy officials shall coordinate their review of classified information with other agencies that have a direct interest in the subject matter.

§ 2400.18 Declassification and downgrading authority.

Information shall be declassified or downgraded by the official who authorized the original classification, if that official is still serving the same position; the originator's successor; a supervisory official of either; or officials delegated such authority in writing by the Director, OSTP. The Executive Director, OSTP shall maintain a current listing of persons or positions receiving those delegations. If possible, these listings shall be unclassified.

§ 2400.19 Declassification by the Director of the Information Security Oversight Office.

If the Director of the Information Security Oversight Office (ISOO) determines that information is classified in violation of Executive Order 12356, the Director, ISOO may require the information to be declassified by the agency that originated the classification. Any such decision by the Director ISOO may be appealed by the Director, OSTP to the National Security Council. The information shall remain classified, pending a prompt decision on the appeal.

§ 2400.20 Systematic review for declassification.

(a) *Permanent records.* Systematic review is applicable only to those classified records, and presidential papers or records that the Archivist of the United States, acting under the Federal Records Act, has determined to be of sufficient historical or other value to warrant permanent retention.

(b) *Non-permanent records.* Non-permanent classified records shall be disposed of in accordance with schedules approved by the Administrator of General Services under the Records Disposal Act. These schedules shall provide for the continued retention of records subject to an ongoing mandatory review for declassification request.

(c) *Office of Science and Technology Policy Responsibility.* The Director, OSTP, shall:

(1) Issue guidelines for systematic declassification review and, if applicable, for downgrading. These guidelines shall be developed in consultation with the Archivist and the Director of the Information Security Oversight Office and be designated to assist the Archivist in the conduct of systematic reviews;

(2) Designate experienced personnel to provide timely assistance to the Archivist in the systematic review process;

(3) Review and update guidelines for systematic declassification review and downgrading at least every five years unless earlier review is requested by the Archivist.

(d) *Foreign Government Information.* Systematic declassification review of foreign government information shall be in accordance with guidelines issued by the Director of the Information Security Oversight Office.

(e) *Special procedures.* The Office of Science and Technology Policy shall be bound by the special procedures for systematic review of classified cryptologic records and classified records pertaining to intelligence activities (including special activities) or intelligence sources or methods issued by the Secretary of Defense and the Director of Central Intelligence, respectively.

§ 2400.21 Mandatory review for declassification.

(a) Except as provided in paragraph (d) of this section, all information classified under Executive Order 12356 or predecessor orders shall be subject to a review for declassification by the Office of Science and Technology Policy, if:

(1) The request is made by a United States citizen or permanent resident alien, a federal agency, or a State or local government; and

(2) The request is made in writing and describes the document or material containing the information with

sufficient specificity to enable the Office of Science and Technology Policy to locate it with a reasonable amount of effort.

(b) Requests should be addressed to: Executive Director, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20506.

(c) If the request does not reasonably describe the information sought to allow identification of documents containing such information, the requester shall be notified that unless additional information is provided or the request is made more specific, no further action will be taken.

(d) Information originated by a President, the White House Staff, by committees, commissions, or boards appointed by the President, or others specifically providing advice and counsel to a President or acting on behalf of a President is exempted from the mandatory review provisions of § 2400.24(a) of this part. The Archivist of the United States shall have the authority to review, downgrade and declassify information under the control of the Administrator of General Services or the Archivist pursuant to sections 2107, 2107 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matters interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records. Any decision by the Archivist may be appealed to the Director of the Information Security Oversight Office. Agencies with primary subject matter interest shall be notified promptly of the Director's decision on such appeals and may further appeal to the National Security Council. The information shall remain classified pending a prompt decision on the apppeal.

(e) Office of Science and Technology Policy officials conducting a mandatory review for declassification shall declassify information no longer requiring protection under Executive Order 12356. They shall release this information unless withholding is otherwise authorized under applicable law.

(f) Office of Science and Technology Policy responses to mandatory review requests shall be governed by the amount of search and review time required to process the request. Normally the requester shall be informed of the Office of Science and Technology Policy determination within thirty days of receipt of the original request (or within thirty days of the receipt of the required amplifying information in accordance with paragraph (c) of this section). In the event that a determination cannot be made within thirty days, the requester shall be informed of the additional time needed to process the request. However, OSTP, shall make a final determination within one year from the date of receipt of the request except in unusual circumstances.

(g) When information cannot be declassified in its entirety, OSTP will make a reasonable effort to release, consistent with other applicable law, those declassified portions of that requested information the constitute a coherent segment.

(h) If the information may not be released in whole or in part, the requester shall be given a brief statement as to the reason for denial, and notice of the right to appeal the determination in writing within sixty days of receipt of the denial to the chairperson of the Office of Science and Technology Policy Review Committee. If appealed, the requester shall be informed in writing of the appellate determination within thirty days of receipt of the appeal.

(i) When a request is received for information originated by another agency, the Executive Director, Office of Science and Technology Policy, shall:

(1) Forward the request to such agency for review together with a copy of the document containing the information requested, where practicable, and where appropriate, with the Office of Science and Technology Policy recommendation to withhold or declassify and release any of the information;

(2) Notify the requester of the referral unless the agency to which the request is referred objects to such notice on grounds that its association with the information requires protection; and

(3) Request, when appropriate, that the agency notify the Office of Science and Technology Policy of its determination.

(j) If the request requires the rendering of services for which fees may be charged under Title 5 of the Independent Offices Appropriation Act, 31 U.S.C. 483a, the Executive Director, Office of Science and Technology Policy, may calculate the anticipated amount of fees to be charged.

(1) Fees for the location and reproduction of information that is the subject of a mandatory review request shall be assessed according to the following schedule:

(i) *Search for records.* $5.00 per hour when the search is conducted by a clerical employee; $8.00 per hour when the search is conducted by a professional employee. No fee shall be assessed for searches of less than one hour.

(ii) *Reproduction of documents.* Documents will be reproduced at a rate of $.25 per page for all copying of four pages or more. No fee shall be assessed for reproducing documents that are three pages or less, or for the first three pages of longer documents.

(2) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requestor has not indicated in advance a willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. Dispatch of such a notice or request shall suspend the running of the period for response by OSTP until a reply is received from the requester.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made to the Treasury of the United States and mailed to the Executive Director, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20506.

(4) A receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(5) If a requester fails to pay within thirty days for services rendered, further action on any other requests submitted by that requestor shall be suspended.

(6) The Executive Director, Office of Science and Technology Policy may waive all or part of any fee provided for in this section when it is deemed to be in either the interest of the OSTP or the general public.

§ 2400.22 Freedom of Information Act and Privacy Act requests.

The Office of Science and Technology Policy shall process requests for declassification that are submitted under the provisions of the Freedom of Information Act, as amended, or the Privacy Act of 1974, in accordance with the provisions of those Acts.

§ 2400.23 Prohibition.

In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of Executive Order 12356 and Directive No. 1, or this regulation:

(a) The Office of Science and Technology Policy shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under Executive Order 12356.

(b) When the Office of Science and Technology Policy receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases which the originating agency determines in writing that a response under paragraph (a) of this section is required, the Office of Science and Technology Policy shall respond to the requester in accordance with that paragraph.

§ 2400.24 Downgrading.

(a) When it will serve a useful purpose, original classification authorities may, at the time of original classification, specify that downgrading of the assigned classification will occur on a specified date or upon the occurrence of a stated event.

(b) Classified information marked for automatic downgrading is downgraded accordingly without notification to holders.

(c) Classified information not marked for automatic downgrading may be assigned a lower classification designation by the originator or by an official authorized to declassify the same information. Prompt notice of such downgrading shall be provided to known holders of the information.

Subpart E—Safeguarding

§ 2400.25 Access.

(a) A person is eligible for access to classified information provided that a determination of trustworthiness has been made by agency heads or designated officials and provided that such access is essential to the accomplishment of lawful and authorized Government purposes. A personnel security clearance is an indication that the trustworthiness decision has been made. Procedures shall be established by the head of each office to prevent access to classified information before a personnel security clearance has been granted. The number of people cleared and granted access to classified information shall be maintained at the minimum number that is consistent with operational requirements and needs. No one has a right to have access to classified information solely by virtue of rank or position. The final responsibility for determining whether an individual's official duties require possession of or access to any element or item of classified information, and whether the individual has been granted the appropriate security clearance by proper authority, rests with the individual who has authorized possession, knowledge, or control of the information and not with the prospective recipient. These principles are equally applicable if the prospective recipient is an organizational entity, other Federal agencies, contractors, foreign governments, and others.

(b) When access to a specific classification category is no longer required for the performance of an individual's assigned duties, the security clearance will be administratively adjusted, without prejudice to the individual, to the classification category, if any, required.

(c) The Director, Office of Science and Technology Policy may create special access programs to control access, distribution, and protection of particularly sensitive information classified pursuant to Executive Order 12356 or predecessor orders if:

(1) Normal management and safeguarding procedures do not limit access sufficiently;

(2) The number of persons with access is limited to the minimum necessary to meet the objective of providing extra protection for the information;

(3) The special access program is established in writing; and

(4) A system of accounting for the program is established and maintained.

§ 2400.26 Access by historical researchers and former Presidential appointees.

(a) The requirement in Section 4.1(a) of Executive Order 12356 that access to classified information may be granted only as is essential to the accomplishment of authorized and lawful Government purposes may be waived as provided in paragraph (b) of this section for persons who:

(1) Are engaged in historical research projects, or

(2) Previously have occupied policy-making positions to which they were appointed by the President.

(b) Waivers under paragraph (a) of this section may be granted only if the Director, Office of Science and Technology Policy:

(1) Determines in writing that access is consistent with the interest of national security;

(2) Takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with Executive Order 12356;

(3) Limits the access granted to former presidential appointees to items that the person originated, reviewed, signed, or received while serving as a presidential appointee; and

(4) Has received a written agreement from the researcher or former presidential appointee that his notes can be reviewed by OSTP for a determination that no classified material is contained therein.

§ 2400.27 Storage of classification information.

Whenever classified information is not under the personal control and observation of an authorized person, it will be guarded or stored in a locked security container approved for the storage and protection of the appropriate level of classified information as prescribed in Section 2001.43 of Directive No. 1.

§ 2400.28 Dissemination of classified information.

Heads of OSTP offices shall establish procedures consistent with this Regulation for dissemination of classified material. The originating official may prescribe specific restrictions on dissemination of classified information when necessary.

(a) Classified information shall not be disseminated outside the executive branch except under conditions that ensure that the information will be given protection equivalent to that afforded within the executive branch.

(b) Except as provided by directives issued by the President through the National Security Council, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. For purposes of this Section, the Department of Defense shall be considered one agency.

§ 2400.29 Accountability and control.

(a) Each item of Top Secret, Secret, and Confidential information is subject to control and accountability requirements.

(b) The Security Officer will serve as Top Secret Control Officer (TSCO) for the Office of Science and Technology Policy and will be responsible for the supervision of the Top Secret control program. He/she will be assisted by an Assistant Top Secret Control Officer (ATSCO) to effect the Controls prescribed herein for all Top Secret material.

(c) The TSCO shall receive, transmit, and maintain current access and accountability records for Top Secret information. The records shall show the number and distribution of all Top Secret documents, including any reproduced copies.

(d) Top Secret documents and material will be accounted for by a continuous chain of receipts.

(e) An inventory of Top Secret documents shall be made at least annually.

(f) Destruction of Top Secret documents shall be accomplished only by the TSCO or the ATSCO.

(g) Records shall be maintained to show the number and distribution of all classified documents covered by special access programs, and of all Secret and Confidential documents which are marked with special dissemination and reproduction limitations.

(h) The Security Officer will develop procedures for the accountability and control of Secret and Confidential information. These procedures shall require all Secret and Confidential material originated or received by OSTP to be controlled. Control shall be accomplished by the ATSCO.

§ 2400.30 Reproduction of classified information.

Documents or portions of documents and materials that contain Top Secret information shall not be reproduced without the consent of the originator or higher authority. Any stated prohibition against reproduction shall be strictly observed. Copying of documents containing classified information at any level shall be minimized. Specific reproduction equipment shall be designated for the reproduction of classified information and rules for reproduction of classified information shall be posted on or near the designated equipment. Notices prohibiting reproduction of classified information shall be posted on equipment used only for the reproduction of unclassified information. All copies of classified documents reproduced for any purpose including those incorporated in a working paper are subject to the same controls prescribed for the document from which the reproduction is made.

§ 2400.31 Destruction of classified information.

(a) Classified information no longer needed in current working files or for reference or record purposes shall be processed for appropriate disposition in accordance with the provisions of chapters 21 and 33 of Title 44, USC, which governs disposition of classified records. Classified information approved for destruction shall be destroyed in accordance with procedures and methods prescribed by the Director, OSTP, as implemented by the Security Officer. These procedures and methods must provide adequate protection to prevent access by unauthorized persons and must preclude recognition or reconstruction of the classified information or material.

(b) All classified information to be destroyed will be provided to the ATSCO for disposition. Controlled documents will be provided whole so that accountability records may be corrected prior to destruction by the ATSCO.

§ 2400.32 Transmittal of classified information.

The transmittal of classified information outside of the Office of Science and Technology Policy shall be in accordance with procedures of Section 2001.44 of Directive No. 1. The Security Officer shall be responsible for resolving any questions relative to such transmittal.

§ 2400.33 Loss or possible compromise.

(a) Any person who has knowledge of the loss or possible compromise of classified information shall immediately report the circumstances to the Security Officer. The Security Officer shall notify the Director and the agency that originated the information as soon as possible so that a damage assessment may be conducted and appropriate measures taken to negate or minimize any adverse effect of the compromise.

(b) The Security Officer shall initiate an inquiry to:

(1) Determine cause,

(2) Place responsibility, and

(3) Take corrective measures and appropriate administrative, disciplinary, or legal action.

(c) The Security Officer shall keep the Director advised on the details of the inquiry.

Subpart F—Foreign Government Information

§ 2400.34 Classification.

(a) Foreign government information classified by a foreign government or international organization of governments shall retain its original classification designation or be assigned a United States classification designation that will ensure a degree of protection equivalent to that required by the government or organization that furnished the information. Original classification authority is not required for this purpose.

(b) Foreign government information that was not classified by a foreign entity but was provided with the expectation, expressed or implied, that it be held in confidence must be classified because Executive Order 12356 states a presumption of damage to the national security in the event of unauthorized disclosure of such information.

§ 2400.35 Duration of classification.

Foreign government information shall not be assigned a date or event for automatic declassification unless specified or agreed to by the foreign entity.

§ 2400.36 Declassification.

Officials shall respect the intent of this Regulation to protect foreign government information and confidential foreign sources.

§ 2400.37 Mandatory review.

Except as provided in this paragraph, OSTP shall process mandatory review requests for classified records containing foreign government information in accordance with Section 2400.21. The agency that initially received or classified the foreign government information shall be responsible for making a declassification determination after consultation with concerned agencies. If OSTP receives a request for mandatory review and is not the agency that received or classified the foreign government information, it shall refer the request to the appropriate agency for action. Consultation with the foreign originator through appropriate channels may be necessary prior to final action on the request.

§ 2400.38 Protection of foreign government information.

Classified foreign government information shall be protected as is prescribed by this Regulation for United States classified information of a comparable level.

Subpart G—Security Education

§ 2400.39 Responsibility and objectives.

The OSTP Security Officer shall establish a security education program for OSTP personnel. The program shall be sufficient to familiarize all OSTP personnel with the provisions of Executive Order 12356 and Directive No. 1, and this Regulation. It shall be designed to provide initial, refresher, and termination briefings to impress upon them their individual security responsibilities.

Subpart H—Office of Science and Technology Policy Information Security Program Management

§ 2400.40 Responsibility.

The Director, OSTP is the senior OSTP official having authority and responsibility to ensure effective and uniform compliance with and implementation of Executive Order 12356 and its implementing Directive No. 1. As such, the Director, OSTP, shall have primary responsibility for providing guidance, oversight and approval of policy and procedures governing the OSTP Information Security Program. The Director, OSTP, may approve waivers or exceptions to the provisions of this Regulation to the extent such action is consistent with Executive Order 12356 and Directive No. 1.

§ 2400.41 Office Review Committee.

The Office of Science and Technology Policy Review Committee (hereinafter referred to as the Office Review Committee) is hereby established and will be responsible for the continuing review of the administration of this Regulation with respect to the classification and declassification of information or material originated or held by the Office of Science and Technology Policy. The Office Review Committee shall be composed of the Executive Director who shall serve as chairperson, the Assistant Director for National Security & Space, and the Security Officer.

§ 2400.42 Security Officer.

Under the general direction of the Director, the Special Assistant to the Executive Director will serve as the Security Officer and will supervise the administration of this Regulation. He/she will develop programs, in particular a Security Education Program, to insure effective compliance with and implementation of the Information Security Program. Specifically he/she also shall:

(a) Maintain a current listing by title and name of all persons who have been designated in writing to have original Top Secret, Secret, and Confidential Classification authority. Listings will be reviewed by the Director on an annual basis.

(b) Maintain the record copy of all approved OSTP classification guides.

(c) Maintain a current listing of OSTP officials designated in writing to have declassification and downgrading authority.

(d) Develop and maintain systematic review guidelines.

§ 2400.43 Heads of offices.

The Head of each unit is responsible for the administration of this Regulation within his area. These responsibilities include:

(a) Insuring that national security information is properly classified and protected;

(b) Exercising a continuing records review to reduce classified holdings through retirement, destruction, downgrading or declassification;

(c) Insuring that reproduction of classified information is kept to the absolute minimum;

(d) Issuing appropriate internal security instructions and maintaining the prescribed control and accountability records on classified information under their jurisdiction.

§ 2400.44 Custodians.

Custodians of classified material shall be responsible for providing protection and accountability for such material at all times and particularly for locking classified material in approved security equipment whenever it is not in use or under direct supervision of authorized persons. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

§ 2400.45 Information Security Program Review.

(a) The Director, OSTP, shall require an annual formal review of the OSTP Information Security Program to ensure compliance with the provisions of Executive Order 12356 and Directive No. 1, and this regulation.

(b) The review shall be conducted by a group of three to five persons appointed by the Director and chaired by the Executive Director. The Security Officer will provide any records and assistance required to facilitate the review.

(c) The findings and recommendations of the review will be provided to the Director for his determination.

§ 2400.46 Suggestions or complaints.

Persons desiring to submit suggestions or complaints regarding the Office of Science and Technology Policy Information Security Program should do so in writing. This correspondence should be addressed to: Executive Director, Office of Science and Technology Policy, Executive Office of the President, Washington, D.C. 20506.

[FR Doc. 83-6871 Filed 3-14-83; 8:45 am]
BILLING CODE 3170-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AW028PA; A-3 FRL 2296-8]

Commonwealth of Pennsylvania; Approval of a Revision of State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving an alternative emission reduction plan (bubble) for the Fairless Hills plant of the United States Steel Corporation (USSC). This plan was developed in accordance with EPA's Emissions Trading Policy as published in the **Federal Register** on April 7, 1982, (47 FR 15076), and consists of a permit and regulations which apply to particulate emissions from two sinter plant windbox exhausts and ten sinter plant air cleaning devices. The Commonwealth of Pennsylvania has submitted this bubble as a revision to its State Implementation Plan (SIP) under the Clean Air Act.

EPA finds good cause in making this action effective immediately so the alternate control plan can proceed to achieve the emission reduction in particulate matter expeditiously.

EFFECTIVE DATE: March 15, 1983.

ADDRESSES: Copies of the SIP revision and the accompanying support documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Air Programs and Energy Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106, ATTN: David L. Arnold (3AW11)

Bureau of Air Quality Control, Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, PA 17120, ATTN: Gary L. Triplett

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20405

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401

M Street, SW. (Waterside Mall), Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Mr. David L. Arnold, U.S. Environmental Protection Agency, Region III—Air Programs and Energy Branch (3AW11), Curtis Building, 10th Floor, 6th and Walnut Streets, Philadelphia, PA 19106 (215) 597–7936.

SUPPLEMENTARY INFORMATION: The changes to the Pennsylvania regulations which are being approved today were originally submitted by the Pennsylvania Department of Environmental Resources (DER) on May 4, 1981 for purposes of parallel processing by EPA. This final submission was made by DER on January 6, 1983.

The changes allow for an alternative emission reduction plan (bubble) in accordance with EPA's Emissions Trading Policy published in the **Federal Register** on April 7, 1982 (47 FR 15076). The changes were proposed in the **Federal Register** on October 28, 1981 (46 FR 53198) after a public hearing was held by the State on September 3, 1981. All written comments received by EPA during the 30 day comment period were considered in today's action.

The sinter plant bubble at USSC's Fairless Works involves twelve (12) particulate emission points: ten air cleaning devices that control various sinter feed and discharge points, and two sinter machine windboxes. The previously applicable Pennsylvania SIP regulation (25 Pa. Code Section 123.13(b), of DER Air Resources Regulations) required: (1) Control of the two sinter windboxes to a level of 128 pounds per hour (64 lbs./hour each); (2) control of the remaining ten emission points to a level not to exceed a total particulate emission rate of 140 pounds per hour. The Bubble plan allows particulate emissions of 220 pounds per hour (110 lbs./hour each) from the sinter plant windboxes. These emissions will be offset by controlling the other ten emission points to a total level of 45 pounds per hour (with individual emission rates established for each point). Therefore, this bubble plan requires the control of all sinter plant sources, to a level of 265 pounds per hour, compared to 268 pounds per hour under the previous regulations. The Company estimates its savings in pollution control costs will be approximately $27 million. EPA has analyzed this plan and concluded that no adverse air quality impact will occur as a result of implementing this bubble. Therefore, EPA did not require a modeling demonstration of its effect on air quality. This conclusion is in accordance with EPA's Emission Trading Policy and is based on the following:

(1) Actual plant-wide emissions will decrease from 1812 pounds per hour to 265 pounds per hour;

(2) Allowable plant-wide emissions will decrease from 268 pounds per hour to 265 pounds per hour;

(3) Under the bubble proposal the emissions from the two windbox stacks (153 ft. and 161 ft. in height) will exceed the limitations of the existing state regulations but will be significantly less than present actual emissions. Emissions from the remaining ten stacks (ranging from 54 ft. to 118 ft. in height) will be less than those allowed by the previous State regulations;

(4) All emission points are located in the same immediate vicinity (i.e., the sinter plant, which is 121 meters long and 50 meters wide);

(5) Area terrain is flat and there are no downwash or eddy effects;

(6) The area is presently attainment for the primary and secondary National Ambient Air Quality Standards for particulate matter (monitoring has shown no violations when the plant is operating at current emission levels (1812 lbs./hr.));

(7) Through the above analyses, EPA has also concluded that, based upon no increases in actual or allowable emissions, the National Ambient Air Quality Standards and the Prevention of Significant Deterioration will not be violated. Furthermore, the PSD baseline for particulates increments for particulates has not been triggered.

The regulation implementing this plan will become "Section 128.16, United States Corporation, Fairless Hills, Pennsylvania" of the DER Air Resources Regulation, at 25 PA. Code. Subsection (a) of the Section identifies the facility and the individual sources to which this plan applies. Subsection (b) prohibits particulate matter emissions from each identified source in Subsection (a) in excess of specified emission rates. Subsection (c) relieves this facility from compliance with Section 123.13(b) and the conditions contained in the operating permit issued for this facility. In Subsection (d), a program to reduce fugitive particulate air contaminants (road dust) by 138 pounds per hour for each operating sinter line is required. This requirement was not discussed in the **Federal Register** notice proposing this bubble, since DER is using actual emissions at the time the application was submitted as the baseline and is requiring this program to provide reductions over and above those in the proposed bubble which is based on an allowable emissions baseline. These reductions are an additional State requirement and are not directly involved in the emissions trade that EPA is approving. EPA has based its approval on allowable emission rates in accordance with the emissions trading policy but further realizes that overall actual emissions will decrease (See 1 and 3 above). Subsection (3) renders Section 128.16 void on December 31, 1985, unless reenacted. Should Section 128.16 not be reenacted, USSC must meet the requirements of the original SIP, i.e., 25 Pa Code Section 123.13(b).

In order for DER to determine compliance with these regulations, monitoring and testing requirements have been developed as conditions in the operating permit. In addition, stack tests will be conducted on an annual basis. USSC must also install and maintain pressure drop indicators and water flow gauges on all fabric collectors and scrubbers which are identified in the bubble plan. Daily monitoring of these instruments will be required to determine if any air cleaning device is malfunctioning. If a malfunction occurs, all *reasonable maintenance must be exercised* to correct any operation problem. Periods of excess emissions, which occur as a result of equipment malfunctions, will be reviewed in accordance with EPA's September 28, 1982 policy on malfunctions.

Several changes were made to this bubble plan during the comment period. Two sources in Subsection (a) of Section 128.16 were deleted and replaced by two similar sources. The plant-wide emission limit was deleted (because it was repetitive in that it was a summation of the individual source emission limits). Subsection (e) was changed to include an expiration date of December 31, 1985, instead of making the bubble plan null and void upon shutdown of the involved sources. The final change was the addition of the road dust control program. This program is an additional emission reduction requirement of the State, for the reasons mentioned previously, and is not directly involved in the emissions trade that EPA is approving today. EPA has reviewed the above changes and has determined that they do not affect the approvability of this bubble.

Public Comments; The bubble plan being approved today was proposed in the **Federal Register** on October 28, 1981. During the 30-day public comment period that followed, EPA received only one letter, from the State of New Jersey. New Jersey's comments and EPA's responses follow.

Comment: New Jersey is concerned with the effect that this bubble will have on air quality in New Jersey. Response: Because of the emissions reductions resulting from this bubble plan, air quality in Pennsylvania and New Jersey should improve. Total actual emissions from the sinter plant will decrease from 1812 pounds per hours to 285 pounds per hour. Emissions from all points will be decreasing, and all points are in the same immediate vicinity. The area is currently attaining the TSP standards. Also, the road dust control program will provide an additional improvement in air quality.

Comment: New Jersey raised several issues on a modeling demonstration which was developed for the company, but which was not a part of the bubble plan.

Response: Because of the reasons cited previously in this notice, modeling was not required for this bubble.

EPA Action

The alternative emission reduction plan for the Fairless Works of the United States Steel Corporation is being approved and becomes effective immediately. EPA finds that good cause exists for making this action effective immediately so that the alternate emission control plan can proceed to achieve the reduction of particular matter emissions expeditiously and in a less costly manner. In addition, 40 CFR 52.2020 (Identification of Plan) is amended to reflect the inclusion of this bubble plan in the State Implementation Plan for Pennsylvania.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b) the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceeding to enforce its requirements. (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: February 15, 1983.

Note.—Incorporation by reference of the Pennsylvania State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart NN of the Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

In § 52.2020, Identification of Plan, paragraph (c)(51) is added as follows:

§ 52.2020 Identification of plan.

(c) The plan revision listed below was submitted on the date specified.* * *

(51) Regulations and supporting documents implementing a TSP bubble plan for U.S. Steel Corporation's Fairless Works in Fairless Hills, PA. submitted by the Secretary of the Pennsylvania Department of Environmental Resources on January 6, 1983.

[FR Doc. 83-6830-Filed 3-11-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-1-FRL-2303-1]

Approval and Promulgation of Implementation Plans; New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. These revisions involve format changes, miscellaneous language changes for purposes of consistency, and renumbering of the New Hampshire SIP regulations governing the control of air pollution. Other revisions eliminate redundant definitions, amend regulations, and add new regulations to the New Hampshire SIP. These revisions are administrative and/or procedural in nature, and do not affect air quality or the ability of the State and EPA to attain and maintain the National Ambient Air Quality Standards (NAAQS) through the New Hampshire SIP. The intended effect of this action is to approve revisions made by the State of New Hampshire in accordance with Section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will be effective May 16, 1983 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Harley F. Laing, Director, Air Management Division, Room 2313, J.F.K. Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2111, J.F.K. Federal Building, Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and the New Hampshire Air Resources Commission, Health and Welfare Building, Hazen Drive, Concord, NH 03301. The State's submittal is also available at the Office of the Federal Register, 1100 L Street, N.W., Rm. 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Marcia L. Spink, (617) 223–5130, FTS 223–5130.

SUPPLEMENTARY INFORMATION: This notice is divided into two separate sections. Section I discusses the format and renumbering revisions. Section II discusses more substantive specific revisions eliminating redundant definitions, amending various regulations, and adding new regulations to the federally-approved New Hampshire SIP.

I. Format and Renumbering Revisions

On June 17, 1982 and August 31, 1982 the New Hampshire Air Resources Commission (NHARC) submitted revisions to the regulations of the New Hampshire SIP.

These revisions include a complete new format and renumbering of the SIP regulations. New Hampshire revised the SIP regulatory format for clarity and for greater consistency of the language used throughout the regulations. For example, under the old format each regulation had a definitions section. Under the new format, there is one Part entitled, *Definitions* which is applicable to all of the SIP regulations. This has eliminated the problem of the SIP having two or more slightly different definitions of the same term. Under the old format, New Hampshire's regulations were numbered 1 through 22. The new format numbers the regulations in Chapters from 100 through 1200, with Chapters divided into Parts, and Parts divided into Sections.

The New Hampshire submittal includes a chart which lists the number of each State regulation under the old format beside that regulation's number under the new format. The State's submittal discusses the language changes made to the regulations and provides justification for such changes. An EPA memorandum dated January 18,

1983 entitled, "New Hampshire SIP Format and Miscellaneous Revisions," details which of these State regulations have previously been federally approved as part of the SIP and evaluates the language changes. Both the State's submittal and the January 18, 1983 memorandum, referenced above, are available at the locations listed in the ADDRESSES section of this Notice. Today's action approves the new format, renumbering, and miscellaneous language changes, submitted to EPA on June 17, 1982 and August 31, 1982 by the State of New Hampshire, as revisions to previously EPA-approved regulations. Except for those regulations specifically identified and discussed below, this action does not approve substantive revisions to existing regulations or approve additional regulations to the New Hampshire SIP.

Action: EPA approves the new format, the renumbering, and the miscellaneous language changes submitted by the (NHARC) on June 17, 1982 and August 31, 1982 as revisions to the New Hampshire SIP regulations.

II. Other Revisions

Definitions Repealed or Eliminated: While in the process of revising the format and renumbering the regulatory portion of the SIP, the NHARC repealed or eliminated several definitions because they were redundant.

Specifically, those definitions repealed are Section Air 101.33, "existing stationary source or device," and Section Air 101.58, "New stationary source or device." These definitions have been repealed from Section Air 101 because they are not necessary with the new format of the regulations, i.e., they are only applicable to one CHAPTER and are already contained within the appropriate CHAPTER.

The following definitions were eliminated during the renumbering of the regulatory portion of the SIP because under the new format they are not used in the text of the regulations:

- Regulation 1.C., "Refuse".
- Regulation 4.II.M, 6.II.E., "M.S.A. Smokescope".
- Regulation 11.F., "Daily average".

Note.—The numbers of these definitions are from the old format.

Definitions, Charts, Graphs Revised: In the revisions submitted on June 17, 1982 and August 31, 1982 were several amendments to definitions and to various charts and graphs. These revisions do not affect air quality or the ability of the NHARC and EPA to attain and maintain the NAAQS through the New Hampshire SIP.

- Section Air 101.26, "Device"—An amendment was made so that the definition corresponds exactly to the definition of the same term in the New Hampshire Revised Statutes Annotated (RSA) 125–C:2,VI.
- Section Air 101.56, "Modification"—This exempts from the definition: (a) Maintenance, repairs, and replacements which are determined to be routine; (b) use of an alternative fuel or raw material which a stationary source was capable of using before February 1, 1973 unless prohibited by an enforceable permit condition; (c) use of an alternative fuel derived from municipal solid waste in a steam generating unit; (d) an increase in the hours of operation or in the production rate unless prohibited by an enforceable permit condition and (e) any change in ownership.
- Section Air 101.06, "Air pollutants"—This definition was revised to include aerosols and to elimiate the terms soot, cinders, ashes, etc. These eliminated terms are covered by the definition of particulate matter.
- Section Air 101.39, "Fuel"—This amendment was made in order to clarify that it does not exclude refuse.
- Section Air 101.40, "Fuel burning device"—This definition was revised to clarify the distinction between a fuel burning device and an incinerator.
- Section Air 101.49, "Incinerator"—This definition was revised for the same reason as Section Air 101.40, "Fuel burning device".
- Section Air 1201.02(j), "Municipal Sewage Sludge Incinerator"—This definition was revised to correspond with the classification of the Incinerator Institute of America standards which are used in the New Hampshire regulations.
- Section Air 1202.07, "Maximum Allowable Particulate Matter Emission"—This chart was revised for clarity and the units changed from pounds per million Btu's to equivalent pounds per hour.
- Section Air 1202.08, "Graph"—This graph was revised for the same reason as Section Air 1202.07, "Maximum Allowable Particulate Matter Emission."

Regulations Revised: In the revisions submitted on June 17, 1982 and August 31, 1982 were several minor amendments to New Hampshire regulations. These revisions do not affect air quality or the ability of the NHARC and EPA to attain and maintain the NAAQS through the New Hampshire SIP.

- Section Air 610.01(b)(5), "Applicability" (Nonattainment areas for ozone)—This revision specifies the counties which are nonattainment areas rather than a general reference to all areas of the State with the exception of Coos County.
- CHAPTER Air 800, "Testing and Monitoring Procedures"—This CHAPTER is newly titled. Additional amendments were made to include in this CHAPTER the procedures for ambient air quality monitoring as well as for testing. Testing or monitoring to quantify emissions or to determine ambient concentrations shall be performed according to EPA-approved methods with respect to criteria pollutants.
- CHAPTER Air 1000, Part Air 1001, "OPEN BURNING"—Although the revisions of this Part entail considerable rewriting of the rules, they do not represent any relaxation from the requirements of the current federally-approved regulation. Under the revisions, written authorization by the NHARC is now additionally required for certain regulated types of burning in areas designated nonattainment for the NAAQS for total suspended particulates.
- Section Air 1201.05, "Emission Standards for Incinerators Constructed, Installed or Substantially Altered After April 15, 1970", and Section Air 1201.06 "Emission Standards for Incinerator Installed Prior to or on April 15, 1970"—These two Sections were revised to make a distinction between "existing" and "new" incinerators with corresponding changes in the standards to be applied to the two types. The revision was passed by the State to establish justifiably stricter standards for new incinerators.

Note.—Although not submitted to EPA until this time, the State adopted these revisions on October 15, 1977.

New Regulations: In the revisions submitted on June 17, 1982 and August 31, 1982 were several additional regulations. These regulations are administrative and/or procedural in nature, and do not affect air quality or the ability of the NHARC and EPA to attain and maintain the NAAQS through the New Hampshire SIP.

- Part Air 205, "PERMIT NOTICE AND HEARING PROCEDURES"—The State adopted CHAPTER Air 200 "PROCEDURAL RULES." In this CHAPTER are all of the administrative procedures for actions which come before the NHARC. Part Air 205, "PERMIT NOTICE AND HEARING PROCEDURES," contains requirements, formerly found in the SIP narrative, for public participation during the preconstruction permitting process for new major stationary sources and major

modifications. Only Part Air 205 of CHAPTER Air 200 has been submitted to EPA for approval as a SIP revision.

• Part Air 603, "PERMITS REQUIRED"—This regulation establishes a permit cut-off system so that generally devices with actual emissions of 10 tons per year or less are not required to have a permit. Such devices are still subject to applicable emission standards.

• Part Air 605, "PERMIT APPLICATION PROCEDURES"— This regulation establishes the administrative procedures and requirements concerning the filing and processing of permit applications.

• Section 610.06(c), "Review Requirements for all Stationary Sources" (nonattainment areas)—This regulation adds the Reasonable Further Progress requirement, previously specified only in the SIP narrative, as an additional part of the permit review process to comply with EPA requirements and the Clean Air Act.

• Part Air 611, "ASSIGNMENT, TRANSFER, OR AMENDMENT OF PERMITS"—This regulation establishes the administrative procedures and requirements concerning the assignment, transfer or amendment of permits.

• Part Air 612, "RENEWAL OF PERMITS"—This regulation establishes the administrative procedures and requirements concerning the renewal of permits.

• Part Air 613, "INSPECTION AND COMPLIANCE"—This regulation authorizes NHARC representatives to enter the premises of an applicant or permittee at any reasonable time for the purpose of inspecting the premises and assuring compliance with permit conditions.

• Section Air 614.04, "False Statements"—This regulation gives the NHARC the authority to void any permit granted in whole or in part on false or misleading information.

• Part Air 616, "INTERSTATE AIR QUALITY IMPACTS"—This regulation gives the NHARC the authority to apply special emission limits to stationary sources on a case-by-case basis to insure that their air quality impacts will not interfere with the air pollution control efforts of other states under the Clean Air Act.

• CHAPTER Air 700, "PERMIT FEE SYSTEM"—Under § 110(a)(2)(K) of the Clean Air Act, states are required to include a permit fee system in their SIPs. On June 17, 1982 and August 31, 1982, the NHARC submitted CHAPTER Air 700, "PERMIT FEE SYSTEM," as a revision to their SIP.

EPA has reviewed the State's submittals of CHAPTER Air 700, and found its provisions consistent with the guidance provided in the *Permit Fee Guideline* document (EPA–450/2–81–003).

• Section Air 1201.01(h), "Classification of Wastes, Type 7"—This paragraph adds municipal sewage sludge waste to the classification scheme of this Section as the NHARC does regulate such waste from municipal sewage sludge incinerators.

• Section Air 1201.02(j), "Classification of Incinerators, Class VIII"—This paragraph adds municipal sludge incinerators to the classification scheme of this Section as the NHARC does regulate this type of incinerator.

• Section Air 1203.05, "Visible Emission Standard"—This regulation establishes a 20% opacity limit for process, manufacturing, and service industries not covered by other regulations.

• Section Air 1203.06, "Compliance Schedules"—This regulation establishes a general compliance schedule (including deadline dates) for process, manufacturing, and service industries not covered by other regulations.

• Section Air 1203.07, "Exemptions"—This regulation exempts stationary sources specifically regulated by other rules from the general requirements of PART Air 1203.

Action: EPA approves the revisions, discussed in Section II of this notice, which (1) eliminate or repeal redundant definitions (2) revise certain SIP regulations and (3) add new regulations to the SIP as submitted by the NHARC on June 17, 1982 and August 31, 1982.

EPA is taking no action on specific parts of the June 17, 1982 and August 31, 1982 submittals.

First, EPA is taking no action in this notice on Section Air 402.02 of Part Air 402 SULFUR LIMITATIONS FOR FUELS. EPA is currently preparing a notice for publication in the **Federal Register** proposing approval of the NHARC's revision to this Section of the regulations.

Finally, EPA is taking no action on the part of the State's submittal which lists the new numbers under the revised format of State regulations that are not included in the federally-approved SIP.

EPA is approving these SIP revisions without prior proposal because the Agency views these as noncontroversial amendments and anticipates no adverse comments. Today's actions will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, the relevant action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that each of today's actions will be effective May 16, 1983.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may *not* be challenged later in proceedings to enforce its requirements. (See Section 307(b)(1))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide and Hydrocarbons, Intergovernmental relations.

(Secs. 110(a) and 301(a), Clean Air Act, as amended, 42 U.S.C. 7410(a) and 7601(a))

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40, Code of Federal Regulations, is amended as follows:

Subpart EE—New Hampshire

(1) Section 52.1520 is amended by adding paragraph (c)(22) as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(22) Revisions to (i) provide a new format and renumber the SIP regulations with associated miscellaneous language changes for purposes of consistency; (ii) to delete redundant regulations and definitions; (iii) amend several regulations; and (iv) to add additional regulations submitted by the New Hampshire Air Resources Commission on June 17, 1982 and August 31, 1982. The federally-approved regulations of the New Hampshire SIP are as follows:

- CHAPTER 100, PART Air 101, Sections Air 101.04–101.26, 101.28–101.30, 101.32–101.49, 101.51, 101.53–101.56, 101.58–101.62, 101.64–101.69, 101.74–101.75, 101.77, 101.79–101.89, 101.91–101.96, 101.98.
- CHAPTER Air 200, PART Air 205.
- CHAPTER Air 300, PARTs Air 301–303.
- CHAPTER Air 400, PARTs Air 401; 402, Sections Air 402.01, 402.03, 402.04; PARTs Air 403–405.
- CHAPTER Air 600, PARTs Air 601–616.
- CHAPTER Air 700, PARTs Air 701–706.
- CHAPTER Air 800, PARTs Air 801–802.
- CHAPTER Air 900, PARTs Air 901–903.
- CHAPTER Air 1000, PART Air 1001.
- CHAPTER Air 1200, PART Air 1201, Sections 1201.01–1201.06, 1201.08–1201.11; PARTs Air 1202; 1203; 1204, Sections 1204.01–1204.16, 1204.18–1204.21; PARTs Air 1205; 1207; 1208.

(2) Section 52.1527, paragraphs (b) and (c) are revised to read as follows:

§ 52.1527 Rules and regulations.

* * * * *

(b) Non-Part D—No Action—EPA is neither approving or disapproving the following elements of the revisions:

(1) Intergovernmental consultations
(2) Stack height requirements
(3) Public notification
(4) Conflict of Interest
(5) Non-SIP regulations' numbers listed below:

- CHAPTER Air 100, PART Air 101, Sections 101.01–101.03, 101.27, 101.31, 101.50, 101.52, 101.57, 101.63, 101.70–101.73, 101.76, 101.78, 101.90, 101.97; PARTs Air 102–103.
- CHAPTER Air 200, PARTs Air 201–204; PARTs Air 206–210.
- CHAPTER Air 300, PART 304.
- CHAPTER Air 500.
- CHAPTER Air 800, PART Air 803.
- CHAPTER Air 1100.
- CHAPTER Air 1200, PART Air 1201, Section 1201.07; PART Air 1206.

(c) Part D—No Action—EPA is neither approving nor disapproving the following elements of the revisions:

(1) CHAPTER Air 1200, PART Air 1204, Section 1204.17 governing miscellaneous metal parts coaters.

[FR Doc. 83-6825 Filed 3-14-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[EPA Docket Nos. AW040VA and AW041VA; A-3-FRL 2313-4]

Commonwealth of Virginia; Approval of Revisions of the Virginia State Implementation Plan

AGENCY: Evironmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Commonwealth of Virginia has submitted to the Evironmental Protection Agency (EPA) amendments to its air pollution control regulations and has requested that they be reviewed and processed as revisions to the Virginia State Implementation Plan (SIP). These amendments, submitted on December 27, 1982 and January 5, 1983, are minor revisions to existing regulations. This notice summarizes the SIP revisions, EPA's findings, and approves the proposed revisions.

DATE: This action will be effective on May 16, 1983 unless notice is received by April 14, 1983 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the proposed SIP revisions, as well as accompanying support documentation submitted by the Commonwealth, are available for public inspection during normal business hours at the following locations:

U.S. Evironmental Protection Agency, Region III, Air Programs and Energy Branch, Curtis Building, (3AW12), Sixth & Walnut Streets, Philadelphia, PA 19106, ATTN: Mrs. Patricia Gaughan

Public Information Reference Unit, EPA Library, Room 2922, U.S. Evironmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Virginia State Air Pollution Control Board, Room 801, Ninth Street Office Building, Richmond, VA 23219, ATTN: John M. Daniel, Jr.

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Eileen M. Glen (3AW13) at the EPA, Region III address above or call 215/597–8187.

All comments should be submitted to James E. Sydnor, at the EPA, Region III address listed above. Please reference the EPA Docket numbers found in the heading of this Notice in any correspondence.

SUPPLEMENTARY INFORMATION: On December 27, 1982 and January 5, 1983, the Commonwealth of Virginia submitted to the Evironmental Protection Agency amendments to its Regulations for the Control and Abatement of Air Pollution and requested that they be reviewed and processed as revisions of the Virginia State Implementation Plan (SIP).

The Commonwealth provided proof that, after adequate public notice, public hearings were held with regard to these amendments. The submittal dates of theses amendments, as well as the dates and locations of the public hearings, are summarized below:

Submittal date	Public hearing date	Locations
Dec. 27, 1982	Dec. 16, 1981	Richmond, Roanoke, Abingdon, Lynchburg, Fredericksburg, Virginia Beach, and Annandale.
Jan. 5, 1983	April 19, 1982	Richmond, Roanoke, Lynchburg, Abingdon, Fredericksburg, Virginia Beach, and Annandale.

The amendments being considered for final action at this time are shown below:

Regulation	Brief description
§ 1.02	Modification to the Definition of Malfunction.
§ 2.05(a)	Deletion of "guidance" language from § 2.05(a)(1).
§ 2.14	Added.
§ 2.32(c)	Deletion of "guidance" language.
§ 2.33(j)	Added Compliance with Local Zoning Requirements.
§ 2.34(g)	Administrative revision.
§ 4.02 (f) and (g)	Revised and clarified language.
§ 4.94	Added Test Methods and Procedures for Coke Oven Batteries.
§ 5.02(a)	Added clarifying language.
§ 5.02(f)	Revised and clarified language.
§ 5.15	Added clarifying language.
§ 8.02	Added Compliance with Local Zoning Requirements.
Appendix J	Revised CEM procedures.

EPA Evaluation

The Commonwealth has added language to clearly define malfunction as an equipment failure which is not due to negligent conduct by the owner or operator. This language was agreed to by EPA and the Commonwealth as a result of the original submittal of an unacceptable definition. EPA in the **Federal Register** notice dated January 19, 1982 (47 FR 2768), suspended further action until the revised definition was submitted. The definition of "Malfunction" as submitted on December 27, 1982 is now approved.

Section 2.05(a), as modified in December 27, 1982 submittal, deleting the reference to Sections 10–17.18 (e) and (f) of the Virginia Air Pollution Control Law, is approved. This "guidance" language is clarified and more fully incorporated into the regulations by the addition of § 2.14, in the December 27, 1982 submittal, which is also approved.

Section 2.32(c), as modified in December 27, 1982 submittal, deleting the reference to Sections 10–17.18 (e) and (f) of the Virginia Air Pollution Control Law, is approved. This "guidance" language is clarified and more fully incorporated into the regulations by the addition of § 233(j), in

the December 27 submittal, which is also approved.

Section 2.34(g)(1) is modified in the December 27 submittal to state that no violation of standards will be deemed to have taken place during a period of malfunction if the procedural requirements of § 2.34 are met and/or the source owner has submitted a request for a variance which is subsequently granted. This revision is approved.

Section 4.02(f), as modified by the December 27 submittal to delete the word "economically", is approved.

Sections 4.02(g) (1) and (7), as revised by the December 27 submittal, are approved. Section 4.02(g)(1) is modified to change "emission standards" to "the air quality standards" and a § 4.07(g)(7) is added to require that stack height or any other dispersion technique not affect compliance with emission standards.

Section 4.94, specifying test methods and procedures for determining compliance by coke ovens, is added by the December 27 submittal and is hereby approved.

Section 5.02(a) is modified by the January 5, 1983 submittal to state that, if alternative opacity test methods are to be used, they must be specified in any permit granted pursuant to Section 2.33, 8.01 or 8.02 of the Virginia regulations. This revision is approved.

Sections 5.02(f)(1) and (7), as revised by the December 27 submittal, are approved. Section 5.02(f)(1) is modified to change "standards of performance" to "the air quality standards" and a § 5.02(f)(7) is added to require that stack height or any other dispersion technique not affect compliance with the standards of performance.

Section 5.15 is modified by the January 5, 1983 submittal to require that Reference Method 9 or any alternative method, providing it is specified in any permit issued pursuant to Section 2.33, 8.01 or 8.02 of the Virginia regulations, be used to determine compliance with the visible emissions and fugitive dust standards.

Section 8.02(o) is added by the December 27 submittal to require compliance with local zoning requirements and Section 10–17.18 (e) and (f) of the Virginia Air Pollution Control Law. This addition is approved.

Appendix J, Sections II. a.2. and d.2 are modified by the December 27 submittal to define periods of excess emissions as any one-hour period during which there are two, rather than three, or more six-minute periods when the average opacity exceeds 20%. This is now consistent with other sections of the Virginia regulations and is hereby approved.

Conclusion

The Administrator's decision to approve the proposed revision was based on a determination that the amendments meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

This Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals under Section 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981).

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(42 U.S.C. 7401–7642)

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

Note: Incorporation by reference of the State Implementation Plan for the Commonwealth of Virginia was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Title 40, Code of Federal Regulations is amended as follows:

Subpart VV—Virginia

1. In § 52.2420, Identification of Plan, paragraph (c) is revised by adding paragraphs (74) and (75) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(74) A revision submitted by the Commonwealth of Virginia on December 27, 1982 consisting of Modifications and to additions Section 1.02, (Definition of Malfunction); 2.05(a); 2.14; 2.32(c); 2.33(j); 2.34(g); 4.02(f) and (g); 4.94; 5.02(f); 8.02(o); and Appendix J, Part II, Sections a.2. and d.2.

(75) A revision submitted by the Commonwealth of Virginia on January 5, 1983 consisting of amendments and additions to Sections 5.02(a) and 5.15.

[FR Doc. 83-6818 Filed 3-14-83; 8:45 am]

BILLING CODE 4565-50-M

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40 CFR Parts 52 and 81

[TN-008; A-4-FRL 2297-8]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Tennessee; Approval of Changes in Visible Emission Evaluation Method; Redesignation of Johnson City, Union City, and Portions of Nashville-Davidson County as Attainment for TSP

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of Tennessee has submitted changes in its Visible Emission Evaluation Method. These changes clarify conditions under which accurate visual determination of the opacity of emissions from nontraditional sources is prohibited. EPA is today announcing approval of these changes. The Agency also announces the redesignation of Johnson City, Union City, and portions of Nashville-Davidson County as attaining the

National Ambient Air Quality Standards (NAAQS) for total suspended particulate (TSP). The State of Tennessee has submitted data which shows that the ambient concentrations of TSP have not exceeded the NAAQS for the last eight calendar quarters.

EFFECTIVE DATE: This action will be effective on May 16, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of materials submitted by Tennessee may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Library, Office of the Federal Register, 1100 L Street N.W., Room 8401, Washington, D.C. 20005

Air Management Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Tennessee Department of Public Health, Environmental Management and Quality Assurance Administration, TERRA Building, 150 Ninth Avenue North, Nashville, Tennesse 37203.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Pack, Air Management Branch, EPA Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365 at 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On September 29, 1982, the Tennessee Department of Public Health, submitted a revision in its Visible Emissions Evaluation Method 1, Section 3. These changes are non-substantive but clarify the conditions which prohibit accurate visual determination of opacity of emissions from nontraditional sources. Specifically the revision sets up guidelines for reading opacities when there is interference from passing vehicles and mixing of plume from moving vehicles. The revision also defines what constitutes a representative reading.

The September 29, 1982, submittal also contained a request for the redesignation of Union City, Johnson City, and portions of Nashville-Davidson County as attainment for the Total Suspended Particulate (TSP) Nationl Ambient Air Quality Standard (NAAQS). The State justified each redesignation by means of air quality data.

Johnson City and Union City. On June 9, 1982, the State submitted documentation that the ambient air concentration of total suspended particulate had not exceeded the primary or secondary NAAQS during the last eight calendar quarters. EPA is today announcing the redesignation of Johnson City (Washington County) and Union City (Obion County) to attainment for TSP.

Nashville-Davidson County. On September 29, 1982, the State submitted documentation that the ambient air concentrations of total suspended particulate had not exceeded the primary or secondary NAAQS during the last eight calendar quarters except for the areas listed below:

1. Primary and Secondary Nonattainment Area—includes the area bounded by I–65 on the east, I–285 on the north, I–40 on the west, and I–40/I–65 on the south.

2. Secondary Nonattainment Area—includes the area bounded by 44th Avenue North extended to the Cumberland River on the east, I–40 on the south, Morrow Road to 63rd Avenue and 63rd Avenue extended to the Cumberland River on the west, and the Cumberland River on the north.

EPA is today announcing the redesignation of all other areas in Nashville-Davidson County as attainment for TSP.

This action is being taken without prior proposal because the designations are non-controversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of the **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under 5 U.S.C. Section 605(b), the Administrator has certified that area designations do not have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit on or before [60 days from date of publication]. This action may not be challenged later in proceedings to enforce its requirements.

Incorporation by reference of the State Implementation Plan for the State of Tennessee was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects

40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Secs. 107 and 110, Clean Air Act (42 U.S.C. 7407 and 7410)].

Dated: February 18, 1983.

Anne M. Gorsuch,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

Section 52.2220 is amended by adding paragraph (c) (51) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(51) Changes in visible emission evaluation technique for nontraditional sources, submitted on September 29, 1982, by the Tennessee Department of Public Health.

PART 81—[AMENDED]

Part 81 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart C—Section 107 Attainment Status Designations

In § 81.343, the attainment status designation table for TSP is revised to read as follows:

§ 81.343 Tennessee.

TENNESSEE—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Those portions of Campbell County within downtown La-Follette and the area surrounding the Carborundum Company's plant at Jacksboro.	X	X		
That portion of Davidson County within a section of downtown Nashville.	X	X		
That portion of Davidson County within west Nashville		X		
That portion of Hamilton County within approximately the city limits of Chattanooga.	X	X		
That portion of Knox County within a section of downtown Knoxville.			X	
That portion of Maury County within the northern section of Columbia.			X	
That portion of Roane County within a downtown section of Rockwood.			X	
Those portions of Shelby County within two sections of downtown Memphis.	X	X		
Those portions of Sullivan County within a section of Bristol and a section of Kingsport.	X	X		
Rest of State				X

[FR Doc. 83-6839 Filed 3-14-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL 2313-1]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking revises the designation for Montgomery County, Ohio from nonattainment to attainment with respect to the National Ambient Air Quality Standard (NAAQS) for Carbon Monoxide (CO). This revision is based on a request from the State of Ohio to redesignate this area and on the supporting data the State submitted. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on April 14, 1983.

ADDRESS: Copies of the redesignation request and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604;

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of EPA has promulgated the NAAQS attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

On May 29, 1981, the State of Ohio submitted a request to EPA proposing a redesignation of Montgomery County, Ohio from nonattainment to attainment for CO. Additional data were submitted by the State and the Regional Air Pollution Control Agency (RAPCA) on December 18, 1981, March 31, 1982 and July 2, 1982.

In the November 30, 1982 (47 FR 53930) Federal Register, EPA proposed to revise the designation of Montgomery County, Ohio from nonattainment to attainment for CO. This revision was based on more than eight consecutive quarters of the most recent ambient air quality data which show no violation of the NAAQS. A detailed discussion of the basis of EPA's action can be found in the Notice of Proposed Rulemaking.

During the public comment period, no comments were submitted. Therefore, EPA takes final action revising the Montgomery County, Ohio redesignation from nonattainment to attainment for CO.

In the regulatory portion of this notice, EPA is also deleting reference to several other counties which were previously redesignated attainment. This action has no effect on the designation status of these counties but merely updates the designation table.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b) (1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Act, as amended (42 U.S.C. 7407))

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

§ 81.336 [Amended]

Subpart C of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows: Section 81.336 is amended by removing reference to the following counties for CO: Jefferson, Lucas, Mahoning, Montgomery and Summit.

[FR Doc. 83-6822 Filed 3-14-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 2

Organization, Functions, and Delegations of Authority

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This document revises the existing FEMA regulation on organization, functions and delegations of authority. It describes the organization of FEMA, and the general course and method by which its functions are channeled and determined. It revises delegations of authority by the Director. The revisions result from recent organizational changes within FEMA.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0377.

SUPPLEMENTARY INFORMATION: This regulation revises one promulgated March 22, 1982. There has been a

substantial reorganization of FEMA since then.

This document relates to FEMA's organization and internal practices. Further, it is not a substantive rule, and it makes no substantial changes in existing arrangements. Hence, notice and public comment have been omitted and the rule has been made effective immediately upon publication in the **Federal Register.**

This rule has no effect on the economy, competition or similar matters, no does it impact on small entities. Hence no regulatory impact analyses will be prepared under E.O. 12291 or the Regulatory Flexibility Act.

Further, this document is an administrative action and thus is categorically excluded from the requirement for environmental assessments under Part 10 of this chapter.

List of Subjects in 44 CFR Part 2

Authority delegations (government agencies), Organization and functions (government agencies).

Accordingly, Part 2, Chapter 1, Title 44, Code of Federal Regulations, is amended as follows:

PART 2—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

1. The Table of Contents and Subpart A of Part 2 of Title 44 is revised as follows:

Subpart A—Organization and Functions

General

Sec.
2.1 Purpose.
2.2 Organization of FEMA.

FEMA Offices

2.10 Office of the Director.
2.11 Office of the Deputy Director.
2.12 Office of the Executive Deputy Director.
2.13 State and Local Programs and Support Directorate (SLPS).
2.14 National Preparedness Programs Directorate (NPP).
2.15 Resource Management and Administration Directorate (RMA).
2.16 Training and Education Directorate/ National Emergency Training Center (T&E).
2.17 Federal Insurance Administration (FIA).
2.18 Emergency Operations (EO).
2.19 Office of the Inspector General (IG).
2.20 Office of the General Counsel (GC).
2.21 Office of Program Analysis and Evaluation (PAE).
2.22 Office of Executive Administration.
2.23 Office of the Comptroller.
2.24 Office of Special Programs.
2.25 Office of Regional Operations.
2.26 Regional Offices.
Sec.
2.27–2.29 [Reserved]

FEMA Locations

2.30 FEMA Headquarters.
2.31 FEMA Regions.
2.32 National Emergency Training Center.
2.33–2.49 [Reserved]

Subpart B—Delegations.

General

2.50 Purpose.
2.51 Exercise of Authority.
2.52 General limitations and reservations.
2.53 Delegations not included.
2.54 Redelegation of authority.
2.55 General delegations.
2.56 Delegation of subordinates to act.

Delegations of Specific Officers

2.60 Deputy Director [Reserved].
2.61 Associate Director, State and Local Programs and Support (SLPS).
2.62 Executive Deputy Director [Reserved].
2.63 Associate Director, National Preparedness Programs (NPP).
2.64 Federal Insurance Administrator (FIA).
2.65 Director, Emergency Operations.
2.66 Associate Director, Training and Education (T&E).
2.67 Associate Director, Resource Management and Administration (RMA).
2.68 Comptroller.
2.69 General Counsel (GC).
2.70 Inspector General (IG).
2.71 Regional Directors.

Authority: 5 U.S.C. 552; Sec. 106, Reorganization Plan No. 3 of 1978; Executive Order 12127 of March 31, 1979; Executive Order 12148 of July 20, 1979, as amended.

Subpart A—Organization and Functions

General

§ 2.1 Purpose.

This part describes the organization of the Federal Emergency Management Agency (FEMA), and the general course and method by which its functions are channeled and determined. It provides for the exercise by officials of FEMA of authorities which are vested in the Director specifically by statute, as head of an agency, or as a consequence of a law authorizing such exercise. It also provides for exercise of authorities which have been transferred to the Director by Reorganization Plan or delegated to the Director by Executive Order or other appropriate document.

§ 2.2 Organization of FEMA.

(a) The Director is the head of FEMA. All authorities of FEMA are either vested in the Director, or have been transferred to or delegated to the Director. Notwithstanding any delegation by the Director to a subordinate officer of FEMA, the Director may exercise such authority.

(b) FEMA is composed of the Administration, Directorates, and Offices, the responsibilities of which are described in §2.10 *et seq.*

§§ 2.3—2.9 [Reserved]

FEMA Offices

§ 2.10 Office of the Director

The Office of the Director consists of the immediate office of the Director.

§ 2.11 Office of the Deputy Director. [Reserved]

§ 2.12 Office of the Executive Deputy Director. [Reserved]

§ 2.13 State and Local Programs and Support Directorate (SLPS).

This directorate administers authorities under the Disaster Relief Act of 1974, the Federal Civil Defense Act of 1950, as amended (particularly those relating to assistance to State and local governments), the floodplain management functions under the National Flood Insurance Act, relocation functions under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, the Review and approval of State and local radiological emergency response plans, and other programs of support to State and local governments, and the private sector which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities. The Directorate is headed by an Associate Director.

(a) The *Office of Natural and Technical Hazards Programs* develops federal plans to mitigate hazards and, when necessary, respond to natural and non-war related man-made disasters. This office also develops and administers programs that provide financial and technical help to State and local governments in emergency management of natural and technological hazards. It is responsible for floodplain management functions, fire suppression assistance, and FEMA functions under the Coastal Barrier Act.

(b) The *Office of Disaster Assistance Programs* administers the President's Disaster Relief Program which provides for supplemental federal assistance in declared major disasters and emergencies. This office develops and administers policy and guidance that ensures the effective implementation of relief programs to help individuals as well as State and local governments in recovering from the effects of peacetime major disasters and emergencies and to prevent or mitigate future losses after these disasters or emergencies.

(c) The *Office of Emergency Management Programs* assists State and local governments and the private sector

in maximizing the survival of the population and other vital resources in the event of civil emergency. It also provides for effective emergency management planning, the development of improved response capabilities, and financial and technical assistance to enhance operational capabilities of State and local governments.

§ 2.14 National Preparedness Programs Directorate (NPP).

This directorate administers certain of the authorities contained in the National Security Act, the Strategic and Critical Materials Stock Piling Act, the Federal Civil Defense Act of 1950, as amended, particularly national and federal plans and programs, the Defense Production Act of 1950, as amended, and other national programs.

This Office develops, implements and tests plans, policies, concepts and procedures related to peacetime and wartime emergencies. With respect to assigned functions, it serves as prinicpal point of contact with the Department of Defense. The directorate is headed by an Associate Director.

(a) The *Office of Resources Preparedness* identifies shortages of natural, industrial, or economic resources that could constitute a threat to national security; develops plans to mitigate the impact of resource shortages; and establishes programs to reduce our nation's vulnerability to resource shortfalls.

(b) The *Office of Civil Preparedness* is responsible for the development and conduct of research, policy development, programming and long range planning activities bearing on the protection of the population and key industrial components of the United States against the full range of domestic and national security emergencies.

(c) The *Office of Mobilization Preparedness* develops mobilization planning assumptions and priorities for FEMA and other executive branch organizations and coordinates mobilization planning, including threat/vulnerability assessments, with the national security plans of the National Security Council, Department of Defense, and the intelligence community.

(d) The *Office of Research* reviews, monitors and recommends research and development efforts and conducts a small inter-disciplinary program in areas not covered by other FEMA offices.

(e) The *Science Advisor* provides advice with respect to scientific matters and liaison to the FEMA Advisory Board.

§ 2.15 Resource Management and Administration Directorate (RMA).

This directorate develops and operates acquisition management systems, and day-to-day administrative support of agency needs. It manages agency personnel matters. It is primarily responsible for agency activities under the Paperwork Reduction Act of 1980. The directorate is headed by an Associate Director.

(a) The *Office of Personnel* develops, implements, administers, and manages FEMA's personnel policies and programs, including position management and classification, recruitment, placement, salary administration, labor management relations, merit pay, special programs (NDER, DAE, Shelter Survey), performance appraisal, incentive awards, discipline, retirement, health insurance, training and career development, and in conjunction with the Equal Opportunity Office, equal employment opportunity.

(b) The *Office of Administrative Support* directs the administrative programs and systems necessary for effective management of the agency and provides the administrative services and support essentail to day-to-day operations. Services and support include: Space and property management; mail management; administrative printing and publications storage/distribution; employee safety and health programs; graphic arts and design for visual presentation materials; records and information systems management which encompasses the internal directives system, reports and forms management, control of public information collection, and management of official records; and providing supplies, materials, equipment, furnishings, and a variety of services.

(c) The *Office of Acquisition Management* implements and manages FEMA's procurement and discretionary grant programs.

§ 2.16 Training and Education Directorate/National Emergency Training Center (T&E).

This directorate consists of the National Emergency Training Center and the United States Fire Administration. It is headed by an Associate Director.

(a) The *National Emergency Training Center* provides training and education programs for Federal, State, and local personnel in hazard mitigation, emergency preparedness, fire prevention and control, disaster response, and long-term disaster recovery. The training is carried out both through a resident program at a central campus facility located in Emmitsburg, Maryland, and through an outreach program which makes courses available at the State and local levels throughout the country.

(1) The *Emergency Management Institute (EMI)* provides training to emergency managers in four principal areas: National security; technological hazards; natural hazards; and emergency processes. EMI hosts national conferences and seminars on current emergency management issues.

(2) *The National Fire Academy* provides training in three areas: fire protection management; fire prevention and loss control (including arson investigation); and fire service technology. This training is targeted to fire service personnel and allied professionals at the resident facility and through a field program.

(3) *The Office of Programs and Academics* reviews, analyzes, and evaluates all National Emergency Training Center curricula. Provides long-range curricula planning, coordinates academic needs, conducts research, and evaluates curricula effectiveness.

(4) The *Office of Management and Administration* oversees the daily management of the National Emergency Training Center. The Office coordinates contracts, student services, personnel, facility operations, media production, printing, and reproduction. Other responsibilities include management of the directorate's budget and other finance and contract operations, the Learning Resources Center, grants programs, and coordination between NETC and FEMA headquarters elements.

(b) *United States Fire Administration (USFA)* administers programs to reduce the nation's loss of life from fire and to achieve significant reductions in property loss and human injury from fire.

(1) *Fire Data and Analysis.* Collects, analyzes and disseminates fire data. This is for the purpose of spotting trends, delineating training, code and fire management needs. Use of the National Fire Incident Reporting System will result in standardization of the entire system.

(2) *Office of Fire Prevention and Arson Control.* Coordinates all Federal arson prevention and control programs. Identifies model problems that can be transferred to State and local fire services in fire prevention and arson control.

(3) *Fire Fighter Health & Safety Programs.* Promotes the development and use of fire protection systems, of improved firefighter protective equipment and of the various means to improve firefighter occupational health.

Assists other agencies and State and local governments in the development of fire safety regulations for firefighters and other emergency personnel.

§ 2.17 Federal Insurance Administration (FIA).

FIA administers three federal insurance programs: The National Flood Insurance Program, which insures property owners against flood loss; the Federal Crime Insurance Program; and the Riot Reinsurance Program. The Administration is headed by an Administrator.

(a) The *Office of Insurance Operations* handles the day-to-day operations of the flood, crime, and riot insurance programs and provides guidance on program issues to contractual and fiscal agents operating these programs. This includes issuing policies, processing and paying claims, billing insurance premiums, and providing information on rates.

(b) The *Office of Policy Analysis and Technical Services* is responsible for overall policy and technical guidance on insurance matters, including the resolution of insurance coverage, interpretations, claims and underwriting appeals.

(c) The *Office of Insurance Support Services* operates an FIA program planning system and provides actuarial support services.

§ 2.18 Emergency Operations (EO).

Emergency Operations is responsible for management of the Agency's emergency operations, including development of plans and policies and implementation of programs concerned with continuity of the Federal Government in times of emergency. It is responsible for central management of emergency operations information processing resources, as well as for management of the Agency's emergency facilities. It provides for coordination of internal agency planning and response to national emergencies. The office is headed by a Director, Emergency Operations.

(a) The *Office of Readiness Planning and Operations* develops, coordinates, tests, and evaluates plans and programs providing for continuity and effective operation of the Federal Government during a national emergency. The office serves as the focal point for the Agency's operational response to any such emergency.

(b) The *Office of Operating Systems Development* is responsible for development and initial deployment of systems required for effective accomplishment of the Agency's emergency operations mission. The office develops and initially deploys systems which become the operational responsibility of other Emergency Operations offices.

(c) The *Office of Information Resources Management* centrally manages agency resources used for information processing, including telecommunications, automatic data processing, and information systems. The office is also responsible for development of program guidance for the Emergency Broadcast System (EBS), and for overall management of the Agency's activities connected with that system.

(d) The *Office of Program Support* provides logistic planning support required for development and implementation of emergency operations systems. The office is also responsible for planning and coordinating the internal FEMA response to national emergencies.

(e) The *Office of Operations Analysis and Control* provides overall technical configuration and integration management for emergency operations programs, including coordination of the planning, programming and budgeting processes for those programs.

(f) The *Office of Facilities Management* is responsible for management and operational readiness of a secure facility from which the Federal Government can respond to national emergencies. It also provides technical support required for management of other agency emergency facilities.

(g) The *Emergency Information and Coordination Center and Alternate Emergency Information Coordination Center* provides facilities and other resources required for making accurate and timely emergency management decisions, including those resources necessary for rapid and reliable transmission of decisions under conditions of peace and war.

§ 2.19 Office of the Inspector General (IG).

This office plans, supervises and coordinates internal and external audit and investigation activities relating to FEMA programs and operations. It recommends policies to promote efficiency and to prevent and detect fraud and abuse. Serves as the point of contact with Federal law enforcement agencies on law enforcement matters. This office is headed by the Inspector General.

§ 2.20 Office of the General Counsel (GC).

This office provides legal advice to the Director and agency staff on FEMA duties, authorities, statutes, rules and regulations, and administrative procedure. It prepares and coordinates all Agency appearances in litigation or administrative proceedings and determines the agency legal position with respect to all matters. It reviews for legal sufficiency and transmits all regulations and other documents which are to be published in the **Federal Register**. This office is headed by the General Counsel.

§ 2.21 Office of Program Analysis and Evaluation (PAE).

This office provides information and analyses to the Director and other key officials in support of their decisionmaking and management activities.

§ 2.22 Office of Executive Administration.

(a) The Office of Executive Administration consists of the immediate office of the Executive Administrator who provides executive services to the Director and his immediate staff; and

(b) Staff offices as follows:

(1) *Office of Congressional Relations* serves as principal point of contact between FEMA and members of Congress, its committees and staffs.

(2) *Office of International Affairs* serves as principal staff advisor on policy and programs involving international civil emergency activities.

(3) *Office of Public Affairs* provides staff assistance for public information programs. Has primary responsibility for the Freedom of Information Act and Privacy Act.

(4) *Office of Equal Opportunity* advises on the scope and coverage of the FEMA equal opportunity program, develops agency affirmative action plans, and conducts reviews and evaluations of program implementation.

(5) *Office of Security* develops, administers and directs overall FEMA security program.

§ 2.23 Office of the Comptroller.

This office formulates agency policies and principles governing the establishment of budgetary and accounting systems. It coordinates agency financial programs with the Office of Management and Budget. It is responsible for establishing Agency policy and procedures in the area of financial management, planning, formulating and administering the budget, operating an Agency-wide accounting and reporting system, formulating policy and procedures for the financial management of grant and assistance agreements, and providing technical assistance and training to Agency personnel and grantees in the

areas of financial management, grant and assistance agreements, budgeting and accounting.

§ 2.24 Office of Special Programs.

This office initiates, formulates, and develops new programs of special interest to the Director.

§ 2.25 Office of Regional Operations.

This office provides liaison between the Director and Regional Directors.

§ 2.26 Regional Offices.

The ten FEMA regional offices are headed by Regional Directors who are the primary source through which the Agency's policies and programs are determined and carried out at the State and local level. The Regional Directors are the FEMA Director's principal representatives in contacts and relationships with Federal regional, State and local agencies, industry and other public and private groups. They are responsible for accomplishing, within their regions, the national program objectives established by the Agency.

§ 2.27—2.29 [Reserved]

FEMA Locations

§ 2.30 FEMA Headquarters.

The Office of the Director, FEMA, is located at Federal Center Plaza, 500 C Street, S.W., Washington, D.C. 20472.

§ 2.31 FEMA Regions.

The Offices of FEMA's Regional Directors are located as follows:

I. J. W. McCormack Post Office & Courthouse, 442 Post Office Square, Boston, MA 02109.

II. Jacob J. Javits Federal Building, 26 Federal Plaza, Room 1349, New York NY 10278.

III. Curtis Building, 7th Floor, 625 Walnut Street, Philadelphia, PA 19106.

IV. Pershing Point Plaza, Suite 664, 1375 Peachtree Street, NE., Atlanta, GA 30309.

V. 300 S. Wacker Drive, 24th Floor, Chicago, IL 60606.

VI. Federal Regional Center, Room 206, Denton, TX 76201.

VII. Old Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

VIII. Federal Regional Center, Building 710, Denver, CO 80225.

IX. Building 105, Presidio, San Francisco, CA 94129.

X. Federal Regional Center, Bothell, WA 98011.

§ 2.32 National Emergency Training Center.

The National Emergency Training Center is located at Emmitsburg, Maryland 21727.

§ 2.33—2.49 [Reserved]

Subpart B—Delegations

2. Section 2.55(b) is revised to read as follows:

§ 2.55 General delegations.

* * * * *

(b) The officers authorized to exercise authorities in paragraph (c) of this section are:

Federal Insurance Administrator
Associate Director, National Preparedness Programs
Associate Director, State and Local Programs and Support
Associate Director, Training and Education
Associate Director, Resource Management and Administration
Executive Administrator
Comptroller
Director, Emergency Operations
Inspector General
General Counsel
Director, Office of Program Analysis and Evaluation
Regional Directors

3. Section 2.61(f) is revised to read as follows:

§ 2.61 Associate Director, State and Local Programs and Support (SLPS).

* * * * *

(f) To review, approve, withdraw approval and publish notice of actions with respect to radiological emergency preparedness plans submitted to FEMA.

* * * * *

4. Section 2.61 is amended by adding paragraph (n) as follows:

§ 2.61 Associate Director, State and Local Programs and Support (SLPS).

* * * * *

(n) To carry out hazard mitigation and floodplain management assigned functions and exercise authorities under the National Flood Insurance Act of 1968 to conduct studies and research.

5. Section 2.65 is revised to read as follows:

§ 2.65 Director, Emergency Operations.

The Director, Emergency Operations, is authorized to exercise the authority of the Director to:

(a) Appoint uniformed guards at the Special Facility as special police of the Federal Emergency Management Agency pursuant to Pub. L. 80–566, as amended, 40 U.S.C 318 and a delegation from the administrator of General Services;

(b) Made provisions for transportation in connection with the continuity for government program to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632;

(c) Exercise, in connection with the performance of assigned functions of (i) providing telecommunications and data processing systems, and (ii) operating the Special Facility, the authorities in sections 201 and 401 of the Federal Civil Defense Act, section 202(a), (c), and (d) of the Disaster Relief Act of 1974, and sections 1–101, 4–102, 4–103, and 4–104 of Executive Order 12148;

(d) Conduct activities pursuant to section 203 of Reorganization Plan No. 3 of 1978 as further amplified in section of 1–103(b) and 1–105 of Executive Order 12127 of March 31, 1979 (Emergency Broadcast System); and

(e) Exercise the authority delegated the Director by Executive Order 12241 concerning the National Contingency Plan developed under section 304 of Pub. L. 96–295.

6. Section 2.66 is revised to read as follows:

§ 2.66 Associate Director, Training and Education (T&E).

The Associate Director of Training and Education is authorized to exercise the authority of the Director with respect to training and education and fire prevention and control matters. This includes but is not limited to:

(a) Section 201(e) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(e)) including, but not limited to, authority to approve requests for reimbursement and related documents for obligation of payment of travel and per diem expenses of students under subsection 201(e);

(b) Training under subsection 201(a)(2) of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5131(a)(2)). Further, the authorities contained in paragraphs (a), (b) and (g) of section 7 of the Federal Fire Prevention and Control Act shall be exercised only with the prior approval of the Director and the authority in subsections 7(c)(2) and (c)(4) shall be conducted through the Office of personnel;

(c) Except as otherwise provided in this subpart, exercise of the authorities contained in sections 1 through 27 of the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 *et seq.*). This delegation does not include those under sections 18 and 23 which were not transferred to the Director by Reorganization Plan No. 3 of 1978 nor those under repealed section 25. Further the authorities contained in sections 11, 16 and 21(c) of the Federal Fire Prevention and Control Act of 1974, are excluded from this delegation and are reserved to the Director or delegated to

other officials of FEMA. See §§ 2.52(b)(1)(i), 2.66(p), and 2.70(a)(6)(i).

7. Section 2.67 is revised to read as follows:

§ 2.67 Associated Director, Resource Management and Administration (RMA)

(a) The Associate Director for Resource Management and Administration is authorized to exercise any authority of the Director to:

(1) Manage records and files within FEMA, including records creation, organization, maintenance, and disposal. Place advertisements in newspapers pursuant to 44 U.S.C. 3702;

(2) Assign and reassign real and personal property other than contributions loan property within FEMA. Exercise authority under section 201(j) of the Federal Civil Defense Act of 1950, as amended;

(3) Provide for accountability for property;

(4) Issue determinations of excess property other than contributions loan property and transfer of same as required;

(5)(i) Exercise authority under section 104(h) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 delegated the Director by section 2(f) of Executive Order 12316;

(ii) Exercise authority of the Director concerning extraordinary contractual actions under paragraph 21 of Executive Order 10789.

(6)(i) Make purchases and contracts by advertising for equipment and supplies, administrative equipment, office supplies, professional services, transportation of persons and property, and nonpersonal services, and determine that the rejection of all bids is in the public interest;

(ii) Negotiate purchases and contracts for equipment and supplies, professional services, transportation of persons and property, and nonpersonal services without advertising; and make and issue determinations related thereto pursuant to section 302(c) (1)–(10), (14) and (15) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c) (1)–(10), (14) and (15) and 40 U.S.C. 541–544 with respect to contracting for the services of Architects Engineers;

(iii) Make purchases and contracts for the procurement of printing and binding services in accordance with the current Government Printing and Binding Regulations of the Joint Committee on Printing and Title 44 of the United States Code;

(iv) Enter into and administer interagency agreements under the Economy Act or any other such agreement involving obligation of funds;

(b) Notwithstanding any general delegation of authority in this part to another officer of FEMA, if the authority delegated in the general delegation contains procurement authority that authority is delegated to the Associate Director, Resource Management and Administration, with authority to redelegate to any employee of FEMA. As used in this paragraph (b) the term "procurement" includes: acquisition from a recipient, including a State or local government, of property or services for the direct benefit or use of the Federal Government. This includes authority under section 201(h) of the Federal Civil Defense Act but excludes authority under section 1362 of the National Flood Insurance Act.

(c) Notwithstanding any general delegation of authority in this part to another officer of FEMA, other than the delegation to Regional Directors under § 2.71, if the authority delegated contains authority to award discretionary grants that authority is delegated to the Associate Director, Resource Management and Administration, who is authorized to exercise the authority of the Director with respect thereto. The Associate Director, Resource Management and Administration, may redelegate this authority to any employee of FEMA. Discretionary grants include those instruments which are awarded to a selected or limited number of recipients deemed best qualified based upon criteria designed for the conduct of a specific project. This can include governments. Discretionary grants do not include those awarded to recipients for which: (1) The recipient or class of recipient is mandated by legislation or regulation; (2) the amount of the instrument or the amount of the program is established by legislation and discretion in the award process is limited; or (3) there is no choice in the purpose of the award or whether to make the award. The delegation to the Regional Directors under § 2.71 to implement various programs is not affected by this delegation to the Associate Director, Resource Management and Administration.

(d) Notwithstanding any general delegations of authority in this part to another officer of FEMA, if authority delegated in the general delegation contains personnel authorities, that authority is delegated to the Associate Director, Resource Management and Administration, with authority to redelegate to any employee of FEMA. As used in the paragraph the term "personnel" includes development, implementation, administration and management of personnel policies and programs, including position management and classification, recruitment, placement, salary administration, labor management relations, merit pay, special programs (NDER, DAE, Shelter Survey), performance appraisal, incentive awards, discipline, retirement, health insurance, training and career development, and in conjunction with the Equal Opportunity Officer, equal employment opportunity. This includes authority under the Disaster Relief Act of 1974 and other pertinent legislation.

(e) The Associate Director, Resource Management and Administration, is designated the FEMA senior official responsible under 44 U.S.C. 3506 for FEMA implementation of the Paperwork Reduction Act of 1980.

8. Section 2.68 is revised to read as follows:

§ 2.68 Comptroller.

The Comptroller is authorized to exercise any authority of the Director to:

(a) Approve requisitions for disbursing funds, reports of current accounts rendered by disbursing officers, and other financial and accounting documents involving FEMA, the General Accounting Office, and the Department of the Treasury, and Office of Management and Budget.

(b) Certify to the General Accounting Office (GAO) any charge against any officer or agent entrusted with public property, arising from any loss and accruing by his fault, to the Government as to the property so entrusted to him.

(c) Make determinations concerning performance of service, the periods of such service, and the amounts of remuneration for social security purposes.

(d) Authorize officers and employees to certify vouchers.

(e) Approve apportionment and reapportionment requests; reports on appropriation accounts; and reports on status of apportionments for corporations and enterprises.

(f) Approve reports on budget status, obligation basis, and accrual basis, as required by the Antideficiency Act.

(g) Issue primary allowances to Associate Directors, Administrators, Office Directors or equivalent, and Regional Directors.

(h) Receive and credit amounts received to the applicable appropriation of FEMA or to the miscellaneous receipts account.

(i) Request cashier designation and resolution from the Department of the Treasury, and designate persons to serve in FEMA.

(j) Maintain official FEMA payroll, retirement, leave and travel records.

(k)(1) Approve travel and expenses incurred pursuant to relocation of the duty station of a FEMA employee.

(2) Approve invitational travel.

(l) Establish and administer the National Insurance Development Fund under section 1243 of the National Housing Act (12 U.S.C. 1749bbb-13).

(m) Borrow funds from the Treasury under section 15(c) of the National Flood Insurance Act, and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(c) and 4016).

(n) Establish and administer National Flood Insurance Fund under section 1310 of the National Flood Insurance Act, (42 U.S.C. 4017).

(o) Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)) relating to submission of a business type budget applicable under section 1247, the National Housing Act (12 U.S.C. 1749bbb-17).

(p) Exercise authorities under section 11 of the Federal Fire Prevention and Control Act.

9. Section 2.69 is amended by adding a new section (h) as follows:

§ 2.69 General Counsel (GC).

* * * * *

(h) Waive claims of the United States against a person arising out of pay and allowances to an employee of FEMA in amounts of less than $500, and in accordance with the requirements of 5 U.S.C. 5584, and the implementing regulations and standards of the Comptroller General.

10. Section 2.54(b) is amended by adding at the end the following:

§ 2.54 Redelegation of authority.

* * * * *

(b)

* * * * *

This paragraph does not apply to rules issued under Parts 64, 65, 67, or 70 of this Title, and authority to take action thereunder may be redelegated.

Dated: March 4, 1983.

Louis O. Giuffrida,

Director.

[FR Doc. 83-6878 Filed 3-14-83; 8:45 am]

BILLING CODE 6718-01-M

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44 CFR Part 64

[Docket No. FEMA 6501]

Suspension of Community Eligibility Under the National Flood Insurance Program; Colorado et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final Rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register.**

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subject in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Colorado: Delta	Peonia, town of	0800438	June 10, 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	May 24, 1974, Oct. 31, 1975	Mar. 16, 1983.
Connecticut: New Haven	East Haven, town of	090076	Apr. 19 1973, emergency; Feb. 1, 1978 regular; Mar. 15, 1983, suspended.		Do.
Florida: Pinellas	Largo, city of	125122D	July 31, 1970, emergency; May 28, 1971, regular; Mar. 16, 1983, suspended.	May 28, 1971, June 18, 1971	Do.
Indiana: Cedar	West Branch, city of	1800568	Dec. 15 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Mar. 1, 1974, Jan. 23, 1976	Do.
Kansas: McPherson	McPherson, city of	200217D	Mar. 20, 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Mar. 15, 1974, Apr. 11, 1975	Do.
Maryland:	Baltimore, city of	240087B	Dec. 3, 1971, emergency; Mar. 15, 1978, regular; Mar. 16, 1983, suspended.	June 25, 1974, Mar. 15, 1978	Do.
New York: Steuben	Bath, village of	360767E	Apr. 13, 1973, emergency; Aug. 15, 1977, regular; Mar. 16, 1983, suspended.	Aug. 15, 1977	Do.
Suffolk	East Hampton, town of	360764B	June 11, 1971, emergency; Sept. 30, 1976, regular; Mar. 16, 1983, suspended.	Aug. 29, 1975	Do.
Do	Belle Terre, village of	3615328	Mar. 22, 1976, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Dec. 27, 1974, June 18, 1976	Do.
Herkimer & Fulton	Dolgeville, village of	3602018	Mar. 27, 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Dec. 13, 1974, Sept. 26, 1974	Do.
Wayne	Lyons, village of	3600918	Oct. 6, 1975, emergency; Sept. 7, 1979, regular; Mar. 16, 1983, suspended.	May 3, 1974, Sept. 24, 1976	Do.
Niagara	Niagara Falls, city of	3600668	May 9, 1973, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Mar. 29,1974, Nov. 14, 1975	Do.
Westchester	Ossining, town of	3612418	Nov. 20, 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Oct. 25,1974, Feb. 25, 1977	Do.
Nassau	Oyster Bay, town of	360483C	Sept. 5, 1973, emergency; Aug. 1, 1978, regular; Mar. 16, 1983, suspended.	Nov. 29, 1974, Sept. 12, 1975	Do.
Suffolk	Shoreham, village of	3615068	May 30, 1975, emergency; May 25, 1978, regular; Mar. 16, 1983, suspended.	Aug. 1, 1978	Do.
Montgomery	St. Johnsville, town of	360498	Mar. 9, 1977, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Aug. 16, 1974, June 4, 1976	Do.
Tioga	Waverly, village of	3613428	June 27, 1974, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Nov. 1, 1974, June 11, 1976	Do.
New Jersey: Mercer	East Windsor, township of	3402448	Dec. 19, 1973, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Feb. 15, 1974, Sept. 12, 1975	Do.
Ohio: Lucas	Unincorporated areas	3903598	Mar. 9, 1977, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	May 20, 1977	Do.
Pennsylvania: York	Warrington, township of	4202328	May 31, 1978, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	ec. 27, 1974, Dec. 26, 1980	Do.
Do	West Manheim, township of	4202348	Mar. 9, 1976, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Dec. 13, 1974, Oct. 31, 1975	Do.
South Carolina: Horry	North Myrtle Beach, town of	450110C	June 23, 1975, emergency; Oct. 14, 1977, regular; Mar. 16, 1983, suspended.	Aug. 23, 1974, July 5, 1975	Do.
Vermont: Franklin	Swanton, village of	500080	Sept. 10, 1975, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Nov. 26, 1976	Do.
Virginia: Chesterfield	Unincorporated areas	510035	Jan. 26, 1973, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended.	Jan. 10, 1975, June 2, 1979	Do.
Michigan: Monroe	Milan, township of	2601528	Oct. 2, 1975, emergency; Dec. 15, 1982, regular; Mar. 16, 1983, suspended.	May 24, 1974, June 25, 1976	Do.
Minnesota: Marshall	Stephen, city of	270277B	Apr. 26, 1974, emergency; Sept. 16, 1982, regular; Mar. 16, 1983, suspended.	June 4, 1976, May 17, 1974	Do.
Michigan: Oakland	West Bloomfield, township of	2601828	Mar. 30, 1973, emergency; Mar. 2, 1983, regular; Mar. 16, 1983, suspended.	June 28, 1974, Jan. 30, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: March 7, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6560 Filed 3-14-83; 8:45 am]

BILLING CODE 6718-13-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 31 and 43

Annual Report Form M for Telephone Companies To Reflect Changes in the Depreciation Techniques Approved in Docket No. 20188; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects four minor errors made in Appendix A of the Report and Order in this proceeding concerning Annual Report Form M. The Report and Order was published in the **Federal Register** on February 9, 1983 at 48 FR 5828.

FOR FURTHER INFORMATION CONTACT: Gerald P. Vaughan, Common Carrier Bureau, (202) 634–1861.

SUPPLEMENTARY INFORMATION:

In the matter of an amendment of Annual Report Form M for telephone companies to reflect changes in the depreciation techniques approved in Docket No. 20188; CC Docket No. 82–513; Correction.

Released: March 7, 1983.

1. On February 1, 1983, the Commission released a Report and Order, 48 FR 5028, in the above-captioned proceeding. There were four minor errors in Appendix A of this order. On Schedule 12A, Analysis of Telephone Plant Accounts, Account 211, Land, was inadvertently omitted; and on Schedule 14C, Basis of Changes for Depreciation, instruction numbers 2 and 5 identified columns with incorrect letters. These schedules should be corrected as indicated below.

2. Schedule 12A is revised to show Account 211, Land, in column a on line 4 and Depreciable Plant will be moved down one line to line 5.

3. Instruction number 2 for Schedule 14C is revised to show (d) instead of (c) after the word "column."

4. Instruction number 5 for Schedule 14C is revised to show (c) instead of (b) after the phrase "the life in column" and (d) instead of (c) after the phrase "net salvage percentage in column."

Federal Communications Commission.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 83-6758 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-145; RM-4030]

Radio Broadcast Services; FM Broadcast Station in Phillipsburg, Kansas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 237A to Phillipsburg, Kansas, in response to a pleading filed by Bengel Broadcasting, Inc. seeking review of our prior decision rejecting the assignment for failure to express the requisite commitment to apply for the channel, if assigned.

EFFECTIVE DATE: May 2, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: February 16, 1983.

Released: March 3, 1983.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Phillipsburg, Kansas); BC Docket No. 82-145, RM-4030; memorandum opinion and order (Proceeding Terminated).

1. The Commission on its own motion, pursuant to §§ 1.108 and 0.283 of the Commission's Rules, has reopened this proceeding in order to reconsider its decision denying the assignment of FM Channel 237A to Phillipsburg, Kansas. In its *Memorandum Opinion and Order* released January 19, 1983, denying reconsideration of its *Report and Order*[1] in this proceeding, the Commission declined to assign the channel stating that Bengel Broadcasting, Inc. ("Bengel") had failed to give "the requisite commitment to apply for Channel 237A, if assigned." Bengel now seeks review of our *Order* denying the reconsideration, arguing that it has continually expressed "its interest" in an FM channel at Phillipsburg since the original *Notice*[2] was issued in this proceeding. From the record before us, it had appeared that Bengel did not clearly state its intent to apply for Channel 237A, if assigned.

2. On January 21, 1983, Bengel filed its current pleading seeking review of our latest *Order* stating that its "active participation in the original rule making proceeding" in which it "submitted extensive comments and replies" and the "very filing of its petition for reconsideration" evinces "its interest" in the assignment of a Class A channel to Phillipsburg. However, prior to its January 21, 1983 filing, Bengel failed to state that it would apply for the channel, if assigned. Thus, Bengel failed to comply with a condition precedent for assignment of the channel as he was requested to do in the March 10, 1982, *Notice of Proposed Rule Making*.

3. Bengel's January 21, 1983 pleading gives "its explicit assurance that upon assignment of a Class A channel to Phillipsburg, it will promptly amend its application to specify operation of such channel, and will proceed with construction and operation of such facility." Thus, Bengel has corrected the earlier deficiency which resulted in our previous denial of assignment and we are now in a position to approve the assignment of Channel 237A to Phillipsburg, Kansas.

4. As to the merits of the proposal, Phillipsburg is presently without local FM service and Bengel's applicant status affords it an early opportunity to bring first local FM service to that community. Although there is a pending application for the Class C channel at Phillipsburg,[3] intermixture of the different classes of channels is no longer a consideration in view of the *Second Report and Order* in BC Docket No. 80-130, 90 F.C.C. 2d 88 (1982). Bengel proposes to amend its pending application to specify Channel 237A in lieu of Channel 223 eliminating itself as a mutually exclusive applicant for that channel. Channel 237A at Phillipsburg meets the minimum mileage separation requirements of § 73.207. We are, therefore, able to assign the channel, as requested.

5. One further matter remains which pertains to Bengel's previous status as an applicant for Channel 221A at Phillipsburg.[4] The Commission's *Report and Order, supra*, deleted Channel 221A because of its adjacency to Channel 223 which was assigned to Phillipsburg instead. Bengel's original application for the Class A channel had been accepted for filing, appeared on the "cut-off" list and no competing applications were filed against it. Therefore, since we are substituting Channel 237A for Channel 221A at Phillipsburg, we will retain

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[1] *Report and Order* in BC Docket No. 82-145, 47 FR 30883, published July 16, 1982, wherein the Commission assigned Class C Channel 223 at Phillipsburg, Kansas, and deleted FM Channel 221A since its adjacency to Channel 223 was in violation of the minimum separation requirements of § 73.207 of the rules. Bengel Broadcasting, Inc. was the only applicant for Channel 221A.

[2] *Notice of Proposed Rule Making*, 47 FR 11908, published March 19, 1982, wherein the Commission in consideration of Bengel's applicant status, proposed optionally to assign both Class C Channel 223 and Channel 237A to Phillipsburg to afford Bengel an opportunity to determine whether it would apply for the proposed Class C assignment, or amend its application to specify another Class A channel. The optional assignment of Channel 237A was rejected by the *Report and Order* for lack of expressed interest.

[3] On September 8, 1982, Northwest Enterprises, Inc. filed an application (File No. BPH-820908AU) for authority to construct a new FM station on Channel 223 at Phillipsburg, Kansas. The application is presently mutually exclusive with an application submitted by Bengel Broadcasting, Inc. for the same channel (File No. BPH-810922AJ).

[4] On October 22, 1981, Bengel Broadcasting, Inc. filed an application (File No. BPH-810922AJ) for Commission authority to construct a new FM station on Channel 221A to serve the community of Phillipsburg, Kansas. On April 20, 1982, Bengel's application was accepted for filing and assigned a May 24, 1982, cut-off date. No competing applications were filed by the cut-off date. On October 28, 1982, Bengel amended its application to specify Channel 223 since Channel 221A had been deleted without a substitute Class A Channel provided by the Commission's *Report and Order, supra* in this proceeding.

Bengel's "cut-off" protection for that channel while it amends so that there will be no delay in processing its application. The retention of Bengel's "cut-off" protection is warranted since all potential applicants for a Class A channel at Phillipsburg already had the requisite notification and ample opportunity to file an application. See *Miami, Florida, et al.*, 46 R.R. 2d 1272 (1980). Further, Northwest Enterprises, Inc. ("Northwest"), the only other party to this proceeding has unequivocally stated its intention to apply for the Class C channel at Phillipsburg. In view of the above, we believe that the public interest would be served by this action since it will enable Bengel to initiate FM service to Phillipsburg at the earliest opportunity.

6. Pursuant to §§ 1.108 and 0.283 of the Commission's Rules, we have on our own motion, reopened this proceeding, reconsidered our decision and will assign Channel 237A to Phillipsburg and afford Bengel Broadcasting, Inc. the opportunity to amend its application to specify Channel 237A. We have chosen to act by delegated authority on our own motion in order to expedite the assignment of Channel 237A, which we considered to be a routine action and of the type that would normally be taken by staff action.

7. Accordingly, in view of the above commitment for the proposed channel allocation, we find that the public interest considerations warrant the assignment of Channel 237A to Phillipsburg, Kansas. Pursuant to the authority contained in sections 4(1), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204 and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 2, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules IS AMENDED for the following city:

City	Channel No.
Phillipsburg, Kans.	233, 237A

8. It is further ordered, That the requirements of § 73.3573 are waived on our own motion pursuant to §§ 1.108 and 0.283 of the Rules, to permit Bengel Broadcasting, Inc. to amend its application (File No. BPH–810922AJ) to substitute Channel 237A for Channel 221A at Phillipsburg, Kansas, and retain its cut-off protection.

9. It is further ordered, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact D. David Weston, Mass Media Bureau (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-6705 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 81 and 83

Table of Frequencies Available for Assignment to Inland Waterways Communications Systems; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: This document corrects the table of frequencies available in the 216–220 MHz band for an automated, interconnected riverwide maritime communications system in the Mississippi River and connecting waterways. This action is necessary to correct editorial errors.

EFFECTIVE DATE: March 22, 1983.

FOR FURTHER INFORMATION CONTACT: Robert H. McNamara, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 81

Coast stations.

47 CFR Part 83

Ship stations.

Adopted: March 4, 1983.

Released: March 7, 1983.

In the matter of an editorial amendment of Parts 81 and 83 of the Commission's rules to correct the table of frequencies available for assignment to inland waterways communications systems; order.

1. In this Order we are correcting ar error in the table of frequencies available in the 216–220 MHz band for inland waterways communications systems. In §§ 81.917 and 83.1105, the transmit and receive frequencies in Channels 103 and 143 are incorrectly listed as ending with the digits "35". The last two digits of these frequencies should be "25".

2. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231 (d) of the Commissions's Rules and Regulations. Since the amendments are editorial in nature, the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. Regarding questions on matters covered in his document contact Robert McNamara, (202) 632–7175.

4. Accordingly, IT IS ORDERED, That Parts 81 and 83 of the Commission's rules ARE AMENDED AS set forth in the attached Appendix, effective March 22, 1983.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended to read as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICE AND ALASKA—PUBLIC FIXED STATIONS

A. § 81.917 the table of frequencies is amended to read as follows:

§ 81.917 Frequencies available.

* * * * *

Channel No.	Coast		Group
	Receive (MHz)	Transmit (MHz)	
* *	*	*	*
103	218.0625	216.0625	
* *	*	*	*
143	219.0625	217.0625	
* *	*	*	*

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

B. In § 83.1105 the table of frequencies is amended to read as follows:

§ 83.1105 Frequencies available.

* * * * *

Channel No.	Coast		Group
	Receive (MHz)	Transmit (MHz)	
* *	*	*	*
103	218.0625	216.0625	
* *	*	*	*
143	219.0625	217.0625	
* *	*	*	*

[FR Doc. 83-6707 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Chapter X

[Ex Parte No. 311 (Sub-4)]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 11 to 10.5 cents per mile.

EFFECTIVE DATE: This decision will be effective on March 29, 1983.

FOR FURTHER INFORMATION CONTACT:

Lee Alexander, (202) 275–7723
Ted Kalick, (202) 275–6446
Alan Rothenberg, (202) 275–7597
Boston, MA, (617) 223–2372
Philadelphia, PA, (215) 597–4460
Atlanta, GA, (404) 881–2167
Chicago, IL, (312) 353–6204
Ft. Worth, TX, (817) 334–2794
San Francisco, CA, (415) 974–7125

SUPPLEMENTARY INFORMATION: In a decision served March 3, 1983 (48 FR 9648, March 8, 1983), the Commission established owner-operator reimbursement at 11 cents per mile for all carrier-related business miles. This change will become effective March 22, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of March 7, 1983, the current price of diesel fuel was 112.6 cents per gallon. The reimbursement figure is 10.4. Ten working days after publication of the notice in the **Federal Register** (effective March 29, 1983), carriers shall reimburse owner-operators at a minimum of 10.5 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81–2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washinton, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: March 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6882 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 30309–35]

Foreign Fishing and Groundfish Fisheries of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Rule-related notice.

SUMMARY: This notice announces the retention of reserve amounts of fish that were eligible on February 2, 1983, for apportionment to the total allowable level of foreign fishing (TALFF) or domestic annual harvest (DAH), under provisions of the fishery management plan (FMP) for Groundfish of the Bering Sea and Aleutian Islands Area and implementing regulations. Due to uncertainty about the adequacy of initial estimates of DAH, the Secretary of Commerce is retaining all of the specified reserves for possible later apportionment. This action will ensure that fish are available for increased U.S. harvests later in 1983.

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey (Director, Alaska Region, National Marine Fisheries Service), 907–586–7221.

SUPPLEMENTARY INFORMATION: The Director, Alaska Region, National Marine Fisheries Service, after considering all factors specified by regulation, has determined that, although U.S. fishing effort is insignificant at this time in the management area, it is expected to increase rapidly as seasonal weather conditions improve, and that large amounts of fish are expected to be harvested by U.S. vessels in 1983. At least 10 joint ventures are expected to conduct operations in 1983, up from five in 1982. The number of U.S. catcher boats that will be employed in 1983 is unknown but is expected to be considerably more than the 32 that were employed in 1982. The Regional Director has received no comments with respect to this action, as solicited in 50 CFR 611.93(b)(2)(iii)(D) and 675.20(b)(3)(iv).

This action is taken under authority of the regulations specified at 50 CFR 611.93(b)(2) and 675.20(b) and is taken in compliance with Executive Order 12291.

(16 U.S.C. 1801 *et seq.*)

Dated: March 10, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-6720 Filed 3-14-83; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 671

[Docket No. 30310–36]

Tanner Crab Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; closures.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service has determined that the optimum harvest levels of Tanner crab in the South Peninsula and Chignik Districts in Registration Area J will be achieved on March 10, 1983, and that early closure of the fishery is necessary to protect Tanner crab stocks from overfishing. The Secretary of Commerce therefore issues this notice of closure of the South Peninsula and Chignik Districts to fishing for Tanner crab by vessels of the United States on March 10, 1983.

DATES: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 10, 1983, until 12:00 noon Alaska Daylight Time (ADT), May 15, 1983. This notice of closure was filed for public inspection with the Office of the Federal Register on March 10, 1983, at 5:02 p.m. Public comments on this notice of closure are invited until March 25, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region (Regional Director), National Marine Fisheries Service (NMFS), P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist, Kodiak Field Office, NMFS), 907–486–4791.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), governing this fishery in the fishery conservation zone under the Magnuson Fishery

Conservation and Management Act, provides for inseason adjustments, by field order, to season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issued by the Secretary of Commerce under criteria set out in that section.

50 CFR 671.28(f) establishes five districts within Registration Area J in order to prevent overfishing of individual Tanner crab stocks by allowing closure or partial closure of a particular district when the desired harvest level is reached. Two of these districts are the South Peninsula and Chignik Districts. Optimum yields (OY) of 6.0 million pounds and 5.0 million pounds have been established for these districts, respectively. However, results of trawl surveys conducted by the Alaska Department of Fish and Game (ADF&G) in 1982 indicate that only about 3.75 million pounds and 3.0 million pounds of Tanner crab are available for harvest in the South Peninsula and Chignik Districts, respectively. The 1983 fishing seasons for these two districts began on February 10 (the opening date was delayed by field order in Federal waters of both districts from December 15, 1982, to February 10, 1983, see 47 FR 57052).

Fishing began in the South Peninsula District on February 10 and approximately 70 vessels have delivered about 1.3 million pounds through February 27. During this time, the catch per unit of effort (CPUE) has declined significantly from 20 to 15 crabs per pot. This rapid decline in CPUE appears to indicate that stocks are not sufficiently abundant to support a fishery through the scheduled May 15 closure date. This decline suggests that the optimum harvest for the South Peninsula District should be less than the 3.75 million pounds indicated by the 1982 survey. Fishermen are expected to harvest about 3.0 million pounds by March 10.

Fishery began in the Chignik District on February 10 and approximately 70 vessels have delivered about 1.8 million pounds through February 27. During this time, the CPUE has declined from about 30 to 24 crabs per pot. This rapid decline in CPUE also indicates that these stocks are not sufficiently abundant to support a fishery through the scheduled May 15 closure date. The optimum harvest level of about 3 million pounds will be reached on March 10.

In light of this information, the Regional Director, in accordance with 50 CFR 671.27(b), has determined that:

1. The actual conditions of Tanner crab stocks in the South Peninsula and Chignik Districts are substantially different from conditions that were previously anticipated; and

2. These differences reasonably support the need to protect those Tanner crab stocks by closing the South Peninsula and Chignik Districts of Registration Area J.

For these reasons, the South Peninsula and Chignik Districts of Registration Area J, as defined in 50 CFR 671.26(f)(1)(ii) and (iii), are closed to all fishing for Tanner crab from 12:00 noon, AST, March 10, 1983, until 12:00 noon ADT, May 15, 1983, at which time the closure of these districts prescribed in 50 CFR 671.26(f)(2) (ii) and (iii) will begin.

These closures will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through ADF&G procedures, under 50 CFR 671.27(a)(2). Under 50 CFR 671.27(b)(4), public comments on this notice of closures may be submitted to the Regional Director, at the address stated above, for 15 days following the effective date. During the 15-day comment period, the data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at (1) the NMFS Kodiak Field Office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska 99615, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of these closures will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this field order's continued effect, modifying it, or rescinding it.

Other matters

The Tanner crab stock in the South Peninsula and Chignik Districts will be subject to damage by overfishing unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest, and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50 CFR 671.27, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Reporting requirements.

(16 U.S.C. 1801 et seq.)

Dated: March 10, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-6877 Filed 3-10-83; 5:02 pm]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 51
Tuesday, March 15, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 227

Nutrition Education and Training Program; Reduced Administrative Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend 7 CFR Part 227 §§ 227.30(c) and 227.37(b)(6) of the Nutrition Education and Training (NET) Program regulations. This proposed rule reduces the administrative burden on State agencies at a time of limited resources. Under the current NET Program regulations, § 227.30(c) requires the appointment of a full-time nutrition education specialist to serve as a State Coordinator for the Program. This proposal amends the regulations to allow State flexibility in the appointment of a part-time NET Coordinator. At the present time, § 227.37(b)(6) of the current regulations requires a description of the plan, functions, and membership of a State level advisory council. This proposed rule removes these requirements and allows State agencies the option of continuing the council.

DATE: Comments must be received on or before April 14, 1983 to be assured of consideration.

ADDRESS: Comments should be sent to: Henry S. Rodriguez, Director, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302.

All written submissions will be available for public viewing in Room 602, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Rodriguez at the address listed above or call (703) 756-3565.

SUPPLEMENTARY INFORMATION: The NET Program is authorized by Section 19 of the Child Nutrition Act, as amended. Final Program regulations were published on May 15, 1979, (44 FR 28280), with amendments on March 7, 1980, (45 FR 14841) and on May 21, 1982 (47 FR 22071). This proposed rule reduces the administrative burden on State agencies at a time of limited resources. The current NET Program regulations require the appointment of a full-time nutrition education specialist to serve as a State Coordinator for the Program. This proposal allows State flexibility in the appointment of a part-time NET Coordinator. The current NET Program regulations also require a description of the plan, functions and membership of a State level advisory council. The proposed action removes these requirements and allows State agencies the option of continuing the council.

Classification

The Department does not consider this amendment to be a "major rule" under the definition established in Executive Order 12291. This amendment will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant impact on competition, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises. This proposal does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

List of Subjects in 7 CFR Part 227

Education, Grant programs—education, Grant programs—health, Infants and children, Nutrition.

PART 227—[AMENDED]

Accordingly, 7 CFR Part 227 is proposed to be amended as follows:

1. The authority citation for Part 227 reads as follows:

Authority: Section 15, Pub. L. 95-166, 91 Stat. 1340 (42 U.S.C. 1788).

2. Section 227.30(c) is amended by revising the first sentence to read as follows:

§ 227.30 Responsibilities of State agencies.

* * * * *

(c) *State Coordinator.* After execution of the agreement the State agency shall appoint a nutrition education specialist to serve as a State Coordinator for the Program who may be employed on a full-time or part-time basis. * * *

* * * * *

3. Section 227.37 is amended by removing and reserving paragraph (b)(6) as follows:

§ 227.37 State Plan for nutrition education and training.

* * * * *

(b) * * *

(6) [Reserved]

* * * * *

Dated: Feburary 7, 1983.

Robert E. Leard,

Acting Administrator.

[FR Doc. 83-6810 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 1013

[Docket No. AO-286-A30]

Milk in the Southeastern Florida Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends a change in the Southeastern Florida milk order based on industry proposals considered at a public hearing in August 1982. The change would ensure that the Southeastern Florida Class I price for milk transferred for fluid use from a pool plant located outside Florida to a plant regulated under another Federal order would not be lower than the other order's Class I price at the location of the pool plant. The recommended change is necessary to reflect current marketing conditions and to assure orderly marketing in the Southeastern Florida and other marketing areas.

DATE: Comments are due on or before March 30, 1983.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United

States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior documents in this proceeding:

Notice of Hearing: Issued August 4, 1982; published August 10, 1982 (47 FR 34573).

Suspension of rule: Issued September 27, 1982; published September 30, 1982 (47 FR 42962).

Partial decision: Issued October 13, 1982; published October 18, 1982 (47 FR 46289).

Order amending the Middle Atlantic order: Issued November 12, 1982; published November 17, 1982 (47 FR 51731).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Southeastern Florida marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication in the **Federal Register**. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Philadelphia, Pennsylvania, on August 24, 1982, pursuant to notice thereof issued August 4, 1982 (47 FR 34573).

The material issue on the record of the hearing that is dealt with in this decision is the location adjustments applicable to milk received at a Southeastern Florida pool plant located outside the defined marketing area and transferred to a plant regulated under another Federal order.

Note.—The hearing record also included an issue relating to the amendment of the Middle Atlantic order that was dealt with in a decision issued October 13, 1982 (47 FR 46289).

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The plant location adjustment provision should be changed to ensure that fluid milk transferred to an other order plant for Class I use from a Southeastern Florida pool plant located outside Florida would be subject to a Class I price no lower than that which would be applicable at the transferor plant if it were regulated under the other Federal order. The effect of this change would be to limit the amount of the location adjustment credit to Southeastern Florida handlers so that the Class I price for milk moved to other order plants would be comparable to the Class I price applicable to handlers competing with the transferee plants.

For plants located outside the State of Florida, the location adjustment provisions of the Southeastern Florida order presently provide that the Class I price be adjusted downward by 1.5 cents per hundredweight for each 10 miles a plant is located from West Palm Beach, Florida. The basic purpose of this provision is to provide a transportation allowance to handlers who assemble milk at plant locations outside the marketing area and move it to plants within the marketing area for use in Class I so that the handler's cost of milk so moved is more competitive with that for milk obtained locally.

Cumberland Farms, which operates distributing plants regulated under both the Southeastern Florida and the Middle Atlantic Federal orders, since October 1981 has obtained most of its milk supply for its Southeastern Florida pool distributing plant at Riviera Beach from its supply plant located at Dover, Delaware. The Dover plant, which is located within the Middle Atlantic, or Order 4, marketing area, delivers a large enough proportion of its receipts to the Riviera Beach plant to be an Order 13 pool plant. The remainder of the Dover plant's receipts are sent to the handler's fluid milk plant at Florence, New Jersey, an Order 4 pool plant, where the milk is allocated to Class I and Class II use according to the terms of the Middle Atlantic order. The hearing record indicates that over 75 percent of the milk transferred from Dover to Florence is classified in Class I use, on which there is a location adjustment credit under the Florida order.

The proponent of the pricing change adopted in this decision is the Southland Corporation, a handler operating fluid milk plants in both the Middle Atlantic and Southeastern Florida markets. Southland's concern is the erosion of uniform pricing of Class I milk used by handlers regulated under Order 4. According to proponent's witness, the principal basis of the problem is the severe misalignment of Class I prices at the Dover, Delaware, plant location between the Southeastern Florida and Middle Atlantic milk orders.

Class I price differentials under Federal milk orders generally increase 1.5 cents for each 10 miles of distance from Eau Claire, Wisconsin. Because the Northeast markets and the Florida markets are a substantial distance from Eau Claire, prices in those respective areas are approximately the same. The Class I differential at Philadelphia under the Middle Atlantic order is $2.78, to which is added a 6-cent direct delivery differential for a total differential cost of $2.84. Under the Southeastern Florida milk order, the Class I price differential is $3.15. However, when Class I price differentials in Federal order markets that are in different directions from Eau Claire are again adjusted 1.5 cents per 10 miles toward locations other than Eau Claire, substantial differences in Class I prices at a given plant location can result. When the Southeastern Florida order differential is adjusted to Dover, a location approximately 1,080 miles from West Palm Beach, the Order 13 Class I price differential there becomes $1.53. At Dover the Class I price differential under Order 4 is $2.66. Milk at Dover, therefore, is available to the Middle Atlantic pool plant at Florence for Class I use for $1.13 per hundredweight less than the same milk would cost if the Dover plant were pooled under Order 4. As a result, the Florence plant enjoys a competitive advantage in the Order 4 market of $1.13 per hundredweight on all milk moved from Dover to Florence which is assigned to Class I. Proponent's witness estimated the volume of such milk to be as much as 2.5 million pounds per month, and asserted that the increased number of producers pooled on the

Southeastern Florida market is an indication that Cumberland is pooling increasing volumes of milk at Dover under Order 13 in order to gain a greater advantage in the Order 4 market.

An apparent misalignment between Class I prices would not necessarily lead to competitive inequities in a market if the handler with a Class I price advantage must pay more than the price required under the order under which he is pooled to attract milk from producers who would normally supply another market. Southland's witness pointed out, however, that a high percentage of Class I use in Southeastern Florida combined with a large Class I price differential result in an Order 13 blend price to producers adjusted to Dover which is often above the Order 4 price to producers for deliveries of base milk to the same location. Using June 1982 as an example, the witness calculated that the handler's obligation to the same producers who were owed $13.86 per hundredweight for all their milk delivered to Dover under the Southeastern Florida order would have been $13.50 for the portion of production that was base milk and $12.19 for excess milk under the Middle Atlantic order. The handler operating the Dover plant under Order 13 is, therefore, able to attract a sufficient quantity of producer milk by paying its producers a price at least equivalent to prices paid to neighboring producers by Order 4 handlers without giving up any of the price advantage it enjoys on the portion of its receipts which are used in Class I in the Order 4 area.

The witness stated that the cost of operating the Dover plant as an Order 13 supply plant should be viewed as outside the purview of the order program and irrelevant to consideration of the price advantage in question. He also asserted that the modification of the Order 13 location adjustment provisions offered by proponent would maintain competitive equity in the Middle Atlantic area while continuing to accommodate the movement of milk from Dover to Florida.

A post-hearing brief submitted by Southland supported amendment of Order 13 as the best solution to the problem of price uniformity to handlers under Order 4. The Florida orders were described as lending themselves more readily than others to such pricing inequities largely because of their high Class I differentials and utilization. It is the Southeastern Florida location adjustment provisions which Southland sees as the source of the problem. In addition, the handler indicated that the occurrence of nonuniform prices to handlers in markets other than Middle Atlantic would be likely to spread if the location adjustment provisions are not corrected in the Southeastern Florida order. The Southland brief pointed out that handlers in other markets might not become aware of such a problem even if it did develop. It was noted that correction of the problem in a number of other markets would involve multiple hearing proceedings and time to carry them out.

Southland argued that although its proposed amendment to Order 13 may be a departure from provisons generally found in Federal milk orders, provisions must be tailored to meet marketing conditons in order to assure equitable treatment to competing handlers. The brief concluded that Order 13 is the appropriate order to amend under the particular circumstances of the present situation.

The manager of Independent Dairy Farmers' Association (IDFA), the cooperative association supplying 92 percent of the producer milk pooled under the Southeastern Florida milk order, testified in favor of the proposed amendment as assuring uniform pricing to regulated handlers distributing milk in the Middle Atlantic marketing area. He stated that uniform pricing of milk for similar uses at similar locations has been one of the most consistently adhered-to principles of the Federal order program, and that the lack of such uniformity disrupts the market and erodes confidence in the Federal milk order program. He asserted that the continued existence of a $1.13 price difference at Dover is not in the best interests of orderly milk marketing.

The cooperative spokesman cited the example of a diaributing plant located in one of the Florida markets which sold enough packaged fluid milk into another Federal order market to become regulated under the other order, thereby becoming subject to a minus 16-cent location adjustment. The plant then possessed a 16-cent per hundredweight advantage in its local market. As a result of the 1972 hearing held to correct that pricing inequity, the Department established a pricing structure for all three Florida orders within which location pricing was adjusted to assure that Class I prices at a given plant location in Florida would be the same under each of the orders. The witness expressed his belief that the situation corrected by that proceeding and the marketing conditions under consideration at the present hearing are similar and that the proposal under consideration in this proceeding supports the same principle followed in that Florida decision.

In a post-hearing brief, the IDFA representative argued that the proposal would not deny equitable treatment to handlers regulated under Order 13, but would assure equitable treatment to Order 4 handlers. He also pointed out that one-third of the Federal milk orders contain provisions which limit the amount of price adjustment which may be allowed for location. In such cases the 1.5-cent per 10-mile rate is not allowed to operate fully in order that unrealistic price relationships with adjacent areas may be avoided. Milk orders cited as containing limits on location adjustments include Orders 7, 11, 30, 68, and 124 (Georgia, Tennessee Valley, Chicago Regional, Upper Midwest, and Oregon-Washington).

A witness representing two associations consisting of some 25 milk distributors which process and/or distribute more than half of the Class I milk within the State of New Jersey and the Philadelphia metropolitan area testitifed in favor of the proposal. He stated that competition for milk sales between handlers within the New Jersey-Philadelphia area is keen, and introduced evidence to show that the margin between prices paid to producers for raw milk and prices paid by consumers for processed milk is narrower in this area then in many other major U.S. metropolitan areas. He testified that winning bids by handlers for sales to supermarkets and institutions are often determined by prices per unit carried out to four or five decimal places, with the Class I cost of milk constituting by far the greatest cost element in such a bid price. The witness asserted that a competitor's regulated buying advantage affects the ability of even the association's members who are vertically integrated to compete at the retail level.

The representative of the dealers' associations voiced their position that the Federal order program requires equity of raw milk costs among competing handlers. He observed that the situation considered in this proceeding, i.e., milk being available for Class I use in the Middle Atlantic market which is regulated by an order for a market located more than 1,000 miles to the south, never could have been visualized when the appropriate Class I location adjustments for these markets were considered and adopted. The witness stated that Federal milk orders must be amended in response to changing markteting conditions to provide continuing equity among regulated handlers.

The witness testified that sales by handlers in order areas other than those in which they are regulated are quite common, but that substantial price inequities are not a problem between most orders. The large volume of sales by Order 4 handlers in the adjacent New York-New Jersey (Order 2) marketing area and by Order 2 handlers in the Order 4 area was cited as an example of inter-order sales which do not disrupt orderly marketing. The witness expressed an apprehension that inequity of pricing in the Order 4 market would be likely to have an unstablizing effect on marketing conditions in the Order 2 market, given the interrelationship between the two markets. He then referred to a provision formerly incorporated in the New York-New Jersey Federal order which required Order 2 handlers to pay the Order 2 Class I price for milk used in Class I which was received from handlers regulated under the Connecticut order. The proposal under consideration in this proceeding was characterized as a method similar to that "Connecticut differential" for dealing with inter-order price misalignment.

A witness for Dairymen, Inc. (DI), a cooperative association marketing a significant volume of producer milk in the Order 4 market, testified in favor of the proposed change. He stated that because only 50 percent of the milk received at Dover must be moved to the Order 13 distributing plant to qualify the Dover plant for pooling under Order 13, the amount of milk available at Dover for sale to Order 4 distributing plants at $1.13 under the Order 4 Class I price could represent a significant volume of sales. Such a volume at a $1.13 lower price would, he considered, lead to disorderly marketing in the Order 4 area. The witness characterized the situation as an obvious misalignment of prices between Federal milk order markets which must be corrected if the objective of orderly marketing is to be achieved.

A representative of a handler operating a pool plant in the Order 13 area and a plant in Kentucky under the Louisville order testified in favor of the proposed change to Order 13. He observed that if no action were taken to rectify the price alignment problem, it could expand to other order areas such as Louisville.

Cumberland Farms was represented by an expert witness who described the nature of Cumberland's business as complete vertical integration. He stated that Cumberland processes a limited product line which is sold only through its own stores, and asserted that not only could such an operation involve lower costs than those incurred by most conventional handlers but that it should have only a minimal impact in competition with other handlers. Since Cumberland does not compete directly for wholesale accounts with other handlers, he claimed, a lower raw product cost would not affect other handlers' ability to compete in the market. He did admit, however, that the existence of a lower-cost operator may force others to meet his price if they are to remain competitive.

The witness attributed the decision to move milk to Florida from Dover to the sizable premiums over the minimum order prices which were being charged by the predominant cooperative association in the Southeastern Florida area. He ascribed the cooperative's ability to exact such premiums to its domination of the market, and Cumberland's decision to obtain milk elsewhere to a desire to avoid an over-order price it regarded as excessive. The witness stated that the Dover plant qualifies as a pool supply plant under the terms of the Southeastern Florida milk order by shipping more than 50 percent of the milk received at the Dover plant to the Order 13 distributing plant at Riviera Beach, and characterized the milk moved from Dover to Florence as surplus to the needs of the Riviera Beach plant. The Florence plant was described as a pool plant under the Middle Atlantic milk order which receives milk from sources other than the Dover supply plant and distributes it through approximately 289 Cumberland Farms stores in New Jersey, Pennsylvania, and Delaware.

Cumberland's witness explained that when a handler disposes of fluid milk products from a pool plant into more than one Federal order marketing area, the plant generally is regulated by the order for the market into which it disposes of the greatest quantity of milk. Disposition by one plant into two or more marketing areas, he stated, has become a rather common occurrence. Milk moved into marketing areas of orders other than the one under which it is regulated customarily is priced according to the distance of the plant disposing of it from the primary consumption center of the order under which the plant is pooled.

Although he recognized that in the early days of the Federal milk order program a few orders provided for differentials on Class I sales outside the marketing area, the witness expressed his view that such a differential is neither specifically authorized by the Agricultural Marketing Agreement Act of 1937, nor is it reasonable to contend that any such pricing policy is necessary to effecutate the other provisions of the Federal order program.

The witness described the alignment of prices between orders as determined by distance from Eau Claire, Wisconsin, to permit milk to move freely between markets without creating advantages or disadvantages for handlers in the markets involved. He stated that price misalignment between markets can only occur when location differentials are substantially different from actual hauling costs, and denied that the term "price misalignment" could be applied accurately to the existing price structures of Order 4 and Order 13. Instead, he claimed, the marketing condition which proponents wish to have corrected is caused by the existence of large premiums over the Order 13 Class I price which are exacted by the principal cooperative supplying the Order 13 market. Using data published by USDA, the witness showed that the over-order price in Order 13 ranged from $1.58 per hundredweight in May 1981 to $1.89 in November 1981, dropping to approximately $1.20 for April–July 1982. He stated that the decline in over-order prices from the time Cumberland began obtaining its milk supply from Dover was probably related to Cumberland's change in supply, and argued that the Secretary of Agriculture has no authority to amend an order to strengthen the effectiveness of cooperative pricing over the minimum order level.

The witness stated that the costs of operating the Dover plant as a supply plant for Southeastern Florida, which are additional to the minimum prices required by the order, are factors which the Secretary must consider in reaching a decision on an appropriate method of pricing milk received here. He observed that although the cost of moving milk from Dover to Riviera Beach is offset by the 1.5-cent per 10-mile location adjustment on milk used in Cass I, milk assigned to Class II is not subject to location adjustments and is therefore moved entirely at Cumberland's expense. In a similar manner, the differential pricing for location between Dover and Florence under Order 4, which is 12 cents on milk used in Class I with an additional 6 cents on all milk, is not a great enough allowance to cover the costs of receiving milk at Dover and moving it to Florence. The witness pointed out that in a recent amendment to the New England order, handlers were allowed a total of 22 cent per hundredweight to cover fixed hauling costs and reload costs. Such cost, he

asserted, are of the type incurred in Cumberland's operations and serve to offset any price advantage over Order 4 handlers which Cumberland might enjoy by being polled under Order 13.

Another offsetting factor pointed out by the witness was the allocation of the milk transferred to Florence. Under the allocation provisions of Order 4, receipts at Cumberland's Florence plant from the other order supply plant at Dover are assigned the Order 4 marketwide utilization (limited to the actual Class II use available in the receiving handler's plant). The witness claimed that because the Class I utilization percentage of the Middle Atlantic market is substantially lower than that at the Florence plant, a disproportionate share of the other order receipts at Florence are allocated to Class II, eliminating applicability of the 12-cent location adjustment from the Dover milk assigned to Class II at Florence.

The witness indicated that because the Order 13 Class II price ranges from 3 to 25 cents per hundredweight higher than the Order 4 Class II price, milk from Dover assigned to Class II at Florence is priced higher than if it were Order 4 pool milk. He also indicated that other costs involved in Cumberland's operation which he felt should not be ignored by the Secretary include contractual arrangements with producer cooperatives supplying the Dover plant which result in Cumberland paying more than order prices for its milk supply. When asked if the Secretary should not consider any savings to which the Cumberland operation might be subject, as well as offsetting costs, the witness agreed that savings from special hauling arrangements could be considered. He differed, however, with a conclusion that cost savings resulting from Cumberland's vertically integrated structure or from its avoidance of the Florence cooperative's over-order price should be included in any consideration of costs and savings.

The witness diferentiated between the small over-order prices imposed by cooperatives in the Middle Atlantic and New England markets and the much larger premiums in the Southeastern Florida market by describing those in the Northeast as handling charges for services of economic value performed by the cooperatives, while the cooperative prices over the Order 13 minimum prices are a reflection of the supplier's market power. He explained that in return for over-order charges cooperatives in the New England and Middle Atlantic markets maintained manufacturing facilities and balance the supply of producer milk for the market, but indicated that he was not aware of what services the Florida cooperative might provide its customers.

In answer to questions about ways in which the situation at issue could be handled without adoption of the proposed amendment, Cumberland's witness explained that milk could not be diverted directly from producer's farms to Florence for Class I use without being pooled under Order 4. Such an approach, he conceded, would eliminate any problem of nonuniform pricing to Order 4 handlers but pointed out that that approach would result in portions of some producers' milk being pooled on both orders. He stated that such a procedure could be confusing to farmers whose milk was pooled under two orders and would make difficult the administration of the Order 4 12-month base plan. The witness responded to a hypothetical case of milk transferred to pool plants of several orders from a supply plant which failed to meet pooling qualifications of any order by stating that under all Federal milk orders such milk allocated to Class I at the transferee pool plant would be subject to a compensatory charge at the difference between the Class I and blend prices of the receiving order.

Cumberland's witness also stated that if Cumberland were to be assessed more than the present Order 13 price adjusted to Dover for milk moved from Dover to Florence and used in Class I, the Order 4 pool rather than the Order 13 pool should benefit from such a charge. In a post-hearing brief, a cooperative representing a large percentage of Order 4 producers argued in this regard that it would not be equitable to give the Order 13 pool the benefit of adjustments resulting from milk used for Class I in Order 4 pool plants. The brief asserted that since Order 4 producers bear the principal responsibility for balancing milk supplies for the Middle Atlantic market it would be only equitable for any benefits to follow those burdens. It was argued that payment of a higher price under Order 13 for Class I milk transferred to an Order 4 plant would benefit Order 13 producers without those producers assuming any responsibility for servicing the Order 4 market. The cooperative urged that if the proposal were adopted, the benefits of the higher price should accure to the Middle Atlantic pool rather than to Southeastern Florida producers.

An employee of Cumberland Farms gave testimony relative to Cumberland's actual costs of operating the Dover plant. He submitted an exhibit detailing costs which offset all but 5 cents of Cumberland's $1.13 lower Class I price under Order 13 relative to Order 4 on milk moved from Dover to Florence. For Class I milk, he detailed those costs as 29.1 cents per hundredweight for hauling costs from Dover to Florence, another 20 cents for the cost of operating the Dover plant, a 9-cent contractural payment in excess of the Order 13 blend price to producer cooperatives supplying the Dover plant, and 14.2 cents per hundredweight for shrinkage at the Dover plant.

The employee indicated that costs incurred in handling Class II milk at Dover were the same as those for Class I milk except for price differences under the two Federal orders. Under the class price provisions of the Southeastern Florida order, the Class II price is the basic formula price (Minnesota-Wisconsin price at 3.5 percent butterfat) plus 15 cents, while under the Middle Atlantic order the Class II price varies seasonally from 10 cents under to 12 cents over the same basic formula price. The employee noted that this price variation results in an Order 13 Class II price for milk moved from Dover to Florence which averages 12.5 cents over the Order 4 Class II price. When offset by the 6-cent direct delivery differential which is applicable to all milk received at Florence under Order 4, the effective Class II price for milk delivered to Florence over the course of a year averages 6.5 cents per hundredweight more when the milk is pooled under Order 13 than when it is pooled under Order 4.

The costs itemized by the witness which offset the $1.13 lower price which Cumberland has on Class I milk sold in the Order 4 market amount to $.813, leaving a net price advantage of $.317. The same costs, when combined with the 6.5-cent difference in Class II prices between the two orders, result in a disadvantage to Cumberland of $.878 for milk pooled under Order 13 and allocated to Class II at the Order 4 distributing plant at Florence. Under the allocation provisions of Order 4, milk received at a pool plant from an other order plant is allocated on a marketwide utilization percentage to uses in the plant. As a result, the witness testified, 77.7 percent of the Dover milk received at Florence was allocated to Class I, and 22.3 percent to Class II, from October 1981 through June 1982. When these percentages are applied to the 31.7-cent Class I price advantage and the 87.8-cent Class II price disadvantage, the net result, the witness claimed, is a mere 5.05-cent advantage for Cumberland on all the milk moved from Dover to Florence.

The witness stated that his computations did not include the Order 4 12-cent location adjustment between the Dover and Florence locations on Class I milk or the 6-cent direct delivery differential applicable on all milk received at Florence, which would have the effect of reducing the 29.1-cent cost of hauling milk from Dover to Florence by 18 cents. He also indicated that the shrinkage costs quoted were those experienced at the Dover plant, and that additional shrinkage occurs at the Florence and Riviera Beach plants where the milk is processed.

According to Cumberland's employee, Cumberland's Class I sales out of the Middle Atlantic pool plant at Florence account for only one to two percent of Order 4 producer receipts, and probably two or three percent of Order 4 Class I sales. He also estimated that the volume of sales distributed from Florence is approximately twice the amount processed and sold from the handler's Riviera Beach plant. Considering the Order 13 requirement that a supply plant transfer at least 50 percent of its receipts to an Order 13 pool plant in order to meet pooling qualifications, the witness initially testified that no more than 25 percent of the milk processed at Florence could come from the Dover plant if the Dover plant were to remain pooled under Order 13. He agreed, however, that up to 50 percent of the milk pooled at Dover could be moved to Florence. When asked about the accuracy of the exhibit which gave estimates of the amount of milk pooled at Dover under Order 13 and moved to Florence, the witness stated that those estimates were overstated by roughly 5 to 10 percent.

Dairymen, Inc.'s post-hearing brief questionod the validity of offsetting Cumberland's Class I price advantage in the Order 4 market with the costs of operating the Dover plant. DI asserted that with the exception of moving milk from Dover to Florence, such costs are irrelevant, and have never been considered in the determination of appropriate price levels for different locations in the Federal order program.

The post-hearing brief submitted by Southland challenged the cost factors which the Cumberland employee had testified offset the $1.13 price advantage over Order 4 handlers at Dover in addition to the 18-cent price difference between Dover and Florence which should have been used to reduce the cost of hauling between those two points. Southland claimed that the 9-cent "contractual adjustment" offset should be removed from consideration because it is equivalent to service charges paid to cooperatives by other Order 4 handlers. With respect to this latter point, the exhibit introduced by Cumberland's witness shows that for January through June 1981 the cooperative price exceeded the minimum Federal order price in the cities of Baltimore, Maryland, and Washington, D.C., by 15 cents, and in Philadelphia, Pennsylvania, by 10 cents. Southland also claimed that the cost of shrinkage claimed by Cumberland should be reduced by 25 to 50 percent to allow for accounting at farm weights and tests, since that amount of shrinkage would occur no matter where the milk was first received.

Southland observed that no order requires Cumberland to operate a supply plant for Order 13 at Dover; that the costs of doing so are self-imposed and a result of actions undertaken to avoid the premium imposed by IDFA. The brief pointed out that Cumberland had supplied no analysis of costs at the Riviera Beach plant, or of advantages Cumberland may have gained in the Southeastern Florida market as a result of operating the Dover supply plant.

A representative of Eastern Milk Producers' Cooperative Association, Inc., which supplies the Cumberland plant at Dover, testified in opposition to the proposal. The members of the cooperative who supply milk to the Dover plant represent nearly 63 percent of the producers pooled on the Southeastern Florida market. Among the reasons for which Eastern advocated that the proposal not be adopted is that the Cumberland operation at Dover is a specific target of the proposal. The representative stated that other concerns, such as Order 13 Class I price misalignment with orders other than Order 4 and price misalignment for interorder transfers of milk classified as Class II, should have been included for consideration in the hearing procedure. He also pointed out that proponent addresses only the $1.13 difference in order prices, with no allowance for Cumberland's operating costs which serve to offset the advantage in order prices.

The cooperative representative claimed that price discrepancies between orders must, to warrant correction, result in substantial procurement cost differences, involve significant quantities of product, and impair competitive equity among handlers in the market. He asserted that since none of those conditions prevail in the present situation the proposal should not be adopted. Observing that a misalignment of order prices in the Middle Atlantic area should be of concern only to Order 4 handlers, the witness questioned whether proponent actually distributes milk in the same area in which Cumberland's Order 4 stores are located or if proponent's concern relates instead to its role as a competitor with Cumberland in the Southeastern Florida area. He indicated that a problem in the Middle Atlantic market should not be remedied by amending Order 13, but had no suggestion for a means of solving the problem by amendment to Order 4.

Finally, Eastern's witness objected to the proposal as representing a major departure from the manner in which milk transferred between Federal order markets is customarily priced. He asserted that adoption of the proposal would create another class of use with its own price and could have the effect of disrupting pricing provisions throughout the order program.

In the brief filed by Eastern the proposed amendment was described as predatory discrimination against the actions of a single handler to force him to abandon a procurement operation which is economically justified. Eastern charged that the proposal is designed to disrupt Cumberland's milk supply for its Riviera Beach plant and force Cumberland to obtain its supply from IDFA at a price considerably above the minimum order price. It was claimed that such action would serve to reinforce premium pricing in an area in which both minimum order Class I prices and the cooperative's premium exceed those in any other market. In addition, an increase in the price of milk moved from Dover to Florence would, according to the brief, create a clearly illegal economic barrier to the movement of milk between markets. Eastern's brief also stated that if Cumberland is forced to abandon the Dover plant as a supply of milk for its Florida operations, 140 producers and 3.5 million pounds of milk per month currently pooled on Order 13 would be shifted onto the Order 4 market, disrupting marketing conditions in the Middle Atlantic area.

The attorney representing Cumberland Farms testified against adoption of the proposal on the basis that resale price regulation by the State of Pennsylvania limits the potential of differences in raw product costs to disrupt milk marketing in the Middle Atlantic area. He introduced an exhibit that showed retail prices for milk in North Jersey and South Jersey for July 1982, and indicated that Cumberland's price is at the lowest end of the 16-cent range for stores surveyed. He also testified that Cumberland's sales in

Pennsylvania are at the minimum price allowable under Pennsylvania's retail price regulation, with some handlers' prices somewhat higher. He expressed the opinion that with such price differences already existing in the market, any raw product cost advantage Cumberland might have would result in no realistic potential for Order 4 market disruption.

The post-hearing brief filed on behalf of Cumberland Farms stressed the argument that proponent, the Southland Corporation, actually has no direct interest in the effect of Cumberland's operations on price equity in the Order 4 market. Instead, according to Cumberland, Southland has proposed this order change for the sole purpose of making Cumberland's Dover operation unprofitable and helping Independent Dairy Farmers' Association to force Cumberland back into the cooperative's superpool.

IDFA members were described as large producers who enjoy a high Class I utilization percentage and are able to exact high premiums because of their large market share. The brief denied that the IDFA members are small farmers in need of regulatory protection and speculated that due to their large estimated gross income they would not fall within the definition of small businesses with which the Regulatory Flexibility Act is concerned. Furthermore, Cumberland argued, action by the Secretary for the purpose of maintaining cooperative over-order pricing would be outside the scope of the Act.

Cumberland also argued that the nature of its business causes very little impact on competition in the Order 4 marketing area as a result of any price advantage Cumberland might have in that area. It was noted that the handler's vertically integrated structure keeps it from competing directly with other handlers for accounts. In addition, Cumberland claims that its limited-line processing operation and vertically integrated distribution system diminishes any effect on the market which a cost advantage normally would cause. According to the brief, however, extra costs incurred in operating the supply plant should be taken into account to determine whether Cumberland has any material advantage, as the costs incurred by Cumberland in shipping milk from Dover to Florence are not experienced by most Order 4 handlers.

A further argument against the adoption of the proposal is the relative insignificance of the amount of milk subject to any price advantage. According to the brief, no more than 25 percent of the milk supply at Florence can be received from the Dover plant if the Dover plant is to remain pooled under Order 13. The 25-percent limit was determined by considering the fact that route disposition from Florence is twice that from the Riveria Beach plant, and that to qualify as an Order 13 supply plant, the Dover plant must move at least 50 percent of its receipts to Southeastern Florida distributing plants. Since the quantity of milk processed at Cumberland's Florence plant represents only 1 to 2 percent of total producer receipts under Order 4 and only 25 percent of the milk received at Florence can be supplied by the Dover plant at a price advantage, the problem was described in the brief as infinitesimal.

Cumberland's brief again emphasized that the record shows no evidence of actual marketing disorder as a result of any price advantage and claimed that there was no evidence that Order 4 handlers are concerned about handler equity. The testimony of the representative for two dealers' associations was described as a general statement in favor of handlers equity, and was challenged as an inaccurate representation of the views of the associations' members.

Finally, the proposal was characterized in Cumberland's brief as a radical departure from the general Federal order policy of pricing the milk of handlers distributing in more than one regulated marketing area under the order for the area into which they distribute the largest quantity of milk.

Although opponents of the proposal deny that the price discrepancy between Orders 4 and 13 at Dover results in any substantial procurement cost advantage for Cumberland, that the advantage impairs competitive equity between handlers, or that it affects a significant amount of milk, examination of the record indicates that Cumberland has a substantial cost advantage on a significant amount of milk, and thereby has the capability of impairing competitive equity in the market.

Under the provisions of the Middle Atlantic and Southeastern Florida milk orders, there is clearly a price advantage of $1.13 at Dover for a plant pooled under Order 13. The costs of operating the Dover supply plant should not be considered as offsetting that advantage. Nearly all of the costs claimed by Cumberland would be incurred in operating the Dover plant under any Federal order. If the Dover plant were an Order 4 supply plant, milk received there and used in Class I would be subject to the Order 4 price at that location, $1.13 more than the Class I price applicable under Order 13. No allowance would be made for the extra costs of operating a supply plant. The fact that few or no other plants regulated under Order 4 are subject to the same costs as Dover is because most milk marketed in the Middle Atlantic area is delivered directly from farms to the plants where it is used. The lack of supply plants in the Order 4 market is primarily due to the proximity of producers to the locations at which milk is used. If Cumberland were not operating the Dover plant to ship milk long distance to Florida, most of the milk currently transferred to Florence could be delivered more economically by direct shipments from the farm rather than through a supply plant. The cost of operating a supply plant is one of the factors implicitly accepted by Cumberland in its decision to use that facility to supply milk to the Riviera Beach Plant, and should not be considered as offsetting the Order 13 price advantage at Dover.

The fact that Cumberland incurs the cost of moving milk that is allocated to Class II use between the Dover and Florence plants should not be considered a valid offsetting cost factor. Under the terms of Federal milk orders, handlers are purposely discouraged from moving Class II milk between plants at producers' expense. Transportation allowances under the plant location adjustment provisions of orders are limited on transfers between pool plants to the amount of Class I use available at the receiving plant after direct receipts have been deducted from Class I use. With respect to milk received from a plant regulated under another order, such milk is allocated on a marketwide utilization basis (limited to the actual use available in the receiving handler's plant). This intermarket allocation is for the purpose of discouraging the uneconomic transfer of milk for Class II use. Also, it tends to assure that other order producers carry their share of the burden of the reserve milk supply for the receiving market.

With respect to the matter of the plant location adjustment provisions of Order 4 not fully reflecting Cumberland's costs of reloading and transporting Class I milk between Dover and Florence, this is an issue that could be addressed as a possible amendment to Order 4. No such issue was included in the hearing notice with respect to Order 4. It is obvious that there are reloading and fixed transportation costs of assembling milk through supply plants. However, such costs are rarely incorporated in the transportation allowance provisions of milk orders. The 22-cent reloading and fixed transportation allowance under

the New England order that was alluded to by one of Cumberland's witnesses is unique to that order and reflects the unique relative geographic locations of supply plants and distributing plants in that market.

The milk moved from Dover to Florence may represent a small percentage of the total marketed in the Middle Atlantic area, but when Cumberland's $1.13 price advantage is considered the potential disruptive effect of the amount of milk involved is not negligible. If proponent's estimate of the volume of milk in question is reduced by the 5 to 10 percent overestimate claimed by a Cumberland witness, an average of over 35,000 pounds of milk per day has been moved from Dover to Florence since October 1981. This volume would represent the production of approximately 30 of the producers and ¾ of the production) pooled under Order 13 at Dover. Such an amount of milk available at a price substantially lower than the Middle Atlantic Federal order Class I price certainly affects the uniformity of pricing to handlers similarly located.

Contrary to a Cumberland witness's testimony, approximately half of the Florence plant's fluid milk needs could be received from the Dover plant with the Dover plant remaining pooled under Order 13. According to the witness, distribution by the Riviera Beach plant is approximately half that of the plant located in Florence and at least half of the milk received at Dover must be transferred to Riviera Beach if the Dover plant is to remain an Order 13 pool plant. The witness thus claimed that receipts at Florence from Dover could represent no more than 25 percent of the Florence plant's total supply. However, if all of the milk used at Riviera Beach were supplied from Dover and a nearly equal amount were moved to Florence, that amount would supply approximately half of the Florence, plant's needs. The impact of the present pricing inequities on the Middle Atlantic market could, therefore, double with the use of a supply plant pooled under Order 13.

Although Cumberland witnesses asserted that Cumberland, due to its vetically integrated structure, does not compete directly with other handlers for contracts, a handler selling through its own 260 stores is as much a competitive factor in the market as one which packages milk to be sold through grocery chains. Southland, in contracting with other handlers to supply its stores in the area in which Cumberland operates, is damaged just as much by nonuniform pricing as if it were supplying those stores from its Order 4 plant at Waldorf, Maryland. Nonuniform pricing may also affect competition even when there is no obvious undercutting in store prices. In the presence of state regulation of minimum out-of-store prices, it could scarcely be expected that even a handler with a substantial competitive advantage would be able to undersell all of its competitors. Such a handler could, however, exert downward pressure on store prices when costs of obtaining and processing milk are rising, thereby making competition ruinous for handlers paying the order price. Another possibility for a handler operating in more than one area, as Cumberland does, to use a competitive advantage is to use the proceeds from the advantage possessed in one market to subsidize prices lower than those prevailing in an area in which retail prices are not regulated.

The price difference at Dover between Orders 4 and 13 is a rather extreme example of price misalignment, nearly 10 cents per gallon. Price alignment between the Middle Atlantic and Southeastern Florida marketing areas was not considered when the appropriate Class I price levels were established for the Florida markets. In a 1970 decision (35 FR 18618) increasing the Southeastern Florida Class I differential from $2.95 to its present level of $3.15, the Secretary stated that milk was imported from the Georgia and Chattanooga, Tennessee, areas to Florida. When supplemental milk was needed because of those areas' limited supplies, it generally had to come from the Minnesota-Wisconsin region. The Atlanta, Chattanooga, and Chicago prices for July 1970 adjusted for transportation to Miami by 1.5 cents per 10 miles were computed to be $7.915, $7.945, and $7.91, respectively, while the Class I price at Miami was $7.56. Although a 20-cent increase in the Order 13 Class I differential did not result in perfect alignment between these orders, it did improve the ability of plants located in Southeastern Florida to attract needed supplies of milk. Because the Middle Atlantic market was not considered a regular or even supplemental source of supply for Southeastern Florida, alignment between those two markets has not been a factor in determining appropriate price levels for either order. Now that the Southeastern Florida market has begun to obtain a supply of milk from the Middle Atlantic area, however, price alignment between the two markets must be considered.

Price alignment betwen Federal milk orders is considered not only when deficit supply areas must obtain supplemental milk from other areas, but when handlers regulated under different marketing orders are competitive in the same region. A 1972 decision (37 FR 16953) made the Class I price at any given plant location within the State of Florida the same under each of the three Florida orders. Prices under the three orders had been aligned to reflect the cost of hauling milk from alternative sources, but a handler which shifted regulation from one Florida order to another obtained a 16-cent price advantage over competitors by doing so. The handler accomplished a change in regulation by distributing a slightly larger proportion of its sales in an order area other than the order area where its plant was located. The 1972 amendment corrected the order provisions which made inequitable pricing possible in that situation. Similarly, as was stated at the hearing and alluded to in certain post-hearing briefs, the location adjustment provisions of many orders limit or designate the amount of price adjustment applicable to plants located in other order areas to ensure that handlers are unable to use the pricing provisions of the orders to gain a competitive advantage over other handlers similarly located but regulated under another order. Such consideration is usually limited to nearby or adjacent Federal order marketing areas. In the Texas order (Order No. 126), price adjustments applicable at locations within neighboring marketing areas for handlers regulated under Order 126 are specified in fixed amounts to be equivalent to the prices applicable at the same location under the other order. If the prices at those locations were determined by mileage from a given Texas city, they would be somewhat lower than the prices applicable under the orders in which those points are located. Under such location adjustment provisions, a handler whose plant is located in an order area other than the one under which he is regulated is assured that the price he pays for milk is uniform with the prices paid by handlers similarly located. Similarly, handlers regulated under the other order are assured that a handler located in their vicinity will not be able to underprice then solely because of the difference in regulation. The handler located outside his order area may, as a result, experience some competitive disadvantage in selling Class I milk into the area under which he is regulated since hauling costs may exceed the price difference between the two areas. That

effect of such location adjustment provisions, however, is mitigated by the relatively small distances and price differences normally involved between adjacent areas.

Incorporation of the kind of location adjustment provision found in the Texas order and others into the Southeastern Florida order would cause all milk pooled at Dover to be subject to a price equivalent to the Middle Atlantic price at that location. Effectively, the Class I price differential at Dover under Order 13 for all milk pooled at Dover would be increased from $1.53 to $2.66 per hundredweight, or only $.49 less than the Order 13 price at Riviera Beach. It would reduce the present transportation allowance for moving milk from Dover to Riviera Beach from $1.62 to $.49 per hundredweight.

The record of this hearing does not reveal any problem with respect to the $1.62 per hundredweight location adjustment at the Dover plant with respect to milk moved to Florida. But a substantial price alignment problem exists with respect to the Class I milk disposed of in the Middle Atlantic market from the Dover plant. Use of the Order 13 location adjustment provision to obtain a supply of milk in another order market, such as the Order 4 market, at a price substantially less than the price applicable under the other order should not be allowed. It is unfair to handlers competing under the other order, and does not provide uniform prices to handlers similarly located.

It is common practice to incorporate provisions under Federal milk orders to ensure that handlers are faced with comparable costs for milk used in Class I irrespective of the source of such milk supply. In most Federal milk orders, including Orders 4 and 13, any volume of fluid milk received from unregulated sources and used in Class I at a pool plant is subject to a charge on such milk to be added to the receiving handler's pool obligation at the difference between the Class I price and the marketwide weighted average price to producers. This charge is based on the assumption that the handler has probably paid his producers the weighted average price for the unregulated milk. From October 1981 to July 1982, the Order 4 Class I-weighted average price difference averaged $1.46 per hundredweight. This is 33 cents more than the added cost to Cumberland under the proposal adopted.

Similar charges on receipts from other order plants generally are not incorporated in a handler's pool obligation under Federal orders on the basis that the Class I price has been paid for the milk at some location for which pricing is aligned with that at the receiving handler's plant. That assumption fails in the case of a plant regulated under Order 13 but located within the Order 4 area and selling Class I milk to an Order 4 handler. Additionally, if milk from the Dover plant were moved to any of the nearby markets where prices are aligned with Order 4, it would tend to disrupt competition in those markets also. It would be appropriate to solve the problem of nonuniform pricing by amending Order 13 if the solution would provide alignment of pricing on milk moved to other order handlers.

The proposal to correct the problem of inequitable pricing in an other order area by amending Order 13 to provide that the Class I price applicable on milk transferred to another order plant be adjusted for location to a level no lower than the price applicable at that location under the other order is a reasonable and effective method of dealing with the situation. Adoption of the proposal would result in uniform prices paid by handlers regulated by Order 4 and at the same time would not create economic barriers to the movement of milk from Dover to Florida.

Adoption of the proposal would not establish a barrier to movements of milk between Federal order marketing areas. The milk transferred from Dover to Florence does not move between Federal order marketing areas but between plants regulated under different orders but located within the same marketing area. The adopted change would assure uniform pricing of milk to handlers located within the same area and by that assurance would not inhibit milk transfers between those handlers.

Cumberland Farms is not the target of the amendment adopted in this decision inasmuch as any handler with a plant located outside Florida but pooled under Order 13 who elects to sell milk for fluid use to nearby plants would be restrained from doing so at less than the local Federally regulated price. The facility at Dover, which is rented by Cumberland could be operated instead by any other handler, even one who could establish a bottling and distributing operation there. Such opportunities for use of Federal order provisions to obtain a position of competitive advantage in the market should be eliminated.

The fact that the additional money collected under the adopted proposal would be paid into the Order 13 pool rather than into the Order 4 pool may be considered equitable even though the milk moved to Florence from Dover is considered surplus to the fluid needs of the Riviera Beach plant. The Order 13 producers are already carrying their share of the reserve supply of the Middle Atlantic market through the operation of the Order 4 allocation provisions which prorate other receipts at Florence to Classes I and II on the basis of the Order 4 marketwide utilization. In fact, since the milk of the Dover producers is not adding to the already-large surplus of milk in the Middle Atlantic pool and is absorbing a proportionate share of Class II use at Florence, producers pooled under Order 4 are already benefitting from the pooling of the Dover milk under Order 13. If the Florida plant obtained its supplemental milk supply from some other region, the milk supply now being moved to Florida from Dover would likely be added to the Order 4 pool as Class II milk.

A proposal was published in the hearing notice to consider increasing the plant location adjustment rate under the order. This proposal was abandonded at the hearing by the proponent and no testimony was offered on the matter. Thus, no findings can be made with respect to the merits of the proposal on the basis of this hearing record.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and

conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commerical activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Southeastern Florida marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

In § 1013.52(a), the text preceding the table is revised to read as follows:

§ 1013.52 Plant location adjustments for handlers.

(a) The Class I price for producer milk and other soure milk at a plant located outside the State of Florida or within the State of Florida but outside of the defined marketing area shall be adjusted at the rates set forth in the following schedule: *Provided*, That the resulting adjusted price for fluid milk products transferred from a pool plant to a plant regulated under another Federal order shall not be less than the Class I price under such other Federal order that is applicable at the location of the transferor plant:

* * * * *

List of Subjects in 7 CFR Part 1013

Milk marketing orders, Milk, Diary products.

Signed at Washington, D.C., on March 10, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-6880 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-02-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 33

Options on Futures; Margins

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice and Request for Comment.

SUMMARY: In November, 1981, the Commission adopted a pilot options program. As part of its continuing evaluation of this program, the Commission is seeking comments regarding Commission requirements concerning margin on futures options contracts, and in particular comments as to whether the current margin requirements affecting floor traders who may perform certain market-making functions differ unnecessarily from the requirements pertaining to securities options marketmakers and, as such, may inhibit the liquidity of the futures options market. In order to determine whether any changes in the system for assessing and collecting such margins should be tested as part of the pilot program, the Commission has formulated a list of specific inquiries to which commenters are requested to respond. In this connection, the Commission, however, reaffirms that at this stage of the pilot program it does not intend to re-evaluate the requirement for payment in full of futures option premiums by public customers.

DATE: Comments must be received by April 14, 1983.

ADDRESS: Comments should be sent to Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

FOR FURTHER INFORMATION CONTACT: Karen Matteson, Attorney Advisor, Division of Trading and Markets at the above address, Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: On November 3, 1981, the Commodity Futures Trading Commission ("Commission") adopted regulations to govern a three-year pilot program which allows options on one commodity futures contract to be traded on each commodity exchange which trades the underlying future.[1] To date, seven exchanges have been designated by the Commission as contract markets to trade futures options under the pilot program.[2] Prior to approving a contract, the Commission reviewed the margining system proposed by each such exchange for its option contract to ensure that the exchange's margining rules would provide adequate protection to the exchange clearinghouse and the public and to ensure that the system conforms with Commission rule 33.4(a)(2) which requires the collection in full of the option premiums. In addition to approving customer margins, the Commission has also approved several options contracts with somewhat different margin requirements for floor traders than for customers.[3] In particular, the Commission has approved rules for floor traders on the CME and NYFE which permit the market value of a long option adjusted by formula for the risk of one day's market move to be use to reduce the aggregate margin obligations on short option positions and on futures positions held in that trader's account. The Commission has not, however, permitted any collateral value to be given to a long options holder which may be use to purchase another long option.

Based upon the Commission's surveillance of the option markets during the five months since the first options futures contract began trading, the Commission is now evaluating whether the requirements it has imposed regarding margining of futures options contracts, and particularly the margining of floor trader member positions in such contracts have been too restrictive. In this connection, the Commission notes that it has received a petition for rulemaking from the Chicago Board of Trade ("CBT") in which the CBT has argued that because floor traders purchasing options must deposit the full amount of the option premium with an FCM, whereas floor traders selling such

[1] 46 FR 54500 (November 3, 1981).

[2] These exchanges are the Chicago Board of Trade (Treasury Bond futures); Chicago Mercantile Exchange (Standard & Poor's Stock Index futures); Coffee, Sugar & Cocoa Exchange (Sugar futures); Commodity Exchange (Gold futures); Kansas City Board of Trade (Value Line Average Stock Index futures); MACE (Gold futures); and the New York Futures Exchange (New York Stock Exchange Composite Index futures).

[3] Both CME and NYFE have such dual margining systems, and KCBT has recently proposed a separate margining system for floor traders in its option contract. CBT floor traders effectively are subject to different margin treatment on their options positions as a result of CBT's application of different margin requirements to such floor traders' futures positions.

options do not have to deposit more than the applicable futures margin, a disincentive is created for floor traders to purchase options which may impair market liquidity.[4] The Commission has previously acknowledged that the system of margining for floor brokers which it has approved is somewhat more restrictive than that accorded market makers for securities options.

The Commission is therefore soliciting comments on how the margining of future options could be altered in order to enhance market liquidity and promote competitive pricing without substantially decreasing the level of safety the currently approved margining systems provide. The Commission has determined not to consider allowing margining of option premiums at the public customer level at this time, however, because the Commission does not believe that the benefits of such margining would outweigh the risk to the security of customer funds or the risk that such customers would be misled as to the nature of the instrument they were purchasing. Further, the Commission is not now considering whether margin changes would be appropriate for the extension of the pilot program to options on physicals, for which it is just beginning to receive designation applications, or to options on the enumerated agricultural commodities with respect to which a previous congressional ban was lifted in January, 1983.

The Commission is specifically soliciting comment on the following issues:

1. The advantages and disadvantages of adopting a rule similar to 17 CFR 240.15c3–1(c) (2) (x) governing securities options which would allow inclusion of the market value of a long futures option contract minus an appropriate risk factor as part of a firm's current assests.

2. Whether the Commission should consider adopting any other aspects of the margining system which applies to securities options.

3. The advantages and disadvantages of permitting margining of option premiums paid by floor traders.

4. The advantages and disadvantages of extending the separate floor trader margining systems, like that of CME, approved by the Commission beyond active floor traders to all members of a contract market were the instrument is traded.

5. Whether a system of margining premiums for floor traders can be designed which eliminates potential pyramiding, and if so how such a system would operate.

6. What the best approach would be under the current regulatory scheme for options to assign long futures options collateral value. Commenters supporting a system which assigns collateral value to long futures options should also address what "haircuts" or "safety factor changes" should be applied to reduce the value at which such options are includable in a firm's current assets.

Commenters are also urged to fully articulate the reasons supporting their responses to the Commission's specific inquiries in order that their comments may provide the Commission maximum guidance on these complex issues.

List of Subjects in 17 CFR Part 33

Commodity options.

Issued in Washington, D.C. on March 11, 1983 by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-6725 Filed 3-11-83; 10:00 am]

BILLING CODE 6351-01-M

[4] This argument is presented in the CBT's November 19, 1982 Petition for Commission Rulemaking to adopt a rule similar to the SEC's rule set forth in 17 CFR 240.15c3–1(c)(2)(x). Copies of the Petition are available from the Office of the Secretariat.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 205, 207, 213, 221, 232, 241, 242 and 244

[Docket No. R–83–1060]

Bonding Requirements; Multifamily Mortgage and Loan Insurance Programs Under the National Housing Act

AGENCY: Department of Housing and Urban Development (Office of Assistant Secretary for Housing—Federal Housing Commissioner).

ACTION: Proposed rule.

SUMMARY: The regulations governing assurance of completion in land developments, proposed construction or rehabilitation of multifamily projects are being amended to provide that where assurance shall be by corporate surety bonds for payment and performance, each bond shall be in the amount of 100 percent of the cost of improvements or 100 percent of the cost of construction, as estimated by the Commissioner. The increase in bond limits to 100 percent will bring HUD regulations in line with basic procurement policy of other Federal Agencies which engage in construction. The additional protection afforded HUD by 100 percent bonds should not involve significant increases in costs nor should it in any way affect a contractor's ability to furnish bonds. Therefore, the Commissioner proposes to increase the amount of each of the corporate surety bonds for payment and performance to 100 percent of the HUD estimate of improvements in Title X projects, and

DATE: Comments are due on or before May 16, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 10276, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755–7084. This is not a toll free number. Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the heading and date of publication and give reasons for any recommendation. Copies of all written comments will be available for examination and copying by interested persons in the Office of the Rules Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Linda D. Cheatham, Director, Technical Support Division, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 426–7113. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: One of the ways in which a builder/developer or general contractor may provide assurance of completion is by providing performance and payment bonds issued by a surety company satisfactory to the Commissioner. In Title X projects, each bond presently shall be in the amount of 50 percent of the cost of improvements, as estimated by the Commissioner. For multifamily housing projects where the structure contains no elevator, or contains an elevator and is three stories or less, assurance of completion presently is by corporate surety bonds for payment and performance each in the amount of 25 percent of the amount of the construction contract. Where the structure contains an elevator and is four stories or more, assurance presently is by corporate surety bonds for payment and performance each in the amount of 50 percent of the amount of the construction contract. The increase in bond limits to 100 percent will bring HUD regulations in line with basic procurement policy of other Federal Agencies which engage in construction.

100 percent of the HUD estimate of construction or rehabilitation cost in multifamily housing projects. Sections 205.82, 207.19, 213.27, 221.542, 232.56, 241.140, 242.61 and 244.95 are being revised accordingly. The requirements applicable to completion assurance agreements secured by a cash deposit remain unchanged.

Part 220 (at § 220.511), Part 231 (at § 231.8) and Part 234 (at § 234.560) incorporate by reference the amended Section of Part 207, and therefore these amendments will also affect projects insured under Sections 220, 231 and 234 of the National Housing Act. Part 233 (at § 233.505) incorporates by reference the amended Sections of Parts 207, 213, 221, 232, 241 and therefore these amendments will apply to experimental housing mortgage insurance under Section 233. Part 236 (at § 236.1) incorporates by reference the amended Section of Part 221, therefore these amendments will also affect projects insured under Section 236.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies or geographical reports; or (3) have a significant adverse effect on completion, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The additional protection afforded HUD by 100 percent bonds should not involve significant increases in costs nor should it affect a contractor's ability to furnish bonds.

The rule was listed as item H–87–82 in the Department's Semiannual Agenda of Regulations published on October 26, 1982 (47 FR 48422) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program numbers are 14.103, 14.112, 14.116, 14.124, 14.125, 14.126, 14.127, 14.128, 14.129, 14.134, 14.135, 14.137, 14.138, 14.139, 14.151, 14.154.

List of Subjects

24 CFR Part 205

Community facilities, Mortgage insurance, Land development.

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 221

Condominiums, Low and moderate income housing, Mortgage insurance, Displaced families, Single family housing, Projects, Cooperatives.

24 CFR Part 232

Fire prevention, Health facilities, Loan programs—health, Loan programs—housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities.

24 CFR Part 241

Energy conservation, Mortgage insurance, Solar energy, Projects.

24 CFR Part 242

Hospitals, Mortgage insurance.

24 CFR Part 244

Health facilities.

Accordingly, the Department proposes to amend Parts 205, 207, 213, 221, 232, 241, 242, and 244 as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

1. In § 205.82, paragraph (a)(1) would be revised to read as follows:

§ 205.82 Assurance of completion.

(a) Assurance of completion satisfactory to the Commissioner shall be furnished in one of the following forms:

(1) Performance and payment bonds issued by a surety company satisfactory to the Commissioner on forms approved by the Commissioner. Each bond shall be in the amount of 100 percent of the cost of improvements as estimated by the Commissioner.

* * * * *

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

2. In § 207.19, paragraphs (c)(6) (ii) and (iii) would be revised to read as follows:

§ 207.19 Required supervision of private mortgagors.

* * * * *

(c) Requirements incident to insurance of advances.

* * * * *

(6) * * *

(ii) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of HUD estimate of construction or rehabilitation cost.

(iii) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

3. In § 213.27, paragraphs (e) (2) and (3) would be revised to read as follows:

§ 213.27 Assurance of completion.

* * * * *

(e) * * *

(2) Where the structure contains no elevator, or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the HUD estimate of construction or rehabilitation cost.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a

completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

(4) § 221.542, paragraphs (a) (2) and (3) would be revised to read as follows:

§ 221.542 Assurance of completion.

(a) * * *

(2) Where the structure contains no elevator or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the HUD estimate of construction or rehabilitation cost.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

5. In § 232.56, paragraphs (a) (2) and (3) would be revised to read as follows:

§ 232.56 Assurance of completion.

(a) * * *

(2) Where the structure contains no elevator or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the HUD estimate of construction or rehabilitation cost.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

PART 241—SUPPLEMENTAL FINANCING FOR INSURED PROJECT MORTGAGES

6. In § 241.140, paragraph (a)(2) would be revised to read as follows:

§ 241.140 Assurance of completion.

* * * * *

(a) * * *

(2) Where the estimated cost of construction of the improvements is more than $500,000 or where such costs is less than $500,000 and a personal indemnity agreement is not executed the assurance shall be in the form of corporate surety bonds for payment and performance, each in the minimum amount of 100 percent of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the minimum amount of 15 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

7. § 242.61, paragraph (b) would be revised to read as follows:

§ 242.61 Funds and finances—insured advances—assurance of completion.

* * * * *

(b) Where the estimated cost of construction or rehabilitation is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed and, in all cases involving Hill Burton grants or HHS guaranteed loans, the mortgagor shall furnish assurance of completion in the form of corporate surety bonds for payment and performance, each in the minimum amount of 100 percent of the accepted bid price.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

8. § 244.95, paragraphs (a) (2) and (3) would be revised to read as follows:

§ 244.95 Funds and finances—insured advances—assurance of completion.

(a) * * *

(2) Where the structure contains no elevator or where the structure contains an elevator and is three stories or less, assurance shall be by corporate surety bonds for payment and performance each in the amount of 100 percent of the amount of the HUD estimate of construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 15 percent of the amount of the HUD estimate of construction or rehabilitation cost.

(3) Where the structure contains an elevator and is four stories or more, assurance shall be by corporate surety bonds for payment and performance, each in the amount of 100 percent of the amount of the HUD estimated construction or rehabilitation cost, or a completion assurance agreement secured by a cash deposit in the amount of 25 percent of the amount of the HUD estimate of construction or rehabilitation cost.

* * * * *

(Section 211, National Housing Act, as amended (12 U.S.C. 1715b))

Issued: February 17, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-6650 Filed 3-14-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Amortization of Reforestation Expenditures

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking and cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Treasury Department is issuing a temporary regulation regarding an election under which taxpayers may amortize up to $10,000 of qualified reforestation expenditures over a seven-year period. The temporary regulation also serves as a portion of the Notice of Proposed Rulemaking.

In addition to the text of the temporary regulations, this notice document contains other proposed amendments to Part 1 not adopted as temporary regulations. This additional material reflects amendments to other sections of the Internal Revenue Code relating to the treatment of reforestation expenditures.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 16, 1983. The amendments are proposed to be effective for qualifying reforestation expenditures added to capital accounts after December 31, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue; Attention: CC:LR:T [LR–189–80], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Robert B. Copian of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

The temporary regulation in the Rules and Regulations portion of this issue of the **Federal Register** amends 26 CFR by adding a new Part 15b (Temporary Regulations under Title III of the Recreational Boating Safety and Facilities Improvement Act of 1980). The final regulations which are proposed to be based on the temporary regulation would amend 26 CFR by adding new §§ 1.194–1 through 1.194–4 to Part 1 (Income Tax; Taxable years beginning after December 31, 1953). For the text of the temporary regulation, see FR Doc. 83–6721 (T.D. 7875) published in the Rules and Regulations portion of this issue of the **Federal Register.**

Investment Tax Credit

This document contains proposed amendments to the regulations under section 48(a)(1)(F) which allows the regular investment tax credit to be claimed for reforestation costs qualifying for amortization under section 194, regardless of whether or not an election to amortize such costs is made by a taxpayer. The amount of qualifying costs eligible for the credit is limited to $10,000 each taxable year, and costs in excess of $10,000 may not be carried over to subsequent years.

Deduction Allowed in Arriving at Adjusted Gross Income

Section 1.62–1(c) is proposed to be amended to provide that amortization deductions claimed under section 194 are to be allowed as deductions in arriving at adjusted gross income.

Recapture of Amortization Deductions

Under section 1245(a), amortization deductions claimed by a taxpayer under section 194 are subject to recapture as ordinary income to the extent of any gain on the disposition of the timber property to which the amortization deductions are attributable. However, § 1.1245–4(h) of the proposed regulations provides that recapture will not apply to amortization deductions attributable to amortizable basis of the taxpayer acquired more than ten taxable years preceding the taxable year of disposition.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these proposed regulations is Robert B. Copland of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR 1.0–1–1.58–8

Income taxes, Tax liability, Tax rates, Credits.

26 CFR 1.61–1–1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR 1.1201–1.1252–2

Income taxes, Capital gains and losses, Recapture

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART I [AMENDED]

Paragraph 1. Section 1.46–3(e)(4) is revised to read as follows:

§ 1.46–3 Qualified investment.

* * * * *

(e) *Estimated useful life*—* * *

(4) *Useful life of property subject to amortization*—(i) *In general.* In the case of property with respect to which amortization in lieu of depreciation is allowable, the term over which amortization deductions are taken shall be considered as the estimated useful life of such property.

(ii) *Qualified timber property.* In the case of qualified timber property (within the meaning of section 194(c)(1)), the normal growing period of such property shall be considered its estimated useful life.

* * * * *

Par. 2. Section 1.48–1 is amended by revising the first sentence of paragraph (b)(1) and by adding a new paragraph (p) in the appropriate place as follows:

§ 1.48–1 Definition of section 38 property.

* * * * *

(b) *Depreciation allowable.* (1) Property (with the exception of property described in section 48(a)(1)(F) and paragraph (p) of this section) is not section 38 property unless a deduction for depreciation (or amortization in lieu of depreciation) with respect to such property is allowable to the taxpayer for the taxable year. * * *

* * * * *

(p) *Qualified timber property.* Qualified timber property (within the meaning of section 194(c) (1)) shall be treated as section 38 property to the extent of the portion of the basis of such property which is the amortizable basis (as defined in § 1.194–3 (b)) acquired during the taxable year and taken into account under section 194 (after applying the limitation of section 194(b)(1)). Such amortizable basis shall qualify as section 38 property whether or not an election is made under section 194. However, any portion of such amortizable basis which is attributable to property which otherwise qualifies as section 38 property shall not be treated as section 38 property under section 48(a)(1)(F) and this paragraph. For

example, amortizable basis attributable to depreciation on equipment would not qualify as section 38 property under this paragraph if such equipment qualifies as section 38 property under sections 48(a)(1) (A) or (B). In determining the portion of amortizable basis which qualifies as section 38 property under this paragraph, the reduction in amortizable basis to account for depreciation sustained with respect to property used in the reforestation process (which otherwise qualifies as section 38 property) shall be applied before the $10,000 limitation on eligible costs under section 194(b)(1). For example, if in a taxable year a taxpayer incurs qualifying reforestation costs resulting in $12,000 of amortizable basis with respect to property for which an election is in effect, and $2,000 of these costs are attributable to depreciation of the taxpayer's equipment, such $12,000 would first be reduced by the $2,000 of depreciation, and the $10,000 limitation under section 194(b)(1) would be applied follwing such reduction.

Par. 3. Section 1.62–1(c) is amended by changing the periods at the end of paragraphs (c) (15) and (16) to semicolons, and by adding a new paragraph (c)(17) to read as set forth below:

§ 1.62–1 Adjusted gross income.

* * * * *

(c) * * *

(17) The deduction allowed by section 194 for the amortization of reforestation expenditures.

Par. 4. Section 1.1245–4 is amended by adding new paragraphs (g) and (h) at the end thereof to read as follows:

§ 1.1245–4 Exceptions and limitations.

* * * * *

(g) [Reserved]

(h) *Timber property subject to amortization under section 194*—(1) *In general.* For purposes of section 1245(a)(2), in determining the recomputed basis of property with respect to which a deduction under section 194 was allowed for any taxable year, a taxpayer shall not take into account amortization deductions claimed under section 194 to the extent such deductions are attributable to the amortizable basis (within the meaning of section 194(c)(2)) of the taxpayer acquired before the tenth taxable year preceding the taxable year in which gain with respect to the property is recognized.

(2) *Example.* The principles of paragraph (h)(1) of this section are illustrated by the following example:

Example. Assume A owns qualified timber property (as defined in section 194(c)(1)) with a basis of $30,000. In 1981, A incurs $12,000 of qualifying reforestation expenditures and elects to amortize the maximum $10,000 of such expenses under section 194. The $10,000 of deductions are taken during the 8-year period from 1981 to 1988. If A sells the property in 1990 for $60,000 a gain of $28,000 ($60,000—adjusted basis of $32,000) is recognized on the sale. Since the sale took place within 10 years of the taxable year in which the reforestation expenditures were made, $10,000 of the gain is treated as ordinary income, and the remaining $18,000 of gain would be capital gain, if it otherwise qualifies for capital gain treatment.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6722 Filed 3-14-83; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[LR-277-82]

Addition to Tax for a Substantial Understatement of Liability

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the addition to tax to be imposed in the case of a substantial understatement of tax liability. The Tax Equity and Fiscal Responsibility Act of 1982 provides for the addition to tax. The proposed regulations affect all taxpayers subject to the addition to tax, and provide guidance necessary to comply with the provision.

DATES: Written comments and request for a public hearing must be delivered by May 16, 1983. The regulations are proposed to be effective for returns due after December 31, 1982.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–277–82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Ewan D. Purkiss of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–277–82) (202–566–3238, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income tax Regulations (26 CFR Part 1) under section 6661 of the Internal Revenue Code of 1954. Section 6661 was added to the Code by section 323 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 613).

In general, section 6661 imposes an addition to tax in an amount equal to ten percent of a substantial understatement of income tax. A substantial understatement is an understatement of tax on a return that exceeds the greater of ten percent of the tax required to be shown on the return or $5,000 ($10,000 in the case of a corporation other than an S corporation or a personal holding company).

In a non-tax shelter case, the addition to tax may be avoided through the reduction of the understatement if the filing position that resulted in the understatement was supported by substantial authority or if the taxpayer disclosed in the return or an attachment thereto all the relevant facts relating to the filing position. In tax shelter cases, the addition to tax may be avoided only if there is substantial authority for the filing position and, additionally, the taxpayer reasonably believed that the position taken was more likely than not the proper tax treatment.

The addition to tax imposed by section 6661 may not be imposed on any part of an understatement attributable to items on which the valuation overstatement addition to tax under section 6659 is imposed. Additionally, the section 6661 addition to tax may be waived if the taxpayer establishes reasonable cause for the understatement, and that the taxpayer acted in good faith.

The proposed regulations provide rules for the computation of the addition to tax, the avoidance of the addition to tax, and for the waiver of such amounts. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Additional Information

The section 6661 addition to tax was enacted to impose a penalty on taxpayers who take overly aggressive positions on their tax returns without adequately disclosing the position (other than in the case of tax shelter items). The addition to tax was not intended to penalize taxpayers who make a good faith effort to assess their proper tax liability under the law. Accordingly, the Commissioner will administer the penalty, and exercise the authority to waive the penalty under § 1.6661–6, so that taxpayers who make a good faith effort to file their tax returns in accordance with the law, or advise the Internal Revenue Service by means of appropriate disclosure (other than with respect to tax shelters) when they believe their position to be subject to

question, need not be concerned that the penalty will be imposed.

The proposed regulations describe the analysis required to determine whether there is substantial authority for a position and list authorities to be considered in this analysis. Upon analysis in the manner described, the taxpayer will be considered to have substantial authority for a position taken if the weight of authorities supporting the position taken if the weight of authorities supporting the position is substantial compared with the weight of authorities contrary to the position. The proposed regulations provide that certain expressions of opinion, such as conclusions reached in legal periodicals, general counsel memoranda, and opinons rendered by tax professionals are not authority for a position. In addition, the proposed regulations make it clear that the taxpayer's residence in a particular jurisdiction is not taken into account in determining whether there is substantial authority for a position.

The proposed regulations provide that disclosure generally will be adequate if made on a specifically identified disclosure statement attached to the return. In general, the disclosure statement must identify the item for which disclosure is made, the amount of the item and provide sufficient facts to apprise the Service of the potential controversy surrounding the item. In general, information provided on the return in accordance with the forms or instructions is not of itself adequate for purpose of section 6661. For example, the reconciliation of taxable income and retained earnings with current and accumulated earnings and profits on Schedules M–1 and M–2, Form 1120, U.S. Corporation Income Tax Return, is not of itself adequate disclosure. However, the Service will publish a revenue procedure prescribing the circumstances in which information provided on the return in accordance with applicable forms and instruction will be considered adequate disclosure under section 6661. Treasury encourages comments on additional circumstances in which disclosure on the return will be considered adequate.

The proposed regulations provide that an entity, plan or arrangement is a tax shelter if the tax avoidance or tax evasion motive exceeds all other motives. In this connection, the regulations prescribe factors that will be considered in making the determination whether a motive to aviod or evade tax is present. An entity, plan or arrangement will not be considered to have a tax avoidance motive merely as a result of claiming tax benefits consistent with Congressional purpose. The proposed regulations give examples of entities, plans or arrangements that will not be considered tax shelters merely as a result of claiming such tax benefits.

Comments and Request for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register.**

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed regulation is not a major rule as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comment the Internal Revenue Service has concluded that these regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Therefore, a Regulatory Flexibility Analysis is not required under the provisions of 5 U.S.C. Chapter 6.

Drafting Information

The principal author of these proposed regulations is Ewan D. Purkiss of Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service and Treasury Department participated in developing the regulation, on matters of both substance and style.

List of Subjects in 26 CFR 1.6654–1—1.6655–1

Income taxes, Administration and procedure, Penalties, Additions to tax.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph. The following new sections shall be added in the appropriate places:

§ 1.6661–1 Addition to tax in the case of a substantial understatement of tax liability.

(a) *In general.* Section 6661 imposes an addition to tax (penalty) for an understatement of tax that constitutes a substantial understatement of tax liability. This section prescribes the effective date of the penalty. The manner of computing understatements subject to the penalty is set forth in § 1.6661–2. The definition of "substantial authority" is set forth in § 1.6661–3. Rules concerning the adequacy of disclosure are set forth in § 1.6661–4. The treatment of "tax shelters" is provided in § 1.6661–5. The circumstances in which the penalty may or will be waived by the Commissioner are set forth in § 1.6661–6.

(b) *Effective date.* The penalty under section 6661 applies to returns the due date (determined without regard to extensions of the time for filing) of which is after December 31, 1982. Thus, the penalty does not apply to amended returns if the due date for the return to which the amended return relates (determined without regard to extensions) is before January 1, 1983.

§ 1.6661–2 Computation of penalty; meaning of terms.

(a) *Amount of penalty.* If there is a substantial understatement of tax liability for a taxable year (as defined in paragraph (b)), section 6661 imposes a penalty equal to 10 percent of the understatement of tax liability.

(b) *Substantial understatement.* The term "substantial understatement" means an understatement (as defined in paragraph (c)) that exceeds the greater of—

(1) 10 percent of the tax required to be shown on the return for the taxable year (as defined in paragraph (d)(3)); or

(2) $5,000 ($10,000 in the case of a corporation other than an S corporation (as defined in section 1361(a)(1)) or a personal holding company (as defined in section 542)).

(c) *Understatement.* The term "understatement" means the total of the following amounts:

(1) The excess of the amount of tax required to be shown on the return for the taxable year (as defined in paragraph (d)(3)), over the amount of tax imposed which is shown on the return for the taxable year (as defined in paragraph (d)(2)).

(2) The amount determined under paragraph (d)(5)(ii) in the case of any carrybacks (as defined in that paragraph) to the taxable year.

(d) *Tax shown; tax required to be shown*—(1) *In general.* For purposes of the regulations under section 6661, the

amount of tax imposed which is shown on the return and the amount of tax required to be shown are determined in accordance with this paragraph.

(2) *Tax shown on return.* The amount of tax imposed which is shown on the return for the taxable year is determined with the adjustments prescribed in this subparagraph, without regard to the items described in paragraph (d)(4), and without regard to any amount of additional tax shown on an amended return, so-called, filed after the due date of the return. If no return was made for the taxable year or if the return (other than a return filed under section 6014) shows no tax due, the amount of tax shown on the return is considered zero. The amount of tax imposed which is shown on the return for the taxable year is determined by computing the tax as if the following items had received the proper tax treatment:

(i) Items (other than tax shelter items) for which there is or was substantial authority for the treatment claimed (as provided in § 1.6661–3).

(ii) Items (other than tax shelter items) with respect to which the relevant facts affecting the item's tax treatment are adequately disclosed (as provided in § 1.6661–4) in the taxpayer's return for the taxable year, or in a statement attached thereto.

(iii) Items attributable to a tax shelter if there is or was substantial authority for the treatment claimed for the item, and the taxpayer reasonably believed that the tax treatment of the item was more likely than not the proper tax treatment (as set forth in § 1.6661–5).

(3) *Tax required to be shown.* The amount of tax required to be shown on the return for the taxable year is the amount of tax imposed on the taxpayer by subtitle A of the Code for the taxable year determined without regard to items described in paragraph (d)(4).

(4) *Items disregarded.* The amount of tax imposed which is shown on the return for the taxable year and the amount of tax required to be shown on the return for the taxable year are both determined without regard to—

(i) The credit under section 31 for tax withheld on wages, interest, dividends, and patronage dividends;

(ii) The credit under section 32 for tax withheld on nonresident aliens and foreign corporations and on tax-free covenant bonds to the extent not taken into account in the computation of a deficiency under section 6211;

(iii) Any credit resulting from the collection of amounts assessed under section 6851 as the result of a termination assessment;

(iv) Payments of tax or estimated tax by the taxpayer; and

(v) Any carryback (as defined in paragraph (d)(5)(ii)) to the taxable year.

(5) *Special rule for carryovers, carrybacks*—(i) *Carryovers.* A net operating loss carryover, tax credit carryover or capital loss carryover shall be treated for purposes of this section as a credit or deduction in the year in which taken into account.

(ii) *Carrybacks.* If, for any year, there is a net operating loss carryback, tax credit carryback, capital loss carryback or commodity futures loss carryback (a "carryback") to the taxable year, the understatement for the year shall be increased by the excess of—

(A) The tax claimed on the taxpayer's return for the taxable year, reduced to take into account the carrybacks to the year to the extent allowable, and the carrybacks to the year to the extent they consist of items described in paragraph (d)(2) (i)–(iii), over

(B) The tax claimed on the taxpayer's return for the taxable year, reduced to take into account the carrybacks to the year as claimed by the taxpayer.

The tax claimed on the taxpayer's return for the taxable year means the amount of tax imposed which is shown on the return for the taxable year (as defined in paragraph (d)(2)) determined without adjustment for the items described in paragraph (d)(2) (i)–(iii).

(e) *Examples.* The following examples illustrate the computation of an understatement:

(1) Example. In 1983, A, an individual calendar year taxpayer, files a return for 1982, which shows taxable income of $16,200 and tax liability of $3,194. Subsequent adjustments on audit for 1982 increase taxable income to $51,500 and tax liability to $17,066. A has substantial authority for an item resulting in an adjustment that increases taxable income by $5,300. The item is not a tax shelter item. In computing the amount of the understatement, the amount of tax shown on A's return is determined as if the item for which A had substantial authority had been given the proper tax treatment. Thus, the amount of tax imposed that is treated as shown on A's return is $4,837 (the tax on $23,500) ($16,200 taxable income actually shown on A's return plus $5,300, the amount of the adjustment for which A had substantial authority). The amount of the understatement is $12,231 ($17,068 (the amount required to be shown) less $4,837 (the amount treated as shown on A's return after adjustment for the item for which A has substantial authority)). Because the understatement exceeds the greater of 10 percent of the tax required to be shown on the return for the year ($1,707 ($17,068×.10)) or $5,000, A has a substantial understatement of tax liability for the year.

(2) Example. Corporation X, a calendar year corporation formed on January 1, 1982, files a return for 1982 which shows tax liability of $10,000. For 1983, X has an unused investment tax credit of $20,000, which it carries back to 1982 by filing an amended return for 1982, thereby producing a refund of $10,000. X claimed no investment tax credit in 1982. Following audit, X's tax liability for 1982 is determined to be $24,000. In addition, X's unused investment tax credit for 1983 is determined to be $8,000. X did not have substantial authority for or adequate disclosure with respect to the items comprising its 1982 adjustments. X had substantial authority for $1,000 of the investment tax credit for 1983 that was disallowed; the item was not a tax shelter item. X had neither substantial authority nor adequate disclosure for the balance of the investment tax credit disallowed for 1983. X's understatement for 1982 is computed as follows: First, under paragraph (c)(1), the amount required to be shown on the return for the taxable year, determined without regard to carrybacks, to the year, is $24,000; the amount of tax imposed which is shown on the return for the taxable year also determined without regard to carrybacks is $10,000. Accordingly, the amount determined under paragraph (c)(1) is $14,000 ($24,000−$10,000). Second, under paragraphs (c)(2) and (d)(5)(ii) the portion of the understatement for 1982 attributable to the carrybacks to the year is computed as follows: The tax claimed on the taxpayer's return for the taxable year ($10,000) is reduced to take into account the carrybacks to the year to the extent allowable ($8,000) and the carrybacks to the year to the extent attributable to an item for which there is or was substantial authority ($1,000). Thus, the amount determined under paragraph (d)(5)(ii)(A) is $1,000 ($10,000−($8,000+$1,000)). The amount determined under paragraph (d)(5)(ii)(B) is the tax claimed on the taxpayer's return for the taxable year ($10,000) reduced to take into account the carrybacks to the year as claimed by the taxpayer ($20,000). Thus, the amount determined under paragraph (d)(5)(ii)(B) is zero, and the excess of the amount determined under paragraph (d)(5)(ii)(A) over the amount determined under paragraph (d)(5)(ii)(B) is $1,000. Therefore, X's understatement for 1982 is the sum of the amounts determined under paragraph (c) (1) and (2), or $15,000 ($14,000+$1,000).

(f) *Coordination with penalty for valuation overstatements*—(1) *In general.* The amount of the penalty imposed under section 6661 shall be determined without taking into account the portion of the substantial understatement on which the penalty under section 6659 (relating to valuation overstatements) has been imposed. The portion of the understatement on which the penalty under section 6659 has been imposed is taken into account in determining whether there is a substantial understatement of tax. For purposes of section 6661 and this section, a penalty under section 6659 is not considered to have been imposed to the extent that the penalty is waived

under the authority of section 6659(e). If a penalty is imposed under section 6659, the amount to which the section 6661 penalty applies is the amount by which the understatement exceeds the amount of the underpayment attributable to a valuation overstatement as determined under section 6659.

(2) *Example.* The following example illustrates the coordination of the penalties under sections 6659 and 6661:

Example. In 1983, A, an individual calendar year taxpayer, files a return for 1982 which shows taxable income of $40,000 and tax liability of $11,406. Subsequent adjustments on audit for 1982 increase taxible income to $70,000 and tax liability to $26,316. The increase in taxable income is attributable to a $20,000 adjustment for a valuation overstatement and a $10,000 adjustment not related to a valuation overstatement. There are no adjustments under paragraph (d)(2) of this section. Since the amount of the understatement, $14,910 ($26,316−$11,406), exceeds the greater of $2,631.80 or $5,000, there is a substantial understatement. Assume that under section 6659 the $20,000 adjustment for the valuation overstatement results in a $10,000 underpayment attributable to a valuation overstatement on which the section 6659 penalty is imposed. The amount of the understatement on which the section 6661 penalty is imposed is $4,910. (The amount by which the $14,910 understatement exceeds the $10,000 underpayment to which the section 6659 penalty applies.) The amount of the section 6661 penalty is $491 ($4,910×.10).

§ 1.6661–3 Substantial authority.

(a) *In general.* If there is or was substantial authority for the tax treatment of an item (other than a tax shelter item), the item is treated as if it were shown properly on the return for the taxable year in computing the amount of tax imposed which is shown on the return. Thus, the tax attributable to the item is not included in the understatement for the year (see paragraph (d)(2) of § 1.6661–2). The standard of substantial authority is less stringent than the "more likely than not" standard applicable to tax shelters (see § 1.6661–5). However, a position for which there is substantial authority is stronger than one for which there is only a reasonable basis (the standard which, in general, will prevent imposition of the penalty under section 6653(a), relating to negligence or intentional disregard of rules and regulations). Substantial authority is required for issues of fact as well as for issues of law.

(b) *Determination of whether substantial authority is present*—(1) *Evaluation of authorities.* Whether a taxpayer's position is supported by substantial authority is determined by analyzing the relevant authorities in light of the pertinent facts and circumstances. The authorities that support the taxpayer's position must be evaluated in relation to the authorities that are contrary to the position taking into account the pertinent facts and circumstances. There is substantial authority for a position if the analysis supporting the position relates authority to the relevant facts and circumstances and concludes that the weight of the authorities supporting the position is substantial when compared to the weight of the authorities contrary to the position. The taxpayer's position must be stronger than one that is arguable but fairly unlikely to prevail in court.

(2) *Types of authority.* In determining whether there is substantial authority the following will be considered authority: Applicable provisions of the Internal Revenue Code and other statutory provisions; regulations construing such statutes; court cases and administrative pronouncements (including revenue rulings and revenue procedures); tax treaties and regulations thereunder, and Treasury Department and other official explanations of such treaties; and Congressional intent as reflected in committee reports and statements of managers. Conclusions reached in treatises, legal periodicals, legal opinions or opinions rendered by other tax professionals, general counsel memoranda, technical memoranda, and written determinations (except as provided in paragraph (b)(4)(i) are not authority. The authorities underlying such expressions of opinions where applicable to the facts of a particular case, however, may give rise to substantial authority for the taxpayer's position.

(3) *Nature of analysis.* The analysis required to determine whether substantial authority exists for a position is the same analysis that a court would be expected to follow in evaluating the proposed treatment of the item. Therefore, a case or revenue ruling having some facts in common with the situation in question will not constitute substantial authority if, for example, the authority is distinguishable on its facts, or otherwise is not applicable to the situation is question. There may be substantial authority for a position despite the absence of certain types of authority (such as case law). Thus, a taxpayer may have substantial authority for a position that is supported only by a sound construction of the applicable statutory provision.

(4) *Special rules*—(i) *Written determinations.* In determining whether there is substantial authority for a position, a taxpayer may relay on the holding of a ruling or determination letter (as defined in § 301.6110–2 (d) and (e)) issued to the taxpayer or in which the taxpayer is named unless the same has been revoked. A ruling or determination letter is not substantial authority with respect to questions not addressed therein or if the facts provided by the taxpayer in obtaining the ruling or determination letter are at variance with the actual facts and circumstances affecting the tax treatment of the item.

(ii) *Taxpayer's jurisdiction.* In determining whether there is substantial authority for the taxpayer's position, the applicability of court cases to the taxpayer by reason of the taxpayer's residence in a particular jurisdiction is not taken into account.

(iii) *When substantial authority determined.* The existence of substantial authority for the tax treatment of an item is determined as of the time for taxpayer's return was filed.

(c) *Examples.* The following examples illustrate the manner of determining whether there is substantial authority for a position:

(1) Example. The relevant authorities relating to the tax treatment of an item by taxpayer A consists of the language of the statute and two cases. The facts of both cases are identical to the facts in question. One case is a Federal district court case, which is favorable to the position taken by A and has been appealed by the government. The other case is a Court of Appeals decision, which holds for the government and which has not been appealed. Under these circumstances, A has substantial authority for the position taken.

(2) Example. The relevant authorities relating to the tax treatment of an item by taxpayer A consist of four cases. One case is a Federal district court case which is favorable to A's position. The three other cases are Court of Appeals decisions in three separate circuits which hold for the government. The facts of all four cases are identical to the facts in question. Under these circumstances, A does not have substantial authority for the position taken even if the favorable case had been decided in the jurisdiction in which A resides.

§ 1.6661–4 Disclosure of certain information.

(a) *In general.* Items (other than tax shelter items) for which there is adequate disclosure are treated as if such items were shown properly on the return for the taxable year in computing the amount of tax imposed which is shown on the return. Thus, the tax attributable to such items is not included in the understatement for the year (see paragraph (d)(2) of § 1.6661–2). Except as provided in paragraph (d), disclosure is adequate with respect to the tax treatment of an item on a return only if it is made on such return or in a

statement attached thereto. Thus, discosure with respect to a recurring item, such as the basis of recovery property, made on a return or statement attached thereto for one taxable year is not adequate disclosure with respect to the item for any other taxable year.

(b) *Disclosure in attached statement*—(1) *In general.* Disclosure generally will be adequate with respect to an item if it takes the form of a statement attached to the return that includes the following:

(i) A caption identifying the statement as disclosure under section 6661.

(ii) An identification of the item with respect to which disclosure is made.

(iii) The amount of the item.

(iv) The facts affecting the tax treatent of the item that reasonably may be expected to apprise the Internal Revenue Service (if it reviews the disclosure) of the nature of the potential controversy concerning the tax treatment of the item.

(2) *Disclosure of legal issue.* In lieu of setting forth the facts affecting the tax treatment of an item in accordance with paragraph (b)(1)(iv), the taxpayer may set forth a concise description of the legal issue presented by such facts.

(3) *Multiple items.* If the same tax treatment is claimed for a group of similar items (for example, the specific deduction of business bad debts or the reduction of amounts paid or incurred for supplies by a taxpayer engaged in business), the taxpayer may in lieu of making disclosure in accordance with paragraph (b)(1), attach a statement to the return that includes the following:

(i) A caption identifying the statement as disclosure under section 6661.

(ii) An identification of the group of items with respect to which disclosure is made.

(iii) A concise description of the taxpayer's legal position with respect to the items.

(4) *Requirement of particularity.* Disclosure is not adequate with respect to an item if it consists of undifferentiated information that is not arranged so as to apprise the Internal Revenue Service of the identity of the item, its amount, and the potential controversy concerning the item. For example, attachment to the return of an acquisition agreement generally will not constitute adequate disclosure of the issues involved in determining the basis of certain acquired assets.

(c) *Disclosure on return.* The Commissioner may by revenue procedure prescribe the circumstances in which information provided on the return in accordance with the applicable forms and instructions will be adequate disclosure for purposes of section 6661.

(d) *Carryovers and carrybacks.* In the case of a carryover or carryback attributable to the tax treatment of an item on a return to which section 6661 applies, disclosure is adequate with respect to the item only if it is made on the return for the taxable year in which the item arises or in a statement attached thereto. In such a case, disclosure with respect to the item is not required on the return for the taxable year in which the carryover or carryback attributable to the item is taken into account. In the case of a carryover attributable to the tax treatment of an item on a return to which section 6661 does not apply, disclosure is made on the return for the taxable year in which the carryover attributable to the item is taken into account or in a statement attached thereto.

(e) *Pass-through entities.* In the case of items attributable to a partnership, an S corporation, or a trust (pass-through items), disclosure regarding the tax treatment of such items is to be made on the return of the entity or on an attachment thereto. Disclosure by the taxpayer on whose return the pass-through items are taken into account does not affect the understatement of the taxpayer. However, see § 1.6661–6(b) for circumstances in which the Commissioner will waive the penalty if the taxpayer makes disclosure with respect to the pass-through items on the taxpayer's return.

§ 1.6661–5 Items relating to tax shelters.

(a) *In general.* (1) Tax shelter items (as defined in paragraph (c)) are treated as if such items were shown properly on the return for the taxable year in computing the amount of tax imposed which is shown on the return if at the time the return was filed—

(i) The taxpayer had substantial authority for the tax treatment of the items (see § 1.6661–3); and

(ii) The taxpayer reasonable believed that the tax treatment claimed was more likely than not the proper tax treatment of the items.

Thus, the tax attributable to such items is not included in the understatement for the year (se paragraph (d)(2) of § 1.6661–2).

(2) Disclosure (whether or not adequate under § 1.6661–4) with respect to tax shelter items does not affect the amount of the understatement.

(b) *Tax shelter*—(1) *In general.* For purposes of section 6661, the term "tax shelter" means—

(i) A partnership or other entity (such as a corporation or trust),

(ii) An investment plan or arrangement, or

(iii) Any other plan or arrangement, if the principal purpose of the entity, plan, or arrangement, based on objective evidence, is the avoidance or evasion of Federal income tax. The principal purpose of an entity, plan or arrangement is the avoidance or evasion of Federal income tax if that purpose exceeds any other purpose. See § 1.269–3(a). Typical of tax shelters are transactions structured with little or no motive for the realization of economic gain, which utilize the mismatching of income and deductions, overvalued assets or assets with values subject to substantial uncertainty, nonrecourse financing, financing techniques which do not conform to standard commercial business practices,or the mischaracterization of the substance of the transaction. The existence of economic substance does not of itself establish that a transaction is not a tax shelter if the transaction includes other characteristics that indicate it is a tax shelter.

(2) *Principal purpose.* The principal purpose of an entity, plan or arrangement is not the avoidance or evasion of Federal income tax if the entity, plan or arrangement has as its purpose the claiming of exclusions from income, accelerated deductions or other tax benefits in a manner consistent with the Congressional purpose. For example, an entity, plan or arrangement will not be considered to have as its principal purpose the avoidance or evasion of Federal income tax merely as a result of the following uses of tax benefits provided by the Internal Revenue Code: The claiming of the investment tax credit under section 38; the purchase or holding of an obligation bearing interest which is excluded from gross income under section 103; entering into a safe-harbor lease transaction under section 168(f)(8); taking an accelerated cost recovery system (ACRS) allowance under section 168; taking the percentage depletion allowance under section 613 or section 613A; deducting intangible drilling and development costs as expenses under section 263(c); establishing a qualified retirement plan under the provisions of sections 401–409A, claiming the possession tax credit under section 936; or claiming tax benefits available by reason of an election under section 992 to be taxed as a domestic international sales corporation (DISC) or under section 1362 to be taxed as an S corporation.

(c) *Tax shelter item.* An item of income, gain, loss, deduction or credit will be considered a "tax shelter item" if the item is directly or indirectly attributable to the principal purpose of a

tax shelter to avoid or evade Federal income tax. Thus, if a partnership is established for the principal purpose of the avoidance or evasion of Federal income tax by acquiring and overvaluing property for the purpose of claiming the investment tax credit under section 38, the investment tax credit with respect to the property would be a tax shelter item. However, a deduction claimed in connection with a separate transaction carried on by the same partnership is not a tax shelter item if the transaction does not constitute a plan or arrangement the principal purpose of which is the avoidance or evasion of tax.

(d) *More likely than not.* For purposes of section 6661, a taxpayer will be considered to have reasonably believed that the tax treatment of an item is more likely than not the proper tax treatment if the taxpayer reasonably concludes that there is a greater than 50-percent likelihood that the tax treatment will be upheld in litigation if challenged by the Internal Revenue Service. A taxpayer's reasonable conclusion that the tax treatment of an item is more likely than not the proper tax treatment may be based on good faith reliance on the opinion of a professional tax advisor if the opinion is based on the tax advisor's analysis of the pertinent facts and authorities in the manner described in § 1.6661–3(b) and unequivocally states that the tax treatment of the item is more likely than not the proper treatment. Alternatively, a taxpayer's reasonable conclusion as to such tax treatment may be based on the taxpayer's own examination of such facts and authorities in the manner described in § 1.661–3(b).

(e) *Pass-through entities.* In the case of tax shelter items attributable to a partnership, an S corporation, or a trust (pass-through items), the entity must have reasonably believed the treatment claimed was more likely than not the proper tax treatment of the item and must have substantial authority for the item. The reasonable belief of the taxpayer on whose return the pass-through items are taken into account does not affect the understatement of the taxpayer.

§ 1.6661–6 Waiver of penalty.

(a) *In general.* The Commissioner may waive all or part of the penalty imposed by section 6661 on a showing by the taxpayer that there was reasonable cause for the understatement (or part thereof) and that the taxpayer acted in good faith. In making a determination regarding waiver of the penalty under section 6661, the most important factor in all cases will be the extent of the taxpayer's good faith effort to assess the taxpayer's proper tax liability under the law. For purposes of this section, reliance on an information return or on the advice of a professional (such as an appraiser, an attorney or accountant) will not of itself constitute a showing of a reasonable cause or good faith. Rather, circumstances which may indicate reasonable cause and good faith include, for example, an honest misunderstanding of the facts or law that is reasonable in light of the experience and education of the taxpayer. Thus, an inadvertent error as to a matter of fact that is reasonable under all the circumstances would, in general, indicate reasonable cause and good faith. In the case of an understatement that is related to an item on the return of a pass-through entity (such as a partnership), the good faith or lack of good faith of the entity generally will be imputed to the taxpayer that has the understatement. However, any good faith imputed to the taxpayer under this paragraph may be refuted by other factors indicating lack of good faith on the part of the taxpayer.

(b) *Automatic waiver; pass-through items*—(1) *In general.* If the taxpayer makes adequate disclosure in accordance with paragraph (b)(2) with respect to items attributable to a partnership, S corporation or trust or (pass-through items) for which the partnership, S corporation or trust (the entity) did not make adequate disclosure in accordance with § 1.6661–4, the Commissioner will waive any penalty that would not have been imposed on the taxpayer had the entity made adequate disclosure.

(2) *Disclosure.* For purposes of this paragraph, a taxpayer makes adequate disclosure with respect to pass-through items only if the taxpayer files a separate statement in duplicate, one copy attached to and filed with the taxpayer's return and the other copy filed with the Internal Revenue Service Center with which the return of the entity is required to be filed. Each statement filed shall relate to the pass-through items of only one entity and shall include the following:

(i) An identification of the taxpayer and the entity by name, address, and taxpayer identification number.

(ii) The taxable year of the entity to which the disclosure relates.

(iii) An identification of the items with respect to which the taxpayer has made disclosure under this paragraph.

(iv) Such additional information as would be required for adequate disclosure with respect to the items under § 1.6661–4 but without regard to § 1.6661–4(c).

(v) A notation to the effect that the statement is to be associated with the return of the entity.

(c) *Automatic waiver; qualified amended returns*—(1) *In general.* If the taxpayer shows an additional amount of tax or makes adequate disclosure with respect to an item in the manner prescribed in § 1.6661–4 or paragraph (b) on a qualified amended return, the Commissioner will waive any penalty that would not have been imposed if the additional amount of tax had been shown or the adequate disclosure had been made on the return of the taxpayer without requiring demonstration of reasonable cause or good faith by the taxpayer.

(2) *Qualified amended return.* For purposes of this paragraph, a "qualified amended return" is an amended return, so-called, or a timely request for an administrative adjustment under section 6227 filed after the due date of the return and before the earlier of—

(i) The time the taxpayer is first contacted by the Internal Revenue Service concerning an examination of the return; or

(ii) The time any person described in section 6700(a) (relating to the penalty for promoting abusive tax shelters) is first contacted by the Internal Revenue Service concerning an examination of an activity described in section 6700(a) with respect to which the taxpayer claimed any tax benefit on the return directly or indirectly through a pass-through entity such as a partnership.

(3) *Partnerships, S corporations and trusts.* For purposes of paragraph (c)(1), no account is taken of an additional amount of tax shown or disclosure made on a qualified amended return filed by a partner, shareholder, or beneficiary with respect to an item attributable to a partnership, S corporation or trust unless the qualified amended return is filed by the partner, shareholder or beneficiary before the time such partnership, S corporation or trust is first contacted by the Internal Revenue concerning an examination of the return to which the item is attributable.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6672 Filed 3-10-83; 4:31 pm]

BILLING CODE 4830-01-M

26 CFR Part 1

[EE-140-82]

Top-Heavy Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to top-heavy pension, profit-sharing, and stock bonus plans. It also contains proposed amendments to regulations relating to retroactive plan amendments. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. These regulations affect sponsors of and participants in pension, profit-sharing, and stock bonus plans, and they provide plan sponsors with guidance necessary to comply with the law.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 16, 1983. The regulations would be effective for plan years beginning after December 31, 1983.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (140-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: William D. Gibbs of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 401(a)(10)(B) and 416 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 240 of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") (96 Stat. 514). These regulations are to be issued under the authority contained in sections 401(a)(10)(B), 416, and 7805 of the Internal Revenue Code of 1954 (96 Stat. 520, 514, 68A Stat. 917; 26 U.S.C. 401(a)(10)(B), 416, and 7805).

This document also contains proposed amendments to the Income Tax regulations under section 401(b) of the Code, relating to certain retroactive plan amendments. The proposed amendments to the regulations under Code section 401(b) allow the same time for amending a plan to conform to TEFRA as had been allowed to conform to the Employee Retirement Income Security Act of 1974 ("ERISA").

The Service also intends to extend the time for amending a plan to conform with other areas of the law. The following areas will be included in this extension: (1) final regulations under section 401(j) (see Notice 82-9, 1982-1 C.B. 358), (2) section 414(m) (see Notices 82-7 and 82-8, 1982-1 C.B. 356, 357), (3) Rev. Rul. 79-90, 1979-1 C.B. 155, (4) Notice 81-2, 1981-1 C.B. 613, (5) Rev. Rul. 81-211, 1981-2 C.B. 98, and (6) Notice 82-23, 1982-52 I.R.B. 52. However, as noted in Notice 82-19, 1982-46 I.R.B. 27, amendments to comply with the TEFRA changes to section 415 may be necessary at a date earlier than the date specified in § 1.401(b)-1 if excess accruals are to be prevented.

Taxpayers may rely upon the proposed regulations until final regulations are issued on this subject. Further, the Service will now issue opinion and determination letters, both for new plans and old plans, on the basis of these proposed regulations.

Format

The proposed regulations under section 416 are presented in the form of questions and answers. The questions and answers are intended to provide guidelines which may be relied upon by plan sponsors and others in order to resolve questions specifically considered. However, no inference should be drawn regarding issues not raised which may be suggested by a particular question and answer or as to why certain questions, and not others, are included.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner has determined that this proposed regulation is not a major regulation for purposes of Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably seven copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is William D. Gibbs of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.401-0 Through 1.425-1

Income taxes, Employee benefit plans, Pensions, Stock options, Employee stock ownership plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Income Tax Regulations

PART 1 [AMENDED]

Paragraph 1. Section 1.401(b)-1 is amended by revising paragraphs (b)(2) and (c)(1)(iii) to read as follows:

§ 1.401(b)-1 Certain retroactive changes in plan.

* * * * *

(b) *Disqualifying provisions.* For purposes of this section, with respect to a plan described in paragraph (a) of this section the term "disqualifying provision" means:

* * * * *

(2) A plan provision which results in the failure of the plan to satisfy the qualification requirements of the plan to satisfy the qualification requirements of the Code by reason of a change in such requirements effected by the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 829), hereafter referred to as "ERISA", or by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248, 96 Stat. 324), hereafter referred to as "TEFRA". For purposes of this subparagraph, a disqualifying provision includes the absence from a plan of a provision required by such change if the plan was in effect on the date such change

became effective with respect to such plan.

(c) *Remedial amendment period.* (1) The remedial amendment period with respect to a disqualifying provision begins:

* * * * *

(iii) In the case of a disqualifying provision described in paragraph (b)(2) of this section, the date on which the change effected by ERISA or TEFRA, described in paragraph (b)(2) of this section, became effective with respect to such plan.

* * * * *

Par. 2. There is inserted after § 1.415–10 the following new section.

§ 1.416–1 Questions and answers on top-heavy plans.

The following questions and answers relate to special rules for top-heavy plans under section 416 of the Internal Revenue Code of 1954, as added by section 240 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248) (TEFRA):

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G. General Provisions
T. Topheaviness Determinations
V. Vesting Rules For Top-Heavy Plans
M. Minimum Benefits Under Top-heavy Plans

G. General Provisions

G–1 Q. What retirement plans are subject to the new top-heavy rules added to the Code by the Tax Equity and Fiscal Responsibility Act?

A. All stock bonus, pension, or profit-sharing plans intended to qualify under section 401(a) are potentially subject to the new top-heavy rules added to the Code by the Tax Equity and Fiscal Responsibility Act.

G–2 Q. When must amendments be made to a plan in order to comply with the top-heavy rules?

A. Amendements required to comply with the top-heavy rules must be effective as of the first day of the first plan year which begins after 1983. See § 1.401(b)–1 for the date by which such amendments must be adopted.

T. Topheaviness Determinations

T–1 Q. What factors must be considered in determining whether a plan is top-heavy?

A. In order to determine whether a plan is top-heavy, it is necessary to determine which employers will be treated as a single employer for purposes of section 416; which plan participants are or formerly were key employees; which plans of such employers are required or permitted to be aggregated to determined top-heavy status; and the present value of the accrued benefits (including distributions made during the plan year and the four preceding plan years) of key employees, former key employees, and non-key employees. All employers that are aggregated under sections 414 (b), (c), and (m) must be taken into account as a single employer, and those participants in all plans maintained by the employers that are aggregated must be categorized as key employees, as former key employees, or as non-key employees. See Question and Answer T–7 for the determination of which participants are or were key employees. All plans maintained by the employers in which a key employee participates, and certain other plans, must then be aggregated (the required aggregation group). See Question and Answer T–3 for rules concerning required aggregation. Other plans may in some cases be aggregated with the required aggregation group. See Question and Answer T–4 for rules concerning such permissive aggregation. Once aggregated, all plans that are required to be aggregated will either be top-heavy or not top-heavy, depending upon whether the aggregation group is top-heavy. A plan or aggregation group will be considered top-heavy if the sum of the present value of the accrued benefits for key employees is more than 60 percent of the sum of the present value of accrued benefits of all employees, excluding former key employees. In all cases, the present value of accrued benefits include distributions made during the plan year and the preceding four plan years. See Questions and Answers T–17 and T–18 for rules concerning the account balances and present value of accrued benefits.

T–2 Q. Must collectively bargained plans be aggregated with other plans of the employer to determine whether some or all of the employer's plans are top-heavy?

A. Collectively-bargained plans that include a key employee of an employer must be included in the required aggregation group for that employer. See Question and Answer T–3 for rules concerning required aggregation. Collectively bargained plans that do not include a key employee may be included in a permissive aggregation group. See Question and Answer T–4 for rules concerning permissive aggregation. However, the special rules in section 416 (b), (c), or (d) applicable to top-heavy plans do not apply to collectively-bargained plans whether or not they include a key employee.

T–3 Q. What is a required aggregation group?

A. The required aggregation group of an employer includes each plan of an employer in which a key employee participates. In addition, each other plan of the employer which enables any plan in which a key employee participates to meet the requirements of Section 401(a)(4) or 410 is part of the required aggregation group. This concept may be illustrated by the following example.

Example. An employer maintains two plans. Key employees participate in one plan, but not in the other. If the plan containing key employees independently satisfies the coverage and nondiscrimination rules of sections 410 and 401(a)(4), it may be tested independently to determine whether it is top-heavy. If this were the case, the plan not covering a key employee would not be part of the required aggregation group. Thus, the plan that does not cover key employees would not need to be tested to determine whether it is top-heavy, and it would not be required to comply with the top-heavy rules. However, if the plan containing the key employee satisfies the coverage requirements of section 410(b), or the nondiscrimination requirements of section 401(a)(4), only when it is considered together with the other plan in accordance with § 1.410(b)–1(d)(3), the plan not covering key employees is part of the required aggregation group.

T–4 Q. What is a permissive aggregation group?

A. A permissive aggregation group consists of plans of the employer that are required to be aggregated, plus one or more plans that are not part of a required aggregation group but that satisfy the requirements of section 401(a)(4) and 410 when considered together with the required aggregation group. This concept may be illustrated by the following example.

Example. An employer maintains two plans:

1. Plan A covers key employees and independently satisfies the requirements of sections 410 and 401(a)(4).

2. Plan B covers no key employees. It also independently satisfies the requirements of sections 410 and 401(a)(4).

As indicated in Question and Answer T–3, Plan B is not required to be aggregated with Plan A. Further, if Plan B provided contributions or benefits that were not at least comparable to the contributions or benefits provided under Plan A, then Plan B could not be permissively aggregated with Plan A because the contributions and benefits would discriminate if the two plans were considered as a unit. However, if the benefits or contributions under Plan B were comparable to those under Plan A, the two plans would be permitted to be aggregated to determine whether or not the group consisting of both plans is top-heavy. If Plan A and Plan B are permitted to be aggregated, and if the permissive aggregation group is not top-

heavy, then neither Plan A nor Plan B would be considered top-heavy.

T–5 Q. What plans will be treated as top-heavy if they are part of a required aggregation group that is top-heavy?

A. In the case of plans that are required to be aggregated, each plan in the required aggregation group will be top-heavy if the group is top-heavy. No plan in the required aggregation group will be top-heavy if the group is not top-heavy.

T–6 Q. What plans will be treated as top-heavy if a permissive aggregation group is top-heavy?

A. If a permissive aggregation group is top-heavy, only those plans that are part of the required aggregation group will be subject to the added requirements placed on top-heavy plans. Plans that are not part of the required aggregation group will not be subject to these added requirements. Thus, if an employer wishes to demonstrate that the plans maintained by the employer are not top-heavy, the employer need consider only the required aggregation group. If, after considering the required aggregation group, it is determined that the plans are not top-heavy, the added requirements applicable to top-heavy plans will not apply to any of the plans. If, on the other hand, the plans required to be aggregated are top-heavy, the employer may wish to determine whether there are any plans that may be permissively aggregated to demonstrate that the plans are not top-heavy. Assuming that there are plans that are eligible for permissive aggregation, the employer may take these plans into consideration. If, after taking a number of all such plans into consideration the net result is that the entire group is not top-heavy, the top-heavy requirements do not apply to any plan in the group.

T–7 Q. Who is a key employee?

A. Under section 416(i)(1), a key employee is any employee or former employee who at any time during the plan year or the four preceding plan years is:

1. An officer of the employer (see Question and Answers T–9, T–10, and T–11),

2. One of the ten employees owning (or considered as owning within the meaning of section 318) the largest interests in the employer, (see Question and Answer T–12),

3. A 5 percent owner of the employer, or

4. A 1 percent owner of the employer having an annual compensation from the employer of more than $150,000 (see Question and Answer T–13).

The number of officers that is taken into account is limited. See Question and Answer T–10. This question and answer is illustrated by the following example.

Example. An individual who was a 5 percent owner of the employer in 1986 was not an owner in 1987 or thereafter. Even though the individual is no longer an owner of the employer, the individual would be a key employee for each year through the 1990 plan year.

T–8 Q. Is the beneficiary of a key employee treated as a key employee in determining whether a plan is top-heavy?

A. Yes. The beneficiary of a key employee is treated as a key employee. Further, the beneficiary of a former key employee is treated as a former key employee. The beneficiary of a former non-key employee is treated as a former non-key employee. If the beneficiary is a key employee because the beneficiary is an employee and an officer or owner of the employer, then the beneficiary will continue to be treated as a key employee under the regular rules set forth in Question and Answer T–7. In this case, both the present value of the beneficiary's inherited accrued benefit and the present value of the beneficiary's accrued benefit as a key employee will be counted as the accrued benefit of a key employee in determining whether the plan is top-heavy. This may be illustrated by the following example.

Example. B, a ten percent owner and employee of an employer, died in 1986. B's beneficiaries under the plan received his account balance in a lump sum distribution. Beneficiary C also inherited the ten percent ownership and became an employee of the employer. C resigned as an employee and sold his ownership interest in 1990. Beneficiary D had no employment or ownership interest in the employer. Both beneficiaries would be considered key employees through 1990. For purposes of section 416(g)(1)(A)(ii), the amount paid to the beneficiaries of the deceased key employee will be considered account balances of key employees for each of the plan years 1986 through 1990. In addition, the present value of C's accrued benefit, if any, as an employee of the employer will be treated as the accrued benefit of a key employee through 1994.

T–9 Q. For purposes of defining a key employee, who is an officer?

A. Whether an individual is an officer shall be determined upon the basis of all the facts, including, for example, the source of his authority, the term for which elected or appointed, and the nature and extent of his duties. Generally, in connection with corporations, the term officer means an administrative executive who is in regular and continued service. The term officer implies continuity of service and excludes those employed for a special and single transaction. Thus, an employee who merely has the title of an officer but not the authority of an officer is not considered an officer for purposes of the key employee test.

T–10 Q. How many officers must be taken into account?

A. There is no minimum number of officers that must be taken into account. Only individuals who are in fact officers within the meaning of the preceding Question and Answer must be considered. For example, a corporation with only one officer and two employees would have only one officer for purposes of section 416(i)(1)(A)(i). After aggregating all employers required to be aggregated under sections 414 (b), (c) or (m), there is a maximum limit to the number of officers that must be taken into account as officers for the entire group of employees that are so aggregated. If the number of employees of all the employers aggregated under sections 414 (b), (c) or (m) is less than 30 employees for a particular year, no more than three individuals shall be treated as key employees for that year by reason of being officers. If the number of employees of all organizations aggregated under sections 414 (b), (c) or (m) is greater than 30 but less than 500 for a particular year no more than 10% of the number of employees will be treated as key employees for that year by reason of being officers. If the number of employees of employers aggregated under sections 414 (b), (c) and (m) exceed 500 for a particular year, no more than 50 employees are considered as key employees for that year by reason of being officers. This limited number of officers is comprised of the individual officers, selected from the group of all individuals who were officers in the current year or any one of the four preceding years, who had the largest annual compensation in that five year period. An individual may be considered a key employee for several reasons in any particular year. For example, an individual may be both an officer and one of the ten largest owners. However, in testing whether the plans(s) are top-heavy an individual's present value of accrued benefits is counted only once each year.

Example. A company in 1984 and each year from 1980 through 1983 has more than 500 employees. Assume that because of rapid turnover among officers, the individuals who are officers each year are different from the individuals who are officers in any preceding year. Under the limitations, only a total of 50 individuals would be considered to be key employees by virtue of being officers. Further, the 50 individuals considered as key employees under this test would be determined by selecting the 50 out of 250 individuals (50 different officer each year)

who had the highest one-year compensation during this period (while officers).

T–11 Q. For purposes of section 416, do business organizations other than corporations have officers?

A. No.

T–12 Q. Which employees will be considered one of the top ten owners?

A. The top ten owners are the ten employees owning (or considered as owning within the meaning of section 318) the largest interest in all employers required to be aggregated under section 414 (b), (c), or (m). An employee who has some ownership interest is considered to be one of the top ten owners unless at least ten other employees own a greater interest than that employee. Thus, if 25 employees each own four percent of the employer, each of the employees will be considered one of the top ten owners, even if the compensation of some or all of these employees is less than $150,000. However, an employee will not be considered a top ten owner for a plan year if the employee earns less than the maximum dollar limitation under section 415(c)(1)(A) as in effect for the calendar year in which the determination date falls.

T–13 Q. For purposes of determining whether an employee is a key employee under sections 416(i)(1)(A)(iii) or (iv) (relating to 5 percent owners and 1 percent owners earning more than $150,000), what aggregation rules apply?

A. In the case of ownership percentages, each employer that would otherwise be aggregated under sections 414 (b), (c) and (m) is treated as a separate employer. (See section 416(i)(1)(C).) However, for purposes of determining whether an individual has compensation of $150,000, compensation from each entity required to be aggregated under sections 414 (b), (c) and (m) is taken into account. These rules may be illustrated by the following example.

Example. An individual owns two percent of a professional corporation, which in turn owns a 1/10th of 1 percent interest in a partnership. The entities must be aggregated in accordance with section 414(m). The individual performs services for the professional corporation and for the partnership. The individual receives compensation of $125,000 from the professional corporation and $26,000 from the partnership. The individual is considered to be a key employee, because he has a two percent interest in the professional corporation and because the combined compensation such individual receives from both the professional corporation and the partnership is more than $150,000.

T–14 Q. For purposes of testing whether an individual has compensation of more than $150,000, what definition of compensation must be used?

A. The definition of compensation to be used is the definition in §1.415–2(d). In the case of an individual, including a self-employed individual, §1.415–2(d)(2)(i) excludes from compensation amounts contributed to a plan of deferred compensation.

T–15 Q. In the case of an employer who maintains a single plan, when must the determination whether the plan is top-heavy be made?

A. Whether a plan is top-heavy is determined on the determination date. The determination date is defined in section 416(g)(4)(C) of the Code with respect to a plan year as (1) the last day of the preceding plan year, or (2) in the case of the first plan year, the last day of such plan year. The present value of accrued benefits and distributions made as of the determination date are generally determined as of the determination date. (See Questions and Answers T–17 and T–18 for more specific rules.) Further, an employee's status as a key employee is based on the plan year containing the determination date.

T–16 Q. In the case of more than one plan which is to be aggregated, when must the determination whether the plans are top-heavy be made?

A. When more than one plan is aggregated in accordance with section 416(g)(2) the following procedures are used to determine whether the plans are top-heavy. First, the present value of the accrued benefits (including distributions for key employees and all employees) is determined separately for each plan as of each plan's determination date. The plans are then aggregated by adding the results of each plan as of the determination dates for such plans that fall within the same calendar year. The combined results will indicate whether or not the plans so aggregated are top-heavy. These rules may be illustrated by the following example.

Example. An employer maintains Plan A and Plan B, each containing a key employee. Plan A's plan year commences July 1 and ends June 30. Plan B's plan year is the calendar year. For Plan A's plan year commencing July 1, 1984, the determination date is June 30, 1984. For plan B's plan year in 1985, the determination date is December 31, 1984. These plans are required to be aggregated. For each of these plans as of a respective determination date, the present value of the accrued benefits for key employees and all employees are separately determined. The determination dates, June 30, 1984 and December 31, 1984 fall within the same calendar year. Accordingly, the present values of accrued benefits with respect to each of these determination dates are combined for purposes of determining whether the plan is top-heavy. If, after combining the two present values, the total results show that the plans are top-heavy, Plan A will be top-heavy for the plan year commencing July 1, 1984, and Plan B will be top-heavy for the 1985 calendar year.

T–17 Q. How is the present value of accrued benefits determined in a defined contribution plan?

A. The present value of accrued benefits as of the determination date for any individual is the sum of (a) the account balance as of the most recent valuation date occurring within a 12-month period ending on the determination date, and (b) an adjustment for contributions due as of the determination date. In the case of a plan not subject to the minimum funding requirements of section 412 of the Code, the adjustment in (b) is generally the amount of any contributions actually made after the valuation date but on or before the determination date. However, in the first plan year of the plan, the adjustment in (b) should also reflect the amount of any contributions made after the determination date that are allocated as of a date in that first plan year. In the case of a plan that is subject to the minimum funding requirements, the account balance in (a) should include contributions that would be allocated as of a date not later than the determination date, even though those amounts are not yet required to be contributed. Thus, the account balance will include contributions waived in prior years as reflected in the adjusted account balance and contributions not paid that resulted in a funding deficiency. The adjusted account balance is described in Rev. Rul. 76–223, 1976–1 C.B. 125. Also, the adjustment in (b) should reflect the amount of any contribution actually made (or due to be made) after the valuation date but before the expiration of the extended payment period in section 412(c)(10).

T–18 Q. How is the present value of an accrued benefit determined in a defined benefit plan?

A. The present value of an accrued benefit as of the determination date must be determined as of the most recent valuation date which is within a 12-month period ending on the determination date. In the first plan year of a plan, the accrued benefit for a current participant must be determined either (i) as if the individual terminated service as of the determination date (i.e., the last day of that plan year) or, (ii) as if the individual terminated service as of the valuation date, but taking into account the estimated accrued benefit as of the determination date. However, for any other year, the accrued benefit

for a current participant must be determined as if the individual terminated service as of such valuation date. For this purpose, the valuation date must be the same valuation date used for computing plan costs for minimum funding, regardless of whether a valuation is performed that year.

T–19 Q. What actuarial assumptions are used for determining the present value of accrued benefits for defined benefit plans?

A. There are no specific prescribed actuarial assumptions that must be used for determining the present value of accrued benefits. The assumptions used must be reasonable and need not relate to the actual plan and investment experience. The assumptions need not be the same as those used for minimum funding purposes or for purposes of determining the actuarial equivalence of optional benefits under the plan. The accrued benefit for each current employee is computed as if the employee voluntarily terminated service as of the valuation date. The present value must be computed using an interest and a post-retirement mortality assumption. Pre-retirement mortality and future increases in cost of living (but not in the maximum dollar amount permitted by section 415) may also be assumed. However, assumptions as to future withdrawal or future salary increases may not be used. In the case of a plan providing a qualified joint and survivor annuity within the meaning of section 401(a)(11) as a normal form of benefit, for purposes of determining the present value of the accrued benefit, the spouse of the participant may be assumed to be the same age as the participant. Except in the case where the plan provides for a non-proportional subsidy, the present value should reflect a benefit payable commencing at normal retirement age (or attained age, if later). Thus, benefits not relating to retirement benefits, such as pre-retirement death and disability benefits and post-retirement medical benefits, must not be taken into account. Further, subsidized early retirement benefits and subsidized benefit options must not be taken into account unless they are nonproportional subsidies. See Question and Answer T–20. Where the plan provides for a nonproportional subsidy, the benefit should be assumed to commence at the age at which the benefit is most valuable. In the case of two or more defined benefit plans which are being tested for determining whether an aggregation group is top-heavy, the actuarial assumptions used for all plans within the group must be the same. To provide certainty, the Internal Revenue Service will accept as reasonable any assumptions which reflect a reasonable mortality experience and an interest rate not less than five percent or greater than six percent. Plans, however, are not required to use an interest rate in this range.

T–20 Q. In determining the present value of accrued benefits in a defined benefit plan, what standards are applied toward determining whether a subsidy is nonproportional?

A. A subsidy is nonproportional unless the subsidy applies to a group of employees that would independently satisfy the requirements of section 410(b) of the Code. If two or more plans are considered as a unit for comparability purposes under § 1.410(b)–1(d)(3), subsidies may be necessary in both plans or else the subsidy may be nonproportional. Thus, for example, in the case of a plan which provides an early retirement benefit after age 55 and 20 years service equal to the normal retirement benefit without actuarial reduction and if the employees who may conceivably reach age 55 with 20 years service would, as a group, satisfy the requirements of section 410(b) of the Code, that subsidy is proportional.

However, in contrast, consider a plan that provides an early retirement benefit that is the actuarial equivalent of the normal retirement benefit. In determining the early retirement benefit, the plan imposes the section 415 limits only to the early retirement benefit (not to the normal retirement benefit before applying the early retirement reduction factors). In such a plan, a participant with a normal retirement benefit (before limitation by section 415) in excess of the section 415 limits will receive a subsidized early retirement benefit, whereas a participant with a lower normal retirement benefit will not. Thus, the subsidy in this plan is nonproportional. Thus, such a benefit would be a nonproportional subsidy if the group of individuals who are limited by the limitations under section 415 do not, by themselves, constitute a cross section of employees that could satisfy section 410(b) of the Code.

T–21 Q. For purposes of determining the present value of accrued benefits in either a defined benefit or defined contribution plan, are the accrued benefits attributable to employee contributions considered to be part of the accrued benefits?

A. The accrued benefits attributable to employee contributions are considered to be part of the accrued benefits whether such contributions are mandatory or voluntary. However, the amounts attributable to deductible employee contributions are not considered to be part of the accrued benefits.

T–22 Q. What distributions are added to the present value of accrued benefits in determining whether a plan is top-heavy?

A. Under section 416(g)(3)(A) of the Code, distributions made within the plan year that includes the determination date or within the four preceding plan years are added to the present value of accrued benefits in testing for top-heaviness. However, in the case of distributions made after the valuation date and prior to the determination date, such distributions are not included as distributions in section 416(g)(3)(A) to the extent that such distributions are included in the present value of the accrued benefits as of the valuation date. In the case of the distribution of an annuity contract, the amount of such distribution is deemed to be the current actuarial value of the contract, determined on the date of the distribution. Certain distributions that are rolled over by the employee are not included as distributions. See Question and Answer T–23. A distribution will not fail to be considered in determining the present value of accrued benefits merely because it was made before the effective date of section 416.

T–23 Q. How are rollovers and plan-to-plan transfers treated in testing whether a plan is top-heavy?

A. The rules for handling these transfers depend upon whether the rollovers and plan-to-plan transfers are unrelated (both initiated by the employee and made from a plan maintained by one employer to a plan maintained by another employer) or whether they are related (a rollover either not initiated by the employee or made to a plan maintained by the same employer). For purposes of determining whether the employer is the same employer, all employers aggregated under section 414(b), (c) or (m) are treated as the same employer. In the case of unrelated rollovers (1) the plan providing the distributions always counts the distribution as a distribution under section 416(g)(3)(B) and (2) the plan accepting the rollover does not consider the rollover part of the accrued benefit if such rollover was accepted after December 31, 1983, but considers it part of the accrued benefit if such rollover was accepted prior to December 31, 1983. In the case of related rollovers, the plan providing the rollover does not count the rollover as a distribution under section 416(g)(3)(B) and the plan accepting the rollover counts the

rollover in the present value of the accrued benefits. Rules for related rollovers do not depend on whether the rollover was accepted prior to December 31, 1983.

T–24 Q. How are the aggregate defined benefit and defined contribution limits under section 415(e) affected by the top-heavy rules?

A. Section 416(h) modifies the aggregate limits in section 415(e) for super top-heavy plans and for top-heavy plans that are not super top-heavy that do not provide for an additional minimum contribution or benefit. A super top-heavy plan is a top-heavy plan in which the present value of accrued benefits for key employees exceeds 90% of the present value of the accrued benefits for all employees. These present values are computed using the same rules as are used for determining whether the plan is top-heavy. In the case of a super top-heavy plan, in computing the denominators of the defined benefit and defined contribution fractions under section 415(e), a factor of 1.0 is used instead of 1.25. In the case of a top-heavy plan that is not super top-heavy, the same rule applies unless each nonkey employee receives an additional minimum contribution or benefit. In the case of a defined benefit plan, the additional minimum benefit is one percentage point of the participant's average compensation for the years described in Question and Answer M–2 (up to a maximum of ten percentage points). In the case of a defined contribution plan, the additional minimum contribution is one percent of the participant's compensation.

T–25. Q. What provisions must be contained in a plan to comply with the top-heavy requirements?

A. Section 401(a)(10)(B) of the Code provides that a plan will qualify only if it contains provisions which will take effect if the plan becomes top-heavy and which meet the requirements of section 416. See Questions and Answers T–26 and T–27 for rules on what provisions must be included. Under section 401(a)(1)(B)(ii), regulations may waive this requirement for some plans. See Question and Answer T–28 for a description of plans that need not include such provisions.

T–26 Q. For an employer who has no employee who has participated or is eligible to participate in both a defined benefit and defined contribution qualified plan (or SEP) of that employer, what provisions must be in the plan(s) to comply with the top-heavy requirements?

A. If the defined benefit plan has no participants who are or could be participants in a defined contribution plan of the employer (or vice versa), the defined benefit plan (or defined contribution plan) need not include provisions describing the defined benefit or defined contribution fractions for purposes of section 415, and, thus, the plan need not contain provisions to determine whether the plan is super top-heavy or to change any plan provisions if the plan is super top-heavy. Furthermore, if the plan contains a single benefit structure that satisfies the requirements of section 416 (b), (c), and (d), the plan need not include separate provisions to determine whether the plan is top-heavy or that apply when the plan is top-heavy. If the plan does not contain a single benefit structure that satisfies section 416 (b), (c), and (d), then the plan must include three types of provisions.

First, the plan must contain provisions describing how to determine whether the plan is top-heavy. These provisions must include (a) the criteria for determining which employees are key employees (or non-key employees), (b) in the case of a defined benefit plan the actuarial assumptions and benefits considered to determine the present value of accrued benefits, (c) a description of how the top-heavy ratio is computed, (d) a description of what plans (or types of plans) will be aggregated in testing whether the plan is top-heavy, and (e) a definition of the determination date and the valuation date applicable to the determination date. These determinations must be based on standards that are uniformly and consistently applied and that satisfy the rules set forth in section 416 and these questions and answers. The provisions in (a) and (c) above may be incorporated in the plan by reference to the applicable sections of the Internal Revenue Code without adversely affecting the qualification of the plan. Second, the plan must specifically contain the following provisions that will become effective if the plan becomes top-heavy: Vesting that satisfies the mimimum vesting requirements of section 416(b), benefits that will not be less than the minimum benefits set forth in section 416(c), and the compensation limitation described in section 416(d). The compensation limitation described in section 416(d) may be incorporated by reference. Third, the plan must include provisions insuring that any change in the plan's benefit structure (including vesting schedules) resulting from a change in the plan's top- heavy status will not violate section 411(a)(10) of the Code. Thus, if a plan ceases being top-heavy, certain restrictions apply with repsect to the change in applicable vesting schedule. See section 401(a)(9) for rules relating to distributions from top-heavy plans.

TR–27 Q. For an employer who maintains or has maintained both a defined benefit and a defined contribution plan (or a simplified employee pension "SEP") and some participants do or could participate in both types of plan, what provisions must be in the plans to comply with the top-heavy requirements?

A. If an employer maintains (or has maintained) both a defined benefit plan and a defined contribution plan (or SEP), and the plans have or could have participants who participate in both types of plan then the plans must contain more provisions than those described in Question and Answer T–26. First, if there are any employees who participate in one plan but not the other plan, the plans may exclude rules to determine whether the plan is top-heavy (or to apply when the plan is top-heavy) only if both plans contain a single benefit structure that satisfies section 416 (b), (c), and (d). Second, unless the plans always satisfy the requirements of section 415(e) using the 1.0 adjustment in the defined benefit and defined contribution fractions as described in section 416(h)(1), the plans must include provisions similar to those in Question and Answer T–26 (for top-heavy) to determine whether the plan is super top-heavy and to satisfy section 416(h) if it is.

T–28 Q. Are any plans exempted from including top-heavy provisions?

A. Section 401(a)(10)(B) of the Code provides that regulations may exempt certain plans from including the top-heavy provisions described in that section. Until further regulations are published on this subject, any plan that covers only non-key employees who are included in a unit of employees covered by a collective bargaining agreement (if retirement benefits were the subject of good faith bargaining) need not include any top-heavy provisions. Further, a plan need not include any top-heavy provisions if no employee of the employer maintaining the plan is or could be a key employee of the employer. Thus, for example, a retirement plan for state employees need not include top-heavy provisions because no employee of the state is or could be a key employee as defined in section 416(i)(1).

T–29 Q. Must ratios be computed each year to determine whether a plan is top-heavy?

A. No. In order to administer the plan, the plan administrator must know whether the plan is top-heavy. However,

precise top-heavy ratios need not be computed every year. If, on examination, the Internal Revenue Service requests a demonstration as to whether the plan is top-heavy (or super top-heavy; see Question and Answer T–24) the employer must demonstrate to the Service's satisfaction that the plan is not operating in violation of section 401(a)(10)(B). For purposes of any demonstration, the employer may use computations that are not precisely in accordance with this section but which mathematically prove that the plan is not top-heavy. For example, if the employer determined the present value of accrued benefits for key employees in a simplified manner which overstated that value, determined the present value for non-key employees in a simplified manner which understated that value, and the ratio of the key employee present value divided by the sum of the present values was less than 60 percent, the plan would not be considered top-heavy. This would be a sufficient demonstration because the simplified fraction could be shown to be greater than the exact fraction and, thus, the exact fraction must also be less than 60 percent.

Several methods that may be used to simplify the determinations are indicated below.

(1) If the top-heavy ratio, computed considering all the key employees and only some of the non-key employees, is less than 60 percent, then it is not necessary to accumulate employee data on the remaining non-key employees. Inclusion of additional non-key employees would only further decrease the ratio.

(2) If the number of key employees is known but the identity of the key employees is not known (i.e. if the only key employees are officers and the limit on officers is applicable) the numerator may be determined by using a hypothetical "worst case" basis. Thus, in the case of a defined benefit plan, if the numerator of the top-heavy ratio were determined assuming each key employee's present value of accrued benefits were equal to the maximum section 415 benefits at the age that would maximize such present value, that assumption would only overstate the present value of accrued benefits for key employees. Thus, if that ratio is less than 60 percent, the plan is not top-heavy and accurate data on the key employees need not be collected.

(3) If the employer has available present value of accrued benefit computations for key and non-key employees in a defined benefit plan, and these values differ from those that would be produced under Question and Answer T–18 only by inclusion of a withdrawal assumption, the present value for the key employees (but not the non-key employees) may be adjusted to a "worst case" value by dividing by the lowest possible probability of not withdrawing from plan participation before normal retirement age. If the top-heavy ratio based on this inflated key employee value is less than 60 percent, the present value need not be recomputed without the withdrawal assumption. The methods set forth in this answer may also be used to determine whether a plan is super top-heavy by inserting "90%" for "60%" in the appropriate places.

T–30 Q. Will a plan fail to qualify if it provides that the $200,000 maximum amount of compensation taken into account under section 416(d) may be automatically increased in accordance with regulations under section 416?

A. No.

T–31 Q. If a plan provided benefits based on compensation in excess of $200,000 and the plan becomes top-heavy, must any accrued benefits attributable to this excess compensation be eliminated?

A. No. For any year that a plan is top-heavy, section 416(d) provides that compensation in excess of $200,000 must not be taken into account. However, a top-heavy plan may continue to provide for any benefits attributable to compensation in excess of $200,000 to the extend such benefit were accrued before the plan was top-heavy. Furthermore, such benefits may not be reduced by either (1) a plan amendment adding the $200,000 restriction, or (2) a change in the plan benefit structure imposing the $200,000 restriction due to the plan's becoming top-heavy, without violating section 411(d)(6).

V. Vesting Rules for Top-heavy Plans

V–1 Q. What vesting must be provided under a top-heavy plan?

A. Under section 416(b), the accrued benefits attributable to employer contributions must be nonforefeitable in accordance with one of two statutory standards. Either such accrued benefits must be nonforfeitable after 3 years of service or the nonforfeitable portion of accrued benefits must be at least 20 percent after 2 years of service, 40 percent after 3 years of service, 60 percent after 4 years of service, 80 percent after 5 years of service and 100 percent after 6 years of service. The accrued benefits attributable to employer contributionsa has the same meaning as under section 411(c) of the Code. As under section 411(a), the accrued benefits attributable to employee contributions must be nonforfeitable at all times.

V–2 Q. What service must be counted in determing vesting requirements

A. All service required to be counted under section 411(a) must be counted for these purposes. All service permitted to be disregarded under section 411(a)(4) may similarly be disregarded under the schedules of section 416(b).

V–3 Q. What benefits must be subject to the minimum vesting schedule of section 416(b)?

A. All accrued benefits within the meaning of section 411(a)(7) must be subject to the minimum vesting schedule. These accrued benefits include benefits accrued before the effective date of section 416 and benefits accrued before a plan becomes top-heavy. However, when a plan becomes top-heavy, the accrued benefits of any employee who does not have an hour of service after the plan becomes top-heavy are not required to be subject to the minimum vesting schedule.

V–4 Q. May a top-heavy plan provide a minimum eligibility requirement of the latter of age 25 or the completion of 3 years of service and provide that all benefits are nonforfeitable when accrued?

A. Yes.

V–5 Q. When does nonforfeitable mean?

A. In general, nonforfeitable has the same meaning as in section 411(a). However, the minimum benefits required under section 416 (to the extent required to be nonforfeitable under section 416(b)) may not be forfeited under section 411(a)(3)(B) or 411(a)(3)(D).

V–6 Q. Will a class-year plan automatically satisfy the minimum vesting requirements in section 416(b) if it provides that contributions with respect to any plan year become nonforfeitable no later than the end of the third plan year following the plan year for which the contribution was made?

A. No. Although this vesting schedule is similar to the 3-year minimum vesting schedule permitted by section 416(b)(1)(A), it does not satisfy that minimum. The 3-year vesting schedule in section 416(b)(1)(A) requires that after completion of 3 years of service the entire accrued benefit of a participant be nonforfeitable. Under the class-year vesting schedule described above, a portion of a participant's accrued benefit (that attributable to contributions for the prior 3 years) is forfeitable regardless of the participant's years of service.

V–7 Q. When a top-heavy plan ceases to be top-heavy, may the vesting

schedule be altered to a vesting schedule permitted without regard to section 416?

A. When a top-heavy plan ceases to be top-heavy, the vesting schedule may be changed to one that would otherwise be permitted. However, in changing the vesting schedule, the rules described in section 411(a)(10)) of the Code apply. Thus, any portion of the accrued benefit that was nonforfeitable before the plan ceased to be top-heavy must remain nonforfeitable; also, any employee with five or more years of service must be given the option of remaining under the prior (i.e. top-heavy) vesting schedule.

M. Minimum Benefits Under Top-heavy Plans

M–1 Q. Which employees must receive minimum contributions or benefits in a top-heavy plan?

A. Generally, every non-key employee must receive minimum contributions or benefits in a top-heavy plan. However, see Question and Answers M–4 and M–8 for certain exceptions. Different minimums apply for defined benefit and defined contribution plans.

M–2 Q. What is the defined benefit minimum?

A. The defined benefit minimum requires that the accrued benefit at any point in time must equal at least the product of an employee's average compensation for the five consecutive years when the employee had the highest aggregate compensation from the employer and the lesser of 2% per year of service or 20%. Thus, a non-key employee accrues 2% each year for the first ten years. For purposes of the defined benefit minimum, years of service may exclude years when the plan was not top-heavy for any plan year ending during such year of service as well as years of service completed in a plan year beginning before January 1, 1984. The compensation required to be taken into account is the compensation described in section 415. However, compensation in years before January 1, 1984 and compensation in years after the close of the last plan year in which the plan is top-heavy may be disregarded. The defined benefit minimum is expressed as a life annuity (with no ancillary benefits) commencing at normal retirement age. Thus, if post-retirement death benefits are also provided, the 2% minimum annuity benefit may be adjusted. (See Question and Answer M–3). The 2% minimum annuity benefit may not be adjusted if pre-retirement ancillary benefits are provided. Normal retirement age has the same meaning as under section 411(a)(8). Any accruals of employer derived benefit, whether or not attributable to years for which the plan is top-heavy, may be used to satisfy the defined benefit minimums. Thus, if a non-key employee had already accrued a benefit of 20 percent of final average pay at the time the plan became top-heavy, no additional minimum accruals would be required (although the accrued benefit would increase as final average pay increased). Accrued benefits attributable to employee contributions must be ignored. Aocrued benefits attributable to employer and employee contributions have the same meaning as under section 411(c).

M–3 Q. What defined benefit minimum must be received if an employee receives a benefit in a form other than a single life annuity or a benefit other than at normal retirement age?

A. If the form of benefit is other than a single life annuity, the employee must receive an amount that is the acturial equivalent of the minimum single life annuity benefit. If the benefit commences at a date other than at normal retirement age. the employee must receive at least an amount that is the acturial equivalent of the minimum single life annuity benefit commencing at normal retirement age. Thus, the employee may receive a lower benefit if the benefit commences before the normal retirement age and the employee must receive a higher benefit if the benefit commences after the normal retirement age. No specific acturial assumptions are mandated providing different acturial equivalents. However, the assumptions must be reasonable.

M–4 Q. Which employees must accrue a minimum benefit in a defined benefit top-heavy plan?

A. Each non-key employee who has at least one thousand hours of service for an accrual computation period (or equivalent service as determined under Department of Labor regulations, 29 CFR 2530. 200b–3) must accrue a minimum benefit in a defined benefit top-heavy plan for that accrual computation period. For a top-heavy plan that does not base accruals on accrual computation periods, minimum benefits must be credited for all periods of service required to be credited for benefit accrual. (See § 1.410(a)–7). A non-key employee may not fail to accrue a minimum benefit merely because the employee was not employed on a specified date. Similarly, neither (1) an employee who is excluded from participation (or who accrues no benefit) merely because the employee's compensation is less than a stated amount nor (2) an employee who is excluded from the plan because of a failure to make mandatory employee contributions, may fail to accrue a minimum benefit.

M–5 Q. Would the defined benefit minimum be satisfied if the plan provides a normal retirement benefit equal to the greater of the plan's projected formula or the projected minimum benefit and if benefits accrue in accordance with the fractional rule described in section 411(b)(1)(C)?

A. No. The fact that this fractional rule would not satisfy the defined benefit minimums may be illustrated by the following example. Consider a non-key employee entering a top-heavy plan at age 25 in a plan in which the projected minimum is greater for the employee than the projected benefit under the normal formula would be. Under the fractional rule, the employee's accrued benefit ten years later at age 35 would be 5% (20%×1⁰⁄₄₀).
under section 416, the employee's minimum accrued benefit after ten years of service must be at least 20%. Thus, because the 5% benefit is not equal to the 20% benefit required under section 416, such benefit would not satisfy the required minimum.

M–6 Q. What is the defined contribution minimum?

A. The contributions and forfeitures allocated to the account of any non-key employee for each plan year in which the plan is top-heavy must equal at least 3% of compensation (within the meaning of section 415) for that plan year for each non-key employee. However, a lower minimum is permissible in the case where the contributions plus forfeitures made or required to be made for key employees is less than 3%. The contribution made on behalf of any key employee is equal to the ratio of the sum of the contribution and forfeiture made for such key employee divided by the compensation for such key employee. Thus, the minimum percentage of compensation that must be provided for any non-key employee for a plan year is the largest percentage of compensation provided on behalf of any key employee for that plan year (if the largest percentage of compensation provided on behalf of any key employee for that plan year is less than 3%).

M–7 Q. In the case of the waiver of minimum funding standards of section 412(d) of the Code, how does section 416 treat the defined contribution minimum?

A. For purposes of determining the contribution made on behalf of a key employee that is required to be made, a waiver of the minimum funding requirements is ignored. Thus, if a

defined contribution plan receives a waiver of the minimum funding requirement, and if the minimum contribution required under the plan without regard to the waiver exceeds 3%, the exception described in the previous question does not apply even though no key employee receives a contribution in excess of 3% and even though the amount required to be contributed on behalf of the key employee has been waived. Also, a waiver of the minimum funding requirements will waive the requirements of section 412 of the Code as well as the requirements under section 416 of the Code. Thus, in the case of a top-heavy plan in which the non-key employee must recieve an allocation, a waiver of the minimum funding requirements may eliminate a funding violation and such waiver will preclude a violation under section 416 even though the required contribution is not made. However, the adjusted account balance (as described in Rev. Rul. 78–223, 1978–1 C.B. 125) of the non-key employees must reflect the required minimum contribution even though such contribution was not made.

M–8 Q. Which participants must receive the defined contribution plan minimum?

A. Those participants who have not separated from service at the end of the plan year must receive the defined contribution plan minimum. Individuals who have (1) failed to complete 1000 hours of service (or the equivalent), (2) declined to make mandatory contributions to in the plan, or (3) been excluded from the plan because such individual's compensation is less than a stated amount but must be considered participants to satisfy the coverage requirements of section 410(b) in accordance with section 410(a)(5), are considered employees covered by the plan for purposes of the section 416(c) minimums.

M–9 Q. May either the defined benefit minimum or the defined contribution minimum be integrated with social security?

A. No.

M–10 Q. What minimum contribution or benefit must be received by a non-key employee who participates in a top-heavy plan?

A. In the case of an employer maintaining only one plan, if such plan is a defined benefit plan, each non-key employee covered by that plan must receive the defined benefit minimum. If such plan is a defined contribution plan (including a target benefit plan) each non-key employee covered by the plan must receive the defined contribution minimum. In the case of an employer who maintains more than one plan, employees covered under only the defined benefit plan must receive the defined benefit minimum. Employees covered under only the defined contribution plan must receive the defined contribution plan minimum. In the case of employees covered under both defined benefit and defined contribution plans, the rules are more complicated. Section 416(f) precludes, in the case of employees covered under both defined benefit and defined contribution plans, either required duplication or inappropriate omission. Therefore, such employees need not receive both the defined benefit and the defined contribution minimums. There are four safe harbor rules a plan may use on a temporary basis in determining which minimum an employee must receive. Since the defined benefit minimums are generally more valuable, if each employee covered under both a defined benefit top-heavy plan and a defined contribution top-heavy plan receives the defined benefit minimum, receipt of such minimum will satisfy the standards. Another approach that may be used is a floor offset type of approach (see Rev. Rul. 76–259, 1976–2 C.B. 111) under which the defined benefit minimum is provided in the defined benefit plan and is offset by the benefits provided under the defined contribution plan. Another approach that may be used in the case of employees covered under both defined benefit and defined contribution plans is to prove, using a comparability analysis, that the defined contribution plans are providing aggregate benefits at least equal to those in the defined benefit plan. In order to preclude the cost of providing the defined benefit minimum alone, the complexity of a floor offset plan and the annual fluctuation of a comparability analysis, a safe haven minimum defined contribution is being provided. If the contributions and forfeitures under the defined contribution plan equal 5% of compensation each year the plan is top-heavy such minimum will be presumed to satisfy the section 416 minimums.

M–11 Q. Can a plan described in section 412(i) of the Code (funded exclusively by level premium insurance contracts) also satisfy the minimum benefit requirements of section 416?

A. The accrued benefits provided for a non-key employee under most level premium insurance contracts might not provide a benefit satifying the defined benefit minimum because of the lower cash value in early years under most level premium insurance contracts, and because such contracts normally provide for level premiums until normal retirement age. However, a plan will not be considered to violate the requirements of section 412(i) merely because it funds certain benefits through either an auxiliary fund or deferred annuity contracts, if the following conditions are met:

(1) The targeted benefit at normal retirement age under the level premium insurance contract is determined, taking into account the defined benefit minimum that would be required assuming the current top-heavy (or non top-heavy) status of the plan contiunes until normal retirement age; and

(2) The benefits provided by the auxiliary fund or deferred annuity contracts do not exceed the excess of the defined benefit minimum benefits over the benefits provided by the level premium insurance contract.

If the above conditions are satified, then the plan is still exempt from the minimum funding requirements under section 412 of the Code and may still utilize the special accrued benefit rule in section 411(b)(1)(F) subject to the following modifications: Although the portion of the plan funded by the level premium annuity contract is exempt from the minimum funding requirements, the portion funded by an auxiliary fund is subject to those requirements. (Thus, a funding standard account must be maintained and a Schedule B must be filed with the annual report.) The accured benefit for any participant may be determined using the rule in section 411(b)(1)(F) but must not be less than the defined benefit minimum.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6629 Filed 3-14-83; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 928

Surface Mining and Reclamation Operations Under a Federal Program for Nevada; Cancellation of Promulgation Process

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Office of Surface Mining (OSM) is announcing the withdrawl of the proposed Federal program to regulate surface coal mining and reclamation operations for Nevada because there are no known coal

reserves on non-Federal and non-Indian lands in that State.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION: On October 27, 1982, the Office of Surface Mining proposed a Federal program for Nevada in the **Federal Register** to regulate coal exploration and surface coal mining and reclamation operations on non-Federal or non-Indian lands in that State. 47 FR 47792. During the comment period, OSM was informed by the Director of the Nevada Division of Mineral Resources that all known coal deposits in Nevada are too small and of poor quality for commercial recovery at this time.

The Surface Mining Control and Reclamation Act in Section 503 and 504, 30 U.S.C. Sections 1253 and 1254, and OSM's regulations, 30 CFR 736.11, require that there be an approved State or Federal regulatory program in States having coal on non-Federal or non-Indian lands and in which there is a likelihood of either coal exploration or development before June 1985. Since Nevada has no known coal reserves on either non-Federal or non-Indian lands, a regulatory program is not required. Therefore, the proposed regulatory program for Nevada is being withdrawn and the promulgation process cancelled. Should information come to light which indicates the presence of coal reserves on non-Federal and non-Indian lands within the State, promulgation of the required program will be reinitiated by subsequent rulemaking notice.

Dated: March 8, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-6830 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 2249-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

Correction

In FR Doc. 83–4478 beginning on page 7714 in the issue of Wednesday, February 23, 1983, make the following corrections:

1. On page 7714, first column, under **DATES**, the last sentence should have been placed at the end of the **SUMMARY**, and within that particular sentence, the words "phosphides" and "actively" should have read "phosphide" and "acutely" respectively; second column, under **SUPPLEMENTARY INFORMATION**, first paragraph, eleventh line, "of" should read "or"; second paragraph, fifth line, insert "is" after "it"; third column, first full paragraph, seventh line, "dedsignate" should read "designate", and in the last paragraph, *B. Zinc Phosphide.*, first line, "agency" should read "Agency".

2. On page 7715, second column, second full paragraph, ninth line from the bottom, insert a comma after "effects"; third column, twelfth line from the bottom, the symbol "L" should read ">".

3. On page 7716, second column, second full paragraph, fifth line, "form" should read "from".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6489]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has ben delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposd flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Alaska	Galena (City), Yukon-Koyukuk Division	Yukon River	Intersection of Second Avenue and Seventh Avenue	*130
Maps available for inspection at City Hall, Galena, Alaska.				
Send comments to the Honorable Vernon White, Box 148, Galena, Alaska 99741.				
Alaska	Valdez, City, Unorganized Borough	Lowe River	At Port Valdez	*11
			Approximately 62,300 feet upstream of Port Valdez	*288
		Valdez Glacier Stream	At Port Valdez	*11
			Approximately 20,500 feet upstream of Richardson Highway	*327
		Mineral Creek	At Port Valdez	*11
			Approximately 4,800 feet upstream of Mineral Creek Road.	*142
		Robe River	At confluence with Lowe River	*11
			Approximately 1,700 feet upstream of Richardson Highway.	*22
Maps available for inspection at the office of the Director of Community Planning and Development, Valdez, Alaska.				
Send comments to Honorable Jim Watson, City Manager of Valdez, P.O. Box 307, Valdez, Alaska 99686.				
Arizona	Yuma County (Unincorporated Areas)	Main Outlet Drain Shallow Flooding.	100 feet west from center of Old Arizona 95 and U.S. Highway 95 south of Gila River.	*165
		Colorado River	At the center of intersection of 12th Street and Palm Avenue near the City of Yuma.	*142
		East Main Canal Shallow Flooding	Center of intersection of Magnolia and 10th Streets	*3
		Shallow Flooding	Center of intersection of 13th Street and East Drain extension.	#2
		Yuma Levee Area	Center of intersection of Avenue D and Riverside drive	*125
		Fortuna Wash	Center of intersection of Southern Pacific Railroad Fortuna Wash.	*193
		Fortuna Wash	Center of intersection of east bound sind of Interstate Highway 8 and Fortuna Wash.	*317
		Fortuna Wash East Fork	At confluence with Fortuna Wash	*330
		Gila Gravity Main Canal Shallow Flooding.	1,000 feet east from center of intersection of 6th Street and Laguna Dam Road.	*158
		Gila River	100 feet upstream from center of Avenue 7E	*145
		Gila River Shallow Flooding	4,500 feet east-northeast from center of intersection of Old Arizona 95 and U.S. Highway 95 and U.S. Highway 95 north of Gila River.	*172
		Gila River Shallow Flooding	Center of Avenue 18E 5,500 feet north from intersection of Avenue 18E and 8th Street.	*179
		Borrow Pit Lake	At shoreline	*158
Maps available for inspection at the Department of Public Works, 2703 Avenue B, Yuma, Arizona.				
Send comments to Honorable Pete Woodard, P.O. Box 1112, Yuma, Arizona 85364.				
Connecticut	Noank Fire District, New London County	Fishers Island Sound	Shoreline at Cove Street (extended west)	*14
			Shoreline at Chesbro Road (extended)	*15
			Shoreline of Beebe Cove at Tryon Avenue (extended)	*12
Maps available for inspection at the Noank Fire Station, Noank, Connecticut.				
Send comments to Honorable Frank Socha, Chairman of the Noank Fire District Executive Commission, 6 Center Street, Noank, Connecticut 06340.				
Connecticut	Stonington, Borough, New London County	Fishers Island Sound	Shoreline of Stonington Harbor at High Street extended.	*14
			Shoreline at Water Street extended	*16
			Shoreline at South Street extended	*14
			Shoreline at Sandy Point	*16
Maps available for inspection at the Planning and Zoning Office in the Borough Hall, Stonington, Connecticut.				
Send comments to Honorable Clarence Mason, Stonington Borough Warden, Borough Hall, Stonington, Connecticut 06378.				
Florida	Everglades City (City), Collier County (Unincorporated Areas).	Gulf of Mexico	At the intersection of Buckner Avenue and Collier Avenue.	*13
			At the intersection of Palura Street and Copeland Avenue.	*15
			At the intersection of Gardenia St. and Copeland Avenue.	*16
			At the intersection of Jasmine Street and Copeland Avenue.	*17
Maps available for inspection at City Hall, Everglades City, Florida.				
Send comments to Honorable Herman G. Askren, P.O. Drawer C, Everglades, Florida 33929.				
Georgia	Unincorporated Areas of Liberty County	Clay Creek	Just downstream of southeastern corporate limits of the City of Midway (downstream crossing).	*8
		Goshen Canal	Approximately 350 feet upstream of State Highway 82	*16
		Mill Creek	Approximately 250 feet upstream of 18th Street	*58
			Approximately 200 feet upstream of Seaboard Coastline Railroad.	*68
		Peacock Creek	Approximately 200 feet downstream of U.S. Highway 17 (State Highway 25).	*11
			Approximately 500 feet downstream of Seaboard Coastline Railroad (upstream crossing).	*17
		Atlantic Ocean/St. Catherines Sound	At the Interstate Highway 95 crossing of the Jerico River.	*13

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Approximately 1,000 feet south of the intersection of Interstate Highway 95 and U.S. Highway 17 (State Highway 25).	*13
			Approximately 100 feet south of Yellow Bluff Fishing Camp.	*14
			Approximately 900 feet north of Halfmoon Landing	*15
			Approximately 500 feet south of Stevens Airfield	*15
			Approximately 200 feet east of Interstate Highway 95 crossing the North Newport River.	*15
		Atlantic Ocean/Sapelo Sound	Approximately 100 feet east of Drum Point Landing	*18

Maps available for inspection at County Joint Planning Commission, Main Street, Hinesville, Georgia 31313.

Send comments to Mr. James Floyd, Chairman, County Board of Commissioners or Mr. Ben Darsey, County Administrator, Liberty County Courthouse, P.O. Box 81, Hinesville, Georgia 31313.

Illinois	(V) Cave-In-Rock, Hardin County	Ohio River	Western corporate limits	*360
			Eastern corporate limits	*361

Maps available for inspection at the Cave-In-Rock Post Office.

Send comments to Honorable Ralph Warren, Village President, Village of Cave-In-Rock, Village Hall, Mill Street, Cave-In-Rock, Illinois 62919.

Illinois	(V) Hamburg Calhoun County	Mississippi River	At the confluence of Irish Creek	*451
			About 0.86 mile upstream of confluence of Irish Creek	*452

Maps available for inspection at the City Clerk's Office, Village Hall, Hamburg, Illinois.

Send comments to Honorable James E. Smith, Mayor, Village of Hamburg, Village Hall, Hamburg, Illinois 62045.

Illinois	(Uninc.) Hardin County	Ohio River	Just downstream of the confluence of Wallace Branch	*354
			About 1.7 miles upstream of the confluence of Saline River.	*368

Maps available for inspection at the County Clerk's Office, Hardin County Courthouse, Elizabethtown, Illinois.

Send comments to Honorable Harold Dutton, County Board Chairman, Hardin County, Hardin County Courthouse, Elizabethtown, Illinois 62931.

Illinois	(V) Heyworth McLean County	Kickapoo Creek Tributary	About 550 feet downstream of US Highway 51	*706
		Just upstream of Willis Street	*717	
		Tributary A	About 3100 feet upstream of Joselyn Street	*725
			Just downstream of US Highway 51	*727
			About 840 feet upstream of Illinois Central Gulf Railroad.	*744

Maps available for inspection at the Village Hall, Heyworth, Illinois.

Send comments to Honorable Harold Swarzy, Village President, Village of Heyworth, Village Hall, Heyworth, Illinois 61745.

Illinois	(Uninc.) Pope County	Ohio River	Downstream county line	*341
			Upstream county line	*364

Maps available for inspection at the County Clerk's Office, Pope County Courthouse, Goloonda, Illinois.

Send comments to Honorable Bennie Gibbs, County Board Chairman, Pope County, County Commissioner's Office, Pope County Courthouse, Goloonda, Illinois 62936.

Indiana	(T) Brooksburg, Jefferson County	Ohio River	Within the corporate limits	*457

Maps available for inspection at Ms. Cathy Corbin's residence, Rural Route 3, Brooksburg, Indiana.

Send comments to Honorable Eddie Fisher, Town Board President, Town of Brooksburg, Fire Hall, Brooksburg, Indiana 47250.

Iowa	(C) Maxwell, Story County	Indian Creek	Just downstream of State Highway 210	*865
			Just downstream of County Road at upstream corporate limits.	*873
		Rock Creek	About 1450 feet downstream of confluence of Rock Creek Tributary.	*866
			Just downstream of County Highway E63	*880
			Just upstream of County Highway E63	*885
		Tributrary to Rock Creek	At confluence with Rock Creek	*871
			About 600 feet upstream of County Road	*877

Maps available for inspection at City Hall, Maxwell, Iowa.

Send comments to Honorable Don Ferguson, Mayor, City of Maxwell, City Hall, Maxwell, Iowa 50161.

Michigan	(Twp) Holland, Ottawa County	Lake Macatawa	Shoreline	*584
		Macatawa River	Mouth of Lake Macatawa	*584
			Just upstream Adams Street	*584
			Just downstream 96th Avenue	*589
		Secondary Channel	At confluence with Macatawa River	*584
			At divergence with Macatawa River	*586
		Pine Creek	Just upstream 144th Avenue	*587
			Just upstream Ripley Street	*608
			About 75 feet downstream Quincy Street	*621
		Bosch-Hulst Drain	About 1,800 feet downstream 107th Avenue	*589
			Just downstream Paw Paw Road	*600
			Just upstream Chicago Drive	*606
			Just upstream Riley Road	*615
			Just downstream Quincy Street	*630
		Zeeland Drain	Mouth at Bosch-Hulst Drain	*616
			Just upstream 100th Avenue	*640
		Brower Drain	Mouth at Zeeland Drain	*622
			Just downstream 100th Avenue	*634
		North Branch Drain	Mouth at Macatawa River	*584
			Just downstream Country Club Road	*626
		County Drain No. 40	Mouth at Macatawa River	*587
			Just downstream Private Drive (near U.S. Highway 31)	*590

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream Private Drive (near U.S. Highway 31)	*596
			About 50 feet downstream Fetch Street	*614

Maps available for inspection at the Supervisor's Office, 353 North 120th Avenue, Holland, Michigan.
Send comments to Honorable Jacob M. Jongekrijg, Supervisor, Township of Holland, Holland Township, 353 North 120th Avenue, Holland, Michigan 49423.

Massachusetts	Amherst, Town, Hampshire County	Mill River	Downstream corporate limits	*150
			Upstream State Route 116	*159
			Upstream Montague Road	*174
			Approximately .44 mile upstream of Montague Road	*184
			Downstream Mill Street	*[illegible]
		Fort River	Downstream corporate limits	*140
			Confluence of Muddy Brook	*143
			Upstream West Street	*150
			Upstream Boston and Maine Railroad	*160
			Approximately .83 mile upstream County Route 9	*170
			Upstream Pelham Road	*176
		Plum Brook	Confluence with Fort River	*146
			Upstream Pomeroy Lane	*150
			Upstream Potwine Lane	*160
		Muddy Brook	Confluence with Fort River	*143
			Upstream West Street	*149
		Hop Brook	Confluence with Fort River	*156
			Approximately 200' upstream Boston & Maine Railroad	*160
			Upstream Station Road	*160
		Sawmill Brook	Confluence with Mill River	*153
			Upstream Sunderland Road	*166
			Downstream Montague Road	*176

Maps available for inspection at the Town Hall, Planner's Office, Amherst, Massachusetts.
Send comments to Honorable Barry Delcastillo, Town Manager of Amherst, Town Hall, Amherst, Massachusetts 01002.

Nebraska	(C) Ft. Calhoun, Washington County	Missouri River	About 1.2 miles downstream of the confluence of Moores Creek.	*969
			About 0.6 mile upstream of the confluence of Moores Creek.	*1,001

Maps available for inspection at City Hall, Fort Calhoun, Nebraska.
Send comments to Honorable John N. McGowan, Mayor, City of Fort Calhoun, City Hall, Fort Calhoun, Nebraska 68023.

New Jersey	North Caldwell, Borough, Essex County	Passaic River	Total length within corporate limits	*171
		Green Brook	Downstream corporate limits	*227
			Grandview Avenue (upstream side)	*359
			Dam 5 (upstream side)	*411

Maps available for inspection at the Municipal Building, Gould Avenue, North Caldwell, New Jersey.
Send comments to Honorable Richard Nelson, Mayor of the Borough of North Caldwell, Municipal Building, Gould Avenue, North Caldwell, New Jersey 07006.

New Jersey	Lebanon, Township, Hunterdon County	South Branch Raritan River	Downstream corporate limits	*387
			CONRAIL (upstream side)	*410
			Hoffmans Crossing Road (upstream)	*442
			Approximately 300 feet upstream of confluence of Little Brook.	*451
			Vernon Road (downstream side)	*467
			Upstream corporate limits	*489
		Musconetcong River	State Route 31 Access Road (upstream side)	*346
			Springtown Road (upstream side)	*357
			Downstream Footbridge (downstream side)	*364
			Approximately 180 feet downstream of confluence of Derry Run.	*377
			Mowder Road (upstream side)	*364
			Mowder Hill Road (upstream side)	*395
			Perwell road (upstream side)	*413
			Upstream corporate limits	*424
		Spruce Run	Van Syckels Corner Road	*275
			Confluence of Rocky Run	*302
			2nd Private Drive (upstream side)	*327
			Upstream corporate limits	*365
		Rocky Run	Confluence with Spruce Run	*302
			Approximately 75 feet upstream of CONRAIL	*306
			Private Drive (downstream side)	*426
			Rocky Run Road (upstream side)	*473
			Approximately 1,235 feet upstream of Rocky Run Road.	*530
		Willoughby Brook	Confluence with Spruce Run Reservoir	*275
			State Route 31 (upstream side)	*276
			Most downstream corporate limits	*294
			Downstream footbridge (upstream side)	*365
			Upstream footbridge (downstream side)	*446
			Approximately 60' upstream of Buffalo Hollow Road (upstream side).	*467

Maps available for inspection at the Municipal Building, Hill Road at Wood Glen, Lebanon, New Jersey.
Send comments to Honorable Gottfried Tietzer, Mayor of Lebanon, R.D. 1, Box 125, Glen Gardner, New Jersey 08826.

New Jersey	Sea Bright, Borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*14
		South Shrewsbury River	Shoreline at Island View Way extended	*12
			Shoreline 150 feet north of Imbrie Place extended	*11
			Shoreline at Osborne Street extended	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Shrewsbury River	Shoreline at River Street extended	*10
			Shoreline at Rumson Road extended	*11
			Shoreline at Atlantic Way extended	*11
			Shoreline 100 feet north of State Route 36 (extended)	*12

Maps available for inspection at the Borough Hall, 1099 East Ocean Avenue, Sea Bright, New Jersey.
Send comments to Honorable Cecile F. Norton, Mayor of Sea Bright, 1099 East Ocean Avenue, Sea Bright, New Jersey 07006.

New Jersey	Vernon, Township, Sussex County	Wallkill River	Downstream corporate limits	*389
			Upstream Bassets Bridge Road	*391
			Upstream corporate limits	*394

Maps available for inspection at the Vernon Municipal Center, Church Street, Vernon, New Jersey.
Send comments to Honorable Michael Clark, Mayor of Vernon, Vernon Municipal Center, Church Street, Vernon, New Jersey 07402.

New Jersey	Wantage, Township, Sussex County	Wallkill River	Downstream corporate limits	*389
			Upstream of Bassets Bridge Road	*391
			Upstream of Glenwood Road	*394
			Upstream corporate limits	*401

Maps available for inspection at the Municipal Building, Route 23, Sussex, New Jersey.
Send comments to Honorable Herold D. Rome, Mayor of Wantage Township, Municipal Building, R.D. 1, Route 23, Sussex, New Jersey 07461.

New York	Angelica, Village, Allegany County	Angelica Creek	Downstream corporate limits	*1,358
			Upstream Olean Street	*1,410
			Upstream Peacock Hill Road	*1,430
			Upstream corporate limits	*1,445
		Tributary A-1	Confluence with Angelica Creek	*1,435
			Downstream Common Road (North Street)	*1,506

Maps available for inspection at the Village Office, White Street, Angelica, New York.
Send comments to Honorable Frank Kern, Village Office, White Street, P.O. Box 158, Angelica, New York 14709.

New York	Long Beach, City, Nassau County	Atlantic Ocean	Entire shoreline within community	*14
		Reynolds Channel	Entire shoreline within community	*7

Maps available for inspection at the Building Department, City Hall, 1 West Chester Street, Long Beach, New York.
Send comments to Honorable Edwin L. Eston, City Manager of Long Beach, City Hall, 1 West Chester Street, Long Beach, New York 11561.

New York	Roslyn, Village, Nassau County	Hempstead Harbor	Hempstead Harbor shoreline and entrance to Roslyn Channel.	*17

Maps available for inspection at the Village Hall, 1 Paper Mill Road, Roslyn, New York.
Send comments to Honorable Elias Spielman, Mayor of the Village of Roslyn, Village Hall, 1 Paper Mill Road, Roslyn, New York 11576.

New York	Roslyn Harbor, Village Nassau County	Hempstead Habor	Entire shoreline within community	*17
		Motts Cove	Entire shoreline within community	*14

Maps available for inspection at the Village Hall, 500 Motts Cover Road, Roslyn Harbor, New York.
Send comments to Honorable John J. Collins, Mayor of Roslyn Harbor, 500 Motts Cove Road, Roslyn Harbor, New York 11576.

North Carolina	City of Burnsville, Yancy County	Little Crabtree Creek	Just upstream of Hunter Street	*2628
			Just upstream of Pensacola Road (State Route 197)	*2656

Maps available for inspection at Town Hall, Main Street, Burnsville, North Carolina 28714.
Send comments to Mayor Mark W. Bennett or Mr. Tom Storie, Superintendent of Public Works, Town Hall, P.O. Box 07, Burnsville, North Carolina 28714.

North Carolina	Town of Clyde, Haywood County	Pigeon River	Just upstream of Interstate Highway 40 (U.S. Highways 19 and 23 Bypass Connector).	*2528
			Just upstream of Main Street	*2533

Maps available for inspection at Town Hall, 16 Depot Street, Clyde, North Carolina 28721.
Send comments to Mayor S. L. Rogers, or Ms. Peggy Green, Town Clerk, Town Hall, P.O. Box 386, Clyde, North Carolina 28721.

North Carolina	Unincorporated Areas of Haywood County	Pigeon River	Just upstream of Interstate Highway 40	*2496
			Just upstream of S.R. 1513	*2512
			Just downstream of River Road	*2596
			Approximately 150 feet upstream of S.R. 1666	*2620
			At confluence of East Fork Pigeon River, just downstream of State Highway 215.	*2653
		Jonathan Creek	Just upstream of Interstate Highway 40	*2437
			Just downstream of U.S. Highway 276 at downstream crossing.	*2493
			Just upstream of S.R. 1318	*2586
			Just upstream of S.R. 1309	*2696
			Just upstream of S.R. 1302 at downstream crossing	*2772
			Just downstream of Evans Cove Road	*2954
			Just downstream of Rich Cove Road	*3000
			Just upstream of S.R. 1302 at its crossing upstream of the confluence of Carpenter Branch.	*3146
			Just upstream of S.R. 1301	*3358
		Richland Creek	Just downstream of State Highway 209	*2804
		Hominy Creek	Just downstream of U.S. Highway 19 & 23 (downstream crossing).	*2259
			Just upstream of U.S. Highway 19 & 23 at its crossing located upstream of the confluence of North Hominy Creek.	*2395
		North Hominy Creek	Just upstream of U.S. Highway 19 & 23	*2394
			Just upstream of U.S. 1601	*2585
			Just upstream of Newfound Road	*2668
		Tributary to North Hominy Creek	Just downstream of S.R. 1606	*2691

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Beaverdam Creek	Just downstream of Beaverdam Road	*2827
			Just downstream of S.R. 1614	*2708
		West Fork Pigeon River	Approximately 150 feet downstream of U.S. Highway 276.	*2622
		East Fork Pigeon River	Just downstream of U.S. Highway 276, at downstream crossing.	*2690
			Just downstream of U.S. Highway 276 at its second crossing of the river located approximately 350 feet upstream of the confluence of Lentor Creek.	*2741
			Just upstream of S.R. 1104 approximately 1,200 feet at downstream of the confluence of Henderson Branch where S.R. 1104 links with U.S. Highway 276.	*2774
			Just upstream of U.S. Highway 276 at its uppermost crossing located approximately 2,600 feet upstream of the confluence of Long Branch.	*2860
			Just upstream of Hunger Creek Road	*3042.

Maps available for inspection at County Commissioner's Office, County Courthouse Annex and at the County Planner's Office, County Courthouse, Waynesville, North Caroline 28786.

Send comments to Mr. Edwin Russell, Chairman of the County Commission, County Courthouse Annex or Ms. Mary Henigbaum, County Planner, County Courthouse, Waynesville, North Caroline 28786.

North Carolina	Town of Maggie Valley, Haywood County	Jonathen Creek	Just upstream of Secondary Road 1307	*2874
			Approximately 75 feet upstream of Evans Cove Road	*2958
			Just upstream of Fie Branch Road	*3089
		Campbell Creek	Just downstream of U.S. Highway 19	*3011
			Approximately 150 feet upstream of U.S. Highway 19	*3015

Maps available for inspection at Town Hall, Highway 19, Maggie Valley, North Carolina 28751.

Send comments to Mayor James T. Miller and Albert Matthews, Town Manager, Town Hall, P.O. Box 338, Maggie Valley, North Carolina 28751.

North Caroline	Unicorported Areas of Yancey County	Aylee Creek	Just upstream of Yancey Railroad (approximately 2,270 feet upstream from confluence with Little Crabtree Creek.	*2,486
			Just upstream of Secondary Road 1153	*2,636
		Little Crabtree Creek	Approximately 160 feet upstream of Secondary Road 1147.	*2,471
				*2,562
		Just upstream of Secondary Road 1142		
		Bowlens Creek	Just upstream of Bowlens Creek Road (approximately 420 feet upstream of confluence with Cane River).	*2,615
				*2,804
		Just upstream of Bowlens Creek Road (approximately 2.95 miles upstream of confluence with Cant River)		
		Bald Creek	Approximately 100 feet upstream of U.S. Highway 19 (approximately 4,220 feet upstream of confluence with Cane River).	*2,512
		Bald Mountain Creek	Just upstream of Private Drive (approximately 1,850 feet upstream of confluence with Cane River).	*2,317
		Jacks Creek	Just downstream of Secondary Road 1416	*2,326
		South Toe River	Just downstream of Secondary Road 1303	*2,466
			Just downstream of confluence of Whitecek Creek	*2,678
		Cane River	Just downstream of Secondary Road 1354	*2,148
			Just upstream of U.S. Highway 19W	*2,400
			Just upstream of U.S. Highway 19E	*2,536
			Just upstream of State Highway 197	*2,934
		Elk Fork	Just upstream of State Highway 197	*3,118
		Brown Creek	Just upstream of State Highway 80	*2,734
		Cat Tail Creek	Just upstream of State Highway 197	*2,867
		Whitecek Creek	Approximately 50 feet upstream of Private Drive (approximately 4,360 feet above confluence with South Toe River).	*2,734
		Big Creek	Just upstream of Secondary Road 1414	*2,186
		Haney Creek	Just upstream of Private Drive (approximately 790 feet upstream of confluence with Cane River).	*2,956

Maps available for inspection at County Manager's Office, Yancey County Courthouse, Main Street, Burnsville, North Carolina 28714.

Send comments to Mr. Allon Robineon, Chairman, Yancey County Board of Commissioners, or Mr. David Blankenship, County Manager, Yancey County Courthouse, Main Street, Burnsville, North Carolina 28714.

North Dakota	Dunn Center (City), Dunn County	Spring Creek	75 feet upstream from center of Central Avenue	*2,170
			Approximately 200 feet south from the center of the intersection of Railroad Street and First Avenue East.	*2,160

Maps available for inspection at City Hall, Main Street, Dunn Center, North Dakota.

Send comments to Honorable Gust Mitsiolaidi, P.O. Box 361 Dunn Center, North Dakota 58626.

North Dakota	Halliday (City), Dunn County	Spring Creek	At the intersection of West Second Avenue and North Second Street.	*2,048
			550 feet east-southeast from center of intersection of Second Street and East Fourth Avenue.	*2,041
		Alkali Creek	950 feet west from the center of the intersection of South Third Street and West First Avenue.	*2,053

Maps available for inspection at City Hall, Main Street, Halliday, North Dakota.

Send comments to Honorable Leo Leemeister, P.O. Box 217, Halliday, North Dakota 58636.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
North Dakota	Killdeer (city), Dunn County	Spring Creek	50 feet downstream from the center of State Highway 22.	*2,245
			50 feet downstream from the center of High Street	*2,251

Maps available for inspection at City Hall, Railroad Street, Killdeer, North Dakota.

Send comments to Honorable Arnold William Lubke, P.O. Box 515 Killdeer, North Dakota 58640.

Ohio	(V) Adena, Harrison and Jefferson Counties	North fork	At mouth at Short Creek	*857
			At upstream corporate limit	*869
		South fork	At mouth at middle fork	*878
			At upstream corporate limits	*882
		Short Creek	Just upstream of Norfolk Southern Railway (downstream of South Bridge Street).	*850
			At confluence of South Fork	*876
		Middle fork	About 1,400 feet upstream of confluence of south fork (upstream corporate limits).	*885

Maps available for inspection at the Village Hall, Main and South Bridge Streets, Adena, Ohio.

Send comments to Honorable June McKim, Mayor, Village of Adena, Village Hall, Main and South Bridge Streets, P.O. Box 44, Adena, Ohio 43901.

Ohio	(V) Amsterdam, Jefferson County	Yellow Creek	About 0.56 mile downstream of Liberty Street (at downstream corporate limit).	*926
			Just upstream of Market Street	*931
		Goose Creek	At mouth at Yellow Creek	*931
			About 0.47 mile upstream of State Road (at upstream corporate limit).	*957

Maps available for inspection at the Village Hall, Main Street, Amsterdam, Ohio 43903.

Send comments to Honorable Jim Davidson, Mayor, Village of Amsterdam, Village Hall, Main Street, Amsterdam, Ohio 43903.

Oklahoma	City of Newcastle, McClain County	Tributary to Canadian River	Just downstream of May Avenue	*1,164
		Tributary A.1 of Canadian River	Just upstream of East Johnson River	*1,148
		Tributary A.1.1 of Canadian River	Approximately 100 feet downstream of the corporate limits.	*1,155
		Tributary B of Canadian River	Just downstream of May Avenue	*1,158
		Pond Creek	Just upstream of East Fox Lane	*1,145
			Just upstream of East Kelly Road	*1,166
		Tributary No. 1 of Pond Creek	Just downstream of East Haun Road	*1,155
			Just upstream of East Haun Road	*1,165
		Tributary No. 1.1 of Pond Creek	Just downstream of East Bond Road	*1,198
			Just upstream of East Bond Road	*1,207
		Tributary No. 1.2 of Pond Creek	Just upstream of Main Street	*1,230
		Tributary No. 2 of Pond Creek	Approximately 200 feet downstream of Portland Avenue.	*1,153
		Tributary No. 3 of Pond Creek	Just upstream of Fox Lane	*1,154
		Tributary No. 4 of Pond Creek	Just upstream of East Fox Lane	*1,165
		Tributary No. 5 of Pond Creek	Just upstream of Main Street	*1,176
		Tributary No. 5.1 of Pond Creek	Just upstream of MacArthur Boulevard	*1,215
		Tributary No. 5.2 of Pond Creek	Just downstream of MacArthur Boulevard	*1,242
		Tributary No. 6 of Pond Creek	Just upstream of Main Street	*1,186
		Tributary No. 7 of Pond Creek	Approximately 1,500 feet upstream of the confluence with Pond Creek.	*1,176
		Tributary No. 8 of Pond Creek	Just upstream of unnamed road	*1,200
		Tributary No. 9 of Pond Creek	Approximately 740 feet upstream of the confluence with Pond Creek.	*1,216
		Tributary No. 10 of Pond Creek	Just upstream of West Fox Lane	*1,247
		Tributary D of Canadian River	Just upstream of State Highway 37	*1,183
		Tributary D.1 of Canadian River	Just upstream of unnamed road	*1,208
		Stinson Creek	Just upstream of unnamed road	*1,245
		Tributary No. 1 of Stinson Creek	Just upstream of Council Road	*1,254
		Tributary No. 2 of Stinson Creek	Approximately 200 feet downstream of Haun Road	*1,283
		Tributary No. 3 of Stinson Creek	Approximately 275 feet downstream of Haun Road	*1,273

Maps available for inspection at City Manager's Office, City Hall, South Carr Street, Newcastle, Oklahoma 73065.

Send comments to Mayor Jesse Joy or Mr. James Branum, City Manager, City Hall, P.O. Drawer E, Newcastle, Oklahoma 73065.

Oregon	Echo (city), Umatilla County	Umatilla River	150 feet upstream from center of Main Street	*633

Maps available for inspection at City Hall, Bonanza, Echo, Oregon.

Send comments to Honorable Marvin Storz, P.O. Box 9, Echo, Oregon 97826.

Pennsylvania	Bechtelsville Borough, Berks County	Swamp Creek	Downstream corporate limits	*365
			Approximately 90 feet upstream of Mill Street	*381
			Approximately 40 feet upstream of Conrail	*395
			Upstream Main Street	*409
			Upstream corporate limits	*425

Maps available for inspection at the Borough Hall, 158 South Main Street, Bechtelsville, Pennsylvania.

Send comments to Honorable Gerald Bauer, Bechtelsville Council President, 158 South Main Street, Bechtelsville, Pennsylvania 19505.

Pennsylvania	Bedminster, Township Bucks County	Cabin River	At State Route 413	*391
			Upstream of U.S. Route 611	*447
			Approximately 0.4 mile upstream of U.S. Route 611	*466
		Deep Run	Upstream of Stone Bridge Road	*416
			Upstream of Deep Run Road	*454

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		East branch Perkiomen Creek	Upstream of Scott Road	*482
			Downstream of Smith School Road	*539
			Upstream of State Route 313	*342
			Downstream of Elephant Road	*356
		Tohickon Creek	At Iron Bridge Road	*269
			Upstream of Dark Hollow Road	*277
			Upstream of Creek Road	*295
			Upstream of U.S. Route 611	*291
			Upstream of Farm School Road	*312
			Upstream of Fretz Valley Road	*310
			Approximately 2,150 feet upstream of Fretz Valley Road.	*313

Maps available for inspection at the Bedminster Township Building, R.R. 2, Box 408, Perkasie, Pennsylvania.

Send comments to Honorable A. Warren Kulp, Jr., Chairman of the Bedminster Board of Supervisors, R.R. 2, Box 408, Perkasie, Pennsylvania 18944.

Pennsylvania	Middlesex, township, Butler County	Glade Run	Approximately 1.0 mile downstream of Sheldon Road	*1,001
			Upstream side of Sheldon Road bridge	*1,017
			Upstream side of McFann Road bridge	*1,028
			Upstream side of State Route 8 bridge	*1,065
			Upstream side of Steiner Road bridge	*1,083
			Upstream side of Overbrook Road bridge	*1,105
			At Glade Lake Dam	*1,121

Maps available for inspection at the Township Building, Middlesex, Pennsylvania.

Send comments to Honorable Bernard J. Feil, Chairman of the Middlesex Township Board of Supervisors, P.O. Box 188, Valencia, Pennsylvania 16059.

Texas	Baileys Prairie, town, Brazoria County	Oyster Creek	Downstream corporate limits	*30
			Upstream State Route 35	*32
			Upstream corporate limits	*33

Maps available for inspection at the City Hall, Baileys Prairie, Texas.

Send comments to Honorable A. D. Williams, Mayor of Baileys Prairie, Route 1, Angleton, Texas 77515.

Texas	Brazoria, city, Brazoria County	Brazos River	Area north of FM 521 and south of Market Street	*25
			Southeast portion of corporate limits in vicinity of Mulberry Lane.	*24

Maps available for inspection at the City Hall, Brazoria, Texas.

Send comments to Honorable Paul Hansing, Mayor of the City of Brazoria, City Hall, Brazoria, Texas 77422.

Texas	Clute, city, Brazoria County	Oyster Creek	Most downstream corporate limits	*11
			Upstream access road	*14
			Upstream State Route 288	*15
			Downstream Missouri Pacific Railroad	*17

Maps available for inspection at the City Hall, Clute, Texas.

Send comments to Honorable Bobby Jacobs, Mayor of Clute, P.O. Box 987, Clute, Texas 7731.

Texas	Richwood, city, Brazoria County	Oyster Creek	Downstream corporate limits	*15
			Upstream corporate limits	*16

Maps available for inspection at the City Hall, Richwood, 215 Halbert, Richwood, Texas.

Send comments to Honorable Thomas W. Jones, Mayor of Richwood, 215 Halbert, Richwood, Texas 77531.

Texas	West Columbia, city, Brazoria County	Bell Creek	Downstream corporate limits	*25
			Upstream corporate limits	*32
		Brazos River	Southeast portion of the community near Greenfield Drive.	*31
			Corporate limits at Austin Street (extended)	*33

Maps available for inspection at the City Hall, West Columbia, Texas.

Send comments to Honorable M. A. Brooks, Mayor of West Columbia, P.O. Drawer 487, West Columbia, Texas, 77486.

Washington	Arlington (city), Snohomish County	Stillaguamish River	100 feet upstream from Burlington Northern Railroad crossing.	*58
		South Fork Stillaguamish River	110 feet north from center of intersection of Talcott Street and East Burke Avenue.	*71

Maps available for inspection at City Hall, 3rd & Olympic, Arlington, Washington.

Send comments to Honorable John Larson, 3rd & Olympic, Arlington, Washington.

Washington	Gold Bar (town), Snohomish County	Skykomish River	320 feet southwest from center of intersection of 9th Street U.S. Highway 2.	*195
		Wallace River	Center of intersection of First Street and Wallace River.	*185
		May Creek	50 feet upstream from center of First Street	*184

Maps available for inspection at Town Hall, 501 Croft, Gold Bar, Washington.

Send comments to Honorable Lee McCombe, Box 167, Gold Bar, Washington 98251.

Washington	Index (town), Snohomish County	North Fork Skykomish River	100 feet upstream from center of Fifth Street	*535

Maps available for inspection at Town Hall, Index, Washington.

Send comments to Honorable Kim Hunter, General Delivery, Index, Washington 98256.

Washington	Marysville (city), Snohomish County	Snohomish River (Ebey Slough and Steamboat Slough).	At center of the intersection of 1st Street and Interstate Highway 5.	*9

Maps available for inspection at City Hall, 514 Delta Avenue, Marysville, Washington.

Send comments to Honorable Daryl Brennick, 514 Delta Avenue, Marysville, Washington 98270.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Washington	Monroe (city); Snohomish County	Snohomish River	At 171st Avenue SE. vicinity of Burlington Northern Railroad.	*30
		Skykomish River	At the center of Simons Road crossing of Woods Creek.	*51
Maps available for inspection at City Hall, 806 W. Main, Monroe, Washington.				
Send comments to Honorable Gordon Tjerne, P.O. Box 130, Monroe, Washington 98272.				
Washington	Shelton (city), Mason County	Goldsborough Creek	50 feet upstream from center of 1st Street	*16
		Oakland Bay	At Shelton	*11
Maps available for inspection at Planning Department, 2nd & Franklin, Shelton, Washington.				
Send comments to Honorable Joyce Jaros, 2nd & Franklin, Shelton, Washington 98584.				
Washington	Snohomish (city), Snohomish County	Snohomish River	50 feet upstream from center of U.S. Highway 2	*27
		Pilchuck River	50 feet upstream from center of 6th Street	*36
Maps available for inspection at Planning Department, 1620 4th Street, Snohomish, Washington.				
Send comments to Honorable Ralph Davis, 1009 1st Street, Snohomish, Washington 98290.				
Washington	Stanwood (city) Snohomish County	Stillaguamish River	At the center of intersection of 94th Dr., NW., and 271st Street NW.	*10
Maps available for inspection at City Hall, 10220 270 Street, NW. Stanwood, Washington.				
Send comments to Honorable Kenneth Day, P.O. Box 278 Stanwood, Washington 98292.				
Washington	Tacoma (city), Pierce County	Puyallup River	50 feet upstream from center of Eells Street	*10
		Swan Creek	50 feet upstream from center of the Burlington Northern Railroad Bridge crossing.	*14
		Snake Lake	250 feet northwest from the intersection of S. 31st Street and Madison Street.	*296
		Wapato Lake	240 feet west of the intersection of Wapato Lake Drive and S. 65th Street.	*311
		Puget Sound	100 feet north of the intersection of 6th Avenue and Walters Drive.	*9
			200 feet northeast from the intersection of Ruston Way and 49th Street.	*9
Maps available for inspection at Planning Department, 740 St. Helens, Tacoma, Washington.				
Send comments to the Honorable Doug Southerland, 740 St. Helens, Suite 1220, Tacoma, Washington 98402.				
Washington	Walla Walla County (unincorporated areas)	Walla Walla River (at Touchet)	300 feet upstream from center of Gardena Highway	*426
		Walla Walla River (near College Place).	100 feet upstream from center of Whitman Road	*612
			100 feet upstream from center of Peppers Bridge Road.	*773
		Touchet River (at Touchet)	At the intersection of Hawley and Conrad Roads	*457
		Touchet River (near Waitsburg)	Approximately 650 feet south from intersection of U.S. Highway 12 and Dewitt Road.	*1,284
		Lower Mill Creek	50 feet upstream from center of Last Chance Road	*886
			75 feet upstream from center of Goose Street	*898
		Upper Mill Creek	200 feet upstream from center of Mill Creek Dam	*1,265
			75 feet upstream from center of Sevenmile Road	*1,486
			50 feet upstream from center of New Wichersham Bridge.	*1,836
		Yellowhawk Creek	50 feet upstream from center of Old Milton Highway	*728
		Cottonwood Creek	50 feet upstream from center of Braden Road	*872
		Russell Creek	50 feet upstream from center of South Third Avenue	*888
			50 feet upstream from center of Depping Road	*1,032
		Russell Creek overflow area	300 feet upstream from center of School Avenue	*1,006
		Reser Creek	50 feet upstream from center of South Wilber Street	*976
		Coppei Creek	50 feet upstream from center of State Highway 124	*1,237
		Dry Creek (at Dixie)	At the intersection of creek and U.S. Highway 12	*1,539
Maps available for inspection at the Engineering Department, 314 West Main, Walla Walla, Washington.				
Send comments to Honorable Robert Petersen, P.O. Box 1506, Walla Walla, Washington 99362.				
West Virginia	Bramwell, town, Mercer County	Bluestone River	Downstream corporate limits	*2,229
			Upstream side of U.S. Highway 52 bridge	*2,242
			Upstream side of Duhring Street bridge	*2,246
			Upstream side of Pocahontas Avenue bridge	*2,256
			Upstream corporate limits	*2,259
Maps available for inspection at the Town Hall, Bramwell, West Virginia.				
Send comments to Honorable Don Murphy, Mayor of the Town of Bramwell, Town Hall, Bramwell, West Virginia 24715.				
West Virginia	Brooke County	Ohio River	Downstream county boundary	*663
			Upstream of Norfolk & Western Railway	*668
			Downstream of Steubenville Highway	*670
			Upstream of upstream Conrail bridge	*672
		Cross Creek	At confluence with Ohio River	*668
			Upstream of Cross Creek Road (second upstream crossing).	*678
			Upstream of County Highway 7-6	*705
			Upstream of Potrock Road	*727

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Harmon Creek	Upstream of Norfolk & Western Railway (most upstream crossing)	*790
			Downstream of county boundary	*775
			At confluence with Ohio River	*672
			Upstream of State Route 2	*681
			Upstream of County Highway 1–3	*704
			Upstream of County Highway 1	*722
			Upstream of County Highway 3–1	*730
			Upstream of Wood Crib and Pier Road	*766
			Upstream of Rayland Road	*812
			Downstream of upstream County boundary	*823

Maps available for inspection at the County Courthouse, Wellsburg, West Virginia.

Send comments to Honorable Alfred De Angelis, President of the Brooke County Commissioners, P.O. Box 272, Wellsburg, West Virginia 26070.

West Virginia	Granville, town, Monongalia County	Monongahela River	Downstream corporate limits	*811
			Upstream corporate limits (at confluence of Dents Run)	*812
		Dents Run	Confluence with Monongahela River	*813
			Upstream corporate limits	*818

Maps available for inspection at the Town Hall, Dents Run Road, Granville, West Virginia.

Send comments to Honorable James Everly, Mayor of the Town of Granville, Town Hall, Granville, West Virginia 26534.

West Virginia	Matoaka, town, Mercer County	Widemouth Creek	Downstream corporate limits	*2,359
			Downstream side first crossing of State Route 10 bridge	*2,363
			Upstream corporate limits	*2,366

Maps available for inspection at the Town Office, Matoaka, West Virginia.

Send comments to Honorable Jimmy Sangid, Mayor of the Town of Matoaka, P.O. Box 63, Matoaka, West Virginia 24736.

West Virginia	Oakvale, town, Mercer County	East River	Downstream corporate limits	*1,703
			Downstream side of downstream access road bridge	*1,729
			Upstream corporate limits	*1,754

Maps available for inspection at the Oakvale Post Office, Oakvale, West Virginia.

Send comments to Honorable Obie Booth, Mayor of the Town of Oakvale, P.O. Box 187, Oakvale, West Virginia 24739.

West Virginia	Princeton, city, Mercer County	Brush Creek	Downstream corporate limits	*2,366
			Downstream Thorn Street bridge	*2,366
			Upstream Brick Street bridge	*2,389
			Upstream Ingleside Road bridge	*2,390
			Upstream corporate limits	*2,393
		Daves fork	At confluence with Brush Creek	*2,389
			Upstream Athens Road bridge	*2,393
			Upstream Thorn Street bridge	*2,394
			Approximately 0.10 mile upstream Prince Street bridge	*2,396
		Glady fork	At confluence with Brush Creek	*2,391
			Upstream Old Bluefield-Princeton Road bridge	*2,397
			Upstream Bluefield Road bridge	*2,400
			Approximately 0.66 mile upstream Bluefield Road bridge	*2,404

Maps available for inspection at the Municipal Building, Princeton, West Virginia.

Send comments to Honorable Emory J. Reeser, Mayor of the City of Princeton, Municipal Building, Princeton, West Virginia 24740.

West Virginia	Wyoming County	Guyandotte River	Approximately 2 miles downstream of confluence of Laneo Branch	*1,162
			Downstream of County Route 10–7	*1,181
			Upstream of Norfolk & Western Railway	*1,211
			Upstream of County Route 160	*1,239
			Upstream of County Route 18	*1,367
			Upstream of State Route 10	*1,396
			Upstream of State Route 16 (downstream crossing)	*1,444
			Upstream of County Route 41	*1,479
			Upstream of County Route 114	*1,510
			Upstream of Route 16–2	*1,525
			Upstream corporate limits	*1,566
		Laurel fork	Downstream corporate limits	*1,279
			Upstream of County Route 30	*1,351
			Downstream of State Route 10	*1,363
		Ravenscliff Reach	Upstream of County Route 34	*1,758
		Glen Rogers Reach	Upstream of North & Western Railway (first crossing)	*1,813
			Upstream of Norfolk & Western Railway (second crossing)	*1,823
			Approximately 0.8 mile upstream of Norfolk & Western Railway (second crossing)	*1,839
		Clear fork	Approximately 0.46 mile downstream of most downstream private road	*1,215
			At confluence of McDonald Mill Creek	*1,220
			Upstream of State Route 971	*1,234
			Approximately 0.25 mile upstream of Norfolk & Western Railway	*1,241
		Millam fork	Confluence with Laurel fork	*1,730
			Upstream of abandoned railway	*1,757
			Upstream of Norfolk & Western Railway	*1,784
			Upstream of County Route 5	*1,805

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Indian Creek	Approximately 1.99 miles upstream of County Route 5	*1,823
			Approximately 1.37 miles downstream of Turkey Wallow Road.	*1,289
			Upstream of Turkey Wallow Road	*1,252
			Upstream of most upstream private road	*1,505
		Slab fork	Approximately 200 feet downstream of State Route 16	*1,558
			Downstream of corporate limits	*1,502

Maps available for inspection at the Office of the County Clerk, County Courthouse, Pineville, West Virginia.

Send comments to Honorable William W. Bailey, President of the Wyoming County Board of Commissioners, P.O. Box 309, Pineville, West Virginia 24874.

Wisconsin	(V) Suring, Oconto County	Oconto River	About 0.40 mile downstream of Main Street	*786
			About 500 feet upstream of the confluence of Peshtigo Brook.	*787

Maps available for inspection at the Village Hall, Suring, Wisconsin.

Send comments to Honorable O.J. Kane, Village President, Village of Suring, Village Hall, Suring, Wisconsin 54174.

Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignment. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Marking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such submissions by parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-6899 Filed 3-14-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-121; RM-83-121]

FM Broadcast Station in Steamboat Springs, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUBJECT: Action taken herein proposes the substitution of Class C FR Channel 245 for Channel 244A at Steamboat Springs, Colorado, and modification of the license of the Class A station (KSBT) to specify operation on the Class C channel, at the request of the licensee, KBCR, Inc.

DATE: Comments must be filed on or before April 18, 1983, and reply comments must be filed on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Steamboat Springs, Colorado); MM Docket No. 83-121, RM-4273.

Adopted: February 15, 1983;

Released: March 3, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making filed December 13, 1982, by KBCR, Inc. ("petitioner"), licensee of Station KSBT (FM), proposing the substitution of Class C FM Channel 245A at Steamboat Springs, Colorado, and modification of the license of Station KSBT to specify operation on Channel 245.

2. According to the Commission's established policy, the proposal to substitute a superior Class C channel for a Class A channel and modify the license to specify operation on the Class C channel is subject to affording other interested parties an equal opportunity to file, an application and be given consideration for the new channel. *Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976). Only in the absence of an expression of another interest by the comment deadline could the modification take place.

3. In view of the foregoing, we believe it is appropriate to solicit comments on the proposed amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Steamboat Springs Colorado	244A	245

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 145, 303).

Federal Communications Commission.

Robert K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a conterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-6702 Filed 3-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83–119; RM–4214]

FM Broadcast Station in Hill City, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action, proposed the assignment of Class C FM Channel 270 to Hill City, Kansas, in response to a petition filed by Jerrell E. Kautz and John Cartwright. The assisgnment could provide a first FM assignment to that community.

DATES: Comments must be filed on or before April 18, 1983, and reply comments must be filed on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of an Amendment of § 73.202(b), Table of Assignment, FM Broadcast Stations (Hill City, Kansas), MM Docket No. 83–119, RM–4214.

Adopted: February 15, 1983.

Released: March 3, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on October 5, 1982, by Jerrell E. Kautz and John Cartwright ("petitioners") seeking to substitute Channel 228A for 221A at Phillipsburg, Kansas, and assign Class C Channel 223 to Hill City, Kansas, as its first FM assignment. Petitioners expressed an interest in applying for the Hill City channel, if assigned.

2. Class C Channel 223 was previously substituted for Channel 221A at Phillipsburg, Kansas (see BC Docket No. 82–145). It is therefore not available for assignment at Hill City, Kansas. A Commission staff study indicates that Class C Channel 270 is alternately

available for assignment at Hill City. A site restriction of 6.3 miles northwest of the city is required due to Station KSKU in Hutchinson, Kansas.

3. In view of the fact that the proposed assignment could provide a first FM broadcast service to Hill City, Kansas, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Hill City, Kansas		270

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexbility Act Do Not Apply to Rule Making to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may common on them in reply comments. They will not be considered if advanced in reply comments. ((See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-0703 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-120, RM-4346]

FM Broadcast Station in Bear Lake, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposed to assign FM Channel 261A to Bear Lake, Michigan, in response to a petition filed by North Michigan Associates. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Notice of Proposed Rule Making

In the matter of an Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bear Lake, Michigan); MM Docket No. 83–120, RM–4346.

Adopted: February 15, 1983.

Released: March 3, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 12, by North Michigan Associates ("petitioner") proposing the assignment of Channel 261A to Bear Lake, Michigan, as its first FM assignment. Petitioner submitted information in support of the proposal. Petitioner failed to state that it will apply for the channel, if assigned. It is expected to do so in its comments. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 261A to Bear Lake, Michigan, is within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM service to Bear Lake, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Bear Lake, Michigan		261A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to the rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, al *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentatioin required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comment. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments, on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83–6700 Filed 3–14–83; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 83-118; RM-4232]

TV Broadcast Stations in Bellevue, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 33 to Bellevue, Washington, as its first television assignment, in response to a petition filed by Eastside Television Associates.

DATES: Comments must be filed on or before April 18, 1983, and reply comments must be filed on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the Matter of an Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Bellevue, Washington); MM Docket No. 83-118, RM-4232.

Adopted: February 15, 1983.

Released: March 3, 1983.

By Chief, Policy and Rules Division.

1. The Commission has under consideration the petition for rule making filed November 1, 1982, by Eastside Television Associates ("petitioner"), which seeks the assignment of UHF Television Channel 13 to Bellevue, Washington. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Bellevue (population 73, 903),[1] in King County (population 1,269,749) is located approximately 13 kilometers (8 miles) east of Seattle, Washington. It has no local Television broadcast service.

3. Since the proposed assignment to Bellevue, Washington, is within 400 kilometers(250 miles) of the U.S.-Canadian border, concurrence of the Canadian government must be obtained.

4. Petitioner included demographic information which demonstrates the need for a first local television service to Bellevue.

5. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Rules) with regard to the following city:

City	Channel No.	
	Present	Proposed
Bellevue, Washington		33+

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.*

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commisson's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-6704 Filed 3-14-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-123; RM-4272]

FM Broadcast Station in Greenfield, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 258 to Greenfield, California, in response to a petition filed by Anita L. Levine. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Greenfield, California) MM Docket No. 83-123; RM-4272.

Notice of Proposed Rule Making

Adopted: February 10, 1983.

Released: March 4, 1983.

1. A petition for rule making was filed December 13, 1982, by Anita L. Levine ("petitioner") seeking the assignment of Channel 258 to Greenfield, California, as its first FM assignment. Petitioner expressed an interest in applying for the channel. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first FM service to Greenfield, California, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Greenfield, California		258

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be acompanied by a certificate of service. (See § 1.420.(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-6660 Filed 3-14-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-124; RM-4216]

FM Broadcast Station in New Carlisle, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 272A to New Carlisle, Indiana, as its first local FM service, in response to a petition filed by Miramar Broadcasting, Inc.

DATES: Comments must be filed on or before April 18, 1983, and reply comments must be received on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (New Carlisle, Indiana); MM Docket No. 83-124; RM-4216.

Notice of Proposed Rule Making

Adopted February 10, 1983.
Released: March 4, 1983.

1. A petition for rule making was filed October 12, 1982, by Miramar Broadcasting, Inc., ("petitioner") proposing the assignment of FM Channel 272A to New Carlisle, Indiana, as its first FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. A site restriction of 1.2 miles northeast of the city is required due to Station WTAS in Crete, Indiana.

2. Since New Carlisle, Indiana, is within 320 kilometers (200 miles) of the U.S.-Canadian border, the proposed assignment requires coordination with the Canadian Government.

3. In view of the fact that the proposed assignment could provide a first local FM service to New Carlisle, Indiana, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
New Carlisle, Indiana		272A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the revelant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes and *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,
Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whetever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a conterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-6999 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-126; RM-4275]

FM Broadcasting Station in Mandan, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Class C Channel 284 for Channel 285A, at Mandan, North Dakota, and modification of the license of Class A Station KNDR(FM) to specify operation on the Class C channel, at the request of the licensee, Central Dakota Enterprises, Inc.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mandan, North Dakota) MM Docket No. 83-126, RM-4275.

Notice of Proposed Rule Making

Adopted: February 10, 1983.
Released: March 4, 1983.

1. A petition for rule making was filed December 17, 1982, by Central Dakota Enterprises, Inc. ("petitioner"), licensee of Station KNDR(FM), proposing the substitution of Class C Channel 284 for 285A at Mandan, North Dakota, and modification of the license of Station KNDR to specify operation on Channel 284.

2. Petitioner states that the substitution of Channel 284 for 285A would enable the station to better serve its community. Petitioner also notes that in an effort to better serve the Mandan-Bismarck area, it has filed an application for Channel 243 at Bismarck, North Dakota. In the event that the instant substitution is made, petitioner will withdraw its application for Channel 243 at Bismarck. Also, petitioner states that it will promptly submit the required engineering data to support an application specifying operation on Class C Channel 284, if assigned. The channels can be substituted in compliance with the minimum distance separation requirements.

3. Since the proposed substitution of Channel 284 for 285A at Mandan is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. According to the Commission's established policy, the proposal to substitute a superior Class C channel for a Class A channel and to modify the license to specify operation on the Class C channel is subject to affording other interested parties an equal opportunity to file an application and be given consideration for the new channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). Only in the absence of an expression of interest by the comment deadline could the modification take place.

5. In view of the foregoing, we believe that it is appropriate to solicit comments on the proposed amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel	
	Present	Proposed
Mandan, North Dakota	285A	284

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules. 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings,

such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended; 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counter proposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-6987 Filed 3-14-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposal to List Senecio franciscanus as a Threatened Species and Determine its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reopening of comment period on proposed rule.

SUMMARY: Notice of reopening of comment period on a proposal to determine *Senecio franciscanus* (San Francisco Peaks groundsel) to be a Threatened species and determine an area within the Conconino National Forest, Coconino County, Arizona as its Critical Habitat will be reopened for a period of 60 days. This is in order to allow for the acceptance of additional comments.

DATES: All interested parties should submit further comments and recommendations to the Service by March 16, 1983.

ADDRESS: Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, Region 2 Endangered Species staff (see **ADDRESS** above) (505/766–3972); or Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION: *Scenecio franciscanus* is an alpine plant species known only to occur within a total area of less than 2.6 square kilometers between Humphreys and Agassiz Peaks in the Conconino National Forest, Arizona. The one known population is currently threatened by trampling from off-trail hiking. This species was proposed for listing as Threatened with Critical Habitat on November 22, 1982 (47 FR 52483). The first comment period extended until January 21, 1983.

The Endangered Species Act of 1973, as amended requires that a summary of any proposed listing regulation be published in a newspaper of general circulation in the areas in which the proposed species is believed to occur. Due to an inadvertent delay, this newspaper summary had not been published by the end of the original comment period. The Service will now promptly publish the newspaper notice and wishes to reopen the comment period to allow any individuals that may be affected to have an opportunity to make recommendations and provide comments regarding this proposal.

The Service particularly solicits the views and recommendations of those

possessing information regarding the status of this species, the suitability of the area proposed as Critical Habitat for it, and possible beneficial or detrimental consequences likely to follow its listing and designation of Critical Habitat.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: March 4, 1983.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6606 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 51
Tuesday, March 15, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

OFFICE OF THE VICE PRESIDENT

Federal Regulation of Financial Services

AGENCY: Office of the Vice President.

ACTION: Extending the comment period.

SUMMARY: The Task Group on Regulation of Financial Services published a notice in the February 7, 1983 **Federal Register** requesting comments on a series of issues regarding the Federal Government's regulatory structure for financial institutions.

DATE: The comment period is being extended by 22 days. Comments must be received by April 5, 1983.

ADDRESS: Interested parties are invited to submit two copies of written data, views or arguments concerning the problems of the existing Federal regulatory structure and suggesting alternatives to the Task Group on Regulation of Financial Services, Room 1060, Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION: See the Monday, February 7, 1983 **Federal Register**, Vol. 48, No. 28, page 5704.

Dated: March 10, 1983.

Richard C. Breeden,

Deputy Counsel to the Vice President.

[FR Doc. 83-6887 Filed 3-14-83; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 83-008]

Disqualification Under the Horse Protection Act

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

SUMMARY: This notice is to advise the general public and the horse industry of individuals who were charged with violation of the Horse Protection Act and disqualified, for specified terms, from showing or exhibiting any horse, judging or managing any horse show, exhibition, sale, or auction.

FOR FURTHER INFORMATION CONTACT: Dr. A. E. Hall, Chief Staff Veterinarian, Interstate Inspection and Compliance Staff, Federal Building, Room 806, 6505 Belcrest Road, Hyattsville, MD 20782 (301/436-8695).

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act (15 U.S.C. 1825(c)) provides authority for disqualifying persons from showing or exhibiting any horse, and from judging or managing any horse show, exhibition, sale, or auction. This document gives notice that the following individuals have been disqualified, for the terms specified, from showing or exhibiting any horse and from judging or managing any horse show, exhibition, sale, or auction:

1. Name: Richard Wall. Address: Shelbville, Tennessee. Disqualification period: October 4, 1982, through October 3, 1984.

2. Name: Sandra Law. Address: Middleville, Michigan. Disqualification period: December 1, 1982, through May 30, 1983.

Any person who knowingly fails to obey a disqualification order shall be subject to a civil penalty of not more than $3,000 for each violation. Any horse show, exhibition, sale, or auction, or its management, which knowingly allows any disqualified person to judge, manage, or participate in a horse show, exhibition, sale, or auction in violation of a disqualification order shall be subject to a civil penalty or not more than $3,000 for each violation.

Done at Washington, D.C., this 9th day of March 1983.

K. R. Houk,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-6881 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-34-M

Office of the Secretary

Intent To Reestablish Citizen's Advisory Committee on Equal Opportunity

Notice is hereby given that the Secretary of Agriculture will reestablish the Citizen's Advisory Committee on Equal Opportunity.

The purpose of the Committee is to strengthen the Department's efforts in the area of Civil Rights. The Committee will advise the Secretary and other Officials of the Department on all aspects of the Department's policies, practices, and procedures which promote equal opportunity.

The reestablishment of this Committee is in the public interest in connection with the performance of duties and responsibilities of the Department.

Questions on the reestablishment of the Committee may be submitted to the Director, Office of Minority Affairs, Room 102-W, Administration Building, until March 30, 1983.

Dated: March 10, 1983.

John J. Franko,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-6562 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-95-M

Soil Conservation Service

Cromwell Riverfront Park RC&D Measure, Connecticut; Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Philip H. Christensen, State Conservationist, Soil Conservation Service, Rt. 44, Mansfield Professional Park, Storrs, Connecticut 06268, telephone (203) 429-9361.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR

Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cromwell Riverfront Park Water-based Recreation Development RC&D Measure, Middlesex County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Philip H. Christensen, State Conservationist, has determined the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to develop a 4.5 acre recreation area along the Connecticut River. The development includes a paved (25 foot wide) boat ramp, 2 parking lots for a total of 50 cars, a picnic area with 10 tables and grills, a comfort station with running water, and 2 50-foot wooden waterfront boardwalks. The measure plan also includes the stabilization of an intermittent stream using riprap as well as the seeding and landscaping of all disturbed areas.

The Notice of Finding Of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Philip H. Christensen. The Environmental Assessment has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the Environmental Assessment are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program)

Dated: March 4, 1983.

Philip H. Christensen,

State Conservationist.

[FR Doc. 83-6862 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-16-M

Spadra Creek Watershed, Arkansas; Deauthorization of Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Spadra Creek Watershed Project, Johnson County, Arkansas, effective on February 4, 1983.

FOR FURTHER INFORMATION CONTACT: Jack C. Davis, State Conservationist, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203, 501-378-5445.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular No. A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Jack C. Davis,

State Conservationist.

March 3, 1983.

[FR Doc. 83-6862 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-16-M

Egypt Creek RC. & D. Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Egypt Creek RC&D Measure, Tompkins County, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423-5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment of an existing erosion problem which is severely threatening the sole access road to the Cortland Tompkins Community College. In addition, if left untreated, the problem could result in threatening the safety of the users and disrupt operations at the facility. The planned works of improvement include reshaping or existing banks, installation of rock riprap to protect the banks, installation of a rock lined waterway, construction of a plunge pool at the outlet of existing conduits, and revegetating disturbed surfaces.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 3, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83-6867 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-16-M

Great Chazy River Boat Launching Facility RC. & D. Measure, New York; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the

Great Chazy River Boat Launching Facility RC&D Measure, Clinton county, New York.

FOR FURTHER INFORMATION CONTACT: Paul A. Dodd, State Conservationist, Soil Conservation Service, James M. Hanley Federal Building, 100 S. Clinton Street, Room 771, Syracuse, New York 13260, telephone (315) 423–5521.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Paul A. Dodd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for improving existing recreational facilities, primarily, improvement of the existing boat launch. The planned works of improvement include installation of a sheet piling bulkhead, installation of a concrete launching ramp, improvement of the entrance road and parking facilities, installation of public restrooms, and installing flood lights to provide for adequate lighting.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Paul A. Dodd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 3, 1983.

Paul A. Dodd,

State Conservationist.

[FR Doc. 83-6966 Filed 3-14-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Announcement of Proposed Collection of Information Under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35)

Agency Clearance Officer From Whom a Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673–5922.

New

Title of the Collection of Information: Part 203, "Waiver of Warsaw Convention Liability Limits and Defenses."

Agency Form Number: 263.

How often the Collection of Information must be filed: One time; On occasion.

Who is asked or required to report: Direct U.S. and foreign air carriers.

Estimate of number of annual responses: 3,179.

Estimate of number of annual hours needed to complete the collection of information: 3,334.

Revision

Title of the Collection of Information: Part 253, "Notice of Terms of Contract of Carriage."

Agency Form Number: None.

How often the Collection of Information must be filed: On occasion.

Who is asked or required to report: U.S. air carriers that provide scheduled passenger service.

Estimate of number of annual responses: 1,925.

Estimate of number of annual hours needed to complete the collection of information: 5,640.

Jack Calloway,

Chief, Data Requirements Section, Information Management Division, Office of Comptroller.

March 9, 1983.

[FR Doc. 83-6713 Filed 3-14-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41244]

First American Bank of Virginia, Enforcement Proceeding; 2d Prehearing Conference

Notice is hereby given that a second prehearing conference in the above-entitled proceeding is assigned to be held on April 22, 1983, at 9:30 a.m. (local time), Room 1027, Main Universal Building, 1825 Connecticut Ave., NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., March 9, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-6712 Filed 3-14-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes; Correction; California State University et al.

In the Consolidated Decision on Applications for Duty-free Entry of Electron Microscopes appearing at page 8319 in the **Federal Register** of Monday, February 28, 1983, the decision was inadvertently omitted. The decision on these applications should read as follows:

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being

manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6710 Filed 3-14-83; 8:45 am]

BILLING CODE 3510-25-M

Disposition of Applications for Duty-Free Entry of Scientific Articles: Correction

In the notice appearing at page 9053 in the **Federal Register** of Thursday, March 3, 1983, Docket Number 81-00268 is hereby corrected to read Docket Number 82-00268.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6711 Filed 3-14-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Intent To Conduct a Review of Government Versus Contract Operation

AGENCY: National Ocean and Atmospheric Administration, Commerce.

ACTION: Notice of Intent to Conduct Reviews.

SUMMARY: Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, that the National Oceanic and Atmospheric Administration (NOAA) intends to conduct reviews of Government operation of versus contract operation of the activities listed below. Contracts may or may not result from the reviews. Results of the reviews will be made available to bidders, offerers, and all interested parties.

FOR FURTHER INFORMATION CONTACT: William J. Coleman, Special Assistant to Associate Administrator, DOC/NOAA/AA, Herbert C. Hoover Building, Room 5126, 14 St. and Constitution Ave., NW., Washington, D.C. 20230 377-5936.

James W. Winchester,

Associate Administrator, NOAA.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Name of activity	Location of activity	Review start date	Review end date
1. Administrative Support Center Supply Activities	Seattle, WA	5/1/83	10/1/83
2. General Metro Support Services	Rockville, MD	5/1/83	9/30/84
3. Library & Information Services	Rockville,MD	5/1/83	9/30/84
4. Data Center ADP Operations	Boulder, CO	5/1/83	9/30/84
5. Data Center Illustrator and ADP Operations	Washington, DC	5/1/83	9/30/84
6. Data Center ADP Archival & Technical Services	Asheville, NC	5/1/83	9/30/84
7. Fishery Lab ADP, Maintenance & Technical Services	Nationwide	5/1/83	9/30/84
8. Fishery Market News & Publications	Nationwide	5/1/83	9/30/84
9. Chart Distribution	Riverdale, MD	5/1/83	9/30/84
10. Tides & Water Levels Branch	Rockville, MD	5/1/83	9/30/84
11. Chart Reproduction	Washington, DC	5/1/83	9/30/84
12. Nautical Cartography	Rockville, MD	5/1/83	9/30/84
13. Aeronautical Cartography	Silver Spring, MD	5/1/83	9/30/84
14. Imagery Processing Lab	Rockville, MD	5/1/83	9/30/84
15. Geodetic Information Center	Rockville, MD	5/1/83	9/30/84
16. Vertical Geodetic Network	Rockville, MD	5/1/83	9/30/84
17. Horizontal Geodetic Network	Rockville, MD	5/1/83	9/30/84
18. Marine Center Operations	Norfolk, VA	5/1/83	9/30/84
19. Circulatory Surveys	Rockville, MD	5/1/83	9/30/84
20. Weather Service Regional Enginering Divisions	Nationwide	5/1/83	9/30/84
21. Electrical Technicians	Anchorage, AK	5/1/83	9/30/84
22. Weather Observations, Communications, & Electrical Technicians	Honolulu, HI	5/1/83	9/30/84
23. National Reconditioning Center	Kansas City, MO	5/1/83	9/30/84
24. Test & Evaluation Facility	Sterling, VA	5/1/83	9/30/84
26. Overseas Logistics Operations	Silver Spring, MD	5/1/83	9/30/84
27. Weather Chart Reproduction	Camp Springs, MD	5/1/83	9/30/84
28. Instrument Shop	Silver Spring, MD	5/1/83	9/30/84
29. AFOS Experimental Facility Technicians	Silver Spring, MD	5/1/83	9/30/84
30. Technical Services Engineering Division	Silver Spring, MD	5/1/83	9/30/84
31. Communications Operations	Suitland, MD	5/1/83	9/30/84
32. Weather Airport Observations	Selected Locations	5/1/83	9/30/84
33. Electrical Technicians	Fairbanks, AK	5/1/83	9/30/84
34. Computers Operations	Princeton, NJ	5/1/83	9/30/84
35. Library Services	Boulder, CO	5/1/83	9/30/84
36. Supply Services	Boulder, CO	5/1/83	9/30/84

[FR Doc. 83-6674 Filed 3-14-83; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Medical Research and Development Advisory Committee, Subcommittee on Trauma; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Trauma.

Date of meeting: 28 and 29 March 1983.

Time and place: 0830 hrs, Conference Room AS3102, Letterman Army Institute of Research, Presido of San Francisco, CA.

Proposed agenda: This meeting will be open to the public from 0830 to 1030 hrs on 28 March for the Administrative review and discussion of the scientific research program of the Trauma Group, Letterman Army Institute of Research. Attendance by the public at open

sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1045 to 1730 hrs on 28 March and from 0830 to 1700 hrs on 29 March for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. J. Ryan Neville, Assistant Director, Research Contract Management, Letterman Army Institute of Research, Presido of San Francisco, CA 94129 (415/561-4367), will furnish summary minutes, roster of Subcommittee members and substantive program information.

Fred C. Brand,

Colonel, MSC Executive Officer.

[FR Doc. 83-6665 Filed 3-14-83; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Public Information Collection Requirement Submitted OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Labor Standards Interview DD Form 1567, OMB #0704-0159.

The Davis Bacon Act, the Copeland Act and the Contract Work Hours and Safety Standards Act require the establishment of minimum wages, job classification, overtime pay rates and fringe benefits for construction work performed by private contractors for the Federal Government. In order to ascertain that the data submitted by the contractor is correct, the employees must be contacted on a random basis to collect the information requested by the form. This interview is required by 29 CFR 5-6.

Construction Contractor Employees—40,000 Responses—6,667 Hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A656, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Charles Lloyd, OUSDRE, Room 3D1028, Pentagon, Washington, D.C. 20301, telephone (202) 697-7268.

Dated: March 10, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6675 Filed 3-14-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Reinstatement (expired within six months).

Survivor Benefits Program—Minimum Income Claim—DD 1885.

Pub. L. 92-425 enables certain presently existing widows/widowers to apply for a payment of a monthly annuity under certain conditions of limited income. Form DD 1885 is completed by widows/widowers of retired military members and submitted to the Uniformed Service Finance Center for approval and records maintenance. This form is required to enable widows/widowers to apply for benefits under the Survivor Benefit Plan.

Certain presently existing widows/widowers of retired military members; 81 respondents; 243 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 4B929, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the request for extension may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This action is for an extension of authority, not for contract purposes.

Dated: March 10, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6676 Filed 3-14-83; 8:45 am]

BILLING CODE 3810-01-M

Advisory Group on Electron Devices; Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 20 April 1983 at the AGED Secretariat Office, 1925 North Lynn Street, Suite 1000, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6577 Filed 3-14-83; 8:45 am]

BILLING CODE 3810-01-M

Advisory Group on Electron Devices; Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session on 5 April 1983 at the AGED Secretariat Office, 1925 N. Lynn Street, Suite 1000, Arlington, VA 22209.

The mission of the Advisory Group is provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to micorwave tubes, solid state microwave, elctronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 1 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: March 9, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6578 Filed 3-14-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Contracts for Sale of Energy for Use by Northwest Industrial and Irrigation Loads; Notice of Availability and Request for Comments

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Availability and Request for Comments on Proposed Generic Contracts for Sale of Energy for Use by Idle Industrial Capacity and Irrigation Loads.

SUMMARY: The Bonneville Power Administration (BPA) has determined that it will have large amounts of energy available now through October 31, 1983, in addition to energy for all its existing obligations. In the absence of additional sales, substantial amounts of hydroelectric energy will be foregone for lack of markets. In order to make a significant contribution to the economic recovery of the Pacific Northwest, increase BPA's net revenues, and make use of power which might otherwise be wasted, BPA wishes to increase its sales of inexpensive energy. BPA is therefore making energy available in the Northwest, with the expectation that BPA will be able to provide service through October 31, 1983. At this time, BPA requests comments on means of making these and future sales.

—BPA has previously offered to sell nonfirm energy to Northwest utilities for use by their interruptible industrial and irrigation loads on an interim basis through June 30, 1983. BPA requests comments on the principles underlying this type of nonfirm contract. BPA intends to use the comments in developing a policy towards offering such nonfirm energy whenever nonfirm is available. Principles governing the interim sales and sample short-term contracts are available from the BPA Public Involvement Manager.

—BPA also intends to offer, from March 22 to October 31, 1983, energy to its direct-service industrial customers (DSIs) for use in industrial capacity which is now idle. BPA requests immediate comments on this limited contract. Copies of the draft contract are available from the BPA Public Involvement Manager.

DATES: Comments on the short-term DSI contract will be accepted by phone or mail through March 21, 1983. Recommendations will be accepted through March 31, 1983 on principles underlying sales of nonfirm energy to utilities for use by interruptible loads.

ADDRESSES: Comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Donna L. Geiger at the above address, 503–230–3478. Oregon callers may use 800–452–8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800–547–6048. Information may also be obtained from:

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2618.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3880.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206–442–4130.

Mr. Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington, 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION:

Economic Situation

The current national recession is particularly acute in the Pacific Northwest. Interest rates have depressed the timber industry and poor market conditions have plagued the aluminum market. Offering large amounts of low-cost electricity to Northwest industries and agriculture would stimulate the Northwest economy. Sales of low-cost energy would encurage industries to operate facilities that might otherwise remain closed, thereby increasing employment.

BPA believes that increasing its sales is consistent with its obligation to encourage the widest possible diversified use of electric power at the lowest possible rates consistent with sound business principles.

Due to the current recession, electric loads in the Pacific Northwest have

been lower than anticipated. At the same time, BPA rates have substantially increased, due to increased operating costs and obligations.

Decreased loads have resulted in decreased revenues to BPA, increasing the need to recover costs through future rates. By making low-cost energy available in the Northwest, BPA hopes to increase Northwest energy sales and improve BPA revenues, thus reducing the amount of revenues required in the future and keeping BPA rates as low as possible.

Surplus Energy Available

BPA has substantial surplus energy available for sale. The agency's current load and resource forecasts indicate that it will have firm surplus energy available through the late 1980's. In addition, BPA anticipates the availability of more than 1,000 average megawatts of nonfirm energy in most years, and significantly greater amounts of nonfirm in good water years. BPA is now meeting all available markets, and expects, in addition, to be able to serve a variety of new loads.

Surplus Sales to Date

Efforts to market firm surplus energy outside the Northwest at adequate prices have not been as productive as hoped. On August 27, 1982, BPA forecasted the availability of 750 megawatts of firm surplus energy through June 1983, and made that energy available for sale outside the region at an energy price of 28.4 mills per kilowatthour. BPA monthly average sales of this firm surplus energy were 210 MW in October 1982, 336 MW in November 1982, 254 MW in December 1982, and 66 MW in January 1983. Since January 1983, purchasing utilities have chosen to buy nonfirm energy at the spill rate of 9 mills per kilowatthour intead of the more expensive firm surplus energy, on the expectation that sufficient nonfirm energy will be available to fully substitute for firm purchases.

BPA's sales experience affects its needs for revenues. In its 1982 rate case, BPA anticipated that firm surplus sales would provide $169 million revenue. To date, such sales have produced $18.2 million. Since BPA is obligated to recover the costs of its operation through sales of power and services, revenues which are not recovered as anticipated must be recovered through subsequent rates.

Marketing Recommendations From the Public

In November 1982, BPA requested recommendations on ways in which it could effectively market firm surplus power. A number of the 58 respondents suggested that BPA investigate ways to market energy in the Northwest, as an alternative to firm surplus sales outside the region. In separate forums, the Pacific Northwest Electric Power Planning and Conservation Council recommended BPA make surplus energy available to irrigators at reduced rates. Employees of BPA's direct-service industrial customers recommended BPA make blocks of power available to the region's aluminum industry at reduced rates.

Energy sales to Utilities for Interruptible Loads

BPA had started to look at ways to increase Northwest markets. In January 1983, BPA signed an interim agreement with Umatilla Electric Co-op, providing up to 40 megawatts of nonfirm energy for use at three potato processing plants which were then not operating. BPA offered this type of interim agreement, effective through June 30, 1983, to any Northwest utility customer for use in any interruptible industrial or agricultural load. To date, two other utilities, the City of Port Angeles and Cowlitz County PUD, have signed interim contracts for nonfirm service to interruptible loads of two individual consumers.

Comments on this subject may be submitted through March 31, 1983.

Proposed Short-Term DSI Contract

BPA has investigated the possibility of offering a substantial block of energy to its direct-service industrial customers, in order to enable those customers to restart industrial capacity which is now idle. This sale is based on the availability of substantial unsold firm surplus and nonfirm energy, as described above. The sale would result in increased industrial operations and would make use of power which might otherwise be wasted or have a very low value. By increasing immediate BPA revenues, the sale would reduce the amount of revenues BPA would otherwise have to recover through rates established in its 1983 rate case.

The proposed DSI sale would make energy available to the DSIs for loads exceeding their current operating levels. Each DSI would be required to specify the amount of energy they would purchase under the contract, and would then be committed to purchase the amounts that BPA is able to make available.

The short-term DSI sale would be effective only through October 31, 1983—the day before BPA's 1983 rates take effect. BPA does not anticipate renewing this offer.

In order for the DSI short-term contract to be of benefit to the region, it must be consummated in the shortest possible timeframe. The benefits of the contract are limited by the start-up time required to bring idle industrial capacity back into operation and the fixed termination date of the contract. BPA estimates that the contract must go into effect in March in order to provide sufficient benefits to all parties. BPA intends to offer the contract to the direct-service industries from March 22–31, 1983.

Immediate Submission of Comments Requested on DSI Contract

BPA therefore requests that those interested in commenting on the short-term DSI contract do so immediately. Deadline for receipt of comments is March 21, 1983.

Compliance with National Environmental Policy Act (NEPA)

NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and actions are taken. In order to determine the necessary levels of NEPA documentation, BPA is reviewing its proposals to enter into contracts for sale of energy to the DSIs and to develop a policy for sales of nofirm energy through utilities to interruptible loads. Appropriate environmental reviews will be prepared under DOE's NEPA guidelines and integrated into the contract and policy development processes.

Copies of Contracts, Principles Available

Copies of the short-term DSI contract; the umatilla Electric Co-op, City of Port Angeles, and Cowlitz County PUD contracts; and the principles guiding the latter contracts are available from the BPA Public Involvement Manager at the address and phone number above.

Issued in Portland, Oregon March 9, 1983.

Peter T. Johnson,

Administrator.

[FR Doc. 83-6998 Filed 3-14-83; 11:39 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Corpening Enterprises; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to

Corpening Enterprises at 1306 Continental National Bank Building, Forth Worth, Texas 76012. This Proposed Remedial Order alleges pricing violations in the amount of $168,577.09 plus interest in connection with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period June 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 1st day of March, 1983.

Ben L. Lemos,

Director, Dallas Office Economic Regulatory Administration.

[FR Doc. 83-6858 Filed 3-14-83; 8:45 am]

BILLING CODE 6450-01-M

TXO Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to TXO Oil Company at 2700 Fidelity Union Tower, Dallas, Texas 75201. This Proposed Remedial Order alleges pricing violations in the amount of $472,357.21 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Parts 205, 210, and 212, Subparts F and L during the time period June 1976 through December 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7432. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania, Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 25th day of February, 1983.

Ben L. Lemos,

Director, Dallas Officer, Economic Regulatory Administration.

[FR Doc. 83-6860 Filed 3-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-004]

Public Service Electric and Gas Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On February 24, 1982, Public Service Electric and Gas Company (Public Service), P.O. Box 570, T5E, Newark, New Jersey 07101, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR 595 an application for certification of an eligible use of approximately 2.0 billion cubic feet of natural gas which is expected to displace the use of approximately 308,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 12,000 barrels of No. 2 fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year at eight of its electric generating stations located in New Jersey. The eight stations are: Bergen in Ridgfield; Essex in Newark; Hudson in Jersey City; Kearny in Kearny; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

ESTIMATED OIL DISPLACEMENT

(Thousand of barrels)

Location	Estimated volume (BCF)	0.3% Sulfur No. 6 Oil	0.2% Sulfur No. 2 Oil or 0.1% sulfur kerosene
1. Bergen Generating Station, Ridgefield, NJ	0.86	142	
2. Essex Generating Station, Newark, NJ	.00		6
3. Hudson Generating Station, Jersey City, NJ	.78	122	
4. Kearny Generating Station, Kearny, NJ			
5. Linden Generating Station, Linden, NJ			
6. Sewaren Generating Station, Sewaren, NJ	.30	44	
7. Edison Generating Station, Edison, NJ	.08		6
8. Mercer Generating Station, Trenton, NJ			
Totals	2.0	308	12

The eligible seller of the natural gas is New York State Electric and Gas Corporation, 4500 Vestal Parkway East, Binghamton, New York 13902. The gas will be transported by the Tennessee Gas Pipeline Company, Division of Tenneco, Inc., P.O. 25411, Houston, Texas 77001.

Public Service has in effect certifications by the ERA which authorize purchases of 30.8 billion cubic feet of natural gas from various eligible sellers for use at the electric generating stations named in this certification as follows:

ERA Docket No.	Amount (billion cubic feet per year)	Remarks (Expires)
82-CERT-008	3.0	May 23, 1983.
82-CERT-009	7.3	June 24, 1983.
82-CERT-010	7.5	June 24, 1983.
82-CERT-012	7.0	July 24, 1983.
82-CERT-017	6.0	Oct. 12, 1983.
Total	30.8	

Because the natural gas involved in this application will only be available in limited amounts on a monthly basis until February 28, 1984, Public Service has requested that the certification be issued expeditiously in order that Public Service may be in a position to purchase all of the natural gas possible in order to displace the maximum volume of fuel oil.

The ERA has carefully reviewed Public Service's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920), August 16, 1979). The ERA has determined that Public Service's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of fuel oil and it is in the public interest to maximize the displacement of fuel oil. the application also states that becuase the volumes contracted for are seller's monthly reserves, it is not possible to make up for purchases not made in a particular month by increasing purchases in a subsequent month.

Given the limited availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace large volumes of fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Branch, Room GA-007, RG-43, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., March 7, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6883 Filed 3-14-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TC83-4-000]

Arkansas Louisiana Gas Company, a Division of Arkla, Inc.; Tariff Sheet Filing

March 9, 1983.

Take notice that on February 22, 1983, Arkansas Louisiana Gas Company ("Arkla"), P.O. Box 21734, Shreveport, Louisiana, 71151, filed in Docket No. TC83-4-000 a tariff sheet pursuant to Part 154 of the Commission's Regulations under the Natural Gas Act to become effective 30 days from the date of filing, consisting of Sixth Revised Sheet No. 3B to its FERC Gas Tariff, First Revised Volume No. 1.

Arkla states that the purpose of the filing is to redefine its lowest priority categories, Priority 7 and Priority 8, which apply to industrial customers served under interruptible contracts, so that interruptible customers who have agreed to purchase at least a specified minimum volume of gas if it is tendered to them will be in Priority 7 and interruptible customers who have not agreed to purchase a specified minimum volume of gas if it is tendered to them will be in Priority 8. No change is proposed in any of the firm priorities in Arkla's curtailment plan.

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before March 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6880 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-362-000]

Central Illinois Light Co.; Filing

March 10, 1983.

Take notice that on March 1, 1983, Central Illinois Light Company (CILCO) tendered for filing an Interconnection Agreement between CILCO and Central Illinois Public Service Company (New Interconnection Agreement) dated March 1, 1983.

CILCO states that the New Interconnection Agreement is intended to replace entirely the presently effective interconnection agreement between CILCO and Central Illinois Public Service Company (CIPS) which is designated as CILCO's Rate Schedule FERC No. 20, with supplements, and CIP's Rate Schedule No. 81, with supplements. The New Interconnection Agreement contains proposed reciprocal service schedules for Limited Term Power, Emergency Energy, Economy Energy, Short Term Power, Maintenance Power and General Purpose Energy. Also included in the New Interconnection Agreement is a service schedule designed to bring the other service schedules into compliance with FERC Order No. 84 whenever "energy is being supplied from one party to the other is being purchased from a third party."

CILCO has requested that the New Interconnection Agreement be given an effective date of May 1, 1983 in accordance with the stated intent of the two parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6881 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-358-000]

Connecticut Light & Power Co.; Filing

March 10, 1983.

Take notice that on February 28, 1983, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed initial rate schedule with respect to a System Power Agreement dated December 1, 1981 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) (together, the NU Companies) and (2) the Massachusetts Municipal Wholesale Electric Company (MMWEC).

CL&P states that the System Power Agreement provides for a supply of station service energy to MMWEC's Stony Brook generating station, located in Ludlow, Massachusetts, when such generating station is not capable of supplying such energy itself. The System Power Agreement commenced on December 1, 1981 and will continue until terminated by any party upon delivering 180 days of prior written notice of such termination to the other parties.

The capacity charge rate is the cost-of-service rate associated with HELCO's Middletown Unit No. 4 (the HELCO Unit) and is determined in accordance with Schedule A to the System Power Agreement. The energy charge rate is the product of the New England Power Exchange (NEPEX) value for replacement fuel cost for the HELCO Unit and the average incremental heat rate on the system of the NU Companies for the prior calendar year.

CL&P requests that the Commission waive its standard notice period and permit the System Power Agreement to become effective on December 1, 1981.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, HELCO, WMECO, and MMWEC (Ludlow, Massachusetts).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 210, 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.210, 385.211 and 385.214). All such petitions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6662 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-359-000]

Connecticut Light & Power Co.; Filing

March 10, 1983.

Take notice that on February 28, 1983, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to a Transmission Agreement dated May 1, 1982 between (1) CL&P, Western Massachusetts Electric Company (WMECO) and Holyoke Water Power Company (HWP and together with CL&P and WMECO, the NU Companies) and (2) City of Holyoke, Massachusetts Gas and Electric Department (HG&E).

CL&P states that the Transmission Agreement provides for transmission services to HG&E for the wheeling of their purchase from MMWEC of a portion of MMWEC's entitlement obtained from Salem Harbor Unit No. 4 during the period from May 1, 1982 to October 31, 1982.

The transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the electric transmission system of the NU Companies determined in accordance with Appendix A and Exhibits I, II and III thereto, of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts HG&E is entitled to receive during such month. The monthly transmission charge is reduced by up to 50% to give due recognition for payments made by HG&E to other systems also providing transmission service.

CL&P requests that the Commission waive its standard notice period and permit the Transmission Agreement to become effective on May 1, 1982.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, WMECO, HWP, and HG&E (Holyoke, Massachusetts).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 210, 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.210, 385.211 and 385.214). All such petitions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6663 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-346-000]

Public Service Company of New Mexico; Filing

March 10, 1983.

Take notice that on February 22, 1983, Public Service Company of New Mexico (PNM) tendered for filing Service Schedule F (Agreement for Short-Term Energy Sale) to the Interconnection Agreement (Rate Schedule FPC No. 9) between PNM and El Paso Electric Company (EPE).

PNM states that the service to be provided to EPE under Service Schedule F is for approximately 400 gigawatt hours of interruptible block energy. Interruptibility provisions are set out in Section 4 of the Agreement. Service is to commence March 1, 1983, and continue through January 31, 1984, and PNM therefore requests a waiver of the notice requirement. The rates for services are (1) twenty-four dollars per megawatt hour for all energy delivered up to 50 megawatts and (2) twenty-three dollars per megawatt hour for energy delivered in excess of 50 megawatts per hour, plus up to one dollar per megawatt hour for any New Mexico state taxed assessed upon generation of electricity.

Copies of the filing were served upon El Paso Electric Company and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6655 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-357-000]

Public Service Company of New Mexico; Filing

March 10, 1983.

Take notice that on February 28, 1983, the Public Service Company of New Mexico (PNM) tendered for filing a Block Energy Agreement between PNM and the Cities of Burbank and Passadena (the City of Burbank and the City of Pasadena are referred to collectively as "Cities").

PNM is to provide the Cities up to 307 gigawatt hours of block energy at a rate of delivery of 35 MW each hour, subject to limitations contained in Section 6. Service is to commence May 1, 1983, subject to acceptance by the FERC, and shall continue through April 30, 1984. The rate for service is $0.036 per kwh, plus applicable taxes.

Copies of the filing were served upon the Cities and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6863 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-182-000]

Jeanerette Sugar Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 10, 1983.

On February 4, 1983, Jeanerette Sugar Company, c/o Ideal Industrial Electric Analysis, Ltd., 36 Southwest Dr., New Iberia, Louisiana 70560, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is located in Jeanerette, Louisiana. The primary energy source to the facility is biomass in the form of bagasse. Natural gas is utilized in start up. The electric power production capacity of the facility is 2 megawatts. There are no other biomass-fueled small power production facilities located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6864 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-351-000]

Dayton Power and Light Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 25, 1983, the Dayton Power and Light Company (DP&L) tendered for filing proposed changes in the rates and the starting date of the power year included in Service Schedule A—Firm Power Service to Piqua to DP&L's Rate Schedule FERC No. 34 for service to the City of Piqua, Ohio under an Interconnection Agreement dated as of May 10, 1972. The proposed changes would increase revenues from service under Schedule A by appoximately $265,436, based on the 12-month period ending December 31, 1983: The DP&L proposes that the rates and charges and terms and conditions of service revised by this filing become effective April 26, 1983; however, in order to make the proposed increases coincide with DP&L's currently pending, general retail rate increase presently anticipated to become effective in late April 1983, DP&L requests that the effectiveness of the increase be suspended until the date the rates established in that decision become effective, if later than April 26, 1983.

A copy of the filing was served upon the City of Piqua, Ohio and mailed to the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6860 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-356-000]

Dayton Power and Light Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 28, 1983, the Dayton Power and Light Company (DP&L) tendered for filing an executed Service Agreement for partial requirements and/or transmission wheeling service to municpalities for resale (Service Agreement) between DP&L and the City of Tipp City, Ohio.

DP&L states that the proposed Service Agreement permits the City of Tipp City to receive partial requirements and transmission wheeling service from DP&L under its FERC Electric Tariff, Original Volume No. 2. The previous Service Agreement between DP&L and the City of Tipp City under which the City of Tipp City received service pursuant to DP&L's FERC Electric Tariff Original Volume No. 1, is superseded.

DP&L requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be hear or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6859 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-347-000]

Detroit Edison Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 24, 1983, Detroit Edison Company (Detroit) tendered for filing FERC Electric Tariff Original Volume No. 1, Sixth Revised Sheet No. 10.

Detroit states that Sixth Revised Sheet No. 10, extends availability of service under the Company's Experimental Interruptible Service Option (Sheet No. 16a, Paragraph 3.5) to the Michigan Municipal Cooperative Power Pool.

Detroit for purposes of this filing only, is also requesting permission to waive the clause from Paragraph 3.5 which precludes customers interconnected with other wholesale suppliers of power from taking service under this provision.

Detroit requests an effective date of December 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6551 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-354-000]

Holyoke Water Power Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 28, 1983, Holyoke Water Power Company (HWP) tendered for filing a proposed rate schedule, entitled "Water Use Agreement", dated July 30, 1982, between HWP and Linweave, Inc. of Holyoke, Massachusetts.

HWP states that the Water Use Agreement provides for exchanges of electric energy produced by HWP for water entitlements of Linweave, Inc. when such exchanges result in overall economic water utilization. Linweave, Inc. will resell the electricity to Fitchbury Gas & Electric Company. The Water Use Agreement is effective during the period from January 31, 1983, to September 30, 2009 (or until such other time in accordance with Article Five of the Water Use Agreement).

WHP requests an effective date of January 31, 1983, and therefore requests waiver of the Commission's notice requirement.

Copies of the filing were mailed to Linweave, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6552 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-348-000]

Kansas Gas and Electric Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 25, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 131.

KG&E states that the filing is Partial Requirements Service which provides electric power and accompanying energy to be supplied to the City of Neodesha, Kansas in the form of firm, emergency, economy, transmission and reserve capacity service.

KG&E further states that the filing is necessary because the City desires to purchase participation power from outside sources and increases its accessibility to sources of firm power.

KG&E requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the City of Neodesha, Kansas and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6553 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-349-000]

Kansas Gas and Electric Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 25, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing proposed changes in its FERC Electric Service Tariff No. 132.

KG&E states that the filing is Partial Requirements Service which provides electric power and accompanying energy to be supplied to the City of Mulvane, Kansas in the form of firm, emergency, economy, transmission and reserve capacity service.

KG&E further states that this filing is necessary because the City desires to purchase participation power from outside sources and increases its accessibility to sources of firm power.

KG&E requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the City of Mulvane, Kansas and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6554 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-350-000]

Kansas Gas and Electric Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on February 25, 1983, tendered for filing proposed changes in its FERC Electric Service Tariff No. 146.

KG&E states that the filing is Partial Requirements Service which provides electric power and accompanying energy to be supplied to the City of Winfield, Kansas in the form of firm, emergency, economy, transmission and reserve capacity service.

KG&E further states that this filing is necessary because the City desires to purchase participation power from outside sources and increase its accessibility to sources of firm power.

KG&E requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the City of Winfield, Kansas and the Utilities Division of the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6555 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-15, Docket No. CS71-0063, Docket No. CS71-0046]

Michigan Wisconsin Pipe Line Co.; Protest and Complaint

Issued: March 9, 1983.

On February 14, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed with the Federal Energy Regulatory Commission (Commission), pursuant to § 157.40(c)(v)(B) of the Commission's regulations, a protest to Ozark-Mahoning Company's (Ozark-Mahoning) and Rip C. Underwood's (Underwood) claims of contractual authority to charge and collect the Commission's prescribed small producer rate, and the maximum lawful price under section 104 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432 (Supp. V 1982), for natural gas sold to Michigan Wisconsin by Ozark-Mahoning and Underwood.

Michigan Wisconsin states that on or about February 1, 1965, it entered into a twenty year gas sales contract with Ozark-Mahoning, Underwood, and Phillips Petroleum Company (Phillips), governing the sale of nautral gas produced from, *inter alia*, the Hefley No. 1–A and Lee No. 1–C Wells. The contract provided for a fixed purchased price, with periodic escalations. Michigan Wisconsin began purchasing natural gas produced from the Lee Well in July, 1966, and from the Hefley Well in July, 1976.

On August 28, 1975, the Federal Power Commission issued Opinion No. 742,[1] in which it established a just and reasonable ceiling rate for sales made by small producers.[2] On October 24, 1975, Ozark-Mahoning notified Michigan Wisconsin that it was entitled to collect rates in excess of those due Phillips, which is not a small producer, pursuant to Opinion No. 742. Michigan Wisconsin states that under the February 1, 1965 gas purchase agreement, neither Ozark-Mahoning nor Underwood were entitled to collect the higher rates prescribed by Opinion No. 742, but through a clerical error, it mistakenly increased its payments to these producers to the Opinion No. 742 small producer ceiling rate. Michigan Wisconsin further states that subsequent to the enactment of the NGPA, it inadvertently paid the NGPA section 104 maximum lawful price to both Ozark-Mahoning and Underwood.

Michigan Wisconsin contends that it discovered this error in September, 1981, and promptly informed Ozark-Mahonng and Underwood of such error. Michigan Wisconsin further informed them that in order to recoup such overpayments, plus interest, it would reduce its payments for all current purchases of natural gas from Ozark-Mahoning and Underwood. On November 10, 1982, Ozark-Mahoning and the Estate of Underwood filed a petition in the District Court of Wheeler County, Texas, naming Michigan Wisconsin as a defendant in a breach of contract action. This lawsuit was a result of Michigan Wisconsin's reduction in the price paid for current purchases of natural gas from Ozark-Mahoning and Underwood.

For the reasons set forth above, Michigan Wisconsin requests that the Commission find that Ozark-Mahoning and Underwopd were not and are not contractually authorized to collect either the Opinion No. 742 small producer rates, or the maximum lawful prices prescribed by section 104 of the NGPA. Michigan Wisconsin further requests that the Commission find that these producers have erroneously collected rates in excess of those authorized by law, and that Michigan Wisconsin be entitled to recoup such erroneous overpayments with interest.

Any person desiring to participate who is not already a party or participant in this proceeding shall file a petition to intervene, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 15 days after publication of the notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6556 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-352-000]

Niagara Mohawk Power Corp.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on February 25, 1983, tendered for filing as a rate schedule an agreement between Niagara and the Vermont Electric Power Company, Inc., dated February 1, 1983.

Niagara states that the agreement provides for the sale of surplus energy

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[1] Docket No. R-389, 54 F.P.C. 853 (1975).

[2] Ozark-Mahoning's small producer certificate was issued May 5, 1971 in Docket No. CS71-0063, and Underwood's was issued May 5, 1971 in Docket No. CS71-0046.

as scheduled by Vermont Electric Power Company, Inc.

Niagara requests an effective date of February 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Vermont Electric Power Company, Inc. and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6557 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-214-000]

Northwest Pipeline Corp., Application

March 9, 1983.

Take notice that on March 2, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP83-214-000 an application pursuant to Sections 3 and 7(c) of the Natural Gas Act for authorization necessary to implement a deferred exchange of natural gas with Westcoast Transmission Company Limited (Westcoast), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that The Washington Water Power Company (Water Power) has agreed to release to British Columbia Hydro and Power Authority (B.C. Hydro) up to 50,572 Mcf of daily withdrawal capacity and 1,719,466 Mcf of seasonal storage capacity available to Water Power in the Jackson Prairie Storage Project (Jackson Prairie) in Lewis County, Washington. Water Power owns a one-third undivided interest in Jackson Prairie.

In order to facilitate B.C. Hydro's use of Jackson Prairie, Westcoast, B.C. Hydro's sole supplier of natural gas, and Applicant have entered into a deferred exchange agreement (Deferred Exchange). The Deferred Exchange provides that, during the injection period of May through September, Applicant would accept from Westcoast at an existing interconnection of facilities near Sumas, Washington, natural gas which B.C. Hydro has purchased from Westcoast. Applicant would transport such volumes received at Sumas to Jackson Prairie for injection into storage for B.C. Hydro's account. Applicant states that in no event would it be required to transport gas which could not be received into its facilities, injected into Jackson Prairie, or which would exceed B.C. Hydro's maximum storage inventory of 1,719,466 Mcf. During the withdrawal period of October through April, Applicant would redeliver to Westcoast by displacement thermally equivalent volumes withdrawn from Jackson Prairie for B.C. Hydro's account. Applicant's deliveries of gas to Westcoast would be accomplished by Westcoast's withholding from the volumes of gas Westcoast actually delivers to Applicant pursuant to the Fourth Service Agreement dated October 10, 1969, the volume of gas which B.C. Hydro nominates for withdrawal from Jackson Prairie. Applicant states that the maximum daily and seasonal volumes it would transport during the withdrawal period are 50,572 Mcf and 1,719,466 Mcf, respectively. It is asserted that Westcoast is responsible for scheduling of gas deliveries at Sumas for injection at Jackson Prairie and scheduling of gas withdrawals from Jackson Prairie for redelivery at Sumas.

Applicant states that neither it nor Westcoast would charge for the exchange of natural gas. The Deferred Exchange would be in effect for a five-year period commencing on May 1, 1983, and continuing until April 30, 1988, and thereafter on a year-to-year basis.

Applicant states that it does not propose to import or export natural gas by reason of this application. It is asserted that this proposal has been structured specifically to preclude any expansion or extension of existing authorized imports or exports by all parties.

Applicant states that in order to effectuate the instant proposal, Applicant and Water Power have entered into a gas transportation agreement which provides that Applicant would transport during the injection period natural gas delivered to it by Westcoast to Jackson Prairie for Water Power for the account of B.C. Hydro and transport during the withdrawal period volumes of natural gas withdrawn from Jackson Prairie for delivery to Westcoast for Water Power for B.C. Hydro's account. In Docket No. CP83-213-000, on March 2, 1983, Applicant filed an application pursuant to Section 7 of the Natural Gas Act requesting, among other things, authorization to transport gas for Water Power.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirments of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. PLumb,

Secretary.

[FR Doc. 83-6558 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-213-000]

Northwest Pipeline Corp.; Application

March 9, 1983.

Take notice that on March 2, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No.

CP83-213-000 an application pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon partially a natural gas service presently rendered to The Washington, Water Power Company (Water Power) and for a certificate of public convenience and necessity authorizing the transportation of natural gas for Water Power, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests Commission permission and approval to abandon the sale and delivery to Water Power of a daily volume of 50,572 Mcf and a seasonal volume of 1,719,466 Mcf of natural gas which Applicant is presently authorized to render pursuant to Applicants Rate Schedule SGS-1. Applicant further requests a certificate of public convenience and necessity authorizing the transportation of up to 1,719,466 Mcf for Water Power from a point of interconnection between the facilities of Westcoast Transmission Company Limited (Westcoast) and Applicant near Sumas, Washington, to the Jackson Prairie Storage Project (Jackson Prairie) located in Lewis, County, Washington, during the months of May through September, and the transportation of up to 50,572 Mcf of natural gas per day from Jackson Prairie to Sumas during the months of October through the next succeeding April, up to a total of 1,719,466 Mcf.

Jackson Prairie is owned in equal and individed interests by Applicant, Water Power, and Washington Natural Gas Company (Washington Natural) with Washington Natural designated as the project operator. The presently authorized levels of storage at Jackson Prairie are as follows:

	Million cubic feet
Seasonal working gas	12,800,000
Cushion gas	19,450,000
Total storage gas	32,250,000
Firm daily delivery rate	325,000
Daily best efforts rate	71,800

Water Power is contractually allocated 100,000 Mcf on firm daily deliverability and 3,600,000 Mcf of seasonal capacity. The daily and seasonal volumes of 100,000 Mcf and 3,600,000 Mcf, respectively, are those volumes which Applicant is authorized to sell and deliver to Water Power pursuant to Rate Schedule SGS-1.

It is asserted that Water Power does not require, at the present time, the daily and seasonal volumes allocated to Water Power at Jackson Prairie. Therefore, Water Power has elected to release a portion of its Jackson Prairie storage volumes to British Columbia Hydro and Power Authority (B.C. Hydro). It is asserted that Water Power has entered into a storage release agreement (Storage Release) with B.C. Hydro providing for Water Power to release to B.C. Hydro 50,572 Mcf of daily deliverability and 1,719,466 Mcf of seasonal capacity. The Storage Release provides for a five-year initial term. It is said that the Storage Release would enable B.C. Hydro to use Jackson Prairie in order to serve the heating season requirements of its customers and would enable Water Power to reduce its costs incurred in maintaining storage capacity at Jackson Prairie.

Applicant states it is required to reduce its obligation to sell and deliver natural gas to Water Power pursuant to Rate Schedule SGS-1 by the same volumes of Jackson Prairie storage capacity that Water Power will release to B.C. Hydro.

It is asserted that in order to effectuate the Storage Release, B.C. Hydro has entered into an agreement with Westcoast providing for Westcoast to deliver during the injection period natural gas to Northwest in accordance with a deferred exchange agreement (Exchange Agreement) and B.C. Hydro would pay Westcoast for such gas delivered to Applicant for injection into storage.[1] During the withdrawal period, Applicant would deliver equivalent volumes by displacement to Westcoast for redelivery to B.C. Hydro.

Applicant states that in order to effectuate delivery of gas which B.C. Hydro nominates for injection and withdrawal, Applicant and Water Power have entered into a gas transportation agreement (Transportation Agreement). Pursuant to the Transportation Agreement, Applicant would transport during the injection period up to 1,719,466 Mcf of natural gas seasonally from Sumas to Jackson Prairie for Water Power for the account of B.C. Hydro. Pursuant to the Transportation Agreement and Exchange Agreement, Applicant would transport by displacement for Water Power for B.C. Hydro's account, gas withdraw from Jackson Prairie and redeliver equivalent volumes to Westcoast at Sumas. The volumes delievered to Westcoast would be limited to 50,572 Mcf per day and 1,719,466 Mcf seasonally.

In consideration for the transportation service, Water Power would pay Applicant a transportation charge for all volumes transported from Sumas to Jackson Prairie and all volumes transported from Jackson Prairie to Sumas; a compressor fuel charge for all volumes transported notwithstanding direction; and a compressor fuel charge for all volumes injected and withdrawn from Jackson Prairie.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to interve in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6660 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[1] In Docket No. CP83-214-000, on March 2, 1983, Applicant filed an application pursuant to Sections 3 and 7 of the Natural Gas Act requesting authorization of a deferred exchange of natural gas with Westcoast.

[Docket No. ER83-353-000]

Pacific Gas and Electric Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that Pacific Gas and Electric Company (PG and E) on February 28, 1982, tendered for filing pursuant to 18 CFR 35.13(a)(2) (i) and (ii) proposed rate changes in its Contract No. 14-06-200-2948A (Contract) with the Western Area Power Administration (WAPA), on file with this Commission as FPC Electric Tariff Volume No. 4. PG and E is filing an increase in meter rental and meter reading charges to WAPA under Article 28(b) of the contract. The proposed change increases the meter charges to WAPA by approximately $51,600 a year. PG and E is also filing the formulation to be used to develop service charges under Articles 22(c)(1)(i) and 22(c)(2)(ii).

PG and E requests waiver of the Commission's notice requirements in order to comport with effective dates previously agreed upon by the parties.

PG and E states the rate increase and formulation clarifications are necessary due to increased operating costs incurred in providing the services required by the Contract articles, and to enable the parties to implement transactions under the Contract articles.

Copies of the filing were served upon the Western Area Power Administration, and the California Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6560 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. C164-26-000 and RP74-41, et al.]

Texas Eastern Transmission Corporation, et al.; Filing of Pipeline Refund Reports and Refund Plans

March 9, 1983.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
2/24/83	Texas Eastern Transmission Corp.	C164-26-000 and RP74-41.	Report.
1/25/83	Algonquin Gas Transmission Co.	RP81-80-007.	Plan.
2/18/83	Eastern Shore Natural Gas Co.	RP72-134-028.	Report.
2/18/83	United Gas Pipe Line Co.	RP82-57-008.	Report.
2/18/83	Natural Gas Pipe Line Co. of America.	RP77-88-015.	Report.
2/22/83	Alabama-Tennessee Natural Gas Co.	RP71-7-001.	Report.
2/22/83	Montana-Dakota Utilities Co.	RP81-71-000.	Report.

FR Doc. 83-6561 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-355-000]

Western Massachusetts Electric Co.; Filing

March 9, 1983.

The filing Company submits the following:

Take notice that on February 28, 1983, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with respect to gas turbine units located at Doreen and Woodland Road Substations (Purchase Agreement) dated December 1, 1982 between WMECO and Vermont Electric Generation Transmission Cooperative, Inc., (VEG&T).

WMECO states that the Purchase Agreement provides for a sale to VEG&T of specified percentages of capacity and associated energy from two gas turbine generating units during the period from December 1, 1982 to October 31, 1985, together with related transmission service.

WMECO further states that the Capacity Charge for the proposed service was determined on a cost of service basis at the time that the sale was made and was determined in accordance with Appendix C and Exhibits thereto, of the Purchase Agreement. The Transmission Charge rate is the annual average cost of transmission service on the transmission systems of the Northeast Utilities (NU) Companies at the time that the sale was made, and was determined in accordance with Appendix E and Exhibits thereto of the Purchase Agreement. The monthly Transmission Charge is determined by the product of (i) the transmission charge rate divided by twelve ($/KW-month), and (ii) the number of kilowatts of winter capability which VEG&T is entitled to receive during each month. The Variable Maintenance Charge is derived from historical costs and the Additional Maintenance Charge is twice the Variable Maintenance Charge, based on gas turbine manufacturer's recommendations.

WMECO requests an effective date of December 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been mailed to VEG&T, Johnson, Vermont.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6562 Filed 3-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RM79-34; and ST83-169]

Transportation Certificates for Natural Gas Displacement of Fuel Oil; Tennessee Gas Pipeline Co.; Notice of Self-Implementing Transactions

March 10, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the

following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to Section 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" Indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284, subpart	Expiration date[2]	Transportation rate (cents per million Btu)
ST83-169	Tennessee Gas Pipeline Co	Florida Gas Transmission Co	1/3/83	G		
ST83-170	Tennessee Gas Pipeline Co	Florida Gas Transmission Co	1/3/83	G		
ST83-171	Overthrust Pipeline Co	Tennessee Gas Pipeline Co	1/3/83	G		
ST83-172	Northern Natural Gas Co	Transcontinental Gas Pipe Line Corp	1/3/83	G		
ST83-173	Sugar Bowl Gas Corp	West Lake Arthur Corp	1/4/83	C		
ST83-174	Tennessee Gas Pipeline Co	West Lake Arthur Corp	1/4/83	G		
ST83-175	Texas Eastern Transmission Corp	Tennessee Gas Pipeline Co	1/5/83	G		
ST83-176	Natural Gas Pipeline Co. of America	Northern Gas Co	1/5/83	B		
ST83-177	Panhandle Eastern Pipeline Co	United Gas Pipe Line Co	1/6/83	G		
ST83-178	Panhandle Eastern Pipeline Co	Kansas-Nebraska Natural Gas Co	1/6/83	G		
ST83-179	Northern Natural Gas Co	Tengasco Gas Gathering Co	1/6/83	B		
ST83-180	Northern Natural Gas Co	Michigan Wisconsin Pipe Line Co	1/6/83	G		
ST83-181	Michigan Wisconsin Pipe Line Co	United Gas Pipeline Co	1/6/83	G		
ST83-182	Michigan Wisconsin Pipe Line Co	Northern Indiana Public Service Co	1/6/83	B		
ST83-183	Michigan Wisconsin Pipe Line Co	Tennessee Gas Pipeline Co	1/6/83	G		
ST83-184	Trailblazer Pipeline Co	Tennessee Gas Pipeline Co	1/6/83	G		
ST83-185	Trunkline Gas Co	Southern Natural Gas Co	1/6/83	G		
ST83-186	Midwestern Gas Transmission Co	Cajun Natural Gas Co	1/7/83	B		
ST83-187	Tennessee Gas Pipeline Co	Consolidated Gas Supply Corp	1/7/83	G		
ST83-188	Tennessee Gas Pipeline Co	Bridgeline Gas Distribution Co	1/7/83	B		
ST83-189	Sugar Bowl Gas Corp	Bridgeline Gas Distribution Co	1/7/83	C		
ST83-190	Wyoming Interstate Co., Inc	Tennessee Gas Pipeline Co	1/7/83	G		
ST83-191	Columbia Gulf Transmission Co	United Gas Pipe Line Co	1/7/83	G		
ST83-192	Transcontinental Gas Pipe Line Corp	Florida Gas Transmission Co	1/10/83	G		
ST83-193	Transcontinental Gas Pipe Line Corp	Sugar Bowl Gas Corp	1/10/83	B		
ST83-194	Natural Gas Pipeline Co. of America	Columbia Gas Transmission Corp	1/10/83	G		
ST83-195	Kansas-Nebraska Natural Gas Co	Northern Gas Co	1/10/83	B		
ST83-196	Northern Natural Gas Co	Tennessee Gas Pipeline Co	1/10/83	G		
ST83-197	Northern Natural Gas Co	United Gas Pipe Line Co	1/10/83	G		
ST83-198	Panhandle Eastern Pipeline Co	Producer's Gas Co	1/10/83	B		
ST83-199	Columbia Gulf Transmission Co	Louisiana Intrastate Gas Corp	1/10/83	B		
ST83-200	Houston Pipeline Co	El Paso Natural Gas Co	1/11/83	C		
ST83-201	Oasis Pipeline Co	El Paso Natural Gas Co	1/11/83	C		
ST83-202	Consolidated Gas Supply Corp	Brooklyn Union Gas Co	1/12/83	B		
ST83-203	Transcontinental Gas Pipe Line Corp	Trunkline Gas Co	1/12/83	G		
ST83-204	Transcontinental Gas Pipe Line Corp	Tennessee Gas Pipeline Co	12/27/82	G		
ST83-205	Northern Natural Gas Co	Tennessee Gas Transmission Co	1/13/83	G		
ST83-206	United Gas Pipe Line Co	Dow Intrastate Gas Co	1/14/83	B		
ST83-207	Southern Natural Gas Co	Howell Pipeline Co	1/18/83	B		
ST83-208	Hydrocarbon Ltd	United Gas Pipe Line Co	1/18/83	C		
ST83-209	Producer's Gas Co	Florida Gas Transmission Co	1/18/83	D		
ST83-210	Tennessee Gas Pipeline Co	Texas Eastern Transmission Corp	1/18/83	G		
ST83-211	Tennessee Gas Pipeline Co	Northern Utilities, Inc	1/18/83	B		
ST83-212	United Gas Pipe Line Co	City of Milton, Florida	1/19/83	B		
ST83-213	Transcontinental Gas Pipe Line Corp	Consolidated Edison of New York, Inc	1/20/83	B		
ST83-214	Transcontinental Gas Pipe Line Corp	City of Lawrenceville, Georgia	1/20/83	B		
ST83-215	Trunkline Gas Co	Northern Natural Gas Co	1/20/83	G		
ST83-216	Sabine Pipeline Co	Bridgeline Gas Distribution Co	1/20/83	B		
ST83-217	Michigan Consolidated Gas Co	Michigan Wisconsin Pipe Line Co	1/21/83	G		
ST83-218	Columbia Gulf Transmission Co	Sugar Bowl Gas Corp	1/21/83	B		
ST83-219	Riverway Gas Pipeline Co	Entex, Inc	1/24/83	C	8/23/83	15.00
ST83-220	Tennessee Gas Pipeline Co	West Lake Arthur Corp	1/24/83	G		
ST83-221	Tennessee Gas Pipeline Co	United Gas Pipe Line Co	1/24/83	G		
ST83-222	United Gas Pipe Line Co	Sugar Bowl Gas Corp	1/20/83	B		
ST83-223	Transcontinental Gas Pipe Line Corp	Elizabethtown Gas Co	1/24/83	B		
ST83-224	Granite State Gas Transmission, Inc	Northern Utilities, Inc	1/25/83	B		
ST83-225	Louisiana Intrastate Gas Corp	Florida Gas Transmission Co	1/25/83	C	8/24/83	20.00
ST83-226	Granite State Gas Transmission, Inc	Northern Utilities, Inc	1/25/83	B		
ST83-227	Michigan Wisconsin Pipe Line Co	Florida Gas Transmission Co	1/26/83	G		
ST83-228	Michigan Wisconsin Pipe Line Co	Northern Indiana Public Service Co	1/26/83	B		
ST83-229	Sea Robin Pipeline Co	United Gas Pipe Line Co	1/26/83	G		
ST83-230	Transcontinental Gas Pipe Line Corp	Brooklyn Union Gas Co	1/27/83	B		
ST83-231	El Paso Natural Gas Co	Wester Transmission Co	1/28/83	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284, subpart	Expiration date[2]	Transportation rate (cents per million Btu)
ST83-232	Transcontinental Gas Pipe Line Corp	Southern Natural Gas Co	1/28/83	G		
ST83-233	Northern Natural Gas Co	Intrastate Gas Co	1/31/83	B		
ST83-234	Tennessee Gas Pipe Line Co	Transcontinental Gas Pipeline Corp	1/31/83	G		
ST83-235	Texas Gas Transmission Corp	LGS Intrastate, Inc	1/31/83	B		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations.
[2] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to § 284.123(B)(2) of the Commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 83-6857 Filed 3-14-83; 8:45 am]
BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-183; File No. BPH-810611AG et al.]

Raymond F. Akin, et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Raymond F. Akin, New Albany, Mississippi, Req. 106.3 MHz, Channel 292A, 3 kW (H&V), 300 feet, MM Docket No. 83-183, File No. BPH-810611AG; Ebony Broadcasting Company, New Albany, Mississippi, Req. 106.3 MHz, Channel 292A, 3 kW (H&V), 300 feet, MM Docket No. 83-184, File No. BPH-811125AH; Dan F. Sanders, Charles Tubb, Ray Toney and Michael S. Whitehead d.b.a. Mississippi Multimedia Association, New Albany, Mississippi, Req. 106.3 MHz, Channel 292A, 3 kW (H&V), 300 feet, MM Docket No. 83-185, File No. BPH-811130AZ; WTUP Broadcasting Corporation, New Albany, Mississippi, Req. 106.3 MHz, Channel 292A, 3 kW (H&V), 300 feet, MM Docket No. 83-186, File No. BPH-811130BC; for construction permit for a new FM station.

Hearing Designation Order

Adopted: February 28, 1983.
Released: March 8, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Raymond F. Akin (Akin), Ebony Broadcasting Company (Ebony), Dan F. Sanders, Charles Tubb, Ray Toney and Michael S. Whitehead d.b.a. Mississippi Multimedia Association (MMA) and WTUP Broadcasting Corporation (WTUP).

2. *Akin.* The engineering data that Akin provided does not clearly demonstrate that he provides a 3.16 mV/m signal to the entire city of New Albany, as required by § 73.315(a) of the Commission's Rules. Neither has Akin requested a waiver of this provision. Accordingly, an appropriate issue will be specified.

3. Since no determination has been reached that the antenna proposed by Akin would not constitute a menace to air navigation, an issue regarding this matter is required.

4. *Ebony.* To finance its proposal, Ebony relies principally on a prospective bank loan of $250,000. The letter from the Bank of Mississippi, however, appears to be an offer to negotiate a loan rather than a commitment by the bank to make that amount of money available. Therefore the material submitted in Ebony's application does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Ebony will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the presiding Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Ebony cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82-376.

5. *WTUP.* WTUP has not submitted an adequate description, in narrative form, of the planned programming service relating to the issues of public concern facing its proposed service area. See *Deregulation of Radio*, 84 FCC 2d 968, 999 (1981). An amendment is required to be filed with the presiding Administrative Law Judge.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

7. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Akin's proposal would provide coverage of the city sought to be served, as required by § 73.315 of the Commission's Rules and, if not, whether circumstances exist which warrant a waiver of that Section.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Akin would constitute a hazard to air navigation.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to the air hazard issue only.

10. It is further ordered, That Ebony shall submit a financial certification in the form required by Section III, FCC Form 301, or advise the presiding Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days of the release of this Order.

11. It is further ordered, That WTUP shall file an amendment with the presiding Administration Law Judge outlining its proposed programming service relating to the issues of public concern facing its proposed service area.

within 30 days of the release of this Order.

12. It is further ordered, That the Petition for Leave to Amend, filed by MMA, is granted and the accompanying amendment is accepted.

13. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

14. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-6842 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-181, File No. BPH-811127AD; and MM Docket No. 83-182, File No. BPH-820623AG]

Kenneth W. Diebel and Marie Del Rio d/b/a/ Delta Communications, Ltd., And John T. Hunt; Designating Applications for Consolidated Hearing on Stated Issues

In re application of Kenneth W. Diebel & Marie Del Rio d.b.a. Delta Communications, Ltd., Rayville, Louisana, Req: 92.1 MHz, Channel 221A 3 Kw (H & v), 279 feet, MM Docket No. 83-181, File No. BPH-811127AD; John T. Hunt, Rayville, Louisana, Req: 92.1 MHz, Channel 221A, 3 kW (H&V), 300 feet, MM Docket No. 83-182, File No. BPH-820623AG; for construction permit for a new FM station.

Hearing Designation Order

Adopted: February 28, 1983.

Released: March 7, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Kenneth W. Diebel and Marie Del Rio d.b.a. Delta Communications, Ltd. (Delta) and John T. Hunt (Hunt).

2. *Hunt.* Hunt has not submitted an adequate description in narrative form of the programming service relating to the issues of public concern facing his proposed service area. See Question 1, Section IV, FCC Form 301 (1982). Accordingly, it will be necessary for the applicant to file an amendment with the presiding Administrative Law Judge.

3. Hunt did not give the area (sq. mi.) and the population within his proposed 1 mV/m contour as called for by Section V-B. Therefore, he will be required to submit an amendment to the presiding Administrative Law Judge. In the event there appears to be a significant difference in the size of the areas and populations which would receive service from the proposals, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue of the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutally exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. Too determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications, if either, should be granted.

6. It is further ordered, That Hunt shall file an amendment with the presiding Administrative Law Judge describing in narrative form his proposed programming service relating to the issues of public concern facing his proposed service area, within 30 days of the release of this Order.

7. It is further ordered, That Hunt shall file an amendment with the presiding Administrative Law Judge giving the area and population within his proposed 1mV/m contour, as called for by Section V-B of the application form, with 30 days of the release of this Order.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.359(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division Mass Media Bureau.

[FR Doc. 6843 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-178, File No. BPH-810819AB, et al.]

KMAP, Inc., et al. Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KMAP, INC., Oildale, California, Req: 95.3 MHz, Channel 237A, .85 kW (H&V), 583 feet, MM Docket No. 83-178, File No. BPH-810819AB; Steven Rodriquez Macias, Oildale, California, Req: 95.3 MHz, Channel 237A, 3 kW (H&V), 300 feet, MM Docket No. 83-179, File No. BPH-811210AG; Kenneth B. Orchard and Robert F. Turner dba, KB Enterprises, Oildale, California, Req: 95.3 MHz, Channel 237A, 2.5 kW (H&V), 320 feet, MM Docket No. 83-180, file No. BPH-820304AG; for construction permit for a new FM Station.

Hearing Designation Order

Adopted: February 23, 1983.

Released: March 7, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by KMAP, Inc. (KMAP), Steven Rodriquez Macias (Macias), and Kenneth B. Orchard and Robert F. Turner dba KB Enterprises.

2. *KMAP.* By means of *Public Notice* 40542, FCC 76–438, the Commission promulgated an interim policy with respect to effective radiated power and antenna height. In accordance with that policy, the proposed 60 dBu contour must not exceed 14.5 miles. The facility proposed by KMAP, Inc. would have an ERP of 850 watts and an HAAT of 583 feet. Its 60 dBu contour would extend 14.6 miles; thus, it would violate the above/stated policy. To place its application in condition suitable for comparative hearing, KMAP, Inc. will be required to file with the presiding Administrative Law Judge, within 30 days of the release of this Order, an amendment specifying a maximum ERP of 830 watts for an HAAT of 583 feet.

3. *Macias.* Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. We have no evidence that Mr. Macias has published the required notice. To remedy this deficiency, he must publish the local notice, if he has not already done so, within 30 days of the release of this Order and so inform the presiding Administrative Law Judge.

4. Since no determination has been reached that the antenna proposed by Macias would not constitute a menace to air navigation, an issue regarding this matter is required.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Steven Rodriquez Macias would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That KMAP, Inc. file with the presiding Administrative Law Judge, within 30 days of the release of this Order, an amended Section V specifying a maximum ERP of 830 watts.

8. It is further ordered, That Steven Rodriquez Macias shall inform the presiding Administrative Law Judge, within 30 days of the release of this Order, that he has complied with the public notice requirements of § 73.3580 of the Commission's Rules.

9. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to the air hazard issue only.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division.

[FR Doc. 83-6840 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-140; File No. BPCT-820707KE, et al.]

Metro Broadcasting, Inc. et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Metro Broadcasting, Inc., Orlando, Florida, MM Docket No. 83–140; File No. BPCT–820707KE; Harry D. Calhoun et al. d/b/a Orlando Family Television, Ltd., Orlando, Florida, MM Docket No. 83–141, File No. BPCT–820907KK; Rainbow Broadcasting Company, Orlando, Florida, MM Docket No. 83–142, File No. BPCT–820909KF; Winter Park Communications, Winter Park, Florida, MM Docket No. 83–143, File No. BPCT–820909KV; for construction permit.

Hearing Designation Order

Adopted: February; 25, 1983.
Released: March 9, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, action pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Metro Broadcasting, Inc. (Metro), Orlando Family Television, Ltd. (OFT),[1] Rainbow Broadcasting Company (Rainbow) and Winter Park Communications (WPC) for authority to construct a new commercial television station on Channel 65, Orlando, Florida.[2]

2. WPC specifies Winter Park as its community of license, while the others propose Orlando. Consequently, it will be necessary to determine, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of broadcast service. since these proposals would serve substantial areas in common, however, in addition to the Section 307(b) issue, a contingent comparative issue will also be specified.

3. Since we have not received a final determination from the Federal Aviation Administration that any of the applicants' proposed tower heights and locations would not constitute a hazard to air navigation, an issue regarding this matter will be specified.

4. Metro and WPC each proposes to side-mount its antenna near the top of the tower of television station WMOD (formerly WKNA), Melbourne, Florida. They specify the overall height above ground level as 1,451 feet. On July 8, 1982, however, the Commission granted WMOD's application to lower the tower height from 1,451 feet to 1,005 feet (AGL). Since the change will affect much of the data required by Section V–G, FCC Form 301 (e.g., antenna height above average terrain, height of antenna radiation center, predicted contours, etc.), the applicants will be required to submit new engineering data, as a *minor* amendment, to the Administrative Law Judge within 30 days of the date of release of this Order.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated

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[1] Although the deadline for filing pre-designation amendments as a matter of right was November 5, 1982, on November 8 OFT amended its application to reflect changes in the broadcast interests of its principals. Inasmuch as the information is required by § 1.65 of the Commission's Rules the amendment is accepted for filing.

[2] Channel 65 is allocated to Orlando, Florida. Winter Park in located within 15 miles of Orlando. Accordingly, under § 73.607 of the Commission's Rules, Channel 65 is available for use in Winter Park.

proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine the areas and populations that would receive Grade B or better service from the proposals and the availability of other Grade B services to such areas and populations.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of broadcast service.

4. In the event it is concluded from Issue 3, above, that a choice among applicants should not be based solely on considerations relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That the Federal Aviation Administration is made a party respondent to this proceeding with regard to Issue 1.

8. It is further ordered, That, within 30 days of the release of this Order, Metro Broadcasting, Inc. and Winter Park Communications shall each file with the administrative Law Judge an appropriate engineering minor amendment in accordance with Paragraph 4, *supra*.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 83-6941 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-158, File No. BPH-810722AA, et. al.]

Santee Cooper Broadcasting Co. of Hilton Head, Inc., et. al.; Designating Applications for Consolidated for Hearing on Stated Issues

In re applications of Santee Cooper Boardcasting Company of Hilton Head, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 290 feet, MM Docket No. 83-158, File No. BPH-810722AA; Suncoast Television, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288 3 kW (H&V), 284 feet, MM Docket No. 83-159, File No. BPH-811028AI; Ocean Broadcasting, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 275 feet, MM Docket No. 83-160, File No. BPH-820128AQ; Women's Broadcasting Coalition, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 298 feet, MM Docket No. 83-161, File No. BPH-820128AT; Heritage Broadcasting Corporation, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 KW (H&V), 312 feet, MM Docket No. 83-162, File No. BPH-820129AJ; Island Communications, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-163, File No. BPH-820129AQ; Jesse N. Williams, Jr., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 KW (H&V), 300 feet, MM Docket No. 83-164, File No. BPH-820129AR; Tradewinds Broadcasting, Ltd., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 KW (H&V), 300 feet, MM Docket No. 83-165, File No. BPH-820129AS; Port Royal Broadcasting, Inc., Bluffton, South Carolina, Req: 105.5 MHz, Channel 288 3kW (H&V) 300 feet, MM Docket No. 83-166, File No. BPH-820129AT; Plantation Broadcasting Corporation, Bluffton, South Carolina, Req: 105.5 Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-167, File No. BPH-820129AW; Tantamount Communications Company, Ltd., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 286 feet, MM Docket No. 83-168, File No. BPH-820129BA; WBSL, Inc., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 296 feet, MM Docket No. 83-169, File No. BPH-820129BC; Constance J. Wodlinger, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 285 feet, MM Docket No. 83-170 File No. BPH-820129BD; Suncoast Radio-South Carolina Corp., Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 300 feet, MM Docket No. 83-171 File No. BPH-820129BL; Charles A. Brooks, Hilton Head Island, South Carolina, Req: 105.5 MHz, Channel 288, 3 kW (H&V), 280 feet, MM Docket No. 83-172 File No. BPH-820129BS; Reginald, Taylor and G. Troy Mattox D/B/A Calibogue Sound, Hilton Head Island, South Carolina, Req:, 105.5 MHz, Channel 288, 3 KW (H&V), 300 feet, MM Docket No. 83-173 File No. BPH-820128BT; for construction permit for a new FM Station.

Hearing Designation Order

Adopted: February 22, 1983.

Released: March 8, 1983.

By the Chief, Mass Media Bureau:

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority has under consideration: (i) The above-captioned mutually exclusive applications;[1] (ii) a petition by Women's Broadcasting Coalition, Inc. (WBC) to dismiss application of Port Royal Broadcasting, Inc. (Port Royal); (iii) a petition by WBC to dismiss application of Calibogue Sound (Calibogue); and (iv) related pleadings.

2. The engineering portion of the Suncoast Radio-South Carolina Corp. application, as amended, indicates that the proposed 3.16 mV/m contour covers all of Hilton Head Island except for an area amounting to .3 percent of the island containing 32 homes. Thus, substantial compliance with the community coverage required of § 73.315(a) has been achieved and no issue with respect thereto will be specified.

3. Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. We have no evidence that Suncoast

[1] Some applicants have specified Hilton Head as the proposed community of license, while others have specified Hilton Head Island. Since the channel is assigned to Hilton Head Island, and unincorporated resort island within Beaufort County, and since the names appear to be used interchangeably, we will consider all the applicants, except those for Bluffton, as proposing to serve Hilton Head Island. Accordingly, the caption reflects this fact.

Television, and Calibogue Sound published the required notice. To remedy this deficiency, they must publish local notice if they have not already done so, and so inform the presiding Administrative Law Judge within 30 days of the release of this Order.

4. The material submitted in the applications of Tradewinds Broadcasting, Ltd.; Port Royal; and Charles A. Brooks does not demonstrate their financial qualifications.[2] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicants will be given 30 days from the date of the release of this order to review their financial proposals in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to their financial qualifications. If the applicants cannot make the required certification they shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

5. From the evidence before us, WBC has filed with the Commission the local notice statement described in § 73.3580 of the Rules, but it was not published for three consecutive weeks. To remedy this deficiency, WBC will be required to publish local notice of its application and to file a statement of publication with the presiding Administrative Law Judge within 30 days of the release of this Order.

6. There is an apparent discrepancy in the data provided by Suncoast Television, Heritage Broadcasting, Tantamount Communications, and WBSL describing their proposed antenna site. Each of the applicants indicate that their antenna will be mounted on an existing tower now used by station WHHR, Hilton Head Island, however, the site location and the height of the ground level above mean sea level differ slightly from the information contained in the WHHR file. The applicants should provide information resolving this descrepancy, and so inform the presiding Administrative Law Judge.

7. Since no determination has been reached that the antennas proposed by Santee Cooper Broadcasting Company and WBC would not constitute a menace to air navigation, an issue regarding this matter is required.

8. *Other matters.* The WBC petition to dismiss Port Royal's application is based on §§ 73.3514 and 73.3566 of the Commission's Rules.[3] The petition specifically notes that: (i) Port Royal failed to provide a planned programming service statement, (ii) questions in the engineering section were unanswered without explanation, and (iii) the signature of Port Royal's consulting engineer was omitted. By an amendment dated February 1, 1982, Port Royal filed an engineering study, signed by its consulting engineer and completed in accordance with the Commission's revisions to FCC Form 301. Since this amendment was timely filed before the April 30, 1982 "B" cut-off date for amendments as a matter of right, it is acceptable and the issue WBC seeks to raise concerning the incompleteness of Port Royal's engineering section is moot. By an amendment dated May 28, 1982, Port Royal submitted an amendment which contained its planned programming service narrative. Question 1 of Section IV requires the applicant to "submit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area." Contrary to WBC's assertion, failure to provide the planned programming service narrative is not an omission that renders Port Royal's application substantially incomplete. However, the statement provided by Port Royal is not responsive to Question 1 of Section IV. Port Royal will be required to file with the presiding Administrative Law Judge a further statement regarding its planned programming service that fulfills the guidelines of Question 1 of Section IV. Accordingly, the petition to dismiss the application of Port Royal by WBC is granted to the extent indicated herein, and denied in all other respects.

9. The WBC petition to dismiss Calibogue's application is based upon the substantial incompleteness of the application in that: (i) The Section I certification had not been signed by the applicant, (ii) the engineering sections had not been signed by the applicant's consulting engineer, and (iii) the Partnership Agreement was unsigned. WBC claims that the absence of the appropriate signatures further violates §§ 73.3514 and 73.3566 of the Rules. In the application before us, the appropriate signatures are present in the Section I certification and engineering section of the Calibogue application. Furthermore, the Commission no longer requires applicants to submit the partnership agreement. *Revision of Application for Construction Permit for Commercial Broadcast Station (FCC Form 301), 50 RR 2d 381 (1981).* Accordingly, the petition to dismiss the applicaton of Calibogue by WBC is denied.

10. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1mV/m or greater in the case of FM) from the proposals and the availability of other primary service to such areas and populations.

2. To determine whether there is a reasonably possibility that the tower height and location proposed by Santee Cooper Broadcasting Company, and WBC would constitute a hazard to air navigation.

3. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on

[2] Tradewinds and Port Royal failed to supply the necessary documentation required to demonstrate the availability of their respective bank loans. Charles Brooks' balance sheet contained insufficient current liquid assets. Also, Mr. Brooks' failed to supply the necessary documentation required to demonstrate his loan's availability.

[3] Sections 73.3514 and 73.3566 state respectively, that "all information called for by the particular form * * * is required to be filed" and that applications which are "patently not in accordance with FCC rules * * * will be considered defective and * * * if inadvertantly accepted for filing will be dismissed * * *.

a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

13. It is further ordered, That Suncoast Television, WBC and Reginald Taylor and G. Troy Mattox d/b/a Calibogue Sound shall, within 30 days of the release of this Order, file a statement with the presiding Administrative Law Judge showing compliance with the public requirements of § 73.3580 of the Commission's Rules.

14. It is further ordered, That Tradewinds Broadcasting, Ltd., Port Royal Broadcasting, Inc. and Charles A. Brooks shall, within 30 days of the release of this Order, submit financial certifications in the form required by Section III, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

15. It is further ordered, That Suncoast Television, Heritage Broadcasting, Tantamount Communications, and WBSL, Inc. shall, within 30 days of the release of this Order, submit the data describing their antenna sites to the presiding Administrative Law Judge.

16. It is further ordered, That Port Royal shall, within 30 days of the release of this Order, file a statement with the presiding Administrative Law Judge regarding its planned programming service.

17. It is further ordered, That the petition to dismiss the application of Port Royal by WBC is granted to the extent indicated herein, and denied in all other respects.

18. It is further ordered, That the Federal Aviation Administration Is made a party to the proceeding.

19. It is further ordered, That the petition to dismiss the application of Calibogue by WBC is denied.

20. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

21. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-6644 Filed 3-14-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[License No. 2448]

Independent Ocean Freight Forwarder; International Cargo Network; Order of Revocation

On February 10, 1983, International Cargo Network, 8579 N.W. 54th Street, Miami, FL 33166 surrendered its Independent Ocean Freight Forwarder License No. 2448 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2448 issued to International Cargo Network be revoked effective February 10, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon International Cargo Network.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-6643 Filed 3-14-83; 8:45 am]

BILLING CODE 6730-01-M

[License No. 1798]

Independent Ocean Freight Forwarder; M & A Cargo Services Inc.; Order of Revocation

On February 10, 1983, M & A Cargo Services Inc., 8213 N.W. 74th Avenue, Miami, FL 33166 surrendered its Independent Ocean Freight Forwarder License No. 1798 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1798 issued to M & A Cargo Services Inc. be revoked effective February 10, 1983.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon M & A Cargo Services Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-6645 Filed 3-14-83; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2089]

Independent Ocean Freight Forwarder; Savir, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Favir, Inc., P.O. Box 523116, Miami, Florida 33152 was cancelled effective February 9, 1983.

By letter dated January 13, 1983, which was returned by the Post Office marked unclaimed, we attempted to advise Savir, Inc. that Independent Ocean Freight Forwarder License No. 2089 would be automatically revoked unless a valid surety bond was filed with the Commission.

Savir, Inc. failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2089 be and is hereby revoked effective February 9, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2089 issued to Savir, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Savir, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 83-6646 Filed 3-14-83; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2296]

Independent Ocean Freight Forwarder; Sea-Wing International, Inc.; Order of Revocation

On March 7, 1983, Sea-Wing International, Inc., 2360 East Devon Avenue, Des Plaines, IL 60018 surrender its Independent Ocean Freight

Forwarder License No. 2296 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), §10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2296 issued to Sea-Wing International Inc. be revoked effective March 7, 1983.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Sea-Wing International, Inc.

Albert J. Klingel, Jr.,

Director Bureau of Certification and Licensing.

[FR Doc. 83-6967 Filed 3-14-83; 8:45 am]

BILLING CODE 6730-01-M

[License No. 2053]

Independent Ocean Freight Forwarder, Charles Williams; Order of Revocation

Section 44(c), Shipping Act 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Charles Williams, c/o 343 So. Dearborne Street, Suite 1503, Chicago, IL 60604 was cancelled effective February 9, 1983.

By letter dated January 11, 1983, which was returned by the Post Office marked "returned to sender, moved, left no address," we attempted to advise Charles Williams that Independent Ocean Freight Forwarder License No. 2053 would be automatically revoked unless a valid surety bond was filed with the Commission.

Charles Williams has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2053 be and is hereby revoked effective February 9, 1983.

It is ordered, that Independent Ocean Freight Forwarder License No. 2053 issued to Charles Williams be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Charles Williams.

Albert J. Klingel, Jr.,

Director, Bureau of Certification & Licensing.

[FR Doc. 83-6968 Filed 3-14-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Barclays Bank PLC, et al.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited*, London, England (consumer finance and insurance activities; New York): To engage through their subsidiaries, BarclaysAmerican/Financial, Inc. ("BAF") and BarclaysAmerican/Retail Services, Inc. ("BARS"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and acting as agent for the sale of a related credit life, credit accident and health, and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BarclaysAmericanCorporation's insurance underwriting subsidiaries. These proposed insurance activities are permissible under Section 601(A) and (D) of the Garn-St. Germain Depository Institutions Act of 1982. These activities would be conducted from an office of BAF and BARS located in Auburn, New York, serving customers on Auburn and surrounding areas in New York. This notification is for the relocation of an existing office located in Seneca Falls, New York. Comments on this application must be received not later than April 6, 1983.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Merchants Bancorp, Inc.*, Allentown, Pennsylvania (insurance underwriting activities; Pennsylvania): To engage, through its subsidiary, Merchants Life Insurance Company, Phoenix, Arizona, in action as an underwriter of credit life and accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank, The Merchants Bank of Allentown. These activities would be conducted from an office in Allentown, Pennsylvania, serving the State of Pennsylvania. Comments on this application must be received not later than April 8, 1983.

Board of Governors of the Federal Reserve System, March 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6842 Filed 3-14-83; 8:45 am]

BILLING CODE 6210-01-M

Ellis Banking Corp.; Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in

section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Ellis Banking Corporation,* Bradenton, Florida; to acquire 51 percent or more of the voting shares of Dixie County State Bank, Cross City, Florida. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than April 8, 1983.

Board of Governors of the Federal Reserve System, March 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6840 Filed 3-14-83; 8:45 am]

BILLING CODE 6210-01-M

Sunshine Bankshares Corp., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Sunshine Bankshares Corporation,* Fort Walton Beach, Florida; to become a bank holding company by acquiring 80 percent or more of the voting shares of Sunshine Bank, Fort Walton Beach, Florida. Comments on this application must be recevied not later than April 6, 1983.

B. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Collier Bancshares Holding Company, Inc.,* McAllen, Texas; to become a bank holding company by acquiring 30.69 percent of the voting shares of Lower Rio Grande Valley Bancshares, Inc., La Feria, Texas, and thereby indirectly acquire shares of The First National Bank of La Feria, La Feria, Texas, Valley National Bank, Harlingen, Texas, and The First National Bank of Mercedes, Mercedes, Texas. Comments on this application must be received not later than April 8, 1983.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *First Bankshares, Inc.,* St. George, Utah; to become a bank holding company by acquiring 80 percent of the voting shares of Dixie State Bank, St. George, Utah. Comments on this application must be received not later than April 6, 1983.

Board of Governors of the Federal Reserve System, March 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6841 Filed 3-14-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board's subcommittee on General Organization and Management will meet on March 17, 1983, from 10:00 a.m. to 4:00 p.m., at 26 Federal Plaza, New York, NY 10278. This session will be open to the public and will be devoted to a discussion and review of the Subcommittee's efforts to assist GSA in improving telecommunications and mail management, records management technology, and internal use of office automation.

Less than fifteen (15) days notice of this meeting is being provided due to scheduling difficulties.

For further information on room location or other details, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-6821 Filed 3-14-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Annual Report; Availability of Filing

Notice is hereby given that pursuant to Section 13 of Public Law 92-463 (5 U.S.C. Appendix I), the calendar year 1982 annual report for the following Federal advisory committee utilized by the Centers for Disease Control has been filed with the Library of Congress:

Immunization Practices Advisory Committee

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C. (telephone 202/287-6310). Additionally, on weekdays between 9:00 a.m. and 4:30 p.m. copies will be available for inspection at the Department of Health and Human Services, Department Library, HHS North Building, Room 1436, 300 Independence Avenue, SW., Washington, D.C. (telephone 202/245-6791).

Dated: March 7, 1983.

Donald R. Hopkins,

Acting Director.

[FR Doc. 83-6804 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 80N-0276; DESI 7630]

Certain Anabolic Steroids; Drug Efficacy Study Implementation; Revocation of Exemption; Opportunity for Hearing

Correction

In FR Doc. 83-1144 beginning on page 2208 in the issue of Tuesday, January 18, 1983, make the following correction:

In the first column of page 2209, the ninth paragraph, the designation "NDA 11-683" should read "NDA 11-636".

BILLING CODE 1505-01-M

Gastroenterology and Urology Device Section of the General Medical Devices Panel; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Gastroenterology and Urology Device Section of the General Medical Devices Panel

Date, time, and place. April 5, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 11 a.m.; closed presentation of data, 11 a.m. to 12 m.; open committee discussion, 1 p.m. to 4 p.m.; Norman T. Welford, National Center for Devices and Radiological Health (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the committee. The commttee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify Norman T. Welford before March 22, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a plasmapheresis filter and control system, and the classification of the following devices: Nephrostomy Catheter; Dialyzer Reprocessing System; Thermal Devices for Hemorrhoids; Urological Irrigation System; Penile Tumescence Monitor; External Penile Rigidity Device; Automated Blood Cell Separators for Therapeutic Apheresis.

Closed presentation of data. The company will present trade secret data on a premarket approval application for a plasmapheresis filter and control system. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, howevr, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda item to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes, information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agnecy action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from

public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: March 8, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-6669 Filed 3-14-83; 8:45 am]
BILLING CODE 4160-01-M

[Docket No. 82D-0361]

Defect Action Level for the Adulteration of Apricot, Peach, and Pear Purees by Mold; Availability of Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of revised FDA Compliance Policy Guide 7110.31 that includes a new defect action level of 12 percent Howard mold count for mold in apricot, peach, and pear purees.

DATE: Comments, data, and information may be submitted for 1 year following publication of this notice in the **Federal Register** or until March 15, 1984.

ADDRESS: Written comments, data, and information on the defect action level and requests for single copies of FDA compliance Policy Guide 7110.31 maybe submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: FDA is revising Compliance Policy Guide 7110.31 to include a defect action level for Howard mold in apricot, peach, and pear purees. That guide had previously contained only an action level for Howard mold in apricot, peach, and pear nectars. This defect action level is based on analytical data obtained from domestic and foreign samples collected in a recent survey from 5 or more retail stores in each of 60 standard metropolitan statistical areas throughout the United States. The samples were collected and analyzed by an independent organization and an independent laboratory under contract to FDA.

From analytical data of 1,100 apricot, peach, and pear puree samples, FDA established a data base for a statistical analysis of the frequency distribution of Howard mold count in the subject purees. From computer simulations using the data available on the 1,100 samples, the agency determined that a defect action level of 5 percent Howard mold count for a six subsample average and a 20 percent Howard mold count for a single subsample would have little or no economic impact on the fruit puree industry.

Earlier FDA had conducted a similar survey for mold defects in apricot, pear, and peach nectars that showed almost the same results as the survey conducted for the purees of these fruits. The agency reported the results of this survey in the notice announcing the defect action level for Howard mold count in apricot, pear, and peach nectars, published in the **Federal Register** of July 31, 1981 (46 FR 39222). In response to that notice, the National Food Processors Association submitted comments and data that persuaded FDA that there might be a larger adverse economic impact on the fruit nector industry that the agency had originally estimated. Based on those arguments, FDA increased the defect action level for fruit nectars from 5 percent to 12 percent Howard mold count (see 47 FR 41206; September 17, 1982).

Because the levels of mold found in the survey of the fruit purees were almost identical to the mold count found in nectars, and because the production and processing problems of these two products are very similar, the agency assumes that the 5 percent action levels would have a simlar economic impact on the puree industry. Accordingly, FDA is establishing under Compliance Policy Guide 7110.31 a defect action level for the purees that conforms to that established for apricot, pear, and peach nectars. FDA will initiate regulatory action when the Howard mold count for six or more subsamples of apricot, peach, or pear purees is 12 percent or above. The agency will not take regulatory action when only one subsample exceeds the action level. The Compliance Policy Guide specifies that FDA personnel will use the modified Association of Official Analytical Chemists (AOAC) method prescribed in the Guide until September 16, 1983. After that date, FDA personnel will follow the AOAC official first action method for Howard mold count of fruit nectars, purees, and pastes. FDA believes that the 12 percent action level is stringent enough to ensure that industry will produce apricot, peach, and pear purees with only trivial and harmless levels of mold.

Background data and information concerning the establishment of this defect action level are on file with the Dockets Management Branch (address above), along with a copy of Compliance Policy Guide 7110.31, and are available in that office for public examination between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7110.31 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

In accordance with the revised procedure for establishing and evaluating all new defect action levels (published in the **Federal Register** of Septemeber 21, 1982; 47 FR 41637) this action level will remain in effect for an interim period following publication in the **Federal Register** or notification to the field. During the year following publication of this notice, FDA invites interested persons to submit relevant comments, data, and information showing why this level should be revised. FDA emphasizes that defect action levels will be revised only on the basic of data and information that adequately support such changes. This defect action level will remain in effect until FDA has evaluated all the available data and has published its decision in the **Federal Register**.

Interested person may submit to the Dockets Management Branch (address above) written comments, data, and information regarding this defect action level. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 8, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6670 Filed 3-14-83; 8:45 am]
BILLING CODE 4160-01-M

Public Health Service

Office of Population Affairs; Announcement of Competitive Grant Applications for General Family Planning Training Projects

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs, Office of Family Planning announces that applications from public and nonprofit private entities are now

being accepted for grant awards under section 1003(a) of the Public Health Service (PHS) Act [42 U.S.C. 300a–1(a)] to provide training for personnel to carry out family planniing service programs described in section 1001 of the PHS Act (42 U.S.C. 300).

DATE: Applications must be postmarked or received by the close of business April 30, 1983.

ADDRESS: Completed applications should be mailed to the following address: Grants Management Office, Office of Population Affairs, Hubert H. Humphrey Building, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201. Application kits, including all necessary forms, instructions, review criteria, and information relating to the grant application may be obtained upon written request from this Office.

FOR FURTHER INFORMATION CONTACT: Joyce Elmore, Ph.D., R.N. Project Officer, Office of Population Affairs, Office of Family Planning, Hubert H. Humphrey Building, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201. Telephone number 202/472–7916.

SUPPLEMENTARY INFORMATION: Subject to Congressional action on an appropriation for the family planning program for Fiscal Year 1983, the program anticipates approximately $570,000 will be available for three competitive general family planning training grants. Grants will made to be eligible applicants to assist in the establishment and operation of projects which will promote the purposes of section 1003 of the PHS Act, taking into account the degree to which the project meets the requirements of the regulations (42 CFR 59.205 and 59.206). Applications are invited for the following three grants:

One general training grant for Department of Health and Human Services (DHHS) Region II (New Jersey, New York, Puerto Rico and the Virgin Islands). A funding range of $180,000–$215,000 is under consideration for this grant.

One general training grant for DHHS Region VI (Arkansas, Louisiana, New Mexico, Oklahoma and Texas). A funding range of $190,000–$225,000 is under consideration for this grant.

One general training grant for DHHS Region X (Alaska, Idaho, Oregon and Washington). A funding range of $110,000–$130,000 is under consideration for this grant.

In order to comply with the Office of Management and Budget Circular No. A–95 Revised (interim procedures at 41 FR 316, July 29, 1976), applicants for grant support must, prior to submitting the application to OPA, notify both the State and Areawide A–95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which this information is to be submitted. Applicants are advised to contact the appropriate State Clearinghouse (listed at 42 FR 210, January 10, 1977) for detailed informatioin on meeting the A–95 requirements.

It is strongly recommended that applicants contact the Clearinghouses immediately to indicate their intent to apply for a grant. The A–95 applications may be submitted to the Clearinghouses concurrently with the submission to OPA. Clearinghouse comments or verification that no comments were made within the period available may be submitted to OPA no later than June 30, 1983.

(Catalog of Federal Domestic Assistance Number 13.260)

Dated: March 7, 1983.

Marjorie E. Mecklenburg,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 83–6708 Filed 3–14–83; 8:45 am]

BILLING CODE 4160–17–M

Office of Population Affairs; Announcement of Competitive Grant Applications for Family Planning Nurse Practitioner Training Projects

AGENCY: Office of the Assistant Secretary for Health, HHS.

ACTION: Notice.

SUMMARY: The Office of Population Affairs, Office of Family Planning, announces that applications for awards are now being accepted from public or nonprofit private entities for grant awards under section 1003(a) of the Public Health Service (PHS) Act [42 U.S.C. 300a–1(a)] to provide training for personnel to carry out family planning service programs described in section 1001 of the PHS Act (42 U.S.C. 300), specifically nurse practitioner training.

DATE: Applications must be postmarked or received by the close of business April 30, 1983.

ADDRESS: Completed applications should be mailed to the following address: Grants Management Office, Office of Population Affairs, Hubert H. Humphrey Building, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201. Application kits, including all necessary forms, instructions, review criteria, and information relating to the grant application may be obtained upon written request from this Office.

FOR FURTHER INFORMATION CONTACT: Joyce Elmore, Ph.D., R.N. Project Officer, Office of Population Affairs, Office of Family Planning, Hubert H. Humphrey Building, Room 725H, 200 Independence Avenue, SW., Washington, D.C. 20201. Telephone number 202/472–7916.

SUPPLEMENTARY INFORMATION: Subject to Congressional action on an appropriation for the family planning program for Fiscal Year 1983, the program anticipates approximately $430,000 will be available for three competitive grants for family planning nurse practitioner training. (Examples of other Titles for this training are "Obstetric-gynecologic Nurse Practitioner" training or "Women's Health Care Nurse Practitioner" training). Grants will be made to eligible applicants to assist in the establishment and operation of projects which will promote the purposes of section 1003 of the PHS Act, taking into account the degree to which the project meets the requirements of the regulations (42 CFR 59.205 and § 59.206). Applications are invited for the following three grants:

One Grant for a range of $175,000–215,000 to train nurse practitioners from the following three regions:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont);
Region II (New Jersey, New York, Puerto Rico and the Virgin Islands);
Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia).

One Grant for a range of $100,000–$115,000 to train nurse practitioners from the following region:

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

One Grant for a range of $95,000–$110,000 to train nurse practitioners from the following two regions:

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas);
Region VII (Iowa, Kansas, Mississippi, Nebraska).

In order to comply with the Office of Management and Budget Circular No. A–95 Revised (interim procedures at 41 FR 316, July 29, 1976), applicants for grant support must, prior to submitting the application to OPA, notify both the State and Areawide A–95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a Statewide project which does

not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse. Some State and Area Clearinghouses provide their own forms on which this information is to be submitted. Applicants are advised to contact the appropriate State Clearinghouse (listed at 42 FR 210, January 10, 1977) for detailed information on meeting the A-95 requirements.

It is strongly recommended that applicants contact the Clearinghouses immediately to indicate their intent to apply for a grant. The applications may be submitted to the Clearinghouses concurrently with the submission to OPA. Clearinghouse comments or verification that no comments were made within the period available may be submitted to OPA no later than June 30, 1983.

(Catalog of Federal Domestic Assistance Number 13.350)

Dated: March 7, 1983.

Marjory E. Mecklenburg,

Deputy Assistant Secretary for Population Affairs.

[FR Doc. 83-6798 Filed 3-14-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

School Construction Priorities List—FY 1984

February 25, 1983.

This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

The school construction priority list has been revised for Fiscal Year 1984 as required by Pub. L. 95-561; 92 Stat. 2319. Section 1125(o) requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the **Federal Register** and submit with the budget request the current list of all school construction priorities".

This notice for FY 1984 provides the current revised list of proposed construction projects.

Construction of these projects is subject to the availability of funds and/or the status of currently committed construction projects approved by Congress. Committed projects currently are Hopi Junior Senior High School which is being funded in phases and Alamo Navajo School now under design.

These proposed projects are also subject to further review in terms of either replacement or rehabilitation. The source of monies for these proposed projects—Facility Improvement and Repair funds or New Construction funds—will be determined by the magnitude of work to be done.

This current list of school construction projects applies to FY 1984. A revised list is developed and published for each succeeding fiscal year.

BIA, Contract and Previously Private School Construction Ranking—FY 1984

1. Western Cheyenne River Consolidated School, SD
2. Papago High School, AZ
3. Two Eagle River Indian High School, MT
4. Rocky Boys Indian High School, MT
5. Coeur D'Alene Indian School, ID
6. Paschal-Sherman Indian School, WA
7. Lac Courte Oreilles Ojibwa School, WI

Further information regarding this list or the ranking process may be obtained from the Acting Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, NM 87103-2147, Telephone: (505) 766-2985.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 83-6800 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A-18542]

Arizona; Notice of Proposed Withdrawal and Reservation of Lands

March 7, 1983.

The U.S. Army Corps of Engineers has filed on behalf of the Department of the Air Force, Application A-18542, for the withdrawal of the following described public land from settlement, sale, location or entry under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights:

Gila and Salt River Meridian, Arizona

T. 1 S., R. 7 E.,
Sec. 33, SE¼.

The area described aggregates 160 acres in Maricopa County, Arizona.

The Department of the Air Force desires that the land be withdrawn and reserved as an integral part of Williams Air Force Base. Improvements situated on this land consist of portions of active runways, clear zone, navigational aids, and perimeter fencing.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Arizona State Office, Bureau of Land Management, at the address shown below, on or before June 15, 1983. Notice of public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the **Federal Register**. The Secretary's determination shall, in a proper case, be subject to the provisions of Section 204(d) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2753.

Effective on the date of publication of this notice, the above-described land shall be segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws. The segregative effect of this proposed withdrawal shall continue for a period of two years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-6661 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-84-M

Butte District, Montana; Grazing Advisory Board Meeting

The Butte District Grazing Advisory Board will meet on Tuesday, April 12, 1983, in the conference room of the Butte District Office at 106 North Parkmont (Industrial Park), Butte, Montana. The meeting will begin at 9:00 a.m.

The agenda for the meeting will include (1) Election of officers; (2) the asset management program; (3) an update on the range improvement expenditures and projects; (4) the Bureau of Land Management-Minerals Management Service merger; and (5) new and existing Allotment Management plans in the Dillon Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the board or file written statements for the board's consideration. Persons wishing to make oral statements should make prior arrangements with the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Dated: March 7, 1983.

Donald E. Wilson,

Acting District Manager.

[FR Doc. 83-6660 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-84-M

[U-062]

Utah; Change in Commercial and Non-Commercial Recreation Use Fees

March 7, 1983.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Change in Commercial and Non-Commercial Recreation Use Fees.

SUMMARY: *Commercial Use* for the 1983 river use season. Fees for commercial river float boating is increased from the present $120.00 per 100 user days to $200.00 per 100 user days on the following areas within the Moab District in Utah:

Green River—Desolation/Gray Canyons
Colorado River—Westwater Canyon
Delores River—Utah State line to confluence with the Colorado River
San Juan River—Bluff, Utah to Clay Hills Crossing

Fees for trips of one day or less duration is $100.00 per 100 user days on the following areas:

Green River—Nefertiti Rapid to Swazey's Rapid
Colorado River—Rose Ranch to Castle Creek
San Juan River—Bluff, Utah to Mexican Hat, Utah

Land based commercial use is increased from $25.00 per 100 user days to $100.00 per 100 user days.

Non-Commercial Use

Fees for non-commercial permits are established in the following special recreation management areas:

Green River—Desolation Canyon $5.00 per person per trip
Colorado River—Westwater Canyon $1.50 per person per trip
San Juan River—Sand Island to Mexican Hat $1.50 per person per trip; Mexican Hat to Clay Hills Crossing $3.00 per person per trip; Sund Island to Clay Hills Crossing $5.00 per person per trip

Noncommercial permit fees are nonrefundable and must be paid prior to permit issuance.

The above fees are based on this administrations policy of users paying a greater share of costs associated with management, permits, and monitoring associated with special recreation use permits. This fee schedule will remain in effect through 1983.

DATE: Effective Date: February 1, 1983.

ADDRESS: District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: Gene Nodine, Moab District Manager.

SUPPLEMENTAL INFORMATION: Recreation use fees for land based commercial use has remained at the 1982 level for 10 years or more. Fees for non-commercial permits in special recreation management areas have not been required prior to this action.

Delano Beckus,

Chief of Resources, Acting District Manager.

[FR Doc. 83-6659 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1582; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H., Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G), and Secretarial Order 3071, the following described lands are hereby deleted from the Socorro Peak Known Geothermal Resources Area, effective March 1, 1983.

(31) New Mexico

Socorro Peak Known Geothermal Resources Area

New Mexico Principal Meridian, New Mexico

T. 2 S., R. 1 E.,
  Secs. 28, 29, and 30,
  Secs. 31, 32, and 33 (including lands within the Town of Socorro Grant).
T. 3 S., R. 1 E.,
  Secs. 4 to 9, inclusive (including lands within the Town of Socorro Grant),
  Secs. 16 to 21, inclusive (including lands within the Town of Socorro Grant),
  Secs. 28, 29, and 30 (including lands within the Town of Socorro Grant),
  Secs. 31, 32, and 33.
T. 4 S., R. 1 E.,
  Secs. 4 to 9, inclusive.
T. 2 S., R. 1 W.,
  Secs. 25, 26, and 27,
  Secs. 31, 32, and 33,
  Secs. 34, 35, and 36 (including lands within the Town of Socorro Grant).
T. 3 S., R. 1 W.,
  Secs. 1, 2, and 3 (including lands within the Town of Socorro Grant),
  Secs. 4, 5, 8, and 9,
  Secs. 10 to 15, inclusive (including lands within the Town of Socorro Grant),
  Secs. 16 and 7,
  Sec. 20, N½,
  Sec. 21, N½,
  Secs. 22 to 26, inclusive (including lands within the Town of Socorro Grant),
  Sec. 27, (part of N½N½ within the Town of Socorro Grant),
  Sec. 36.
T. 4 S., R. 1 W.,
  Secs. 1, 2, and 12.
T. 2 S., R. 2 W.,
  Sec. 36.

The deleted area described aggregates 42,513.00 acres, more or less. The subject lands will be made available to the first qualified applicant under regulations appearing at 43 CFR 3210 beginning with the first calendar month following the date of this notice.

Dated: February 14, 1983.

James W. Sutherland,

Minerals Manager, South Central Region.

[FR Doc. 83-6658 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Canon City District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that a meeting of the Canon City District Advisory Council will be held on Thursday and Friday, April 14 and 15, 1983.

The meeting will be from 1:00 PM to 5:00 PM on April 14, and from 8:00 AM to noon on April 15, at the First National Bank Building, 9th Street and Royal Gorge Blvd., Canon City, Colorado.

The agenda will include:

1. Introduction and biographical sketch of members;
2. Discussion of the function of the Council;
3. Overview of BLM in general, Canon City District in particular and major programs by Resource Area;
4. Election of officers;
5. Arrangements for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:00 AM and Noon on Friday April 15, or file written statements for the Council's consideration. The District Manager may establish a time for oral statements depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to address the Council should notify the District Manager, Bureau of Land Management, 3080 East Main (P.O. Box 311), Canon City, Colorado 81212 by April 13, 1983.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular business hours at the District Office within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Glenn Wallace, (303) 275–0631.

Clarence Pearson,

Acting District Manager.

[FR Doc. 83-6847 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Training and Qualifications of Personnel in Well-Control Training

AGENCY: Minerals Management Service, Interior.

ACTION: Listing of well-control training schools approved in accordance with MMSS–OCS–T 1.

SUMMARY: On January 19, 1982, the Minerals Management Service (MMS) was established under Secretarial Order No. 3071. The Federal Register Notice, Vol. 47, No. 34, page 7506, published by the MMS on Friday, February 19, 1982, published the MMSS–OCS–T 1 Training Standard, "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," Second Edition.

This Notice lists the well-control training schools that are currently approved by the MMS.

FOR FURTHER INFORMATION CONTACT: Mr. M. L. Courtois, Minerals Management Service, National Center, Reston, Virginia 22091 (703/860–7564).

SUPPLEMENTARY INFORMATION:

Legend

Job Classification

RH—Rotary Helper
TP—Toolpusher
DK—Derrickmen
OR—Operator's Representative
DR—Driller

Blowout-Preventer Stack Type

SUR—Surface BOP Stack
SS—Subsea BOP Stack

MMS Approved Well-Control Schools

Rotary Helper and Derrickmen

1. Anglo Alaska/Nabors Alaska Drilling Company
2. Atlantic Pacific Marine Corp.
3. Atwood Group, Inc.
4. Atwood Oceanics, Inc.
5. Bailey-Shannon Drilling, Inc.
6. Basic Research and Training, Inc.
7. Bokenkamp Drilling Co., Inc.
8. Booker Drilling Co., Inc.
9. Broughton Drilling Company
10. Cactus International, Inc.
11. Challenger Drilling, Inc.
12. Chiles Drilling Company
13. Circle Bar Drilling Company
14. Cyclops Drilling Company
15. Dan-Tex International, Inc.
16. Diamond M Company
17. Dixilyn-Field Drilling Company
18. Dolphin-Titan International, Inc.
19. Dual Offshore Company
20. Fluor Drilling Service, Inc.
21. Global Marine Drilling Company
22. Goldrus Marine Drilling Company
23. Griffin-Alexander Drilling Company
24. Houston Offshore International, Inc.
25. Houtech Energy, Inc.
26. Huthnance Drilling Company
27. J.F.P. Drilling Co., Inc.
28. Keydril Company
29. Keyes Offshore, Inc.
30. Loffland Brothers Company
31. Marine Drilling Company
32. Marlin Drilling Company
33. Maurer Engineering, Inc.
34. Mayronne Company
35. Moran Drilling Corp.
36. MUDTECH
37. Nicklos Drilling Company
38. Noble Drilling Company
39. Ocean Drilling and Exploration Company (ODECO)
40. O & U Drilling, Inc.
41. Penrod Drilling Company
42. Peter Bawden Drilling Inc.
43. Phoenix Seadrill
44. Pool Offshore Company
45. Prentice and Records Enterprises, Inc.
46. Reading and Bates Drilling Company
47. Rowan Companies, Inc.
48. Salen Protexa Drilling Company
49. Santa Fe Drilling Company
50. Savage Drilling Company
51. Scan Drilling Company (U.S.A.), Inc.
52. Sea Drilling Corp.
53. Services, Equipment, and Engineering
54. Shell Offshore, Inc.
55. Shell Oil Company
56. South Texas Offshore Drilling Company
57. Teledyne Movible Offshore, Inc.
58. Temple Drilling Company
59. The Offshore Company
60. Transworld Drilling Company
61. Western Oceanics, Inc.
62. Zapata Offshore Company

Basic Course

1. Alaska Skill Center—DR, TP, OR; SUR, SS
2. Amoco Production Company—OR; SUR, SS
3. Arco Oil and Gas Company—TP, OR; SUR, SS
4. Atlantic Pacific Marine Corp.—DR, TP, OR; SUR, SS
5. Basic Research and Training, Inc.—DR, TP, OR; SUR, SS
6. Cape Cod Community College—DR, TP, OR; SUR, SS
7. Cities Service Company—OR; SUR, SS
8. Chevron U.S.A. Inc.—OR; SUR, SS
9. Conoco, Inc.—OR; SUR, SS
10. Cudd Pressure Control, Inc.—DR, TP, OR; SUR
11. Delta Drilling—DR, TP, OR; SUR, SS
12. Diamond M Company—DR, TP, OR; SUR, SS
13. Digitran, Inc.—DR, TP, OR; SUR, SS
14. Dixilyn-Field Drilling Company—DR, TP, OR; SUR, SS
15. Dresser Industries—DR, TP, OR; SUR, SS
16. Exxon U.S.A.—DR, TP, OR; SUR, SS
17. Global Marine Drilling Company—DR, TP, OR; SUR, SS
18. Gulf Oil Expl. and Prod. Company—DR, TP, OR; SUR, SS
19. IMCO Services—DR, TP, OR; SUR, SS
20. International Drilling Schools—DR, TP, OR; SUR, SS
21. Keydril Company—DR, TP, OR; SUR, SS
22. Loffland Brothers Company—DR, TP, OR; SUR
23. Louisiana State University—DR, TP, OR; SUR, SS
24. Marlin Drilling Company, Inc.—DR, TP, OR; SUR, SS
*25. Maurer Engineering, Inc.—DR, TP, OR; SUR, SS
26. Milchem, Inc.—DR, TP, OR; SUR, SS
27. Murchison Drilling Schools—DR, TP, OR; SUR, SS
28. NL Petroleum Services—DR, TP, OR; SUR, SS
29. ODECO—DR, TP, OR; SUR, SS
30. Oklahoma Petro. Training Corp.—DR, TP, OR; SUR, SS
31. Parker Drilling Company—DR, TP, OR; SUR, SS

*32. Penn State University—DR, TP, OR; SUR, SS
33. Petro. Training & Tech. Services—DR, TP, OR; SUR, SS
34. Pool Offshore Company—DR, TP, OR; SUR
35. Prentice & Records Enterprises, Inc.—DR, TP, OR; SUR
36. Preston L. Moore, Inc.—DR, TP, OR; SUR
37. Reading & Bates Drilling Company—DR, TP, OR; SUR
38. Rike Service, Inc.—DR, TP, OR; SUR, SS
*39. Rocky Mountain Well-Control School—DR, TP, OR; SUR, SS
40. Santa Fe Drilling Company—DR, TP, OR; SUR, SS
41. Sedco, Inc.—DR, TP, OR; SUR, SS
*42. Shell Offshore Inc.—DR, TP, OR; SUR, SS
43. Shell Oil Company—DR, TP, OR; SUR, SS
44. Sturgis/Sheffield, Inc.—DR, TP, OR; SUR*
45. Texaco—DR, TP, OR; SUR, SS
46. TDA Training, Inc.—DR, TP, OR; SUR, SS
47. Union Oil Co. of California—DR, TP, OR; SUR, SS
48. University of Houston/Victoria—DR, TP, OR; SUR, SS
49. University of Oklahoma—DR, TP, OR; SUR, SS
50. University of S.W. Louisiana—DR, TP, OR; SUR, SS
51. University of Texas at Austin—DR, TP, OR; SUR, SS
52. Ventura College—DR, TP, OR; SUR, SS
53. Well-Control School, Inc.—DR, TP, OR; SUR, SS
54. Western Oceanic, Inc.—DR, TP, OR; SUR, SS

Refresher Course

1. Alaska Skil Center—DR, TP, OR; SUR, SS
2. Amoco Production Company—OR; SUR, SS
3. Arco Oil & Gas Company—TP, OR; SUR, SS
4. Atlantic Pacific Marine Corp.—DR, TP, OR; SUR, SS
5. Basic Research & Training, Inc.—DR, TP, OR; SUR, SS
6. Cape Cod Community College—DR, TP, OR; SUR, SS
7. Chevron U.S.A., Inc.—OR; SUR, SS
8. Cities Service Company—OR; SUR, SS
9. Conoco, Inc.—OR; SUR, SS
10. Cudd Pressure Control, Inc.—DR, TP, OR; SUR
11. Delta Drilling Company—DR, TP, OR; SUR, SS
12. Diamond M Company—DR, TP, OR; SUR, SS
13. Dixilyn-Field Drilling Company—DR, TP, OR; SUR, SS
14. Dresser Industries—DR, TP, OR; SUR, SS
15. Gulf Oil Expl. and Prod. Company—DR, TP, OR; SUR, SS
16. IMCO Services—DR, TP, OR; SUR, SS
17. International Drilling School—DR, TP, OR; SUR, SS
18. Keydril Company—DR, TP, OR; SUR, SS
19. Loffland Brothers Company—DR, TP, OR; SUR, SS
20. Louisiana State University—DR, TP, OR; SUR, SS
21. Marlin Drilling Co., Inc.—DR, TP, OR; SUR, SS
*22. Maurer Engineering, Inc.—DR, TP, OR; SUR, SS
23. Milchem, Inc.—DR, TP, OR; SUR, SS
24. Murchison Drilling Company—DR, TP, OR; SUR, SS
25. NL Petroleum Services—DR, TP, OR; SUR, SS
26. ODECO—DR, TP, OR; SUR, SS
27. Oklahoma Petro. Training Corp.—DR, TP, OR; SUR, SS
28. Parker Drilling Company—DR, TP, OR; SUR
29. Petroleum Train. & Tech. Services—DR, TP, OR; SUR, SS
30. Pool Offshore Company—DR, TP, OR; SUR*
31. Prentice & Records Enterprises, Inc.—DR, TP, OR; SUR, SS
32. Preston L. Moore, Inc.—TP, OR; SUR
33. Reading & Bates Drilling Company—DR, TP, OR; SUR
34. Rike Services, Inc.—DR, TP, OR; SUR, SS
*35 Rocky Mountain Well-Control School—DR, TP, OR; SUR, SS
36. Santa Fe Drilling Company—DR, TP, OR; SUR, SS
37. Sedco, Inc.—DR, TP, OR; SUR, SS
38. Shell Oil Company—DR, TP, OR; SUR, SS
39. Shell Offshore, Inc.—DR, TP, OR; SUR, SS
40. Sturgis/Sheffield, Inc.—DR, TP, OR; SUR*
41. Texaco—DR, TP, OR; SUR, SS
42. TDA Training, Inc.—DR, TP, OR; SUR, SS
43. Union Oil Co. of California—DR, TP, OR; SUR, SS
44. University of Houston/Victoria—DR, TP, OR; SUR, SS
45. University of Oklahoma—DR, TP, OR; SUR, SS
46. University of S.W. Louisiana—DR, TP, OR; SUR, SS
47. University of Texas at Austin—DR, TP, OR; SUR, SS
48. Ventura College—DR, TP, OR; SUR, SS
49. Well-Control School, Inc.—DR, TP, OR; SUR, SS
50. Western Oceanic, Inc.—DR, TP, OR; SUR, SS

*Approved documented program—pending onsite evaluation.

It is anticipated that periodic Notices of this type will be published in the future on an as needed basis.

Dated: March 4, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-6458 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Samedan Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3256, Block 67, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 4, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6870 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Canaveral National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 2:00 p.m. on Thursday, March 31, 1983, in the Atlantic Center for the Arts, 1414 Art Center Boulevard, New Smyrna Beach, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development and operation of the Canaveral National Seashore. The agenda will include: protection of seashore resources both natural and historical; status of land transfer from the State; and report on seashore operations and proposed development.

The members of the Advisory Commission are as follows:

Mr. James Reinman, Chairman
Mr. James Powell

Mr. Ney C. Landrum
Ms. Doris Leeper
Mr. Sion Faulk
Mr. Peter E. Cardiff
Mr. T. C. Wilder

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the commission a written statement concerning the matter to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, Post Office Box 2538, Titusville, Florida 32780, Telephone 305/867–4675. Minutes of the meeting will be available for public inspection at park headquarters approximately 4 weeks after the meeting.

Dated: March 4, 1983

Bob Baker,
Regional Director, Southeast Region.

[FR Doc. 83-6833 Filed 3-14-83; 8:45 am]
BILLING CODE 4310-70-M

Missouri National Recreational River Advisory Group; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Missouri National Recreational River Advisory Group will be held April 14, 1983, beginning at 1 p.m. at the Lewis and Clark Lake Visitors Center at Gavins Point dam near Yankton, South Dakota.

The group was established on October 26, 1981, pursuant to Section 707 of the Act of November 10, 1978, 92 Stat. 3529, 16 U.S.C., Section 1247(22), amended Section 16 of the Act of September 8, 1980, 94 Stat. 1137, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Missouri National Recreational River.

The members of the council are as follows:

Mr. Robert Martin (Chairperson)
Mr. Earl Rowland
Mr. Darrel Curry
Mr. Albert Thacker
Mr. Allen Heine
Mr. James M. Peterson
Mr. Thomas R. Lamberson
Mr. Gerald Chaffin
Mr. John Varvel
Mr. Ronald W. Hoffman
Mr. Jim Anderson
Mr. Doug Hofer
Mr. Robert Roper
Mr. Merton Turner
Mr. Walter T. Doolittle

In addition, the U.S. Army Corps of Engineers, the National Park Service, and the U.S. Fish and Wildlife Service will be represented.

Matters to be discussed at the meeting will include a status report and implementation strategies for development and management of the Missouri National Recreational River.

The meeting will be open to the public. Interested persons may submit written statements to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Robert P. Martin, Chief, Division of Recreation Resources, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, telephone (4002) 221–3371 (FTS 864–3371). Minutes of the meeting will be available for public inspection at the Midwest Regional Office 4 weeks after the meeting.

Dated: March 8, 1983.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 83-6832 Filed 3-14-83; 8:45 am]
BILLING CODE 4310-70-M

Southeast Regional Advisory Committee; Meeting

Notice is hereby given in accordance with the Federal Regional Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 1:30 p.m. e.s.t., on March 30, 1983 at the Richard B. Russell Federal Building, Room 1094, 75 Spring Street, S.W., Atlanta, Georgia 30303.

The purpose of the Southeast Regional Advisory Committee is to adivse the Regional Director, National Park Service, on programs, policies, and such other matters as may be referred to it by the Regional Director. It also functions to provide closes communication with the public on such matters.

The members of the Advisory Committee are as follows:

Mrs. Betty Jo Williams, Chairperson
Mr. Jim R. Hicks
Mr. Forrest W. Howell
Ms. Margaret Elizabeth Powell

The matters to be discussed at this include: (1) Overview of park issues in the Southeast Region; (2) the Great Park proposal in Atlanta; and (3) status of development at Andersonville National Historic Site.

The matters to be discussed at this include: (1) Overview of park issues in the Southeast Region; (2) the Great Park proposal in Atlanta; and (3) status of development at Andersonville National Historic Site.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Planning and Compliance Division, Southeast Regional Office, FTS (404) 242–5465 or local (404) 221–5465. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at the Southeast Regional Office, 75 Spring Street, SW., Atlanta, Georgia 30303.

Dated: March 4, 1983.

Neal G. Guse, Jr.,
Acting Regional Director, Southeast Region.

[FR Doc. 83-6834 Filed 3-14-83; 8:45 am]
BILLING CODE 4310-70-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations; Idaho et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 4, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 30, 1983.

Bruce MacDougal,
Acting Chief of Registration, National Register.

IDAHO

Blaine County

Hailey, *Fox, J. C., Building,* S. Main St.
Hailey, *Watt, W. H., Building,* 120 N. Main St.

LOUISIANA

Grant Parish

Colfax, *McNeely House,* 3rd, 4th, and Main Sts.

Jefferson Parish

Gretna, *St. Joseph Church-Convent of the Most Holy Sacrament Complex,* Lavousier and 7th Sts.

Harahan, *Harahan Elementary School*, 6723 Jefferson Highway

Pointe Coupee Parish

Oscar vicinity, *Riverlake*, LA 1

Tangipahoa Parish

Hammond, *Jane House*, 408 E. Coleman Ave.

MASSACHUSETTS

Essex County

Lynn, *Lynn Realty Company Building No. 2*, 672–680 Washington St.
Lynn, *Tapely Building*, 206 Broad St.
Lynn, *Vamp Building*, 9–15 Liberty Square
Newbury, *Hale-Boynton House*, Middle St.

Hampden County

Springfield, *Upper Worthington Historic District*, Worthington, Federal, Summit and Armory Sts.

Middlesex. County

Winchester, *Winchester Town Hall*, 71 Mount Vernon St.

Norfolk County

Dedham, *Ames Schoolhouse*, 450 Washington. St.
Needham, *Fuller, Amos, House*, 220 Nehoiden St.

Suffolk County

Boston, *Harvard Avenue Fire Station*, 16 Harvard Ave.

Worcester County

Northbridge, *Rockdale Common Housing District*, 4–20 McBride, 45–56 Plantation, and 37–42 Taft Sts.

MINNESOTA

Lake of the Woods County

Angle Inlet Vicinity, *Fort St. Charles Archeological Site*

ALABAMA

Jefferson County

Birmingham, *Loveman, Joseph & Loeb Department Store*, 214–224 19th N.

ARIZONA

Cochise County

Willcox, *Norton, John H., and Company Store*, 180 N. Railroad Ave.

Maricopa County

Phoenix, *Smith, Arthur J. and Alice, House*, 2302 N. 3rd St.

CALIFORNIA

Sacramento County

Sacramento, *Wetzlar, Julius, House*, 1021 H St.

Tuolumne County

Pinecrest vicinity, *Emigrant Lake Check Dam (Leighton Encampment and Streamflow Maintenance Dams TR)*, Stanislaus National Forest
Pinecrest vicinity, *Leighton Lake Check Dam (Leighton Encampment and Streamflow Maintenance Dams TR)*, Stanislaus National Forest
Pinecrest vicinity, *Lower Buck Lake Check Dam (Leighton Encampment and Streamflow Maintenance Dams TR)*, Stanislaus National Forest
Pinecrest vicinity, *Yellowhammer Camp (Leithton Encampment and Streamflow Maintenance Dams TR)*, Stanislaus National Forest

DELAWARE

New Castle County

Centreville, *Carpenter-Lippincott House (Centreville MRA)*, 5620 Kennett Pike
Centreville, *Centerville-Historic District (Centreville MRA)*, Kennett Pike and Owls Nest/Twaddell Mill Rd.
Centreville, *Chandler, Joseph, House (Centreville MRA)*, 5628 Kennett Pike
Centreville, *Mt. Airy School No. 27 (Centreville MRA)*, 5625 Kennett Pike

GEORGIA

Fulton County

Atlanta, *Imperial Hotel*, 355 Peachtree St.

Miller County

Colquitt, *Colquitt Town Square Historic District*, Cuthbert, 1st, College, and Main Sts.

Troup County

LaGrange vicinity, *Potts Brothers Store*, Gabbettville Rd.

Ramsey County

St. Paul, *Northern Pacific Railway Company Como shops Historic District*, DeCourcy Dr.
St. Paul, *St. Casimir Church*, 937 E. Jessamine Ave.
White Bear Lake, *Cobb, Cyrus B., House*, 2199 1st St.

Winona County

Winona, *Winona Hotel*, 151 Johnson St.

MISSISSIPPI

Adams County

Natchez vicinity, *Cherry Grove Plantation*, S. of Natchez off Kingston Rd.

Hinds County

Jackson, *Sims House*, 513 N. State St.

MONTANA

Carbon County

Red Lodge, *Red Lodge Commercial Historic District*, Broadway between 8th and 11th Sts.

Gallatin County

Bozeman, *Ketterer, Emil, House*, 35 N. Grand Ave.
West Yellowstone, *Kennedy Building (West Yellowstone MRA)*, 127 Yellowstone Ave.
West Yellowstone, *Madison Hotel and Cafe (West Yellowstone MRA)*, 137 Yellowstone Ave.
West Yellowstone, *West Yellowstone Oregon Shortline Terminus Historic District (West Yellowstone MRA)*, Yellowstone Ave.

NEBRASKA

Buffalo County

Kearney, *Barnd, John, House*, 320 E. 31st St.

Kimball County

Kimball, *Stone Building*, 126 S. Chestnut St.

Scotts Bluff County

Gering, *Sorensen, Severin, House*, 2345 17th St.

NEW YORK

Chemung County

Horseheads, *Teal Park (Zim TR)*, Steuben, Pine, and W. Main Sts.
Horseheads, *Zimmerman House (Zim TR)*, 601 Pine St.

Putnam County

Putnam Valley vicinity, Tompkins Corners United Methodist Church, Peekskill Hollow Rd.

Sullivan County

Narrowsburg, *Arlington Hotel*, Main St.

OHIO

Holmes County

Millersburg, *United Methodist Church (Millersburg MRA)*, N. Washington St.

OREGON

Marion County

Salem, *South First National Bank Block*, 241–247 Commercial St., NE

PENNSYLVANIA

Bedford County

Everett vicinity, *Juniata Woolen Mill and Newry Manor*, W of Everett on Lutzville Rd.

TEXAS

Washington County

Brenham, *Bassett and Bassett Banking House*, 222 E. Main St.

UTAH

Cache County

Mendon, *Baker, Samuel, House*, 150 W. 200 North
Mendon, *Willie, James G., House*, 97 N. 100 West

WISCONSIN

Milwaukee County

Milwaukee, *Blatz, Valentin, Brewing Company Office Building*, 1120 N. Broadway

Walworth County

Elkhorn, *Reynolds-Weed House*, 12 N. Church St.

[FR Doc. 83-6607 Filed 3-14-83; 8:45 am]
BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of availability of Findings of No Significant Impact (FONSI) based on Environmental Assessments (EA's) for four abandoned mine land projects developed under the State of Missouri's Abandoned Mine Land Reclamation Plan.

SUMMARY: Missouri Department of Natural Resources Lands Reclamation Commission has prepared EA's on projects submitted in the Federal Grant Application, to the Office of Surface Mining.

A FONSI has been prepared for the four reclamation projects indicated below and included in the grant application developed under Title IV of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1231–1234.

Reclamation Projects included in FONSI, Location and description:

Missouri is requesting reclamation Funds for four projects. Work to be performed is for providing reclamation for burning coal refuse, open mine shafts, dilapidated tipples, coal hoppers, etc at the following four projects.

Name of project	Location
Tiger Reclamation	State Route U, one mile South of Wortland, Bates County.
Panama Reclamation	North Central Vernon County.
Tebo Creek Reclamation	Northeast Henry County, Johnson County and Benton County.
Raymond Branch Reclamation	One mile Northeast of Walker, Vernon County.

ADDRESS: Copies of the EA's and FONSI are available for inspection or may be obtained at the following location between the hours of 8:00 and 4:00 p.m.: Office of Surface Mining, Missouri Field Office, Scarritt Building, Kansas City Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Richard D. Rieke Director, Missouri Field Office, Commercial (816) 374–5527 or (FTS) 758–5527 at the (address above).

Dated: March 3, 1983.

Gene E. Krueger,

Acting Assistant Director.

[FR Doc. 83-6719 Filed 3-14-83; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP3MCFC-88]

Motor Carriers; Finance Applications; Decision Notice

March 7, 1983.

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10928, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transfers may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team 3, (202)275–5223.

MC–FC 81155. By decision of March 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to GARY GRAY, doing business as G & H TRUCKING, of Britt, IA 50423, of Permit No. MC–147794 Sub 2, issued September 2, 1981, to ROBERT WALLICK, doing business as R & W TRUCKING, Park Rapids, MN 56470, authorizing the transportation of agricultural and utility trailers and parts and accessories thereof, (1) from the facilities of Kiefer Built, Inc., at or near Kanawha, IA, to points in MN, MT, ND, and SD; and (2) from the facilities of Kiefer Built, Inc., at or near Park Rapids, MN, to points in IA, MT, ND, and SD, under continuing contract(s) in parts (1) and (2) with Kiefer Built, Inc., of Kanawha, IA Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA. 50309.

[FR Doc. 83-6689 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3–MCF–97]

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. It the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2 (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commisison may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper

divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided: February 28, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3 (202) 275–5223.

MC–F–15134, filed February 10, 1983. COASTAL INTERMODAL TRANSPORT, INC. (Coastal), (785 Union Commerce Building, Cleveland, OH 44115)—purchase—C. E. MELTON d.b.a. C. E. MELTON TRANSPORT CO. (Melton) (Route 4, Highway 280E, Americus, GA 31709). Representative: John C. Bradley, Suite 1301, 1600 Wilson Boulevard, Arlington, VA 22209. Coastal seeks authority to purchase all of the interstate operating rights and property of Melton. U.S. Truck Lines, Inc. of Delaware (USTL), a non-carrier holding company which controls Coastal, seeks authority to acquire control of the operating rights and property through the transaction. Coastal is purchasing the interstate operating rights contained in certificate No. MC–150464 Sub-Nos. 1, 2, 3, 4, 5 and 6 which authorize the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, TX, and VA (authority in Sub 6 embraces all authority granted in Subs 1, 2, 3, 4 and 5). Coastal holds no authority from this Commission. However, its parent USTL also controls through stock ownership (1) Be-Mac Transport Company, Inc. (MC–10872 and subs thereto), (2) Brown Express, Inc. (MC–46054 and subs thereto), (3) Central Truck Lines, Inc. (MC–36473 and subs thereto), (4) The Cleveland, Columbus & Cincinnati Highway, Inc. (MC–3419 and MC–3420 and subs thereto), (5) Kanawha Cartage Company (MC–150148 and subs thereto), (6) Mercury Freight Lines, Inc. (MC–113528 and subs thereto), (7) Motor Express, Inc. of Indiana (MC–28813 and subs thereto), (8) Motor Express, Inc. (NJ) (MC–1778 and subs thereto), (9) National Tank Truck Delivery, Inc. (MC–116132 and subs thereto), and (10) Ohio Delivery, Inc. (MC–142758 and subs thereto). Condition: USTL shall continue to be required, as previously subjected in MC–F–4807, served May 17, 1951, from *time to time* to file such special accounting and other reports as may be required so that its relationship with carriers under its control may be observed and jurisdiction will be reserved in this respect for the imposition of such further requirements as may be necessary.

[FR Doc. 83–6594 Filed 3–14–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–100

Decided: March 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 134303 (Sub-5), filed February 7, 1983. Applicant: O'HARE WISCONSIN LIMOUSINE SERVICE, INC., 530 S. Michigan Ave., Chicago, IL 60605. Representative: Allan C. Zuckerman, 221 N. LaSalle St., Suite 826, Chicago, IL 60601, 312–641–5900. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165792, filed January 20, 1983. Applicant: TRITON TRANSPORT SERVICES, INC., 2701 Lakeside Ave., Cleveland, OH 44114. Representative: David Zimmerman, P.O. Box 1564, York, PA 17405, 717–854–3138. Transporting (1) *general commodities*, between points in Glenwood, Brantley, Dozier, Searight, Gantt, and Health, AL, Sheridan, Belfast, and Delight, AR, Detour, CA, Cheraw and McClave, CO, Mineral Bluff, GA, MacKay, Moore, Leslie, and Darlington, ID, Liverpool, Bryant, Maple Mills, Richmond, and Moon, IL, New Lisbon, Milton, Wadesville, Oliver, Springfield, Solitude, Mays, Sexton, Foraker, Benton, Topeka, Eddy, South Milford, Helmer, Hudson, and Hamilton, IN, Kent, Bedford, Merle Jct., Lenox, Conway, and Clearfield, IA, Water Valley and Wingo, KY, Sodus, Eau Clair, Berrien Center, North Niles, Dollar Bay, Houghton, Chassell, Keweenaw Bay, Baraga, L'Anse, Herman, Summit, Lyons, Sheridan, Vickeryville, Butternut, Scott, Lake Pentoga, Naults, Stager, Elmwood, Basswood, Beechwood, Iron River, Stambaugh and Palatka, MI, Richton, Tucker, Blodgett, Panther Burn, and Anguilla, MS, Hopkins, Pickering, Holcomb, Frisbee, and Whiteoak, MO, Prague, Malmo, Ithaca, Memphis, Avoca, Cushing, Wolback, Greeley, Elyria, and Burwell, NE, Durupt and Clementsville, ND, Ranger and Lewiston, NC, Milledgeville, Octa, Edgefield, New Jasper, Mount Blanchard, Jenera, Pandora, Vaughnsville, Rimer, Rushmore, Oberlin, Pittsfield, and Edon, OH, Parkdale, OR, Agar, Gorman, and Gettysburg, SD, Coalmont, TN, Robert Lee and Skellytown, TX, Aloha, Carlisle, and Copalis Crossing, WA, and Bear Creek, Clintonville, Birnamwood, Aniwa, Antigo, Kempster, Elcho, Deerbrook, Summit Lake, Pelican Lake, Monico, Malvern, Nine Springs, McFarland, Stoughton, Edgerton, Lyons, Springfield, Elkhorn, Darien, Delavan, Porters, Hematite, and Spread Eagle, WI, on the one hand, and, on the other, points in the U.S.; and (2) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Note.—The purpose in Part (1) of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 166232, filed February 11, 1983. Applicant: MISSISSIPPI BUS CENTER, INC. d.b.a. MISSISSIPPI BUS SERVICE, Route 6, Box 189, Jackson, MS 39206. Representative: Donald B. Morrison, P.O. Box 22828, Jackson, MS 39205, (601) 948–6820. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166233, filed February 14, 1983. Applicant: GONGAWARE TOURS, INC., 8080 Pennsylvania Ave., North Huntingdon, PA 15642. Representative: Charles F. Wade, 35 W. Pittsburgh St., Law & Finance Bldg., Greensburg, PA 15601, (412) 832–1590. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166402, filed February 22, 1983. Applicant: B. V. GAGLIANO, INC., 144 Park Pl. E., Woodbridge, NJ 07075. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *passengers*, in charter and special operations, beginning and ending at points in NJ and NY, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–103

Decided: March 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 145982 (Sub-2), filed February 4, 1983. Applicant: MOTOR TRANSPORTATION COMPANY, INC., 141 North Laurel St., Hazleton, PA 18201. Representative: Jeremy Kahn, 1511 K Street, NW., Suite 733 Investment Bldg., Washington, DC 20005, (202) 783–3525. Transporting *passengers*, beginning and ending at points in PA, NJ, NY, and MD, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159413 (Sub-1), filed February 7, 1983. Applicant: TOWN & COUNTRY TRANSPORTATION AND LEASING CORP., 290 Market St., Warren, RI 02885. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, 617–742–3530. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166153, filed February 7, 1983. Applicant: CAROLL H. FARIS, Route 1, Box 113–C, Burnet, TX 78611. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166162, filed February 9, 1983. Applicant: T. D. S. BROKERAGE, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: Julie L. Roper (same address as applicant), (312) 298–8800. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166183, filed February 8, 1983. Applicant: NORMAN AND SUSAN FEAZELL, d.b.a. BLUE RIBBON BUS LINES, 3521 W. 75th Pl. Inglewood, CA 90305. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, beginning and ending at

points in CA, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP2–105

Decided: March 8, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 73133 (Sub-8), filed February 8, 1983. Applicant: MAYFLOWER COACH CORPORATION, 16 Hall Ave., P.O. Box 85, Eastchester, NY 10709. Representative: Nicholas J. Iozzo (same address as applicant), 914–337–2900. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166252, filed February 11, 1983. Applicant: BOB D. HOUSE, 1325 East Dewey, Sapulpa, OK 74066. Representative: Bob D. House (same address as applicant), 918–224–9509. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP2–106

Decided: March 4, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 155292 (Sub-1), filed February 18, 1983. Applicant: BILLY B. CORTNER, INC., 1203 West Fourth, Hutchinson, KS 67501. Representative: James T. Darby, 1021 Irving Ave., Colonial Beach, VA 22443, (804) 224–0773. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166092, filed February 4, 1983. Applicant: A & B TRUCK BROKERS, INC., P.O. Box 497, Rigby, ID 83442. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting (a) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of OH, IN, IL, MO, AR, and LA (except AK and HI), on the one hand, and, on the other, points in ID, MT, NM, OR, UT, WA, and WY; (b) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (c) as a *broker of general commodities* (except household goods), between points in the U.S.

Note.—Parts (b) and (c) are published in the Federal Register, this issue, with "regular applications."

MC 166133, filed February 8, 1983. Applicant: FREDERICK'S LIMOUSINE SERVICE, INC., 37 Terry Dr., Trevose, PA 19047. Representative: Alan R. Squires, 618 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107, 215–564–3880. Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded, charter and special transportation.

MC 166183, filed February 9, 1983. Applicant: THE BACKHAUL AGENCY, P.O. Box 257, Kearny, NJ 07032. Representative: Louis Trillo, 302 Ivy St., Kearny, NJ 07032, 201–997–9216. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166243, filed February 11, 1983. Applicant: SUFFOLK TRUCK LOADING CORP. 2024 Holland Rd., P.O. Box 1163, Suffolk, VA 23434. Representative: Collis L. Bryant, Jr. (same address as applicant), 804–539–3424. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166293, filed February 15, 1983. Applicant: PRISONER TRANSPORT SERVICE, INC., 4475 State Rd. 405, Titusville, FL 32780. Representative: Robert Calvert (same address as applicant), 305–267–3703. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note:—Applicant seeks to provide privately-funded, charter and special transportation.

MC 166302, filed February 16, 1983. Applicant: ROBERT E. TANASSE, 212 East Seattle Ave., Moxee City, WA 98936. Representative: Donna Carr, Rt. 8, Box 215, Yakima, WA 98908, 509–966–5724. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other solid conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166303, filed February 16, 1983. Applicant: MEIKO WAREHOUSING, INC., 2220 East Carson St., Long Beach, CA 90810. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, 213–483–4700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166423, filed February 25, 1983. Applicant: GEO. WM. RUEFF, INC., 107 Camp St., New Orleans, LA 70130. Representative: I. R. Siener (same address as applicant), 504–586–0994. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–90

Decided: March 7, 1983.

By the Commission, Review Board, No. 1, Members Parker, Chandler, and Fortier.

MC 1934 (Sub-54), filed February 22, 1983. Applicant: THE ARROW LINE, INC., 105 Cherry St., P.O. Box 8807, East Hartford, CT 06108. Representative: Helen D. Smith (same address as applicant), (203) 289–1531. Over regular routes, transporting *passengers,* between Hartford, CT, and Albany, NY: from Hartford, CT over Interstate Hwy 91, via Springfield, MA to junction Interstate Hwy 90 at West Springfield, MA, then over Interstate Hwy 90 to junction U.S. Hwy 8 at Lee, MA, then over U.S. Hwy 8 to junction U.S. Hwy 7, then over U.S. Hwy 7 via Lenox and Pittsfield, MA to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction Interstate Hwy 90 and U.S. Hwy 9, at Schodack, NY, then over U.S. Hwy 9 to Albany, NY, and return over the same route, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922 (c)(B) over the same route. Applicant intends to tack this authority with its existing authority in MC–1934 Sub 52.

MC 119704 (Sub-10), filed February 23, 1983. Applicant: R.A. HARRIS & SONS, INC., 3501 22nd St., P.O. Box 237, Menominee, MI 49858. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705, (608) 238–3119. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 148365 (Sub-2), filed February 28, 1983. Applicant: STARLITE BUS SERVICE, INC., 118 Overton Ave., Memphis, TN 38103. Representative: John Ward (same address as applicant), (901) 529–8482. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166374, filed February 22, 1983. Applicant: HOT DOGGER TOURS, INC., 12110 E. Philadelphia St., Whittier, CA 90601. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers*, in charter and special operations, between points in CA, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166415, filed February 25, 1983. Applicant: AMERICAN FLEET LEASING, INC., 8125 SW. 15th Street, Oklahoma City, OK 73147. Representative: Charles H. White, Jr., 1019 19th Street, NW., Suite 800, Washington, D.C. 20036, (202) 785–3420. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Note.—The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is necessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 166425, filed February 25, 1983. Applicant: MARGARET J. STEWART, d.b.a. BESTWAY TRAVEL CLUB, 17013 Guava Ave., P.O. Box 14145, Panama City Beach, FL 32407. Representative: Earby J. Stewart (same address as applicant), (904) 235–0563. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166454, filed February 28, 1983. Applicant: FANTASY TOURS, INC., Rt. 1, Box 300, Denison, TX 75020. Representative: M. Ward Bailey, 2416 Continental Life Bldg., Fort Worth, TX 76102, (817) 335–2505. Transporting *passengers*, in charter and special operations, (1) beginning and ending at points in Grayson, Cooke, Fannin and Lamar Counties, TX and extending to points in AR, LA, OK, MO, CO and NM and (2) beginning and ending at points in Bryan County, OK and extending to points in AR, LA, MO, CO and NM.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166465, filed February 28, 1983. Applicant: WHITE'S BUS RENTAL, INC., 306 Wallace Lane, Fredericksburg, VA 22104. Representative: Michael White (same address as applicant), (703) 373–7188. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166504, filed March 1, 1983. Applicant: ZZZ TRANSPORTATION, LTD., 234 E. 89th St., New York, NY 10028. Representative: Sidney J. Leshin, 3 E. 54th St., New York, NY 10022, (212) 758–3700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–138

Decided: March 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 166537, filed February 22, 1983. Applicant: WESTLUND BUS LINES, INC., 1615 Badger Pkwy., P.O. Box 691, Marinette, WI 54143. Representative: Richard A. Rechlicz, N68 W10414 Main St., Menominee Falls, WI 53051, (414) 251–2245. Transporting *passengers*, in charter operations, beginning and ending at points in Marinette County, WI and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166556, filed March 2, 1983. Applicant: M & W TRANSPORTATION, INC., 975 Stovall Ave., Bosque Farms, NM 87068. Representative: Maurice McCarty (same address as applicant), (505) 869–3253. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 166567, filed February 28, 1983. Applicant: CHARLES CLARKE, d.b.a. C & C MARKETING, 2538 E. Birchwood Ave., Cudahy, WI 53110. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (211) 263–2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK AND HI).

MC 166607, filed March 4, 1983. Applicant: EARL R. HOLMES, d.b.a. H & F SYSTEMS, 520 NE. F, P.O. Box 851, Grants Pass, OR 97526. Representative: Earl R. Holmes, (same address as applicant), (503) 476–0900. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–139

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 29957 (Sub-101), filed March 2, 1983. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso St., Memphis, TN 38013. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655–7937.Transporting (A) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (B) *passengers*, in charter and and special operations, between points in the U.S. (except HI); and (C) Over regular routes, transporting *passengers*, between Jackson, MS, and New Orleans, LA: from Jackson over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, serving all intermediate points. Notes: (1) Applicant seeks in (B) above to provide privately-funded charter and special transportation. (2) Applicant seeks in (B) above to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. (3) Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this **Federal Register** issue. Part A and B will be published in Vol. No. 139. Part C will be published in Vol. No. 140.

Volume No. OP4–142

Decided: March 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 140707 (Sub-4), filed February 25, 1983. Applicant: BLUE & GREY TRANSIT, INC., Route 35, South Amboy, NJ 08879. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004, (202) 737–1030. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166467, filed February 28, 1983. Applicant: JOHN T. JERABEK, Rt. 2, Kewaunee, WI 54216. Representative: Charles E. Dye, Sawn Lake Village, Saddle Ridge No. 832, Portage, WI 53901, (608) 742–3579. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 166477, filed February 28, 1983. Applicant: INTERNATIONAL FREIGHT DISTRIBUTING SERVICES, 10132 Dunbarton, El Paso, TX 79925. Representative: Robert J. Delgado, 1128 Belen, El Paso, TX 79915, (915) 598–5107. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166517, filed March 1, 1983. Applicant: PACIFIC WESTERN TRAVEL SERVICE, INC., 1100 Glendon Ave., Suite 1127, Los Angeles, CA 90024. Representative: Carl W. Greifzu, 300 S. Mentor, No. 4, Pasadena, CA 91106, (213) 792–9126. Transporting *passengers*, in charter and special transportation, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-6666 Filed 3-14-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.88. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition. To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–102

Decided: March 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 107012 (Sub-793), filed February 3, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: (same address as applicant), 219–429–2234. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Mattel, Inc., of Hawthorne, CA.

MC 107012 (Sub-794), filed February 9, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Westinghouse Electric Corporation, of Pittsburgh, PA.

MC 107012 (Sub-795), filed February 9, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30

West, P.O. Box 908, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429–2110. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Sun Refining and Marketing Company, of Philadelphia, PA.

MC 117322 (Sub-14), filed February 9, 1983. Applicant: LESTER NOVOTNY, d.b.a. CHATFIELD TRUCKING, Route 2, Box 58, Chatfield, MN 55923. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333–1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with AFC, Inc., of Chatfield, MN.

MC 126472 (Sub-27), filed February 9, 1983. Applicant: WILLCOXSON TRANSPORT, INC., R.R. No. 2, Kahoka, MO 63445. Representative: Kenneth F. Dudley, 211 E. Second St., Suite 115, P.O. Box 279, Ottumwa, IA 52501, (515) 682–8154. Transporting *chemicals and related products, clay, concrete, glass or stone products, rubber and plastic products, furniture and fixtures, pulp, paper and related products, lumber and wood products, machinery, petroleum, natural gas and their products, advertising matter and printed matter*, between points in the U.S. (except AK and HI).

MC 150523 (Sub-3), filed February 8, 1983. Applicant: GRIFFITH TRUCK BROKERAGE, INC., 2705 North Cage, Pharr, TX 78577. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702. Transporting *frozen fruits and frozen vegetables*, between points in Hidalgo County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155793 (Sub-3), filed February 4, 1983. Applicant: CALIFORNIA/NEVADA BIG VALLEY EXPRESS, INC., d.b.a. BIG VALLEY EXPRESS, 2201 Branstetter Lane, Redding, CA 96001. Representative: M. D. Burrows (same address as applicant), 916–243–2088. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), (1) between points in Placer and Sacramento Counties, CA., on the one hand, and, on the other, points in Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties, CA, and (2) between points in Washoe County, NV, on the one hand, and, on the other, points in Siskiyou County, CA.

MC 165702, filed January 14, 1983. Applicant: LION, INC, 5210 Ocean Ave., Wildwood, NJ 08260. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722, 201–946–2020. Transporting over regular routes, *passengers*, between Ocean City, MD and Atlantic City, NJ: from Ocean City, over MD Hwy 528 to the Maryland-Delaware State line, then over DE Hwy 14 to junction U.S. Hwy 9, then over U.S. Hwy 9 to Cape May-Lewes Ferry Terminal then by Ferry to Cape May-Lewes Ferry Terminal in Cape May, NJ, then over Ferry Access Road to junction Lincoln Boulevard, then over Lincoln Boulevard to junction U.S. Hwy 9, then over U.S. Hwy 9 to junction Garden State Parkway, then over Garden State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points.

Note:—Applicant seeks to provide regular-route service in interstate or foreign commerce.

MC 165753, filed February 11, 1983. Applicant: CHEMICAL TRANSPORTATION MANAGEMENT COMPANY, INC., Mt. Carmel and Roberts Ave., Glenside, PA 19038. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Delmarva Incorporated/Chemicals I, of Baltimore, MD, (2) Intsel Corp., of New York, NY, (3) Vitusa Corp., of Englewood Cliffs, NJ, and (4) Abbit Enterprises, of Moorestown, NJ.

MC 166062, filed January 31, 1983. Applicant: OLYMPIA PETROCHEMICAL TRANSPORT, INC., 3518 Travis, Houston, TX 77002. Representative: Virgil O. Musick, 6220 Gaston Ave., Suite 605, Dallas, TX 75214, 214–824–7870. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Olympia Petroleum, Inc., of Houston, TX.

MC 166063, filed February 4, 1983. Applicant: SPRINT TRANSPORTATION, 10919 Lakewood Blvd., Suite 203, Downey, CA 90241. Representative: Gary W. Wigand (same address as applicant), 213–862–1602. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S., under continuing contract(s) with Coast Carloading Co., of Los Angeles, CA.

MC 166403, filed February 22, 1983. Applicant: BURLINGTON UNITED TRUCKING, INC., 1718 Pease Rd., Burlington, WA 98233. Representative: Gary W. Kupka (same address as applicant), (206) 757–4063. Transporting (1) *lumber and wood products*, between points in the U.S., under continuing contract(s) with Hampton Lumber Sales Company, of Portland, OR; (2) *chemicals and machinery*, between points in the U.S., under continuing contract(s) with Magcobar Group of Dresser Industries, of Houston, TX; (3) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Chase Bag, of Oak Brook, IL; and (4) *building materials*, between points in the U.S., under continuing contract(s) with Pacific Wood Products, of Carson, CA.

Volume No. OP2–104

Decided: March 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 16502 (Sub-27) (Correction), filed January 24, 1983, published in the **Federal Register** issue of February 22, 1983, and republished, as corrected, this issue. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Memphis, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant may tack this authority with its existing regular route authority. The purpose of this correction is to add the tacking note that was inadvertently omitted.

MC 147242 (Sub-17), filed February 2, 1983. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12–00 Plaza Rd., Fair Lawn, NJ 07410. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106, (212) 757–8025. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Knomark, Inc., of Jamaica, NY.

MC 156293 (Sub-1), filed February 3, 1983. Applicant: MADDEN TRUCKING, INC., 805 East 10th St., Leon, IA 50144. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *fertilizer*, between points in AR, CO, IA, IL, KS, MO, NE, NM, OK, SD, and TX.

MC 166002, filed January 31, 1983. Applicant: TRUX ENTERPRISES, INC., 845 East Hunting Park Ave., Philadelphia, PA 19124. Representative: A. David Millner, P.O. Box Y, 7 Becker

Farm Rd., Roseland, NJ 07068; 201–992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MA, MD, NJ, NY, OH, PA, RI, VA, WV, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI). Condition: Issuance of this authority is subject to approval of the petition in MC–F–15110.

Note.—A petition for exemption pursuant to U.S.C. 11343(e) has been filed, docketed MC–F–15110.

MC 166152, filed February 7, 1983. Applicant: ODEN FOLIAGE TRANSPORT, INC. d.b.a. ODEN TRANSPORT, 7916 North Orange Blossom Trail, Orlando, FL 32810. Representative: Roger A. Kirschenbaum, Suite 520, 3390 Peachtree Rd., NE., Atlanta, GA 30326; (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 157303 (Sub-1) (modification) filed November 5, 1982, published in the **Federal Register** issue of December 7, 1982, and republished, as modified, this issue. Applicant: NEAL DAVID HARTZ, d.b.a. HARTZ TRUCKING CO., 216 Lincoln St., Lemont, IL 60439. Representative: William R. Penn, 65 North Chicago St., Suite 211, Joliet, IL 60431; (815) 723–0601. Transporting *metal products, machinery, equipment, and building materials,* between points in Cook and Will Counties, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to modify the original publication.

Volume NO. OP2–107

Decided: March 8, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1222 (Sub-59), filed February 11, 1983. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth St., P.O. Box 7, Portsmouth, OH 45662. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602; 502–223–8244. Transporting (1) *chemicals and related products,* (2) *rubber and plastic products,* and (3) *metal products,* between points in the U.S. (except AK and HI).

MC 92633 (Sub-36), filed February 11, 1983. Applicant: ZIRBEL TRANSPORT, INC., P.O. Box 933, Lewiston, ID 83501. Representative: William E. Seehafer (same address as applicant) 208–743–6588. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Gem Chip and Trading Co., LTD., of Clarkston, WA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), submit an affidavit indicating why such approval is unnecessary, or file a petition seeking exemption under 49 U.S.C. 11343(e). In order to expedite issuance of any authority, please submit a copy of the petition for exemption, the affidavit, or proof of filing the application(s) for common control to Team 2, Room 2379.

MC 49052 (Sub-11), filed February 8, 1983. Applicant: MACON TRADING POST, INC., 103 Cherry St., P.O. Box 4032, Macon, GA 31208. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036; 202 785–0024. Transporting *household goods,* between points in the U.S.

Volume No. OP2–108

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF–33 (Sub-3), filed February 24, 1983. Applicant: TEXAS SHIPPERS ASSOCIATION, INC., 2311 Butler, Dallas, TX 75235. Representative: D. Paul Stafford, Suite 1125, Frito Lay Tower, P.O. Box 45538, Dallas, TX 75245; 214–358–3341. *As a freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

MC 263 (Sub-244), filed February 15, 1983. Applicant: GARRETT FREIGHTLINES, INC., P.O. Box 4048, Pocatello, ID 83201. Representative: Bruce A. Bullock, One Woodward Ave., 26th Floor, Detroit, MI 48226; 313–496–3534. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with K Mart Corporation, of Troy, MI.

MC 323 (Sub-5), filed January 24, 1983. Applicant: LOU SEIDEN, d.b.a. ROSE TRANSPORTATION CO., 608 New St., Atlantic City, NJ 08401. Representative: Robert B. Einhorn, 3220 P.S.F.S. Bldg., 12 S. 12th St., Philadelphia, PA 19107; 215–WA2–1400. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Atlantic County, NJ, on the one hand, and, on the other, Newport News, VA, and points in Union County, NJ, and James City County, VA.

FF–392 (Sub-5), filed February 17, 1983. Applicant: AIRBORNE FORWARDING CORPORATION, 190 Queen Anne Ave. North, Seattle, WA 98111. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006; 202–833–8884. *As a freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

W–1333 (Sub-2), filed February 14, 1983. Applicant: CONAGRA TRANSPORTATION, INC., 5440 West Channel Rd., Catoosa, OK 74015. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036; 202–331–8800. To operate as a *common carrier,* by *water,* by non-self-propelled vessels with the use of separate towing vessels, transporting *general commodities* and by towing vessels in the performance of *general towage,* between ports and points on the Cumberland, Tennessee, Ohio, Mississippi, Mobile, Alabama, Tombigbee, Black Warrior, and Illinois Rivers, the McClellan-Kerr Arkansas Waterway System, the Illinois Waterway, Lake Michigan between Chicago, IL and Burns Harbor, IN, the Gulf of Mexico and the Gulf Intracoastal Waterway between Brownsville, TX and Apalachicola, FL, and all tributary and connecting waterways and channels.

MC 2633 (Sub-70), filed February 15, 1983. Applicant: CROSSETT, INC., P.O. Box 946, Warren, PA 16365. Representative: Ronald W. Malin, Bankers Trust Bldg., 4th Fl., Jamestown, NY 14701; (716) 664–5210. Transporting *petroleum, natural gas and their products and commodities in bulk,* between points in CT, DE, IN, IL, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC

MC 9812 (Sub-24), filed February 24, 1983. Applicant: C. F. KOLB TRUCKING COMPANY, INC., R.R. 1, Box 294, Mt. Vernon, IN 47620. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401; 205–578–3212. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 39973 (Sub-10), filed February 18, 1983. Applicant: STANDARD TRUCKING COMPANY, 225 East 16th St., Charlotte, NC 28230. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773; 501–456–2453. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 40603 (Sub-3), filed February 7, 1983. Applicant: L.C. HALL'S TRUCK LINE, INC., P.O. Box 277, St. Helens, OR 97051. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210; 503–226–3755. Transporting over regular routes *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Portland and Rainer, OR, over U.S. Hwy 30, serving all intermediate points and off-route points in Columbia County, OR.

MC 42343 (Sub-22), filed February 4, 1983. Applicant: CORPENZA, INC., 310 Chestnut Ave., Vineland, NJ 08360. Representative: Mark D. Russell, Suite 348, Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004–1679; 202–737–2188. Transporting *petroleum, natural gas and their products*, between points in DE and NJ, in and south of Hunterdon, Somerset, and Union Counties, and those in PA, in and east of Franklin, Perry, Northumberland, Columbia, Luzerne, Wyoming, and Susquehanna Counties.

MC 104632 (Sub-17), filed February 15, 1983. Applicant: HOLMAN TRANSFER COMPANY, 49 S.E. Clay, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; (503) 226–3755. Transporting *food and related products*, between points in OR, WA, and CA.

MC 107012 (Sub-797), filed February 17, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant) (219) 429–7234. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Monsco Corporation, of Atlanta, GA.

MC 107012 (Sub-798), filed February 17, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant) (219) 429–2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Hughes Tool Company, of Houston, TX.

MC 107012 (Sub-799), filed February 17, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same address as applicant) (219) 429–2213. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Digicon Geophysical Corporation, at Houston, TX.

MC 112422 (Sub-14), filed February 4, 1983. Applicant: SAM VAN GALDER, INC., 715 South Pearl St. Janesville, WI 53545. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5068, Madison, WI 53705–0068; (608) 238–3119. Over regular routes, transporting *passengers*, in interstate or foreign commerce, between Madison WI and O'Hare International Airport at or near Chicago, IL, serving all intermediate points in interstate or foreign commerce, and, in intrastate commerce between Madison and Janesville, WI, and between South Beloit, IL, and O'Hare International Airport, serving all intermediate points in intrastate commerce: from Madison, WI over U.S. Hwy 12 to Interstate Hwy 90 then over Interstate Hwy 90 via Janesville and South Beloit to O'Hare International Airport and return over the same route.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(B) over the same route.

MC 126852 (Sub-1), filed February 16, 1983. Applicant: JERRY D. LANDING d.b.a. JERRY LANDING MOVING SERVICE, 100 North Main, St. Clair, MO 63077. Representative: Stephen G. Newman, 312 East Capitol Ave., P.O. Box 456, Jefferson City, MO 65101; 314–635–7166. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Emeco Industries, Inc., of Hanover, PA.

MC 129303 (Sub-52), filed February 24, 1983. Applicant: M.S. CARRIERS, INC., 1727 Florida St., Memphis, TN 38109. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103; 901–526–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 140852 (Sub-10), filed February 10, 1983. Applicant: C.W. MITCHELL, INC. d.b.a. MITCHELL TRANSPORT, 4401 N. Westshore Blvd., Tampa, FL 33604. Representative: Rudy Yessin, 113 West Main St., P.O. Drawer B, Frankfort, KY 40602; 502–227–7320. Transporting (1) *food and related products*, between points in NJ and FL, and (2) *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143393 Sub-2), filed February 9, 1983. Applicant: LAKE COUNTRY FARMS, INC., RR 2, Rice, MN 56367. Representative: William J. Bambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402; 612–340–0808. Transporting *food and related products*, between points in MN, WI, ND, SD, IL, and IA.

MC 148613 (Sub-2), filed February 18, 1983. Applicant: I. PETERS TRANSPORT, LTD., 985 Dugald Rd., Winnipeg, Manitoba, Canada R2J0G8. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402; (612) 333–1341. Transporting *commodities in bulk*, between ports of entry on the International Boundary line between the U.S. and Canada in MN, ND, and MT, on the one hand, and, on the other, points in IA, MT, NE, and SD.

MC 149163, filed February 17, 1983. Applicant: PAGERLY DETECTIVE & SECURITY AGENCY, INC., P.O. Box 127, Wernersville, PA 19505. Representative: Calvin Lieberman, 635 Walnut St., Reading, PA 19601. Transporting *cash letters and non-negotiable bank documents*, between points in Reading and King of Prussia, PA, on the one hand, and, on the other, points in Newark, NJ, under continuing contract(s) with American Bank and Trust Co. of PA, of Reading, PA.

MC 149413 (Sub-3), filed February 7, 1983. Applicant: RED RIVER TRAILS, INC., South Highway 75, P.O. Box 474, Moorhead, MN 56560. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108; 701–237–4223. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant receives governmental financial assistance for the purchase or operation of buses or is an operator for such a recipient.

MC 150662 (Sub-4), filed February 16, 1983. Applicant: KEDASHAW, INC., P.O. Box 246, Kensington, KS 66951. Representative: Erle W. Francis, Suite 719, Capitol Federal Bldg., 700 Kansas Ave., Topeka, KS 66603; (913) 232–0601. Transporting *cheese, cheese byproducts, cheese ingredients, and milk*, between points in Dodge and Furnas Counties, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151482 (Sub-5), filed February 8, 1983. Applicant: ROCK VALLEY CONTRACT CARRIER, INC., 3571 Merchandise Dr., Rockford, IL 61109. Representative: Henry M. Wick, Jr., 1610 Two Chatham Center, Pittsburgh, PA 15219; 412–471–1800. Transporting *food*

and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with Beatrice Foods Co., of Beloit, WI.

MC 159612, filed February 18, 1983. Applicant: TOM MONTES, 2409 E. Lake Mead Blvd., N. Las Vegas, NV 89030. Representative: Clara Hewitt, 3615 Taylor, N. Las Vegas, NV 89030, (702) 649–1604. Transporting *dairy products, dairy byproducts, plastics, and fiberboard,* between points in NV, AZ, and CA, under continuing contract(s) with (a) Needles Cold Storage, of Needles, CA, and (b) Knudsen Corporation, of Los Angeles, CA.

MC 162213, filed February 10, 1983. Applicant: PACIFIC SHIPPERS SERVICE, 1217 So. 7th St., Modesto, CA 95353. Representative: Truett Yarbrough (same address as applicant), (209) 571–9130. Transporting *foodstuffs,* (1) between points in CA, OR, WA, MN, and WI, and (2) between points in CA, on the one hand, and, on the other, points in AL, AR, AZ, CT, CO, FL, GA, IA, IL, IN, KS, KY, LA, MA, MD, MI, MO, MS, ND, NE, NJ, NM, NY, OH, OK, PA, SD, TN, TX, UT, and DC.

MC 164053, filed February 9, 1983. Applicant: OWENS TRUCKING COMPANY, INC., Highway 280 W., Rochelle, GA 31075. Representative: John W. Greer, III, Suite 925, Healey Bldg., 57 Forsyth St., Atlanta, GA 30303, (404) 523–1601. Transporting *fertilizer,* between points in Sumter County, GA, on the one hand, and, on the other, points in Geneva and Baldwin Counties, AL.

MC 165062 (Sub-1), filed February 7, 1983. Applicant: MIM'S MOTORFRATE, INC., 12662 York Rd., North Rayalton, OH 44131. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–43017. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 165663, filed February 22, 1983. Applicant: STANCH FREIGHT SERVICE, INC., 774 Bedford Ave., Brooklyn, NY 11205. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048, 212–466–0220. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 166092, filed February 4, 1983. Applicant: A & B TRUCK BROKERS, INC., P.O. Box 497, Rigby, ID 83442. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701; 208–343–3071. Transporting (a) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and west of OH, IN, IL, MO, AR, and LA (except AK and HI), on the one hand, and, on the other, points in ID, MT, NM, OR, UT, WA, and WY; (b) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.; and (c) as a *broker of general commodities* (except household goods), between points in the U.S.

Note.—Part (a) is published in the Federal Register, this issue, with "fitness applications."

MC 166142, filed February 8, 1983. Applicant: LAMOURE BUILDING MATERIALS & SUPPLY, INC., Box 335, LaMoure, ND 58458. Representative: Leroy Alber (same address as applicant) 701–883–5223. Transporting *lumber and building materials,* between points in AZ, CA, CO, ID, IL, MN, MO, MT, NV, ND, OR, SD, TX, WA, WI, and WY.

MC 166323, filed February 17, 1983. Applicant: DRUG TRANSPORT, INC., 1939 Forge St., Tucker, GA 30084. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237; 404–477–1525. Transporting *such commodities* as are dealt in or used by pharmacies, drug business houses, physicians, hospitals, nursing homes, and clinics, between points in AL, FL, GA, NC, SC, and TN.

MC 166383, filed February 22, 1983. Applicant: LIA EXPRESS LIMITED, 34 Cote St. Louis East, Ste. Therese P.Q. J7C1C2. Representative: Jack L. Schiller, 111–56 76th Drive, Forest Hills, NY 11375; 212–263–2078. Transporting *lumber, wood products, and construction materials,* between ports of entry on the international boundary line between the U.S. and Canada in MI and NY, on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, NC, NH, NJ, NV, NY, OH, OK, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–91

Decided: March 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–674, filed February 23, 1983. Applicant: CARGO CONTAINER INTERNATIONAL, INC., 3555 Torrance Boulevard, Suite 300, Torrance, CA 90503. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036; (202) 783–0024. As a *freight forwarder,* in connection with the transportation of *household goods, baggage,* and *used automobiles,* between points in the U.S.

FF 675, filed February 25, 1983. Applicant: MULTI MODAL FORWARDING SYSTEMS, INC., 43 Hilltop Circle, Rancho Palos Verdes, CA 90274. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036; (202) 785–0024. As a *freight forwarder,* in connection with the transportation of *use household goods, unaccompanied baggage,* and *used automobiles,* between points in the U.S.

MC 2934 (Sub-137), filed February 15, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875–1142. Transporting *medical laboratory equipment and reagents* between Houston, TX and Indianapolis, IN, On the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Boehringer Mannheim Corporation, of Indianapolis, IN.

MC 2934 (Sub-140), filed February 23, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC, 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *computer equipment and components,* between points in the U.S., under continuing contract(s) with Comdisco, Inc., of Rosemont, IL.

MC 2934 (Sub-141), filed February 28, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC, 9998 No. Michigan Road, Carmel, IN 46032.. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Miller Brewing Company of Milwaukee, WI.

MC 2934 (Sub-142), filed February 28, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC, 9998 No. Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hughes Aircraft Company of Segundo, CA.

MC 15735 (Sub-71), filed February 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680;

(312) 681–8378. Transporting *household goods*, between points in the U.S. (except HI), under continuing contract(s) with Hyatt Hotels Corporation of Rosemont, IL.

MC 15735 (Sub-72), filed February 25, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680; (312) 681–8378. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with ISC Systems Corporation of Spokane, WA.

MC 28905 (Sub-12), filed February 18, 1983. Applicant: RISBERG'S TRUCK LINE, 2339 SE Grand Ave., Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210; (503) 226–3755. (1) Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Newport, OR and Brookings, OR, over US Hwy 101, serving all intermediate points and off-route points in Marion, Tillamook, Polk, Lincoln, Benton, Linn, Lane, Douglas, Coos and Curry Counties, OR; and (2) over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OR and WA, on the one hand, and, on the other, points in CA, ID, NV, UT, MT and CO.

MC 42405 (Sub-45), filed February 16, 1983. Applicant: MISTLETOE EXPRESS SERVICE, 111 Harrison Ave., Oklahoma City, OK 73104. Representative: Richard H. Champlin, P.O. Box 25614, Oklahoma City, OK 73125; (405) 239–6510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), serving points in AR as off-route points in connection with carrier's otherwise-authorized regular-route operations.

MC 44024 (Sub-1), filed February 18, 1983. Applicant: JOE J. DEMPEWOLF TRANSFER & STORAGE, INC., 2101 N. Union, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036; (405) 262–1322. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of bicycles, between points in Kay County, OK, and Cowley County, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 52914 (Sub-9), filed February 18, 1983. Applicant: FTL, INC., P.O. Box 10799, Portland, OR 97210. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210; (503) 226–3755. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in OR, WA, CA, ID, NV, MT, NM, WY, AZ, UT, and CO.

MC 65524 (Sub-29), filed February 24, 1983. Applicant: WHITE BROTHERS TRUCKING CO., P.O. Box 96, Wasco, IL 60183. Representative: Leonard R. Kofkin, Suite 1515, 140 So. Dearborn St., Chicago, IL 60603; (312) 580–2210. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S. (except AK and HI).

MC 117165 (Sub-68), filed February 23, 1983. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 50312. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312; (515) 274–4885. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 135725 (Sub-25), filed February 18, 1983. Applicant: FRY TRUCKING, INC., 507 West Fifth Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Transporting (1) *clay, concrete, glass or stone products*, (2) *metal products*, (3) *Lumber and wood products*, and (4) *such commodities* as are dealt in or used by lumber and hardware dealers, between points in the U.S. (except AK and HI).

MC 140205 (Sub-14), filed February 17, 1983. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, IA 50249. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440; (612) 542–1121. Transporting *pulp, paper and related products*, between points in Osceola County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 144195 (Sub-5), filed February 18, 1983. Applicant: QUINCY L. BYRD, INC., 2027 Anchor Lane, Austin, TX 78723. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767; (512) 477–0917. Transporting *metal products* (except classes A and B explosives, household goods and commodities in bulk), between points in Travis County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148325 (Sub-3), filed February 17, 1983. Applicant: ROBERT K. FARR, d.b.a. FARR TRUCKING, Box 144 RR1, Underhill, VT 05489. Representative: (Same as above) (802) 899–2142. Transporting *food and related products*, between points in VT, on the one hand, and, on the other, Claremont, NH, and points in MA, under continuing contract(s) with Koffee Kup Bakery, Inc., of Burlington, VT.

MC 162635 (Sub-1), filed February 7, 1983. Applicant: RON ABRAMS d.b.a. ABRAMS TRUCKING, 743 West 11th St., Rushville, IN 46173. Representative: George M. Catlett, 700–702 McClure Bldg., Frankfort, KY 40601; (502) 227–7384. Transporting *food and related products*, (1) between Baton Rouge, LA, on the one hand, and, on the other, Lawrenceburg, IN, points in Baltimore County, MD, Moore and Coffee Counties, TN, Middlesex County, NJ, and points in KY, and (2) between Little Rock, AR, and points in AZ, LA, and TX, on the one hand, and, on the other, New York, NY, Lawrenceburg, IN, and points in Moore County, TN, Baltimore County, MD, Will County, IL and points in KY and NJ.

MC 162804, filed January 26, 1983, and previously noticed in the **Federal Register** issue of February 18, 1983. Applicant: PENNY'S WRECKER SERVICE, INC., 6404 Geyer Springs Rd., Little Rock, AR 72209. Representative: A. R. Pendergrass (same address as applicant) (5011) 565–6641. Transporting *disabled motor vehicles*, in wrecker service, between points in AR, on the one hand, and, on the other, points in LA, MS, TN and AR.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 165175, filed February 22, 1983. Applicant: GOLD BOND BUILDING PRODUCTS, DIVISION OF NATIONAL GYPSUM COMPANY, 800 West Church St., Stockton, CA 95203. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207; (209) 957–6128. Transporting (1) *building materials*, (2) *pulp, paper and related products*, and (3) *clay, concrete, glass and stone products*, between points in CA, ID, OR, and WA.

MC 165355, filed February 22, 1983. Applicant: TOM VIA d.b.a. TOM VIA TRUCKING, Route 1, Box 227, Simpson, IL 62985. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375; (212) 263–2078. Transporting *iron and steel articles*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pattin-Marion, Division of Eastern Co., of Marion, IL.

MC 166354, filed February 18, 1983. Applicant: JEFFCO LEASING CO., INC., 4809 Oxford Dr., Imperial, MO 63052. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375; (212) 263–2078. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between St. Louis,

MO, on the one hand, and, on the other, points in AL, AR, DE, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, ND, NE, NJ, OH, OK, PA, SC, SD, TN, TX, VA, WI, and WV.

MC 166364, filed February 23, 1983. Applicant: MISSION WORLDWIDE MOVING, INC., 2420 Industry Rd., Oceanside, CA 92054. Representative: Robert C. Pellman, P.O. Box 0166, San Diego, CA 92115; (619) 276–2722. Transporting (1) *household goods*, and (2) *furniture and fixtures*, between points in the U.S. (except AK, HI, and VT).

MC 166395, filed February 18, 1983. Applicant: RASMUSSEN ENTERPRISES, INC., 24024 Fillmore St. NE., Bethel, MN 55005. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121; (612) 452–8770. Tranporting *coal and coal products*, between points in MN, ND, SD, IA and WS.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–137

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166397, filed February 23, 1983. Applicant: NORWALK FURNITURE CORPORATION, Routes 18 and 20 Bypass, Norwalk, OH 44857. Representative: Richard Nickoli (same address as applicant (419) 668–4461. Transporting *cotton and synthetic batting*, between points in Chickasaw County, MS, on the one hand, and, on the other, points in OH, KY, and IN, under continuing contract(s) with Trace Industries, of Houston, MS.

MC 166506, filed February 28, 1983. Applicant: DOUGLAS C. HANSEN, d.b.a. HANSEN TRUCKING, 4104 W. 4835 S., Kearns, UT 84118. Representative: Irene Warr, 311 S. State St., Ste. 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sunchild Forest Products, Ltd., of Winterburn, Alberta, Canada.

Volume No. OP4–135

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 146306 (Sub-6), filed March 4, 1983. Applicant: JOHN D. LARNED d.b.a. J & P TRANSPORTATION, 4902 Smith Rd., Denver, CO 80216. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Rocky Mountain National Transport Company, Inc., of Denver, CO.

MC 165496, filed February 28, 1983. Applicant: GRACO CARTAGE COMPANY, INC., 437 N. Preston St., Louisville, KY 40202. Representative: Robert H. Kinker, 314 W. Main St., P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *metal products*, between Louisville, KY, on the one hand, and, on the other, Evansville, IN and Nashville, TN and points in Allen and Shelby Counties, IN and Putnam and Kanawha Counties, WV.

MC 166547, filed March 1, 1983. Applicant: FREDERICK INDUSTRIES, INC. d.b.a. APOLLO MOVING & STORAGE COMPANY, 6901 Distribution Dr., Beltsville, MD 20705. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902, (301) 649–5074. Transporting *applicances, television sets, and parts and equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric Company, of Columbia, MD.

MC 166566, filed March 1, 1983. Applicant: CHINOOK FREIGHT SYSTEMS, INC., P.O. Box 3568, Seattle, WA 98124. Representative: Dennis Leach (same address as applicant), (206) 763–4166. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA, OR, CA, NV, ID, and MT.

MC 166606, filed March 4, 1983. Applicant: SAMUEL A. J. COLEMAN d.b.a. COLEMAN'S WRECKER SERVICE, 979 Badder, Troy, MI 48084. Representative: Robert D. Shuler, 1000 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013; Transporting *transportation equipment*, between points in Wayne, Oakland, and Macomb Counties, MI, on the one hand, and, on the other points in the U.S. (Except AK and HI).

Vol. No. OP4–140

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC 29957 (Sub-101), filed March 2, 1983. Applicant: TRAILWAYS SOUTHERN LINES, INC., 327 Gayoso St., Memphis, TN 38103. Representative: G. W. Hanthorn, 1500 Jackson St., Dallas, TX 75201; (214) 655–7937. Transporting (A) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); (B) *passengers*, in charter and special operations, between points in the U.S. (Except HI); and (C) Over regular routes, transporting *passengers*, between Jackson, MS, and New Orleans, LA: from Jackson over Interstate Hwy 55 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, serving all intermediate points.

Notes.—(1) Applicant seeks in (B) above to provide privately-funded charter and special transportation.

(2) Applicant seeks in (B) above to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

(3) Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this Federal Register issue. Part A and B will be published in VOL #139. Part C will be published in VOL #140.

Volume No. OP4–141

Decided: March 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF–676, filed March 1, 1983. Applicant: SIG WOLD INTERNATIONAL, INC., P.O. Box 25501, Seattle, WA 98125. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006; (202) 833–8884. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage*, and *used automobiles*, between points in the U.S.

W–1367, filed February 28, 1983. Applicant: KVICHAK–ILIAMNA TRANSPORTATION CO., INC., General Delivery, Lovelock, AK 99625. Representative: John M. Stern, Jr., P.O. Box 101672, Anchorage, AK 99510; (907) 276–3402. To operate as a *common carrier*, by water, by self-propelled vessels and non-self propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, (1) between ports and points on the Ugashik Bay, (2) between ports and points on the Bristol Bay east of a line drawn between Cape Constantine and the south point of the mouth the Ugaskik, (3) between ports and points on the Nushagak River south of Dillingham (including Dillingham), and (4) between ports and points on the (a) Kvichak Bay, (b) Kvichak River, and (c) Lake Iliamna. Condition: This application contemplates operations which should result in decreased energy consumption in comparison with existing energy consumption in the affected area. To the extent traffic will be diverted from existing transportation

modes, greater energy efficiencies may be obtained without disruption to existing patterns of energy distribution or to development of energy resources. The application is, in all respects, consistent with prevailing goals and objectives of the National Energy Policy.

MC 98687 (Sub-4), filed February 28, 1983. Applicant: MORRELL TRANSFER, INC., 809 Jackson Ave., Elk River, MN 55330. Representative: Samuel Rebenstein, P.O. Box 5, Minneapolis, MN 55440; (612) 542–1121. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk), between Minneapolis, MN, on the one hand, and, on the other, points in Stearns County, MN.

MC 121496 (Sub-84), filed February 23, 1983. Applicant: ENTERPRISE TRANSPORTATION COMPANY, 2727 N. Loop W., P.O. Box 4324, Houston, TX 77210. Representative: John E. Smith II (same address as applicant) (713) 880–0562. Transporting *general commodities* (except classes A and B explosives and household good), between points in the U.S. (except AK and HI), under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 124887 (Sub-139), filed February 24, 1983. Applicant: SHELTON TRUCKING SERVICE, INC., Rt. 1, Box 219, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202; (904) 632–2300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with C–E Industrial Products, of Valley Forge, PA.

MC 135917 (Sub-7), filed March 3, 1983. Applicant: THE PORTSMOUTH TRUCKING COMPANY, 1200 Stambaugh Bldg., Youngstown, OH 44501. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215; (614) 228–8575. Transporting *general commodities* (except classes A and B explosives and household good), between points in OH, WV, PA, IN, KY, MI, IL, MO, and NY.

MC 139697 (Sub-10), filed March 3, 1983. Applicant: WAGONER TRANSPORTATION CO., INC., P.O. Box 2975, South Bend, IN 46660. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; (212) 466–0220. Transporting *such commodities* as are dealt in or used by food stores, restaurants, institutions, food manufacturers, and fund raising organizations, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permits in MC 139697 Sub-Nos. 4, issued November 28, 1980, MC 139697 Sub 6, issued December 5, 1980, MC 139697 Sub 8, issued December 2, 1981, and that portion in the 2nd paragraph in MC 139697 Sub 9X, issued March 9, 1982. This is a conversion application filed under 49. U.S.C. 10923(e).

MC 142186 (Sub-12), filed March 1, 1983. Applicant: WHEELS WEST, INC., 11631 Waddell Creek Rd. SW., Olympia, WA 98502. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Trailer Co., of Springfield, OR, Beall Trans-Liner, Inc., of Portland, OR, and Columbia Trailer Co., Inc., of Hillsboro, OR.

MC 143257 (Sub-7), filed February 28, 1983. Applicant: EVERMAN'S INC., R.R. #2, Humeston, IA 50123. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309; (515) 244–2329. Transporting *electrical machinery*, between points in Wayne and Polk Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145057 (Sub-2), filed March 1, 1983. Applicant: JOHN A. DI MEGLIO, INC., White Horse Pike, Ancora, NJ 08037. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *general commodities* (except Classes A and B explosives, household goods), between points in the U.S (except AK and HI).

MC 146026 (Sub-6), filed March 1, 1983. Applicant: CROSS COUNTRY FARMING CO., INC., P.O. Box 134, Pine Island Turnpike, Pine Island, NY 10969. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934; (201) 234–0301. Transporting *general commodities* (except Classes A and B explosives, household goods, and commodities in bulk), between points in the U.S (except AK and HI).

MC 146387 (Sub-10), filed March 1, 1983. Applicant: S.M.P., INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 079349; (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 153987 (Sub-3), filed March 2, 1983. Applicant: MARION SELMAN d.b.a. SELMAN TRUCKING, P.O. B 37231, Omaha, NE 68137. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002; (303) 424–1761. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

Note.—Issuance of a certificate in this proceeding is subject to the coincidental cancellation of PERMITS No. MC–153987 Sub 1 and Sub 2, issued August 14, 1981 and June 24, 1982, respectively. This is an conversion application filed under 49 USC 10925 (e).

MC 157436 (Sub-1), filed March 2, 1983. Applicant: W.W TRANSPORT, INC., Buffalo Center, IA 50424. Representative: Larry D. Knox, 600 Hubbell Bldg, Des Moines, IA 50309; (515) 244–2329. Transporting *commodities in bulk*, between points in IA, MN, WI, IL, MO, NE, ND, SD, and KS.

MC 164996 (Sub-1), filed February 24, 1983. Applicant: M. D. TRUCKING, INC., 1855 Feddern Ave., Grove City, OH 43123. Representative: Paul F. Beery, 275 E State St., Columbus, OH 43215; (614) 228–8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with A. P. Parts Co. of Toledo, OH.

MC 166446, filed March 1, 1983. Applicant: RICHARD E. DORAN d.b.a. DORAN TRUCKING, Route 1, Box 70, Harlan, IA 51537. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114; (402) 397–9900. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of machinery and farm equipment, between points in Shelby County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166536, filed March 3, 1983. Applicant: THOMAS A. WAITES AND DENNIS L. WHITTON d.b.a. W. W. TRUCKING, 6702 E Ludlow Dr., Scottsdale, AZ 85254. Representative: Andrew V. Baylor, 337 E Elm St., Phoenix, AZ 85012; (602) 274–5146. Transporting *alcoholic beverages, malt beverages, cocktail mixers and non-alcoholic beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with All American Distributing Co., Inc. of Phoenix, AZ.

[FR Doc. 83-6997 Filed 3-14-83; 8:45 am]
BILLING CODE 7035-01-M

Released Rate Application

AGENCY: Interstate Commerce Commission.

ACTION: Notice. Released Rate Application No. FF–456.

SUMMARY: Freight Forwarders Tariff Bureau, Inc., for and on behalf of the freight forwarders for whom it is agent seeks authority under 49 USC 10730 to establish and maintain in its tariffs and individual forwarders in their tariffs, revisions thereto and successive issues thereof, Less-than truckload and Truckload exception ratings from and to all points on Used Agricultural Implements or Parts and Used Machinery or Parts when the value of the property declared by the shipper in writing or agreed upon in writing as the released value thereof is as follows:

a. Released to value not exceeding 10¢ per pound—
92 percent of applicable Class Rates.
b. Released to value exceeding 10¢ per pound but not exceeding $1.00 per pound—
95 percent of applicable Class Rates.
c. Released to value exceeding $1.00 per pound, but not exceeding $2.50 per pound—
97 percent of applicable Class Rates.
d. When consignor declares actual value exceeding $2.50 per pound, shipment will be rated at—
110 percent of applicable Class Rates.

ADDRESS: Mr. H. G. Roeschke, General Manager, Freight Forwarders Tariff Bureau, Inc., 114 Liberty St., Room 600, New York, NY 10006.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Jr., Bureau of Traffic, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275–7390 or 0782.

SUPPLEMENTARY INFORMATION: Relief is sought under 49 U.S.C. 10730.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–6999 Filed 3–14–83; 8:45 am]
BILLING CODE 7035–01–M

[No. MC–F–15162]

Motor Carriers; Clayton's, Inc.; Purchase Exemption; Shoemaker Trucking Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Clayton's Inc. (MC–136939) seeks an exemption from the requirement under 11343 of prior regulatory approval for its proposed acquisition of that portion of the operating authority of Shoemaker Trucking Company (MC–138875) which authorizes the transportation of general commodities (except classes A and B explosives), metal products, and prefabricated metal buildings, between points in CO, on the one hand, and, on the other, points in OR and ID.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, or
(2) Petitioners' representative, David E. Wishney, P.O. Box 837, Boise, ID 83701. Comments should refer to No. MC–F–15162.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–6998 Filed 3–14–83; 8:45 am]
BILLING CODE 7035–01–M

[No. MC–F–15149; OP4F–138]

Motor Carriers; Hayward Trucking, Inc.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Hayward Trucking Inc. (No. MC–149283) seeks an exemption from the requirements under 11343 of prior regulatory approval for the purchase portion of the operating rights of Sawyer Transport, Inc. (No. MC–123407), the transportation of farm products, and transportation equipment, between points in the United States. An application for temporary authority has been filed.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and
(2) Petitioners' representative, Carl L. Steiner, 135 South La Salle St., Chicago, IL 60603.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–6999 Filed 3–14–83; 8:45 am]
BILLING CODE 7035–01–M

[No. MC–F–15154]

Motor Carriers; Milbank Freightways, Inc.; Purchase Exemption; Wintz Transportation Co. and Wintz Motor Freight, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113, Milbank Freightways, Inc. (MC–161107), Wintz Transportation Co. and Wintz Motor Freight, Inc. (MC–144822 and MC–144681) seek an exemption from the requirement under Section 11343 of prior regulatory approval for the purchase of all of the operating rights of Wintz Transportation Co., and Wintz Motor Freight, Inc.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and
(2) Petitioner's representative, Richard L. Gill, 1805 American National Bank Bldg., St. Paul, MN 55101.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6800 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15159; OP4F-143]

Motor Carriers; Frank Potter Trucking Co., Inc.; Purchase Exemption; Nebraska Carriers, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 47 FR 53303 (November 24, 1982), Frank Potter Trucking Co., Inc., seeks an exemption from the requirement under sectin 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Nebraska Carriers, Inc., a motor carrier (i.e. certificate No. MC-153207 Sub-No. 2) which certificate authorizes the irregular-route motor common carrier transportation of such commodities as are dealt in or used by building material and home improvement stores, between the facilities used by Payless Cashways, Inc., at points in the United States on the one hand, and, on the other points in the United States.

DATES: Comments must be received within 30 days after date of publication in the Federal Register.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423, and

(2) Petitioner's representative, Patricia F. Scott, P.O. Box, 1000, Laurie, MO 65038. Comments should refer to No. MC-15159.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6801 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30118]

Rail Carriers; Burlington Northern Railroad Company; Abandonment Exemption; Franklin County, WA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by the Burlington Northern Railroad Company of 10.13 miles of line in Franklin County, WA, subject to standard labor protection provisions.

DATES: This exemption shall be effective on April 14, 1983. Petitions to stay the effectiveness of this decision must be filed by March 25, 1983. Petitions for reconsideration must be filed by April 4, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representatives: Thomas A. Ehlinger, Burlington Northern Railroad Company, 176 East Fifth Street, St. Paul, MN 55101. Pleadings should refer to Finance Docket No. 30118.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423; (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided March 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6800 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 142)]

Rail Carriers; Chicago and North Western Transportation Co.; Abandonment Between Norwood and Madison, MN; Findings

The Commission has issued a certificate authorizing the Chicago and North Western Transportation Company to abandon its 130.5-mile rail line between milepost 51.3 near Norwood, MN and milepost 181.8 near Madison, MN in Carver, Sibley, Renville, Redwood, Yellow Medicine and La Qui Parle Counties, MN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued over the line between Madison and the connection with the Burlington Northern Railroad Company at Hanley Falls, MN and (2) it is likely that the assistance would fully compensate the railroad. Since interested parties have had an opportunity to file offers of financial assistance for the line between Madison and Norwood (except between Madison and Hanley Falls), offers of financial assistance for these line segments will not be considered by the Commission. *See* 47 FR 54367 and 47 FR 55538.

Any financial assistance offer described above must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance or continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6801 Filed 3-14-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Seaboard System Railroad, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275–7278

or

Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Exm. No.	Name of railroad, contract No. and specifics	Review board [1]	Decided date
845	Seaboard System Railroad, Inc., ICC–SBD–C–0029, (Chemical compounds)	2	3–7–83
847	Consolidated Rail Corp., ICC–CR–C–0038, 0039, 0340, 0341, 0342, 0343, 0344, 0345, 0346, and 0347, (Bituminous coal) via the Ports of Baltimore and Philadelphia	1	3–8–83
850	The Texas Mexican Railway Co., ICC–TM–C–35 (Acrolein, sulfuric acid, methyl mercaptan, milk substitutes)	2	3–7–83
852	Missouri-Kansas-Texas Railroad Co., ICC–MKT–C–0245, (Clay)	2	3–7–83
853	Bessemer and Lake Erie Railroad Co., ICC–BLE–C–0011, (Bulk commodities, various) via the Port of Conneaut, OH	3	3–8–83
854	Southern Pacific Transportation co., ICC–SP–C–0430, (Pulpuboard or fibreboard, not corrugated)	1	3–8–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6419 Filed 3–14–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; California Portland Cement Co. et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 25, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 25, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of March 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
California Portland Cement Co. (United Cement, Lime Gypsum & Allied Wkrs.).	Colton, CA	3/1/83	2/25/83	TA–W–14,445	Portland cement.
Centre Engineering, Inc. (IUE)	State College, PA	2/15/83	2/10/83	TA–W–14,446	Capacitors, ceramic.
Erik Anders Div. of U.S. Industries, Inc. (company)	Salesbury, NC	3/1/83	2/23/83	TA–W–14,447	Suits, sportcoats—men.
Firestone Tire & Rubber Co. (URW)	Memphis, TN	2/25/83	2/22/83	TA–W–14,448	Passenger tires.
L & S Bearing Company (IAM)	Oklahoma City, OK	2/25/83	2/17/83	TA–W–14,449	Bearings—ball, roller, taper.
P.M. Manufacturing Corp. (workers)	Marianna, AR	2/15/83	2/10/83	TA–W–14,450	Lingerie.
Special Metals Corp. (USWA)	New Hartford, NY	2/24/83	2/17/83	TA–W–14,451	Steel—specialty, products.
Tecumseh Products Co., Acklin Stamping Div. (UAW).	Toledo, OH	2/25/83	2/22/83	TA–W–14,452	Sub-assembled housings—for air-conditioned and refrigeration compressors.
U.S.Steel Fabrication (workers)	Orange, TX	3/1/83	2/25/83	TA–W–14,453	Fabricated steel.
XL Manufacturing Co. (ILGWU)	Gordo, AL	2/24/83	2/15/83	TA–W–14,454	Coats, ladies—government contracts.
American Tool (USWA)	Cincinnati, OH	2/28/83	2/22/83	TA–W–14,455	Turning lathes.
ASARCO, Inc. Hayden Plant (USWA)	Hayden, AZ	2/23/83	2/17/83	TA–W–14,456	Copper ore, smelting and refining.
ASARCO, Inc. Mission Unit (USWA)	Sahuarita, AZ	2/24/83	2/17/83	TA–W–14,457	Copper concentrate.
General Motors Corp., Packard Electric Div. (IUE)	Warren, OH	3/1/83	2/22/83	TA–W–14,458	Wire harnesses and component parts.
General Motors Corp., Delco Products (IUE)	Dayton, OH	2/22/83	2/18/83	TA–W–14,459	Shock absorbers, strut suspension systems, fan clutches, bumper shocks, emission control.
General Motors Corp., Delco Remy (IUE)	New Brunswick, NJ	2/3/83	1/31/83	TA–W–14,460	Car batteries.
Koppers Co., Inc., Engineering & Construction Group (workers).	Pittsburgh, PA	2/22/83	2/9/83	TA–W–14,461	Designs and constructs various steel plant facilities.
Levingston Shipbuilding Co. (company)	Orange, TX	2/28/83	2/22/83	TA–W–14,462	Cargo vessels and mobile offshore drilling platforms.
Morgenstern Trousers Co. (workers)	Fredricksburg, VA	3/1/83	2/23/83	TA–W–14,463	Men's trousers.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Otis Elevator Co. (IUE)	Yonkers, NY	2/28/83	2/16/83	TA-W-14,464	Elevators, controllers, selector, switches, drive motors.
U.S. Steel Mining Co., Inc. (USWA)	Jefferson City, TN	2/24/83	2/18/83	TA-W-14,465	Zinc concentrates.
Bradford Plant—Corning Glass Works (American Flint Glass Workers)	Bradford, PA	2/23/83	2/16/83	TA-W-14,466	Resistors
Colquitt Leather Co. (workers)	Moultrie, GA	2/18/83	2/25/83	TA-W-14,467	Tanners—contract.
Nile-Lu Industries, Inc. (workers)	Ops Locks, FL	2/23/83	2/21/83	TA-W-14,468	Sportswear, robes—ladies.
Pro Corporation (workers)	Florence, MA	2/25/83	2/18/83	TA-W-14,469	Personal brushes, combs, and other related items.

[FR Doc. 83-6896 Filed 3-14-83; 8:45 am]
BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; New Process Gear Corp., et al.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 28, 1983—March 4, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,458; New Process Gear Corp., Syracuse, NY

TA-W-13,338; Shure Electronics of Arizona, Phoenix, AZ

TA-W-13,398; Gulf & Western Manufacturing Co., Taylor Forge Div., Cicero, IL

TA-W-13,584; National Mines Corp., National Pocahontas #5 Mine, Wyoming County, WV

TA-W-13,640; Anaconda Minerals Co., New Mexico Operation, Blue Water, NM

TA-W-13,641; Anaconda Minerals Co., New Mexico Operation, Laguna, NM

TA-W-13,671; Westinghouse Electric Corp., Large Power Transformer Div., Muncie, IN

TA-W-13,691; Western Nuclear, Inc., Wellpinit, WA

TA-W-13,707; Anschutz Mining Corp., Madison Project, Fredericktown, MO

TA-W-13,752; Glenoit Mills, Inc., Tarboro, NC

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-13,481; General Motors Corp., General Motors Assembly Div., Willow Run Plant, Ypsilanti, MI

TA-W-13,684; Cities Service Co., Miami East Div., Miami, AZ

TA-W-13,479; Elizabeth Fashions, Inc., Hoboken, NJ

TA-W-13,633; Max Factor & Co., Hawthorne, CA

TA-W-13,734; Pyramid Manufacturing Co., Brownsville, TX

TA-W-13,670; Union Carbide Caribe, Inc., Ponce, PR

TA-W-13,591; The General Tire & Rubber Co., Akron, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,697; Cudahy Foods Co., Phoenix, AZ

Aggregate U.S. imports of fresh and processed beef and pork are negligible.

TA-W-13,682; Beckley Coal Mining Co., Glen Daniel, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,782; The Carbon Limestone Co., Lowellville, OH

Aggregate U.S. imports of crushed limestone did not increase as required for certification.

TA-W-13,763; Eastern Associated Coal Corp., Keystone #1 Mine, Keystone, WV

Aggregate U.S. imports of coal or coke did not increase as required for certification.

TA-W-13,703; Kaiser Steel Corp., Eagle Mountain Mine, Eagle Mountain, CA

Aggregate U.S. imports of iron ore are negligible.

TA-W-13,709; Amstar Corp., American Sugar Div., Philadelphia, PA

Aggregate U.S. imports of refined sugar did not increase as required for certification.

TA-W-13,761; Beckley Lick Run Co., Bonny Deep Mine, Clear Creek, WV

Aggregate U.S. imports of coal or coke did not increase as required for certification.

TA-W-13,755; Shenango, Inc., Buffalo, NY

Aggregate U.S. imports of ingot molds are negligible.

TA-W-13,768; The New River Co., Siltix Mine, Mount Hope, WV

Aggregate U.S. imports of metallurgical coal re negligible.

TA-W-13,688; Slab Fork Coal Co., #8 Mine, Slab Fork, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,689; Slab Fork Coal Co., #10 Mine, Slab, WV

Aggregate U.S. imports of metallurgical coal are negligible.

TA-W-13,679; KMMCO, Inc., East Detroit, MI

Aggregate U.S. imports of automotive exterior moldings did not increase as required for certification.

TA-W-13,680; KMMCO, Inc., Clanton, AL

Aggregate U.S. imports of automotive exterior moldings did not increase as required for certification.

Affirmative Determinations

TA–W–13,727; Brookfield Athletic Shoe Co., Inc., East Brookfield, MA

A certification was issued in response to a petition received on August 17, 1982 covering all workers separated on or after August 13, 1981.

TA–W–13,694; Silver Bell Unit, of ASARCO, Inc., Silver Bell, AZ

A certification was issued in response to a petition received on August 5, 1982 covering all workers separated on or after August 3, 1981.

TA–W–13,719; Regal Bag Co., Inc., Newburgh, NY

A certification was issued covering all workers of the firm separated on or after February 1, 1982 and before June 1, 1982.

TA–W–13,758; RCA Corp., Consumer Electronics Div., Indianapolis, IN

A certification was issued in response to a petition received on August 31, 1982 covering all workers separated on or after August 20, 1981 and before July 31, 1982.

TA–W–13,645; Bethlehem Steel Corp., Johnstown Plant, Conemaugh & Black Lick Railroad, Johnstown, PA

A certification was issued covering all workers of the Johnstown plant of Bethlehem Steel Corp. engaged in employment related to the production of carbon steel wire and wire rod, and basic and semi-finished steel and all workers of the Conemaugh and Black Lick Railroad separated on or after July 8, 1981.

TA–W–13,722; Uniroyal, Inc., Thomson, GA

A certification was issued covering all workers of the firm separated on or after March 21, 1982.

TA–W–13,695; Boss Manufacturing Co., Pine Apple, AL

A certification was issued in response to a petition received on August 4, 1982 covering all workers separated on or after July 30, 1981.

TA–W–13,696; Boss Manufacturing Co., Greenville, AL

A certification was issued in response to a petition received on August 4, 1982 covering all workers separated on or after July 30, 1981.

TA–W–13,696A; Boss Manufacturing Co., Kewanee, IL

A certification was issued in response to a petition received on August 4, 1982 covering all workers separated on or after July 30, 1981.

I hereby certify that the aforementioned determinations were issued during the period February 28, 1983—March 4, 1983. Copies of these determinations are available for inspection in room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 8, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-6963 Filed 3-14-83; 8:45 am]

BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The additions to the annual list are effective on March 1, 1983.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA), 601 D Street, NW., Washington, D.C. 20213. Telephone: 202–376–6890.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Executive agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) and are added to the annual list of labor surplus areas, effective March 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C., on March 9, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

Additions to the Annual List of Labor Surplus Areas

March 1, 1983

Labor Surplus Area	*Civil Jurisdictions Included*
Georgia	
Jefferson County	Jefferson County
Iowa	
Des Moines County	Des Moines County
Massachusetts	
Southbridge Town	Southbridge Town in Worcester County
Mississippi	
Calhoun County	Calhoun County
New Mexico	
Hidalgo County	Hidalgo County
North Carolina	
Warren County	Warren County
Rhode Island	
Coventry Town	Coventry Town
East Providence City	East Providence City
North Providence Town	North Providence Town
Tennessee	
Weakley County	Weakley County

[FR Doc. 83-6967 Filed 3-14-83; 8:45 am]

BILLING CODE 4510-30-M

Fiscal Year 1984 Preliminary Planning Estimates for Wagner-Peyser Activities

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces Fiscal Year 1984 Preliminary Planning Estimates for Wagner-Peyser activities.

FOR FURTHER INFORMATION CONTACT: Richard C. Gilliland, Director, United States Employment Service (Attention: TEEPP) 601 D Street, NW., Washington, D.C. 20213. Telephone: 202–376–6288.

SUPPLEMENTARY INFORMATION: Section 6(b)(5) of the Wagner-Peyser Act, as amended by Pub. L. 97–300, October 13, 1982, requires that the Secretary shall provide preliminary planning estimates to all States not later than March 15, of the fiscal year preceding the year in which the funds will be used. This Section also requires that final planning estimates be made not later than May 15 of each such fiscal year.

The revisions to the Act also require that at least 97 percent of the funds appropriated for allotments to States be distributed by the formula provisions contained in Sections 6 (a) and (b) of the Act. An amount not to exceed 3 percent of the sums available for allotment shall be reserved by the Secretary in accordance with Section 6(b)(4).

The law requires that FY 1983 payments available to the States be used to compute each State's relative share of FY 1983 resources. State specific allocation data and fiscal data contained in approved FY 1983 State plans were used for this purpose. Identifiable activities not authorized under the revised legislation were excluded from the data base.

The FY 1984 appropriation request for Wagner-Peyser activities subject to the formula allotment requirements of Section 6 is $707,993,000. Of this amount $21,239,790 (3%) has been reserved pending final decisions on the use of these funds.

The preliminary planning estimates which follow reflect the application of the formula requirements contained in Section 6 to $685,039,951 after first making allotments to Guam and the Virgin Islands.

Further information regarding the allocation methodology is available upon request.

Signed at Washington, D.C., on March 4, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

WAGNER-PEYSER ALLOTMENTS TO STATES FY 1984 PRELIMINARY PLANNING ESTIMATES

	Allotment
Alabama	10,433,607
Alaska	6,609,667
Arizona	7,885,714
Arkansas	7,885,068
California	54,915,364
Colorado	8,942,948
Connecticut	8,857,448
Delaware	1,918,112
District of Columbia	8,456,884
Florida	23,751,271
Georgia	13,781,890
Hawaii	3,215,358
Idaho	3,612,816
Illinois	31,067,392
Indiana	14,707,026
Iowa	10,425,423
Kansas	9,479,278
Kentucky	9,116,291
Louisiana	10,010,691
Maine	3,337,944
Maryland	10,993,016
Massachusetts	15,977,813
Michigan	26,802,669
Minnesota	11,754,627
Mississippi	8,886,179
Missouri	12,813,399
Montana	4,569,380
Nebraska	5,512,551
Nevada	4,456,849
New Hampshire	2,382,318
New Jersey	18,702,373
New Mexico	5,100,326
New York	62,594,427
North Carolina	15,238,825
North Dakota	4,870,836
Ohio	29,515,724
Oklahoma	14,383,618
Oregon	10,057,802
Pennsylvania	30,264,640
Puerto Rico	7,580,160
Rhode Island	2,943,094
South Carolina	8,342,857
South Dakota	4,297,412
Tennessee	12,036,460
Texas	43,543,987
Utah	5,367,252
Vermont	2,037,795
Virginia	13,101,847
Washington	12,381,219
West Virginia	4,617,595
Wisconsin	13,348,152
Wyoming	3,249,281
Guam	314,874
Virgin Islands	1,396,365
Undistributed	21,239,790
National total	707,993,000

[FR Doc. 83-6664 Filed 3-14-83; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

National Advisory Committee on Occupational Safety and Health; Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet in Baltimore, Maryland on March 30 and 31, 1983. The meeting will begin at 9:00 a.m. on Wednesday, March 30 in the Chesapeake Room at the Hyatt Regency Hotel, 300 Light Street, Baltimore, Maryland. The public is invited to attend.

The National Advisory Committee was established under Section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) to advise the Secretary of Labor and the Secretary of Health and Human Services on matters relating to the Administration of the Act.

The meeting agenda will include a joint session with the Occupational Safety and Health State Plan Association, and discussions of issues relating to State Plans. There will be brief reports on other matters pertaining to OSHA and NIOSH.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairperson of the Committee to the extent which time permits. Those planning to make oral presentations should take notice that the electronic and print media may be present to record and report these proceedings.

For additional information contact: Clarence Page, Division of Consumer Affairs; Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Rm N–3635, Washington, D.C. 20210; Telephone: 202–523–8024.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 9th day of March, 1983.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 83-6665 Filed 3-14-83; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Grant of Individual Exemptions; G. J. Aigner Co., et al.

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible,

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Aigner Company Employee Benefit Plan (the Plan) Located in Chicago, Illinois

[Exemption Application No. D–2952; Prohibited Transaction Exemption 83–34]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The sale by the Plan of 247,666 shares of G.J. Aigner Company common stock for cash and certain notes of Avery Holding Corporation (Avery Holding), a wholly-owned subsidiary of Avery International Corporation (Avery); and (2) other transactions consummated and continuing in accordance with terms of agreements between the Plan, Avery Holding, and Avery, provided the terms of the transactions were no less favorable to the Plan than those obtainable in arm's-length transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 900.

Effective Date: This exemption will be effective July 23, 1981.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Rosen's Furniture Co., Inc. Profit Sharing Plan (the Plan) Located in Stroudsburg, Pennsylvania

[Exemption Application No. D–3120; Prohibited Transaction Exemption 83–35]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the lease of a warehouse by the Plan to Rosen's Furniture Company, Inc., as described in the notice of pendency, so long as the rental amount received by the Plan represents the fair market rental value of the warehouse.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption on January 7, 1983 at 48 FR 911.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Asp Realty Co., Inc. Profit Sharing Plan (the Plan) Located in Fargo, North Dakota

[Exemption Application No. D–3435; Prohibited Transaction Exemption 83–36]

Exemption

The restrictions of section 406(a), 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The contribution to the Plan by Asp Realty Company, Inc. (the Employer), the Plan sponsor, of certain contracts for deed (Contracts), provided that the Internal Revenue Service does not determine that the Employer's Federal tax deduction with respect to such contributions exceeded the fair market value of the Contracts on the date of their contribution to the Plan; and (2) the guarantee by the Employer to replace such Contracts if defaulted upon and indemnify the Plan against any loss suffered due to such default.

Effective Date: The effective date of the exemption will be January 1, 1975.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2857.

For Further Information Contact: Robert N. Sandler of the Department, telephone (202) 523–8195. (This is not a toll-free number.)

The Sackman-Gilliland Corporation Money Purchase Pension Plan (the Plan) Located in Garden City, New York

[Exemption Application No. D–3514; Prohibited Transaction Exemption 83–37]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the cash sale by the Plan to Bankers Trust Company of eight mortgage notes (the Mortgages) for their unpaid principal balance plus accrued interest, provided the amount paid for each Mortgage is not less than its fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2862.

For Further Information Contact: Ms. Jan D. Broady of the Department,

telephone (202) 523–8971. (This is not a toll-free number.)

The Texas State Optical of Capital Plaza Pension Plan (the Plan) Located in Austin, Texas

[Exemption Application No. D–3630; Prohibited Transaction Exemption 83–38]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) A loan (the Loan) by the Plan of approximately $96,732 to Texas State Optical of New Braunfels (the Partnership), provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party; and (2) the guarantee of repayment of the Loan by the partners of the Partnership who are principals of Drs. Taylor, Watson, Knowles and Associated Optometrists, P.C., a party in interest with respect to the Plan.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 906.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Thermo Electric Co., Inc. Employees' Profit Sharing and Retirement Plan and Trust (the Plan) Located in Saddle Brook, New Jersey

[Exemption Application No. D–3650; Prohibited Transaction Exemption 83–39]

Exemption

The restrictions of section 406(a), and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of certain real property by the Plan to Thermo Electric Co., Inc. (the Employer) in exchange for the Employer's promissory note, provided that the terms of the transaction are no less favorable to the Plan than those obtainable in a similar transaction with an unrelated third party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2859.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Walter M. Roberts Enterprises, Inc. Employees' Profit Sharing Plan (the Plan) Located in Nelson, New York

[Exemption Application No. D–3601; Prohibited Transaction Exemption 83–40]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale for $33,500 in cash of certain unimproved real property (the Real Property) by the Plan to Three J Company, provided this amount is not less than the fair market value of the Real Property at the time the sale is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2866.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

The Greiver, Skolnick, Stoler & Lloyd Profit Sharing Plan (the Profit Sharing Plan) and the Greiver, Skolnick, Stoler & Lloyd Retirement Plan (the Retirement Plan, collectively the Plans) Located in Louisville, Kentucky

[Exemption Application Nos. D–3716 and D–3717; Prohibited Transaction Exemption 83–41]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed loan of $30,000 by the Profit Sharing Plan to Greiver, Skolnick, Stoler & Lloyd, P.S.C. (the Employer), the sponsor of the Profit Sharing Plan; (2) the proposed loan of $70,000 by the Retirement Plan to the Employer, the sponsor of the Retirement Plan; and (3) the guarantee of such loans (the Loans) by the seven principals of the Employer provided that the terms and conditions of the Loans are at least as favorable to the Plans as those which the Plans could receive in similar transactions with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 7, 1983 at 48 FR 905.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Restated Pension Plan and Trust Agreement of Winchester Orthopaedic Associates, Ltd. (the Plan) Located in Winchester, Virginia

[Exemption Application No. D–3777; Prohibited Transaction Exemption 83–42]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan of $189,000 by the Plan to Medical Associates Special Holdings, a party in interest with respect to the Plan, to finance construction of an addition to a building leased to Winchester Orthopaedic Associates, Ltd. and Medical Circle Physical Therapy, both parties in interest with respect to the Plan, provided the terms and conditions of such loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 21, 1983 at 48 FR 2867.

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must

operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 10th day of March, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-6995 Filed 3-14-83; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3403]

Proposed Exemption for Certain Transactions Involving the Cincinnati Bell Inc. Pension Plan Trust Located in Cincinnati, Ohio

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt certain past and proposed transactions between the Cincinnati Bell Inc. Pension Plan Trust (the Trust) and American Telephone and Telegraph Company (AT&T) and its susidiaries or affiliates provided certain conditions are met. The proposed exemption, if granted, would affect the Trust, AT&T and its subsidiaries or affiliates, and any other persons participating in the transactions.

EFFECTIVE DATE: If granted, this exemption will be effective January 1, 1975.

DATE: Written comments must be received by the Department on or before May 2, 1983.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3403. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c) (1) (A) through (D) of the Code. The proposed exemption was requested in an application filed on behalf of Bankers Trust Company (Bankers), pursuant to section 408(a) of the Act and section 4975(c) (2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is comprised of assets contributed on behalf of the Cincinnati Bell Inc. Pension Plan and the Cincinnati Bell Inc. Management Pension Plan (the Plans). The Plans are each defined benefit plans and as of September 30, 1981, had total assets of $186,284,327. The Plans currently have approximately 6,200 active participants.

2. Bankers, a New York corporation, serves as the trustee of the Trust under an Agreement of Trust executed between Bankers and Cincinnati Bell Inc. (the Employer), as amended and restated effective January 1, 1981. Bankers is one of the leading financial institutions in the United States engaged in acting as a fiduciary for employee benefit plans as its trust department, including personal trusts, has more than $40 billion under administration. Bankers also serves as an investment manager with respect to the Trust's fixed income type of investment portfolio, and has maintained sole discretion with regard to these investments from a date prior to January 1, 1975. Putnam Advisory Co., Inc., Cole, Yeager & Wood, Inc., and the Central Trust Co., N.A. serve as investment managers (the Investment Managers) with regard to the Trust's equity type investment portfolio. Bankers and the Investment Managers are not related to or affiliated with the Employer or AT&T, and each excercises independent investment discretion with regard to that portion of the Trust's assets under management.

3. The Employer is the sponsor of the Plan, and is associated with AT&T and its subsidiaries through agreements known as license contracts (the Contracts). Under the Contracts the Employer may purchase telephones and related equipment manufactured under patents owned by AT&T, and AT&T may provide advice and assistance to the Employer concerning aspects of the Employer's business. AT&T and its subsidiaries provide long distance and local telephone service throughout the United States.

4. AT&T owns 100% of the capital stock of all its regional subsidiaries except for its two associated regional companies, the Employer and Southern New England Telephone Company (Southern New England). AT&T owns, respectively, 31% and 22% of the Employer's and New England's outstanding shares of common stock. By virtue of AT&T's percentage ownership of the Employer, the applicant represents that AT&T and its subsidiaries are not "affiliates" of the Employer as described in section 407(d)(7) of the Act. Thus, the applicant represents that securities issued by AT&T and its subsidiaries may not constitute "employer securities" as defined in section 407(d)(1) of the Act, and consequently not "qualifying employer securities" as defined in sections 407(d)(5) and 407(e) of the Act. Accordingly, certain purchases, holding and/or sales by the Trust of securities issued by AT&T or its subsidiaries may result in certain prohibited transactions as described in the Act, not exempt by any other provision of the Act.

5. The applicant requests relief from section 406(a) of the Act for certain past prohibited transactions between the

Plans and AT&T and its subsidiaries. On March 30, 1981 and March 31, 1981, Bankers purchased on the secondary market, on behalf of the Trust, $2,000,000 face amount of 1991 bonds issued by AT&T bearing interest at an annual rate of 13.25%. Bankers purchased $1,777,000 face amount of the bonds through the brokerage firm Merrill, Lynch, Pierce, Fenner and Smith Incorporated (Merrill, Lynch), on March 30, 1981, and the remaining $223,000 face amount of bonds through the brokerage firm Tucker, Anthony & R.L. Day, Inc. (Tucker, Anthony), on March 31, 1981. Neither Merrill, Lynch nor Tucker, Anthony is related to or affiliated with either Bankers, the Employer or AT&T. Bankers was informed in June, 1981, that AT&T was not an affiliate of the Employer, that the bonds were not qualifying employer securities, and thereafter constantly monitored the price of the bonds in order to dispose of them when the market price equalled the price paid for them. On November 12, 1981, the bonds were sold through Tucker, Anthony, at prices equal to the weighted average cost of the bonds with the realization of no gain or loss to the Trust. During the seven month period which the bonds were held by the Trust, interest was earned by the Trust at reasonable, prevailing market rates. The applicant represents that the holding of the bonds by the Trust would constitute an extension of credit between the Trust and AT&T as described in section 406(a)(1)(B) of the Act. Bankers represents that it was not aware when it purchased the bonds that AT&T was not an affiliate of the Employer.

6. As of October 31, 1981, $6,888,000 face amount bonds of AT&T subsidiaries with varying maturities and rates of interest were also owned by the Trust. Approximately one-half of these bonds were acquired for the Trust prior to July 1, 1974, the date specified in the transitional rules under section 414(c) of the Act. The Trust also owns $75,000 face amount of AT&T 4.75% debentures due June 1, 1996, and $100,000 face amount of AT&T 6% debentures due August 1, 2000, which were acquired for the Trust prior to July 1, 1974. The applicant represents that the holding of AT&T subsidiary debt obligations acquired for the Trust after July 1, 1974, may, as of January 1, 1975, constitute extensions of credit between the Plans and AT&T subsidiaries as described in the Act.

7. The applicant also represents that the continued holding of AT&T and/or its subsidiaries debt obligations acquired for the Trust before July 1, 1974, may, upon expiration of the transitional rules under 414(c) on June 30, 1984, constitute prohibited extensions of credit as described in the Act. The applicant represents that if AT&T and its subsidiaries debt obligations were considered to be qualifying employer securities as described in section 407(e) of the Act, the holding of such securities would have complied with the provisions of section 407(a) of the Act. The applicant represents that AT&T and its affiliates debt obligations currently account for approximately 3.03% of the Trust's assets.

8. The applicant also requests exemptive relief from section 406(a) of the Act for future transactions between the Plans and AT&T and its subsidiaries which would be subject to statutory relief if AT&T and its subsidiaries were considered to be affiliates of the Employer. The applicant represents that any transaction subject to this exemption between the Plans and AT&T and its subsidiaries would comply with the provisions of section 408(e) of the Act, but would only be afforded relief from section 406(a) of the Act.[1] Such transactions would include the purchase, holding and sale of debt obligations and equity securities of AT&T and its subsidiaries.

9. The applicant represents that bonds issued by AT&T and its subsidiaries constitute approximately 98% of the new issue AAA utility bond market, and approximately 70% of the new issue AAA taxable non-government bond market, excluding those obligations issued by banks and finance companies. The applicant represents that the exemptive relief requested herein will provide the Plan with a broader range of the highest investment-grade fixed income securities, and allow better diversification of the Trust's fixed income portofoilo.

10. The applicant represents that any transaction between the Trust and AT&T or its subsidiaries will be subject to the sole discretion and control of Bankers or the Investment Managers, parties not related to or affiliated with AT&T, its subsidiaries, and/or the Employer. The employer represents that if Bankers or any of the Investment Managers are replaced, successor trustees or Investment Managers will be independent of AT&T, its subsidiaries and/or the Employer.

[1] Section 408(e) of the Act, as supplemented by regulations (29 CFR 2510.408(e); 45 FR 51194, August 1, 1980) provides statutory exemptive relief from sections 406(a), 406 (b)(1) and (b)(2) for, inter alia, the acquisition, holding and sale of qualifying employer securities, subject to certain specified conditions.

With respect to the Plans' investment in equity securities of AT&T and its subsidiaries, the applicant represents that it is unlikely that any initial purchases would be made directly from AT&T or its subsidiaries other than pursuant to AT&T's Share Owner Dividend Reinvestment and Stock Purchase Plan (the Program). The Program provides, inter alia, holders of record of AT&T common stock with a method to purchase additional common shares without the payment of any fees or commission expenses. Common shares may be purchased quarterly with reinvested cash dividends on all or less than all of the AT&T common shares registered in the participants's name. The price of common shares purchased with reinvested common share dividends is 95% of the market price average. Market price average is defined as the average of the daily high and low sale prices of the shares on the New York Stock Exchange for the period of five trading days ending on the date of purchase.

The Investment Managers will each maintain sole discretion with respect to Trust investments under the Program. The Investment Managers represent that the possibility of a purchase under the Program resulting in a higher price paid than if the shares were purchased on the open market would be most unlikely and, if it occurred, would represent an isolated incident. The Investment Managers represent that because of the historic stability on the value of AT&T stock, fluctuations in market value of the stock will not be sufficient to offset the benefits to an investor under the Program. The Investment Managers will monitor the Trust's participation in the Program, and in the event an Investment Manager determines that the continued participation by the Trust is inappropriate, the Trust's participation in the Program will be terminated.

13. In summary, the applicant represents that the proposed exemption satisfies the criteria of section 408(a) of the Act because (a) The past purchase and holding of AT&T 1991 bonds were subject to the investment discretion of Bankers, an independent fiduciary unrelated to either the Employer or AT&T; (b) the past holding of debt obligations of AT&T subsidiaries by the Plans was subject to the investment discretion of Bankers; (c) the Plans' assets involved in the proposed transactions between the Plans and AT&T and its subsidiaries will be subject to the investment discretion and control of major corporate fiduciaries who are independent of both AT&T and the Employer; and (d) all transactions

have been and will continue to be effected at fair market value.

Notice to Interested Persons

Within 10 days after publication of this notice in the **Federal Register**, notice will be provided to all participants in the Plans by conspicuous posting on bulletin boards at all employee locations where notices concerning employees are routinely affixed. Notice will also be provided to all employee organizations of which participants in the Plans are members, the Employer and AT&T. Notice will include a copy of the notice of proposed exemption as published in the **Federal Register** and will inform interested persons of their right to comment on the proposed exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4979(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

I. If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) shall not apply to:

A. Effective January 1, 1975, the past extensions of credit by the Plans as a result of the Plans' acquisition of debt obligations of AT&T and its subsidiaries, provided that the transactions have complied with the provisions of section 498(e) of the Act, as if the securities were deemed to be qualifying employer securities as defined in the Act; and

B. Effective upon the date of publication in the **Federal Register** of a grant of this individual exemption, the purchases by the Plans of debt and/or equity securities issued by AT&T or any subsidiary as would be permitted under section 408(e) of the Act if AT&T and its subsidiaries were considered to be affiliates of the Employer, provided that the Plans' assets involved in such transactions are subject to the investment discretion and control of a fiduciary who is independent of both AT&T and the Employer.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of the proposed exemption.

Signed at Washington, D.C., this 9th day of March, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-6984 Filed 3-14-83; 8:45 am]
BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Behavioral and Neural Sciences, Subpanel for Neurobiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for Neurobiology of the Advisory Panel for Behavioral and Neural Sciences.

Date: April 6, 7, and 8, 1983.

Time: 9:00 a.m. to 5:00 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G St., NW Washington, DC 20550.

Type of meeting: Part Open.—Open 4/8, 2–5:00 p.m.; closed 4/6 & 4/7, 9–5:00 p.m.; closed 4/8, 9–2:00 p.m.

Contact person: Steven E. Kornguth, Program Director for Neurobiology National Science Foundation, Room 320, 1800 G St. NW Washington, DC 20550. Telephone (202) 357–7471.

Summary minutes: May be obtained from Contact Person.

Purpose of panel: To provide advice and recommendations concerning support for research in Neurobiology.

Agenda: Open—April 8, 2:00 p.m. to 5:00 p.m. General Discussion of the current status and future trends in Neroscience.

Closed—April 6 and 7, 9:00 a.m. to 5:00 p.m. and April 8, 9:00 a.m. to 2:00 p.m. To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of the proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the

authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1983.

[FR Doc. 83-6836 Filed 3-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Environmental Biology, Subpanel on Marine Biological Laboratories; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Marine Biological Laboratories of the Advisory Panel for Environmental Biology.

Date and time: March 31 & April 1, 1983—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James C. Tyler, Program Director, Biological Research Resources (202) 357–7475, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of subpanel: To provide advice and recommendations concerning support for marine biological laboratories.

Agenda: Review and evaluation of proposals for the purchase of major equipment, refurbishing of facilities, and acquisition of other scientific tools important to research at marine biological laboratories as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1983.

[FR Doc. 83-6837 Filed 3-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Physiology, Cellular and Molecular Biology, Subpanel on Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Panel on Metabolic Biology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and time: March 31, 1983 (9:00 am to 6:00 pm); April 1, 1983 (9:00 am to 6:00 pm); April 2, 1983 (9:00 am until finished).

Place: Conference Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. William van B. Robertson, Program Director, Metabolic Biology, Room 325, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–7987.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review research proposals and advise the program staff as part of the selection process for awards.

Reason for: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1983.

[FR Doc. 83-6838 Filed 3-14-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science, Subpanel for Economics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, The National Science Foundation announces the following meeting:

Name: Subpanel for Economics of the Advisory Panel for Social and economic Science.

Date and time: April 7, 8, & 9, 1983; Thursday, 1:00 pm to 7:00 pm;Friday, 9:00 am to 7:00 pm; Saturday, 9:00 am to 1:00 pm.

Place: Room 338, National Science Foundation, 18th and G Streets N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9874.

Purpose of subpanel: To provide advice and recommendations concerning support for research in the Economics Program.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1983.

[FR Doc. 83-6839 Filed 3-14-83; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology.

Place: Rm. 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Dates: Thursday and Friday, March 31–April 1, 1983.

Time: Thursday, 9–5 p.m.; Friday, 9–3 p.m.

Type of meeting: Open.

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537,

1800 G Street, N.W., Washington, D.C. 20550, Telephone: 202/357–9571.

Purpose of committee: To provide advice to the Foundation on policies and activities of the foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science & Technology and to meet with the Director and other NSF staff.

M. Rebecca Winkler,

Committee Management Coordinator.

March 10, 1983.

[FR Doc. 83-6635 Filed 3-14-83; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

The Consumers Power Company (CPC) (the licensee) is the holder of Facility Operating License No. DPR–6 which authorizes operation of the Big Rock Point Plant located in Charlevoix County, Michigan, at steady state reactor core power levels not in excess of 240 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

The licensee has requested exemptions from the requirements of Appendix R to 10 CFR Part 50 for six items. In submittals dated March 19, April 1, May 19, September 24, 1981, February 25, April 30, and July 9, 1982, the licensee provided additional information in support of the requested exemptions, which were proposed in final form in a submittal dated September 28, 1982.

The items for which an exemption was found to be justified are discussed in the following paragraphs. Additional details are contained in the Safety Evaluations, dated March 8, 1983, prepared by the staff in support of these exemptions. These Safety Evaluations have been placed in the Big Rock Point docket file.

1. Section III.G.1 of Appendix R to 10 CFR Part 50 requires that fire protection features be provided for structures, systems, and components important to safe shutdown. One train of systems necessary for hot shutdown must be protected from fire damage. The use of repairs to achieve and maintain hot shutdown is not allowed by Section III.G.1 of Appendix R.

The licensee requested an exemption to Section III.G.1 to allow the use of repairs to make the control rod drive pumps and control rod drive booster pump operable to maintain hot shutdown. The cables to the control rod drive pumps are not properly separated and both pumps could be rendered inoperable by a single fire. In the event that the cables to these pumps were damaged by fire, the licensee states that makeup water for the primary coolant would not be required for at least nine hours and hot shutdown could be maintained without these pumps during that time. During the nine hours, the licensee proposes to return the pumps to an operable status by connecting prefitted, prepared replacement cables which will be stored on-site.

We have reviewed (1) the licensee's analysis which indicates that primary system make-up would not be required for nine hours and (2) repairs planned by the licensee to return the pumps to an operable status. The analysis is appropriately conservative because it considers conditions such as maximum primary system leakage. The replacement cables which would be used to make the necessary repairs will be stored on-site. The cables will be cut to the appropriate size and fitted with plug-in connectors to facilitate a quick repair.

Therefore, reasonable assurance is provided (1) that the pumps would not be needed to maintain hot shutdown for nine hours and, (2) that the licensee has adequately preplanned the repairs to allow them to be performed within the nine hour time span. For these reasons, we conclude that the licensee's request for exemption from Section III.G.1 of Appendix R for the control rod drive pumps and the control rod drive booster pump should be granted.

2. Section III.L of Appendix R requires that during the postfire shutdown the reactor coolant system process variables shall be maintained within those predicted for a loss of normal ac power.

The licensee requested an exemption to Section III.L to allow the reactor coolant system process vairables to vary from those predicted for a loss of normal ac power in the event tnat the emergency condenser is rendered inoperable. The reactor depressurization system (RDS) and the core spray system (CSS) would be used if the emergency condenser were rendered inoperable. During the postfire shutdown, the reactor coolant system variables would not be maintained within those predicted for a loss of ac power if the RDS and CSS were used. The licensee states that the likelihood of a fire involving the control/power cables of the emergency condenser outlet valves and a coincident random loss of offsite power is extremely remote. A fire involving the control cables of the emergency condenser inlet valves could disable the emergency condenser only if the circuits for both valves were shorted an maloperation of both valves occurred. And while the use of the reactor depressurization and core spray systems to shutdown with the emergency condenser unavailable would not maintain the primary system process variables within those predicted for a loss of normal ac power, the integrity of the fuel cladding would not be adversely affected. Also, the control/power cables of the emergency condenser inlet and outlet valves will be separated from the reactor depressurization and core spray systems except for the areas of the control room and the emergency condenser deck.

We have evaluated the use of the reactor depressurization and core spray systems as an alternate method to maintain the postfire shutdown if the emergency condenser is rendered inoperable. There is appropriate separation between the cables of the emergency condenser and reactor depressurization and core spray systems except for two areas which are discussed in items 3 and 4 of this exemption. We have already concluded that the use of the reactor depressurization and core spray systems for safe shutdown is acceptable in our Safety Evaluation of Systematic Evaluation Program Topic VII–3, "Systems Required for Safe Shutdown," for Big Rock Point dated September 10, 1982. The use of the reactor depressurization and core spray systems to maintain the postfire shutdown would not maintain the primary system variables within those predicted for a loss of normal ac power; however, the reactor would be maintained in a safe condition and the integrity of the fuel cladding would be maintained. For these reasons, we conclude that the licensee's request for exemption from Section III.L of Appendix R for the situation where the emergency condenser is rendered inoperable should be granted.

3. Section III.G.2 of Appendix R to 10 CFR Part 50 requires the proper separation of cables, equipment and associated non-safety circuits of redundant trains. Inside a non-inerted containment, a non-combustible radiant energy shield is one way of providing proper separation.

The licensee requested an exemption to the Section III.G.2 requirement for separation of cables and equipment for the emergency condenser inlet valve circuitry and the reactor depressurization and core spray systems circuits on the emergency condenser deck. The licensee has committed to protect one emergency condenser inlet valve with a non-combustible radiant energy shield. The emergency condenser is functional with one of the two condenser tube bundles operational. Also, the licensee states that the amount of combustible material available on the emergency condenser deck is negligible.

The non-combustible radiant energy shield proposed by the licensee meets the requirements of Section III.G of Appendix R for one train of the emergency condenser inlet valves. We have evaluated the fire hazard on the emergency condenser deck. The probability of an exposure fire from the accumulation of transient combustibles on the emergency condenser deck is low because the personnel access to the deck and to the containment is restricted. This combination of features provides reasonable assurance that one train will be maintained free of fire damage (one train is one loop of the emergency condenser or the combination of the reactor depressurization and core spray systems). Therefore, the level of fire protection for the emergency condenser inlet valves and the reactor depressurization and core spray systems is equivalent to the technical requirements of Section III.G of Appendix R and the exemption should be granted.

4. Section III.G3 of Appendix R to 10 CFR Part 50 requires that fire detection and a fixed fire protection system be installed in fire areas requiring alternative shutdown capabilities.

The licensee requested an exemption to the Section III.G.3 requirement for a fixed fire suppression system in two fire areas—The containment and the control room.

Containment

The licensee requested an exemption to the Section III.G.3 requirement for a fixed fire suppression system inside the containment fire area. The containment fire area is the entire containment exclusive of the reactor recirculating pump room. The licensee states that several modifications have been made inside containment to allow rapid fire detection and fire brigade action. Also, the licensee has committed to install an alternate safe shutdown system.

We have evaluated the fire hazard in the containment fire area. The probability of a significant accumulation of transient combustibles inside the containment is low because personnel access to the containment is restricted. Therefore, a fire in this area would be of limited severity and duration. The installed early warning dection system would provide prompt detection of incipient fire conditions and fire hose stations are distributed throughout containment. These features would allow the fire to be quickly extinguished. Also, the proposed alternate power supply for the emergency condenser will provide reasonable assurance that one train of equipment necessary for safe shutdown will be maintained free of fire damage. Because of these features and the low fire hazard, installation of a fixed fire extinguishing system inside the containment would not enhance the fire protection capability in this area. Therefore, we conclude that the level of existing protection for this area in conjuction with the proposed alternate shutdown capability will provide a level of fire protection equivalent to the technical requirements of Section III.G of Appendix R and the exemption should be granted.

Control Room

The licensee requested an exemption to the Section III.G.3 requirement for a fixed fire suppression system inside the control room fire area. The licensee states that a fixed fire suppression system is not necessary for the control room for the following reasons. The control room is continuously manned by operators who are trained to deal with control room fires. The control room is monitored by smoke detectors and several types of fire extinguishers are immediately available to the operators. Therefore, a control room fire would be quickly contained and suppressed.

We have evaluated the fire hazard in the control room fire area and conclude the hazard is low. The control room is continuously manned and monitored by a fire detection system. Fire extinguishing equipment is provided. Therefore, we conclude that a fire in the control room would be promptly extinguished. Also, an alternate safe shutdown system will be available for the control room. Because of these features and the low fire hazard, installation of a fixed fire extinguishing system inside the control room would not enhance the fire protection capability in this area. Therefore, we conclude that the level of existing protection for this area in conjunction with the proposed alternate shutdown capability will provide a level of fire protection equivalent to the technical requirements of Sectiion III.G of Appendix R and the exemption should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, these exemptions are authorized by law and will not endanger life or property or the common defense and security, are otherwise in the public interest. Therefore, the Commission hereby grants the following exemptions:

1. An exemption to Section III.G.1 to allow the use of repairs to the control rod drive pumps and the control rod drive booster pump to maintain hot shutdown. Fire protection features will not be required on these pumps to maintain them free of fire damage.

2. An exemption to Section III.L to allow during postfire shutdown the reactor coolant system process variables to vary from those predicted for a loss of normal ac power in the evcent that the emergency condenser is rendered inoperable and use if the reactor depressurization and core spray systems become necessary.

3. An exemption to Section III.G.2 such that required separation between the control/power cables of one of the two emergency condenser inlet valves and the reactor depressurization and core spray systems is not necessary.

4. Two exemptions to Section III.G.3 such that a fixed fire suppression systems will not be required in the containment and the control room. This exemption for the containment does not include the recirculation pump area.

The Commision has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland this 8th day of March 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-6994 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OL, 50-330 OL; Docket Nos. 50-329 OM, 50-330 OM]

Consumers Power Co. (Midland Plant, Units 1 and 2); Evidentiary Hearings; Limited Appearance Statements

March 9, 1983.

Notice is hereby given that hearings on operating license issues in this consolidated OL/OM proceeding have been scheduled for March 29–April 1, 1983.

Any person who has not been admitted as a party in the OL proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715(a). A person making a limited appearance may make an oral or written statement on the record. He or she does not become a party but may state a position and raise questions which he or she would like to have answered, to the extent that the questions are within the purview of matters which may be considered in an operating license proceeding, as specified by 10 CFR 2.104(c). Oral limited appearance statements will be permitted at the commencement of the hearing on March 29, 1983, within such limits and on such conditions as may be fixed by the Board. The Board will accept such statements only during the morning of March 29 but, to the extent necessary, the Board may establish other dates for such statements. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch, as soon as possible.

The hearings listed above will commence at 9:00 a.m. each day and will be held at Room E, Quality Inn, 1815 S. Saginaw Road, Midland, Michigan.

Dated at Bethesda, Maryland, this 9th day of March, 1983.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-6995 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 118, 118 and 115 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company (the licensee), which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TSs to require yearly review of the Station Emergency plan and the Station security plan by the Nuclear Safety Review Board.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 21, 1982, (2) Amendments Nos. 118, 118, and 115 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's letter to the licensee dated March 4, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina 29691. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-6996 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license for operation for the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of its date of issuance and is to be fully implemented within 60 days of Commission approval in accordance with the provisions of 10 CFR 73.55(b)(4).

The amendment adds a license condition to include the Commission-approved Guard Training and Qualification Plan as a part of the license.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

The licensees' filing dated March 19, 1982, consists of Safeguards Information required to be protected from public disclosure pursuant to 10 CFR 73.21.

For further details with respect to this action, see (1) Amendment No. 62 to License No. DPR–72 and (2) the Commission's related letter to Florida Power Corporation dated March 4, 1983. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, 668 NW. First Avenue, Crystal River, Florida. A copy of the amendment and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of March 1983.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 83-6660 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-275 OL, 50-323 OL]

Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2); Rescheduling of Oral Argument

Notice is hereby given that the oral argument in this proceeding previously scheduled for Wednesday, March 16, 1983, has been rescheduled for 9:30 a.m. on Thursday, April 14, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: March 9, 1983.

For the Appeal Board.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-6667 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267]

Public Service Company of Colorado (Fort St. Vrain Nuclear Generating Station); Exemption

I

Public Service Company of Colorado (the licensee) is the holder of Facility Operating License No. DPR–34 which authorized the operation of the Fort St. Vrain Nuclear Generating Station (the facility) at reactor power levels not in excess of 842 megawatts thermal (rated power). The facility consists of a high temperature gas-cooled nuclear reactor and associated equipment located at the licensee's site near Platteville in Weld County, Colorado.

The license is subject to all rules and regulations of the Commission.

II

By letter dated November 8, 1982, the licensee requested an exemption from the requirements of 10 CFR Part 11, "Criteria and Procedures for Determining Eligibility for Access to or Control Over Special Nuclear Material," relative to Material Access Authorizations for personnel at the Fort St. Vrain facility.

The provisions of Part 11 specify that all jobs with unescorted access to the Protected Area require an NRC–R Material Access Authorization (basically a National Agency Check); and that certain, more sensitive jobs require an NRC–U Material Access Authorization (complete background investigation).

Although Fort St. Vrain is a power reactor facility licensed under 10 CFR Part 50, the special protection measures of the Physical Protection Upgrade Rule related to Strategic Special Nuclear Material must be provided whenever formula quantities of high enriched fresh fuel are on site. 10 CFR Part 11 Material Access Authorizations, in turn, are required for licensees subject to the Upgrade Rule (10 CFR 73.20, 73.45 and 73.46).

Fort St. Vrain possesses fresh fuel configured only in large blocks of graphite weighing approximately 300 lbs., unlike fuel facilities where readily divertible forms of special nuclear material are processed. The commitments of the licensee to protect these blocks of fresh fuel include measures specifically designed to prevent theft, or diversion by conspiracies. The licensee has also implemented an extensive personnel screening program for all individuals granted unescorted access to the reactor facility. In addition, all individuals who would be subject to the Part 11 "U" requirement have undergone National Agency Checks pursuant to 10 CFR Part 25.

The licensee's approved protective measures, augmented by the existing screening program and National Agency Checks, provide a level of protection against the insider threat for the material at Fort St. Vrain comparable to that envisioned under 10 CFR Part 11. We therfore conclude that the licensee's request for exemption should be granted, provided that Chapter 9 of the Security Plan for the facility is revised to require obtaining National Agency Checks for all individuals occupying positions identified in 10 CFR 11.11(a)(1).

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 11.9, the exemption requested by the licensee's letter of November 8, 1982, as discussed above, is authorized by law and will not constitute an undue risk to the common defense and security. The requested exemption is hereby granted, subject to the following condition:

That within thirty days of the date of this Exemption, Chapter 9 of the facility Security Plan be modified to require obtaining National Agency Checks for all individuals occupying positions identified in 10 CFR 11.11(a)(1).

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 2nd day of March, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-6668 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Issuance of Amendment to Facility Operating License No. NPF–12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF–12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. The amendment changes the Technical Specifications to add a containment penetration conductor overcurrent protective device for the steam cleaning machine permanent power source. The amendment was effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR

Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated December 17, 1982, (2) Amendment No. 12 to Facility Operating License No. NPF–12 with Appendix A Technical Specifications page change, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 12 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of March, 1983.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-6690 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station); Exemption

I

The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of Facility Operating License No. DPR–28 which authorizes operation of the Vermont Yankee Nuclear Power Station. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section IV.F of Appendix E to 10 CFR Part 50 requires that an emergency preparedness exercise be conducted (at least) annually. The last full-scale emergency preparedness exercise at Vermont Yankee occurred February 18, 1982.

By letter dated December 16, 1982, the licensee stated that a schedule for the emergency exercise of no later than June 30, 1983, was developed at a meeting on September 14, 1982, between the licensee and representatives for the States of Vermont, New Hampshire, and Massachusetts. Earlier proposed dates interfered with the licensee's annual refueling outage, scheduled to begin in March 1983, or was unacceptable to a particular state. Additionally, the licensee stated that within the past month, recent discussions with all parties including the Federal Emergency Management Agency (FEMA) identified the week of September 19, 1983, as a mutually acceptable date. Accordingly, the licensee requested a one-time exemption so that the Vermont Yankee 1983 Annual Emergency Plan Exercise may be conducted during the week of September 19, 1983.

The licensee has committed to continual training of personnel as outlined in the Vermont Yankee Nuclear Power Corporation Emergency Plan to ensure that personnel remain familiar with emergency response duties. Therefore, the Vermont Yankee emergency plan will remain fully functional during the period of this one-time delay in performing the emergency preparedness drill. Based on this; and on the fact that the last full-scale exercise was held on February 18, 1982 and that the exercise demonstrated an acceptable level of preparedness; and our belief that the most effective and beneficial annual exercises are those involving full-scale participation of State and local government organizations, we find that a delay in performing the licensee's annual emergency preparedness exercise will not adversely affect the overall state of emergency preparedness at the Vermont Yankee Nuclear Plant. We therefore conclude that an exemption should be granted.

III

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

The licensee is exempt from the requirement of Section IV.F of Appendix E to 10 CFR Part 50 with respect to the requirement for conducting an annual emergency preparedness exercise and is required to conduct the next emergency preparedness exercise no later than September 30, 1983.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

Robert A Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc 83-6691 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on March 30, 1983, Room 1046, 1717 H Street NW., Washington, D.C. The Subcommittee will continue its review of the application from the Department of Energy for a permit to construct the CRBR.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4.) To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Wednesday, March 30, 1983—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be

considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 8, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-6981 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittees on Metal Components/Combination of Dynamic Loads; Meeting

The Combined ACRS Subcommittees on Metal Components/Combination of Dynamic Loads will hold a meeting on March 29, 1983, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittees will review the reevaluation of double-ended guillotine pipe break design requirements for Westinghouse PWR plants. Notice of this meeting was published February 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommitttees finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act Exemption 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, March 29, 1983—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordane with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(3), (4).

Dated: March 9, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-6982 Filed 3-14-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Seabrook Nuclear Power Station Units 1 and 2; Meeting

The ACRS Subcommittee on Seabrook Nuclear Power Station Units 1 and 2 will hold a meeting on March 31 and April 1, 1983 at the Ashworth By The Sea, 295 Ocean Blvd., Hampton Beach, NH. The Subcommittee will visit the plant and review the application of the Public Service Company of New Hampshire for an operating license. Notice of this meeting was published February 23, 1983.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, March 31, 1983—1:00 p.m. Until the Conclusion of Business

Friday, April 1, 1983—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Public Service Company of New Hampshire; NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: March 8, 1983.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 83-6863 Filed 3-14-83; 8:45 am]
BILLING CODE 7590-01-M

POSTAL SERVICE

Privacy Act of 1974; Annual Publication

AGENCY: Postal Service.

ACTION: Annual Report and advance and final notices of records systems changes.

SUMMARY: As required by 5 U.S.C. 552a(e)(4), the Privacy Act of 1974, Pub. L. 93–579, this is the annual notice of the systems of records that are maintained by the Postal Service. The full text of the Postal Service's systems of records last appeared at 48 FR 1970, January 7, 1981 and at 47 FR 1199, January 11, 1982. This notice contains the systems amended since the January 11, 1982 publication along with those systems that were not published in the January 11, 1982 issue of the **Federal Register**. As a matter of reader convenience, it also provides the titles and numbers of those systems that appeared in the January 11, 1982 issue of the **Federal Register** that have not been amended. In addition, in the interest of providing complete, current information to the public in an easily accessible format, this document also provides final notice of several systems of records changes, and provides advance notice of certain other changes.

DATE: Parts 1, 2, and 4 are effective March 15, 1983. Comments on the proposed new routine uses in Part 3 must be received on or before April 14, 1983.

ADDRESS: Comments may be mailed to the Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West S.W., Washington, D.C. 20260, or delivered to Room 8121 at the above address between 8:15 a.m. and 4:45 p.m. Comments received may also be inspected during the above hours in Room 8121.

FOR FURTHER INFORMATION CONTACT: Martha Smith, (202) 245–5568.

SUPPLEMENTARY INFORMATION: The full text of the Postal Service's systems of records last appeared in part at 46 FR 1970, January 7, 1981, with the remainder appearing at 47 FR 1199, January 11, 1982. Also, on October 6, 1982 (47 FR 44183) an additional routine use to one system of records was proposed. In accordance with provisions of Privacy Act Implementaton guidelines issued by the Office of Management and Budget (40 FR 28961), the Postal Service has instituted a regular program of review of its recordkeeping practices. As a result of the latest review, the Postal Service has determined it is necessary to: (1) Publish final notice of the October 6, 1982 proposal; (2) make minor editorial corrections and revisions to several systems descriptions; and (3) provide notice of several proposed routine uses; and (4) delete a previously published system from the list of systems of records. To afford the reader the opportunity to view the proposed routine uses in the context of the total system description, the proposed routine uses (as set forth in Part 3) also appear in italics in the appropriate systems description listing. In addition, for purposes of continuity, proposed routine use 26 of USPS 050.020 which was published for comment in **Federal Register** notice 48 FR 2615, dated January 20, 1983, and has not yet been adopted is included in the systems description listing of this notice. Anyone wishing to comment on this proposed routine use should do so in accordance with the invitation for comments found in the 48 FR 2615 notice.

Postal Service regulations concerning the privacy of information appear in 39 CFR Part 266. The Postal Service systems of records which are exempt from certain provisions of the Privacy Act are listed in 39 CFR 266.9(b).

1. Final Notice—Routine Use of System of Records

On October 6, 1982, the Postal Service published for comment in the **Federal Register** (47 FR 44183) advance notice of a proposed routine use to replace present routine use No. 22 of system USPS 050.020, Finance Records—Payroll System. No comments on the proposal were received. The final notice of the adoption of this routine use follows:

In accordance with an Agreement reached between the Postal Service and the Office of Personnel Management (OPM) that discontinues Postal Service submission of data to OPM's Central Personnel Data File, the Postal Service will provide to OPM's Compensation Group certain personnel data elements to statistically project Federal retirement and insurance system costs and to produce summary statistics for reports of Federal employment. The final revision and the system to which it applies follows:

USPS 050.020, Finance Records—Payroll System, 050.020

Routine Uses of Records Maintained in the System, including categories of users and the purposes of such uses:

CHANGE ROUTINE USE 22 to READ: "22. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service computation date, retirement system, and FEGLI status) for use by OPM's Compensation Group. Data collected are not for the purpose of making determinations about specific individuals, but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment."

2. Editorial Corrections and Revisions

(a) The Postal Service has determined that it is necessary to make certain editorial corrections and revisions to various systems of records descriptions. These revisions do not reflect changes in the operations or functions of the systems. They are only changes to the descriptions themselves for the purpose of more accurately describing the records maintained. The following constitutes final notice of the necessary changes:

USPS 010.010

System name:

Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010.

Categories of individuals covered by the system:

CHANGE TO READ: "Postal customers requesting mail forwarding services from their local postal facilities and any postal customers who are victims of a disaster who have requested mail forwarding services through the Red Cross."

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

CHANGE PURPOSE TO READ: "(1) To provide mail forwarding and address correction services to postal customers who have changed address; and (2) To provide address information to the Red Cross about a postal customer who has been relocated because of a disaster."

USPS 050.020

System name:

Finance Records—Payroll System, 050.020.

Categories of individuals covered by the system:

CHANGE TO READ: "Current and former USPS employees and postmaster relief/replacement employees."

System manager:

CHANGE TO READ: "APMG, Finance Department and APMG, Employee Relations Department at Headquarters."

USPS 070.040

System name:

Inquiries and Complaints—Customer Complaint Records, 070.040.

Retrievability:

CHANGE TO READ: "For correspondence and computerized complaint cards, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by retrieval code and preprinted complaint card serial number.

Retention and disposal:

CHANGE TO READ:
"Correspondence records are retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additional year. Complaint cards are retained for 30 days. Computer records are retained for one year. Paper records are destroyed by shredding. Computer records are destroyed by erasing."

USPS 080.010

System name:

Inspection Requirements—Investigative File System, 080.010.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

CHANGE ROUTINE USE 2 to READ: "2. In the course of conducting any official investigation or during the course of a trial or hearing or the preparation of a trial or hearing, a record may be disseminated to an agency, organization, or individual when reasonably necessary to elicit information relating to the investigation, trial, or hearing or to obtain the cooperation of a witness or informant."

USPS 090.020

System name:

Non-Mail Services—Passport Application Records, 090.020.

Retention and disposal:

CHANGE TO READ: "Applicants' names and telephone numbers are retained at the post office for three months following the close of the postal quarter in which application was made."

USPS 100.050

System name:

Office Administration—Localized Employee Administration Records, 100.050

Record Source Categories:

CHANGE TO READ: "Individuals of Record."

USPS 110.010

System name:

Property Management Records—Accountable Property Records, 110.010

INCLUDE SYSTEM NUMBER TO READ: "110.010."

USPS 120.035

System name:

Personnel Records—Employee Accident Records, 120.035

Categories of individuals covered by the system:

CHANGE TO READ: "All postal employees who have an accident that results in property damage and/or an occupational injury or illness.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

CHANGE ROUTINE USE 4 TO READ: "4. Disclosure may be made to a court, claimant, party in litigation, or counsel for a claimant or party when necessary to facilitate settlement or attemps at settlement of claims involving the accident."

Safeguards:

CHANGE TO READ: "Maintained in closed file cabinets within secured facilities, and are also protected by computer password and tape or disk library physical security."

Retention and disposal:

CHANGE TO READ: "Records are disposed of when five years old following the end of the calendar year to which they relate (as required by OSHA).

USPS 120.070

System name:

Personnel Records—General Personnel Folders (Official Personnel Folders and records related thereto), 120.070

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

DELETE ROUTINE USE 2, and renumber remaining routine uses.

USPS 120.090

System name:

Personnel Records—Medical Records, 120.090.

Categories of records in the system:

CHANGE TO READ: Name, address and pertinent drug abuse and medical information, i.e., history, findings, diagnosis, and treatment, and medical findings related to employees' exposure to toxic substances.

Retention and disposal:

CHANGE TO READ: "Medical records considered to be permanent are maintained until employee is separated and then are sent to the nearest Federal Records Center for storage, or to another Federal agency to which the individual transfers employment. The records are maintained for 30 years from the date the employee separates from Federal service. Failed Eligibles—Retained for two years and destroyed by shredding."

USPS 120.098

System name:

Personnel Records—Office of Workers' Compensation Program (OWCP) Records Copies, 120.098

Retention and disposal:

CHANGE TO READ: "OWCP case files are maintained in the inactive file at the injury compensation unit for five years after employee has left the Postal Service. After the five-year period, the OWCP file will be placed in an inactive file until there are enough folders to fill a box and forward to the nearest Federal Records Center where they will be maintained for 25 years.

USPS 120.190

System name:

Personnel Records—Supervisors Personnel Records, 120.190

Categories of records in the system:

CHANGE TO READ: "Records consist of summaries or excerpts from the following other USPS personnel

systems: 120.030, 120.070, 120.151, 120.152, 120.153, 120.180, 120.210, as well as records of discipline. In addition, copies of other Postal Service records and records originated by the supervisor may be included at the supervisor's discretion."

USPS 120.240

System name:

Personnel Records—Garnishment Case Files, 120.240

System location:

CHANGE TO READ: "Law Department, Headquarters, Regional Counsel Offices, Regional Headquarters and the Minneapolis, New York, and San Bruno Postal Data Centers."

USPS 200.230 CHANGE TO READ: USPS 200.030

System name:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

(b) An editorial change is made to the routine use, as indicated, for each of the following systems of records to accurately reflect the organizational change resulting in the establishment of the Equal Employment Opportunity Commission and made pursuant to the Civil Service Reform Act. Each routine use is changed by deleting "United States Civil Service" and "5 CFR 713" and inserting "Equal Employment Opportunity" and "29 CFR 1613" in lieu thereof, respectively, for USPS 010.030 routine use 7; USPS 010.040 routine use 6; USPS 030.020 routine use 6; USPS 100.010 routine use 6; USPS 120.035 routine use 1; USPS 120.040 routine use 6; USPS 120.110 routine use 8; USPS 120.130 routine use 4; USPS 120.153 routine use 8; USPS 120.190 routine use 5; and USPS 120.210 routine use 7. In all cases, the routine use reads: "Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested records are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint."

3. PROPOSED ROUTINE USES

The Postal Service has determined that a few cases exist in which notice of long-standing routine uses have not previously been published for public comment. The notice of these routine uses and the systems to which they apply follows:

Transfer of Information to Carriers of Union-Sponsored Insurance Plans:

The Postal Service proposes to adopt and add a routine use "27" to system 050.020, Finance Record—Payroll System, which will permit the disclosure of records relating to individual union employees who have elected to participate in union-sponsored insurance plans. This new routine use will enable the Postal Service to disclose to the insurance carriers any relevant payroll information needed to implement such plans. The proposed routine use reads as follows: "27. To union-sponsored insurance carriers for the purpose of determining eligibility for coverage and payment of benefits under union-sponsored, nonfederal insurance plans and transferring related records as appropriate."

Transfer of Information to NIOSH and OSHA:

Executive Order 12196 directed the Secretary of Labor to issue various rules for Federal employee occupational safety and health programs (29 CFR Part 1960). Consequently, a rule was issued that requires the Postal Service to make available to NIOSH and OSHA any relevant records needed for the purpose of administering its program in accordance with the Executive Order. In order to comply, the Postal Service proposes to add routine use "10" to system 120.035, Personnel Records—Employee Accident Records. The proposed routine use reads as follows:

"10. May be disclosed to Compliance Safety and Health Officers or to Compliance Safety and Health Officers—Industrial Hygienists from the Occupational Safety and Health Administration, or to Industrial Hygienists from the National Institute for Occupational Safety and Health, when conducting announced or unannounced inspections or investigations of postal facilities."

Transfer information to foreign government officials:

From time to time, the Postal Service has received requests from foreign government officials for information from system 010.020, Collection and Delivery Records—Boxholder Records for the purpose of enabling them to carry out the law enforcement responsibilities of their government. The Postal Service, therefore, proposes to add a new routine use "9" to system 010.020 to permit disclosure of address information in response to legitimate foreign government requests for such purposes but only when such information is an address that is (1) outside of the United States and its territories and (2) within the territorial boundaries of the requesting foreign government. This routine use is permissive in nature—i.e., at the discretion of the Postal Service, and it is anticipated most likely to be of interest to neighboring governments. The proposed routine use reads as follows:

"9. Disclosure of address information may be made, upon prior written certification from a foreign government agency citing the relevance of the information to an indication of a violation or potential violation of law and its responsibility for investigating or prosecuting such violation, and only if the address is—(1) outside of the United States and its territories, and (2) within the territorial boundaries of the requesting foreign government."

4. Deletion of One System of Records

The Postal Service has, at the request of the Treasurey Department, discontinued over-the-counter sales of Series E Savings Bonds. Therefore, effective immediately, the systems of records concerning savings bonds application records, USPS 090.030, Non-Mail Service—U.S. Savings Bonds Application Records is deleted from the list of Postal Service systems of records. This constitutes the final notice of the deletion of this system.

Accordingly, the postal Service adopts the final changes made in Parts 1, 2, and 4 of this document and incorporates them in the text of the appropriate system of records below. For the sake of convenience, the routine use changes proposed in part 3 of the document also appear in the text of the appropriate system of records.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Annual Notice of Systems of Records

The following points are relevant to the annual notice of Postal Service systems of records provided in this document.

a. Most systems containing contract records, as well as other legal records relating to those contracts, are considered business records by the Postal Service, rather than systems of personal records, as that term is defined in the privacy Act. Accordingly, these systems are not listed.

b. All Postal Service records described in this list are subject to:

1. An order of a court of competent jurisdiction.

2. Review by Congress or one of its Committees or subcommittees upon request.

3. Disclosure only when relevant to the recipient's need and purpose.

c. The "routine use" portion of each system notice contains, as the first item, the system's "purpose." The "purpose" is included to provide clarity and promote understanding of the system by the layman. It may be defined as that activity performed by those officers and employees of the Postal Service who have a need for component records of the system in the performance of their duties. Disclosure accounting is not maintained by the Postal Service for any activity listed as a "purpose."

A complete description of the following systems of records was published in the **Federal Register** on January 11, 1982, (47 FR 1199). These systems have not been revised since that publication:

USPS 010.080, Collection and Delivery Records—Rural Carrier Routes, 010.080
USPS 030.010, Equal Employment Opportunity—EEO Discrimination Complaint Investigations, 030.010
USPS 030.030, Equal Employment Opportunity—EEO Administrative Litigation Case Files, 030.030
USPS 040.020, Customer Programs—Sexually Oriented Advertisements, 040.020
USPS 050.005, Finance Records—Accounts Receivable File Maintenance, 050.005
USPS USPS 050.010, Finance Records—Employee Travel Records (Accounts Payable), 050.010
USPS 050.040, Finance Records—Uniform Allowance Program, 050.040
USPS 070.010, Inquiries and Complaints—Correspondence Files of the Postmaster General, 070.010
USPS 080.020, Inspection Requirements—Mail Cover Program, 080.020
USPS 080.030, Inspection Requirements—Vehicular Violations Record System, 080.030
USPS 110.020, Property Management—Possible Infringement of USPS Intellectual Property Rights, 110.020
USPS 120.020, Personnel Records—Blood Donor Record System, 120.020
USPS 120.036, Personnel Records—Discipline, Grievance and Appeals Records for Non-Bargaining Unit Employees, 120.036
USPS 120.050, Personnel Records—Employee Suggestion Control, 120.050
USPS 120.060, Personnel Records—Employment and Financial Interest Records, 120.060
USPS 120.090, Personnel Records—Injury Compensation Payment Validation Records, 120.090
USPS 120.100, Personnel Records—Performance Awards System Records, 120.100
USPS 121.051, Personnel Records—Recruiting, Examining and Appointment Records, 120.151
USPS 120.170, Personnel Records—Safe Driver Award Records, 120.170
USPS 120.220, Personnel Records—Arbitration Case Files, 120.220
USPS 130.020, Philately—Educators Stamp Fun Mailing Lists, 130.020
USPS 150.025, Records and Information Management Records—Privacy Act Appeals System, 150.025
USPS 170.010, Statistical (Cost) Systems—Workload Reporting Records, 170.010
USPS 190.010, Litigation Records—Civil Action Case Files, 190.010
USPS 190.020, Litigation Records—National Labor Relations Board Administrative Litigation Case Files, 190.020
USPS 200.230, Non-Mail Monetary Claims—Tort Claims Records, 200.030
USPS 210.010, Contractor Records—Architect Engineers Selection Records, 210.010
USPS 210.030, Contractor Records—Employee Fingerprint Records, 210.030

The following are complete descriptions of those systems that have changed since the January 11, 1982 **Federal Register** publication and of those systems which last appeared in the January 7, 1981 Federal Register.

USPS 010.010

SYSTEM NAME:

Collection and Delivery Records—Address Change and Mail Forwarding Records, 010.010.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers requesting mail forwarding services from their local postal facilities and any postal customers who are victims of a disaster who have requested mail forwarding services through the Red Cross.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain customer name, old address, new mailing address, mail forwarding instructions, effective date, information as to whether the move is permanent or temporary and the customer's signature.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—(1) To provide mail forwarding and address correction services to postal customers who have changed address; and (2) To provide address information to the Red Cross about a postal customer who has been relocated because of a disaster, and address correction services to postal customers who have changed address.

Use—

1. Records about any named individual are made available to any member of public upon request.

2. Disclosure may be made to a congressional office from the record or an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

This source document is stored in filing cabinets at the delivery unit. They are filed alphabetically by name within month or quarter. Records generated from the source document are stored on cards or list forms or recorded on magnetic tape where central markup is computerized. These records are filed alphabetically by name and route number or zone.

RETRIEVABILITY:

This system of records is indexed by name and address. Information may be retrieved by route number or ZIP Code where a computerized system is in use.

SAFEGUARDS:

Access to an use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Source document retained for 1 year from effective date and then destroyed by shredding or burning.

b. Information on magnetic tape is retained for 1 year from effective date. At the end of that period, the tapes are erased.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Service Department, headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address, effective date of change order, route number (if known) and ZIP Code.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.020

SYSTEM NAME:

Collection and Delivery Records—Boxholder Records, 010.020.

SYSTEM LOCATION:

Post Office

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers who have applied for or expressed an interest in lockbox or caller services, whether for private or public use.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records are in printed or card form and contain name, addresses, telephone number, record of payment, lockbox service preference and the names of persons or agents whether family members, business associates, or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide post office box services to postal patrons.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosed to a Federal, State or local government agency upon prior written certification that the information is required for the performance of its official business.

3. Disclosed to persons authorized by law to serve judicial process when necessary to serve process.

4. Disclosed to public when box is being used for purpose of doing or soliciting business with the public.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. May be disclosed to a Federal or State agency providing parent locator services or to other authorized persons as defined by Public Law 93–647.

9. *Disclosure of address information may be made, upon prior written certification from a foreign government agency citing the relevance of the information to an indication of a violation or potential violation of law and its responsibility for investigating or prosecuting such violation, and only if the address is—(1) outside of the United States and its territories, and (2) within the territorial boundaries of the requesting foreign government.* (Proposed)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on printed or card form filed in metal cabinets. In locations where the records have been automated, information may be found on magnetic tape, magnetic cards or mylar strips.

RETRIEVABILITY:

Information is filed according to local needs, and the volume of records, Billing forms are filed numerically by box number within month in which rent is due. Applications are filed alphabetically by name of individual or firm.

SAFEGUARDS:

Acess limited to employees working in the boxholder section.

RETENTION AND DISPOSAL:

a. Billing forms are destroyed by shredding 2 years after closeout of the last entry.

b. Boxholder applications are retained for 2 years after termination of the rental.

c. Lockbox preference questionnaire forms are retained for six months after termination of survey.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Service Department.

APMG, Finance Department, Headquarters.

APMG, Rates & Classification Department, headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the local postmaster, requestors in person should identify themselves with drivers license, military, government or other form of identification.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.030

SYSTEM NAME:

Collection and Delivery Records—Carrier Drive-Out Agreements, 010.030.

SYSTEM LOCATION:

District Offices, Sectional Centers, Post Offices, Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Letter carriers who use privately owned vehicles to transport the mails pursuant to a valid agreement with the local postmaster.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in these records contain Route Number, name and address of carrier, social security number and effective dates of the agreement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1206.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide reimbursement to carriers driving their own vehicles.

Use—

1. Provide necessary tax information to Internal Revenue Service.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief

legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on preprinted forms, magnetic tape and computer printout reports.

RETRIEVABILITY:

The system is indexed by employees' social security number, pay location number and pay period.

SAFEGUARDS:

Normal precautions of filing equipment and limited access and the physical security measures of the computer facility.

RETENTION AND DISPOSAL:

Magnetic tape records are retained for two calendar years (January–December) and then deleted. Source forms are retained until a new or changed agreement and then destroyed by shredding or burning after 1 year.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters.

NOTIFICATION PROCEDURE:

A carrier wishing to know if there is information in this system of records concerning him should notify the post office worked of the pay periods the agreement was in force, the route worked, give his name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 010.040

SYSTEM NAME:

Collection and Delivery Records—City Carrier Route Records, 010.040.

SYSTEM LOCATION:

Postal Service Headquarters, Regional Headquarters, District Offices, Sectional Centers, Post Offices, Automatic Data Processing Centers, Postal Data Centers and ADP Contractor sites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Letter carriers, substitute carriers and flexible employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security account number, age, route number, length of service, leave time and whether or not a transportation agreement exits. It also includes information pertaining to work load, work schedule, performance analysis and individual's work habits. Inspection reports of employees, work load and work load adjustments. Employee and Examiner's comments on route adjustments and inspections. Statistical engineering record of carrier and route characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To assist management in evaluating mail delivery and collection operations and administering these functions efficiently.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is contained on printed forms, computerized media, computer printouts.

RETRIEVABILITY:

The system is indexed by route number, employee name, or postal facility name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Route inspection records are retained for 2 years where inspections are made annually or more frequently, and for 5 years where inspections are made less than annually. Disposal of records is by shredding or burning.

b. Other records in system are retained for a period of up to 1 year depending upon the criticality of the information and then destroyed by shredding or burning.

c. Statistical engineering records are retained for 5 years and then further retained on a year-by-year basis as specifically justified.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters; SAPMG Operations Group, Headquarters (Statistical Engineering Records).

NOTIFICATION PROCEDURE:

Inquiries should contain employees name and social security number, specify the type of information being requested, and forwarded to post office where employed.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

From employees, carrier supervisors, and route inspectors.

USPS 010.050

SYSTEM NAME:

Collection and Delivery Records—Delivery of Mail Through Agents, 010.050.

SYSTEM LOCATION:

Sectional Centers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customer requesting delivery of mail through an agent and the agent to whom the mail is to be delivered.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain the name and address of customer, name and address of agent and the signatures of both parties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—It serves as the written authority for the delivery of mail other than as addressed.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained in file cabinets on pre-printed forms.

RETRIEVABILITY:

Forms are filed by customer name.

SAFEGUARDS:

Access is limited to postal employees in the delivery section.

RETENTION AND DISPOSAL:

Records are maintained until contract is terminated then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department.

NOTIFICATION PROCEDURE:

Submit to local postmaster proof of personal identity and name.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Co-signers of the request for delivery of mail through an agent.

USPS 010.070

SYSTEM NAME:

Collection and Delivery Records—Mailbox Irregularities, 010.070.

SYSTEM LOCATION:

District Offices, Sectional Centers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal Service customers whose mailbox does not comply with USPS standards and regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information consists of the reports of irregularities as submitted by the carrier or route inspector, the name and address of customer and the date and signature of the postmaster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide for the efficient delivery of the mail.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information is recorded on pre-printed forms.

RETRIEVABILITY:

Information is organized around route number.

SAFEGUARDS:

File in cabinets and access is limited to those USPS personnel having a working requirement.

RETENTION AND DISPOSAL:

Retained for one year after completed action and destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters.

NOTIFICATION PROCEDURES:

Information may be obtained from the local postmaster, by presenting

identification as to name and address and zip code.

RECORD ACCESS PROCEDURES:

Make request of the local postmaster.

CONTESTING RECORD PROCEDURES:

Make request of the local postmaster.

RECORD SOURCE CATEGORIES:

Carrier or route inspector.

USPS 020.010

SYSTEM NAME:

Communications (Public Relations—Biographical Summaries of Management Personnel for Press Release, 020.010.

SYSTEM LOCATION:

Office of Public and Media Relations, Headquarters.

Office of Communications and Public Affairs, Regional Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS executives, directors and managers to include regional staff officers, division directors, district managers, sectional center managers and other key management officials who may have frequent contact with news media or public speaking engagements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical summaries on sheets of paper plus photographs. Summaries include information as to present title and responsibility, length of service, age, place of birth, marital status and participation in local community activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose and Routine.

Use—

1. To provide the public with background information on postal management personnel in connection with public relations matters such as speaking engagements, media appearances, appearances before civic, fraternal, and employee organizations.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained on regular bond paper in file cabinets.

RETRIEVABILITY:

Information is filed by name and title.

SAFEGUARDS:

File cabinets are located in communications offices where information is available only to individuals having a need for access.

RETENTION AND DISPOSAL:

a. Biographical sketches maintained at regions are retained while the individual is assigned within the region. If individual is promoted to or assigned to a position within the USPS outside the Region, biographical information is forwarded to the appropriate Public Affairs office; if employment with the USPS is terminated, the sketch is destroyed by shredding.

b. Biographical sketches maintained at USPS, Washington, D.C., are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee and Public Communications, Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should contain name and position held and presented to the Manager of Communications and Public Affairs where currently, or previously, employed.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains.

USPS 030.020

SYSTEM NAME:

Equal Employment Opportunity—Equal Employment Opportunity Staff Selection Records, 030.020.

SYSTEM LOCATION:

Employee Relations Department, Headquarters, Regional Headquarters, Federal Records Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates considered by Promotion Boards for EEO staff position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of candidate, level, address, service computation date, date of birth, Social Security Number, postal background, personal information required to assess employee qualifications for position, estimate of potential and record of members of Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 1001, Executive Orders 11478 and 11590.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide headquarters with information needed to complete selection process.

Use—

1. USPS Promotion Board reviews these records to determine applicant's eligibility for appointment.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any state of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal compliant of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

7. Inactive records may be transferred to a GAS Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Forms, paper files.

RETRIEVABILITY:

Name of applicant and pay location.

SAFEGUARDS:

Maintained in locked file cabinets within secured facility.

Name of applicant and pay location.

RETENTION AND DISPOSAL:

Records are transferred to the Federal Records Center and maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the head of the facilities where application was made. Inquiries should contain full name, position applied for, the date the Promotion Board met and Social Security Number.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Employee, and employee personnel data.

USPS 040.010.

SYSTEM NAME:

Customer Programs—Memo to Mailers Address File, 040.010.

SYSTEM LOCATION:

USPS Headquarters, Customer Services Department and at a contractor site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subscribers to Memo to Mailers monthly newsletter.

CATEGORIES OF RECORDS IN THE SYSTEM:

Subscribers' mailing addresses and status of membership in Postal Customers Councils.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To prepare mailing labels for the monthly mailing of Memo to Mailers.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and computer printout.

RETRIEVABILITY:

Records are maintained by subscriber's name, city, state and ZIP Code.

SAFEGUARDS:

The list contractor is forbidden by contract to use the list for any other means than to produce mailing labels for the U.S. Postal Service.

RETENTION AND DISPOSAL:

The master file is maintained indefinitely, and is updated each month.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER and supply their name and address.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION PROCEDURE" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION PROCEDURE" above.

RECORD SOURCE CATEGORIES:

Subscribers, Postmaster, USPS Customer Service Representatives.

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System, 050.020.

SYSTEM LOCATION:

Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees and postmaster relief/replacement employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain general payroll information including retirement deduction, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1003, 5 U.S.C. 8339.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.

2. To provide information to USPS Management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection committee and Regional Postmasters General.

3. To compile various lists and mailing lists, i.e., Postal Leader, Women's Programs, Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Non-Bargaining Positions Evaluations of Probationary Employees, Merit Evaluation, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs, and to generate retirement eligibility information and analysis of employees in various salary ranges.

Use—

1. Retirement Deduction—To transmit to the Office of Personnel Management a roster of all USPS employees under Title 5 USC, Section 8334, along with a check.

2. Tax information—To disclose to Federal, State and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdiction.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W–2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizaions—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FI (SS Tax) Deduction—To SS Administration as record of earnings under the SS act for all casual employees not under retirement.

7. Determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

8. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and authorizing payment of that amount and transfer related records as appropriate.

9. Transfer to Office of Workers' Compensation Program. Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Progarms, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

10. Transfer earnings information under the Civil Service Retirement System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

11. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

12. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program.

13. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

14. To request or provide information from or to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefits.

15. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

16. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

17. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

18. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

19. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

20. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

21. Inactive reccords may be transferred to a GSA Federal Records Center prior to destruction.

22. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service computation date, retirement system, and FEGLI status) for use by OPM's Compensation Group. Data collected are not for the purpose of making determinations about specific individuals but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment.

23. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

24. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

25. May be disclosed to a Federal or State agency providing parent locator services or to other authorized persons as defined by Pub. L. 93–647.

26. *(Temp.) Disclosure of information about postal employees on the employment rolls of the Philadelphia, Pennsylvania, School District (PSD) may be made to the PSD for a one-time comparison with the PSD's time/attendance/payment files. (Note: this routine use will be in effect for a period of one year from its effective date.)* (Proposed)

27. *To union-sponsored insurance corriers for the purpose of determining eligibility for coverage and payment of benefits under union-sponsored, nonfederal insurance plans and transferring related records as appropriate.* (Proposed)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

RETRIEVABILITY:

These records are organized by location, name and social security number.

SAFEGUARDS:

Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

RETENTION AND DISPOSAL:

Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department and APMG, Employee Relations Department at Headquarters.

NOTIFICATION PROCEDURE:

Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

Information is furnished by employees, supervisors and the Postal Source Data System.

USPS 060.010

SYSTEM NAME:

Fraud and False Representation Records—Consumer Protection Case Records, 060.010.

SYSTEM LOCATION:

Consumer Protection Office, Law Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Respondents in proceedings initiated pursuant to 39 U.S.C. 3005; names of attorneys representing parties; assigned Postal Inspectors; and promoter of scheme.

CATEGORIES OF RECORDS IN THE SYSTEM:

Describes and provides history of the above and identifies interested parties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 3005.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Ready reference source for determining status of pending case and identification of postal employees most familiar therewith.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record or an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on printed forms.

RETRIEVABILITY:

Records are maintained by an alphabetic indexing by name of respondent.

SAFEGUARDS:

Records are maintained in closed filing cabinets under general scrutiny by personnel of the Law Department.

RETENTION AND DISPOSAL:

Records in this system are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel, Consumer Protection Office, Law Department, USPS Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to the above SYSTEM MANAGER. Inquiries should contain full name, name by which respondent in proceeding may have been designated; approximate time period in which proceedings may have been initiated.

RECORD ACCESS PROCEDURES:

See SYSTEM MANAGER above.

CONTESTING RECORD PROCEDURES:

See SYSTEM MANAGER above.

RECORD SOURCE CATEGORIES:

Complaints, correspondence between parties involved and Postal Inspection Service investigative reports.

USPS 060.020

SYSTEM NAME:

Fraud and False Representation Records—Prohibitory Order, 060.020.

SYSTEM LOCATION:

Consumer Protection Office, Law Department, Headquarters, Postal Service Centers, Regional Headquarters, Sectional Management Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons requesting prohibitory orders, the mailers against whom such orders are issued.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for prohibitory orders, the mailing upon which request is predicated, the issued order and the registered mail receipt signed by mailer against whom order was issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 3008.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To process request of an order to prohibit pandering advertisement and to determine whether violations of orders have occurred. Used by Consumer Protection Office and Regional Counsel to investigate violations of postal statutes.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in letter form, handwritten and typed.

RETRIEVABILITY:

Data may be found by prohibitory order number or by name of person requesting order.

SAFEGUARDS:

Records are maintained in closed filing cabinets.

RETENTION AND DISPOSAL:

Information is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel, Consumer Protection Office, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Name and address of person requesting prohibitory order should be furnished the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Persons requesting prohibitory orders.

USPS 070.020

SYSTEM NAME:

Inquiries and Complaints—Government Officials' Inquiry System 070.020.

SYSTEM LOCATION:

Government Relations Department, USPS Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, applicants for employment, contractors, lessors, and customers who have written to nonpostal government officials, congressmen and other government officials corresponding with the USPS in behalf of postal customers/employees and various individuals to whom Postal Service announcements/greetings are directed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information stemming from correspondence described above, and lists of individuals for announcements/greetings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide USPS officials with the means of responding to inquiries from and/or for other government officials and to serve as a work load reporting system for which a description appears as USPS 170.010.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In original, typed, printed, or handwritten form and on magnetic tape/disk and computer printouts.

RETRIEVABILITY:

Subject category as derived from correspondence and the name of the inquirer and/or official inquiring in his/her behalf.

SAFEGUARDS:

Records are maintained in closed file cabinets under general scrutiny of personnel of Government Relations Department. Computer readable media are maintained in a secured data processing facility.

RETENTION AND DISPOSAL:

Paper records are maintained for four years and then destroyed by shredding; magnetic tape/disk records are kept for three years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Government Relations Department, USPS Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the above System manager. Inquiries should contain full name, the name of the government official to whom he wrote, the nature of his inquiry and the approximate date.

RECORD ACCESS PROCEDURES:

See Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See Notification Procedure above.

RECORD SOURCE CATEGORIES:

Nonpostal government officials.

USPS 070.040

SYSTEM NAME:

Inquiries and Complaints—Customer complaint records, 070.040.

SYSTEM LOCATION:

Consumer advocate USPS, Regional and National Headquarters, District Officers, Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS customers who have initiated complaints against the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

The complainant's name, address, and nature of the specific complaint, and resolution of same. Includes general correspondence and complaint cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To process USPS customer complaints regarding mail services.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation, or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in original typed, printed, handwritten or computer printed form and on magnetic tape.

RETRIEVABILITY:

For correspondence and computerized complaint cards, by chronological sequence within subject category as derived from correspondence and the name of inquirer or complainant. For complaint cards, chronologically by retrieval code and preprinted complaint card serial number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets. Computer records are subject to the security of the computer room.

RETENTION AND DISPOSAL:

Correspondence records retained up to a maximum period of two calendar years. All correspondence is retained during the calendar year received, plus one additional year. Complaint cards are retained for 30 days. Computer records are retained for one year. Paper records are destroyed by shredding. Computer records are destroyed by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquires to the same facility to which they submitted their complaint. Inquiries concerning complaint cards should include the date and card serial number.

RECORD ACCESS PROCEDURES:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

USPS customers.

USPS 080.010

SYSTEM NAME:

Inspection Requirements Investigative File System 080.010.

SYSTEM LOCATION:

Chief Postal Inspector, Headquarters; Inspection Service Regional Headquarters; Division Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons related to investigations, including subjects of investigations, complainants, informants, witnesses, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of investigations conducted in criminal, civil, and personnel suitability background matters, and information in various forms received from individuals, other law enforcement agencies and from the public, including information compiled for the purpose of identifying criminal offenders and reports identifiable to individuals. Personal information in this system may include fingerprints, handwriting samples, reports of confidential informants, physical identifying data, voiceprints, polygraph tests, photographs, and individual personnel and payroll information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide information related to investigation of criminal matters: employee and contractor background investigations or other inspection service activities. Use—A record maintained in this system of records may be disseminated as a routine use of such records as follows:

1. In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementating such law;

2. In the course of conducting any official investigation or during the course of a trial or hearing or the preparation of a trial or hearing, a record may be disseminated to an agency, organization or individual when reasonably necessary to elicit information relating to the investigation, trial or hearing or to obtain the cooperation of a witness or informant.

3. A record relating to a case of matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

4. A record relating to a case or matter may be disseminated in an appropriate Federal, State, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

5. A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

6. A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

7. A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction may be disseminated to a Federal, State, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation or release of such a person.

8. A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

9. A record may be disseminated to a Federal, State, local, foreign or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

10. A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

11. A record from this system may be disclosed to the public, news media, trade associations, or organized groups to provide information of interest to the public concerning the activities and the

accomplishment of the Postal Service or its employees;

12. A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return.

13. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

14. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

15. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

16. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

17. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

18. To provide members of the American Insurance Association Index System with certain information relating to accidents and injuries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Information is collected on handwritten documents and certain investigative material is automated.

RETRIEVABILITY:

Information is located by the name of the individual.

SAFEGUARDS:

Investigative records are maintained in locked file cabinets, safes, or secured areas under the scrutiny of Inspection Service personnel who have been subjected to security clearance procedures. Access is further restricted by computer passwords.

RETENTION AND DISPOSAL:

1. Case records are maintained for 1 to 15 years depending upon type. Exceptions may be granted in specific instances for longer retention. Paper case records are destroyed by burning, pulping or shredding. Computer tape/disk records are erased or destroyed. Duplicate copies of investigative memoranda maintained by postal officials other than the Inspection Service are retained in accordance with official but not Inspection Service disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Postal Inspector, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is contained in this system of records or if they were the subject of an investigation should furnish the SYSTEM MANAGER sufficient identifying information to distinguish them from other individuals of like name; identifying data will include name, address, type of investigation, dates, places and the individuals involvement.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Personal interviews, written inquiries, and other records concerning persons involved with an investigation whether subjects, applicants, witnesses, references, or custodians of record information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 090.020

SYSTEM NAME:

Non-Mail Services—Passport Application Records, 090.020.

SYSTEM LOCATION:

Eight-hundred (800) Post Offices in all states except New Jersey.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons applying for passports.

CATEGORIES OF RECORDS IN THE SYSTEM:

Passport applications, name, telephone number and services rendered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 411, 22 U.S.C. 214.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

Purpose—To process the application of passports.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. Records may be transferred to the State Department.

3. Pursuant to the National-Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on printed forms in hard copy.

RETRIEVABILITY:

By name of applicant and by postal accounting quarter.

SAFEGUARDS:

Information in this system of records is maintained in file cabinets in the Accounting Unit.

RETENTION AND DISPOSAL:

Applicants names and telephone numbers are retained at the post office for three months following the close of the postal quarter in which application was made.

SYSTEM MANAGER(S) AND ADDRESS:

APMG Delivery Services Department.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address

inquiries to the postmaster of the post office where a passport application was made. Inquiries should contain full name and date of application. (NOTE: The original case file is maintained by Department of State and must be requested from that organization as provided for under Department of State Privacy Act system for passport information.)

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the applicant.

USPS 100.010

SYSTEM NAME:

Office Administration—Carpool Coordination/Parking Records System, 100.010

SYSTEM LOCATION:

Procurement and Supply Department, Headquarters and various field installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees, other building tenants, and other individuals who are members of carpools with USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, letters of violations, letters of suspensions, payment data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Provide parking and carpooling services to employees.

Use—

1. To provide each employee of Headquarters, USPS, who desires to join or establish a carpool with the listing of employees who live in his/her ZIP Code area.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms and magnetic tape/disc.

RETRIEVABILITY:

Carpool member name and ZIP Code, space or license number.

SAFEGUARDS:

Folders containing paper documents are maintained in locked file cabinets to which only authorized personnel have access. Computer equipment is located in secured area, and magnetic tape/dics files are kept in locked steel cabinets.

RETENTION AND DISPOSAL:

All carpool and parking service records are retained for a period of six months following termination of service. At the end of retention period, paper records are destroyed by shredding and tape/disc records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

AMPG, Procurement and Supply Department Headquarters, Executive Manager, PST & DI Center.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager where employed.

RECORD ACCESS PROCEDURES:

See Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See Notification Procedure above.

RECORD SOURCE CATEGORIES:

From carpool and parking service applicants/users.

USPS 100.020

SYSTEM NAME:

Office Administrative—Customer Services Communicator Letter. 100.020.

SYSTEM LOCATION:

Customs Services Department, Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Headquarters and Regional Customer Services personnel, District Managers, District Directors of Customer Services, Sectional Center Directors of Customer Services, BMC General Managers and Customer Engineers, selected postmasters and requesters, Customer Services representatives, Sectional Center Managers of Retail Sales and Services, Post Office Managers of Customer Services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and home/business address of employees receiving newsletter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To distribute a sales and marketing newsletter to Postal Service Customer services employees.

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Services is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Addressograph plates, magnetic tape, computer printouts and paper forms.

RETRIEVABILITY:

Name of recipient of communicator letter.

SAFEGUARDS:

Addressograph plates and paper forms are kept in closed file cabinets

accessible only by authorized customer services personnel. Magnetic tapes and computer printouts are maintained in a secured ADP facility.

RETENTION AND DISPOSAL:

Records are maintained on a year-to-year basis subject to reverification each year. At the end of retention period, paper records are shredded, computer records are erased, and addressograph plates are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Postmaster General, Customers Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where they are employed.

RECORD ACCESS PROCEDURES:

See Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See Notification Procedure above.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from payroll system and in-house listings of interested readers.

USPS 100.050

SYSTEM NAME:

Office Administration—Localized Employee Administration Records, 100.050.

SYSTEM LOCATION:

Western Region Headquarters and other field facilities as designated by the facility head.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Facility employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, various information associated with work location, home address, emergency contact point, and other information as locally required.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purposes—Provides readily available information on employees for various routine administrative purposes such as work location identification, emergency locating and home mailings. Use—

1. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issued involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, computer disc.

RETRIEVABILITY:

Employee name, organization, pay location, finance number, others as locally required.

SAFEGUARDS:

Paper records kept in locked files, computerized disk files password protected.

RETENTION AND DISPOSAL:

Records about individual employees will be destroyed within 6 months of employment termination at that facility. Lists generated from computerized systems will be destroyed upon the generation of a subsequent more current list.

SYSTEM MANAGER(S) AND ADDRESS:

Facility head.

NOTIFICATION PROCEDURE:

Inquiries should contain employee's name and be addressed to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individuals of record.

USPS 110.010

SYSTEM NAME:

Property Management Records—Accountable Property Records, 110.010.

SYSTEM LOCATION:

All USPS Components.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees assigned accountable property.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records controlling the issuance of accountable Postal Service Property, such as equipment credentials and controlled documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide a record of accountable property on hand and to whom it has been assigned.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate law enforcement agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative

coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on printed forms.

RETRIEVABILITY:

Name of recipient of accountable property and types of equipment.

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

As long as individual is charged with equipment, records are returned to individual when he is no longer accountable.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Chief Postal Inspector, Headquarters, (2) APMG, Procurement and Supply Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in the system should address inquiries to the Custodian in the facility where assignment was made. Headquarters employees should submit request to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained by the individual to whom the record pertains.

USPS 120.035

SYSTEM NAME:

Personnel Records—Employee Accident Records, 120.035

SYSTEM LOCATION:

Safety offices in any USPS facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All postal employees that have an accident that involves 100 dollars or more damage and/or an occupational injury or illness

CATEGORIES OF RECORDS IN THE SYSTEM:

All postal employees who have an accident that results in property damage and/or an occupational injury or illness

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Laws 91–596 and 94–82, Executive Orders 11807.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide data for analytical studies.

Use—

1. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

2. To furnish the U.S. Department of Labor with serious accident reports, information to reconcile claims filed with the Office of Worker's Compensation and quarterly and annual summaries of occupational injuries and illnesses; and to make information available to the Secretary of Labor upon his request.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. Disclosure may be made to a court, claimant, party in litigation, or counsel for a claimant or party when necessary to facilitate settlement or attempts at settlement of claims involving the accident.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its requests when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

10. *May be disclosed to Compliance Safety and Health Officers or to Compliance Safety and Health Officers—Industrial Hygienists from the Occupational Safety and Health Administration, or to Industrial Hygienists from the National Institute for Occupational Safety and Health, when conducting announced or unannounced inspections or investigations of postal facilities.* (Proposed)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on index cards, magnetic tape, preprinted forms and computer print-outs.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Maintained in closed file cabinets with insecured facilities, and are also

protected by computer password and tape or disk library physical security.

RETENTION AND DISPOSAL:

Records and disposed of when five years old following the end of the calendar year to which they relate (as required by OSHA).

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the SYSTEM MANAGER. Inquiries should contain full name, address, finance number and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

USPS Accident Reports and OWCP claim forms

USPS 120.040

SYSTEM NAME:

Personnel Records—Employees Job Bidding Records, 120.040

SYSTEM LOCATION:

Most departments, facilities and certain contractor sites of the Postal Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have made a "Bid for Preferred Assignment" with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Knowledge of schemes, vacant position characteristics, seniority of the employee, level of the candidate, and craft.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001,1206.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide the Office of Personnel with fair and impartial information to match vacant position to the most qualified candidate.

Use—

1. To provide information for official bulletin boards and release to various employee organizations.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

This system is indexed by employee name and Social Security Number.

SAFEGUARDS:

Computer center access control and limitation within offices to those employees maintaining the system.

RETENTION AND DISPOSAL:

Computer records are saved two years, then automatically deleted. Paper records are kept six months after a vacancy is filled, then destroyed. Some records are retained until employee separation.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

The employee should state the position of bid and identify himself with name, Social Security Number, closing date of the bid notice, and forward this information to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

RECORDS ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Employee personnel data, scheme knowledge, qualifications of the job and of the candidate, successful bidders notices from vacant duty assignment postings.

USPS 120.070

SYSTEM NAME:

Personnel Records—General Personnel Folder (Official Personnel folders and records related thereto), 120.070.

SYSTEM LOCATION:

Personnel Offices of all USPS facilities; St. Louis Personnel Records Centers, E&LR Information Centers and National Test Administration Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications, resumes, merit evaluations, promotion/salary change and other personnel actions, letters of commendation, records of disciplinary actions, letters of commendation, records of disciplinary action, health benefit and life insurance elections and other documents pertaining to preemployment, prior Federal employment and current service as prescribed by USPS directives.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1001, 1005 42 U.S.C. 2000e–16. Executive Orders 11478 and 11590.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by administrators in Personnel Office and by individual employee superviors to perform routine personnel functions.

Use—

1. To provide information to a prospective employer of a USPS employee or former USPS employee.

2. To provide statistical reports to Congress, agencies, and the public on characteristics of the USPS work force.

3. To provide information or disclose to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary.

4. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statue, or rule, regulation or order issued pursuant thereto.

6. To provide data for the compliation of a local seniority list that is used by management to make decisions pertaining to appointment and assignments among craft personnel. The list is posted in local facilities where it may be reviewed by USPS employees.

7. Transfer to the OPM upon retirement of an employee for processing retirement benefits.

8. May be disclosed to the Office of Management and Budget in connection with the review of private relief. legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

10. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressinal office made at the request of that individual.

11. Disclosure may be made from the record of an individual, where pertient, in any legal proceeding, to which the Postal Service is party before a court or administrative body.

12. Disclosure of relevant and necessary information pertaining to an employee's participation in health, life insurance and retirement programs may be made to the Office of Personnel Management and private carriers for the provision of related benefits to the participant (also see USPS 050.020).

13. Disclosure of minority designation codes may be made to the Equal Employment Opportunity Commission for the oversight and enforcement of Federal EEO regulations.

14. Disclosure of records of discipline relating to individual employees may be made to State Employment Security Agencies at the initial determination level of the unemployment compensation claim process.

15. Disclosure may be made to the Merit Systems Protection Board from the record of an individual to the extent that the information is relevant and necessary to a decision on appeal over which the Board has jurisdiction.

16. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the request record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

17. Inactive folders are transferred to the GSA National Personnel Records Center for storage.

18. Information pertaining to an employee who is a retired military officer will be furnished to the appropriate service finance center as required under the provisions of the Dual Compensation Act.

19. May be disclosed to a Federal or State agency, providing parent locator services or to other authorized persons as defined by Pub. L. 93–647.

20. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, preprinted forms, Official Personnel Folders, magnetic tape and other computer storage devices.

RETRIEVABILITY:

Employee name and location of employment and social security number.

SAFEGUARDS:

Folders are maintained in locked cabinets to which only authorized personnel have access and are also protected by computer passwords and tape or disc library physical security.

RETENTION AND DISPOSAL:

(1) Official Personnel Folder (OPF) Records considered to be permanent are maintained until employee is separated, and then are sent to the National Personnel Records Center, St. Louis, for storage, or to another Federal agency to which the individual transfers employment. Most records considered to be temporary are destroyed one year after creation. (2) Records Related Thereto—Refer to official Postal Service disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to gain access to their Official Personnel Folders should submit requests to the facility head where employed. Headquarters employees should submit requests to the System Manager. Former Postal Service employees should submit request to any Postal Service facility head giving name, date of birth and social security number. Former Post Office Department employees having no Postal Service employment (prior to July 1971) should submit the request to the Office of Personnel Management (formerly the U.S. Civil Service Commission).

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Individual employee, personal references, former employers and USPS 050.020 (Finance Records—Payroll System).

USPS 120.090

SYSTEM NAME:

Personnel Records—Medical Records, 120.090.

SYSTEM LOCATION:

Postal Service medical facilities and designee offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees present and former and individuals who have been offered

employment but failed the medical examination before being placed on the rolls, and employees of other agencies that have entered into an agreement with the Post Service to perform medical services for the agencies employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, and pertinent medical and drug abuse information, i.e., history findings, diagnosis, and treatment, and medical findings related to employees' exposure to toxic substances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of system: 39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide employees with necessary health care and to determine fitness for duty.

Use—

1. Information in these records may be provided to the Office of Personnel Management in making determinations related to:

a. Veterans Preference
b. Disability Retirement
c. Benefit Entitlement

2. Information on these records may be provided to officials of the following Federal agencies responsible for administering benefit programs:

a. Office of Workers' Compensation Programs
b. Retired Military Pay Centers
c. Veterans Administration
d. Social Security Administration

3. Information in these records is used or a record may also be used:

a. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

b. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

c. Used as a record in line of duty injury cases and referred to Public Health Service, HEW.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Records in this system may be disclosed to an employee's private treating physician and to medical personnel retained by the Postal Service to provide medical services in connection with an employee's health or physical condition which is related to his or her employment.

8. May be disclosed to an outside medical service when that organization performs the physical examinations and submits the evaluation to the Postal Service pursuant to a contract with the USPS as part of an established Postal Service health program; for the purpose of determining a postal employee's fitness for duty.

9. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

10. May be disclosed to the Occupational Safety and Health Administration, Department of Labor when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19.

11. May be disclosed to the National Institute of Occupational Safety and Health when needed by that organization to perform properly its duties in accordance with 29 CFR Part 19.

12. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms and paper files.

RETRIEVABILITY:

Records are retrieved by employee name.

SAFEGUARDS:

Maintained in locked files.

RETENTION AND DISPOSAL:

Medical records considered to be permanent are maintained until employee is separated and then are sent to the nearest Federal Records Center for storage, or to another Federal agency to which the individual transfers employment. The records are maintained for 30 years from the date the employee separates from Federal Service. Failed Eligibles—Retained for two years and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

An employee wishing to know whether information about him is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Failed eligibles should address inquiries to the head of the facility where application for employment was made. Inquiries should contain full name.

RECORD ACCESS PROCEDURE:

Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

USPS employees, selected eligibles, Veterans Administration and USPS medical staff.

USPS 120.098

SYSTEM NAME:

Personnel Records—Office of Workers' Compensation Program (OWCP), Record Copies 120.090.

SYSTEM LOCATION:

All postal facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal employees who have voluntarily filed for injury compensation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of Department of Labor forms consisting of claims and supporting information, Postal Service forms and correspondence related to the claim;

automated payment and accounting records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 1005.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide injury compensation to qualifying employees and to maintain a record of the events as a basis for managerial decisions.

Use—

1. To provide information to the Department of Labor for the purpose of determining whether a claimant qualifies for compensation and to what extent qualification applies.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly it duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court on administrative body.

6. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms and correspondence (Note: In some cases, the USPS by agreement with the Department of Labor (DOL), temporarily stores original case files. These files are considered to be DOL records to which DOL rather than USPS regulations apply.) Continuation of pay and DOL charge-back information is stored on computer media.

RETRIEVABILITY:

Records are retrieved alphabetically by name and social security number.

SAFEGUARDS:

Maintained in locked filing cabinets within the exclusive custody of the injury compensation control point. Automated records are protected through computer password security, encryptions, and/or a computer software security system.

RETENTION AND DISPOSAL:

OWCP case files are maintained in the inactive file at the injury compensation unit for five years after employee has left the Postal Service. After the five-year period, the OWCP file will be placed in an inactive file until there are enough folders to fill a box and forward to the nearest Federal Records Center where they will be maintained for 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department and APMG, Finance Department Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility—where employed. Headquarters employees should submit requests to the System manager.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above. (Note: The original case file (in most cases) is maintained by OWCP and must be requested from that organization as provided for under Department of Labor Privacy Act System DOL/EAS–13.)

CONTESTING RECORD PROCEDURES:

The contents of OWCP records may be contested only by contacting OWCP as provided for under the Department of Labor Privacy Act System DOL/EAS–13.

RECORD SOURCE CATEGORIES:

Information is obtained from the claimant, the supervisor, witnesses, physicians, and Department of Labor.

USPS 120.110

SYSTEM NAME:

Personnel Records—Preemploy Investigation Records, 120.110.

SYSTEM LOCATION:

Post Offices/Facilities; Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal Employees and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Replies from character references, former employers and local police records, drug history records and other investigative reports used to determine suitability for employment. Other records filed with these are: Civil Service Commission records (privacy system—CSC/GOVT–4) compiled through a National Agency Check and Inquiry (NACI) and forwarded to the USPS for assistance in making a hiring decision.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 USC 410(b), 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To determine suitability for employment.

Use—

1. To any agency from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

2. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charge with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

3. To a Federal agency, in response to its request, in connection with the letting of a contact, or the issuance of a license

grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on matters.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform property its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal compliant of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained on preprinted forms and correspondence.

RETRIEVABILITY:

Information is indexed alphabetically by name.

SAFEGUARDS:

Information is stored in locked file cabinets accessible to those with an appropriate security clearance.

RETENTION AND DISPOSAL:

a. If an applicant is found unsuitable for employment, or if an employee is found unsuitable after he has begun work, all local investigative records which support the decison of unsuitability will be retained for a period of two years from the date action was taken to deny or terminate employment. b. If an employee is initially found suitable for employment as result of a local investigation, and is ultimately retained upon receipt of the NACK report from the Civil Service Commission, the local investigative reports will be retained for a period of two years from the date the employee is initially found suitable for employment. c. CSC NACI reports are retained in the same fashion as local investigative records.

SYSTEM MANAGER(S) AND ADDRESS:

APMG. Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Apply to the head of the postal facility where employed giving name. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

a. Local Investigative records—Apply to the head of the postal facility where employed. Headquarters employees should submit requests to the System manager. b. CSC NACI reports—Apply to the Civil Service Commission as instructed by privacy system. CSC/GOVT–4.

CONTESTING RECORD PROCEDURES:

See Record access procedure above.

RECORD SOURCE CATEGORIES:

Information is obtained primarily from local police records, former employees, and character reference.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.120

SYSTEM NAME:

Personnel Records—Personnel Research and Test Validation Records, 120.120.

SYSTEM LOCATION:

USPS National Tests Administration Center, Los Angeles, CA; USPS National and Regional Headquarters; Bulk Mail Centers; District Offices; and the Oklahoma City Computer Center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for postal employment and USPS employee applicant for reassignment and/or promotion.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer scannable information and the applicants' answers to the test questions. Reports and analyses that have resulted from comparison of information from this system and from system USPS 120.121.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide verification of the applicants' test score. Data are collected whenever an examination is given and are used for construction, analysis and validation of written tests; for research on personnel measurement and selection methods and techniques and research on personnel management practices such as performance evaluation or productivity. Race and national origin data are used to evaluate any adverse impact of the selection process. Use of these race and national origin data is limited to research projects and test validation conducted by the Postal Service. No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personnel information in this system of records is used by the personnel research staff in the Office of Personnel Management of the U.S. Postal Service.

Use—

1. To disclose information to the Equal Employment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.

3. To request information from a Federal, State or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

4. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or

retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Answer sheets in handwritten form and computer storage media.

RETRIEVABILITY:

This system of records is indexed by employee name, batch number or employee's date of examination and examination center administering the examination.

SAFEGUARDS:

These records are maintained in closed file cabinets in a secure facility.

RETENTION AND DISPOSAL:

Records are maintained for five years. Paper records are destroyed by shredding and computer records by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether this system of records contains information on them should address inquiries to the head of the Test Administration Center where they were examined. Inquiries should contain full name, social security number, date of examination, examination number, and place of participation in the examination.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD RESOURCE CATEGORIES:

Applicant's test answers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.121

SYSTEM NAME:

Personnel Records—Applicant Race, Sex, National Origin and Disability Status Records, 120.121.

SYSTEM LOCATION:

USPS National Test Administration Center, Los Angeles, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for USPS entry-level examinations, including USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number, date of birth, lead office installation number, race, sex, national origin and disability status data:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 101 and 5 U.S.C. 7201.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide the Postal Service with the ability to assess the impact of personnel selection decisions on applicants in each racial, sex, national origin and disability category. Note: These data are maintained only on those applicants who voluntarily provide it and under conditions assuring that the individual's self-identifications as to race, sex, national origin, and disability status does not accompany that individual's application when it is under consideration by a selecting official. Data are collected via a research questionnaire on an applicant-by-applicant basis and used to produce summary descriptive statistics and analytical studies to evaluate personnel/organizational measurement and selection methods; implement and evaluate USPS affirmative action programs; determine any adverse impact in the overall personnel selection process; identify categories of individuals for personnel research; and for related work force studies.

Use—

1. To disclose information to the Equal Empoyment Opportunity Commission for use in determining the existence of adverse impact in the total selection process, in reviewing allegations of discrimination, or in assessing the status of compliance with Federal law.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Disclosure may be made in response to the order of a court of competent jurisdiction.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, or order issued pursuant thereto.

6. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative and clearance process as set forth in that Circular.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

POLICIES AND PRACTICES FOR STORING, REVIEWING, ASSESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, magnetic tape and disks.

RETRIEVABILITY:

Records are retrieved by name and Social Security Number.

SAFEGUARDS:

Records are maintained in lockable filing cabinets in a secured room. Access is further restricted by computer passwords.

RETENTION AND DISPOSAL:

Records are retained for five years. Manual records are shredded or burned and magnetic tapes or disks are erased.

Statistical records (without individual identifiers) are maintained for as long as needed for the purpose of conducting longitudinal studies.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether this system of records contains information about them should address inquiries to the head of the Test Administration Center where thay are examined. Inquiries should be written, signed, and contain full name, Social Security Number, type of examination, examination number, and the date and place of participation in the examination.

RECORDS ACCESS PROCEDURE:

See Notification procedure above. Requests for access must also follow the USPS Privacy Act regulations regarding access to records and verification of identity (39 CFR 266.6).

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Information is provided by applicants taking entrance examination.

USPS 120.130

SYSTEM NAME:

Personnel Records—Postmaster Selection Program Records. 120.130.

SYSTEM LOCATION:

USPS Headquarters; Regional Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees desiring to be considered for promotion to Postmaster position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, date of birth, social security number, education summary, postal background other employment experience. Postal Inspector's Investigative Memorandum, and other pertinent personal information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide Regional Management Selection Board and the National Management Selection Board with fair and impartial information to match requirements for Postmaster position to the best qualified candidate.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Printed, typed or handwritten forms.

RETRIEVABILITY:

Applicant's name and post office for which application was made.

SAFEGUARDS:

Locked file cabinets in a secured facility.

RETENTION AND DISPOSAL:

Records for positions 24 and above are maintained at National Headquarters for two years. All records are maintained at Regional Headquarters for five years. Records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department.

NOTIFICATION PROCEDURE:

Employees wishing to know whether this system of records contains information on them should address inquiries to the Regional Postmaster General of the region in which the application was made. Inquiries should contain full name, the postal facility to which application was made, title and place of employment.

RECORD ACCESS PROCEDURES:

See Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Information is obtained from the employee, postal background personnel data, and from forms completed by the employee.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.140

SYSTEM NAME:

Personnel Records—Program for Alcoholic Recovery (PAR), 120.140.

SYSTEM LOCATION:

PAR offices, regional headquarters and Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees who volunteer for or are referred to the Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Number of counseling contracts and leave usage while participant in the Program, name and personal information necessary to assist employees in a Program of recovery.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide Counselors with information to maintain caseload and follow-up counseling of individuals under the Program. Used as a management date source for statistical reporting on the Program.

Use—

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms and paper files. Sick leave and Leave Without Pay information is stored on computer media.

RETRIEVABILITY:

Employee name and case number.

SAFEGUARDS:

These restricted files are maintained in locked file cabinets with limited access to PAR personnel and in secured facilities. Automated records are

protected through computer password security and encoding of personal identifiers.

RETENTION AND DISPOSAL:

1. Case card is destroyed six years following close of file. 2. Correspondence and reports are destroyed three years (field) or ten years (Headquarters) after close of case file. 3. Historical case records card is destroyed six years after close of case file. 4. Case files are destroyed three years after recovery or one year after participant terminates enrollment. Paper records are destroyed by shredding and computer tape/disk records are destroyed by erasing.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Dept., Headquarters.

NOTIFICATION PROCEDURE:

Employees participating in the Program should address inquiries to the head of the facility where participating in the Program. Inquiries should contain employees name and location of employment. Headquarters employees should submit requests to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The participating employee, PAR counselor and the referring source.

USPS 120.152

SYSTEM NAME:

Personnel Records—Career Development and Training Records, 120.152.

SYSTEM LOCATION:

Postal Education and Development Centers (PEDCs) and other facilities within the Postal Service where career development and training activities are conducted or authorized.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Career development records and applications for and records of postal and non-postal training. Also contains examination and skills bank records, including records of special qualifications, skills or knowledge, career goals; education and work histories or summaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 US.C. 401.1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers and supervisors with decisionmaking information to employee career development, training and assignment.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

2. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Disclosure may be made to a Federal agency, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant, or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty in investigating a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, index cards, magnetic tape, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designed managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

Records are retained for a period of usefulness which varies by type of record and ranges from one to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. At the end of period of usefulness, records are destroyed. Certain records of examinations are maintained as part of USPS 120.120. Personnel Records—Personnel Research and Test Validation Records.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, APMG, Real Estate and Buildings Department, and APMG, Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Current and former field employees wishing to know whether information is contained on them in this system of records should address inquiries to the head of the appropriate employment facility. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject, subject's employment records and his/her supervisor.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Reference 39 CFR 266.9 for details.

USPS 120.153

SYSTEM NAME:

Personnel Records—Individual Performance Evaluation/Measurement, 120.153.

SYSTEM LOCATION:

U.S. Postal Service facilities where individual performance evaluation/measurement activities are conducted.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former postal employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual performance evaluation and measurement records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401,1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide managers and supervisors with decision making information for training needs, promotion and assignment considerations, or other employee/job related actions.

1. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, relevant to a decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. Disclosure may be made to a Federal agency in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit to the extent that the information is relevant and necessary to the agency's decision on that matter.

4. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

5. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

6. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 129 CFR Part 1613, and the contents of the requested record are needed by the investigator in the preformance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper filed, index cards, magnetic tapes, punched cards, preprinted forms and computer printed reports.

RETRIEVABILITY:

Employee name and social security number.

SAFEGUARDS:

Paper records are maintained in closed filing cabinets under scrutiny of designated managers. Computer records are maintained in secured facilities.

RETENTION AND DISPOSAL:

Records are retained for period of usefulness which varies by type of record and ranges from one to 10 years. Retention periods for individual record types may be found in official USPS records retention schedules. PES Merit Evaluation forms are physically maintained on the left side of the Official Personnel Folder (USPS 120.070) for a period of two years. At the end of the period of usefulness records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Postmaster General having jurisdiction over the functional or administrative area which developed the particular performance evaluation/measurement procedure.

NOTIFICATION PROCEDURE:

Current and former field employees wishing to know whether information is maintained on them in this system of records should address inquiries to the head of the appropriate employment facility. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name and social security number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject subject's employment records and his/her supervisor, or program director.

USPS 120.180

SYSTEM NAME:

Personnel Records—Skills Bank (Human Resources Records), 120,180.

SYSTEM LOCATION:

Maintained by various postal facilities as determined by management.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Skills bank records are maintained on different categories of USPS employees, Women, PCES and employees in various job categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee name, social security number, address, job position, sex, educational background, work history, salary history, skills, licenses, language, career preferences, geographical preferences, special achievements, merit awards, project assignments, benefits, and other personal information. (The various systems in existence may

contain more or less information than specified herein.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–261, 39 USC 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by USPS management to place employees in new positions, and to assist in career planning and training in general; also used by management to provide statistics for management of personnel.

Use—

1. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms, magnetic tape and disk files, computer reports, and microfiche.

RETRIEVABILITY:

Name and social security number

SAFEGUARDS:

Locked file cabinets, controlled access, computer password authentication, magnetic tape library physical security.

RETENTION AND DISPOSAL:

Paper records will be destroyed 1 or 2 years after information is successfully entered into the system depending upon the particular program involved, by shredding or burning. Automated information will be erased 1 year after employee is terminated or is no longer in the particular job category.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether such a system exists at their place of employment or whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager. Inquiries should contain full name, social security number, and place of employment.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURES above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURES above.

RECORD SOURCE CATEGORIES:

Information is obtained directly from employee and USPS personnel forms and reports.

USPS 120.190

SYSTEM NAME:

Personnel Records—Supervisors Personnel Records, 120.190

SYSTEM LOCATION:

Any Postal facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of summaries or excerpts from the following other USPS personnel systems: 120.036, 120.070, 120.151, 120.152, 120.153, 120.180, 120.210; as well as records of discipline. In addition copies of other Postal Service records and records originated by the supervisor may be included at the supervisor's discretion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To enable supervisors to efficiently manage assigned personnel.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiriry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

3. Disclosure of records of discipline may be further made to a labor organization pursuant to the National Labor Relations Act upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Records of discipline may become part of USPS 120.070 and would therefore be subject to disclosure under the routine uses of that system of records.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 2613, and the contents of the requested record are needed by the investigator in the performance of his duty of investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files, index cards, magnetic tape and disk, computer printouts.

RETRIEVABILITY:

Indexed by employee name.

SAFEGUARDS:

Paper documents/index cards are locked in supervisors desk or filing cabinets. Computer readable media are maintained in secured data processing facilities.

RETENTION AND DISPOSAL:

1. Except for those records of discipline described in subparagraph 2, 3, and 4 below, supervisor's personnel records may be retained for the duration of the supervisor-employee working relationship. Upon separation of an employee from the Postal Service, the entire file pertaining to that employee is destroyed by burning or shredding within 30 days.

2. Counseling Records shall be destroyed after one year if there has been no disciplinary action initiated against the employee during that period.

3. Letters of Warning shall be destroyed after two years if there has been no disciplinary action initiated against the employee during that period.

4. A record of counseling, a letter of warning, or other disciplinary record, which has been relied upon in a subsequent suspension or discharge, will be retained in this system in accord with subparagaphs 1 through 3 above. Such records also will be permanently filed in USPS 120.070, if the subsequent suspension or discharge ultimately is sustained or modified in a manner requiring the preparation of a Form 50.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Employee Relations Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether this sytem of records contains information on them should address inquiries to the head of the facility where employed. Headquarters employees should submit requests to the System Manager.

RECORD ACCESS PROCEDURES:

See Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Other personnel records systems, supervisor notes, employees, postal customers.

USPS 120.210

SYSTEM NAME:

Personnel Records—Vehicle Maintenance Personnel and Operators Records, 120.210.

SYSTEM LOCATIONS:

Vehicle Service Operations at Post Offices, Sectional Centers, District Offices, Regional Offices, Headquarters, Bulk Mail Centers, Postal Data Centers and Automatic Data Processing Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee workload, work schedule, performance analysis and work habits. Employee name, age, length of service, physical condition, vehicle accidents, driving citation, safety awards records, driver license revocation and suspension, driving habits, vehicle training, results of driving tests, qualifications to drive vehicles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To provide local post office managers, supervisors and Director of Fleet Management Operations with information to adjust workload, change schedules, change type equipment operated, lists of equipment assigned to employee, and used as a basis for corrective action or safe driving awards.

Use—

1. To provide GSA and USPS driver credentials.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–10 at any state of the legislative coordination and clearance process as set forth in that Circular.

4. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

7. Information contained in this system of records may be disclosed to an authorized investigator appointed by the United States Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms, and computer tapes.

RETRIEVABILITY:

Employee name, vehicle number route number, work order number and facility name.

SAFEGUARDS:

Records are maintained in closed file cabinets in secured facilities.

RETENTION AND DISPOSAL:

a. Records pertaining to postal-owned vehicle driver's individual testing and driver's records are retained for three years after separation of the employee and destroyed by shredding.

b. Accident reports are retained for three years and destroyed by shredding.

c. Inspection reports are retained for two years after the date of the report and destroyed by shredding.

d. Other records are retained as long as the individual is employed as a vehicle operator, held for one year from the date of reassignment and destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Employees wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where employed. Inquiries should contain employee's full name, social security number, route number, work station and facility where employed.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

The employee, medical doctors, driver examiner/instructor state vehicle departments and supervisors.

USPS 120.230

SYSTEM NAME:

Personnel Records—Adverse Action Appeals (Administrative Litigation Case Files) 120.230

SYSTEM LOCATION:

Law Department, Regional and National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees involved in Veterans' Appeal and other adverse action appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d). Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401. 409(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—1. Pursuant to the National Labor Relations Act records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific case files should submit their name; and case number, if known to the General Counsel, Law Department National Headquarters.

RECORD ACCESS PROCEDURES:

See "System Manager" above.

CONTESTING RECORD PROCEDURES:

See "System Manager" above.

RECORD SOURCE CATEGORIES:

(a) Employees involved in Veterans Appeals and other adverse actions appeals; (b) Counsel(s) or other representative(s) for parties in administrative litigation other than Postal Service; (c) Other individuals involved in appeals. Source documents include the formal case file, and other records relevant to the case.

USPS 120.240

SYSTEM NAME:

Personnel Records—Garnishment Case Files, 120.240

SYSTEM LOCATION:

Law Department, Headquarters, Regional Counsel Offices, Regional Headquarters, and the Minneapolis, New York, and San Bruno Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees invloved in garnishment cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law; (b) other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressioanl office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s) of case and State of court action.

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All

other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific case files should submit their name; and case number, if known, to the General Counsel, Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See "System Manager" above.

CONTESTING RECORD PROCEDURES:

See "System Manager" above.

RECORD SOURCE CATEGORIES:

(a) Employees involved in garnishment cases; (b) Counsel(s) or other representative(s) for parties other than Postal Service; (c) Other individuals involved in garnishment cases. Source documents include internal memoranda and court related documents.

USPS 130.010

SYSTEM NAME:

Philately—Ben Franklin Stamp Club Sponsors and Direct Mail Responders List, 130.010

SYSTEM LOCATION:

Customer Services Department Headquarters, and at a contractor computer center.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Adult sponsors of stamp clubs for youth groups as well as club presidents of adult groups

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of club sponsors or presidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.404

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—As an adjunct to a philatelic program, lists of club sponsors or presidents of stamp clubs are used by Sectional Center personnel and District personnel as well as individual postmasters as follows:

1. To assist sponsors in forming stamp clubs.

2. Making contact with clubs to assist in program presentation and USPS cooperation at stamp shows and philatelic exhibits.

3. Responsiveness to philatelic sales requests.

4. Determining USPS needs for films, graphics, and publications related to philately.

5. To mail newsletters to stamp club sponsors and club presidents.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files and computer tape/disk.

RETRIEVABILITY:

Indexed by name of individual and ZIP Code within the club or stamp group to which he/she is associated.

SAFEGUARDS:

Paper records are maintained in locked steel file cabinets in a secured facility; computer media are stored in a fire resistant and secured facility.

RETENTION AND DISPOSAL:

Records are maintained on a year-to-year basis subject to reverification each year. At the end of retention period, paper records are shredded and computer tape/disk records are erased.

SYSTEM MANAGER(S) AND ADDRESS:

APMB, Customer Services Department Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Inquiries should contain full name, address, and the club or stamp group with which he/she is associated.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual to which the record refers.

USPS 130.040

SYSTEM NAME:

Philately—Philatelic Product Sales and Distribution, 130.040

SYSTEM LOCATION:

USPS Headquarters, Customer Services Department and at a contractor site.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers who have initiated correspondence expressing an interest in philately by (1) reponding to various philatelic product sales promotion programs by submitting order forms, business reply cards, or cut outs from posters and promotional literature, (2) providing postal clerks with name and address information to receive future philatelic product announcements, (3) opening subscription accounts for philatelic products, or (4) requesting products in unsolicited correspondence, such as letters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer/subscriber name and account number, address, funds on deposit, remittance type and amount order/product specifications, order history; also, special lists identifying individuals who have submitted bad checks, and special services customers/subscribers, and individuals who have registered multiple service complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—(1) to operate a subscription service for customers who remit money for a particular philatelic product or products; (2) to maintain a file to send philatelic product announcements and sales literature to customers or subscribers: (3) to serve, as a source for statistical data for research and market analysis, billing and inventory data, and mailing basis for product shipment and (4) to identify discrete groups of customers/subscribers for better order control and service.

Use—

1. Disclosure may be made where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the reponsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

2. Disclosure may be made to a congressional office from the record of an individual in repsonse to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in original typed or handwritten form, or microform, and on magnetic tape or disk and computer printouts.

RETRIEVABILITY:

Records are indexed by customer/subscriber name and by account number, if assigned.

SAFEGUARDS:

Paper and microfrom records are maintained in closed filing cabinets under general scrutiny of personnel of the Philatelic Sales Division and the Building Security Guard Force, and when maintained on magnetic tape and disk, the information is protected by ADP physicial, technical software and administrative security of the Headquarters Data Center or by contractors providing similar protection which is subject to the audit and inspection of the USPS Inspection Service.

RETENTION AND DISPOSAL:

ADP and microform records are maintained for three years after the individual has failed to make a purchase or has indicated no other interest. ADP records are obliterated after their period of usefulness; microform records are incinerated. Correspondence and other paper documents are retained for 3 years and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Customer Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Inquiries should contain full name and address.

RECORD ACCESS PROCEDURES:

See Notification procedure above.

CONTESTING RECORD PROCEDURES:

See Notification procedure above.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual as is described in "Category of Individuals Covered by the System" above.

USPS 140.020

SYSTEM NAME:

Postage—Postal Meter Records, 140.020.

SYSTEM LOCATION:

Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Meters users.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name and address, meter update activity, schedule for meter upgradings for on-site meter settings, license application, and transaction documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To enable responsible administration of postal meter activities.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. To disclose identity and address of meter user and identity of agent of user to any member of public upon request.

3. Pursuant of the National Labor Relations Act records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printed forms.

RETRIEVABILITY:

Records are indexed by customer name and by numeric file of postage meters.

SAFEGUARDS:

Records are maintained in closed file cabinets in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained for one year after final entry or the duration of the license and then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the local postmaster from which license was obtained supplying name and meter number.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and officials making entries to reflect activities.

USPS 150.010

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records [Freedom of Information Act], 150.010.

SYSTEM LOCATION:

Records Officer, USPA Headquarters, and records Custodians at all USPS facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

USPS employees and citizens requesting information under the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of requestor and the type of information requested.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 412, 5 U.S.C. 552; Pub. L. 93–502.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Those records are kept in order to determine the status of information requested and to facilitate the processing of requests.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

Individuals name and date of request.

SAFEGUARDS:

Locked file drawers and access control.

RETENTION AND DISPOSAL:

Records are maintained by Custodians and the Records Officer for a period of two years. The Headquarters Library and General Counsel keep permanently copies of legal proceedings and appeals related to these records.

SYSTEM MANAGER(S) AND ADDRESS:

Postal Service Records Officer, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name and date of request.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual making the request.

USPS 150.015

SYSTEM NAME:

Records and Information Management Records—Freedom of Information Appeals System. 150.015

SYSTEM LOCATION:

USPS National Headquarters. Law Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system encompasses all individuals who submit appeals under the Freedom of Information Act from denials of access to or copies of records maintained by the Postal Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of copies of all correspondence relating to appeals from the denials of requests for access to or copies or records pursuant to the Freedom of Information Act of pleadings on civil actions arising under the Act, and of other documents incidential thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To enable the General Counsel to carry out his duties as appellate authority and to comply with reporting requirements, Use—

1. These records are used to provide information and records to the Department of Justice in its coordination of responses to requests for information and its representation of the Postal Service in civil actions, and to prepare reports required by 5 U.S.C. 552(d).

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are stored in paper folders.

RETRIEVABILITY:

Alphabetically, by name of the requester except in those instances where a requester has an appeal filed on his behalf by an attorney. In those cases, the attorney's name might appear as the requester appellant.

SAFEGUARDS:

These records are stored in locked filed cabinets.

RETENTION AND DISPOSAL:

These records are kept indefinitely:

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, National Headquarters.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the System Manager above and should contain the name of the requester and the name of that person's attorney.

RECORD ACCESS PROCEDURE:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, and that person's attorney.

USPS 150.020

SYSTEM NAME:

Records and Information Management Records—Information Disclosure Accounting Records (Privacy Act), 150.020.

SYSTEM LOCATION:

Records Officer, USPS Headquarters and records Custodians at all USPS facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any USPS employee or citizen who makes an inquiry under the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of inquirer and the type of information requested and USPS response thereto.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401; Pub. L. 93–579.88 Statute 1896.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—These records are to provide information related to requestors of personal information under the Privacy Act.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper files.

RETRIEVABILITY:

Requesters' name and date of inquiry.

SAFEGUARDS:

Locked filed drawers and access control.

RETENTION AND DISPOSAL:

Request letters and related correspondence are retained for two years. Accountings of disclosures are retained for five years or the life of the disclosed record, whichever is longer. All records are destroyed by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Postal Service Records Officer, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the Custodian at the facility where request was sent. Inquiries should contain full name, and date of the request.

RECORD ACCESS PROCEDURES:

See "NOTIFICATION" above.

CONTESTING RECORD PROCEDURES:

See "NOTIFICATION" above.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual making the request.

USPS 160.010

SYSTEM NAME:

Special Mail Services—Insured and Registered Domestic Mail Inquiry and Application for Indemnity Records, 160.010.

SYSTEM LOCATION:

Rates and Classification Department, Headquarters, Postal Data Center, St. Louis, MO, and Post Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insured and registered domestic mail claimants/inquiries including mail senders and addresses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of mail sender and addressee: declaration of claimant/inquirer, claim/inquiry status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used in responding to inquiries on the status of domestic insured and registered mail, and in the adjudication of claims related to such mail.

Use—

1. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to be appropriate agency, whether Federal, State or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court of administrative body.

4. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Handwritten and typed forms, microfilm, computer readable media and printouts.

RETRIEVABILITY:

Claimant/inquirer name, case number, registered article number.

SAFEGUARDS:

Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

RETENTION AND DISPOSAL:

Domestic inquiries are maintained for two years. Claim records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered domestic claim was filed. If claim has been filed, inquiry should include claim number, date of claim, insured or registered number of article mailed.

RECORD ACCESS PROCEDURE:

NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information from the individual completing the claim/inquiry form.

USPS 160.020

SYSTEM NAME:

Special Mail Services—Insured and Registered International Mail Inquiry and Application for Indemnity Records, 160.020.

SYSTEM LOCATION:

Rates and Classification Department, USPS Headquarters; Postal Data Center, St. Louis, MO; and International Adjusting Offices in Chicago, New York, New Orleans and San Francisco.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insured and registered international mail claimants/inquirers, including mail senders and addresses, declaration of claimants/inquirers, claim/inquiry status information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used in responding to inquiries regarding international mail, and in the adjudication of insured and registered international mail claims.

Use—

1. To refer where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local

charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

4. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

5. To refer an international mail inquiry or claim to the appropriate foreign postal authority when required for claim resolution.

6. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Handwritten and typed forms, microfilm, computer readable media and printouts.

RETRIEVABILITY:

Claimant/inquirer name, case number, registered article number.

SAFEGUARDS:

Handwritten and typed forms are maintained in steel file cabinets with use limited to claims personnel. Computer readable media are stored in protected areas, and access to the media is confined to authorized data processing personnel.

RETENTION AND DISPOSAL:

International inquiries are maintained for three years. Claim records are maintained for one year at St. Louis Postal Data Center and then transferred to the Federal Records Center and maintained for another three years. All records are destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rate and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons wishing to know whether information about them is maintained in this system of records should address inquiries to the head of the facility where the insured or registered foreign mail claim was filed. If claim has been filed, inquiry should include claim number, date of claim, insured or registered number of article mailed.

RECORD ACCESS PROCEDURE:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information from the individual completing the claim/inquiry form.

USPS 160.030

SYSTEM NAME:

Special Mail Services—Express Mail Service Insurance Claims for Loss Delay and Damage, 160.030.

SYSTEM LOCATION:

St. Louis Postal Data Center, St. Louis, MO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Postal Service forms and correspondence related to the claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used in the adjudication of express mail service claims for loss, delay and damage.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether international, Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. Pursuant to the National Labor Relations Act, to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored in file cabinets in original typed, handwritten, copied or printed form.

RETRIEVABILITY:

Claims are ordered by date of mailing but are retrieved by name of claimant through visual scanning.

SAFEGUARDS:

Maintained in steel file cabinets within the exclusive custody of Express Mail Marketing personnel in the Customer Services Department and Claims Personnel in the Rates and Classification Department.

RETENTION AND DISPOSAL:

Records are retained for one year then destroyed by shredding.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Rates and Classification Department, Headquarters.

NOTIFICATION PROCEDURE:

Claimants wishing to know whether information about them is maintained in this system of records should address inquiries to the SYSTEM MANAGER.

RECORD ACCESS PROCEDURES:

See NOTIFICATION PROCEDURE above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION PROCEDURE above.

RECORD SOURCE CATEGORIES:

Information is obtained from the claimant or designated representative.

USPS 190.030

SYSTEM NAME:

Litigation Records—Labor Law Topic Files, 190.030.

SYSTEM LOCATION:

Law Department, National Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in employee and labor relations matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Miscellaneous notes, memoranda of law, and case analyses prepared by

Postal Service attorneys and personnel; (b) Other relevant documents; (c) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to the Department of Justice, when needed by that department to perform properly its duties as legal representative of Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By topic title or name of individual.

SAFEGUARDS:

Topic folders are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Persons interested in reviewing records within specific files should submit their name and file topic title, if known, to the General Counsel, Law Department, Headquarters.

RECORD ACCESS PROCEDURE:

See Notification Procedure above.

CONTESTING RECORD PROCEDURES:

See Notification Procedure above.

RECORD SOURCE CATEGORIES:

(a) Individuals involved in employee and labor relations matters; (b) Counsel(s) or other representative(s) for parties in an action other than the Postal Service; (c) Other individuals involved in this mattrer. Source documents include internal memoranda, court related documents, case files and other relevant records.

USPS 200.010.

SYSTEM NAME:

Non-Mail Monetary Claims—Relocation Assistance Claims, 200.010.

SYSTEM LOCATION:

USPS National Headquarters (Real Estate and Buildings Department), Washington, D.C. 20260, and all Regional Real Estate and Buildings Departments.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Owners and tenants of real property purchased or leased by the U.S. Postal Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Completed claim forms and other documents related to indemnifying occupants of property acquired by the U.S. Postal Service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) and 39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to adjudicate claims for reimbursement of relocation expenses incurred by owners and tenants of real property acquired by the U.S. Postal Service.

Use—

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body, or in connection with the settlement of any claim or the resolution of any dispute.

4. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

5. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

6. May be disclosed to a Federal compliance investigator for case or program review.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Stored in file cabinets in original, typed, printed, or handwritten form.

RETRIEVABILITY:

Claims are ordered and retrieved alphabetically by claimant name within project file.

SAFEGUARDS:

Maintained in locked file cabinets within the executive custody of Real Estate and Buildings Department management personnel.

RETENTION AND DISPOSAL:

Records are retained for the life of the facility and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

APMC, Real Estate and Buildings Department, Headquarters.

NOTIFICATION PROCEDURE:

Claimants wishing to know whether and what information about them is maintained in this system of records should address inquiries to the same facility to which they applied for relocation benefits.

RECORD ACCESS PROCEDURE:

See NOTIFICATION procedure above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION Procedure above.

RECORD SOURCE CATEGORIES:

Information is obtained from previous dwelling owner or tenant claimant and Postal Service claim reviewers and adjudicators.

USPS 200.020

SYSTEM NAME:

Non-Mail Monetary Claims—Monetary Claims involving Present or Former employees (case files), 200.020.

SYSTEM LOCATION:

Law Department, Headquarters, Regional Counsel Offices, Regional Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual involved in monetary claims cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Formal pleadings and memoranda of law: (b) Other relevant documents; (c) Miscellaneous notes and case analyses prepared by Postal Service attorneys and other personnel; (d) Correspondence and telephone records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 409(d).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—This information is used to provide legal advice and representation to the Postal Service.

Use—

1. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

2. Disclosure may be made from the record of an individual, where pertinent in any legal proceeding to which the Postal Service is a party before a court or administrative body or other tribunal.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Transferred to the Department of Justice, when needed by that department to perform properly its duties as legal representative of the Postal Service.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents and computer tape/disk.

RETRIEVABILITY:

By name of litigant(s).

SAFEGUARDS:

Folders containing paper documents are kept in locked filing cabinets under the general scrutiny of Postal Service attorneys. Computer terminals and tape/disk files are located in a secured area.

RETENTION AND DISPOSAL:

Selected records are maintained on an active basis until subject matter has no information value, and on an inactive basis for an additional three years. All other records are maintained for five years. Paper records are shredded and computer tape/disk records are erased at the end of retention period.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, Law Department, Headquarters.

NOTIFICATION PROCEDURE:

Person interested in reviewing records within specific case files should submit their name, and case number, if known, to the General Counsel, Law Department, National Headquarters.

RECORD ACCESS PROCEDURES:

See "System Manager" above.

CONTESTING RECORD PROCEDURES:

See "System Manager" above.

RECORD SOURCE CATEGORIES:

(a) Individuals involved in monetary claim cases, (b) Counsel(s) or other representatives for parties in litigation other than Postal Service. Source documents include records relevant to the case.

USPS 200.030

SYSTEM NAME:

Non-Mail Monetary Claims—Tort Claims, Records, 200.030

SYSTEM LOCATION:

Law Department at Headquarters and regions, Postal Inspection Service.

Division Headquarters, Post Offices and Post Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in accident as a result of postal operations or alleging money damages under the provisions of the Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Accident reports, tort claims filed, documentary evidence in support of tort claims and litigation arising out of tort claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671–80, 39 U.S.C. 409(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—Used by attorneys and other employees of the Postal Service to consider, settle and defend against tort claims made against the USPS under the Federal Tort Claims Act. To refer to accident prevention and safety officers, manufacturers of equipment and supplies and their insurers.

Use—

1. Transferred to Department of Justice, other governmental agencies, and other persons involved in a claim against the Postal Service, or use in adjudication, civil litigation and criminal prosecution.

2. To provide members of the American Insurance Association Index System with certain information related to accidents and injuries.

3. Provide information to USPS accident prevention and safety officers.

4. Furnish information to insurance companies that have named the United States as an additional insured or coinsured in liability insurance policies.

5. Provide information to equipment manufacturers and their insurers for claims considerations and possible improvement of equipment.

6. To respond to a subpoena dueces tecum and other appropriate court order and summons.

7. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

8. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

10. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper form, original or copies, preprinted or handwritten forms.

RETRIEVABILITY:

Information may be retrieved by person's name or Postal Inspection Service case number.

SAFEGUARDS:

Records are maintained in ordinary filing equipment under general scrutiny of postal personnel.

RETENTION AND DISPOSAL:

Paid claims records are retained for seven years after payment. All other files are retained for five years after closing. All records are destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

(1) General Counsel, Law Department, Headquarters; (2) Chief Postal Inspector, Headquarters.

NOTIFICATION PROCEDURE:

Furnish person's name, data and place of occurrence giving rise to a claim under the Federal Tort Claims Act, to the head of the facility where the claim was filed.

RECORD ACCESS PROCEDURE:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Claimants making demands for money damages, reports, of postal employees involved in accidents, local police reports, Inspection Service investigative reports and American Insurance Association Index reports.

USPS 210.020

SYSTEM NAME:

Contractor Records—Driver Screening System Assignment Records, 210.020.

SYSTEM LOCATION:

Mail Processing Department, Headquarters, Regional Offices; Sectional Centers; Bulk Mail Centers; District Offices; Post Offices; Postal Data Center; and Transportation Management Offices (TMOs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons under a highway contract with the USPS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number and highway contract to which assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To ascertain employees having an assignment requiring access to mail or postal premises under contract with the USPS.

Use—

1. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

2. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

3. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

5. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Originally typed, printed or handwritten form; magnetic tape and computer printed reports.

RETRIEVABILITY:

Primarily by highway contract and postal locations serviced; secondarily, by individual's social security number and name.

SAFEGUARDS:

Through computerized codes and passwords, access is restricted to offices that are the authority for a specific contract and to only those post offices serviced by the contract.

RETENTION AND DISPOSAL:

Records are held one year after the contract expires, or one year following an individual's employment termination with a company that has been awarded a highway contract.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Mail Processing Department, Headquarters.

NOTIFICATION PROCEDURE:

Contractors wishing to know whether information about them is maintained in this system of records should address inquiries to the TMO Manager. Inquiries should contain full name and highway contract number.

RECORD ACCESS PROCEDURES:

See NOTIFICATION above.

CONTESTING RECORD PROCEDURES:

See NOTIFICATION above.

RECORD SOURCE CATEGORIES:

Information is obtained from the contractor.

List of U.S Postal Service Facilities Referenced Herein.

The address of each Postal Service facility to which requests may be sent (referred to in systems descriptions), other than post offices and the geographical area served, is provided below. The addresses of individual post offices are not provided because of their large number and because that information is available locally to all concerned individuals.

The addresses of all Postal facilities, including locations in Puerto Rico, and the Virgin Islands are contained in THE NATIONAL ZIP CODE AND POST OFFICE DIRECTORY, Publication 65, STOCK NUMBER, 039-00-00261-2, available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Postmasters, upon request, will supply the addresses of the Management Sectional Centers and District Offices to which they report.

The following excerpt to addresses and areas serviced is provided for convenience of Privacy Act correspondents, and obviates the repetition in each notice. All "Headquarters" addresses are:

(Office), U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

POSTAL SERVICE REGIONAL OFFICES

Regional Postmaster General Central Region, Main P.O. Bldg., Chicago, IL 60699. (States serviced: IL, MI, OH, IN, HY, WI, MN, IA, MO, ND, SD, NE, KS, (except 679).)

Regional postmaster General, Eastern Region, P.O. Box 8001, Philadephia, PA 19101. (States serviced: VA, WV, MD, DE, PA, DC, and those portions of New York State and New Jersey outside the Greater New York City Metropolitan area.)

Regional Postmaster General, Southern Region, 5100 Popular Ave., Memphis, TN 38166. (States serviced: TN, AL, MS, TX, LA, GA, FL, NC, SC, OK, AR, and KS (679).)

Regional Postmaster General, Northeast Region, 1633 Broadway (at 50th Street) New York, NY 10099. (States serviced: New York City, RI, MA, NH, VT, ME, and those portions of New York State, Connecticut, and New Jersey within the New York City Metropolitan area, also Puerto Rico and Virgin Islands.)

Regional Postmaster General, Western Region, 850 Cherry St., San Bruno, CA 94099. (States serviced: CA, NV, HI, AK, WA, OR, MT, ID, WY, UT, CO, AZ, NM, EL Paso, TX Dist. and Guam.)

INSPECTION SERVICE

Chief Postal Inspector, U.S. Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.

TRAINING INSTITUTE

Postal Service Training and Development Institute, 10000 Kentsdale Drive, Potomac, MD 20854

NATIONAL TEST ADMINISTRATION CENTER

National Test Administration Center, U.S. Postal Service, Federal Building, Room 2001, 300 North Los Angeles Street, Los Angeles, California 90012.

BULK MAIL CENTERS

Atlanta, 1805 Bolton Road, NW., Atlanta, GA 30369.

Chicago, 7500 West Roosevelt Road, Building No. 1, Forest Park, IL 60130.

Cincinnati, 3055 Crescentville Road, Cincinnati, OH 45235.

Dallas, P.O. Box 21108, Dallas, TX 75211.

Denver, 7755 East 56th Avenue, Commerce City, CO 80022.

Des Moines, 4000 NW., 100th Street, Des Moines, IA 50395.

Detroit, 17500 Oakwood Boulevard, Allen Park, MI 48101.

Greensboro, 3701 West Wendover Avenue, Greensboro, NC 27405.

Jacksonville, 7515 Commonwealth Avenue, Jacksonville, FL 32099.

Kansas City, 4900 Speaker Road, Kansas City, KS 66106.

Los Angeles, 4701 South Eastern Avenue, Bell, CA 90201.

Memphis, 1921 Elvis Presley Boulevard, Memphis, TN 38136.

Minneapolis-St. Paul, 3165 South Lexington Avenue, St. Paul, MN 55121.

New York, 80 County Road, Jersey City, NJ 07307.

Philadelphia, 1900 Byberry Road, Philadelphia, PA 19116.

Pittsburgh, R.D. No. 2, Wexford, PA 15090.

St. Louis, 5800 Phantom Drive, Hazelwood, MO 63042.

San Francisco, 2501 Rydin Road, Richmond, CA 94850.

Seattle, P.O. Box 5000, Federal Way, WA 98002.

Springfield, 190 Fiberloid Street, Springfiled, MA 01151.

Washington, 9201 Edgeworth Drive, Washington, D.C. 20027.

[FR Doc. 83-6433 Filed 3-14-83; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22872; 70-6846]

Kingsport Power Co.; Short-term Notes

March 8, 1983.

In the matter of: Kingsport Power Company, 40 Franklin Road, Roanoke, Virginia 24011 (70-6846); proposed issuance and sale of short-term notes to banks.,

Kingsport Power Company, ("Kingsport"), an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

Kingsport proposes to issue and sell short-term notes to banks in an aggregate principal amount not to exceed $3.5 million outstanding at any one time. The notes will mature not more than 270 days after the date of issuance or renewal, and will be issued from time to time and be renewed from time to time prior to January 1, 1984, as funds may be required, provided that none of the notes shall mature later than June 30, 1984.

Kingsport has credit arrangements with several banks totaling $4 million. The arrangement with one bank does not require Kingsport to maintain additional balances as compensation for the line of credit made available by the bank since Kingsport maintains deposit balances at the bank for its operational and financial needs in amounts sufficient to satisfy any compensating balances required. Borrowings from this bank would generally bear interest at an annual rate not greater than the banker's prime commercial rate in effect from time to time.

The credit arrangements with the remaining banks generally require Kingsport to maintain compensating balances and to pay a fee which together are generally equivalent to a compensating balance not in excess of 10% of the line of credit. Borrowings from these banks would generally bear interest at an annual rate not greater than 108.5% of the bank's prime commercial rate in effect from time to time. The total cost of borrowings from these banks would not be greater than the effective rate for borrowings bearing interest at the prime rate with compensating balances equal to 10% of the line of credit and 10% of the amount borrowed.

Kingsport shares certain lines of credit with several other electric utility subsidiaries of AEP and with AEP itself. Fees and balances for shared lines of credit are borne by Kingsport and participating associate companies in proportion to their respective projected maximum need for such credit facilities. It is represented that if the balances maintained and fees paid by Kingsport were maintained and paid solely to fulfill requirements for borrowings by Kingsport, the effective annual interest rate to Kingsport, assuming full use of the lines of credit, would not exceed 125% of the prime commerical rate in effect from time to time, or not more than 15% on the basis of a prime commercial rate of 12%.

Proceeds of the short-term debt incurred by Kingsport, together with other funds availabe to Kingsport from cash capital contributions up to $1,500,000 in the aggregate from AEP (subject to Commission authorization in File No. 70–6666) will be added to the general funds of Kingport and used to pay the maturing and general obligations of Kingsport, to provide needed working capital and for other corporate purposes.

The application and any amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 4, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6714 Filed 3-14-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13085; 811-1959]

O.N. Fund, Inc.; Filing of Application

March 8, 1983.

In the matter of; O.N. Fund, Inc., 237 William Howard Taft Rd., Cinicinnati, OH 45219, (811–1959); Notice of Filing of Application for an order pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be an Investment Company.

Notice is hereby given that O.N. Fund, Inc. ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 13, 1983, requesting an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states, that pursuant to an Agreement of Merger and Plan of Reorganization dated June 3, 1982, Applicant was merged into O.N. Market Yield Fund, Inc. ("Market Yield Fund"), whose name was changed to Ohio National Fund, Inc. Applicant states that on March 18, 1982, Applicant's board of directors unanimously approved a proposed merger of Applicant into Market Fund, including changing the name of surviving corporation to Ohio National Fund, Inc., and operating the surviving corporation as a series company. Applicant represents that on June 3, 1982, its board of directors unanimously approved the plan of merger and authorized the filing of an application for an order of the Commission pursuant to Sections 17(b) and 26(b) of the Act permitting certain transactions.[1] At the same time, the board of directors resolved that the proposal be submitted for consideration at a special meeting of shareholders to be held October 15, 1982, and recommended that the merger be approved by the shareholders. Applicant further represents that, at a shareholders meeting held on October 15, 1982, the proposed merger was approved by a vote of two-thirds of the votes entitled to be cast on the matter, as required by Maryland law.

Applicant states that, in accordance with Maryland law, Market Yield Fund, the surviving fund, assumed all of Applicant's assets and liabilities. According to the application, the merger plan provided that the Articles of Incorporation of Market Yield Fund, whose name was changed to Ohio National Fund, Inc. (the "Fund"), would be amended as of the effective date of the merger to divide the Fund's capital stock into three portfolios: and equity portfolio, consisting of the assets of Applicant; a money market portfolio, consisting of the assets of Market Yield Fund; and a newly-created bond portfolio. On the effective date of the merger, each share of fractional part thereof of Market Yield Fund then outstanding, including (as the surviving fund) shares held by it as treasury stock, were converted into an became an equal number of shares of the money market portfolio. Finally, Applicant states that it is not engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

[1] Such relief was granted by the Commission in an order dated November 1, 1982 (Investment Company Act Released No. 12777).

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 1, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant of the request should be served personally or by mail upon Applicant at the address stated above. Proof or service (by affidavit or, in the case of an attorney-law by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6716 Filed 3-14-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13082; 812-5399]

Pruco Life Insurance Co.; Application

March 8, 1983.

In the matter of: Pruco Life Insurance Company, Pruco Life Variable Insurance Account, Pruco Securities Corporation, Pruco Life Series Fund, Inc., 213 Washington Street, Newark, New Jersey 07102, (812–5399); Notice of Application, Pursuant to Section 6(c) of the Act, for an Order Granting Exemption From the Provisions of Section 12(d)(1) of the Act and, Pursuant to Section 11 of the Act, for Approval of the Terms of Certain Offers of Exchange.

Notice is hereby given that Pruco Life Insurance Company ("Pruco Life"), Pruco Life Variable Insurance Account (the "Account"), Pruco Securities Corporation ("Prusec"), and Pruco Life Series Fund, Inc. (the "Series Fund") filed an application on December 16, 1982, and an amendment thereto on March 4, 1983, for an order of the

Commission pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") granting exemption from the provisions of Section 12(d)(1) of the Act to the extent necessary to permit transactions described in the application, and for an order pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein which are summarized below, and are referred to the Act for a statement of the relevant provisions.

The Account is a separate investment account of Pruco Life established for the purpose of funding certain variable life insurance contracts (the "Contracts") issued by Pruco Life. Applicants state that the Account is a "separate account" as defined by Section 2(a)(37) of the Act and Rule 0-1(e) under the Act, meets the requirements of Rule 6e-2(a) under the Act, and is registered under the Act as a unit investment trust. Prusec will act as the principal underwriter for the Contracts and for the shares of the capital stock of the Series Fund.

The Series Fund is registered under the Act as an open-end, diversified management investment company. Applicants state that all securities issued by the Series Fund will be sold at their net asset value, without any sales charge, only to the Account and to a separate account of Pruco Life Insurance Company of New Jersey.

The assets of the Account will be derived from premium payments made pursuant to the Contracts. At present, the Account has three sub-accounts: the Money Market Sub-account, the Bond Sub-account, and the Common Stock Sub-account, each of which invests its assets exclusively in a corresponding portfolio of the Series Fund. Interests in each of the three portfolios of the Series Fund are represented by a separate class of capital stock. Contractowners may designate the sub-account of the Account to or among which their net premiums will be allocated, and may transfer all or a portion of the assets relating to their Contracts from one sub-account to another, without any charge, up to four times in each Contract year if no premiums are in default. Applicants state that the interests of contractowners in the sub-accounts of the Account are not held in the form of shares or units so that the concept of net asset value is inapplicable in this context but that the transfers should be deemed to be made on the basis of relative net asset value, for purposes of Section 11, because the value of the interests of contractowners after a transfer will be equal to the value of their interests prior to the transfer.

Relief Requested

Section 12(d)(1) of the Act, as here relevant, generally restricts the ability of a registered investment company to acquire the securities of any other investment company, and of a registered open-end investment company to sell its securities to any other investment company. However, Section 12(d)(1)(E) removes such restrictions if, *inter alia*, the acquired securities are the only securities held by a registered unit investment trust that issues two or more classes of securities, each of which provides for accumulation of shares of a different investment company. Applicants assert that the Account's acquisition of the securities of the various portfolios of the Series Fund is within this exception, but because each sub-account holds a different class of stock issued by the Series Fund (rather than securities issued by different investment companies), Applicants wish to remove any doubt about the matter and request an exemption from Section 12(d)(1), to the extent necessary, to permit the Account to acquire the shares of the Series Fund.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants also request an order pursuant to Section 11 of the Act, to the extent necessary, approving the terms of the offer of exchange described above. Section 11(a) generally makes it unlawful for any registered open-end investment company to make an offer to the holders of its securities to exchange their securities on any basis other than relative net asset values unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) apply to any type of exchange offer involving the securities of a registered unit investment trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 29, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6717 Filed 3-14-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19571; File No. SR-MCC-83-1]

Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Clearing Corporation

March 7, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1983, the Midwest Clearing Corporation ("MCC"), filed the proposed rule change. The proposed rule change amends MCC Rule 6, Section 5, concerning money payment obligations between MCC and its participants. The proposed rule change clarifies MCC's rights when MCC ceases to act for a participant and, in particular, MCC's right to reverse certain book-entry securities movements to the account of another participant at the Midwest Securities Trust Company when payment by the receiving participant to MCC, although required by the deliverer's instructions, does not occur. The proposed rule change, however, would not authorize MCC to reverse book-entry movements if that reversal would adversely affect fully-paid positions maintained by participants.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register.** Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference

should be made to File No. SR–MCC–83–1.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6715 Filed 3-14-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2077; Amendment #1]

Declaration of Disaster Loan Area; Washington

The above numbered Declaration (See 48 FR 6065) is hereby amended to include the adjacent County, of Pierce, Washington. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 1, 1893, and for economic injury until the close of business on October 31, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: March 7, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-6543 Filed 3-14-83; 8:45 am]

BILLING CODE 8025-01-M

California; Region IX; Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, will hold a public meeting at 10:00 a.m. on April 21, 1983, at the Public Enterprise Center, 1505 West Highland Avenue, San Bernardino, California, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Gerold Y. Morita, District Director, U.S. Small Business Administration, 350 South Figueroa Street, Suite 600, Los Angeles California 90071, (213) 798–2977.

Dated: March 7, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-6545 Filed 3-14-83; 8:45 am]

BILLING CODE 8025-01-M

Missouri; Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration, Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting at 9:30 a.m. on Wednesday, March 30, 1983, at the Scarritt Building, 818 Grand Avenue, (Third Floor), Kansas City, Missouri, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present. For further information, write or call Patrick E. Smythe, District Director, U.S. Small Business Administration, Fourth Floor, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, (816) 374–5557.

Dated: March 7, 1983.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

[FR Doc. 83-6546 Filed 3-14-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/611]

Integrated Services Digital Network (ISDN) Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on three consecutive days beginning March 29, 1983 at 10:00 a.m. in Room 1105, March 30, 1983 at 9:00 a.m. in Room 1105 and March 31, 1983 at 9:00 a.m. in Room 1406 Department of State, 2201 C Street, N.W., Washington, D.C. This Working Party deals with the evolution of ISDN as it is being considered by CCITT Study Group XVIII.

This meeting will review the report of the Kyoto meeting of the ISDN Group of Experts and work towards contributions for the upcoming Study Group XI and Study Group XVIII meetings. Among the topics that will be considered are: (1) Layer I characteristics, including power feeding, activation/deactivation and outstanding problems identified in the report of Working Team 2; (2) numbering plan technical considerations, noting problems arising from transition from the telephone and data network numbering plans; sub-addressing, record opening, including private network user identification, record closing and user routing choice implications; (3) technical aspects of networks and interfaces as discussed in the reports of Working Teams III and IV of the Kyoto meeting; (4) technical aspects related to signalling and switching as discussed in the reports of Working Team V and VI of the Kyoto meeting.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is suggested that prior to March 29, members of the general public who plan to attend the meeting so advise Mr. William Lowell, Office of International Communications Policy, Department of State, Washington, D.C. 20520, telephone (202) 632–6583. All attendees must use the C Street entrance to the building. Entry will be facilitated 15 minutes before and after the meeting begins.

Dated: March 7, 1983.

William J. Lowell,

Chairman, U.S. CCITT National Committee.

[FR Doc. 83-6701 Filed 3-14-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 83-61]

Bayer Co.; Recordation of Trade Name

AGENCY: Customs Service, Treasury.

ACTION: Notice of Recordation of Trade Name: The Bayer Company.

SUMMARY: On September 14, 1982, a notice of application for the recordation under section 42 of the Act of July 15, 1946, as amended (15 U.S.C. 1124), of the trade name "The Bayer Company" was published in the **Federal Register** (47 FR 40519). The notice advised that prior to final action on the application, filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than November 14, 1982. No responses were

received in opposition to the application.

The name "The Bayer Company" is hereby recorded as the trade name used by Sterling Drug Inc., a corporation organized under the laws of the State of Delaware, 90 Park Avenue, New York, New York 10016. The trade name is used in connection with pharmaceuticals manufactured in Canada, West Indies and the United States. Sterling Drug Ltd. of Aurora, Canada, is authorized to use the trade name.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

Dated: March 10, 1983.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

[FR Doc. 83-6860 Filed 3-14-83; 8:45 am]

BILLING CODE 4820-02-M

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held April 12, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, CC:C:E:V, 1111 Constitution Avenue, NW., Room 5553, Washington D.C., 20224, Telephone No. (202) 566–4196, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on April 12, 1983, beginning at 9:30 a.m. in Room 3411, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Roscoe L. Egger, Jr.,

Commissioner.

[FR Doc. 83-6724 Filed 3-14-83; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Department Circular Public Debt Series—No. 7–83

TREASURY NOTES OF MARCH 31, 1985 SERIES S–1985

March 10, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $7,750,000,000 of United States securities, designated Treasury Notes of March 31, 1985, Series S–1985 (CUSIP No. 912827 PG 1). The securities will be sold at action, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve, Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated March 31, 1983, and will bear interest from that date, payable on a semiannual basis on September 30, 1983, and each subsequent 6 months on March 31 and September 30 until the principal becomes payable. They will mature March 31, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, March 16, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, March 15, 1983, and received no later than Thursday, March 31, 1983.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders

for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, March 31, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, March 29, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms diffenent from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 83-6973 Filed 3-14-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 51
Tuesday, March 15, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Item
Consumer Product Safety Commission	1
Federal Mine Safety and Health Review Commission	2
National Credit Union Administration	3, 4
Securities and Exchange Commission	5, 6

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., March 16, 1983.

LOCATION: Third floor hearing room, 1111 18th Street, N.W., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Physicians' Samples
The Commission will consider whether to issue a previously proposed rule that would require all oral prescription drugs in consumer packages that are distributed by manufacturers to physicians to be in child-resistant packaging.

STATUS: Closed to the public.

2. Enforcement Matter
The Staff will brief the Commission on an enforcement matter.

For a recorded message containing the latest agenda information, call: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301-492-6800.

[S-388-83 Filed 3-11-83; 12:48 pm]
BILLING CODE 6355-01-M

2

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

March 9, 1983.

TIME AND DATE: 10 a.m., Wednesday, March 16, 1983.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Carbon County Coal Company, Docket No. WEST 82-106; Petition for Interlocutory Review. (Issues include whether the judge erred in denying the operator's motion for summary decision.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-389-83 Filed 3-11-83; 12:41 pm]
BILLING CODE 6735-01-M

3

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 10 a.m., Monday, March 21, 1983.

PLACE: Los Angeles Marriott Hotel, 5855 W. Century Blvd., Los Angeles, CA 90045.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Final Rule: Part 710, NCUA Rules and Regulations, Membership Vote in Voluntary Liquidation.
4. Bylaws for Corporate Federal Credit Unions.
5. Proposed Interpretive Ruling and Policy Statement, Federal Credit Union Services for Retired Persons.
6. Report of the National Credit Union Administration Share Insurance Fund.
7. Progress Report on Studies Mandated by the Garn-St Germain Depository Institutions Act of 1982: Share Insurance and Compensation of Directors.
8. Progress Report on Credit Union Expansion—94 Program.

TIME AND DATE: 5 p.m., Sunday, March 20, 1983.

PLACE: Los Angeles Marriott Hotel, 5855 W. Century Blvd., Los Angeles, CA 90045.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

[S-391-83 Filed 3-11-83; 3:58 pm]
BILLING CODE 7535-01-M

4

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting.

TIME AND DATE: 5 p.m., Thursday, February 10, 1983.

PLACE: Quality Inn—Central, 1160 North Courthouse Road, Arlington, VA.

STATUS: Closed.

MATTER CONSIDERED:

1. Proposed mergers.

BACKGROUND: The Board voted that the Agency business required that a meeting be held with less than 7 days advance notice.

The Board unanimously voted to close the meeting under exemptions (8) and (9)(A)(ii). The Deputy General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-390-83 Filed 3-11-83; 3:56 pm]
BILLING CODE 6525-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the Provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 21, 1983, at 450 5th Street, NW., Washington, D.C.

A closed meeting will be held on Monday, March 21, 1983, at 3 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans and Longstreth voted to consider the items listed for the closed meeting in closed session.

The subject mater of the closed meeting scheduled for Monday, March 21, 1983, at 3 p.m., will be:

Settlement of administrative proceedings of an enforcement nature.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal order of investigation.

Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272–2014.

March 10, 1983.

[S–360–83 Filed 3–11–83; 3:58 pm]

BILLING CODE 8010–01–M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

STATUS: Closed meetings.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, March 9, 1983.

CHANGES IN THE MEETING: Additional items. The following additional item will be considered at a closed meeting scheduled for Tuesday, March 15, 1983, at 10 a.m.:

Institution of administrative proceedings of an enforcement nature.

The following additional item will be considered at a closed meeting scheduled for Thursday, March 17, 1983, following the 10 a.m. open meeting.

Regulatory matter bearing enforcement implications. Consideration of amicus participation.
Litigation matter.

Commissioners Evans, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

March 11, 1983.

[S–363–83 Filed 3–11–83; 3:59 pm]

BILLING CODE 8010–01–M

VOL
48
ISS
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1983
UMI

federal register

Tuesday
March 15, 1983

Part II

Department of the Treasury

Customs Service

Customs Bond Structure; Proposed Revision

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 22, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, and 174

Customs Bond Structure; Proposed Revision

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes extensive amendments to the Customs Regulations to revise the current bond structure by consolidating and reducing the number of bond forms now in use. The purpose of the proposal is to simplify transactions between Customs and the importing public and to facilitate establishment of an efficient computerized bond control system.

DATE: Comments must be received on or before June 13, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: Joseph C. Goody, Regulatory Audit Division (202–566–2812). Legal Aspects: William Rosoff, Carriers, Drawback and Bonds Division (202–566–5856). Legal and Operational Aspects Relating to Delinquent Sureties: Ron Gerdes, Office of Chief Counsel (202–566–2482) U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

When merchandise other than noncommercial merchandise accompanying a traveler arrives in the United States, it ordinarily remains in Customs custody until the importer, consignee, or the authorized agent of either establishes ownership and complies with the applicable Customs laws and regulations or laws and regulations enforced by Customs for other Federal and state agencies. In some instances, especially in the case of duty-free noncommercial importations, the merchandise may be released to the importer, consignee, or an authorized agent merely upon furnishing proof of ownership, and no formal documentation is required. However, in most cases involving commercial importations, formal documentation is required to obtain release of the merchandise. The Customs transaction releasing the merchandise to the importer is referred to as an "entry".

As a part of the entry documentation the importer, consignee, or an authorized agent usually is required to file a bond with Customs. The bond, among other things, guarantees that proper entry summary, with payment of estimated duties and taxes when due, will be made for imported merchandise and that any additional duties and taxes subsequently found to be due will be paid. The bond also guarantees redelivery of imported merchandise to Customs custody for examination or inspection if found not to comply with applicable laws and regulations. Redelivery may be required as a result of a failure to properly mark, label, clean, or fumigate the imported merchandise; or a failure to destroy or export the imported merchandise, if appropriate.

A bond also may provide, as a condition of its satisfaction, for the production of any missing invoices, declarations, certificates, or other documents required in connection with the entry of imported merchandise, in the form and within time required.

Bonds are used to secure other Customs transactions besides those of importers. For example, carriage of imported merchandise that has not been examined or appraised by Customs must be secured by a Customs bond to guarantee performance of various Customs obligations. Those performance bonds are required from bonded carriers, bonded cartage and lighterage operators, and persons who are authorized to carry merchandise when bonded carrier facilities are not reasonably available. Among other things, those persons are contractually bound to safely deliver that merchandise to Customs at the destination. They are also bound to report arrival of the merchandise to Customs at the destination so that it can be examined for Customs purposes. Further, they are bound not to deliver that merchandise to the ultimate consignee until Customs determines that it can be released. If the bond principal fails to perform as agreed, the principal and surety become liable to Customs for payment of liquidated damages.

A similar situation exists for operators of Customs bonded warehouses, container stations, and foreign-trade zones. A bond is needed to protect the Government from any loss as a result of the operation. Generally, imported merchandise is placed in such places before the amount of duty due has been determined. Moreover, until that merchandise is withdrawn for consumption no duty is paid by the importer. The bond given by the operators serves as a guarantee that the stored merchandise will be kept safely and that it will be released only when authorized by Customs.

Other bonds are required in special instances. For example, persons who use the accelerated drawback program are required to file a bond to guarantee repayment of any money paid in excess of what is finally determined to be due. Another special bond is that required of copyright owners who claim that an imported article infringes their copyright and requests Customs to detain that article pending a final determination on the infringement claim. That bond insures that any damage caused to the importer by detention will be reimbursed.

Presently, there are approximately 50 different forms of Customs bonds and 16 bond riders in use (see Appendix E). Part 113, Customs Regulations (19 CFR Part 113), sets forth a description of the various bonds and the general requirements applicable to Customs bonds. It contains the general authority and powers of the Commissioner of Customs to require bonds, the classes of bonds, procedures for their approval and execution, general and special bond requirements, requirements which must be met to be either a principal or a surety, requirements concerning the production of documents, and the authority and manner of assessing damages and of cancelling the bond or charges against a bond.

In an effort to (1) modernize the current bond structure by reducing and consolidating the number of bond forms now is use, (2) modify the archaic bond language, (3) simplify transactions between Customs and the importing community, and (4) facilitate establishment of an efficient computerized bond control system, Customs published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** on May 26, 1981 (46 FR 28172) to afford the public a meaningful opportunity to participate at an early stage in the revision process by submitting comments on the merits of the proposal and by suggesting alternatives to the proposed bond format, coverages, and conversion approaches. Numerous comments were received in response to the ANPRM. The comments overwhelmingly supported the revision concept. Before discussing the comments and the changes made as a result of those comments, a review of the proposal as set forth in the ANPRM may prove beneficial to a complete

understanding of the concept and the comments received.

Review of ANPRM

Under the proposal as set forth in the ANPRM, two types of Customs bonds, designated "single transaction" and "multi-transaction", would have been established.

1. *Single Transaction:* The single transaction bond under the ANPRM was to be used for one transaction at a specific port under the same conditions as a single entry bond currently is being used and would require the approval of the district director at the port where filed.

2. *Multi-Transaction:* The multi-transaction bond under the ANPRM was to replace present term, blanket and consolidated bonds and be used for many transactions over a definite period of time. It also was to replace the continual type bonds which cover conditions of a continuing nature, such as, carriage of merchandise and establishment of warehouses.

It was proposed that an amount associated with each condition referred to on the multi-transaction bond would represent the liability limit for that specific condition. It was anticipated that each condition would be self-contained and appear in a separate section or subsection of the regulations.

The bond contract was to remain in full force and effect for one year commencing on the effective date shown on the bond and for each succeeding annual period, or until terminated. Current Customs policy prohibiting the discontinuance of bond coverage before the end of the initial term unless good cause is shown and Customs concurs would not have been changed under the proposal.

At least 60 days before the bond anniversary date, Customs proposed to issue a courtesy notice advising the proncipal that the bond would terminate on the anniversary date unless the principal notified Customs by returning the notice, or otherwise advised Customs in writing, at least 30 days before the bond expiration date, of its intent to continue the contract. Thus, notification of premium payment on the bond would have been sufficent under the proposal to renew a bond contract for another term.

If a party to the bond contract intended to terminate the contract, that party would have been required to notify the other parties to the contract and Customs in writing at least 30 days before the effective date of the termination.

It was proposed to create two classes of coverage within the multi-transaction type bonds, the national class and the district class. The national class, at the option of the principal, would have included all or specific transactions of a particular principal on a nationwide basis. The district class, at the option of the principal, would have included all or specific transactions of a particular principal within one district. For example, term bonds which currently are filed on a port level would have been consolidated into one district bond. The conditions of this class of bond would have been the same as those of a national bond except that the scope of coverage would be limited to one district and the minimum amount of bond required would generally be less than the minimum amount required on a national bond. In keeping with Treasury Department directives and Customs policy, customhouse brokers would not have been approved as principals on a national class bond to be used in their capacity as brokers.

Under the proposal, there would have been one standardized bond form for the single transaction and multi-transaction bonds. A space would have been provided on the bond form where the conditions covered by the bond and the related surety liability limit would have been indicated. It was proposed that standardized conditions would be enumerated in the regulations and incorporated by reference into the bonds. This procedure would eliminate repeating the similar conditions contained in the various bonds.

In the ANPRM it was indicated that Customs Form 53, "Bond Transcript", would continue to be required in a modified form. Under the proposal Customs Form 53 would have been filed with each bond submitted for approval whether the bond was supported by surety, cash, or other acceptable security.

It was also indicated that based on the comments received and if Customs continuing analysis indicated it was feasible, the specific information unique to the Customs Form 53 might be incorporated into the proposed standardized bond form. If this approach was adopted the "Bond Transcript" would be discontinued.

Under the proposal, current Customs policy permitting the addition of principals to bonds and name and address changes after bond approval would not change. Any other bond contract change would require the termination of the old bond and filing of a new bond, as currently prescribed in § 113.23(d), Customs Regulations (19 CFR 113.23(d)).

It was indicated in the ANPRM that a computerized bond control system would be implemented in conjunction with the proposal. The number of bonds required by a principal to conduct Customs business would be reduced. Under the computerized system, data would be verified and validated, and computer files would be updated soon after a transaction was entered into the system via a terminal.

In the ANPRM it was proposed that each bond would be assigned a nine digit control number. The first two digits would identify the district where the bond was filed. The last seven digits would be a serial number control uniquely identifying the bond within the district plus a check digit. It was proposed that this bond number would appear on all copies of the bond, whether it was a Customs bond form or an approved privately printed bond form.

Two possible approaches for converting from the current system to the revised bond system were set forth in the ANPRM.

The first approach would have provided for a 90 or 120-day transition period during which all bonds would be terminated and replaced by bonds using the new format. Existing term-type or continual-type bonds not replaced by bonds using the new format would not be considered valid by Customs at the end of the 90 or 120-day transition period.

The second approach set forth in the ANPRM would have consisted of the following:

1. If a party had only a continual-type bond filed with Customs, a transition period would be provided during which a bond using the new format would be filed in accordance with the procedure stated in the first approach.

2. If a party had more than one term-type bond in effect, the expiration date of the existing bond with the latest termination date would become the replacement control date. Customs would announce the date principals would be required to determine the replacement control date. Applicable replacement control dates thus would be established for the entire importing community at the same time.

Once a replacement control date was established for an individual or firm, Customs would not approve any bond submitted under the old bond format when the term of that bond would be effective beyond the replacement control date.

3. If a party had a term and continual-type bond in effect, the continual-type bond would be terminated as of the replacement control date established for the term-type bond. A bond in the new

format would be filed after the replacement control date.

Discussion of Comments

In response to the ANPRM, numerous comments were received from individuals and organizations representing the full spectrum of the importing community. The commenters touched upon all aspects of the ANPRM. The overwhelming majority of the commenters were in favor of reform of the existing bond structure. There was not total agreement, however, on the best way to accomplish the reform. For discussion purposes, the comments have been grouped together topically as follows:

Bond Policy

Two commenters requested that Customs reconsider its position which forbid use of a General Term Bond by a customhouse broker in its brokerage business. One commenter agreed with the position set forth in the ANPRM that Customs should continue the policy of not allowing brokers to have a national type bond in their capacity as brokers. The policy which dates back to 1952 exists, in part, because the amounts for General Term Bonds are based on 10-percent of the importers prior year's duty payments. A broker, unlike an importer, can radically change its business by changing its clients. This could thus result in inadequate coverage during the current year. Another reason for not allowing brokers to have a national type bond is that a broker, unlike a corporation, often lacks sufficient assets to go against in case of a loss. Since under the proposal set forth in this document Customs will be in a better position to monitor bond sufficiency, the basis for continuing the policy appears to be unnecessary. Accordingly, Customs proposes to eliminate the prohibition againist brokers having a national type bond in their capacity as brokers.

A broker commented that in addition to district and national multi-transaction bonds, Customs should have port multi-transaction bonds. Another commenter recommended that brokers operating in less than all ports in a district list the ports they intend to serve on the bond. Two commenters recommended that the multi-transaction bond be on a port basis in lieu of a district level basis.

After a complete review of the comments and further evaluation of the bond system, Customs is of the opinion that no valid reason exists for having a bond limited by any geographic boundary. The rationale under the present bonding system for having port level bonds is the limited scope of control available under a manual bond system. However, in today's computerized environment this constraint is eliminated. Thus, to require the filing of the same bond document at each port or district in which a firm carries on business is an undue burden on the public. A bond which is good nationwide will reduce the number of bond forms required by Customs. This will be beneficial to all parties-in-interest by easing the burden of document control and recordkeeping, and facilitate the collection of information pertinent to particular bonds, principals or sureties. Accordingly, this document provides for a bond which is valid nationwide. The requirement for a nationwide bond will, in addition to reducing the number of bond forms that a party involved with Customs will have to file, eliminate the associated administrative time and cost burden associated with the existing port and district bonds. To require a broker to file, with its bond, a list of the ports in which it intends to conduct Customs busines is not necessary. Providing this information is a function of broker licensing and thus is outside the scope of this proposal.

It should be noted that under the ANPRM Customs proposed both single entry and multi-transaction bonds. Under the ANPRM and this document the single transaction bond would be used for one transaction at a specific port under the same conditions as a single entry bond currently is being used. Bond approval authority would be with the district director unless delegated by the district director to the port director. This aspect has not been changed by this notice.

Under the ANPRM it was proposed that a multi-transaction bond would replace the present term, blanket, continual and consolidated bonds and be used for multiple transactions over a one year period of time. It was proposed that an amount associated with each condition referred to on the multi-transaction bond would represent the liability limit for that specific condition. It was anticipated that each condition would be self-contained and appear as a specific section in the regulations.

After a review and analysis of the comments received and further refinement of the proposal, the concept has been modified. The bond, while still multi-transactional, will be a continuous bond and identified as a continuous bond. The bond will be on Proposed Customs Form 301, a sample of which can be found in Appendix A of this document. Once approved the continuous bond will be in effect until terminated (see section I, Appendix A). Bond conditions will be grouped by activity (see section II, Appendix A). An importer or broker, for example, will be required to have a continuous bond containing the "Basic Importation and Entry Bond Conditions" set forth in proposed § 113.62. To obtain the foregoing coverage an importer or broker will check off block 1 in section II of proposed Customs Form 301. Generally, a principal will not, as proposed in the ANPRM, be able to check off multiple conditions with specific liability limitations for each condition. Exceptions exist for the "Repayment of Erroneous Drawback Payment Bond Conditions" (proposed § 113.65) and "Control of Containers and Instruments of International Traffic Bond Conditions" (proposed § 113.66). "Repayment of Erroneous Drawback Payment Bond Conditions" may be taken in conjunction with the "Basic Importation and Entry Bond Conditions (See activity codes 1 and 1a, section II, Appendix A). "Control of Containers and Instruments of International Traffic Bond Conditions" may be taken in conjunction with the "'International Carrier Bond Conditions" (see activity codes 3 and 3a, section II, Appendix A).

One commenter raised an unrelated issue on cancelling bonds securing temporary importations. The commenter was specifically concerned with the provisions of § 10.39, Customs Regulations (19 CFR 10.39) which states that merchandise entered temporarily under bond may not be entered for consumption without assessment of liquidated damages for breach of the bond. The change in procedure requested by the commenter would require a modification of the statute (item 864.05, TSUS, 19 U.S.C. 1202). Since the bond merely secures an importation made under the terms of the statutory provision the change requested is beyond the scope of this proposal.

One commenter stated that districts located on the northern U.S. border are authorized to accept bonds executed in Canada by Canadian surety companies so long as the company is licensed to operate a surety business in Canada. That commenter urged that the requirement for bonds executed in Canada be incorporated into the new bond format.

The existing Customs policy concerning acceptance of bonds executed in Canada is set forth in Customs Headquarters Circular BON-3-R:CD:D, dated July 20, 1976. This proposal will not change that policy. The circular states that it is permissible to accept bonds executed in Canada. Under the conditions set forth in the

circular, the surety company must provide evidence that it is licensed to operate a surety business in Canada, and that it meets the general requirements established for all surety companies doing business with the U.S. Government. In addition, the company must be authorized by the Treasury Department to act as surety on bonds executed in favor of the U.S. Government under 6 U.S.C. 6 *et seq.* and 31 CFR 233 *et seq.*

Bond Form

One commenter recommended that the proposed consolidation of the present bonds be done on a gradual basis and initially only a few bonds included in the multi-transaction bond.

Over the years a number of Customs bonds were written in a piecemeal fashion in response to specific problems. This approach led to repetition of bond conditions in numerous bonds and repetition in other aspects of the bonding procedure. This repetition, while acceptable with a manually controlled bonding process, is unnecessary and unacceptable in a computerized environment. With this bond proposal Customs has a unique opportunity to completely modernize the bonding process at one time and take advantage of the current data processing state of the art. Such a comprehensive change in the bonding process would be complicated and made far more difficult for both Customs and the importing community if it were made in a piecemeal fashion.

Another commenter recommended that the bond conditions be printed on the bond form.

One of the objectives of this bond simplification project was to devise a form which could be printed on one piece of paper. Another objective of the project was to keep the bonding process simple. In an attempt to accomplish these objectives, all bond conditions have been placed in one part of the Customs Regulations (see proposed subpart G, Part 113 of this document). This provides an easily accessible reference to bond obligations and the consequences of failure to meet those obligations. This approach benefits both Customs personnel responsible for any one of the various aspects of bonding and the import and export community which must satisfy the bonding requirements. In contrast, the current bond structure has this vital bond information located in the various files containing the bond contracts, various sections of the Customs Regulations, Treasury Decisions, and Customs Policy and Procedures Manual Issuances. In order to know what is current and available and locate this information an individual is required to have some degree of bond expertise. This will be minimized under the proposed revision. In addition, having the text of the bond conditions in one part of the regulations will be less costly for Customs to maintain and amend, should that become necessary. Further, Customs and the public will not have to destroy existing stocks of forms when bond conditions change as has been the case under the current structure in which the bonds have the actual bond conditions printed on the bond form.

Bond Format

One commenter recommended that the current Customs bond form numbers which identify the existing bond forms be retained and incorporated into the proposed regulations to ease the transition to the new bond conditions.

Customs will not retain the current bond form numbers. These form identification numbers and forms will be eliminated as a part of Customs paperwork reduction objectives under the Paperwork Reduction Act. As stated, the new proposed Customs bond form will be Customs Form 301, a copy of which is set forth in Appendix A. To ease the transition to the new bond structure, Appendix B contains a cross reference listing existing bond forms and conditions, the proposed new bond conditions, reason for the bond condition, statutory authority for the bond condition and related Customs Regulations.

Another commenter recommended that the bond form be in a one page format which will not impede the use of pin-fed paper stock as used by computers.

Customs has been mindful of the advantages of a one page form and the needs of computerized as well as non-computerized businesses. In consolidating the numerous bond forms into one form, there is an inherent space constraint. However, Customs believes that the proposed 8½ inch by 11 inch bond form printed on both sides satisfies, statutory, regulatory and information requirements and still is amenable to both computerized and non-computerized use.

Bond Type/Class

Two commenters believe that the multi-transaction bond coverage requires a principal to obtain all of its coverage from one surety.

There is nothing inherent in the nationwide bond which would require a principal to obtain all of its coverage from one surety. A principal could obtain bonds from different sureties for each set of bond conditions.

One commenter stated that under the type of bonds proposed (single transaction and multi-transaction) it was important to define "transaction."

Each section within proposed subpart G, Part 113 in effect defines "transaction" for bonding purposes. For example, the provisions of proposed § 113.62, which contains the "Basic Entry and Importation Bond Conditions" establishes a class of transactions for Customs purposes for which a bond is required.

One commenter stated it did not understand how the reduction in the number of bonds required by a principal would facilitate the efficient operation of a computerized system.

Under the proposal all Customs bonds will be entered into the computer system, except for single transaction bonds. All of the bond information entered into the bond system will be used by other Customs data processing systems which interface with the bond system. These other systems will access the bond system files to verify and validate information entered into those other systems. Thus, when these systems access the bond system files, the fewer number of file queries they need to make because of fewer bonds in the file the greater the efficency of the entire system. Even though each query of the system is measured in fractions of a second, in the context of an on-line system where fractions of a second are very long periods of time, the accumulated effect of numerous queries can lead to a degradation in response time.

Bond Number

One commenter inquired as to how a surety can print its bond forms without knowing the bond numbers in advance. The commenter further stated that sureties and importers will have to adjust their computer systems to meet this bond numbering requirement. An organization commented that the proposal implies bond numbers will be stamped or printed on the reporting copies to be sent to the sureties. The commenter indicated that the bond number will need to be assigned before the copy sets are separated.

The bond number is a control number assigned by Customs on approved bonds. Sureties will not be authorized to print a number on the bond forms in the space reserved for Customs use. It is likely that some programming modifications will be necessary for those sureties which elect to take advantage of and employ the Customs

number in their control mechanism. Customs believes that the use of the control number will be cost beneficial. However, Customs requests that commenters identify costs they will incur which could invalidate this belief.

The second commenter is correct in its assessment. The proposed bond form will be a three part set containing a Customs copy, a surety copy, and a principal copy. The complete three part bond set will be submitted to Customs for approval. With the approval of the bond by Customs, a bond number, which will be computer generated, will be placed on all copies of the bond by Customs. Customs will retain the original of the bond and the surety and principal copies will be returned to the party that submitted the bond to Customs.

One commenter suggested that consideration be given to implementation of a system that uses the current IRS or Customs assigned importer number.

In the initial stages of the bond simplification effort, Customs considered using the current IRS or Customs assigned importer numbers as a bond identifier as presently exists in the Automated Bond Information System (ABIS). However, when viewed in the total context of the Customs Automated System, of which bonding is a small part, the disadvantages outweighed the benefits. In addition, the IRS number is not sufficiently unique for bond control purposes. For example, in those instances where an organization elects to switch its business to a different surety the IRS number does not possess the required uniqueness to provide a simple access to specific bonds. In this situation one IRS number could have a number of different bonds associated with it.

Two commenters addressed the subject of filing and retrieving bonds. One suggested that in addition to having bond information available by bond number, the information should be available on an alphabetical search system. Another stated that, although some ports still use a numerical system, it is much simpler to adhere to a strictly alphabetical system.

It is too costly and inefficient to have a data processing system dependent upon names for validations of information and accessing the system. The potential for a great variation in the legitimate spelling of names as well as erroneous spellings renders such a process cumbersome (*e.g.*, General Motors Corporation, GMC, G.M.C., Gen. Motors, GM, etc.). However, it is contemplated that the approved bonds will be filed alphabetically at the district office. Queries to the computer file will be only by bond number. Periodically a bond cross-reference listing, both alphabetical and numerical, will be generated by the computer. It is anticipated that this output will be produced on micro-fiche.

Two commenters asked who will have bond approval authority and will the approval authority be delegatable. One commenter asked where bonds will be filed. Customs does not intend to change the current delegated bond approval authority. Thus, if the port director has been delegated the authority to approve bonds, he may do so. If the district director has not delegated this authority, bonds must be forwarded to the district office for the approval of the district director. Regardless of who approves the bonds, the approved continuous bonds will be retained in the district files.

Bond Amount

Eight commenters addressed the question of the determination of bond amounts. The major thrust of the comments was that standard minimum bond amounts must be set on a nationwide basis and uniform procedures for determining the amount of any bond established. It was recommended that Customs issue guidelines for determining the amount of all bonds. Some commenters expressed the fear that bond amounts would increase because port bonds would be eliminated.

One of the many objectives of this bond simplification effort was to diminish the regulatory burden on the trade community while efficiently and effectively fulfilling Customs mission. In this effort Customs has kept the interests of all segments of the industry in mind. Guidelines for determining bond amounts and the application of uniform procedures are set forth in proposed § 113.13.

Requiring a nationwide bond, rather than a port or district bond, will not necessarily increase the bond amount required. For example, the fact that a firm currently conducts business in each port of a 15 port district does not necessarily mean a $150,000 bond amount (current port bond minimum $10,000 times 15 ports) would be required. It is anticipated that, under guidelines issued for determining bond amounts, a number of different criteria will be taken into account in determining bond amount, such as, volume of business, type of merchandise, annual duties and tax involved, past performance, other agency requirements involved, etc. The same would be true under the nationwide bond proposed in this document.

Bond Language/Conditions/Regulations

One commenter recommended that a surety's mitigation rights be set forth on the bond. The commenter in effect argues that a surety should be treated more generously than its principal. There is no legal basis for this argument. A principal and surety are both primarily liable under Customs bonds. The commenter wants sureties to be treated as guarantors rather than as sureties. Adoption of the recommendation will defeat the purpose underlying Customs bonds.

One commenter suggested that the new bond format provide codes for specific coverages of all existing bonds and categories where Customs experience indicates higher risks are involved.

A similar concept was considered in the course of the development of this project. However, the recommended format will lead to an inordinate number of bond conditions. This "ala carte" approach adds complexity to administering bonds. While there is a higher degree of risk between certain categories, that is only one of the criteria in determining overall risk. Thus, to structure bond conditions by such categories would not be desirable. Under the proposal, the varying degrees of risk between different categories of merchandise is reconciled in setting the bond amount. "Type of merchandise" is one of the criteria used, along with such items as volume, a firms compliance record, etc., in setting the bond amount.

One commenter suggests that the bond language include a requirement that Customs supply sureties with copies of appropriate bonds, entries and other documents in connection with claims or demands for payment.

Such language is not germane to a bond contract between a surety and principal. Accordingly, Customs does not believe it appropriate to include such a condition in the bond.

One commenter, while supporting the efforts of Customs to simplify the language of the bonds, opines that material changes in bond requirements may influence the premiums that sureties charge for bonds.

Customs has no control over the premiums that sureties charge for bonds. However, there is nothing inherent in the proposal which would dictate an increase in premiums.

A commenter pointed out that there is a conflict between the two statements on bond liability in Appendix B of the ANPRM at 46 FR 28175 and the

explanatory notes of the ANPRM at 46 FR 28173.

The ANPRM limited only the liability of the surety. The limitation should apply to both the principal and surety. This omission in the ANPRM was inadvertent and has been corrected in this document.

One commenter pointed out that Customs has 17 bond riders which are not addressed by the proposal and asked if it is envisioned that riders will no longer be needed.

These bond riders are actually individual bond conditions which are used to supplement certain bonds. These conditions have been incorporated into the revised bond conditions and will be eliminated as separate riders. However, the proposal does envision the need for certain specific riders subsequent to bond approval. These riders will be used to change the name of the principal, change the address of the principal, add co-principals to the bonds, and add trade names or unincorporated divisions to the bond. These four riders appear in proposed § 113.24.

Bond Transcript

Four commenters addressed the question of retention or elimination of the Bond Transcript, Customs Form 53. Two commenters supported the proposal to incorporate the information contained on the Bond Transcript into the bond and eliminate the form. Two commenters recommended that the format of the existing bond transcript be retained.

The existing bond transcript format does not contain all of the information required for the new bond structure. The Bond Transcript was created only to serve as a data input document for the ABIS. Thus, the Bond Transcript is an extract containing much of the same information as the existing bond. However, it is being used, without official sanction, to change bonds in the automated system without filing the required supporting legal documentation. Accordingly, it has been decided to eliminate the form.

Bond Approval Procedures

One commenter suggests the proposed bond system would be much more viable if approval of the bond could be made at the accepting port and bond information entered into the system via a terminal at the port.

Under this proposal the bond information will be entered into the system at the district level. However, the district director has authority to delegate approval authority to the port level and if the port has the capability of inputing data to the system this can be done at the port level.

One commenter recommended that the existing Customs policy of requiring new bonds for all modifications except additions of principals to the bond and changes in name and address be reviewed. The commenter stated that such a review is necessary because the new structure will require many modifications since separate term bonds may not be used.

Customs disagree that the new structure will lead to the necessity of many modifications to bonds. Only in extreme cases will the bond language be modified or a rider relating to substantive bond language used.

Another commenter suggested that a rider be used to increase the amount of a bond.

Under the proposed bond structure no riders, other than the four contained in proposed § 113.24 will be necessary. The proposal does not alter the existing Customs position which prohibits changes which go to the substance of a bond. Permitting changes to the amount of the bond by rider is a change to the substance of the bond.

One commenter inquired as to whether or not the practice of adding special provisions to a General Term Bond will be continued.

Under the proposed bond structure this practice will no longer be necessary.

Renewal and Termination Procedures

Four commenters took exception to the proposed continuation of existing Customs policy which requires Customs concurrence to discontinue bonds within the first year of their coverage.

This restriction has been removed in this proposal. A bond can be terminated at any time under the procedures set forth in proposed § 113.26.

One commenter recommended that Customs bonds be of the continuing type and that they be written to allow cancellation by a principal only. The comment ignores the contractual basis of a bond and the lack of Customs authority to intervene in the contract between a principal and surety. In response to the first part of the comment Customs is proposing that the bonds be continuous.

Numerous comments were received regarding the proposed "courtesy bond renewal notice." Two commenters supported the proposed renewal procedure with a few minor clarifications. Two commenters offered qualified support with a number of constraints. Ten commenters expressed opposition to the renewal procedure because it would be burdensome and unnecessary.

The purpose of the proposed courtesy notice procedure was threefold. First, it provided an affirmative action so all parties-in-interest had knowledge of the fact that premiums were paid and the bonds were extended or the coverage has lapsed. Second, it provided a periodic Customs review mechanism to ascertain whether a firm's Customs bond had become oversubscribed or undersubscribed in the course of the year. Third, it provided Customs with a means to update its files for certain changes to bond information which occurred over the course of a year, (*e.g.*, change in surety agent address or change in surety agent).

Based on the comments received, the procedure to issue a courtesy notice of bond renewal has been dropped. Bonds will be continuous and remain in force until terminated under proposed § 113.26.

Bond Renewal Termination Procedures

One commmenter inquired as to whether or not the existing practice which requires a principal to file annual applications to establish the amount of the General Term Bond will be covered in the courtesy notice of bond renewal procedure.

As stated above the courtesy notice procedure has been dropped. However, principals will be required under proposed § 113.12(b)(2) to file updates of their bond applications whenever there is a significant change in the facts.

One commenter raised a question regarding Customs notice to sureties, *e.g.*, collection actions; computerized demands for payment; suspension or extension of liquidation; etc. The commenter recommended that the three-digit surety code be revised to permit companies to designate a particular agent or office to receive notices in the above areas.

This recommendation deals with an area beyond the scope of the proposed regulation changes. However, the feasibility of the recommendation will be addressed by Customs when the computer system design is developed.

Conversion to the New Structure

Eight commenters recommended various transition periods which varied from 1 to 2 years in duration to convert to the new system. Two commenters indicated either of the transition approaches proposed in the ANPRN was acceptable. One commenter recommended that bond principals be given the right to choose the date they will terminate their existing bonds and convert to the new bond format.

Another recommended a 120-day transition period.

After considering all of the comments Customs has decided it would be best to phase in the new bond structure over a one year period beginning 60 days after publication of the final rule in the Federal Register. On the sixtieth day after publication all new bonds, single entry and continuous, are required to be on the new Customs Form 301 and contain the appropriate bond conditions set forth in proposed subpart G, of Part 113. All existing term, consolidated, and continuous bonds will be converted to the new system on their anniversary date. If a principal has more than one bond for the same type of activity (e.g., bonds which will under the new system be encompassed by the "Basic Importation and Entry Bond Conditions" contained in proposed section 113.12) all will be converted to the new system on the anniversary date of the bond with the earliest anniversary date. The responsibility for identification of the bonds affected and their anniversary dates will be the principals. Under the above approach all bonds will be converted within one year.

Miscellaneous Comments

One commenter recommended that Customs obtain statements of intent from sureties regarding what bond premiums will be if the proposed new bond structure is implemented.

Customs has no authority to require sureties to provide statements of intent regarding bond premiums. However, Customs can see nothing inherent in the proposed changes which would cause a premium increase.

One commenter recommended that the Special License to Unlade and Lade, Customs Form 3171, used with an air carrier's bond be automatically renewed as long as the air carrier's bond is in effect.

Although there is a relationship between bonds and this special license, this is beyond the scope of the regulations changes. However, the commenter's recommendation will be addressed when the computer systems design is developed by Customs.

One commenter stated that Customs is not consistent in requiring accurate IRS numbers. Inaccurate IRS numbers make it difficult for some sureties to identify individuals for whom they have written bonds. The commenter recommended that the Customs computer system should validate the accuracy of the IRS number before the release of merchandise.

This is outside the scope of this proposal. However, this subject area will be dealt with in the Automated Commercial System (ACS), another Customs computer system project currently under development.

Discussion of Proposed Amendments

Proposed Amendments to Part 4

Part 4, Customs Regulations, relates to vessels in foreign and domestic trade. All proposed amendments to Part 4 are necessary to conform the regulations to proposed Part 113. The proposed amendments to §§ 4.10, 4.13(b), 4.14(b), 4.16(a), 4.30(c), 4.30(i)(2), 4.32(b), 4.34(h), 4.75(a), 4.85(a), 4.88(a), and 4.90(e), Customs Regulations, merely remove a reference to an existing Customs bond form and substitute a reference to the proposed Customs Bond, Customs Form 301 and the appropriate bond conditions set forth in subpart G of proposed Part 113.

The proposed amendments to §§ 4.30(f) and (g) would remove the words "but not longer than the period of the supporting bond" from each paragraph. Since bonds under this proposal are either single entry or continuous in nature and contain no reference to a bond period the reference to a bond period in the regulation must be removed.

It is proposed to add two sentences to § 4.38(a) which relates to release of cargo to indicate that when merchandise is released without a proper permit before entry has been made, the district director will issue a written demand for redelivery of the merchandise. The importing carrier would have 30 days after the demand is made to redeliver the merchandise to Customs. The proposed amendment is necessary to establish a regulatory requirement which, if breached, would establish a basis for liability under the bond.

Proposed Amendments to Part 6

Customs air commerce regulations as found in Part 6, Customs Regulations. All proposed amendments to Part 6 are necessary to conform the regulations to proposed Part 113. The proposed amendments to §§ 6.2(e), 6.2(f), 6.2(g), 6.8(a), 6.9(a), 6.20(c), and 6.22(e), Customs Regulations, merely remove the reference to an existing Customs bond form and substitute a reference to the proposed Customs Form 301 and in certain instances a reference to the appropriate bond conditions set forth in subpart G of proposed Part 113 is included.

The proposed amendments to §§ 6.2(e), 6.2(f), and 6.8(e), Customs Regulations, remove the words "relating to a bond period". This is necessary since all bonds would be continuous or single entry and there would be no reference to a bond period in the single entry or continuous bond.

Proposed Amendments to Part 7

Part 7, Customs Regulations, relates to Customs relations with insular possessions and Guantanamo Bay Naval Station. It is proposed to amend § 7.8(c), Customs Regulations, by removing the reference to existing bond forms and substituting a reference to proposed Customs Form 301 and the appropriate bond conditions set forth in proposed Part 113.

Proposed Amendments to Part 10

Regulations relating to articles conditionally free, subject to a reduced rate of duty and similar provisions are found in Part 10, Customs Regulations. The proposed amendments to §§ 10.24(f), 10.31(f), 10.36a(a), 10.41a(c), 10.41b, 10.49(a), 10.59(e), 10.60(c), 10.60(f), 10.60(g), 10.64(a), 10.65(c) (3), 10.66(b), 10.67(b), 10.71(a), 10.71(e), 10.71(f), 10.80, 10.81(b), 10.90(f), 10.92(a), 10.108(b), and 10.173(a) (3), Customs Regulations, merely remove the reference to an existing Customs bond form and substitute a reference to the proposed Customs Form 301 and in certain instances a reference to the appropriate bond conditions contained in subpart G of proposed Part 113 is included.

The proposed amendments to §§ 10.31(g), 10.36(b), 10.36(c), 10.39(e) (3), and 10.40(b), Customs Regulations, would remove references to a bond period. These changes are necessary since under the proposal Customs bonds will no longer contain a reference to a specific period of time.

Certain additional amendments are proposed to §§ 10.36(b), 10.37, 10.38(a), 10.39, 10.60, 10.71(b), 10.83(a), and 10.92, Customs Regulations. These proposed amendments relate to minor technical conforming changes such as substituting the word "bond" for the word "bonds" and the words "liquidated damages" for the word "penalties".

In addition, it is proposed to amend § 10.64, Customs Regulations, which relates to crediting or cancellation of bonds to include a requirement that the withdrawer of merchandise shall deliver the merchandise to the vessel for lading and provide the district director with evidence of lading within 30 days after lading. This requirement is necessary to establish liability under the proposed new bond conditions.

Proposed Amendments to Part 11

Part 11, Customs Regulations, relates to marking, packing and stamping of merchandise. The proposed

amendments to §§ 11.12(c), 11.12a(c), and 11.12b(c), Customs Regulations, all relate to removing a reference to an existing Customs bond and substituting a reference to the proposed Customs Form 301 and the appropriate bond conditions set forth in subpart G of proposed Part 113.

Proposed Amendments to Part 12

Part 12, Customs Regulations, relates to special classes of merchandise. The proposed amendments to §§ 12.3, 12.8(a), 12.12, 12.16(c), 12.26(e), 12.39(b)(2), 12.39(b)(3), 12.73(c), 12.80(e)(1), 12.80(e)(2), 12.85(e), 12.91(d), and 12.115, Customs Regulations, remove references to an existing Customs bond form. In appropriate instances a reference to proposed Customs Form 301 is substituted and when necessary a reference to the proposed bond conditions set forth in subpart G of proposed Part 113 is included.

Section 12.33(c), relating to importations of tea, states that all entries of tea shall be on regular forms, and the regular serial numbers for both bonds and entries shall be used. Customs is unaware of the reason for this specific provisions. In addition, other than for single entry bonds bond numbers will be computer generated. Accordingly, it is proposed to delete the paragraph.

Certain technical conforming amendments are proposed to § 12.8(b) where the words "of a bond" are proposed to be substituted for the words "of bonds", § 12.26(e) where the words "district director" are proposed to be substituted for the word "collector", § 12.26(h) where the words "a claim for liquidated damages shall be issued under the bond" are proposed to be substituted for the words "a bond shall be forfeited", § 12.39(b)(3) where the word "rider" is proposed to be removed, § 12.80(e)(1) where the words "An approval" are proposed to be substituted for the words "The bond release", §§ 12.80(e)(1) and (e)(2) where the word "approval" is proposed to be substituted for the words "bond release", and § 12.117(b) where the words "issue a demand for" are proposed to be substituted for the word "assess".

Proposed Amendments to Part 18

Part 18, Customs Regulations, relates to transportation in bond and merchandise in transit. The proposed amendments to §§ 18.3, 18.20(b), 18.25(b), and 18.25(d), merely remove the reference to an existing Customs bond form and substitute a reference to proposed Customs Form 301. In appropriate instances a reference to the proposed bond conditions set forth in subpart G of proposed Part 113 is included.

Section 18.25 relating to direct exportation would be amended under the proposal by redesignating present paragraph (e) as paragraph (f) and adding a new paragraph (e). The new paragraph would provide that the principal on any bond filed to guarantee direct exportation must insure that the merchandise is exported and within 30 days of exportation provide such evidence of exportation as the district director requires. It is also proposed to amend § 18.26 relating to indirect exportation. The proposed technical amendment to paragraph (a) would substitute a reference to § 18.25(a) in place of the reference to § 18.25(d) in the first sentence. The second sentence of the paragraph would be revised to indicate that upon acceptance of the entry by Customs and acceptance of the merchandise by the bonded carrier the bonded carrier assumes liability for the transportation and exportation of the merchandise. This provision is necessary to fix responsibility and liability under the new bond conditions. In addition, a new paragraph (d) would be included in the section. The paragraph, which is similar to proposed § 18.125(e), would provide that the bonded carrier must cause merchandise to be exported and provide such evidence of exportation as required by the district director within 30 days of exportation. This provision is necessary to fix responsibility and liability under the new proposed bond conditions.

Proposed Amendments to Part 19

Customs warehouses and container stations are the subject of Part 19, Customs Regulations. On November 1, 1982, T.D. 82–204, was published in the **Federal Register** (47 FR 49355). That document, which implemented an audit-inspection approach for control of merchandise in Customs bonded warehouses, made significant changes to part 19. This document proposes to amend several of the same sections in Part 19. Accordingly, to fully understand the following proposed amendments, the text of T.D. 82–204 should be consulted. The proposed amendments to §§ 19.2, 19.14, 19.15, 19.16(g)(1), 19.17(e), and 19.40, Customs Regulations, merely remove a reference to an existing Customs bond form and substitute a reference to proposed Customs Form 301, and the bond conditions set forth in proposed § 113.63. It is proposed to amend § 19.11, relating to manipulation in bonded warehouses, by adding a sentence which provides that the warehouse proprietor must not allow a manipulation of merchandise without a permit issued by the district director. This provision is necessary to fix responsibility and provide a basis for liability under the proposed bond conditions. It is also proposed to remove the word "general" from in front of the word "bond" in section 19.15(g)(1). Customs would no longer have "general" bonds, only "single entry" and "continuous" bonds. It is proposed to remove § 19.17(b) which refers to the renewal of a bond. Bonds would be continuous and need not be renewed.

Proposed Amendments to Part 22

Part 22, Customs Regulations, relates to drawback. It is proposed to amend § 22.7(d)(2)(ii) by inserting a reference to the proposed Customs Bond, Customs Form 301, and § 22.20a by substituting a reference to the proposed form for a reference to existing Customs bonds. It is also proposed to eliminate the reference to a bond rider for drawback in § 22.20a and a reference to a temporary importation bond in § 22.28(b). This is necessary since the rider is eliminated under this proposal and the temporary importation bond conditions are incorporated into the "Basic Importation and Entry bond Conditions" set forth in proposed § 113.62.

Proposed Amendments to Part 24

Part 24, Customs Regulations, relates to Customs financial and accounting procedures. The proposed amendments to §§ 24.1(a)(3), 24.11(a)(2), and 24.16(c) remove a reference to an existing Customs bond and, in the case of the latter two sections, substitutes a reference to the proposed Customs Form 301 and the appropriate bond conditions set forth in subpart G of Proposed Part 113. The proposed amendment to § 24.4(a)(1) indicates that once approved the deferred payment privilege for payment of estimated import taxes on alcoholic beverages remains in effect until terminated. This change is a reflection of the continuous nature of the bond under this proposal. The proposed amendment to section 24.11(b) is purely a stylistic change in the language. The proposed change to § 24.16(c)(3) eliminates a reference to an existing Customs bond and substitutes a reference to the new proposed continuous bond. It is also proposed to eliminate from this paragraph a reference to the supporting bond period since there will be not period of time referred to in the proposed bond.

Proposed Amendments to Part 54

Certain importations temporarily free of duty are covered in Part 54, Customs Regulations. The proposed amendment to § 54.6 deletes a reference to existing Customs bonds and substitutes a reference to proposed Customs Form 301 and the proposed "Basic Importation and Entry Bond Conditions" set forth in proposed § 113.62.

Proposed Amendments to Part 101

Part 101, Customs Regulations, relates to Customs general administrative provisions. The proposed amendment to § 101.1 would add a definition of "exportation" which is currently set forth in § 113.55, Customs Regulations.

Proposed Amendments to Part 112

Regulations relating to carriers, cartmen and lightermen are found in Part 112. The proposed amendments to §§ 112.11(a)(4)(ii), 112.12(a), 112.22(a)(1), and 112.25 would eliminate a reference to an existing Customs bond and substitute a reference to the proposed Customs Form 301 and the proposed "Basic Custodial Bond Conditions" set forth in proposed § 113.63. The proposed amendment to § 112.26 would change a cross-reference to reflect the proposed provisions relating to termination of bonds which will appear in proposed § 113.26. It is proposed to amend § 112.27(d) by removing a reference to liability under a terminated bond for removal of markings from vehicles and vessels. Because the bond provisions relating to temporary identification cards for cartmen will be incorporated into the bond conditions set forth in proposed § 113.63 relating to "Basic Custodial Bond Conditions", it is proposed to remove the bond format set forth in § 112.27(d).

Proposed Amendments to Part 113

Part 113, Customs Regulations, relates to Customs bonds and has been extensively revised by this proposal.

Proposed § 113.0 sets forth the scope of Part 113. The proposed section is essentially the same as present § 113.0. However, a reference to the proposed bond conditions has been added to the listing in the scope paragraph.

Proposed § 113.1 is virtually identical to existing § 113.2

Section 113.3 indicates that both a surety and a principal remain liable for obligations incurred before termination. This is identical to present § 113.3.

Proposed § 113.4 combines present §§ 113.11 and 113.12 relating to bonds and carnets. The distinction between the class of bonds approved by the Commissioner and those approved by the district directors has been removed. Under the proposal all bonds will be approved by the district directors. Since all bonds will be executed on proposed Customs Bond, Customs Form 301, and contain the appropriate bond conditions set forth in proposed subpart G, all the various bonds listed in present §§ 113.13 and 113.14 are proposed to be removed.

Proposed subpart B relates to bond application and approval procedures. Proposed § 113.11 provides that each person who is required by law, regulation, or specific instruction to post a bond to secure a Customs transaction or multiple transactions must submit the bond on Customs Form 301. If the transaction(s) will occur in a single Customs district, the bond will be filed with and approved by the district director of the district in which the transaction(s) will take place. If the transactions will occur in more than one district the bond may be filed with and approved any district director. The district director will determine whether the bond is in proper form and provides adequate security for the transaction(s).

A bond application is required under proposed § 113.12 to insure that the revenue is adequately protected. In the case of a single Customs transaction relating to the importation or entry of merchandise the bond application may be in the form of a letter. The application must identify the value and nature of the merchandise involved in the transaction to be secured.

If a person desires to secure multiple transactions relating to the importation or entry of merchandise or the operation of a bonded smelting or refining warehouse a bond application, which may be in the form of a letter, must be submitted to the district director.

The application must identify the general character of the merchandise to be entered; and the total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise to be collected by Customs. The total amount of duties and taxes must be that which would have been required to be deposited had the merchandise been entered for consumption even though some or all of the merchandise may have been entered under bond. If the value or nature of the merchandise to be imported will change in any material respect during the next year, the change must also be identified. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year must be submitted.

If the district director approves a bond based upon the application, the principal on the bond will be required to submit a new application whenever there is a significant change in the information provided. The new application must be filed no later than 30 days after the new facts become known to the principal. A certification that the factual information contained in the application is true and accurate is required. Any information provided which is based upon estimates must be certified as being based upon the best information available on the date of the application. The provisions of present § 113.62, served as the basis for proposed § 113.12.

The provisions of present § 113.16, relating to the amount of the bond, served as the basis for proposed § 113.16(a) and remains unchanged from the present language. However, it is proposed to add a new paragraph to the section which sets forth guidelines for determining the amount of the bond. Under the proposed guidelines the district director would consider the following:

(1) The prior record of the principal in timely payment of duties, taxes, and charges with respect to the transaction(s) involving such payments;

(2) The prior record of the principal in complying with Customs demands for redelivery, the obligation to hold unexamined merchandise intact, and other requirements relating to enforcement and administration of Customs and other laws and regulations;

(3) The value and nature of the merchandise involved in the transaction(s) to be secured;

(4) The degree and type of supervision that Customs will exercise over the transaction(s);

(5) The prior record of the principal in honoring bond commitments, including the payment of liquidated damages; and

(6) Any additional information contained in any application for a bond.

In addition to the foregoing, it is proposed to add a paragraph relating to periodic review of bond sufficiency. The district directors would be required to periodically review each bond filed in their district to determine whether the amount of the bond is sufficient to protect the revenue and insure compliance with the law and regulations. If the district director determines that the bond is insufficient, the principal will be immediately notified in writing. The principal will have 30 days from the date of notification to remedy the deficiency.

If the district director believes that none of the bond conditions contained in subpart G of proposed Part 113 is applicable to a transaction sought to be secured, under proposed § 113.14 the district director could draft conditions to cover the transaction, but before execution of the bond the conditions must be submitted to the Director, Carriers, Drawback and Bonds Division, Customs Headquarters, for approval. Similar provisions appear in present § 113.17.

Proposed § 113.15, relating to retention of approved bonds, provides that all bonds approved by the district director, except the bond containing the agreement to pay court costs (condemned goods) (see proposed § 113.72), will remain on file in the district office unless the district director is directed in writing by the Director, Carriers, Drawback and Bonds Division, Customs Headquarters, as to other disposition. The bond containing the agreement to pay court costs (condemned goods), is to be transmitted to the United States attorney, as required by section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608). These provisions are similar to existing § 113.18.

Proposed subpart C relates to bond requirements and parallels present subpart C. Proposed § 113.21, relating to information required on the bond, proposed § 113.22, relating to witnesses required, and proposed § 113.23, relating to changes made on the bond, are identical to the present sections of the regulations.

It is proposed to add a new § 113.24 which would incorporate into the regulations current procedures relating to bond riders. The section would provide that the district director may accept the following types of bond riders:

(1) *Name change of principal.* A bond rider to change the name of a principal on a bond may be used only when the change in name does not change the legal identity or status of the principal. If a new corporation is created as a result of a merger, reorganization or similar action, a bond rider for a name change of the principal cannot be used. A new bond would be required.

(2) *Addition of co-principal.* A bond rider for the addition of a co-principal may be used by persons having a distinct legal status (e.g. individuals, partnerships, corporations) to join another person with the same distinct legal status as a co-principal on a bond. This bond rider could not be used to join an entity which does not have a distinct legal status (e.g. an unincorporated division of a corporation). This bond rider may not be used to join different legal entities as co-principals (e.g. an individual and a corporation, a partnership and a corporation).

(3) *Address change.* A bond rider may be used to change the address of a principal on a bond.

(4) *Addition of trade names and unincorporated divisions of a corporate principal.* A bond rider may be used for the purpose of adding trade names and the names of unincorporated divisions of a corporate principal which do not have a separate and distinct legal status.

All riders would be required to be securely attached to the related bond to prevent their loss or misplacement. The proposed section sets forth the format for each authorized rider.

Proposed § 113.25, relating to seals, is similar to present § 113.24. One paragraph of § 113.24 relates to bonds approved by the Commissioner and the other to bonds approved by the district director. Since all bonds will be approved by the district director, proposed § 113.25 eliminates the distinction.

Proposed § 113.26, which is similar to present § 113.56, relates to termination of the bond. The section would provide that a request by a principal to terminate a bond must be made in writing to the district director in whose district the bond was approved. The termination will take effect on the date requested if the date is at least 10 business days after the date of receipt of the request at the district office. Otherwise, the termination will be effective on the close of business 10 business days after the request is received at the district office. If no termination date is requested, the termination will take effect on the tenth business day following the date of receipt of the request by the district director.

Under the proposed section a surety may, with or without the consent of the principal, terminate a Customs bond on which it is obligated. The surety must provide reasonable written notice to both the district director in whose district the bond was approved and the principal of the intent to terminate. The written notice must state the date on which the termination will be effective and must be sent to both Customs and the principal by certified mail, with a return receipt requested. Thirty days will constitute reasonable notice unless the surety can show to the satisfaction of the district director that a lesser time is reasonable under the facts and circumstances.

The proposed section also contains a paragraph relating to the effect of the termination of a bond which provides that if a bond is terminated, no new Customs transactions can be charged against the bond. Further, the proposed section states that a new bond in an appropriate amount on Customs Form 301, containing the appropriate bond conditions set forth in subpart G of proposed Part 113, must be filed before further Customs activity may be transacted.

Proposed subpart D, relating to principals and sureties, parallels present subpart D, section for section, except for the last section which has been changed to proposed section 113.40. The language of all sections has been modernized and clarified without substantive modifications. Present §§ 113.35, 113.36, 113.37, and 113.39 have been extensively rewritten to reflect this modernization.

Section 113.37(f) relates to the power of attorney for the agent or attorney of the surety. The corporate surety power of attorney is executed on the Customs Form 5297. While the substance of § 113.37(f) has not been changed, the Customs Form 5297 format has been modified to reduce the number of forms that must be submitted to Customs and make it compatible with the new bond structure. The proposed modified form is set forth in Appendix C to this document.

Under the provisions of proposed § 113.38(c), a district director or the Commissioner of Customs may refuse to accept a bond secured by an individual or corporate surety when the surety, without just cause, is significantly delinqent either in the number of outstanding bills or the dollar amounts thereof. Customs has a right to examine the past performance of sureties to determine if a "satisfactory record of performance" exists and to refuse to accept new bonds from sureties where past transactions indicate a marked inability or unwillingness to meet valid obligations under law and contract with Customs. Refusal to accept bonds from a surety which is deemed to be non-responsible is a temporary measure designed to protect the Government from cumbersome contracts. As soon as the appropriate Customs officer is satisfied that a surety stands ready, willing, and able to resume a normal business relationship with Customs, its bonds will again be accepted. However, absent extraordinary circumstances, once the decision to sanction a surety is made, it will be effective for five working days or until the surety's past due accounts are cleared, whichever is later.

In order for sanctions against a surety to be used, the appropriate Customs officer must examine the number and

extent of deficiencies and determine that the surety was sufficiently apprised of its obligations, and has received appropriate documents which demonstrate the deficiencies. In addition, under proposed paragraph (c)(3) the surety will be given an opportunity to provide evidence that failure to pay is the result of significant, non-frivolous questions of fact or law or that the requested payment is beyond the scope of the surety's obligations under the contract (e.g., expiration or satisfaction of the bond or prior payment), and an opportunity to pay if those reasons are rejected.

Since any proposed sanction could result in litigation, the district director will, under internal operating directives, be required to inform the appropriate regional commissioner and regional counsel of the proposed action before it is initiated and have available for their use to defend any possible court action copies of relevant documents. If the district director, regional commissioner, or regional counsel believe that substantive legal questions are raised by the proposed action, any of them should request internal advice under the provisions of § 177.11, Customs Regulations.

A sample "show cause" form letter from the appropriate Customs officer providing the surety with reasonable notice and the requirement to show cause for failure to pay is set forth in Appendix F to this document. Minimum time periods for surety responses are indicated in the letter. In order to determine the scope of the problem and insure national coordination, internal instructions will indicate that copies of all correspondence be forwarded to the Director, Accounting Division, at Customs Headquarters if the problem with the surety relates to collection matters. If legal issues are raised, copies of all correspondence and documents relating to the matter will be sent to the Director, Carriers, Drawback and Bonds Division.

Customs officers will not refuse to accept entries secured by the bonds already filed and approved except for reasons specified in the Customs regulations or under extraordinary circumstances, and then only with the approval of Customs Headquarters.

If, within the time period established in the show cause letter, the surety has failed either to pay or submit evidence that its failure to pay is the result of a significant nonfrivolous question of fact or law, and the appropriate Customs officer believes that the efficient operation of Customs or protection of the revenue will be best served by refusing to further accept new bonds from the surety until the record of the surety is cleared, then the appropriate Customs officer will, under the provisions of proposed paragraph (c) do the following:

a. Notify the surety in person or by certified mail of the decision not to accept new bonds from the surety, effective on a date certain, but not less than 5 working days from the date of the letter;

b. Post a notice in all Customhouses within the affected area of the action taken and take action to have the notice published in the Customs Bulletin; and,

c. Once a surety's record is considered to be cleared, a notice rescinding the sanction will be published in the Customs Bulletin and posted in all Customhouses within the affected area of the action taken.

When notice is sent to the surety of the decision not to accept the surety's bonds, the Director, Carriers, Drawback and Bonds Division, Customs Headquarters, will request the Bureau of Government Financial Operations to revise Treasury Circular 570 to give notice of the refusal of Customs to accept any new bonds written by the surety.

The appropriate field officials are to report promptly all appropriate facts to the Commissioner of Customs in every case in which an obligation to pay debts owing to Customs has been ignored by the principal, and demands on the surety for payment of the amounts due under the surety's bond have not been promptly complied with by the surety. Under the provisions of proposed § 113.39, it is the intention of Customs to report the failure of any surety to honor its obligations under 31 U.S.C. 9305 to the Department of the Treasury with the object of having the surety declared ineligible to underwrite any bonds for the United States Government.

A new proposed § 113.39, relating to the procedures for removal of a surety from Treasury Department Circular 570, has been added to the proposed subpart. The section provides that if a district director or regional commissioner is unsatisfied with a surety company because the company has neglected or refused to pay a valid demand made on the surety company's bond or otherwise has failed to honor an obligation on that bond, the district director or regional commissioner may take steps to have the surety company removed from Treasury Department Circular 570. The section indicates that the fact that collection proceedings have been, or are to be, started on a bond does not preclude use of the procedure if the district director or regional commissioner believes such action is warranted.

Under the proposed section a district director or regional commissioner must send a report accompanied by evidence which in their opinion warrants removal of the surety to the Director, Carriers, Drawback and Bonds Division, Customs Headquarters. If the report is from a district director it must be submitted through the appropriate regional commissioner. The evidence required to accompany the report consists of:

(1) A copy of the bond in issue;

(2) A copy of the entry or other evidence which shows that there was a default on the bond;

(3) A copy of all notices, demands or correspondence sent to the surety company requesting the honoring of the bond obligation;

(4) A copy of all correspondence from the surety company, and

(5) A written statement of the facts known to the district director or regional commissioner showing the unsatisfactory performance by the surety company of the bond obligation(s).

The section provides that the Director, Carriers, Drawback and Bonds Division, Customs Headquarters, must review the submitted evidence and determine whether further action against the surety company is warranted. If it is determined that further action is warranted, a report recommending appropriate action will be submitted by Customs Headquarters to the Fiscal Assistant Secretary, Department of the Treasury, as required by § 223.18(a), Bureau of Government Financial Operations Regulations (31 CFR 223.18(a)). The section provides for notification of the district director and regional commissioner of Headquarters action regarding their request for removal of the surety.

Proposed §§ 113.41 through 113.55 parallel the current regulations with the same numerical designation, section by section. As has been done with other sections, the provisions have been rewritten in some instances to clarify and modernize the language without changing the substance.

A new proposed subpart G has been added which contains the Customs bond conditions. Each section identifies specific coverage for a particular Customs activity. When an individual or organization files a bond with Customs the activity in which they plan on engaging will be identified on the bond. The bond conditions listed in this subpart which correspond to that activity will be incorporated by reference into the bond. Appendix B to

this document identifies the sections in this subpart and the existing Customs bond conditions which are incorporated into each of the sections.

Proposed § 113.62 lists the "Basic Importation and Entry Bond Conditions" which may be incorporated by reference into either a single entry or continuous bond on proposed Customs Form 301. However, a bond taken in the case of merchandise subject to an exclusion order of the International Trade Commission under 19 U.S.C. 1337 must be a single entry bond.

Proposed § 113.63 identifies the "Basic Custodial Bond Conditions" which are incorporated by reference into the continuous bond. All those individuals and organizations who are custodians of merchandise and previously had separate bonds (e.g. carriers, cartman, warehouse proprietors, etc.) will now be covered by the same bond condition.

The "International Carrier Bond Conditions", which may be incorporated into either a single entry or continuous bond are found in proposed § 113.64.

The proposed bond conditions for repayment of erroneous drawback are found in proposed § 113.65. These conditions can only be used as a part of a continuous bond.

Proposed § 113.66 relates to the "Control of Containers and Instruments of International Traffic Bond Conditions" which can only be used with a continuous bond.

"Licensed Public Gauger Bond Conditions" are found in proposed § 113.67 and are used in conjunction with a continuous bond.

The bond conditions for wool and fur products labeling acts, which are to be used in conjunction with the single entry bond, are found in proposed § 113.68.

Proposed § 113.69 relates to the bond conditions for the production of a bill of lading and are to be used with the single entry bond.

The bond conditions found in proposed § 113.70 relate to indemnification of the United States for detention of copyrighted material. These conditions must be used with a single entry bond.

The "Bond Condition to Observe Neutrality" is set forth in proposed § 113.71 and is to be used with a single entry bond.

A single entry bond is used with the "Bond Conditions to Pay Court Costs (Condemned Goods)" found in proposed § 113.72.

The bond conditions for foreign trade zone operators are found in proposed § 113.73 and are to be used with a continuous bond.

Proposed Amendments to Part 114

Part 114, Customs Regulations, relates to carnets. It is proposed to amend § 114.22(d) by removing the words "carrier's bond" and substituting "Customs bond".

Proposed Amendments to Part 123

Customs regulations relating to Customs relations with Canada and Mexico are in Part 123. It is proposed to amend § 123.8(c) by removing a reference to existing Customs bonds and substituting a reference to Customs Form 301 containing the bond conditions set forth in proposed § 113.64 relating to "International Carrier Bond Conditions".

Proposed Amendments to Part 125

Part 125, Customs Regulations, relates to cartage and lighterage of merchandise. It is proposed to amend § 125.42 by removing a reference to an existing Customs bond and substituting a reference to Customs Form 301, containing the bond conditions set forth in proposed § 113.63 relating to "Basic Custodial Bond Conditions".

Proposed Amendments to Part 127

Part 127, Customs Regulations, relates to general order, unclaimed and abandoned merchandise. It is proposed to amend § 127.37(a) by removing a reference to an existing Customs bond and substituting a reference to the bond conditions set forth in proposed § 113.62 relating to the "Basic Importation and Entry Bond Conditions".

Proposed Amendments to Part 132

Quotas are the subject matter of Part 132, Customs Regulations. It is roposed to amend § 132.14(a)(4) by removing a reference to an existing Customs bond and substituting a reference to Customs Form 301, containing the bond conditions set forth in proposed § 113.62 relating to "Basic Importation and Entry Bond Conditions".

Proposed Amendments to Part 133

Customs regulations relating to trademarks, trade names and copyrights are in Part 133. It is proposed to amend §§ 133.24, 133.43(b)(2), and 133.46 by substituting a reference to Customs Form 301 containing the appropriate proposed bond conditions set forth in subpart G of proposed Part 113.

Proposed Amendments to Part 134

Part 134, Customs Regulations, relates to country of origin. It is proposed to delete a reference to an existing Customs bond and substitute a reference to Customs Form 301 containing a reference to the proposed bond conditions set forth in proposed § 113.62 relating to the "Basic Importation and Entry Bond Conditions".

Proposed Amendments to Part 141

Customs regulations relating to entry of merchandise are found in Part 141. It is proposed to amend the definitions set forth in § 141.0a to include a definition for the phrase "released conditionally" and a revised definition for "entered temorarily under bond". Sections 141.15(b), 141.18(b), 141.19(b)(2)(ii), 141.20(a)(2), 141.66, 141.91(d), 141.92(c), and 141.112(g) would be amended by removing a reference to an existing bond and inserting a reference to Customs Form 301 containing the appropriate bond conditions set forth in proposed subpart G. It is also proposed to amend §§ 141.20(a)(2) and 141.82(c) by substituting a reference to a "continuous" bond for a reference to a "term" bond. Sections 141.52(g), 141.84(e), and 141.102(d) would have similar non-substantive technical conforming amendments. References in §§ 141.83(d)(10) and 141.101(e) to "permanent exhibition bonds", "temporary importation bonds" etc. have been deleted and words such as "entered for permanent exhibition under bond" have been substituted.

Proposed Amendments to Part 142

Part 142, Customs Regulations, relates to the entry process. It is proposed to amend §§ 142.4, 142.19, and 142.21, by removing a reference to an existing Customs bond and substituting a reference to Customs Form 301 containing the appropriate bond conditions set forth in subpart G of proposed Part 113. Amendments are also proposed to §§ 142.1, 142.11(a), and 142.22(b)(1) to substitute references to "temporary importation under bond" for references to "temporary importation bonds". In §§ 142.15 and 142.27 reference to a "continuous" bond is proposed to be substituted for references to "term bonds". It is also proposed to eliminate Bond Rider R set forth in § 142.5.

Proposed Amendments to Part 144

Customs regulations relating to warehouse and rewarehouse entries and withdrawals are contained in Part 144. It is proposed to amend §§ 144.2, 144.13, 144.14, 144.21, 144.24, and 144.41 by removing a reference to an existing Customs bond and substituting a reference to Customs Form 301 containing a reference to the appropriate bond conditions set forth in subpart G of proposed Part 113. It is also proposed to eliminate the bond conditions set forth

in § 144.15(d). In § 144.41(g) it is proposed to remove a reference to the warehouse entry bond period and substitute a reference to the 5-year period during which merchandise may remain in warehouse under bond.

Proposed Amendments to Part 145

Part 145, Customs Regulations, relates to mail importations. It is proposed to amend § 145.72(d) by removing a reference to a "temporary importation bond" and substituting a reference to "temporarily imported under bond".

Proposed Amendments to Part 146

Customs regulations relating the foreign-trade zones are found in Part 146. It is proposed to amend §§ 146.42 and 146.45 by removing references to existing customs bonds and substituting references to existing bonds and substituting references to Customs Form 301 containing the bond conditions proposed in § 113.62 relating to the "Basic Importation and Entry Bond Conditions".

Proposed Amendments to Part 147

Trade fairs are provided for in Part 147, Customs Regulations. It is proposed to amend § 147.2(a)(2) by removing a reference to an "exhibition bond" and substituting a reference to "imported for exhibition under bond". Section 147.3 would be modified by setting forth the requirement for a bond on Customs Form 301 containing the bond conditions enumerated in proposed section 113.62 relating to the "Basic Importation and Entry Bond Conditions".

Proposed Amendments to Part 148

Customs regulations relating to personal declarations and exemptions are found in Part 148. It is proposed to eliminate a reference to current Customs bonds contained in § 148.52(c) and substitute a reference to Customs Form 301.

Proposed Amendments to Part 151

Part 151, Customs Regulations, relates to examination, sampling and testing of merchandise. It is proposed to amend §§ 151.7(d), 151.11, and 151.43 by removing the references to current Customs bonds and in appropriate sections substituting a reference to Customs Form 301 and the bond conditions set forth in subpart G of proposed Part 113.

Proposed Amendments to Part 162

Regulations relating to recordkeeping, inspection, search and seizure, are found in Part 162. Proposed amendments to §§ 162.45(a)(3) and 162.47(b) would add references to Customs Form 301 containing the bond conditions set forth in proposed § 113.72 relating to the "Bond Condition to Pay Court Costs (Condemed Goods)" and in the case of § 162.47(b) remove a reference to an existing bond and the list or schedule containing a description of seized articles.

Proposed Amendments to Part 172

Liquidated damages regulations are found in Part 172, Customs Regulations. The proposal would amend § 172.22(c) by substituting a reference to the continuous bond for a reference to a term bond.

Executive Order 12291

This document will not result in a regulation which is a "major rule" as defined by section 1 (b) of Executive Order 12291.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are applicable to this proposal. Accordingly, an initial regulatory flexibility analysis is attached as Appendix D. Comments on the analysis are also solicited and should accompany comments submitted on the proposal.

Paperwork Reduction Act

The proposed regulation is subject to the Paperwork Reduction Act of 1980, Pub. L. 96–511. Accordingly, applicable sections of this document are subject to clearance by the Office of Management and Budget.

Comments

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This document is issued under the authority of R.S 251, as amended (19 U.S.C. 66), and sections 623, as amended, 624, 46 Stat. 759 (19 U.S.C. 1623, 1624).

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, Office of Regulations and Rulings, U.A. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 4

Bonds, Customs duties and inspection, Exports, Imports

19 CFR Part 6

Bonds, Customs duties and inspection, Exports, Imports

19 CFR Part 7

Bonds, Customs duties and inspection, Exports, Imports

19 CFR Part 10

Bonds, Customs duties and inspection, Exports, Imports

19 CFR Part 11

Bonds, Customs duties and inspection, Imports

19 CFR Part 12

Bonds, Customs duties and inspection, Imports

19 CFR Part 18

Bonds, Customs duties and inspection, Exports, Imports, Surety bonds.

19 CFR Part 19

Bonds, Customs duties and inspection, Exports, Imports, Surety bonds.

19 CFR Part 22

Bonds, Customs duties and inspection, Exports, Imports

19 CFR Part 24

Bonds, Customs duties and inspection.

19 CFR Part 54

Bonds, Customs duties and inspection, Exports, Imports.

19 CFR Part 101

Bonds, Customs duties and inspection, Imports.

19 CFR Part 112

Bonds, Customs duties and inspection, Imports, Surety bonds.

19 CFR Part 113

Bonds, Customs duties and inspection, Exports, Imports, Surety bonds.

19 CFR Part 114

Bonds, Customs duties and inspection, Exports, Imports.

19 CFR Part 123

Bonds, Customs duties and inspection, Exports, Imports.

19 CFR Part 125

Bonds, Customs duties and inspection, Exports, Imports, Surety bonds.

19 CFR Part 127

Bonds, Customs duties and inspection, Imports.

19 CFR Part 132

Bonds, Customs duties and inspection, Imports.

19 CFR Part 133

Bonds, Customs duties and inspection, Imports.

19 CFR Part 134

Bonds, Customs duties and inspection, Imports.

19 CFR Part 141

Bonds, Customs duties and inspection, Imports.

19 CFR Part 142

Bonds, Customs duties and inspection, Imports.

19 CFR Part 144

Bonds, Customs duties and inspection, Imports.

19 CFR Part 145

Bonds, Customs duties and inspection, Imports, Warehouses.

19 CFR Part 146

Bonds, Customs duties and inspection, Exports, Imports.

19 CFR Part 147

Bonds, Customs duties and inspection, Imports.

19 CFR Part 148

Airmen, Customs duties and inspection, Foreign officials, Government employees, Imports, International organizations, Seamen, Taxes.

19 CFR Part 151

Bonds, Customs duties and inspection, Imports.

19 CFR Part 162

Bonds, Customs duties and inspection, Imports.

19 CFR Part 172

Bonds, Customs duties and inspection, Liquidated damages.

19 CFR Part 174

Bonds, Customs duties and inspection, Imports, Protests.

Proposed Amendments to the Regulations

It is proposed to amend Parts 4, 6, 7, 10, 11, 12, 18, 19, 22, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, and 174, Customs Regulations (19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 22, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, 174), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.10 [Amended]

1. It is proposed to amend § 4.10 by removing the words "Customs Form 7567 or 7569" in the fourth sentence of the section and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter".

§ 4.13 [Amended]

2. It is proposed to amend § 4.13(b) by removing the words "Customs Form 7593" and inserting in their place the words "Customs Form 301, containing the bond conditions relating to international carriers set forth in § 113.64 of this chapter in an amount equal to twice the potential duty liability".

§ 4.14 [Amended]

3. It is proposed to amend § 4.14(b) by removing the words "Customs Form 7567 or 7569" in the fourth sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter".

§ 4.16 [Amended]

4. It is proposed to amend § 4.16(a) by removing the words "a bond on Customs Form 7567 in such penal sun as the district director of Customs deems sufficient but not less than $1000, or the usual term bond on Customs Form 7569" and inserting in their place the words "a single entry or continuous bond on Customs Form 301, in such amount as the district director deems appropriate but not less than $1000".

§ 4.30 [Amended]

5. It is proposed to amend § 4.30(c) by removing the words (a) ",[62] on Customs Form 7567 or 7569, has been received" in the first sentence of the paragraph and inserting in their place the words "has been filed on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers [62] "and (b) "Customs Form 3587" in the second sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter relating to basic custodial bond conditions".

6. It is proposed to amend § 4.30 (f) and (g) by removing the words ", but not longer than the period of the supporting bond,".

7. It is proposed to amend § 4.30(i)(2) by removing the words "A vessel bond, on Customs Form 7567 or 7569" and inserting in their place the words "A bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

§ 4.32 [Amended]

8. It is proposed to amend § 4.32(b) by removing the words "Customs Form 7567" and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

§ 4.34 [Amended]

9. It is proposed to amend section 4.34(h) by removing the words "vessel bond" in the third sentence of the paragraph and inserting in their place the words "bond on Customs Form 301, containing the bond conditions relating to international carriers set forth in section 113.64 of this chapter".

10. It is proposed to amend section 4.38(a) by adding two sentences at the end of the paragraph to read as follows:

§ 4.38 Release of cargo.

(a) * * * When merchandise is released without proper permit before entry has been made, the district director shall issue a written demand for redelivery. The importing carrier shall redeliver the merchandise to Customs within 30 days after the demand is made.

* * * * *

§ 4.75 [Amended]

11. It is proposed to amend section 4.75(a) by removing the words "Customs Form 7567 or Customs Form 7569" in the first sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.64 relating to international carriers".

§§ 4.85 and 4.88 [Amended]

12. It is proposed to amend §§ 4.85(a) and 4.88(a) by removing the words "vessel bond (Customs Form 7567 or 7569)" in the first sentence of each paragraph and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth

in § 113.64 of this chapter relating to international carriers".

13. It is proposed to amend § 4.90(e) by revising it to read as follows:

§ 4.90 Simultaneous vessel transactions.

* * * * *

(e) When a single entry bond, containing the bond conditions set forth in section 113.64, relating to the international carriers, is filed at any port and it is applicable to the current voyage of the vessel, it shall cover all other transactions engaged in on that voyage of a like nature and another bond containing the international carrier bond conditions need not be filed.

PART 6—AIR COMMERCE REGULATIONS

§ 6.2 [Amended]

1. It is proposed to amend §§ 6.2 (e) and (f) by removing the words (a) ", but not longer than the period of the supporting bond," in the first sentence of each paragraph and (b) ", on Customs Form 7567 or 7569," in the last sentence of each paragraph.

§§ 6.2 and 6.9 [Amended]

2. It is proposed to amend § 6.2(g) and the first and second sentences of § 6.9(a) by removing the words "on Customs Form 7567 or 7569" and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter relating to international carriers".

§ 6.8 [Amended]

3. It is proposed to amend § 6.8 by removing (a) the words "proper bond is given" in the fourth sentence of paragraph (a) and inserting in their place the words "bond is filed on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter" (b) the words "pursuant to the bond" in the fourth sentence of paragraph (a), and (c) the words "the 4-day bond period" in the fourth sentence of paragraph (e) and inserting in their place the words "the 4-day period after departure".

4. It is proposed to amend the first three sentences of § 6.20(c) by revising them to read as follows:

§ 6.20 Conditions for transportation of transit air cargo.

* * * * *

(c) Transit air cargo may be transported to another port only when receipted for by an airline designated as a common carrier, for the transportation of bonded merchandise, which has on file a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter for such transportation. Transit air cargo may be exported from the port of arrival only when covered by a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter relating to exportation of merchandise. The importing airline whether registered in the United States or a foreign country, if it has been designated as a carrier of bonded merchandise as set forth above, may receipt for the air cargo, obligate its bond if it contains the bond conditions set forth in § 113.63 of this chapter, and deliver the air cargo to an authorized domestic carrier for in-bond transportation beyond the port of arrival under the importing airline bond which covers such movement.* * *

* * * * *

§ 6.22 [Amended]

5. It is proposed to amend § 6.22(e) by removing the words "common carrier's bond" in the first sentence of the paragraph and inserting in their place the words "bond containing the bond conditions set forth in § 113.63 of this chapter".

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

It is proposed to amend § 7.8(c) by revising it to read as follows:

§ 7.8 Insular possessions of the United States other than Puerto Rico.

* * * * *

(c) When merchandise excluding any shipments valued at $25 or less, arrives unaccompanied by a certificate of origin or a declaration of the shipper, or when any other document necessary to complete entry is lacking, a bond containing the bond conditions set forth in § 113.62 of this chapter, for the production thereof maybe taken on Customs Form 301. A bond for production of a bill of lading shall be taken on Customs Form 301 and contain the bond conditions set forth in § 113.60 of this chapter.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

§ 10.24 [Amended]

1. It is proposed to amend § 10.24(f) by removing the words "an appropriate bond" and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

2. It is proposed to amend § 10.31(f) by (a) removing the words "Customs Form 7563" on the first sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) revising the third sentence of the paragraph to read as follows:

§ 10.31 Entry; bond.

* * * * *

(f) * * * A carnet under the provisions of Part 114 of this chapter may be filed in lieu of a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter. * * *

* * * * * * *

3. It is proposed to amend § 10.31(g) by removing the words "the bond period" in the second sentence of the paragraph and inserting in their place the words "the period of time during which the merchandise may remain in the Customs territory of the United States under bond".

§ 10.36 [Amended]

4. It is proposed to amend § 10.36 (b) and (c) by removing (a) the words (i) "the period of the bond" in the first sentence of each paragraph and (ii) "the bond period" in the second sentence of each paragraph, and in each instance inserting in their place the words "the period of time during which the merchandise may remain in the Customs territory of the United States under bond" and (b) the word "bonds" in the second sentence of paragraph (b) and inserting in its place the word "bond".

5. It is proposed to amend the second sentence of § 10.36a(a) by revising it to read as follows:

§ 10.36a Vehicles, pleasure boats and aircraft brought in for repair or alteration.

(a) * * * The bond, prescribed by § 10.31(f), filed to support entry under this section shall be without surety or cash deposit, except as provided by this paragraph and paragraph (d) of this section. * * *

* * * * *

6. It is proposed to amend the section heading and the first sentence of § 10.37 by revising them to read as follows:

§ 10.37 Extension of time for exportation.

The period of time during which merchandise entered under bond under schedule 8, part 5, subpart C, Tariff Schedules of the United States, may remain in the Customs territory of the United States, may be extended for not more than two further periods of 1 year each, or such shorter period as may be appropriate. Extensions may be granted by the district director at the port where

the entry was filed upon written application on Customs Form 3173, provided the articles have not been exported or destroyed before the receipt of the application, and liquidated damages have not been assessed under the bond before receipt of the application.

§ 10.38 [Amended]

7. It is proposed to amend § 10.38(a) by removing the words "a temporary importation bond" and inserting in their place "schedule 8, part 5, subpart C, Tariff Schedules of the United States".

§ 10.39 [Amended]

8. It is proposed to amend § 10.39 by (a) removing the word "bonds" in the section heading and inserting in its place the words "bond charges", (b) removing the word "Bonds" in the first sentence of paragraphs (a) and inserting in its place the words "Charges against bonds", (c) removing the word "bond" the first time it is used in the third sentence of paragraph (a) and inserting in its place the words "bond charge", (d) removing the words "the bond period" in (i) the third sentence of paragraph (a), (ii) the first sentence of paragraph (b), (iii) the first sentence of paragraph (d)(1), (iv) the first sentence of paragraph (e)(2), and (v) the first sentence of paragraph (e)(3) and in each instance inserting in their place the words "the period of time during which the articles may remain in the Customs territory of the United States under bond", and (e) removing the words "to the entire amount of the bond. If the entry covering the articles is charged against a term bond, the demand shall be limited to an amount equal" in the first and second sentences of paragraph (d)(1).

§ 10.40 [Amended]

9. It is proposed to amend § 10.40(b), by removing the words "the bond period" in the first sentence of the paragraph and inserting in their place the words "the period of time during which articles may remain in the Customs territory of the United States under bond".

§ 10.41a [Amended]

10. It is proposed to amend § 10.41a(c) by removing (a) the words "on Customs Form 7587" in the first and fifth sentences of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.66 of this chapter" and (b) the words (i) ", as provided for in § 113.41(p) of this chapter" in the fifth sentence of the paragraph, and (ii) ", Customs Form 7587," in the sixth sentence of the paragraph.

11. It is proposed to amend paragraph (h) of § 10.41b by revising it to read as follows:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

* * * * *

(h) A continuous bond containing the conditions set forth in § 113.66 of this chapter shall be filed with the district director. If the conditions are violated the district director shall issue a claim for liquidated damages equal to the domestic value of the holder or container established in accordance with section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606). If the domestic value exceeds the amount of the bond the claim for liquidated damages will be equal to the amount of the bond.

* * * * *

§ 10.49 [Amended]

12. It is proposed to amend § 10.49(a) by removing the words "on Customs Form 7565" in the first sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 10.59 [Amended]

13. It is proposed to amend § 10.59(e) by removing the word "on Customs 7603" in the second sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 10.60 [Amended]

14. It is proposed to amend § 10.60 by removing (a) the word "bonds" in the section heading and inserting in its place the word "bond", and (b) the words (i) "on Customs Form 7561 or other appropriate form" in paragraph (c), (ii) "on Customs Form 7557, 7559, or 7595" in the first and second sentences of paragraph (f), and (iii) "on Customs Form 7603 in lieu of any other bond" in paragraph (g) and in each instance inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

15. It is proposed to amend § 10.64(a) by (a) removing the words "the warehouse or rewarehouse entry bond or the bond identified in § 10.60 (c) or (f) for articles withdrawn under section 309, Tariff Act of 1930, as amended, for use as supplies, equipment, or for repair of a vessel" in the first sentence of the paragraph and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) adding a sentence between the first and second sentence of the paragraph to read as follows:

§ 10.64 Creating or cancellation of bonds.

(a) * * * The withdrawer shall cause the merchandise to be delivered to the lading vessel, and shall provide such evidence of lading as required by the district director within 30 days after lading, except as provided in this section. * * *

§ 10.65 [Amended]

16. It is proposed to amend § 10.65(c)(3) by removing the words "The bond on Customs Form 7561 or other apropriate form" in the third sentence and inserting in their place the words "A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 10.66 [Amended]

17. It is proposed to amend § 10.66(b) by adding the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" after the word "bond" in both the first and second sentences of the paragraph.

§ 10.67 [Amended]

18. It is proposed to amend § 10.67(b) by adding the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" after the word "bond" in the second sentence of the paragraph.

§ 10.71 [Amended]

19. It is proposed to amend § 10.71 by removing (a) the words "on Customs Form 7551 or 7553" (i) in the first sentence of paragraph (a), (ii) in the second sentence of paragraph (e), and (iii) in the first sentence of paragraph (f) and in each instance inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) the word "Such" in paragraph (b) and inserting in its place the words "Charges against the".

§ 10.80 [Amended]

20. It is proposed to amend § 10.80 by removing the words "on Customs Form 7561 or other appropriate form" in the sixth sentence of the section and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 10.81 [Amended]

21. It is proposed to amend § 10.81(b) by removing the words "on Customs

Form 7551 or other appropriate form when necessary" in the second sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth § 113.62 of this chapter".

§ 10.83 [Amended]

22. It is proposed to amend § 10.83(a) by adding the words "charges against the " after the words "the district director may cancel the ".

23. It is proposed to amend § 10.90(f) by revising it to read as follows:

§ 10.90 Master records and metal matrices.

* * * * *

(f) A bond on Customs Form 301, coantaining the bond conditions set forth in § 113.62 of this chapter shall be filed for importations under this section.

* * * * *

§ 10.92 [Amended]

24. It is proposed to amend § 10.92 by removing (a) the word "penalty" in the section heading and inserting in its place the words "liquidated damages", (b) the words "single entry bond on Customs Form 7547, unless the transaction is charged against a term bond on Customs Form 7647, or other appropriate form" in the first sentence of paragraph (a) and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter", (c) the words "The penalty of the " in the second sentence of paragraph (a) and inserting in their place the word "A", (d) the words "The penalty of the term bond" in the third sentence of paragraph (a) and inserting in their place the words "The amount of a continuous bond", and (e) the word "term" in paragraph (b) and in the first and second sentences of paragraph (c) and in each instance inserting in their place the word "continuous".

§ 10.108 [Amended]

25. It is proposed to amend § 10.108 (b) by removing the words "as provided for in § 143.3" in the last sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62".

§ 10.135 [Amended]

26. It is proposed to remove the last sentence of § 10.135.

§ 10.173 [Amended]

27. It is proposed to amend § 10.173(a)(3) by removing (a) the words "Customs Form 7551, 7553, or 7595" in the first sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter," and (b) the second sentence of the paragraph.

PART 11—PACKING AND STAMPING; MARKING

§ 11.12 [Amended]

1. It is proposed to amend § 11.12(c) by removing the words "the usual Customs single entry or term bond in such amount as is prescribed for such bonds in § 113.14 of this chapter" and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 or § 113.66 of this chapter, as appropriate, in such amount as the district director may require".

§ 11.12a [Amended]

2. It is proposed to amend § 11.12a(c) by removing the words "the usual Customs single entry or term bond in such amounts as is prescribed for such bonds in § 113.14 of this chapter" and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 or § 113.66 of this chapter, as appropriate, in such amount as the district director may require".

§ 11.12b [Amended]

3. It is proposed to amend § 11.12b(c) by removing the words "the usual Customs single entry or term bond in such amount as is prescribed for such bonds in § 113.14 of this chapter" and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, in such amount as the district director may require".

PART 12—SPECIAL CLASSES OF MERCHANDISE

§ 12.3 [Amended]

1. It is proposed to amend § 12.3 by removing the words "on Customs Form 7551, 7553, or 7595, containing a condition for the return of the merchandise, or any part thereof, to Customs custody upon demand of the district director of Customs" in the second sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 12.8 [Amended]

2. It is proposed to amend § 12.8 by removing the words (a) "on Customs Form 7551, 7553, or other appropriate form" in the third sentence of paragraph (a) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) "of bonds" in the first sentence of paragraph 9b) and inserting in their place the words "of a bond".

§ 12.12 [Amended]

3. It is proposed to amend § 12.12 by removing the words "on Customs Form 7551, 7553, or other appropriate form" and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

§ 12.16 [Amended]

4. It is proposed to amend § 12.16 (c) by (a) placing a period after the word "bond" the first time it is used in the paragraph,-and (b) removing the remainder of the paragraph and inserting in its place the words "The bond shall be filed with the district director on Customs Form 301 and contain the bond conditions set forth in § 113.62 of this chapter. In case of default the district director shall issue a claim for liquidated damages under the bond."

5. It is proposed to amend § 12.26 (e) by (a) removing the word "collector" in the second sentence of the paragraph and inserting in its place the words "district director", and (b) revising the third and fourth sentences of the paragraph to read as follows:

§ 12.26 Importations of wild animals, fish, amphibians, reptiles, molluska, and crustaceans; prohibited and endangered species; designated ports of entry; permits required.

* * * * *

(e) * * * The shipment may be immediately released if a bond is filed with the district director on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, in an amount equal to the entered value plus estimated duties. If the bond conditions are violated the district director shall issue a claim for liquidated damages under the bond. In lieu of filing a bond the merchandise may be left in Customs custody at the risk and expense of the importer pending issuance of the permit.

* * * * *

6. It is proposed to amend § 12.26(h) by removing the words "the bond shall be forfeited" and inserting in their place the words "a claim for liquidated damages shall be issued under the bond".

§ 12.33 [Amended]

7. It is proposed to amend § 12.33 by removing and reserving paragraph (c).

§ 12.39 [Amended]

8. It is proposed to amend § 12.39(b)(2) and (3) by removing (a) the words "a special rider to existing entry bonds, as described in § 113.14(z) of the chapter" in the first sentence of paragraph (b)(2) and inserting in their place the words "a single entry bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter in an amount determined by the International Trade Commission" and (b) the work "rider" in the third sentence of paragraph (b)(3).

§ 12.73 [Amended]

9. It is proposed to amend § 12.73(c) by removing (a) the words "on Customs Form 7551, 7553, or 7595" in the first sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,", (b) the second sentence of the paragraph, (c) the words "a bond given on Form 7551" in the fifth sentence of the paragraph and inserting in their place the words "the bond, if it is a single entery bond, or if a continuous bond is used the amount that would have been taken under a single entry bond" and (d) the sixth sentence of the paragraph.

10. It is proposed to amend § 12.80(b)(1)(iii), (e)(1) and (e)(2) by (a) removing the words "the conditions of the bond required by paragraph (e)(1) of this section have been satisfied" in last sentence of paragraph (b)(1)(iii) and inserting in their place the words "the vehicle or equipment item described in the declaration has been brought into conformity with all applicable safety standards" (b) removing the words "on Customs Form 7551, 7553, or 7595 in the amount required by § 113.14 of this chapter" in the first sentence of paragraph (e)(1) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter", (c) removing the second sentence of paragraph (e)(1), (d) removing the words "The bond release" in the third sentence of paragraph (e)(1) and inserting in their place the words "An approval", (e) removing the words "bond release" in the fourth sentence of paragraph (e)(1) and inserting in their place the word "approval", (f) adding a sentence at the end of section (e)(1) to read as follows:

§ 12.80 Federal motor vehicle safety standards.

* * * * *

(e)(1) * * * Upon receipt of the approval letter the district director shall cancel the charge against the bond.

* * * * *

(g) removing the words "bond release" in the first sentence of paragraph (e)(2) and inserting in their place the word "approval", (h) removing the words "given on Customs Form 7551" in the second sentence of paragraph (e)(2) and inserting in their place the words "if it is a single entry bond or if a continuous bond is used, the amount that would have been taken under a single entry bond" and (i) removing the third sentence of paragraph (e)(2).

§ 12.85 [Amended]

11. It is proposed to amend § 12.85(e) by removing (a) the words (i) "in the amount prescribed by § 113.14 of this chapter" and (ii) "on Customs Form 7551, 7553, or 7595" in the first sentence of subparagraph (1) and in the latter removal inserting in its place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, in such amount as the district director deems appropriate," , (b) the words "given on Customs Form 7551" in the first sentece of subparagraph (3) and inserting in their place the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond" and (c) the second sentence of subparagraph (3).

§ 12.91 [Amended]

12. It is proposed to amend § 12.91(d) by removing (a) the words "on Customs Form 7551, 7553, or 7595" in the first sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter," (b) the words "the amount required under § 113.14 of this chapter" in the second sentence of the paragraph and inserting in their place the words "an amount deemed appropriate by the district director" (c) the words "given on Form 7551" in the fifth sentence of the paragraph and inserting in their place the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond", and (d) the sixth sentence of the paragraph.

§ 12.115 [Amended]

13. It is proposed to amend § 12.115 by removing the words (a) "on Customs Form 7551, 7553, and 7595" in the second sentence of the section and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter," and (b) "the amount required under § 113.14 of this chapter" in the third sentence of the section and inserting in their place the words "an amount deemed appropriate by the district director".

§ 12.117 [Amended]

14. It is proposed to amend § 12.117(b), by (a) removing the word "assess" in the third sentence of the paragraph and inserting in its place the words "issue a demand for " and (b) adding the words "if it is a single entry bond, or if a continuous bond is used, the amount that would have been taken under a single entry bond" at the end of the third sentence of the paragraph.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.3 [Amended]

1. It is proposed to amend § 18.3(e) by removing the words "Carrier's Bond" and inserting in their place the words "bond of the carrier on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

§ 18.20 [Amended]

2. It is proposed to amend § 18.20(b) by removing the words "on Customs Form 7557" in the second sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

3. It is proposed to amend § 18.25 by (a) redesignating paragraph (e) as paragraph (f), (b) adding a new paragraph (e) as set forth below, and (c) revising the first sentence of paragraph (b) and the second sentence of paragraph (d) to read as follows:

§ 18.25 Direct exportation.

* * * * *

(b) A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, shall be required. * * *

* * * * *

(d) * * * A charge shall be made against the continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter, if on file, or if a continuous bond is not on file, a single entry bond containing the bond conditions set forth in § 113.64 shall be required as in the case of residue cargo for foreign ports.

* * *

(e) The principal on any bond filed to guarantee direct exportation shall cause the merchandise to be exported and provide such evidence of exportation as required by the district director under § 113.55 of this chapter within 30 days of exportation.

* * * * *

4. It is proposed to amend § 18.26 by (a) removing the words "§ 18.25(a)" in the first sentence of paragraph (a) and inserting in their place the words "§ 18.25(d)", (b) adding a new paragraph (d), and (c) revising the second sentence of paragraph (a) to read as follows:

§ 18.26 Indirect exportation.

(a) * * * Upon acceptance of the entry by Customs and acceptance of the merchandise by the bonded carrier, the bonded carrier assumes liability for the transportation and exportation of the merchandise. * * *

* * * * *

(d) The bonded carrier shall cause the merchandise to be exported and provide such evidence of exportation as required by the district director under § 113.55 of this chapter within 30 days of exportation.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

§ 19.2 [Amended]

1. It is proposed to amend § 19.2 by removing the words (a) "in the form prescribed by T.D. 82–204" (i) in paragraph (c) and (ii) in the first and second sentences of paragraph (d) and inserting in their place in each instance the words "on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter" and (b) "proprietor's warehouse bond" in the first sentence of paragraph (e) and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

2. It is proposed to amend § 19.11(c) by adding a sentence at the beginning of the paragraph to read as follows:

§ 19.11 Manipulation in bonded warehouses and elsewhere.

* * * * *

(c) Warehouse proprietors shall not allow manipulation of merchandise without a permit issued by the district director. * * *

* * * * *

3. It is proposed to amend § 19.14 by (i) revising paragraph (b) to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

* * * * *

(b) *Bond required.* Before the transfer of the merchandise to the manufacturing warehouse is permitted, a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be required.

* * * * *

(ii) removing the words "a bond on Customs Form 7571 shall be required unless the warehouse is covered by the appropriate bond in the form prescribed by T.D. 82–204" in paragraph (d) and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

4. It is proposed to amend § 19.15 by (i) removing the third, fourth and fifth sentences in paragraph (g)(1) and inserting in their place the following:

§ 19.15 Withdrawal for exportation of articles manufactured in bond; waste or byproducts for consumption.

* * * * *

(g)(1) * * * A rewarehouse entry shall be made in accordance with § 144.34(b) of this chapter, supported by a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter.

* * * * *

(ii) the word "general" in paragraph (l).

§ 19.16 [Amended]

5. It is proposed to amend § 19.16(g)(1) by removing the words "the Proprietor's Manufacturing Warehouse Bond in the form prescribed by T.D. 82–204" in the last sentence of the paragraph and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

6. It is proposed to amend § 19.17 by removing (a) paragraph (b) and reserving the paragrpah, and (b) the second sentence of paragraph (e) and inserting in its place the following sentence:

§ 19.17 Application to establish warehouse; bond.

* * * * *

(e) *Bond.* * * * A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be on file. * * *

7. It is proposed to amend § 19.40 by revising it to read as follows:

§ 19.40 Establishment of container stations.

A container station, independent of the importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon the filing of an application therefore and its approval by the district director and the posting of a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter in such amount as the district director shall require.

PART 22—DRAWBACK

§ 22.7 [Amended]

1. It is proposed to amend § 22.7(d)(2)(ii) by inserting the words "on Customs Form 301, containing the bond conditions set forth in § 113.65 of this chapter" after the words "exporter—claimant".

§ 22.20a [Amended]

2. It is proposed to amend § 22.20a by removing (a) the words "on either Customs Form 7609 or 7611" in the second sentence of the section and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.65 of this chapter" and (b) the third, fourth and fifth sentences of the section.

§ 22.28 [Amended]

3. It is proposed to amend § 22.28(b) by removing the words "under a temporary importation bond".

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.1 [Amended]

1. It is proposed to amend § 24.1(a)(3) by removing the words "an entry bond or other" in the first sentence of the paragraph and inserting in their place the word "a".

2. It is proposed to amend § 24.4(i) by revising it to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * *

(i) *Duration of deferred payment privilege.* The deferred payment privilege once approved by the district director will remain in effect until terminated under the provisions of paragraph (h) or the importer or surety requests termination.

* * * * *

3. It is proposed to amend § 24.11 by (i) revising paragraph (a)(2) to read as follows:

§ 24.11 Increased or additional duties or taxes; notice to importer.

(a) * * *

(2) A bond as required by § 141.20 on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter.

* * * * *

(ii) removing the words "In any case in which a timely owner's declaration, but not a timely superseding bond, has

been filed," in paragraph (b) and inserting in their place the words "In any case in which an owner's declaration has been filed timely but the bond has not been filed timely."

§ 24.16 [Amended]

4. It is proposed to amend § 24.16(c) by (a) removing the words (i) "on Customs Form 7597 or 7599" in the third sentence of paragraph (c)(1) and (ii) "on Customs Form 7597" in the fourth sentence of paragraph (c)(1) and in each instance inserting in their place the words "on Customs Form 301, containing the appropriate bond conditions set forth in subpart G, Part 113 of this chapter (see §§ 113.62, 113.63, 113.64 and 113.73).", (b) removing the words "bond on Customs Form 7599" in the first sentence of paragraph (c)(3) and inserting in their place the words "a continuous bond" and (c) removing the words "nor longer than the period of the supporting bond" in the first sentence of paragraph (c)(3).

PART 54—CERTAIN IMPORTATION TEMPORARILY FREE OF DUTY

It is proposed to amend the first and second sentences of § 54.6(b) by revising them to read as follows:

§ 54.6 Proof of intent; bond; proof of use; liquidation.

* * * * *

(b) If the articles are entered for consumption or warehouse, a bond shall be filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter. Withdrawals from warehouse shall be made on Customs Form 7506. * * *

* * * * *

PART 101—GENERAL PROVISIONS

It is proposed to amend § 101.1 by redesignating paragraphs (k), (l) and (m) as paragraphs (l), (m) and (n), respectively; and adding a new paragraph (k) to read as follows:

§ 101.1 Definitions.

* * * * *

(k) *Exportation.* "Exportation" means a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

* * * * *

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

§ 112.11 [Amended]

1. It is proposed to amend § 112.11(a)(4)(ii) by removing the words "Customs Form 3588, 'Private Carriers Bond' " and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

§ 112.12 [Amended]

2. It is proposed to amend § 112.12(a) by removing the words "on Customs Form 3587 (except private carriers which file on Customs Form 3588 and airline companies which have the option to file a consolidated aircraft bond, Customs Form 7605 or the Customs Form 3587)" and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter".

3. It is proposed to amend § 112.22(a)(1) by revising it to read as follows:

§ 112.22 Application for license.

(a) *General requirements.* * * *

(1) A bond on Customs Form 301, containing the bond conditions set forth in section 113.63 of this chapter, in an amount specified by the district director, is required.

* * * * *

§ 112.25 [Amended]

4. It is proposed to amend § 112.25 by removing (a) the words "carrier's bond, Customs Form 3587, or a carrier who has filed a private carrier's bond, Customs Form 3588" in the first sentence of the section and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter", (b) the words "a carrier's bond" in the second sentence of the section and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.63 of this chapter", and (c) the words "a bond on Customs Form 3855" in the second sentence of the section and inserting in their place the words "another bond".

§ 112.26 [Amended]

5. It is proposed to amend § 112.26 by removing the words "section 113.56" and inserting in their place the words § 113.26".

§ 112.27 [Amended]

6. It is proposed to amend § 112.27(d) by removing the words "in accordance with the provisions of the bond, Customs Form 3855, or the cartman or lighterman shall be liable for the payment of liquidated damages as provided in such bond".

7. It is proposed to amend § 112.49(d) by revising the last sentence of the paragraph and removing the bond format for the Bond of Customs Cartman for Issuance of Temporary Identification Card. The amendments read as follows:

§ 112.49 Temporary identification cards.

* * * * *

(d) *Bond.* * * * The bond shall be on Customs Form 301 and contain the bond conditions set forth in section 113.63 of this chapter.

It is proposed to revise Part 113, Customs Regulations to read as follows:

PART 113—CUSTOMS BONDS

Sec.
113.0 Scope.

Subpart A—General Provisions

113.1 Authority to require security or execution of bond.
113.2 Powers of Commissioner of Customs relating to bonds.
113.3 Liability of surety on a terminated bond.
113.4 Bonds and carnets.

Subpart B—Bond Application and Approval of Bond.

113.11 Bond approval.
113.12 Bond application.
113.13 Amount of bond approved by the district director.
113.14 Approved form of bond inadequate.
113.15 Retention of approved bonds.

Subpart C—Bond Requirements

113.21 Information required on the bond.
113.22 Witnesses required.
113.23 Charges made on the bond.
113.24 Riders.
113.25 Seals.
113.26 Termination of bond.

Subpart D—Principals and Sureties

113.31 Information pertaining to principals and sureties on the bond.
113.32 Same party as principal and surety; attorney in fact.
113.33 Partnerships as principals.
113.34 Corporations as principals.
113.35 Individual sureties.
113.36 Partner acting as surety on behalf of a partner or on behalf of a partnership.
113.37 Corporate sureties.
113.38 Delinquent sureties.
113.39 Procedure to remove a surety from Treasury Department Circular 570.
113.40 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.

Subpart E—Production of Documents

113.41 Entry made prior to production of documents.
113.42 Time period for production of documents.

Sec.
113.43 Extension of time period.
113.44 Assent of sureties to an extension of a bond.
113.45 Charge for production of a missing document made against a continuous bond.
113.46 Cancellation of bond charges resulting from failure to produce documents.

Subpart F—Assessment of Damages and Cancellation of Bond

113.51 Cancellation of bond or charge against the bond.
113.52 Failure to satisfy the bond.
113.53 Waiver of Customs requirement supported by a bond.
113.54 Cancellation of erroneous charges.
113.55 Cancellation of export bonds.

Subpart G—Customs Bond Conditions

113.61 General.
113.62 Basic custodial bond conditions.
113.63 Basic custodial bond conditions.
113.64 International carrier bond conditons.
113.65 Repayment of erroneous drawbasck payment bond conditions.
113.66 Control of containers and instruments of international traffic bond conditions.
113.67 Licensed public gauger bond conditions.
113.68 Wool and fur products labeling acts bond conditions.
113.69 Production of bill of lading bond conditions.
113.70 Bond condition to indemnify United States for detention of copyrighted material.
113.71 Bond condition to observe neutrality.
113.72 Bond condition to pay court costs (condemned goods).
113.73 Foreign trade zone operator bond conditions.

Authority. R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; (19 U.S.C. 66, 1623, 1624). Subpart E also issued under sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484). Additional authority and statutes interpreted or applied are cited in the text or following the sections affected.

§ 113.0 Scope.

This part sets forth the general requirements applicable to bonds. It contains the general authority and powers of the Commissioner of Customs in requiring bonds, bond approval and execution, bond conditions, general and special bond requirements, the requirements which must be met to be either a principal or a surety, the requirements concerning the production of documents, the authority and manner of assessing liquidated damages and requirements for cancelling the bond or charges against a bond.

Subpart A—General Provisions

§ 113.1 Authority to require security or execution of bond.

Where a bond or other security is not specifically required by law, the Commissioner of Customs, pursuant to Treasury Department Order No. 165 Revised, as amended (T.D. 53654, 19 FR 7241), may by regulation or specific instruction require, or authorize the district director to require, such bonds or other security considered necessary for the protection of the revenue or to assure compliance with any pertinent law, regulation, or instruction.

§ 113.2 Powers of Commissioner of Customs relating to bonds.

Whenever a bond is required or authorized by law, regulation, or instruction, the Commissioner of Customs may:

(a) Prescribe the conditions and form of the bond and fix the amount of penalty, whether for the payment of liquidated damages, or of a penal sum, except as otherwise specifically provided by law.

(b) Provide for the approval of the sureties on the bond, without regard to any general provision of law.

(c) Authorize the execution of a term bond, the conditions of which shall extend to and cover similar cases of importations over a period of time, not to exceed one year or such longer period he may fix, when in his opinion special circumstances warrant a longer period.

(d) Authorize the taking of a consolidated bond (single entry or term) in lieu of separate bonds to assure compliance with two or more provisions of law, regulation, or instruction. Such a consolidated bond shall have the same force and effect as the separate bonds in lieu of which it was taken. The Commissioner of Customs may fix the penalty for violation of a consolidated bond without regard to any other provision of law, regulation, or instruction.

§ 113.3 Liability of surety on a terminated bond.

The surety, as well as the principal, remains liable on a terminated bond for obligations incurred prior to termination.

§ 113.4 Bonds and carnets.

(a) *Bonds.* All bonds required to be given under the Customs laws or regulations shall be known as Customs bonds.

(b) *Carnets.* A carnet is an international customs document which serves simultaneously as a customs entry document and as a customs bond. Therefore, carnets, provided for in Part 114 of this chapter, are ordinarily acceptable without posting further security under the Customs laws or regulations requiring bonds.

Subpart B—Bond Application and Approval of Bond

§ 113.11 Bond approval.

Each person who is required by law, regulation, or specific instruction to post a bond to secure a Customs transaction or multiple transactions must submit the bond on Customs Form 301. If the transaction(s) will occur in a single Customs district, the bond shall be filed with and approved by the district director of the district in which the transaction(s) will take place. If the transactions will occur in more than one district the bond may be filed with and approved by any district director. The district director will determine whether the bond is in proper form and provides adequate security for the transaction(s).

§ 113.12 Bond application.

(a) *Single entry bond application.* In order to insure that the revenue is adequately protected the district director may require a person who will be engaged in a single Customs transaction relating to the importation or entry of merchandise to file a written bond application which may be in the form of a letter. The application shall identify the value and nature of the merchandise involved in the transaction to be secured.

(b) *Continuous bond application.* If a person wants to secure multiple transactions relating to the importation or entry of merchandise or the operation of a bonded smelting or refining warehouse, a bond application, which may be in the form of a letter, shall be submitted to the district director.

(1) *Information required.* The application shall contain the following information:

(i) The general character of the merchandise to be entered; and

(ii) The total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise to be collected by Customs. The total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption even though some or all of the merchandise may have been entered under bond. If the value or nature of the merchandise to be imported will change in any material respect during the next year the change shall be identified. If no imports were made during the calendar year prior to the application, a statement of the duties

and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(2) *Application updates.* If the district director approves a bond based upon the application, whenever there is a significant change in the information provided under paragraph (a), the principal on the bond shall submit a new application containing an update of the information required by subparagraph (1) of this paragraph. The new application shall be filed no later than 30 days after the new facts become known to the principal.

(c) *Certification.* Any application submitted under this section shall be signed by the applicant and contain the following certification:

I certify that the factual information contained in this application is true and accurate and any information provided which is based upon estimates is based upon the best information available on the date of this application.

§ 113.13 Amount of bond approved by the district director.

(a) *Minimum amount of bond.* The amount of any Customs bond approved by the district director shall not be less than $100, except when the law or regulation expressly provides that a lesser amount may be taken. Fractional parts of a dollar shall be disregarded in computing the amount of a bond. The bond always shall be stated as the next highest dollar.

(b) *Guidelines for determining amount of bond.* In determining whether the amount of a bond is sufficient, the district director should at least consider:

(1) The prior record of the principal in timely payment of duties, taxes, and charges with respect to the transaction(s) involving such payments;

(2) The prior record of the principal in complying with Customs demands for redelivery, the obligation to hold unexamined merchandise intact, and other requirements relating to enforcement and administration of Customs and other laws and regulations;

(3) The value and nature of the merchandise involved in the transaction(s) to be secured;

(4) The degree and type of supervision that Customs will exercise over the transaction(s);

(5) The prior record of the principal in honoring bond commitments, including the payment of liquidated damages; and

(6) Any additional information contained in any application for a bond.

(3) *Periodic review of bond sufficiency.* The district directors shall periodically review each bond filed in their district to determine whether the bond is adequate to protect the revenue and insure compliance with the law and regulations. If the district director determines that the bond is inadequate, the principal shall be immediately notified in writing. The principal shall have 30 days from the date of notification to remedy the deficiency.

(d) *Additional security.* Notwithstanding the provisions of this section or any other provision of this chapter, if a district director believes that acceptance of a transaction secured by a continuous bond would place the revenue in jeopardy or otherwise hamper the enforcement of Customs laws or regulations, he shall require additional security.

§ 113.14 Approved form of bond inadequate.

If the district director believes that none of the conditions contained in subpart G of this Part is applicable to a transaction sought to be secured, the district director shall draft conditions which will cover the transaction, but before execution of the bond the conditions shall be submitted to Headquarters, Attention: Director, Carriers, Drawback and Bonds Division, for approval.

§113.15 Retention of approved bonds.

All bonds approved by the district director, except the bond containing the agreement to pay court costs (condemned goods) (see § 113.72) shall remain on file in the district office unless the district director is directed in writing by the Director, Carriers, Drawback and Bonds Division, as to other disposition. The bond containing the agreement to pay court costs (condemned goods), shall be transmitted to the United States attorney, as required by section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608).

Subpart C—Bond Requirements

§ 113.21 Information required on the bond.

(a) *Identification of principal and sureties.* The names of the principal and sureties and their respective places of residence shall appear in the bond. In the case of a corporate principal or surety, its legal designation and the address of its principal place of business shall appear.

(b) *Date of execution.* Each bond shall bear the date it was actually executed.

(c) *Statement of the amount.* The amount of the bond shall be stated in figures.

(d) *Use of abbreviations.* Abbreviations shall not be used except in dates and the state of incorporation of the principal or the surety.

(e) *Blank spaces on the bond.* Lines shall be drawn through all spaces and blocks on the bond which are not filled in.

§ 113.22 Witnesses required.

(a) *Generally.* The signature of each party to a bond executed by a noncorporate principal or surety shall be witnessed by two persons, who shall sign their names as witnesses, and include their addresses.

(b) *Witness for both principal and surety.* When two persons signing as witnesses act for both principal and surety. They shall so indicate by stating on the bond "as to both".

(c) *Corporate principal or surety.* No witnesses are required where bonds are executed by properly authorized officers or agents of a corporate principal or corporate surety. For requirements concerning the execution of a bond by an authorized officer or agent of a corporate principal or surety, see §§ 113.34 and and 113.37 of this Part.

§ 113.23 Changes made on the bond.

(a) *Definition of the types of changes.* (1) *Modification or interlineation.* Modifications or interlineations are changes which go to the substance of the bond, or are basic revisions of the bond.

(2) *Alterations or erasures.* Alterations or erasures consist of minor changes, such as the correction of typographical errors, or change of address, which do not go to the substance, or result in basic revision of the bond.

(b) *Prior to signing.* When erasures, alterations, modifications, or interlineations are made on the bond prior to its signing by the parties to the bond, a statement by an agent of the surety company or by the personal sureties to that effect shall be placed upon the bond.

(c) *After signing.* If erasures or alterations are made after the bond is signed, but prior to the approval of the bond by Customs, the consent of all the parties shall be written on the bond. Except in cases where a change in the bond is expressly authorized by regulation, or by the Commissioner, no modification or interlineation shall be made on the bond after execution. When a modification or interlineation is desired, a new bond will be executed.

(d) *After approval of the bond by Customs.* Except in cases where a change in the bond is expressly authorized by regulations, or instructions from the Commissioner, the district director shall not permit a change as defined in paragraph (a) of

this section after the bond has been approved by Customs. When changes are desired, a new bond is required, which, when approved, shall supersede the existing bond.

§ 113.34 Riders.

(a) *Types of riders.* The district director may accept the following types of bond riders.

(1) *Name change of principal.* A bond rider to change the name of a principal on a bond maybe used only when the change in name does not change the legal identity or status of the principal. If a new corporation is created as a result of a merger, reorganization or similar action, a bond rider for a name change of the principal can not be used. A new bond would be required.

(2) *Addition of co-principal.* A bond rider for the addition of a co-principal may be used by persons having a distinct legal status (e.g. individuals, partnerships, corporations) to join another person with the same distinct legal status as a co-principal on a bond. This bond rider shall not be used to join an entity which does not have a distinct legal status (e.g. an unincorporated division of a corporation). This bond rider may not be used to join different legal entities as co-principals (e.g. an individual and a corporation, a partnership and a corporation).

(3) *Address change.* A bond rider may be used to change the address of a principal on a bond.

(4) *Addition of trade names and unincorporated divisions of a corporate principal.* A bond rider may be used to add to a bond trade names and the names of unincorporated divisions of a corporate principal which do not have a separate and distinct legal status.

(b) *Attachment of rider to bond.* All riders expressly authorized by the Commissioner shall be securely attached to the related bond to prevent their loss or misplacement.

(c) *Format of Rider.* The riders shall be signed, sealed, witnessed, executed, include a certificate as to corporate principal, if applicable, and otherwise comply with the requirements of this Part. The riders shall contain the following conditions:

(1) *Name change of principal.*

By this rider to the Customs Form 301, —— (bond number), dated ——, executed by ——, (former name), as principal, ——, (importer number), the, —— (new name), hereby certifies that it is the same entity formerly known as ——, (former name), and the principal and surety agree that they are responsible for any act secured by this bond done under principal's former name. Principal and surety agree to be bound under this bond to the same extent as if this bond had been executed in the principal's new name.

(2) *Addition of co-principal.*

By this rider to the Customs Form 301, —— (bond number) executed on ——, (dated), by ——, (principal's name), as principal, —— (importer number) and ——, (surety name and code), as surety, the principal and surety intend that this bond secure any act done by ——, (co-principal name), as co-principal, to the same extent as if the co-principal had jointly executed this bond with the principal and surety.

(3) *Address change.*

By this rider to Customs Form 301, ——, (bond number) executed on ——, (date), by ——, (principal's name), as principal, ——, (importer number), and ——, (surety's name and code), as surety, the principal, surety or both, intend that the bond be amended to show —— (new address) as their address. The principal, surety or both, as may be appropriate agree to be bound as though this bond has been executed with the new address(s) shown.

(4) *Addition of trade names and unincorporated divisions of a corporate principal.*

By this rider to the Customs Form 301, ——, (bond number), executed on ——, (date), by ——, (principal's name), as principal, ——, (importer number) and ——, (surety's name and code), as surety, the principal and surety agree that the listed names are unincorporated units of the principal or are trade or business names used by the principal in its business and that this bond covers any act made in those names to the same extent as though done in the name of the principal. The principal and surety agree that any such act shall be considered to be the act of the principal.

§ 113.35 Seals.

When a seal is required, the seal shall be affixed adjoining the signatures of principal and sureties, if individuals, and the corporate seal shall be affixed close to the signatures of persons signing on behalf of a corporation. Bonds shall be under seal in accordance with the law of the state in which executed. However, when the charter or governing statute of a corporation requires its acts to be evidenced by its corporate seal, such seal is required.

§ 113.36 Termination of bond.

(a) *Termination by principal.* A request by a principal to terminate a bond shall be made in writing to the district director in whose district the bond was approved. The termination shall take effect on the date requested if the date is at least 10 business days after the date of receipt of the request otherwise the termination shall be effective on the close of business 10 business days after the request is received at the district office. If no termination date is requested, the termination shall take effect on the tenth business day following the date of receipt of the request by the district director.

(b) *Termination by surety.* A surety may, with or without the consent of the principal, terminate a Customs bond on which it is obligated. The surety shall provide reasonable written notice to both the district director in whose district the bond was approved and the principal of the intent to terminate. The written notice shall state the date on which the termination shall be effective and shall be sent to both Customs and the principal by certified mail, with a return receipt requested. Thirty days shall constitute reasonable notice unless the surety can show to the satisfaction of the district director that a lesser time is reasonable under the facts and circumstances.

(c) *Effect of Termination.* If a bond is terminated no new Customs transactions shall be charged against the bond. A new bond in an appropriate amount on Customs Form 301, containing the appropriate bond conditions set forth in subpart G of this Part, shall be filed before further Customs activity may be transacted.

Subpart D—Principals and Sureties

§ 113.31 Information pertaining to principals and sureties on the bond.

The general information pertaining to the principal and sureties which must be given in the body of the bond is set forth in § 113.21.

§ 113.32 Same party as principal and surety; attorney in fact.

(a) *Same party as principal and surety.* The same person, partnership, or corporation cannot be both principal and surety on a bond.

(b) *Attorney in fact for principal or surety.* In executing a bond, a person may act as:

(1) Attorney in fact for both principal and surety;

(2) Surety and attorney in fact for the principal; or

(3) Principal and attorney in fact for the surety.

§ 113.33 Partnerships as principals.

(a) *Names of partners on the bond.* Unless written notice of the full names of all partners in the firm has been previously filed with the district

director, the names of all persons composing the partnership shall appear in the body of the bonds; for example, "Aaron A. Abel, Bertrand B. Bell and Charles C. Cole, composing the firm of Abel, Bell, Cole and Co.

(b) *Execution.* Partnership bonds shall be executed in the firm name, with the name of the member or attorney of the firm executing it appearing immediately below the firm signature.

(c) *Action of one principal binding on all principals of the partnership.* Pursuant to section 495, Tariff Act of 1930 (19 U.S.C. 1495), when a Customs bond is executed by any member of the partnership, the bond shall be binding on the other partners in like manner and to the same extent as if such other partners had personally joined in the execution.

§ 113.34 Corporations as principals.

(a) *Name of corporation on the bonds.* The name of a corporation executing a Customs bond as a principal, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(b) *Signature and seal of the corporation on the bond.* The bond of a corporate principal shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.25

(c) *Bond executed by an officer of corporation.* When the bond is executed by an officer of a corporation and no power of attorney has been filed with the district director, the following evidence of his authority to act shall be furnished:

(1) *Execution of Certificate as to Corporate Principal.* The official character, authority, and signature of the person or persons executing the bond for the corporate principal may be certified by the secretary, assistant secretary, or other officer of the corporation. The certification shall be made by executing, under corporate seal, the provisions appearing in the bond entitled "Certificate as to Corporate Principal."

(2) *Evidence in lieu of the certificate.* In lieu of the above certificate, there may be attached to the bond so much of the records of the corporation as will show the official character, authority, and signature of the officer signing. The following documents should be attached:

(i) A certificate from the proper public official showing the legal existence of the corporation. A district director may waive the production of evidence of incorporation when this fact is a matter of common knowledge and the district director certifies this fact on Customs Form 301.

(ii) A copy of the bylaws, or so much thereof as authorizes the execution of bonds, certified by the secretary of the corporation and authenticated by its corporate seal.

(iii) A copy of the document authorizing the officer to sign the bond, certified by the secretary of the corporation under the corporate seal, or a power of attorney executed in accordance with subpart C, Part 141 of this chapter containing this authority.

(iv) A doument verifying the signature of the officer properly attested under the corporate seal.

(d) *Bond executed by an attorney in fact.* When an attorney in fact executes a bond on behalf of a corporate principal and a power of attorney has not been filed with the district director (unless exempted from filing by section 141.46 of this chapter), there shall be attached a power of attorney executed under the corporate seal by an officer of the corporation whose authority to execute the power shall be shown as prescribed in paragraph (c) of this section.

(e) *Subsidiaries as co-principals.* The provisions of this section shall be applicable to each corporate subsidiary which joins its parent corporation by signing the bond as co-principal.

§ 113.35 Individual sureties.

(a) *Number required.* If individuals sign as sureties, there shall be two sureties on the bond, unless the district director is satisfied that one surety is sufficient to protect the revenue and insure compliance with the law and regulations.

(b) *Qualifications to act as surety.* (1) *Residency and citizenship.* Each individual surety on a Customs bond must be both a resident and citizen of the United States.

(2) *Married women.* A married woman may be accepted as a surety, unless the state in which the bond is executed prohibits her from acting in that capacity.

(3) *Granting of power of attorney.* Any individual other than a married woman in a state where she is prohibited from acting as a surety may grant a power of attorney to sign as surety on Customs bonds. Unless the power is unlimited, all persons to which the power relates shall be named.

(4) *Property requirements.* Each individual surety must have property available as security within the limits of the Customs district in which the contract of suretyship is to be approved. The current market value of the property less any encumbrance must be equal to or greater than the amount of the bond. If one individual surety is accepted, the individual surety must have property the value of which, less any encumbrance, is equal to or greater than twice the amount of the bond.

(c) *Oath and evidence of solvency.* Before being accepted as a surety, the individual shall:

(1) Take an oath on Customs Form 3579, setting forth:

(i) The amount of assets over and above all debts and liabilities and such exemptions as may be allowed by law; and

(ii) The general description and the location of one or more pieces of real estate owned within the limits of the Customs district and the value thereof over and above all encumbrances.

(2) Produce such evidence of solvency and financial responsibility as the district director may require.

(d) *Determination of financial responsibility.* An individual surety shall not be accepted on a bond until the district director is satisfied as to the financial responsibility of the individual. The district director may refer the matter to the special agent-in-charge for immediate investigation to verify the financial responsibility of the surety.

(e) *Continuancy of financial responsibility.* In order to follow the continued solvency and financial responsibility of individual sureties, the district director shall require a new oath and determine the financial responsibility of each individual surety as prescribed in paragraphs (c) and (d) of this section at least once every 6 months, and more often if deemed advisable.

§ 113.36 Partner acting as surety on behalf of a partner or on behalf of a partnership.

A member of a partnership shall not be accepted as an individual surety on a bond executed by the partnership as principal. A partner may be an individual surety for a fellow partner on a bond if (a) the transaction is in an individual capacity and unrelated to the partnership, (b) sufficient unencumbered nonpartnership property is available as security, and (c) the individual qualifies as an individual surety under the provisions of § 113.35 of this Part.

§ 113.37 Corporate sureties.

(a) *Lists of corporations and limits of their bonds.* Treasury Department Circular 570 contains a list of corporations authorized to act as sureties on bonds, with the amount in

which each may be accepted. The Circular shall be furnished annually to all district directors by the Secretary of the Treasury. No corporation shall be accepted as surety on a bond unless named in the current Circular as amended by **Federal Register** notice and no bond shall be for a greater amount than the respective limit stated in the Circular, unless the excess is protected as prescribed in § 223.11, Bureau of Government Financial Operations Regulations (31 CFR 223.11).

(b) *Name of corporation on the bond.* The name of a corporation executing a Customs bond, as a surety, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(c) *Name of agent or attorney on the bond.* The agent or attorney acting for a corporate surety shall have stamped, printed, or typed on each bond executed by him, below his signature, his full name as it appears on the bond.

(d) *Social security number of agent or attorney on the bond.* In the appropriate place on each bond executed by the agent or attorney acting for a corporate surety, the agent or attorney shall place his/her social security number, as it appears on the corporate surety power of attorney.

(e) *Signature and seal of the corporation on the bond.* A bond executed by a corporate surety shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.25 of this Part.

(f) *Two or more corporate sureties as sureties on the same obligation.* Two or more corporate sureties may be accepted as sureties on any obligation the amount of which does not exceed the limitations of their aggregate qualifying power as fixed and determined by the Secretary of the Treasury. The amount for which each corporate surety may act as surety in all cases must be within the limitation prescribed by the Secretary, unless the excess is protected as prescribed in § 223.11, Bureau of Government Financial Operations Regulations (31 CFR 223.11). Each corporate surety shall limit its liability to a definite specified amount, in terms, upon the face of the bond by attaching the following:

Corporate Sureties Agreement for Limitation of Liability —— (name of surety), —— (surety code), a surety company incorporated under the laws of the State of ——, authorized to conduct a surety business in the State of ——, and having its principal place of business at —— (address), and —— (name of surety), —— (surety code), a surety company incorporated under the laws of the State of ——, authorized to conduct a surety business in the State of —— and having its principal place of business at —— (address), as sureties, and —— (name of principal), as principal, are jointly and severally obligated to the United States in the amount of —— ($) on a bond executed on —— (date of execution) with each surety jointly and severally obligate with the principal in the amounts listed below and no more:

———— (name of surety) ——
($)
———— (name of surety) ——
($)

By this agreement the principal and sureties bind themselves and agree that for the purpose of allowing a joint action against any or all of them, and for that purpose only, this agreement and the bond under which they are obligated and which is incorporated by reference into this agreement, shall be treated as the joint and several as well as the several obligation of each of the parties.

Signed and sealed this —— day of —— 19—

—— Principal
—— Surety
—— Surety
—— District Director

(g) *Power of attorney for the agent or attorney of the surety.* Corporations may execute powers of attorney to act in their behalf in the following manner:

(1) *Execution and contents.* The corporate surety power of attorney shall be executed on Customs Form 5297, and shall contain the following information:

(i) Corporate surety name and number,

(ii) Name and address of agent or attorney, and social security number of agent or attorney,

(iii) District(s) in which the agent or attorney is authorized to act,

(iv) Date of execution of power of attorney,

(v) Seal of the corporate surety,

(vi) Signature of any two principal officers of corporation, and

(vii) Dollar amount of authorization.

(2) *Filing.* The corporate surety power of attorney executed on Customs Form 5297 shall be filed at the district office unless the district director permits the submission of the corporate surety power of attorney to be made at any port within the district, in which case the corporate surety power of attorney must be submitted in duplicate. The power of attorney may provide authority for an agent or attorney in any number of districts. If authorized to be filed at a Customs port, the port director shall send the original of the power of attorney to the Customs district office. The Customs district offices shall periodically issue to all ports within their district computer printouts reflecting all corporate powers of attorney valid for use within the district. If the district director permits the submission of the corporate surety power of attorney to be made at any port within the district, a copy of the power of attorney shall be retained at the port where the power of attorney was filed until the first computer printout reflecting the power of attorney has been received from the district office. If a port has been delegated the authority to approve bonds, the copy of the power of attorney retained at the port can be used in connection with bond approval at the port for bonds executed by the person covered by the corporate surety power of attorney, until the computer printout is received. The original of the corporate surety power of attorney shall be retained at the district office with jurisdiction over the location where the corporate surety power of attorney was submitted.

(3) *Use at port where power of attorney not filed before receipt of computer printout.* If the grantee desires to use the power of attorney at a port covered by the power of attorney, other than the one where the power of attorney was filed, before the first computer printout reflecting this power of attorney is received, the Customs Form 5297, shall be filed in triplicate (original and two copies), rather than duplicate. The second copy shall be validated by Customs and returned to the grantee. The grantee, at the time of filing a bond at a port other than the port where the power of attorney was filed, shall provide this validated copy of the power of attorney as proof of the grant of authority. The validity of this copy of the power of attorney shall expire when the first computer printout reflecting this power of attorney is received.

(4) *Term and revocation.* Corporate surety powers of attorney shall continue in force and effect until revoked. Any surety desiring that a designated agent or attoreny be divested of a power of attorney must execute a revocation on Customs Form 5297. The revocation shall take effect on the close of business on the date requested provided the corporate surety power of attorney is received 5 days before the date requested; otherwise the revocation will be effective at the close of business 5 days after the request is received at the district office.

(3) *Change on the power of attorney.* No change shall be made on the Customs Form 5297 after it has been approved by Customs except the following: (i) Grantee name change, (ii) grantee address change, and (iii) the addition of district(s) to the corporate surety power of atorney on file. To make any other change to the power of attorney two separate Customs Forms 5297 shall be submitted, one revoking the previous power of attorney, and one containing a new grant of authority.

§ 113.38 Delinquent sureties.

(a) *Acceptance as surety when in default as principal on another Customs bond.* No person shall be accepted as surety on any Customs bond while in default as principal on any other Customs bond.

(b) *Acceptance as surety when in default as surety on another Customs bond.* A surety on a Customs bond which is in default may be accepted as surety on other Customs bonds only to the extent that the surety assets are unencumbered by the default.

(c)(1) *Nonacceptance of bond by district director.* A district director may refuse to accept a bond secured by an individual or corporate surety when the surety, without just cause, is significantly delinquent either in the number of outstanding bills or dollar amounts thereof. If the district director believes that a substantial question of law exists as to whether a breach of bond obligation has occured he should request internal advice under the provisions of § 177.11 from the Director, Carriers, Drawback and Bonds Division, Customs Headquarters.

(2) *Nonacceptance of bond upon instructions by Commissioner.* The Commissioner may, when he believes the circumstances warrant, issue instructions to the district directors that they shall not accept a bond secured by an individual or corporate surety when that surety, without just cause, is significantly deliquent either in the number of outstanding bills or dollar amounts thereof.

(3) *Notice of surety.* The appropriate Customs officer may take the above actions only after the surety has been provided reasonable notice with an opportunity to pay deliquent amounts, provide justification for the failure to pay, or demonstrate the existence of a significant legal issue justifying further delay in payment.

(4) *Review and final decision.* After a review of any submission made by the surety under paragraph (3) above, if the appropriate Customs officer is still of the opinion bonds secured by the surety should not be accepted, written notice of the decision shall be provided to the surety in person or by certified mail, return receipt requested, at least five days before the date that Customs will no longer accept the bonds of the surety. When notice is sent to the surety of the decision not to accept the surety's bonds the appropriate Customs officer shall notify the Director, Carriers, Drawback and Bonds Division, Customs Headquarters who will request the Bureau of Government Financial Operations to revise Treasury Circular 570 to give notice of the refusal of the Customs Service to accept any new bonds underwritten by the surety. Notice shall also be given to the importing public by posting a copy of the decision in the customhouse. The decision shall also be published in the Customs Bulletin.

(5) *Duration of decision.* Any decision not to accept a given surety's bond shall remain in effect for a minimum of five days or until all outstanding deliquences are resolved, whichever is later.

(6) *Actions consistent with requirements.* Any action not to accept the bonds of a surety under paragraphs (c)(1) and (2) shall be consistent with the requirements of this section.

§ 113.39 Procedure to remove a surety from Treasury Department Circular 570.

If a district director or regional commissioner is unsatisfied with a surety company because the company has neglected or refused to pay a valid demand made on the surety company's bond or otherwise has failed to honor an obligation on that bond, the district director or regional commissioner may take the following steps to have the surety company removed from Treasury Department Circular 570. The fact that collection procedings have been, or are to be, started on a bond does not preclude use of this procedure if the district director or regional commissioner believes such action is warranted.

(a) *Report to Headquarters.* A district director or regional commissioner shall send the following evidence to Headquarters, Attn: Director, Carriers, Drawback and Bonds Division. If the report is from a district director it shall be submitted through the appropriate regional commissioner of Customs.

(1) A copy of the bond in issue;

(2) A copy of the entry or other evidence which shows that there was a default on the bond;

(3) A copy of all notices, demands or correspondence sent to the surety company requesting the honoring of the bond obligation;

(4) A copy of all correspondence from the surety company; and

(5) A written report of the facts known to the district director or regional commissioner showin the unsatisfactory performance by the surety company of the bond obligation(s).

(b) *Review by Headquarters.* The Director, Carriers, Drawback and Bonds Division, shall review submitted evidence and determine whether further action against the surety company is warranted. If it is determined that further action is warranted, a report recommending appropriate action will be submitted to the Fiscal Assistant Secretary, Department of the Treasury, as required by § 223.16(a), Bureau of Government Financial Operations Regulations (31 CFR 223.16(a)). The district director and regional commissioner will be informed in writing of Headquarters action regarding their request for removal of the surety.

§ 113.40 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.

(a) *General provision.* In lieu of sureties on any bond required or authorized by any law, regualtion, or instruction which the Secretary of the Treasury or the Commissioner of Customs is authorized to enforce, the district director is authorized to accept United States money, United States bonds (except for savings bonds), United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) *Authority to sell United States obligations on default.* At the time of deposit of any obligation of the United States, other than United States money, with the district director, the obligor shall deliver a duly executed power of attorney and agreement authorizing the district director, in case of any default in the performance of any of the conditions of the bond, to sell the obligation so deposited and to apply the proceeds of sale, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of default. The format of the power of attorney and agreement, when the obligor is a corproation, is set forth below, and shall be modified as appropriate when the obligor is either an individual or a partnership:

POWER OF ATTORNEY AND AGREEMENT

(FOR CORPORATION)

———, (name of corproation) a corporation duly incorporated under the laws of the State of ———, and having its principal office in the City of ———,

State of ———, as authorized by a resolution of the board of directors of the corproation, passed on the —— day of ——, 19—, a duly certified copy of which is attached, does constitute and appoint —— (name and official title of bond-approving officer), and his successors in office, as attorney for said corporation, for and in the name of the corporation to collect or to sell, assign, and transfer the securities described as follows:

The securities having been deposited by its as security for the performance of the agreements undertaken in a bond with the United States, executed on the date of —— ——, 19—, the terms and conditions of which are incorporated by reference into this power of attorney and agreement and made a part hereof. The undersigned agrees that in case of any default in the performance of any of the agreements the attorney shall have full power to collect the securities or any part thereof, or to sell, assign, and transfer the securities or any part thereof at public or private sale, without notice, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived and to apply the proceeds of the sale or collection in whole or in part to the satisfaction of any obligation arising by reason of default. The undersigned further agrees that the authority granted by this agreement is irrevocable. The corporation for itself, its successors and assigns, ratifies and confirms whatever the attorney shall do by virtue of this agreement.

Witnessed, signed, and sealed, this —— day of —— 19—.

[Corporate seal.]

By ———

Before me, the undersigned, a notary public within and for the County of ———, in the States of ——— (or the District of Columbia), personally appeared ——— (name and title of officer) and for and in behalf of said ———, a corproation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this — day of ——, 19—.

[Notarial seal.]

Notary Public ———

Note.—Securities must be described by title, date of maturity, rate of interest, denomination, serial number, and whether coupon or registered. Failure to give a complete description will warrant rejection of this power of attorney.

(c) *Application of United States money on default.* If cash is deposited in lieu of sureties on the bond, the district director is authorized to apply the cash, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of a default under the bond.

Subpart E—Production of Documents

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, a card memorandum on Customs Form 5101 shall be prepared by the importer and presented with the entry, together with a bond to secure production of the document.

§ 113.42 Time period for production of documents.

Except when another period is fixed by law or regulations, any document for the production of which a bond is given shall be delivered to the district director within 6 months from the date of the transaction in connection with which the bond was given, or within any extension of such time which may be granted pursuant to § 113.43 (a) of this Part. If the period ends on a Saturday, Sunday, or Federal holiday, delivery on the next business day shall be accepted as timely.

§ 113.43 Extension of time period.

(a) *Application received within time period.* If a document (other than an invoice or document which must be produced within 2 months, as provided in § 141.61(e) of this chapter) referred to in § 113.42 of this Part is not produced within 6 months from the date of the transaction in connection with which the bond was given, the district director, in his discretion, upon written application of the importer, may extend the period for one further period of 2 months.

(b) *Late application.* No application for the extension of the period of any bond given to assure the production of a missing document shall be allowed by the district director if the application is received later than 2 months after the expiration of the period of the bond, and any extension shall not be allowed by the district director for a period of more than 2 months from the date of expiration of the period.

(c) *Acceptance of a free-entry or reduced-duty document prior to liquidation.* When a bond is given for the production of any free-entry or reduced-duty document and a satisfactory document is produced prior to liquidation of the entry or within the period during which a valid reliquidation may be completed, provided the failure to file was not due to willful negligence or fraudulent intent, it shall be accepted as satisfying the requirement that it be filed in connection with the entry, and the bond charge for its production shall be cancelled.

§ 113.44 Assent of sureties to an extension of a bond.

(a) *Extension prescribed by law or regulations.* The assent of the sureties to any extension of the period prescribed in a bond is not necessary when the extension is authorized by law or regulations.

(b) *Other extension.* The assent of the sureties shall be obtained before any extension of the period prescribed in a bond other than an extension authorized by law or regulation, is allowed.

§ 113.45 Charge for production of a missing document made against a continuous bond.

When a continuous bond secures the production of a missing document and the bond is breached by the principals failure to timely produce that document, the claim for liquidated damages shall be in an amount equal to the amount of the single entry bond that would have been taken had the transaction been covered by a single entry bond.

§ 113.46 Cancellation of bond charges resulting from failure to produce documents.

Section 172.22 of this chapter sets forth provisions relating to cancellation of bond charges resulting from failure to produce documents.

Subpart F—Assessment of Damages and Cancellation of Bond

§ 113.51 Cancellation of bond or charge against the bond.

The Commissioner of Customs may authorize the cancellation of any bond provided for in this part or any charge that may have been made against the bond, in the event of a breach of any condition of the bond, upon payment of a lesser amount or penalty or upon such other terms and conditions as may be deemed sufficient.

§ 113.52 Failure to satisfy the bond.

If any Customs bond, except on given only for the production of free-entry or reduced-duty documents (see §§ 113.43 (c) and 172.22(c) of this chapter), is unsatisfied upon the expiration of 90 days after liability has accrued under the bond, the matter shall be reported to the Department of Justice for prosecution unless measures have been taken to file an application for relief or protest in accordance with the provisions of this chapter or to satisfactorily settle the matter.

§ 113.53 Waiver of Customs requirement supported by a bond.

(a) *Waiver by the Commissioner of Customs.* When a Customs requirement supported by a bond is waived by the Commissioner of Customs, the waiver may be:

(1) Unconditional, in which case the importer is relieved from the payment of liquidated damages;

(2) Conditioned upon prior settlement of the bond obligation by payment of liquidated damages; or

(3) Conditioned upon such other terms and conditions as the Commissioner may deem sufficient.

(b) *Waiver by the district director.* When a Customs requirement supported by a bond is waived by the district director pursuant to the authority conferred by these regulations, the waiver shall be unconditional.

§ 113.54 Cancellation of erroneous charges.

(a) *Bonds.* Section 172.31 of this chapter sets forth provisions relating to the cancellation of charges against the bond when it is determined that the act or omission forming the basis for the claim for liquidated damages did not in fact occur.

(b) *Carnets.* Section 114.34 of this chapter sets forth provisions relating to the cancellation of erroneous charges involving carnets.

§ 113.55 Cancellation of export bonds.

(a) *Manner of cancellation.* A bond to assure exportation as defined in § 101.1 of this chapter may be cancelled:

(1) *Upon exportation.* Upon the listing of the merchandise on the outward manifest or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel or of the departure of the vehicle, and the production of a foreign landing certificate if the certificate is required by the district director.

(2) *Upon payment of liquidated damages.* Upon the payment of liquidated damages.

(b) *Cancellation of bond charges of an international carrier.* The conditions of the bond of an international carrier may be considered as having been complied with upon the production of the applicable documents listed in paragraph (a)(1) of this section.

(c) *Foreign landing certificate.* A foreign landing certificate, when required, shall be produced within six months from the date of exportation and shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that the country has no Customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of lading. Landing certificates are required in the following cases:

(1) *Mandatory.* A landing certificate shall be required in every case to establish the exportation of narcotic drugs or any equipment, stores (except such articles as are placed on board vessels or aircraft under the provisions of section 309 or 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317)), or machinery for vessels.

(2) *Optional with the district director.* A landing certificate may be required by the district director for merchandise exported from the United States, or residue cargo, when a certificate is deemed necessary for the protection of the revenue.

(3) *Waiver.* Except as provided in section 4.88 of this chapter, in cases where landing certificates are required and they cannot be produced, an application for waiver thereof may be made to the Commissioner of Customs through the district director, accompanied by such proof of exportation and landing abroad as may be available.

(d) *Articles less than $10.* In the case of articles for which the ordinary Customs duty estimated at the time of entry did not exceed $10 and which are exported without Customs supervision, but within the period during which the articles are authorized to remain in the Customs territory of the United States under bond (including any lawful extension), the bond may be cancelled upon production of evidence of exportation satisfactory to the district director.

Subpart G—Customs Bond Conditions

§ 113.61 General.

Each section in this subpart identifies specific coverage for a particular Customs activity. When an individual or organization files a bond with Customs the activity in which they plan on engaging will be identified on the bond. The bond conditions listed in this subpart which correspond to that activity will be incorporated by reference into the bond.

§ 113.62 Basic importation and entry bond conditions.

A bond for basic importation and entry shall contain the conditions listed in this section and may be either a single entry or a continuous bond, except that a bond taken in the case of merchandise subject to an exclusion order of the International Trade Commission under 19 U.S.C. 1337 shall be a single entry bond.

Basic Importation and Entry Bond Conditions

(a) *Agreement to Pay Duties, Taxes, and Charges.* (1) If merchandise is imported and released from Customs custody or withdrawn from a Customs bonded warehouse into the commerce of, or for consumption in, the United States, the obligors (principal and surety) agree to:

(i) Deposit, within the time prescribed by law or regulation, any duties, taxes, and charges imposed, or estimated to be due, at the time of release or withdrawal; and

(ii) Pay, as demanded by Customs, all additional duties, taxes, and charges subsequently found due, legally fixed, and imposed on any entry secured by this bond.

(2) If the principal enters any merchandise into a Customs bonded warehouse, the obligors agree:

(i) To pay any duties, taxes, and charges found to be due on any of that merchandise which remains in the warehouse at the expiration of the warehousing time limit set by law; and

(ii) That the obligation to pay duties, taxes, and charges on the merchandise applies whether it is properly withdrawn by the principal, or by the principal's transferee, or is unlawfully removed by the principal or any other person, without regard to whether the merchandise is manipulated, unless payment was made or secured to be made by some other person.

(3) Under this agreement, the obligation to pay any and all duties, taxes, and charges due on any entry ceases on the date the principal timely files with the district director a bond of the owner in which the owner agrees to pay all duties, taxes, and charges found due on that entry; provided a declaration of the owner has also been properly filed.

(b) *Agreement to Make or Complete Entry.* If all or part of imported merchandise is released before entry under the provisions of the special delivery permit procedures under 19 U.S.C. 448(b) or released before completion of the entry under 19 U.S.C. 484(a), the principal agrees to file within the time and in the manner prescribed by law and regulation, documentation to enable Customs to:

(1) Determine whether the merchandise may be released from Customs custody;

(2) Properly assess duties on the merchandise;

(3) Collect accurate statistics with respect to the merchandise; and

(4) Determine whether applicable requirements of law and regulation are met.

(c) *Agreement to Produce Documents and Evidence.* If merchandise is released conditionally to the principal before all required documents or other evidence is produced, the principal agrees to furnish Customs with any document or evidence as required by law or regulation, and within the time specified by law or regulations.

(d) *Agreement to Redeliver Merchandise.* If merchandise is released conditionally from Customs custody to the principal before all required evidence is produced, before its quantity and value are determined, or before its right of admission into the United States is determined, the principal agrees to redeliver timely, on demand by Customs, the merchandise released if it:

(1) Fails to comply with the laws or regulations governing admission into the United States;

(2) Must be examined, inspected, or appraised as required by 19 U.S.C. 499; or

(3) Must be marked with the country of origin as required by law or regulation.

It is understood that any demand for redelivery will be made no later than 21 days after the date that the merchandise was released or 21 days after the end of the conditional release period (whichever is later).

(e) *Agreement to Rectify Any Non-Compliance with Provisions of Admission.* If merchandise is released conditionally to the principal before its right of admission into the United States is determined, the principal, after notification, agrees to mark, clean, fumigate, destroy, export or do any other thing to the merchandise in order to comply with the law and regulations governing its admission into the United States within the time period set in the notification.

(f) *Agreement for Examination of Merchandise.* If the principal obtains permission to have any merchandise examined elsewhere than at a wharf or other place in charge of a Customs officer, the principal agrees to:

(1) Hold the merchandise at the place of examination until the merchandise is properly released;

(2) Transfer the merchandise to another place on receipt of instructions from Customs made before release; and

(3) Keep any Customs seal or cording on the merchandise intact until the merchandise is examined by Customs.

(g) *Reimbursement and Exoneration of the United States.* The obligors agree to:

(1) Pay the compensation and expenses of any Customs officer, as required by law or regulation; and

(2) Exonerate the United States and its officers from any risk, loss, or expense arising out of principal's importation, entry, or withdrawal of merchandise.

(h) *Agreement on Duty-Free Entries or Withdrawals.* If the principal enters or withdraws any merchandise, without payment of duty and tax, or at a reduced rate of duty and tax, as permitted under the law, the principal agrees:

(1) To use and handle the merchandise in the manner and for the purpose entitling it to duty-free treatment;

(2) If a fishing vessel, to present the original approved application to Customs within 24 hours on each arrival of the vessel in the Customs territory of the United States from a fishing voyage;

(3) To furnish timely proof to Customs that any merchandise entered or withdrawn under any law permitting duty-free treatment was used in accordance with that law; and

(4) To keep safely all withdrawn beverages remaining on board while the vessel is in port, as may be required by Customs.

(i) *Consequence of Default.* (1) If the principal defaults on agreements in this condition other than conditions (a) or (g), the obligors agree to pay liquidated damages equal to the value of the merchandise involved in the default, except that in the case of merchandise subject to an exclusion order of the International Trade Commission under 19 U.S.C. 1337 which has been released before such order becomes final, the obligors agree to pay liquidated damages in the amount specified in the order for failure to redeliver such merchandise.

(2) It is understood and agreed that the amount to be collected under these conditions shall be based upon the quantity and value of the merchandise as determined by Customs.

§ 113.63 Basic custodial bond conditions.

A basic custodial bond shall contain the conditions listed in this section and shall be a continuous bond.

Basic Custodial Bond Conditions

(a) *Receipt of Merchandise.* The principal agrees:

(1) To operate as a custodian of any bonded merchandise received and to comply with all regulations regarding the receipt, carriage, safekeeping, and disposition of such merchandise;

(2) To accept only merchandise authorized under Customs Regulations;

(3) To maintain all records required by regulations relating to merchandise received into bond, and to produce the records upon demand by an authorized Customs officer;

(4) If authorized to operate a container station under the Customs Regulations, to report promptly to Customs each arrival of a container and its merchandise by delivery of the manifest and the application for transfer, or by other approved notice.

(B) *Carriage and Safekeeping of Merchandise.* The principal agrees:

(1) If a bonded carrier, to use only authorized means of conveyance;

(2) To keep safe any merchandise placed in its custody including, when approved by Customs, repacking and transferring such merchandise when necessary for its safety or preservation; and

(3) To comply with Customs Regulations relating to the handling of bonded merchandise.

(c) *Disposition of Merchandise.* The principal agrees:

(1) If a bonded carrier, to report promptly the arrival of merchandise at the destination port by delivering to Customs the manifest or other approved notice;

(2) If a cartage or lighterage business, to deliver promptly and safely to Customs any merchandise placed in the principal's custody together with any related cartage and lighterage ticket and manifest;

(3) To dispose of merchandise in a manner authorized by Customs Regulations; and

(4) To file timely with Customs any report required by Customs Regulations.

(d) *Agreement to Redeliver Merchandise to Customs.* If the principal is designated a bonded carrier, or licensed to operate a cartage or lighterage business, the principal agrees to redeliver timely, on demand by Customs, any merchandise delivered to unauthorized locations or to the consignee without the permission of Customs. It is understood that the demand for redelivery shall be made no later than 21 days after Customs discovers the improper delivery.

(e) *Compliance with Licensing and Operating Requirements.* The principal agrees to comply with all Customs laws and regulations relating to principal's facilities, conveyances, and employees.

(f) *Reimbursement and Exoneration of the United States.* The principal and surety agree to:

(1) Pay the compensation and expenses of any Customs officer as required by law or regulation;

(2) Pay the cost of any locks, seals, and other fastenings required by Customs Regulations for securing merchandise placed in the principal's custody;

(3) Pay for any expense connected with the suspension or termination of the bonded status of the premises; and

(4) Exonerate the United States and its officers from any risk, loss, or expense arising out of the principal's custodial operation.

(g) *Consequene of Default.* (1) If the principal defaults on conditions (a) through (e) in this agreement, the obligors (principal and surety) agree to pay liquidated damages equal to three times the value of the merchandise involved in the default.

(2) It is understood and agreed that the amount to be collected under conditions (a) through (e) of this agreement shall be based upon the quantity and value of the merchandise as determined by Customs.

§113.64 International carrier bond conditions.

A bond for international carriers shall contain the conditions listed in this section and may be either a single entry or continuous bond.

International Carrier Bond Conditions

(a) *Agreement to Pay Panalties, Duties, Taxes, and Other Changes.* If any vessel, vehicle, or aircraft incurs a penalty, duty, tax, or other charge provided by law or regulation, the obligors agree to pay the sum upon demand by Customs as a condition of clearance of such vessel, vehicle, or aircraft.

(b) *Agreement on Unlading, Safekeeping, and Disposition of Merchandise, Supplies, Crew Purchases, Etc.* The principal agrees to comply with all laws and Customs Regulations applicable to unlading, safekeeping, and disposition of merchandise, supplies, crew purchases, and other articles on board the vehicle, vessel, or aircraft; and to redeliver the foregoing to Customs upon demand as provided by Customs Regulations. If principal defaults, obligors agree to pay liquidated demages equal to the value of the merchandise involved in the default or in such amount as may be authorized by law or regulation.

(c) Agreement to Deliver Export Documents. If the principal's vessel or vehicle is granted clearance without filing a complete outward manifest and all required export documents, the principal agrees to file timely the required manifest and all required export documents. If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages of $50 per day for the first 3 days, and $100 per day thereafter, up to $1000 in total.

(d) *Exoneration of the United States.* The obligors agree to exonerate the United States and its officers from any risk, loss, or expense arising out of entry or clearance of the carrier, or handling of the articles on board.

§ 113.65 Repayment of erroneous drawback payment bond conditions.

A bond for repayment of erroneous drawback shall contain the conditions listed in this section and shall be a continuous bond.

Repayment of Erroneous Drawback Payment Bond Conditions

(a) *Agreement Under Exporter's Summary Procedure.* If the principal is permitted to file drawback claims under the exporter's summary procedure and the principal's drawback claims are paid before a final determination that the principal:

(1) Is entitled to the drawback claimed,

(2) Correctly described the exported articles in the claim, and

(3) Correctly stated the facts of exportation in the claim;

the principal agrees to refund, on demand, any money claimed by Customs to have been erroneously paid as a result of an incorrect statement on the drawback claim.

(b) *Agreement Under Accelerated Payback of Drawback.* If the principal receives an accelerated payment of drawback based on the principal's calculation of the drawback claim, the principal agrees to refund on demand the full amount of any overpayment, as determined on liquidation of the drawback claim.

§ 113.66 Control of containers and instruments of international traffic bond conditions.

A bond for control of containers and instruments of international traffic shall contain the conditions listed in this section and shall be a continuous bond.

Control of Containers and Instruments of International Traffic Bond Conditions

(a) *Agreement to Enter Any Diverted Instrument of International Traffic.* If the principal brings in and takes out of the Customs territory of the United States an instrument of international traffic without entry and without payment of duty, as provided by the Customs Regulations and section 322(a), Tariff Act of 1930, as amended, the principal agrees to:

(1) Report promptly to Customs when the instrument is diverted to point-to-point local traffic in the Customs territory of the United States or when the instrument is otherwise withdrawn in the Customs territory of the United States from its use as an instrument of international traffic;

(2) Promptly enter the instrument; and

(3) Pay any duty due on the instrument at the rate in effect and in its condition on the date of diversion or withdrawal.

(b) *Agreement to Comply With the Provisions of Items 800.00 or 808.00, Tariff Schedules of the United States.* If the principal gets free release of any serially numbered shipping container classifiable under item 800.00 or 808.00, TSUS, the principal agrees:

(1) Not to advance the value or improve its condition abroad or claim (or make a previous claim) drawback on, any container released under item 800.00, TSUS;

(2) To pay the initial duty due and otherwise comply with every condition in item 808.00, TSUS, on any container released under that item;

(3) To mark that container in the manner required by Customs;

(4) To keep records which show the current status of that container in service and the disposition of that container if taken out of service; and

(5) To remove or strike out the markings on that container when it is taken out of service or when the principal transfers ownership of it.

(c) *Consequence of Default.* (1) If the principal defaults on agreement in these conditions, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default.

(2) It is understood and agreed that the amount to be collected under these conditions shall be based upon the quantity and value of the merchandise as determined by Customs.

§ 113.67 Licensed public gauger bond conditions.

A bond of a licensed public gauger shall contain the conditions listed in this section and shall be a continuous bond.

Licensed Public Gauger Bond Conditions

(a) If the principal is a licensed public gauger whose reports of gauging are accepted for Customs purposes, the principal agrees to:

(1) Gauge according to the standards and procedures set by the Customs Regulations; and

(2) Submit properly any required report, proof, or abstract to customs.

(b) If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default.

§ 113.68 Wool and fur products labeling acts bond conditions.

A bond to comply with wool and fur products labeling acts shall contain the conditions listed in this section and shall be a single entry bond.

Wool and Fur Products Labeling Acts Bond Conditions

(a) If the principal obtains release from Customs custody of any wool or fur product (hereafter "merchandise") that is subject to the provisions of the Wool Products Labeling Act of 1939 or the Fur Products Labeling Act, the principal guarantees that the merchandise complies with every provision of both Acts, as applicable.

(b) If any of the released merchandise does not comply with each applicable provision of the Wool Products Labeling Act of 1939 or the Fur Products Labeling Act, the obligors (principal and surety) agree to pay liquidated damages equal to two times the value of the merchandise, and any duty on the merchandise.

§ 113.69 Production of bill lading bond conditions.

A bond to produce a bill of lading shall contain the conditions listed in this section and shall be a single entry bond.

Production of Bill of Lading Bond Conditions

If the principal obtains release of any merchandise before filing a valid bill of lading on that merchandise with Customs, the obligors (prinicpal and surety) agree to:

(a) Produce timely a valid bill of lading for the merchandise; and

(b) Relieve the United States and its employees from all liability to indemnify the United States and its employeees against loss, and defend any action brought on a claim for loss based on the release without production of a valid bill of lading.

§ 113.70 Bond condition to indemnify United States for detention of copyrighted material.

A bond to indemnify the United States for detention of copyrighted material shall contain the conditions listed in this section and shall be a single entry bond.

Bond Condition To Indemnify United States for Detention of Copyrighted Material

If Customs detains any articles alleged by the principal to be a piratical copy of material covered by the principal's copyright pending a final determination whether the articles are prohibited entry under the copyright laws, the obligors (principal and surety) agree to hold the United States and its employees, and the importer or owner of those articles, jointly and severally, harmless from any material depreciation of those articles and any loss or damage caused by the detention in the event it is finally determined that the articles are not a piratical copy of the material.

§ 113.71 Bond condition to observe neutrality.

A bond to observe neutrality shall maintain the conditions listed in this section and shall be a single entry bond.

Bond Condition To Observe Neutrality

(a) If clearance is granted to the principal's vessel, which is armed or is built for a war-like purpose, with a cargo of arms and munitions, so that it is likely to be used to commit hostilities against people or countries with whom the Government of the United States is at peace, the principal guarantees that the vessel will not be used to commit hostilities against any country, state, colony, or people with whom the Government is at peace.

(b) If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to twice the value of the vessel and cargo.

§ 113.72 Bond condition to pay court costs (condemned goods).

A bond to pay court costs (condemned goods) shall contain the condition listed in this section and shall be a single entry bond.

Bond Condition To Pay Court Costs (Condemned Goods)

If any seized goods belonging to principal are condemned the obligors (principal and surety) agree to pay all costs of the condemnation proceedings.

§ 113.73 Foreign trade zone operator bond conditions.

A bond of a foreign trade zone operator shall contain the conditions listed in this section and shall be a continuous bond.

Foreign Trade Zone Operator Bond Conditions

If the principal is authorized to operate a foreign trade zone or subzone:

(a) *Receipt, Handling, and Disposition of Merchandise.* The principal agrees to comply with:

(1) The law and Customs Regulations relating to the admission into, handling in, and removal of merchandise in the foreign trade zone or subzone; and

(2) The terms and conditions of the memoradum of understanding with Customs concerning the maintenance of records covering merchandise in the foreign trade zone or subzone.

If the principal defaults, the obligors (principal and surety) agree to pay liquidated damages equal to the value of the merchandise involved in the default.

(b) *Agreement to Pay Duties, Taxes, and Charges.* The obligors agree to pay any duties, taxes, and charges found to be due on any merchandise, properly admitted to the foreign trade zone or subzone, which is found to be missing from the zone or cannot be accounted for in the zone, it being expressly understood and agreed that the amount of said duties, taxes, and charges shall be determined solely by Customs.

(c) *Reimbursement and Exoneration of the United States.* The obligors agree to:

(1) Exonerate the United States and its officers from any risk, loss, or expense arising from the principal's operation of the foreign trade zone or subzone;

(2) Pay the compensation and expenses of any Customs officer, as required by law or regulations.

PART 114—CARNETS

§ 114.22 [Amended]

It is proposed to amend § 114.22(d) by removing the words "carrier's bond" and inserting in their place the words "Customs bond".

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.8 [Amended]

It is proposed to amend § 123.8(c) by removing (a) the words "Customs Form 7567, 7569, or 7597 shall have been received" in the first sentence of the paragraph and inserting in their place the words "Customs Form 301, containing the bond conditions set forth in § 113.64 of this chapter, is on file or is filed with the request" and (b) the second sentence of the paragraph.

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

§ 127.42 [Amended]

It is proposed to amend § 125.42 by removing the words "a cartman's bond or lighterman's bond" in the first

sentence of the section and inserting in their place the words "the bond of the cartman or lighterman on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

§ 127.37 [Amended]

It is proposed to amend § 127.37(a) by removing the words "warehouse entry bond" and inserting in their place the words "bond for the importation and entry of merchandise on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

PART 132—QUOTAS

§ 132.14 [Amended]

It is proposed to amend § 132.14 by removing the words "entry bond" in paragraphs (a)(4)(i)(C) and (a)(4)(ii)(B) and in each instance inserting in their place the words "bond on Customs Form 301, containing the basic importation and entry bond conditions set forth in § 113.62 of this chapter".

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

§ 133.24 [Amended]

1. It is proposed to amend § 133.24 by removing the words "entry bond" in the first sentence of the section and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

§ 133.43 [Amended]

2. It is proposed to amend § 133.43 (a)(2) by removing the words "in the form and" and inserting in their place the words "on Customs Form 301, containing the bond condition set forth in § 113.70 of this chapter in an".

§ 133.46 [Amended]

3. It is proposed to amend § 133.46 by removing the words "entry bond" in the first sentence of the section and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

PART 134—COUNTRY OF ORIGIN MARKING

§ 134.53 [Amended]

It is proposed to amend § 134.53(a)(2) by removing the words "entry bond" in the last sentence of the paragraph and inserting in their place the words "bond on Customs Form 301, containing the basic importation and entry bond conditions set forth in § 113.62 of this chapter".

PART 141—ENTRY OF MERCHANDISE

1. It is proposed to amend § 141.0a by revising paragraph (h) and adding a paragraph (i) to read as follows:

§ 141.0a Definitions

* * * * *

(h) *Entered temporarily under bond*—"Entered temporarily under bond" means that an entry summary supporting a temporary importation under bond has been filed with Customs in proper from.

(i) *Released conditionally*—"Released conditionally" means any release from Customs custody before liquidation.

2. It is proposed to amend § 141.15(b) by revising it to read as follows:

§ 141.15 Bond for production of bill of lading or air waybill.

* * * * *

(b) *Form.* The bond shall be on Customs Form 301 and contain the bond conditions set forth in § 113.69 of this chapter.

* * * * *

§ 141.18 [Amended]

3. It is proposed to amend § 141.18(b) by inserting after the word "bond" the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 141.19 [Amended]

4. It is proposed to amend § 141.19(b)(2)(ii) by removing the words "entry bond" and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 141.20 [Amended]

5. It is proposed to amend § 141.20 by removing (a) the word "term" in paragraph (a)(2) and inserting in its place the work "continuous", (b) the words "on Customs Form 7601" in paragraph (a)(2) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,", and (c) the words "on Customs Form 7551 or 7553, with a resident corporate surety thereon, in lieu of a bond on Customs Form 7601" in paragraph (c) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, with a resident corporate surety".

§ 141.52 [Amended]

6. It is proposed to amend § 141.52(g) by (a) removing the word "bonds" and inserting in its place the words "a bond", and (b) inserting the word "under" before the word "bond".

§ 141.66 [Amended]

7. It is proposed to amend § 141.66 by removing the words "an appropriate bond" and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 or § 113.69 of this chapter, as appropriate,".

§ 141.82 [Amended]

8. It is proposed to amend § 141.82(c) by removing the word "term" in the first sentence of the section and inserting in its place the word "continuous".

9. It is proposed to amend § 141.83(d)(10) by revising it to read as follows:

§ 141.83 Type of invoice required.

* * * * *

(d) *Special Customs or commercial invoice not required.*

(10) Merchandise entered temporarily into the Customs territory of the United States under bond or for permanent exhibition under bond.

§ 141.84 [Amended]

10. It is proposed to amend § 141.84(e) by inserting the words "the charges against" after the word "cancel".

§ 141.91 [Amended]

11. It is proposed to amend § 141.91(d) by removing the words "gives an appropriate bond" in the first sentence of the paragraph and inserting in their place the words "files a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, in an amount equal to one and one-half the invoice value of the merchandise,"

§ 141.92 [Amended]

12. It is proposed to amend § 141.92(c) by removing the words "entry bond" and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 141.101 [Amended]

13. It is proposed to amend § 141.101(e) by removing the words "under a temporary importation bond, permanent exhibition bond, trade fair bond, or other similar bond" and inserting in their place the words "temporarily imported under bond, entered for permanent exhibition under bond, entered for a trade fair under bond or entered under bond for similar reasons".

§ 141.102 [Amended]

14. It is proposed to amend § 141.102(d) by removing the words "any bond provided for in Part 113 of this chapter" in the first sentence of the paragraph and inserting in their place the words "the bond".

§ 141.112 [Amended]

15. It is proposed to amend § 141.112(g) by removing the words "exact a bond of indemnity to save him harmless from any personal" and inserting in their place the words "require a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter, to hold him harmless from any".

PART 142—ENTRY PROCESS

§ 142.1 [Amended]

1. It is proposed to amend § 142.1 by removing the words "entered under a temporary importation bond" and inserting in their place the words "entered temporarily under bond".

§ 142.4 [Amended]

2. It is proposed to amend § 142.4 by removing (a) the words "unless one of the following types of bonds" from paragraph (a) and inserting in their place the words "unless a single entry or continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter", (b) the first sentence of paragraph (a)(1), the paragraph heading and the paragraph designation, (c) paragraph (a)(2) and (a)(3), and (d) the words "one of the bonds enumerated in paragraph (a) of this section" in the first sentence of paragraph (b)(2) and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 142.5 [Reserved]

3. It is proposed to amend § 142.5 by removing the section and marking it "Reserved".

§ 142.11 [Amended]

4. It is proposed to amend § 142.11(a) by removing the words "under a temporary importation bond" in the second sentence of the paragraph and inserting in their place the words "temporarily imported under bond."

§ 142.15 [Amended]

5. It is proposed to amend § 142.15 by removing the word "term" in the second sentence of the section and inserting in its palce the word "continuous".

§ 142.19 [Amended]

6. It is proposed to amend § 142.19 by removing (a) the words "an appropriate" in the first sentence of the section and inserting in their place the word "a", (b) the words "an entry bond is filed on Customs Forms 7551, 7555, 7595, in an amount determined in accordance with Part 113 of this chapter" in the first sentence of paragraph (a) and inserting in their place the words "a bond is filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (c) the word "entry" in the second sentence of paragraph (a).

7. It is proposed to amend § 142.21 by (a) removing the words (i) "one of the types of Customs bonds described in section 142.4" in the first sentence of paragraph (a), (ii) "one of the type of bonds enumerated in section 142.4" in the first sentence of paragraph (e)(1), (iii) "one of the types of Customs bonds provided for in section 142.4" in paragraph (f)(2) and (iv) "an appropriate" in paragraph (g), and in each instance inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter", and (b) revising paragraph (b)(2) to read as follows:

§ 142.21 Merchandise eligible for special permit for immediate delivery.

* * * * *

(b) *Fresh fruits and vegetables.* * * *

(2) The application shall be accompanied by a continuous bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter.

* * * * *

§ 142.22 [Amended]

8. It is proposed to amend § 142.22(b)(1) by removing the words "under a temporary importation bond" and inserting in their place the words "temporarily under bond".

§ 142.27 [Amended]

9. It is proposed to amend § 142.27 by removing the word "term" in the second sentence of the section and inserting in its place the word "continuous".

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

§ 144.2 [Amended]

1. It is proposed to amend § 144.2 by removing (a) the words "entry bond" in the first sentence of the section and inserting in their place the words "bond filed on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) the words "warehouse entry" in the second sentence of the section.

2. It is proposed to amend § 144.13 by revising it to read as follows:

§ 144.13 Bond requirements.

A bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter shall be filed in the amount required by the district director to support the entry documentation.

§ 144.14 [Amended]

3. It is proposed to amend § 144.14 by removing the words "appropriate bond" in the first sentence of the section and inserting in their place the words "bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 144.15 [Amended]

4. It is proposed to amend § 144.15(b) by removing the paragraph.

§ 144.21 [Amended]

5. It is proposed to amend § 144.21 by (a) removing the words "an appropriate bond" in the first sentence of the section and inserting in their place the words "a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter" and (b) placing a period after the word "liability" in the second sentence of the section and removing the remainder of the sentence.

6. It is proposed to amend § 144.24 by revising it to read as follows:

§ 144.24 Transferee's bond.

The transferee's bond shall be on Customs Form 301 and contain the bond conditions set forth in § 113.62 of this chapter.

§ 144.41 [Amended]

7. It is proposed to amend § 144.41 by removing (a) the words "on Customs Form 7555 or other appropriate form" in the first sentence of paragraph (d) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter", (b) the words "entry" and "warehouse entry" in the second sentence of paragraph (d), and (c) the words "warehouse entry bond period" in paragraph (g) and inserting in their place the words "5 year period during which the merchandise may remain in warehouse under bond".

PART 145—MAIL IMPORTATIONS

§ 145.72 [Amended]

It is proposed to amend § 145.72(d) by removing the words "under a temporary

importation bond" and inserting in their place the words "temporarily under bond".

PART 146—FOREIGN-TRADE ZONES

§ 146.42 [Amended]

1. It is proposed to amend § 146.42 by removing the words "on Customs Form 7557, 7559, or 7595" in paragraph (b)(2)(ii) and paragraph (c)(2) and in each instance inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 146.45 [Amended]

2. It is proposed to amend § 146.45 by removing the words "on Customs Form 7551, 7553, or other appropriate form" in paragraph (b)(3) and the second sentence of paragraph (c)(5) and in each instance inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

PART 147—TRADE FAIRS

§ 147.2 [Amended]

1. It is proposed to amend § 147.2(a)(2) by removing the words "Covered by a Customs exhibition bond provided for in" and inserting in their place the words "Imported for exhibition under".

2. It is proposed to amend § 147.3 by revising it to read as follows:

§ 147.3 Bond required.

The fair operator shall file a bond on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter in such amount as the district director requires.

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

§ 148.52 [Amended]

It is proposed to amend § 148.52(c) by removing the words "on Customs Form 7551 or 7553" in the second sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter,".

PART 151—EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

§ 151.7 [Amended]

1. It is proposed to amend § 151.7(d) by removing everything in the paragraph after the words "execute a bond" and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.62 of this chapter".

§ 151.11 [Amended]

2. It is proposed to amend § 151.11 by removing the word "appropriate" in the second sentence of the section.

§ 151.43 [Amended]

3. It is proposed to amend § 151.43 by removing (a) the words "in the amount of $10,000" in the first sentence of paragraph (b)(6) and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.67 of this chapter," (b) the second sentence of paragraph (b)(6), and (c) the words "public gauger bond described in § 113.13(b) of this chapter" in the second sentence of paragraph (d) and inserting in their place the word "bond".

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

§ 162.45 [Amended]

1. It is proposed to amend § 162.45(a)(3) by inserting the words "on Customs Form 301, containing the bond conditions set forth in § 113.72 of this chapter," after the word "bond".

§ 162.47 [Amended]

2. It is proposed to amend § 162.47(b) by removing (a) the words "on Customs Form 4615" in the first sentence of the paragraph and inserting in their place the words "on Customs Form 301, containing the bond conditions set forth in § 113.72 of this chapter", and (b) the second sentence of the paragraph and the format for the list or schedule.

PART 172—LIQUIDATED DAMAGES

§ 172.22 [Amended]

It is proposed to amend § 172.22(c) by removing the word "term" and inserting in its place the word "continuous".

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Approved: February 25, 1983.

Robert E. Powis,

Acting Assistant Secretary of the Treasury.

BILLING CODE 4820-02-M

APPENDIX A

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE

CUSTOMS BOND

19 CFR 113

CUSTOMS USE ONLY	BOND NUMBER (Assigned by Customs) / FILE REFERENCE

In order to secure payment of any duty, tax or charge and compliance with law or regulation as a result of activity covered by any condition referenced below, we, the below named principal(s) and surety(ies), bind ourselves to the United States in the amount or amounts, as set forth below. | Execution Date

SECTION I — Select Single Transaction OR Continuous Bond (not both) and fill in the applicable blank spaces.

☐ SINGLE TRANSACTION BOND (Complete A OR B.)	A	Date of arrival	Place of arrival	Entry Number / Date of Entry
	B	Identification of other transaction secured by this bond (e.g., seizure no.)		
☐ CONTINUOUS BOND (Give effective date.)		Effective date	This bond remains in force for one year beginning with the effective date and for each succeeding annual period, or until terminated, this bond constitutes a separate bond for each period in the amounts listed below for liabilities that accrue in each period. The intention to terminate this bond must be conveyed within the time period and manner prescribed in the Customs Regulations.	

SECTION II — This bond includes the following agreements.[1] (Check one box only, except that, 1a may be checked independently or with 1, and 3a may be checked independently or with 3. Line out all other parts of this section that are not used.)

Activity Code	Activity Name and Customs Regulations in which conditions codified	Limit of Liability
☐ 1	Importer or broker.....113.62	
☐ 1a	Drawback Payment Refunds.....113.63	
☐ 2	Custodian of bonded merchandise.....113.63 (Includes bonded carriers, freight forwarders, cartmen and lightermen, all classes of warehouses, container station operators)	
☐ 3	International Carrier.....113.64	
☐ 3a	Instruments of International Traffic.....113.65	
☐ 4	Foreign Trade Zone Operator.....113.73	
☐ 5	Public Gauger.....113.67	
☐ 6	Wool & Fur Products Labeling Acts Importation (Single Entry Only).....113.69	
☐ 7	Bill of Lading (Single Entry Only).....113.69	
☐ 8	Detention of Copyrighted Material (Single Entry Only).....113.70	
☐ 9	Neutrality (Single Entry Only).....113.71	
☐ 10	Court Costs for Condemned Goods (Single Entry Only).....113.72	

[1] For all bond coverage available and the language of the bond conditions refer to Part 113 Subpart G, Customs Regulations.

SECTION III — List below all tradenames or unincorporated divisions and any affiliated corporations that will be permitted to obligate this bond in the principal's name including their Customs Identification Number(s). (If more space is needed, use Section III (Continuation) on back of form.)

Importer Number	Importer Name	Importer Number	Importer Name

Total number of importer names listed in Section III:

Principal and surety agree that any charge against the bond under any of the listed names is as though it was made by the principal(s).

Principal and surety agree that they are bound to the same extent as if they executed a separate bond covering each set of conditions incorporated by reference to the Customs Regulations into this bond.

If the surety fails to appoint an agent under Title 6, United States Code, Section 7, surety consents to service on the Clerk of any United States District Court or the U.S. Court of International Trade, where suit is brought on this bond. That clerk is to send notice of the service to the surety at:

Mailing Address Requested by the Surety

	Name and Address	Importer No. / Surety No. / SIGNATURE:[3]	SEAL
PRINCIPAL[2]		Importer No. SIGNATURE:[3]	SEAL
SURETY[2]	Name and Address	Surety No. SIGNATURE:[3]	SEAL
SURETY[2]	Name and Address	Surety No. SIGNATURE:[3]	SEAL

SURETY AGENTS	Name	Identification No.	Name	Identification No.

[2] If the principal or surety is a corporation, the name of the State in which incorporated must be shown.
[3] See witness requirement on back of form.

Customs Form 301 Proposed (11-01-82)

Note: Turn carbons over before writing on back of form.

SECTION III (Continuation)

Importer Number	Importer Name	Importer Number	Importer Name

CERTIFICATE AS TO CORPORATE PRINCIPAL[4]

I, _____, certify that I am the _____ secretary of the corporation named as principal in this bond, that _____, who signed the bond on behalf of the principal, was then _____ of the corporation; that I know his signature, and his signature is genuine; and that the bond was duly signed, sealed, and attested for and on behalf of the corporation by authority of its governing body.

SIGNATURE: _____ (CORPORATE SEAL)

[4] The certificate as to corporate principal is to be used when no power of attorney has been filed with the District Director of Customs.

WITNESSES

Two witnesses are required to authenticate the signature of any person who signs as an individual or as a partner; however, a witness may authenticate the signatures of both such non-corporate principals and sureties. No witness is needed to authenticate the signature of a corporate official or agent who signs for the corporation.

SIGNED, SEALED, and DELIVERED in the PRESENCE OF:

Name and Address of Witness for the Principal	Name and Address of Witness for the Surety
SIGNATURE:	SIGNATURE:
Name and Address of Witness for the Principal	Name and Address of Witness for the Surety
SIGNATURE:	SIGNATURE:

EXPLANATIONS

1. The Customs Bond Number is a control number assigned by Customs to the bond contract when the bond is approved by an authorized Customs official.
2. The Importer Number is the Customs identification number filed pursuant to Section 24.5, Customs Regulations.
3. Surety Name shall be the company's name as it is spelled in the Sureties Companies Annual List published in the Federal Register by the Department of the Treasury (Department Circular 570).
4. Surety Number is the three digit, identification code assigned by Customs to a surety company at the time the surety company initially gives notice to Customs that the company will be writing Customs bonds.
5. Surety Agent is the individual granted a Corporate Surety Power of Attorney, CF 5297, by the surety company executing the bond.
6. Agent Identification No. shall be the individual's Social Security number as shown on the Corporate Surety Power of Attorney, CF 5297, filed by the surety granting such power of attorney.

Back of Customs Form 301 Proposal (110182)

BILLING CODE 4820-02-C

APPENDIX B

Proposed bond provision to appear in customs regulations	Reason for provision	Related provision (s) in current bond, customs regulation or rider[1]	Related statute (s)	Related customs regulations (s)
113.62(a)(1)	Secures deposit of estimated duty and additional duty.	CF 7551(1)[2], CF 7553(1), CF 7595(0), CF 7601, T.D. 80-173(6), 19 CFR 147.3.	19 U.S.C. 1484, 1505, 1733.	19 CFR 141.1, 141.3, 142.4, 159.9, 147.3, 147.14, 147.42.
113.62(a)(2)	Secures payment of duty on merchandise left in a bonded warehouse or improperly removed from a warehouse.	CF 7551(1), CF 7595(6), CF 7601, T.D. 80-173(6).	19 U.S.C. 1505, 1557	19 U.S.C. 144.13 159.9, 159.52.
113.62(b)	Secures promise to make entry	CF 7551(2), CF 7553(2), CF 7595(1), T.D. 80-1732, Rider L (T.D. 73-199), Rider N (T.D. 73-329), 19 CFR 147.3.	19 U.S.C. 1448(b) 1484(a), 1733.	19 CFR 141.5, 141.19, 142.21, 147.3, 147.14, 147.42.
113.62(c)	Secures promise to produce any required evidence.	CF 7551(6), CF 7553(6), CF 7555(4), CF 7595(2), CF 7601, T.D. 80-173(5), 19 CFR 147.3.	19 U.S.C. 1484, 1485, 175	19 CFR 113.41 113.42, 113.43, 141.66, 141.91, 147.3.
113.62(d)	Secures promise to redeliver conditionally released merchandise.	CF 7551 (4, 5, 6), CF 7553 (4, 5, 6), CF 7553 (5, 6, 7), CF 7595 (4, 5, 6), CF 7601 T.D. 80-173(6), Rider J (T.D. 73-199), 19 CFR 147.3.	19 U.S.C. 1202, 1304, 1499, 1752.	19 CFR 12.3, 12.12, 12.39, 12.73, 12.80, 12.85, 12.91, 12.115, 134.53, 141.113, 147.23, 147.24, 151.1, 151.7(d), 151.11.
113.62(e)	Secures promise to bring conditionally-released merchandise into compliance with U.S. admission requirements.	CF 7551(7), CF 7553(7), CF 7555(6), CF 7595(7), 19 CFR 147.3.	19 U.S.C. 1202, 1304, 1499, 1752.	19 CFR 12.12, 12.73, 12.80, 12.85, 12.91, 134.53, 141.113, 147.3, 147.21, 147.22, 147.23, 147.24, 151.1.
113.62(f)	Secures Promise to hold conditionally-released merchandise intact for examination.	CF 7551(3), CF 7553(3), CF 7595(3), CF 7601, T.D. 80-173(3), 19 CFR 147.3.	19 U.S.C. 1448, 1752	19 CFR 12.23, 147.3, 151.7(d).
113.63(a)	Secures promise to pay compensation of Customs officers and exonerate Customs officers.	19 CF 147.3	19 U.S.C. 1524, 1557, 1592, 1752.	19 CFR 24.17(a)(3), (6), (9), (10), 147.33.
113.63(b)	Secures promise to use merchandise entered free or at a reduced rate in the manner as entitled and to furnish proof of that use.	CF 7547, CF 7549, CF 7555 (2, 3), CF 7557, CF 7559, CF 7561, CF 7563, CF 7563-a, CF 7565, CF 7571, CF 7595 (9, 10, 11, 12), CF 7603, 19 CFR 147.3, T.D. 29311, Rider A, C, D, E, F, H (T.D. 73-199).	19 U.S.C. 1202, 1309, 1311, 1312, 1552, 1553, 1557, 1752.	19 CFR Part 10, Part 18, Part 19, Part 144, Part 147.
113.64(a)	Secures promise of a custodian to comply with Customs regulations on bonded merchandise.	CF 3561(1, 3), CF 3563 (1, 2), CF 3567(1),CF 3569(1), 19 CFR 19.40 T.D. 80-173 (1, 7).	19 U.S.C. 1311, 1312, 1551, 1552, 1553, 1555.	19 CFR Part 18, Part 19, Part 112, Part 125, Part 147.
113.64(b)	Secures promise of a Customs bonded carrier to safely keep bonded merchandise placed in carrier's custody and comply with regulations on carriage of bonded merchandise.	CF 3567(2), CF 3569 (2, 4), CF 3855(1)	19 U.S.C. 1311, 1312,	19 CFR Part 18.
113.64(c)	Secures promise of a Customs bonded custodian to comply with regulations on disposition and reporting requirements.	CF 3561, CF 3563, CF 3567 (9, 4, 10), CF 3569 (3, 4, 11).	19 U.S.C. 1311, 1312, 1552, 1553, 1555.	19 CFR Part 18, Part 19, Part 112, Part 127.
113.64(d)	Secures promise of a Customs bonded carrier, or cartage or lighterage operator to redeliver on Customs demand any misdelivered bonded merchandise.	New	19 U.S.C. 1551, 1552, 1553.	19 CFR 18.6.
113.64(e)	Secures promise to comply with all laws and regulations on conveyances and employees.	CF 3561(1), CF 3563(1), CF 3567(1), CF 3569(1), CF 3855(1), 4), T.D. 80-173(1), 19 CFR 112.49.	19 U.S.C. 1311, 1312, 1551, 1552, 1553, 1555.	19 CFR Part 18, Part 19, Part 112, Part 125, Part 127.
113.64(f)	Provides indemnification and exoneration of Government and secures payment for reimbursable services.	CF 3561(2, 4), CF 3563 (3, 5), CF 3567 (6, 7, 8), CF 3569 (7, 8, 9), CF 3855(3), CF 7597, CF 7599, T.D. 80-173 (3, 4), 19 CFR 19.40 (2, 6), 127.44(2).	19 U.S.C. 267, 1311, 1311, 1454, 1551, 1555.	19 CFR 19.3, 19.5, 24.16, 24.17.
113.64(g)	Secures promise to pay penalty, duty, tax or charges incurred by the vessel, vehicle, or aircraft or the person in charge of such conveyance if clearance is granted before amount is paid.	CF 7567(1), CF 7569(1), CF 7605	19 U.S.C. 1431-1466, 1581-1586, 1594, 1595a.	19 CFR 4.14, 4.61, 6.10, 14.16, 2417, 123.2, 162.22, 162.72.
113.64(h)	Secures promise to comply with laws and regulations on bringing merchandise into the U.S.	CF 7567 (3, 4, 5), CF 7569 (3, 4, 5), CF 7593, CF 7605.	19 U.S.C. 1448(a), 1707	19 CFR 4.30, 6.7, 123.8.
113.64(i)	Secures promise to deliver export documents if clearance is permitted without those documents.	CF 7567, CF 7567(5), CF 7569(5), CF 7605	46 U.S.C. 91	19 CFR 4.75, 6.3, 6.8.
113.64(j)	Provides exoneration for Government if a special permit to lade or unlade is given.	CF 7567(2), CF 7569(2), CF 7605	19 U.S.C. 1451	19 CFR 4.30, 6.2, 123.8
113.65	Secures repayment of erroneous drawback payment under the summary procedure or the accelerated payment.	CF 7609, CF 7611, CF 7613, Rider K (T.D. 75-199), Rider P (T.D. 78-140).	19 U.S.C. 1313	19 CFR 22.7, 22.20a.
113.66	Secures compliance with laws and regulations on introduction of instruments of international traffic and other shipping containers without entry.	CF 7567, 19 CF 10.41b	19 U.S.C. 1202, 1322	19 CFR 10.41a, 10.41.
113.67	Secures compliance with regulations on gauging.	T.D. 81-142		19 CFR 151.43.
113.68	Secures compliance with provisions of wool and fur products labeling acts.	Customs Circular BON-1-O:O:E, August 4, 1975.	15 U.S.C. 68, 69	
113.69	Provides indemnification if merchandise is released without a bill of lading.	CF 7561	19 U.S.C. 1484	19 CFR 141.15.
113.70	Provides indemnification for any damage arising out of a detention of merchandise erroneously believed to be piratical copies.	Customs Circular COP-1-PEN, May 23, 1981	17 U.S.C. 108, 109	19 CFR 133.43, 133.44.
113.71	Secures an agreement to observe neutrality	T.D. 46474	22 U.S.C. 463	19 CFR 4.73.
113.72	Provides for payment of court costs if judicial proceedings result in condemnation of property.	CF 4615	19 U.S.C. 1606	19 CFR 162.45.
113.73	Secures compliance with laws and regulations on foreign-trade zones.	Customs Circular FOR-2 O:I:C, September 3, 1976.	19 U.S.C. 81a-O	

[1] Appendix E lists all Customs Bonds by Customs Form number and title. The appendix also includes bond riders.
[2] The numbers which appear in parenthesis after the bond refer to the numerical designation of the condition appearing in the bond which has been incorporated into the proposed bond conditions identified by each line item in this appendix.

BILLING CODE 4820-02-M

APPENDIX C

APPENDIX C

(two page, three part carbon set, 8 x 5)

1. THIS FORM MUST BE TYPED. 2. DO NOT ALTER THIS FORM. 3. ORIGINAL TO BE SUBMITTED TO CUSTOMS. (See Option explained in Instruction no. 2.)	DEPARTMENT OF THE TREASURY UNITED STATES CUSTOMS SERVICE **CORPORATE SURETY POWER OF ATTORNEY**	CUSTOMS USE ONLY DATE RECEIVED

☐ **GRANT** (Instruction No. 3a.) ☐ **CHANGE** to Grant on file (Instruction No. 3b.) ☐ **REVOCATION.** The below-described powers previously granted are hereby revoked. (Instruction No. 3c.)

EFFECTIVE DATE

GRANTEE:	NAME ☐ This is a name change	ADDRESS ☐ This is an address change.	
	SOCIAL SECURITY NO.		
GRANTOR:	Surety Company's Corporate Name	Surety No.	State Under Whose laws organized as a surety

District Code(s) for Customs district(s) in which authorized to do business and limit on any single obligation -OR- district(s) being added to the original grant:

District	Limit	District	Limit	District	Limit	District	Limit	District	Limit	District	Limit

Grantor appoints the above-named person (Grantee) as its attorney in fact to sign its name as surety to, and to execute, seal, and acknowledge any bond so as to bind the surety corporation to the same extent as if done by a regularly elected officer, limited only to the extent shown above as to Customs district and amount on any single bond obligation. This grant, or change to a grant on file, or revocation, as specified, shall become active on the effective date shown provided the Customs Form 5297 is received at a district office 5 days before the effective date shown; otherwise the specified action will become active at the close of business 5 working days after the date of receipt at the district office.

In witness whereof, the said Grantor, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal and attested by any two principal officers.	Date Attested	Name and Title	Name and Title
	Use a facsimile of corporate seal, and not impression seal.	SIGNATURE:	SIGNATURE:

CUSTOMS FORM 5297 (112883)

U.S. DISTRICTS AND CODES							
Anchorage, AK	31	Duluth, MN	35	New Orleans, LA	20	San Francisco, CA	28
Baltimore, MD	13	El Paso, TX	24	Nogales, AZ	26	San Juan, PR	49
Boston, MA	04	Great Falls, MT	33	Norfolk, VA	14	Savannah, GA	17
Bridgeport, CT	06	Honolulu, HI	32	Ogdensbury, NY	07	St. Albans, VT	02
Buffalo, NY	09	Houston-Galveston, TX	53	Pembina, ND	34	St. Louis, MO	45
Charleston, SC	16	Laredo, TX	23	Philadelphia, PA	11	Seattle, WA	30
Cleveland, OH	41	Los Angeles, CA	27	Portland, ME	01	Tampa, FL	18
Chicago, IL	39	Miami, FL	52	Portland, OR	29	Virgin Islands, U.S.	51
Dallas-Ft.Worth,TX	55	Milwaukee, WI	36	Port Arthur, TX	21	Washington, DC	54
Detroit, MI	37	Mobile, AL	19	Providence, RI	05	Wilmington, NC	15
Detroit, MI	38	New York, NY	10	San Diego, CA	25		

EXPLANATIONS

1. A Corporate Surety Power of Attorney, Customs Form 5297, must be executed for each of the following actions: grant an individual a power of attorney; change a name and/or address, and/or add districts to a power on file; revoke a power previously granted.

2. Form submission option: Each of the following conditions will require filing a copy of the Customs Form 5297:

(a) If the district director permits the submission of the form to be made at any port within the district.

(b) If the grantee desires to use the power of attorney at a location covered by the power, but other than the location where the power was submitted, before the Customs computer processing has been completed. For example: If both conditions are applicable, two copies of the Customs Form 5297 must be submitted with the original.

3. The box adjacent to the action executed on this Customs Form 5297 must be checked. The effective date for the action checked should be shown.

(a) If grant is checked: The information required to grant a power of attorney are self-explanatory with the exception of the following:

District Information: Each district in which the power is granted must be shown except if the power both applies to all districts and the amount limit is the same in every one of those districts, enter the word 'ALL" on the first line under "District."

Limit Information: (1) If any amount limit differs between any of the districts in which the power is granted, individual amount limits must be shown for each of the districts listed. (2) If all of the amount limits are the same for each district in which the power is granted and the amounts equal the surety company limit published in the Treasury Department Circular 570, enter the word "EQUAL" on the first line under "Limit." (3) If all of the amount limits are the same for each district in which the power is granted and the amounts are not equal to the surety company limit published in the Treasury Department Circular 570, enter the amount limit on the first line under "Limit" and enter the word "SAME" on the second line.

Surety: The number required is the 3 digit, identification code assigned by Customs Headquarters to a surety company, listed on Treasury Circular 570, at the time the surety company initially gives notice to Customs that the company will be writing Customs bonds.

(b) To change a Corporate Surety Power of Attorney already on file, the previously filed power granted must be revoked and a new power (CF 5297) must be filed EXCEPT changes to the name and/or address and the addition of districts to a power on file. (1) To make a name and/or address change, the same information that was submitted to establish the existing power on file is required except the new name and/or address must be shown in the space provided and the district code(s) and related obligation limit(s) can be left blank. (2) To add districts, the same information that was submitted to establish the existing power on file is required except only the new districts and related obligation limits are necessary in the space provided.

(c) If revocation is checked: A revocation divests the designated agent's or attorney's power of attorney in all districts. Except for the following, the information required to revoke the power of attorney are self-explanatory: The districts in which authorized to do business and the associated single obligation limits do not have to be shown.

PRIVACY ACT STATEMENT: The following notice is given pursuant to section 7(b) of the Privacy Act of 1974 (5 U.S.C. 552a). Furnishing the information on this form, including the Social Security Number, is mandatory. The primary use of the Social Security Number is to verify, in the Customs Automated system, at the time an agent submits a Customs bond for approval that the individual was granted a Corporate Surety Power of Attorney by the Surety Company on the bond. Section 7 of Act of July 30, 1947, chapter 390, 61 Stat. 646, authorizes the collection of this information.

BILLING CODE 4820-02-C

UMI VOL 48 ISS 51 MR - 15 1983

Appendix D—Initial regulatory Flexibility Analysis on Proposed Amendments To revise the Customs Bond System

Introduction

The Customs Service is proposing an extensive revision of its bond structure in order to consolidate and simplify the number of bond forms, facilitate the establishment of an efficient computerized bond control system, and simplify transactions between Customs and the importing community.

The Regulatory Flexibility Act (RFA) requires that an initial regulatory flexibility analysis be prepared on proposed regulations unless it is determined that the regulations will not have a "significant economic impact on a substantial number of small entities." Since a number of brokers, importers, and other entities in the importing community can be considered to be small entities under the RFA, and since the proposed amendments (if implemented) may indeed result in an economic impact of some significance on these entities, this initial regulatory flexibility analysis has been prepared. The analysis will be modified, as appropriate, into a "final" regulatory flexibility analysis subsequent to the receipt of public comments which will follow the publication of the notice of proposed rulemaking in the Federal Register.

Objectives and Legal Basis of the Proposed Rule

The proposal's objective is to reduce the cost of bonding to the importing community and to improve Customs control over bonding, which includes improvements to facilitiate the enforcement of bond provisions and to reduce the cost of associated functions.

The legal basis or authority for the proposed changes is R.S. 251, as amended (19 U.S.C. 66), and Section 623; as amended, 624, 46 Stat. 759 (19 U.S.C. 1624).

Estimated Number of Small Entities Affected

The proposed amendments would affect most small entities in the importing community. This includes the over 1,000 customhouse brokers, hundreds or thousands of importer, and other entities such as surety companies, warehouse operators, bonded carriers, international carriers, cartmen/lightermen, foreign trade zone operators, and container station operators.

Impact of the Proposed Amendments on Small Entities in the Importing Community

The Customs Service believes that the proposed amendments will in general be *beneficial* to the importing community via the consolidation of bond forms, the simplification of transactions between Customs and the importing community, the facilitation of the establishment of an efficient computerized bond control system, the general streamlining of procedures, and the overall reduced cost of bonding.

The actual economic impact of the proposed amendments on the import community cannot be adequately measured given the data assembled thus far, but (as mentioned above), the overall economic impact is expected to be beneficial. However, the proposed revision of the Customs bond structure has raised a number of issues which appear to have economic consequences. Such issues are briefly discussed in this analysis in order that public comments may specifically be obtained on such issues and related issues, thereby shedding new light on any existing economic factors, especially with regard to small entities in the importing community. Comments on such issues (and on the bond system in general) will enable the Customs Service to better comprehend the economic impact on small entities of some of the proposed amendments and of the entire bond system, and will assist in devising alternatives, if appropriate, to minimize any adverse economic impact on small entities.

A major aspect of any revision in the Customs bond system is the extent to which the system can be modernized or streamlined in such a way that costs to the importing community (and ultimately to U.S. consumers) are minimized while still protecting the revenue and other Customs enforcement responsibilities.

To be sure, the bond system helps to secure certain foreign trade transactions (e.g., payment of appropriate duties and taxes, ensurance of redelivery of imported merchandise to Customs custody for examination or inspection, and the production of appropriate invoices, certificates, and other documentation) and to generally ensure compliance. However, there are certain aspects of the bond system where it may indeed be possible to further minimize expenses and paperwork for the importing community (e.g., perhaps making it possible for importers to have their own bonds rather than bonds secured by surety companies). To the extent that pertinent suggestions on cost minimization can be made, such suggestions would be appreciated in the public comments to this notice (especially suggestions relating to further savings for small entities in the importing community).

Selected Cost Reduction Measures of the Proposed Amendments

The proposed amendments will reduce costs and streamline procedures by consolidating and reducing the number of different bond forms currently in use (approximately 50) to one standard form. Once filed, the agreements on the form will automatically remain in effect until Customs is advised otherwise. Moreover, the number of bond forms that must be filed for control purposes under the current system will be reduced. Also, under existing regulations some bond forms (e.g., CF 7553, ID and Consumption Entry Bond) must be filed at each port, unless exempted; such an exemption requires filing copies of an approved bond at all the ports where a firm will engage in business. Under the proposed change a bond filed at a district level will suffice for business transacted at all the ports within that district.

The language of the bond conditions will also be simplified and all conditions of bond agreements will be reflected in one location in the Regulations. This will tend to reduce cost, correspondence, and time spent on inquiries, disputes, counterclaims, etc., which are caused by difficulties in the interpretation of current bond language.

Bond coverage requirements will be more flexible than the current bond contract forms. As a consequence, a principal on a bond will be able to receive Customs service in a wider geographic area (districtwide as opposed to port level) when necessary, without being forced to purchase another bond. This will especially benefit small entities. The following illustrates this flexibility: If a small importing firm only conducts business in one port of entry and an occasion arises where the merchandise is shipped to another port in the district, under the change proposed the district bond filed would cover that transaction rather than requiring the filing of another bond or becoming involved with in-bond shipment requirements.

Other cost reduction and facilitation measures resulting from the proposed amendments include the following selected examples: (1) Importers entering merchandise for consumption or under Immediate Delivery privileges currently, for control purposes, must file a bond at each port where entry of merchandise will be accomplished. Under the control envisioned in the proposed change, only one district level bond will be required which would be applicable to all ports within the district. (2) Currently, many term bond contracts are valid for a period of 1 year. Thus, an individual or firm must file a new bond form each year, with all the contractual formalities, time, and cost that entails. However, under the proposed bond renewal feature, once a term bond is filed it will be automatically renewed unless Customs is advised otherwise by the principal or surety. Thus, all the contractual formalities will no longer be required and Customs will not have to undergo the concomitant timely and costly bond approval process. (3) When a small firm is engaged in a business which involves filing dutiable consumption as well as warehouse entires and its annual, aggregate duty paid or accrued is less than $100,000 (minimum General Term Bond amount), the bond that would normally be purchased for such repetitive business in these circumstances under the current bond structure is the CF 7553, ID and Consumption Entry Bond. That bond covers all consumption entries filed during a 1-year period. However, for each warehouse entry filed, a CF 7555, Warehouse Entry Bond is required. Under the proposed change, a small firm, under these same circumstances, will be able to purchase one bond which will cover consumption and warehouse entires.

The above-mentioned changes are among those which are expected to have a beneficial impact on the importing community. In addition, a number of other issues in the proposed revision of the bond structure may also have an economic impact. Indeed, a number of suggestions on the revision of the Customs bond system have already been received via public comments to the Advanced Notice of Proposed Rulemaking. Some of these suggestions and issues are briefly discussed below in order to solicit further public comments on specific economic effects on small entities.

A number of commenters indicated that a too rapid conversion to the revised bond system could prove costly and unwieldy to various entities in the importing community. The Customs Service has now extended the proposed conversion period of term bonds to 12 months (a period suggested by some of the commenters). An alternative would be to extend the period to more than 12 months; however, Customs believes that a 12-month conversion period is sufficient to provide an orderly transition without being significantly costly to the importing community.

One issue concerns the possibility that sureties would modify their rates if the proposed amendments are implemented and the bond structure is revised. Of course, the actual decision on such rate matters ultimately rests with the sureties themselves; however, it appears that the bond structure revision will not warrant a significant increase in rates, and could even result in lower overall premiums.

A number of other issues have been raised which could have an economic effect on small entities, notably on customhouse brokers. One issue is that the present $10,000 bond minimum may in some cases be too high for certain brokers, especially if (for example) they will be required to file at many ports within a district. A second issue is whether the new required bond may be larger than sureties will be willing to write for some brokers. A third issue is whether the *choice* of a port level bond (in lieu of a district bond) would be of special benefit to small brokers or importers, or at least the option of listing (on the district bond) ports where the brokers have no interest in serving. Another issue is whether bonds should specifically provide for mitigation rights by sureties in cases with liquidated damage claims, and for specific mitigation proceedings for non-Customs violators. Customs responses to such issues appear in the summary of comments section elsewhere in this regulatory package. However, subsequent to the receipt of public comments to this notice, Customs will continue to study these issues and various suggested alternatives in order to minimize any economic impact on small entities.

Alternatives Considered

The proposed amendments would comprehensively revise Customs bond structure, and are intended to help minimize costs to both small and large entities in the importing community.

Indeed, a number of alternatives have already been incorporated in order to minimize any economic burden, e.g., providing a 12-month transition period to implement the new bond structure. Other, and perhaps new, alternatives will be studied subsequent to the receipt of public comments; these comments may provide additional data and information with which to assess the economic impact of various specific alternative methods of revising and implementing the Customs bond structure and the overall bond system.

Reporting, Recordkeeping, and Compliance Requirements

The RFA requires that regulatory flexibility analyses contain "a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule. . . ." In this instance, the anticipated reporting, recordkeeping, and compliance requirements are essentially the same as currently required. Indeed, there will probably be an overall reduction in such requirements.

Request for Specific Public Comments

It is requested that public comments on this regulatory analysis and the accompanying notice of proposed rulemaking be specifically directed to the effects of the proposed amendments (or various alternatives) on costs, profitability, competition, recordkeeping, and any other economic factors pertaining to small entities affected. Specific delineation of costs, etc. (in dollar amounts) of the proposed amendments and various alternatives will help provide Customs with the basis and rationale for implementing procedures or alternatives which minimize any adverse effects of the Customs bond structure on small or large entities in the implementing community.

Appendix E—List of Customs Bonds and Riders To Be Abolished

Customs Form 3561, Proprietor's Warehouse Bond
Customs Form 3563, Proprietor's Manufacturing Warehouse Bond
Blanket Smelting and Refining Bond (form prescribed by T.D. 72–244)
Public Gauger's Bond (form prescribed by Customs Circular BON–3–R:CD:D, July 10, 1975)
Customs Form 3587, Carrier's Bond
Customs Form 3588, Private Carrier's Bond
Customs Form 3855, Bond of Customs Cartman or Lighterman
Customs Form 4615, Bond of Claimant of Seized Goods for Cost of Court
Customs Form 7303, Bond for the Production of Manifest and Shipper's Export Declaration
Customs Form 7547, Special Bond—Wool or Hair of the Camel (Single Entry)
Customs Form 7549, Special Bond—Wool or Hair of the Camel (Term)
Customs Form 7551, Immediate Delivery and Consumption Entry Bond (Single Entry)
Customs Form 7553, Immediate Delivery and Consumption Entry Bond (Term)
Customs Form 7555, Warehouse Entry Bond
Customs Form 7557, Bond for Exportation or Transportation or For Transportation and Exportation (Single Entry)
Customs Form 7559, Bond for Exportation or Transportation or For Transportation and Exportation (Term)
Customs Form 7561, Bond for Articles Entered or Withdrawn Form Warehouse Conditionally Free of Duty
Customs Form 7563, Bond for Temporary Importations (Single Entry)
Customs Form 7563–A, Bond for Temporary Importations (Term)
Customs Form 7565, Exhibition Bond
Customs Form 7567, Vessel, Vehicle or Aircraft Bond (Single Entry)
Customs Form 7569, Vessel, Vehicle or Aircraft Bond (Term)
Customs Form 7571, Bond on Entry From Manufacturing Warehouse
Customs Form 7581, Bond to Produce Bill of Lading
Customs Form 7587, Bond for the Control of Certain Instruments of International Traffic
Customs Form 7591, Antidumping Bond
Customs Form 7593, Landing Bond for Alcoholic Beverages
Customs Form 7595, General Term Bond
Customs Form 7597, Bond to Secure the Payment of Overtime Services (Single Entry)
Customs Form 7599, Bond to Secure the Payment of Overtime Services (Term)
Customs Form 7601, Superseding Bond of the Actual Owner of Imported Merchandise Whose Declaration Has Been Filed Pursuant to Title 19, United States Code, Section 1485(d)
Customs Form 7603, Bond for Conditionally-Free Withdrawal of Distilled Spririts (Including Alcohol), Wines, or for Beer, or for Supplies of Fishing Vessel
Customs Form 7605, Consolidated Aircraft Bond
Customs Form 7609, Bond for Accelerated Payment of Drawback (Single Entry)
Customs Form 7611, Bond for Accelerated Payment of Drawback (Term)
Customs Form 7613, Drawback Export Bond
Special Bond for the Entry of Merchandise Believed to Involve Unfair Practices (form prescribed in T.D. 45474)
Special Narcotics Bond Under the Provisions of Title 19, United States Code, Section 1584 (form prescribed in T.D. 45474)
Bond for Observance of Neutrality (form prescribed in T.D. 45474)
Containerized Cargo Bond (form prescribed in 19 CFR 19.40)
Trade Fair Bond (form prescribed in 19 CFR 147.3)
Copyright Bond (Form prescribed in customs Circular COP–1–PEN, March 23, 1961, Subject: Copyrights; Artificial Flowers—Piratical Copies)
Special Bond for the Importation of Flammable Fabrics (form prescribed in Customs Circular RES–2–AC, October 29, 1971, Subject: Restrictions and Prohibitions; Importations of Merchandise Subject to the Flammable Fabrics Act)
Bond of Customs Cartman For Issuance of Temporary Indentification Card (form prescribed in 19 CFR 112.49)d))
Bond of Foreign Trade Zone Operators (Form prescribed in Customs Circular FOR–2–0:1:C, September 3, 1976)
Bond for Storage of Imported Tea (form prescribed in T.D. 29311)
Special Performance Bonds (form prescribed in Customs Circular BON–1–O:D:E, August 4, 1975, Subject: Special Performance Bonds)
Bond for the Control of Indentified Shipping Containers (from prescribed in 19 CFR 10.41b(h))
RIDER A, Agreement to account for articles, wastes, and irrecoverable losses incurred in manufacture or production under item 864.05, TSUS—to be added to CF 7563A and CF 7595 (form prescribed in T.D. 73–198).
RIDER B, Deferred payment of internal revenue taxes—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73–198).

RIDER C, Imported sugar subject to item 901.00, TSUS—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73–198).
RIDER D, Withdrawals of vessel supplies under section 309(a), Tariff Act of 1930—to be added to CF 7595 (form prescribed in T.D. 73–198).
RIDER E, Withdrawals of rewarehoused products of a class 6 warehouse—to be added to CF 7595 (form prescribed in T.D. 73–198).
RIDER F, Withdrawals from warehouse under authority of section 5066 (b) and (c) of the Internal Revenue Code—to be added to CF 7595 (form prescribed in T.D. 73–198).
RIDER G, Transfer of unentered bulk shipments arriving on another carrier, consigned to the principal on a vessel, vehicle, or aircraft bond—to be added to CF 7569 (form prescribed in T.D. 73–198).
RIDER H, Storage at airports of articles withdrawn from continuous Customs custody—to be added to CF 7569 (form prescribed in T.D. 73–198).
RIDER J, Conditional release of seed and screenings—to be added to CF 7553 and CF 7595 (form prescribed in T.D. 73–198).
RIDER K, Proof of export under the exporter's summary procedure—to be added to CF 7595 (form prescribed in T.D. 73–198).
RIDER L, Immediate delivery conditions—to be added to CF 7563–A (form prescribed in T.D. 73–198).
RIDER M, Entry for warehouse of petroleum and petroleum products under Presidential Proclamation No. 4210—to be added to CF 7595 (form prescribed in T.D. 73–284).
RIDER N, Deposit of merchandise in a bonded warehouse prior to the filing of a warehouse entry therefor—to be added to CF 7553 (form prescribed in T.D. 73–329).
RIDER O, Immediate Delivery of Fresh Fruits and Vegetables Arriving from Canada or Mexico—to be added to CF 7553 or CF 7595 (form prescribed in T.D. 76–264).
RIDER P, Accelerated payment of drawback claims—to be added to CF 7595 (form prescribed in T.D. 78–140).
Special rider to existing entry bonds for entry of merchandise found or believed to invlove unfair practices or methods of competition in violation of section 337, Tariff Act of 1930, as amended (form prescribed in 19 CFR 113.14(z)(2)).

Appendix F—Sample Letter To Delinquent Suretie

Gentlemen:

This is a formal demand for payment of amounts shown on the Customs bills enclosed. According to our records, the amount due remains unpaid as of this date. For your reference, where you have not already received them we have enclosed copies of the originating documents (i.e., entry, request for reimbursable service, etc.) and applicable Customs bond numbers for bonds secured by you.

Unless payment in full is received by this office on or before (a specific date, not less than ten working days from the date of the letter), appropriate Customs officials will be notified to refuse acceptance of new bonds written by you as surety and to reexamine whether your current bonds provide the security intended of them. Also, we will be further reviewing the extent and number of payment deficiencies to determine if reasonable grounds exist to believe that your company is not honoring its obligations. Such circumstances could warrant that the matter be forwarded to Customs headquarters and the Department of the Treasury recommending the withdrawal or revocation of your company's certification of authority to do business as a surety with the United States Government.

We recognized that you may believe satisfactory evidence exists establishing that your failure to pay is the result of significant, non-frivolous questions of fact or law, or that the requested payment is beyond the scope of the applicable bond. When this is the case, such evidence must be communicated in writing to this office within the time period noted above to preclude immediate action adverse to your company. Should we consider the reasons given for failure to pay to be inadequate, you will be notified and given three business days from the date of notification to tender payment.

After consideration of your company's payment record and reasons submitted for nonpayment or late payment, a decision will be made concerning further acceptance of your company's bonds. Should a decision be made to refuse to accept *new* bonds from your company it will be communicated to you in writing and delivered in person or by certified mail. The action will be effective on a date certain, but not less than five working days from the date of decision. Absent extraordinary corcumstances, once a decision is made to refuse to accept your company's bonds it will remain in effect for five working days or until your past due accounts are cleared, whichever is later.

Sincerely,

[FR Doc. 83-6988 Filed 3-14-83; 8:45 am]
BILLING CODE 4820-02-M

VOL
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federal register

Tuesday
March 15, 1983

Part III

Department of Labor

Employment and Training Administration

Implementing Regulations for Programs Under the Job Training Partnership Act

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, and 638

Implementing Regulations for Programs Under the Job Training Partnership Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This document contains final regulations to implement Titles I, II and III and Section 504 of the Job Training Partnership Act (JTPA). The Secretary is required to publish final regulations by March 15, 1983, so that states and service delivery areas can begin planning and preparing for implementation of the new Act by October 1, 1983.

Final rules dealing with the establishment of state job training coordinating councils and private industry councils (PICs), and the designation of service delivery areas (SDAs), were previously published in the Federal Register, 47 FR 58492 (December 30, 1982) as 20 CFR Part 626. The text of §§ 626.2, 626.3 and 626.4 of those rules has been incorporated as §§ 627.4, 628.1 and 628.2 respectively. It is being republished at this time for consistency and completeness.

EFFECTIVE DATE: April 15, 1983.

FOR FURTHER INFORMATION CONTACT: Patrick J. O'Keefe, Telephone (202) 376-6600.

SUPPLEMENTARY INFORMATION: Proposed rulemaking governing Titles I, II and III of the Job Training Partnership Act was published in the Federal Register on January 18, 1983 (48 FR 2292), for the purpose of soliciting public comment. The Department received more than 250 written comments on the proposal. Following is a summary of the comments received on each of the major issues raised by the commentators and the Department's response.

Definitions

The proposed regulation at § 626.4 contains several definitions which are supplemental to those contained in the legislation. Numerous comments suggested additions, deletions, and revisions to this section. Many suggestions were from commentators requesting more definitions. Consistent with the intent of JTPA to provide maximum flexibility to Governors and local officials in designing and administering programs, it was decided not to impose additional definitional requirements. Comments were received suggesting specifically that the Department define the terms "Family" and "Family Income". Because definitions of these terms already exist in State administered means-tested programs, it is administratively inefficient to create a separate set of criteria and procedures for applying them. The definitions in the regulations were not expanded, therefore.

Several commentators believed that the term "recipient" as used in the Act had various meanings, sometimes including the SDA grant recipient. In the regulations, however, the term "recipient" is defined and consistently used to mean only the Governor.

Eligibility Determination

Numerous comments were received which disagreed with the proposed regulation that individuals must be determined eligible at both the time of application and the time of enrollment. The commentators cited the volume of paperwork and the hours of staff time which would be necessitated by such a regulation. Because this process would increase administrative burdens without significant improvement in targeting services, the provision has been changed. Section 629.1(b) now provides a 45-day period from the date of application for eligibility determination and enrollment.

Needs-Based Payments

The proposed regulations at § 629.21 stated that the locally developed formula or procedure for needs-based payments shall be documented in accordance with instructions from the Governor. Many comments questioned the effect of this provision of the proposed regulations. To make clear that the section authorizes the Governor only to establish the documentation by which the need-based formula shall be documented, this section has been revised.

Service Levels

Sections 627.22(b) and 630.1(b) of the proposed regulations stated that alternate methodologies could be used to account for and ensure appropriate service levels for the economically disadvantaged under the State education and coordination grants (Section 123 of the Act) and for youth under Title II-A programs (Section 203 of the Act). A substantial number of comments suggested that alternate methodologies should not be allowed. Of primary concern to the commentators was that any alternative approach to accounting for services would result in reduced service levels to the designated target groups. In the final regulations, the Department has eliminated the provisions relating to alternate methodologies.

Program Income Retention

At § 629.32, the proposed regulations allowed the States to retain income generated under any program. Commentators on this section stated that this would reduce incentive for programs to generate income. This section has been revised to make clear that income may be retained at the program level, except where the Governor requires that it be turned over to the State.

Governor Secretary Agreement

Section 627.1 of the proposed regulation addresses the Governor/Secretary agreement. Relating to this section, many commentators suggested that this agreement should clarify that the Secretary would accept guidelines, interpretations and definitions developed by the Governor as long as these determinations are consistent with the Act and its implementing regulations. Such a statement has been added.

Administrative Requirements

As previously explained in the supplementary information section of the January 18, 1983 proposed rules, except for the few specific standards included in the regulations, "the detailed administrative requirements of OMB Circulars A-87 and A-102 and implementing regulations in 41 CFR Part 29-70 do not apply to JTPA programs administered by the Governors and their subrecipients." Although the Director of the Office of Management and Budget has waived these circulars for JTPA, this does not preclude Governors and/or subrecipients from applying the circulars, in whole or in part, at their option. Further, recipients and subrecipients electing to adopt and apply the principles and procedures established under Circulars A-87 and A-102 and implementing regulations in 41 CFR Part 29-70 would be considered in compliance with their accountability obligations under the Act.

Data Requirements

The proposed regulations did not include detailed program reporting requirements, nor did they specify the Secretary's performance standards or related data requirements. It was suggested that more specific requirements regarding reporting,

performance standards and related data should be published in the Federal Register to provide an opportunity for public review and comment. The final regulations have not been revised in this regard because of the likelihood that the detailed specifications of these systems will change as the program evolves. To the extent possible, the Department intends to make available administrative issuances containing performance standards and data requirements for review and comment prior to making them effective. In addition, technical assistance materials will be developed to ensure the consistency of the standards and data.

Training Costs

Section 629.38 of the proposed regulations addresses the classification of costs and establishes the basic principles for assigning costs consistent with Section 108 of the Act. Many commentators wrote that the language was too restrictive, particularly in the definition of the types of activities potentially charged against the training category. Many of the comments were directed at expanding the terms enumerated in this section. By doing so, this section of the regulations would have become overly prescriptive. Further, the promulgation of an exhaustive glossary of terms that would not require frequent revision, is infeasible.

Instead, § 629.38 establishes generic categories of activities that are allowable training costs, and does not provide an exhaustive inventory of every possible name for such activities. Certain classes of activity (i.e., those relating to the assessment and placement of trainees) were potentially excluded from the training category as it was defined in the January 18, 1983, publication. This section has been revised to expand the listing of categories to make clear that such activities are allowable training costs.

Other Allowable Costs

The proposed regulations specified the allowability of certain costs and how they should be charged. Several commentators raised questions concerning § 629.38(c)(1), regarding the allowability of legal costs associated with State and Federal hearings. It was suggested that this provision should be broadened to allow legal costs to be charged against the program regardless of the outcome of the claim. This section has been modified to make legal expenses required in the administration of JTPA an allowable program cost, except those associated with the prosecution of claims against the Federal Government.

There were a number of comments concerning the costs of insurance policies offering protection against debts established by the Federal Government being unallowable (§ 629.37(c)(4)). Individuals commenting on these costs generally suggested rescinding this limitation completely. No change has been made in this provision, however, as these policies were established to assure efficient administration and maximum use of resources for training.

Comments were also received that § 629.37(c)(2) limits the allowability of the costs of personal liability insurance exclusively to the PIC members. This is not the case, however. Instead, this section of the regulations requires that the Governors issue guidelines making clear the allowability of such costs. The allowability of personal liability insurance for chief elected officials, and others associated with the program, is a determination that will be made within the State.

Commentators also suggested that § 629.38(e)(2), governing billing of training packages, be modified to include performance criteria other than placement of the participant into an unsubsidized job. No change has been made to this provision, however, because the Department believes it necessary to define a standard of performance that is clearly measurable and directly related to the primary JTPA program objective of job training, which is placement.

Overall Cost Limitations

The statute limits administrative costs to 15 percent of the funds available; it limits to 30 percent the combined administrative and participant support costs. The regulations applied these limitations selectively to the funds set aside to support incentive bonuses, education/training coordination activities, and the training programs for older individuals. Further, the regulations restricted the amount of the summer youth program funds that could be used for administrative costs. Many commentators questioned the application of these participant support and/or administrative costs limitations to a number of program activities. Consistent with the training emphasis throughout JTPA, the Secretary has exercised rulemaking authority to apply these cost limitations to devote maximum resources to training, and thus these provisions have not been changed.

Nondiscrimination

It was suggested that the regulations be expanded to identify the bases for the prohibitions against discrimination. Because Section 167 of the Act, dealing with nondiscrimination, explicitly identifies the bases for prohibiting discrimination in JTPA activities, the regulations do not repeat or paraphrase these provisions. The regulation was revised, however, to clarify the responsibility of recipients, SDA grant recipients and other subrecipients to comply with the Act's nondiscrimination provisions.

Appeals to Department of Labor

With regard to the Grievances, Investigations and Hearings section, the proposed regulations make the Governor responsible for the resolution of audits and complaints arising within the State. Numerous comments were received requesting that complainants dissatisfied with a Governor's decision on audits and other complaints be able to appeal the decision to the Department. The Act gives the Governor the responsibility for the review and approval of local plans and for the oversight of local activities. Further, the Act places the responsibility for the conduct of audits with the Governor. In this framework, the Governor is the proper authority to deal with complaints made about the audit and program activities for which the Governor has the primary responsibility and about which the Governor has the most intimate first-hand knowledge. Under Section 166(a) of the Act only complainants against whom the Secretary has taken certain direct action are entitled to a Federal hearing. All other grievances must be adjudicated under local grievance procedures or other applicable law.

Regulatory Changes by Section

In § 627.1, a sentence has been added which states, "The agreement shall specify that guidelines, interpretations and definitions adopted by the Governor shall, to the extent that they are consistent with the Act and applicable rules and regulations, be accepted by the Secretary."

In § 627.2(b), the words "completeness and" have been eliminated from the sentence regarding review of the plan by the Secretary; the word "overall" has been inserted in its place. This was done because the Act only provides that the Secretary shall review the plan for compliance with the Act.

In § 627.22, a sentence in paragraph (b) in the January 18, 1983, proposed rules has been eliminated. Specifically, the sentence, which authorized the Governor to provide for meeting the service level requirement by using an

alternative accounting methodology, has been deleted.

In § 629.1, paragraph (a), a reference has been added to Section 142 of the Act in response to comments indicating the need for clarification that this section, as well as Sections 141 and 143, apply to programs under Titles I, II and III of the Act.

Section 629.1, paragraph (b)(1) has been revised to clarify that recipients are responsible for ensuring participant compliance with the Military Selective Service Act. In addition, the Department of Labor will develop technical assistance materials on this area of responsibility in response to comments requesting further elaboration.

Section 629.1(b)(2) has been revised to indicate that an individual will be determined eligible within 45 days of the date of application. If the eligibility determination is made subsequent to that period, a new application will be required.

Section 629.3 has been revised to clarify that JTPA recipients, SDA grant recipients and other subrecipients shall comply with the nondiscrimination provisions of Section 167 of the Act.

Section 629.21 has been changed to make clear that Governors have the authority to establish requirements only with respect to documenting how the needs-based formula is derived and applied. The formula itself is locally developed.

In § 629.32, language was changed to establish that program income may be retained at the level at which it was earned, unless the Governor require that it be turned over to the State.

In § 629.33, language concerning allowability of a self-insurance program was added. This is not a substantive change, since language concerning self-insurance was previously in § 629.38(e)(8), and has been deleted from that section.

In § 629.35, the Act citation, previously included as a parenthetical reference, has been incorporated into the introductory language of the section.

In § 629.35, a technical correction was made to paragraph (c), changing the wording from "authorized by the Act (Sec. 165(a) (1) and (2))," to read "pursuant to Sections 165(a) (1) and (2) of the Act."

In § 629.37(c)(1), the language concerning allowable legal costs has been modified to make clear that, except in the prosecution of claims against the Federal Government, expenditures required in the administration of JTPA programs are allowable program costs. This section has also been renumbered § 629.37(d) thereby removing the requirement that the Governor issue guidelines on this.

In § 629.38, provision (a)(1) has been amended to add other activities which may be charged as training costs. These activities are: remedial education; employability assessment; job development; job search assistance, including preparation for work and labor market orientation.

In § 629.40, the words "non-Federal" were eliminated. These words were inappropriate here, since Section 123 of the Act does not impose such a restriction.

Section 629.42 has been revised to require that all audit reports shall be submitted to the cognizant Federal agency, or the Department's Inspector General, when completed, and that an audit resolution report shall be submitted within a timely period after the submission of the audit report.

Section 629.51(a) has been amended to provide notice to complainants of procedures applicable to discrimination complaints.

Section 629.52 was revised to make clear that, consistent with Section 144 of the Act, grievance procedures are required at both the State and subrecipient levels. This section was also revised to include the requirement that the hearing procedure include a written decision.

Section 629.55 was revised to make clear that all information and complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

In § 629.57(a), a sentence was added to clarify that disputes other than those identified in Sections 164(f) and 166(a) of the Act shall be adjudicated under the grievance procedures of the States or subrecipients, whichever is appropriate.

In § 629.57(i), a sentence was added to clarify the Secretary's responsibilities in hearings before an Administrative Law Judge.

In § 630.1, language in paragraph (b) regarding use of alternate methodologies for providing for service levels to youth in Title II–A programs has been deleted.

Throughout the regulations, typographical errors have been corrected.

Rulemaking Certifications

These regulations are procedural in character and give direction to states and local service deliverers on the implementation of programs under Titles I, II and III of JTPA. Therefore, these rules are not classified as "major" under Executive Order 12291 on Federal regulations, and no regulatory impact analysis is required.

The Department has determined that these rules will have no "significant economic impact upon a substantial number of small entities" within the meaning of Section 3(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). The only direct recipients of Federal funds under the regulations are the Governors of the several States, and the governmental subrecipients are generally over 200,000 in population.

Moreover, pursuant to the authority contained in Section 161(f)(5) of JTPA, Congress has provided for expedited rulemaking procedures to ensure that final rules are in place by March 15, 1983, as required by Section 161(f)(3) of the Act. To meet this statutory deadline, Congress provided that "the Secretary shall be exempt from all requirements of law regarding rulemaking procedures," except that these rules must be published in the Federal Register for a comment period of 30 days, Section 161(f)(5).

List of Subjects in 20 CFR Parts 626 through 631

Grant programs—Labor, Manpower training programs.

Accordingly, Chapter V of Title 20 of the Code of Federal Regulations is amended by revising Part 626, by adding Parts 627, 628, 629, 630, and 631, and by adding and reserving Parts 632 through 638 as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.

626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

Authority: Job Training Partnership Act, Sec. 169, (29 U.S.C. 1501 et seq., Pub. L. 97–300, 96 Stat. 1322), unless otherwise noted.

§ 626.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to:

(1) Establish programs to prepare youth and unskilled adults for entry into the labor force; and

(2) Afford job training to those economically disadvantaged individuals and others facing serious barriers to employment who are in special need of such training to obtain productive employment (Sec. 2).

(b) All provisions contained in these regulations and the Job Training Partnership Act (JTPA) shall take effect no later than October 1, 1983 (Sec. 161(f)).

§ 626.2 Format of these regulations.

(a) Regulations promulgated by the Department of Labor to implement the provisions of the Act are set forth in Parts 626 through 638 of Title 20 of the Code of Federal Regulations, with the exception of Job Corps regulations, which are set forth in Part 664 of Title 20.

(b) Nondiscrimination and equal opportunity requirements and procedures, including complaint processing and compliance reviews, will be governed by the provisions of 29 CFR Parts 31 and 32 and will be administered by the Office of Civil Rights.

(c) General authority for the regulations is found at Section 169 of the Act. Specific statutory authorities other than Section 169 are noted throughout the regulations.

§ 626.3 Table of contents for the regulations under the Job Training Partnership Act.

The table of contents for the regulations under the Job Training Partnership Act, Parts 626–638 is as follows:

PART 626—INTRODUCTION TO THE REGULATIONS UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.
626.1 Scope and purpose of the Act.
626.2 Format of these regulations.
626.3 Table of contents for the regulations under the Job Training Partnership Act.
626.4 Definitions.

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures

627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.
629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nondiscrimination and nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
629.32 Program income.
629.33 Insurance.
629.34 Procurement.
629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitations on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violation of the Act.
629.45 Closeout.
629.46 Performance standards.

Subpart D—Grievances, Investigations and Hearings

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

630.1 Adult and youth programs under Part A of Title II.
630.2 Summer youth employment and training programs under Part B of Title II.

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

631.1 Scope and purpose.

Subpart B—Formula Allocated Programs

631.11 General.
631.12 State plan.
631.13 Limitations on use of funds.
631.14 Matching funds.

Subpart C—Discretionary Program

631.21 General.
Sec.
631.22 Eligibility for funding.
631.23 Application for funding and selection criteria.

Subpart D—Program Design and Management

631.31 Allowable activities, coordination and consultation, planning and review.
631.32 Reallotment of funds based on non-utilization.
631.33 Reporting requirements.
631.34 Role of Title III training in determining unemployment benefit eligibility.

PART 632—NATIVE AMERICAN PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT—[RESERVED]

PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT—[RESERVED]

PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT—[RESERVED]

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT—[RESERVED]

PART 636—[RESERVED]

PART 637—[RESERVED]

PART 638—[RESERVED]

§ 626.4 Definitions.

In addition to the definitions contained in Section 4 of the Act, the following definitions apply to these regulations.

"Family" shall be defined by the Governor. An adult handicapped individual shall be considered a family of one when applying for programs under the Act (Section 4(8)).

"Family income" shall be defined by the Governor, consistent with the definition of family income for other State administered needs-based programs.

"Recipient" means the Governor.

"SDA grant recipient" means the entity that receives JTPA funds for a service delivery area (SDA) directly from the Governor.

"Secretary" means the Secretary of Labor or the Secretary's designated representative(s).

"Subrecipient" means any person, organization or other entity which receives JTPA funds either directly or indirectly from the Governor. Depending on local circumstances the Private Industry Council (PIC), local elected official, or administrative entity may be a subrecipient. SDA grant recipients are particular types of subrecipients.

PART 627—STATE RESPONSIBILITIES UNDER THE JOB TRAINING PARTNERSHIP ACT

Subpart A—State Planning Procedures

Sec.
627.1 Eligible grant recipients.
627.2 Governor's coordination and special services plan.
627.3 Funding.
627.4 State job training coordinating council.
627.5 Interstate agreements.

Subpart B—Statewide Programs

627.21 Distribution of State funds.
627.22 State education coordination and grants.
627.23 Training programs for older individuals.
627.24 State incentive grants.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—State Planning Procedures

§ 627.1 Eligible grant recipients.

To establish a continuing relationship under the Act, the Governor and the Secretary shall sign a Governor/Secretary Agreement. The agreement shall consist of a statement assuring that the State shall comply with (1) the Job Training Partnership Act and the applicable rules and regulations and (2) the Wagner-Peyser Act, as amended, and all applicable rules and regulations. The agreement shall specify that guidelines, interpretations and definitions adopted by the Governor shall, to the extent that they are consistent with the Act and applicable rules and regulations, be accepted by the Secretary.

§ 627.2 Governor's coordination and special services plan.

(a) *Submittal.* By a date established by the Secretary, and State seeking financial assistance under the Act shall submit to the Secretary a Governor's coordination and special services plan (Sec. 121(a)(2)).

(b) *Plan review.* The Secretary shall check the plan for overall compliance with the provisions of the Act. If the plan is disapproved, the Secretary shall notify the Governor in writing within 30 days of submission of the reasons for disapproval so that the Governor may modify the plan to bring it into compliance with the Act (Sec. 121(d)).

§ 627.3 Funding.

The Secretary will allot funds to the States in accordance with Section 162 of the Act. The Secretary will obligate such allotments through a Notification of Obligation.

§ 627.4 State job training coordinating council.

The Governor shall appoint a State job training coordinating council (SJTCC) pursuant to Section 122 of the Act. The SJTCC shall have the specific functions and responsibilities outlined in Sections 122 and 501 of the Act.

§ 627.5 Interstate agreements.

The Secretary hereby grants authority to the several States to enter into interstate agreements and compacts in accordance with Section 127 of the Act.

Subpart B—Statewide Programs

§ 627.21 Distribution of State funds.

(a) The funds made available to the Governor under Section 202(b) of the Act shall be used to carry out activities and services in this subpart.

(b) Funds provided to the Governor under Section 202(b)(4) of the Act may be used to conduct auditing activities, administrative activities, and other activities described in Sections 121 and 122 of the Act (Sec. 202(b)(4)).

§ 627.22 State education coordination and grants.

(a) Expenditures for programs pursuant to Section 123(c)(2)(B) of the Act shall be subject to § 629.39(a).

(b) Not less than 75 percent of the funds shall be expended for activities for economically disadvantaged individuals (Sec. 123(c)(3)).

§ 627.23 Training programs for older individuals.

Expenditures for administration and participant support services for programs pursuant to Section 124 of the Act shall be subject to § 629.39 of these regulations.

§ 627.24 State incentive grants.

Funds provided under Section 202(b)(3)(A) of the Act shall be used by the Governor pursuant to Sections 202(b)(3)(B) and 106(h)(1) of the Act.

PART 628—SERVICE DELIVERY AREAS DESIGNATED UNDER THE JOB TRAINING PARTNERSHIP ACT

Sec.
628.1 Service delivery areas.
628.2 Private industry council.
628.3 Selection of SDA grant recipient, administrative entity and service providers.
628.4 Job training plan.
628.5 Review and approval.
628.6 State SDA submission.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et. seq.).

§ 628.1 Service delivery areas.

(a) The SJTCC shall make recommendations to the Governor on proposed SDA designations in a form and by a date established by the Governor (Sec. 101(a) (1) and (2)).

(b) Pursuant to Section 101 of the Act, the Governor shall designate service delivery areas (SDAs) for the State. All areas within the State must be covered by designated SDAs. Requests for designation shall be submitted in a form and by a date established by the Governor.

(c) Pursuant to Section 101(a)(4)(C) of the Act, an entity described in Section 101(a)(4)(A) may appeal the Governor's denial of service delivery area designation to the Secretary of Labor.

(1) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, ATTENTION: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification of the denial from the Governor.

(3) The appealing party shall explain why it believes the denial is contrary to the provisions of Section 101 of the Act.

(4) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the denial is inconsistent with Section 101 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 30 days after this appeal is received (Sec. 101(a)(4)(C)).

§ 628.2 Private industry council.

(a) The chief elected official(s) of the SDA shall establish and the Governor shall certify the private industry council (PIC) pursuant to Section 102 of the Act.

(b) Pursuant to Section 103 of the Act, the PIC shall provide policy and program guidance for all activities under the job training plan for the SDA. In accordance with agreements negotiated with the appropriate chief elected official(s), the PIC shall determine the procedures for development of the job training plan and select the grant recipient and administrative entity for the SDA. The PIC may exercise independent oversight over activities under the job training plan, and oversight shall not be circumscribed by agreements with the appropriate chief elected official(s) of the SDA.

(c) The employment service shall develop jointly with each appropriate PIC and chief elected official(s) for the SDA those components of the plans required under the Wagner-Peyser Act

of 1933, as amended, applicable to the SDA (Sec. 501(d)).

§ 628.3 Selection of SDA grant recipient, administrative entity and service providers.

(a) Pursuant to Section 109(b)(1) of the Act, a selection shall be made of the SDA grant recipient and the entity to administer the job training plan developed pursuant to Section 104 of the Act. These may be the same or different entities. The specific functions and responsibilities of these entities shall be spelled out in accordance with the agreement(s) between the PIC and the chief elected official(s), which should specifically address the provisions of Section 141(i) of the Act.

(b) Service providers shall be selected in accordance with (1) the agreement negotiated pursuant to Section 103(b)(1) of the Act, and (2) the provisions of Sections 107, 181(j)(2) and 205(b)(4) of the Act.

§ 628.4 Job training plan.

The Governor may issue instructions and schedules that will assure that job training plans and modifications for SDAs within the State conform to all requirements of the Act.

§ 628.5 Review and approval.

(a) (1) If the Governor disapproves the SDA job training plan or modification, the Governor shall notify the PIC and the appropriate chief elected official(s) for the SDA in writing as provided in Section 105(b)(2) of the Act.

(2) The Governor shall provide the PIC and the appropriate chief elected official(s) for the SDA 20 days to correct the deficiencies and resubmit the plan or modification. The Governor shall make a final decision and shall notify the PIC and the appropriate chief elected official(s) for the SDA of the final disapproval or approval within 15 days after the plan or modification was resubmitted.

(b) Pursuant to Section 105(b)(2) of the Act, any final disapproval of the job training plan or modification may be appealed to the Secretary.

(1) Appeals to the Secretary shall be submitted jointly by the PIC and the appropriate chief elected official(s) for the SDA to the Secretary, U.S. Department of Labor, Washington, D.C. 20210. ATTENTION: ASET. A copy of the appeal shall be simultaneously provided to the Governor.

(2) The Secretary shall not accept an appeal dated later than 30 days after receipt of the final disapproval from the Governor.

(3) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the disapproval is clearly erroneous within the context of Section 105(b)(1) of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 45 days after the appeal is received in accordance with Section 105(b)(2) of the Act.

§ 628.6 State SDA submission.

(a) Pursuant to Section 105(d), when the SDA is the State, the Governor shall, not less than 60 days before the beginning of the first of the two program years covered by the job training plan, submit to the Secretary, in a form determined by the Governor, a summary of the approach taken to meet the requirements of Section 104 of the Act as well as an assurance that the plan and the plan review comply with Sections 105 and 108 of the Act.

(b) The State's plan shall be considered approved unless, within 30 days of receipt of the submission described in paragraph (a), the Secretary notifies the Governor in writing of discrepancies between the submission and specific provisions of the Act.

(c) Nothing in this section shall preclude the Secretary from revoking approval in the event the assurance is not met.

PART 629—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER TITLES I, II, AND III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—Program Design Requirements

Sec.

629.1 General program requirements.
629.2 Public service employment prohibition.
629.3 Nondiscrimination and nonsectarian activities.

Subpart B—Payments, Benefits and Working Conditions

629.21 Needs-based payments.
629.22 Benefits and working conditions.

Subpart C—Administrative Standards and Procedures

629.31 Grant payments.
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629.35 Management systems, reporting and recordkeeping.
629.36 Reports required.
629.37 Allowable costs.
629.38 Classification of costs.
629.39 Limitations on certain costs.
629.40 Matching funds.
629.41 Property management standards.
629.42 Audits.
629.43 Oversight and monitoring.
629.44 Sanctions for violations of the Act.
629.45 Closeout [Reserved].
629.46 Performance standards.

Subpart D—Grievances, Investigations, and Hearings

Sec.

629.51 Scope and purpose.
629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.
629.53 Non-criminal grievance procedure at employer level.
629.54 Federal handling of administrative and civil complaints.
629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.
629.56 Opportunity for informal review.
629.57 Hearings before the Office of Administrative Law Judges.
629.58 Other authority.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—Program Design Requirements

§ 629.1 General program requirements.

(a) The conditions prescribed in Sections 141, 142 and 143 of the Act apply to all programs under Titles I, II and III of the Act, except as provided elsewhere in the Act or these regulations.

(b) Recipients shall ensure that: (1) An individual enrolled in a JTPA program meets the requirements of Sections 167(a)(5) of the Act, Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and other requirements applicable to programs funded under the specific section or title of the Act under which the participant is enrolling (Sec. 504); and

(2) An individual is enrolled within 45 days of the date of application, or a new application must be taken.

(c) Programs operated under Titles I, II and III of the Act are not subject to the provisions of 41 CFR Part 29–70, except as otherwise explicitly provided in these regulations.

§ 629.2 Public service employment prohibition.

No funds available under Titles I, II–A or III of the Act may be used for public service employment (Sec. 141(p)).

§ 629.3 Nondiscrimination and nonsectarian activities.

(a) Recipients, SDA grant recipients and other subrecipients shall comply with the nondiscrimination provisions of Section 167 of the Act.

(b) Pursuant to Section 167(a) of the Act, the employment or training of participants in sectarian activities is prohibited.

Subpart B—Payments, Benefits and Working Conditions

§ 629.21 Needs-based payments.

(a) Subject to the provisions of Sections 108 and 142(a)(1) of the Act and in accordance with a locally developed formula or procedure, payments based on need may be provided to individual participants in cases where such payments are necessary to enable individuals to participate in a training program funded under the Act (Sec. 204(27)).

(b) Documentation supporting the locally developed formula or procedure for needs-based payments shall be maintained in accordance with instructions from the Governor (Sec. 204(27)).

(c) The formula or procedure shall provide for the maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

§ 629.22 Benefits and working conditions.

(a) Where participants are not covered under a State's workers' compensation law, they shall be provided with adequate on-site medical and accident insurance. Income maintanence coverage is not required for these participants (Sec. 143(a)(3)).

(b) Where participants are engaged in activities not covered under the Occupational Safety and Health Act of 1970, they shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to the participants' health or safety. Participants employed or trained for inherently dangerous occupations, e.g., fire or police jobs, shall be assigned to work in accordance with reasonable safety practices (Sec. 143(a)(2)).

Subpart C—Administrative Standards and Procedures

§ 629.31 Grant payments.

(a) JTPA grant payments will be made to the Governor in accordance with Section 203 of the Intergovernmental Cooperation Act (42 U.S.C. 4213) and Treasury Circular No. 1075 (31 CFR Part 205).

(b) The Governor shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and disbursement. Failure to establish such procedures or to take action to correct deficiencies in (1) financial management systems, or (2) fund drawdown and advance payment procedures may result in the Governor being funded through reimbursement by Treasury check payment.

§ 629.32 Program income.

Income generated under any program shall be used to further program objectives and may be retained by that program, unless the Governor requires that such income be turned over to the State. Program income may be used to satisfy the matching requirements of Sections 123(b) and 304 of the Act.

§ 629.33 Insurance.

(a) *General.* Each Governor, SDA grant recipient or subrecipient shall follow its normal insurance procedures except as otherwise indicated in this section.

(b) The DOL assumes no liability with respect to bodily injury, illness or any other damages or losses, or with respect to any claims arising out of any activity under a JTPA grant or agreement whether concerning persons or property in the Governor's, SDA grant recipient's or other subrecipient's organization or any third party.

(c) Governors, SDA grant recipients and subrecipients shall secure insurance coverage for injuries suffered by participants who are not covered by existing worker's compensation. Contributions to a reserve for a self-insurance program, to the extent that the type and extent of coverage and the rates and premiums would have been allowed had insurance been purchased to cover the risks, are allowable and are chargeable to participant support or training as appropriate (Sec. 143(a)(3)).

§ 629.34 Procurement.

Subject to the provisions of Section 107 of the Act, recipients and subrecipients shall administer procurement systems that reflect applicable State and local law, rules and regulations as determined by the Governor.

§ 629.35 Management systems, reporting and recordkeeping.

(a) The Governor shall ensure that financial systems within the State provide fiscal control and accounting procedures sufficient to (1) permit preparation of required reports; (2) permit the tracing of funds to a level of expenditure adequate to establish that funds have not been used in violation of the restrictions on the use of such funds; and (3) demonstrate compliance with matching requirements. (Secs. 104(b)(9), 164(a)(1), 165(a)(1), 156(c)(2), and 182).

(b) The financial management system and the participant data system shall provide federally-required records and reports that are uniform in definition, accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes (Secs. 165(a)(1), 165(a)(2), and 182).

(c) Pursuant to Section 165(a) of the Act, the Governor shall ensure that records shall be maintained of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the restrictions on the provision and duration of services and specific activities authorized by the Act.

(d) The Governor shall ensure that records shall be maintained of such participant information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

(e) The Governor shall insure that procedures are developed for retention of all records pertinent to all grants and agreements, including financial, statistical, property and participant records and supporting documentation, for a period of three years from the date of obligation of funds. Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

(f) The aforementioned records will be retained beyond the three years if any litigation or audit is begun or if a claim is instituted involving the grant or agreement covered by the records. In these instances, the records will be retained until the litigation, audit or claim has been finally resolved.

(g) In the event of the termination of the relationship with a subrecipient, the Governor or SDA grant recipient shall be responsible for the maintenance and retention of the records of any subrecipient unable to retain them.

§ 629.36 Reports required.

(a) The Governor shall report to the Secretary pursuant to instructions issued by the Secretary. Reports shall be submitted quarterly for the first year and annually thereafter. Reports shall be submitted to the Secretary within 45 calendar days after the end of the report period (Sec. 165(a)(2)).

(b) [Reserved]

§ 629.37 Allowable costs.

(a) *General.* To be allowable, a cost must be necessary and reasonable for proper and efficient administration of the program, be allocable thereto under these principles, and, except as provided herein, not be a general expense required to carry out the overall responsibilities of the Governor or subrecipient. Costs charged to the

program shall be consistent with those normally allowed in like circumstances in nonfederally sponsored activities and with applicable State and local law, rules or regulations, as determined by the Governor.

(b) Direct and indirect costs shall be charged in accordance with 41 CFR 29–70.102.

(c) The Governor shall issue guidelines on allowable costs for SDA and statewide programs that shall include provisions that:

(1) Costs resulting from violations of, or failure to comply with, Federal, State or local laws and regulations are not allowable;

(2) Entertainment costs are not allowable;

(3) Insurance policies offering protection against debts established by the Federal Government are not allowable JTPA costs; and

(4) Personal liability insurance for PIC members is allowable.

(d) The cost of legal expenses required in the administration of grant programs is allowable. Legal services furnished by the chief legal officer of a State or local government or staff solely for the purpose of discharging general responsibilities as a legal officer are unallowable. Legal expenses for the prosecution of claims against the Federal Government are unallowable.

§ 629.38 Classification of costs.

(a) To comply with the limitations on certain costs contained in Section 108 of the Act, allowable costs shall be charged against the following cost categories: training; administration; and participant support.

(b) Costs are allowable to a particular cost category to the extent that benefits are received by such category.

(c) For State-administered programs, the Governor is required to plan, control and charge expenditures against the aforementioned cost categories.

(d) The Governor is responsible for ensuring that SDA grant recipients and other subrecipients plan, control, and charge expenditures against the aforementioned cost categories.

(e) In assigning costs to the training category pursuant to paragraph (a) of this section, the Governor shall ensure that:

(1) Training costs include: The costs associated with on-the-job training services; employer outreach necessary to obtain job listings or job training opportunities; salaries, fringe benefits, equipment and supplies of personnel directly engaged in providing training (including remedial education; job related counseling for participants; employability assessment and job development; job search assistance; including preparation for work and labor market orientation); books and other teaching aids; equipment and materials used in providing training to participants; classroom space and utility costs; and tuition and entrance fees that represent instructional costs which have a direct and immediate impact on participants. In addition, 50 percent of the costs of a limited work experience program, and 250 hours of youth tryout employment, are considered allowable training costs. A limited work experience program is one that meets the requirements of Section 108(b)(3) of the Act. Youth tryout employment is that which meets the requirements of Section 205(d)(3)(B) of the Act.

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

(3) Training costs shall not include the direct or indirect costs associated with the supervision and management of the program.

(4) Training costs do not include supportive service costs as defined in Section 4 of the Act or other participant support costs which are determined to be necessary at the local level.

(5) All costs of employment generating activities to increase job opportunities for eligible individuals in the area and the remaining 50 percent of the costs of a limited work experience program, as well as 100 percent of the costs of other work experience programs, are not allowable training costs (Sec. 108(b)(2)(A)).

(6) The salaries and fringe benefits of project directors, program analysts, labor market analysts, supervisors and other administrative positions shall not be charged to training. The compensation of individuals who both instruct and supervise other instructors shall be prorated among the training and administration cost categories based on time records or other verifiable means.

(7) Construction costs may be allowable training or participant support costs only when funds are used to:

(i) Purchase equipment, materials and supplies for use by participants while on the job and for use in the training of such participants. Examples of such equipment, materials and supplies are handtools, workclothes and other low cost items; and

(ii) Cover costs of a training program in a construction occupation, including costs such as instructors' salaries, training tools, books, and needs-based payments and compensation to participants.

(8) The cost of incorporating a PIC or consortium administrative entity for the purpose of carrying out programs under the Act shall not be charged to training but may be charged to other cost categories as appropriate.

(9) Any single cost which is properly chargeable to training and to one or more other cost categories shall be prorated among training and the other appropriate cost categories.

§ 629.39 Limitations on certain costs.

(a)(1) Not less than 65 percent of the funds for programs under Titles I, II, and III of the Act may be expended for the costs of training and participant support, except as provided in paragraph (b) of this section.

(2) Administrative costs are limited to 15 percent of funds available. The 15 percent limitation on administrative costs may not be waived.

(b) Funds allotted under the following sections of the Act are exclusions to the paragraph (a) of this section requirement:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to Section 123(c)(2)(A);

(3) Section 202(b)(3); and

(4) Section 301(a).

(c)(1) Not less than 70 percent of the funds for programs under Titles I, II–A, and III of the Act may be expended for the costs of training, except as provided in paragraphs (d) and (e) of this section.

(2) There is an established 30 percent limitation on combined administrative and participant support costs. This limitation may be waived by the Governor only in accordance with paragraph (e) of this section.

(d) Funds allotted under the following sections of the Act are exclusions to the paragraph (c) of this section requirement:

(1) Section 202(b)(4);

(2) Section 202(b)(1), to carry out activities pursuant to Section 123(c)(2);

(3) Section 202(b)(3), to provide technical assistance to SDAs within the State that do not qualify for incentive grants;

(4) Section 251; and

(5) Section 301(a).

(e) Expenditures may not be in excess of the limitation contained in paragraph

(c) of this section except as provided for in Section 108(c).

(f) The provisions of this section do not apply to any designated service delivery area which served as a concentrated employment program grantee for a rural area under the Comprehensive Employment and Training Act (Sec. 108(d)).

(g) Administrative funds within a service delivery area may, at the discretion of and pursuant to requirements established by the Governor, be pooled and used for all administrative costs of programs within the service delivery area assisted with funds under the Act.

§ 629.40 Matching funds.

The Governor shall define and assure the provision of adequate resources to meet the matching requirements of Sections 123(b) and 304 of the Act.

§ 629.41 Property management standards.

(a) Personal or real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act must be used for purposes authorized by the Act. Subject to the Secretary's rights to such property, the Governor shall maintain accountability for property in accordance with State procedures and the records retention requirements of § 629.35.

(b) The JTPA program must be reimbursed the fair market value of any unneeded property retained by the Governor for use in a non-JTPA program. The proceeds from the sale of any property or transfer of property to a non-JTPA program must be used for purposes authorized under the Act.

§ 629.42 Audits.

(a) At least once every two years, the State shall perform or have performed, on a timely basis, independent financial and compliance audits of the Title II and III funds received by the State and shall be responsible for assuring that audit requirements are met with respect to PICs, SDA grant recipients, and other subrecipients receiving Title II and III funds throughout the State (Sec. 164(a)(2)). All such audits shall be conducted in accordance with the auditing standards specified in Section 164(a)(3) of the Act.

(b) The State shall submit the audit report(s), covering all Title II and III funds received by the State, to the cognizant Federal audit agency or the Inspector General, of the Department, as appropriate, when completed. The Inspector General shall determine the acceptability of such audit reports and shall forward each acceptable audit report to the Secretary for action pursuant to § 629.42(f) of this Part.

(c) The Governor may request the Secretary to exempt subrecipients from the audit requirements, except as otherwise provided in Section 164(a)(2) of the Act. This exemption request may be approved by: (1) the Secretary or (2) the cognizant Federal audit agency, when the Secretary delegates this authority to such agency (Sec. 164(a)(2)).

(d) Within a timely period after the State submits the audit report to the appropriate Federal official, the Governor shall submit an audit resolution report documenting the Governor's disposition of the reported questioned costs, i.e., whether allowed or disallowed, the basis for allowing questioned costs, and corrective actions taken.

(e) If the Governor intends to request waivers of liability under Section 164(e)(2) of the Act, such requests must accompany the audit resolution report along with supporting documentation.

(f) After receiving the audit resolution report, the Secretary shall review the report(s), the Governor's disposition, and any liability waiver request. If the Secretary is in agreement with all aspects of the Governor's disposition of the audit(s), the Secretary shall so notify the Governor, constituting final agency action on the audit(s). If the Secretary is in disagreement with the Governor's conclusion on specific points in the audit(s), the Secretary shall resolve the audit(s) through the initial and final determination process described in Subpart D of these regulations.

(g) Audits conducted or arranged by the Inspector General will generally supplement rather than duplicate audits of recipients, PICs, SDAs, or other subrecipients.

§ 629.43 Oversight and monitoring.

(a) The Secretary is authorized to monitor and investigate pursuant to Section 163 of the Act.

(b) The Governor is responsible for oversight of all SDA grant recipient activities and State supported programs.

(c) The PIC and local elected official(s) may conduct such oversight as they, individually or jointly, deem necessary or delegate to an appropriate entity pursuant to their mutual agreement.

§ 629.44 Sanctions for violations of the Act.

(a) Pursuant to Sections 164 (b), (d), (e), (f), (g), and (h) of the Act, the Secretary may impose appropriate sanctions and corrective actions for violations of the Act, Regulations, or grant terms and conditions. Additionally, sanctions may include the following:

(1) Offsetting debts, arising from misexpenditure of grant funds, against amounts to which the Governor is or may be entitled under the Act, except as provided in Section 164(e)(1) of the Act. The debt shall be fully satisfied when the Secretary reduces amounts allotted to the Governor by the amount of the misexpenditure; and

(2) Determining the amount of Federal cash maintained by the Governor or subrecipient in excess of reasonable grant needs, establishing a debt for the amount of such excessive cash, and charging interest on that debt.

(b) Except for actions under Section 164(f) and 107 of the Act, to impose a sanction or corrective action, the Secretary shall utilize initial and final determination procedures outlined in Subpart D.

(c) To impose a sanction or corrective action regarding a violation of Section 107 of the Act, the Secretary shall utilize the procedures of 29 CFR Part 31.

(d)(1) The Secretary shall hold the Governor responsible for all funds under the grant. The Governor shall hold subrecipients, including SDA grant recipients, responsible for JTPA funds received through the grant.

(2) The Secretary shall determine the liability of the Governor for misexpenditures of grant funds in accordance with Section 164(e) of the Act, including the requirement that the Governor shall have taken prompt and appropriate corrective actions for misexpenditures by a subrecipient.

(3) Prompt, appropriate, and aggressive debt collection action to recover any funds misspent by subrecipients ordinarily shall be considered a part of the corrective action required by Section 164(e)(2)(D) of the Act. In this regard, the Governor may request advance approval from the Secretary for contemplated corrective actions. Such requests may address debt collection actions or options which the Governor plans to initiate or to forego. The Governor's request shall include a description and assessment of all actions taken by the subrecipient to collect the misspent funds.

(4) In making the determination required by Section 164(e)(2) of the Act, the Secretary may determine, based on a request from the Governor, that the Governor may forego certain collection actions against a subrecipient where that subrecipient was not at fault with respect to the liability criteria set forth in Section 164(e)(2)(A) through Section 164(e)(2)(D) of the Act. The Secretary shall consider such requests in assessing

whether the Governor's corrective action was appropriate in light of Section 164(e)(2)(D) of the Act. At that time, the Secretary shall also consider advance approvals (previously granted pursuant to paragraph (d)(3) of this section) in light of the Governor's demonstrated efforts to undertake the approved course of action.

(5) The Governor shall not be released from liability for misspent funds under the determination required by Section 164(e) of the Act until the Secretary determines that further collection action, either by the Governor or subrecipient, would be inappropriate or would prove futile.

(e) The Governor shall have the authority to reduce allocations to a service delivery area if (1) the Secretary offsets a debt against funds allotted to the Governor and (2) the debt resulted from a misexpenditure by the SDA grant recipient, or its subrecipients.

(f) Nothing in this section shall preclude the Secretary from imposing a sanction directly against a subrecipient as authorized in Section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.45 Closeout [Reserved].

§ 629.46 Performance standards.

(a) The Secretary shall prescribe performance standards for adults and youth under Title II–A and dislocated workers under Title III in accordance with Section 106 of the Act. Standards for youth employment competencies shall prescribe the framework for competency development.

(b) The Governor shall establish SDA standards within the parameters set annually by the Secretary pursuant to Section 106 of the Act and apply the standards in accordance with Section 202(b)(3) of the Act.

(c) Pursuant to initial and annual instructions issued by the Secretary, the Governor shall:

(1) Collect the data necessary to set standards pursuant to Section 165 of the Act; and

(2) Submit reports according to Sections 106 and 121(b)(3) of the Act.

(d) Pursuant to Section 106(h)(1) of the Act, the Governor shall, after exhaustion of remedies below, impose a reorganization plan if a subrecipient fails to meet performance standards for two consecutive years.

(1) Prior to imposition of a reorganization plan, the Governor must offer the subrecipient opportunity for a hearing.

(2) Should the hearing determination uphold the Governor's imposition of a reorganization plan, the subrecipient may appeal to the Secretary.

(3) Appeals shall be submitted to the Secretary, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal shall simultaneously be provided to the Governor.

(4) The Secretary shall not accept an appeal dated later than 30 days after receipt of written notification from the Governor.

(5) The appealing party shall explain why it believes the Governor's decision is contrary to the provisions of Section 106 of the Act.

(6) The Secretary shall accept the appeal and make a decision only with regard to determining whether or not the Governor's decision is inconsistent with Section 106 of the Act. The Secretary may consider any comments submitted by the Governor. The Secretary shall make a final decision within 60 days after this appeal is received (Sec. 106(h)).

Subpart D—Grievances, Investigations, and Hearings

§ 629.51 Scope and purpose.

(a) *General.* This subpart establishes the procedures to receive, investigate and resolve grievances, and conduct hearings to adjudicate disputes under the Act. Complaints of discrimination pursuant to Section 167(a) of the Act will be handled under 29 CFR Parts 31 and 32.

(b) *Non-JTPA remedies.* Whenever any person, organization or agency believes that a Governor, SDA grant recipient or other subrecipient has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than JTPA, or a State or local law, that person, organization or agency may, with respect to the non-JTPA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State, or local law against the Governor, SDA grant recipient or other subrecipient without first exhausting the remedies in this subpart. Nothing in the Act or these regulations shall:

(1) Allow any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under JTPA except after exhausting the remedies in this subpart;

(2) Allow any person or organization to file a suit which alleges a violation of JTPA or these regulations without first exhausting the administrative remedies described in this subpart; or

(3) Be construed to create a private right of action with respect to alleged violations of JTPA or the regulations.

§ 629.52 State grievance and hearing procedures for non-criminal complaints at the Governor and subrecipient level.

(a) *Policy.* This section deals with the handling of non-criminal complaints. Criminal complaints are to be handled as specified in § 629.55.

(b) *Procedures at Governor and SDA levels.*

(1) Pursuant to Section 144(a) of the Act, each Governor shall maintain a State level grievance procedure and shall insure the establishment of procedures at the SDA grant recipient level for resolving any complaint alleging a violation of the Act, regulations, grant or other agreements under the Act. The procedures must include the handling of complaints and grievances arising in connection with JTPA programs operated by each SDA grant recipient and subrecipient under the Act. These procedures must also provide for resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions, taken by the Governor with respect to audit findings, investigations, or monitoring reports (Sec. 144(a)).

(2) The grievance hearing procedure shall include written notice of the date, time and place of the hearing, an opportunity to present evidence, and a written decision.

(c) *State review.* (1) If a complainant does not receive a decision at the SDA grant recipient level within 60 days of filing the complaint or receives a decision unsatisfactory to the complainant, the complainant then has a right to request a review of the complaint by the Governor. The request for review shall be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision. The Governor shall issue a decision within 30 days. The Governor's decision is final.

(2) The Governor shall also provide for an independent State review of a complaint initially filed at the State level on which a decision was not issued within 60 days or on which the complainant has received an adverse decision. A decision shall be made within 30 days. The Governor's decision is final.

(d) *Federal review of local level complaints without decision.*

(1) Should the Governor fail to provide a decision as required in paragraph (c) of this section, the complainant may then request from the Secretary a determination whether reasonable cause exists to believe that the Act or its regulations have been violated.

(2) The Secretary shall act within 90 days of receipt of the request and where there is reasonable cause to believe the Act or regulations have been violated shall direct the Governor to issue a decision adjudicating the dispute pursuant to State and local procedures. The Secretary's action does not constitute final agency action and is not appealable under the Act (Sec. 166(a) and Sec. 144(c)). If the Governor does not comply with the Secretary's order within 60 days, the Secretary may impose a sanction upon the Governor for failing to issue a decision.

(3) The request shall be filed no later than 10 days from the date on which the complainant should have received a decision as required in paragraph (c) of this section. The complaint should contain the following:

(i) The full name, telephone number (if any), and address of the person making the complaint;

(ii) The full name and address of the respondent against whom the complaint is made;

(iii) A clear and concise statement of the facts, including pertinent dates, constituting the alleged violation;

(iv) The provisions of the Act, regulations, grant or other agreements under the Act believed to have been violated;

(v) A statement disclosing whether proceedings involving the subject of the request have been commenced or concluded before any Federal, State or local authority, and, if so, the date of such commencement or conclusion, the name and address of the authority and the style of the case; and

(vi) A statement of the date the complaint was filed with the Governor, the date on which the Governor should have issued a decision, and an attestation that no decision was issued.

(4) A request will be considered to have been filed when the Secretary receives from the complainant a written statement sufficiently precise to evaluate the complaint and the grievance procedure used by the State and SDA grant recipient.

§ 629.53 Non-criminal grievance procedure at employer level.

(a) Governors, SDA grant recipients and other subrecipients shall assure that other employers, including private-for-profit employers of participants under the Act, also have a grievance procedure relating to the terms and conditions of employment available to their participants (Sec. 144(b)).

(b) Employers under paragraph (a) of this section may operate their own grievance system or may utilize the grievance system established by the Governor or SDA grant recipient under § 629.52. Employers shall inform participants of the grievance procedure they are to follow.

(c) An employer system shall provide for, upon request by the complainant, a review of an employer's decision by the SDA grant recipient and the Governor, if necessary, in accordance with § 629.52(b).

§ 629.54 Federal handling of administrative and civil complaints.

(a) (1) The Comptroller General and Inspector General's authority to conduct audits, evaluations and investigations is as specified in § 629.42.

(2) The Secretary is authorized to monitor States (Sec. 163(a)).

(3) The Secretary shall each fiscal year investigate several States to evaluate whether the use of funds received under the Act is in compliance with the provisions of the Act (Sec. 165(b)(1)(A)).

(4) The Secretary may receive complaints alleging violations of the Act or regulations through the Department's incident reporting system.

(b) As a result of the findings or content of any of the activities listed in paragraph (a), of this section, the Secretary may:

(1) Direct the Governor to handle a complaint through local grievance procedures established under § 629.52; or

(2) Investigate and determine whether the Governor or subrecipients are in compliance with the Act and regulations (Sec. 163(b) and (c)).

(c) (1) The Secretary shall notify the Governor of the findings of the Secretary's investigation and shall give the Governor a period of time, not to exceed 60 days, depending on the nature of the findings, to comment and to take appropriate corrective actions.

(2) The Governor shall offer an opportunity for a hearing at the State level to those subrecipients adversely affected by the results of an investigation, audit or monitoring activity as specified in § 629.52(b). The Governor shall inform the Secretary of actions undertaken, including any disposition of an audit conducted by the State to deal with the Secretary's findings if one was undertaken within the time frame specified by the Secretary.

(3) The Secretary shall review the complete file of the investigation and the Governor's actions. The Secretary's review shall take into account the provisions of § 629.44. If the Secretary is in agreement with the Governor's handling of the situation, the Secretary shall so notify the Governor. This notification shall constitute final agency action.

(d) *Initial and final determination.* (1) *Initial determination.* If the Secretary is dissatisfied with the Governor's disposition of an audit as specified in § 629.42 or other resolution of costs, with the Governor's response to findings pursuant to parargraph (c) of this section, or if the Governor failed to comply with the Secretary's decision pursuant to § 629.52(d)(2), the Secretary shall make an initial determination of the matter in controversy including the allowability of questioned costs or activities. Such determination shall be based upon the requirements of the Act, regulations, grants, contracts or other agreements, under the Act.

(2) *Informal resolution.* The Secretary shall not revoke a Governor's grant in whole or in part, nor institute corrective actions or sanctions, without first providing the Governor with an opportunity to present documentation or arguments to resolve informally those matters in controversy contained in the Secretary's initial determination. In the case of an initial determination pursuant to an audit, the informal resolution period shall be at least 60 days from issuance of the initial determination and no more than 170 days from the receipt by the Secretary of the final approved audit report. If the matters are resolved informally, the Secretary shall issue a final determination pursuant to paragraph (d)(3) of this section, which notifies the parties in writing of the nature of the resolution and may close the file.

(3) *Final determination.* (i) If the Governor and the Secretary do not resolve any matter informally, the Secretary shall provide each party with a final written determination by certified mail, return receipt requested. In the case of audits, the final determination shall be issued not later than 180 days after the receipt by the Secretary of the final approved audit report.

(ii) The final determination shall:

(A) Indicate that efforts to informally resolve matters contained in the initial determination have been unsuccessful;

(B) List those matters upon which the parties continue to disagree;

(C) List any modifications to the factual findings and conclusions set forth in the initial determination;

(D) Establish a debt if appropriate;

(E) Determine liability, method of restitution of funds and sanctions; and

(F) In the case of a final determination imposing a sanction or corrective action, offer an opportunity for a hearing in accordance with § 629.57.

(iii) The final determination constitutes the final agency action unless a hearing is requested.

(e) Nothing in this section shall preclude the Secretary from issuing an initial and final determination directly to a subrecipient in accordance with the authority of Section 164(e)(3) of the Act. In such a case, the Secretary shall inform the Governor of the Secretary's action.

§ 629.55 Federal handling of criminal complaints and reports of fraud, abuse and other criminal activity.

All information and complaints involving fraud, abuse or other criminal activity shall be reported directly and immediately to the Secretary of Labor.

§ 629.56 Opportunity for informal review.

(a) Parties to a complaint under § 629.57 may choose to waive their rights to an administrative hearing before the Office of Administrative Law Judges (OALJ) by choosing to transfer the settlement of their dispute to an individual acceptable to all parties for the purpose of conducting an informal review of the stipulated facts and rendering a decision in accordance with applicable law. A written decision will be issued within 60 days after the matter is submitted for informal review.

(b) The waiver of the right to request a hearing before the OALJ will automatically be revoked if a settlement has not been reached within the 60 days provided in paragraph (a) of this section.

(c) The decision rendered under this informal review process shall be treated as a final decision of an Administrative Law Judge pursuant to Section 166(b) of the Act.

§ 629.57 Hearings before the Office of Administrative Law Judges.

(a) *Jurisdiction.* The jurisdiction of the OALJ extends only to those complainants identified in Sections 164(f) and 166(a) of the Act. All other disputes arising under the Act shall be adjudicated under the appropriate recipient or subrecipient grievance procedures or other applicable law.

(b) *Sanctions.* For the purpose of this section, "sanctions" will not include actions required by authority other than this Act. For example, the imposition of interest charges where required by the Debt Collection Act of 1982 is not a sanction for the purpose of this section.

(c) *Procedures for filing request for hearing.* (1) Within 21 days of receipt of the determination imposing the sanction or corrective action, or denying financial assistance, the applicant, Governor, SDA grant recipient or other subrecipient of funds may transmit by certified mail, return receipt requested, a request for hearing to the Chief Administrative Law Judge, United States Department of Labor, Room 700, Vanguard Building, 1111 20th Street, N.W., Washington, D.C. 20036, with one copy to the departmental official who issued the determination and one copy to the Special Counsel to the Assistant Secretary of Labor.

(2) The 21-day filing requirement is jurisdictional; failure to timely request a hearing acts as a waiver of the right to hearing.

(3) The request shall specifically state those issues of the determination upon which review is requested. Those provisions of the determination not specified for review, or the entire determination when no hearing has been requested within the 21 days, shall be considered resolved and not subject to further review. Only alleged violations of the Act, regulations, grant or other agreements under the Act fairly raised in the determination and the request for hearing are subject to review.

(4) The same procedure set forth in paragraphs (c) (1) through (3) of this section applies in the case of a complainant who has not had a dispute adjudicated by the informal review process of § 629.56 within the 60 days, except that the request for hearing before the OALJ must be filed within 15 days of the conclusion of the 60-day period. In addition to including the determination upon which review is requested, the complainant must include a copy of any Stipulation of Facts and a brief summary of proceedings.

(d) *Service and filing.* Copies of all papers required to be served on a party or filed with the OALJ shall be filed simultaneously with the OALJ and served upon the parties of record or their representatives, and shall contain proof of such service.

(e) *Rules of Procedure.* The rules of practice and procedure promulgated by the OALJ shall govern the conduct of hearings under this section.

(f) *Prehearing procedures.* In all cases, the OALJ should encourage the use of prehearing procedures to simplify and clarify facts and issues.

(g) *Subpoenas.* Subpoenas necessary to secure the attendance of witnesses and the production of documents or things at hearings shall be obtained from the OALJ and shall be issued pursuant to the authority contained in Section 163(b) of the Act, incorporating 15 U.S.C. Section 49.

(h) *Timely submission of evidence.* The OALJ shall not permit the introduction at the hearing of documentation relating to the allowability of costs if such documentation has not been made available for review either at the time ordered for any prehearing conference, or, in the absence of such an order, at least three weeks prior to the hearing date.

(i) *Burden of production.* The Department shall have the burden of production to support the Secretary's decision. To this end, the Secretary shall prepare and file an administrative file in support of the decision. Thereafter, the party or parties seeking to overturn the Secretary's decision shall have the burden of persuasion.

(j) *Relief.* In ordering relief, the OALJ shall have the full authority of the Secretary under Section 164 of the Act, except with respect to the provisions of paragraph (e) of that section.

(k) *Timing of decisions.* The OALJ should render a written decision not later than 90 days after the closing of the record.

§ 629.58 Other authority.

Nothing contained in this subpart shall be deemed to prejudice the separate exercise of other authorities in pursuit of remedies and sanctions available outside the Act.

PART 630—PROGRAMS UNDER TITLE II OF THE JOB TRAINING PARTNERSHIP ACT

Sec.

630.1 Adult and youth programs under Part A of Title II.
630.2 Summer youth employment and training programs under Part B of Title II.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97–300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

§ 630.1 Adult and youth programs under Part A of Title II.

(a) Funding for programs under this section shall be provided in accordance with Sections 162, 201 and 202 of the Act. Funds may be used to provide services specified in Section 204 of the Act to persons meeting eligibility criteria specified in Sections 141(e) and 203 of the Act.

(b)(1) Pursuant to Section 203(b) of the Act, not less than 40 percent of funds shall be expended for services to eligible youth.

(2) To the extent that the ratio of economically disadvantaged youth to economically disadvantaged adults in the SDA differs from the ratio of such individuals nationally as published by the Secretary, the percentage specified in paragraph (b)(1) of this section shall be reduced or increased by a local adjustment factor. This factor, which may be obtained by dividing the SDA ratio of economically disadvantaged

youth to economically disadvantaged adults by the national ratio as published by the Secretary, may be multiplied by 40 percent to derive the youth service level for the SDA. The Governor may provide for an alternative methodology to develop the local adjustment factor depending on the availability of data (Sec. 203(b)(2)).

(c) Funds may be used to conduct exemplary youth programs under Section 205 of the Act, as follows:

(1) Except for tryout employment authorized under Section 205(d)(3)(B) of the Act, exemplary youth programs may be modified to accommodate local conditions as specified in the job training plan (Sec. 205(a)); and

(2) Tryout employment in private for-profit worksites may be conducted only in accordance with Section 205(d) of the Act (Sec. 141(k)).

§ 630.2 Summer youth employment and training programs under Part B of Title II.

(a) Funding for programs under this section shall be provided in accordance with Sections 162 and 251 of the Act to provide services specified in Section 252 of the Act to economically disadvantaged youth meeting eligibility criteria set forth in Sections 141(e) and 253 of the Act.

(b) Not more than 15 percent of the funds available for programs under this section may be used for the costs of administration.

PART 631—PROGRAMS UNDER TITLE III OF THE JOB TRAINING PARTNERSHIP ACT

Subpart A—General Provisions

Sec.
631.1 Scope and purpose.

Subpart B—Formula Allocated Programs

631.11 General.
631.12 State plan.
631.13 Limitations on use of funds.
631.14 Matching funds.

Subpart C—Discretionary Program

631.21 General.
631.22 Eligibility for funding.
631.23 Application for funding and selection criteria.

Subpart D—Program Design and Management

631.31 Allowable activities, coordination and consultation, planning and review.
631.32 Reallotment of funds based on non-utilization.
631.33 Reporting requirements.
631.34 Role of Title III training in determining unemployment benefit eligibility.

Authority: Job Training Partnership Act, Sec. 169, Pub. L. 97-300, 96 Stat. 1322 (29 U.S.C. 1501 et seq.).

Subpart A—General Provisions

§ 631.1 Scope and purpose.

This part contains the regulations governing programs designed to serve dislocated workers as authorized under Title III of the Act. Programs are operated pursuant to two allotments: (a) at least 75 percent of the funds appropriated for Title III shall be allotted by formula to the Governors; and (b) up to 25 percent of the funds appropriated for Title III may be reserved for distribution to Governors at the Secretary's discretion. Planning, application and other requirements applicable to formula funded programs are set forth in Subpart B of this Part. Requirements applicable to discretionary programs are set forth in Subpart C of this Part. Program design and management requirements applicable to all programs operated under Title III of the Act are set forth in Subpart D of this Part.

Subpart B—Formula Allocated Programs

§ 631.11 General.

(a) The Secretary shall allot at least 75 percent of the funds appropriated for Title III among the States pursuant to the formula in Section 301(b) of the Act.

(b) The allotment for the Virgin Islands, Guam, the Northern Mariana Islands, American Somoa and the Trust Territory of the Pacific Islands shall be based on the following computation: Allotments for these areas, pursuant to Section 201(a) of the Act, as a proportion of total allotments pursuant to Section 201 of the Act, applied to total funds available for allotment, pursuant to Section 301(b) of the Act.

§ 631.12 State plan.

(a) To receive financial assistance for formula allocated programs under Title III of the Act, the Governor shall include in the Governor's coordination and special services plan, submitted pursuant to Section 121 of the Act, a statement of intent to operate programs in compliance with matching provisions of Section 304 of the Act.

(b) If the Governor has stated, pursuant to paragraph (a) of this section an intent to operate formula allocated programs under Title III and subsequently determines not to operate such programs during the period covered by the Governor's coordination and special services plan, the Governor shall notify the Secretary of such a determination in writing on a timely basis.

§ 631.13 Limitations on use of funds.

(a) Subject to paragraph (b) of this section no more than 15 percent of the funds allotted pursuant to Section 301(b) of the Act may be used for administrative costs. In addition, the total of administrative costs and participant support costs may not exceed 30 percent (Sec. 307(a)).

(b) These limitations apply to that amount of Federal funds which is equivalent to no more than 50 percent of the total combined amount of Federal and non-Federal funds allotted to the formula funded State programs (Sec. 307(b)).

§ 631.14 Matching funds.

To qualify for financial assistance under Title III of the Act, the Governor shall provide matching funds pursuant to Section 304 of the Act as defined at § 629.40 of these regulations.

Subpart C—Discretionary Program

§ 631.21 General.

Of the funds appropriated for Title III, up to 25 percent may be awarded to Governors submitting applications for such funds based upon selection criteria determined by the Secretary pursuant to the provisions of this subpart.

§ 631.22 Eligibility for funding.

The Secretary shall make available to Governors funds reserved under Section 301(a) of the Act to serve individuals who are affected by mass layoffs, natural disasters, Federal Government actions (such as relocations of Federal facilities), high unemployment areas or designated enterprise zones. These circumstances must be sufficiently severe so that:

(a) The needs cannot be met by other JTPA programs or other State and local programs; and

(b) A substantial number of individuals concentrated in a labor market area or industry is affected.

§ 631.23 Application for funding and selection criteria.

To qualify for consideration for funding under this subpart, Governors shall submit applications to the Secretary pursuant to instructions issued by the Secretary on an annual basis specifying application procedures, selection criteria, and approval process.

Subpart D—Program Design and Management

§ 631.31 Allowable activities, coordination and consultation, planning and review.

(a) Allowable activities are specified in Section 303 of the Act. They shall be

coordinated with other programs in accordance with Section 308 of the Act. Affected labor organizations shall be consulted pursuant to Section 306 of the Act.

(b) Governors shall involve appropriate PICs and local elected officials in planning and providing opportunities for review in accordance with Sections 302 and 305 of the Act.

§ 631.32 Reallotment of funds based on non-utilization.

(a) The Secretary may reallot any amount of any allotment under this part to the extent that it is determined that the Governor will not be able to obligate such amount within one year of allotment (Sec. 301(d)).

(b) When the Secretary determines that a reallotment from a Governor is appropriate, the Governor and the general public shall be given a notice of the proposed action to remove funds. Such notice shall include specific reasons for the actions being taken and shall invite the Governor and the general public to submit comments on the proposed reallotment of funds. These comments shall be submitted to the Secretary within 30 days from the date of the notice. After considering any comments received, the Secretary shall notify the Governor of any decision to reallot funds.

(c) The procedures set out in this section are in lieu of any other procedures which might otherwise be applicable under the Grievances, Investigations and Hearings provisions in Part 629, Subpart D.

(d) The Secretary may reallot funds using:

(1) The formula allocation described at Subpart B of this Part; or

(2) Procedures established in Subpart C of this Part.

§ 631.33 Reporting requirements.

The reporting requirements in § 629.36 apply to programs operated under this Part, except that the Secretary may establish special requirements for discretionary programs operated under Subpart C of this Part as part of the annual announcement of fund availability and selection criteria.

§ 631.34 Role of Title III training in determining unemployment benefit eligibility.

Whenever training opportunities pursuant to Section 302(c) of the Act are identified, information concerning the opportunities shall be made available to the individuals. Pursuant to Section 302(d) of the Act, the acceptance of training assisted under Title III shall be deemed to be acceptance of training with the approval of the State within the meaning of any other provision of Federal law relating to unemployment benefits.

PART 632—NATIVE AMERICAN PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 633—MIGRANT AND SEASONAL FARMWORKER PROGRAMS UNDER TITLE IV, PART A OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 634—LABOR MARKET INFORMATION PROGRAMS UNDER TITLE IV, PART E OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 635—VETERANS' EMPLOYMENT PROGRAMS UNDER TITLE IV, PART C OF THE JOB TRAINING PARTNERSHIP ACT [RESERVED]

PART 636—[RESERVED]

PART 637—[RESERVED]

PART 638—[RESERVED]

Signed at Washington, D.C. this 9th day of March, 1983.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 83-6586 Filed 3-14-83; 8:45 am]
BILLING CODE 4510-30-M

VOL
4 8
ISS
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federal register

Tuesday
March 15, 1983

Part IV

Environmental Protection Agency

Approval and Promulgation of State Implementation Plans

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2253-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve a revision to the Indiana State Implementation Plan (SIP) for sulfur dioxide (SO_2). This revision would approve a site-specific emission limitation of 9.57 pounds of SO_2 per million British Thermal Units (lbs/MMBTU) for the Indiana-Michigan Electric Company's (IMEC) Breed plant. These changes in the Indiana plan are being proposed at the request of the State. The State has demonstrated that the National Ambient Air Quality Standards (NAAQS) are protected if this change is approved.

DATE: Comments on this revision and on EPA's proposed action must be received by May 16, 1983.

ADDRESSES: Copies of the SIP revision, technical support document, and the supporting data are available at the following addresses for review. (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V office).

Air Programs Branch, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Indiana Air Pollution Control Division, 1330 W. Michigan Street, Indianapolis, Indiana 46206

Comments on this action should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section (5AP-11), Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, Region V, Environmental Protection Agency, (312) 886-6031.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Clean Air Act (CAA), the Administrator of EPA determined the status of attainment of the NAAQS for SO_2[1] in each area of Indiana (43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978)). EPA determined that Sullivan County, the County in which IMEC's Breed Plant is located, was attaining the NAAQS. On June 29, 1979 Indiana submitted a revised SO_2 plan for all counties in Indiana which established a 6.0 lbs/MMBTU emission limit for all existing fuel combustion sources in the State, except certain site-specific limits set forth in an appendix to the regulation. On March 12, 1982, EPA approved this regulation, recodified at 325 IAC Article 7, with certain exceptions (47 FR 10860).

325 IAC Article 7 provides that Indiana may adopt operating permits which contain site-specific emission limits less stringent than those contained within 325 IAC Article 7, as long as the NAAQS are protected with the less stringent limits. These relaxed limits supersede those in 325 IAC Article 7 and must be submitted to EPA as revisions to the SIP. Pursuant to this provision, Indiana adopted an operating permit for Breed that contained a 9.57 lbs/MMBTU SO_2 emission limit and submitted it to EPA on February 26, 1981.[2] EPA reviewed the technical information submitted with this revision and found that additional information was required to assure that the NAAQS would be maintained at the revised emission limits. Therefore, EPA returned the SIP revision to Indiana for additional information on August 20, 1981. On June 22, 1982, Indiana resubmitted the Breed emission limit to EPA with additional technical information.

The technical information submitted included computer dispersion modeling analyses which were based on EPA's CRSTER model, the reference model for single sources in rural areas. The CRSTER modeling predicts that at the revised emission limit Breed contributes second-high concentrations of 128 micrograms of SO_2/cubic meter ($\mu g/m^3$) on a 24-hour basis and 936 $\mu g/m^3$ on a 3-hour basis. It predicts an annual maximum contribution of 5 $\mu g/m^3$. When background SO_2 levels are added to the Breed contributions, these predicted ambient levels are below the NAAQS. Additionally, available data from the three continuous ambient SO_2 monitors operated by IMEC in the neighborhood of the Breed Plant do not show violations of the NAAQS for the three available years, 1979 to 1981.

Information presented by the State indicates that the 9.57 lbs/MMBTU[3] emission limit within the permit is based on the sulfur content of the coal "as burned" on the second highest sulfur content day in 1975 at Breed. Fuel data for subsequent years show that the sulfur content has not changed significantly since 1975. The 9.57 lbs/MMBTU emission limit is, therefore, essentially a worst-case, status quo rate.

Impact on SO_2 Nonattainment Areas

Vigo County, Indiana is the only SO_2 nonattainment area within 50 kilometers (km) of the IMEC Breed plant. Breed is approximately 35 km from the area in Vigo County where the predicted SO_2 concentrations are highest. On May 13, 1982, EPA approved the SO_2 SIP for Vigo County (47 FR 20583). EPA's approval was partially based on data from a modeling analysis performed by the local task force. This analysis shows, that the revised emission limits for Vigo County sources protect the SO_2 NAAQS. To further assess the impact of Breed's emissions in relationship to the Vigo County SIP, EPA remodeled Vigo County, using the proposed Breed emission limits, at the critical receptors for the five worst case days identified by the Vigo County modeling submitted by the State on which Breed could possibly contribute to impacts from the Virgo County sources. This analysis shows that the addition of Breed's contribution to the modeled impacts from the Vigo County sources does not result in a violation of the 24-hour SO_2 NAAQS (the constraining standard) on any day modeled. Therefore, it is concluded that the Breed revision will not interfere with the ability of the Vigo County SO_2 SIP to ensure attainment and maintenance of the SO_2 NAAQS in Vigo County.

Interstate Impact and Prevention of Significant Deterioration (PSD)

EPA also reviewed the proposed revision for consistency with Section 110(a)(2)(E) of the Clean Air Act. Due to present limitations on modeling, the modeling was limited to a 50km radius around the Breed Plant. (See *Guideline on Air Quality Models* (EPA-450/2-78-027, April 1978).)

The IMEC Breed plant is located in west central Indiana, approximately six km from the Wabash River, which forms the Indiana-Illinois border. Illinois is the only State within 50 km of the plant. The second highest predicted concentrations at receptors in Illinois within 50 km of the Breed plant are 76 $\mu g/m^3$ (24-hour) and 396 $\mu g/m^3$ (3-hour). These constraining impacts in Illinois are well below the corresponding NAAQS. Also, based on the CRSTER model results, Breed's predicted SO_2 impacts at 15 km

[1] The primary SO_2 NAAQS is violated when, in a calendar year, either: (1) the annual arithmetic mean value of a site's SO_2 concentration exceeds 80 micrograms per cubic meter of air (80 $\mu g/m^3$) (the annual primary standard), or (2) the maximum 24-hour concentration of SO_2 at any site exceeds 365 $\mu g/m^3$ more than once (the 24-hour primary standard). The secondary SO_2 NAAQS is violated when the maximum 3-hour concentration at any site exceeds 1,300 $\mu g/m^3$ more than once.

[2] This permit also contains requirements related to visible emissions. EPA will take separate action on that portion of the permit at a later time.

from the facility decrease to 62 $\mu g/m^3$ for the 24-hour NAAQS (49% of maximum), and to 265 $\mu g/m^3$ for the 3-hour NAAQS (28% of maximum). Because SO_2 concentrations decrease markedly within a short distance from the facility and fall well below the corresponding standards, Breed is not expected to contribute significantly to SO_2 concentrations in any area—nonattainment or attainment—in either nearby Illinois or distant States.

Under Part C of the Act, SIP relaxations must be reviewed for PSD increment consumption if the PSD baseline has been triggered in the affected area. However, since no PSD permit application for an SO_2 source has been submitted in Sullivan County and no such application has been submitted in any surrounding county for an SO_2 source which would trigger the PSD baseline in Sullivan County, the PSD baseline has not been triggered in the County. (This SIP revision itself does not trigger the baseline, since it is not associated with an increase in emissions from the Breed facility.) Since the baseline has not been triggered, the revision cannot consume PSD increment in the Sullivan County. Emissions from this plant will be reflected in whatever baseline concentration is established in the future in both Sullivan County and any more distant areas in which the baseline has not yet been triggered.

Based on emissions data supplied by Indiana, EPA believes that the revision establishes emission limitations no higher than the level of actual emissions over the past several years. For this reason, the emissions from this plant are already reflected in the PSD baselines in those areas in Indiana, Illinois, and surrounding States in which the baseline has already been triggered. Therefore, the revision will not consume PSD increments in those areas.

For the reasons discussed above, EPA believes that this proposed revision will neither prevent attainment nor intefere with PSD measures in other States. Therefore, EPA believes that the revision would be consistent with Section 110(a)(2)(E) of the Act.

All interested persons are invited to submit written comments on EPA's proposed SIP action. Written comments received by the date specified above will be considered in determining whether EPA will take action as proposed. After review of all comments submitted, EPA will publish in the **Federal Register** the Agency's final action.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Sec. 110, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, and 7601(a))

Dated: November 17, 1982.

Alan Levine,

Acting Regional Administrator.

[FR Doc. 83-6620 Filed 3-14-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[Region II Docket No. 4; A-2-FRL 2194-4]

Approval and Promulgation of Implementation Plans; Revisions to the New York State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposal.

SUMMARY: This notice announces the receipt of a request from the State of New York to revise its State Implemenation Plan (SIP). If approved by the Environmental Protection Agency (EPA), this revision would allow Orange and Rockland Utilities, Inc., to reconvert units 4 and 5 of its Lovett generating station from oil to coal. The revision would impose either a sulfur dioxide emission limit not to exceed 1.0 pound of sulfur dioxide per million British thermal units (Btu) heat input (equivalent to the use of 0.7 percent sulfur content coal) for units 4 and 5 if both are operated on coal, or an emission limit not to exceed 1.5 pounds of sulfur dioxide per mission Btu input (1.0 percent sulfur content coal equivalent) for one unit if the other unit is either operated on fuel oil (at 0.37 percent sulfur content, by weight) or natural gas or is not operated. Both of these options produce a similar air quality impact and therefore can be considered identical.

DATE: Comments must be received on or before April 14, 1983.

ADDRESSES: All comments should be addressed to: Jacqueline E. Schafer, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the proposal are available for public inspection during normal business hours at:

Environmental Protection Agency, Air Programs Branch, Room 1005, Region II Office, 26 Federal Plaza, New York, New York 10278

New York State Department of Environmental Conservation, Division of Air, 50 Wolf Road, Albany, New York 12233

New York State Department of Environmental Conservation, Region 3 Office, 202 Mamaroneck Avenue, White Plains, New York 10601

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Room 1005, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On June 7, 1982 New York State submitted to the Environmental Protection Agency (EPA) a proposed revision to its State Implementation Plan (SIP). Supplemental information modifying the State's proposed revision was sent to EPA on October 14, 1982. This request, if approved by EPA, would allow Orange and Rockland Utilities, Inc. (O&R), to reconvert units 4 and 5 of its Lovett facility from oil to coal. The Lovett generating station is located on the west bank of the Hudson River in Tomkins Cove in the town of Stony Point, Rockland County, New York.

The current normally applicable regulatory sulfur dioxide emission limitation for coal-fired power plants in this part of New York State is 0.2 pounds of sulfur dioxide per million Btu heat input (0.14 percent sulfur content coal equivalent). The revision New York has submitted, established under State procedures as a "special limitation," would impose either a sulfur dioxide emission limit not to exceed 1.0 pound of sulfur dioxide per million British thermal units (Btu) heat input (equivalent to the use of 0.7 percent sulfur content coal) for units 4 and 5 if both are operated on coal or an emission limit not to exceed 1.5 pounds of sulfur dioxide per million Btu heat input (1.0 percent sulfur coal equivalent) for one unit if the other unit is either operated on complying fuel oil (at 0.37 percent sulfur content by weight) or natural gas or is not operated. Both of these options produce a similar air quality impact and therefore can be considered identical. It should be noted that the State rejected O&R's initial request to burn coal with a sulfur content of 1.5 percent, by weight, in both units on the basis that such operation would violate the National Ambient Air

Quality Standards and the Prevention of Significant Deterioration (PSD) increments for sulfur dioxide. The sulfur dioxide emission limits ultimately adopted by the State for inclusion in its SIP require the purchase of the lowest sulfur content coal which is reasonably available. This special limitation, authorized by Section 225.2 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, also requires O&R to meet eleven conditions which are described in detail in the State's submittal.

The State's submittal consists of an order signed by the Commissioner of the New York State Department of Environmental Conservation (NYSDEC), a public hearing officer's report, proof of publication of the State's hearing notice and a technical report prepared by NYSDEC in support of its SIP revision. The SIP revision was submitted in accordance with all EPA requirements under 40 CFR Part 51, including a public hearing, which was held by the State on June 22 and 23, 1981.

In addition to requiring O&R to burn low sulfur coal, the State found that O&R should raise the height of the affected stacks to "Good Engineering Practice" (GEP) height. The purpose of raising stacks to GEP height is to reduce the potential for emissions to be brought down to the ground level in excessive concentrations. At the Lovett plant, this phenomenon, known as "aerodynamic downwash", results from disturbed wind flow around the power house building. The State has determined that the GEP stack height for units 4 and 5 is 475 feet. Currently, the stack for unit 4 is 206 feet tall and the stack for unit 5 is 239 feet tall. In making its GEP finding, the State indicated that these two existing stacks would be combined into a single stack and raised to the GEP height.

EPA has conducted a thorough review of New York's SIP revision submittal, including the State's modeling of the sulfur dioxide impact of the Lovett coal conversion. EPA's *Guideline on Air Quality Models* (EPA–450/2–78–027, April 1978) states that no refined, widely available models applicable to complex terrain have been identified. The *Guideline* recommends, therefore, that a complex terrain situation, such as that found near the Lovett plant, be modeled on a case-by-case basis. The State investigated several air quality models to evaluate the impact of the Lovett coal conversion. None of the models the State reviewed, however, has been validated as being able to predict accurately the effect of burning low sulfur coal at the Lovett plant. While EPA believes that the State has made a good faith effort using the available data and modeling techniques to predict the air quality impact of the conversion, the Agency notes that the State's use of several unverified assumptions may have caused an inaccurate estimation of the sulfur dioxide concentrations for the extremely complex terrain that surrounds the Lovett facility.

Following receipt of the New York submittal, EPA performed its own modeling of the Lovett conversion's air quality impact. Although this modeling indicated that the SIP revision might not protect the national standards, the complex terrain modeling uncertainties discussed above prevent the Agency from verifying whether violations will occur. While in most instances EPA can rely on its *Guideline* models to fulfill relatively easily Section 110(a)(2)'s requirement that the Agency determine whether a SIP limitation will assure attainment of air quality standards, the uncertainties of models applicable to the Lovett plant complicate the Agency's task under that Section.

In this case, EPA considered another important factor relevant to the validity of the revision. Although the dispersion modeling performed by the State predicts protection of all ambient sulfur dioxide standards, New York has also required that, if this SIP revision is approved, O&R will perform a study to measure actual sulfur dioxide concentrations following the coal conversion. Air quality monitors would be positioned to measure the maximum impact of emissions from the Lovett facility. This monitoring study would enable EPA and the State to evaluate the State's initial modeling assumptions and to narrow the range of uncertainties in the modeling analysis. This would allow the State to validate an appropriate model soon after the post-conversion startup. If this modeling or monitoring were to show that a revised sulfur dioxide emission limit is necessary to protect national standards, the State would be required to submit such a revision and achieve the standards as expeditiously as practicable.

The facts discussed above leave EPA with essentially two options. The Agency could decide to approve the Lovett revision. The primary fact supporting approval is that only post-conversion monitoring can verify the accuracy (or inaccuracy) of the State's complex terrain modeling results. Alternatively, EPA could disapprove the proposed Lovett revision, based on the State's admitted difficulty in substantiating the accuracy of its modeling.

EPA believes that the second of these approaches would be tantamount to presuming the inadquacy of the State's attainment demonstration because of the uncertainties associated with state-of-the-art complex terrain modeling. The Agency is reluctant to presmue inadequacy in this case, given the strenuous, good faith efforts of the State and O&R to provide an adequate demonstration. Given the uncertainties and limitations on the analytical tools available here, the Agency believes this may be a proper case in which to expand its consideration beyond primary reliance on modeling in making regulatory decisions. In addition, it should be noted that the coal conversion would not affect the Lovett facility's ability to revert to burning low sulfur coal. Thus, the plant could easily avoid violations by complying with whatever stricter limitations might be proved necessary by the post-conversion monitoring results. This additional fact supports approval of the revision.

EPA reviewed the Lovett revision for consistency with Section 110(a)(2)(E) of the Clean Air Act. For the reasons discussed in EPA's technical background document, the Agency believes that the revision would neither prevent attainment of the ambient sulfur dioxide standards nor interfere with PSD measures in other States.

Because of the uncertainties presented here, EPA has decided that the proper course is to solicit public comment on the adequacy of the proposed Lovett SIP revision. This notice is issued as required by Section 110(a) of the Clean Air Act, as amended, to advise the public that comments may be submitted on or before [30 days from date of publication] on whether the proposed SIP revision should be approved or disapproved. The Administrator's decision regarding approval or disapproval of this proposed SIP revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Section 110 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 3709; January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because, generally, it only proposes to approve a regulation that currently applies under New York State law.

The Office of Management and Budget has exempted this proposed rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Dated: October 25, 1982.

Jacqueline E. Schafer,

Regional Administrator, Environmental Protection Agency.

[FR Doc. 83-6627 Filed 3-14-83; 8:45 am]

BILLING CODE 6560-50-M

VOL
48
ISS
51
MR
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15
1983
UMI

federal register

Tuesday
March 15, 1983

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Reclamation Fund; Fee Collection and Coal Production Reporting; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 870

Abandoned Mine Reclamation Fund; Fee Collection and Coal Production Reporting

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining (OSM) has revised the fee collection regulations establishing a different interest rate to be assessed against delinquent fee payments and requiring that all quarterly fee payments of $100,000 or more per company be made by electronic transfer of funds to the Treasury Financial Communications System.

The previous interest rate of 12% per annum, promulgated by OSM on May 15, 1978, for reclamation fee debts, was established under an exception granted by the Department of the Treasury. That exception has now been revoked, and OSM is required to use the standard rate which varies quarterly and is required to be used by all Federal agencies. Use of the Treasury Financial Communications System for accounts of $100,000 or more will expedite the Government's collection efforts.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Phyllis Thompson, Chief, Division of Abandoned Mine Land Reclamation, 1951 Constitution Ave., NW., Washington , D.C. (202) 343-7951.

SUPPLEMENTARY INFORMATION:

Background

Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (the Act) (30 U.S.C. 1232(b)) provides that a reclamation fee on produced coal shall be paid no later than thirty days after the end of each calendar quarter. Section 412(a) of the Act (30 U.S.C. 1242(a)) authorizes the Secretary of the Interior to do all things necessary or expedient, including promulgation of rules and regulations, to implement and administer the provisions of the Act relating to Abandoned Mine Reclamation (Title IV).

On June 30, 1982 (47 FR 28574), OSM published the latest revised rules to implement Section 402. On October 6, 1982, OSM published a proposed rule concerning the electronic transfer of fee payments and revised interest rates on delinquent fee payments. The previous interest rate of 12% per annum, promulgated by OSM on May 15, 1978, for reclamation fee debts (43 FR 20795), was established under an exception granted by the Department of the Treasury. That exception has now been revoked in the interest of applying a uniform Government-wide system. OSM is required to use the standard rate which varies quarterly. This rule establishes the interest rate on late reclamation fee payments as the same rate used for all Federal claims in applying late charges on late payments due the Federal Government. This interest rate is transmitted to Federal agencies quarterly as required under the Treasury Fiscal Requirements Manual (TFRM 6-8020.20). This percentage rate (a per annum figure) is based on the current value of funds to the Treasury and is transmitted to all Federal agencies via TFRM bulletins prior to the first day of each calendar quarter. For example, the percentage rate to be applied during the period of July 1 through September 30, 1981, was 16.19% (TFRM Bulletin No. 81-09) while the rate for this same period during 1982 was 14.28% (TFRM Bulletin No. 82-16).

Unless the Department of the Treasury grants an exception, this interest rate must be applied to all debts owed to Federal agencies (I TFRM 6-8020.20).

The revised rule also requires those companies which owe $100,000 or more for quarterly reclamation fees to submit such payments through the use of the Treasury Financial Communications System (TFCS). Approximately 100 companies pay $100,000 or more per quarter to OSM. In fact, payments from these companies total $35-$40 million per quarter. Instead of submitting checks to OSM for these amounts, these companies must have their banks wire funds through the Federal Reserve System to the account of the United States Treasury at the Federal Reserve Bank of New York (FRBNY). Through use of the TFCS for these large accounts, the Department will be able to expedite and streamline its fee collection efforts.

The Treasury Financial Communications System is the computer-to-computer link between the U.S. Department of the Treasury and the Federal Reserve Bank of New York. This system provides the capability for: (1) Automated receipt and processing of funds transfer and (2) computer-assisted generation of funds transfer between Treasury, Federal Reserve banks, and other banks utilizing the Federal Reserve Communications System (FRCS). The TFCS also integrates such traffic into Treasury's Government-wide Accounting System which accounts for all Federal receipts and outlays. Treasury maintains an account at FRBNY. As a result, banks that maintain an account at a Federal Reserve bank may send funds transfers to Treasury through the FRCS for credit to the Account of the U.S. Treasury at FRBNY. Funds transfers between Treasury and banks that do not maintain an account at a Federal Reserve bank are processed through correspondent banks that do maintain an account at a Federal Reserve bank.

Following are the TFCS funds transfer message format and specific instructions from the Treasury Fiscal Requirements Manual for fund transfer messages to be used in paying reclamation fees:

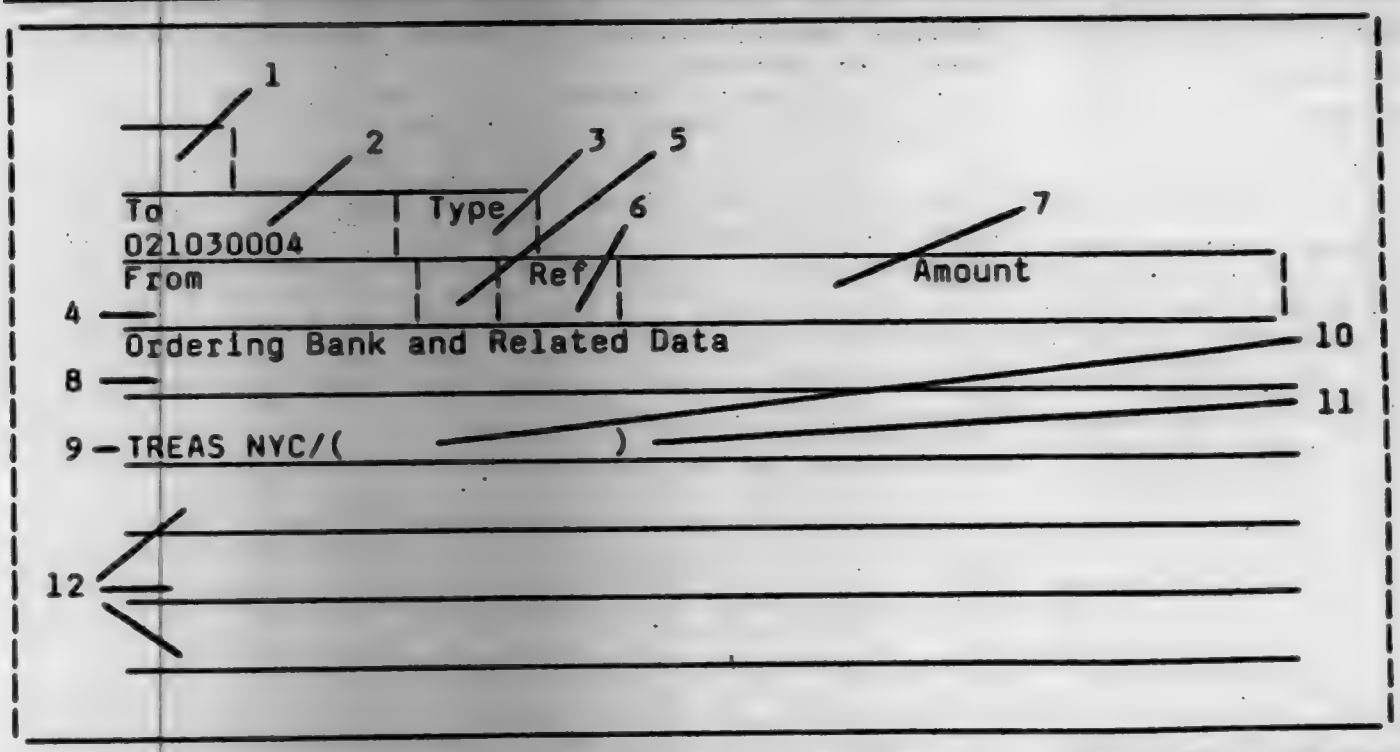

Funds Transfer Message Format

Item 1—PRIORITY CODE—The priority code will be provided by the sending bank. (Note: Some Federal Reserve district banks may not require this item.)

Item 2—TREASURY DEPARTMENT CODE—The nine-digit identifier "021030004" is the routing symbol of the Treasury. This item is a constant and is required for all funds transfer messages sent to Treasury.

Item 3—TYPE CODE—The code will be provided by the sending bank.

Item 4—SENDING BANK CODE—This nine-digit identifier will be provided by the sending bank.

Item 5—CLASS CODE—The class code may be provided by the sending bank at its option (if permitted by its Federal Reserve district bank).

Item 6—REFERENCE NUMBER—The reference number may be inserted by the sending bank to identify the transaction.

Item 7—AMOUNT—The amount will include the dollar sign and the appropriate punctuation including cents digits. This item will be provided by the depositor.

Item 8—SENDING BANK NAME—The telegraphic abbreviation which corresponds to item 4 will be provided by the sending bank.

Item 9—TREASURY DEPARTMENT NAME—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of the funds transfer message to the agency location code of the appropriate agency. The item is comprised of a rigidly formatted, nonvariable sequence of 11 characters defined as follows:

Character #(s)	Character(s)	Definition
1-5	TREAS	First part of Treasury Department telegraphic abbreviation.
6		Space (leave blank).
7-9	NYC	Second part of Treasury Department telegraphic abbreviation.
10	/	Slash.
11	(	Left parenthesis.

The 11 characters must be left-justified on line 5 of the funds transfer message and must appear as follows: TREAS NYC/(

Item 10—AGENCY LOCATION CODE—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of the funds transfer message to the agency location code of the appropriate agency. The agency location code refers to three-, four-, or eight-digit numeric symbols used to identify Government departments and agencies (e.g., accounting stations, disbursing and collecting offices). OSM's unique code must be specified in the funds transfer message in order for the funds to be correctly classified to the agency. The code must immediately follow the left parenthesis of item 9, must contain no spaces, dashes, or other extra characters, and must be immediately followed by a right parenthesis. This item would appear on line 5 of the funds transfer message in conjunction with item 9 as shown below:

TREAS NYC/(14180001)

Item 11—AGENCY NAME—OSM

Item 12—THIRD PARTY INFORMATION—Information to identify the reason for the funds transfer should be provided here. "Reclamation FEES '83" is an example, meaning reclamation fees for the first quarter of 1983.

These instructions will be mailed to coal-producing companies, along with Forms OSM–1's and OSM–1(a)'s, which are forms used to report quarterly coal production to OSM. Submission of OSM–1's and OSM–1(a)'s will remain the same, except that companies required to use wire transfer should indicate on the reporting form(s) that fees have been submitted via wire transfer.

These rules changes—the new interest rate and the requirement for electronic transfer of payments totalling $100,000 or more per quarter per company—become effective for all reclamation fees due or overdue on April 1, 1983.

Disposition of Comments

Comments from representatives of industry and various organizations were received and considered in the rulemaking process. All substantive comments received are addressed in the following preamble.

All comments received are available for inspection in the Administrative Record, Room 5315, 1100 L St., N.W., Washington, D.C.

One commenter objected to the proposed rule because it allegedly goes beyond the intent of Congress. This commenter states that the proper interpretation of the "payment by" language in Subsection 402(b) of the Act

is "post marked by". This commenter believes that unless a statute requires receipt of documents or money by a certain date, legal compliance with the date only requires the deposit of the document or payment in the U.S. mail, properly addressed with postage prepaid.

OSM's response is that Congress has specifically granted the Secretary broad discretionary authority to do all things necessary or expedient, including the promulgation of rules and regulations, to implement and administer the provisions of Title IV. Since payment is due by the 30th day after the end of the calendar quarter, this rule is merely designed to more efficiently collect monies owed the United States. The operator has no specific legal right under SMCRA to define the manner of payment. The mode and manner of payment is an administrative decision and as such properly comes within the authority granted to the Secretary under Section 412(a) of the Act.

Another commenter pointed out that since the AML fund earns no interest, the Government has no legitmate need for receiving the money quicker, and it is better to let the operator enjoy the use of his monies for the four or five extra days. OSM's response is that the present rule results from an effort to improve the management process and administrative system of the Federal Government. As part of this reform effort initiated by the President, agencies were asked to improve their cash management procedures including the acceleration of collection procedures and the electronic transfer of funds. This rule is in furtherance of this objective and is reasonably designed to collect the debt owed the Government as efficiently as possible. Accordingly, no change has been made to the rule.

One commenter noted that the proposed rule would establish a selective rate structure which favors those who produce at a lessor volume. As an alternative this commenter suggested that equal treatment be given to all affected companies regardless of the amount of payment. OSM's response is that this is a reasonable classification which does not violate the equal protection clause of United States Constitution. This rule establishes an administrative procedure designed to more efficiently collect large fees owed to the Government and is therefore in furtherance of the trust fund responsibilities placed on the Secretary in Title IV of the Act.

Determination Under Executive Order 12291, the Regulatory Flexibility Act and the National Environmental Policy Act

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

OSM has been granted a categorical exclusion from the procedures of the National Environmental Policy Act for the subject of reclamation fees imposed by Pub. L. 95-87 (46 FR 7487 January 23, 1981).

The information collection requirements contained in §§ 870.15 (c) and (d) were approved by OMB under 44 U.S.C. 3507 and assigned clearance number 1029-0063.

List of Subjects in 30 CFR Part 870

Coal mining, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Dated: February 16, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

PART 870—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING

30 CFR 870.15 (c) and (d) are revised to read as follow:

§ 870.15 Reclamation Fee Payment

* * * * *

(c) As of April 1, 1983, delinquent reclamation fee payments are subject to interest at the rate established quarterly by the U.S. Department of the Treasury for use in applying late charges on late payments to the Federal Government, pursuant to I Treasury Fiscal Requirements Manual 6-8020.20. The Treasury current value of funds rate is published by the Fiscal Service in the Notices section of the Federal Register. Interest shall begin to accure on the 31st day following the end of the calendar quarter and will run until the date of payment or until judgment is rendered by a court of competent jurisdiction in an action at law to compel payment of debts. OSM will bill delinquent operators on a monthly basis and initiate whatever action is necessary to secure full payment of all fees and interest. All operators, including those with zero production, will receive Form OSM-1 or Form OSM-1(a) must submit a completed form, as well as any fee payment due.

(d) An operator who owes total quarterly reclamation fees of $100,000 or more for one or more mines must use the Treasury Financial Communications System, forward its payments by electronic transfer, and use OSM's approved form(s) to report production to the Denver address below. An operator who owes less than $100,000 quarterly reclamation fees for one or more mines may forward payments by electric transfer, or must submit a check or money order payable to Office of Surface Mining, in the same envelope with OSM's approved form(s) to: Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior, P.O. Box 25065—DFC, Denver, Colorado 80225.

* * * * *

[FR Doc. 83-6870 Filed 3-14-83; 8:45 am]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Energy Department

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Wednesday, March 16, 1983

Presidential Documents

Title 3—

The President

Proclamation 5031 of March 14, 1983

National P.O.W.–M.I.A. Recognition Day, 1983

By the President of the United States of America

A Proclamation

Since the earliest days of our Nation, America's men and women have answered the call to duty. In each of our country's conflicts, our prisoners of war have endured extreme hardships and have been required to make great sacrifices. But even when facing the most extreme adversity, they have proudly defended American ideals. Their burden has been magnified when they were subject to mistreatment, torture, or death in violation of fundamental moral standards and international codes of conduct.

Our country is also acutely aware of the deep suffering experienced by the families of our servicemen held captive or missing in action. These families have faced a haunting uncertainty and awesome silence that tear at their hearts and earns the deep esteem of their countrymen.

American P.O.W.'s and M.I.A.'s are heroes who have gone beyond courage and beyond duty to an honored place in the souls of their fellow Americans. They symbolize the kind of singular sacrifice and devotion that has repeatedly proven instrumental in shaping our Nation's destiny. This country will never forget nor fail to honor those who have so courageously garnered our highest regard.

By Joint Resolution, the Congress has designated April 9, 1983, as National P.O.W.–M.I.A. Recognition Day. On this day, I firmly believe that we should recognize the special debt all Americans owe to our fellow citizens who gave up their freedom in the service of our country and to the families who have undergone a great travail.

We shall continue to remember our missing servicemen. Our Nation must never forget them. Resolution of their fate is, and will remain, a matter of the highest national priority. On April 9, 1983, a P.O.W.–M.I.A. Flag will fly over the White House, the Departments of State and Defense, and the Veterans Administration as a symbol of our unswerving commitment to resolving the fate of all servicemen still missing.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Saturday, April 9, 1983, as National P.O.W.–M.I.A. Recognition Day, a day dedicated to all former American prisoners of war, to those still missing, and to their families. I call on all Americans to join in honoring those who have been held captive in war and their loved ones.

I call upon State and local officials and private organizations to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-7020
Filed 3-15-83; 10:57 am]
Billing code 3195-01-M

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Rules and Regulations

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3106]

McCaffrey and McCall, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a New York City advertising agency, among other things, to cease misrepresenting in advertisements that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company is required to have a reasonable basis for advertising representations relating to the efficacy, performance or benefit of any drug, device or other product; is barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order also requires that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Complaint and order issued March 7, 1983.[1]

FOR FURTHER INFORMATION CONTACT:
FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724–1499.

SUPPLEMENTARY INFORMATION: On Thursday, September 24, 1981, there was published in the **Federal Register**, 46 FR 47085, a proposed consent agreement with analysis In the Matter of McCaffrey and McCall, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices, and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly; § 13.170 Qualities or properties of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure; § 13.1863 Limitations of product; § 13.1695 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Advertising, Electric razors, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,
Acting Secretary.

[FR Doc. 83-6784 Filed 3-15-83; 8:45 am]
BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3105]

North American Philips Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a New York City corporation, among other things, to cease misrepresenting that the Black Pro Shaver or any other drug or device will cure or minimize "razor bumps." The company is required to have a reasonable basis for representations relating to the efficacy, performance or benefit of any drug, device or other product; is barred from making statements which are inconsistent with reliable scientific or medical evidence; and prohibited from misrepresenting the extent or results of product testing. The order also requires that the company maintain specific records for a period of three years and provide its sales and advertising personnel with a copy of the order.

DATE: Complaint and order issued March 7, 1983.[1]

FOR FURTHER INFORMATION CONTACT:
FTC/PA, Wallace S. Snyder, Washington, D.C. 20580. (202) 724–1499.

SUPPLEMENTARY INFORMATION: On Thursday, Sept. 24, 1981, there was published in the **Federal Register**, 46 FR 47088, *correction*, 46 FR 49910, a proposed consent agreement with analysis in the Matter of North American Philips Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections to the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.170 Qualities or properties of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific test. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[1] Copies of the Complaint and the Decision and Order filed with the original doucment.

Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Electric shavers, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46 Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6799 Filed 3-15-83; 8:45 am]

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16 CFR Part 232

Guides for Advertising Radiation Monitoring Instruments

AGENCY: Federal Trade Commission.

ACTION: Final revision of guides.

SUMMARY: In response to a request by the Federal Emergency Management Agency (FEMA), the Federal Trade Commission has decided to revise its "Guides for Advertising Radiation Monitoring Instruments" to reflect the new name of the agency responsible for establishing criteria applicable to the "Guides".

EFFECTIVE DATE: March 8, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Lewis Franke, Washington, D.C. 20580. (202) 376-2891.

SUPPLEMENTARY INFORMATION: On November 8, 1967 the Commission published its "Guides for Advertising Radiation Monitoring Instruments". 32 FR 15533 (1967). Throughout the "Guides" reference is made to "Official OCD Criteria" or "Criteria for Radiation Instruments for Use by the General Public as published by the Office of Civil Defense".

By letter of November 24, 1982 the Federal Emergency Management Agency (FEMA) requested that the Commission revise the "Guides" to show the new name and address of the agency responsible for publishing the "Criteria". The Commission decided to grant the request and amends the "Guides" as of March 16, 1983.

List of Subjects in 16 CFR Part 232

Advertising, Civil defense, Radiation protection.

PART 232—[AMENDED]

§ 232.0-1 [Amended]

Section 232.0-1(e) of the Guides is amended by striking the term "OCD" and substituting therefor the term "Federal Emergency Management Agency (FEMA)". The words "Office of Civil Defense, Department of Defense, Washington, D.C. 20301" are stricken and substituted therefor are the words "Federal Emergency Management Agency, Washington, D.C. 20472". Footnote 1 is amended by striking the words "Office of Civil Defense, Department of Defense, Washington, D.C. 20301" and substituting therefor "Federal Emergency Management Agency, Washington, D.C. 20472".

§ § 232.1, 232.2 and 232.6 [Amended]

Sections 232.1, 232.2, and 232.6 are modified by striking the term "OCD" and substituting therefor the term "FEMA".

By the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6807 Filed 3-15-83; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 231, 240 and 241

[Release Nos. 33-6458; 34-19570; FR-11; File No. S7-940]

Revision of Financial Statement Requirements and Industry Guide Disclosure for Bank Holding Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission announces the adoption of final rules which amend Article 9 of Regulation S-X regarding financial statements filed for bank holding companies. The amendments to Article 9 are being adopted to (1) eliminate rules which are duplicative of generally accepted accounting principles ("GAAP"), (2) integrate and simplify the rules, (3) reflect current financial reporting practices, and (4) improve financial reporting generally. In addition, certain related amendments to the Guides for Statistical Disclosure by Bank Holding Companies have been adopted in order to incorporate a number of disclosures which have been eliminated from the requirements of Article 9. The Commission is also amending the proxy rules to eliminate the interim rule that requires only substantial compliance with Article 9 in annual reports to shareholders. Consequently, bank holding companies that are required to comply with the Commission's proxy rules will be required to include in annual reports to shareholders financial statements prepared in accordance with the requirements of Regulation S-X.

EFFECTIVE DATE: The rules adopted herein are applicable to financial statements for fiscal years ending on or after December 31, 1983, although earlier application of these rules in their entirety is permitted. Upon adoption of these rules, where comparative financial statements are presented, all reported periods should conform with the rules adopted herein.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken (202-272-2157), Edmund Coulson (202-272-2130), or Eugene W. Green (202-272-2161), Office of the Chief Accountant, or Howard P. Hodges, Jr. (202-272-2553), Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission has adopted a comprehensive revision of Article 9 of Regulation S-X (17 CFR Part 210), which governs the form and content of financial statements filed for bank holding companies. This revision, undertaken as part of the Commission's project to coordinate disclosure requirements under the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), is intended to simplify and improve financial reporting requirements. The rules delete certain existing Article 9 requirements that are duplicative of GAAP or that are no longer necessary. The final rules generally reflect current financial reporting practices, except for the income statement presentation of investment securities gains or losses, the disclosure requirements for loans to related parties and parent company financial information. These issues are discussed further below.

Certain disclosure requirements (which were previously included in Article 9 and thus were required in the primary financial statements) have been relocated as part of the Industry Guides for Disclosure by Bank Holding Companies: Securities Act Industry Guide 3 and Exchange Act Industry Guide 3 ("Guide 3").[1] The most significant of these include information about short-term borrowings, disclosure of investment concentrations, and certain details about foreign activities. The Commission has concluded that these disclosures are primarily analytical in nature and thus are similar in character to the other types of disclosures called for by Guide 3.

[1] Items 301 and 302 of Regulation S-K (17 CFR Part 229).

The Commission solicited public comments on the proposed revision of Article 9 and Guide 3 in Release No. 33–6417 (July 9, 1982) (47 FR 32158 (July 26, 1982)). That release contained a detailed discussion of the proposed revisions. Rather than repeat those discussions, this release focuses on the principal differences from the proposal and the bases for such revisions.

The Commission received one hundred and ten letters of comment on the proposals. Most commentators expressed general support for the revisions; however, numerous suggestions were made regarding various aspects of the proposals. The two areas frequently commented on related to the proposed revision of the requirements for reporting investment security transactions and the proposed modification of the disclosure requirements dealing with loans to related parties. The Commission has carefully weighed the views of commentators and has accordingly made certain revisions to the proposed requirements. The views of commentators and the Commission response thereto are discussed below.

Investment Securities Gains or Losses. The proposed rules called for a change in the income statement format to report gains or losses on investment securities as a separate component of income before income tax expense, rather than as a separate item (less applicable taxes) after the caption entitled "income before securities gains or losses." This proposed elimination of the so-called two-step format of reporting income both before and after investment security transactions was commented on by approximately three-fourths of the respondents. A majority of those commentators opposed the proposed change. Objection to the proposed one-step approach was based primarily on the view that the two-step reporting format is a customary presentation which banks have used for many years, and that the inclusion of the effect of investment securities transactions as a part of income from banking operations is inappropriate and will result in a less useful presentation. A few commentators objected for other reasons, indicating that banks should have the ability to restructure their investment portfolio without penalizing current "operating" income with the related losses, or that the proposed change would increase the potential to manage or smooth reported earnings through the timing and selection of securities transactions.

Although the rule met with considerable opposition, a significant number of commentators strongly endorsed the change. Proponents indicated that a uniform net income approach was long overdue and that conforming the reporting format used by bank holding companies to that used by virtually all other entities would eliminate much of the confusion surrounding a bank holding company's actual earnings. These commentators generally agreed with the Commission that there is no conceptual basis for reporting investment transactions in a manner that implies that the gains or losses thereon represent something other than operating earnings. Further, the present reporting was viewed as being inconsistent in that security losses are excluded from operations, while the interest on the replacement security, which generally exceeds the interest on the previous security, is included in operating income. On this point, it was mentioned that the sale of securities generally has the same objective as the sale of mortgage loans and should be classified similarly.

Careful consideration has been given to the comments of respondents, particularly those of users, and the needs of investors. While the Commission understands that some persons believe that income before securities gains or losses provides a better basis upon which to evaluate trends, the Commission continues to believe that the two-step income format promotes the misconception that securities transactions are not part of normal banking operations, and that this format detracts from the importance of net income, which should be of primary importance to investors. Furthermore, there are many other discretionary items (similar to securities transactions) which are included in income before securities gains and losses.

For these reasons, and because of the potential for inappropriate reporting of certain transactions as security gains or losses, the Commission is adopting the one-step income statement format for bank holding companies as proposed, with one change. In response to commentator suggestions that the proposed presentation of securities gains or losses as a separate caption after other income and other expenses retains some of the complexity of the present two-step format, the final rules call for the presentation of investment securities gains and losses as a separate subcategory of other income.

In response to certain commentator suggestions that the one-step format will somehow influence investment policies regarding the content of the investment portfolio and the restructuring thereof (including the potential for registrants to manage earnings through the timing and selection of securities transactions), the Commission wishes to emphasize its belief that the revised reporting format should not have a bearing on prudent decision making. Furthermore, the Commission's existing disclosure requirements require specific disclosures about the content of the investment securities portfolio and the yields thereon. Such disclosures should provide users with the necessary information to evaluate management's investment policies and strategies.

In response to certain commentator suggestions that the one-step format will increase the potential for registrants to manage earnings, the Commission emphasizes the responsibility of bank holding companies, as well as all other registrants, to clearly identify and explain in the Management's Discussion and Analysis the nature and impact of all special, discretionary, or nonrecurring items (such as investment securities gains or losses) having a material effect on reported financial condition, changes in financial condition and results of operations.

The Commission is aware of certain private-sector initiatives to promote the adoption of the one-step income statement for the entire banking industry. This action would complement the Commission's action, which is only applicable to bank holding companies required to file with the Commission.

In addition, the FASB has a project on its agenda as part of its conceptual framework to explore display issues in reporting earnings.[2] This project will deal with, among other things, the purpose of the income statement, the concept of operating performance and how information should be displayed in the income statement (i.e., the reporting of details, subtotals, and which kind of items should be presented separately within the statement). The Commission expects that the outcome of this project (which has been under consideration for some time and is not yet near completion) should result in more useful financial reports for companies in all industries. Thus, the Commission encourages the FASB to aggressively pursue this project and stands ready to reconsider the provisions of Article 9

[2] FASB Exposure Draft, Proposed Statement of Financial Accounting Concepts, "Reporting Income, Cash Flows and Financial Position of Business Enterprises," (November 18, 1981). The comment period on this exposure draft expired May 3, 1982. After reviewing the comments received, the FASB decided that further development of concepts for reporting earnings should be delayed so as to be concurrent with the development of concepts for measurement and recognition criteria.

being adopted today, as well as other provisions of S–X governing the form and content of financial statements, based on its evaluation of the results of the FASB project.

Loans to Related Parties. The requirements regarding related party loan disclosures have been modified from the proposal in two significant ways. First, as proposed, the rules would have increased the range of relatives included as related parties by deleting the "same residence" provision of the existing requirement. In response to comments indicating that the inclusion of distant relatives was impractical and of little significance to investors, and also for purposes of achieving consistency with the revised Item 404 of Regulation S–K,[3] the Commission's final rules apply to members of the "immediate family" only. This revision will encompass more relatives than encompassed by the former rules, but will be significantly less burdensome than the proposal. Second, the proposed requirement that the amount of related party loans include loans to any corporation or organization of which an executive officer, director or principal shareholder of the registrant or any of its significant subsidiaries is an officer (but not a principal shareholder) has been deleted. This change is made in response to comments that the proposed rules would greatly expand the definition of related parties without providing meaningful information to financial statement users.

Certain other changes have been made in an effort to achieve greater consistency with the Commission's recent actions concerning Item 404 of Regulation S–K. The principal change in this respect is an exclusion from the related party loans required to be reported of all indebtedness which in the aggregate did not exceed $60,000 during the latest fiscal year.

Substantial commentary was also received regarding the proposed requirement to compute the weighted average amount of related party loans outstanding during the year and, in some cases, to discuss individual transactions when such weighted average amount significantly exceeded the amount of related party loans at the balance sheet date. In light of these comments, the final rules have been revised to amend this aspect of the proposal; the final rules call for an analysis of the amount of aggregate loans to related parties from the beginning to the end of the period for the latest fiscal year. The Commission believes that this disclosure should adequately inform investors as to the significance of loan transactions with related parties without imposing an undue burden on registrants.

A significant number of commentators suggested that the Commission eliminate all requirements for disclosure of related party loans because banks engage in lending transactions in the ordinary course of business. Many of these commentators suggested that no distinction is necessary for loans to related parties since such transactions are highly regulated and subject to certain legal requirements. Other commentators suggested that specific Commission requirements are unnecessary since GAAP adequately addresses this area under the Financial Accounting Standards Board's Statement of Financial Accounting Standards No. 57, "Related Party Disclosures" ("SFAS 57"). The Commission has considered the views of these commentators and continues to believe specific information about loans to related parties is material information for investors and shareholders. Furthermore, analysis of commentator letters indicates some confusion about the applicability of SFAS 57 to bank holding companies, since SFAS 57 contains an exception for certain related party transactions in the ordinary course of business. Therefore, the Commission has determined to retain its specific disclosure requirements to ensure consistent minimum disclosure in this important area.

Cash and Due from Banks. The proposed instruction regarding restricted cash balances has been modified with respect to the reference to Federal Reserve requirements. This change was made in response to statements by commentators that disclosure of such balances at the end of the year would rarely be of interest to investors, particularly since the reserve requirements are based on average balances. These commentators suggested that point in time disclosures are generally not meaningful since they could fluctuate significantly. The final requirements make reference to disclosure of average Federal Reserve balances. They also retain the general requirement to disclose withdrawal and usage restrictions and compensating balance requirements. (See section 203.02.b of the Codification of Financial Reporting Policies for related discussion of disclosures of average restricted balances.)

Short-Term Investments. The rules being adopted for interest-bearing deposits in other banks have been revised in response to the comments. Under the proposal, these deposits would have been presented in a new short-term investment category. Commentators stated that these deposits can have maturities longer than one year and that their risk characteristics differ from those of other short-term investments. Accordingly, the final rules require interest-bearing deposits in other banks to be included as a separate line item following cash and due from banks. In addition, the final rules require Federal funds sold and securities purchased under resale agreements to be shown as a separate caption, with all other short-term investments presented separately. This presentation is consistent with the new Bank Audit Guide which has been approved for issuance by the American Institute of Certified Public Accountants.

Nonperforming Loans. The Commission proposed several minor changes to the Guide 3 requirements involving the determination and reporting of nonperforming loans. Various commentators questioned these modifications as well as some requirements which were retained from the existing rules. Since the Commission plans to consider publishing a separate proposal regarding disclosures about nonperforming loans, no changes from the present requirements regarding nonperforming loans have been made in this release.

Bankers' Acceptances. In the proposing release, the Commission requested comments on the balance sheet presentation of banker's acceptance transactions. Although no changes were proposed to the present requirement to disclose on the balance sheet amounts due from customers on acceptances and banks' acceptances outstanding as assets and liabilities, the Commission noted that some have indicated that the current presentation should be reevaluated to determine whether these transactions should be reported as contingent liabilities.

Response to the inquiry was diverse. Some commentators maintained that acceptances are best characterized as contingent liabilities, while others stated their belief that the present practice is appropriate. A significant number of commentators suggested that this issue should be left to the private sector for resolution.

In the absence of a consensus as to the most appropriate accounting in this area, and considering the complexity of the issues, the Commission has

[3] On December 2, 1982, the Commission adopted final rules regarding disclosure of certain relationships and transactions involving management: Securities Act Release No. 6441 (December 13, 1982) (47 FR 55866).

determined that it will not take any further action at this time. Rather, the Commission encourages industry and accounting groups to continue to consider this issue, and if deemed necessary, to refer the matter to the Financial Accounting Standards Board for resolution.

Parent Company Financial Information. In the proposing release, the Commission requested comments on the need for parent company financial information when consolidated financial statements are presented for bank holding companies. The response to this inquiry indicates that many users and preparers of bank holding company financial statements strongly believe that information provided by separate financial statements of the parent company are necessary for informed decisions since intercompany loans, advances and cash dividends by bank subsidiaries are subject to substantial regulatory restrictions. The Commission believes that these views are valid and that the parent company information should be widely available to assist in making informed investment decisions. Accordingly, the final rules provide that the condensed parent only financial information currently provided in Schedule III (modified to prescribe certain separate disclosures about bank and non-bank subsidiaries which was previously required in a schedule) [4] be presented in the notes to the consolidated financial statements. The effect of the change will be to require parent company financial information in the annual reports to shareholders of bank holding companies.

Other. In addition to various editorial revisions, certain other substantive changes have been made in the final rules:

—The instructions in Article 9 concerning disclosure of the valuation of trading account assets have been deleted since GAAP calls for such assets to be carried at market value.

—A provision was added to Rule 9–03(7) allowing the registrant to use different loan categories than those specified if it results in a more meaningful presentation; this provision currently exists in Article 9 but was not included in the proposal.

—The requirements of Section V–A of Guide 3 regarding the types of deposits have been amended to provide for disclosures of the average rates paid thereon. Also, an instruction was added to allow the use of captions other than those specified for domestic deposits if appropriate. These changes were made in light of the impact of deregulation on the costs and sources of funds, and should provide additional useful information about these funding sources and provide flexibility to appropriately describe the nature of the deposits.[5]

[4] The requirement to provide information in a schedule about investments in and indebtedness of and to bank subsidiaries, and cash dividends paid by bank subsidiaries was rescinded by Accounting Series Release No. 302 in Securities Act Release No. 6359 (November 6, 1981) (46 FR 56171).

[5] As provided for in General Instruction No. 5 of Industry Guide 3, if information as to average rates paid on domestic deposits or the average balances of the categories of foreign deposits is not reasonably available on an historical basis, a waiver may be granted and thus these disclosures may be provided prospectively.

Codification Update

The "Codification of Financial Reporting Policies" announced in Financial Reporting Release No. 1 (April 15, 1982) (47 FR 21028) is updated to:

1. Add the following sentence to the bracketed introduction to Section 401:

In FRR 11, the Commission adopted further revisions to Article 9 to (1) eliminate rules which are duplicative of GAAP, (2) integrate and simplify the rules, (3) reflect current financial reporting practices, and (4) improve financial reporting generally. In addition, certain related amendments to the Guides for Statistical Disclosure by Bank Holding Companies (Industry Guide 3) were adopted in order to incorporate a number of disclosures which were eliminated from the requirements of Article 9. The Commission also amended the proxy rules to require bank holding companies to include in annual reports to shareholders financial statements prepared in accordance with Regulation S–X.

2. Add the section of this release entitled "Investment Securities Gains or losses" to § 401.04.

3. Add the last paragraph of the section of this release entitled "Loans to Related Parties" to § 401.02.

4. Include as § 401.06 the section of this release entitled "Bankers' Acceptances."

5. Include as § 401.07 the section of this release entitled "Parent Company Financial Information."

The Codification is a separate publication issued by the SEC. It will not be published in the **Federal Register**/ Code of Federal Regulations system.

List of Subjects in 17 CFR Parts 210, 231 and 241

Accounting, Reporting requirements Securities.

The Commission hereby amends 17 CFR Chapter II as follows

PART 210—FORM AND CONTENT OF AND REQUIREMENTS FOR FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. By removing §§ 210.9–01 to 210.05 and adding new §§ 210.9–01 to 210.9–07 as follows:

Bank Holding Companies

§ 210.9–01 Application of §§ 210.9–01 to 210.9–07

This article is applicable to consolidated financial statements filed for bank holding companies and to any financial statements of banks that are included in filings with the Commission.

§ 210.9–02 General requirement.

The requirements of the general rules in §§ 210.1 to 210.4 (Articles 1, 2, 3, 3A and 4) should be complied with where applicable.

§ 210.9–03 Balance sheets.

The purpose of this rule is to indicate the various items which, if applicable, should appear on the face of the balance sheets or in the notes thereto.

Assets

1. *Cash and due from banks.* The amounts in this caption should include all noninterest bearing deposits with other banks.

(a) Any withdrawal and usage restrictions (including requirements of the Federal Reserve to maintain certain average reserve balances) or compensating balance requirements should be disclosed (see § 210.5–02–1).

2. Interest-bearing deposits in other banks.

3. *Federal funds sold and securities purchased under resale agreements of similar arrangements.* These amounts should be presented gross and not netted against Federal funds purchased and securities sold under agreement to repurchase as reported in Caption 13.

4. *Trading account assets.* Include securities or any other investments held for trading purposes only.

5. Other short-term investments.

6. *Investment securities* Include securities held for investment only. Disclose the aggregate book value of investment securities; show on the balance sheet the aggregate market value at the balance sheet date. The aggregate amounts should include securities pledged, loaned or sold under repurchase agreements and similar arrangements; borrowed securities and securities purchased under resale agreements or similar arrangements should be excluded.

(a) Disclose in a note the carrying value and market value of securities of (1) the U.S. Treasury and other U.S. Government agencies and corporations; (2) states of the

U.S. and political subdivisions; and (3) other securities.

7. *Loans.* Disclose separately (1) total loans, (2) the related allowance for losses and (3) unearned income.

(a) Disclose on the balance sheet or in a note the amount of total loans in each of the following categories:

(1) Commercial, financial and agricultural
(2) Real estate—construction
(3) Real estate—mortgage
(4) Installment loans to individuals
(5) Lease financing
(6) Foreign
(7) Other (State separately any other loan category regardless of relative size if necessary to reflect any unusual risk concentration).

(b) A series of categories other than those specified in (a) above may be used to present details of loans if considered a more appropriate presentation.

(c) The amount of foreign loans must be presented if the disclosures provided by § 210.9–05 are required.

(d) For each period for which an income statement is required, furnish in a note a statement of changes in the allowance for loan losses showing the balances at beginning and end of the period provision charged to income, recoveries of amounts charged off and losses charged to the allowance.

(e)(1)(i) As of each balance sheet date, disclose in a note the aggregate dollar amount of loans (exclusive of loans to any such persons which in the aggregate do not exceed $60,000 during the latest year) made by the registrant or any of its subsidiaries to directors, executive officers, or principal holders of equity securities (§ 210.1–02) of the registrant or any of its significant subsidiaries (§ 210.1–02), or to any associate of such persons. For the latest fiscal year, an analysis of activity with respect to such aggregate loans to related parties should be provided. The analysis should include the aggregate amount at the beginning of the period, new loans, repayments, and other changes. (Other changes, if significant, should be explained.)

(ii) This disclosure need not be furnished when the aggregate amount of such loans at the balance sheet date (or with respect to the latest fiscal year, the maximum amount outstanding during the period) does not exceed 5 percent of stockholders equity at the balance sheet date.

(2) If a significant portion of the aggregate amount of loans outstanding at the end of the fiscal year disclosed pursuant to (e)(1)(i) above relates to nonperforming loans, so state and disclose the aggregate amount of such nonperforming loans along with such other information necessary to an understanding of the effects of the transactions on the financial statements.

See, Industry Guide 3, Statistical Disclosure by Bank Holding Companies for definition of "nonperforming loans."

(3) Notwithstanding the aggregate disclosure called for by (e)(1) above, if any loans were not made in the ordinary course of business during any period for which an income statement is required to be filed, provide an appropriate description of each such loan (See § 210.4–08(L)(3)).

(4) Definition of terms. For purposes of this rule, the following definitions shall apply:

"Associate" means (i) a corporation, venture or organization of which such person is a general partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities; (ii) any trust or other estate in which such person has a substantial beneficial interest or for which such person serves as trustee or in a similar capacity and (iii) any member of the immediate family or any of the foregoing persons.

"Executive officers" means the president, any vice president in charge of a principal business unit, division or function (such as loans, investments, operations, administration or finance), and any other officer or person who performs similar policymaking functions.

"Immediate Family" means such person's spouse; parents; children; siblings; mothers and fathers-in-law; sons and daughters-in-law; and brothers and sisters-in-law.

"Ordinary course of business" means those loans which were made on substantially the same terms, including interest rate and collateral, as those prevailing at the same time for comparable transactions with unrelated persons and did not involve more than the normal risk of collectibility or present other unfavorable features.

8. *Premises and equipment.*

9. *Due from customers on acceptances.* Include amounts receivable from customers on unmatured drafts and bills of exchange that have been accepted by a bank subsidiary or by other banks for the account of a subsidiary and that are outstanding—that is, not held by a subsidiary bank, on the reporting date. (If held by a bank subsidiary, they should be reported as "loans" under § 210.9–03.7.)

10. *Other assets.* Disclose separately on the balance sheet or in a note thereto any of the following assets or any other asset the amount of which exceeds thirty percent of stockholders equity. The remaining assets may be shown as one amount.

(1) Excess of cost over tangible and identifiable intangible assets acquired (net of amortization).

(2) Other intangible assets (net of amortization).

(3) Investments in and indebtness of affiliates and other persons.

(4) Other real estates.

(a) Disclose in a note the basis at which other real estate is carried. An reduction to fair market value from the carrying value of the related loan at the time of acquisition shall be accounted for as a loan loss. Any allowance for losses on other real estate which has been established subsequent to acquisition should be deducted from other real estate. For each period for which an income statement is required, disclosures should be made in a note as to the changes in the allowances, including balance at beginning and end of period, provision charged to income, and losses charged to the allowance.

11. Total assets.

Liabilities and Stockholders' Equity

Liabilities.

12. *Deposits.* Disclose separately the amounts of noninterest bearing deposits and interest bearing deposits.

(a) The amount of noninterest bearing deposits and interest bearing deposits in foreign banking offices must be presented if the disclosure provided by § 210.9–05 are required.

13. *Short-term borrowing.* Disclosure separately on the balance sheet or in a note, amounts payable for (1) Federal funds purchased and securities sold under agreements to repurchase; (2) commercial paper, and (3) other short-term borrowings.

(a) Disclose any unused lines of credit for short-term financing (§ 210.5–02.19(b)).

14. *Bank acceptances outstanding.* Disclose the aggregate of unmatured drafts and bills of exchange accepted by a bank subsidiary, or by some other bank as its agent, less the amount of such acceptances acquired by the bank subsidiary through discount or purchase.

15. *Other liabilities.* Disclose separately on the balance sheet or in a note any of the following liabilities or any other items which are individually in excess of thirty percent of stockholders' equity (except that amounts in excess of 5 percent of stockholders' equity should be disclosed with respect to item (4)). The remaining items may be shown as one amount.

(1) Income taxes payable.
(2) Deferred income taxes.
(3) Indebtedness to affiliates and other persons the investments in which are accounted for by the equity method.
(4) Indebtedness to directors, executive officers, and principal holders of equity securities of the registrant or any of its significant subsidiaries (the guidance in § 210.9–03.7(e) shall be used to identify related parties for purposes of this disclosure).
(5) Accounts payable and accrued expenses.

16. *Long-term debt.* Disclose in a note the information required by § 210.5–02.22.

17. *Commitments and contingent liabilities.*

18. *Minority interest in consolidated subsidiaries.* The information required by § 210.5–02.27 should be disclosed if applicable.

Redeemable Preferred Stocks

19. *Preferred stocks subject to mandatory redemption requirements or whose redemption is outside the control of the issuer.* See § 210.5–02.28.

Non-redeemable Preferred Stocks

20. *Preferred stocks which are not redeemable or are redeemable solely at the option of the issuer.* See § 210.6–02.29.

Common Stocks

21. *Common stocks.* See § 210.5–02.30.

Other Stockholders' Equity

22. *Other stockholders' equity.* See § 210.5–02.31.

23. *Total liabilities and stockholders' equity.*

§ 210.9-04 Income statements.

The purpose of this rule is to indicate the various items which, if applicable, should appear on the face of the income statement or in the notes thereto.

1. *Interest and fees on loans.* Include commitment and origination fees, late charges and current amortization of premium and accretion of discount on loans which are related to or are an adjustment of the loan interest rate.

2. *Interest and dividends on investment securities.* Disclosure separately (1) taxable interest income, (2) nontaxable interest income, and (3) dividends.

3. *Trading account interest.*

4. *Other interest income.*

5. *Total interest income.*

6. *Interest on deposits.*

7. *Interest on short-term borrowings.*

8. *Interest on long-term debt.*

9. *Total interest expense.*

10. *Net interest income.*

11. *Provision for loan losses.*

12. *Net interest income after provision for loan losses.*

13. *Other income.* Disclose separately any of the following amounts, or any other item of other income, which exceed one percent of the aggregate of total interest income and other income. The remaining amounts may be shown as one amount, except for investment securities gains or losses which shall be shown separately regardless of size.

(a) Commissions and fees and fiduciary activities.

(b) Commissions, broker's fees and markups on securities underwriting and other securities activities.

(c) Insurance commissions, fees and premiums.

(d) Fees for other customer services.

(e) Profit or loss on transactions in securities in dealer trading account.

(f) Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.

(g) Gains or losses on disposition of equity in securities of subsidiaries or 50 percent or less owned persons.

(h) Investment securities gains or losses. The method followed in determining the cost of investments sold (e.g., "average cost," "first-in, first-out," or "identified certificate) and related income taxes shall be disclosed.

14. *Other expenses.* Disclose separately any of the following amounts, or any other item of other expense, which exceed one percent of the aggregate of total interest income and other income. The remaining amounts may be shown as one amount.

(a) Salaries and employee benefits.

(b) Net occupancy expense of premises.

(c) Goodwill amortization.

(d) Net cost of operation of other real estate [including provisions for real estate losses, rental income and gains and losses on sales of real estate].

(e) Minority interest in income of consolidated subsidiaries.

15. *Income or loss before income tax expense.*

16. *Income tax expense.* The information required by § 210.4-08(h) should be disclosed.

17. *Income or loss before extraordinary items and cumulative effects of changes in accounting principles.*

18. *Extraordinary items, less applicable tax.*

19. *Cumulative effects of changes in accounting principles.*

20. *Net income or loss.*

21. *Earnings per share data.*

§ 210.9-05 Foreign Activities.

(a) *General requirement.* Separate disclosure concerning foreign activities shall be made for each period in which either (1) assets, or (2) revenue, or (3) income (loss) before income tax expense, or (4) net income (loss), each as associated with foreign activities, exceeded ten percent of the corresponding amount in the related financial statements.

(b) *Disclosures.* (1) Disclose total identifiable assets (net of valuation allowances) associated with foreign activities.

(2) For each period for which an income statement is filed, state the amount of revenue, income (loss) before taxes, and net income (loss) associated with foreign activities. Disclose significant estimates and assumptions (including those related to the cost of capital) used in allocating revenue and expenses to foreign activities; describe the nature and effects of any changes in such estimates and assumptions which have a significant impact on interperiod comparability.

(3) The information in paragraph (b) (1) and (2) of this section shall be presented separately for each significant geographic area and in the aggregate for all other geographic areas not deemed significant.

(c) *Definitions.* (1) "Foreign activities" include loans and other revenues producing assets and transactions in which the debtor or customer, whether an affiliated or unaffiliated person, is domiciled outside the United States.

(2) The term "revenue" includes the total of the amount reported at §§ 210.9-04.5 and 210.9-04.13.

(3) A "significant geographic area" is one in which assets or revenue or income before income tax or net income exceed 10 percent of the comparable amount as reported in the financial statements.

§ 210.9-06 Condensed financial information of registrant.

The information prescribed by § 210.12-04 shall be presented in a note to the financial statements when the restricted net assets (§ 210.4-08(e)(3)) of consolidated subsidiaries exceed 25 percent of consolidated net assets as of the end of the most recently completed fiscal year. The investment in and indebtedness of and to bank subsidiaries shall be stated separately in the condensed balance sheet from amounts for other subsidiaries; the amount of cash dividends paid to the registrant for each of the last three years by bank subsidiaries shall be stated separately in the condensed income statement from amounts for other subsidiaries. For purposes of the above test, restricted net assets of consolidated subsidiaries shall mean that amount of the registrant's proportionate share of net assets of consolidated subsidiaries (after intercompany eliminations) which as of the end of the most recent fiscal year may not be transferred to the parent company by subsidiaries in the form of loans, advances or cash dividends without the consent of a third party (i.e., lender, regulatory agency, foreign government, etc.). Where restrictions on the amount of funds which may be loaned or advanced differ from the amount restricted as to transfer in the form of cash dividends, the amount least restrictive to the subsidiary shall be used. Redeemable preferred stocks (§ 210.5-02.28) and minority interests shall be deducted in computing net assets for purposes of this test.

* * * * *

§ 210.9-07 Schedules.

(a) The following schedules, which should be examined by an independent accountant, should be filed unless the required information is not applicable or is presented in the related financial statements.

Schedule I—Indebtedness to Related Parties. The schedule prescribed by § 210.12-05 should be filed for each period for which an income statement is required in support of the amounts required to be reported by § 210.9-03.15(4) unless such aggregate amount does not exceed 5 percent of stockholders' equity at either the beginning or the end of the period.

Schedule II—Guarantees of Securities of Other Issuers. The schedule prescribed by § 210.12-08 should be filed as of the date of the most recent audited balance sheet with respect to any guarantees of securities of other issuers by the person for which the statements are being filed.

2. By revising § 210.12-01 as follows:

Form and Content of Schedules

General

§210.12-01 Application of §§ 210.12-01, to 210.12-29.

These sections prescribe the form and content of the schedules required by §§ 210.5-04, 210.6-10, 210.6-13, 210.6-24, 210.6-34, 210.7-05 and 210.9-07.

PART 231—INTERPRETIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

3. By revising the Securities Act Industry Guide 3 (Statistical Disclosure by Bank Holding Companies) of Part 231 by adding new Item VII and by revising the general instructions and the remaining items. The full text of the revised industry guide, as proposed, is set out below.

Guide 3—Statistical Disclosure By Bank Holding Companies

General Instructions

1. This Guide applies to the description of business portions of those bank holding company registration statements for which financial statements are required.

2. Information furnished in accordance with this Guide should generally be presented in tabular form in the order appearing below. However, an alternative presentation, such as inclusion of the information in Management's Discussion and Analysis, may be used if in management's opinion such presentation would be more meaningful to investors.

3. When the term "reported period" is used in the Guide, it refers to each of the periods described below:

(a) Each of the last three fiscal years of the registrant, except as is provided in paragraphs (b) and (c) below;

(b) Each of the last five fiscal years of the registrant with respect to Items III and IV, except as is provided in paragraph (c) below;

(c) Each of the last two fiscal years with respect to all items, if the registrant had assets of less than $200,000,000 or net worth of $10,000,000 or less as of the end of its latest fiscal year; and

(d) Any additional interim period necessary to keep the information from being misleading.

The reported period shall not include an additional interim period under paragraph (d) above merely because an income statement is presented for such additional interim period, but the reported period shall include such an additional period if a material change in the information presented or the trend evidenced thereby has occurred.

4. Unless otherwise indicated, averages called for by the Guide are daily averages. Where the collection of data on a daily average basis would involve unwarranted or undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant. The basis used for presenting averages need be stated only if not presented on a daily average basis.

5. Some of the information called for by the Guide which is prospective in nature may not be available on a historical basis. The staff should be advised of such situations prior to filing and if the requested information is unavailable and cannot be compiled without unwarranted or undue burden or expense, the requirement that such information be furnished may be waived. If possible, reasonably comparable date should be furnished instead. If certain requested information will not be available with respect to periods to be covered in future filings subject to the Guide, this should also be brought to the staff's attention.

6. The disclosure requirements of the Guide are also applicable to foreign registrants to the extent the requested information is available. If the information is unavailable and cannot be compiled without unwarranted or undue burden or expense, this should be brought to the staff's attention.

Note.—In evaluating the reasonableness of assertions by registrants that the compilation of requested information, such as historical data or daily averages, would involve an unwarranted or undue burden or expense, the staff takes into consideration, among other factors, the size of the registrant, the estimated costs of compiling the data the electronic data, processing capacity of the registrant and efforts in process to obtain the information in future periods.

7. In various places throughout this Guide, disclosure is called for regarding certain "foreign" data. For purposes of this Guide, this information need not be presented unless the registrant is required to make separate disclosures concerning its foreign activities in its consolidated financial statements pursuant to the test set forth in § 210.9–05 of Regulation S–X.

I. Distribution of Assets, Liabilities and Stockholders' Equity; Interest Rates and Interest Differential

A. *For each reported period present, average balance sheets.* The format of the average balance sheets may be condensed from the detail required by the financial statements provided that the condensed average balance sheets indicate the significant categories of assets and liabilities, including all major categories of interest-earning assets and interest-bearing liabilities. Major categories of interest-earning assets should include loans, taxable investment securities, non-taxable investment securities, interest-bearing deposits in other banks, Federal funds sold and securities purchased with agreements to resell, other short-term investments, and other (specify if significant). Major categories of interest-bearing liabilities should include savings deposits, other time deposits, short-term debt, long-term debt and other (specify if significant).

B. *For each reported period, present an anlaysis of net interest earnings as follows:*

1. For each major category of interest-earning asset and each major category of interest-bearing liability, the average amount outstanding during the period and the interest earned or paid on such amount.

2. The average yield for each major category of interest-bearing asset.

3. The average rate paid for each major category of interest-bearing liability.

4. The average yield on all interest-earning assets and the average effective rate paid on all interest-bearing liabilities.

5. The net yield on interest-earning assets (net interest earnings divided by total interest-earning assets, with net interest earnings equaling the difference between total interest earned and total interest paid).

6. This analysis may, at the option of the registrant, be presented in connection with the average balance sheet required by paragraph A.

C. *For the latest two fiscal year present (1) the dollar amount of change in interest income and (2) the dollar amount of change in interest expense.* The changes should be segregated for each major category of interest-earning asset and interest-bearing liability into amounts attributable to (a) changes in volume (changes in volume times old rate), (b) changes in rates (change in rate times old volume), and (c) changes in rate-volume (change in rate times the change in volume). The rate/volume variances should be allocated on a consistent basis between rate and volume variance and the basis of allocation disclosed in a note to the table.

Instructions. (1) Explain how nonaccruing loans have been treated for purposes of the analyses required by paragraph B.

(2) In the calculation of the changes in the interest income and interest expense, any out-of-period items and adjustments should be excluded and the types and amounts of items excluded disclosed in a note to the table.

(3) If loan fees are included in the interest income computation, the amount of such fees should be disclosed, if material.

(4) Tax exempt income may be calculated on a tax equivalent basis. A

brief note should describe the extent of recognition of exemption from Federal, state and local taxation and the combined marginal or incremental rate used.

(5) If disclosure regarding foreign activities is required pursuant to General Instruction 7 of this Guide, the information required by paragraph A, B and C of Item I should be further segregated between domestic and foreign activities for each significant category of assets and liabilities disclosed pursuant to paragraph A. In addition, for each reported period, present separately, on the basis of averages, the percentage of total assets and total liabilities attributable to foreign activities.

II. Investment Portfolio

A. As of the end of each reported period, present the book value of investments in obligations of (1) the U.S. Treasury and other U.S. Government agencies and corporations; (2) States of the U.S. and political subdivisions; and (3) other securities including bonds, notes, debentures and stock of business corporations, foreign governments and political subdivisions, intergovernmental agencies and the Federal Reserve Bank.

B. As of the end of the latest reported period, present the amount of each investment category listed above which is due (1) in one year or less, (2) after one year through five years, (3) after five years through ten years, and (4) after ten years. In addition, state the weighted average yield for each range of maturities.

Instruction. State whether yields on tax exempt obligations have been computed on a tax equivalent basis. (See Instruction (4) to Item I.) Any major changes in the tax-exempt portfolio should be discussed hereunder.

C. As of the end of the latest reported period, state the name of any issuer, and the aggregate book value and aggregate market value of the securities of such issuer, when the aggregate book value of such securities exceeds ten percent of stockholders' equity.

Instruction. The term "issuer" has the meaning given in section 2(4) of the Securities Act of 1933, except that debt securities issued by a state of the United States and its political subdivisions and agencies which are payable from and secured by the same source of revenue or taxing authority shall be considered to be securities of a single issuer. This information does not have to be provided for securities of the U.S. Government and U.S. Government agencies and corporations. Consideration should be given to disclosure of risk characteristics of the securities of an issuer and of differences in risk characteristics of different issues of securities of an issuer as may be appropriate.

III. Loan Portfolio

A. *Types of Loans.* As of the end of each reported period, present separately the amount of loans in each category listed below. Also show the total amount of all loans for each reported period which amounts should be the same as those shown on the balance sheets.

Domestic:

1. Commercial, financial and agricultural;
2. Real estate—construction;
3. Real estate—mortgage;
4. Installment loans to individuals;
5. Lease financing.

Foreign:

6. Governments and official institutions;
7. Banks and other financial institutions;
8. Commercial and industrial;
9. Other loans.

Instructions. A series of categories other than those specified above may be used to present details of loans if considered a more appropriate presentation. Furthermore, additional details of loans by category, or separate disclosure of other loan categories may be necessary or appropriate in some circumstances, to show unusual risk or uncertainties such as a substantial portion of total loans which are concentrated in one or a few industries or foreign countries.

B. *Maturities and Sensitivity to Changes in Interest Rates.* As of the end of the latest fiscal year reported on, present separately the amount of loans in each category listed in paragraph A (except that this information need not be presented for categories 3, 4 and 5, and categories 6 through 9 may be aggregated) which are: (1) Due in one year or less, (2) due after one year through five years and (3) due after five years. In addition present separately the total amount of all such loans due after one year which (a) have predetermined interest rates and (b) have floating or adjustable interest rates.

Instructions. (1) Scheduled repayments should be reported in the maturity category in which the payment is due.

(2) Demand loans, loans having no stated schedule of repayments and no stated maturity, and overdrafts should be reported as due in one year or less.

(3) Determinations of maturities should be based upon contract terms. However, such terms may vary due to the registrant's "rollover" policy," in which case the maturity should be revised as appropriate and the rollover policy should be briefly discussed.

C. *Nonperforming Loans.* As of the end of each reported period, state the aggregate amount of loans in each of the following categories for: (a) Loans accounted for on a nonaccrual basis; (b) loans which are contractually past due 90 days or more as to interest or principal payments (but not included in the non-accrual loans in (a) above); (c) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a) or (b) above); and (d) loans now current where there are serious doubts as to the ability of the borrower to comply with present loan repayment terms. In connection with (d), a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given.

Instructions. (1) Loans in categories 4 and 5 of paragraph A need not be considered for disclosure pursuant to paragraph C unless the total amount which would be excluded exceeds 10 percent of total loans.

(2) A renewal of a loan at maturity on current market terms will not be considered a renegotiation for purposes of clause (c) of paragraph C.

(3) A loan remains in the category described in clause (c) until time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

(4) If a substantial portion of the loans stated pursuant to paragraph C are concentrated in one or a few industries, separate disclosure of the information required by this paragraph should be provided for such loans.

(5)The registrant may use different criteria and may present quantitative information in a different manner than described above if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

IV. Summary of Loan Loss Experience

(A) An analysis of loss experience shall be furnished in the following format for each reported period:

ANALYSIS OF THE ALLOWANCE FOR LOAN LOSSES

	Reported period
Balance at beginning of period	$X.
Charge-offs:	
Domestic:	
Commercial, financial and agricultural	X.
Real estate-construction	X.
Real estate-mortgage	X.
Installment loans to individuals	X.
Lease financing	X.
Foreign	X.
Recoveries:	
Domestic:	
Commercial, financial and agricultural	X.
Real estate-construction	X.
Real estate-mortgage	X.
Installment loans to individuals	X.
Lease financing	X.
Foreign	X.
Net charge-offs	X.
Additions charged to operations	X.
Balance at end of period	$X.
Ratio of net charge-offs during the period to average loans outstanding during the period	X.

Instructions. (1) The above table is not intended to mandate a specific format for disclosure of this information. Registrants are encouraged to experiment with various disclosure formats in the interest of effective communication of this data; however, all the required information must be given.

(2) For each period presented, describe briefly the factors which influenced management's judgment in determining the amount of the additions to the allowance charged to operating expense. A statement that the amount is based on management's judgment will not be sufficient.

(3) If, in accordance with the instructions to paragraph III–A, information concerning loans has been presented in categories other than those specified in that paragraph, those other categories should be used to present the disclosures called for under this paragraph.

(4) If the registrant is required to present separate data as to its foreign activities pursuant to General Instruction 7 to this Guide, disclosure must be provided as to the changes in the allowance for loan losses applicable to loans related to foreign activities, including the balances at the beginning and end of the periods, charge-offs, recoveries, and additions charged to operations.

B. At the end of each reported period, furnish a breakdown of the allowance for loan losses in the following format:

ALLOCATION OF THE ALLOWANCE FOR LOAN LOSSES

Balance at end of period applicable to	Reported period	
	Amount	Percent of loans in each category to total loans
Domestic	$X.	X.
Commercial, financial and agricultural	X.	X.
Real estate-construction	X.	X.
Real estate-mortgage	X.	X.
Installment loans to individuals	X.	X.
Lease financing	X.	X.
Foreign	X.	X.
Unallocated	X.	N/A
	X.	100

Instructions. (1) See instructions (1) and (3) to paragraph A above.

(2) In lieu of the breakdown of the allowance for loan losses by loan category called for above, the registrant may furnish a narrative discussion of the risk elements in the loan portfolio and the factors considered in determining the amount of the allowance for loan losses. The discussion may be extended to risk elements associated with particular loan categories or subcategories. Information should also be furnished as to the approximate anticipated amount of chargeoffs by category during the next full year of operation.

V. Deposits

A. For each reported period, present separately the average amount of and the average rate paid on each of the following deposit categories which are in excess of 10 percent of average total deposits:

Deposits in domestic bank offices:

(1) Noninterest bearing demand deposits.

(2) Interest bearing demand deposits.

(3) Savings deposits.

(4) Time deposits.

Deposits in foreign banking offices:

(5) Banks located in foreign countries (including foreign branches of other U.S. banks).

(6) Foreign governments and official institutions.

(7) Other foreign demand deposits.

(8) Other foreign time and savings deposits.

B. Categories other than those specified for deposits in domestic bank offices above may be used to present the types of domestic deposits if they more appropriately describe the nature of the deposits.

C. If material, the registrant should disclose separately the aggregate amount of deposits by foreign depositors in domestic offices. Identification of the nationality of the depositors is not required.

D. As of the end of the latest reported period, state the amount outstanding of (1) time certificates of deposit in amounts of $100,000 or more and (2) other time deposits of $100,000 or more issued by domestic offices by time remaining until maturity of 3 months or less; over 3 through 6 months; over 6 through 12 months; and over 12 months.

E. As of the end of the latest reported period, state the amount outstanding of time certificates of deposits and other time deposits in amount of $100,000 or more issued by foreign offices. If the aggregate of such certificates of deposit and time deposits in amounts exceeding $100,000 represents a majority of total foreign deposit liabilities, the disclosure need not be given, provided that there is a statement that a majority of deposits were in amounts in excess of $100,000.

VI. Return of Equity and Assets

For each reported period, present the following:

(1) Return on assets (net income divided by average total assets).

(2) Return on equity (net income divided by average equity).

(3) Dividend payout ratio (dividends declared per share divided by net income per share).

(4) Equity to assets ratio (average equity divided by average total assets).

Instructions. (1) If mandatorily redeemable preferred stock is outstanding, furnish the ratios required under (2) and (4) above in a dual presentation including and excluding such stock in the calculations.

(2) Registrants should supply any other ratios which they deem necessary to explain their operations.

VII. Short-Term Borrowings

For each reported period, present the following information for each category of short-term borrowings reported in the financial statements pursuant to § 210.9–04.11:

(1) The amounts outstanding at the end of the reported period, the weighted average interest rate thereon, and the general terms thereof;

(2) The maximum amount of borrowings in each category outstanding at any month-end during each reported period;

(3) The approximate average amounts outstanding during each reported period and the approximate weighted average interest rate thereon.

Instruction. This information is not required to be given for any category of short-term borrowings for which the average balance outstanding during the

period was less than 30 percent of stockholders' equity at the end of the period.

4. By amending Part 231 by adding this release, Release No. 33–6458 (March 7, 1983) to the list of interpretive releases set forth thereunder.

PART 241—INTERPRETIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

5. By conforming Exchange Act Industry Guide 3 [Statistical Disclosure by Bank Holding Companies] to the amendments proposed for Securities Act Industry Guide 3.

6. By amending Part 241 by adding this release, Release No. 34–19570 (March 7, 1983) to the list of interpretive releases set forth thereunder.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

7. By revising paragraph (b)(1) of § 240.14a–3 to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(b) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S–X (Part 210 of this chapter), except that the provisions of Article 3 (other than § 210.3–03(e), 210.3–04 and 210.3–20) and Article 11 shall not apply. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

8. By revising paragraph (a)(1) of § 240.14c–3 to read as follows:

§ 240.14c–3 Annual report to be furnished security holders.

(a) * * *

(1) The report shall include, for the registrant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years and audited statements of income and changes in financial position for each of the three most recent fiscal years prepared in accordance with Regulation S–X (Part 210 of this chapter), except that the provisions of Article 3 (other than § 210.3–03(e), 210.3–04 and 210.3–20) and Article 11 shall not apply. Any financial statement schedules or exhibits or separate financial statements which may otherwise be required in filings with the Commission may be omitted. Investment companies registered under the Investment Company Act of 1940 need include financial statements only for the last fiscal year except for statements of changes in net assets which are to be filed for the two most recent fiscal years. If the financial statements of the registrant and its subsidiaries consolidated in the annual report filed or to be filed with the Commission are not required to be audited, the financial statements required by this paragraph may be unaudited.

* * * * *

Authority

These amendments are being adopted pursuant to the authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s] of the Securities Act of 1933; Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w] of the Securities Exchange Act of 1934; Sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n, 79t] of the Public Utility Holding Company Act of 1935; and Sections 8, 30, 31(c) and 38(a) [15 U.S.C. 80a–8, 80a–29, 80a–30(c), 80a–37(a)] of the Investment Company Act of 1940.

As required by Section 23(a)(2) of the Securities Exchange Act, the Commission has specifically considered the impact that the amendments will have on competition. The Commission finds that compliance with the amendments will not impose a burden on competition.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 7, 1983.

[FR Doc. 83–6832 Filed 3–15–83; 8:45 am]

BILLING CODE 8010–01–M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 1H5321/R139, PH–FRL 2321–6]

Tolerances for Pesticides in Food and in Animals Administered by the Environmental Protection Agency; Dicamba

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes food and feed additive regulations to permit the combined residues of the herbicide dicamba and its metabolite in or on certain food and feed commodities. This regulation to establish maximum permissible levels for the combined residues of the pesticide in or on the commodities was requested, pursuant to a petition, by Velsicol Chemical Corporation.

EFFECTIVE DATE: March 16, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of October 27, 1981 (46 FR 52417), that announced that Velsicol Chemical Corp., 341 East Ohio St. Chicago, Illinois 60611, had filed food/feed additive petition 1H5321 with the EPA. This petition proposed the establishment of a food and a feed additive regulations for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite (3,6-dichloro-5-hydroxy-*o*-anisic acid in or on sugarcane molasses at 0.5 ppm.

The petitioner subsequently amended the petition to propose the establishment of food and feed additive regulations for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on sugarcane molasses at 2.0 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated and discussed in a related document [1F2569/R539] establishing

tolerances on sugarcane, sugarcane fodder and forage, milk, meat, fat, meat byproducts, liver and kidney of cattle, goats, hogs, horses, and sheep which appears elsewhere in today's Federal Register.

The acceptable daily intake (ADI) based on the 2-year dog feeding study (NOEL of 1.25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg diet is calculated to be 0.1174 mg/day, which utilizes 15.65 percent of the ADI. The current action will add .00092 to the TMRC and utilize 0.13 percent of the ADI. The related document shown above, establishing tolerances on sugarcane, sugarcane fodder and forage, milk, liver, kidney, meat, fat and meat byproducts utilize 20.75 percent of the ADI. Other proposed but unapproved tolerances utilize 0.8 percent of the ADI.

Chemical analyses of dicamba indicate that certain formulations may contain low levels of dimethyl-*N*-nitrosamine (DMNA) as an impurity. Laboratory studies have shown that DMNA is carcinogenic in test animals. Therefore, although dicamba itself has not been shown to be oncogenic, the potential risk from the DMNA impurity must be considered. In addition, because these regulations relate to food and feed additives, the applicability of the Delaney Clause, section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 348(c)(3)(A), must be addressed.

The Delaney Clause requires the disapproval of any food or feed additive that has been shown to be a carcinogen in animal studies; it does not say that an additive shall be disapproved if any of its impurities (or constituents) are found to induce cancer. In this instance, the additive itself, dicamba, has not been shown to induce cancer. Recently, the Food and Drug Administration (FDA) has interpreted the Delaney Clause as not barring the approval of an additive with an undesired, nonfunctional oncogenic constituent, so long as the additive itself has not been shown to be oncogenic. Rather, FDA concluded, the impurity should be judged under the general safety provisions of the applicable section of FFDCA, using risk assessment as one of the decisions making tools. "D & C Green No. 8; Listing as a Color Additive in Externally Applied Drugs and Cosmetic", 47 FR 14138 (April 2, 1982); "Policy for Regulating Carcinogenic Chemicals in Food and Color Additives; Advanced Notice of Proposed Rulemaking", 47 FR 14464 (April 2, 1982). In issuing these regulations, the Agency has adopted and applied the FDA rationale for approving food and feed additives, for the reason set forth in the April 2, 1982 FDA publications.

The Agency has evaluated pertinent toxicology and residue information and has concluded that the potential oncogenic risk from any DMNA impurity in the dicamba to be used on sugarcane is very low. Even assuming a maximum theoretical residue level of DMNA in sugarcane and that all sugar in the diet is contaminated with DMNA, the potential oncogenic risk is estimated to be in the 10^{-8} range, well below the Agency's 10^{-6} action level for nitrosoamines. *See* "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy", 45 FR 42854 (June 25, 1980). Further support for the Agency's decision is derived from the failure to detect any DMNA residues in samples of sugarcane treated with dicamba under customary conditions of use.

The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) *et seq.*). Therefore 21 CFR Parts 193 and 561 are amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: March 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

Therefore, 21 CFR, Chapter I, is amended as follows:

PART 193—[AMENDED]

1. In Part 193 by adding a new § 193.465 to read as follows:

§ 193.465 Dicamba.

Tolerances are established for the combined residues of the herbicide dicamba [3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the following processed foods when present therein as a result of application of this herbicide to growing crops.

Foods	Parts per million
Sugarcane molasses	2.0

PART 561—[AMENDED]

2. In Part 561 by adding a new § 561.427 to read as follows:

§ 561.427 Dicamba.

Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the following processed foods when present therein as a result of application of this herbicide growing crops.

Foods	Parts per million
Sugarcane molasses	2.0

[FR Doc. 83-6811 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Puget Sound Area, Washington; Correction

AGENCY: Army Corps of Engineers, DOD.

ACTION: Final rule, correction.

SUMMARY: The Corps of Engineers published amendments to 33 CFR 207.750 in the **Federal Register** dated August 10, 1982 (47 FR 34534–34536). The regulations which establish the Hood Canal Naval restricted area were not changed as indicated in the preamble of that publication.

EFFECTIVE DATE: March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: The regulations in 33 CFR 207.750(e) Hood Canal, Bangor; Naval restricted areas as published in column 3 on 48 FR 34534 in the issue of August 10, 1982 is corrected by amending subparagraph (e)(3) *The regulations* as follows:

1. Change *with* to within in paragraph (e)(ii) (B) and (D).
2. Change *wil* to will in paragraph (e)(ii)(E).
3. Change paragraph (e)(ii) (F) to (4), add Enforcement and add *or his/her authorized representatives,* in lieu of and such agencies as he/she may designate.

Dated: March 4, 1983.

Approved:

John O. Roach, II,

DA Liaison Officer, With the Federal Register.

PART 207—[CORRECTED]

Accordingly the amendatory language for § 207.750 on page 34534, column 3 is corrected by removing "(e)(3)(i)" and replacing it with "(e)(3)" and by removing "by adding a new paragraph (f) as follows:" and replacing it with "by adding new paragraphs (e)(4) and (f) as follows:".

As corrected, (e)(3) is revised and (e)(4) is added to read as follows:

§ 207.750 Puget Sound Area, Washington.

* * * * *

(e) Hood Canal, Bangor; Naval restricted areas.

* * * * *

(3) The regulations—(i) Area No. 1 No person or vessel shall enter this area without permission from the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

(ii) Area No. 2 (A) The area will be used intermittently by the Navy for magnetic silencing operations.

(B) Use of any equipment such as anchors, grapnels, etc., which may foul underwater installations within the restricted area, is prohibited at all times.

(C) Dumping of any nonbuoyant objects in this area is prohibited.

(D) Navigation will be permitted within that portion of this circular area not lying within Area No. 1 at all times except when magnetic silencing operations are in progress.

(E) When magnetic silencing operations are in progress, use of the area will be indicated by display of quick flashing red beacons on the pier located in the southeast quadrant of the area.

(4) Enforcement. The regulations in this subsection shall be enforced by the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

* * * * *

(33 U.S.C. 1)

[FR Doc. 83-6808 Filed 3-15-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL 2311-4; EPA Docket No. AW0 42 MD]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision of the Maryland State Implementation Plan. The revision is a Secretarial Order which provides for an extension of the previous visible emission exception granted to the Maryland Cup Corporation's Reisterstown Road plant from the State's "no visible emissions" regulations. The variance allows visible emissions not to exceed 25% opacity from the company's four wax coaters with their related cooling and exhaust systems.

EFFECTIVE DATE: The variance expires on September 11, 1987. This action will be effective on May 16, 1983 unless notice is received by April 15, 1983 that someone wishes to submit adverse or critical comments.

ADDRESS: Written comments should be addressed to Mr. Henry J. Sokolowski of the EPA, Region III address shown below. Copies of the revision and associated support material are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Patricia Gaughan

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW. (Waterside Mall), Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 804, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Patricia Gaughan (3AW12), 215/597–8176 at the EPA, Region III address indicated above.

SUPPLEMENTARY INFORMATION: The State of Maryland submitted a Secretarial Order on November 15, 1982, for the Maryland Cup Corporation as a revision to the Maryland State Implementation Plan. The revision renews an exception, originally approved by EPA on November 16, 1981, 46 FR 56915, for a period of five years to COMAR 10.18.01.08 which requires no visible emissions. It applies to four wax coaters and their related cooling and exhaust systems at the Corporation's Reisterstown Road plant located in Baltimore County. The exception allows visible emissions not to exceed 25% opacity and expires September 11, 1987. The State demonstrated that the revision would not impact attainment of National Ambient Air Quality Standards.

The company has been unable to find an effective means to control the visible emissions. During the variance period, the company will continue to research new control technology applicable to its operation.

The State of Maryland certified that a public hearing on this SIP was held on November 1, 1982, as required by 40 CFR 51.4.

EPA Action: EPA has determined that this revision has no impact on attaining the National Ambient Air Quality Standards. EPA approves this revision.

The Office of Management and Budget has exempted this rule from

requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 1983. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(42 U.S.C. 7401–7642)

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1982.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070, paragraph (c)(69) is added as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(69) A revision submitted by the State of Maryland on November 15, 1982, consisting of an extension to the previous visible emission exception to COMAR 10.18.01.08 (Exception to Visible Emission Requirements) for the Maryland Cup Corporation. The exception is renewed until September 11, 1987.

[FR Doc. 83-6823 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 52 and 62

[A-10-FRL 2310-5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon Department of Environmental Quality (DEQ) rules for primary aluminum plants and for equipment burning salt-laden wood waste from logs stored in salt water as revisions to the Oregon State Implementation Plan (SIP). EPA also approves the DEQ plan for controlling fluoride emissions from existing primary aluminum reduction plants. These revisions and plan were submitted by the State of Oregon, after adequate opportunity for public, private, and industry input, to satisfy the requirements of Sections 110 and 111(d) of the Clean Air Act.

DATES: This action will be effective on May 16, 1983 unless notice is received before April 15, 1983 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Central Docket Section (10A–82–20), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

A copy of the State's submittal may be examined at: The Office of Federal Register, 1101 L Street NW., Room 8401, Washington, D.C. 20408.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442–1980, (FTS) 399–1980.

SUPPLEMENTARY INFORMATION:

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I. Introduction.
II. Plan Revisions.
A. Rules for Primary Aluminum Plants.
B. Rules for Equipment Burning Salt-Laden Wood Waste from Logs Stored in Salt Water.
III. State Plan for Controlling Fluoride Emissions from Existing Primary Aluminum Reduction Plants.
IV. Summary of Action.

I. Introduction

Over the past several years the State of Oregon has submitted to EPA, as revisions to the Oregon SIP, a number of amendments to the DEQ rules for primary aluminum plants and equipment burning salt-laden wood waste from logs stored in salt water. Pursuant to Section 110 of the Act, EPA is today approving these revisions in order to make the Federally-approved SIP consistent with the current State air pollution control program. Section II describes each revision which EPA is approving. The State of Oregon has also submitted to EPA its plan for controlling fluoride emissions from existing primary aluminum reduction plants. Pursuant to Section 111(d) of the Act, EPA is today approving this plan which is described in Section III. Section IV summarizes EPA's action.

II. Plan Revisions

A. *Rules for Primary Aluminum Plants*

On February 21, 1974, DEQ submitted amendments to the existing rules for primary aluminum plants. These revisions:

(1) Added definitions of the terms "annual average," "monthly average," "opacity" and "Ringelmann smoke chart" to Oregon Administrative Rules, Chapter 340, Division 25, Section 260 (OAR 340–25–260);

(2) Added specific emission limitations for existing and new primary aluminum plants for total fluoride emissions and total organic and inorganic particulate matter emissions, and revised the standard for visible emissions for new plants from twenty percent to ten percent opacity (OAR 340–25–265);

(3) Added provisions to require more restrictive emission limits upon a finding by the Environmental Quality Commission (EQC) that the plant is located in a special problem area (OAR 340–25–270);

(4) Revised the requirements for monitoring programs (OAR 340–25–275);

(5) Revised the requirements for reporting (OAR 340–25–285);

(6) Deleted the requirements for special studies and revision of emission standards (previously OAR 340–25–285 and 290 respectively); and

(7) Renumbered the rule.

The DEQ however had not, at the time of submittal, met all the requirements for public hearings contained in 40 CFR 51.4.

On February 14, 1980, DEQ submitted further amendments to the rules for primary aluminum plants as an amendment to the February 21, 1974

submittal. These amendments extended the date for existing plants to comply with the emission limits for new plants from January 1, 1984 to January 1, 1986 (OAR 340–25–265(4)(b)), and extended the date for the EQC review of the feasibility of applying the limits for new plants to existing plants from 1979 to December 31, 1981 (OAR 340–25–265(5)). However, this submittal did not remedy the public hearing deficiency of the February 21, 1974 submittal.

Finally, on August 9, 1982, DEQ submitted further amendments to the rules for primary aluminum plants as an amendment to the two previous submittals. These amendments:

(1) Revised the definitions of "annual average" and "monthly average" in OAR 340–25–265;

(2) Revised the emission limits for total organic and inorganic particulate matter for plants using prebake cells;

(3) Deleted the provisions for compliance schedules and EQC feasibility studies in OAR 340–25–265(4) and 265(5) and required existing plants to comply with applicable emission limits immediately upon adoption of the rules (OAR 340–25–265(4));

(4) Revised the requirements for monitoring (OAR 340–25–290);

(5) Revised the requirements for reporting (OAR 340–25–285); and

(6) Made a number of minor revisions to correct citations to new statutes and rules.

In this submittal, DEQ certified that public hearings had been held on the entire rule for primary aluminum plants per 40 CFR 51.4

Since these rule revisions tighten the requirements of the current SIP and meet the applicable requirements of the Act, EPA is approving the rules, as submitted on February 21, 1974 and subsequently amended on February 14, 1980 and August 9, 1982.

B. Rules for Equipment Burning Salt-Laden Wood Waste from Logs Stored in Salt Water

On October 18, 1982, DEQ submitted an amendment to its rule for fuel burning equipment (OAR 340–21–020(2)) which exempts salt emissions from the current emission limitations for existing or new sources. This new subsection applies only to sources burning salt-laden wood waste on July 1, 1981, where salt in the fuel is the only reason for failure to comply with the emission limit and when the salt in the fuel results from storage or transportation of logs in salt water. Furthermore, this subsection establishes a new emission limit for subject sources of 0.6 grains per standard cubic foot for combined salt and particulate emissions, and a requirement that the plumes from the boiler stacks not exceed a darkness of Ringelmann 2 for more than 3 minutes in any one hour. The subsection also requires bi-annual particulate emissions source tests of the boiler stacks. With the submittal of the amended rule, DEQ requested the removal of the Air Contaminant Discharge Permit for the Weyerhaeuser plant in North Bend, Oregon (Permit Number: 06–0007) from the SIP.

The DEQ has certified that the only source impacted by this rule revision is the Weyerhaeuser plant in North Bend, Oregon. The new emission limit of 0.6 grains per standard cubic foot, which is equivalent to 320 pounds per hour for this source, represents an increase of 40 pounds per hour over the current SIP allowable limit of 280 pounds per hour which was approved by EPA on November 6, 1981 (46 FR 55101). However, the DEQ has indicated that the new limit of 320 pounds per hour reflects only a more accurate measurement of the flue gas flow rate and not an increase in actual emissions from the source. The annual emission limit of 1170 tons will not be changed. Therefore, since the only affected source is located in an attainment area and the rule revision will not result in an increase in emissions, EPA is approving the October 18, 1982 submittal and removing the previously approved Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) from the SIP.

III. State Plan for Controlling Fluoride Emissions from Existing Primary Aluminum Reduction Plants

As discussed above in Section II. A., Rules for Primary Aluminum Plants, DEQ submitted emission limitations for total fluoride emissions to EPA as a SIP revision on February 21, 1974. Also on February 21, 1974, DEQ submitted revisions to the requirements for monitoring and reporting for primary aluminum plants. On January 13, 1981, DEQ submitted its plan for the control of fluoride emissions from primary aluminum reduction plants as required by Section 111(d) of the Act and 40 CFR 60, Subpart B of EPA regulations. Finally, as discussed above, DEQ submitted further amendments to the monitoring and reporting requirements for primary aluminum plants.

The DEQ rules contain emission limitations prescribing allowable rates of emissions which are as stringent as the EPA emission guidelines. The rules specify test methods and procedures for determining compliance which are equivalent to those in Appendix A, 40 CFR Part 60. The DEQ has certified that the two existing primary aluminum reduction plants subject to these emission limitations, Reynolds Metals Company in Troutdale, Oregon, and Martin-Marietta in The Dalles, Oregon, are in compliance with Federal and State regulations for fluoride emissions. The rules include adequate legal authority and specific provisions for monitoring, testing, and reporting.

EPA has determined that the DEQ plan satisfies the requirements of Section 111(d) of the Act and EPA's regulations. Therefore, EPA is approving the plan as submitted on January 13, 1981, as amended by the August 9, 1982 submittal.

IV. Summary of Action

EPA views as noncontroversial and routine any revision to State emission limitations, developed for implementing the requirements of Sections 110 and 111(d) of the Act, which are enforceable and allow no increase in either emissions or ambient air quality levels. EPA also views as noncontroversial and routine any revision to State procedures which do not conflict with the requirements of Federal law or regulations. EPA today is therefore approving, without prior proposal, the amendments to DEQ rules for primary aluminum plants submitted on February 21, 1974, February 14, 1980, and August 9, 1982, the amendments to DEQ rules for equipment burning salt laden wood waste from logs stored in salt water submitted on October 18, 1982, and the plan for the control of fluoride emissions from primary aluminum reduction plants submitted on January 13, 1981 as amended by the August 9, 1982 submittal.

The public should be advised that this action will be effective on May 16, 1983. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 16, 1983. This action may not be challenged later in proceedings to

enforce its requirements. (See sec. 307(b)(2) of the Act.)

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that SIP approvals under Section 110 and plan approvals under Section 111(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sec. 110(a), 111(d) and 301(a) of the Clean Air Act (42 U.S.C. 7410(a), 7411(d) and 7601(a)))

List of Subjects

40 CFR Part 52

Air pollution control, Ozone, Sulfur, oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydorcarbons, Intergovernmental relations.

40 CFR Part 62

Air pollution control, Fluoride, Sulfur Administrative practice nad procedure, Intergovernmental relations, Reporting requirements.

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In § 52.1970, paragraphs (c) (57) and (58) are added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(57) Amendments to the rules for primary aluminum plants submitted by the Oregon State Department of Environmental Quality on February 21, 1974 (OAR 340–25–255 to 290), February 14, 1980 (OAR 340–25–265(4)(b) and 265(5)) and August 9, 1982 (OAR 340–25–255 to 285)

(58) Amendments to the rules for equipment burning salt laden wood waste from logs stored in salt water (OAR 340–21–020) and removal of Conditions 4, 5, and 6 of the Air Contaminant Discharge Permit for the Weyerhaeuser Company plant in North Bend, Oregon (Permit Number: 06–0007) submitted by the Oregon State Department of Environmental Quality on October 18, 1982.

PART 62—[AMENDED]

Part 62 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. Section 62.9350 is renumbered as § 62.9500 and retitled as follows:

§ 62.9500 Identification of sources.

2. Section 62.9351 is renumbered as § 62.9501 and retitled as follows:

§ 62.9501 Identification of sources.

3. A new section is added as follows:

Plan for the Control of Designated Pollutants From Existing Facilities [Section 111(d) Plan]

§ 62.9350 Identification of plan.

(a) Identification of plan: Oregon Designated Facility Plan [Section 111(d) Plan].

(b) The plan was officially submitted as follows:

(1) Control of fluoride emissions from phosphate fertilizer plants, submitted by the Oregon State Department of Environmental Quality on June 1, 1977.

(2) Control of sulfuric acid mist emissions from sulfuric acid production units, submitted by the Oregon State Department of Environmental Quality on January 27, 1978.

(3) Control of fluoride emissions from primary aluminum reduction plants, submitted by the Oregon State Department of Environmental Quality on January 13, 1981 and August 9, 1982.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

(1) Phosphate fertilizer plants.

(2) Sulfuric acid production units.

(3) Primary aluminum reduction plants.

4. A new section is added as follows:

Fluoride Emissions From Primary Aluminum Reduction Plants

§ 62.9360 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plants:

(a) Reynolds Metals Company in Troutdale, Oregon

(b) Martin-Marietta in The Dalles, Oregon.

[FR Doc. 83-6619 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 65

[A-3-FRL No. 2322-2]

Approval of Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of the Environmental Protection Agency hereby approves a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation. The Order requires the company to bring air emissions from its storage shelving manufacturing facility in Warren, Pennsylvania into compliance with certain regulations contained in the Federally approved Pennsylvania State Implementation Plan (SIP) by April 9, 1985. Because of the Administrator's approval, compliance with the Order by InterRoyal will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule will take effect March 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Arena, Air and RCRA Compliance Section (3AW22), Air & Waste Management Division, U.S. EPA, Region III, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597–4561.

ADDRESSES: A copy of the Delayed Compliance Order, and supporting material, and any comments received in response to a prior **Federal Register** notice proposing approval of the Order are available for public inspection and copying (for appropriate charges) during normal business hours at: U.S. EPA, Region III, Air & Waste Management Division (3AW22), Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On December 12, 1982 the Acting Regional Administrator of the Environmental Protection Agency's Region III Office published in the **Federal Register**, Vol. 47 No. 245, a notice proposing approval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to InterRoyal Corporation. The notice asked for public comments January 20, 1983 on the EPA proposal.

One public comment in favor of the proposal was received by this Office, therefore the delayed compliance order issued to InterRoyal Corporation is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The order places InterRoyal Corporation on a schedule to bring its shelving manufacturing facility in Warren into compliance as expeditiously as practicable with Title 25 Pennsylvania Code, § 129.52, "Surface Coating Process", a part of the federally approved Pennsylvania State Implementation Plan. The order also imposes interim requirements which meet Section 113(d)(1)(C) and 113(d)(7) of the act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit InterRoyal Corporation to delay compliance with the SIP regulations covered by the Order until April 9, 1985. The company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective (the date of publication of this notice) because of the need to immediately place InterRoyal Corporation on a schedule which is effective under the Clean Air Act for compliance with the applicable requirements of the Implementation Plan.

(42 U.S.C. 7413(d), 7601)

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

By adding the following entry to the table in Part 65.

§ 65.431 EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Inter-Royal Corporation	Warren, PA		12/21/82	Section 129.52 of Title 25	4/9/85

[FR Doc. 83-6813 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 1F2569/R539; PH-FRL 2321-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dicamba

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide dicamba and its metabolite in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels of dicamba was requested, pursuant to a petition, by Velsicol Chemical Corporation.

EFFECTIVE DATE: March 16, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environment Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of October 27, 1981 (46 FR 52417), that announced that Velsicol Chemical Corp., 341 East Ohio St., Chicago, Illinois 60611, had filed pesticide petition 1F2569 with the EPA. This petition proposed the establishment of tolerances for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxyo-*o*-anisic acid in or on the raw agricultural commodity sugarcane at 0.05 part per million (ppm), and for the combined residues of dicamba and its demethylated metabolite 3,6-dichloro-2-hydroxybenzoic anisic acid in or on the raw agricultural commodities meat, fat, and meat byproducts at 0.03 ppm and kidneys at 0.2 ppm.

The petitioner subsequently amended the petition to propose the establishment of tolerances for the combined residues of dicamba (3,6-dichloro-*o*-anisic acid) and its sugarcane metabolite 3,6-dichloro-5-hydroxyo-*o*-anisic acid in or on the raw agricultural commodities sugarcane at 0.1 ppm, and sugarcane forage and fodder at 0.1 ppm, and for the combined residues of dicamba and its metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities meat, fat, and meat byproducts (except liver and kidney) of cattle, goats, hogs, horses, and sheep at 0.2 ppm; liver and kidney of cattle, goats, hogs, horses, and sheep at 1.5 ppm and milk at 0.3 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicology data considered in support of the proposed tolerances include several acute studies, a teratology study (rabbit) with a no-observed effect level (NOEL) of 10 milligrams/kilogram/day (mg/kg/day); a teratology study (rat) with a NOEL of 100 mg/kg; a 3-generation reproduction study (rat) with a NOEL of 500 ppm (25 mg/kg/day); a 2-year feeding/oncognice study (rat) with systemic and oncogenic NOEL's of 500 ppm (25 mg/kg/day), and a 2-year feeding study (dog) with a systemic NOEL of 50.0 ppm (1.25 mg/kg/day).

The acceptable daily intake (ADI) based on the 2-year dog feeding study (NOEL of 1.25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) for existing tolerances for a 1.5 kg diet is calculated to be 0.1174 mg/day, which utilizes 15.65 percent of the ADI. The current action will add 0.1566 to the TMRC and utilize 20.75 percent of the ADI. Food and feed additive regulations of 2.0 ppm for sugarcane molasses being established in related document [PAP 1H5321/R130] appearing elsewhere in today's Federal Register will utilize 0.13 percent of the ADI. Other proposed but unapproved tolerances will utilize 0.8 percent of the ADI.

Data currently lacking are an acute dermal LD_{50} study, an acute inhalation study, mutagenicity studies (multi-test evidence) and repeat of an oncogenic study in a rodent (mouse). The company has been notified of the above deficiencies and has agreed to perform the studies and to remove the use from the label should the results of the above studies exceed the risk criteria for chronic toxicity as stated in 40 CFR 162.11.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography

with an electron capture detector, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical. Residues are likely to occur in meat, milk, but the residues should be adequately covered by the tolerances on these commodities.

Chemical analyses of dicamba indicate that certain formulations may contain low levels of dimethyl-*N*-nitrosamine (DMNA) as an impurity. Laboratory studies have shown that DMNA is carcinogenic in test animals. Therefore, although dicamba itself has not been shown to be oncogenic, the potential risk from the DMNA impurity must be considered.

The Agency has evaluated pertinent toxicology and residue information and has concluded that the potential oncogenic risk from any DMNA impurity in the dicamba to be used on sugarcane is very low. Even assuming a maximum theoretical residue level of DMNA in sugarcane and that all sugar in the diet is contaminated with DMNA, the potential oncogenic risk is estimated to be in the 10^{-8} range, well below the Agency's 10^{-6} action level for nitrosoamines. *See* "Pesticides Contaminated with *N*-nitroso Compounds; Proposed Policy", 45 FR 42854 (June 25, 1980). Further support for the Agency's decision is derived from the failure to detect any DMNA residues in samples of sugarcane treated with dicamba under customary conditions of use.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.227 is revised to read as follows:

§ 180.227 Dicamba; tolerances for residues

(a) Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-5-hydroxy-*o*-anisic acid in or on the raw agricultural commodities as follows:

Commodities	Parts per million
Asparagus	3.0
Barley, grain	0.5
Barley, straw	0.5
Corn, fodder	0.5
Corn, forage	0.5
Corn, grain	0.5
Grasses, hay	40.0
Grasses, pasture	40.0
Grasses, rangeland	40.0
Oats, grain	0.5
Oats, straw	0.5
Sorghum, fodder	3.0
Sorghum, forage	3.0
Sorghum, grain	3.0
Sugarcane	0.1
Sugarcane, fodder	0.1
Sugarcane forage	0.1
Wheat, grain	0.5
Wheat, straw	0.5

(b) Tolerances are established for the combined residues of the herbicide dicamba (3,6-dichloro-*o*-anisic acid) and its metabolite 3,6-dichloro-2-hydroxybenzoic acid in or on the raw agricultural commodities as follows:

Commodities	Parts per million
Cattle, fat	0.2
Cattle, kidney	1.5
Cattle, liver	1.5
Cattle, mbyp	0.2
Cattle, meat	0.1
Goats, fat	0.2
Goats, kidney	1.5
Goats, liver	1.5
Goats, mbyp	0.2
Goats, meat	0.1
Hogs, fat	0.2
Hogs, kidney	1.5
Hogs, liver	1.5
Hogs, mbyp	0.2
Hogs, meat	0.1
Horses, fat	0.1
Horses, kidney	1.5
Horses, liver	1.5
Horses, mbyp	0.1
Horses, meat	0.1
Milk	0.1
Sheep, fat	0.2
Sheep, kidney	1.5
Sheep, liver	1.5
Sheep, mbyp	0.2
Sheep, meat	0.1

[FR Doc. 83-6808 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2754/R525; PH-FRL 2321-4]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Flucythrinate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide flucythrinate in or on the commodity pears. This regulation to establish a maximum permissible level for residues of the insectide was requested, pursuant to a petition, by the American Cyanamid Company.

EFFECTIVE DATE: March 16, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of November 3, 1982 (47 FR 49892), that announced that the American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540, had submitted pesticide petition 2F2754 proposing to amend 40 CFR 180.400 by establishing a tolerance for residues of the insecticide ((±)cyano (3-phenoxyphenyl)methyl(+)-4-difluoromethoxy)-alpha-(1-methylethyl)

benzeneacetate in or on the raw agricultural commodity pears at 0.05 part per million (ppm).

The American National Standards Institute (ANSI) has adapted the common name "flucythrinate" for the above chemical name.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerance included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 81 milligrams (mg)/kilogram (kg) for male rats and 67 mg/kg for female rats; a 21-day delayed hen neurotoxicity study with a no-observed-effect level (NOEL) of 5,000 mg/kg, the highest dose tested (HDT); teratology studies (in rats and rabbits) with a NOEL of 8.0 mg/kg/day (HDT) for rats and a NOEL of 60 mg/kg/day (HDT) for rabbits; a 3 generation rat reproduction study with a NOEL of 30 ppm; 90-day subchronic rat and dog feeding studies with a NOEL of 60 ppm for rats and 150 ppm for dogs (HDT); 24-month rat chronic feeding/oncogenicity study which resulted in a systemic NOEL of 60 ppm (no oncogenic effects were noted at 120 ppm (HDT): an 18-month mouse oncogenic study (no oncogenic effects at 120 ppm (HDT); and the following mutagenicity studies: an Ames test at 1,000 μg/Plate (HDT) and a rat dominant lethal test at 10.0 mg/kg (HDT) (both negative).

Data considered desirable but currently lacking are a 6-month dog feeding study and a second neurotoxicity study in hens at higher dosage levels.

The petitioner has agreed in writing to (1) submit the 6-month dog study (which has been extended and will be reported as a 2-year dog study) and (2) repeat the 21-day delayed neurotoxicity study in hens at higher dose levels and submit the results to the Agency by April 30, 1983.

The acceptable daily intake (ADI) is calculated to be 0.0150 mg/kg/day based on the 3-generation rat reproduction study and its NOEL of 30 ppm (mg/kg) using a 100-fold safety factor. The maximum permissible intake (MPI) is calculated to be 0.9000 mg/day for a 60-kg person.

Currently published tolerances result in a theoretical maximum residue contribution (TMRC) of 0.0384 mg/day and utilize 4.27% of the ADI. The current action will increase the TMRC to 0.0386 mg/day and will result in the utilization of 4.29 percent of the ADI.

An adequate analytical method, gas chromatography, is available for enforcement purposes. There are currently no regulatory actions pending against the registration of this pesticide and no other relevant considerations in establishing this tolerance.

The nature of the residue is adequately understood for this tolerance. Because pears are not generally considered to be an animal, feed, there is no expectation of secondary residues in meat, milk, poultry and eggs.

The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is therefore established as set forth below.

Any person adversely affected by this regulation may, withihn 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Pursuant to the requiremens of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: March 3, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.400 is revised to read as follows:

§ 180.400 Flucythrinate; tolerances for residues.

Tolerances are established for residues of the insecticide flucythrinate ((±)cyano (3-phenoxyphenyl) methyl (±)-4-difluoromethoxy)-alpha-(1-methylethyl)benzeneacetate) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cottonseed	0.1
Pears	0.05

[FR Doc. 83-0614 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

Revision of Income Criteria for Eligibility for Uncompensated Services

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Rule-related notice.

SUMMARY: This notice announces the applicability of the recent revision of the poverty income guidelines to uncompensated services programs administered by health care facilities pursuant to Titles VI and XVI of the Public Health Service Act.

DATE: The revision of the guidelines must be implemented by affected facilities by March 20, 1983.

FOR FURTHER INFORMATION CONTACT: Martin J. Frankel, Director, Division of Facilities Compliance, OHF, BHMORD, HRSA, Room 5-30, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7795.

SUPPLEMENTARY INFORMATION: On February 17, 1983, the annual revision of the "Poverty Income Guidelines" was issued, effective upon publication (48 FR 7010). That revision affects, among others, health care facilities that have received construction assistance under Title VI or Title XVI of the Public Health Service Act, 42 U.S.C. 291, *et seq.*, and 42 U.S.C. 300q, *et seq.*, respectively. The regulations applicable to those facilities provide that the eligibility of persons for uncompensated services is to be determined in accordance with the current poverty income guidelines of the Department of Health and Human Services, formerly published by the Community Services Administration (CSA). See 42 CFR 124.508(a). The statute which gave this Department authority to revise the guidelines also provides that any reference in law to the poverty income guidelines constitutes a

reference to, in this case, the present revision. Pub. L. 97–35, 083(c)(1).

A discussion of the 30-day delay in the effective date can be found in the **Federal Register**, Volume 47, No. 79, page 17480, published on April 23, 1982.

Dated: March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-6867 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-17-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 21021-216]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic; Correction

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; correction.

SUMMARY: NOAA corrects a typographical error in the final rule published February 4, 1983 (48 FR 5270). The preamble to the regulations implementing the Fishery Management Plan for the Coastal Migratory Pelagic Resources referred (at 48 FR 5271) to a Florida law prohibiting the use of purse seines. The correct citation is Florida Statutes § 370.06(3).

EFFECTIVE DATE: March 15, 1983.

FOR FURTHER INFORMATION CONTACT: Jack T. Brawner, 813–893–3141.

(16 U.S.C. 1801 et seq.)

Dated: March 10, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 83-6851 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 205

[Docket No. ERA-R-83-01]

Proposed Amendment to Electric Power System Permits and Reports; Applications, Administrative Procedures and Sanctions—Fees To Pay Costs of Environmental Studies for Transmission Facilities Related to International Border Crossings

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a proposed rulemaking requiring applicants for Presidential Permits for the construction, maintenance and operation of electrical transmission lines associated with international border crossings to pay the costs of preparing and issuing any Environmental Impact Statement (EIS) necessary for ERA to comply with the National Environmental Policy Act of 1969 (NEPA). Environmental Assessments (EA), if required, may be prepared by the applicant pursuant to 40 CFR 1506.5(b), for the review and adoption by ERA. The applicant may also request that ERA arrange for the preparation of the EA, if required, at the applicant's expense. ERA proposes two alternatives. Under Alternative 1, when ERA determines that preparation of an environmental document is required, the applicant would enter into a contractual agreement with an independent third party contractor, selected by ERA. The independent third party contractor could be a government-owned, contractor-operated National Laboratory, or a private company qualified to conduct an environmental review and prepare an environmental document under the supervision of ERA. Under Alternative 2, when ERA determines that preparation of an environmental document is required, the applicant would be requested to submit a fee to ERA to cover the direct costs incurred by DOE in hiring a contractor to prepare the environmental document. The costs for which the applicant would be responsible would include the contractor's expenses to produce the draft and final environmental documents. DOE employee salaries and other fixed costs, as set forth in OMB Circular A–25, would not be charged to the applicant. Prior to the preparation of any Presidential Permit application, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

DATES: Written comments must be received not later than May 16, 1983. If requested or determined by ERA to be necessary, a public hearing will be held and the public so notified.

ADDRESSES: Written comments or requests for hearing should be addressed to the Office of Fuels Programs, Economic Regulatory Administraation, Department of Energy, Room GA–017, 1000 Independence Avenue, SW., Washington, D.C. 20585 (Docket No. ERA–R–83–01).

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Fuels Programs, Department of Energy, Room GA–017, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–5935

Lise Courtney M. Howe, Office of General Counsel, Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2000.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose.
II. Proposed Rule.
III. Procedural Matters.
IV. Comment Procedures.

I. Background and Purpose

The authority to issue Presidential Permits pursuant to Executive Order No. 10485 was transferred to the Secretary of Energy by Executive Order No. 12038 (43 FR 4957). This responsibility was delegated by the Secretary to the Administrator of the Economic Regulatory Administration (DOE Delegation Order No. 0204–04, October 1, 1977)

The ERA regulations relating to the application for the construction, maintenance and operation of electric power transmission facilities appurtenant to international border crossings were published on October 28, 1980 (45 FR 71560) and are contained in 10 CFR 205.320 *et seq.* The regulations require any person, firm, cooperative, corporation or other entity to obtain a Presidential Permit for the operation of electric power transmission or distribution facilities crossing the border of the United States. The regulations specifically require that each applicant provide information regarding the project, the transmission lines to be covered by the Permit, and the environmental factors and impacts associated with all the transmission facilities and line routing alternatives. Two conformed copies of the application and a filing fee of $150 must accompany the original application. Persons receiving Presidential Permits also are required to file an annual report with ERA covering each month of the preceding calendar year, detailing by category the kilowatt hours of energy received or delivered and the associated cost and revenue.

Although DOE presently does not require applicants for Presidential Permits to pay the costs of preparing EIS's required by NEPA, in another program DOE does. *See* 10 CFR 504.9, Environmental Requirements for Certifying Powerplants (Fuel Use Act Coal Conversion Prohibition Order). In addition, such direct payment is consistent with the third party agreement regulations of the Environmental Protection Agency's National Pollutant Discharge Elimination System Program (40 CFR 6.604(g)).

II. Proposed Rule

ERA proposes in 10 CFR 205.328 that applicants seeking Presidential Permits pursuant to 10 CFR 205.320 *et seq.* will be responsible for the direct payment of costs associated with preparing any environmental documentation necessary for ERA to comply with NEPA. Two alternative methods are proposed.

Under Alternative 1, DOE will determine, on the basis of environmental information provided by the applicant pursuant to the application requirements of § 205.322 (c) and (d), if the preparation of an EA or EIS is required. If it is determined that an EIS is required, the applicant would enter

into a contractual agreement with an independent third party, which could be a government-owned, contractor-operated National Laboratory, a privately-owned consulting firm, or otherwise qualified company. This third party would be selected by ERA and must be qualified to conduct and prepare an EIS under the supervision of ERA. The party would be required to file a disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application. ERA would approve the information to be developed and supervise the gathering, analysis, and presentation of the information. ERA would also have the authority to approve and modify any statement, analysis, or conclusion contained in the third party prepared environmental documents. Subsection 205.328(c) of Alternative 1 provides that ERA may waive the direct payment requirement where such waiver is determined by ERA to be in the public interest. If it is determined that an EA is required under Alternative 1, the applicant may prepare and environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by DOE, or the applicant may enter into a contractual agreement with and independent third party, selected by ERA, who would prepare the EA, as set forth above.

Under Alternative 2, DOE will determine, on the basis of environmental information provided by the applicant pursuant to the application requirements of § 205.322 (c) and (d), if the preparation of an EA or an EIS is required. If it is so decided, DOE would determine a fee to cover the costs incurred by ERA in engaging a contractor to prepare the environmental impact statement. The fee would include the contractor's fee in preparing the EIS. DOE employee salaries and other fixed costs, as set forth in OMB Circular A–25, would not be charged to the applicant. The necessary environmental studies would proceed once the applicant has submitted the fee. Any balance of the fee remaining once all costs are incurred would be returned to the applicant. As in Alternative 1, ERA may waive the direct payment requirement where such waiver is determined by ERA to be in the public interest. If it is determined that an EA is required, the applicant may prepare the EA pursuant to 40 CFR 1506.5(b) for review and adoption by DOE, or it may choose to follow the procedure set forth above for Altenative 1.

One of these alternatives could be adopted in the final rule, or both of the alternatives could be included in the regulations. If both were included, provision could be made to select, based upon mutual agreement by the applicant and DOE, the alternative most appropriate to project goals.

ERA solicits comments on the appropriateness of requiring applicants to fund environmental analyses associated with NEPA compliance, and whether the alternatives as proposed would impact on the overall feasibility of projects. Further, should ERA put a specific limitation on the costs to be paid by the applicant under the first alternative? How might such a limitation be determined? Under the second alternative, would it be preferable to pay the fee on a time basis? Finally, ERA solicits any other suggestions that would make the NEPA process more responsive to the planning requirements of applicants.

III. Procedural Matters

A. Environmental Analysis

DOE has determined that these proposed regulations do not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, do not require the preparation of an EIS.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, Pub. L. 96–354 (5 U.S.C. 601–612), requires, in part, that an agency prepared an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. Very few small entities within the meaning of the Regulatory Flexibility Act will be affected in any manner by these proposals because only a limited number of small entities seek such permits. DOE hereby certifies that these proposals, if adopted, are not likely to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Therefore, DOE is not required to publish an initial regulatory flexibility analysis under Section 603(b) of that Act.

C. Executive Order No. 12291

Section 3 of Executive Order No. 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule," as defined by section 1(b) of Executive Order No. 12291 and prepare a regulatory impact analysis for each major rule.

DOE has determined that these proposed regulations are not a major rule under Executive Order No. 12291, and do not require the preparation of a regulatory impact analysis. These proposals will be unlikely to result in an annual effect on the economy of $100 million or more. DOE foresees no major increase in costs or prices for consumers, industries, geographic regions, or Federal, State or local government agencies. DOE does not consider it likely that the proposals will result in significant adverse effects on competition, employment, investment, or productivity. Therefore, no regulatory impact analysis is required.

Pursuant to section 3(c)(3) of Executive Order No. 12291, these proposals were submitted to the Office of Management and Budget for review at least 10 days prior to publication in the **Federal Register.**

D. Paperwork Reduction Act of 1980

The information collection requirement proposed under Section 205.328 is not subject to clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511, because less than 10 applications are received annually. Collectively, only 80 applications have been received since the program began in 1939.

IV. Comment Procedures

A. Written Comments

The public is invited to submit written comments with respect to the regulations to the Office of Fuels Programs, Economic Regulatory Administration, Room GA–017, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation, "Environmental Requirements for Presidential Permit Applications," Docket No. ERA–R–83–01.

Five copies should be submitted. All written comments and related information must be received by the Department of Energy not later than May 16, 1983, to ensure consideration.

B. Public Hearing

After reviewing written comments, ERA will decide whether a public hearing is needed to make a determination on a Final Rule. If it is decided to hold a public hearing, public notice will be given by announcement in the **Federal Register.**

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Electric power, Electric utilities, Environment, Filing fees, Report requirements.

(Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101), E.O. 10485, 18 FR 5397, 3 CFR 1949-1953 Comp., p. 970, as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136, Department of Energy Delegation Order No. 0204-4 (46 FR 60726))

Issued in Washington, D.C. on March 4, 1983.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

In consideration of the foregoing, the Department of Energy proposed to amend Part 205 of Chapter II, Title 10, Code of Federal Regulations, by adding § 205.328 to describe fees and clarify environmental requirements for Presidential Permit applicants.

Alternative 1

§ 205.328 Environmental Requirements for Presidential Permits.

(a) *NEPA Compliance.* Except as provided in paragraph (c) of this section, when an applicant seeks a Presidential Permit, the applicant will be responsible for the costs of preparing any necessary environmental document, including an Environmental Impact Statement (EIS), arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA). ERA will determine whether an EA or EIS is required within 45 days of the receipt of the Presidential Permit application and environmental information submitted pursuant to 10 CFR 205.322 (c) and (d). ERA will use the environmental information as the basis for making this determination. ERA may also use other information which the applicant may not have.

(1) If an EIS is determined to be necessary, the applicant shall enter into a contract with an independent third party, which could be a government-owned, contractor-operated National Laboratory, or a qualified private entity selected by ERA. The third party contractor must be qualified to conduct an environmental review and prepare an EIS, as appropriate, under the supervision of ERA, and may not have a financial or other interest in the outcome of the proceedings. The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(2) If an EA is determined to be necessary, the applicant may prepare an environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by EPA, or the applicant may enter a third party contract as set forth in this section.

(b) *Environmental Review Procedure.* Except as provided in paragraph (c) of this section, environmental documents, including the EIS, where necessary, will be prepared utilizing the process set forth above. ERA, the applicant, and the independent third party, which could be a government-owned, contractor-operated National Laboratory or a private entity, shall enter into an agreement in which the applicant will engage and pay directly for the services of the qualified third party to prepare the necessary environmental documents. The agreement shall outline the responsibilities of each party and its relationship to the other two parties regarding the work to be done or supervised. ERA shall approve the information to be developed and supervise the gathering, analysis and presentation of the information. In addition, ERA will have the authority to approve and modify any statement, analysis, and conclusion contained in the environmental documents prepared by the third party. Before commencing preparation of the environmental document, the third party will execute an ERA-prepared disclosure document stating that it does not have any conflict of interest, financial or otherwise, in the outcome of either the environmental process or the Permit application.

(c) *Financial Hardship.* Whenever ERA determines that there is reason to believe it is in the public interest for the Federal government to bear all or a portion of the costs, ERA may waive the requirement set forth in paragraphs (a) and (b) of this section and perform the necessary environmental review, completely or in part, with its own resources.

(d) Prior to the preparation of any Presidential Permit application and environmental assessment, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

Alternative 2

§ 205.328 Environmental Requirements for Presidential Permits.

(a) *NEPA Compliance.* Except as provided in paragraph (b) of this section, applicants seeking Presidential Permits will be financially responsible for the expenses of any contractor chosen by ERA to prepare any necessary environmental document arising from ERA's obligation to comply with the National Environmental Policy Act of 1969 (NEPA) in issuing such Presidential Permits.

(1) ERA will determine whether an Environmental Import Statement (EIS) or an Environmental Assessment (EA) is required within 45 days of receipt of the Presidential Permit application and the environmental information submitted pursuant to 10 CFR 205.322(c) and (d). ERA will use the environmental information as the basis for making this determination. ERA also may use other information which the applicant may not have.

(2) If an EIS is required, ERA will notify the applicant within 90 days after the submission of the application and environmental information of the fee for completing the EIS. The fee shall be based on the expenses incurred by DOE in choosing a contractor to prepare the EIS and the fee charged to ERA by the contractor. DOE employee salaries and other fixed costs, as set forth in OMB Circular A-25, shall not be included in the applicant's fee. Fee payment shall be by check, draft, or money order payable to the Treasurer of the United States, and shall be submitted to ERA. Upon submission of the environmental fee, ERA will provide the applicant a tentative schedule of completion of the EIS.

(3) If an EA is determined to be necessary, the applicant may prepare an environmental assessment pursuant to 40 CFR 1506.5(b) for review and adoption by ERA, or the applicant may choose to have ERA prepare the EA pursuant to the fee arrangement set forth above.

(4) The NEPA process must be completed and approved before ERA will issue a Presidential Permit.

(b) *Financial Hardship.* Whenever ERA determines that there is reason to believe that it is in the public interest for the Federal government to bear all or a portion of the costs associated with the environmental process, ERA may waive the requirement set forth in paragraph (a) of this section and perform the necessary environmental review in part or completely with its own resources.

(c) Prior to the preparation of any Presidential Permit application, a potential applicant is encouraged to contact ERA and discuss the scope of the proposed project.

[FR Doc. 83-6831 Filed 3-15-83; 8:45 am]
BILLING CODE 6450-01-M

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10 CFR Part 625

Sale of Strategic Petroleum Reserve Petroleum

AGENCY: Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) proposes to adopt a rule governing price competitive sales of petroleum from the Strategic Petroleum

Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program. DOE is proposing to adopt a rule that will establish a framework for conducting the price competitive sale of the petroleum and for entering into contracts with those offerors who are awarded contracts for the purchase of SPR petroleum.

DOE solicits written comments with respect to this proposal.

DATE: Comments by May 2, 1983.

ADDRESSES: Send comments to: Lynn Warner, MA–863.1, Department of Energy, Room 1J–027, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Marcia L. Morris, MA–863.1, Procurement and Assistance Management Directorate, Department of Energy, Room 1J–027, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9073;

Fred A. Hutchinson, Strategic Petroleum Reserve, Environmental Protection, Safety and Emergency Preparedeness, Department of Energy, Room 3E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–4734;

E. Grant Garrison, Office of General Counsel, Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background
II. Proposed Rule
III. Public Comment on the Standard Sales Provisions
IV. Comment Procedures
V. Other Matters

I. Background

A. Legislative Background

The Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, 42 U.S.C. 6201 *et seq.*, signed into law on December 22, 1975, authorized the creation of the SPR. The objective of the SPR is to provide for the storage of substantial quantities of petroleum in order to diminish U.S. vulnerability to the effects of a severe energy supply interruption, and to facilitate carrying out U.S. obligations under the Agreement on an International Energy Program.

An SPR Plan, which includes detailed proposals for development of the SPR, was transmitted to the Congress as Energy Action No. 10 on February 16, 1977, and became effective on April 18, 1977. Subsequently, to accelerate the development schedule, Plan Amendment No. 1 was transmitted to the Congress by the Federal Energy Administration (FEA), a predecessor agency of the Department of Energy, as Energy Action No. 12 on May 15, 1977, and became effective on June 20, 1977. Plan Amendment No. 2, which authorized expansion of the SPR to one billion barrels, was transmitted to the Congress by the DOE as Energy Action DOE No. 2 on May 18, 1978, and became effective on June 13, 1978. Plan Amendment No. 3, setting forth the method of withdrawal and distribution of the SPR oil, was transmitted to the Congress as Energy Action DOE No. 5 on October 21, 1979, and became effective on November 15, 1979.

In the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97–229, Congress required that a new "Drawdown" (distribution) Plan replacing SPR Plan Amendment No. 3 be transmitted to the Congress; it provided that this amendment would take effect on the date transmitted, without Congressional review. The Plan was transmitted to Congress on December 1, 1982, and took effect on that date. The purpose of this rulemaking proceeding is to provide a framework for implementing policies and procedures set out in the new SPR Distribution Plan.

Section 161(d) of the EPCA stipulates that drawdown and disbribution of the SPR may not be made unless the President finds that such actions are "required by a severe energy supply interruption or by obligations of the United States under the international energy program." A severe energy supply interruption is defined in section 3(8) of the EPCA as a national energy supply shortage which the President determines:

(A) Is, or is likely to be, of significant scope and duration, and of an emergency nature;

(B) May cause major adverse impact on national safety or the national economy; and

(C) Results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

The International Energy Program referred to in section 161(d) is the Agreement on an International Energy Program (IEP) signed by the United States on November 18, 1974. This Agreement authorizes, under specific conditions, an emergency program among participating countries pursuant to which member countries would share the world-wide crude oil supplies available to them. The existence of IEP obligations can serve as a basis for authorizing an SPR drawdown. However, there is no requirement that the SPR be drawn down and used to satisfy these obligations.

Section 161(b) provides that "no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a)."

B. Regulatory Background

The previous SPR Distribution Plan, Plan Amendment No. 3, contained a number of alternative distribution methods which relied upon the Secretary's rulemaking authority under section 161(e) of EPCA. To establish the regulatory framework for such distribution methods, DOE in 1980 adopted 10 CFR Part 220 as well as conforming amendments to its Standby Mandatory Crude Oil Allocation Program and Buy/Sell Program. Part 220 limited the distributions of SPR oil to refiners and established three regulatory mechanisms for allocating SPR oil.

Under the original Part 220, the allocation alternatives available to the Secretary were: First, allocations of SPR crude oil to small refiners under the Buy/Sell Program in such amounts as the Secretary deemed appropriate; second, allocation under the Standby Mandatory Crude Oil Allocation Program, which intself contained several allocation alternatives; and third, allocation of SPR crude oil outside of these programs in such manner as the Secretary determined to be necessary to attain the objectives of the Emergency Petroleum Allocation Act.

Part 220 also established procedures for the conduct of sales, consisting of four basic steps. The first step was the acceptance by refiners of the Sales Agreement which was to set forth the most fundamental provisions of a contract of sale. The second step, upon a Presidential decision to draw down the SPR, was the issuance of the Notice of Sale. In addition to specifying the quantity and quality of crude oil available for sale, the location of the oil and the date and time for submission of offers, the Notice of Sale was to set forth any limitations on the eligibility of refiners to participate in that sale. For example, Part 220 permitted the Secretary to limit the sale to refiners assigned an allocation on the buy/sell list, or refiners capable of supplying a particular product to a particular region. The third step was the evaluation of offers; the fourth, award of contracts.

For crude oil allocated under Part 220, a framework for setting a price was adopted. DOE was to establish a price for its high sulfur and low sulfur crudes with provisions for adjustment for gravity and sulfur content. The price was not to be significantly higher or lower than the highest and lowest prices respectively, in comparable sales of allocated crude oil occurring in the month of sale. In determining prices DOE was to consider (1) the weighted average per barrel landed cost of all crude oil delivered to refiners in the month of sale, (2) data reported to DOE on transactions between affiliated and non-affiliated entities and (3) such other data as DOE considered appropriate.

On January 28, 1981, President Reagan issued Executive Order No. 12287, eliminating the existing regulatory programs to which the original Part 220 related. Part 220 was amended on March 30, 1981, to delete all references to the Buy/Sell Program and eliminate use of that program as a means for distributing SPR oil. No further changes have been adopted to Part 220; however, in accordance with the new Distribution Plan, those regulations will be reviewed and revised to conform to the new Distribution Plan which relies primarily on price competitive sales for distributing SPR petroleum.

Part 220 was adopted under authority of § 161(e) of the EPCA which authorized the Secretary to provide by rule for the allocation of SPR petroleum. The proposed rule is to be adopted under the general authority of the Secretary to promulgate rules to the extent necessary to implement the SPR Plan. The proposed rule will cover all price competitive sales of SPR petroleum. Part 220 will continue to cover only the allocation of SPR petroleum in accordance with the new Distribution Plan.

C. SPR Facilities

The SPR is being developed in three phases, each of which increases the program's overall storage capacity and drawdown capability. As of March 1, 1983, over 300 million barrels of oil were in storage in the SPR; virtually the entire permanent storage capacity currently available is filled with oil.

Phase I consisted of the development of five underground oil storage facilities, with a capacity of approximately 250 million barrels, and a marine terminal. The Phase I facilities are oil storage sites at Bryan Mound in Texas and Bayou Choctaw, West Hackberry, Sulphur Mines and Weeks Island in Louisiana, and the Department of Energy's marine terminal at St. James in Louisiana. Four of these storage sites utilize existing solution-mined (leached) caverns; the fifth site is a conventional salt mine. Construction of Phase I facilities began in July 1977 and was completed in 1980.

Phase II is the ongoing expansion of three Phase I sites by 290 million barrels. The Bryan Mound site will be expanded by 120 million barrels and the West Hackberry site by 160 million barrels; an additional cavern, which has an existing capacity of 10 million barrels, is being acquired at Bayou Choctaw. Solution-mining of new caverns is under way at Bryan Mound, West Hackberry and Bayou Choctaw. Phase II development and fill are scheduled to be completed by 1986.

Phase III involves the further expansion of two existing SPR sites, and the planned development of a new site at Big Hill, Texas.

The SPR now has the capability to withdraw petroleum from its sites for distribution at a sustainable rate of 1.7 million barrels per day. Upon the completion of Phase II fill, distribution capability will increase to 3.5 million barrels per day. At a level of 750 million barrels SPR withdrawal capacity would be 4.5 million barrels per day.

II. Proposed Rule

The new SPR Distribution Plan provides that the principal method of distributing SPR oil will be price competitive sale. The Plan also provides that in any calendar month, the Secretary may direct the distribution of up to 10 percent of the volume of the SPR oil sold in that calendar month, in such manner as he determines at his discretion; the price of such oil shall be the average price of SPR oil sold at the most recent competitive sale. However, the proposed rule applies only to the sale of SPR oil through price competition. It adopts procedures governing the process by which DOE will conduct the price competitive sale of SPR oil during drawdown and distribution. The rule is adopted under the general authorization to the Secretary by the Department of Energy Organization Act, Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*, and by EPCA to promulgate rules, regulations or orders necessary or appropriate to implement the SPR Plan.

It is critical to the early achievement of the SPR's desired sales and delivery schedules that the Government's contracting procedures for the sale of SPR oil be both flexible and expeditious. The purpose of the proposed rule is to facilitate the sales process, primarily by providing for the establishment of Standard Sales Provisions, containing contract clauses which, it is expected, will be contained in contracts for the sale of SPR petroleum.

Price competitive sale of SPR petroleum involves four basic steps: the issuance of the Standard Sales Provisions; the issuance of a Notice of Sale; the selection of the highest offers; and award of sales contracts. The Standard Sales Provisions are contract of sale terms and conditions to be developed in accordance with the proposed rule and published in the Federal Register as an appendix to the final rule. Notices of Sale will be issued after a Presidential decision to draw down the SPR; they will announce the amount, type and location of the SPR petroleum to be sold, the delivery period, and procedures for submitting bids, and provide other pertinent information. Award of contracts will be made to the offerors complying with the terms and conditions specified in the Notice of Sale as applying to that particular sale, and offering the highest prices.

The proposed rule would require the development and publication in the Federal Register of the Standard Sales Provisions containing contract clauses which the Notice of Sale may make applicable to particular price competitive sales of SPR petroleum. These provisions will include any contract clauses that are required by law, regulation, SPR programmatic considerations, or sound business practice. They also will include purchaser financial and performance responsibility measures or descriptions thereof. Such measures are intended to reduce the risk of purchases by persons who lack the capability or intent to take timely delivery of the SPR petroleum, or the financial ability to pay for it. It is DOE's intention to develop firm, binding guarantees of the offeror's full performance and payment under the contract, which each offeror would have to undertake before contract award. These measures would require tangible evidence of the offeror's ability to perform; examples include contractual clauses covering liquidated damages and the furnishing of letters of credit, or of payment and performance bonds. The Standard Sales Provisions differ from the Basic Sales Agreement used under the previous Distribution Plan in three ways: First, the Standard Sales Provisions place greater emphasis on purchaser financial and performance guarantees; second, they contain model contract terms and conditions that may be changed at the discretion of the Secretary by means of the Notice of Sale; finally, there will be no presigning of the Standard Sales Provisions.

The proposed rule provides that at his discretion, the Secretary or his designee may specify in the Notice of Sale, which of the terms and conditions in the Standard Sales Provisions would or would not apply to a particular sale. In the Notice of Sale the Secretary also may revise such terms and conditions, or add new ones which would apply to that particular sale, consistent with the SPR Distribution Plan adopted on December 1, 1982. Offerors, as part of their offers for SPR petroleum, would agree to all contractual provisions and financial and performance responsibility measures made applicable by the Notice of Sale, and comply with the responsibility measures in accordance with the Notice of Sale. The proposed rule provides that no contract may be awarded to an offeror who has not unconditionally agreed to all contractual provisions and responsibility measures made applicable by the Notice of Sale. It is expected that the terms and conditions set out in the Notice of Sale and the Standard Sales Provisions will not be part of the contract documents as such, but rather will be incorporated by reference, and the proposed rule so provides.

The proposed rule would require the publication of the Standard Sales Provisions in the **Federal Register** and in the Code of Federal Regulations as an appendix to the final rule. The proposed rule also provides for the periodic review and republication in the **Federal Register** of the Standard Sales Provisions, including any revisions. It is anticipated that the Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions were published, the contractual provisions contained or described therein that apply to that particular sale. To the extent practicable, public comment will be sought on terms, conditions and measures included in the Standard Sales Provisions.

Time may be of the essence in a severe energy supply interruption. Failure to achieve the SPR drawdown rate as determined by the President could lessen the effect of an SPR drawdown. Buyers who defaulted on their sales contracts could undermine achievement of the desired drawdown rate, with potentially adverse consequences for the national economy or the national safety. In order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the proposed rule also would provide that the Secretary or his designee may exclude a firm from participating in any future sale of SPR petroleum when that firm had previously bid, was awarded a contract, and failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to any remedies for breach which may be provided for in the contract of sale. The ineligibility would not come into effect until after the firm had been given an opportunity to submit information or argument in opposition to the ineligibility. The Secretary or his designee must consider the firm's response, if any, before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility shall continue for the legnth of time determined by the Secretary of his designee as appropriate under the circumstances. The purchaser shall be notified of the result of the ineligibility proceedings. The proposed rule provides that at his discretion, the Secretary or his designee may permit any such firm that petitions for reinstatement to participate in future SPR sales.

In addition to the remedies available to the Government under the contract and this rule, a purchaser who defaults on a contract also may be subject to debarment procedures under other applicable DOE regulations.

III. Public Comment on the Standard Sales Provisions

Prior to the close of the comment period for this proposed rule DOE expects to publish a draft of the Standard Sales Provisions in the **Federal Register** for written public comment. The public comment period will be forty-five days. After the close of the comment period, DOE will publish in the **Federal Register** the final version of the Standard Sales Provisions, a summary of the comments received and DOE's response to those comments. DOE believes that because of its reliance on private industry to move the SPR petroleum into commerce, public comment is essential to the development of effective, efficient procedures for the sale and delivery of the SPR petroleum.

IV. Comment Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting information, views, or arguments with respect to the proposed adoption of 10 CFR Part 625. Comments should be submitted no later than May 2, 1983, to the address indicated in the "**ADDRESSES**" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Sale of Strategic Petroleum Reserve Petroleum". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. Public Hearing

DOE believes that the amendment proposed in this Notice presents no substantial issue of fact or law and is unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses. Accordingly, DOE is not scheduling a public hearing as provided by section 501(c) of the Department of Energy Organization Act (DOE Act), Pub. L. 95–91, and the Administrative Procedure Act (5 U.S.C. 553). If a significant number of persons should request an opportunity for oral presentation of views, data and arguments, a public hearing could be held after public notice.

V. Other Matters

A. Section 404 of the DOE Act

Pursuant to the requirements of Section 404(a) of the Department of Energy Organization Act (DOE Act, 42 U.S.C. 7101 *et seq.*, Pub. L. 95–91, as amended), we are referring this rule to the Federal Energy Regulatory Commission (FERC) for a determination as to whether the proposed rule would significantly affect any matter within the Commission's jurisdiction. The Commission has until the close of the public comment period to make that determination.

B. Section 7 of the FEA Act

Under section 7(a) of the Federal Energy Administration Act of 1974 (15 U.S.C. 787, *et seq.*, Pub. L. 93–275, as amended), the requirements of which remain in effect under section 501(a) of the DOE Act, the delegate of the Secretary of Energy shall, before promulgating proposed rules, regulations, or policies affecting the quality of the environment, provide a period of not less than five working days during which the administrator of the Environmental Protection Agency (EPA) may provide written comments

concerning the impact of such rules, regulations, or policies on the quality of the environment. Such comments shall be published together with publication of notice of the proposed action.

A copy of this proposed rulemaking, including this determination that the Secretary does not see the proposed rule as having unfavorable impacts on the quality of the environment beyond those addressed in the Environmental Impact Statements prepared to date on the SPR, was sent to the EPA. The EPA Administrator has reserved the right to make additional comments in accordance with the EPA's duties and responsibilities under section 309 of the Clean Air Act.

C. Executive Order 12291

Section 3 of Executive Order (E.O.) 12291 (46 FR 13193, February 19, 1981) requires that DOE determine whether a proposed rule is a "major rule", as defined by section 1(b) of E.O. 12291, and prepare a regulatory impact analysis for each major rule. A "major rule" is defined in E.O. 12291 as one likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The rule is essentially of an administrative nature and is not expected to impact upon the prices received for the SPR petroleum or impose additional costs on firms offering to buy the SPR petroleum. Thus the annual effect of the rule on the economy will be minimal. Furthermore, the proposed rule does not affect the prices to be charged for the SPR petroleum, because under the SPR Distribution Plan those prices are required to be set by price competitive sales. Accordingly there will be no major increases in costs or prices as a result of this proposed rule.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 Pub. L. 96–354, (5 U.S.C. 601–612) requires, in part, that an agency prepare an initial regulatory flexibility analysis for any proposed rule, unless it determines that the rule will not have a "significant economic impact" on a substantial number of small entities. The propose rule, which is administrative in nature, does not impose any additional burden on small entities but rather only sets forth the contracting procedures for the sale of the SPR petroleum which the SPR Distribution Plan requires to be made by competitive sales. Accordingly, DOE does not believe the proposed rule has significant impact on small entities, and as required by section 605(b), DOE certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

E. Environmental Review

DOE has determined that the proposed amendment, which is essentially administrative in nature, clearly is not a major federal action with significant environmental impact. Consequently, the proposed amendment does not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 431 *et seq.*

(Federal Energy Administration Act of 1974, Pub. L. 93–275; Department of Energy Organization Act, Pub. L. 95–91; Energy Policy and Conservation Act, Pub. L. 94–163)

List of Subjects in 10 CFR Part 625

Strategic petroleum reserve, Drawdown sales.

In consideration of the foregoing, Chapter II, Title 10 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C. March 8, 1983.

Hiliary J. Rauch,

Director, Procurement and Assistance Management Directorate.

Part 625 is proposed to be added to 10 CFR Chapter II to read as follows:

PART 625—PRICE COMPETITIVE SALE OF STRATEGIC PETROLEUM RESERVE PETROLEUM

Sec.

625.1 Application and purpose.
625.2 Definitions.
625.3 Standard sales provisions.
625.4 Publication of the standard sales provisions.
625.5 Failure to perform in accordance with SPR contracts of sale.

Authority: Federal Energy Administration Act of 1974, Pub. L. 93–275; Department of Energy Organization Act, Pub. L. 95–91; Energy Policy and Conservation Act, Pub. L. 94–163.

§ 625.1 Application and purpose.

This part shall apply to all price competitive sales of SPR petroleum by DOE. Timely drawndown of the SPR requires preannouncement, to the extent practicable, of contract terms and conditions applicable to price competitive sales of SPR petroleum. This section provides the rules for developing standard contract terms and conditions and financial and performance responsibility measures; notifying potential purchasers of those terms, conditions and measures; choosing applicable terms, conditions and measures for each sale of SPR petroleum; and notifying potential purchasers of which terms, conditions and measures will be applicable to particular sales of SPR petroleum.

§ 625.2 Definitions.

(a) *DOE.* DOE means the Department of Energy established by Pub. L. 95–91 (42 U.S.C. 7101 *et seq.*) and any component thereof.

(b) *Notice of Sale.* The Notice of Sale is the document announcing the sale of SPR petroleum, the amount, type and location of the SPR petroleum being sold, the delivery period and the procedures for submitting bid; specifying which previously published contractual provisions or financial and performance responsibility measures are applicable to that particular sale of SPR petroleum; and providing other information, terms, conditions or measures pertinent to a particular sale.

(c) *Price Competitive Sale.* A price competitive sale of SPR petroleum is one in which contract awards are made to those responsive, responsible persons offering the highest prices; sales conducted pursuant to rules adopted under section 161(e) of the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163 (42 U.S.C. 6201 *et seq.*), are not price competitive sales.

(d) *Purchaser.* A purchaser is any person (including a Government agency) who submits a successful offer for SPR petroleum, agrees to requirements imposed by this rule and the Notice of Sale, and enters into a contract with DOE to purchase SPR petroleum.

(e) *SPR.* SPR means the Strategic Petroleum Reserve, established by Title I, Part B of EPCA.

(f) *SPR Petroleum.* SPR petroleum means crude oil, residual fuel oil or any refined petroleum product (including any natural gas liquid and any natural gas liquid product) owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(g) *Standard Sales Provisions.* The Standard Sales Provisions contain or describe contract clauses, terms and

conditions of sale, and financial and performance responsibility measures, which may be applicable to the sale of SPR petroleum under this Part.

§ 625.3 Standard sales provisions.

(a) *Contents.* The Standard Sales Provisions shall contain contract clauses which may be applicable to price competitive sales of SPR petroleum, including terms and conditions of sale, and purchaser financial and performance responsibility measures, or descriptions thereof. At his discretion, the Secretary or his designee may specify in a Notice of Sale which of such terms and conditions, or financial and performance responsibility measures, shall apply to a particular sale of SPR petroleum; and, he may specify any revisions in such terms, conditions and measures, and any additional terms, conditions and measures which shall be applicable to that sale, that are consistent with the SPR Drawdown Plan adopted on December 1, 1982.

(b) *Acceptance by Offerors.* All offerors must, as part of their offers for SPR petroleum in response to a Notice of Sale, agree without exception to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(c) *Award of Contracts.* No contract for the sale of SPR petroleum may be awarded to any offeror who has not unconditionally agreed to all contractual provisions and financial and performance responsibility measures which the Notice of Sale makes applicable to the particular sale.

(d) *Contract Documents.* The terms and conditions which the Notice of Sale makes applicable to a particular sale may be incorporated into a contract for the sale of SPR petroleum by reference to the Notice of Sale.

§ 625.4 Publication of the standard sales provision.

(a) *Publication.* The Standard Sales Provisions shall be published in the **Federal Register** and in the Code of Federal Regulations as an appendix to this rule.

(b) *Revisions of the Standard Sales Provisions.* The Standard Sales Provisions shall be reviewed periodically and republished in the **Federal Register**, with any revisions.

(c) *Notification of Applicable Clauses.* The Notice of Sale will specify, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the Standard Sales Provisions was published, which contractual terms and conditions and contractor financial and performance responsibility measures contained or described therein are applicable to that particular sale.

§ 625.5 Failure to perform in accordance with SPR contracts of sale.

(a) *Ineligibility.* In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the Secretary or his designee, at his descretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) *Determination of Ineligibility.* No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to respond in accordance with the requirements of this subsection.

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the Secretary or his designee is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the purchaser may submit in writing for consideration by the Secretary or his designee in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the Secretary or his designee, such time to be not less than 21 days.

(2) After the elapse of the time period established under section (1) for receipt of the purchaser's response, the Secretary or his designee, at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future awards of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the Secretary or his designee, as appropriate under the circumstances.

(3) The purchaser shall be notified of the Secretary's decision.

(c) *Reconsideration.* Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the Secretary reconsider the purchaser's ineligibility. The Secretary or his designee, at his discretion, may reinstate any such purchaser to eligibility for future competitive sales.

[FR Doc. 83-6588 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Definitions; Limited Income Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Credit Union Act authorizes Federal credit unions serving predominantly low income members, as defined by the NCUA Board, to accept insured share accounts from nonmembers. The NCUA Board proposes to amend its definition of low income credit unions to include those serving predominantly students. This will enable such credit unions to accept insured share accounts from alumni, alumni organizations, philanthropic organizations and others.

DATE: Comments must be received on or before April 11, 1983.

ADDRESS: Send coments to Secretary, NCUA Board, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Harry Blaisdell, Director, Department of Administration, at the above address or telephone (202) 357–1065.

SUPPLEMENTARY INFORMATION: Federal credit unions "serving predominantly low income members", as that phrase is defined by the NCUA Board, are authorized pursuant to section 107(6) of the Federal Credit Union Act (12 U.S.C. 1757(6)) to receive insured share, share draft and share certificate accounts from nonmembers.

Section 700.1(i) of NCUA's regulations (12 CFR 700.1(i)) defines "predominantly" to mean a simple majority. Section 700.1(h) defines "low income members" to include members below certain income levels published by the U.S. Department of Labor, certain members residing in public housing projects and members who qualify as

recipients in community action programs.

The NCUA Board now proposes to expand the latter definition to include credit union members who are students. This would enable credit unions serving predominantly students, e.g. credit unions sponsored by colleges or universities or student groups thereof, to receive insured accounts from individuals and organizations such as alumni, alumni groups, local corporations and philanthropic organizations. These funds would in turn be used for purposes such as student loans for books, tuition and housing.

The NCUA Board requests comments on whether the proposal is generally advisable, whether any limits should be placed on the action by defining the term "student" or otherwise, and on any other issues relevant to the proposal.

Regulatory Flexibility Act

The NCUA Board has determined that the proposed action would not have a significant economic effect on a substantial number of small credit unions, and therefore a regulatory flexibility analysis has not been prepared in connection with the proposal.

(12 U.S.C. 1752(5), 1757(6), 1766(a))

List of Subjects in 12 CFR Part 700

Credit unions.

Accordingly, the Board requests comments as described above. Comments must be received on or before April 11, 1983.

Dated: February 9, 1983.

Rosemary Brady,

Secretary to the NCUA Board.

[FR Doc. 83-6579 Filed 3-15-83; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 866

Abandoned Mine Land Program; Grants—Administrative Procedures

Correction

In FR Doc. 83–5463, beginning on page 9307, in the issue of Friday, March 4, 1983, in the third column under the "DATES" heading, correct "April 14, 1983" to read "April 4, 1983".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL 2322-1]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Pennsylvania Department of Environmental Resources to Philadelphia Textile Finishers, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to Philadelphia Textile Finishers, Inc. The order requires the company to bring air emissions from its fabric coating facility in Norristown, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by October 31, 1983. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invited public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Writen comments must be received on or before April 15, 1983.

ADDRESSES: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ben Mykijewycz, Environmental Engineer, Air & RCRA Compliance Section, Air & Waste Management Division, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597–9387.

SUPPLEMENTARY INFORMATION: Philadelphia Textile Finishers, Inc. operates, among other processes, two fabric coating lines at its plant in Norristown, Pennsylvania. The order under consideration addresses emissions from the surface coating processes, listed above, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emissions of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by October 31, 1983 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and premits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113 (d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the order in 40 CFR Part 65.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413, 7601)

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator, Region III.

[FR Doc. 83-6947 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 65

[A-3-FRL-2332-3]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by Pennsylvania Department of Environmental Resources to All-Steel, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an administrative order issued by the Pennsylvania Department of Environmental Resources to All-Steel, Inc. The order requires the company to bring air emissions from its metal furniture coating facility in Hazle Township, Pennsylvania into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) by December 30, 1983. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order pursuant to the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before April 15, 1983.

ADDRESSES: Comments should be submitted to Director, Air & Waste Management Division, EPA Region III, Sixth & Walnut Streets, Philadelphia, Pennsylvania 19106. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Joseph S. Arena, Environmental Scientist, Air & RCRA Compliance Section, Air & Waste Management Division, U.S. EPA Region III, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Telephone: (215) 597–4561.

SUPPLEMENTARY INFORMATION: All-Steel, Inc. operates a metal furniture coating facility at Hazle Township, Pennsylvania. The order under consideration addresses emissions from the surface coating processes, listed above, which are subject to § 129.52 of Title 25 of the Pennsylvania Code. The regulation limits the emission of volatile organic compounds (VOC), and is part of the federally approved Pennsylvania State Implementation Plan. The order requires final compliance with the regulation by December 30, 1983 through the use of low solvent coatings.

Because this order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Clean Air Act (the Act). EPA has reviewed the order and has found that the order does satisfy the requirements of this subsection.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the order will not preclude assessment of any noncompliance penalties under Section 120 of the Act, unless the source is otherwise entitled to an exemption under Section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the order in 40 CFR Part 65.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413, 7601)

Dated: March 2, 1983.

Peter N. Bibko,

Regional Administrator Region III.

[FR Doc. 83-6606 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2653/P267; PH-FRL 2321-1]

Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that tolerances be established for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers. The proposed regulation to establish maximum permissible levels for residues of the insecticide in or on the commodities was requested in a petition by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before March 31, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 2E2653 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Florida, Massachusetts, Maryland, New Jersey and Puerto Rico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on the raw agricultural commodities eggplant and peppers at 1.0 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the proposed tolerances included an acute oral rat toxicity study with a median lethal dose (LD_{50}) of 1–3 grams(g)/

kilogram(kg) of body weight (bw) (water vehicle) and 450 milligrams (mg)/kg of bw (dimethyl sulfoxide (DMSO) vehicles); a 90-day dog feeding study with a no-observed-effect level (NOEL) of 500 ppm (12.5 mg/kg, highest dose tested); a 90-day rat feeding study with a NOEL of 125 ppm (6.25mg/kg); an 18-month mouse feeding study with a NOEL of less than 100 ppm (15mg/kg) and with no oncogenic effects observed at the highest level fed (3,000 ppm); a 24-month mouse feeding study with a NOEL of 10–50 ppm (1.5–7.5 mg/kg) for males and 50–250 ppm for females (7.5–37.5 mg/kg) and (no oncogenic effects were noted at 1,250 ppm (187.5 mg/kg, the highest dose tested); a 24-month rat feeding study that demonstrated no oncogenic effects at 1,000 ppm (50 mg/kg, only level tested, significantly decreased body weight was observed at this dose level); a 2-year rat feeding study with a NOEL of 250 ppm (12.5 mg/kg, highest level fed), no oncogenic effects were observed; a three-generation rat reproduction study with a NOEL of 250 ppm (12.5 mg/kg, highest level fed); teratology studies (in mice and rabbits), each negative at 50 mg/kg/day (highest dose tested); and the following mutagenicity studies: mouse dominat lethal (negative at 100 mg/kg of bw, which was the highest level fed); mouse host-mediated bioassay (negative at 50 mg/kg of bw, which was the highest level fed); Ames test *in vitro* (negative), and a bone marrow cytogenic study in the Chinese hamster (negative at 25 mg/kg of bw). The following studies assessing neurological effects were performed: A hen study negative at 1.0 g/kg of bw for 5 days, repeated at 21 days; a rat (8-day) acute study with a NOEL of 200 mg/kg of bw; a 15-month rat feeding study which resulted in a systemic NOEL of 500 ppm (25 mg/kg) and a NOEL of 1,500 ppm (75 mg/kg) with respect to nerve damage.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (NOEL of 12.5 mg/kg, or 250 ppm) and using a 100-fold safety factor, is calculated to be 0.1250 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 7.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.6284 mg/day; the current action will increase the TMRC by 0.00229 mg/day (0.36 percent). Published tolerances utilize 8.38 percent of the ADI; the current action will utilize an additional 0.03 percent.

The nature of the residues is adequately understood and an adequate analytical method, electron-capture gas chromatography, is available for enforcement purposes. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency and the fact that there are no animal feed items involved, there will be no secondary residues in meat, milk, poultry or eggs; the tolerances established by amending 40 CFR 180.379 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 15 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period time is shortened to less than 30 days because of the necessity to expeditiously provide additional means for control of Colorado potato beetles which severely infest eggplant crops during the spring and summer growing season. Comments must bear a notation indicating the document control number, (PP 2E2653/P287). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.379 be amended by adding and alphabetically inserting the raw agricultural commodities eggplant and peppers to read as follows:

§ 180.379 Cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)-benzeneacetate; tolerances for residues.

* * * * *

Commodities	Parts per million
Eggplant	1.0
Peppers	1.0

[FR Doc. 83-6617 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2760/P283 PH-FRL 2321-2]

1-Naphthaleneacetic Acid; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the plant growth regulator 1-naphthaleneacetic acid (NAA) in or on the raw agricultural commodity sweet cherries. The proposed regulation to establish a maximum permissible level for residues of NAA in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 15, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the address given above.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2760 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the plant growth regulator 1-naphthaleneacetic acid (NAA) in or on the raw agricultural commodity sweet cherries at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 90-day rat feeding studying with a no-observed-effect level (NOEL) of 150 mg/kg/day; a 3-generation mouse reproduction study with no effect on reproductive performance up to 86 ppm; and a 6-month oral (capsule) study in dogs with a NOEL of 50 mg/kg/day. A teratology study is currently lacking but in progress. Although most chronic studies are lacking, they are considered necessary to support this use since the Agency has concluded that the amount of NAA added to the diet from the proposed use will not significantly increase dietary exposure in humans. Thus the tolerance that will be established by this proposed rule is considered to pose a negligible increment in risk.

The provisional acceptable daily intake (PADI), based on the 6-month dog feeding study (NOEL of 50.0 mg/kg/day) and using a 1,000-fold safety factor, is calculated to be 0.050 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-Kg human is calculated to be 3.00 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.0458 mg/day; the current action will increase the TMRC by 0.00015 mg/day (0.4 percent). Published tolerances and this proposed action utilize 1.53 percent of the ADI.

The nature of the residues is adequately understood and adequate analytical method, gas-liquid chromatography-mass spectrometry, is available for enforcement purposes. Because no animal feed items are involved, no secondary residues in meat, milk, poultry, or eggs are expected. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.155 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number [PP 2E2760/P283]. All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.155(a) be amended by adding and alphabetically inserting the raw agricultural commodity sweet cherries to read as follows:

§ 180.155 1-Naphthaleneacetic acid; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * * * *	
Cherries, sweet	0.1
* * * * * * *	

[FR Doc. 83-6818 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2E2654/P288; PH-FRL 2321-3]

Inorganic Bromides; Resulting From Fumigation With Methyl Bromide; Proposed Toleranace

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of inorganic bromides, resulting from post-harvest fumigation with the pesticide methyl bromide, in or on the raw agricultural commodity strawberries. The proposed regulation to establish a maximum permissible level for residues of inorganic bromides in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR–4).

DATE: Comments must be received on or before April 15, 1983.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS–767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703–557–1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 2E2654 to EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose: (1) Amending the existing tolerance in 40 CFR 180.123 for residues of inorganic bromides (resulting from fumigation with the pesticide methyl bromide) in or on the raw agricultural commodity

strawberries to reflect a post-harvest fumigation use as well as the current pre-harvest use, and (2) increasing the existing tolerance for inorganic bromides in or on strawberries (from use before harvest) from 30 parts per million (ppm) to 60 ppm.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include three studies which have been classified as supplemental: a 20-month rat feeding study with a no-observed-effect level (NOEL) of 236 ppm; a 52-week rabbit feeding study with an NOEL of 90 ppm; and a 1-year dog feeding study with an NOEL of 2,900 ppm. Also considered were long-term clinical studies of inorganic bromides in man, deemed highly significant and of sufficient quality to support tolerances in raw agricultural commodities. Agricultural tolerances for residues of inorganic bromides resulting from post-harvest commodity fumigation with methyl bromide have previously been established on various commodities at levels ranging from 5 ppm to 240 ppm.

Tolerances already exist for residues of inorganic bromides in strawberries at 25 ppm resulting from soil fumigation with combinations of methyl bromide, chloropicrin, and propargyl bromide (40 CFR 180.199) and at 30 ppm resulting from fumigation with methyl bromide before harvest.

The acceptance daily intake (ADI), based on studies of systemic effects in humans and using a 10-fold safety factor, is calculated to be 60 mg/kg of body weight (bw)/day, calculated as the bromide ion. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 600 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is currently estimated to be 125 mg/day. This does not take into account inorganic bromides in milk, eggs, meat and poultry resulting from ingestion of "background" inorganic bromides which are ubiquitous in nature, especially in milk. The current action will increase the TMRC by 0.081 mg/day (0.07 percent); the incremental exposure to potential residues of inorganic bromides resulting from the proposed use is considered to be toxicologically insignificant. The calculated amount of methyl bromide *per se* resulting from the proposed use is extremely small, equivalent to 0.126 ppb in the diet, and not considered to be toxicologically significant. Therefore, a separate tolerance for residues of methyl bromide *per se* will be unnecessary.

The nature of the residues is adequately understood. Inorganic bromides comprise the major part of the residue on strawberries; methyl bromide is present as a residue at less than 0.1 ppm on strawberries under the proposed conditions of use. Adequate analytical methods, gas-liquid chromatography with an electron-capture detector, direct potentiometry using a solid-state bromide electrode, and oxidation/titration, are available for enforcement purposes. Because there are no animal feed items involved, there will be no problem of secondary residues in meat, milk, poultry, and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.123 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number (PP 2E2654/P289). All written comments filed in response to this petition will be available in the Emergency Response Section, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.123 be revised to read as follows:

§ 180.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.

Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities which have been fumigated with the antimicrobial agent and insecticide methyl bromide after harvest (with the exception of strawberries):

Commodities	Parts per million
Alfalfa, hay (Post-H)	50.0
Almonds (Post-H)	400.0
Apples (Post-H)	5.0
Apricots (Post-H)	80.0
Artichokes, Jerusalem (Post-H)	30.0
Asparagus (Post-H)	100.0
Avocados (Post-H)	75.0
Barley (Post-H)	50.0
Beans (Post-H)	50.0
Beans, green (Post-H)	50.0
Beans, lima (Post-H)	50.0
Beans, snap (Post-H)	50.0
Beets, garden, roots (Post-H)	50.0
Beets, sugar, roots (Post-H)	30.0
Brazil nuts (Post-H)	200.0
Bush nuts (Post-H)	200.0
Butternuts (Post-H)	200.0
Cabbage (Post-H)	50.0
Cantaloupes (Post-H)	20.0
Carrots (Post-H)	30.0
Cashews (Post-H)	200.0
Cherries (Post-H)	20.0
Chestnuts (Post-H)	200.0
Cippolini, bulbs (Post-H)	80.0
Citrus citron (Post-H)	30.0
Cocoa beans (Post-H)	50.0
Coffee beans (Post-H)	75.0
Copra (Post-H)	100.0
Corn (Post-H)	50.0
Corn (pop) (Post-H)	240.0
Corn, sweet (K+CWHR) (Post-H)	50.0
Cottonseed (Post-H)	200.0
Cucumbers (Post-H)	80.0
Cumin, seed (Post-H)	100.0
Eggplants (Post-H)	20.0
Filberts (Hazelnuts) (Post-H)	200.0
Garlic (Post-H)	50.0
Ginger, roots (Post-H)	100.0
Grapefruit (Post-H)	30.0
Grapes (Post-H)	20.0
Hickory nuts (Post-H)	200.0
Honeydew melons (Post-H)	20.0
Horseradish (Post-H)	30.0
Kumquats (Post-H)	30.0
Lemons (Post-H)	30.0
Limes (Post-H)	30.0
Mangoes (Post-H)	20.0
Muskmelons (Post-H)	20.0
Nectarines (Post-H)	20.0
Oats (Post-H)	50.0
Okra (Post-H)	30.0
Onions (Post-H)	20.0
Oranges (Post-H)	30.0
Papayas (Post-H)	20.0
Parsnips, roots (Post-H)	30.0

Commodities	Parts per million
Peaches (Post-H)	20.0
Peanuts (Post-H)	250.0
Pears (Post-H)	5.0
Peas (Post-H)	50.0
Peas, blackeyed (Post-H)	50.0
Pecans (Post-H)	[illegible]
Peppers (Post-H)	[illegible]
Pimentos (Post-H)	[illegible]
Pineapples (Post-H)	[illegible]
Pistachio nuts (Post-H)	200.0
Plums (Post-H)	[illegible]
Pomegranates (Post-H)	[illegible]
Potatoes (Post-H)	[illegible]
Pumpkins (Post-H)	[illegible]
Quinces (Post-H)	5.0
Radishes (Post-H)	[illegible]
Rice (Post-H)	[illegible]
Rutabagas (Post-H)	30.0
Rye (Post-H)	50.0
Salsify, roots (Post-H)	[illegible]
Sorghum, grain (Post-H)	[illegible]
Soybeans (Post-H)	[illegible]
Squash, summer (Post-H)	30.0
Squash, winter (Post-H)	[illegible]
Squash, zucchini (Post-H)	20.0
Strawberries (Pre- and Post-H)	[illegible]
Sweet Potatoes (Post-H)	75.0
Tangerines (Post-H)	[illegible]
Timothy, hay (Post-H)	[illegible]
Tomatoes (Post-H)	20.0
Turnips, roots (Post-H)	[illegible]
Walnuts (Post-H)	200.0
Watermelons (Post-H)	[illegible]

[FR Doc. 83-6615 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 205

[Docket No. 205, Subpart C]

Disaster Assistance: Declaration Process

AGENCY: Federal Emergency Management Agency

ACTION: Notice of intent to modify rule.

SUMMARY: The regulations for the Declaration Process, 44 CFR Part 205, Subpart C, were published as an interim rule on December 13, 1982, (47 FR 55756) and became effective on January 12, 1983. It is anticipated that a final rule will be published later this year. Comments on the interim rule were solicited. A significant change is contemplated for the definition of *incident period* which is located at § 205.31(f). As stated in the interim rule the incident period limits eligible assistance under Pub. L. 93–288 to damages which occur during this time frame. Actually, the incident period is meant to reflect the time frame of the incident. Eligible assistance should be related to damage which resulted from the incident during the incident period. Thus, damages which occurred during the defined incident period as well as those damages which occurred afterwards but as a result of the incident during the time period would be eligible for assistance under Pub. L. 93–288. The Federal Emergency Management Agency intends to change the definition of *incident period* to reflect this. This change in definition should be taken into account by all interested parties during the comment period.

DATE: Comments by: March 31, 1983.

ADDRESS: Send comments to: Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Office of Disaster Assistance Programs (SLDA), Directorate of State and Local Programs and Support (SLPS), Federal Emergency Management Agency, Washington, D.C. 20472, telephone (202) 287–0501.

List of Subjects in 44 CFR Part 205

Community facilities, Disaster assistance, Grant programs, Housing and community development.

PART 205—[AMENDED]

● It is proposed to revise § 205.31(f) *Incident period* to read as follows:

§ 205.31 Definitions.

* * * * *

(f) *Incident Period.* As determined at the discretion of the Associate Director, the time interval stated in the FEMA-State Agreement during which the incident occurs. The incident period for emergencies starts at 12:01 a.m., on the date of the emergency declaration by the President unless otherwise specified in the declaration document. No Federal assistance under Pub. L. 93–288 shall be approved unless the damage or hardship to be alleviated resulted from the incident which took place during the incident period.

Dated: March 3, 1983.

Dave McLoughlin,

Deputy Associate Director State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 83-6681 Filed 3-15-83; 8:45 am]
BILLING CODE 6718-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[Ex Parte No. MC 77; (Sub-3)]

Elimination of Certificates as the Measure of "Holding Out"

AGENCY: Interstate Commerce Commission.

ACTION: Termination of proposed rulemaking proceeding.

SUMMARY: At 46 FR 8604, January 27, 1981, as amended at 46 FR 13751, February 24, 1981, the Commission proposed to re-examine the duty imposed on motor common carriers of property to provide transportation co-extensive with all points and services contained in their certificates of public convenience and necessity. In view of recent court decisions under the Motor Carrier Act of 1980 that recognize limitations on a common carrier's service obligation, we conclude that there is no need to address this matter at any length. Accordingly, this proceeding is terminated and the proposed rules withdrawn.

DATE: Effective: March 16, 1983.

FOR FURTHER INFORMATION CONTACT:

Howell I. Sporn, (202) 275–7691

or

Suzanne Higgins, (202) 275–7161.

SUPPLEMENTARY INFORMATION: We instituted this proceeding on January 27, 1981, by the publication of a notice in the **Federal Register** stating our intention to re-examine the common carrier service obligation in the context of the new competitive environment and liberalized entry policies of the Motor Carrier Act of 1980, Pub. L. 96–296, 94 Stat. 793 ("1980 Act"). We noted that previously we had required common carriers or property to offer service "co-extensive with all points and services contained in their certificates of public convenience and necessity." We feared that under the policy of the 1980 Act favoring broad grants of authority, carriers might be deemed to violate their service obligation because of the breadth of points and services their certificates covered. We therefore proposed to permit carriers to define their service obligation more narrowly than the scope of their operating certificates.

In view of recent court decisions under the 1980 Act that recognize limitations on a common carriers' service obligation, we conclude that there is no need to address this matter in any length. These cases recognize that even in the context of liberal entry policies and broader operating certificates, a carrier only has the obligation to serve up to its capabilities and will not be deemed to violate its common carrier obligation if it does so non-discriminatorily.

Since the institution of this proceeding, the United States Court of Appeals has addressed this issue on two occasions. The court has stated that "[a] common carrier is free to carve out as large or as small a nitch as it feels apprpriate. ***[T]here is no requirement

[in the Motor Carrier Act] that the carrier be able, quantitatively, to perform all or any substantial part of the transportation in all covered areas [of the certificate]." *Steere Tank Lines, Inc.* v. *I.C.C.*, 675 F.2d 103, 105 (5th Cir. 1982) [citing *Michigan P.U.C.* v. *Duke*, 266 U.S. 570, 577 (1925)], and *J. H. Rose Truck Lines, Inc.* v. *I.C.C.*, 683 F.2d 943, 949 (5th Cir. 1982). We embrace this judicial pronouncement as as statement of Commission policy. A common carrier is not in violation of its obligations if it declines to provide servce within the scope of its operating authority because such service is economically or operationally impracticable in the circumstances at the time of the service request. To the extent that prior Commission decisions may have spoken of an absolute duty to provide service to the breadth of the operating certificate, those cases are overruled as inconsistent with law and policy.

It is ordered:

This proceeding is terminated and the rules proposed to be for Part 1310 are withdrawn.

This action is taken under the authority of the 49 U.S.C. 10101, 10321, 10762, 10922 and 11101, and 5 U.S.C. 553.

Decided: February 25, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Chairman Taylor conurred with a separate expression. Commissioner Gradison dissented with a separate expression.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring:

While I agree with the majority that this proceeding should be terminated, I do not fully agree with the rationale of the decision.

The Commission instituted this proceeding to reexamine the traditional view of the common carrier obligation in light of the Motor Carrier Act of 1980. A review of the changes made by the 1980 Act and its legislative history, however, reveals that the various means of self-determined obligations suggested in this proceeding are clearly improper and should not be adopted.

The common carrier obligation is a principle rooted in the common law and was codified, with respect to motor carriers, in various provisions of the Motor Carrier Act of 1935. *See* 49 U.S.C. 10102(12), 10701, 10702, 10741, 10762, 10922, and 11101. Since passage of the 1935 Act, the Commission and the courts have consistently interpreted these sections of the Act as requiring motor common carriers fully to perform, upon reasonable request, the operations authorized in their certificates. *See, e.g., North Central Truck Lines, Inc.* v. *I.C.C.*, 559 F. 2d 802 (D.C. Cir. 1977); *National Furniture Traffic Conf.* v. Assoc. Truck, 332 I.C.C. 802 (1968), *aff'd sub nom. Associated Truck Lines, Inc.* v. *United States*, 304 F. Supp. 1094 (W.D. Mich. 1969), *aff'd per curium* 397 U.S. 42 (1970); *T.I.M.E.—DC., Inc.—Investigation—Revocation of Certs.*, 113 M.C.C. 697 (1971).

At the time the 1980 Act was enacted by Congress, it was common knowledge in the transportation industry that motor common carriers had an obligation to provide service, upon reasonable request, that is coextensive with the authority contained in their certificates. Congress was presumably aware of this duty when the new legislation was drafted. Therefore, if Congress had intended that the scope of the obligation be changed, it would have indicated such an intention in the legislative history or, more appropriately, it would have amended the pertinent provisions of the Act.

The 1980 Act, however, did not change any of the pertinent provisions which embody the preexisting common carrier obligation. Nor is it possible to glean any intent on the part of Congress to change the scope of the obligation from any of the revisions actually made. In fact, the legislative history of the 1980 Act clearly demonstrates that Congress specifically intended not to change the obligation.[1] In addition to the legislative history, there are other indications of Congress' concern, not only that the obligation be retained, but that it be effectively enforced. Section 28 of the 1980 Act reflects Congress' concern that adequate motor carrier service to rural areas and small communities be available and at a reasonable cost. H. Rept. 96–1069, 96th Cong., 2d sess., 41 (1980). Also, Section 22 of the 1980 Act adds a new subsection (b) to 49 U.S.C. 10705, which, for the first time, authorizes this Commission to require motor common carriers of property to establish through routes and joint rates between themselves and with water carriers.

Moreover, the common carrier obligation, as traditionally defined, is not inconsistent with the overall policy objectives of the 1980 Act, namely, to promote competitive and efficient transportation services. Congress sought to achieve these goals mainly through Sections 5 and 6 of the Act, which make it easier for new trucking companies to enter the market and for existing companies to expand their operations. The purpose of these Sections is to encourage carriers to file for new or additional authority to provide needed service and, in turn, to serve as a constructive stimulus to existing carriers to improve services and meet the changing requirements of shippers and receivers. H. Rept. 96–1069, 96th Cong., 2d sess., 14 (1980). Congress did not ease the entry standards merely to enable carriers to acquire operating authority which they have no intention of using. Rather, Congress eased these standards to enable carriers, in the exercise of their sound business judgment, to actually enter markets needing service and to actively compete in such markets.

In the notice institution this proceeding, the Commission posited a "Catch 22" situation which need not really have existed. If the Commission had issued certificates broader than an applicant's immediate and specific operational capabilities or planning, *but* still within the applicant's willingness to serve upon reasonable request, then there would have been no "Catch 22" or potential conflict with the applicant's common carrier obligation as traditionally defined.[2]

However, in lieu of adopting a policy of issuing an applicant reasonably broad authority commensurate with its desires, the Commission issued mandatory directives requiring applicants to accept prescribed minimum service authorizations. These coercively applied minimum service standards have resulted in the issuance of countless certificates authorizing service substantially broader than the applicant's stated willingness or ability to perform. *See, e.g.*, No. MC–143776 (Sub–No. 34), *C.D.B. Incorporated, Extension—Texas* (not printed) decided February 25, 1983.

Realizing the common carrier obligation could not be administratively abolished, yet recognizing that a carrier cannot be required to perform services in the future for which the carrier never really sought authority in the first instance, the Commission was caught on the horns of a dilemma. In order to reconcile the dilemma, the Commission instituted this proceeding to redefine the scope of the common carrier obligation by proposing various methods whereby the carrier itself would designate the scope of its own obligation. However, all of the various alternative measures of holding-out suggested by the Commission and the parties to this proceeding would, as a practical matter, totally emasculate the obligation.

Under these various systems of self-determined obligations, carriers would be permitted to pick and choose those members

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[1] In commenting on the eased entry provisions of the Act, Representative Howard noted that:

[n]one of these provisions *eliminate* or *weaken* the carriers' obligation to perform the service they are authorized to perform under their certificates. [Emphasis added.] 126 Cong. Rec. H5343 (1980).

In addressing a specific policy objective of the Act, Representative Shuster observed that:

[t]his bill does provide, and this is an extremely important point, this bill continues to provide for the common carrier obligation. If a common carrier today has a certificate requiring him to provide service to a particular area, be it rural or urban, he has that obligation under this legislation and that obligation continues. That is an extremely important aspect of the legislation before us.

* * * * *

I emphasize that this bill keeps the common carrier obligation to serve. It does not touch that. It keeps it, and that is fundamental. 126 Cong. Rec. H5351–52 (1980).

[2] The suggestion that, under these circumstances, there would be such a potential conflict rests on the erroneous notion that there is some relationship between a carrier's present size and its ability to comply with the common carrier obligation. In other words, the notion that if the Commission grants broad authority to a small carrier, the carrier's limited size will necessarily place it in violation of its common carrier obligation.

The common carrier obligation, however, does not impose an unreasonable burden on common carriers and has little, if anything, to do with a carrier's size or capacity. Rather, all the obligation requires is for a carrier to serve all customers it is authorized to serve on a non-discriminatory basis *to the extent of its ability*. It has never required a carrier to have the capacity to satisfy all of the potential demand that might conceivably arise for its services on any given day.

of the general public to whom they would provide service. A carrier would thereby be able to systematically discriminate against particular localities or classes of customers which are within its authority and ability to serve.[2] More importantly, any attempt at enforcement of the obligation would be absolutely pointless, since a carrier would be able to alter the scope of its obligation virtually at will. Under the various alternative proposals, the only time a carrier could possibly be in violation of its obligation would be when it is remiss in republishing its tariff or changing its declaration in some other manner. Even then, if an aggrieved shipper were to lodge a complaint, the carrier could simply modify the scope of its holding-out and render the proceeding moot long before the Commission reached the merits of the shipper's complaint.

In other words, having frustrated enforcement of the common carrier obligation as to those carriers awarded authority in excess of their willingness and ability to provide service, the Commission proposed alternative redefinitions of the scope of the obligation which would appear to maintain it intact, but which would actually accomplish its administrative demise indirectly by emasculating effective enforcement of the obligation as to *all* carriers.

Although the Motor Carrier Act of 1980 retained the traditional common carrier obligation concept, its importance has diminished significantly with the vastly increased transportation alternatives available to shippers. The substantially eased entry provision of the 1980 Act has led to an abundance of motor carrier service options available to the public in general. Similarly, this increased reliance on competition should improve both the level and quality of service to those most susceptible to traffic selectivity or discrimination, i.e., small shippers and small communities. To the extent changes in service to such shippers have been reported under the 1980 Act, they generally have involved improvement in terms of both quality and availability. *See* Office of Policy and Analysis, *Interim Report: Small Community Service* (1981), and Office of Policy and Analysis, *Small Community Service Study* 1982). In addition, the number of shipper complaints concerning the common carrier obligation has decreased significantly since passage of the 1980 Act. In fact, at the present time, the Commission is not receiving any such complaints which require formal enforcement action.

In summary, while the Motor Carrier Act of 1980 retained the traditional common carrier obligation, the Commission, through its coercively applied minimum service standards, created a dilemma which will frustrate future attempts at enforcing the obligation against a substantial number of carriers. However, the solutions proposed in this proceeding would only serve to compound the problem by so emasculating the obligation as to render it unenforceable against *all* carriers. In any event, the importance of the common carrier obligation has been so reduced in today's market-oriented regulatory environment that hereafter, only rare instances of long-term service failure or blatant discrimination will require our attention. When this happens, today's Commission decision to retain the traditional common carrier obligation, which Congress clearly mandated, will at least provide some assurance that an enforcement capability remains.

Commissioner Gradison, Dissenting:

I do not agree that recent court decisions have rendered this proceeding moot. Common carriers remain obligated to render reasonably responsive, non-discriminatory service up to the extent of their capabilities. At present, many carriers do not have the capability to provide common carrier service covering the full scope of their certificated authorities. This is consistent with the intent of the Motor Carrier Act of 1980, which encourages carriers to seek reasonably broad authority so that they can respond to changes in their own capabilities and in the marketplace without having to amend their certificates repeatedly. Given this situation, however, it no longer is reasonable to require carriers to file tariffs fully commensurate and in strict conformity with their certificated authorities. So long as the Commission clings to this outmoded regulatory requirement, as the majority has elected to do, carriers will continue to file tariffs that do not reflect the present extent of their capabilities or their present commercial inclinations, and neither shippers nor this Commission will have any efficient way of ascertaining the extent to which a carrier actually wishes to hold itself out to provide common carrier service. The Commission could have rectified this situation by permitting each carrier to define the scope of its common carrier service obligation on an ongoing basis by publishing tariffs covering only those services that it has the capability and commercial inclination to provide at any given time. In this way, the Commission could have relieved carriers of filing unneeded portions of their tariffs and given itself and the shipping public a useful tool for efficiently determining the scope of common carrier services actually offered by each carrier at any given time. This tool would be especially useful to parties working to improve the efficiency of the transportation marketplace by designing computerized systems to search tariffs and provide shippers with information concerning prices and available service.

[FR Doc. 83-6790 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

[2] For example, a carrier would be permitted to refuse service to rural points in a county in which it serves urban points or refuse service to all small shippers in the same geographic area within which it serves large shippers.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearings.

SUMMARY: The Pacific Fishery Management Council and the National Marine Fisheries Service will hold joint hearings to receive public comments on a Framework Amendment and Draft Supplemental Environmental Impact Statement (DSEIS) of the Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California commencing in 1978. These hearings are being held in accordance with Section 302(h)(3) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and § 1506.6(c) of the Council on Environmental Quality's National Environmental Policy Act regulations.

DATE: Written comments on the Framework Amendment and the DSEIS are invited until May 2, 1983.

ADDRESS: Send comments to: Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, or H.A. Larkins, Director, Northwest Region, National Marine Fisheries Service (NMFS), 1600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115, or Alan Ford, Director, NMFS, 300 South Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Joseph C. Greenley, (503) 221–6352, or H. A. Larkins, (206) 527–6150 or Alan Ford (213) 548–2575.

SUPPLEMENTARY INFORMATION: Hearings will be held on the proposed Framework Amendment of the Washington, Oregon, and California ocean commercial and recreational salmon fishery management plan and the DSEIS. The major purposes of the Framework Amendment are to: (1) Reduce the time required to implement Council recommendations; (2) allow more time to develop a complete draft planning document; (3) reduce the

number and length of planning documents which are duplicative in nature; (4) reduce the costs of management; (5) provide the public with a better understanding of the criteria and procedures used to set management measures; and (6) achieve these purposes while maximizing the opportunity for public comment.

This amendment to the Pacific Council's 1978 salmon plan will institute a system for setting pre-season and inseason salmon fishery management measures without the need of amending the plan each year. Under this proposal, certain management measures and principles would be fixed to provide a long-term management system which could not be altered without a plan amendment. Other measures would be flexible and would be determined annually or during the season according to procedures specified in the amendment.

The fixed fishery management measures recommended in the framework amendment are the fishery management unit, the management objectives, the determination of optimum yield, the determination of domestic fishing capacity, the total allowable level of foreign fishing, the spawing escapement goals, the procedures that the Council would follow to make annual and inseason adjustments of the fishing regulations, and the schedules and process for making the adjustments.

The flexible measures are the determinations of the annual allowable levels of ocean harvests, the determinations of the annual allocations, the management boundaries, the minimum size limits, the recreational fishing daily bag limits, the gear restrictions, and the seasons and quotas.

Public Hearings

Individuals or organizations wishing to comment may do so at any of the six scheduled public hearings. See Supplementary Information for dates and locations of these hearings. All of the public hearings will start at 7:00 p.m. and adjourn at or about midnight or when all public testimony has been received. The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary of each hearing will be prepared.

The hearings will be held as follows:

March 30, 1983—Hyatt Seattle, Sea-Tac Airport, 17001 Pacific Highway South, Seattle, Washington 98188

March 30, 1983—Astoria Middle School, 1100 Klaskanine, Astoria, Oregon 97103

March 31, 1983—Eureka Inn, 7th and J Streets, Eureka, California 95501

March 31, 1983—Pony Village Inn, Virginia Avenue, North Bend, Oregon 97459

April 1, 1983—Airport Hilton, Terrace Room, US 101, Airport Entrance, San Francisco, California 94128

April 1, 1983—Idaho Department of Fish and Game, Auditorium, 600 South Walnut, Boise, Idaho 83707.

Dated: March 8, 1983.

Joseph P. Clem,

Acting Chief, Fishery Process Division, National Marine Fisheries Service.

[FR Doc. 83-6822 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet on April 13, 1983 at 10:00 a.m. at the Federal Building, 1130 "O" Street Room 2002, Fresno, California 93721.

Agenda:

1. Recognize newly elected members.
2. Impacts of Forest Service budget reductions.
3. Updates on Hydro-development, Land Management Planning, and Administration of the San Joaquin Experimental Range.
4. Range Improvements scheduled for 1983 and planned for 1984.
5. KV assistance to the Range Resource.
6. Plans for a Field meeting.

The meeting will be open to the public. Persons who wish to attend should notify Ken Stithem, Federal Building, 1130 "O" Street, Room 3017, Fresno, California 93721. Telephone (209) 487–5143.

The committee has established the following rules for public participation: Matters identified by the public will be considered by the Board at the close of the planned agenda.

Dated: March 2, 1983.

Richard L. Stauber

Forest Supervisor.

[FR Doc. 83–6701 Filed 3–15–83; 8:45 am]

BILLING CODE 3410–11–M

Office of the Secretary

Forms Under Review by Office of Management and Budget

March 11, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Statistical Clearance Officer, (202) 447–6201.

Revised

• Agricultural Marketing Service
Irish Potatoes Grown in Colorado—Marketing Order 948
On occasion, annually
Businesses: 42,032 responses; 22,932 hours; not applicable under 3504(h)
Charles W. Porter (202) 447–2615

• Agricultural Marketing Service
Red Tart Cherries—Marketing Order No. 930
On occasion, annually
Farms, businesses: 3,014 responses; 1,688 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

Extension

• Foreign Agricultural Service
Sales of Agricultural Commodities for Export
FAS–97, 98, 99 and 100
Weekly and quarterly
Businesses or other institutions: 83,740 responses; 22,175 hours; not applicable under 3504(h)
Thomas McDonald (202) 447–3273

• Agricultural Marketing Service
Fresh Peaches Grown in Designated Counties in Washington—Marketing Order No. 921
On occasion, annually
Businesses: 483 responses; 784 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

• Animal and Plant Health Inspection Service
Daily Log for Birds—Quarantine Facility—Recordkeeping
VS 17–12
On occasion
Businesses: 750 responses; 120 hours; not applicable under 3504(h)
W. Ritchie (301) 436–8172

• Agricultural Marketing Service
Food Facility Survey
MRD–1, MRD–2
On occasion
Businesses: 625 responses; 375 hours; not applicable under 3504(h)
H. S. Ricker (202) 344–2805

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83–6742 Filed 3–15–83; 8:45 am]

BILLING CODE 3410–01–M

COMMISSION ON CIVIL RIGHTS

Rhode Island Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30p and will end at 9:00p, on April 6, 1983, in Room 209, at the United States Post Office, 24 Corliss Avenue, Providence, Rhode Island, 02908. The purpose of this meeting will be to discuss subcomittee reports on the police practices and affirmative action projects, and to discuss plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dorothy Davis Zimmering, 12 Chapin Road, Barrington, Rhode Island, 02806, (401) 245–3515 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. March 12, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-6893 Filed 3-15-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Extension of February 28, 1983, Scoping Meeting Comment Period/ Proposed 1992 Chicago World's Fair

March 11, 1983.

AGENCY: International Trade Administration, Commerce.

ACTION: Department of Commerce, International Trade Administration, International Expositions Staff extends proposed 1992 Chicago World's Fair Scoping Meeting comment period by 30 days—from March 28, 1983, to April 28, 1983.

SUMMARY: The International Trade Administration, U.S. Department of Commerce, held a scoping meeting on the proposed 1992 Chicago World's Fair on February 28, 1983, in accordance with National Environmental Policy Act (NEPA) procedures. This meeting was held to further determine the nature, extent, and scope of the issues and concerns that should be addressed in the environmental impact statement (EIS) which will be prepared on the proposed action. The information received at this meeting will supplement the preliminary findings contained in the earlier prepared Environmental Assessment.

At the meeting individuals, organizations, and government agencies were invited to submit views on issues to be included in the EIS and on the approach for analyzing and evaluating the identified issues. In addition to oral comments, written statements were also invited to be submitted by March 28, 1983. In view of numerous requests from the scoping meeting participants to extend this comment period, the Commerce Department announced at the meeting that comments would be received through April 28, 1983 an extension of 30 days from the original date.

FOR FURTHER INFORMATION CONTACT: Written statements and exhibits should be mailed to Mr. Ed Wilczynski at the following address by April 28, 1983. Ed Wilczynski, NEPA Compliance Officer, National Oceanic and Atmospheric Administration, Room 6800, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5181). For further information regarding EIS and associated NEPA activities pertaining to the proposed Fair, please contact Mr. Wilczynski at the above noted location.

SUPPLEMENTARY INFORMATION: To assist interested parties in familiarizing themselves with the proposal and its preliminary environmental assessment, copies of the Environmental Assessment will be made available for review at the following locations:

1. Chicago Municipal Reference Library, 121 North LaSalle Street, Room 1004, Chicago, Illinois, (312/744-4992).

2. Chicago Public Library, Government Publications Department, 425 North Michigan Avenue, 12th Floor, Chicago, Illinois, (312/269-3002).

3. Branches of the Chicago Public Library:

—Hild Regional Library, 4544 North Lincoln Avenue, (312/728-8652)
—East Side Library, 10542 South Ewing Avenue, (312/721-5500)
—Jefferson Park Library, 5363 West Lawrence Avenue, (312/763-9075)
—Beverly Library, 2121 West 95th Street, (312/445-7715)
—Rogers Park Library, 9525 South Halsted Street, (312/881-6900).
—South Shore Library, 2505 East 73rd Street, (312/734-4780).
—Austin Library, 5615 West Race Avenue, (312/287-0667).
—Garfield Ridge Library, 6322 Archer Avenue, (312/582-6094).
—Eckhart Park Library, 1371 West Chicago Avenue, (312/226-6069).

Individuals interested in obtaining a copy of the assessment for the cost of reproduction may do so by contacting: Bernadette S. Tramm, Executive Assistant, Chicago World's Fair—1992 Corporation, Suite 2590, One First National Plaza, Chicago, Illinois 60603 (312/444-1992).

The EIS referred to in this notice will describe the proposed project and the nature, range, degree, and extent of impacts which may be associated with it. The draft EIS is scheduled to be completed by November 30, 1983. Upon issuance of the draft statement, a public comment period and a public hearing (scheduled for January 2, 1984) are planned to obtain comments on the draft statement. The final environmental impact statement is scheduled to be published on or about May 9, 1984.

Jerome Morse,

Acting Director, International Expositions Staff.

[FR Doc. 83-6915 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Apparel Products From Taiwan

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing the levels of restraint established for men's and boys' woven cotton shirts in Category 340 from 644,548 dozen to 598,092 dozen and man-made fiber coats in Category 633/634/635 from 1,508,746 dozen to 1,399,656 dozen to account for carryforward used during the twelve-month period which began on January 1, 1982. These adjustments apply to the levels of restraint established for Categories 340 and 633/634/635, produced or manufactured in Taiwan and exported during the current agreement year which began on January 1, 1983.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

SUMMARY: The Bilateral Agreement of November 18, 1982 concerning cotton, wool, and man-made fiber textile products, produced or manufactured in Taiwan, provides, among other things, for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the terms of the agreement, the import restraint levels established for Categories 340 and 633/634/635 in 1983 are being adjusted for carryforward used during 1982.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 22, 1982, there was published in the Federal Register (47 FR 57083) a letter dated December 16, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, including Categories 340 and 633/634/635, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In accordance with the terms of the

agreement, the Chairman of the Committee for the Implementation of Textile Agreements, in the letter published below, directs the Commissioner of Customs to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340 and 633/634/635 in excess of the adjusted levels of restraint.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 16, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Taiwan, in excess of designated levels of restraint. The Chairman further advised you the levels of restraint are subject to adjustment.[1]

Effective on March 17, 1983, the levels of restraint established for Categories 340 and 633/634/635 in the directive of December 16, 1982 are adjusted to the following:

Category	Adjusted 12-month level of restraint [2]
340	586,682 dozen.
633/634/635	1,388,656 dozen.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1982.

The actions taken with respect to the authorities in Taiwan and with respect to imports of cotton and man-made fiber textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-6818 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Agreement of November 18, 1982 concerning cotton, wool, and man-made fiber textile products from Taiwan which provides, in part that: (1) specific limits or sublimits may be exceeded by certain designated percentages provided a corresponding reduction in equivalent square yards is made in one or more specific limits or sublimits during the same agreement year; (2) certain specific limits and sublimits may be increased for carryforward; (3) special shift may be applied to certain categories, provided an equivalent quantity in square yards equivalent is deducted from designated categories; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Additional Import Controls on Certain Man-Made Fiber Apparel Products From Macau

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of man-made fiber trousers in Category 647/648, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1983, at a level of 240,075 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Macau, the United States Government has decided to control imports of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1983, in addition to those categories previously designated.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the Federal Register (47 FR 57321) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported to the United States during the twelve-month period which began on January 1, 1983. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of man-made fiber apparel products in Category 647/648, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1983, in excess of 240,075 dozen. The level has not been adjusted to reflect any imports in Category 647/648 after December 31, 1982. Charges for January 1983 amounted to 177 dozen and will be charged.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1982 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Macau.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man Made Fiber Textile Agreement of November 29, and December 18, 1979, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on March 17, 1983, and for the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 647/648, produced or manufactured in Macau, in excess of 240,075 dozen.[1]

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1982. Imports during January 1983 amounted to 177 dozen of which 40 dozen should be charged to Category 647 and 137 dozen to Category 648.

Textile products in Category 674/848 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Category 647/648 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Macau and with respect to imports of man-made fiber textile products from Macau has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-6819 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Levels of Restraint for Certain Cotton and Man-Made Fiber Textile Products From the Federative Republic of Brazil, Effective on April 1, 1983

March 11, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period beginning on April 1, 1983 and extending through March 31, 1984.

SUMMARY: The Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982 between the Governments of the United States and the Federative Republic of Brazil establishes an aggregate and group ceilings and within those ceilings a specific ceiling for Category 369pt., among others, during the agreement year which begins on April 1, 1983. It also provides consultation levels for certain other categories, such as Categories 300/301, 314, 350, 369pt. (floor coverings), and 614, which are not subject to specific ceilings and which may be adjusted during the agreement year. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 300/301, 314, 350, 369, and 614, produced or manufactured in Brazil and exported during the twelve-month period which begins on April 1, 1983 and extends through March 31, 1984, in excess of the designated levels of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

This letter and the action taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

March 11, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of March 31, 1982, between the Governments of the United States and the Federative Republic of Brazil; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1983 and for the twelve-month period extending through March 31, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile product in Categories 300/301, 314, 350, 369, and 614, in excess of the following levels of restraint:

Category	12-mo. level of restraint
300/301	7,173,913 pounds.
314	1,331,000 square yards.
350	30,518 dozen.
369pt.[1]	736,180 pounds.
369pt.[2]	1,268,183 pounds.
614	3,000,000 square yards.

[1] In Category 369, only T.S.U.S.A. numbers 360.2000, 360.2500, 360.3000, 360.7600, 360.8100, 361.0510, 361.1820, 361.5000, 361.5420, and 361.5630.

[2] In Category 369, all T.S.U.S.A. numbers except those listed in footnote 1.

In carrying out this directive, entries of textiles products in the foregoing categories, except Categories 350 and 369pt.[1], produced or manufactured in Brazil, which have been exported to the United States on and after April 1, 1982, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 350 and 369pt.[1] which have been exported prior to April 1, 1983, shall not be subject to this directive.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 31, 1982 between the Governments of the United States and the Federative Republic of Brazil which provide, in part, that: (1) within the aggregate and group limits, specific limits may be exceeded by designated percentages; (2) specific ceilings may be increased by carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton and man-made fiber textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register**.

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-6817 Filed 3-15-83; 8:45 am]

BILLING CODE 3510-25-M

[1] In Category 369, all T.S.U.S.A. numbers except those listed in footnote 1 in above table.

DEPARTMENT OF DEFENSE

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Reinstatement

Service Academies Precandidate Questionnaire (DD Form 1908)

This information is needed to allow service academy admission officials to make a preliminary assessment of a precandidate's prospects for admission to a service academy. It applies to approximately 50,000 youths making an initial application for admission to the Academy: 50,000 responses; 25,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

(A copy of the information collection proposal may be obtained from Maj Daniel J. Flaherty, Jr., United States Air Force Academy, Colorado Springs, CO 80840, telephone (303) 472–3071.)

Dated: March 11, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6737 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondents; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Appointment in the Air Force Medical Service Corps (AF Form 24)

The information collected is used by the Air Force Medical Service Corps Selection Committee to select qualified individuals for direct appointment as commissioned officers in the Air Force Medical Service Corps.

Respondents are civilians applicants with medical skills who desire direct appointment as commissioned officers in the Air Force Medical Service Corps: 150 responses; 150 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD, DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

(A copy of the information collection proposal may be obtained from Major Thomas J. McDougall, Air Force Manpower and Personnel Center (AFMPC/SGCP), Randolph AFB, TX 78150, telephone (512) 652–2167.)

Dated: March 11, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6738 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Mapping Agency

Defense Mapping Agency Advisory Committee on Mapping, Charting and Geodesy (MC&G); Closed Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of the DMA Advisory Committee on MC&G has been scheduled as follows:

Tuesday, 5 April 1983, DMA Aerospace Center, St. Louis Air Force Station, Missouri and Wednesday, 6 April 1983, DMA Special Program Office for Exploitation Modernization, McLean, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Committee will receive briefings on and discuss several current critical MC&G issues and advise the Director, DMA on related scientific and technical matters.

Dated: March 11, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83-6736 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, April 5, 1983; Tuesday, April 12, 1983; Tuesday, April 19, 1983; and Tuesday, April 26, 1983 at 10:00 a.m. in Room 1E801, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy & Requirements) hereby determines that all portions of the

meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March, 11, 1983.

[FR Doc. 83-0814 Filed 3-15-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Intergovernmental Advisory Council on Education; Hearing

AGENCY: Intergovernmental Advisory Council on Education, Ed.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule for a hearing of the Intergovernmental Advisory Council on Education. Notice of this hearing is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE: April 19, 1983.

ADDRESS: Department of Education, Federal Office Building, 1961 Stout Street, Room 239, Denver, Colorado 80294.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (202) 472-6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The Intergovernmental Advisory Council on Education will conduct a Public Hearing on April 19, 1983. The hearing schedule is as follows:

9:00-11:00 a.m.—Federal Role in Education
11:15-12 noon—Press Conference
12 noon-1:00 p.m.—Lunch
1:00-3:00 p.m.—Impact of Block Grant Programs
3:00-4:30 p.m.—Tuition Tax Credits

Individuals, organizations, and associations need to preregister for the April 19 hearing. To preregister, due to limited space and time, write Dr. Theresa H. Marshall, Executive Director, Intergovernmental Advisory Council on Education, Department of Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C. 20202 (telephone—(202) 472-6464) by April 1. (Commenters will be limited to five (5) minutes. Each commenter must provide written comments. Those wishing to submit comments only may do so by mailing them to Dr. Marshall.)

Records are kept of all Council proceedings and are available for public inspection at the office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 3047, Washington, D.C.

Signed at Washington, D.C. on Thursday, March 10, 1983.

Wendy Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 83-6726 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

Indian Education Act; Part B; Educational Services for Indian Children

AGENCY: Department of Education.

ACTION: Application notice for new projects for fiscal year 1983.

SUMMARY: Applications are invited for new projects under the Educational Services for Indian Children program.

Authority for this program is contained in section 1005(c) of Part B of the Indian Education Act.

(20 U.S.C. 3385(c))

This program issues awards to State educational agencies (SEAs), local educational agencies (LEAs), Indian tribes, Indian organizations, and Indian institutions for educational services projects.

The purposes of these projects are: (a) To provide to Indian children educational services that are not available to those children in sufficient quality or quantity; and (b) to introduce innovative and exemplary approaches into the education of Indian children.

Closing Date for Transmittal of Applications: An application for a new award must be mailed or hand delivered by April 29, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.061, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping lable, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or, (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington D.C. time) daily, except Saturday, Sunday, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: There is authorized $2,560,000 for this program for fiscal year 1983. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

New service project awards will be for a period of one year only. An applicant desiring assistance after the one year period will have to apply as a new applicant in the following year.

Application Forms: Application forms and program information packages are expected to be ready for distribution by March 15, 1983. They may be obtained by writing to Dr. Bryan Gray, Indian

Education Programs, U.S. Department of Education, Room 2177, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages and that the applicant not submit information that is not requested.

Applicable Regulations: The regulations that apply to this program include the following:

(a) Regulations governing the Indian Education Act programs (34 CFR Parts 250 and 255);

(b) The Education Department General Administrative Regulations (EDGAR), (34 CFR Parts 74, 75, 77, and 78).

Further Information: For further information contact Dr. Bryan Gray, Indian Education Programs, Office of Elementary and Secondary Education, Room 2177, Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–8040.

(Catalog of Federal Domestic Assistance No. 84.061; Indian Education Special Programs and Projects—Part B—Educational Services for Indian Children)

(20 U.S.C. 3385(a)(c))

Dated: March 11, 1983.

Lawrence F. Davenport,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 83-6969 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

Indian Education Act; Indian Education Fellowships for Indian Students

AGENCY: Department of Education.

ACTION: Application Notice for New Indian Fellowships for Fiscal Year 1983.

SUMMARY: Applications are invited for new fellowships under the Indian Education Act Indian Fellowship program. This program authorizes the award of fellowships to Indian students.

Authority for this program is contained in Section 423 of the Indian Education Act, as amended.

(20 U.S.C. 3385b)

The purpose of these awards is to enable Indian students to pursue courses of study leading to: (a) Graduate level degrees in education, medicine, law, and related fields and (b) Graduate or undergraduate degrees in engineering, business administration, natural resources, and related fields.

Closing Date for Transmittal of Applications: An application for new awards must be mailed or hand delivered by May 2, 1983.

Applications Delivered By Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.087 Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly-dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education. If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or, (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered By Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington D.C. time) daily, except Saturday, Sunday, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: There is authorized $1,440,000 for this program for fiscal year 1983; approximately $440,000 of which will be used for new fellowships. However, the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

The fellowships will be awarded for a period of one year only. An applicant desiring assistance after the one year fellowship will have to apply as a new applicant in the following year.

The Secretary is not establishing any priorities among the allowable fields of study; therefore the available funds will be divided equally among the six allowable fields described in 34 CFR 263.4 of the proposed regulations.

The estimated maximum stipend allowed for a graduate fellow will be $600 per month. The estimated maximum stipend allowed for an undergraduate fellow will be $375 per month. An estimated maximum allowance of $90 per month will be allowed for each dependent. Financial need and the applicant's resources will be taken into account in determining the amount of the fellowship award. The amount of the award will be determined by income of the student, the income of the student's spouse, family contributions, other financial aid including grant awards being received, the cost of living of the area of the institution being attended, and the amount of tuition and fees charged by the institution of higher education.

Application Forms: Application forms and program information packages are expected to be ready for distribution by March 18, 1983. They may be obtained by writing to Dr. Bryan Gray, Indian Education Programs, U.S. Department of Education, Room 2177, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that applicants not submit information that is not requested.

Applicable Regulations: The regulations that apply to this program are the Indian Fellowship Program Regulations (34 CFR Part 263). New proposed regulations for the Indian Fellowship Program were published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on March 10, 1983 (48 FR 10360). Fellowship applicants should prepare the

application on the basis of the NPRM. If material changes are made in the final regulations, the Secretary may require modifications to the fellowship applications.

Further Information: For further information, contact Dr. Bryan Gray, Indian Education Programs, Office of Elementary and Secondary Education, Room 2177, Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 245–8040.

(Catalog of Federal Domestic Assistance No. 84.087; Indian Education Fellowships for Indian Students)

(20 U.S.C. 3385b)

Dated: March 4, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-6648 Filed 3-15-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Study of the Direct Applications of Mathematics

AGENCY: Department of Energy (DOE).

ACTION: Notice of Solicitation for a Grant Application.

SUMMARY: DOE announces that it is conducting negotiations pursuant to 10 CFR 600.7(b) with the National Academy of Sciences (NAS) for a study of the direct applications of mathematics. These negotiations are expected to result in the award of a grant in which DOE will provide $25,000 or approximately 12% of the total estimated cost of the study.

Solicitation number: DE–OF 01–83ER13048.

Authority: DOE Organization Act. Pub. L. 95–91, 42 U.S.C. 7101; Federal Non-Nuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 42 U.S.C. 5901 *et seq*; DOE Financial Assistance Rules, 10 CFR Part 600, 600.7(b), (47 FR 44066, October 5, 1982).

Scope of Study: The grant will be for a study of the range of direct applications of mathematics, including the research system which generates and develops the techniques involved, and to identify the significance of those mathematical concepts and methods for science and industry. The study will result in a report which will include a discussion of areas in applied mathematics requiring additional support and any potential impact on energy research and development.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, attn: David Erdman, MA–464.1, 1000 Independence Avenue, SW., Washington, D.C., 20585, (202) 252–9518. Issued in Washington, D.C. on March 2, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[FR Doc. 83-6740 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Chino Mines Co.; Certification of Eligible Use Natural Gas To Displace Fuel Oil

[ERA Docket No. 83–CERT–001]

On January 13, 1983, Chino Mines Company (CHINO), General Office, Hurley, New Mexico 88043, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of eligible use of approximately 10,000 Mcf of natural gas per day which is expected to displace the use of approximately 66,000 gallons (1,521 barrels) of No. 6 fuel oil (less than 2.0 percent sulfur) per day at its copper ore facilities located near the city of Hurley, New Mexico. The eligible seller of the natural gas is El Paso Hydrocarbons Company, P.O. Box 3986, Odessa, Texas 79760. The gas will be transported by El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978. Notice of that application was published in the **Federal Register** (48 FR 7776, February 24, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed CHINO's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that CHINO's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural Gas Division Docket Room, RG–43, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., March 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6741 Filed 3-15-83; 8:45 am]

BILLING CODE 6450-01-M

Strasburger Enterprises, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Strasburger Enterprises, Incorporated, 4 North Third Street, Temple, Texas 76501. This Proposed Remedial Order charges Strasburger Enterprises, Incorporated, with pricing violations in the amount of $1,469,954.34 connected with the sales of motor gasoline during the period January 1, 1979 through September 30, 1979.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. James N. Solit, Director, Division of Litigation Support, Office of the Special Counsel, Economic Regulatory Administration, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Telephone (202) 633–0500. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 4th day of March 1983.

Avrom Landesman,

Deputy Special Counsel.

[FR Doc. 83-6738 Filed 3-15-83; 8:45 am]

BILLING CODE 6540-01-M

Federal Energy Regulatory Commission

Determination To Reestablish Petroleum Pipeline Advisory Committee on Valuation

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), I hereby certify that the reestablishment of the Petroleum Pipeline Advisory Committee on Valuation is in the public interest in connection with the duties imposed upon the Federal Energy Regulatory Commission, Department of Energy by the Department of Energy Organization Act of 1977, Section 624, and other applicable law. This determination follows consultation with the Committee Management Secretariat, General

Service Administration, pursuant to Section 9 (a)(2) of the Federal Advisory Committee Act and OMB Circular A–63 (Revised).

1. *Name of Advisory Committee:* Petroleum Pipeline Advisory Committee on Valuation.

2. *Purpose:* The Committee will provide the Office of Pipeline and Producer Regulation (OPPR), Federal Energy Regulatory Commission (FERC), with data and information needed by the FERC to determine annual price/cost indices for petroleum pipeline facilities and equipment. These indices are vital to the FERC in determining:

(a) Original (basic) valuations of all oil pipelines as required by Section 19a of the Interstate Commerce Act;

(b) Information which the FERC must compile to comply with the requirement of Section 19a that on completion of such original valuations it shall keep itself informed of all new construction, extensions, and improvements in each such pipeline and all changes in the investment and the valuation; and

(c) The inflation factor present in the valuations which must be determined in order to arrive at real rates of return.

The FERC in a recent decision in arriving at its approach to oil pipeline regulation decided that valuation of an oil pipeline company's facilities and properties will be used as a rate based upon which to measure allowable earnings. In addition, it decided that, in order to prevent double counting, the inflation allowance that the rate based gives must be deducted from a determined nominal rate of return to arrive at a real rate of return. These valuations are also used by state and local authorities in the regulation of pipeline rates and in the taxation of pipeline properties.

The Committee will serve in an advisory capacity only; completely independent calculation of data and information submitted by the Committee will be made by the OPPR's Valuation Branch.

3. *Effective Date of Establishment and Duration:* This Advisory Committee is established effective 15 days after publication of this notice and after filing of the charter with the standing committees of Congress having legislative jurisdiction over the Department of Energy and with the Library of Congress. The Committee will terminate one year from the date of its establishment.

4. *Membership:* The membership of the Advisory Committee shall be fairly balanced in terms of the points of view and functions of the industry and users affected. There will be no discrimination on the basis of race, color, national origin, religion, age, or sex.

5. *Operation:* The Petroleum Pipeline Advisory Committee on Valuation will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), FERC policy and procedures, OMB Circular A–63 (Revised) and other directives and instructions issued in accordance with the implementation of the Act.

6. *Objectivity:* The advice and recommendations of the Advisory Committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Advisory Committee's independent judgment.

Issued at Washington, D.C. on February 7, 1983.

C. M. Butler III,

Chairman.

[FR Doc. 83-6804 Filed 3-15-83; 8:45 am]

BILLING CODE 6717-01-M

Southeastern Power Administration

Power Marketing Policy; Cumberland System of Projects

AGENCY: Southeastern Power Administration (SEPA), DOE.

ACTION: Notice of issuance of final power marketing policy, Cumberland System of Projects.

SUMMARY: The Administrator has adopted the attached Final Power Marketing Policy for SEPA's Cumberland System of Projects. It will be effective upon publication in the **Federal Register** and will be applicable to the sale of system power in given utility areas an then existing contracts, or necessary extensions, expire; in other selected areas as implementing contracts can be completed. The policy was developed in accordance with SEPA's Procedure for Public Participation in the Formulation of Marketing Policy published in the **Federal Register** on July 6, 1978, 43 FR 29186. The process was initiated by the Administrator with a decision that a new written marketing policy for the Cumberland System of Projects was needed. A Notice of Intent to Formulate Power Marketing Policy was subsequently published in the **Federal Register** on November 5, 1980, 45 FR 73537, requesting, among other things proposals and recommendations for consideration by SEPA. Seven responses were received as a result of the Notice of Intent.

On August 19, 1981, a Proposed Power Marketing Policy for the Cumberland System of Projects was published in the **Federal Register**, 46 FR 42186, and the availability of a draft Environmental Assessment was announced and comments on both documents were solicited. 128 comments were received relative to the proposed policy itself, during a Public Comment Forum held in Nashville, Tennessee, on November 5, 1981, or during the written comment period which ended December 7, 1981. No comments were received on the Environmental Assessment. 11 consultations were held with representatives of entities or groups of entities interested in the proposed policy. Additionally, a number of conferences were held with the Corps of Engineers and TVA to consider matters inherent in facilitating whatever policy might be finally adopted. All of the responses and comments from whatever source and within whatever time frame were considered.

Thereafter, a Staff Evaluation Committee was selected by the Administrator to prepare a Staff Evaluation of all oral and written comments and responses received by SEPA. The Staff Evaluation was completed January 20, 1983.

Following the Staff Evaluation, the Administrator decided to modify in certain particulars and to make specific in others the Proposed Power Marketing Policy published August 19, 1981, and to adopt the policy as modified and made specific.

SUPPLEMENTARY INFORMATION: The Final Power Marketing Policy sets forth the guidelines which SEPA will follow in the future disposition of power from the system. The policy covers power from the Barkley, Center Hill, Cheatham, Cordell Hull, Dale Hollow, Laurel, Old Hickory, J. Percy Priest, and Wolf Creek Projects. The policy establishes the marketing area for system power and deals with the allocation of power among or for the benefit of area customers. It also deals with utilization of area utility systems for essential purposes, wholesale rates, resale rates and conservation measures.

Based on the Environmental Assessment of the proposed marketing policy, SEPA and DOE concluded that the proposed policy would not have a significant effect upon the quality of the human environment. The Final Power Marketing Policy is not modified sufficiently to alter this finding. A recital or the primary objections to the proposed marketing policy, brief responses or explanations for rejecting those objections, and specific decisions and changes in the proposed marketing policy approved by the Administrator, precede the text of the final policy as

adopted. Issued at Elberton, Georgia, March 9, 1983.

Harry C. Geisinger,
Administrator.

Final Power Marketing Policy Cumberland System of Projects

Introduction. The efforts to develop a new written power marketing policy for SEPA's Cumberland System of Projects began on November 5, 1980. SEPA has followed the step by step requirements of its Procedure for Public Participation in Formulation of Marketing Policy published in the Federal Register on July 6, 1978, 43 FR 29186. Numerous public comments have been received and evaluated. This public input, offered in an orderly and timely fashion, has greatly helped the decision making process.

Purpose and Legal Authority. The purpose of the policy is to establish with public input written guidelines which SEPA will follow in the future to reasonably and equitably carry out the statutory requirements set forth in Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s. SEPA's authority to formulate the policy and perform these functions are derived from Section 302(a) of the Department of Energy Organization Act, 42 U.S.C. 7152, and delegations pursuant thereto.

Reasons for Marketing Policy. Since its establishment in 1950, until issuance of the written marketing policy for its Georgia-Alabama System in 1980, SEPA utilized ad hoc approaches to power marketing. Resulting policy has been reflected in negotiated contractual arrangements. With respect to the Cumberland, the Department of Interior, prior to the creation of SEPA, had established with TVA a mode of marketing, which while modified over time by SEPA, nevertheless, materially influenced policy for the system up until this time. The need for a revised written policy for the Cumberland has been recognized when current contracts expire, with particular emphasis on marketing area and allocations.

Furthermore, SEPA had advised that interests of various entities around the periphery of the TVA area would be examined.

Primary Objections and Responses. A number of objections, contentions or suggestions for change were filed to the Proposed Power Marketing Policy as published in the Federal Register on August 19, 1981, 46 FR 42186. SEPA responses to major summarized objections, contentions or suggestions follow:

1. *Objection.* Rather than maintaining four separate systems, SEPA power should be marketed on a single-system basis and, in the absence of special circumstances, all preference entities located in the ten-state SEPA area should have equal claim to a pro-rata share of all preference power.

Response. This same idea was raised in connection with the Georgia-Alabama System marketing policy and was dealt with at length in both the *Staff Evaluation* and *Final Power Marketing Policy* for that system. It purpose is to have SEPA integrate all of its projects located in Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Tennessee and Kentucky into a single electrical operation and to dispose of the power throughout the ten-state area in which SEPA has been authorized to market power. That area, in addition to the above states, includes West Virginia and Mississippi. Its further purpose is to have SEPA market power available from the single-system pro-rata to preference entities located throughout the ten-state area without regard to the past or present SEPA policies or any other considerations save "special circumstances." This proposal would have SEPA establish a marketing area of approximately 450,000 square miles comprising the geographical area of the United States lying East of the Mississippi and South of the Ohio and Potomac Rivers. It is an area in which are located approximately 570 preference entities some being as far removed from others as the Ohio and Potomac Rivers are from Key West, Florida and the Mississippi River is from the South Atlantic Seaboard. SEPA presently has less than 3,000 megawatts of generation and the combined preference agency load in the area is now some 40,000 megawatts. Furthermore, SEPA has no transmission facilities and a Congressionally authorized staff of less than 40. It would be required to deal with all of the major public and private utilities throughout the area even though SEPA's resources comprise less than three percent of the capacity and less than one percent of the energy resources in the area. While SEPA has standing delegated authority to market power in the ten states, it does not have utility responsibility respecting any customer. Rather SEPA is in the business of disposing of a relatively small amount of surplus hydro power pursuant to the principles set forth in Section 5 of the Flood Control Act of 1944. Furthermore, all claims to the contrary notwithstanding, there are no statutory or other legal tools available to SEPA by which it can compel area utilities to cooperate in the accomplishment of any such proposal.

The proposal is highly theoretical and impractical. Furthermore, it cannot be justified. While there have been many changes in the electrical power industry during the thirty odd years of SEPA's existence, and while SEPA has taken advantage of the changes and its program has evolved and greatly expanded, the one-system proposal is beyond practicality. The further discussion on the idea contained in the *Final Power Marketing Policy* for the *Georgia-Alabama* System remains pertinent and is by reference incorporated herein and made a part hereof.

2. *Objection.* Marketing of power outside the ten-state SEPA area should be discontinued.

Response. Since 1966, SEPA has had contracts, by special delegation of the Secretary of the Interior, with Southern Illinois Power Cooperative and Indiana Statewide Rural Electric Cooperative, Inc., Hoosier Energy Division. These two G&T cooperatives, serving three and 17 member distribution cooperatives, respectively, along with Big Rivers Electric Corporation serving four member cooperatives in western Kentucky, constituted what was then known as the KII Pool. The three G&T's continue to carry on recognized pool activities. Southern Illinois has a transmission line into Barkley Project specifically to receive power from SEPA. Big Rivers is both connected to Barkley and to the TVA System remote from SEPA projects. Hoosier is one system removed from SEPA and TVA and receives its allocation through Big Rivers pursuant to its own arrangements. Southern Illinois and Big Rivers presently buy both peaking and standby power from SEPA while Hoosier buys only standby. Since SEPA has proposed to discontinue sales of standby power from the Cumberland projects upon the termination of existing contracts and because Hoosier is a system once removed from the projects, SEPA has decided to discontinue sale to Hoosier. However, because of the long-term business relationship between SEPA and the Illinois G&T, its willingness to invest in transmission facilities to Barkley Project and its proximity to the power, SEPA will continue sale of peaking power to the Cooperative. Furthermore, the Assistant Secretary for Conservation and Renewable Energy has authorized the continued sale of peaking power to Southern Illinois. It should be remembered that Section 5 of the Flood Control Act of 1944 is a national statute and the Secretary of Energy has has nationwide authority. The ten-state area in which SEPA is

authorized to market power from projects which are or may be located in those states is by delegation of the Secretary who is free to modify the delegation as he may deem appropriate.

3. *Objection.* SEPA should market Cumberland power either (a) entirely to TVA, or (b) entirely among TVA and the four G&T coops now receiving the entire system output, or (c) among all preference customers within a radius of 150 miles from the system projects.

Response. In 1948, prior to the establishment of SEPA, the Secretary of the Interior entered into a contract with TVA selling the Authority the outputs of the Wolf Creek, Center Hill and Dale Hollow Projects. The contract was terminable in 1988 or thereafter upon ten-years' advance notice. Payment to cover cost of the power investment was to be made annually based on inflow into the Wolf Creek Reservoir. Payments, accordingly, varied widely. Since these were the storage projects in the system, SEPA had little choice but to add Old Hickory and Cheatham, basically run-of-river projects, to the arrangement when they became operative in 1957 and 1959, respectively. However, when the sixth project in the basin, Barkley, was under construction, and since it had some peaking potential, SEPA moved in 1963, with TVA's cooperation to amend the basic arrangement to allow, with the addition of Barkley, the withdrawal from the system of 150 megawatts of peaking power and 100 megawatts of standby power for sale to SEPA customers outside the TVA area. It was arranged for three customers to purchase the use of the 100 megawatts of standby on an acceptable basis. Subsequently, in 1970 and 1973, respectively, J. Percy Priest and Cordell Hull were added to the arrangement and with the addition of Cordell Hull, the withdrawable amount of peaking power was increased to 175 megawatts. The power withdrawn was eventually sold by SEPA as follows: 40 megawatts peaking and 100 megawatts standby to Big Rivers; 35 megawatts peaking and 100 standby to Southern Illinois; 100 megawatts of standby to Hoosier; and 100 megawatts of peaking to a fourth G&T cooperative, East Kentucky Power Cooperative, Inc. The initial contract with Big Rivers was challenged immediately by Kentucky Utilities Company and Louisville Gas & Electric Company as violative of the TVA area limitation statute. The utilities also challenged a Certificate of Convenience and Necessity being sought by Big Rivers because initially two distribution cooperatives served by KU and one served by LG&E were members of Big Rivers and were seeking new sources of power supply. The Certificate of Convenience and Necessity was eventually granted and sustained by a state appellate court and the U.S. District Court in Kentucky finally ruled for SEPA and the sales of withdrawn power to the four G&T's were eventually perfected and deliveries have since continued. In late 1973, SEPA offered the Laurel Project output in equal shares to East Kentucky and to eight Kentucky municipals within 150 miles of the project served from the KU System. Some five years of unsuccessful negotiations with KU to obtain a satisfactory wheeling agreement followed. It was then determined to sell all of the Laurel output to East Kentucky with East Kentucky agreeing to relinquish 25 megawatts of Cumberland power for the benefit of the eight cities when SEPA could obtain an arrangement with KU to perfect deliveries. This effort also failed and SEPA then, pursuant to recently passed legislation authorizing FERC to order wheeling under certain conditions, filed an Application with FERC seeking an Order requiring KU to wheel the 25 mw to the eight cities. The Administrative Law Judge denied the Application and the matter is now before the Commission on exceptions to the ALJ's Initial Decision. Additionally, the Justice Department after investigation and review of SEPA's files, independently and without SEPA's advanced knowledge, filed an antitrust suit against KU alleging violation of the Sherman Act. Both the FERC and court actions are ongoing. This background information is important to placing this suggestion in context, since the suggestion in its entirety was made by KU and represents the Company's position as taken during its dealings with SEPA.

There is no possibility of selling all of the power to TVA in the future and in fact the possibility actually ended in 1963 with the execution of the Big Rivers contract. Likewise, the effort to get the power frozen to existing participants overlooks the fact that for the first time in SEPA history the agency has the opportunity and responsibility to determine what is the most appropriate marketing area and allocation for Cumberland power after considering all available information. Kentucky municipalities, including those in the KU area, have never realized any SEPA power despite their interest, their proximity to the projects and SEPA prior commitments. The final suggestion that all preference customers within a radius of 150 miles of any of the projects be allocated a proportionate share of the power has little relation to the interests of preference customers but was designed to scatter the power so as to minimize the loss of Company supplied load within its service area. It was put forth in the SEPA-KU negotiations and the FERC proceeding for specifically that purpose, not to aid SEPA in developing an appropriate plan to carry out its responsibilities. SEPA has nevertheless reevaluated these contentions and finds them all inconsistent with modern day realities and requirements.

4. *Objection.* The Cumberland River is a Kentucky and Tennessee resource and power produced therefrom should be marketed within the two States.

Response. While the entire Cumberland River Basin is located within Kentucky and Tennessee, Congress has not chosen to delineate the geographical area of the two States as the marketing area for power from the Cumberland Basin resource. Under its powers to regulate navigable waters, Congress could have done so but it did not. Rather, Congress chose to have a designated Power Marketing Administration select the geographical marketing area in accordance with guidelines established in Section 5 of the Flood Control Act of 1944, including the "most widespread use" provision. Under this provision, river basin and State boundaries are only two factors to be considered in the selection of an appropriate geographical marketing area. Other factors include reasonable distances from projects; utility service areas; number, location and demand of preference customers; type and amount of power available for marketing; and various other matters involved in scheduling, transmission, utilization and disposition of the power. There is also the matter of harmonizing the "most widespread use" provision with other statutory provisions.

Under present arrangements, Cumberland power is utilized in Kentucky and Tennessee and portions of seven other States. Under the new written power marketing policy, the SEPA selected geographical marketing area includes all of Kentucky and Tennessee and portions of six other States. Except for Illinois, the States includes in SEPA's selected marketing area are those served totally or partially by TVA, with SEPA's area including selected portions of Kentucky, North Carolina and Mississippi not served by TVA. Stated another way, SEPA's selected marketing area includes the TVA area, those utility areas in the Southeast immediately adjacent to the

TVA service area not now served or contemplated to be served from another SEPA system, (except the service areas of Kentucky Power Company and Nantahala Power & Light Company), and the service area of Southern Illinois Power Cooperative.

The service areas of Kentucky Power Company and Nantahala Power & Light Company, have very small preference loads and are impractical for inclusion at this time. The selected marketing area appears when all factors are considered to be the most reasonable area within which to market Cumberland power.

5. *Objection.* SEPA should recognize and treat TVA as an entity preferred, under the Flood Control Act, in the disposition by SEPA of the power output of the Cumberland System.

Response. This contention is made on behalf of parties seeking disposition of Cumberland power basically within the TVA service area. It is also a counter to the contention that TVA is without preference rights to the power under the statute. The counter was initially raised by those thinking that a determination that TVA was not a preference entity would result in power being withdrawn from TVA for sale outside the TVA area. The question of whether TVA is or is not a preference entity was raised in connection with the Georgia-Alabama policy and was deferred until consideration of the Cumberland policy.

As it turns out, SEPA's approach to development of policy for the Cumberland System does not require the question to be answered. Even those who contend that TVA is not a preference customer recognize that there are public bodies and cooperatives within the TVA service area who are eligible to receive SEPA power and even suggest that some capacity be allocated to TVA for their benefit.

The geographical area within which SEPA is authorized to (or may) market power includes the TVA service area. Within the 80,000 square mile TVA area are 160 public bodies and cooperatives for whom TVA has utility responsibility. They are preference customers under both the TVA Act and under the Flood Control Act. They are in a position to reasonably receive power from both RVA and SEPA's Cumberland System.

SEPA could alternatively market Cumberland power directly to the 160 TVA preference entities using TVA to wheel and facilitate or it could arrange to pass the power and benefits through TVA to the preference customers. From an efficiency standpoint, the latter is preferable. Furthermore, all of the preference entities within the TVA area desire SEPA to deal with TVA for their benefit. Under long-term TVA policy and arrangements, TVA and Cumberland hydro power and benefits flow through to the preference entities and will continue to do so in the future. The real question then is should the public bodies and cooperatives located in the TVA service area be allowed to receive both TVA and SEPA hydro power and, if so, to what extent?

Despite attempts to distinguish TVA and SEPA hydro power, the fact remains that all of such power is Federally-owned. And, all of it is to be marketed giving preference to public bodies and cooperatives. SEPA's policy will make available Cumberland power to preference entities in the TVA area. As to quantities, SEPA will add to the TVA supplied hydro such that preference customers inside the TVA area will have met from Federal hydro approximately the same percentage of their total demand as SEPA will provide its preference customers in the remaining Cumberland marketing area outside the TVA service area. SEPA has concluded that this discretionary resolution has merit and is reasonably fair and equitable to all concerned.

6. *Objection.* TVA is not a public body entitled to preference power within the meaning of Section 5 of the Flood Control Act of 1944, although it serves a number of public bodies and cooperatives which would be entitled to receive SEPA power. Accordingly, TVA should receive for the benefit of preference customers in its area 65 percent of the capacity (no energy) which the Authority now receives from SEPA. Kentucky preference entities should receive the equivalent of the hydro power which TVA System preference customers would receive from combined TVA–SEPA hydro resources, and all preference entities throughout the ten-state area not now served by SEPA (including Kentucky cities) should receive an equitable proportion of all remaining Cumberland capacity and energy.

Response. The non-issue of TVA's status under the preference provisions of Section 5 of the Flood Control Act of 1944 was adequately covered in the *Response* to *Objection 5.* The proposal contained in this *Objection 6* is sponsored by representatives of preference entities who are promoting a single system approach to SEPA marketing. The proposal would effectively leave approximately 400 megawatts of capacity inside the TVA System, removing therefrom a total of some 500 megawatts and all of the energy. Kentucky preference entities outside the TVA service area would receive treatment equal to that granted preference entities within the TVA service area from TVA–SEPA hydro power and the remaining Cumberland power would be spread throughout the remaining portions of the 10-state area. Devoid of justification, the proposal on its face is lacking in practicality and sound business principles as discussed in the *Response* to *Objection 1.*

7. *Objection.* Reallocation of Cumberland power is essential to carry out SEPA's mandate and to overcome historical inequities resulting from TVA service boundaries and area limitation statute.

Response. This objection recognizes that no systematic allocation of Cumberland power among potential customers has previously been made by SEPA. The original and subsequent piece meal and ad hoc approaches to Cumberland marketing reflect the need for reconsideration being made through this policy making procedure. This is in reality SEPA's first opportunity to really consider what area might be reasonably served from the Cumberland projects and to consider how the power might equitably be allocated among all preference customers located in the selected areas. SEPA believes, therefore, that a reasonable basis exists for reconsideration of the marketing area and careful reallocation of resources but that the basis exists independently of any inequities which may linger along the periphery of the TVA established service area. While SEPA efforts may serve to partially overcome the peripheral inequities, SEPA's driving force is to most effectively carry out its mandate as set forth in Section 5 of the Flood Control Act of 1944.

8. *Objection.* Proposed allocations to TVA area preference customers are inequitable and will result in withdrawal of substantial quantities of both power and monetary benefits from TVA's preference customers and their domestic and rural consumers.

Response. Preference customers of TVA which have long realized major benefits from the Cumberland hydro resource are understandably concerned about the proposed withdrawal of additional quantities of power from the TVA System. Benefits from both TVA and SEPA hydro, under TVA policy, are substantially passed through to TVA area preference customers and in turn to their domestic rural consumers. Therefore, the TVA area preference customers naturally prefer the status quo if not an improvement of their present condition. They contend that the proposed allocations will adversely impact them, both product and benefit wise, the extent depending upon the allocation of capacity and energy to

preference customers outside the TVA service area. They also express concern about extra costs and losses that will be involved in spreading the power over a larger geographical area and worry as to efficient use of resources when additional utility systems are involved.

It may be true, depending on how much capacity and energy is withdrawn, that monetary benefits could be withdrawn from TVA area preference customers. In the proposed policy, SEPA proposed ranges of allocations to proposed preference customers. The maximum allocation would withdraw a substantial amount of energy from the TVA System. In that case, TVA would be required to replace that energy at a higher cost then the cost of SEPA energy. However, under a minimum allocation, there would basically be no change in the amount of energy the TVA System would receive and utilize for its preference customers. As to capacity withdrawal, the monetary detriment may be much less than suspected, possibly even minimal, when it is considered that Cumberland capacity added to available TVA hydro likely provides more peaking capability than the TVA load can reasonably sustain. Futhermore, during the proposed policy period, because of excess capacity currently reported in the TVA System, minimal new capacity will need to be added by TVA.

The three to five percent increase in rates postulated by TVA is based upon certain assumed withdrawals and projected high costs of replacement power. SEPA believes the estimates to be clearly on the high side. Nevertheless, some financial detriment is a distinct possibility. This, however, does not make a carefully selected withdrawal inequitable. Quite the contrary, a carefully balanced overall policy carrying out in a reasonable manner SEPA's marketing responsibilities is the goal being sought. The allocations selected in the final policy effectively accomplish this goal.

9. *Objection.* SEPA should conditionally allocate power for future withdrawal and use in developing joint state-federal synthetic fuel plants in Kentucky.

Response. The basis for this suggestion is that originally four synthetic fuel plants were proposed for western Kentucky which would require upwards of 1300 mw of electric power. From a load factor and time duration standpoint the power need presents some special problems to the industry owners and power suppliers. Both Federal and State money has been or was proposed for investment in otherwise privately financed and operated industries. To what extent the plants will become reality remains to be seen.

SEPA has only a limited amount of peaking capability available for a large preference market and has not previously during its existence allocated power to any industry. The suggestion invites a break with this policy.

In the first place these plants need base load power whick SEPA does not have. Secondly, in addition to the fact that SEPA's resource does not match the product needed, SEPA's mandate to honor the preference clause is an overriding requirement. Under the proposed policy, SEPA would be able to supply only a portion of the peaking requirements of the preference entities in the marketing areas under consideration.

Furthermore, it would be difficult to justify asking electric power consumers to give up some of their benefits of hydro power in order for the users of synthetic fuel to get their product more cheaply.

10. *Objection.* Supply agencies for preference customer groups should receive an allocation of power in addition to allocations to their member distribution entities.

Response. This Objection is premised upon a mistaken belief that SEPA in the past has granted allocations of power and energy to G&T cooperatives in addition to allocations made to on-system distribution cooperation served directly by those G&T's. The confusion apparently arises from the fact that some off-system member cooperatives receive allocations and delivery through utilities other than the parent G&T. Their allocations, however, are based on their own loads segregated from the loads actually and directly served by the G&T itself. In other words, the loads served directly through the G&T's own transmission facilities are utilized in determining allocations to the G&T's while the loads of off-system member cooperatives served through other utilities transmission facilities are utilized in the determination of allocations to the off-system cooperatives. There are no resulting duplications of allocations and the proposed policy specifically denies that possibility.

A further point of confusion may have arisen from the fact that a given distribution cooperative system may have been geographically located partially in one ESPA system marketing area and partially in another. However, only the portion of load actually existing in a given SEPA system was utilized in the allocation process for that particular system. Again there was no duplication. No preference demand should expect to receive more than its appropriate allocation and that only from the SEPA system marketing area in which it is located.

11. *Objection.* SEPA should remove the adverse competitive impact and pressures caused by uneven allocations and treatment of preference entities.

Response. This contention is supportive of the single system concept and reallocation of all power available to SEPA proportionately among all preference entities throughout the ten-state area. The practicality of such an understanding was dealt with in the *Response* to *Objection 1.* It should also be noted that any legal compulsion to follow such a course does not exist. Futhermore, no legal or other usable tools exist to accomplish a single system concept. SEPA is aware that because of circumstances influencing the evolution of its marketing program, uneven distribution of power among preference entities has resulted. Nevertheless, within selected marketing areas, evenhanded treatment was always afforded participation preference entities as power became available. It goes without saying, however, that preference entity participation at any point in time was voluntary and beyond SEPA's control. Additionally, because geographical limits to marketing areas resulted from the decision process, preference entities immediately beyond the peripheries were affected. But as discussed in the *Response* to *Objection 7* in the Final Marketing Policy for the Georgia-Alabama System, the magnitude of the impact is debatable and is but one factor in the establishment of rate levels by preference entities.

SEPA's responsibility is to dispose of surplus hydro power from identifiable Corps of Engineers reservoir projects in accordance with specific statutory criteria and it has no utility responsibility respecting any customer within the ten-state area or other specified areas in which it is authorized to market power. The impact of SEPA power is something of which SEPA is conscious but the impacts are a natural consequence of its marketing program. The Congress has not required SEPA to specifically take this matter into consideration as it has required of certain other agencies of a regulatory nature.

12. *Objection.* The system dependable capacity utilized by SEPA in its marketing plan must be realistic and reflect parameters that will be used in operating Cumberland projects.

Response. Realism and pragmatism are, indeed, called for. In depth consideration must be and has been given to operating and marketing parameters associated with both the TVA System, within which a portion of the power will remain, and the peripheral systems into which portions of the power will be delivered. These considerations are made more difficult by the multi-purpose nature and particular characteristics of the projects, together with the interrelated aspects of the Cumberland and Tennessee Rivers created by the Barkley Canal. Accordingly, judgmental skills of a high degree are required in both hydraulic and operating areas. SEPA's much revised and reviewed system computer study for the period 1925 through 1981 has taken all known and relevant factors into consideration in the determination of system dependable capacity. This study establishes, in the judgment of SEPA's hydraulic and operating experts, and in the context of the proposed new written marketing policy, the dependable capacity of the Cumberland System at 960,000 kilowatts with accompanying firm energy of 1,280 kilowatt-hours per kilowatt per year.

The study effectively simulates output of the sytem based upon projected operations by the Corps of Engineers and SEPA with dependable capacity based upon conditions existing as of the end of January 1981. Extensive discussions were held with the Corps of Engineers (Nashville District and ORD) and TVA in order to validate the study. The Staff concludes that SEPA is justified in marketing 960,000 kilowatts of dependable capacity with accompanying firm energy of 1,230,000,000 kilowatt-hours.

13. *Objection.* The benefits of Cumberland hydro power under the proposed policy will be substantially diminished through inefficient use of facilities, added transmission losses, and additional facility utilization costs.

Response. The concerns here expressed are related to an extension of the marketing area and the involvement of additional utilities. Operationwise, the proposed policy may place some restrictions on the system's response to always provide least cost TVA energy, which TVA probably considers an inefficient use of facilities. However, the principle value of the system is the production of peaking power, and it is through an interrelated consideration of involved utility systems that SEPA seeks and expects to achieve a more beneficial use of available product. A better balance of capacity and energy realization is sought through carefully revised project operations including projected maintenance of higher project storage elevations during the summer and fall months. The end result will be a more efficient overall use of Cumberland resources. Transmission losses are indeed related to the marketing area selected and must be weighed in the selection of that area. The proposed policy has considered customers either within the TVA service area or those in immediately adjacent areas involving utilities having transmission lines to the Cumberland Projects or otherwise having direct connections to the TVA System. SEPA believes losses within the TVA System are no more than average system losses and additional external losses are well within the bounds of those necessarily resulting from SEPA properly carrying out its mission. However, SEPA has decided against trying to serve in the Kentucky Power and Nantahala areas because of very light preference customer load and other factors.

Some small additional facility use is required and will be compensated for. Also, the addition of some revenue metering by the Government may be desirable to more accurately measure the product going into the TVA System.

SEPA, in evaluating these contentions, can find no plausible basis for concluding that significant or material increase in costs, losses of efficiency, or unacceptable transmission losses will result from implementation of the proposed policy should it be made final.

14. *Objection.* SEPA is without legal authority to mandate conservation measures and programs as part of its marketing policies.

Response. There is no substantial objection to the Congressionally articulated national policy of energy conservation. At this point in its institutional life, SEPA seeks to be responsive to this national policy, mindful of the various factors that inhibit its ability to contribute except in limited ways. Careful use of SEPA's scarce hydro resource is something for which SEPA will continue to strive and toward that end SEPA proposes not to require its customers to provide financial assistance to their ultimate consumers, as some have contended, but rather to offer technical assistance where needed to encourage and assist its customers to develop and conduct conservation programs reasonably within their capabilities. SEPA believes its proposed promotional activities are well within its statutory mandate.

Changes or Revisions in Proposed Marketing Policy

The Introductory section (General) has been revised to specify that the length of implementing contracts would be approximately 10 years.

The *Marketing Area* section has been revised to eliminate the Kentucky Power Company and Nantahala Power & Light Company areas. The quantities of power going into these areas would be de minimis and would not at this time justify the marketing effort. Because the preference loads will grow over time, these areas will again be considered during future marketing policy reviews.

In the *Allocation of Power* section, the amounts of capacity and energy going to or for the benefit of preference entities in the marketing area have been selected and made specific. The amounts are believe to be realistic in the light of the product available, types of recipients and financial impact.

The *Utilization of Utility Systems* section has been revised to provide for the most feasible and desirable impact of Cumberland power upon using systems while maintaining essential operating control by SEPA and the Corps of Engineers.

Finally, the *Conservation Measures* section has been revised to clarify SEPA's role as promotional in nature.

Final Power Marketing Policy

Cumberland Projects

General. The projects and power subject to this policy are:

Projects	Capacity (kilowatts (nameplate))	Energy (megawatt-hours) (average annual)
Barkley	130,000	[1]560,000
Center Hill	135,000	386,000
Cheatham	36,000	186,000
Cordell Hull	100,000	260,000
Dale Hollow	54,000	125,000
Laurel	61,000	69,000
Old Hickory	100,000	475,000
J. Percy Priest	28,000	72,000
Wolf Creek	270,000	520,000

[1] Does not include increased output resulting from Barkley-Kentucky Canal.

The policy for the Cumberland System of Projects will be implemented as to existing customers as existing contracts, or necessary extensions thereof, expire; as to new customers, as implementing contracts can be completed. Existing contracts will expire June 30, 1983.

The policy will be implemented through negotiated contracts for terms of approximately 10 years.

SEPA will seek the use of transmission facilities owned by TVA

and other utilities within the marketing area for all necessary purposes including bulk transmission and transmitting to load centers where required. Power deliveries may be made at the projects, at utility interconnections with TVA or at customer substations, as determined by SEPA. The projects will be hydraulically, electrically and financially intergrated and will be operated to make approximate contribution to the TVA System and to permit deliveries to the other utility areas within the selected marketing area. Reference in the sale of power be given to public bodies and cooperatives.

Marketing Area. The marketing area will be the TVA service area and the service areas of the following utilities: Big Rivers Electric Corporation; Carolina Power & Light Company, Western Division; East Kentucky Power Cooperative; Kentucky Utilities Company; Mississippi Power and Light Company; and Southern Illinois Power Cooperative. The utilities other than TVA are either connected to the Cumberland projects, or to the TVA transmission System and are not now receiving or under consideration to receive power from other SEPA systems. The geographic marketing area will consist of approximately 148,000 square miles. Except where duplication of allocations would result, public bodies and cooperatives located outside the TVA service area and listed on Appendix A attached hereto are eligible to share in Cumberland power marketable under this policy; provided that Cumberland power shall not be made available to meet any portion of any preference entity demand within the selected Cumberland marketing area which is in part required to be met by power from any other SEPA system.

Allocation of Power. Power available under this policy for allocation from the Cumberland System will be peaking power only. The power will be divided into two categories: (1) Power available for sale outside the TVA service area and (2) power sold to TVA for use within the TVA area. SEPA will allocate available Cumberland capacity to or for the benefit of public bodies and cooperatives throughout the entire marketing area so that all such customers will be able to have met from total Federal hydro power available to them approximately the same percentage of their 1978 peak demand requirements. To accomplish this division and distribution, SEPA will allocate from system generation to public bodies and cooperatives outside the TVA area an estimated 19 to 20 percent of the 1978 peak load demands of eligible public bodies and cooperatives listed on Appendix A. The energy accompaniment of such capacity will be 1,500 kilowatt-hours per kilowatt per year (1,280 firm, the remainder usable secondary), except that if additional energy is required in given utility areas to make viable capacity allocations under acceptable arrangements such additional energy (secondary) will be made available from the Cumberland projects. All remaining capacity and energy will be allocated to TVA for the benefit of public bodies and cooperatives in its area.

Utilization of Utility Systems. In the absence of transmission facilities of its own, SEPA will acquire the use of area generation and transmission systems to integrate the Cumberland projects, provide firming, wheeling, exchange and other functions as may be necessary to dispose of system power under reasonable and acceptable marketing arrangements. Utility systems providing such services shall be entitled to adequate compensation. SEPA will make declarations of all energy available from the Cumberland System to TVA and cooperatively determine the magnitude of delivery from particular projects in accordance with acceptable procedures generally followed by SEPA and the Corps of Engineers with respect to its other systems. TVA will schedule all of the power to generally meet its own system requirements and will transmit portions of such power to its interconnections in response to allowable schedules submitted by neighboring utilities entitled to receive under appropriate arrangements designated quantities of system power. Specific terms and conditions of arrangements between SEPA and TVA and SEPA and the other utilities will be the subject of negotiations. Distribution preference agencies directly affected by negotiations with wheeling utilities shall stand in an advisory role to SEPA and shall be involved as determined by SEPA and otherwise kept currently advised as to the status and progress of negotiations.

Wholesale Rates. Rate schedules shall be drawn so as to recover all costs associated with producing and transmitting the power in accordance with then current repayment criteria. Production costs will be determined on a system basis and rate schedules will be related to the integrated output of the projects. Transmission costs may cause rate schedules to vary between utility areas. Rate schedules may be revised periodically.

Resale Rates. Resale rate provisions requiring the benefits of SEPA power to be passed on to the ultimate consumer will be included in each SEPA customer contract which provides for SEPA to supply more than 25 percent of the customer's total power requirements during the term of the contract.

Conservation Measures. Each customer purchasing SEPA power shall agree to take reasonable measures to encourage the conservation of energy by ultimate consumers.

Appendix A—Preference Agencies in the Cumberland System Area

Kentucky

Big Rivers Electric Corporation
Member Cooperatives:
- Green River EC
- Henderson-Union REC
- Meade County REC
- Jackson-Purchase EC

Associated Utilities:
- Henderson Municipal Power & Light

East Kentucky Power Cooperative, Inc.
Member Cooperatives:
- Big Sandy REC
- Blue Grass REC
- Clark RECC
- Cumberland Valley REC
- Farmers REC
- Fleming-Mason REC
- Grayson REC
- Harrison REC
- Inter-County REC
- Jackson County REC
- Licking Valley REC
- Nolin REC
- Owen County REC
- Salt River REC
- Shelby REC
- South Kentucky REC
- Taylor County REC

Kentucky Utilities Company Area
- Barbourville
- Bardstown
- Bardwell
- Benham
- Corbin
- Falmouth
- Frankfort
- Madisonvill
- Nicholasville
- Paris
- Providence

Associated Utilities:
- Owensboro Municipal Utilities

Mississippi

Mississippi Power & Light Company area
- Canton
- Clarksdale
- Durant
- Greenwood
- Itta Bena
- Kosciusko
- Leland
- Yazoo City
- Coahoma EPA
- Delta EPA
- Magnolia EPA
- Southern Pine EPA
- Southwest Mississippi EPA

Twin County EPA
Yazoo Valley EPA

NorthCarolina

Carolina Power & Light Company Area
(Western Division)
Waynesvill
French Broad EMC
Haywood EMC

Illinois

Southern Illinois Power Cooperative

Member Cooperatives:
Egyptian ECA
Southeastern Illinois EC
Southern Illinois EC

[FR Doc. 83-6737 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-310; PH-FRL-2319-7]

Pesticide and Feed Additive Petitions; FMC Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pecticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-310] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2817.* FMC Corporation, 2000 Market St., Philadelphia, PA 19103. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide carbosulfan (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-[(dibutylamino) thio] methylcarbamate) plus (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate, and its carbamate cholinesterase inhibiting metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate; 2,3-dihydro-2,2-dimethyl-3-keto-7-benzofuranyl-*N*-methylcarbamate); and its phenolic metabolites (2,3-dihydro-2,-dimethyl-7-benzofuranol; 2,3-dihydro-2,2-dimethyl-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol) and its metabolite (di-*n*-butylamine) in or on the following commodities at the levels stated as follows:

a. Eggs and poultry at 1.1 part per million (ppm) total of which no more than .05 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 0.05 ppm is the metabolite di-*n*-butylamine.

b. Kidney and liver of cattle, goats, hogs, horses, and sheep at 0.1 ppm total, of which no more than .08 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 0.0 ppm is the metabolite di-*n*-butylamine.

c. Meat, fat and meat by products (except liver and kidney) of cattle, goats, hogs, horses and sheep at 1.1 ppm total, of which no more than .02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 0.1 ppm is the metabolite di-*n*-butylamine.

d. Milk at 1.6 ppm total, of which no more than 0.02 ppm is carbosulfan and its cholinesterase inhibiting metabolites, and 1.5 is the metabolite di-*n*-butylamine.

e. Sorghum fodder at 10.0 ppm total, of which no more than 1.5 ppm is carbosulfan, 1.5 ppm cholinesterase inhibiting metabolites, and 2.0 ppm is its di-*n*-butylamine metabolite.

f. Sorghum grain at 4.5 parts per million (ppm) total, of which no more than 0.03 ppm is carbosulfan, 0.7 ppm cholinesterase inhibiting metabolites, and 1.5 ppm is its di-*n*-butylamine metabolite. The proposed analytical method for determining residues is by gas chromatography using a nitrogen-phosphrous detector. (PM-12, Jay Ellenberger, 703-557-2386).

2. *PP 3F2818.* Ciba Geigy Corp., P.O. Box 18300, Greensboro, NC, 27419. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl) alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-[2-(hydroxymethyl)-6-methylphenyl]-*N*-(methoxyacetyl) alanine each expressed as metalaxyl in or on the commodities soybean fodder and forage at 7.0 ppm, and grain at 0.5 ppm. The proposed analytical method for determining residues is gas chromatography using an alkali flame ionization detector. (PM-21, Henry Jacoby, 703-557-1900).

3. *FAP 3H5362.* Ciba Geigy Corp. Proposes amending 21 CFR Part 561.273 by establishing a regulation permitting the combined residues of the fungicide metalaxyl and its metabolites in or on the commodities soybean hulls, meal, and soapstock at 1.0 ppm. (PM-21, Henry Jacoby, 703-557-1900).

4. *PP 3F2799.* Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804-0036. Proposes amending 40 CFR 180.108 by establishing tolerances for the combined residues of the insecticide acephate (*O,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on the commodity potatoes at 1.0 ppm. The proposed analytical method for determining residues is gas chromatographic method using a thermionic detector. (PM-16, William Miller, 557-2600).

5. *FAP 3H5380.* Chevron Chemical Co. Proposes amending 21 CFR 561.20 by establishing a regulation permitting the combined residues of the insecticide acephate and its cholinesterase-inhibiting metabolite *O,S*-dimethyl phosphoramidothioate in or on dried potato waste at 4.0 ppm when present as a result of the application of acephate to the growing crop, potatoes. (PM-16, William Miller, 703-557-2600).

6. *PPm 1F2430.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington DC 20036. Proposes to amend 40 CFR 180.379 by establishing tolerances for residue of the insecticide cyano (3-phenoxyphenyl)methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate in or on the commodities pop corn, cobs and kernels at 0.01 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM-17, Franklin D. R. Gee, 703-557-2690).

B. Amended Petitions

1. *PP 3F2815.* Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH, 44114. EPA issued a notice published in the **Federal Register** of

September 29, 1982 (47 FR 42741) that announced that Diamond Shamrock Corp. had submitted pesticide petition 2F2802 to the Agency proposing to amend 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the commodity peaches at 0.5 ppm. Diamond Shamrock Corp. has amended the petition by increasing the tolerance level on peaches to 3.0 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–21, Henry Jacoby, 557–1900).

2. *PP 3F2773.* Union Carbide Corp., T.W. Alexander Drive, Research Triangle Park, NC 27709. EPA issued a notice published in the **Federal Register** of December 22, 1982 (47 FR 57129) that announced that Union Carbide Corp., has submitted pesticide petition 3F2773 to the Agency proposing to amend 40 CFR 180.407 by establishing tolerances for the combined residues of the insecticide thiodicarb (dimethyl *N,N'*-(thiobis[(methylimino)-carbonyloxy)) bis(ethanimidothioate)) and its metabolite methomyl, *N*-((methylcarbamoyl)oxy) thioacetimidate in or on the commodities field corn grain at 0.05 ppm, sweet corn kernels (plus cob) at 1.5 ppm, and field corn fodder and forage at 60.0 ppm.

Union Carbide has amended the petition by deleting the proposed tolerances for field corn fodder and forage and proposing tolerances for corn fodder and forage at 60.0 ppm. The proposed analytical method for determining residues is liquid chromatography. (PM–12, Jay Ellenberger, 703–557–2386).

3. *PP 1F1083.* Olin Corp., P.O. Box 30–275, 275 S. Winchester Ave., New Haven, CT 06511. EPA issued a notice published in the **Federal Register** of December 15, 1971 (36 FR 23836) that announced the Olin Corp., had submitted pesticide petition 1F1803 to the Agency proposing to amend 40 CFR 180.291 by establishing tolerances for the residues of the fungicide pentachloronitrobenzene in or on the various raw agricultural commodities.

Olin Corp. has amended the petition as follows:

a. Establish tolerances for combined residues of pentachloronitrobenzene and its metabolites pentachloronitroanaline and methyl pentachlorophenyl sulfide and impurities pentachloronitrobenzene and hexachlorobenzene at 0.1 ppm with no more than 0.02 ppm for residues of hexachlorobenzene (HCB) for bananas, broccoli, brussel sprouts, cabbage, cauliflower, garlic, peppers, potatoes, and tomatoes.

b. Increase tolerance levels of combined residues for: beans from 0.1 to 0.2 ppm with no more than 0.02 ppm for residues of HCB; peanuts from 1.0 to 2.0 ppm with no more than 0.4 ppm for residues of HCB.

c. Establish tolerances for combined residues in fat of cattle, goats, hogs, horses, poultry, and sheep at 0.15 ppm with no more than 0.05 ppm for residues of HCB; meat and meat byproducts of cattle, goats, hogs, horses, poultry, sheep, milk and eggs at 0.05 ppm with no more than 0.02 ppm residues of HCB; and peanut hulls at 5.0 ppm with no more than 0.3 ppm residues of HCB. The proposed analytical method for determining residues is gas chromatography with electron capture detection. (PM–21, Henry Jacoby, 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: March 1, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6304 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-314-PH-FPC 2319-6]

Pesticide and Feed Additive Petitions; Monsanto Co., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF–314] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2809.* Monsanto Co., 1101 17th, St., NW., Washington, D.C. 20036. Proposes amending 40 CFR 180.364 by establishing tolerances for the combined residues of the herbicide glyphosate (*N*-phosphenomethyl glycine) and its metabolite aminomethylphosphonic acid in or on the commodity wheat (grain) at 0.2 part per million. The analytical method for determining residues is high pressure liquid chromatography (HPLC). (PM–25, Robert Taylor, 703–557–1800).

2. *FAP 3H5388.* Uniroyal Chemical, Division of Uniroyal Inc., 74 Amnity Rd., Bethany CT, 06525. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4,oxathiin-4-oxide and other aniline liberating metaboites (calculated as carboxin) in or on the commodity peanut meal at 6.0 ppm. (PM–21, Henry Jacoby, 703–557–1900).

3. *PP 3F2827.* Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)-alanine methyl ester] and its metabolites containing the 2,6-dimethylaniline moiety, and *N*-(2-hydroxy methyl-6-methyl)-*N*-(methoxyacetyl)-alanine methylester, each expressed as metalaxyl, in or on the commodities brassica (cole) leafy vegetables, fruiting vegetables (cucurbits), fruiting vegetables (execpt cucurbits), leafy vegetables (except brassica), leaves of root and tuber vegetables, root and tuber vegetables, and sunflower at 0.1 ppm. The proposed analytical method for determining residues is radioactive counting and gas chromatography. (PM–21, Henry Jacoby, 703-557-1900).

B. Amended Petitions

PP 9F2187. Uniroyal Chemical. EPA issued a notice published in the Federal Register of April 13, 1979 (44 FR 22175) that announced that Uniroyal Chemical Corp., had submitted pesticide petition 9F2187 to the Agency proposing to amend 40 CFR 180.301 by establishing tolerances for the combined residues of the fungicide carboxin in or on the commodities peanuts, peanut seeds, and hulls at 5.0 ppm.

Uniroyal Chemical Corp. has amended the petition by decreasing the tolerance in peanuts from 5.0 to 3.0 ppm. The proposed analytical method for determining residues is by hydrolysis-to-aniline method and color test with *p*-dimethylaminobenzaldehyde (for plant tissue), and by hydrolysis and gas chromatography of the liberated aniline using a nitrogen-specific detector (for seed). (PM–21, Henry Jacoby 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: February 25, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6800 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP–31015A; PH–FRL 2319–4]

M and T Chemicals, Inc.; Approval of Application to Conditionally Register a Pesticide Product Involving A Changed Use Pattern

AGENCY: Environmental Protection Agency (EPAP).

ACTION: Notice.

SUMMARY: EPA has approved the application by M and T Chemicals, Inc. to register the antifoulant BioMet ™ 204 AF–14 Red Antifouling Paint. The registration involves a changed use pattern pursuant to the provisions of section 3(c)(4) of the Federal Inseticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of May 10, 1978 (43 FR 20052) which announced that M and T Chemicals, Inc., PO Box 1104, Rahway, NJ 07065, had submitted an application to register the antifoulant Biomet Antifouling Paint containing 15.0 percent of the active ingredient triphenyltin fluoride. The application proposed that the use pattern of the product be changed from technical for reformulating into antifouling paints to an active ingredient in antifouling formulation. The application also proposed that the product be classified for general use.

The application was approved on January 10, 1983 for general use as "BioMet ™" 204 AF–14 Red Antifouling Paint" with 10.9 percent of the same active ingredient. The product was assigned EPA Registration No. 5204–60.

A copy of the approved label and the list of data references used to support registation are available for public inspection in the office of the product manager. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (92 Stat. 819; 7 U.S.C. 136), will be available for public inspection in accordance with section 3(c)(2) of FIFRA within 30 days after registration date. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A–101), EPA, 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) identify the product name and registration number and (2) specify the data or information desired.

(Sec. 3(c)(2) FIFRA, as amended)

Dated: February 28, 1983.

Edwin L. Johnson,

Director, Office of Pesticide programs.

[FR Doc. 83-6800 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-50-M

[OGC–FRC 2322–4]

Enforcement Guidance

AGENCY: Environmental Protection Agency.

ACTION: Enforcement guidance.

SUMMARY: The Environmental Protection Agency is publishing a memorandum providing enforcement guidance regarding whether burning low energy hazardous wastes for ostensible energy recovery purposes can be considered to be legitimate recycling activity within the meaning of 40 CFR 261.6(a)(1). Application of the guidance will vary in individual cases according to specific circumstances.

FOR FURTHER INFORMATION CONTACT: Steven Silverman, Esq., Attorney, Office of General Counsel (202–382–7706).

Dated: March 8, 1983.

Robert M. Perry,

Associate Administrator and General Counsel.

(The memorandum containing the enforcement guidance is set out below)

January 18, 1983.

Memorandum

Subject: RCRA Enforcement Guidance: Burning Low Energy Hazardous Wastes Ostensibly for Energy Recovery Purposes

From: Rita Lavelle, Assistant Administrator for Solid Waste and Emergency Response

Robert M. Perry, Associate Administrator and General Counsel

To: Regional Administrators, Regional Counsels, Directors, Air and Hazardous Materials Divisions

I. Introduction

A. Purpose

This memorandum provides guidance to determine when burning hazardous waste or hazardous waste-derived fuels in boilers will be considered legitimate recycling under 40 CFR 261.6(a)(1), the regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). This memorandum also provides guidance regarding the possible obligation of generators, fuel blenders, distributors and ultimate users of these materials to comply with regulations promulgated under Sections 3002–3005 of RCRA. While this guidance sets out general rules, they may vary in particular cases depending upon individual circumstances.

B. Regulatory Background

On May 19, 1980, as part of the final and interim final regulations implementing RCRA, EPA promulgated an exemption from regulation for certain hazardous wastes being beneficially used, reused, recycled, or reclaimed (referred to collectively throughout this memorandum as "recycled"). This exemption, contained in 40 CFR 261.6, applies to two categories. First, certain hazardous wastes are totally exempt from regulation if they are to be recycled. These are hazardous wastes that are not sludges, that exhibit a characteristic of hazardous waste, and that are not listed in 40 CFR 261.31 or 261.32. (See § 261.6(a).) Second, listed wastes and hazardous sludges are subject to regulation until they are recycled. (See § 261.6(b).) In either category, hazardous wastes are not subject to regulation during the actual process of recycling.

The preamble to the regulation explained that the exemption "is confined to bona fide 'legitimate' and 'beneficial' uses and recycling of hazardous wastes. Sham uses * * * are not within its scope and, if conducted in violation of Subtitle C requirements, will be subject to enforcement * * *." (45 FR at 33093, May 19, 1980.)

II. General Distinctions Between Burning as Legitimate or Sham Recycling

A. Energy Value of Wastes Being Burned

Burning of hazardous wastes [1] as fuels can be a type of recycling activity exempted from

regulation provided the blending and burning constitute legitimate, and not sham, recycling. A determination of what constitutes sham burning depends ultimately on weighing a number of factors presented by the circumstances of a particular case. The energy value of the hazardous wastes being blended or burned, however, is likely to be of primary significance in most cases.

The significance of a waste's energy value is evident: if the wastes being burned have only *de minimis* energy value, the burning cannot recover sufficient energy to characterize the practice as legitimate recycling. In other words, energy recovery is ancillary, and the wastes, for practical purposes, are being burned to be destroyed. As the Agency said on May 19, 1980, "burning organic wastes that have little or no heat value in industrial boilers under the guise of energy recovery" is not within the exemption for recycling (45 FR at 33093). Consequently, EPA ordinarily views the practice of direct burning of hazardous wastes with little or no heat value as "fuels" as not being legitimate recycling.

Burning mixtures of hazardous wastes as fuels, or burning mixtures of wastes and non-waste fuel, when one or more of the hazardous wastes in the fuel has little or no heat value may likewise not be legitimate recycling. Determinations as to whether the recycling is legitimate will be based on evaluation of particular circumstances. For example, the amount of low energy waste in a fuel and the circumstances of its addition to the fuel could be relevant, as could the nature of the boiler in which the waste is burned, *i.e.*, its type, size, operating conditions, etc. Practices where wastes with little or no heat value are knowingly added to a material intended to be burned as a fuel are likely to be considered sham recycling and not covered by the exemption contained in § 261.6(a), *e.g.*, mixing of low and high energy waste streams by a blender or waste burning facility.[2]

In determining which hazardous wastes have little or no heating value, EPA enforcement personnel should use as a benchmark wastes with a heating value less than low energy commercial fuels such as wood or low grade subbituminous coal.[3] Examples of hazardous waste having little or no heating value are discarded carbon tetrachloride, chloroform, methylene chloride, trichloroethylene, 1,1,1,- and 1,1,2-Trichloroethane, certain polychlorinated biphenyls, and such pesticides as toxaphene, chlordane and heptachlor. Attached as Appendix A is a partial list of the hazardous constituents in appendix VIII to Part 261 that have heating values well below those of commercial fuels.[4] Wastes with these characteristics are usually not being recycled legitimately because their energy value is so low when burned. This remains true whether or not these wastes are first blended with other materials before burning.

B. Other Criteria

Other considerations also are likely to be relevant in determining if particular burning operations are within the scope of the recycling exemption—even if low energy wastes are not involved. Factors such as whether usable heat is recovered from the unit, or whether recovered heat is used only to preheat combustion air, certainly are pertinent. The nature of the device in which wastes are burned also could be significant. For instance, if a combustion unit previously held out as an incinerator is subsequently described as a boiler, there is a strong suggestion that any energy recovery is ancillary to the central purpose of the unit. In addition, the degree to which wastes were consumed during the burning, the net cost or savings resulting from a burn allegedly for energy recovery purposes, and evidence, such as correspondence, or other records, which tends to show that a company's purpose in conducting a burn was to dispose of, rather than recycle, hazardous wastes, may also affect EPA's enforcement response to a particular incident.

III. Enforcement Priorities

In implementing this guidance, enforcement personnel should direct their enforcement efforts on hazardous waste-derived fuel blenders who supply non-industrial users. Fuel blenders are a logical focal point because they most frequently control the content and destination of waste-derived fuels. In addition, many of these blenders are subject to regulation as RCRA storage facilities because they are recycling listed hazardous wastes (see 40 CFR 261.6(b)), and are therefore readily identifiable.

Most of EPA's enforcement efforts will be directed toward fuels destined for use in non-industrial (*i.e.* residential, commercial and institutional) boilers. These boilers typically are of relatively small size, achieve relatively low fuel efficiency, temperature, and residence times, lack emission controls, and receive limited maintenance. Operators of these boilers rarely test their fuels for hazardous waste contaminants since they are often not informed they are receiving hazardous waste-derived fuels. These factors all contribute to a reduced likelihood that these boilers can derive useful heat from hard to burn hazardous wastes contained in a fuel. (They also increase the likelihood that these boilers will be damaged by corrosion from hydrochloric acid emissions resulting from chlorinated contaminants.)

Thus, the waste contaminants in the fuels going to these boilers are likely to be vented to the atmosphere as unburned or partially burned combustion products. In addition, these boilers are often located in densely populated areas where exposures to unburned contaminants are probable. The risk to human health and the environment could be considerable because many wastes added to fuels are acutely and chronically toxic. Burning chlorinated contaminants also can form other hazardous materials such as hydrochloric acid, phosgene, or chlorinated dioxins unless burning occurs at high temperatures and for long residence times, increasing the potential for harm.

It seems clear that fuels contaminated with low energy hazardous wastes do not present the same level of danger when burned in higher efficiency industrial boilers. These boilers typically are designed to maximize energy recovery, through high temperature combustion and long feed residence time. Operators generally are more sophisticated and technically knowledgeable than nonindustrial boiler operators.

Accordingly, EPA is directing its enforcement efforts to deal with what appears to be the greater environmental threat. This is not to say that particular industrial boilers burning hazardous waste-derived fuels necessarily are engaged in legitimate recycling. Rather, EPA is simply directing the primary focus of its enforcement activity at the more clear-cut violation.

IV. Implementation of This Guidance

A. How EPA Will Determine That Blended Fuels Contain Low Fuel Value Hazardous Wastes

EPA's authority under RCRA Subtitle C is limited to hazardous wastes. Thus, in determining if a waste-derived fuel is bing recycled legitimately or illegitimately it is first necessary to show that the fuel contains a hazardous waste.

Hazardous wastes burned without prior blending can be analyzed directly for energy value (and where appropriate, for the

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[1] Under the regulations, all sludges, and most spent materials and by-products burned for energy recovery are "solid wastes", and so can be hazardous wastes. This is because sludges, and "other waste materials," are defined as solid wastes (40 CFR 261.2(a)). "Other waste materials," in turn, are defined as spent materials and byproducts that are "sometimes * * * discarded" (§ 261.2(b) (2) and (3)), that is, sometimes thrown away and not recycled (§ 261.2(c)). The "sometimes discarded" test applies to all persons handling a spent material or byproduct, so that if one of those materials is discarded by particular generators, it is a solid waste even when recycled by other generators (see 45 FR 33095–094).

[2] We consider wastes that are ot being burned legitimately to be burned for the primary purpose of destruction, within the meaning of 40 CFR 260.10(a) (definition of "incinerator"). The reference to "primary purpose" in that provision thus applies with regard to each individual feed input to a thermal combustion unit. If the particular input has little or no fuel value, it is being burned for the purpose of destruction. Consequently, the device in which these "fuels" are burned is an incinerator, and the burning is subject to regulation under Subpart D of Parts 264 and 265 of the RCRA regulations.

[3] Woods used as fuel have a range of heating values based on the type of wood, its physical form and its moisture content. These values range from approximately 5,000 to 8,000 Btu per pound. Subbituminous C coal has a heating value of approximately 8,300 Btu per pound. (In contrast, home heating oil has a heating value of roughly 19,900 Btu per pound, and bituminous coals have heating values ranging from 11,000–14,000 Btu per pound.) U.S. EPA, *APTI Course 427 Combustion Evaluation*, EPA 450/2–80–063 (February, 1980).

[4] It must be remembered that the heating value of each hazardous *waste* that is burned or is used to produce a fuel is relevant, not the heating value of a particular contaminant in each waste stream (unless the contaminant itself is a hazardous waste). Thus, if trichloroethylene still bottoms are burned for energy recovery or used as an ingredient in a fuel, the heating value of the still bottoms is the important figure, not the heating value of pure trichloroethylene.

circumstances of burning) to determine if the recycling is legitimate. Blended fuels, however, present a less clear-cut situation. In determining if these fuels contain low energy wastes, we intend to concentrate on the fuel's organic contaminant content. If fuels contain significant concentrations of low energy organic contaminants not ordinarily present in virgin or unadulterated secondary fuels, this should be sufficient to determine that these toxicants were added as wastes. Inspectors should also examine records and sample incoming waste shipments at blending facilities to ascertain the identity of the wastes included in the fuels.

Investigative activities should focus particularly on the chlorinated solvents listed in 40 CFR 261.31 and 261.33 (other than chlorofluorocarbons, which are ozone depleters and not otherwise toxic).[5] For these materials, the contaminant itself is the same waste that is listed. Chlorinated solvents also are not ordinarily present in virgin fuels;[6] nor are they typically present in waste oils, or other wastes normally used in waste-derived fuels, at significant concentrations unless they have been added to the waste oil as a separate waste stream.[7]

In addition, chlorinated solvents typically have very low heating value. Such widely-used solvents as carbon tetrachloride, chloroform, methylene chloride, trichloroethylene and 1,1,1- and 1,1,2-trichloroethane have heating values much lower than wood. Of the chlorinated solvents that are hazardous wastes when discarded (see 40 CFR 261.33), or are hazardous wastes when spent (EPA Hazardous Wastes F001 and F002, listed in 40 CFR 261.31), all except dichlorobenzene have heating values less than that of subbituminous coal.

Although fuel blenders (or other persons) may maintain, in defending a civil action, that the low energy fuel contaminants are not present as a result of adulterating the fuel with a hazardous waste, it is their burden to substantiate such a claim. The source of wastes in the fuel are particularly within the fuel blender's knowledge, and so it is appropriate that they have this burden.

B. Obligations of Generators, Fuel Blenders and Users to Determine if Their Waste-Derived Fuels Can Be Recycled Legitimately

Generators of listed wastes and sludges are presently subject to the requirements of Part 262 of the regulations when they send these wastes to fuel blenders or users (see § 261.6(b)). These requirements apply whether or not the wastes can be recycled legitimately.[8]

Generators who claim that their non-sludge, unlisted wastes are exempt from regulation because the wastes will be burned for energy recovery ordinarily must be able to substantiate that the wastes have value as fuels in order to protect themselves from liability. Consequently, generators need to know the heating value of these wastes. Btu values can be determined by a relatively simple laboratory test. In many cases, generators also will know from experience that their wastes have legitimate fuel value. Spent benzene and spent acetone, for example, have high fuel value, as do most other ignitable wastes.

Waste-derived fuel blenders are responsible for ensuring that low energy value hazardous wastes are not blended into fuels. In addition, blenders receiving listed hazardous wastes and sludges are presently subject to regulation as storage facilities. Consequently, they must comply with the administrative and technical standards for storage facilities contained in Parts 264 and 265. (These requirements apply, of course, even if the wastes are being recycled legitimately.)[9]

We note that this requirement does not impose significant burdens on fuel blenders. In most cases, they are RCRA facilities handling listed hazardous wastes (most often listed solvents). They must consequently receive these wastes in shipments accompanied by a manifest (see § 261.6(b) (4) and (5)), and are therefore on notice that they are blending these wastes into fuels. They likewise are subject to waste analysis requirements (see §§ 264.13 and 265.13). They also can analyze their incoming wastes and blended fuels for total halogen content—a simple procedure that can be performed on-site—to ensure that waste-derived fuels do not contain high levels of low energy chlorinated wastes.

Waste-derived fuels that cannot be legitimately recycled remain subject to regulation as hazardous wastes through the time they are burned. As a result, they must travel with a manifest (see 40 CFR 262.10(f), 264.71(c), and 265.71(c)), be transported by a Part 263 transporter, and be sent to a Subtitle C facility. The persons who ultimately burn the material are hazardous waste incinerator facilities because their fuels cannot be recycled legitimately in their boilers.

As stated above, EPA is directing its enforcement efforts to concentrate on low energy waste-derived fuels used in non-industrial boilers. EPA does not intend to require that these users immediately obtain incinerator permits. Rather, we will seek through negotiation that they end the practice. If the user continues burning these waste-derived fuels after initial warning EPA will then initiate appropriate enforcement action.

C. Examples of How This Guidance Could Operate

1. Company B generates a distillation bottom that is listed as a hazardous waste. B burns this waste in its on-site boiler. The waste has a heating value of 2000 Btu per pound.

B is subject to regulation as a generator, as a storage facility (if it stores the waste for more than 90 days prior to burning it), and as an incineration facility. The waste is not being burned for energy recovery, but to be incinerated, because its heating value is well below that of low-grade commercial fuel. It does not matter whether B burns other material in the boiler for legitimate energy recovery. B still is not engaged in legitimate recycling activity when it burns a material with little or no fuel value. (Incidentally, this result is the same if the hypothetical distillation bottom exhibited a characteristic of hazardous waste instead of being listed.)

2. A fuel oil dealer, Company C, obtains waste oil from a number of different generators. C obtains hazardous waste spent solvents carbon tetrachloride, methylene chloride, and trichloroethylene from other generators and mixes these wastes with the waste oil. These wastes contain very high concentrations of chlorinated solvents, and these solvents also are present in the blended fuels. C then sells the waste-derived fuel to apartment buildings and hospitals. These users burn the fuel in their boilers.

Generators of the spent solvents are subject to regulation under Part 262, and the solvents must be transported to C's facility by a Part 263 transporter. C is a storage facility, assuming it stores the solvents before blending them with the waste oil. The blending operation constitutes hazardous waste treatment.

The waste-derived fuel that C sells remains subject to regulation as a hazardous waste because it contains hazardous waste chlorinated solvents that have little fuel value. (The heating values of these solvents are even lower than wood.) Consequently, these waste-derived fuels must travel with a manifest, be transported by a Part 263 transporter, and be sent to Subtitle C facilities. Distributors handling these wastes are RCRA storage facilities, and are subject to manifesting requirements when they initiate shipments to ultimate users. The

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[5] Burning a material listed in 40 CFR 261.33 in a manner that does not constitute legitimate recycling is a means of discarding them (see 40 CFR 261.2(c)(2) (definition of "discarded")). These materials consequently can be hazardous wastes when burned.

[6] The National Bureau of Standards has sampled No. 6 residual fuel oil—the lowest grade commercial fuel oil—and found the samples to contain only 31 ppm total chlorine. National Bureau of Standards, *Trace Elements in Fuel Oil* (February, 1982).

[7] Automotive oils do not typically come into contact with solvents when used. Industrial oils may, but usual practice is simply to collect used oils and spent solvents, mix them, and to ship the mixed wastes to waste management facilities. The solvents thus are present in this type of mixture as a separate hazardous waste stream.

[8] It should be noted that small quantity generators who send wastes that cannot be recycled legitimately to a recycler (such as a fuel blender) are not in compliance with the terms of the small quantity generator exemption unless the recycler is already a Subtitle C facility, or is authorized by a State to manage municipal or industrial solid waste. If a small quantity generator waste is sent to a non-conforming facility (*i.e.*, a facility that does not satisfy the requirements of § 261.5(g)), the waste remains subject to regulation.

[9] See § 261.6(b). It should be noted that not all of these facilities may be eligible for interim status, either because they were not in existence on November 19, 1980, or because they failed to notify the Agency of their activities or failed to submit a Part A permit application. Although the Agency cannot confer interim status on statutorily ineligible facilities, we have indicated that "we are prepared to exercise our enforcement discretion to allow such facilities to continue operating . . . where their continued operation would be in the public interest." (45 FR 76633 (November 25, 1980), interpreting statutory interim status requirements.) Means of exercising this discretion include our issuing an interim status compliance letter to the facility, or allowing the facility to operate pursuant to a Section 3008 compliance order (*id.*) pursuant to 40 CFR Part 122.22(a)(3).

persons who ultimately burn the fuel technically are hazardous waste incinerator facilities.

3. Company D generates waste oil and a variety of low energy spent chlorinated solvents that are listed hazardous wastes. D mixes the spent solvents with the waste oil and sends the mixture of a fuel blending facility, E, which processes the waste oil, and mixes it with virgin fuel oil. E then sells the blended mixture as a fuel.

D is a generator, operates a hazardous waste treatment facility, and also may be a storage facility it if accumulates the spent solvents for over 90 days.

Ordinarily the mixture of spent solvents and waste oil that D generates remains a hazardous waste, for the same reason as in the previous example. The fact that D is a generator rather than a fuel blender makes no difference. D is still blending hazardous wastes with *de minimis* fuel value into fuels. Any burning of such wastes is not legitimate recycling. The blended fuel consequently remains subject to regulation as a hazardous waste in the fuel blender's (E's) hands and in the hands of the ultimate users (as well as intervening distributors). The ultimate burning of the blended fuel constitutes incineration.

APPENDIX A.—LOW ENERGY HAZARDOUS CONSTITUENTS LISTED IN 40 CFR 261, APPENDIX VIII

Hazardous constituent	Higher heating value (Btus/lb.)
Tribromomethane	234
Tetrachloromethane	432
Hexachloroethane	827
Dibromomethane	869
Pentachloroethane	953
Hexachloropropene	1,259
Chloroform	1,349
Cyanogen bromide	1,457
Trichloromethanethiol	1,475
Hexachlorocyclopentadiene	2,015
Tetrachloroethene (Tetrachloroethylene)	2,141
Cyanogen chloride	2,320
Iodomethane	2,410
Tetrachloroethane, N.O.S.	2,500
1,1,1,2-Tetrachloroethane	2,500
1,1,2,2-Tetrachloroethane	2,500
1,2-Dibromomethane	2,572
1,2-Dibromo-3-chloropropane	2,662
Pentachlorobenzene	2,914
Bromomethane	3,058
Dichloromethane	3,058
Trichloroethene (Trichloroethylene)	3,130
Hexachlorobenzene	3,220
Bis (chloromethly) ether	3,544
1,1,1-Trichloroethane	3,560
1,1,2-Trichloroethane	3,560
Pentachlorobenzene	3,698
Pentachlorophenol	3,760
Hexachlorocyclopentadiene	3,778
Hexachlorocyclohexane	3,813
Kepone	3,867
2,3,4,6-Tetrachlorophenol	4,011
Dichlorophenylarsine	4,155
Endosulfan	4,191
1,2,4,5-Tetrachlorobenzene	4,695
Bromoacetone	4,786
Dichloroethylene, N.O.S.	4,857
1,1-Dichloroethylene	4,857
Vinylidene chloride	4,857
Chlordane	4,875
Heptachlor epoxide	4,875
Phenylmercury acetate	4,875
Acetyl chloride	4,969
Trichloropropane, N.O.S.	5,066
1,2,3-Trichloropropane	5,066
Dichloropropanol, N.O.S.	5,109
Dimethyl sulfate	5,146

APPENDIX A.—LOW ENERGY HAZARDOUS CONSTITUENTS LISTED IN 40 CFR 261, APPENDIX VIII—Continued

Hazardous constituent	Higher heating value (Btus/lb.)
2,4,5-T	5,183
2,4,5-Trichlorophenol	5,181
2,4,6-Trichlorophenol	5,181
N-Nitroso-N-methylurea	5,196
1,1-Dichloroethane	5,396
1,2-Dichloroethane	5,396
trans-1,2-Dichloroethane	5,396
Phenyl dichloroarsine	5,612
N-Nitrososarcosine	5,726
Azaserine	5,774
2-Fluoroacetamide	5,826
1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo-dimethanonaphthalene	6,060
Benzenearsonic acid	6,116
Maleic anhydride	6,116
1,2,4-Trichlorobenzene	6,116
TCDD	6,170
Dichloropropene, N.O.S.	6,186
1,3-Dichloropropene	6,186
Endrin	6,224
Trinitrobenzene	6,224
Chloromethyl methyl ether	6,290
2,4-Dinitrophenol	6,332
Nitrogen mustard N-oxide and hydrochloride salt	6,404
Parathion	6,494
2,4-D	6,512
1,3-Propane sultone	6,602
Methyl methanesulfonate	6,725
Aldrin	6,746
Nitroglycerine	6,818
2,4-Dichlorophenol	6,854
2,6-Dichlorophenol	6,854
Hexachlorophene	6,871
Trypan blue	6,957
Benzotrichloride	7,015
Cycasin	7,105
N-Nitroso-N-ethylurea	7,105
Cyclophosphamide	7,141
Dichloropropene, N.O.S.	7,178
1,2-Dichloropropane	7,171
Methylparathion	7,146
Uracil mustard	7,146
Amitrole	7,213
Dimethoate	7,231
Tetraethyl lead	7,297
4,6-Dinitro-o-cresol and salts	7,303
N-Methyl-N-nitro-N-nitroso-guanidine	7,303
Mustard gas	7,303
Dinitrobenzene, N.O.S.	7,485
N-Nitroso-N-methylurethane	7,519
Nitrogen mustard and hydrochloride salt	7,669
Hydrazine	7,997

[FR Doc. 83-6797 Filed 3-15-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP 100003; PH-FRL 2219-5]

Export Notification; Disclosure of Confidential Business Information to Congress

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Subcommittee on Labor Standards of the Committee on Education and Labor of the House of Representatives has requested information from EPA concerning notification of the export of unregistered pesticides under section 17(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). To comply with this request, EPA will provide copies of purchaser acknowledgment statements submitted under section 17(a) of FIFRA. Some of the information contained in these documents has been claimed as confidential by the exporters.

DATE: These documents will be provided to the subcommittee no sooner than March 28, 1983.

FOR FURTHER INFORMATION CONTACT: Catleen McInerney, Office of International Activities (A–106), Environmental Protection Agency, Rm. W–811, 401 M St. SW., Washington, D.C. 20460 (202–382–4889), Outside the USA: (Operator–202–382–4889).

SUPPLEMENTARY INFORMATION: In a February 10, 1983 letter to EPA, the Chairman of the Subcommittee on Labor Standards of the House Committee on Education and Labor stated that there is underway an inquiry into the sale abroad of pesticides, devices, active ingredients or chemicals whose sale or use is prohibited within the United States. As part of the inquiry, the Chairman requested a copy of each notice filed with the EPA to comply with section 17(a) of FIFRA. All documents filed from the effective date of the 1978 FIFRA legislation to the present were requested.

Under section 17(a) of FIFRA, exporters of unregistered pesticides are required to obtain a statement by the foreign purchaser acknowledging that the pesticide in question is not registered for use in the United States and cannot be sold in the United States. Under EPA's policy statement implementing the requirements of section 17(a), the exporter is required to submit the acknowledgment statement to EPA together with a certification that shipment did not occur prior to receipt of the acknowledgment statement. EPA then provides a copy of the acknowledgment statement to the government of the importing country.

The documents which EPA will providing the Subcommittee may contain confidential business information. Exporters have been given the opportunity to claim information confidential in the notices submitted to EPA under section 17(a) of FIFRA and have made such claims. Pursuant to 40 CFR 2.209(b), which applies to information submitted under FIFRA by 40 CFR 2.307(h), EPA must provide confidential business information to a Congressional subcommittee in response to a written request by the Chairman. Before providing the information, EPA is required by 40 CFR 2.209(b) to notify the submitters of the information at least 10 days in advance of disclosure.

This is a notice under 40 CFR 2.209(b) to all exporters who have submitted notices under section 17(a) of FIFRA that EPA will provide the requested information to the Subcommittee no sooner than 10 days after publication of this notice. The Agency will identify any information that is subject to a confidentiality claim and will inform the Subcommittee of the provisions of section 10(f) of FIFRA which set criminal penalties for unlawful disclosure of confidential business information under FIFRA.

Dated: March 3, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-6882 Filed 3-15-83; 8:45 am]

BILLING CODE [illegible]

[PF-311, PH-FRL 2321-5]

Certain Companies; Pesticide, Food, and Feed Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-311] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

A. Initial Filing

1. *PP 3F2798.* Albany International Corp., 110 A St., Needham Heights, MA 02194. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirements of a tolerance for residues of the insecticides plant volatiles: cyclic dexadiene, cyclic decene, cyclic pentadecatriene, and decatriene when used with grandlure: (1R-cis)-1-methyl-2-(1-methylethenyl) cyclobutaneethanol; (*Z*)-2-(3,3,-dimethylcyclohexylidene)ethanol, (*Z*)-(3,3-dimethylcyclohexylidene) acetaldehyde; and (*E*)-(3,3-dimethylcyclohexylidene)acetaldehyde as a barrier zone to control boll weevils in or on cotton. (PM-17, Franklin Gee, 703–557–2690).

2. *PP 9F2252.* Mobay Chemical Corp., PO Box 4913 Hawthorn Road., Kansas City, MO 64120. Proposes amending 40 CFR 180.349 by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)-phosphoramidate and its cholinesterase-inhibiting metabolites ethyl 3-methyl-4-(methylsulfinyl)phenyl (1-methylethyl)phosphoramidate, ethyl 3-methyl-4-(methylsulfonyl)phenyl (1-methylethyl)-phosphoramidate, ethyl 3-methyl-4-(methylthio)phenyl phosphoramidate, ethyl-4-(methylsulfinyl)phenyl phosphoramidate, and ethyl 3-methyl-4-(methylsulfonyl)phenyl phosphoramidate in or on the commodities meat, fat, and meat by products of cattle, goats, hogs, horses, and sheep at 0.05 ppm and milk at 0.002 or 0.01 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. (PM–21, Henry Jacoby, 703–557–1900).

3. *FAP 9H5236.* Mobay Chemical Corp. Proposes amending 21 CFR 561.232 by establishing a regulation permitting the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (l-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites ethyl 3-methyl-4-(methylsulfinyl)phenyl (1-methylethyl)phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl)phenyl (1-methylethyl)phosphoramidate in or on the commodity dried apple pomace at 5.0 ppm. (PM–21, Henry Jacoby, 703–557–1900).

4. *FAP 3H5385.* ICI Americas, Inc., Wilmington, DE 19897. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the herbicide (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanioc acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the commodities soybean oil at 2 ppm and cottonseed oil at 0.2 ppm. (PM–23, Richard Mountfort, 703–557–1830).

4. *FAP 3H5385.* ICI America, Inc. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the herbicide (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanioc acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-Pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the commodities soybean soapstock and soybean meal at 2 ppm and cotton seed soapstock at 0.2 ppm. (PM–23, Richard Mountfort, 703–557–1830).

6. *FAP 3H5383.* McLaughlin Gormley King Co., 8810 10th Ave., N. Minneapolis, MN 55427. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide cyano (3-phenoxyphenyl) methyl 4-chloro-alpha-(1-methylethyl) benzeneacetate as an indirect food additive when present in food items resulting from the use of the insecticide in food service, food manufacturing and/or food processing, and food warehousing establishments at 0.5 ppm (PM–17, Franklin Gee, 703–557–2690).

7. *PP 2F2761.* Sherex Chemical Co., Inc., 5777 Frantz Road., PO Box 646, Dublin, OH 43017. Proposes amending 40 CFR Part 180 by establishing an exemption from the requirements of a tolerance for residues of the insecticide poly(oxy-1,2-ethanediyl), alpha-isooctadecyl-omega-hydroxy in fish, shellfish, irrigated crops, meat, milk, poultry and eggs when used in accordance with good agricultural practice as a mosquito control agent in aquatic sites. (PM–16, William Miller, 703–557–2600).

B. Amended Petitions

1. *FAP 6H5149.* Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120. EPA issued a notice published in the **Federal Register** of October 19, 1976 (41 FR 46020) that announced the Mobay Chemical Corp. had submitted feed additive petition 6H5149 to the Agency proposing to amend 21 CFR 561.232 by establishing a regulation permitting the use of the nematocide ethyl 3-methyl-4-

(methlythio)phenyl) (1-methylethly)phosphoramidate with a tolerance limitation of 1.0 part per million (ppm) for residues of the pesticide and its cholinesterase-inhibiting metabolites in pineapple bran and cannery waste resulting from the pesticide's application to the growing crop.

The Mobay Chemical Corporation has amended the petition as follows:

(1) Adding the metabolites ethyl 3-methyl-4-(methylsulfinyl)-phenyl (a-methylethyl) phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl) phenyl (1-methylethyl) phosphoramidate.

(2) Deleting pineapple bran and cannery waste at 1.0 ppm and establishing a regulation for pineapple bran at 3.0 ppm. (PM–21, Henry Jacoby, 703–557–1900).

2. *PP 6F1864.* Mobay Chemical Corp. EPA issued a notice published in the **Federal Register** of October 19, 1976 (41 FR 46020) that announced that Mobay Chemical Corp. had submitted pesticide petition 6F1864 to the Agency proposing to amend 40 CFR 180.349 by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl) (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolities in or on the raw agricultural commodities pineapples at 0.04 ppm and pineapple foliage at 1.0 ppm.

The Mobay Chemical Corporation has amended the petition as follows:

(1) Adding the metabolites ethyl 3-methyl-4-(methylsulfinyl)-phynyl (1-methylethyl) phosphoramidate and ethyl 3-methyl-4-(methylsulfonyl) phenyl (1-methylethyl) phosphoramidate.

(2) Deleting pineapples at 0.04 ppm and pineapple foliage at 1.0 ppm and by establishing a tolerance for pineapple fruit (fresh) at 0.3 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. (PM–21, Henry Jacoby, 703–557–1900).

3. *PP 9F2252.* Mobay Chemical Corp, EPA issued a notice published in the **Federal Register** of October 2, 1979 (44 FR 56737) which announced that the Mobay Chemical Corp. had filed a pesticide petition (9F2252) with the Agency. The petition proposed that 40 CFR 180.349 be amended by establishing tolerances for the combined residues of the nematocide ethyl 3-methyl-4-(methylthio)phenyl. (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites as mentioned in item 2. (1) above in or on the commodities apples, cherries, and peaches at 0.02 ppm. The petitioner subsequently amended the petition (47 FR 46756, Octoberr 20, 1982) by increasing tolerances for cherries and peaches from 0.02 ppm to .2 ppm.

The petitioner has submitted a second amendment proposing to increase tolerances on cherries and peaches from .2 ppm to 0.25 ppm and apples from .02 ppm to 0.25 ppm. The proposed analytical method for determining residues is gas chromatography using a thermionic flame ionization detector. PM–21, Henry Jacoby, 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))
(Sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: March 14, 1983

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6813 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

[[OPP-30223A] PHJ-FRL 2321-6)

FMC Corp.; Application to Conditionally Register a Pesticide Product Containing a New Active Ingredient; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the proposed classification/use of the application submitted by the FMC Corp., to conditionally register the pesticide product Ammo 2.5 EC Insecticide containing an active ingredient not included in any previously registered pesticide product pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

ADDRESS: Written comments, identified by the document control number [OPP–30223A] and the file symbol, should be submitted to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee (703–557–2690).

SUPPLEMENTARY INFORMATION: In FR Doc. 82–33734 of December 15, 1982 appearing at page 56175, EPA announced that FMC Corp 2000 Market St., Philadelphia, PA 19103, had submitted an application to conditionally register the pesticide product Ammo 2.5 EC Insecticide, File Symbol 279–GNET an insecticide containing 30.6 percent of the active ingredient (—) cyano (3-phenoxphenyl)methyl (—) *cis trans* 3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropane, an active ingredient not included in any previously registered product.

Under item 8, page 56176, first column, the proposed classification/use starting on the seventh line, is corrected to read from "general use for formulating use only" to "restricted for use on cotton".

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of FIFRA, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. the procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

Written comments filed pursuant to this notice, will be available in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file is available on the date of intended visit.

(Sec. 3(c)(4) of FIFRA, as amended)

Dated: March 4, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-6812 Filed 3-15-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket FEMA-REP-1-MA-3]

Massachusetts Radiological Emergency Response Plan for Vermont Yankee

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated February 18,

1983, has formally submitted radiological emergency plans to the FEMA Region I Office. These plans support Vermont Yankee Nuclear Power Station located in Vernon, VT.

DATE: Plans received June 16, 1981 through February 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 442, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone for the Vermont Yankee Nuclear Power Station: Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick.

Copies of the plan are available for review at the FEMA Region I Technological Hazards Office, Room 462, John W. McCormack Post Office and Courhouse Bldg., Boston, MA 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worcester Road, Framingham, Massachusetts 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address within 30 days of this Federal Register Notice.

A public meeting was held in connection with the plant in accordance with FEMA proposed Rule 44 CFR 350.10. On May 20, 1982 the public meeting in connection with Vermont Yankee was held in Vernon, Vermont.

David M. Sparks,

Regional Director.

March 4, 1983.

[FR Doc. 83-6767 Filed 3-15-83; 8:45 am]

BILLING CODE 6718-02-M

[Docket FEMA-REP-1-MA-2]

Massachusetts Radiological Emergency Response Plan for Yankee at Rowe

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission (NRC) requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the Commonwealth of Massachusetts, by letter of transmittal dated February 18, 1983 has formally submitted radiological emergency plans to the FEMA Region I Office. These plans support the Yankee Nuclear Power Station located in Rowe, MA.

DATE: Plans received: June 16, 1981 through February 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Sparks, Regional Director, FEMA, Region I, Room 442, John W. McCormack Post Office and Courthouse Building, Boston, MA 02109, 617–223–4741.

SUPPLEMENTARY INFORMATION: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA rule (44 CFR 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Plan for the Commonwealth of Massachusetts was received by the Federal Emergency Management Agency Region I Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone of the nuclear power station: Buckland, Charlemont, Clarksburg, Colrain, Florida, Hawley, Heath, Monroe, North Adams, Savoy, Rowe.

Copies of the plan are available for review at the FEMA Region I, Technological Hazards Office, Room 462, John W. McCormack Post Office and Courthouse Bldg., Boston, MA 02109. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5.

Copies of the plan are also available from the Commonwealth of Massachusetts Civil Defense Agency and Office of Emergency Preparedness, 400 Worchester Road, Framingham, Massachusetts 01701.

Comments on the plan may be submitted in writing to Mr. David M. Sparks, Regional Director, at the above address within 30 days of this Federal Register Notice.

A public meeting was held in connection with the plant in accordance with FEMA proposed Rule 44 CFR 350.10. On June 23, 1982, the public meeting in connection with the Yankee Nuclear Power Station was held in Rowe, MA.

David M. Sparks,

Regional Director.

March 4, 1983.

[FR Doc. 83-6768 Filed 3-15-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-227]

Home Federal Savings & Loan Association, San Diego, Calif.; Final Action Approval of Conversion Applications

Dated: March 10, 1983

Notice is hereby given that on March 8, 1983, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association, San Diego, California, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-6801 Filed 3-15-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

World Express Cargo, Inc., Greenway Plaza, Suite 211, 3800 Buffalo Speedway, Houston, TX 77098. Officers: Antoine C. Karkabi, President/Director; Elie S. Karkabi, Director; Fouad S. Alameddin, Vice President

Klaus-Peter Feindt d.b.a. Klaus International, 922 Mesa Terrace, Katy, TX 77450

Frederick J. Bohlander, 5959 Westheimer, Houston, TX 77057

Ruben Cruz, Arasibo E–27 Villas de Caney, Trujillo Alto, PR 00760

Elba de Melo dba Texas Cargo, 4910 Dacoma-Suite 106, Houston, TX 77092

Latinvan, Inc., 2950 Northwest 75th Avenue, Miami, FL 33122. Officers: Manuel Eduardo Rajas, President; Libia Benicia Rojas, Secretary/Treasurer

By the Federal Maritime Commission.

Dated: March 10, 1983

Francis C. Hurney,

Secretary.

[FR Doc. 83-6736 Filed 3-15-83; 8:45 am]

BILLING CODE 6730-01-M

Security for the Protection of the Public; Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Canadian Cruise Lines 1982 Ltd., Suite 401, 1208 Wharf Street, Victoria, British Columbia V8W 3B9, Canada.

This Certificate expires April 15, 1983.

Dated: March 10, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6735 Filed 3-15-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Old Stone Corp.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 255.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Old Stone Corporation*, Providence, Rhode Island (mortgage banking and insurance agency activities; Georgia): To engage through a new office of its subsidiary, DAC Corporation of Georgia, in the origination, sale and servicing of first and second mortgage loans, the sale of credit life and credit health and accident insurance offered in connection with extensions of credit, which insurance would be reinsured by an affiliate, Motor Life Insurance Company, Jacksonville, Florida; and the sale of casualty insurance in connection with extensions of credit by DAC Corporation of Georgia through American Standard Insurance Agency. The sale of casualty insurance in connection with the extensions of credit by DAC Corporation of Georgia is grandfathered under Section 601(D) of the Garn-St. Germain Depository Institutions Act and was approved on February 13, 1981. These activities would be conducted from a new office in Decatur, Georgia, serving the city of Decatur and the greater metropolitan area of Atlanta, Georgia. Comments on this application must be received not later than April 11, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; California): To engage, through its subsidiary Dial Finance Company of California, in the activities of consumer and commercial finance, and the sale of credit life, credit accident and health, and property and casualty insurance, directly related to extensions of credit by said subsidiary. Northwest Bancorporation secured approval to engage in insurance activities by Board Order of July 21, 1959. Financing activities were approved by Board Order dated July 27, 1982, pursuant to applications of Northwest Bancorporation pending before the Board as of May 1, 1982, thereby rendering same permissible activities in conformance with Section 601(D) of the Garn-St. Germain Depository Institutions Act of 1982. These activities would be conducted from an office located in Brea, California, serving Brea and other nearby suburbs of Los Angeles, California, to Brea, California. Comments on this application must be received not later than April 6, 1983.

c. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, ("UBC"), Denver, Colorado (credit-related insurance activities; Colorado): To engage, through its subsidiary, Lincoln Agency, Inc., in offering credit life and credit health and accident insurance directly related to extensions of credit by UBC's subsidiary, United Financial Centers, Inc., in conformance with Section 225.4(a)(g) of Regulation Y, and as strictly limited by Title VI of the

Garn-St. Germain Depository Institutions Act of 1982. UBC and its subsidiary Lincoln Agency were authorized to engage in such activities by Board Order of February 1, 1988. These activities would be conducted from an office located in Aurora, Colorado, serving the southeastern portion of Arapahoe County, Colorado, the City of Aurora, and the contiguous northeastern portion of Douglas County, Colorado, and an office located in Northglenn, Colorado, serving Adams County and contiguous portions of Denver and Boulder Counties, Colorado. Comments on this application must be received not later than April 8, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6799 Filed 3-15-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Larchmont Bancorp.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *Larchmont Bancorp*, Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Larchmont National Bank, Los Angeles, California, a *de novo* bank. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 10, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6798 Filed 3-15-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Wisconsin State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on May 3, 1983 in Chicago, Illinois to reconsider our decision to disapprove Wisconsin State Plan Amendment 82-0108.

Closing date: Request to participate in the hearing as a party must be received by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Eligibility, Reimbursement and Coverage, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a Wisconsin State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issues in this matter relate to Wisconsin's proposal to exempt from Medicaid copayment requirements the following groups: inpatients of skilled nursing facilities and intermediate care facilities, children in foster care or subsidized adoption arrangements and members of health maintenance organizations. The Health Care Financing Administation disapproved this amendment because it did not include all of the groups required by law to be exempted from copayments. In addition, the copayment exemption on services furnished to children in foster care or subsidized adoptions would violate comparability provisions of section 1902(a)(10) of the Social Security Act and implementing regulations at 42 CFR 440.240, in that some but not all children under 18 would be exempt from the copayment requirements.

The notice to Wisconsin announcing an administrative hearing to reconsider our disapproval of its state plan amendment reads as follows:

Ms. Linda Reivitz
Secretary, Department of Health and Social Services, 1 West Wilson Street, Madison, Wisconsin 53701

Dear Ms. Reivitz: This is in reference to your request for reconsideration of the decision to disapprove Wisconsin State Plan Amendment 82-0108. You have requested a reconsideration of whether the proposal to exempt from copayment requirements inpatients of skilled nursing facilities and intermediate care facilities, children in foster care or subsidized adoption arrangements and members of health maintenance organizations, conforms to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on May 3, 1983, at 10:00 a.m. in the 8th Floor Conference Room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594-8261.

Sincerely yours,

Carolyne K. Davis, *Ph. D.*

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog or Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: March 9, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 83-6750 Filed 3-15-83; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Application Announcement for Grants for the Training of Allied Health Personnel in Health Promotion and Disease Prevention

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983, Grants for the Training of Allied Health Personnel in Health Promotion and Disease Prevention are being accepted under the authority of Section 788(b) of the Public Health Service Act, as amended.

Grants will be awarded to develop new courses and training experiences within selected allied health professional education programs to prepare allied health personnel for appropriate expanded roles in health promotion and disease prevention.

These grants are intended to further the professional preparation of personnel in those allied health occupations that have a significant opportunity to apply relevant principles of health promotion and disease prevention with reference to the 15 priority areas identified in the Surgeon General's Report: *Promoting Health/ Preventing Disease: Objectives for the Nation,* Fall 1980. (The report, stock number 017-001-00435-9, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, price $5.00). The 15 priority areas are: high blood pressure control; family planning; pregnancy and infant health; immunization; sexually transmitted diseases; toxic agent control; occupational safety and health; accident prevention and injury control; fluoridation and dental health; surveillance and control of infectious diseases; smoking and health; misuse of alcohol and drugs; nutrition; physical fitness and exercise; and control of stress and violent behavior.

These grants will provide support to educational institutions that are prepared to incorporate health promotion and disease prevention training components into their professional or technical curricula.[1] Such training centers would receive support to:

a. Develop faculty for teaching health promotion and disease prevention;

b. Develop curriculum modules, where they are currently unavailable, for use in basic professional education of allied health professions students;

c. Develop training materials for the continuing education of practicing allied health professionals; and

d. Conduct awareness training for other faculty and outside personnel to foster the principles of health promotion and disease prevention.

Any health profession, allied health profession, or nurse training institution or any other public or private nonprofit entity is eligible to apply for grants under the broad authority of Section 788(b) of the PHS Act. However, applications for this grant program will be accepted only from those public or private nonprofit entities that meet the definition of "training center for allied health professions," stated below and are located in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

"Training center for allied health professions" or "center" means a junior college, college, or university which:

a. Provides educational programs leading to an associate, baccalaureate, or higher degree needed to practice as one of the following:

Doctoral Degree:
- Clinical Phychologist

Master's Degree:
- Speech Pathologist/Audiologist

Bachelor's Degree:
- Dental Hygienist
- Dietitian (coordinated under graduate program)
- Community Health Educator
- Health Services Administrator
- Medical Records Administrator
- Medical Technologist
- Occupational Therapist
- Physical Therapist
- Primary Care Physician Assistant
- Sanitarian (Environmental Health)

Associate Degree:
- Clinical Dietetic Technician
- Cytotechnologist
- Dental Assistant
- Dental Hygienist
- Dental Laboratory Technician
- Medical Assistant
- Medical Laboratory Technician
- Medical Records Technician
- Occupational Therapy Assistant
- Ophthalmic Medical Assistant
- Optometric Technician
- Physical Therapy Assistant
- Radiologic Technologist
- Respiratory Therapist
- Sanitarian Technician

b. Provides training for no fewer than 20 persons in the substantive health portion, including clinical experience as required for employment, in three or more of the disciplines listed in paragraph (a) of this definition, and has a minimum of six full-time students in that portion of each curriculum by October 15 of the fiscal year of application.

c. Has a teaching hospital as part of the grantee institution or is affiliated with a teaching hospital by means of a formal written agreement as defined in the program guide. The term "teaching hospital" includes other settings which provide clinical or other health services if they fulfill the requirements for clinical experience specified in an allied health curriculum.

d. Is accredited institutionally and programmatically (if programmatic accreditation is required for graduates to be licensed or certified) by a recognized body or bodies approved for this purpose by the Secretary of Education or provides assurance satisfactory to the Secretary from the appropriate accrediting body that reasonable progress is being made toward accreditation; and

e. Has a single administrative unit with an identified budget and faculty which is responible for:

(1) All allied health education programs offered by the center;

(2) Allied health curriculum development;

(3) Allied health student recruitment and counseling;

(4) Development of appropriate clinical affiliations;

(5) Placement of students for the clinical portion of the program; and

(6) Standards of student performance in technical portions of the program.

f. In meeting the requirements specified in parts (a) and (b) above, counts only students enrolled in the professional or technical portion at the academic level specified in the designated professions and occupations.

In determining the order of funding of competitive applications which have been recommended for approval, funding preference will be given to applications which specifically address and meet either or both of the program priorities listed below, thus, improving their competitive advantage. Meeting both program priorities will further improve this advantage. Applications which do not address one or the other of these program priorities will be

[1] Note: Support should not be sought to develop or supplement training in professions predominately focused on applying principles of Health Promotion and Disease Prevention (e.g. Environmental Sanitation or Community Health Education).

reviewed and given consideration for funding.

a. Preference will be given to applications which propose multidisciplinary training [2] in three or more allied health occupations for which the applicant can clearly demonstate that the providers in their practices will have significant opportunities to influence treatment options and/or patient behavior through direct personal intervention to meet individual patient/client needs.

b. Preference will be given to those applications which provide for a combination of at least three of the educational functions described above under functions to be supported. In all such combinations, however, one of the functions selected must be faculty development.

Request for application materials and questions regarding grants policy should be directed to: Mrs. Mary Allen, Grants Management Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 4–27, Hyattsville, Maryland 20782; Telephone (301) 436–7360. If this number is not in service, call (301) 443–6857.

Should additional programmatic information be required, please contact: Mr. Theodore Carp, Associated Health Professions Branch, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 5–27, Hyattsville, Maryland 20782; Telephone (301) 436–6800. If this number is not in service, call (301) 443–6857.

Applications must be received no later than May 2, 1983. Approximately $800,000 is expected to be available in Fiscal Year 1983 for competitive awards.

This is a new program and is not listed in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated: March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83–6834 Filed 3–15–83; 8:45 am]

BILLING CODE 4160–15–M

[2] For purposes of this program, "multidisciplinary training" means education or training directed to three or more allied health professions.

Application Announcement for Grants for Geriatric Education Centers

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983 Grants for Geriatric Education Centers are being accepted under the authority of Section 788(b) of the Public Health Service Act, as amended.

Grants will be awarded to support the development of a small number of prototypical regional resources centers focused on strengthening multidisciplinary training of health professionals in geriatric health care. These centers, to be known as Geriatric Education Centers, will be established to facilitate training of medical, osteopathic, dental, optometric, pharmacy, podiatric, nursing and appropriate allied health and public health students and practitioners in the diagnosis, treatment and prevention of the diseases and other health problems of the aged.

Functioning within a defined geographic area, a Geriatric Education Center will provide the health professions educational community within that area such comprehensive services as:

- Conducting faculty training programs to prepare key resource persons in the various health professions schools;
- Providing technical assistance in the design and conduct of appropriate in-service and continuing education programs for practicing health professionals;
- Serving as a clearinghouse of information on multidisciplinary geriatric education programs and instructional resources;
- Providing educational services in support of geriatric training to academic centers, professional associations and State and local health agencies; and
- Assisting health professions schools in the selection, installation, implementation and evaluation of appropriate geriatric course materials and curriculum improvements.

"Multidisciplinary education or training" means a planned and coordinated program of education or training directed to two or more health professions for the purpose of improving their several contributions to a major health care objective.

Any health profession, allied health profession, or nurse training institution, or any public or private nonprofit entity is eligible to apply for a grant. All applicants must be located in the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

In determining the order of funding of competing applications which have been recommended for approval, a funding preference will be given to applications which address the program priorities listed below. Projects which meet *all* of the elements of the priority statement will receive a funding preference; however, applications which do not address any or all of the program priorities will be reviewed and given consideration for funding.

(1) Projects which are directed to at least three health professions, of which allopathic or osteopathic medicine must, in all instances, be one. The additional two or more professions proposed shall be designated from among the following:

- Dentistry;
- Optometry;
- Pharmacy;
- Podiatry;
- Nursing;
- Appropriate allied health professions;
- Appropriate public or community health specialties.

(2) Projects which provide for a combination of at least two geriatric education activities from among the following:

- Faculty training
- Consultative and other technical assistance in support of undergraduate training (didactic and/or clinical)
- Consultative and other technical assistance in support of in-service and/or continuing education
- Clearinghouse, promotional, and demonstration services.

(3) Projects which provide for a high degree of areawide multidisciplinary collaboration as evidenced by:

(a) Significant current multidisciplinary health care educational activities

(b) Letters of agreement, assurance, or substantial intent between professional schools (or by an academic health science center on their behalf), teaching hospitals, professional associations, and State and local health agencies

(c) Appropriate liaison with contributing disciplines in the social and behavioral sciences; and

(4) Projects which will begin faculty training for six or more persons in the first year of the grant award. Requests for application materials and questions regarding grants policy should be directed to: Mrs. Wilma Johnson (D31), Grants Management Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-

West Highway, Room 4–27, Hyattsville, Maryland 20782; Telephone (301) 436–6098. If this number if not in service, call (301) 443–6960.

Should additional programmatic information be required, please contact: Carol Gleich, Ph.D, Associated Health Professions Branch, Division of Associated and Dental Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Room 5–27, Hyattsville, Maryland 20782; Telephone (301) 436–6800. If this number is not in service, call (301) 443–6887.

Applications must be received no later than May 2, 1983. Approximately $900,000 is expected to be available in Fiscal Year 1983 for competing awards.

This is a new program and is not currently listed in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A–95.

Dated March 10, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-6833 Filed 3-15-83; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

Biotechnology Resources Review Committee; Meeting

Pursuant too Pub. L. 92–463, notice is hereby given of the meeting of the Biotechnology Resources Review Committee, Division of Research Resources, April 6, 1983, Conference Room 10, National Institutes of Health, Bethesda, MS 20205.

This meeting will be open to the public April 6, from 8:30 a.m. to approximately 3:00 p.m. for analysis and discussion of current and future needs for support of technologies by the Biotechnology Resources Program and for discussions of the guidelines for Biotechnology Resources Program applications and new areas for grants, particularly to small businesses. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(d) (4) and 552(c) (6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 3:00 p.m. to approximately 5:00 p.m. on April 6 for the review, discussion, and evaluation of individual research prospectuses submitted by organizations seeking access to PROPHET System services. These prospectuses and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the prospectuses, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B–10, National Institutes of Health, Bethesda, MD 20205, telephone area code 301–496–5545, will provide summaries of meetings and rosters of committee members.

Dr. Charles L. Coulter, Executive Secretary, Biotechnology Resources Review Committee, Division of Research Resources, Bldg. 31, Rm. 5B–41, National Institutes of Health, Bethesda, MD 20205, telephone area code 301–496–5411, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.371, Biotechnology Research, National Institutes of Health)

Dated: March 7, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-6771 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Blood Diseases and Resources Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Blood Diseases and Resources Advisory Committee, National Heart, Lung, and Blood Institute, April 28–29, 1983, National Institutes of Health, Building 31, Conference Room 9, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m.–5:00 p.m., April 28, 1983, and from 8:30 a.m.–4:30 p.m., April 29, 1983, to discuss the status of the Blood Diseases and Resources program needs and opportunities. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A31A, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Fann Harding, Special Assistant to the Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, Federal Building, Room 5A–08, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–1817, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: March 9, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-6774 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Interagency Technical Committee; Meeting

Notice is hereby given of the Meeting of the Interagency Technical Committee (IATC) on Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources, sponsored by the National Heart, Lung, and Blood Institute on May 4, 1983, from 9:00 a.m. to 12:30 p.m., Building 31, C Wing, Conference Room 10, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public. The Interagency Technical Committee (IATC) is meeting to examine and cordinate Federal research activities that concern heart, blood vessel, lung, and blood diseases and blood resources. This meeting will focus on studies conducted by the Department of Defense on the Coronary Artery Risk Evaluation (CARE) Program, and presentations by physicians from the NIH Clinical Center, National Cancer Institute (NCI), National Institute of Allergy and Infectious Diseases (NIAID), Food and Drug Administration (FDA), Centers for Disease Control (CDC), the National Heart, Lung, and Blood Institute (NHLBI), the Division of Research Resources (DRR), and American Red Cross (ARC), on Acquired Immune Deficiency Syndrome (AIDS). Attendance by the public will be limited to space available.

For detailed program information, a list of meeting participants, and a meeting summary contact: Ms. Janyce Notopoulos, Office of Program Planning and Evaluation, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, 9000 Rockville, Bethesda, Maryland 20205, 301–496–5031.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-6773 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board, Subcommittee on Activities and Agenda; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Activities and Agenda, National Cancer Institute, April 4, 1983, Building 31, Conference Room 3, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review administrative details and plan the agenda and activities for the National Cancer Advisory Board and its meeting for May 1983. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, Subcommittee on Activities and Agenda, National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, Building 31, Room 10A03, Bethesda, Maryland 20205, (301) 496–5147, will furnish substantive program information.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-6775 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Neurological and Communicative Disorders and Stroke; Meeting of Ad Hoc Subcommittee on Anticonvulsant Drugs Epilepsy Advisory Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the *ad hoc* Subcommittee on Anticonvulsant Drugs of the Epilepsy Advisory Committee, National Institute of Neurological and Communicative Disorders and Stroke, April 5–6, 1983, Room B119, Federal Building, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on April 5, 1983, from 9:00 a.m. to 12 noon to discuss Branch planning and accomplishments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552b(c)(4), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 5 from 12 noon to adjournment on April 6 for review of preclinical and clinical ADD compounds. This review and discussions could reveal confidential trade secrets or commercial property such as patentable material.

Dr. Roger J. Porter, Chief, Epilepsy Branch, Convulsive, Developmental, and Neuromuscular Disorders Program, NINCDS (Federal Building, Room 114) National Institutes of Health, Bethesda, Maryland 20205; telephone (301) 496–6691, will provide summaries of the meeting, rosters of the committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Convulsive, Developmental, and Neuromuscular Disorders Program, National Institutes of Health)

Dated: March 7, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-6772 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Advisory Board Ad Hoc Subcommittee on Program Project Grants; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board ad hoc Subcommittee on Program Project Grants, National Cancer Institute, March 29–30, 1983, Brown Palace Hotel, Denver Colorado. The entire meeting will be open to the public on March 29, from 8:00 p.m. to recess; and on March 30, from 9:00 a.m. to adjournment, to discuss the peer review system of program project grant applications.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William Walter, Executive Secretary, ad hoc Subcommittee on Program Project Grants, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4218) will furnish substantive program information.

This notice is being published less than 15 days prior to the meeting because originally the meeting was to be held at a later date; however, now it will be more cost effective to the government to hold the meeting at this time as several members will already be in the Denver area.

Dated: March 11, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-6807 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

National Toxicology Program; Availability of Carcinogenesis Report on Propyl Gallate

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis study of propyl gallate, an anti-oxidant used to stabilize cosmetics, food packaging materials, and foods containing fats.

Propyl Gallate was given in the diets of F344/N rats and B6C3F$_1$ mice (0, 6,000, or 12,000 ppm) for 103 weeks. Under these conditions, propyl gallate was not considered to be carcinogenic for F344/N rats, although there was evidence of an increased proportion of low-dose male rats with preputial gland tumors, islet-cell tumors of the pancreas, and pheochromocytomas of the adrenal glands; rare tumors of the brain occurred in two low-dose females. Propyl gallate was not considered to be carcinogenic for B6C3F$_1$ mice of either sex, although the increased incidence of malignant lymphoma in male mice may have been related to the dietary administration of propyl gallate.

Copies of this report—*Carcinogensis Bioassay of Propyl Gallate in F344/N Rats and B6C3F$_1$ Mice (Feed Study)* (T.R. 240)—are available without charge by writing to: NTP Public Information Office, M.D. B2–04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541–3991. FTS: 629–3991.

Dated: March 9, 1983.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 83-6770 Filed 3-15-83; 8:45 am]

BILLING CODE 4140-01-M

Health Resources and Services Administration

Availability of Funds for Community Health Centers (CHCs)

AGENCY: Health Resources and Services Administration, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: Under the present Continuing Resolution, Pub. L. 97–377, providing funding for the Department of Health

and Human Services, approximately $14 million are available for funding new CHCs and expanding existing CHCs. This notice contains information of interest to prospective applicants for such funding.

DATE: To receive consideration, applications must be received in the appropriate regional office prior to May 15, 1983.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from, and applications should be mailed to, the appropriate Regional Health Administrator (see Appendix).

SUPPLEMENTARY INFORMATION: Due to limited resources during the last 2 fiscal years and in an effort to expedite administrative action in preparation for implementation of the Primary Care Block Grant program, Federal support for over 200 CHCs was not renewed. At the same time, a policy was established which precluded funding of new CHCs. The Continuing Resolution makes approximately $14 million available for funding new CHCs and for funding new or expanded activities at existing CHCs located in high priority medical service areas, including the restoration of supplemental ambulatory service delivery capacity where restoration of such services could not be made during Fiscal Year 1982, and the continued expansion of prevention activities. Applications for operational funding for new CHCs, meeting the requirements of section 330 of the Public Health Service (PHS) Act (42 U.S.C. 254c) and implementing regulations (42 CFR Part 51c), as well as applications for the expansion of activities of current CHCs, including the establishments of satellite clinics, are now being accepted. Funding support will be provided for primary health services and needed supplemental ambulatory health services except for inpatient care services as defined in the Department's policy issuance published on December 29, 1981 (see 46 FR 62956). Applications will be evaluated in accordance with criteria set forth in the regulations (42 CFR 51c.305).

Only applications to serve high priority need areas will be considered. Relative need of the population to be served will be determined primarily on the basis of the percentage of the population to be served who live in the areas that are designated as medically underserved areas and on the extent of unemployment in such areas.

The need/demand assessment required under section 330(e)(2) of the PHS Act, including an analysis of the impact of unemployment in the area on the access to health care of the proposed service population, will be an important consideration.

In addition, as provided in the regulations at 42 CFR 51c.305(e), the demonstrated administrative, financial and general management capability of the applicant will be evaluated

Section 51c.104(b)(5) of the CHC regulation requires applicants to include letters and other forms of evidence showing efforts to secure financial and professional assistance and support for the project and to secure continuing community involvement. Proposed applicants are advised to seek such evidence of support, from, among others, local officials and medical societies. Evidence that such support was sought will be considered in determining which applicants will be awarded grants under this announcement.

Evidence must be provided to indicate that requirements of Part I of Office of Management and Budget Circular No. A-95 have been satisfied, and that the local Health Systems Agency (HSA) has been afforded the opportunity to review and comment on the application.

Note.—Even though OMB Circular A-95 has been rescinded by Executive Order 12372, the A-95 review process remains in effect through April 30, 1983. Also, since many HSAs have discontinued review of applications for the proposed uses of Federal funds, applicants should check with the HSA or PHS regional office in their area to determine the need for HAS Review.

Under the terms of the new Primary Care Block Grant legislation (section 1923 of the PHS Act), the Department is required to solicit comments from the Governor of the State and appropriate local officials prior to awarding CHC grants (see the **Federal Register** notice at 47 FR 56557, December 17, 1982, soliciting such comments). Since these comments are an essential part of a grant application's review, applicants are advised to request that such comments, if possible, be sent to the appropriate regional office prior to due date of their application.

The CHC program is listed as No. 13.224 in the OMB *Catalog of Federal Domestic Assistance.*

Dated: March 8, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator, PHS—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-6827

Karst J. Besteman, Regional Health Administrator, PHS—Region II, 26 Federal Plaza, New York, New York 10007, (212) 264-2560

William Lassek, M.D., Regional Health Administrator, PHS—Region III, P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637

George A. Reich, M.D., M.P.H., Regional Health Administrator, PHS—Region IV, 101 Marietta Tower, Suite 1007, Atlanta, Georgia 30323, (404) 221-2316

E. Frank Ellis, M.D., Regional Health Administrator, PHS—Region V, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-1385

Sam Bell, Regional Health Administrator, PHS—Region VI, 1200 Main Tower Building, Dallas, Texas 75202, (214) 655-3379

Youn Bock Rhee, Regional Health Administrator, PHS—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3291

Dean Hungerford, Regional Health Administrator, PHS—Region VIII, 19th and Stout Streets, Denver, Colorado 80294, (303) 837-4461

Sheridan L. Weinstein, M.D., Regional Health Administrator, PHS—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (414) 556-5810

Dorothy H. Mann, Regional Health Administrator, PHS/DHHS Region X, 2001 Third Avenue, Mail Stop 501, Seattle, Washington 98121, (206) 442-0430.

[FR Doc. 83-6795 Filed 3-15-83; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona; Revised Final Wilderness Intensive Inventory Decision

Correction

In FR Doc. 83-667 appearing on page 2070 in the issue of Monday, January 17, 1983, make the following correction in the second column, first complete paragraph: In the third line from the end of the paragraph, insert the following between "WSA" and "boundaries": ". The Gila Box WSA now totals 17,831 acres. Copies of the map showing the new WSA".

BILLING CODE 1505-01-M

[Group 746]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 34 N., R. 11 E.

2. This plat, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines, and the survey

of the subdivision of section 31, Township 34 North, Range 11, East, Mount Diablo Meridian, under Group No. 746, California, was accepted February 17, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6743 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 791]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 34 N., R. 9 W.

2. This plat, representing the dependent resurvey of a portion of the north and west boundaries and subdivisional lines, and the survey of the subdivision of section 17, Township 34 North, Range 9 West, Mount Diablo Meridian, under Group No. 791, California, was accepted February 25, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U. S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6744 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 784]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 30 N., R. 12 E.

2. These plats, in two (2) sheets, representing the dependent resurvey of a portion of the south and west boundaries, a portion of the subdivisional lines, the survey of the subdivision of section 31, and the metes and bounds survey of Lots 4, 5, 6, and 7, in section 31, Township 30 North, Range 12 East, Mount Diablo Meridian, under Group No. 784, California, were accepted February 25, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6745 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 11 N., R. 8 W.

2. This supplemental plat of section 6, Township 11 North, Range 8 West, Mount Diablo Meridian, was accepted February 24, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been place in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6746 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 814]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, California

T. 7 S., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the north and west boundaries, and the survey of the subdivision, and Lot 18, of section 6, Township 7 South, Range 3 East, San Bernardino Meridian, under Group No. 814, California, was accepted February 23, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6747 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 721]

California; Notice of Filing of Plat of Survey

March 3, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 16 S., Rs. 1 and 2 W
T. 17 N., R. 1 W.

2. These plats, representing (1) Dependent resurvey of the exterior boundaries of the Cachil Dehe (Colusa) Indian Rancheria in Lot 39, and the survey of new meanders of the Sacramento River and accreted lands in Township 17 North, Range 1 West, and (2) the dependent resurvey of the exterior boundaries of the Cachil Dehe (Colusa) Indian Rancheria in Lots 37, T. 16 N., Rs. 1 and 2 W., Mount Diablo Meridian, under Group No. 721, California, were accepted February 18, 1983.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6746 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 765]

California; Notice of Filing of Plat of Survey

March 7, 1983.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, California

T. 38 N., R. 8 W.
T. 37 N., R. 9 W.
T. 39 N., R. 9 W.

2. These plats, representing the: (1) Dependent resurvey of a portion of the south boundary and the east boundary, of Township 39 North, Range 9 West; (2) the dependent resurvey of a portion of the south boundary and the west and north boundaries, of Township 38 North, Range 8 West; (3) and the dependent resurvey of the east boundary, a portion of the north boundary, of Township 37 North, Range 9 West, Mount Diablo Meridian, under Group No. 765, California, were accepted February 25, 1983.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the U.S. Department of Agriculture, Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-6748 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Camping Stay Limit Established; Caliente Resource Area, Bakersfield District California

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of camping stay limit for campgrounds and undeveloped public lands in the Caliente Resource Area, Bakersfield District, California.

SUMMARY: Persons may camp within designated campgrounds or on public lands not closed to camping within the Caliente Resource Area for a total period of not more than fourteen days during any calendar month. The fourteen day limit may be reached either through a number of separate visits or through a period of continuous occupation of the public lands. Under special circumstances and upon request, the authorized officer may give written permission for extension to the fourteen day limit.

Additionally, no person may leave personal property unattended in designated campgrounds or recreation developments for a period of more than 24 hours, or elsewhere on public lands within the Caliente Resource Area for a period of more than 5 days without written permission from the authorized officer.

DATE: This camping stay limit will be effective March 16, 1983.

FOR MORE INFORMATION CONTACT: Don H. Heinze, Acting Caliente Resource Area Manager, Caliente Resource Area Office, 520 Butte Street, Bakersfield, California 93305, Telephone: (805) 861–4236.

SUPPLEMENTARY INFORMATION: This camping stay limit is being established in order to assist the Bureau in reducing the incidence of long-term occupancy trespass being conducted under the guise of camping, both within campgrounds and on undeveloped public lands in the Caliente Resource Area.

Authority for this stay limit is contained in CFR Title 43, Chapter II, Part 8363, Subparts 8361.1–3(b) and 8363.3.

Donald H. Heinze,

Acting Area Manager.

[FR Doc. 83-6750 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Craig District Advisory Council Meeting

In accordance with Pub. L. 94–579, notice is hereby given that there will be a meeting of the Craig District Advisory Council on April 15, 1983.

The meeting will begin at 10:00 a.m. in the conference room of the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado.

The agenda of the meeting will include:

1. Introductions
2. Orientation to BLM
3. Election of Officers
4. Discussion of Range Stewardship Program
5. Council Recommendation on issues and problems to be addressed by the Advisory Council
6. Discussion of BLM–MMS Merger; and
7. Statements from the public.

The meeting will be open to the public and interested persons may make oral statements to the Council beginning at 1:30 p.m. The District Manager may establish a time limit for oral statements, depending on the number of people wishing to speak. Anyone wishing to address the Council or file a written statement should notify the District Manager, Bureau of Land Management, P.O. Box 248, 455 Emerson Street, Craig, Colorado 81626, by April 12, 1983.

Summary minutes of the Council Meeting will be maintained in the Craig District Office and will be available for public inspection and reproduction during regular business hours.

Dated: March 7, 1983.

Lee Carle,

District Manager.

[FR Doc. 83-6751 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

[I-20125]

Idaho; Realty Action; Sale of Public Lands in Jefferson County

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat.

2750, 43 U.S.C. 1713), at no less than the appraised fair market value:

Boise Meredian

T. 7 N., R. 37 E.,
Sec. 3: NE¼SE¼, S½SE¼,
Sec. 10: N½NE¼.
200 acres.

The land will be sold at public auction by competitive bidding. The lands are being offered for sale in order to enhance land-use compatibility with adjoining private lands and to settle an occupancy trespass. The land has not been used for and is not required for any Federal purpose. The lands are isolated and uneconomical to manage as public lands. The sale is consistent with the Bureau's planning for the lands involved and has been discussed with the County Commissioners, Idaho Department of Fish and Game and the Idaho Department of Lands. Disposal would not have any significant effect on resource values and would best serve the public interest.

The terms and conditions applicable to the sale are:

1. The sale of these lands will be subject to all applicable Jefferson County regulations.

2. All minerals will be reserved to the United States.

3. The sale of this land will be subject to all existing rights.

4. The subject lands are encumbered by removable, valuable improvements (house, barn, corrals, etc.). These improvements are owned by Ferguson Farms. If Ferguson Farms does not purchase the subject lands during this sale, they will be allowed 180 days to remove the improvements. If they choose not to remove the improvements, they will be allowed an opportunity to negotiate a sale of these improvements with the purchaser.

The Federal Land Policy and Management Act requires that bidders must be citizens of the United States, 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

The sale will be held at the Idaho Falls District Office, Bureau of land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401, on May 24, 1983, at 1:00 p.m. No bid will be accepted for less than the apprised fair market value of $30,000. Bids must be for all the land.

Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received at the Idaho Falls District office, 940 Lincoln Road, Idaho Falls, Idaho 83401, prior to 1:00 p.m. on the day of the sale. Bids sent in by mail must be in sealed envelopes accompained by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for no less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale I–20125, Sale to be May 24, 1983," If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the basis for oral bids. All oral bids must be made in increments of not less than $50. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

The successful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be foreited. All bids will be either returned, accepted, or rejected within 30 days of the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Tuesday at the same hour and place and continued on each succeeding Tuesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Idaho Falls District Office at the address indicated above. For a period of 45 days from the date of this Notice, Interested parties may submit comments to the Idaho Falls District Manager. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior. In addition, this notice will be considered an amendment to the Management Framework Plan for this Resource Area.

Dated: March 8, 1983

James Gabettas,
Acting District Manager

[FR Doc. 83-6753 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

Jacks Creek Wilderness EIS; Intent To Prepare an Environmental Impact Statement and Notification of Scoping Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare the Jacks Creek Wilderness environmental impact statement and notification of scoping meetings.

SUMMARY: The Bureau of Land Management is beginning the preparation of an EIS to consider suitability or nonsuitability recommendations for seven wilderness study areas (WSAs). The WSAs are located in Southwestern Idaho's Owyhee County. They are 60 to 100 miles south of Boise, Idaho. The specific WSAs are identified as follows:

WSA No.	Name	Acres
111-06	Little Jacks Creek	58,040
111-7b	Duncan Creek	10,805
111-7c	Big Jacks Creek	54,833
111-16	Pole Creek	24,509
111-36A	Sheep Creek West	11,680
111-36B	Sheep Creek East	5,050
111-44B	Upper Deep Creek	11,510
		175,627

SUPPLEMENTARY INFORMATION: The EIS is being done in conjunction with the Bruneau Resource Area land use planning efforts in the Boise BLM district. Planning documents are available for review at the district office.

The EIS will include alternatives for each WSA ranging from total wilderness to no wilderness. Various alternative combinations of suitable and nonsuitable recommendations as well as boundary adjustments for individual WSAs will be considered.

Major environmental issues anticipated include the following:

1. Impacts of wilderness on the Jacks Creek livestock water pipeline proposal.

2. Impacts of increased livestock grazing on good condition Sagebrush Steppe areas.

3. Impacts of wilderness designation on livestock grazing.

4. Impact of wilderness designation/nondesignation on sensitive California bighorn sheep populations.

The scoping process will consist of a mail-out to interested individuals, organizations, and agencies who have expressed interest in the wilderness review process for the affected study areas. The mail-out will include a description of the tentative alternatives that will be considered in the EIS as well as a tentative list of issues to be addressed. Individuals and agencies contacted will be encouraged to comment on the issues and alternatives presented, and to identify additional issues and alternatives.

Two public scoping meetings have also been scheduled to discuss the wilderness EIS and to receive input on alternatives and issues. These meetings will be held at the following times and locations:

April 20, 1983 7:00 p.m.—American Legion Hall, Bruneau, Idaho

April 21, 1983 7:00 p.m.—Boise District BLM Office, 3948 Development Avenue, Boise, Idaho

Suggestions on issues and alternatives may be presented at the public meetings or they may be sent to the Boise District, BLM, 3948 Development Avenue, Boise, Idaho 83705. Suggestions should be submitted by May 13, 1983.

FOR FURTHER INFORMATION CONTACT:
Ted Milesnick, EIS Team Leader, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, (208) 334–1582.

Martin J. Zimmer,
District Manager.

[FR Doc. 83-6732 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

Northeast Resource Area, Colorado; Resource Management Plan; Public Workshops and Public Hearings on Denver Basin Coal Lease Applications

Three plan alternatives for managing the lands and resources of the Northeast Resource area have been developed. Each plan addresses the issues raised at earlier public scoping meetings as well as those required by law and regulation. The most significant issues addressed are: land tenure adjustments, water quality, wildlife habitat, access to public land, recreational opportunities, forest management particularly fuelwood cutting, and mineral exploration and development.

The draft alternatives are available for public review and comment. Public participation at this point is essential to assure: (1) The alternatives are complete and reasonable, (2) that all alternatives are considered, and (3) that public preferences are known prior to completion of the Draft Environmental Impact Statement in October, 1983.

Six open house workshops are scheduled to allow public viewing of maps and management plans displaying the alternatives. Planning/EIS team members will be available to answer questions and comments will be accepted. The locations below will be open for extended hours as shown for the convenience of the public. Additional written comments on the Resource Management Plan will be accepted until May 20, 1983 at the Northeast Resource Area Office.

Location	Date	Time	Place
Idaho Springs	4	2-4 and 6-8	Elks Lodge, Colorado Blvd.
Central City	5	2-4 and 6-8	Gilpin County Courthouse.
Fort Morgan	7	2-4 and 6-8	Morgan County Courthouse.
Fort Collins	11	2-4 and 6-8	Larimer County Courthouse, 200 W. Oak St.
Denver*	12	2-4 and 6-8	BLM Office, 10200 West 44th Ave. Wheatridge.
Limon*	18	2-4 and 6-8	City Hall, 200 F St.

The meetings at Denver and Limon will include public hearings specific to the adequacy of the environmental assessments for Coal lease proposals in the Denver Basin (Adams, Arahahoe, and Elbert Counties). These environmental assessments are available at the Northeast Resource Area Office, Canon City District Office, Colorado State Office in Denver and the Elbert County Library in Kiowa. Oral Statements will be heard beginning at 8 PM at these two locations. If you are interested in making an oral statement please notify by April 1, 1983 the: Northeast Resource Area Office, 10200 West 44th Avenue, Wheatridge, CO 80033, (303) 294–4988.

Written statements on the adequacy of the coal environmental assessments will be accepted at any of the six open houses or at the above address prior to May 2, 1983.

Stewart A. Wheeler,
Acting District Manager.

[FR Doc. 83-6734 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-84-M

[A–17948]

Public Lands Exchange; La Paz County, Arizona

March 4, 1983.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action-Exchange, public lands in La Paz County, Arizona.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian, Arizona
T. 4 N., R. 14 W.,
Sec. 20: Those public lands lying West of the Central Arizona Project;
Sec. 21: Those public lands lying West of the Central Arizona Project;
Sec. 28: Those public lands lying West of the Central Arizona Project;
Sec. 32: NE¼SW¼.
T. 4 N., R. 15 W.,
Sec. 14: SE¼.

Comprising approximately 800 acres of public land.

In exchange for these lands, the Federal Government will acquire non-Federal land from the Crowder-Weisser Cattle Company described as follows:

Gila and Salt River Meridian, Arizona
T. 3 N., R. 14 W.,
Sec. 32: N½; (First priority).
T. 5 N., R. 16 W.,
Sec. 9: W½.

Comprising approximately 640 acres of private land.

The exchange proposal involves the surface and mineral estates of both public and private offered lands, including the oil and gas.

The purpose of the exchange is to dispose of public lands that are unmanageable because of location and the ownership of adjacent lands. In return, the Bureau will acquire private lands that will aid in making a more manageable area. The public interest will be served by making this exchange.

The value of the lands and interests to be exchanged is approximately equal. Upon the completion of a final appraisal, acreages may be adjusted or a cash payment made, where the value of the public estates exceed that of the private, to equalize the value difference. Should the value of the private offered exceed the value of the selected public estates, those private lands identified as the first priority will be acquired first, thereby utilizing a reduction in private acres in lieu of a Federal money payment.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A reservation for ditches and canals constructed by the authority of the

United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. A reservation to the Bureau of Reclamation for a flood easement on the public lands in T. 4 N., R. 14 W., Secs. 20, 21, and 28.

The private lands to be acquired by the United States will have the following reservations, or terms and conditions.

1. A reservation to the State of Arizona for 1/16 of all oil, gas, coal and other minerals on the lands located at T. 3 N., R. 14 W., Section 32, N½.

2. A reservation to Arizona Public Service Company for a public utilities easement as shown on instrument recorded August 29, 1979 in Docket 1118, Page 286, for the lands located at T. 5 N., R. 16 W., Sec. 9, SW¼ (South 8 feet of North 33 feet).

The publication of this notice in the **Federal Register** will segregate the public lands located at T. 4 N., R. 14 W., Section 32, NE¼SW¼; and T. 4 N., R. 15 W., Section 14, SE¼.

On the date of the relinquishment of withdrawal application AR-031307 by the Bureau of Reclamation, this notice will also segregate the public lands West of the CAP. The segregated public lands will not be subject to appropriation under the public land laws, including the mining laws. This segregative effect shall terminate upon issuance of patent to the subject lands, upon publication in the **Federal Register** of a termination, or two years from the date of this publication, which ever occurs first.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the Environmental Assessment and Record of Decision, is available for review at the Lower Gila Resource Area Office, 2935 W. Clarendon Avenue, Phoenix, Arizona 85017.

For a period of 45 days, interested parties may submit comments to the District Manager, Phoenix District Office at 2929 W. Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments may be evaluated by the Arizona State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: March 8, 1983.

William K. Barker,

District Manager, Phoenix.

[FR Doc. 83-6755 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Arizona Zoological Society, Phoenix, AZ; PRT 2-10122

The applicant requests a permit to purchase in interstate commerce one male captive-bred ocelot (*Felis pardalis*) from the Tulsa Zoo, Tulsa, Oklahoma, for enhancement of propagation:

Applicant: W. Grainger Hunt, Soquel, CA; PRT 2-7294

The applicant requests a permit to take 24 bald eagles (*Haliaeetus leucocephalus*) for radio-tagging and banding; harass by photographing eaglets in 6 nests and by conducting helicopter surveys of bald eagles in northern California for scientific research:

Applicant: Zoological Society of Cincinnati, Cincinnati, OH; PRT 2-10141

The applicant requests a permit to import 30-50 captive-bred hatchlings and 10-20 captive-bred second or third year larvae of Japanese giant salamander (*Andrias davidianus japonicus*) from the Asa Zoological Park, Hiroshima, Japan, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: March 11, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-6813 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-55-M

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: Sea World, Inc., 1720 So. Shores Road, San Diego, CA 92109.
2. Type of permit: Take (capture).
3. Name and number of animals: 5 California sea otters *(Enhydra lutris nereis).*
4. Type of activity: Capture for captive propagation and public display.
5. Location of activity: Monterey, California.
6. Period of activity: February 1, 1983-December 31, 1987.

The purpose of this application is to obtain a permit under the Marine Mammal Protection Act to take five California sea otters for captive propagation.

Concurrent with the publication of this notice in the **Federal Register**, the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-10022. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those invididuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: March 11, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-6812 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by containing Raymond A. Hicks at 303-231-3357. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer listed below and to

desk officer (Interior) of the Office of Management and Budget, 202–395–7340.

Title: Payor Information Form
Bureau form Number: MMS–4025
Frequency: Intermittently
Description of Respondents: Oil and gas lessees, Onshore and Offshore
Annual Responses: 85,000
Annual Burden Hours: 127,500
Bureau Clearance Officer: Dorothy Christopher, 703–435–6213

Dated: February 23, 1983.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 83-6700 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Monthly Meeting of the Advisory Committee on Minerals Accountability

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expanded policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to hold a panel discussion on the results to date of the eight joint cooperative Federal/State audit efforts on royalty payments to the States.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, March 30, 9:00 a.m.

ADDRESS: Stouffer's Denver Inn, 3203 Quebec Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, NW., Room 4210, Washington, D.C. 20240, telephone: (202) 343–3520.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

Dated: March 11, 1983.

Harold E. Doley, Jr.,

Director, Minerals Management Service.

[FR Doc. 83-6704 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Superior

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0245, Block 72, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 8, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6702 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-MR-M

Establishment of Procedures for a Voluntary Winnings Limit for Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service, Interior.

ACTION: Request for comments.

SUMMARY: The Department of the Interior (Department) is studying the possible use of procedures for receiving sealed bids in Outer Continental Shelf (OCS) oil and gas lease sales that would allow each bidder to establish a dollar limit on the total of the high bids it wishes to have considered for acceptance. The objective of such a procedure would be to reduce unnecessary restraint in bidding by reducing the risk that bidders may overspend or underspend their budgets. This solicitation is intended to obtain comments and recommendations of Federal, State, and local governmental agencies, industry, and the public to assist in the determination of policy regarding whether there is a need for procedures to voluntarily limit winnings for OCS oil and gas leasing and, if so, what procedures should be employed.

DATE: Comments must be received on or postmarked by April 15, 1983.

ADDRESS: Comments on OCS Winnings Limit to: Director, Minerals Management Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Mary Vavrina or Ms. Malka Pattison, Minerals Management Service, MS 643, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (703) 860–7567, or Marshall Rose, Office of Policy Analysis, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343–6693.

SUPPLEMENTARY INFORMATION:

Current OCS Bidding Process Regulations

The existing OCS bidding process regulations require that all bids must be submitted by sealed bid accompanied by a certified or cashier's check, bank draft, money order, or cash for one-fifth of the cash bonus amount by the deadline specified in the Final Notice of Sale. The bids are opened, publicly announced, and recorded, but no high bids are accepted or rejected and no leases are awarded at that time. All other bids, except high bids, are returned at this time. Within 90 days of the opening of the bids, the Department determines whether to accept a bid from the highest qualified responsible bidder for each tract receiving bids. If the highest bid for a lease is not accepted by the Department within the 90-day period following the opening of bids, all bids for that lease shall be considered rejected. Written notice of the decision to accept or reject is transmitted to all the bidders whose deposits have been

held. Cash bonus deposits on all rejected high bids are returned.

Background and General Objectives

Beginning in April 1983, OCS oil and gas lease sales under the 5-Year OCS Leasing Program, approved by Secretary James Watt on July 21, 1982, will offer substantially greater acreage to be bid upon. The sealed bid process creates uncertainty concerning the number of tracts which will be acquired and the resultant capital requirements. This may strain some bidders' financial resources. It requires bidders, when cash bonus bidding is used, to commit all of their cash bonus funds simultaneously, and thereby may limit both the number and size of bids that many bidders can afford to submit. In contrast, an oral auction of many items allows each participant to stop bidding when its winnings exhaust the funds it is willing to spend.

It is possible that some firms who participate in sealed bid lease sales might limit their bidding to avoid having to pay out more in bonuses than provided for in their budgets. Restraint in bidding may reduce the chance that such firms would turn out to be the highest bidders on a greater than expected portion of the tracts they bid upon. On the other hand, such firms may turn out more often to be the highest bidders on a smaller than expected portion of the tracts they bid upon, spending less than they were willing to invest in acquiring leases. In addition, this capital constraint may cause some bidders to focus primarily on tracts that would not command much attention from bidders with greater financial resources. As a result, fewer tracts might be leased, exploratory drilling might proceed on a smaller inventory of tracts, and Federal lease revenues might be reduced.

The simultaneous offering of all tracts earmarked for a particular OCS lease sale makes prediction of how many leases a sale participant will obtain virtually impossible. If a bidder ends up with more tracts than it can afford to develop, then OCS oil and gas development and production might be delayed. While this inefficiency may be alleviated by the sale, assignment, exchange, or other transfer of leases by a winning bidder after the OCS lease sale (authorized, subject to Department approval, by 43 CFR Subpart 3319), the availability of the "assignments market" may not guarantee that such a transaction can be effected.

The Department seeks guidance on whether procedures (such as a winnings limit) that would incorporate the advantage of oral auctions into the sealed bidding process are needed and, if so, what form should they take. A procedure that would allow (but not require) bidders to establish a dollar limit on the total of the high bids they wish to have considered for acceptance is but one example. The objective of such a procedure would be to allow each bidder to acquire leases for bonus bids, the sum of which is closer to the amount it has budgeted to spend at each sale.

Public Comments and Questions

We request comments on any aspect of whether a winnings limit procedure or an alternative should be employed in OCS oil and gas lease sales. Comments should be accompanied by as much supporting data as possible. Data submitted pursuant to this Notice that are deemed proprietary should be so labeled. Respondents may wish to expand on or recommend options other than a winnings limit. In describing or recommending options, respondents are requested to provide sufficient details so that distinctions can be made between the options and so that all options can be fully evaluated. Respondents are requested to address the following general questions with regard to each proposed or suggested option.

1. Is there a need for a procedure which would allow bidders to voluntarily establish a dollar limit on the total of the high bids they wish to have considered for acceptance on a portion or all of the tracts they bid upon?

2. What type of procedure should be considered, and how would it be implemented?

3. Are preventative sale procedures better than the postsale OCS lease assignments market in eliminating restraints in bidding associated with bidders' fears of exceeding their bidding budgets? Explain.

4. What effect would adoption of a preventative sale procedure have on:

(a) The OCS lease assignment market,
(b) Bidding strategies or patterns,
(c) Bid amounts,
(d) Competition,
(e) Government revenues,
(f) The total number of leases awarded,
(g) Administrative burdens,
(h) Level of small firm participation,
(i) The timing and amount of exploratory drilling, development, and production, and
(j) Joint bidding.

5. What, if any, difficulties would such a preventative sale procedure create in the process of formulating and submitting bids accompanied by the required 20 percent deposit?

6. Should such a procedure be implemented for any sale? If so which sale or sales?

7. If you are a potential bidder:

(a) Would you make use of such a procedure if it were available? Frequently or occasionally? Would you expect other bidders to make use of the procedure? Would you feel at a disadvantage if others used the procedure but you did not? Why?

(b) After submitting your bid amounts, are there some tracts that you would prefer to win over others? If so, are these preferred tracts usually the ones that received your highest bids? For a given expenditure of cash bonus payments, would you prefer to acquire a few tracts upon which you submitted your highest bids in the sale, or many tracts upon which you submitted your lowest bids in the sale? Why?

8. Would a certain type of procedure enable companies to obtain financing more readily? Would financial institutions be willing to make loans available when a company cannot state which tracts it actually hopes to be awarded leases on?

9. Would such a procedure help the smaller oil companies or would it give an advantage to the major oil companies?

10. Would potential benefits be worth the administrative burdens associated with such a procedure?

Dated: March 7, 1983.

Harold E. Doley, Jr.,

Director.

[FR Doc. 83-6795 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-MR-M

Office of the Secretary

Coastal Barrier Resources Act

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: Consistent with the provisions of Section 4(c)(2) of the Coastal Barrier Resources Act (Pub. L. 97-348), and with the guidelines published in the **Federal Register** on November 19, 1982 (47 FR 52388-52393), the Department has, as required, submitted written notice of those minor and technical boundary modifications it proposes to make under the authority of Section 4(c)(1) of CBRA to the Committee on Merchant Marine and Fisheries in the House of Representatives and to the Committee on the Environment and Public Works in the Senate. This information has also been provided to the chief executive officer of each State, county or

equivalent jurisdiction in which a system is located; each State coastal zone management agency in those States which have a coastal zone management plan approved pursuant to section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455) and in which a system is located; and each appropriate Federal agency, as required by CBRA.

CBRA requires the Secretary to make minor and technical boundary modifications to the boundaries of the System within 180 days from the date of enactment and to provide written notice to the Committees and others previously listed, of those proposed minor and technical modifications at least thirty (30) days prior to the date when authority to modify the maps will lapse. Accordingly, this information must be provided to the aforementioned individuals no later than March 18, 1983.

Following review of comments received during this thirty (30) day period, final modifications will be made prior to the close of the 180-day period, which ends on April 18, 1983. Copies of the proposed modifications are available to the public, free of charge. Interested individuals may contact the Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240. Public review and comment is encouraged.

DATES: Comments will be accepted through the close-of-business on April 13, 1983.

Final decisions on modifications will be completed by close-of-business on April 18, 1983, as required by CBRA.

ADDRESSES: Mr. Ric Davidge, Chairman, Coastal Barriers Task Force, U.S. Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Lanzone, Manager, Coastal Barriers Task Force, 202–343–4905.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6799 Filed 3-15-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulator action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interesterd person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–80051 March 2, 1983, by decision of March 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to KNOXVILLE TRANSPORT, INC., of Knoxville, IL of Certificate No. MC–13123 (Sub-Nos. 52, 56, 87 and 103), issued May 8, 1969, April 11, 1969, April 20, 1978, and November 24, 1982, respectively, to WILSON FREIGHT COMPANY, of Cincinnati, OH authorizing the transportation as summarized: (1) over regular routes, *general commodities* (with exceptions) (a) between Oklahoma City, OK, and Chicago, IL; (b) between Oklahoma City, OK and Springfield, IL; (c) between Kingdom City, MO and St. Louis, MO; (d) between junction U.S. highways 24 and 40 at Kansas City, MO, and Junction U.S. highways 24 and 40 near Lawrence, KS, and Topeka, KS, serving specified intermediate and off-route points and (2) over irregular routes, *general commodities* and *specified commodities*, including, but not limited to, meat, meat products and meat by-products, farm implements, machinery and parts, clothing, canned goods and groceries, within specified points in AR, IL, IN, KS, MO, OK, and TX. Transferee holds no authority. TA filed. Applicants' representative: Mark Andrews, 1660 L Street, NW., Washington, DC 20036.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6794 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative

requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-FC-83

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-KC-81111. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to TRUCK AIR OF THE CAROLINAS, INC., Greenville, SC, of a portion of the operating rights contained in Certificate No. MC-145610 Sub 8, issued January 30, 1981, to TRUCK AIR, INC., Birmingham, AL, authorizing the transportation of general commodities (except classes A and B explosives and household goods as defined by the Commission), (1) between points in NC and SC, and (2) between Atlanta, GA, on the one hand, and, on the other, points in NC and SC. Applicants representative: Robert E. Born, 1447 Peachtree Street, NE, Suite 508, Atlanta, GA 30309.

MC-FC-81226. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3, approved the transfer to CAREFUL MOVING COMPANY, INC., Brockton, MA, of Certificate No. MC-48641, issued March 27, 1963, to ANGUS R. BEATON, d.b.a. CAREFUL MOVING CO., Abington, MA, authorizing the transportation of household goods, between Brockton, MA, and points in MA within 20 miles of Brockton, on the one hand, and, on the other, points in NH, NJ, ME, CT, NY, RI, and VT. Applicants representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

Volume No. OP1-FC-84

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81106. By decision March 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to CHRISTIE TRANSFER, INC., North Abington, MA, of Certificate Nos. MC-63871 and (Sub-Nos. 4, 5, 7, 9, 10) issued April 15, 1964, April 4, 1978, October 26, 1981, November 7, 1980, March 31, 1981, and February 9, 1981, respectively, to ANDREWS & PIERCE, INC., North Abington, MA, authorizing the transportation (A) over regular routes, of *general commodities* with exceptions, between specified points in MA and RI, and (B) over irregular routes, of (1) *malt beverages, and materials, equipment and supplies,* from and to South Volney, NY, and points in MA and RI, (2) *insulation and materials, equipment, and supplies,* between the facilities of Bay State Gas Company in Lawrence, MA, on the one hand, and, on the other, points in ME, NH, VT, CT, RI, and NY, (3) *liquefied natural gas, liquefied petroleum gas,* between points in CT, VT, ME, NH, MA, RI, and NY, (4) *such commodities* as are dealt in by grocery and food business houses, and *materials, equipment and supplies,* between points in MA, NH, and ME, (5) *general commodities* with exceptions, between points in MA, and (6) *groceries* from Somerville, MA to points in RI. Transferee is a carrier holding authority in No. MC-144313. An application for temporary authority has been filed. Representative: Joseph M. Klements, 89 State St., Boston, MA 02109.

MC-FC-81140. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to R. O. WETZ TRANSPORTATION CO., Marietta, OH, of Certificate Nos. MC-31438 and (Sub-Nos. 4, 5, 7, 10, 11, 12, 13, 14, 16, 17X, 18 and E-1), issued November 15, 1972, September 2, 1954, February 23, 1955, July 1, 1958, December 10, 1958, March 10, 1960, August 6, 1959, January 2, 1975, January 12, 1977, April 25, 1980, September 3, 1981, October 28, 1981, and September 6, 1974, respectively, to ROY O. WETZ d.b.a. R.O. WETZ TRANSPORTATION, Marietta, OH; MC-124059 (Sub-Nos. 1, 2X, 3, and 4) issued October 2, 1962, July 6, 1981, November 25, 1981, and November 2, 1981, respectively, to REJER TRANSPORT, INC., Marietta, OH; MC-136728 and (Sub-Nos. 1, 2, 4, and 5X) issued May 31, 1973, June 2, 1978, October 15, 1979, June 28, 1979, and July 2, 1981, respectively, to HUB FREIGHT SYSTEMS, INC., Marietta, OH, authorizing the transportation of *general and specified commodities,* from, to, and between specified points in the United States. Transferee is not a carrier. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215.

Note.—A directly related application has been filed, docketed MC-165410, published in this same **Federal Register** issue.

MC-FC-81196. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to Boone's Moving & Storage, Inc., Altoona, PA, of Certificates No. MC-102971 Sub-Nos. 1, 4, and 5X, issued July 25, 1968, November 22, 1972, and July 1, 1982, respectively, to Lytle's Transfer & Storage, Inc., Altoona, PA, authorizing the transportation over irregular routes of (1) *household goods,* (a) from and to Altoona, PA (and points 20 or 50 miles radially thereof), and MD, NJ, NY, OH and DC, (b) between five PA Counties and NJ, NY, CT, MA, DE, MD, VA, NC, SC, WV, OH, IN, IL, MI and DC, and (c) between Philadelphia, PA, and PA, MD, DE, NJ, NY and DC, (2) *used household goods,* between 24 PA Counties, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, and (3) *household goods and furniture and fixtures,* between (a) six PA Counties and MD, NJ, NY, OH and DC, (b) MD, NJ, NY, OH and DC and 20 PA Counties, (c) five PA Counties and NJ, NY, CT, MA, DE, MD, VA, NC, SC, WV, OH, IN, IL, MI and DC and (d) Philadelphia, PA, and PA, MD, DE, NJ, NY and DC. NOTE: The authority described in (1)(b) and (c) (3)(a)-(d) is radial. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15222. (412) 471-1800.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-144

Bt the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Fortier not participating.)

MC-FC-81270. By decision of March 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to DOVER MOVING & STORAGE, INC., Dover, DE, of Certificate No. MC-133536 Sub 3, issued October 21, 1981, to CAPITOL MOVERS, INC., Dover, DE, authorizing the transportation of (1) *used household goods,* between points in Delaware, points in Northampton and Accomack Counties, VA, and points in Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic; and (2) *household goods,* as defined by the Commission, between points in Delaware, on the one hand, and, on the

other, points in New Jersey, New York, Maryland, Pennsylvania, Virginia, and the District of Columbia. Representative: SE Clark, 753 N Dupont Hwy, Dover, DE 19901, (302) 674-2251, for both transferee and transferor.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-FC-107

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81261. By decision of March 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Number 2 approved the transfer to FOREST HILLS TRANSFER & STORAGE, INC., of Pittsburgh, PA, of Certificate No. MC-155879 issued March 31, 1982 and Sub 1 issued November 10, 1982, to KEYSTONE EXPRESS, INC., of Scottdale, PA, authorizing the transportation of (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for or on behalf of the U.S. Government between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI) and (3) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in the U.S. in and east of WI, IL, KY, TN, and MS. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, for the Transferee.

MC-FC-81282. By decision of March 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Number 2 approved the transfer to GEORGE R. TREMBLAY & DORIS D. TREMBLAY, DOING BUSINESS AS FILM EXPRESS OF NEW ENGLAND, Pepperell, MA, of Certificate No. MC-72139, issued November 30, 1966, to T. J. CLAVEAU TRANSPORTATION, INC., Hudson, NH, authorizing the transportation of (1) motion picture films and accessories, including advertising matter, over regular routes, (a) between Boston, MA, and White River Junction, VT, serving all intermediate points in NH and VT, and the off-route points of East Jaffrey, Claremont, and Hanover, NH, and Springfield, VT, and (b) between White River Junction, VT, and Burlington, VT, serving all intermediate points, and the off-route points of Northfield, Winooski, and Fort Ethan Allen, VT, over specified routes; and (2) motion picture films, advertising and accessories, over irregular routes, (a) between points in VT and NH, and (b) between Boston, MA, on the one hand, and, on the other, points in NH and VT. Representative: George R. Tremblay, Maple Street, Suburban Village Lot #54, Pepperell, MA 01463.

[FR Doc. 83-6780 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP 5-106]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: March 9, 1983.

80-Day Intrastate Motor Common Carriers of Passengers. The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1166, published in the Federal Register on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1166.6 and 49 U.S.C. 10922(c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275-7289.

MC 161679 (Sub-3), filed February 3, 1983 (Republication). Previously published in Federal Register issue March 3, 1983. Applicant: CAPE TRANSIT CORP., 5501 Ocean Ave., Wildwood Crest, NJ 08260. Representative: Elliott Bunce, 1600 Wilson Blvd., suite 1301, Arlington, VA 22209, (703) 522-0900. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on the route in No. MC 161678 (Sub-No. 1), in part, as follows: To operate over the route between Ocean City, MD and Atlantic City, NJ to provide intrastate service at all intermediate points between North Cape May, NJ and Atlantic City, NJ.

Note.—Applicant seeks to provide regular-route service in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

This Republication reflects proper decision-notice.

[FR Doc. 83-6783 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly.

Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-87

Decided: March 8, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC 165410, filed December 27, 1982. Applicant: R. O. WETZ TRANSPORTATION CO., P.O. Box 566, Marietta, OH 45750. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

Note.—The purpose of this application is to eliminate the gateways of Washington County, OH, and Wood County, WV. This application is directly related to No. MC-FC-81140 published in this same **Federal Register** issue.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume. No OP4-146

Decided: March 9, 1983.

By the Commission, Review Board No. 2. Members Carleton, Williams, and Ewing.

MC 146407(Sub-2,), filed February 9, 1983. Applicant: KING CARRIAGE CO., 2200 Victory Parkway, Cincinnati, OH 45206. Representative: Gilbert D. Kaffeman, 124 Madison Ave., Covington, KY 41011, (606) 491-3133. Transporting *general commodities* (except classes A and B explosives, between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume. No OP4-145

Decided: March 9, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC-164967(Sub-1), filed January 14, 1983, previously noticed in the **Federal Register** Of February 15, 1983. Applicant: POCONO MOUNTAIN TRAILS, INC., Box 488 Blairstown, NJ 07825. Representative: Ronald I. Shapss, 450 Deventh Ave., New York, NY 10123, (212) 239-4610. Over regular routes, transporting *Passengers*, between Port Jervis, NY and Atlantic City, NJ, (a) from junction East Main St. and Jersey Ave., in Port Jervis, NY, to junction NJ Hwy 23, then over NJ Hwy 23 to Sussex, NJ, then over unnumbered Hwy to junction U.S. Rte. 206, at Montague, NJ, then over U.S. Rte. 206 to junction Interstate Hwy 295, then over Interstate Hwy 295 to junction access road, then over access road to Interstate Hwy 195, then over Interstate Hwy 195 to NJ route 539, then over NJ route 539 to junction access road, then over access road to Garden State Pkwy., then over Garden State Pkwy. to junction Atlantic City Expwy. then over Atlantic City Expy. to Atlantic City, NJ, and return over the same route, serving all intermediate points, and (b) from junction East Main St. and Jersey

Ave., in Port Jervis, NY over Jersey Ave. to junction Front St., then over Front St. to junction U.S. Rte. 209, then over U.S. Rte. 209 to junction PA Hwy. 611, then over PA Hwy 611 to junction 7th St., then over 7th St., to junction access roads, then over access roads to junction Interstate Hwy. 80, then over Interstate Hwy 80 to junction access roads then over access roads to junction U.S. Rte 46, then over U.S. Rte. 46 to junction NJ Rte. 31, then over NJ Rte. 31 to Junction Interstate Hwy 295, then over Interstate Hwy 295 to junction access roads, then over access roads to junction Interstate Hwy 195 then over Interstate Hwy 195 to NJ Rte. 539, then over NJ Rte. 539 to junction access roads, then over access roads to junction Garden State Pkwy., then over Garden State Pkwy. to junction Atlantic City Expwy., then over Atlantic City Expwy. to Atlantic City, and return over the same route, serving all intermediate points.

Note.—Applicant intends to provide regular-Route service in interstate or foreign commerce, and in intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route. The purpose of this republication is to modify the authority sought to show that applicant intends to provide regular-route service in intrastate commerce.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume. No OP5-109

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 162629, filed February 22, 1983. Applicant: GOLDEN PYRAMID ENTERPRISES, INC., 2854 Vermont, Blue Island, IL 60406. Representative: Robert Whitten (same address as applicant), 312-726-5321. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, WI, MI, OH, IN, and MN.

MC 166068, filed February 4, 1983. Applicant: STATE DISTRIBUTORS, INC., 300 N.E. 46th St., Oklahoma City, OK 73105. Representative: Robert McDonough, 2616 Lost Trail, Edmond, OK 73034, (405) 341-6905. Transporting *heating and air conditioning equipment and related products*, between points in OK, TX, and AR.

Volume No. OP5-111

Decided: March 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 151878 (Sub-10), filed February 22, 1983. Applicant: THREE WAY CORPORATION, 1120 Karlstad Drive, Sunnyvale, CA 94086. Representative: Charles H. White, Jr., 1019 19th St., NW., Suite 800, Washington, DC 20036, (202) 785-3420. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ampex Corporation, of Redwood City, CA.

MC 155389 (Sub-4), filed February 22, 1983. Applicant: WITS TRANSPORT, INC., P.O. Box 3805, Seattle, WA 98121. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165399, filed February 23, 1983. Applicant: L.S. TRUCKING, INC., 9003 Tara Boulevard, Jonesboro, GA 30236. Representative: Philip L. Martin, 2220 Parklake Dr., NE., Suite 115, Atlanta, GA 30345, (404) 939-0494. Transporting *pulp, paper and related products* between points in the U.S., under continuing contract(s) with Wilcox Walter Furlong Paper Co., of Atlanta, GA.

MC 166398, filed February 24, 1983. Applicant: JOE BALLOR TOWING, INC., 57660 Gratiot, New Haven, MI 48048. Representative: David E. Jerome, 436 North Center, Northville, MI 48167, (313) 348-4433. Transporting (1) *transportation equipment*, (2) *construction equipment*, and (3) *machinery*, between points in MI, OH, IN, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166399, filed February 23, 1983. Applicant: E & E TRANSPORT, INC., 18 Hills St., Manchester, CT 06040. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *petroleum and petroleum products* between points in the U.S., under continuing contract(s) with Chevron U.S.A., of Portland, CT, and General Oil Company of Hartford, Inc., of East Hartford, CT.

[FR Doc. 83-6701 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified

statements filed on or before 45 days from the date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an application may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please Direct Status Inquiries to Team Five at 202-275-7289

Volume No. OP5-112

Decided: March 9, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59230 (Sub-71), filed February 18, 1983. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655-7937. (1) Transporting *passengers*, in charter or special operations, between points in the U.S. (except HI). (2) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 161688 (Sub-1), filed February 24, 1983. Applicant: MEDLEY BUS COMPANY, INC., P.O. Box 365, Hamlet, NC 28345. Representative: Bronson Medley, Rt. 1, Box 389-B, Hamlet, NC 28345, (919) 582-3069. Transporting *passengers*, in charter or special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5-110

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 160928, filed February 23, 1983. Applicant: BJD, INC., P.O. Box 661, Bend, OR 97709. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, 503-266-6491. Transporting *passengers*, over regular routes, (1) between Burns and John Day, OR, from Burns over U.S. Hwy 20 to Jct U.S, Hwy 395, then over U.S. 395 to John Day and return over the same route, serving all intermediate points; and (2) between Bend and John Day, OR, from Bend over U.S. Hwy 97 to Redmond, then over OR Hwy 126 to Prineville, then over U.S. Hwy 26 to John Day and return over the same route, serving all intermediate points.

Note.—Applicant seeks to serve communities not regularly served by a certificated motor common carrier of passengers.

[FR Doc. 83-6779 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent witht the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Agatha L. Mergenovich,

Secretary.

For Status, please call Team 1 at 202-275-7992.

Volume No. OP1-85

Decided: March 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 142631 (Sub-5)X, filed January 31, 1983. Applicant: L. PEABODY TRUCKING, INC., 4290 Elton St., Baldwin Park, CA 91776. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343, (440) 522-2322. MC 142631 and Subs 1 and 2 permits: Broaden (1) abrasives, insulation materials, fire brick, and fire brick shapes to "such commodities as are used by or dealt in by manufactures of abrasives, insulation, fire brick and fire brick shapes", and (2) the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with the named shipper.

For Status, please call Team 5 at 202-275-7289.

Volume No. OP5-105

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 150879 (Sub-6)X, filed February 15, 1983. Applicant: MARV McINTOSH, INC., 2212 Jefferson St., Omaha, NE 68107. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501-2028, (402) 475-6761. Lead permit: (1) Broaden to "food and related products" from meats, meat products, meat byproducts, and articles distributed by meat packinghouses; (2) remove restriction of except commodities in bulk, in tank vehicles; and (3) broaden territorial description to between points in the U.S., under continuing contract(s) with named shipper, its subsidiaries, and Divisions.

[FR Doc. 83-6778 Filed 3-15-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register**

publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–245

The following applications were filed in Region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 100404 (Sub-4–1TA), filed March 1, 1983. Applicant: DAVID L. WALLACE d.b.a. DAVID L. WALLACE TRUCKING, 1629 7th Ave., Belle Fourche, SD 57717. Representative: David L. Wallace (same). *Contract carrier.* Irregular route: *Coconut shell activated carbon,* from Lead, SD to Helena, MT, under continuing contract with Homestake Mining Co., of Lead, SD. Supporting shipper: Homestake Mining Co., Lead, SD.

MC 138415 (Sub-4–2TA), filed March 2, 1983. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, Katz & Borghesani, Suite 300, Communicana Bldg., 421 South Second St., Elkhart, Indiana 46516. *Contract* irregular: *Motor vehicles,* in truckaway service, from points in Elkhart County, Indiana, to points in the United States (except AK and HI), under continuing contracts with Utilimaster Corp. of Wakarusa, IN. Supporting shipper: Utilimaster Corporation, 65266 State Road 19, P.O. Box 461, Wakarusa, IN 46573.

MC 152256 (Sub-4–3TA), filed March 2, 1983. Applicant: GRAMMER INDUSTRIES, INC., Box 51, Grammer, IN 47236. Representative: Robert B. Hebert, Miller, Faires, Hebert & Woddell, P.C., Attorneys at Law, One Indiana Square, Suite 1600, Indianapolis, IN 46204 (317) 632–6262. *Fertilizer,* from Terre Haute, IN to points in OH, KY, MI and IL; from Danville and East St. Louis, IL to points in IN; from Mt Vernon, IN to points in IL and KY; from Huntington, IN to points in OH, and MI; from Aurora, IN to points in OH and KY; from Wilder, KY to points in OH and IN; and from Henderson, KY to points in IL. Supporting shippers: There are five supporting shippers. Their statements may be examined at the Regional Office listed.

MC 159203 (Sub-4–2TA) filed February 25, 1983. Applicant: ARGOSY TRUCKING, LTD., 260 Inglenook, Winnipeg, Manitoba, Canada. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th Street, Minneapolis, MN 55402. *Contract* irregular: *Lumber, wood products, paper and paper products* between ports of entry on the United States-Canada Boundary Line in ND and MN, on the one hand, and, on the other, points in the Upper Peninsula of MI, MN, ND and WI under continuing contracts with Boise Cascade Corporation and Boise Cascade Canada, Ltd. Supporting shippers: Boise Cascade Corporation of Boise, ID and Boise Cascade Canada, Ltd. of Kenora, Ontario, Canada.

MC 166424 (Sub-4–1TA) filed February 25, 1983. Applicant: HARMONY GROVE TRUCKING, INC., Route 3, Lodi, WI 53555. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Sorting tables and smokehouses from the facilities of Rasmussen & Associates of Lodi, Inc., at or near Lodi, WI to all points in the U.S. (except AK and HI). An underlying ETA seeks 120 days authority. Supporting shipper: Rasmussen & Associates of Lodi, Inc., Route 1, Box 165A, Lodi, WI 53555.

MC 166486 (Sub-4–1TA) filed March 1, 1983. Applicant: GERIG'S TRUCKING & LEASING, INC., 3903 Limestone Drive, Fort Wayne, IN 46809. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885 (219) 422–8884. *Contract* irregular: *General commodities,* except classes A and B explosives, household goods as defined by the Commission and commodities in bulk, between points in the U.S. (except AK and HI) under continuing contract(s) with General Electric Company of Fort Wayne, IN. Supporting shipper: General Electric Company, P.O. Box 2205, Fort Wayne, IN 46801.

MC 139154 (Sub-4–5TA) filed March 3, 1983. Applicant: RICHARDS TRANSPORT, LTD., 1155 McKay Street, Regina, Saskatchewan, Canada S4N 4X9. Representative: Stephen F. Grinnell, 121 South 8th Street, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333–1341. Transporting *lumber and wood products,* between points on the U.S.-Canadian border in MN, MT, and ND on the one hand, and, on the other, points in MN, MT, ND, and SD. Supporting shippers are: Ralph S. Plant, Ltd.; Saskatoon, Saskatchewan; Marathon Forest Products, Regina, Saskatchewan; and Burrows Lumber, Inc., Winnipeg, Manitoba.

MC 154359 (Sub-4–1TA) filed March 3, 1983. Applicant: LOWELL WILKENS, Rural Route 1, Princeton, IN 47670. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202–3357. *Contract carrier,* irregular routes: *Chemicals and related products,* between the facilities of PB&S Chemical Co., Inc. at points in KY, TN, AL, FL, WV, PA, and IN on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with PB&S Chemical Co., Inc. of Henderson, KY. Supporting shipper: PB&S Chemical Co., Inc., 1100 N. Adams, Henderson, KY 42420.

MC 159736 (Sub-4–1TA), filed March, 3, 1983. Applicant: DTX, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: John R. Frederick, c/o DTX, INC., 500 Hogsback Rd., Mason, MI 48854. *Contract carrier:* irregular routes: *General commodities,* (except classes A and B explosives, household goods, and commodities in bulk), between Ashland City, TN and points in the U.S. (except HI and AK), under continuing contract(s) with State Industries, Inc. of Ashland City, TN. Supporting Shipper: State Industries, Inc., Ashland City, TN 37015.

MC 164888 Sub-4–3TA), filed March, 3, 1983. Applicant: TAX AIRFREIGHT, INC., 4430 South Kansas Avenue, Milwaukee, WI 53207. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 633 Odana Road, Madison, WI 53719. *Contract;* irregular; *general commodities (except Classes A and B explosives, household goods as defind by the Commission, and commodities in bulk)* between Milwaukee, WI, and Chicago, IL. Restriction: restricted to transportation performed under continuing contract(s) with Arthur J. Fritz & Co., and Circle Air Freight

Corporation, Harper, Robinson & Co., and Harper Imports. Supporting Shippers: Arthur J. Fritz & Co., 4824 South Tenth Street, Milwaukee, WI 53221; Circle Air Freight Corporation, Harper Robinson & Co., and Harper Imports, 241 West Edgerton Avenue, Milwaukee, WI 53207.

MC 166555 (Sub-4–1TA), filed March, 3, 1983. Applicant: GLENN F. JOHNSON, Altona, Il 61414. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* irregular: *Water tanks, farrowing stalls and liquid manure handling equipment,* between Galva, IL on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Pearson Brothers Company, Inc. An underlying E/T/A seeks 120 days authority. Supporting Shipper: Pearson Brothers Company, Inc., Galva, IL 61434.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 42487 Sub-6–75TA), filed March, 3, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract;* irregular, *general commodities,* (except Classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract with Wal-Mart Stores, Inc. of Bentonville, AR, for 270 days. Supporting Shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 166609 (Sub-6–1TA), filed March 3, 1983. Applicant: DAVID URY d.b.a. D & D TRUCKING, 2804 228th NE., Arlington, WA 98223. Representative: Jim Pitzer, 15 South Grady Way—Suite 321, Renton, WA 98055. *Contract Carrier,* irregular routes: *General Commodities (except A & B explosives) that may be dealt in by wholesale and retail hardware stores,* from Rosemont and Chicago, IL to points in MT, ID, OR and WA under continuing contract(s) with S & N Services, S & N Transport and All States Shippers Association, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: All States Shippers Assoc., Inc., 5202 Wesley Terrace, Chicago, IL 60656. S & N Services and S & N Transport, Inc., P.O. Box 673, Rosemont, IL 60018.

MC 166612 (Sub-6–1TA), filed March 4, 1983. Applicant: AKAMAI ENTERPRISES, INC. d.b.a. DESIGN DISPATCH SYSTEMS, INC., P.O. Box 171, Phoenix, AZ 85034. Representative: Patricia M. Wheeler, 1401 East Watkins Road, Phoenix, AZ 85034. *Furniture and fixtures* between points in AZ and that portion of CA lying in and south of the counties of San Bernardino, Kern, and San Luis Obispo, and Clark County, NV, for 270 days. Supporting shipper: The Office Warehouse, Inc., 2246 S. Central Ave., Phoenix, AZ 85004.

MC 166610 (Sub-6–1TA), filed March 3, 1983. Applicant: MANUEL V. HUERTA, 397 Mi Casa, Nagales AZ 85621. Representative: (Same as applicant.) *Contract Carrier,* irregular routes; *beer* from points in CA and TX to Tucson, AZ for the account of Finley Distributing Co., Inc., for 270 days. Underlying ETA seeks 120 day authority. Supporting shipper: Finley Distributing Co., Inc., 2104 S. Euclid, Tucson, AZ 85713.

MC 124233 (Sub-6–1TA), filed March 4, 1983. Applicant: INTERNATIONAL STAGE LINES INC., 4171 Vanguard Road, Richmond, B.C. CD V6X 2P6. Representative: Robert John McMynn (same address as applicant). *Passengers and their baggage in the same vehicle,* from, to, or between points in WA, OR, CA, NV, AZ, ID, CO and MT for 270 days. Applicant intends to tack. Supporting shipper: Red Velvet Tours and Travel Ltd., Red Velvet Tours and Travel (WA) Inc., 2263 Kingsway, Vancouver, B.C. V5N 2T6.

MC 151837 (Sub-6–3TA), filed March 4, 1983. Applicant: NEIL HARRIS & LAJEAN HARRIS a Partnership d.b.a. L & N TRUCKING, P.O. Box 2617, Idaho Falls, ID 83401. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract Carrier,* irregular routes: *Lumber* from St. Anthony, ID to points in AZ, CA, CO, NM, NV, OK, TX, UT and WY, under continuing contract with Idaho Forest Industries, Inc., of Coeur d'Alene, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Idaho Forest Industries, Inc., P.O. Box 1030, Coeur d'Alene, ID 83814.

MC 143503 (Sub-6–7TA), filed March 4, 1983. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: David B. Schneider, 210 W. Park Avenue, Suite 1120, Oklahoma City, OK 73102. *General Commodities,* between points in CA under continuing contracts with J.C. Penney Company, Inc., for 270 days. Applicant intends to interline. Supporting shipper: J.C. Penney Company, Inc., 1301 Avenue of the Amercias, New York, N.Y. 10019.

MC 165887 (Sub-6–1TA), filed March 3, 1983. Applicant: R & H TRUCKING, INC., P.O. Box 410, St. Anthony, ID 83445. Representative: Lynn Hossner, Fremont County Courthouse, St. Anthony, ID 83445. *Fertilizer, lumber, building materials, coal, salt, pipe and water* between points within: CA, OR, WA, NV, MT, WY, AZ, CO, NM, TX, and ID for 270 days, An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 shippers. Their statements may be examined in the office listed.

MC 166593 (Sub-6–1TA), filed March 3, 1983. Applicant: TLTK TRUCKING, INC., 5433 W. 117th St., Inglewood, CA 90304. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030. *Contract,* irregular; (1) *Equipment, machinery and supplies* used in water dispensing, processing, packaging and distribution of bottled water under continuing contract(s) with Arrowhead Puritas Water's, Inc. of Monterey Park, CA. and (2) *Plastic manufacturing machinery; and equipment and supplies* used in the manufacture of plastics under continuing contract(s) with Pacific Engineering Co. of Orange, CA, for 270 days. Supporting shipper(s): Pacific Engineering Co., 1646 North O' Donnell Way, Orange, CA 92667, Arrowhead Puritas Water's Inc., 2 Cupania Circle, Monterey Park, CA 91754.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6785 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15139]

Motor Carriers; Carson Truck Lines, Inc.; Purchase Exemption; B&G Trucking, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982) Carson Truck Lines, Inc., seeks an exemption from the requirement under Section 11343 of prior regulatory approval for acquisition of a portion of the motor carrier operating rights of B&G Trucking, Inc., i.e. Certificate No. MC–146820 (Sub-No. 23), which authorizes the motor common carrier transportation, over irregular routes, of general commodities (with certain exceptions) between points in Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia on the one hand, and on the other,

points in the United States (except Alaska and Hawaii).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2353, Interstate Commerce Commission, Washington, D.C. 20423;

and

(2) Petitioner's representative: A. Charles Tell, 100 East Broad St., Columbus OH 43215.

Comments should refer to No. MC–F–15139.

FOR FURTHER INFORMATION CONTACT: Joyce D. Lannon, (202) 275–7992.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6798 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC–F–15140; OP4F–148]

Motor Carriers: Cates Trucking, Inc.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed By Motor Carriers* 367 I.C.C. 113 (1982), Sawyer Transport, Inc. (Sawyer) (MC–123407), and (Cates) (MC–138562) seek an exemption from the requirement of prior regulatory approval for the purchase by Cates of a portion of Sawyer's authority. A temporary authority application has been filed.

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register**.

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423;

and

(2) Petitioner's representatives: Donald W. Smith, P.O. Box 40240, Indianapolis, IN 46240;

and

(3) Carl L. Steiner, 135 South La Salle Street, Suite 2106, Chicago, IL 60603.

Comments should refer to No. MC–F–15140.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6797 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15153; OP5 McF–108]

Motor Carriers; Continuance in Control Exemption; Thermo Transport, Inc., Peterson Express, Inc., and F & F Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures-Handling Exemptions Filed by Motor Carriers*, 367 I.C.C. 113 (1982), Walter R. Key, William P. Fallon, Charles Fallon, Robert Sweeney, Richard White, and Douglas Peterson, who jointly control Thermo Transport, Inc, (No. MC–145359) and Peterson Express, Inc. (MC-162104), seek an exemption from the requirements of prior regulatory approval under 49 U.S.C. 11343 for their continuance in control of F & F Transport, Inc.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to :

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423;

and

(2) Petitioner's representative: Donald W. Smith, P. O. Box 40248,Indianapolis, IN 46240.

Comments should refer to No. MC–F–15153.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 8, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR DOC. 83-6782 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC–F–15136; OP4F–147]

Motor Carriers; Steel Transport, Inc.; Purchase Exemption; Sawyer Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property* under 49 U.S.C. 11343, 367 I.C.C. 113 (1982), Steel Transport, Inc. (Steel), a regulated motor carrier (No. MC–153552), and, in turn, Kenneth R. Paulan, who controls Steels, seek an exemption from the requirement under section 11343 of prior regulatory approval for the acquisition of control of a portion of the operating rights of Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy), (Sawyer), a regulated motor carrier (No. MC–123407), through purchase of a portion of Sawyer's Sub-No. 668X certificate (paragraphs (1a), (1b), (1c), and (1d), and 44, 45, 72, 89, 92, 144, 176, 215, 266, and 291).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's Representative: Carl L. Steiner, 135 South La Salle Street, Chicago, IL 60603.

Comments should refer to No. MC–F–15136.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7949.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 9, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6786 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30119]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment Exemption in Itasca County, MN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Burlington Northern Railroad Company, of 2.91 miles of track in Itasca County, MN, subject to conditions for the protection of employees.

DATE: This exemption will be effective on April 15, 1983. Petitions to stay the effectiveness of this decision must be filed by March 28, 1983, and petitions for reconsideration must be filed by April 5, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Alan R. Post, 176 East Fifth Street, St. Paul, MN 55101.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6776 Filed 3-15-83; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-123]

Certain CT Scanner and Gamma Camera Medical Diagnostic Imaging Apparatus; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Patricia Ray, Esq., of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the above-cited investigation instead of John Bryant, Esq.

The Secretary is requested to publish this notice in the **Federal Register**.

Dated: March 8, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc 83-6844 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

Certain Caulking Guns; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Lynn Levine, Esq., of the Unfair Import Investigations Division will be the Commission Investigative Attorney in the aboved-cited investigation instead of Jeffrey Neeley, Esq.

The Secretary is requested to publish this notice in the **Federal Register**.

Dated: March 8, 1983.

David I. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6837 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 4, 1983, under section 337 of the Tariff Act of 1930, as amended, (19 U.S.C. 1337), on behalf of Revere Copper and Brass, Inc., 605 Third Avenue, New York, New York 10158. The complaint alleges unfair methods of competition and unfair acts in the importation into the United States of certain copper-clad stainless steel cookware, or in its sale, by reason of alleged (1) false representation of product; (2) false and deceptive advertising; (3) common law trademark infringement; (4) false designation of manufacturer and/or false designation of geographic origin; and (5) passing off. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests the Commission to institute an investigation and, after a full investigation, to issue both a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of investigation: Having considered the complaint, the U.S. International Trade Commission, on March 3, 1983, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unauthorized importation into the United States of certain copper-clad stainless steel cookware, or in its sale, by reason of alleged (1) false representation of product; (2) false and deceptive advertising; (3) common law trademark infringement; (4) false designation of manufacturer and/or false designation of geographic origin; and (5) passing off, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigatior so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is Revere Copper and Brass Inc., 605 Third Ave., New York, New York 10158.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hai Dong Stainless Ind. Co., P.O. Box 584, Pusan, Korea

Ilshin Stainless Co., Ltd., 393 Samlag-Dong, Buk-ku, Pusan, Korea

Dae Sung Industrial Co., Ltd., #370-32 Sinpyung-Ding, Seo-Gu, Pusan, Korea

Back Yang Stainless Steel Ind. Co., Ltd., B-531, Dong Dai Mun Chain Store Bldg., 89-3 Chungno-Ku, Chungho-Ku, Seoul, Korea
Bum Koo Industrial Co., Ltd., 660-19, Majoun-ri, Kumdan-myun, Kimpo-kun, Kyungki-do, C.P.O. Box 9392, Seoul, Korea
Gum Jong Stainless Steet Company, 370-57 Shin Peong-dong Seo-Ku, Pusan, Korea
Jeil Stainless Steel Ind. Co., 772-1, Kamcheon-dong, Seo-ku, Pusan, Korea
Jun Han Ind. Co., Ltd., 3-7, 1-ka, Pildong, Chung-ku, Seoul, C.P.O. Box 2305, Seoul, Korea
Kana Molson Co., Ltd., Koryo Bldg., Room 312, 24, l-ka Shinmoon-ro, Jongro-ku, C.P.O. Box 5622, Seoul, Korea
Shin Woo Stainless Steel Ind. Co., 371-6, Dukpo-dong, Buk-ku, Pusan, Korea
Sue Jin Metal Ind. Co., Ltd., 162, Incheon Jackjun-dong, Buk-ku, C.P.O. Box 1969, Seoul, Korea
Tae Chang Ind. Co., Ltd., 288-2, Misanri, Siheng-kun, Kyungki-do, C.P.O. Box 2739, Seoul, Korea
Woo Sung Co., Ltd., Room 302, Young han Bldg. 59-23, 3-ka, Chung mu-ro, Chung-ku, C.P.O. Box 8181, Seoul, Korea
Kyung-dong Ind. Co., Ltd., 77-2, 3-ka Munrae-dong, Yeongdeung Po-ku, Seoul, Korea
Daelim Trading Co., Ltd., 146-12 Soosung-dong, Chongro-Ku, C.P.O. Box 2813, Soul, Korea
Daewoo Industrial Co., Ltd., 286 Yong-Dong, Jung-Gu, C.P.O. Box 2810, Soul, Korea
NAMIL Metal Co., Ltd., 1101 Chun Soo Bldg., 47-6, Supyo-dong, Chung-ku, Soul, Korea
Hosung Trading Co., Ltd., G.P.O. Box 8002, Soul, Korea
Sae Bang Trading Co. Ltd., 199 Wonnam-dong, Jongro-Ku, K.P.O. Box 832, Soul, Korea
Sang Jin Metal Ind. Co., C.P.O. Box 2218, Soul, Korea
Sam Sung Co., Ltd., C.P.O. Box 1144, Soul, Korea
Daewoo International America Corp., 100 Daewoo Place, Carlstadt, New Jersey 07072
Davidcraft Corp., 6208 North Broadway, Chicago, Illinois 60660
Ken Carter Industries, Inc., 1220 Broadway, Suite 408, New York, New York 10001
Progressive International Corp., 413 Fairview Avenue, North Seattle, Washington 98109
Trend Products Company, 5301 Laurel Canyon Boulevard, North Hollywood, California 91607
G&S Metal Products Company, Inc., 3330 East 79th Street, Cleveland, Ohio 44127
Venture Stores, 615 Northwest Plaza, St. Ann, Missouri 63074
Horn and Hardart Company, Inc., Hanover House Industries, Inc., 1163 Avenue of the Americas, New York, New York 10036
K-Mart Corp., 3100 W. Big Beaver Road, Troy, Michigan 48084
Montgomery Ward & Co., Montgomery Ward Plaza, Chicago, Illinois 60671
Sears Roebuck & Co., Sears Tower, Chicago, Illinois 60684
Roses Stores, Inc., Drawer 947 Henderson, North Carolina 27536
Aldens, Inc., 5000 W. Roosevelt Road, Chicago Illinois 60607
Fingerhut Corp., P.O. Box 1279, Minneapolis, Minnesota 55440
Wal-Mart Stores, Inc., 702 S.W. 8th Street, Box 116, Bentonville, Arizona 72712
Bradlees, Division of Stop & Shop, Inc., One Bradlee Circle, Box 100, Braintree, Massachusetts 02184
Ganble-Skogmo, Inc., 5100 Gamble Drive, Highways 12 and 100, Box 458, St. Louis Park, Minnesota 55440
Ann & Hope, Inc., Mill Street, Cumberland, Rhode Island 02864
Alexanders Department Store, Inc., 500 Seventh Avenue, New York, New York 10022
Riviera, GRF, Inc., Albany, New York 12205
Carol Wright Gifts, Department F528, 809 P Street, P.O. Box 8514, Lincoln, Nebraska 68544
Celadon Copper Bottom Cookware, Celadon Trading Corp., 440 Park Avenue South, New York, New York 10016
Zayre Corp., 770 Cochituate Road, Framingham, Massachusetts 01701
National Brand Distributors Corporation, Dajers Inc., New York, New York 10001
Target Stores, Inc., 777 Nicollet Mall, Minneapolis, Minnesota 55402
Coast to Coast Stores, P.O. Box 80, Minneapolis, Minnesota 55440
Ben Franklin, Division of Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018
TG&Y Stores Company, 3815 North Sante Fe, Box 25967, Oklahoma City, Oklahoma 73125
Western Auto Supply Co., 2107 Grand Avenue, Kansas City, Missouri 64108
L.S. Ayres & Co., 1 West Washington Street, Indianapolis, Indiana 46204
New Process Co., 220 Hickory Street, Warren, Pennsylvania 16366
Charter Catalogs, Inc., 3186 Marjan Drive, Atlanta, Georgia 30340
Merchandisers' Association, Inc., 4544 West 103rd Street, Oak Lawn, Illinois 60453
Mutual Merchandising Cooperative, Inc., 200 Madison Avenue, New York, New York 10016
Consumers Distributing Ltd., USA, 205 Campus Plaza, Edison, New Jersey 07728

(c) Juan S. Cockburn, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigation attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown..

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a wavier of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, Phone: 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Juan S. Cockburn, Esq., Unfair Import Investigations Division, Room 120, U.S. International Trade Commission, telephone 202-523-1272.

By order of the Commission.

Issued: March 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6826 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:00 a.m. on April 18, 1983 in Room 201, Waterfront Center, 1010 Wisconsin Avenue, NW., Washington, D.C., and the hearing will commence immediately thereafter.

The purpose of the prehearing conference is to review the trial memoranda submitted by the parties, to stipulate exhibits into the record, and to discuss any questions raised by the parties relating to the hearing.

The Secretary shall publish this notice in the **Federal Register**.

Issued: March 8, 1983.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 83-6838 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-132]

Certain Hand-Operated, Gas-Operated Welding, Cutting and Heating Equipment and Component Parts Thereof; Commission Decision To Review Initial Determination and Schedule for Filing Briefs

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review the presiding officer's initial determination denying temporary relief in the above-captioned investigation.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53 and 210.54 of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53 and 210.54)

SUPPLEMENTARY INFORMATION: On February 7, 1983, the presiding officer issued an initial determination denying complainant's request for temporary relief. Complainant Victor Equipment Co. and the Commission investigative attorney have petitioned for review of the initial determination pursuant to § 210.54(a) of the Commission's rules.

After examining the petitions for review and a response thereto, the Commission concludes that there are issues warranting review. Specifically, the Commission will review the following questions: (1) Whether the temporary relief hearing conducted by the presiding officer violated due process of law as guaranteed by the 5th Amendment; (2) whether the temporary relief hearing violated the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*; (3) whether the overall design of complainant Victor's welding equipment is functional (the parties are specifically requested to brief the issue of whether the Commission should apply the doctrine of "aesthetic functionality"); (4) whether the overall design of Victor's welding equipment has acquired "secondary meaning" (the parties are specifically requested to brief the issue of whether close and deliberate intentional copying raises a rebuttable presumption of secondary meaning under the Commission's decision in *Certain Novelty Glasses*, Inv. No. 337-TA-55, USITC Pub. No. 991 (July 1979), and, if so, whether respondents have rebutted the presumption); (5) whether there is a likelihood that complainant will succeed in establishing "passing off"; and (6) whether the domestic industry will incur "immediate and substantial harm" in the absence of temporary relief. The Commission's review will be limited to the issues listed above. No other issues will be considered. The record on review will be limited to evidence submitted at the temporary relief hearing. Persons submitting briefs are reminded that any arguments must be based on the evidentiary record before the presiding officer.

Commission hearing on violation: The Commission concludes that review of the initial determination as to violation of section 337(e) does not require oral argument in this instance. Accordingly, the Commission will not schedule a hearing on the issue of whether there is reason to believe that there has been a violation of section 337 at this time. Pursuant to § 210.56 of the rules, a party may submit a request for oral argument, which the Commission in its discretion may grant or deny. Any request should state with specificity the reasons that oral argument is appropriate.

Commission hearing on remedy, bonding and the public interest: If the Commission reverses the presiding officer's determination as to whether there is reason to believe there is a violation of section 337, the Commission will schedule and hold a hearing on the issues of remedy, bonding, and the public interest.

Written submissions: The parties to the investigation and interested Government agencies are encouraged to file briefs on the issue of whether there is reason to believe that there has been a violation of section 337. Such briefs must be filed not later than the close of business on March 24, 1983.

Additional information: Persons submitting briefs must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment by the presiding officer. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Documents containing confidential information approved by the Commission for confidential treatment will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

Notice of this investigation was published in the **Federal Register** of October 6, 1982, 47 FR 44172.

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: March 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6843 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-136]

Certain Marine Hardware and Accessories; Change of the Commission Investigative Attorney

Notice is hereby given that as of this date, Arthur Wineburg, Esq., of the Unfair Import Investigations Division, will be the Commission investigative attorney in the above-cited investigation instead of Oreste Russ Pirfo, Esq.

The Secretary is requested to publish this notice in the **Federal Register**.

Dated: February 24, 1983.

David L. Wilson,

Chief, Unfair Import Investigations Division.

[FR Doc. 83-6842 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-140]

Certain Personal Computers and Components Thereof; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register**.

Issued: March 7, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-6840 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-118]

Certain Sneakers With Fabric Uppers and Rubber Soles; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: On February 28, 1983, the Commission unanimously determined with respect to the above-captioned investigation that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain sneakers with fabric uppers and rubber soles into the United States, and in their sale, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States. In addition, the Commission determined that a general exclusion order pursuant to subsection (d) of section 337 is the most appropriate remedy for the violation found to exist, that the public-interest factors enumerated in subsection (d) do not preclude the issuance of such an order, and that the amount of the bond under subsection (g) of section 337 should be 266 percent of the entered value of the articles concerned. The Commission Action and Order and the Commission Opinion in support thereof were issued on March 9, 1983.

The notice instituting the investigation and defining its scope was published in the **Federal Register** on March 9, 1982 (47 FR 10103).

The Commission Action and Order, the Commission Opinion, and all other nonconfidential documents on the record of the investigation are available for public inspection Monday through Friday during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0143.

Issued: March 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6839 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-87 (Final)]

Hot-Rolled Carbon Steel Plate From Brazil

Determination

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is materially injured by reason of imports of hot-rolled carbon steel plate [2] which have been found by the Department of Commerce to be subsidized by the Government of Brazil.

Background

The Commission instituted this investigation effective June 14, 1982, following a preliminary determination by the Department of Commerce that there was a reasonable basis to believe or suspect that subsidies were being provided to manufacturers, producers, or exporters of hot-rolled carbon steel plate in Brazil.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on July 1, 1982 (47 FR 28847). The hearing was held in Washington, D.C., on September 1-3, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

On September 7, 1982, however, the Department of Commerce suspended its countervailing duty investigation concerning hot-rolled carbon steel plate from Brazil because of an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject merchandise to the United States (47 FR 39394, Sept. 7, 1982). Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act (19 U.S.C. 1671c(f)(1)(B)), the Commission also suspended its investigation (47 FR 41884, Sept. 22, 1982).

On September 22, 1982, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(2) of the Tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for Republic Steel Corp., Inland Steel Co., Jones & Laughlin Steel, Inc., National Steel Corp. and Cyclops Corp. Similar requests were received from United States Steel Corp. on September 24, 1982, and from counsel for Bethlehem Steel Corp. on September 27, 1982. Accordingly, effective September 22, 1982, the Commission continued its investigation (47 FR 47707, Oct. 27, 1982).

The final determination by the Department of Commerce that subsidies are being provided in Brazil to manufacturers, producers, or exporters of hot-rolled carbon steel plate was published in the **Federal Register** on January 20, 1983 (48 FR 2568). As noted by the Department of Commerce in its final determination, "If the final determination by the ITC is negative, the suspension agreement shall have no force or effect. If the final determination by the ITC is affirmative, the suspension agreement shall remain in effect."

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 7, 1983. A public version of the Commission's report, Hot-Rolled Carbon Steel Plate from Brazil (investigation No. 701-TA-87 (Final), USITC Publication 1356, March 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-5178.

By order of the Commission:

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

[2] For purposes of this investigation, the term "hot-rolled carbon steel plate" refers to plate provided for in items 607.8615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (1983).

Issued: March 7, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6865 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[332-155]

A Study on the Conditions of Competition Between Imported and Domestically Produced Pianos

AGENCY: International Trade Commission.

ACTION: Following receipt, on February 15, 1983, of a letter from the Subcommittee on Trade, Committee on Ways and Means, U.S. House of Representatives, the Commission instituted investigation No. 332-159 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of gathering and presenting information on the conditions of competition between imported and domestically produced pianos. The Commission will be seeking, in particular, information on price competition between Japanese and American made pianos and information on conditions within the domestic industry generally, including data on shipments, production, employment, productivity, and other relevant indicators.

EFFECTIVE DATE: March 3, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph Watkins or Mr. Richardo Witherspoon, General Manufactures Division, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-724-0976 or 202-724-0978, respectively.

PUBLIC HEARING: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on June 23, 1983, to be continued on June 24, 1983, if required. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, June 16, 1983.

WRITTEN SUBMISSIONS: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements must be received no later than July 1, 1983. All submissions should be addressed to the Secretary at the Commission's Office in Washington, D.C.

Issued; March 7, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6861 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-91; Final]

Sodium Nitrate [1] From Chile

Determination

On the basis of the record [2] developed in the subject investigation, the Commission determines, pursuant to section 735(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(1)), that an industry in the United States is materially injured by reason of imports from Chile of industrial grade sodium nitrate which have been found by the Department of Commerce to be sold in the United States at less than fair value; and that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Chile of agricultural grade sodium nitrate which have been found by the Department of Commerce to be sold in the United States at less than fair value.

Background

The Commission instituted this investigation effective November 15, 1982, following a preliminary determination by the Department of Commerce that there was a reasonable basis to believe or suspect that imports of sodium nitrate from Chile were being sold in the United States at less than fair value.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on December 1, 1982 (47 FR 54179). The hearing was held in Washington, D.C., on February 1, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on March 10, 1983. A public version of the Commission's Sodium Nitrate from Chile (investigation No. 731-TA-91 (Final), report, USITC Publication 1357, March 1983), contains the views of the Commissioners and information developed during the investigation. Copies may be obtained by contacting the Office of the Secretary, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-5178.

By Order of the Commission.

Issued: March 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-6860 Filed 3-15-83; 8:45 am]

BILLING CODE 7020-02-M

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[1] Sodium nitrate is provided for in item 480.2500 of the Tariff Schedules of the United States Annotated (1983). Agricultural grade sodium nitrate contains less than 98 percent, by weight, of sodium nitrate and industrial grade sodium nitrate contains 98 percent or more, by weight, of sodium nitrate.

[2] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i), 47 FR 6190, Feb. 10, 1982).

DEPARTMENT OF JUSTICE

Office of the Attorney General

Consent Judgment in Resource Conservation and Recovery Act Enforcement Action; Ronald S. West et al.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent judgment in *United States* v. *Ronald S. West, et al.*, Civil Action No. C 80-1342M, has been lodged with the United States District Court for the Western District of Washington. The consent judgment requires Chemical Processors, Inc. to maintain compliance with Federal statutes and regulations dealing with hazardous wastes at its Lucile Street facility in Seattle, Washington.

The consent judgment may be examined at (1) the office of the United States Attorney, Western District of Washington, 3600 Seafirst 5th Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104, (2) the office of the Environmental Protection Agency, Region X, Office of Regional Counsel, 1200 6th Avenue, Seattle, Washington 98101, and (3) the Environmental

Enforcement Section, Land and Natural Resources Division, of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, of the Department of Justice. The Department of Justice will receive comments relating to the consent judgment for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States* v. *Ronald S. West, et al.*, DOJ Reference #90–7–1–166.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-6790 Filed 3-15-83; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Oscar J. Jackson, M.D.; Denial of Application

On November 24, 1982, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration directed an Order to Show Cause to Oscar J. Jackson, M.D., 1628 Broadway, Vallejo, California 94590 (Respondent) seeking to deny the application Respondent executed December 5, 1981, for registration as a practitioner under 21 U.S.C. 823 in Schedules IIN, III, IIIN, IV, and V. The statutory ground for the Order under 21 U.S.C. 824(a)(2) was Respondent's conviction in the United States District Court for the Northern District of California on December 3, 1981, of one count of distribution of a controlled substance in violation of 21 U.S.C. 841(a)(1), a felony conviction relating to controlled substances. Respondent submitted a letter stating his position on the matters of fact and law involved and waiving his right to a hearing pursuant to 21 CFR 1301.54(c). The Acting Administrator has considered the file in this matter, including Respondent's submission, and enters this final order pursuant to 21 CFR 1301.54(e) and 1301.57.

The Acting Administrator finds that Dr. Jackson pled *nolo contendere* to one count of a 14-count indictment. The indictment and Respondent's plea stem from undercover purchases of prescriptions for controlled substances made by employees of the California Bureau of Investigation and Narcotic Enforcement. From May 20, 1980 to August 7, 1980, these employees purchased prescriptions for methaqualone, Empirin with codeine #4, Dexamyl and Ionamin from Respondent at his former office at 1352 Haight Street, San Francisco, California. Each of these prescriptions was issued in violation of the law and none of the prescriptions were medically justified. In each case Respondent conducted a cursory medical examination or no medical examination at all. On separate occasions a female employee of the Bureau of Investigation and Narcotic Enforcement obtained prescriptions from Respondent for Empirin #4, Dexamyl, methaqualone and Ionamin. On two occasions a male employee posing as her boyfriend obtained prescriptions for Empirin #4, Dexamyl and methaqualone. On one occasion Respondent sold precriptions for Empirin #4 and methaqualone to the female employee in the name of her "boyfriend." Two other female employees obtained prescriptions for methaqualone, Dexamyl and Empirin #4 with codeine from Dr. Jackson.

In his letter, Respondent states that he practiced naive and sloppy medicine. He describes his prescribing habits as lax and naive, and states that he did not intentionally commit the crimes to which he pled *nolo contendere*. He states that he practiced medicine in the Haight Ashbury section of San Francisco, a neighborhood with a large population of "poor, social misfits, addicts and mental patients." He states further that his actions were due at least in part to a lack of training regarding prescriptions. He is currently involved in educating other physicians in proper prescribing practices. Dr. Jackson concludes his letter by stating that he has suffered great mental anguish, financial loss and a loss of status in the medical community.

The Acting Administrator concludes that the denial of Respondent's application is the proper course of action in this matter after due consideration of all the facts in this matter, including Respondent's letter. Respondent's naivete or lack of training in proper handling of controlled substances simply does not excuse his actions in selling this quantity of drugs illegally. The Acting Administrator is not satisfied that Dr. Jackson will not continue to handle controlled substances improperly. While Dr. Jackson's desire to educate his fellow physicians is laudable, the Acting Administrator cannot conclude that Dr. Jackson is not capable of responsibility handling controlled substances.

A plea of *nolo contendere* to a controlled substance related felony results in a conviction under 21 U.S.C. 824(a)(2), and therefore can provide the ground for a denial of application. *Sokoloff* v. *Saxbe*, 501 F.2d 571 (2nd Cir. 1974). It is the decision of the Acting Administrator to deny the application for registration executed by Dr. Jackson on December 5, 1981. Accordingly, under the authority vested in the Attorney General by 21 U.S.C. 824 and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby denies the Respondent's application for DEA registration effective April 15, 1983.

Dated: March 11, 1983.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 83-6800 Filed 3-15-83; 8:45 am]

BILLING CODE 4410-09-M

POSTAL RATE COMMISSION

Visit; Washington D.C.

March 9, 1983.

Notice is hereby given that members of the Commission and a number of advisory staff members will visit the Washington (DC) Post Office on Wednesday, March 16, at 4:00 p.m., for the purpose of gaining general knowledge and understanding of the operations of the Postal Service's new ZIP + 4 sorting equipment. A report will be on file in the Commission's Docket Room.

David F. Harris,

Secretary.

[FR Doc. 83-6799 Filed 3-15-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19586; File No. ODD-83-1]

American Stock Exchange, Inc., et al.; Listed Options on Stock Indices

March 10, 1983.

On January 11, 1983, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, the Chicago Board Options Exchange, Incorporated ("CBOE"), 141 West Jackson Boulevard, Chicago, IL 60604, and the New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, NY 10005, pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options

disclosure document with respect to standardized options on stock indices. On February 28, 1983, the exchanges filed a revised Stock Indices Options Disclosure Document with the Commission. The Stock Indices Options Disclosure Document is a supplement to the basic options disclosure document which was prepared by the Amex, CBOE, the Pacific Stock Exchange, Incorporated and the Philadelphia Stock Exchange, Inc. On October 18, 1982, the Commission issued an order allowing distribution of the basic options disclosure document to investors.[1]

Rule 9b–1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors. This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Stock Indices Options Disclosure Document and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the disclosure document as of the date of this order.[2]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-0656 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

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[1] *See* Securities Exchange Act Release No. 19153.

[2] Rule 9b–1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S–20 under the Securities Act of 1933. In this regard, on March 9, 1983, the Commission, pursuant to delegated authority, declared effective Options Clearing Corporation's Form S–20 registration statement with respect to the options described in the Stock Indices Options Disclosure Document. *See* File No. 2-82333.

[Release No. 19587; File No. SR–CBOE–22–20]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1983.

I. Introduction

In October 1982, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604 filed with the Commission proposed rule changes to accommodate the listing and trading of options on stock indices generally, and proposed to commence trading initially the CBOE–100 Index option. The Commission approved both the proposed general enabling rule changes and the specifically proposed option contract based on the CBOE–100 Index, a newly-created broad market index.[1]

Following approval of these proposed rules, the CBOE filed with the Commisison, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), and Rule 19b–4 thereunder, proposed rule changes providing minimum customer margin requirements applicable to customers holding "uncovered" short positions in stock index options. In addition, the exchange proposed a definition of a "covered" short position in a stock index option. Finally, the exchange proposed to adjust the value of the CBOE–100 Index by resetting the value of the index as of its starting date and to decrease the index multiplier from $500.00 as originally proposed, to $100.00. Subsequently, the exchange submitted an amendment providing for an adjustment of the minumum margin if and to the extent the index option is "out-of-the-money."[2]

II. Terms of the Proposed Rule Changes

The proposed rule changes providing for margins on stock index option positions establish a premium-based margin similar to the margins applicable to options on debt instruments.[3] In order respects, the proposed amendments are relatively minor adaptations to existing rules applicable to all options.

With respect to long positions in CBOE–100 stock index options, current exchange rules applicable to options on equity securities are unaltered. Specifically, no put or call option carried in a customer account is permitted to have loan value for the purpose of calculating margin, thereby requiring that the purchase price of an options contract be paid in full.

The CBOE proposes that, for options on the CBOE–100 Index that are issued, guaranteed or carried short in a customer's account, the minimum margin shall be 100 percent of the current market value of the option contract (*i.e.*, the current option premium) plus 10 percent of the current index value times the index multiplier.[4] However, that margin amount shall be decreased to the extent that the index option is "out-of-the-money."[5]

An exemption from the foregoing margin requirements would be provided for short positions that are fully covered. In the case of a call, a short options position would be considered covered if the customer held in the same account as the short position a long position in the same index option with the same index multiplier, where the expiration date of the long call is the same as or subsequent to the expiration date of the short call and the exercise price of the long call is equal to or less than the exercise price of the short call.[6] In the case of a put, a short options position would be considered covered if the customer held in the same account a long position in the same index option with the same index multiplier where the expiration date of the long put is the same as or subsequent to the expiration date of the short put and the exercise price of the long put is equal to or greater than the exercise price of the short put.[7]

The exchange has also proposed reduced margin requirements for partially covered positions. First, when the exercise price of the long call index

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[1] The CBOE stock index option proposed rule changes were initially filed on October 14, 1982. Amendment No. 1 was filed on November 1, 1982. Notice of the proposed rule change and the amendment was given by Securities Exchange Act Release Nos. 19172 (October 25, 1982) and 19219 (November 8, 1982), and by publication in the Federal Register (47 FR 49512 (November 1, 1982) and 47 FR 51251 (November 12, 1982)). Approval of the proposed rule change, as amended, was given by Securities Exchange Act Release No. 19284, (November 22, 1982), 47 FR 53981 (November 30, 1982). *See* File No. SR–CBOE–82–11.

[2] The CBOE proposed rule filing providing minimum customer margin requirements relating to stock index options was filed on January 10, 1983. Amendment No. 1 was filed on February 8, 1983. *See* Securities Exchange Act Release Nos. 19419 (January 11, 1983) and 19500 (February 10, 1983), 48 FR 2615 (January 20, 1983) and 48 FR 7685 (February 23, 1983). *See* File No. SR–CBOE–82–20.

[3] *See, e.g.*, Securities Exchange Act Release No. 19128 (October 14, 1982), 47 FR 46029 (October 21, 1982) in which the Commission approved proposed rule changes with respect to margin for options on securities issued by the United States Department of the Treasury ("Treasury options"). *See* File Nos. SR–Amex–81–1, SR–CBOE–81–27 and SR–NYSE–81–16.

[4] CBOE Rule 24.11. For example, if the CBOE–100 Index had a closing value of 155.52, as on March 7, 1983, the minimum margin would be the current option premium plus $1550.52 (155.52 times $100 (the index multiplier) times .10 = $1550.52).

[5] An index call option contract is "out-of-the-money" to the extent that the aggregate exercise price of the option (*i.e.*, the stated index value times the index multiplier) exceeds the current value of the index times the index multiplier. A put option is "out-of-the-money" to extent that the current value of the index times the index multiplier exceeds the aggregate exercise price of the option.

[6] CBOE Rule 24.1(h).

[7] *Id.*

option (or short put index option) is greater than the exercise price of the offsetting short call index option (or long put index option) margin is required equal to the difference in aggregate exercise prices. Second, when a customer carries a short position in an index put option which is offset by a short position in an index call option, in which both the index call and put are subject to the same index multiplier, the margin required for the combined short positions shall be the greater of the margin required for the short put option or the short call option, plus the amount of any unrealized loss on the other option contract.[8]

The proposed rule change would redesignate the value of the CBOE–100 Index by resetting the value of the index at 100 (rather than 50) as of its starting date, and adjust the subsequent values accordingly. The rule change would also decrease the value of the multiplier from $500.00 to $100.00. The exchange has proposed these two changes with respect to the value of the index in order to improve the depth and liquidity of the market and so that the size of the contract would approximate the size of most equity options contracts.[9]

III. Discussion

Pursuant to Section 7 of the Act, 15 U.S.C. 78g, the Board of Governors of the Federal Reserve System (the "FRB") prescribes the rules and regulations with respect to the amount of credit that may be initially extended and subsequently maintained on any security, including options on securities. Subject to these minimum standards, exchanges may establish additional margin requirements.

Regulation T currently prescribes margin of 30 percent, subject to certain adjustments, for options on equity securities.[10] The staff of the Federal Reserve Board ("FRB") has noted that, while the CBOE's proposed margin for the CBOE–100 Index options contract is considerably lower than this margin level, it is roughly comparable to the margins set by the major futures exchanges on stock index futures contracts and on options on stock index futures.[11] The FRB staff indicated that it currently is working with the SEC and the Commodity Futures Trading Commission staffs on a comprehensive margin study, and is in the process of completing revising Regulation T. It has represented that modifications of Regulation T made necessary by these various new instruments will be incorporated in this revision. Until that time, the FRB staff has indicated that it would be consistent with prior FRB action involving options if initial margin for uncovered options on the CBOE–100 Index was established equal to the maintenance margin contained in CBOE rules approved by the Commission.[12]

Under Section 19(b)(2) of the Act, the Commission must approve a proposed rule change if it determines that it is consistent with the requirements of the Act and the rules thereunder applicable to national securities exchanges. Among other things, the Commission must find that a proposed rule is designed to protect investors and the public interest and does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Commission has examined carefully the margin rules submitted by the CBOE. The extension to options on stock indices, and, in particular, the CBOE–100, of the prohibition against long options positions having loan value in a margin account is fully consistent with the original application of the prohibition to options on equity securities. In particular, because an option represents a contractual right of a limited duration, an options contract is a wasting asset whose value diminishes as the expiration date approaches. In addition, because of the leverage involved, option premiums are subject to significant volatility. These features, which have been deemed to warrant a proscription against the purchase of equity options on margin as well as rendering such options unsuitable as collateral for the purchase of other securities, are equally applicable to options on stock indices.

For margin on uncovered short positions the exchange has developed a formula which it believes will yield margin deposits that will provide adequate credit protection for member firms. The exchange has developed these margin formulas by studying the historic volatility of the underlying CBOE 100 Index over seven business day periods.[13] The proposed margin formula yields an amount that covers a substantial percentage of seven day price movements. The Commission and the exchange believe that a formula designed to produce margin levels sufficient to cover nearly all but less than 100 percent of historic price movements is appropriate. In periods of significant price volatility, member firms can, and it is likely that they in fact would, require that margin deficiencies be eliminated in periods of less than seven days, and in response to a customer's failure to do so, can liquidate the customer's options position. Moreover, existing margin rules enable the CBOE at any time to impose higher margin requirements than are prescribed by its rules when it deems that such higher margin requirements are appropriate.[14]

In light of these considerations, the Commission believes that the proposed margin formula for uncovered short positions is appropriate.[15] Given the degree of financial leverage made possible by the proposed margin formula, however, the Commission remains concerned that unsophisticated and undercapitalized investors not be subjected to unreasonable risks of loss through transactions in stock index options. In this regard, the Commission wishes to emphasize to both the exchange and its member firms the need for rigorous application of exchange rules governing opening of accounts and suitability to ensure that market participants understand and are financially able to bear the risks of stock index options trading.[16]

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[8] CBOE Rule 24.11(c) (1) and (2).

[9] The index would continue to be calculated in the same manner. For example, the closing value of the contract on March 7, 1983 was $15,552 (155.52 x $100.00).

[10] *See* 12 CFR 220.8(j)(1).

[11] *See* letter to Richard Ketchum, Associate Director, Division of Market Regulation, SEC, from Laura Homer, Securities Credit Officer, FRB, dated March 9, 1983 (the "FRB letter").

[12] In that regard, the FRB previously has amended Regulation T to provide that the appropriate margin for options on exempted debt securities shall be the amount specified by the rules of the national securities exchange on which the options are traded, provided those rules have been approved by the SEC. *See* 12 CFR 220.8(j)(2).

[13] Seven days is the maximum period of time permitted a customer under Regulation T to satisfy a deficiency in a margin account. 12 CFR 220.3(e). Member firms and exchanges, of course, are free to prescribe a shorter period of time.

[14] CBOE Rule 12.3(d).

[15] For this reason, and consistent with the position taken by the FRB staff in the FRB letter, the Division of Market Regulation would not recommend that the Commission take action under Regulation T provided the margin requirements of the instant CBOE rule change, and the other terms and conditions set forth in the FRB letter, are complied with, even if that results in margin less than that set forth in Regulation T for equity security options.

[16] The Commission notes, however, because of the unique cash settlement nature of stock indices, a market participant with a covered position such as a long and short position in an index option with the same exercise price (a "calendar spread"), may nevertheless be partially at risk. This would occur if the participant was assigned an exercise notice on its short position and was unable to close out or exercise its long position at a price equal to the price at which it was exercised on its short position. The Commission intends to monitor the experience of market participants in this area to determine if modification of the margin rules is required.

The Commission also finds that the proposed changes to the value of the index and composition of the index are appropriate.

IV. Findings and Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder and, in particular, the requirements of Section 6 and the rules and regulations thereunder.[17]

Further, the Commission finds good cause for approving the proposed amendment providing for an adjustment of margin when an index option is "out-of-the-money" prior to the thirtieth day after the date of publication of notice of filing thereof for a number of reasons. First, the amendment providing for reduced margin for out-of-the-money options would conform, in this respect, the requirements for proposed stock index option margin to the requirements in place for all other exchange-traded options. This amendment therefore would eliminate a financial obligation not deemed necessary for other options contracts and may thereby enhance the depth and liquidity of the new market. Second, since the CBOE plans to commence trading in the CBOE–100 stock index options on March 11, 1983, absent the accelerated approval of this filing, as amended, broker-dealers would be required to develop computer programs for stock index option margin accounts or manually process accounts with transactions in index options on a temporary basis until the out-of-the-money adjustment was approved. Either procedure would impose substantial administrative burdens and operational costs. Thus, although the amendment providing for "out-of-the-money" adjustments is not absolutely essential to the initiation of stock index options trading, the accelerated approval of this amendment will eliminate confusion and significantly reduce regulatory and administrative burdens on broker-dealers preparing to trade the CBOE–100 stock index option.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

[17] The margin rules that the Commission is approving today are those applicable to options on broad market indices such as the CBOE–100 Index. Different margin rules may be appropriate for more narrow based, or sector indices.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6657 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19588; SR-CBOE-83-2]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment To Proposed Rule Change

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 18, 1983, and March 8, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Securities and Exchange Commission, respectively, the proposed rule change and the proposed amendment to the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change as amended from interested persons.

The CBOE proposes to amend Rule 24.1(g) to provide that the "closing index value" means the last index value reported on a business day. The purpose of this amendment is to eliminate confusion as to the effect of a value of an index corrected after 3:30 p.m. Central Standard Time ("CST"). Instead the CBOE will report a definitive closing index value approximately one hour after the close of trading, which will be used to determine the amount of cash that must be delivered to settle on exercise and to determine margin requirements.

Secondly, the CBOE proposes Rule 24.1(h) to provide that the term "reporting authority" with respect to a particular index means the institution or reporting service designated by the Exchange as the official source for calculating and disseminating the current value of the index. Although the CBOE will be the reporting authority for the CBOE–100 Index, in the future, the CBOE may wish to designate another entity as the reporting authority for the CBOE–100 stock index or some other index that will be the basis for options trading.

Finally, the proposed Rule 24.12 proposes to limit the liability of the exchange as a result of errors, omissions or delays in calculating of disseminating the current index value resulting from an act, condition or cause beyond the reasonable control of the Exchange, or any error, omission or delay in the reports of the current index value by the Exchange. The purpose of proposed Rule 24.12 is to clarify that CBOE liability resulting from an error, omission or delay in calculating or disseminating the current index value must be based on a failure of the exchange to exercise reasonable care.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR–CBOE–83–2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change and the proposed amendment to the proposed rule change are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencment of CBOE stock index options trading is imminent and the Commission believes that the proposed rule changes are appropriate and desirable. First, the Commission believes it is desirable to determine a definitive index closing value in order to eliminate confusion in settlement procedures relative to stock index options. Secondly, the Commission believes it is appropriate to approve the CBOE rules relating to its liability so that these rules are effective prior to the commencement of trading.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6869 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19585; (SR-CBOE-83-3)]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983, the Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

The CBOE is proposing two rule changes relating to the trading, exercise and clearance of stock index options. First, proposed rule 24.13 provides that the opening rotation for stock index options shall be held as soon as practicable after the openings of securities representing 50 percent of the aggregate market value of the index have occurred on the principal exchange where the securities are traded. At that time, the Order Book Official shall open first those series of a class which have the nearest expiration. Thereafter, the Order Book Official shall open the remaining series in a manner he deems appropriate. After one and one-half hours following the opening rotation, trading in the stock index option shall become subject to Rule 24.7, which provides that trading in the index option shall be halted whenever trading in underlying stocks, whose weighted value represents more than 20 percent of the aggregate market value of the index, is halted or suspended. Pursuant to proposed rule 24.13, however, he may also suspend trading in the index option prior to the one and one-half hour period set forth in rule 24.7, if the CBOE determines such a suspension would be in the public interest.

Second, the CBOE proposes to amend CBOE Rule 11.1, titled "Exercise of Option Contracts," to provide supplemental procedures for the exercise of stock index options.[2] Specifically, member organizations must accept from all customers and market makers exercise instructions for stock index options up until, but no later than 3:10 p.m., Central Standard Time ("CST"). The notice of exercise must be time-stamped at the time it is received or prepared. Second, a memorandum to exercise a stock index option contract issued or to be issued in a firm account must be prepared no later than 3:10 p.m. The above provisions, however, would not be applicable to expiring series on the business day preceding expiration.

The proposed rule change concerning the opening rotation is intended to provide for the prompt opening of stock index options on a daily basis based on the current market value of a significant portion of the index. The exchange believes the 50 percent standard balances the concerns of opening trading in a derivatively-priced index option without complete opening price information on all stocks comprising the index against the need for generally prompt opening rotations necessary to establish a fair and orderly market and enhance market liquidity.

The CBOE's proposed rule change with respect to the exercise of index options will enable persons holding long positions to tender exercise notices on a given day knowing the value of the index at the close of trading. Conversely, in order to protect holders of short positions in index options from unanticipated events occurring after the close of the market, no exercise notice may be issued in a firm account after 3:10 p.m. CST, the close of trading of the options on the CBOE. The exchange believes that these supplemental procedures relating to the exercise stock index options are necessary and appropriate. First, by the extension of the exercise cut-off time to 3:10 p.m. CST, the holder of a long position is able to properly value the index option, since settlement is based on the value of the index at the time of the closing of the market. Secondly, however, because a writer of a stock index option, as a result of cash settlement, is unable to cover his position in the same manner as the writer of an equity option, the prohibition against exercise after 3:10 p.m. CST provides the appropriate protection for persons holding short positions at the end of the day against changes that occur subsequent to the close of the market.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization.

The Commission finds, for the reasons noted above, that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencement of CBOE stock index options trading is imminent and the Commission believes that the proposed rule change is critical to a fair and efficient commencement of index options trading for the reasons suggested above. The Commission had requested previously that the exchange consider the proposed rule change which the exchange subsequently submitted. Accordingly, the Commission finds that it is in the public interest to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of filing because the Commission believes these rules provide fair and orderly opening rotations and exercise procedures.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

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[1] CBOE had filed an earlier rule change SR-CBOE-83-3 which it has withdrawn.

[2] CBOE Rule 11.1, to be amended by adding proposed section .04 to "Interpretations and Policies" of Rule 11.1.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6859 Filed 3-15-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 19590; File No. SR-CBOE-83-6]

Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 10, 1983.

The Chicago Board Options Exchange, Incorporated ("CBOE") LaSalle at Jackson, Chicago, Illinois 60604, submitted on March 9, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend its Rule 4.16 with respect to restrictions on exercise of index options. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would except index options from the general rule barring the CBOE Board of Directors from imposing or continuing restrictions on exercise of an option during the ten business days prior to the option's expiration date. Instead, for index options, this period would be reduced so that restrictions could be in effect until the opening of business on the last trading day before the expiration date.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Reference should be made to File No. SR-CBOE-83-6.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the commencement of CBOE stock index options trading is imminent and the Commission believes that the proposed rule change is desirable since it will allow the CBOE Board of Directors to reduce the advantage arising for those in long positions over those in short positions during trading halts in the last ten business days prior to expiration. The advantage arises from the ability of longs to exercise during the trading halt, receiving in settlement the cash difference between the exercise price and the last index value, while shorts are locked into their positions by virtue of the trading halt. The proposed rule change gives CBOE the flexibility needed to minimize this advantage and to meet extraordinary circumstances as they arise. Unless the Commission approved the proposed rule change before the commencement of trading, all series of CBOE-100 index options opened at the commencement of trading would be subject to the 10-day limitation until those series expired, and only with respect to options series opened after the approval of the proposed rule change could the CBOE impose exercise restrictions until the final day of trading. Accordingly, the Commission finds that it is in the public interest to approve the proposed rule change prior to the thirtieth day after the date of publication of notice of filing.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6860 Filed 3-15-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13067; (812-6094)]

E.F. Hutton & Company, Inc.; E.F. Hutton Life Insurance Co.; and the Variable Accumulation Separate Account of E.F. Hutton Life Insurance Co.; Applicaton for an Order of Exemption

March 9, 1983.

Notice is hereby given that E.F. Hutton & Company, Inc. ("E.F. Hutton"), One Battery Park Plaza, New York, New York 10004, E.F. Hutton Life Insurance Company ("Hutton Life") and the Variable Accumulation Separate Account of E.F. Hutton Life Insurance Company ("Account") 11011 North Torrey Pines Road, P.O. Box 2700, La Jolla, California 92038, (collectively the "Applicants") filed an application on January 27, 1982 and amendments thereto on October 14, 1982, January 7, 1983, and March 2, 1983, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for exemptions from the provisions of Sections 2(a)(32), 2(a)(35), 17(f), 22(c), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rules 17f-2 and 22c-1 thereunder, to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application and amendments on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and Rules thereunder for a statement of the relevant provisions.

Hutton Life established the Account, which is registered under the Act as a diversified open-end management investment company, to fund variable accumulation contracts ("Contracts"). E.F. Hutton, which is under common control with Hutton Life, is the principal underwriter of the Contracts, the Account's investment adviser, and also may perform brokerage services for the Account. Purchase payments under the Contracts will be allocated to one or more of three series of the Account (money market, equity, and bond and income), and all assets of the Account will be deposited in the safekeeping of Croker National Bank ("Bank"), whose functions and facilities are supervised by federal banking authorities.

Hutton Life will deduct an asset charge equal to 1.19% of the average daily net assets of the Account. This charge is comprised of a mortality risk charge and an expense risk charge which on an annual basis will equal .84% and .35%, respectively. Applicants assert that this asset charge is reasonable and compares favorably

with charges of other comparable separate accounts, and the basis for this assertion is reflected in documents on file with the Applicants.

Hutton Life will deduct a $30 contract maintenance charge on December 31 of each year. This charge is also imposed when a Contract is initially purchased, but is prorated based upon the number of days remaining in the calendar year. There is no refund of any portion of this charge if a Contract is surrendered on a date other than December 31, and Hutton Life reserves the right to change the amount of the charge, with Commission approval. Applicants assert that this charge is designed to cover the costs of administrative services related to the maintenance of each Contract (not including expenses of administering the Account), and that it does not include a profit element.

Purchase payments which have been deposited under a Contract for six years or more may be withdrawn without charge, and one withdrawal per contract-year will be exempt from any charge on amounts up to 10% of the value of the Contract. A contingent deferred sales charge will be imposed upon additional withdrawals at the rate of 5% for a payment on deposit one year or less, declining by 1% for each additional year the payment has been on deposit. Withdrawals are handled on a first-in, first-out basis, and no charge will be imposed on withdrawn amounts in excess of aggregate purchase payments.

Any premium taxes with respect to a Contract will be paid by Hutton Life when due and deducted from the contract value upon annuitization. However, when state law does not permit postponement of the deduction of premium taxes until annuitization, premium taxes will be deducted from premiums when received.

The Account pays an investment advisory fee to E.F. Hutton, the Account's adviser, at an annual rate of .40% of the average daily net assets of the money market and bond and income series and .50% of the average daily net assets of the equity series. In arranging the purchase and sale of portfolio securities E.F. Hutton may deal with such members of securities exchanges, brokers or dealers, including itself, as may in its best judgment provide prompt and reliable execution of the transaction at favorable security prices and reasonable commission rates. In selecting broker-dealers for a particular portfolio transaction, E.F. Hutton will consider all relevant factors, including the execution capabilities required by the transaction, the importance of speed, efficiency or confidentiality, and a broker-dealer's apparent familiarity with sources from whom or to whom particular securities might be purchased or sold.

Applicants state that when E.F. Hutton receives compensation for effecting portfolio transactions on behalf of the Account the requirements of Section 17(e)(2)(A) of the Act and Rule 17e–1 thereunder will be met. These provisions generally require that commissions paid to E.F. Hutton not exceed amounts which are reasonable and fair compared to the commissions received by other brokers in connection with comparable transactions involving similar securities being purchased or sold on a securities exchange during a comparable period of time. Additionally, the board of driectors of the Account, including a majority of the directors who are not "interested persons" of the Account, must adopt and review annually procedures designed to provide that commissions paid to an affiliated broker adhere to the standards set forth in the Rule. The Account's procedures necessitate a review and comparison of commission rates of brokers able to provide comparable services and best execution, as well as a review of the discounts allowed by the affiliated broker to its most favored customers involving comparable securities at a similar period of time, to ensure that when the affiliated broker is utilized the Account receives commission rates at least as favorable as the rates charged the affiliated broker's most favored customers.

The Account proposes to maintain custody of its own investments in accordance with Rule 17f–2. However, with regard to Rule 17f–2(d), Applicants propose that the designees of the Account's board resolution relating to access to the investments be officers or responsible employees of Hutton Life, rather than of the Account, and that representatives of the California Department of Insurance be provided access in the same manner as representatives of the Account's independent public accountant. In this regard, Applicants state that Hutton Life is subject to extensive regulation by the California Department of Insurance which conducts periodic examinations of Hutton Life's functions and physical facilities, and that such supervision and the safekeeping arrangements described in the application protect the Account's assets sufficiently to satisfy the pruposes of relevant statutory provisions.

Applicants state that to the extent the Bank does not take physical delivery of certain securities or assets purchased by the Account, the requirements of Section 17(f) of the Act and the rules thereunder will be met.

Relief Requested

Applicants request the following exemptions: from Sections 2(a)(32), 2(a)(35), 22(c), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent deemed necessary or appropriate to impose the contingent deferred sales charge; from Section 27(c)(2) to the extent deemed necessary or appropriate to impose the contract maintenance charge and asset risk charge, and to deduct the investment advisory fee and premium taxes; and from Section 17(f), Rule 17f–2 thereunder, and Section 27(c)(2) to the extent deemed necessary or appropriate to allow the custodial arrangements described above.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6864 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19581; File No. SR-CBOE-82-18]

Filing and Immediate Effectiveness of Proposed Rule Change; Chicago Board Options Exchange, Inc.

March 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 9, 1982, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The rule change as proposed establishes fines of $100 (for the first offense in a calendar quarter) and $500 (for subsequent offenses in the same quarter) against members whose clerks are observed accessing any analytical data terminal on the Board of Trade Building's eighth floor. The rule change's purpose is to control access to the terminal by limiting use to members and thus provide for orderly administration of the Exchange pursuant to Section 6(b)(5) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Reference should be made to File No. SR-CBOE-82-18.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6855 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

March 10, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Verbatim Corporation
Common Stock, No Par Value (File No. 7-6543)
Newhall Investment Properties
Depositary Receipts for Units of Interest (File No. 7-6544)
Newhall Resources
Depositary Receipts for Units of Interest (File No. 7-6545)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 31, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6856 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12349]

Union Tank Car Co.; Application and Opportunity for Hearing

March 11, 1983.

Notice is hereby given that Union Tank Car Company (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of The First National Bank of Chicago under two existing indentures which were not qualified under the Act, and under another existing indenture which was qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The First National Bank of Chicago from acting as successor trustee under such qualified indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) The First National Bank of Chicago is presently acting as Trustee under the Company's Series C-1 Deed of Trust and Mortgage dated as of September 15, 1974, and Series P-1 Equipment Trust Agreement dated as of April 1, 1974. The aggregate principal amount of Series C-1 First Mortgage Sinking Fund Equipment Notes outstanding as of February 28, 1983 was $16,770,000 and the aggregate principal amount of Series P-1 Equipment Trust Certificates outstanding as of February 28, 1983 was $56,470,000.

(2) Wells Fargo Bank, N.A., which presently serves as Trustee for the Applicants Series 16 Equipment Trust Agreement dated as of June 1, 1979, has indicated its intention to resign as Trustee on an appropriate date subsequent to April 5, 1983. The aggregate principal amount of Series 16 Equipment Trust Certificates outstanding as of February 28, 1983 was $80,000,000.

(3) The Applicant desires to appoint The First National Bank of Chicago as Successor Trustee for the Series 16 Equipment Trust and The First National Bank of Chicago has indicated its agreement to so act.

(4) The Equipment Trust Certificates (or, in the case of Series C–1, the First Mortgage Sinking Fund Equipment Notes) issued under the Series 16, Series C–1 and Series P–1 Trust Agreements are each secured by a separate lot of identified railroad cars so that, should The First National Bank of Chicago, as the successor Trustee for the Series 16 Equipment Trust or as the Trustee for the Series C–1 or Series P–1 Equipment Trusts, have the occasion to proceed against the security of any one of these Equipment Trusts, such action would not affect the security, or the use of any security, under the other Equipment Trusts. Thus, the existence of the other trusteeships should in no way inhibit or discourage the Trustee's action.

(5) The Applicant is not in default under any of its Equipment Trust obligations.

The Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission with respect to the application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than April 5, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Judiciary Plaza, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6881 Filed 3-15-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34–19571; File No. SR–MCC–83–1]

Self-Regulatory Organizations; Proposed Rule Change; Midwest Clearing Corp.; Relating To MCC's Policy Regarding Bookentry Movements

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 4, 1983 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 6, Section 5 of the Rules of the Midwest Clearing Corporation is hereby amended as follows:

Additions Italicized—[Deletions Bracketed]

Rule 6

Delivery and Withdrawal of Securities and Cash Settlement Activity Reports; Cash Settlement

Sec. 5. No change in text.

[The following should be added as new paragraph to Sec. 5.]

Notwithstanding any provision in these Rules to the contrary, any action taken by the Corporation pursuant to an instruction received by the Corporation for a Participant (the "deliverer") to deliver securities from the deliverer's account to the account of another Participant at MSTC (the "receiver") by bookentry on a business day for which, pursuant to such instruction, payment is to be made by the receiver through the facilities of the Corporation shall, notwithstanding the nature of such action, not constitute an entry on the books of the Corporation reducing the account of the deliverer and increasing the account of the receiver by the amount of the obligation or the number of shares or rights subject to the instruction until the earlier of (the "effective time") (a) the time it is finally determined by the Corporation that the receiver has a "collect" cash settlement or (b) the time the receiver pays any balance due the Corporation ("pay" cash settlement), as finally determined by the Corporation for such business day, to the Corporation in the manner specified in these Rules. In the event the Corporation, prior to the effective time, ceases to act for the Participant with respect to transactions generally pursuant to Rule 15 or ceases to act for the Participant pursuant to Rule 16, the Corporation shall have the right either:

(i) to retain in the deliverer's account the securities which are subject to the instruction and

(a) if the deliverer's money account with the Corporation shall have been credited with the amount of money to be paid in respect of such instruction and the deliverer shall not have effected its money settlement with the Corporation for such business day, to charge the deliverer's money account for such business day by such amount, or

(b) if the deliverer's money account with the Corporation shall have been credited with the amount of money to be paid in respect of such instruction and the deliverer shall have effected its money settlement with the Corporation for such business day to charge the deliverer's money account for such business day by such amount, which amount shall be settled by the deliverer in its money settlement with the Corporation on the next business day.

or

(ii) to complete the transaction contemplated by the instruction, sell out the securities subject to the instruction, and credit the proceeds of such sale to the receiver's money account with the Corporation;

provided, however, that the securities subject to such an instruction have not been

(i) transferred out of the receiver's account by book entry for value, or

(ii) physically withdrawn by the receiver and physically delivered by the receiver to a third party for value.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at

the places specified in Item IV below. The self-regulatory orgainzation has prepared summaries, set forth in sections (A), (B) and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to clarify MCC's rights with respect to bookentry movements (Depository Delivery Instructions—DDI's) between participants for value. Under the rule, if MCC receives a DDI versus payment from a participant, the receiving participant defaults on payment, and MCC ceases to act for the receiving participant prior to payment, MCC has the right to either reverse the instruction and return the securities to the delivering participant's position or credit such participant's account for payment and sell out the securities. The proposed rule change merely sets forth MCC's rights under the existing legal relationship between MCC and its participants regarding bookentry movements. MCC merely acts as agent for its participants and makes the bookentry movements upon instructions from its participants. The rule explicitly sets forth that MCC Rules do not guarantee payment against bookentry transfers or third party deliveries, and that MCC is performing delivery services solely on behalf of, and for the account of, its participants and is only obligated to deliver to its participants those funds which it actually receives from the parties to whom securities are delivered.

The interpretation is consistent with Section 17(A)(b)(3) fo the Securities Exchange Act of 1934, in that it helps assure the safeguarding of securities and funds which are in the custody or control of MCC or for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatoy Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were solicited, but none were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the proposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6665 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19578; Amdt. No. 1 to File No. SR-Amex-82-20]

Self-Regulatory Organizations; Proposed Rule Change; American Stock Exchange, Inc.; Amendment of Exchange Rule 462

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 28, 1983, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission Amendment No. 1 to the above filing to reflect changes in the Statement and Terms of Substance in Item I and the Statement of Purpose in Item II below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is amending SR–Amex–82–20 to provide that margin for a short put or short call may be reduced by the amount that the option is out-of-the-money, subject to a minimum margin of the amount of the option premium plus 2% of the product of the current index group value and the index multiplier applicable to the option contract.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* In File No. SR–Amex–82–20, the Exchange proposed that the minimum margin requirements for stock index options be an amount equal to the option premium plus 10% of the product of the current index group value and the index multiplier applicable to the option contract. No reduction in margin requirements was provided for out-of-the-money options. The determination of margin levels was based on an economic study of margin systems conducted by the Amex and on comments by the SEC. (The study was attached to the original submission.)

The study had demonstrated that adequate coverage for stock index options was provided when the amount of margin held for a customer uncovered short position was equal to the option

premium plus 5% of the product of the current index group value times the index multiplier. Pursuant to SEC request, the Amex increased the "add-on" percentage to 10%.

The proposed margin system was based on the assumption that, if the margin held for a customer uncovered short option position was equal to the amount of the option premium after an unfavorable price change occurred in the underlying security, the broker-dealer was protected since he could liquidate the option without loss if the customer failed to provide additional margin. The Exchange designed the system based on anticipated price changes in deep-in-the-money options since the premium changes of such options are approximately equal to the changes in underlying security prices (the hedge ratio is approximately one).

As our study notes, even at the 5% add-on level the proposed margins are higher than necessary for at- or out-of-the-money options since the system requirements are based on hedge rations of one, whereas the hedge ratios for at- or out-of-the-money options are normally much lower. With a 10% "add-on" percentage, out-of-the-money options could be greatly overcovered and therefore the amount of margin required can be safely reduced as the option moves out-of-the-money. As an example, even with the proposed out-of-the-money reduction, the margin would be premium plus 5% when the option was 5% out-of-the-money.

Accordingly, the Exchange has amended Rule 462(d)(2)(D) to provide that the margin for a short put or short call may be reduced by the amount that the option is out-of-the-money, subject to a minimum margin of the amount of the option premium plus 2% of the product of the current index group value and the index multiplier.

The Exchange considers that, from a good faith standpoint, more than adequate coverage is being provided by the proposed change. Overmargining of out-of-the-money options would inhibit the use of the proposed options without providing any compensating benefits.

(2) *Basis.* The proposed rule changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and the rules and regulations thereunder applicable to the Exchange, and, in particular, Section 6(b)(5) of the 1934 Act, in that they would promote just and equitable principles of trade and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 9, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

It is proposed that Rule 462 be amended as follows. (Brackets [ ] indicate words to be deleted; italics indicate changes previously filed with the Commission and arrows ►◄ indicate proposed new changes.)

Rule 462. Minimum Margins

(a) through (d)(2)(B)—no change.

(C) For purposes of this paragraph (d)(2), obligations issued by the United States Government shall be referred to as United States Government obligations. Mortgage pass-through obligations guaranteed as to timely payment of principal and interest by the Government National Mortgage Association shall be referred to as GNMA obligations.

The terms "stock index group", "stock index option", "current index group value", "exercise price", and "index multiplier", when used with reference to a stock index option, shall have the meanings set forth in Rule 900C.

The terms "current market value" *and "current market price"* [of], *when used with reference to an option contract,* shall mean the total cost or net proceeds of the option [transaction] *contract* on the day [the option] *it* was purchased or sold and at any other time shall [be] *mean* the preceding business day's closing price of that option *contract* [as shown by] *indicated by* any regularly published reporting or quotation service.

(D) Subject to the exceptions set forth in subparagraphs (F) through (K) of this paragraph (d)(2) the minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i)—no change.

(ii)—no change.

(iii) In the case of puts and calls *listed or traded on a registered national securities exchange and representing options on stock index groups, 100% of the current market value of the option contract plus 10% of the product of the current index group value and the index multiplier applicable to the option contract.* ►In each case, the amount shall be decreased by any excess of the aggregate exercise price of the option over the product of the current index group value and the applicable index multiplier in the case of a call, or any excess of the product of the current index group value and the applicable index multiplier over the aggregate exercise price of the option in the case of a put; provided, however, that the

minimum margin required on each such option contract shall not be less than 100% of the current market value of the option contract plus 2% of the product of the current index group value and the applicable index multiplier.◄

* * * * *

[FR Doc. 83-6662 Filed 3-15-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13068; (812-5403)]

Bank of Boston Canada; Filing of an Application

March 10, 1983.

Notice is hereby given that Bank of Boston Canada ("Applicant"), Suite 300, 1550 Maisonneuve Blvd. West, Montreal, Quebec, Canada, filed an application on December 17, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the applicaton on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant is a wholly-owned subsidiary of The First National Bank of Boston ("FNBB"), a national banking association incorporated under the National Bank Act which in turn is a wholly-owned subsidiary, except for directors' qualifying shares, of First National Boston Corporation ("FNBC"), a Massachusetts corporation and a bank holding company registered under the Bank Holding Company Act of 1956. Applicant states that FNBB is and has been for many years the largest commercial bank in New England and, on June 30, 1982, ranked as the seventeenth largest commercial bank in the United States in terms of deposits. FNBC, according to Applicant, is the largest bank holding company in the Commonwealth of Massachusetts and on June 30, 1982, ranked as the eighteenth largest bank holding company in the United States in terms of assets. Applicant represents that it was incorporated as a bank under the provisions of the Canadian Banks and Banking Law Revision Act, 1980 ("Canadian Bank Act") and its charter was approved on May 27, 1982. For the year ended October 31, 1982, Applicant had consolidated assets of $34,537,000 (Canadian), deposits of $14,029,000 (Canadian) and stockholders' equity of $6,887,000 (Canadian).

Applicant represents that its principal business consists of receiving deposits and engaging in lending activities of the type normally undertaken by commercial banks. Applicant states that it provides a wide range of commercial banking services to its clients, including making loans to individuals and entities such as commercial, corporate, multinational, and energy enterprises, government units and other banks. Additionally, Applicant, through its wholly-owned factoring subsidiary, Boston Factors of Canada, Inc., engages in the business of factoring, as permitted under Canadian law. At October 31, 1982, loans of various types represented approximately 51% of Applicant's assets, and, as of the same date, income from such loans are stated to have represented 28% of Applicant's total gross revenues, gross income from interest on time deposits placed with other banks constituted approximately 13% of Applicant's total gross revenues and gross fee income from Applicant's factoring activities represented approximately 60% of Applicant's total gross revenues.

Applicant represents that it is subject to regulation pursuant to the Canadian Bank Act by the Canadian federal government, which exercises exclusive jurisdiction over the Canadian banking industry. In addition to general supervision and annual examination by the Inspector General of Banks to assure compliance with Canadian banking laws which, according to Applicant, imposes various restrictions and limitations on its activities, Applicant represents that it is required to file various weekly, monthly, quarterly, and annual reports with the Inspector General of Banks and/or the Bank of Canada. These reports include information pertaining to Applicant's deposits, directors, assets and liabilities, revenues, expenses and changes in capital and reserves, and interest rates on loans. Applicant also states that it is subject to established primary reserve requirements and must maintain secondary reseves in amounts prescribed by the Bank of Canada. As a national bank, FNBB is subject to regulation by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System.

Applicant proposes to issue and sell promissory notes in the United States, which notes will be unconditionally guaranteed as to principal and interest by FNBB (the "Promissory Notes"), pursuant to Section 3(a)(2) of the Securities Act of 1933 ("1933 Act"), which specificially exempts from registration the sale of notes guaranteed by a bank. Other possible alternatives are the issuance and sale of debt securities to qualified investors in private placements pursuant to the exemption from registration provided by Section 4(2) of the 1933 Act ("Private Placement Notes"), the issuance of commercial paper pursuant to the exemption from registration provided by Section 3(a)(3) of the 1933 Act ("Commercial Paper Notes"), other offerings of debt securities that would be exempt from the registration requirements of the 1933 Act and registered public offerings of debt securities (collectively with the Promissory Notes, the Private Placement Notes and the Commercial Paper Notes, "Debt Securities"). Applicant states that Debt Securities issued pursuant to an offering in the United States will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities, and ahead of its equity securities.

Regardless of the alternative or alternatives utilized, Applicant represents that it will appoint an agent for service of process in any suit, action or proceeding on the Promissory Notes and with respect to the offer and sale of any other Debt Securities it may offer in the United States in the future. Applicant further represents that it will expressly submit to the jurisdiction of any state or federal court located in the City of Boston, Massachusetts in any such suit, action or proceeding instituted by any holder of a Debt Security, except to the extent that it contests the manner of service on its agent. Applicant represents that it will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Debt Securities or otherwise and that the appointment of its agent to accept service of process and the consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Debt Securities have been paid or set aside.

The Applicant represents that any Commercial Paper Notes issued pursuant to Section 3(a)(3) of the 1933 Act will be prime quality and sold in minimum denominations of $100,000 to the types of institutional and other sophisticated investors who normally purchase commercial paper in the United States commercial paper market and Applicant undertakes to ensure that such Commercial Paper Notes will not be advertised or offered for sale to the general public. In addition, the Commercial Paper Notes will arise out of and/or generate funds for "current transactions", be of a type eligible for discounting by Federal Reserve Banks and have a maturity of nine months or less, exclusive of days of grace.

Applicant further represents that Commercial Paper Notes issued pursuant to Section 3(a)(3) of the Act will have received prior to issuance one of the three highest investment grades from at least one nationally recognized statistical rating organization and Applicant's General Counsel or Assistant General Counsel in the United States shall have certified that such rating has been received.

Applicant undertakes to ensure that each dealer in the Commercial Paper Notes (or Applicant itself or its affiliate if a dealer is not used) will provide to each offeree who has indicated an interest in such Commercial Paper Notes, prior to any purchase thereof, a memorandum describing the business of Applicant, FNBB and FNBC and containing the most recently published audited financial statements of FNBC and Applicant. Such memorandum will describe any material differences between Canadian accounting principles applicable to Applicant and generally accepted accounting principles employed by United States banks. Such memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the United States and will be updated periodically to reflect material changes in FNBC's and Applicant's business or financial status. In the case of any other offerings of Debt Securities in the United States, such offerings will be made only pursuant to a registration statement under the 1933 Act or pursuant to an applicable exemption from registration under such Act, and any such offering will be made on the basis of disclosure documents appropriate and customary for such registered or exempted offering and in any event at least as comprehensive as those used in offerings of similar debt securities in the United States by United States issuers. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in such securities prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by the 1933 Act and the pertinent rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) expressly conditioned upon its compliance with the foregoing undertakings regarding disclosure documents.

Applicant represents that it will not issue and sell any Debt Securities pursuant to Section 3(a)(2), 3(a)(3)and/or 4(2) of the 1933 Act or pursuant to other available exemptions under the 1933 Act until it has received an opinion of its General Counsel or Assistant General Counsel in the United States to the effect that, under the circumstances of the proposed offering, the Debt Securities will be entitled to an exemption from registration provided by the appropriate section of the 1933 Act. The Applicant states that it will not request Commission review or approval of such counsel's opinion letter regarding the availability of an exemption under the 1933 Act, and the Commission expresses no opinion as to the availability of any such exemption.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that this type of exemption would serve the public interest by making available to institutional and other sophisticated investors in the United States the debt securities of foreign banks. Applicant contends that without exemptive orders, such investors would be unable to purchase debt securities issued by foreign banks such as Applicant which are representing an increasingly important segment of the short-term, prime quality securities available for purchase in the United States. Applicant submits that an exemption would be consistent with the protection of investors because of the existing regulatory structures to which Applicant, FNBB and FNBC are subject which afford protection to investors. In addition, Applicant asserts that the anti-fraud provisions of the federal securities laws would also be available for the protection of investors. Applicant contends that Congress specifically exempted United States banks from the Act and that the business of banking in Canada and the United States is similar.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6896 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13089; (811-3551)]

CCI Cash Trust; Filing of Application

March 10, 1983.

Notice is hereby given that CCI Cash Trust ("Applicant"), 8900 Keystone Crossing, Suite 685, Indianapolis, Indiana 46240, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on January 31, 1983, for an order of the Commission, pursuant to section 8(f) of the Act and Rule 8f-1 thereunder, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a business trust validly existing and in good standing under the laws of Indiana. Applicant states further that it registered under the Act on August 19, 1982, when its Notification of Registration on Form N-8A and Registration Statement of Form N-1 ("Registration Statement") were filed pursuant to the Act. Applicant states that its original filings were under the name "Compound Cash Trust." Applicant maintains that the primary reason that it determined to file the application and windup its business affairs is that, during the registration process under the Act, banks and other financial institutions were authorized to

offer deposit accounts which are competitive with money market mutual funds. Applicant's business objective was to sell its shares to customers of banks as part of "sweep" programs. Applicant further maintains that, as a result of Congressional and regulatory actions, it is now unlikely that any banks will offer new sweep programs and will instead offer their own deregulated deposit accounts. Applicant is not now engaged and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

Applicant represents that there have been two sales made of securities of which it is the issuer. Applicant represents further that the first sale took place on August 6, 1982, of 1,000 shares for $1,000 in cash in connection with Applicant's organization. Applicant states further that the second sale took place on December 6, 1982, of 99,000 shares for $99,000 in cash in connection with the filing of Amendent No. 1 to Applicant's Registration Statement. Applicant maintains that both sales were made pursuant to private offering exemptions under Federal and Indiana law. Applicant further maintains that no offers or sales pursuant to the prospectus contained in Applicant's Registration Statement have been made.

Applicant states that, at January 26, 1983, its assets were $100,650.25. Applicant states further that all of its assets are invested in a money market account at First National Bank of Columbus. Applicant states that it had one securityholder at the time of the filing of the application and that no distribution to Applicant's securityholder has been made to date in connection with the winding-up of Applicant's affairs.

Applicant states that the only debts or other liabilities that Applicant will be responsible for are the normal operating and deferred expenses that accrue until the time the assets are distributed to the sole shareholder. Applicant states that accrued expenses through January 26, 1983, were $106.60. Applicant's adviser, Compound Capital, Inc., has agreed to assume all debts and liabilities of Applicant, including non-accrued expenses incurred in registering under the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. after said date, an order disposing of the application will be issued unless the commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6663 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19585; (SR-NYSE-83-4)]

New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

March 10, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on January 20, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to alter the qualification examination requirements for supervisory analysts. NYSE Rule 344, as amended, will require a supervisory analyst candidate to either: (1) Pass an Exchange Supervisory Analysts Examination or (2) successfully complete Level I of the Chartered Financial Analyst (CFA) Examination, (in lieu of the existing requirement of completion of Level I, II and III of the CFA Examination) and pass the part of the Exchange Supervisory Analysts Examination dealing with Exchange rules on research standards and related matters.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19454, January 27, 1983) and by publication in the **Federal Register** (48 FR 4944, February 3, 1983). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-6662 Filed 3-15-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

National Advisory Council; Public Meeting

The Small Business Administration National Advisory Council, will hold a public meeting at 8:30 a.m. on Thursday, April 21, thru noon Friday, April 22, 1983, at the Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C. 20008, in the Forum Room, to discuss such matters as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Jean M. Nowak, Acting Director, Office of Advisory Councils, U.S. Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 (202) 653-6892.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6630 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region III—Advisory Council Meeting; Public Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania, will hold a public meeting at 9:00 a.m. on Friday, April 15, 1983, at the Historic Strasburg Inn, Route 896, Strasburg (Lancaster County) Pennsylvania, to discuss such matters as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, One Bala Plaza, Suite 400-East Lobby, 231 St. Asaphs Road, Bala Cynwyd, Pennsylvania 19004 (215) 596-5801.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6629 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region VIII—Advisory Council; Public Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado will hold a public meeting at 9:00 a.m., Wednesday, April 6, 1983, at the Quality Inn Motel, 2001 Zuni Street, Riviera Room, Denver, Colorado 80211, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Douglas F. Graves, District Director, U.S. Small Business Administration, 721 19th Street, Room 426a, Denver, Colorado 80202 (303) 837–3673.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6828 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco District Advisory Council, will hold a public meeting at 10:00 a.m., Friday, April 8, 1983, 211 Main Street—8th Floor—Conference Room 824 San Francisco, California 94105, to discuss such business as may be presented by members, and staff of the U.S. Small Business Administration, or others present.

For further information, write or call Lawrence J. Wodarski, Acting District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974–0642.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6827 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Portland, Oregon, will hold a public meeting at 10:00 AM on Tuesday, April 12, 1983, at the Federal Building, 1220 SW Third Avenue, Room 229, Portland, Oregon 97204, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Stewart L. Rollins, District Director, U.S. Small Business Administration, 1220 SW Third Avenue, Room 676, Portland, Oregon 97204 (503) 294–5221.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

March 9, 1983.

[FR Doc. 83-6826 Filed 3-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/510]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Multilateral Investment Standards for MNES and U.N. Activities of the Advisory Committee International Investment, Technology, and Development on Wednesday, April 13, 1983, from 10:00 a.m. to 1:00 in Room 1040 Foreign Service Institute, 1400 Key Boulevard, Arlington, Va. 22209. The meeting will be open to the public.

The purpose of the meeting will be to discuss U.S. preparations for the UNCTAD VI meeting to be held in June in Belgrade, Yugoslavia and to review the results of the March 7–18 special session of the UN Commission on Transnational Corporations on the UN Code of Conduct on Transnational Corporations.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2711.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the Foreign Service Institute building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: March 8, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-6820 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/509]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); will meet on April 7 and May 20, 1983. The meeting on April 7 will begin at 9:30 a.m., in IRAC Conference Room 1605; the meeting on May 20 will begin at 9:30 a.m., in Room B841. Both rooms are located in the Herbert C. Hoover Building, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of both meetings is to consider documents for the international meeting of Study Group 1 in October of this year.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–0741.

Dated: March 9, 1983.

William Jahn,

Acting Director, Office of International Communications Policy.

[FR Doc. 83-6821 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/508]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on April 4, 1983 in Room 330, 1200 19th Street, NW., Washington, D.C., at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study

Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is final preparation for the international meetings of Study Groups 10 and 11 in September 1983.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632–2592.

Dated: February 25, 1983.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 83-6822 Filed 3-15-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period March 4 through March 10, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0311.
Form Number: Letters 112C and 112SC.
Title: Requesting a Tax Return to Ensure Credit of Payment to Taxpayer Account.
OMB Number: 1545–0305.
Form Number: Letters 418C and 418SC.
Title: More Information Requested to Adjust Tax Return.
OMB Number: 1545–0318.
Form Number: Letter 227C.
Title: Request for Affidavit from T/P Who Explained Loss of Special Tax Stamp.
OMB Number: 1545–0499.
Form Number: 5305–SEP.
Title: Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.
OMB Number: 1545–0506.
Form Number: 5245 and 5245A.
Title: Proposed Increase in Tax.
OMB Number: N/A (new submission).
Form Number: 5244A.
Title: Proposed Decrease in Tax.
OMB Number: 1545–0505.
Form Number: Letters 628 (SC/DO).
Title: Allowance Estate Tax Credit.
OMB Number: 1545–0349.
Form Number: 5070.
Title: Request for Information to Locate Employment Tax Return.
OMB Number: 1545–0122.
Form Number: 1118 and Schedule F.
Title: Computation of Foreign Tax Credit, Computation of Reduction of Oil and Gas Extraction Taxes.
OMB Number: 1545–0306.
Form Number: 1430C.
Title: Filing Status of 501(C)(3) Form 940 Filers.
OMB Number: 1545–0018.
Form Number: 706–B(1) and 706–B(2).
Title: Information Return by Trustee for Taxable Distribution or Termination from a Generation-Skipping Trust/ Beneficiary's Share of a Taxable Distribution from a Generation-Skipping Trust.

OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Alcohol, Tobacco and Firearms

OMB Number: 1512–0120.
Form Number: ATF F 2177 (5110.58).
Title: Certificate of Age and Origin of Distilled Spirits.
OMB Number: 11512–0042.
Form Number: ATF F 7 (5310.12).
Title: Application for License.
OMB Number: 1512–0001.
Form Number: ATF F 1600.1.
Title: Requisition for Forms and Publications.
OMB Number: 1512–0003.
Form Number: ATF F 1600.8.
Title: Requisition for Firearms and Explosives Forms.

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

U.S. Customs Service

OMB Number: 1515–0013.
Form Number: CF 3171.
Title: Application-Permit-Special License-Unloading-Lading-Overtime Services.

OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 11, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83-6845 Filed 3-15-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 52
Wednesday, March 16, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Maritime Commission	2
Federal Reserve System	3
Harry S Truman Scholarship Foundation	4

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2 p.m., Friday March 18, 1983.

LOCATION: Room 456, Westwood Towers Building, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERRED: Gas Valves: Meeting with industry.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, MD 20207; 301–492–6800.

[S-367-83 Filed 3-14-83; 2:00 pm]

BILLING CODE 6355-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., March 23, 1983.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 7540–36: Modification of the United States Atlantic & Gulf/Southeastern Caribbean Conference to delete authority concerning inland charges and add authority concerning alternate ports service.
2. Agreement No. 93–28: Modification of the North Europe-United States Pacific Freight Conference Agreement to extend the joint service voting clause through December 31, 1983.

Portion closed to the public:

1. Docket No. 82–47: Agreement No. 10286 Between Intercontinental Transport, B.V., and Compagnie Generale Maritime—Further consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-366-83 Filed 3-14-83; 2:01 pm]

BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

Time and date: 10 a.m., Monday, March 21, 1983.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C.20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed acquisition of check sorters within the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[S-364-83 Filed 3-11-83; 4:13 pm]

BILLING CODE 6210-01-M

4

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

TIME AND DATE: 10 a.m., Friday, April 8, 1983.

PLACE: Board room, 712 Jackson Place, NW., Washington, D.C. 20006.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 13, 1982 meeting.
4. Report of Chairman.
5. Report of President.
6. Report of Executive Secretary.
7. Report of General Counsel.
8. Discussion of Awards Ceremony.
9. New Business.
10. Set date for next meeting in September, 1983.

Portions closed to the public:

1. Selection of Truman Scholars for 1983–84.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

March 11, 1983.

Malcolm C. McCormack,

Executive Secretary.

[S-365-83 Filed 3-14-83; 9:33 am]

BILLING CODE 9500-01-M

federal register

Wednesday
March 16, 1983

Part II

Department of Health and Human Services

Public Health Service

Indian Health; Persons to Whom Service Will Be Provided

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Indian Health; Persons To Whom Service Will be Provided

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This final rule will restrict the conditions under which IHS can provide services to non-Indians as beneficiaries to situations involving a pregnancy, acute infectious diseases or public health hazards. This will conform the regulations to Pub. L. 97–394.

EFFECTIVE DATE: December 30, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. McCloskey, Indian Health Service, Room 6A–14, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone 301–443–1116.

SUPPLEMENTARY INFORMATION: The fiscal year 1983 Appropriation Act for the Department of the Interior and Related Agencies, Pub. L. 97–394, which includes the appropriation for the Indian Health Service, was signed into law by the President on December 30, 1982. The law contains the following provision restricting eligibility of non-Indians for IHS services:

> Provided further, That notwithstanding current regulations, eligibility for Indian Health Services shall be extended to non-Indians in only two situations: (1) A non-Indian woman pregnant with an eligible Indian's child for the duration of her pregnancy through post-partum, and (2) non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.

Current regulations at 42 CFR 36.12(a)(1) grant eligibility to the non-Indian wife of an eligible Indian on the basis that her health is integral to the health of the Indian family. In response to criticism that the regulation discriminates on the basis of sex, we published a notice of proposed rulemaking on December 16, 1980 (45 FR 82839) which proposed amending the regulation to extend eligibility to (1) The non-Indian spouse (husband or wife) of an eligible Indian, and (2) certain other non-Indian members of an Indian's immediate family considered eligible under current IHS policy and practice. In order to avoid discrimination based upon sex during the rulemaking proceedings, we announced in the preamble to the proposed rule that the IHS will serve the non-Indian husband of an eligible Indian residing with the Indian pending issuance of the final rule.

Enactment of the above provision by Congress supersedes the previous rulemaking proceeding. Consequently, we are issuing a final rule to conform regulations to the new law. Under the final rule issued here, non-Indians may be regarded as IHS beneficiaries only in the two exceptional situations stated in the new law.

The first exception is serving a non-Indian woman pregnant with an eligible Indian's child. IHS care would be limited to the period of the woman's pregnancy through postpartum (generally about six weeks after delivery). In cases where the woman is not married to the Indian under applicable state or tribal law, paternity must be acknowledged in writing by the Indian or determined by order of a court of competent jurisdiction.

The second exception is serving non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard. The determination will be a professional judgment based upon the particular circumstances.

We note that the first exception is not sex discrimination. The Supreme Court has ruled that an eligibility classification based upon pregnancy is not, in itself, sex discrimination. Rather, pregnancy is viewed as a physical condition which distinguishes two groups of persons—pregnant women and nonpregnant persons of both sexes. Based upon this reasoning the court has upheld the exclusion of pregnancy from coverage under disability benefit plans, where benefits were otherwise afforded on the same basis to both sexes. *Geduldig* v. *Aiello*, 417 U.S. 484 (1974); *General Electric Co.* v. *Gilbert*, 429 U.S. 125 (1976). In *Geduldig* the Court observed:

> Absent a showing that distinctions involving pregnancy are mere pretexts designed to effect an invidious discrimination against the members of one sex or the other, lawmakers are constitutionally free to include or exclude pregnancy from coverage of legislation such as this on any reasonable basis, just as with respect to any other physical condition. 417 U.S. at 496–7, n. 20.

Care of the non-Indian mother during pregnancy has a direct effect on the health of her Indian child which is unique and immediate due to her condition. As such, pregnancy may be rationally singled out from otherwise serving non-Indians.

This final rule makes no substantive change with respect to the eligibility of *Indians* for IHS services. It also does not preclude treatment of non-beneficiaries on a fee basis where otherwise authorized by law. Examples are treatment of non-beneficiaries in cases of emergency authorized by section 322(b) of the Public Health Service Act, 42 U.S.C. 249(b), and regulations at 42 CFR 36.14; treatment of non-indigent non-beneficiaries in Alaska under 48 U.S.C. 49; and treatment of beneficiaries of other Federal programs under Economy Act arrangements, 31 U.S.C. 686(a).

Publication of a Final Rule

Rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

> (B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

In this case notice and comment procedures are unnecessary because, as explained above, this rule is issued to conform regulations to congressional action.

We also note that the APA requires publication of a substantive rule not less than 30 days before its effective date (5 U.S.C. 553(d)) except—

> (3) As otherwise provided by the agency for good cause found and published with the rule.

Because this rule is issued to conform regulations to congressional action, we think there is good cause for making the rule effective on the date that Pub. L. 97–394 was signed into law, namely December 30, 1982.

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities because it concerns the eligibility of a small group of beneficiaries for care delivered primarily at IHS facilities. The Secretary has also determined, in accordance with Executive Order 12291, that this rule does not constitute a "major rule" because it will not have an annual effect on the economy of $100 million or more, result in a major increase in costs or prices for consumers, any industries, any

governmental agencies or geographic regions, or have significant and adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 36

Alaska Natives, American Indians, Eskimos, Health Care, Indians.

Dated: February 3, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: March 2, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 36—[AMENDED]

Title 42, Part 36, § 36.12(a)(1) is revised to read as follows:

§ 36.12 Persons to whom services will be provided.

(a) *In general.* (1) Services will be made available, as medically indicated, to persons of Indian descent belonging to the Indian community served by the local facilities and program. Services will also be made available, as medically indicated, to a non-Indian woman pregnant with an eligible Indian's child but only during the period of her pregnancy through postpartum (generally about 6 weeks after delivery). In cases where the woman is not married to the eligible Indian under applicable state or tribal law, paternity must be acknowledged in writing by the Indian or determined by order of a court of competent jurisdiction. The Service will also provide medically indicated services to non-Indian members of an eligible Indian's household if the medical officer in charge determines that this is necessary to control acute infectious disease or a public health hazard.

* * * * *

[FR Doc. 83-6802 Filed 3-15-83; 8:45 am]
BILLING CODE 4160-16-M

VOL
48
ISS
52
MR
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1983
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federal register

Wednesday
March 16, 1983

Part III

Department of the Interior

Minerals Management Service

Gulf of Alaska/Cook Inlet Leasing Offering; Call for Information

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
Gulf of Alaska/Cook Inlet
Lease Offering (October 1984)
Call for Information

Purpose of Call

The purpose of the Call is to assist the Secretary of the Interior in carrying out his responsibilities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and regulations appearing at 30 CFR 256.23. Potential bidders are requested to outline areas where they believe hydrocarbons may occur or where they have an interest in leasing in the Gulf of Alaska and Cook Inlet. The Secretary is also requesting comments from all interested parties--Federal, State, and local governments, environmental groups, the general public, and potential bidders--on possible environmental effects and use conflicts in the Call area, and on the appropriateness of initial lease terms longer than 5 years and lease areas larger than 5,760 acres (2,331 hectares).

Use of Information from Call

Information submitted in response to this Call will be considered in the area identification which selects the areas of hydrocarbon potential to be proposed for leasing and analyzed in the environmental impact statement as the proposed Federal action. This information will also be used in identifying alternatives to the proposed action. Comments received on possible environmental effects and use conflicts may be used in the analysis of local environmental conditions within the Call area so that the potential effects of oil and gas exploration and development, other than the benefits accruing to the Nation as a result of inventorying and producing oil and gas, can be assessed. These comments may also be useful in developing special lease terms and conditions designed to assure safe offshore operations. Comments submitted regarding length of lease term and size of lease areas may be used in the assessment of the appropriate initial lease term and appropriate lease size, pursuant to section 8 of the OCS Lands Act, as amended (43 U.S.C. 1337).

Description of Area

The general location is offshore the State of Alaska in the Gulf of Alaska and Cook Inlet. The Gulf of Alaska area of this Call is bounded on the east and north by the Federal/State three geographic mile line and by 133° 30' W. longitude from the International boundary to the Kennedy Entrance of Cook Inlet. It is bounded approximately on the west by a line originating at 151° 45' W. longitude, proceeding along 59° N. latitude east to 148° W. longitude, thence south to 58° N. latitude, thence east along 58° N. latitude to 147° W. longitude, thence south to 53° N. latitude, thence east to 141° W. longitude, thence east along the U.S./Canada jurisdiction line to approximately 133° 30' W. longitude.

The Cook Inlet area of this Call is generally bounded by the Federal/State three geographic mile line on the west; by the three geographic mile line off Kalgin Island on the north; by the Barren Islands at the Kennedy and Stevenson Entrances to Cook Inlet on the east; and on the south in the Shelikof Strait by approximately 57° N. latitude.

Indications of interest and comments may be considered for all Federal acreage within the boundaries of the Call. Boundaries of the Call area are represented on Maps A, B, and C appearing at the end of this Call. Boundaries of the Call area are depicted in detail on the standard Call for Information Maps, available free from the Regional Manager, Alaska OCS Region, P.O. Box 1159, 620 East 10th Ave., Anchorage, Alaska 99510.

The following list identifies the Official Protraction Diagrams in this Call. All Federal blocks are included in the Call area, unless otherwise specified. The Diagrams may be purchased for $2.00 each from the Regional Manager, Alaska OCS Region.

NN 6-2,	-	(Approved March 17, 1982)
NN 6-4,	-	(Approved January 12, 1983)
NN 6-6,	-	(Approved January 12, 1983)
NN 7-1,	-	(Approved March 17, 1982)
NN 7-2,	-	(Approved March 17, 1982)
NN 7-3,	-	(Approved January 12, 1983)
NN 7-4,	-	(Approved January 12, 1983)
NN 7-5,	-	(Approved January 12, 1983)
NN 7-6,	-	(Approved January 12, 1983)
NN 8-1,	Baker Fan	(Approved February 3, 1977)
NN 8-2,	Craig	(Approved January 12, 1983): All Federal blocks except: 13-15, 57, 524, 567, 568, 611, 612, 655, 656, 857-859, 901-903, 945-947, and 990-991.
NN 8-3,	-	(Approved December 1, 1977; Revised January 28, 1983)
NN 8-4,	Dixon Entrance	(Approved February 8, 1983): All Federal blocks except: 21-24, 65-68, 109-113, 153-158, 197-202, 242-248, 285-292, 297-300, 329-337, 341-349, 373-393, 417-437, 461-481, 505-525, 549-551, 556-569, 593, 603-613, and 656-657.
NN 8-5,	-	(Approved January 12, 1983)
NO 5-2,	Seldovia	(Approved March 20, 1975)
NO 6-1,	Blying Sound	(Approved July 21, 1975)
NO 6-2,	Middleton Island	(Approved October 31, 1974)
NO 6-3,	-	(Approved August 1, 1975): Only Federal blocks 33-44, 77-88, 121-132, 165-176, 209-220, 253-264, 297-308, 341-352, 385-396, 429-440, 473-484, 517-528, 561-572, 605-616, 649-660, 693-704, 737-748, 781-792, 825-836, 869-880, 913-924, 957-968, and 1001-1012.

NO 6-4,	-	(Approved September 22, 1975)
NO 6-6,	-	(Approved October 27, 1976)
NO 6-8,	-	(Approved March 20, 1975)
NO 7-1,	Icy Bay	(Approved 1974)
NO 7-2,	Yakutat	(Approved October 31, 1974)
NO 7-3,	-	(Approved August 1, 1975)
NO 7-4,	-	(Approved September 22, 1975)
NO 7-5,	-	(Approved June 11, 1975)
NO 7-6,	-	(Approved October 27, 1976)
NO 7-7,	Pratt Seamount	(Approved February 18, 1977)
NO 7-8,	-	(Approved February 18, 1977)
NO 8-3,	Mt. Fairweather	(Approved December 13, 1976): All Federal blocks except: 734-736, 779-781, 825, 872, 873, and 917.
NO 8-5,	Sitka	(Approved December 13, 1976)
NO 8-7,	Goddard	(Approved January 12, 1983)
NO 8-8,	Port Alexander	(Approved January 12, 1983): All Federal blocks except: 7-10, 49-52, 93-95, 137-139, 182, 183, 226, 227, 270, 271, 314-316, 358-360, 402-404, 446-448, 490-493, 534-537, 578-581, 594, 595, 622-625, 666-668, 710-713, 754-757, 798-801, 808, 809, 842-845, 852-853, 886-889, 896, 939, 940, and 982-984.
NP 6-8,	Cordova	(Approved October 31, 1974)
NP 5-8,	Kenai	(Approved March 20, 1975)
NO 5-1,	Iliamna	(Approved March 20, 1975)
NO 5-3,	Mt. Katmai	(Approved July 3, 1975)
NO 5-5,	Karluk	(Approved July 3, 1975): All Federal blocks except: 967, 968, 1011, and 1012.
NO 4-6,	Ugashik	(Approved June 3, 1976): Only Federal blocks: 609-610, 652-654, 695-698, 739-742, 783-786, 828-830, 870-874, 915-918, 958-962, and 1002-1007.
NO 5-4,	Afognak	(Approved July 3, 1975): Only Federal blocks: 1-7, 45-51, 89-95, 133-139, 177-183, 221-227, 265-270, 309-313, 353-356, 397-399, 441-443, 485, 486, 529, and 573.

Instructions on Call

Indications of interest from potential bidders should be limited to the Federal acreage included in the Call area described above. Respondents should indicate interest in those portions of the Call area which they have identified as having potential for the discovery of oil and gas. Those indicating interest are requested to do so on standard Call for Information Maps, available free from the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area," telephone (907) 276-2955.

These three standard Call Maps show the Call area, which coincides with the area identified by the Minerals Management Service (MMS) as having potential for the discovery of oil and gas. Each of these standard Call Maps covers a portion of the Call area corresponding to each of the three maps appearing at the end of this notice. Although individual indications of interest are considered to be privileged and confidential information, the names of persons or entities indicating interest or submitting comments will be of public record.

Respondents are encouraged to broadly rank areas according to priority of interest (e.g., priority 1 (high), 2, or 3). Priority information submitted by companies will be held confidential and may be used as a criterion in determining the area to be analyzed in the environmental impact statement.

In addition to indications of interest, we are seeking comments from all interested parties about particular geological, environmental, biological, archaeological, or socioeconomic conditions or problems, or other information which might bear upon potential leasing and development of particular areas. Comments should preferably address broad areas but may be restricted to designated blocks of particular concern.

Comments are also being sought from all interested parties on the appropriateness of initial lease periods longer than 5 years and on the need, if any, for lease areas larger than 5,760 acres (2,331 hectares). Such comments should describe why such modifications would be appropriate and identify where such modifications should be applied. Those making comments are requested to mark the area commented upon on the standard Call for Information Maps discussed above.

Indications of interest and comments must be submitted no later than 30 days following publication of this document in the Federal Register, in envelopes labeled "Indications of Interest for Leasing in the Outer Continental Shelf, Gulf of Alaska/Cook Inlet," or "Comments on Leasing in the Outer Continental Shelf, Gulf of Alaska/Cook Inlet," as appropriate. Maps (originals) and comments must be submitted to the Regional Manager, Alaska OCS Region, at the address stated in the second paragraph under "Description of Area." Copies of all maps and comments are also to be sent to the Chief, Offshore Resource Evaluation Division, Minerals Management Service, 12203 Sunrise Valley Drive, Mail Stop 643, Reston, Virginia 22091.

Final delineation of the area for competitive bidding will be made only at a later date after compliance with established departmental procedures, all requirements of the National Environmental Policy Act of 1969, and the OCS Lands Act, as amended. A final Notice of Sale, detailing areas to be offered for competitive bidding, will be published in the Federal Register stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

Director, Minerals Management Service
Harold Doley

Date: 3/8/83

Approved

Assistant Secretary of the Interior
Daniel N. Miller Jr.

GULF OF ALASKA/COOK INLET
LEASE OFFERING (OCTOBER 1984)

VOL 48 ISS 52 MR 16 1983 UMI

GULF OF ALASKA/COOK INLET

LEASE OFFERING (OCTOBER 1984)

Call For Information

MAP A

Call Area

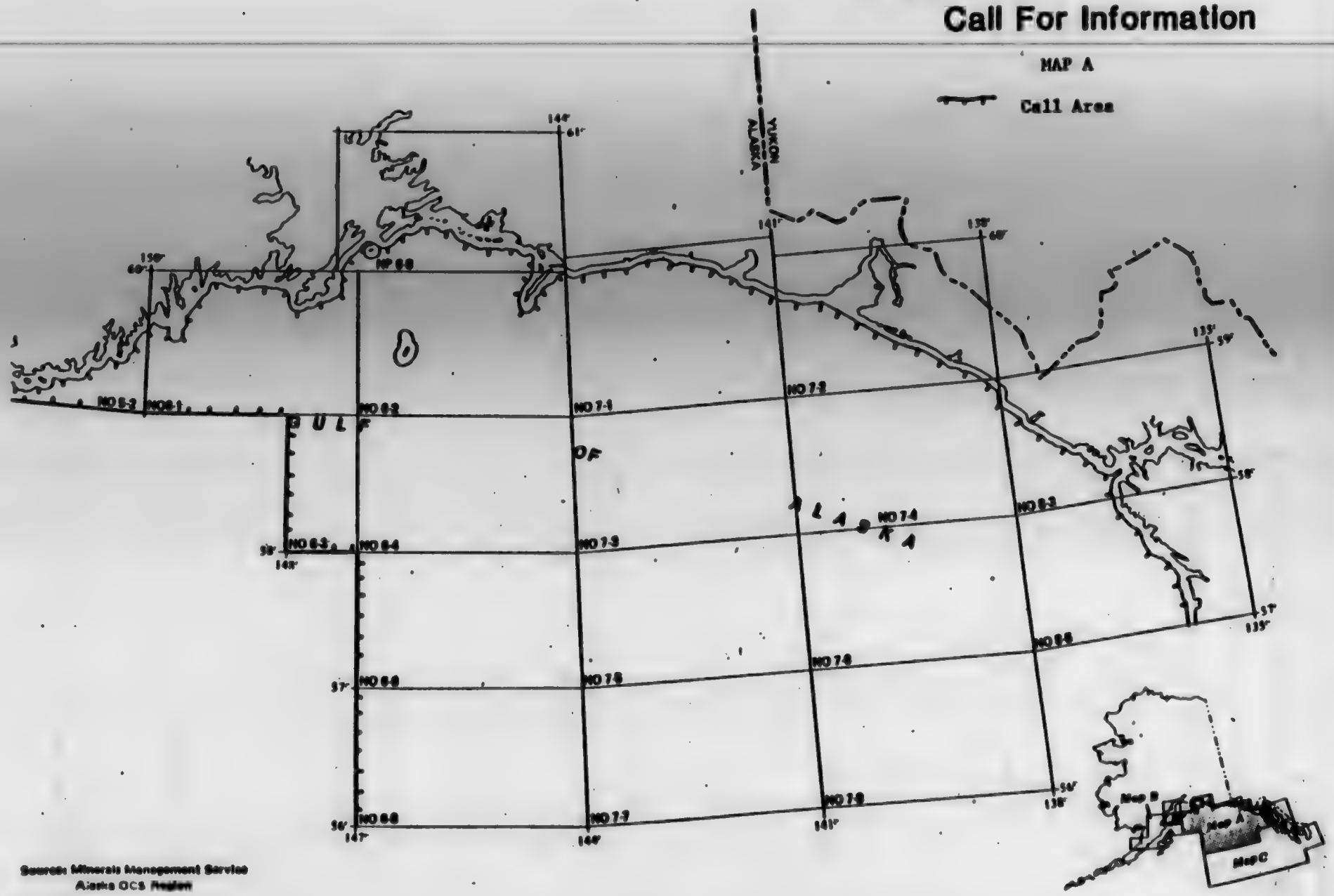

Source: Minerals Management Service
Alaska OCS Region

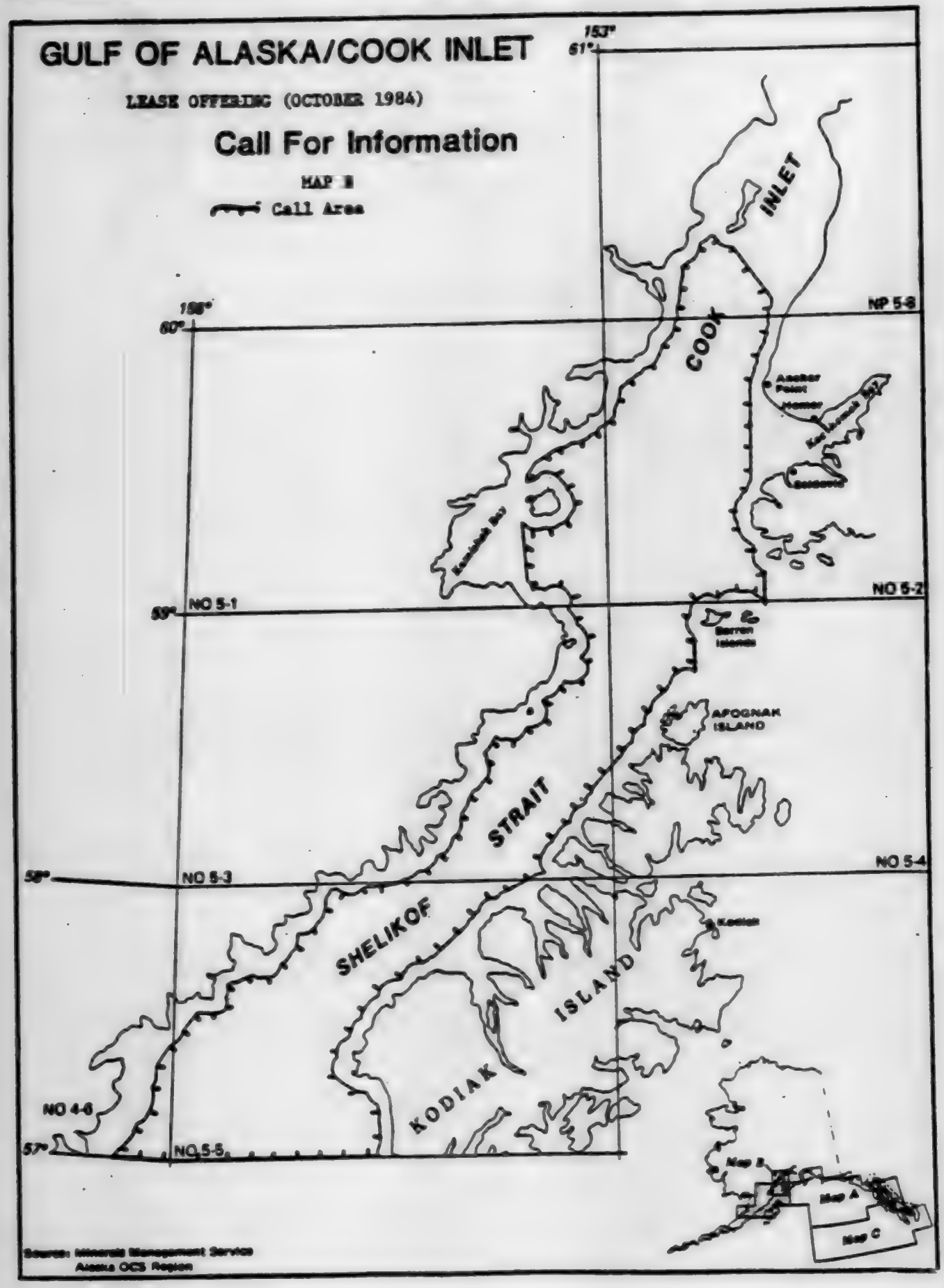

GULF OF ALASKA/COOK INLET
LEASE OFFERING (OCTOBER 1984)

GULF OF ALASKA/COOK INLET

LEASE OFFERING (OCTOBER 1984)

Call For Information

MAP C

Call Area

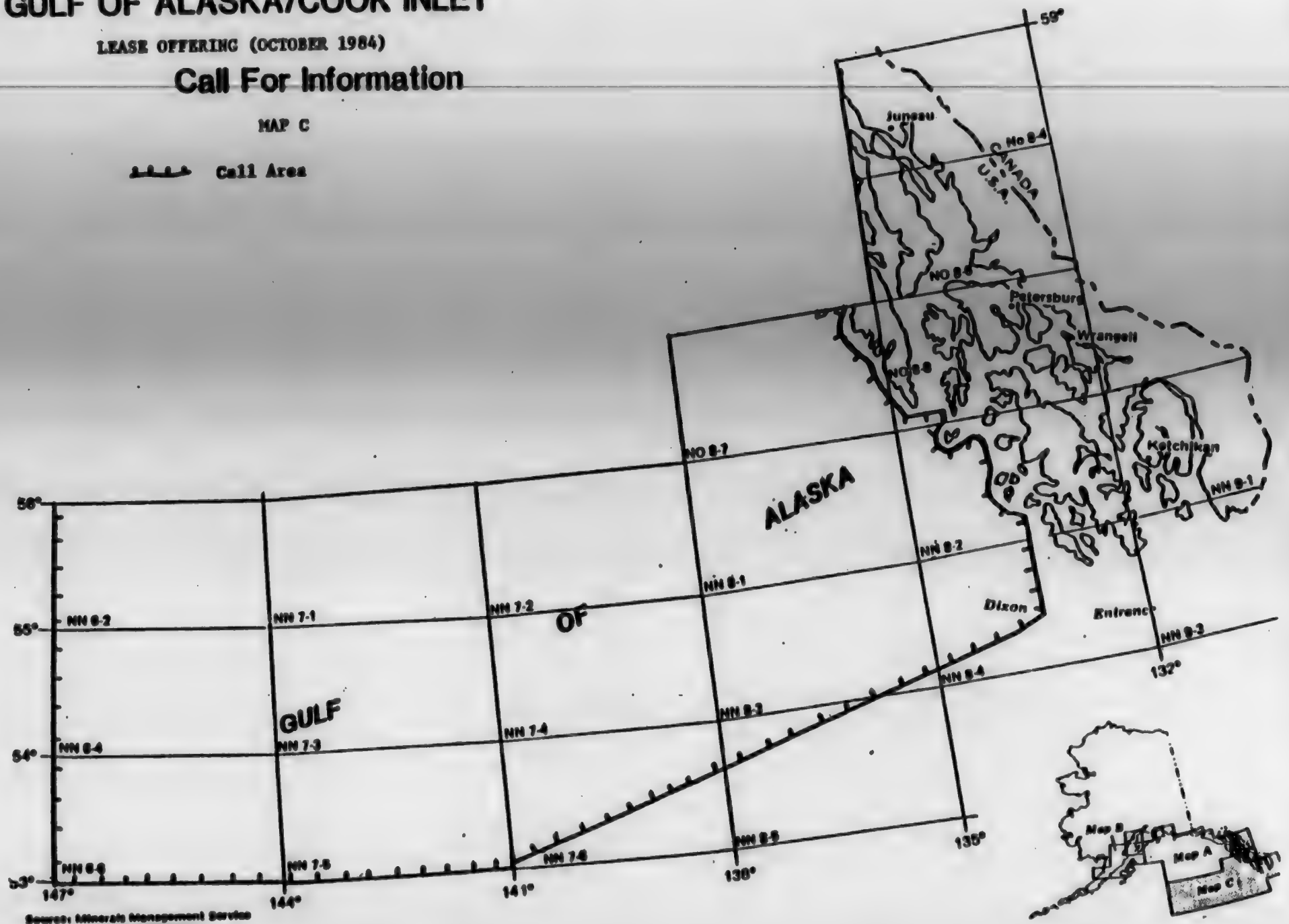

Source: Minerals Management Service
Alaska OCS Region

[FR Doc. 83-6796 Filed 3-15-83; 8:45 am]
BILLING CODE 4310-MR-C

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federal register

Wednesday
March 16, 1983

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

March 1, 1983.

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of February 1, 1983 of 20 rescission proposals and 69 deferrals contained in the first five special messages of FY 1983. These messages were transmitted to the Congress on October 1, and December 7, and 16, 1982, and January 5, and February 1, 1983.

Rescissions (Table A and Attachment A)

Twenty rescission proposals totaling $1,554 million are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of March 1, 1983, while Attachment A shows the history and status of each rescission proposed during FY 1983.

Deferrals (Table B and Attachment B)

As of March 1, 1983, $9,489.5 million in 1983 budget authority was being deferred from obligation and another $4.9 million in 1983 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1983.

Information From Special Messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** listed below:

Vol. 47, No. 194, FR p. 44524, Thursday, October 7, 1982
Vol. 47, No. 238, FR p. 55002, Friday, December 10, 1982
Vol. 47, No. 246, FR p. 57230, Wednesday, December 22, 1982
Vol. 48, No. 7, FR p. 1266, Tuesday, January 11, 1983
Vol. 48, No. 25, FR p. 5474, Friday, February 4, 1983

David A. Stockman,
Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1983 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by the President	$1,554.0
Accepted by the Congress	-0-
Rejected by the Congress	-0-
Pending before the Congress	$1,554.0

TABLE B

STATUS OF 1983 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President	$13,365.2
Routine Executive releases (-$4436.8 million) and adjustments ($566.0 million) through March 1, 1983	-3,870.8
Overturned by the Congress	-0-
Currently before the Congress	$ 9,494.4 a

a. This amount includes $4.9 million in outlays for a Department of the Treasury deferral (D83-16A).

Attachments

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 — AS OF 03/03/83 10:06

AS OF MARCH 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs BA	R83- 2		15,133	2 1 83			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA			15,133				
DEPARTMENT OF AGRICULTURE							
Agricultural Research Service							
Buildings and facilities BA	R83- 3		1,927	2 1 83			
Soil Conservation Service							
Watershed and flood prevention operations BA	R83- 4		68,995	2 1 83			
Resource conservation and development BA	R83- 5		5,600	2 1 83			
Agricultural Cooperative Service							
Salaries and expenses BA	R83- 6		778	2 1 83			
DEPARTMENT OF AGRICULTURE TOTAL BA			77,301				
DEPARTMENT OF COMMERCE							
National Oceanic and Atmospheric Administration							
Construction BA	R83- 1		3,000	12 16 82			
DEPARTMENT OF COMMERCE TOTAL BA			3,000				
DEPARTMENT OF EDUCATION							
Office of Elementary and Secondary Education							
Compensatory education for the disadvantaged BA	R83- 7		133,928	2 1 83			
School assistance in federally affected areas BA	R83- 8		5,000	2 1 83			
Special programs and populations BA	R83- 9		56,639	2 1 83			
Indian education BA	R83- 10		16,128	2 1 83			
Off. of Bilingual Educ. & Minority Lang. Affairs							
Bilingual eduation BA	R83- 11		43,523	2 1 83			
Office of Postsecondary Education							
Guaranteed student loans BA	R83- 12		900,000	2 1 83			
Higher and continuing education BA	R83- 13		68,941	2 1 83			

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1983 AS OF 03/03/83 10:06

AS OF MARCH 1, 1983 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Office of Educational Research and Improvement								
Educational research and statistics	BA	R83- 14		6,225	2 1 83			
DEPARTMENT OF EDUCATION TOTAL	BA			1,230,381				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Payments for oper. of low income housing proj.	BA	R83- 15		69,000	2 1 83			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL	BA			69,000				
DEPARTMENT OF THE INTERIOR								
National Park Service								
Construction	BA	R83- 16		63,600	2 1 83			
DEPARTMENT OF THE INTERIOR TOTAL	BA			63,600				
DEPARTMENT OF TRANSPORTATION								
Federal Highway Administration								
Federal-aid highways (trust fund)	BA	R83- 17		23,200	2 1 83			
Coast Guard								
Nat l recreat. boat. safety & facil. improv.	BA	R83- 18		5,000	2 1 83			
DEPARTMENT OF TRANSPORTATION TOTAL	BA			28,200				
OTHER INDEPENDENT AGENCIES								
Corporation for Public Broadcasting								
Public broadcasting fund	BA	R83- 19		45,000a	2 1 83			
OTHER INDEPENDENT AGENCIES TOTAL	BA			45,000				
OFF-BUDGET FEDERAL ENTITIES								
Department of Agriculture								
Rural telephone bank	BA	R83- 20		23,400	2 1 83			
OFF-BUDGET FEDERAL ENTITIES TOTAL	BA			23,400				
TOTAL	BA			1,554,015				

a. This is a rescission of FY 1985 funds.

END OF REPORT

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 — AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D83- 40	10,000		2 1 83				10,000
International Security Assistance								
Foreign military sales credit								
BA	D83- 21	165,000		12 7 82				
BA	D83- 21A		1,010,000	2 1 83				1,175,000
Economic support fund								
BA	D83- 22	554,720		12 7 82				
BA	D83- 22A		1,347,130	2 1 83	-608,150		551,150	1,844,850
Military assistance								
BA	D83- 29	11,650		12 7 82				
BA	D83- 29A		221,350	2 1 83	-11,650		11,650	233,000
International Development Assistance								
Functional development assistance program								
BA	D83- 1	8,139		10 1 82	-8,139			
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		749,488	2,578,480		-627,929		562,800	3,262,850
DEPARTMENT OF AGRICULTURE								
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D83- 36	7,000		1 5 83				7,000
Soil Conservation Sevice								
Watershed and flood prevention operations								
BA	D83- 41	10,329		2 1 83				10,329
Animal and Plant Health Inspection Service								
Salaries and expenses								
BA	D83- 34	2,130		12 16 82				
BA	D83- 34A		4,068	2 1 83				6,200
Forest Service								
National forest system								
BA	D83- 42	108,035		2 1 83				108,035
Timber salvage sales								
BA	D83- 2	10,002		10 1 82				
BA	D83- 2A		3,105	2 1 83				13,107
Expenses, brush disposal								
BA	D83- 3	44,575		10 1 82	-10,042			34,533
DEPARTMENT OF AGRICULTURE TOTAL BA		182,075	7,171		-10,042			179,204
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs								
BA	D83- 43	181,900		2 1 83				181,900
Economic development revolving fund								
BA	D83- 37	25,350		1 5 83	-25,350			
International Trade Administration								
Operations and administration								
BA	D83- 44	20,100		2 1 83				20,100
Participation in U.S. expositions								
BA	D83- 4	[illegible]		10 1 82	-571			2,785
National Oceanic and Atmospheric Administration								
Construction								
BA	D83- 48	3,000		2 1 83				3,000
Promote and develop fishery products and research								
BA	D83- 8	30,619		10 1 82	-30,619			

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
National Bureau of Standards								
Scientific & technical research & services								
BA	D83- 38	6,500		1 5 83				6,500
DEPARTMENT OF COMMERCE TOTAL BA		270,825			-56,540			214,285
DEPARTMENT OF DEFENSE-MILITARY								
Procurement								
Shipbuilding and conversion, Navy								
BA	D83- 46	2,400,000		2 1 83	-2,400,000			
Military Construction								
Military construction, all services								
BA	D83- 6	64,063		10 1 82				
BA	D83- 6A		1,166,415	12 7 82	-784,178			446,300
Family Housing, Defense								
Family housing, Defense								
BA	D83- 23	161,640		12 7 82				161,640
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA		2,625,703	1,166,415		-3,184,178			607,940
DEPARTMENT OF DEFENSE-CIVIL								
Corps of Engineers								
Construction, general								
BA	D83- 47	180,000		2 1 83				180,000
Wildlife Conservation, Military Reservations								
Wildlife conservation								
BA	D83- 7	1,061		10 1 82	-6		-50a	1,005
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA		181,061			-6		-50	181,005
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply R&D-plant and capital equip.								
BA	D83- 48	91,107		2 1 83				91,107
Fossil energy research and development								
BA	D83- 8	20,136		10 1 82				
BA	D83- 8A			b 2 1 83	-15,136			5,000
Fossil energy construction								
BA	D83- 49	20,000		2 1 83				20,000
Energy conservation								
BA	D83- 24	22,800		12 7 82	-22,800			
Strategic Petroleum Reserve								
BA	D83- 50	57,400		2 1 83				57,400
Departmental Administration								
Depart. admin., operating expenses								
BA	D83- 51	21,787		2 1 83				21,787
Depart. admin., plant & capital equipment								
BA	D83- 52	12,693		2 1 83				12,693
DEPARTMENT OF ENERGY TOTAL BA		245,906			-37,936			207,987

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Alcohol, Drug Abuse & Mental Health Administration								
Construction & renovation, St. Elizabeths Hospital								
BA	D83- 9	9,714		10 1 82				9,714
Office of Assistant Secretary for Health								
Special foreign currency program								
BA	D83- 10	6,420		10 1 82				6,420
Social Security Administration								
Limitation on administrative expenses								
BA	D83- 53	9,633		2 1 83				9,633
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		25,767						25,767
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Subsidized housing programs								
BA	D83- 84	3,081,153		2 1 83				3,081,153
Payments for operation of low income housing								
BA	D83- 30	190,000		12 7 82	-190,000			
Community Planning and Development								
Community development grants								
BA	D83- 31	221,000		12 7 82	-221,000			
Urban development action grants								
BA	D83- 32	234,000		12 7 82				
BA	D83- 32A		10,000	1 5 83				244,000
Urban homesteading								
BA	D83- 33	8,000		12 7 82	-8,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL BA		3,684,153	10,000		-378,000			3,325,153
DEPARTMENT OF THE INTERIOR								
Office of Water Research & Technology								
Salaries and expenses								
BA	D83- 25	2,545		12 7 82	-2,545			
National Park Service								
Land acquisition and state assistance								
BA	D83- 11	30,000		10 1 82				
BA	D83- 11A		3,000	2 1 83				33,000
Minerals Management Service								
Payments from proceeds, sale of water								
BA	D83- 39	48		1 5 83				48
Office of Territorial Affairs								
Administration of territories								
BA	D83- 55	3,188		2 1 83				3,188
DEPARTMENT OF THE INTERIOR TOTAL BA		35,781	3,000		-2,545			36,236
DEPARTMENT OF JUSTICE								
Interagency Law Enforcement								
Organized crime drug enforcement								
BA	D83- 96	13,656		2 1 83				13,656
Federal Prison System								
Buildings and facilities								
BA	D83- 36	16,330		12 16 82				16,330
DEPARTMENT OF JUSTICE TOTAL BA		29,986						29,986
DEPARTMENT OF STATE								
International Organizations and Conferences								
Contributions to international organizations								
BA	D83- 57	8,111		2 1 83				8,111

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
Other								
Emergency refugee and migration assistance fund								
BA	D83- 12	37,692		10 1 82			-1,844a	25,848
U.S. bilateral science and technology agreements								
BA	D83- 58	2,000		2 1 83				2,000
DEPARTMENT OF STATE TOTAL BA		47,803					-1,844	45,958
DEPARTMENT OF TRANSPORTATION								
Urban Mass Transportation Administration								
Urban mass capital fund								
BA	D83- 59	225,000		2 1 83				225,000
Federal Aviation Administration								
Construction, Metropolitan Washington Airports								
BA	D83- 59	500		2 1 83				500
Civil supersonic aircraft development termination								
BA	D83- 13	46		10 1 82				46
Facilities & equip. (Airport & airway trust fund)								
BA	D83- 14	158,485		10 1 82				
BA	D83- 14A		566,751	2 1 83				725,236
Coast Guard								
Natl recreat. boat. safety & facil. improv.								
BA	D83- 61	40,000		2 1 83				40,000
DEPARTMENT OF TRANSPORTATION TOTAL BA		428,031	566,751					994,782
DEPARTMENT OF THE TREASURY								
Office of Revenue Sharing								
State and local government fiscal assistance fund								
BA	D83- 15	106,474		10 1 82				
BA	D83- 15A		[illegible]	12 7 82	-1,820		273	108,232
O	D83- 16	7,909		10 1 82				
O	D83- 16A		6,537	12 7 82	-14,415		4,847	4,878
Federal Law Enforcement Training Center								
Construction								
BA	D83- 17	3,078		10 1 82				3,078
DEPARTMENT OF THE TREASURY								
TOTAL BA		[illegible]	[illegible]		-1,820		273	108,310
TOTAL O		7,909	6,537		-14,415		4,847	4,878
NATIONAL AERONAUTICS & SPACE ADMINISTRATION								
Research and development								
BA	D83- 26	[illegible]		12 7 82				34,500
VETERANS ADMINISTRATION								
Construction, major projects								
BA	D83- 27	4,000		12 7 82				4,000

ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1983 AS OF 03/03/83 12:10

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 3-1-83
OTHER INDEPENDENT AGENCIES									
District of Columbia									
Loans to DC for capital investment									
	BA	D83- 19	38,832		10 1 82	-38,832			
Interstate Commission on the Potomac River Basin									
Contrib. to Interst. Comm. on Potomac Riv. Basin									
	BA	D83- 38	12		12 7 82				12
Pennsylvania Avenue Development Corporation									
Land acquisition and development fund									
	BA	D83- 19	17,949		10 1 82				
	BA	D83- 19A		4,409	12 16 82				22,358
Railroad Retirement Board									
Milwaukee railroad restructuring, administration									
	BA	D83- 20	240		10 1 82				
	BA	D83- 20A		250	2 1 83				490
Small Business Administration									
Business loan and investment fund									
	BA	D83- 62	143,000		2 1 83				143,000
Surety bond guarantees revolving fund									
	BA	D83- 63	3,000		2 1 83				3,000
Pollu. cont. equip. contract guar. revolv.									
	BA	D83- 64	1,000		2 1 83				1,000
Motor Carrier Ratemaking Study Commission									
Salaries and Expenses									
	BA	D83- 65	282		2 1 83				282
Tennessee Valley Authority									
Tennessee Valley Authority fund									
	BA	D83- 66	47,271		2 1 83				47,271
United States Information Agency									
Salaries and expenses (spec. for. curr. prog.)									
	BA	D83- 67	1,344		2 1 83				1,344
Acquis. and construction of radio facilities									
	BA	D83- 68	12,437		2 1 83				12,437
United States Railway Association									
Payments for purchase of Conrail securities									
	BA	D83- 69	84,000		2 1 83	-83,600			400
OTHER INDEPENDENT AGENCIES TOTAL BA			349,367	4,659		-122,432			231,594
TOTAL BA			9,014,008	4,336,781		-4,422,431		561,179	M,489,538
TOTAL O			7,909	6,537		-14,415		4,847	4,878

a. This adjustment is being made to reflect actual unobligated balances available on October 1, 1982. All unobligated balances are being withheld from obligation.

b. This revision is a technical adjustment that did not increase the amount deferred.

END OF REPORT

[FR Doc. 83-6624 Filed 3-15-83; 8:45 am]

BILLING CODE 3110-01-C

federal register

Wednesday
March 16, 1983

Part V

Office of Management and Budget

Budget Deferral Report

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferral Report

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $50,000,000 and one revision to a previously reported deferral, increasing the amount deferred by $1,498,389.

The deferrals affect the Department of Energy and the Department of the Treasury.

The details of each deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE, March 9, 1983.

BILLING CODE 3110-01-M

Deferral No: 83-70

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Deferral #	Item	Budget Authority

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Energy Activities	
	Atomic Energy Defense Activities	
D83-70	Atomic energy defense activities: plant and capital equipment	50,000
	Department of the Treasury	
	Office of Revenue Sharing	
D83-16B	State and local government fiscal assistance trust fund	15,944 2/
	Subtotal, deferrals	65,944

SUMMARY OF SPECIAL MESSAGES
FOR FY 1983
(in thousands of dollars)

	Rescissions	Deferrals
Sixth special message		
New items	---	50,000
Change to amounts previously submitted	---	1,498
Effects of Sixth special message	---	51,498
Amounts previously submitted that were changed by this message	---	14,446
Total, rescissions and deferrals	---	65,944
Amounts previously submitted that were not changed by this message	1,554,015 1/	13,350,790
Total amount proposed to date in all special messages	1,554,015 1/	13,416,734

1/ This amount includes $23,400,000 in current budget authority for the rural telephone bank that is offset by a corresponding increase in permanent budget authority (R83-20).
2/ All amounts listed represent budget authority except for $15,944,000 in one general revenue sharing deferral of outlays only (D83-16B).

Deferral No: D83-70

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy
Bureau: Atomic Energy Defense Activities
Appropriation title & symbol: Atomic Energy Defense Activities: (Plant and Capital Equipment, 89X0221)
OMB identification code: 89-0220-0-1-053
Grant program: ☐ Yes ☒ No
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year

New budget authority (P.L. 97-377): $1,328,000,000
Other budgetary resources: 25,832,388
Total budgetary resources: 1,353,832,388
Amount to be deferred: Part of year: _____ Entire year: 50,000,000
Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other _____
Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: This appropriation funds the research and development and production of nuclear weapons including the management of nuclear wastes resulting from these activities for the Department of Defense.

This deferral action is being taken due to delays in construction of permanent facilities for the Waste Isolation Pilot Plant. It is now anticipated that construction will not begin until late 1983. The reservation of these funds is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: This deferral has no programmatic effect as it is consistent with an anticipated delay in obtaining the authority to withdraw land, a prerequisite to initiating construction.

Outlay Effect: This deferral will have no effect on FY 1983 outlays.

D83-15S

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises the previous Deferral Number D83-15A, transmitted to Congress on December 7, 1982.

This revised deferral report for the State and Local Government Fiscal Assistance Trust Fund in the Office of the Secretary of the Treasury increases the previously reported deferral from $14,445,599 to $15,943,988. The increase of $1,490,389 results from withholding payments from various governments for reasons of non-compliance with the requirements of the State and Local Fiscal Assistance Act, as amended.

Deferral No: D83-15S

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 97-272): $4,566,700,000
Bureau: Office of Revenue Sharing	Other budgetary resources: 104,871,826 3/
Appropriation title & symbol: State and Local Government Fiscal Assistance Trust Fund 20X8111 1/ 2/	Total budgetary resources: 4,671,571,826
	Amount to be deferred: Part of year: 15,943,988 4/*
	Entire year:
MB identification code: 20-8111-0-7-851	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act P.L. 92-512 Sections 121 & 123 ☒ Other P.L. 94-488, P.L. 96-604
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: * The State and Local Government Fiscal Assistance Trust Fund is the vehicle for disbursement of general revenue sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of non-compliance with the requirements of the State and Local Fiscal Assistance Act, as amended. This deferral action is taken pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Effects: The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Outlay Effect: There is no outlay effect from this deferral because the funds are expected to be disbursed during FY 1983.

1/ This account is subject to another deferral (D83-15).
2/ This account was the subject of similar deferrals during FY 1982 and FY 1981.
3/ Carryover into FY 1983 - unobligated reserve.
4/ Deferral of outlays only.
* Revised from previous submission.

[FR Doc. 83-6823 Filed 3-15-83; 8:45 am]
BILLING CODE 3110-01-C

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Vol. 48, No. 52

Wednesday, March 16, 1983

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Federal Register
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Thursday, March 17, 1983

Presidential Documents

Title 3—

The President

Proclamation 5032 of March 15, 1983

Loyalty Day, 1983

By the President of the United States of America

A Proclamation

It was once written that America is great because it is good, and if America ever ceases to be good, America will cease to be great. So long as Americans remain faithful—in deeds as well as thought—to the ideals embodied in our Constitution and furthered in our free institutions, our Nation's greatness will flourish.

Americans have fought, and many have died, to preserve the blessings of liberty in this fair land. Each of us has the opportunity to honor these sacrifices and to renew our commitment to American ideals as we go about our daily lives. When we participate in a free election, extend a helping hand to a neighbor, live responsible and productive lives, or teach a child through our own actions that all people are equal under the law, we manifest our allegiance to this great country.

We must never take our precious freedoms for granted. Rather, from time to time we must rededicate ourselves to the magnificent ideals of our great democracy—liberty, justice, and dignity for all mankind.

For this purpose, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369; 36 U.S.C. 162), has designated May 1 of each year as Loyalty Day, a day for reflection upon our national institutions, our heritage of freedom, and what it means to be an American.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Sunday, May 1, 1983, as Loyalty Day and call upon all Americans and patriotic, civic, and educational organizations to observe that day with appropriate ceremonies.

I call upon all government officials to display the flag of the United States on all Government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of March, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-7211
Filed 3-16-83; 12:21 am]
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Rules and Regulations

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 570; Navel Orange Reg. 569, Amdt. 1]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 18–24, 1983, and increases, the quantity of such oranges that may be so shipped during the period March 11–17, 1983. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective March 18, 1983, and the amendment is effective for the period March 11–17, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings.

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on March 15, 1983 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.670 is added as follows:

§ 907.670 Navel orange regulation 570.

The quantities of navel oranges grown in California and Arizona which may be handled during the period March 18, 1983 through March 24, 1983, are established as follows:

(1) District 1: 1,750,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

2. Section 907.669 Navel Orange Regulation 569 (48 FR 10037), is hereby revised to read:

§ 907.669 Navel orange regulation 569.

* * * * *

(1) District 1: 1,750,000 cartons;
(2) District 2: Unlimited cartons;
(3) District 3: Unlimited cartons;
(4) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 16, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83–7238 Filed 3–16–83; 1:14 pm]
BILLING CODE 3410–02–M

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Almond Butter and Crediting for Marketing Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the almond butter and creditable marketing promotion provisions of the administrative rules and regulations established under the Federal marketing order for California almonds to: (1) Liberalize the definition of "almond butter" as it applies to the disposition of reserve almonds and (2) require handlers who wish to receive credit against their assessment obligations for the distribution of sample packages of almonds to obtain approval from the Almond Board of California prior to such distribution. These changes are made in response to changing industry needs and to improve order operation.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it will result in only minimal costs being incurred by the regulated 33 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register**. The change in the definition of "almond butter" will relax restrictions on handlers, and handlers should have the opportunity to utilize that increased flexibility as soon as possible.

The change in the creditable marketing promotion provisions is designed as a notice to handlers that distribution of sample packages to certain market segments is not eligible for credit against assessment obligations. The Almond Board of California should have the opportunity to implement this safeguard as soon as possible.

Notice of this action was published in the February 7, 1983, issue of the **Federal Register** (48 FR 5569), and interested persons were afforded an opportunity to submit written comments. No comments were received.

This final rule revises §§ 981.466 and 981.441(d)(1)(i)(D) of Subpart—Administrative Rules and Regulations (7 CFR Part 981.401–981.474; 47 FR 25001; 40783). This subpart is issued under the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based on two unanimous recommendations of the Almond Board of California, hereinafter referred to as the "Board," which works with USDA in administering the order.

Section 981.466 stipulates the specifications for almond butter as used in § 981.66(c) as an outlet for the disposition of reserve almonds. Section 981.466 currently defines "almond butter" as a "comminuted food product prepared by grinding shelled almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension."

Recently, the Board launched a new program to use reserve almonds to expand the almond butter market. The Board hopes to expand almond butter consumption to absorb a large quantity of almonds in the face of anticipated larger crops. To meet this goal, new almond butter products must be developed which can compete with peanut butter. Thus, the following two changes in the current definition of "almond butter" should be made to encourage the development of such new products.

First, the words "or blanched" should be added after the word "shelled" to allow for an almond butter made from blanched almonds. Recent research has shown that unflavored, blanched, roasted almond butter is preferred over almond butter made from other almond forms. While "blanched almonds" may be construed to be a type of "shelled almonds," the industry defines "blanched almonds" and "shelled almonds" as two distinct products. Thus, the additional language is added for clarification.

The second change provides for a chunky style almond butter containing almond chunks or pieces up to a maximum of 25 percent by weight of the finished product. The size of the individual almond pieces used to make this chunky style almond butter could not exceed 7/16 inch in any dimension. While the current definition allows for a chunky style almond butter "having very few particles larger than 1/16 inch in any dimension," the Board believes that this definition is too strict in light of current standards for chunky style peanut butter. The change will encourage the development of chunky style almond butter products which can compete with chunky style peanut butter.

Section 981.441(d)(1)(i) stipulates the conditions under which handlers may receive credit against their pro rata expense assessment obligations for the distribution of sample packages containing one-half ounce or less of almonds to charitable or educational outlets. Section 981.441(d)(1)(i)(D) specifies that credit shall not be granted for sample packages distributed to market segments where almonds are already being sold, and that "handlers should obtain approval from the Board prior to distribution to ensure that this condition is met."

This final rule also revises § 981.441(d)(1)(i)(D) by changing "should" to "shall", thereby making Board approval a mandatory requirement. This change is to put handlers on notice that they cannot receive credit against their assessment obligations for the distribution of sample packages to market segments where almonds are already being sold.

After consideration of all relevant matter presented, including that in the notice, the Board's recommendation, and other available information, it is further found that to revise §§ 981.466 and 981.441(d)(1)(i)(D) will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, and California.

PART 981—[AMENDED]

Therefore, §§ 981.466 and 981.441(d)(1)(i)(D) of Subpart—Administrative Rules and Regulations are revised as follows:

1. Section 981.466 is revised to read as follows:

§ 981.466 Almond butter.

Almond butter as used in § 981.66(c) is hereby defined as a comminuted food product prepared by grinding shelled or blanched almonds into a homogeneous plastic or semiplastic mass or liquid having very few particles larger than 1/16 inch in any dimension. To produce chunky style almond butter, almond chunks or pieces may be added up to a maximum of 25 percent by weight of the finished product. The size of the almond pieces used to make chunky style almond butter may not exceed 7/16 inch in any dimension.

2. Section 981.441(d)(1)(i)(D) is revised to read as follows:

§ 981.441 Crediting for marketing promotion including paid advertising.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(D) No credit shall be granted for sample packages distributed to market segments where almonds are already being sold. Handlers shall obtain approval from the Board prior to distribution to ensure that this condition is met.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 11, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-6982 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1032

[Milk Order No. 32]

Milk in the Southern Illinois Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool plants and still be priced under the order. The suspension removes the limits on such movements of milk during the months of March through August 1983. The action was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for dairy farmers regularly associated with the market. A seasonal increase in milk production and a reduction in the fluid milk requirements of pool distributing plants supplied by the cooperative association prompted the request.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4824.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: issued February 18, 1983; published February 24, 1983 (48 FR 7745).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of March 1983 in the suspension period. The initial request for this action was received on February 14, 1983. A notice of proposed suspension was issued on February 18, 1983, inviting interested parties to submit comments on the proposed action on or before March 3, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 7745) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through August 1983, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1032.13(b)(2), the language "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

2. In § 1032.13(b)(3), the language "for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section".

Statement of Consideration

This action removes the limits on the amount of milk that may be diverted from pool plants to nonpool plants during the months of March through August 1983. The order now provides that during the months of January through April and September through November not more than 8 days' production of a producer may be diverted to nonpool plants that are not other order plants. Such diversions are limited to not more than 12 days' production of a producer during August and December. Diversions to nonpool plants that are also other order plants are limited each month of the year to not more than the number of days of production of a producer that is received at pool plants.

The suspension was requested by a cooperative association that supplies milk to handlers regulated under the order. The cooperative association has received notification that pool distributing plants it supplies will need less fluid milk during March through August 1983 due to a decrease in Class I sales in the Southern Illinois market. In addition, milk production is increasing seasonally in this market. As a result, some milk of the cooperative's members will be temporarily in excess of fluid milk needs and will have to be moved to nonpool plants for surplus disposal during March through August.

Outlets for the excess milk include manufacturing plants located in the production area and distributing plants in the St. Louis area that are regulated under the adjacent St. Louis-Ozarks order. Without the suspension, some of the excess milk would become pooled under the St. Louis-Ozarks order, thereby lowering returns to producers supplying that market, while other costly and inefficient movements of milk would be made to continue to pool the milk of dairy farmers under the Southern Illinois order. Suspension of the diversion limitations will permit the excess milk to be moved to available outlets for surplus use in the most efficient manner and will assure its continued pooling in the market with which it has regularly been associated.

Interested parties were given an opportunity to submit written data, views, or arguments concerning the suspension. No views in opposition to the suspension were received.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will permit the most efficient movements of milk not needed for fluid use to available outlets for surplus use and assure the continued pooling of such milk in the market with which it has been regularly associated;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through August 1983.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 17, 1983.

Signed at Washington, D.C., on March 14, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6870 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1040

Milk in the Southern Michigan Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the months of March through September 1983 the requirement in the Southern Michigan Federal milk order that a cooperative association deliver to pool distributing plants at least 50 percent of its members' producer milk in order to qualify its supply plants as pool plants under the order. The suspension was requested by a cooperative association that represents producers supplying milk to the fluid market. The action is needed to ensure that dairy farmers who historically have been associated with the Southern Michigan market will continue to share in the market's fluid milk sales.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension: Issued February 23, 1983; published February 28, 1983 (48 FR 8288).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the issuance of the suspension in time to include March 1983 in the suspension period. The initial request for the action was received on February 15, 1983. A notice of proposed suspension was issued February 23, 1983, inviting interested parties to comment on the proposed action by March 7, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Southern Michigan marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (48 FR 8288) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. Two comments were received. A favorable comment from the proponent cooperative was filed and a comment in opposition to the suspension was received from a dairy farmer.

After consideration of all relevant information, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of March through September 1983 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1040.7(b)(2) the words "if transfers from such supply plant to plants described in paragraph (b)(5) of this section and by direct delivery from the farm to plants qualified under paragraph (a) of this section are:"

2. In § 1040.7(b)(2), subdivisions (i) and (ii).

Statement of Consideration

This action makes inoperative for the months of March through September 1983 the provisions requiring a cooperative association to deliver at least 50 percent of its members' producer milk to pool distributing plants, either through its supply plants or directly from farms, in order to qualify the supply plants as pool plants. The suspension was requested by Michigan Milk Producers Association which represents a majority of the producers supplying the market.

This action is needed because deliveries of producer milk have increased in the Southern Michigan market at a time when Class I use is declining. January 1983, the most recent month for which data are available, was the 45th consecutive month of increased milk production in the market and also was the 27th consecutive month of declining Class I sales. During 1982, producer receipts for the market increased 2.45 percent over the previous year while Class I sales decreased 5.44 percent. The increase in milk production has resulted from larger cow numbers and increased production per cow. Lower fluid milk sales are attributable to the depressed economy in Michigan.

The suspension is needed to accommodate the petitioner's recent loss of sales to a major distributor in the market.

If the provisions are not suspended for the months of March through September 1983, Michigan Milk Producers Association would encounter considerable difficulty in pooling certain supply plants and the milk of producers who historically have been associated with the Southern Michigan fluid market. This would disrupt the orderly marketing of milk in the Southern Michigan marketing area.

In view of the circumstances, the aforesaid provisions should be suspended to ensure the orderly marketing of milk supplies. This action will eliminate the possibility that producers of milk for the fluid market would lose their producer status because of the present pooling provisions and thus not have their milk priced under the order.

An individual producer opposed the proposed suspension. His comments were directed against the operations of the proponent cooperative rather than to an elevation of the current marketing conditions for the Southern Michigan market. The comments do not provide an adequate basis for denying the proposed suspension.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions in the marketing area in that substantial quantities of milk from producers who regularly supply the market otherwise would be excluded from the marketwide

pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded an opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register.**

List of Subjects in 7 CFR Part 1040

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions in § 1040.7(b)(2) of the order are hereby suspended for March through September 1983.

(Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674).

Effective date: March 17, 1983.

Signed at Washington, D.C., on: March 14, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-6871 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1430

1982–83 Milk Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination for 1982–83 Milk Price Support Program.

SUMMARY: The Commodity Credit Corporation (CCC) hereby determines that as part of the milk price support program, 50 cents per hundredweight shall be deducted from the proceeds of sale of all milk marketed commercially by producers during the period April 16 1983, through September 30, 1983. This deduction is authorized by the Agricultural Act of 1949 ("1949 Act"), as amended by section 101 of the Omnibus Budget Reconciliation Act of 1982 ("Reconciliation Act") (Pub. L. 97–253, 96 Stat. 763, approved September 8, 1982).

EFFECTIVE DATE: April 16, 1983.

FOR FURTHER INFORMATION CONTACT: Charles N. Shaw, Dairy/Sweeteners Group, Analysis Division, ASCS–USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013; (202) 447–7601. The Final Regulatory Impact Analysis and Final Regulatory Flexibility Analysis describing the actions taken in this notice of determination and their impact are available from Charles N. Shaw.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as a "major" action since the determination will result in an annual effect on the economy in excess of $100 million.

The title and number of the Federal assistance program to which this notice applies are: Title—Community Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) is not applicable to this notice of determination since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice. While the Secretary of Agriculture has determined that CCC will voluntarily comply with the provisions of 5 U.S.C. 553 (b) and (c), the Regulatory Flexibility Act does not apply in the case of voluntary agency compliance with proposed rulemaking procedures. Nevertheless, since this notice of determination may have a significant economic impact on a substantial number of small entities, a Final Regulatory Flexibility Analysis has been prepared.

An Environmental Evaluation of the effect of this notice of determination has been completed. The notice of determination is not expected to have any significant impact on the quality of the human environment. In addition, this action will not adversely affect environmental factors such as water quality or air quality. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Statutory Authority

Section 201(c) of the 1949 Act provides that the price of milk shall be supported at a level not in excess of 90 percent nor less than 75 percent of parity as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adquate to maintain productive capacity sufficient to meet anticipated future needs. Section 201(d) of the 1949 Act, as added by the Reconciliation Act, also provides that, notwithstanding any other provision of law, for the period beginning October 1, 1982, and ending September 30, 1984, the price of milk shall be supported at not less than $13.10 per hundredweight for milk containing 3.67 percent milkfat.

Section 201(d) of the 1949 Act authorizes the Secretary of Agriculture, during the period October 1, 1982, through September 30, 1985, to provide for a deduction of 50 cents per hundredweight from the proceeds of the sale of all milk marketed commercially by producers. These deductions are to be remitted to CCC to offset a portion of the cost of the dairy price support program. This authority does not apply for any fiscal year for which the Secretary estimates that the net price support purchases will be less than 5 billion pounds milk equivalent. If at any time during a fiscal year the Secretary estimates that the net price support purchases during that year will be less than 5 billion pounds, the authority for making deductions shall not apply for the balance of the year.

Section 201(d) of the 1949 Act further authorizes the Secretary of Agriculture, during the period April 1, 1983, through September 30, 1985, to provide for an additional deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers if a program is established whereby the second 50-cent deduction is refunded to producers who reduce their milk marketings by a specified amount. This authority does not apply to any fiscal year for which the Secretary estimates that the net price support purchases of dairy products will be less than 7.5 billion pounds milk equivalent during the fiscal year.

Background

For the period October 1, 1982, through September 30, 1983 the level of price support for manufacturing grade milk of national average milkfat content, 3.67 percent, was established at $13.10 per hundredweight by a notice promulgated on September 24, 1982 (47 FR 42128).

The notice of September 24 also provided for a deduction of 50 cents per hundredweight from the proceeds of sale of all milk marketed commercially by producers, beginning December 1, 1982. Proposed regulations establishing procedures for collecting the 50-cent deduction were published on September 24, 1982 (47 FR 42112) and the regulations were published in final form on November 30, 1982 (47 FR 53831). The collection of the 50-cent deduction on the basis of the September 24 notice has been barred by a preliminary injunction issued in litigation challenging the deduction on the ground that certain rulemaking procedures were not

correctly followed in promulgating the notice. That litigation continues.

Proposed regulations revising the collection procedures to permit the collection of an additional deduction of 50 cents per hundredweight from the proceeds of sale of milk and to establish a program under which the additional 50 cents deduction would be refunded to producers who reduced their marketings were published on December 17, 1982 (47 FR 56600). A notice proposing to implement a $1.00 per hundredweight deduction from commercial milk marketings and analyzing alternatives to that proposal was published on January 27, 1983 (48 FR 3764).

Price Support Program

The price of milk is supported by CCC through purchases of butter, cheese and nonfat dry milk at prices calculated to enable plant operators to pay dairy farmers, on average, a price equal to the support level. The effectiveness of the program depends on competition by manufacturers for available supplies of milk so that the average price received by farmers will equal the announced support price. At times of significant price support purchases, the purchase prices for these products tend to become the floor for the market prices of such products. Since most of the fluid milk prices are based on prices paid for manufacturing milk, the price support program undergirds all milk and dairy product prices.

Response to Public Comments

In making this determination, all comments bearing on the determination have been considered. This includes comments received in response to the January 27, 1983 notice of proposed determination, the September 24, 1982, notice of determination, and the September 24 and December 17, 1982, notices of proposed rulemaking.

The Department received approximately 5,000 comments in response to the proposals of December 17, 1982, and January 27, 1983. Of this total, approximately 4,600 were from producers, 75 from consumers, 35 from dairy cooperatives, 30 from proprietary dairy businesses, 30 from farm organizations, 45 from various agencies of State and local governments, 25 from other farm businesses, 10 from banks and other financial institutions, and 45 from producer handlers. In addition, there were petitions containing in excess of 500 signatures.

The Department received approximately 25,000 comments bearing on the subject matter of this determination in response to the September 24, 1982, notice of determination and proposed rulemaking. In addition, a number of petitions containing nearly 23,000 signatures were received.

Nearly all of the comments opposed the deduction and approximately a third also submitted suggested alternative proposals for reducing the dairy surplus and the cost of the milk price support program.

Some respondents suggested increased donations of dairy products. This is being accomplished under current programs of the Department. Projections of increased donations are included in the final impact analysis for this determination. Other comments suggested a reduction in dairy imports, or increased dairy exports. Imports are already controlled through a quota system and annually average less than 2 percent of domestic milk production. Exports of U.S. dairy products are limited because the domestic support price has resulted in a price for U.S. dairy products well above the world market.

Respondents also suggested numerous modifications to the proposed deduction, or alternatives to it. Many of the alternatives would require additional legislation or are otherwise beyond the capacity of the Secretary to implement. For example, respondents suggested termination or major modification of the price support program, a reduction in the support price, a payment program to encourage producers to reduce milk production, and an increase in the minimum amount of solids in fluid milk sold to consumers.

Some respondents suggested that the deduction proposal be modified to exempt from the deduction small producers, producers in specific regions of the country, or all producer-handlers. Others suggested that specific classes of milk be exempted. In this connection, the regulatory impact analysis was criticized for its failure to address the differential effect of the proposed deduction on various groups of producers. The modifications suggested by these respondents have not been adopted. The milk price support program is a national program which benefits milk producers of all categories in all regions of the country. Milk and milk products flow freely in interstate commerce without regard to either geographic or political boundaries. There is no basis for concluding that any group of producers do not benefit from the program and therefore should be exempt from a deduction which is intended to help offset the cost of the program. Some individual producers will be more seriously affected by the deduction than others. The price support program, however, does not guarantee a profit to every dairy farmer.

Although virtually all comments received by the Department opposed any deduction, no practical alternative is available at this time for addressing the problem of excessive milk production and milk price support program costs. Failure to implement any deduction would result in a continuation of the present situation in which milk production and price support program costs are unacceptably high.

Even with a $1.00 deduction, it is estimated that net price support purchases by CCC of milk and milk products during fiscal year 1983 would be 13.9 billion pounds milk equivalent. Thus, the first of the two statutory conditions that must be met before a deduction of $1.00 per hundredweight on commercial milk marketing is imposed has been satisfied. However, the statute also requires that there be a program for refunding 50 cents of that $1.00 to producers who reduce commercial marketing by a prescribed amount. The Department published, on January 27, 1983, a proposal for the implementation of a $1.00 per hundredweight deduction and a refund program, but no final regulation establishing a refund program has been published. Therefore, only a 50-cent, not the proposed $1.00, per hundredweight deduction may be imposed at this time. This deduction will be collected in accordance with the regulations published on November 30, 1982 (47 FR 53631).

Summary of Final Regulatory Impact Analysis

In response to comments received by the department and on the basis of more recent data, some modifications have been made in the Preliminary Regulatory Impact Analysis prepared in connection with the publication of the proposed determination on January 27. The Final Regulatory Impact Analysis reflecting these revisions is available to the public and is summarized below.

For fiscal year 1983, the level of milk price support has been established at the statutory minimum of $13.10 per hundredweight for manufacturing grade milk of national average milkfat content, 3.67 percent. (47 FR 42128, September 24, 1982).

With price support at $13.10 per hundredweight, production is projected to be 138.6 billion pounds for fiscal year 1983 if there is no deduction program, up 3.6 billion pounds from fiscal year 1982. Relatively low feed prices, resulting from record crop production, will keep milk-feed price relationships favorable for increased production. Commercial

consumption is projected to increase 1.9 billion pounds to 124.0 billion pounds, milk equivalent, because of relatively stable retail prices and increased population. It is estimated that CCC removals in fiscal year 1983 will be 14.7 billion pounds, up about 0.9 billion pounds or about 6.5 percent more than a year earlier. Despite the upward trend in consumption, purchases would continue to exceed dispositions, and CCC stocks would continue to build—a condition that has existed since October 1979.

Even with implementation of a 50 cents per hundredweight deduction on April 16, 1983, milk production in fiscal year 1983 is likely to increase from the fiscal year 1982 level by 3.2 billion pounds. Implementation of a $1.00 per hundredweight deduction would result in production increasing by 2.8 billion pounds. Neither of the two deduction programs would have a great downward effect upon milk production this fiscal year because they would not become effective until the season of highest milk production has begun.

Net price support purchases during fiscal year 1983 are projected to be 14.3 billion pounds, at a cost of $2,375 million if a 50-cent per hundredweight deduction is imposed on April 16, 1983, and 13.9 billion pounds, at a cost of $2,314 million if the deduction is $1.00 per hundredweight. Net outlays, before deductions, are projected to be $2,433 million with a 50-cent per hundredweight deduction and $2,372 million with a $1.00 per hundredweight deduction. During the period April 16, 1983, through September 30, 1983, a 50-cent per hundredweight deduction will likely total $324 million and a $1.00 per hundredweight deduction will total $646 million. Therefore, net CCC outlays for the fiscal year, after deductions, are projected to be $2,109 million assuming a 50-cent deduction and $1,726 million assuming a $1.00 deduction. These figures compare with an estimated purchase cost of $2,282 million and a net outlay of $2,498 million for fiscal year 1982, and an estimated purchase cost of $2,438 million and a net outlay of $2,496 million for fiscal year 1983 if there is no deduction.

Implementation of a deduction would principally affect farm income in the areas of greatest production. More than 60 percent of the Nation's milk production is concentrated in eight States: Wisconsin, California, New York, Minnesota, Pennsylvania, Michigan, Ohio and Iowa. However, every milk producer in the United States who markets milk commercially will be affected by the program. A 50-cent deduction represents less than 4 percent of producer gross income from milk and a $1.00 deduction represents less than 8 percent of producer gross income from milk. Since this determination is effective only for the period April 16, 1983, through September 30, 1983, this effect will be approximately halved for producers' income during fiscal year 1983.

List of Subjects in 7 CFR Part 1430

Milk, Agriculture, Price support programs, Dairy products.

Final Determination

A deduction of 50-cents per hundredweight shall be made from the proceeds of the sale of all milk marketed commercially by producers during the period April 16, 1983, through September 30, 1983.

It is estimated that, even with the 50 cent deduction applicable during this period, net price support purchases by CCC of milk and milk products will exceed 7.5 billion pounds of milk equivalent during fiscal year 1983.

In reaching this determination, consideration has been given not only to the statutory standards in section 201(c) of the 1949 Act but also to the Congressional policy statement with respect to dairy production in section 204 of the Agricultural Act of 1954. The general non-binding policy of section 204 is, of course, subject to the specific statutory standards of section 201(c). The determination will not affect the promotion of increased use of dairy products and will encourage efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment. It also will assure dairy farmers as a whole of a fair return for their labor and investment while assuring an adequate supply of pure and wholesome milk to meet current needs. Furthermore, the determination will assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs.

(Sec. 201 (c) and (d) of the Agricultural Act of 1949, as amended (7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b and 714c))

Signed at Washington on March 15, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-7196 Filed 3-16-83; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0460]

Regulation Q; Interest on Deposits, Temporary Suspension of Early Withdrawal Penalty

AGENCY: Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q early withdrawal penalty.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, flooding, and mud slides in the designated counties of California.

EFFECTIVE DATE: February 9, 1983.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Attorney (202/452-2418), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On February 9, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the California counties of Alameda, Colusa, Contra Costa, Lake, Los Angeles, Marin, Mendocino, Orange, San Benito, San Diego, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sonoma, and Ventura major disaster areas. The declaration was subsequently amended on February 14, 1983, to add the county of Monterey; and was amended again on March 4, 1983, to add the counties of Butte, Glenn, Kern, Kings, Sutter, Tehama, and San Bernardino. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, flooding, and mud slides beginning on or about January 21, 1983.

A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to February 9, 1983, and will remain in effect until 12 midnight, August 12, 1983.

List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the disaster directly affected by the severe storms, flooding, and mud slides, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, March 11, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-6873 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7876]

Income Tax; Taxable Years Beginning After December 31, 1953; Bad Debt Deduction for Thrift Institutions That Join in Filing Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the percentage bad debt deduction for certain thrift institutions. The regulations affect thrift institutions that are members of affiliated groups filing consolidated returns.

DATE: The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Yerachmiel E. Weinstein of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: CC:LR:T (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On January 30, 1981, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 (46 FR 9965) ("1981 notice"). The proposed amendments related to the determination of the percentage bad debt deduction of thrift institutions that join in filing consolidated returns. A public hearing was held on September 9, 1982. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

The regulation dealing with the determination of the consolidated percentage bad debt deduction currently in effect ("pre-1979 regulation") was supplanted by final regulations published on August 9, 1979, as T.D. 7637 in 44 FR 46838 ("1979 regulation"). These final 1979 regulations were originally promulgated to be effective for taxable years beginning after December 31, 1980. The effective date of the 1979 regulations was subsequently postponed to taxable years for which the due date (without extensions) for filing returns is after March 14, 1983, by T.D. 7815, filed on March 12, 1982.

Prior Regulations

A thrift institution is generally entitled, under the "percentage of taxable income method" of section 593(b)(2), to take as a deduction for an addition to its reserve for bad debts on qualifying loans an amount not greater than 40 percent of its taxable income (as modified under section 593(b)(2)(E)). Alternatively, a thrift institution is allowed to take as a deduction for an addition to its reserve for bad debts on qualifying loans an amount calculated under the experience method or the commercial bank percentage of eligible loans method. The deduction, in any taxable year, is the largest amount determined under any of these three alternative methods. The Code, however, does not address the question of whether losses generated by a thrift institution should affect the computation of the taxable income which is the base for computing the bad debt deduction under the percentage of taxable income method ("taxable income base"). In a separate return context, a thrift institution is required to reduce the taxable income base by loss carryovers and, for losses arising in taxable years beginning after 1977, by loss carrybacks as well. Section 1.593-6A(b)(5)(vii).

For a thrift institution that is a member ("thrift member") of an affiliated group filing a consolidated return ("consolidated group"), the additional question arises of how to treat losses of other members of the consolidated group for purposes of computing the taxable income base. The pre-1979 regulations resolved this question by providing that there would be no offset of a thrift member's taxable income base by a loss of another member, although these regulations did not follow the separate return rule for offsetting a thrift member's own losses.

A report of The General Accounting Office entitled "Savings and Loan Associations: Changes Needed in the Regulation of their Service Corporations," dated July 14, 1978, noted that many thrift institutions that were members of consolidated groups were segregating their loss activities in a separate corporation in order to maximize their taxable income base. By segregating these loss activities in a separate corporation, the thrift institution's taxable income base would not be reduced by these losses, even though the losses would continue to reduce consolidated taxable income (as determined after the bad debt deduction) for purposes of determining the tax liability of the consolidated group.

The 1979 regulations provided that the losses of each member of the consolidated group would be assigned on a pro rata basis to each thrift member for purposes of calculating each thrift member's taxable income base. The 1979 regulations thus did not differentiate between losses generated by thrift members and nonthrift members, nor did they treat any differently losses generated by nonthrift members into which the loss activities of a thrift member were segregated ("functionally related losses").

The 1981 notice, on the other hand, represents a more sophisticated response to the question of dealing with other members' losses for purposes of the taxable income base under the percentage of taxable income method. The central theme of the response is to differentiate between losses generated by thrift members and nonthrift members, and to treat the section 593 bad debt deduction as an attribute of each individual thrift member, without regard to whether the thrift member uses the percentage of taxable income method and without regard to the method used by any other thrift member. Losses generated by thrift members

(regardless of the method used to calculate their bad debt deduction) are first offset ratably against each thrift member's taxable income base before those losses are offset against nonthrift income. Losses of nonthrift members are offset against each thrift member's taxable income base only to the extent of the residual loss (if any) remaining after offsetting income and losses of all nonthrift members. The different treatment accorded thrift and nonthrift losses reflects the fact that generally the loss of a thrift member will eventually reduce the taxable income base, either by reducing the taxable income base in other taxable years of the thrift member generating the loss (which would be the case if separate returns were filed) or by reducing the taxable income base of other thrift members currently. In contrast, a nonthrift member's loss would not affect a thrift's taxable income base at all if separate returns were filed.

The 1981 notice also differentiates between nonthrift members' losses and functionally related losses, treating the latter as if they were generated by a thrift member, whether or not the separate corporation into which the activities were segregated had an overall loss.

Another important feature of the 1981 notice was the introduction of a system of restoration. Under this system, if a thrift member's taxable income base is offset by a loss of a nonthrift member in one taxable year, the taxable income base of the thrift would, in effect, be "restored" in a subsequent taxable year in which the nonthrift has taxable income. The increase to the thrift's taxable income base cannot exceed the amount of the loss which previously offset the thrift's taxable income base. This system represents a new concept in the consolidated return treatment of members entitled to special deductions computed with reference to their taxable income. This concept involves preventing the offset of other members' losses, which is an inevitable consequence of consolidation, from permanently reducing the special deduction. The only effect of that offset on the special deduction becomes one of timing. By reducing the special deduction for losses of other members, only to restore it when those other members have income, the special deduction is preserved, while maintaining the essence of consolidation, which is the treatment of the consolidated group as a single economic unit, offsetting income and losses of members currently.

Comments on the Proposed Regulations

While the 1981 notice was an improvement in the scheme of taxation of thrift members of a consolidated group, certain features of that notice were subject to criticism. In particular, offsetting a thrift member's taxable income base by nonthrift losses, even with a system of restoration, was criticized as unnecessarily more harsh than the treatment of those nonthrift losses were separate returns filed. In addition, the treatment of functionally related losses of nonthrift members was criticized. Although it was recognized that functionally related losses should indeed reduce a thrift members' taxable income base, the use of those losses when the nonthrift member as a whole generates net taxable income was criticized as an unnecessary disrespect of the separate existence of that member. Further, the system of restoration was criticized as primitive, in that only income generated in subsequent years could restore a loss. It was noted that the system did not allow a thrift to prevent or lessen a decrease (by reason of loss offset) to its taxable income base by netting prior years' income of that activity against current years' losses.

Changes Adopted in These Final Regulations

In response to these criticisms, these final regulations adopt a number of changes to the 1981 notice. They require a reduction of a thrift member's taxable income base only for losses of other thrift members and for certain functionally related losses. Based upon the treatment of losses on a separate return, losses of other thrift members that offset the taxable income base, however, include a bad debt deduction under either the experience method or the commercial bank percentage of eligible loans method. Also, in the case of losses of other thrift members, no restoration is allowed. Restoration of the other thrift member's income in other years would only have the effect of reducing that other thrift member's taxable income base in those other years. Thus, where a thrift member incurs losses, restoration ceases to be a matter of preserving the special deduction for thrift members. It becomes instead merely a matter of determining which thrift member gets the deduction, generally producing no net benefit for the consolidated group as a whole.

In the case of nonthrift members with functionally related losses, these final regulations reduce a thrift member's taxable income base only after offsetting it by losses (both current and from other years) of other thrift members. The reduction to a thrift member's taxable income base due to a functionally related loss is limited to the amount of the overall loss of the functionally related member, *i.e.*, to the extent that the nonthrift member which has the functionally related loss suffers an overall loss which is available on a consolidated return to offset other members' income. Furthermore, the definition of "functionally related loss" has been narrowed to take into account the expanded powers of thrift institutions under the Garn-St. Germain Depository Institutions Act of 1982, Pub. L. No. 97-320, 96 Stat. 1469. A functionally related loss of a nonthrift is defined with regard to all activities of the nonthrift which are functionally related to a thrift institution's activities.

In addition to offsetting current functionally related losses, these final regulations also offset a thrift member's taxable income base by consolidated net operating loss carrybacks and carryforwards attributable to functionally related losses of nonthrift members. This offset represents a complete netting of different years' losses and income. The final regulations similarly adopt a complete netting approach for the increase to a thrift member's taxable income base by reason of functionally related income. Not only is functionally related income generated in years subsequent to the year in which a nonthrift incurs a functionally related loss taken into account, but functionally related income generated in prior year is also taken into account.

There are three important limitations on this offsetting of a thrift member's taxable income base by other years' losses, however. First, those other years' losses are taken into account only to the extent they contribute to a consolidated net operating loss carryover or carryback arising in the loss year. Second, those other years' losses are generally only taken into account to the extent of the amount attributable to thrift members or functionally related activities of nonthrift members. Third, those other years' losses are generally only taken into account in a particular year to the extent they are absorbed in that year by consolidated taxable income.

These final regulations also provide a mechanism for the group to not only restore a thrift member's taxable income base by reason of the previous reduction to that thrift member's taxable income base, but also to avoid or reduce the reduction to a thrift member's taxable income base by netting prior income

against a current loss. Thus, only the remaining amount of the loss not offset by the prior years' income will need to be restored in subsequent taxable years.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b) the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Treasury decision as it will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Yerachmiel E. Weinstein of the Legislation and Regulation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR 1.1501–1 through 1.1564–1

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph 1. Section 1.1502–12 is amended by adding at the end thereof a new paragraph (q) to read as set forth below:

§ 1.1502–12 Separate taxable income.

* * * * *

(q) A thrift institution's deduction under section 593(b)(2) (relating to the addition to the reserve for bad debts of a thrift institution under the percentage of taxable income method) shall be determined under § 1.1502–42.

Par. 2. Section 1.1502–42 is amended by revising paragraph (d) and by adding new paragraphs (e) through (j).

These revised and added provisions read as follows:

§ 1.1502–42 Mutual savings banks, etc.

* * * * *

(d) *Taxable income; taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.*—(1) *In general.* For a taxable year for which the due date (without extensions) for filing returns is after March 14, 1983, a thrift's taxable income for purposes of section 593(b)(2) is its tentative taxable income (as defined in paragraph (e)(1) of this section).

(2) *Definitions.* For purposes of this section—

(i) A "thrift" is a member described in section 593(a).

(ii) A "nonthrift" is a member that is not a thrift.

(e) *Tentative taxable income (or loss).*—(1) *Thrift.* For purposes of this section, a thrift's tentative taxable income (or loss) is its separate taxable income (determined under § 1.1502–12 with paragraph (q) thereof and without any deduction under section 593(b)), subject to the following adjustments in the following order:

(i) The adjustments described in paragraph (e)(3) of this section;

(ii) The adjustments described in section 593(b)(2)(E) for those thrifts with separate taxable income greater than zero (determined after the adjustments under paragraph (e)(3) of this section); and

(iii) The adjustments described in paragraph (f) of this section.

(2) *Nonthrift.* For purposes of this section, a nonthrift's tentative taxable income (or loss) is its separate taxable income (determined under § 1.1502–12), adjusted for the portion of the consolidated net operating loss deduction attributable to the member, the portion of the consolidated net capital loss carryover or carryback attributable to the member, and further adjusted as described in paragraph (e)(3) of this section.

(3) *Adjustments for all members.* For each member, the following adjustments taken into account in the computation of consolidated taxable income are included in determining its tentative taxable income (or loss) in order to adjust separate taxable income of the member to take into account certain consolidated items:

(i) The portions of the consolidated charitable contributions deduction and the consolidated dividends received deduction attributable to the member.

(ii) The member's capital gain net income, determined without any net capital loss carryover or carryback attributable to the member.

(iii) The member's net capital loss and section 1231 net loss, reduced by the portion of the consolidated net capital loss attributable to the member.

(f) *Adjustments for thrifts.*—(1) *Reductions.* A thrift's separate taxable income (as adjusted under paragraph (e)(3) of this section) is reduced (but not below zero) by losses of thrifts and to the extent attributable to functionally related activities, losses of a nonthrift. Certain operating rules for determining the amount of the reductions are provided in paragraph (f)(4) of this section. The reductions are made in the following amounts in the following order:

(i) The thrift's allocable share (as determined under paragraph (h)(2) of this section) of another thrift's tentative taxable loss. That tentative taxable loss is determined by including a deduction under section 593(b) (other than paragraph (2) thereof) for the year in which the loss arises.

(ii) The thrift's allocable share (as determined under paragraph (h)(3) of this section) of the portion of the consolidated net operating loss deduction attributable to it or another thrift. That consolidated net operating loss deduction is determined by including a deduction under section 593(b) (other than paragraph (2) thereof) for the year in which the loss arose. The portion of a consolidated net operating loss deduction attributable to another thrift is computed by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983.

(iii) The thrift's allocable share (as determined under paragraph (h)(4) of this section) of the loss attributable to functionally related activities of a nonthrift (as determined under paragraph (g) of this section). For a rule netting that share against certain income attributable to functionally related activities of that nonthrift, see paragraph (f)(4)(iv) of this section.

(iv) The thrift's allocable share (as determined under paragraph (h)(3) of this section) of the portion of the consolidated net operating loss deduction attributable to functionally related activities of a nonthrift (as determined under paragraph (h)(5) of this section). That consolidated net operating loss deduction is determined by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983. For a rule netting that share against certain income attributable to functionally related activities of that nonthrift, see paragraph (f)(4)(iv) of this section.

(2) *Increases.* (i) A thrift's separate taxable income (as adjusted under paragraphs (e)(3) and (f)(1) of this section) is increased in a subsequent consolidated return year to restore reductions made in a prior consolidated return year to a thrift's separate taxable

income by reason of losses of a nonthrift. This increase is the amount of the thrift's allocable share (as determined under paragraph (h)(6) of this section) of the income attributable to functionally related activities of a nonthrift in a consolidated return year and is made only in that year. This increase is made only if both the thrift and the nonthrift were members of the group in the consolidated return years in which both the reduction and increase are made.

(ii) This subdivision (ii) limits the increases to a thrift's separate taxable income to assure that income of a particular nonthrift is used to restore reductions of a thrift only to the extent that such nonthrift's losses reduced the thrift's income. Therefore, as of the end of a consolidated return year, the cumulative increases to a thrift's tentative taxable income (by reason of income attributable to functionally related activities of a nonthrift) may not exceed the cumulative reductions to the thrift's separate taxable income made (by reason of the nonthrift's functionally related activities) under paragraph (f)(1)(iii) and (iv) of this section in the current and all prior consolidated return years during which both the thrift institution and the nonthrift institution were members of the group.

(iii) For a netting rule, see paragraph (f)(4)(iv) of this section.

(3) *Special Rule.* (i) If a carryback to a thrift's separate taxable income diminishes the reduction to a thrift's separate taxable income for a prior consolidated return year otherwise required by paragraph (f)(1)(iii) or (iv) of this section, then any increases to a thrift's separate taxable income under paragraph (f)(2) of this section for an intervening consolidated return year must be recomputed to take into account the effect of such carryback. Thus, if a net operating loss attributable to a thrift is carried back and completely offsets the thrift's separate taxable income (before the reductions under paragraph (f)(1)(iii) or (iv) or this section), any increase to the thrift's separate taxable income under paragraph (f)(2) of this section (attributable to a reduction in the year to which the loss is carried) for an intervening consolidated return year will be eliminated. The recomputation required by this subparagraph (3) must be reflected on an amended return for the intervening consolidated return year for which the increase was previously reported. See example (2) in paragraph (j) of this section.

(ii) If a deficiency for an intervening consolidated return year results from the application of paragraph (f)(3)(i) of this section with respect to an item to which section 6501(h) applies, the deficiency may be assessed at any time within the period described in section 6501(h).

(iii) For purposes of chapter 67 of the Code (relating to interest), the last date prescribed for payment of any tax owed as a result of the application of paragraph (f)(3)(i) of this section is deemed to be the last day of the taxable year for which the item carried back arose.

(4) *Operating rules.* For purposes of paragraphs (d) through (j) of this section—

(i) The portion of a consolidated net operating loss deduction attributable to a member is determined as follows:

(A) First, determine under § 1.1502-79(a)(3) the portion of each consolidated net operating loss attributable to the member for the particular year in which the loss arose.

(B) Second, apply the anti-double-counting rule in paragraph (h)(3)(iii) of this section so as not to take the same loss into account twice.

(C) Finally, apply the loss absorption limit in paragraph (f)(4)(iii) of this section to the total amount of the consolidated net operating loss deduction from a particular loss year.

(ii) Capital loss carryovers and carrybacks shall be taken into account in a manner consistent with the principles of paragraphs (d) through (j) of this section.

(iii) This subdivision (iii) prescribes a loss absorption limit. The total amount of the consolidated net operating loss deduction from a given year (loss year) taken into account as reductions under paragraph (f)(1) of this section for another year (absorption year) shall not exceed the amount of the consolidated net operating loss deduction attributable to the loss year absorbed in computing consolidated taxable income for the absorption year. For this purpose, consolidated taxable income for the absorption year shall include a deduction under section 593(b) (other than paragraph (2) thereof) for each thrift member.

(iv) This subdivision (iv) prescribes a rule for netting in certain cases income attributable to functionally related activities of a nonthrift in a consolidated return year ("income year") against losses attributable to functionally related activities of that nonthrift which arise in a consolidated return year ("loss year"). That nonthrift's income is netted against the portion of that nonthrift's loss which would otherwise be applied in a consolidated return year ("reduction year") under paragraph (f)(1)(iii) or (iv) of this section to reduce a thrift's tentative taxable income, but—

(A) Only if the income year is not later than the loss year and the reduction year, and

(B) Only to the extent the income had not previously been taken into account under paragraph (f)(2) of this section or this subdivision (iv) as of the close of the later of the loss year and the reduction year.

(g) *Income (or loss) attributable to functionally related activities of a nonthrift.*—(1) *In general.* For purposes of this section, the income (or loss) attributable to functionally related activities of a nonthrift is the income (or loss) of the nonthrift.

(i) Attributable to the provision of assets or the rendition of services to a thrift (such as the leasing of office space or providing computer or financial services), or

(ii) Derived from the assets described in section 7701(a)(19)(C)(iii) through (x), but only if such assets comprise 5 percent or more of the gross assets of the nonthrift.

(2) *Amount of income (or loss).* The amount of income (or loss) from such activities is the excess of (i) gross income from such activities over (ii) the deductions of the nonthrift allocable and apportionable to that gross income under the principles of § 1.861-8. The loss attributable to functionally related activities of a nonthrift is the excess (if any) of such deductions over such gross income. That loss, however, may not exceed the amount of the tentative taxable loss of that nonthrift (determined by excluding losses arising in taxable years for which the due date (without extensions) for filing returns is before March 15, 1983).

(h) *Allocation of income and losses.*—(1) *In general.* Paragraph (h)(2)–(5) of this section provides rules for allocating different losses among thrifts that have tentative taxable income greater than zero. Generally, these allocations are made in the order listed in paragraph (f)(1) of this section and are based upon the relative tentative taxable income of the thrifts to which the particular loss is allocated. For purposes of each allocation under a subdivision of such paragraph (f)(1), the tentative taxable income of the thrifts used in making this allocation is reduced by the thrift's allocable share of losses allocated to the thrift under a prior subdivision of such paragraph (f)(1). Accordingly, for purposes of this paragraph (h), tentative taxable income is determined without regard to paragraph (f) of this section, except as otherwise provided. Paragraph (h)(6) of this section provides rules for allocating income attributable to functionally related activities of a

nonthrift based upon the relative reductions to thrift income made on account of that nonthrift.

(2) *Allocation of tentative taxable loss of other thrifts.* For purposes of paragraph (f)(1)(i) of this section, a thrift's allocable share of another thrift's tentative taxable loss is the loss multiplied by a fraction. The numerator of the fraction is the tentative taxable income (if greater than zero) of the thrift, and the denominator is the aggregate of such tentative taxable income of each thrift.

(3) *Allocation of portions of a consolidated net operating loss deduction.* (i) For purposes of paragraph (f)(1)(ii) of this section, a first thrift's allocable share of the portion of the consolidated net operating loss deduction attributable to another thrift is determined under paragraph (h)(2) of this section as if that portion were a tentative taxable loss of that other thrift and by computing tentative taxable income under such paragraph (h)(2) by taking into account paragraph (f)(1)(i) of this section. A thrift's allocable share of the portion of the consolidated net operating loss deduction attributable to that thrift is equal to that entire portion.

(ii) For purposes of paragraph (f)(1)(iv) of this section, a thrift's allocable share of the portion of a consolidated net operating loss deduction attributable to functionally related activities of a nonthrift (determined under paragraph (h)(5) of this section) is determined under paragraph (h)(4) of this section as if that portion were a loss attributable to functionally related activities of the nonthrift and by computing tentative taxable income under such paragraph (h)(4) by taking into account paragraph (f)(1) (i), (ii), and (iii) of this section.

(iii) This subdivision (iii) prevents the "double-counting" of losses. The reduction to the tentative taxable income of a thrift is diminished to the extent the loss that gave rise to the reduction has previously been taken into account in reducing a thrift's tentative taxable income. Thus, any loss taken into account as a reduction to a thrift's separate taxable income under any subdivision of paragraph (f)(1) of this section shall be reduced (but not below zero) to the extent taken into account—

(A) In a prior consolidated return year under any subdivision of such paragraph (f)(1) or

(B) In the current consolidated return year under a previous subdivision of such paragraph (f)(1).

(4) *Allocation of loss attributable to functionally related activities of a nonthrift.* For purposes of paragraph (f)(1)(iii) of this section, a thrift's allocable share of a loss attributable to functionally related activities of a nonthrift is determined by multiplying the loss by a fraction. The numerator of the fraction is the tentative taxable income (if greater than zero) of the thrift (taking into account paragraph (f)(1) (i) and (ii) of this section) and the denominator is the aggregate of such tentative taxable income (so determined) of each thrift.

(5) *Portion of the consolidated net operating loss deduction attributable to functionally related activities of a particular nonthrift.* The portion of the consolidated net operating loss deduction attributable to functionally related activities of a particular nonthrift is the lesser of the following two amounts:

(i) The portion of the consolidated net operating loss deduction attributable to that nonthrift.

(ii) The aggregate of the losses attributable to functionally related activities of that nonthrift for the taxable years in which the consolidated net operating loss deduction arose.

(6) *Allocation of income attributable to functionally related activities of a nonthrift.* For purposes of paragraph (f)(2) of this section, a thrift institution's allocable share of the income attributable to functionally related activities of a nonthrift is determined by multiplying that income by a fraction. The numerator of the fraction is the amount of the cumulative reductions referred to in paragraph (f)(2)(ii) of this section (minus the cumulative increases under paragraph (f)(2) of this section) made on account of that nonthrift for the thrift and the denominator is the sum of such cumulative reductions (minus such cumulative increases) made on account of that nonthrift for all thrifts.

(7) *Proper accounting* The provisions of section 482 apply in determining a thrift institution's tentative taxable income, and in determining the gross income and deductions attributable to functionally related activities. For example, an expense such as the salary of an individual who performs services for both a thrift and a nonthrift must be allocated in a manner that fairly reflects the value of the services rendered to each.

(i) [Reserved]

(j) *Examples.* The provisions of this section may be illustrated by the following examples. In each example the letter "T" for a member denotes a thrift and the letters "NT" denote a nonthrift. Also, in each example, a thrift loss includes a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for such year and a thrift with income would have such a bad debt deduction of zero.

Example (1). (a) In 1983, corporations T1, T2, NT1, and NT2 are formed. These corporations constitute an affiliated group that files a consolidated return on the basis of a calendar year. For 1983, 1984, and 1985, the tentative taxable income (or loss) of each member (before the application of paragraph (f) of this section) is as follows:

	[illegible]	1984	[illegible]
NT1	$(60)	$(140)	$15
T1	1,000	[illegible]	[illegible]
NT2	[illegible]	[illegible]	[illegible]
T2	(300)	[illegible]	[illegible]

In 1983, NT1, in addition to its other business activities, acted as a collection agency for T1. Deductions attributable to those activities exceeded gross income attributable to those activities by $70. NT1's other activities generated a $10 gain. In 1984 and 1985, NT1 acted as a collection agency for T1 as its sole activity.

(b) The tentative taxable incomes of T1 and T2 for 1983 (determined under paragraph (e) of this section) as of the close of that year are adjusted by paragraph (f) of this section as follows:

(i) T1's tentative taxable income:		
T1's tentative taxable income (before the application of paragraph (f) of this section		$1,000
Less:		
T2's tentative taxable loss	$300	
NT1's functionally related loss (limited by NT1's overall loss)	60	360
T1's tentative taxable income for 1983		640

(ii) T2's tentative taxable income for 1983 is [illegible].

(c) The tentative taxable incomes of T1 and T2 for 1984 (determined under paragraph (e) of this section as of the close of that year) are adjusted by paragraph (f) of this section as follows:

(i) T1's tentative taxable income:

T1's tentative taxable income (before the application of paragraph (f) of this section)	$500
Less:	
T1's allocable portion of NT1's functionally related loss (140x500/(500+400))	78
T1's tentative taxable income for 1984	422

(ii) T2's tentative taxable income:

T2's tentative taxable income (before the application of paragraph (f) of this section	400
Less:	
T2's allocable portion of NT1's functionally related loss (140x400/(500+400))	62
T2's tentative taxable income for 1984	338

(d) For 1985, the amount under paragraph (f) (2) of this section for both T1 and T2 is $15 (NT1's tentative taxable income from functionally related activities for 1985). For 1983 and 1984, T1's tentative taxable income was reduced by a total of $138 (*i.e.*, $60 + $78) due to NT1's losses from functionally related activities. For 1984, T2's tentative taxable income was reduced by $62 due to those losses. Accordingly, under paragraph (f)(2) of this section, T1's tentative taxable income for 1983 is increased by $10 (*i.e.*, $15x$138/($138+$62)) and T2's tentative

taxable income is increased by $5 (*i.e.*, $15x$62/($138+$62)).

Example (2). (a) In 1983, corporations T, NT1, and NT2 are formed. these corporations constitute an affiliated group. NT2 provides computer services to T as its sole activity. For the calendar years 1983, 1984, and 1985, the group files a consolidated return. The tentative taxable income of each member (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T	$100	$0	$(200)
NT1	200	0	100
NT2	(300)	0	0

(b) Under paragraph (f)(1) of this section, T's tentative taxable income for 1983 (determined at the close of that year) is reduced to $80 (*i.e.*, $100 less NT2's $20 loss). For 1984, under paragraph (f)(2) of this section, T's tentative taxable income is increased by $20. For 1985, the consolidated net operating loss of $100 (all of which is attributable to T) is carried back to 1983. That $100 carryback is not limited by paragraph (f)(4)(iii) of this section, since consolidated taxable income for 1983 available for absorption after a bad debt deduction of $0 under section 593(b) (other than paragraph (2) thereof) for that year is $280. Accordingly, under paragraph (f)(1)(ii) of this section, T's tentative taxable income is reduced by the full $100, which is taken into account before the previous reduction of T's tentative taxable income under paragraph (f)(1)(iii) of this section. In addition, under paragraph (f)(3)(i) of this section, the group must file an amended return for 1984 to eliminate the increase to T's bad debt deduction for 1984 by reason of the consolidated net operating loss carryback to 1983.

Example (3). (a) T and NT are formed in 1983 and are the only members of an affiliated group filing a consolidated return on a calendar year basis. NT provided computer services to T as its sole activity. For 1983, 1984, and 1985, the tentative taxable income of T and NT (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T	$100	$0	$0
NT	0	40	(40)

(b) At the close of 1983, T's tentative taxable income is $100. For 1985, however, the group has a consolidated net operating loss of $40, all of which is attributable to NT's functionally related activities and which is carried back to 1983. However, T's tentative taxable income for 1983 is not reduced under paragraph (f)(1)(iv) of this section, since, under paragraph (f)(4)(iv) of this section, NT's 1984 income attributable to functionally related activities of $40 is netted against that $40 carryback.

Example (4). (a) In 1983, corporations T1, T2, NT1, and NT2 are formed. For calendar years 1983, 1984, and 1985, the affiliated group consisting of T1, T2, NT1, and NT2 filed a consolidated return. NT1 provided computer services to T1 as its sole activity. The tentative taxable income of each member (before the application of paragraph (f) of this section) is as follows:

	1983	1984	1985
T1	($50)	100	$0
T2	(50)	(60)	(25)
NT1	(50)	(40)	(99)
NT2	120	30	100

(b) For 1983, the group has a consolidated net operating loss of $30, apportioned $10 each to T1, T2, and NT1 under § 1.1502–79(a)(3). For 1984, the only thrift with tentative taxable income greater than zero (before applying paragraph (f) of this section) is T1. That tentative taxable income of $100 is first reduced to $20 by T2's $80 1984 loss under paragraph (f)(1)(i) of this section. Next, T1's remaining tentative taxable income of $20 is reduced to $10 by the portions attributable to T1 and T2 of the 1983 consolidated net operating loss carryover to 1984 under paragraph (f)(1)(ii) of this section. The sum of those portions is limited to $10 (*i.e.*, $5 each) by paragraph (f)(4)(iii) of this section because 1984 consolidated taxable income available for absorption after a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for each thrift member for that year is $10. For that reason, paragraph (f)(4)(iii) of this section also prevents any further portion of that carryover from being taken into account in 1984 as a reduction under paragraph (f)(1) of this section. T1's remaining tentative taxable income of $10 is reduced to zero, under paragraph (f)(1)(iii) of this section, by NT1's 1984 tentative taxable loss.

(c) For 1985, the only thrift with tentative taxable income greater than zero (before applying paragraph (f) of this section) is T1. T1's tentative taxable income for 1985 of $30 is reduced to $5 by T2's 1985 loss of $25 under paragraph (f)(1)(i) of this section. Next, the portions attributable to T1 and T2 of the consolidated net operating loss carryover from 1983 to 1985 for purposes of paragraph (f)(1)(ii) of this section must be determined. That determination is made without applying the rules for loss absorption in computing consolidated taxable income under § 1.1502–21(b)(3). Those portions are instead determined in 3 steps under paragraph (f)(4)(i) of this section. The first of those steps is to determine each of T1's and T2's attributable portions of the 1983 consolidated net operating loss which under § 1.1502–79(a)(3) is $10 or $20 for both thrifts. The second of those steps is to apply the anti-double counting rule under paragraph (h)(3)(iii) of this section to reduce that $20 amount by the $10 total of the two $5 portions attributable to T1 and T2 of the consolidated net operating loss carryover from 1983 to 1984 taken into account as reductions to T1's tentative taxable income for 1984 under paragraph (f)(1)(ii) of this section. That leaves a $10 total amount available to be taken into account as reductions to T1's remaining tentative taxable income of $5 for 1985 under paragraph (f)(1)(ii) of this section. Under the third of those steps that $10 amount, however, is limited, under the loss absorption limit of paragraph (f)(4)(iii) of this section, to the $6 of the 1983 consolidated net operating loss carryover to 1985 which is absorbed in computing consolidated taxable income for 1985 since 1985 consolidated taxable income available for absorption after a bad debt deduction under section 593(b) (other than paragraph (2) thereof) for that year is $6 (*i.e.*, $30+$100−$99−$25). Because separate taxable income cannot be reduced below zero under paragraph (f)(1) of this section, T1's remaining tentative taxable income of $5 is thus reduced to zero by the portions attributable to T1 and T2, respectively, of the consolidated net operating loss carryover from 1983 to 1985 under paragraph (f)(1)(ii) of this section.

(Secs. 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 14, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6974 Filed 3-14-83; 4:57 pm]

BILLING CODE 4830-01-M

Fiscal Service

31 CFR Part 240

Extension of the Treasury's Reclamation Authority

AGENCY: Bureau of Government Financial Operations, Fiscal Service, Treasury.

ACTION: Temporary rule.

SUMMARY: Under 31 CFR 240.4 and 240.5, Treasury has the right to refunds from banks and other indorsers receiving payment on Treasury checks bearing forged or unauthorized indorsements or any other material defects or alterations. The United States has a common law right to offset amounts owed to it against amounts in its possession belonging to its debtors. *United States v. Munsey Trust Co.*, 332 U.S. 234, 239 (1947). Further, Treasury is authorized under the Federal Claims Collection Act of 1966, as amended by Pub. L. 97–365, section 10, to issue regulations that authorize it to recover amounts of delinquent reclamations and accrued interest thereon by offsetting those amounts against amounts in the possession of the United States that are owed to presenting banks.

For reasons stated in the Supplementary Information section of this rule, Treasury has decided to publish this temporary rule with an effective date of fewer than 30 days from the date of publication. In the near future, Treasury will be publishing a

Notice of Proposed Rulemaking requesting public comments on whether procedures similar to those contained in this temporary rule should be adopted as a final rule.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. Serlin, Assistant Commissioner, Governmentwide Accounting, Room 418, Treasury Annex, Pennsylvania Avenue and Madison Place, N.W., Washington, D.C. 20226 (202–566–5594).

SUPPLEMENTARY INFORMATION: The purpose of the rule is more effective debt collection. Under the Federal Claims Collection Act of 1966, as amended, the Secretary of the Treasury has the duty to attempt collection of all claims of the United States for money or property arising out of the activities of, or referred to Treasury. *See*, section 1, Pub. L. 97–258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3711 (1982)) and 4 CFR 102.3. Treasury's claims against indorsers of, and banks that present for payment, Treasury checks bearing forged or unauthorized indorsements are within the scope of this duty. Historically, many presenting banks have declined to pay these legitimate claims (reclamations), forcing Treasury to either litigate its claims, a procedure which is rarely cost-effective, or absorb the loss.

Treasury first advised the public that it was considering collecting amounts owed it because of check claims by offset against amounts owed a presenting bank by a Federal Reserve Bank in an Advance Notice of Proposed Rulemaking (ANPR) published in the **Federal Register** on April 25, 1979 (44 FR 24306). (Although the term "setoff" was used in the ANPR and in the Notice of Proposed Rulemaking discussed below, the term "offset" will be used uniformly here because the debt collection methods described are substantially the same.) Because of the substantial questions raised by several commenters, Treasury withheld further action on the proposal pending additional consideration. 44 FR 53080, Sept. 12, 1979.

After further consideration, Treasury again invited comments for the public concerning a proposed change in the regulations that would allow Treasury to recover delinquent reclamations through offset. Notice of Proposed Rulemaking (NOPR), published November 4, 1981 (46 FR 54762). Unlike the ANPR, the NOPR provided specific regulatory language for comment. Although the NOPR also provided for recovery from presenting banks' reserve account balances, the Supplementary Information portion of the document referred both to offset authorized by contract between Treasury and presenting banks and to offset authorized at common law. This latter type of offset is referred to by regulations implementing the Federal Claims Collection Act. 4 CFR 102.3.

Treasury received 35 comments on the NOPR. Many of the comments alleged that Treasury lacked the statutory authority to offset and that the unavailability of an oral pre-offset hearing deprived affected banks of due process. In Treasury's view, the subsequent passage of Pub. L. 97–365, the Debt Collection Act of 1982 (the Act), resolves these objections. The Act gives federal agencies express authority to recover debts by administrative offset, referred to in this rule as "offset," under a comprehensive administrative procedure that does not require an oral hearing. *Compare*, Pub. L. 97–365, section 5. Congress' conscious omission of the right to an oral hearing reflects its assessment that due process does not require an oral hearing in this context. However, section 10 of the Act does require that, prior to effecting offset, agencies provide the debtor with:

(1) Written notification of the nature and amount of the claim, the intention of the agency to collect the claim through administrative offset, and an explanation of the rights of the debtor under this section;

(2) an opportunity to inspect and copy the records of the agency with respect to the claim;

(3) an opportunity for the review, within the agency, of the determination of the agency with respect to the claim; and

(4) an opportunity to enter into a written agreement with the head of the agency or his designee, for the repayment of the amount of the claim.

Recognizing that due process is a flexible concept and that courts often defer to Congress' view of the requisities of due process, *i.e.*, acts of Congress are presumed to be constitutional, *Buttfield v. Stranahan*, 192 U.S. 470 (1904), Treasury does not consider an oral hearing necessary to afford a presenting bank due process in connection with recovery of these check claims.

In addition to its authority to effect offset under the Federal Claims Collection Act, *as amended*, Treasury may also retain its common law right of offset. *United States v. Munsey Trust Co.*, 332 U.S. 234, 239 (1947).

The remaining comments on the November 1981 proposed rule and Treasury's responses thereto are as follows:

(1) Some commenters thought that the existing system (that is, voluntary payment of reclamations) would be more effective if Treasury began reclamations sooner, thus making the rule unnecessary. Delayed reclamation by Treasury makes it more difficult for the presenting banks to recover from prior indorsers.

Response: A reclamation is not begun until a payee has made a claim against Treasury for the proceeds of his or her check or until Treasury is notified of a payee's death. Treasury can not know that there is a forged or unauthorized endorsement before that time. Under section 1, Pub. L. 97–258, 96 Stat. 877 at 970, Sept. 13, 1982 (Revised 31 U.S.C.A. 3702 (1982)), a payee can submit a claim up to six years after the date the check was issued. Most delays in beginning a reclamation are caused by the delay in receiving the claim from the payee. Furthermore, under section 1, Pub. L. 97–258 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3712 (1982)), the United States has at least six years from the date a check is presented to it for payment to make a claim therefor against a prior indorser. With regard to the presenting bank's rights against prior indorsers, as long as the presenting bank promptly notifies a prior indorser upon receipt of a reclamation notice that the prior indorser appears to have breached its warranty that all prior endorsements were genuine or authorized, the fact that the reclamation notice was delayed does not affect the rights of the presenting bank against the prior indorser. Uniform Commercial Code ("UCC") 4–207(4) allows a presenting bank to recover against a prior indorser "within a reasonable time after the person claiming learns of the breach [of the warranty under UCC 4–207(2)]."

(2) Several commenters alleged that Treasury is uncooperative in providing sufficient information to determine the presenting bank's liability when reclamation is initiated.

Response: With respect to providing the presenting banks with sufficient information to determine their liability, Treasury has always provided a copy of the check and the payee's claim, where a payee has filed a claim. In addition, Treasury recently has made significant improvements in the quality of microfilm check copies provided to presenting banks with reclamation demands. Also, a staff has been established within the Bureau of Government Financial Operations with the sole responsibility for processing requests from the banking community on a timely basis. Treasury will continue its efforts to be more responsive to the banking community.

(3) Some commenters argued that Treasury has no legal authority to issue the proposed rule.

Response: The Supreme Court has recognized Treasury's authority to issue regulation governing the rights and duties of the United States on the commercial paper it issues, *Clearfield Trust Co. v. United States.* 318 U.S. 363, 366 (1943), and the United States' common law right to offset has been recognized for many years, *United States v. Munsey Trust Co.,* 332 U.S. 234; 4 CFR 102.3.

In addition, as previously stated, the Federal Claims Collection Act, as amended, provides express statutory authority to offset.

(4) There is no provision for presenting banks to receive interest payments on improper offsets.

Response: Treasury has no legal authority to pay interest on amounts wrongfully withheld. However, because collection by offset will be preceded by notice to the debtor of the amount due, and because the debtor will have an opportunity to contest the indebtedness before it is collected, the risk of erroneous collection will be minimal.

(5) The presenting banks do not have sufficient time to investigate reclamations. A longer period was suggested.

Response: With respect to suggestions for a longer period before collection, the final rule has been changed so that collection will not occur prior to 120 days after the reclamation date.

Section 10 of Pub. L. 97–365 requires each agency that promulgates administrative offset regulations to consider:

(1) The best interests of the United States,

(2) The likelihood of collecting a claim by administrative offset, and

(3) with respect to the collection of claims after the expiration of the statute of limitations in 28 U.S.C. 2415, the cost effectiveness of leaving such claims unresolved for more than six years.

Because Treasury's right to reclaim is limited by section 1, Pub. L. 97–258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3712(a) (1982)), rather than 28 U.S.C. 2415, we conclude that the third consideration is inapplicable to this rule. This rule is in the best interests of the United States because it will enable Treasury efficiently to recover debts that it could not otherwise collect in a cost-effective manner. Also, because offset will be sought against presenting banks that have continuing financial dealings with the United States, the likelihood of recovery by offset will be substantial.

The substance of this temporary rule on the one hand, and the proposal in the ANPR and the NOPR on the other, are substantially the same with one difference. All three involve enforced collection, without resort to litigation, of amounts presenting banks owe Treasury because they received payment on checks involving breaches of the banks' warranties that indorsements were genuine or authorized. All involved recovery by offset against amounts the United States or its agents owe the presenting banks independent of the payment on a check. All afford presenting banks the opportunity to present evidence and arguments contesting Treasury's claims before collection takes place. The primary difference between the ANPR, the NOPR and this temporary rule, is the source of funds for that offset. The ANPR and the NOPR targeted presenting banks' reserve account balances and this temporary rule targets other indebtedness of the United States to the presenting banks.

Accordingly, it is Treasury's view that there is good cause not to issue an additional NOPR. *See,* 5 U.S.C. 553(b)(B). Such an additional NOPR is unnecessary in view of the fact that Treasury has repeatedly sought comments from affected parties on proposals to implement some form of offset. *See,* Advance Notice of Proposed Rulemaking, 44 FR 24308, and Notice of Proposed Rulemaking, 46 FR 54762. The affected parties have had an adequate opportunity to express their views on the concept of offset. Because Treasury envisioned offset against reserve account balances at earlier stages of the rulemaking process, none of the negative comments received by Treasury referred to common law offset, which we believe is substantially similar to "administrative offfset" under section 10 of the Debt Collection Act. We note, however, that common law offset has been accepted generally in the banking community as a debt collection method. In addition, it is specifically referred to as an appropriate debt collection method in the Federal Claims Collection Standards, 4 CFR Part 102. We, therefore, do not believe that the delay in collecting debts that an additional comment period would require is appropriate.

Delaying collection on long-outstanding reclamations pending publication of an additional NOPR, receipt and assessment of comments, and publication of a final rule would be contrary to the significant public interest in timely collection of debts owed to the United States. At the end of November, 1982, Treasury had outstanding reclamations issued since May 20, 1981, totalling $14.13 million. Of that amount, $4.60 million was for reclamations that had been outstanding for more than 120 days. Treasury finds that the public interest would best be served by collecting delinquent reclamations in a more timely fashion as soon as possible and that this rule is essential thereto. In addition, Treasury is presently owed $118,000 in interest on reclamations for which the bank has paid the principal amount, but has failed to pay accrued interest. Unlike the principal amounts owed Treasury, those interest amounts do not accrue interest. It is likely that this sum will continue to grow as long as there is no offset mechanism in place. Therefore, it is imperative that Treasury have an efficient means to collect these debts as soon as possible.

Based on the foregoing, Treasury has concluded that it has good cause as required by 5 U.S.C. 553(d)(3) for making this rule effective less than 30 days from the date of publication. This conclusion is based substantially on the above-identified cost to the government of further delay in publishing this offset rule. In addition, the present reclamation system has existed for many years. Treasury has repeatedly informed banks of, and the banks have been given ample time to, exercise their right to contest Treasury's claims. They are aware of the quality and quantity of information that Treasury requires before it will abandon a reclamation. Finally, Treasury does not intend to offset until it has considered each argument timely presented by a bank and has concluded that, notwithstanding those arguments, the bank is liable for the amount of the reclamation.

It should be noted that the time available to banks to either pay or submit a protest in order to avoid offset action will vary depending on when the reclamation was issued. This variation will exist during the period the temporary rule is to be effective. An example of the variation is that the presenting bank will have until April 25, 1983, to pay or submit a protest in order to avoid offset of a reclamation issued on November 23, 1982; but in the case of a reclamation issued on April 24, 1983, it must submit a protest by July 25, 1983, or pay the amount owed by August 25, 1983, in order to avoid offset. The text of the rule sets out these timeframes specifically with respect to all periods covered.

It is possible that in some cases payment will have been made or a valid protest submitted by a bank before offset, but too late for Treasury to stop the offset process. To cover that possiblity, section 240.7(d) of the regulation provides for prompt refund of

the amount of the overpayment or erroneous offset.

It has been determined that this amendment is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981. This determination is based on the fact that the rule's only purpose and effect will be to increase the efficiency and effectiveness of the United States' efforts to collect debts that arise under existing law and for the collection of which the Secretary is responsible under existing law. In addition, the only significant alternative collection device, litigation, has not been sufficiently effective. The provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply to this rule because a notice of proposed rulemaking is not required by 5 U.S.C. 553.

List of Subjects in 31 CFR Part 240

Banks, Banking, Forgery, Treasury checks.

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

Accordingly, 31 CFR Part 240 is amended as follows:

1. By revising the authority citation to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; sec. 1, Pub. L. 97–258, 96 Stat. 877 at 955, Sept. 13, 1982 (Revised 31 U.S.C.A. 3331 (1982)); sec. 1, Pub. L. 97–258, 96 Stat. 877 at 957, Sept. 13, 1982 (Revised 31 U.S.C.A. 3343 (1982)); sec. 1, Pub. L. 97–258, 96 Stat. 877 at 971, Sept. 13, 1982 (Revised 31 U.S.C.A. 3711 (1982)), as amended by secs. 10 and 11, Pub. L. 97–365; 318 U.S. 363 (1943); and 332 U.S. 234, 239 (1947).

2. By revising § 240.1 to read as follows:

§ 240.1 Scope of regulations.

The regulations in this part prescribe the requirements for indorsement and the conditions for payment of checks drawn on the United States Treasury. These regulations also establish procedures for the collection of amounts due the United States Treasury because of payments on checks bearing forged or other unauthorized indorsements, or other material defects or alterations.

3. By revising § 240.2 to read as follows:

§ 240.2 Definitions.

(a) "Check" or "checks" means a check or checks drawn on the United States Treasury.

(b) "Check payment" means the amount paid to a presenting bank in accordance with § 240.8 (a)(3) of this Part.

(c) "Days" means calendar days.

(d) "Financial organization" means any bank, savings bank, savings and loan association, Federal or State chartered credit union, or similar institution.

(e) "Item" means a reference in a monthly interest billing statement to a check for the amount of which Treasury has demanded refund from a presenting bank.

(f) "Monthly interest billing statement" means a statement prepared by Treasury and sent to a presenting bank which includes the following information regarding each outstanding demand for refund:

(1) The reclamation date;

(2) The reclamation number;

(3) Check identifying information;

(4) The balance due, including interest; and

(5) If applicable, that the demand is subject to collection by immediate offset.

(g) "Person" or "persons" means an individual or individuals, or an organization or organizations, including all forms of financial organizations.

(h) "Presenting bank" means: (1) A financial organization which, either directly or through a correspondent banking relationship, presents checks to and receives credit from a Federal Reserve Bank, or (2) a despositary which is authorized to charge checks directly to the General Account of the United States Treasury and present them directly to Treasury for payment.

(i) "Protest" means a presenting bank's written statement and any supporting documentation tending to prove that it is not liable for refund of the reclamation balance.

(j) "Reclamation" means a demand by Treasury for refund of the amount of a check payment.

(k) "Reclamation date" means the date on which a demand for refund was prepared. This date appears on the face of the reclamation ticket. Normally, demands are sent to presenting banks within two working days of the reclamation date.

(l) "Treasury" means the United States Treasury.

(m) "U.S. securities" means securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which the Treasury acts as transfer agent.

(n) "Unauthorized indorsement" means (1) an indorsement made by a person other than the payee, except as authorized by and in accordance with § 240.4 and §§ 240.10 through 240.14 of this part, (2) an indorsement by a financial organization under circumstances in which the financial organization breaches the guaranty required of it by 31 CFR 209.10(a) (*see* 31 CFR 209.9), or (3) a missing indorsement where the depositary bank had no authority to supply the indorsement.

4. By revising § 240.5 to read as follows:

§ 240.5 Collection of amounts of paid checks.

(a) If, after a check has been paid by Treasury, it is found to:

(1) Bear an unauthorized indorsement, or

(2) Contain any other material defect or alteration which was not discovered upon first examination,

then, upon demand by the Treasury in accordance with the procedures specified in § 240.6 of this Part, the presenting bank or other indorser shall refund to Treasury the amount of the check payment.

(b) Interest on any unpaid item shall commence to accrue on the sixty-first day after the reclamation date. Interest shall be calculated at the rate set from time to time for purposes of section 1, Pub. L. 97–258, 96 Stat. 877 at 882 (Revised 31 U.S.C.A. 323 (1982)). Interest shall continue to accrue until the amount demanded is paid or the reclamation is abandoned.

(c) In addition to its right to recover interest, Treasury shall have the right to recover such other applicable charges (*e.g.*, administrative collection costs, late payment penalties) as may be authorized or required by law.

§§ 240.6–240.14 [Redesignated from §§ 240.6–240.12].

5. By redesignating §§ 240.6 through 240.12 as §§ 240.8 through 240.14, respectively, and by adding new §§ 240.6 and 240.7 as follows:

§ 240.6 Demand and protest.

(a) For all reclamations an initial demand for refund of the amount of a check payment will be made by sending a "Request for Refund (Reclamation)," to the presenting bank. This Request shall advise the presenting bank of the amount demanded and the reason for the demand. Treasury will make follow-up demands by including each unpaid item on at least three monthly interest billing statements sent to the presenting bank. Monthly interest billing statements will identify any unpaid reclamation demands and will also show the amount of any accrued interest for each outstanding reclamation. Beginning with monthly interest billing statements issued on or about the end of March, 1983, monthly interest billing

statements will contain or be accompanied by notice to the bank that:

(1) Treasury intends to collect the debt through administrative offset if the reclamation is not paid within 120 days of the reclamation date;

(2) the bank has an opportunity to inspect and copy Treasury's records with respect to the reclamation,

(3) the bank may, by filing a protest, request Treasury to review its decision that the bank is liable for the reclamation, and

(4) the bank has an opportunity to enter into a written agreement with Treasury for the repayment of the amount of the reclamation. In order for a bank to request such a repayment agreement, it must demonstrate to the satisfaction of Treasury that it is unable to repay the entire amount owed at the time that it is due.

(b) Requests for an appointment to inspect and copy Treasury's records with respect to a reclamation and requests to enter into repayment agreements should be sent in writing to: Department of the Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street SW., Washington, D.C. 20227.

(c) (1) For reclamations dated on or before December 24, 1982, presenting banks will have been sent an initial demand and at least three of the followup demands described in paragraph (a) of this section before offset is accomplished. However, only two of the followup demands will contain the information described in paragraphs (a) (1) through (4) of this section. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by April 25, 1983, the amount of the reclamation and accrued interest will be offset.

(2) For reclamations dated from December 25, 1982, through January 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. However, only three of the followup demands will contain the information described in paragraphs (a) (1) through (4) of this section. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by May 25, 1983, the amount of the reclamation and accrued interest will be offset.

(3) For reclamations dated from January 24, 1983, through February 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by June 25, 1983, the amount of the reclamation and accrued interest will be offset.

(4) For reclamations dated from February 25, 1983, through March 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received payment of the amount demanded or a protest meeting the requirements of paragraph (d) (1) of this section by July 25, 1983, the amount of the reclamation and accrued interest will be offset.

(5) For reclamations dated from March 25, 1983, through April 24, 1983 inclusive, presenting banks will have been sent an initial demand and four of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received a protest meeting the requirements of paragraph (d) (1) of this section by July 25, 1983, or payment of the amount demanded by August 25, 1983, the amount of the reclamation and accrued interest will be offset.

(6) For reclamations dated on or after April 25, 1983, presenting banks will be sent an initial demand and three of the followup demands described in paragraph (a) of this section before offset is accomplished. With respect to these reclamations, if Treasury has not received a protest meeting the requirements of paragraph (d) (1) of this section within 90 days of the reclamation date or payment of the amount demanded within 120 days of the reclamation date, the amount of the reclamation and accrued interest will be offset.

(d) (1) If a presenting bank wishes to contest its liability for the principal amount demanded, it shall send a protest, *i.e.*, a written statement and all documentary evidence (*e.g.*, affidavits, account agreements, signature cards) and other written information raising a question of law or fact which, if resolved in the bank's favor, would disprove its liability for the reclamation, to: Department of the Treasury, Division of Check Claims, Reclamation Policy and Collection Section, 401 14th Street SW., Washington, D.C. 20227.

The Assistant Director (Support Services), Division of Check Claims, who has supervisory authority over the Reclamation Policy and Collection Section, or his authorized subordinate, shall consider and decide any protest properly submitted under this paragraph. Neither the Assistant Director (Support Services), Division of Check Claims, nor any of his subordinates, shall have any involvement in the process of making findings or demands under § 240.5(a). In order to be considered, and to be timely, a protest must be received at the above address by the time specified in paragraph (c) of this section. Treasury will refrain from collection in accordance with § 240.7 while a timely protest is being considered.

(2) If Treasury accepts the protest, the presenting bank shall be notified in writing that Treasury's efforts to collect the item and any accrued interest have been abandoned.

(3) If the evidence sent by the presenting bank does not satisfy Treasury that refund of the amount demanded is not required under § 240.5(a), Treasury will notify the presenting bank in writing of its decision that the bank is liable for the amount demanded. If the presenting bank fails to send the amount demanded within 30 days of the date of Treasury's decision, Treasury shall proceed to collect the amount owed in acordance with § 240.7, provided that no offset shall be taken sooner than 120 days after the reclamation date.

§ 240.7 Offset.

(a) If an item, and/or accrued interest on that item remain unpaid for 120 days after the reclamation date and the presenting bank has been sent at least one monthly interest billing statement informing it that Treasury intends to collect that item by offset, Treasury may refer the matter to any other federal agency and request that agency to offset the indebtedness and other applicable charges against amounts owed by the other federal agency to the presenting bank. Monthly interest billing statements will identify those items that are to be referred to another agency for offset. If an agency to which an indebtedness is referred in accordance with this paragraph is unable to effect offset in whole or in part within 30 days of the date that the matter is referred to it, it shall so inform Treasury and terminate its efforts to offset. Treasury may then refer the debt to any other federal agency and request offset in accordance with this paragraph. Treasury designates each agency acting

under this paragraph as its designee for the sole purpose of effecting offset. No such designee shall be liable to any party for any loss resulting from its action under this paragraph.

(b) If Treasury is unable to collect an amount owed by use of the offset described in paragraph (a) of this section, Treasury shall take such action against the presenting bank as may be necessary to protect the interests of the United States, including referral to the Department of Justice.

(c) The procedures provided for in §§ 240.5, 240.6(c), and this section shall apply to reclamations bearing reclamation dates on or after May 26, 1981.

(d) If Treasury effects offset under this section and it is later determined that the presenting bank paid the amount of the reclamation and accrued interest thereon, or that a presenting bank which had timely filed a protest was not liable for the amount of the reclamation, Treasury shall promptly refund to the presenting bank the amount of its payment.

Dated: March 14, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-6960 Filed 3-16-83; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 64 and 66

[CGD 78-156]

Marking of Structures, Sunken Vessels, and Other Obstructions

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These final rules revise regulations which govern the marking of structures (including Offshore Thermal Energy Conversion (OTEC) facilities), sunken vessels, and other obstructions. These revisions expand the scope of the regulations so as to correspond with statutory amendments to 14 U.S.C. 85 and 86 covering certain obstructions beyond the territorial seas of the United States, made by Pub. L. 93-283, sections 1(2) and 1(3) (88 Stat. 139). Additional changes, primarily editorial, delete redundant and archaic requirements. These changes also enable the regulations to be more clearly understood.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lieutenant (Junior Grade) Robert C. Hayden, Ofice of Navigation, Short Range Aids to Navigation Division (G-NSR-1/14), Rm 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593, (202) 426-1973, between 7 a.m. and 3:30 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** of 19 November 1981, beginning at page 56829 (46 FR 56829). Interested parties were given until January 18, 1982 to submit comments. No requests for a public hearing were received and no hearing was held.

Drafting Information

The principal persons involved in drafting this proposal are Lieutenant (Junior Grade) Robert C. Hayden, Project Manager, Office of Navigation, and Lieutenant Mark D. Hanlon, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

Comments from four sources were received. One comment recommended that § 64.01-3(b)(5) be changed to read: "Artificial islands and structures subject to Part 67 of this subchapter." This is incorporated into the final rule, since structures subject to Part 67 must be exempted from Part 64.

Another comment demonstrated that proposed § 64.20-1 would eliminate the existing application process required for aids to navigation on structures, as prescribed by § 66.01-35. This was not our intent. The application procedure serves an important function by requiring the owner or operator to recognize responsibility for operation, maintenance, and eventual disestablishment of the aid to navigation. Therefore, the existing application requirement in § 66.01-35 is transferred to § 64.20-1.

Another comment suggested that in proposed § 64.20-1 the word "building" should be changed to "establishing" since "building" suggests a fixed structure. The regulations are intended to include both floating and fixed structures, therefore, we have incorporated the word "establishing".

Another comment indicated that upon removal of § 66.01-35, §§ 66.01-40 and 45 become incomplete or meaningless. In § 66.01-40 this occurs because reference is made to the former title of Part 64, Part 66, and §§ 66.01-35 which no longer exist. The latter part of § 66.01-45 refers to penalties concerning structures which have been transferred to Part 64. To solve these problems this document modifies § 66.01-40(a) to reflect the new title of Part 64 and changes any reference to Part 66, which no longer exists, to Subchapter J, which contains the current regulations for bridges. § 66.01-40(b) is amended to delete references to § 66.01-35 and changes references from Part 66 to Subchapter J. The part of § 66.01-45 which refers to structures is deleted.

In addition to these editorial changes, the recitation of "Authority" for Parts 64 and 66 is expanded to include 14 U.S.C. 83; 33 U.S.C. 409; 42 U.S.C. 9118; and 43 U.S.C. 1333.

Regulatory Evaluation

These final regulations have been evaluated under E.O. 12291 and DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations," dated May 22, 1980 and have been determined to be neither major nor significant.

The proposed rules would revise regulations which govern the marking of miscellaneous structures (not covered under 33 CFR Part 67), sunken vessels, and other obstructions. Due to expanded statutory jurisdiction, the regulations would require marking of structures, sunken vessels and other obstructions outside U.S. territorial waters. Current regulations require markings of structures, sunken vessels and other obstructions inside U.S. territorial waters. The Coast Guard expects the impact of this proposed rule to be minimal. Of an estimated 500 private aids to navigation to be put in service next year, fewer than 25 will result from this regulation.

Where markings are required, the cost would be minimal when compared with the potential cost of ship and cargo loss and the potential cost of pollution damage to the environment. The estimated cost of marking an obstruction varies considerably with the size of the object, its location, and the degree of hazard to navigation presented. The cost may range from $300 to $10,000 per year. An average cost is about $1,000 per year.

In the areas outside U.S. territorial waters, covered by the expanded applicability of these regulations, marking is only expected to be required on structures that have been erected for commercial purposes. In these instances, the cost associated with required obstruction marking is insignificant when compared with the total cost of the structure.

By comparison, the damage to a vessel caused by collision with a structure or other obstruction can range into the millions of dollars. In addition there may be injuries or loss of life and

environmental damage due to pollution. While the likelihood of such incidents can not be established, marking is required only in these instances where there is a reasonable risk that they may occur.

Regulatory Flexibility Analysis

The proposed regulations have been evaluated under Pub. L. 96-354 (94 Stat. 1168) and are certified as having no significant economic impact on a substantial number of small entities. No significant impact was found because these final regulations primarily update, simplify and consolidate existing regulations by clarifying the applicability of the regulations, deleting extraneous material, and organizing the regulations in a more logical manner. Few obstructions owned by small entities are likely to require marking in the areas of expanded jurisdiction.

List of Subjects in 33 CFR Parts 64 and 66

Navigation (water).

In consideration of the foregoing, 33 CFR Parts 64 and 66 are amended as follows:

1. By revising Part 64 to read as follows:

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

Subpart 64.01—General

Sec.

64.01-1 Purpose.
64.01-3 Scope.
64.01-6 Definition of terms.

Subpart 64.10—Sunken Vessels and Other Obstructions

64.10-1 Markings and notification requirements.
64.10-3 Approval of markings.
64.10-6 Duration of marking on sunken vessels in navigable waters.

Subpart 64.20—Structures

64.20-1 Marking and notification requirements.
64.20-3 Duration of marking of structures.

Subpart 64.30—Miscellaneous Provisions

64.30-1 Determination of marking necessity.
64.30-3 Marking by the Coast Guard.

Authority: 14 U.S.C. 81, 83, 85, 86, 92, 633; 33 U.S.C. 409; Pub. L. 96-320, 94 Stat. 974 (42 U.S.C. 9118); 43 U.S.C. 1333; [49 CFR 1.46(b)]

Subpart 64.01—General

§ 64.01-1 Purpose.

This part prescribes rules relating to the marking of structures, sunken vessels and other obstructions for the protection of maritime navigation.

§ 64.01-3 Scope.

(a) Except as provided in paragraph (b) of this section these rules apply to—

(1) Structures located in or over waters subject to the jurisdiction of the United States and, on the high seas, structures owned or operated by persons subject to the jurisdiction of the United States;

(2) Sunken vessels in the navigable waters or waters above the continental shelf of the United States; and

(3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.

(b) The following obstructions are exempt from the requirements of this part—

(1) Dredging pipelines subject to subchapter D of this chapter;

(2) Bridges subject to subchapter J of this chapter;

(3) Vessels subject to the International Regulations for preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigation Rules;

(4) Deepwater port facilities subject to subchapter NN of this chapter; and

(5) Artificial islands and structures subject to Part 67 of this subchapter.

§ 64.01-6 Definition of terms.

As used in this part:

"Markings" means the lights and other signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

"Structures" means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

Subpart 64.10—Sunken Vessels and Other Obstructions

§ 64.10-1 Marking and notification requirements

(a) The owner of a vessel, raft or other craft wrecked and sunk in a navigable channel is required by 33 U.S.C. 409 to mark it immediately with a buoy or daymark during the day and with a light at night. The courts have interpreted the statute very broadly, holding that it is not to be applied to vessels only and that "navigable channel" is not limited to those channels marked by buoys or other aids to navigation. Sunken vessels and other obstructions should be marked whenever they constitute a hazard to navigation.

(b) Owners of vessels sunk in waters subject to the jurisdiction of the United States or sunk on the high seas, if the owner is subject to the jurisdiction of the United States, shall promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark the sunken vessel, giving the following information (in addition to the report required by 46 CFR 4.05-1, Notice of Marine Casualty):

(1) Name and description of the sunken vessel;

(2) Accurate description of the location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or other daymark and characteristic of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

Note.—Outer Continental Shelf (OCS) lessees are subject to additional notification requirements provided in OCS Order No.1, paragraph 4 (44 FR 76216, December 21, 1979), issued by U.S. Geological Survey.

§ 64.10-3 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with § 64.10-1 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

§ 64.10-6 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until—

(a) The sunken vessel or other obstruction is removed; or

(b) The right of the owner to abandon is legally established and exercised.

Note.—Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

Subpart 64.20—Structures

§ 64.20-1 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01-5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.20-3 Duration of marking on structures.

Markings determined to be required shall be established and maintained until—

(a) The structure is removed; or
(b) Otherwise directed by the District Commander.

Subpart 64.30—Miscellaneous Provisions

§ 64.30-1 Determination of marking necessity.

(a) In determining the necessity of marking for the protection of maritime navigation, the District Commander considers, but is not limited to, the following—
(1) Physical characteristics of the obstruction;
(2) Depth of water in which it is located;
(3) Proximity of the obstruction to historic or designated vessel routes;
(4) Proximity of the obstruction to other obstructions or aids to navigation; and
(5) Type of vessel traffic at the obstruction site.
(6) [Reserved]

§ 64.30-3 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.
(b) Costs for markings established by the Coast Guard will be determined in accordance with Part 74 of this Chapter.
(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until—
(1) The vessel or other obstruction is removed;
(2) The right of the owner to abandon is legally established and has been exercised; or
(3) The District Commander directs otherwise.

Note.—When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

2. The authority for Part 66 is revised to read as follows:

Authority: 14 U.S.C. 81, 83, 85, 86, 92, 633, 33 U.S.C. 409; Pub. L. 96-320, 94 Stat. 974 (42 U.S.C. 9118), 43 U.S.C. 1333 unless otherwise noted.

§ 66.01-35 [Removed]

3. By removing 33 CFR 66.01-35.
4. By revising 33 CFR 66.01-40 to read as follows:

§ 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (subchapter J of this subchapter).
(b) Persons marking bridges pursuant to subchapter J of this title are exempted from the provisions of § 66.01-5.

By revising § 66.01-45 to read as follows:

§ 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.10 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

Dated: March 3, 1983.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 83-6669 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD 09-82-04]

Special Anchorage Area; Fish Creek Harbor, Fish Creek, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule, Correction.

SUMMARY: This document corrects the area description contained in final regulations establishing a Special Anchorage Area at Fish Creek Harbor, Fish Creek, Wisconsin which was published 16 August 1982 (47 FR 35482).

The final rule description of the Special Anchorage Area placed a portion of it on shore. This correction is intended to redescribe the Anchorage Area entirely within the harbor.

FOR FURTHER INFORMATION CONTACT: Ensign Steven J. Boyle, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, OH 44199, or phone (216) 522-7064. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

PART 110—[AMENDED]

Accordingly, the Coast Guard is correcting 33 CFR 110.79c to read as follows:

§ 110.79c Fish Creek Harbor, Fish Creek, Wisconsin

The area within the following boundaries: Beginning at latitude 45°07'58" N., longitude 87°14'41" W.; thence to latitude 45°07'58" N., longitude 87°14'35" W.; thence to latitude 45°07'50" N., longitude 87°14'30" W.; thence to latitude 45°07'47" N., longitude 87°14'38" W.; thence to the point of beginning.

(Sec. 1, 28 Stat. 647, as amended (33 USC 258); sec. 6(g)(1)(c) 80 Stat. 937 (49 USC 1655(g)(1)(c)); 49 CFR 1.46(c)(3); 33 CFR 1.05-1(g) (1) and (2))

Dated: March 8, 1983.

Henry H. Bell,

Rear Admiral, Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 83-6670 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD11 CR-04-83]

Establishment of Special Local Regulations; "NJBA Regatta"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA Regatta high speed ski boat race on the Colorado River, to be held on 12 and 13 March 1983 between river mile 179½ and Headgate Rock Dam. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 12 March 1983 and terminate on 13 March 1983.

FOR FURTHER INFORMATION CONTACT: Lt. N. M. Turner, Commander(bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590-2213.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. There was not sufficient time to publish proposed rules in advance of the event

or to provide for a delayed effective date.

Drafting information: The principal individuals involved in drafting this rule are Lt. Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt. Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of regulations: The National Jet Boat Association's "NJBA Regatta" will be conducted on the Colorado River beginning March 12, 1983, starting from river mile 179½. This event will have 200 18- to 20-foot inboard high speed ski boats that could pose hazards to navigation. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Evaluation: These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding the following section:

§ 100.35–11–CR04 National Jet Boat Association/NJBA Regatta.

(a) *Regulated area.* The following regulated area will be closed intermittently to all vessel traffic from 7:00 AM to 8:00 PM each day on 12 and 13 March 1983: That portion of the Colorado River commencing at approximate river mile 179½, thence southerly along the natural flow of the river to Headgate Rock Dam and return to the starting point.

(b) *Special local regulations.* (1) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during the above hours, unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(2) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b))

Dated: February 23, 1983.

A. P. Manning,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 83-6660 Filed 3-16-83; 8:45 am]
BILLING CODE 4910-14-M

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33 CFR Part 110

[CCGD8-82-13]

Anchorage Regulations; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has amended the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Magnolia, Louisiana called the Magnolia Anchorage. This action was necessary to provide needed additional anchorage space for deep draft vessels.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lcdr R. E. Ford, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589–7118.

SUPPLEMENTARY INFORMATION: On October 28, 1982, the Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** for this regulation (47 FR 47866). Interested persons were requested to submit comments and no comments were received.

Drafting Information: The drafters of this regulation are Lt M. W. Brown, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and Lt J. C. Helfrich, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130.

Economic Assessment and Certification: These regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal was not conducted since its impact is expected to be minimal. Any economic effects will be positive, however, as this anchorage will decrease transit times and will mean lower operating costs for vessels. It is also certified that in accordance with section 605(b) of the Regulatory Flexibility Act, these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations is amended as follows:

PART 110—[AMENDED]

33 CFR 110.195 is amended by redesignating (a)(5) through (a)(26) as (a)(6) through (a)(27) and by adding a new paragraph (a)(5) to read as follows:

§ 110.195 Mississippi River Below Baton Rouge, LA, including South and Southwest Passes.

(a) * * *

(5) *Magnolia Anchorage.* An area 1.4 miles in length along the right descending bank of the river from mile 45.5 to mile 46.9 above Head of Passes. From mile 45.5 to mile 46.3 the area has a width of 1100 feet. From mile 46.3 to mile 46.9 the area has a width of 600 feet as measured 500 feet riverward from the right descending bank.

* * * * *

(33 U.S.C. 471; 4 U.S.C. 1655(g)(1); 49 CFR 1.46(c)(1); 33 CFR 1.05–1(g))

Dated: February 25, 1983.

W. H. Stewart,

Rear Admiral, Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 83-6670 Filed 3-16-83; 8:45 am]
BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 01-82-15]

Drawbridge Operation Regulations; Back Cove, Portland, Maine

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Canadian National Railway Company the Coast Guard is changing the regulations governing the operation of the railroad drawspan across Back Cove to allow the drawspan to be maintained in a closed position. The existing regulations permit the Canadian National to require a 24 hour notice for an opening of the draw. The draw has not been opened except for inspection purposes during the last three years. The change will provide for the reasonable needs of navigation.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Naulty, Chief, Bridge Branch,

First Coast Guard District, Boston, MA. 02114 (617–223–0645).

SUPPLEMENTARY INFORMATION: On 7 October 1982 the Coast Guard published a proposed rule (47 FR 44258) concerning this amendment. The Commander, First Coast Guard District published the proposal as a Public Notice dated 10 December 1982 and as an item in the Local Notice to Mariners. Interested persons were given until 24 January 1983 to submit comments.

Drafting Information

The principal persons involved in drafting this proposal are: William J. Naulty, Chief, Bridge Branch, First Coast Guard District, and Lieutenant Susan M. Krupanski, Project Attorney, Assistant Legal Officer, First Coast Guard District.

Discussion of the Proposed Regulation

There was no response to the **Federal Register** notice. Two letters, one each from the National Marine Fisheries Service (NMFS) and the Wm. Underwood Company, were generated by the First District notice. The NMFS indicated no objection to the proposal. The Wm. Underwood Co. expressed concern that a closing of the drawspan could reduce the future value of its Burnham and Morrill Company Plant (B & M) located above the bridge. The company also expressed concern about fire protection if fire boats are not able to approach the plant.

The B & M Company no longer uses its marine facility and does not plan to use it in the foreseeable future. Nevertheless, there is no reason to discourage any subsequent desire to reestablish marine operations. As for fire protection, the Deputy Chief of the City of Portland Fire Department has stated that the B & M plant can be protected adequately by the Fire Department's land vehicles. These final regulations have been reviewed under provisions of Executive Order 12291 and have been determined not to be a major rule. They are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 22 May 1980). As explained above, an economic evaluation has not been conducted. In accordance with section 605(d) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

PART 117—[AMENDED]

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.20 to read as follows:

§ 117.20 Back Cove, Portland, Maine

(a) The drawspan of this bridge need not be opened for the passage of vessels.

(b) The draw shall be returned to operable condition within six months after notification from the Commandant to take such action.

(33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: March 2, 1983.

L. L. Zumstein,

Rear Admiral, Coast Guard, Commander, First Coast Guard District.

[FR Doc. 83-7019 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 2

[OLEC-FRL 2322-7]

Public Information

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule modifies the Environmental Protection Agency (EPA) regulations regarding the collection of fees for Freedom of Information Act (FOIA) requests. This modification is intended to preserve public funds by requiring full payment in advance, thereby reducing costs to the Government of collecting fees and to avoid defaults by individuals who request costly record searches. This modification of EPA's regulation will permit EPA to collect amounts owed before records are released to requesters.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Charles Breece, Office of General Counsel, Contracts and Information Law Branch (A–134), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, Telephone: 202–382–5460.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act permits EPA to charge fees for photocopying records which are to be released and for the time expended in searching for such records. EPA's current policy for collecting fees was published in the **Federal Register** on September 1, 1976 (43 FR 38902). Under the current EPA regulations, an EPA office may request prepayment in cases where costs for services rendered in connection with a FOIA request exceed $25. However, if a requester makes an assurance to pay the amount of fees due, an EPA office could release the requested records without actually receiving payment. Many EPA office are disclosing records based upon assurances to pay by requesters. In a recent audit, EPA's Office of Inspector General found that a number of requesters who have received records under FOIA are not making timely payments for such records. Collecting these unpaid amounts increases EPA's costs of administering the FOIA.

EPA will discontinue the practice of releasing records before payment is received. By requiring full payment in advance, EPA will eliminate defaults by individuals who request costly record searches and will reduce the costs to EPA of collecting from persons who fail to pay. This rule also requires requesters to submit payments to the EPA Financial Management offices.

Robert M. Perry,

Associate Administrator and General Counsel.

List of Subjects in 40 CFR Part 2

Administrative practice and procedure, Freedom of information, Confidential business information.

PART 2—[AMENDED]

Accordingly, the Environmental Protection Agency revises 40 CFR 2.120 (b), (c), and (e) as follows:

§ 2.120 Fees; payment; Waiver.

* * * * *

(b) *Method of Payment.* All fee payments shall be in the form of a check or money order payable to the "U.S. Environmental Protection Agency" and shall be sent (accompanied by a reference to the pertinent Request Identification Number(s)) to the appropriate Headquarter's or Regional Financial Management Officer.

(c) *Notice of estimated fees in excess of $25.* (1) Where it is estimated that the fee chargeable under this section will amount to more than $25, and the requester had not submitted payment in advance to cover the estimated fees, the requester shall be notified of the amount of the estimated fees or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the estimated fees and the requester pays the total amount of fees due (or estimated to become due) under this section. Such a notification of costs

shall be transmitted to the requester as soon as possible, but in any event within five working days, giving the best estimate possible.

(2) Where an estimated fee, paid by the requester in advance, exceeds the fee chargeable under the fee schedule for services actually performed, the balance will be refunded by the Agency. Where the actual fees due for the services are in excess of the estimate, the requester will be required to remit the amount of the actual fees before the copies are released.

* * * * *

(e) In the event a requester who is in arrears for previous requests makes a request under this Part, the EPA Freedom of Information Officer shall inform the requester that EPA will not process the request until the arrears have been paid in full. Any request made by an individual who specifies an affiliation with or representation of a corporation, association, law firm, or other organization shall be deemed to be a request by the corporation, association, law firm, or other organization. If an organization can show that the person who made the request for which payment is overdue did not make the request on behalf of the organization, the organization will not be considered in arrears, but the individual shall be.

[FR Doc. 83-6914 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-10-FRL 2307-7]

Approval and Promulgation of State Implementation Plans; Revision to Oregon State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice, EPA announces its approval of a revision to the State of Oregon Implementation Plan (SIP). This revision is the removal of the Mid-Willamette Valley Air Pollution Authority (MWVAPA) Regulations from the SIP. MWVAPA was dissolved in 1975.

DATES: This action will be effective on May 16, 1983 unless notice is received before April 18, 1983 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal thirty-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-82-18), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207.

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, 98101, Telephone: (206) 442-1980, FTS: 399-1980.

SUPPLEMENTARY INFORMATION: In 1970, MWVAPA adopted rules which were approved as part of the Oregon SIP in 1972. However, the MWVAPA was dissolved in 1975. To simplify the State's rules, the Environmental Quality Commission voted on June 11, 1982 to repeal all but three of the MWVAPA rules and to remove all of the MWVAPA rules from the Oregon SIP. On August 9, 1982 the Oregon Department of Environmental Quality submitted a request to remove the MWVAPA rules as a revision to the Oregon SIP.

All of the MWVAPA rules which are necessary to meet the requirements of the Clean Air Act are duplicated in the Department of Environmental Quality's rules with equal or more stringent provisions. The three remaining rules, which pertain to odors, nuisance and large particle fallout, are not needed to maintain ambient air quality standards in the affected counties. Therefore, EPA is approving the removal of the MWVAPA regulations.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on those revisions will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on those revisions and establishing a comment period.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication of this notice. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (46 FR 8709, January 27, 1981). This action constitutes a SIP approval under Section 110 within the terms of the January 27, 1981 certification.

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the State and does not establish any new requirements.

The Office of Managment and Budget has exemped this rule from the requirements of Section 3 of Executive Order 12291.

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410(a)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: March 8, 1983.

Anne M. Burford,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

In § 52.1970, paragraph (c)(56) is added as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(56) On August 9, 1982 the State of Oregon Department of Environmental

Quality submitted a revision to remove the Mid-Willamette Valley Air Pollution Authority Regulations from the Oregon state implementation plan.

[FR Doc. 83-6824 Filed 3-16-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Urban Mass Transportation Administration

49 CFR Part 670

[UMTA Docket No. 82-2]

Transfer of Conrail Commuter Service Operations

AGENCY: Federal Railroad Administration (FRA) and Urban Mass Transportation Administration (UMTA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: The purpose of this document is to amend a final rule published in the **Federal Register** on August 5, 1982, allocating funds appropriated by Congress to facilitate transfer of commuter rail service from the Consolidated Rail Corporation (Conrail) to other operators. As a result of Congressional action contained in the Department of Transportation and Related Agencies Appropriation Act, 1983, changes to the funding allocations are necessary in order to conform the regulations to Congressional directive.

DATE: This amendment is effective on December 18, 1982.

FOR FURTHER INFORMATION CONTACT: William R. Fashouer, Office of the Chief Counsel of FRA, (202) 426–7710, or Anthony A. Anderson, Office of the Chief Counsel of UMTA (202) 426–4011, both located at 400 Seventh Street, SW., Washington, D.C. 20590. FRA and UMTA office hours are from 8:30 a.m. to 5:00 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This document prescribes standards for the obligation and equitable distribution of funds authorized under section 1139(b) of the Northeast Rail Service Act of 1981 (NERSA), Subtitle E of Title XI of Pub. L. No. 97–35, 95 Stat. 643 (1981).

Background

On August 13, 1981, Congress enacted NERSA, which provides for the transfer of commuter rail service operations from Conrail to either the Northeast Commuter Services Corporation (NCSC) or directly to the commuter authorities for whom Conrail had provided the service. Section 1139(b) of NERSA authorizes $50,000,000 to be appropriated to the Secretary of Transportation to facilitate the transfer of commuter rail services from Conrail to other operators. Congress appropriated $45,000,000 for this purpose in the Department of Transportation and Related Agencies Appropriation Act, 1982 (Pub. L. No. 97–102, 95 Stat. 1451), and an additional $5,000,000 in the Supplemental Appropriations Act, 1982 (Pub. L. No. 97–257, 96 Stat. 853).

Section 1139(b) of NERSA requires the Secretary to issue regulations governing the obligation and distribution of the transition assistance. FRA and UMTA issued a final rule implementing section 1139(b) on August 5, 1982 (47 FR 33965). The final rule established applicant eligibility criteria, set forth a formula for the allocation of funds appropriated for the transfer, identified eligible uses for the allocated funds, and outlined application procedures.

Subsequent to the issuance of the final rule, Congress enacted the Department of Transportation and Related Agencies Appropriation Act, 1983 (Pub. L. No. 97–369). The 1983 DOT Appropriation Act appropriates an additional $75,000,000 for necessary expenses to carry out section 1139(b) of NERSA to be derived from funds previously appropriated for purchase of Conrail securities. This brings the total amount appropriated for expenses attendant to the transfer of Conrail commuter rail services to $125,000,000. In addition to providing an appropriation of $75,000,000, Congress included in the Conference Report accompanying the Act specific direction as to how all appropriated funds are to be allocated between the commuter authorities and NCSC. H.R. Rep. No. 960, 97th Cong., 2nd Sess. 15 (1982). The Conference Report allocation is as follows:

MTA/CDOT	$59,000,000
SEPTA	39,000,000
New Jersey Transit	22,000,000
MDOT/NCSC	5,000,000
Total	125,000,000

The appropriation of additional commuter service transition assistance and adoption by Congress of specific funding allocations necessitates changes to the final rule issued by FRA and UMTA on August 5, 1982.

The only section of the final rule affected by the Congressional action is § 670.9, *Commuter service transition assistance,* which allocates funds to NCSC and the six commuter authorities. Under the final rule NCSC was to receive $4 million for general administrative expenses and the costs of services it provides in common for all commuter authorities. The remainder of the transition assistance appropriated by Congress in fiscal year 1982 was to be allocated among the six commuter authorities on the basis of calendar year 1980 car mile and revenue passenger data provided by Conrail to each agency. Except for two categories of expenses, NCSC development of an Accounting Management Control Data Processing System, and NCSC conduct of SEPTA labor negotiations, transition assistance allocated to the commuter authorities was to be provided directly to them.

In order to conform with Congress' directive section 670.9(a) is being revised to provide that MDOT, DelDOT, and NCSC together will be eligible to receive a total of $5,000,000 in commuter transition assistance funds. NCSC has estimated that it will require approximately $4,762,000, while MDOT and DelDOT have estimated their total requirements to be $126,750 and $20,000 respectively. So as to assure that NCSC's needs are met, while also anticipating the possibility of additional requirements from MDOT or DelDOT, NCSC will be eligible to receive up to $4,780,000, MDOT will be eligible to receive up to $190,000 and DelDOT will be eligible to receive up to $30,000, the latter two amounts being approximately 150% of MDOT's and DelDOT's respective estimated requirements. In addition, NCSC will be eligible to receive any funds for which DelDOT or MDOT is eligible but which are not distributed to those authorities.

Commuter transition assistance for DelDOT was not included in the Congressional allocation included in the Conference Report. However, because DelDOT has incurred transition costs, the Administrators have determined that DelDOT should continue to receive reimbursement for such transition costs as was provided in the final rule published on August 5, 1982. Funds for DelDOT will be derived from the $5,000,000 allocated in the Conference Report to MDOT and NCSC. Providing funds for DelDOT will not have a significant impact on this allocation since DelDOT's transition costs are relatively small.

Commuter transition assistance funds provided to NCSC are to be used to cover general administrative expenses and the costs of services it provides in common for all commuter authorities. NCSC would also be authorized, with the approval of the Administrators, to expend some of these funds for development of the Accounting Management Control Data Processing System.

Section 670.9(b) is being revised to provide that MTA/CDOT, SEPTA, and

NJ Transit will be eligible to receive up to $120,000,000 in transition assistance funds appropriated by Congress under section 1139(b). The distribution to each commuter authority will be based on the Congressional earmarking contained in the Conference Report accompanying the 1983 DOT Appropriations Act. Accordingly, MTA/CDOT will be eligible to receive up to $59,000,000, SEPTA will be eligible to receive up to $39,000,000 and NJ Transit will be eligible to receive up to $22,000,000.

Section 670.9(c) providing for direct distribution to NCSC of certain commuter authority allocations will remain unchanged since these funds have already been provided to and expended by NCSC to the extent required.

Section 670.9(d) outlining which entity would be entitled to apply for particular types of assistance also remains unchanged.

Section 670.9(e) outlining the time period during which transition assistance will be available has been amended to provide that funds appropriated in the 1983 DOT Appropriations Act are available as of December 18, 1982, the effective date of the Act. The provision that all funds shall remain available until October 1, 1986 is a statutory requirement and remains unchanged.

Section 670.13, *Applications*, is also being revised in order to correct an error found in the final rule. The reference to Appendix B in § 670.13(c)(1) should have referred to Appendix C and the final rule is being amended accordingly.

FRA and UMTA have decided to adopt these amendments to § 670.9 without a notice and comment period because these amendments simply incorporate changes made by Congress in the 1983 DOT Appropriations Act and make minor corrections to the final rule. Since FRA and UMTA are without discretion in including these provisions, no useful purpose would be served by a notice and comment procedure. The inclusion of a notice and comment period would introduce needless delay into a process that requires expeditious action. In addition, in the recently enacted Rail Safety and Service Improvement Act of 1982 (Pub. L. 97–468) Congress amended section 1139(b) of NERSA to provide that any funds appropriated under the authority of section 1139(b) are to be distributed by the Secretary to NCSC and the commuter authorities within sixty days after receipt of an application or within sixty days after the date of enactment of the Rail Safety and Service Improvement Act of 1982, whichever is later. Thus, Congress has made it clear that it wishes commuter transition assistance to be distributed without delay. A notice and comment period would restrict distribution of recently appropriated funds and frustrate Congressional intent.

Regulatory Evaluation

FRA and UMTA determined that since the economic impact of the final rule was minimal, it did not constitute a major rule under the terms of Executive Order 12291 or a significant rule under DOT's regulatory policies or procedures. As a result, the final rule did not require a regulatory impact analysis pursuant to Executive Order 12241 or a regulatory analysis or regulatory evaluation pursuant to DOT's regulatory policies and procedures. FRA and UMTA have determined that the economic impact of the rule remains small and that as amended it does not constitute a major rule.

Likewise, since the amendment makes only minor changes to the final rule, it is certified that the rule will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 670

Railroads.

Issued: March 9, 1983.

Robert W. Blanchette,

Administrator, Federal Railroad Administration.

Arthur E. Teele, Jr.,

Administrator, Urban Mass Transportation Administration.

PART 670—[AMENDED]

For the reasons set out in the preamble, 49 CFR Part 670 is amended by amending §§ 670.9 and 670.13, and by deleting Appendix A.

1. Section 670.9 is amended by revising paragraphs (a), (b), and (e) to read as follows:

§ 670.9 Commuter service transition assistance.

(a) *Transition assistance allocated to MDOT, DelDOT, and NCSC.* (1) MDOT, DelDOT, and NCSC together shall be eligible to receive a total of $5,000,000 in commuter transition assistance funds appropriated by Congress under section 1139(b) of the Act as follows:

MDOT shall be eligible to receive up to $190,000;

DelDOT shall be eligible to receive up to $30,000;

NCSC shall be eligible to receive up to $4,760,000.

In addition, NCSC shall be eligible to receive any funds for which DelDOT or MDOT is eligible but which are not distributed to those commuter authorities.

(2) Commuter transition funds provided to NCSC shall be used to cover general administrative expenses and the costs of services it provides in common for all commuter authorities, such as the transfer of assets from Conrail to the commuter authorities. With the approval of the Administrator, NCSC may also expend funds allocated pursuant to this paragraph (a) for the purposes outlined in paragraph (c)(1) of this section.

(3) To the extent that NCSC does not require all the funds for which it is eligible under this subsection (a), such funds shall be reallocated by, and in the discretion of, the Administrator among the commuter authorities to reimburse transition expenses not otherwise funded hereunder. Such reallocated funds shall be in addition to the funds provided to the commuter authorities under paragraphs (a) (1) or (b) of this section.

(b) *Transition assistance allocated to MTA, CDOT, NJ Transit, and SEPTA.* (1) MTA, CDOT, NJ Transit, and SEPTA shall be eligible to receive a total of $120,000,000 in commuter transition funds appropriated by Congress under section 1139(b) of the Act as follows:

MTA and CDOT together shall be eligible to receive up to $59,000,000;

NJ Transit shall be eligible to receive up to $22,000,000;

SEPTA shall be eligible to receive up to $39,000,000.

(2) Except for the specific expense categories outlined in paragraph (c) of this section, transition assistance funds made available under this paragraph (b) shall be provided directly to the commuter authorities.

* * * * *

(e) *Timing of Transition Assistance.* Transition assistance funds appropriated by Congress pursuant to section 1139(b) of the Act in the 1982 Department of Transportation and Related Agencies Appropriation Act (Pub. L. No. 97–102) shall be made available for disbursement to applicants as of February 4, 1982. Transition assistance funds appropriated by Congress in the 1983 Department of Transportation and Related Agencies Appropriation Act (Pub. L. No. 97–369) shall be made available for disbursement to applicants as of December 18, 1982. All funds shall remain available until October 1, 1986.

2. Section 670.13 is amended by revising paragraph (c)(1) to read as follows:

§ 670.13 Applications.

* * * * *

(c) *Execution and filing of application.* (1) Each application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix C to this Part.

* * * * *

Appendix A [Removed]

3. Appendix A to Part 670 is removed.

[FR Doc. 83-6986 Filed 3-10-83; 12:21 pm]
BILLING CODE 4310-08-M; 4310-57-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 30314-38]

Tanner Crab off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; closure.

SUMMARY: The Director, Alaska Region, National Marine Fisheries Service, has determined that the optimum harvest level of Tanner crab in the Kodiak District in Registration Area J will be achieved on March 14, 1983, and that early closure of the fishery is necessary to protect Tanner crab stocks from overfishing. The Secretary of Commerce therefore issues this notice of closure of the Kodiak District to fishing for Tanner crab by vessels of the United States on March 14, 1983.

DATE: This notice is effective from 12:00 noon, Alaska Standard Time (AST), March 14, 1983, until 12:00 noon Alaska Daylight Time (ADT), April 30, 1983, for seven of the eight management sections and May 15 for the Semedi Island Section. This notice of closure was filed for public inspection with the Office of the Federal Register on March 14, 1983, at 4:55 p.m. Public comments on this notice of closure are invited until March 29, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, (Regional Director), National Marine Fisheries Service, (NMFS), P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Biologist, Kodiak Field Office, NMFS), 907-486-4791.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), governing this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act, provides for inseason adjustments, by field order, of season and area openings and closures. Implementing rules at 50 CFR 671.27(b) specify that these orders will be issure by the the Secretary of Commerce under criteria set out in that section.

50 CFR 671.26(f) establishes five districts within Registration Area J. In order to prevent overfishing of individual Tanner crabs stocks, 50 CFR 671.27(b) allows closure or partial closure of a particular district when the desired harvest level is reached. One of the districts in Registration Area J is the Kodiak District which is further divided into eight management sections. Although an optimum yield of 35 million pounds is specified in the FMP for the Kodiak District overall, results of Tanner crab surveys conducted by the Alaska Department of Fish and Game (ADF&G) in 1982 indicate the optimum harvest should be between 17.4 and 29.0 million pounds.

Fishing began in the Kodiak District when the season opened on February 10, 1983. All management sections are scheduled to close on April 30, except for the Semidi Island Section which is scheduled to close on May 15. Since February 10, 1983, approximately 350 vessels have landed Tanner crab, which is the largest number of vessels to fish in this district historically and is a 60 percent increase in the number of vessels compared to 1982. The catch per unit of effort (CPUE) was approximately 53 crabs per pot at the start of the season, but has since declined to 17 crabs per pot. Many of the legal crab (males above the minimum size) are newly recruited into the fishery. Large numbers of female and sublegal male crabs are also being caught, which must be sorted and returned to the sea. These crabs are experiencing handling mortality during sorting, which is a loss to the fishery in future seasons. Catches of crab that have just molted and therefore are in a "soft shell" condition are reported to be increasing. These crab also experience high mortality due to handling.

The rapid decline in CPUE indicates that stocks are not sufficiently abundant to support a fishery through the scheduled April 30 closure date for seven of the management sections and through May 15 for the Semidi Island Section. The low CPUE, as well as the high mortality due to sorting and the increasing softshell condition of the crab, indicate that the optimal harvest level for the district should be 17.4 million pounds, which is the low end of the projected range. This amount will be achieved by 12:00 noon, March 14, 1983.

In light of this information, the Regional Director, in accordance with 50 CFR 671.27(b), has determined that:

1. The actual conditions of Tanner crab stocks in the Kodiak District are substantially different from conditions that were anticipated at the beginning of the fishing year; and

2. These differences reasonably support the need to protect those Tanner crab stocks by closing the Kodiak District of Registration Area J.

For these reasons, the Kodiak District of Registration Area J, as defined in 50 CFR 671.26(f)(1)(i), is closed to all fishing for Tanner crab in all management sections from 12:00 noon, AST, March 14, 1983, until 12:00 ADT, April 30, 1983, for seven of the eight management sections, and until 12:00 noon ADT, May 15, 1983, for the eighth management section, the Semidi Island Section, at which time the closure of these sections prescribed in 50 CFR 671.26(f)(2)(i) will begin.

This closure will not be effective prior to filing this notice for public inspection with the Office of the Federal Register and publicizing the closure for 48 hours through ADF&G procedures, under 50 CFR 671.27(a)(2). Under 50 CFR 671.27(b)(4), public comments on this notice of closure may be submitted to the Regional Director, at the address stated above, for 15 days following the effective date. During the 15-day comment period, these data upon which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m.) at (1) the NMFS Kodiak Field Office, ADF&G Building, at Kashevaroff and Mission Roads, Kodiak, Alaska 99615, and (2) the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska 99802. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register** either confirming this field order's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Kodiak District will be subject to harm by overfishing and handling mortality unless this order takes effect promptly. The Agency therefore finds for good cause that advance notice and public comment on this order is contrary to the public interest, and that there should be no delay in its effective date.

This action is taken under the authority of regulations specified at 50

CFR 671.27, and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 671

Fish, Fisheries, Reporting requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: March 14, 1983.

Carmen J. Blondin,

Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-6876 Filed 3-14-83; 4:55 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 810

Request for Public Comment on U.S. Standards for Rye

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Prenotice: Review of existing regulations.

SUMMARY: As part of the periodic review of existing regulations, the Federal Grain Inspection Service (FGIS) will study and evaluate the U.S. Standards for Rye to determine their effectiveness and responsiveness to the needs of the grain industry. Views and comments are solicited from interested parties to help in the study and evaluation of present grading practices relating to the standards for rye and in the development of recommendations for change.

DATE: Comments must be submitted on or before May 16, 1983.

ADDRESS: Comments must be submitted in writing in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Unit, USDA, FGIS, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Labakken, Jr., address as above, telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This study and evaluation of the rye standards is part of the periodic review of existing regulations. The review will include a determination of the continued need for the standards; the potential for clarifying or simplifying the language of the standards; a review of changes in marketing practices and functions affecting the standards; a review of changes in technology and economic conditions in the area affected by the standards; and a determination of the potential for improving the standards and their application through the incorporation of grading factors or tests which better indicate quality attributes. The objective is to assure that the standards continue to serve the needs of the market to the greatest possible extent.

The public is further advised that specific issues with respect to the standards for rye have been identified by FGIS, as stated below. Information and data are specifically requested on these issues, in addition to other recommendations which should be considered by FGIS in this review.

1. Should the format of the rye standards (7 CFR 810.401 *et seq.*) be updated to conform to the current arrangement of the sections as appears in the wheat standards? This would basically consist of realigning sections both in terms of their order and the internal presentation of the provisions.

2. Official certificates show the moisture content of rye, making the special grade "Tough" (7 CFR 810.404) and the Sample grade requirement for high-moisture rye unnecessary. The special grade "Tough" is not descriptive of grain quality; and the placement of moisture content on certificates, which is currently used to determine this condition, make this special grade designation unnecessary. Therefore, should the special grade "Tough" be deleted from the standards?

This request for public comment does not constitute notification that changes to the standards are or will be proposed. Any action with respect to the existing standards will be published in the **Federal Register** at a later date. The actions which may be proposed at that time can include continuation of the standards without change; revision in whole or in part; or elimination.

The U.S. Department of Agriculture encourages citizen participation and solicits the public's views on any changes which may improve the official grading standards for rye.

List of Subjects in 7 CFR Part 810

Export, Grain.

(Secs. 5 and 18, Pub. L. 94–582, 90 Stat. 2869 and 1884 (7 U.S.C. 76) and 87(e))

Dated: March 14, 1983.

K. A. Gilles,
Administrator.

[FR Doc. 83-6969 Filed 3-16-83; 8:45 am]
BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Parts 907 and 908

[Docket Nos. A0-245-A8 & A0-250-A6]

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Hearing on Proposed Amendment of Marketing Agreements and Orders 907 and 908, Both as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed amendment of the marketing agreement and Marketing Order 907 (7 CFR Part 907), covering navel oranges grown in California and Arizona, and a proposed amendment of the marketing agreement and Marketing Order 908 (7 CFR Part 908), covering Valencia oranges grown in California and Arizona.

The prinicipal proposals included proposals that would: define a cooperative marketing organization for purposes of committee representation; limit the number of consecutive terms that an administrative committee member may serve; authorize increased compensation for committee members; redefine the non-industry member of each committee as a "public member"; provide for an additional alternate for each handler member on the committees; modify the requirements of each committee's annual report; permit each committee to charge interest and/or a penalty when handlers are late in paying assessments; revise procedures that handlers follow in applying for prorate bases; require handlers to retain certain records for a specific period; authorize the committees to remove handlers from the prorate base if prescribed reports are not submitted; provide for a periodic referendum on continuance of the marketing orders;

and revise the procedures for issuing early maturity allotments. Other changes, primarily adminstrative in nature, were also proposed as discussed in Supplementary Information.

DATE: The hearing will begin at 9:00 a.m. on April 5, 1983.

ADDRESS: The hearing will be held in the Fine Arts Building, Kern County Fairgrounds, 1142 South "P" Street, Bakersfield, California, 93307.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: Amendments have been proposed by the Navel Orange Administrative Committee (NOAC) and the Valencia Orange Administrative Committee (VOAC), California Citrus Mutual, citrus growers Don A. Schroeder and Berne H. Evans, III, groups of citrus growers and handlers represented by Perry L. Walker, and J. Kent Burt, Dennis N. Torigian, and Carl A. Pescosolido, Jr.

The principal proposals submitted by other citrus organizations or individuals which differ in subject matter from those of the NOAC and VOAC would: provide for advertising under the marketing orders; limit the maximum number of weeks of regulation and establish two-week prorate periods in lieu of the weekly periods currently authorized under the orders; provide for a marketing incentive provision whereby handlers could increase their weekly prorate; eliminate volume regulation provisions; exempt handlers from reporting requirements for shipments of 100 cartons or less to charitable institutions; revise the composition of the committee memberships; provide that, of the grower members on the administrative committees, not more than four may be affiliated with the same marketing organization; redefine the term "grower"; redefine voting rights for growers and revise nomination procedures including providing for mail balloting; provide for nomination of one-half of the committees' membership annually; increase the term of office of committee members; require that all committee members vote on all propositions before the committee; require a quorum of nine members to conduct committee business; require that committee meetings be held in each district at least once per season and that other meetings be held in each district based upon the districts' production; require the manager to poll all marketing organizations before committee meetings to obtain specific marketing information; require that growers own a specific minimum number of acres of navel or Valencia oranges for a specific minimum time to serve on the committees; delete the provision of the orders relative to forfeiture or unused handler allotments; and provide for "banking" of unused weekly allotments. Other changes, primarily administrative in nature, were also proposed.

The Department of Agriculture proposes that it be authorized to make any necessary conforming changes which may result from this proceeding.

A prenotice press release announcing the committees' proposals was issued on January 7, 1983, allowing comments by growers, handlers, and the public through January 24, 1983. Two written comments and five amendment proposals were received. Sufficient justification exists to hold a hearing on the proposed amendments.

This administrative action is governed by the provisions of Section 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel and Valencia orange crops for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900). The proposed amendments of the marketing agreements and orders have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of: (i) Receiving evidence about the economic and marketing conditions which relate to a proposed amendment of the marketing agreements and orders; (ii) determining whether there is a need for amendment to the marketing agreements and orders; and (iii) determining whether the proposed amendments or appropriate modifications of them will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Parts 907 and 908

Marketing agreements and orders, California, Arizona, Oranges (Navel), (Valencia).

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposals of the Navel Orange Administrative Committee and the Valencia Orange Administrative Committee are as follows:

Proposal No. 1:

Amend §§ 907.17 and 908.18 by replacing the figure "924" with the figure "1,000".

Proposal No. 2:

Add new §§ 907.19 and 908.19a to read:

§ 907.19 and § 908.19a Cooperative marketing organization.

"Cooperative Marketing Organization" means a cooperative which directly arranges the sale or consignment of more than 50 percent of the oranges which it or its patrons handle in fresh domestic and export channels. At any given time the above determination shall be made on the basis of the quantity of oranges handled to date in the then current fiscal year. The exercise of the authority to approve or disapprove of a sale or consignment arranged by another person shall not be deemed to be the equivalent of arranging a sale or consignment.

Proposal No. 3:

Revise §§ 907.20 and 908.20 to read:

§ 907.20 Establishment and membership.

There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower and handler member an additional alternate. Six of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in § 907.22(f). The six members of the committee who shall be growers are referred to in this subpart as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this subpart as "handler" members of the committee. The member of the committee nominated and selected pursuant to §§ 907.22(f) and

907.23, respectively, shall be referred to in this subpart as the "public" member of the committee.

§ 908.20 Establishment and membership.

There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower and handler member an additional alternate. Six of the members and their respective alternates shall be growers. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and the alternate of such member shall be persons possessing the qualifications provided in § 908.22(f). The six members of the committee who shall be growers are referred to in this subpart as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are referred to in this subpart as "handler" members of the committee. The member of the committee nominated and selected pursuant to §§ 908.22(f) and 908.23, respectively, shall be referred to in this subpart as the "public" member of the committee.

Proposal No. 4:

Revise §§ 907.21 and 908.21 to read:

§ 907.21 Term of office.

The term of office of each member and alternate member of the committee shall be for a period of two years, and such terms shall begin on October 1 of each even-numbered year: *Provided,* That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members, not including alternate members or additional alternate members, shall be limited to five terms, beginning with terms starting October 1, 1982.

§ 908.21 Term of office.

The term of office of each member and alternate member of the committee shall be for a period of two marketing years, and such terms shall begin on February 1 of each even-numbered year: *Provided,* That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified. The consecutive terms of office of members, not including alternate members or additional alternate members, shall be limited to five terms, beginning with terms starting February 1, 1982.

Proposal No. 5:

Amend §§ 907.22 and 908.22 by revising paragraphs (b), (c), (d), and (f) to read:

§ 907.22 Nominations.

* * * * *

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate three grower members, three alternate grower members, three additional alternate grower members, two handler members, two alternate handler members, and two additional alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, one alternate handler member, and one additional alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, one alternate handler member, and one additional alternate handler member.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 907.23 shall meet on a date designated by the secretary and, by concurring vote of at least six members, shall nominate a public member and an alternate public member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

908.22 Nominations.

* * * * *

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges handled during the marketing year in which nominations for members and alternate members of the committee are submitted, shall nominate three grower members, three alternate grower members, three additional alternate grower members, two handler members, two alternate handler members, and two additional alternate handler members.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate one grower member, one alternate grower member, one additional alternate grower member, one handler member, one alternate handler member, and one additional alternate handler member.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate two grower members, two alternate grower members, two additional alternate grower members, one handler member, one alternate handler member, and one additional alternate handler member.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 908.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a public member and an alternate public member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

Proposal No. 6:

Revise §§ 907.23 and 908.23 to read:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(b) or from other qualified growers and handlers the Secretary shall select three grower member of the committee, an alternate and an additional alternate to each of such grower member; also two handler members of the committee, an alternate, and an additional alternate to each of such handler members. From the nominations made pursuant to § 907.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 907.22(d) or from other qualified growers and handlers the

Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 907.22(f) or from other qualified persons the Secretary shall select one public member and one alternate public member of the committee.

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(b) or from other qualified growers and handlers the Secretary shall select three grower members of the committee, an alternate and an additional alternate to each of such grower members; also two handler members of the committee, an alternate, and an additional alternate to each of such handler members. From the nominations made pursuant to § 908.22(c) or from other qualified growers and handlers the Secretary shall select one grower member of the committee, an alternate and an additional alternate to such grower member; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 908.22(d) or from other qualified growers and handlers the Secretary shall select two grower members of the committee, an alternate and an additional alternate to each of such grower members; also one handler member of the committee, an alternate and an additional alternate to such handler member. From the nominations made pursuant to § 908.22(f) or from other qualified persons the Secretary shall select one public member and one alternate public member of the committee.

Proposal No. 7:

Revise §§ 907.31 and 908.31 to read:

§ 907.31 and § 908.31 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be recommended by the committee and approved by the Secretary, which rate shall not exceed $100 per day or portion thereof spent in performing such duties. An alternate member shall be reimbursed for reasonable expenses necessarily incurred by such alternate in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom such alternate serves also attends such meetings.

Proposal No. 8:

Revise §§ 907.32 and 908.32 to read:

§ 907.32 Annual review and meeting.

The Committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least a complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 907.50(a). The committee shall hold an open meeting to review the whole record of the operations of this part and any such meeting shall be held as soon as practicable after the mailing of the annual report, which shall contain notice of the time and place of the meeting.

§ 908.32 Annual review and meeting.

The Committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least a complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 908.50(a). The committee shall hold an open meeting to review the whole record of the operations of this part and any such meeting shall be held as soon as practicable after the mailing of the annual report, which shall contain notice of the time and place of the meeting.

Proposal No. 9:

Add new §§ 907.34 and 908.34 to read:

§ 907.34 and § 908.34 Consumer affairs advisors.

The Committee may appoint such consumer affairs advisors as it deems appropriate, and determine the compensation and duties of each.

Proposal No. 10:

Add a new paragraph (d) to §§ 904.41 and 908.41 to read:

§ 907.41 and § 908.41 Assessments.

* * * * *

(d) Assessments not paid within a period of time prescribed by the committee may be made subject to interest or penalty charges, or both. The period of time, rate of interest, and penalty charge shall be as recommended by the committee and approved by the Secretary: *Provided,* That when interest or penalty charges are in effect, they shall be applied to all assessments not paid within the prescribed period of time.

Proposal No. 11:

Amend §§ 907.53 and 908.53 by revising paragraphs (b), (c), (g), and (h), and adding a new paragraph (i) to read:

§ 907.53 and § 908.53 Prorate bases.

* * * * *

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; (3) an estimate of the quantity of oranges available for current shipment, in terms of a unit of measure designated by the committee, contained in each grove or portion thereof described in paragraph (b)(2) of this section; and (4) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of a unit measure designated by the committee. If at the time of filing of an application under this section the committee finds that there is an error, omission or inaccuracy in such application, or that any estimates contained in such application are not reasonably calculated to apprise the committee of the information required by this section, it shall return the application to the applicant for correction or completion. Applicants may re-submit applications to the committee for its consideration at any subsequent time. Paragraphs (g) and (h) of this section shall not apply to such applications.

(c) Each application shall include a certification by the handler that such handler has control, for all purposes relating to this part, of the oranges described in the application.

* * * * *

(g) The committee shall determine the accuracy of the information submitted pursuant to this section. Except as provided in paragraph (b) of this section, whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who

submitted such report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, on inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission or inaccuracy.

(h) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute, with respect to each prorate district, the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments, except as provided in (b) of this section. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in the particular prorate district by each applicant and the total quantity of oranges available for current shipment in such district by all such applicants. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base so fixed.

(i) The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

Proposal No. 12:

Revise §§ 907.60 and 908.60 to read:

§ 907.60 Early maturity allotments.

Notwithstanding the provisions of § 907.54 the committee may, prior to the reaching of general maturity, issue special allotments for the handling of oranges of early maturity. Handlers controlling oranges of early maturity may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 907.51(b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee shall be allocated in an equitable manner among the requesting handlers who qualify therefor. Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to such handler shall be adjusted downward by the committee. Early maturity allotments are transferrable to other handlers who received early maturity allotments in the same weekly period: *Provided,* That transfers of early maturity allotments shall be made through the committee: *And Provided Further,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if such handler fails to do so shall have such handler's oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to such handler by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

§ 908.60 Early maturity allotments.

Notwithstanding the provisions of § 908.54 the committee shall, prior to the reaching of general maturity, issue special allotments for the handling of early maturity oranges. Handlers controlling early maturity oranges may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee shall be allocated in an equitable manner among the requesting handlers who qualify therefor. Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to such handler shall be adjusted downward by the committee. Early maturity allotments are transferrable to other handlers who received early maturity allotments in the same weekly period: *Provided,* That transfers of early maturity allotments shall be made through the committee: *And Provided Further,* That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if such handler fails to do so shall have such handler's oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to such handler by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part.

Proposal No. 13:

Revise §§ 907.70 and 908.70 to read:

§ 907.70 and § 908.70 Weekly report.

On or before such day of each week as may be designated by the committee, each person who first handles oranges shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-products processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, and shipments by parcel post or express, showing the destination and quantity of each such shipment; and (e) the total quantity disposed of otherwise, showing manner and quantity of each such disposition.

Proposal No. 14:

Revise §§ 907.71 and 908.71 to read:

§ 907.71 and § 908.71 Manifest report.

Each person who first handles oranges shall furnish to the committee information regarding the size of oranges in each standard packed carton or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

Proposal No. 15:

Add a new subtitle "Records and Retention" following §§ 907.72 and 908.72, and new §§ 907.73 and 908.73 to read:

§ 907.73 and § 908.73 Records and retention.

(a) Each handler shall maintain records which will clearly show the details of such handler's receipts and acquisitions of oranges, sales, shipments, dispositions, inventories, and such other pertinent information as will substantiate the information submitted to the committee pursuant to this part.

(b) Each handler shall retain all records prepared or received in connection with the handling of oranges, including records of receipts and acquisitions, sales tickets, copies of statements of sales to customers, accounts of sales, correspondence, papers relating to damage and loss claims against carriers, an itemized daily record of cash receipts, ledger records in which purchases and sales can be verified, cash receipts and disbursement journals, bank statements, cancelled checks, bills of lading, truck manifests, car manifests, and all other pertinent records relating to the acquisition, handling, and disposition of oranges. All such records shall be retained by the handler for a period of four years following the end of the applicable crop year. If, within the four-year period, the committee notifies the handler in writing that the retention of such records, or specified records, is necessary in connection with proceedings under the Act, a court action, or a compliance investigation by the Secretary or the committee specified in such notice, the handler shall retain such records, or specified records, until further written notification from the committee. The committee shall give further written notification to the handler when retention of the records is no longer necessary.

(c) Each handler shall make available to authorized representatives of the committee and the Secretary at any time during reasonable business hours all records provided for in this part for examination and audit, and shall permit access to all premises where records are maintained or stored and where oranges are received, stored, prepared for market, or handled. The committee shall make such checks of oranges or audits of handlers' records as it deems appropriate or which are requested by the Secretary to insure that accurate information as required in this part is being furnished by handlers.

(d) All reports and information submitted by handlers pursuant to the provisions of this part shall be received by, and at all times be in the custody of one or more designated employees of the committee. No such employees shall disclose to any person, other than the Secretary upon request therefor, data, or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided,* That such data and information may be combined, and made available in the form of general reports in which the identities of the individual handlers furnishing the information is not disclosed.

(e) The committee shall, with the approval of the Secretary, adopt rules and regulations to effectuate the provisions of this section.

Proposal No. 16:

Add new §§ 907.74 and 908.74 to read:

§ 907.74 and § 908.74 Failure to report.

In the event a handler fails to submit in the prescribed amount of time the reports required by the provisions of this part and the procedural rules and regulations thereunder, the committee may remove such handler from the prorate base and may refuse to issue any additional allotment to such handler, except as required for purposes of allotment loan repayments by such handler.

Proposal No. 17:

Amend §§ 907.83 and 908.83 by removing paragraph (c), redesignating paragraph (d) as paragraph (f) and adding new paragraphs (c), (d) and (e) to read:

§ 907.83 Termination.

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of a crop year in which the Secretary has found by referendum that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of oranges in the production area: *Provided,* That such majority has during such representative period produced for market more than 50 percent of the total volume of such oranges produced for market within the production area; but such termination shall be effective only if announced on or before September 15, of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than January 15 of an odd numbered year, the Secretary shall conduct a referendum prior to March 15 of such year to ascertain whether termination of this part is favored by growers as determined in accordance with (c) of this section. The committee, with the approval of the Secretary, shall adopt such rules and regulations as necessary to establish the basis for the recommendation provided for in this section.

(e) The Secretary shall conduct a referendum by August 1, of the tenth year following the effective date of this section and no later than August 1, every tenth year thereafter to find whether, in accordance with (c) of this section, termination of the order is favored by producers: *Provided,* That if a termination referendum or an affirmative amendment referendum is held within any ten year period of time as herein provided, the next termination referendum shall be held by August 1, of the tenth year following such referenda.

§ 908.83 Termination.

* * * * *

(c) The Secretary shall terminate the provisions of this subpart at the end of a crop year in which the Secretary has found by referendum that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of oranges in the production area: *Provided,* That such majority have during such representative period produced for market more than 50 percent of the total volume of such oranges produced for market within the production area; but such terminations shall be effective only if announced on or before December 1 of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than August 15 of an odd numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether termination of this part is favored by growers as determined in accordance with (c) of this section. The committee, with the approval of the Secretary, shall adopt such rules and regulations as necessary to establish the basis for the recommendation provided for in this section.

(e) The Secretary shall conduct a referendum by October 15 of the tenth year following the effective date of this section and no later than October 15 every tenth year thereafter to find whether, in accordance with (c) of this section, termination of the order is

favored by producers: *Provided,* That if a termination referendum or an affirmative amendment referendum is held within any ten year period of time as herein provided, the next termination referendum shall be held by August 1 of the tenth year following such referenda.

(f) The provisions of this part shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

Proposals by California Citrus Mutual:

1. Provide for mail balloting for nomination of committee members.
2. Amend termination provisions to provide for a continuance referendum every six years or whenever a petition requesting such referendum is signed by 30 percent of the orange growers.
3. Provide that the Secretary of Agriculture hold a hearing to amend the orders when presented with a petition requesting such hearing signed by 15 percent of the orange growers.
4. Provide that terms of office for administrative committee members be limited to two consecutive four-year terms. Persons are eligible to serve again after a two-year period off the committee.
5. Amend the nomination provisions to nominate one-half of each committee's members annually.
6. Amend eligibility requirements to serve on the administrative committees (i.e. require that a grower lease or own 20 acres of navel or Valencia orange trees for a period of not less than the two years preceding nomination).
7. Provide that at least every other meeting of the NOAC or VOAC be held in the district shipping the majority of navel or Valencia oranges respectively.
8. Amend the order to include shipments of oranges destined to Mexico in the weekly prorate.
9. Amend procedures for issuing early maturity allotments.
10. Revise the forfeiture provisions of the orders.

Proposals of the Committee To Improve Marketing Orders 907 and 908 Represented by Perry L. Walker

Proposal No. 1:

Revised §§ 907.20 and 908.20 to read:

§ 907.20 Establishment and membership.

(a) There is hereby established a Navel Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate.

(b) Nine of the members and their respective alternates shall be growers, and they shall be known as grower members. Each grower member must be a person who has been actively involved in the commercial production of navel oranges for at least five years prior to appointment. No more than four grower members and their respective alternates shall be affiliated with the same central marketing organization. Grower members are to reflect the industry's geographic production percentage by district; provided, however, that each production district shall be represented by at least one grower member and alternate.

(c) Two members and their respective alternates shall be nominated as provided in § 907.22(f), and shall be known as the public members. A public member may be any person who has had neither a personal nor a professional relationship with the citrus industry within the past five years prior to appointment.

(d) Any committee member or alternate must immediately resign if such member should become ineligible.

§ 908.20 Establishment and membership.

(a) There is hereby established a Valencia Orange Administrative Committee consisting of 11 members, for each of whom there shall be one alternate, and for each grower member an additional alternate.

(b) Nine of the members and their respective alternates shall be growers, and they shall be known as grower members. Each grower member must be a person who has been actively involved in the commercial production of Valencia oranges for at least five years prior to appointment. No more than four grower members and their respective alternates shall be affiliated with the same central marketing organization. Grower members are to reflect the industry's geographic production percentage by district; provided, however, that each production district shall be represented by at least one grower member and alternate.

(c) Two members and their respective alternates shall be nominated as provided in § 908.22(f), and shall be known as the public members. A public member may be any person who has had neither a personal nor a professional relationship with the citrus industry within the past five years prior to appointment.

(d) Any committee member or alternate must immediately resign if such member should become ineligible.

Proposal No. 2:

Revise §§ 907.21 and 908.21 to read:

§ 907.21 Term of office.

(a) The term of office for each committee member and their respective alternates shall be three years. It shall commence on October 1 of the year in which each member is appointed and shall continue until a succesor has been selected and has qualified. The term of office for any person nominated pursuant to § 907.22(h) shall continue only until the next regular election, whereupon a new member shall be elected to fill the unexpired term.

(b) During the transition period the procedure shall be as follows: The four non-grower members and their respective alternates shall immediately resign from the committee. The committee manager shall immediately conduct an election to fill all four vacancies; the three candidates receiving the greatest number of votes shall be nominated to the Secretary to serve three-year terms, with the remaining candidate nominated for a one-year term. The present chairman shall resign and the Secretary shall appont a public member/chairman to serve a three-year term. At the time of the next regular election, all six grower members not elected a the previous election shall resign. The three candidates receiving the greatest number of votes shall be nominated for three-year terms, with the remaining three nominated for a one-year term. The Secretary shall appoint a second public member for a three-year term. The same procedures shall apply in the case of alternates and additional alternates.

§ 908.21 Term of office.

(a) The term of office for each committee member and their respective alternates shall be three years. It shall commence on February 1 of the year in which each member is appointed and shall continue until a successor has been selected and has qualified. The term of office for any person nominated pursuant to § 908.22(h) shall continue only until the next regular election, whereupon a new member shall be elected to fill the unexpired term.

(b) During the transition period the procedure shall be as follows: The four non-grower members and their respective alternates shall immediately resign from the committee. The committee manager shall immediately conduct an election to fill all four vacancies; the three candidates receiving the greatest number of votes shall be nominated to the Secretary to serve three-year terms, with the remaining candidate nominated for a one-year term. The present chairman shall resign and the Secretary shall appoint a public member/chairman to serve a three-year term. At the time of

the next regular election, all six grower members not elected at the previous election shall resign. The three candidates receiving the greatest number of votes shall be nominated for three-year terms, with the remaining three nominated for a one-year term. The Secretary shall appoint a second public member for a three-year term. The same procedures shall apply in the case of alternates and additional alternates.

Proposal No. 3:

Revise §§ 907.22 and 908.22 to read:

§ 907.22 Nominations.

(a) Voting rights on industry matters, including referenda and committee nominations, shall be determined by navel orange acreage as follows: forty acres of less shall entitle each grower to one vote; each additional twenty acres beyond the forty acre base entitles each grower to one-half additional vote; provided, however, that in order to qualify, an acreage must have been planted during six consecutive seasons prior to the season in which qualification is claimed.

(b) When acreage is owned or leased by more than one person (including partnerships, owner-syndicates, landlord-tenant arrangements, corporations and/or other multiple ownership configurations), one individual must be appointed as the voting member of each group.

(c) The committee manager shall notify growers of any vacancies among growers, alternates, and additional alternates on the committee. The committee manager shall mail grower information forms to all industry growers requesting each grower's name and acreage amount by district.

(d) Any industry grower, other than a present member of the committee except a member nominated pursuant to § 907.22(h), desiring nomination to fill a committee vacancy shall obtain from and return to the committee manager a nomination petition containing a minimum of twenty grower endorsements, the nominee's name, address, acreage by district and marketing affiliation. Upon receipt of the completed petition, the committee manager shall certify the candidate's eligibility and the grower endorsements, whereupon the candidate's name shall be placed on the ballot.

(e) The committee manager shall prepare a ballot which shall contain at least two proposed candidates for each vacancy. Each candidate's name, address, navel orange acreage by district, and marketing affiliation shall be indicated on the ballot. All balloting shall be conducted by mail and certified by the Administrator. For each grower, alternate, and additional alternate position, the candidate receiving the geatest number of votes shall be the nominee for consideration and appointment to the committee by the Secretary.

(f) Whenever a vacancy occurs among the public members or their alternates, the members of the committee selected by the Secretary pursuant to § 907.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee.

(g) When a vacancy occurs on the committee due to a change in a member's eligibility or otherwise, the committee shall nominate a replacement who has the same qualifications.

§ 908.22 Nominations.

(a) Voting rights on industry matters, including referenda and committee nominations, shall be detemined by Valencia orange acreage as follows: forty acres or less shall entitle each grower to one vote; each additional twenty acres beyond the forty acre base entitles each grower to one-half additional vote; provided, however, that in order to qualify, any acreage must have been planted during six consecutive seasons prior to the season in which qualification is claimed.

(b) When acreage is owned or leased by more than one person (including partnerships, owner-syndicates, landlord-tenant arrangements, corporations and/or other multiple ownership configurations), one individual must be appointed as the voting member of each group.

(c) The committee manager shall notify growers of any vacancies among growers, alternates, and additional alternates on the committee. The committee manager shall mail grower information forms to all industry g owers requesting each grower's name and acreage amount by district.

(c) Any industry grower, other than a present member of the committee except a member nominated pursuant to § 908.22(h), desiring nomination to fill a committee vacancy shall obtain from and return to the committee manager a nomination petition containing a minimum of twenty grower endorsements, the nominee's name, address, acreage by district and marketing affiliation. Upon receipt of the completed petition, the committee manager shall certify the candidate's eligibility and the grower endorsements, whereupon the candidate's name shall be placed on the ballot.

(e) The committee manager shall prepare a ballot which shall contain at least two proposed candidates for each vacancy. Each candidate's name, address, Valencia orange acreage by district, and marketing affiliation shall be indicated on the ballot. All balloting shall be conducted by mail and certified by the Administrator. For each grower, alternate, and additional alternate position, the candidate receiving the greatest number of votes shall be the nominee for consideration and appointment to the committee by the Secretary.

(f) Whenever a vacancy occurs among the public members or their alternates, the members of the committee selected by the Secretary pursuant to § 908.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate a member and an alternate member of the committee.

(g) When a vacancy occurs on the committee due to a change in a member's eligibility or otherwise, the committee shall nominate a replacement who has the same qualifications.

Proposal No. 4:

Revise §§ 907.23 and 908.23 to read:

§ 907.23 Selection.

From the nominations made pursuant to § 907.22(e) or from other qualified growers, the Secretary shall select and appoint the number of growers, alternates, and additional alternates needed to fill any vacancies on the committee. From the nominations made pursuant to §§ 907.22(g) and 907.22(h) or from other qualified persons, the Secretary shall select and appoint the number of public members and alternates needed to fill any vacancies on the committee.

Conforming changes: the committee will neet to amend its rules and regulations, specifically § 907.102, to reflect the above changes; other sections of the order will require slight conforming changes.

§ 908.23 Selection.

From the nominations made pursuant to § 908.22(e) or from other qualified growers, the Secretary shall select and appoint the number of growers, alternates, and additional alternates needed to fill any vacancies on the committee. From the nominations made pursuant to §§ 908.22(g) and 908.22(h) or from other qualified persons, the Secretary shall select and appoint the number of public members and alternates needed to fill any vacancies on the committee.

Conforming changes: the committee will need to amend its rules and regulations, specifically § 908.102, to reflect the above changes; other sections of the order will require slight conforming changes.

Proposal No. 5:

Revise §§ 907.30 and 908.30 to read:

§ 907.30 Procedure.

(a) No committee business shall be conducted unless a quorum of nine members (or alternates when acting for absent members) is present.

(b) All members, including the chairman, shall vote affirmatively or negatively on all proposals before the committee; no abstentions shall be allowed. The votes of each member on each proposal shall be recorded in the minutes.

(c) Committee meetings shall be held in each district based on the volume of navel oranges produced in such district; provided, however, that at least one meeting per season shall be held in each district.

(d) The committee manager will poll all marketing organizations on or before the Friday prior to any NOAC meeting to obtain the following information: (1) volume recommendations for the affected prorate period; and (2) other pertinent market information that will assist and guide the committee in its deliberations such as demand, price trends, and comparative commodity information. A summary of these recommendations shall be made a part of the committee's minutes. Minutes shall be promptly distributed by mail to all interested persons.

§ 908.30 Procedure.

(a) No committee business shall be conducted unless a quorum of nine members (or alternates when acting for absent members) is present.

(b) All members, including the chairman, shall vote affirmatively or negatively on all proposals before the committee; no abstentions shall be allowed. The votes of each member on each proposal shall be recorded in the minutes.

(c) Committee meetings shall be held in each district based ont he volume of Valencia oranges produced in such district; provided, however, that at least one meeting per season shall be held in each district.

(d) The committee manager will poll all marketing organizations on or before the Friday prior to any VOAC meeting to obtain the following information: (1) volume recommendations for the affected prorate period; and (2) other pertinent market information that will assist and guide the committee in its deliberations such as demand, price trends, and comparatively commodity information. A summary of these recommendations shall be made a part of the committee's minutes. Minutes shall be promptly distributed by mail to all interested persons.

Proposal No. 6:

Amend §§ 907.31 and 908.31 by changing "$25 per day" to "$250 per day".

Proposal No. 7:

Add a new §§ 907.34 and 908.34 to read:

§ 907.34 Generic advertising.

The committee, with the approval of the Secretary, may establish or provide for the establishment of a generic advertising program to assist, improve, and promote the consumption of navel oranges grown in California and Arizona. Such a program shall commence not later than the beginning of the 1983–84 marketing season, the expenses of such program to be paid from funds collected pursuant to this part.

§ 908.34 Generic advertising.

The committee, with the approval of the Secretary, may establish or provide for the establishment of a generic advertising program to assist, improve, and promote the consumption of Valencia oranges grown in California and Arizona. Such a program shall commence not later than the beginning of the 1983–84 marketing season, the expenses of such program to be paid from funds collected pursuant to this part.

Proposal No. 8:

1. Add a new paragraph (e) to §§ 907.51 to read:

§ 907.51 Recommendations for volume regulation.

* * * * *

(e) The committee shall not recommend volume regulation prior to December 25. The committee may recommend volume regulation for up to six prorate periods. Each such period shall consist of two consecutive weeks. The prorate periods may or may not be consecutive at the discretion of the committee. Open movement shall prevail during any portion of the season in which volume regulations is not in effect.

2. Conforming changes: the term "week", wherever used in this part, shall be revised to read "prorate period".

3. Revise § 908.51 to read:

§ 908.51 Recommendations for volume regulation.

* * * * *

(e) The committee shall not recommend volume regulation prior to the first Monday in April. The committee may recommend volume regulation for up to three prorate periods. Each such period shall consist of two consecutive weeks. The prorate periods may or may not be consecutive at the discretion of the committee. Open movement shall prevail during any portion of the season in which volume regulation is not in effect.

4. Conforming changes: the term "week", wherever used in this part, shall be revised to read "prorate period".

Proposal No. 9:

Amend §§ 907.54 and 908.54 by redesignating the first paragraph as paragraph (a) and adding a new paragraph (b) to each section to read:

§ 907.54 Allotments.

* * * * *

(b) During any period in which volume regulation is in effect, each handler shall be entitled to apply for an additional allotment (without deduction from any subsequent allotments) of up to 20% of such handler's base allotment calculated in paragraph (a). Application for this marketing incentive allotment must be made no later than four days prior to the next NOAC meeting and shall not be denied. This incentive increase is in addition to the allowance for overshipments provided for in § 907.55. Any portion of such incentive allotment unused during the prorate for which it was granted shall be deducted from the handler's prorate base.

§ 908.54 Allotments

* * * * *

(b) During any period in which volume regulation is in effect, each handler shall be entitled to apply for an additional allotment (without deduction from any subsequent allotments) of up to 20% of such handler's base allotment calculated in paragraph (a). Application for this marketing incentive allotment must be made no later than four days prior to the next NOAC meeting and shall not be denied. This incentive increase is in addition to the allowance for overshipments provided for in § 908.55. Any portion of such incentive allotment unused during the prorate for which it was granted shall be deducted from the handler's prorate base.

Proposal No. 10:

Revise the introductory text and paragraph (a) of §§ 907.67 and 908.67 as follows:

§ 907.67 and § 908.67 Oranges not subject to regulation.

Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies: *Provided,* That all charitable organizations seeking product donations shall apply to the committee for certification; provided, however, that donations to any one charity in the amount of 100 cartons or less shall not require certification. All bona fide charitable organizations shall be qualified as such with the Internal Revenue Service. Certification shall not be denied on the basis of race, color, creed, or religion.

* * * * *

Proposal No. 11:

Amend §§ 907.83 and 908.83 by adding new paragraphs § 907.83 (c)(4) and (c)((5); and § 908.83 (c)(4) and (c)(5) to read:

§ 907.83 Termination.

* * * * *

(c) * * *

(4) A mandatory amendatory or continuance referendum shall be held within 120 days after a petition containing the names of at least five percent of industry growers is submitted to the committee; provided, however, that a continuance referendum shall be held at least every three years.

(5) Voting rights on any such referendum shall be those provided for in § 907.22.

* * * * *

§ 908.83 Termination.

* * * * *

(c) * * *

(4) A mandatory amendatory or continuance referendum shall be held within 120 days after a petition containing the names of at least five percent of industry growers is submitted to the committee; provided, however, that a continuance referendum shall be held at least every three years.

(5) Voting rights on any such referendum shall be those provided for in § 908.22

* * * * *

Proposals Submitted by J. Kent Burt, Dennis N. Torigian, and Carl A. Pescosolido, Jr.

Remove §§ 907.51 through 907.61a.
Remove §§ 908.51 through 908.61a.

Proposals Submitted by Don A. Schroeder:

1. Eliminate the provisions relative to the forfeiture of unused allotments.
2. Provide for the establishment of an allotment "banking" system wherein handlers deposit unused weekly allotments. Such deposits are to be redistributed to eligible handlers as loans, subject to a maximum weekly withdrawal of 50 percent of the handler's weekly prorate. A minimum reserve of 20 percent of the weekly schedule or any amount above that set by the committees would be established in the "bank" and redistribution and repayment of loans would be based on tree crop.

Proposal Submitted by Bernie H. Evans, III:

Revise procedures for issuing early maturity allotments.

Proposal by the Fruit and Vegetable Division, Agricultural Marketing Service:

Make such changes as may be necessary to make both marketing agreements and orders conform with any amendment thereto that may result from the hearing.

Dated: March 11, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-6869 Filed 3-16-83; 8:45 am]
BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 83-AWA-4]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal alters the descriptions of several VOR (very high frequency omnidirectional tactical air navigational aid) Federal airways in the vicinity of Montpelier, VT, VORTAC. The Montpelier VORTAC (very high frequency omnidirectional radio range tactical air navigational aid) will be relocated approximately 9 miles southeast of the present location. This action amends the descriptions of all airways affected by the relocation.

DATES: Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, New England Region, Attention: Manager, Air Traffic Division, Docket No. 83-AWA-4, Federal Aviation Administration, 12 New England Executive Park, Burlington, MA 01803.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83-AWA-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date

for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of VOR Federal Airways V–72, V–104, and V–447. The Montpelier VORTAC is being relocated to lat. 44°05'8"N, long. 72°26'59"W, which is approximately 9 miles southeast of the present location. This action amends the descriptions of the affected airways. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V–72 [Amended]

By deleting all the words after the word "Montpelier."

V–104 [Amended]

By deleting all after the words "Bangor, ME." and substituting the words "The airspace within Canada is excluded."

V–447 [Amended]

By deleting the words "INT Montpelier 020° and Sherbrooke, PQ, Canada, 217° radials; Sherbrooke." and substituting the words "to Sherbrooke, PQ, Canada."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 8, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6836 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82–ANM–24]

Proposed Alteration and Revocation of Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal would alter the descriptions of several VOR Federal Airways in the vicinity of Great Falls, MT, by revoking the alternate route structure and by extending V–19 from Lewistown, MT, to Havre, MT. This action would improve traffic flow in the area when the Hays Military Operations Area (MOA) is active, reduce chart clutter, increase safety, and reduce controller workload.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Northwest Mountain Region, Attention: Manager, Air Traffic Division, Docket No. 82–ANM–24, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, WA 98108.

The official docket may be examined in the Rules Docket, weekdays, except Federal Holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspect of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ANM–24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comment received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would extend V–19 and revoke V–19W between Great Falls, MT,

and Lewistown, MT, and revoke V–120W between Great Falls and Lewistown. The airway extension would provide controlled airspace that bypasses the Hays MOA without adding excessive mileage and inconvenience to the pilot. This action aids flight planning, increases safety, and reduces chart clutter and controller workload. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

V–19 [Amended]

By deleting the words "Lewistown; Great Falls, MT, including a Walternate via INT Lewistown 274° and Great Falls 122° radials." and substituting the words "Lewistown; INT Lewistown 322°T(304°M) and Havre, MT, 226°T(207°M) radials; to Havre."

V–120 [Amended]

By deleting the words "Lewistown, MT, including a N alternate INT Great Falls 074° and Lewistown 308 radials; 41 miles, 72 miles, 85 MSL, Miles City, MT," and substituting the words "Lewistown, MT; Miles City, MT."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(C)); and 14 CFR 11.65)

Hor.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore–(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 8, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83–6936 Filed 3–16–83; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 82–AWP–22]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposal alters the description of several airways in the vicinity of Los Angeles, CA, by deleting alternate airway segments and renumbering other airway segments. This action supports our agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway designations from the National Airspace System.

DATE: Comments must be received on or before May 2, 1983.

ADDRESS: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 82–AWP–22, Federal Aviation Administration, 15000 Aviation Blvd., P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AWP–22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the descriptions of several airways in the vicinity of Los Angeles, CA, by deleting the alternate route segments. Those alternate routes required for air traffic control have been assigned new numbers. This action supports our agreement with ICAO to eliminate all alternate route designations from our National Airspace System. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71) of the Federal Aviation Regulations (14 CFR Part 71 as follows:

V–264 [Amended]

By deleting the words "Twentynine Palms, CA, including a S alternate from Los Angeles to Twentynine Palms via Paradise, CA, and Palm Springs, CA; 17 miles, 29 miles 55 MSL," and substituting the words "Twentynine Palms, CA,"

V–370 [New]

From Los Angeles, CA, via Paradise, CA; Palm Springs, CA; to Twentynine Palms, CA.

V–16 [Amended]

By deleting the words "Palm Springs, CA, including a S alternate from Los Angeles via Los Angeles 138° and Seal Beach, CA, 287° radials; Seal Beach; March, CA; INT March 068° Palm Springs 273° radials; to Palm Springs; Blythe, CA; 21 miles, 60 miles, 55 MSL, Buckeye, AZ;" and substituting the words "Palm Springs, CA; Blythe, CA; Buckeye, AZ;"

V–372 [New]

From Seal Beach, CA, via March, CA; INT March 068°T(054°M) and Palm Springs, CA, 273°T(256°M) radials; Palm Springs; to Blythe, CA.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore— (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 8, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6527 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 83-ACE-2]

Proposed Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: These proposals alter the descriptions of several very high frequency omnidirectional radio range (VOR) Federal airways/jet routes in the vicinity of Wichita, KS. The Wichita very high frequency omnidirectional radio range tactical air navigational aid (VORTAC) will be relocated approximately 6 nautical miles west of its present location. These actions amend the descriptions of all airways affected by the move to the new location.

DATES: Comments must be received on or before May 2, 1983.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Central Region, Attention: Manager, Air Traffic Division, Docket No. 83–ACE–2, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. the FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 83–ACE–2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposals

The FAA is considering amendments to § 71.123 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of VOR Federal Airways V–73, V–77, V–261, V–280, V–350, V–532, and Jet Route J–182. The Wichita VORTAC is being relocated to lat. 37°44'43" N., long. 97°35'01" W., which is approximately 6 nautical miles west of the present location. These actions amend the descriptions of the affected airways/jet routes. Sections 71. 123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Advisory Circular AC 70–3A dated January 3, 1983.

List of Subjects in 14 CFR Parts 71 and 75

Airways/jet routes, Aviation safety.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as follows:

PART 71—[AMENDED]

§ 71.123 [Amended]

V–73 [Amended]

By deleting the words "From Tulsa, OK, via Wichita, KS;" and substituting the words "From Tulsa, OK, via INT Tulsa 319°T(311°M) and Wichita, KS, 136°T(127°M) radials;"

V–77 [Amended]

By deleting the words "Wichita, KS; INT Wichita 037° and Topeka, KS, 236° radials;

Topeka;" and substituting the words "Wichita, KS; INT Wichita 042°T(033°M) and Topeka, KS, 236°T(226°M) radials; Topeka;"

V-281 [Revised]

From Wichita, KS; to Manhattan, KS.

V-532 [Amended]

By deleting the words "Wichita, KS; INT Wichita 356° and Salina, KS 169° radials;" and substituting the words "Wichita, 004°T(355°M) and Salina 169°T(160°M) radials;"

V-280 [Amended]

By deleting the words "Hutchinson; INT Hutchinson 062° and Topeka, KS, 236° radials;" and substituting the words "Hutchinson; INT Hutchinson 061°T(053M) and Topeka 236°T(226°M) radials;"

§ 75.100 [Amended]

J-102 [Revised]

From Goodland, KS, via Wichita, KS; INT Wichita 122°T(113°M) and Razorback, AR, 291°T(284°M) radials; to Razorback.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore (1) Is not a "major rule" under Executive Order 12291; (2) is not a "Significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 8, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-6536 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1500 and 1513

Requirements to Address Strangulation Risk Presented by Toy Chests

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: Based on available information, the Commission preliminarily believes that certain toy chests with hinged lids present a strangulation risk to children and that a mandatory rule may be necessary to address that risk. The Commission is therefore proposing a rule, supported by a preliminary regulatory analysis, and soliciting public comment.

DATES: Comments and submissions are due no later than April 18, 1983. The rule is proposed to become effective and to apply to toy chests in the channels of distribution after expiration of the 90 calendar day period of continuing session of Congress following final issuance of the rule.

ADDRESS: Comments and submissions should be sent, preferably in five copies, to Office of Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Ms. Elaine Tyrrell, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6554.

SUPPLEMENTARY INFORMATION:

I. Advance Notice of Proposed Rulemaking

In April 1982 the Commission issued an advance notice of proposed rulemaking (ANPR) concerning a strangulation risk that certain toy chests with hinged lids present to children. 47 FR 16041 (April 14, 1982). The ANPR, the first of three required stages in the issuance of a mandatory rule for children's articles under the Federal Hazardous Substances Act, discussed the statutory framework of the rulemaking proceeding; the scope of the proceeding; the strangulation risk; and the alternatives to a mandatory rule:[1]

A. Statutory Framework

Under the Federal Hazardous Substances Act (FHSA), the Consumer Product Safety Commission has authority to regulate the safety of articles intended for use by children. 15 U.S.C. 1261 *et seq.* Alternatively, if the Commission finds that it is in the public interest to regulate a risk associated with a particular children's article under the Consumer Product Safety Act, it may regulate such article under that statute. 15 U.S.C. 2079(d).

During 1981 Congress amended both acts to require a three-stage proceeding for the regulation of consumer products (including children's articles). Consumer Product Safety Amendments of 1981 (Pub. L 97-35). The proceeding must begin with an advance notice of proposed rulemaking, and that notice must include information about the product, the risk, any existing voluntary standards and the regulatory alternatives under consideration. 15 U.S.C. 1262(f).

The required second stage involves a **Federal Register** document that includes the text of a proposed rule, any alternatives, and a preliminary regulatory analysis that contains (a) a preliminary description of the potential benefits and potential costs of the proposal; (b) a discussion of the reasons that a voluntary standard submitted in response to the ANPR was not published as the proposal; (c) a discussion of why the Commission believes preliminarily that a submitted plan for a voluntary standard "would not, within a reasonable period of time, be likely to result in the development of a voluntary standard that would eliminate or adequately reduce the risk of injury identified. * * *"; and (d) a description and discussion of any reasonable alternatives to the proposal. 15 U.S.C. 1262(h).

A final rule, the third stage, must be accompanied by a final regulatory analysis. 15 U.S.C. 1261(i)(1). It must also be supported by a number of findings concerning any then-existing voluntary standard and the benefits, costs, and burden of the mandatory rule. 15 U.S.C. 1262(i)(2).

Under the Federal Hazardous Substances Act, the Commission may determine by regulation (according to the three-stage proceeding just described) that "[a]ny toy or other article intended for use by children * * * presents an electrical, mechanical, or thermal hazard" 15 U.S.C. 1261(f)(1)(D). The Commission may conclude that an article presents a mechanical hazard if "in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness * * * from * * * openings or closures, * * * from moving parts, * * * because of instability, or * * * because of any other aspect of the article's design or manufacture." 15 U.S.C. 1261(s). If the Commission makes such a determination about a toy or other children's article, the article is deemed a "hazardous substance" and a "banned hazardous substance," and its

[1] Six documents in the record of the rulemaking proceeding were listed at the end of the ANPR. Those six and some additional documents are listed at the end of this proposed rule. The numbers in parentheses throughout the text of this document refer to that list. All documents on the list are available from the Commission's Office of the Secretary.

introduction or delivery for introduction into interstate commerce is prohibited. 15 U.S.C. 1261(f)(1)(D), 1261(q)(1)(A), and 1263(a).

B. Scope

The ANPR applied to all toy chests that met the working definition of "containers with hinged lids that are marketed for storing children's toys." A refinement of this definition to address size is discussed in section IIIB below.

The ANPR explained the Commission's awareness that many products, such as trucks and old packing cartons, are used as toy chests but are not included within the definition (12). The inclusion of such products would make a mandatory rule both unworkable and unenforceable because of the many different types of products that can be—and are—used as toy chests.

C. Risk of Injury

In the ANPR, the Commission stated that it has documented 21 fatalities and one case of permanent brain damage from falling toy chest lids (3). The pattern generally involves a toy chest lid falling on a child while he or she is leaning into the chest (4). If the child's neck is extended across the upper edge of the front of the chest when the lid falls, the child can be caught and strangled (4).

The ANPR also stated that most of the victims in the documented incidents were between ages of 10 and 12 months, with one victim 16 and one 19 months of age (4). As discussed in section IIIA below, this age distribution was incorrect.

The most likely hazard scenario occurs when the toy chest lid is left open or the child is attracted to the toy chest and opens it himself or herself (4). At the age of many of the victims, children are reasonably mobile and may be walking to some degree, but are basically unsteady on their feet (4). Because of this, the child may push or lean on the toy chest while looking in (4). If this occurs, the lid may fall and strike the child if there is not an adequate lid support device attached to the toy chest (4).

If the child is not found immediately, the consequences can be fatal. It is not known, however, whether the initial impact causes death or whether the child ultimately strangles because of the entrapment.

D. Alternatives for Addressing Risk

In issuing the ANPR, the Commission recognized that a mandatory rule was not necessarily the only way to address the toy chest strangulation risk. The ANPR specifically discussed (1) the voluntary standard effort that the American Society for Testing and Materials, in cooperation with the Toy Manufacturers of America, had initiated and (2) an information and education approach.

E. Solicitation of Public Input

The ANPR solicited public comments on the identified risk of injury and on the other subjects discussed. In particular, the ANPR sought comments on possible alternatives to a mandatory rule. As required by the Federal Hazardous Substances Act, the Commission invited: (1) The submission of any existing standard or portion of a standard that addresses the risk of strangulation form toy chests and (2) the submission of any statements of intention to develop a voluntary standard or to modify an existing standard that addresses that risk, along with a plan to do so.

II. Response to the ANPR

The Commission received seven comments in response to the ANPR. One of them consisted of 47 individual comments from members of a Legal Environment of Business class at Ohio State University (16). Three of the comments concerned a voluntary standard for toy chests that is being developed by the American Society for Testing and Materials (ASTM), under the sponsorship of the Toy Manufacturers of America (TMA). These comments were from TMA's attorney (17), TMA's president (19), and ASTM's president (20). Two comments came from toy chest manufacturers, Nu-Line Industries (18) and Gerad, Inc. (22). The Public Action Coalition on Toys also submitted a comment (21).

A. Ohio State Comments

With one exception, the comments from the Ohio State students supported the issuance of a mandatory rule for toy chests or an information and education approach to warn the public, or both. Many of the comments discussed possible requirements that could be imposed on toy chests to address the strangulation risk, such as mandating the use of "slow-closing" devices like the ones used on screen and storm doors.

The one exception was a comment from Ms. Cynthia Bavaria who, first, challenged the Commission's authority to regulate toy chests under the Federal Hazardous Substances Act, an act that provides regulatory authority over "toys and other articles intended for use by children." She stated that toy chests are not toys that children play with, but rather products that "[m]others use * * * to store toys." Second, Ms. Bavaria contended in her comment that a regulation for only some products used as toy chests (referring to the limited definition discussed in the ANPR) will raise the consumers' costs and encourage them to buy toy chest products that will not be regulated. As a result, competition will be unfairly hindered and the regulation will be ineffective. Third, this comment pointed out that the three fatalities each year from toy chest strangulation cannot be evaluated without comparing that figure to the fatalities caused by other products.

The Commission responds as follows to Ms. Bavaria's comments:

1. Toy chests are articles intended for use by children, within the statutory authority because they are used by both children and adults. The 21 fatalities of children who were using toy chests, apparently unsupervised by any adult, is the best evidence of their use by children. A product that is used by both children and adults—like toy chests—is an article intended for use by children under the FHSA, according to a judicial decision in a case that challenged the Commission's bicycle regulation. *Forest v. CPSC*, 559 F.2d 774 at 783–6 (C.A.D.C. 1977).

2. As discussed in section IIIF(1) below, the Commission believes that any increased cost resulting from compliance with a mandatory standard for toy chests will be minimal. It is therefore unlikely that there will be any effect on competition or any incentive for consumers to purchase, for use as a toy chest, a product that is not covered by the rule.

3. Based on its experience with many injuries and deaths caused by consumer products, the Commission believes that three fatalities each year (the updated figure is now closer to two) is a large number to be caused by a particular hazard presented by a product that is not inherently dangerous. This is especially true when the total number of toy chests on the market and in consumers' hands is much smaller than the number of some other children's products like cribs and strollers. In any case, the risk presented must be balanced against the costs associated with the "fix," which are minimal for this particular risk (see section IV below). Finally, the Commission notes (a) that there may be more fatalities and "near misses" than it now knows of and (b) that children who are too young to protect themselves deserve the greatest possible protection from a hazard, even

if a government-imposed rule is necessary to provide it.

B. Comments on Voluntary Standard Development

The comments from TMA, Nu-Line, and ASTM generally supported a voluntary standard for toy chests as an alternative to a mandatory rule (18), (19), (20). The Commission has closely monitored the voluntary standard development proceeding, and the following is a description of all recent voluntary efforts:

In March 1981 the Comission staff contacted the ASTM Committee on Consumer Products (F15) about the development of a voluntary standard for toy chests (8). The Committee chairman explained that toy chests had been dropped as a possible project because there had been little interest expressed by industry (8). ASTM had contacted two children's products trade associations, TMA and Juvenile Products Manufacturers Association (JPMA) but they were not interested because they did not represent a majority of the manufacturers of toy chests (8).

In June 1981 the Commission staff wrote to all known manufacturers of toy chests, soliciting support and commitment to participate in developing a voluntary standard (8). After about two-thirds of the manufacturers responsed favorably, ASTM agreed to call an organizational meeting to establish a task group to develop a standard. Manufacturers, consumers and other interested persons were invited to attend a meeting on September 16, 1981 (8). However, only two manufacturers sent representatives to the meeting and, because of this poor attendance by manufacturers, no task group was formed (8).

Following a Commission briefing in December 1981, TMA offered to sponsor a voluntary standard for toy chests and to invite all manufacturers to participate (9). Commission staff provided a list of 34 firms believed to be producers or distributors of toy chests. TMA contacted ASTM and arranged for a meeting on May 4, 1982 to establish a task group. The task group formed at that meeting decided to develop a voluntary standard for toy chests and to incorporate identical provisions into an existing voluntary standard for toy safety (13).

Commission staff provided to the task force injury data and recommendations to address the risk of strangulation from falling toy chest lids (13, 15). A draft standard that incorporated staff recommendations was circulated for ballot vote by ASTM in July 1982, with a request that all ballots and comments be returned by August 1982 (23). ASTM mailed the draft standard and ballot forms to all known manufacturers of toy chests, regardless of whether they were able to attend the May 4 meeting.

By September 16, 1982, ASTM had received only 11 responses to their request for ballots and only three of these were from manufacturers of toy chests (27). In response to Commission staff concerns about the small number of manufacturers who voted on the draft standard, TMA attempted to contact each manufacturer directly. TMA found that some manufacturers were no longer producing toy chests and that there was some duplication on the list of firms (36). TMA provided to ASTM a revised list of 28 manufacturers and, after contacting them, the President of TMA indicated to Commission staff that the majority of manufacturers supported the voluntary standard (27).

Based on submitted comments, the voluntary standard was revised. On October 29, 1982 ASTM distributed this revised second draft standard and a ballot, with a due date of November 30, 1982 (43). In telephone conversations with Commission staff in January 1983, ASTM staff reported that the response to the second ballot was "good." Thirteen toy chest manufacturers and two lid support producers responded; all of these were affirmative votes or abstentions (27).

ASTM considered these second ballot results to provide task group approval, and therefore planned to sent the draft standard concurrently to its Standards Development Subcommittee and the main Consumer Products Committee (F-15) by the end of January 1983 (57). If those two committees approve the revised standard, ASTM estimates that the ballot for final ASTM approval could take place in May or June 1983 (57). If no negative votes are received on this ballot, the standard could be published in late 1983.

The Commission discusses in section IIIF(2) below whether a voluntary standard can be expected to address adequately the toy chest strangulation risk.

C. PACT and Gerad Comments

The comment received from the Public Action Coalition on Toys (PACT) urged th Commission to issue a mandatory standard because the alternative of a voluntary standard has not proven to be either timely or effective (21). Specifically, PACT stated that the lack of cohesiveness of the toy chest manufaturers provides "no assurance that all toy chest manufacturers would help develop and conform to the requirements of a voluntary standard." As just noted, the adequacy of a voluntary standard is discussed in section IIIF(2) below.

PACT additionally stated that an information and education effort alone would place "an undue burden on the shoulders of the consumer." Section IIIF(3) below discusses information and education activities. Finally, PACT supported the approach of requiring "a non-adustable device that would need an external downward force to lower a toy chest lid." This is basically the approach taken by the proposed standard (see section III C below).

The comment from Gerad, Inc. supported a regulation for toy chests, but suggested that it include an exemption for light-weight lids, such as the one on the chest that Gerad manufactures (22). The Commission has considered this suggestion and does not now believe that any hinged lid would be so light that it would not pose an unreasonable risk of death or injury to children from entrapment reulsting in strangulation. However, the Commission staff will be evaluating Gerad's toy chest during the comment period, and may reach a different conclusion. Comments on this issue are solicited from other manfuacturers and members of the public.

III. Proposed Rule

A. Risk of Injury

When the Commission issued the ANPR, it had documented 21 deaths and one case of permanent brain damage that were caused by falling toy chest lids (see section I C above). Since that time, another serious accident has occurred and come to the Commission's attention. It involved a 20-month-old child who suffered blindness and partial paralysis when a toy chest lid fell on his head or neck (61). Based on the Commission's preliminary investigation, the toy chest involved had a friction-type lid support device that failed to prevent the lid from falling (61).

In addition, the Commission has documented three "near misses," incidents in which a toy chest lid fell on a child who was rescued and escaped permanent injury (61).

The Commission has found that it incorrectly reported in the ANPR the age distribution of the victims (see section IC above). Including the most recent incident, eight of the victims were between 10 and 12 months of age, and all but two of the 23 victims were under two years of age (61).

B. Scope

As mentioned earlier, the working definition of toy chest requires refinement to account for size (see section IB). If no minimum size were included for toy chests, certain containers for toys that are too small to present the identified risk would be covered by the proposed rule. For example, certain brands of small toy cars and action figures are designed to fit into specialized carrying and storing cases. These cases are so small that no child could fit his or her head into them, especially since they are usually subdivided into even smaller compartments, and the strangulation risk is not presented. Therefore, it is both necessary and appropriate to propose a minimum size for toy chests covered by the rule.

In 1973 the Food and Drug Administration (FDA), which then administered the FHSA, proposed a mandatory toy chest rule (7). It would have applied to toy chests having a continuous enclosed volume greater than 1.1 cubic feet and a smallest internal dimension of six inches or more. Subsequently, TMA used the same size limitation when it developed provisions applicable to toy chests in a voluntary toy safety standard (1).

After evaluating these FDA and TMA size criteria, the Commission believes that they would effectively exclude from the rule toy chests that are too small to present the identified strangulation risk. While 1.1 cubic feet is small for a toy chest (58), this criterion on volume would exclude from the rule's coverage the specialized cases described above. It is also likely to exclude any other containers marketed for storing children's toys that are too small to present the strangulation hazard to children.

The six inch criterion is also a helpful one. All toy chest that the Commission has observed currently on the market have three dimensions—length, width, and depth (height)—each of which is larger than six inches (59). Nevertheless, it is theoretically possible that a toy chest will have a volume larger than 1.1 cubic feet and an internal dimension smaller than six inches. If such a toy chest existed, the Commission does not believe that it would present the strangulation risk because the head of the smallest child in the group at risk would be quite unlikely to fit into it. This is based on a commission staff estimate that such a head would measure approximately 4.4 inches by 5.7 inches by 6 inches (58). The six inch criterion used by the FDA and TMA is generally consistent with these dimensions and the Commission is proposing to use it, along with the volume limitation, to define the scope of the toy chest rule.

Therefore, as described in section 1513.2 below, the proposed rule includes toy chests that have a smallest internal dimension of six inches of more [2] and a volume greater than 1.1 cubic feet. If any comments on the proposal indicate that these size limitations are not appropriate for toy chests, either because they include toy chests that do not present the strangulation risk or because they exclude toy chests that do present the risk, the Commission will reconsider the scope of the rule.

C. Test Procedure

The purpose of the proposed rule is to distinguish the toy chests that present the strangulation risk from those that do not, and to ban the hazardous ones (see section 1513.1). The rule does this by requiring that a lid not fall of its own weight. Whether a child or adult opens a toy chest, the lid most remain at the position to which it was opened, and not "slam shut" or otherwise close onto and entrap a child's neck or head.

The proposed rule includes a test procedure with which toy chests must comply (§ 1513.3). The procedure is framed in performance terms so that manufacturers can select from among different design approaches to achieve compliance. The Commission at this time knows of three types of lid support devices that could be used with a toy chest so that it will comply with the proposed test procedure (59):

(a) spring-loaded support: A device which uses a spring in either compression or tension to counterbalance the weight of the lid. Several such devices are currently marketed and some serve a dual purpose of both hinge and lid support.

(b) friction-type support: A device with a slotted bar, attached to the lid, which slides through a clamp attached to the chest. Friction between the clamp and bar is sufficient to support the lid.

(c) ratchet-type device: A bar with multiple notches, attached to the lid, and a pawl, attached to the chest, which engages the notches to prevent the lid from dropping. The pawl must be released by some means for the lid to close.

While not every lid support device that falls into one of these categories will necessarily comply with the standard, any of the three types could be used. The existence of at least three types of devices provides a manufacturer with some freedom of choice about the design approach it wants to use.

The Commission emphasizes that neither the FHSA nor the proposed rule would require manufacturers to test toy chests. Rather, the test procedure describes the requirements that toy chests must meet in order to be in compliance and it also describes how the Commission will perform its testing for enforcement purposes. The Commission of course anticipates that manufacturers will test at least some of their toy chests.

The proposed test procedure incorporates the following criteria:

1. *Adjustment of the lid support device.* If a toy chest is sold unassembled, the consumer may have to install the lid support device. If so and if the device needs to be adjusted at the time of installation, the standard directs that such an adjustment be made, as long as it is described in the manufacturer's written instructions for consumer assembly (§ 1513.3(a)). No further adjustment of the lid support device is permitted, however, before or during the testing.

If a toy chest is sold to consumers in an assembled form, the standard permits *no* adjustment of the lid support device (§ 1513.3(a)). Since the chest is in a usable form when sold, it is possible (and perhaps even likely) that consumers will fail to make any adjustmeent that is necessary for proper functioning of the lid support device. Without the device, the lid will still open and close. Even if the manufacturer's written instructions described the adjustment, the Commission's experience is that some consumers fail to read any instructions that accompany already-assembled consumer products. Therefore, assembled toy chests must be tested as they are sold to consumers, without any adjustment at all to the lid support device.

2. *Permissible dropping motion of lid.* The purpose of the standard is to assure that the lid did not drop down when it is opened and released. However, the standard permits the lid to drop 0.25 inch or less (§ 1513.3(e)) because some dropping may occur when a ratchet-type lid support device is used to achieve compliance (59). Lid drop motion will be resisted only when the pawl is engaged in a notch in the bar, and some such motion may take place in order to achieve this engagement. The actual amount of lid drop will depend on the lid width and the pitch (number of notiches per inch) of the notches on the bar.

[2] Even if a marketed toy chest is not a rectangular box and therefore has varying lengths, widths, or depths, this size limitation would be appropriate.

The Commission sees no reason why the ratchet-type lid support devices should not be used for compliance with the standard. Therefore, it is proposing that a drop of 0.25 inch be permitted. The Commission believes that this is reasonable because it will allow many ratchet-type devices to be used and because such a small drop will not pose a strangulation risk to any children using the toy chest.

The Commission is especially interested in receiving comments on an appropriate lid drop criterion. If comments on the proposed rule suggest and provide a supporting rationale for a different amount of permissible drop (or for no drop at all), the Commission will reconsider the proposed criterion of 0.25 inch. The Commission's overriding consideration on this issue is and will remain whether any particular dropping motion will pose an unreasonable risk to children.

3. *Exemption for half-inch openings.* If a lid is opened 0.50 inch or less, the dropping restrictions in the proposed standard do not apply (§§ 1513.3 (b) and (d)). Certain types of lid support devices, a possible example being a spring-loaded support that uses an over-center lever arrangement, might not be effective in holding the weight of the lid in positions that are 0.50 inch or less above the fully-closed position (59).

The Commission is proposing to allow the lid to drop from such positions to accommodate any devices with this limitation. Because no child's head would fit into an opening as small as a half-inch, and no child would therefore be placed at risk by this allowance, the safety of the proposed rule is not compromised (58). In fact, if any comments suggest that this exemption from the dropping restriction be expanded to openings larger than 0.50 inch and provide a supporting rationale, the Commission will consider making such a change. The Commission would evaluate whether any permitted drop would pose a risk to children by allowing strangulation to occur.

4. *7000 cycles.* Even if a toy chest lid complies with the test procedure when it is new, it would not necessarily continue to comply after it is opened and closed many times. Since the effectiveness of the procedure depends on continuing compliance, the proposal incorporates a "cycling" requirement (section 1513.3(c)).

After being tested for dropping motion, the lid must be full opened without being forced and then fully closed (one complete cycle) 7000 times. The dropping test is then performed a second time (§ 1513.3(d)), and the toy chest must still comply (§ 1513.3(e)).

The Commission's data on the number of times a toy chest is opened and closed in its normal use range from once per week to eight times per day (58). The Commission staff's professional judgment is that an average of four openings and closing per day is a reasonable estimate (58). If a chest were opened and closed four times per day for five years, it would undergo approximately 7300 such cycles. Rounding off this figure, the proposed regulation requires that a chest undergo 7000 cycles.

The Commission believes that any one child might use a toy chest for about two years (58). The same chest may be "handed-down" through the generations, given to children of friends or relatives, or sold at garage sales. This could easily result in many more than 7000 cycles during the life of one toy chest. However, the Commission's engineering staff believes that any chest that complies with the dropping requirement after 7000 cycles is likely to be sufficiently resistant to wear that it would continue to comply with the test after being subjected to a greater number of cycles (59). In other words, if a lid support device still works after 7000 cycles, it will probably continue to work long after.

The proposed test procedure requires that each cycle be completed in approximately eight seconds. If the cycling were performed faster, heat might result from friction and the functioning of the lid support device could deteriorate. The eight-second criterion is designed to avoid this problem and to complete the cycling test in a reasonable time. The Commission also believes that a laboratory cycling machine could easily be designed and adjusted to approximate an eight-second cycle.

D. Labeling

The Commission has included in the proposed rule a requirement that toy chests be clearly marked to show the name and place of business of at least one of the following: manufacturer, importer, distributor, seller (§ 1513.4(a)). The purpose of this requirement is to assist in any recall or retrofit efforts that the Commission may require or the industry may undertake voluntarily, for noncomplying toy chests.

In addition, the proposed rule would require that each toy chest have some marking—for example a number or symbol—that is particular to toy chests of identical construction, composition, and dimensions (§ 1513.4(b)). The purpose of this requirement is the same.

E. Description of Industry [3]

The Commission has identified about 30 manufacturers of toy chests as of October 1982. A few firms account for a large percentage of total production. The Commission estimates that three or four toy chest manufacturers account for as much as 70 or 80 percent of the total annual production. Other firms enter and leave the toy chest business from time to time as market conditions seem to dictate. Toy chests require little capital investment, are simple to make, and can readily be added to or dropped from product lines. Many of the smaller manufacturers produce around 1000 or fewer units a year. Most of the firms produce, in addition to toy chests, many other children's and juvenile products such as cribs, table and chair sets, doll furniture, car seats, laundry hampers, and a variety of molded plastic products.

Toy chest manufacturers and non-cohesive industry group. Some manufacturers are members of the Juvenile Products Manufacturers Association and others are members of the Toy Manufacturers of America. Many of the identified manufacturers do not belong to either of these associations.

The market for toy chests tends to be fairly stable over time since large shifts in consumer demand or style changes do not occur. Advertising by manufacturers is limited mostly to trade magazines and journals and is presented in combination with other products marketed by the firm. Retail sales tend to be spread over the whole year with a significant portion occurring in the pre-Christmas season.

The distribution system for toy chests, as it is for other juvenile products, is relatively complex because of the many sources of supply and the potentially thousands of retail outlets which may be involved. Some manufacturers distribute their product through wholesalers or other distributors, who in turn supply retailers. Retail outlets range from small local toy stores and juvenile furniture stores to large discount toy chains, mass merchandisers, variety stores, department stores, and hardware stores.

Toy chest production was estimated at 650,000 units in 1982, reflecting an increase of 50,000 units over the 600,000 units estimated for 1979. The production of toy chests declined in 1980 and 1981 but seems to have recovered in 1982. During 1982, a number of firms have experienced declines while others have

[3] Unless noted otherwise, the information in this section and in section IIIF below is based on documents (26), (56), and (78).

increased their production. The retail value of current production, though difficult to estimate, is probably in the neighborhood of $22 million. Based on a customary 100 percent markup for such products, the value of the manufacturers' shipments of toy chests is around $11 million.

Manufacturers of toy chests normally produce more than one model and try to retain their share of the market primarily through decorative differences, though size, shape, and material used also are important factors. Toy chests with hinged lids generally have similar design characteristics. They are rectangular boxes with a volume ranging from abut 7,000 to 14,000 cubic inches. They are usually constructed from hardwood, particleboard, pressed-wood, or plastic. Most toy chests are shipped in "knocked-down" condition with a lid support device enclosed in the packaging. Most toy chest retail prices range from about $18 to $95 and appear to have remained stable during the last two to three years.

F. Preliminary Regulatory Analysis [1]

1. *Costs and benefits.* The major cost consideration of the proposed rule centers on a lid support device that would prevent the toy chest lid from dropping onto a child's neck. The rule would only apply to toy chests with hinged lids, and the Commission estimates that 300,000 of the total production of 650,000 toy chests, or a little less than 50 percent, fall within this category.

Almost all toy chests with hinged lids have lid support devices, but some models have been observed without them. Of the chests with hinged lids, about 180,000 units use adjustable lid supports and the other 120,000 units use nonadjustable lid supports. About 150,000 of the first category and 100,000 of the second category have the friction type. The remaining 30,000 units with adjustable and 20,000 units with nonadjustable lid supports use spring-loaded lid support devices.

The lid support devices are manufactured by firms producing hinges and other hardware supplies and are mostly utilized in applications other than toy chests, such as cabinets, stereo consoles, and other containers. These devices are available from several firms that have been supplying toy chest manufacturers. The cost of friction lid support devices ranges from about $.25 to $.60 per unit, with a weighted average cost of $.37 per unit. The cost of spring-loaded lid support devices, currently used, ranges from about $.60 to $1.50 per unit, with a weighted average cost of $1.05 per unit.

To comply with the proposed rule, some of the toy chest manufacturers may switch from adjustable to nonadjustable supports which are slightly less expensive, thereby reducing somewhat the cost of producing toy chests. Manufacturers probably use the adjustable devices because they can be adapted to lids of varying weights and because consumers may want to adjust the friction to suit their performance preferences.

One extreme possibility is that all toy chest manufacturers will switch to nonadjustable friction lid support devices. In this case the average cost per lid support should be around the weighted average cost of $.37 per unit. Based on the various devices currently being used by different manufacturers, the Commission staff has estimated that toy chest manufacturers would realize aggregate savings of around $34,000, or $.11 to $.12 per unit, on the average. The actual amount of cost reduction will, of course, vary from manufacturer to manufacturer depending on the level of current production, cost per unit, and the effect of switching from adjustable to nonadjustable and from spring-loaded to friction lid support devices.

Another extreme possibility is that all toy chest manufacturers will switch to an upgraded version of a nonadjustable spring-loaded device which costs $1.50 per unit. In this case, toy chest manufacturers would incur additional costs estimated at around $320,000 or about $1.07 per unit, on the average. Again, since the current cost of lid support devices varies from $.25 to $1.50 per unit, the actual cost of switching to the new device will vary from manufacturer to manufacturer. It should be noted that for some manufacturers, the actual increase in cost may be as little as $.05 per unit over the current cost.

The two limiting possibilities suggest that the cost effects of the proposed rule could range from cost savings of $34,000 to costs of $320,000. The actual cost effects are likely to be in the $80,000 to $200,000 range, based on currently used devices and volume of production. This range of costs would represent the situation of all but very few manufacturers. On this basis, and assuming the usual 100 percent markup for such products, the corresponding aggregate costs to consumers would be somewhere between $160,000 and $400,000.

The test procedures specified by the proposal are expected to be relatively easy and inexpensive to conduct, if manufacturers choose to conduct testing. The test requiring cycling of a toy chest lid at eight second time intervals over 7,000 cycles can be conducted manually or with equipment costing around $500. Some firms may do their own testing and others may depend on their lid support suppliers for certification. No significant costs are associated with testing.

Toy chest manufacturers have indicated that they intend to pass on to consumers any additional costs they may incur in complying with a final rule. These costs to consumers have been estimated to be somewhere between $160,000 and $400,000, or about $.53 to $1.33 per unit, for chests with hinged lids. These increases represent about .8 to 7 percent of retail prices. The figures indicate that the additional costs to consumers are expected to be relatively small and not likely to affect purchases of toy chests adversely.

Toy chests will continue to be produced in many different models, allowing consumers to choose from a large variety of styles and a broad range of prices. There may be some disutility associated with the use of complying lid support devices if the friction devices cause children to have difficulty in raising the lids. However, elimination of the strangulation hazard to children (and other injuries from falling lids) will enhance the utility of the hinged toy chests.

The Commission is not aware of any domestically produced toy chests being sold abroad. Imported toy chests currently account for around 20 percent of the domestic market, about the same as in 1979. The rule is not expected to affect foreign trade in these products.

To summarize the cost factors, the potential aggregate cost to manufacturers of $80,000 to $200,000 are estimated to add from $.27 to a maximum of $.67 per unit, on the average, to the cost of all toy chests with hinged lids. The corresponding cost to consumers, i.e. the relative increase in the retail price of toy chests, is estimated to range from around $.53 to $1.33 per unit.

The potential benefits resulting from compliance with the proposed rule are related to the prospective number of deaths and injuries that would be eliminated or reduced. Commission records indicate that during the last nine years toy chests have been involved in 21 strangulation deaths, or an average of over two per year. A small number of injuries of varying severity have occurred each year, but no reliable estimate is available. However, on rare

[1] See footnote 3.

occasions, incidents have led to brain damage, parapalegia, and blindness. Avoiding such injuries can result in multi-million dollar benefits as measured by numerous large financial settlements awarded to victims and their families for lifetime disabilities of these types. The proposed rule can be expected to eliminate all strangulation deaths associated with newly-produced complying toy chests and virtually all of the injuries from falling lids. Once all chests comply with the rule, it will eliminate two deaths a year on the average, at a cost to the public somewhere between $80,000 and $200,000 per life saved. These costs per life saved are well within even conservative estimates of the value of life.

Another way of assessing the merits of the proposal is to compare the expected value of losses to consumers from toy chest accidents with the costs incurred. If we assume that there are about 3 million toy chests with hinged lids being used by consumers and two deaths per year, then there is a 1 and 1.5 million chance of a toy chest being associated with a fatality each year. If the expected price increases are in the middle of the estimated range, than they will average about $.90 per unit. Assuming a product life of ten years, this yields a cost of $.09 per year to avoid a fatality. Under these assumptions, the rule provides low cost insurance to the consuming public.

As proposed, the rule would apply to all toy chests that are in the channels of distribution after the effective date. Therefore, the Commission has considered whether the economic effect of such coverage would be greater than that of a rule applicable only to toy chests manufactured after the effective date.

Many manufacturers belonging to TMA or JPMA are already using lid support devices that probably place their toy chests in compliance with the proposed rule. These firms account for about eighty percent of shipments. Other firms also use lid support devices that are likely to qualify their toy chests for compliance with the proposed rule. In addition the publicity surrounding the proposal may increase the current level of compliance. Retailers are likely to order complying toy chests, and manufacturers that have not already begun to produce complying chests will be influenced by these orders to produce complying chests before the effective date.

Available information suggests that inventories of toy chests in the hands of retailers are turned over in about ninety days and that manufacturer stocks on hand are usually relatively small. Therefore, by the time any rule becomes effective, more than four months from now, almost all retail inventories now on hand should be sold. Assuming that only complying units are shipped soon after this proposal, there will be a virtual elimination of noncomplying toy chests from the market by the effective date of a final rule.

While some noncomplying toy chests may still be unsold by the effective date, the economic impacts on firms holding such inventories are likely to be small. To the extent that there are any impacts at all, upon whom the impact falls (retailer or manufacturer) will depend on circumstances such as whether repurchase of goods is an existing practice and whether chests can be retrofitted by the retailer or must be sent back to the manufacturer. Transaction costs—potentially including shipping units back to the manufacturer, opening packages, retrofitting with new lid support devices, changing assembly instructions, and repacking and shipping—could amount to more than the cost of the chests. If so, disposal may be the most efficient means of complying with the rule. Even if this extreme were required in some instances, the impact is likely to be insignificant since toy chests are a very small part of total sales of most retailers.

Under all sets of circumstances likely to arise, no substantial impact is expected to be associated with a rule that applies to toy chests in the channels of distribution after the effective date.

2. *Voluntary standard effort.* An alternative approach to the Commission's proposed rule for toy chests is the voluntary standard that is currently being developed by TMA, under the auspices of ASTM. This voluntary standard is quite similar to the proposed mandatory rule for toy chests. With respect to the strangulation risk, they have virtually the same performance requirements (65). As a result, adoption of the ASTM voluntary standard, if fully complied with, would provide the same degree of protection from strangulation and would have approximately the same economic impact in terms of costs and benefits as that outlined above for the Commission's proposed mandatory rule. (The voluntary standard, however, would not apply to toy chests manufactured before its effective date.)

A crucial factor to take into account in considering possible adoption of the ASTM voluntary standard for toy chests is the expected degree of compliance of toy chest manufacturers with the voluntary standard. TMA has contacted all toy chest manufacturers that it, ASTM, and the Commission could identify to draw their attention to the requirements of the voluntary standard and to elicit their comments and support. TMA maintains it has received widespread support for the voluntary standard and that substantial compliance with its provisions will be forthcoming as soon as minor questions of language and interpretation have been clarified. A small sample of toy chest manufacturers contacted by the Commission staff confirmed that they support the voluntary standard and intend to comply with it (26) and (27).

TMA assertions notwithstanding, the Commission is concerned that compliance with the voluntary standard by domestic manufacturers and importers of toy chests may not prove to be adequate. One reason is the absence of cohesiveness in the industry and the fact that very few firms (only six identified in October 1982) are members of TMA. Another reason is that each year new firms replacing firms that leave the toy chest business may be unaware of, or decide not to comply with, the voluntary standard.

Most importantly, however, the Commission has not as yet received sufficient documentation to indicate that substantial compliance can be expected. If the number and relative size of the manufacturers who responded to TMA's and ASTM's inquiries about the standard is any indication of expected compliance, the extent of compliance might be only about 50 percent of all toy chests produced. If this should be the case, or even if the percent were somewhat higher, the degree of compliance with the voluntary standard would be too small to eliminate or adequately reduce the strangulation risk.

3. *Alternatives to proposed standard.* One possible alternative to the proposed standard is a ban of toy chests with hinged lids, currently estimated at about 300,000 annual production. Such a ban would probably lead to increased sales of toy chests with removable lids or sliding doors or no lids. Manufacturers' reactions to a ban are uncertain. For most firms the impact is likely to be slight, since toy chests are a small part of their product offerings. On the other hand, for a few firms, toy chests make up over a quarter of total sales. Also, a ban would eliminate from consideration the type of toy chest that about half of the buyers of these products choose. Such a ban could also result in less safety if consumers instead used such products as footlockers, deacon

benches, and other products with hinged lids for the storage of toys.

Due to the uncertainty of manufacturers' responses to a ban on toy chests with hinged lids, it is very difficult to estimate the costs likely to be incurred. Firms could react by removing hinges and putting handles on tops, redesigning to add sliding doors, or stopping production of toy chests altogether. Similarly, the benefits estimation is elusive because it depends on consumer reaction. Banning chests with hinged lids would certainly eliminate strangulation from newly-manufactured articles. However, as noted above, consumer use of close substitutes such as footlockers and deacon benches could result in strangulation incidents and reduce overall safety.

Another alternative approach to address the strangulation risk presented by toy chests is through a consumer information and education program. The Commission has already initiated a number of activities to warn consumers of the potential hazard involved, make suggestions for selecting new toy chests, and provide recommendations on making old toy chests and other items used as toy chests safer (54) and (76).

While the costs of an information and education program may be modest, the Commission believes it will be quite helpful in alerting consumers to the potential strangulation risk associated with toy chests. Such a program is particularly useful in cautioning consumers who are currently using cedar chests, footlockers, and similar items as toy chests. However, the Commission believes that information and education efforts in this case will not on their own address the strangulation risk adequately. Consumers who may not have been exposed to information programs will continue to acquire toy chests, both new and used, and may remain unaware of the strangulation risk. The Commission cannot be assured of constant and intensive information efforts that will reach all consumers. Therefore, a standard that addresses the safety of newly-manufactured toy chests is also necessary.

G. Effect on Small Business

Small manufacturers of toy chests have been able to compete successfully for a long time. The proposed rule would be likely to cause a relatively small cost increase ranging from $.27 to $.67 per unit on toy chests with lid support devices, and this increase is likely to be passed on to distributors and ultimately to consumers (56). The cost increase would not be a disproportionate burden on small firms (56).

If toy chest manufacturers choose to test their products in order to assure compliance, the testing procedure, as proposed, would add slightly to their costs (56). The cost of purchasing the appropriate testing equipment is relatively low when considered in terms of the life expectancy of the equipment and the overall cost of toy chest production of a firm. It is estimated that the testing process may cost the smaller producers about $1,000 during the first year the rule is in effect; most of the larger producers have been conducting their own testing and will probably not have to purchase additional testing equipment (56). The cost differential for compliance with the rule would not be likely to affect significantly the competition between larger and smaller manufacturers (56) and (78).

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*) requires that whenever an agency of the federal government publishes a proposal under the Administrative Procedure Act (5 U.S.C. 553), it should endeavor to give particular consideration to small businesses, small nonprofit organizations and small local governments (collectively called "small entities") that may be subject to the agency's requirements.

In accordance with section 605(b) of the RFA, the Commission has certified that the proposed toy chest rule, if issued in final form, would not have a significant economic impact on a substantial number of small entities, for the reasons discussed above. Therefore, the Commission has not prepared an intital regulatory flexibility analysis of the probable effect of the proposal on small entities, in accordance with section 603 of the RFA.

H. Environmental Considerations

The toy chest proposal published below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required. In any case, the Commission has considered the environmental effects, and concluded that there is little or no potential for a toy chest rule to affect the human environment.

I. Effective Date

Lid support devices of the type that will allow toy chest manufacturers to comply with the requirements of the proposed rule have been available for some time and can be obtained without any delay (26) and (56). In fact, several toy chest manufacturers began incorporating these devices in their new product lines during the last couple of years. Other toy manufacturers have said that they intend to do the same, upon issuance of the ASTM voluntary standard (26) and (27). The testing and other equipment is also available and may be obtained immediately (56). since a final toy chest rule could apply to toy chests in the channels of distribution after the effective date, it is quite likely (as discussed in section III F(1) above) that noncomplying toy chests will disappear from the channels of distribution before the effective date (78).

Based on this information, the Commission believes that a long lead time for the mandatory rule would not be necessary. However, some time should be allowed for those toy chest manufacturers who may need to purchase the required testing equipment and effect minor mold modifications and retooling. No inventory problems are expected as a result of the rule. Toy chests are produced and sold throughout the year, although more are sold during the Christmas season (56). However, uncertainty about relative impacts increases the closer the effective date is to the issuance date.

The Commission believes that an effective date three months after the date of issuance will generally provide toy chest manufacturers sufficient time to comply with the rule without undue burden, except that some firms might be placed at a disadvantage, particularly if they have to purchase and use testing equipment for the first time, or make arrangements with commercial laboratories for the testing of their products (56). Factors affecting relative impacts include inventories of lid support devices on hand, lags in ordering and receiving new shipments of lid support devices, possible changes required in printed material such as assembly instructions, and implementation of changes at the manufacturing or assembly level (56). The Commission does not know the importance of a firm's size when these factors are considered in conjunction with a proposed effective date. However, considering the small percent of sales of toy chests relative to other products for most firms, such firms should be able to adjust to an early effective date without much difficulty.

The Commission has balanced the economic factors against the risk of injury presented by toy chests. Especially in light of the recent severe injury incident (61), the Commission

believes that a three month effective date would be appropriate.

Under the Consumer Product Safety Amendments of 1981, Congress is authorized to exercise a legislative veto over rules issued under section 2(q)(1) or 3(e) of the FHSA (Pub. L. 97–35; 95 Stat. 703; 15 U.S.C. 1275). As a result, no toy chest rule may take effect until after the period during which Congress could exercise a legislative veto of it. 15 U.S.C. 1275(b).

Congress may exercise its legislative veto during the 90 calendar day period of continuing session of Congress following issuance of the rule. Interruptions in the continuing session of Congress are likely to extend that period beyond 90 days. If so, the effective date must be more than 90 days after final issuance of the toy chest rule. In any case, the effective date cannot be less than 90 days after final issuance.

Therefore, the Commission is proposing that the effective date be the day after the expiration of the 90 calendar day period of continuing session of Congress. This is consistent with its belief that an appropriate effective date would be three months following final issuance of a toy chest rule. The Commission especially welcomes public comments, along with any supporting rationales and data, that might support any later effective date.

IV. Conclusion

Based on the discussion above and on the information contained in the record of this proceeding, the Commission has found preliminarily that certain toy chests with hinged lids present a "mechanical hazard" within the meaning of section 2(s) of the Federal Hazardous Substances Act. 15 U.S.C. 1261(s). In normal use, the design of these toy chests presents an unreasonable risk of personal injury to children.[5]

This preliminary finding of "unreasonable risk" is based on a balancing of the injury, economic, and other data in the record. The risk presented to children is that the hinged lids could fall onto childrens' heads or necks, resulting in death or serious injury. This is a risk that children cannot protect themselves against and that adults may not even be aware of. The Commission is currently aware that 21 deaths and two incidents of serious permanent injury associated with the hazard of a toy chest lid falling on a child's head or neck have occurred since 1973. Such incidents have caused fatalities at a rate of more than two per year. The potential benefits from the elimination of this very serious risk of injury clearly outweigh the minimal economic harm that might result to the toy chest industry from necessary changes in hardware.

Accordingly, the Commission preliminarily finds that certain toy chests with hinged lids, in accordance with sections 2(s) and 2(f)(1)(D) of the FHSA, present a mechanical hazard and should be classified as hazardous substances. Pursuant to section 2(q)(1)(A) of the FHSA, the Commission finds that such toy chests must be banned from interstate commerce. In so finding, the Commission has considered the risk from hinged lid toy chests and the economic effects of the banning and safety requirements set forth below and has concluded that the potential reduction in risk to children from the proposed requirements bears a reasonable relationship to the costs of the rule:

List of Subjects in 16 CFR Parts 1500 and 1513

"Consumer protection, Hazardous materials, Infants and children, Toys.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), (h), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304–05, 83 Stat. 187–189, 95 Stat. 703; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission proposes to amend Title 16, Chapter II, Subchapter C by adding a new paragraph (a)(16) to § 1500.18 and a new Part 1513 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.*

Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

* * * * *

(16) Any toy chest that falls within the scope of § 1513.2 of this chapter but does not comply with the test criteria of § 1513.3 or the requirements of § 1513.4 and that is either (a) manufactured after [the effective date] or (b), regardless of the date of manufacture, is in the channels of distribution after [the effective date] so that it has not yet been sold to a consumer.

PART 1513—[ADDED]

PART 1513—CRITERIA FOR IDENTIFYING TOY CHESTS THAT PRESENT A STRANGULATION RISK

Sec.

1513.1 Purpose.
1513.2 Scope.
1513.3 Test procedure.
1513.4 Labeling.

PART 1513—CRITERIA FOR IDENTIFYING TOY CHESTS THAT PRESENT A STRANGULATION RISK

§ 1513.1 Purpose.

Certain hinged toy chests have caused the strangulation deaths of children when their lids closed on the children's heads or necks. The purpose of this Part is to identify, so that they can be banned under § 1500.18(a)(16) of this chapter, the toy chests that present this unreasonable risk of injury. The Commission will use the test method prescribed in § 1513.3 below to determine whether toy chests present such an unreasonable risk. However, this Part does not require any manufacturers or importers to test toy chests.

§ 1513.2 Scope.

This Part applies to all containers with hinged lids that are marketed for storing children's toys, as long as such containers have a continuous volume greater than 1.1 cubic feet and a smallest internal dimension of six inches or more.

§ 1513.3 Test procedure.

(a) If the toy chest is sold to consumers unassembled, assemble it in accordance with the manufacturer's written directions, including any specified adjustment to a lid support device. Following assembly, make no other adjustment to a lid support device.

[5] It should be noted that while the Commission is currently regulating toy chests for a single severe risk, toy chests are already covered by a number of Commission rules. The Commission's lead-in-paint regulations ban toys bearing lead-containing paint and the small parts rule bans certain toys that present a choking, aspiration, or ingestion hazard. (See 16 CFR Part 1303 and 16 CFR Parts 1500 and 1501, respectively). The Commission has also issued technical requirements for determining sharp points in toys and similar requirements for determining sharp edges. (See 16 CFR 1500.48 and 1500.49, respectively).

If the toy chest is sold to consumers assembled, make no adjustment to any lid support device before or during the test.

(b) Place the toy chest on a level surface and lift its lid to any position in its arc of travel that is more than 0.50 inch from its fully closed position. Release the lid and measure any dropping motion of the lid by measuring the straight line distance between the orginial and the new positions of a point on the outermost edge of the lid.

(c) Subject the lid to 7000 opening and closing cycles. One cycle consists of raising the lid from its fully closed position to its fully open position and then returning it to the fully closed position, without forcing the lid beyond its normal arc of travel. Each cycle shall be completed within approximately eight seconds.

(d) Repeat the procedure specified in paragraph (b).

(e) Neither the measured distance in paragraph (b) nor the measured distance in paragraph (d) shall be greater than 0.25 inch. If either measure distance is greater than 0.25 inch when the lid is dropped from any point in its arc of travel (other than a point that is 0.50 inch or less from the fully closed position), the toy chest fails to comply with this test procedure.

§ 1513.4 Labeling.

Each toy chest shall be clearly marked to indicate:

(a) The name and place of business (city and state) of the manufacturer, importer, distributor, and/or seller; and

(b) A number, symbol, or other marking (*e.g.*, model number, stock number, or catalog number) such that only toy chests of identical construction, composition, and dimensions shall bear identical markings.

Proposed Effective date: the day expiration of the 90 day calendar day period of continuing session of Congress following final issuance of the rule.

(Secs. 2 (f)(1)(D), (g)(1)(A), (s); 3 (e)(1), (h), 74 Stat. 372, 374, 375, 80 Stat. 1304–05, 83 Stat. 187–89, 95 Stat. 703; 15 U.S.C. 1261, 1262)

All comments and submissions should be sent, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Committee, Washington, D.C. 20207 no later than April 18, 1983.

Dated: March 11, 1983.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

List of Documents in Record

1. Toy Manufacturers of America, Inc. voluntary standard PS 72–70, developed under procedures of the National Bureau of Standards; effective September 22, 1970.

2. Toy Chests Preliminary Economic Assessment, by Jacob Handelsman; October 1980.

3. Memoranda from George Rutherford on injury data for toy chests; October 12, 1979, September 10, 1980, March 1, 1982.

4. Memorandum from D. T. Van Houten on toy chests; July 3, 1980.

5. Proposed test requirement; October 21, 1980.

6. Draft **Federal Register** document proposing safety requirement for toy chests.

7. Proposed rule published by the Food and Drug Administration on toy chests; 38 FR 10460 (April 27, 1973).

8. Briefing package from Elaine Besson on toy chests, with ten tabs, (plus a December 9, 1981 Restricted memorandum from Stephen Lemberg); November 25, 1981.

9. Briefing package from Terri Rogers on toy chest options, with four tabs (Tab A Restricted); March 16, 1982.

10. Vote sheet on toy chest options; March 30, 1982.

11. Tapes of two Commission meetings on toy chests; April 1982.

12. Advance Notice of Proposed Rulemaking to address strangulation risk presented by toy chests; 47 FR 16041 (April 14, 1982).

13. Minutes of ASTM meeting on toy chests; May 4, 1982.

14. Letter from Roger Matice of ATF on ASTM meeting; May 10, 1982.

15. Memorandum from Terri Rogers on ASTM meeting, with attached meeting log; May 17, 1982.

16. Comment from an Ohio State University class on Legal Environment of Business; May 3, 1982.

17. Comment from Aaron Locker of TMA; June 11, 1982.

18. Comment from D. R. Poquette of Nu-Line Industries; June 11, 1982.

19. Comment from Douglas Thompson of TMA; May 4, 1982.

20. Comment from William T. Cavanaugh of ASTM; May 27, 1982.

21. Comment from De Fischler of PACT; June 14, 1982.

22. Comment from Gerad, Inc.; December 13, 1982.

23. ASTM task group letter ballot; July 6, 1982.

24. Log of meeting attended by CPSC staff and Elaine Besson of EHB Consulting Inc.; June 16, 1982.

25. Memorandum from James Thomas of ASTM, with attachments; July 1, 1982.

26. Telephone logs of conversations of George Nichols and industry representatives; April 8, 15, October 21, December 2, 3, 6, 1982 and January 21, 25, February 4, 8, and 16, 1983.

27. Telephone logs of conversations of Terri Rogers, John Liskey, and non-CPSC individuals involved in the TMA/ASTM voluntary safety standard effort; April 14, September 20, October 5, 12, November 12, 22, 1982 and January 12, 13, 21, 1983.

28. Log of meeting between James Thomas of ASTM and Terri Rogers; January 20, 1983.

29. Memoranda from George Nichols on comments to ANPR; August 2, 1982.

30. Letter from Terri Rogers to ASTM on voluntary standard; August 4, 1982.

31. Memorandum from John Preston on comments to ANPR; August 12, 1982.

32. Letter from James Thomas of ASTM on letter ballot; August 16, 1982.

33. Memoranda from Deborah Gordon on outreach activities; August 16, 1982.

34. Memoranda from Christine Nelson analyzing comments to ANPR; August 16, 1982.

35. Exchange of letters between Nancy Harvey Steorts and Douglas Thompson of TMA; September 20, 1982 and October 1982.

36. Letter from Walter W. Armatys of TMA; September 24, 1982.

37. Briefing paper from Terri Rogers, with attached chronology, on toy chests; October 5, 1982.

38. Vote sheet on toy chests; October 8, 1982.

39. Letter from Douglas Thomson of TMA to Terri Rogers on voluntary safety standard; October 13, 1982.

40. Letter from Douglas Thomson of TMA to James Thomas of ASTM on voluntary safety standard; October 14, 1982.

41. Draft ASTM voluntary standard on toy chests; October 1982.

42. Letter from James Thomas of ASTM (with attachments); October 21, 1982.

43. ASTM task group letter ballot; October 29, 1982.

44. Notes of meetings attended by Terri Rogers and toy chest manufacturers; November 2–3, 1982.

45. Letter from John Preston to ASTM commenting on draft voluntary standard; November 12, 1982.

46 Mailgram from William Kurtzner of Little Tikes, Inc. on voluntary standard; November 12, 1982.

47. Mailgram from William McMillan of JPMA on voluntary standard; November 12, 1982.

48. Mailgram from Roger Matice of ATF; November 10, 1982.

49. Memorandum from Betty-Grace Terpstra of Furniture Manufacturers Associations, with attachment; November 10, 1982.

50. Tape of Commission meeting on toy chests; November 17, 1982.

51. Mailgram from George Carlson of Carlson Capitol Manufacturing; November 17, 1982.

52. Correspondence between CPSC staff and James Cox, with attachments; November 29, 1982 and January 6, 1983.

53. ASTM memorandum on results of balloting on Draft #2 of voluntary standard, with six attached ballots; December 1, 1982.

54. Memorandum from Bessie Draper on outreach efforts concerning toy chest safety; December 22, 1982.

55. Memorandum from Christine Nelson on enforcement of proposed standard for toy chests; December 27, 1982.

56. Toy Chests: Preliminary Economic Assessment of Proposed Rule; January 1983.

57. Memorandum from John Liskey on voluntary standard; January 4, 1983.

58. Memorandum from Susan Meadows on toy chests, with attachments; January 4, 1983.

59. Memorandum from John Preston on proposed requirements for toy chests; January 5, 1983.

60. ASTM membrandum on Draft #2 of voluntary standard; January 3, 1983.
61. Memoranda from George Rutherford on injury data; November 10, 1982 (with Restricted attachment); January 17, 1983 (with Restricted attachment); and January 19, 1983.
62. Letters to toy chest manufacturers from Nancy Harvey Steorts; January 19, 1983.
63. Memorandum from Terri Rogers on a toy chest proposed rule; January 24, 1983.
64. Vote sheet on toy chest proposed rule; January 27, 1983.
65. ASTM Main Committee (F 15) letter ballot on voluntary standard, with attachments; January 27, 1983.
66. Letter from William Kurtzner of Little Tikes, Inc.; January 28, 1983.
67. Letter from Douglas Thomson of TMA, with attachments; January 31, 1983.
68. Tape of Commission meeting with representatives of toy chest manufacturers; February 3, 1983.
69. Letter from Robert Craig of COSCO; February 7, 1983.
70. Telephone log of conversation between Terri Rogers and Andrew Krulwich of ATF; February 7, 1983.
71. Letter from Aaron Locker of TMA; February 8, 1983.
72. Follow-up memorandum from Alan Shakin on toy chests (Restricted); February 8, 1983.
73. Follow-up vote sheet on toy chest proposed rule; February 8, 1983.
74. Tape of Commission meeting on toy chests; February 9, 1983.
75. Letters to toy chest manufacturers forwarding ANPR, and one response from General Fibre Products, Inc.; April 23 and May 11, 1983.
76. CPSC Safety Alert: Toy Chests; November 17, 1982.
77. Press release on ANPR; April 1982.
78. Ballot vote sheet, with attached Federal Register draft and Economics memorandum; February 1983.

[FR Doc. 83-7021 Filed 3-16-83; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-171 (Texas-9 Addition III)]

High-Cost Gas Produced From Tight Formations, Texas

March 14, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Travis Peak Formation in Nacogdoches County, Texas, be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on April 29, 1983.

PUBLIC HEARING: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on March 30, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556

SUPPLEMENTARY INFORMATION:

I. Background

On December 23, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in Nacogdoches County, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Travis Peak Formation in The Sym-Jac, West (Hosston) Field (Order No. 154 issued June 10, 1981, in Docket No. RM79-76 (Texas-9)) and the Bear Grass Area of east Texas (Order No. 180 issued October 8, 1981, in Docket No. RM79-76 (Texas-9 Addition)) be designated as tight formations. There is currently under consideration a recommendation that an additional area of the Travis Peak Formation underlying all of Texas Railroad Commission Districts 5 and 6 be designated a tight formation (Docket No. RM79-76 (Texas-9 Addition II), Notice of Proposed Rulemaking issued December 15, 1981). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Travis Peak be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is located in the Melrose, South (Travis Peak) Field, four miles south of the city of Melrose in southeastern Nacogdoches County, Texas, Railroad Commission District 6. The recommended area is within a 2.5 mile radius of the Texlan Oil Company, Inc. T. W. Baker No. 1 well. The field is located on the southwest flank of the Sabine uplift and the regional dip of the formation is to the south and southwest at about 100 feet per mile. The above named well is the only well producing from the formation; however, one other well in the recommended area penetrated the formation but was abandoned.

In the Texlan Oil Company, Inc. T. W. Baker No. 1 well, the top of the Travis Peak Formation is encountered at 8,920 feet and the base of the formation at 9,940 feet (log depths).

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on September 21, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Travis Peak Formation as described

and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 29, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-171 (Texas-9 Addition III) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than March 30, 1983.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(36)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(36) *Travis Peak Formation in Texas.* RM79-76 (Texas-9)

* * * * *

(iii) *Melrose, South (Travis Peak) Field.*

(A) *Delineation of formation.* The Travis Peak Formation in the Melrose, South (Travis Peak) Field is located four miles south of the city of Melrose, southeastern Nacogdoches County, Texas Railroad Commission District 6 and is within a 2.5 mile radius around the Texlan Oil Company, Inc., T.W. Baker No. 1 well.

(B) *Depth.* The top of the Travis Peak Formation is encountered at 8,920 feet and the base of the formation is at 9,940 feet (log depths).

[FR Doc. 83-6972 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

(CGD1 83-01)

Marine Parade; the Great Kennebec River Whatever Race

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to restrict the navigation of vessels not involved as participants or safety patrols on the Kennebec River during the 1983 Great Kennebec River Whatever Race, to be held on July 3, 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: Comments must be received on or before May 1, 1983.

ADDRESSES: Comments should be mailed to Commander (b), First Coast Guard District, 150 Causeway Street, Boston, MA 02114. The comments will be available for inspection and copying at 150 Causeway Street, Room 1102, Boston, MA. Normal office hours are between 7:00 am and 4:30 pm, Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT M. J. Chaplain, USCG, Chief, Boating Standards/Affairs Branch (bc), Room 1102, First Coast Guard District, 150 Causeway Street, Boston, MA 02114 (617) 223-3607.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1 83-01) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information:

The drafters of this regulation are LT M. J. Chaplain, USCG, project officer, First Coast Guard District Boating Standards/Affairs Branch and LCDR S. C. Ploszaj, project attorney, First Coast Guard District Legal Office.

Discussion of Proposed Regulations

(1) Information received from the sponsor of this event has indicated that incidents between event participants and non-participants have resulted in people being thrown into the water, and vessels being capsized due to the wakes of power driven vessels in the area of the parade. The purpose of this regulation is to insure the safety of life on the Kennebec River from Augusta, Maine to Gardner, Maine, during this marine parade by restricting the speed at which vessels may operate while in this area.

(2) A special local regulation was issued on 20 May 1982 in support of the 1982 Great Kennebec River Whatever Race. This regulation restricted all spectator craft and other vessels in the area of the marine parade to a maximum speed of five (5) mph, or "No Wake Speed", whichever was less. Additionally, it cautioned spectators to be alert for disabled craft, persons falling overboard, and to exercise caution in congested areas. Information received has indicated that these precautions were sufficient to insure the safety of life of the participants in this event in 1982.

(3) Information concerning the need for this regulation has been solicited from the Maine Department of Inland Fisheries.

Economic Assessment and Certification

This proposed regulation is considered to be nonsignificant in accordance with DOT Policies and

Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the restriction to navigation is for only a short period of time, and only affects a small portion of the river. Additionally, since this regulation supports an area promotional activity sponsored by the Kennebec Valley Chamber of Commerce, an increase in area business due to this marine parade is anticipated. Based upon this assessment, it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation:

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.35–1–01 to read as follows:

§ 100.35–1–01 The Great Kennebec River Whatever Race, Regatta.

(a) Regulated Area: Kennebec River, bank to bank, between the State of Maine Route 126 Highway Bridge connecting Randolph, Maine, and Gardner, Maine, and the U.S. Route 201–202 Highway Bridge at Augusta, Maine.

(b) Effective Period: 6:00 am, July 3, 1983 until 6:00 pm, July 3, 1983 or completion of the Great Kennebec River Whatever Race, whichever is earlier.

(c) Special Local Regulations: Vessels not participating in, or operating as a safety patrol in support of, the Great Kennebec River Whatever Race shall:

(1) Observe a maximum speed limit of five (5) mph or "No Wake Speed", whichever is less.

(2) Be alert for disabled craft and persons falling overboard.

(3) Exercise extreme caution when operating in the area of this marine parade.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46; and 33 CFR 100.35)

Dated: March 8, 1983.

L. L. Zumstein, RAdm, USCG,

First Coast Guard District.

[FR Doc. 83-6990 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD 09–30–02]

Special Anchorage Area; Little Traverse Bay, Lake Michigan, Harbor Springs, MI

AGENCY: Coast Guard, DOT.

ACTION: Cancellation of supplemental notice of proposed rulemaking.

SUMMARY: On August 30, 1982 the Coast Guard published a final rule establishing a Special Anchorage Area in Little Traverse Bay, Lake Michigan (47 FR 38118). This final rule is acceptable to the City of Harbor Springs, MI as published and the supplemental notice of proposed rulemaking published on February 3, 1983 (48 FR 4832) is hereby cancelled.

FOR FURTHER INFORMATION CONTACT: Ens. Steven Boyle (216) 522–7064.

Dated: March 8, 1983.

C. M. Holland,

Captain, USCG, Executive Secretary, Marine Safety Council.

[FR Doc. 83-6993 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-7-FRL-2324-5]

Missouri Application for Interim Authorization, Phase I and II, Components A and B Hazardous Waste Management Program; Public Hearing and Comment Period

AGENCY: Environmental Protection Agency, Region VII.

ACTION: Notice of public hearing and public comment period.

SUMMARY: EPA regulations to protect human health and the environment from the improper management of hazardous waste were published in the **Federal Register** on May 19, 1980 (45 FR 33063). Subsequent amendments and additions to this promulgation have occurred since that date. These regulations include provisions for authorization of State programs to operate in lieu of the Federal program. Today EPA is announcing the availability for public review of the Missouri application for Phase I and II, Components A and B interim authorization, inviting public comment, and giving notice of a public hearing to be held on the application.

DATES: Comments on the Missouri interim authorization application must be received by April 19, 1983.

Public Hearing: EPA will conduct a public hearing on the Missouri interim authorization application at 1:00 p.m. on April 19, 1983. An evening session of the hearing shall also be conducted on April 19, 1983 at 7 p.m. if a written request to hold such a session is received by Mr. Robert L. Morby of EPA at the address below no later than April 14, 1983. If an evening session is held, notification shall be provided through news releases. The Environmental Protection Agency reserves the right to cancel the public hearing if significant public interest in a hearing is not expressed. If you are interested in participating in the public hearing, please notify Mr. Morby at the address below no later than April 14, 1983. The State of Missouri will participate in any public hearing held by EPA on this subject.

ADDRESSES: Copies of the Missouri interim authorization application are available during business hours at the following locations for inspection and copying by the public:

U.S. E.P.A., Region VII, Library—16th Floor, 324 East 11th Street, Kansas City, Missouri 64106

Waste Management Program, Missouri Department of Natural Resources, 1915 Southridge Drive, Jefferson City, Missouri 65101

Regional Office, M.D.N.R., 8460 Watson Road, Suite 217, St. Louis, Missouri 63199

U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–6534. Business Hours: 7:30–5. $0.20 per page copying charge

U.S. Environmental Protection Agency, Office of Solid Waste, 401 M Street, SW., Washington, D.C. 20460, 202/382–2210. Business Hours: 7:30–4:30.

the public hearing will be held at: The Roanoke Room Ramada Inn, 1510 Jefferson, Jefferson City, MO 65101:

Submit written comments to: Robert L. Morby, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Robert L. Morby, 816/374–6534.

SUPPLEMENTARY INFORMATION: In the May 19, 1980, **Federal Register** (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health

and the environment from the improper management of hazardous waste. These regulations include provisions under which EPA can authorize qualified state hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified state programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect. In order to qualify for issuance of interim authorization, the State hazardous waste program must:

(1) have had enabling authority in existence prior to August 17, 1980, and

(2) be substantially equivalent to the Federal program. A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479). As noted in the May 19, 1980, **Federal Register**, copies of complete State submittals for interim authorization are to be made available for public inspection and comments. In addition, a public hearing is to be held on the submittal, unless significant public interest is not expressed.

Regulatory Analysis: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

Dated: March 10, 1983.

Morris Kay,

Regional Administrator, Region VII.

[FR Doc. 83-6995 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 158

[OPP 30063A; PH-FRL 2324-1]

Data Requirements for Pesticide Registration; Reopening of Public Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The public comment period on the EPA's proposed data requirements which were published in the **Federal Register** of November 24, 1982 (47 FR 53192), closed on February 22, 1983. Industry and environmental groups have requested that the Agency reopen the public comment period to provide more time to review and evaluate the proposed regulation. Therefore, the comment period is being reopened for an additional 60 days to give the public opportunity for further comment.

DATE: Written comments on the proposed data requirements rule, identified by the document control number "[OPP-30063A]" must be received on or before May 16, 1983.

ADDRESS: Comments should be submitted to and are available for review at: Program Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Frederick S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 821A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-577-7351).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 24, 1982 (47 FR 53192), the EPA issued proposed data requirements at 40 CFR Part 158 specifying the kinds of data and information that must be submitted to EPA to support the registration of each pesticide under the Federal Insecticide, Fungicide and Rodenticide Act. The standards for conducting acceptable tests, guidance on evaluation and reporting of data, further guidance on when data are required, and examples of protocols are not specified in 40 CFR Part 158. This information (i.e., Pesticide Assessment Guidelines) is available as an advisory document through the National Technical Service (NTIS) as specified elsewhere in today's **Federal Register**. The Pesticide Assessment Guidelines are also being made available for inspection at EPA headquarters, at each of EPA's ten regional offices, and at each lead state agency responsible for administering its state pesticide program. The address and contact person for each regional office and state agency can be obtained from the EPA contact cited previously in this notice. EPA is also making available complimentary copies of the Pesticide Assessment Guidelines to those industry and environmental groups that have been active in reviewing and commenting on the pesticide registration data requirements and guidelines.

Therefore, in response to requests from industry and environmental groups, EPA has reopened the public comment period on 40 CFR Part 158 in order to allow the public an opportunity to make further comment on the proposed regulation.

Dated: March 10, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6945 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-125; RM-4326]

TV Broadcast Station in Dillingham, Alaska; Proposed Changes in Table of Assignments

Editorial Note: The following document was scheduled for publication on pages 10887 and 10888 in the issue of Tuesday, March 15, 1983. The first half of the document was inadvertently omitted from the issue. The document is reprinted below in its entirety.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of VHF Television Channel No. 2 to Dillingham, Alaska, on a reserved basis, as its second television assignment in response to a petition filed by the State of Alaska.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Dillingham, Alaska); MM Docket No. 83-125, RM-4326.

Adopted: February 10, 1983.

Released: March 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 10, 1983, by the State of Alaska ("petitioner") seeking the assignment of VHF Channel No. 2 to Dillingham, Alaska, reserved for educational use, as its second television assignment. Petitioner expressed its interest in applying for the channel, if assigned.

2. Dillingham (population 1,563)[1] is located in southwest Alaska, approximately 570 kilometers (350 miles) southwest of Anchorage.

3. Petitioner stated that it intends to operate an educational translator station to provide programming from its educational project, the Learn/Alaska network. In order to operate its proposed 100 watt translator station on a VHF channel, a TV assignment is necessary.

4. In view of the fact that Dillingham could receive a 100 watt educational translator television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules), with respect to the following city:

City	Channel No.	
	Present	Proposed
Dillingham, Alaska	10	*2, 10

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before April 18, 1983, and reply comments on or before May 3, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed contitutes an ex parte presentation and shall not be considered in the proceeding.

[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All findings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-6869 Filed 3-14-83; 8:45 am]
BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-21; Notice 2]

Evaluation Report on Federal Motor Vehicle Safety Standard No. 301, Fuel System Integrity; Passenger Cars

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Extension of comment period.

SUMMARY: On January 10, 1983 (48 FR 1089), the Agency announced the publication of an Evaluation Report on Federal Motor Vehicle Safety Standard No. 301, Fuel System Integrity:

Passenger Cars (49 CFR Part 571.301). The announcement requested public review and comment on the evaluation report which assessed the safety effectiveness and costs of Standard 301. The standard sets performance requirements for fuel systems in new passenger cars. The report was developed in response to Executive Order 12291 and is part of the Department of Transportation priority review process for existing regulations. The January notice set March 11, 1983, as the closing date for receiving comments on the evaluation report.

On February 28, 1983, the Motor Vehicle Manufacturers Association of the United States, Inc., (MVMA) petitioned for a 60-day extension, to May 10, 1983, for submitting comments on the evaluation report. MVMA stated that it did not receive a copy of the evaluation report until February 14, 1983, or slightly more than one month after the beginning of the comment period. Additionally, MVMA stated that staff who would review the report had just completed review of a second NHTSA evaluation report on FMVSS 214, Side Door Strength, which had been published a few weeks earlier (November 23, 1982).

In order to provide MVMA and other parties who may have had similar problems with additional time to thoroughly review and analyze the report, the Agency has decided to grant the 60-day extension as requested.

DATE: Deadline for receipt of comments is extended to May 10, 1983.

ADDRESSES: All comments should refer to the docket and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. [Docket hours, 8:00 a.m.–4:00 p.m., Monday through Friday].

FOR FURTHER INFORMATION CONTACT: Mr. Frank G. Ephraim (202) 426–1574.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50 and 501.8))

Issued on March 10, 1983.

Barry Felrice,

Associate Administrator for Plans and Programs.

[FR Doc. 83-6791 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

Swordfish Fishery Management Plan; Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Additional notice of public hearings.

SUMMARY: In reference to a notice published March 2, 1983, (48 FR 8826), the New England Fishery Management Council, Mid-Atlantic Fishery Management Council, and Caribbean Fishery Management Council have set the locations for their public hearings to receive public input on the Swordfish Fishery Mangement Plan.

DATES AND ADDRESSES: The scheduled public hearings in the Mid-Atlantic, New England, and Caribbean areas are as follows:

Date	Mid-Atlantic
Mar. 28	Quality Inn Lake Wright, 6280 Northhampton Blvd., Norfolk, VA 23502
Apr. 6	Conference Room, Federal Building, St. Thomas, U.S. Virgin Islands, 7:30 p.m.
Mar. 29	Carousel Hotel, On the Beach at 118th Street, Ocean City, MD 21872
Apr. 8	Department of Marine Science, University of Puerto Rico, Isla Magueyez, La Jas, PR, 10:00 a.m.
Mar. 30	Stockton State College, C Building, Room CC103, Pomona, NJ 08240
Mar. 31	Holiday Inn, Route 25 and Long Island Expressway (Exit 72 Long Island Expressway), Riverhead, NY 11901

Date	Caribbean
Apr. 6	Conference Room, Federal Building, St. Thomas, U.S. Virgin Islands, 7:30 p.m.
Apr. 8	Department of Marine Science, University of Puerto Rico, Isla Magueyez, La Jas, PR, 10:00 a.m.

Date	New England
Apr. 9	Governor Carver Motor Inn, 25 Summer Street, Plymouth, MA 02360
Apr. 11	White's Restaurant, 66 State Road, Westport, MA 02790
Apr. 12	Dutch Inn, Great Island Road, Galilee, RI 02882
Apr. 13	Ramada Inn, 1230 Congress Street, Portland, ME 04102

The hearings will be held from 7:30 to 10:00 p.m. in New England, from 7:00 to 10:00 p.m. in the Mid-Atlantic, and as noted in the Caribbean. Other information contained in the referenced notice remains unchanged.

Dated: March 11, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resources Management, National Marine Fisheries Service.

[FR Doc. 83-6883 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL RIGHTS COMMISSION

Illinois Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 2:00 p.m. and will end at 10:00 p.m., on April 7, 1983, at the Ambassador Motor Inn, 141 South Main, Decatur, Illinois 62523. The purpose of this meeting is to discuss rechartering of the Committee and plans for future meetings in the southern section of the State.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois 61604; (309) 671–7475 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604; (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-6961 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

Nebraska Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Nebraska Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 1:30 p.m., on April 18, 1983, at the InterNorth, East Annex Building, 2027 Dodge Street, Omaha, Nebraska, 68102. The purpose of this meeting is to provide orientation for the new members of the rechartered Committee and discuss plans for Fiscal Year 1983.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Shirley M. Marsh, 2701 South Thirty-Fourth Street, Lincoln, Nebraska, 68509; (402) 471–2734 or the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, 3103, Kansas City, Missouri, 64106; (816) 374–5253.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-6962 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on May 16, 1983, at the Holiday Inn, Sykes Avenue, White River Junction, Vermont, 05001. The purpose of this meeting is to discuss plans for a study of civil rights implications of block grants; release of Franco-American report; and distribution of sexual harassment brochures.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, 192 College Street, Hoff, Wilson and PO, Burlington, Vermont, 05401; (802) 658–4300 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110; (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-6963 Filed 3-16-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Negative Countervailing Duty Determination; Fireplace Mesh Panels From Taiwan

AGENCY: International Trade Administration, Commerce.

ACTION: Final negative countervailing duty determination.

SUMMARY: We determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. Although we found that the fireplace mesh panel industry did receive benefits under the income tax program, we found that the value of the benefit amounted to 0.012 percent of the f.o.b. value of the imported merchandise, which is *de minimis*. Therefore, our final determination is negative.

Based on this final determination, the countervailing duty investigation involving fireplace mesh panels from Taiwan is terminated.

In accordance with section 705(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our determination.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Nichols, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–5497.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels, as described in the "Scope of Investigation" section of this notice. The Taiwanese fireplace mesh panel industry did receive benefits under a preferential income tax program. However, the value of this benefit is 0.012 percent of the f.o.b. value of the

import merchandise, which is *de minima*.

Case History

On July 22, 1982, we received a petition from counsel for Justesen Industries, Inc., Pacific Fireplace Furnishings, Inc., and Fall River Fireplace Co., Inc., on behalf of the U.S. industry producing fireplace mesh panels. The petition alleged that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels receive benefits which constitute subsidies within the meaning of the countervailing duty law. We found the petition sufficient, and on August 11, 1982, we initiated a countervailing duty investigation (47 FR 36005). We stated that we would make our preliminary determination by October 15, 1982. However, pursuant to section 703(c)(1)(A) of the Act, we extended the period for the preliminary determination to no later than December 20, 1982.

Since Taiwan is a "country under the Agreement" within the meaning of section 701(b) the Act, Title VII of the Act applies to this investigation, and an injury determination is required. Therefore, we notified the ITC of our initiation. On September 15, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry (47 FR 40728).

We presented questionnaires concerning the allegations in the petition to a representative of the American Institute in Taiwan, in Washington, on August 31, 1982, for transmission to the Taiwanese authorities and the panel producers. On October 22, 1982, we received the responses to the questionnaires. On October 28, 1982, we verified the questionnaire responses submitted by the Taiwanese authorities and the panel producers.

On December 23, 1982, we published in the **Federal Register** our preliminary negative determination that there was no reason to believe or suspect that benefits which constituted subsidies within the meaning of section 701 of the Act, were being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels (47 FR 57310).

Our notice of preliminary determination gave interested parties an opportunity to submit written and oral views. A hearing was held on February 3, 1983. The oral and written views submitted by the petitioners and the respondents have been considered in reaching our final determination.

An earlier antidumping investigation involving this merchandise has resulted in an antidumping order (47 FR 24616).

Scope of Investigation

For the purpose of this investigation, fireplace mesh panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire. Fireplace mesh panels are currently provided for either in item 642.87 or item 654.00 of the *Tariff Schedules of the United States* depending on their stage of processing.

Fuan Da Industrial Co., Ltd. (Fuan Da) and Yue Sheng Wire Mesh & Screen Co., Ltd. (Yue Sheng) are the only known producers in Taiwan of the fireplace mesh panels exported to the United States during the period for which subsidization is being measured.

Analysis of Programs

The period for which subsidization is being measured is January 1, 1982 to June 30, 1982. In its response to our questionnaire, the Taiwanese authorities provided data for the applicable period. Additionally, we received information from Fuan Da and Yue Sheng for the period January 1, 1981 to June 30, 1982.

Based upon our analysis of the petition, questionnaire responses, verification, and comments received, we determine the following.

I. *Programs Determined Not To Confer Countervailable Benefits to Manufacturers, Producers, or Exporters of Fireplace Mesh Panels.* We determine that a countervailable benefit within the meaning of the Act is not being provided to manufacturers, producers, or exporters in Taiwan of fireplace mesh panels under the program listed below:

Preferential Income Tax Rates

Article 10 of the Statute for Encouragement of Investment (SEI) was amended in 1980 and renumbered Article 15. The regulations issued to implement this article were also amended at that time. Under Article 15, certain productive enterprises which are organized as "companies limited by shares" in accordance with the law are eligible for reduced income tax rates. Currently, a company limited by shares must have a minimum of seven shareholders and be registered as a "share issuing corporation." Yue Sheng was not eligible for benefits under this program as it is not organized as a company limited by shares. Its tax rate is the normal 35 percent. Fuan Da does qualify for Article 15 benefits. Therefore, its tax rate is 25 percent.

Under the amended law and regulations, limitations which previously existed, restricting benefits to corporations existing or expanding before a certain date, have been removed, and the categories of industries eligible for encouragement have been broadend by removing some restrictive criteria. Normally, any domestic subsidy program which does not target benefits or otherwise effectively predetermine the provision of benefits to an industry or a limited group of industries is determined to be generally available and, thus, not countervailable. However, the remaining eligibility criteria in the SEI regulations have not been clarified to the satisfaction of the Department and still appear to limit the availability of the benefits to certain industries or groups of industries and appear to target certain categories of industries for encouragement. Based on the information currently available on the program, we determine that Article 15 of the SEI does provide a benefit that is potentially countervailable under the Act.

As Article 15 is an incentive program for increased general investment in eligible industries and, for this product, does not appear to be tied to export performance, we treated the program as a domestic subsidy and allocated the tax savings over total sales revenue.

For programs involving income tax benefits, the Department generally determines the value of the benefit when it is known and accounted for. In Fuan Da's case, the measure of the benefit is the difference in the tax due under the normal 35 percent tax rate and the SEI 25 percent tax rate for 1981, which is known and accounted for in 1982. This figure is then divided by total sales for 1981. This results in a benefit of 0.012 percent *ad valorem*. This rate is *de minimis*. Therefore, we determine that, in this case, this program does not confer a benefit which is countervailable under the Act.

II. *Programs Determined Not To Be Used By Manufacturers, Producers, or Exporters of Fireplace Mesh Panels.*

Vocational Training Centers

We determine that manufacturers, producers, or exporters in Taiwan of fireplace mesh panels did not use the vocational training centers during the period for which subsidization is being measured or since that time.

Petitioners' Comments

Comment: The petitioners argue that the period for which we are measuring subsidization is too restrictive and does not adequately address the issue of Vocational Training Centers (VTC).

DOC Response: The Act provides no time period for which the Department is

to determine the existence of a subsidy. the standard is, rather, one of current subsidization. Section 701 of the Act states that if a government "*is providing*" a subsidy, countervailing duties will be imposed, equal to the amount of the net subsidy. "Net subsidy" is defined as the amount of the gross subsidy adjusted for allowable offsets.

A six-month period for measuring subsidization is an acceptable period in countervailing duty investigations. The Department has investigated the VTC's and verified all the information used in this determination. The Department is satisfied that the period for which subsidization is being measured is correct and allows adequate time in which to determine the countervailability of the VTC's, were we to determine that the VTC's were currently used and that such use conferred a benefit.

Comment: The petitioners commented on additional issues concerning the VTC's, including the scope of our questions to the Taiwanese authorities, their responses, and the theoretical methods for calculating a value of the alleged benefit.

DOC Response: the Department found that the VTC's are not currently used. therefore, the issues are moot and we will not address them further.

Verification

In accordance with section 776(a) of the Act, we have verified all the information relied upon for our determination. We used standard verification procedures, including examination of accounting records and randomly selected documents.

Administrative Procedures

The Department has afforded interested parties an opportunity to present oral views in accordance with section 355.35 of the Commerce Regulations. The hearing was held on February 3, 1983.

This determination does not affect the antidumping order currently in effect on this merchandise.

This notice is published pursuant to section 705 of the Act and § 355.33 of the Commerce Regulations.

Dated: March 8, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83-6990 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

Float Glass From Belgium; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of revocation of countervailing duty order.

SUMMARY: As a result of a request by the Delegation of the Commission of the European Communities, the International Trade Commission conducted an investigation and determined that revocation of the countervailing duty order on float glass from Belgium would not cause injury to an industry in the United States. The Department of Commerce consequently is revoking the countervailing duty order. All entries of this merchandise made on or after February 20, 1981, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION: On February 5, 1981, the Department of Commerce ("the Department"); published in the **Federal Register** (46 FR 10905) a countervailing duty order on float glass from Belgium.

On February 20, 1981, the International Trade Commission ("the ITC") notified the Department that the Delegation of the European Communities had requested an injury determination for this order under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on February 20, 1981, on all shipments of Belgian float glass entered, or withdrawn from warehouse, for consumption on or after that date.

On February 15, 1983, the ITC published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Belgian float glass if the order were revoked (48 FR 6794). As a result, the Department is revoking the countervailing duty order concerning float glass from Belgium with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after February 20, 1981, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 20, 1981 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries.

This revocation and notice are in accordance with section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).

Dated: March 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-6994 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

New Statistical Profiles To Help U.S. Exporters Market Their Products Overseas

AGENCY: International Trade Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce is proposing a new series of worldwide export profiles for various industries. These profiles will contain specially formatted statistical tables and analysis to help U.S. firms assess their export potential and pinpoint the best export markets for their products. The Department is soliciting public comments to assist in the development of these profiles.

DATE: Comments must be submitted by April 25, 1983.

ADDRESS: Comments may be mailed to the Office of Trade Information Services, U.S. Department of Commerce, ITA/TIA/OTIS-Room 1837, 14th and Constitution Ave., NW., Washington, DC. 20230.

FOR FURTHER INFORMATION CONTACT: Donald Huber (202) 377–4992.

SUPPLEMENTARY INFORMATION: In order to help meet the growing needs of U.S. exporters for precise international marketing data, the International Trade Administration is developing a new series of profiles of export statistics for various industries. Previously, statistics pinpointing international sales of specific products the world over have been difficult to extract and summarize in a form useful for formulating sales and marketing strategies. By consolidating appropriate official Departmental trade data, and using newly developed computer programs, Commerce is now planning the production of specialized profiles of detailed marketing-oriented export data. This data has been logically ordered into tables and profiles which can

provide highly pertinent and meaningful sales intelligence.

Each profile will include a brief overview of the market for the subject industry, along with statistical tables tracking export trends for the industry as a whole and for specific products within the industry. The data cover the latest 5-year period through 1982 and month to date in 1983. Growth rates and percentage shares will also be provided in some tables. All the information will be conveniently tabulated and placed in easy-to-read packages.

Three levels of profiles, representing progressively more specific and inclusive coverage, are being developed. Since the Commerce Department maintains export data on all industries, profiles could be developed for most products, groups of products, or an entire industry. These profiles should be of special value to manufacturers, industry trade associations, export management or trading companies and to marketing service or consulting firms.

It is expected that the Level I Profile will consist of:

(1) A narrative *Export Market Brief* of the industry's export performance and prospects. The brief is a statistical summary which outlines such key information as industry growth, leading export products, fastest growing products and markets, significant changes in sales trends, the primary foreign competition, and the best 10 future markets.

(2) *Statistical Tables* showing total exports for the overall industry and individual product subgroups over the last 5 years to major marketing regions and to the top 75 export markets (countries) in rank order. Data is in both dollar values and percentages for each item. Also tabulated are changes in total export sales to the world for each product exported by the industry over the latest five years, with the percentage of change over the last two years for each product.

(3) A listing of *Related Commerce Services for the Industry*, including market research reports; trade contact lists of foreign buyers, agents and distributors; trade opportunities; and other services available from Commerce to the industry to help penetrate foreign markets.

Level 2 and 3 provide much more detailed information covering individual products exported by the industry on a country-by-country basis, with additional breakouts in terms of units, percentages and unit values. Individual product data is also shown for each U.S. Customs District by destination countries.

Levels 2 and 3 may also include a *Trade Lead Frequency Report* showing the actual number of sales orders for the industry's products received by Commerce (through its Trade Opportunities Program) during the last year and over a three-year period, on country-by-country basis.

It is Commerce's desire to develop and provide these packages for a fee. We encourage comments on the content, value, usefulness, organization and method of distribution for these profiles. Sample extracts of each table or piece of information have been put together for evaluation. Please write the office listed if you wish a copy of the evaluation profile to review.

Saul Padwo,

Acting Deputy Assistant Secretary for Trade Information and Analysis.

[FR Doc. 83-6663 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

Sugar Content of Certain Articles From Australia; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on the sugar content of certain articles from Australia. The review covers the period January 1, 1982 through December 31, 1982. As a result of the review, the Department has preliminarily determined the amounts of net subsidy for 1982 to be Aus. $63.98 per metric ton of sugar content for "approved fruit products," and Aus. $74.15 per metric ton for "other approved products." Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 17, 1983.

FOR FURTHER INFORMATION CONTACT: Josephine Russo or Joseph Black, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 56164) the final results of its last administrative review of the countervailing duty order on the sugar content of certain articles from Australia (T.D. 38541, March 24, 1923) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are "approved fruit products" and "other approved products" produced in Australia. The current list of "approved fruit products" includes the following items: Jams, canned fruits, citrus peel, crystallized (or glace) fruits, certain fruit cordials and fruit juices containing not less that 25 percent pure Australian fruit juice. The list of "other approved products" currently includes: alcoholic beverages, biscuits, cakes, puddings, pastries and similar mixtures and ingredients used to make them, chemicals derived from cane sugar by hydrolysis, chemical preparations used as inhibitors or stabilizers, condiments, confectionary, desserts and ingredients used to make them, drink powders and crystals, essences and flavorings, ice block mixtures, leather, maple syrup, medicines and drugs, mixtures used to make icings, fillings, dressings and other foods, processed cereal foods or vegetables, processed egg products, processed milk products, quick frozen fruits, soft drinks, soups, spreads, sweetened fruit pulp and other fruit products which are not "approved fruit products." Exceptions to the above are pure sugar and pure icing sugar (that is, not mixed with other manufacturing ingredients), golden syrup, treacle and molasses. these are regarded as sugar and sugar syrups.

The review covers the period January 1, 1982 through December 31, 1982 and is limited to the program of rebate payments made through the Export Sugar Rebate System.

Analysis of the Program

Export sugar rebates are fixed and published by the Export Sugar Committee on a monthly basis and are granted when the world ("parity") price of sugar is lower than the price of sugar in Australia. The average rates for the period of review are set out under the *Preliminary Results*.

Verification

We verified this information through a review of public documents published by the Export Sugar Committee and through the Government of Australia.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the sugar content of certain articles from Australia benefitted from average net subsidies of Aus. $63.98 per metric ton of sugar content for approved fruit products and Aus. $74.15 per metric ton of sugar content for other approved products during 1982.

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties of Aus. $63.98 per metric ton of sugar content for approved fruit products and Aus. $74.15 for other approved products on shipments exported on or after January 1, 1982 and entered, or withdrawn from warehouse, for consumption on or before September 9, 1982. On September 10, 1982, the International Trade Commission ("the ITC") notified the Department that the Australian government had requested an injury determination for this order under section 104(b) of the Trade agreements Act of 1979. Should the ITC find that there is material injury or likelihood of material injury to an industry in the United States, the Department will instruct the Customs Service to assess countervailing duties at the prevailing deposit rates at the time of entry on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 10, 1982 and exported on or before December 31 1982.

Further, as provided by section 751(a)(1) of the Tariff Act, the Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of Aus. $63.98 per metric ton of sugar content on approved fruit products and Aus. $74.15 on other approved products on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: March 11, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-6805 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Advisory Committee for International Legal Metrology; Notice of Open Meeting

The Advisory Committee for International Legal Metrology will meet from 9:30 a.m. to 5:00 p.m. on Tuesday, April 5, 1983, and from 9:00 a.m. to 12:00 noon on Wednesday, April 6, 1983. The meeting will be held in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland.

The Committee, initially established in March 1974 advises the Department of Commerce, through the Director, National Bureau of Standards (NBS), on technical and policy matters relating to NBS' assigned general responsibilities for the development of U.S. positions on technical issues arising in the International Organization of Legal Metrology (OIML). The Committee consists of approximately 40 members selected to ensure balanced representation among government, professional metrologists, national standards bodies, industry and trade associations, and consumers.

The purpose of the April meeting of the Committee is to establish U.S. positions for the 19th Meeting of the International Committee of Legal Metrology (CIML) to be held May 3–5, 1983, in Copenhagen, Denmark. The agenda includes the following items:

1. Update of OIML activities since last meeting of the Committee:
   (a) OIML Presidential Council Meeting.
   (b) Highlights of OIML Technical Program.
   (c) JT, BIPM, ISO, IEC, OIML International Measurement Vocabulary.
2. 19th CIML agenda and OIML issues:
   (a) Membership in OIML.
   (b) Financial situation.
   (c) Bureau personnel.
   (d) Long-term policies and plans.
   (e) Work of the Pilot and Reporting Secretariats.
   (f) OIML certification system.
   (g) Relations with other International Institutions.
   (h) Developing countries.
   (i) BIML activities.
   (j) 7th International Conference of Legal Metrology.
3. U.S. priorities in OIML for 1983–1984.
4. Guidelines for U.S. delegations to OIML meetings.

The meeting will be open to public observation, and a period will be set aside for oral comments or questions by the public which do not exceed ten minutes each. More extensive questions or comments should be submitted in writing before March 30, 1983. Other public statements regarding committee affairs may be submitted at any time before or after the meeting. Approximately 20 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Mr. David E. Edgerly, Standards Management Program, Office of Product Standards Policy, National Bureau of Standards, Washington, D.C. 20234, telephone: 301–921–3307.

Dated: March 14, 1983.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 83-6806 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Modification No. 1 to Permit No. 381

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Permit No. 381 issued to Southwest Fisheries Center, National Marine Fisheries Service on June 11, 1982, is modified to extend the period of authorized taking for one year.

Section B–6 is deleted and replaced by:

"6. This permit is valid with respect to the taking authorized herein until December 31, 1984.

This modification becomes effective upon publication in the Federal Register.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 7, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6888 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Issuance of Permit To Take Marine Mammals

On January 21, 1983, Notice was published in the **Federal Register** (48 FR 2814), that an application had been filed with the National Marine Fisheries Service by Mr. Dennis Kelly, Orange Coast College, 2701 Fairview Road, Costa Mesa, California, for a Scientific Research Permit to take up to 200 bottlenose dolphins by harassment over a period of two years.

Notice is hereby given that on March 9, 1983, the National Marine Fisheries Service issued a Scientific Research Permit as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), to Mr. Dennis Kelly subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 9, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6889 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Sea World, Inc. (P2M), 1720 South Shores Road, San Diego, California 92109.

2. Type of Permit: Scientific Research and Public Display.

3. Name and Number of Animals: Killer whales (Orcinus orca), 100.

4. Type of Take: To take a total of 100 killer whales in order to study the biology, reproduction, and population dynamics of this species. Up to 10 will be permanently maintained; and up to 90 will be captured, some maintained up to three weeks, sampled, marked and/or tagged and released. Of these 90, 10 may also be radio tagged and tracked. Animals may be recaptured and reexamined.

5. Location of Activitiy: Waters off Alaska and California.

6. Period of Activity: 5 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

all statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: March 10, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6887 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Evergreen Scientific Company, having a place of business at Los Angeles, California, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Fecalator, An Apparatus and Method for Concentration of Parasite Eggs and Larvae," U.S. Patent 4,081,356 (dated March 28, 1978). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. the proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: March 10, 1983.

George Kudlavetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-6888 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Unlimited Pegasus, Inc., having a place of business at Libby, Montana, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Single Line, Traction Driven Running Skyline System," U.S. Patent 4,103,784 (issued August 1, 1978). The

patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: March 8, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 83-6859 Filed 3-16-83; 8:45 am]

BILLING CODE 3510-04-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval, through February 28, 1986, of information collection requirements in a regulation applicable to non-full-size baby cribs. The regulation, published at 16 CFR 1500.18(a)(14) and Part 1509, is intended to reduce or eliminate unreasonable risks of death or injury to children from mechanical hazards. The regulation bans from sale and distribution non-full-size cribs that fail to meet established criteria and requires certain labeling, under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1509.11 of this regulation requires manufacturers and importers of the cribs subject to its provisions to make and maintain records of sale and distribution, for 3 years after production or importation of each lot or other identifying unit of non-full-size baby cribs.

Information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Non-full-size baby cribs, 16 CFR 1500.18(a)(14) and Part 1509.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of products manufactured, imported, or sold.

General description of respondents: manufacturers and importers of non-full-size baby cribs.

Estimated number of respondents: 29.

Estimated average number of hours per response: 4.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395–7313, not later than April 1, 1983. Copies of the proposed collection of information are available from Francine Shacter, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: March 11, 1983.

Sheldon D. Butts,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 83-7022 Filed 3-16-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 7, 1983.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group will meet at Hanscom Air Force Base, MA on April 5–6, 1983. The purpose of the meeting will be to receive briefings on selected International Command, Control, and Communications Programs. The meeting will convene at 8:30 a.m. and adjourn at 5:00 p.m. on the 5th and will convene at 8:30 a.m. and adjourn at 12:00 p.m. on the 6th.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–8404.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-6954 Filed 3-16-83; 8:45 am]

BILLING CODE 3910-01-M

Defense Intelligence Agency

Privacy Act of 1974; Amendment of a System Notice

AGENCY: Defense Intelligence Agency, DOD.

SUMMARY: The Defense Intelligence Agency proposes to amend a system notice for a system of records subject to the Privacy Act of 1974. The specific change is set forth below.

DATES: This notice will be effective on April 18, 1983 unless public comments are received which result in a contrary determination.

ADDRESSES: Send comments to Mrs. Helen E. Shuford, Privacy Act Officer, Administrative and Management Services Division (RTS–1) Defense Intelligence Agency. Telephone: 202/695–0614.

FOR FURTHER INFORMATION CONTACT: Mrs. Shuford at the above address and telephone number.

SUPPLEMENTARY INFORMATION: This change does not require an altered system report in accordance with 5 U.S.C. 552a(o). This system last appeared in the **Federal Register** at FR Doc. 82–674 (47 FR 2574) January 18, 1982.

M. S. Healy,

OSF Federal Register Liaison Officer, Department of Defense.

March 14, 1983.

Change

LDIA 0660

System Name:

Security Files

Retention:

Delete entire paragraph and insert:

"Records of civilian and military applicants not hired by or assigned to DIA are maintained up to one year and then destroyed. Other records are destroyed when no longer required. Indoctrination/debriefing memoranda and non-disclosure agreement pertaining to access to SCI information are retained for 70 years or until notification of the death of the signer,

whichever is sooner. Non-SCI security agreements and records associated with litigation or litigable matters are destroyed when no longer required."

Change

LDIA 0860

System Name:

Security Files

* * * * *

Retention:

"Records of civilian and military applicants not hired by or assigned to DIA are maintained up to one year and then destroyed. Other records are destroyed when no longer required. Indoctrination/debriefing memoranda and non-disclosure agreement pertaining to access to SCI information are retained for 70 years or until notification of the death of the signer, whichever is sooner. Non-SCI security agreements and records associated with litigation or litigable matters are destroyed when no longer required."

* * * * *

[FR Doc. 83-6864 Filed 3-16-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Privacy Act of 1974; Deletion of a Notice for a System of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Deletion of a notice for a system of records.

SUMMARY: The U.S. Marine Corps proposes to delete the notice for a system of records from its inventory of systems of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on April 18, 1983, unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone: 202/694-1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notices for records systems subject to the Privacy Act of 1974 Title 5, U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896 *et seq.*), were published in the **Federal Register** at:

FR Doc. 81-674 (47 FR 2029) January 16, 1982
FR Doc. 81-2406 (47 FR 4328) January 29, 1982
FR Doc. 82-9405 (47 FR 14939) April 7, 1982
FR Doc. 82-18001 (47 FR 29964) July 2, 1982

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 14, 1983.

Deletion

MMN00023

System name:

Prisoner Records (46 FR 6685) January 21, 1981

Reason:

This system is adequately covered under the Department of the Navy system notice #N01640-1, "Individual Correctional Records."

[FR Doc. 83-6862 Filed 3-16-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Hudson Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Hudson Oil Company (Hudson). This Proposed Remedial Order charges Hudson with entitlements violations in the amount of $6,383,109.92, plus interest, in connection with Hudson's participation in the Entitlements Program during the reporting period August 1, 1980 through December 31, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Milton C. Lorenz, Special Counsel, ERA, Washington, D.C. (202) 633-8925. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW, Washington, D.C. 20461, in accordance with the 10 CFR 205.193.

Issued in Washington, D.C., on the 8th day of March 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-6860 Filed 3-16-83; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-005]

Powerplant and Industrial Fuel Use Act of 1978: Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of approval of conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to section 808 of the Powerplant and Industrial Fuel Use Act of 1978, as amended, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Pursuant to 10 CFR 506.5(b) (47 FR 25729, June 15, 1982), DOE hereby gives Notice of Approval of Conservation Plans submitted by the electric utility owners or operators listed in the **SUPPLEMENTARY INFORMATION** section below.

The public file for each of the listed electric utility owners or operators containing this Notice of Approval of Conservation Plans and all other pertinent documents is available for insepction at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. Approval of each conservation plan is based on ERA's consideration of the entire record of the proceeding, including any comments received during the public comment period for each plan.

DATE: In accordance with 10 CFR 506.5(b), this Notice shall take effect on March 17, 1983.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Program, Economic Regulatory Administration, Forrestal Building, Room GA-073 G, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6162

Allan Stein, Esq., Office of the General Counsel Forrestal Building, Room 6B-222, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended FUA by adding a new section 808, entitled "Electric Utility Conservation Plan.".

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which

also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. Approved plans must be fully implemented during the five year period following DOE approval.

Notices of Receipt of the proposed conservation plans described below, providing for a thirty (30) day public comment period during which interested persons were invited to submit written comments concerning the content of any such proposed conservation plan, were published in the Federal Register on November 4, 1982 and January 25, 1983 (47 FR 50083 and 48 FR 3403, respectively). No comments on these proposed plans were received.

Based upon the entire record of this proceeding, ERA has determined that the conservation plans of each of the following utilities meet the requirements for approval contained in 10 CFR 508.8. ERA is restricted by the 120 day time limitation imposed by the Act of the plan approval process as to the amount of information which can be analyzed in order to ascertain the environmental; significance of approval of these plans. However, based on the information contained in each utility's submittal, ERA has determined, pursuant to 10 CFR 508.5, that the conservation programs contained in the plan of each utility listed below should not produce environmental consequences significant enough to warrant detailed documentation pursuant to the National Environmental Policy Act or its implementing regulations (40 CFR Part 1500 *et seq.*). Thus this action clearly does not represent a major Federal action significantly affecting the quality of the human environment. Pursuant to 10 CFR 508.5 and section 808(d)(1) of FUA, DOE hereby approves the electric utility conservation plans submitted by the utilities listed below.

Each of the electric utilities whose plans are approved herein shall annually submit a report to ERA pursuant to 10 CFR 508.7 (47 FR 25733, June 15, 1982) identifying the steps taken during the preceding year to implement its approved plan. Each such report shall be submitted within thirty (30) days after the close of a calendar year, beginning with the close of calendar year 1983. The report shall be sent to: Steven E. Ferguson, Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

The following utilities' conservation plans are approved:

Utilities	FC Case No.
Central Illinois Light Co., Peoria, Ill.	50485-9998-59-49
City of Denton, Denton, Tex.	50775-9998-39-49
City of Garland, Garland, Tex.	51081-9998-89-49

Issued in Washington, D.C., on March 10, 1983.

Robert L. Davies,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6910 Filed 3-16-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the Federal Register on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, March 10, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, March 10, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance amd Burden Control Division, Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., March 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
ER-628	Survey of Occupational Employment in Nuclear-Related Activities.	New	Biennial	Voluntary	Establishments engaged in nuclear related activities.	1,500	1,875	Form ER-628 collects employment statistics by occupation and industrial segment for companies engaged in nuclear-related activities. The survey will be conducted in Spring, 1983 and biennially thereafter. The data are published by the Office of Energy Research in reports on manpower supply and demand in the nuclear area.
FERC-519	Application for Approval of Disposition of Facilities, Merger, etc.	Extension	On occasion	Mandatory	Public utilities	15	1,275	Data from Form FERC-519 is used to determine whether an applicant should be permitted to dispose of electric power facilities, merge such facilities with those of another utility, or acquire the securities of another person pursuant to the Federal Power Act, Section 203.

[FR Doc. 83-6739 Filed 3-16-83; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-369-000]

Alabama Power Co.; Filing

March 11, 1983.

Take notice that Alabama Power Company on March 7, 1983, tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $6,614,071 based on the calendar year 1983.

The Company states that the rate increase is necessary to cover the increased cost of providing service to its distribution cooperative and municipal customers. The Company cites increased expenses and additional utility plant investment as the major reasons for the requested increase.

Copies of the filing were served upon the affected distribution cooperatives and municipalities, the Alabama Public Service Commission and Southeastern Power Administration.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6662 Filed 3-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-190-000]

Boone Valley Cooperative Processing Assn.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

March 11, 1983.

On February 14, 1983, Boone Valley Cooperative Processing Assn., (Applicant), 406 North Commercial, P.O. Box 85, Eagle Grove, Iowa 50533, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping cycle cogeneration facility is located at the Applicant's address. The facility consists of two boilers and an extraction condensing steam turbine generator. The primary energy source to the facility is coal. The electric power production capacity of the facility is 10 megawatts. Extracted steam is available for use in the soybean processing operation. Installation of the facility began in October 1980. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-6663 Filed 3-16-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ID-2034-000]

C. Frederick Sears; Application

March 11, 1983.

Take notice that on March 4, 1983, C. Frederick Sears filed an application for authorization under section 305(b) of the Federal Power Act to hold the following positions:

Vice President—The Connecticut Light & Power Company
Vice President—Western Massachusetts Electric Company
Vice President—Holyoke Water Power Company
Vice President—Holyoke Power and Electric Company
Vice President—Connecticut Yankee Atomic Power Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6894 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-365-000]

The Cleveland Electric Illuminating Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 40 MW of power from the 345 kv interconnection point on CEI's Juniper—Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 11, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6895 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-366-000]

Cleveland Electric Illuminating Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kv interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on March 1, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6896 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-364-000]

Empire District Electric Co.; Filing

March 11, 1983.

Take notice that on March 2, 1983, Empire District Electric Company (Empire) tendered for filing FERC Electric Tariff 1st Revised Volume No. 1, Section 2, 2nd Revised Sheet No. 3, Map of System; Section 6, 8th Revised Sheet No. 22, Index of Purchasers; and an executed service agreement with the City of Lockwood, Missouri.

Empire states that the filing is being made to add Lockwood as a customer to be served on Empire's existing W-1 rate schedule.

Empire requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6897 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-367-000]

Empire District Electric Co.; Filing

March 11, 1983.

Take notice that The Empire District Electric Company (Empire), on March 3, 1983, tendered for filing a proposed Amendment to Schedule L, Peaking Power Service, a part of that agreement for interchange of power and interconnected operation between Empire and Kansas Gas and Electric Company (KG&E) designated rate schedule, FERC 69.

The amendment will change the capacity charge from $0.27 per kw per month to $0.46 per kw per month. Empire requests an effective date of April 1, 1983.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6888 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2033-000]

Frank R. Locke; Application

March 11, 1983.

Take notice that on March 4, 1983, Frank R. Locke filed an application for authorization under section 305(b) of the Federal Power Act to hold the following positions:

Director—The Connecticut Light & Power Company
Director, Vice President and Chief Administrative Officer—Western Massachusetts Electric Company
Director, Vice President and Chief Administrative Officer—Holyoke Water Power Company
Director, Vice President and Chief Administrative Officer—Holyoke Power and Electric Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6889 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6805-000]

Glenn-Colusa Irrigation District; Approval by Operation of Law

March 11, 1983.

Take notice that the Director, Office of Electric Power Regulation, the Commission's Delegee on this matter pursuant to Section 375.308 of the Commission's regulations, has taken no action on the application for exemption from licensing of a small conduit hydroelectric project (Stoval #1 Hydroelectric Project No. 6805) filed on October 28, 1982, by the Glenn-Colusa Irrigation District. The project is described in the attached public notice.

Accordingly, the exemption is deemed granted by operation of law on February 21, 1983, under § 4.93(d) of the Commission's regulations, subject to the standard terms and conditions set forth in § 4.94 of the Commission's regulations (18 CFR 4.94), and subject to the condition that the Commission may accept a license application by any qualified license applicant and revoke this exemption if actual construction or development of the proposed generating facilities has not begun within 18 months, or been completed within four years, from the date on which the exemption went into effect. If an exemption is revoked, the Commission will not accept a subsequent application for exemption within two years of the revocation.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

a. Type of Application: Exemption of a Small Conduit Hydroelectric Facility.
b. Project No: 6805-000.
c. Date Filed: October 28, 1982.
d. Applicant: Glenn-Colusa Irrigation District.
e. Name of Project: Stovall No. 1 Hydroelectric Project.
f. Location: On the Glenn-Colusa Canal owned and operated by the Applicant (water leaving the powerhouse will discharge directly into an irrigation canal) near the town of Williams, in Colusa County, California.
g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 823(a).
h. Contact Person: Mr. Robert D. Clark, Manager and Secretary, Glenn-Colusa Irrigation District, 344 East Laurel Street, Willows, California 95988.
i. Comment Date: January 15, 1983.
j. Description of Project: The proposed project would consist of: (1) Two existing inlet structures; (2) two 4-foot-diameter, 47-foot-lone pipeline-penstock systems; (3) two outdoor generating units with a combined rated capacity of 120 kW, operating under a head of 14 feet; and (4) appurtenant facilities. The estimated average annual energy output is 433,000 kWh.
k. This notice also consists of the following standard paragraphs: B and D3b.

1. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

[FR Doc. 83-6890 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-241-000]

Idaho Power Co., Order Requiring Modification of Average System Cost Rates and Noting Interventions

Issued: March 11, 1983.

Pursuant to § 35.13(a)(5)(i) of the Commission's regulations, Idaho Power Company (Idaho), on January 10, 1983, filed a revised Average System Cost (ASC) rate in purported compliance with the Commission's Interim Rule procedures for exchanges of power under section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act or Act). Under the terms of the Act, participating electric utility systems may sell to the Bonneville Power Administration (BPA) at "average system cost," amounts of energy equivalent to their residential customers' loads and then repurchase such energy from BPA at BPA's lower preference rate.

In order to effectuate these transactions, the Commission, on October 1, 1981, issued an Interim Rule governing these exchanges.[1] Under the interim procedures (18 CFR 35.13a), jurisdictional utilities are to file an ASC rate proposal with BPA, which is then to be reviewed by BPA within 180 days. If BPA's review results in an ASC determination different from that developed by the utility, BPA is to issue a report of its findings together with the ASC rate to be used by the utility. The utility's proposed ASC rate, BPA's report, and BPS's adjusted ASC rate, if any, is then filed with the Commission for review. If the Commission's review results in a finding that the ASC rate is not in accordance with the Interim Rule procedures, the Commission may order the ASC rate to be changed. The revised rate, however, would still be collected

[1] Docket No. RM81-41-000, *Sales of Electric Power to the Bonneville Power Administration—Methodologly and Filing Requirements.*

subject to refund pending approval of a final rule by the Commission.

Idaho has submitted in the present case a revised ASC rate for its exchange sales in the State of Idaho covering the period August 20, 1982, through October 31, 1982. Idaho's filing includes BPA's written report and redetermination of Idaho's ASC rate proposal. Idaho's filing also includes its objection to a number of the adjustments made by BPA, including BPA's modification of Idaho's method for functionalizing general plant and administrative and general expenses.[2]

Notice of the filing was published in the **Federal Register**, with comments, protests, or interventions due on or before February 3, 1983. On February 1, 1983, a group of BPA's direct service industrial customers (DSIs) filed a motion to intervene. DSIs state that they wish to raise a number of issues in subsequent comments. These issues include: functionalization of regulatory fees and expenses; exclusion from the ASC rates of the Black Butte coal deferral charges; and functionalization of income taxes.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene of the DSIs serves to make them parties to this proceeding.

Upon review, the Commission finds that BPA's revision to Idaho's method of functionalizing general plant investment and administrative and general expenses is inconsistent with our Interim Rule procedures. BPA states that its revised functionalization method, which is consistent with the method used by the Idaho Public Utilities Commission, is required because the changed methodology results in a lower ASC rate. The Commission's Interim Rule, however, provides clear instruction for the acceptable functionalization of general plant and A&G expenses.[3] The instructions were intended to assure uniform functionalization for all utilities. BPA has not properly followed the Commission's instructions.[4] The functionalization method originally used by Idaho, on the other hand, correctly reflects our Interim Rule procedures. Accordingly, the Commission will order Idaho to revise its ASC rate to reflect its originally proposed functionalization procedures. With respect to all other issues raised, we find that BPA's determinations are in substantial compliance with the ASC methodology established by the Interim Rule.

As we noted in a September 23, 1982 order which involved contested ASC filings,[5] the ASC rates are interim in nature pending final action by the Commission in Docket No. RM81-41-000. Our findings are therefore without prejudice to the parties' right to raise, after issuance of a final rule in Docket No. RM81-41-000, those issues which they believe have not been resolved by the final rule. Accordingly, until a final rule is approved, Idaho's ASC rate as revised consistent with this order will remain subject to refund or further adjustment pending the outcome of the final rule.

The Commission orders:

(A) Idaho shall revise its ASC rate to reflect functionalization of general plant and A&G expenses as prescribed by footnote 2 of the Interim Rule with refunds to be made as required by the Interim Rule (18 CFR 35.13a).

(B) This order is without predjudice to the remaining objections raised by Idaho and DSIs pending issuance of a final rule in Docket No. RM81-41-000.

(C) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6901 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[3]The remaining adjustments challenged by Idaho relate to: (1) Functionalization of unclassified materials and supplies; (2) functionalization of intangible plant; (3) functionalization of regulatory expenses; (4) exclusion of Black Butte coal deferral charges; and (5) adjustments to and functionalization of income taxes.

[3]Under the Interim Rule procedures, general plant and A&G expenses are to be functionalized consistent with instructions in footnote 2 to the ASC formula. That footnote requires that the items to be functionalized be directly assigned, if possible, to the appropriate operating function; otherwise, the location of the plant item is to be used as the basis for functionalization. In the event that general plant items or A&G expenses cannot be functionalized on these bases, footnote 2 requires that those items be functionalized in accordance with footnote 24 instructions. Footnote 24 requires items to be functionalized on two bases: one-half on the basis of gross plant ratios and one-half on the basis of O&M expense ratios.

[4]The functionalization procedure adopted by BPA is based on wage and salary ratios.

[5]*Puget Sound Power & Light Co., et al.*, Docket Nos. ER82-448-000, *et al.*, 20 FERC ¶61,355.

[Docket No. ER83-370-000]

Idaho Power Co.; Filing

March 11, 1983.

Take notice that on March 7, 1983, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during January, 1983, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 15
Montana Power Company, Supplement 13
Sierra Pacific Power Company, Supplement 13
Southern California Edison Company, Supplement 12
San Diego Gas and Electric Company, Supplement 9
Los Angeles Dept of Water and Power, Supplement 11
City of Glendale, Supplement 11
City of Burbank, Supplement 11
City of Pasadena, Supplement 11

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6902 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-202-000]

Pacific Wind Systems; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

March 11, 1983.

On February 25, 1983, Pacific Wind Systems of 2822 Fifth Avenue, San Diego, California 92103, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located in Tehachapi, California on the Tehachapi/Willow Springs Road. The primary energy source will be wind. The electric

power production capacity of the facility will be 800 kilowatts, which will be expanded to 2,400 kilowatts. There are no other small power production facilities located within one mile of the facility which use the same energy source, and which are owned by the applicant. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6803 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP79-28]

Public Service Commission of New York, Offshore Construction Costs of Natural Gas Pipelines; Filing of Joint Petition for Approval of Accounting and Rate Treatment In Conjunction With Settlement of Civil Actions

Issued: March 11, 1983.

Take notice that on December 2, 1982, several interstate pipeline companies [1] (Joint Petitioners) filed a Joint Petition For Approval of Accounting And Rate Treatment In Conjunction With Settlement of Civil Actions requesting the Federal Energy Regulatory Commission (Commission) to review the basis upon which private civil antitrust actions brought against Brown & Root Inc., and McDermott Incorporated (formerly J. Ray McDermott & Co., Inc.), *et al.*, (Construction Firms) are being settled, and to approve the proposed settlement agreement attached to the Joint Petition, providing for the rate and accounting treatment of the sum of approximately $24 million to be recovered from the Construction Firms through such settlement. The Joint Petitioners further requested that the Commission terminate the subject proceeding and any other investigation involving the sum subject matter with respect to the Joint Petitioners on their compliance with the conditions applicable to the rate and accounting treatment proposed in the draft settlement agreement.

In 1976 a federal grand jury in the United States District Court for the Eastern District of Louisiana began considering information regarding alleged collusive practices in connection with bids and contracts for the construction of offshore natural gas and oil pipelines and platforms. Subsequently, on December 14, 1978, the United States Department of Justice (Government) filed antitrust indictments against Brown & Root, Inc., J. Ray McDermott & Co., Inc. and certain officers of the two companies in *United States of America v. J. Ray McDermott & Co., Inc., et. al.*, Cr. Docket 78-422 (E.D.La.).

The antitrust count in the indictment charged the Construction Firms with unlawful practices in connection with bids for the construction of facilities in the Gulf of Mexico and in other geographic areas during the period from approximately 1960 through 1975. In addition to general allegations, the indictment specified particular offshore projects as subjects of the practices complained of. On December 14, 1978, the Construction Firms pleaded *nolo contendere* to the single antitrust count for which they were indicted, and each paid $1 million fines.

On January 5, 1979, the Public Service Commission of the State of New York (NYPSC) filed a Petition For Investigation invoking Sections 4, 5, 14, and 16 of the Natural Gas Act requesting the Commission to initiate an investigation into the possibility that interstate pipelines may have been overcharged for pipeline or other construction in the Gulf of Mexico. Pointing out that the proceedings to obtain civil recoveries from the Construction Firms would undoubtedly be time-consuming, the NYPSC indicated its belief that the natural gas pipelines affected by the practices of the Construction Firms should be placed on notice that they would be held accountable in the event they failed to pursue available legal remedies for the recovery of excessive charges.

Notice of the NYPSC Petition was issued by the Commission on February 2, 1979. Numerous parties, including many of the Joint Petitioners, intervened.

In light of the NYPSC Petition, the first civil antitrust action by the Joint Petitioners was filed by Natural Gas Pipeline Company of America, Inc., on June 27, 1979, in the United States District Court for the Northern District of Illinois. By December 14, 1979, all of the Joint Petitioners had filed similar actions against the Construction Firms in the United States District Courts of the Sourthern District of Texas, Eastern District of Louisiana, and Northern District of Illinois. Other companies, principally the owners of oil pipelines and platforms, also filed suit against the Construction Firms. By year-end 1979, 66 private actions were pending in federal district courts of Texas, Louisiana, Illinois, and New York.

On April 10, 1980, shortly after discovery proceedings were commenced in various jurisdictions, an Opinion and Order was issued by the Judicial Panel on Multidistrict Litigation transferring all of the civil antitrust proceedings in a case formally designated as *Marine Construction Antitrust Litigation*, M.D.L. Docket No. 417 (E.D. La.). These proceedings continue to remain in the discovery stage.

On April 12, 1979, the Government furnished a Voluntary Bill of Particulars, which was filed with the District Court. This filing described the Government's view of the operation of the bidding practices of the Construction Firms, identified persons believed to have participated in such arrangements, and set forth a partial list of marine construction projects that the Government alleged were subject to collusive bidding.

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[1] The Joint Petitioners include the following interstate natural gas companies:
Columbia Gulf Transmission Company
Consolidated Gas Supply Corporation
High Island Offshore System
(American Natural Offshore Company, Texam Offshore Gas Transmission Inc., Transco Offshore Pipeline Company, Texas Offshore Pipeline System Inc., and NATOCO, INC.)
Michigan Wisconsin Pipe Line Company
Natural Gas Pipeline Company of America, Inc.
Southern Natural Gas Company
Stingray Pipeline Company
(Trunkline Offshore Company and MCN Offshore Company)
Tennessee Gas Pipe Line Company, Division of Tenneco, Inc.
Texas Eastern Transmission Corporation
Texas Gas Transmission Corporation
Transcontinental Gas Pipe Line Corporation
Trunkline Gas Company
United Gas Pipe Line Company, Inc.
Sea Robin Pipeline Company
U-T Offshore System
(Transco Hydrocarbons Company, Unitex Offshore Transmission Company and NALOCO, Inc. (Del.))

The Voluntary Bill of Particulars listed 42 such projects owned by gas pipeline companies and oil compaines. All of the Joint Petitioners that were in operation in 1975 except Transcontinental Gas Pipe Line Corporation were listed in the Voluntary Bill of Particulars with respect to at least one construction project. Inasmuch as the list was limited to projects with bid dates between 1970 and 1975, two other Joint Petitioners, High Island Offshore System and U–T Offshore System, were also not included.

Based upon the information obtained from the Construction Firms, the files of the Offshore Pipelines, and other pertinent data, the Joint Petitioners reached a proposed settlement agreement with the Construction Firms after extensive negotiations. At no time however has any member of the Commission Staff participated in any of the negotiations with Joint Petitioners or the Construction Firms, or in the development of the proposed settlement agreement. The proposed settlement agreement, although stated in a dollar amount without identification of the particular projects, nevertheless identifies the companies and amounts recoverable under the settlement. These amounts are not limited to the companies or projects contained in the Government's Voluntary Bill of Particulars.

The proposed settlement agreement sets forth the settlement sum to be paid by Brown & Root and the settlement sum to be paid by McDermott to each of the 14 Joint Petitioners. These amounts are set forth in Annex "B" of the proposed settlement agreement. The total amount payable by Brown & Root is $12, 862,769.42 and the amount payable by McDermott is $11,184,167.13. The total recovery for Joint Petitioners, if approved by the Commission, would be in excess of $24,000,000.

In addition to approval of the proposed settlement by the Joint Petitioners in accordance with the August 17, 1982, agreement with the Construction Firms, paragraph (2) thereof would also require Commission approval of the accounting and rate treatment proposed by each of the Joint Petitioners with respect to individual settlement sums. In this regard, Joint Petitioners seek accounting and rate treatment equivalent to that reflected in Federal Power Commission Accounting Release Number AR–1.[3] With respect to each Joint Petitioner's settlement sum, the net of unrecovered expenses and taxes would be applied to reduce the cost of its FERC Plant or other accounts, and an appropriate prospective reduction would be made in its FERC rates to reflect the amount of such reduction in plant or other accounts.

Any person who wishes to be heard and who questions or protests the level of the proposed recovery set forth in Joint Petitioner's draft settlement agreement, or the method which Joint Petitioners propose for the accounting and rate treatment of such sums recovered, should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitioners or protests should be filed on or before April 11, 1983. Protests will not be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6806 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[3] Accounting Release number AR–1, Office of the Chief Accountant, Federal Power Commission, effective December 30, 1964.

[Docket No. ER83-344-000]

Public Service Co. of Indiana; Termination

March 11, 1983.

Take notice that on February 22, 1983, Public Service Company of Indiana (PSI) tendered for filing a Notice of Termination with regard to the Service Agreement, dated December 1, 1973, between the Town of Patoka, Indiana and PSI. The Agreement was approved under PSI's FERC Electric Tariff Original Volume No. 1. Service under the Agreement was terminated on December 15, 1977.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6804 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-360-000]

Sierra Pacific Power Co.; Filing

March 11, 1983.

Take notice that on February 28, 1983, Sierra Pacific Power Company (Sierra) tendered for filing its second energy charge revision to reflect increases in the cost of power purchased from Pacific Gas and Electric Company (PG&E).

Sierra proposes to increase its base rates effective January 1, 1983 to reflect the increased purchased power fixed costs represented by the revised rates included in PG&E's letter dated February 8, 1983. The revised PG&E rates will increase customer and demand charges to $19,533 per month and $9.150 per KW, respectively, as compared to the $18,333 per month and $8.588 per KW included in the present purchased power costs and represented by $.00912 per KWH applicable to Sierra's resale rate schedules R–1 and R–2 authorized in Docket No. ER82–105–000. This results in an increase of $.00471 per KWH which increases the energy rate of $.0293 per KWH granted in Docket No. ER82–105–000 to .03464 per KWH. The revised rate will become effective for service on or after January 1, 1983, concurrent with the rate increase from PG&E. Sierra's rates, as proposed herein, will be subject to adjustment as required by the Commission's action upon PG&E's proposed rates filed February 8, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must fule a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6928 Filed 3-29-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 847]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 11, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on ole OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Source data for this notice is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, VA 22161, or Sandra Spear (FERC) (202) 357–8681.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

JD NO	JA DET	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-AMERICAN QUASAR PETROLEUM CO			RECEIVED:	02/14/83		JA: TX			
8322303	F-09-062932	4218130895	101			O F K #1	PERRIN M9678	0.0	LONE STAR GAS CO
8322222	F-09-58179	4218130895	102-4			O F K #1	HENRY KEITH SURVEY A-	0.0	
-AMOCO PRODUCTION CO			RECEIVED:	02/14/83		JA: TX			
8322357	F-8A-063071	4221933623	101			LEVELLAND UNIT #768	LEVELLAND	0.1	AMOCO PRODUCTION
8322416	F-8A-63510	4221932991	101			MAY MONTGOMERY UNIT #51	LEVELLAND	0.7	AMOCO PRODUCTION
8322415	F-8A-63509	4221932973	101			MAY MONTGOMERY UNIT #58	LEVELLAND	0.5	AMOCO PRODUCTION
8322414	F-8A-63508	4221932971	101			MAY MONTGOMERY UNIT #59	LEVELLAND	0.6	AMOCO PRODUCTION
8322413	F-8A-63507	4221932967	101			MAY MONTGOMERY UNIT #61	LEVELLAND	0.4	AMOCO PRODUCTION
8322412	F-8A-63506	4221932988	103			MAY MONTGOMERY UNIT #63	LEVELLAND	3.8	AMOCO PRODUCTION
8322411	F-8A-63505	4221932970	101			MAY MONTGOMERY UNIT #67	LEVELLAND	0.3	AMOCO PRODUCTION
8322410	F-8A-63504	4221933004	101			MAY MONTGOMERY UNIT #69	LEVELLAND	0.8	AMOCO PRODUCTION
-ANDERSON PETROLEUM INC			RECEIVED:	02/14/83		JA: TX			
8322209	F-7C-53294	4210532307	103	107-TF		ELMER HOOVER HATTON ESTATE 4-14	OZONA (CANYON SAND)	100.0	ANDERSON PIPELINE
8322208	F-7C-52621	4210532308	107-TF			HOOVER ESTATE "A" 1-19	OZONA (CANYON SAND)	25.0	ANDERSON PETROLEU
8322207	F-7C-52618	4210532259	107-TF			L B COX JR "A" 1-11	OZONA (CANYON SAND)	30.0	ANDERSON PIPELINE
8322223	F-7C-58192	4210533659	103	107-TF		H P HOOVER 1-60	OZONA (CANYON SAND)	100.0	ANDERSON PIPELINE
-APEX PETROLEUM INC			RECEIVED:	02/14/83		JA: TX			
8322279	F-7B-062198	4208333140	102-4			JOHN E WOLF #4	WOLF (SERRATT)	70.0	EL PASO HYDROCARB
8322272	F-7B-61804	4208333142	102-4			JOHN E WOLF #6	WOLF (SERRATT)	59.0	EL PASO HYDROCARB
-ARCO OIL AND GAS COMPANY			RECEIVED:	02/14/83		JA: TX			
8322266	F-08-61498	4219931788	101			G W BROOKS #55	SLESSINGER (10,000 FT	350.0	TEXAS EASTERN TRA
-BEL OPERATING CO			RECEIVED:	02/14/83		JA: TX			
8322429	F-7B-63562	4213334004	102-4			MIDKIFF #8 (18556)	MIDKIFF (ADAMS BRANCH	11.0	ODESSA NATURAL CO
-BEAL OPERATING			RECEIVED:	02/14/83		JA: TX			
8322426	F-7B-63544	4208333079	102-4			T GRIFFIS #5 (19129)	LITTLE LONGHORN (MORR	55.0	EL PASO HYDROCARB
-BOMMER ENGINEERING CO			RECEIVED:	02/14/83		JA: TX			
8322320	F-01-063313	4250731713	102-4			MATTHEWS 4-13C	SUNDOWN - LUCAS P (ES	80.0	MAN-GAS TRANSMISS
-BOW VALLEY PETROLEUM INC			RECEIVED:	02/14/83		JA: TX			
8322210	F-08-55361	4231330376	102-2			SCHOLZ #1	NORTH ZULCH	8.0	LONE STAR GAS CO
-C B EDGAR OIL CO			RECEIVED:	02/14/83		JA: TX			
8322310	F-7E-063137	4239932552	103			RUFUS ALLEN #7	DICK RICHARDSON (GARD	345.0	VALERO TRANSMISSI
-CENERGY EXPLORATION CO			RECEIVED:	02/14/83		JA: TX			
8322217	F-08-57523	4230103048	102-4			DOROTHY WHITE #2	HUBBARD (CHERRY CANYO	8.0	UNITED TEXAS TRAN
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	02/14/83		JA: TX			
8322243	F-7C-60161	4245130586	102-4	103		A H DUFF ESTATE #6	DOVE CREEK S (WOLFCAM	49.3	INTER NORTH INC
-CHARLES H BENTLEY			RECEIVED:	02/14/83		JA: TX			
8322417	F-09-63521	4250336043	103			IOLA HAZELTON #2	GRAHAM SOUTH (CADDO)	21.0	LONE STAR GAS CO
-CHESTER R URHAM JR			RECEIVED:	02/14/83		JA: TX			
8322232	F-7B-59006	4236300000	102-4			AIRPORT #1-C	TOMERLIN (CONGL)	8.0	SOUTHWESTERN GAS
8322233	F-7B-59007	4236300000	102-4			AIRPORT #2	TOMERLIN (CONGL)	8.0	SOUTHWESTERN GAS
-CIRCLE SEVEN PRODUCTION CO			RECEIVED:	02/14/83		JA: TX			
8322276	F-09-61934	4249732435	101			ROWE/KELLEY #1	BOOMESVILLE (BEND CON	0.0	LONE STAR GAS CO
-CITIES SERVICE COMPANY			RECEIVED:	02/14/83		JA: TX			
8322274	F-08-61877	4235532048	102-2			MUSTANG ISLAND ST PK TR 2 #2L	SHELL POINT	923.0	HOUSTON PIPELINE
8322275	F-08-61878	4235532048	102-2			MUSTANG ISLAND ST PK TR 2 #2U (M A)	SHELL POINT (0-1)	730.0	HOUSTON PIPELINE
-CLEMCO INC			RECEIVED:	02/14/83		JA: TX			
8322203	F-06-43970	4220330810	103	107-TF		C LEATH #1	LANSING M (COTTON VAL	280.0	DELHI GAS PIPELIN
-CMC ENERGY INC			RECEIVED:	02/14/83		JA: TX			
8322365	F-08-063424	4213100000	101			M R WEST B#1 056925	BENAVIDES (2100)	0.0	ESPERANZA TRANSMI
8322364	F-08-063423	4213100000	101			MARY ROSSI WEST ET AL A3 076474	BENAVIDES (4530)	19.0	ESPERANZA TRANSMI
-COASTAL OIL & GAS CORP			RECEIVED:	02/14/83		JA: TX			
8322329	F-10-063380	4234130754	101			THOMPSON 2-14ROJ	PANHANDLE (RED CAVE)	10.0	COLORADO INTERSTA
8322328	F-10-063379	4234130916	101			THOMPSON 2-21J	PANHANDLE (RED CAVE)	2.0	COLORADO INTERSTA
-COSTA RESOURCES INC			RECEIVED:	02/14/83		JA: TX			
8322394	F-0B-63461	4210332426	102-4			ADAMS #2	COSTA (TUBB)	0.0	INTERNORTH INC
8322440	F-0B-63644	4210332511	102-4			ADAMS #3	COSTA (TUBB)	0.0	INTERNORTH INC
8322439	F-0B-63643	4210332516	102-4			ADAMS #4T	COSTA (TUBB)	0.0	INTERNORTH INC
8322395	F-0B-63462	4210332517	102-4			DAVIS #2	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322376	F-0B-063438	4210332624	102-4			DAVIS #3	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322377	F-0B-063439	4210332560	102-4			DAVIS #4	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322382	F-0B-063444	4210332518	102-4			REYNOLDS #1C	COSTA (CLEARFORK UPPE	0.0	PGP GAS PRODUCTS
8322378	F-0B-063440	4210332518	102-4			REYNOLDS #1T	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322379	F-0B-063441	4210332519	102-4			REYNOLDS #2	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322380	F-0B-063442	4210332625	102-4			REYNOLDS #3	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322381	F-0B-063443	4210332659	102-4			REYNOLDS #4	COSTA (TUBB)	0.0	PGP GAS PRODUCTS
8322396	F-0B-63463	4210332771	102-4			ROGERS #2	COSTA (CLEARFORK UPPE	0.0	PGP GAS PRODUCTS
8322397	F-0B63464	4210332843	102-4			ROGERS #3	COSTA (CLEARFORK UPPE	0.0	PGP GAS PRODUCTS
8322398	F-0B-63465	4210332645	102-4			TUNSTILL & RENAUD #1	COSTA CLEARFORK UPPER	0.0	PGP GAS PRODUCTS
-CROUCH PETROLEUM COMPANY			RECEIVED:	02/14/83		JA: TX			
8322293	F-09-062705	4223734431	103			R E VOYLES "A" #3	JACK COUNTY REGULAR	36.0	LONE STAR GAS CO
-CROWN PRODUCTION CO			RECEIVED:	02/14/83		JA: TX			
8322212	F-01-56369	4216331986	105			BEEVER "A" #1	PEARSALL (AUSTIN CHAL	164.0	T G P INC
-DELTA DRILLING CO			RECEIVED:	02/14/83		JA: TX			
8322405	F-7C-63482	4210500000	108			BEAN "B" #2 93579	OZONA (CANYON)	0.0	INTERNORTH INC
8322402	F-7C-63478	4210500000	108			FRIEND "89" #1 91110	OZONA (CANYON)	0.0	INTERNORTH INC
8322404	F-7C-63481	4241300000	108			JONES "B" #4 91885	ELDORADO (CANYON) SAN	0.0	INTERNORTH INC
8322406	F-7C-63483	4243500000	108			SAWYER "A" #3 062010	SAWYER (CANYON)	0.0	INTERNORTH INC
8322403	F-7C-63480	4243500000	108			SHURLEY "A" #4 95267	SAWYER (CANYON)	0.0	INTERNORTH INC
-DELTA OIL & GAS CO			RECEIVED:	02/14/83		JA: TX			
8322322	F-7B-063326	4242900000	103			JOHN GRAY ESTATE RRC #102852	CADDO (DUFFER)	0.0	LONE STAR GAS CO
-DENNIS ENERGY CO			RECEIVED:	02/14/83		JA: TX			
8322330	F-09-063381	4207732667	105			D C SPARKMAN #2-B	DILLARD SE (CONGLOMER	46.0	LONE STAR GAS COM
-DIAMOND SHAMROCK CORPORATION			RECEIVED:	02/14/83		JA: TX			
8322430	F-10-63564	4229531124	103			VESTER L SMITH 617 #1	LIPSCOMB	0.0	
-DORAN ENERGY CORP			RECEIVED:	02/14/83		JA: TX			
8322221	F-04-58107	4242731680	105			T RODRIGUEZ #7-D	GREGG WOOD S (500)	36.0	VALERO TRANSMISSI
-DRIVER INVESTMENTS INC			RECEIVED:	02/14/83		JA: TX			
8322255	F-03-60982	4214931390	102-2	103		TOENNIS #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJOHN GAS CO
-DYNAMIC PRODUCTION INC			RECEIVED:	02/14/83		JA: TX			
8322240	F-03-60062	4205100000	102-2	103		DOTSON UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-EXCELSIOR OIL CORP			RECEIVED:	02/14/83		JA: TX			
8322418	F-05-63524	4240100000	103			WILL ROSSUM HEIRS #1	DANVILLE EAST	220.0	WESTERN GAS CORP
-EXXON CORPORATION			RECEIVED:	02/14/83		JA: TX			

JD NO	JA DKT	API NO
8322271	F-04-61739	4248930625
-FALCON PETROLEUM COMPANY		
8322206	F-10-52133	4235731200
-FLORIDA GAS EXPLORATION COMPANY		
8322238	F-7C-59560	4243532789
8322244	F-7C-60187	4243532823
-FORUM ENERGY INC		
8322424	F-7B-63542	4204933217
8322423	F-7B-63541	4204933052
8322425	F-7B-63543	4204933217
-GERONIMO OIL CO		
8322301	F-04-062845	4240931666
-GETTY OIL COMPANY		
8322422	F-04-63538	4236500000
-GIBBS COX & GIBBS INC		
8322348	F-7B-063407	4208332031
8322331	F-7B-063382	4208332694
-GULF OIL CORPORATION		
8322253	F-09-60847	4218130908
8322254	F-09-60896	4223734521
8322259	F-09-61153	4218130880
8322387	F-7C-063063	4210501035
8322326	F-08-063376	4200333309
8322327	F-08-063377	4200333308
8322350	F-08-063410	4200333306
-HARRISON INTERESTS LTD		
8322292	F-7C-062695	4210500000
-HENRY GOODRICH D/B/A GOODRICH OIL C		
8322258	F-05-60756	4229330583
-HEWITT B FOX INC		
8322315	F-04-063258	4213100000
-HOUSTON OIL & GAS CO INC		
8322296	F-02-062762	4223900000
-HSW EXPLORATION INC		
8322432	F-08-63581	4217331355
-HUMBLE EXPLORATION CO INC		
8322358	F-03-063100	4214900000
8322215	F-03-57478	4247700000
-IKE LOVELADY INC		
8322225	F-04-58287	4221531230
-INTERNORTH INC		
8322299	F-7C-062773	4244330308
-J M HUBER CORPORATION		
8322341	F-09-063398	4218100000
8322340	F-10-063397	4206531261
8322339	F-10-063396	4223331498
-JOHN L COX		
8322438	F-08-63623	4231732611
8322421	F-08-63537	4231732611
8322420	F-08-63536	4231732606
-K-B EXPLORATION CO		
8322219	F-03-57951	4208931308
-LAGUNA PETROLEUM CO		
8322308	F-08-063066	4213533715
-LEONARD BROTHERS OPERATING CO		
8322309	F-7B-063136	4214330089
-LOUISIANA CRUDE OIL & GAS CO INC		
8322247	F-7B-60335	4213333643
-M BRAD BENNETT INC		
8322228	F-03-55527	4247500000
8322235	F-03-062749	4247532723
8322311	F-03-063177	4233931329
-MAGNET OIL INC		
8322325	F-10-063375	4206500000
-MASON ENERGIES INC		
8322257	F-7B-61060	4214330352
8322256	F-7B-61059	4214330435
-MAY PETROLEUM INC		
8322363	F-10-063421	4229531227
-MID-AMERICA PETROLEUM INC		
8322321	F-7C-063317	4238332164
8322392	F-7C-63457	4238332168
8322393	F-7C-63458	4238332160
-MITCHELL ENERGY CORPORATION		
8322302	F-09-062900	4249732410
8322236	F-02-59252	4246931846
-MOLE OPERATING COMPANY INC		
8322306	F-08-063023	4237100000
-MONSANTO OIL CO		
8322446	F-8A-63654	4250132150
-MORNING STAR OIL & GAS CO INC		
8322297	F-7B-062765	4213331825
8322298	F-7B-062766	4213334124
-MORROW RESOURCES INC		
8322261	F-7C-61279	4245131051
8322246	F-7C-61410	4245131055
-NATIONAL OIL COMPANY		
8322241	F-04-60967	4221531265
-NORTH RIDGE CORP		
8322273	F-7B-61846	4213334259
-P & R OIL INC		
8322269	F-7B-61603	4213334296
-PETRO-LEWIS CORPORATION		
8322351	F-7C-063411	4223531936
-PETROLEUM CORPORATION OF TEXAS		
8322267	F-7B-61516	4241733408
-PETROLEUM EQUITIES CORP		
8322263	F-7C-61533	4243532840
-PHILLIPS PETROLEUM COMPANY		
8322427	F-08-63547	4213303749
8322216	F-03-057506	4213503144
-PIPKINS PRODUCTION INC		
8322433	F-09-63612	4250336142
8322437	F-7B-63614	4242932613
8322436	F-7B-63613	4242933350
-PITCOCK INC		

JD NO	SEC(1)	SEC(2)	WELL NAME
102-4			S H BELL "B" 6-F (ID PENDING)
RECEIVED:	02/14/83	JA: TX	
101			NEST EGG #1 04998
RECEIVED:	02/14/83	JA: TX	
103	107-TF		POWELL 1 #1
103	107-TF		POWELL 1-02
RECEIVED:	02/14/83	JA: TX	
102-4			D HARDY "B" #2 (19082)
102-4			RAY RANKIN #1 (102347)
102-4			RAY RANKIN #2 (19081)
RECEIVED:	02/14/83	JA: TX	
103			DANIEL I COGGIN JR #2-B
RECEIVED:	02/14/83	JA: TX	
108			WALLACE UNIT #3 RR #097942
RECEIVED:	02/14/83	JA: TX	
104			M J LINEBERRY #1-B (098374)
104			M J LINEBERRY #2-B (097024)
RECEIVED:	02/14/83	JA: TX	
102-4			F M HEFTON F #1
103			I O YATES WELL #12-L
102-4			ROBERT J TATE #A-1
105			STATE IT WELL #1
105			TRIPLE-M (GRAYBURG) CONSOL #B-5-K
105			TRIPLE-M (GRAYBURG) CONSOL #B-6-K
103			TRIPLE-M (GRAYBURG) CONSOL #M-8-M
103			
RECEIVED:	02/14/83	JA: TX	
107-TF			JOE TOM DAVIDSON JR #11
C RECEIVED:	02/14/83	JA: TX	
103	107-TF		JACKSON #1
RECEIVED:	02/14/83	JA: TX	
106			BARRERA-LEACH #2C
RECEIVED:	02/14/83	JA: TX	
103			S A WILLIAMS #2 055331
RECEIVED:	02/14/83	JA: TX	
102-3			CURRIE #4
RECEIVED:	02/14/83	JA: TX	
102-2	103		AUDREY RAE UNIT
102-2	103		JOLENE #1
RECEIVED:	02/14/83	JA: TX	
102-4			DIAZ #1
RECEIVED:	02/14/83	JA: TX	
102-4			GARNER "1" #1
RECEIVED:	02/14/83	JA: TX	
101			BROWN STEEDMAN #1
101			WHITEHALL BURNETT "A" #16
101			WHITEHALL BURNETT "B" #27
RECEIVED:	02/14/83	JA: TX	
103			HOLLOWAY #2 RRC #21899
103			HOLLOWAY #4 RRC #21899
103			HOWARD #2 RRC #21796
RECEIVED:	02/14/83	JA: TX	
102-4			GEORGE J MILLER ESTATE #2-T
RECEIVED:	02/14/83	JA: TX	
103			PARKER ESTATE #2
RECEIVED:	02/14/83	JA: TX	
102-4			M D STEWART UNIT -B- #2 (19078)
RECEIVED:	02/14/83	JA: TX	
102-4			ALEXANDER #1 (19203)
RECEIVED	02/14/83	JA: TX	
102-4			ADOBE #1
102-4			ADOBE #2
102-4			BAPTIST FOUNDATION #1
RECEIVED:	02/14/83	JA: TX	
103			DONNA #3
RECEIVED:	02/14/83	JA: TX	
102-2			SKILES #2 - API #42-143-30352
102-2			SKILES #5 - API 42 143 30435
RECEIVED:	02/14/83	JA: TX	
102-4			BABITZKE #1
RECEIVED:	02/14/83	JA: TX	
103			TALLEY "A" #5
103			TURNER "A" #3
103			TURNER "D" #3
RECEIVED:	02/14/83	JA: TX	
103			BEULAH ADAMS #2
102-4	103		C K MCCANN #1
RECEIVED:	02/14/83	JA: TX	
103			SHUA #3
RECEIVED:	02/14/83	JA TX	
103			SAM 44092
RECEIVED:	02/14/83	JA: TX	
102-2			LEAH BROWN #1
102-2			LEAH BROWN #2
RECEIVED:	02/14/83	JA: TX	
102-2	103		MATHEWS "B" #4
102-2	103		MATHEWS "D" #2
RECEIVED:	02/14/83	JA: TX	
102-4			GREGORY UNIT #1
RECEIVED:	02/14/83	JA: TX	
102-4	103		D B THOMPSON #2
RECEIVED:	02/14/83	JA: TX	
102-4			BASSETT #1 (19177)
RECEIVED:	02/14/83	JA: TX	
103			ELLA C SUGG #6
RECEIVED:	02/14/83	JA: TX	
103			ANN ELLIOTT #2
RECEIVED:	02/14/83	JA: TX	
103	107-TF		VANDERSTUCKEN #12
RECEIVED:	02/14/83	JA: TX	
103			GOLDSMITH ADOBE U #18-04 (18713)
103-ER			GOLDSMITH ANDECTOR UNIT #L-13
RECEIVED:	02/14/83	JA: TX	
103			FANNIE YOUNG 2-A
103			J M MCDONALD #1
103			J M MCDONALD #1-B
RECEIVED:	02/14/83	JA: TX	

FIELD NAME	PROD	PURCHASER
WILLAMAR (CRADEN 9300	500.0	NATURAL GAS PIPEL
FALCON (MORROW UPPER)	223.0	PHILLIPS PETROLEU
PHYLLIS SONORA	92.0	INTRATEX GAS CO
PHYLLIS SONORA	85.0	INTRATEX GAS CO
HARDY (MARBLE FALLS)	4.0	EL PASO HYDROCARB
HARDY (MARBLE FALLS)	123.0	EL PASO HYDROCARB
HARDY (MARBLE FALLS)	53.0	EL PASO HYDROCARB
MIDWAY (6800')	5.0	HOUSTON PIPE LINE
CARTHAGE (TRAVIS PEAK	12.0	TEXAS GAS TRANSMI
SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
SANTA ANNA (MARBLE FA	1.0	EL PASO HYDROCARB
M E SOUTHMAYD	0.0	
BOONSVILLE (BEND CONG	421.9	NATURAL GAS PIPEL
M E SOUTHMAYD	0.0	LONE STAR GAS CO
FARMER (SAN ANDRES)	13.0	J L DAVIS
TRIPLE-M (GRAYBURG)	0.0	PHILLIPS PETROLEU
TRIPLE-M (GRAYBURG)	0.0	PHILLIPS PETROLEU
TRIPLE-M (GRAYBURG)	0.0	PHILLIPS PETROLEU
DAVIDSON RANCH (PENN	30.0	INTRATEX GAS CO
BOX CHURCH FIELD	365.0	LONE STAR GAS CO
SEJITA EAST (1230)	13.9	VALLEY GAS TRANSM
MORALES (0-5)	20.7	HOUSTON PIPE LINE
CONGER (PENN)	54.6	PHILLIPS PETROLEU
GIDDINGS (AUSTIN-CHAL	0.0	PHILLIPS PETROLEU
GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
SULLIVAN CITY SE (390	365.0	VALERO INTERSTATE
SMEFFIELD SE	140.0	
BIG MINERAL S E (V SA	4.3	UNION TEXAS PETRO
PANHANDLE	62.0	COLORADO INTERSTA
PANHANDLE	51.0	GETTY OIL CO
SPRABERRY (TA)	10.0	NORTHERN GAS PROD
SPRABERRY (TA)	10.0	NORTHERN GAS PROD
SPRABERRY (TA)	10.0	NORTHERN GAS PROD
POMDREN RANCH (WILCOX	480.0	SEAGULL PIPELINE
TOM ROBERTS (CLEARFOR	14.8	PHILLIPS PETROLEU
STEWART (DUFFER)	33.0	LONE STAR GAS CO
LAKEWOOD (CADDO)	37.0	SOUTHWESTERN GAS
COLLIE (DELAWARE)	54.8	INTRATEX GAS CO
COLLIE (DELAWARE)	54.8	INTRATEX GAS CO
COLLIE (DELAWARE)	54.7	INTRATEX GAS CO
PANHANDLE	147.1	GETTY OIL CO
MORGAN MILLS	72.0	SOUTHWEST GAS PIP
MORGAN MILLS	72.0	
DUKE-MAY (TONKAWA)	36.5	
SPRABERRY (TREND AREA	12.0	INTER NORTH INC
SPRABERRY (TREND AREA	11.0	INTERNORTH INC
SPRABERRY (TREND AREA	11.0	INTERNORTH INC
BOONSVILLE (BEND CONG	69.3	NATURAL GAS PIPEL
WELDER RANCH 11300	0.0	SOUTHWESTERN GAS
HORSEHEAD CROSSING (C	17.1	INTER NORTH INC
BRAHANEY	3.0	SHELL OIL CO
LAKE CISCO (MARBLE FA	0.0	LONE STAR GAS CO
LAKE CISCO (MARBLE FA	260.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
K W B (STRAWN)	0.0	LONE STAR GAS CO
SHEPHERD S (FRIO)	640.0	VALERO INTERSTATE
RANGER (BLACK LIME WE	0.0	PRISM ENTERPRISES
BAGGETT (DUFFER LOWER	37.0	LONE STAR GAS CO
HOWDA (CLEARFORK)	51.0	J L DAVIS CORP
IBEX EAST (LAKE)	125.0	PETROLEUM CORP OF
SAWYER (CANYON)	140.0	LONE STAR GAS CO
GOLDSMITH (5600)	1.0	EL PASO NATURAL G
GOLDSMITH	0.0	EL PASO NATURAL G
YOUNG COUNTY REGULAR	80.0	LONE STAR GAS CO
BRITTON (MISSISSIPPIA	75.0	LONE STAR GAS CO
DELONG (CONGLOMERATE)	50.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322285	F-7B-51898	4236332762		102-4		GIBSON-BELDING #8 897376	B R A (CONGL)	0.0	TEXAS UTILITIES F
-POGO PRODUCING COMPANY				RECEIVED:		02/14/83 JA: TX			
8322211	F-10-55722	4221131317		107-DP		MORRIS-SHELL #1-77	JUBILEE	365.0	TRANSWESTERN PIPE
-PRODUCERS ENGINEERING CO				RECEIVED:		02/14/83 JA: TX			
8322313	F-7B-063236	4222130671		102-2		CLEVELAND #1	MCINTOSH (STRAWN)	0.0	SOUTHWESTERN GAS
8322362	F-7B-063135	4222130654		102-2		CLEVELAND #2	MC INTOSH (STRAWN)	0.0	SOUTHWESTERN GAS
-Q E D EXPLORATION INC				RECEIVED:		02/14/83 JA: TX			
8322408	F-7C-63492	4223531995		102-2	103	FARMAR-SUGG #3	ROCK PEN (CANYON)	8.6	FARMLAND INDUSTRI
8322409	F-7C-63493	4223531996		102-2	103	FARMAR-SUGG #4	ROCK PEN (CANYON)	18.7	FARMLAND INDUSTRI
-QUEST PETROLEUM INC				RECEIVED:		02/14/83 JA: TX			
8322319	F-09-063282	4223733985		101		K W HANNAH #1 21527	PEARL (MISSISSIPPI)	36.0	SOUTHWESTERN GAS
-R A W ENERGY CORP				RECEIVED:		02/14/83 JA: TX			
8322245	F-7B-60240	4236332983		102-4		SELLERS #1	KESSLER (3980)	108.0	
8322265	F-7B-61454	4236732364		102-4		WILEY "A" #1	DICEY N (BIG SALINE C	300.0	TEXAS UTILITIES F
-RALPH L WAY INC				RECEIVED:		02/14/83 JA: TX			
8322324	F-7C-063336	4238332357		101		UNIVERSITY-UNION '17' #1	FARMER (SAN ANDRES)	3.0	INTER NORTH INC
8322323	F-7C-063335	4238332371		101		UNIVERSITY-UNION '17' #2	FARMER (SAN ANDRES)	14.0	INTER NORTH INC
8322428	F-7C-63548	4238332372		101		UNIVERSITY-UNION '17' #3	FARMER (SAN ANDRES)	8.0	INTERNORTH INC
-RELIANCE ENERGY & MINERALS CORP				RECEIVED:		02/14/83 JA: TX			
8322218	F-03-57615	4205132264		102-2		MERLE UNIT #2	BIG A TAYLOR SAND	0.0	FERGUSON CROSSING
-RIDGE OIL CO				RECEIVED:		02/14/83 JA: TX			
8322407	F-7B-63490	4213334485		102-4	103	MARY BARNES #5	RANGER NW (MARBLE FAL	23.4	COMPRESSOR RENTAL
-ROBERTS & HANNACK INC				RECEIVED:		02/14/83 JA: TX			
8322286	F-09-062475	4223734202		103		ALLISON YATES #1 RRC I D 101405	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
8322285	F-09-062474	4223734443		101		ALLISON YATES "A" #2 RRC ID 0101406	BOONSVILLE (BEND CONG	0.0	LONE STAR GAS CO
-S O OPERATING CO				RECEIVED:		02/14/83 JA: TX			
8322360	F-7B-063122	4204900000		108		AUGUST GARLITZ #1	MAGNUM (CONGL)	5.0	
8322361	F-7B-063123	4204900000		108		AUGUST GARLITZ #2	MAGNUM (CONGL)	5.0	SOUTHWESTERN GAS
8322359	F-7B-063121	4213300000		108		CLARK #1 #16458	EASTLAND COUNTY REGUL	12.0	NORTHERN GAS PROD
-SAGE ENERGY CO				RECEIVED:		02/14/83 JA: TX			
8322447	F-7C-63681	4210534223		103		UNIVERSITY 23-C #2 RRC #89620	FARMER (SAN ANDRES)	2.2	INTERNORTH INC
-SAND SPRINGS OIL & GAS CO				RECEIVED:		02/14/83 JA: TX			
8322312	F-10-063213	4223300000		103		HAMILTON #52	PANHANDLE HUTCHINSON	20.0	GETTY OIL CO
-SCANDRILL INC				RECEIVED:		02/14/83 JA: TX			
8322289	F-09-062553	4250335624		102-4		SCAN-KING "E" #2	WOODWARD RANCH (STRAW	25.6	J H TAYLOR GAS CO
8322290	F-09-062570	4250335623		102-4		SCAN-KING "E" #3	WOODWARD RANCH (STRAW	10.9	J H TAYLOR GAS CO
-SEAGO OIL INC				RECEIVED:		02/14/83 JA: TX			
8322431	F-7C-63578	4239932543		102-4		BONNIE CLARK #1	BIG ED N (GARDNER LIM	36.0	K-B GAS CO
-SEELY OIL CO				RECEIVED:		02/14/83 JA: TX			
8322282	F-7B-062362	4242933465		102-4		BLACK "27" #3	PEGGY H (DUFFER)	91.0	GREAT WESTERN GAS
8322262	F-7B-61301	4242932339		102-4		BLACK 27 #1	BETTY C (CONGL)	36.5	GREAT WESTERN GAS
8322258	F-7B-61104	4215131532		102-4		T D KEY ESTATE #1	PAUL HUNTER (UPPER CA	51.1	CONOCO INC
8322278	F-7B-062095	4242933295		102-4		T P ROBERTSON-WEISHER #1	ANN T (MISS)	25.5	GREAT WESTERN GAS
-SHAKE OIL CORP				RECEIVED:		02/14/83 JA: TX			
8322277	F-7B-61986	4242933442		102-2		COOK HEIRS #4	FRANKEL S (STRAWN)	157.0	WARREN PETROLEUM
8322281	F-7B-062325	4242933434		102-4		COOK HEIRS #5 I D # APPLIED FOR	FRANKEL S (STRAWN)	7.3	WARREN PETROLEUM
8322284	F-7B-062404	4242933441		102-4		COOK HEIRS #6	FRANKEL S (STRAWN)	148.0	WARREN PETROLEUM
-SHAR-ALAN OIL CO				RECEIVED:		02/14/83 JA: TX			
8322287	F-03-062497	4231330365		102-4		JEFF FARRIS #1	MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
-SHELL OIL CO				RECEIVED:		02/14/83 JA: TX			
8322356	F-01-063428	4231131770		102-4		BRACKEN #3	A W P (OLMOS)	100.0	
8322352	F-08-063414	4213500000		108		JORDAN UNIVERSITY UNIT #319	JORDAN	0.3	PHILLIPS PETROLEU
8322354	F-08-063416	4213500000		108		JORDAN UNIVERSITY UNIT #513	JORDAN	1.0	PHILLIPS PETROLEU
8322353	F-08-063415	4213500000		108		JORDAN UNIVERSITY UNIT #524	JORDAN	0.9	PHILLIPS PETROLEU
8322355	F-08-063417	4213500000		108		THOMAS -A- #10	TXL (SAN ANDRES)	6.2	SHELL OIL CO
-SNOW OIL CO				RECEIVED:		02/14/83 JA: TX			
8322248	F-7B-60640	4213333491		102-4		STANDLEY #1 (19191)	LAKEWOOD (CADDO)	33.0	SOUTHWESTERN GAS
-STAHL PETROLEUM CO				RECEIVED:		02/14/83 JA: TX			
8322317	F-10-063267	4217931193		103		LORENA BAILEY #1	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
8322318	F-10-063268	4217931200		103		WINNIE ELLIOTT #1	WEST PANHANDLE	0.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		02/14/83 JA: TX			
8322342	F-01-063400	4212732398		103		BIG WELLS (SAN MIGUEL) #2035	BIG WELLS (SAN MIGUEL	24.0	HOUSTON PIPELINE
8322345	F-04-063404	4242700000		108		D D OIL CO "B" #8	RINCON NORTH	11.0	TRANSCONTINENTAL
8322237	F-04-59446	4235532020		102-4		F E LONDON #8-C	DOUGHTY	74.0	HOUSTON PIPE LINE
8322333	F-08-063384	4213500000		108		FOSTER JOHNSON UNIT #10-2	FOSTER	0.3	EPX CO
8322334	F-08-063385	4213500000		108		FOSTER JOHNSON UNIT #13-1	FOSTER	0.2	EPX CO
8322346	F-08-063405	4213500000		108		FOSTER JOHNSON UNIT #14-5	FOSTER	0.6	EPX CO
8322347	F-08-063406	4213500000		108		FOSTER JOHNSON UNIT #2-1	FOSTER	0.3	EPX CO
8322336	F-08-063387	4249500000		108		M J HILL #26	HALLEY (COLBY)	0.3	TRANSWESTERN PIPE
8322335	F-04-063386	4242700000		108		M SAENZ STATE #7	RINCON NORTH	5.0	TRANSCONTINENTAL
8322337	F-7C-063388	4246100000		108		MOBIL COOK #6	HELUMA-PENN (GAS)	16.0	DELHI GAS PIPELIN
8322344	F-01-063403	4232300000		108		O'NEIL #1	SERBAN (CRETACEOUS LO	21.0	WEST MAVERICK COU
8322291	F-7B-062659	4244732957		103		R A BROWN Q #16	VALDO (CADDO)	44.0	
8322343	F-8A-063401	4221900000		108		RAINS COUNTY SCHOOL LAND #29	LEVELLAND (SAN ANDRES	18.0	CABOT CORP
8322338	F-8A-063391	4221900000		108		RAINS COUNTY SCHOOL LAND #30	LEVELLAND (SAN ANDRES	7.0	CABOT CORP
8322332	F-08-063383	4233531987		103		V T MCCABE "C" #16	JAMESON N (ELLEN)	5.0	LONE STAR GAS CO
8322300	F-02-062820	4246900000		103		W H BENNETT #16U	HEYSER	23.0	TENNESSEE GAS PIP
8322224	F-06-58232	4236930633		103		W H DEBERRY UNIT "A" #2	CARTHAGE	221.0	DELHI GAS PIPELIN
-SUPERIOR OIL CO				RECEIVED:		02/14/83 JA: TX			
8322260	F-8A-61195	4211531702		103		ACKERLY DEAN FIELD UNIT #1509	ACKERLY (DEAN SAND)	0.0	GETTY OIL CO
8322234	F-02-59098	4228531672		103	107-TF	E J KRUPALA GAS UNIT #2	WORD N (EDWARDS)	0.0	
8322231	F-02-58612	4228531655		103	107-TF	GERLICH GAS UNIT #1	WORD N (EDWARDS)	0.0	
8322214	F-03-57415	4205132276		102-2	103	K WEEBER #1	GIDDINGS (AUSTIN CHAL	0.0	
8322249	F-02-60706	4228531674		103	107-TF	L A BLUDUA UNIT #1	WORD N (EDWARDS)	0.0	
8322235	F-02-59226	4228531675		102-3	107-TF	LEO HOFFER GAS UNIT #1	LORD N (EDWARDS)	0.0	
8322263	F-02-61316	4228531678		103	107-TF	LOUIS WICK UNIT #1	SWEET HOME (EDWARDS)	0.0	
8322220	F-03-57939	4201530517		107-DP		ROBERT SPIESS GAS UNIT #1 WELL #2	NEW ULM (EDWARDS)	0.0	
-TEE OPERATING CO				RECEIVED:		02/14/83 JA: TX			
8322252	F-01-60810	4228330917		102-4		SOUTH TEXAS SYNDICATE #3-97	TWO FINGERS & WILCOX	0.0	VALERO TRANSMISSI
-TELSTAR CORP				RECEIVED:		02/14/83 JA: TX			
8322314	F-7B-063255	4236732336		102-4		DOBSON-SHORE #1	MARMAC (MARBLE FALLS)	103.0	TEXAS UTILITIES F
-TENNECO OIL COMPANY				RECEIVED:		02/14/83 JA: TX			
8322239	F-03-60021	4229131469		102-4		WILLIAM B D POTTER #1	PROPOSED: S LIBERTY (	0.0	HOUSTON PIPE LINE
-TEXACO INC				RECEIVED:		02/14/83 JA: TX			
8322280	F-04-062300	4221531259		103	107-TF	A E GUERRA #22	MCALLEN RANCH	730.0	TENNESSEE GAS PIP
8322391	F-10-63453	4217900000		108		E E GETHING NCT-1 #15	PANHANDLE GRAY COUNTY	0.2	COLTEXO CORP
8322388	F-10-63450	4217900000		108		E E GETHING NCT-1 #16	PANHANDLE GRAY COUNTY	0.2	COLTEXO CORP
8322390	F-10-63452	4217900000		108		E E GETHING NCT-1 A	PANHANDLE GRAY COUNTY	0.7	COLTEXO CORP
8322387	F-10-63449	4217900000		108		E E GETHING NCT-2 #8	PANHANDLE GRAY COUNTY	0.6	COLTEXO CORP
8322367	F-08-063429	4249500000		108		E L GRIFFITH #2	KERMIT SOUTH DEVONIAN	2.3	TRANSWESTERN PIPE
8322389	F-08-63451	4249500000		108		E L GRIFFITH #3	KERMIT SOUTH DEVONIAN	2.3	TRANSWESTERN PIPE
8322419	F-8A-63525	4221933630		103		J I DELOACHE NCT-3 #1	LEVELLAND	2.6	
8322366	F-10-063428	4223300000		108		O C HOLT #1-L	HUTCHINSON NORTH (TON	6.6	INTERNORTH INC
8322370	F-10-063432	4206500000		108		S B BURNETT NCT-12 #2	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322368	F-10-063430	4206500000		108		S B BURNETT NCT-12 #4	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322385	F-10-63447	4206500000		108		S B BURNETT NCT-12 #6	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322369	F-10-063431	4206500000		108		S B BURNETT MCT-12 07	PANHANDLE CARSON COUN	0.6	PHILLIPS PETROLEU
8322386	F-10-63448	4206500000		108		S B BURNETT MCT-12 09	PANHANDLE CARSON COUN	0.5	PHILLIPS PETROLEU
8322372	F-08-063434	4249500000		108		SETH CAMPBELL 035	KEYSTONE (CLEARFORK)	6.9	TRANSWESTERN PIPE
8322374	F-08-063436	4249500000		108		SETH CAMPBELL 037	KEYSTONE (CLEARFORK)	1.3	TRANSWESTERN PIPE
8322371	F-08-063433	4249500000		108		SETH CAMPBELL 039	KEYSTONE (CLEARFORK)	11.2	TRANSWESTERN PIPE
8322373	F-08-063435	4249500000		108		SETH CAMPBELL 040	KEYSTONE (CLEARFORK)	21.6	TRANSWESTERN PIPE
8322383	F-08-063445	4249500000		108		SETH CAMPBELL 043	KEYSTONE (CLEARFORK)	7.4	TRANSWESTERN PIPE
8322375	F-08-063437	4249500000		108		SETH CAMPBELL 045	KEYSTONE (CLEARFORK)	2.9	TRANSWESTERN PIPE
8322384	F-08-63446	4249500000		108		SETH CAMPBELL 057	KEYSTONE (CLEARFORK)	15.2	TRANSWESTERN PIPE
-TEXAL PETROLEUM INC				RECEIVED:	02/14/83	JA: TX			
8322288	F-7B-062544	4236732301		101		OGLESBY #1	TOTO (CADDO CONGL)	185.0	TEXAS UTILITIES F
-TEXAS CRUDE INC				RECEIVED:	02/14/83	JA: TX			
8322251	F-02-60774	4229700000		102-4		J W MCCLELLAND #1	OAKVILLE	900.0	MOUSTON PIPELINE
-TIPPERARY OIL AND GAS CORP				RECEIVED:	02/14/83	JA: TX			
8322434	F-01-63602	4216331726		103		ARTHUR HURT "B" 04	PEARSALL (AUSTIN CHAL	36.0	TIPPERARY CORP
-TRINITY EXPLORATION CO				RECEIVED:	02/14/83	JA: TX			
8322283	F-7B-062372	4213300000		102-2		DUDLEY "C" #1	GREEN SHOW (UPPER CAD	0.0	ODESSA NATURAL GA
-TRIPLE J INVESTMENTS INC				RECEIVED:	02/14/83	JA: TX			
8322433	F-06-63588	4240100000		105		BLACKWELL #1	NASEEP THOMAS (PETTIT	52.0	PARADE CO
-TXO PRODUCTION CORP				RECEIVED:	02/14/83	JA: TX			
8322213	F-06-56852	4226130462		102-4		ERCK #12	MCGILL WILDCAT	0.0	TRANSCONTINENTAL
8322227	F-02-58500	4229700000		102-4		MCCLELLAND #18	OAKVILLE WILDCAT	0.0	DELHI GAS PIPELIN
8322226	F-02-58499	4223900000		102-4		SCHAEFER G U 1-2	MCDANIEL WILDCAT	0.0	UNITED GAS PIPELI
-UNION DOMINION OIL CORP				RECEIVED:	02/14/83	JA: TX			
8322229	F-01-58598	4217700000		102-2		C P BOULDIN #1-A	CHRISTIAN (6800)	0.0	VALERO TRANSMISSI
8322230	F-01-58591	4217700000		102-2		ELVIN COOK #1	BURKINSHAW (BUDA)	0.0	TIPPERARY CORP
-VERNON E FAULCONER INC				RECEIVED:	02/14/83	JA: TX			
8322284	F-06-48960	4236500000		108-ER		MAUDE ODEN RRC ID #29384	BETHANY (PETTIT)	0.0	TENNESSEE GAS PIP
-W L BRUCE OPERATOR				RECEIVED:	02/14/83	JA: TX			
8322316	F-10-063259	4217930948		103		YOWELL "A" #1 (ID #05076)	PANHANDLE GRAY	50.0	GETTY OIL CO
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	02/14/83	JA: TX			
8322408	F-08-63475	4210305705		108		E M SNODGRASS #17	WADDELL	5.3	EL PASO NATURAL G
8322399	F-08-63474	4210340571		108		E M SNODGRASS #28	WADDELL	4.8	EL PASO NATURAL G
8322369	F-08-063409	4210305693		103		E M SNODGRASS #5	WADDELL	3.6	EL PASO NATURAL G
8322401	F-08-63476	4210305695		108		E M SNODGRASS #7	WADDELL	1.8	EL PASO NATURAL G
8322445	F-08-63651	4247510857		103		HUTCHINGS STOCK ASSN #695	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322443	F-08-63649	4247530497		108		HUTCHINGS STOCK ASSN #948	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322441	F-08-63647	4247530503		108		HUTCHINGS STOCK ASSN #950	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322442	F-08-63648	4247530537		108		HUTCHINGS STOCK ASSN #958	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
8322444	F-08-63650	4247530724		108		HUTCHINGS STOCK ASSN #987	MONAHANS SOUTH (QUEEN	1.0	VALERO TRANSMISSI
-WESSELY ENERGY CORPORATION				RECEIVED:	02/14/83	JA: TX			
8322242	F-06-60158	4245930543		103	107-TF	BROWN BC-1 ( )	CEDAR SPRINGS (MADDOX	720.0	DELHI GAS PIPELIN
-WHITEHEAD PRODUCTION CO INC				RECEIVED:	02/14/83	JA: TX			
8322306	F-09-062955	4223733869		102-4		BAILEY #2	K B H (STRAWN)	150.0	TEXAS UTILITIES F
-WINN EXPLORATION/DULCE CO				RECEIVED:	02/14/83	JA: TX			
8322278	F-01-61611	4250731771		102-4		PRYOR RANCH	WINN-DULCE	0.0	INTER NORTH INC
8322246	F-01-60244	4250731552		102-4		PRYOR RANCH #41	WINN-DULCE	0.0	INTER NORTH INC
-WORLD PRODUCERS INC				RECEIVED:	02/14/83	JA: TX			
8322305	F-7B-062958	4236731773		108		TIMMONS UNIT #1	CABBAGE PATCH (ATOKA)	16.0	SOUTHWESTERN GAS
-WTG EXPLORATION INC				RECEIVED:	02/14/83	JA: TX			
8322294	F-08-062748	4238930942		102-2		MEEKER 15 #1	REEVES NORTH	21.0	WESTAR TRANSMISSI

**** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM**

-EL PASO NATURAL GAS COMPANY				RECEIVED:	03/03/81	JA: NM 4			
8151033	NM-0622-81	3003920187		108		SAN JUAN 28-5 UNIT #81	BASIN - DAKOTA GAS	20.0	EL PASO NATURAL G

[FR Doc. 83-6884 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 848]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 11, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic fet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 FT rule)
102–4: New onshore reservoir
102–5: New reservoir on ole OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Source data for this notice is available on magnetic tape from the National Technical Information Service (NTIS). For information contact Stuart Weisman (NTIS) at (703) 487–4806, 5285 Port Royal Rd., Springfield, VA 22161, or Sandra Spear (FERC) (202) 357–8681.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-AMERICAN CONTINENTAL ENERGY INC			RECEIVED:	02/16/83	JA: KS				
8322484	K-82-1118	1520320028		102-4		BAUM #1	CHASE	0.0	NATURAL GAS SALES
8322460	K-82-1122	1520320033		102-4		BURCH #1	CHASE	38.0	NATURAL GAS SALES
8322528	K-82-1123	1509220769		103		FERTIG 2-H	HUGOTON	75.0	INTER NORTH INC
8322461	K-82-1119	1520320065		102-4		GILMORE 1-H	CHASE	55.0	NATURAL GAS SALES
8322462	K-82-1124	1520320034		102-2		UNLK #1	UNNAMED	18.0	NATURAL GAS SALES
-AMERICO PETROLEUM INC			RECEIVED:	02/16/83	JA: KS				
8322507	K-82-1022	1511522688		101		HELEN HAINES #1	SW YODER	11.0	PEOPLES NATURAL G
-ANADARKO PRODUCTION COMPANY			RECEIVED:	02/16/83	JA: KS				
8322595	K-82-1368	1517520604		102-4		GROVER "B" #1	QUINQUE	1689.0	CIMARRON-QUINQUE
8322581	K-82-1237	1517520409		102		HITCH G #2	SHUCK	11.0	CIMARRON-QUINQUE
8322499	K-82-1232	1512920455		102		INTERSTATE F-4	INTERSTATE RED CAVE	15.4	PANHANDLE EASTERN
8322496	K-82-1236	1506700000		103		PARSONS D-2	PANOMA	18.2	PANHANDLE EASTERN
8322497	K-82-1235	1518920310		102		REED A-1	PANOMA	18.2	CIMARRON-QUINQUE
8322582	K-82-1238	1512920463		102		ROLL D #1	INTERSTATE RED CAVE	8.3	PANHANDLE EASTERN
8322500	K-82-1231	1518920444		101		YOUNGGREN B #2	YOUNGGREN	6.0	PANHANDLE EASTERN
-ASSOCIATED PETROLEUM CONSULTANTS IN			RECEIVED:	02/16/83	JA: KS				
8322494	K-82-1247	1515100000		103		KLINGBERG #1 API #NOT ASSIGN (8KNS)	BRANT (EXTENSION)	140.0	CENTRAL STATES GA
8322493	K-82-1408	1508721438		102-4		MOTT RANCH #7 15-007-21,488	AMBERMILLS SOUTH	1050.0	DELMI GAS PIPELIN
8322449	K-82-1394	1509521255		102-2		STEFFEN ESTATE #1-15-095-21 255	NONE (WILDCAT)	81.0	DELMI GAS PIPELIN
8322458	K-82-1395	1509521243		102-2		WEBER #1 15-095-21 243	NONE (WILDCAT)	81.0	DELMI GAS PIPELIN
-BARTLING OIL CO			RECEIVED:	02/16/83	JA: KS				
8322540	K-82-1255	1507120179		101		EVERETT #1	BYERLY	18.0	SUNFLOWER ELECTRI
-BEHRNES HAROLD			RECEIVED:	02/16/83	JA: KS				
8322455	K-82-1400	1512524874		102-2		NORTH PLUMLEY #2	COFFEYVILLE CHERRYVAL	58.4	CITY SERVICE GAS
8322454	K-82-1401	1512524875		102-2		NORTH PLUMLEY #3	COFFEYVILLE & CHERRYV	36.5	CITIES SERVICE GA
-BEN SPRINGER			RECEIVED:	02/16/83	JA: KS				
8322544	K-82-1378	1512525120		102-2		ANNA PLUMLEY #1	COFFEYVILLE - CHERRYV	20.3	CITIES SERVICE CO
8322545	K-82-1377	1512525121		102-2		ANNA PLUMLEY #2	COFFEYVILLE - CHERRYV	21.6	CITIES SERVICE CO
8322546	K-82-1376	1512525222		102-2		ANNA PLUMLEY #3	COFFEYVILLE - CHERRYV	20.4	CITIES SERVICE CO
8322533	K-82-1356	1512525310		102-2		HOWELL A SOUTH #4	CHERRYVALE-COFFEYVILL	21.9	CITIES SERVICE CO
8322448	K-82-1399	1512524874		102-2		NORTY PLUMLEY #1	COFFEYVILLE CHERRYVAL	58.4	CITIES SERVICE CO
-BENJAMIN F SPRINGER			RECEIVED:	02/16/83	JA: KS				
8322537	K-82-1380	1512524210		102-2		NORTH HOWELL B #1	COFFEYVILLE - CHERRYV	73.0	CITIES SERVICE CO
8322543	K-82-1379	1512524211		102-2		NORTH HOWELL B #2	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CO
8322536	K-82-1381	1512524920		102-2		SOUTH PLUMLEY #1	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CO
8322535	K-82-1382	1512524921		102-2		SOUTH PLUMLEY #2	COFFEYVILLE - CHERRYV	36.5	CITIES SERVICE CO
8322531	K-82-1383	1512524919		102-2		SOUTH PLUMLEY #3	COFFEYVILLE-CHERRYVIL	21.9	CITIES SERVICE CO
-BENSON MINERAL GROUP			RECEIVED:	02/16/83	JA: KS				
8322593	K-82-1362	1514520994		103		DITUS 2-4	BURDETT	133.0	INTERNORTH INC
8322592	K-82-1361	1514520995		103		JONES 2-9	BURDETT	36.5	INTERNORTH INC
8322562	K-82-1249	1514520991		102-2		LIPP STRAUSS 2-11	BRYANT SE	0.0	INTER NORTH INC
-BOLLINGER OIL CO			RECEIVED:	02/16/83	JA: KS				
8322520	K-82-1286	1512524741		102-2		STRATEGIC/SHELTON #1	COFFEYVILLE CHERRYVAL	46.0	SALEM PIPELINE CO
-CARAVEL ENERGY (KANSAS) INC			RECEIVED:	02/16/83	JA: KS				
8322465	K-82-1315	1520523162		102-2		RETTMAN #1-12	ALTOONA	800.0	CITIES SERVICE GA
8322530	K-82-1398	1520523161		102-2		RETTMANN 2-11	ALTOONA	800.0	NORTHWEST CENTRAL
-CHAMPLIN PETROLEUM COMPANY			RECEIVED:	02/16/83	JA: KS				
8322463	K-82-1109	1505500000		103		OHMES #1	HUGOTON	14.0	KANSAS-NEBRASKA N
-CITIES SERVICE COMPANY			RECEIVED:	02/16/83	JA: KS				
8322573	K-82-1402	1517520444		103		COOPER G #1	LEMERT	15.7	INTERNORTH INC
8322519	K-82-1288	1506700000		103		HOFFMAN L #2	PANOMA	6.2	PANHANDLE EASTERN
8322518	K-82-1289	1512900000		108		INTERSTATE B #1	GREENWOOD	6.5	COLORADO INTERSTA
8322534	K-82-1363	1503190000		108		MCCLURE B #1	HUGOTON	8.7	COLORADO INTERSTA
8322514	K-82-1336	1509300000		103		REESE G #1	HUGOTON	7.3	KANSAS NEBRASKA N
-COASTAL OIL & GAS CORP			RECEIVED:	02/16/83	JA: KS				
8322462	K-82-1115	1512920602		103		MCCLAIN 2-33	GREENWOOD	59.0	COLORADO INTERSTA
-CONTINENTAL ENERGY			RECEIVED:	02/16/83	JA: KS				
8322498	K-82-1234	1508120266		103		CHIEF SATANTA #2	VICTORY	54.0	INTER NORTH INC
-CROWE DRILLING CO INC			RECEIVED:	02/16/83	JA: KS				
8322450	K-82-1391	1517320524		102-2		WHITESELL #1	LATTA NORTH	408.0	GETTY OIL CO
-DORCHESTER EXPLORATION INC			RECEIVED:	02/16/83	JA: KS				
8322487	K-82-1346	1507120022		103		BOUNDS #1	N BRADSHAW (CHASE)	13.9	SUNFLOWER ELECTRI
-EAGLE EXPLORATIONS INC			RECEIVED:	02/16/83	JA: KS				
8322485	K-82-0941	1503321135		102-4		COY A DAVIS #1	SHIMER	2007.5	KANSAS GAS SUPPLY
-EDMISTON OIL CO INC			RECEIVED:	02/16/83	JA: KS				
8322459	K-82-1134	1500721379		103		BURGESS "B" #2	STRANATHAN	50.0	KANSAS GAS SUPPLY
8322576	K-82-1194	1500721189		103		NORTON #1	STRANAHAN	7.6	KANSAS GAS SUPPLY
-ENERGY RESERVES GROUP INC			RECEIVED:	02/16/83	JA: KS				
8322506	K-82-1317	1509500000		108		C J DOYLE "D" #2	SPIVEY GRABS	5.4	KANSAS POWER & LI
8322502	K-82-1326	1509500000		103		GANS BROWN #1	SPIVEY GRABS	8.4	KANSAS POWER & LI
-F G HOLL			RECEIVED:	02/16/83	JA: KS				
8322595	K-82-1318	1504721037		103		BRITTON "B" #3-15	WAYNE NORTH	15.0	REPUBLIC NATURAL
8322555	K-82-1276	1504721051		103		DONAVAN #1-16	ENLOW	34.0	INTERNORTH INC
8322554	K-82-1277	1504721041		103		DUTTON #3-17	ENLOW	79.0	INTERNORTH INC
8322480	K-82-1280	1504721061		102-2		WHITE #2-1	MAC NORTH	81.0	KANSAS-NEBRASKA N
-FUNK EXPLORATION INC			RECEIVED:	02/16/83	JA: KS				
8322529	K-83-0001	1517520581		102-4		LOFLAND #1	SOUTHEAST BUFFALO	365.0	PANHANDLE EASTERN
8322513	K-82-1332	1517520581		102-4		LOFLAND #1	SOUTHEAST BUFFALO	365.0	PANHANDLE EASTERN
-GEMINI OIL CO			RECEIVED:	02/16/83	JA: KS				
8322561	K-82-1409	1509520756		102-4		MCKENNA #1	PAT CREEK	29.8	KANSAS GAS SUPPLY
-GEORGE A REED			RECEIVED:	02/16/83	JA: KS				
8322579	K-82-1223	1511520422		103		UNRUH #1	MISSISSIPPI	3.5	CLOVER PIPELINE C
-GETTY OIL COMPANY			RECEIVED:	02/16/83	JA: KS				
8322584	K-82-1240	1511920582		103		D E THIESSEN #2	MCKINNEY	125.0	KANSAS POWER & LI
8322589	K-82-1344	1511920555		103		M E SHEETZ #2	MCKINNEY	95.0	KANSAS POWER & LI
8322588	K-82-1343	1511920534		103		MCKINNEY "B" #2	MCKINNEY	70.0	KANSAS POWER & LI
-GRAHAM-MICHAELIS CORP			RECEIVED:	02/16/83	JA: KS				
8322587	K-82-1342	1508100000		103		BLACK #1	HUGOTON	16.0	COLORADO INTERSTA
8322522	K-82-1284	1509720689		103		MCKINNEY #1-34	ALFORD	15.0	KANSAS GAS SUPPLY
8322553	K-82-1283	1509720902		103		PAXTON #1-28	ALFORD	30.0	KANSAS GAS SUPPLY
8322516	K-82-1341	1518700000		108		PLUMMER "B" #1	HUGOTON	18.0	COLORADO INTERSTA
8322550	K-82-1371	1509700000		107-PE		SMITH #1-33	ALFORD	0.0	KANSAS GAS SUPPLY
-GRAMLY RICHARD E			RECEIVED:	02/16/83	JA: KS				

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8322574	K-82-1142	1512522367		[illegible]		WITT #2
-GRANT OIL INC.				RECEIVED:	02/16/83	JA: KS
8322515	K-82-1337	1512524789		[illegible]		MORRIS #1-11
8322508	K-82-0922	1512523738		[illegible]		WALLACE 1-19
-GRANVILLE M CAMPBELL				RECEIVED:	02/16/83	JA: KS
8322547	K-82-1375	1512525218		102-2		STIGENWALT #1
8322548	K-82-1374	1512525209		102-2		STIGENWALT #2
8322486	K-82-1373	1512525211		102-2		STIGENWALT #3
-GRAVES DRILLING CO INC				RECEIVED:	02/16/83	JA: KS
8322571	K-82-1405	1500721534		103		CUNNINGHAM #2
8322570	K-82-1406	1507720821		103		HELEN #1
8322572	K-82-1404	1500721506		103		SMITH #4
-HAROLD J MILBURN				RECEIVED:	02/16/83	JA: KS
8322503	K-82-1308	1507900000		[illegible]		WOODS #1
-IMPERIAL OIL COMPANY				RECEIVED:	02/16/83	JA: KS
8322476	K-82-1246	1504720938		102-2		KNUDSON #1-22
8322477	K-82-1245	1504721014		102-2		KNUDSON #2-22
[illegible]	K-82-1272	1509700000		[illegible]		LONG #1-12
[illegible]	K-82-1244	1504720969		102-2		PRATT #1-22
[illegible]	K-82-1300	1502520216		[illegible]		SCHEIB #1-18
8322479	K-82-1243	1504720984		102-2		SLENTZ #1-21
[illegible]	K-82-1242	1504721029		102-2		WHEATON #1-15
8322585	K-82-1241	1504720437		102-2		WHITE #1-22
-JERALD G BOLLINGER				RECEIVED:	02/16/83	JA: KS
8322521	K-82-1285	1512525108		102-2		SHELTON #3
-K R M PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: KS
8322524	K-82-1038	1503320569		102-4		BAKER #1-34
-KAN-EX INC				RECEIVED:	02/16/83	JA: KS
8322453	K-82-1269	1509521256		103		RAIDA #1
-KANSAS-NEBRASKA NATURAL GAS CO INC				RECEIVED:	02/16/83	JA: KS
8322481	K-82-0336	1509320379		108		ESFELD 1-2
-LADD PETROLEUM CORPORATION				RECEIVED:	02/16/83	JA: KS
8322471	K-82-1270	1502520611		102-2		LATZKE #1-11
8322470	K-82-1271	1502520609		102-2		R L HARRIS #2-9
-LEBEN OIL CORP				RECEIVED:	02/16/83	JA: KS
8322526	K-82-1287	1518520367		103		COTTON #1
-LEITH OPERATIONS				RECEIVED:	02/16/83	JA: KS
8322523	K-82-1055	1507920551		103		WALL #1
-MCCOY PETROLEUM CORP				RECEIVED:	02/16/83	JA: KS
8322578	K-82-1214	1507720822		103		CORYELL ESTATE #1
8322552	K-82-1369	1507720182		102-4		RITTER "B" #1
8322577	K-82-1213	1507720805		103		WARREN #1
-MOBIL OIL CORP				RECEIVED:	02/16/83	JA: KS
8322517	K-82-1296	1518920592		103		MITCHELL #1 UNIT #2
-MOLZ OIL CO				RECEIVED:	02/16/83	JA: KS
8322452	K-82-1389	1500721504		103		ECK #1
-MTS LTD PARTNERSHIP				RECEIVED:	02/16/83	JA: KS
8322557	K-82-1273	1511920491		103		CORDES #1-36
8322560	K-82-1274	1511920573		103		LEVALLEY #1-5
-PACK OIL CO INC				RECEIVED:	02/16/83	JA: KS
8322511	K-81-1238	1509500000		[illegible]		YOUNG #1
-PICKRELL DRILLING COMPANY				RECEIVED:	02/16/83	JA: KS
8322501	K-82-1333	1503300000		108		HASHKNIFE 'A' #1
-R J PATRICK OPERATING CO				RECEIVED:	02/16/83	JA: KS
8322583	K-82-1239	1503320549		103		ROBERT WIMMER #4
-RINE DRILLING CO				RECEIVED:	02/16/83	JA: KS
8322492	K-82-1415	1502520607		102-4		BARBY #2-23
8322512	K-82-1087	1502520542		102-4		BARBY #2-27
8322489	K-82-1419	1502520306		102-4		BARBY 1-21
8322491	K-82-1417	1502520568		102-4		BARBY-HARPER 1-22A
8322490	K-82-1418	1502520398		102-4		BARBY-HARPER 2-22
8322488	K-82-1421	1502520597		102-4		BARBY-HARPER 7-22
8322464	K-82-1083	1502520591		103		HARPER #1-13
-ROBERT E CAMPBELL				RECEIVED:	02/16/83	JA: KS
8322566	K-82-1262	1509521168		103		BENSON-YEAGER #2
8322565	K-82-1263	1509520605		[illegible]		BRAND #1
8322563	K-82-1265	1509520637		103		CALKIN #1
8322564	K-82-1264	1509521142		103		CALKIN #3
8322562	K-82-1266	1509520524		[illegible]		CAMPBELL #1 (CASTLE UNIT)
8322539	K-82-1257	1509520948		103		FITZGERALD #1
8322559	K-82-1258	1509520430		[illegible]		HICKMAN #1
8322472	K-82-1267	1509520288		[illegible]		KAUFMAN #1
8322567	K-82-1261	1509521160		103		MINNIE BENSON #1
8322495	K-82-1260	1509521139		103		OSBORN #1
8322538	K-82-1259	1509520780		[illegible]		WALTERS #1
-ROBERT F WHITE				RECEIVED:	02/16/83	JA: KS
8322504	K-82-1324	1509520348		103		FRANCIS-HURD UNIT
8322541	K-82-1253	1511520917		103		PLETT-BENTZ #2
8322551	K-82-1370	1511520667		[illegible]		REIMAN-RING #1
-ROBERT R JONES				RECEIVED:	02/16/83	JA: KS
8322534	K-82-1385	1512524801		102-2		SOUTH HOWELL #3
-ROBINSON OIL CO				RECEIVED:	02/16/83	JA: KS
8322468	K-82-1301	1519121086		102-2		DIXON "A" #1
8322580	K-82-1229	1500721472		103		MOLZ "B" #5
-RONALD RUSS PRATER INC				RECEIVED:	02/16/83	JA: KS
8322510	K-82-0781	1515120577		103		RIDGE "B" #2
-RUPE OIL CO INC				RECEIVED:	02/16/83	JA: KS
8322474	K-81-1164	1515100000		103		NEVILLE #1
-SAMUEL GARY OIL PRODUCER				RECEIVED:	02/16/83	JA: KS
8322568	K-82-0747	1505720178		102-2		HAWES #1
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	02/16/83	JA: KS
8322483	K-82-0746	1512920544		102-3		SANTA FE 1-14
-SOUTHLAND ROYALTY CO				RECEIVED:	02/16/83	JA: KS
8322509	K-82-0844	1511920378		[illegible]		ADAMS 6-11
-SPINES EXPLORATION INC				RECEIVED:	02/16/83	JA: KS
8322451	K-82-1390	1515120145		102-2		CALBECK #1
-STERLING DRILLING & PROD CO INC				RECEIVED:	02/16/83	JA: KS
8322575	K-82-1145	1504720592		[illegible]		CUDNEY "B" 85-4
-TEXACO INC				RECEIVED:	02/16/83	JA: KS
8322591	K-82-1360	1505500000		[illegible]		ED HUGHES "B" GAS UNIT #1
-TEXAS ENERGIES INC				RECEIVED:	02/16/83	JA: KS
8322456	K-82-1268	1515121891		103		STATE OF KANSAS 1-34
-THE MAURICE L BROWN COMPANY				RECEIVED:	02/16/83	JA: KS
8322467	K-82-1302	1509720901		[illegible]		ALTON UNRUH #C-1
8322556	K-82-1275	1509720480		[illegible]		COBB #1
8322475	K-82-0749	1517120166		[illegible]		COLLINGWOOD "B" #1

FIELD NAME	PROD	PURCHASER
JEFFERSON-SYCAMORE	14.5	UNION GAS SYSTEM
WILDCAT	14.4	UNION GAS SYSTEMS
JEFFERSON-SYCAMORE	1.7	UNION GAS SYSTEMS
COFFEYVILLE - CHERRYV	21.6	CITIES SERVICE CO
COFFEYVILLE - CHERRYV	18.6	CITIES SERVICE CO
COFFEYVILLE - CHERRYV	20.8	CITIES SERVICE CO
BLOOM NORTH	16.4	KANSAS POWER & LI
SHARON	7.2	CITIES SERVICE CO
BLOOM NORTH	14.4	KANSAS POWER & LI
BURRTON NORTH EAST	9.5	PEOPLES NATURAL G
WAC SW EXT	73.0	NATURAL GAS PIPEL
WAC SW EXT	146.0	NATURAL GAS PIPEL
WILDCAT	17.5	KANSAS NEBRASKA N
WAC SW EXT	1036.6	NATURAL GAS PIPEL
GRANGER CREEK	14.8	KANSAS POWER & LI
WAC SW EXT	620.5	NATURAL GAS PIPEL
WAC SW EXT	62.1	NATURAL GAS PIPEL
WAC SW EXT	109.5	NATURAL GAS PIPEL
COFFEYVILLE-CHERRYVAL	3.0	SALEM PIPELINE CO
COLLIER FLATS SOUTH	35.0	INTER NORTH INC
HEIDA	73.0	PEOPLES NATURAL G
PANOMA	22.0	KANSAS NEBRASKA N
WILDCAT	33.0	
WILDCAT	47.0	KANSAS POWER & LI
CHILDS	15.0	CENTRAL STATES GA
BURRTON NE	44.0	PEOPLES NATURAL G
SHARON	150.0	CITIES SERVICE CO
WHARTON	35.0	PEOPLES NATURAL G
SPIVEY-GRABS	150.0	CITIES SERVICE CO
PANOMA COUNCIL GROVE	32.4	INTER NORTH INC
MCGUIRE GEEMAN ANTRIM	93.0	PEOPLES NATURAL G
[illegible]	403.0	PANHANDLE EASTERN
ADAMS RANCH	200.0	KANSAS POWER & LI
	14.6	KANSAS POWER & LI
GLICK	18.5	KANSAS GAS SUPPLY
COLLIER FALTS SOUTH	83.0	INTERNORTH INC
SNAKE CREEK	146.0	INTER NORTH INC
SNAKE CREEK	60.0	INTER NORTH INC
SNAKE CREEK	7.7	INTER NORTH INC
SNAKE CREEK	31.0	INTER NORTH INC
SNAKE CREEK	88.8	INTER NORTH INC
SNAKE CREEK	116.0	INTER NORTH INC
SNAKE CREEK	109.0	INTER NORTH INC
KLAVER	70.0	PEOPLES NATURAL G
SETTLE	7.0	PEOPLES NATURAL G
KLAVER NE	8.3	PEOPLES NATURAL G
KLAVER	70.0	PEOPLES NATURAL G
SETTLE	7.0	PEOPLES NATURAL G
K-3 EXT	34.4	PEOPLES NATURAL G
BONJOUR	14.0	PEOPLES NATURAL G
K-3	5.0	PEOPLES NATURAL G
K-3	60.0	PEOPLES NATURAL G
K-3	70.0	PEOPLES NATURAL G
SETTLE	5.0	PEOPLES NATURAL G
PRATHER	30.0	KANSAS GAS SUPPLY
EAST ANTELOPE	35.0	CITIES SERVICE GA
EAST ANTELOPE	35.0	CITIES SERVICE GA
CHERRYVALE-COFFEYVILL	18.2	CITIES SERVICE CO
LATTA NORTH	255.5	GETTY OIL CO
STRANATHAN EXTENTION	11.0	PANHANDLE EASTERN
HARDING	90.0	CENTRAL STATES GA
HARDING WEST	72.0	CENTRAL STATES GA
GRACE	146.0	CITIES SERVICES G
MINTER NORTH	365.0	PANHANDLE EASTERN
CIMARRON BEND	28.0	COLORADO INTERSTA
CULLISON WEST	60.0	KANSAS POWER & LI
WIL	20.0	CENTRAL STATES GA
HUGOTON	8.2	INTERNORTH INC
WILDCAT	100.0	CENTRAL STATES GA
ALFORD EXTENSION	5.0	KANSAS GAS SUPPLY
ALFORD SOUTH	19.0	KANSAS GAS SUPPLY
HUGOTON NORTH	73.0	KANSAS-NEBRASKA N

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8322466	K-82-1303	1503320563	[illegible]			V L SMITH #1
-THEODORE I LEBEN				RECEIVED:	02/16/83	JA: KS
8322590	K-82-1345	1515121172		102-2		KINZIE "A" #1
-TUCKER PRODUCTION CORP				RECEIVED:	02/16/83	JA: KS
8322525	K-82-1034	1517520552	[illegible]			MASH #1-21
-TXO PRODUCTION CORP				RECEIVED:	02/16/83	JA: KS
8322527	K-82-1396	1507720854		102-4		BROWN "R" #1
8322473	K-82-0713	1500720807		102-4		FINDELY "B" #1
8322457	K-82-1397	1500721523		102-4		STONE "D" #1
-WELLS ENERGY CORP				RECEIVED:	02/16/83	JA: KS
8322569	K-82-1407	1505720276		103		BRENSING #1
-WILLIAM A TAYLOR				RECEIVED:	02/16/83	JA: KS
8322549	K-82-1372	1512525312		102-2		STICE #1
8322532	K-82-1384	1512525313		102-2		STICE #2
OKLAHOMA CORPORATION COMMISSION						
-AM-SON CORPORATION				RECEIVED:	02/14/83	JA: OK
8322601	19211	3503920599		102-2		CLIFT #1-3
-AMADARKO PRODUCTION COMPANY				RECEIVED:	02/14/83	JA: OK
8322628	18925	3500700000	[illegible]			CAMADAY #1
8322651	20030	3500721701	[illegible]			JUDY A-1
-BENTLEY & LAING				RECEIVED:	02/14/83	JA: OK
8322615	19839	3510321678		103		TUBBS #1
-BILL WADLEY & SON DRILLING CO				RECEIVED:	02/14/83	JA: OK
8322596	19841	3511100000		103		BELL #1
-BISHOP ROYALTY INC				RECEIVED:	02/14/83	JA: OK
8322620	19865	3511123600	[illegible]			ASHLEY #1
-BLUEBELL OIL & GAS INC				RECEIVED:	02/14/83	JA: OK
8322607	19639	3508121300		103		ELSON #1-35
-CHER OIL CO				RECEIVED:	02/14/83	JA: OK
8322606	19576	3508121576		103		GOODBARY #1
-CLARK RESOURCES INC				RECEIVED:	02/14/83	JA: OK
8322641	17070	3509322408		103		BIERIG 29-1
-COTTON PETROLEUM CORPORATION				RECEIVED:	02/14/83	JA: OK
8322616	19843	3504521050		103		SAMIE #1
-FUNK EXPLORATION INC				RECEIVED:	02/14/83	JA: OK
8322646	19490	3500722359		102-4		BOWERS #1
8322647	19491	3500722360		102-4		BUXTON #1
8322643	18841	3500722298		102-4		SAGER LAND & CATTLE CO
8322649	19492	3500722309		102-4		WATKINS #1-13
-GEM OIL CO				RECEIVED:	02/14/83	JA: OK
8322617	19844	3504723062		103		HALL #3
-GETTY OIL COMPANY				RECEIVED:	02/14/83	JA: OK
8322648	19995	3513700000	[illegible]			SELBY #54
-HARRY M DIAMOND INC				RECEIVED:	02/14/83	JA: OK
8322644	18984	3509120473		103		OSMOND #1
-HEADINGTON PRODUCTION CO				RECEIVED:	02/14/83	JA: OK
8322652	20046	3505300000	[illegible]			JOHNSON #1
-HELMERICH & PAYNE INC				RECEIVED:	02/14/83	JA: OK
8322605	19449	3504321511		102-2		WHITE RABBIT #2-3
-HOFFMAN OIL & GAS CO				RECEIVED:	02/14/83	JA: OK
8322633	19628	3511100000	[illegible]			COLLINS #1
-INEXCO OIL COMPANY				RECEIVED:	02/14/83	JA: OK
8322599		3503920685		102-2		GILBERT #1-10
-JAMES G MAGUIRE INC				RECEIVED:	02/14/83	JA: OK
8322622	19697	3503724368		103		NETTIE HERROD #2
-JOHN L COX				RECEIVED:	02/14/83	JA: OK
8322613	19833	3504500000		103		IRVIN #1
-K S OIL CO				RECEIVED:	02/14/83	JA: OK
8322634	19828	3502700000		103		CURRY #1
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/14/83	JA: [illegible]
8322631	19592	3504720932	[illegible]			JANSSEN #1-31
-KEPCO INC				RECEIVED:	02/14/83	JA: [illegible]
[illegible]		3503120945		102-4		PETRIE #1-26
-LOUIS KAHAN				RECEIVED:	02/14/83	JA: [illegible]
8322621	19866	3504722698		103		WALTER JOHNSON #1
-MONSANTO COMPANY				RECEIVED:	02/14/83	JA: OK
8322618	19855	3505320838		103		WALD #1
-O G OIL CO				RECEIVED:	02/14/83	JA: OK
8322645	19287	3514722023		103		GUINN #B-6
-PCX CORP				RECEIVED:	02/14/83	JA: OK
8322624	16356	3500320361		102-4		CITIES SERVICE FOSTER #1
-PETRO-LEWIS CORPORATION				RECEIVED:	02/14/83	JA: OK
8322626	18547	3507300000		108		FREDA 30-1
-PHILLIPS OIL OPERATING CO				RECEIVED:	02/14/83	JA: [illegible]
8322623	19770	3500320883		103		WEBER #1
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/14/83	JA: OK
8322638	22245	3504721184		108-ER		LICHTENBERG A #1
8322642	18239	3504721238		108-PB		MAXEY B #1
8322636		3507322567		102-4		SCHAEFER "A" #1
8322639	01948	3515300000		108-PB		STATE-K #1
-READING & BATES PETROLEUM CO				RECEIVED:	02/14/83	JA: [illegible]
8322612	19068	3503920710		102-2		BAKER #1-4
8322640	16850	3504700000	[illegible]			LANG #28-1
-RED EAGLE OIL CO				RECEIVED:	02/14/83	JA: [illegible]
8322603	19408	3504321467		102-3		PIERCE #1
-RH OPERATING CO				RECEIVED:	02/14/83	JA: [illegible]
8322604	19430	3503520848	[illegible]			NORTH EWERS #1
-ROCKWELL PETROLEUM CORP				RECEIVED:	02/14/83	JA: OK
8322630	19582	3508120791	[illegible]			STATE SCHOOL LAND #3
-SABINE CORP				RECEIVED:	02/14/83	JA: OK
8322650	20017	3501900000	[illegible]			SMITH #3-22
-SENECA OIL COMPANY				RECEIVED:	02/14/83	JA: [illegible]
8322637	19117	3501722139		102-4		BENNETT #2-30
8322627	18910	3509322399		103		RITTER #1-27
-SITCO INC				RECEIVED:	02/14/83	JA: [illegible]
8322619	19864	3507323543		103		HAY #2
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	02/14/83	JA: OK
8322598	19861	3508322118		103		FARRAR #1
-STATEX PETROLEUM INC				RECEIVED:	02/14/83	JA: OK
8322611	19181	3508321793		102-4		FLASCH UNIT #1-32
8322610	19182	3508321796		102-4		KEENAN #1-25
8322609	19183	3511921672		102-4		MCFARLAND #1-10
-SUNRISE EXPLORATION INC				RECEIVED:	02/14/83	JA: OK
8322629	19571	3500721187	[illegible]			LONGCOR #1-B

FIELD NAME	PROD	PURCHASER
WILDCAT	128.0	KANSAS GAS SUPPLY
JEM NORTHEAST	164.3	CENTRAL STATES GA
BORCHERS	219.0	
UNNAMED	150.0	DELHI CORP
SULLIVAN	350.0	DELHI CORP
RHODES NE	70.0	PEOPLES NATURAL G
PLEASANT VALLEY	92.0	KANSAS GAS SUPPLY
CHERRYVALE - COFFEYVI	21.9	CITIES SERVICE CO
CHERRYVILLE - COFFEYV	21.9	CITIES SERVICE CO
EAST MAMMON	1375.0	
MOCANE	5.7	COLORADO INTERSTA
MOCANE	6.5	PANHANDLE EASTERN
	37.0	AMINOIL USA INC
BALD HILL	47.2	PHILLIPS PETROLEU
ASHLEY NW NE NW SEC 3	43.0	PHILLIPS PETROLEU
WILDCAT	55.0	SUN GAS CO
S W PRAIRIE GEM	18.0	SUN OIL CO
SOONER TREND	50.0	CITIES SERVICE GA
GAGE	0.0	INTER NORTH INC
DOMBEY	250.0	PANHANDLE EASTERN
DOMBEY	350.0	PANHANDLE EASTERN
SOUTH BALKO	500.0	MICHIGAN WISCONSI
CAMRICK GAS AREA	400.0	
SOUTH GARBER	96.0	GRACE PETROLEUM
SHO-VEL-TUM	5.7	LONE STAR GAS CO
SE CHECOTAH	7.0	
WAKITA	16.0	CITIES SERVICE GA
EAST SEILING	150.0	MICHIGAN WISCONSI
	2.1	PHILLIPS PETROLEU
NORTH BUTLER	414.0	PANHANDLE EASTERN
	0.0	KERR MCGEE CORP
MOCANE-LAVERNE GAS AR	0.0	PANHANDLE EASTERN
SOUTH MOORE FIELD	75.0	SUN GAS CO
EAST SPRING VALLEY	20.0	GRACE PETROLEUM C
SE ELGIN	306.0	CITIES SERVICE GA
ENID NORTHEAST	55.0	GRACE PETROLEUM C
EAST LAMONT	50.0	C R A INC
GUINN LEASE	0.9	BARTLESVILLE GATH
	0.0	CITIES SERVICE GA
COOPER EAST	0.3	PARTNERSHIP PROPE
NORTH RINGWOOD	146.0	PANHANDLE EASTERN
S E ENID	8.4	TRANSOK PIPELINE
SOONER TREND	9.8	TRANSOK PIPELINE
W OKARCHE	0.0	OKLAHOMA NATURAL
N QUINLAN	15.6	CITIES SERVICE GA
PITTS CREEK	193.0	
SOONER TREND	20.0	GRACE PETROLEUM C
	401.5	
NORTH CRAIG FIELD	6.0	TRANS-GAS CO
SKELLEYVILLE	13.0	UNITED GATHERING
	9.6	UNION OIL OF CALI
	65.7	PHILLIPS PETROLEU
	57.6	DELHI GAS PIPELIN
WEST ROXANNA	80.0	EASON OIL CO
EAST GUTHRIE	0.0	CHAMPLIN PETROLEU
	202.0	OKLAHOMA NATURAL
	576.0	SUN GAS TRANSMISS
	612.0	SUN GAS TRANSMISS
MOCANE-LAVERNE	12.4	INTER NORTH INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME		
-TECO PIPELINE CO				RECEIVED:	02/14/83		JA:	OK
8322602	19272	3514700000		101		RUBY 01		
-TEXOMA NATURAL GAS & OIL CORP				RECEIVED:	02/14/83		JA:	OK
8322614	19837	3503700000		101		[illegible]		
-THE WIL-MC OIL COMP				RECEIVED:	02/14/83		JA:	OK
8322632	19597	3501920144		106		BARNEY 01-A		
-UNITED DRILLING FUND INC				RECEIVED:	02/14/83		JA:	OK
8322635	19834	3511100000		101		BELL 09A		
-VAN HORN OIL & GAS INC				RECEIVED:	02/14/83		JA:	OK
8322608	19840	3508322007		103		CLYDE 9-1		
-VAUGHN GOOD OIL CO				RECEIVED:	02/14/83		JA:	OK
8322597	19860	3508100000		101		HURST 01		
-WHEELER OIL COMPANY				RECEIVED:	02/14/83		JA:	OK
8322625	18813	3504721141		101		ISBELL 01-34		

FIELD NAME	PROD	PURCHASER
NORTH PHANDAH	25.0	PHILLIPS PETROLEU
NORTH KELLYVILLE	0.0	COLORADO GAS COMP
SOUTH ONEY	20.9	DELHI GAS PIPELIN
	281.4	PHILLIPS PETROLEU
N W MARSHALL	75.0	EASON OIL CO
	1.0	SUN EXPLORATION &
	0.0	ARCO OIL & GAS CO

[FR Doc. 83-6885 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-C

[Docket No. RP83-58-000]

Southern Natural Gas Co.; Application for Waiver of Commission's Regulations

March 11, 1983.

Take notice that on March 1, 1983, Southern Natural Gas Company (Southern) filed an application for a waiver of the test period prescribed in § 154.63(e)(2)(i) of the Commission's Regulations.

Southern states its intention of making a rate change filing with the Commission on or after March 31, 1983. For purposes of this rate change filing Southern intends to utilize a base period extending from January 1, 1982 to December 31, 1982. With regard to Southern's computation of working capital allowance for its estimated gas prepayments, Southern proposes to utilize the projected average cumulative total for the thirteen month period ending September 30, 1984 by requesting a waiver of the test period prescribed in § 154.63(e)(2)(i) of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 24, 1983. Protests will be considered by the Commission in determining to the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6887 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP75-23-013 and CP75-120-006]

Tennessee Gas Pipeline Co. a Division of Tenneco Inc.; Notice of Petition To Amend

March 11, 1983.

Take notice that on February 14, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP75-23-013 and CP75-120-006 a petition to amend the order issued March 7, 1977, as amended, in Docket Nos. CP75-23 and CP75-120 [1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas from an additional receipt point from Tenneco Oil Company (TOC), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized in Docket No. CP75-23 to transport natural gas for TOC from specified receipt points to a point of interconnection with Creole Gas Pipeline Corporation (Creole) at Ysclosky, Louisiana, for delivery to Air Products and Chemicals, Inc., and that in Docket No. CP75-120 it was authorized to transport natural gas for TOC from specified receipt points to Ysclosky, Louisiana, for delivery to Creole for transportation by Creole to TOC's Chalmette refinery.

Petitioner proposes herein to receive gas from TOC at an additional onshore receipt point in the Lake Decade Field, Terrebonne Parish, Louisiana. Deliveries of gas from the Lake Decade source would be made by TOC to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Tennessee at a point of interconnection between Transco and TOC or TOC's agent on Transco's Southeast Louisiana Gathering System in Terrebonne Parish, Louisiana. Transco would transport and deliver the subject gas to Tennessee at existing points of interconnection located at Louise, Texas, and Crowley and Kinder, Louisiana, for transportation and delivery by Tennessee to the Ysclosky delivery point.

The amendments dated February 7, 1983, to the transportation agreement between TOC and Tennessee provide that the amount of gas delivered at Ysclosky would be thermally equivalent to the amount received by Transco from TOC for Tennessee's account subject to certain reductions but in no event would the total volume delivered from all sources exceed the maximum volume authorized to be transported by the order issued March 7, 1977.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6888 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. RP83-53-000]

United Gas Pipe Line Co.; Notice of Proposed Changes in FERC Gas Tariff

March 11, 1983.

Take notice that United Gas Pipe Line Company (United), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, to become effective April 1, 1983.

United states that the proposed tariff sheet include proposed Sections 25 and 26 to United's FERC Gas Tariff First Revised Volume No. 1. The proposed Section 26 will permit semi-annual rate adjustments to track increases or decreases in the costs incurred by United under agreements for the transportation of gas by others [excluding charges by the Northern Border Pipeline Company (Northern Border)] as well as adjustments to reflect any net increase in transportation revenue credits. The proposed Section 25, Gas Prepayment Adjustment, is a provision to reflect semi-annual costs incurred by United as a result of prepayments made to gas suppliers under gas purchase contracts.

Copies of the filing will be served upon United's jurisdictional customers and the public service commissions of the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, and 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6889 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-366-000]

The Upper Peninsula Power Co.; Notice of Filing

March 11, 1983.

The filing Company submits the following:

Take notice that on March 7, 1983, the Upper Peninsula Power Company (UPPCO) tendered for filing proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, The Ontonagon County Rural Electrification Association, Village of Baraga, City of Escanaba, City of Gladstone, Village of L'Anse, City of Negaunee, and to the Wisconsin Electric Power Company.

UPPCO states that the schedule in the rate filed will supersede the schedule presently on file with this Commission.

The proposed changes would increase revenues for these jurisdictional sales based on the Period II test period ended December 31, 1983. UPPCO proposes that the rate increase become effective in two phases; Phase I in the amount of $566,146 to take effect 60 days after the filing, on May 6, 1983, and Phase II in the amount of $785,502 to take effect at the latest 61 days after the filing, on May 7, 1983. However, should the entire amount of the increase fall within the limits established in *West Texas Utilities*, Docket No. ER82-23-000, Order issued February 20, 1982, UPPCO respectfully requests that the full amount of the two-step increase be allowed to become effective 60 days after filing, on or May 6, 1983.

The reason stated by UPPCO for the increase is to overcome the revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs.

Copies of the filing were served upon UPPCO's affected jurisdictional customers, and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6890 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-361-000]

Washington Water Power Co.; Notice of Filing

March 11, 1983.

The filing Company submits the following:

Take notice that on February 25, 1983, the Washington Water Power Company (WWPC) tendered for filing a report issued by the Bonneville Power Administration (Bonneville) containing their final determination of average system cost for WWPC's Idaho jurisdiction for the 1981 test period.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 29, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6891 Filed 3-16-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 17 Through January 21, 1983

During the week of January 17 through January 21, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Akin, Gump, Strauss, Hauer and Feld, 3/20/83, HFA-0104

Akin, Gump, Strauss, Hauer and Feld filed an Appeal from a denial by the Director of the Office of Oil and Gas, Energy Information Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that information concerning the prices of liquified petroleim gas and natural gas liquid products, filed on Form FEA-P302-M-1, which was initially withheld under Exemption 4 should be released to the public. The DOE determined that in view of the age and the limited nature of the requested information contained on the form, the submitters of the information would not suffer any competitive harm as a result of its release.

Requests for Exception

Champlin Petroleum Company, 1/18/83, BEE-1677

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.69, which prohibited it from filing amended entitlements reports (Form ERA-49) for the period February 1976 through September 1980. The DOE pointd out that in light of the magnitude of the firms recent profits, Champlin's purchase of excess entitlements did not cause a significant adverse impact on the firm. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order were (i) the sufficiency of public notice before promulgation of the final clean-up rule and (ii) proper application of the clean-up rule to reports filed prior to the rule's August 1, 1981 effective date.

Deiter Bros. Fuel Co., Inc., 1/17/83, HEE-0038

Dieter Bros. Fuel Co., Inc. (Dieter Bros.) filed an Aplication for Exception from the provisions of EIA filing requirements. The firm sought to be relieved of the obligation to file Forms EIA-764A, Petroleum Product Sales Identification Survey, and EIA-172, Sales Report of Fuel Oil and Kerosene. The DOE onsidered the firm's argument that since it had participated in the EIA survey program for over a year, it should be relieved of any further obligation to participate. The DOE found that the forms would require little time to complete and that the firm would not suffer an unfair burden if required to file the forms. Accordingly, exception relief was denied

Lake Charles Refining Company, 1/17/83, BEE-0715

Lake Charles Refining Company filed an Application for Exception from the provisions of 10 CFR section 211.67 in which the firm sought to be issued entitlements for its

alleged inventory of crude oil at its new refinery. In considering the request, the DOE found that the firm had not shown that it had actually acquired a crude oil inventory for the new refinery. Accordingly, exception relief was denied. Lake Charles also requested that the DOE rescind its referral to the Office of Enforcement of discrepancy between the firm's reported runs-to-stills and crude oil receipts. In spite of the fact that Lake Charles contended that it had corrected the discrepancy by filing amended forms, the DOE found that the Office of Enforcement should be permitted to pursue an investigation and determine whether the firm had in fact violated DOE regulations.

Thompson Oil Company, Inc., 1/18/83, HEE–0017

Thompson Oil Company, Inc. (Thompson) filed an Application for Exception from the provisions of EIA filing requirements, in which the firm sought to be relieved of any further obligation to file Form EIA–0A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that Thompson did not show that in comparison to similar reporting firms, it was unfairly burdened by the reporting requirement. Accordingly, exception relief was denied.

Request for Modification and/or Rescission

Economic Regulatory Administration/ Olympia Exploration Company, 1/19/83 HRR–0028

The Economic Regulatory Administration filed a Motion for Modification of a Remedial Order issued to Olympia Exploration Company. In the RO, Olympia was found to have overcharged Diamond Shamrock in crude oil sales and was ordered to refund the overcharges directly to Diamond Shamrock. In its Motion, the ERA requested that the RO be modified to provide that the refund be deposited in an escrow account for ultimate disposition by the DOE. In considering the motion, the DOE found that decontrol of crude oil prices had caused a significant change in circumstances since the issuance of the Olympia RO in 1979. Specifically, the DOE found that as a result of decontrol, there was no longer any way to ensure that refunds received by Diamond Shamrock would be channeled through to ultimately injured customers. Diamond Shamrock argued that many of the refined products it sold at the time that the RO was issued were already decontrolled, and that the firm would thus not have been obliged to pass through refunds with respect to these products. The DOE rejected this argument, stating that as a participant in the Entitlements Program, Diamond Shamrock's entitlements benefits would have been reduced by any refund it had received from Olympia. Accordingly, the ERA Motion for Modification was granted.

Motion for Discovery

Atlantic Richfield Company, Office of Special Counsel, 1/18/83, BRD–1452, BRH–1452, HRD–0015, HRD–0001

Atlantic Richfield Company (Arco) filed Motions for Discovery and Evidentiary Hearing in connection with a Proposed Remedial Order (PRO) issued to the firm by the Economic Regulatory Administration's Office of Special Counsel (OSC). In connection with that PRO, OSC filed a Motion for Discovery and a Motion for Protective Order. The PRO concerns Arco's reporting of its May 1973 costs of foreign equity crude oil in its Refiners' Monthly Cost Allocation Reports. Pursuant to the customary accounting procedures standards of the September 1973 amendments to the refiner price rule, Arco had originally reported its May 1973 as its tax reference prices. In 1976, Arco restated its May 1973 costs as its internal transfer prices, arguing that the arms-length standard of the October 1974 amendments to the refiner prices rule permitted the restatement of May 1973 costs in accordance with that standard.

In considering Arco's Motion for Discovery, the DOE found that the firm's requests for administrative record and contemporaneous construction discovery of the September 1973 and October 1974 amendments and other remaining requests for discovery did not seek relevant evidence. The DOE further found, however, that since Arco had already received some of the requested information in another OHA proceeding and since the submission of supplemental comments based on such information would not delay the proceeding, Arco should be permitted to file such comments. Accordingly, Arco's Motion for Discovery was granted in part. In considering Arco's Motion for Evidentiary Hearing, the DOE found that Arco's presentation of documentary evidence and testimony concerning certain aspects of its tax reference and internal transfer accounting methods would, at this stage of the proceeding, result in a clearer and more efficient particularization of relevant disputed issues than would the submission of documents. Accordingly, the Motion for Evidentiary Hearing was granted in part. In considering OSC's Motion for Discovery, the DOE found that some of the information requested by OSC, *i.e.*, information concerning Arco's accounting procedures, was relevant and material evidence. Accordingly, OSC's Motion for Discovery was granted in part. In considering OSC's Motion for Protective Order, the DOE noted that OSC's request for an order relieving OSC of the obligation to provide to Arco any information already furnished to Arco in the related OHA proceeding, was premised on an OHA grant of discovery against OSC. The DOE that since such an order had not been issued, the Motion should be dismissed.

An important principle set forth in the Decision and Order is that there is no ambiguity in the regulations concerning whether the October 1974 amendments permit the restatement of May 1973 costs of foreign equity crude oil and, therefore, contemporaneous construction discovery on that issue is not permitted. Specifically, the Decision and Order held that the October 1974 amendments do not apply to May 1973 costs and, therefore, do not provide a regulatory basis for the restatement of those costs.

Refund Applications

Nordstrom Oil Company/Pacific Intermountain Express Company, 1/17/83, RF22–1

Pacific Intermountain Express Company (PIE) filed an Application for Refund in which the firm sought a portion of the funds obtained by the DOE through a consent order entered into with the Nordstrom Oil Company. After analyzing PIE's claim, OHA found that the firm demonstrated that it made purchases of less than an average of 50,000 gallons a month from Nordstrom during the consent order period and that PIE therefore qualified for a refund under the procedures set forth for small firms and individuals in *Office of Enforcement (Nordstrom)*, 10 DOE ¶85,021 (1982).

Standard Oil Company (Indiana) Tel-Maple Car Care, Inc. et al., 1/19/83, RF21–1 et al.

Thirty-seven branded retailers of Amoco motor gasoline filed Applications for Refund in which they sought a portion of the funds obtained by the DOE through a consent order entered into with the Standard Oil Company (Indiana) (Amoco). All of these firms elected to apply for a refund based upon the presumption of injury and the formulae set forth in *Office of Special Counsel*, 10 DOE ¶85,048 (1982). Each retailer therefore submitted detailed information concerning its Amoco purchase volumes. After analyzing this information, the DOE concluded that each applicant should receive a refund based upon the total volume its Amoco motor gasoline purchases. Accordingly, these applications were granted in full.

Vickers Energy Corporation/B. Ethridge Oil Co., 1/17/83, RF1–156

B. Ethridge, a motor gasoline reseller, filed an Application for Refund in which the firm sought a portion of the funds obtained by the DOE through a consent order entered into with Vickers Energy Corporation. Because Ethridge's purchases from Vickers exceeded the 50,000 gallon per month small claims threshold, the DOE required the firm to establish that it had not passed through any alleged Vickers overcharges to its own customers. After considering detailed data submitted by Ethridge concerning its Vickers purchase volumes, acquisition costs, selling prices and banks of unrecouped increased product costs, the DOE found that the firm did experience an injury in some months as a result, of Vickers' pricing practices. Accordingly, the Application for Refund was granted in part.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued the order in final form.

Company Name and Case No.

ERA/Kimco Petroleum, Inc., HRW–0019

Protective Order

The following firms filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by

the firms. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy.

Name and Case No.

Cities Service Co., Little America Refining Co., HEJ–0030

Dismissals

The following submissions were dismissed:

Name and Case No.

Gas Company of New Mexico, HEE–0047
Wilshire Oil Co., DRO–0225

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Thomas L. Wieker,
Acting Director, Office of Hearings and Appeals.

March 9, 1983.

[FR Doc. 83-6911 Filed 3-16-83; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59115A TSH–FRL 2322–5]

Certain Chemicals; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM–83–20 and TM–83–21, two applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–204, 401 M St. SW., Washington, DC. 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83–20

Date of Receipt: January 24, 1983.
Notice of Receipt: February 11, 1983 (47 FR 6395).
Applicant: Celanese Specialty Resins, a division of Celanese Corporation.
Chemical: Epoxy resin ester (Generic).
Use: Intermediate (Generic).
Import Volume: Confidential.
Number of Customers: 1.
Worker Exposure: Potential exposure to workers will be by the dermal route. A maximum of 15 workers will be potentially exposed for 8 hours/day for no more than 15 days.
Test Marketing Period: 45 days.
Commencing on: March 9, 1983.
Risk Assessment: Based on the type of polymer, molecular weight, and that the test market substance is not designed to be water soluble, no significant health or environmental concerns were identified. Therefore, the Agency finds that the test marketing activity will not result in an unreasonable risk.
Public Comments: None.

TME 83–21

Date of Receipt: January 25, 1983.
Notice of Receipt: February 11, 1983 (47 FR 6395).
Applicant: Confidential.
Chemical: Acrylate of polybutadiene (Generic).
Use: Confidential.
Import Volume: Confidential.
Exposure Information: The confidential use will have the potential for 10 workers to be exposed dermally per day with the potential for less than 10 kg/yr released to the air or land. No release to water is expected.
Test Marketing Period: 291 days.
Commencing on: March 9, 1983.
Risk Assessment: Based on its molecular weight and low solubility in water, the Agency has low health and environmental concerns for the test market substance. The test market substance may be a mild skin and eye irritant based on test data. The submitter recommends protective equipment when handling including chemical splash goggles and/or face mask and gloves, aprons, boots and face protection. The Agency expects the potential for such exposure to be low based on the automated nature of handling the test market substance.
Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: March 9, 1983.

Don R. Clay,
Director, Office of Toxic Substances.

[FR Doc. 83-6939 Filed 3-16-83; 8:45 am]
BILLING CODE 6560-50-M

[OPP 30070; PH–FRL 2324–2]

Pesticide Registration; Availability of Guidelines Documents

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The nonregulatory pesticide registration guidelines are available to the public and can be purchased through the National Technical Information Service (NTIS). The NTIS order number and price for each guideline document is provided.

ADDRESS: Address orders to: National Technical Information Service, Att: Order Desk, 5285 Port Royal Rd., Springfield, VA 22161, (703–487–4650).

Orders for guidelines documents may be placed by telephone to the NTIS order desk and charged against a deposit account or American Express, VISA or MasterCard or sent by mail with check, money order or account number.

FOR FURTHER INFORMATION CONTACT: Frederick S. Betz, Hazard Evaluation Division (TS-769C), Office of Pesticides Programs, Environmental Protection Agency, Room 821, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7351).

SUPPLEMENTARY INFORMATION: The nonregulatory pesticide registration guidelines contain the standards for conducting acceptable tests, guidance on evaluation and reporting of data, detailed guidance on when data are required, and examples of acceptable protocols. Each of the guidelines documents, except Subdivisions H (Labeling) and K (Reentry Protection), is available to the public and can be purchased through the National Technical Information Service (NTIS). The Agency will publish a Notice of Availability when Subdivisions H and K are available.

For each guideline document desired, your order should specify the title of the guidelines document, the corresponding NTIS order number, and whether hard copy or microfiche is desired. The NTIS order number is the same for both microfiche and hard copy, but the price differs in hard copy.

Document titles, prices, and order numbers and prices are as follows:

Document title	NTIS order No.	Price (hard copy)	Price (microfiche)
Subdivision D—Product Chemistry	PB83-153880	$11.50	$4.50
Subdivision E—Hazard Evaluation: Wildlife and Aquatic Organisms	PB83-153906	11.50	4.50
Subdivision F—Hazard Evaluation: Humans and Domestic Animals	PB83-153916	16.00	4.50
Subdivision G—Product Performance	PB83-153924	12.50	4.50
Subdivision H—Labeling	(Not available at this time)		
Subdivision I—Experimental Use Permits	PB83-153932	10.00	4.50
Subdivision J—Hazard Evaluation: Nontarget Plants	PB83-153940	10.00	4.50
Subdivision K—Reentry Protection	(Not available at this time)		
Subdivision L—Hazard Evaluation: Nontarget Insects	PB83-153957	8.50	4.50
Subdivision M—Biorational Pesticides	PB83-153965	25.00	4.50
Subdivision N—Environmental Fate	PB83-153973	13.00	4.50
Subdivision O—Residue Chemistry	PB83-153981	10.00	4.50

Dated: March 3, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-6946 Filed 3-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Docket No. 83-14]

Prudential Lines, Inc. v. Farrell Lines, Inc., Zim Container Service and Zim Israel Navigation Co., Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Prudential Lines, Inc. against Farrell Lines, Inc., Zim Container Service and Zim Israel Navigation Co., Ltd. was served March 9, 1983. Complainant alleges that respondents have entered into a transshipment agreement for carriage of cargo from U.S. ports to ports in the Mediterranean via Haifa, Israel without prior approval by the Commission in violation of section 15 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6963 Filed 3-16-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Middle States Bancorporation, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Middle States Bancorporation, Inc.*, East Moline, Illinois; to acquire 55.6 percent of the voting shares of Colona Avenue State Bank, East Moline, Illinois. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6970 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; Northwest Bancorporation, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing

should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (investment advisory activities; the continental United States): To engage, through its proposed wholly-owned subsidiary, NWB Venture Capital Co., in investment advisory activities. These activities would be conducted from offices in Minneapolis, Minnesota; Portland, Oregon; and Lakewood, Colorado, serving the continental United States. Comments on this application must be received not later than April 11, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Oklahoma Bancorporation, Inc.,* Oklahoma City, Oklahoma (financial advice; southwestern United States): To engage, through a subsidiary, First Invescorp, Inc., in providing financial advice to State and local governments and other tax-exempt organizations and entities, including research and development of financing programs tailored to match the financial resources of the customer with its financial needs in the most effective and cost-efficient manner in accordance with the Board's Regulation Y. These activities would be conducted from an office in Oklahoma City, Oklahoma, serving Oklahoma, Kansas, Arkansas, Missouri, Colorado, New Mexico and Texas. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6872 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Skylake Bankshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Skylake Bankshares, Inc.,* North Miami Beach, Florida; to become a bank holding company by acquiring 97 percent or more of the voting shares of Skylake State Bank, North Miami Beach, Florida. Comments on this application must be received not later than April 11, 1983.

Board of Governors of the Federal Reserve System, March 11, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6871 Filed 3-16-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction Number 83-027, Hampshire Investments, Inc.'s (Lee Garrett, UPE) proposed acquisition of voting securities of Stater Brothers Markets, (Petroleane Incorporated, UPE).	Feb. 15, 1983.
(2) Transaction Number 83-0102, Huntsman Chemical Corporation's (Jon M. Huntsman, UPE) proposed acquisition of certain assets of Royal Dutch Petroleum Company, (Shell Oil).	Feb. 25, 1983.
(3) Transaction Number 83-0107, Enserch Corporation's proposed acquisition of certain voting securities of Lesinger A.G.	Feb. 28, 1983.
(4) Transaction Number 83-0109, Gulf and Western Industries, Inc.'s proposed acquisition of certain voting securities of Brunswick Corporation.	Mar. 7, 1983.
(5) Transaction Number 83-0133, BRAE Corporation's proposed acquisition of all voting securities of American Sign and Indicator Corporation.	Do.
(6) Transaction Number 83-0124, Mesa Petroleum Company's proposed acquisition of substantially all assets of Corona Oil Company.	Do.
(7) Transaction Number 83-0131, AEA Investors, Inc.'s proposed acquisition of all voting securities of Niagra Frontier Services, Inc.	Do.
(8) Transaction Number 83-0139, Union Carbide Corporation's proposed acquisition of certain assets of RWA Family Trust 1982-1.	Do.
(9) Bell Industries, Inc.'s proposed acquisition of certain voting securities of Graham Electronics Supply, Inc.	Mar. 9, 1983.
(10) Tyson Food, Inc.'s proposed acquisition of certain voting securities of Valmac Industries, Inc., (Clifford C. & Dorothy P. Lane, UPE).	Do.
(11) Sandoz Ltd.'s proposed acquisition of all assets of the Sodyeco Division of Martin Marietta Corporation.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specalist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6867 Filed 3-16-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Life Course and Prevention Research Review Committee, NIMH, Reestablishment; Alcohol Psychosocial Research Review Committee, NIAAA, Reestablishment; Board of Scientific Counselors, NIAAA, Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary of Health

and Human Services, with the concurrence of the General Services Administration Committee Management Secretariat, of the following advisory committees:

Designation: *Life Course and Prevention Research Review Committee, NIMH.*

Purpose: The Committee shall advise the Secretary and the Director, National Institute of Mental Health, on the scientific and technical merit of applications for research grants, cooperative agreements, individual and institutional National Research Service Awards, and research and development contract projects relating to developmental life crisis; acute life crises and catastrophic events; the assessment of risk for mental illness and emotional disorders; the development and assessment of interventions to prevent the development of or reduce the incidence of mental disorders, serious behavioral deficits and significant emotional distress of persons and populations at risk; the etiology, diagnosis, course, treatment and prevention of mental disorders in mid and later life; stress and stress reduction; the assessment of cognitive, affective, social and family functioning or impairment in mid and later life. The Committee shall make recommendations on applications also to the National Advisory Mental Health Council. The members of this Review Committee shall survey, as scientific and professional leaders, the status of research and research education in their fields.

Expiration Date: Authority for the Life Course and Prevention Research Review Committee will expire November 30, 1984, unless the Secretary formally determines that continuance is in the public interest.

Designation: *Alcohol Psychosocial Research Review Committee, NIAAA.*

Purpose: The Committee shall advise the Secretary and the Director, National Institute on Alcohol Abuse and Alcoholism, on the scientific and technical merit of applications for research projects and cooperative agreements, research center grants, Research Scientist Awards, fellowships, institutional research training grants, and research contract projects. The applications include research on epidemiological, behavioral, psychological, genetic, clinical psychopharmacology, neurochemical, clinical and psychosocial factors related to alcohol abuse and alcoholism, and the prevention, diagnosis and treatment of alcoholism.

The Committee shall make recommendations on applications also to the National Advisory Council on Alcohol Abuse and Alcoholism. The members of this Committee shall survey, as scientific leaders, the status of research and research training in their field.

Expiration Date: Authority for the Alcohol Psychosocial Research Review Committee will expire December 31, 1984, unless the Secretary formally determines that continuance is in the public interest.

Effective with this reestablishment, the following committee was established:

Designation: *Board of Scientific Counselors, NIAAA.*

Purpose: The Committee shall advise the Secretary, the Administrator, ADAMHA, and the Director, NIAAA, through periodic visits to the intramural laboratories for assessment of the research in progress and evaluation of the productivity and performance of staff scientists.

Expiration Date: Authority for the Board of Scientific Counselors, NIAAA will expire January 28, 1985, unless the Secretary formally determines that continuance is in the public interest.

Dated: March 11, 1983.

William Mayer,

Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 83-6804 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

Cooperative Agreements; Preventive Health Services-Tuberculosis Control; Availability of Funds for Fiscal Year 1983

Correction

In FR Doc. 83-5755 beginning on page 9584 in the issue of Monday, March 7, 1983 make the following correction:

On page 9585, column two, paragraph designated as 2b, line two, "onside" should read "onsite."

BILLING CODE 1505-01-M

National Institutes of Health

President's Cancer Panel; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, April 18, 1983, at Northwestern University Medical School, Alumni Center for Continuing Medical Education, Ward Building, Room 1-004, 301 East Chicago Avenue, Chicago, Illinois 60611. The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items include reports by the Director, National Cancer Institute, and the Chairman, President's Cancer Panel; and discussions to obtain information on grants supported by the National Cancer Institute from scientists of the universities in the Chicago area. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A35, National Institutes of Health, Bethesda, Maryland 20205 (301/496-1148) will furnish substantive program information.

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 83-6812 Filed 3-16-83; 8:45 am]

BILLING CODE 4140-01-M

Pulmonary Diseases Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart, Lung, and Blood Institute, on May 7, 1983 at the Hyatt Regency Kansas City at Crown Center, 2345 McGee Street, Kansas City, Missouri 64108.

The entire meeting, from 8:30 a.m. to 5:00 p.m. will be open to the public. The Committee will discuss implementation of the Division of Lung Diseases fiscal 1984 initiatives. Attendance by the public will be limited to the space available.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A-21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Committee members.

Dr. Suzanne S. Hurd, Ph.D., Acting Executive Secretary of the Committee, Westwood Building, Room 6A16, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, Lung Diseases Research, National Institutes of Health)

Dated: March 9, 1983.

Betty J. Beveridge,

Committee Management Officer.

[FR Doc. 83-6813 Filed 3-16-83; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

In the Subject Health Resources and Services Administration; Section 5(e) of Public Law 97-116 Immigration and Nationality Act Amendments of 1981; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 6782), the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration,

with authority to redelegate, the authority delegated to the Assistant Secretary for Health under section 5(e) of Pub. L. 97–116 (8 U.S.C. 1101 note) providing for an evaluation of the exchange programs for graduate medical education of foreign medical graduates.

The delegation to the Administrator, Health Resources and Services Administration, becme effective on March 4, 1983.

Dated: March 4, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-0807 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-15-M

In the Subject Health Resources and Services Administration; Section 212 of the Immigration and Nationality Act; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 6782), the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, with authority to redelegate, the authorities delegated to the Assistant Secretary for Health under sections 212(a)(32) and 212(j) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), as amended, providing for limitations on the entry of foreign medical graduates into the United States as immigrants or exchange visitors.

The June 20, 1977 delegation made by the Assistant Secretary for Health to the Administrator, Health Resources Administration, of authority pertaining to sections 212(a)(32) and 212(j) of the Immigration and Nationality Act has been superseded. Provision has been made for redelegations made to Health Resources Administration officials under sections 212(a)(32) and 212(j) of the Immigration and Nationality Act to continue in effect for no more than 90 days from the effective date of the delegation to the Administrator, Health Resources and Services Administration, provided they are consistent with the delegation to the Administrator, Health Resources and Services Administration.

The delegation to the Administrator, Health Resources and Services Administration, became effective on March 4, 1983.

Dated: March 4, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-0808 Filed 3-16-83; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Casper District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Casper District Advisory Council will be held on April 27, 1983.

The meeting will convene at 9:00 a.m. in the conference room of the Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming, 82601.

The agenda will include: election of a chairman and reports on the minerals program, asset management, coal tracts for the 1984 sale, mid year budget review, the Buffalo Resource Area Wilderness Environmental Statement, and the Platte River Resource Management Plan.

The meeting is open to the public. Interested persons may make oral statements or file written statements for the board's consideration. Anyone wishing to make an oral statement should notify the Casper District Manager at the above address by April 25, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be available for public inspection within 30 days following the meeting.

Dated: March 11, 1983.

Robert V. Abbey,

Acting District Manager.

[FR Doc. 83-6930 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Meetings

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that the first meeting of the newly appointed Eugene District Advisory Council will be held on April 19, 1983. A second meeting of the Eugene District Advisory Council will occur on May 3, 1983.

Both meetings will be held at 9:00 a.m. Pacific Standard Time in Room 227 in the Federal Building at 211 E. 7th, Eugene, Oregon.

The agenda for the April 19, 1983 meeting is: (1) Orientation to the Eugene District—areas, resources, staffing, etc.; (2) discussion of the district's current issues, including timber sales, vegetation management and resource conflicts; (3) the Eugene District's comprehensive planning system, its status and schedule; and (4) the organization of the Council and topics for future meetings.

The May 3, 1983 meeting will be devoted entirely to the comprehensive land-use planning process.

The meetings are open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 11:45 a.m. on April 19, 1983 and May 3, 1983 or file written statements for the Council's consideration. Anyone wanting to make an oral statement must notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon 97401, by April 12, 1983 for the April 19, 1983 meeting, and by April 27, 1983, for the May 3, 1983 meeting. Depending on the number of persons wanting to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meetings will be maintained in the District Office and be available for public inspection and reproduction during regular business hours within 30 days following the meetings.

Dated: March 8, 1983.

Dwight L. Patton,

District Manager.

[FR Doc. 83-6901 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona, Phoenix District, Phoenix/Lower Gila Resource Areas Grazing Advisory Board Meeting; Correction

On February 25, 1983 the meeting date of the Phoenix/Lower Gila Resource Areas Grazing Advisory Board meeting appeared on page 8140 of the Federal Register (Vol. 48, No. 39) as: "Wednesday, March 31, 1983"; this document corrects the meeting date to read: Thursday, March 31, 1983.

William K. Barker,

District Manager.

March 11, 1983.

[FR Doc. 83-6915 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Bernalillo County New Mexico, Disposal of Public Lands; Notice of Realty Action

March 9, 1983.

AGENCY: Bureau of Land Management, Albuquerque District Office, Interior.

ACTION: Notice of Realty Action on proposed land disposal.

SUMMARY: This notice is to advise the public that the Albuquerque District, of the Bureau of Land Management (BLM) is proposing to dispose of approximately 481 acres of public land in the South

Valley of Albuquerque, Bernalillo County, New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the 481 acres of public land described below are suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069) and 1932 (47 Stat. 53; 43 U.S.C. 178), the Recreation and Public Purposes Act (43 U.S.C. 869 et seq).

Albuquerque, South Valley, Public Land Disposal Block

T. 9N., R. 2E., NMPM, Section 12: Lots 1, 2, and 3.
Sec. 13: Lots 1, 2, 3, 4, 5, and 6.
Sec. 24: Lots 2, 4, and 5.
Sec. 25: Lot 1, Section 25: Lots 1, 2, 3, and 4.
Sec. 26: Lot 1.
T. 9N., R. 3E., NMPM, Section 7: Lots 1, 2, and 3.
Comprising approximately 481 acres.

Disposal of these lands is consistent with: (1) The approved Land Use Recommendations of the BLM's 1979 Rio Grande, Management Framework Plan. (2) Their location as well as the physical characteristics and the private ownership of adjoining lands, make them difficult and uneconomical to manage as public lands. Consequently, disposal would best serve the public interest. (3) Various public meetings were held throughout the area during the land use planning process. An additional public meeting was held by the City of Albuquerque and BLM in 1982 to provide public review of proposed City park. (4) This Notice of Realty Action will be published once a week for three weeks in a newspaper of general circulation and will be sent to the New Mexico Congressional delegation and the relevant congressional committees by BLM.

The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority:

1. *Color-of-Title.* Color-of-Title disposals will be made to any applicant within the disposal block who qualified under the Color-of-Title Acts.

2. *Public Purposes.* If unoccupied lands within the disposal block are identified for recreational or other public purposes by state or local governments or other qualified public purposes applicants, they will be considered for disposal under the R&PP Act.

Terms and Conditions of the disposals are: (1) All disposals will be made subject to prior valid existing rights. (2) All the minerals in the public lands covered by this Notice of Realty Action, along with the rights to explore, prospect for, mine and remove the minerals will be reserved to the United States. (3) Tracts which lie within the 100 years floodplain of the Rio Grande will be subject to EO 11988 which precludes the seeking of compensation from the U.S. or its agencies in the event existing or future facilities on those tracts are damaged by flood.

Additional information pertaining to this disposal including the environmental documents are available for review in the Rio Puerco Resource Area Office, 3540 Pan American Freeway, NE, Albuquerque, New Mexico 87107 or telephone 505–766–3114. For a period of 45 days from the date of this notice, interested parties may submit written comments to the Rio Puerco Resource Area Manager. Any adverse comments will be evaluated by the New Mexico State Director, Bureau of Land Management who may vacate or modify this realty action and issue a final determination.

In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Mathew N. Millenbach,
Associate District Manager.

[FR Doc. 83-6991 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

Carson City District Advisory Council; Meeting

The Carson City District Advisory Council will meet April 22, 1983, at 9:30 a.m. in the Agricultural Service Center, 111 Sheckler Road, Fallon, Nevada. The Council will consider the Bureau's rangeland management program and will tour a nearby grazing allotment on public land. The public is welcome to attend, and anyone may appear before the Council at 11:00 a.m.

FOR FURTHER INFORMATION CONTACT: Stephen A. Weiss, Public Affairs Officer, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701 (telephone 702/882–1631).

Dated: March 10, 1983.

Thomas J. Owen,
District Manager.

[FR Doc. 83-6947 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

[ES 31916, Survey Group 149]

Minnesota; Notice of Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Borden Lake, T. 44 N., R. 28 W., Fourth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fourth Principal Meridian, Minnesota

T. 44 N., R. 28 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 50 feet above the ordinary high water mark of Borden Lake. Timber consists of ash, elm, basswood, oak, fir, and birch. A birch, 30 inches in diameter, was aged at approximately 120 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 by June 15, 1983.

Jeff O. Holdren,
Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6916 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

[ES 31917, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982, the plat representing the survey of an island in Arrow Lake, T. 138 N., R. 42 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 138 N., R. 42 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 5 feet above the ordinary high water mark of Arrow Lake. Timber consists of aspen, elm, ash, and basswood. The ground cover

consists of sumac. Tree stumps found on the island Tract No. 37 are not to be found in the channel where land would first be exposed by lowering of the lake level.

The elevation of the island, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, by June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6917 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[M-57972]

Montana; Realty Action—Land Use Lease

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of Realty Action M-57972, lease of public lands for sanitary land fill purposes in Custer County.

SUMMARY: The Bureau of Land Management, Miles City District, is proposing to lease approximately 30 acres within the following described lands to Custer County for a sanitary land fill, under Section 302 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1732]: T. 9 N., R. 47 E., Section 28: E½SW¼, SW¼SE¼.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Miles City District, P.O. Box 940, Miles City, Montana. Any comments will be evaluated by the Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the proposed action, including the preliminary environmental assessment and land report, is available for review at the Miles City District Office, west of Miles City, Montana.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to allow for public comment prior to processing Custer County's application. All environmental consequences anticipated by this action have been analyzed and there does not appear to be any reason to reject this proposal. The proposed site has suitable soils and the hydrology on the site will not be adversely affected. Custer County will pay the fair market rental value as determined by a formal appraisal.

Dated: March 11, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83-6928 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 19343]

Oregon; Exchange of Public and State Lands in the Counties of Crook, Deschutes, Gilliam, Harney, Lake, Sherman, Wasco, and Wheeler; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian

T. 20 S., R. 19 E.,
- Sec. 23, S½SE¼;
- Sec. 24, S½S½;
- Sec. 25, All.
- Sec. 26, E½;
- Sec. 35, E½, E½SW¼;
- Sec. 36, all;

T. 21 S., R. 19 E.,
- Sec. 1, lots 3, 4, 5, and 6, N½SW¼;
- Sec. 2, lots 1, 2, 3, and 4, N½S½;
- Sec. 14, W½SW¼, SE¼SW¼;
- Sec. 15, SW¼NE¼, W½NW¼, SE¼NW¼, N½S½, SE¼SE¼;
- Sec. 23, all;
- Sec. 24, lots 3 and 4, W½SE¼;
- Sec. 25, all;
- Sec. 26, all;
- Sec. 34, E½;
- Sec. 35, all;
- Sec. 36, lots 2, 3, and 4, W½E½, W½.

T. 22 S., R. 19 E.,
- Sec. 1, all;
- Sec. 2, all;
- Sec. 11, all;
- Sec. 12, all;
- Sec. 13, N½NE¼, NE¼NW¼.

T. 20 S., R. 20 E.,
- Sec. 19, lot 4, SE¼SW¼, S½SE¼;
- Sec. 27, SW¼SE¼;
- Sec. 28, S½NW¼, SW¼;
- Sec. 29, all;
- Sec. 30, lots 3 and 4, E½SW¼, SE¼;
- Sec. 31, all;
- Sec. 32, W½;
- Sec. 33, W½.

T. 21 S., R. 20 E.,
- Sec. 2, W½SW¼;
- Sec. 3, lot 4, S½NW¼, W½SW¼, SE¼SW¼, SE¼;
- Sec. 4, lots 1, 2, 3, and 4, S½N½, N½SW¼;
- Sec. 5, lots 1, 2, 3, and 4, S½N½, N½SW¼;
- Sec. 6, lots 1, 2, 3, and 4;
- Sec. 9, W½W½;
- Sec. 16, NE¼, NE¼NW¼;
- Sec. 19, lots 3 and 4, E½SW¼, SW¼SE¼;
- Sec. 29, SW¼NE¼, W½, SE¼;
- Sec. 30, all;
- Sec. 31, all;
- Sec. 32, all.

T. 22 S., R. 20 E.,
- Sec. 5, lots 2, 3, and 4, S½N½, S½;
- Sec. 6, all;
- Sec. 7, all;
- Sec. 8, all.

T. 22 S., R. 23 E.,
- Sec. 1, S½;
- Sec. 2, all;
- Sec. 3, lots 1 and 2 S½NE¼, SE¼;
- Sec. 4, all;
- Sec. 12, all.

Compromising 21,770.66 acres of Federal Land of which 2,677.30 are in Crook County and 19,093.56 are in Deschutes County.

In exchange for these lands, the United States will acquire the following described lands from the State of Oregon:

Willamette Meridian

T. 14 S., R. 11 E.,
- Sec. 16; E½, NE¼SW¼, S½SW¼.

T. 15 S., R. 11 E.,
- Sec. 16; N½NW¼;
- Sec. 21; NE¼;
- Sec. 36; NW¼NW¼.

T. 4 S., R. 12 E.,
- Sec. 25; SE¼NE¼;
- Sec. 36; NW¼NW¼.

T. 15 S., R. 12 E.,
- Sec. 20; E½NE¼;
- Sec. 21; W½NW¼.

T. 4 S., R. 13 E.,
- Sec. 16; NW¼NE¼, SE¼NW¼, NW¼SW¼.

T. 5 S., R. 13 E.,
- Sec. 36; E½NE¼, NW¼NW¼, N½SE¼.

T. 16 S., R. 13 E.,
- Sec. 36; S½NE¼, SE¼NW¼.

T. 15 S., R. 14 E.,
- Sec. 16; NE¼SW¼, S½SW¼, SW¼SE¼.

T. 16 S., R. 14 E.,
- Sec. 32; NW¼, SE¼;
- Sec. 33; SW¼.

T. 17 S., R. 14 E.,
- Sec. 8; N½
- Sec. 36; NW¼NE¼.

T. 13 S., R. 15 E.,
- Sec. 17; N½SW¼;
- Sec. 18; Lots 2 and 3, SE¼NW¼, NE¼SW¼, N½SE¼, SW¼SE¼.

T. 19 S., R. 16 E.,
- Sec. 36; N½N½, S½NW¼, NW¼SW¼.

T. 16 S., R. 17 E.,
- Sec. 11; NW¼SE¼.

T. 20 S., R. 17 E.,
- Sec. 1; S½SW¼;
- Sec. 2; SE¼SE¼;
- Sec. 11; NE¼NE¼;
- Sec. 12; NW¼NE¼, N½NW¼, SE¼NW¼.

T. 1 S., R. 18 E.,

Sec. 30; S½SW¼, SW¼SE¼.
T. 5 S., R. 19 E.,
Sec. 35; E½NE¼.
T. 5 S., R. 19 E.,
Sec. 10; NW¼NW¼.
T. 22 S., R. 20 E.,
Sec. 29; S½;
Sec. 31; all;
Sec. 32; all.
T. 23 S., R. 20 E.,
Sec. 5; all;
Sec. 6; all.
T. 15 S., R. 21 E.,
Sec. 36; N½.
T. 16 S., R. 21 E.,
Sec. 10; lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 12, NE¼SW¼, S½SW¼.
T. 18 S., R. 21 E.,
Sec. 10; W½.
T. 20 S., R. 21 E.,
Sec. 36; S½NE¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼.
T. 21 S., R. 21 E.,
Sec. 36; all.
T. 22 S., R. 21 E.,
Sec. 36; all (less 1.51).
T. 9 S., R. 22 E.,
Sec. 23; NE¼NW¼;
Sec. 28; SW¼NE¼, NW¼SE¼.
T. 21 S., R. 22 E.,
Sec. 16; NW¼, S½.
T. 22 S., R. 22 E.,
Sec. 36; all.
T. 23 S., R. 22 E.,
Sec. 16; all;
Sec. 36; all.
T. 24 S., R. 22 E.,
Sec. 36; S½SW¼.
T. 22 S., R. 23 E.,
Sec. 36; all.
T. 23 S., R. 23 E.,
Sec. 16; all (less 11.25);
Sec. 36; all.
T. 26 S., R. 23 E.,
Sec. 16; all;
Sec. 36; W½NE¼, NW¼, S½.
T. 27 S., R. 23 E.,
Sec. 16; all.
T. 8 S., R. 24 E.,
Sec. 29; SE¼SE¼;
Sec. 30; lots 3 and 4, SE¼SW¼;
Sec. 31; lots 1, 2, 3, and 4, W½E½, E½W½;
Sec. 32; N½NE¼, NE¼NW¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 9 S., R. 24 E.,
Sec. 5; lots 1, 2, 3, and 4, N½SW¼, NW¼SE¼;
Sec. 6; lot 4.
T. 22 S., R. 24 E.,
Sec. 36; all.
T. 24 S., R. 24 E.,
Sec. 36; all.
T. 25 S., R. 24 E.,
Sec. 36; all.
T. 22 S., R. 25 E.,
Sec. 16, all;
Sec. 17, S½SW¼;
Sec. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 19, lot 1, N½NE¼, NE¼NW¼;
Sec. 20, N½NW¼.
T. 23 S., R. 25 E.,
Sec. 29, W½SW¼;
Sec. 32, N½NW¼, (less R/W);
Sec. 36, NW¼, S½.

Comprising 20,884.60 acres of State Land of which 3,730.05 acres are in Crook County; 6,440.84 acres are in Deschutes County; 84.00 acres are in Gilliam County; 3,823.47 acres in Harney County; 4,480.00 acres are in Lake County; 156.00 acres are in Sherman County; 400.00 acres are in Wasco County; and 1,500.30 acres are in Wheeler County.

The Federal lands selected by the State of Oregon were not identified for exchange in the BLM land use plan. Notice is hereby given that the land use plans are amended to allow for the disposal of these lands through a land exchange with the State of Oregon.

One purpose of the exchange is in keeping with the Good Neighbor Policy of the Department of the Interior in providing for the needs of State and local governments. The State or Oregon will benefit by trading many small scattered parcels of land lying within larger blocks of Federal land in return for large blocks of good range land in a manageable unit. The Federal government will be in a position to provide more efficient management to the smaller parcels acquired from the State through the formation of a compact unit. The public interest will therefore be served by completing the exchange.

The value of the lands exchanged are approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. Valid, existing rights including any right-of-way, easement or lease of record.

2. A reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1980.

3. Access over existing roads which lead to other Federal lands.

4. A 10 foot wide easement will be retained for an existing and future stockwater pipelines. The existing line originates at Juniper Springs in the NE¼SE¼, Section 6, T. 22 S., R. 24 E., W.M., and extends in a western direction through Sections 1,2,3, and part of 4, T. 22 S., R. 23 E., W.M. In addition, the easement will continue westerly through Section 4 and two lateral lines will extend in a northerly direction through Sections 3 and 4, T. 22 S., R. 23 E., W.M.

Publication of this notice has the effect of segregating all of the above described Federal lands from appropriation under the public land laws and are further segregated from appropriation under the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years, whichever occurs first.

Detailed information concerning the exchange , is available for review at the Prineville District Office of the Bureau of Land Management, 185 East 4th Street, Prineville, Oregon 97754.

for a period of 45 days interested parties may submit comments to the Prineville District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, Bureau of Land Management, who may vocate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-6827 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 34942 (A, B, C, and D)]

Oregon: Notice of Realty Action, Competitive Sale of Public Lands in Grant County, Oregon

March 9, 1983.

The following described four twenty-acre parcels have been examined and identified for a proposed disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than the appraised fair market value of $1,000 an acre ($20,000 a parcel).

Willamette Meridian

T. 13S., R. 31E.
Sec. 28: N1/2SW1/4SW1/4 (Parcel A)
Sec. 18: S1/2SW1/4SW1/4 (Parcel B)
Sec. 28: N1/2SE1/4SW1/4 (Parcel C)
Sec. 28: S1/2SE1/4SW1/4 (Parcel D)

The above described parcels, each comprising 20.00 acres, will be offered for competitive sale at the public land sale scheduled for June 1, 1983 at 10:00 A.M. The sale will be held in the Grant County Court House Building, Canyon City, Oregon.

The lands have been identified as unneeded in that they have not been used and are not required for any Federal purpose, the land's public values have been identified, and it has been determined that disposal would best serve the public interest. The sale is consistent with the Bureau's planning system and the proposed disposal of these lands has undergone public review and discussion. The land will not be offered for sale for at least 60 days after the date of this notice. Access to the tracts is not guaranteed.

Patent, when issued, will contain the following reservations in the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way, OR 016812 dated May 3, 1966, for a 50 foot transmission line.

3. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

The following terms and conditions are also applicable to the sale.

1. Said property is located within the duly adopted Urban Growth Boundary area of the City of John Day and any use or development of such parcels is subject to approval in accordance with land use regulations applicable thereto.

2. The absence of guaranteed access to any such parcel could preclude the approval by the County of any use or development of the effected parcel.

3. Any use or development of a specific parcel would require prior approval from the County for subsurface sewage disposal.

4. If the boundaries of a subject parcel are not monumented, a survey would probably be required by the County prior to any development approval.

5. The sale of these lands will be subject to all prior existing valid rights.

6. No preference right will be given to adjoining private landowners. No bids will be accepted for less than the appraised price. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States. Proof of citizenship shall accompany the bid.

7. Upon disqualification of the apparent high bidder, the next high bid will be honored.

8. Those parcels not sold pursuant to this Notice of Realty Action shall remain available for sale on a continuing basis until sold, or withdrawn from sale. Subsequent purchases may be transacted at the Burns District Office in person during regular business hours.

The sale will be conducted by sealed and oral bid. Bids must be made by the principal or his agent at, or before, the time of the sale.

The highest bid will establish the sale price. The apparent high bidder will be required to submit a nonrefundable deposit of one-fifth of the full bid price immediately at the sale. The remainder of the full bid price shall be paid within 30 days of the sale. Failure to pay price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Burns District Office. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Detailed information concerning the sale is available for review at the Burns District Office, 74 South Alvord, Burns, Oregon 97720.

Dated: March 9, 1983.

Joshua L. Warburton,

District Manager.

[FR Doc. 83-6928 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[U-49183]

Exchange of Public and State Lands Washington and Iron Counties, Utah; Realty Action

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

T. 34 S., R. 9 W.,
sec. 29, NE¼NE¼, SW¼NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, W½SE¼
sec. 30, SE¼SE¼
sec. 31, Lots 2 and 3

T. 35 S., R. 10 W.,
sec. 1, Lots 1, 2, 4, 5, 6, SW¼NE¼, S½NW¼, W½SW¼, NE¼SW¼, NW¼SE¼
sec. 3, Lots 5, 6, 7, 8, N½SE¼
sec. 10, Lots 2, 3, 4, S½SE¼NE¼, SW¼NE¼, S½NW¼, E½SW¼, SE¼
sec. 11, Lots 1, 2, 3, 4, S½N½
sec. 15, N½NE¼, W½SW¼
Total 2,268.15 acres

In exchange, the Federal Government will acquire the following tracts of non-Federal land in Washington County from the Utah Division of Wildlife Resources.

T. 39 S., R. 16 W.,
sec. 16, NW¼NW¼, S½N½, S½
T. 40 S., R. 16 W.,
sec. 16, All
T. 40 S., R. 16 W.,
sec. 20, SE¼NW¼, E½SW¼, W½SE¼
sec. 21, S½SE¼
sec. 28, N½N½, SE¼NE¼, NE¼SE¼
sec. 29, N½, N½SW¼, SE¼SW¼, W½SE¼
sec. 30, E½NE¼, SW¼NE¼, SE¼NW¼, N½SE¼
Total 2,440 acres.

Upon publication of this notice these lands will be segregated from appropriation under the public land laws, including the mining laws.

The exchange would be subject to the following terms and conditions:

Exceptions:

1. A right-of-way for the existing road site situated in lots 1, 2, and 4, sec. 1, T. 35 S., R. 10 W., SLM, Utah for public access and use.

Reservations:

1. Rights-of-way SL-063114 and U-0149116 for State and Federal highways; U-1962 and EP-014 for powerlines; U-43865 for an access road; and U-422676 for a material site for highway purposes.

2. A right-of-way thereon for ditches and canals constructed by the authority of the United States.

3. All minerals including leasable, locatable, and salable (sand, gravel, borrow, etc.) in the lands above described, with the right to prospect for, mine, and remove the same, including the right of ingress and egress for such activities, under applicable law and such regulations as the Secretary may prescribe.

Detailed information concerning the exchange is available for review at the Dixie Resource Area Office, 24 E. St. George Blvd., St. George, Utah 84770. Interested parties may submit comments or protests to the District Manager, Cedar City District Office, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720. Deadline for comments is May 6, 1983. Any adverse comments or protests will be evaluated by the District Manager who may vacate or modify this realty action. In the absence of any protest, this realty action will become the final determination of the Department.

March 9, 1983.

J. Kent Giles,

Acting District Manager.

[FR Doc. 83-6925 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[W-61324]

Proposed Sale of Public Lands in Laramie County, Wyoming; Realty Action

March 9, 1983.

The following described lands have been found suitable for disposal and are proposed for sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) at no less than fair market value.

Parcel	Legal description	Acreage	Value
1	T. 12 N., R. 60 W., 6th P.M., Wyo.: Sec. 20: Lots 1, 2, and 3.	1.33	$100
2	T. 13 N., R. 60 W., 6th P.M., Wyo.: Sec. 2: Lots 5 and 6.	14.82	1,700
3	T. 12 N., R. 62 W., 6th P.M., Wyo.: Sec. 2: Lots 1 and 2.	4.51	450
4	T. 12 N., R. 63 W., 6th P.M., Wyo.: Sec. 20: Lot 1.	0.36	100

Parcels 1 and 4 are very narrow strips of land on the Colorado border. These lands have potential for very limited agricultural use. Parcels 2 and 3 are larger tracts that have potential for agricultural or residential development.

The lands are being proposed for sale in order to facilitate land-use planning in the area and to enhance land-use compatibility with adjoining lands. These lots are small and irregularly shaped isolated parcels which are difficult to manage as part of the public lands. They are unsuitable for management by another federal agency. There are no significant resource values which would be affected by this disposal. The proposed sale is consistent with Bureau Planning and is compatible with County Plans. The public interest would be well served by making these lands available for public sale.

Patent for each parcel, if issued, would contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals with the right to explore, prospect for, mine, and remove under applicable law, and such regulations as the Secretary may prescribe. "All minerals" is defined as, but not limited to, metaliferous and non-metaliferous locatable minerals, leasable minerals such as oil gas, coal, sodium, potassium, and geothermal resources, and salable minerals such as sand and gravel. However, upon filing of an application under 43 CFR 2720, the State Director may convey the mineral interest if all requirements of the law are met.

3. The land would be sold subject to valid existing rights of record on the date of conveyance.

4. The sale of parcel 4 would be subject to oil and gas lease W–79434.

The lands, if sold, would remain subject to Laramie County planning and zoning. All lands have legal access except parcel 1. The successful bidder on parcel 1 would need to obtain legal access across approximately one-half mile of private land.

The proposed public land sale would be held on Wednesday, June 1, 1983, at the Wyoming State Office of the Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming. Registration of bidders would begin at 1:00 p.m. and the proposed sale would start upon completion of registration.

Detailed information concerning the proposed sale, including the planning documents, and the land report/environmental assessment, is available for review at the Bureau of Land Management, Rawlins District Office, 1300 North Third Street, Rawlins, Wyoming 82301. No bid would be accepted for less than the appraised value and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in case of corporations, subject to the laws of any state of the United States. We recommend the lands be inspected by prospective bidders prior to submitting a bid.

Bids must be made by a principal or his agent, either by sealed bid mailed or delivered to the Bureau of Land Management, Rawlins District Office, or oral bidding at the sale, if held. Bids delivered or sent by mail would be considered only if received at the Bureau of Land Management, Rawlins District Office, 1300 North Third Street, P.O. Box 670, Rawlins, Wyoming 82301, prior to 12:00 noon on Tuesday, May 31, 1983. Each bid must be in a sealed envelope accompanied by a certified check, money order, bank draft, or cashier's check, made payable to the Bureau of Land Management for the full amount of the bid. The envelopes must be marked in the lower left-hand corner as follows: "Bid Parcel No. ——, W–81324, Sale to be Held June 1, 1983."

The highest sealed bid on the parcel would determine the base of the oral bidding conducted the day of the sale. If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the authorized officer immediately following the opening of the sealed bids. The highest qualifying bid would be publicly declared on the day of the sale and oral bids would then be invited. After oral bids, if any are received, the highest qualifying bid would be declared by the authorized officer. The person declared to have entered the highest qualifying oral bid shall submit payment by cash, personal check, bank draft, money order, cashier's check, certified check, or any combination for the full bid price immediately following the close of the sale.

All bids would be either returned, accepted, or rejected in writing within 30 days of the sale date.

If any or all parcels do not sell at the June 1, 1983, sale, the sale will be adjourned and the unsold parcels would be reoffered on the last Wednesday of each month at the Rawlin District Office, 1300 North Third Street, Rawlins, Wyoming, until the parcel is sold or the sale is otherwise terminated. Please contact the Rawlins District Office of the Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301 (Phone: 307/324–7171) for further details.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Rawlins District Manager, Bureau of Land Management, Rawlins District Office, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Jack Kelly,

Acting District Manager.

[FR Doc. 83-6926 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[W-80207]

March 10, 1983.

Wyoming; Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211–214), the county of Uinta, Wyoming, has applied for an airport lease for the following land for expansion of the Fort Bridger Airport:

Sixth Principal Meridian, Wyoming

T. 16 N., R. 115 W.,
Sec. 5, lots 3 and 4;
Sec. 6, lots 1 and 14, and NE¼SE¼;
Sec. 7, NE¼.
Containing 270.06 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869,

Highway 187 North, Rock Springs, Wyoming 82901.

David Pomerinke,

Acting Chief, Branch of Land Resources.

[FR Doc. 83-6832 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Bakersfield District Advisory Council; Meeting

The Bakersfield District Advisory Council will convene at the Hilton Inn in Bakersfield. The agenda includes discussion of urgent District programs and concerns. These concerns include the District's FY 83 asset management program and organizational changes resulting from the recent BLM–MMS merger.

Dates and Time: The meeting will begin Monday, April 4 at 9:00 a.m. and conclude Tuesday, April 5 by 2:00 p.m. Members of the public wishing to make oral comments may do so Tuesday at 10:00 a.m.

Supplementary Information: This meeting is held in accordance with Pub. L. 92–463. The agenda will include: State Director introduction and comments; District administrative reorganization resulting from the BLM–MMS merger; presentation of the District's FY 83 asset management program; other resource management concerns; council organizational needs; and receiving public comments.

The meeting is open to the public. The public may make oral statements Tuesday, April 5 beginning at 10:00 a.m. If written comments will be presented for the councils consideration, they must be submitted before the close of the meeting.

Summary minutes of the meeting will be maintained in the District Office and available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

For further information, contact District Manager, Bakersfield District, Bureau of Land Management, 800 Truxton Avenue, Room 302, Bakersfield, California 93301.

Dated: March 11, 1983.

Glenn A. Carpenter,

Acting District Manager.

[FR Doc. 83-6822 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

California Desert District; Off Highway Vehicle Designation Decisions in the Kelso, Yucca Valley and Imperial Valley South Map Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Off highway vehicle designation decisions to open, close and limit use of routes of travel in the Kelso, Yucca Valley and Imperial Valley South map areas.

SUMMARY: Off highway vehicle designation decisions have been made to protect the resources of the area, to promote safe use of the lands and to minimize conflicts among users. The designations were prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0–6, 8340, 8341, 8342 and 8364. The California Desert District Conservation Area had been previously mapped using a 21 series map set called the Motorized Vehicle Interim Access Guides. These guides provided the interim vehicle designations as made in the California Desert Conservation Area Plan until such a time as each map area could be more carefully examined. This notice serves to increase public awareness that proposed designation decisions have been completed on the following three map areas:

1. The Kelso map area, located in central Kern County containing approximately 165,000 acres of BLM administered land.

2. The Yucca Valley map area, located in southern San Bernardino County containing approximately 160,000 acres of BLM administered land.

3. The Imperial Valley South map area, located in southern Imperial County containing approximately 420,000 acres.

These designations supersede the Interim Critical Management Plan (ICMP) designations for these areas. The designation decisions were prepared with extensive public involvement. Public meetings were held in El Centro (July 8, 1982), Ridgecrest (August 30, 1982) and in Yucca Valley (August 12, 1982). Ad hoc citizen groups composed of interested members assisted. These groups represented the spectrum of public concerns and were involved in the preparation of the decisions.

DATES: These designations are effective upon publication and will remain in effect until rescinded (or modified by the authorized officer. Enforcement of these route designations will be implemented as routes are signed or as maps are printed and become available to the public.

ADDRESSES: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Route designations decision records and maps showing vehicle designations will be available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351–6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989, 42 FR 26959 (May 25, 1977). Any person who violates or fails to comply with the vehicle route designations as governed by 43 CFR 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1000 or imprisonment for not longer than 12 months, or both.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-6823 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31918, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982, the plat representing the survey of an island in Little Toad Lake, T. 139 N., R. 39 W., Fifth Principal Meridian, Minnesota, which was omitted form the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 139 N., R. 39 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the islant Tract No. 37 ranges up to approximately 20 feet above the ordinary high water mark of Little Toad Lake. Timber consists of elm, oak, ash, basswood, birch, balsam fir, and white pine. The ground cover consists of hazel, dogwood, and cranberry. A white pine, 30 inches in diameter, was aged at approximately 150 years of age.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850

(9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6818 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31919, Survey Group 145]

Minnesota; Filing of Plat of Survey

1. On July 21, 1982 the plat representing the survey of an island in Stinking Lake, T. 140 N., R. 43 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m. June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 140 N., R. 43 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 10 feet above the ordinary high water mark of Stinking Lake. Timber consists of elm, oak, ash, basswood, and box elder. The ground cover consists of cherry and hazel. An elm tree was found on the island measuring 45 inches in diameter, aged at approximately 140 years.

The elevation of the island, age of timber, presence of large tree stumps similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island decribed above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 2204 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operation.

[FR Doc. 83-6819 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31920, Survey Group 148]

Minnesota; Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Island Lake, T. 141 N., R. 35 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 141 N., R. 35 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation of the island Tract No. 37 ranges up to approximately 4 feet above the ordinary high water mark of Island Lake. Timber consists of basswood, ash, willow, spruce, and elm. The ground cover consists of willow and dogwood. Trees on the island were aged up to 80 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50% upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304, by June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6820 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 31921, Survey Group 147]

Minnesota; Filing of Plat of Survey

1. On July 22, 1982, the plat representing the survey of an island in Clearwater Lake, T. 149 N., R. 36 W., Fifth Principal Meridian, Minnesota, which was omitted from the original survey, was accepted. It will be officially filed in the Eastern States Office, Alexandria, Virginia, at 7:30 a.m., June 15, 1983.

Fifth Principal Meridian, Minnesota

T. 149 N., R. 36 W.,
Tract No. 37.

2. The character of Tract No. 37 is similar in all respects to that of the adjacent surveyed lands.

Elevation on the island Tract No. 37 ranges up to approximately 15 feet above the ordinary high water mark of Clearwater Lake. Timber consists of spruce, cedar, birch, oak, ash, elm, and fir. The ground cover consists of dogwood, willow and alder. An 18 inch diameter spruce was aged at approximately 90 years.

The elevation of the island, age of timber, presence of large tree stumps, similarity of timber succession on the island and mainland, composition of the soil and character of the channel, show conclusively that this body of land existed as an island in 1858 when Minnesota was admitted into the Union, and at all subsequent dates.

3. The island described above was found to be over 50 percent upland in character within the purview of the Swamp Lands Act of September 28, 1850 (9 Stat. 519). It is, therefore, held to be public land.

4. All inquiries relating to this island should be sent to the Deputy State Director for Lands and Minerals Operations, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304 June 15, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-6821 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-84-M

Formal Designation of Open and Closed Areas; California Desert Conservation Area (CDCA)

AGENCY: Bureau of Land Management, Interior.

ACTION: Formal designation of areas open or closed to vehicle use in the California Desert Conservation Area (CDCA).

SUMMARY: The CDCA Plan was completed in 1980. One of the goals of the plan was to provide for appropriate areas for vehicle free play (open areas). These open areas were selected to ensure the protection of sensitive resources, to promote safe use of the public land and to minimize conflicts among users. A second goal of the plan was to minimize damage or degradation of the natural, cultural and aesthetic values of the desert; this necessitated closure of certain areas to off-highway vehicle use.

Approval of the CDCA Plan constituted the off-highway vehicle use designation of all lands in the CDCA. All open and closed areas became immediately designated when the plan was signed. However, formal designation in the **Federal Register** never occurred. This notice serves to give public notice for designating the 503,000 acres open to vehicle use and the 2,089,000 acres closed to vehicle use as approved in the CDCA Plan. The remaining 9,220,000 acres in the CDCA were designated as limited in the CDCA Plan; these areas will be further analyzed under a separate process that will designate individual routes of travel within the limited area as open, closed or limited to vehicle use.

The decision of the CDCA Plan to open and close the following areas was prepared following the criteria defined in 43 CFR 8342.1 and with the authority of 43 CFR 8000.0–6, 8340, 8341, 8342, and 8364.

DATES: Effective immediately upon publication.

ADDRESSES: Send inquiries to District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Maps showing the open and closed areas in the CDCA are available for public review at the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT: Pamela M. Elliott (714) 351–6369.

SUPPLEMENTARY INFORMATION: Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989 42 FR 26959 (May 25, 1977).

Any person who violates or fails to comply with the vehicle designations as governed by 43 CFR 8341 is subject to arrest, conviction and punishment pursuant to appropriate laws and regulations. Such punishment may be a fine of not more than $1,000 or imprisonment for not longer than 12 months, or both.

Area Designations

The following areas are identifed on the BLM map series entitled "Motorized Vehicle Interim Access Guides." The maps are available for review at the address listed above and from the Area Offices in Barstow, Ridgecrest, Needles, and El Centro.

Designated Open Areas

Designation applies to Bureau of Land Management Administered Lands:

Arroyo Salada
Razor Area
Dove Springs
Jawbone Canyon
Silurian Dry Lake
Ford Dry Lake
Panamint Dry Lake (South of Hwy 190)
Rice Valley Dunes
Mammoth Wash Area
Plaster City
Spangler Hills
Olancha Dunes
Dumont Dunes
Glamis/Gecko
El Mirage Dry Lake
Stoddard Valley
Johnson Valley
Buttercup Valley

Designated Closed Areas

Designation applies to Bureau of Land Management Administered Lands:

Desert Tortoise Natural Area
Darwin Falls
Mecca Hills (NW Half)
Squaw Spring
Salt Dry Lake
Mesquite Dry Lake
Ivanpah Dry Lake[1]
Soda Dry Lake[2,3]
Panamint Dry Lake (North of Hwy 190)
Silver Dry Lake[2,3]
Coyote Dry Lake [2,3]
Saline Dunes
Fish Creek Mountains
Pilot Knob
Turtle Mountain[5]
Orocopia Mountains[5]
Area West of Davies Valley (Skull Valley, Pinto Canyon Drainage)
Crucifixtion Thorn[5]
Panamint Dunes
Cadiz Dunes
Eureka Dunes
Superior Dry Lake[1,4]
Harper Dry Lake[1,4]
North Saline Valley[5]
Owens Peak[5]
El Paso Mountain[5]
Amargosa Canyon[5]
Clark Mountain[5]
Kelso Dunes[5]
Whipple Mountain[5]
Coyote Mountains
Greenwater Canyon
Desert Lily[5]
San Sebastian Marsh[5]
North Imperial San Dunes[5] (South of Mammoth Wash Open Area to State Route 78)

[1] Open to Non-Motorized Vehicle Access.
[2] Except by Permit.
[3] Except for Approved Route(s) of Travel.
[4] Limited Passage of Vehicles Across Area, No Motorized Free Play.
[5] Areas Designated Closed Under the Interim Critical Management Plan (ICMP) Which Remain Closed Under the CDCA Plan.

Gerald E. Hillier,
District Manager.

[FR Doc. 83-6824 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Mines

Bureau Survey Form Submitted for Review

The extension for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget Interior Desk Officer at 202–395–7340.

Title: Helium Purchase Contract Application.
Bureau Form Number: 6–1504–X.
Frequency: On Occasion.
Description of Respondents: Purchasers of Government Helium.
Annual Responses: 19.
Annual Burden Hours: 5.
Bureau Clearance Officer: Robert L. Miller, 202–634–1125.

Dated: March 3, 1983.

Robert C. Horton,
Director.

[FR Doc. 83-6856 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-53-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3235, Block 139, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service

is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 10, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6648 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0297, Block 28, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6650 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that General American Oil Company of Texas has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 0299 and 0301, Blocks 45 and 56, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 11, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6650 Filed 3-16-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

Colorado; Amendment of Wilderness Inventory Decisions

AGENCY: Department of the Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 16 areas totaling 44,730 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Colorado, eliminating all or part of 12 wilderness study areas (WSA). The total area eliminated from WSA status under Section 603 of FLPMA is 17,876 acres. As noted above, part of that acreage will continue to be studied for wilderness consideration under Section 202 of FLPMA. The total area returned to the full range of multiple uses other than wilderness is 9,910 acres.

EFFECTIVE DATE: March 17, 1983. (Date of publication)

FOR FURTHER INFORMATION CONTACT: Colorado State Director, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, telephone (303) 837–3393.

SUPPLEMENTARY INFORMATION:

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management (BLM) wilderness study areas in Colorado to bring the BLM wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The sixteen areas listed in Table 1 have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy Management Act of 1976 (FLPMA) or for consideration for other forms of protective management. These areas were formerly identified as wilderness

study areas under Section 603 of FLPMA. They were either eliminated from that category on December 30, 1982, or they are being eliminated by Sections 2 and 3 of this decision.

Section 2. Split-Estate Lands

The lands listed as "split estate" in Table 2 are deleted from wilderness study area status, effective upon publication of this decision in the **Federal Register**. These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. They consist of scattered tracts where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned (referred to hereafter as split estate). In the wilderness study area (WSA) listed in Table 2, only the indicated acreage of split-estate lands is eliminated from wilderness study; the remainder of the WSA remains under wilderness study, and the boundary of the WSA has not been changed. The deletions do not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics.

The boundaries of the wilderness study areas listed in Table 3 are modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands. Only the indicated acreage is eliminated from wilderness study. The remainder of the WSA remains under wilderness study, and the boundary change does not affect the BLM's previously adopted conclusions as to the presence of wilderness characteristics in the remaining WSA.

Section 3. Contiguous Areas

The areas listed in Table 4 are deleted from the status of wilderness study areas, effective upon publication of this decision in the **Federal Register**. These are lands that were improperly identified for wilderness study under Section 603 of FLPMA. These areas were found not to have wilderness characteristics by themselves, but were found to have those characteristics in association with contiguous wilderness candidate areas administered by the National Park Service.

Section 4. Management of Deleted Lands

All lands in Colorado deleted from wilderness study status by this decision in Tables 2, 3 and 4 or by the decision issued on December 30, 1982, (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 636 acres (Bull Gulch) are being considered for Area of Critical Environmental Concern designation and will be managed to protect the identified scenic values. The remaining 9,910 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

Garrey E. Carruthers,

Assistant Secretary.

March 14, 1983.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT

Area name	Number	Acreage	County	Category
Adjacent to Dinosaur National Monument	CO-010-224	4,320	Moffat	Wilderness.[1]
Do	CO-010-224A	1,320	do	Do.
Do	CO-010-226	4,880	do	Do.
Do	CO-010-228	5,200	do	Do.
Do	CO-010-2290	6,900	do	Do.
America Flats	CO-030-217	4,710	Hinsdale/San Juan Ouray	Do.
Weminuche Contiguous	CO-030-226B	1,080	San Juan	Do.
Needle Creek	CO-030-229B	4,340	San Juan/La Plata	Do.
Sand Castle	CO-050-135	1,844	Alamosa	Do.
Black Canyon	CO-050-131	2,300	Saguache	Do.
South Piney Creek	CO-050-132B	870	do	Do.
Papa Keal	CO-050-137B	1,020	Alamosa	Do.
Zapata Creek	CO-050-139B	720	do	Do.
Eagle Mountain	CO-070-392	330	Pitkin	Do.
Hack Lake	CO-070-425	3,360	Garfield/Eagle	Wilderness; ACEC.[2]
Bull Gulch	CO-070-430	636	Eagle	ACEC.
Total (16 areas)		44,730		

[1] In this table "wilderness" denotes wilderness consideration under Section 202 of FLPMA.
[2] "ACEC" denotes consideration for areas of critical environmental concern.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—SPLIT-ESTATE DELETED

WSA name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
Manaties Mountain	CO-030-251	7,400	120	7,280	Montezuma.

TABLE 3.—MODIFIED WILDERNESS STUDY AREAS—BOUNDARY CHANGED TO DELETE SPLIT ESTATE

WSA name	Number	Old WSA acreage	Acres split-estate	Revised WSA acreage	County
Willow Creek	CO-010-002	13,368	94	13,274	Moffat.
Skull Creek	CO-010-003	13,740	226	13,514	Do.
Redcloud Peak	CO-010-208	49,575	1,770	38,400	Hinsdale.
Whitehead Gulch	CO-030-230B	6,200	640	5,560	San Juan.
Rancher Peak	CO-030-241	18,860	600	18,260	Hinsdale.
McIntyre Hills	CO-050-013	16,900	740	16,000	Fremont.
Lower Grape Creek	CO-050-014	11,220	590	10,630	Do.
Upper Grape Creek	CO-050-017	10,200	360	9,840	Do.
Bull Gulch	CO-070-430	15,000	636	14,364	Eagle.
Total (9 areas)			5,666		

TABLE 4.—ELIMINATED WILDERNESS STUDY AREAS—CONTIGUOUS AREAS WITHOUT WILDERNESS CHARACTERISTICS

WSA name	Number	WSA acreage	County
Adjacent to Dinosaur National Monument	CO-010-228	5,200	Moffat.
Adjacent to Dinosaur National Monument	CO-010-2290	6,900	Moffat.
Total (2) areas		12,100	

[FR Doc. 83-6881 Filed 3-16-83; 8:45 am]
BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decisions-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

Please direct status inquiries to Team 2, at (202) 275-7030.

Volume No. OP2-109

Decided: March 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 139983 (Sub-No. 2)X, filed February, 24, 1983. Applicant: CAHOON FARMS TRUCKING, INC., P.O. Box 295 North Rose, NY 14516. Representative: Michael A. Wargula, 128 Sherburn Dr., Hamburg, NY 14075 (716) 648-0481. Sub-No. 1, to (1) change all one-way territorial movements to "between points in the U.S. (except AK and HI), under continuing contract(s) with named shippers"; and (2) broaden the commodity description from frozen prepared apples, frozen prepared cherries, and frozen foods, to "food and related products.

Please direct status inquiries to Team 5 at (202) 275-7289.

Volume No. OP5-115

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 128409 (Sub-14)X, filed February 10, 1983. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, 2312 South 29th, Moorhead, MN 56560. Representative: Richard P. Anderson, Federal Square, 112 Roberts Street, P.O. Box 2581, Fargo, ND 58108. Lead and Subs 2, 5F and 7F permits: (A) Broaden from: (1) Lead (a) fertilizer, chemicals and twine (except liquids in bulk), to "chemicals and related products and textile mill products", and (b) plywood, millwork, and materials and supplies to "lumber and wood products", (2) Sub 2, steel storage tanks to "metal products", (3) Sub 5F, (a) sugar (except inedible sugar), in bulk, in tank vehicles and (b) materials and supplies used by sugar beet processing plants (except liquid commodities in bulk, in tank vehicles) to "food and related products", (4) Sub 7F, soda ash to "chemicals and related products", and (5) broaden all of the above listed permits to "between points in the U.S., under continuing contract(s) with named shippers."

MC 140168 (Sub-8)X, filed February 3, 1983. Applicant: FANETTI TRANSPORT, INC., Route 2, Bloomer, WI 54724. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719 (608) 273-1003. Sub Nos. 2, 5F, 6F, and 7F Certificates: Broaden (1)(a) and Subs 2 and 7F to "food and related products" from fresh inedible meats and dairy products (except in bulk), (b) Sub 6F to "chemicals and related products" from chemicals and solvents (except in bulk), and (c) Sub 5F to "building materials and materials, equipment and supplies used in the manufacture and sale of building materials" from building insulation and materials, equipment, and supplies used in the manufacture and sale of building insulation (except in bulk); (2) city points to countywide authority: Sub 2 to Clark and Barron Counties, WI (Greenwood and Cameron, WI), Leigh and Columbia Counties, PA (Allentown and Bloomsburg, PA), Cleveland and Mahoning Counties, OH (Cleveland and Sebring, OH), and Elkhart County, IN (New Paris, IN), Sub 5 to Chippewa County, WI (Bloomer, WI), Sub 6F to Marathon County, WI (Wausau, WI), and Sub 7F to Chippewa County, WI (Bloomer, WI); (3) expand one-way to radial authority in all subs; and (4) remove plantsite restriction in Sub 6F.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6984 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 26]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by 49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

New York Docket No. T-10135, filed February 1, 1983. Applicant: DONALD K. BLAIR, d.b.a. A-1 GOUVERNEUR MOTOR SALES, R.F.D. 58, Box 339A, Gouverneur, NY 13642.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Mobile Homes*, between all points in Jefferson and St. Lawrence Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-10145, filed February 22, 1983. Applicant: FUTURE TRANSPORT INC., 6 Lamb Place, Dix Hills, NY 11746. Representative: Peter B. Clerer, Esq., 275 Broad Hollow Rd., Melville, NY 11747.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between all points in Nassau and Suffolk Counties and New York City. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-6110, filed February 22, 1983. Applicant: HAROLD'S EXPRESS, INC., 25 Liberty Street, Binghamton, NY 13901.

Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between the Counties of Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Oneida, Onondago, Otsego, Steben, Tioga and Tompkins. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-6836 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property-that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier-that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker-that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries about the following to Team 3 at (202) 275-5223.

Volume No. OP3-93

Decided: March 8, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 2934 (Sub-136), filed February 15, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875-1142. Transporting *general commodities* (except commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with GTE Corporation, of Stamford, CT.

MC 15735 (Sub-73), filed February 28, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Hills Department Stores, of Canton, MA.

MC 15735 (Sub-74), filed February 28, 1983. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-

8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company, and its subsidiaries, of St. Louis, MO.

MC 123285 (Sub-13), filed February 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *petroleum products*, between points in OR, WA, ID, MT and CA, under continuing contract(s) with Union Oil Company of California of Los Angeles, CA.

MC 123806 (Sub-19), filed February 28, 1983. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. 1, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, (314) 636–2321. Transporting *commodities in bulk*, between points in MO, IA, and IL.

MC 135364 (Sub-56), filed February 28, 1983. Applicant: MORWALL TRUCKING, INC., R.D. 3, Box 76–C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *paper and related products*, and *chemicals and related products*, between points in Hampden County, MA, on the one hand, and, on the other, those points in the U.S. east of MN, IA, KS, OK, and TX.

MC 143385 (Sub-5), filed February 28, 1983. Applicant: TRANSPORT ROBERT (1973) LTEE, 150 First Avenue–C.P.–39, Rougemont, P. Quebec, Canada JOL 1MO. Representative: Robert D. Schuler, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013, (819) 871–1112. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. under continuing contract(s) with Heeg Manufacturing, Inc., of Quebec, Canada.

MC 144754 (Sub-2), filed February 16, 1983. Applicant: LAWRENCE WARD TRUCKING, INC., P.O. Box 1842, Hereford, TX 79045. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–0555. Transporting *such commodities* as are dealt in or used by food and grocery business houses, between points in the U.S. (except AK and HI).

MC 146235 (Sub-4), filed January 17, 1983. Applicant: J. H. SIMS TRUCKING CO., INC., 505 So. Palmetto St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633, (714) 738–3889. Transporting *building materials*, between points in CA and AZ. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permit in MC–139947 (Sub-No. 2), issued August 21, 1981.

Note.—The purpose of this application is to convert applicant's existing contract carrier authority in MC–139947 (Sub-No. 2) to common carrier authority.

MC 147655 (Sub-7), filed February 28, 1983. Applicant: PAYNE, INC., P.O. Box 112, Brandy Station, VA 22714. Representative: Daniel B. Johnson, 4304 East-West Hwy., Bethesda, MD 20814, (301) 654–2240. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 160725 (Sub-1), filed February 22, 1983. Applicant: A & S TRUCKING COMPANY, INC., 404 Cross St., Cleveland, MS 38732. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *food and related products*, (2) *textile products*, (3) *machinery*, (4) *metal products*, (5) *transportation equipment*, (6) *rubber and plastic products*, (7) *lumber and wood products*, (8) *iron and steel articles*, and (9) *munitions*, between points in the U.S. (except AK and HI). Condition: The authority granted herein to the extent it authorizes the transport of munitions is limited in point of time to a period of five (5) years from the date of issuance.

MC 164225, filed February 28, 1983. Applicant: GILBERT B. SCHUMACHER, d.b.a., U. V. RENTAL CO., 508 Randall Avenue, DePere, WI 54110. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. Transporting *metal and related products*, between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 164394, filed February 28, 1983. Applicant: J & C CARTAGE, INC., 13231 Conant Avenue, Detroit, MI 48212. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) , between points in MI, IN and OH.

MC 164625, filed February 28, 1983. Applicant: SHAEN MAGAN TRUCKING, 7580 Rasmussen Rd., Visalia, CA 93278. Representative: Shaen Magan (same address as applicant) (209) 651–1576. Transporting (1) *sulphur*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in Nye County, NV, under continuing contract(s) with Chevron Chemical Co., of Fresno, CA, (2) *petroleum oil*, between points in Nye County, NV, on the one hand, and, on the other, points in Los Angeles County, CA, under continuing contract(s) with Crest Trading Co., of Bakersfield, CA, and (3) *flat glass*, between points in Fresno County, CA, on the one hand, and, on the other, points in Clark County, NV, under continuing contract(s) with Guardian Industries Corp., of Kingsburg, CA.

MC 166134, filed February 8, 1983. Applicant: KnK FAST FREIGHT, INC., 1015 S. Lafayette A–3, Royal Oak, MI 48067. Representative: Jeffrey Knapp, (same address as applicant) (313) 365–8837. Transporting (1) *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Weyerhaeuser Company, of Chicago, IL, and (2) *clay, concrete, glass and stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Colonial Brick Company, of Detroit, MI.

MC 166264, filed February 15, 1983. Applicant: FELTMAN TRUCKING COMPANY, Route 1, Box 37, Hamilton, AL 35570. Representative: C. Harry Green, P.O. Box 547, Hamilton, AL 35570, (205) 921–2133. Transporting *lumber* and *iron and steel articles*, between points in the U.S. (except AK and HI).

MC 166284, filed February 15, 1983. Applicant: H.P. TRANSPORT INC., 51 New Brunswick Ave., Hopelawn, NJ 08861. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 166285, filed February 15, 1983. Applicant: TRANSROAD, INC., Rt. 1, Henagar, AL 35978. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 166384, filed February 23, 1983. Applicant: McNEILL TRUCKING CO., P.O. Box 4785, Margate, FL 33063. Representative: Richard B. Austin, 320 Rochester Bldg., 6390 N.W. 53rd St., Miami, FL 33166, (305) 592–0036. Transporting (1) *lumber and wood*

products, and (2) *such commodities* which because of their size or weight require the use of special handling or equipment, between points in AL, FL, GA, LA, MS, NC, SC, TN, and TX.

MC 166385, filed February 23, 1983. Applicant: DOBSON BROS. TRUCKING, Box 329, Taft Hill Rd., RD 2, Painted Post, NY 14870. Representative: Olin L. Dobson (same address as applicant), (607) 936–8930. Transporting *salt* and *salt products*, between points in PA, NY and NJ, under continuing contract (s) with Morton Salt Division of Morton Thiokol, Inc., of Chicago, IL.

MC 166404, filed February 23, 1983. Applicant: STARVING STUDENTS, INC., P.O. Box 25933, Los Angeles, CA 90025. Representative: Ethan Harold Margalith (same address as applicant), (213) 479–6505. Transporting *household goods*, between points in the U.S.

MC 166455, filed February 28, 1983. Applicant: GEORGE B. SELKO, d.b.a. GE–BE FREIGHT LINES, P.O. Box 7148, Sacramento, CA 95826. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco, CA 94111 (415) 986–1414. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA and NV.

MC 166475, filed February 28, 1983. Applicant: EDWARD R. RATHWAY, d.b.a. EDWARD R. RATHWAY TRUCKING, R. D. #2, Box 174, Perryopolis, PA 15473. Representative: Kevin W. Walsh, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting *coal and coal products*, between points in PA, on the one hand, and, on the other, points in OH, NY, WV, VA, MD, CT MA, and NH, under continuing contract(s) with Northbrook Mining, Inc., of Charleroi, PA.

MC 166494, filed February 28, 1983. Applicant: JONRIC, LTD., 6505 W. Van Buren, Phoenix, AZ 85034. Representative: David Robinson, 2228 W. Northern Ave., Suite B–201, Phoenix, AZ 85021 (602) 864–0999.Transporting (1) *building materials*, (2) *food and related products*, (3) *paper products*, (4) *plastic products*, and (5) *furniture*, between points in CA, AZ, OK, NV, TX NM, OR, WA, and CO.

Volume No. OP3–96

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier: Member Fortier not participating.

MC 2934 (Sub-143), filed February 28, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant) (317) 875–1142. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Schlumberger-North America, of Houston TX.

MC 72914 (Sub-6), filed February 28, 1983. Applicant: SOUTH HILLS MOVERS, INC., 3132 Industrial Blvd., Bethel Park, PA 15102. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *household goods*, (1) between points in ME, MT, OR, SD, and WA, and (2) between points in ME, MT, OR, SD, and WA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IS, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV, WI, WY, and DC.

MC 123744 (Sub-100), filed February 25, 1983. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830 (814) 765–9611. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 147774 (Sub-5), filed February 24, 1983. Applicant: SURE–WAY TRANSPORTATION, INC., 103 Buckner, Columbus, MO 65201. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375 (212) 263–2078. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, IA, IL, KS, KY, MO, NE, OK, and TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 147895 (Sub-3) filed February 24, 1983. Applicant: EXPRESS TRANSPORT CORP., Crows Mill Rd., P.O. Box 1, Keasbey, NJ 08832. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 234–0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 149075 (Sub-10), filed February, 25, 1983. Applicant: OVER LAND, INC., P.O. Box 15819, Northside Sta., Panama City, FL 32406. Representative: Wilhelmina Boersma 1600 First Federal Bldg., Detroit, MI 48226 (313) 962–6462. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 153074 (Sub-1), filed February 28, 1983. Applicant: F. RILEY'S EXPRESS, INC., 7611 W. Lincoln Ave., Summit, IL 60501. Representative: Richard Catrambone (same address as applicant), (312) 594–2575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, TN, and WI.

MC 154705 (Sub-3), filed February 25, 1983. Applicant: MAC'S CUSTOMIZED DISTRIBUTION SERVICE, INC., 4150–B Pleasantdale Rd., Doraville, GA 30340. Representative Kim G. Meyer, Suite 1006, South Tower, 225 Peachtree St., N.E., Atlanta, GA 30303, (404) 523–1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Peter L. McKenna, d/b/a MacKenna Brokers, of Doraville, GA.

MC 159335 (Sub-1), filed February 25, 1983. Applicant: INTERMODAL CARRIERS, INC., 2815 Gaston Ave., Dallas, TX 75226. Representative: William S. Tibbets, Jr., (same address as applicant), (214) 827–2452. Transporting *such commodities* as are dealt in or used by department stores, between points in TX.

MC 160054 (Sub-1), filed February 28, 1983. Applicant: SHANNON TRUCKING, INC., 2002 Preston St., Rockford, IL 61102. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *metal products* and (2) *machinery*, between points in Boone and Winnebago Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (3) *metal products*, between points in Dane County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161214 (Sub-2), filed February 28, 1983. Applicant: CHIP TRUCKING, INC., P.O. Box 556, Mountville, PA 17554. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in

bulk), between points in the U.S. (except AK and HI).

MC 106405, filed February 22, 1983. Applicant: McQUINN TRANSFER, INC., 700 12th St., Columbus, GA 31901. Representative: W. H. Tomlinson 1601 13th St., Suite B, Columbus, GA 31901, (404) 322–6404. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between points in GA and AL.

MC 106534, filed February 24, 1983. Applicant: ROBERTSON-WILLIAMS TRANSPORT, INC., 5803 Blue Parkway, Kansas City, MO 64129. Representative: Warren H. Sapp, 615 Ann Ave., Kansas City, KS 66101, (913) 621–0055. Transporting *petroleum and its products*, between points in IA, KS, MO, NE, OK, TX, those in Boulder and Jefferson Counties, CO, and those in CO on and east of Interstate Hwy 25.

Volume No. OP3–99

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Frotier.

MC 139464 (Sub-5), filed February 25, 1983. Applicant: BASS TRANSPORT, INC., Route 2, Box 64–A, Altavista, VA 24517. Representative: Frank B. Hand, Jr., 523 S. Cameron St., Winchester, VA 22601, (703) 662–0927. Transporting (1) *furniture and fixtures*, between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) (a) *food and related products*, and (b) *rubber and plastic products*, between points in Campbell County, VA, on the one hand, and, on the other, points in WA, OR, CA, MN, WI, IL, NY, NJ, PA, MD, FL, GA, AL, MS, NC, SC, WV, and TN.

MC 141504 (Sub-1), filed February 25, 1983. Applicant: WICKWIRE TRUCKING, INC., P.O. Box 241, Wyoox, PA 18544. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *lumber and wood products, and building materials*, (1) between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada, and (2) between points named in (1) above, on the one hand, and, on the other, those points in the U.S. on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 145485 (Sub-6), filed February 22, 1983. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman Drive, Corunna, MI 48817. Representative: Dennis Dean Kirk, Suite 929, Penn. Bldg., 425 13th Street NW., Washington, D.C. 20004, (202) 347–2857. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 151065 (Sub-2), filed February 24, 1983. Applicant: KANSAS CITY PIGGYBACK, INC., 3600 Great Midwest Dr., Kansas City, MO 64161. Representative: Donald J. Quinn, Commerce Bank Bldg., Suite 232, 8901 State Line, Kansas City, MO 64114, (816) 444–7474. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Springfield, MO, on the one hand, and, on the other, points in AR, IA, KS, MO, NE, and OK.

MC 153215 (Sub-2), filed February 25, 1983. Applicant: DON'S MOTOR EXPRESS, INC., 1168 168th St., R.R. #7, White Rock, B.C., Canada V4B 5A8. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle WA 98104, (206) 622–3220. Transporting *general commodities* (except classes A and B explosives and household goods), between ports of entry on the International Boundary line between the U.S. and Canada, in WA, ID, and MT, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, WY, CO, NV, UT, AZ, and NM.

MC 161305 (Sub-1), filed February 28, 1983. Applicant: R & R TRUCKING, INC., 823 Menominee, Lake in the Hills, IL 60102. Representative: James O'Grady, 8550 W. Golf Road, Niles, IL 60648, (312) 827–6191. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S., under continuing contract(s) with Lomax Piggyback, Inc., of Lake Bluff, IL.

MC 161795 (Sub-3), filed February 25, 1983. Applicant: VANTAGE TRANSPORT, INC., 6610 Fleetwood Rd., McLean, VA 22101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164034, filed February 24, 1983. Applicant: ALMAC MOVING AND STORAGE OF NEW HAMPSHIRE, d.b.a. VISA INTERNATIONAL, 11 Park Ave., Hudson, NH 03051. Representative: Robert D. Hansen, 191 Leland Farm Rd., Ashland, MA 01721, (617) 482–3075. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Hillsborough and Rockingham Counties, NH, on the one hand, and, on the other, Boston, MA, and Portsmouth, NH.

MC 164104, filed February 24, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, Canada S0L 1S0. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *clay, concrete, glass or stone products*, between points in Lake County, OR, on the one hand, and, on the other, ports of entry on the International boundary line between United States and Canada, in ID, MT, and WA, and (2) *ores and minerals*, between ports of entry on the International boundary line between United States and Canada, in MN, MT, and ND, on the one hand, and, on the other, points in IA, MN, MT, NE, ND, SD, and WI.

MC 164104 (Sub-1), filed February 24, 1983. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan, Canada A0L 1S0. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting (1) *ores and minerals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Uranerz Exploration and Mining Limited, of Saskatoon, Saskatchewan, Canada, and (2) *rubber and plastic products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Universal Foam Moulding Ltd, of Pilot Butte, Saskatchewan, Canada.

MC 165884 (Sub-1), filed February 24, 1983. Applicant: VALLEY TRANSPORT, INC., 1124 West Lincoln Highway, Coatesville, PA 19320. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, DC 20005, (202) 296–3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with A & S Transportation Services, Inc., of Coatesville, PA.

MC 166434, filed February 24, 1983. Applicant: DAVID C. POWELL, d.b.a. POWELL TRUCKING CO., P.O. Box

39275, Atlanta, GA 30318. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 792–2613. Transporting *clay, concrete, glass or stone products*, between points in AL, GA and TN.

MC 166435, filed February 28, 1983. Applicant: L.C.T., INC., 518 Villa Park Court, Fort Wayne, IN 46806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (219) 483–2465. Transporting *general commodities* (except commodities in bulk, classes A and B explosives and household goods), between points in IN on the one hand, and, on the other, points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 4 at (202) 275–7669.

Volume No. OP4–149

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 166576, filed March 3, 1982. Applicant: B & J TRUCKING, INC., Route 3, Stuart, VA 24171. Representative: William P. Farthing, Jr., 110 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in VA and NC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166577, filed February 28, 1983. Applicant: AUSTIN TRUCKING CO., P.O. Box 75055, Oklahoma City, OK 73147. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting (1) *metal products*, (2) *machinery*, and (3) *Mercer commodities*, between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP4–151

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 150467 (Sub-2), filed March 7, 1983. Applicant: LAVERGNE EXPRESS, INC., P.O. Box 857, Lavergne, TN 37086. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *General commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in TN, IL, OH, NJ, NY, CA, GA, AL, KY and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164126 (Sub-4), filed March 1, 1983. Applicant: G & E TRUCKING, INC., 1780 Old Covington Hwy., Conyers, GA 30207. Representative: Anthony L. Keenen, 1365 Iris Drive, Conyers, GA 30208, (1–800) 241–3668. Transporting *mirror tile, wall and door mirrors, and accesories for home and building repairs*, between Chicago, IL, Dallas, TX, Elizabeth, NJ, Denver, CO, and points in Henry County, GA, King County, WA, Los Angeles, County, CA and Prince Georges County, MD, under continuing contract(s) with Hoyne Industries, Inc., of McDonough, GA.

MC 166546, filed March 2, 1983. Applicant: TORBLAA TRUCKING, INC., P.O. Box 358, Delano, MN 55328. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Carver, Hennepin, McCloud, Ramsey, Scott, Stearns and Wright Counties, MN, and LaCrosse County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166627, filed March 7, 1983. Applicant: AAA PACKING & SHIPPING, INC., 2455 E 27th St., Los Angeles, CA 90058. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *furniture and fixtures*, between New York, NY, and points in Los Angeles County, CA, and Dade County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166647, filed March 7, 1983. Applicant: BRASHEAR TRUCKING CO., 213 Joe C Lane, Lufkin, TX 75901. Representative: Gordon Glenn Brashear (same address as applicant), (713) 632–1572. Transporting *mercer commodities*, between points in TX, on the hand, and, on the other, points in the U.S. (except HI).

Volume No. OP4–153

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 166406, filed February 22, 1983. Applicant: ALBERT R. HARTMAN, d.b.a. HARTMAN TRUCKING, P.O. Box 253, Copper Center, AK 99573. Representative: Noel Kopperud, P.O. Box 1630, Wasilla, AK 99687, (907) 376–2222. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the Third Judicial Division of AK.

MC 166457, filed February 28, 1983. Applicant: LOUIE JAMES WYNNE, d.b.a. NBS TRANSPORTATION, 3133 N.W. St. Helens Rd., Portland, OR 97210. Representative: Louie James Wynne (same address as applicant), (503) 224–5042. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with National Rate and Brokerage Services, of Portland, OR.

MC 166637, filed March 7, 1983. Applicant: JAMAR CARRIERS, INC., 1364 "1" St., Elmont, NY 11003. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY; Nassau and Suffolk Counties, NY; and points in MA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166646, filed March 7, 1983. Applicant: KEN CORBIN, d.b.a. CORBIN TRUCKING, Rural Route 1, Carthage, SD 57323. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Marko Steel Service Center of Huron, SD, and Trail King Industries, Division of Western AG Sales, Inc., of Mitchell, SD.

Please direct status inquiries about the following to Team 5 at (202) 275–7269.

Volume No. OP5–113

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 4368 (Sub-3), filed February 25, 1983. Applicant: BOHREN'S MOVING & STORAGE, INC., 755 Alexander Road, Princeton, NJ 08540. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods, furniture and fixtures*, (1) between points in CT, DE, FL, GA, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC, and (2) between points in the states in (1) above, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 52979 (Sub-28), filed February 25, 1983. Applicant: HUNT TRUCK LINES, INC., West High St., Rockwell City, IA 50579. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in

bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC 83539 (Sub-546), filed February 24, 1983. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Pkwy., Dallas, TX 75227–9988. Representative: Thomas E. James, P.O. Box 270535, Dallas, TX 75227–9988, (214) 288–3305. Transporting *construction equipment, materials, and supplies, iron and steel articles,* and *railway car and locomotive parts,* between points in the U.S., under continuing contract(s) with Morrison Knudsen Co., Inc., of Boise, ID.

MC 102679 (Sub-9), filed February 24, 1983. Applicant: COLLINS MOVING SYSTEMS, INC., 904 W. Morgan, Kokomo, IN 46901. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S., (except AK and HI), under continuing contract(s) with U.S. Traffic Coordinators, Inc., of Louisville, KY.

MC 108449 (Sub-419), filed February 25, 1983. Applicant: INDIANAHEAD TRUCK LINE, INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck (same address as applicant), (612) 633–2661. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, WV, WI, and WY, on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, ID, LA, MS, NV, NM, NC, OR, SC, UT, VA, and WV.

MC 112668 (Sub-65), filed February 28, 1983. Applicant: HARVEY R. SHIPLEY & SONS, INC., 2601 Emory Road, P.O. Box 266, Finksburg, MD 21048. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924 Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Schapiro & Whitehouse, Inc., and S & C Paper Stock Co., both of Baltimore, MD.

MC 146909 (Sub-6), filed February 25, 1983. Applicant: PIONEER VAN LINES, INC., 1810 Park Place Bldg., Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *transportation equipment,* between points in the U.S. (except HI).

MC 153709 (Sub-2), filed February 9, 1983. Applicant: DEPOT TRUCKING, INC., Building 54, Rotterdam Industrial Park, Rotterdam, NY 12306. Representative: Edward F. V. Pietrowski, 336 Scranton Life Bldg., Scranton, PA 18503, (717) 343–2126. Transporting *general commodities* (except classes A and B explosives), between points in NY, NJ, PA, OH, MD, MI, VT, MA, and NH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164729, filed February 25, 1983. Applicant: RALPH WOOD, d.b.a. R. WOOD TRUCKING, 15 Yubas Ave., Burlington, NJ 08016. Representative: James H. Sweeney, P.O. Box 9023, Lester, Pa 19113, (215) 365–5141. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Revere Sugar Corporation, of Lyndhurst, NJ.

MC 166428, filed February 25, 1983. Applicant: B & D MOVERS, INC., P.O. Box 1400, Vernal, UT 84078. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *mobile homes and office trailers,* between points in UT, CO, ID, MT, NV, ND, SD, WY, AZ, and NM.

Volume No. OP5–117

Decided: March 11, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 160858, filed February 24, 1983. Applicant: TARHEEL MOTOR EXPRESS, INC., 309 Trade St., Forest City, NC 28043. Representative: Gary C. Ivey, 1100 Cameron-Brown Bldg., Charlotte, NC 28204, (704) 372–6730. Transporting *automobiles* (1) between those points in the U.S. in and east of MI, WI, IL, KY, TN, MS, and LA, and (2) between points in CA, AZ, NV, and CO, on the one hand, and, on the other, those points in the U.S. in and east of MI, WI, IL, KY, TN, MS, and LA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6833 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5–F116; No. MC–F–15163]

Motor Carriers; Russ Transport, Inc.—Purchase Exemption—Producers Transport Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Exemption.

SUMMARY: Pursuant to 49 U.S.C. § 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 I.C.C. 113 (1982), Russ Transport Inc., of Chattanooga, TN, and Producers Transport Co., also of Chattanooga, seek an exemption from the requirement of prior regulatory approval for the purchase by Russ of the operating rights of Producers in No. MC–124835 and subnumbers thereunder. Both vendor and vendee are controlled by Liquid Transporters, Inc., which holds authority in No. MC–112617.

DATES: Comments must be received within 30 days after date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, DC 20036.

Comments should refer to No. MC–F–15163.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representatives. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: March 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6838 Filed 3-16-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 422]

Motor Carriers; Removal of Extraordinary (Financial) Conditions Imposed Upon Carrier and Noncarrier Holding Companies and Their Motor Carrier Subsidiaries and Removal of Jurisdiction

AGENCY: Interstate Commerce Commission.

ACTION: Final policy statement.

SUMMARY: The Commission is removing all extraordinary financial conditions previously imposed on carrier and noncarrier holding companies of motor carriers and their motor carrier subsidiaries and canceling regulation of noncarrier holding companies of motor carriers previously exercised under 49 U.S.C. 11348. The public interest in protecting individual motor carriers

from financial mismanagement has lessened as a result of the enactment of the Motor Carrier Act of 1980 (Pub. L. No. 96–296) and the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97–261).

EFFECTIVE DATE: May 16, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245 or Gloria E. Blazsik, (202) 275–6048.

SUPPLEMENTARY INFORMATION: A proposed policy statement was published at 47 FR 44521, October 7, 1982, notifying the public that the Commission was considering removing all extraordinary financial conditions previously imposed on carrier and noncarrier holding companies and their motor carrier subsidiaries, and canceling the Commission's regulation of noncarrier holding companies of motor carriers previously exercised under 49 U.S.C. 11348.

In the past, the Commission imposed conditions [1] in connection with the acquisition of a regulated carrier by a carrier or noncarrier holding company if the evidence demonstrated that the financial condition of the motor carrier was marginal, or past intercorporate practices of the carrier and noncarrier firm suggested that the assets of the carrier might be drained by the corporate parent. See *Am. Exp. Industries, Inc.-Invest. of Control,* 116 M.C.C. 851 (1974). We also discouraged commingling of carrier assets with those of noncarrier affiliates for the protection of the carrier. *See California Parlor Car Tours Co.-Pur.-Greyhound,* 127 M.C.C. 605 (1979). In addition, when we found that approval of the control transaction would significantly influence the national transportation system, the noncarrier holding companies were designated as carriers, subject to the provisions of 49 U.S.C. 11348. This required a holding company to comply with the accounting, reporting, and securities issuance provisions of 49 U.S.C. Subtitle IV to the extent specified in the individual case. *See, International Util.-Control-Pacific Intermountain,* 127 M.C.C. 752, 753 (1981).

The American Bus Association and The Greyhound Corporation filed comments supporting the proposal.

We conclude that there is no further need for imposing extraordinary financial conditions on carrier and noncarrier holding companies of motor carriers and their motor carrier subsidiaries, or subjecting noncarrier holding companies of motor carriers to our regulation under 49 U.S.C. 11348. In recent years there has been a marked change in the regulatory climate exemplified by the enactment of the Motor Carrier Act of 1980 (MCA) and the Bus Regulatory Reform Act of 1982 (Bus Act). Historically, we imposed regulation to prevent carrier failures due to financial mismanagement by a parent holding company of its motor carrier subsidiaries. We were concerned that carrier failures would adversely impact the shipping public. However, ease of entry fostered by the MCA eliminates this concern because any effect of financial mismanagement falls primarily on a carrier's stockholders, rather than on the shipping public. Second, repeal of our motor carrier securities jurisdiction in the Bus Act and the Commission's authority to exempt mergers, consolidation and acquisition of control transactions involving motor carriers of property from regulation (also mandated by the Bus Act) are further indications of congressional intent that the Commission should reduce its regulation in this area. Lastly, the complete support and lack of opposition in the comments is additional justification for eliminating this unnecessary regulation.

We will allow persons 30 days from publication to petition for continuation of the conditions in specific cases where they were imposed in the past, or for the continuation of our regulation over particular noncarrier holding companies which have been previously subjected to our jurisdiction. Parties seeking this relief will have the burden of proof, and will be required to demonstrate that the need to continue the conditions or regulation is in the public interest, and outweighs the need to remove regulatory restraints and the benefits associated with the removal.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

This action is taken under the authority of 5 U.S.C. 553 and 49 U.S.C. 10101, 11301, and 11348.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6936 Filed 3–16–83; 8:45 am]

BILLING CODE 7035–01–M

[1] The conditions prohibited, essentially, (1) Payment of cash dividends in excess of 50 percent of earnings in the dividend period, (2) making any advances, whether in cash or property, to affiliates, (3) encumbering any assets for noncarrier purposes, and (4) engaging in any other monetary or property transactions, except as necessary in the course of motor carrier operations.

[Ex Parte No. 387]

Exemptions for Contract Tariffs; Norfolk & Western Railway Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275–7278, or Tom Smerdon (202) 275–7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board	Decided date
856	Norfolk and Western Railway Co., ICC–NW–C–5023, Supplement 1, (Bituminous coal) via Port of Lamberts Point, VA	[3]	3–9–83
857	Soo Line Railroad Co., ICC–SOO–C–0111, Supplement 6, (Starch, sulphuric acid, caustic soda, sodium silicate)	[1]	3–8–83
858	Burlington Northern Railroad Co., ICC–BN–C–0304, (Vegetable oils)	[2]	3–10–83
859	Consolidated Rail Corp., ICC–CR–C–0205, Supplement 1, (Storage arrangement)	[3]	3–9–83
860	The Pittsburgh and Lake Erie Railroad ICC–PLE–C–0102, (Bituminous steam coal)	[3]	3–8–83
861	Norfolk and Western Railway Co., ICC–NW–C–5019, Supplement 1, (Coal) via Port of Lamberts Point, VA	[1]	3–8–83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier.
Review Board No. 2, Members Carleton, Williams, and Ewing.
Review Board No. 3, Members Krock, Joyce, and Dowell.
[3] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10905.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6777 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 30120]

Rails; Illinois Central Gulf Railroad Company—Exemption—Abandonment in Massac County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirements of prior review and approval under 49 U.S.C. 10903 *et seq.* abandonment by Illinois Central Gulf Railroad Company of a 0.76-mile segment of line in Massac County, IL, subject to standard labor protective conditions.

DATES: This exemption shall be effective on April 18, 1983. Petitions to stay the effectiveness of this decision must be filed by March 28, 1983. Petitions for reconsideration must be filed by April 6, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section, Room 5340, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioner's representative: Howard D. Koontz, Illinois Central Gulf Railroad Company, 233 North Michigan Avenue, Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: March 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioner Andre, Simmons, and Gradison. Commissioner Simmons did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6667 Filed 3-16-83; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Agency Forms Under Review

March 15, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202-633-4312

New (not previously approved or expired more than 6 months ago)

- Justice Management Division, Evaluation Staff

Department of Justice
Private Industry Interest in the Employment of Federal Prison Inmates
Nonrecurring
Businesses or other institutions (except farms)
Selected members of the National Alliance of Business "Fortune 500" List: 200 responses; 100 hours; not applicable under 3504(h).
David Reed—395-7231

- Bureau of Justice Statistics

Department of Justice
1983 National Jail Census
Quinquennial
State or local governments
County and city jail administrators: 3,500 responses; 1,750 hours, not applicable under 3504(h).
David Reed—395-7231

Extension (no change)

- Immigration and Naturalization Service

Department of Justice
Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa
Nonrecurring
Individuals or households
U.S. Citizen and lawful permanent resident petitioners for relatives: 526,000 responses, 263,000 hours, not applicable under 3504(h).
David Reed—395-7231

- Immigration and Naturalization Service

Department of Justice
Petition to Classify Preference Status of Alien on Basis of Profession or Occupation
Nonrecurring
Individuals or households
Third or sixth preference petitioners: 29,000 responses; 29,000 hours; not applicable under 3504(h).
David Reed—395-7231

- Immigration and Naturalization Service

Department of Justice
Application for Employment by Spouse or Unmarried Dependent Son or Daughter of A-1 or A-2 Official or Employee of Diplomatic or Consular Establishment or G-4 Officer or Employee of International Organization
Nonrecurring
Individuals or households
Spouse or unmarried son or daughter of A-1, A-2 or G-4 nonimmigrant: 825 responses; 206 hours; not applicable under 3504(h)
David Reed—395-7231

- Immigration and Naturalization Service

Department of Justice
Baggage and Personal Effects of Detained Alien
Nonrecurring
Individuals or households
Detained aliens: 600,000 responses; 10,000 hours; not applicable under 3504(h)

David Reed—395–7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83-6860 Filed 3-16-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-24]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aeronautical Propulsion Technology.

DATES: April 12, 1983, 8:30 a.m. to 5 p.m.; April 13, 1983, 8:30 a.m. to 5 p.m.

ADDRESS: National Aeronautics and Space Administration, Lewis Research Center, 21000 Brookpark Rd., Administration Building, Room 215, Cleveland, OH.

FOR FURTHER INFORMATION CONTACT: Mr. Cecil C. Rosen, III, National Aeronautics and Space Administration, Code RT–6, Washington, DC 20546; (202/755–3280).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aeronautical Propulsion Technology was established to assist the NASA in identifying and examining advanced propulsion technology requirements for future aeronautical vehicles and to recommend program additions, deletions, or changes in scope or emphasis that may be found necessary to support the overall NASA aeronautical research and technology objectives. The Chairperson is Dr. Montgomerie C. Steele and there are eleven members on the Subcommittee. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of Meeting: Open

Agenda

April 12, 1983:

8:30 a.m.—FY 1984 Budget Review.
10 a.m.—Review of Turbofan Component Research.
11 a.m.—Review of Stall Recovery Research.
1 p.m.—Review of Noise Research Programs.
2:30 p.m.—Review of Alternative Fuels Program.
4 p.m.—Review of Proposed Altitude Wind Tunnel Rehabilitation.
5 p.m.—Adjourn.

April 13, 1983:

8:30 a.m.—Review of Materials Program for Propulsion.
9:30 a.m.—Review of Structures Program for Propulsion.
10:30 a.m.—Advanced Turboprop Program Update.
1:30 p.m.—Subcommittee Discussion and Formulation of Recommendations.
5 p.m.—Adjourn.

Dated: March 10, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-6866 Filed 3-16-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Design Arts Advisory Panel (Challenge); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Challenge) to the National Council on the Arts will be held on April 13–14, 1983, from 9:00 a.m.—5:30 p.m. in room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-6861 Filed 3-16-83; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel (Challenge/Advancement); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Challenge/Advancement) to the National Council on the Arts will be held on April 5–6, 1983, from 9:00 a.m.–5:30 p.m. in the 12th floor Screening Room of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9 (b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C., 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 83-6862 Filed 3-16-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR–61 to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (facility) located in Middlesex County, Connecticut. This amendment is effective as of its date of issuance.

This amendment deletes the Appendix B Environmental Technical Specifications (ETS) which pertain to non-radiological water quality-related requirements, as required by the Federal

Water Pollution Control Act Amendment of 1972.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated February 15, 1983, (2) Amendment No. 54 to License No. DPR-61, and (3) the Commission's related letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7000 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

Consumers Power Co.; Hearings

March 11, 1983.

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2); ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OL, 50-330 OL; Dockets Nos. 50-329 OM, 50-330 OM; additional evidentiary hearings.

Notice is hereby given that an evidentiary hearing on operating license issues will be held on Monday, March 28, 1983, beginning at 9:30 a.m. As set forth in our notice dated March 9, hearings will also be held on March 29-April 1, 1983, beginning at 9 a.m. each day. As also set forth in the March 9 notice, oral limited appearance statements will be heard on Tuesday morning, March 29, 1983.

All of the above hearings will be held in Room E, Quality Inn Central, 1815 S. Saginaw Road, Midland, Michigan.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-7001 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382 OL]

Louisiana Power & Light Co. (Waterford Steam Electric Station, Unit 3); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of March 8, 1983, oral argument on the appeal of joint intervenors Save Our Wetlands, Inc., and the Oystershell Alliance from the Licensing Board's November 3, 1982 partial initial decision will be heard at 9:30 a.m. on Tuesday, April 19, 1983, in the U.S. Court of Appeals Building, Room 223, East Courtroom, 600 Camp Street, New Orleans, Louisiana.

Dated: March 9, 1983.

For the Appeal Board.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-7006 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co., et al.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the Facility) located in Luzerne County, Pennsylvania. This amendment modifies license condition 2.C.(5) to clarify blocking or maintenance of valves in the closed position as only being required in operational conditions other than cold shutdown or refueling, and requires the licensee to maintain each containment purge and vent isolation valve greater than 3-in. nominal diameter in one of the following conditions: (1) Closed and electrically prohibited from opening, (2) blocked so as not to permit opening by more than 50 degrees, or (3) operated to permit opening by more than 50 degrees after demonstrating that the valves are qualified to close from the full open position against peak LOCA pressure, and are also qualified per the criteria of Branch Technical Position CSB 6-4. This amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for the amendment dated September 14, 1982 as amended by licensee letter dated October 29, 1982; (2) Amendment No. 12 to License NPF-14, dated March 9, 1983; and (3) the Commission's evaluation dated March 9, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of March 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-7002 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352-OL and 50-353-OL]

Philadelphia Electric Co. (Limerick Generating Station, Units 1 and 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel

members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Christine N. Kohl, Chairman
Stephen F. Eilperin
Dr. Reginald L. Gotchy

Dated: March 10, 1983.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 83-7007 Filed 3-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket 50-267]

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License DPR-34 issued to the Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Generating Station (the facility) located in Platteville, Colorado. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to update various surveillance requirements related to the In-Service Inspection and Testing Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated October 15, 1982, as superseded by letter dated February 22, 1983, (2) Amendment No. 33 to Facility Operating License DPR-34; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Greeley Public Library, City Complex Building, Greeley, Colorado. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Regional Administrator, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011, Attention: Director, Division of Resident, Reactor Projects and Engineering Programs.

Dated at Arlington, Texas, this 8th day of March 1983.

For the Nuclear Regulatory Commission.

T. F. Westerman,
Acting Chief, Reactor Project Branch 1.

[FR Doc. 83-7004 Filed 3-16-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-443 and 50-444]

Public Service Company of New Hampshire, et al.; Availability of Safety Evaluation Report for Seabrook Station, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Seabrook Station, Units 1 and 2, located in Rockingham County, New Hampshire. Notice of receipt of the application by Public Service Company of New Hampshire, et al.[1] to operate the Seabrook Station, Units 1 and 2 was published in the **Federal Register** on October 19, 1981 (46 FR 51330).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03883 for inspection and copying. The report (Document No. NUREG-0896) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 10th day of March 1983.

For the Nuclear Regulatory Commission.

George W. Knighton,
Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-7003 Filed 3-16-83; 8:45 am]
BILLING CODE 7590-01-M

[1] The current construction permit holders for Seabrook Station are: Bangor Hydro-Electric Company, Canal Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light & Power Department, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, New England Power Company, New Hampshire Electric Cooperative, Inc., Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, The United Illuminating Company, Vermont Electric Cooperative, Inc., and Washington Electric Cooperative, Inc.

[Docket No. 50-206]

Southern California Edison Co. et al.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment deletes Section 2.0 of the Appendix B Environmental Technical Specifications (ETS) which pertain to the non-radiological water quality-related requirements, as required by the Federal Water Pollution Control Act Amendments of 1972.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) The application for amendment dated January 7, 1983, (2) Amendment No. 67 to Provisional Operating License No. DPR-13, and (3) the Commission's related letter of transmittal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California. A single copy of items (2)

and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director of Licensing.

Dated at Bethesda, Maryland, this 11th day of March 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 83-7006 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, The Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 10th day of March at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Marvin R. Peterson,

Acting Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORTS)

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element (additional)	Total isotope (additional)		
Exxon Nuclear Co., Feb. 23, 1983–Feb. 28, 1983, XSNM01903(01).	3.5 Percent enriched uranium	2,650	93	Increased quantity of material authorized for export for use as fuel in Oskarshamn, Unit I.	Sweden.
Edlow Int'L, Feb. 23, 1983–Feb. 28, 1983, XSNM02021.	3.45 Percent enriched uranium	8,601	297	Routine reload of fuel for Genkai Unit I	Japan.
Mitsui & Co., Feb. 28, 1983–Mar. 2, 1983, XSNM02032.	3.95 Percent enriched uranium	13,418	463	Routine reload of fuel for Fukushima I, Unit 5	Japan.
Edlow Int'L, Feb. 28, 1983–Mar. 2, 1983, XSNM02033.	2.95 Percent enriched uranium	14,410	382	Routine reload of fuel for Mihama Unit 2	Japan.
Marubeni America, Feb. 28, 1982–Mar. 7, 1983 XSNM02027.	3.95 Percent enriched uranium.	23,714	885	Reload of fuel for Shimane Unit No. 1	Japan.
Transnuclear, Inc., Mar. 7, 1983–Mar. 7, 1983, XSNM02029.	4.00 Percent enriched uranium.	19,750,000	593,200	Reload fuel for Forsmark I	Sweden.
	4.05 Percent enriched uranium.	[1]6,000	[1]243		

[1]Sample quantity.

[FR Doc. 83-6999 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.59, Revision 1, "Standard Format and Content for a Licensee Physical Security Plan for the Protection of Special Nuclear Material of Moderate or Low Strategic Significance," describes the information needed in the physical security plan required as part of an application for certain licenses to possess, use, or transport special nuclear material of moderate or low strategic significance and recommends a format for its presentation.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washingon, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland this 9th day of March 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-7000 Filed 3-16-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Investigation Authority, and Availability of Reports and Responses

Investigation Authority

Pursuant to the provisions of Section 304(b)(1) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(b)(1)), Edwin R. Butler, Investigator-in-Charge, is hereby designated

and authorized to administer oaths, issue and serve subpoenas, and require by such subpoenas the attendance and testimony of witnesses, and the production of such evidence as may be deemed advisable and necessary in the matter of investigation of a Missouri Pacific Railroad Company side collision of two freight trains at Possum Grape, Arkansas, on October 3, 1982 (Docket ATL–83–A–R001), conducted pursuant to Section 304(a) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)).

Dated: March 2, 1983.

Jim Burnett,

Chairman.

Reports Issued

Railroad Accident Report: Derailment of Southern Pacific Transportation Company Train No. 01–BSMFF–05 Carrying Radioactive Material, Thermal, California, January 7, 1982 (NTSB–RAR–83–1).

Highway Accident Report: Pattison Head Start Center School Van Run-Off Bridge and Fire, near Hermanville, Mississippi, December 17, 1981 (NTSB–HAR–82–5).

Recommendation Responses From

Aviation—*Federal Aviation Administration: Jan. 24: A–82–62 and –63:* Agrees that the United Control Corporation (Sundstrand) V–557 cockpit voice recorder (CVR) has a history of occasional poor performance, some of which has been attributed to maintenance. However, preliminary information does not dictate that a costly random sampling check of the V–557 CVR operators' units and their associated maintenance programs is necessary. Issued Maintenance Bulletin No. 23–17 on Oct. 22, 1982, regarding Scheduled Preventive Maintenance Requirements. The recommended requirement for removal of the V–557 CVR after 2 years would be extremely costly without apparent offsetting safety benefit. Is reevaluating all CVR/flight data recorder devices. *Jan. 28: A–81–36 through –38:* Review of these recommendations regarding rolled thread lift strut forks on Piper aircraft is taking longer than anticipated. *Jan. 28:A–81–67:* Will issue an operations bulletin to alert field inspectors to discuss the hazards associated with a poorly planned approach and emphasizing the longer landing distances that may be required (decreased performance) when landing on wet or icy runways. *Jan. 28: A–82–145:* Believes that existing regulatory requirements under 14 CFR 135 provide significantly enhanced safety measures compared to rules governing nonrevenue single-pilot IFR operations, and in conjunction with existing airplane certification requirements, appropriately addresses human engineering aspects as a basis for certification of single-pilot IFR operations. *Jan. 28: CY–70–42, Part 4; A–77–70; and A–80–125 through –131:* Review of recommendations regarding adequacy of occupant protection in general aviation aircraft is taking longer than expected. *Jan. 28: A–82–53:* Issued Airworthiness Directive 82–23–07 on Oct. 28, 1982, requiring a one-time inspection of deicing boots on the Ratier-Figeac model FH 146 propellers. *A–82–54:* The propeller manufacturer will conduct experiments on the development of insulation resistance versus temperature and time on a blade with an overheated area. *A–82–55:* Is monitoring the activities between representatives of Aerospatiale and Ratier-Figeac, under cognizance of the French authorities, in reviewing the design of the Ratier-Figeac model 146 propellers for compatible composition of the deicing boot, its adhesive material, and the propeller blade material in the event it is exposed to excessive heat. *Jan. 31: A–80–90 through –92:* Established a regulatory project regarding flexible, crash-resistant fuel lines, self-sealing frangible fuel line couplings, and light-weight, flexible, crash-resistant fuel cells. *A–80–94:* Is reviewing the recommendation to assess the feasibility of requiring the installation of selected crash-resistant fuel system components, made available in kit form from manufacturers, in existing general aviation aircraft on a retrofit basis. *Jan. 31: A–82–14:* Issued Air Traffic Service Bulletin No. 82–2, dated Dec. 1982, pertaining to winter operations, including aircraft icing. *Feb. 2: A–79–76 through –78:* Issued Change 34 to FAA Order 8430.17, Air Carrier Operations Bulletins (ACOB), which transmits ACOB No. 1–76–23, Brace for Impact Positions. *Feb. 7: A–82–94;* Will issue an advisory circular regarding external opening instructions/identification on airplanes equipped with external openable emergency exits. *Feb. 7: A–823–146:* Cancellation at this time of the waiver of the FAA Handbook "Air Traffic Training," 3120.4F, Chapter 3, Section 2, Paragraph 100.C(3), regarding instructor techniques training prior to being assigned to conduct on-the-job training would not enhance the safety of flight or the training of new controllers, but in certain critical facilities would constrain the rebuilding of the air traffic control system and would not add to the safety of control operations. *A–82–147:* Notice 3120.72, transmitted to the field on Jan. 4, 1983, provides guidance to air traffic control facility managers for the assignment of on-the-job training instructors. *A–82–148:* Provided written instructions to regional air traffic division and facility managers concerning guidance on the time and workload characteristics for utilizing newly trained OJT instructors. *A–82–149:* The team-assigned Evaluations, Proficiency and Procedures Specialist concept has not proven to be cost-effective, particularly at larger ATC facilities. An effective training program should be standardized and managed by a responsible assistant facility manager or the manager himself. *Feb. 8: A–81–75 and –76:* Developing an Advisory Circular to provide guidance on cockpit noise measurement, noise levels above which communication aids would be desirable, and remedies that can be used in the event that high noise levels are encountered. *Feb. 9: A–80–115:* Deliveries of color weather radar displays to center weather service units at air route traffic control centers are expected to begin in February 1983 and continue through May 1983. *Feb. 10: A–80–36 and –37:* A National Institutes of Health study on the applicability and validity of the "age 60 rule" for pilot retirement stated that there is a lack of precise, reliable, longitudinal, medical, and performance data on older pilots concerning the validity, with respect to piloting, of currently tests of perceptual cognitive function. FAA has issued an Advance Notice of Proposed Rulemaking to solicit information to be used in determining the feasibility of a program to gather data regarding the use of older pilots in air carrier operations. FAA study will be limited to crewmembers operating under 14 CFR Part 121. FAA does not, at this time, expect to impose age restrictions under other CFR operating rules. *Feb. 10: A–81–2:* Believes that the special Quality Assurance Systems Analysis Review Team Audit Report on the B.F. Goodrich Company, dated Jan. 22, 1981, satisfactorily covered the manufacturer's compliance with current regualtory requirements governing production certification and specifically the issuance and approval of service bulletins, investigation and reporting of service difficulties, maintenance of appropriate production and inspection records, and coordination of service difficulties with primary airframe manufacturers. *A–81–4:* Believes that issuing an advisory circular on nondestructive testing techniques for air carrier inspection programs is unnecessary since FAA previously issued five maintenance bulletins which alterted field inspectors and the aviation industry to potential wheel and tire problems. *Feb. 18: A–82–68:* Issued Airworthiness Directive 82–27–02 on Dec. 10, 1982, requiring a one-time dye penetrant inspection of all the suspect Model 90–DHB propeller blades within 10 hours time in service from December 30, 1982. *Feb. 24: A–81–15:* Does not believe that an Airworthiness Directive requiring inspection of Cessna airplanes for seat interference and relocation of the forward seat stops is justifiable. *A–81–18:* Believes that the recommended procedure for locking the pilot's seat in position before the engine is started, contained in the Cessna Pilot's Operating Handbook, is adequate and that inclusion of an adjustment and locking check of front seats, belts, and shoulder harnesses on the "before takeoff" checklist is unnecessary. *Feb. 28: A–82–90:* Will issue a Notice of Proposed Rulemaking to require the installation of inboard stall strips to the wing leading edge of applicable Piper PA–36–112 airplanes. *Feb. 28: A–82–97:* Issued Notice of Proposed Rulemaking Docket No. 82–CE–40–AD on Dec. 30, 1982, regarding the Cessna Model 172 right-hand control yoke assembly problem. *Mar. 1: A–82–48 and –49:* Issued Docket No. 79–ASW–19 Amendment 39–4552 to Airworthiness Directive 68–04–04 on Jan. 19, 1983, applicable to Brantly Models B–2, B–2A, and B–2B helicopters requiring permanent marking of tail rotor blades to assist in identification of proper blades and prevent confusion during inspections and requiring that the tail rotor blade spar retention area exterior surface be left unpainted to facilitate daily visual inspections by maintenance personnel and daily checks by pilots. *Mar. 3: A–78–73:* Issued Advisory Circular 145–4 on Sept. 27, 1982, regarding inspection, retread, repair, and alterations of aircraft tires. *A–78–74:* Establishment of an uppper limit on the number of retread cycles allowed each model tire is not being considered at this time. *Mar.*

4: A–83–170: Will issue a General Aviation Airworthiness Alert (AC–43–16) regarding the engine control cable seizure on Cessna 300 and 400 series airplanes and the availability of Cessna Information Letter ME80–45 and its revisions which provides information to correct the problem. *Mar. 4: A–82–64 and –65:* Initiated a flight data recorder study to identify the available technology for, and associated cost and safety impact of requiring under 14 CFR 121.343, the installation on turbojet aircraft of digital flight data recorder systems capable of recording more extensive parameters. *Mar. 4: A–79–16 through –18:* Expects to issue Technical Standard Order C69A entitled, "Emergency Evacuation Slides, Ramps, and Slide/Raft Combinations," which would upgrade requirements of airplane evacuation slides pertaining to fire resistance, girt strength, and critical angle testing. Issuance of an Airworthiness Directive is not necessary. *A–79–20:* Considers that the redundancy required by the regulations for emergency evacuation systems and the requirement that deflated slides be usable for emergency evacuation provides an acceptable level of safety. *Mar. 4: A–82–61:* Will publish an Air Carrier Operations Bulletin to require Principal Operations Inspectors to require that air carrier training programs adequately cover the effects of aircraft leading edge contamination on aerodynamic performance. *A–82–62:* Will review taxi and takeoff checklists of all air carrier aircraft to ensure that all action items required for a successful takeoff are included. *A–82–63:* Will not issue an airworthiness directive either to require the installation and use of the ground operable wing thermal anti-ice system or to require increased takeoff speeds for the Boeing Model 737 operating in adverse weather because such action would imply that use of the system or increased takeoff speeds are an acceptable alternate means of complying with the operating rules. FAA actions to date have been aimed at increasing crew awareness of adverse weather operating problems and the need for strict compliance with operating rules. A revised Boeing 737 Operations Manual, with information for improved stall margins, when excess runway is available, by use of improved climb (takeoff overspeed) procedures for selected flap positions, has been sent to all B–737 operators. A revised Boeing 737 FAA-approved Airplane Flight Manual with similar information will be sent to all operators. Associated with the FAA's approval of the B–737 ground thermal anti-icing system on Jan. 14, 1983, is a revision to the FAA-approved Airplane Flight Manual which stipulates that the system is not to be used as a substitute for ground deicing/anti-icing and inspection procedures which are necessary to comply with operating rules. *A–82–64:* The provisions of Order 7210.7C, paragraph 3.b.(2), Flow Control Procedures, and Handbook 7210.3F, paragraph 1232, Gate Hold Procedures, are adequately meeting the objectives of minimizing aircraft departure delays at the runway. Gate hold procedures were discussed in the Dec. 1982 Air Traffic Service Bulletin, No. 82–2, Winter Operations. A future bulletin will emphasize the requirements of Order 7210.7C regarding notification of the Cental Flow Control Facility of anticipated or actual delays. *A–82–65:* Handbook 7110.65C will be amended to state that separation of aircraft is determined "at the time the departing aircraft commences takeoff roll," not at the time the departing aircraft is cleared to take off. When applied correctly, the procedures contained in Handbook 7110.65C, paragraph 743, remain a safe and viable method of separating arriving and departing aircraft in instrument weather conditions. *A–82–67:* Washington National Airport has acquired one 40-foot surplus Coast Guard cutter with modest icebreaking capability, one 22-foot Boston Whaler, and two air boats. Other equipment such as rafts and inflatable lines has been placed on land-based equipment as well as on the boats. Continuing to seek a mutual aid agreement with the District of Columbia concerning rescue response. *A–82–68:* Completing a field survey of water rescue capabilities at designated airports. *A–82–69:* Will issue a Notice of Proposed Rulemaking concerning 14 CFR Part 139 which will address water rescue capability.

Railroad—*Southeastern Pennsylvania Transportation Authority: Feb. 7: R–80–1:* By Dec. 1980, the 600-volt d.c. power cables had been relocated on the exteriors of all Brill Electric Cars, and all interior control wires were insulated. *Feb. 14: R–82–21:* Planning a grade crossing/railroad safety program to enhance the operating safety of all regional high-speed lines (commuter rail) which will include audiovisual aids and literature and be strategically directed to both hazardous material carriers and schools. *R–82–110:* All active automatic crossing protection on the Fox Chase Rapid Transit Line has been modified so that once a train initially shunts the circuit, a timing feature holds the shunt for 3 seconds. *R–82–111:* Modifying the inward opening passenger doors in the existing diesel rail cars to facilitate passenger evacuation in emergency situations is neither economically feasible nor does it facilitate egress during an emergency. *R–82–112:* The Transportation Operational Training Section will enhance its training and education program by emphasizing grade crossing hazards.

District of Columbia: Feb. 7: R–82–78: Fire Department plans to hire and train sufficient personnel to restore full-time, full-service rescue squad capability for two squad units by June 1983 and for the remaining two squad units by September 1983. *R–82–79:* Fire Department has written or rewritten, tested and revised two major emergency procedures for the management of large-scale incidents—"Standard Operating Procedures for Metrorail Incidents" and "Mass Casualty Incident Plan of Operations." *R–82–80:* Funding to expand the Fire Department Communication's Division computer storage capability to include all the information needed by the Fire Dispatcher for automatic assignment and response of units to multiple incidents has yet to be identified. *R–82–81:* In Nov. 1982, Fire Department conducted a comprehensive disaster simulation in conjunction with the Washington Metropolitan Area Transit Authority. Fire and rescue units from Maryland and Virginia participated, as well as seven District of Columbia and three Virginia hospitals.

Massachusetts Department of Public Utilities: Oct. 28: R–82–33, which recommended reevaluation of that part of paragraph 154, chapter 160, of the Massachusetts General Laws Annotated which requires, ". . . one brakeman for the last car in every freight train to be stationed thereon . . ." to determine the advisability and necessity of having a brakeman so positioned, and that if it is found necessary, specify the accommodations that shall be provided: Believes that Section 711 of the Regional Rail Reorganization Act of 1973 would prohibit Massachusetts from issuing the type of regulation the recommendation refers to.

Seaboard System Railroad: Feb. 3: R–81–99 through –101: In addition to an intensive review with employees of the various SCL Signal Instruction Letters applicable to compliance with Federal Signal Regulations and testing procedures after equipment is repaired or replaced, additional Signal Instruction Letters 11 and 12 were issued in connection with tilting or inverting relays.

Norfolk Southern: Feb. 16: R–81–37: The practice on the Norfolk and Western, as well as on most other railroads in the United States, is to install an advance approach signal only when the existing approach signal cannot be relocated and there is insufficient stopping distance between the existing approach signal and the positive home signal. *R–81–38:* The Norfolk and Western has a procedure at crew-change terminals whereby crews reporting for duty are spot-checked to see that they are physically fit. It would be completely impractical to have a supervisor check every crew going on duty because many are at outlying points, such as terminals in the coal mining districts.

Missouri Pacific Railroad Co.: Jan. 24: R–81–83: There are not enough channels on conventional train radios to communicate with all carriers that might operate over portions of a given railroad's track.

State of New York: Feb. 17: R–81–116: The Counsel to the Governor and the Dept. of Transportation is considering the recommendation to initiate the legislative and/or executive action to authorize a new or existing independent agency to properly oversee and regulate the safety of the New York City Transit Authority.

International Association of Fire Chiefs: Feb. 22: R–81–23 through –25: Will assist and cooperate with the Urban Mass Transportation Administration and the United States Fire Administration in developing rail rapid transit system training program guidelines which address fire safety concerns, such as tunnel rescue in a smoke and/or fire environment, in developing a national training curriculum for fire service personnel involved in the administration of fire protection on rail rapid transit systems, and in determining minimum fire safety equipment needs of rail rapid transit systems.

New York City Transit Authority: Feb. 17: R–82–105: On Nov. 12, 1982, the Maintenance of Way Signal Division issued Directive #82–68 to require Signal Supervision to issue priority work orders, which are generally completed within 30 days, for permanent changes and/or repairs that are beyond the

scope of the maintenance forces. *R–82–106:* The Maintenance of Way Signal Division provides refresher training for employees to ensure that they are cognizant of operating rules and regulations, standards, tests, instructions, and procedures through positive compliance directives issued monthly.

Southern Pacific Transportation Company: Feb. 28: R–83–1: Rules M971 and M972 require an inspector to remove a known or evident defect. Shallow shells are not considered dangerous, because most do not develop into detail fractures, and do not justify removing the rail. The rail defect inspection of Apr. 27, 1981, found 10 defects in 15 miles for a 0.667 failure per mile rate. The average of 0.675 failures per track mile in the past 5 years on this track segment is less than the general industry standard for the end of first position rail life of 3.0 failures per track mile. *R–83–2:* Changes have been made to show the two-letter DOT label on the train graph of Trailer-On-Flat-Car (TOFC)/Container-On-Flat-Car (COFC) loads as well as carloads. *R–83–3:* Instructions have been reissued to remind waybilling locations to properly describe TOFC/COFC shipments containing hazardous materials. Procedural instructions are in place at ramps for railroad clerks to record placard information on the company's Form 2678. If the truck driver does not have proper documents describing the hazardous material or if such documents are not available at the gate, the unit is set aside and refused until such documents are furnished in order to properly prepare the waybill. *R–83–4:* Reissued instructions to train crews to insure that conductors clearly understand that they are to review documents covering their train and know whether their train contains hazardous material or other loads requiring special handling.

The American Short Line Railroad Association: Feb. 28: R–83–10 and –11: Informed its membership of the facts, conditions, and circumstances of the accident which occurred at Thermal, California, on Jan. 7, 1982, and recommended that its member railroads (1) review, and modify if necessary, their evaluation process concerning track inspection defect data for tracks carrying passenger trains or trains with hazardous materials to better assure that rails having defects which might result in catastrophic failure be replaced and (2) assess their procedures to make certain that train crews of trains carrying hazardous materials have in their possession accurate documentation of, and emergency response information for, all hazardous materials being carried.

Marine—*Delta Steamship Lines, Inc.: Feb. 16: M–82–57 and –58:* Instructed all masters and relief masters to encourage the use of VHF radiotelephones by the bridge watch to assist in establishing meeting arrangements on waters not covered by the U.S. Vessel Bridge-to-Bridge Radiotelephone Act and to emphasize the necessity of complying with the International Regulations for Preventing Collisions At Sea, 1972, with particular regard to the requirements for effective radar plotting and for proceeding at a safe speed in areas of restricted visibility.

Federal Communications Commission: Feb. 10: M–82–10: Initiated a high-priority VHF Marine education/monitoring enforcement effort to determine the necessity of amending FCC Rules Section 83.251(c) to require a power-limiting device on bridge-to-bridge transmitters. *M–82–11:* Anticipates completion soon of a memorandum of understanding with the U.S. Coast Guard concerning the enforcement of bridge-to-bridge radiotelephone regulations.

Federal Highway Administration: Feb. 25: M–81–18 and –19: Issued on Feb. 11, 1983, technical advisory T 5140.19, "Pier Protection and Warning Systems for Bridges Subject to Ship Collisions," providing information on types of bridge span failure detection and warning systems, the design of bridge span detection warning systems, and the need for such systems on Federal-aid highway projects. *M–81–20 through –22:* Is reviewing recommendations to develop, in cooperation with the U.S. Coast Guard, standards for the design, performance, and location of structural bridge pier protection systems which consider that the impact from an off-course vessel can occur significantly above as well as below the water surface; to conduct, in cooperation with the U.S. Coast Guard, a study to determine which existing bridges over the navigable waterways of U.S. ports and harbors are not equipped with adequate structural pier protection; and to use the results of the study to advise appropriate bridge authorities of the benefits of installing additional pier protection systems.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of response letters are free on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

March 14, 1983.

[FR Doc. 83–6666 Filed 3–16–83; 8:45 am]

BILLING CODE 4910–58–M

RAILROAD RETIREMENT BOARD

Report Under Section 22 of the Railroad Retirement Act

AGENCY: Railroad Retirement Board.

ACTION: Notice of a report submitted to the President, the Speaker of the House, and the President of the Senate.

SUMMARY: Section 22(a) of the Railroad Retirement Act (45 U.S.C. 231u(a)) requires the Railroad Retirement Board (Board) to submit a report to the President and the Congress with respect to the condition of the railroad retirement system in any fiscal year in which the Board determines it must exercise fifty percent or more of its general fund borrowing authority. Section 22(a) further provides for publication of the report in the **Federal Register.** The Board has determined that it will use more than fifty percent of its general fund borrowing authority in Fiscal Year 1983, and on February 18, 1983, submitted the required report to the President and the Congress.

DATE: March 17, 1983. This date must be no earlier than 20 days nor more than 30 days after submission of the report to the President and the Congress (February 18, 1983); thus, publication should occur no earlier than March 10, nor later than March 18, 1983.

Report Required by Section 22 of the Railroad Retirement Act

The 1981 amendments to the Railroad Retirement Act gave the Railroad Retirement Board the authority to borrow money from the general fund of the Treasury. The amount that can be borrowed at any time is equal to the excess of annuity payments due in the following month over the balance in the Railroad Retirement Account. The borrowing authority, however, is limited. The law states that the total outstanding loan from the general fund at any time during a fiscal year shall not exceed the total amount estimated to be transferred from the Social Security Trust Funds to the Railroad Retirement Account with respect to that fiscal year. The transfer, made pursuant to section 7(c)(2) of the Railroad Retirement Act, is known as the financial interchange transfer.

The 1981 amendments also added Section 22 to the Railroad Retirement Act. Section 22(a) states:

In any fiscal year in which the Board determines that general revenue borrowing authority available under this Act will be used to borrow an amount equal to or greater than fifty percent of the total amount available under such borrowing authority for that fiscal year, the Board shall, on or before April 1 of that year, report to the President, the Speaker of the House, and the President of the Senate, in writing—

(1) The aggregate amount it will need to borrow for that fiscal year and the aggregate amount it is authorized to borrow for that fiscal year;

(2) The first fiscal year during which benefits under this Act must be reduced, in the absence of any adjustments, because insufficient funds (including any general revenue borrowing authority under this Act) would preclude payment of full benefits (other than benefits payable from the Dual Benefits Payments Account) for every month in such fiscal year;

(3) The first fiscal year during which the Board would recommend suspension of the authority to borrow contained in

section 10(d) of the Railroad Unemployment Insurance Act, in order to prevent depletion of the Railroad Retirement Account; and

(4) The amount, if any, of adjustments (stated in terms of percentage of taxable payroll), and any other changes such as cash flow adjustments, necessary to preserve the financial solvency of the Railroad Retirement Account, if such adjustments were effective at the beginning of the next succeeding fiscal year.

The Board shall, not less than 20 nor more than 30 days after the submission of a written report under this subsection, publish such report in the Federal Register.

This is the report of the Board required by Section 22(a).

Discussion of Methodology. It is clear that the four specific items which Section 22 requires be included in this report, especially items (1), (2) and (4), can only be estimates. These estimates must be based on assumptions as to the behavior of all factors which will affect the balance of the Railroad Retirement Account during the next several years. There are many such factors, such as rates of mortality, rates of retirement, the level of wage and price inflation, and the level of railroad employment. Some of these factors are subject to reasonaby accurate prediction and some are not. Unfortunately, the factor to which the estimates are most sensitive, the level of railroad employment, is the most volatile and difficult to predict.

The main source of income to the Railroad Retirement Account is a payroll tax. The amount of revenue produced by the tax depends on the number of railroad employees covered by the tax. A reliable response to item (4) therefore depends on how accurate the employment assumption turns out to be.

The history of railroad employment over the last ten years is shown in the table below.

Period	Average number of workers (in thousands)
1973	564
1974	592
1975	548
1976	540
1977	546
1978	542
1979	554
1980	537
1981	505
1982	440

After holding fairly steady for a few years, employment dropped sharply during the 1974–75 recession, declining by 44,000 jobs between 1974 and 1975. After the recession ended, employment did not again approach its pre-recession level. It held relatively steady until the next recession, when it dropped sharply again. From 1980 to 1982, railroad employment dropped by 92,000 jobs, or about 17 percent of the 1980 work force.

The volatility of railroad employment causes an assumption as to its future behavior to be little more than an educated guess. Individuals may differ as to whether a particular assumption is valid or invalid. This report shows estimates of the items required by Section 22 based on two sets of employment assumptions. The two employment assumptions are as follows:

Calendar year	Employment assumption (in thousands)	
	A	B
1983	385	370
1984	370	350
1985	360	335
1986	355	325
1987	350	320
1988	345	315
1982–92	340	310

No claim is made that A represents a best case or that B represents a worst case. Actual experience may turn out to be better than A or worse than B. The intent is to show the sensitivity of estimates of hypothetical levels of railroad employment. The assumptions as to all factors other than the level of employment are identical for the two sets of estimates. The estimates are relatively insensitive to reasonable changes in these other factors.

Results. The estimates in the table below are based on employment assumptions A and B, as indicated. An explanation of the column headings follows. All figures in the table are in millions of dollars.

"Balance I" represents the balance in the Railroad Retirement Account on May 1 of the indicated year, assuming that the Railroad Unemployment Insurance Account after September 30, 1983. A negative balance indicates that the Railroad Retirement Account is in debt to the general fund; the magnitude of the negative number is the amount of the outstanding loan.

Note.—The financial interchange with social security currently represents a substantial portion of the railroad retirement system's income. The transfer of funds is made once a year in June and covers the preceding fiscal year. In addition, because of the due dates of railroad retirement taxes set forth under IRS regulations, the Railroad Retirement Account receives very little taxes in the first month of a calendar quarter, almost two months of taxes in the second month, and one month of taxes in the third month. The effect of these two factors on cash flow is to make May 1 the time at which the balance of the Railroad Retirement Account is at its minimum for the fiscal year.

"Borrowing Authority" represents the financial interchange transfer with respect to the fiscal year and is the maximum amount that the Railroad Retirement Account may owe to the general fund.

Note.—The Railroad Retirement Account may not borrow more than the "borrowing authority" amount. Under the provisions of Section 22(c), the Board will have to issue and put into effect regulations which will cut back benefits to the extent necessary so that payments do not exceed the funds available, unless some other corrective action is taken. Thus, the magnitude of an actual negative balance will never be greater than the borrowing authority. The balances shown in the table, however, are based on the assumption that the Board borrows whatever is needed to pay full benefits. These calculations are necessary in order to respond to item (4) of Section 22(a).

"Excess I" represents the excess of the amount that must be borrowed in order to pay full benefits over the amount that the Board is authorized to borrow, assuming that the Railroad Unemployment Insurance Account is allowed to continue borrowing from the retirement account. It is equal to the excess, if any, of the loan represented in Balance I over the amount for the corresponding year in Borrowing Authority.

"Excess II" is the same as Excess I except that it is based on the assumption that no loans are made from the Railroad Retirement Account to the Railroad Unemployment Insurance Account after September 30, 1983.

Estimates Based on Employment Assumptions A and B (millions of dollars)

Fiscal year	Balance I	Balance II	Borrowing authority	Excess I	Excess II
Employment Assumption A					
1983	−$1,177	−$1,177	$1,867		
1984	−2,421	−2,280	2,109	$312	$171
1985	−3,627	−3,270	2,254	1,373	1,016
1986	−4,809	−4,287	2,300	2,509	1,987
1987	−6,082	−5,436	2,355	3,727	3,081
1988	−7,487	−6,752	2,456	5,031	4,296
1989	−8,992	−8,188	2,560	6,432	5,628
1990	−10,576	−9,707	2,672	7,904	7,035
1991	−12,112	−11,177	2,650	9,462	8,527
1992	−13,832	−12,827	2,684	11,148	10,143

	Employment Assumption B				
1983	−$1,255	−$1,255	$1,867		
1984	−2,707	−2,527	2,159	$548	$366
1985	−4,128	−3,659	2,306	1,702	1,333
1986	−5,566	−4,847	2,413	3,183	2,454
1987	−7,096	−6,194	2,503	4,693	3,691
1988	−8,713	−7,697,	2,618	6,065	5,079
1989	−10,428	−9,329	2,730	7,698	6,599
1990	−,12,235	−11,058	2,851	9,384	8,207
1991	−14,022	−12,765	2,648	11,174	9,917
1992	−16,005	−14,663	2,695	13,110	11,768

In the following discussion of the estimates, the numbering corresponds to the four numbered items which Section 22(a) requires in the report.

1. Under both sets of employment assumptions, the aggregate amount that the Board is authorized to borrow in fiscal year 1983 is $1,867 million. Under assumption A the Board will need to borrow $1,177 million; under assumption B it will need to borrow $1,255 million. Both amounts exceed 50 percent of the borrowing authority.

2. For both assumptions, the magnitude of the negative Balance I is first greater than the Borrowing Authority in fiscal year 1984. This indicates that, in the absence of corrective action, the first fiscal year in which insufficient funds will preclude payment of full benefits will be 1984.

3. The "Excess II" column of both sets of estimates shows that, even if the Railroad Unemployment Insurance Account is prohibited from borrowing from the Railroad Retirement account after September 30, 1983, the Railroad Retirement Account would still become depleted. In a sense, therefore, it is not possible to make a meaningful recommendation under item (3).

Loans to the unemployment insurance system intensify the financial problems of the Railroad Retirement Account to a significant degree. From the point of view of the retirement account, loans to the unemployment insurance system should be disallowed after September 30, 1983. Such a prohibition would require an increase in unemployment insurance taxes, a reduction in benefits, or another source from which to borrow.

4. The table below shows the adjustments (stated in terms of additional percentages of tier 2 taxable payroll) needed, beginning October 1, 1983, to preserve the financial solvency of the Railroad Retirement Account (prevent the Account from exceeding its borrowing authority) through the year indicated.

Fiscal year	Employment assumption A		Employment assumption B	
	RUIA borrowing continued (percent)	RUIA borrowing discontinued (percent)	RUIA borrowing continued (percent)	RUIA borrowing discontinued (percent)
1984	6.3	3.5	11.6	7.0
1985	8.8	6.5	12.2	9.0
1986	9.3	7.4	12.4	9.8
1987	9.4	7.8	12.4	10.0
1988	9.4	8.1	12.4	10.2
1989	9.4	8.2	12.4	10.4
1990	9.4	8.3	12.4	10.4
1991	9.4	8.3	12.4	10.4
1992	9.4	8.3	12.4	10.4

For example, if Railroad Unemployment Insurance Account borrowing is allowed to continue, an additional 12.4 percent of tier 2 taxable payroll, starting October 1, 1983, is needed under employment assumption B to preserve the solvency of the Railroad Account through fiscal year 1987. If the Railroad Unemployment Insurance Account borrowing is discontinued after September 30, 1983, an additional 8.1 percent of tier 2 taxable payroll, starting October 1, 1983, is needed under employment assumption A to preserve the solvency of the Railroad Retirement Account through fiscal year 1988.

Dated: March 9, 1983.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 83-6955 Filed 3-16-83; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION
Coast Guard
DEPARTMENT OF LABOR
Occupational Safety and Health Administration

Authority To Prescribe and Enforce Standards or Regulations Affecting Occupational Safety and Health of Seamen Aboard Vessels Inspected and Certificated by the United States Coast Guard; Memorandum of Understanding

Purpose

It is the purpose of this memorandum of understanding (MOU) to set forth clearly the boundaries of the authority of the United States Coast Guard (Coast Guard) of the U.S. Department of Transportation and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor in prescribing and enforcing standards or regulations affecting the occupational safety and health of seamen aboard vessels inspected and certificated by the Coast Guard (hereinafter "inspected vessels"). This MOU is intended to eliminate confusion among members of the public with regard to the relative authorities of the two agencies. Nothing in this MOU pertains to uninspected vessels. The Coast Guard and OSHA agree to work together to fulfill their respective authorities.

Authority of the Coast Guard

The Coast Guard is the dominant federal agency with the statutory authority to prescribe and enforce standards or regulations affecting the occupational safety and health of seamen aboard inspected vessels. Under the Vessel Inspection Laws of the United States, the Coast Guard has issued comprehensive standards and regulations concerning the working conditions of seamen aboard inspected vessels.

These comprehensive standards and regulations include extensive specific regulations governing the working conditions of seamen aboard inspected vessels as well as ample general authority regulations to cover these seamen with respect to all other working conditions that are not addressed by the specific regulations. These standards and regulations are generally set forth at 46 CFR Chapter I, and in the Coast

Guard's Marine Safety Manual and its Navigation and Vessel Inspection Circulars.

Authority of OSHA

OSHA has a general statutory authority to assure safe and healthful working conditions for working men and women under the Occupational Safety and Health (OSH) Act of 1970. Section 4(b)(1) of the OSH Act defines the relationship between OSHA and the other federal agencies whose exercise of statutory responsibilities may affect occupational safety and health. Based on OSHA's interpretation of section 4(b)(1), and as a result of the Coast Guard's exercise of its authority, described above, OSHA has concluded that it may not enforce the OSH Act with respect to the working conditions of seamen aboard inspected vessels. Nonetheless, OSHA retains the following responsibilities.

OSHA retains its authority under section 11(c) of the OSH Act, which forbids discrimination in any manner against employees who have exercised any right afforded them under the OSH Act. Pursuant to this provision, OSHA has the authority to require vessel owners to post a notice that informs employees of their right to complain about working conditions to the Coast Guard, OSHA, or the employer and to be free from retaliatory discrimination. OSHA has concluded that its exercise of authority under section 11(c) if not precluded by the scope of section 4(b)(1) of the OSH Act.

OSHA agrees to refer to the Coast Guard, for its consideration, any complaints, other than section 11(c) discrimination complaints, OSHA receives from seamen working aboard inspected vessels. However, the Coast Guard, consistent with the statement of its authority above, has the sole discretion to determine, under its applicable standards and regulations, whether the events complained of constitute hazardous conditions and the extent of any remedy that may be required.

Recordkeeping

OSHA and the Coast Guard will continue to discuss the extent of their respective jurisdictions to require owners of inspected vessels to keep records concerning occupational injuries and illnesses. This MOU does not resolve any issues concerning recordkeeping obligations.

Effective Date and Publication

This MOU shall take effect upon signature by the parties. It shall be promptly published in the **Federal Register**.

Dated: March 8, 1983.

James S. Gracey,

Commandant, United States Coast Guard, Department of Transportation.

Dated: March 4, 1983.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health, Department of Labor.

[FR Doc. 83-6792 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

[CGD 83-010]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Chemical Transportation Advisory Committee. This committee advises the Coast Guard Marine Safety Council on regulatory requirements for promoting safety in the transportation of hazardous materials on vessels and the transfer of these materials between vessels and waterfront facilities. Fourteen (14) members will be appointed to the committee.

To ahcieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in applications from minorities and women.

The committee usually meets at least once a year in Washington, D.C., with subcommittee meetings for specific problems on an as-required basis. Members serve at no cost to the Federal Government and receive neither travel nor per diem allowances.

DATE: Requests for applications should be received no later than May 20, 1983.

ADDRESS: Persons interested in applying should write to Commandant (G-CMC), U.S. Coast Guard Headquarters, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Captain C. M. Holland, Executive Secretary, Chemical Transportation Advisory Committee (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. S.W., Washington, D.C. 20593; (202) 426-1477.

Dated: March 14, 1983.

C. M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 83-6866 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Travis and Williamson Counties, Texas

AGENCY: Federal Highwey Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Travis and Williamson Counties, Texas.

FOR FURTHER INFORMATION CONTACT: W. L. Hall, Jr., P.E., District Engineer, Federal Highway Administration, 826 Federal Office Bldg., Austin, Texas 78701, Phone (512) 482-5986.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas Department of Highways and Public Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct Farm-to-Market Highway 734 (F.M. 734), locally known as Parmer Lane, in Travis and Williamson Counties, Texas. The proposed improvement would involve the new construction of F.M. 734 from F.M. 1325 northwest 5.1 miles to Ranch to Market Road 620 (R.M. 620). The proposed project area is developing rapidly, primarily with residential subdivisions. Many of these subdivisions are presently completed. The proposed facility will provide an arterial for the anticipated traffic in this area and be an alternate route for nearby U.S. Highway 183. It is planned for this proposed construction to ultimately include two separated grade interchanges at F.M. 1325 and R.M. 620. Also included would be an overpass at the Missouri Pacific railroad tracks and a bridge at Lake Creek.

Alternatives under consideration include: (1) No build; (2) constructing a four-lane farm-to-market highway; (3) constructing a six-lane divided facility and (4) constructing a four-lane freeway with frontage roads to control access. Incorporated into and studied with all the build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agnecies, who have previously expressed an interest in this proposal. A public meeting will be held in the project area between March and May of 1983. At least an opportunity will be offorded

for anyone wanting a public hearing sometime after the draft environmental impact statement is circulated for comments. Public notices will be placed in all local newspapers advertising a time and place of the meeting or hearing. The draft E.I.S. will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the E.I.S. should be directed to the FHWA at the address provided above:

W. L. Hall, Jr., P.E.,
District Engineer, Austin, Texas.

[FR Doc. 83-6660 Filed 3-16-83; 8:45 am]
BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.
ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in February 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemption.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	Jet Propulsion Laboratory, Pasadena, CA	49 CFR 173.315(a)(1)	To authorize use of non-DOT specification cargo tanks for transportation of liquefied fluorine and mixture of liquefied fluorine and liquefied oxygen. (Mode 1).
2000-X	DOT-E 2000	Union Carbide Corporation, Danbury, CT	49 CFR 172.101, 173.304(a), 173.316 (a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
3128-X	DOT-E 3128	Walter Kidde, Belleville, NJ	49 CFR 173.304, 175.3	To authorize use of non-DOT specification cylinders, for transportation of a Class C explosive and a liquefied nonflammable gas. (Modes 1, 2, 3, and 4.)
3330-X	DOT-E 3330	Babcock and Wilcox Co., Lynchburg, VA	49 CFR 173.214(d)	To authorize use of containers not presently prescribed in Hazardous Materials Regulations, for transportation of certain flammable solid material. (Modes 1 and 2.)
3498-X	DOT-E 3498	U.S. Department of Defense, Washington, DC.	49 CFR 146.02-22, 146.05-15, 146.29-45, 146.29-47, 146.29-58, 146.29-99, 176.83 Table 1, 176.905(c)(d), (1), Part 172 Subpart E, Part 172 Subpart F, Parts 107, Parts 173, 174, 176, Parts 177.	To authorize transport on open top vehicles military combat & tactical vehicles loaded w/their combat supply of accessory ammunition up to 6000 lbs. & not to exceed 18% of net weight of vehicle. (Modes 1, 2, and 3.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, L.I., NY.	49 CFR 173.302(a)(1), 175.3	To renew and to authorize additional design accumulators. (Modes 1, 2, 3, and 4).
4262-X	DOT-E 4262	Schlumberger Well Services, Houston, TX	49 CFR 172.101, 173.53(u), 173.80	To authorize private offshore oil well supply cargo vessels as an additional mode of transportation. (Mode 1.)
4262-P	DOT-E 4262	Schlumberger Offshore Services, Houston, TX.	49 CFR 172.101, 173.53(u), 173.80	To become a party to Exemption 4262. (Mode 1.)
5022-P	DOT-E 5022	Thiokol Corporation, Elkton, MD	49 CFR 174.101(L), 174.104(d), 174.112(a), 174.66, 177.834(L)(1).	To become a party to Exemption 5022. (Modes 1 and 2.)
5403-P	DOT-E 5403	Halliburton Industrial Services, Inc., Duncan, OK.	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.266(b)(3), 173.272(i)(21), 173.289(a)(4), 176.343-2(b), 176.343-5(b)(1)(i), 176.343-5(b)(2)(i).	To become a party to Exemption 5403. (Modes 1 and 3.)
6215-X	DOT-E 6215	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.315(a)	To authorize use of insulated non-DOT specification cargo tanks, for shipment of a nonflammable gas. (Mode 1.)
6218-X	DOT-E 6218	Liquid Carbonic Corporation, Chicago, IL	49 CFR 173.315(a)	To authorize shipment of argon or nitrogen pressurized liquid in insulated non-DOT specification cargo tanks. (Mode 1.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 173.102, 173.108, 173.176, 173.87, 175.3.	To authorize an additional survival kit containing an oxygen cylinder, carbon dioxide cylinder and signal flares. (Modes 1, 3, and 4.)
6267-X	DOT-E 6267	Alden Leeds, Inc., South Kearny, NJ	49 CFR 173.217(a)	To authorize the transportation of certain oxidizers in non-DOT specification double-faced fiberboard boxes. (Modes 1, 2, and 3.)
6517-X	DOT-E 6517	Coyne Cylinder Company, Huntsville, AL	49 CFR 173.303(a)	To authorize use of non-DOT specification steel cylinders comparable to DOT Specification 4BW, for shipment of acetylene. (Modes 1, 2, and 3.)
6518-P	DOT-E 6518	Syntex Chemicals Inc., Boulder, CO	49 CFR 172.101, 172.302, 173.119, 173-134, 173.154.	To become a party to Exemption 6518. (Modes 1 and 3.)
6545-X	DOT-E 6545	San Diego Gas & Electric Company, San Diego, CA.	49 CFR 172.101, 173.315(a)	To authorize use of non-DOT specification cargo tanks, for shipment of a flammable gas. (Mode 1.)
6583-X	DOT-E 6583	Phillips Petroleum Company, Bartlesville, OK.	49 CFR 173.249(a)(7)	To authorize shipment of a corrosive material in a DOT Specification 51 portable tank. (Mode 1.)
6626-X	DOT-E 6626	Airco Welding Products, Murray Hall, NJ	49 CFR 173.34(e)(15)(i), 173.34(e)(15)(v), 175.3.	To authorize use of DOT Specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A, or 3AA, for shipment of certain compressed gases. (Modes 1, 2, 3, 4, and 5.)
6752-X	DOT-E 6752	Pennwalt Corporation, Philadelphia, PA	49 CFR 173.301(d)(3), 173.304(a)(2)	To authorize DOT Specification 3AAX and 3T cylinders containing difluoroethylene manifolded in an ISO frame as an additional container configuration. (Modes 1, 2, and 3.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6800-P	DOT-E 6800	Petro-Chem Drum Corporation, Houston, TX	49 CFR 173.119(a), 173.119(b), 173.245(a)(26), 173.245b(a)(6), 173.249(a)(1), 173.250a(a)(1), 173.257(a)(1), 173.263(a)(26), 173.265(d)(6), 173.266(b)(9), 173.271, 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.357(b), 178.19.	To become a party to Exemption 6800. (Modes 1, 2, and 3.)
6834-X	DOT-E 6834	FMC Corporation, Philadelphia, PA	49 CFR 173.245(a)(4)	To authorize use of DOT Specification 5 drums, for shipment of a certain corrosive liquid. (Mode 1.)
6874-X	DOT-E 6874	Twain Incorporated, Denver, CO	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
6874-X	DOT-E 6874	Degussa Corporation, Teterboro, NJ	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, and 3.)
7024-P	DOT-E 7024	Avondale Mills, Sylacauga, AL	49 CFR 173.249(a)(7)	To become a party to Exemption 7024. (Mode 1.)
7026-P	DOT-E 7026	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	49 CFR 173.304(a)(1), 175.3, 178.47	To become a party to Exemption 7026. (Modes 1, 2, 4, and 5.)
7074-X	DOT-E 7074	Allied Chemical, Morristown, NJ	49 CFR 173.273	To authorize a one-time shipment of sulfur trioxide, stabilized, in non-DOT specification steel tank. (Mode 1.)
7277-X	DOT-E 7277	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize various nonflammable gases and certain flammable gases as additional commodities for shipment in non-DOT specification cylinders. (Modes 1, 2, 3, 4, and 5.)
7767-P	DOT-E 7767	Walter Kidde, Division of Kidde, Inc., Wilson, NC.	49 CFR 173.304(a)(1), 175.3, 178.47	To become a party to Exemption 7767. (Modes 1, 2, 3, 4, and 5.)
7811-P	DOT-E 7811	J. T. Baker Chemical Company, Phillipsburg, NJ.	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 176.210.	To become a party to Exemption 7811. (Modes 1, 2, 3, and 4.)
7811-X	DOT-E 7811	EM Science, Cincinnati, OH	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 176.210.	To authorize certain Class B poisons as additional commodities. (Modes 1, 2, 3, and 4.)
7811-P	DOT-E 7811	U.S. Department of Energy, Richland, WA	49 CFR 173.119(a)(23), 173.245(a)(18), 173.346(a)(21), 173.347(a)(8), 175.3, 176.210.	To become a party to Exemptidn 7811. (Modes 1, 2, 3, and 4.)
7834-X	DOT-E 7834	U.S. Department of Defense, Washington, DC.	49 CFR 173.306(b)(4), 175.3	To authorize transport of nonliquefied sulfur hexafluoride in certain X-ray machines overpacked in strong wooden or fiberboard boxes. (Modes 1, 2, 3, 4, and 5.)
7835-P	DOT-E 7835	Suburban Welders Supply Co., Inc., Ashland, MA.	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1.)
7838-X	DOT-E 7838	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.118a, 173.119, 173.125, 173.128, 173.131, 173.132, 173.144, 173.245(a)(30), 173.346, 173.630.	To authorize use of non-DOT specification portable tanks for transportation of certain hazardous materials. (Modes 1, 2, and 3.)
7952-X	DOT-E 7952	Albright & Wilson Inc., Norwood, NJ	49 CFR 173.270, 178.87	To authorize shipment of phosphorus tribromide in non-DOT specification lead-lined drums. (Modes 1, 2, and 3.)
8080-X	DOT-E 8080	Diamond Shamrock Corporation Pasadena, TX.	49 CFR 173.184	To authorize transport of dry chromic acid in a DOT Specification 106A300W tank car which has been converted to DOT Specification 111A100W. (Mode 2.)
8086-X	DOT-E 8086	U.S. Department of Defense, Washington, DC.	49 CFR 172.101, 172.102, 173.118(a), 173.119, 173.206, 173.87.	To authorize transport of a cruise missile containing hazardous materials. (Mode 1.)
8094-X	DOT-E 8094	Mitport Chemical Company, Milwaukee, WI.	49 CFR 173.245, 173.249, 173.263, 173.266, 173.272.	To authorize shipment of corrosive materials in a DOT Specification 56 tank where a DOT Specification 60 tank is permitted in the regulations. (Mode 1.)
8115-X	DOT-E 8115	Acurex Corporation, Mountain View, CA	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinder, for transportation of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, and 5.)
8125-X	DOT-E 8125	SLEMI, Paris, France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8126-X	DOT-E 8126	Fauvet-Girel, Paris, France	49 CFR 173.123, 173.315	To authorize use of non-DOT specification portable tanks for transportation of certain liquefied petroleum gases and other gases classed as flammable gases and a flammable liquid. (Modes 1, 2, and 3.)
8144-X	DOT-E 8144	Hercules, Incorporated, Wilmington, DE	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	Atlas Powder Company, Dallas, TX	49 CFR 173.133, 175.3, 176.3	To increase quantity limit for DOT Specification 2U inside containers, from 5 quarts to 5 gallons, for shipment of spirits of nitroglycerin (nitroglycerin-propylene glycol mix). (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	Atlas Powder Company, Dallas, TX	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8144-X	DOT-E 8144	ICI Americas Inc., Wilmington, DE	49 CFR 173.133, 175.3, 176.3	To authorize transport of 10 percent nitroglycerine in propylene glycol or ethyl alcohol, in DOT Specification 2E polyethylene bottles or DOT Specification 2U containers overpacked in DOT Specification 12A or 12B fiberboard boxes, or DOT Specification 21C fiber drums. (Modes 1, 3, and 4.)
8227-X	DOT-E 8227	Sanders Associates, Inc., Nashua, NH	49 CFR 172.101, 173.302(a)(2), 175.3	To authorize an additional device containing lithium batteries. (Modes 1 and 4.)
8251-X	DOT-E 8251	Sea Containers Atlantic Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.245, 173.346	To authorize use of non-DOT specification intermodal portable tanks, for transportation of certain flammable, combustible, corrosive and poisonous liquids. (Modes 1, 2, and 3.)
8269-X	DOT-E 8269	Dow Chemical Company, Midland, MI	49 CFR 173.389–173.398, Part 172, Part 177.	To transport within plant over public highway via private carriage, radioactive materials (radioisotopes) as essentially non-regulated materials when contained in sealed source instruments for in-house processing. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8390-P	DOT-E 8390	Corco Chemical Corporation, Fairless Hills, PA.	49 CFR 173.272, 178.210, 178.24a	To become a party to Exemption 8390. (Mode 1.)
8401-X	DOT-E 8401	ERA Helicopters, Inc., Anchorage, AK	49 CFR 175.3, 175.310(c)(3), 175.310(d)	To authorize carriage of fuel in Canadien 5B drums loaded in cargo compartments of passenger-carrying helicopters. (Mode 5.)
8439-P	DOT-E 8439	Walter Kidde, Division of Kidde, Inc., [illegible], NC.	49 CFR 173.302, 173.304, 175.3, 178.53	To become a party to Exemption 8439. (Modes 1, 2, 3, 4, and 5.)
8445-P	DOT-E 8445	FMC Corporation, Princeton, NJ	49 CFR Part 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8494-X	DOT-E 8494	Fruehauf Corporation, Omaha, NB	49 CFR 178.342-6(a)	To authorize manufacture, marking and sale of DOT Specification MC-307 aluminum cargo tanks equipped with glass sight gauges in lieu of the acceptable gauging devices, for transportation of flammable gases. (Mode 1.)
8507-X	DOT-E 8507	U.S. Department of Energy, Washington, D.C.	49 CFR 173.302, 175.3	To authorize use of non-DOT specification stainless steel welded conical pressure vessel, for shipment of a compressed gas. (Modes 1, 2, 4, and 5.)
8510-X	DOT-E 8510	Dow Chemical Company, Freeport, TX	49 CFR 173.178	To authorize shipment of salt-coated magnesium granules in a non-DOT specification wax-impregnated, intermediate bulk, fiberboard box with an inside polyethylene bag. (Modes 1, 2, and 3.)
8519-P	DOT-E 8519	Polish Ocean Lines, Gdynia, Poland	49 CFR 176.906(L)	To become a party to Exemption 8519. (Mode 3.)
8536-X	DOT-E 8536	Hercules, Incorporated, Wilmington, DE	49 CFR 173.62, 178.177	To authorize transport of liquid high explosives in DOT Specification 15M containers in which the inner copper containers and the rubber boots have been replaced with polyethylene containers. (Mode 1.)
8539-X	DOT-E 8539	Aero Taxi-Rockford, Inc., Rockford, IL	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for shipment by air, or are in quantities greater than those prescribed for shipment by air. (Mode 4.)
8545-X	DOT-E 8545	Hercules Incorporated, Wilmington, DE	49 CFR 173.62	To authorize transport of limited quantities of liquid high explosives in polyethylene bottles packed in a DOT Specification 37A drum, overpacked in a DOT Specification 16A wooden box. (Mode 1.)
8554-X	DOT-E 8554	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.114a, 173.93	To authorize transport of propellent explosives and blasting agents, in a DOT Specification MC-306, MC-307 and MC-312 cargo tanks. (Mode 1.)
8561-X	DOT-E 8561	HTL Industries, Incorporated, Duarte, CA	49 CFR 173.304(a)(1), 175.3, 178.44	To authorize manufacture, making and sale of non-DOT specification girth welded stainless steel cylinders, for transportation of a compressed gas. (Modes 1, 2, and 4.)
8564-X	DOR-E 8564	Altus Corporation, San Jose, CA	49 CFR 173.206, 173.247	To authorize shipment of lithiumthionyl chloride batteries in DOT Specification 19 wooden boxes. (Mode 1.)
8565-X	DOT-E 8565	Olin Corporation, Stamford, CT	49 CFR 173.217(a)(3), 178.224	To authorize shipment of calcium hypochlorite mixture, dry, classed as oxidizer, in a DOT Specification 21C drum having an inner ply consisting of a lamination of polyester film mounted on aluminum foil.
8627-P	DOT-E 8627	Omega Treating Chemicals, Inc., Midland, MI.	49 CFR 173.119, 173.245, 178.253	To become a party to Exemption 8627. (Mode 1.)
8646-X	DOT-E 8646	Marshall Hyde Incorporated, Port Huron, MI.	49 CFR 172.101, 173.100, 173.86	To authorize transport of an explosive pest repellent device in limited quantities, in non-DOT specification inner fiberboard cartons. (Modes 1, and 2.)
8725-X	DOT-E 8725	CNG Fuel Cylinder Corporation, Long Beach, CA.	49 CFR 173.302(a)	To authorize an alternate bend test; and increase water capacity to 500 pounds and to authorize use of a ring specimen for bend and tensile tests. (Mode 1.)
8752-X	DOT-E 8752	Thiokol Corporation, Elkton, MD	49 CFR 173.92	To authorize shipment of fifteen rocket motors in a specially designed packaging configuration. (Mode 1.)
8862-P	DOT-E 8862	Union Carbide Corporation, Danbury, CT	49 CFR 173.119, 173.305	To become a party to Exemption 8862. (Mode 1.)
8871-P	DOT-E 8871	Bulk LIR International Inc., Carpentersville, IL	49 CFR 173.154, 173.182, 173.245(b)	To become a party to Exemption 8871. (Modes 1, and 2.)

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
		Note.—Inadvertently omitted from the 48 FR 38 publication of Exemptions issued during January 1983 are as follows:		
7052-P	DOT-E 7052	AVCO, Wilmington, DE	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)
7052-P	DOT-E 7052	The Bendix Corporation, Kansas City, MO	49 CFR 172.101, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, and 4.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1982-N	DOT-E 8959	Green Hydraulics, Inc., City of Commerce, CA.	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize shipment of nitrogen or nitrogen mixtures in steel hydraulic accumulators. (Modes 1, 2, 3, and 4.)
8966-N	DOT-E 8966	Norcliff Thayer, Inc., Saint Louis, MO	49 CFR Part 100-199	To authorize shipment of safety book matches packed with an inert, non-hazardous material in a rigid, open-top, paperboard caddy. (Modes 1, 2, 3, 4, and 5.)
8910-N	DOT-E 8910	Canber Products Limited, Waterloo, Ontario, Canada.	49 CFR 178.19, 178.253, Part 173 Subpart F.	To authorize use of non-DOT specification rotationally molded, linear low density polyethylene portable tank enclosed in a steel cage, for shipment of corrosive liquids. (Modes 1 and 2.)
8930-N	DOT-E 8930	General Aviation, Inc., Greenville, TN	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives not permitted for air shipment, or in quantities greater than those prescribed for shipment by air. (Mode 4.)
8937-N	DOT-E 8937	Amax Specialty Metals Corporation, Salt Lake City, UT.	49 CFR 173.178	To authorize shipment of coated magnesium granules in non-DOT specification collapsible flexible bag, disposable bulk container. (Modes 1 and 2.)
8950-N	DOT-E 8950	Structural Composites Industries, Inc., Pomona, CA.	49 CFR 173.302(a)(1), 173.304(a), (d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic hoop wrapped cylinders, for transportation of certain flammable and non/flammable compressed gases. (Modes 1, 2, 3, 4, and 5.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8955-N	DOT-E [illegible]	Foseco, Inc., Brook Park, OH	49 CFR 173.206	To authorize shipment of metallic sodium, fused solid, in a non-DOT specification aluminum can, overpacked in a non-DOT specification removable head, single trip steel drum. (Mode 1.)
8961-N	DOT-E [illegible]	Geosource Inc., Corpus Christi, TX	49 CFR 173.119, 173.304, 173.315	To authorize manufacture, marking and sale of non-DOT specification containers, for transportation of flammable liquids and flammable gases. (Mode 1.)
8963-N	DOT-E [illegible]	Atlantic Research Corporation, Gainesville, VA.	49 CFR 173.86(e)(2)(ii)	To authorize transport of a rocket motor in a propulsive state, in a DOT Specification 15A wooden box. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8956-N	DOT-E 8960	Florida Aircraft leasing Corporation, Fort Lauderdale, FL.	49 CFR 172.101, 175.320(a)	To authorize transport of Class A explosives loaded on the same aircraft with Class C explosives; no other cargo permitted. (Mode 4).
EE 8000-N	DOT-E 9000	Global International Airways, Kansas City, MO.	49 CFR, 172.101 Column 8(b)	To authorize air transport of rocket ammunition with explosive projectile, Class A explosive. (Mode 4).

DENIALS

8963-N	Request by Union Carbide Corporation, Danbury, CT to authorize shipment of certain etching materials, classed as corrosive material in non-authorized DOT Specification packaging denied February 1, 1983.
8934-N	Request by Korean Air Lines, Inc., Los Angeles, CA to authorize carriage of various Class A, B and C explosives, radioactive devices and magnetized materials aboard aircraft when not permitted by the Department's Hazardous Material Regulations denied February 22, 1983.

Issued in Washington, DC, on March 7, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 83-6675 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-60-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 53
Thursday, March 17, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, March 14, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,625–L (Amended)—Wilcox County Bank, Camden, Alabama

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the following matter:

Application of West Olympia Bank, Los Angeles, California, for consent to establish a branch at 901 South Western Avenue, Los Angeles, California.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–375–83 Filed 3–15–83; 11:44 am]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 p.m. on Friday, March 11, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Newport Harbour National Bank, Newport Beach, California, which was closed by the Comptroller of the Currency on March 11, 1983; (2) accept the bid for the transaction submitted by Trans American National Bank, Monterey Park, California; and (3) provide such financial assistance, pursuant to section 13(c)(2)), of the Federal Deposit Insurance Act (12 U.S.C. 1832(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: March 14, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–374–83 Filed 3–15–83; 11:45 am]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, March 14, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request for reconsideration of a previous denial of a request for consent to retire a subordinated note prior to maturity: Name and location of bank authorized to exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

The Board further determined, by the same majority vote, that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application for assistance under section 13(c) of the Federal Deposit Insurance Act: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii).

Application of Diablo State Bank, Danville, California, for consent to relocate its main office from 355 N. Hartz Avenue to 156 Diablo Road, Danville California.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to

the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii), of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii).

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[S-373-83 Filed 3-15-83; 11:43 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 4:00 p.m. on Tuesday, March 22, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Metropolitan Bank, Phoenix, Arizona, a proposed new bank to be located at 320 North Central Avenue, Phoenix, Arizona, for reconsideration of a previous denial of its application for Federal deposit insurance.

Application for consent to merge and establish one branch:

The Trenton Saving Fund Society, Trenton, New Jersey, an insured mutual savings bank, for consent to merge, under its charter and title, with Burlington Savings Bank, Burlington, New Jersey, and for consent to establish the sole office of Burlington Savings Bank as a branch of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,605-L—Franklin National Bank, New York, New York

Case No. 45,619-NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

Memorandum and Resolution re:—United States National Bank, San Diego, California

Memorandum and Resolution re:—Bank of Enville, Enville, Tennessee

Memorandum and Resolution re:—Hohenwald Bank & Trust Co., Hohenwald, Tennessee

Memorandum and Resolution re:—City and County Bank of Campbell County, Jellico, Tennessee

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California (two memorandums).

Memorandum re: Automation Committee Recommendation for Replacement of FDIC's Amdahl V/6–II Computer.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the General Counsel:

Memorandum re: The Mission State Bank & Trust Company, Mission, Kansas, Mission State Bank/FDIC v. Arthur Lohrey, et al.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-372-83 Filed 3-15-83; 11:43 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:30 p.m. on Tuesday, March 22, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 522b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for consent to merge and establish one branch:

Marine Bank, Warren, Pennsylvania, an insured State nonmember bank, for consent to merge, under its charter and title, with The Ridgway National Bank, Ridgway, Pennsylvania, and to establish the sole office of The Ridgway National Bank as a branch of the resultant bank.

Application for consent to retire a subordinated note prior to maturity:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A) (ii)).

Request for reconsideration of a previous denial of a request for consent to retire a subordinated note prior to maturity:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the

"Government in the Sunshine Act" [5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 15, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–371–83 Filed 3–15–83; 11:42 am]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, March 22, 1983, 10 a.m. (continued on Thursday, March 24, 1983 at close of the Open Meeting to conclude any unfinished business).

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, March 24, 1983, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Finance committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, telephone 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S–370–83 Filed 3–15–83; 3:19 pm]

BILLING CODE 6715–01–M

7

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 9986, March 9, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., March 15, 1983.

CHANGE IN THE MEETING: Addition of the following item to the closed session:

1. American Coastal Line Joint Venture, Inc. v. United States Lines, Inc. and Sea-Land Service, Inc. U.S. District Court for the District of Columbia, No. 83–706.

[S–369–83 Filed 3–15–83; 9:34 am]

BILLING CODE 6730–01–M

8

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, March 23, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: Mach 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S–378–83 Filed 3–15–83; 4:00 pm]

BILLING CODE 6210–01–M

9

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, March 23, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed book-entry securities fee structure. (Proposed earlier for public comment; Docket No. R–0443)
2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S–377–83 Filed 3–15–83; 3:54 pm]

BILLING CODE 6210–01–M

10

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 14, 1983 (revised) and Week of March 21, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Monday, March 14:*

10:00 a.m.:
Discussion of Procedures for Hearing on NFS-Erwin (Closed—Exemptions 1 and 10) (As Announced)

2:00 p.m.:
Briefing on Interim Independent Design Verification Program (Public Meeting) (Time and Date Change)

Tuesday, March 15:

10:00 a.m.:
Discussion/Possible Vote on Contested Issues in Palo Verde Full Power Proceeding (Closed—Exemption 10) (Time Change)

3:00 p.m.:
Briefing on Salem (Public Meeting) (Postponed from March 11)

Wednesday, March 16:

10:00 a.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

Thursday, March 17:

4:00 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. Regulations to Implement Pub. L. 97–415 (As Announced)
b. Review of ALAB–668 (In the Matter of Metropolitan Edison Company) (New Item)

Friday, March 18:

9:30 a.m.:
Briefing on Nuclear Waste Management Act (Public Meeting) (New Item)

Thursday, March 24:

10:00 a.m.:
Discussion of Notice and Standing in Materials Licensing Cases (Public Meeting)

2:00 p.m.:
Briefing by Ad Hoc Committee on Regulatory Reform—Administrative Proposals (Public Meeting)

3:30 p.m.:
Affirmation/Discussion and Vote (Public Meeting)
a. San Onofre Memorandum and Order Re Arrangements for Medical Services (Postponed from March 10)
b. 10 CFR Part 60—Disposal of High Level Radioactive Wastes in Geologic Repositories

Friday, March 25:

9:30 a.m.:
Hearing on NFS-Erwin (Public Meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

March 10, 1983.

[S-369-83 Filed 3-15-83; 9:45 am]

BILLING CODE 7590-01-M

11

RAILROAD RETIREMENT BOARD

TIME AND DATE: 10 a.m., March 24, 1983.

PLACE: Board's meeting room, 8th floor, headquarters building, 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public.

(1) Employer status of Burlington Northern (Manitoba) Limited.

(2) Appeal of Southern Pacific Transportation Company.

(3) Bureau of Audit and Investigation—independence of the internal auditor.

(4) Audit priorities.

(5) Proposed revisions to Board Orders 75-1 and 75-6.

(6) Field office hours.

(7) Unemployment benefits—14-day registration cycle.

(8) Publication in **Federal Register** of agency schedule for awarding SES bonuses.

(9) Recommendation for special achievement award—Topeka, Kansas base point and Kansas City, Missouri district office.

(10) Furnishing copies of internal audit reports to Senate Committee on Labor and Human Resources.

(11) Taskforce report on disability earnings limitation.

(12) Parts 216-237 of Regulations on Annuity Eligibility, Applications and Evidence.

(13) Part 218 of RRA Regulations on Annuity Beginning and Ending Dates.

(14) Proposed disability regulations (Part 220).

(15) Proposed regulation under Section 22 of the Railroad Retirement Act of 1974.

(16) Supplemental budget request.

(17) Litigation case (*Denberg* v. *Railroad Retirement Board*).

(18) Appeal from referee's denial of claim for spouse's annuity, Mrs. Mary E. Schweitzer and whether Mr. Ronald C. Schweitzer can appeal the beginning date of his annuity.

Portion closed to the public:

(A) Appeal from referee's denial of disabled widow's annuity, Sarah Kayda.

(B) Appeal from referee's denial of disability annuity, Samuel D. Cox.

(C) Intra-board personnel matters.

CONTACT PERSON FOR MORE INFORMATION: Beatrice Ezerski, COM No. 312-751-4920; FTS. No. 387-4920.

[S-370-83 Filed 3-15-83; 10:15 am]

BILLING CODE 7905-01-M

federal register

Thursday
March 17, 1983

Part II

Department of Transportation

Federal Aviation Administration

Location and Size of Registration Marks on Rotorcraft

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 45

[Docket No. 17528; Amdt. No. 45-15]

Location and Size of Registration Marks on Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires the display of registration marks, N-numbers, at least 12 inches high, or as high as practicable, on rotorcraft sides in place of the dual markings that consist of an N-number at least 20 inches high on the bottom surface and an N-number at least 2 inches high on each of the fuselage side surfaces near the cabin. The rule will provide economic relief, maintain ease of positive identification, and standardize identification marking of aircraft. To avoid undue cost of compliance to rotorcraft owners and manufacturers, a rotorcraft displaying the dual 20-inch bottom surface and small side surface markings before the effective date of the amendment and a rotorcraft manufactured after April 18, 1983, but before December 31, 1983, will be allowed to continue the display of those marks until the rotorcraft is repainted or the marks are restored, repainted, or changed.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Joseph J. Gwiazdowski, Aircraft Manufacturing Division (AWS-204), Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-8361.

SUPPLEMENTARY INFORMATION:

Background

This amendment, which establishes new requirements for the location and size of N-numbers on rotorcraft, is adopted for essentially the reasons outlined in Notice of Proposed Rulemaking (NPRM) No. 82-6 (47 FR 14128; April 2, 1982). That action responded to the Robinson Helicopter Company, Torrance California petition for rulemaking to delete N-numbers from the bottom surface of rotorcraft and to the Bell Helicopter Textron, Fort Worth, Texas, petition for exemption from § 45.29(b)(3)(i) to avoid the existing burden of compliance when attaching equipment that interferes with the display of 20-inch N-numbers on the bottom of a rotorcraft.

Also, as part of the FAA Rotorcraft Regulatory Review Program, a similar proposal was made in December 1979 on behalf of the Helicopter Association International (HAI) and the Aerospace Industries Association (AIA) to eliminate the 20-inch bottom surface markings on rotorcraft. The proposal reflected the Sikorsky Aircraft petition of February 22, 1977, for exemption from § 45.27, which contended that bottom surface marks should not be required on rotorcraft for the same reasons the marks are not required on the underwing surfaces of fixed-wing aircraft. Since the trend in rotorcraft design has resulted in fuselage shapes approaching those of airplanes, the markings should be similar to facilitate identification. It was noted also that the elimination of the requirement for bottom markings would reduce the cost of rotorcraft marking, a savings which would be passed on the rotorcraft owners.

Because of these concerns, the FAA is adopting only side fuselage N-numbers 12 inches high in place of the dual N-numbers consisting of 20-inch bottom surface marks and the small (2- to 6-inch) side fuselage marks.

Interested persons were given an opportunity to participate in the making of the rule, and due consideration was given to all information submitted. Except as discussed in this preamble, the revisions adopted by this amendment and the reasons for them are the same as those in NPRM No. 82-6.

Need for Amendments

Costly underwing marking requirements imposed on fixed-wing airplanes were eliminated in 1961 by Amendment 1-4 to Civil Air Regulation Part 1. The bottom surface marking requirements for rotorcraft identification were not changed at that time because they suited the early commercial rotorcraft configurations. Those configurations usually had been adopted from military rotorcraft that had no need for the vertical tail surfaces or other design considerations applicable to small fixed-wing aircraft. Because the low-speed and stability design of these rotorcraft necessitated tail configurations having exposed metal tubular construction, there remained insufficient display area for adequate identification markings.

The new rotorcraft configurations, which have been designed for faster flight and more stability than the early designs, now have compact, low-drag fuselage and tail surfaces that closely resemble those of fixed-wing aircraft. This enables the marking requirements to be standardized.

The concerns of the aviation community regarding visual identification that resulted in the display of larger side fuselage N-numbers on fixed-wing aircraft also apply to rotorcraft. Citizens, law enforcement agencies, and the Department of Defense have complained that aircraft displaying small marks cannot be positively identified because the marks are too small to see; consequently, appropriate action cannot be taken against violators of regulations, particularly low-flying aircraft that cause hazardous conditions and excessive noise in the community.

FAA field offices also stressed the need to standardize aircraft markings and improve the ability to positively identify rotorcraft. Agreement has been expressed regarding the elimination of the large 20-inch bottom surface marks, and adoption of the 12-inch side fuselage numbers has been recommended to provide for positive aircraft identification.

In view of the foregoing, the FAA has determined that it is in the public interest to change the identification requirements on rotorcraft from the display of dual markings now required to standard 12-inch-high fuselage side marks only.

Discussion of Comments

Twenty-eight commenters, who represent the views of rotorcraft manufacturers, associations, and individual owners, submitted responses to NPRM No. 82-6. Generally, the comments favor the elimination of the 20-inch-high bottom surface marks; however, the majority note as unacceptable the requirement to display 12-inch-high N-numbers on the fuselage sides. About 20 commenters object to 12-inch N-numbers because of aesthetics, cost, or insufficient space or question the need for the change at this time. Some commenters recommend withdrawal of the proposed action or the optional use of 12-inch N-numbers in lieu of the dual markings.

Rotorcraft Aesthetics

Approximately 14 commenters object that 12-inch N-numbers would adversely affect the aesthetics of rotorcraft. The FAA recognizes that this may be true in some cases; however, rotorcraft manufacturers and owners, in most cases, could modify the paint scheme to minimize any adverse effect on aesthetics. The effect of the 12-inch N-number requirement would be no greater on rotorcraft than on fixed-wing aircraft. Furthermore, the FAA must give prime consideration to the factors most

affecting the public interest and safety such as positive aircraft identification.

Cost of Compliance

Eleven commenters object to the cost that would be imposed by the proposed 12-inch N-numbers and contend that the FAA evaluation does not reflect the additional costs required to redesign the paint schemes around the proposed large numbers.

The FAA evaluation, as noted in NPRM 82–6, primarily reflected the difference in the costs of applying the dual marks now required as compared to applying only the 12-inch side fuselage marks proposed. The FAA agrees with the commenters that the additional costs may be incurred by those rotorcraft operators desiring to modify paint schemes to accommodate the 12-inch N-numbers. Accordingly, the FAA conducted an additional survey of fixed-base operators (FBO's) before issuing this final rule. These costs are included in the final regulatory evaluation.

Further, to avoid any undue cost burden on rotorcraft owners and manufacturers, the rule, as adopted, allows rotorcraft displaying the dual marks before the effective date of the amendment and new rotorcraft manufactured after April 18, 1983, but before December 31, 1983, to display those marks until the rotorcraft is repainted or the N-numbers are restored, repainted, or changed. It is apparent that many failed to note that the amendment would relieve the marking burden on manufacturers and owners by extending the time period for compliance in this manner.

Lack of Space

Approximately 12 commenters contend that many small rotorcraft models have insufficient space to display full-size 12-inch N-numbers.

The FAA recognizes that certain rotorcraft configurations may lack sufficient space to display full-size N-numbers. However, when a rotorcraft to be marked in accordance with § 45.27(a) lacks sufficient space to display full-size marks on either the cabin, fuselage, boom, or tail, then § 45.29(f) allows marks as large as practicable to be displayed on both sides of the largest outside surfaces of the cabin, fuselage, boom, or tail side surfaces.

Alternatives

Some commenters recommend that the present dual-marking requirements be retained. In those cases where attached equipments would obscure the bottom-surface marks, the commenters recommend that the proposed marking requirements could be made optional or handled by the exemption process. The FAA does not consider this a viable alternative since it would perpetuate the use of the ineffective dual markings.

Additionally, FAA experience indicates that those marks are of limited value for aircraft identification. The large bottom surface marks and the small side surface marks were found to be of little value in air-to-air identification. The bottom surface marks may, in some instances, serve as a means of identifying violators of noise abatement programs. However, those marks are of little value unless the aircraft is flying at an appropriate altitude, attitude, and speed; the observer is situated directly below the flight path; and favorable light and weather conditions prevail.

Further, the FAA agrees that retaining the dual-marking requirements would impose an undue economic burden on rotorcraft owners, particularly those who attach equipment that would obscure the bottom surface marks. In those cases, numbers as large as practicable would have to be displayed; however, should the equipment be removed, 20-inch marks would have to be displayed, as required.

Accordingly, the only viable solution to reconcile the identification and marking problems on rotorcraft is to eliminate the ineffective dual marks and adopt the 12-inch side surface marks. The effectiveness of 12-inch marks has been confirmed under actual operating conditions on fixed-wing aircraft and recommended by the DOD and enforcement agencies to enhance rotorcraft identification.

Regulatory Evaluation

The FAA conducted a detailed regulatory evaluation, which is included in the regulatory docket.

The FAA first determined the number of rotorcraft that would be impacted during the 10-year period starting from 1983, the assumed earliest year that the rule change could take effect. Based on a review of the *Census of U.S. Civil Aircraft* for calendar years 1970–1980, an annual increase factor of 10 percent was applied to determine the forecast number of new rotorcraft for the period 1983–1992. The FAA's analysis indicates that these new rotorcraft and existing rotorcraft (manufactured before 1983) require repainting and thus new registration marks, on the average, every 5 years.

The FAA conducted a new survey of FBO's, which is in addition to the survey conducted for the NPRM No. 82–6. Conversations with the FBO's revealed that by rescinding the current registration marking requirement (standard fuselage bottom and side), the average 1982 dollar cost savings to rotorcraft manufacturers and owners is $444. The proposed larger side markings would cost an average $220. Additionally, certain rotorcraft manufacturers and owners will incur costs to modify or develop new paint schemes because larger side marks may not coincide aesthetically with existing paint schemes. Based on conversations with the FBO's, the average weighted distributed cost to modify paint schemes per rotorcraft is $196. Modification of paint schemes is a one-time cost and applies only to the initial painting of rotorcraft manufactured after the effective date of the rule and the first repainting of existing rotorcraft that occurs after the effective date of the rule. Furthermore, the FAA does not agree that larger side markings will result in a loss of business because customers would not be able to readily identify rotorcraft with modified or new paint schemes as suggested by two commenters to NPRM No. 82–6. Based on conversations with the FBO's, the FAA has determined that these manufacturers and owners in most cases should be able to work out a modified paint scheme to minimize the amount of change from the current design.

To determine the benefits and cost of the proposal over the period 1983–1992, FAA inflated the unit dollar values for the current and proposed registration mark requirements and aesthetic-related costs to 1983 values, multiplied the unit costs by the affected number of rotorcraft for each year, and discounted the totals to 1983.

Based on the above methodology, the discounted value of the expected benefits over the period 1983 to 1992 is approximately $14.0 million, whereas the discounted value of the costs over the same period is approximately $11.2 million, for a benefit/cost ratio of 1.25.

The actual cost savings may be larger than determined above because under current regulations owners of rotorcraft who install or remove kits or parts that mount on the bottom of the rotorcraft often have to replace the marks on the fuselage bottom to maintain compliance. Therefore, owners of such rotorcraft would receive benefits from the elimination of the bottom marking requirement since the rotorcraft would not need to be marked each time such kits are installed and removed. These rotorcraft are still included, however, in the estimates of those that will have to be repainted with new marks every 5 years. Additionally, larger side marks

may make rotorcraft easier to identify and aid in law enforcement by not only helping to identify alleged violators but also acting as a deterrent to potential violators.

Regulatory Flexibility Analysis and Determinations

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have a "significant economic impact on a substantial number of small entities."

As detailed in the preceding review, this rule provides a small net benefit to rotorcraft manufacturers and owners. Therefore, the FAA has determined that the rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 45

Nationality, Air safety, Safety, Aviation safety, Air transporation, Transportation, Airplanes, Helicopters, and Rotorcraft.

Adoption of the Amendment

Accordingly, Part 45 of the Federal Aviation Regulations (14 CFR Part 45) is amended as follows, effective April 18, 1983:

PART 45—IDENTIFICATION AND REGISTRATION MARKING

1. By revising § 45.27(a) to read as follows:

§ 45.27 Location of marks; nonfixed-wing aircraft.

(a) *Rotorcraft.* Each operator of a rotorcraft shall display on that rotorcraft horizontally on both surfaces of the cabin, fuselage, boom, or tail the marks required by § 45.23.

* * * * *

2. By revising § 45.29 (b)(3) and (f) to read as follows:

§ 45.29 Size of marks.

* * * * *

(b) * * *

(3) Rotorcraft, must be at least 12 inches high, except that rotorcraft displaying before April 18, 1983, marks required by § 45.29(b)(3) in effect on April 17, 1983, and rotorcraft manufactured on or after April 18, 1983, but before December 31, 1983, may display those marks until the aircraft is repainted or the marks are repainted, restored, or changed.

* * * * *

(f) If either one of the surfaces authorized for displaying required marks under § 45.25 is large enough for display of marks meeting the size requirements of this section and the other is not, full-size marks shall be placed on the larger surface. If neither surface is large enough for full-size marks, marks as large as practicable shall be displayed on the larger of the two surfaces. If any surface authorized to be marked by § 45.27 is not large enough for full-size marks, marks as large as practicable shall be placed on the largest of the authorized surfaces.

* * * * *

(Secs. 307(c), 313(a), 501, and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(c), 1354(a), 1401, and 1421(a)); and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note.—This amendment will have a net beneficial cost impact because it will reduce the economic burden on rotorcraft owners and manufacturers. Specifically, the elimination of the costly 20-inch bottom surface marks will more than offset the increase of the fuselage side marks to 12 inches. Further, rotorcraft displaying bottom surface marks before the effective date will be allowed to display those marks until the rotorcraft is repainted or the marks are repainted, restored, or changed. The FAA has determined this document does not involve requirements that will result in any significant burden on owners or manufacturers. Accordingly, it has been determined that this final rule is not major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons and because this rule will only result in a small economic benefit to individual rotorcraft owners, I certify that, under the criteria of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities.

A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Washington, D.C., on February 14, 1983.

J. Lynn Helms,

Administrator.

[FR Doc. 83-6730 Filed 3-16-83; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
March 17, 1983

Part III

Department of Health and Human Services

Office of Human Development Services

Availability of Financial Assistance; Centers for Runaway and Homeless Youth

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13.623]

Administration for Children, Youth and Families; Runaway and Homeless Youth Program; Availability of Financial Assistance

AGENCY: Office of Human Development Services, HHS.

ACTION: Announcement of availability of financial assistance—centers for runaway and homeless youth.

SUMMARY: The Administration for Children, Youth and Families (ACYF), Youth Development Bureau (YDB), announces the availability of Fiscal Year 1983 funds for Runaway and Homeless Youth Center Program Grants. These Grants are authorized by the Runaway and Homeless Youth Act, 42 U.S.C. 5701 et seq. This Act was enacted by Title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), as amended by the Juvenile Justice Amendments of 1977 (Pub. L. 95–115), and the Juvenile Justice Amendments of 1980 (Pub. L. 96–509).

DATE: The closing date for receipt of applications is May 16, 1983.

A. Scope of This Announcement

This Program Announcement describes the application process for the Center Grants Program to be awarded during Fiscal Year 1983. Competition for other grant awards in this and other ACYF program areas will be announced separately in the **Federal Register.**

B. Program Purpose

The purpose of the National Runaway and Homeless Youth Program is to provide financial assistance to establish or strengthen community-based centers designed to address the needs (e.g., outreach, detached youth work, temporary shelter, counseling, family counseling and aftercare services) for runaway and homeless youth and their families. Additional purposes of this program are to provide financial assistance to establish new programs in unserved communities, and to strengthen many of the existing centers.

Programs receiving funding under the Runaway and Homeless Youth Act are required to be knowledgeable of and to adhere to the requirements of 45 Code of Federal Regulations (CFR), Part 1351, Runaway and Homeless Youth Program, and other applicable Federal regulations (copies of the regulations pertaining to this program are included in the application kit available at the respective regional offices shown at the end of this Program Announcement). Applicants must develop their application in accordance with those regulations and the supplementary instructions which are also included in the kit. Under this Program Announcement, State agencies should pay particular attention to Section D, wherein their participation is urged.

C. Program Goals and Objectives

The program goals and objectives are to assist Runaway and Homeless Youth Centers to: (a) Alleviate the problems of runaway and homeless youth; (b) reunite youth with their families and to encourage the resolution of intrafamily problems through counseling and other services; (c) strengthen family relationships and to encourage stable living conditions for youth; and (d) help youth decide upon a future course of action.

The centers funded under this program are required to provide outreach, temporary shelter, counseling, family counseling and aftercare services which address the immediate needs of youth while they are away from home, and to provide individual and family counseling and other assistance needed to resolve intrafamily problems, and to strengthen family relationships. Additionally, both directly and through linkages with other social services agencies, the centers are required to furnish other assistance such as health, education, legal, and employment services geared to the needs of the individual clients and families served.

A special emphasis will be placed on strengthening approximately 100 existing grant programs. The 42 grantees who are being awarded non-competitive continuation basic center grants and the grantees who are awarded competing continuation basic center grants will be eligible to apply for additional funds to strengthen their programs. Strengthening priorities shall include the development/improvement of outreach components; the development/improvement of aftercare services and the improvement of administrative management capabilities.

D. Eligible Applicants

States, localities, private nonprofit agencies, and coordinated networks of such agencies are eligible to apply for a Runaway and Homeless Youth Center grant unless they are part of the law enforcement structure or the juvenile justice system. States are defined to include any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territories of the Pacific Islands, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. (See 42 U.S.C. 5603(7) as amended by Sec. 5(c) of Pub. L. 96–509). Indian tribes and Indian organizations which are not Federally recognized are eligible to apply for grants as private nonprofit agencies. Federally recognized Indian tribes are eligible to apply for grants as local units of government.

A coordinated network of agencies is an association of two or more private nonprofit, public or any combination of such agencies providing services to runaway or homeless youth and their families.

To stimulate the interactions between State agencies and private nonprofit agencies, and coordinated networks of such agencies serving runaway and homeless youth, States are encouraged to apply.

E. Available Funds

The Administration for Children, Youth and Families expects to award approximately $17,000,000 in grants to an estimated 201 centers for runaway and homeless youth in Fiscal Year 1983. Of that amount, an estimated $2,200,000 will be available for the 42 non-competing continuations that were funded for the first time in Fiscal Year 1981 for a four-year project period. It is anticipated that approximately $3,000,000 will be available to fund about 35 new programs in unserved communities that did not receive funding under the Runaway and Homeless Youth Act, Title III, Pub. L. 96–509, during the previous center grants competition held in Fiscal Year 1981. An estimated $8,000,000 will be used to competitively fund up to 124 center grants whose project periods end in Fiscal Year 1983. Further, it is expected that $3,800,000 will be available for strengthening approximately 100 of the 166 center grantees currently funded (which includes the 42 non-competing continuations).

It is anticipated that the project period (and budget period) for the new center grants in unserved communities will be one-time grants and will be from 12 to 17 months. It is expected that these awards will range from $80,000 to $100,000.

The project period (and budget period) for the 124 current grantees competitively applying for Title III funds will be for 12 months. These awards will range from $10,000 to $100,000 for the project period.

Grants to strengthen approximately 100 currently funded centers (i.e., of the existing 166 grantees) will be for one

time and will be for a comparable project period (and budget period) of 12 months. These awards will be in addition to the basic center award and will range from $10,000 to $50,000.

The number of grants awarded within each State will depend upon the State's allocation and the number of acceptable applications. The dollar amounts given in this announcement are subject to change depending on the number of applications received within each State. Also, all applicants under this announcement will compete with other applicants in the State in which their services will be provided.

Under Section 313 of this Act, as amended (42 U.S.C. 5713), DHHS gives priority in considering grant applications to organizations which have a demonstrated experience in the provision of services to runaway and homeless youth and their families and to organizations requesting grants of less than $150,000. In negotiating the final budgets for successful applicants, consideration will be given to the need expressed in the application which identifies the number of runaway or homeless youth in the community in which the center will be located; the existing availability of services designed to meet the immediate needs of runaway and homeless youth and their families; and the range and types of services to be provided under the proposed project within the requirements of the Act, as shown in criterion number three, Section H, of this announcement.

The project period will be for twelve months for currently funded Title III grantees. In the event that agencies within any State jurisdiction either submit applications which fail to meet the minimum criteria for funding, or agencies within the respective State jurisdictions do not submit applications, the Department of Health and Human Services will reallocate, at the discretion of the Secretary, any unused funds for one-time efforts pursuant to Sec. 311 of Pub. L. 96–509.

The following table indicates the Fiscal Year 1983 allocations for each State jurisdiction.

RUNAWAY AND HOMELESS YOUTH CENTERS
ALLOCATIONS BY STATE

[Total 57 States—Fiscal Year 1983]

Alabama	[illegible]
Alaska	39,100
Arizona	199,750
Arkansas	170,000
American Samoa	3,400
California	1,848,100
Colorado	212,330
Connecticut	217,600
Delaware	44,200
District of Columbia	44,200
Florida	[illegible]
Georgia	408,000
Guam	15,300
Hawaii	73,100

RUNAWAY AND HOMELESS YOUTH CENTERS
ALLOCATIONS BY STATE—Continued

[Total 57 States—Fiscal Year 1983]

Idaho	78,200
Illinois	858,500
Indiana	425,000
Iowa	217,600
Kansas	171,700
Kentucky	277,100
Louisiana	342,400
Maine	86,000
Maryland	304,300
Massachusetts	402,900
Michigan	725,900
Minnesota	309,400
Mississippi	214,200
Missouri	357,000
Montana	62,900
Nebraska	119,500
Nevada	54,400
New Hampshire	68,000
New Jersey	530,400
New Mexico	107,100
New York	1,276,160
North Carolina	428,400
North Dakota	51,000
Northern Marianas	1,700
Ohio	819,400
Oklahoma	215,900
Oregon	185,300
Pennsylvania	825,200
Puerto Rico	343,400
Rhode Island	64,600
South Carolina	238,180
South Dakota	54,400
Tennessee	331,500
Texas	1,098,300
Trust Territories	17,000
Utah	134,300
Vermont	37,400
Virginia	362,500
Virgin Islands	10,200
Washington	290,700
West Virginia	142,800
Wisconsin	357,000
Wyoming	37,400

F. Grantee Share of the Project

Section 316(a) provides for 90 percent of the costs of operating a center for runaway and homeless youth. The non-Federal portion may be for grantee incurred costs or in-kind contributions (including the facility, equipment or services) and must be project-related and allowable under the cost principles as provided in 45 CFR, Part 74, the Department's regulation on the Administration of Grants.

G. The Application Process

1. Basic Center Grants

All new applicants and applicants for competing continuation grants must clearly identify on the application form that they are applying for a basic center grant.

2. Strengthening Center Grants

All currently funded grantees are eligible to apply for funds to strengthen their centers. Since separate review criteria will be applied, the application and review process will be as follows:

- The grantees who are applying for competitive continuation grants and who wish to compete for funds to strengthen their programs should clearly state in their application that they are also applying for funds to strengthen their program. This will entail a separate budget and narrative breakout detailing the amount of funds required and how they will be used.
- The 42 grantees who are being awarded non-competitive continuation grants and who wish to compete for funds to strengthen their program, are required to submit a separate competitive application for these funds.

3. Information To Be Made Available—Submission of Applications

Information about the availability of Fiscal Year 1983 funds to support centers for runaway and homeless youth will be made available to the public through this announcement and to the extent feasible, through notices to appropriate public and private nonprofit organizations in each State. Agencies and organizations interested in applying for funds may request application kits from the cognizant ACYF regional offices (see addresses for the regional offices at the end of this announcement).

In order to be considered for a Runaway and Homeless Youth Center Grant, an application must be submitted on the forms and in the manner required by the Administration for Children, Youth and Families.

The application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in the announcement and the instructions in the application kit.

One signed original and two copies of the grant application, including all attachments, are required. ACYF encourages the submission of an additional five copies to facilitate the review panel process. Completed applications, including all copies, must be sent to the Director, Office of Fiscal Operations in the applicant's region. (Addresses for the Regional Offices of Fiscal Operations will be available from the ACYF regional offices.)

4. A–95 Notification Process

All applications, except those from federally recognized Indian tribes, are subject to the Project Notification and Review Procedures required by OMB Circular A–95, Part I. This circular requires applicants to notify State and Areawide A–95 Clearinghouses of the intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application. Some State and area clearinghouses provide their own forms on which such information is to be submitted.

Applicants should immediately contact the appropriate State clearinghouse for information on the A–95 requirements. Applicants which are federally recognized Indian tribes are not subject to the requirements of the Project Notification and Review Procedures. Such applicants may voluntarily participate in this system and are encouraged to do so.

Instructions for meeting these requirements and the names and addresses of State and areawide clearinghouses will be provided in the application kit.

5. Application Consideration

All applications which are complete and conform to the requirements of this program announcement will be subject to a competitive review and evaluation process. This review will be conducted at the HHS/HDS regional office level by persons knowledgeable in the areas of youth development and/or human services programs who are outside and independent of the Administration for Children, Youth and Families. The consideration of applications by the competitive review panel may also take into account the comments of appropriate specialists inside and outside the Federal Government. The results of the competitive review will be reported to the ACYF Regional Program Director who will make the final selection of the successful applicants. Organizations whose applications have been disapproved will be notified in writing of that decision.

Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the non-Federal share to be provided, and the total project period for which support is provided.

6. Priority for Funding

Section 313 of the Runaway and Homeless Youth Act requires that priority for funding be given to organizations with demonstrated experience in dealing with runaway and homeless youth, or organizations requesting grants with budgets of less than $150,000. As specified in 45 CFR 1351.12—"Past experience means that a major activity of the agency has been the provision of temporary shelter, counseling, and referral services to runaway or otherwise homeless youth and their families, either directly or through linkages established with other community agencies."

H. Criteria for Review of Applications

Part I. Criteria for All Center Grant Awards

New and competing continuation applications for financial assistance will be reviewed and evaluated against the following criteria:

1. The reasonableness of the proposed budget with a breakdown of costs, and whether a center grant request is less than $150,000	(5 points)
2. The extent to which the applicant has demonstrated the ability to access other resources which can strengthen support for the existing or proposed center's activities to remain a viable organization at the expiration of the Federal funding period	(20 points)
3. The extent to which the applicant documented the need for services for runaway and homeless youth, and proposed service areas (e.g., particular communities, districts, neighborhoods, etc.) on the basis of a comprehensive community needs assessment, and the extent to which the selection of these areas is based on the incidence of runaway and homeless youth: (Information to be provided by the applicant should include data on the incidence of runaway and homeless youth in the geographic area to be served, and an analysis of other resources and services available in the community to serve this target population, a discussion of the benefits to the community of a runaway and homeless youth center program, and a description of the precise location of the center)	(20 points)
4. The potential of the applicant to establish a center which can achieve the goals and requirements of this grant program as set forth in the Runaway and Homeless Youth Act, the Administrative Requirements (45 CFR 1351), and the Program Performance Standards	(30 points)
5. The extent to which the applicant organization has demonstrated prior experience in planning, organizing and/or providing information, temporary shelter, counseling, and referral services to runaway and homeless youth and their families	(15 points)
6. The capacity of the applicant to provide a statement of assurance that they will comply with the program requirements provided in the Code of Federal Regulations, Title 45, Part 1351	(5 points)

Part II. Strengthening Centers

Competing applications for financial assistance intended to strengthen the operation and the programs of centers for runaway and homeless youth will be reviewed and evaluated against the following criteria.

1. The extent to which the applicant documents the need for additional funds to strengthen on a one time basis one or more of the following center activities: management and operations; outreach services; or aftercare services. The applicant must specifically describe the proposed activities to be undertaken, the ability of the center to achieve the proposed objectives, and how the expected outcomes would significantly strengthen the center's capacity to address the goals of the Runaway and Homeless Youth Program	(30 points)
2. The reliability and soundness of the applicant's proposed activities and the approaches to be utilized in improving program management and operations, outreach or aftercare services	(20 points)
3. The potential replicability of the center's proposed activities in terms of suitability for use in other community-based centers serving runaway and homeless youth and their families and specific quantifiable outcomes or products, if applicable, to be achieved/developed	(20 points)
4. The capability and qualifications of proposed staff, or organizations that would be involved and the adequacy of the applicant's facilities and/or staff to achieve the proposed objectives	(15 points)
5. A reasonable proposed budget, including a justification of projected costs, and the ability of the applicant to complete all proposed activities within the estimated timeframes	(15 points)

Closing Date for Receipt of Applications

The closing date for the receipt of applications for activities identified under this announcement is May 16, 1983. Application kits are available from the appropriate Regional Program Director listed at the end of this program announcement. Applications may be mailed or hand delivered to the regional HDS Office of Fiscal Operations at their respective addresses as shown in the application kit.

Applications received after the closing date at 5:00 p.m. will be considered ineligible and will not be reviewed and evaluated. An application will be considered to be received on time if:

- The application was sent by registered or certified mail no later than the closing date, as evidenced by a U.S. Postal Service dated postmark, unless it arrives too late to be considered by the independent review panel. Applicants should be aware that not all post offices provide a dated postmark. Applicants are advised to check with their post office to determine this.
- The application is received on or before the closing date by the respective regional HDS Office of Fiscal Operations at their respective address as shown in the application kit. In establishing the date of receipt, consideration will be given to documentary evidence of receipt maintained by HHS.

Availability of Application Forms

Application packages which contain the prescribed application forms and information for the applicant may be obtained by writing to the appropriate Regional Program Director in the HHS region in which the program will be located. The addresses of the regional offices are listed below:

Region I, Mr. Richard Stirling, Regional Program Director, Office of Human Development Services, John F. Kennedy Federal Building, Room 2011, Boston, Massachusetts 02203 (VT, CT, ME, NH, RI, MA): Attention: Ms. Susan Selya (617–233–6450);

Region II, Mr. Dennis Coughlin, Acting Regional Program Director, Office of Human Development Services, 26 Federal Plaza, Room 4149, New York, New York 10278 (NY, NJ, PR, VI): Attention: Ms. Estelle Haferling (212–264–1329);

Region III, Mr. Alvin Pearis, Regional Program Director, Office of Human Development Services, 3535 Market Street, P.O. Box 13716, Philadelpia, Pennsylvania 19101 (DE, DC, MD, VA, WV, PA): Attention: Ms. Mary Williams (215–596–0391);

Region IV, Mr. John Jordan, Regional Program Director, Office of Human Development Services, 101 Marietta Towers suite 903, Atlanta, Georgia 30323 (AL, FL, GA, KY, MS, NC, SC, TN): Attention: Mr. James Shelton (404–221–2128);

Region V, Mr. German White, Regional Program Director, Office of Human Development Services, 300 South Wacker Drive, Chicago, Illinois 6066 (IL, IN, MN, OH, WI, MI): Attention: Ms. Katie Williams (312–353–6514);

Region VI, Mr. Tommy Sullivan, Regional Program Director, Office of Human Development Services, 1200 Main Tower, 20th Floor, Dallas, Texas 75202 (LA, NM, OK, TX, AR): Attention: Mr. Jerry Mabe (214–767–8596);

Region VII, Mr. Hilton Baines, Regional Program Director, Office of Human Development Services, Federal Office Building, Room 384, 601 East 12th Street, Kansas City, Missouri 64106 (IA, KS, MO, NE): Attention: Mr. Robert Mead (816–374–7342);

Region VIII, Mr. David Chapa, Regional Program Director, Office of Human Development Services, 1961 Stout Street, Federal Office Bldg., Ninth Floor, Denver, Colorado 80294 (CO, MT, ND, SD, UT, WY): Attention: Mr. Juan Cordova (303–837–3106);

Region IX, Mr. Roy Fleischer, Regional Program Director, Office of Human Development Services, 50 United Nations Plaza, San Francisco, California 94102 (AZ, CA, HI, NV, GU, AS, TT): Attention: Chief, Children's Bureau (415–556–6153); or

Region X, Mr. Frank Jones, Regional Program Director, Office of Human Development Services, 2901 Third Avenue, Mail Stop 503, Seattle, Washington 98121 (AK, ID, OR, WA): Attention: Mr. Ronald Mowry (206–442–0838).

(Catalog of Federal Domestic Assistance Program Number 13.623, Runaway and Homeless Youth Program)

Dated: March 4, 1983.

Keith A. Moon,

Acting Commissioner, Administration for Children, Youth and Families.

Approved: February 11, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-0077 Filed 3-10-83; 8:45 am]

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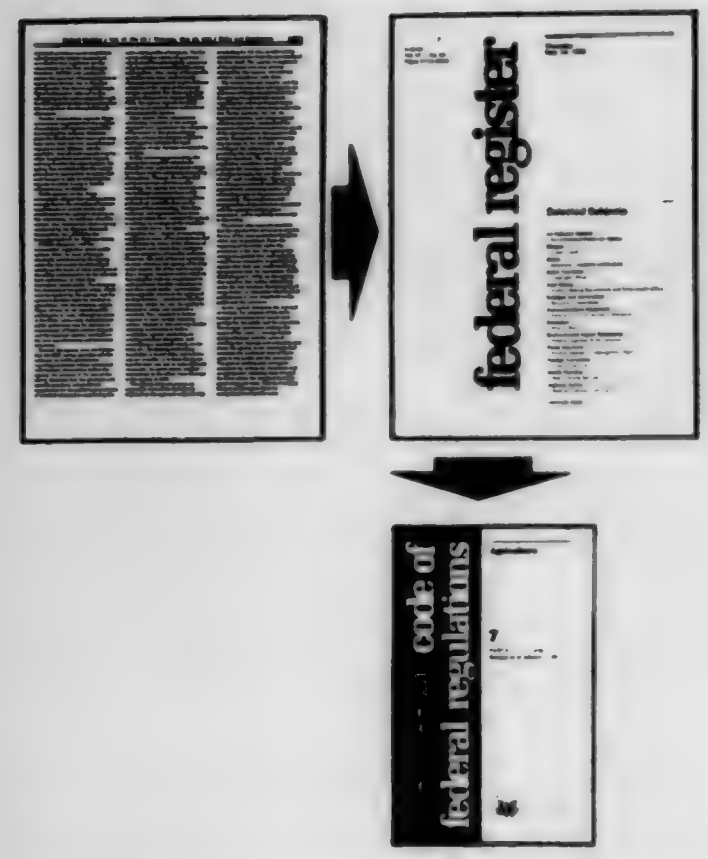

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Rules and Regulations

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Friday, March 18, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Appeals Arbitration

AGENCY: Merit Systems Protection Board.

ACTION: Interim rules; request for comments.

SUMMARY: The Merit Systems Protection Board is adopting a new appeals arbitration procedure for resolving matters subject to the appellate jurisdiction of the Board. It is being conducted on a pilot basis in four regional offices (San Francisco, Chicago, Seattle and Denver) and will be carefully evaluated in approximately one year to determine if it should be extended. The functions of the new rules are to provide an alternative procedure that will offer employees and agencies a faster, less costly means of resolving routine actions while also affording an impartial forum. The appellant may request that his or her petition be processed under appeals arbitration. The agency will be given the opportunity to concur in or decline the use of appeals arbitration. However, the Regional Director or designee retains final authority to grant or deny the request to use appeals arbitration. If granted, the regional director will appoint an arbitrator on a rotating basis from a panel of presiding officials who are designated for the new procedures; these officials will receive special training. The procedure will be informal with no discovery and will not be precedential. Settlement will be explored by the arbitrator with the parties. A decision will be issued within 30 days from the due date or receipt of the parties' joint arbitration record, whichever is earlier. The arbitrator's award will include a summary of the issues presented, findings of fact and conclusions of law, and decision on the merits. The award is final except a limited right is provided to petition the Board for review for demonstrated harmful procedural irregularity in the proceeding or a clear error of law. The board will issue a final decision within 15 days after the close of the published briefing schedule.

EFFECTIVE DATE: March 18, 1983.

ADDRESS: Comments should be submitted on or before July 1, 1983 to: Paul E. Trayers, Labor Counsel, Office of the General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: Paul E. Trayers, Labor Counsel, (202) 653–7171.

SUPPLEMENTARY INFORMATION:

Background

The Civil Service Reform Act of 1978 authorized the Board to establish regulations for the purpose of adjudicating employee appeals. The legislative history of the Act discloses Congress' major interest in expediting the resolution of personnel actions subject to the Board's appellate jurisdiction. Illustrative of this is commentary which urges the Board to develop efficient and effective alternative methods for resolving appealable matters by adoption of "suitable forms of conciliation, mediation, arbitration, and other methods mutually agreeable to the parties." (S. Rep. No. 969, 95th Cong. 2d Sess., 61 (1978)).

In accordance with 5 U.S.C. 7701(j), the Merit Systems Protection Board is establishing an appeals arbitration procedure as an alternative to the more formalized procedure now governing appeals before the Board. The Board's basic objectives are to establish a simplified system which will provide the parties with a faster, less costly process to resolve routine, non-precedential actions, and to preserve an impartial forum with full concern for fairness to the parties and the public.

In formulating the appeals arbitration procedure, the Board sought a system which will achieve the following goals:

—The system will not only be fair and fast, but also one which is recognized and accepted as such by employees and agency management.

—It will encourage the informal resolution of disputes in the proceeding, including settlement by agreement between the parties.

—It will cover as many kinds of appealable matters as are feasible for resolution through the more informal process.

—It will improve the timeliness and cost-effectiveness of the process leading to the resolution of disputed personnel actions.

—It will exclude sensitive cases requiring more intense adjudicative proceedings, based on the nature, gravity and complexity of the issues involved.

—It will preserve the parties' rights to limited Board review of major procedural and legal errors in the arbitration award.

After broad consultation and advice, the Board designed the procedures described below and detailed in the accompanying regulations to achieve these goals. The procedures are based on the arbitration process that is used in the private sector and increasingly in the public sector to resolve disputes. While the procedures are not exactly the same as other forms of arbitration, the essential elements are adapted for the administrative setting in which they will operate. Thus, the procedures draw from several aspects of administrative practice as well as traditional arbitration concepts to provide a practical alternative in the resolution of routine appeals.

Appeals Arbitration Procedure

By offering the benefits of reduced costs and an expedited time for the resolution of an appeal, the appeals arbitration procedure should present an attractive alternative to both appellants and agency management. As a primary characteristic, its goal will be the issuance of an arbitration award within 60 days from the appellant's election of appeals arbitration. The program is being conducted on a pilot basis in the San Francisco, Chicago, Denver and Seattle regional offices. The experience under the new procedure will be carefully evaluated during the year to determine whether it should be modified, terminated, or extended to other regions.

Filing requirements with respect to timeliness and content of the appeal are

the same as those provided by § 1201.22(b) of the Board's appellate regulations. In addition, the filing will include a statement by the appellant or representative specifically requesting that the matter be processed under appeals arbitration. The appeal and election will be filed with the appropriate regional office of the Merit Systems Protection Board. The appellant may, however, elect to use the appeals arbitration procedure anytime within 10 days of the date of the Board's order of acknowledgement.

The agency will have 15 days from the date of Board's order of acknowledgement to file its designation of representative and consent form or decline to utilize the appeals arbitration procedures. Included in the consent form will be a summary of the facts and legal issues. Following receipt of the designation of representative form, the regional director will then decide whether to accede to the request to use the appeals arbitration procedure. While the parties' request will be given great weight, factors influencing the decision are whether it appears likely that discovery will be needed for a fair resolution of the appeal, whether the petition presents novel questions of law, whether the issues are overly complex or whether the region's caseload and staffing prohibit further processing of cases under the expedited arbitration system. The regional director or his designee may at any time prior to the issuance of the arbitration award convert the appeal to the formal MSPB appeal process.

If the agency consents to use appeals arbitration, the parties will jointly prepare the arbitration record including, but not limited to, statements of issues, statements of positions with respect to those issues limited to three pages, requests for hearing, witness lists, the agency file required by § 1201.25 and two dates mutually agreed upon for the hearing. This record will be filed with the regional office within 30 days from the date of the Board's order of acknowledgement.

If the case is accepted for the appeals arbitration procedure, specially trained presiding officials from the Regional Office will be selected on a rotating basis. The hearing, if requested by the appellant, will be held at the employment site and be scheduled within a 15-day period following expiration of the time limit for the filing of the joint arbitration record; otherwise the record will close on a date specified by the arbitrator. In any event, the record will close within 15 days from expiration of the time limit for the filing of the Joint Arbitration Record.

The Director of the Office of Personnel Management and the Special Counsel may intervene as a matter of right in those appeals that meet the criteria of 5 U.S.C. 7701(d) and 1206(i), respectively.

Although formal rules of procedure may be used as a guide, formal rules as to admissibility of evidence, motions, filings of briefs, etc., will not apply to appeals arbitration. Rules of procedure are to be liberally construed to promote the ultimate goal of an expedited final resolution of the appeal with full disclosure of pertinent information by both parties in the presentation of their respective sides of the appealed action. While the burden of proof will remain with the agency, determinations as to relevance, reliability, and fairness shall be the primary consideration for admission of evidence. While discovery is not available under this procedure, the parties have the duty to include all known relevant materials with their submissions. Every Federal agency is obligated to make its employees available on official duty status to furnish sworn statements or to appear as witnesses when requested to do so. The arbitrator may request the production of additional information or witnesses if he or she has a reasonable basis to believe it will aid in the resolution of the matter. In the event a party fails to cooperate, the arbitrator may impose appropriate sanctions.

Appeals arbitration is intended to foster an environment conducive to the informal settlement of disputes prior to the issuance of an arbitrator's award. The arbitrator is authorized and expected to explore the possibility of a settlement agreement at any time up to the actual hearing. If a hearing is conducted, it will be informal in nature.

If a settlement agreement has been achieved, the parties may enter such agreement into the arbitration record, which will stand as the authoritative and binding resolution of the appeal. The Board will retain jurisdiction to ensure compliance. If the parties choose not to enter the settlement into the record, the Board does not have jurisdiction to enforce the settlement. The arbitrator will issue an order dismissing the appeal with prejudice when settlement occurs. If settlement is not achieved, the arbitrator will adjudicate the appeal and issue a final decision that summarizes the basic issues, findings of fact and conclusions of law, and upholds, sets aside, or modifies the appealed action. These decisions will be based on authoritative legal precedents, including Board decisions, but will not be precedential in and of themselves and, therefore, may not be cited as authority in subsequent cases.

The decision of the arbitrator is subject to limited review by the Board. The standards of review are demonstrated harmful procedural irregularity in the proceedings before the arbitrator or a clear error of law. Any party to the proceeding may file a petition for review under these standards. The petition for review must be filed and received by the Board within 35 days of the arbitrator's award and a supporting brief limited to no more than 15 pages must accompany the petition. Opposition briefs of no more than 10 pages may be filed within 15 days of the Board's forwarding of the petition for review. The Board will issue a final decision 15 days from the close of the briefing schedule.

The appellant retains the right of filing an appeal from the Board's decision in the Court of Appeals for the Federal Circuit.

The Board has found that good cause exists for publication of these regulations for interim effect in view of the public interest served by the immediate availability of an alternative appeals arbitration procedure. The Board invites public comments on these regulations through July 1, 1983.

Regulatory Flexibility Act

The Chairman, Merit Systems Protection Board, certifies that the Board is not required to prepare initial or final regulatory analysis of this proposed rule, pursuant to section 603 or 604 of the Regulatory Flexibility Act, because of his determination that this rule would not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

List of Subjects in 5 CFR Part 1201

Government employees.

Accordingly, the Merit Systems Protection Board proposes to amend 5 CFR Part 1201 as follows:

Subpart B—[Amended]

Petitions for Review of Agency Action, Pleadings

1. Section 1201.21 is amended by adding paragraph (e) to read as follows:

§ 1201.21 Notice of Appeal rights.

* * * * *

(e) In regions offering the use of appeals arbitration, notice of the

opportunity to request such procedure set forth at § 1201.200 *et seq.*, including a description of the procedure.

2. Section 1201.24 is amended by adding paragraph (a)(10), and revising (b) and (c) to read as follows:

§ 1201.24 Content of petition for appeal, right to hearing.

(a) * * *

* * * * *

(10) A request that the matter be processed under the appeals arbitration procedure set forth at § 1201.200 *et seq.*, if such procedure is available.

(b) *Use of the form.* Completion of the form in Appendix I shall constitute compliance with paragraph (a) of this section and § 1201.31 if a representative is designated in the form. In regions allowing the use of appeals arbitration, the amended form in Appendix I–A containing an entry for the election of voluntary arbitration and an explanation thereof will be used.

(c) *Right to hearing.* Under 5 U.S.C. 7701, an appellant has a right to a hearing. Alternatively, the appellant may choose to have the determination based on the record. If the parties choose to utilize appeals arbitration, the procedures for a hearing shall be in accordance with § 1201.205.

3. In § 1201.25, paragraphs (a)(6) and (7) are revised to read as follows:

§ 1201.25 Content of agency response, request for hearing.

(a) * * *

* * * * *

(6) A declination by the agency, if appeals arbitration has been requested by the appellant and the agency declines to use the process;

(7) Designation of and signature by the authorized agency representative.

* * * * *

4. 5 CFR Part 1201 is amended by adding Subpart G, to read as follows:

Subpart G—Appeals Arbitration

General

Sec.
1201.200 Scope and policy.

Election of and Filing for Appeals Arbitration

1201.201 Election of appeals arbitration.
1201.202 Filing of request for appeals arbitration; contents; time limits.
1201.203 Procedures for cases involving allegations of discrimination.

Arbitrator and Hearing

1201.204 Selection and authority of arbitrator.
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Parties and Witnesses

1201.206 Witnesses.
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Evidence

1201.208 Service of documents.
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1201.211 Stipulations.
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1201.213 Sanctions.

Hearing Procedure; Settlement; Arbitration Award

1201.214 Burden of proof.
1201.215 Closing the record.
1201.216 Settlement.
1201.217 Arbitration award.

Petitions for Review

1201.218 Petitions for review.
1201.219 Standard of review.
1201.220 Final decision.
1201.221 Judicial review.

Authority: 5 U.S.C. 7701(j).

Subpart G—Appeals Arbitration

§ 1201.200 Scope and policy.

(a) The rules in this subpart apply to appeals arbitration procedures of the Board. It is the objective of the Board to establish a simplified alternative dispute resolution procedure which will provide employees and agencies with a faster, less costly process than Subpart B procedures to resolve appealed actions, while also assuring an impartial third-party forum with full concern for fairness and the rights of all parties.

(b) This pilot program will be conducted for one year and be available in four regional offices—San Francisco, Chicago, Denver and Seattle.

Election of and Filing for Appeals Arbitration

§ 1201.201 Election of appeals arbitration.

(a) The appellant may request appeals arbitration at the time of filing a petition for appeal. In the event the appellant has not elected appeals arbitration at the time of filing, appellant will be allowed 10 days from the date of the Board's order of acknowledgement to elect appeals arbitration. Such election must be in writing. The date of filing shall be determined by the date of mailing indicated by the postmark date.

(b) Notice of election of appeals arbitration will be served on the agency in the Board's order of acknowledgement. Within 15 days from the date of the Board's order, the agency will file either a consent to use the appeals arbitration process and a designation of representative form or a declination to use appeals arbitration. Included in the consent will be a summary of facts and legal issues raised in the appeal. In the event the agency declines to use appeals arbitration, it must timely file its response to the petition for appeal in accordance with § 1201.25 and note its declination of the process.

(c) The regional director or designee of the MSPB office having jurisdiction over the appeal retains final discretion to process the case under appeals arbitration or the formal MSPB procedure. Such decision will be made after receipt of the agency's consent and summary of the case. The regional director or designee also retains the right to convert the case to adjudication under Subpart B procedures in the event circumstances warrant, such as whenever it appears that discovery is required, novel questions of law are raised at the hearing or in briefs, or issues arise that do not lend themselves to resolution in appeals arbitration.

§ 1201.202 Filing of request for appeals arbitration; contents; time limits.

(a) The filing, time limits and content requirements of the petition for appeal processed under this subpart shall comply with the provisions of §§ 1201.22–1201.26 of Subpart B, unless these regulations expressly provide otherwise.

(b) Within 15 days from the date of the Board's order of acknowledgement, the agency will file a designation of representative and consent form, including a summary of facts and legal issues raised in the case or decline to use the process.

(c) Within 30 days from the date of the Board's order of acknowledgement, the parties will file a Joint Arbitration Record including, but not limited to:

(1) Statements of issues;

(2) Statements of position with respect to those issues limited to three pages;

(3) Request for hearing;

(4) Witness lists;

(5) The agency file required by § 1201.25; and

(6) Two dates, mutually agreed upon by the parties for the hearing, no later than 15 days beyond the day the Joint Arbitration Record is to be received by the Regional Office.

§ 1201.203 Procedures for cases involving allegations of discrimination.

The provisions for the processing of cases involving discrimination are not abridged by the use of the appeals arbitration procedure. Section 1201.152, however, does not apply to the adjudication of cases involving allegations of discrimination if they are processed under appeals arbitration.

Arbitrator and Hearing

§ 1201.204 Selection and authority of arbitrator.

(a) The regional director will appoint the arbitrator on a rotating basis, taking due account of scheduling difficulties, workload requirements or conflicts of interest.

(b) The arbitrator shall have the authority to rule on parties' procedural requests. However, the arbitrator shall issue the award no later than 30 days from the date the Joint Arbitration Record is received by the Board.

(c) The arbitrator shall have the authority to take all necessary action to avoid delay in the disposition of the proceeding and to conduct a fair and impartial hearing including the authority to regulate the hearing, maintain decorum and exclude from the hearing any disruptive person.

(d) Unless these regulations expressly provide otherwise, the arbitrator will follow the regulations under 5 CFR Part 1201, Subpart B.

§ 1201.205 Hearing.

(a) Either party may request a hearing. The arbitrator will determine in accordance with § 1201.24(c) and § 1201.25(b) whether a hearing is appropriate. The hearing will be scheduled within 15 days following the due date or receipt of the Joint Arbitration Record, whichever is earlier.

(b) The hearing will be informal. Election of appeals arbitration constitutes a waiver by the parties of a verbatim record.

(c) The hearing will be held at the employment site.

Parties and Witnesses

§ 1201.206 Witnesses.

(a) Every Federal agency will make its employees available to furnish sworn statements or to appear as witnesses at the hearing when requested by the arbitrator. Witnesses are on official duty status when providing such statements or testimony.

(b) The parties will exchange witness lists within the 30 day time limit for preparation of the Joint Arbitration Record. The parties will accompany each request with a statement of the anticipated testimony of the witness.

(c) Parties may object by oral motion at the hearing regarding the relevancy or availability of witnesses. However, the parties are requested to make every reasonable effort to make witnesses available. The arbitrator will rule on the objections at the hearing.

§ 1201.207 Intervenors.

(a) The Director of the Office of Personnel Management may intervene as a matter of right pursuant to 5 U.S.C. 7701(d)(1). Such intervention shall be made at the earliest practicable time.

(b) The Special Counsel may intervene as a matter of right pursuant to 5 U.S.C. 1206(i). Such intervention shall be made at the earliest practicable time.

Evidence

§ 1201.208 Service of documents.

Any documents submitted to the arbitrator shall be served upon all parties to the proceeding.

§ 1201.209 Admissibility.

Formal rules as to admissibility of evidence will not be applied although they will be used as guidance for the conduct of the proceeding. Rules of procedure shall be liberally construed to facilitate full and frank disclosure by both parties. Parties have the duty of including all known relevant materials in their submissions.

§ 1201.210 Production of evidence or witnesses by request of arbitrator.

The arbitrator may request the production of information or witnesses if he or she has a reasonable basis to believe that it will be germane to the case.

§ 1201.211 Stipulations.

The parties may stipulate to any matter of fact.

§ 1201.212 Official notice.

The arbitrator, on his or her own motion or on motion of a party, may take official notice of matters of common knowledge or matters that can be verified. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

Sanctions

§ 1201.213 Sanctions.

The arbitrator may impose sanctions upon the parties as necessary to serve the ends of justice, including but not limited to the instances set forth in paragraphs (a), (b), and (c) of this section.

(a) *Failure to comply with a request.* If a party fails to comply with an arbitrator's request for information or witnesses within the party's control which the arbitrator believes to be necessary to resolve the issues, or a party fails to cooperate or act in good faith, the arbitrator may:

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) Prohibit the party failing to comply with such request from introducing evidence concerning or otherwise relying upon testimony relating to the information sought;

(3) Permit the requesting party to introduce secondary evidence concerning the information sought; or

(4) Strike any part of the submissions of the party failing to comply with such request dealing with the subject matter of the request.

(b) *Failure to prosecute or defend.* If a party fails to prosecute or defend an appeal, the arbitrator may dismiss the action with prejudice or rule for the appellant.

(c) *Failure to make timely filing.* The arbitrator may refuse to consider any information which is not filed in a timely fashion in compliance with this subpart or with the arbitrator's request.

Hearing Procedure; Settlement; Arbitration Award

§ 1201.214 Burden of Proof.

Section 1201.56 of Subpart B applies.

§ 1201.215 Closing the record.

(a) When a hearing is convened, the record will close at the conclusion of the hearing unless otherwise specified by the arbitrator.

(b) When a hearing is not convened, the record will close on the date set by the arbitrator as the final date for the receipt of submissions of the parties.

(c) In any event, the record will be closed no later than 15 days from the due date of the joint arbitration record.

(d) Once the record is closed, no additional evidence or argument will be accepted unless, in the arbitrator's discretion, he or she determines that the party seeking such admission has shown that new and material evidence has become available which was not readily available prior to the closing of the record.

§ 1201.216 Settlement.

(a) *Settlement discussion.* Informal settlement of the dispute will be explored by the arbitrator with the parties prior to the arbitration hearing or, if no hearing is requested, within 15 days after the filing of the Joint Arbitration Record. Prohibitions against ex parte communications during settlement discussions will be waived by the parties. If the matter cannot be settled informally the arbitrator will proceed with the hearing if one has been requested. At any time until the issuance of an arbitration award the parties may enter into a settlement agreement.

(b) *Agreement.* If the parties agree to resolve the dispute without an arbitration award, the settlement agreement will be the final and binding resolution of the appeal and the arbitrator will dismiss the appeal with prejudice.

(1) The terms of the settlement agreement may be recorded by the arbitrator, signed by both parties and made a part of the arbitration record, in which case the Board will retain jurisdiction to ensure compliance with the settlement agreement;

(2) If the agreement is not entered into the arbitration record, the Board will not retain jurisdiction to ensure compliance.

§ 1201.217 Arbitration award.

If settlement is not reached, the arbitrator will adjudicate the appeal and issue a written decision within 15 days after the record is closed. The award is binding on the parties. The decision will include a summary of the basic issues, findings of fact and conclusions of law, a holding affirming, reversing or modifying the appealed action and order appropriate relief.

Appeals arbitration decisions are not precedential.

The award will become final after 35 days if no petition for review is filed.

Petitions for review

§ 1201.218 Petitions for review.

(a) Any party may file a petition for review with the Board of the arbitrator's award.

(b) Petitions for review must be filed within 35 days from the date of the arbitration award. Supportive briefs must accompany the petitions for review and be limited to 15 pages. Opposition briefs must be received by the Board within 15 days from the date of the Board's forwarding of a copy of the petition for review to the opposing party and be limited to 10 pages.

§ 1201.219 Standard of review.

The Board will grant a petition for review which establishes:

(a) Demonstrated harmful procedural irregularity in the proceedings before the arbitrator, or

(b) Clear error of law.

§ 1201.220 Final Decision.

The Board will issue a final decision no later than 15 days from the close of the respondent's filing deadline.

§ 1201.221 Judicial review.

Any employee or applicant for employment adversely affected by a final order or decision of the Board may obtain judicial review under the provisions of 5 U.S.C. 7703.

Dated: March 10, 1983.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 83-6873 Filed 3-17-83; 8:45 am]

BILLING CODE 7460-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Parts 1b and 1c

National Environmental Policy Act (NEPA) Policies and Procedures

AGENCY: Agriculture Department.

ACTION: Final rule.

SUMMARY: This rule prescribes the Department of Agriculture (USDA) policies and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR Parts 1500–1508). It has been determined that effective NEPA implementation can best be achieved by reliance on individual USDA agency NEPA regulations for detailed implementation procedures. It has been further determined that a Departmental statement of policy regarding NEPA is an effective means of assisting agency implementation. This regulation sets forth this policy.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Peter F. Smith, Executive Secretary of the Environmental Issues Working Group, Room 6154 South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447–5166.

SUPPLEMENTARY INFORMATION: On September 27, 1982, (47 FR 42364) the USDA proposed rules setting forth policies and procedures for compliance with NEPA and the CEQ implementing regulations (40 CFR Parts 1500–1508). This action constitutes final rulemaking stemming from that proposed rule. The final rule provides a USDA policy statement regarding NEPA and environmental matters, including responsibilities for environmental effects abroad; a list of USDA actions categorically excluded from the preparation of environmental assessments and environmental impact statements; and a list of USDA agencies which have been excluded from the requirements to prepare implementing procedures.

The final rule repeals and replaces the previous regulation, eliminating certain procedural requirements which were formerly performed by the Office of Environmental Quality.

This final rule has been reviewed under procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291 and has been classified as nonmajor. The rule will not have—

(a) An annual effect on the economy of $100 million or more; or

(b) Any increased costs or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or

(c) A significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action will not have a significant economic impact on a substantial number of small entities because it imposes no direct or indirect costs on small entities, it requires no paperwork or recordkeeping, it does not affect the competitive position of small entities in relation to large entities, it does not affect the cash flow or liquidity of small entities, it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

During the 60-day comment period, one comment was received; and it was considered in developing the final rule. The principal point raised in the comment was the suggestion that a distinction be made between compliance policies for NEPA and Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions." This comment has been incorporated by establishing a new subsection to discuss separate policies for Executive Order 12114 compliance.

List of Subjects in 7 CFR Parts 1b and 1c

Environmental policy statements, Historic preservation, Foreign relations.

Accordingly, Title 7 of the Code of Federal Regulations, is amended as follows:

1. A new Part 1b, Subtitle A, is added to read as follows:

PART 1b—NATIONAL ENVIRONMENTAL POLICY ACT

Sec.

1b.1 Purpose.
1b.2 Policy.
1b.3 Categorical exclusions.
1b.4 Exclusion of agencies.

Authority. National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.; E.O. 11514, 34 FR 4247, as amended by

E.O. 11991, 42 FR 26927; E.O. 12114, 44 FR 1957; 5 U.S.C. 301; 40 CFR 1507.3.

§ 1b.1 Purpose.

(a) This subpart supplements the regulations for implementation of the National Environmental Policy Act (NEPA), for which regulations were published by the Council of Environmental Quality (CEQ) in 40 CFR Parts 1500 through 1508. The subpart incorporates and adopts those regulations.

(b) This subpart sets forth Departmental policy concerning NEPA, establishes categorical exclusions of actions carried out by the Department and its agencies, and sets forth those USDA agencies which are excluded from the requirement to prepare procedures implementing NEPA.

§ 1b.2 Policy.

(a) USDA agencies carry out programs for the purpose of encouraging sufficient and efficient production of food, fiber, and forest products; proper management and conservation of the Nation's natural resources; and the protection of consumers through inspection services. Programs to meet this mission are carried out through research; education; technical and financial assistance to landowners and operators, producers, and consumers; and management of the National Forest System.

(b) All policies and programs of the various USDA agencies shall be planned, developed, and implemented so as to achieve the goals and to follow the procedures declared by NEPA in order to assure responsible stewardship of the environment for present and future generations.

(c) Each USDA agency is responsible for compliance with the provisions of this subpart, the regulations of CEQ, and the provisions of NEPA. Compliance will include the preparation and implementation of specific procedures and processes relating to the programs and activities of the individual agency, as necessary.

(d) The Assistant Secretary, Natural Resources and Environment (NR&E), is responsible for ensuring that agency implementing procedures are consistent with CEQ's NEPA regulations and for coordinating NEPA compliance for the Department (7 CFR 2.19(b)). The Assistant Secretary, through the USDA Natural Resources and Environment Committee, will develop the necessary processes to be used by the Office of the Secretary in reviewing, implementing, and planning its NEPA activities, determinations, and policies.

(e) In connection with the policies and requirements set forth in this subpart, all USDA agencies are responsible for compliance with Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions." Compliance will include the preparation and implementation of specific procedures and processes relative to the programs and activities of the individual agencies, as necessary. Agencies shall consult with the Department of State; the Council on Environmental Quality; and the Assistant Secretary, NR&E, prior to placing procedures and processes in effect.

§ 1b.3 Categorical exclusions.

(a) The following are categories of activities which have been determined not to have a significant individual or cumulative effect on the human environment and are excluded from the preparation of environmental assessment (EA's) or environmental impact statement (EIS's), unless individual agency procedures prescribed otherwise.

(1) Policy development, planning and implementation which relate to routine activities, such as personnel, organizational changes, or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals, disbursements, and transfer or reprogramming of funds;

(3) Inventories, research activities, and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity;

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement and investigative activities;

(6) Activities which are advisory and consultative to other agencies and public and private entities, such as legal counselling and representation;

(7) Activities related to trade representation and market development activities abroad.

(b) Agencies will identify in their own procedures the activities which normally would not require an environmental assessment or environmental impact statement.

(c) Notwithstanding the exclusions listed above and in 1b.4, or identified in agency procedures, agency heads may determine that circumstances dictate the need for preparation of an EA or EIS for a particular action. Agencies shall continue to scrutinize their activities to determine continued eligibility for categorical exclusion.

§ 1b.4 Exclusions of agencies.

(a) The USDA agencies listed below carry out programs and activities which have been found to have no individual or cumulative effect on the human environment. These agencies are excluded from the requirements to prepare implementing procedures. Actions of these agencies are categorically excluded from the preparation of an EA or EIS unless the agency head determines that an action may have a significant environmental effect.

(1) Agricultural Cooperative Service,
(2) Agricultural Marketing Service,
(3) Extension Service,
(4) Economic Research Service,
(5) Federal Crop Insurance Corporation,
(6) Federal Grain Inspection Service,
(7) Food and Nutrition Service,
(8) Food Safety and Inspection Service,
(9) Foreign Agricultural Service,
(10) Office of Transportation,
(11) Packers and Stockyards Administration,
(12) Statistical Reporting Service,
(13) Office of General Counsel,
(14) Office of Inspector General,
(15) National Agricultural Library.

2. A new Part 1c, Subtitle A, is added and reserved to read as follows:

PART 1c—CULTURAL RESOURCES [RESERVED]

Subparts A and B—[Removed]

3. Subpart A—[Reserved] and Subpart B—National Environmental Policy Act of Part 3100, Subtitle B are revoked and removed.

John B. Crowel, Jr.,
Assistant Secretary, Natural Resources and Environment.
March 14, 1983.

[FR Doc. 83-7203 Filed 3-17-83; 8:45 am]
BILLING CODE 3410-01-M

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7 CFR Part 10

Classification, Declassification, and Safeguarding of Classified Information

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: These regulations implement the provisions of Executive Order 12356 (April 6, 1982, 47 FR 14874) and the Information Security Oversight Office Directive (47 FR 27836, June 25, 1982) relating to national security information. The Executive Order prescribes a uniform information security system and establishes a monitoring system to

enhance its effectiveness. The Order also provides protection against unauthorized disclosure of information which requires protection in the interests of national security.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: William R. Nolan, Jr., Assistant Chief for Security, Office of Personnel, Department of Agriculture, Washington, D.C. 20250, (202) 447-7654.

SUPPLEMENTARY INFORMATION: Since this rule relates to internal agency management, in accordance with section 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. This final rule is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule." This action will not have a significant economic impact on a substantial number of small entities. These regulations have been submitted to the Information Security Oversight Office.

List of Subjects in 7 CFR Part 10

Administrative practice and procedure, Classified information.

Accordingly, 7 CFR Part 10 is revised to read as follows:

PART 10—CLASSIFICATION, DECLASSIFICATION, AND SAFEGUARDING OF CLASSIFIED INFORMATION

Sec.

10.1 Definitions.
10.2 Implementation, oversight, and safeguard responsibilities concerning classified information.
10.3 Classification levels.
10.4 Authority to classify.
10.5 Derivative classification.
10.6 Declassification.
10.7 Systematic review for declassification.
10.8 Mandatory review for USDA originally classified documents.
10.9 Mandatory review for derivatively classified documents.
10.10 Appeals.

Authority: Executive Order 12356 (47 FR 14874, April 2, 1982) as implemented by Information Security Oversight Office Directive No. 1 (47 FR 27836, June 25, 1982).

§ 10.1 Definitions

(a) "Order" means Executive Order 12356.

(b) "USDA Agency" means a major line or program unit of the Department headed by an Administrator or equivalent who reports to the Secretary, Deputy Secretary, Under Secretary, or Assistant Secretary.

(c) "Agency" includes any executive department, military department, intelligence Agency, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory Agency.

(d) "USDA Agency Head" means the Administrator or the Chief Executive Officer of a USDA Agency in the Department.

(e) "Original Classification" means the initial determination by a United States Government employee who has or had original classification authority pursuant to the Order or predecessor Orders, that information owned by, produced for or by, or under the control of the United States Government requires protection against unauthorized disclosure and is so designated.

(f) "Classification guide" means a document issued by an authorized original classifier that prescribes the level of classification and appropriate declassification instructions for specified information to be classified on a derivative basis.

(g) "Derivative classification" means that information used in a new document is in substance the same information currently classified in a source document. The extracted information used in the new doucment must be classified at the same level as in the source document.

(h) "Multiple sources" means the term used to indicate that a document is derivatively classified when it contains classified information derived from more than one source.

(i) "Intelligence activity" means an activity that an Agency within the Intelligence Community is authorized to conduct pursuant to Executive Order 12333.

(j) "Unauthorized disclosure" means a communication or physical transfer of classified information to an unauthorized recipient.

§ 10.2 Implementation, oversight, and safeguard responsibilities concerning classified information.

(a) *Department Responsibility.*—(1) The Order requires that each Agency originating or handling classified information shall designate a senior official to direct and administer its information security program. Within the Department, the Assistant Secretary for Administration has the responsibility for the information security program. As such, the Assistant Secretary for Administration has delegated primary responsibility for providing guidance, oversight, and developing procedures governing the Department information security program to the Department Security Officer.

(i) *Assistant Secretary for Administration.*—He/She has the following responsibilities:

(A) Establish and monitor policies and procedures within the Department to prevent unauthorized classification, as well as under derivative classification, to protect against unnauthorized disclosure of properly classified information, and to ensure timely declassification of Department documents which no longer require protection, in accordance with the provisions of the Order.

(B) Oversee that a security education program for employees handling classified information is implemented and maintained.

(C) Provide to the Secretary of Agriculture any necessary guidelines concerning derivative classification, originated information that may warrant classification, and declassification.

(D) Chair the Department Review Committee which shall have authority to act on all suggestions and complaints with respect to the Department's administration of the Order.

(ii) *Department Review Committee.*—(A) The Department Review Committee is responsible for the following functions:

(*1*) Provide assistance and advice to the Assistant Secretary for Administration in carrying out his/her responsibilities concerning implementation and administration of the Order, Information Security Oversight Office Directives.

(*2*) Review all appeals of requests for records under the provisions of Mandatory Review for Declassification (Section 3.4 of the Order) when the proposed denial is based on their continued classification under the Order.

(*3*) Recommend to the Secretary of Agriculture appropriate administrative sanctions to correct abuse or violation of any provision of the Order, Information Security Oversight Office Directives, or this regulation.

(B) Members of the Department Review Committee shall consist of:

(*1*) Assistant Secretary for Administration (chairperson)

(*2*) Director of Personnel

(*3*) Department Security Officer

(*4*) Appropriate USDA Agency Head having jurisdiction over the subject matter of the document

(*5*) Head of the unit subordinate to the USDA Agency Head, who has a working

knowledge of the subject matter or information under consideration.

§ 10.3 Classification levels.

(a) Only three (3) levels of classification are authorized: "Top Secret," "Secret," and "Confidential."

(1) *Top Secret.* Information may be classified "Top Secret" if its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security.

(2) *Secret.* Information may be classified "Secret" if its unauthorized disclosure could reasonably be expected to cause serious damage to the national security.

(3) *Confidential.* Information may be classified "Confidential" if its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 10.4 Authority to classify.

(a) USDA officials do not have original classification authority for information or material that is created within the Department.

(b) When a USDA employee originates information and has a reasonable doubt about the need to classify the information, the information shall be safeguarded as if it were "Confidential" pending a determination about its classification by an original classification authority. When there is reasonable doubt about the appropriate classification level, the information shall be safeguarded at the higher level pending determination of its classification level. In either case, the information shall be released to the Department Security Officer who shall transmit the document to the Agency which has appropriate subject matter interest and original classification authority. The Order provides that the Agency having original classification authority shall decide within thirty (30) days whether to classify the information. When it is unclear which Agency should receive the information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the Agency having primary subject matter interest and forward the information, with appropriate recommendations, to that Agency for a classification determination.

§ 10.5 Derivative classification.

(a) *Responsibility.*—(1) Derivative application of classification markings is the responsibility of those USDA employees who incorporate, paraphrase, restate, or generate in new form, information which is already classified or those who apply markings in accordance with guidance from an authorized classifier. If an employee who applies derivative classification markings believes that the paraphrasing, restating or summarizing of classified information has removed the basis for classification, the employee must consult an appropriate official of the originating Agency who has the authority to upgrade, downgrade or declassify the information for a determination. A sample marking of a derivatively classified document appears in the appendix section of these regulations.

(2) Employees who apply derivative classification markings shall:

(i) Respect original classification decisions;

(ii) Carry forward to any newly created documents the assigned dates or events for declassification or review and any additional authorized markings.

(b) *Marking derivatively classified documents.*—(1) Paper copies of derivatively classified documents shall be marked at the time of preparation as follows:

(i) *Overall marking.* The highest level of classification of information in a document shall be marked in such a way as to distinguish it clearly from the informational text. These markings shall appear at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any).

(ii) *Page marking.* Each interior page of a derivatively classified document shall be marked at the top and bottom according to the highest classification of the content of the page, including the designation "unclassified" when applicable, or with the highest overall classification of the document.

(iii) *Portion marking.* Each portion of a document, including subjects and titles, shall be marked by placing a parenthetical designation immediately preceding or following the text to which it applies. The symbols "(TS)" for Top Secret "(S)" for Secret, "(C)" for Confidential and "(U)" for Unclassified shall be used for this purpose. If the application of parenthetical designations is not practicable, the document shall contain a statement sufficient to identify the information that is classified and the level of such classification, as well as the information that is not classified. If all portions of a document are classified at the same level, this fact may be indicated by a statement to that effect.

(iv) *Classification authority.* The authority for classification shall be shown on the bottom of the first page of the derivatively classified document as follows:

Derivatively Classified by (name of USDA employee)
USDA Agency _____
Derived from (Insert identity of original classification)
Declassify on (Date listed on source document)

If a document is classified on the basis of more than one source document or classification guide, the authority for classification shall be shown on the "derived from" line as "classified from multiple sources." In these cases, the derivative classifier shall maintain the identification of each source with the file or record copy of the derivatively classified document. A document derivatively classified on the bases of a source document that is marked "classified by multiple sources" shall cite the source document on its "derived from" line.

(v) *Declassification and downgrading instructions.* Dates or events for automatic downgrading or declassification, or the notation "originating Agency review required" to indicate that the document is not to be downgraded or declassified automatically, shall be carried forward from the source document, or as directed by a classification guide, and shown on the "declassify on" or an additional line "downgrade to".

(c) *Special markings.*—(1) Transmittal documents. A transmittal document shall indicate on its face the highest classification of any information transmitted by it. It shall also include the following instruction:

For an unclassified transmittal document, the marking "unclassified when classified enclosure is removed" shall be used on the bottom of the last page.

(2) Information marked "Restricted Data" or "Formerly Restricted Data" in accordance with regulations issued under the Atomic Energy Act of 1954, as amended, shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended.

(3) Derivatively classified documents that contain information from a source document relating to intelligence sources or methods shall include the marking "warning notice—intelligence sources or methods involved" on the bottom of the first and last pages unless otherwise prescribed by the Director of Central Intelligence.

(4) Foreign government information. Documents that contain foreign government information shall include the marking "foreign government

information" on the bottom of the first and last pages of the documents. If the fact that information is foreign government information must be concealed, the marking shall not be used and the derivatively classified document shall be marked as if it were wholly of U.S. origin.

(5) Information classified under predecessor Orders on source documents shall be considered as classified at that level of classification despite the omission of other required markings. The same classification shall be applied to the derivatively classified document.

(6) Change in classification marking. When the original classifier of a source document notifies the appropriate USDA employee, as the holder of a copy of the source document, that a change in the duration of the classified information and/or a change in the level of classification is being made, the USDA employee shall line through the old markings to conform to the change. The authority for the action and date shall be conspicuously marked on the bottom of the first page of the document to indicate the change.

(d) *Prohibitive markings or classification.* Markings such as "For Official Use Only" or "Limited Official Use" shall not be used to identify national security information. No other term or phrase shall be used in conjunction with these designations, such as "Secret Sensitive" or "Agency Confidential" to identify national security information.

§ 10.6 Declassification.

(a) Information shall remain classified for as long as is required by national security considerations. When it can be determined, a specific date or event for declassification shall be set by the original classification authority at the time the information is originally classified.

(b) Information classified under predecessor Orders that is not subject to automatic declassification or that is marked for review before declassification shall remain classified until reviewed for declassification.

(c) Automatic declassification determinations under predecessor Orders shall remain valid unless the classification is extended by an authorized official of the originating Agency. Authority to extend the classification of information subject to automatic declassification under predecessor Orders is limited to those officials who have original classification authority at the level of the information to remain classified or by the Director of the Information Security Oversight Office.

(d) Whenever the appropriate USDA employee is notified by an authorized official from the Agency with original classification authority that change has been made in the original classification or in the dates of downgrading or declassification of any classified information, the USDA employee shall promptly and conspicuously mark both the copy of the source document and any derivatively classified documents to reflect the change, the authority for the action, the date of the action, and the identity of the employee taking the action.

(e) Authority to declassify and downgrade. The authority to downgrade and declassify national security information originally classified within USDA shall be exercised as follows:

(1) By the Secretary of Agriculture; Deputy Secretary; Under Secretary for International Affairs and Commodity Programs; Under Secretary for Small Community and Rural Development; each Assistant Secretary; each Deputy Under Secretary; or each Deputy Assistant Secretary, with respect to all information over which their respective offices exercise jurisdiction.

(2) By the USDA official who authorized the original classification if that official is still serving in the same position, by a successor, or by a designated supervisory official of either.

(3) By the Department Security Officer or an official at the division chief level as a result of his/her professional knowledge of the subject matter as it relates to the national security.

§ 10.7 Systematic review for declassification.

(a) *Classified permanent records.* Systematic review is applicable only to those classified records and presidential papers or records that the Archivist of the United States, acting under the Paperwork Reduction Act of 1980, has determined to be of sufficient historical or other value to warrant permanent retention. Such records shall be reviewed for declassification as they become thirty (30) years old by the Archivist of the United States with the assistance of USDA personnel designated for the purpose.

(b) *Non-permanent classified records.* Non-permanent classified records shall be disposed of in accordance with schedules approved by the Administrator of General Services under the Records Disposal Act. Such records shall be retained during an ongoing mandatory review request or Freedom of Information Act request.

§ 10.8 Mandatory review for USDA originally classified documents.

(a) *Policy.*—(1) Except as provided by section 3.4(b) of the Order, all information originally classified by USDA under predecessor Orders shall be subject to declassification review by the Department Security Officer and the USDA Agency responsible for the original classification provided that (i) the requester is a United States citizen, permanent resident alien, a Federal Agency, or a state or local government; (ii) the request describes the information with sufficient specificity to enable the Department to locate it with a reasonable amount of effort.

(2) USDA Agencies shall process mandatory declassification review requests for classified records in accordance with § 10.8(e).

(3) In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of the Order, USDA Agencies shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under the Order.

(4) When a USDA Agency receives a request for declassification of information in its custody which was originated by another Agency, the USDA Agency shall refer the request to the classifying Agency together with a copy of the document containing the information requested when practicable, and shall notify the requester of the referral and that a response will be sent to the requester by the Agency which was sent the referral.

(5) Information requested shall be declassified if it no longer requires protection under the provisions of the Order. The information will then be released to the requester unless withholding is otherwise authorized under applicable law, such as the Freedom of Information or Privacy Act. If the information requested cannot be declassified in its entirety, the USDA Agency will make reasonable efforts to release those declassified portions that are reasonably segregable. Upon denial of an initial request, the Department Security Officer shall inform the requester as to the reasons for the denial and a notice of the right to appeal the determination to the Department Review Committee. Such an appeal must be submitted in writing within sixty (60) days.

(6) If no determination has been made at the end of sixty (60) days from receipt of the initial request for review, the requester may appeal to the Assistant

Secretary for Administration for a determination.

(b) *Processing requirements.*—(1) Requests for mandatory declassification review may be directed to the Department Security Officer, Office of Personnel, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250. The Security Officer shall, in turn, refer the request to the appropriate USDA Agency Head for action.

(2) A valid request must be in writing and reasonably describe the information sought to enable the USDA Agency to identify it.

(3) The USDA Agency shall notify the requester if the request does not identify sufficiently the information sought. The requester shall then be given an opportunity to provide additional information to describe the information with particularity enabling identification of the requested material.

(4) If within thirty (30) days after the notification is mailed the requester does not describe the information sought with sufficient particularity, the USDA Agency shall notify the requester why no action will be taken on the request.

(5) Search and duplication fees will be charged pursuant to the provisions of the Department's Fee Schedule, Appendix A, to Part 1 of this Title. The requester shall be notified of the approximate cost of the search and duplication costs before the search is conducted.

(c) *Processing requests.* Requests that meet the foregoing requirements for processing shall be processed as follows:

(1) The USDA Agency shall immediately acknowledge receipt of the request in writing.

(2) The USDA Agency shall make a determination within ten (10) working days or shall explain to the requester why additional time is necessary. In no case shall the response time for a final determination exceed one (1) year from the date of receipt of the initial request.

(3) When another Agency forwards to the Department Security Officer a request for information in that Agency's custody that has been classified by USDA, the Department Security Officer shall process the request in accordance with the requirements of this section, respond directly to the requester and, if so requested, shall notify the referring Agency of the determination made on the request.

(4) Requests for classified information containing foreign government information may necessitate consultations with other agencies and/or with the foreign originator of the information prior to final action of the request.

§ 10.9 Mandatory review for derivatively classified documents.

(a) Requests for mandatory review for USDA derivatively classified documents shall be processed by the Department Security Officer under the following procedures:

(1) The Department Security Officer shall contact the Agency responsible for orginally classifying the source document for a declassification determination.

(2) If the Agency determines that the originally classified document has been declassified, the Department Security Officer shall so mark the USDA derivatively classified document and release it to the requester.

(3) If the originally classified document has not been declassified, the Department Security Officer shall so notify the requester.

§ 10.10 Appeals.

(a) Appeals from denial of declassification and release of information shall be directed to the Department Review Committee, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Appeals shall be reviewed and decided within thirty (30) working days of their receipt as follows:

(1) If the documents are declassified in their entirety, the Department Security Office shall forward the documents to the requester.

(2)(i) If the documents are not declassified and released in their entirety, the chairman, Department Review Committee, shall forward a letter of denial to the requester notifying the requester of the decision and a statement of justification for the denial.

(ii) If the decision of the committee is to declassify or release a portion of the documents, the chairman of the committee shall forward a letter of partial denial to the requester. The letter shall include a statement of justification for the partial denial. Those portions of the documents which have been declassified shall be forwarded to the requester.

Dated: March 14, 1983.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-7113 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

7 CFR Part 424

[Amendment No. 3]

Rice Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Rice Crop Insurance Regulations (7 CFR Part 424), effective with the 1983 and succeeding crop years, by amending the provisions of the policy to provide (1) That insurance attaches to rice seeded on a continuous yearly basis in California only, (2) a clarification as to which "second crop" insurance will not attach, (3) a clarification of the quality adjustment provisions for rough rice, (4) a provision prescribing interest to be charged when premium payments are not made within a certain time, (5) for the addition of a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and leave intact a representative sample of the unharvested crop, (6) for the addition of a provision to prescribe FCIC's liability in cases of loss by fire when the insured has other insurance against fire losses, (7) for the replacement of the present single-crop application by a multi-crop application to reduce the time and paperwork demands on the applicant, and (8) minor technical changes to language and format. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, and revise the system of reporting damage or loss to crops to make the administration of the program more effective.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Information collection requirements contained in these regulations (7 CFR Part 424) have been approved by the Office of Management and Budget

(OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003, and 0563–0007.

Merritt W. Sprague, Manager, FCIC, has determined that: (1) This action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, or other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Programs to which this amendment applies are: Title-Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in Executive Order No. 12372 (July 14, 1982), was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). The sunset review date established for these regulations is October 15, 1987.

On Tuesday, August 17, 1982, FCIC published a notice of proposed rulemaking in the **Federal Register** (47 FR 35770) to amend the Rice Crop Insurance Regulations for the 1983 and succeeding crop years. The principal changes addressed in the notice were as follows:

1. The replacement of the single-crop application by a multi-crop application to reduce papework on the part of the applicant.

2. The addition of a provision that unpaid premium balances will bear interest at the rate of one and a half percent simple interest per calendar month or any part thereof starting on the first day of the month following the first premium billing date.

3. The addition of a provision to require the insured to give at least 15 days notice of loss if damage to the crop appears probable, and to leave a representative sample of the unharvested crop intact for 15 days after the date of the notice.

4. The addition of a provision to allow insurance to attach to rice seeded in three or more consecutive years in California only.

5. The addition of a provision to clarify the meaning of a subsequent crop on which insurance will not attach (i.e., a second rice crop following a rice crop harvested in the same calendar year).

6. The addition of a provision to clarify the quality adjustment provision relative to rough rice.

7. The addition of a provision to prescribe FCIC's liability in cases of loss by fire when the insured has other insurance against fire losses.

In addition of these changes, FCIC made minor changes to language and format to include correction of the table of contents, correction of the Appendix—Additional Terms and Conditions, to indicate the party responsible for securing the rights of the Corporation relative to subrogation, and redesignating Appendix B as Appendix A to list counties where rice crop insurance is otherwise authorized to be offered.

The public was given 60 days in which to submit written comments on the proposed rule, but none were received. Therefore, with the exception of minor corrections, the Amendment No. 3 to the Rice Crop Insurance Regulations is hereby published a final rule.

List of Subjects in 7 CFR Part 424

Crop insurance, Rice.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Rice Crop Insurance Regulations, effective with the 1983 and succeeding crop years, in the following instances:

PART 424—[AMENDED]

1. The authority citation for 7 CFR Part 424 reads as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Secs.
424.1 Availability of rice crop insurance.
424.2 Premium rates, production guarantees, coverage levels and prices at which indemnities shall be computed.
424.3 Reserved.
424.4 Creditors.
424.5 Good faith reliance on misrepresentation.
424.6 The contract.
424.7 The application and policy.

Appendix A, Counties designated for Rice Crop Insurance.

§ 424.7 [Amended]

3. 7 CFR 424.7(d) is amended by removing the introductory paragraph and the application that follows, and substituting the following:

* * * * *

(d) The application for the 1983 and succeeding crop years is found at Subpart D of Part 400–General Administrative Regulations (7 CFR 400.37; 400.38, first published at 48 FR 1023, January 10, 1983) and may be amended from time to time for subsequent crop years. The provisions of the Rice Insurance Policy are as follows:

* * * * *

4. Section 2(b) (2) and (5) of the Terms and Conditions section of the policy in paragraph (d) of § 424.7 are revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d)* * *

Rice Crop Insurance Policy

Terms and Conditions

* * * * *

2. * * *

(b) * * *

(2) seeded to rice for the two preceding crop years, except in California.

* * * * *

(5) of a rice crop following a rice crop harvested in the same calendar year.

* * * * *

5. Section 5(d) of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Rice Crop Insurance Policy

Terms and Conditions

* * * * *

5. * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

* * * * *

6. Section 7 of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is amended by revising item 7(c), redesignating 7 (d) and (e) as 7 (e) and (f) respectively, and adding a new 7(d) as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.* * * *

(c) Written notice shall be given at least 15 days prior to the beginning of harvest if the rice on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested rice (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the service office for the county no later than *30 Days* after the earliest of: (1) The date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire rice crop on the unit is destroyed, as determined by the Corporation.

* * * * *

7. Section 8(c)(1) of the Terms and Conditions section of the policy as found in 7 CFR 424.7(d) is revised to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Terms and Conditions

* * * * *

8. Claim for Indemnity.

* * * * *

(c) * * *

(1) Mature production quantity which grades No. 3 or better shall be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent and if, due to insurable causes, the value per pound of rough rice, as determined by the Corporation, is less than the market price for the same variety of rough rice grading U.S. No. 3 (determined in accordance with the Offical U.S. Grain Standards) with a milling yield per cwt. of 55 pounds of heads for the short and medium grain varieties and 48 pounds of heads for long grain varieties (whole kernels) and 66 pounds total milling yield (heads, second heads, screenings, and brewers), the number of pounds of such rice to be counted shall be adjusted by (i) dividing the value per pound of the damaged rice (as determined by the Corporation) by the market price per pound at the nearest mill center for the same variety of rough rice grading U.S. No. 3 with the milling yields as stated above, and (ii) multiplying the result thus obtained by the number of pounds of production of such damaged rice. The applicable price for No. 3 rice with the stated milling yields shall be the nearest mill center price on the earlier of the day the loss is adjusted or the date the damaged rice was sold.

* * * * *

8. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in 7 CFR 424.7(d), is amended by revising section 1.(g) in its entirety to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * *

1. Meaning of Terms. For the purposes of rice crop insurance:

* * * * *

(g) "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may, be selected by you or designated by us.

9. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 424.7(d) is amended by revising section 6 in its entirety to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * * * *

6. *Subrogation.* You assign to us all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by us. You shall execute all required documents and take appropriate action as may be necessary to secure such rights.

10. The Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions) as found in 7 CFR 424(d), is amended by adding a Section 11 to read as follows:

§ 424.7 The application and policy.

* * * * *

(d) * * *

Appendix to the Rice Crop Insurance Policy (Additional Terms and Conditions)

* * * * *

11. *Other Insurance Against Fire.* If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of: (a) The amount of indemnity determined by the Corporation under the policy with the Corporation, or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Appendix B—[Redesignated as Appendix A]

12. Appendix B to 7 CFR Part 424 is redesignated as Appendix A.

Done in Washington, D.C., on March 9, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 9, 1983.

Approved by:

Robert H. Sindt,

Acting Manager.

[FR Doc. 83-7155 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-08-M

Food Safety and Inspection Service

9 CFR Parts 306, 317, and 381

[Docket No. 81-036F]

Prior Labeling Approval System

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat inspection regulations and the poultry products inspection regulations by expanding the authority of inspectors-in-charge (IIC's) of official establishments to approve certain labeling and by establishing limited types of generically approved labeling. The types of labels or other labeling which may be approved by the IIC include: (1) All final labeling having a sketch approval from the Standards and Labeling Division (SLD) in Washington when the final labeling is consistent with the approved sketch; (2) certain labeling not previously approved by SLD; and (3) certain modifications of previously approved labeling. The types of generically approved labeling include certain modifications of previously approved labeling. The specific types of labeling or labeling modifications included for IIC approval and generic approval, both on a voluntary basis, have been expanded and modified in this final rule reflecting the Department's analysis of the issues raised in the public comments.

Under the final rule, temporary approvals for the use of labeling that may be deficient in some manner may be granted only by SLD for a period not to exceed 180 days, provided certain specified criteria are met. Use of the procedures established by this final rule will provide a more rapid turnaround for labeling approvals and will make more efficient use of Department resources.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Moyer Schwing, Deputy Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and

Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–4293.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Department has determined that the final rule is not a major rule under Executive Order 12291. The rule would provide greater flexibility to meat and poultry processors in obtaining label approvals. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect of Small Entities

The Administrator has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because this rule will impose no new requirements on industry. The implementation of this rule will provide establishments the option to use all, some, or none of the labeling approval authority delegated to the IIC or to use generic approval of certain types of labeling. Further, any application receiving a negative determination by an IIC may be resubmitted directly to SLD for a new review. Thus, each establishment will have the ability to obtain approvals for certain prescribed labeling changes at the plant or through prescribed regulations only to the extent these procedures provide benefits to that plant. As a result, the Department believes that the regulated industry will be provided greater flexibility, faster label review and processing, and consequently, a saving of time and money. Moreover, a labeling consulting firm which was generally critical of the document submitted information which indicates that this rule will not result in a significant economic impact to those firms which service the regulated industry by expediting label approvals in Washington, DC.

Background

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) direct the Secretary of Agriculture to maintain meat and poultry inspection programs designed to assure consumers that meat and poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Consistent with this authority, regulations have been promulgated which provide that no labeling shall be used on any product bearing any official inspection mark until it has been approved in its final form by the Administrator (9 CFR 317.4 and 9 CFR 381.132). In order to assure that meat and poultry products are in compliance with the Acts and the regulations promulgated thereunder, the Food Safety and Inspection Service (FSIS) presently conducts a prior approval program as specified in 9 CFR 317.4, 317.5, 381.132, and 381.134 for labels and other labeling to be used on federally inspected meat and poultry products. This program is administered in Washington, DC, by the Standards and Labeling Division (SLD). Currently, the IIC also has the authority to approve labeling modifications under relatively limited circumstances as specified in the meat and poultry products inspection regulations (9 CFR 317.4(c), 317.4(d), 317.5, 381.134, and 381.135).

In an effort to streamline the label approval process, the Department decided in 1980 to explore the feasibility of delegating certain additional labeling approval authority to field personnel. A FSIS Task Force was organized to review the overall concept of field delegation, identify the various options available, explore the ramifications of such delegation of authority, and estimate its potential effect upon the truthfulness and accuracy of labeling. A pilot program was initiated upon the recommendation of this Task Force to test the feasibility and effectiveness of delegating limited labeling approval authority to the IIC. The IIC is the Federal meat and poultry inspection program employee in charge at an official establishment. The success of the pilot program demonstrated that an appropriate level of uniformity and regulatory control can be maintained in the labeling area by delegating limited labeling approval authority to the IIC.

Over the past few years, the current labeling approval program has been the subject of considerable analysis and discussion, both within and outside the Department. The Department has received a number of industry petitions requesting specific changes in or the elimination of the prior label approval program in order to improve its efficiency and reduce costs associated with its operation. These petitions from the American Meat Institute, the National Association of Margarine Manufacturers, the National Food Processors Association, and James V. Hurson Associates, Inc., were discussed in some detail in the May 21, 1982, proposal (47 FR 22101).

The Proposal

After careful consideration of the Task Force recommendations, as well as the comments and industry petitions received, the Department published a proposal in the **Federal Register** of May 21, 1982 (47 FR 22101) to expand the authority of the IIC of official establishments to approve certain labeling and labeling modifications and to establish limited categories of generically approved labeling. More specifically, the proposal would have created three categories of labeling. The first category—labeling which would have required SLD approval—would have been reserved for labeling involving complex issues or issues where consistency is both important to maintain and difficult to achieve if delegated to the local level. The second category—labeling which the IIC could have approved with a later audit by SLD—would have involved labeling or labeling modifications, which the IIC is fully capable of approving, but because of the nature of the change would have needed to be rechecked to detect possible errors, to assure that the Department policy is consistently applied, and to maintain a central labeling approval file. The third category—generic labeling approvals which the IIC simply could have kept on file for his or her records—would have involved labeling or labeling modifications for which prior approval by SLD or the IIC is believed to be unnecessary and/or labeling for which SLD is not in a position to audit meaningfully. Such generically approved labeling would not have been included as part of the central labeling file; however, the establishment would have been required to provide a copy of the labeling to the IIC prior to use.

The use of the IIC to approve labels or other labeling and the use of generically approved labeling, as proposed, would have been voluntary. Official establishments would have had the option of submitting applications for any and all labeling to SLD. Written authorization from the Department would have been required as a precondition to the use of any labeling except for generic approvals submitted to the IIC. Denial of a labeling application by the IIC would have precluded use of the labeling unless and until authorization had been obtained from SLD. Temporary approvals for the use of labeling that would have been deficient in some manner could have

been granted by SLD for a period not to exceed 180 days, provided certain specified criteria had been met.

Comments

In response to the proposed rule, the Department received 89 comments that were postmarked on or before August 19, 1982, the close of the comment period.

Eighty-one of these comments were submitted by meat and poultry industry members and groups including slaughterers, packers, processors, distributors, and their trade associations and representatives; ten of these comments endorsed the comments of several trade associations. The remaining eight comments were submitted by individuals, a State government official and agency, an ex-food inspector, and a labeling consulting firm. While the positions taken in the comments varied, almost all commmenters supported modifying the current labeling approval process. The issues raised by the commenters and the Department's response to each issue are as follows:

1. *IIC approved labeling.* Forty-eight comments addressed the provision to delegate limited labeling approval authority to the IIC. Almost all of these comments were submitted by industry members and trade associations. Three individuals also commented on this aspect of the proposal, as did a labeling consulting firm.

Numerous industry members and trade associations specifically supported the purpose and intent of the proposal; i.e., to streamline and simplify the labeling approval process. As such, the proposal was lauded as "a step in the right direction." Savings of time and money were cited as support for this position. Delegating labeling approval authority to the IIC was specifically commended for increasing efficiency and decreasing the time and expense involved in getting labeling approvals. A number of industry members noted their favorable experience with the pilot program as support for field delegation. In addition, one industry member supported the proposal for attempting to create greater uniformity between the meat and poultry regulations.

A number of commenters criticized the proposal as complicated, costly, unnecessary, unreasonable, and/or harmful to small businesses. Commenters argued that the proposal failed to address many of the concerns about and criticisms of the current system, with two trade associations who had petitioned the Department for specific changes in the current labeling approval system continuing to advocate their positions. These commenters suggested that the IIC's authority should be limited to monitoring products and product labeling to ensure compliance with USDA requirements, rather than involving the IIC in the approval process. Moreover, several trade associations and industry members suggested that eventually prior labeling approval should be abolished and/or replaced by a system which more closely resembles the approach taken by the Food and Drug Administration.

A number of commenters specifically took issue with the idea of decentralizing labeling approval authority and suggested that the Department abandon its plan to have the IIC review labeling. They argued that the current system basically was working well. These commenters, who mostly characterized themselves as small businesses, contended that decentralizing the labeling approval system would result in inconsistent labeling decisions which, in turn, would create unfair competitive advantages. A system which allows unequal treatment, it was further argued, encourages corruption. Several commenters also questioned the IIC's ability to assume additional responsibilities because of inexperience and time constraints. Field delegation was further criticized as more complicated than the present system, advantageous to establishments having resident IIC's, costly to implement, and inefficient.

One trade association stated that, in general, IIC review of labeling would be more expeditious than SLD review and felt that it would be preferable to current procedures for that reason. However, it contended that expansion of the IIC's role in this manner would create its own set of problems including a lack of uniformity and consistency in labeling decisions, the need for substantial financial resources to train the IIC's, and an increased workload for the IIC.

Th Administrator recognizes the concerns raised by those commenters who conceptually supported the proposal yet felt that the Department did not go far enough in its attempt to eliminate what were characterized as many other problems inherent in the current labeling approval system. Many of these commenters commended the Department for its proposal to eliminate SLD involvement in all labeling decisionmaking and further advocated either expanding the generic labeling category or abandoning the entire system. The Department also acknowledges the concerns voiced by that segment of the industry, particularly small businesses, who expressed serious reservations about changing a system which provides services to all users, regardless of size, in an equitable manner. A number of these commenters believe that a strong central labeling approval authority is needed. The Department believes that this final rule represents a reasonable balance of these two positions. In conjunction with the sentiments expresed by numerous commenters, the Department also sees this initiative as a progressive step towards simplifying and streamlining the labeling approval process while maintaining the high level of protection consumers have come to expect from the Department in this area.

Specifically, the types of labeling which the IIC could approve were selectively chosen because they are sufficiently simple or involve changes so minor that they present little risk of misbranding. Moreover, the Department believes that uniformity and consistency can be further controlled by having the IIC-approved labeling submitted to SLD for auditing. The review and analysis of the pilot program demonstrated the competence of the IIC to assume limited labeling approval authority without jeopardizing uniformity or regulatory control in the labeling area. Moreover, the pilot program analysis revealed that labeling was acted upon and returned to plant management in a shorter period of time when handled through the IIC and that there was little impact upon the IIC's workload as a result of the new responsibilities.

Some commenters argued that the IIC's authority should be limited only to monitoring products and product labeling rather than approving and/or withholding the use of labeling. The Department believes that this would represent an inefficient use of Department personnel and more importantly, would contradict the language and intent of both the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). Section 7(e) of the FMIA (21 U.S.C. 607(e)) and section 8(d) of the PPIA (21 U.S.C. 457(d)) provide the Secretary with the authority to withhold the use of any marking, labeling, or container in use or proposed for use with respect to any article subject to the Acts if there is reason to believe that the marking or labeling or size or form of the container is false or misleading in any particular. Products which are misbranded may not be marked as "inspected and passed." Furthermore, such product may not be removed from an official establishment, sold, or otherwise distributed. It is the responsibility of the IIC to assure

compliance with these requirements. Moreover, the IIC is in the unique position of actually having the opportunity to review the product itself in order to ensure that the product and its labeling are in compliance. The SLD staff does not ordinarily have this opportunity. The Administrator, therefore, agrees with those commenters who stated that this delegation of authority would result in increased efficiency for FSIS and thus has concluded that the IIC should have the opportunity to approve labeling and labeling modifications that are sufficiently simple that the accuracy of labeling and the uniformity of labeling decisions would not be adversely affected.

To further allay some of the concerns of smaller firms, the Department wishes to emphasize the voluntary nature of this program. Establishments will continue to retain the option of submitting any and all labeling to SLD. Thus, the Department expects only benefits to accrue to those establishments using the new system. These benefits include a faster turnaround time for approval of labeling, less burdensome paperwork, and hopefully, a better understanding by plant management of labeling decisions.

The need for IIC training, as well as prompt and continuous updating of information, was noted in the comments submitted by a few industry members and a trade association. In addition, a number of commenters emphasized the importance of equitable and prudent labeling determinations. The Department recognizes the importance of IIC training to assure that equitable and prudent labeling decisions are made and that generic labeling is in compliance with the regulations. In this regard, the Department has developed a comprehensive training guide and has undertaken the responsibility of providing extensive training for all IICs with labeling responsibilities.

The Administrator disagrees with those commenters who criticized this program as potentially costly to implement. The Department believes that the cost of implementation would not be excessive. The most significant cost to the Department would be that of training the approximately 3,200 IICs, and this cost would be required whether the IIC is approving or simply monitoring product labeling. After the initial one time cost of IIC training, labeling approval would be incorporated into future IIC training and refresher courses. Moreover, the Department believes that the benefits to both the government and industry from operating a more streamlined and efficient labeling approval system far outweigh the costs involved in implementation.

One industry member who had participated in the pilot program expressed some concern about identifying IIC approvals. A system had been developed for the pilot program which identified each label by a specific number and provided for inclusion of each approved label in the SLD central labeling file. This numbering system has been revised to accommodate any problems encountered in the pilot program. The new numbering system has been highlighted in both the training guide and training sessions in an effort to eliminate any further confusion or difficulty in this area.

One processor suggested expanding the proposed IIC labeling approval authority to include labeling modifications reflecting a change in the quantity of an ingredient shown in the formula with a concurrent change in the order of predominance shown on the label. As discussed, the items proposed for inclusion in this category of labeling were considered sufficiently minor or simple that the application for label approval in question would present little opportunity for misbranding. This is not believed to be the case with a labeling modification reflecting a change in the quantity of an ingredient shown in the formula with a concurrent change in the order of predominance listed in the ingredient statement shown on the label. This type of labeling modification has the potential to mislead consumers if the necessary labeling changes are not made or are made incorrectly.

Changing the quantity of an ingredient in a formulation could create a variant from a product standard which often specifies the kind and minimum amount of meat and/or poultry, the maximum amount of nonmeat ingredients, and any other ingredients allowed or expected in the final product. For example, the standard of composition for "Chicken a la King" requires that, if a product bears this name on its label, at least 20 percent cooked poultry meat must be used in the recipe (9 CFR 381.167). With less than 20 percent cooked poultry meat in the formula, this product would no longer comply with the regulations. As a result of the potential problems associated with this type of modification, this suggestion has not been adopted.

Another industry member urged the Department to closely monitor the field delegation program during its initial critical stages to assure a smooth transition and resolve any potential problems. This commenter specifically suggested that SLD audit most of the initial labeling forwarded to it by the IIC, with a tapering off of the auditing procedures when appropriate. The Department appreciates the concern expressed by this commenter. The field delegation program represents a dramatic departure from current labeling approval practices and, as such, the Department also recognizes the value in closely monitoring this program, especially during the early stages of its implementation. In this way, the Department hopes to achieve the same success nationally that it achieved on a more limited scale during the pilot program.

2. *Generically approved labeling.* In response to some of the criticisms of the current label approval program and in an effort to lessen the regulatory burden on industry without compromising the truthfulness and accuracy of meat and poultry labeling, the Department proposed a category of labeling that would not require the formal prior approval of SLD or the IIC. Instead a copy of these generically approved labels would simply be submitted to the IIC prior to use. This category is comprised of labeling in final form which has been previously approved by SLD or the IIC and which is being submitted to the IIC with a minor modification. Since the IIC would not be formally approving such labeling prior to its use, the primary responsibility for ensuring that the labeling is in compliance with the regulations would rest with the establishment. As proposed, generic labeling would not be included in the SLD central labeling file, nor would SLD conduct an audit on such labeling.

Thirty-four comments specifically addressed the provision to establish a category of generically approved labeling. These comments were submitted by industry members, trade associations, and a labeling consulting firm.

All but one of the commenters supported the concept of generic labeling approvals. This commenter, a labeling consulting firm, questioned the legality of this approach arguing that the law seems to clearly state that the Secretary or his designee must actually approve all labeling. This issue has been carefully reviewed by the Department's Office of General Counsel (OGC), which disagrees with this commenter's interpretation of the FMIA and the PPIA. While the Acts do require the Department to approve labeling prior to use, they do not dictate the system or procedures by which such approvals are granted. Thus, this Department has concluded that certain broad classes of

labeling which meet certain specified criteria could be granted "generic" approval through the development of specific regulations. Accordingly, this aspect of the proposal is being retained.

Numerous commenters commended the Department for recognizing that many labels and labeling modifications do not need formal approval. Others cited savings in time and/or money as reasons for their support. Many industry members and trade associations, however, stated that this category of labeling, as proposed, was too narrowly defined. A number of commenters suggested expanding this category to include those labels and labeling modifications proposed for IIC approval. Many of these commenters argued that generic approval would be appropriate for this category of labeling because the items included for IIC approval present little risk of misbranding.

The Department is pleased with the strong endorsement given to the concept of generic labeling approvals. As stated in the proposal, this labeling category is expected to reduce paperwork and provide for a more meaningful utilization of auditing resources. While the Department acknowledges industry's desire to expand this category of labeling through this rulemaking, it is important to again emphasize the experimental nature of the procedure. Given the Department's responsibilities to assure that meat and poultry products are properly marked, labeled, and packaged, the Department is reluctant to expand the generic labeling category until it can be demonstrated that this procedure will continue to provide the public with labeling that is accurate and not misleading. Instead, the Department believes it best to proceed cautiously until a body of data has been gathered which can be analyzed in order to assess the validity of further change in this direction. This belief has been reinforced by those commenters who expressed concern over the elimination of a centralized labeling approval system which, they contended, would result in unfair and inconsistent labeling decisions.

In light of these concerns, the Department is reluctant at this time to expand generically approved labeling. The Department continues to subscribe to its position that this category of labeling should initially be narrowly defined. However, the Department hopes this labeling category can be expanded if it is proven successful and, as suggested by one trade association, will continue to review the approval program and provide for additional simplification wherever possible. In its continuing review of this issue, the Department is considering the possibility of proposing to expand the class of generic labels for those plants which have demonstrated the technological and managerial capacity to ensure misbranding does not occur. The Administrator has concluded that this issue should be addressed separately as a potential future amendment to its regulations. At the present time, the Department is encouraging suggestions along these lines which will lead to the development of such a proposal.

In addition to the changes suggested above, several additional labels and labeling changes not addressed in the proposal were also suggested for inclusion in the generic labeling category by a number of commenters or, according to one trade association, at least for IIC approval. These labels and labeling changes had been recommended by the American Meat Institute (AMI) in its August 1981 petition to be included within the generic labeling category and include the following:

1. The addition, deletion, increase or decrease of a permitted ingredient in a standardized product provided the product continues to comply with the established standard.

2. The addition, deletion, increase or decrease of a permitted ingredient present at less than or equal to 5 percent in a non-standardized product.

3. Labels of products shipped between plants of the same company.

4. Labels of products shipped to food service establishments without quality claims, nutritional claims, or geographical claims.

5. A change in a package vignette not effecting mandatory information.

6. The addition or deletion of open dating information. After careful examination of these items and the petitioner's rationale for including them in the generic labeling category, the Administrator has concluded that the first two suggestions, i.e., the addition, deletion, increase or decrease of a permitted ingredient in a standardized product provided the product continues to comply with the established standard and the addition, deletion, increase or decrease of a permitted ingredient present at less than or equal to 5 percent in a non-standardized product, represent modifications that have significant potential for misleading consumers if the necessary labeling changes are not made or are made incorrectly. Furthermore, such changes could frequently involve complex labeling issues. For example, the Department recently published a final rule modifying the standard, labeling requirements, and permitted uses for mechanically separated (species) (MS(S)). The promulgation of this final rule has elicited a variety of complicated questions regarding the use of MS(S) in standardized products which the Department has been responding to on a case-by-case basis. Moreover, the charts of approved substances contained in the regulations (§ 318.7 and § 381.147) list a variety of chemical substances along with their general classification, their function, the categories of products in which they may be used, and the permitted usage levels. The use of these so-called restricted ingredients is carefully limited by regulation, and excessive usage may raise potential health and safety issues. For these reasons, the changes suggested above are believed to fall outside of the scope of "minor modifications" which, in general, present little or no possibility of misbranding. Moreover, these types of changes would consume considerably more time for the IIC to approve than other changes included in this category. Accordingly, these changes have not been adopted.

The third and fourth suggestions, i.e., labels of products shipped between plants of the same company and labels of products shipped to food service establishments without quality, nutritional, or geographical claims, represent items which may reach consumers with the labeling applied by the establishment. This possibility creates the potential for misbranded product to reach the consumer because the Department has no comprehensive means of monitoring where product goes after inspection. The statutes do not distinguish between retail and wholesale product labeling. The Administrator has, therefore, concluded that these items should not be included in the generic labeling category.

The fifth suggestion, i.e., a change in a package vignette not affecting mandatory information, is one which clearly may present the potential for misleading consumers. It has long been recognized that a product vignette is a powerful marketing tool in that many purchasing decisions are made on the basis of its appeal. The Department also recognizes, however, that this is an area of labeling approval where SLD is severely limited in its ability to assure accurate and non-misleading information. It is the IIC who is actually in the best position to assure that the picture on the label accurately represents the contents of the package because it is only the IIC who has the

opportunity to review both the product and its labeling. Based on this recognition, the Department is amending the final rule to include this item as a minor modification which may be approved by the IIC.

The last suggestion, i.e., the addition or deletion of open dating information, relates to an area over which SLD and the IIC have little, if any, control since their knowledge of the handling and storage conditions of products once they leave the establishment is extremely limited. As a result, the Department believes this is a change which can be generically approved without diminishing the quality of the labeling. Thus the final rule is being amended to include this item among the minor modifications which can be generically approved, provided the open dating information is in compliance with the regulations (9 CFR § 317.8(b)(32) and § 381.129(c)) and the addition of such information does not crowd or obscure mandatory labeling information.

One meat processor also recommended that the generic labeling category should include changes in the type of packaging material used, for example, film versus casing, provided no change in the labeling is made. The Department believes that this change can be generically approved. Such changes have little potential for misleading the consumer because the original labeling has been reviewed and approved by SLD or the IIC. Changing the packaging material should have no effect on the approved labeling. The "false or misleading" provisions of the regulations will further assure that all mandatory labeling information appears as required and is sufficiently prominent. This modification is expected to give industry greater flexibility without altering the quality of the labeling. As with other generic approvals, a copy of the labeling will have to be submitted to the IIC for filing prior to use.

The proposed provisions permitting generic approval for a change in the arrangement of directions pertaining to the opening of cans or the serving of a product represents a labeling modification which the IIC can currently approve. In fact, the wording of these proposed provisions remains essentially unchanged from the current wording contained in the regulations. In reviewing these provisions, however, the Department realized that they are narrower in scope than was intended. The Department believes that changes in both the language and arrangement of directions could be generically approved without affecting the accuracy of the labeling or the uniformity of labeling decisions, provided the addition or amendment of such information does not crowd or obscure the mandatory labeling information. Accordingly, these provisions are being amended in the final rule to reflect this expanded responsibility.

In discussing the role of the IIC, a few commenters expressed concern over the IIC's authority to withhold use of generically approved labeling if it is believed to be "false or misleading." One company suggested establishing a time limit after which the IIC may not withhold the labeling or a temporary approval would be granted. A trade association suggested that the IIC should notify the establishment of any labeling problem and bring it to the attention of SLD for appropriate action. Noting the importance of holding the IIC accountable for withholding product, another trade association recommended that the IIC should identify the potential serious violation on a copy of the transmittal form and provide a copy to the establishment.

In analyzing these comments, it is useful to review the Department's statutory responsibilities in this area. As noted earlier, the FMIA and the PPIA are quite specific in regard to the use of labeling which is false or misleading. Section 7(d) of the FMIA (21 U.S.C. 607(d)) and section 8(c) of the PPIA (21 U.S.C. 457(c)) prohibit the distribution of any article under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but permits the use of established trade names and other marking or labeling and containers which are not false or misleading and which are approved by the Secretary. Additionally, section 7(e) of the FMIA (21 U.S.C. 607(e) and section 8(d) of the PPIA (21 U.S.C. 457(d)) provide the Secretary with the authority to withhold the use of any marking, labeling, or container in use or proposed for use with respect to any article subject to the Acts if there is reason to believe that the marking or labeling or size or form of the container is false or misleading in any particular.

As discussed in the proposals the Administrator continues to believe that the IIC, acting as the Department's representative, should continue to have the authority and responsibility to withhold the use of any labeling which is contrary to the requirements of the FMIA and the PPIA. Thus, the provision confirming such authority is being retained. Questions regarding any labeling which is being withheld by an IIC could be immediately presented by the establishment to SLD for review.

3. *Appeals of Labeling Decisions.* Nineteen comments addressed the issue of labeling appeals. More than half of these comments were submitted by industry members. The remainder were submitted by trade associations.

Almost all of the commenters advocated the development of a formal or informal procedure to expeditiously appeal labeling decisions to the Administrator. Several commenters noted the importance of establishing a timetable for resolving labeling disputes. One week was suggested by a few commenters as a reasonable time period for decisionmaking.

The Administrator continues to believe that neither the Department nor the public will be better served by the establishment of a rigid appeals system which imposes strict time limits on decisionmaking. Particularly at this time when technological innovations in food processing and increased public concern about the presence of various substances in foods generate complex issues for SLD and the Department, a requirement of decisionmaking within a specifically limited period of time may prove to be unrealistic in a number of specific cases. In fact, if the Department were to be forced to make labeling determinations within a specified time period, the Administrator would be likely to err on the side of conservatism if he has only limited information which suggests that a label might be false or misleading. This could result in a greater number of labeling denials than would otherwise be the case. Accordingly, no regulatory changes are being made regarding a formal appeals process.

It is apparent from a review of the comments to this issue that there was some confusion regarding the proposed changes in the area of labeling appeals. As indicated in the proposal, appeals of informal decisionmaking within the Department are presently controlled by § 306.5 of the meat inspection regulations and § 381.35 of the poultry products inspection regulations. The provision in the meat inspection regulations is general in scope and establishes a chain-of-command procedure for appealing decisions of any Department employee. This regulation states that any appeal from a decision of any program employee shall be made to the immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided by the applicable rules of practice. This section is intended to apply to most decisions made within the Department. In light of this existing

provision, the Administrator believes it should be expressly provided that denial of a labeling application by the IIC would not be appropriately appealed to the IIC's field supervisor. Rather, an establishment would simply submit a labeling application which has been denied by the IIC directly to SLD for review.

While the appeals provision in the meat inspection regulations encompasses all types of decisionmaking, the poultry products inspection regulation is narrower in scope. This provision is specific to inspection decisions such as the decision to retain product for further examination or the decision to condemn poultry. With these types of decisions, timing becomes a critical factor. This regulation includes a 48-hour time limit within which an appeal must be filed. No change was proposed for this regulation other than, for the sake of consistency between the meat and poultry products inspection regulations, clarifying that the denial of a labeling application by the IIC would not constitute a basis for an appeal. The proposed clarification to the appeals provisions in both the meat and poultry regulations is being adopted in the final rule. The 48-hour time limit does not apply to labeling appeals.

In regard to labeling applications submitted to both the IIC and SLD, one trade association suggested a "fast track" review in Washington if an IIC rejects a label. The types of labeling which can be approved by the IIC, i.e., final labeling having SLD sketch approval and "simple" labeling are, by design, routine and noncontroversial. Thus, the Administrator has concluded that there is no need to establish a special mechanism to process these applications in Washington. Establishments have always been able to receive priority consideration from the system if time is a critical factor, and this will continue to be the case. Accordingly, this suggestion is not being adopted.

One industry member suggested including a question on the application form to identify labeling that has been submitted to the IIC. While the Department believes this information may be useful, it also realizes that this may represent an unnecessary requirement. As is presently the case, inconsistent labeling decisions can be identified through the usual auditing procedures.

4. *Temporary approvals.* Twenty-eight comments addressed the issue of temporary approvals. All of these comments were submitted by industry members and trade associations.

Most commenters supported the provision to formalize the temporary approval process. Moreover, there was no opposition to the proposed criteria for granting such approvals. These criteria include a demonstration by the applicant that: (1) The proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval.

While the attempt to codify the practice of granting temporary approvals was welcomed, the 180-day limit proposed for such approvals was criticized as inadequate, unrealistic, inflexible, and/or arbitrary. Most commenters indicated that extensions for temporary approvals should be permitted on a discretionary basis, with some suggesting that temporary approvals should remain in effect until new labeling is printed. A few commenters also suggested that temporary approvals for labeling containing the word "new" should become effective on the date of use rather than on the approval date. The Department carefully considered the comments on this issue and found many of the arguments to be persuasive. In general, the Department continues to believe that 180 days provides sufficient time for applicants to correct labeling that is deficient in some respect. This time limit is generally consistent with past and present approval practices. The Department recognizes, however, that there may, on rare occasions, be extenuating circumstances beyond the control of the applicant which would require an extension of the 180 day limit. Thus, the Department is retaining the 180 day limitation on temporary approvals provided all four of the criteria are met. In response to those commenters who criticized this time limit as inflexible, the Department will consider extending a temporary approval beyond the 180 day limit if it can be shown that new circumstances, also meeting the established criteria, have developed since the original temporary approval was granted which make it impossible to correct the labeling deficiencies in the time allotted.

In regard to labeling containing the word "new," the Administrator acknowledges the concerns of those commenters addressing this issue and believes that the expiration date for "new" labeling can also be based on the date the product is introduced into the market in addition to the traditional method of establishing the expiration date on the basis of the date the labeling is approved. Accordingly, this suggestion is being adopted as an alternative to the traditional method. Information regarding the product introduction date should be submitted to SLD at the time of label approval if this alternative is selected. It is important to note that the approval for labeling containing "new" terminology is not in actuality a temporary approval as defined in this section because the label which is initially approved is not deficient in any manner; however, use of such labeling for an indefinite period of time would mislead consumers. Thus, in the interest of truthful labeling, its use has been limited to six months. Historically, six months has been considered a reasonable and adequate period of time to introduce new products into the marketplace; however, the Department will consider extending this approval if information, such as documented proof of a delay in marketing, is submitted which justifies such an extension.

A number of commenters also criticized this aspect of the proposal for limiting the IIC's authority to grant temporary approvals. Some argued that the IIC should have the authority to grant temporary approval of labeling that he or she has the authority to approve in final form. However, the Administrator continues to believe that temporary approvals by their nature represent complex labeling decisions which, for the sake of consistency, uniformity, and control, need to be submitted to SLD for approval.

Commenters further criticized the Department for suggesting that temporary approvals would generally not be granted for generically approved labeling which was subsequently found to be deficient. Several commenters indicated that this would act as a disincentive for establishments to use generically approved labeling.

The Department has reviewed this concern and realizes that generically approved labeling can present two general types of errors. The first type of error involves labeling that is submitted to the IIC for filing prior to use which contains some minor modification to previously approved labeling. This labeling, by definition, qualifies for generic approval. If, upon review by the IIC, a deficiency is discovered in such labeling, application may be made to SLD for temporary approval. In such a case, a temporary approval may be granted for 180 days if the applicant can demonstrate that the four established criteria are met.

The second type of error involves labeling that is submitted to the IIC for filing prior to use which does not qualify for generic approval. If, upon review by the IIC, a deficiency of any magnitude is discovered in such labeling, it is improbable that a temporary approval will be granted. If the Department were to literally grant temporary approvals for this type of error, widespread abuse of the concept of generic labeling could result because the Department would be condoning a system where some establishments could intentionally print erroneous labels in expectation of such an approval. Therefore, the Department is reluctant to grant temporary approvals for labeling which has this second type of error.

5. *"Sketch" labeling.* Twenty-three commenters addressed the proposed definition of "sketch" labeling. Almost all of these comments were submitted by industry members. Several trade associations and a labeling consulting firm also commented on this issue. All of the commenters objected to requiring a printer's proof to be submitted for sketch approval. This requirement was criticized as expensive, impractical, burdensome, time consuming, and/or discriminatory to small businesses. These commenters argued that hand-drawn sketches should be sufficient for IIC approval. A number of commenters suggested or endorsed the idea of recognizing two different types of "sketch" labeling, one which would be considered equivalent to a printer's proof and thus, subject to approval, and second which would be considered a rough draft submitted only for review and comment.

The Department did not intend its definition of "sketch" labeling to impose an unnecessary or unfair burden on industry. However, there was some concern raised in the comments to the pilot program which indicated that if sketch labeling is too vague the IIC may have difficulty comparing it with final labeling. As a result, the Department was interested in establishing guidelines for sketch submissions to assure that they are sufficiently representative of the final labeling. Thus, the proposed definition was intended to assist the IICs in their labeling approval responsibilities and hopefully, avoid any problems in this area. In view of the comments on this issue, the Department is amending the definition of sketch labeling to clarify that any type of copy which clearly shows all labeling material, size, location and an indication of final color, can be submitted for sketch approval in lieu of a printer's proof. Although a printer's proof is most desirable, a carefully hand-drawn sketch which indicates letter size and location, layout, and colors appearing on the final labeling is acceptable. The Department does not see merit in the suggestion that the sketch labeling be delimited to two specific types. This would only serve to complicate the labeling approval process. Thus, this suggestion is not being adopted in the final rule. SLD will continue to review and comment on rough drafts of sketches. These rough drafts cannot, however, be submitted for sketch approval.

6. *Voluntary provision.* Seven commenters, six industry members and a trade association, supported the voluntary nature of the proposed IIC/generic labeling approval system. Several of these commenters stressed the importance of retaining the option to submit applications to SLD if preferred and/or if the IIC denies an application. The Department agrees with these commenters and continues to regard the voluntary nature of the IIC/generic approval program appropriate and important to its success. Thus, the use of the IIC to approve labeling and the use of generically approved labeling will be optional. Establishments may continue to submit any and all applications for labeling to SLD.

7. *Multi-plant corporations.* Seven commenters, five industry members and two trade associations, criticized the proposal for providing insufficient relief for multi-plant operations. Many of these commenters suggested that IIC or generic labeling approval granted at one establishment should serve as an approval at all other establishments within the same company.

The Department disagrees with those commenters who contended that the proposed rule would help mostly those manufacturers with single establishments. All labeling which falls within the generic labeling category is, by definition, automatically approved. The establishment simply has to submit a copy of such labeling to the IIC prior to use. This is a dramatic departure from present practices and as noted in the proposal and most of the comments, this change is expected to save both time and money for those firms using this new system.

The Department continues to regard its decision to allow each IIC to approve labeling only for use in his or her particular plant as necessary. An IIC in one plant would have no way of quickly determining whether a label presented from another plant within the same company is actually in use as it is presented to the IIC. In order to avoid any problems in this regard, the Department is adopting, as proposed, the limited provision to permit on previously approved labeling only modifications of newly assigned or revised establishment numbers for that particular establishment. A multi-plant corporation seeking one labeling approval for use in several plants should submit its labeling application to SLD. The application should indicate all establishments which will be producing the product. Copies of the SLD-approved labeling will then be sent to the IIC at each establishment.

8. *Miscellaneous.* Three commenters, two industry members and a trade association, expressed concern over the language of § 381.132(a) of the poultry products inspection regulations. These commenters contended there is an inconsistency between this proposed section and the existing § 381.115. The former provision refers to the use of labeling "on any product" while the latter provision refers to labeling on any product "at the time it leaves the official establishment."

After carefully examining the language of these two provisions, the Administrator has concluded that § 381.132(a) needs to be further amended to clarify that it, too, refers to labeling on any product leaving the establishment. The apparent inconsistency in the language of the two provisions cited above was unintentional. The final rule will be amended accordingly.

One commenter asked for clarification regarding the operation of the labeling approval system in approved foreign establishments exporting product to the United States. This regulation expands the authority of the IIC of official establishments to approve certain labeling and labeling modifications and establishes limited categories of generically approved labeling. The effectiveness of all inspection programs in countries which export product into the United States is monitored by FSIS personnel, but the in-plant inspectors are obviously employees of the foreign governments. Since there is no IIC in a foreign establishment, there will be no change in the labeling approval system for such an establishment wishing to export product to the U.S. Labeling for export to the U.S. will continue to be submitted to SLD in the usual manner.

In reviewing the proposed provisions permitting the IIC to add, delete, or substitute the official USDA grade shield, the Department has realized that, unlike the official poultry grade shield which is applied to poultry product labeling, the official grade mark for meat

is applied only to carcasses or wholesale cuts of meat. As such, changing the official meat grade is not a labeling modification. Accordingly, this provision is being deleted from the IIC-approved labeling category of the meat inspection regulations. Many applicants, however, submit labeling which includes grading terminology. This information falls into the category of a quality claim. Labeling bearing such information, therefore, must be submitted to SLD for review.

Although there is no official meat shield for retail labeling, the use of grading terminology on labeling has increased in recent years as a competitive marketing tool. Such terminology appears in different forms on product labeling, for example, "Our Prime Selection" or "Choice of the East" and as such, it falls into the category of a quality claim because it implies that the product is of a certain quality. Moreover, it is not used in conjunction with an official shield and often is not preceded by "U.S." or "USDA." This is not the case with poultry labeling where the poultry grade can appear only in conjunction with the official poultry grade shield. To further complicate the meat grading issue, attempts have been made to use terminology alluding to Federal grades on labeling when the product itself has not been federally graded. Use of such terminology in this manner is clearly misleading and thus, contrary to the FMIA. In light of this problem, the Administrator has concluded that meat grading terminology falls outside the scope of simple labeling which may be approved by the IIC. Labeling bearing such terminology should be submitted to SLD for approval to assure that such claims are accurately and appropriately used.

As a note of clarification, this final rule deletes, as proposed, a provision currently contained in the meat inspection regulations (§ 317.4(d)) which allows the IIC to approve stencils, labels, box dies, and brands used on shipping containers and on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers. Historically this provision was intended to accommodate the obvious practical problems associated with a centralized review of such materials and was designed to cover very simple labeling where there was little chance for error and no possibility of misleading the public. In recent years, however, some questions have been raised regarding the scope of this provision. In fact, some applicants have submitted relatively complex labeling for large institutional packages to the IIC for approval under this authority. Consistent with the intent of the original provision, more general provisions allowing the IIC to approve single ingredient labeling and labels for shipping containers have been included in the amended meat and poultry products inspection regulations. Thus, the labeling falling within the intended scope of the existing § 317.4(d) will be encompassed by the new § 317.4(e)(3)(ii), 317.4(e)(3)(v), 381.132(c)(3)(ii), and 318.132(c)(3)(v).

List of Subjects

9 CFR Part 306

Appeals, Meat inspection.

9 CFR Part 317

Food labeling, Meat inspection.

9 CFR Part 381

Appeals, Food labeling, Poultry inspection.

This final rule promulgates the provisions of the proposal as modified and described in the preamble. Accordingly, the Federal meat and poultry products inspection regulations (9 CFR Parts 306, 317, and 381) are amended as follows:

1. The authority citation for Parts 306 and 317 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1171(b), unless otherwise noted.

PART 306—[AMENDED]

2. The text of § 306.5 (9 CFR 306.5) is revised as follows:

§ 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice. Denial of a labeling application by the inspector-in-charge shall not constitute a basis for an appeal under this section.

PART 317—[AMENDED]

3. The section title and paragraphs (a) and (d) of § 317.4 (9 CFR 317.4 (a) and (d)) are revised and paragraph (e) is added as follows:

§ 317.4 Labeling to be approved by the Administrator.

(a) No labeling shall be used on any product until it has been approved in its final form by the Administrator. For the convenience of the establishment, sketches or proofs of new labeling may be submitted in triplicate to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, in Washington, D.C., for approval, and the preparation of final labeling deferred until such approval is obtained. "Sketch" labeling is a printer's proof or other copy which clearly shows all labeling material, size, location, and an indication of final color. All final labeling shall be submitted in triplicate to the Standards and Labeling Division for approval, except where such approval may be obtained from the inspector-in-charge as specified in this section or where generic approval is granted as specified in § 317.5. Any establishment that wishes to submit any labeling to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval may do so.

* * * * *

(d) Application may be made, consistent with the requirements of this section, for a temporary approval for the use of a label or other labeling that may otherwise by deemed deficient in some particular. Temporary approvals may be granted by the Standards and Labeling Division for a period not to exceed 180 calendar days. Such an approval may be granted if (1) the proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval. Temporary approvals may not be extended unless the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

(e) Inspector-in-charge may approve labeling in certain cases. (1) At the request of the official establishment, the inspector-in-charge may approve labeling, listed in paragraph (e)(3) of this section, which has not been submitted to the Standards and Labeling Division: *Provided,* That the labeling is so used as not to be false or misleading, and that all approvals are issued in writing in response to formal applications, and that copies of the approved applications are forwarded by the inspector-in-charge for filing and possible audit to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Denial of a labeling application by the inspector-in-charge precludes use of the labeling unless and until

authorization is obtained under paragraph (a) of this section.

(3) The inspector-in-charge may approve: (i) Final labeling of labeling already approved in sketch or proof form by the Standards and Labeling Division and the final labeling is prepared without modification or with only minor modification as described in paragraph (e)(3)(iii) of this section or as described in § 317.5;

(ii) Labeling for single ingredient products (such as steak or lamb chops) which do not contain quality claims (such as "blue ribbon" or "choice"), negative claims (such as "no sugar added"), geographical claims, nutritional claims, guarantees, or foreign language;

(iii) Any label or other labeling which has already been approved but which contains one or more minor modifications, as set forth in this subparagraph: *Provided,* That in the opinion of the inspector-in-charge, all mandatory information remains sufficiently prominent and the labeling as modified is so used as not to be false or misleading:

(A) Brand name changes: *Provided,* That there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance and the brand name does not affect the name of the product;

(B) The deletion of the word "new" on new product labeling;

(C) The addition, deletion, or amendment of handling instructions: *Provided,* That the change is consistent with § 317.2 of this subchapter;

(D) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided,* That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter;

(E) Changes in the color of the labeling: *Provided,* That the inspector-in-charge is satisfied that sufficient contrast and legibility remain; or

(F) A change in the product vignette: *Provided,* That the change does not affect mandatory labeling information;

(iv) Labeling for containers of meat and meat food products sold under contract specifications to Federal Government agencies, when such product is not offered for sale to the general public: *Provided,* That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector-in-charge;

(v) Labels for shipping containers which contain fully labeled immediate containers;

(vi) Labeling for products not intended for human food: *Provided,* That they comply with Part 325 of this subchapter;

(vii) Meat inspection legends, which comply with Parts 312 and 316 of this subchapter; and

(viii) Meat carcass ink brands, and meat food product ink and burning brands, which comply with Parts 312 and 316 of this subchapter.

4. The title and contents of § 317.5 (9 CFR 317.5) are revised to read as follows:

§ 317.5 Generically approved labeling.

(a) Labeling which is generically approved under paragraph (b) of this section is approved for use without additional authorization, provided the labeling shows all mandatory information in a sufficiently prominent manner and is not otherwise false or misleading in any particular. Any determination by the inspector-in-charge that labeling being used in accordance with paragraph (b) of this section is false or misleading or that labeling alleged by an establishment to be approved under paragraph (b) of this section which the inspector-in-charge determines is not so approved, shall preclude the use of the labeling and said determination shall remain in effect unless and until an alternative decision is made by the Standards and Labeling Division. A copy of any labeling to be used in accordance with paragraph (b) of this section shall be supplied to the inspector-in-charge prior to its use.

(b) Labeling which has previously been approved but which contains the following modifications is generically approved and may be used in conformity with the requirements of paragraph (a) of this section:

(1) All features of the labeling are proportionately enlarged or reduced: *Provided,* That all minimum size requirements specified in applicable regulations are met and the labeling is legible;

(2) There is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(3) A master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the word "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(4) During holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations or rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labeling (the use of such designs will not make necessary the application of labeling not otherwise required);

(5) There is a change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

(6) The addition, deletion, or amendment of a coupon, a cents-off statement, cooking instructions, packer product code information, or UPC product code information.

(7) Any change in the name or address of the packer, manufacturer, or distributor that appears in the signature line;

(8) Any change in the net weight: *Provided,* That the size of the net weight statement complies with § 317.2 of this subchapter;

(9) The addition, deletion, or amendment of recipe suggestions for the product;

(10) Any change in punctuation;

(11) Newly assigned or revised establishment numbers for a particular establishment for which use of the labeling has been approved by the Standards and Labeling Division or the inspector-in-charge assigned to that establishment;

(12) The addition or deletion of open dating information; or

(13) A change in the type of packaging material on which the label is printed.

PART 381—[AMENDED]

5. The authority citation for Part 381 reads as follows:

Authority: Sec. 14 of the Poultry Products Inspection Act, as amended by the Wholesome Poultry Products Act (21 U.S.C. 451 *et seq.*); the Talmadge-Aiken Act of September 28, 1962, (7 U.S.C. 450); and subsection 21(b) of the Federal Water Pollution Control Act, as amended by Pub. L. 91–224 and by other laws (33 U.S.C. 1171(b)) unless otherwise noted.

6. The text of § 381.35 (9 CFR 381.35) is revised as follows:

§ 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided,* That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall

determine whether the inspector's decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of $9.28 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection: *Provided,* further, That denial of a labeling application by the inspector-in-charge shall not constitute a basis for an appeal under this section.

7. The section title and the text of § 381.132 (9 CFR 381.132) are revised as follows:

§ 381.132 Labeling to be approved by the Administrator.

(a) No labeling shall be used on any product leaving the establishment until it has been approved in its final form by the Administrator. For the convenience of the establishment, sketches or proofs of new labeling may be submitted in triplicate to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval, and the preparation of final labeling deferred until such approval is obtained. "Sketch" labeling is a printer's proof or other copy which clearly shows all labeling material, size, location, and an indication of final color. All final labeling shall be submitted in triplicate to the Standards and Labeling Division for approval, except where such approval may be obtained from the inspector-in-charge as specified in this section or where generic approval is granted as specified in § 381.134 of this subchapter. Any establishment that wishes to submit any labeling to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Washington, D.C., for approval may do so.

(b) Application may be made, consistent with the requirements of this section, for a temporary approval for the use of a label or other labeling that may otherwise be deemed deficient in some particular. Temporary approvals may be granted for a period not to exceed 180 calendar days. Such an approval may be granted if (1) the proposed labeling would not misrepresent the product; (2) use of the labeling would not present any potential health, safety, or dietary problems to the consumer; (3) denial of the request would create undue economic hardship; and (4) an unfair competitive advantage would not result from the granting of the temporary approval. Temporary approvals may not be extended unless the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

(c) Inspector-in-charge may approve labeling in certain cases.

(1) At the request of the official establishment, the inspector-in-charge may approve labeling, listed in paragraph (c)(3) of this section, which has not been submitted to the Standards and Labeling Division: *Provided,* That the labeling is so used as not to be false or misleading, and that all approvals are issued in writing in response to formal applications, and that copies of the approved applications are forwarded by the inspector-in-charge for filing and possible audit to the Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) Denial of a labeling application by the inspector-in-charge precludes use of the labeling unless and until authorization is obtained under paragraph (a) of this section.

(3) The inspector-in-charge may approve:

(i) Final labeling of labeling already approved in sketch or proof form by the Standards and Labeling Division and the final labeling is prepared without modification or with only minor modification as described in paragraph (c)(3)(iii) of this section or as described in § 381.134 of this subpart;

(ii) Labeling for single ingredient products (such as chicken or turkey thighs) which do not contain quality claims (such as "blue ribbon" or "choice"), negative claims (such as "no sugar added"), geographical claims, nutritional claims, guarantees, or foreign language;

(iii) Any label or other labeling which has already been approved but which contains one or more minor modifications, as described below: *Provided,* That in the opinion of the inspector-in-charge, all mandatory information remains sufficiently prominent and the labeling as modified is so used as not to be false or misleading;

(A) Brand name changes: *Provided,* That there are no design changes, the brand name does not use a term that connotes quality or other product characteristics, the brand name has no geographic significance, and the brand name does not affect the name of the product;

(B) The deletion of the word "new" on new product labeling;

(C) The addition, deletion, or amendment of handling instructions: *Provided,* That the change is consistent with § 381.125 of this subchapter; or

(D) Changes reflecting a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided,* That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in § 381.147;

(E) Changes in the color of the labeling: *Provided,* That the inspector-in-charge is satisfied that sufficient contrast and legibility remain;

(F) The addition, deletion, or substitution of the official USDA grade shield;

(G) A change in the product vignette: *Provided,* That the change does not affect mandatory labeling information.

(iv) Labeling for containers of poultry products sold under contract specifications to Federal governmental agencies when such product is not offered for sale to the general public: *Provided,* That the contract specifications include specific requirements with respect to labeling, and are made available to the inspector-in-charge;

(v) Labels for shipping containers which contain fully labeled immediate containers. Such labels shall comply with § 381.127;

(vi) Labeling for products of poultry not intended for human food if they comply with § 381.152(c), and labels for poultry heads and feet for export for processing as human food if they comply with § 381.190(b);

(vii) Poultry inspection legends, if they comply with Subpart M of this part;

(viii) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter and for use on, or to be placed within, containers, and coverings of product provided such devices contain no reference to product and bear no misleading feature;

(8) The title and contents of § 381.134 (9 CFR 381.134) are revised to read as follows:

§ 381.134 Generically approved labeling.

(a) Labeling which is generically approved under paragraph (b) of this section is approved for use without additional authorization, provided the labeling shows all mandatory information in a sufficiently prominent manner and is not otherwise false or

misleading in any particular. Any determination by the inspector-in-charge that labeling being used in accordance with paragraph (b) of this section is false or misleading or that labeling alleged by an establishment to be approved under paragraph (b) of this section which the inspector-in-charge determines is not so approved, shall preclude the use of the labeling and said determination shall remain in effect unless and until an alternative decision is made by the Standards and Labeling Division. A copy of any labeling to be used in accordance with paragraph (b) of this section shall be supplied to the inspector-in-charge prior to its use.

(b) Labeling which has previously been approved but which contains the following modifications is generically approved and may be used in conformity with the requirements of paragraph (a) of this section:

(1) All features of the label are proportionately enlarged or reduced: *Provided*, That all minimum size requirements specified in applicable regulations are met and the labeling is legible;

(2) There is substitution of such abbreviations as "lb." for "pound," or "oz." for "ounce," or the word "pound" or "ounce" is substituted for the abbreviation;

(3) A master or stock label has been approved from which the name and address of the distributor are omitted and such name and address are applied before being used (in such case, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval);

(4) During holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labeling (the use of such design will not make necessary the application of labeling not otherwise required);

(5) There is a change in the language or the arrangement of directions pertaining to the opening of containers or the serving of the product;

(6) The addition, deletion, or amendment of a coupon, a cents-off statement, cooking instructions, packer product code information, or UPC product code information;

(7) Any change in the name or address of the packer, manufacturer, or distributor that appears in the signature line;

(8) Any change in the net weight: *Provided*, That the size of the net weight statement complies with § 381.121 of this subchapter;

(9) The addition, deletion, or amendment of recipe suggestions for the product;

(10) Any changes in punctuation;

(11) Newly assigned or revised establishment numbers for a particular establishment for which use of the labeling has been approved by the Standards and Labeling Division or the inspector-in-charge assigned to that establishment;

(12) The addition or deletion of open dating information; or

(13) A change in the type of packaging material on which the label is printed.

§ 381.135 [Reserved]

9. Section 381.135 (9 CFR 381.135) is removed and the section number is reserved.

Information collection requirements contained in this regulation (§§ 306.5, 317.4, 317.5, 381.35, 381.132, and 381.134) have been approved by the Office of the Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0583–0015.

Done at Washington, D.C., on February 24, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83–7204 Filed 3–17–83; 8:45 am]

BILLING CODE 3410-DM-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Hearing

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending § 308.61 of its regulations (12 CFR 308.61) to delegate to the Executive Secretary the authority to (1) designate presiding officers for hearings under § 308.59 of its regulations (12 CFR 308.59) and (2) set a later hearing date.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Margaret M. Olsen, Assistant Executive Secretary, 550 17th Street, NW., Washington, D.C. 20429, telephone (202) 389–4446.

SUPPLEMENTARY INFORMATION: Section 308.59 of FDIC's regulations provides that an individual subject to suspension and removal proceedings under section 8(g) of the Federal Deposit Insurance Act ("FDI Act," 12 U.S.C. 1818(g)) or, in the case of a petition for reconsideration of a denial of an application under section 19 of the FDI Act (12 U.S.C. 1829), the bank or the affected individual, may request a hearing. Under section 308.61 of FDIC's regulations, the Board of Directors designates the presiding officer for any such hearing and may order a later hearing date upon petition. (The Executive Secretary sets the original hearing date.) For reasons of administrative ease and efficiency, the Board is delegating authority to the Executive Secretary to designate the presiding officers and to set a later hearing date.

These amendments relate solely to internal agency practices and procedures and, therefore, the notice, public comment and delayed effective date requirements of 5 U.S.C. 553 are not applicable. The amendments also would not have a significant economic impact on a substantial number of small entities and would not impose any recordkeeping or reporting requirements on any person. Thus, under FDIC's policy statement on drafting regulations entitled, "Development and Review of FDIC Rules and Regulations," a cost-benefit analysis is not required.

List of Subjects in 12 CFR Part 308

Administrative practice and procedure, Claims, Courts, Equal access to justice, Lawyers, Penalties.

PART 308—[AMENDED]

Accordingly, the Board of Directors amends Part 308 as set forth below.

1. The authority citation for Part 308 reads as follows:

Authority: Sec. 2(9), Pub. L. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 901, Pub. L. 95–630, 92 Stat. 3641 (12 U.S.C. 1972); sec. 203, Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504).

2. Paragraph (a) of § 308.61 is revised to read as follows:

§ 308.61 Hearing.

(a) The Executive Secretary shall order a hearing to commence within 30 days after receipt of a request for hearing pursuant to § 308.59, except in the case of a petition for reconsideration of denial of a section 19 application, for which the time periods set forth in § 303.10(d) shall apply. The hearing shall be held in Washington, D.C., or at another designated place, before a presiding officer designated by the Executive Secretary. The Executive Secretary may order a later hearing date upon petition of the individual or, in the case of a section 19 denial, the affected individual or the bank afforded the hearing.

* * * * *

By order of the Board of Directors, this 14th day of March, 1983.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-7127 Filed 3-17-83; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 572

[No. 83-143]

Net Worth Certificates

March 7, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") has extended until April 1, 1983, the initial filing date for a qualified institution to apply for the Federal Savings and Loan Insurance Corporation ("FSLIC") to purchase net worth certificates ("MWCs") in accordance with Title II of the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320, 96 Stat. 1469 (October 15, 1982). This extension will allow additional time for the dissemination of information regarding the Board's NWC program and for institutions to apply under that program.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. Moore, Deputy Director, Policy and Programs (202-377-6480) or James A. Kristufek, Capital Assistance Program Administrator (202-377-6363), Office of Examinations and Supervision, or Thomas J. Haggerty, Senior Attorney, Division of Securities and Corporate Analysis, Office of General Counsel (202-377-6911), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: In order to allow additional time for the dissemination of information regarding the Board's NWC program, 12 CFR Part 572, and to allow qualified institutions to complete their application to the FSLIC to purchase NWCs in accordance with that Program, the Board has amended § 572.3(c) of the Rules and Regulations for the Federal Savings and Loan Insurance Corporation (12 CFR 572.3) to provide that any application for capital assistance based on operating losses for an applicable six-month fiscal-year period which has closed may be made until April 1, 1983. Previously, § 572.3(c), as amended, had specified a March 1, 1983, date. Section 572.3(c) continues to require that after the April 1, 1983, date applications must be filed within 30 days after the close of an applicable period.

List of Subjects in 12 CFR Part 572

Savings and loan associations.

The Board finds that observance of the notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary because this amendment constitutes a benefit to applicants by extending the initial application due date. The Board had retained authority to waive that due date in any event.

Accordingly, the Board hereby amends Part 572 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 572—NET WORTH CERTIFICATES

§ 572.3 [Amended]

Amend paragraph (c) of § 572.3 by inserting the word "April" in place of the word "March" in that paragraph.

(Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1730); Reorg. Plan No. 3 of 1947, 3 CFR, 1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.

Acting Secretary.

[FR Doc. 83-7128 Filed 3-17-83; 8:45 am]

BILLING CODE 6720-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 389

Filing-Fee Requirements; Waiver

AGENCY: Civil Aeronautics Board.

ACTION: Waiver of Filing-Fee Requirements Under 14 CFR Part 389.

SUMMARY: Following requests on behalf of certain foreign carriers, the Board's Managing Director, acting under delegated authority, has waived the requirements of Part 389 of the Board's Organization Regulations to the extent necessary to relieve the carriers of France (by letter dated March 9, 1983) and Canada (by letter dated March 9, 1983), from paying the filing fees set forth in § 389.25. Both actions were effective immediately on March 9, 1983, and the filing of a petition for review will not alter the effectiveness.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Allen Brown, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5578.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-7140 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

[T.D. 83-72]

Summary Forfeiture and Disposition of Controlled Substances

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled substances.

These amendments are being made to eliminate the unnecessary and costly storage of large quantities of controlled substances.

EFFECTIVE DATE: March 18, 1983. These amendments were previously published as interim regulations, effective on May 11, 1982.

FOR FURTHER INFORMATION CONTACT: Steven L. Basha, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-2462); or David Goldfarb, Assistant Regional Counsel, U.S. Customs Service, 99 S.E. 5th Street, Miami, Florida 33131, (305-350-4321).

SUPPLEMENTARY INFORMATION:

Background

During the last few years, Customs has found it increasingly difficult to store and safeguard controlled substances that have been seized for violation of drug and/or customs laws. Accordingly, by T.D. 82-89, published in the **Federal Register** on May 14, 1982 (47 FR 20753), Customs issued interim regulations to provide that: (1) Certain controlled substances which are imported into the United States without proper entry documentation may be seized and summarily forfeited to the United States; and (2) certain notice procedures are inapplicable to the disposition of such controlled

substances. Prior to the interim regulations, § 162.45, Customs Regulations (19 CFR 162.45), required Customs to retain seized controlled substances for at least three weeks, during which time notice of their impending forfeiture was given. The three week retention necessitated the storage of the controlled substances in secure areas because of their illicit value and dangerous propensities. The problem of storage and security of seized drugs has become acute in Customs regions that have large scale drug smuggling activity. For example, the Miami, Florida, Customs Region (Southeast Region) seized over 3,400,000 pounds of marihuana in fiscal year 1981. The cost to the Government in providing secure storage for such large quantities of drugs has become excessive. Additionally, the storage of large quantities of these items often interferes with the efficient operation of other Customs business.

The Controlled Substances Act (21 U.S.C. 801, *et seq.*) and the Controlled Substances Import and Export Act (21 U.S.C. 951, *et seq.*) deem illegally imported Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) to be contraband that is summarily forfeited to the United States (21 U.S.C. 881(f) and 965). The Supreme Court has held that contraband is not required to be returned to the person from whom it is seized. *Trupiano v. United States*, 334 U.S. 699, 710 (1948); *United States v. Jeffers*, 342 U.S. 48, 54 (1951).

Accordingly, because illegally imported Schedule I substances are summarily forfeited to the United States upon seizure, there is no purpose served in storing such substances, or notifying the public of Customs intention to dispose of such substances. The public notice provision of § 162.45 is included in the regulations for the benefit of those parties who might have a legitimate interest in seized property, and who might wish to file a claim for such property pursuant to § 162.47, Customs Regulations (19 CFR 162.47). The fact that seized Schedule I controlled substances are deemed contraband and are summarily forfeited to the Government precludes any claim under § 162.47.

Comments

Although T.D. 82–89 specifically invited written comments on the interim regulations, none were received.

Changes to Interim Regulations

Customs has determined to adopt the interim regulations as permanent rules with the only substantive change being the addition of a sentence at the end of § 162.45a, Customs Regulations (19 CFR 162.45a). That sentence provides that when seized controlled substances are required as evidence in a court proceeding they shall be preserved to the extent and in the quantities necessary for that purpose.

Inapplicability of Delayed Effective Date Provisions

T.D. 82–89 stated that, because of the acute storage problem associated with large quantity seizures of controlled substances, and because 21 U.S.C. 881 (f) and 965 deem illegally imported Schedule I controlled substances to be contraband that is summarily forfeited to the United States, Pursuant to 5 U.S.C. 553(b)(B), notice and public procedure were impracticable, unnecessary, and contrary to the public interest. T.D. 82–89 further stated that, pursuant to 5 U.S.C. 553(d)(3), good cause existed for dispensing with a delayed effective date. For the same reasons, and for the reason that the interim regulations have been in effect since May 11, 1982, good cause exists for dispensing with a delayed effective date for the final rule.

Executive Order 12291

This amendment is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Regulatory Flexibility Analysis

T.D. 82–89 contained a certification pursuant to the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these regulations will not have a significant economic impact on a substantial number of small entities. The same certification is applicable to this document. Accordingly, regulatory flexibility analyses are not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Law enforcement, Penalties, Search warrants, Seizures and forfeitures, Imports, Customs duties and inspection.

Amendments to the Regulations

Part 162, Customs Regulations (19 CFR Part 162), is amended as set forth below

William von Raab,

Commissioner of Customs.

Approved: John M. Walker, Jr.,

Assistant Secretary of the Treasury.

March 3, 1983.

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The section heading and paragraph (b) of § 162.45, Customs Regulations (19 CFR 162.45(b)), are revised to read as follows:

§ 162.45 Summary forfeiture where value not over $10,000: Property other than Schedule I controlled substances. Notice of seizure and sale.

* * * * *

(b) *Publication.* (1) If the appraised value of any property in one seizure from one person other than Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least three successive weeks.

(2) In all other cases, except for Schedule I controlled substances (see § 162.45a), the notice shall be published by posting in a conspicious place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at last three successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

* * * * *

2. Part 162, Customs Regulation (19 CFR Part 162), is amended by adding a new § 162.45a, to read as follows:

§ 162.45a Summary forfeiture of Schedule I controlled substances.

The Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) provides that all controlled substances in Schedule I (as defined in 21 U.S.C. 802(6) and 812) that are possessed, transferred, sold or offered for sale in violation of the Act shall be deemed contraband and seized and summarily forfeited to the United States (21 U.S.C. 881(f)). By reference, the Controlled Substances Import and Export Act (21 U.S.C. 951) incorporates this contraband forfeiture provision. See 21 U.S.C. 965. Accordingly, in the case of a seizure of Schedule I controlled substances, the appropriate Regional

Commissioner of Customs or his designee shall contact the appropriate Drug Enforcement Administration official responsible for issuing permits authorizing the importation of such substances (see 21 CFR 1312). If upon inquiry the Regional Commissioner or his designee is notified that no permit for lawful importation has been issued, he shall declare the seized substances contraband and forfeited pursuant to 21 U.S.C. 881(f). Inasmuch as such substances are Schedule I controlled substances, the notice procedures set forth in section 162.45 are inapplicable. When seized controlled substances are required as evidence in a court proceeding, they shall be preserved to the extent and in the quantities necessary for that purpose.

3. Section 162.63, Customs Regulations (19 CFR 162.63), is amended to read as follows:

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801), and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. However, Schedule I controlled substances (as defined in 21 U.S.C. 802(6) and 812) imported contrary to law shall be seized and forfeited in the manner provided in the Controlled Substances Act (21 U.S.C. 881(f)). See § 162.45a.

(Sec. 511(d), 1010, 84 Stat. 1276 as amended, 1291; 21 U.S.C. 881(d), 966)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[FR Doc. 83-7152 Filed 3-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Commissioner of Food and Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority that contain the delegations of authority to the Commissioner of Food and Drugs to incorporate a revised delegation to the Commissioner to accept gifts under section 501 of the Public Health Service Act (PHS Act).

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: On February 25, 1983, the Assistant Secretary for Health issued a memorandum delgating to the Commissioner the authority under section 501 of the PHS Act, as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less can be redelegated. The delegation superseded the previous delegation of this authority by the Director, Office of Management, PHS, dated August 20, 1979.

In § 5.10 (21 CFR 5.10), new paragrpah (a)(20) is being added to reflect the revised delegation and paragraph (e) is being deleted to remove the superseded delegation.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a) 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended in § 5.10 by adding new paragraph (a)(20) and by removing paragraph (e) as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.10 Delegations from the Secretary, the Assistant Secretary for Health, and Public Health Service Officials.

(a) * * *

(20) Functions vested in the Secretary under section 501 of the Public Health Service Act (42 U.S.C. 219) as amended, to accept offers of gifts, excluding the acceptance of gifts of real property. Only the authority to accept unconditional gifts of personal property valued at $5,000 or less may be redelegated.

* * * * *

Effective date. This regulation shall be effective March 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7107 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 5

Delegations of Authority and Organization; Revised Organization

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising the regulations setting forth its organization structure. Several reorganizations have occurred since the structure was last issued. These revised regulations will present FDA's latest structure.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION:

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.100 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.100 Headquarters.

The central organization of the Food and Drug Administration consists of the following:

Office of the Commissioner [1]

Commissioner of Food and Drugs.
Deputy Commissioner.
Office of Regulatory Affairs.
Office of Health Affairs.
Office of Management and Operations.
Office of Planning and Evaluation.
Office of Legislation and Information.
Office of Consumer Affairs.

Bureau of Foods [2]

Office of the Director.

[1] Mailing address: 5600 Fishers Lane, Rockville, MD 20857.

[2] Mailing address: 200 C St. SW., Washington, DC 20204.

Associate Director for Planning and Operations.
Associate Director for Compliance.
Division of Compliance and Industry Programs.
Division of Food and Color Additives.
Division of Regulatory Guidance.
Division of Cooperative Programs.
Associate Director for Nutrition and Food Sciences.
Division of Consumer Studies.
Division of Nutrition.
Division of Microbiology.
Associate Director for Toxicological Sciences.
Division of Mathematics.
Division of Pathology.
Division of Toxicology.
Associate Director for Physical Sciences.
Division of Chemical Technology.
Division of Color Technology.
Division of Cosmetics Technology.
Division of Chemistry and Physics.
Division of Food Technology.

Bureau of Veterinary Medicine [1]

Office of the Director.
Associate Director for Voluntary Compliance and Operations.
Associate Director for Human Food Safety.
Associate Director for Research.
Division of Veterinary Medical Research.
Associate Director for Scientific Evaluation.
Division of Biometrics and Production Drugs.
Division of Drug Manufacturing and Controls.
Division of Therapeutic Drugs for Food Animals.
Division of Therapeutic Drugs for Non-Food Animals.
Associate Director for Surveillance and Compliance.
Division of Compliance.
Division of Surveillance.
Division of Animal Feeds.

Executive Director of Regional Operations [1]

Office of the Executive Director.
Associate Director for Administration.
Associate Director for Field Support.
Office of Resource Planning and Management.
Division of Field Science.
Division of Field Investigations.
Division of Field Regulatory Guidance.
Associate Director for Federal-State Relations.
Division of Federal-State Relations.

National Center for Devices and Radiological Health [1]

Office of the Director.
Office of Management and Systems.
Office of Health Physics.

Office of Radiological Health

Office of the Director.
Associate Director for Health Affairs.
Division of Electronic Products.
Division of Risk Assessment.
Division of Compliance.
Division of Training and Medical Applications.

Office of Medical Devices [2]

Office of the Director.
Office of Small Manufacturers Assistance.
Associate Director for Health Affairs.
Associate Director for Device Evaluation.
Division of Cardiovascular Devices.
Division of Gastroenterology/Urology and General Use Devices.
Division of Anesthesiology and Neurology Devices.
Division of Obstetrics/Gynecology Devices.
Division of Surgical and Rehabilitation Devices.
Division of Clinical Laboratory Devices.
Division of Ophthalmic, Ear, Nose, and Throat, and Dental Devices.
Associate Director for Standards.
Division of In Vitro Diagnostic Device Standards.
Division of General Medical Device Standards.
Associate Director for Compliance.
Division of Compliance Programs.
Division of Compliance Operations.
Division of Product Surveillance.

National Center for Drugs and Biologics [1]

Office of the Director.
Office of Scientific Advisors and Consultants.
Office of Management.
Division of Planning and Evaluation.
Division of Administrative Management.

Office of New Drug Evaluation

Office of the Director.
Division of Anti-Infective Drug Products.
Division of Cardio-Renal Drug Products.
Division of Surgical-Dental Drug Products.
Division of Metabolism and Endocrine Drug Products.
Division of Neuropharmacological Drug Products.
Division of Oncology and Radiopharmaceutical Drug Products.

Office of Drugs

Office of the Director.
Division of Drug Advertising and Labeling.

[2] Mailing address: 8757 Georgia Ave., Silver Spring, MD 20910.

Division of Scientific Investigations.
Associate Director for Compliance.
Division of Drug Quality Evaluation.
Division of Drug Labeling Compliance.
Division of Drug Compliance.
Associate Director for Information Systems.
Division of Drug Information Resources.
Division of Information Systems Design.
Medical Library.
Associate Director for Biometrics and Epidemiology.
Division of Biometrics.
Division of Drug Experience.
Associate Director for Drug Monographs.
Division of OTC Drug Evaluation.
Division of Biopharmaceutics.
Division of Generic Drug Monographs.
Associate Director for Pharmaceutical Research and Testing.
Division of Drug Biology.
Division of Drug Chemistry.
National Center for Drug Analysis.

Office of Biologics [4]

Office of the Director.
Division of Blood and Blood Products.
Division of Virology.
Division of Bacterial Products.
Division of Biochemistry and Biophysics.
Division of Product Quality Control.
Associate Director of Compliance.
Division of Compliance (Biologics).
Division of Biologics Evaluation.

National Center for Toxicological Research [5]

Office of the Director.
Office of Scientific Intelligence.
Associate Director for Research Operations and Planning.
Office of Management.
Division of Management Services.
Division of Toxicological Data Management Systems.
Division of Facilities Engineering and Maintenance.
Associate Director for Research.
Division of Teratogenesis Research.
Division of Mutagenesis Research.
Division of Carcinogenesis Research.
Division of Molecular Biology.
Division of Biometry.
Division of Chemistry.
Associate Director of Chemical Evaluation.
Division of Chemical Toxicology.
Division of Pathology.
Division of Animal Husbandry.
Division of Microbiological Services.

Effective date: This regulation shall be effective March 18, 1983.

[4] Mailing address: 8800 Rockville Pike, Bethesda, MD 20205.
[5] Mailing address: Jefferson, AR 72079.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: March 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6732 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 5, 211, and 250

Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is editorially amending sections of the regulations to update various references.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Malcolm B. Reddoch, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The changes below update various references in the regulations and are nonsubstantive.

List of Subjects

21 CFR Part 5

Authority delegations (Government agencies), Organization and functions (Government agencies).

21 CFR Part 211

Drugs, manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 250

Drugs.

Therefore, under section 701(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of 21 CFR is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.10 [Amended]

1. In § 5.10 *Delegations from the Secretary, the Assistant Secretary of Health, and Public Health Service Officials*, in paragraph (a)(4) change "(except in interstate transportation of etiological agents under 42 CFR 72.25)" to "(except in interstate transportation of etiologic agents under 42 CFR Part 72)."

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

§ 211.48 [Amended]

2. In § 211.48 *Plumbing*, in paragraph (a) by revising the second sentence to read as follows: "Potable water shall meet the standards prescribed in the Environmental Protection Agency's Primary Drinking Water Regulations set forth in 40 CFR Part 141."

PART 250—SPECIAL REQUIREMENTS FOR SPECIFIC HUMAN DRUGS

§ 250.203 [Amended]

3. In § 250.203 *Status of fluoridated water and foods prepared with fluoridated water*, in paragraph (a) by inserting "(Centers for Disease Control)" immediately following "through the Public Health Service"; and in paragraph (c) by changing "Public Health Service" to "Environmental Protection Agency".

Effective date. March 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7216 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 133

[Docket No. 77N-0331]

Nine Natural Cheeses; Revision Based on International Standards of Identity; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting a final rule that amended its regulations on cheese and related cheese products.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION: In FR Doc. 83-1842 appearing at page 2736 in the **Federal Register** of Friday, January 21, 1983, the following corrections are made:

1. On page 2737, second column, in the second paragraph of comment 6 the fifth sentence is changed to read "The regulations set forth below provide for the use of 'safe and suitable' ingredients consistent with this policy."

2. On page 2738, third column, in the second paragraph of comment 15 the following changes are made:

a. In the second sentence, "standard" is changed to read "standards".

b. In the third sentence, "standard" is changed to read "standards".

c. In the fourth sentence, "That standard permits" is changed to read "Those standards permit".

3. On page 2742 in § 133.3 *Definitions* in paragraph (d), the following changes are made:

a. In the first line of the table, "90 min." is changed to read "30 min.".

b. In the second line of the footnote to the table, "increased by 6° F" is changed to read "increased by 5° F".

4. On page 2742 in § 133.5 *Methods of analysis* in paragraph (b), "Milk fat" is changed to read "Milkfat".

5. On page 2743 in § 133.113 *Cheddar cheese* in paragraph (a), the following changes are made:

a. In the first sentence, the reference "paragraph (a)(4)" is changed to read "paragraph (a)(3)".

b. In the second sentence, the number "31" is changed to read "50".

6. On page 2743 in § 133.138 *Edam cheese* in paragraph (a), the following changes are made:

a. The second sentence is changed to read "The minimum milkfat content is 40 percent by weight of the solids and the maximum moisture content is 45 percent by weight, as determined by the methods described in § 133.5."

b. The last sentence is changed to read "If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35° F for at least 60 days."

7. On page 2744 in § 133.149 *Gruyere cheese*, the following changes are made:

a. In paragraph (a)(1), the third sentence is changed to read "The minimum milkfat content is 45 percent by weight of the solids and the maximum moisture content is 39 percent by weight, as determined by the methods described in § 133.5."

b. In paragraph (b)(3)(i), "0.002 percent" is changed to read "0.02 percent".

c. In paragraph (d), "part 101" is changed to read "Part 101".

8. On page 2744 in § 133.152 *Limburger cheese* in paragraph (a)(1), the last sentence is changed to read "If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35° F for at least 60 days."

9. On page 2745 in § 133.185 *Samsoe cheese* in the last sentence of paragraph (a)(1), the word "cheese" is added after "Samsoe".

10. On page 2748 in § 133.195 *Swiss and emmentaler cheese* in paragraph (d) in the introductory text, "part 101" is changed to read "Part 101".

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7112 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 211, 314, and 700

[Docket No. 82N-0330]

Tamper-Resistant Packaging Requirements for Certain Over-the-Counter Human Drug and Cosmetic Products

Correction

In FR Doc. 82-30645 beginning on Page 50442 in the issue of Friday, November 5, 1982, make the following corrections.

1. On page 50448, first column, first line, "alternating" should read "alerting".

2. On page 50451, second column, paragraph "(el)" of § 700.25 should read "(e)".

3. On page 50451, third column, twentieth line from the bottom of the last paragraph, "700.25(c)" should read "700.25(e)".

BILLING CODE 1505-01-M

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21 CFR Part 314

New Drug Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is issuing a correction to the final rule that amended the new drug regulations.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Marilyn L. Watson, National Center for Drugs and Biologics (HFN-7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-3640.

SUPPLEMENTARY INFORMATION: FDA is correcting a document published in the **Federal Register** of Friday, January 21, 1983, to include a cross reference change in § 314.1(c)(2) that was inadvertently omitted. Therefore, in FR Doc. 83-1647 at page 2755 in the **Federal Register** of Friday, January 21, 1983, the following correction is made in the center column: Amendment 2.a. is corrected to read "a. In § 314.1 by removing paragraph (f), by revising the first sentence of paragraph (a)(1) to read as follows, and by changing in paragraph (c)(2), form FD-356H, the reference '§ 314.1(f)' to '§ 314.2:' "

Dated: March 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7246 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 436, 442, and 450

Drugs for Human Use; Antibiotics; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction

SUMMARY: The Food and Drug Administration is correcting errors in certain antibiotic regulations that published in the **Federal Register** in May and September of 1974 during the recodificaton of Subchapter D—Drugs for Human Use—of Title 21 of the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, National Center for Drugs and Biologics (HFN-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The following corrections are made:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.311 [Corrected]

1. In § 436.311 *Thin layer chromatography identity test for amoxacillin* in paragraph (d), the seventh sentence reading "Pour developing solvent into the glass trough" is removed. (The error first appeared in FR Doc. 74-21842 at page 34032 in the **Federal Register** of Monday, September 23, 1974.)

PART 442—CEPHA ANTIBIOTIC DRUGS

§ 442.25a [Corrected]

2. In § 442.25a *Sterile cephalothin sodium* in paragraph (a)(4)(i), the first six words "Results of tests and assays of" are changed to read "Results of test and assay on." (The error first appeared in FR Doc. 74-12338 at page 19042 in the **Federal Register** of Thursday, May 30, 1974.)

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

§ 450.240 [Corrected]

3. In § 450.240 *Mithramycin for injection* in paragraph (b)(3), the reference "§ 436.32" is changed to "§ 436.32(b)." (The error first appeared in FR Doc. 74-12338 at page 19148 in the **Federal Register** of Thursday, May 30, 1974.)

Dated: March 9, 1983.

James C. Morrison,

Assistant Director for Regulatory Affairs.

[FR Doc. 83-6734 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for a new animal drug application (NADA) from Endo Laboratories, Inc., to DuPont Pharmaceuticals. DuPont Pharmaceuticals submitted a supplemental NADA advising the agency of the change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: DuPont Pharmaceuticals, One Rodney Square, Wilmington, DE 19898, has revised NADA 30-525 (oxymorphone hydrochloride injection) to reflect a change of sponsor name from Endo Laboratories, Inc., to DuPont Pharmaceuticals. This intracorporate transfer of sponsorship does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The regulations are amended to reflect the name change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Reporting requirements.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) for the entry "Endo Laboratories, Inc." by revising the firm name to read

"DuPont Pharmaceuticals"; and in paragraph (c)(2) for the entry "000050" by revising "Endo Laboratories, Inc." to read DuPont Pharmaceuticals."

Effective date. March 18, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)).)

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7119 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor Name

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name for a new animal drug application (NADA) from Endo Pharmaceuticals, Inc., to DuPont Pharmaceuticals, Inc. DuPont Pharmaceuticals, Inc., submitted a supplemental NADA advising the agency of the change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: DuPont Pharmaceuticals, Inc., P.O. Box 363, Manati, Puerto Rico 00701, has revised NADA 35-825 (naloxone hydrochloride injection) to reflect a change of sponsor name from Endo Pharmaceuticals, Inc., to DuPont Pharmaceuticals, Inc. This intracorporate transfer of sponsorship does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The regulations are amended to reflect the name change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Reporting requirements.

PART 510—NEW ANIMAL DRUGS

§ 510.600 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 510 is amended in § 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* in paragraph (c)(1) for the entry "Endo Pharmaceuticals, Inc.," by changing the firm name to "DuPont Pharmaceuticals, Inc." and placing it in the proper alphabetical sequence; and in paragraph (c)(2) for the entry "000590" by changing the firm name "Endo Pharmaceuticals, Inc." to "DuPont Pharmaceuticals, Inc."

Effective date. March 18, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7108 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for several new animal drug applications (NADA's) from Hart-Delta, Inc., to AMI, Inc. Supplements to the affected NADA's provide for this change.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805, filed supplements to several NADA's providing for a change of sponsor from Hart-Delta, Inc., to AMI, Division of Med-Tech Veterinarian Products, Inc. (AMI, Inc.). By letters, Hart-Delta, Inc. and AMI, Inc., confirmed the change of sponsor. Those NADA's affected are: NADA 92-481, n-Butyl Chloride capsules; NADA 92-837, D.E.C. soluble syrup; NADA 102-020, Tri-Plex worm capsules; and NADA 111-349, Selenium Disulfide shampoo.

This action, the change of sponsor for several NADA's, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. The list of sponsor names and addresses in 21 CFR 510.600(c) is amended to reflect the change of sponsors.

The Bureau has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by removing the entry for "Hart-Delta, Inc.," and by alphabetically adding a new sponsor entry for "AMI, Inc.", and in paragraph (c)(2) in the entry for "015563" by removing the sponsor name "Hart-Delta, Inc.," and inserting in its place "AMI, Inc.," to read as follows:

PART 510—NEW ANIMAL DRUGS

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805	015563
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
015563	AMI, Inc., 5055 Choctaw Drive, Baton Rouge, LA 70805.
* * * * *	

* * * * *

Effective date. March 18, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 9, 1983.

Max L. Crandall,

Associate Director for Surveillance and Compliance.

[FR Doc. 83-7109 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Levamisole Gel

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the correct dosage form of a previously approved new animal drug application (NADA) sponsored by Cyanamid Agricultural de Puerto Rico, Inc. The NADA provides for use of a levamisole hydrochloride gel to treat cattle for certain nematode infections.

EFFECTIVE DATE: May 25, 1982.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Bureau of Veterinary Medicine (HFV–145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3442.

SUPPLEMENTARY INFORMATION: Cyanamid Agricultural de Puerto Rico, Inc. (CAPRI), Manati, PR 00701, is sponsor of NADA 128–237 which provides for use of a 11.5 percent levamisole gel for oral treatment of cattle for stomach, intestinal, and lung worm infections.

Approval of NADA was published in the **Federal Register** of May 25, 1982 (47 FR 22516). The approval identified the product as a paste rather than a gel. This document amends the regulations to reflect the correct dosage form.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1242f [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1242f by revising the section heading to read "§ 520.1242f *Levamisole hydrochloride gel*" and in paragraph (a) of that section by removing the word "paste" and inserting in its place the word "gel."

Effective date. May 25, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: March 11, 1983.

Robert A Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83–6880 Filed 3–17–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Chlortetracycline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by American Cyanamid Co. providing for revised labeling for a chlortetracycline (CTC) premix. The regulations are also amended to allow an additional use of the premix in making finished feeds to be used for treating psittacine birds known or suspected of being infected with psittacosis. This approval will allow use of CTC premixes in making pelleted feed for treating psittacosis, in addition to the currently approved mash ration.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV–133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3410.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Berdan Ave., Wayne, NJ 07470, filed supplemental NADA 48–761 which provides for addition of a psittacosis claim to the labeling of its Aureomycin 50 Medicated Premix (CTC). The additional claim will allow the premix to be used in manufacturing finished feeds for use in treating psittacine birds (parrots, macaws, and cockatoos) suspected or known to be infected with psittacosis caused by *Chlamydia psittaci* sensitive to 10 milligrams of CTC per gram of feed, continuously fed for 45 days. The supplemental NADA is approved and the regulations are amended accordingly.

This action, approval of a supplemental NADA providing for addition of the psittacosis claim to the Aureomycin 50 Medicated Premix label, does not alter usage of the drug because the same conditions of use are currently approved for a similar American Cyanamid CTC product—S.F. Mix 66 Premix (NADA 55–040; approved December 26, 1967). Therefore, in accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplement does not require reevaluation of the safety and effectiveness data in the parent application.

The agency is amending 21 CFR 558.128(e)(1) to allow use of CTC premixes in making pelleted feed ration in addition to making cooked grain mash for treating psittacine birds for psittacosis. American Cyanamid's previously approved S.F. Mix 66 Premix is intended for use in making cooked grain mash, its Aureomycin 50 Medicated Premix is intended for use in making pelletized feeds. This action is consistent with the action of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (APHIS/USDA) in amending 9 CFR 92.11 *Quarantine requirements* (July 13, 1982; 47 FR 30230). That amendment approved use of pelleted, CTC-containing feed ration as an alternative method of controlling psittacosis in quarantined psittacine birds. The approval was based on USDA-generated research results demonstrating that the CTC-containing pellets are equally, if not more, effective than the cooked grain mash in treating and controlling the disease. These data support approval by FDA of this supplement.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.128 is amended by revising paragraph (e)(1) (i), (ii), and (iii) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.128 Chlortetracycline.

* * * * *

(e) * * *

(1) * * *

(i) *Amount.* 10 milligrams per gram of finished feed.

(ii) *Indications for use.* Treatment of psittacine birds (cockatoos, macaws, and parrots) suspected or known to be infected with psittacosis caused by

Chlamydia psittaci sensitive to chlortetracycline.

(iii) *Limitations.* Feed continuously for 45 days. As chlortetracycline calcium complex equivalent to chlortetracycline hydrochloride. Each bird should consume daily an amount of medicated feed equal to one fifth of its body weight. *Warning:* "Psittacosis, avian chlamydiosis, or ornithosis is a reportable communicable disease, transmissible between wild and domestic birds, other animals, and man. Contact appropriate public health and regulatory officials."

* * * * *

Effective date: March 18, 1983.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 8, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6878 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Zip Feed Mills, Inc., providing for safe and effective use of 2-gram-per-pound and 10-gram-per-pound tylosin premixes for making complete swine feeds.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: Zip Feed Mills, Inc., P.O. Box 500, 304 E. Eighth St., Sioux Falls, SD 57101, is the sponsor of supplemental NADA 97–259 submitted on its behalf by Elanco Products Co. The supplement provides for making 2-gram-per-pound and 10-gram-per-pound tylosin premixes. The premixes are used to make complete swine feeds for use as provided for in 21 CFR 558.625(f)(1)(vi) (*a*), (*b*), (*c*), and (*d*). The firm currently holds approval for making 0.4, 4, and 10-gram-per-pound tylosin premixes for swine feeds for use as provided for in 21 CFR 558.625(f)(1)(vi) (*a*).

Approval of this supplement relies upon safety and effectiveness data contained in Elanco's approved NADA 12–491. Elanco authorizes use of the data in NADA 12–491 to support this supplement. This approval does not change the approved use of the drug. Consequently, approval poses no increased human risk of exposure to residues of the animal drug nor does it change the conditions of the drug's safe use in the target animal species.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12–491.

This supplement is approved and the regulations in 21 CFR 558.625 are amended accordingly.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24 (d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(18) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.625 Tylosin.

* * * * *

(b) * * *

(18) To 017434: 0.4 and 4 grams per pound, paragraph (f)(1)(iv) (*a*) of this section; 2 and 10 grams per pound, paragraph (f)(1)(vi) (*a*) through (*d*) of this section.

* * * * *

Effective date: March 18, 1983

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: March 11, 1983.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 83-6881 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 620

[Docket No. 78N-0425]

Typhoid Vaccine; Additional Standards; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting paragraph references that appeared in a final rule amending the biologics regulations to revise the additional standards for typhoid vaccine.

FOR FURTHER INFORMATION CONTACT: Agnes B. Black, Federal Register Writer (HFC–11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 83–4196 at page 7165 in the Federal Register of Friday, February 18, 1983, the following corrections are made: At page 7168 in the first column in amendment "5." to § 620.14 *General requirements,* the reference to "paragraph (c)(1)" is changed to "paragraph (c)(2)"; and the reference to "paragraph (b)(2)" is changed to "paragraph (c)(3)."

Dated: March 9, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6723 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 1003

[Docket No. 78N-0400]

Protection of Human Subjects; Informed Consent; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration is correcting an error in the conforming amendment on protection of human subject; informal consent which published in the Federal Register on January 27, 1981).

FOR FURTHER INFORMATION CONTACT: Melvyn R. Altman, National Center for Devices and Radiological Health (HFX–460), 12720 Twinbrook Parkway, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: In FR Doc. 81–2087 at page 8942 in the Federal

Register of Tuesday, January 27, 1981, the following correction is made on page 8957: In § 1003.31 *Granting the exemption* in paragraph (b) in the first sentence, the phrase "significant risk to injury, including generic injury," is changed to "significant risk of injury, including genetic injury,".

Dated: March 14, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-7217 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 1240 and 1250

Control of Communicable Diseases; Interstate Conveyance Sanitation; Editorial Amendments

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending editorially various sections of the regulations on control of communicable diseases and the regulations on interstate conveyance sanitation in Parts 1240 and 1250 (21 CFR Parts 1240 and 1250) to correct recodification errors and update references.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Malcolm B. Reddoch, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-245-3092.

SUPPLEMENTARY INFORMATION: In FR Doc. 75-3395 in the Federal Register of Thursday, February 6, 1975 (40 FR 5620), 21 CFR Parts 1240 and 1250 were added as recodified from 42 CFR Part 72. Various nomenclature changes, cross-references, updates, and authority citations were omitted. This document makes the necessary changes. The changes are nonsubstantive.

List of Subjects

21 CFR Part 1240

Administrative practice and procedure, Communicable diseases, Foreign quarantine, Interstate conveyance sanitation, Shellfish, Water, potable.

21 CFR Part 1250

Administrative practice and procedure, Foreign quarantine, Interstate conveyance sanitation, Water, potable.

Therefore, under the Public Health Service Act (Sec. 361, 58 Stat. 703, as amended (42 U.S.C. 264)), the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 1240 and 1250 are amended as follows:

PART 1240—CONTROL OF COMMUNICABLE DISEASES

1. The authority citation for Part 1240 is revised to read as follows:

Authority: Secs. 215, 311, 361, 368, 58 Stat. 690, 693, 703, as amended, 706 (42 U.S.C. 216, 243, 264, 271).

2. A cross-reference section is added below the "source" citation to Part 1240, as follows:

Cross-References: For Department of Health and Human Services regulations relating to foreign quarantine, sanitation measures, and control of communicable diseases, see Centers for Disease Control's requirements as set forth in 42 CFR Parts 71 and 72; and within that Part 71 under § 71.602, the standards and source approval requirements cited under Part 72 are no longer codified thereunder as the applicable requirements of 42 CFR Part 72 having been recodified to 21 CFR Parts 1240 and 1250 in FR Doc. 75-3395 in the **Federal Register** of February 6, 1975 (40 FR 5620). Additionally, Food and Drug Administration regulations relating to interstate conveyance sanitation are prescribed in Part 1250 of this chapter.

§ 1240.3 [Amended]

3. In § 1240.3 *General definitions.* in paragraph (k), by changing "Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207" to "Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141 and the Food and Drug Administration's sanitation requirements as set forth in this Part and Part 1250 of this chapter."

§ 1240.20 [Amended]

4. In § 1240.20 *Issuance and posting of certificates following inspections.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.30 [Amended]

5. In § 1240.30 *Measures in the event of inadequate local control.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.62 [Amended]

6. In § 1240.62:

a. By revising the section heading to read *"Turtles, intrastate and interstate requirements."* (This change is also to be made in the table of contents to Part 1240.)

b. In paragraph (c)(1)(ii), at the end of the first sentence, after "Food and Drug Administration," by adding "200 C St. SW., Washington, DC 20204."

c. By removing the authority citation "(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))" at the end of the section.

§ 1240.80 [Amended]

7. In § 1240.80 *General requirements for water for drinking and culinary purposes.*, by changing "Surgeon General" to "Commissioner of Food and Drugs" in the two places it appears.

§ 1240.83 [Amended]

8. In § 1240.83 *Approval of watering points.*:

a. In paragraph (a), by revising the introductory text and (a)(1) to read "(a) The Commissioner of Food and Drugs shall approve any watering point if (1) the water supply threat meets the standards prescribed in the Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141, and".

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

c. In paragraph (c), by changing "Surgeon General" to "Commissioner of Food and Drugs."

d. In paragraph (d), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.90 [Amended]

9. In § 1240.90 *Approval of treatment aboard conveyances.*:

a. In paragraph (a), by changing "Surgeon General" to "Commissioner of Food and Drugs."

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1240.95 [Amended]

10. In § 1240.95 *Sanitation of water boats.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

PART 1250—INTERSTATE CONVEYANCE SANITATION

11. The authority citation for Part 1250 is revised to read as follows:

Authority: Secs. 215, 311, 361, 368, 58 Stat. 690, 693, 703, as amended, 706 (42 U.S.C. 216, 243, 264, 271).

12. A cross-reference section is added below the "source" citation to Part 1250, to read as follows:

Cross-References: For Department of Health and Human Services regulations relating to foreign quarantine and control of communicable diseases, see Centers for Disease Control's requirements as set forth in 42 CFR Parts 71 and 72; and within that Part 71 under § 71.602, the standards and source approval requirements cited under Part 72 are no longer codified thereunder as the applicable requirements of 42 CFR Part 72

having been recodified to 21 CFR Parts 1240 and 1250 in FR Doc. 75–3395 in the Federal Register of February 6, 1975 (40 FR 5620). Additionally, Food and Drug Administration regulations relating to interstate conveyance sanitation are prescribed in Part 1250 of this chapter.

§ 1250.3 [Amended]

13. In § 1250.3 *Definitions.*, in paragraph (j) by changing "Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207" to "Environmental Protection Agency's Primary Drinking Water Regulations as set forth in 40 CFR Part 141 and the Food and Drug Administration's sanitation regulations as set forth in this Part and Part 1240 of this chapter."

§ 1250.21 [Amended]

14. In § 1250.21 *Inspection.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.25 [Amended]

15. In § 1250.25 *Source identification and inspection of food and drink.:*

a. In paragraph (a), by changing "Surgeon General" to "Commissioner of Food and Drugs."

b. In paragraph (b), by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.26 [Amended]

16. In § 1250.26 *Special food requirements.*, in paragraph (a) by changing "Surgeon General" to "Commissioner of Food and Drugs" in the three places it appears.

§ 1250.41 [Amended]

17. In § 1250.41 *Submittal of construction plans.*, by changing "Surgeon General" to "Commissioner of Food and Drugs" in the two places it appears.

§ 1250.51 [Amended]

18. In § 1250.51 *Railroad conveyances; discharge of wastes.:*

a. In paragraph (d) in the first sentence by inserting "Sub-Program Manager" after "Bureau of Foods," by removing "Branch"; and by changing "HFF–324" to "HFF–312."

b. In paragraph (f)(3) in the first sentence by inserting "Sub-Program Managers," after "Bureau of Foods"; by removing "Branch"; and by changing "HFF–324" to "HFF–312."

c. By removing the authority citation, "[Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))]" at the end of the section.

d. By adding the following cross-reference at the end of the section:

Cross-Reference: For statutory exemptions for "intercity rail passenger service," see section 306(i) of 45 U.S.C. 546(i).

§ 1250.52 [Amended]

19. In § 1250.52 *Discharge of wastes on highway conveyances.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.53 [Amended]

20. In § 1250.53 *Discharge of wastes on air conveyances.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.60 [Amended]

21. In § 1250.60 *Applicability.*, by changing "Surgeon General" to "Commissioner of Food and Drugs.".

§ 1250.61 [Amended]

22. In § 1250.61 *Inspection and approval.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.62 [Amended]

23. In § 1250.62 *Submittal of construction plans.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.81 [Amended]

24. In § 1250.81 *Inspection.*, by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.82 [Amended]

25. In § 1250.82 *Potable water systems.*, in paragraph (f) by changing "Surgeon General" to "Commissioner of Food and Drugs."

§ 1250.93 [Amended]

26. In § 1250.93 *Discharge of wastes:*

a. By changing "Surgeon General" to "Commissioner of Food and Drugs."

b. By adding the following cross-reference at the end of the section:

Cross-Reference: For Environmental Protection Agency's regulations for vessel sanitary discharges as related to authority under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1314 et seq.), see 40 CFR Part 140.

Effective date: March 18, 1983.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)); sec. 301, 58 Stat. 703, as amended (42 U.S.C. 284))

Dated: March 15, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–7245 Filed 3–17–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R–82–982]

Housing for the Elderly or Handicapped; Amendment To Implement Cost Savings Procedures

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule revises 24 CFR Part 885, Loans for Housing for the Elderly or Handicapped, to adopt the cost limits from the Section 221(d)(3) mortgage insurance program for Section 202 projects, to require competitive bidding on construction contracts except in certain specified instances, and to simplify cost certification procedures.

EFFECTIVE DATE: May 2, 1983, except the information collection requirements of § 885.415, which are under review at OMB. The effective date for these information requirements will be announced by separate notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Robert W. Wilden, Director, Elderly Cooperative, Congregate and Health Facilities Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW. Washington, D.C. 20410, (202) 426–8730. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background of Rule

On May 11, 1982, HUD published an interim rule to implement cost savings procedures in the development of multifamily dwellings for the elderly under Section 202 of the Housing Act of 1959. It involved four issues: (1) Competitive bidding for all Section 202 construction contracts exceeding $100,000; (2) simplified cost certification by borrowers in small projects; (3) increased minimum capital investment from one-half of one percent of the mortgage amount, not to exceed $10,000, to 1 percent of the mortgage amount, not to exceed $25,000; and (4) amendment to the per unit cost limits to conform them to those used for nonprofit borrowers in the Section 221(d)(3) mortgage insurance program.

On June 2, 1982, the Banking, Finance and Urban Affairs Committee of the House of Representatives, pursuant to

Section 7(o) of the Department of Housing and Urban Development Act, reported out a resolution disapproving the interim rule, thus purporting to defer its effectiveness by 90 days, until August 24. HUD published a notice in the Federal Register on July 16, 1982 (47 FR 30970) that the Department was delaying the effective date until such time, not earlier than September 1, 1982, as might be specified by further notice in the Federal Register.

The Department published notice on October 6, 1982 (47 FR 44116 and 47 FR 44122) to the effect that the interim rule would be treated as a proposed rule, and that public comment would be considered before issuance of a final rule. The previously published interim rule will thus be referred to as the "proposed rule" in this preamble.

Response to Public Comments

Competitive Bidding

The requirement in § 885.415(m) of the proposed rule that construction contracts for more than $100,000 be competitively bid on a fixed price basis drew negative public comment from general contractors and nonprofit sponsors, and from trade associations for general contractors and nonprofit sponsors. However, several trade associations representing many construction industry practices, including design, construction, material supply and equipment manufacture, commented in support of competitive bidding as the preferred method of constructive procurement.

Those opposing competitive bidding argued, first, that there is no need to add new cost containment measures, since costs are already limited by competition among sponsors for fund reservations, competitive bidding by subcontractors, narrow profit margins of general contractors in a period of decreased construction activity, and cost certification. Second, they argued that the new system would have disadvantages over the current one: (a) Abandonment of the development team approach would add an expense for an architectural fee early in the process—from a non-profit sponsor's limited resources—since the absence of a specific, reputable general contractor identified with the project at the outset would discourage architects from working on a contingent fee basis; (b) competitive bidding would omit the quality control and assurance of completion which selection of a general contractor based on experience and reputation provides; (c) small contractors could not cope with government bidding requirements; (d) it would preclude the use of unique construction methods, which might not be responsive to standard design, and would preclude inclusion of units for the elderly in a mixed-use development controlled by one contractor; (e) the absence of a general contractor at the design stage would result in redesign problems, with associated rebidding and delays; and (f) it would be time-consuming, and contractors might be unwilling to hold bids firm for the 90–120 day period required by HUD processing. In addition, two groups criticized the failure of HUD to provide data supporting the assumption that competitive bidding would be more cost effective than the negotiated award system now in use.

First, we believe that additional cost containment measures in the construction of federally-subsidized dwellings are justified despite the existence of other such measures, if they produce lower cost to taxpayers without sacrificing needed quality in construction. Second, we have revised the rule, minimizing the disadvantages of the competitive bidding requirement alleged by commenters.

The revisions include a new § 885.416 to describe the procedures for awarding construction contracts. This section expands the category of projects that are exempt from competitive bidding from those with a maximum $100,000 construction contract, as stated in the proposed rule, to those either: (a) With a mortgage amount of less than $1 million, or (b) with the Borrower's commitment—at the fund reservation stage—to contain rents within the FMRs applicable to projects for the elderly or handicapped then published and in effect. If HUD determines during later processing that the $1 million mortgage limit or the FMR limit is no longer feasible, competitive bidding will be required. One additional restriction will be imposed on projects that are not competitively bid to hold down their cost: no proceeds from the HUD loan can be used to pay for costs arising from any inadequacies in the plans and specifications.

In response to the alleged disadvantages, the Department notes that non-profit sponsors are eligible for interest-free loans from HUD under Section 106(b) of the Housing and Urban Development Act of 1968 to cover a portion of such costs as architectural fees.

The final rule (as did the proposed rule) provides for assurance of completion and quality control in competitive bidding by requiring contractors who submit bids to provide a guarantee of their ability to furnish a payment-performance bond. In addition, § 885.416 provides that contracts be awarded only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed construction contract. In determining responsibility, consideration is to be given such matters as integrity, compliance with public policy, record of past performance, and financial and technical resources.

The expansion in the final rule of the category of projects that may award contracts noncompetitively should permit participation by small contractors and by those using unique construction methods. On the other hand, the prohibition against payment of costs resulting from any inadequacies in plans and specifications on negotiated noncompetitive contract award projects will assure that sponsors obtain the design advantages and savings claimed for the negotiated noncompetitive award method.

The proposed rule did not provide a compilation of data on the cost-effectiveness of competitive bidding in the Section 202 program because there is insufficient data available from which to draw valid conclusions. To evaluate the effectiveness of competitive bidding techniques, one must have information on comparable projects that used different contractor selection techniques. In the case of Section 202 projects, competitive bidding was a program requirement before 1968, but there were no comparable projects using noncompetitive bidding during that period. The program was inactive from 1968 until 1978. Since 1978, only a very few projects have been competitively bid, and there is an insufficient number of Section 202 projects, constructed under negotiated noncompetitive contracts in the same or comparable areas to those built under competitive bidding during that time period, to make a valid comparison.

However, the overall Federal procurement policy is that competitive bids produce the best value at the lowest cost. That policy requires competitive bidding in most Federal construction purchases unless a convincing justification is provided that such a procedure would not satisfy other important objectives. In this case, it is our conclusion that competitive bidding is most likely to be effective in producing cost savings in large projects where bulk purchasing can be used. Consequently, in this final rule we have permitted negotiated noncompetitive awards to be made on smaller projects.

i.e., those with mortgages of under $1 million.

Simplified Cost Certification

There was no public comment opposition to the simplified cost certification for small-sized projects with mortgages of $500,000 or less. This provision, § 885.425, is being retained without substantive change from the proposed rule.

Increased Minimum Capital Investment

Comments were almost uniformly opposed to the increase. The reasons given for opposition were that: (1) It was not warranted because the escrowed funds are used only infrequently; (2) it would foreclose participation by many smaller nonprofit sponsors, reducing availability of Section 202 housing in some rural areas and areas of minority concentration; and (3) the increase is greater than one reflecting only the rate of inflation and is not warranted in today's economic conditions.

We have decided not to implement the proposed increase in the minimum capital investment, so this final rule includes no change to the language of § 885.410(j) currently in effect.

Per Unit Cost Limits

Arguments by one commenter against the use of cost limits borrowed from a mortgage insurance program, such as the 221(d)(3) program, were anticipated in the preamble to the proposed rule. These arguments assert that the cost limits chosen contravene Congressional intent, as evidenced by Congress' rejection of Section 231 limits for the Section 202 program, and that the rule improperly applies limits appropriate for profit-motivated sponsors (with their ability to attract capital) to nonprofit sponsors whose costs are higher. We reaffirm the discussion in the preamble to the proposed rule, which stated:

> The major vehicle used by limited dividend borrowers for financing Section 8 projects is the Section 221 program. The Section 221(d)(3) per unit limits for nonprofit borrowers are proportionally higher than the per unit limits for limited dividend borrowers, in order to reflect the fact that nonprofit borrowers are eligible for mortgages up to 100 percent of replacement cost, whereas limited dividend borrowers are restricted to mortgages up to 90 percent of replacement cost. The Section 221 limits, while generally lower than the Section 202 limits, have been adequate to generate the construction of a significant number of Section 8 projects both for the elderly and for families. The Department does not believe that imposing the Section 221(d)(3) limits for nonprofit borrowers on the Section 202 program violates the requirement of Section 202(d) of the Housing Act of 1959, as amended in 1977, because Section 202(d) states that Section 202 limits "shall be determined without regard to mortgage limits applicable to housing projects subject to mortgages insured under Section 231 of the National Housing Act." The Section 221(d)(3) per unit limits for nonprofit borrowers are unrelated to the Section 231 limits, and in fact the Section 221(d)(3) limits are significantly higher than the Section 231 limits * * *. The Department believes that the use of the Section 221(d)(3) per unit limits for nonprofit borrowers in the Section 202 program will carry out the intent of the 1977 Senate Committee Report, which states, "Section 202 loans should be made only to those projects which the Secretary determines will be constructed 'in an economical manner' and which 'will not be of elaborate or extravagant design or materials."

One commenter stated that the revised cost limits do not reflect the cost of safety and security features needed by the elderly, and that HUD policy has recently decreased the percentage of costs not attributable to dwelling units, reflecting amenities, from 15% to 10%. The cost of such safety and security features as grab bars and wide doors is not significant when designed as part of original construction. The 10% limit on costs not attributable to swelling units restricts amenities such as dining facilities—rather than safety features—and this limit is not contained in the rule being amended in this proceeding.

Other commenters objected to the revised cost limits: (1) Because the Section 221(d)(3) limits fail to reflect the increase in costs since they were established in 1978, and (2) because these lower limits will render the program infeasible in high-cost urban areas. Although the 221(d)(3) per unit limits have not been revised since 1978, we believe that units of modest design and materials can be built within them in areas other than high cost areas. In high cost areas, increases in the limits by up to 75 percent are permitted under § 885.410(f). High cost limits are frequently revised to account for increases in construction costs. If documentation is provided that, in an individual case, development of a project is infeasible because costs in the area exceed the high cost limit, the Assistant Secretary would consider a waiver, pursuant to Section 899.101, of that limit. These procedures should provide adequate flexibility to permit construction of Section 202 projects in high cost urban areas.

Detailed Description of Changes

A detailed description of changes from the Part 885 now in effect follows:

(1) Section 885.410 (b) and (c) are amended to provide dollar cost limits which conform to the per unit cost limits for nonprofit sponsors for the Section 221(d)(3) mortgage insurance program.

(2) Section 885.415(m) is amended to require competitive bidding on construction contracts unless: (a) The borrower agrees at the fund reservation stage to keep rents within the Fair Market Rents then in effect, or (b) the mortgage is less than $1,000,000. Where a contract is awarded noncompetitively, no use of Section 202 loan proceeds for costs arising from any inadequacies in the plans and specifications will be permitted.

(3) Section 885.425, Completion of Construction of Substantial Rehabilitation, Execution of HAP Contract, and Cost Certification and Approvals by HUD, is amended as follows:

(a) Subparagraph (c)(1) is amended to delete reference to the "cost-plus" construction contract, since fixed-price construction contracts will be used for all projects subject to competitive bidding.

(b) Subparagraph (c)(3) is amended so as to cover only projects not subject to competitive bidding. In cases where the contract is awarded through competitive bidding procedures, contractors will not be required to certify cost.

(c) Subparagraphs (d), (e) and (f) are added to permit simplified cost certification procedures for small projects and to assure that contract rents are reduced to reflect an reduction in the Section 202 loan amount.

This final rule will apply to Section 202 borrowers receiving fund reservations for new projects subsequent to the effective date of the rule. It will not affect projects which received fund reservations in Fiscal Year 1982 or prior years. The Department has determined that these changes are necessary to bring about significant cost savings under the Section 202 program. These saving will be in the form of reduced per unit costs and rents, which will allow more units to be developed with the appropriated Section 202 loan authority and Section 8 subsidy, thereby extending the program resources to serve more elderly and handicapped households.

Findings and Certifications

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations in 24 CFR Part 50 that implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at 451

Seventh Street, SW., Washington, D.C. 20410, Room 10278.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because it has little impact on small projects, i.e., projects whose mortgages are less than $1,000,000. In fact, for projects with mortgages of $500,000 or less, it permits a simplified cost certification procedure to be used instead of a more complex form.

This rule was listed as item H–10–82 in the Department's Semiannual Agenda of Regulations published on October 28, 1982 (47 FR 48422), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.157, Housing for the Elderly or Handicapped (202).

Certain information collection requirements contained in this regulation (Sections 885.425 (c)(1), (c)(3), and (d)) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2502–0044. The remaining information collection requirements included in this rule (Sections 885.415 and 885.416) will be submitted for approval to OMB and are not effective until OMB approval has been obtained and the public notified to that effect through a technical amendment to this rule.

List of subjects in 24 CFR Part 885

Aged, Grant programs—housing and community development, Handicapped, Loan programs—housing and community development, Low and moderate income housing.

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

Accordingly, Part 885 is amended as follows:

1. The authority citation for Part 885 is revised to read as follows:

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q) and Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

2. § 885.410 (b) and (c) are revised to read as follows:

§ 885.410 Amount and terms of financing.

* * * * *

(b) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Assistant Secretary) the maximum loan amount, depending on the number of bedrooms shall be:

(1) $21,563 per family unit without a bedroom.

(2) $24,862 per family unit with one bedroom.

(3) $29,984 per family unit with two bedrooms.

(4) $38,379 per family unit with three bedrooms, restricted to nonelderly handicapped families.

(5) $42,756 per family unit with four or more bedrooms, restricted to nonelderly handicapped families.

(c) In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the field office may increase the dollar limitations per family unit as provided in paragraph (b) of this section, not to exceed:

(1) $22,692 per family unit without a bedroom.

(2) $26,012 per family unit with one bedroom.

(3) $31,631 per family unit with two bedrooms.

(4) $40,919 per family unit with three bedrooms, restricted to nonelderly handicapped families.

(5) $44,917 per family unit with four or more bedrooms, restricted to nonelderly handicapped families.

* * * * *

3. Section 885.415(m) is revised to read as set forth below. For the convenience of the reader, the introductory paragraph is reprinted without change:

§ 885.415 Requirements prior to initial loan closing.

Before the initial loan closing, the Borrower shall furnish such executed documents on HUD-approved forms as the field office may require, including the following:

* * * * *

(m) Construction or Substantial Rehabilitation Contract between the Borrower and the General Contractor. See § 885.416 for contract award requirements.

* * * * *

4. A new § 885.416 is added, to read as follows:

§ 885.416 Requirements for awarding construction contracts.

(a) Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed construction contract. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(b) Each Borrower is required to use competitive bidding (formal advertising) in selecting a construction contractor unless the project qualifies for the negotiated noncompetitive method of contract award under paragraph (c) of this section. In competitive bidding, sealed bids are publicly solicited and a firm, fixed-price contract is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(1) Bids shall be solicited from an adequate number of known contractors a reasonable time prior to the date set forth for opening of bids. In addition, the invitation shall be publicly advertised.

(2) the invitation for bids shall specify:

(i) The name of the Borrower;

(ii) A brief description of the proposed project and the proposed construction contract;

(iii) A preliminary estimate of cost;

(iv) That bids will be received at a specified place until a specified time at which time and place all bids will be publicly opened;

(v) The location where the proposed forms of contract and bid documents, including plans and specifications, are on file and may be obtained on payment of a specified returnable deposit;

(vi) That a certified check or bank draft or satisfactory bid bond in the amount of 5 percent of the bid shall be submitted with the bid;

(vii) That the successful bidder will be required to provide assurance of completion in the form of a performance and payment bond or cash escrow, as required under § 885.415(n); and

(viii) that the Borrower reserves the right to reject any or all bids and to waive any informality.

(3) The bid form, which must be submitted by all bidders, must specify:

(i) The name of the project;
(ii) the name and address of the bidder;
(iii) that the bidder proposes to furnish all labor, materials, equipment and services required to construct and complete the project, as described in the invitation for bids (including the contents of all documents on file), for a specified lump-sum price;
(iv) That the security specified in paragraph (b)(2)(vi) above accompanies the bid;
(v) The period after the bid opening during which the bid shall not be withdrawn without the consent of the Borrower.
(vi) That the bidder will, if notified of acceptance of such bid within a specified period after the opening, execute and deliver a contract in the prescribed form and furnish the required bond, as described in § 885.415(n), within ten days thereafter;
(vii) That the bidder acknowledges any amendments to the invitation for bids; and
(viii) That the bidder certifies that the bid is in strict accordance with all terms of the invitation for bids (including the contents of all documents on file) and that the bid is signed by a person authorized to bind the bidder.
(4) Bidding shall be open to all general contractors who furnish the security guaranteeing their bid, as described in paragraph (b)(2)(vi) of this section.
(5) All bids shall be opened publicly at the time and place stated in the invitation for bids, in the presence of the HUD Regional Administrator or his designee.
(6) A firm, fixed-price contract award shall be made by written notice to the responsible bidder whose bid, conforming to the invitation for bids, is lowest. The contract may provide for an incentive payment to the Contractor for an early completion.
(c) A Borrower may award a negotiated noncompetitive construction contract only if (1) the Borrower agrees at the fund reservation stage to enter into a Section 8 HAP Contract providing for contract rents not exceeding the Fair Market Rents applicable to projects for the elderly or handicapped published and in effect at the time the fund reservation is made, or (2) the mortgage amount is less than $1,000,000. Where the conditions of paragraphs (c) (1) or (2) of this section are met at the initial reservation stage, competitive bidding will be required if HUD determines at any stage before start of construction that such condition can no longer be met. Under this paragraph, the contract shall be a cost reimbursement contract with a ceiling price and may provide for an incentive payment to the Contractor for early completion. For negotiated noncompetitive construction contracts, no change orders will be approved and no proceeds of the HUD loan may be used to pay for costs arising from any inadequacies in the plans and specifications.

5. In § 885.425, paragraphs (c)(1) and (c)(3) are revised, and new paragraphs (d), (e), and (f) are added, to read as follows:

§ 885.425 Completion of construction or substantial rehabilitation, execution of HAP contract, and cost certification and approvals by HUD.

* * * * *

(c) The Borrower shall submit to the field office all documentation required for final disbursement of the loan, including:
(1) A Borrower's/Mortgagor's Certificate of Actual Cost, showing the actual cost to the mortgagor of the construction contract, architectural, legal, organizational, offsite costs, and all other items of eligible expense. The certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the mortgagor or to any of its officers, directors, or members. (Approved by the Office of Management and Budget under OMB control number 2502–0044).
* * * * *
(3) In the case of projects not subject to competitive bidding, a certification of the general contractor (and of such subcontractors, material suppliers, and equipment lessors as the Assistant Secretary or field office may require), on a form prescribed by the Assistant Secretary, as to all actual costs paid for labor, materials, and subcontract work under the general contract exclusive of the builder's fee and kickbacks, rebates, trade discounts, or other similar payments to the general contractor, the mortgagor, or any of its officers, directors, stockholders, partners, or members. (Approved by the Office of Management and Budget under OMB contol number 2502–0044).
(d) In lieu of the requirements set forth in subparagraphs (c) (1) and (3) of this section, a simplified form of cost certification prescribed by the Secretary may be completed and submitted by the Borrower for projects with mortgages of $500,000 or less. (Approved by the Office of Management and Budget under OMB control number 2502–0044).
(e) If the Borrower's certified costs provided in accordance with paragraph (c) or (d) of this section and as approved by HUD are less than the loan amount established pursuant to § 885.405, the contract rents will be reduced accordingly.
(f) If the contract rents are reduced pursuant to paragraph (e) of this section, the maximum annual HAP Contract commitment will be reduced. If contract rents are reduced based on cost certification after HAP Contract execution, any overpayment after the effective date of the Contract will be recovered from the Borrower by HUD.

Dated: March 14, 1983.

Philip Abrams,
Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 83-7580 Filed 3-17-83; 8:45 am]
BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7877]

Income Tax; Taxable Years Beginning After December 31, 1953; Filing of Life-Nonlife Consolidated Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the filing of a consolidated return by an affiliated group of corporations composed of at least one life or mutual insurance company and one or more different companies. The Tax Reform Act of 1976 provided new rules permitting this type of a consolidated return. The regulations would provide guidance to the public and Internal Revenue Service personnel. This document leaves in proposed form portions of the notice of proposed rulemaking that relate to computing the income of more than one life insurance company.

DATE: The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donald K. Duffy of the Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, or call 202–566–3050.

SUPPLEMENTARY INFORMATION:

Background

On June 8, 1982, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal

Revenue Code of 1954 (47 FR 24737). These amendments were proposed to conform the regulations to section 1507 of the Tax Reform Act of 1976 (90 Stat. 1739). A public hearing was held on November 1, 1982. After consideration of all comments from interested persons regarding the proposed regulations, they are adopted as revised by this Treasury decision which is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 367, 917; 26 U.S.C. 1502, 7805). The information below supplements the information contained in the "Supplementary Information" section of the preamble to the notice of proposed rulemaking.

General Explanation

This document contains final regulations relating to the filing of a consolidated return by an affiliated group which has as members at least one mutual casualty or life insurance company and one other different corporation (referred to as life-nonlife consolidation). Section 1507 of the Tax Reform Act of 1976 (the 1976 Act) added section 1504 (c) (2) to the Internal Revenue Code of 1954 to permit such a filing at the election of the group. In the event of such an election, the 1976 Act also added section 1503 (c) to the Code to provide certain limitations in determining the electing group's consolidated taxable income.

Section 1501 gives an affiliated group of corporations the privilege of making a consolidated return, in lieu of separate returns, to determine the income tax imposed by chapter 1 of the Internal Revenue Code of 1954. Section 1502 delegates authority to the Secretary of the Treasury to prescribe regulations that clearly reflect the income tax liability of an affiliated group of corporations making a consolidated return and of each corporation in that group both during and after the period of affiliation. The existence of an affiliated group and the identification of its members are therefore important.

Section 1504 establishes the existence of an affiliated group and the composition of its membership. An affiliated group is one or more chains of "includible" corporations connected with each other and with a common parent corporation through a certain percentage of stock ownership. The common parent is the includible corporation that owns the requisite stock percentage of at least one of the other includible corporations but whose stock is not owned in the requisite percentage by another includible corporation.

Not every corporation is an "includible corporation". Insurance companies subject to taxation under section 802 (referred to as life companies) or under section 821 (referred to as mutual casualty companies) are not, as a general rule, includible corporations. See section 1504 (b) (2). Prior to the 1976 Act, these companies were prohibited from filing a consolidated return with other corporations, including a stock casualty company taxed under section 831, even if the requisite stock ownership existed. Historic reasons motivated this prohibition because life insurance and mutual casualty companies determined their taxable incomes under statutory schemes that were quite different from the rules that applied to other corporations. See *S. Rep. No. 94–938,* 94th Cong. 2d Sess. 454 (1976).

On the other hand, a stock casualty company is an "includible corporation" under section 1504 (b). Therefore, a stock casualty company could file a consolidated return with noninsurance companies and use casualty company losses against noninsurance income.

The 1976 Act permits life-nonlife consolidation for the stated reason (*S. Rep. No. 94–938, supra,* at 454) that the previous ban was a hardship on stock casualty companies (taxed under section 831) that were affiliated with life companies because the casualty losses could not be offset against life income. By permitting life-nonlife consolidation, the tax savings from the current use of the casualty losses against life income could be taken into account sooner in computing the casualty company's statutory surplus, which would increase the casualty company's ability to write insurance.

There are some limitations associated with the elimination of the ban on life-nonlife consolidation. Under section 1504 (c) (2) as added by the 1976 Act, a particular life or mutual company will not be treated as an includible corporation along with other types of includible corporations in the affiliated group unless it has been a *member* of the group (defined without the exclusion of life and mutual casualty companies under section 1504 (b)(2)) for the preceding five taxable years. There is a complementary "five-year rule" in section 1503 (c) (2), as added by the 1976 Act, which provides that the losses of a nonlife company may not reduce the income of a life company if the nonlife loss is sustained before the companies have been *members* of the same group for five taxable years.

The five-year rules were a product of the Conference Committee and the reasons for them went unstated (*H.R. Rep. No. 94–1515* (Conf. Rep.), 94th Cong., 2d Sess. 511 (1976)). The elimination of the ban on life-nonlife consolidation originated in the Senate but there were objections on the Senate floor. It seems reasonable to assume that the Conference Committee considered these objections. The Treasury Department believes that the final regulations relating to the five-year rules, discussed below, represent a fair reading of the various Senate floor objections (See 122 Cong. Rec. S24680–89 (July 30, 1976)).

There is one final limitation on life-nonlife consolidation. Under section 1503(c)(1) as added by the 1976 Act, a "consolidated net operating loss" of the nonlife members that cannot be carried back against nonlife taxable income can reduce life income but only *in part* in any one year. The nonlife loss that may be used is a percentage (generally 35 percent) of the *lesser* of the nonlife consolidated net operating loss (including carryovers of prior unused nonlife losses) or the taxable income of the life members. The stated reason (*S. Rep. No. 94–938, supra*) for the percentage limitation was to preserve the notion that life companies pay some tax on amounts approximating taxable investment income. When there are nonlife losses but life income, the group will pay a tax even though in a true sense it may not have net income. Furthermore, a nonlife loss may never be carried back under section 1503(c)(1) for use against life income.

Five-Year Rules

The proposed regulation (§ 1.1502–47(d)(12)) provides that, for purposes of sections 1504(c)(2) and 1503(c)(2), a corporation (whether a life or nonlife company) will be recognized as a "member" of the group only if the corporation throughout the five-year base period—

(1) Is in existence,

(2) Conducts substantial business activities, and

(3) Does not undergo a substantial increase in size or change in the character of its trade or business, which is attributable to an acquisition of assets from outside the group in transactions not conducted in the ordinary course of its trade or business. Whether there is a substantial increase in size depends on the facts and circumstances. Generally, a substantial increase in size occurs if the acquiring company more than doubles its size during the five-year base period. Regardless of a change in size, an acquiring corporation cannot be taxed as a particular type of company

(insurance or noninsurance) before an asset acquisition and a different type of company after the acquisition.

While the rules in (2) and (3), above, use a substance-over-form approach where the result is a failure to meet the five-year rules, the rule in (1), above, uses a form-over-substance approach where the result is the same. Thus, if a life company which met the five-year rule split into two life companies (intragroup transfer), one or both would not qualify. There were three reasons for this approach.

First, a taxpayer is usually bound by the form of the transaction.

Second, there was some concern about the ability of one member to split-up into a life company and a casualty (or noninsurance) company.

Finally, there was a concern that allowing a split-up of an existing five-year member could facilitate an asset acquisition from outside the group which, for business reasons, could not have been accomplished prior to the split-up. Limitations on the application of the substance rules in (2) and (3), above, in the many conceivable acquisition patterns that could arise increased this concern.

The preamble to the proposed regulations invited public comment on intragroup transactions to provide workable rules that would assure not only the integrity of the anti-acquisition rules but also that the privilege, or a change in the manner, of using nonlife losses against life income was not a reason in whole or in part for an intragroup shuffling (47 FR 24739). Recognizing that either a form or a substance rule would apply, some taxpayers supported the substance rules while others in different situations opposed them.

The final regulations retain the substance-over-form approach of the proposed regulations. Moreover, the approach will apply not only in the context of intergroup acquisitions but also to certain intragroup transfers.

The Treasury Department believes that the substance-over-form approach in defining the term "member" is consistent with the purposes of sections 1504(c)(2) and 1503(c)(2). The normal meaning of the term "member" under section 1504 does not seem particularly relevant or legally binding in light of the legislative intent underlying sections 1504(c)(2) and 1503(c)(2). The Treasury Department is reluctant to interpret the term "member" in a way that would deprive sections 1504(c)(2) and 1503(c)(2) of their purpose. A reliance on form would produce that result.

The five-year rules are also properly promulgated under the authority contained in section 1502. It would be unusual to say, on the one hand, that the Secretary has the authority under section 1502 to define the group's income tax base but to say, on the other hand, that he has no authority under the same section to define the group's composition, especially in view of the legislative intent behind the novel approach in sections 1504(c)(2) and 1503(c)(2). Section 1502 gives the Secretary not only the authority to prescribe legislative regulations to reflect clearly a group's income tax liability but also the authority to prescribe those regulations to reflect the tax liability of each corporation in that group, both during and after the period of affiliation, and to prevent the avoidance of that tax liability.

In any event, section 1503(c)(2) relates, not to includibility *per se*, but to a determination of a group's income base. Furthermore, the five-year rules have some precedence under the existing consolidated return regulations. See § 1.1502–75(d)(3) (relating to reverse acquisitions) which may even occur in years when consolidated returns are not filed.

Changes in Five-Year Rules

The final regulations make numerous changes in the substance-over-form approach of the proposed regulations.

If a corporation (new corporation) in form is new but is deemed derived from another corporation (old corporation), the new corporation will in essence have the "age" of the old corporation (*i.e.*, will be a member of the group engaged in an active business for the period the old corporation was a member so engaged). This "tacking rule" generally applies only in the following circumstances:

1. Eighty percent of the new corporation's assets (fair market value) are acquired from the old corporation in one or more transactions described in section 351(a) or 381(a).

2. The assets which qualify must not have been acquired by the old corporation (from outside the group) within 5 calendar years from the date of their transfer to the new corporation.

3. At the end of the taxable year in which the 80 percent test in (1) above is satisfied, the new and old corporations both have the same tax character, *i.e.*, they would both be subject to taxation under the same section of the Internal Revenue Code of 1954 (section 11, 802(a), 821(a), or 831(a)) if they were to file separate returns. A split-up of, for example, a life company into a life and casualty company is not a mere change in form.

4. If the new and old corporations are life companies, the split-up cannot result in the separation of profitable and loss activities. In this situation, the Treasury Department does not believe that it is a mere change in form when the tax results may differ dramatically from the results that would apply if the split-up never occurred. Compare section 818(f)(2) with section 809(d)(4).

The final regulations also clarify the substantial-change-in-size rules. The final regulations no longer focus on an increase in size but look at various factors (such as a corporation's assets, reserves, or premiums) at the end of the five-year base period. If the factors are disproportionately attributable to an asset acquisition (or a series of asset acquisitions) from outside the group during the five-year base period, the corporation will be considered a "new" member of the group at the beginning of the taxable year immediately following the base period. Generally, if less than 75 percent of each factor of a corporation are attributable to asset acquisitions, the corporation will not be considered a new member. These changes are designed to increase the certainty of the rules.

The final regulations clarify when a corporation undergoes a change in tax character that is attributable to asset acquisitions. They also require a corporation to be engaged in the active conduct of a trade or business rather than "substantial business activities."

The final regulations do apply stricter rules to "new corporations" that rely on the tacking rules discussed above. For example, a new corporation that changes its tax character as a result of an intragroup transfer will be considered to be a new member of the group. These stricter standards prevent any abuses and in essence represent a regulatory approach to the step-transaction doctrine. The standards are consistent with the purpose of sections 1504(c)(2) and 1503(c)(2) and protect the regulations' rules on substance-over-form for intragroup transfers.

The regulations also clarify the five-year rules in situations where a new common parent is created under circumstances where a preexisting affiliated group remains in existence (§ 1.1502–75(d)).

The final regulations also retain the rule in the proposed regulations which measures the five-year base period by reference to the common parent's taxable years and not the taxable years of the individual company. This rule is consistent with the fact that the consolidated return is filed on the basis of the common parent's taxable year

and section 1504(c)(2) specifically refers to the taxable years preceding the taxable year for which the consolidated return is filed. Thus, section 1504(c)(2) implies that the taxable years of the common parent are the relevant years.

The Treasury Department believes the five-year rule in section 1503(c)(2) should track the rule in section 1504(c)(2) even though a mere stock acquisition of a nonlife company during the year by a calendar year group would create a short taxable year for the acquired company under § 1.1502–76(b)(2). Section 1503(c)(2) focuses, not only on the period of a nonlife company's membership, but also on that of the life companies. Moreover, it would be inconsistent with the purpose of section 1503(c)(2) to discourage acquisitions) to count the short taxable year of the acquired member, when the short taxable year arises under § 1.1502–76(b)(2) only because of the acquisition from outside the group.

Method of Consolidation

The proposed regulations provided what has been referred to as a subgroup method for computing a life-nonlife group's consolidated taxable income. The final regulations retain that method. To a large extent, the nonlife members and the life members are treated as if they were two separate groups with certain exceptions (*e.g.*, intercompany transactions). The subgroup method operates as follows:

(1) The nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income (without regard to section 802(b)(3)). Each subgroup computes its own net operating loss and net capital loss.

(2) Section 1503(c)(1) uses the term nonlife "consolidated net operating loss" and requires that the amount thereof be first carried back against nonlife income and then limits the use of any balance of the loss against current life income. Thus, nonlife loss is computed by taking into account any net-long term capital gain of the nonlife subgroup. An identical rule applies to the life subgroup.

(3) Current subgroup losses are first carried back against income of the same subgroup and, to the extent they cannot be used as a carryback, the losses can then be applied against current income of the second subgroup (subject to the percentage limitation in section 1503(c)(1) on the use of nonlife net operating losses against life income). Moreover, the current subgroup loss is so carried back even if in the carryback year the income of the subgroup has been offset by a loss of the second subgroup. The loss of the second subgroup is displaced or "bumped" and converted into an unused loss carryforward. This rule is designed to match life and nonlife income with the respective life and nonlife deductions.

(4) A loss (whether capital or operating) generated by one subgroup can never be carried back against the income of the second subgroup (cross-subgroup carryback). The rule applies to both life and nonlife losses.

(5) A subgroup loss that is carried forward must be used initially against the income of that subgroup before it offsets income of the second subgroup.

(6) In computing the part of a consolidated net operating loss attributable to nonlife companies that are not five-year members (not eligible for use against life income under section 1503(c)(2)), the nonlife consolidated net operating loss is computed without regard to the net operating losses of "new" members.

Some taxpayers objected to this method of consolidation under the rules above. However, other taxpayers supported the vast majority of those rules. For the reasons explained below, the final regulations retain all of these rules.

Some taxpayers object to the subgroup method because, they argue, it is unnecessary to the purpose of section 1503(c)(1) and inconsistent with the useual method of consolidation.

Normally, the members of the group are treated as one entity in computing the group's taxable income and tax liability. See §§ 1.1502–2 and 1.1502–11. If the group has a net operating loss, no tax is imposed under section 11. The loss can be carried back and then carried over as a net operating loss deduction (section 172) as if the various members of the group were one taxpayer. It is a basic principle of consolidation that the members of the group are treated as one tax-computing entity. Those principles have as their very foundation the notion that one member's loss may be used *currently* against another member's income. Thus, consolidation is timing the use of a loss that could not be used currently on a separate return.

The consolidated return regulations adopt certain techniques or methods to compute a group's consolidated income. The particular method is a combination of an aggregation of a part of each member's separate taxable income (§ 1.1502–11) and a consolidation of the remaining income and deduction items not taken into account in the aggregation of separate taxable incomes. Taxpayers are really arguing that the subgroup method is inconsistent with the usual method of consolidation. But it is section 1503(c)(1) which is inconsistent with the *basic principle* of consolidation and, therefore, the *usual method* of consolidation is not really relevant.

Since section 1503(c)(1) may result in a life-nonlife group paying a tax when it has no net income, however computed, it goes to the very heart of consolidation. Section 1503(c)(1) also prohibits the carryback of a nonlife net operating loss against life income. It is a provision without precedent in the history of consolidated returns and a very significant departure for traditional principles of consolidation. In this context, the Treasury Department does not view the usual *method* of consolidation in existing regulations as binding on the Secretary's authority under section 1502 to promulgate the initial regulations for a new type of consolidation. The subgroup method is a reasonable reflection of section 1503(c).

The subgroup method is not inconsistent with section 1503(c)(1). Moreover, it is also consistent with the general purpose for the elimination of the ban on life-nonlife consolidation, *i.e.*, that the tax savings from the use of stock casualty company losses (that could not otherwise be used) against life company income will increase the casualty company's capacity to write insurance.

Furthermore, the subgroup method, which is designed to match life income against life deductions and nonlife income against nonlife deductions, is consistent not only with section 1503(c)(1) but also with other sections of the Internal Revenue Code of 1954. For example, see section 844 which limits the amount of operating loss carryovers when a single company changes its insurance company tax status (*e.g.*, from a life company to a casualty company).

Some taxpayers maintain that the proposed regulations impose a "penalty" on net capital gain. For example, assume that a nonlife subgroup has $100 in ordinary net operating losses and $20 of net capital gain. Under section 1503(c)(1), literally, there is a "consolidated net operating loss" of $80, *i.e.*, the ordinary net operating loss of $100 is reduced by the $20 net capital gain. If the life subgroup did not have net capital gain, the life-nonlife group would not have net capital gain subject under section 1201(a) to the alternative tax of 28 percent. This result, coupled with the fact that the nonlife net capital gain reduces the portion of the nonlife ordinary net operating loss available for offset against life income, leads to what

taxpayers claim is an effective tax on net capital gain at a 46 percent rate.

Taxpayers' arguments beg the question. Net capital gain always results in reducing ordinary net operating losses in computing a net operating loss that may be carried to other years. The real issue is whether life-nonlife consolidation somehow changes this result in light of section 1503(c)(1). It does not. The statute cannot be read otherwise.

Finally, some taxpayers maintain that the subgroup method is unnecessarily complex. However, its complexity is minimal when compared with the intracacies that would arise if the Treasury Department were to integrate the usual method of consolidation with section 1503(c)(1) and the scheme for taxing life insurance companies.

Prohibition on Cross-Subgroup Carrybacks

The proposed regulations prohibit the carryback of one subgroup's losses, whether capital or operating, for use against the income of the other subgroup. This is referred to as a prohibition on cross-subgroup carrybacks.

All taxpayers agree that section 1503(c)(1) prohibits the cross-subgroup carryback of nonlife consolidated net operating losses for use against life income. However, they argue for life loss from operations and net capital loss (whether life or nonlife) cross-subgroup carrybacks. The discussion is better broken into two categories—life losses from operations and net capital losses.

The Tax Court held that a single life company may not carry its loss from operations back for use against its own taxable income in years in which it did not qualify as a life company (*Inter-American Life Ins. Co.*, 56 T.C. 497 (1971), *aff'd*, 469 F.2d 697 (9th Cir. 1972)). The court based its conclusion on the Internal Revenue Code. See sections 812 and 809(d)(4). Furthermore, section 844 only deals with carryovers.

In view of these carryback prohibitions that apply to a single life company that files a separate return, the final regulations continue to prohibit the cross-subgroup carryback of a life loss from operations for use against another company's nonlife taxable income, especially since section 1503(c)(1) prohibits the carryback of a nonlife consolidated net operating loss for use against another company's life taxable income.

The final regulations also prohibit the cross-subgroup carryback of capital losses. The prohibition is consistent with the overall pattern of consolidation suggested by section 1503(c)(1), and by other provisions Internal Revenue Code of 1954, such as sections 804(b)(2) and 818(f)(1).

Method of Consolidating Life Income Reserved But Still Proposed

The proposed regulations would have adopted a modified "phase-by-phase" method to determine consolidated partial life insurance company taxable income. Under this method, a particular life member would have underwriting gain only if the life subgroup as a whole had underwriting gain. Some taxpayers preferred a "bottom-line" method which would determine the existence of a particular life member's underwriting gain on a separate company basis. See sections 809(f)(1), 809(d)(4), and 802(b)(2). This document and the final regulations reserve at this time the proposed rules to determine consolidated partial life insurance company taxable income. This document does not withdraw these proposed rules (including those in proposed § 1.1502–47 (k)(7)–(8) and (l)(5)–(10)).

Section 1503(c)(2)

Some taxpayers objected to the rule in the proposed regulation (§ 1.1502–47(m)(3)(vi)) that determines the portion of a nonlife consolidated net operating loss which is attributable to those nonlife members that have not been members for five years (ineligible members). Under section 1503(c)(2), this portion may not reduce life income. The proposed regulations determine the portion by disregarding the separate net operating loss (§ 1.1502–79(a)(3)) of the ineligible nonlife member. Furthermore, when a nonlife consolidated net operating loss is carried over for use against nonlife income, before it is used against life income, the losses of five-year members (eligible members) are used under the proposed regulations against nonlife income before the losses of ineligible members.

Taxpayers argue that the rules above are inconsistent with the usual rules in the existing consolidated return regulations (§§ 1.1502–21(b)(3) and 1.1502–79(a)(3)) which provide that losses of the various members are absorbed or used on a *pro rata* basis.

The final regulations essentially retain the rules in the proposed regulations. However, the final regulations do modify the absorption rules to permit a nonlife operating loss attributable to an ineligible member that is carried over against nonlife income to be used as a carryover against nonlife income of the same member first.

The retained rules are consistent with the specific requirement in section 1503(c)(2) which provides that a "net operating loss for a taxable year of a member of the group not taxed under section 802 shall not be taken into account in determining the taxable income of a member taxed under section 802 (either for the taxable year or as a carryover or carryback) if such taxable year precedes the sixth taxable year such members have been members of the same affiliated group. * * *" The Treasury Department believes the language should generally be read literally.

For example, assume that an eligible nonlife member has $100 of income, another eligible member has a $100 loss, and a third ineligible member has a $100 loss. There is a nonlife consolidated net operating loss of $100. Section 1503(c)(2) literally requires one to disregard the $100 net operating loss of the ineligible member. Thus, no portion of the nonlife loss reduces life income. In the example above, the nonlife subgroup would not have a consolidated loss if the ineligible member were not acquired. An interpretation which would permit some portion of that nonlife consolidated loss to reduce life income indirectly would deprive section 1503(c)(2) of its purpose.

For another example, assume that an eligible nonlife member has a loss of $100 and an ineligible member has income of $100. There is no nonlife consolidated loss to be used against life income. If, however, the group acquires an ineligible member which then has a loss of $100, the result is the same because the rationale is what would be the result if the ineligible loss member had not been acquired. Nevertheless, as previously indicated, if the ineligible member's loss is carried to a year when that member has income, the final regulations, consistent with the above retionale, offset that member's income by that loss.

Finally, the Treasury Department will study further whether it is appropriate to aggregate the income and losses of ineligible members in certain cases. For instance, notwithstanding the ordinary reading of section 1503(c)(2), it may be consistent with the intent of section 1503(c)(2), or correct as a matter of policy, to aggregate the income and losses of ineligible members that filed a consolidated return prior to their acquisition by (and includibility in) another group that files a consolidated return.

Other Matters

The final regulations provide that the usual deferred intercompany transaction rules apply to the members (life and nonlife) of a life-nonlife group. It is not

inconsistent with section 1503(c)(1) to apply those rules.

In response to various comments, the final regulations make numerous technical changes and clarify certain procedural aspects of the proposed regulations.

Election Out

The final regulations also allow groups that made the election under section 1504(c)(2) to file a life-nonlife consolidated return to discontinue such a filing for the first taxable year for which these regulations are first effective. If such a group continues filing, the group will be considered to have consented to the final regulations.

Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this Treasury decision as it will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of this final regulation is Donald K. Duffy of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.1501–1–1.1564–1

Income taxes, Controlled group of corporations, Consolidated returns.

Amendments to the Regulations

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, the following amendment is made to Part 1 of Title 26.

A new § 1.1502–47 is added in the appropriate place to read as set forth below.

§ 1.1502–47 Consolidated returns by life-nonlife groups.

(a) *Scope.*—(1) *In general.* Under section 1504(b)(2), insurance companies that are taxed under section 802 or 821 (relating respectively to life insurance companies and to certain mutual insurance companies) are not treated as includible corporations for purposes of determining under section 1504(a) the existence of an affiliated group and the composition of its membership. Section 1504(c)(2) provides an election whereby certain life insurance companies and mutual insurance companies may be treated as includible corporations, and thus members, of a group composed of other includible corporations. This section provides regulations for the making of this election and for the determination of an electing group's composition and its consolidated tax liability.

(2) *General method of consolidation.*—(i) *Subgroup method.* The regulations adopt a subgroup method to determine consolidated taxable income. One subgroup is the group's nonlife companies (including those taxable under section 821). The other subgroup is the group's life insurance companies. Initially, the nonlife subgroup computes nonlife consolidated taxable income and the life subgroup computes consolidated partial life insurance company taxable income. A subgroup's income may in effect be reduced by a loss of the other subgroup. The life subgroup losses consist of consolidated loss from operations and life consolidated net capital loss. The nonlife subgroup losses consist of nonlife consolidated net operating loss and nonlife consolidated net capital loss. Consolidated taxable income is therefore defined in pertinent part as the sum of nonlife consolidated taxable income and consolidated partial life insurance company taxable income reduced by life subgroup losses or nonlife subgroup losses.

(ii) *Subgroup loss.* A subgroup loss does not actually affect the computation of nonlife consolidated taxable income or consolidated partial life insurance company taxable income. It merely constitutes a bottom-line adjustment in reaching consolidated taxable income. Furthermore, one subgroup's loss must first be carried back against income of the same subgroup before it may be used as a setoff against the second subgroup income in the taxable year the loss arose. (See section 1503(c)(1)). The carryback of the losses from one subgroup may not be used to offset income of the other subgroup in the year to which the loss is to be carried. This carryback of the first subgroup's loss may "bump" the second subgroup's loss that in effect previously reduced the income of the first subgroup. The second subgroup's loss that is bumped in appropriate cases may in effect reduce a succeeding year's income of the second or first subgroup. This approach gives the group the tax savings of the use of losses but the bumping rule assures that insofar as possible life deductions will be matched against life income and nonlife deductions against nonlife income.

(iii) *Carryover of subgroup loss.* A subgroup's loss may be used in a succeeding year, but in any particular succeeding year the loss must be used to reduce the income of the same subgroup before it may be used as a setoff against the other subgroup's income.

(3) *Authority.* This section is prescribed under the authority of sections 1502, 1503(c), 1504(c)(2), and 7805(b).

(4) *Other provisions.* The provisions of §§ 1.1502–1 through 1.1502–80 apply unless this section provides otherwise. Further, unless otherwise indicated in this section, a term used in this section has the same meaning as in sections 801–844.

(b) *Effective date.* This section is effective for taxable years for which the due date (without extensions) for filing returns is after March 14, 1983.

(c) *Cross references.* The following table provides cross references for some of the definitions and operating rules that are relevant in making the election and determining the group's composition and its tax liability:

Item and Paragraph	
—General definitions	(d)
—Eligible corporation (Five-year rules)	(d)(12)
—Election	(e)
—Consolidated taxable income	(g)
—Nonlife consolidated taxable income	(h)
—Consolidated partial life insurance company taxable income	(j)
—Nonlife subgroup losses	(m)
—Life subgroup losses	(n)
—Alternative tax	(o)

(d) *Definitions.* For purposes of this section—

(1) *Life insurance company.* The term "life company" means a life insurance company as defined in section 801. Section 801 applies to each company separately.

(2) *Mutual insurance company.* The term "mutual company" means a mutual insurance company taxable under section 821(a)(1).

(3) *Life insurance company taxable income.* The term "life insurance company taxable income" is referred to as LICTI. The terms "TII", "GO", and "LO" refer, respectively, to taxable investment income (section 804), gain from operations (section 809), and loss from operations (section 812). The term

"consolidated partial LICTI" refers to consolidated LICTI without section 502(b)(3).

(4) *Group.* The term "group" means an affiliated group of corporations (as defined in section 1504(a)). Unless otherwise indicated in this section, a group's composition is determined without section 1504(b)(2).

(5) *Member.* The term "member" means a corporation (including the common parent) that is an includible corporation in the group. A life company or mutual company is tentatively treated as a member for any taxable year for purposes of determining if it is an eligible corporation under paragraph (d)(12) of this section and therefore if it is an includible corporation under section 1504(c)(2). If such a company is eligible and includible (under section 1504(c)(2)), it will actually be treated as a member of the group.

(6) *Life member.* A life member is a member of the group that is a life company.

(7) *Nonlife member.* A nonlife member is a member of the group that is not a life company.

(8) *Life subgroup.* A life subgroup is composed of those members that are life members. If the group has only one life member, it constitutes a life subgroup.

(9) *Nonlife subgroup.* A nonlife subgroup is composed of those members that are nonlife members. If the group has only one nonlife member, it constitutes a nonlife subgroup.

(10) *Separate return year.* The term "separate return year" means a taxable year of a corporation for which it files a separate return or for which it joins in the filing of a consolidated return by another group. For purposes of this subparagraph (10), the term "group" is defined with regard to section 1504(b)(2) for years in which an election under section 1504(c)(2) is not in effect. Thus, a separate return year includes a taxable year for which that election is not in effect.

(11) *Separate return limitation year.* Section 1.1502–1(f)(2) provides exceptions to the definition of the term "separate return limitation year". For purposes of applying those exceptions to this section, for taxable years ending after December 31, 1980, the term "group" is defined without regard to section 1504(b)(2) and the definition in this subparagraph (11) applies separately to the nonlife subgroup in determining nonlife consolidated taxable income under paragraph (h) of this section and to the life subgroup in determining consolidated partial LICTI under paragraph (j) of this section. Paragraph (m)(3)(ix) of this section defines the term "separate return limitation year" for purposes of determining whether the losses of one subgroup may be used against the income of the other subgroup.

(12) *Eligible corporations*—(i) *In general.* A corporation is an eligible corporation for a taxable year of a group only if, throughout every day of the base period the corporation—

(A) Was in existence and a member of the group determined without the exclusions in section 1504(b)(2) (see paragraphs (d)(12) (iii)–(vi) of this section),

(B) Was engaged in the active conduct of a trade or business ("active business"),

(C) Did not experience a change in tax character (see paragraph (d)(12)(vii) of this section), and

(D) Did not undergo disproportionate asset acquisitions (see paragraph (d)(12)(viii) of this section).

(ii) *Base period.* The base period consists of the common parent's five taxable years immediately preceding the group's taxable year for which the consolidated return and the determination of eligibility are made. Eligibility is determined for each consolidated return year beginning with the first year for which the election under section 1504(c)(2) is effective.

(iii) *In existence.* Except as provided in paragraph (d)(12) (v) and (vi) of this section, a corporation organized after the base period begins is not eligible even though it is a member of the group immediately after its organization. For purposes of this subdivision (iii), a corporation that was a party to a reorganization described in section 368(a)(1)(F) shall be treated as the same entity both before and after the reorganization.

(iv) *Membership period.* Except as provided in paragraph (d)(12) (v) and (vi) of this section, a corporation must have been a member of the group throughout the base period to be eligible. Thus, an ineligible corporation includes one whose stock was acquired from outside the group at any time during the base period or one which was a member of a different group (whether by application of reverse acquistion rules in § 1.1502–75(d)(3) or otherwise) at any time during the base period. For purposes of this subdivision (iv), the common parent of a group is treated as constituting a group (and hence is a member) during any period when it was not a member of an affiliated group within the meaning of section 1504(a) (applied without section 1504(b)(2)).

(v) *Tacking rule.* The period during which an "old" corporation is in existence and a member of the group engaged in active business is included in (or "tacks" onto) the period for the "new" corporation if the following five conditions listed in this subdivision (v) are met. For purposes of this subparagraph (12), a "new" corporation is a corporation (whether or not newly organized) during the period its eligibility depends upon the tacking rule. The five conditions are as follows:

(A) The first condition is that, at any time, 80 percent or more of the new corporation's assets it acquired (other than in the ordinary course of its trade or business) where acquired from the old corporation in one or more transactions described in section 351(a) or 381(a). This asset test is applied by using the fair market values of assets on the date they were acquired and without regard to liabilities. Assets acquired in the ordinary course of business are excluded. In addition, assets that the old corporation acquired from outside the group in transactions not conducted in the ordinary course of its trade or business are not included in the 80 percent (but are included in total assets) if the old corporation acquired those assets within five calendar years before the date of their transfer to the new corporation.

(B) The second condition is that at the end of the taxable year during which the first condition is first met, the old corporation and the new corporation must both have the same tax character. For purposes of this paragraph (d)(12), a corporation's tax character is the section under which it would be taxed (*i.e.*, sections 11, 802, 821, or 831) if it filed a separate return. If the old corporation is not in existence (or adopts a plan of complete liquidation) at the end of that taxable year, this subdivision (v)(B) will apply to the old corporation's taxable year immediately preceding the beginning of the taxable year during which the first condition is first met.

(C) The third condition is that, if the old and new corporation are life insurance companies, the transfer (or transfers) is not reasonably expected (at the time of the transfer) to result in the separation of profitable activities from loss activities.

(D) The fourth condition is that, at the end of the taxable year during which the first condition is first met, the new corporation does not undergo a disproportionate asset acquisition under paragraph (d)(12)(viii) of this section.

(E) The fifth condition is that, if there is more than one old corporation, the first three conditions apply to all of the corporations. Thus, the second condition (tax character) must be met by all of the old corporations transferring assets

taken into account in meeting the test in paragraph (d)(12)(v)(A) of this section.

(vi) *Old group remaining in existence.* If the common parent of a group (or a new common parent) became the common parent in a transaction described in § 1.1502–75 (d)(2) or (3) where a group remained in existence, then paragraph (d)(12) (ii)–(iv) of this section apply by treating that common parent as if it were also the previous common parent of the group that remains in existence. If this subdivision (vi) applies to a transaction, the tacking rule in paragraph (d)(12)(v) of this section does not apply to the transaction.

(vii) *Change in tax character.* A corporation must not experience during the base period a change in tax character (as defined in paragraph (d)(12)(v)(B) of this section) if the change is attributable to an acquisition of assets from outside the group in transactions not conducted in the ordinary course of its trade or business. However, if a new corporation relies on the tacking rules in paragraph (d)(12)(v) of this section, this subdivision (vii) shall apply during the base period and the current consolidated return year and even if the change in tax character is attributable to an asset acquisition from within the group.

(vii) *Disproportionate asset acquisition.* To be eligible, a corporation must not undergo during the base period disproportionate asset acquisitions which are attributable to an acquisition (or a series of acquisitions) of assets from outside the group in transactions not conducted in the ordinary course of its trade or business (special acquisition). Whether special acquisitions are disproportionate is determined at the end of each base period. Whether an acquisition results in a disproportionate asset acquisition depends on all of the facts and circumstances including the following factors and rules:

(A) One factor is the portion of the insurance reserves (*i.e.*, total reserves in section 801 (c)) of the acquiring company at the end of the base period which is attributable to special acquisitions.

(B) A second factor is the portion of the fair market value of the assets (without reduction for liabilities) of the acquiring company at the end of the base period that is attributable to special acquisitions.

(C) A third factor is the portion of the premiums generated during the last taxable year of the base period which are attributable to special acquisitions.

(D) A corporation will not experience a disproportionate asset acquisition unless 75 percent of one factor (whether or not listed in this subdivision (viii)) is attributable to special acquisitions.

(E) Money or other property contributed to a corporation by a shareholder that is not a member of the group (without section 1504(b)(2)) is not a special acquisition.

(F) If a new corporation relies on the tacking rules in paragraph (d)(12)(v) of this section, this subdivision (viii) applies to that corporation during a consolidated return year. Thus, if at any time during a consolidated return year, a new corporation undergoes a disproportionate asset acquisition, the corporation becomes ineligible at that time.

(13) *Ineligible corporation.* A corporation that is not an eligible corporation is ineligible. If a life company or mutual company is ineligible, it is not treated under section 1504(c)(2) as an includible corporation. Losses of a nonlife member arising in years when it is ineligible may not be used under section 1503(c)(2) and paragraph (m) of this section to set off the income of a life member. If a life or mutual company is ineligible and is the common parent of the group (without section 1504(b)(2)), the election under section 1504(c)(2) may not be made.

(14) *Illustrations.* The following examples illustrate this paragraph (d). In each example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P has owned all of the stock of S since 1913. On January 1, 1980, P purchased all of the stock of L_1 which owns all of the stock of L_2 and S_2. L_1 and L_2 are treated as members for purposes of determining if they are eligible for 1982. However, for 1982, L_1, L_2, and S_2 are ineligible because none of them has been a member of the group for P's five taxable years preceding 1982. For 1982, L_1 and L_2 may elect to file a consolidated return because they constitute an affiliated group under section 1504(c)(1), and P and S may file a consolidated return.

Example (2). Since 1974, P has been a mutual insurance company owning all the stock of L_1. In 1980, P transfers assets to S_1, a new stock casualty company subject to taxation under section 831(a). For 1982, only P and L_1 are eligible corporations. The tacking rule in paragraph (d)(12)(v) of this section does not apply in 1982 because the old corporation (P) and the new corporation (S_1) do do not have the same tax character. The result would be the same if P were a life company.

Example (3). Since 1974, L has owned all the stock of L_1 which has owned all the stock of S_1, a stock casualty company. L_1 writes some accident and health insurance business. In 1980, L_1 transfers this business, and S_1 transfers some of its business, to a new stock casualty company, S_2, in a transaction described in section 351 (a). The property transferred to S_2 by L_1 had a fair market value of $50 million. The property transferred by S_1 had a fair market value of $40 million. S_2 is ineligible for 1982 because the tacking rule in paragraph (d)(12)(v) of this section does not apply. The old corporations (L_1 and S_1) and the new corporation (S_2) do not all have the same tax character. See subparagraph (d)(12)(v)(B) and (E) of this section. The result would be the same if L_1 transferred other property (*e.g.*, stock and securities) with the same value, rather than accident and health insurance contracts, to S_2.

Example (4). Since 1974, P has owned all the stock of S and L_1. L_1 is a large life company engaged in active business since 1974. On January 1, 1982, L_1 transfers in a section 351 (a) transaction assets (not acquired from outside the group) to a new life company, L_2. For 1982, L_2 is eligible because under paragraph (d)(12)(v) of this section, L_2 is considered to have been in existence and a member of the group engaged in the active business since 1974 which is the period L_1, the old corporation, was in existence and a member of the group so engaged.

Example (5). The facts are the same as in example (4). Assume that the fair market value of the assets L_1 transferred to L_2 was $10 million on January 1, 1982 and that L_2 acquired no other assets prior to June 30, 1983. Assume further that on January 1, 1983, L_1 acquires (other than in the ordinary course of its trade or business) assets having a fair market value of $40 million from L_2, an unrelated life company. On June 30, 1983, L_1 transfers those assets to L_2. L_2 becomes ineligible on June 30, 1983. Since by fair market values, 80 percent (*i.e.*, 40/50) of L_2's assets are attributable to special acquisitions, L_2 has undergone a disproportionate asset acquisition at that time. See paragraph (d)(12)(viii)(B), (D), and (F) of this section.

Example (6). The facts are the same as in example (5) except that L_1 transfers assets (other than life insurance contracts) having a fair market value of $40 million to L_2 and L_2 purchases the assets of L_2 on June 30, 1983. the result of the 1983 acquisition is the same as in example (5).

Example (7). The facts are the same as in example (5) except the acquired assets acquired by L_2 in 1983 from L_1 have a fair market value of $20 million. In 1983, L_2 had $1 million of premiums on its pre-existing contracts but premiums generated by the acquired business for the entire year would have been $2 million. L_2 is eligible in 1983 because it did not experience a disproportionate asset acquisition on June 30, 1983.

Example (8). Since 1974, L_1, a State A corporation, has owned all of the stock of L_2 and S_1. On January 1, 1982, L merges into L_1, a smaller State B corporation, which owns the stock of S_2. The transaction is a reverse acquisition described in § 1.1502–75(d)(3) and the group of which L was the common parent remains in existence. Under paragraph (d)(12)(vi) of this section, L_2 is eligible for 1982. However, S_2 is ineligible in 1982 under paragraph (d)(12)(iv) of this section.

Example (9). The facts are the same as in example (8) except that L acquires the stock of L_2. L_2 and S_2 are both ineligible for 1982. On January 1, 1983, the fair market value of L_2's assets are $5 million (without liabilities) and on that date L transfers assets (not acquired from outside the group) having a fair market value of $95 million (without liabilities) to L_2. L and L_2 are life companies at the end of 1983. L_2 is eligible in 1983 under the tacking rule in paragraph (d)(12)(v) of this section. S_2 is ineligible in that year. The result would be the same if L_2 was not a life company prior to January 1, 1983. See paragraph (d)(12)(v)(B) of this section.

Example (10). Since 1974, P has owned all of the stock of S_1 and L_1. On January 1, 1982, L_1 incorporates L_2 and transfers cash and securities to L_2. L_2 begins writing a new line of specialty life insurance products and it qualifies as a life company for calendar year 1982. L_2 generates a loss from operations (section 812) attributable to its writing of new business. For 1982, L_2 is ineligible under paragraph (d)(12)(v)(C) of this section.

Example (11). The facts are the same as in example (10) except that L_1 transfers to L_2 a block of insurance contracts that generated losses for L_1 and continued to generate losses for L_2, producing a loss from operations. L_2 is ineligible in 1982 under paragraph (d)(12)(v)(C) of this section.

Example (12). Since 1974, X, a foreign corporation, has owned all the stock of S_1 and S_2, and S_1 has owned all of the stock of L_1. On January 1, 1982, X incorporates a new U.S. company P, and transfers the stock of S_1 and S_2 to P. Assume that under § 1.1502–75(d)(3) (relating to reverse acquisitions), the S_1–L_1 affiliated group remains in existence. Under paragraph (d)(12)(vi) of this section, P, S_1, and L_1 are eligible but S_2 is ineligible. The result would be the same if X were an individual.

Example (13). The facts are the same as in example (12) except that X owns all of the stock of S_1, L_1, and S_2. In addition, on January 1, 1982, X transfers the stock of S_1 and S_2 to L_1. L_1 is eligible in 1982 under paragraph (d)(12)(iv) of this section. L_1 would still be eligible even if it owned a subsidiary during the base period but sold the subsidiary prior to January 1, 1982. S_1 and S_2 are ineligible in 1982.

Example (14). Since 1974, S_1 has owned all of the stock of L_1. S_2, an unrelated company, has owned all of the stock of L_2 and S_3 for 10 years. S_1 and S_2 are active stock casualty companies and not holding companies. On January 1, 1982, S_1 and S_2 merge into a new casualty company, S, in a transaction described in § 1.1502–75(d)(3) so that the group of which S_1 was the common parent remains in existence. S and L_1 are eligible in 1982 under paragraph (d)(12)(vi) of this section. L_2 and S_3 are ineligible.

Example (15). The facts are the same as in example (14) except that S_1 (the first corporation in § 1.1502–75(d)(3)) acquires the stock of S_2 in exchange for the stock of S_3. The result is that only S_1, S_2, and L_1 are eligible in 1982.

Example (16). Since 1974, S had owned all of the stock of L_1. L_1 is a large life company. On January 1, 1982, L_1 incorporates L_2 and transfers $40 million in cash and securities to L_2 in a transaction described in section 351(a). On March 1, 1982, L_2 purchases the assets of L_3, an unrelated life company. The purchased assets have a fair market value (without liabilities) of $30 million on March 1, 1982. L_2 is ineligible for 1982 because the tacking rule in paragraph (d)(12)(v) of this section does not apply. L_2 experienced a disproportionate asset acquisition in 1982. See paragraph (d)(12)(v)(D) of this section.

(e) *Election*—(1) *In general.* The election under section 1504(c)(2) may not be made if the group's common parent is an ineligible life company or an ineligible mutual company. The election under section 1504(c)(2) may only be made by the common parent of the group (as defined in section 1504(c)(2) without the exclusions in section 1504(b)(2)). For example, assume that P owns all of the stock of L_1, an eligible life company, which owns the stock of S_1. Assume further that P also owns the stock of L_2, an ineligible life member, which (for more than five years) has owned the stock of a nonlife company, S_2. Only P may make the election and, if it does so, P, L_1, and S_1 may file a consolidated return under this section. L_2 may not make the election under section 1504(c)(2) and may not file a consolidated return with S_2.

(2) *How election is made*—(i) *General rule.* The election under section 1504(c)(2) is generally made by the group's common parent in the same manner (and it has the same effect) as the election to file a consolidated return is made under § 1.1502–75 (a) and (b) for a group which did not file a consolidated return for the immediately preceding taxable year. The procedure for making the election under section 1504(c)(2) is the same whether or not a consolidated return was filed by the life members or the nonlife members for the immediately preceding taxable year.

(ii) *Special rule.* Notwithstanding the general rule, however, if the nonlife members in the group filed a consolidated return for the immediately preceding taxable year and had executed and filed a Form 1122 that is effective for the preceding year, then such members will be treated as if they filed a Form 1122 when they join in the filing of a consolidated return under section 1504(c)(2) and they will be deemed to consent to the regulations under this section. However, an affiliation schedule (Form 851) must be filed by the group and the life members must execute a Form 1122 in the manner prescribed in § 1.1502–75(h)(2).

(3) *Irrevocability.* Except as provided in § 1.1502–75(c) and paragraph (e)(4) of this section, the election under section 1504(c)(2) is irrevocable.

(4) *Permission to discontinue.* A group (as defined in section 1504(c)(2)) with a common parent that has made the election under section 1504(c)(2) may discontinue filing a consolidated return under § 1.1502–75(c)(2)(ii) for the group's first taxable year for which the regulations under this section are first effective.

(5) *Consent to regulations.* If a group does not discontinue filing a consolidated return under paragraph (e)(4) of this section but continues to file a consolidated return for the group's first taxable year for which the regulations under this section are first effective, the members of the group will be deemed to have consented to the regulations under this section.

(6) *Cross reference.* If an election is made under section 1504(c)(2), see § 1.1502–75 (e) and (f) for rules that apply for not including (or including) a member or a nonmember in the consolidated return.

(f) *Effect of election.* If the common parent makes the election under section 1504(c)(2), the following rules apply:

(1) *Termination of group.* A mere election under section 1504(c)(2) will not cause the creation of a new group or the termination of an affiliated group that files a consolidated return in the immediately preceding taxable year.

(2) *Effect of eligibility.*

If a life member is eligible after an election under section 1504(c)(2), it may not be included as a member of an affiliated group as defined in section 1504(c)(1).

(3) *Eligible and ineligible life companies.* If any life company was a member of an affiliated group of life companies (as defined in section 1504(c)(1)) but is ineligible for a taxable year for which the election under section 1504(c)(2) is effective, that year is not a separate return year merely by reason of the election under section 1504(c)(2) in applying §§ 1.1502–13, 1.1502–14, 1.1502–18, and 1.1502–19 to transactions occurring in prior consolidated return years of that affiliated group. In addition, if more than one ineligible life member of the group (as defined in section 1504(c)(1)) joined in the filing of a consolidated return in the taxable year immediately preceding the year for which the election under section 1504(c)(2) is effective and, solely as a result of the election, one of the ineligible life members becomes the common parent of such a group (section 1504(c)(1)), the group must continue to file a consolidated return. For example, assume that L_1 owns all of the stock of S_1 and all of the stock of L_2. L_2 owns the stock of L_3. L_1, L_2, and L_3 are life companies and S_1 is a nonlife company. Assume further that in 1981, L_1, L_2, and

L_2 file a consolidated return but L_1 makes the election under section 1504(c)(2) for 1982 and L_2 and L_3 are ineligible. L_2 and L_3 must continue to file a consolidated return in 1982. Moreover, L_2 could elect in 1982 to file a consolidated return (section 1504(c)(1)) with L_3 even if they did not file a consolidated return in 1981 with L_1.

(4) *Inclusion of life company.* If a life company is ineligible in the consolidated return year for which the election is effective, it will be treated as an includible corporation for the common parent's first taxable year in which the company becomes eligible.

(5) *Dividends received deduction.* Section 243(b)(5) defines the term affiliated group for purposes of the election to deduct 100 percent of the qualifying dividends received by a member from another member of the group. Section 246(b)(6) limits certain multiple tax benefits and the deduction itself. Section 243(b) (5) and (6) do not apply to the mutual companies and life companies that are eligible corporations. See section 1504(c)(2)(B)(i). Thus, the common parent of the group may elect to deduct 100 percent of the qualifying dividends received from an ineligible life company.

(6) *Controlled group.* Sections 1563 (a)(4), (b)(2)(D), and (b)(3)(C) (insofar as it applies to corporations described in section 1563(b)(2)(D)) do not apply to any eligible or ineligible life company that is a member of the group for a taxable year during which the election is effective. See paragraph (d)(4) of this section for the definition of group.

(7) *Consolidated tax.* The tax liability of a group for a consolidated return year (before application of credits against that tax) is computed on a consolidated basis by adding together the following taxes:

(i) The tax imposed under section 11 on consolidated taxable income (as determined under paragraph (g) of this section). The taxes imposed under sections 802(a), 821(a), and 831(a) will each be treated as a tax imposed under section 11.

(ii) The tax imposed by section 1201 on consolidated net capital gain (as determined under paragraph (o) of this section) in lieu of the tax imposed under paragraph (f)(7)(i) of this section on that gain.

(iii) Any taxes described in § 1.1502–2 (other than by paragraphs (a), (f), and (h) thereof).

(g) *Consolidated taxable income.* The consolidated taxable income is the sum of the following three amounts:

(1) *Nonlife consolidated taxable income.* The nonlife consolidated taxable income (as defined in paragraph (h) of this section) of the nonlife subgroup, as set off by the life subgroup losses as provided in paragraph (n) of this section. The amount in this paragraph (g)(1) may not be less than zero.

(2) *Consolidated partial LICTI.* The consolidated partial LICTI (as defined in paragraph (j) of this section) of the life subgroup, as set off by the nonlife subgroup losses as provided in paragraph (m) of this section. The amount in this paragraph (g)(2) may not be less than zero.

(3) *Surplus accounts.* The sum of the amounts subtracted under section 815 from the policyholders' surplus accounts of the life members.

(h) *Nonlife consolidated taxable income.*—(1) *In general.* Nonlife consolidated taxable income is the consolidated taxable income of the nonlife subgroup, computed under § 1.1502–11 as modified by this paragraph (h). For this purpose, separate taxable income of a member includes separate mutual insurance company taxable income (as defined in section 821(b)) and insurance company taxable income (as defined in section 832).

(2) *Nonlife consolidated net operating loss deduction.*—(i) *In general.* In applying § 1.1502–21, the rules in this subparagraph (2) apply in determining for the nonlife subgroup the nonlife net operating loss and the portion of the nonlife net operating loss carryovers and carrybacks to the taxable year.

(ii) *Nonlife CNOL.* The nonlife consolidated net operating loss is determined under § 1.1502–21(f) by treating the nonlife subgroup as the group.

(iii) *Carryback.* The nonlife consolidated net operating loss for the nonlife subgroup is carried back under § 1.1502–21 to the appropriate years (whether consolidated or separate) before the loss may be used as a nonlife subgroup loss under paragraphs (g)(2) and (m) of this section to set off consolidated partial LICTI in the year the loss arose. The election under section 172(b)(3)(C) to relinquish the entire carryback period for the net operating loss of the nonlife subgroup may be made by the common parent of the group. Furthermore, the election may be made even though the election under section 812(b)(3) and paragraph (l)(3)(iii) of this section is not made.

(iv) *Subgroup rule.* In determining the portion of the nonlife consolidated net operating loss that is absorbed when the loss is carried back to a consolidated return year beginning after December 31, 1981, § 1.1502–21 is applied by treating the nonlife subgroup as the group. Therefore, the absorption is determined without taking into account any life subgroup losses that were previously reported on a consolidated return as setting off nonlife consolidated taxable income for the year to which the nonlife loss is carried back.

(v) *Carryover.* The portion of the nonlife consolidated net operating loss that is not absorbed in a prior year as a carryback, or as a nonlife subgroup loss that set off consolidated partial LICTI for the year the loss arose, constitutes a nonlife carryover under this subparagraph (2) to reduce nonlife consolidated taxable income before that portion may constitute a nonlife subgroup loss that sets off consolidated partial LICTI for a particular year.

(vi) *Transitional rules.* The nonlife consolidated net operating loss deduction is subject to a transitional rule limitation in paragraph (h)(3) of this section.

(vii) *Example.* The following example illustrates this paragraph (h)(2). In the example, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example. P owns all of the stock of S and L_1. L_1 owns all of the stock of L_2. For 1982, the group first files a consolidated return for which the election under section 1504(c)(2) is effective. P and S filed consolidated returns for 1979 through 1981. In 1982, the P–S group sustains a nonlife consolidated net operating loss. The loss is carried back to the consolidated return years 1979, 1980, and 1981 of P and S by using the principles of §§ 1.1502–21 and 1.1502–79 and, because the election in 1982 under section 1504(c)(2) does not result under paragraph (f)(1) of this section in the creation of a new group or the termination of the P–S nonlife group, the loss is absorbed on the consolidated return in those years without regard to whether the loss in 1982 is attributable to P or S and without regard to their contribution to consolidated taxable income in 1979, 1980, or 1981. The portion of the loss not absorbed in 1979, 1980, and 1981 may serve as a nonlife subgroup loss in 1982 that may set off the consolidated partial LICTI of L_1 and L_2 under paragraphs (g)(2) and (m) of this section.

(3) *Transitional rule.*—(i) *In general.* The portion of the nonlife consolidated net operating loss deduction in a consolidated return year beginning after December 31, 1980 (referred to as "post-1980 year") attributable to net operating losses sustained in separate return years ending before January 1, 1981 (referred to as "pre-1981 year"), is subject to the rules and limitations in this subparagraph (3).

(ii) *Separate nonlife groups.* To determine the limitation, first, identify for the post-1980 year one or more separate affiliated groups of nonlife

companies (as defined in section 1504 without section 1504(c)(2)). For this purpose, a single nonlife company may constitute a separate affiliated group if (A) it is not otherwise a member of a separate group or (B) it has a net operating loss sustained in the pre-1981 year that may be carried over and that year is a separate return limitation year (determined under § 1.1502–1(f) without paragraph (d)(11) of this section).

(iii) *Carryover.* Second, identify the pre-1981 year net operating losses that may be carried over and that are attributable to each separate affiliated group of nonlife companies. The separate return limitation year rules in § 1.1502–21(c) do not apply to any of these carryovers.

(iv) *Limitation.* Third, treat the last taxable year ending before January 1, 1981, as if in that year there was a consolidated return change of ownership of each such separate affiliated group of nonlife companies and apply the consolidated return change of ownership limitation in § 1.1502–21(d) to the losses of each group by treating the members of each separate group as old members.

(v) *Examples.* The following examples illustrate this paragraph (h)(3). In the examples L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). Throughout all of 1982, P owns all of the stock of S and L_a and L_a owns all of the stock of L_b which in turn owns all of the stock of S_1. Thus, for 1982, there are two nonlife subgroups under this subparagraph (3), P–S and S_1. For 1981, P and S did not file a consolidated return and for 1980 P has a net operating loss of $200,000. Assume that P had no income in 1981. For 1982, the group makes an election under section 1504(c)(2) to file a consolidated return and all corporations are eligible corporations. The consolidated taxable income for the nonlife subgroup for 1982 (determined without the consolidated net operating loss deduction) recomputed by including only items of income and deduction of P and S is $120,000. If $120,000 is the § 1.1502–21(d)(2) amount for P and S, then the amount of P's net operating loss for 1980 that may be carried over to P and S for 1982 cannot exceed $120,000.

Example (2). (a) P owns all of the stock of S_1. On January 1, 1979, P purchased all of the stock of L_1 which owns all of the stock of L_2 and S_2. Prior to 1984, all of the corporations filed separate returns. For 1984, the group makes an election under section 1504(c)(2) to file a consolidated return.

(b) 1981, 1982, and 1983 are not treated under paragraph (d)(11) of this section as separate return limitation years of the P, S_1, and S_2 nonlife subgroup. However, P and S_1 will be treated as old members under paragraph (h)(3)(iv) of this section and under § 1.1502–21(d) with respect to their losses in 1979 and 1980 (whether a consolidated return was filed or separate returns were filed) so that the portion of nonlife consolidated taxable income attributable to S_2 may not absorb the losses of P or S_1. The rules that apply to the P–S_1 nonlife subgroup for 1979 and 1980 apply in an identical way to S_2 by treating S_2 as a subgroup separate from the P–S_1 nonlife subgroup. See section 1527(c)(2)(A) of the Tax Reform Act of 1976.

(c) Similarly, L_2 and L_3 are treated as old members under paragraphs (l)(3) and (h)(3)(iv) of this section for losses arising in 1979 and 1980. However, since the L_2—L_3 subgroup is also the life subgroup under paragraph (d)(8) of this section, the limitation in paragraph (h)(3)(iv) of this section does not affect the computation of consolidated partial LICTI for the life subgroup.

(4) *Nonlife consolidated capital gain net income or loss.*—(i) *In general.* In applying § 1.1502–22, the rules in this subparagraph (4) apply in determining for the nonlife subgroup the nonlife consolidated capital gain net income or loss and the portion of the nonlife net capital loss carryovers and carrybacks to the taxable year. In particular, the nonlife consolidated capital gain net income and nonlife consolidated net capital loss are determined under the principles of § 1.1502–22(a) by treating the nonlife subgroup as the group.

(ii) *Additional principles.* In applying § 1.1502–22 to nonlife consolidated net capital loss carryovers and carrybacks, the principles set forth in paragraph (h)(2) (iii) through (v) for applying § 1.1502–21 to nonlife consolidated net operating loss carryovers and carrybacks shall also apply. Further, the portion of nonlife consolidated net capital loss carryovers attributable to losses sustained in taxable years ending before January 1, 1981, is subject to the limitations in paragraph (h)(3) of this section applied by substituting "net capital loss" for the term "net operating loss" and "§ 1.1502–22(d)" for "§ 1.1502–21(d)".

(iii) *Special rules.* The nonlife consolidated net capital loss is reduced, for purposes of determining the carryovers and carrybacks under § 1.1502–22(b)(1) by the lesser of—

(A) The aggregate of the additional capital loss deductions allowed under section 822(c)(6) or section 832(c)(5), or

(B) The nonlife consolidated taxable income computed without capital gains and losses.

(i) [Reserved]

(j) *Consolidated partial LICTI.* [Reserved]

(k) *Consolidated TII.*—(1) *General rule.* [Reserved]

(2) *Separate TII.* [Reserved]

(3) *Company's share of investment yield.* [Reserved]

(4) *Life consolidated capital gain net income.* [Reserved]

(5) *Life consolidated net capital loss carryovers and carrybacks.* The life consolidated net capital loss carryovers and carrybacks for the life subgroup are determined by applying the principles of § 1.1502–22 as modified by the following rules in this subparagraph (5):

(i) Life consolidated net capital loss is first carried back (or apportioned to the life members for separate return years) to be absorbed by life consolidated capital gain net income without regard to any nonlife subgroup capital losses and before the life consolidated net capital loss may serve as a life subgroup capital loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose.

(ii) If a life consolidated net capital loss is not carried back or is not a life subgroup loss that sets off nonlife consolidated capital gain net income in the year the life consolidated net capital loss arose, then it is carried over to the particular year under this paragraph (k)(5) first against life consolidated capital gain net income before it may serve as a life subgroup capital loss that sets off nonlife consolidated capital gain net income in that particular year.

(iii) *Section 818(f).* Capital losses may not be deducted more than once and capital gain will not be included more than once. See section 818(e) and also section 818(f).

(iv) Capital loss carryovers are subject to the transitional rule in paragraph (k)(6) of this section.

(6) *Transitional rule.* The portion of the life consolidated capital loss carryovers attributable to the net capital losses of the life members sustained in separate return years ending before January 1, 1981, is subject to the same limitations as the capital losses of nonlife members in paragraph (h)(4)(iii) of this section by applying the principles of paragraph (h)(3) of this section to each separate affiliated group of life companies.

(l) *Consolidated GO or LO.*—(1) *General rule.* [Reserved]

(2) *Separate GO.* [Reserved]

(3) *Consolidated operations loss deduction.*—(i) *General rule.* The consolidated operations loss deduction is an amount equal to the consolidated operations loss carryovers and carrybacks to the taxable year. The provisions of § 1.1502–21 and section 812 apply to the extent not inconsistent with this paragraph (l)(3).

(ii) *Consolidated offset.* For purposes of applying section 812 (b) and (d), the term "consolidated offset" means the increase in the consolidated operations loss deduction which reduces

consolidated partial LICTI to zero. For setoff of consolidated LO against nonlife consolidated taxable income, see paragraph (n)(2) of this section.

(iii) *Carrybacks.* A consolidated LO is first carried back to be absorbed by GO of a life member under section 809(d)(4) or consolidated partial LICTI (as the case may be under section 818(f)(2)) for prior consolidated return years (or apportioned to the life members for prior separate return years) without regard to any nonlife subgroup losses that were set off against consolidated partial LICTI and before the consolidated LO may serve as a life subgroup loss to be set off against nonlife consolidated taxable income in the year the consolidated LO arose. The election to relinquish the entire carryback period for the consolidated LO of the life subgroup may be made by the common parent of the group. See section 812(b)(3). Furthermore, the election may be made even though the election under section 172(b)(3)(C) and paragraph (h)(2)(iii) of this section is not made.

(iv) *Carryovers.* If a consolidated LO is not carried back or is not applied as a life subgroup loss that set off nonlife consolidated taxable income in the year the consolidated LO arose, then it is carried over to a particular year under this paragraph (l)(3) first against the GO of a life member under section 809(d)(4) or consolidated partial LICTI (as the case may be under section 818(f)(2)) before it may serve as a life subgroup loss that may be set off against nonlife consolidated taxable income for that particular year.

(v) *Transitional rule.* The portion of a consolidated operations loss deduction that is attributable to LOs sustained in separate return years ending before January 1, 1981, is subject to the same rules and limitations that the nonlife consolidated net operating loss deduction is subject to in paragraph (h)(3) of this section as applied by identifying separate affiliated groups of life companies.

(4) *Life consolidated capital gain net income or loss.* Life consolidated capital gain net income or loss is determined in the same manner as under paragraph (k)(4) of this section. However, a life member's company share is determined under section 809 (a) and (b)(3).

(m) *Consolidated partial LICTI setoff by nonlife subgroup losses.*—(1) *In general.* The nonlife subgroup losses consist of the nonlife consolidated net operating loss and the nonlife consolidated net capital loss. Under paragraph (g)(2) of this section, consolidated partial LICTI is set off by the amounts of these two consolidated losses specified in paragraph (m)(2) of this section. The setoff is subject to the rules and limitations in paragraph (m)(3) of this section.

(2) *Amount of setoff.*—(i) *Current year.* Consolidated partial LICTI for the current taxable year is set off by the portion of the nonlife consolidated net operating loss and nonlife consolidated net capital loss arising in that year that cannot be carried back under paragraph (h) of this section to prior taxable years (whether consolidated or separate return years) of the nonlife subgroup.

(ii) *Carryovers.* The portion of the offsettable nonlife consolidated net operating loss or nonlife consolidated net capital loss that has not been used as a nonlife subgroup loss setoff against consolidated partial LICTI in the year it arose may be carried over to succeeding taxable years under the principles of §§ 1.1502–21 (relating to net operating loss deduction) or § 1.1502–22 (relating to net capital loss carryovers). However, in any particular succeeding year, the losses will be used under paragraph (h) of this section in computing nonlife consolidated taxable income before being used in that year as a nonlife subgroup loss that sets off consolidated partial LICTI.

(3) *Nonlife subgroup loss rules and limitations.* The nonlife subgroup losses are subject to the following operating rules and limitations:

(i) *Separate return years.* The carryovers in paragraph (m)(2)(ii) of this section may include net operating losses and net capital losses of the nonlife members arising in separate return years ending after December 31, 1980, that may be carried over to a succeeding year under the principles (including limitations) of §§ 1.1502–21 and 1.1502–22. But see subdivision (ix) of this paragraph (m)(3).

(ii) *Capital loss.* Nonlife consolidated net capital loss sets off consolidated partial LICTI only to the extent of life consolidated capital gain net income (as determined under paragraph (l)(4) of this section) and this setoff applies before any nonlife consolidated net operating loss sets off consolidated partial LICTI.

(iii) *Capital gain.* Life consolidated capital gain net income is zero in any taxable year in which the life subgroup has a consolidated LO and, in any taxable year, it may not exceed consolidated partial LICTI.

(iv) *Ordering rule.* Consolidated partial LICTI for a consolidated return year is set off by nonlife subgroup losses for that year before being set off (under paragraph (m)(2)(ii) of this section) by a carryover of a nonlife subgroup loss to that year.

(v) *Setoff at bottom line.* The setoff of nonlife subgroup losses against consolidated partial LICTI does not affect life member deductions that depend in whole or in part on GO or TII. Thus, the setoff does not affect the amount of consolidated partial LICTI (as determined under paragraph (j) of this section) for any taxable year but it merely constitutes an adjustment in arriving at the group's consolidated taxable income under paragraph (g) of this section.

(vi) *Ineligible nonlife member.* (A) The offsetable nonlife consolidated net operating loss that arises in any consolidated return year (that may be set off against consolidated partial LICTI in the current taxable year or in a succeeding taxable year) is the amount computed under paragraph (h)(2)(ii) of this section reduced by the ineligible NOL. For purposes of this subparagraph (3), the "ineligible NOL" is in the year the loss arose the amount of the separate net operating loss (determined under § 1.1502–79(a)(3)) of any nonlife member that is ineligible in that year (and not the portion of the nonlife consolidated net operating loss attributable under § 1.1502–79(a)(3) to such a member). (B) The carryovers of offsetable nonlife net operating losses under paragraph (m)(2)(ii) of this section do not include an ineligible NOL arising in a consolidated return year or a loss attributable to an ineligible member arising in a separate return year. See section 1503(c)(2). (C) For absorption within the nonlife subgroup of an ineligible NOL arising in a consolidated return year or a loss of an ineligible member arising in a separate return year which is not a separate return limitation year under paragraph (m)(3)(ix) of this section, see paragraph (m)(3)(vii) of this section.

(vii) *Absorption of ineligible NOL.* (A) If all or a portion of a nonlife member's ineligible NOL (determined under paragraph (m)(3)(vi)(A) of this section) may be carried back or carried over under paragraph (h)(2) of this section to a particular consolidated return year of the nonlife subgroup (absorption year), then notwithstanding § 1.1502–21(b)(3)(ii), the amount carried to the absorption year will be absorbed by that member's contribution (to the extent thereof) to nonlife consolidated taxable income for that year.

(B) For purposes of (A) of this subdivision (vii), a member's contribution to nonlife consolidated taxable income for an absorption year is the amount of such income (computed without the portion of the nonlife consolidated net operating loss deduction attributable to taxable years subsequent to the year the loss arose),

minus such consolidated taxable income recomputed by excluding both that member's items of income and deductions for the absorption year. The deductions of the member include the prior application of this paragraph (m)(3)(vii) to the absorption of the nonlife consolidated net operating loss deduction for losses arising in taxable years prior to the particular loss year.

(viii) *Election to relinquish carryback.* The offsetable nonlife consolidated net operating loss does not include the amount that could be carried back under paragraph (h) (2) of this section but for the common parent's election under section 172(b)(3)(C) to relinquish the carryback. See section 1503(c)(1).

(ix) *Separate return limitation year.* The offsetable nonlife consolidated net operating and capital loss carryovers do not include any losses attributable to a nonlife member that were sustained (A) in a separate return limitation year (determined without section 1504(b)(2)) of that member (or a predecessor), or (B) in a separate return year ending after December 31, 1980, in which an election was in effect under neither section 1504(c)(2) nor section 243(b)(2). For purposes of this paragraph (m), a separate return limitation year includes a taxable year ending before January 1, 1981. See section 1507(c)(2)(A) of the Tax Reform Act of 1976 and § 1.1502–15 (including the exceptions in paragraph (a)(4) thereof).

(x) *Percentage limitation.* The offsetable nonlife consolidated net operating losses that may be set off against consolidated partial LICTI in a particular year may not exceed a percentage limitation. This limitation is the applicable percentage in section 1503(c)(1) of the lesser of two amounts. The first amount is the sum of the offsetable nonlife consolidated net operating losses under paragraph (m)(2) of this section that may serve in the particular year (determined without this limitation) as a setoff against consolidated partial LICTI. The second amount is consolidated partial LICTI (as defined in paragraph (j) of this section) in the particular year reduced by any nonlife consolidated net capital loss that sets off consolidated partial LICTI in that year.

(xi) *Further limitation.* Any offsetable nonlife consolidated net operating loss remaining after applying the percentage limitation that is carried over to a succeeding taxable year may not be set off against the consolidated partial LICTI attributable to a life member that was not an eligible life member in the year the loss arose. See section 1503(c)(2).

(xii) *Restoration rule.* The carryback of a consolidated LO or life consolidated net capital loss under paragraph (l) of this section that reduces consolidated partial LICTI (or life consolidated capital gain net income) for a prior year may reduce the amount of nonlife subgroup losses that would offset consolidated partial LICTI in that prior year. Thus, that amount may be carried over under paragraph (h) (2) or (4) of this section from that prior year in determining nonlife consolidated taxable income in a succeeding year or serve as offsetable nonlife subgroup losses in a succeeding year.

(4) *Acquired groups.* [Reserved]

(5) *Illustrations.* The following examples illustrates this paragraph (m). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1). P owns all of the stock of L and S. S owns all of the stock of I, a nonlife member that is an ineligible corporation for 1982 under paragraph (d)(13) of this section. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, assume that any nonlife consolidated net operating loss may not be carried back to a prior taxable year. Other facts are summarized in the following table.

	Separate taxable income (loss)
P	$100
S	(100)
I	(100)
Nonlife consolidated net operating loss	(100)

Under paragraph (m)(3)(vi) of this section, P's separate income is considered to absorb the loss of S, an eligible member, first and the offsetable nonlife consolidated net operating loss is zero, *i.e.*, the consolidated net operating loss ($100) reduced by P's loss ($100). The consolidated net operating loss ($100) may be carried over, but since it is entirely attributable to I (an ineligible member) its use is subject to the restrictions in paragraph (m)(3)(vi) of this section. The result would be the same if the group contained two additional members, S_1, an eligible member, and I_1, an ineligible member, where S_1 had a loss of ($100) and I_1 had income of $100.

Example (2). The facts are the same as in example (1) except that for 1982 S's separate net operating loss is $200. Assume further that L's consolidated partial LICTI is $200. Under paragraph (m)(3)(vi) of this section, the offsetable nonlife consolidated net operating loss is $100, *i.e.*, the nonlife consolidated net operating loss computed under paragraph (h)(2)(ii) of this section ($200), reduced by the separate net operating loss of I ($100). The offsetable nonlife consolidated net operating loss that may be set off against consolidated partial LICTI in 1982 is $30, *i.e.*, 30 percent of the lesser of the offsetable $100 or consolidated partial LICTI of $200. See paragraph (m)(3)(x) of this section. The nonlife subgroup may carry $170 to 1983 under paragraph (h)(2) of this section against nonlife consolidated taxable income, *i.e.*, consolidated net operating loss ($200) less amount used in 1982 ($30). Under paragraph (m)(2)(ii) of this section, the offsetable nonlife consolidated net operating loss that may be carried to 1983 is $70, *i.e.*, $100 minus $30. The facts and results are summarized in the table below.

	(Dollars omitted)			
	Facts	Offsetable	Limit	Unused loss
	(a)	(b)	(c)	(d)
1. P	100			
2. S	(200)	(100)		(70)
3. I	(100)			(100)
4. Nonlife subgroup	(200)	(100)	(120)	(170)
5. L	200		200	
6. 30% of lower of line 4(c) or 5(c)			30	
7. Unused offsetable loss				(70)

Accordingly, under paragrah (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $170, *i.e.*, line 5 (a) minus line 6(c)).

Example (3). The facts are the same as in example (2) with the following additions for 1983. The nonlife subgroup has nonlife consolidated taxable income of $50 (all of which is attributable to I) before the nonlife consolidated net operating loss deduction under paragraph (h)(2) of this section. Consolidated partial LICTI is $100. Under paragraph (h)(2) of this section, $50 of the nonlife consolidated net operating loss carryover ($170) is used in 1983 and, under paragraph (m)(3) (vi) and (vii) of this section, the portion used in 1982 is attributable to I, the ineligible nonlife member. Accordingly, the offsetable nonlife consolidated net operating loss from 1982 under paragraph (m)(3)(ii) of this section is $70, *i.e.*, the unused loss from 1982. The offsetable nonlife consolidated net operating loss in 1983 is $24.50, *i.e.*, 35 percent of the lesser of the offsetable loss of $70 or consolidated partial

LICTI of $100. Accordingly, under paragraph (g) of this section (assuming no amount is withdrawn from L's surplus accounts), consolidated taxable income is $75.50, *i.e.*, consolidated partial LICTI of $100 minus the offsetable loss of $24.50.

Example (4). P owns all of the stock of S and L. For 1982, all corporations are eligible corporations, and the group elects under section 1504(c)(2) to file a consolidated return, the nonlife consolidated net operating loss is $100, and the nonlife consolidated net capital loss is $50. Assume that the losses may not be carried back and the capital losses are not attributable to built-in deductions under paragraph (m)(3)(ix) of this section or under § 1.1502–15. Other facts and the results are set forth in the following table:

	P-S	L
1. Nonlife consolidated net operating loss	($100)	
2. Nonlife consolidated capital loss	(50)	
3. Consolidated partial LICTI		$100
4. Life consolidated capital gain net income included in line 3		50
5. Offsetable:		
(a) 30% of lower of line (1) or line (3)–(4)	[15]	
(b) Line 2	[50]	
(c) Total	[65]	
6. Unused losses available to be carried over:		
(a) From line 1 (line 1 minus line 5 (a))	[85]	
(b) From line 2 (line 2 minus line 5 (b))	0	

Accordingly, under paragraph (g) of this section consolidated taxable income is $35, *i.e.*, line 3 minus line 5(c).

Example (5). The facts are the same as in example (4). Assume further that for 1983 L has an LO that is carried back to 1982 and the LO is large enough to reduce consolidated partial LICTI for 1982 to zero as determined before any setoff for nonlife losses. Under paragraph (m)(3)(xii) of this section, the nonlife consolidated net operating loss of $15 and the nonlife consolidated net capital loss of $50 that were set off in 1982 respectively against consolidated partial LICTI and life consolidated capital gain net income are restored. These restored amounts may consititute part of the nonlife consolidated net operating loss carryover to 1983 under paragraph (h)(2) of this section or part of the nonlife net capital loss carryover to 1983 under paragraph (h)(4) of this section.

Example (6). The facts are the same as in example (5) except that L's LO for 1983 as carried back reduces consolidated partial LICTI in 1982 from $100 to $25. Since consolidated partial LICTI of $100 in 1982 (before the carryback) included life consolidated capital gain net income of $50, under paragraph (m)(3)(iii) of this section, the life consolidated capital gain net income is $25, *i.e.*, $50 but not more than $25. Therefore, under paragraph (m)(3)(ii) of this section, the offsetable nonlife capital loss in 1982 is $25 and, under paragraph (m) (3)(xii) of this section, $25 of the $50 nonlife consolidated net capital loss in 1982 may be carried under paragraph (h)(4) of this section to 1983. No nonlife consolidated net operating loss is used as a setoff against consolidated partial LICTI in 1982 under paragraph (m)(3)(xii) of this section by reason of the carryback of the consolidated LO from 1983 to 1982.

(n) *Nonlife consolidated taxable income set off by life subgroup losses.*— (1) In *general.* The life subgroup losses consist of the consolidated LO and the life consolidated net capital loss (as determined under paragraph (l)(4) of this section). Under paragraph (g)(1) of this section, nonlife consolidated taxable income is set off by the amounts of these two consolidated losses specified in paragraph (n)(2) of this section.

(2) *Amount of setoff.* The portion of the consolidated LO or life consolidated net capital loss that may be set off against nonlife consolidated taxable income (determined under paragraph (h) of this section) is determined by applying the rules prescribed in paragraph (m) (2) and (3) of this section in the following manner:

(i) Substitute the term "life" for "nonlife", and vice versa.

(ii) Substitute the term "nonlife consolidated taxable income" for "consolidated partial LICTI", and vice versa.

(iii) Substitute the term "consolidated LO" for "non-life consolidated net operating loss", "paragraph (l)" or "paragraph (j)" for "paragraph (h)", and "section 812(b)(3)" for "section 172(b)(3)(C)".

(iv) Paragraphs (m)(3)(vi), (vii), (x), and (xi) of this section do not apply to a consolidated LO.

(v) Capital losses may not be deducted more than once. See section 818(e) and also the requirements in section 818(f).

(vi) The setoff of life subgroup losses against nonlife consolidated taxable income does not affect nonlife member deductions that depend in whole or in part on taxable income.

(3) *Illustrations.* The following examples illustrate this paragraph (n). In the examples, L indicates a life company, another letter indicates a nonlife company, and each corporation uses the calendar year as its taxable year.

Example (1) P, S, L_1 and L_2 constitute a group that elects under section 1504(c)(2) to file a consolidated return for 1982. In 1982, the nonlife subgroup consolidated taxable income is $100 and there is $20 of nonlife consolidated net capital loss that cannot be carried back under paragraph (h) of this section to taxable years (whether consolidated or separate) preceding 1982. The nonlife subgroup has no carryover from years prior to 1982. Consolidated LO is $150 which under paragraph (l) of this section includes life consolidated capital gain net income of $25. The $150 LO is carried back under paragraph (l)(3) of this section to taxable years (whether consolidated or separate) preceding 1982 before it may offset in 1982 nonlife consolidated taxable income. Since life consolidated capital gain net income is zero for 1982, the nonlife capital loss offset is zero.

Example (2). The facts are the same as in example (1). Assume further that no part of the $150 consolidated LO for 1982 can be used by L_1 and L_2 in years prior to 1982. For 1982, $100 of consolidated LO sets off the $100 nonlife consolidated taxable income. The life subgroup carries under paragraph (l)(3) of this section to 1983 $50 of the consolidated LO ($150 minus $100). See paragraph (l)(3)(ii) of this section. The $50 carryover will be used in 1983 against life subgroup income before it may be used in 1983 to setoff nonlife consolidated taxable income.

Example (3). (a) The facts are the same as in example (1), except that for 1982 the nonlife consolidated taxable income is $150 and includes nonlife consolidated capital gain net income of $50, consolidated partial LICTI is $200, and a life consolidated net capital loss is $50. Assume that the $50 life consolidated net capital loss sets off the $50 nonlife consolidated capital gain net income. Consolidated taxable income under paragraph (g) of this section is $300, *i.e.*, nonlife consolidated taxable income ($150) minus the setoff of the life consolidated net capital loss ($50), plus consolidated partial LICTI ($200).

(b) Assume that for 1983 the nonlife consolidated net operating loss is $150. Under paragraph (h)(2) of this section, the loss may be carried back to 1982 against nonlife consolidated taxable income. If P, the common parent, does not elect to relinquish the carryback under section 172(b)(3)(C), the entire $150 must be carried back reducing 1982 nonlife consolidated taxable income to zero and nonlife consolidated capital gain net income to zero. Under paragraph (m)(3)(xii) of this section, the setoff in 1982 of the nonlife consolidated capital gain net income ($50) by the life consolidated net capital loss ($50) is restored. Accordingly, the 1982 life consolidated net capital loss may be carried over by the life subgroup to 1983. Under paragraph (g) of this section, after the carryback consolidated taxable income for 1982 is $200, *i.e.*, nonlife consolidated taxable income ($0) plus consolidated partial LICTI ($200).

Example (4). The facts are the same as in example (3), except that P elects under section 172 (b)(3)(C) to relinquish the carryback of $150 arising in 1983. The setoff in part (a) of example (3) is not restored. However, the offsetable nonlife consolidated net operating loss for 1983 (or that may be carried forward from 1983) is zero. See paragraph (m)(3)(viii) of this section. Nevertheless, the $150 nonlife consolidated net operating loss may be carried forward to be used by the nonlife group.

Example (5). P owns all of the stock of S, and of L_1. On January 1, 1978, L_2 purchases all of the stock of L_2. For 1982, the group elects under section 1504(c)(2) to file a consolidated return. For 1982, L_1 is an eligible corporation under paragraph (d)(12) of this section but L_2 is ineligible. Thus, L_1 but not L_2 is a member for 1982. For 1982, L_2 sustains an LO that

cannot be carried back. For 1982, L_e is treated under paragraph (f)(6) of this section as a member of a controlled group of corporations under section 1563 with P, S, and L_t. For 1983, L_e is eligible and is included on the group's consolidated return. L_e's LO for 1982 that may be carried to 1983 is not treated under paragraph (d)(11) of this section as having been sustained in a separate return limitation year for purposes of computing consolidated partial LICTI of the L_t-L_e life subgroup for 1983. Furthermore, the portion of L_e's LO not used under paragraph (l)(3) of this section against life subgroup income in 1983 may be included in offsetable consolidated operations loss under paragraph (n)(2) and (m)(3)(i) of this section that reduces in 1983 nonlife consolidated taxable income because L_e's loss in 1982 was not sustained in a separate return limitation year under paragraph (n)(2) and (m)(3)(ix)(A) of this section or in a separate return year (1982) when an election was in effect neither under section 1504(c)(2) nor section 243(b)(2).

(o) *Alternative tax.*—(1) *In general.* For purposes of the alternative tax under paragraph (f)(7)(ii) of this section, consolidated net capital gain is the sum of the following two amounts:

(i) The nonlife consolidated net capital gain reduced by any setoff of a life consolidated net capital loss.

(ii) The life consolidated net capital gain reduced by any setoff of a nonlife consolidated net capital loss.

(2) *Net capital gain.* For purposes of this paragraph (o)—

(i) Nonlife consolidated net capital gain is computed under § 1.1502–41 except that it may not exceed nonlife consolidated taxable income (computed under paragraph (h) of this section).

(ii) Life consolidated net capital gain is computed under § 1.1502–41, applied in a manner consistent with paragraph (l)(4) of this section, except that it may not exceed consolidated partial LICTI (as determined under paragraph (j) of this section).

(iii) *Setoffs.* Setoffs are determined under paragraphs (m) or (n) of this section (as the case may be).

(p) *Transitional rule for credit carryovers.* For limitations on credits arising in taxable years ending before January 1, 1961, that may be carried over to taxable years beginning on or after that date, section 1507(c)(2)(A) of the Tax Reform Act of 1976 and the principles in paragraph (h)(3) of this section (relating to limitations on loss carryovers) apply.

(q) *Preemption.* The rules in this section preempt any inconsistent rules in other sections (§ 1.1502–1 through 1.1502–80) of the consolidated return regulations. For example, the rules in paragraph (m)(3)(vi) apply notwithstanding § 1.1502–21(b)(3) and § 1.1502–79(a)(3).

(r) *Other consolidation principles.* The fact that this section treats the life and nonlife members as separate groups in computing, respectively, consolidated partial LICTI (or LO) and nonlife consolidated taxable income (or loss) does not affect the usual rules in §§ 1.1502–0—1.1502–80 unless this section provides otherwise. Thus, the usual rules in § 1.1502–13 (relating to deferred intercompany transactions) apply to both the life and nonlife members by treating them as members of one affiliated group.

(s) *Filing requirements.* Nonlife consolidated taxable income or loss under paragraph (h) of this section shall be determined on a separate Form 1120 or 1120 M and consolidated partial LICTI under paragraph (j) of this section shall be determined on a separate Form 1120 L. The consolidated return shall be made on a separate Form 1120, 1120 M, or 1120 L by the common parent (if the group includes a life company), which shows the set-offs under paragraphs (g), (m), and (n) of this section and clearly indicates by notation on the face of the return that it is a life-nonlife consolidated return (if the group includes a life company). See also § 1.1502–75(j), relating to statements and schedules for subsidiaries.

(This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 10, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-6975 Filed 3-17-83; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 60

[Order No. 1005–83]

Redesignation of the Defense Criminal Investigative Service as the Office of Assistant Inspector General for Investigations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes a technical amendment to 28 CFR 60.3 by replacing the name, "Defense Criminal Investigative Service," with the new name of this office, "Office of Assistant Inspector General for Investigations." Section 60.3 lists government organizations with employees authorized by the Attorney General to seek the issuance of search warrants. This list does not itself authorize these employees to seek search warrants, but rather provides public notice that these offices have employees who are authorized under a separate regulation—28 CFR 60.2—to seek the issuance of search warrants.

EFFECTIVE DATE: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Michael A. Fitts, Attorney-Adviser, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530. Tel. (202) 633–4089.

SUPPLEMENTARY INFORMATION: This action is not a rule within the meaning of Executive Order No. 12291 or the Regulatory Flexibility Act, 6 U.S.C. 601 *et. seq.*

List of Subjects in 28 CFR Part 60

Law enforcement officers, Search warrants.

PART 60—[AMENDED]

Accordingly, by virtue of the authority vested in me as Attorney General by Rule 41(h) of the Federal Rules of Criminal Procedure, § 60.3(a)(2) of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 60.3 Agencies with authorized personnel

* * * * *

(a) * * *

(2) Department of Defense:

Defense Investigative Service Criminal Investigation Command, United States Army

Naval Investigative Service, United States Navy

Office of Assistant Inspector General for Investigations, Office of Defense Inspector General

Office of Special Investigation, United States Air Force

* * * * *

Dated: March 7, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-6701 Filed 3-17-83; 8:45 am]
BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 430 and 431

[WH-FRL 2326-4]

Availability of the Final Development Document for Effluent Limitations Guidelines and Standards for the Pulp, Paper, and Paperboard and the Builders' Paper and Board Mills Point Source Categories

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA promulgated final rules for effluent limitations and standards for the pulp, paper, and paperboard and the builders' paper and board mills point source categories on November 18, 1982 (47 FR 52006; 40 CFR Part 430, Subparts A–Z and 40 CFR Part 431, Subpart A). These regulations are required by the Clean Water Act of 1977. This notice announces the availability of the Development Document which presents the findings of the technical studies that support the final regulations.

ADDRESSES: Copies of the Development Document may be obtained by contacting the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; (703) 487–4600. Refer to accession number PB83–163949. The cost is $47.00 for a paper copy or $4.50 for a microfiche copy.

FOR FURTHER INFORMATION CONTACT: Robert W. Dellinger or Wendy D. Smith at 202–382–7137.

Dated: March 9, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83–7083 Filed 3–17–83; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temporary Regulation E–80]

Acquisition of Leased Vehicles

AGENCY: General Services Administration.

ACTION: Temporary regulations.

SUMMARY: This regulation requires civilian executive agencies who are granted authority to lease motor vehicles to use the GSA leasing schedule for those vehicle types covered by the schedule. This regulation is promulgated to achieve economies by eliminating the need for agencies to contract for leased vehicles separately.

DATES: Effective date: October 1, 1982.

Expiration date: September 30, 1983.

FOR FURTHER INFORMATION CONTACT: Les Gray, Federal Fleet Division (703–557–1288).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291, dated February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the Appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations, Temporary Regulation E–80

January 13, 1983.

To: Heads of Federal agencies

Subject: Acquisition of leased vehicles

1. *Purpose.* This regulation prescribes procedures relating to the acquisition of leased motor vehicles exceeding the maximum order limitation of Federal Supply Schedule Industrial Group 751–Motor Vehicle Rental Without Driver.

2. *Effective date.* This regulation is effective October 1, 1982.

3. *Expiration date.* This regulation expires on September 30, 1983, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all civilian executive agencies of the Federal Government.

5. *Background.* a. Section 101–39.601 (41 CFR 101–39.601) outlines procedures to be followed by agencies with new requirements for leased motor vehicles. Agencies must first submit their requirements to the General Services Administration (GSA) for a determination of whether they can be satisfied from the GSA Interagency Motor Pool System. When vehicles are not available, GSA may advise agencies to proceed with leasing action.

b. Due to limited funding for vehicle purchases in some instances, and additional factors, such as the short-term nature of certain agency requirements, the number of vehicles leased by Federal agencies has risen. In fiscal year 1982, GSA granted lease authorizations for approximately 3,500 vehicles that could not be obtained through the GSA Interagency Motor Pool System.

c. During fiscal year 1982, GSA made available an optional leasing schedule for compact and subcompact sedans and station wagons and certain pickups and vans. Schedule prices for these vehicles were generally below lease prices for comparable vehicles obtained through independent Federal agency leasing action. Due to this experience, and to achieve additional economies by eliminating the need for agencies to contract for leased vehicles separately, GSA has determined that the lease schedule established by GSA should be mandatory for civilian executive agencies.

6. *Requests for lease authorization.* Requests for lease authorization will continue to be sumitted in accordance with § 101–39.601.

7. *Agency action subsequent to lease authorization.* a. Civilian executive agencies who are granted leasing authority are required to use the GSA leasing schedule for those vehicle types covered by the schedule.

b. Military departments and agencies who are granted leasing authority will have the option of using the GSA leasing schedule or acquiring leased vehicles through their internally established channels.

8. *Vehicle types covered.* a. Vehicle types covered by the GSA leasing schedule (along with the appropriate Federal Standard item numbers) are as follows:

Sedans: Subcompact (Item 8b) Compact (Item 9b)

Station Wagons: Compact (Item 14b)

b. Vehicle types (vans, pickups, utilities) may be added to the GSA leasing schedule upon the award of additional contracts.

9. *Exceptions.* Leasing requirements in excess of the maximum order limitation of the GSA leasing schedule (a single order of more than 500 vehicles of the same vehicle type) will be the responsibility of the requiring agency.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–7145 Filed 3–17–83; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-713; RM-4191]

Radio Broadcast Services; FM Broadcast Station in Bakersfield, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 296A to Bakersfield, California, in response to a petition filed by Kern Communications Company. The assigned channel could provide a sixth local FM service to Bakersfield.

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Bakersfield, California); BC Docket No. 82-713, RM-4191.

Adopted: February 23, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 47892, published October 28, 1982, proposing the assignment of Channel 296A to Bakersfield, California, as that community's sixth FM assignment,[1] in response to a petition filed by Kern Communications Company ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 296A to Bakersfield, California, since it could provide a sixth local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.281 and 0.204(b) of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with respect to the following community:

City	Channel No.
Bakersfield, California	221A, 231, 243, 260, 296A, and 300

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 83-7115 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-480; RM-4131; RM-4203]

FM Broadcast Stations in Duluth, Minnesota, and Ashland and Superior, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 239 to Duluth, Minnesota, as requested by Duchossois Enterprises, Inc., and dismisses a counterproposal by Harold A. Jahnke to assign Channel 239 to Superior, Wisconsin. The license of Station WATW-FM, Ashland, Wisconsin, is modified to specify operation on Channel 244A instead of Channel 240A.

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the Matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Duluth, Minnesota, and Ashland and Superior, Wisconsin [1]; BC Docket No. 82-480, RM-4131, RM-4203.

Adopted: February 28, 1983.

Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause* in this proceeding, published in the Federal Register on August 10, 1982 (47 FR 34594). The *Notice*, issued in response to a petition by Duchossois Enterprises, Inc. ("petitioner"), licensee of AM Station KDAL, Duluth, Minnesota, proposed to assign FM Channel 239 to Duluth and to substitute Channel 244A for Channel 240A at Ashland, Wisconsin. Ashland Broadcasting Corporation was ordered to show cause why its license for Station WATW-FM should not be modified to specify operation on Channel 244A in lieu of Channel 240A.

2. Petitioner filed comments reiterating its intention to apply for operation on the proposed Duluth channel if it is so assigned and its willingness to reimburse the licensee of Station WATW-FM to the extent required by Commission policy for expenses incurred in the change of its facilities.

3. Harold A. Jahnke ("Jahnke") filed comments in which he made a counterproposal to assign Channel 239 to Superior, Wisconsin. It would also require Station WATW-FM to change channels from 240A to 244A.[2] Jahnke contends that his proposal would provide a more fair and equitable distribution of broadcast facilities because Superior has no FM assignments [3] whereas Duluth has six, as well as AM stations and TV channels. Jahnke stated his intention to apply for operation on the channel if it is assigned to Superior. Jahnke, however, contends that no condition of reimbursement to the licensee of Station WATW-FM should be "attached to any benefitting party on Channel 239." Jahnke argues that Section 403 of the Communications Act of 1934, as amended, precludes the Commission from "creating any obligation for reimbursement" and that "[t]herefore, any condition requiring reimbursement is illegal."

4. In reply comments, petitioner states that Jahnke's counterproposal must be denied because he objects to the reimbursement required under these

[1] Channel 221A was recently assigned to Bakersfield, by *Report and Order* in BC Docket No. 82-623, adopted January 28, 1983.

[1] The latter community has been added to the caption.

[2] Public Notice of the counterproposal was given on October 6, 1982, Report No. 1378.

[3] Superior has one local FM station (KZIO) on Channel 273 which is assigned to Duluth and used at Superior under the 15 mile rule (§ 73.203(b)).

circumstances, citing *Monterey, Byrdstown and Lebanon, Tennessee, Report and Order*, released August 26, 1982 (BC Mimeo 31981); and *Ellsworth, Maine, et al.*, 52 R.R. 2d 1429 (Broadcast Bureau, 1982).

5. The only other pleading filed was a letter from The Great Duluth Broadcasting Co., Inc.[1], opposing the assignment of Channel 239 to Duluth on economic grounds. In response, petitioner contended that the objection is premature. Petitioner argued that this issue can only be properly raised and considered at the application stage of a proceeding, citing *Billings, Montana*, 51 R.R. 2d 259 (Broadcast Bureau, 1982); *Woodstock, Virginia*, 50 R.R. 2d 1211 (Broadcast Bureau, 1982); and *North Mankato, Minnesota*, 49 R.R. 2d 1188 (Broadcast Bureau, 1981).

6. Jahnke contends that the Commission does not have authority to impose a condition for reimbursement. Jahnke also made the contention in a previous case before the Commission. The Commission rejected the contention and the decision was affirmed in a *per curiam* judgment on appeal, *Jahnke* v. *F.C.C.*, 675 F. 2d 1340 (D.C. Cir. 1982). The reasons set forth in the Court's memorandum were that, while the Commission had no authority to create or enforce any legal obligation of Jahnke to reimburse the station there involved, the Commission did have the power to determine that issuance of a license or permit to Jahnke without his having reimbursed the station would adversely affect the public interest. In the case now before us, we again reject Jahnke's contention that the Commission does not have authority to impose a condition for reimbursement.

7. We believe that the private losses to Station WATW–FM in bearing the costs of such a change of channels imposed upon it would adversely affect its ability to serve the public interest. As a matter of fairness, we required that the party benefitting from the change of an existing station's frequency is obligated to reimburse. Certainly, the existing station obtains no benefit and has not sought such a change. Otherwise, the costs, without reimbursement, would reduce the amount of funds available to it for developing, structuring and broadcasting programs to meet the needs of the public which it is licensed, and charged, to serve.

8. Absent a commitment by Jahnke to reimburse Station WATW–FM in the event that Channel 239 was assigned to Superior and he was the successful applicant for operation on the channel, his petition must be dismissed. See also *Ellsworth, Maine, et al., supra; Monterey, Byrdstown and Lebanon, Tennessee, supra.*

9. We agree with petitioner that the opposition of The Great Duluth Broadcasting Co., Inc. to the assignment of Channel 239 to Duluth on economic grounds is premature and is more properly raised for consideration at the application stage of the proceeding. We have so held in previous cases. See, *e.g., Grand Junction, Colorado*, 26 R.R 2d 513 (1973).

10. The required concurrence from the Canadian government for the assignment of Channel 239 to Duluth, Minnesota, and the substitution of Channel 244A for 240A at Ashland, Wisconsin, has been obtained.

11. Ashland Broadcasting Corporation filed no response to our *Order to Show Cause* why the license of Station WATW–FM should not be modified to specify operation on Channel 244A instead of Channel 240A. Accordingly, pursuant to § 1.87(e) of our Rules, Ashland Broadcasting Corporation is deemed to have consented to the proposed modification.

12. We believe that the public interest would be served by the assignment of Channel 239 to Duluth, Minnesota. An interest has been shown for its use, and such an assignment would provide Duluth with its sixth FM outlet. Finally, we shall reassign Channel 273 to Superior, Wisconsin, where it is presently in use by Station KZIO–FM. See fn. 3, *supra*. This reassignment is consistent with out practice in recent years to reassign channels so as to reflect their actual use. The Public Notice of the Superior counterproposal serves as sufficient notice to effect channel reassignments to Superior.

13. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.283 and 0.204(b) of the Commission's Rules, it is ordered, That effective May 9, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following communities:

City	Channel No.
Duluth, Minnesota	225, 235, 239, 255, 277, and 288.
Ashland, Wisconsin	244A.
Superior, Wisconsin	273.

14. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Ashland Broadcasting Corporation for Station WATW–FM, Ashland, Wisconsin, is modified effective May 9, 1983, to specify operation on Channel 244A in lieu of Channel 240A, with the condition that it will be reimbursed for the reasonable cost incurred in switching frequencies from the ultimate permittee of Channel 239, Duluth. The license modification for Station WATW–FM is subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

15. It is further ordered, That the Secretary shall send a copy of this *Order* by certified mail, return receipt requested, to: Ashland Broadcasting Corporation, P.O. Box 627, Ashland, Wisconsin 54806.

16. It is further ordered, That the counterproposal of Harold A. Jahnke for the assignment of Channel 239 to Superior, Wisconsin, is dismissed.

17. It is further ordered, That this proceeding is terminated.

18. For further information concerning the above, contact Philip S. Cross, Mass Media Bureau, (202) 632–5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83–7117 Filed 3–17–83; 8:45 am]

BILLING CODE 6712–01–M

[1] Licensee of Station KQDS(FM), Duluth, Minnesota.

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47 CFR Part 73

[BC Docket 82–484; RM–4132; RM–4133]

FM Broadcast Station in Oxford, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 296A to Oxford, Mississippi, instead of Channel 221A, as proposed in BC Docket 82–484. This substitution is desired by the Mississippi Authority for Educational Television, in order to avoid a conflict with the proposal to utilize

Channel 218A at Oxford, as a part of its statewide public radio plan.

EFFECTIVE DATE: Effective: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202)634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Oxford, Mississippi); BC Docket 82–494, RM–4132, RM–4133.

Adopted: February 28, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. A *Notice of Proposed Rule Making* was issued (47 FR 34601, published August 10, 1982), in response to petitions filed by Rebel Broadcasting Company of Mississippi and by North Mississippi Broadcasters (petitioners), requesting the assignment of Channel 221A to Oxford, Mississippi, as a second FM service. The petitioners did not respond to the *Notice*. David C. Hooper filed comments in support of the proposal, stating his intention to apply for the channel, if assigned. The Mississippi Authority for Educational Television (MAET) submitted an opposition to the proposal. No party responded to the opposition.

2. In its opposing comments, MAET asserts that the proposal to assign Channel 221A to Oxford would preclude the use of the only remaining available noncommercial educational channel there (Channel 218). MAET states that it is empowered as the official state agency to control and supervise the use and development of public radio (and television) for the State of Mississippi. In this capacity, it filed with the Commission on April 6, 1981, its Statewide Noncommercial Educational FM Radio Frequency Plan which contemplates the use of Channel 218 at Oxford. We are told by MAET that 296A is alternatively available for commercial use at Oxford, with a site restriction. MAET submitted a detailed engineering study in an effort to substantiate its claim. According to MAET, it has no desire to delay an early and favorable disposition of the proposal for a second commercial FM channel at Oxford. However, in view of its reasonable alternative proposal herein which would provide for both commercial and public FM assignments at Oxford, it urges the Commission to give favorable consideration to the assignment of Channel 296A to Oxford rather than Channel 221A.

3. Since we are concerned with the efficiency of allocations, we believe that MAET's alternate proposal to assign Channel 296A to Oxford for commercial use and reserving Channel 218A for noncommercial educational use, warrants consideration. Based on the availability of this alternate channel which would serve the need for a commercial station at Oxford, we shall assign that channel to Oxford. We believe the interest of David Hooper for an Oxford assignment is sufficient to support the assignment. A Channel 296A assignment to Oxford will require a site restriction of 4.1 miles south of the city.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered that the FM Table of Assignments, § 73.202(b) of the Commission's Rules, is amended effective May 9, 1983, with regard to the following community:

City	Channel No.
Oxford, Mississippi	218, 296A

5. It is further ordered that this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7110 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82–666; RM–4174]

Radio Broadcast Services; FM Broadcast Station in Marlow, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 221A to Marlow, Oklahoma, as that community's first FM assignment, in response to a petition filed by Gary Wafford.

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, (FM Broadcast Stations) (Marlow, Oklahoma); BC Docket No. 82–666, RM–4174.

Adopted: February 23, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 43744, published October 4, 1982, proposing the assignment of Channel 221A to Marlow, Oklahoma, as that community's first FM assignment, in response to a petition filed by Gary Wafford ("petitioner"). Petitioner filed comments in support of the proposal and restated his continuing interest in this assignment. A site restriction of approximately 6.7 miles northwest of Marlow is required due to Station KELS (Channel 221A) in Ardmore, Oklahoma.

2. The Commission has determined that the public interest would be served by assigning Channel 221A to Marlow, Oklahoma, since it could provide a first local FM service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.202(b) of the Commission's Rules IS AMENDED with respect to the following community.

City	Channel No.
Marlow, Oklahoma	221A

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7114 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-640; RM-4148]

Radio Broadcast Service; FM Broadcast Station in Prineville, Oregon; Change Made on Table of Assignments

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 236 for Channel 237A at Prineville, Oregon, and modifies the license for Station KIJK (FM) (Channel 237A) to specify operation on Channel 236 in response to a petition filed by High Lakes Broadcasting Company.

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Prineville, Oregon); BC Docket No. 82-640, RM-4148.

Adopted: February 23, 1983.

Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 43410, published October 1, 1982, proposing the substitution of Class C FM Channel 236 for Channel 237A at Prineville, Oregon, in response to a petition filed by High Lakes Broadcasting Company ("petitioner"), licensee of Station KIJK (FM). The *Notice* also proposed to modify the license of Station KIJK (FM) (Channel 237A) to specify operation on Channel 236. Petitioner has submitted comments in support of the proposal and reaffirmed its interest in the Class C channel, if assigned. No oppositions were received.

2. The Commission believes that the public interest would be served by the substitution of channels at Prineville inasmuch as it would provide the community with a wide-coverage area station. In addition, we have authorized, in paragraph 4 herein, a modification of petitioner's license for Station KIJK (FM) to specify operation on Channel 236, since there has been no other expressions of interest in the Class C channel. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976). In order to comply with the minimum mileage separation requirements of § 73.207, a site restriction of 6.6 miles southeast of Prineville, Oregon, is required for Channel 236.

3. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective May 9, 1983, the FM Table of Assignments, § 73.202(b) of the Rules IS AMENDED with respect to the following community:

City	Channel No.
Prineville, Oregon	236

4. IT IS FURTHER ORDERED, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by High Lakes Broadcasting Company for Station KIJK (FM), Prineville, Oregon, IS MODIFIED, effective May 9, 1983, to specify operation on channel 236 instead of Channel 237A. Station KIJK (FM) may continue to operate on Channel 237A for one year from the effective date of this action or until it is ready to operate on Channel 236, whichever is earlier, unless the Commission sooner directs, subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7120 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-597; RM-4150]

Radio Broadcast Services; TV Broadcast Station in Lake Worth, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns a first UHF television channel to Lake Worth, Florida, in response to a petition filed by Christian Television/Palm Beach County.

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mortrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of an amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Lake Worth, Florida); BC Docket 82-597, RM-4150.

Adopted: February 28, 1983.

Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 40455, published September 14, 1982, proposing the assignment of UHF Television Channel 67 to Lake Worth, Florida, as its first commercial television assignment. Comments were filed by the Association of Maximum Service Telecasters, Inc. (MST), and by the petitioner.

2. Lake Worth (population 27,048) in Palm Beach County (population 573,115),[1] is located on the east coast of Florida, approximately 95 kilometers (59 miles) north of Miami. It is without local television service.

3. In comments to the proposal, petitioner restated that it, or a group formed by it for such purpose, will apply for use of Channel 67, if assigned to Lake Worth. MST's comments merely

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

inform the Commission that it is not opposed to the assignment, provided an appropriate site restriction is imposed which would avoid short-spacing to a (proposed) Channel 63 assignment at Boca Raton, Florida.

4. We believe that the public interest would be served by assigning Channel 67 to Lake Worth, Florida. The petitioner has adequately demonstrated the need for a first television allocation to that community. The transmitter site is restricted to 1.7 miles north of the city.

5. Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, § 73.606(b) of the Commission's Rules is amended with respect to the following community.

City	Channel No.
Lake Worth, Florida	67

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7110 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-700; RM4177]

Radio Broadcast Services; TV Broadcast Station Baton Rouge, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF Television Channel 44 to Baton Rouge, Louisiana, as its fifth television assignment, in response to a petition filed by Sterling Communications, Inc., as consultant to Samuel R. Levatino ("petitioner").

EFFECTIVE DATE: May 9, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the Matter of an amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Baton Rouge, Louisiana); BC Docket No. 82–700, RM–4177.

Adopted: February 28, 1983.
Released: March 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 47 FR 45058, published October 13, 1982, which invited comments on a proposal to assign UHF Television Channel 44 to Baton Rouge, Louisiana, in response to a petition filed by Sterling Communications, Inc., consultant to Samuel R. Levatino ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed his interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that the petitioner has adequately demonstrated the need for a fifth television assignment to Baton Rouge, Louisiana, and that the public interest would be served by assigning UHF commercial television Channel 44 to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 9, 1983, the Television Table of Assignments, § 73.606(b) of the Rules, IS AMENDED, with respect to the community listed below:

City	Channel No.
Baton Rouge, Louisiana	2, 9–, *27+, 33–, and 44+.

4. It is further ordered, That this proceeding IS TERMINATED.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-7119 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 48, No. 54
Friday, March 18, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 134

Marking Requirements for Imported Semiconductor Devices, Including Transistors, Diodes, and Integrated Circuits

AGENCY: Customs Service, Treasury.

ACTION: Withdrawal of notice of proposed change of position.

SUMMARY: Under certain circumstances imported articles may be exempted from the requirement that they be marked to indicate the country of origin of the articles to ultimate purchasers. The Customs Service has reviewed a uniform and established position under which semiconductor devices, including transistors, diodes, and integrated circuits, imported from various foreign countries during the testing phase, are permitted to be commingled and then repackaged for sale to ultimate purchasers in the United States in containers marked to indicate that the devices were made in one or more of the countries listed on the containers.

This document withdraws a notice which proposed to require those devices to be marked individually with their country of origin. However, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

After analysis of the comments received in response to the proposal and further review of the matter, Customs has determined that the proposal should not be adopted.

FOR FURTHER INFORMATION CONTACT: Samuel Orandle, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–5765).

SUPPLEMENTARY INFORMATION:

Background

Section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), provides that every imported article of foreign origin, or its container, shall be legibly and conspicuously marked to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article. That section also authorizes the Secretary of the Treasury to require specific methods of marking articles.

Part 134, Customs Regulations (19 CFR Part 134), sets forth the regulations implementing the country of origin marking requirements of 19 U.S.C. 1304(a), together with certain marking provisions of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Section 134.42, Customs Regulations (19 CFR 134.42), provides that specific methods of marking merchandise with its country of origin may be required by the Commissioner of Customs in accordance with 19 U.S.C. 1304(a), and that notices of such rulings shall be published in the **Federal Register** and the Customs Bulletin.

Customs has previously ruled that if articles are large enough to be marked to indicate certain technical and commercial characteristics, they are large enough to be marked to indicate the country of origin. If the articles are not large enough to bear both markings, the requirement for country of origin marking must prevail.

Articles may be excepted from individual marking to indicate their country of origin pursuant to 19 U.S.C. 1304(a)(3)(D) and § 134.32(d), Customs Regulations (19 CFR 134.32(d)), if the marking of their containers will reasonably indicate the country of origin to ultimate purchasers in the United States.

Customs also has ruled that semiconductor devices may be excepted from individual marking in appropriate cases under the provisions of § 134.34, Customs Regulations (19 CFR 134.34), if the devices are imported in bulk, and repackaged in containers in the United States that are marked to indicate the country of origin to an ultimate purchaser. In some cases, these devices are imported in bulk for the purpose of further testing in the United States, and appropriate symbolization marking depending on the results of the test. The devices are then repackaged in marked containers for resale to ultimate purchasers. Accordingly, if the devices were imported in containers that were legibly and conspicuously marked to indicate the country of origin, and the Customs officers at the port of entry were satisfied that the devices would reach the ultimate purchasers in the marked containers, the devices could be excepted from individual marking to indicate the country of origin, notwithstanding they are marked with technical and commercial characteristics. The ultimate purchaser of the devices within the meaning of 19 U.S.C. 1304(a), may be a manufacturer who uses the devices in the manufacture of new and different articles such as television sets, radios, or other electronic equipment, or a hobbyist, experimenter, or repairman, who purchases the devices in their original imported condition for use in his hobby or profession.

The previous Customs ruling, permitting the country of origin marking to appear on the containers in which the devices are repackaged in the United States, was conditioned on a requirement that the correct country of origin of each of the transistors must appear on the package. Experience demonstrated that this was a difficult requirement for Customs to enforce, since it was frequently common for manufacturers to commingle many devices of the same type from different countries during the testing and symbolization marking process. To comply with this ruling, manufacturers were required to attempt to keep transistors made in different countries segregated during this process so that they could be packaged in properly marked containers, or to identify the particular country of origin of the various devices by a color code or other means so that they could be placed in properly marked packages.

By T.D. 51100(4), dated July 18, 1944, Customs ruled that when the country of origin of an imported article is not known, but it is known that it was produced in one of several countries, the article (or its container) shall be marked to show all the countries in which it may have originated but that the exact country of origin is unknown.

By T.D. 75–187, published in the **Federal Register** on July 29, 1975 (40 FR 31816), Customs further ruled that when semiconductor devices made in a number of different foreign countries are commingled for a bona fide reason, and subsequently repackaged for sale to the ultimate purchaser, the marking requirements of 19 U.S.C. 1304 will be met if the containers are legibly and conspicuously marked to indicate that the devices were made in one or more of the countries listed on the container. This ruling applied only where all of the commingled devices were made in foreign countries. It did not apply if foreign devices were commingled with domestically-manufactured devices.

This ruling, permitting a multiple listing of countries of origin, applied equally to devices that are repackaged in large containers for sale to ultimate purchasers who are manufacturers, or in smaller packages containing one or several items for sale at the retail level to hobbyists, experimenters, and similar purchasers.

In order for the repackaging procedure to be acceptable, it was necessary for the importing company to make satisfactory arrangements with the district director of Customs at the port of entry to ensure that the importing company repackaged the devices in containers marked to indicate the country or countries of origin of the devices, or that the devices would be sold by the importer to a company known and designated to Customs at the time of importation and that company would repackage them in marked retail containers under a procedure approved by the district director at the port of entry. In the event the original containers were opened and several devices removed in order to ship fewer than the total number in that container, it was not acceptable for the importer to merely instruct his distributors to inform their customers of the foreign origin of the semiconductors at the time of sale.

After review of the repackaging procedure, Customs published a notice in the **Federal Register** on April 5, 1982 (47 FR 14493), proposing to require that semiconductor devices, including transistors, diodes, and integrated circuits, be individually marked with their country of origin. However, if the devices were imported in containers that were marked in a conspicuous place in a legible, indelible, and permanent fashion so as to indicate the country of origin, and the markings of the container reasonably indicated the articles' country of origin to the ultimate purchasers, the devices would have been excepted from the individual country of origin marking requirement.

Interested parties were given until June 4, 1982, to submit written comments concerning the proposal. The time period for submission of comments was extended until July 6, 1982, by a notice published in the **Federal Register** on June 4, 1982 (47 FR 24344). As discussed below, a majority of the comments received opposed the proposal.

Discussion of Comments

Comments were received from twenty-five business firms or associations. A number of commenters assert that the proposed marking requirement for individual semiconductor devices is difficult, and in some cases impossible, unnecessary, impractical, and inefficient due to the extensive costs involved. They contend that the size, use or configuration of several semiconductor devices renders marking immensely difficult and, in the case of devices such as "chips" and "micro packages", physically impossible. They note that as device size decreases, the technology required to mark the product becomes more complex, hence increasing marking costs for very inexpensive smaller devices to the point of becoming economically prohibitive of their importation.

These commenters further suggest that for Customs to declare that country of origin marking must supersede commercial marking on articles not large enough to bear both is impractical and unrealistic in a business sense, and impairs a company's efficiency by causing undue hardship and increasing paperwork. They maintain that contractual quality obligations would not be met unless each article is marked with its technical specifications, which are used by consumers to inventory these products, and that the devices would be unsaleable and almost worthless without markings to indicate these technical characteristics. They claim that when the article is so small that technical markings must necessarily be applied with small letters or numbers in an abbreviated form, there cannot be a reasonable presumption that the article is also capable of being marked in a legible and conspicuous manner to indicate the country of origin. These commenters also note that some transistors would be physically or functionally destroyed by country of origin markings because certain devices such as light emitting diodes or optical switches are made of a a substance which is not amenable to marking.

Other commenters contend that Customs current position as set forth in T.D. 51100(4) and T.D. 75–187 on marking containers of commingled electronic devices which are repackaged in the United States to indicate countries of origin is a practical and satisfactory solution to the problem and should not be changed. They maintain that a continuation of this marking procedure will prevent these operations from being performed by offshore facilities to the detriment of domestic economic interests. They claim that 19 U.S.C. 1340(a) and Part 134, Customs Regulations, sufficiently protect the ultimate purchaser with regard to awareness of the country of origin as distributors are ofter required by contract to mark country of origin on containers of repackaged components. These commenters further contend that no customers will be adversely misled as to country of origin because a country of origin certificate is provided to customers upon request, so that they can claim drawback of the original duties paid when they export their products containing the imported semiconductors.

These commenters also assert that more than 99% of the imports are substantially transformed in the United States by assembly and that of the remaining 1% which are sold to distributors, 90% of these resales are made to original equipment manufacturers in the original containers. Therefore, they note that the volume of semiconductors which could reach a hobbyist or other purchaser at retail after repackaging would be minimal. Thus, they conclude that the proposed change would impose a burden disproportionate to the potential risk to anyone who may purchase the devices at the retail level and increase costs which would be passed on at each step of the distribution chain to the ultimate consumer.

Some other commenters suggest that semiconductor devices should be included on the full list of articles exempted from marking requirements under 19 U.S.C. 1304(a)(3)(J) as set forth in § 134.33, Customs Regulations (19 CFR 134.33), referred to as the "J-list". They maintain that had semiconductors been in existence when the statute was enacted, these devices would have been included on that list since they are similar to many items on it, such as nails, screws, buttons, beads, and rivets, all of which are small, inexpensive, manufactured and sold by the billions and used to manufacture other articles.

Other commenters' observations include: use of abbreviations should be

permitted to identify country of origin on small semiconductor devices; the language "conspicuously marked" should be defined to include affixation of the country of origin on the exterior surface of the semiconductor's base; Customs should require a public hearing or undertake a detailed study before revising current practices; and, if the change of position is adopted, it should be effective not less than six months after the date of publication in the **Federal Register**, or some other phase-in period should be established.

Others believe that since other countries do not require such marking, the proposed rule could become a non-tariff trade barrier and a barrier to the standardization of trade agreements and instead, creativity is necessary to solve repackaging problems.

Although these comments are not entirely on point, Customs believes that certain concerns are valid and that some of the problems which could arise as a result of adoption of the proposal are real. Other observations are speculative or do not provide Customs with sufficient information to address the issues presented. Some have no basis in law, and others are contrary to the purpose of the country of origin marking requirements.

Because of its decision in this matter, Customs does not believe it is necessary to address each of these comments.

Action—Withdrawal of Proposal

In view of the foregoing, Customs has determined that the proposed change should not be adopted. Accordingly, the notice published in the **Federal Register** on April 5, 1982 (47 FR 14493), proposing to require semiconductor devices, including transistors, diodes, and integrated circuits, to be individually marked with their country of origin, is withdrawn.

Drafting Information

The principal author of this document was James S. Demb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

William von Raab,

Commissioner.

Approved:

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

March 3, 1983.

[FR Doc. 83-7183 Filed 3-17-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 170, 172, 181, and 573

[Docket No. 77N-0222]

Use of Sodium Nitrite, Sodium Nitrate, Potassium Nitrite, and Potassium Nitrate; Withdrawal of Proposed Rule and Proposed Declaration That No Prior Sanction Exists

Correction

In FR Doc. 83-5478 beginning on page 9299 in the issue of Friday, March 4, 1983, make the following correction on page 9300, the first column:

In the second complete paragraph, the ninth line from the bottom of that paragraph, the phrase "(20 sodium nitrate" should read "(2) sodium nitrate".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 163

General Forest Regulations

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is publishing a proposed rule which updates the General Forest Regulations to include new provisions for revocable road use permits for removal of commercial forest products, insect and disease control, and forest development. Also included are substantive changes within existing text, general administrative changes and correction of gender specific terms.

DATE: Comments must be received on or before May 17, 1983.

ADDRESS: Written comments should be directed to the Chief, Division of Forestry, Code 230, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Fred G. Malroy, Division of Forestry, Code 230, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-6067.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. The Bureau of Indian Affairs published a redesignation table on March 30, 1982 (47 FR 13328) which renumbered Part 141, General forest regulations as Part 163. Therefore all references in this document are made to Part 163.

Five to 23 years have elapsed since the last revision and publication of the forestry regulations. During the interim there have been changes in technology, economic conditions and national Indian policy. This action is required to align this rule with these changes. The proposed rule is intended to simplify program accomplishment and ease burdens on small Indian and non-Indian logging contractors.

Substantive changes proposed by this document are as follows:

Section 163.1, Definitions is revised by rearranging all definitions alphabetically and by adding new definitions for forest products, forest protection, commercial forest land, sustained yield, and approval.

Section 163.2, Scope is revised by adding information collection requirements in connection with 44 U.S.C. 3501 *et seq.*

Section 163.3, Objectives is revised to include terminology changes, additions to reflect changes in the forestry process and emphasize national policy of Indian self-determination. Certain paragraphs were deleted which addressed managing allotted Indian lands since the same objectives were covered under "Indian forest lands."

Section 163.5, Cutting restrictions is revised to clarify language to require planning for natural and/or artificial forestation in conjunction with planning for timber harvest.

Section 163.7, Timber sales from unallotted and allotted lands is revised to conform with a newly established $10,000 permit cutting authority.

Section 163.8, Advertisement of sales is revised to include word changes to adjust form and period of advertisement to contemporary range of stumpage prices.

Section 163.10, Deposit with bid is revised to include use of irrevocable letters-of-credit as a bid deposit and other administrative changes.

Section 163.12, Contracts required is revised to conform with newly established $10,000 permit cutting authority.

Section 163.14, Bonds required is revised to authorize use of irrevocable letters-of-credit for securing performance bonds and other administrative changes.

Section 163.18, Deductions for administrative expenses is unchanged. However, the question of the utilization, expenditure, and size of such deductions was the subject of a May 5, 1982,

opinion of the Solicitor of the Department of the Interior, addressed to the Department's Inspector General. This opinion has been the subject of a great deal of discussion among Indian tribes and other members of the public. The Solicitor's opinion will not be implemented during Fiscal Year 1983, while the Department studies a possible legislative resolution of the issues raised by the opinion. The republication of the existing regulation in this proposal does not reflect any decision by the Department with respect to these issues.

Section 163.19, Timber cutting permits is revised to increase authority from $2,500 to $10,000 for cutting forest products under permits.

Section 163.20, Free-use cutting without permits is revised to delete language which provides automatic and open-ended authority for Indian allottees to cut timber on their own allotments for their own use without permit.

Section 163.21, Fire management measures is revised to specify that the Secretary will conduct a wildfire prevention program, is authorized to expend funds for emergency rehabilitation of Indian lands damaged by wildfire, and may use fire as a management tool on Indian reservations.

Section 163.23, Revocable road use permits for removal of commercial forest products is added to specify the use of subject permits in conjunction with timber harvest programs.

Section 163.24, Insect and disease control is added to specify the authority that the Secretary holds to protect Indian forests from insects and disease.

Section 163.25, Forest development is added to define and formalize intensive forest management activities conducted on Indian forests.

All other changes are organizational clarification, editing, gender specific corrections and general administrative changes.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule.

The primary author of this document is Fred G. Malroy, Forester, Central Office, Bureau of Indian Affairs, telephone number (202) 343–6067.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. The rationale for this conclusion is that the proposed rule is designed to relax certain of the existing rules and provide more flexibility for resource managers to work with "small" contract loggers. Perhaps 20 to 40 very small business entities will be potentially impacted favorably. Their magnitude of economic activity resulting from these rules will have inconsequential impact on even regional or area economies.

The information collection requirements contained in Sections 163.6(a), 163.7(2), 163.8(a), 163.9(a), 163.10(d), 163.14, 163.19(a), 163.19(d) and 163.23 will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects in 25 CFR Part 163

Forests and forest products, and Indians—lands.

It is proposed to revise Part 163 of Subchapter H of Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 163—GENERAL FOREST REGULATIONS

Sec.

163.1 Definitions.
163.2 Scope and information collection.
163.3 Objectives.
163.4 Sustained yield management.
163.5 Cutting restrictions.
163.6 Indian operations.
163.7 Timber sales from unallotted and allotted lands.
163.8 Advertisement of sales.
163.9 Timber sales without advertisement.
163.10 Deposit with bid.
163.11 Acceptance and rejection of bids.
163.12 Contracts required.
163.13 Execution and approval of contracts.
163.14 Bonds required.
163.15 Payment for timber.
163.16 Advance payment for allotment timber.
163.17 Time for cutting timber.
163.18 Deductions for administrative expenses.
163.19 Timber cutting permits.
163.20 Free-use cutting without permits.
163.21 Fire management measures.
163.22 Trespass.
163.23 Revocable road use permits for removal of commercial forest products.
163.24 Insect and disease control.
163.25 Forest development.
163.26 Appeals under timber contracts and permits.

Authority: Secs. 7, 8, 36 Stat. 857, 25 U.S.C. 406, 407; and sec. 6, 48 Stat. 986, 25 U.S.C. 466; 47 Stat. 1417, 25 U.S.C. 413. Section 141.23 issued under 5 U.S.C. 301, 25 U.S.C. 2, unless otherwise noted.

§ 163.1 Definitions.

"Approval" means authorization by the Secretary, Area Director, Superintendent, tribe or individual Indians in accordance with appropriate delegations of authority.

"Commercial forest land" means Indian forest land capable of bearing merchantable forest products, currently accessible, and not withdrawn from such use.

"Forest products" includes major forest resources such as lumber, lath, crating, ties, bolts, logs, bark, pulpwood, fuelwood, posts, Christmas trees, split products or other marketable materials authorized for removal.

"Forest protection" includes the protection of Indian forest resources from damages and losses by disease, insects, fire and trespass. It also includes protection of other wildlands from fire.

"Indian forest lands" means lands held in trust by the United States for Indian tribes, individual Indians, or Alaskan Natives or lands which are owned by such tribes and individuals subject to restrictions against alienation. Such lands are considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by a forest cover. A formal inspection and land classification action is not required before applying the provisions of this part to the management of any particular tract of land.

"Secretary" means the Secretary of the Interior or his/her authorized representative.

"Stumpage rate" means the stumpage value per thousand board feet or other unit of measure.

"Stumpage value" means the value of uncut timber as it stands in the woods.

"Sustained yield" means the yield that a forest can produce continuously at a given intensity of management.

§ 163.2 Scope and information collection.

(a) The regulations in this part are applicable to all Indian forest lands except as this part may be superseded by special legislation.

(b) Information collection (reserved).

§ 163.3 Objectives.

The following objectives apply to the management of Indian forest lands.

(a) The development, maintenance and enhancement of commercial forest lands in a perpetually productive state by providing effective management and protection through the application of sound silvicultural and economic principles to the reforestation, growth and harvesting of timber and other

forest products. This includes making adequate provision for new forest growth as the timber is removed.

(b) Regulation of the forest resources through the establishment and development of a timber sales program that is supported by written tribal objectives, and a long-range multiple use plan (as included in a forest management plan) that requires sound forest management practices.

(c) The regulation of the commercial forest in a manner which will insure method and order in harvesting the tree capital, so as to make possible continuous production and a perpetual forest business.

(d) The development of Indian forests by Indian people to promote self-sustaining communities, so that Indians may receive from their own property not only the stumpage value, but also the benefit of whatever labor and profit it is capable of yielding.

(e) The sale of Indian timber on the open market, when the volume available and/or utilized for harvest is in excess of that which is being developed by the local Indian forest enterprise(s).

(f) The preservation of the forest in its natural state whenever the authorized Indian representatives determine that the recreational, cultural, aesthetic, or traditional values of the forest represent the highest and best use of the land to the Indians.

(g) The management and protection of forest resources to retain the beneficial effects of regulating water runoff and minimizing soil erosion.

(h) The management and protection of forest lands to maintain or improve timber production, grazing, wildlife, fisheries, recreation, aesthetic, cultural, and other traditional values of the forest to the extent that such action is in the best interest of the Indians.

§ 163.4 Sustained yield management.

To further the objectives enumerated in § 163.3, the timber harvest from Indian forest lands will not be authorized until practical methods of harvest, based on sound economic, silvicultural and other forest management principles, have been prescribed. Harvest schedules shall be directed toward achieving an approximate balance at the earliest practical time, between maximum net growth and harvest, and shall salvage timber that is deteriorating from fire damage, insect infestation, disease, overmaturity or other causes. On all Indian reservations with a commercial forest resource, appropriate management plans shall be prepared and revised as needed. Such documents will contain a statement of the manner in which the policies of the tribe and the Secretary will be applied to the forest, with a definite plan of silvicultural management, analysis of the short- and long-term effects of the plan, and a program of action, including a harvest schedule, for a specified period in the future.

§ 163.5 Cutting restrictions.

(a) Harvesting Indian timber will not be permitted unless provisions for natural and/or artificial forestation are included in planning the harvest.

(b) Clearing of large contiguous areas will be permitted only on lands that, when cleared, will be devoted to a more beneficial use than growing timber crops. This restriction shall not prohibit clearcutting when it is silviculturally good practice to harvest a particular stand of timber by such methods and conforms with § 163.3.

§ 163.6 Indian operations.

Indian tribal forest enterprises may be initiated and organized with consent of the authorized tribal representatives. Such enterprises may contract for the purchase of non-Indian owned forest products. Subject to approval by the Secretary the following actions may be taken:

(a) Authorized tribal enterprises may enter into formal agreements with tribal representatives for the use of tribal forest products, and with individual Indian owners for allotted forest products.

(b) Authorized officials of tribal enterprises, operating under approved agreements for the use of tribal or allotted forest products pursuant to this section, may sell the forest products produced according to generally accepted trade practices without compliance with § 3709 of the Revised Statutes.

(c) With the consent of the Indian owners, such enterprises may, without advertisement, contract for the purchase of forest products on Indian lands at stumpage rates authorized by the Secretary.

(d) Determination of and payment for stumpage and/or products utilized by such enterprises will be authorized in accordance with § 163.15. However, the Secretary may issue special instructions for payment by methods other than those in § 163.15.

(e) Performance bonds may or may not be required in connection with operations on trust lands by such enterprises as determined by the Secretary.

§ 163.7 Timber sale from unallotted and allotted lands.

(a) If the volume of timber available for harvest on a reservation exceeds that being developed and/or utilized by local Indian forest enterprise(s) or individual Indians, open market sales of Indian timber may be authorized. This provision requires consent of the authorized representatives of the tribe for tribal timber, and the owners of a majority Indian interest in trust or restricted timber on allotted lands. Consent of the Secretary is required in all cases.

(b) On any Indian forest lands not formally designated for retention in its natural state by authorized Indian representatives, the Secretary may sell the timber from lands held under a trust or other patent containing restrictions on alienations without the consent of the owners when in his/her judgment such action is necessary to prevent loss of values resulting from fire, insects, diseases, windthrow or other catastrophes.

(c) Unless otherwise authorized by the Secretary, sales of timber from unallotted lands, allotted lands, or a combination of these two ownerships having a stumpage value exceeding $10,000 will not be approved until:

(1) An examination of the timber to be sold has been made by a forest officer, and

(2) A report setting forth all pertinent information has been submitted to the officer authorized to approve the contract as provided in § 163.13. In all such sales the timber shall be appraised and sold at stumpage rates not less that those established by the Secretary.

§ 163.8 Advertisement of sales.

Except as provided in §§ 163.6, 163.7, 163.9 and 163.10 sales of timber shall be made only after advertising.

(a) The advertisement shall be approved by the officer who will approve the contract. Advertised sales shall be made under sealed bids, or at public auction, or under a combination thereof. The advertisement may limit sales of Indian timber to Indian forest enterprises, members of the tribe, or may grant to Indian forest enterprises and/or members of the tribe who submitted bids the right to meet the higher bid of a nonmember. If the estimated stumpage value of the timber offered does not exceed $10,000, the advertisement may be made by posters and circular letters. If the estimated stumpage value exceeds $10,000, the advertisement shall also be made in at least one edition of a newspaper of general circulation in the locality where

the timber is situated. If the estimated stumpage value does not exceed $50,000, the advertisement shall be made for not less than 15 days; if the estimated stumpage value exceeds $50,000 but not $200,000, for not less than 30 days; and if the estimated stumpage value exceeds $200,000, for not less that 60 days.

(b) The approving officer may reduce the advertising period because of emergencies such as fire, insect attack, blowdown, limitation of time, or when there would be no practical advantage in advertising for the prescribed periods.

(c) If no contract is executed after such advertisement, the approving officer may, within one year from the last day on which bids were to be received as defined in the advertisement, permit the sale of such timber in the open market. The sale will be made upon the terms and conditions in the advertisement and at not less that the advertised value or the appraised value at the time of sale, whichever is greater.

§ 163.9 Timber sales without advertisement.

(a) Sales of timber may be made without advertisement to Indians or non-Indians with the consent of the authorized representatives of the tribe for tribal timber or with the consent of the owners of a majority Indian interest in trust or restricted timber on alloted lands, and the approval of the Secretary when:

(1) The timber is to be cut in conjunction with the granting of a right-of-way;

(2) Granting an authorized occupancy;

(3) It must be cut to protect the forest from injury;

(4) It is impractical to secure competition by formal advertising procedures; or

(5) Otherwise specifically authorized by statutes or regulations.

(b) The approving officer shall establish a documented record of each negotiated transaction. This will include:

(1) A written determination and finding that the transaction is of a type or class allowing the negotiation procedures or warranting departure from the procedures provided in § 163.8;

(2) The extent of solicitation and competition, or a statement of the facts upon which a finding of impracticability of securing competition is based; and

(3) A statement of the factors on which the award is based, including a determination as to the reasonability of the price accepted.

(c) This section shall not serve to impede the use of § 163.8 as approved by the Secretary.

§ 163.10 Deposit with bid.

(a) A deposit shall be made with each proposal for the purchase of either alloted or unallotted Indian timber. Such deposits shall be at least:

(1) Ten (10) percent if the appraised stumpage value is less than $100,000 and in any event not less than $1,000;

(2) Five (5) percent if the appraised stumpage value is $100,000 to $250,000 but in any event not less than $10,000.

(3) Three (3) percent if the appraised stumpage value exceeds $250,000 but in any event not less that $12,500.

(b) Deposits shall be in the form of either a certified check, cashier's check, bank draft, postal money order, or irrevocable letter-of-credit, drawn payable to the order of the Bureau of Indian Affairs, or in cash.

(c) The deposit of the apparent high bidder, and of others who submit written request to have their bids considered for acceptance will be retained pending acceptance or rejection of the bids. All other deposits will be returned following the opening and posting of bids.

(d) The deposit of the successful bidder will be retained as payment for total or partial liquidated damages if the bidder does not:

(1) Furnish the performance bond required by § 163.14 within the time stipulated in the advertisement of timber sale,

(2) Execute the contract, or

(3) Perform the contract.

(e) This section does not limit or waive any further legal damages which may be available.

§ 163.11 Acceptance and rejection of bids.

(a) Applicants or bidders may be Indian forest enterprises, members of the tribe, individuals, associations of individuals, partnerships, or corporations. The high bid received in accordance with any advertisement issued under authority of this part shall be accepted, except that the approving officer, having set forth the reason(s) in writing, shall have the right to reject the high bid if:

(1) The high bidder is considered unqualified to fulfill the contractual requirement of the advertisement, or

(2) There are reasonable grounds to consider it in the interest of the Indians to reject the high bid.

(b) If the high bid is rejected, the approving officer may authorize:

(1) Rejection of all bids, or

(2) Acceptance of the offer of another bidder who, at bid opening, makes written request that their bid and bid deposit be held pending a bid acceptance.

(c) The officer authorized to accept the bid shall have the discretion to waive minor technical defects in advertisement and proposals.

§ 163.12 Contracts required.

Except as provided in § 163.19, in sales of timber with an appraised stumpage value exceeding $10,000, the contract forms approved by the Secretary must be used unless a special form for a particular sale or class of sales is approved by the Secretary. Essential departures from the fundamental requirements of standard and approved contract forms shall be made only with the approval of the Secretary. Unless otherwise directed, the contracts shall require that the proceeds be paid by remittance drawn to the Bureau of Indian Affairs and transmitted to the Superintendent. By mutual agreement, contracts may be extended, modified, or assigned subject to approval of the approving officer, and may be terminated by the approving officer upon completion or by mutual agreement.

§ 163.13 Execution and approval of contracts.

(a) All contracts for the sale of tribal timber shall be executed by the authorized tribal representative(s). Contracts must be approved by the Secretary to be valid. There shall be included with the contract an affidavit executed by the appropriate tribal representative(s) setting forth the resolution or other authority of the governing body of the tribe authorizing the sale.

(b) Contracts for the sale of allotted timber shall be executed by the Indian owners or the Secretary acting pursuant to a power of attorney from the Indian owner, subject to conditions set forth in §§ 163.7 and 163.12(b) (1), (2), and (3). Contracts must be approved by the Secretary to be valid.

(1) The Secretary may, after consultation with any legally appointed guardian, execute contracts on behalf of minors and Indian owners who are non compos mentis.

(2) The Secretary may execute contracts for those persons whose ownership in a decedent's estate has not been determined or for those persons who cannot be located after a reasonable and diligent search and the giving of notice by publication.

(3) Upon the request of the owner of an undivided but unrestricted interest in land in which there are trust or

restricted Indian interests, the Secretary may include such unrestricted interest in a sale of the trust or restricted interests in the timber, pursuant to this part, and perform any functions required of him/her by the contract of sale for both the restricted and the unrestricted interests, including the collection and disbursement of payments for timber and the deductions as service fees from such payments of sums in lieu of administrative expenses.

§ 163.14 Bonds required.

Performance bonds will be required in connection with all sales of Indian timber, except they may or may not be required, as determined by the approving officer, in connection with the use of timber by tribal enterprises pursuant to § 163.6 or in timber cutting permits issued pursuant to § 163.19. In sales in which the estimated stumpage value, calculated at the appraised stumpage rates, does not exceed $10,000, the bond shall be at least 20 percent of the estimated stumpage value. In sales in which the estimated stumpage value exceeds $10,000 but is not over $100,000, the bond shall be at least 15 percent of the estimated stumpage value but not less than $2,000; in sales in which the estimated stumpage value exceeds $100,000 but is not over $250,000, the bond shall be at least 10 percent of the estimated stumpage value but not less than $15,000; and in sales in which the estimated stumpage value exceeds $250,000, the bond shall be at last 5 percent of the estimated stumpage value but not less than $25,000. Bonds shall be in a form acceptable to the approving officer and may include a corporate surety bond by an acceptable surety company; or cash bond designating the approving officer to act under a power of attorney; or negotiable United States Government securities supported by appropriate power of attorney; or an irrevocable letter-of-credit.

§ 163.15 Payment for timber.

(a) The basis of volume determination for timber sold shall be the Scribner Decimal C log rule, cubic volume, lineal measurement, piece count, weight, or such other form of measurement as the Secretary may authorize for use. With the exception of tribal enterprises pursuant to § 163.6, payment for timber will be required in advance of cutting.

(b) Methods of payment include advance payments, installment payments and advance deposits as specified in timber contract documents. Each advance deposit shall be at least 10 percent of the value of the minimum volume of timber required to be cut annually, figured at the appraised stumpage rates: *Provided,* That the approving officer may reduce the size of the last advance deposit before the completion of the sale or before periods of approximately three months or longer during which no timber cutting is anticipated. If a contract stipulates no minimum annual cutting requirements the amount of each advance deposit shall be determined by the approving officer. The advance payments that may be required in the sale of trust timber, pursuant to § 163.16, shall not operate to reduce the size of advance deposits required by this section.

§ 163.16 Advance payment of allotment timber.

(a) Unless otherwise authorized by the Secretary, and except in the case of lump sum (predetermined volume) sales, contracts for the sale of timber from Indian forest lands shall provide for the payment of up to 25 percent of the stumpage value, calculated at the bid price, within 30 days from the date of approval and before cutting begins. Additional advance payments may be specified in contracts that are more than three years in duration. However, no advance payment will be required that would make the sum of such payment and of advance deposits and advance payments previously applied against timber cut from each appropriate ownership exceed 50 percent of the bid stumpage value. For each appropriate ownership, advance payments shall be credited against the timber as it is cut and scaled at the stumpage rates governing at the time of scaling.

(b) Terms and conditions for payment of timber under lump sum sales shall be specified in timber contract documents. Advance payments are not refundable.

§ 163.17 Time for cutting timber.

Unless otherwise authorized by the Secretary, the maximum period which shall be allowed, after the effective date of a timber contract, for harvesting the estimated volume of timber purchased shall be five years.

§ 163.18 Deductions for administrative expenses.

In sales of forest products from Indian forest lands, a reasonable deduction shall be made from the gross proceeds to cover in whole or in part the cost of managing and protecting the forest lands. Such costs will include the cost of sale administration, and forest regeneration. However, such deduction will not cover the costs that are paid from funds appropriated specifically for fire suppression of forest pest control. Unless special instructions have been given by the Secretary as to the amount of the deduction, or the manner in which it is to be made, the deduction shall be 10% of the gross amount received for timber sold. Service fees in lieu of administrative deductions shall be determined in a similar manner.

§ 163.19 Timber cutting permits.

(a) Except as provided in §§ 163.6 and 163.20, all cutting of forest products that is not done under format contract, pursuant to § 163.12, shall be done under timber cutting permit forms approved by the Secretary. Permits will be issued only with the written consent of the Indian owner(s) or the Secretary, for allotted lands, as authorized in § 163.13. To be valid, permits must be approved by the Secretary. Such consents to the issuance of cutting permits shall stipulate the minimum product rate at which timber may be sold under permit. Payment and bonding requirements will be stipulated in the permit document as appropriate.

(b) Free-use cutting permits may be issued for specified species and types of forest products. Timber cut under this authority may be limited as to sale or exchange for other goods or services. The stumpage value which may be cut in a fiscal year by any individual under this authority shall not exceed $2,500.

(c) Permits subject to deductions for administrative expenses, as provided in § 163.18, may be issued. Unless otherwise authorized by the Secretary, the stumpage value which may be cut under paid permits in a fiscal year by any individual under this authority shall not exceed $10,000. This paragraph (c) does not apply to special allotment timber cutting permits.

(d) An Indian having sole beneficial interest in an allotment may be issued an approved form of special permit to cut and sell designated timber from such allotment. The special permit shall include provision for payment by the Indian of administrative expenses pursuant to § 163.18. Unless waived by the Secretary, the permit shall also require the Indian to make a deposit with the Secretary to be returned to the Indian upon satisfactory completion of the permit or to be used by the Secretary in his/her discretion for planting or other work to offset damage to the land or the timber caused by failure to comply with the provisions of the permit. As a condition to granting a special permit under authority of this paragraph, the Indian may be required to provide evidence acceptable to the Secretary that he/she has arranged a bona fide sale of the timber to be cut, on terms that will protect the Indian's interest.

§ 163.20 Free-use cutting without permits.

With the consent of the Indian owners and the Secretary, Indians may cut designated types of forest products from Indian forest lands without a permit or contract, and without charge. Timber cut under this authority shall be for the Indian's personal use, and shall not be sold or exchanged for other goods or services.

§ 163.21 Fire management measures.

(a) The Secretary is authorized to maintained facilities and staff, hire temporary labor, rent fire fighting equipment, purchase tools and supplies, and pay for their transportation as needed to maintain an adequate level of readiness to meet normal wildfire protection needs and extinguish forest or range fires on Indian reservations or other Indian trust lands. No expenses for fighting a fire outside a reservation may be incurred unless the fire threatens the reservation or other Indian trust lands or unless such expenses are incurred pursuant to an approved cooperative agreement with another protection agency. The rates of pay for fire fighters and for equipment rental shall be the rates for such fire fighting services that are currently in use by public and private wildfire protection agencies adjacent to Indian reservations on which a fire occurs, unless there are in effect at the time different rates that have been approved by the Secretary. The Secretary may also enter into reciprocal agreements with any fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian trust lands for mutual aid in wildfire protection. This section does not apply to the rendering of emergency aid, or agreements for mutual aid in fire protection pursuant to the Act of May 27, 1955 (69 Stat. 66).

(b) The Secretary will conduct a wildfire prevention program to reduce the number of person-caused fires on Indian reservations or other Indian trust lands.

(c) The Secretary is authorized to expend funds for emergency rehabilitation measures needed to stabilize soil and watershed on Indian reservations or other Indian trust lands damaged by wildfire.

(d) Upon consultation with the Indian landowners the Secretary may use fire as a management tool on Indian reservations to achieve land or resource management objectives.

§ 163.22 Trespass.

(a) In addition to liability for trespass on Indian lands, as indicated in this part, persons responsible for such trespass may be prosecuted criminally under any applicable federal law. Penalties are prescribed by the following statutes:

(1) Timber trespass (18 U.S.C. 1853).

(2) Fire trespass (18 U.S.C. 1855, 1856).

Tribal ordinances may apply where appropriate.

(b) The extraction, severance, injury or removal of forest products from Indian lands under the jurisdiction of the Department of the Interior, except when authorized by law and the regulations of the Department, is an act of trespass. Trespassers will be liable in damages to the United States and the Indian owners, and will be subject to prosecution for such unlawful acts.

(c) The rule of damages to be applied in cases of timber and other trespass will be the measure of damages prescribed by the laws of the State in which the trespass is committed, unless by federal law a different rule is prescribed or authorized.

(d) The Secretary may identify and forbid the removal of forest products from restricted or trust Indian lands or direct their removal to a point of safekeeping when there is reason to believe that such products were unlawfully cut. Any such forest products that can be positively identified as Indian trust property should be sold to prevent their deterioration. When any forest products cut in trespass are found to be removed to land not under Government supervision, the owner of the land should be notified that such products are Indian trust property and any further action should be upon advice of the Office of the Solicitor of the Department of the Interior. Any forest products sold under this § 163.22 may be disposed of under the provisions of this part insofar as they are applicable. The Secretary may accept payment of damages in full in the settlement of civil trespass cases without resort to court action. The Secretary may also accept a recommended settlement per Solicitor's Regulations Manual I.4.1 when exercised in accordance with Departmental procedures contained in 344 DM 3. All other matters relating to the collection of debts under this section will be in accordance with Departmental Manual, Part 344.

(e) The Secretary will provide for timely action on any reports of trespass on Indian trust lands including pending Native allotments (25 U.S.C. 9).

§ 163.23 Revocable road use permits for removal of commercial forest products.

(a) The Secretary may request tribes and/or all other trust landowners to sign landowners revocable permits designating the Secretary as Agent for the landowner and empowering him/her to issue revocable road use permits to users for the purpose of removing commercial forest products.

(b) When a majority of trust interest in a tract has consented, the Secretary may issue revocable road use and construction permits for removal of commercial forest products over and across individually owned lands. In addition the Secretary may act for individual owners when:

(1) The individual owner of the land or of an interest therein is a minor or a person non compos mentis, and the Secretary finds that such grant, in total or for an interest therein, will cause no substantial injury to the land or the owner, which cannot be adequately compensated for by monetary damages;

(2) The whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known or majority thereof, consent to the grant;

(3) The heirs or devisees of a deceased owner of the land or interest therein have not been determined, and the Secretary finds the grant will cause no substantial injury to the land or any owner thereof, provided that once the heirs of devisees of the deceased owner are determined, their consent is obtained.

(c) Nothing in this section shall preclude acquisition of rights-of-way for roads, Subchapter H, Part 169, 25 CFR, or conflict with provisions of that part.

§ 163.24 Insect and disease control.

(a) The Secretary is authorized to protect and preserve from disease, or the ravages of beetles, or other insects, timber on Indian reservations or other Indian lands under the jurisdiction of the Department of the Interior. (Sept. 20, 1922, Ch. 349, 42 Stat. 857). The Secretary shall consult with authorized tribal representatives or owners of other Indian lands concerning control actions.

(b) The Secretary is responsible to control and mitigate harmful effects of insects and diseases on Indian forest lands. The Secretary will coordinate this control with the Secretary of Agriculture in accordance with Section 5, Pub. L. 95–313, July 1, 1978, 92 Stat. 336.

§ 163.25 Forest development.

This section pertains to that segment of the forestry program which addresses the improvement of timber resources. The program shall consist of forestation, timber stand improvement work, and related investments that enhance productivity. It shall be conducted with emphasis on on-site activites. Forest development funds will be used to establish, re-establish, maintain, and/or improve growth of desirable commercial timber species and stocking level. Forest development activities will be planned and executed using cost/benefit analyses as one of the determinants in establishing priorities.

§ 163.26 Appeals under timber contracts and permits.

Any action taken by an approving officer exercising delegated authority from the Secretary of the Interior or by a subordinate official of the Department of the Interior exercising an authority by the terms of the contract may be appealed. Such appeal shall not stay any action under the contract unless otherwise directed by the Secretary of the Interior. Such appeals shall be filed in accordance with the provision of 25 CFR Part 2, Appeals from Administrative Actions, or any other applicable general regulations covering appeals. Appropriate Indian representative shall be notified upon receipt of an appeal initiated by the purchaser. Likewise, the purchaser shall be notified upon receipt of an appeal initiated by the seller.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-6631 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 4a

[LR-296-82]

Source of Interest and Dividends; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations with respect to the source of interest derived from resident alien individuals and domestic corporations and the source of dividends derived from domestic corporations.

DATES: The public hearing will be held on May 24, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 10, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The request to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-296-82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 861 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Federal Register for Wednesday, December 29, 1982 (47 FR 57972).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than May 10, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-7009 Filed 3-17-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Procedures for the Public Comment Period on a Proposed Amendment to the Oklahoma State Regulatory Program

AGENCY: Office of Suface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule

SUMMARY: OSM is announcing procedures for the public comment period on the substantive adequacy of a program amendment to Oklahoma's program to control surface coal mining and reclamation operations. The proposed amendment consists of changes to the State's rules regarding efficent limitations for surface and underground coal mining activities and is intended to meet the requirements of similar revisions that were made by OSM to the Federal rule.

This document sets forth the time and locations that the Oklahoma program and proposed amendment are available for public inspection and the comment period during which interested persons may submit written comments on the proposed amendment (OK-451).

DATE: Written comments relating to Oklahoma's proposed modification of its program not received on or before 4:00 p.m. on April 4, 1983, will not necessarily be considered on whether the proposed amendment meets the Federal requirements.

ADDRESSES: Written comments should be mailed or hand-delivered to Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927.

FOR FURTHER INFORMATION CONTACT: Robert L Markey, (918) 581-7927.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Oklahoma program, the proposed amendement, and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Suface Mining Reclamation and Enforcement, Room 5315, 1100 L Street, NW., Washington, D.C. 20240.

Office of Surface Mining, Tulsa Field Office, 333 W. Fourth Street, Room 3432, Tulsa, Oklahoma 73105.
Oklahoma Department of Mines, Suite 107, 4040 N. Lincoln, Oklahoma City, Oklahoma 73105.

Written Comments

Written comments should be specific, pertain only to the issues proposed in the rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATE" or at locations other than Tulsa, Oklahoma, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

The comment period being announced today will extend for 15 days. Under 30 CFR 732.17(h), a 15 day comment period is allowed in cases where a state has submitted an amendment that is analogous to a change made to the Surface Mining Control and Reclamation Act of 1977 or the Federal implementing regulations. Such is the case of the Oklahoma amendment.

Background on the Oklahoma State Program

Information regarding the general background on the Oklahoma State program can be found at 46 FR 4910 (January 19, 1981), 47 FR 14152 (April 2, 1982), and 47 FR 37080 (August 25, 1982).

Discussion of the Proposed Amendment

On October 21, 1982, OSM promulgated changes to 30 CFR 816.42(a)(7) and (b), and 817.42(a)(7) and (b), the Federal provisions governing water discharge standards (See 47 FR 47216 for further information on the changes made to those Federal rules). Under the revised Federal rules, discharges of water from areas disturbed by surface or underground mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434. Further, the original provisions of 30 CFR 816.42(b) and 817.42(b) which set forth the conditions when a discharge from the disturbed area would not be subject to the effluent limitations were removed.

On February 22, 1983, OSM received a proposed program amendment from the Oklahoma Department of Mines intended to modify the State's rules to reflect the changes made to 30 CFR 816.42(a)(7) and (b), and 817.42(a)(7) and (b). See OK–451. The Department of Mines indicated in its transmittal letter that it had adopted the new water discharge standards by emergency declaration and that it was presently proceeding to promulgate these changes on a permanent basis through the State's formal rulemaking process.

The full text of Oklahoma's proposed amendment to its regulations is as follows:

Section 816.42(a)(7) is hereby repealed.
Section 816.42(b) is hereby repealed, and the following substituted:

Discharges of water from areas disturbed by surface mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

Section 817.42(a)(7) is hereby repealed.
Section 817.42(b) is hereby repealed, and the following substituted:

Discharges of water from areas disturbed by underground mining activities shall be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

OSM requests comments on the substantive adequacy of the proposed amendment (OK–451) to meet the revised Federal requirements of 30 CFR 816.42(b) and 817.42(b).

Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibililty Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule does not impose any new requirements; rather, it insures that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: March 10, 1983.

James R. Harris,
Director, Office of Surface Mining.

[FR Doc. 83–7083 Filed 3–17–83; 8:45 am]
BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL 2131–4]

Approval and Promulgation of Implementation Plans; Washoe County District Health Department Air Pollution Control Regulations; State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Part C of the Clean Air Act requires states to revise their State Implementation Plan (SIP) to include an acceptable program for pre-construction review of new and modified major stationary sources in attainment areas. The Washoe County District Health Department (WCDHD) adopted Prevention of Significant Deterioration (PSD) regulations to satisfy these requirements on November 25, 1981 and May 26, 1982. These regulations were officially submitted as a SIP revision on June 21, 1982. In this notice, EPA is proposing to approve these revised regulations.

The EPA invites public coments on whether these regulations should be approved, disapproved, or conditionally approved, especially with respect to the requirements of Part C and Section 110 of the Clean Air Act.

DATES: Comments may be submitted up to April 18, 1983.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air Management Division, Air Operations Branch, New Source Section, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the revisions and EPA's associated evaluation report are available for public inspection during normal business hours at the EPA

Region 9 office at the above address and at the following locations:

Department of Conservation and Natural Resources, 201 S. Fall Street, Carson City, NV 89710

Washoe County District Health Department, Wells Avenue at Ninth, Reno, NV 89520

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section, Air Operations Branch, Air Management Division, Environmental Protection Agency, Region 9, (415) 974–8236.

SUPPLEMENTARY INFORMATION:

Background

PSD—Part C (Sections 160 to 169) of the Clean Air Act contains requirements for the Prevention of Significant Deterioration (PSD) in areas which are designated either attainment or unclassified for the criteria (Section 109) pollutants. The PSD requirements apply to these attainment pollutants as well as the non-criteria pollutants (regulated under Sections 111 and 112 of the Act). Truckee Meadows is currently designated as attainment for ozone, sulfur dioxide, and nitrogen oxides while the Washoe County portion of the Lake Tahoe Basin is attainment for these pollutants and particulate matter (the remainder of Washoe County is attainment or unclassified for *all* the criteria pollutants). Part C also contains a classification system for designating areas as either Class I, II, or III. The class of an area determines what incremental increases in ambient pollutant concentrations are allowed for the area.

Preconstruction requirements for new or modified major stationary sources locating in attainment or unclassified areas are all outlined in Part C.

The detailed requirements for a PSD program are contained in 40 CFR 51.24, "Prevention of Significant Deterioration of Air Quality." Presently, EPA is administering the PSD program in Washoe County under the federal regulation 40 CFR 52.21, "Prevention of Significant Deterioration of Air Quality." When PSD regulations for Washoe County are approved, the federal regulation 40 CFR 52.21 will be rescinded as applicable for new sources constructing in Washoe County after the date of SIP approval and the PSD program will be administered by the WCDHD.

The primary requirements for a PSD program include: (1) The application of "Best Available Control Technology" (BACT) to new or modified major stationary sources; (2) A requirement that the applicant demonstrate that the increased emissions in the area affected by the new or modified source will not violate any National Ambient Air Quality Standard (NAAQS) or the applicable air quality increment; (3) Administrative procedures to handle sources impacting Class I areas; and (4) Procedures for redesignating the PSD classification of an area.

Description of Regulations

In response to the PSD requirements, the WCDHD adopted revisions to their air quality regulations on November 25, 1981 and May 26, 1982. These revisions were submitted to EPA by the Governor as official SIP revisions on June 21, 1982.

Included in the changes to the WCDHD's regulations to meet PSD requirements are revisions, additions, and deletions to the following sections of their definitions and permitting regulations:

Section 010—Definitions: 010.002 (added), 010.012 (added), 010.013 (added), 010.015 (added), 010.017, 010.018, 010.019 (added), 010.020, 010.021 (added), 010.023 (added), 010.024 (added), 010.039 (added), 010.046 (added), 010.067 (added), 010.068 (added), 010.070, 010.071, 010.072, 010.073 (added), 010.074 (added), 010.083 (added), 010.103 (added), 010.107, 010.108, 010.109 (added), 010.113 (added), 010.138 (added), 010.151 (deleted), 010.152 (added), 010.166, 010.168 (added), 010.1752, 010.1755 (added), and 010.197.

Section 030—Source Registration and Operation: 030.015, 030.020, 030.025, 030.030, 030.035, 030.110, 030.115 (deleted), and 030.120–030.1204 renumbered as 030.140–030.1404, respectively.

Section 030.600— Prevention of Significant Deterioration (PSD): 030.600–030.602 (added), 030.6021–030.6026 (added), 030.603–030.614 (added), 030.620 (added), 030.625 (added, Appendage 1 (added), Appendage 3, and Appendage 4 (added).

EPA is also considering today the following routine permit rule revisions to Sections 010, 020, 030, and 040 submitted on July 7, 1975 and July 24, 1979.

Section 010: 010.016, 010.047, 010.080, 010.105, 010.1753, 010.1754, and 010.200.

Section 020: 020.010, 020.020, 020.0251, 020.0253, 010.0254, 020.030, 020.035 (deleted), 020.040, 020,050, 020.055, and 020.065.

Section 030: 030.000, 030.100, 030.105, 030.200, 030.220, 030.225, 030.230, 030.235, 030.240, 030.255, 030.260, and 030.3051.

Section 040: 040.040 and 040.046.

Evaluation

EPA has evaluated the PSD regulations listed above to determine whether they satisfy all of the criteria for an acceptable PSD permitting program. EPA believes that the WCDHD regulations will: (1) require the necessary preconstruction review of sources which would be subject to the federal guidelines, and (2) require BACT, and air quality protection in a manner consistent with EPA's PSD criteria (40 CFR 51.24). In addition, the WCDHD revisions to routine permitting regulations have been evaluated and found to be in accordance with Section 110 of the Act. A detailed discussion and evaluation of the WCDHD regulations is contained in EPA's Evaluation Report (available at the locations listed in the ADDRESSES section of this notice).

The definitions of Stationary Source contained in WCDHD regulation 010 apply under County law to both Washoe County's PSD program and Washoe County's new source review program for non-attainment areas. EPA is proposing to approve regulation 010 only under Part C of the Clean Air Act as providing adequate definitions for an acceptable PSD plan. EPA is proposing to take no action on the definitions under Part D of the Act. Although regulation 010 will be applicable to Washoe County's non-attainment new source review program under county law, the definitions will not be approved by EPA as satisfying the requirements of Part D of the Act. EPA is proposing to take no action at this time on any of the recent amendments to Washoe County's non-attainment program. The new source review regulations approved by EPA on April 14, 1981 will continue to be the approved Part D SIP for Washoe County.

Proposed Action

EPA proposes to approve under Section 110 and Part C of the Clean Air Act, the WCDHD rules which were submitted on July 7, 1975, July 24, 1979, and June 21, 1982. EPA believes that the regulations are consistent with Sections 110 and 160 to 169 of the Clean Air Act, and 40 CFR 51.24 and should therefore be approved for inclusion in the SIP. In addition, EPA proposes to rescind 40 CFR 52.1485, "Significant deterioration of air quality", as it applies to new sources constructing in Washoe County after the date of SIP approval, which incorporated the Federal PSD regulations, 40 CFR 52.21, into the applicable SIP for the State of Nevada.

Under Executive Order 12291, today's action is not major. It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response are available for public

inspection at the locations listed in the Addresses section of this notice. Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Authority: Sections 110, 129, 160 to 169, and 301(a) of the Clean Air Act as amended (42 U.S.C. §§ 7410, 7429, 7470 to 7479, and 7601(a)).

Dated: March 1, 1983.

Sonia F. Crow,

Regional Administrator.

[FR Doc. 83-7479 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[W-2-FRL 2310-6]

Virgin Islands Department of Conservation and Cultural Affairs; Underground Injection Control Primacy Application

Correction

In FR Doc. 83-4511, appearing on page 7478, in the issue of Tuesday, February 22, 1983, make the following corrections:

1. In the first column, in the eighth line in the summary paragraph "not" should read "now".

2. In the third column, "Dates: February 16, 1983." should read "Dated: February 16, 1983."

BILLING CODE 1505-01-M

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40 CFR Part 123

[W-1-FRL 2326-7]

Maine Department of Environmental Protection Underground Injection Control; Primacy Application

AGENCY: Environmental Protection Agency.

ACTION: Notice of Public Comment Period and of Public Hearing.

SUMMARY: The purpose of this notice is to announce that: (1) The Environmental Protection Agency (EPA) has received a complete application from the State of Maine requesting primary enforcement responsibility for the Underground Injection Control (UIC) Program; (2) the application is now available for inspection and copying; (3) public comments are requested; and (4) a public hearing will be held.

The proposed comment period will provide EPA the breadth of information and public opinion necessary to approve, disapprove, or approve in part and disapprove in part the application of the Maine Department of Environmental Protection to regulate Classes I, II, III, IV, and V injection wells.

DATES: Requests to present oral testimony should be filed by April 18, 1983. The Public Hearing will be held on April 25, 1983, at 10:00 a.m. Written comments must be received by April 28, 1983. Should EPA not receive sufficient public comment of requests to present oral testimony by April 18, 1983, the Agency reserves the right to cancel the Public Hearing.

ADDRESSES: Comments and requests to testify should be mailed to Carol M. Wood, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. Copies of the application and pertinent material are available between 9:00 a.m. and 5:00 p.m., Monday through Friday at the following locations:

Environmental Protection Agency, Region I, Library, 21st Floor, JFK Federal Building, Boston, Massachusetts 02203, Ph: (617) 223-5791

Maine Department of Environmental Protection, Ray Building, Augusta Mental Health Institute Complex, Augusta, Maine 04333, Ph: (207) 289-3901

The hearings will be held in the Ray Building, Conference Room, Augusta Mental Health Institute Complex, Augusta, Maine.

FOR FURTHER INFORMATION CONTACT: Carol M. Wood, Water Supply Branch, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Massachusetts 02203. PH: (617) 723-6460. Comments should also be sent to this address.

SUPPLEMENTARY INFORMATION: This application from the Maine Department of Environmental Protection is for the regulation of all Class I, II, III, IV, and V injection wells in the State. The Underground Injection Control (UIC) program seeks to protect as "underground sources of drinking water" (USDWs) all aquifers capable of yielding a significant amount of water containing less than 10,000 mg/l of total dissolved solids. At present, the State of Maine has no known Class I, II, III, or IV injection wells. The latest inventory identified 18 Class V wells contained in ten sites. Class V wells will be studied to assess whether further regulatory measures are required. In the meantime, Class V wells will be regulated under an existing State licensing program. The State of Maine does not intend to exempt any aquifers at this time.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 123, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians—lands, Reporting and recordkeeping, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

This application from the Maine Department of Environmental Protection is for the regulation of all injection wells in the State. The application includes a description of the State Underground Injection Control Program, copies of all applicable statutes and rules, a statement of legal authority and a proposed memorandum of agreement between the Maine Department of Environmental Protection and Region I office of the Environmental Protection Agency.

Dated: March 14, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator

[FR Doc. 83-7081 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6499]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 83-6428, beginning on page 10877, in the issue of Tuesday, March 15, 1983, on page 10887, after the printed material, the following should appear:

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: February 22, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-6438 Filed 3-14-83; 8:45 am]

BILLING CODE 6505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-157; RM-4317]

FM Broadcast Station in Appalachicola, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign Class C FM Channel 290 to Appalachicola, Florida, in response to a petition filed by Richard L. Plessinger. The assignment could provide the community with its first local aural service.

DATES: Comments must be filed on or before April 25, 1983, and reply comments must be filed on or before May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Appalachicola, Florida) MM Docket No. 83-157, RM-4317.

Adopted: February 28, 1983.
Released: March 10, 1983.

1. Before the Commission is a petition for rule making filed by Richard L. Plessinger ("Petitioner"), proposing the assignment of Class C FM Channel 290 to Appalachicola, Florida, as that community's first FM assignment. Petitioner failed to state that he would apply for the channel, if assigned, and is requested to do so in comments to this proposal.

2. Although petitioner submitted community data, that information is not required to support the requested assignment in light of the Commission's action in BC Docket No. 80-130, *Revisions of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. In order to accommodate this proposal, the transmitter site is confined to an area along the Gulf of Mexico, approximately 23.7 miles northeast of Appalachicola, to avoid short-spacing to second adjacent Channels 292A in Panama City and 288A in Perry, Florida.

4. Because of the mandatory site restriction, and the community's close proximity to the Gulf, petitioner may wish to explore an alternate proposal. For example, a community close to this site location like Carrabelle, Florida (2.1 miles southwest), could be specified. Petitioner, or any other interested party, may consider this option and express the requisite interest in commments herein.

5. In view of the fact that the proposal could provide a first local broadcast service to Appalachicola, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, as it relates to that community as follows:

City	Channel No.	
	Present	Proposed
Appalachicola, Florida		290

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b) 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes and ex parte presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows:

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows: Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Rooms at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-7121 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-156; RM-4325]

FM Broadcast Station in Woodville, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 240A to Woodville, Mississippi, in response to a petition filed by Wilkinson Broadcasting Company of Mississippi. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments on or before May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Woodville, Mississippi) MM Docket No. 83-156, RM-4325.

Adopted: February 28, 1983.
Released: March 10, 1983.
By the Chief, Policy and Rules Division.

1. A petition for rule making was filed January 7, 1983, by Wilkinson Broadcasting Company of Mississippi ("petitioner") proposing the assignment of Channel 240A to Woodville, Mississippi, as its first FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first local FM service to Woodville, Mississippi, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community.

City	Channel No.	
	Present	Proposed
Woodville, Miss.		240A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat. as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that

parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-7124 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-153; RM-4219]

FM Broadcast Station in Cuba, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Class C Channel 274 to Cuba, New Mexico, in response to a petition filed by Ovie Cowles. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments must be filed on or before May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Station (Cuba, New Mexico); MM Docket No. 83-153, RM-4219.

Adopted: February 23, 1983.
Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed October 13, 1982, by Ovie Cowles, ("petitioner"), seeking the assignment of Class C FM Channel 294 to Cuba, New Mexico, as its first FM assignment. Petitioner expressed an interest in applying for the channel if assigned. This proposal is mutually exclusive with the proposal to add Channel 296A to Los Alamos, New Mexico. A staff study indicates that Class C Channel 274 is alternately available for assignment at Cuba, New Mexico. A site restriction of 4.7 miles west of the city is required due to Station KEVR in Espanola, New Mexico, and a Channel 277 assignment at Albuquerque, New Mexico.

2. In view of the fact that the proposed assignment could provide a first broadcast service to Cuba, New Mexico, the Commission believes it is appropriate to propose amending to FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Cuba, New Mexico		274

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to

which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-7139 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-155; RM-4287]

FM Broadcast Station in Benton, Pennsylvania; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 240A to Benton, Pennsylvania, in response to a petition filed by Lynn A. Deppen. The proposal could provide a first FM service to that community.

DATES: Comments must be filed on or before April 25, 1983, and reply comments on or before May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subject in 47 CFR Part 73

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Benton, Pennsylvania); MM Docket No. 83-155, RM-4287.

Adopted: February 20, 1983
Released: March 10, 1983

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 22, 1982, by Lynn A. Deppen ("petitioner") seeking the assignment of Channel 240A to Benton, Pennsylvania, as it first FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 240A to Benton, Pennsylvania, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must obtained.

3. In view of the fact that the assignment could provide a first FM service to Benton, Pennsylvania, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Benton, Penn		240A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the notice of proposed rule making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.430 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-7123 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-122; RM-4277]

FM Broadcast Station in Elkton, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of FM Channel 252A to Elkton, Virginia, as its first FM assignment, in response to a petition filed by Robert J. Lacey.

DATES: Comments must be filed on or before April 18, 1983, and reply comments on or before May 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Elkton, Virginia); MM Docket No. 83-122; RM-4277.

Adopted: February 10, 1983.
Released: March 4, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by Robert J. Lacey ("petitioner") proposing the assignment of FM Channel 252A to Elkton, Virginia, as that community's first FM assignment. The channel can be assigned consistent with the minimum distance separation requirements of § 73.207(a) of the Commission's Rules. Petitioner, however, has failed to state in its proposal that it will apply for the channel, if assigned, and it is required that it make a commitment to that effect in its comments.

2. Elkton, Virginia, is within the "quiet zone" established in Docket 16991, 6 F.C.C. 2d 793 (1967), to provide protection from interference to the National Radio Astronomy Observatory ("NRAO") at Green Bank, West Virginia, and the Naval Research Laboratory ("NRL") at Sugar Grove, West Virginia. Both of these facilities have the right to object to any new FM assignments in the "quiet zone" and any applicant for a station must coordinate with the NRAO and NRL with respect to the proposed facilities pursuant to § 73.1030 of the Commission's Rules.

3. In view of the fact that the proposed assignment could provide a first FM service to Elkton, Virginia, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Elkton, Virginia		252A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before April 18, 1983 and reply comments on or before May 3, 1983 and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all coments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-7154 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-154; RM-4278]

TV Broadcast Station in Spokane, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 34 to Spokane, Washington, as its seventh television assignment in response to a petition filed by William V. Johnson.

DATE: Comments must be filed on or before April 25, 1983 and reply comments on or before May 10, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Spokane, Washington); MM Docket No. 83–154, RM–4278.

Adopted: February 28, 1983.
Released: March 10, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed December 29, 1982, by William V. Johnson ("petitioner") seeking the assignment of UHF Television Channel 34 to Spokane, Washington. Petitioner expressed his interest in applying for the channel, if assigned.

2. Spokane (population 171,300),[1] seat of Spokane County (population 351,835), is located in eastern Washington, approximately 370 kilometers (230 miles) east of Seattle.

3. Petitioner has submitted information in support of his request in order to demonstrate the need for a seventh local television channel for Spokane. The channel can be assigned in compliance with the minimum distance separation requirements.

4. Since the proposed channel assignment in Spokane is within 400 kilometers (250 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

5. In view of the fact that Spokane could receive its seventh local television service, we shall seek comments on the proposal to amend the television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Spokane, Washington, as follows:

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

City	Channel Nos.	
	Present	Proposed
Spokane, Wash.	2–, 4–, 6–, *7+, 22, and 28.	2–, 4–, 6–, *7+, 22, 28, and 34.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before April 25, 1983, and reply comments on or before May 10, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rule and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix follows.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix follows. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With repect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix follows. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleading, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 83-7122 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 54
Friday, March 18, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

List fo Warehouses and Availability of List of Cancellations and/or Terminations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Publication of List of Warehouses Licensed Under the U.S. Warehouse Act and Availablility of List of Cancellations and/or Terminations Occurring During Calendar Year 1982.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et. seq.*) as of December 31, 1982, as required by section 26 of that Act. Also available is a list of cancellations and/or terminations that occurred during calendar year 1982. A copy of the list of warehouses as of December 31, 1982, will be distributed to all licensed warehousemen. Other interested parties may obtain a copy of either list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division-AMS, U.S. Department of Agriculture, Room 2720-South Agriculture Bldg., Washington, D.C. 20250, PH: 202-447-3821.

Done at Washington, D.C., March 14, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-7024 Filed 3-17-83; 8:45 am]
BILLING CODE 3410-03-M

Rural Electrification Administration

Cajun Electric Power Cooperative, Inc.; Baton Rouge, Louisiana, Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Proposed Loan Guarantee.

SUMMARY: Under the authority of Public Law 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $561,000,000 to Cajun Electric Power Cooperative, Inc. (Cajun), Baton Rouge, Louisiana. This loan guarantee will provide supplemental funds needed to complete the financing of Cajun's 30 percent undivided ownership in the River Bend Nuclear Power Station, Unit 1.

FOR FURTHER INFORMATION CONTACT: Mr. James R. Smith, Executve Vice President and General Manager, Cajun Electric Power Cooperative, Inc., P.O. Box 15540, Baton Rouge, Louisiana 70895.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Smith at the address given above.

In order to be considered, proposals must be submitted April 18, 1983 to Mr. Smith. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Cajun and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated: March 14, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-7146 Filed 3-17-83; 8:45 am]
BILLING CODE 3410-15-M

Colorado-Ute Electric Association, Inc.; Intent To Prepare Supplemental Draft Environmental Impact Statement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS), in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), in connection with a request for financing assistance from Colorado-Ute Electric Association, Inc., (Colorado-Ute). Colorado-Ute, in conjunction with the Western Area Power Administration (Western) and Public Service Company of Colorado (PSCC), proposes to construct a single circuit 345 kV electric transmission line from Rifle, Colorado to the San Juan Generating Plant located near Farmington, New Mexico. Associated facilities would include expansion of existing substation facilities at Rifle, Grand Junction, Montrose, and Durango, Colorado and the San Juan Generating Plant in New Mexico. A new 345/115 kV substation near Durango (Long Hollow) and a 115 kV transmission line connecting the Durango and Long Hollow substations would also be constructed. In the future, a new substation may also be constructed in the Norwood, Colorado area. The facilities would be located in Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, Montezuma, and La Plata Counties, Colorado and San Juan County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Davis, Director, Western Area—Electric, Rural Electrification Administration, Room 3304, 14th & Independence Ave., Washington, D.C. 20250, telephone number: (202) 382-8848.

SUPPLEMENTARY INFORMATION: Colorado-Ute, in conjunction with Western, had previously proposed to

construct a double-circuit 345 kV transmission line from Rifle, Colorado to the San Juan Generating Plant in New Mexico. The transmission line in the northern section was routed via the North Fork Valley. REA held an interagency meeting on August 29, 1979, public scoping meetings in September 1979, and subsequently issued a Draft Environmental Impact Statement (DEIS) on July 10, 1981. REA then held public comment meetings on the DEIS in August 1981.

Independent of the NEPA process, Colorado-Ute filed an application for a Certificate of Public Convenience and Necessity for the double circuit 345 kV transmission line with the Colorado Public Utilities Commission (PUC) on October 10, 1980. The PUC later denied Colorado-Ute's application on February 5, 1982.

As a result of the PUC decision, Colorado-Ute and Western reevaluated the proposed double circuit project and developed a new single circuit 345 kV transmission line project from Rifle, Colorado to the San Juan Generating Plant via Grand Junction. The new proposal includes the participation of PSCC as was recommended in the PUC decision.

REA, in cooperation with the U.S. Forest Service, the Bureau of Land Management, and Western, intend to prepare a SDEIS addressing the revised proposal. The purpose and need for the revised project is fundamentally the same as the previous plan in that it will provide increased transmission capacity for service to southwestern Colorado loads and strengthen the interconnection with power systems in adjoining states. The project proponents indicate that the proposal will provide the bulk transmission capacity necessary (1) for Colorado-Ute to supply power to the loads of its member cooperatives, (2) for Western to transmit power within the Colorado River Storage Project (CRSP) marketing area and to provide for regional integrated system operation and (3) for PSCC to serve the loads of its customers in the Grand Junction area and along the Colorado River Valley between Rifle and Grand Junction.

Alternatives that have been identified and evaluated along with the original proposal included energy conservation, additional generation facilities, uprating of existing facilities, purchase of required power and installation of series compensation. Additional transmission line alternatives along with the current proposed project being evaluated include:

1. Rifle-Grand Junction, single circuit 345 kV transmission line; Grand Junction-Shiprock, single circuit 230 kV transmission line.
2. Rifle-Grand Junction, single circuit 345 kV transmission line; Grand Junction-Shiprock, double-circuit 230 kV transmission line.
3. Rifle-Shiprock, single circuit 230 kV transmission line.
4. Rifle-Shiprock, 2 single circuit 115 kV transmission line.

The area of study for the new project is the same as described in the DEIS. The new project involves the same counties and land management agencies as those affected by the earlier proposal. REA has not identified any new significant issues regarding the revised proposal that were not identified in the original DEIS.

The scoping process conducted pursuant to the original proposal as well as the comments on the DEIS have served to determine the scope and the significant issues to be analyzed in depth in the SDEIS. Consequently, no further scoping meetings will be held.

Information and comments received on the DEIS for the double circuit proposal will be considered and utilized in the preparation of the SDEIS. The new proposed project reflects comments received during the scoping process, the DEIS review period, the PUC decision and input from Federal, State and local planning agencies. The SDEIS will be published in May 1983, and a 45 day comment period will follow. Comments concerning the proposal will be solicited at that time. In addition, REA will hold a series of public meetings approximately 30 days after the Environmental Protection Agency notice of availability is published. The purpose of these meetings will be to receive comments concerning the SDEIS. The locations and times for these meetings will be published in the **Federal Register** and local newspapers at the time the availability of the SDEIS is announced.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 15, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-7147 Filed 3-17-83; 8:45 am]
BILLING CODE 3410-15-M

Soil Conservation Service

Spelltown Flood Prevention and Drainage RC&D Measure, South Carolina; Funding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spelltown Flood Prevention and Drainage RC&D Measure, Colleton County, South Carolina.

FOR FURTHER INFORMATION CONTACT: George E. Huey, State Conservationist, Soil Conservation Service, 1835 Assembly Street, Room 950, Columbia, South Carolina, 29201, telephone 803–765–5681.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns flood protection and improved drainage for the area in and around the community of Spelltown. The planned works of improvement include about two miles of stream channel work to increase flow capacity.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting George E. Huey.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: March 8, 1983.

George E. Huey,

State Conservationist.

[FR Doc. 83-6796 Filed 3-17-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 83-3-71; Docket 41354]

Albany/Burlington-Montreal Service Case

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Investigation: Order 83-3-71, Docket 41354.

SUMMARY: The Board is instituting the *Albany/Burlington-Montreal Service Case* to select primary and back-up carriers to provide scheduled service between Albany, New York, and Burlington, Vermont, on the one hand, and Montreal, Canada, on the other (Route A.5 of the United States-Canada Air Transport Services Agreement). The proceeding will also consider whether the certificate authority of U.S. Air, Inc., and Delta Airlines, Inc., for these routes should be deleted under section 401(g) of the Act. The complete text of Order 83-3-71 is available as noted below.

DATES: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by March 21, 1983. Answers shall be filed by March 28, 1983.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41354, *Albany/Burlington-Montreal Service Case.*

FOR FURTHER INFORMATION CONTACT: Joseph DiBella, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83-3-71 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-71 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 11, 1983.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-7136 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-67]

Alpine Aviation, Inc.; Commuter Air Carrier Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-3-67, Order to Show Cause.

SUMMARY: The Board is proposing to find that Alpine Aviation, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that the aircraft used in this service conform to applicable safety standards; and that the carrier is capable of providing reliable essential air service at Moab, Utah.

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed in Attachment A to the order no later than March 29, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Service Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Appendix D of this order.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa A. Smith, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5405.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-3-67 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-3-67 to that address.

By the Civil Aeronautics Board: March 10, 1983.

Phyllis T. Kaylor,

Secretary

[FR Doc. 83-7138 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41346]

Frank E. Miskey, Mary E. Miskey, and F. N. Custom Travel, Inc.; Violations of Part 380—Enforcement Proceeding; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., March 11, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-7137 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

[Order 83-3-55; Docket 41139]

Order Implementing a Special Subsidy Program Established by Congress in Appropriating Funds for the CAB for Fiscal Year 1983

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 83-3-55, Docket 41149.

SUMMARY: The Board has adopted an order implementing a Congressional directive to continue subsidy payments during fiscal 1983 to certain air carriers under section 406 rate provisions in effect as of July 1, 1982. (Congress ended the Board's authority to pay subsidy under section 406 of the Federal Aviation Act for services provided after September 30, 1982). The payments are to continue only for service to points in the lower 48 states which were receiving service subsidized under section 406 as of September 30, 1982 and total payments in fiscal 1983 are limited to $13.5 million, about half of the amounts payable if 406 rates were paid in full. To meet this lower level, Congress specified that each eligible carrier's subsidy payments be reduced by the same percentage.

In order to stay within the $13.5 million ceiling the Board's order authorizes payment of 56.45 percent of the old 406 rate level monthly, with a final payment adjustment at the end of fiscal 1983 to correct for any underpayments. The new program applies to three carriers, Frontier Airlines, Piedmont Aviation and Republic Airlines, for services to 28 points.

DATES: The order is effective on the date of service.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5368.

The complete text of Order 83-3-55 is available from our distribution Section. Persons outside the metropolitan area may send a postcard request for the order to the Distribution Section, B-22b, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: March 9, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-7139 Filed 3-17-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Population Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee on Population Statistics will convene on April 8, 1983, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The Committee is composed of six members appointed by the Secretary of Commerce and nine members designated by the President of the Population Association of America from the membership of that Association.

The agenda for the meeting, which is scheduled to adjourn at 4:15 p.m., is: (1) introductory remarks by the Director of the Bureau of the Census, including program and budget developments; (2) 1980 census update; (3) overview of the 1980 Census Evaluation and Research Program; (4) experimental studies in administering the decennial census; (5) geographic planning for the 1990 census; (6) Survey of Income and Program Participation; (7) subnational population projections; (8) demographic chanes and family income statistics; (9) update on 1980 census income data and income imputation procedures; and (10) Committee recommendations and agenda for the next meeting.

The meeting will be open to the public, and a brief period will be set aside for public comments and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Dr. Camphell Gibson, Room 2286, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, D.C. 20233. Telephone (301) 763–1408.

Dated: March 10, 1983.

Bruce Chapman,

Director, Bureau of the Census

[FR Doc. 83-6887 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[Case No. 642]

Dr. Etang Chen et al.; Export Privileges

In the Matter of; Case No. 642; Dr. Etang Chen, Individually and doing business as Eaton and Kings Corporation, aka ENK Corporation, 167 Oak Street, Westwood, Massachusetts 02090; FAVAG S.A. Monruz 34, CH–2000 Neuchatel 8, Switzerland; P.A. Randin, Purchasing Manager, FAVAG S.A., Monruz 34, CH–2000 Neuchatel 8, Switzerland; Joseph Lousky, Individually and doing business as Eler Engineering S.A., 59 Mozart Avenue, 75016 Paris, France and Eler Engineering S.A. aka Eler S.A., P.O. Box 209, CH–1401 Yverdon, Switzerland and CH–1040 Echallens, Switzerland; Order temporarily denying export privileges.

The Department of Commerce (the "Department"), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)) (the "Regulations"), has petitioned the Hearing Commissioner for an order temporarily denying all export privileges to Dr. Etang Chen, individually and doing business as Eaton and Kings Corporation, aka ENK Corporation, 167 Oak Street, Westwood, Massachusetts 02090; FAVAG S.A., Monruz 34, CH–2000 Neuchatel 8, Switzerland; P.A. Randin, Purchasing Manager, FAVAG S.A., Monruz 34, CH–2000 Neuchatel 8, Switzerland; Joseph Lousky, individually and doing business as Eler Engineering S.A., 59 Mozart Avenue, 75016 Paris, France; and Eler Engineering S.A., aka Eler S.A., P.O. Box 209, CH–1401 Yverdon, Switzerland, and CH–1040, Echallens, Switzerland (hereinafter collectively referred to as "respondents").

The Department states that the respondents are under investigation by the Department's Office of Export Enforcement and that its investigation gives it reason to believe: (i) That, in order to carry out certain transactions, the respondents conspired to obtain export licenses from the Department for the export of certain U.S.-origin integrated circuit manufacturing and testing equipment from the United States to Switzerland without identifying all parties of interest to the transactions which were the subject of the export license applications; (ii) that Dr. Chen failed to identify all parties of interest to certain export transactions on export license applications for the export of U.S.-origin integrated circuit manufacturing and testing equipment from the United States to Switzerland; (iii) that FAVAG presented export control documents to the Department in support of export license applications knowing, or having reason to know, that those export control documents contained false and misleading statements of material facts; (iv) that Mr. Randin made false and misleading statements of material facts to U.S. Embassy officials in connection with effecting an export from the United States; (v) that Mr. Randin and Mr. Lousky conspired to reexport U.S.-origin integrated circuit manufacturing and testing equipment to proscribed destinations without authorization from the Department; (vi) that Eler reexported U.S.-origin integrated circuit manufacturing and testing equipment to proscribed destinations without authorization from the Department; and (vii) that these respondents may attempt future exports contrary to the Regulations, either directly or through the known related party, unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to Dr. Etang Chen, individually and doing business as Eaton and Kings Corporation, aka ENK Corporation; FAVAG S.A.; P.A. Randin; Joseph Lousky, individually and doing business as Eler Engineering S.A.; and Eler Engineering S.A., aka Eler S.A.; and to the hereinafter named related party, is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401, *et seq.* (Supp. IV 1980)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby Ordered:

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. An individual now known to be affiliated with the named respondents, and who is accordingly subject to the provisions of this order, is: Susanna Maas, Manager, Eler Engineering S.A., P.O. Box 209, CH-1401 Yverdon, Switzerland.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceedings initiated against the respondents as a result of the ongoing investigation. A copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-designated related party.

Dated: March 11, 1983.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-7015 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Leather Wearing Apparel From Argentina; Termination of Suspension Agreement and Issuance of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Termination of Suspension Agreement and Issuance of Countervailing Duty Order.

SUMMARY: On December 30, 1982, the Department of Commerce published in the **Federal Register** the preliminary results of its administrative review and proposed amendment to the agreement suspending the countervailing duty investigation on leather wearing apparel from Argentina.

On February 28, 1983, the Government of Argentina notified the Department of its decision to withdraw from the suspension agreement. Therefore, the Department is terminating the agreement and issuing a countervailing duty order with respect to this merchandise.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 16697) a notice of suspension of countervailing duty investigation regarding leather wearing apparel from Argentina. The Government of Argentina requested that the investigation be continued, and on April 23, 1981, the Department published in the **Federal Register** (46 FR 23090) a notice of final affirmative countervailing duty investigation.

On December 30, 1982, the Department published in the **Federal Register** (46 FR 58333) the preliminary results of its administrative review and proposed amendment to the agreement suspending the investigation.

On February 28, 1983, the Government of Argentina notified the Department, in accordance with subparagraph C.1 of the agreement, of its decision to withdraw from the suspension agreement.

Scope of the Review

Imports covered by the review are currently classifiable under items 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests, pants and shorts. Also included are outer leather shells and parts and pieces of leather wearing apparel.

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results and proposed amendment. At the request of the Amalgamated Clothng and Textile Workers Union ("the union"), the

Department held a public hearing on January 26, 1983. We also received comments from Excelled Sheepskin and Leather Coat Corporation, an importer, and from Ralph Edwards Sportswear, the petitioner.

Comment 1

The union questions the Department's authority to renegotiate a suspension agreement under § 355.32(b) of the Commerce Regulations, since section 704(i)(1)(C) of the Tariff Act of 1930 ("the Tariff Act") requires the Department to issue a countervailing duty order whenever the Department determines such an agreement has been violated.

Department's Position

Because the Department, as a result of the withdrawal, is terminating the suspension agreement and issuing a countervailing duty order on this merchandise, the question of whether the Department has authority to renegotiate a suspension agreement is not longer an issue in this proceeding, and there is no implication one way or another whether the Argentine government breached or violated the agreement.

Comment 2

The union contends that the Department should verify the information submitted by the Argentine government in the administrative review. The verification should include a reexamination of the reembolso program to confirm that the program continues to meet the linkage test for the rebate of indirect taxes.

Department's Position

Neither section 751 of the Tariff Act nor the Commerce Regulations require verification of information submitted in the course of an administrative review. Verifications in section 751 administrative reviews is discretionary. *See, e.g.*, "Final Results of Administrative Review of Antidumping Finding" regarding stainless steel wire rod from France (*48* FR *2808*). The Department verified the reembolso program and found linkage for this product during the investigation in 1981. We used the same methodology during this administrative review of the agreement to analyze the information submitted. In the first administrative review of the order, we will verify the information recreived.

Comment 3

The union and the petitioner contend that, because the apparel manufacturers allegedly maintain a close relationship with Argentine tanners, the export tax on Argentine hides results in a possible bounty or grant to leather wearing apparel manufactures by creating an artificially low domestic price for hides and leather.

Department's Position

The Department will consider any possible bounties or grants to apparel manufacturers from an export tax on hides in the administrative review of the order.

Comment 4

Excelled Sheepskin and Leather Coat Corporation noted that, in calculating the benefit received under the preferential pre-export financing program, the Department could have justifiably chosen a lower commercial benchmark interest rate.

Department's Position

The Department selected as the benchmark rate the commercially available rate for time deposits indexed to inflation. We obtained these daily rates during our verification in another proceeding.

Determination

The Government of Argentina has notified the Department of its decision to withdraw from the suspension agreement. Therefore, the Department determines that the suspension agreement between the Department and the Government of Argentina with regard to leather wearing apparel exports to the United States is no longer in force. Since the Department issued a final affirmative countervailing duty determination, and since Argentina is not "a country under the Agreement" and therefore not eligible for an injury investigation by the International Trade Commission, the Department issues this countervailing duty order with regard to shipment of leather wearing apparel from Argentina, effective March 18, 1983.

The Department will instruct the Customs Service to suspend liquidation of shipments of Argentine leather wearing apparel entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

On December 24, 1981, the Government of Argentina lowered the reembolso payments below the level of indirect taxes; it further reduced the reembolso rate on July 6, 1982; and by issuing a Central Bank circular, effective November 23, 1982, it prohibited preferential pre-export financing on all shipments of leather wearing apparel to the United States. As a result, although programs potentially providing bounties or grants still exist, the Agrentine government is not at present providing a benefit on shipments of leather wearing apparel to the United States. Accordingly, the Department will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of zero percent on all shipments of the merchandise for which we are suspending liquidation. This deposit requirement shall remain in effect until publication of the final results of an administrative review of this order under section 751 of the Tariff Act. The Department intends to conduct a review by the 1984 anniversary date of publication of this notice.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This notice is published in accordance with sections 303 and 706 of the Tariff Act (19 U.S.C. 1303, 1671e) and section 355.36 of the Commerce Regulations (19 CFR 355.36).

Dated: March 14, 1983.

Gary N. Horlick

Deputy Assistant Secretary for Import Adminsitration.

[FR Doc. 83-7149 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Potassium Permanganate From Spain; Initiation of Antidumpting Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, potassium permanganate from Spain.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether potassium permanganate from Spain is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that is may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 8, 1983, and we will make ours on or before August 1, 1983.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann of Mary Jenkins, Office

of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–4929 or 377–1756.

SUPPLEMENTARY INFORMATION:

The Petition

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Spain are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring a United States industry.

The allegation of sales at less than fair value is supported by comparisons of an average *ex factory* sale price of potassium permanganate in Spain to the average *ex factory* price of potassium permanganate imported into the United States from Spain. The *1ex factory* U.S. price was developed from FAS prices obtained by the petitoner from U.S. Deparatment of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether potassium permanganate from Spain is being, or is likely to be sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by August 1, 1983.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, and inorganic chemical produced in free flowing, technical and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 8, 1983, whether there is a reasonable indication that imports of potassium permanganate from Spain are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 14, 1983.

[FR Doc. 83-7105 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

Potassium Permanganate form the People's Republic of of China; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation, potassium permanganate from the People's Republic of China (PRC).

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether potassium permanganate from the People's Republic China (PRC) is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before April 8, 1983, and we will make ours on or before August 1, 1983.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–4929 or 377–1756.

SUPPLEMENTARY INFORMATION:

The Petition

On February 22, 1983, we received a petition from counsel for Carus Chemical Company on behalf of the potassium permanganate industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the "Act"), and that these imports are materially injuring a United States industry.

The petition further alleges that the PRC is a state-controlled economy country within the meaning of the Act. They allege that sales of potassium permanganate in the PRC do not permit a determination of foreign market value and that the Department of Commerce must choose a non-state-controlled economy country to be used as a surrogate for the purposes of determining the foreign market value of this product.

The petitioner suggests India as a possible surrogate country and supports its allegation of sales at less than fair value by comparing an average *ex factory* sales price of potassium permanganate in India to the average *ex factory* price of potassium permanganate imported into the United States from the PRC. The *ex factory* U.S. price was developed from FAS prices obtained by the petitioner from U.S. Department of Commerce statistics.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition and have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether potassium permanganate from the PRC is being, or is likely to be sold at less than fair value in the United States. If our investigation

proceeds normally, we will make our preliminary determination by August 1, 1983.

Scope of Investigation

The merchandise covered by this investigation is potassium permanganate, an inorganic chemical produced in free flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 420.2800 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by April 8, 1983, whether there is a reasonable indication that imports of potassium permanganate from the PRC are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

March 14, 1983.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-7000 Filed 3-17-83; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing. Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture

SN 6-337, (4,3045,527) Radiation-Resistant Fluoroaromatic Cellulosic Ethers
SN 6-229,217 (4,365,464) Apparatus to Uniformly Control Wrapping a Filament Around the Surface of a Spun Core Yarn During Ring Spinning
SN 6-270,676 (4,365,504) Method and Apparatus for Field Testing of Anemometers
SN 6-302,008 (4,365, 966) Process for Modifying Cellulosic Fabrics for Improved Heat Transfer Printing
SN 6-326,996 (4,374,850) Method of Controlling Parasitic Ticks
SN 6-326,995 (4,374,851) Method of Controlling Parasitic Ticks

Department of the Air Force

SN 6-310,689 (4,362,570) Solvent Mixture for Removing Polysulfide and Silicone-Rubber Coatings
SN 6-304,126 (4,365,034) Acetylene-Terminated Polyimide Compositions
SN 6-318,653 (4,365,109) Coaxial Cable Design
SN 6-256,881 (4,365,173) Phase Shifter Adjustment Apparatus
SN 6-343,000 (4,366,323) Polymerization of Arylene Bis-Silanols
SN 6-274,697 (4,374,715) Method for the Preparation of Poly (Carbonoyl Fluoride) Oligomers

Department of the Army

SN 6-235,060 (4,360,954) Method of Making Cast-in-Place Sabots
SN 6-300,533 (4,361,011) Cryogenic Cooling System
SN 6-216,416 (4,361,040) Integrating Angular Accelerometer
SN 6-213,522 (4,361,054) Hot-Wire Anemometer Gyro Pickoff
SN 6-189,980 (4,361,071) Fire Control Mechanism
SN 6-163,542 (4,361,384) High Luminance Minature Display
SN 6-272,859 (4,361,526) Thermoplastic Composite Rocket Propellant
SN 6-201,678 (4,361,760) Two-Degree-Of-Freedom Gyro with Radiant Energy Pickoffs
SN 6-174,293 (4,361,886) Satellite Communication System
SN 6-266,025 (4,361,911) Laser Retroreflector System for Identification of Friend or Foe
SN 6-154,557 (4,362,085) Flight Control System
SN 6-142,548 (4,362,106) Flow Deflector for Air Driven Power Supply
SN 6-230,922 (4,362,328) Disconnectable Coupling
SN 6-297,643 (4,362,588) Method of Fabricating a Ducted Blanket for a Rotor Spar
SN 6-206,913 (4,362,938) Infrared Viewing System
SN 6-220,321 (4,362,965) Composite/Laminated Window for Electron Beam Guns
SN 6-136,124 (4,364,300) Composite Cored Combat Vehicle Armor
SN 6-275,531 (4,364,775) Aqueous Oxidative Scrubber Systems for Removal of Mercury
SN 6-289,438 (4,365,059) Nitration of Cellulose
SN 6-174,093 (4,365,149) Mortar Fire Control System
SN 6-196,508 (4,365,182) Method of Fabricating Acceleration Resistant Crystal Resonators and Acceleration Resistant Crystal Resonators So Formed
SN 6-196,957 (4,365,481) Method and Apparatus for Removal of Sodium Carbonate from Cyanide Plating Baths
SN 6-194,314 (4,365,556) Method and System for Preventing Base Separation of Cast Explosives in Projectiles
SN 6-335,925 (4,365,982) Cryogenic Refrigerator
SN 6-318,766 (4,366,229) Method of Making Cold Shield for Infrared Detector Array

Department of Commerce

SN 6-293,783 (4,361,630) Ultra-Black Coating Due to Surface Morphology

Department of Health & Human Services

SN 6-329,590 (4,362,510) Cementitious Dental Compositions Which Do Not Inhibit Polymerization
SN 6-341,572 Ricin and Modeccin Reagents Effective as Tumor Suppressive Cytotoxic Reagents
SN 6-343,026 Heat Treatment of a Non-A, Non-B Hepatitis Agent to Prepare A Vaccine
SN 6-440,728 Process and Device for X-Ray System Quality Assurance
SN 6-446,408 Ultrasonic Therapy Applicator That Measures Dosage
SN 6-456,401 Improved Protocol for the Treatment of Graft Versus Host Disease
SN 6-458,312 Medication Compliance Monitoring Device
SN 6-459,251 Adaptable Blood Pressure Cuff for Humans and Animals
SN 6-461,954 Improved Helical Coil for Diathermy Apparatus

Department of the Interior

SN 6–258,075 (4,362,557) Purifying Titanium-Bearing Slag by Promoted Sulfation

SN 6–311,487 (4,362,615) Froth Flotation of Rutile.

[FR Doc. 83–7088 Filed 3–17–83; 8:45 am]
BILLING CODE 3510–04–M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Cooper Diagnostics, Inc., having a place of business at Malvern, Pennsylvania, an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Monoclonal Antibodies Reactive with Human Breast Cancer," U.S. Patent Application 6–330–959 (dated December 15, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: March 3, 1983.

George Kudravetz,

Acting Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

[FR Doc. 83–7087 Filed 3–17–83; 8:45 am]
BILLING CODE 3510–04–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983 Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: March 18, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 10, 1982, August 20, 1982, and July 23, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 55512, 47 FR 36468, and 47 FR 31915) of proposed additions to Procurement List 1983, November 18, 1982 (47 FR 52101).

After consideration of the revelant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce or provide commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1983:

Class 7530

Paper Set, Manifold and Carbon, 7530–00–401–6910, 7530–01–072–2536, 7530–01–072–2537, 7530–01–072–2538, 7530–01–072–2539 (For GSA Regions 4 and 9).

SIC 7349

Janitorial/Custodial, Federal Building-U.S. Courthouse, 400 South Phillips Street, Sioux Falls, South Dakota.

SIC 7369

Commissary Shelf Stocking, Naval Support Activity, Sand Point, Seattle, Washington.

C. W. Fletcher,

Executive Director.

[FR Doc. 83–7130 Filed 3–17–83; 8:45 am]
BILLING CODE 6220–33–M

Procurement List 1983 Proposed Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped

ACTION: Proposed Additions to and Deletions from Procurement List

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1983 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

DATES: Comments Must be received on or before April 20, 1983.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 7920

Cloth, Wiping, Lint Free, 15" x 15", 7920–00–LL–L03–6103 (Requirement for Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii only).

U.S. Postal Service Item

Strap, Mail Tray, P.S. Item No. 01067.

SIC 0782

Grounds maintenance, Federal Service Center, 4747 Eastern Avenue, Bell, California.

Grounds Maintenance Federal Building and Post Office 11000 Wilshire Boulevard Los Angeles, California.

SIC 7349

Janitorial/Custodial Services Yakima Firing Center Yakima, Washington

SIC 7699

Bicycle Maintenance and Repair Naval Air Station, Miramar San Diego, California.

Deletions

It is proposed to delete the following commodities from Procurement List 1983, November 18, 1982 (47 FR 52101):

Class 8120

Cap, Compressed Gas Cylinder, 8120–00–178–9814, 8120–00–179–0076.

C. W. Fletcher,

Executive Director.

[FR Doc. 83–7131 Filed 3–17–83; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Kansas City Board of Trade; Proposed Amendments Relating to the Freight Billing Requirements for Futures Contracts in Hard Winter Wheat, Corn and Soybeans

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule change.

SUMMARY: The Kansas City Board of Trade ("KCBT" or "Exchange") has submitted a proposal to amend the freight billing requirements for its hard winter wheat, corn and soybean futures contracts. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of that proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before April 18, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the Kansas City Board of Trade Rules 1209 and 1249.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254–6990.

SUPPLEMENTARY INFORMATION: The Kansas City Board of Trade (KCBT) is proposing to amend certain rules of its hard winter wheat, corn and soybean futures contracts concerning freight billing requirements. the KCBT proposes to delete the transit billing requirements and provisions requiring the protection of proportional railroad rate structures applicable to the shipment of hard winter wheat, corn and soybean deliveries from Kansas City. Under the proposed amendments, Kansas City warehousemen would not be required to furnish transit billing on these deliveries, and hard winter wheat, corn and soybeans shipped from Kansas City would be subject to flat rail rates.

The KCBT notes that, with the recent enactment of legislation deregulating railroad rates and rate-making procedures, the provisions of Rules 1209.00, 1209.01, and 1249.00 are becoming obsolete and are no longer applicable for most rail shipments from Kansas City. The Exchange submits that the new rail rate structure for shipments from Kansas City is primarily flat, based upon mileage for a point to point move via a single carrier with no transit privileges allowed. The KCBT indicates that the proposed changes in Rules 1209.00, 1209.01, and 1249.00 would conform with the newly enacted railroad rate-making procedures. The Exchange intends to make the amendments effective for all contract months shortly after Commission approval, which may affect the value of existing contracts.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (Supp. V 1981), the Commission has determined that the proposal submitted by the KCBT concerning its freight billing requirements for hard winter wheat, corn and soybean futures contracts is of major economic significance. Accordingly, the KCBT's proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the KCBT in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Commission, 2033 K Street NW., Washington, D.C. 20581, by April 18, 1983. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on March 14, 1983.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 83–7040 Filed 3–17–83; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Army Corps of Engineers, Department of the Army

Intent To Prepare a Regulatory Action Draft Environmental Impact Statement (DEIS) For a Proposed Public Mooring Facility and Breakwater Project in Auke Bay, Alaska

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed action contemplates issuance of a permit to the Alaska Department of Transportation (ADOT) for construction of a floating breakwater in Auke Bay, Alaska. The purpose of this project is to provide additional moorage for transient vessels north of Mendenhall Bar, a major navigational obstruction for Juneau boaters heading into the more favorable northern fishing areas. The proposed project is to install a 1000 foot long floating breakwater and two large float units to provide public moorage for transient vessels. The estimated average potential use is 260 boats. It is anticipated that double or triple berthing would probably occur during periods of high demand for space, potentially pushing capacity up to 400 boats during peak use periods. In addition to the breakwater and floats, electric utilities, access floats, a fire protection system, a water supply system, a harbormaster's building, and a sewage pumpout facility would also be provided. There is some

private construction anticipated following emplacement of the breakwater. An evaluation of effects stemming from anticipated secondary private construction will be included in the DEIS.

2. Viable project alternatives considered in addition to the proposed action include construction of a dry marina, construction of a harbor at other sites near Juneau, and no action. In addition, alternatives for selected project features such as parking and water supply will be assessed.

3. The scope of the draft DEIS will be determined by reviewing concerns raised in past public meetings, hearings, and workshops, and by encouraging and seeking the involvement of individuals, organized groups, local, State, and Federal agencies, and expert opinion from other sources. These and other interested parties are invited to actively participate in the scoping process by expressing ideas and concerns related to the proposed project.

Significant issues to be analyzed in the DEIS will be determined by the ongoing public involvement program being conducted by the applicant, and by local, State and Federal agency comments. To date, these include the immediate and secondary effects relating to water quality, impacts from the development of a harbor water supply on the water supply for the Auke Bay community, potential displacement of bird, fish and mammal habitat related to expected increases in boat and automobile traffic, other immediate and secondary effects related to increased automobile traffic such as the adequacy of existing or proposed parking, effects of potential increases in litter, and effects of additional construction of private marinas behind the breakwater.

4. A scoping meeting to provide opportunity for public involvement and airing of concerns that may not have been presented in previous public meetings will be held on 5 April, 1983 at the Auke Bay elementary School in the community of Auke Bay, Alaska. The time has not yet been established, but will occur in the evening. Written comments regarding the scope of the DEIS are welcomed.

5. Estimated date for availability of the DEIS is August, 1983.

ADDRESS: Questions about the proposed action and DEIS can be answered by: William D. Lloyd, Chief, Environmental Resources Section, U.S. Army Engineer District, Alaska, Pouch 898, Anchorage, Alaska 99506.

Dated: March 4, 1983.

Neil E. Saling,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-7036 Filed 3-17-83; 8:45 am]

BILLING CODE 3710-NL-M

Department of the Navy

Permanent Disposal of Decommissioned, Defueled Naval Submarine Reactor Plants; Extension of the Comment Period on Draft Environmental Impact Statement

On December 22, 1982, the Department of the Navy announced that a draft environmental impact statement (EIS) had been prepared to assess the environmental implications of alternatives that could be used to permanently dispose of decommissioned, defueled naval submarine reactor plants. The announcement stated that written comments on the draft EIS should be submitted on or before March 31, 1983, in order to be incorporated into the final EIS.

Since the original announcement, requests have been received to extend the March 31, 1983, date. Public hearings have revealed that some individuals and state agencies desire additional time to prepare comments. To accommodate these needs, the date for receipt of comments has been extended to June 30, 1983. It is requested, however, that comments be submitted as soon as possible to facilitate their evaluation by the Navy.

Interested agencies, organizations and members of the general public desiring to submit comments on the draft EIS are invited to do so. Comments on the draft EIS will be considered in preparing the final EIS.

Written comments on the draft EIS may be submitted to: Captain Edward F. Wagner, U.S. Navy, Office of the Chief of Naval Operations (OPNAV-22), Department of the Navy, Washington, D.C. 20350. Telephone (202) 697-1961.

Written comments should be received on or before June 30, 1983, in order to be incorporated into the final EIS. Responses to all substantive comments will be published in the final EIS.

Single copies of the draft EIS may be obtained by writing Captain Edward F. Wagner, U.S. Navy, at the address given above in this announcement. The draft EIS may also be reviewed at the locations identified in the December 22, 1982, **Federal Register** announcement (pages 57,086-57,087).

Dated: March 15, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83-7087 Filed 3-17-83; 8:45 am]

BILLING CODE 3810-AE-M

Intent To Hold Public Review Meeting for the Draft Environmental Impact Statement for Alternative Location of a Landing Craft Air Cushion (LCAC) Operational Complex on the East Coast of the United States

Basing options for siting the Department of the Navy's proposed Landing Craft Air Cushion (LCAC) operational complex on the east coast of the United States are discussed in a Draft Environmental Impact Statement (DEIS) that was made available to the public on March 11, 1983. The LCAC base is projected to provide support for 54 LCAC and associated functions. The DEIS discusses candidate sites within a 50-mile radius of the Naval Amphibious Base, Little Creek, Virginia, provides detailed comparison of four significant candidate sites, and describes potential project impacts, as well as the no-action alternative. Environmental consequences of the proposed action will primarily affect ambient noise levels and on-site vegetation and wildlife.

The LCAC complex will consist of an approximately 30-acre parking apron connected to the beach by an access ramp, a large hanger-type maintenance building, a control tower, and administrative and support offices. Also on the site will be a washdown facility to remove salt and sand from the LCAC, a fueling facility, a fire station, and an automobile parking area.

In accordance with Council of Environmental Quality regulations, a public review meeting will be held April 7, 1983, at 7:30 p.m. at the Thalia Elementary School, 421 Thalia Road, Virginia Beach, Virginia. The purpose of this meeting will be to present a summary of the DEIS and to receive oral and/or written comments from the public. It is requested that persons desiring to make oral comments submit their intentions either in writing or by telephone to the contact listed below. Oral statements will be limited to five minutes, and lengthy or technical statements are requested to be submitted in writing.

The DEIS is available for public review at the following locations: Norfolk Chamber of Commerce, Virginia Beach Chamber of Commerce, Southeastern Virginia Planning District

Commission, Accomack-Northhampton Planning District Commission, Norfolk Public Library, Virginia Beach Public Library.

The Hearing Officer will be Commander Bob Gronczack, CEC USN, telephone (804) 444–8603.

Please address any correspondence or inquiries concerning the public review meeting to the following contact: Mr. T. J. Peeling (Code 2023TP), Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, Virginia 22332. Telephone: (202) 325–7342/3.

Dated: March 15, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83–7069 Filed 3–17–83; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

April 11, 1983, Monday, USCENTCOM, MacDill AFB, Florida. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

Dated: March 15, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–7071 Filed 3–17–83; Filed 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation; Advisory Committee Meeting

The Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will meet in closed session on April 12, 1983 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on April 12, 1983 the Defense Science Board Task Force on International Industry-to-Industry Armaments Cooperation will continue its review of the Defense Department's policies, plans and procedures which impede or might impede international arms cooperation and thereby have the potential for adversely impacting the collective security of the United States, its friends and Allies. In this context the Task Force will also analyze the effect current international cooperation policies have on the utility of the U.S., its friends and Allies to achieve in good order and sustain mobilization capacities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly these meetings will be closed to the public.

Dated: March 15, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83–7070 Filed 3–17–83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Gear Petroleum Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Gear Petroleum Company of Wichita, Kansas.

The Proposed Remedial Order charges this company with pricing violations in the amount of $369,485.87, plus accrued interest, in sales of crude oil during the period of June 1979 through October 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106–2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Kansas City, Missouri on the 7th day of March, 1983.

Robert J. Wehrle-Einhorn,

Program Manager, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 83–7102 Filed 3–17–83; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Fletcher Oil and Refining Company, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: The Economic Regulatory Administration (ERA) hereby gives the notice required by 10 CFR 205.199J(c) that it has signed a Consent Order with Fletcher Oil and Refining Company, Inc. (Fletcher). The Consent Order resolves all issues of compliance with DOE's Mandatory Petroleum Price and Allocation Regulations, with the exceptions noted in the Consent Order, for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). Fletcher has agreed to pay the amount of $2,800,000.00, plus installment interest, over a five-year period commencing May 1, 1983.

As required by the regulation cited above, ERA will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. ERA will consider any comments received before determining whether to make the Consent Order final.

Comments: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: Fletcher Oil and Refining Company, Inc., Consent Order Comments, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: John M. Daley, Deputy Chief Counsel, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (6th Floor), San Francisco, California 94105, (415) 974–7110.

Copies of the Consent Order may be received free of charge by request in person or by written request to: Fletcher Oil and Refining Company, Inc., Consent Order Request, Economic Regulatory Administration, U.S. Department of

Energy, 333 Market Street (6th Floor), San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: Fletcher owned and operated a crude oil refinery in Carson, California, and sold refined petroleum products, principally in California, during the time period August 19, 1973 through January 27, 1981.

ERA conducted an audit of Fletcher's books and records relating to the firm's compliance with DOE's Mandatory Petroleum Price and Allocation Regulations. During the audit, several regulatory questions and issues were raised. Except for matters specifically excluded from the proposed Consent Order (such as obligations which may arise under the final "entitlements list" for January 1981), this Consent Order resolves all civil issues, whether or not previously raised in an enforcement proceeding, concerning the allocation and sale of crude oil or refined products by the firm.

Neither ERA nor Fletcher has retreated from the positions that they have taken previously on the issues addressed by this Consent Order, and each believes that its positions on these issues are meritorious. The parties desire, however, to resolve the issues raised without resort to complex, lengthy, and expensive compliance actions. ERA believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and an appropriate conclusion of its audit of Fletcher and that the Consent Order is in the public interest.

The Consent Order requires Fletcher to make payments to DOE totalling $2,800,000.00, plus installment interest, over a five-year period commencing May 1, 1983. DOE will separately determine how the funds will be distributed.

Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Fletcher has waived its right to an administrative or judicial appeal. The Consent Order does not constitute an admission by Fletcher nor a finding by ERA of a violation of any federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by ERA before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order that, in the opinion of ERA, significantly change the terms or impact of the Consent Order will be published for comment. If, after considering the comments it has received, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by notice to Fletcher. Pursuant to 10 CFR 205.199J(c), DOE will thereafter promptly publish in the **Federal Register** notice of the action taken on this Consent Order and an appropriate explanation of that action.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in San Francisco, California, this 4th day of March 1983.

Raymond G. Gong,

Chief Counsel, San Francisco Office, Economic Regulatory Administration.

[FR Doc. 83-7100 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

Tesoro Petroleum Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Tesoro Petroleum Corporation (Tesoro). This Proposed Remedial Order charges Tesoro with entitlements violations in the amount of $2,869,779.00, plus interest, in connection with Tesoro's participation in the Entitlements Program during the reporting period October 1977 and November 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Milton C. Lorenz, Special Counsel, ERA, Washington, D.C., (202) 633-8925. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C. on the 12th day of March 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration, Washington, D.C.

[FR Doc. 83-7101 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI81-507-002]

Amoco Production Co.; Petition To Amend Certificate of Public Convenience and Necessity

March 15, 1983.

Take notice that on December 27, 1982, Amoco Production Company (Amoco) of P.O. Box 50879, New Orleans, Louisiana 70150, filed a petition for an order amending the certificate of public convenience and necessity issued April 2, 1982 in Docket No. CI81-507-000, as amended by FERC Order issued September 15, 1982 in Docket No. CI81-507-001. In support of this petition, Amoco respectfully states as follows:

On September 24, 1981, Amoco filed an application in Docket No. CI81-507-000 for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline and related compression in Baldwin County, Alabama. The facilities were to be utilized to deliver gas in satisfaction of Amoco's warranty contract with Florida Power and Light Company. By order issued April 2, 1982, the requested authorization was granted.

On May 14, 1982, Amoco filed an amended application to amend its certificate in Docket No. CI81-507-001 to increase its facility capacity to 24,000 MCF per day. This increase was to be facilitated by the installation of two compressors totaling 1355 BHP and a glycol dehydration unit. Amoco also requested that it be granted the flexibility to use gas from Baldwin County, Alabama, for either of its warranty contracts. Said amendment was approved by order dated September 15, 1982.

Amoco hereby requests that it be granted the flexibility to increase the facility capacity to 24,000 MCF per day either by the installation of two compressors totaling 1355 BHP and a glycol dehydration unit, as approved in Docket No. CI81-507-001, or by increasing the pressure of the 6⅝" 32 mile pipeline from 1000 psig to 1360 psig. The pipeline has been hydrostatically pressure tested to 1500 psig.

In consideration of the foregoing, Amoco requests that the certificate previously granted and amended, be amended as set forth above.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7167 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-377-000]

Arkansas Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 9, 1983, Arkansas Power & Light Company (Company) tendered for filing a proposed change in one of the Company's rate schedules:

Arkansas Power & Light Company Rate Schedule, FERC No. 98

According to the Company Rate Schedule FERC No. 98 is a contract between the Company and the Conway Corporation of Conway, Arkansas. The Company indicates that the change in FERC No. 98 includes the addition of one point of delivery and increased capacity at another existing point of delivery. The Company further indicates that the change in FERC No. 98 is proposed to take effect on or about March 1, 1983. For this reason, the Company requests waiver of the Commission's notice requirements.

The Company states that there will be no change in rates or provisions in the schedule other than those noted above.

According to the Company a copy of the filing has been mailed to the Conway Corporation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7168 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6355-001]

Big Rivers Electric Corp.; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Big Rivers Electric Corporation, Permittee for the proposed Uniontown Hydroelectric Project No. 6355, has requested that its preliminary permit be terminated. The permit was issued on August 11, 1982, and would have expired on July 31, 1984. The project would have been located on the Ohio River in Union County, Kentucky.

The Permittee filed its request on February 15, 1983, and the surrender of the preliminary permit for Project No. 6355 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7175 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-248-000, ER81-736-000, and ER82-192-000]

Central Illinois Public Service Co.; Order Accepting for Filing and Suspending Rates, Noting Intervention, Granting Late Intervention, Granting Waiver of Notice, Consolidating Dockets and Establishing Hearing Procedures

March 14, 1983.

On January 13, 1983, Central Illinois Public Service Company (CIPS) tendered for filing two separate rates for firm wheeling service supplied under the company's W-5 general transmission tariff.[1] As discussed below, the first rate ($1.93/kw/month) tracks a settlement offer in an earlier CIPS docket. The second rate ($2.02/kw/month) represents a proposed increase in the settlement rate level.[2]

The proposed step-one rate evolves from the company's original W-5 rate schedule filed in Docket No. ER81-736-000. In that docket, settlement negotiations produced a settlement W-5 rate schedule, which was certified to the Commission on June 30, 1982.[3] The settlement offer incorporated the $1.93/kw rate. Having determined that genuine issues of fact remained, the Commission remanded the settlement on December 5, 1982, and instructed CIPS to elect whether it would proceed to trial on its original or its settlement rate schedule.[4] CIPS elected the latter, and accordingly filed the settlement W-5 rate schedule, and the required supporting documentation, with the Commission on January 13, 1983, in Docket No. ER83-248-000. CIPS concurrently filed its step-two rate which represents an increase to $2.02/kw/month, and which would increase CIPS' revenues by approximately $25,000 (4.66%) for the twelve months ending December 31, 1983.

In a related matter (Docket No. ER83-192-000), on December 14, 1982, CIPS filed an unexecuted service agreement under its tariff to govern wheeling service by CIPS to Mt. Carmel Public Utility Company at the W-5 settlement rate, beginning on January 1, 1983. Mt. Carmel, the only wheeling customer, agreed to the proposed rate level and the requested effective date. On February 10, 1983, the Commission accepted CIPS' filing, suspended the rate, waived the notice requirements,

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[1] *See* Attachment A for rate schedule designations.

[2] For purposes of convenience, these rates will be referred to as CIPS' step-one and step-two rates, respectively.

[3] *See* 19 FERC ¶ 63,098 (1982).

[4] *See* 21 FERC ¶ 61,297 (1982).

granted the January 1, 1983 effective date, and consolidated the docket with Docket No. ER81–736–000 for purposes of hearing and decision.

With respect to its instant filing, CIPS also requests waiver of the notice requirements so that the step-one rate may be made effective as of January 1, 1983, consistent with the filing in Docket No. ER83–192–000. CIPS further requests that the step-two rate take effect after whatever suspension period the Commission deems appropriate. Finally, CIPS requests that the instant docket be consolidated with the pending proceedings in Docket Nos. ER81–736–000 and ER83–192–000.

Notice of the filing in Docket No. ER83–248–000 was published in the **Federal Register**, with responses due by February 7, 1983. A group of Illinois Cities (Cities) [5] filed a timely protest and motion to intervene. Cities' stated interest in this proceeding lies in their potential use of CIPS' transmission system to receive power supplied by alternate sources. Cities allege that CIPS has deliberately foreclosed their use of transmission service by means of unjustified costing and restrictive conditions of service, and claim that these alleged practices are discriminatory, anticompetitive, and unduly preferential. In addition, Cities claim that CIPS has failed to file its case-in-chief, and that CIPS must be so ordered in accordance with the Commission's December 15, 1982 remand order in Docket No. ER81–736–000. Finally, Cities state that they do not concur in CIPS' request for waiver of the notice requirements. Instead, Cities argue for a five-month suspension on the grounds that CIPS' filing is based on the cost support submitted with CIPS' wholesale rate increase request in Docket No. ER83–78–000, which was suspended by the Commission for five months.[6]

On February 18, 1983, CIPS filed an answer to the Cities' protest and motion to intervene. While not opposing the intervention, CIPS disputes the Cities' assertions that the company failed to file its case-in-chief, and that a five-month suspension is appropriate. CIPS notes that it filed its case-in-chief on February 4, 1983, in accordance with the procedural schedule set in Docket No. ER81–736–000.[7] With respect to the suspension period sought by Cities, CIPS notes that because the Cities are not and do not plan to become CIPS wheeling customers in the near future, they are unaffected by whatever suspension period the Commission orders in this docket. In contrast, CIPS notes that its sole wheeling customer, which clearly is affected by the length of suspension to be ordered, not only agreed to a nominal suspension of the settlement W–5 rate when proposed by CIPS in Docket No. ER83–192–000,[8] but also declined to protest the step-two rate increase and associated suspension period proposed by CIPS in the instant docket.

On February 28, 1983, Illinois Power Company (IP) filed a late motion to intervene. IP seeks intervention based on its participation in the proceedings pending in Docket Nos. ER81–736–000 and ER83–192–000, with which CIPS' instant filing requests consolidation.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the Cities' unopposed motion to intervene serves to make them parties to this proceeding. In addition, we find that good cause exists to permit IP to intervene out of time, inasmuch as IP is a party to the proceedings in Docket Nos. ER81–736–000 and ER83–192–000, no disruption to the proceeding will result from permitting the intervention, and no prejudice or additional burdens will be placed upon existing parties. Accordingly, we shall grant late intervention under Rule 214(d).

Our preliminary review indicates that CIPS' rates have not been shown to be just and reasonable and may be unjust, unreasonaable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶61,189 (1982), we explained that where our preliminary review indicates that proposed rates may be unjust or unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for a nominal period. Our analysis of the instant filing suggests that CIPS's proposed rates may not produce excess revenues. Thus, a nominal suspension is appropriate as to both the step-one and step-two rates. With respect to the step-one rates, we find that good cause exists to grant CIPS's request for waiver of notice, despite the Cities' objection. As noted, the step-one rate was submitted as a result of the Commission's remand order in Docket No. ER81–736–000. Furthermore, a service agreement incorporating the same rate was previously allowed to take effect (following waiver of notice) as of January 1, 1983, given the support for this result by the only currently affected customer. Because no other customer will be affected by the tariff rates until it elects to take service under the tariff, no prejudice will result from the requested waiver.[9] Accordingly, we shall suspend CIPS's step-one rate to become effective, subject to refund, on January 1, 1983. We shall suspend CIPS's proposed step-two rate for one day from 60 days after filing, to become effective, subject to refund, on March 16, 1983.

As a final matter, we note that the issues presented by CIPS' instant filing are substantially identical to those already before the presiding administrative law judge in consolidated Docket Nos. ER81–736–000 and ER83–192–000. Given the existence of common questions of law and fact, we shall consolidate Docket Nos. ER83–248–000 with the pending proceedings for purposes of hearing and decision.

The Commission orders:

(A) CIPS' request for waiver of the notice requirements with respect to its step-one rate is hereby granted.

(B) CIPS' proposed step-one and step-two rates are hereby accepted for filing; the step-one rates are suspended to become effective, subject to refund, on January 1, 1983, and the step-two rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on March 16, 1983.

(C) IP's untimely motion to intervene is hereby granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regualtions under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning

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[5] The Illinois Cities include Bethany, Bushnell, Cairo, Carmi, Casey, Flora, Greenup, Marshall, Metropolis, Newton, Rantoul, and Roodhouse, Illinois.

[6] *See* 21 FERC ¶ 61,388 (1982).

[7] As discussed *supra*, the instant wheeling tariff, though assigned Docket No. ER83–248–000, was filed pursuant to the Commission's December 15, 1982 remand order in Docket No. ER81–736–000, and is in fact the tariff being investigated pursuant to the procedural schedule established in that docket.

[8] *See*, n. 3, *supra*.

[9] In order to commence service to another customer under the tariff, it will be necessary for CIPS to tender an appropriate service agreement. At that time, the customer can presumably object to any requests for waiver or a proposed effective date.

the justness and reasonableness of CIPS' transmission rates.

(E) Docket Nos. ER83–248–000, ER83–192–000, and ER81–736–000 are hereby consolidated for purposes of hearing and decision.

(F) The presiding administrative law judge in Docket Nos. ER83–192–000 and ER81–736–000 shall convene a prehearing conference if necessary to establish any additional procedures or schedules which would facilitate consideration of these consolidated dockets.

(G) the Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Central Illinois Public Service Company, Docket No. ER83–248–000, Rate Schedule Designations

FERC Electric Tariff, Original Volume No. 5

Designation and Description

1st Revised Sheet No. 1 (Supersedes Original Sheets No. 1 and 7); Rate Schedule W–5 for Transmission Service ($1.93/kw/month)
2nd Revised Sheet No. 2 (Supersedes 1st Revised Sheet No. 2); Losses
1st Revised Sheet No. 3 (Supersedes Original Sheet No. 3); Additional Terms and Conditions
1st Revised Sheet No. 4 (Supersedes Original Sheet No. 4); Save Harmless Clause
1st Revised Sheet No. 5 (Supersedes Original Sheet No. 5); Schedule A—Form of Service Agreement
1st Revised Sheet No. 6 (Supersedes Original Sheet No. 6); Form of Service Agreement—Signature Page
2nd Revised Sheet No. 1 (Supersedes 1st Revised Sheet No. 1); Rate Schedule W–5 for Transmission Service ($2.02/kw/month)

[FR Doc. 83–7176 Filed 3–17–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. CP83–211–000]

Columbia Gulf Transmission Co.; Application

March 15, 1983.

Take notice that on March 1, 1983, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001 filed in Docket No. CP83–211–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas at the inlet of the Blue Water gas plant, Acadia Parish, Louisiana, for processing by Exxon Company, USA (Exxon) for the recovery of liquefiable hydrocarbons, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver up to 170,000 Mcf per day of certain gas owned by Columbia Gas Transmission Corporation (Columbia) to Exxon through existing pipeline facilities pursuant to a gas processing agreement dated December 13, 1982, between Columbia and Exxon. It is asserted that the gas to be processed is part of the gas stream being transported through Applicant's available capacity in the Blue Water Project facilities and would be transported and delivered through Applicant's existing piping which connect the Blue Water facilities to the Blue Water gas plant. It is stated that in return for such service Exxon has agreed to reimburse Columbia on a thermal basis for the acquisition cost of the gas removed as shrinkage and used as fuel at the plant and has renegotiated certain of Columbia's take-or-pay obligations under gas purchase sales agreements. The proposed service is for a term of five years from the commencement of the processing operations at the plant, it is stated.

It is also asserted, that Exxon would have the right to select Columbia's sources for the plant volume reduction to the extent that such selections are available for delivery at the plant. Gas transported by Applicant for companies other than Columbia would not be available for selection by Exxon, it is stated. It is also asserted that Exxon under certain contractual provisions of the December 15, 1982, agreement may exert the right to furnish its own sources of gas to be processed through the plant. Upon execution of this option Exxon has agreed to reimburse to Columbia any cost, fee or charge borne by Columbia or Applicant which is allocable to the transportation of Exxon's plant volume reduction quantities, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7199 Filed 3–17–83; 8:45 am]
BILLING CODE 6717–01–M

[Docket No. ER83–375–000]

Consumers Power Co.; Cancellation

March 15, 1983.

The filing Company submits the following:

Take notice that on March 7, 1983, Consumers Power Company (Consumers) tendered for filing a Notice of Cancellation of the Contract for Wholesale Electric Service with the City of Coldwater, Michigan, filed with the Federal Energy Regulatory Commission by the Company and adopted by the Commission in FERC Docket No. ER83–228, is to be cancelled.

Consumers requests an effective date of December 3, 1982.

Copies of the filing were served on the City of Coldwater and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7180 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-504-003]

Delmarva Power & Light Co.; Refund Report

March 15, 1983.

The filing Company submits the following:

Take notice that on March 2, 1983, Delmarva Power & Light Company submitted a refund report pursuant to the Commission's order of acceptance of settlement issued on January 21, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 1, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7181 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE82-27-000]

Public Utility District of Grant County; Application for Exemption

October 5, 1982.

Take notice that Public Utility District of Grant County (Grant County) filed an application on June 28, 1982 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58667, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, and biennially thereafter, information on the costs of providing electic service as specified in Subparts B, C, D, and E.

In its application for exemption Grant county states that it should not be required to file the specified data for the following reasons in part:

(1) Gathering the required 133 cost of service information is costly and has no beneficial value.

(2) Grant County's rates are among the lowest in the Nation. The necessity of a rate increase is not anticipated before 1985 and possibly not before 1987.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the Federal Register. Within that 45 day period such person must also serve a copy of such comments on: Mr. Brendon T. Jose, Public Utility District of Grant County, P.O. Box 878, Ephrata, Washington 98823.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7183 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-38-000]

Great Lakes Gas Transmission Co.; Filing of Petition To Permit Waiver of Tariff Provisions

March 14, 1983.

Take notice that on December 29, 1982, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing a petition that for the contract year ending October 31, 1982, the Commission authorized it to waive the minimum annual bill provision contained in Section 4.1(b) of Rate Schedule SQ to Great Lakes' FERC Gas Tariff, First Revised Volume No. 1.

Great Lakes' tariff for contract quantity (CQ) service provides for a minimum monthly bill in § 4.1(a) and for a minimum annual bill in § 4.1(b). This petition does not concern the minimum monthly bill set forth in § 4.1(a). It requests a waiver of the minimum annual bill to the limited extent set forth in the filing for the contract year ending October 31, 1982.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7177 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP65-379-000]

Husky Pipeline Co.; Change in Operations

March 15, 1983.

Take notice that on February 18, 1983, Husky Pipeline Company (Applicant), P.O. Box 380, Cody, Wyoming 82414, filed in Docket No. CP65-379-000 a notice pursuant to § 152.5 of the Commission's Regulations under the Natural Gas Act (18 CFR 152.5) (NGA) of a change in operations making inapplicable its exemption from the provisions of the NGA and the regulations of the Commission thereunder pursuant to Section 1(c) of the NGA, all as more fully set forth in the notice which is on file with the Commission and open to public inspection.

It is submitted that by order of the Federal Power Commission issued July 28, 1965, in Docket No. CP65-379 (34 FPC 125), Applicant was declared exempt from the provisions of the NGA pursuant to Section 1(c) thereof and from the rules and regulations of the Commission issued thereunder.

It is explained that Applicant's service consisted of transporting natural gas for the account of Cody Gas Company (Cody) from the tailgate of Husky Oil Company's (Husky Oil) Ralston Plant in Park County, Wyoming. It is further explained that Applicant's facilities consisted of approximately 22 miles of 4½-inch O.D. transmission pipeline (Ralston Residue Gas Line) extending southwest from the tailgate of said plant to a point of connection with the facilities of Cody, asserted by Applicant to be a public utility transporting and selling natural gas within Park County, Wyoming, and subject to the regulatory jurisdiction of the Public Service Commission of Wyoming. It is further asserted the Ralston Residue Gas Line

was certificated by order of the Public Service Commission of Wyoming on August 5, 1964, in Docket No. 9456.

Applicant submits that Husky Oil's sales were certificated by order of the Federal Power Commission issued July 23, 1965, in Docket No. CI65–1249. Applicant further submits that abandonment of those sales was approved by order issued August 6, 1982, in Docket No. CI82–71–000.

It is asserted that by order of the Public Service Commission of Wyoming issued November 15, 1982, in Docket No. 9456, SUB 6, Applicant was granted authority to sell its Ralston Residue Gas Line to Cody, submitted by Applicant to have been executed and conveyed January 18, 1983.

Any person desiring to be heard or to make any protest with reference to said notice should on or before April 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 at 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7193 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5414–001]

Jackson Water Development; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Jackson Water Development, Permittee for the proposed Boulder Creek Hydroelectic Project No. 5414, has requested that its preliminary permit be terminated. The permit was issued on February 12, 1982, and would have expired July 31, 1983. The project would have been located on the Boulder Creek in Douglas County, Oregon.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5414 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7170 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–371–000]

Kansas City Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that the Kansas City Power & Light Company (KCPL) on March 7, 1983, tendered for filing Service Schedules for Transmission Service and for Transmission and Subtransmission Service under Agreements with the following customers in the State of Kansas:

Customer	Service schedule filed herewith	Superseding and replacing
Kansas Gas and Electric Company.	Service Schedule G.	New Schedule.
City of Ottawa, Kansas.	Service Schedule F–MPA–2.	Service Schedule F–MPA–1, Supplement No. 9 to KCPL's Rate Schedule FERC No. 90.
City of Baldwin City, Kansas.	Service Schedule F–MPA–1.	Service Schedule F–MPA, Supplement No. 6 to KCPL's Rate Schedule FERC No. 65.

KCPL states that the purpose of this filing is to establish rates for Transmission Service and for Transmission and Subtransmission Service applicable to power and energy received by KCPL from the Board of Public Utilities of Kansas City, Kansas, and transmitted to Kansas Gas and Electric Company and to the Cities of Ottawa and Baldwin City, Kansas, by KCPL through its existing transmission facilities.

KCPL requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7194 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5726–001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District, Permittee for the proposed Buchanan Dam Hydroelectric Project No. 5726, has requested that its preliminary permit be terminated. The permit was issued on February 17, 1982, and would have expired July 31, 1983. The project would have been located at the Corps of Engineers' Buchanan Dam on the Chowchilla River in Madera County, California.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5726 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7178 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5727–001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District, Permittee for the proposed Hidden Dam Hydroelectric Project No. 5727, has requested that its preliminary permit be terminated. The permit was issued on February 17, 1982, and would have expired July 31, 1983. The project would have been located on the Fresno River at the Corps of Engineers' Hidden Dam in Madera County, California.

The Permittee filed its request on February 7, 1983, and the surrender of the preliminary permit for Project No. 5727 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–7180 Filed 3–17–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6565-001]

Modesto Irrigation District; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Modesto Irrigation District (MID), Permittee for the Deep Hole Creek Project No. 6565, has requested that its preliminary permit be terminated. The permit was issued on November 26, 1982, and would have expired on May 31, 1984. The project would have been located on Deep Hole Creek in Mendocino County, California.

MID filed its request on February 7, 1983, and the surrender of the permit for Project No. 6565 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7181 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-70-002, and ER81-71-002]

New England Power Co.; Compliance Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 2, 1983, New England Power Company submitted a compliance filing pursuant to the Commission's Opinion No. 158, issued on February 4, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 1, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7196 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-42-000]

Northwest Central Pipeline Corp.; Complaint of Midwest Gas Users Association Regarding NCP's Take-or-Pay Abuses and Petition for Consolidation

March 15, 1983.

Take notice that on January 24, 1983, Midwest Gas Users Association (Midwest), pursuant to the provisions of the Natural Gas Act (NGA) and Rules 206 and 207 of the Commission's Rules of Practice and Procedure, submitted for filing its Complaint against Northwest Central Pipeline Corporation (NCP) Oklahoma City, Oklahoma, formerly Cities Service Gas Company.

Midwest requests that the Commission institute a hearing under the provisions of Sections 5 and 14 of the NGA to determine the "propriety and reasonableness" of NCP's proposed inclusion of take-or-pay payments in its rate base and/or cost of service. Midwest states that NCP's take-or-pay obligations are clearly excessive, are the result of improvidently and recklessly negotiated contracts, and represent an abuse of NCP's public utility obligation and a violation of the NGA.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 28, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7197 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-374-000]

Public Service Company of New Hampshire; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that Public Service Company of New Hampshire (PSNH) on March 8, 1982, tendered for filing an initial rate for the exchange of excess capacity and associated energy from the PSNH system for an equal amount of capacity from certain Central Vermont Public Service units. The timing of the exchanges cannot be accurately predicted, but PSNH and Central Vermont Public Service will only enter into exchange when each will derive economic benefit therefrom.

Central Vermont Public Service will pay to PSNH an energy reservation charge which is the product of the capacity exchange amount, expressed in kilowatts, for each such exchange, and a rate which will be mutually agreed to by the parties hereto prior to the commencement of such exchange, which rate shall in no event exceed the cost justified rate of $0.00615 per kilowatt hour. Central Vermont Public Service will pay to PSNH an energy charge in an amount equal to the kilowatt hours provided by PSNH during such exchange times the energy charge rate. The energy charge rate is based on the heat rate and the New England Power Exchanges (NEPEX) Replacement Fuel Price of the generating unit(s) which PSNH determines to be available to provide system power at the time of each such exchange.

Copies of the filing were served upon Central Vermont Public Service, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules or Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7198 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4891-001]

Rust Hydro Generating Co.; Surrender of Preliminary Permit

March 14, 1983.

Take notice that Rust Hydro Generating Company, Permittee for the proposed Patterson Creek Project No. 4891, has requested that its preliminary permit be terminated. The permit was issued on April 29, 1982, and would have expired October 31, 1983. The project would have been located on the Patterson Creek in Siskiyou County, California.

The Permittee filed its request on February 14, 1983, and the surrender of the preliminary permit for Project No.

4891 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7182 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-376-000]

St. Joe Mineral Corp.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 9, 1983, St. Joe Minerals Corporation (St. Joe) tendered for filing two contracts for wholesale service from the generating plant at St. Joe's zinc smelter at Monaca, Pennsylvania. The first contract, dated July 21, 1981, is with Duquesne Light Company (Duquesne), and the second, dated January 4, 1982, is with GPU Service Corporation (GPU) acting as agent for its operating affiliates, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company. In addition, St. Joe tendered for filing a contract with Duquesne dated January 21, 1982 providing for delivery of the power sold to GPU under the contract of January 4, 1982. St. Joe requests that each of the three contracts be permitted to become effective as a rate schedule under the Federal Power Act as of the date of its execution.

Copies of the filing have been served upon the two customers and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7199 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1923-000-002]

Lawrence H. Shay; Application

March 15, 1983.

The filing individual submits the following:

Take notice that on March 9, 1983, Lawrence H. Shay filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President Administrative Services—The Connecticut Light & Power Company
Senior Vice President Administrative Services—Western Massachussetts Electric Company Officer
Senior Vice President Administrative Services—Holyoke Water Power Company Officer
Senior Vice President Administrative Services—Holyoke Power and Electric Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7186 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-203-000]

Transcontinental Gas Pipe Line Corp.; Application

March 15, 1983.

Take notice that on February 22, 1983, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-203-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to acquire, by lease, compression facilities located at South Marsh Island Block 66, offshore Louisiana, previously installed and placed in service by Aminoil USA, Inc., Amerada Hess Corporation, the Louisiana Land & Exploration Co., and Union Texas Petroleum Corp., (producers) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that during the summer of 1980 preliminary discussions commenced between Applicant and the producers regarding the feasibility of Applicant's installing compression facilities at South Marsh Island Block 66. Applicant further states that pursuant to the terms of a letter agreement executed by the producers and Applicant dated July 14, 1981, Transco agreed to install or cause installation of compression facilities at South Marsh Island Block 66. It is asserted that due to a rapid delination in wellhead pressures, Aminoil USA, Inc., as operator, leased one Ingersall-Rand reciprocating 1050 horsepower compressor on August 7, 1980, and one Solar Saturn 1050 horseposer centrifigal compresson on October 22, 1980, prior to execution of the letter agreement but after a general consensus had be reached that Transco would provide the necessary compression facilities. It is further asserted that the Solar Saturn compressor would be replaced by a 930 horsepower Energy Industries compressor in early 1983 and that by December 31, 1983, the Intersall-Rand compressor would no longer be required.

Applicant states that Aminoil USA, Inc., seeks reimbursement for the lease cost related to such facilities and Applicant seeks to fulfill its obligation by acquisition of the lease on the subject compression facilities, the payment of such costs as well as costs related to installation, maintenance, operation and removal of such compression facilities. The estimated total cost for reimbursement of all compression costs through 1987 is $3,359,017, it is submitted. It is stated that the facilities proposed to be acquired would be financed initially through revolving credit arrangements, short-term loans, and funds on hand with permanent financing to be undertaken at a later date.

Applicant states that the subject facilities have been installed on the producers' platform and are used to increase gas deliverability and reserve recovery in the field dedicated to Applicant and that the use of such facilities would be unchanged after their acquisition by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1983, file with the Federal Energy Regulatory Commission, Washington,

D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7200 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-114-002]

Trunkline Gas Co.; Petition To Amend

March 15, 1983.

Take notice that on February 9, 1983, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP81-114-002, a petition to amend the order issued September 8, 1981, in Docket No. CP81-114-000 [1] pursuant to Section 7(c) of the Natural Gas Act so as to authorize a change in the transportation service that Trunkline is authorized to perform on behalf of Northern Natural Gas Company, Division of Internorth, Inc. (Northern), a change in transportation service that Trunkline is authorized to perform on behalf of Panhandle Eastern Pipe Line Company (Panhandle), and to modify a condition of the September 8, 1981 order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that the order of September 8, 1981, authorized Trunkline and Panhandle to transport and deliver Northern's gas to Longville, Louisiana, for further transportation by Trunkline and Panhandle and redelivery to Northern by Panhandle in Kiowa County, Kansas. Trunkline herein requests amendment of the order of September 8, 1981, pursuant to a June 18, 1982, amendment to the agreement between Trunkline, Panhandle, and Northern, so as to allow Trunkline to deliver Northern's gas to United Gas Pipe Line Company (United) for the account of Northern at existing points of interconnection between Trunkline's and United's facilities in Olla, Centerville, and Garden City, Louisiana, in lieu of delivery at Longville. Pursuant to the amended agreement, it is stated, Panhandle would no longer make ultimate redelivery to Northern in Kiowa County, Kansas. It is stated that Northern would pay Trunkline a monthly demand charge of $52,720 based on a firm transportation quantity of 8,000 Mcf per day.

Trunkline states that as partial consideration for the transportation service Northern agreed to sell to Panhandle up to 20 percent of the volumes received by Trunkline, the purchase price of which would be Northern's actual weighted average purchase price per Mcf for the respective month plus associated cost of service charges applicable to facilities Northern installs or causes to be installed to provide service to effect deliveries herein. Trunkline indicates that the June 18, 1982, amendment allowed Trunkline to be included in the option to purchase gas from Northern.

The order of September 8, 1981, also authorized Trunkline to transport the sales gas which Panhandle purchases from Northern and to redeliver such gas to Panhandle at an existing interconnection between the facilites of Trunkline and Panhandle in Douglas County, Illinois. It is stated that Trunkline and Panhandle have amended the transportation agreement so that Panhandle would pay Trunkline a firm monthly demand charge of $24,100 based upon a firm transportation quantity of 2,000 Mcf per day to be adjusted downward by a unit charge of 39.63 cents per Mcf of gas when Trunkline purchases under the option.

The order of September 8, 1981, included the following Ordering Paragraph (D):

> (D) The issuance of the certificate in Docket No. CP81-114-000 and the approval of any initial rates are without prejudice to a determination of the proper apportionment of costs between the transportation and handling of liquids and liquefiable hydrocarbons or non-hydrocarbon constituents which are ultimately removed from the gas stream, and the transportation and handling of natural gas in any proceeding where Northern, Panhandle, or Trunkline files to include the costs associated with this transaction in its natural gas rates, or in any proceeding where the transportaton transaction is at issue. Trunkline shall separately state its charges for these two categories of service.

Trunkline requests that Ordering Paragraph (D) of the September 8, 1981, order be amended to permit the treatment of costs associated with liquids and liquefiables to be controlled by the appropriate resolution of these matters in the settlement offer Trunkline has submitted in Docket No. RP80-106.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before April 5, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7201 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP71-29-000, et al. and RP71-120-001, et al. (Phase II)]

United Gas Pipe Line Co.; Informal Settlement Conference

March 15, 1983.

Take notice that in informal settlement conference of all interested parties to this proceeding will be held on March 31, 1983, at 10:00 a.m. at the offices of the Federal Energy Regulatory

[1] Panhandle and Trunkline jointly received authorization in the order issued September 8, 1981. However, the change in services contemplated herein involves only Trunkline.

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

The informal conference is being held pursuant to Article VIII of the settlement agreement approved by the Commission in the above captioned dockets on October 8, 1982. Opinion No. 150, 21 FERC ¶61,016. Among other things, Article VIII requires that:

[n]o later than April 1, 1983, * * * United shall be required to submit to all parties a supply forecast for at least a three-year period subsequent to November 1, 1983, and to convene a settlement conference for the purpose of determining the most appropriate curtailment program for future implementation on United's system.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7184 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF83-373-000]

Utah Power & Light Co.; Filing

March 15, 1983.

The filing Company submits the following:

Take notice that on March 8, 1983, Utah Power & Light Company (Utah), tendered for filing a revised Appendix 1 as required by Exhibit C for retail sales in its Idaho jurisdiction, together with the Bonneville, Power Administration's Average System Cost Report in which Bonneville determined the Average System Cost for the Idaho residential jurisdiction in accordance with the provisions of the Residential Purchase and Sale Agreement (Agreement) between Utah and objections regarding certain adjustments made by BPA's Average System Cost determination.

Utah states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, PL 96-501. The Agreement provides for the exchange of electric power from Utah and Bonneville for the benefit of the Company's Idaho jurisdictional residential and farm customers.

Utah proposes an effective date of October 1, 1982.

Copies of the filing were served upon Bonneville, the Idaho Public Utilities Commission, and upon all parties that made comment on Utah's Appendix 1 filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7185 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF80-5011-004]

Western Area Power Administration; Order Granting Motion and Extending Time Within Which To File Substitute Rates

March 15, 1983.

Before this Commission is a request by the Assistant Secretary of the U.S. Department of Energy to extend until May 31, 1983, the period within which the Assistant Secretary is to file substitute rates in this docket. By order issued May 4, 1982, the Commission disapproved interim rates submitted by the Assistant Secretary on behalf of the Western Area Power Administration (WAPA) for Commission confirmation and approval on a final basis.[1] The rate schedules, applicable to power generated from the Central Valley Project (CVP), were found to be deficient by about $4.5 million on an annual basis with respect to WAPA's long-term revenue requirements and were also found to result in a short-term revenue deficiency of an additional $6.6 million annually. In light of these deficiencies, the Comission found that the proposed rates did not meet the statutory standards of providing WAPA with sufficient revenues to recover CVP operating costs and to repay the federal investment within a reasonable time.[2] The Commission therefore disapproved and rejected the rates, and ordered WAPA to submit substitute rates within 120 days that would recover the above-noted deficiencies.

In response to our order, the Assistant Secretary, on June 3, 1982, filed a motion requesting that the Commission extend the 120-day period provided for the filing of substitute rates. In support of the motion, the Assistant Secretary maintained that WAPA could not, without considerable effort, time, and dedication of staff and computer resources, prepare the necessary Power Repayment Study (PRS) in order to file the ordered substitute rates within the 120-day time period. The Assistant Secretary therefore proposed that a new rate, which is currently being developed by WAPA for filing in May 1983 and which is expected to increase the CVP's rates by approximately 200% over the 1979 rate, be treated as the substitute rate required by our May 4, 1982 order.

The Commission, on July 2, 1982, rejected the Assistant Secretary's request for extension of the 120-day filing period.[3] The Commission noted in its order that an indefinite extension of time, as requested by the Assistant Secretary, would effectively cause the current interim rate to remain in effect as if it were the final confirmed and approved rate, thereby violating the statutory criteria enunciated in Section 9(c) of the Reclamation Act of 1939. The Commission therefore rejected the Assistant Secretary's request, without prejudice.

Subsequently, on August 9, 1982, the Assistant Secretary filed a renewed motion for extension of time within which to file substitute rates, which motion is presently before us. The Assistant Secretary's August 9, 1982 motion requests an extension for a specific period of time in order to comply with the Commission's May 4, 1982 order. The request, if granted, would extend the filing period beyond September 2, 1982, to May 31, 1983. The Assistant Secretary states that, because of changes made in the Bureau of Reclamation's computers and in the computer programs, and the fact that WAPA has now developed its own computer system, WAPA cannot recreate a PRS on the same basis as its original computer model, develop a substitute rate, and also allow for its requiried public comments in less than nine months.

The Assistant Secretary also maintains that all of WAPA's rate setting staff is presently dedicating its time to the current rate adjustment for the CVP which is expected to become effective on or before May 31, 1983. If the staff were to review the PRS which was the basis of the disapproved rates and develop a substitute rate on the basis of the study, the Assistant Secretary contends that they will not be able to work on the current rate adjustment. The Assistant Secretary points out that the current rate adjustment is important since, if the

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[1] "Order Disapproving Rate Schedules" Docket No. EF80-5011-000, 19 FERC ¶ 61, 112 (May 4, 1982), *rehearing denied*, 20 FERC ¶ 61,008 (July 2, 1982).

[2] *See* Section 9(c) of the Reclamation Act of 1939, 43 U.S.C. § 485h(c).

[3] "Order Denying Rehearing and Motion for Extension of Time." 20 FERC ¶ 61,008 (July 2, 1982).

CVP rate is not modified before May 1983, the contract of one of CVP's largest customers, the Sacramento Municipal Utility District (SMUD), may prevent a rate adjustment to SMUD for an additional five year period.

In further support of the requested extension, the Assistant Secretary asserts that the current rate proceedings will be specifically addressing each of the issues raised in the Commission's May 4, 1982 "Order Disapproving Rate Schedules." He further states that any deficiency resulting from the past rates will be recovered by these current proposed rates, should the Assistant Secretary's request be granted.

Since the filing of the Assistant Secretary's renewed request, the Commission has issued a series of limited extensions of time for filing substitute rates in order to consider what action should be taken in this proceeding.

Discussion

The Secretary of Energy's Delegation Order No. 0204–33 specifies that substitute rates should be filed within 120 days unless the Commission sets a different time. Nevertheless, our orders directing that substitute rates are to be filed within 120 days have been almost uniformly met with requests for extensions of time based on allegations that the Power Marketing Administrations cannot meet the 120-day deadline because of other requirements imposed by the Secretary of Energy.

For the past few months, members of the staff of this Commission, the Department of Energy, and the Power Marketing Administrations has been meeting to attempt to improve the overall procedures for processing federal rate cases. In order to further consider the merits of WAPA's request for an extension in the instant docket, in part because of this ongoing procedural review, we have granted several interim extensions of time to WAPA. As a practical matter, therefore, the originally requested extension has been largely granted already. Additionally, we expect that any agreement between the Commission and the Department of Energy on the federal ratemaking process will improve that process and reduce or eliminate procedural delays and frequent requests for extensions in the future. Under these circumstances, we will grant the Assistant Secretary's request to extend the present WAPA rates for the remaining period, until May 31, 1983. Furthermore, given the fact that our earlier order required WAPA to develop increased CVP rates in any event, we will also grant the request that WAPA be permitted to file its new CVP rate increase in lieu of filing separate substitute rates. However, in future cases we shall expect that the Commission's orders will be complied with in a timely fashion in the absence of extraordinary circumstances.

The Commission orders:

(A) The Assistant Secretary's request for an extension of time to file rates in this proceeding on or before May 31, 1983, is hereby granted.

(B) The Assistant Secretary's request to permit WAPA to develop and file a new CVP rate, to be filed in lieu of the substitute rate required by the Commission's May 4, 1982 order, is hereby granted.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-7186 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS83-58-000, et al.]

Applications for "Small Producer" Certificates [1]

March 15, 1983.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 31, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therin must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS83-58-000	2/22/83	F. C. Hixon Trust U/W B/O Elizabeth F. Hixon (3031799), Alamo National Bank Trust Department, P.O. Box 900, San Antonio, Tex. 78293.
CS83-59-000	2/22/83	Alamo National Bank, Trustee for Elizabeth F. Hixon Trust (3031705), Alamo National Bank Trust Department, P.O. Box 900, San Antonio, Tex. 78293.
CS83-60-000	2/18/83	Jian Christine Thompson, Trust No. 2, 4500 Republic Bank Tower, Dallas, Tex. 75201.
CS83-61-000	2/22/83	Frank Boyd, Box 2073, Midland, Tex. 79702.
CS83-62-000	2/22/83	Lois D. Cannady, P.O. Box 372, Cedar Hill, Tex. 75104.
CS83-63-000	2/25/83	Linda Beavers, 4500 Republic Bank Tower, Dallas, Tex. 25201.
CS83-64-000	2/28/83	Brock Petroleum Corp. 1300 Main St., 3rd Floor, Houston, Tex. 77002.
CS83-65-000	3/2/83	WTG Exploration, Inc., 211 N. Colorado, Midland, Tex. 79701.
CS83-66-000	3/1/83	Pontchartrain Oil & Gas Corp., 305 Baronne St., Suite 405, New Orleans, La. 70112.
CS83-67-000	3/7/83	Ruth Zimmerman, Trustee for Ruth Zimmerman Trust, P.O. Box 1904, Santa Fe, N. Mex. 87501.
CS83-68-000	3/7/83	TomKat, Ltd., Box 18122, Wichita, Kans. 67218.
CS83-69-000	3/7/83	Richard F. Clayton & Lavean M. Clayton, 2102 N. Lea Ave., Farmington, N. Mex.

[FR Doc. 83-7192 Filed 3-17-83; 8:45 am]

BILLING CODE 6717-01-M

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Office of Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Switzerland

Pursuant to section 131.a (2) (G) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended. Energy, as amended.

This subsequent arrangement would bive approval to the transfer within the European Community of 66.3 kilograms of fissile plutonium from the COGEMA reprocessing facility at La-Hague to either the COGEMA fuel fabrication facility at Cadarache and finally to Creys-Malville for loading into the Super Phenix Breeder reactor, or to the Belgonucleaire facility at Mol, Belgium and/or to the Alkem facility at Hanau, the Federal Republic of Germany, for use as fuel in the SNR-300 fast breeder reactor at Kalkar, the Federal Republic of Germany. The plutonium was recovered from spent nuclear power reactor fuel of U.S. origin transferred from Switzerland to France for reprocessing with U.S. approval in 1981. When we granted that approval, it was conditioned on the understanding with the Swiss Government that any subsequent transfer and/or use of the recovered plutonium would be subject to prior U.S. approval. The Swiss have now requested that we approve the use of the recovered plutonium as part of the fuel for the Super Phenix or for the SNR-300.

This transfer is designated as a "subsequent arrangement" under the Nuclear Non-Proliferation Act of 1978.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, after careful and comprehensive analysis, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take no sooner than fifteen days after the date of publication of this notice and after fifteen days of continuous sessions of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

For the Department of Energy.

Dated: Monday, March 14th, 1983.

George Bradley,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-7109 Filed 3-17-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59119 BH-FRL 2324-7]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marking purposes under section 5(h) (1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h) (6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by: April 4, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59119]" and the specific TME number should be sent to:

Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), OPffice of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-29

Close of Review Period. April 17, 1983.
Manufacturer. Confidential.
Chemical. (G) Etheric aromatic ester.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: Up to 3 workers, up to 60 hours total.
Environmental Release/Disposal. No information submitted.

TME 83-30

Close of Review Period. April 17, 1983.
Manufacturer. Confidential.
Chemical. (G) Organosiloxane copolymer.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Confidential.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: March 14, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Divison.

[FR Doc. 83-7094 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51458; TSH-FRL 2324-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:
PMN 83-533 and 83-534, June 1, 1983.
PMN 83-535, 83-536 and 83-537, June 4, 1983.
PMN 83-538, 83-539, 83-540, 83-541, and 83-542, June 5, 1983.
PMN 83-543, June 6, 1983.

PMN 83-544, 83-545, 83-546, 83-547, 83-548 and 83-549, June 7, 1983.
Written comments by:
PMN 83-533 and 83-534, May 2, 1983.
PMN 83-535, 83-536 and 83-537, May 5, 1983.
PMN 83-538, 83-539, 83-540, 83-541 and 83-542, May 6, 1983.
PMN 83-543, May 7, 1983.
PMN 83-544, 83-545, 83-546, 83-547, 83-548 and 83-549, May 8, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51458]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-533

Manufacturer. Confidential.
Chemical. (G) Alkaneamine, alkane acid epoxy propyl ester, alkane aldehyde polymer.
Use/Production. (G) Incorporated into a final product. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration and approved landfill.

PMN 83-534

Manufacturer. Confidential.
Chemical. (G) Etheric aromatic ester.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 83-535

Importer. Montedison USA, Inc.
Chemical. (S) N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl) hexamethylenediamine polymer with ethane-1,2-dibromo.
Use/Import. Confidential. Import range: Confidential.
Toxicity Data. Acute oral: 1,500 mg/kg; Acute dermal: 5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate; Ames Test: Non-mutagenic.
Exposure. Processing and disposal: dermal and inhalation, up to 4 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air.

PMN 83-536

Manufacturer. Confidential.
Chemical. (S) Polymer of poly(oxytetramethylene)diol, toluene diisocyanate polymer, isocyanate terminated and benzenamine, 4,4'-methylenebis and 2-butanone oxime.
Use/Production. (G) Component of industrial and consumer article. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: a total of 7 workers, up to 8 hrs/da, up to 6 da/yr.
Environmental Release/Disposal. Disposal by incineration and landfill.

PMN 83-537

Manufacturer. Confidential.
Chemical. (G) Waterborne urethane-acrylic polymer.
Use/Production. (S) Industrial and commercial waterborne coating. Prod. range: 2,000-100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted. Disposal by incineration and approved landfill.

PMN 83-538

Manufacturer. Confidential.
Chemical. (G) Polymer of diethylenetriamine and higher polyamine with dibasic esters.
Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 12 workers, up to 5 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. Less than 10-100 kg/yr released to water. Disposal by publicly owned treatment works (POTW).

PMN 83-539

Manufacturer. Confidential.
Chemical. (G) Substituted aralkylsilanes.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. Acute oral: 8.00 ml/kg; Acute dermal: 16 ml/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Non-mutagenic; LC_{50}: Low acute toxicity; BOD_{20}: 46%.
Exposure. Manufacture: dermal, inhalation and eye, a total of 20 workers, up to 25 hrs/da, up to 98 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-540

Manufacturer. Confidential.
Chemical. (G) Polyamidoamine.
Use/Production. (S) site limited intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Very slight, Eye—Slight; Acute inhalation: No adverse effects; BOD_{10}: 17% total oxygen demand consumed; Bioconcentration: Not expected; 96 hr. LC_{50} (Pimephales promelas)—3.5 mg/L; 48 hr. LC_{50}: (Daphnia magna)—2.3 mg/L.
Exposure. Manufacture and use: dermal, a total of 12 workers, up to 1 hr/da, up to 300 da/yr.
Environmental Release/Disposal. No release. Disposal by incineration and on-site waste treatment.

PMN 83-541

Manufacturer. Confidential.
Chemical. (G) Polymer of carbonic acid and mixed aromatic diols containing sulfone diol.
Use/Production. (G) Industrial and consumer engineering thermoplastic applications and articles. Prod. range: Confidential.
Toxicity Data. Acute oral: >10,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Slight.
Exposure. Manufacture and processing: dermal and inhalation, a total of 9 workers, up to 16 hrs/da, up to 110 da/yr.
Environmental Release/Disposal. 10-100 kg/yr released to air, with 100-1,000 kg/yr to water. Disposal by biological treatment system and incineration.

PMN 83-542

Manufacturer. Confidential.
Chemical. (G) Alkyl, alkylene maleate.
Use/Production. Confidential. Prod. range: 2,000-6,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 1 hr/da, up to 5 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by approved landfill and POTW.

PMN 83-543

Manufacturer. Confidential.
Chemical. (G) Polymer of diethylenetriamine and higher

polyamines with dibasic esters, reacted with epichlorohydrin.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 4–6 workers, up to 24 hrs/da, up to 350 da/yr.

Environmental Release/Disposal. 10–10,000 kg/yr released to water. Disposal by POTW.

PMN 83–544

Manufacturer. Confidential.

Chemical. (G) Unsaturated polyester.

Use/Production. (S) Industrial reinforced plastic molding resin. Prod. range: 4,800,000–8,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, use and disposal: dermal and inhalation, a total of 15 workers, up to 1 hr/da, up to 260 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by biological treatment system and incineration.

PMN 83–545

Importer. Confidential.

Chemical. (S) Benzene, 1-3-bis(isocyanatomethyl).

Use/Import. (G) Incorporated into a final product. Import range: Confidential.

Toxicity Data. Acute oral: 840 mg/kg; Irritation: Skin—Moderate, Eye—Severe; Inhalation LC_{50}: 181.8 mg/m^3/4 hr; Ames Mutagenicity: Negative; Skin Sensitization: Sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration or approved landfill.

PMN 83–546

Manufacturer. Confidential.

Chemical. (G) Substituted phenolazo, substituted purazolone.

Use/Production. (S) Dye intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 6 workers, up to 5 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW.

PMN 83–547

Manufacturer. Confidential.

Chemical. (G) Substituted phenolazo, substituted pyrazolone.

Use/Production. (S) Dye intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal, a total of 6 workers, up to 5 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by POTW.

PMN 83–548

Manufacturer. Emery Industries, Inc.

Chemical. (S) Carboxylic acids, C_8-C_{18} mono-and C_{8-18} di-, C_4–C_{11} di-, polymers with phthalic anhydride and propylene glycol.

Use/Production. (S) Industrial plasticizer for polyvinyl chloride resin. Prod. range: 0–73,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing, and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 10–20 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water and land. Disposal by incineration and approved landfill.

PMN 83–549

Manufacturer. Confidential.

Chemical. (G) Substituted acetamide.

Use/Production. (G) Incorporated as a minor constituent in an article for commercial use. Prod. range: 1–3 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: potential dermal and inhalation, minimal.

Environmental Release/Disposal. No release.

Dated: March 14, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83–7086 Filed 3–17–83; 8:45 am]

BILLING CODE 6560–50–M

[SA–FRL 2325–8]

Science Advisory Board, Laboratory Organization Review Group; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Science Advisory Board's Office of Research and Development Laboratory Organization Review Group. The meeting will he held on April 7, 1983, starting at 9:15 a.m. in Room 3906–08, Waterside Mall, EPA Headquarters, 401 M Street, SW., Washington, D.C. 20460.

The purpose of this meeting will be to discuss the findings of the various laboratory review teams who have been conducting site visits since mid-February of this year. The team leaders will report their findings to the full Review Group, and the Review Group will discuss these findings among themselves and with officials of the Office of Research and Development. The six review teams are: The Health Effects Research Laboratory Review Team, including a review of the Office of Health and Environmental Assessment; the Environmental Engineering Research Laboratory Review Team; the Environmental Chemistry and Transport Research Laboratory Review Team; the Environmental Biology Research Laboratory Review Team; the Environmental Measurements Research Laboratory Review Team; and the Headquarters/Laboratory Review Team.

Plans will be made at this meeting for any necessary mid-course corrections needed in the Review Group's plans and for the writing of the Review Group's report, which will be transmitted to the Administrator of the Environmental Protection Agency upon its completion.

The meeting is open to the public. Any member of the public wishing to obtrain information should contact Dr. Terry F. Yosie, Staff Director, Science Advisory Board, (202) 382–4126 by the close of business April 1, 1983.

Dated: March 14, 1983.

Terry F. Yosie,

Staff Director, Science Advisory Board.

[FR Doc. 83–7088 Filed 3–17–83; 8:45 am]

BILLING CODE 6560–50–M

[W–2–FRL 1978–3]

Sole or Principal Source Aquifer Petition; Griffithsville—Yawkey, West Virginia

AGENCY: Environmental Protection Agency.

ACTION: Notice of Determination.

SUMMARY: The Administrator of the Environmental Protection Agency (EPA), on April 6, 1979 was petitioned pursuant to Section 1424(a) of the Safe Drinking Act (SWDA), to designate an area in the vicinity of Griffithsville and Yawkey, West Virginia as one in which no new underground injection well may be operated prior to the date on which an underground injection control program takes effect, unless a permit has been issued for the well by EPA. After consideration of the Petition itself and other relevant information, the Administrator finds that the subject area does not meet the designation criteria of Section 1424(a). The Petition is therefore denies.

ADDRESSES: The data, reports and maps upon which the denial of the petition is based are available for public review during normal business hours at the EPA Region III Water Supply Branch, Curtis

Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

FOR FURTHER INFORMATION CONTACT:
S. Stephen Platt, Hydrogeologist, Environmental Protection Agency, Region III, 3WA32, Water Supply Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106. Telephone (215) 597–9017.

SUPPLEMENTARY INFORMATION:

Description of Section 1424(a)

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(a)(1) of the Act provides that:

> Any person may petition the Administrator to have an area of a State (or States) designated as an area in which no new underground injection well may be operated during the period beginning on the date of the designation and ending on the date on which the applicable underground injection control program covering such are takes effect unless a permit for the operation of such well has been issued by the Administrator under subsection (b). The Administrator may so designate an area within a State if he finds that the area has one aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health.

This Section is an interim measure designed to protect certain important aquifers from contamination by new underground injection wells during the period between enactment of the SDWA and the date that a State UIC program takes effect under Section 1422. In order for an area to qualify for designation, the Administrator must make the findings specified in the Act:

1. that the area has one aquifer which is its sole or principal drinking water source, and;
2. that if the aquifer were contaminated, a significant hazard to public health would be created.

The burden of proving facts to support these findings rests on the party requesting designation. If either finding cannot be supported, the petition must be denied.

If a designation is made, no new underground injection wells may be operated in the area without a permit from the Administrator. Once a state's UIC program takes effect, the Administrator's authority to make designations, or to issue permits for wells covered by the program under Section 1424(a), terminates.

Background

On April 6, 1979, EPA received a petition from the Appalachian Research and Defense Fund, Inc. requesting designation pursuant to Section 1424(a) of "an area in the vicinity of Griffithsville—Yawkey, West Virginia." The boundary of the area was defined by reference to two oil fields comprising 1218 acres and 2750 acres known respectively as "Pennzoil Corporation Griffithsville Unit #1" and "Guyan Oil . . . Griffithsville Unit." the petitionrs cited enhanced oil recovery projects involving injection of brine and carbon dioxide into underground wells in these areas as contributing to contamination of household wells owned by local residents.

The petition itself did not provide any data on the existence of an aquifer or the extent of aquifer usage as a sole or principal drinking water source for the area. Nor did it provide any rationale for a finding that contamination of the aquifer would create a significant hazard to public health. Since the act requires specific findings on these issues, the EPA requested considerable additional information from the petitioneers on April 25, 1979.

In framing this request, the agency was guided by the criteria set out in proposed regulations for Section 1424(e) of the Act under 40 CFR 148.10, 42 FR 51622 (September 29, 1977). Designations made under Section 1424(e) require findings similar to those involved here, and the proposed regulations provide useful guidance to the type of information the Agency believes is required to support a designation petition under Section 1424(a). Relevant data on groundwater usage and population, geologic descriptions of the aquifer and the area requested for designation, as well as technical information associated with current injection well practices were all specified in the agency's request.

On June 28, 1979 the petitioners made a partial response to the request, and indicated that the West Virginia Department of Natural Resources (DNR) had agreed to supply EPA with much of the geologic and technical information. DNR submitted its report on November 21, 1979 and included a detailed geologic description of the area, water quality data on drinking wells drilled over several years, technical data on injection wells involved in the enhanced oil recovery projects and population and water usage data for the area. After an opportunity to study this lengthy submittal, EPA published the petition on February 5, 1981 in the **Federal Register** (46 FR 11027), and requested public comments.

Summary and Discussion of Public Comments

Public Participation

EPA received two comments in response to the F.R. notices. Both commenters asked that the petition be denied on the basis that the aquifer involved is not a sole or principal drinking water source for the area. Their conclusion, which is borne out in the data supplied by DNR, is based on evidence that the aquifer supplies only a small portion of the water used in the area, and that a readily available alternative drinking water source exists. EPA agrees with this conclusion.

Summary of Data

An aquifer may be defined as, "a water saturated geologic unit that will yield water tp wells or springs at a sufficient rate so that the wells or springs can serve as practical sources of water supply." (E. E. Johnson Corp.), Ground Water and Wells, 1975. A similar definition is found in the technical UIC regulations at 40 CFR 146.03 stating that "[a]quifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring." 45 FR 42472 (June 24, 1980).

Geological studies of the area in question show that it contains several water-bearing formations which are folded and layered over one another. Although separate formations can sometimes be termed separate aquifers, these formations have such a high permeability due to fractures and jointing that it is impossible to separate them hydrologically. Data gathered by DNR indicated that wells drilled to various depths between 30 and 1000 feet, which end in different formations, yield such quantities of water that the existence of an aquifer is clear. The agency believes that this evidence is sufficient to meet the statutory criterion that the area contains one aquifer. Other data submitted by DNR and one commenter show that over 80 percent of the water supplied to the area comes from a surface supply source, however. In August of 1979 the Alum Creek Public Service District water system was completed which extends through Yawkey to Griffithsville and serves approximately 167 out of 200 homes in the area. Only one small section within the petitioned area, known as Bear Fork, is not on the public system. The 33 familes there rejected an offer of access to the system, although the EPA is advised that if the residents express sufficient interest, a spur line can be run to Bear Fork at a (1979) cost of approximately $151.00 per tap.

Basis for Determination

On the basis of the above information, the Administrator finds that the area in

question contains one acquifer, but that it is not a sole or principal drinking water source. Since only 33 out of about 200 homes in the area use groundwater, it is clear that the aquifer is not a major source of supply. In order to be a "sole or principal drinking water source" the Agency believes that an aquifer must supply a higher percentage of water to an area than the 20 percent involved here. The proposed Section 1424(e) regulations, cited above, define that statutory term to mean an aquifer which supplies 50 percent or more of the water to an area. While not directly applicable to Section 1424(a), the Agency believes that the 50 percent standard provides a reasonable guide to a "principal" source determination. Since the area involved in this petition does not even come close to supplying that percentage of water to the area, the petition must be denied.

Because of the finding that the aquifer is not a sole or principal drinking water source, it is unnecessary to determine whether a significant hazard to public health would be created if it were contaminated. Both statutory criteria must be met for a designation to be made, and failure to meet either of them will result in denial of a petition.

Under Executive Order 12291 EPA must judge whether a publication is "major" and therefore subject to the requirement of a regulatory impact analysis. This Notice is not major because the determination results in denial of a request to regulate a particular area. Thus there is no regulatory burden imposed on anyone. This Notice was submitted to the Office of Management and Budget for review as required by the Executive Order.

Because there are no regulatory burdens imposed by this action, I hereby certify pursuant to 5 U.S.C. 605(b), that this action will not have a significant economic impact to a substantial number of small entities.

Dated: March 15, 1983.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 83-7092 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2325-3]

Intent To Prepare an Environmental Impact Statement; Coal Ash Ocean Disposal Site

AGENCY: Environmental Protection Agency—Region II.

ACTION: Preparation of an Environmental Impact Statement on the Designation of a Coal Ash Ocean Disposal Site.

Purpose: In accordance with the Environmental Protection Agency's (EPA) Procedures for voluntary preparation of environmental impact statements (EISs) on significant regulatory actions (39 FR 37419, October 21, 1974), the EPA will prepare an EIS on the proposed designation of an ocean disposal site to receive coal ash. This Notice of Intent is issued pursuant to 40 CFR 1501.7, section 102 of the Marine Protection, Research, and Sanctuaries Act of 1972 (MPRSA) and 40 CFR Part 228 "Criteria For The Management of Disposal Sites for Ocean Dumping." The purpose of the EIS is to evaluate the beneficial and adverse environmental impacts associated with the ocean disposal of coal ash. Alternative ocean disposal sites will be examined (including the 106-Mile Site) to determine whether any site should be designated for the ocean disposal of coal ash generated by coal-fired utilities located in the New York/New Jersey metropolitan area.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Walka, Environmental Impacts Branch, USEPA—Region II, 26 Federal Plaza, Room 400, New York, New York 10278. Telephone—FTS 264-1840, Commercial (212) 264-1840.

SUMMARY: EPA's decision to prepare a site designation EIS is based upon an application from the Consolidated Edison Company (Con Ed) for a Special Ocean Dumping Permit. As part of its oil-to-coal conversion program, Con Ed has submitted an application to the EPA to use the 106-Mile Ocean Disposal Site to dispose of coal ash on an interim basis (2 to 4 years) until a suitable land-based alternative is available.

As part of the EIS scoping process, we request that all interested parties submit comments on the proposed scope of the EIS within 45 days of the date of this notice. All comments should be addressed to Anne Norton Miller, Chief, Environmental Impacts Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278.

Dated: March 15, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-7086 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2325-3]

Availability of Environmental Impact Statements Filed March 7 Through March 11, 1983 Pursuant To 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information (202) 382-5075 or 382-5076.

Corps of Engineers:
- EIS No. 830142, Final, COE OK, Fry Creeks Local Flood Protection, Tulsa County, due: Apr. 11, 1983
- EIS No. 830143, Final COE TX, Texas City Channel Modification, Galveston County, due: Apr. 11, 1983
- EIS No. 830141, FSuppl, COE FL, Dade County Beach Erosion Control and Hurricane Protection Study, due: Apr. 11, 1983

Department of Commerce:
- EIS No. 830135, DSuppl, NOA, SEV, PAC, CA, WA, OR, 1984 Ocean Salmon Fisheries Framework Management Plan, due: May 9, 1983

Department of the Interior:
- EIS No. 830137, Draft, BLM, NM, Las Cruces/Lordsburg Area Resource Management Plan, due: June 16, 1983
- EIS No. 830139, Draft, IBR, OR, Galesville Water Resources Development, Douglas County, Due: May 7, 1983

Department of Transportation:
- EIS No. 830144 DSuppl, UMT, TX, Houston Rail Rapid Transit Project, Harris County, due: May 2, 1983
- EIS No. 830131, FSuppl, FHW, ND, US 2 Upgrading, Leeds to Devils Lake, Benson and Ramsey Counties, due: Apr. 18, 1983

Department of Housing and Urban Development:
- EIS No. 830134, Draft, HUD, TX Houston Areawide Study, Fort Bend and Brazoria Counties, due: May 2, 1983
- EIS No. 830136, Draft, CDB, NY, Syracuse University Inn and Conference Center, UDAG, Ononda County, due: May 2, 1983

Environmental Protection Agency:
- EIS No. 830140, Final, EPA, FL, Tallahassee-Leon County Wastewater Management Plan, Grant, due: Apr. 18, 1983

Department of Agriculture:
- EIS No. 830133, Draft, SCS, CA, Lower Silver Creek Watershed Flood Prevention Plan, Santa Clara County, due: May 2, 1983
- EIS No. 830138, Draft, AFS, CA, Gasquet Mtn. Mining Project, Approval, Six Rivers NF, Del Norte County, due: May 2, 1983

Amended Notices:
- EIS No. 830118, Draft, NOA, PR, La Parguera National Marine Sanctuary Designation and Management, Published FR March 4, 1983—Review extended, due: May 3, 1983

Dated: March 15, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-7085 Filed 3-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 83-187, et al.]

Florida Broadcasters et al.; Hearing

Adopted: March 2, 1983.
Released: March 10, 1983.

In re application of: George M. Arroyo, Tomas Carrasquillo, and Esperanza T. Arroyo d.b.a. Florida Broadcasters, Pine Hills, Florida, MM Docket No. 83-187, File No. BP-820611AG; Req: 1140 kHz, 1 kW, D; John T. Rutledge, Lockhart, Florida, MM Docket No. 83-188, File No. BP-820621AE; Req: 1140 kHz, 2.5 kW, D; Adib Eden, Sr., and Marcos P. Perez d.b.a. Spanish Family Radio of Central Florida, Ltd., Pine Hills, Florida, MM Docket No. 83-189, File No. BP-820916AC; Req: 1140 kHz, 1 kW, D; For Construction Permit; Designating Applications for Consolidated Hearing on Stated Issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau has under consideration the above-captioned mutually exclusive applications for new AM stations. In addition, it has before it a petition to dismiss the application of John T. Rutledge filed by Florida Broadcasters.

2. *John T. Rutledge.* The petition to dismiss filed by Florida Broadcasters asserts that John T. Rutledge is also an applicant for a new AM broadcast station in Oviedo, Florida. The two proposals have 1 mV/m contours which overlap. If both were granted, Rutledge would be in violation of Section 73.35(a) of the multiple ownership rules.[1] Florida Broadcasters requests that the Lockhart application be returned as unacceptable for filing. However, the Oviedo proposal is no longer before the Commission. That application was returned as unacceptable for filing by letter dated August 24, 1982 because it involved prohibited overlap with a co-pending application for a new station in Plant City, Florida and it was filed too late to compete with that application Therefore, we will dismiss the petition to dismiss of Florida Broadcasters as moot.

3. In response to Question 3(b) of Section II, FCC Form 301, which asks whether any funds, credits, etc., for construction, purchase, or operation of the station will be provided by aliens, foreign entities, domestic entities controlled by aliens and foreign governments, Mr. Rutledge answered in the affirmative, but failed to file the required exhibit. He answered "no" to Question 1 of Section VII, which asks for certification that he has or will comply with the public notice requirement of § 73.3580 of the Commission's Rules. Mr. Rutledge did not submit the required explanation; therefore, it appears that this may be an error. Amendments must be submitted within 30 days of the release of this Order, to correct the above omissions.

4. In addition, Mr. Rutledge has partially certified as to his financial qualifications. He failed to answer Question (2)(a), (b), and (c) of Section III of FCC Form 301. Accordingly, he will be given 30 days from the release of this Order to submit to the Administrative Law Judge the certification required by the Form or advise that he cannot make the required certification. In the latter event, the Administrative Law Judge shall specify an issue as may be appropriate.

5. *Spanish Family Radio of Central Florida, Ltd.* Spanish Family Radio failed to specify a ground system. An amendment must be submitted within 30 days of the release of this Order.

6. *Other matters.* All of the applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Since the proposals are for different communities, an issue must be specified to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service. In the event it should be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), a contingent comparative issue will be specified.

7. Accordingly, *It is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. *It Is Further Ordered,* That the petition to dismiss filed by Florida Broadcasters is DISMISSED as moot.

9. *It Is Further Ordered,* That John T. Rutledge shall submit the amendments specified in paragraph 3 above, within 30 days of the release of this Order.

10. *It Is Further Ordered,* That John T. Rutledge shall submit the financial certification specified in paragraph 4 above, or advise the Administrative Law Judge that certification cannot be made, within 30 days of the release of this Order.

11. *It Is Further Ordered,* That Spanish Family Radio of Central Florida, Ltd., shall submit the amendment specified in paragraph 5 above within 30 days of the release of this Order.

12. *It Is Further Ordered,* That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

13. *It Is Further Ordered,* That pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rules, and shall addvise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7080 Filed 3-17-83; 8:45 am]
BILLING CODE 6712-01-M

[1] Section 73.35(a) requires in pertinent part that no license will be granted to any party if such party directly or indirectly owns, operates, or controls one or more AM stations, and the grant of such license will result in any overlap of the predicted or measured 1 mV/m groundwave contours of the existing and proposed stations.

[MM Docket No. 83-192, et al.]

Mobile Broadcast Service, Inc., et al.; Hearing

Adopted: March 9, 1983.

Released: March 14, 1983.

In re applications of Mobile Broadcast Service, Inc., Prichard, Alabama, Req: 960 kHz, 2.5. kW, D MM Docket No. 83-

192; File No. BP–20,613; MBB, Inc., Daphne, Alabama, Req: 960 kHz, 5 kW, DA–D, MM Docket No. 83–193, File No. BP–780728AH; Bay Broadcasting Corporation, WWAX, Chickasaw, Alabama, Has: 840 kHz, 1kW, D(Mobile), Req: 960 kHz, 500W, 2.5 kW–LS, DA–N, U, MM Docket No. 83–194, File No. BP–780728AQ; for construction permit; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for AM broadcast stations.[1] In addition, we have before us a petition to deny the Mobile Broadcasting Service, Inc., proposal filed by WABB, Inc., licensee of station WABB, Mobile, Alabama.

2. *The Mobile Broadcast Service, Inc., Proposal.* Mobile Broadcast's 0.5 mV/m contour overlaps the 0.025 contour of co-channel station KROF, Abbeville, Louisiana, in violation of § 73.37(a) of our Rules. The transmitter sites of the two stations are 243 miles apart, though, and this overlap results exclusively from the extensive salt water paths provided by the Gulf of Mexico. We have waived Section 73.37(a) under similar circumstances in the past, *see, e.g., Larson-Irwin Enterprises (KOAG),* 6 FCC 2d 613 (1967), and we will do so here as well.

3. WABB's concerns of distortion of its nighttime signal are of a kind which would normally warrant a reradiation condition to any Mobile Broadcast grant. It appears from the pleadings before us, however, that WABB is no longer using the nighttime array it petitioned to protect. Rather, the licensee is now operating at night with its daytime array and is seeking to convert its special temporary authority to do so into a permanent authorization.[2] To require Mobile Broadcast to protect a nonexistent operation is clearly unfounded. Hence, we will withhold any reradiation condition until (and unless) WABB returns to its former nighttime site.

4. With respect to WABB's challenges to Mobile Broadcast's nontechnical qualifications to be a Commission licensee, we are persuaded that the applicant is financially qualified to construct and operate as proposed and that is has not, as petitioner claims, intentionally misled either the Commission or the public. Hence, we find in WABB's allegations of unreported changed circumstances and inaccurate coverage maps no basis for further inquiry.

5. *The MBB, Inc., Proposal.* By amendment of November 29, 1982, MBB reported a criminal indictment returned against its stockholder Lloyd E. Taylor. The applicant proposes to obtain and disclose the facts concerning this matter in an appropriate amendment, which submission will be evaluated by the presiding Administrative Law Judge as to its effects on the applicant's qualifications to be a Commission licensee.[3]

6. *The Bay Broadcasting Corporation Proposal.* While our records indicate no local public notice of the initial filing of Bay Broadcasting's proposal, the applicant's subsequent public notice of the filing of a major amendment (later withdrawn) includes all relevant information concerning the original submission as well. Substantial compliance with Section 73.3580 of our Rules has therefore been achieved.[4,5]

7. The applicants propose to serve different communities. Therefore, in addition to an issue to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

8. As indicated by the issues specified below, the applicants are qualified to construct and operate as proposed.[6] However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

9. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice among the aplicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

10. *It is further ordered,* that the petition to deny filed by WABB, Inc., *is denied.*

11. *It is further ordered,* That MBB, Inc. and Bay Broadcasting Corporation *shall submit* the amendments specified in footnotes 3 and 5 of this Order, respectively, within 30 days of the release of this Order.

12. *It is further ordered,* That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate written appearances stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

13. *It is further ordered,* That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of designation for hearing as prescribed in the rule, and shall advise the Commission of the publication of their notices as required by § 73.3594(g) of the Rules.

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[1] A buy-out agreement between Mobile Broadcast and MBB has been rejected by the Commission. *Mobile Broadcasting Service, Inc.,* FCC 82–442, 52 RR 2d 670 (1982). An agreement between Mobile Broadcast and Bay Broadcasting has been withdrawn by the parties.

[2] WABB's original nighttime array was destroyed by a hurricane.

[3] MBB, Inc., has not submitted the site photographs required by our application form, an omission which must be corrected by appropriate amendment within 30 days of the release of this Order.

[4] The Applicant also complies substantially with the coverage requirements of § 73.24(j) of our Rules, making waiver of the provision unnecessary.

[5] Bay Broadcasting has not submitted the site photographs required by our application form and has submitted an erroneous standard horizontal-plane pattern as well. These matters must be corrected by appropriate amendment within 30 days of the release of this Order.

[6] Operation with the facilities specified herein is subject to modification, suspension or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Final Acts of the ITU Administrative Conference on Medium Frequency Broadcasting in Region 2, Rio de Janeiro 1981, and to bilateral and other multilateral agreements between the United States and other countries.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7661 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 83-204, et al.]

Southern Broadcasting Co., Inc., et al; Hearing

Adopted: March 10, 1983.

Released: March 14, 1983.

In re applications of Southern Broadcasting Co., Inc., Natchez, Mississippi, MM Docket No. 83-204, file No. BPCT-820730KF; Signal America, Inc., Natchez, Mississippi, MM Docket No. 83-205, File No. BPCT-821007KF; MSLA Broadcasting, Inc., Natchez, Mississppi; MM Docket No. 83-206, File No. BPCT-821006KM; for construction permit; designating applications for consolidated hearing on stated issues.

By the Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television station on Channel 48, Natchez, Mississippi.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by Southern indicate that there would be a significant difference in the size of the area and population that it proposes to serve and the size of the areas and populations that the other applicants propose to serve. Consequently, for the purposes of comparison, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of 64 dBu (Grade B) or greater intensity, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

Southern Broadcasting Co., Inc. (Southern)

3. Section 73.636(a)(1) states that no license for a television broadcast station shall be granted to any party if such party directly or indirectly controls one or more FM broadcast stations and the grant of such license will result in the Grade A contour of the proposed television station encompassing the entire community of license of the FM broadcast station. Southern is the licensee of Station WTYJ(FM), Fayette, Mississippi. Fayette is entirely encompassed by Southern's proposed city grade contour; however, Southern has represented to the Commission that it will dispose of station WTYJ(FM), Fayette, Mississippi, prior to the commencement of operation on Channel 48, Natchez, Mississippi, if it is the successful applicant. Accordingly, any grant of a construction permit to Southern will be conditioned upon its divestiture of all interest in, and connection with, station WTYJ(FM), Fayette, Mississippi.

4. Section II, item 10, FCC Form 301, inquires whether documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractural performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. 310(d)) will be obtained. A negative response to this question requires a full explanation. Southern answered "no" to item 10; however, it did not submit the required explanation. Southern will be required to submit its explanation to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

Signal America, Inc. (Signal)

5. Signal proposes to mount its antenna on the existing WNAT(AM), Natchez, Mississippi, tower. Any grant of a construction permit to Signal will be conditioned to ensure that WNAT's radiation pattern is not adversely affected by the construction of the proposed station.

MSLA Broadcasting, Inc. (MSLA)

6. No determination has been made that the tower height and location proposed by MSLA would not constitute a hazard to air navigation. Accordingly, an appropriate issue will be specified.[1]

7. MSLA did not submit page 3, Section V-C, FCC Form 301. Applicant will be required to submit the requested information to the presiding Administrative Law Judge within 15 days after the release date of this Order.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications *are designated for hearing in a consolidated proceeding,* to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to MSLA Broadcasting, Inc. whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. *It is further ordered,* That, in the event of a grant of Southern Boardcasting Co., Inc.'s application, it will be conditioned as follows:

Prior to the commencement of operation of the television station authorized herein, permittee shall certify to the Commission that it has divested itself of all interest in, and connection with, Station WTYJ(FM), Fayette, Mississippi.

11. *It is further ordered,* That Southern shall submit its explanation for answering "no" to Section II, item 10, FCC Form 301, January, 1982, to the presiding Administrative Law Judge within 15 days after the date of the release of this Order.

12. *It is further ordered,* That, in the event of a grant of Signal America, Inc.'s application, the construction permit shall be conditioned as follows:

During installation of the TV Antenna, AM station WNAT, Natchez, Mississippi, shall determine operating power by the indirect method. Upon completion of the installation, antenna impedance measurements of the AM antenna shall be made. The results shall be submitted to the Commission, along with a tower sketch of the installation, in an application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence *Limited Program Tests.*

13. *It is further ordered,* That the Federal Aviation Administration *is made a party respondent* to this proceeding with respect to issue 1.

14. *It is further ordered,* That MSLA Broadcasting, Inc. submit the

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[1] The Commission is not in receipt of the Federal Aviation Administration's study.

information requested in Section V–C, page 3, FCC Form 301 to the presiding Administrative Law Judge within 15 days after the release of this Order.

15. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

16. *It is further ordered,* That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Roy J. Stewart,

Chief, Video Services Divisions, Mass Media Bureau.

[FR Doc. 83–7032 Filed 3–17–83; 8:45 am]

BILLING CODE 6712–01–M

[MM Docket No. 83–195, File No. BPH–810123AO, etc.]

First Capital Communications, Inc. et al.; Hearing

Hearing Designation Order

In re application of First Capital Communications, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 25 kW, 180 feet (H&V), MM Docket No. 83–195, File No. BPH–810123AO; Wilson Communications Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW(H), 75 feet, MM Docket No. 83–196, File No. BPH–810702AB; Augusta County Broadcasting Corp., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW(H), 270 feet; MM Docket No. 83–197, File No. BPH–810818AN; Barlow Broadcasting Corporation, Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2210 feet, MM Docket No. 83–198, File No. BPH–810819AH; Skyline Broadcasting, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.55 kW (H&V), 2260 feet, MM Docket No. 83–199, File No. BPH–810819AN; High Fidelity Music Show, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2220 feet (H), 2210 feet (V), MM Docket No. 83–200, File No. BPH–810819AY; Stuarts Draft Broadcasting Corp., Stuarts Draft, Virginia, Req: 99.7 MHz, Channel 259, 50 kW 185 feet (H&V), MM Docket No. 83–201, File No. BPH–810819BA; Mid-Shenandoah Broadcasters, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 1.66 kW (H&V), 2217 feet (H&V), MM Docket No. 83–202, File No. BPH–810819BS; Shenandoah Valley Broadcasting Company, Inc., Staunton, Virginia, Req: 99.7 MHz, Channel 259, 50 kW (H), 40.5 feet (H), MM Docket No. 83–203, File No. BPH–810619BU; for construction permit for a new FM station.

Adopted: March 9, 1983.
Released: March 14, 1983.

By The Chief, Mass Media Bureau.

1. The Commission, by the Chief, Mass Media Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of First Capital Communications, Inc. (First Capital), Wilson Communications Corporation (Wilson), Augusta County Broadcasting (Augusta), Barlow Broadcasting Corporation (Barlow), Skyline Broadcasting, Inc. (Skyline), High Fidelity Music Show, Inc. (High Fidelity), Stuarts Draft Broadcasting Corporation (Stuarts Draft), Mid-Shenandoah Broadcasters, Inc. (Mid-Shenandoah), and Shenandoah Valley Broadcasting Company, Inc. (Shenandoah Valley).

2. *First Capital.* The principle source of funds for First Capital is a bank loan from the First Merchants Bank of Staunton, Virginia. However, the bank loan letter does not specify the terms of repayment. In addition, the loan requires the personal guarantees of the members of the corporation. However, the copy of the loan agreement provided does not indicate acceptance of these guarantees. Therefore, the material submitted by First Capital does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, First Capital will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. In First Capital cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82–378.

3. *Wilson.* Wilson plans to finance construction and operation with a bank loan from the Hamilton Bank of York, Pennsylvania. The terms of the loan requires personal guarantees from the members of the corporation. However, the copy of the loan agreement provided does not indicate acceptance of these guarantees. Therefore, the material submitted by Wilson does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Wilson will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Wilson cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.,* BC Docket No. 82–378.

4. *Augusta.* The program narrative required by Section IV of FCC Form 301 and supplied by Augusta is merely a paraphrase of the information asked for by the form. Accordingly, we shall require Augusta to provide a more detailed program narrative with the presiding Administrative Law Judge.

5. Since no demonstration has been reached that the antenna proposed by Augusta would not constitute a menace to air navigation, an issue regarding this matter is required.

6. *Barlow.* The principal source of funds for Barlow is a bank letter from the First Virginia Bank of Augusta, Staunton, Virginia. However, the bank loan letter does not specify the terms of repayment.[1] Therefore, the material submitted by Barlow does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Barlow will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Barlow cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate

[1] On March 31, 1982, Barlow filed a petition for leave to amend. The amendment consisted of an updated letter of credit from the First Virginia Bank. However, this letter also failed to specify the terms of repayment. Accordingly, Barlow's petition will be denied.

issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

7. We note that on March 12, 1982, Barlow timely filed a minor amendment to its application wherein it proposed to locate a main studio in both Staunton, Virginia and Stuarts Draft, Virginia. Barlow stated that after a grant of its application it would request dual city identification for "Staunton-Stuarts Draft." Therefore, based on the foregoing, Barlow requested that it be given comparative consideration with Stuarts Draft Broadcasting Corporation's application for Stuarts Draft, Virginia under the reciprocal service doctrine enunciated in *Kent-Ravenna Broadcasting Co.*, 22 RR 605 (1961). On July 28, 1982, Stuarts Draft Broadcasting filed comments on Barlow's minor amendment, to which Barlow has filed a motion to strike. Stuarts Draft Broadcasting then opposed the motion to strike. Barlow's amendment is essentially a petition to specify a *Kent-Ravenna* issue. Since the Commission's *Report and Order in re Revised Procedures for the Processing of Contested Broadcast Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), directed the deletion of all issue pleadings in pending cases, the matters sought to be raised in the Barlow amendment as well as Stuarts Draft Broadcasting's comments have not been considered. Accordingly, an opportunity to raise them will be afforded the parties post-designation pursuant to § 1.229.

8. *Skyline.* Skyline plans to finance construction and operation by the sale of stock to the members of the corporation. However, analysis of the individual balance sheets of the members reveals that some of them lack sufficient funds to meet their obligated purchases of stock. Therefore, the material submitted by Skyline does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Skyline will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Skyline cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

9. *High Fidelity.* Two members of this corporation, Teresa Rogers and M. Robert Rogers own 49% and 51%, respectively, of WANV, Inc. (licensee of WANV, Waynesboro, Virginia) and of WREL, Inc. (licensee of WREL, Lexington, Virginia). Section 73.240(a)(2) of the Commission's Rules and Regulations prohibits the ownership of three broadcast stations in one or several services where any two are within 100 miles of the third if there is primary service contour overlap of any of the stations. WANV and WREL would be within 100 miles and their primary service contours would overlap that of the proposed Staunton Station. High Fidelity has stated its intention to divest itself of these stations, if awarded a construction permit, to comply with § 73.240(a)(2). An appropriate condition will be added.

10. *Mid-Shenandoah.* Mid-Shenandoah plans to finance construction and operation with a bank loan from the First and Merchants Bank of Radford, Virinia and by loans to the corporation by shareholders. However, the bank loan does not specify the terms of repayment. Furthermore, the applicant has not provided agreements or balance sheets of the shareholders to support their intention to provide loans. Therefore, the material submitted by Mid-Shenandoah does not demonstrate the applicant's financial qualifications. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, Mid-Shenandoah will be given 30 days from the date of release of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If Mid-Shenandoah cannot make the required certification, it shall so advise the Administrative Law Judge who shall then specify an appropriate issue. *Minority Broadcasters of East St. Louis, Inc.*, BC Docket No. 82–378.

11. We note that on March 12, 1982, Mid-Shenandoah timely filed a minor amendment to its application wherein it stated it will provide reciporcal service to Stuarts Draft, Virginia, pursuant to *Kent-Ravenna Broadcasting Co., supra*, and requested comparative consideration with Stuarts Draft Broadcasting Corporation's application if Stuarts Draft is determined to be a preferred community under Section 307(b) of the Communications Act. On July 30, 1982, Stuarts Draft Broadcasting filed comments on Mid-Shenandoah's minor amendment. Mid-Shenandoah's amendment and the comments by Stuarts Draft Broadcasting involve the same matter raised by Barlow in its amendment and will be afforded the same treatment as set out in paragraph 7, *supra*.

12. *Shenandoah Valley.* Section 73.240(a)(1) of the Commission's Rules and Regulations prohibits a licensee of an FM station from owning another FM station if the 1mV/m contours of the two stations will overlap. Shenandoah Valley is the licensee of WSGM, a class A FM in Staunton, Virginia. It has stated its intention to divest itself of this station if it receives a construction permit for channel 259B. An appropriate condition will be added.

13. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will be specified.

14. *Other matters:* All of the applicants in this proceeding propose to use a directional antenna to protect the Naval Radio Observatory in Sugar Grove, West Virginia. However, the engineering proposals of the applicants indicate that they will require waiver of § 73.213(c), to permit radiation greater than 2dB per 10 degrees of azimuth, and § 73.316(c) to permit radiation in the horizontal plane of more than 15dB. First Capital, Wilson, Barlow, High Fidelity, and Stuarts Draft have requested waivers of these Sections of the rules. Augusta, Skyline, Mid-Shenandoah and Shenandoah Valley have failed to request waivers for their proposals. Accordingly, an issue will be specified to determine whether waivers of §§ 73.213(c) and 73.316(c) of the rules are warranted and, if so, the applicants which have failed to request waivers will be required to file justification for such waivers with the presiding Administrative Law Judge.

15. Engineering review of the applications of Barlow and Mid-Shenandoah reveals that both applicants propose the same site and same antenna. However, the patterns provided for the antenna differ. Therefore, we will require these

applicants to present to the presiding Administrative Law Judge the correct pattern for the type of antenna they propose to use.

16. Section 73.316(a) of the Rules requires that with respect to directional antennas, the vertical polarized effective radiated power shall not exceed that of the horizontal ERP. The applications of Barlow, Skyline, High Fidelity, and Mid-Shenandoah do not indicate that vertical ERP will not exceed horizontal ERP and the application of Stuarts Draft appears to be in violation of this rule. Accordingly, an issue will be specified to determine if these applications violate § 73.316(a).

17. Engineering review of the applications of First Capital, Wilson, and Shenandoah Valley reveal that much of the City of Stanton will not receive line of sight coverage as required by § 73.315(b) of the rules. Therefore, an issue will be specified to determine if these applications are in violation of this rule.

18. The application of High Fidelity does not indicate that the Naval Radio Observatory in Sugar Grove, West Virginia has been notified by High Fidelity of its intent to construct or that any protection has been established for the Observatory. Stuarts Draft indicates that to protect the Observatory it may have a maximum of 78 watts ERP in the direction of the Observatory. However, engineering review of its application reveals that 141 watts ERP will actually be directed toward the Observatory. In addition, Shenandoah Valley does not show the maximum power it proposes to broadcast in the direction the Observatory. Accordingly an issue will be specified to determine if these applicants are providing adequate protection to the Naval Radio Observatory, Sugar Grove, West Virginia.

19. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

20. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applicants are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether waivers of §§ 73.213(c) and 73.316(c) of the Commission's Rules and Regulations are warranted.

2. To determine whether the applications of Barlow, Skyline, High Fidelity and Mid-Shenandoah violate § 73.316(a) of the Commission's Rules by having a vertical polarization greater than horizontal polarization when utilizing a directional antenna.

3. To determine whether the applications of First Capital, Wilson, and Shenandoah Valley violate § 73.315(b) of the rules by failing to provide line of sight coverage to their city of license.

4. To determine whether High Fidelity, Stuarts Draft, and Shenandoah Valley have provided adequate protection to the Naval Radio Observatory located at Sugar Grove, West Virginia.

5. To determine whether there is a reasonable possibility that the tower height and location proposed by Augusta would constitute a hazard to air navigation.

6. To determine the areas and populations which would receive primary aural service (1mV/m or greater in the case of FM) from the proposed operation of new applicants and the availibility of other primary service to such areas and populations.

7. To determine in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine which of the proposals would, on a comparative basis, best serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

21. It is further ordered, That First Capital, Wilson, Barlow, Skyline, and Mid-Shenandoah shall submit financial certifications in the form required by Section III, F.C.C. Form 301, or advise the presiding Administrative Law Judge that the certification cannot be made, as may be appropriate, within 30 days of the release of this Order.

22. It is further ordered, That Augusta file a detailed programming narrative with the presiding Administrative Law Judge, within 30 days of the release of this Order.

23. It is further ordered, That the petition for leave to amend filed by Barlow is denied.

24. It is further ordered, That in the event a construction permit is awarded to High Fidelity as a result of this proceeding, program test authority will not be authorized until Teresa Rogers and Robert Rogers have provided documentation that they no longer have a financial interest in WANV, Waynesboro, Virginia and WREL, Lexington, Virginia.

25. It is further ordered, That in the event a construction permit is issued to Shenandoah Valley as a result of this proceeding, program test authority will not be authorized until Shenandoah Valley has provided documentation that it no longer has a financial interest in WSGM, Staunton, Virginia.

26. In the event that waivers of §§ 73.213(c) and 73.316(c) of the Commission's Rules are deemed appropriate, it is further ordered, That Augusta, Skyline, Mid-Shenandoah, and Shenandoah shall file justifications for such waivers with the presiding Administrative Law Judge.

27. It is further ordered, That Barlow and Mid-Shenandoah file the correct pattern for their proposed antenna with the presiding Administrative Law Judge, within 30 days of the release of this Order.

28. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to the air hazard issue only.

29. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

30. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-7033 Filed 3-17-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-229]

Commonwealth Federal Savings & Loan Association, Lowell, Mass.; Final Action Approval of Post-Approval Amendments to Mutual-To-Stock Conversion Application

Notice is hereby given that on March 4, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approvl Amendment No. 3 to the mutual-to-stock conversion application of Commonwealth Federal Savings and Loan Association, Lowell, Massachusetts ("Association"). The application had been approved by the Board by Resolution No. 81–420, dated July 27, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Boston, P.O. Box 2196, Boston, Massachusetts 02106.

Dated: March 14, 1983.

By the Federal Home Loan Bank Board

John M. Buckley, Jr.,

Acting Secretary.

[FR Doc. 83–7019 Filed 3–17–83; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 83–15]

American Coastal Line Joint Venture, Inc. v. United States Lines, Inc., et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by American Coastal Line Joint Venture, Inc. against United States Lines, Inc. and Sea-Land Service, Inc. was served March 10, 1983. Complainant alleges that respondents have filed rates on military cargo in the North Atlantic trades so unreasonably low as to be in violation of section 18(b)(5) of the Shipping Act, 1916 and that these rates were established in concert in violation of section 15 of the Act.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83–7104 Filed 3–17–83; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company; Texas Independent Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texas Independent Bancshares, Inc.*, Hitchcock, Texas; to acquire 100 percent of the voting shares or assets of Bank of the West, Galveston, Texas. Comments on this application must be received not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7135 Filed 3–17–83; 8:45 am]

BILLING CODE 6210–01–M

Cedaredge Financial Services, Inc.; Formation of Bank Holding Company

Cedaredge Financial Services, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Cedaredge, Cedaredge, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Cedaredge Financial Services, Inc., Denver, Colorado, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage in the activities of a general insurance agency in a community having a population not exceeding 5,000. These activities would be performed from offices of Applicant in Cedaredge, Colorado, and the geographic area to be served is Delta County, Colorado. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, indentifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federl Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83–7132 Filed 3–17–83; 8:45 am]

BILLING CODE 6210–01–M

Citicorp; Correction

This document corrects a previous **Federal Register** document (FR Doc. 83–5562) published at page 9372 of the issue

for Friday, March 4, 1983. The proposed activities would be performed from offices of Citicorp Savings throughout the State of California, serving the State of California.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7133 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks, Inc. and Florida Coast Banks, Inc.; Proposed Acquisition of a de Novo Office of Florida Coast Midlantic Trust Company, N.A., Lighthouse Point, Florida

Midlantic Banks, Inc., Edison, New Jersey, and Florida Coast Banks, Inc., Pompano Beach, Florida, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire a *de novo* office of their existing joint venture trust company, Florida Coast Midlantic Trust Company, N.A., Lighthouse Point, Florida.

Applicant states that the proposed subsidiary would engage in the activities that may be performed or carried on by a trust company. These activities would be performed from a *de novo* office of Applicant's subsidiary in Boca Raton, Florida, and the geographic area to be served is southern Palm Beach County, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by apporval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Banks of New York and Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than April 13, 1983.

Board of Governors of the Federal Reserve System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7134 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; PNC Financial Corp., et al.

The Organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp*, Pittsburgh, Pennsylvania (finance activities; eastern states): To engage, through its subsidiary, Pittsburgh National Commercial Corporation, in making or acquiring, for its own account or for the accounts of others, loans and other extensions of credit. Such activities will be conducted at the Pittsburgh National Building, Pittsburgh, Pennsylvania. The area to be served will be all states east of the Mississippi and the State of Texas. Comments on this application must be received not later than April 12, 1983.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia (trust company activities; Virginia): To engage through its subsidiary, Dominion Trust Company, in performing or carrying on any one or more of the functions of activities that may be performed or carried on by a trust company. These activities would be performed from an office in Norfolk, Virginia, serving the Newport News-Hampton Standard Metropolitan Statistical Area, Norfolk-Virginia Beach-Portsmouth, Virginia—North Carolina Standard Metropolitan Statistical Area, and the counties of Isle of Wight and Southampton, in Virginia, and the City of Franklin, Virginia. Comments on this application must be received not later than April 13, 1983.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (trust activities; Florida): To engage through its subsidiary, Barnett Banks Trust Company, National Association, in functions and activities performed by a corporate fiduciary, including personal representative of estates, trustee of trust agreements and indentures, guardian of property, custodian, investment agent, stock transfer agent, registrar and all other duties commonly performed by a trust department of a bank or a trust company. The office is to be in Tampa, Florida and conducting business throughout the State of Florida. Comments on this application must be received not later than April 7, 1983.

Board of Governors of the Federal Reserves System, March 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-7150 Filed 3-17-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 78P-0419 et al.]

Availability of Approved Variances for Laser Light Shows

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that variances from the performance standard for laser products have been approved by the Office of Radiological Health (formerly the Bureau of Radiological Health) of FDA's National Center for Devices and Radiological Health, for certain laser light shows or laser light show projectors manufactured and produced by 29 organizations. The projector provides a laser display to produce a variety of special lighting effects principally to provide entertainment to general audiences.

DATES: The effective dates and termination dates of the variances are listed in the table under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applications have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Norbert P. Heib, National Center for Devices and Radiological Health (HFX–460), 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the organizations listed in the table below has been granted a variance from § 1040.11(c) of the performance standard for laser products (21 CFR 1040.11(c)). Each variance permits the listed manufacturer to introduce into commerce a demonstration laser product which is the manufacturer's particular variety of laser light show, or laser light show projector or both, assembled and produced by it. All the laser products will have levels of accessible laser radiation in excess of the Class II levels permitted by § 1040.11(c) but not exceeding those required to perform the intended function of the product.

Suitable means of radiation protection will be provided by constraints on the physical and optical design of the products, by warnings in the user manual and on the products, and by procedures for personnel who will operate the products. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter to each manufacturer from the Office of Radiological Health.

So that the product will bear evidence of the variance granted to the manufacturer of that product, each unit of the product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number and effective date of the variance as specified in the table below.

Docket No.	Organization granted the variance	Demonstration laser products	Effective date/ termination date
78P-0419	Blue Lightning, 2300 St. Francis Drive, Palo Alto, CA 94303	Laser Light Shows Incorporating Models HS–1, SFP–1, CH–1 and SS 4000 Projectors.	Aug. 7, 1980, Aug. 7, 1982.
78P-0236	Merlin/Viewsic Laser Visuals, 401 Campbell Street, Playa del Rey, CA 90291.	Laser Light Show Incorporating the Class III, Merlin Mark IIa Argon Laser Projector and/or Merlin Mark IIb Argon and Krypton Laser.	May 20, 1982, May 20, 1984.
78P-0257	Knott's Berry Farm 8039 Beach Blvd. Buena Park, CA 90620.	Laser Light Shows Incorporating a Class IV Laser Projection System	Oct. 6, 1982, Oct. 6, 1984.
78P-0418	Brevard Community College 1519 Clearlake Road, Cocoa, FL 32922.	Planetarium Laser Display Unit Model 1 Laser Projector and Laser Light Show.	Aug. 7, 1980, Aug. 7, 1982.
80P-0034	Brian S. O'Brien, 15 Country Drive, Weston, MA 02193	Laser Light Shows Incorporating the Model #100 Laser Projector	Aug. 14, 1980, Aug. 14, 1982.
80P-0035	Maximilian's, 8149 Mall Road, Florence, KY 41042	Laser Light Shows Incorporating the Model LP–4W–1A Laser Projector.	Jan. 23, 1981, Jan. 23, 1983.
80P-0157	Image Engineering Corp., 60 Aberdeen Avenue, Cambridge, MA 02138.	Laser Light Shows and Model Series 300 Laser Projector	June 10, 1980, June 10, 1982.
80P-0168	Consolidated Theatres, Inc., 3453 South West Temple, Salt Lake City, Utah 84115.	Laser Light Shows in the Consolidated Starship Theatre Utilizing the Laser System Development Corporation Model C–3(a) Laser Projection System..	Jan. 23, 1981, Jan. 23, 1985.
80P-0174	Lumiere Laser Productions, 6705 W. Maple Street, West Allis, WI 53214.	Laser Light Shows Incorporated Model L–100 Laser Projector	Oct. 30, 1980, Oct. 30, 1982.
80P-0214	Laser Presentations, Inc., 1392 King Avenue, Columbus, OH 43212.	Laser Space Theatre Sky Beacon Display	Oct. 7, 1980, Oct. 7, 1982.
80P-0252	Lightform, 71 Harper Street, Rochester, NY 14607	Lightform Laser Projection System and Laser Light Show	Do.
80P-0270	Light & Sounds Images, Inc., 2632 Walnut Ave., Suite E, Tustin, CA 92680.	A Laser Display Device and Light Show	Feb. 12, 1981, Feb. 12, 1983.
80P-0260	Agence Publicitaire, Le P.G. De Granby, Inc., 90 Alexandra Street, Granby, P. Quebec, Canada J2G 2P4.	Super-Laser Light Show Incorporating a Science Fiction Corporation Model SFC–2000 Series Laser Projector.	Sept. 30, 1980, Sept. 30, 1982.
80P-0256	Rockne Krebs, 1428 U Street, NW., Washington, D.C. 20009	Rockne Krebs' Wright State University Campus Laser Light Show	Oct. 7, 1980, Oct. 7, 1982.
80P-0367	Laser Graphics, Inc., 433–D E. Edgewood Blvd., Lansing, MI 48910.	Discotheque Laser Light Show Incorporating Class III b He–NE and He–CD Laser Projector.	January 7, 1981, Jan. 7, 1983.
80P-0400	Interscope, Inc., 1170 Commonwealth Ave., Boston, MA - 02134.	Laser Light Shows Incorporating the O'Brien Model 100–01 Argon, Krypton, and HeNe Laser Projectors.	Jan. 6, 1981, Jan. 6, 1983.
80P-0405	Illumina Productions, 3280 S. Miami, Miami, Fl 33129	Laser Light Show Incorporating the Krypton/Argon Laser System #1	Jan. 22, 1981, Jan. 22, 1985.
80P-0439	Halogenais, 47 Clintonwood Drive, Newburg, New York 12550.	Halogenais Laser Light Show and Laser Projector Incorporating a Metrologic Class III Helium-Neon Laser.	Aug. 5, 1981, Aug. 5, 1982.
80P-0460	Cumberland Museum and Science Center, 800 Ridley Avenue, Nashville, TN 37203.	Cumberland Planetarium Laser Light Show Incorporating a Laser Systems Development Corporation Model C–3(a) Laser Projector.	Jan. 6, 1981, Jan. 6, 1983.
80P-0479	LaserVision, 22100 Burbank Blvd., No. 227C, Woodland Hills, CA 91367.	Laser Light Show and Incorporated Projection System Containing Three Spectra Physics Ion Lasers.	Dec. 30, 1980, Dec. 30, 1982.
80P-0473	Creative Lighting, Inc., 11 Kensington Avenue, Springfield, MA 01108.	Laser Light Shows and the Incorporated Laser Displays Lasergraph Projector.	Feb. 4, 1981, Feb. 4, 1983.
80P-0483	Michael Mullin, 151–31 88th Street, Howard Beach, NY 11414.	MU Family of Laser Light Show Projectors	Jan. 23, 1981, Jan. 23, 1983.
80P-484	Magique Discotheque Corp., d.b.a. Magique, Ltd., 1100 First Ave., New York, NY 10022.	Laser Shows Assembled and Produced by Magique Discotheque Corp., d.b.a. Magique, Ltd., Incorporating a Michael Mullin Model Moon-Unit M–1 Laser Projector.	Jan. 23, 1981, Jan. 23, 1983.
81P-0189	Dalcor Amusement Corp., d.b.a. Funtown, USA, Saco, ME 04072.	Laser Light Show Incorporating a Class IV Spectra-Physics Argon Laser Model Stabi -03.	May 29, 1981, May 29, 1983.

Docket No.	Organization granted the variance	Demonstration laser products	Effective date/ termination date
81P-0195	LaserDream Productions, 3318 Hancock Street, San Diego, CA 92110.	Laser Light Shows Incorporating Laser Projector Model 9002 and/or Electronic Counter Company Model 3605.	June 23, 1982, July 29, 1983.
81P-0278	Lightform Incorporated, Buffalo State College, 1300 Elmwood Avenue, Buffalo, NY 14222.	Laser Light Shows Incorporating the Lightform HeNe, AR-Kr, or HeCd Projectors With a Maximum of 20 Watts.	July 21, 1982, July 21, 1984.
82P-0117	Lime Light, 3330 Piedmont Rd. NE., Atlanta, GA 30305.	Laser Light Shows Incorporating the Lime Light Model #1 Laser Projector.	June 8, 1982, June 8, 1984.
82P-0121	Film & Video Department, Whitney Museum of American Art, 945 Madison Avenue, New York, NY 10021.	Laser Light Shows Incorporating Two Class IV Ion Lasers and a Class IIIb Helium Neon Laser.	Apr. 30, 1982, Apr. 30, 1984.
82P-0135	Sales Director, LABOR-MIM, 1450 Budapest, P.O. Box 33, Hungary.	Laser Light shows Incorporating the LABOR-MIM Interference Mobile Laser Projector Containing a Class III HeNe Laser.	June 14, 1982, June 14, 1984.

In accordance with § 1010.4, the applications and all correspondence (including the written notices of approval) on the various applications have been placed on public display in the Dockets Management Branch (address above), and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 10, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6878 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0056]

Celanese Water Soluble Polymers; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Celanese Water Soluble Polymers has filed a petition proposing that the food additive regulations be amended by removing the upper viscosity limit in the current regulation for sodium carboxymethyl guar gum.

FOR FURTHER INFORMATION CONTACT: Clyde A Takeguchi, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3704) has been filed by Celanese Water Soluble Polymers, A Division of Celanese Corp., One Riverfront Plaza, Louisville, KY 40201, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended by removing the upper viscosity limit for sodium carboxymethyl guar gum.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6877 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0043]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of pentanoic acid, 4,4-bis[(*gamma-omega*-perfluoro-C_{6-20}-alkyl)thio] derivatives, compounds with diethanolamine, as an oil and water repellent for paper and paperboard.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C 348(b)(5))), notice is given that a petition (FAP 3B3700) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing that Part 176 (21 CFR Part 176) be amended to provide for the safe use of pentanoic acid, 4,4-bis[(*gamma-omega*-perfluoro-C_{6-20}-alkyl)thio] derivatives, compounds with diethanolamine (CAS Reg. No. 71608-61-2], as an oil and water repellent for paper and paperboard.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6876 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0035]

Coca-Cola Co. and Tropicana Products, Inc.; Filing of Food Additive Petitions

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that both the Coca-Cola Co. and Tropicana Products, Inc., have filed petitions proposing that the food additive regulations be amended to provide for the safe use of aspartame as a sweetener in certain refrigerated noncarbonated beverages, frozen concentrates, and frozen fruit juice confections.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3A3694) has been filed by the Coca-Cola Co., Division of Foods, P.O. Box 2079, Houston, TX 77001,

proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame (1–methyl *N*–*L*–α–aspartyl–*L*–phenylala–nine) as a sweetener in frozen concentrated and single strength beverages, the latter being shipped, stored, and sold refrigerated.

Additional notice is given that a petition (FAP 3A3695) has been filed by Tropicana Products, Inc., P.O. Box 338, Bradenton, FL 33560, also proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in refrigerated single strength nonstandardized dilute fruit juice beverages, frozen concentrated nonstandardized fruit juice containing beverages, and frozen fruit juice containing confections.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6674 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F–0029]

ICI Americas, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of toluene diisocyanate as a modifier in the preparation of a polyester resin for use in the fabrication of articles intended for repeated use in contact with foods.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3306) has been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 177.2420 (21 CFR 177.2420) be amended to provide for the safe use of toluene diisocyanate as a condensate modifier in the preparation of a modified cross-linked polyester resin for use in the fabrication of articles intended for repeated use in contact with foods.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting the finding may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 4, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6675 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced:

Drug Abuse Advisory Committee

Date, time, and place. April 28 and 29, 9 a.m., conference Rm. G, Parklawn Bldg., 5600 Fishers Lane Rockville, MD.

Type of meeting and contact person. Open public hearing, April 28, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, April 29, 9 a.m. to 5 p.m.; Frederick J. Abramek, National Center for Drugs and Biologics (HFN–120), Food and Drug Administration, 5600 Fishers Lane Rockville, MD 20857, 301–443–3800.

General function of the committee. The committee advises the Commissioner of Food and Drugs regarding the scientific and medical evaluation of all information gathered by the Department of Health and Human Services and the Department of Justice with regard to safety, efficacy, and abuse potential of drugs or other substances and recommends actions to be taken by the Department of Health and Human Services with regard to marketing, investigation, and control of such drugs or other substances.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss the following:

1. Nabilone (Cessamet®), NDA 18–677: A discussion of abuse potential.

2. Scheduling recommendations for specific mixed agonist-antagonist agents: Buprenorphine, Butorphanol, and Nalbuphine.

3. Quazepam, NDA 18–708: Recommendation for control.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meeting announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting

request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: March 9, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6729 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N–0276; DESI 7630]

Nandrolone Phenpropionate; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Announcement of Marketing Conditions; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice revokes the temporary exemption for nandrolone phenpropionate, which has allowed the drug product to remain on the market (with labeling that included a less-than-effective indication) beyond the time limit scheduled for implementation of the Drug Efficacy Study. FDA announces the conditions for marketing this product for the indication for which it is now regarded as effective, and offers an opportunity for a hearing concerning the indications reclassified to lacking substantial evidence of effectiveness. The drug is categorized as an anabolic steroid.

DATES: Requests for hearings are due on or before April 18, 1983; supplements to approved or conditionally approved new drug applications are due on or before May 17, 1983.

ADDRESSES: Communications in response to this notice should be identified with reference number DESI 7630, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Supplements to full new drug applications (identify with NDA number): Division of Metabolism and Endocrine Drug Products (HFN–130), Rm. 14B–04, National Center for Drugs and Biologics.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFN–530), National Center for Drugs and Biologics.

Requests for hearing (identify with Docket number 80N–0276); Dockets Management Branch (HFA–305), Rm. 4–62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN–310), National Center for Drugs and Biologics.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN–501), National Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: Nicholas Reuter, National Center for Drugs and Biologics (HFN–8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 24, 1970 (35 FR 10327), FDA classified nandrolone phenpropionate as probably effective as adjunctive therapy in the treatment of senile and postmenopausal osteoporosis and in pituitary dwarfism, and lacking substantial evidence of effectiveness for certain ill-defined, vague, and general indications. All other labeled indications for nandrolone phenpropionate, which included the indication for the treatment of "inoperable mamary carcinoma," were classified as possibly effective.

Subsequently, in a notice published in the **Federal Register** of December 14, 1972 (37 FR 26626), FDA granted a temporary exemption from the time limits established for completing certain phases of the Drug Efficacy Study Implementation (DESI) program for anabolic steroids. That exemption, which included nandrolone phenpropionate, allowed the products to remain on the market while studies were undertaken to determine effectiveness. The exemption was granted because of the medical need for drugs effective for osteoporosis and pituitary dwarfism and the absence, at that time, of other drugs classified as effective for these conditions.

Recognizing the lack of general agreement on parameters to be measured and the techniques for measurement, FDA developed guidelines for the clincal study of drugs used to treat osteoporsis. The availability of these guidelines was announced in the **Federal Register** of June 20, 1980 (45 FR 41705).

In a subsequent **Federal Register** notice of October 31, 1980 (45 FR 72291), FDA amended the December 14, 1972 notice by establishing specific conditions, including a timetable, for the continued marketing and study of anabolic steroids for the treatment of osteoporosis. (Pituitary dwarfism was no longer appropriate because adequate amounts of growth hormone, effective for that condition had become available.) The notice also stated that the agency was evaluating data submitted in support of other "less-than-effective" indications and would announce its evaluation of these data in a future notice.

On the basis of additional data and information submitted and reviewed, the Director of the National Center for Drugs and Biologics has determined that nandrolone phenpropionate, as contained in the products covered by the following NDA and conditionally approved NADA's, is effective for the control of metastatic breast cancer. Because the Director is not aware of any ongoing study that complies with the October 1980 notice which would be applicable to nandrolone phenpropionate in the treatment of osteoporosis, he has further determined that the drug is no longer entitled to the temporary exemption and that osteoporosis and all other indications lack substantial evidence of effectiveness.

1. NDA 11–891; Duraboline Injection containing nandrolone phenpropionate in sesame oil, 25 or 50 mg/mL; Organon, Inc., 375 Mount Plesasant Ave., West Orange, NJ 07052.

2. ANDA 86–386; Nandrolone Phenpropionate, 25 mg/mL; Carter Glogau Laboratories Inc., 5160 West Bethany Home Rd., Glendale, AZ 85301.

3. ANDA 87–488; Nandrolone Phenpropionate, 50 mg/mL; Carter Glogau Laboratories, Inc.

The temporary exemption announced in the December 14, 1972 notice, as it pertains to any drug product that contains nandrolone phenpropionate, is hereby revoked. This drug is regarded as a new drug (21 U.S.C. 321 (p)) and an approved new drug application is required for marketing it. A supplemental new drug application is now required to revise the labeling and to update any previously approved new drug application or conditionally approved abbreviated new drug application providing for this drug.

In addition to the holders of the applications specifically named above, this notice applies to any person who manufactures or distributes a drug product that is not the subject of an approved new drug application and that is identical to a drug product named above. It may also be applicable, under 21 CFR 310.6, to a related or similar drug product that is not the subject of an approved new drug application. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that nandrolone phenpropionate is effective for the indication in the labeling conditions below. The drug product lacks substantial evidence of effectiveness for other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications for products containing nandrolone phenpropionate for the indication now regarded as effective and a supplement to the previously approved new drug application and conditionally approved abbreviated new drug applications under the conditions described herein.

1. *Form of drug.* The drug is nandrolone phenpropionate, 25 or 50 mg/mL in sterile sesame oil solution, suitable for intra-muscular administration.

2. *Labeling conditions.* a. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows: "For the control of metastatic breast cancer."

3. *Marketing Status.* a. Marketing the drug product that is now the subject of an approved or effective new drug application or a conditionally approved abbreviated application may be continued provided that, on or before May 17, 1983, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)).

b. Approval of an abbreviated new drug application (21 CFR 314.2) (previously (21 CFR 314.1(f); see 48 FR 2751, published in the **Federal Register** of January 21, 1983)) containing full information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) must be obtained before marketing such products. The requirements for bioavailability-bioequivalence testing (21 CFR 320.21) are waived for any product as described under 1. Form of Drug. Marketing drug products before approval of a new drug application will subject those products, and those persons who caused the products to be marketed, to regulatory action.

c. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the National Cener for Drugs and Biologics is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, that meets the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), and demonstrates the effectiveness of nandrolone phenpropionate in indications for prescription use not referred to in paragraph B.2.b., above.

Notice is given to the holders of the new drug applications and conditionally approved abbreviated new drug applications and to all other interested persons that the Director of the National Center for Drugs and Biologics proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval and conditional approval of the new drug applications and all amendments and supplements thereto providing for the indications lacking substantial evidence of effectiveness on the ground that new information before him with respect to the drug products, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug products will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. If no hearing is requested, and the applications are further supplemented in accord with this notice to delete the claims lacking substantial evidence of effectiveness, approval of the indications that lack evidence of effectiveness will be considered withdrawn, and no further order will issue.

This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is exempt from part or all of the new drug provisions of the act under the exemption for products marketed before June 25, 1938, in section 201(p) of the act, or under section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with section 505 of the act (21 U.S.C. 355) and the regulations promulgated under it (21 CFR Parts 310, 314), the applicant and all other persons who manufacture or distribute a drug product that is identical, related, or similar to a drug product named above (21 CFR 310.6) and not the subject of a new drug application, are hereby given an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn, and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug products named above and of all identical, related, or similar drug products not the subject of a new drug application.

The applicant or any other person subject to this notice under 21 CFR 310.6 who decides to seek a hearing, shall file (1) on or before April 18, 1983, a written notice of appearance and request for hearing, and (2) on or before May 17, 1983, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a granting or denial of a hearing, are contained in 21 CFR 314.200.

The failure of the applicant or any other person subject to this notice under 21 CFR 310.6 to file a timely written notice of appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed and a waiver of any contentions

concerning the legal status of the relevant drug product. Any such drug product labeled for the indications referred to in this notice as lacking substantial evidence of effectiveness may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such a drug product from the market. Any new drug product marketed without an approved new drug application is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must present specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in their request for hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a requests for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice are to be filed in four copies. Except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, the submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C 352, 355)), and under the authority delegated to the Director of the National Center for Drugs and Biologics (21 CFR 5.70 and 5.82).

Dated: March 3, 1983.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 83-7111 Filed 3-17-83; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on March 11.

Public Health Service

Food and Drug Administration

Subject: Good Manufacturing Practices for Blood and Blood Components—Recordkeeping Requirements (0910–0116)—Extension/Adjustment to Burden Only
Respondents: Blood banks, plasmapheresis centers, and transfusion services
Subject: Good Laboratory Practices Regulations for Nonclinical Laboratory Studies (0910–0119)—Extension/Adjustment to Burden Only
Respondents: Manufacturers of drugs, food addititives, medical devices, colors, and radiation emitting products; and toxicology testing laboratories
Subject: Reporting Requirements Imposed by Temporary Marketing Permit Regulations (0910–0133)—Extension/No Change
Respondents: Food manufacturers
Subject: Reporting Requirements Applicable to Hepatitis Reactive Products (0910–0133)—Extension/No Change
Respondents: Blood banks, plasmapheresis centers, blood donor collecion centers and transfusion services
OMB Desk Officer: Richard Eisinger

Health Resources and Service Administration

Subject: Application Guidelines for Designation and Grant Award and Reporting System for State Health Planning and Development Agencies (0935–0059)—Reinstatement
Respondents: State health planning and development agencies
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Annual Survey of Southeast Asian Refugees (ORR–9)—Reinstatement
Respondents: Southeast Asian Refugees
Subject: Chinese Custom Marriage Statement and Statement Regarding Chinese Custom Marriage (SA–1344/1345)—Revisions
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

Joseph F. Costa, Acting HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524–F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: March 11, 1983.

Dale W. Sopper,

Assistant Secretary for Managment and Budget.

[FR Doc. 83-7072 Filed 3-17-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6894]

Arizona; Proposed Modification of Withdrawal and Opportunity for Public Hearing

March 10, 1983.

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, Proposes to modify Public Land Order 5409 of February 7, 1974, withdrawing the following described lands from operation of the public land laws including the Untied States mining laws, but not from leasing under the mineral leasing laws:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 20 E.,

SEC. 18, Lots 1 and 2, E½NW¼.

The area described aggregates 150.49 acres in Graham County.

The purpose of the withdrawal is to protect the recreation values of the campground for the Aravaipa Canyon Primitive Area. The Bureau of Land Management proposes to modify the period of withdrawal from an indefinite period to a period of 20 years and to modify the segregative effect on the 109.49 acres of the above described lands by opening the lands to location and entry under the United States mining laws. The lands proposed to be open to location and entry under the mining laws are described as follows:

Gila and Salt River Meridian, Arizona

T. 7 S., R. 20 E.,
SEC. 18, N½ and SW¼ of Lot 1; S½NE¼, W½ and SE¼ all of Lot 2; and SE¼NE¼NW¼, NE¼SE¼NW¼, S½NW¼SE¼NW¼, S½SE¼NW¼.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal modification. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before June 13, 1983. Upon determination by the State Director, Bureau for Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objection to the proposed withdrawal may be filed with the undersigned officer on or before June 13, 1983.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. The authorized Officer will review the withdrawal rejustification to ensure that the modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent managemeent of the land and its resources. The authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be modified and if so, for how long. The final determination of the modification of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed modification should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mildred C. Koziow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-7041 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

Butte District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will be held on Thursday and Friday, April 14 and 15, 1983.

The meeting will begin at 1:00 p.m. on April 14 in the conference room of the Butte District Office at 106 N. Parkmont (Industrial Park), Butte, Montana. The agenda will include: (1) A discussion of BLM's asset management program; (2) a report of the BLM/Minerals Management Service merger; and (3) committee reports.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's cosideration. Anyone wishing to make an oral statement should make advance arrangements with the District Manager.

Summary minutes of the meeting will be maintained in the district office and be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: March 9, 1983.

Jack A. McIntosh,

District Manager.

[FR Doc. 83-7044 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

Grand Junction District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grand Junction District Advisory Council meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Grand Junction District Advisory Council will be held on Wednesday, April 20, 1983. The meeting will take place at the District office, 3rd floor conference room, 764 Horizon Drive, Grand Junction, Colorado and will begin at 9:30 a.m.

The agenda will include:

1. Introduction and discussion of Council responsibilities
2. Election of Officers
3. Overview of BLM in general, Grand Junction District in particular
4. Presentations by Grand Junction and Glenwood Springs Resource Area Managers about current status of resource management plans
5. Summary of merger between BLM and onshore offices of Minerals Management Service
6. Public statement period
7. Arrangements of next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 3-4 p.m., or may submit written statements for the Council's consideration. Send written statements to the attention of the Grand Junction District Manager, 764 Horizon Drive, Grand Junction, Colorado 81501, by April 15, 1983.

SUPPLEMENTAL INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular business hours at the District office 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Cindy McKee, Public Affairs Specialist, (303) 243-6552.

David A. Jones,

District Manager.

[FR Doc. 83-7042 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico and Colorado San Juan River Regional Coal Team; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Regional Coal Team meeting.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR Part 3400), the Regional Coal Team for the San Juan River Federal Coal Production Region will hold a meeting: (1) To recap coal activity since the last RCT meeting on April 20-21, 1982; (2) to receive updates on the Bisti Coal Lease Exchange, the Santa Fe Railroad Exchange, the Star Lake Railroad and the modifications pertaining to 43 CFR 3400 coal management regulations; (3) to present results of the Bureau of Land Management—Mineral Management Service merger; (4) to hear a summary of public and agency comments on the proposed competitive lease tracts and the Draft San Juan River Regional Coal Environmental Impact Statement; (5) to hear presentations on specific coal lease tract factors which may cause a significant change to the tract; (6) public comments; and (7) other related matters, if any.

DATE: The Regional Coal Team meeting will be held on April 27, 1983, at 9:00 a.m.

ADDRESS: the Regional Coal Team will meet at the Albuquerque Convention Center—Ballroom A, 2nd Street and Marquette, Albuquerque, NM 87103.

FOR FURTHER INFORMATION CONTACT: Gene Day, Bureau of Land Management, New Mexico State Office, commercial phone (505) 988-6212, FTS 476-6212.

Charles W. Luscher,

State Director

[FR Doc. 83-7040 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

[NM 056823-WR]

New Mexico; Notice of Proposed Continuation of Withdrawal

Dated: March 7, 1983.

In accordance with the provisions of Section 204 of the Federal Land Policy and Management Act, the Bureau of Land Management (BLM) is reviewing possible continuation of an existing withdrawal for research purposes in connection with Federal programs made by Public Land Order No. 2051 dated February 17, 1960. The following land is included in the proposed continuation:

New Mexico Principal Meridian

T. 23 S., R. 2 E.,
Sec. 22, lots 5, 6;
Sec. 23, lots 1 to 16, inclusive;
Sec. 26, lots 4, 5, 6, 7, E½;
Sec. 35, lots 6, 7, 8, 9, N½NE¼, SE¼NE¼.

The area described contains 1,393.19 acres in Dona Ana County.

The Bureau proposes continuation of the withdrawal in its entirety for a period of 20 years. The purpose of the withdrawal is for use of the New Mexico College of Agriculture (now New Mexico State University) for research purposes in connection with Federal programs. The withdrawal closed the described land to all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the disposal of materials under the Act of July 31, 1947, as amended. No change in the segregative effect or use of the land would be effected by the continuation.

Notice is hereby given that a public hearing may be afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned within 30 days of the publication of this notice. Upon a determination by the State Director, BLM, that a public hearing should be held, a notice will be published in the Federal Register giving the time and place of such hearing. Public hearings will be scheduled and conducted in accordance with BLM Manual 2351.16B. Additionally, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal continuation may present their views in writing to the undersigned authorized officer of the BLM within 30 days of the date of publication of this notice.

The authorized office of the BLM will undertake such investigations as are necessary and prepare a report for consideration by the Office of the Secretary of the Interior. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Leroy C. Montoya,
Chief, Division of Operations.

[FR Doc. 83-7045 Filed 3-17-83; 8:45 am]
BILLING CODE 4310-84-M

[W-48549]

Wyoming; Notice of Realty Action Exchange of Public Lands for Private Lands in Sublette County

The surface estate of the following described public lands has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 USC 1716):

Sixth Principal Meridian, Wyoming

T. 28 N., R. 112 W.,
Sec. 9, NE¼SE¼;
Sec. 10, S½ and S½N½;
Sec. 11, SW¼NW¼ and W½SW¼;
Sec. 14, NW¼NW¼ and SW¼NE¼ and SE¼;
Sec. 15, NE¼NW¼ and N½NE¼.

Containing 1,000.00 acres

In exchange for the above lands, the United States will acquire the surface estate of the following lands from Lillian Harrower:

Sixth Principal Meridian, Wyoming

T. 28 N., R. 114 W.,

Sec. 4, lots 6, 11, 14, and 19, W½ and W½E½.

Containing 456.63 acres.

The Bureau's purposes for the exchange are to acquire valuable stream frontage on South Beaver Creek, which affords valuable habitat for the sensitive Colorado River cutthroat trout. The entire area has high outdoor recreation values. The area is yearlong elk range and elk calving grounds. Other important resident wildlife include moose, mule deer and black bear. The public lands proposed for disposal are not essential for any Bureau resource management program.

The values of the lands to be exchanged are approximately equal. The acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal.

The affected lands and acquired lands are both within the same grazing allotment. The production on the lands is the same, so we will not make any adjustments in grazing preference.

All improvements on the public lands will be abandoned in place because of the great disparity in costs to remove or rehabilitate, and the low or nonexistent salvage value thereof.

Pursuant to 43 CFR 2201.1(b), the acquired lands will not be subject to appropriation under the public land laws, including the mining laws.

The proposed exchange is consistent with the requirements of Section 206 of the Federal Land Policy and Management Act of 1976, and with the land use planning requirements of Section 202 of that act. The authorized officer has determined that the public interest will be well served by making the exchange.

The Patent would contain the following Reservations to the United States.

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 USC 945;

2. All minerals owned by the United States shall be reserved to the United States concerning the lands being transferred out of Federal ownership;

3. Reservation of Right-of-way of Record W-73929 to the United States, pursuant to Section 507 of the Federal Land Policy and Management Act of 1976;

4. Reservation of Right-of-way of Record W-82499 to the United States pursuant to Section 507 of the Federal Land Policy and Management Act of 1976.

And will be subject to:

1. A reservation for highway purposes for existing U.S. Highway 189 pursuant to 43 CFR 2802.5(b). This right-of-way shall be limited to 75 feet on either side of centerline of the existing road.

2. All valid existing rights of record.

Detailed information concerning the exchange is available for review at the Pinedale Resource Area Headquarters, 431 West Pine Street, Pinedale, Wyoming 82941.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Rock Springs District Manager, P.O. Box 1869, Rock Springs, Wyoming 82901. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Informal inquiries concerning this action should be directed to the Pinedale Resource Area Headquarters.

Donald R. Sweep,

District Manager.

[FR Doc. 83-7963 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-84-M

[F-14830-A]

Alaska Native Claims Selection; Nerklikmute Native Corp.

On November 14, 1974, Nerklikmute Native Corporation, for the Native village of Andreafsey (Andreafsky) filed selection application F-14830-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611) (1976) (ANCSA) for the surface estate of certain lands in the vicinity of Andreafsky.

As to the lands described below, selection application F-14830-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, containing approximately 1,070 acres, is considered proper for acquisition by Nerklikmute Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 76 W.

Sec. 28;
Sec. 33, excluding U.S. Survey No. 5507, Native allotment F-18502 Parcel C, and Andreafsky River.
Containing approximately 1,070 acres.

Within the above described lands, only the following inland water body is considered to be navigable: Andreafsky River.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reasons: Lands are no longer under Federal jurisdiction or lands are under applications pending further adjudication. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F-14830-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of uses allowed for this type of easement. Any uses which are not specifically listed are prohibited.

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

(EIN 4 C3, D1) An easement sixty (60) feet in width for an existing road from St. Mary's village in Sec. 26, T. 23 N., R 76 W., Seward Meridian, westerly to an existing road on State land in Sec. 30, T. 23 N., R. 76 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement. This easement is subject to the State of Alaska's claimed R.S. 2477 right-of-way, if valid.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lesseee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA) any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Andreafsky (Andreafsky) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 61,410 acres. The remaining entitlement of approximately 7,710 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Nerklikmute Native Corporation and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native village shall be subject to the consent of Nerklikmute Native Corporation.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the

Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until April 18, 1983 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nerklikmute Native Corporation, Andreafsky, Alaska 99658
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 83–7073 Filed 3–17–83; 8:45 am]
BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a Supplemental Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0146, Block 58, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 10, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–7034 Filed 3–17–83; 8:45 am]
BILLING CODE 4310–MR–M

National Park Service

Intention To Renew Concession Contract; Arizona River Runners, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Arizona River Runners, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyou National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Arizona River Runners, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Arizona River Runners, Inc. If Arizona River Runners, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Arizona River Runners, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83–7048 Filed 3–17–83; 8:45 am]
BILLING CODE 4310–70–M

Intention to Renew Concession Contract; Del E. Webb River Adventures, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Del E. Webb River Adventures, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and

terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental doucment will be prepared.

The foregoing concessioner has preformed its obligations to the satisfaction of the Secretary under existing permits which expried by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Del E. Webb River Adventures, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Del E. Webb River Adventures, Inc. If Del E. Webb River Adventures, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Del E. Webb River Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7089 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract; Artzona Raft Adventures, Inc.

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Arizona Raft Adventures, Inc., authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Arizona Raft Adventures, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Arizona Raft Adventures, Inc. If Arizona Raft Adventures, Inc., amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Arizona Raft Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting regional Director, Western Region

[FR Doc. 83-7090 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract; Hatch River Expeditions, Inc.

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Hatch River Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Part, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Enviromental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Hatch River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Hatch River Expeditions, Inc. If Hatch River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Hatch River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for

information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7061 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Wilderness World, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Wilderness World, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Wilderness World, Inc. If Wilderness World, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Wilderness World, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7062 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with White Water River Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants White Water River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by White Water River Expeditions, Inc. If White Water River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, than the proposed new contract will be negotiated with White Water River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7063 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Western River Expeditions, Inc. authorizing it to continue to provide either oar/powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This

provision, in effect, grants Western River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Western River Expeditions, Inc. If Western River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Western River Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7084 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiated a concession contract with [OARS, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants OARS, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by OARS, Inc. If OARS, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with OARS, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7085 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park service, proposes to negotiate a concession contract with Tour West, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at the designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be givern preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Tour West, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Tour West, Inc. If Tour West, Inc. amends it proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Tour West, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7086 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Outdoors Unlimited authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Less Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points enroute for the public primarily within Grand Canyon National

Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Outdoors Unlimited the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Outdoors Unlimited. If Outdoors Unlimited amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Outdoors Unlimited.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7057 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Moki Mac River Expeditions, Inc., authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona, and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Moki Mac River Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Moki Mac River Expedition, Inc., If Moki Mac River Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Moki Mac River expeditions, Inc.

The Secreatry will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7058 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession with Cross Tours and Explorations, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing a Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provsions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Cross Tours and Explorations, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Cross Tours and Explorations, Inc. If Cross Tours and Explorations, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Cross Tours and Explorations, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or befoe the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7059 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Mark Sleight Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Mark Sleight Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Mark Sleight Expeditions, Inc. If Mark Sleight Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Mark Sleight Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Regional Director, Western Region.

[FR Doc. 83-7060 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Expeditions, Inc. the opportunity to meet the terms and conditions of any oher proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Grand Canyon Expeditions, Inc. If Grand Canyon Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7061 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Youth Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado river commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years form January 1, 198 thorugh December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Youth Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better

than the proposal submitted by Grand Canyon Youth Expeditions, Inc. If Grand Canyon Youth Expeditions, Inc. amends its proposal, and the amended proosal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Youth Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Cayon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7082 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Grand Canyon Dories, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This Contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Grand Canyon Dories, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Grand Canyon Dories, Inc. If Grand Canyon Dories, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Grand Canyon Dories, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7083 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Georgie's Royal River Rats authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Georgie's Royal River Rats the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Georgie's Royal River Rats. If Georgie's Royal River Rats amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Georgie's Royal River Rats.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7084 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Colorado River and Trail Expeditions, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primary within Grand Canyon National Park.

Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Colorado River and Trail Expeditions, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Colorado River and Trail Expeditions, Inc. If Colorado River and Trail Expeditions, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Colorado River and Trail Expeditions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including, that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7086 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Canyoneers, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreaton Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Canyoneers, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Canyoneers, Inc. If Canyoneers, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Canyoneers, Inc.

The Secretrary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7086 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Intention To Renew Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20 et seq.), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Western Region, National Park Service, proposes to negotiate a concession contract with Diamond River Adventures, Inc. authorizing it to continue to provide either oar-powered whitewater raft or hard hulled boat and/or motor-powered whitewater raft outfitting services on the Colorado River commencing at Lees Ferry within Glen Canyon National Recreation Area, Arizona and terminating at Temple Bar within Lake Mead National Recreation Area, Arizona, or at other designated terminal points en route for the public primarily within Grand Canyon National Park, Arizona, for a period of ten (10) years from January 1, 1983 through December 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Envrionmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under existing permits which expired by limitation of time on December 31, 1982, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new contract. This provision, in effect, grants Diamond River Adventures, Inc. the opportunity to meet the terms and conditions of any other proposal submitted in response to this notice which the Secretary may consider better than the proposal submitted by Diamond River Adventures, Inc. If Diamond River Adventures, Inc. amends its proposal, and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Diamond River Adventures, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioners, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Grand Canyon National Park, Grand Canyon, Arizona 86023 for information as to the requirements of the proposed contract.

Dated: March 3, 1983.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-7087 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Alaska Land Use Council; Work Program

As required by the operating procedures of the Alaska Land Use Council, which was established under the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, the Council shall issue a call for recommended items to be included in the work program for the coming year. Each item submitted for the work program must include a brief description of the work to be accomplished, the expected completion date, the anticipated product, the estimated cost, a public participation statement, and the nature of the Council's involvement. The CoChairman, after consultation with the Council's staff committee, will prepare a recommended work program considering the requirements of ANILCA, projected Council resources, special requests, and recommendations from the public and Council members. The proposed work program will be submitted in May to the Council for consideration and adoption. Any interested parties having a proposed work program item should submit the information to the CoChairman prior to April 15, 1983. Submittals should be sent to: Co-Chairman, Alaska Land Use Council, P.O. Box 100120, Anchorage, Alaska 99510.

Anyone having questions regarding the Council's work program may call the Council office at (907) 272-3422 or (907) 271-5485 (FTS)

Dated: March 11, 1983.

William P. Horn,

Deputy Under Secretary.

[FR Doc. 83-7035 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation: Getty Oil Company (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010.

2. Wholly-owned subsidiaries, their addresses, and States of incorporation:

(*I*) Getty Refining and Marketing Company (Delaware), 1437 South Boulder, Tulsa, Oklahoma 74119

(*II*) Arbuckle Pipe Line Company (Delaware), 1670 Broadway, Denver, Colorado 80202

(*III*) Hawkeye Chemical Company (Iowa), P.O. Box 899, Clinton, Iowa 52737

(*IV*) Getty Methanol Corporation (Delaware), 3810 Wilshire Blvd., Los Angeles, California 90010

(*V*) Chembond Corporation (Oregon), P.O. Box 270, Springfield, Oregon 97477

(*VI*) Getty N.G.L. Trading, Inc. (Oklahoma), 1670 Broadway, Denver, Colorado 80202

(*VII*) Wesco Pipe Line Company (Oklahoma), 1670 Broadway, Denver, Colorado 80202

(*VIII*) Getty Trading and Transportation Company (Delaware), 1670 Broadway, Denver, Colorado 80202

1. Parent Corporation—Household International, Inc., 2700 Sanders Road, Prospect Heights, IL 60070.

2. Wholly-owned subsidiaries of Household International, Inc. which will participate in the operations, and the addresses of their respective principal offices:

A. Household Finance Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070

B. Household Merchandising, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018

C. Coast-to-Coast Stores (Central Organization) Inc., 10801 Red Circle Drive, Minnetonka, Minnesota 55343

D. Huffman-Koos Co., Route 4 at Main Street, North Hackensack, New Jersey 07661

E. T.D.S. Transportation, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018

F. T. G. & Y. Stores Co., 3815 North Santa Fe, Oklahoma City, Oklahoma 73125

G. Central Fixture Manufacturing Co., 3409 South Broadway, Edmund, Oklahoma 73034

H. Central Sales Promotions, Inc., 130 N.E. 50th Street, Oklahoma City, Oklahoma 73125

I. Vons Grocery Co., 10150 Lower Azusa Road, El Monte, California 91731

J. Household Manufacturing, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070

K. Hydrometals, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070

L. Thorsen Tool Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

M. Cameron Manufacturing Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

N. Peru Mining Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

O. Shannon Mining Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

P. United States Brass, Corporation, 2700 Sanders Road, Prospect Heights, Illinois 60070

Q. King-Seeley Thermos Co., 2700 Sanders Road, Prospect Heights, Illinois 60070

R. National Car Rental Systems, Inc., 7700 France Avenue South, Minneapolis, Minnesota 55437

1. Parent corporation and address of principal office: Stone Container Corporation, 360 Container Corporation, Chicago, IL 60601.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Samson Paper Bag Co., Inc. (New York)

(ii) Samson-MidAmerica, Inc. (Indiana)

(iii) Samson-Midatlantic, Inc. (Maryland)

(iv) Cousins Leasing Corporation (New York)

(v) Stone Container Corporation (Illiinois)

(vi) Stone Container Corporation (Michigan)

(vii) Stone Container Corporation (Delaware)

(viii) Cameo Container Corporation (Illinois)

(ix) Stone Container Corporation (Pennsylvania)

(x) Stone Container Corporation (Georgia)

(xi) Stone Container Corporation (Missouri)

(xii) Gulf Container Corporation (Louisiana)

(xiii) Stone Packaging Systems, Inc. (Florida)

(xiv) Tarheel Container Corporation (North Carolina)

(xv) Stone Container Corporation (Arizona)

(xvi) Pomstone Corporation (Ohio)

(xvii) Redstone Corporation (Ohio)

(xviii) Stone Forest Products, Inc. (Delaware)

1. Parent corporation and address of principal office: Trinity Paper & Plastics Corporation, 529 5th Avenue, New York, NY 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal office:

Terminal Paper Bag Co., Inc., P.O. Box 47, Yulee, FL 32097
Trinity Midwest Coporation, P.O. Box 301, Plainfield, IL 60544
Trinity Plastics Corporation, Route 655, New Junction Route 28 and U.S. Highway 29, Remington, VA 22734

1. Parent Corporation: VF Corporation, 1047 North Park Road, Wyomissing, Pennsylvania 19610

2. (a) Wholly-owned subsidiaries which will participate in the operations and their States of incorporation:

(i) The Lee Apparel Company, Inc., State of Incorporation—Pennsylvania
(ii) Vanity Fair Mills, Inc., State of Incorporation—Pennsylvania
(iii) Kay Windsor, Inc., State of Incorporation—Pennsylvania

(b) Parties subject to requirements: The Lee Apparel Company, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7028 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Please direct status inquiries to Team 4 at (202) 275-7669.

Volume No. OP4FC-152

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79708, previously notices in the **Federal Register** issue of November 16, 1982. By decision of October 26, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to DUMONT TRUCKING, INC., of Oak Hill, OH, of a portion of Certificate No. MC-73937 as reinstated November 18, 1982, to MOUNTAIN STATE TRANSPORT, INC., of Huntington, WV. By decision of March 2, 1983, Review Board Number 3 permitted Y. G. Trucking Inc., of Oak Hill, OH, to be substituted as transferee in this proceeding. Petitions for reconsideration may be filed within 20 days of this publication.

Note.—The purpose of this republication is to give notice of the substitution of transferee.

Volume No. OP4FC-154

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81282, filed March 7, 1983. Previously noticed in the **Federal Register** issue of January 28, 1983. By decision of March 11, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to GENE LOMBARDO, CHARLES A. BOWMAN, JR., AND BENJAMIN F. BROGOITTI, d.b.a. PACIFIC TIMBER CARRIERS, of Fortuna, CA, of the authority issued to ROBERT OPPERMAN, of Fortuna, CA, in Certificate No. MC-148286 Sub 2, issued September 9, 1982, authorizing the transportation of lumber and wood products, and building materials, between points in AZ, CA, CO, ID, KS, MN, MT, NE, NV, ND, NM, OK, OR, SD, TX, UT, WA, and WY; and permits in MC-148286 Subs 1 and 3: Sub 1 issued June 24, 1981, authorizing the transportation of metal products, between points in the U.S., under continuing contract(s) with Chicago Metallic Corporation, of Vernon, CA; and Sub 3 issued July 6, 1982, authorizing the transportation of (1) wire retaining walls, and wire, in bales or rolls, between points in U.S., under continuing contract(s) with Hilfiker Pipe Co., of Eureka, CA. Representative: Fred R. Covington, 2110 Franklin St. 554, Oakland, CA, 94612, for both transferee and transferor.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7027 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be staisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries about the following to Team Three at (202) 275–5223.

Volume No. OP394 Decided: March 8, 1983

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 166274, filed February 16, 1983. Applicant: FANTASTIC SERVICES, INC., 233 West 35th ST., New York, NY 10001. Representative: Zoe Ann Pace, 387 Park Ave. South, New York, NY 10016 (212) 532–1800. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166394, filed February 23, 1983. Applicant: ANTHONY R. SILVA, d.b.a. A & G TRUCKING, 1425 S. 30th Ave., Yakima, WA 98902. Representative: (same as applicant) (509) 453–4005. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 166294, filed February 15, 1983. Applicant: TRANSPORTATION SERVICES, INC., 436 Harleysville Pike, Franconia, PA 18924. Representative: Nicholas E. Chimicles, 110 Montgomery Ave., Philadelphia, PA 19004 (215) 667–1700. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP3–95

Decided: March 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating.

MC 134044 (Sub-2), filed February 25, 1983. Applicant: SAM M. FUGATE, d.b.a. SAM'S VANS, 1948 Marina Blvd., San Leandro, CA 94577. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006 (202) 833–8884. Transporting *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 166474, filed February 28, 1983. Applicant: THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, One Park Central, 15th & Lawrence St., Denver, CO 80202. Representative: W. D. Braucher, P.O. Box 5482, Denver, CO 80217 (303) 595–2353.Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 166505, filed February 22, 1983. Applicant: TED L. RAUSCH CO., 62 Townsend St., San Francisco, CA 94107. Representative: Ted L. Rausch (same address as applicant), (415) 362–7721. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–100

Decided: March 10, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

MC 130925 (Sub-1), filed February 28, 1983. Applicant: LANGLEY TRAFFIC SERVICES, INC., 2777 U.S. Route 1, Trevose, PA 19047. Representative: Francis W. Doyle, 323 Maple Avenue, Southampton, PA 18966, (215) 245–6700. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 151444 (Sub-4), filed February 24, 1983. Applicant: RAC TRANSPORT COMPANY, INC., 2794 Winters Ave., Grand Junction, CO 81501. Representative: Jack B. Wolfe, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861–8046. Transporting (1) for or on behalf of the U.S. Government, *general* commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI), and (3) *as a broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3–102

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 138755 (Sub-3(b)), filed February 11, 1983. Applicant: WORTS TRANSIT CO., INC., 1315 N. North Dr., McHenry, IL 60050. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602, (312) 263–2397. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI) and (2) as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

Please direct status inquiries about the following to team 4 at (202) 275–7669.

Volume No. OP4–150

Decided: March 10, 1983.

By the Commission, Review Board No. 1 Members Parker, Chandler and Fortier.

MC 166587, filed February 28, 1983. Applicant: HAPPY TIME CHARTER COACHES, INC., 52 Hall Avenue, Box

#155, Eastchester, NY 10709. Representative: Gregory Iozzo (same address as applicant) (914) 779–6262. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166596, filed March 4, 1983. Applicant: RAYMOND B. COYNE, 41 Mooring Buoy, Hilton Head Island, SC 29928. Representative: Raymond V. Coyne (same address as applicant) (803) 785–3734. As a *broker of general commodities*, (except household goods) between points in the U.S. (except AK and HI.

MC 166617, filed March 7, 1983. Applicant: STURON INTERNATIONAL, INC. d.b.a. CO-ORDINATORS, 7331 Garden Grove Blvd., Garden Grove, CA 92641. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702 (714) 677–3107. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP4–155

Decided: March 14, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 76 (Sub-29), filed February 4, 1983, previously noticed in the **Federal Register** issue of February 22, 1983, and republished this issue.

Applicant: MAWSON & MAWSON, INC., P.O. Box 248 Langhorne, PA 19047. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222 (412) 471–3300. Transporting (1) *metal products*, (2) *building materials*, (3) *electrical equipment*, (4) *machinery*, (5) *lumber and wood products*, and (5) *clay, concrete, glass or stone products*, between points in AL, OK, AR, CT, DE, GA, FL, IA, IL, IN, KY, LA, MA, MD, ME, MI, MN, MS, MO, NC, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, VT, WI, WV, and DC.

Note.—The purpose of this republication is to include the state of NY, erroneouly omitted from the previous publication.

MC 111656 (Sub-21), filed February 4, 1983, previously noticed in the **Federal Register** of March 2, 1983, and republished this issue. Applicant: FRANK LAMBIE, INC., Pier 79 N. River, New York, NY 10018. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting (1) *paper and related products*,, between points in the U.S. under continuing contract(s) with Linweave, Inc., of Holyoke, MA, and (2) *automobile and truck parts*, between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

Note.—The purpose of this republication is to show the territorial area as between points in the U.S.

Please direct status inquiries about the following to Team 5 at (202) 275–7289.

Volume No. OP5–114

Decided: March 11, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 166129 (Sub-1), filed February 11, 1983. Applicant: WTS, INC., P.O. Box 791, Fenton, MO 63026. Representative: Daniel C. Sullivan, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. 11343(e) seeking an exemption from the requirements of 49 U.S.C. 11343, (2) file an application under 49 U.S.C. 11343(A), or (3) submitted an affidavit indicating why such approval is unnecessary, to the Secretary's Office. In order to expedite issuance of any authority, please submit a copy of this filing to Team 5, Room 2414.

MC 166419, filed February 24, 1983. Applicant: SCHNADIG CORPORATION, 4820 W. Belmont Ave., Chicago, IL 60641. Representative: Larry M. Preston (same address as applicant) (312) 345–2300. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166436, filed February 23, 1983. Applicant: TRANSPORT NETWORK, INC., 4700 Fisher Rd., Columbus, OH 43228. Representative: Geoffrey Manack (same address as applicant) (614) 878–7227. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166439, filed February 24, 1983. Applicant: AQUILA, INC., d.b.a. AQUILA CHARTER SERVICE, P.O. Box 7528, 4801 Hall St., Amarillo, TX 79109. Representative: Kenneth Gann (same address as applicant), (806) 359–7583. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166469, filed February 24, 1983. Applicant: LYNCHBURG BUS SERVICE, INC., 121 Baldwin Circle, Lynchburg, VA 24502. Representative: Calvin F. Major, 200 West Grace Street, Suite 115, P.O. Box 5010, Richmond, VA 23220, (804) 649–7591. Transporting *passengers*, in charter and special operations between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Volume No. OP5–119

Decided: March 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 152769 (Sub-2), filed February 28, 1983. Applicant: SCHOOL BUS SERVICE, INC., d.b.a. BURNETT TRAVEL TOURS, 825 Lyndon Lane, Louisville, KY 40222. Representative: Marvin L. Coan, Suite 601, Legal Arts Bldg., 200 South Seventh St., Louisville, KY 40202, 502–585–3084. Transporting *passengers*, in charter operations, beginning and ending at Louisville, and points in Jefferson County, KY, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166168 (Sub-1), filed February 28, 1983. Applicant: JERRY CLARK, INC., d.b.a. INDUSTRY MOTOR XPRESS, 18145 E. Valley, La Puente, CA 91744. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, 805–872–1106. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 166478, filed February 28, 1983. Applicant: GLEN-CO UNLIMITED, INC., 2412 Monterrey, Brownwood, TX 76801. Representative: Barry Weintraub, Suite 403, 7700 Leesburg Pike, Falls Church, VA 22043, 703–442–8330. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166489, filed February 28, 1983. Applicant: J & S CHARTER SERVICE, INC., 1116 Graceland Drive, Newport, AR 72112. Representative: M. Douglas Wood, 201 W. Broadway, P.O. Box 5606, North Little Rock, AR 72119, 501–376–3700. Transporting *passengers*, in charter operations, beginning and ending at points in AR, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 166519, filed February 28, 1983. Applicant: TRANSROAD BROKERAGE, P.O. Box 265, Henegar, AL 35978. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (204) 578-3212. To operate as a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

MC 166528, filed February 28, 1983. Applicant: MEMPHIS TRANSPORTATION COMPANY, 704 Vance Avenue, Memphis, TN 38126. Representative: Lloyd Jowers (same address as applicant), 901-525-3535. (1) Transporting *passengers,* in charter and special operations, between points in the U.S. (except AK and HI). (2) Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 166579, filed February 28, 1983. Applicant: RICHARD E. CARLSON, d.b.a. CARLSON CHARTERS, P.O. Box 20214, Billings, MT 59104. Representative: Charles A. Murray, Jr., 2822 Third Avenue, N., Billings, MT 59101, 406-252-4165. Transporting *passengers,* in charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately funded charter and special transportation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7025 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-90)]

Illinois Central Gulf Railroad Company; Abandonment; In Hardin, Johnson, and Pope Counties, IL; Findings

The Commission has issued a certificate authorizing the Illinois Central Gulf Railroad Company to abandon its line of railroad between milepost 138.77 at Reevesville, IL, and milepost 165.07 at Rosiclare, IL, a distance of 26.30 miles, in Hardin, Johnson and Pope Counties, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the appliant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-7026 Filed 3-17-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 6-83]

Privacy Act of 1974; New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Immigration and Naturalization Service (INS).

The Bond Accounting and Control System (BACS), JUSTICE/INS-006 is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) has been published in the **Federal Register.** The new record system will enable INS offices to better manage and control immigration bonds which have been posted as collateral for the admission of certain excludable aliens. The system will also expedite searches for information about posted bonds in response to inquiries.

The files will be indexed under the bond-receipt number and are retrievable by any field within the record containing unique identifiable information such as: alien file number, alien name, obligor's name, location and date bond was posted.

The Privacy Act of 1974 provides that the Congress and the Office of Management and Budget (OMB) be notified of proposed systems of records and that the public be given a 30-day period in which to comment on the routine uses of the system. In addition, OMB requires a 60-day period in which to review the system before it is implemented. Therefore, the Congress, the public, and OMB are invited to submit written comments on this system.

Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

If no comments are received from either the public, OMB, or the Congress within 60 days from the date of publication in this notice, the system will be implemented without further notice in the **Federal Register.**

A report of the proposed system has been provided to the Director, OMB, to the President of the Senate, and to the Speaker of the House of Representatives.

Dated: March 8, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/INS-006

SYSTEM NAME:

Bond Accounting and Control System (BACS)

SYSTEM LOCATION:

Immigration and Naturalization Service regional offices: (1) Burlington, Vermont; (2) Fort Snelling, Twin Cities, Minnesota; (3) Dallas, Texas; and (4) San Pedro, California. Addresses of offices are listed in JUSTICE/INS-999 as published in the **Federal Register,** or in the telephone directories of the respective cities listed above under the heading "United States Government, Immigration and Naturalization Service."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have posted a bond with INS and the beneficiaries of posted bonds.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information which allows identification of active bonds posted with INS such as: bond number, obligor's name and address, alien beneficiary's name and alien file number, type of bond, location and date bond was posted, and other data related to bonds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 (8 U.S.C. 1103) in implementing the authorities set forth in Section 213 (8 U.S.C. 1183) and Section 293 (8 U.S.C. 1363) of the Immigration and Nationality Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system will be used by employees of INS to control and account for collateral received to support an immigration bond. The system will allow prompt location of related files and other records and will enable INS to make timely responses to inquiries about these records.

The information in the system can be used to generate various documents (such as voucher disbursements) required for normal accounting procedures and to generate statistical and historical reports pertaining to immigration bonds posted, cancelled or breached.

Release of information may be made to other Federal, state, or local law enforcement agencies for investigative purposes or collection of breached bonds.

Release of information to Members of Congress: Information contained in a system of records maintained by the Department of Justice required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored on magnetic disks.

RETRIEVABILITY:

Records may be retrieved by any of the following: alien's name, alien's file number, obligor's name, bond-receipt control number, breach control number, or location and date bond was posted.

SAFEGUARDS:

Records are safeguarded in accordance with Department of Justice rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. All records are stored in spaces which are locked outside of normal office hours. Access to this automated system is obtained through remote terminals which are located in secured areas and require the use of restricted passwords.

RETENTION AND DISPOSAL:

Records are deleted from magnetic disks one year (or earlier) after the bond is disbursed and the file closed.

SYSTEM MANAGER(S) AND ADDRESS:

The Associate Regional Commissioner, management, at the regional office having jurisdiction over the area in which the beneficiary alien resides. See the caption "System locations."

NOTIFICATION PROCEDURE:

Inquiries should be addressed to the system manager.

RECORD ACCESS PROCEDURES:

In all cases, requests for access to a record shall be in writing. Written requests may be submitted by mail or in person at an INS office. If a request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Access Request." To idenfify a record relating to an individual, a requester should provide: the individual's full name, alien file number, and location and date bond was posted. The requester shall also provide a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

Any individual desiring to contest or amend information maintained in the system should direct his request to the regional INS office in which he believes the record concerning him may exist. The request should state clearly what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORD SOURCE CATEGORIES:

Information contained in this system of records is supplied on INS forms by individuals who have posted a bond with the INS and by the beneficiaries of posted bonds.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-7088 Filed 3-17-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-13, 579]

Clark Equipment Co., Jackson, Michigan; Affirmative Determination Regarding Application for Reconsideration

By an application dated February 17, 1983, an official of the company and union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance on behalf of the workers and former workers of Clark Equipment Company's plant in Jackson, Michigan. The determination was published in the **Federal Register** on January 28, 1983 (48 FR 4061).

The application for reconsideration claims, among other things, that Clark's market share of internal combustion and electric forklifts has decreased while the market share for imported Japanese models has increased.

Conclusion

After review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 9th day of March 1983.

Harold A. Bratt,

Deputy Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 83-7159 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13, 476]

Danielle Fashions, Hoboken, New Jersey; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 31, 1982 in response to a worker petition received on May 18, 1982 which was filed by the International Ladies' Garment Workers Union on May 13, 1982 on behalf of workers and former workers producing women's coats at Danielle Fashions, Hoboken, New Jersey.

The Department of Labor has received no correspondence from the ILGWU with respect to locating officials of

Danielle Fashions. The firm in question has gone out of business. It has not been possible to contact officials of the firm to gain access to any records, ledgers and or documents.

Therefore, the investigation has been terminated.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-7158 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners on any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, office of Trade Adjustment Assistance, at the address shown below, not later than March 28, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washinton, D.C., this 14th day of March 1983.

Marvin M. Fooks,

Director, office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arco Aluminum Co. (Aluminum Workers Trades Council)	Columbia, Falls, MT	3/4/83	2/27/83	TA-W-14,470	Aluminum reduction.
Bethlehem Steel Corp. (USWA)	Sparrows, Point, MD	3/3/83	3/2/83	TA-W-14,471	Pipe mill.
Brown Shoe Co. (ACTWU)	Leachville, AR	3/4/83	3/2/83	TA-W-14,472	Shoes—children's.
Buffalo China, Inc. (company)	Buffalo, NY	3/9/83	2/8/83	TA-W-14,473	Chinaware—produce and sell.
Cedar Bluff Manufacturing, Inc. (ILGWU)	Cedar Bluff, AL	2/24/83	2/15/83	TA-W-14,474	Jeans—women's.
Hers Apparel, Inc., Harbour Road Div. (ILGWU)	Cartersville, GA	2/24/83	2/15/83	TA-W-14,475	Jeans—women's, sew, distribute.
Keystone Consolidated Industries, Inc., Keystone Group (Independent Steel works Alliance).	Peoria, IL	3/8/83	3/4/83	TA-W-14,476	Steel products and steel wire products.
Mainline Fashions (workers)	New York, NY	3/1/83	2/24/83	TA-W-14,477	Sportswear.
Niagara Lockport Industries, New York Wire Mills Div. (USWA).	Tonawanda, NY	3/8/83	3/2/83	TA-W-14,478	Wire and nails, etc.
Patapsco & Back Rivers Railroad Co. (UTU)	Sparrows Point, MD	2/24/83	2/17/83	TA-W-14,479	Railroad service.
U.S. Steel Corp., Fairfield Works (USWA)	Fairfield AL	3/8/83	3/4/83	TA-W-14,480	Basic steel, finished steel products.
Block Industries Downtown Plant (workers)	Benson NC	3/2/83	2/25/83	TA-W-14,481	Shirts and sportswear—men's.
Brunswick Manufacturing Co., Inc. (ILGWU)	Brunswick, GA	3/7/83	2/18/83	TA-W-14,482	Ladies' outerwear girls' outerwear.
Corning Glass Works, Electrical Products Div. (Amer. Flint Glass workers Union).	Bluffton IN	3/7/83	2/18/83	TA-W-14,483	TV bulbs.
Ellwood Steel Castings Corp. (USWA)	Ellwood City, PA	3/3/83	3/2/83	TA-W-14,484	Seamless tube mill tools.
Hersco Corp., Heckett Div. (USWA)	Fontana, CA	3/3/83	3/2/83	TA-W-14,485	Slag.
Kerr-McGee Nuclear Corp. (OCAW)	Grants, NM	3/4/83	3/1/83	TA-W-14,486	Uranium oxide.
Mason Bit & Tool Corp. (company)	Tuttle, OK	3/2/83	2/23/83	TA-W-14,487	Rebuild oil field drill bits.

[FR Doc. 83-7160 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-31-M

Mine Safety and Health Administration

[Docket No. M-82-122-C]

Three L Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Three L Coal Company, R.D. 1, Box 227L, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 2 Slope (I.D. No. 36-07262) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) for the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. Ignition, explosion and mine fire history are nonexistent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open cross-cut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

8. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 18, 1983. Copies of the petition are available for inspection at that address.

Dated: March 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-7164 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-38-M]

Weaver Construction Co.; Petition for Modification of Application of Mandatory Safety Standard

Weaver Construction Co., P.O. Box 550, Iowa Falls, Iowa 50126 has filed a petition to modify the application of 30 CFR 57.4-52 (underground use and storage of gasoline) to its Ft. Dodge Mine (I.D. No. 13-00032) located in Webster County, Iowa. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that gasoline may be used to power internal combustion engines only in nongassy underground mines with multiple roadways to the surface. The roadways must be large enough to accommodate vehicular traffic.

2. Petitioner's mine has only a single inclined roadway large enough for vehicular traffic. There are two other openings for ventillation and escape only. A switch has been installed for the reversal of air at the escape routes.

3. Petitioner seeks a modification of the standard to permit the operation of gasoline powered service vehicles owned by equipment service companies, electricians and explosive dealers to enter the mine on an occasional basis when their services are required. No gasoline will be carried into or stored in the mine, and the service trucks would enter and leave the mine with only the gasoline in their tanks. Gas caps will remain on the vehicles at all times.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 18, 1983. Copies of the petition are available for inspection at that address.

Dated: March 11, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-7165 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Oregon State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for the adoption of State standards which are at least as effective as those which are presently or will, in the future, be promulgated under section 6 of the Occupational Safety and Health Act of 1970.

By letter from Darrel D. Douglas, Administrator, to James W. Lake, Regional Administrator, the State submitted State-initiated standards which are incorporated into OAR 437 Chapter 11, Cranes, and OAR 437, Division 81, Construction. On March 5, 1981, the Notice of Proposed Amendments of Rules was mailed to interested parties on the Workers' Compensation Department mailing list established pursuant to OAR 436-90-505 and to those who subsequently appeared on the Department's distribution mailing list. No written comments or request for a public hearing regarding the filed Notice of Proposed Amendment of Rules were received. The identical rules on Wind Velocity Devices for Hammerhead Tower Cranes were adopted in both codes on April 15, 1981 with an effective date of June 1, 1981. Subsequently, by letter of September 3, 1982, in response to a request from the Regional Administrator, the State submitted adequate explanation of the rules' effect on interstate commerce, compelling local conditions, and burden on employers to support approval.

2. *Decision.* Having reviewed and analyzed the State submission, it has been determined that there is no conflict or adverse effect upon Federal standards. There is no comparable Federal standard; therefore, the State standard exceeds Federal requirements.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Workers' Compensation Department, Labor and Industries Building, Salem, Oregon 97310; and the Office of State Programs, Room N-3700, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard is one for which there is no comparable Federal standard and therefore the State standard exceeds the Federal standards.

2. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 18, 1983.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 18th day of February 1983.

James W. Lake,

Regional Administrator.

[FR Doc. 83-7162 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-26-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particuar revision they are interested in. Each entry will contain the followship information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial clasification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Mine Safety and Health Administration, Fire Protection—Escape and Evacuation Plan MSHA 232R, On occasion, Businesses or other institutions; small business or organization, SIC: 111 and 121, 880 responses; 3,440 hours.

Requires operators of surface coal mines to establish and keep current a specific escape and evacuation plan to be followed in the event of a fire. Plans include the designation and proper maintenance of adequate means of exit from all areas where persons are required to work or travel, including buildings and equipment, and in areas where persons normally congregate during the work shift.

Signed at Washington, D.C. this 11th day of March, 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–4161 Filed 3–17–83; 8:45 am]

BILLING CODE 4510–43–M

Office of Pension and Welfare Benefits Programs

[Application No. D–3660]

Harcourt Brace Jovanovich, Inc. Pension Plan (the Plan) Located in New York, New York; Notice of Hearing

AGENCY: Office of Pension and Welfare Benefits Programs, Labor.

ACTION: Notice of hearing.

SUMMARY: this document contains a notice of public hearing with respect to an application filed on behalf of the Plan. The application is for an exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The public hearing will allow persons who would be affected by the proposed exemption to present oral comments to the Department of Labor (the Department).

DATES: The hearing will be held Friday, April 29, 1983 at 10 a.m. Persons who wish to present oral comments at the hearing shall submit a statement to that effect, which must be received by the Department on or before April 29, 1983.

ADDRESS: The hearing will be held in Rooms 3560 and 3595 at 1515 Broadway, New York, New York 10036.

Statements and any written comments on the proposed exemption should be sent to: Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Hearing for Applications No. D–3660. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Robert Sandler of the Department, (202) 523–8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held before the Department with respect to a proposed exemption from the restrictions of section 406(a), 406(b)(1) and (2) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Plan, pursuant to section 408(a) of the Act, and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

The proposed exemption, if granted, would permit, effective October 15, 1982: (1) The purchase of a parcel of land (the Land) by the Plan from Sea World of Florida, Inc., a wholly-owned subsidiary of Harcourt Brace Jovanovich, Inc. (HBJ), the Plan sponsor; (2) the construction of a building on the Land (collectively, the Property), resulting in the use of Plan assets for the benefit of HBJ; (3) the lease of the Property by the Plan to HBJ; (4) the possible purchase of the Property by HBJ from the Plan; and (5) the indemnification of the Plan by HBJ in the event the Plan sells the Property for less than its original cost.

A Notice of Pendency of the proposed exemption was published in the **Federal Register** on Friday, December 10, 1982 (47 FR 55542). By means of the Notice of Pendency, interested persons were invited to submit written comments and requests for a public hearing with respect to the proposed exemption. Seven comments and two requests for a public hearing have been received by the Department. The commenters expressed concern with regard to the percentage of the Plan's assets (between 30% and 40%) that would be invested in the Property. They also expressed concern with regard to the prudence and quality of the investment in general, given the location of the Property and the fact that HBJ will be the sole tenant.

Based on the request, the Department, pursuant to the provisions of section 408(a) of the Act, has determined that a public hearing regarding the proposed exemption will be held on Friday, April 29, 1983 beginning at 10 a.m. in Rooms B 3580 and 3595 at 1515 Broadway, New York, New York 10036.

The issues to be addressed at the hearing are whether the proposed exemption, if granted, would be:

(1) Administratively feasible,

(2) In the interests of the Plan and of its participants and beneficiaries, and

(3) Protective of the rights of participants and beneficiaries of the Plan,

in view of the nature of the transactions, including the percentage of assets of the Plan that would be invested in the Property.

Any person who desires to present oral comments at the hearings and who wishes to be assured of being heard, shall submit a statement to that effect, indicating the amount of time he wishes to devote to his oral comments. Such statement and any written comments that such person wishes to be considered in conjunction with his presentation should be submitted to the address specified in "ADDRESS" above, within the time period set forth in "DATES" above.

An agenda will be prepared by the Department, containing the order of presentation of oral comments. Copies of the agenda will be available at the hearing. Information concerning contents of the agenda may be obtained on or after April 25, 1983 by telephoning the person whose name and number are shown above.

Ordinarily, ten minutes will be allowed each person for making an oral presentation. In addition, persons presenting such oral comments should be prepared to answer questions relating to the proposed exemption. At the conclusion of presentation of comments by persons listed on the agenda, other comments will be received to the extent time permits. The public hearing will be transcribed.

Notice to Interested Persons

HBJ has agreed that within ten days after the notice of hearing is published in the **Federal Register**, it will give notice to all Plan participants and beneficiaries by mail, personal delivery or posting such notices at locations where participants work which are customarily used for providing information to empolyees. The notice will include a copy of the notice of hearing as it appears in the **Federal Register**.

Signed at Washington, D.C. this 17th day of March 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 83-7289 Filed 3-17-83; 10:20 am]

BILLING CODE 4510-29-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19599; File No. SR-MSRB-82-14]

Municipal Securities Rulemaking Board; Proposed Rule Change

March 14, 1983.

In the matter of: Municipal Securities Rulemaking Board, 1150 Connecticut Avenue NW., Washington, D.C. 20036, Order Approving Proposed Rule Change.

The Municipal Securities Rulemaking Board ("MSRB"), submitted copies of a proposed rule change on November 29, 1982, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), to amend MSRB Rule G-12, which prescribes uniform standards for clearance and settlement of municipal securities transactions, by deleting paragraph (d)(ix) which relieves municipal securities brokers of the obligation to send a corrected confirmation when there is a CUSIP number discrepancy on two compared transactions. Under the proposed rule change, the parties to a comparison of inter-dealer confirmations which reveals a discrepancy in the CUSIP numbers will be required to issue a corrected confirmation showing the correct CUSIP number. The MSRB believes that the industry's experience with using the CUSIP system has decreased the number of erroneous CUSIP number selections and that this requirement will not be unduly burdensome.

The proposal was adopted by the MSRB pursuant to Section 15B(b)(2)(c) of the Act as amended in order to increase the use of automated clearing systems in a manner consistent with Section 17A of the Act. The MSRB states that the proposal resulted from the recognition of the need for uniform and precise identification of securities through CUSIP numbers in order to employ more effectively automated technologies in the clearing process, which involves the comparison of CUSIP numbers; to augment yield disclosures on confirmations, which requires identification of call features for possible use in yield computations; and to identify credit distinctions between securities of the same issues, which entails reference to secondary features or sources of payment. The MSRB has found that the CUSIP number has become crucial to comparison; it is impossible to complete comparison solely by means of the other information provided on the inter-dealer confirmation.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 19389, January 3, 1983) and by publication in the **Federal Register** (48 FR 1577, January 13, 1983). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Sections 15B and 17A of the Act and the rules and the regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7088 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19597; File No. SR-SCCP-83-3]

Filing and Immediate Effectiveness of Proposed Rule Change by Stock Clearing Corporation of Philadelphia ("SCCP")

March 14, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 1, 1982, SCCP filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would make several enhancements to SCCP's OTC Equity Comparison System.[1]

[1] SCCP's OTC Comparison system is linked with the National Securities Clearing Corporation's OTC System. SCCP's proposed rule change, for the most part, reflects changes in NSCC's System and makes available to SCCP's participants comparison features previously approved by the Commission. *See* File Nos. SR-NSCC-81-9 and 83-1, Securities Exchange Act Release Nos. 18203 (October 23, 1981) 46 FR 53565 (October 29, 1981) and 19530 (February 23, 1983), 48 FR 8616 (March 1, 1983), respectively.

Specifically, the proposed rule change would add a Demand Withhold capability as well as make several minor enhancements to SCCP's current comparison processing systems.

Under SCCP's proposal, a buyer or seller that wishes to delete a previously compared OTC trade would submit a Demand Withhold form on two days after trade date ("T+2"). The Demand Withhold contains trade information that is processed against the prior day's compared trade file to identify the trade in question and thereby "validate" the Demand Withhold. If the Demand Withhold matches a *contra* Demand Withhold or a *contra* Regular Withhold, a compared Demand Withhold is generated which enters the clearing cycle in the same manner as a Regular Withhold and deletes the trade.

A Demand Withhold that does not match another Demand Withhold or a Regular Withhold generates a Demand Withhold Advisory that SCCP sends to the *contra* party. Upon receiving a Demand Withhold Advisory, the *contra* party may do one of three things: (i) accept the Demand Advisory and return the Demand Advisory to SCCP within two days. The accepted Demand Advisory enters the comparison cycle and deletes the trade; (ii) reject ("DK") the Demand Advisory and return the Demand Advisory to SCCP within two days. The DK'ed Demand Withhold Advisory causes the Demand Withhold to be dropped from the comparison system and leaves the matched trade intact for settlement on T+5; or (iii) ignore the Advisory. In that instance, the trade will be automatically deleted from the system.

SCCP stated that the Demand Withhold capability is being provided to allow participants to delete a trade that they mutually agreed to cancel, but which was nonetheless compared on T+1 because the respective firms' P&S departments were notified too late to stop the comparison of initial trade submission. In these situations, SCCP stated that its participants have expressed difficulties in using the normal Withhold process to delete the trade.[2]

In addition, the proposed rule change makes several minor changes to SCCP's comparison processing systems. Specifically, the proposed rule change would (i) modify Regular Advisory tickets to require full security descriptions, rather than only security symbols, (ii) permit clearing members to accept a Regular Advisory partially when the participant agrees with all details of the trade except the quantity (*i.e.*, security identification, market place of execution, trade date, *contra* broker, executing broker and price)[3] and (iii) establish a series of codes to replace the handwritten description of rejected Demand As Of Advisories.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–SCCP–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83–7089 Filed 3–17–83; 8:45 am]
BILLING CODE 8010–01–M

[2] *See* SCCP/PHILADEP Member Bulletin No. 83–4 (January 26, 1983).

[3] Under the proposed rule change, any remaining uncompared quantity would be resolved as before by a close out transaction. For example, a participant that receives a Regular Advisory indicating a transaction for 300 shares may, if it agrees with the data contained in the Advisory but recognizes the quantity as 500 shares of the stated security, accept the Regular Advisory with respect to 300 shares and submit new trade data with respect to the remaining 20 shares.

[Release No. 22878; 70–6849]

Central and South West Corp.; Proposed Issuance and Sale of Common Stock

March 11, 1983.

Central and South West Corporation ("CSW"), 2700 One Main Place, Dallas, Texas 75202, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSW proposes to issue and sell in one or more transactions by December 31, 1984, up to 10,000,000 shares of its common stock, par value $3.50 per share. The issuance and sale will be by competitive bidding, either through traditional bidding procedures pursuant to Rule 50 or through the procedures permitted by the modifications to Rule 50 contained in HCAR No. 22623 (September 2, 1982). The net proceeds from the sale of the stock, estimated at approximately $180 million, will be used to retire short-term debt incurred to finance capital contributions to CSW's wholly owned subsidiaries.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 6, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83–7108 Filed 3–17–83; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 13093; 812-5351]

Central Securities Corp. and Jay Inglis; Filing of Application

March 11, 1983.

Notice is hereby given that Central Securities Corporation ("Central"), 375 Park Ave., Room 3404, New York, NY, 10022 a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and Mr. Jay Inglis ("Inglis") 475 Park Avenue South, New York, NY 10016 (together with Central hereinafter sometimes referred to as "Applicants"), a director and an "affiliated person" of Central within the meaning of Section 2(a)(3)(D) of the Act, filed an application on October 22, 1982, with an amendment thereto on January 28, 1983, requesting an order of the Commission, pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder, granting an exemption from the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder in connection with a proposed investment by Central in a corporation of which Inglis is an officer. All interested persons are referred to the amended application on file with the Commission for a statement of the representations contained therein, which are summarized below. Such persons are also referred to the Act and the Rules thereunder for the complete text of the provisions thereof from which an exemption is being sought.

According to the application, Central proposes to invest $250,000 in, and become a stockholder of, a corporation which on October 27, 1982 acquired, and became the holding company for, Federated Reinsurance Corporation, a New York insurance corporation incorporated in 1972 ("Federated"). Applicants state that Mr. J. William Holt ("Holt"), National Employers Mutual General Insurance Association Ltd., a British insurance company ("National"), Cival Reinsurance Co., Ltd., a Bermudian insurance company ("Cival"), National Underwriters (Reinsurance) Ltd., a Bermudian corporation, and one other individual investor have invested $2,000,000 (including expenses of approximately $120,000 Holt incurred in arranging the transaction), $2,500,000, $3,500,000, $1,000,000 and $750,000, respectively, in Holt Corporation ("HC"), a Delaware Corporation, which was organized in 1982 in order to effect the acquisition of Federated. Applicants assert that on October 27, 1982, HC used the invested funds, together with borrowed funds, to purchase all the issued and outstanding capital stock of Federated pursuant to a Stock Purchase Agreement dated as of January 1, 1982, between HC and Federated Development Company, a New York business trust which owned such stock. According to the application, the purchase price was approximately $12,500,000 in cash, of which $10,662,500 was contributed to the surplus of Federated. Applicants represent that HC has remained, and it is presently anticipated that HC will continue to remain, in existence as the holding company for Federated. Applicants state that the New York State Insurance Department approved the acquisition of control of Federated by HC on October 22, 1982.

According to the application, there are presently 9,750 shares of capital stock of HC issued and outstanding and, upon consummation of Central's proposed investment in HC, there will be 10,000 shares outstanding. Applicants assert that of such 10,000 shares, 2,000 shares are Common Stock, par value $1.00 per share ("Common Stock"), with full voting rights, and the remaining 8,000 shares are Non-Voting Preferred Stock, par value $1.00 per share ("Preferred Stock"). Applicants represent that Holt owns all 2,000 shares of Common Stock. Applicants further represent that the other parties to the transaction own an aggregate of 7,750 shares of Preferred Stock, with each share representing a $1,000 investment in HC. According to the application, Central's investment will provide it with 2½% ownership interest in HC, to be represented by 250 shares of Preferred Stock. Applicants assert that although holders of Preferred Stock do not have voting rights, they have certain other rights set forth in a Shareholders' Agreement dated as of October 22, 1982 (the "Shareholders' Agreement") among all the present HC stockholders. Applicants further assert that Central will enter into a supplement to the Shareholders' Agreement to obligate it to observe the terms thereof once it invests in and becomes a stockholder of HC.

Applicants state that Inglis, who is presently a director of Central, serves as Executive Vice President and Secretary of HC. According to the application, Inglis also serves as Executive Vice President of Federated and is a member of Federated's Board of Directors, which positions with Federated constitute his present principal business occupation. Applicants represent that, although Inglis receives no compensation as an officer of HC, he receives an annual salary as Executive Vice President of Federated which is represented to be commensurate with that paid to the other executive officers of Federated, and is not in any way based on or contingent upon the profitability of Federated.

Applicants note that Inglis, as a director of Central, is an "affiliated person" of Central as such term is defined in Section 2(a)(3)(D) of the Act. Applicants state that although Inglis will not be an investor in HC as will Central, his positions as an officer of HC and an officer and a director of Federated could be said to result in a "joint participation" in the acquisition and subsequent management of Federated, requiring an exemptive order of the Commission pursuant to Section 17(d) of the Act.

Applicants contend that the proposed transaction will not contravene the policy expressed in Section 1(b)(2) of the Act that investment companies not be operated and managed, and that their portfolio securities not be selected, in the interest of, among others, directors, officers or affiliated persons thereof. Applicants state that the proposed transaction merely affords an attractive investment opportunity to Central which, like any other investment opportunity, will be approved by Central's Board of Directors, including its disinterested directors. Applicants note that Central has in the past invested in companies engaged in the insurance business and therefore has a basis upon which to evaluate the merits of its proposed investment in HC. Although the opportunity to invest in HC was facilitated by Inglis because of his relationship to both Holt and Central, Applicants represent that it will be approved as an investment on its own merits, and Inglis will abstain from voting when the proposed transaction is acted upon by Central's Board of Directors. Applicants further represent that any interest Inglis may be said to have in the transaction because of the offices he has assumed is merely incidental and not a motivating factor for Central's proposed investment and that Central would invest in HC regardless of whether Inglis were elected an officer of HC or an officer or a director of Federated.

Furthermore, Applicants represent that the appointment of Inglis to positions with HC and Federated has not been conditioned upon Central's participation in the proposed transaction. Applicants state that Inglis will retain his positions as an officer of HC and a director and officer of Federated whether or not Central invests in HC. According to the application, the acquisition of Federated by HC, in fact, was consummated prior to Commission approval of the

application and any purchase of HC stock by Central.

Applicants contend that although Central's proposed participation in the transaction will be different from that of its affiliated participant Inglis in that only Central will be an investor, Central's participation is not "less advantageous" or founded on any comparable basis which could be said to be adverse to Central. Applicants further contend that because only Central, and not Inglis, will be an investor, a comparison of the terms of their respective participations is not meaningful and does not advance the inquiry alleged to be contemplated by Section 17(d), i.e., whether the investment company suffers a disadvantage because its participation in a "joint transaction" results from, or is on terms which primarily reflect, the self-interest of its joint participant rather than its own best interests and those of its stockholders.

Moreover, according to the application, even if one were to compare the participations of Central and the other outside investors (i.e., those other than Holt), Central's proposed participation in the investment would be on terms no less advantageous than, although not identical to, those enjoyed by such other investors considering their respective economic contributions. Applicants assert that Holt's participation is on terms somewhat different, although no more advantageous (given his greater commitment of time and effort), in that: (a) His purchase price of the 2,000 shares of Common Stock was reduced to reflect his expenses in arranging the transaction and (b) pursuant to the Shareholders' Agreement, Holt has been elected as Chairman and President of HC and Chairman and Chief Executive Officer of Federated. Applicants contend that the terms of the proposed transaction are reasonable and fair and reflect arms-length negotiation by parties all of whom are sophisticated investors, and that none of the parties has the economic power or other influence to overreach any of the other participants.

According to the application, Central will receive, and all investors other than Holt have received, non-voting Preferred Stock of HC to evidence their respective investments therein. Only Holt has received Common Stock with voting rights. Applicants contend that such disparity in the voting rights afforded to Holt versus all other investors will not result in any significant discrimination against Central or the other holders of Preferred Stock. Applicants state that dividend rights of both classes of HC stock are identical. Furthermore, according to the application, all the present investors, including Holt, have entered into the Shareholders' Agreement to guarantee to the holders of the non-voting stock certain rights and to mitigate Holt's power as the only stockholder with voting rights. For example, Applicants assert that it has been represented to Central that neither the stockholders or directors of HC nor the directors of Federated can take any of certain specific actions without the approval of the holders of 75% of all issued capital stock, both voting and non-voting, of HC. Applicants further state that the Shareholders' Agreement prohibits the disposition of HC Stock by the present HC stockholders except upon the terms set forth therein. According to the application, pursuant to such agreement, HC stockholders must provide other HC stockholders or their designees, on a pro rata basis, with the right of first refusal before disposing of any of their stock to third parties. Applicants assert, in addition, that pursuant to the Shareholders' Agreement, the Board of Directors of HC is to consist of three directors, one selected by each of the three major investors, Cival, National and Holt. The Shareholders' Agreement also gives four of the HC stockholders the right to select a specified number of members of the Board of Directors of Federated. Applicants submit that although Central will have no right to select any Federated Board members, such provision is not unreasonable given the relatively small investment Central proposes to make and the proportionate basis on which the stockholders are afforded rights to elect Federated directors.

For the reasons stated above, Applicants submit that Central's proposed participation in the transaction described in the application is consistent with the provisions, polices and purposes of the Act and with Central's fundamental investment policies. Applicants further submit that Central will not suffer any disadvantage at the hands of an affiliated person with a conflict of interest, and that Central's proposed participation in the transaction described in the application is on a basis not substantially different from, and no less advantageous than, that of the other investor participants. Applicants argue that to the extent that differences do exist in the relative rights and obligations of the investor participants, they represent an equitable allocation of the benefits and risks among the participants in light of their respective economic contributions, efforts and objectives.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 5, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7171 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13091; 812-5446]

Connecticut Mutual Life Insurance Co., et al.; Filing of Application

March 11, 1983.

Notice is hereby given that Connecticut Mutual Life Insurance Company ("Connecticut Mutual"), CML Variable Annuity Account A, CML Variable Annuity Account B, CML Accumulation Annuity Account E (referred to individually as "Account A," "Account B" and "Account E," and collectively as the "accounts" or the "managed accounts"), Connecticut Mutual Financial Services Series Fund I, Inc. ("Series Fund") and Connecticut Mutual Financial Services, Inc. ("Financial Services") (all to be hereinafter referred to as "Applicants"), 140 Garden Street, Hartford, Connecticut 06155, filed an application on February 3, 1983 and an amendment thereto on February 25, 1983 for an order of the Commission: (a) Pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act") exempting Applicants from the provisions of Section 17(a) of the Act to the extent necessary to permit the sale of Series Fund shares in exchange for the assets of the managed accounts; and (b) pursuant to Section 6(c) of the Act

exempting Connecticut Mutual from Sections 26(a), 26(a)(2)(C), 26(a)(2)(D), and 27(c)(2) to permit it to hold assets of the separate accounts without a bank custodian, to permit it to hold shares of the Series Fund under an open account arrangement without the use of stock certificates or the physical possession of the shares, and to permit payment of certain charges to Connecticut Mutual from the assets of the separate accounts. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

The application states that Accounts A, B and E are each separate accounts of Connecticut Mutual registered as open-end management investment companies under the Act, and that each holds funds received under variable annuity contracts. Account A and Account E hold funds in connection with various tax-qualified pension plans; in addition, Account E and Account B hold funds from contracts sold in the non-qualified market. Applicants contemplate that, subject to approval by contractholders, each of the managed accounts will be converted into a unit investment trust investing exclusively in shares of the appropriate portfolio of the Series Fund that corresponds to the stated investment objective of each managed account.

Applicants state that the charges for investment advisory services and for Connecticut Mutual's assumption of mortality and expense risks are reflected in the contracts as a deduction which is applied in determining the net investment rate for a valuation period. These charges range from 1.022% on an annual basis in the case of Accounts A & B. As part of the proposed reorganization, Connecticut Mutal will agree to reduce these deductions by approximately 1% on an annual basis. Specifically, Applicants anticipate that the entire charge now assessed for investment advisory services will be waived, and a portion of the mortality and expense risks charge also will be waived. Applicants state that on an annual basis, the aggregate amount to be waived will be 1.00375% in the case of Accounts A and B and 1.0001% in the case of Account E.

Applicants state that the Series Fund is a Maryland corporation registered under the Act as an open-end, diversified, management investment company. Applicants state that shares of the Series Fund are currently sold only to Connecticut Mutual and its affiliates. The Series Fund currently has five investment divisions, each of which issues a series of stock representing a separate portfolio of investments; two of which correspond to the investment objectives of Accounts A, B and E. Financial Services, a subsidiary of Connecticut Mutual, performs sales and administrative functions and acts as the investment adviser to the Series Fund and the managed accounts.

Financial Services performs its investment advisory services for the managed accounts pursuant to written agreements with each of the accounts. For serving as adviser, Financial Services makes a daily deduction from the accounts equal to .4745% on an annual basis in the case of Accounts A and B, and .2555% on an annual basis in the case of Account E. Each of the agreements obligates Financial Services to pay all of the administrative expenses of the account.

Applicants state that as compensation for its investment advisory services to the Series Fund, Financial Services receives monthly compensation at the annual rate of 0.50% of the first $200 million of the aggregate average daily net assets of the Series Fund portfolios, 0.45% of the next $100 million of aggregate average daily net assets of the portfolios, and 0.40% of average aggregate daily net assets of the porfolios in excess of $300 million. The reductions in the rate of advisory fee are applicable to each portfolio regardless of size of a "uniform percentage" basis. The investment advisory agreement obligates Financial Services to provide investment advisory services and to pay all compensation of and furnish office space for officers and employees of the Series Fund connected with investment and economic research, trading and investment management of the Fund, as well as the fees of all directors of the Series Fund who are not affiliated persons of Connecticut Mutal or any of its subsidiaries. Each portfolio pays all other expenses incurred in its operations and a portion of the Series Fund's general administrative expenses allocated on the basis of the asset size of the respective portfolios. The investment advisory agreement provides that Financial Services will reimburse the Series Fund if in any year the aggregate ordinary operating expenses of any portfolio (including fees pursuant to the investment advisory agreement, but excluding interest, taxes, brokerage fees and commissions and extraordinary charges such as litigation costs) exceed 1.00% of the portfolio's average net assets.

Section 17 Relief

Pursuant to an Agreement and Plan of Reorganization ("Plan"), and subject to prior approval of the Plan by a majority vote of separate account contractholders, the boards of managers of Accounts A, B and E will take all action necessary to convert each of the managed accounts into a unit investment trust investing exclusively in the shares of the applicable series of the Series Fund that corresponds to the principal investment objective of each managed account. Thereafter, pursuant to the Plan, each of the managed accounts will, on a closing date to be determined separately for each of the accounts, transfer all of its assets to the applicable series in exchange for shares of benefical interest in such series.

Because the contracts do not specify the manner in which separate account assets are to be invested, the restructuring of the separate accounts and concomitant change in investment policies will not require the issuance of any new contracts. Each of the unit investment trusts will invest exclusively in the applicable series of the Series Fund, and contractholders will not have the right to direct that purchase payments be invested in any other series. Contractholders will retain their existing contracts. Connecticut Mutal will execute endorsements to the contracts irrevocably waiving a portion of the charges deducted from account assets as set forth above.

The Applicants submit that, for the reasons stated below, the terms of the proposed transaction are reasonable and fair and do not involve overreaching by any of the Applicants, and that the proposed transaction is consistent with the investment policies of each Applicant and with the purposes of the Act.

Applicants state that recent financial information with respect to the managed accounts shows that the number of existing contractholders and the dollar amount of additional purchase payments received under the contracts has remained relatively small. However, there have been significant contract surrenders. Applicants contend that, because of contract surrenders and the low level of additional purchase payments being made under the contracts, Connecticut Mutual and the boards of managers of Accounts A, B and E have concluded that it would be in the best interests of contractholders to reorganize the managed accounts.

Applicants assert that the proposed transaction is expected to result in economies of scale to contractholders

because the combination of the investment portfolio of each of the accounts with the portfolio of the applicable series will preserve the size of the assets under management, thereby facilitating investment management. Applicants also state that effectuation of the Plan will provide contractholders of the managed accounts with stability and the benefits of an expanding asset base.

Applicants also assert that, in time, the accounts may also benefit from economies of scale in the operation of the Series Fund. Although the investment advisory contract between the Series Fund and Financial Services provides for a somewhat larger advisory fee and requires Financial Services to bear fewer operating costs than do the advisory agreements currently in effect with each of the accounts, the former also obligates Financial Services to reimburse the Series Fund for any amount by which aggregate expenses of any portfolio of the Series Fund, including the advisory fee, exceed 1% of the average annual net asset value of the portfolio. In order to avoid increasing costs borne by the contractholders, Connecticut Mutual has agreed to waive contract charges aggregating approximately 1% of the average annual net asset value of each account. As a result, the total direct and indirect charges borne by contractholders will not be increased and, if total Series Fund expenses fall below 1% of net assets, relative expenses will actually be reduced. Applicants represent that the waiver of charges by Connecticut Mutual, coupled with Financial Services' contractual obligation to reimburse the Fund as outlined above, will more than adequately offset any possible increased cost to contractholders that might result from the differences in investment advisory arrangements.

Applicants also state that the boards of managers of the accounts have concluded that there would be no dilution of any contractholder's interest as a result of the reorganization. Specifically, Financial Services will pay all expenses of the reorganization. The boards of managers have determined that the portfolio of each managed account is compatible with the corresponding portfolio of the Series Fund. Therefore, no undue brokerage commissions or other costs will be incurred in liquidating assets of any of the managed accounts, and the only sales of account assets envisioned are those that may occur in the ordinary course of business.

Based on present federal income tax laws and regulations, Connecticut Mutual believes that the transfer of the Accounts' assets to the Series Fund will be a tax-free transaction. Thus, no gain or loss will be realized by either the accounts or the Series Fund. The Series Fund will treat the assets received as having the same aggregate adjusted basis for purposes of computing gain or loss on their disposition as such assets had immediately prior to the transfer. Similarly, the accounts will treat the Series Fund shares received in the exchange as having the same aggregate adjusted basis as the assets transferred to the Series Fund. Applicants state that any advantage or detriment resulting from the sharing of unrealized capital gains or losses arising from the carryover basis of assets transferred to the Series Fund would be both insignificant and speculative. Applicants state that Connecticut Mutual has not sought a ruling from the Internal Revenue Service or a formal opinion of counsel as to the tax-free nature of the transaction. However, the application describes considerations and undertakings with respect to each of the accounts that underlay their representation.

Applicants further submit that the proposed transaction does not present any of the eight specified situations described in Section 1(b) of the Act and therefore that it is consistent with the general purposes of the Act. Applicants therefore contend that the proposed transaction complies with all the provisions of Section 17(b) of the Act and request an order exempting the proposed transaction from the provisions of Section 17(a) of the Act.

Sections 26 and 27 Relief

Applicants propose that, after the proposed reorganizations, all assets of the separate accounts will be held by Connecticut Mutual in custody for safekeeping rather than by a custodian or under a safekeeping agreement with a bank. An exemption is requested from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit assets of the separate accounts to be held in the custody of Connecticut Mutual. Applicants also request an exemption from Section 26(a)(2)(D) of the Act to the extent necessary to permit shares of the Series Fund, the only assets in which the accounts will invest, to be held under an open account arrangement without the use of stock certificates or the physical possession of the shares by Connecticut Mutual. Applicants state that the proposed arrangement will in no way affect the safekeeping of the assets of the Series Fund, which are held by a qualified custodian.

Finally, Applicants request an exemption from the provisions of Sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to permit the payment to Connecticut Mutual of the mortality and expense risk charge. As explained in the application, Connecticut Mutua and financial Services will waive portions of the asset charge and after the proposed reorganizations, Connecticut Mutual will deduct only the remaining amoung of the mortality and expense risk charges from the assets of the separate accounts. Applicants represents that the mortality and expense risk charge under the contracts is consistent with the protection of investors because it is a reasonable and proper insurance charge. Applicants state that the amount of the charge is considerably less than industry practice for similar policies. This representation is based on Connecticut Mutual's analysis of similar industry products, taking into account such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates. Connecticut Mutual will maintain at its home office, available to the Commission, a memorandum setting forth in detail the products analyzed in the cource of, and the methodology and results of, the comparative survey. The mortality and expense risk charges are fully disclosed in the prospectuses for each of the contracts. Applicants believe, therefore, that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may exempt any person from any provision of the Act or its Rules and Regulations, if and to the exent necessary or appropriate and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law, that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by

certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7170 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22679; 70-6676]

National Fuel Gas Co.; Proposed Intra-System Borrowing Arrangements

March 11, 1983.

National Fuel Gas Company ("National"), Rockefeller Plaza, New York, NY 10112, a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply") and Penn-York Energy Corporation ("Penn-York"), each a subsidiary of National (collectively referred to as the "System"), 10 Lafayette Square, Buffalo, New York 14203, have filed with this Commission a post-effective amendment to its application-declaration in this proceeding pursuant to Sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and the applicable rules thereunder.

By order in this proceeding dated November 22, 1982 (HCAR No. 22722), National was authorized to issue and sell through December 31, 1983, up to $308,000,000 aggregate amount outstanding of commercial paper and short-term notes to banks pursuant to established external short-term lines of credit. The proceeds from such borrowings were to be loaned to System subsidiaries. Authorization was also given to institute a money pool arrangement among National, Distribution, Supply, and Penn-York. Each subsidiary was authorized to borrow from the money pool up to the following maximum aggregate principal amounts outstanding at any one time through December 31, 1983:

Distribution	$165,000,000
Supply	80,000,000
Penn-York	61,000,000

The maximum principal amount of unsecured debt, as defined in National's Certificate of Incorporation, that the System may have outstanding at any one time is limited to 25% of the consolidated capitalization of the System pursuant to a restriction in National's Certificate. As of June 30, 1982, twenty-five percent of its consolidated capitalization equalled $122,440,250. Certain borrowings for use by Supply to finance its inventory of storage gas and accounts receivable loans are excluded from the definition of unsecured debt. This permits portions of the short-term debt of the System to fit within an exclusion and short-term borrowings in the aggregate to exceed the above debt limitations.

Authorization is now being sought to make borrowings through the money pool up to the following maximum aggregate principal amounts outstanding at any one time through December 31, 1983:

Distribution	$150,000,000
Supply	125,000,000
Penn-York	20,000,000

The level of such borrowings by a subsidiary may be limited to a lesser amount because of the restrictions in National's certificate discussed above.

Distribution would use the proceeds in connection with its construction program and the financing of deferred purchased gas costs. Supply would use the proceeds to purchase storage gas, to finance deferred purchased gas costs, and in financing of accounts receivable and for its construction program. Penn-York would use the proceeds in connection with the construction of underground storage facilities to serve non-affiliates.

Borrowings from and contributions to the money pool will be adequately documented and will be evidenced on the books of each participant who is borrowing or contributing surplus funds through the money pool. The interest rate applicable to all loans of surplus funds through the money pool will be the lower of the rate for commercial paper placed by A. G. Becker & Co., Incorporated, having the same rating as National and having a term most nearly equal to the particular money pool loan in question or the prime rate at The Chase Manhattan Bank, N.A.

Distribution proposes to repay borrowings from the money pool by recovery of deferred gas costs, liquidation of accounts receivable and the possible sale of long-term securities. Supply Corporation proposes to repay borrowings from the money pool from funds received when gas in storage is withdrawn and sold from other funds generated internally. Penn-York proposes to repay borrowings from the money pool with funds received from the possible sale of long-term securities.

In all other respects the terms of the money pool borrowings remain the same.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by April 5, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7107 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19593; SR-NYSE-83-9]

New York Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

March 11, 1983.

The New York Stock Exchange, Inc. ("NYSE"), 11 Wall Street, New York, New York 10005, submitted on March 4, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and rule 19b-4 thereunder, to extend the operation of the NYSE's Registered Representative Rapid Response Service ("R4") until May 1, 1983. R4 is currently a pilot program scheduled to terminate on March 14, 1983.[1] According to the Exchange, the purpose of the proposed rule change is to give the Commission time to consider the Exchange's recent proposal for a one-year extension of R4 and an expansion of its use. That rule filing has been published for public comment [2] and

[1] On September 14, 1982, the Commission approved R4 as a 6-month pilot program. Securities Exchange Act Release No. 19047, September 14, 1982; 47 FR 41896, September 22, 1982.

[2] Securities Exchange Act Release No. 19573, March 4, 1983.

currently is being reviewed by the Commission.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR–NYSE–83–8.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communictions relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change, in light of its limited purpose and experimental nature, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder. In particular, the Commission believes it is appropriate to extend the R4 pilot program to afford the Commission an opportunity to consider fully the issues raised by NYSE's proposal to extend R4 for another year and to expand its use.[3]

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the NYSE R4 experiment is scheduled to expire on March 14, 1983, and an extension is necessary to allow the pilot to continue in its present form while the Commission considers the NYSE's proposal for a one-year extension and expansion of the system. The Commission expects to take action on that proposal before May 1, 1983. For this reason, the Commission believes it is appropriate to extend the R4 pilot program to May 1, 1983. In so finding, the Commission does not, however, reach any conclusion as to the consistency with the Act of a continuation of the R4 experiment beyond May 1, 1983.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7165 Filed 3–17–83; 8:45 am]

BILLING CODE 8010–01–M

[3] For a complete discussion of these issues, see the release providing notice of File No. SR–NYSE–83–8, note 2, *supra*.

[Release No. 13092; 812–5471]

Northwestern National Life Insurance Co., et al.; Application

March 11, 1983.

Notice is hereby given that Northwestern National Life Insurance Company ("Company"), NWNL Select Variable Account ("Select"), a separate account of the Company registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and NWNL Management Corporation (collectively, "Applicants") 20 Washington Avenue South, Minneapolis, Minnesota 55440, filed an application pursuant to Section 11 of the Act on March 4, 1983 for an order of the Commission approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provisions.

Select was established for use in respect to individual variable and fixed annuity contracts ("Contracts"). Purchase payments may be allocated to Select in addition to or in lieu of the Fixed Account (which is the general account of the Company). Purchase payments allocated to Select by or on behalf of the owner of a Contract are invested in one or more subaccounts of Select. The assets of each subaccount are invested in shares (at net asset value) of different mutual funds. The funds currently offered are Select Cash Management Fund, Inc. ("SCM") and Select Capital Growth Fund, Inc. ("SCG"). In Investment Company Act Release No. 12807 (November 15, 1982), the Commission approved, pursuant to Section 11 of the Act, the terms of offers of exchange of contract values between the subaccount invested in shares of SCM and the subaccount invested in shares of SCG. Applicants now propose to add a subaccount investing in Select High Yield Fund, Inc. ("SHY").

Applicants propose to permit contractowners to request the transfer of all or part of the value of their Contract among the subaccounts invested in shares of SCM, SCG and SHY. There will be no charge for such transfer, other than those that may be made by SCM, SCG, or SHY (no such charges are currently imposed). Applicants request an order pursuant to Section 11 to the extent necessary to permit the proposed offer of transfer rights described above.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than April 5, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–7172 Filed 3–17–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 1952; File No. SR–OCC–83–5]

Options Clearing Corp.; Filing and Order Approving Proposed Rule Change

March 11, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") notice is hereby given that on March 8, 1983, The Options Clearing Corporation ("OCC") filed with the Commission a proposed rule change that would amend OCC's rules pertaining to exercise restrictions in a manner consistent with the unique characteristics of index options contracts.

Specifically, OCC's proposal would permit exercise restrictions imposed either by the Exchange or OCC to remain in effect with respect to an index option series until the last business day before expiration of any series.

Currently, OCC's rules provide that an exercise restriction can be imposed and continued with respect to any series of options until ten business days before expiration of the affected series ("ten-day rule"). In its filing, OCC explained the historical reason for this ten business day limitation on exercise restrictions. At the time the current rule was drafted OCC was concerned that exercise restrictions imposed through the expiration date of an options series could, by making it impossible for option holders to deliver or receive the underlying security, cause option contracts to be construed as inconsistent with state gambling and bucket shop laws. That concern was dispelled by a 1982 amendment to Section 28(a) of the Act which preempted state gambling and bucket shop laws with respect to options traded pursuant to the rules of self-regulatory organizations. Nevertheless, because OCC views the ten-day rule as innocuous with respect to most types of options it remains in effect despite the recent amendment to Section 28(a) of the Act. Indeed, OCC stated in its filing that it is not aware of any case in which exercise restrictions have been imposed. Further, OCC stated that its ability to postpone the exercise settlement date where appropriate [1] would appear to eliminate the need, in most circumstances, to restrict exercise of most types of options.

The proposed rule would differentiate index options contracts from other types of options contracts with respect to the permissible duration of restrictions imposed on holders' ability to exercise option contracts. This distinction is based on the unique market place characteristics of index options. Specifically, OCC notes that the dissemination of index options values ("current index level") can be subject to interruption due to mechanical problems or a trading halt in stock (s) that comprise a substantial portion of the value of the underlying index. The various Exchanges in consultation with the Commission staff have, as a matter of policy, determined that neither trading nor the exercise of index options should be permitted when current index levels are unavailable, or when the current index levels reflects a substantial amount of non-current price information. Therefore, in those circumstances in which the imposition of exercise restrictions are considered appropriate, OCC believes that such restrictions would be appropriate even during the ten business days before expiration. Accordingly, OCC proposes to eliminate the ten-day rule with respect to index option contracts.

The proposed rule change would allow exercise restrictions to be imposed and continued with respect to any series of index options until the last trading day before expiration. OCC stated that this one day exercise "window" was necessary, notwithstanding interruption in the dissemination of a current index value or other event warranting a trading halt, because precluding exercise through expiration would prevent holders from realizing any investment value on their options.

In addition, the proposed rule change would make minor amendments to OCC Rules 601 and 1806. The proposed rule change would correct typographical errors in the numbering of "Interpretations and Policies" following Rule 601 and in the cross-reference to another Rule following Rule 1806.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-OCC-83-5.

Copies of the submission, with accompanying exhibits, and all written comments, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 522, will be available for public inspection at the Securities and Exchange Commission's Public reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agenices, and, in particular, the requirements of Section 17A of the Act. Specifically, the proposed rule change would protect investors and the public interest by extending the exercise restriction period thereby minimizing the possibility that exercises of index options might be settled on the basis of non-current index levels or index levels based on non-current price information with respect to stocks in the index group. Further, the Commission believes that OCC has, by leaving a one day exercise window, struck a reasonable balance between the policies underlying exercise restrictions of index option contracts in extraordinary circumstances and the right of index option holders to realize the value of their option contracts.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing. Trading of index options contracts is scheduled to begin on the Chicago Board Options Exchange on March 11, 1983. Because potential restrictions on exercise are a basic term of option contracts, such terms must be effective prior to the commencement of index options trading. Therefore, the Commission believes that it is in the interest of prompt and accurate clearance and settlement of index option contracts as well as the maintenance of fair and orderly markets to avoid any market confusion and uncertainty that might result if the rule change did not become effective until after the commencement of index options trading. In addition, the Commission has considered the substance of the proposed rule in connection with its review of the index options disclosure document pursuant to Rule 9b–1 of the Act. On the basis of consultation with the Commission, the index option disclosure document reflects this rule change. Accordingly, for all these reasons, OCC's amendments to its exercise restriction rules should be in place now.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7168 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* for example, OCC Rule 1406(b) relating to Treasury Securities Options. Rule 1406, among other things, allows OCC to extend or postpone the settlement date for Treasury options, whenever, in its opinion, such action is required to meet unusual market conditions.

[Release No. 19594; File Nos. SR-Phlx-83-2; SR-Phlx-83-3]

Philadelphia Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Changes

March 11, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 9, 1983, the Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA 19103, filed with the Securities and Exchange Commission the proposed rule changes described herein. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The Phlx proposes to extend temporary Rules 933 (SR–Phlx–83–2) and 941 (SR–Phlx–83–3) until May 14, 1983. Both these rules otherwise would terminate by their own terms on March 14, 1983.[1] Rule 933 requires Phlx members who lease their seats to execute a sale and subordination agreement under which the Exchange may sell the membership upon termination of the lease and apply the proceeds of such a sale to the satisfaction of the priority claims specified in Phlx By-law XV. Rule 941 requires Phlx member organizations and members who are parties to a-b-c agreements to execute a similar sale and subordination agreement. The Phlx states in its filings that the purpose of extending these two rules is to keep them effective until their principal provisions are incorporated in the Phlx rules on a permanent basis under a pending Phlx proposed rule change contained in File No. SR–Phlx–82–4.[2] The Phlx states that the statutory basis for the proposed rule changes is Sections 6(b)(1), 6(b)(5) and 6(c)(3)(A) of the Act.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File Nos. SR–Phlx–83–2 and SR–Phlx–83–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. Copies of the filings and of any subsequent amendments also will be available for inspection and copying at the principal office to the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in paricular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule changes would merely keep in effect two Phlx rules that currently are operative. Both rules terminate on March 14, 1982, and an extension is necessary in order to allow time for consideration of their proposed adoption as permanent rules as part of SR–Phlx–82–4. The Commission believes it is appropriate to extend the effectiveness of these rules for an additional two-month period pending final Commission action on SR–Phlx–82–4.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule changes referenced above be, and hereby are approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83–7169 Filed 3–17–83; 8:45 am]
BILLING CODE 8010–01–M

[1] The Commission approved adoption of Rule 933 for a one year period on December 21, 1981 (Securities Exchange Act No. 18356, December 21, 1981; 46 FR 6343, December 31, 1981), and approved its extension through March 14, 1983 on December 14, 1982 (Securities Exchange Act Release No. 18334, December 14, 1982; 47 FR 51776, December 22, 1982). Commission initially approved the adoption of Rule 941 on October 21, 1982, (Secutities Exchange Act Release No 19335, October 21, 1982; 47 FR 49503, November 1, 1982); and approved its extension through March 14, 1983 on December 14, 1982 (Securities Exchange Act Release No. 19335, December 14, 1983; 47 FR 51776, December 22, 1982).

[2] Notice of SR–Phlx–82–4 has been given by Commission Release (Securities Exchange Act Release No. 19163, October 21, 1982); and by publication in the Federal Register (47 FR 49515, November 1, 1982). On March 3, 1983, Phlx granted an extension of time to May 14, 1983, for Commission action on this filing.

[Release No. 34–19582; Filed No. SR-CBOE-83–5]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating To Clerks on Trading Floor

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of Proposed Rule Change

Additions are italicized; deletions are bracketed.

Admission To and Conduct On The Trading Floor

Rule 6.20.(a) Admission to Floor. Unless otherwise provided in the Rules, no one but a member or an order Book Official designated by the Exchange pursuant to Rule 7.3 shall make any transaction on the floor of the Exchange. Admission to the Floor shall be limited to members, employees of the Exchange, clerks [or messengers] employed by members and registered with the Exchange, and such other persons as may be provided by resolution of the Board.

(b) Conduct on the Floor. No change.

(c) Clerks of Members. While on the trading floor, clerks shall display at all times the badge(s) supplied to them by the Exchange. Any Market-Maker clerk who writes up an option or stock order must give his employer a copy of that order before it is delivered; the employer must retain the copy on his person until it is executed. A clerk receiving a phone order must initial, must mark as opening or closing, and must time-stamp the order. A clerk shall remain at a booth assigned to his employer or assigned to his employer's clearing firm unless he is: (1) Entering or leaving the trading floor; (2) transmitting or checking the status of an order or reporting a fill, (3) standing in the same crowd as his employer who is a Market-Maker or Floor Broker, (4) supervising his firm's clerks if he is a floor manager or (5) acting as a stock clerk. Only stock clerks and Market-Maker or Floor-Broker clerks may stand in or near a trading crowd; in the latter case, the Market-Maker or Floor Broker must be present in the same trading

crowd. Quote terminals on the trading floor (except those located in booths) may not be used by a clerk unless his employer is a Market-Maker or Floor Broker who is standing near the quote terminal.

* * * Interpretations and Policies:

.01 through .03 No change.

.04 The activities which may impair the maintenance of a fair and orderly market or impair public confidence in the operations of the Exchange, include but are not limited to the following:

(i) Effecting or attempting to effect a transaction with no public outcry in violation of Rule 6.43 or 6.74;

(ii) Failure of a Market-Maker to respond to a request for a market by an Order Book Official pursuant to rule 7.5;

(iii) Failure of a Market-Maker to bid or offer within the ranges specified by Rule 8.7(b);

(iv) Failure adequately to supervise an employee to insure his compliance with Exchange Rule 6.20(c).

[(iv)] *(v)* Failure to abide by a determination of Floor Officials; and

[(v)] *(vi)* Refusal to provide information requested by a Floor Official acting in his official capacity.

.05 No change.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this proposed rule change is to limit the permissible activities of clerks on the Exchange's trading floor. These restrictions will result in two benefits. First, they will alleviate congestion; and second, they will help to eliminate clerks, exercising discretion over a market maker's trading.

Unless a clerk is running a bona fide errand, he must be standing either at a firm booth or with his market-maker or floor-broker employer. He cannot roam the trading floor. In addition, the rule change limits market-maker and floor-broker clerks' access to quote terminals on the trading floor to times when their employer is standing nearby. Thus, the floor will be less congested, as will those areas of the floor near quote terminals.

Clerks are not Exchange members. Therefore, pursuant to Exchange rule 6.20(a), they cannot exercise discretion over a market maker's trading. While the Exchange does not believe that violations of this Rule are widespread, they are difficult to detect and to prove. Therefore, it is desirable to make such violations more difficult to accomplish.

The proposed rule change does this in several ways. It limits cherks' access to trading crowds. It requires a market-maker clerk to give a copy of an order that he has written for his employer to that market maker before the order is delivered. The market maker must retain a copy of the order on his person until it is executed. This procedure enables a Floor Official seeing a clerk delivering the order, to check with the market maker and to see the copy of the order that is retained by the market maker. This makes it less likely that the clerk exercised any discretion over the order.

Finally, Floor Officials may impose a fine of up to $1,000 on a member whose clerk has violated the proposed rule. If the violation involves a clerk's exercising discretion over a market maker's trading, the violation also may be referred to the Exchange's Business Conduct Committee for further disciplinary action.

It should be noted that the Exchange staff is working with the Floor Procedure and Membership Committees to revise the clerk registration process to help carry out the intent of this proposed rule change. New clerk badges will enable Floor Officials to more easily spot an out-of-place clerk, since the badge will show the function of the clerk wearing it and will show who his employer is. An example of an out-of-place clerk is a market-maker clerk standing in a trading crowd without his employer present. An increase in clerk fees will be requested in the fiscal 1984 budget to discourage the hiring of unnecessary clerks; if approved by the Board, such fees will be filed with the Commission as a rule change as usual.

The statutory basis for the proposed rule change is section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), in that the change will promote just and equitable principles of trade in the manner described above.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed change imposes any burden on competition not necessary or appropriate under the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule change was developed by the Floor Procedure and Membership Committees, both of which are composed of members. Comments were solicited by means of the Exchange Bulletin, which is sent to all Exchange members. Five letters were received. The primary complaint in each letter was that market makers should not have to write every order and give it to a clerk, which was a requirement in an earlier draft of this rule change. This requirement has been omitted, so that a market maker may instruct his clerk to write an order but must be given a copy of the order before it is delivered and must retain the copy on his person until it is executed.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file

number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 10, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7174 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19593; File No. SR-NYSE-83-9]

Self-Regulatory Organizations; Proposed Rule Change By New York Stock Exchange, Inc., Relating To Extension of Experiment Testing the Operation of Registered Representative Rapid Response Service

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 4, 1983, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change would extend the "sunset" date of the R4 experiment from March 14, 1983 to May 1, 1983.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purposes of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) *Purpose.* The purpose of the proposed rule change is to extend the effectiveness of the R4 experiment until May 1, 1983 in order that the experiment will not expire while the Commission is considering a proposal in File No. SR-NYSE-83-8, dated February 16, 1983, for a one year extension of R4 and an expansion of its use. In Filing 83-8, the Exchange had proposed to extend the R4 experiment until March 14, 1984 and to expand it to include additional member organizations, to add eligible stocks in stages up to approximately 200 stocks and to increase the size of eligible orders as the experiment progresses to up to 599 shares.

(2) *Statutory Basis.* The extension of the R4 experiment as proposed herein has the same statutory basis as stated in SR-NYSE-82-14 and SR-NYSE-83-8. Specifically, the R4 experiment is consistent with Sections 11A(a)(1) and 17A(a)(1) of the Securities Exchange Act of 1934 (the "Act") which encourage the use of new data processing and communications techniques and more efficient market operations. The R4 experiment also advances the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The R4 experiment provides an opportunity for the Exchange to compete more effectively for small order flow with other exchanges which utilize automatic execution systems. Thus, the Exchange does not believe the R4 experiment imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission has found good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the NYSE R4 experiment is scheduled to expire on March 14, 1983, and an extension is necessary to allow the pilot to continue in its present form while the Commission considers the NYSE's proposal for a one-year extension and expansion of the system.

IV. Soliciation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 11, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-7173 Filed 3-17-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0086]

Market Capital Corp.; Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Market Capital Corporation (MCC), 1102 N. 28th Street, P.O. Box 22667, Tampa, Florida 33622, a Federal Licensee under the Small Business Investment Act of 1958 (Act), as amended, has filed an application with the Small Business Administration (SBA) pursuant to Section 312 of the Act and covered by Section 107.1004 of the SBA Rules and Regulations, governing small business investment companies (13 CFR 107.1004 (1983)) for approval of conflict of interest transaction falling within the scope of the above Section of the Act and Regulations.

Subject to such approval, MCC proposes to invest $30,000 in Futral Markets, Inc. (Futral), 205 North Scenic Highway, Frostproof, Florida 33843, to increase its working capital.

The proposed financing is bought within the purview of Section 107. 1004 of the SBA Regulations since Mr. Robert H. Futral is a member of the Board of

Directors of Affiliated of Florida, Inc., a retail cooperative, the membership of which are the stockholders of MCC. Accordingly, Mr. Futral is considered by SBA to be an Associate of MCC.

Notice is hereby given that any interested person may, not later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1983.

Edwin T. Holloway,

Associate Administrator, for Finance and Investment.

[FR Doc. 83-7017 Filed 3-17-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5157]

Tennessee Equity Capital Corp; Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)), for transfer of control of Tennessee Equity Capital Corp. (TECC), 4515 Poplar Avenue, Memphis, Tennessee 38117, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations.

TECC was licensed on January 19, 1979, and its present capitalization is $502,000.

The current officers, directors and stockholders are as follows:

Richard Kantor, President, Director and 50% Stockholder
Walter S. Cohen, Secretary-Treasurer, Director and 50% Stockholder
Stephen L. Parr, Director

Upon transfer of control, the officers, directors and stockholder will be as follows:

Richard Kantor, President, Director
Walter S. Cohen, Secretary-Treasurer, Director and 100% Stockholder
Stephen L. Parr, Director

The Licensee will also move its headquarters to 1102 Stonewall Jackson, Nashville, Tennessee 37220, and close its Memphis office.

The capital of TECC will remain at $502,000.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the Licensee under this management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than fifteen days from the date of publication of this notice, submit written comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Nashville, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-7018 Filed 3-17-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice #55]

Conference on Ethical Issues and Moral Principles in U.S. Refugee Policy

The Office of the U.S. Coordinator for Refugee Affairs and the Religious Advisory Committee will cosponsor a conference to be held on Friday, March 25, 1983 from 8:15 a.m. to 5:30 p.m. at Meridian House International, 1630 Crescent Place, NW. Washington, D.C. 20009. Attendance at the conference will be open to the public.

The purpose of the conference will be: to review the external environment which creates refugee flows; to clarify the moral and ethical issues relating to refugee affairs; and, to provide an opportunity to build a new consensus on how to deal with refugee problems at home and abroad. The Conference will consist of three panel sessions that will address the following topics: Contemporary World Scene; Response of the World Community, and U.S. Refugee Policy. A conference report will be prepared which will be available to the public upon request.

Requests for further information on the conference or the conference report should be directed to Jane DeGraff, Office of the U.S. Coordinator for Refugee Affairs, Department of State, Washington, D.C. 20520. Telephone: (area code 202) 632-5203.

Limited seating will be available subject to the capacity of the meeting room. Accordingly, members of the public wishing to attend the conference should contact Mrs. DeGraff's Office in order to arrange for admission and seating.

The respective Moderators of the panels will, as time permits, entertain oral comments from members of the public attending the meeting. Members of the public attending the meeting may also submit written comments to the Conference reporter who, to the extent practicable, will reflect those views in the Conference report.

Dated: March 15, 1983.

Jane DeGraff,

Executive Assistant to Ambassador at Large.

[FR Doc. 83-7300 Filed 3-17-83; 8:45 am]

BILLING CODE 4710-16-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Authority to Prescribe and Enforce Standards or Regulations Affecting the Occupational Safety and Health of Seamen Aboard Vessels Inspected and Certificated by the United States Coast Guard; Memorandum of Understanding

Note.—This document originally appeared in the Federal Register of Thursday, March 17, 1983. It is reprinted in this issue to meet requirements for publication on the Tuesday–Friday schedule assigned to the Department of Labor.

Purpose

It is the purpose of the purpose of this memorandum of understanding (MOU) to set forth clearly the boundaries of the authority of the United States Coast Guard (Coast Guard) of the U.S. Department of Transportation and the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor in prescribing and enforcing standards or regulations affecting the occupational safety and health of seamen aboard vessels inspected and certificated by the Coast Guard (hereinafter "inspected vessels"). This MOU is intended to eliminate confusion among members of the public

with regard to the relative authorities of the two agencies. Nothing in this MOU pertains to uninspected vessels. The Coast Guard and OSHA agree to work together to fulfill their respective authorities.

Authority of the Coast Guard

The Coast Guard is the dominant federal agency with the statutory authority to prescribe and enforce standards or regulations affecting the occupational safety and health of seamen aboard inspected vessels. Under the Vessel Inspection Laws of the United States, the Coast Guard has issued comprehensive standards and regulations concerning the working conditions of seamen aboard inspected vessels.

These comprehensive standards and regulations include extensive specific regulations governing the working conditions of seamen aboard inspected vessels as well as ample general authority regulations to cover these seamen with respect to all other working conditions that are not addressed by the specific regulations. These standards and regulations are generally set forth at 46 CFR Chapter I, and in the Coast Guard's Marine Safety Manual and its Navigation and Vessel Inspection Circulars.

Authority of OSHA

OSHA has a general statutory authority to assure safe and healthful working conditions for working men and women under the Occupational Safety and Health (OSH) Act of 1970. Section 4(b)(1) of the OSH Act defines the relationship between OSHA and the other federal agencies whose exercise of statutory responsibilities may affect occupational safety and health. Based on OSHA's interpretation of section 4(b)(1), and as a result of the Coast Guard's exercise of its authority, described above, OSHA has concluded that it may not enforce the OSH Act with respect to the working conditions of seamen aboard inspected vessels. Nonetheless, OSHA retains the following responsibilities.

OSHA retains its authority under section 11(c) of the OSH Act, which forbids discrimination in any manner against employees who have exercised any right afforded them under the OSH Act. Pursuant to this provision, OSHA has the authority to require vessel owners to post a notice that informs employees of their right to complain about working conditions to the Coast Guard, OSHA, or the employer and to be free from retaliatory discrimination. OSHA has concluded that its exercise of authority under section 11(c) is not precluded by the scope of section 4(b)(1) of the OSH Act.

OSHA agrees to refer to the Coast Guard, for its consideration, any complaints, other than section 11(c) discrimination complaints, OSHA receives from seamen working aboard inspected vessels. However, the Coast Guard, consistent with the statement of its authority above, has the sole discretion to determine, under its applicable standards and regulations, whether the events complained of constitute hazardous conditions and the extent of any remedy that may be required.

Recordkeeping

OSHA and the Coast Guard will continue to discuss the extent of their respective jurisdictions to require owners of inspected vessels to keep records concerning occupational injuries and illnesses. This MOU does not resolve any issues concerning recordkeeping obligations.

Effective Date and Publication

This MOU shall take effect upon signature by the parties. It shall be promptly published in the **Federal Register**.

Dated: March 8, 1983.

James S. Gracey,

Commandant, United States Coast Guard, U.S. Department of Transportation.

Dated: March 4, 1983.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor.

[FR Doc. 83-6792 Filed 3-16-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 23]

Surety Companies Acceptable on Federal Bonds; Universal of Omaha Casualty Insurance Co.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308 of Title 31 of the United States Code. An underwriting limitation of $104,000 has been established for the company.

Name of Company:

Universal of Omaha Casualty Insurance Company

Business Address:

365 North Saddle Creek Road, Omaha, Nebraska 68131

State of Incorporation:

Nebraska

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1982 Revision, at page 28884 to reflect this addition. Copies of the circular, when issued, may be obtained from the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: March 3, 1983.

W. E. Douglas,

Commissioner, Bureau of Governmental Financial Operations.

[FR Doc. 83-7139 Filed 3-17-83; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Master Plan; Veterans Administration Medical Center; Mountain Home, Tennessee; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the development of a master plan for new construction. The plan to be implemented is concept E as described below. The facility program would provide approximately 263,800 gross square feet for all VA services.

Several alternative plans involving different functional adjacencies and various locations within the medical center property have been examined along with the "No Action" alternative.

In concept A, the existing hospital would be expanded in phases to develop two new bed towers. A new 60 bed nursing home care unit would be located north of the hospital and a new 100 bed domiciliary is proposed north of the present intermediate care building. The remainder of the VA site is essentially unaltered except for those modifications required for additional parking and roadways adjacent to the improved hospital.

In concept B, the existing hospital will be expanded in phases to provide two

new bed towers. The domiciliaries are totally renovated to meet criteria. Two new 100 bed domiciliaries are proposed in this plan, north of the existing intermediate care building. The existing medical center site would be modified to meet program parking and parking spaces essentially needed on the overall site.

Concept C proposes a total replacement of the existing hospital structure at another location within the VAMC site. The current hospital and existing domiciliaries would be renovated for total domiciliary use. A new nursing home containing 60 beds is proposed north of the new hospital, as envisioned in this plan. Additional modifications to the site would occur to improve the pedestrian environment.

Concept D involves a hospital addition, renovation work and improvements to the Chiller Steam Plant. All other VA services and functions would remain as they are presently. Additional parking, necessary in those areas of the site where parking is essential, will include approximately 610 spaces.

Concept E requires a three level hospital addition. No site improvements would be necessary, except for an additional 450 parking spaces. All other VA functions and services would remain as they are except for intermediate beds in building no. 8. These intermediate beds will be relocated into the new hospital addition and the building renovated for 120 nursing home beds. Ultimately, domiciliary building nos. 2, 3, 5, 6, and 7 will be renovated.

The "No Action" alternative would maintain most facilities in their existing situation, with continual development of medical center facility plans on a five year planning basis. Most projects would include maintenance, and minor construction proposals to keep the existing facility on an accredited operational basis. However, many significant facility problems would not be addressed within this alternative schedule.

Development of the proposed master plan will have impacts on the human and natural environment affecting open space, soil erosion, and architectural historic attributes.

Short term effects of minor air degradation from construction activity and accompanying increases in noise levels during construction will also occur. In relation to both construction and operation, the project will be built in accordance with all applicable Federal, State and local air quality standards.

All environmental attributes analyzed would not be affected to the extent identified should the "No Action" alternative be selected. However, historic and architectural considerations would still remain a major element to address as required by the National Historic Preservation Act.

The following mitigative actions will occur during project development. To provide for erosion control and integral control of storm water drainage, on-site detention basins will be utilized to avoid downstream urban runoff impact. Noise control during construction and air quality control measures will be implemented and comply with all Federal, State and local codes. Parking needs will be met through implementation of the parking analysis results, meeting the policy criteria of VA planning. Project design should strive to implement public transportation and/or ride sharing wherever polssible. The selected plan will accommodate the historic nature of the site and will be submitted to the Advisory Council on Historic Preservation in consultation with the Tennessee State Historic Preservation Officer.

The significance of the identified impacts has been evaluated relative to considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, Director, Office of Environmental Affairs, (088C), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C. 20420, (202–389–3316). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: March 9, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 83–7029 Filed 3–17–83; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 54
Friday, March 18, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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	Items
Federal Home Loan Bank Board	1–3
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1

FEDERAL HOME LOAN BANK BOARD:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room. sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood, (202–377–6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the bank board meeting scheduled Thursday, March 17, 1983, at 10 a.m.

Charters and Bylaws Available to Federal Association and Savings Banks
Conversion from Mutual to Stock Form
Amendments Relating to Grandfathering of State Authority by Institutions converting to Federal Charters

[No. 23, March 16, 1983]

[S–381–83 Filed 3–16–83; 11:47 am]

BILLING CODE 6720–01–M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The Bank Board meeting previously scheduled for Thursday, March 17, 1983, at 10 a.m., has been changed to 11 a.m.

[No. 24, March 16, 1983]

[S–382–83 Filed 3–16–83; 11:47 am]

BILLING CODE 6720–01–M

3

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 10793, Monday, March 14, 1983.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Thursday, March 17, 1983, at 11 p.m.:

FSLIC Insurance Premiums

[No. 25, March 16, 1983]

[S–383–83 Filed 3–16–83; 3:12 pm]

BILLING CODE 6720–01–M

4

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission held the following meetings on Tuesday, March 8, 1983, at 4:30 p.m. and on Monday, March 14, 1983, at 11:45 a.m, at 450 5th Street, NW., Washington, D.C., to consider the following items:

Regulatory matters bearing enforcement implications

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries attended the closed meetings. Certain staff members who are responsible for the calendared matters were present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items considered at the closed meetings was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(b)(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans and Treadway voted to consider the items listed for the closed meetings in closed session.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Steve Boehm at (202) 272–2467.

March 15, 1982.

[S–380–83 Filed 3–15–83; 4:23 pm]

BILLING CODE 8010–01–M

5

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

Summary: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held on the date and at the time and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f)(1) of the Energy Security Act (9 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on public access to Board Meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II Section 4 of the Corporation's By-laws, Section 116(f) of the said Act and Sections 4 and 5 of said Policy.

Meeting Agenda:

Remarks by Chairman
Approval of Minutes
Report of President
Operations Report of the Executive Vice President
Report on Environmental Monitoring
Status Report on Comprehensive Strategy
First Coal Solicitation
Amendment No. 1 to Shale Solicitation
Compensation of Officers
Amend By-Law Article IV to Establish New Officer Position and Redefine Officer Responsibility for Matters involving External Relations

Closed Session:

Maturity Reviews of Pending Projects
Strength Reviews of Pending Projects
Status Report on Projects Under Negotiation
Consideration of a Second Coal Solicitation

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

DATE AND TIME: March 24, 1983 at 9 a.m.

PLACE: New York Hilton, 1335 Avenue of the Americas, New York City.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen J. Malone, Office of General Counsel (202) 822–6336.

March 15, 1983.

United States Synthetic Fuels Corporation.

Jimmie R. Bowden,

Executive Vice President.

[S-379-83 Filed 3-15-83; 4:10 pm]

BILLING CODE 6000-00-M

VOL 48 ISS 54 MR 18 1983 UMI

federal register

Friday
March 18, 1983

Part II

Department of State

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1982

DEPARTMENT OF STATE

[Public Notice 851]

Gifts to Federal Employees From Foreign Governments Reported to Employing Agencies in Calendar Year 1982

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1982 concerning gifts received from foreign government sources. The compilation includes reports of both tangible gifts and gifts of travel or travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by section 7342(f) of Title 5, United States Code, as added by section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Pub. L. 95-105, August 17, 1977, 91 Stat. 865).

Dated: March 8, 1983.

Jerome W. Van Gorkom,

Under Secretary for Management.

REPORT OF TANGIBLE GIFTS

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Agency: Executive Office of the President			
President	Book: "A Day in the Life of Australia," Photographed by 100 of the World's Leading Photojournalists, Inscribed by Prime Minister Fraser and Autographed by the Photojournalists. Recd: June 9, 1982. Est. Value: $180. Disp: Residence—Official Display.	Right Honorable John Malcolm Fraser, Prime Minister of Australia, Australia.	Non-acceptance would have caused the donor embarrassment.
Do	Book: "Antwerp: The Golden Age" (The Rise and Glory of the Metropolis in the Sixteenth Century), by Leon Voet. Recd: Feb. 23, 1982. Est. Value: $250. Disp: Archives.	His Exellency Wilfried Martens, Prime Minister of Belgium, Belgium.	Do.
Do	Photograph: Color, of Prime Minister Wilfried Martens, Inscribed Under Glass in Silver-Plated Frame; 10½" x 13" Recd: Feb. 23, 1982. Est. Value: $75. Disp: Residence—Official Display.	His Excellency Wilfried Martens, Prime Minister of Belgium, Belgium.	Do.
Do	Sculpture: Modern, Free Form of a Brass Form Mounted on Block of Marble: by Bruno Giorgi, Signed, 17" H. x 9" x 9". Recd: May 12, 1982. Est Value: $15,000. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Book: "Bruno Giorgi", Published by Art Editora Ltda, Sao Paulo, 1980. Recd: May 12, 1982. Est. Value: $85. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Photograph: Color, of President Figueiredo; Inscribed; Matted Under Glass in a Silver Frame W/Crest; 9½" x 12" Overall; Enclosed in Black Box W/Seal on Cover; Box is 14" x 11½". Recd: May 17, 1982. Est. Value: $180. Disp: Residence—Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Medallion: Silver (900), Depicting the Great Seal of the U.S. and "Visit of President Joao Figueiredo, Washington 1982" on One Side, and the Seal of Brazil on Reverse; 2" Diam.; Enclosed in Black Velvet Box W/Seal of Brazil in Lid; (Only Two of These Medallions Were Made; One for President Reagan And One for President Figueiredo). Recd: May 17, 1982. Est. Value: $200. Disp: Residence—Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Household: Goblet or Container for Mate (Herbal Tea Drink), of a Hardened Brown Material Encased in an Etched Silver Cover; Included is a Three-Footed Stand and a Silver Stirrer or Straw; Goblet is Marked "RR" and Silver is 800: Goblet on Stand is 9" H. When Assembled; Stirrer is 9½" Long; Enclosed in a Vinyl Covered Chest Marked "Maseon"; Chest is 12" x 10" x 5½". Recd: Dec. 15, 1982. Est. Value: $600. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Athletic Equipment: Spurs, Silver; Crafted by Eberle of Brazil; Marked 800/1000; Enclosed in Blue Fabric Covered Box; Box is 14½" x 11½" x 3". Recd: Dec. 15, 1982. Est. Value: $750. Disp: Archives.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative Republic of Brazil.	Do.
Do	Wallhanging: Tapestry, Entitled "Joyful Spring", Predominantly in Greens, of Wool With Pure Silk and Silk Thread, Burlap Backing, Depicting a Floral Design and Dove of Peace; by Concesea Colaco, Signed: 52" x 51". Recd: Dec. 10, 1982. Est. Value: $1,200. Disp: Archives.	The Honorable Jose Maria Marin, Governor of Sao Paulo, Brazil.	Do.
Do	Photograph: Photographic Print, Color, of President Ahmadou Ahidjo, Inscribed; Matted Under Glass in Distressed Gold Colored Wood Frame; 28½" x 22½". Recd; July 29, 1982. Est. Value: $175. Disp: Residence—Official Display.	His Excellency Ahmadou Ahidjo El Hadj; President of the United Republic of Cameroon, Cameroon.	Do.
Do	Coin: $100 22 KT. Gold Canadian 1979 Proof Coin; Contained in Vinyl Case Bearing Canadian Maple Leaf Design; Coin is 1" Diam.; Case is 4½" x 3½" x ½". Recd: Jan. 20, 1982. Est. Value: $200. Disp: Archives.	The Honorable Edward M. Lawson, Intl. Dir. Canadian Teamsters, Canada.	Do.
Do	Painting: Watercolor of an Amerigan Bald Eagle on Paper, by Glen Loates, 1982, Signed; Double-Matted (White and Linen) Under Pleatglass in Dark Wood Frame; 63½" x 86" Overall. Recd: Dec. 27, 1982. Est. Value: $11,000. Disp: Archives.	Right Honorable Pierre Elliott Trudeau, C.P., M.P. Prime Minister of Canada, Canada.	Do.
Do	Figure: reproduction of PreColombian Artifact Entitled "Balsa Muisca", No. 1921; (Depicts Ancient Godlike Figures on a Raft); Displayed on Black plastic Base W/Engraved Presentation Plaque; 18 KT. Gold; (The Original Dates From 300 B. C. to 1500 A. D. and is in the Museo Del Oro); Contained in a Velveteen Covered Box W/Presentation Card in Lid, Enclosed With Certificate of Authentication; Figure is 10" × 8" × 7"; Box is 11" × 9" × 9". Recd: Dec. 10, 1982. Est. Value: $4,000. Disp: Archives.	His Excellency Belisario Betancur, President of the Republic of Colombia, Colombia.	Do.
Do	Figure: Reproduction of a Mythological God (Pre-Colombian) W/its Headdress as a Removable Spearlike Object; 24 KT. Goldplated; Mounted on Black Base W/engraved Plaques; (The original Figure was Made Between 200 B.C. And 1500 A.D. and is in the Museo Del Oro, Bogota); Displayed in a Velveteen Covered Box; 6½" H. × 3¾" × 3¾". Recd: Dec. 11, 1982. Est. Value: $300. Disp: Archives.	His Excellency Rodrigo (Lloreda) Caicedo, Minister of Foreign Relations of Colombia, Colombia.	Do.
Do	Household: Bookends, Castle and Ball Design, of Solid Polished Dark Wood W/Lighter Colors Highlighted; (Balls are Removable); 12" × 9" × 4". Recd: Dec. 10, 1982. Est. Value: $150. Disp: Archives.	His Excellency Fernando Volio (Jimenez), Minister of Foreign Relations of Costa Rica, Costa Rica.	Do.
Do	Desk Accessory: Letter Opener, W/White Porcelain Handle Depicting a Floral Motif in Green, Blue and Gold and a Sterling Silver Blade W/Gold Overlay; by Royal Copenhagen Porcelain; 9½" long; contained in a Fitted Gray Vinyl Box W/Royal Copenhagen Crown on Lid. Recd: Dec. 21, 1982. Est. Value: $625. Disp: Archives.	H. E. and Mrs. Poul Schluter Prime Minister of Denmark, Denmark.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Historical Artifact: Amber, A Large Piece Mounted on a Block of Wood Lettered "Amber, 60,000,000 Years Old Santo Domingo"; 6" Diam. Recd: July 19, 1982. Est. Value: $1,400. Disp: Archives.	His Excellency Jorge Blanco, President-Elect of the Dominican Republic, Dominican Republic.	Do.
Do	Book: "The Rotz Atlas", (The Maps and Text of the Boke of Idrography Presented by Jean Rotz to Henry VIII), a Reproduction of the Original Published in 1542, Now in the British Library; Edited by Helen Wallis W/A Foreward by Viscount Eccles; Printed for Presentation to the Roxburghe Club 1981; Autographed by "Elizabeth R 1982"; Wine Colored Leather Bound W/a Crown Motif Goldstamped on Front Cover and A Crown/er Stamped on Spine: Red Satin Endpapers; 24¾" × 15¾" × 1¾"; Enclosed in a Matching Hinged Slipcase W/The Royal Windsor Coat of Arms Goldstamped on Cover. Recd: June. 29, 1982. Est. Value: $1,500. Disp: Residence—Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do.
Do	Photograph: Color, of Her Royal Highness Queen Elizabeth II in Formal Attire, In a Sterling Silver Frame W/Engraved "E. R." Crest at Top; Signed "Elizabeth R 1982"; 10" x 14¾". Recd: June 28, 1982. Est. Value: $400. Disp: Residence—Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do.
Do	Photographs: Album of 30 Color Photographs of the President and Mrs. Reagan W/Queen Elizabeth, Prince Philip, et al., Taken During Their Visit to Great Britain, June 1982; Most Photos are 10" x 12"; Contained in a Navy Blue Leather Album W/Gold Crest on Cover; Album is 15" x 17" x 2". Recd: July 29, 1982. Est. Value: $1,000. Disp: Residence—Official Display.	Right Honorable Francis Pym, M.C., P.C., M.P., Secretary of State for Foreign and Commonwealth Affairs, England.	Do.
Do	Household: Clock, Carriage Clock, (New), Keywound, In Solid Brass Case W/ Beveled Glass Sides and Top; by Charles Frodsham, London; Key Included; 6¾" x 4" x 3¾"; Contained in Vinyl Covered Case. Recd: June 29, 1982. Est. Value: $1,400. Disp: Residence—Official Display.	Right Honorable Margaret Thatcher M.P., Prime Minister, England.	Do.
Do	Book: "The House of Parliament", Edited by M.H. Port, London 1976; Inscribed; Black Leather Bound and Goldstamped "R" on Spine. Recd: June 29, 1982. Est. Value: $425. Disp: Archives.	Right Honorable George Thomas M.P. The Speaker of the House of Commons, England.	Do.
Do	Plaque: Bronze, Depicting a Composite "History of the City of Paris; A Mezzo Relief of Various Historical Figures; by R. Delamarre, Paris, 1951; 7¾" x 5"; Contained in a Red and Blue box Bearing a Gold Stamped Crest on the Lid and a Presentation Plate Inside; Box is 11" x 8" x 2". Recd: July 13, 1982. Est. Value: $450. Disp: Archives.	The Honorable, Jacques Chirac, Mayor of Paris, France.	Do.
Do	Photographs: Album (Leather W/Goldtooled Covers and Spine) of Color and B&W Photographs Depicting Various Monuments and Personages (Primarily American) Who Have Visited Paris; Album is 12¾" x 9¾" x 1¾". Recd: Sept. 10, 1982. Est. Value: $500. Disp: Archives.	The Honorable, Jacques Chirac, Mayor of Paris, France.	Do.
Do	Stamps: Stamp Album, Containing an Assortment of New French Postal Stamps; Red Leather W/Gold Medallion Design Lettered "Republique Francaise; Liberte, Egalite, Fraternite" on Front Cover; Contained in Matching Slipcase; Album is 8½" x 7¾" x 1". Recd: June 28, 1982. Est. Value: $125. Disp: Archives.	His Excellency, Louis Mexandeau, Minister of Postes and Telecommunications, France.	Do.
Do	Plaque: Disc, Sterling Silver, Engraved "Offert Par Francois Mitterrand President De La Republique Francais—Chateau De Versailles 5 et 6 Juin 1982" Around Edge on One Side and an Engraved Design in Center on Reverse; by "Puiforcat" of Paris; 11¾" Diam.; Contained in a Blue Vinyl—Covered Box; Box is 14" x 14". Recd: June 28, 1982. Est. Value: $500. Disp: Archives.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Men's Accessories; Portfolio, Black Leather W/Seven Interior Compartments and Snap Closure, Envelope Style, by "Soco"; Made in France; 10" x 14" x ¾" (Closed). Recd: June 28, 1982. Est. Value: $200. Disp: Archives.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Photograph: Color of President Karl Carstens; Inscribed; in Silver (835) Frame W/German Eagle Emblem at Top; 13¾" x 11"; Enclosed in Blue Vinyl Covered Case; 16¾" x 14¾" x ¾". Recd: June 28, 1982. Est. Value: $350. Disp: Residence—Official Display.	His Excellency, Karl Carstens, Professor Doctor; President of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Beverage: Wine, 11 Bottles of "Wachenheimer Gerumpel Riesling Auslese, Rheinpfalz" 1976 Vintage; 0.7 Liters Each Bottle; and 24 Bottles of "Forster Kirchenstuck Riesling Auslese, Rheinpfalz", 1976 Vintage. Recd: Dec. 23, 1982. Est. Value: $392. Disp: Perishable.	His Excellency Helmut Kohl, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Miscellaneous: Eagles; 2, Live Bald Eagles: Two Months Old Named "Carol" and "Captain"; Included is a Presentation Plaque, Lettered in German, and Depicting the Presidential Seal, the German Seal, and the Two Baby Eagles W/Their Mother; Matted Under Glass in Wood Frame W/Crackled Design; 40" x 31½"; by Conrad Franz. Recd: June 28, Est. Value: Indeterminable. Disp: Archives (Plaque Only) National Zoological Park (Eagles).	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Desk Accessory: Letter Opener, W/Gold Blade and Silver Handle; German Eagle Design Engraved on Handle; by "M. Richarz, Bonn"; 8¾" Long. Recd: June 28, 1982. Est. Value: $259. Disp: Archives.	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Beverage: Wine, 3 Bottles of "Selected German Wine". Recd: June 28, 1982. Est. Value: $12. Disp: Perishable.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Photograph: Color, of President Reagan, Chancellor Helmut Schmidt, and the Other Attendees of the NATO Summit, Bonn, June 9–10 82; Signed by Chancellor Schmidt; Under Glass in Green Leather Frame; 8¾" x 11". Recd: June 28, 1982. Est. Value: $75. Disp: Residence Official Display.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Photographs: Album, Black Leather Depicting the German Eagle on Cover, Containing 41 Color and B & W Pictures of President and Mrs. Reagan, Chancellor and Mrs. Schmidt, President and Mrs. Carstens, et al.; on occasion of Visit to Germany, During Trip to Europe; Each Photo. is 7" x 9". Recd: July 7, 1982. Est. Value: $350. Disp: Residence, Official Display.	His Excellency Helmut Schmidt, Chancellor or the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Map: Original, "Amerika", Handcolored Copper Plate Engraving of the American Colonies by J. B. Homann, Nuremberg; Probably in the 1720's; Based on Hennepin's Voyage on the Mississippi in 1687; (Cartouche in Upper and Lower Corners; Matted Under Glass in Goldleaf Frame) 31½" x 28" Overall. Recd: Mar. 22, 1982. Est. Value: $800. Disp: Archives.	His Excellency Frank, Josef Strauss, Minister, President of Bavaria, Germany, Federal Republic of.	Do.
Do	Sculpture: Porcelain, White, of the Royal Bavarian Lion Holding a Blue White Shield; Mounted on Porcelain Base; by "Nymphenburg"; 14" High. Recd: Mar. 22, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency Franz, Josef Strauss, Minister, President of Bavaria, Germany, Federal Republic of.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Burgen und Schlosser" (Kunst and Kultur, In Rheinland—Pfalz), Photos. by Petra Cammitzer, Text by Werner Bornheim Gen. Schilling et al., Published by Ahrtal in 1981; Leatherbound. Recd: June 28, 1982. Est. Value: $250. Disp: Archives.	The Honorable Berhard Vogel, Minister President of the Rheinland, Pfalz, Germany, Federal Republic of.	Do.
Do	Picture: Sengraph on Paper; a College of Guatemala (#2); a Colorful Depiction of Groups of Guatemalans; Foundation of Cardboard W/Texture Engraved With a Knife and Finished With Varnishes; in Goldleaf Bordered Frame W/Burlap Liner; by David Ordonez; Labeled on Reverse; 53" x 41½". Recd: Dec. 10, 1982. Est. Value: $2,000. Disp: Archives.	H. E. Brig. Gen. Jose Efrain Rios Montt, President of the Republic of Guatemala, Guatemala.	Do.
Do	Stamps: Album of "The World Treasury of Gold Coins" (Official Postage Stamp Collection); a Philatelic Collection Portraying Rare and Historic Coins From Around the World, Struck on a 23 KT. Gold Surface; Contained in Red Album, Produced by Calhoun's Collectors Society, Minneapolis, Minnesota; 9" x 10½". Recd: Dec. 29, 1982. Est. Value: $300. Disp: Archives.	H. E. Dr. Inacio Semedo Jr., Ambassador of the Republic of Guinea, Bissau, Guinea, Bissau, Republic of.	Do.
Do	Medallion: Gold (Fine Gold, .999), Commemorating the Ratification of the Treaty of Peace Between Hondura and El Salvador, December 10, 1980; 1½" Diameter. Recd: July 16, 1982. Est. Value: $348. Disp: Archives.	H. E.; Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Photograph: Color of Dr. Roberto Suazo Cordova, President of Honduras; Inscribed; In Silver Frame W/Honduran Crest at top; 10½" x 8½". Recd: July 16, 1982. Est. Value: $125. Disp: Residence, Official Display.	H. E.; Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Painting: Primitive Village Scene, Oil on Canvas, by J. A. Velasquez; .982; Signed; in Gold and Beige Wood Frame W/Beige Linen Liner; 29" x 33". Recd: Dec. 10, 1982. Est. Value: $2,000. Disp: Archives.	H. E. Dr. Roberto Suazo Cordova, President of the Republic of Honduras, Honduras.	Do.
Do	Plaque: Seal of Honduras, Handcarved Wood W/Circular; 14½" Diam. Recd: Dec. 10, 1982. Est. Value: $150. Disp: Archives.	The Honorable Juan Fernando Lopez, Mayor of San Pedro Sula, Honduras.	Do.
Do	Misc: (2) Reproduction of a Certificate Nominating Julius H. Stahel Brigadier General of Volunteers of the U.S., Emblazoned at Top W/an American Eagle Motif Under "The President of the United States of America", and Signed (Repro.) by Edwin M. Stanton and Abraham Lincoln; Matted Under Glass in Silver-Colored Wood Frame; 22" x 27"; and 2 Silver Medallions Commemorating Bela Bartok and Return of St. Stephen's Crown 1½" Diam.; Enclosed in a Red Leather Box. Recd: June 12, 1982. Est. Value: $175. Disp: Archives.	His Excellency, Jozsef Marjai Deputy Chairman of the Council of Ministers, Hungary.	Do.
Do	Photograph: Color of President Vigdis Finnbogadottir, Signed; in Navy Blue Leather Frame; 14½ x 11½" Overall. Recd: Sept. 9, 1982. Est. Value: $110. Disp: Residence, Official Display.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Photograph: A Photocopy of the Pages in Flateyjarbok Describing the Discovery of America by Leif Eriksson, Entitled ". . .and Called It Wineland"; Matted Under Glass in Brown Wood Frame W/Engraved Silver-Colored Metal Plaque Bearing Descriptive Text; 35½" x 29½" Overall; (Photocopy is Approx. 20" x 26"). Recd: Sept. 8, 1982. Est. Value: $65. Disp: Archives.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Household: Carpet, Kashmir, Depicting a "Mughal" Hunting Scene (Composed of Men on Horses Pursuing Animals); Handknotted Fringe and Handwoven on Traditional Wooden Looms; Varicolored on Tan Background in Center W/Multicolored Patterned Border; 66" x 40". Recd: July 28, 1982. Est. Value: $1,500. Disp: Archives.	Her Excellency Indira Gandhi, Prime Minister of India, India.	Do.
Do	Men's Accessories: Sword, Ceremonial; Stainless Steel Blade W/Brass Plated Hardware and Black Simulated leather; Black and Gold-Colored Cloth Strap Included; Contained in Blue Fabric-Covered Display Box Bearing Metal Indonesian Crest on Outside and Inside of Hinged Lid W/Engraved presentation Plaque; Sword is 36⅛" Long; Box is 37⅞" Long. Recd: July 27, 1982. Est. Value: $135. Disp: Archives.	H. E. General Mohammad Jusuf, Minister of Defense and Security of Indonesia, Indonesia.	Do.
Do	Plaque: Wood Depicting A Brassstoned Sele of the Minister of Defense and Security of Indonesia W/Engraved Plate; 9⅛" x 7". Recd: July 27, 1982. Est. Value: Indeterminable. Disp: Archives.	H. E. General Mohammad Jusuf, Minister of Defense and Security of Indonesia, Indonesia.	Do.
Do	Books: Set of 3; "30 Years of Indonesian Independence;; Published by the State Secretariat, Republic of Indonesia; Vol. 1—1954–1949—Vol. 2—1950–1965; Vol. 3—1966–1973; in a Slipcase. Vol. 1 is Inscribed Recd: Oct. 15, 1982. Est. Value: $75. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Men's Clothing: Shirt, Black and White Batik, Floral Design, Long Sleeves, 2 Front Pockets, no Size Specified. Recd: Oct. 15, 1982. Est. Value: $34. Disp. Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Misc: Golden Dagger, "Kris", 23 KT Gold Plate on Wood With Rubies Sapphires and Hand Carved Ivory; Used by the Royal Family and Believed to Have Magical Powers; 15" Blade, 4⅛" Handle; 8" x 25" With Case; Presented in a Red Velvet Box With Gold-Toned Lettered, "Presented to the Honourable President of the United States of America by the President of the Republic of Indonesia" and Depicting the Crest. Recd: Oct. 15, 1982. Est. Value: $3,327. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Bowl: Crystal, by "Caven"; Filled W/Real Shamrocks; 12" x 12". Recd: Mar. 29, 1982. Est. Value: $125. Disp: Archives.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Map: Photographic Print of Ms. 1209/9 of Part of the Midlands of Ireland (C. 1565), Now in the Counties of Laois and of Offaly Showing the Area Near the Slieve Bloom Mountains Occupied by the Y Regan Branch of the Leign, or Leinstermen; by Courtesy of the Board of Trinity College, Dublin, 1982; Matted Under Glass in Birdseye Maple Frame; 26⅞" x 21" Overall. Recd: Mar. 29, 1982. Est. Value: $275. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Photograph: Color, of Prime Minister Haughey; Inscribed; Matted Under Glass in Gold-Colored Wood Frame; 14⅞" x 12⅞". Recd: Mar. 29, 1982. Est. Value: $50. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Misc: Shillelagh, 16" Long. Recd: Oct. 7, 1982. Est. Value: Indeterminable. Disp: Archives.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Sculpture: Brass Head of Giuseppe Garibaldi, Mounted on Silver Colored Metal Stand, Attached to Black Wood Base; by M. Moretto; No. 6 of 15; Head is 10" x 6⅞" x 5"; Stand is 19" x 11" x 7". Recd: July 8, 1982. Est. Value: $575. Disp: Archives.	The Honorable Bettino Craxi, Secretary Italian Socialist Party, Italy.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Painting: Depicting Two Famous Bronze Statues of Riache Standing by the Sea in the Moonlight; by Amintore Fanfani; Actual Statues Scheduled To Be Sent to Los Angeles in 1984 for Exhibit During the Olympic Games; Unframed, 23½" x 19½". Recd: Apr. 12, 1982. Est. Value: $200. Disp: Archives.	His Excellency Amintore Fanfani, President of the Senate of Italy, Italy.	Do.
Do	Sculpture: Architectural Frieze ("Campana Frieze"), A Terra Cotta, Bas Relief Portraying a Winged Victory, Resting on an Acanthus Bush, Done in the Classical Style; of Red Clay (Consisting of 7 Fragments, Repaired); Dates From The Age of Augustus; From the Gorga Collection; 17" x 17" x 1"; Contained in a Velvet-Covered Box; Box is 21¾" x 21¾" x 2". Recd: Mar. 30, 1982. Est. Value: $8,500.: Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Photograph: B & W, of President Alessandro Pertini; Inscribed; Under Glass in Sterling Silver Frame W/the Seal of the Italian Republic at Top; 11" x 13½" Overall. Recd: Mar. 30, 1982.. Est. Value: $125. Disp: Residence—Official Display.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Men's Accessories: Satchel Style, Black Leather Briefcase, "Executive Travel Case"; W/Zippered Interior Compartments; 18" x 14" x 4". Recd: July 7, 1982. Est. Value: $600. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Household: Cigarette Box, Malachite, Lined W/Onyx, W/Silver Engraving of the Palazzo Chigi on Lid; Contained in Green Simulated Leather Box. Recd: July 7, 1982. Est. Value: $400. Disp: Residence—Official Display.	His Excellency Giovanni Spadolini, President of the Council of Ministers of the Italian Republic, Italy.	Do.
Do	Figure: Medallion, Silver (.666) W/Gold Overlay, Depicting a Bas Relief of a Man Carrying the Italian Flag; Sculpted by Giacomo Manzu and Produced in 66 Copies to Commemorate the Italian Victory in the 1982 World Soccer Championship, W/The Original Technique of Fusion in Clay contained for the First Time W/Colored Enamels, as a Reminder of the Waving of the Flag; by Aem, Bologna; Enclosed in a Navy Blue Leather Case; Case is 7" x 7"; Medallion is 3⅞' Diam. Recd: Nov. 10, 1982. Est. Value: $200. Disp: Archives.	His Excellency Giovanni Spadolini, President of the Council of Ministers of the Italian Republic, Italy.	Do.
Do	Household: Table, "The Medallion Sheraton Sofa Table" a Reproduction of an Original, Solid Mahogany Table in the Sheraton Style, Crafted by Duncan Phyfe (1800—1825); W/a Single Double-Faced Drawer, Dropleaves and Bordered Marquetry; on Casters; Attached W/Brass Presentation Plaques; Crafted by Medallion Galleries, Ltd., Kingston, Jamaica; 54¾" x 22" x 29". 22" Wide x 29" High, (Open). Recd: Apr. 21, 1982. Est. Value: $600. Disp: Archives.	Right Honorable Edward P. G. Seaga, Prime Minister of Jamaica, Jamaica.	Do.
Do	Quotation: "The Commerce of the West India Islands is a Part of the American System of Commerce. . . . . ", by John Adams, and Depicting the Great Seal of the U.S. and the Seal of Jamaica Double Matted W/a Brass Engraved Presentation Plaque in Gold and Black Frame; 21⅜" x 17⅜" Overall. Recd: Apr. 21, 1982. Est. Value: $75. Disp: Archives.	Right Honorable Edward P. G. Seaga, Prime Minister of Jamaica, Jamaica.	Do.
Do	Household: Tea Service, 12 Piece Setting of Japanese China (New); Cobalt Blue W/Gold Trim and Swag Design and Floral Motif on White Background; by Otura China, Inc. Recd: Apr. 7, 1982. Est. Value: $275. Disp: Archives.	His Excellency Shintaro Abe, Minister of International Trade Industry, Japan.	Do.
Do	Sculpture: Horse (Stallion), Cast Metal Overlaid W/Silver, Gold Mane and Tail; Mounted on Marble Base W/Gold Royal Crown Crest; 11" x 10" x 5". Recd: Dec. 23, 1982. Est. Value: $3,000. Disp: Archives.	His Majesty Hussein I, King of the Hashemite Kingdom of Jordan, Jordan.	Do.
Do	Household: Incense Burner, White Jade (Nephrite), Produced in Kangwon Province, of a Dragon and Cloud Design W/the Lid Representing a Lotus; Mounted on Circular Wood Base W/Metal Presentation Plaque, Lettered "Presented to H. E. Ronald W. Reagan . . . on the Occasion of the Centennial of Korea-U.S. Relations by Chun Doo Hwan . . .", 6" High; Overall 7⅞" High. Recd: July 2, 1982. Est. Value: $350. Disp: Archives.	His Excellency Doo Hwan Chun, President of the Republic of Korea, Korea, Republic of.	Do.
Do	Historical Artifact: Containers or Vials, (2), of Multicolored Opaque Glass; One W/Handle, 6" H.; One Without Handle, 4" H., Created by Phoenicians Between 2nd and 4th Centuries; Contained in a Brown Mottled Chest W/ Engraved Presentation Plaque Inside Lid and Bearing Lebanese Cedar Tree Crest on Lid; W/Brass Lock and Key Box is 16" x 10⅜" x 8". Recd: Oct. 20, 1982. Est. Value $3,390. Disp: Archives.	His Excellency Amin Gemayel, President Republic of Lebanon, Lebanon.	Do.
Do	Household: Linens, Tablecloth, 11'4" x 6'6"; Napkins, 12, Each 17⅛" x 15½"; Doilies, 12, Circular W/Scalloped Edge, Each 5⅛" Diam.; All Batiste, White, W/Hemstitched Borders and Floral Motif; Handmade in Lebanon. Recd: May 10, 1982. Est. Value: $500. Disp: Archives.	His Excellency Joseph Skaff, Minister of Defense of Lebanon, Lebanon.	Do.
Do	Household: Basket, Silver, Woven Design, With a Square Bottom and Round Top 6" in Diam., in a Wooden Box With a Silver Presentation Plaque Lettered "Lic. Miguel de la Madrid Hurtado, Presidente De Los Estados Unidos Mexicanos, 8-Oct-82", 8⅛" x 8⅛" x 5⅛". Recd: Oct. 15, 1982. Est. Value: $225. Disp: Residence—Official Display.	His Excellency Miguel de la Madrid Hurtado, President-Elect of the United Mexican States, Mexico.	Do.
Do	Miscellaneous: Basket, Silver, Woven Design With a Square Bottom and Round Top 6" in Diam.; in a Wooden Box With a Silver Presentation Plaque Lettered "Lic. Miguel De La Madrid Hurtado, President De Los Estados Unidos Mexicanos, 8-Oct-82" 8⅛" x 8⅛" x 5⅛". Recd: Oct. 15, 1982. Est. Value: $225. Disp: Residence—Official Display.	His Excellency Miguel De La Madrid Hurtado, President-Elect of the United Mexican States, Mexico.	Do.
Do	Miscellaneous: Model of America's Space Shuttle "Columbia", Gold-Colored Metal; Opens to Reveal a "Seiko" Multi-Alarm Chronograph and Two "Chaumet" Quartz Watches; Displayed on a Black Base Bearing Royal Crest of King Hassan II and an Engraved Presentation Plaque lettered in English and Arabic; Created by "Chaumet" of Paris; Contained in a Red Leather Case; Model is 10⅞" x 6" x 9"; Case is 15" x 12⅞" x 9". Recd: June 24, 1982. Est. Value: Indeterminable. Disp: C Tyson's Office—Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Photograph: Color of President Reagan and King Hassan Embracing Cordially in the Diplomatic Reception Room; Inscribed; Under Glass in Goldleaf Oval Frame; 20" x 24". Recd: Sept. 1, 1982. Est. Value: $150. Disp: Residence—Official Display.	His Majest Hassan II, King of Morocco, Morocco.	Do.
Do	Athletic Equipment: Saddle, Chamois Colored Leather, Lettered "RR"; by "Brunet Pineau, Fontainbleau" Made in France, Brenet S.P. 2; Includes Bridle, Stirrups, etc.; Contained in Three Section Wooden Chest, Felt Lined and Covered; Combination Lock; 58⅞" x 19⅞" x 30". Recd: June 28, 1982. Est. Value: $2,000. Disp: Ranch—Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Historical Artifact: Sword or Sabre, Goldplated Cast Iron W/Horn Handle, In Metal and Leather-Covered Sheath; Made in Morocco at the Beginning of the 14th Century; 39¾" Long; Contained in a Suede-Covered Chest W/ Brass Fittings; Chest is 42" x 7" x 4". Recd: Oct. 22, 1982. Est. Value: $1,025. Disp: Archives.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Coins: 2; A 50 Gulden Gold Coin Marking the Bicentennial of Relations Between the Netherlands and the U.S., Enclosed in a Wood Box W/ Gold Crest on Lid; and, a 50 Gulden Silver Coin, issued by the Government of the Netherlands Antilles to Commemorate the Establishment of Diplomatic Relations Between the Kingdom of the Netherlands and the United States of America; Enclosed in a Suede Covered Box. Recd: Apr. 21, 1982. Est. Value: $150. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Picture: Lithograph, Original, "Royal Riding School at the Hague", 1838, Printed by the Van Lier Brothers; Matted under Glass in Dark Polished Wood Frame; Overall, 30⅝" x 26¾"; (Print is 23" x 18½"). Recd: Apr. 21, 1982. Est. Value: $425. Disp: Ranch, Official Display.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Household: Candlesticks, 2, Silver, Highly Decorated Openwork Design W/ Louis XVI Ornamentation of Festoons and Portrait Medallions of 12 Romen Emperors; Removable Drip Trays and Sections; Marked on Underside, "Leeuwarden, 1782, Pieter Meester, E, 1812-1813"; 11" High. Recd: Apr. 21, 1982. Est. Value: $1,200. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Award: Decoration, "Order of the Netherlands Lion"; A Gold and White Cross Attached to Blue and Gold Ribbon; and, A Gold and White Cross on a Pin Lettered "Virtus Nobili Tali"; Enclosed in a Blue Box W/Gold Crown Depicted; Box is 10½" x 5¾" x 2"; Included is a Certificate: (Award is a "Civil Order of Merit" Created in 1815 by Willem I); Award is Primarily for Netherlanders; Awarded Only in Special Rare Cases to Foreign Individuals. Recd: Apr. 21, 1982. Est Value: Indeterminable. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Picture: Portrait of President Reagan, Done in Lapis Lazuli W/Diamond Chips in Eyes and a Ruby Tie Clasp; Displayed in a Goldleaf Wood Frame W/ Beige Fabric Liner; Contained in a Blue Velvet Box; 30¾" x 24¾". Recd: Dec. 10, 1982. Est. Value: $10,245. Disp: Archives.	H. E. General Mohammed ZIA-UL-HAQ, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Household: Carpets, (2), Silk or Silk and Wool, of an Overall Geometric Floral Design W/Dark Blue Predominating in Center and Beige, Green etc. Throughout; White Fringed on Two Ends; 66" x 54"; Contained in Silk Bags. Recd: Dec. 10, 1982. Est. Value: $5,000. Disp: Archives.	H. E. General Mohammed ZIA-UL-HAQ, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Household: Box, Utility, Base W/Mother-of-Pearl Lid Depicting U.S. and Philippine Flags; Engraved Presentation Plaque Attached Inside; 18" x 10" x 3¾"; Enclosed in a Navy Blue Leather Chest; 21" x 13" x 4½". Recd: Sept. 21, 1982. Est. Value: $475. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: 2 Geese in Flight, Mother-of-Pearl; Mouted on Wood Base; 36" x 53" x 36"; and a Duck Figurine, Also of Mother-of-Pearl; 13" x 6" x 6". Recd: Sept. 21, 1982. Est. Value: $1,750. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Plaque: U.S. Presidential Seal , Made of Cebu Yellowstone, Blue and Red Coral, Mother-of-Pearl and Philippine Jade: Brass Rimmed; 4'2", Diam., 1" Thick. Recd: Sept. 21, 1982. Est. Value: $1,800. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: American Eagle, Mother-of-Pearl, Mounted on a Wood Base; 3' x 36" x 28"; Included is a Wooden Chest; 29½" x 29½" x 40". Recd: Sept. 21, 1982. Est. Value: $2500. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Chest, Antique, Black Wood W/Mother-of-Pearl Inlay Designs Overall; Presentation Plaque Attached; 32" x 17½" x 17". Recd: Sept. 21, 1982. Est. Value: $375. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Book: "The New Philippine Republic" (A Third World Approach to Democracy), by Ferdinand E. Marcos; Inscribed. Recd: Oct. 22, 1982. Est. Value: $25. Disp: Residence—Official Display.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Coffee Service, Demitasse, of Glazed China (Fleetwood), Consisting of a Coffee Pot, Creamer, Sugar Pot, Twelve (12) Dimitasse Cups and Saucers; Manufactured and Handpainted With Floral Design by Vista Alegre, Portugal. Recd: Dec. 17, 1982. Est. Value: $675. Disp: Archives.	His Excellency Francisco Pinto Balsemao, Prime Minister of Portugal, Portugal.	Do.
Do	Plaque: Set of 16 Bronze Plaques, Each Depicting, In Bas Relief, a Different Palace in Portugal; Crafted in 1979 and 1980; Each Plaque is Approx. 3" x 4"; Contained in a Compartmentalized Black Simulated Leather Box; Box is 20" x 14½" x 1". Recd: June 28, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Antonio Dos Santos Ramalho Eanes, President of the Republic of Portugal, Portugal.	Do.
Do	Desk Set: Ivory; Pen Holder and Two Pens; Hinged Box; Ashtray W/ Embedded Coin and Somalian Seal; and Letter Opener. Recd: Mar. 18, 1982. Est. Value: $240. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Stamps: Album Containing Sheets of New Somalian Stamps; Navy Blue W/ Somalian Seal on Cover; Contained in Lighter Blue Slipcase. Recd: Mar. 18, 1982. Est. Value: $50. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Photographs: Album, Containing Numerous B & W Somalian Life; Red W/ "Somali Democratic" and Seal on Cover. Recd: Mar. 18, 1982. Est. Value: $75. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Photograph: B & W of President Siad, Inscribed, Under Glass in Wood Frame; 8¾" x 10¾". Recd: Mar. 18, 1982. Est. Value: $15. Disp: Residence—Official Display.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Sculpture: Figure of a Bronze Spanish Mare in a Reclining Position No. 7 of 20 Ltd. Ed.; by Coello de Portugal; Displayed on Base W/Engraved Brass Presentation Plaque; 14½" x 8½" x 6". Recd: June 30, 1982. Est. Value: $1,500. Disp: W. Clarke, Office—Official Display.	His Majesty Juan Carlos 1, King of Spain, Spain.	Do.
Do	Plaque: Copper, Depicting Bas Mezzo Reliefs of King Sobhuza II, a Lion, and an Elephant W/Miniature Ivory Tusks; (Lion and Elephant Represent the King and Queen of Swaziland); Mounted in Polished Wood Frame; Handcrafted in Swaziland; 31½" x 19½". (Plaque Commemorates Diamond Jubilee of King Sobhuza's Reign; He's Now Deceased); Contained in Vinyl Covered Chest W/Carrying Handle and Locks; Included is a 1982 Gold (250) Commemorative Coin, Encased in Lucite and Contained in Red Box. Recd: Oct. 30, 1982. Est. Value: $250. Disp: Archives.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Photographs: Album of 25 Color Photographs of King Sobhuza II Greeting Queen Elizabeth II *et al*; Each Photo is 8" x 10"; Album is Simulated Leather and is 13½" x 12". Recd: Oct. 30, 1982. Est. Value: $200. Disp: Residence, Official Display.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland.	Do.
Do	Stamps: Album of 6 Commemorative Postage Stamps on the Diamond Jubilee of King Sobhuza's Reign; Red Leather Album W/Gold Stamping on Front Cover, etc. 9" x 9". Recd: Oct. 30, 1982. Est. Value: $150. Disp: Archives.	Her Majesty Dzeliwe Shongwe, Queen Regent of Swaziland, Swaziland.	Do.
Do	Household: Carpet, Wool, of a Symmetrical Geometric Design in Shades of Brown, Gray, Taupe, White, etc., on Camel Colored Background White Knotted Fringe; "Kairquan" by Onat, January 1980 (National Handcraft Institute); 117" x 78". Recd: May 10, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Mohamed Mzali, Prime Minister of Tunisia, Tunisia.	Do.
Do	Medallions: (3), Gold, Silver, and Bronze, Each Depicting a Likeness of Pope John Paul II and "Joannes Paulus II Pont. Max Anno III" Inscribed Around Edge; and a Likeness of two Human Figures and "Rebus Pacis Veritas" Inscribed Around Edge, on Edge, on Reverse; 1⅝" Diam; Enclosed in a White Leather Box Bearing the Papal Seal; Box is 6" x 5". Recd: Mar, 11, 1982. Est. Value: $1,200. Disp: Archives.	His Holiness, John Paul II, Vatican City	Do.
First Lady	Flowers: Large Arrangement of Red Roses, Rubum Lilies, White Lilacs, Gerber Daisies, Tulips, etc. In A Wicker Basket. Recd: Dec. 28, 1982. Est. Value: $250. Disp: Residence, Official Display.	H.E. and Mrs. Antonio F. Azeredo De Silveira Ambassador of Brazil.	Do.
Do	Household: Linens, Tablecloth, Lace, Ecru Color, of Intricately Crafted Pattern, From the Northeast State of Ceara; 70" x 120"; and 12 Plain Linen Napkins, each 15" Square. Recd: May 12, 1982. Est. Value: $5,000. Disp: Archives.	Mrs. Dulce Maria De Castro Figueiredo (Wife of the President of Brazil), Brazil.	Do.
Do	Figure: of a Stork, in Silver (800) W/Crystal Feathers; Mounted on Silver Base; No. 1493 of a Limited Edition; Crafted July 1981 for the Grupo Gallery; 12" H. Recd: Dec. 15, 1982. Est. Value: $1,200. Disp: Archives.	Mrs. Dulce Maria De Castro Figueiredo (Wife of the President of Brazil), Brazil.	Do.
Do	Flowers: An Arrangement of Juliana Lilies and White Butterfly Roses in a White Wicker Basket. Recd: May 12, 1982. Est. Value: $200. Disp: Residence, Official Display.	His Excellency Joao Baptista De Oliveira Figueiredo, President of the Federative, Republic of Brazil, Brazil.	Do.
Do	Flowers: An Arrangement of Glorioss Lilies and Orchids in a Glass Bowl. Recd: May 12, 1982. Est. Value: $150. Disp: Residence, Official Display.	His Excellency Ramiro Saraiva Guerreiro, Minister of Foreign Relations, Brazil.	Do.
Do	Figure: Sculpture, Brass, of a Seated Female Done in Modern Form; by Mario Agostinelli, Signed; Mounted on Black Base; 12" H. Recd: Dec. 10, 1982. Est. Value: $1,800. Disp: Archives.	Jose Maria Marin, Governor of Sao Paulo, Brazil.	Do.
Do	Jewlery: Necklace, Lap is Lazuli; Single 18" Strand of Beads W/18 Kt. Gold Beads and 18 Kt. Gold Clasp; Enclosed in Blue Velvet Box. Recd: Nov. 10, 1982. Est. Value: $700. Disp: Archives.	Mrs. Lucia Hiriart De Pinochet (Wife of the President of chile) Chile.	Do.
Do	Book: "Chile" (A Country and its People), Text by Jaime Valdes, Photos. By Jose Gutierrez, et al.; Spanish, English and French Text; Published by Editions Delroisse. Recd: Nov. 10, 1982. Est. Value: $40 Disp: Archives.	Mrs. Lucia Hiriart De Pinochet, (Wife of the President of Chile) Chile.	Do.
Do	Necklace: Replica of a Pre-Colombian Bead Necklace W/Goldplated Figure Attached, Entitled "Collar Coin Pasadores"; 24 kt. Goldplate; (The Original Emanates From 500 A.D. to 1400 A.D. and is in the Museo Del Oro); Displayed in Velveteen Covered Box Enclosed W/Certificate of Authentication. Recd: Dec. 10, 1982. Est. Value: $300. Disp: Archives.	Mrs. Rosa Elena Alvarez De Betancur (Wife of The President of Columbia), Columbia.	Do.
Do	Jewerly: Pendant, Eagle, Gold (18 kt.), Reproduction of a Pre-Columbian Artifact; 3" x 3¾". Recd: Dec. 10, 1982. Est. Value: $800. Disp: Archives.	Mrs. Doris Y. De Monge, (Wife fo the President of Costa Rica), Costa Rica.	Do.
Do	Household: Rug, Oval, W/Scalloped Edging and Openwork Design; Natural Color; 103" Diam. Recd: Apr. 16, 1982. Est. Value: $225. Disp: Archives.	Her Excellency Mary Eugenia Charles, Prime Minister of the Commonwealth, of Dominica, Dominica.	Do.
Do	Photograph: B & W of Princess Alexandra and Her Husband, Angus; Matted Under Glass in a Red Leather Frame; 9" x 12" Recd: Aug. 12, 1982. Est. Value: $75. Disp: Residence, Official Display.	Princess Alexandria, Her Royal Highness England.	Do.
Do	Household: Glasses, (2) Water Goblets, W/Airtwist Stems and a Royal Crown and Double "A" Etched; 6⅞" High; Contained in a Navy Blue Fitted Box; Box is 10¾" x 9½" x 4". Recd: May 10, 1982. Est. Value: $150. Disp: Archives.	Princess Alexandra, Her Royal Highness England.	Do.
Do	Miscellaneous: Music Box, Contained in an Enameled Box Depicting a Scene From Act II of "The Gondoliers", First Produced in 1889 by the D'oyly Carte Opera Company at the Savoy Theatre, London; Plays "Take a Pair of Sparkling Eyes" No.. 339 of Lim. ED. 1,000, by Halcyon Days Enamels; 2¾" x 1⅞" x 1⅜". Recd: June 29, 1982. Est. Value: $600. Disp: Archives.	Right Honorable Margaret Thatcher M.P, Prime Minister England.	Do.
Do	Household: Vase, Lead Crystal, in the Art Nouveau, Style, W/A "Nancy Reagan Rose" Depicted on Front and Engraved "The Town of Nancy to Nancy Reagan, First Lady of the United States, June 1982" by Daum of France; 13½" High x 7" Diam. Across Mouth x 6" Diam. Across Bottom; Enclosed in Light Gray Colored Chest. Recd: July 14, 1982. Est. Value: $750. Disp: Archives.	The Honorable Claude Coulais, Mayor of Nancy France.	Do.
Do	Household: Vase, Procelain, (New), Colbalt Blue W/Applied Gold Design; Artist's Proof; by J. Guiliet 1970; Manufacturing by "Sevres". Recd: June 28, 1982. Est. Value: $350. Disp: Archives.	His Excellency Francois Mitterrand, President of the French Republic France.	Do.
Do	Household: Vase, Urn Style, (New), Porcelain, White W/Multicolored Floral Designs and Two Animal Figured Handles; by "KPN"; 14 High x 8" Across Open Mouth. Recd: June 28, 1982. Est. Value: $1,700. Disp: Archives.	Mrs. Karl Carstens, Wife of The President of the Federal Republic of Germany Germany, Federal Republic of.	Do.
Do	Jewelry: Earrings, 1 Set of Original Art Deco, C. 1920, Drop Style for Pierced Ears; Platinum and Yellow Gold, 6 cm. Long, W/Polished Piece of Onyx Founded in Platinum, Framed in 28 Oriental Small Natural Pearls, Mounted and Centered W/12 Diamonds and One Onyx Cabouchon. Recd: Dec. 29, 1982. Est. Value: $850. Disp: Archives.	Mrs. Hannelore Kohl (Wife of the Chancellor of the Federal Republic of Germany), Germany Federal Republic of.	Do.
Do	Household: Dish, Porcelain (New), Leaf Design W/Floral Motif and Openwork Edge; No. 731; by "KPM"; 8¼" x 6½". Recd: June 28, 1982. Est. Value: $375. Disp: Archives.	His Excellency Helmut Schmidt, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Painting: Of a Man and Woman Praying at a Shrine in a Wooded Sitting; Oil on Canvas by F. Mucia P., Signed; in Dark Wood Ogee Frame; Presentation Plaque Attached; 49½" x 38". Recd: Dec. 10, 1982. Est. Value: $500. Disp: Archives.	Mrs. Maria Teresa de Rice Montt (Wife of the President of Guatemala), Guatemala.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Maya of Guatemala" (Life and Dress), By Carmen L. Petersen; Inscribed by Maria Teresa de Rios Montt; First Edition of 20,000 Copies Published by Ixchel Textile Museum. Recd: Dec. 10, 1982. Est. Value: $60. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Necklace: Silver, of Balls, Human and Animal Figures, and a Variety of Guatemalan Coins; Sandcast; 11" Long. Recd: Dec. 10, 1982. Est. Value: $250. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Women's Clothing: Costume, Native, Cotton W/Multicolored Stripes and Geometric Designs, Consisting of a Poncho, Two Serapes, a Cumberbund and a Plain Red Belt; Enclosed in a Blue Velvet Box. Recd: Dec. 10, 1982. Est. Value: $495. Disp: Archives.	Mrs. Maria Teresa de Rios Montt (Wife of the President of Guatemala), Guatemala.	Do.
Do	Fabric: Batik, Rewalk, In Brown, Black and Blue Screen Print; 48" x 228" (1¾" x 6⅝" Yds) in a Red Velvet Box. Recd: Oct. 15, 1982. Est. Value: $277. Disp: Archives.	His Excellency General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Clothing and Accessories; Evening Bag, 23K, 10 oz. Gold, Six Sided in Filigree, Floral Design, 23KT Gold Chain; Approx 4" Tall, and 4" in Diam.; Encased in a Red Velvet Box With Gold-Toned Plate Lettered "presented to Her Excellency Madame Ronald Reagan by Madame Tien Soeharto", and Depicting the Crest. Recd: Oct. 15, 1982. Est. Value: $4,027. Disp: Archives.	Madame Tien Soeharto, Wife of the President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Book: "The Land of Ireland", by Brian de Breffny, Photographs by George Mott. Recd: Mar. 29, 1982. Est. Value: $45. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Household: Linens, Table Mats, or Doilies. Irish Linen; Large, Medium and Small; 3 Sets of 6 Each; Circular, White, Hand-Embroidered. Recd: Mar. 29, 1982. Est. Value: $112. Disp: Residence—Official Display.	His Excellency Charles Haughey, Prime Minister of Ireland, Ireland.	Do.
Do	Household: Goblets, Pair of Sterling Silver Trumpet Style on Round Base With Gold Washed Interior; by Bulgari; 6½" High; Enclosed in Blue Leather, Covered Box. Recd: Nov. 18, 1982, Est. Value: $700, Disp: Archives.	Mrs. Mariapia Fanfani (Wife of the President of the Senate), Italy.	Do.
Do	Clothing Accessory: Evening Bag, by "Bulgari" W/NR Monogram; 6¾" Long. Recd: Oct. 21, 1981. Est. Value: $3,850. Disp: Archives.	Mrs. Mariapia Fanfani (Wife of the President of the Senate), Italy.	Do.
Do	Jewelry: Brooch, Diamond and Sapphire; Center Round Section Contains 8 Small Sapphires W/A Larger one in Center; 8 Small Round Diamonds in Center; The pea-Shaped Sapphire Pendant is Surrounded by Small Round Diamonds Attached to Main Brooch by a Small Round Sapphire; Stones Set in Yellow Gold and White Gold. Recd: Mar. 30, 1982. Est. Value: $600. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Jewelry: Wristwatch, 18 Kt. Gold W/Gold Mesh Band; Quartz; by "Omega" Recd: July 7, 1982. Est. Value: $3,800. Disp: Archives.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Book: "Il Palazzo Del Quirinale", Published by Editalia, With Intro. By Giovanni Spadolini, Recd: July 7, 1982. Est. Value: $70. Disp: Residence, Official Display.	His Excellency Alessandro Pertini, President of the Italian Republic, Italy.	Do.
Do	Women's Accessories: Shoulder Bag, Brown Suede W/Varying Brown Suede and Leather Stripes on Flap; Adjustable Strap and Brass hardware; by "Nazareno Gabrielli"; Made in Italy. Recd: Nov. 9, 1982. Est. Value: $375. Disp: Archives.	Mrs. Edward (Mitsy) Seaga, Wife of Prime Minister of Jamaica, Jamaica.	Do.
Do	Household: Spoons, 6, Sterling Silver, Each Designed W/A Different Motif; 4" Long; Enclosed in a Blond-Colored Wood Box W/an engraved Silver Plaque on Inside of Lid; Box is 7⅞" x 5⅛" x 1⅞". Recd: Apr. 21, 1982. Est. Value: $200. Disp: Archives.	Mrs. Edward (Mitsy) Seaga, Wife of Prime Minister of Jamaica, Jamaica.	Do.
Do	Figure: Doll, "Koo, Koo, or Actor, Boy"; A Male Figure Elaborately Dressed as a Female and Wearing an Actor's Mask; Displayed on a Wood Pedestal Labeled, "Actor, Boy, Hand Made in Jamaica"; Designed and Made by Paney Hassan for Beenybud & Friends; 25" high. Recd: Apr. 21, 1982. Est. Value: $35. Disp: Archives.	His Excellency, Shintaro Abe, Minister of International Trade and Industry of Japan, Japan.	Do.
Do	Jewelry: Pearl Choker W/14 Kt. Gold Bars; 13" Long and Bars 1". Recd: Jan 22, 1982. Est. Value: $2,200. Disp: Archives.	The Honorable Noboru Takeshita, Member House of Representatives, Japan.	Do.
Do	Ladies Clothing and Accessories: Scarf, Silk, Circular Yellow, Black and White Geometrical Designs on Black Background; 36" Sq. Recd: June 16, 1982. Est. Value: $10 Disp: Archives.	The Honorable Noboru Takeshita, Member House of Representatives, Japan.	Do.
Do	Household: Tray, Cloisonne, Floral Design; 9½" Sq. Recd: June 16, 1982. Est. Value: $200 Disp: Archives.	Her Majesty Noor Al Hussein, Queen, Jordan.	Do.
Do	Book: Bible, Holy Bible, Red Letter Edition, King James Version, W/Mother-of-Pearl Covers Lettered "Jerusalem"; Contained in a Mother-of-Pearl Covered Chest; Chest is 10⅞" x7⅞" x 3"; Box and Bible Contained Inside a Red Fabric Covered Box; Outer Box is 14" x 11" x 6". Recd: June 28, 1982. Est. Value: $1,000 Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Ladies Accessories: Pillbox, Oval, Sterling Silver, Depicting a Windmill Scene on Hinged Lid; 2⅞" x 2". Recd: Apr. 21, 1982. Est. Value: $200. Disp: Archives.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Award: Decoration, "Grand Cross of the Crown Order"; a White and Gold Cross Lettered "Je Mai—Tiendrai" and Attached to a Gold Ribbon W/Red, White Blue Stripe; and a Silver Pin Depicting a Gold and Blue Horn and Same Lettering; Enclosed in a Red Box W/Gold Horn on Lid: Box is 7⅞" x 5⅛"; included is a certificate. Recd: Apr. 21, 1982. Est. Value: Indeterminable. Disp: Archives.	His Excellency Mohammad Zia-Ul-Haq, President of the Islamic Republic of Pakistan, Pakistan.	Do.
Do	Women's Clothing: Dress, Silk, Floor Length, Turquoise, Lined, Spaghetti Straps, and Zipped Back; and a Sheer Silk Jacket, Aquamarine, W/ Sequined overall Design and Silver Embroidered Floral Motif, Scalloped Borders, Longsleeve; Machine-Made in Pakistan; Enclosed in Velvet Box W/Pakistan Seal on Lid; Box is 15½" x 12". Recd: Dec. 07, 1982. Est. Value: $550. Disp: Archives.	H. E. and Mrs. Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing: Dresses, (4) Evening; 1. Pink Tulle Beaded and Sequined Overall, Long-Sleeved; 2. White Satin W/Gold-Colored Sequined Top, Short Puffed Sleeves; 3. Black Chiffon W/Black Removable Jacket, Silver and Sequined; and, 4. Red Taffeta or Silk Sleeveless Gown W/Removable Jacket of Red and White Beads and Sequins: All Handmade in Manila by J. Moreno. Recd: Oct. 4, 1982. Est. Value: $1,895. Disp: Archives.		

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Household: Armchair, Mother-of-Pearl; W/White Upholstered Seat and Back; 37" x 19". Recd: Sept. 21, 1982. Est. Value: $875. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Table, Mother-of-Pearl Centers, Geometric Design; 42½" x 42½" x 16". Recd: Sept. 21, 1982. Est. Value: $1,200. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Mirror, Depicting a Flamingo in Shell Design Around The Edge; Circular; 41" Diam. Recd: Sept. 21, 1982. Est. Value: $950. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Linens, Tablecloth, Pina, Ecru Color, W/Hand Embroidery; and 12 Matching Napkins; Cloth is 74" x 126"; Each Napkins is 13" Sq.; Contained in Wood Chest W/Mother-of-Pearl Design on Lid; 19" x 14" x 3". Recd: Sept. 21, 1982. Est. Value: $273. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Linens, Bedspread, Pina, Monogrammed "R" in Center and 2 Pairs of Pillow Cases W/Embroidery; Spread is 116" x 120"; Each Pillow case is 30" x 20"; Included are 4 Satin Pillows, All Contained in a Wooden Chest W/Handles; 38" x 27" x 13½". Recd: Sept. 20, 1982. Est. Value: $545. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Evening Bag, Mother-of-Pearl, Designed as a Large Egg; Contained in a Wooden Box W/Inlay Design on Hinged Lid; Presentation Plaque Attached; 81½" x 61½" x 5". Recd: Sept. 21, 1982. Est. Value: $71. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Plaque: Mother-of-Pearl W/Silver and Gold Colored Trimming; Circular; 5½" Diam.; Included W/A Small Easel Inside a Wooden Box W/Inlaid Design; 9½" x 8" x 3½". Recd: Sept. 21, 1982. Est. Value: $58. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Ashtray, Mother-of-Pearl W/Dolphin Figurine Attached; 5" Diam; Contained in a Wood Box 10" x 8" x 4". Recd: Sept. 21, 1982. Est. Value: $47. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Desk Accessory: (2), Stationery Folders, Covered in Ecru Pina W/Embroidered Designs, Interior Compartments; 8½" x 11". Recd: Sept. 21, 1982. Est. Value: $32. Disp: Archives.	His Excellency Ferdinand E. Marcos, President'd of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Clutch Bag, Ecru Pina W/Embroidered Designs. Recd: Sept. 21 1982. Est. Value: $40. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Fan, Handheld, Ecru Pina W/Embroidery. Recd: Sept. 21, 1982. Est. Value: $19. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories: Bag, Buntal or Clutch; Ecru Straw W/ Snail Shell Motif Attached; 9" x 7". Recd: Sept. 21, 1982. Est. Value: $21. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Women's Clothing and Accessories; Scarves, (2), One Predominately, Black and the Other White; Both W/Varicolored Floral Designs Embroidered; 56" x 56" & 55" x 56" Respectively. Recd: Oct. 4, 1982. Est. Value: $170. Disp: Archives.	H. E. and Mrs. Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Linens, Bed Blanket Cover, Ecru Pina; Approx 120" x 114"; Included are Two Pillow Shams; Contained in Wood Chest W/Mother-of-Pearl Design; Box is 19" x 14" x 3". Recd: Sept. 20, 1982. Est. Value: $315. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Flowers: Roses, 2 Doz. Pale Pink, Long Stemmed in a Glass Vase. Recd: Sept. 20, 1982. Est. Value: $100. Disp: Residence—Official Display.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Jewelry: Ivory, Necklace, Bracelet, Earrings, and Ring; and a Gold Star Pin. Recd: Mar. 16, 1982. Est. Value: $475. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Fabric: Heavy Cotton—Linen Type; Blue and Gold Stripe on Green Background W/Fuchsia Colored Borders; 7 yds Long x 23" Wide. Recd: Mar. 16, 1982. Est. Value: $80. Disp: Archives.	His Excellency Mohamed Siad (Barre), Major General; President of the Somali Democratic Republic, Somalia.	Do.
Do	Linens: Table Linens, 12 Placemats, 12" x 15; 12 Napkins, 14½" x 15"; 12 Coasters, 4" x 4"; and, 1 Table Scarf, 27" x 13"; All Beige Linen W/Gold Foil Borders; of 18 kt. Gold. Recd: May 10, 1982. Est. Value: $4004. Disp: Archives.	His Excellency, Mohamed Mzali, Prime Minister of Tunisia, Tunisia.	Do.
President and First Lady	Sculpture: Wood, Mahogany, Entitled "Family Tree", by Courtney Devonish; Mounted on Wood Base W/Silver Presentation Plaque; 31" x 25". Recd: Apr. 20, 1982. Est. Value: $500. Disp: Archives.	His Excellency Deighton Harcourt Lisle Ward, CCMG Sir; Governor General of Barbados, Barbados.	Do.
Do	Picture: 3—Dimensional Floral Display Made of Various Colored Shells; by "Saphire" 1982; Mounted in a Gold-Painted Oval Wood Frame W/Engraved Presentation Plaque on Reverse; 24" Diam.; Enclosed in a Wood Box Containing Separate Engraved Plaque; Box is 26" x 22" x 5" Recd: Apr. 20, 1982. Est. Value: $75. Disp: Archives.	His Excellency Deighton Harcourt Lisle Ward, CCMG Sir; Governor General of Barbados, Barbados.	Do.
Do	Household: Vase, Urn Vase, Jasper (Pale Blue and White), #2547; on Base W/Removable Lid; by Wedgwood; 12" High. Recd: June 28, 1982. Est. Value: $2,400. Disp: Archives.	Royal Highnesses Charles & Diana, The Prince and Princess of Wales, England.	Do.
Do	Photograph: Color of Prince Charles and Lady Diana in a Casual Pose Aboard Ship; Signed "Charles 1982 Diana"; in Sterling Silver Frame W/Engraved Prince of Wales Crest at Top; 10" x 14½" overall. Recd: June 28, 1982. Est. Value: $500. Disp: Residence, Official Display.	Royal Highnesses, Charles & Diana, The Prince and Princess of Wales, England.	Do.
Do	Tableware: Dishes, 3; an Exceedingly Rare Set of Dr. Wall Worcester Dessert Dishes; Two Kidney Shaped and one Oval, Decorated in Turquoise Blue, Lilac, Royal Blue and Gilding W/A Bouquet of Flowers Inside a Gilt Wreath W/Floral Panels and Pendent Swags; Made About 1770–1775; (Believed Only one Service of this Pattern Was Produced); Unmarked; Two are 10¼" x 7½" and one is 10¼" x 8¾"; Contained in a Double Hinged Box; Box is 24" x 19" x 4¾". Recd: June 28, 1982. Est. Value: $9,000. Disp: Residence: Official Display.	Her Majesty, Elizabeth II, Queen of England, England.	Do.
Do	Photograph: Color, of the Duke of Edinburgh in Formal Attire; Signed "Philip 1982"; Under Glass in Sterling Silver Frame W/Royal Crest Engraved at Top; 10" x 14½" Overall. Recd: June 28, 1982. Est. Value: $400. Disp: Residence, Official Display.	Royal Highness Philip, The Prince; Duke of Edinburgh, England.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Book: "Versailles" (Aux Quatre Saisons), Photographs by Jacques Dubois; by "Hachette" 1981; Page Personalized to President Reagan. Recd: June 28, 1982. Est. Value: $125. Disp: Residence, Official Display.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Figure: 2; Porcelain Figurines (New); One Entitled "Rider at Trot" From the Collection "The Great Nymphenburg Hunt", Originally Created About 1750; 9" x 9" x 3½"; (For the President); and a Porcelain Figurine Entitled "Winter", From the Series "The Seasons", Originally Created by Elias Meyer Between 1761 and 1763; 6" x 5" x 4"; (For Mrs. Reagan); Manufactured by Nymphenburg Porcelain. Recd: Nov. 15, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency, Helmut Kohl, Chancellor of the Federal Republic of Germany, Germany, Federal Republic of.	Do.
Do	Jewelry: Plaque; (For the Pres.); and, Stick Pin; (for Mrs. Reagan); Both Sterling Silver W/Modernistic Design on Blue Background; (Plaque is Lettered "Scandinavia Today" on Reverse); By George Jensen; Contained in Navy Blue Leather Boxes. Recd: Sept. 15, 1982. Est. Value: $275. Disp: Archives.	Her Excellency Vigdis Finnbogadottir, President of the Republic of Iceland, Iceland.	Do.
Do	Photograph: Color, of President and Madam Soeharto, in a Solid Hand, Crafted Silver Frame, Depicting the Crest at the Top, With Wood Backing; Signed by Both President and Madame Soeharto, Dated 11-10-1982; in a Red Velvet Box; 9½" x 14". Recd: Oct. 15, 1982. Est. Value: $250. Disp: Residence, Official Display.	His Excellency, General Soeharto, President of the Republic of Indonesia, Indonesia, Republic of.	Do.
Do	Household: Crystal, "Waterford" Slipper 10½" x 5" x 3", Boot 8½" x 7" x 3". Recd: Apr. 10, 1981. Est. Value: $3,200. Disp: Archives.	Right Honorable Fergus O'Brien, the Lord Mayor of Dublin, Ireland.	Do.
Do	Postcard: Italian Sterling Silver by "Bulgari". Recd: Oct. 21, 1981. Est. Value: $500. Disp: Residence, Official Display.	Mrs. Mariapia Fanfani, Wife of Amintore Fanfani; President of the Senate of Italy, Italy.	Do.
Do	Figure: Crystal Obelisk, Engraved w/the Crest of Jamaica and Lettered "To Ronald and Nancy Reagan From Edward and Mitsy Seaga, Jamaica, April 7, 1982"; by "Baccarat" of France; 15¾" high. Recd: April. 21, 1982. Est. Value: $650. Disp: Archives.	The Honorable Edward P. G. Seaga, M.P., Prime Minister of Jamaica, Jamaica.	Do.
Do	Photograph: Color, of Her Majesty Queen Beatrix and Prince Claus; Inscribed; Under Glass in Green Leather Frame w/Gold Crown Depicted at Top; 9½" x 11½". Recd: Apr. 21, 1982. Est. Value: $100. Disp: Residence, Official Display.	Her Majesty Beatrix, Queen of the Netherlands, Netherlands.	Do.
Do	Photograph: Color of their Royal Highnesses, Princess of Norway; Autographed; Under Glass w/Gold embossed Crest at top; 9" x 13" Overall. Recd: Sept. 10, 1982. Est. Value: $200. Disp: Residence, Official Display.	Royal Highnesses Harold & Sonja, The Crown Prince and Princess for Norway, Norway.	Do.
Do	Painting: Oil on Canvas Depicting 2 Young Women Dressed in the National Costumes of Panama; by Al Sprague, Signed; Oatmeal Fabric Liner, Gold Toned Wood Frame; 31" x 37"; Entitled "Polleras"; with a Small Brass Plate Attached, Lettered "Exmo Senor Ronald Reagan—Presidente de Los Estados Unidos de Norteamerica-Con Los Alentos Saludos del Pueblo y el Gobierno Panameno-Ricardo del la Espriella T.—Predisente de la Republica-Octubre de 1982". Recd: Oct. 14, 1982. Est. Value: $500. Disp: Archives.	His Excellency Ricardo de la Espreilla, President of the Republic of Panama, Panama, Republic of.	Do.
Do	Household: Chair, Vibrating, Electric, Gray-Beige Color, by, "National" w/Side Controls; Made in Japan; also an Electric Vibrating Stool. Recd: Apr. 21, 1982. Est. Value: $476. Disp: Residence—Official Use.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Household: Side Table, Fossilized, Circular Pedestal Style W/Swirled Inlaid Design on Top; 24¾" Diam. and 22" High. Recd: Sept. 21, 1982. Est. Value: $600. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Figure: Tree, Mother-of-Pearl; 6 ft. High and Weighs 270 lbs. Recd: Sept. 21, 1982. Est. Value: $2,500. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Desk Set and Accessories: Letter Holder; 5" x 3" x 1"; Memo Holder: 6" x 5¾"; Tissue Box; 10" x 5" x 2½"; Cigar Box: 6" x 5" x 3"; Card Holder; 5" x 3" x 2"; Desk Pad (Blotter Pad); 22" x 15"; Jewelry Box; 10" x 5" x 2"; and A Photograph Frame; 10" x 12"; All Made of Mother-of-Pearl. Recd: Sept. 21, 1982. Est. Value: $135. Disp: Archives.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Food: Fruit, "Rambutan", 12 Boxes. Recd: Sept. 21, 1982. Est. Value: $180. Disp: Perishable.	His Excellency Ferdinand E. Marcos, President of the Republic of the Philippines, Philippines.	Do.
Do	Flowers: Ornament, a Christmas Reindeer, Made of Spanish Moss Over a Mesh Frame W/Metal Antlers and Decorated W/Holly, Pine, Wicker Bells, and a Large Red Rosette; 45" x 55" x 12". Recd: Dec. 23, 1982. Est. Value: $500. Disp: Residence—Official Display.	H. E. and Mrs. A. B. Al-Ameri, Ambassador of the State of Qatar, Qatar.	Do.
Do	Coin: Gold, 1967, Commemorating King Saud Bin Abdul Aziz Al Saud; 1½" Diam; Contained in Black Silk—Covered Box; (Marked "Bulgari"). Recd: Apr. 15, 1982. Est. Value: $330. Disp: Archives.	His Royal Highness Abdullah Bin Saud Bin Abdu Aziz, Prince, Saudi Arabia.	Do.
Do	Consumables: Caviar, 4 Jars (2 Lg. and 2 sm.); and, Vodka, 3 Bottles. Recd: Dec. 21, 1982. Est. Value: $293. Disp: Perishable.	H. E. and Mrs. Anatolly F. Dobrynin, Ambassador E. and P., Union of Soviet Socialist Republics.	Do.
Do	Book: "Western European Painting in the Hermitage", by Aurora Art Publishers, Leningrad; 1978. Recd: Dec. 21, 1982. Est. Value: $40. Disp: Residence—Official Display.	H. E. and Mrs. Anatolly F. Dobrynin, Ambassador E. and P., Union of Soviet Socialist Republics.	Do.
Do	Linens. Recd: Apr. 10, 1981. Est. Value: Indeterminable. Disp: Residence—Official Display.	Right Honorable John Carson, the Lord Mayor of Belfast, United Kingdom.	Do.
Do	Photograph: Color of His Holiness John Paul II; Autographed; in Silver Picture Frame Bearing Papal Relief Crest; Overall 12" x 9½". Recd: July 8, 1982. Est. Value: $175. Disp: Residence—Official Display.	His Holiness John Paul II, Vatican City	Do.
Do	Sculpture: Ivory Statue of a Madonna, Carved From a Tusk Mounted on Black Marble Base Bearing the Papal Crest; 24¾" high x 2" x 3"; Base is 6" x 5". Recd: July 8, 1982. Est. Value: $425. Disp: Residence—Official Display.	His Holiness John Paul II, Vatican City	Do.
James A. Baker III, Chief of Staff and Assistant to the President.	Books: (2) "El Arte Del Templo Mayor" ("Art in the Great Temple"); and "La Ciudad De Mexico", Leather Bound, One of Ltd. Ed. of 5000. Recd: Sept. 22, 1982. Est. Value: $585. Dist: GSA.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Men's Accessories: Portfolio, Black Leather, Envelope Style W/ Snap Closure and 7 Interior Compartments; by "Soco"; Made in France; 10" x 14" x ¾" (Closed); Gold Embossed Lettering in Lower Right Corner): Recd: June 21, 1982; Est. Value: $200. Disp: Presidential Staff, Official Use.	His Excellency Francois Mitterrand, President of the French Republic, France.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Recipient	All gifts received from foreign officials over minimum dollars description, date accepted, value, and disposition	Donor identity and government	Jan. 1 thru Dec. 31, 1982, circumstances justifying acceptance
Do	Household: Carpet, Wool or Predominately Wool, Shades of Blue and Beige in Bordered Designs and a Hexagonal Center with Red Predominating; White Cotton Knotted Fringe on Two Sides; 91" x 70". Recd: June 24, 1982. Est. Value: $1,500. Disp: for Official Display, 208 OEOB.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Multicolored Floral Design on Navy Blue Background; White Fringed on Two Ends; 62" x 37½". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff, [redacted].	His Excellency Mohammad Zia-Ul-Haq, General; President of the Islamic, Republic of Pakistan, Pakistan.	Do.
Michel Brandon, Social Secretary to the First Lady.	Ladies Accessories: Bag, Navy Blue Leather, by "Gucci" (No. 33-01-4092). Recd: May 4, 1982. Est. Value: $150. Disp: GSA.	His Excellency, Sandro Pertini, President of the Italian Republic, Italy.	Do.
William P. Clark, Assistant to President for National Security Affairs.	Figure: Elephant, of Rosewood Invalid W/Bone; Handcarved; 18" x 14" x 9". Recd: Aug. 05, 1982. Est. Value: $175.	Her Excellency Indira Gandhi, Prime Minister of India, India.	Do.
Do	Misc.: Humidor, Shellacked Wood W/Colored Wood Borders and Depicting an Outline of Jamaica on Hinged Lid; (Key Included); Chest is 12" x 9½" x 5"; Containing Cigars Recd: May 21, 1982. Est. Value: $157. Disp: Presidential Staff, Official Display (Humidor Only).	The Honorable, Edward P. C. Seaga, M.P., Prime Minister of Jamaica, Jamaica.	Do.
Do	Household: Vase, Japanese Hinode Cloisonne, Recd: Oct. 15, 1982. Est. Value: $350. Disp: Presidential Staff, Official Display.	His Excellency, Soichird Ito, Minister of State for Defense, Japan.	Do.
Do	Linens: Tablecloth, 118" x 70"; Napkins, 12, Each 15½" x 19½ and Doilies, 12 Each 6½" Sq.; All Batiste, Pale Pink, With Hemstitched Borders and Floral Motif; Handmade in Lebanon. Recd: May 04, 1982. Est. Value: $500. Disp: [redacted].	His Excellency Joseph Skaff, Minister of Defense of Lebanon, Lebanon.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of Blue, Red and Beige Colors, "Moderne" Design; W/Braided White Fringe; Approx. 6 FT x 9 FT. (#U/16385). Recd: June 24, 1982. Est. Value: $1500. Disp: For Official Display, 208 OEOB.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, or an Overall Multicolored Floral Design, White Fringed on Two Ends; 62" x 37½". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff, Official Display.	His Excellency Mohammad Zia-Ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Richard G. Darman, Assistant to President and Deputy to the Chief of Staff.	Clothing and Accessories: Portfolio, Black Leather, Envelope Style W/Snap Closure and 7 Interior Compartments, by "Soco"; Made in France; 10" C 14" x ½" (Closed). Recd: July 6, 1982. Est. Value: $200. Disp: GSA.	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Michael K. Deaver, Deputy Chief of Staff and Assistant to the President.	Books, 2: "La Ciudad De Mexico 1325/1982-Vol 1, by Fernando Benitez Leather Bound, One of 5000 Lim. Ed. Copies; and "El Arte Del Temple Mayor (the Art in the Great Temple) Mexico-Tenochtitlan. Recd: Sept. 22, 1982. Est. Value: $500. Disp: GSA.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Figure: Brass, Sculpture of a Prancing Horse, by Mario Agostinelli, Signed; Mounted on Black Base; 15" x 14" x 4"; and Enclosed in a Brown Velvet Bag. Recd: Dec. 09, 1982. Est. Value: $3,500. Disp: GSA.	His Excellency Italo Miguel Alexandre Mastrogiovanni, Minister-Head of the Protocol, Brazil.	Do.
Do	Briefcase: Black Leather W/ 7 Interior Compartments; Made by "Soco" in France; 13½" x 10" x ½". Recd: July 1, 1982. Est. Value: $200. Disp: [redacted].	His Excellency, Francois Mitterrand, President of the French Republic, France.	Do.
Do	Photograph: In a Silver Frame Bearing the Royal Jordanian Crest; by "Dayhle" of Germany; 8½" 11". Recd: Feb. 1, 1982 Est. Value: $1,000. Disp: Presidential Staff, Official Display.	His Majesty Husse in I of the Hashemite Kingdom, of Jordan, Jordan.	Do.
Do	Carpet; "Moderne" Design; State Blue W/ Darker Blue and Beige Geometric Designs; White Cotton Knotted Fringe on Two Ends; 82" x 70". Recd: June 24, 1982. Est. Value: $1,500. Disp: GSA.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Muticolored Floral Design, White Fringen on Two Ends; 62" x 37½". Recd: Dec, 29, 1982. Estr. Value: $500. Disp: Presidential Staff—Official Display.	His Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
David R. Gergen, Assistant to President for Communications.	Household: Carpet, Wool or Predominately Wool, of an Overall Multicolored Floral Design, White Fringed on Two Ends; 62" x 37½". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff—Official Display.	This Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Edwin Meese III, Counsellor to President.	Books: (2) "La Ciudad de Mexico" and "El Arte del Templo Mayor" Both on the History of Mexico City. Recd: Oct. 06, 1982. Est. Value: $585. Disp: [redacted].	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Household: Carpet, Wool or Predominately Wool, Multicolored Borders W/ Center Medallion on Red Background; Knotted Fringe on 2 Sides; 91" x 66". Recd: June 24, 1982. Est. Value: $1,500. Disp: for Official Display, 208 [redacted].	His Majesty Hassan II, King of Moroco, Morocco.	Do.
Do	Household: Carpet, Wool or Predominately Wool, of an Overall Multicolored Floral Design, White Fringed on Two Ends; 62" x 37½". Recd: Dec. 29, 1982. Est. Value: $500. Disp: Presidential Staff—Official Display.	His Excellency Mohammad Zia-ul-Haq, General; President of the Islamic Republic of Pakistan, Pakistan.	Do.
Henry Nau, Planning/International Economics National Security Council.	Book: "Antwerp the Golden Age", by Leon Voet. Recd: Dec. 21, 1982. Est. Value: $250. Disp: Presidential Staff—Official Display.	Mr. Marcel Demoudt, Economic Minister, Belgian Embassy.	Do.
Gaston J. Sigur, NSC Director of East Asian Affairs.	Household: Vase, Glazed Ceramic (New) of a Pale Grayish Blue Color W/ an Openwork Basketweave Outer Shell Design and Inner Solid Container, Made as One Piece; 11" High, 5¾" Diam. Across Open Mouth, 12" Diam. Across Center; Crafted in Korea, Signed on Bottom. Recd: Dec. 15, 1982. Est. Value: $300. Disp: Presidential Staff, Official Display.	Shinyong Lho, Director, Agency for National Security Planning, Korea.	Do.
Charles Tyson, Deputy Assistant to President for National Security.	Books: (2), "La Ciudad De Mexico" (1325/1982), by Fernando Benitez; Spanish Text; Leatherbound W/ Embossed Emblem on Cover and Gold-stamped Title-on Cover and Spine. One of 5000 Lim. Ed. Copies; and "The Art in the Great Temple" (Mexico-Tenochititlan) Text by Ruben Bonifax Nuno, Photography by Fernando Robles. Recd: Oct. 29, 1982. Est. Value: $585. Disp: Presidential Staff, Official Display.	His Excellency Bernardo Sepulveda, Ambassador of Mexico.	Do.
Do	Household: Samovar, Silver, Elaborately Decorated, on 4-Footed Pedestal; 35" High x 14" Wide x 16" Deep. Recd: July 22, 1982, Est. Value: $500. Disp: GSA.	His Majesty Hassan II, King of Morocco, Morocco.	Do.
Helene Von: Damm, Assistant to President for Presidential Personnel.	Household: Carpet, Wool or Predominately Wool; Predominately Red; Knotted Fringe on 2 Sides; Approx 91' x 66". Recd: July 27, 1982. Est. Value. $1,500. Disp: Presidential Staff, Official Display.	His Majesty Hassan II, King of Morocco, Morocco.	Do.

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
	Agency: Office of the Vice President		
George Bush	Twelve piece Japanese Okura china tea service. Recd Apr. 1982. Est. Value—$275. In use at Vice President's residence.	Abe Shintaro, Minister of International Trade, Japan.	Non-acceptance would have caused embarrassment to the donor.
Do	Ceramic statue of camel. Recd May 1982. Est. Value—$450. On display in Vice President's residence.	People's Republic of China	Do.
Barbara Bush	Silver framed mirror with handle. Recd Apr. 28, 1982. Est. Value—$150. Stored in OVP safe.	Queen Beatrix, Netherlands	Do.
George Bush	Gold Coin commemorating peace between Honduras and El Salvador. Recd July 15, 1982. Est. Value—$400. On display in VP White House office.	Roberto Cordova, President, Honduras	Do.
Do	Metal sculpture of stork with quartz wings. Recd May 1982. Est. Value—$450. Stored in OVP safe.	Dulce Maria de Castro Figueiredo, President, Brazil	Do.
Do	Steel box inlaid with silver. Recd Aug. 3, 1982. Est. Value—$150. On display in Vice President's residence.	Indira Ghandi, Prime Minister, India	Do.
Do	Red Moroccan rug. Recd June 26, 1982. Est. Value—$1,500. In use at Vice President's residence.	King Hassan II, Morocco	Do.
Do	Two silver urns. Recd May 1982. Est. Value—$3,000. On display at Vice President's residence.	Emperor Hirohito, Japan	Do.
Do	Bone china goldfinch (broken). Recd May 1982. Est. Value—$580. Stored in OVP safe.	Robert Muldoon, Prime Minister, New Zealand.	Do.
Do	Pearl cufflinks. Recd May 1982. Est. Value—$180. Stored in OVP safe	Yoshio Sakurauchi, Foreign Minister, Japan.	Do.
Do	Brass statue playing musical instrument. Recd Nov. 22, 1982. Est. Value—$150. Stored in OVP office.	Mobutu Sese Seko, President, Zaire	Do.
Barbara Bush	Pearl brooch. Recd Apr. 28, 1982. Est. Value—$300. Stored in OVP safe	Mrs. Zenko Suzuki, First Lady of Japan	Do.
Do	Alligator handbag. Recd Nov. 11, 1982. Est. Value—$300. Stored in OVP office.	Habib Thiam, Prime Minister, Senegal	Do.
George Bush	Chinese pastel painting. Recd Apr. 25, 1982. Est. Value—$300. On display at Vice President's residence.	Lee Kuan Yew, Prime Minister, Singapore	Do.
Do	Wool handwoven rug. Recd Dec. 6, 1982. Est. Value—$2,500. In use at Vice President's residence.	Zia-ul Haq, President, Pakistan	Do.
Do	Lladro figurine. Recd Apr. 1982. Est. Value—$395. Stored in OVP safe	Mr. Jose and Mr. Vincente Juan, Private Citizens, Spain.	Do.
Do	Jade cuff links. Recd May 19, 1982. Est. Value—$195. Stored in OVP safe	Nae Hiuk Jung, Speaker of National Assembly, Korea.	Do.
Barbara Bush	Gold and jade bracelet. Recd Apr. 28, 1982. Est. Value—$185. Stored in OVP safe.	do	Do.
George Bush	Carved wooden bow with quiver of arrows. Recd Apr. 29, 1982. Est. Value—$250. Stored in OVP safe.	do	Do.
Do	Commemorative stamp album. Recd May 17, 1982. Est. Value—$235. Stored in OVP safe.	Jozsef Marjai, Deputy Chairman, Council of Ministers, Hungary.	Do.
Do	12 matted, framed prints of Australian animals. Recd May 1, 1982. Est. Value—$1,800. On display at Vice President's residence.	Sir James McNeill, Private Citizen, Australia.	Do.
Do	Two inlaid Mother of Pearl chests, black and red. Recd Apr. 28, 1982. Est. Value—black chest—$135; red chest—$125. Black—White House office. Red—In use at residence.	Mr. and Mrs. Yoo Chang Soon, Prime Minister, Korea.	Do.
Barbara Bush	Three cotton batik bedspreads. Recd October 1982. Est. Value—brown—$307; green—$416; blue—$286. Stored in OVP safe.	President Soeharto, Indonesia	Do.
Do	Red cotton batik bedspread. Recd October 1982. Est. Value—$370. In use at Vice President's residence.	do	Do.
George Bush	Three foot by eight foot wooden wall plaque—alto-relievo frieze. Recd October 1982. Est. Value—$950. Stored in OVP office.	do	Do.
Barbara Bush	Piece of orange and black silk. Recd October 1982. Est. Value—$275. Stored in OVP office.	do	Do.
Do	Silver tea set. Recd October 1982. Est. Value—$952. In use at the Vice President's residence.	do	Do.
George Bush	Copper end table with relief of water buffalo. Recd November 1982. Est. Value—$175. Stored in OVP office.	Robert Mugabe, Prime Minister, Zimbabwe.	Do.
George Bush, Barbara Bush	Silver plated goblet service with tray and ice bucket. Recd November 1982. Est. Value—$155. Stored in OVP office.	Humphrey Mulemba, U.N.E.P., Secretary General, Zambia.	Do.
George Bush	Brass gong mounted between two ivory tusks. Recd November 1982. Est. Value—$1500. On display in Vice President's EOB office.	Elijah W. Mwangale, Minister of Tourism and Wildlife, Kenya.	Do.
Do	Ivory carving of woman on wood base, 6". Recd November 1982. Est. Value—$160. Stored in OVP office.	Abdou Diouf, President, Senegal	Do.
Do	Carved ivory tusk, 18". Recd November 1983. Est. Value—$400. Stored in OVP office.	Alex Ekwueme, Vice President, Nigeria	Do.
Barbara Bush	Cobra snakeskin purse. Recd November 1982. Est. Value—$170. Stored in OVP office.	do	Do.
Do	Set of twelve silver spoons and forks. Recd Apr. 28, 1982. Est. Value—$150. Stored in OVP office.	Mrs. Chun Doo Hwan, First Lady, Korea.	Do.
George Bush	Wooden elephant with inlaid ivory, 10" high. Recd May 1982. Est. Value—$175. On display at the Vice President's residence.	Bal Ram Jakhar, Speaker of the Lower House, India.	Do.
George Bush, Barbara Bush	Motorized massage chair. Recd Apr. 22, 1982. Est. Value—$475. In use at the Vice President's residence.	Mrs. Imelda Marcos, First Lady, Philippines.	Do.
Barbara Bush	Two sequined dresses. Recd September 1982. Est. Value—purple—$325; blue—$375. Stored in OVP safe.	do	Do.
George Bush	Wooden game table with leather top, four leather chairs. Recd September 1982. Est. Value—$4,950. Stored in OVP office.	Ferdinand Marcos, President, Philippines	Do.
Barbara Bush	Two cobra snakeskin purses. Recd November 1982. Est. Value—$220. Stored in OVP office.	Dr. and Mrs. E. O. Ogbu, Former Ambassador to United Nations, Nigeria.	Do.
George Bush	Two ivory carvings of heads, 6" each. Recd November 1982. Est. Value—$250 ($125 each). One stored in OVP office. One on display at Vice President's residence.	do	Do.
Do	Bronze sculpture of head. Recd November 1982. Est. Value—$300. On display in Vice President's White House office.	Alhaji Shehu Shagari, President, Nigeria	Do.
Do	Bronze sculpture of head. Recd November 1982. Est. Value—$200. Stored in OVP office.	Joseph Wayas, President of the Senate, Nigeria.	Do.
Do	Two four foot ivory elephant tusks. Recd November 1982. Est. Value—$1,500 each. Stored in OVP office.	do	Do.

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: United States Senate			
Howard Baker, U.S. Senator	Sterling silver box. Recd Spring, 1982. Est. Value—$200. Donated to Senate Curator of Arts and currently on display in the capital.	King Hussein of Jordan	Refusal would likely cause offense or embarassment.
Strom Thurmond, U.S. Senator	Silver plated canisters. Recd June 30, 1982. Est. Value—$300–$350. Requested and received approval of the Senate Commission on Arts and Antiquities to present objects to Clemson University, Clemson, South Carolina.	King Hassan II, Morocco	Do.
John Tower, U.S. Senator	Tunisian rug. Recd Apr. 26, 1982. Value in excess of $140. Requested and received approval from the Select Committee on Ethics to retain and display during tenure in office.	Prime Minister Mohamed Mzali of Tunisia	Do.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Senate			
Patrick D. Balestrieri, Professional Staff Member, Senate Foreign Relations Committee.	Oct. 13–23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Refusal would likely causes offense or embarrassment.
Geryld B. Christianson, Minority Staff Director, Senate Foreign Relations Committee.	Oct. 14–24, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Marilyn Courtot, Assistant Secretary to the Secretary of the Senate.	Oct. 15–21, 1982, Food, lodging and travel South Korea	Mr. Woo, Secretary General South Korea	Do.
William M. Diefenderfer, Chief Counsel, Senate Committee on Commerce, Science and Transportation.	Aug. 28–Sept. 7, 1982, Food, lodging and transportation within China	Peoples Republic of China	Do.
Richard D. Finn, Jr., Professional Staff Member, Senate Armed Services Committee.	Oct. 13–23, 1982, Food, travel and lodging in Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Drew Harker, Research Assistant, Senate Armed Services Committee.	Oct. 13–23, 1982, Food, travel and lodging in Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Ernest F. Hollings, U.S. Senator	July 2, 3, 4, 1982, 3 nights lodging in city of Biarritz	Biarritz, Switzerland	Do.
Sam Nunn, U.S. Senator, Mrs. Colleen Nunn, Brain Nunn, Michael Nunn.	Aug. 31–Sept. 1, 1982, Food and lodging in Japan	Maritime League of the Japanese Diet	Do.
Charles Percy, U.S. Senatror	Aug. 28–Sept. 4, 1982, Lodging at Cynthiana Beach Hotel Cyprus	Government of Cyprus	Do.
Arnold Punard, Legislative Assistant to Senator Nunn.	Aug. 31–Sept. 1, 1982, Food and lodging in Japan	Maritime League of the Japanese Diet	Do.
Edward G. Sanders, Staff Director, Senate Foreign Relations Committee.	Oct. 13–23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
Diana Smith, Professional Staff Member, Senate Foreign Relations Committee.	Oct. 13–23, 1982, Transportation within Europe	NATO Eurogroup current Chairman, Italian Minister of Defense Lelio Paolo Trabalza.	Do.
John Tokolish III, Assistant Mailroom Supervisor to Senator Moynihan.	Oct. 10–23, 1982, Travel, food, lodging in cities of Moscow, Leningrad, Kiev, Volgograd, Baku, and Tallian in the Soviet Union.	Student Council Organization of the Soviet Union.	Do.
Howard S. Useem, Professional Staff Member, Senate Committee on Energy and Natural Resources.	June 16, 1982, Transportation and food within Canada	Government of the Province of Quebec	Do.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. House of Representatives, Committee on Standards of Official Conduct			
Clement J. Zablocki, Member of Congress.	Approx. 6' × 9' rug. Recd May 1982. Estimated Value—over $140. Approved for official display in office of Donee.	Prime Minister Mohamed Mzali, Tunisia	Non-acceptance would have caused embarrassment to donor and U.S. Government.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. House of Representatives, Standards of Offical Conduct			
John Breaux, Member of Congress.	Round trip train between Moscow, USSR and Riga and Tallin, USSR	Union of Soviet Socialist Republics	Fact-finding trip.
Geo. W. Crockett, Jr., Member of Congress.	Lodging & ground transportation in Grenda, W. I	Grenada, W. I	Do.
G. Wayne Smith, Comm. on Merchant Marine & Fisheries.	Round trip train between Moscow, USSR and Riga and Tallin, USSR	Union of Soviet Socialist Republics	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL—Continued

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Administrative Office of the United States Courts			
John Feikens, Chief Judge, U.S. District Court, E.D. of Michigan.	Expense-paid trip, including travel, and accommodations to the Netherlands. Recd October 3-8, 1982. Est. value—$1350.	Queen Beatrix of the Netherlands	The invitation was extended in connection with the celebration of the 200th anniversary of the first treaty by the United States with the Netherlands.
Henriette S. Feikens, wife of Chief Judge Feikens E.D. of Michigan.	Expense-paid trip, including travel, and accommodations to the Netherlands. Recd October 3-8, 1982. Est. value—$1350.	do	The invitation was extended in connection with the celebration of the 200th anniversary of the first treaty by the United States with the Netherlands.

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Department of Agriculture			
John R. Block, Secretary of Agriculture.	Tablecloth and napkins. Recd Dec. 13, 1982. Est. Value—$350-$550. Holding in Room 4944.	Representative of President Marcos of the Philippines.	To avoid any perceived ingratitude resulting through non-acceptance.
Do	Hand woven rug. Recd mid-December 1982. Est. Value—$350-$600. Holding in Room 4944-So.	Delegation from the Agricultural Ministry of Bangladesh.	Do.
Agency: Department of the Air Force			
Gen. Law Allen, Jr., Air Force Chief of Staff, received all gifts listed.	Sterling Silver Knife, Serial No. 9259. Recd May 1979. Est. Value—$150. Stored in AFMPC/MPCASA.	Government of Norway	Non-acceptance would have caused embarrassment to donors.
Do	Bible with ornate Sterling Silver cover. Recd November 1979. Est. Value—$175. Stored in AFMPC/MPCASA.	Israeli Government	Do.
Do	Walking Stick, Single Shot. Recd November 1979. Est. VAlue—$200. Stored in AFMPC/MPCASA.	Air Chief Marshall MA Shamin Sasper, Pakistan.	Do.
Do	Silver Oil Burning Candleset. Recd Nobember 1979. Est. VAlue—$500. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Sasper, Pakistan.	Do.
Do	Antique Gun. Recd February 1980. Est. Value—$160. Stored in AFMPC/MPCASA.	Spanish Air Force	Do.
Do	Mauser Rifle, Model 1909. Recd May 1981. Est. Value—$300. Stored in AFMPC/MPCASA.	Argentine Air Force	Do.
Do	Silver Flask. Recd May 1981. Est. Value—$175. Stored in AFMPC/MPCASA	Government of Argentina	Do.
Do	Set of Four Silver Coins. Recd May 1981. Est. Value—$150. Stored in AFMPC/MPCASA.	Government of Guatemala	Do.
Do	Set of Six Silver Coins. Recd May 1981. Est. Value—$200. Stored in AFMPC/MPCASA.	Government of Venezuela	Do.
Do	Spun silver T-37 Ash Tray. Recd May 1981. Est. Value—$165 Stored in AFMPC/MPCASA.	CONJEFAMER, Peru	Do.
Do	Gold and Jade Headdress. Recd June 1982. Est. Value—$900. Stored in AFMPC/MPCASA.	General Lee, Hee Kun Chief of Staff, Republic of Korea.	Do.
Do	Silver cigarettee Box. Recd September 1978. Est. Value—$150. Stored in AFMPC/MPCASA.	The Government of Thailand	Do.
Do	Swagger Stick with inscription. Recd September 1981. Est. Value—$150. Stored in AFMPC/MPCASA.	President Park, Republic of Korea	Do.
Do	Necklace, Bracelet & Ring, Topaz stones in gold settings. Recd September 1981. Est. Value—$400. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Korean Air Force.	Do.
Do	Silver Cigarette Box. Recd May 1979. Est. Value—$175. Stored in AFMPC/MPCASA.	Government of Portugal	Do.
Major General (now Lieutenant General John T. Chain, Jr., Assistant Deputy Chief of Staff, Plans and Operations, U.S. Air Force.	Rolex Wrist Watch, Sterling Silver. Recd April 1980. Est. Value—$400. Approved for official use in office of Donee.	Major General Sabri, Commander, Royal Saudi Air Force.	Do.
Lt. Gen. Hans H. Driessnack, Assistant Vice Chief of Staff, U.S. Air Force.	Cuff Links and Tie Tac, with Topaz stones in Gold settings. Recd April 28, 1982. Est. Value—$250. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Korea, Air Force.	Do.
Gen. David C. Jones, Chairman, Joint Chiefs of Staff, received all gifts listed.	Silver Oil Burning Candleset. Recd November 1979. Est. Value—$500. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Sasper, Pakistan.	Do.
Do	9MM "Star" Pistol, ornate Gold with Pearl handle. Recd October 1979. Est. Value—$1,500. Stored in AFMPC/MPCASA.	Spanish Government	Do.
Do	9MM "Taurus" Pistol, Serial No. 640614. Recd September 1981. Est. Value—$275. Stored in AFMPC/MPCASA.	Chief of Staff, Brazilian Air Force	Do.
Do	32MM Revolver, Serial No. 651184. Recd September 1981. Est. Value—$175. Stored in AFMPC/MPCASA.	Senior Exec, Walter Pires, Brazil	Do.
Do	Gold and Jade Headdress. Recd June 1982. Est. Value—$800. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Republic of Korea.	Do.
DO	Khyber Pass Firing Walking Stick, Single Sho. Recd November 1979. Est. Value—$200. Stored in AFMPC/MPCASA.	Air Chief Marshall MA, Shamin Sasper, Pakistan.	Do.
Do	Salt & Pepper Boxes on Tray, Silver. Recd September 1981. Est. Value—$200. Stored in AFMPC/MPCASA.	Maximiano Edwardo De Silva, Fonseca, Brazil.	Do.
Do	Bonanza Shotgun, Model 4069. Recd September 1981. Est. Value—$650. Stored in AFMPC/MPCASA.	do	Do.
Do	Assault Rifle, ornate woodcarved stock. Recd November 1979. Est. Value—$550. Stored in AFMPC/MPCASA.	Saudi Arabia Chief of Staff	Do.
Do	Assault Rifle, Serial No. 2015849. Recd November 1979. Est. Value—$400. Stored in AFMPC/MPCASA.	Israeli Chief of General Staff	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Gen. Robert C. Mathis, Vice Chief of Staff, U.S. Air Force.	Jade Stone w/Gold Clasp. Recd May 1982. Est. Value—$175-$200. Stored in AFMPC/MPCASA.	General Lee, Hee Kun, Chief of Staff, Republic of Korea AF.	Do.
Hon. Verne Orr, Secretary of the Air Force, received two gifts.	Lady's Bracelet, 9 Quartz stones in Gold settings. Recd Apr. 29, 1982. Est. Value—$210. Approved for official display in office of Donee.	General Lee, Hee Kun, Chief of Staff, Korean Air Force.	Do.
Do	Gold and Jade Miniature Headdress. Recd June 1982. Est. Value—$400. Stored in office of Donee for official display.	General Kim, Sang Tae, Chief of Staff, Korean Air Force.	Do.
General Thomas M. Ryan, Jr., Commander, Air Training Command.	12-speed Benotto Bicycle. Recd December 1982. Est. Value—$298.85. Retained in Donee's quarters, Randolph AFB TX.	Brig. Gen. Javier Salinas, Poliares, Mexican AF.	Do.
Ten. W. Y. Smith, Deputy Commander in Chief, HQ USEUCOM, received two gifts.	Rolex-GMT-Master Wrist Watch. Recd Aug. 10, 1982. Est. Value—$750. Stored in AFMPC/MPCASA.	Lieutenant General Sabri, Chief of Staff, Royal Saudi Air Force.	Do.
Do	Gold Omega Quartz Wrist Watch. Recd Aug. 10, 1982. Est. Value—$500. Stored in AFMPC/MPCASA.	....do	Do.
Capt. Albert D. Seltzer, Aide-de-Camp, HQ USEUCOM.	Pen Set (3), Gold plated. Recd Aug. 10, 1982. Est. Value—$200. Stored in AFMPC/MPCASA.	....do	Do.
Agency: Department of the Army			
Sp5c. Morris E. Bell, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	To preclude potential embarrassment to U.S. Government and government of donor.
Gen. George S. Blanchard, U.S. Army Retired, then Commander U.S. Army Europe.	36" x 34" color oil portrait of former President Carter. Recd March 1979. Est. Value $141+ U.S. Army Military Personnel Center, Alexandria, VA 22332.	Mr. C. I. Leiter, State Artist, Romania	Do.
Capt. Denise M. Brisson, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $250. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp6c. Steve G. Deemer, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Maj. Margaret A. Driggers, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $365. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Col. Eugene D. George, Chief, Neurosurgery Service, Walter Reed Army Medical Center.	Two 18K gold pendants. Recd December 1981. Est. Value $360 and $160. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Do	Rolex watch, Model 1505 (SN 5225024). Recd December 1981. Est. Value $1,995. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Sp5c. Michael B. Harris, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Capt. Sonia D. Hinds, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
1st Lt. Lisa B. Liles, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military.	....do	Do.
Sfc. Billie J. Leland, Wardmaster, Eisenhower Suite, Walter Reed Army Medical Center.	....do	....do	Do.
Capt. Kaye L. Merkell, Ward 72, Walter Reed Army Medical Center.	....do	....do	Do.
John O. Marsh, Jr., Secretary of the Army.	Small oriental rug. Recd December 1982. Est. Value $400. Office of the Secretary, Army—official use.	His Excellency, Gen. Mohammad Zia-Haq, President of Pakistan.	Non-acceptance would have caused embarrassment to donor.
Gen. E. C. Meyer, Army Chief of Staff.	46" x 35" painting Haitian artist ruins of Sans Souci Palace. Recd April 1982. Est. Value $200. Army Art Collection, Center of Military History—official use.	Brig. Gen. Henri Namphy, Haitian Army, Haiti.	To preclude potential embarrassment to U.S. Government and government of donor.
Lt. Gen. Wallace H. Nutting, Commander in Chief, U.S. Southern Command.	Pair of gold and diamond earrings. Recd Septembber 1981. Est. Value $400. U.S. Army Military Personnel Center, Alexandria, VA 22332.	General Queirolo, Commander, Uruguayan Forces, Uruguay.	Do.
Capt. Janet A. Omes, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp6c. Javier A. Ortega, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Col. Russell W. Parker, Assistant to Director of Combat Developments, Fort Bliss, Tex.	Rolex watch, Model 6265 SN 5719666. Recd late 1977. Est. Value $1,005. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Unknown Saudi Arabian Army officer	Do.
Sp4c. Miriam Quiles, Ward 72, Walter Reed Army Medical Center.	Gold necklace. Recd December 1981. Est. Value $215. Lost while recipient was on leave in New York City.	Prince Bandar bin Sultan Abdul Aziz, Major, Air Force, Saudi Arabia.	Do.
Sp6c. James Seaton, Ward 72, Walter Reed Army Medical Center.	Pair of gold cufflinks. Recd December 1981. Est. Value $232. U.S. Army Military Personnel Center, Alexandria, VA 22332.	....do	Do.
Maj. Gen. Albert N. Stubblebine, Commander, U.S.Army Intelligence Security Command.	Omega watch. Recd March 1982. Est. Value $580 + U.S. Army Intelligence Security Command, Arlington, Virginia—official use.	Lt. Col. Manuel Noriega, Deputy Chief of Staff for Intelligence of Guardia Nationale of Panama, Panama.	Do.
Lt. Gen. Walter F. Ulmer, Commander, III Corps, and Fort Hood, Tex.	Tissot watch. Recd September 1982. Est. Value $395. U.S. Army Military Personnel Center, Alexandria, VA 22332.	Lt. Col. Hassan al Jazal Eri, Armor Corps G3, Saudi Arabian Armor Corps, Saudi Arabia.	Do.
Gen. John W. Vessey, Jr., Chairman, Joint Chiefs of Staff.	Officer's sword mounted on wooden base. Recd August 1982. Est. Value $140 + Office of the Joint Chiefs of Staff—official use.	Brig. Gen. Manuel A. Mallea Gil, Argentine Military Attache, Argentina.	Do.
Do	Silver serving tray. Recd June 1982. Est. Value $140 + Office of the Joint Chiefs of Staff—official use.	Ali Bengelloun, for King Hassan II, Ambassador of Morocco, Morocco.	Do.
Gen. John A. Wickham, Jr., Commander in Chief, United Nations Command, Korea.	Silver cigarette box. Recd March 1982. Est. Value $400 + 101st Airborne Division Museum, Fort Campbell, Ky.—official use.	General Rien Disthabanghong, Chief of Staff, Royal Thai Armed Forces, Thailand.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Porcelain vase. Recd May 1982. Est. Value $350. Broken in shipment (destroyed and irreparable).	Yoo Hak Seong, Director, Agency for National Security Planning, Korea.	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Department of the Army			
Colonel Richard Evans, III, Army Project Manager, Medical Corps.	Payment of hotel bill and meals for one night's lodging	Saudi Arabian Government	To preclude potential embarrassment to US Government and government of donor.
Major General Louis C. Wagner, Jr., Commander, US Army Armor Center and Fort Knox.	Payment of military quarters bill and meals for six nights' lodging	French Government	Do.
Brigadier General John Y. Yeosock, Project Manager, Saudi Arabian National Guard Modernization.	Payment of hotel bill and meals for one night's lodging	Saudi Arabian Government	Do.
Do	do	do	To preclude potential embarrassment to US Government and government of donor.

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Central Intelligence Agency			
Adm. B. R. Inman, USN, Deputy Director, CIA.	Pair carved ivory tusks, contemporary, on round carved wooden bases. H: approx 30". Rcvd April 8, 1982. Est. Value—$350. To be reported to GSA for disposition.	Public Law 95-105 A(F)(4)	Non-acceptance would have caused embarrassment to donor.
Do	Silver plate-over-brass seven piece beverage set consisting of: a trifid footed galleried tray centering six-bottle housing with central carrying handle and six beverage containers each with decoration. Rcvd June 25, 1982. Est. Value—$150. To be reported to GSA for disposition.	do	Do.
John H. Stein, Deputy Director for Operations, CIA.	Carved ivory tusk. Bust medallion on round wood socle. H: overall 27". Rcvd April 8, 1982. Est. Value—$150. Retained for official display.	do	Do.
William J. Casey, Director, CIA	Greek-Roman pottery vessel, baluster form. H: 8¾". Rcvd August 12, 1982. Est. Value—$150. Retained for official display.	do	Do.
Do	Bronze sculpture. Two confronting females, one holding dish tray. Signed in initials "LM." H: 48". Rcvd September 24, 1982. Est. Value—$750. To be reported to GSA for disposition.	do	Do.
Do	Lacquer, mother-of-pearl, ivory and two-tone metal inlay hinged jewel box. L: 14¾". Rcvd October 3, 1982. Est. Value—$175. To be reported to GSA for disposition.	do	Do.
Do	Bronze sculpture. Seated nude with baby on her back, hands clasped over her head. H: 34". Rcvd September 24, 1982. Est. Value—$500. To be reported to GSA for disposition.	do	Do.
Do	Repousse silver vase. H: 17¾"; Wt: 44 oz. Rcvd October 3, 1982. Est. Value—$350. To be reported to GSA for disposition.	do	Do.
Do	(a) Leather and peacock plume pillow cover. D: approx. 28"; (b) Pair bronze busts. Male and female. Each with ceremonial headdress, each on a stepped velvet covered base. H: of bronze 12"; (c) Leather and snakeskin briefcase. Rcvd September 22, 1982. Est. Value—$220. To be reported to GSA for disposition.	do	Do.
Do	Silver basketwork footed center bowl. D: 10"; Wt. 24 oz. Rcvd September 15, 1982. Est. Value—$150. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory tusk, bright cut engraved silver cape joined by a double length chain. L: 39". Engraved; (b) Leopard skin; (c) Carved ivory tusk-vase; Female figure kneeling supporting vase. H: 10⅛"; (d) Carved ivory elephant train on tusk, four elephants. L: 20⅛". Rcvd April 1982. Est. Value—$575. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory and brass gong. Two tusks forming arbor supporting round reticulated border, chased decorated gong, chain suspended, on a rectangular wood brass inlaid base, separated ivory striker. H: approx. 31"; (b) Archery bow, quiver and two steel-pointed quills, with leather strappings; (c) Six-piece ivory and yellow gold ensemble consisting of: necklace, two bangle bracelets, finger ring and pair of clip-type button earrings. Rcvd April 1982. Est. Value—$510. To be reported to GSA for disposition.	do	Do.
Do	(a) Carved wood coffee table, contemporary. Rectangular top with octagonal medallion, all raised on cabriole legs ending in claw feet. L: 54"; (b) Domed hinged top cigarette box. Unmarked; probably silver with composition base. L: 10"; (c) Embroidered sheet. White ground, turquoise and blue floral and leaf design. Rcvd April 1982. Est. Value—$322.50. To be reported to GSA for disposition.	do	Do.
Do	(a) Ivory ground 6.3 x 4.1 rug with pulled medallion on eggplant-to-gold ground; (b) Onyx footed jewel case. Rectangular hinged top viewing a red velvet lined interior raised on gilded metal scroll feet. L: 10⅛" (Hinge sprung.); (c) Foreign firearm. Rcvd April 1982. Est. Value—$5,395. Retained for official display.	do	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Dagger and sheath. Yellow gold mounts. Rcvd May 2, 1982. Est. Value—$350. Retained for official display.	....do	Do.
Do	Carved ivory tusks of female figures mounted on round wood base. H: overall 24". Rcvd April 8, 1982. Est. Value—$400. To be reported to GSA for disposition.	....do	Do.
Do	(a) Silver hinged cigarette box, contemporary. Presentation engraved top. L: 6";. (b) Lapis Lazuli and silver choker, contemporary. Rcvd January 6, 1982. Est. Value—$195. To be reported to GSA for disposition.	....do	Do.
Do	(a) Cloisonne vase. Cobalt ground with floral spray field. H 6¾";..... (b) Silver coin; portrait medallion beneath calligraphy; verso flag within quatrefoil Greek key border. Rcvd February 2, 1982. Est. Value—$795.. (a) Retained for official display;..... (b) Retained for storage.....	....do	Do.
Do	(a) 800—Silver miniature horse-drawn cart within lucite display stand with wood base. L: of miniature 5⅛";. (b) Repousse silver round tray. D: 10⅞"; Wt: 13 oz. Rcvd June 24, 1982. Est. Value—$225.. (a) Retained for official display..... (b) Retained for storage.....	....do	Do.
Agency employee	Carpet, 5.5 x 3.4; ivory ground with pulled medallion on blue ground, millefleuri field. Rcvd April 3, 1982. Est. Value—$275. Retained for official display.	....do	Do.
Do	Four 22-karat yellow gold stiff bangle bracelets. Wt: approx. 3 oz. Rcvd Circa January 1982. Est. Value—$500. To be reported to GSA for disposition.	....do	Do.
Do	One pencil sketch and seven oil paintings; signed and unframed; 22 x 19. Rcvd Circa 1980 (received report in 1982). Est. Value—$260. To be reported to GSA for disposition.	....do	Do.
Agency: Department of Commerce			
Malcolm Baldrige, Secretary of Commerce.	Silver Tea Service. Recd May 19, 1982. Est. Value—$245. Approved for official use in office of Donee.	King Hassan II, Morocco	To avoid any perceived ingratitude/discourtesy resulting through non-acceptance.
Do	English Riding Saddle. Recd June 1982. Est. Value—$800. Reported to GSA and stored in Office of Operations pending disposition by GSA.	....do	Do.
Eugene K. Lawson, Acting Deputy Assistant Secretary for East Asia and the Pacific.	Two (2) Carved Jade Elephants on Rosewood Stands. Recd March 1, 1982. Est. Value—$370. Stored with Office of Operations pending disposition to GSA.	Miss Yang Weizhe, Bureau of Planning China.	Non-acceptance would have caused embarrassment to donor.
Agency: Department of Defense			
Lt. Gen. James H. Ahmann, USAF, Former Director, Defense Security Assistance Agency.	Korean lead crystal candle holders with hurricane shades (2 each). Recd April 5, 1982. Est. Value—$200. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Minister Choo, Minister of Defense, Korea	Do.
Do	18Kt gold cartouche with chain. Recd April 5, 1982. Est. Value—$200. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Lt. Gen. Abu Ghazala, Minister of Defense and Military Production, Egypt.	Do.
Do	Ivory desk set, with emblem, with double pen stand, letter opener, container with lid, pencil holder, ash tray. Recd May 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Government of Somalia	Do.
Richard L. Armitage, Deputy Assistant Secretary of Defense (East Asia and Pacific Affairs), Office, Under Secretary of Defense (Policy).	Celadon plate, approx. 16" in diameter. Recd July 21, 1982. Est. Value—$300 to $500. Approved for official display in office of Donee.	Gen. and Mrs. Hwang Yung Si, Chief of Staff, Army, Republic of Korea.	Do.
Frank C. Carlucci, Former Deputy Secretary of Defense	Ivory desk set, with emblem, with ash tray, letter opener, double pen stand, pencil holder. Recd January 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Gen. Omar Haji, Minister of Defense, Somalia.	Do.
Do	Double barrel shot-gun (EL-Nil), Calibre 12, with name engraved on butt, with cleaning rod, broken down, in box. Recd December 1, 1982. Est. Value—Approx. $400–$500. Stored in Space Management and Services pending disposition.	Gen. Abu Ghazala, Minister of Defense of Egypt.	Do.
Dr. Fred C. Ikle, Under Secretary of Defense for Policy	Oriental rug, hand-woven, 140 x 75 cm, predominantly blue, rust, and gold design. Recd April 26, 1982. Est. Value—$400. Approved for official display in office of Donee.	Mohamed Mzali, Prime Minister of Tunisia	Do.
Do	Large round silver-plated bowl, footed, with handles, approx. 15" in diameter, with large cone-shaped lid, both with hand-chased design. Recd June 21, 1982. Est. Value—$300–$400. Approved for official display in Admin Office of the Under Secretary of Defense for Policy.	King Hassan II of Morocco	Do.
Gen. John W. Vessey, USAF, Chairman, Joint Chiefs of Staff.	Silver bowl, with engraved cover and pottery insert. Recd June 18, 1982. Est. Value—$200. Approved for official display in office of Donee.	King Hassan II of Morocco by Amb. Ali Bengelloun.	Non-acceptance would have caused embarrassment to donor and U.S. Government
Do	Officer's sword mounted on wooden base. Recd August 1, 1982. Est. Value—$175. Reported to HQ DA and approved for official display in office of Donee.	Brig. Gen. Manuel A. Mallea Gil, Military Attache, Argentina.	Non-acceptance would have caused embarrassment to donor. Gift was delivered following departure of donor to his country.
Casper W. Weinberger, Secretary of Defense.	Leopard skin with tail Recd January 18, 1982. Est. Value—$500. Transferred to GSA.	Maj. Gen. Omar Haji Mohamed, Minister of Defense of Somalia.	Non-acceptance would have caused embarrassment to donor.
Do	Jambiyya (dagger) in sheath, gold w/diamonds (2 carat). Recd February 8, 1982. Est. Value—$6,000. Approved for official display in office of Donee.	Prince Sultan bin Abd al-Aziz, Minister of Defense and Aviation of Saudi Arabia.	Do.
Do	F-15 model airplane mounted on marble base, in gold finish. Recd February 8, 9182. Est. Value—$500. Approved for official display in office of Donee.	Major Maesour bin Bander and 13th Squadron, Royal Saudi Air Force Saudi Arabia.	Do.
Do	Leather attache case. Recd February 8, 1982. Est. Value—$160. Approved for official use by Donee.	King Faisal Air Academy, Riyadh, Saudi Arabia.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Silver khanjar (dagger) in sheath Recd February 10, 1982 Est. Value—$350. Approved for official display in office of Donee.	His Highness Sayyed Fahar, Deputy Minister for Defense and National Security Muscat, Oman.	Do.
Do	Gold colored pitcher. Recd February 1982. Est. Value—$150. Approved for official display in office of Donee.	Mohamed Hosni Mubarak, President of the Arab Republic of Egypt.	Do.
Do	Small replica of Samaria headdress and sword, in large glass case. Recd March 1982. Est. Value—$300–$500. Approved for official display in office of Donee.	Tokyo, Japan	Do.
Do	Silver Ginseng tea set, with six spoons and six forks, in box. Recd March 1982. Est. Value—$150. Approved for official display in office of Donee.	Choo Young Bock, MOD of Korea	Do.
Mrs. Casper W. Weinberger, Wife of Secretary of Defense.	Long chain necklace with large smoky quartz (topaz) teardrop pendant in 10K gold setting, with 10K gold smoky quartz (topaz) dinner ring, and smoky quartz (topaz) beaded necklace, in blue plush-covered box. Recd March 1982. Est. Value—$300. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Mrs. Choo Young Bock, Wife of MOD of Korea.	Do.
Do	Gold chain necklace and bracelet, with gold diamond studded butterfly shaped pendant, in small wooden box. Recd March 1982. Est. Value—$1,000–$1,500. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Mrs. Enrile, Wife of MOD of Philippines	Do.
Do	Gold chain necklace with gold pendant with design of Nefertiti, in small green box. Recd March 1982. Est. Value—$200. Reported to GSA and stored in Office, Deputy Assistant Secretary (Admin), pending disposition by GSA.	Lt. Gen. Mohamed Abdel Halim Abu Ghazala, Minister of Defense and Military Production Egypt.	Do.
Casper W. Weinberger, Secretary of Defense.	Ivory desk set, with letter opener, ash tray, double pen set, and box with lid. Recd March 1982. Est. Value—$500. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Maj. Gen. Mohamed Siyad Barre Mogadishu, Somalia, President of Somali Democratic Republic.	Do.
Mrs. Casper W. Weinberger, Wife of Secretary of Defense.	Material, cotton, burgundy, green, yellow and blue. Recd March 1982. Est. Value—$25. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	....do	Do.
Casper W. Weinberger, Secretary of Defense.	Runner, Near Eastern flat weave, red background with multicolored design. Recd April 1982. Est. Value—$350. Approved for official display in office of Donee.	Government of Turkey	Do.
Do	Oriental rug, beige and brown, approx. 6' x 7'. Recd. April 30, 1982. Est. Value—$750. Approved for official display in office of Donee.	His Excellency Mohamed Mzali, Prime Minister of Tunisia.	Do.
Do	2 Celadon incense burners Recd March 1982. Est. Value—$300. Approved for official display in office of Donee.	Government of Korea	Do.
Do	Red Moroccan rug, 7' x 9'. Recd July 15, 1982 (approx.). Est. Value—$1,200. Approved for official display in office of Donee.	King Hassan II of Morocco	Do.
Do	Long dagger in brass colored sheath, in red lined case. Recd July 1982. Est. Value—$1,500. Approved for official display in office of Donee.	General Mohammed Jusuf, Commander in Chief of Indonesian Armed Forces.	Do.
Do	Wooden Hope Chest with inlaid design. Recd July 30, 1982. Est. Value—$600. Approved for official display in office of Donee.	President Marcos of Philippine Islands	Do.
Do	Small silk rug, brown on beige with fringe, 3' x 5'. Recd September 1982. Est. Value—$2,500. Approved for official display in office of Donee.	Gen. Abu Ghazala, Minister of Defense of Egypt.	Do.
Do	Gun (rifle) in case. Recd September 1982. Est. Value—$500. Approved for official display in office of Donee.	....do	Do.
Do	Oriental runner, beige with lavender pattern, 3' x 6'. Recd December 7, 1982. Est. Value—$800. Approved for official display in office of Donee.	President Mohammad Zia ul-Haq of Pakistan.	Do.
Francis J. West, Jr., Assistant Secretary of Defense (ISA), Office, Under Secretary of Defense for Policy.	Ivory desk set, with pencil holder, pen holder, and ash tray, with emblem. Recd January 22, 1982. Est. Value—$500. Approved for official display in office of Donee.	Gen. Omar Haji, Minister of Defense Somalia.	Do.
Do	Silver ceremonial dagger in presentation box. Recd February 10, 1982. Est. Value—$350. Approved for official display in office of Donee.	Government of Oman	Do.
Do	Silver-plated tureen, approx. 12" in diameter, with lid. Recd June 15, 1982. Est. Value—$200. Stored in Space Management and Services pending disposition.	King Hassan II of Morocco	Do.
Maj. Duane E. Williams, USA, Staff Assistant, Security Assistance Operations, Defense Security Assistance Agency.	.357 Smith & Wesson Trooper III revolver with accurized sights. Recd May 3, 1982. Est. Value—$1,000. Approved for official display or use by Donee.	Col. Faisal M. Al Saud, Director of Army Aviation Saudi Arabian Land Forces.	Do.
Erich F. von Marbod, Former Director, Defense Security Assistance Agency.	5-piece 24Kt gold-plated coffee and tea service, with tray. Recd January 1982. Est. Value—$700. Reported to GSA and stored in Space Management and Services pending disposition by GSA.	Lt. Gen. Mohamed Abou, Ghazala, Minister of Defense, Egyptian Armed Forces Egypt.	Non-acceptance would have caused embarrassment to donor. Gift was delivered to Donee's home during his absence and after donor had returned to Egypt.
Agency: Defense Intelligence Agency			
Col Alfred B. Prados, Defense Intelligence Officer for Middle East/South Asia (former Defense Attache to Jordan)	One wrist watch, Favre Leuba, with Jordan Armed Forces emblem. Rec'd 28 July 1982. Est Value: $200–$300. Turned into DIA	Lt. Gen. Sharif Zeid bin Shaker, Commander, Jordan Armed Forces	Non-acceptance would have given serious offense to a key official.
	One pendant, gold, 18K, with inscription commemorating 25-year anniversary of coronation of King Hussein of Jorden. Rec'd 28 July 1982. Est Value: $500–$1000. Turned into DIA	Lt. Gen. Sharif Zeid bin Shaker, Commander, Jordan Armed Forces	Do.
Agency: Defense Investigative Service			
Thomas J O'Brain, Director	Plastic smoking set, with mother-of-pearl design on hinged lids, with ash tray and lid for compartment, 14" x 7", burgundy. Rec'd: June 9, 1982. Est. Value: $300. Reported to GSA and stored in Security Division pending disposition by GSA.	Major Kim, Security Command, Republic of Korea Armed Forces.	Non-acceptance would have caused embarrassment to donor and U.S. Government.

Report of Tangible Gifts—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Defense Mapping Agency			
MG R. M. Wells, USA, Director, Defense Mapping Agency (DMA).	Ornamental silver box. Recd July 1982. Est. Value—$240.00. Approved for official display in DMA.	LTG Swasdi Pechimkul Royal Thai Survey Dept.	Presented to General Wells during the official visit of LTG Swasdi to DMA. Non-acceptance would have caused embarrassment to donor and U.S. Government.
MG R. M. Wells, USA, Director, Defense Mapping Agency (DMA).	Ornamental silver box. Recd November 1982. Estimated $200.00. Approved for official display in DMA.	Admiral Martojo Director of the Indonesian Mapping & Geodesy Organization.	Presented to General Wells on the occasion of his visit to Indonesia. Non-acceptance would have caused embarrassment to donor and U.S. Government.
W. Kenneth Davis, Deputy Secretary.	Reproductions of dueling pistols in case. Recd May 26, 1982. Est. Value—$300. Reported to GSA and stored in Property & Supply Vault pending disposition by GSA.	Government of Spain	Non-acceptance could have caused embarrassment to donor and U.S. Government.
William H. Draper III, President & Chairman.	One ivory tusk. Recd July 27, 1982. Est. Value—$500.00. Reported to GSA and stored in Office of Administration pending disposition by GSA.	President of the United Republic of Cameroon.	Non-acceptance would have caused embarrassment to donor.

Report of Travel or Expenses of Travel

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Federal Communication Commission			
Gary M. Epstein, Chief, Common Carrier Bureau.	While participating in meetings with various French government officials and representatives of P.T.T., the ministry provided for the use of a car and driver. The car was used for a total of approximately eleven (11) hours over a four (4) day period and driven about 275 kilometers. Est. Value—$275.	Ministry of Telecommunications (Ministere des P.T.T.), Government of France.	Non-acceptance would have caused possible offense to the foreign government if the offer of hospitality had been rejected.
Willard R. Nichols, Chief of Staff, Office of the Chairman.	While participating in meetings with various French government officials and representatives of P.T.T., the ministry provided for the use of a car and driver. The car was used for a total of approximately eleven (11) hours over a four (4) day period and driven about 275 kilometers. Est. Value—$275.	do	Do.

Report of Tangible Gifts

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Board of Governors of the Federal Reserve System			
Preston Martin, Vice Chairman	Set of China and Coin. Recd May 1982. Est. Value—China $175; Coin $35. Retained for Board use.	Jozsef Marjai, Deputy Premier of Hungary	Non-acceptance would have caused embarrassment.
Paul Volcker, Chairman	Letter Box. Recd October 1982. Est. Value—$364. Retained for Board use	Governor Mayekawa, Bank of Japan	Do.
Agency: Department of Justice			
William French Smith, Attorney General.	2 Bokhara Rugs. Recd Nov. 3, 1982. Est. Value—$800. Presently stored in office of the donee.	Fazle Haq, Governor, Northwest Provinces, Pakistan.	Non-acceptance would have caused embarrassment to donor.
Do	Nested Tables. Recd Dec. 15, 1982. Est. Value—$200. Presently stored in office of the donee.	Gen. Mohammad Zia-ul-Haq, Pakistan	Do.
Agency: NASA			
Tina Thibideau (spouse of P. Thibideau, Science Information Officer, NASA HQ (Mrs. Thibideau is an Italian citizen).	Educational Scholarship. This scholarship included round trip airfare and stipend. $1,900. Scholarship began Dec. 1, 1982.	Italian Ministry of Foreign Affairs, University of Rome.	Acceptance of scholarship is in accordance with NASA regulations.
Agency: National Security Agency			
Senior NSA Official	Jade Longevity Medallion. Est. Value—$250. Approved for official display in office of donee.	Senior Official of a Foreign Government	Non-acceptance would have caused embarrassment to donor.
Do	Oriental Golden Crown. Est. Value—$150. Approved for official display in office of donee.	do	Do.
Agency: Department of the Navy			
Rear Adm. Richard C. Avrit, USN, Director, Logistics Plans Division (Chief of Naval Operations Staff).	Rolex oyster man's wrist watch. Recd Dec. 20, 1981. Est. Value—$650. Transferred to GSA Feb. 19, 1982.	Commodore Sherif, Commander Royal Saudi Naval Forces, and Commander Bassam, Senior Royal Saudi, Naval Representative in the United States.	Non-acceptance would have caused embarrassment to donor.
John F. Lehman, Jr., Secretary of the Navy.	Rossi Squire 20-gauge gun Reg. #R61346 with gold engraved receiver and hand-checkered stocks, carrying case included. Recd Nov. 1, 1982. Est. Value—$600. Held in office of the General Counsel awaiting instructions from donor.	Maximiano Eduardo da Silva Fonseca, Minister of Navy, Brazil.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Rear Adm. John T. Parker, USN, Commander Service Group Two.	Mauritania manufactured carpet. Recd Nov. 13, 1981. Est. Value—$400. Approved for official display in Rear Admiral Parker's Navy Quarters.	Lieutenant Colonel Yali, Mauritanian, Armed Forces Chief of Staff.	Do.
Adm. James D. Watkins, USN, Chief of Naval Operations.	Pakistani Cashmere rug (36" x 63"), Blue, beige and maroon. Recd Dec. 15, 1982. Est. Value—$375. Approved for official display in the official residence of the Chief of Naval Operations.	President Zia of Pakistan, Pakistan	Do.
Agency: Overseas Private Investment Corporation			
Brooks H. Browne, Manager, Finance Department.	Hand woven Pakistan Bokhara rug, 4.9 x 3, burgundy and gray design. Recd March 1982. Est. Value—$300. On display in donee's office.	Gen. Mohammed Zia ul-Haq, President, Islamic Republic of Pakistan.	Gift received following return of donee to United States.
L. Ebersole Gaines, Executive Vice President.	Hand woven Pakistan Bokhara rug, 6.4 x 4.2, gray and burgundy design. Recd March 1982. Est. Value—$850. On display in donee's office.	....do	Do.
Craig A. Nalen, President	Hand woven Pakistan Bokhara rug, 4.10 x 3.1, salmon and gray design. Recd March 1982. Est. Value—$450. On display in donee's office.	....do	Do.
Do	Hand woven Pakistan Bokhara rug, 5.8 x 4.1, gray and burgundy design. Recd March 1982. Est. Value—$700. On display in Office of Personnel and Administration.	....do	Do.
Do	Hand woven Pakistan Bokhara rug, 6.1 x 4.2, gold and burgundy design. Recd March 1982. Est. Value—$800. On display in Office of the General Counsel.	....do	Do.
Leo H. Philips, Assistant General Counsel for Legislative and Administrative Affairs.	Cuff links and tie tack—Smokey quartz set in 14K gold. Recd April 1982. Est. Value—$350. Reported to GSA and stored in Office of Personnel and Administration pending disposition by GSA.	Export-Import Bank of Korea	Non-acceptance would have caused embarrassment to donor.
Agency: Department of State			
Alfred L. Atherton, American Ambassador, Cairo, Egypt.	14K gold cufflinks and tie clip with green scarabs. Recd Nov. 22, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Field Marshall Mohammed Abu Ghazala, Minister of Defense, Arab Republic of Egypt.	Non-acceptance would have caused embarrassment to donor and to U.S. Government.
Brent D. Bryson, Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch #161903, black face, stainless band with gold lines. Recd June 15, 1982. Est. Value—$845. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Timothy W. Burchfield, Special Agent, Office of Security, Washington Field Office.	Man Ebel Swiss Watch #161903, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	....do	Do.
Patrick J. Daly, Protocol Officer, Department of State.	(a) 100 hand-rolled cigars, banded w/seal of President Marcos; (b) 1 pair Kapa shell (dark gray) and white metal cuff links; (c) 2 woven straw caps; (d) 1 beige batiste "moo-moo" dress 2/mocha floral embroidery (8-12); (e) 1 set of components for man's shirt w/pulled thread embroidered panels; (f) 1 "wind chimes" consisting of wooden hanging saucer (approx. 16" diameter) w/Kapa shell suspended pendants; (g) 1 wooden salad set consisting of round serving bowl (approx. 11" diameter) and 6 smaller round bowls (approx. 5" diameter) w/serving spoon and fork; (h) Beige leather and woven straw ladies clutch handbag (w/optional gilt metal shoulder chain), gilt metal and seashell closure—"Tesoros" handicrafts. Recd September 1982. Est. Value—$150—Total (a) thru (h). Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President and Mrs. Ferdinand Marcos, Philippines.	Do.
Kenneth W. Dam, Deputy Secretary of State.	Two lamp bases, pale green stone (onyx?), w/brass trim, 13" high, 4" wide at base—matching set. Recd Dec. 9, 1982. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Gen. Mohammad Zia-ul-Haq, President of Pakistan.	Do.
Robert L. Davis, Special Agent, Office of Security.	Man's Ebel Swiss watch #161903, black face, stainless band w/gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Dominick DiCarlo, Assistant Secretary, Bureau of International Narcotics Matters.	4' x 6' average Pakistani made single knot rug, predominantly red and black, with tan and brown borders and markings. Recd Feb. 17, 1982. Est. Value—$250. Approved for official use in donee's office.	Mr. Mairaj Husain, Chairman, Pakistan Narcotics Control Board.	Do.
Christopher Disney, Chief, Dignitary Protection Division, Office of Security.	(a) Ladies Baume & Mercier quartz watch, stainless band w/gold trim, Serial #1125089; (b) Man's Baume & Mercier quartz watch, stainless band w/gold trim, Serial #1067535. (c) Ladies filigree gold bracelet w/uncut rubies and emeralds, approx. 1¾" wide. Recd May 22, 1982. Est. Value—(a) $500; (b) $600; (c) $1,000 (appraised). Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Linda K. Fleetwood, Special Agent, Office of Security, New York Field Office.	Ladies Le Must de Cartier wristwatch, serial No. 1501[illegible], black numberless face, gold rim, black reptile strap. Recd January 1982. Est. Value—$600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Robert L. Gallucci, Director, Office of Regional Affairs, Bureau of Near Eastern and South Asian Affairs.	Rug, approx 3'x5', oriental design, basic colors rust, brown, green and white. Recd Oct. 15, 1982. Est. Value—$300. Approved for official use in donee's office.	Gen Mohammad Zia-ul-Haq President of Pakistan.	Do.
Mrs. Elizabeth Gocken, Wife of Associate Chief Of Protocol.	Gold bracelet, set with diamons and rubies. Recd Mar. 19, 1982. Appraised Value—$1,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Princess Hend, Saudi Arabia	Do.
Alexander M. Haig, Jr., Secretary of State (all gifts for Secretary Haig, except where noted for Mrs. Haig).	Beige reclining chair with vibrating mechanism. Recd April 1982. Est. value—$600. Delivered to GSA for disposition June 8, 1982.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Do	Antique silver box in repoussé design, approx 6⅞" x 2⅝" x 4⅞", with brass fittings. Recd June 29, 1982 (*for Mrs. Haig*). Est Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Emilio Colombo, Foreign Minister of Italy	Do.
Do	18K gold cartouche on 18K gold chain. Recd Mar. 31, 1982. Est Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Lt. Gen. Mohamed Abdel Halim Abu Ghazala, Egyptian Minister of Defense and Military production	Do.
Do	Pendant, 18 x 13½mm oval amethyst stone set in sterling silver, 4 prong rhodium finish setting w/16" silver chain; earrings, set in sterling silver, French back 4-prong setting. Recd Feb. 11, 1982 (*For Mrs. Haig*). Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Lho Shinyong, Wife of Minister of Foreign Affairs of Korea.	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Do	Hand woven Tunisian carpet, approx 5½' x 7½', exclusive of fringe. Recd Apr. 28, 1982. Est. Value—$500. Approved for official use in donee's office.	Foreign Minister Mzali, Tunisia	Do.
Do	Simulated Xmas tree, approx. 30" high, designed w/white shells representing fir tree branches, flowers and pine cones (damaged in transit). Recd January 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President and Mrs. Ferdinand Marcos, Philippines.	Do.
Do	Colorful rug with shiny beads (sequins), approx 5' x 7'. Recd June 1982. Est. Value—$250. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hassan, Morocco	Do.
Do	Lithograph of Rome (Veduta della Piazza di Monte Cavallo), matted and framed, approx. 25" x 31". Recd Mar. 25, 1982. Est. Value—$1,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Pertini, Italy	Do.
William N. Kettering, Special Agent, Office of Security, New York Field Office.	Man's Ebel Swiss watch #181903, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Ambassador Roger Kirk, U.S. Resident Representative to International Atomic Energy Agency, Vienna.	Black lacquer cigarette box approx 9⅛" x 5⅛" x 3", bird design in mother-of-pearl on cover—fitted with brass ashtray. Recd Sept. 14, 1982. Est. Value—$180. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ambassador Mying Won Sliane, Republic of Korea.	Do.
Ambassador Jeane Kirkpatrick, U.S. Representative to the United Nations, New York.	Malachite and gold bracelet, set in gold filigree setting; matching ring in oval setting. Recd June 28, 1982. Est. Value—1,250 (appraised).	National Women's Movement, Zaire	Do.
Do	Gold filigree bracelet. Recd June 28, 1982. Appraised value) $750. Both gifts reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Anani Akakpo Ahianyo, Minister of Foreign Affairs and cooperation, Republic of Togo.	Do.
Stephen J. Kruchko, Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch No. 181903, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$845. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Ambassador George Q. Lumsden, Jr., U.S. Ambassador to United Arab Emirates.	Gold Rolex Oyster Perpetual Day-Date man's watch #1808—3275795. Recd December 1982. Est. Value—$4,500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. H. Shaikh Sultan bin Mohammed Al-Qassimi, Ruler of Sharjah, United Arab Emirates.	Do.
Do	Carved ivory elephant tusk (full). Recd Dec. 28, 1982. Est. Value—$5,000. Retained for official use at Embassy residence.	Saad Al-Suweidi, General Manager, Bin Tabir Group, United Arab Emirates.	Do.
Princeton Lyman, Deputy Assistant Secretary, Bureau of African Affairs.	Album "The World Treasury of Gold Coins"—a collection of 23K gold stamps issued by Republic of Guinea Bissau and produced by Calhoun's Collectors Society. Recd Dec. 6, 1982. Est. Value—$367.50. Retained for official display in donee's office.	H. E. Inacio Semedo, Jr., Ambassador of Guinea Bissau.	Do.
Howard J. Lynde, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, Serial No. 178179, black face, Roman numerals, black reptile strap. Recd Jan. 15, 1982. Est. Value—$750. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelada Marcos, Wife of President of Philippines.	Do.
M. J. Marcolivio, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, serial No. 143279, numberless face, brown reptile strap. Recd Jan. 9, 1982. Est. Value—$750. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	do	Do.
Richard W. Murphy, U.S. Ambassador to Saudi Arabia.	Gold and glass Jaeger-le-Coultre clock, made in Switzerland. Serial #558, approx 7" x 6". Recd. December 1981. Est. Value—$195. Approved for official use in donee's office.	Sheikh Ali Alireza, Former Saudi Ambassador to Washington.	Do.
Do	Oil painting, approx. 58⅛" x 47⅛" incl. frame, depicting Filipina woman, seated, cradling deer in lap, by Philippine artist Tam Austria. Recd August 1981. Est. Value—$1,200. Approved for official use at Embassy residence.	Government of Philippines	Do.
Do	4 small brooches, all made of 18K gold frame mounted with organic sea material (shell-coral) and natural diamond brilliant, all in flower design. Recd November 1982. Est. Value—$835.75. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	do	Do.
Do	(a) Platinum & diamond bracelet w/diamond set in center and 12 smaller diamonds on either side; (b) Man's onyx ring w/3 bands of small diamonds; (c) Man's onyx cuff links, round w/3 bands of small diamonds. Recd Dec. 24, 1982. Est. Value—Over $5,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Government of Saudi Arabia	Do.
Thomas A. Nassif, Deputy Chief of Protocol.	Round silver plated dish, approx. 16½" diameter with pottery insert—silver plated cover. Recd June 21, 1982. Est. Value—$210. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ambassador Ali Bengelloun, Morocco	Do.
Glenn Oldham, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, black face, Roman numerals, round gold case, black reptile strap, serial No. 17 016054. Recd Jan. 8, 1982. Est. Value—$500 to $600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines	Do.
Robert P. Paganelli, U.S. Ambassador, Damascus, Syria.	Man's Rolex Datejust watch #7287935, Serial No. 16013, gold face, encircled in gold-color ring, silver and gold-color link design strap. Recd Dec. 7, 1982. Est. Value—$500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Syrian Goverment Official	Do.
Daryl Rashkin, Special Agent, Office of Security.	Man's Chopard Geneva wristwatch, Serial #136832, black face, round silver rim, black reptile strap. Recd Jan. 11, 1982. Est. Value—$450. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines	Do.
Nancy V. Rawls, American Ambassador, Abidjan, Ivory Coast.	(a) Two small carved ivory statutes, 6" high. Recd November 1981. Est. Value—$150 each. Approved for official displayin donee's office.	Minister of Agriculture, Ivory Coast	Do.
Do	(b) Ivory Lamp, 15" high. Recd November 1981. Est. Value—$400. Approved for official display in donee's office.	Mayor of Gagnoa, Ivory	Do.
Selwa Roosevelt, Chief of Protocol.	Urn, believed to be silverplate, 33" high (when assembled)—4 pieces for assembling (2 pieces damaged on receipt). Recd June 21, 1982. Est. Value—$1,200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Ali Bengelloun, Ambassador of Morocco to United States.	Do.
Do	Gold necklace, rope design with 18 small diamonds (?); clip-on earrings, each with 11 diamond (?) chips; gold ring, dome design. Recd June 28, 1982. Est. Value—$1,800. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hassan II, Morocco	Do.
Do	Lee Must de Cartier ladies' watch, 18K gold plated sterling silver, blue face (no numbers), blue reptile strap. Recd Dec. 28, 1982. Est. Value—$675. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	King Hussein I, Jordon	Do.

REPORT OF TANGIBLE GIFTS—Continued

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
James D. Rosenthal, Deputy Chief of Mission, American Embassy, Manila.	Inlaid mahogany chest with Philippine handicrafts. Recd Aug. 22, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President and Mrs. Ferdinand Marcos, Philippines.	Do.
Do	Oil painting, approx 40" x 25", Philippine pastoral scene entitled "Harvest" by Rodolfo Ros. Recd Aug. 22, 1982. Est. Value—$200. Approved for official display in donee's office.	Do	Do.
William A. Rugh, Deputy Chief of Mission, American Embassy, Damascus.	Women's Rolex Oyster Swimprul watch, No. 7315043, serial No. 6917, round face, encircled in gold-color ring, Roman numerals, silver and gold color link-design strap. Recd Dec. 7, 1982. Est. Value—$500. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Syrian Government Official	Do.
Alfred L. Santos, Special Agent, Office of Security, New York Field Office.	Men's Le Must de Cartier wristwatch, Serial No. 170130, black face, Roman numerals, black reptile strap. Recd Apr. 1, 1982. Est. Value—$600. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Peter Sebastian, Deputy Chief of Mission, American Embassy, Rabat.	Rug, approx 6' x 9', traditional Berber flat weave (Kilam). Recd January 1982. Est. Value—$300. Approved for official use at Embassy residence.	M'hamed Gueseous, Secretary General, Ministry of Youth and Sports, Morocco.	Do.
Mrs. George P. Shultz, Wife of Secretary of State.	Hand painted silk wall hanging, scene of birds and flowers, approx 2'2" x 3'6". Recd Aug. 3, 1982. Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Indira Gandhi, Prime Minister of India.	Do.
George P. Shultz, Secretary of State.	Framed antique map of Old Israel by Richard Blome—from the year 1687, approx 2' x 1' x 10¾". Recd Aug. 27, 1982. Est Value—$300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Ariel Sharon, Minister of Defense, Israel	Do.
Do	One sword with sheath, approx 3'4" long, of gold metal studded with brilliant white stones. Recd Aug. 23, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	H. E. Dr. Rifa'at Al-Assad, Commander of Syrian Special Forces.	Do.
Do	Framed engraving of Constantine's Arch—approx 28" x 31". Recd Dec. 14, 1982. Est. Value—$300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Emilio Colombo, Foreign Minister, Italy	Do.
Do	Multicolored rug, approx. 4' x 6', oriental floral design, basic color, maroon. Recd December 1982. Est. Value—$800. Retained for official display in donee's office.	President Mohammad Zia-ul-Haq, Pakistan.	Do.
Do	Silver smoking set: silver tray, 11" diameter, center plain w/1⅛" carved floral rim; cigarette container w/lid, 3⅛" high with Indonesian crest (eagle) on top; cigar container w/lid, approx. 5⅛" also w/crest; matchbox holder 3⅛"; ashtray, 1⅛" high. Recd Oct. 13, 1982. Est. Value—$200. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	President Soeharto, Indonesia	Do.
Do	Silver cigarette box, engraved scroll border w/seal in center, approx. 4" x 6" x 1". Recd. Dec. 3, 1982. Est. Value—$175. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Rodrigo Lloreda, Foreign Minister, Colombia.	Do.
Gregory Starr, Special Agent, Office of Security.	(a) Man's Chopard Geneve wristwatch, serial #138751, black face, black reptile band; (b) set of cufflinks and shirt studs, mother-of-pearl and gold with diamond insets. Recd Jan. 15, 1982. Est. Value—(a) $450; (b) $300. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Walter J. Stoessel, Jr., Deputy Secretary of State.	5-piece silver tea/coffee service: teapot, coffeepot, sugar, creamer and tray. Recd May 1982. Est. Value—$350. Approved for official use in donee's office.	King Hassan II, Morocco	Do.
Clyde D. Taylor, Deputy Assistant Secretary, Bureau of International Narcotics Matters.	4' x 6' average Pakistani made single knot rug or carpet, predominantly red or black, with tan and brown in borders and markings. Recd Feb. 17, 1982. Est. Value—$250. Approved for official display in donee's office.	Mairaj Husain, Chairman, Pakistan Narcotics Control Board.	Do.
Mrs. Kristie Twadell, Wife of U.S. Chargé, American Embassy, Maputo.	Ivory necklace and bracelet. Recd Apr. 6, 1982. Est. Value—$150. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Tokweulu Betale, Wife of Zairian Ambassador to Mozambique.	Do.
Nicholas A. Veliotes, Assistant Secretary for Near Eastern and South Asian Affairs.	(a) Silver plated pitcher (or teakettle); (b) silver plated container. Recd Oct. 25, 1982. Est. Value—$350. Approved for official display in donee's office.	King Hassan II, Morocco	Do.
John Volpe, Special Agent, Office of Security, New York Field Office.	Man's Le Must de Cartier wristwatch, serial No. 1701 5356, black numberless face, round gold rim, black reptile strap. Recd Jan. 9, 1982. Est. Value—$700. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Mrs. Imelda Marcos, Wife of President of Philippines.	Do.
Vernon A. Walters, Ambassador-at-Large.	Natural silver fragment, approx 14" x 18", free form with brass plaque, inscribed. Recd Apr. 16, 1981. Est. Value—$3,000. Approved for official display in donee's office.	King Hassan II, Morocco	Do.
Do	Rug, approx 6' x 4', white border w/shades of rust, green, beige and brown throughout design. Recd July 4, 1982. Est. Value—$1,000. Approved for official display in donee's office.	Gen. Mohammad Zia-ul-Haq, President of Pakistan.	Do.
Roland A. Wilkes, Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch #189103, black face, stainless band with gold lines. Recd May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Leonard A. Zawistowski, Jr., Special Agent, Office of Security, Washington Field Office.	Man's Ebel Swiss watch #181903, stainless band with gold lines. Recd. May 28, 1982. Est. Value—$2,000. Reported to GSA and stored in Office of Protocol pending disposition by GSA.	Prince Moulay Abdallah, Morocco	Do.
Agency: Office of the United States Trade Representative			
William E. Brock, U.S. Trade Representative.	Handcrafted pipe w/leather pouch. Recd January 1982. Est. Value—$140+. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Julius Vesz, Government of Canada	Non-acceptance would have caused embarrassment to the donor and to the U.S. Government.
Do	Mantel Clock. Recd February 1982. Est. Value—$350. Reported to GSA and stored in the Office of the General Counsel pending disposition.	European Management Forum, Government of Switzerland.	Do.
Do	Sterling Silver Plate. Recd Unsure of month/1982. Est. Value—$275. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Minister de la Vega, Government of Mexico.	Do.
Do	Sterline Silver Cuff Links with rose' cultured pearls. Recd October 1982. Est. Value—$160. Reported to GSA and stored in the Office of the General Counsel pending disposition.	Mr. Abe, Government of Japan	To avoid any perceived ingratitude resulting through non-acceptance.
Do	Ladies pearl bracelet. Recd October 1982. Est. Value—$450. Reported to GSA and stored in the Office of the General Counsel pending disposition.	do	Do.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: U.S. Department of Transportation			
Darrel Trent, The Deputy Secretary.	Hotel accommodation, Riyadh, Saudi Arabia Sept. 12, 13, 14, and 15, 1982.....	Dr. Nasser Al-Salloum, Deputy Minister of Communications, Saudi Arabia.	Acceptance was appropriate and consistent with the interests of the United States. Non-acceptance would have caused embarrassment to the donor

REPORT OF TANGIBLE GIFTS

Name and title of recipient	Gift, date of acceptance, estimated value and current disposition or location	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Department of the Treasury			
Marc E. Leland, Assistant Secretary for International Affairs.	Framed oil painting of Arab Women, approx 33" × 29", 2" width gold gilted frame. Recd August 1982. Est. Value—$652. Approved for official display in office of the donee.	Mohammad Abalkhail, Finance Minister, Saudi Arabia.	Delivered by Air Express to the Assistant Secretary's office. Any attempt of non-acceptance would have appeared discourteous and embarrassment to the donor.
Donald T. Regan, Secretary to the Treasury.	Oriental rug, rust background, fringed, geometric white outline with blue points, 4'10" × 3'2". Recd December 1982. Est. Value—$350. Reported to GSA and stored in Office of Administrative Programs pending disposition by GSA.	Mohammad Zia-ul-Haq, President, Islamic Republic of Pakistan.	Delivered to Secretary's office following official visit to United States by General Zia. Non-acceptance would have caused embarrassment to donor.
Do.....	Set of Saudi Commemorative Medals. One (1) gold, wt. approx 1⅞ oz., two (2) silver, wt. approx 2 oz. each. Recd December 1982. Est. Value—$700. Approved for official display in office of donee.	Mohammad Abalkhail, Finance Minister, Saudi Arabia.	Delivered to the Secretary during official visit to United States. Refusal or return would have appeared discourteous and embarrassment to the donor.
Do.....	Basket, woven construction of silver-plated metal. Approx 15" tall and 14" radius. Recd September 1982. Est. Value—$150. Reported to GSA and stored in Office of Administrative Programs pending disposition by GSA.	Ferdinand E. Marcos, President, Republic of Philippines.	Presented to the Secretary during official visit to United States. Accepted to avoid ingratitude/discourtesy resulting through non-acceptance.
Agency: United States Information Agency			
Charles Z. Wick, Director, U.S. Information Agency.	Mahogany chest, inlaid with pearl chips, 29¾" L × 13⅝" W × 15" D containing such items as a mahogany box inlaid with pearl chips, 9" W × 2½" H; and assortment of wooden plates, napkins, and other crafts typical of the Philippines. Recd September 1981. Est. Value—$700. Delivered to GSA.	President Ferdinand E. Marcos, Republic of the Philippines.	Non-acceptance would have caused embarrassment to donor and U.S. Government.
Do.....	Chinese 20th century school watercolor on rice paper, flowering tree, signed in calligraphy, Kakemono, 41" × 23". Recd October 1981. Est. Value—$175. Approved for official display in the Office of East Asian and Pacific Affairs (USIA).	Huang Zhen, Minister of Culture, Peoples' Republic of China.	Do.
Do.....	Royal Berlin porcelain tea set consisting of six teacups, six saucers, six dessert plates, teapot, sugar and creamer. Recd May 1982. Est. Value—$450. Approved for official use in office of donee.	Axel Springer, Publisher, Federal Republic of Germany.	Non-acceptance would have caused embarrassment to donor.

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

Name and title of recipient	Brief description of travel or travel expenses occurring entirely outside United States	Identity of foreign donor and government	Circumstances justifying acceptance
Agency: Veterans Administration			
Frank H. Deland, M.D., Chief, Nuclear Medicine, VA Medical Center, Lexington, Ky.	Travel to Bogota, Colombia. Recd July 1982. Est. Value—$1,400. Airline ticket plus 3 days room and board.	National Cancer Institute, Bogota, Colombia.	Guest lecturer at National Cancer Institute by invitation of Jaime J. Ahumava, Head, Nuclear Medicine.

[FR Doc. 83-6731 Filed 3-17-83; 8:45 am]

BILLING CODE 4710-20-M

VOL
48
ISS
54
MR
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18
1983
UMI

federal register

Friday
March 18, 1983

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Colorado: CO82–5127	Nov. 5, 1982.
Florida: FL82–1083	Nov. 19, 1982.
Illinois: IL83–2014	Mar. 4, 1983.
Massachusetts: MA81–3054	Sept. 4, 1981.
New Jersey: NJ81–3063	Dec. 28, 1981.
Montana: MT81–5138	Aug. 7, 1981.
New York:	
NY81–3022	Apr. 3, 1981.
NY81–3034	June 5, 1981.
Ohio: OH83–2010	Feb. 11, 1983.
Indiana: IN80–2015	Apr. 11, 1980.
Utah: UT82–5121	Sept. 3, 1982.
Tennessee:	
TN82–2059	Nov. 19, 1982.
TN82–2057	Nov. 19, 1982.
TN82–2058	Nov. 19, 1982.
TN82–2056	Nov. 19, 1982.
TN82–2060	Nov. 19, 1982.
Wisconsin: WI83–2012	Feb. 18, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona: AZ82–5109 (AZ83–5107)	Apr. 23, 1982.
Hawaii: HI82–5123 (HI83–5104)	Oct. 1, 1982.
Michigan:	
MI77–2106 (MI83–2022)	July 8, 1977.
MI80–2047 (MI83–2023)	June 13, 1980.
MI78–2053 (MI83–2024)	Apr. 14, 1978.
MI80–2050 (MI83–2025)	June 27, 1980.
MI82–2002 (MI83–2020)	Mar. 6, 1981.
MI82–2007 (MI83–2021)	Feb. 26, 1982.
Missouri: MO82–4041 (MO83–4021)	Aug. 13, 1982.
Nebraska:	
NE81–4080 (NE83–4023)	Oct. 16, 1981.
NE81–4066 (NE83–4024)	Aug. 28, 1981.
Nevada: NV82–5116 (NV83–5103)	Aug. 6, 1982.
Oregon: OR82–5102 (OR83–5106)	Feb. 5, 1982.

Cancellation of General Wage Determination Decision

This is to advise all interested parties that the Department of Labor intends to withdraw 14 days from the date of this notice the following general wage determination:

IA81-4025—Story County, Iowa, dated April 17, 1981 in 46 FR 22546—Building Construction.

Signed at Washington, D.C., this 11th day of March 1983.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

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Modification Page 1

DECISION NO. CO82-5127 - Mod. #3
(47 FR 50818 - November 9, 1982)
Las Animas, Otero and Pueblo Counties, Colorado

	Basic Hourly Rates	Fringe Benefits
Omit: Painters as originally issued and Zone descriptions for Painters		
Add: Painters: Brush and Roll; Hard-wood Finishers; Sand-blast, Pot Tenders	$11.20	$1.88
Drywall Finishers (hand)	11.45	1.88
Spray; Swing Stage and Chair; Sandblast (exterior); Hazardous work; Paperhanger; Drywall Finishers (tool)	11.80	1.88
Sandblast (interior); Steeplejack	13.72	1.89

DECISION NO. FL82-1083 — MOD. # 2
(November 19, 1982 — 47 FR 52317)
Cape Canaveral AFS, Patrick AFB, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties in Florida. BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	$ 16.20	3.315
SPRINKLER FITTERS	15.00	2.88
ADD:		
TRUCK DRIVERS	12.20	.80

DECISION NO. IL83-2014 - MOD. #1
(48 FR 9432 - March 4, 1983)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois

	Basic Hourly Rates	Fringe Benefits
Change: Electricians: Kane (Rem. of Co.) & McHenry Cos.	$18.35	$3.58

DECISION NO. MA81-3054 - Mod. #13
(46 FR 44631 - Sept. 4, 1981)
Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth & Suffolk Counties, Massachusetts

	Basic Hourly Rates	Fringe Benefits
Change: Asbestos Workers: Barnstable County (Barnstable, Borne, Falmouth, Mashpee, and Sandwich); Norfolk County (Bellingham, Franklin, Plainville, and Wrentham); Plymouth County (Lakeville, Mattapoisett, Middlmboro, Rochester and Wareham); Bristol County (all except Easton); Dukes; Nantucket	$14.88	$3.13
Suffolk, Middlesex, Essex Counties: Barnstable (Remainder of County); Norfolk (Remaindmr of County); Plymouth (Remaindmr of County); Bristol (Easton)	17.85	3.31
Electricians: Middlesex (Ashley, Ayer, Ft. Devens, Groton, Pepperell, Shirley, Townsend)	15.88	3.18+ 3%
Essex (Remainder of County): Contracts over $30,000	15.18	3.18+ 3%
Contracts $30,000 or less	13.78	2.15+ 3%
Plumbers; Pipefitters and Steamfitters: Essex (Remainder of County)	17.87	3.78

Modification Page 2

DECISION NO. NJ81-3063 - MOD. #16
(46 FR 62746 - December 28, 1981)
ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM COUNTIES, NEW JERSEY

	Basic Hourly Rates	Fringe Benefits
CHANGE: PAINTERS: ZONE 3 Commercial brush, roller and paperhanging	14.25	2.05
Commercial spray or dipping, or the use of any special material, brushing or rolling on steel or tanks, or working swing or chair	15.00	2.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	15.75	2.05
ZONE 4 NEW CONSTRUCTION: Brush or roller, paper hanging & vinyl-wall covering	15.00	2.25
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools & hazardous materials (i. e. creosote, epoxy, acid, pitchmaster & urethanes	16.00	2.25
OMIT: Painter's change in Mod. #9 (FR 39960 - 9-10-82)		

DECISION NO. NJ81-3063 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Delete all References in Mod. #11 - 47 FR 57609 - December 27, 1982 to: Laborers, Building Construction: Zone 8 Line Construction (exluding Railroad Construction): Zone 12		

DECISION NO. MT81-5138 - Mod. #7
(46 FR 40439 - August 7, 1981)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Change: Laborers: Group 1	$10.60	$2.25
Group 2	10.71	2.25
Group 3	10.85	2.25
Group 4	11.85	2.25
Power Equipment Operators: For all Power Equipment Operator classifications issued in Modification #5 the Fringe Benefits should be $2.94		
DW 10, 15, 20 Tractor pulling Roller	12.73	2.94
Wagner Roller and similar type	13.01	2.94
Truck Drivers: Distributor Driver	12.69	2.51

DECISION NO. NY81-3022 - MOD. #7
(46 FR 20437 - April 3, 1981)
ONONDAGA, NEW YORK

	Basic Hourly Rates	Fringe Benefits
CHANGE: PLUMBERS	15.39	3.28
STEAMFITTERS	15.145	3.82

Modification Page 3

Modification Page 4

Modification Page 3

DECISION NO. NY81-3034 - MOD. #3
(46 FR 30271 - June 5, 1981)
ONEIDA, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	16.98	2.44
BOILERMAKERS	18.25	3.39
BRICKLAYERS, CEMENT MASONS, POINTERS, CAULKERS, CLEANERS, PLASTERERS AND STONE MASONS (Building)	12.85	2.90
CEMENT MASONS, (Heavy & Highway)	13.41	2.00
CARPENTERS, (Building)		
Carpenters & Soft Floor Layers	13.22	2.85
Piledrivermen & Millwrights	12.47	2.05
CARPENTERS, (Heavy & Highway)	12.845	2.05
ELECTRICIANS		
Verona and Vienna Twps. west of State Highway 13		
Electricians	13.70	3.25+3%
Cable Splicers	16.80	3.25+3%
Remainder of County		
Electricians	13.45	2.58+3%
Cable Splicers	16.95	2.58+3%
ELEVATOR CONSTRUCTORS	15.54	2.69
ELEVATOR CONSTRUCTORS' HELPERS	10.88	2.69
ELEVATOR CONSTRUCTORS' HELPERS (PROM)	7.77	
IRONWORKERS		
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Rodmen, Fence Erector and Stone Derrickman	15.22	2.71
Sheeters	15.47	2.71
Sheeters, Bucker-up	15.34	2.71
LABORERS (Building)		
Twps. of Forestport, Remsen, Trenton, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Paris, Sanger-field, Bridgewater & the City of Utica		
Laborers	9.59	2.45+a
Pipelayers, mortar mixers (hand or machine machine), motor buggy operator, (walk behind), power high lift	9.74	2.45+a
Blasters, form setters and motor buggy (rider type)	10.09	2.45+a
Wagon drill operator	9.99	2.45+a
Remainder of County		
Laborers, common	11.535	1.65
All rock drilling equipment	11.935	1.65
Blasters	12.135	1.65
Vibrator operator, chain saw operator, gas buggy operator, acetylene torch operator on demolition work, pipelayers, scaffold builders, mortar mixer, pavement breaker	11.735	1.65
LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:		
Townships of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Veron, Augusta and Verona		
Class A	11.39	1.65
Class B	11.59	1.65
Class C	11.79	1.65
Class D	11.99	1.65
Remainder of County:		
Class A	10.04	3.00+a
Class B	10.24	3.00+a
Class C	10.44	3.00+a
Class D	10.64	3.00+a

Modification Page 4

DECISION NO. NY81-3034 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
MARBLE SETTERS, TERRAZZO WORKERS & TILE SETTERS	11.15	2.90
PAINTERS		
Brush, Roller	12.05	2.45
Taping	12.30	2.45
Spray; epoxy brush and roller application	12.55	2.45
Epoxy and special coatings spray application	12.75	2.45
Swing	12.70	2.45
Boatswain chair	12.80	2.45
Sandblasting operator	12.90	2.45
Structural steel Bridge	12.65	2.45
PLUMBERS AND STEAMFITTERS	13.35	2.45
POWER EQUIPMENT OPERATORS:	14.16	3.70
Building Construction		
Class 1	15.29	3.25+a
Class 2	14.82	3.25+a
Class 3	12.95	3.25+a
Class 4	16.20	3.25+a
Class 5	15.79	3.25+a
Class 6	17.29	3.25+a
Class 7	16.29	3.25+a
Heavy and Highway Construction:		
Group 1	14.31	3.25+a
Group 2	13.85	3.25+a
Group 3	12.51	3.25+a
Group 4	11.33	3.25+a
ROOFERS	14.15	3.25
SPRINKLER FITTERS	16.92	2.83
TRUCK DRIVERS		
(Heavy & Highway)		
Class 1	11.50	2.19+a
Class 2	11.55	2.19+a
Class 3	11.60	2.19+a
Class 4	11.75	2.19+a
Class 5	11.90	2.19+a

Modification Page 5

DECISION NO. NY81-3034 - (CONT'D)

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION Electrical Overhead & Underground Distribution Work & Signal Work For RR And For R.E.A. Where No Other Trade Is Or Has Been Involved		
Journeyman Lineman & Technician	13.22	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	11.90	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	10.58	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer)	11.24	5%+3.60 +a
Driver Mechanic, Groundman - Experienced	9.92	5%+3.60 +a
All Overhead Transmission Line Work and Lighting for Athletic Fields Journeyman Lineman & Technician	15.18	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	13.66	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	12.14	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	12.90	5%+3.60 +a
Driver Mechanic Groundman - Experienced	11.39	5%+3.60 +a
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lightling & Signal Systems Where Other Trades Involved		
Journeyman Lineman & Technician	15.99	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.39	5%+3.60 +a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	12.79	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Driver Mechanic, Groundman-Experienced	11.99	5%+3.60 +a
All Pipe type Cable Installations Maintenance Jobs or Projects Journeyman Lineman	15.99	5%+3.60 +a
Certified Lineman Welder	16.79	5%+3.60 +a
Cable Splicer	17.59	5%+3.60 +a
Groundman Equipment Operator	15.99	5%+3.60 +a
Groundman Truck Driver (Tractor Trailer Unit)	13.59	5%+3.60 +a
Groundman Truck Drivers	12.79	5%+3.60 +a
Groundman	11.99	5%+3.60 +a

FOOTNOTE:
a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

Modification Page 6

	Basic Hourly Rates	Fringe Benefits
DECISION NO. OH83-2010 - MOD. #2 (48 FR 6469 - February 11, 1983) Adams, Allen, ... Wood & Wyandot Counties, Ohio		
Change: Asbestos Workers: Auglaize, Butler (Middletown & Vic.), ... Shelby, & Warren (Twps. of Clear Creek, Franklin, Harrie, Turtle Creek, & Wayne) Cos.	$17.11	$2.48
DECISION NO. IN80-2015 - MOD. #4 (45 FR 24985 - April 11, 1980) Clark, Floyd, Harrison, Jackson, Jefferson, Scott & Washington Counties, Indiana		
Change: Linemen; Line Truck Driver, & Mechanized Equipment Operators	$17.61	8%+.65
Groundmen	10.92	8%+.65
DECISION NO. UT82-5121 - Mod. #5 (47 FR 38085 - September 3, 1982) Statewide, Utah		
Change: Asbestos Workers	$16.80	$3.35
Carpenters: Heavy and Highway Construction: Zone 1: Carpenters	13.83	1.98
Saw Operators: Carpenters handling creosote materials	14.09	1.95
Piledrivermen	18.79	1.95
Zone 2: Carpenters	16.33	1.95
Saw Operators: Carpenters handling creosote materials	15.58	1.95
Piledrivermen	18.79	1.95
Roofers	14.03	1.02
Omit: Carpenters: Heavy and Highway Construction: Zone 3 - as originally issued		-

Basic Hourly Rates	Fringe Benefits

Modification Page 7

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TN82-2059 -		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WI83-2012 -		

SUPERSEDEAS DECISION

STATE: Arizona COUNTIES: Statewide
DECISION NUMBER: AZ83-5107 DATE: Date of Publication
SUPERSEDES DECISION NO. AZ82-5109 dated April 23, 1982, in 47 FR 17723

Modification Page 7

	Basic Hourly Rates	Fringe Benefits
DECISION NO. TN82-2059 - MOD. #1 (47 FR 52323 November 19, 1982) Davidson County, Tennessee		
Change: Boilermakers	$ 16.20	3.315
DECISION NO. TN82-2057 - MOD. #1 (47 FR 52324 November 19, 1982) Shelby County, Tennessee		
Change: Boilermakers	16.20	3.315
Millwrights	14.45	2.70
DECISION NO. TN82-2056 - MOD. #2 (47 FR 51311 November 19, 1982) Hamilton, Marion, Polk, and Rhea Cos., Tennessee		
Change: Boilermakers	16.20	3.315
DECISION NO. TN82-2058 - MOD. #1 (47 FR 52325 November 19, 1982) Anderson, Knox, Monroe, and Roane Cos., Tennessee		
Change: Boilermakers	16.20	3.315
DECISION NO. TN82-2060 - MOD. #1 (47 FR 52323 November 19, 1982) Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi and Washington Cos., Tennessee		
Add: Boilermakers	16.20	3.315

	Basic Hourly Rates	Fringe Benefits
DECISION NO. WI83-2012 - MOD. #1 (48 FR 7386 - February 18, 1983) Statewide, Wisconsin		
Change: LABORERS:		
Zone 4: Group 3	$10.90	1.53
Zone 6: Group 6	10.77	1.53
LABORERS (Sewer & Water) Zone 3: Topman	10.30	3.03
Zone 6: Pipelayer	10.97	1.53

SUPERSEDEAS DECISION

STATE: Arizona COUNTIES: Statewide
DECISION NUMBER: AZ83-5107 DATE: Date of Publication
SUPERSEDES DECISION NO. AZ82-5109 dated April 23, 1982, in 47 FR 17723
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Stonemasons:		
Northern Area:		
Zone A	$16.43	$2.75
Zone B	17.74	2.75
Zone C	18.57	2.75
Zone D	18.50	2.75
Zone E	20.05	2.75
Zone F	21.36	2.75
Southern Area:		
Zone A:		
Bricklayers; Stonemasons	13.13	2.62
Manhole Builders	13.43	2.62
Zone B:		
Bricklayers; Stonemasons	13.50	2.62
Manhole Builders	13.80	2.62
Zone C:		
Bricklayers; Stonemasons	13.88	2.62
Manhole Builders	14.18	2.62
Zone D:		
Bricklayers; Stonemasons	14.63	2.62
Manhole Builders	14.93	2.62
CARPENTERS:		
Northern Area:		
Carpenters; Saw Filer	15.06	2.53
Piledrivermen	15.405	2.53
Millwrights	16.84	2.55
Central & Southern Areas		
Carpenters; Saw Filer	12.935	2.53
Piledriver	13.28	2.53
Millwrights	14.34	2.55
CEMENT MASONS:		
Zone 1:		
Northern Area:		
Cement Masons	15.035	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	15.225	2.40
Central & Southern Areas:		
Cement Masons	12.91	2.40
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine	13.10	2.40

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS: (Cont'd)		
Zone 2:		
Cement Masons	$12.84	$2.47
Concrete Troweling Machine; Sawing and Scoring Machine; Curb and Gutter Machine; Clary and similar type of power Screed Operator	13.03	2.47
ELECTRICIANS:		
Area 1:		
Electricians	16.81	1.30+ 3-3/4%
Cable Splicers	18.16	1.30+ 3-3/4%
Area 2:		
Electricians; Technicians; and Cable Splicers:		
Zone A	17.00	1.89+ 3-1/2%
Zone B	20.12	1.89+ 3-1/2%
Area 3	18.24	.80+ 12%
Area 4:		
Electricians	17.95	2.14+ 3%
Area 5:		
Electricians	17.00	.80+ 11.4%
Cable Splicers	17.25	.80+ 11.4%
IRONWORKERS:		
Northern Area	19.25	5.02
Southern Area	16.25	5.02
LINE CONSTRUCTION:		
Zone 1:		
Groundmen	12.81	4.20+ 3%
Equipment Operator; Powdermen & Mechanics	15.13	4.20+ 3%
Lineman, Crane Operator, Bagger, and Pilot	17.05	4.20+ 3%
Cable Splicers	17.56	4.20+ 3%

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (Cont'd)		
Zone 1-A:		
Groundmen	$13.81	$4.20+ 3%
Equipment Operators; Powderman & Mechanics	16.04	4.20+ 3%
Linemen, Crane Operator, Sagger, and Pilot	18.03	4.20+ 3%
Cable Splicers	18.63	4.20+ 3%
Zone 2:		
Groundmen	14.75	4.20+ 3%
Equipment Operator; Powderman & Mechanics	16.99	4.20+ 3%
Linemen, Crane Operator, Sagger, and Pilot	18.97	4.20+ 3%
Cable Splicers	19.52	4.20+ 3%
PAINTERS:		
Area 1:		
Zone A:		
Brush	11.60	1.90
Brush, Steel & bridge	12.10	1.90
Spray	12.05	1.90
Spray, steel & bridge	12.60	1.90
Zone B: ($0.75 per hour above Zone A BHR)		
Zone C: ($1.75 per hour above Zone A BHR)		
Zone D: ($2.00 per hour above Zone A BHR)		
Area 2:		
Zone A:		
Brush and Roller; Sandblaster (Nozzleman); Sheetrock Taper; Floor Coverer; Sandblaster (Pot Tender)	13.54	1.30
Spray; Paperhanger	13.79	1.30
Creosote Applier	13.87	1.30
Swing Stage:		
Brush; Sandblaster	13.94	1.30
Spray	14.19	1.30

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 2:-Zone A: (Cont'd)		
Steeplejack	$14.40	$1.30
Steel and bridge, Brush; Nozzleman and Pot Tender; Steel (steam cleaner); Electric and Air Tool Operator;		
Steel Sandblaster	14.47	1.30
Steel and bridge, Spray	14.67	1.30
Zone B: ($1.00 per hour above Zone A BHR)		
Zone C: ($2.50 per hour above Zone A BHR)		
Area 3:		
Zone A:		
Brush	12.47	1.77
Spray; Sandblaster	13.07	1.77
Paperhanger	12.60	1.77
Swing Stage, under 40 feet:		
Brush	12.77	1.77
Spray	13.37	1.77
Swing Stage, over 40 Feet:		
Brush	13.22	1.77
Spray	13.82	1.77
Structural Steel & Tanks:		
Brush	13.47	1.77
Spray & Sandblasters	14.07	1.77
Creosote Base and Bituminous material	12.87	1.77
Zone B: ($0.75 per hour above Zone A BHR)		
Zone C: ($1.50 per hour above Zone A BHR)		
Zone D: ($2.75 per hour above Zone A BHR)		
LABORERS:		
Area 1:		
Group 1	12.275	2.52
Group 2	12.435	2.52
Group 3	12.605	2.52
Group 4	12.735	2.52
Group 5	12.945	2.52
Group 6	13.41	2.52
Group 7	14.18	2.52

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Area 2:		
Group 1	$10.15	$2.52
Group 2	10.31	2.52
Group 3	10.48	2.52
Group 4	10.61	2.52
Group 5	10.82	2.52
Group 6	11.285	2.52
Group 7	12.055	2.52
(Tunnel and Shaft Work):		
Area 1:		
Group 1	12.57	2.52
Group 2	12.57	2.52
Group 3	12.935	2.52
Group 4	13.365	2.52
Group 5	13.60	2.52
Group 5A	13.90	2.52
Area 2:		
Group 1	10.445	2.52
Group 2	10.65	2.52
Group 3	10.81	2.52
Group 4	11.24	2.52
Group 5	11.475	2.52
Group 5A	11.775	2.52
POWER EQUIPMENT OPERATORS:		
Area 1:		
Group 1	10.875	2.78
Group 2	12.875	2.78
Group 3	13.335	2.78
Group 4	13.885	2.78
Group 5	14.545	2.78
Group 6	15.185	2.78
Group 7	15.565	2.78
Group 8	15.975	2.78
Group 9	16.715	2.78
Area 2:		
Group 1	8.75	2.78
Group 2	10.75	2.78
Group 3	11.21	2.78
Group 4	11.76	2.78
Group 5	12.42	2.78
Group 6	13.06	2.78
Group 7	13.44	2.78
Group 8	13.85	2.78
Group 9	14.59	2.78

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Area 1:		
Group 1	$12.445	$2.52
Group 2	12.605	2.52
Group 3	12.875	2.52
Group 4	13.305	2.52
Group 5	13.495	2.52
Group 5A	13.735	2.52
Group 6	13.895	2.52
Group 7	14.395	2.52
Group 8	15.03	2.52
Group 8A	15.975	2.52
Group 8B	15.445	2.52
Area 2:		
Group 1	10.32	2.52
Group 2	10.48	2.52
Group 3	10.75	2.52
Group 4	11.18	2.52
Group 5	11.37	2.52
Group 5A	11.61	2.52
Group 6	11.77	2.52
Group 7	12.27	2.52
Group 8	12.905	2.52
Group 8A	13.65	2.52
Group 8B	13.32	2.52

AREA DESCRIPTIONS

AREA DESCRIPTIONS (Cont'd)

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AREA DESCRIPTIONS

BRICKLAYERS; STONEMASONS:
Northern Area: Apache, Coconino and Gila Counties; Graham County (west and north of the San Francisco River to the Gila River); Greenlee County (west and north of the San Francisco River to the Gila River); Maricopa, Mohave, and Navajo Counties; Pinal County (north of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern City limits of Coolidge, then a straight line to the extreme southern City limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Yavapai, and Yuma Counties:
Zone A: 0-40 road miles from the City Hall in Phoenix
Zone B: 40-50 road miles from the City Hall in Phoenix
Zone C: 50-75 road miles from the City Hall in Phoenix
Zone D: 75-100 road miles from the City Hall in Phoenix
Zone F: 200 road miles and over from the City Hall in Phoenix
Southern Area: Cochise County; Graham County (east and south of the San Francisco River to the Gila River); Greenlee County (east and south of the San Francisco River to the Gila River); Pima County; Pinal County (south of a boundary line drawn west along the Gila River to the western City limits of Florence, a straight line from the extreme southwestern City limits of Florence to the extreme southern City limits of Coolidge, then a straight line to the extreme southern City limits of Casa Grande, with the line extending to the Maricopa/Pinal County Line); Santa Cruz Counties:
Zone A: 0-15 road miles from Tucson City limits
Zone B: 15-30 road miles from Tucson City limits
Zone C: 30-40 road miles from Tucson City limits
Zone D: Over 40 road miles from Tucson City limits

CARPENTERS:
Northern Area: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line
Central and Southern Areas: All areas not included in the Northern Area

CEMENT MASONS:
Zone 1: Apache, Coconino, and Gila Counties; Graham County (north of Sentinel-Casa Grande-Safford Line); Greenlee County (north of Sentinel-Casa Grande-Safford Line); Maricopa County (north of Sentinel-Casa Grande-Safford Line); Mohave, and Navajo Counties; Pinal County (north of Sentinel-Casa Grande-Safford Line); Yavapai and Yuma Counties:
NORTHERN AREA: Area North of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of the Arizona/New Mexico State Line.

AREA DESCRIPTIONS (Cont'd)

CEMENT MASONS: (Cont'd)
Zone 1: (Cont'd)
CENTRAL and SOUTHERN AREAS: All Areas not included in the NORTHERN AREA
Zone 2: Southern parts of Cochise, Graham, Greenlee, Maricopa, and Pinal Counties; Pima and Santa Cruz Counties

ELECTRICIANS:
Area 1: Apache County (north of Highway #66)
Area 2: Coconino County; Navajo County (north and west of a boundary line beginning at a point where Clear Creek crosses the Coconino/Navajo County Line and then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line):
Zone A: 5 miles north-south, east and west of the Post Offices of Williams, Sedona, and Winslow
Zone B: Remainder of Area 2 not covered by Zone A
Area 3: Apache County (south of Highway #66); Gila County; Navajo County (south and east of a boundary beginning at a point where Clear Creek crosses the Coconino/Navajo County Line, then extending in a northeasterly direction along Clear Creek and northeasterly to Cottonwood Wash, along Cottonwood Wash extending northeasterly to where it intersects the Navajo Indian Reservation, then easterly along the Navajo Indian Reservation boundary line to a point where it intersects the Navajo/Apache County Line); Pinal County (north of the line, "First Standard Parallel South" and east of the line "Second Guide Meridian East")
Area 4: Maricopa and Mohave Counties; Pinal County (north and west of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Papago Indian Reservation Road #15 to the intersection with the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the Pinal/Maricopa County Line); Yavapai County
Area 5: Cochise, Graham, Greenlee, and Pima Counties; Pinal County (south and east of the boundary line beginning at a point where the Papago Indian Reservation Road #15 crosses the Pima/Pinal County Line, then extending in a northeasterly direction on the Florence Canal, north and east on the Florence Canal to the intersection with the line, "Second Guide Meridian East", then north to the line, "First Standard Parallel South", and along that line to the Graham/Pinal County Line); Santa Cruz and Yuma Counties

IRONWORKERS:
Northern Area: Area from a line 10 miles north and parallel to Highway #66, north to the Arizona-Utah border and from the Arizona-California border east to the Arizona-New Mexico border
Southern Area: All Areas not included in the Northern Area

AREA DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION:
Zone 1: Phoenix and Tucson 30 miles radius from the center of Town; Area within 10 mile radius from the City Hall in Yuma
Zone 1-A: Flagstaff, Globe, and Kingman; and 10 mile radius from the center of Town
Zone 2: Other areas not covered by Zone 1 and Zone 1-A

PAINTERS:
Area 1: Apache, Coconino, Navajo, and Yavapai Counties (north of Woodruff/Camp Wood Line); Mohave County (north of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):
- Zone A: 0-20 road miles from Courthouse in Flagstaff
- Zone B: 20-35 road miles from Courthouse in Flagstaff
- Zone C: 35-80 road miles from Courthouse in Flagstaff
- Zone D: 80 road miles and over from Courthouse in Flagstaff

Area 2: Apache, Coconino, Navajo, and Yavapai Counties (south of the Woodruff/Camp Wood Line); Gila, Graham, Greenlee, Maricopa, and Pinal Counties (north of 33rd Parallel); Mohave County (south of a line following the Geodetic Hualapai Boundary Line to the Colorado River, a distance of 23 miles east of Pierce Ferry and then intersecting the Arizona/Nevada State Line):
- Zone A: 0-40 paved road miles from Courthouse in Phoenix; also, Luke and Williams Air Force Bases
- Zone B: 41-60 paved road miles from Courthouse in Phoenix
- Zone C: 61 paved road miles and over from Courthouse in Phoenix

Area 3: Cochise County; Graham, Greenlee, Maricopa and Pinal Counties (south of 33rd Parallel); Pima, Santa Cruz, and Yuma Counties:
- Zone A: 0-30 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone B: 31-40 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone C: 41-50 paved road miles from Stone and Congress in Tucson or from the County Courthouse in Yuma
- Zone D: 51 paved road miles and over from Stone and Congress in Tucson or from the County Courthouse in Yuma

LABORERS; POWER EQUIPMENT OPERATORS; and TRUCK DRIVERS:
Area 1: Area north of a straight line drawn between a point 35 miles due north of the City Hall in Flagstaff and a point 35 miles due north of the City Hall in Kingman, extending to the Arizona/Nevada State Line on the west; and connecting to a point 35 miles due north of the City Hall in Holbrook, thence due east to the intersection of Arizona/New Mexico State Line
Area 2: All Areas not included in Area 1

GROUP DESCRIPTIONS

LABORERS

Group 1: Laborer, general or construction; Manually-controlled Signal Operator; Fence Builder, Guard Rail Builder - highway; Chat Box Man; Dumpman and/or Spotter; Rip Rap Stone Man; Form Stripper; Landscape Gardener and Nurseryman; Packing Rod Steel and Pans; Window Cleaners; Cesspool Diggers and Installers; Concrete Dump Man - belt; Pipe and/or Hoseman; Astro-turf Layers; Clean-up, Bull Gang and Trackman - railroad; Chipper (clearing and grubbing)

Group 2: Cement Finisher Tender; Concrete Curer (Imperivous Membrane); Cutting Torch Operator; Fine Grader (highway, engineering and sewer work only); Kettleman - Tarman; Power-type Concrete Buggy

Group 3: Chuck Tender (except tunnel); Sandblaster (Pot Tender); Powderman Tender; Spikers and Wrenchers; Rip Rap Stone Pavers; Creosote Timman; Guniea Chaser; Bander

Group 4: Operator and Tenders of Pneumatic and Electric Tools; Concrete Vibrating Machines; Chain Saw Machines (on clearing and grubbing); Floor Sanders, concrete; Hydraulic Jacks and similar mechanical tools not separately herein classified; Cement Dumpers (skip-type Mixer or handling bulk Cement); Pipe Caulker and/or Backup Man (pipeline); Rigger/Signalman (pipeline); Pipe Wrapper; Cribber and Shorer (except tunnel); Pneumatic Goper

Group 5: Grade Setter (pipeline); Driller; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Asphalt Rakers and Ironers; Air and water Wash-out Nozzleman; Scaler (using Bos'n's Chair or Safety Belt); Tampers (mechanical, all types); Hand-guided Trencher and similar operated equipment; Precast Manhole Erector

Group 6: Driller (Core, Diamond, Wagon or Air Track); Sandblaster (Nozzleman); Concrete Saw (hand-guided); Concrete Cutting Torch; Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite)

Group 7: Gunite Nozzleman or Rodman; Scaler (Drillers); Form Setter and/or Builder; Welders and/or Pipe Layers, installing process piping; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, Hydrasonic; Powder Man

(TUNNEL and SHAFT WORK)

Group 1: Bull Gang, Muckers, Trackman; Dumpmen; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on tunnel work)

Group 2: Nipper; Chucktender, Cabletender; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)

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LABORERS (Cont'd)
(TUNNEL and SHAFT WORK) (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

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LABORERS (Cont'd)
(TUNNEL and SHAFT WORK) (Cont'd)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, Driller, Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS

Group 1: Air Compressor Operator; Pump Operator; Conveyer Operator; Generator Operator (all); Power Grizzly Operator; Fireman (all); Welding Machine Operator; Tripper Operator; Concrete Mixer Operator, skip type; Highline Cableway Signalman

Group 2: Oiler; Forklift and Ross Carrier Operator; Skiploader, 1¼ cu. yd. and less; Pavement Breaker; Roller Operator (except as otherwise classified); Wheel-type Tractor Operator (Ford-Ferguson type); Slurry Seal Machine Operator (driver Moto-paver); Power Sweeper

Group 3: Self-propelled Chip Spreading Machine Conveyor Operator; Dinky Operator, under 20 ton; Elevator Hoist Operator, Husky and similar

Group 4: Motor Crane Driver; Belterete Operator; Curing Machine Operator, Boring Bridge and Texture; Cross Tineing and Pipe Float; Straw Blower; Hydrographic Seeder; Hydrographic Mulcher; Jumbo Finishing Machine; Joint Inserter

Group 5: A-frame Boom Truck or Winch Truck Operator; Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Screed Operator; Stationary Pipe Wrapping and Cleaning Machine Operator; Tugger Operator

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Aggregate Plant Operator (including crushing, screening, and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Boring Machine Operator; Concrete Mechanical Tamping, Spreading or Finishing Machine Operator (including Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types and sizes; Conductor, Brakeman, or Handler; Drilling Machine Operator, all types and sizes except as otherwise classified; Field Equipment Serviceman; Kolman Belt Loader Operator or similar type, with belt width 48" or over; Locomotive Engineer (including Dinky 20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Operator, up to and including 12 cu. yds. (Turnapull, Euclid, Cat, D.W. Hancock, and similar equipment); Power Jumbo Form Setter Operator; Pressure Grout Machine Operator (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator, on all type asphalt pavement; Self-propelled Compactor, with blade; Skip Loader Operator, all types with a rated capacity over 1¼ but less than 4 cu. yds.; Slip Form Operator (power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator, single pass type; Stationary Central Generating Plant Operator, rated 300 K.W. or more; Surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator

Group 7: Pneumatic-tired Scraper Operator, all sizes and types over 12 cu. yds. MRC (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper); Trenching Machine Operator

Group 8: Asphalt or Concrete Planing, Rotomill, and Milling Machine Operator; Auto Grade Machine Operator (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator, paving type and Mobile Mixers; Concrete Pump Operator, with boom attached (truck mounted); Crane Operator, Crawler and Pneumatic type under 100 ton capacity MRC; Crawler-type Tractor Operator, with boom attachment or Slope Bar; Derrick Operator; Forklift Operator for hoisting personnel; Gradall Operator; H.D. Mechanic and/or Welder; Helicopter Hoist Operator; Highline Cableway Operator (less than 20 tons rated capacity); Mass Excavator Operator (150 Bucyrus Erie and similar types); Mechanical Hoist Operator (two or more drums); Motor Grader Operator, any type power blade; Motor Grader Operator, with Elevating Grader attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Operator, all sizes and types (Turnapull, Euclid, Cat, D.W. Hancock and similar equipment over 45 cu. yds. MRC); Power driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator, all types rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Operator (including Gunnert, Zimmerman and similar types); Specialized Power Digger Operator, attached to wheel-type tractor; Tower Crane (or similar type) Operator; Tugger Operator (two or more); Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

POWER EQUIPMENT OPERATORS (Cont'd)

Group 9: Crane Operator, Pneumatic or Crawler, 100 ton hoisting capacity and over MRC rating; Helicopter Pilot, FAA qualified, when used in construction work other than executive travel and single casual rental; Highline Cableway Operator, over 20 ton rated capacity and using Traveling Head and Tail Tower; Remote-control Earth Moving Equipment Operator; Skip Loader Operator, all types with rated capacity of 8 cu. yds. or more; Universal Equipment Operator, Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pick-ups; Station Wagon; Man Haul Driver

Group 2: Dump or Flatrack (2 or 3 axle); Water Truck (under 2500 gallons); Buggymobile (1 cu. yd. or less); Bus Driver; Self-propelled Street Sweeper; Shop Greaser

Group 3: Dump or Flatrack (4 axle); Dumptor or Dumpster (less than 7 cu. yds.); Water Truck (2500 gallons but less than 400 gallons); Fireman

Group 4: Dumptor or Dumpster (7 cu. yds. but less than 16 cu. yds); Dump or Flatrack (5 axle); Water Truck (4000 gallons and over); Slurry type equipment Driver or Leverman; Vacuum Pump Truck Drivers; Flaherty Spreader or similar type equipment or Leverman; Transit Mix (8 cu. yds. or less mixer capacity); Ambulance Driver

Group 5: Dump or Flatrack (6 axle); Transit Mix (over 8 cu. yds. but less than 10.5 cu. yds.); Rock Truck (i.e. Dart, Euclid and other similar type end dumps, single unit) less than 16 cu. yds.

Group 5A: Oil Tanker or Spreader and/or Bootman, Retortman or Leverman

Group 6: Transit Mix (over 10.5 cu. yds. but less than 14 cu. yds. mixer capacity); Rose Carrier, Fork Lift or Lift Truck; Hydro Lift, Swedish Crane, Iowa 300 and similar types; Concrete Pump (when integral part of Transit Mix Truck); Dump or Flatrack (7 axle); Transport Driver (unless axle rating results in higher classification)

Group 7: Dump or Flatrack (8 axle)

Group 8: Off-highway equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e. Cat, DW Series, Euclid, International and similar type equipment transporting material when top loaded or by external means including pulling Water Tanks, Fuel Tanks or other applications under Teamster Classifications; Rock Trucks (Dart, Euclid, or other similar end dump types) 16 cu. yds. and over; Eject-alls; Dumptor or Dumpster (16 cu. yds. and over); Dump or Flatrack (9 axle)

Group 8A: Heavy-duty Mechanic/Welder; Body and Fender Man

Group 8B: Field Equipment Serviceman or Fuel Truck Driver

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Hawaii COUNTIES: Statewide
DECISION NUMBER: HI83-5104 DATE: Date of Publication
Supersedes Decision No. HI82-5123 dated October 1, 1982, in 47 FR 43513
DESCRIPTION OF WORK: Building Projects; Residential Projects (consisting of single family homes and apartments up to and including 4 stories); Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.07	$5.36
BOILERMAKERS	15.70	4.56
BRICKLAYERS; Stonemasons	14.23	5.55
CARPENTERS:		
Carpenters; Hardwood Floorlayers; Patent Scaffold Erectors; Pneumatic Nailer; Shinglers	15.40	5.30
Drywall	15.65	5.24
Lathers	15.40	5.20
Millwrights	15.65	5.30
Power Saw Operator (2 HP and over)	15.55	5.30
CEMENT MASONS:		
Cement Masons	14.18	5.65
Troweling Machine Operators	14.33	5.65
DRAPERY INSTALLERS	6.45	b+.90
ELECTRICIANS:		
Electricians; Linemen	14.45	4.27+ 26.6%
Technicians	14.88	4.27+ 26.6%
Cable Splicers	15.90	4.27+ 26.6%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.20	a+2.69
Helpers	12.74	a+2.69
Probationary Helper	9.10	
FENCE ERECTORS:		
Chain Link	5.39	.65
GLAZIERS	13.01	4.43
IRONWORKERS:		
Bridge; Ornamental; Reinforcing; Structural	14.50	5.97
LINE CONSTRUCTION:		
Electricians; Linemen	14.45	4.27+ 26.6%
Technicians	14.88	4.27+ 26.6%
LINE CONSTRUCTION: (Cont'd)		
Heavy Equipment Operator	13.01	$4.27+ 26.6%
Groundmen	10.84	4.27+ 26.6%
Cable Splicers	15.90	4.27+ 26.6%
MARBLE SETTERS	15.03	4.75
PAINTERS:		
Brush	15.05	4.94
Tapers	15.30	4.94
Spray; Sandblaster	15.55	4.94
PLASTERERS	14.72	5.56
PLUMBERS; Steamfitters	15.00	6.12
ROOFERS	14.70	4.63
SHEET METAL WORKERS	14.25	7.30
SOFT FLOOR LAYERS	15.20	5.30
SPRINKLER FITTERS	17.37	2.83
TERRAZZO WORKERS and TILE SETTERS:		
Terrazzo Base Grinder	13.45	4.75
Terrazzo Floor Grinder and Finisher	12.02	4.75
Terrazzo Workers and Tile Setters	15.03	4.75
HELICOPTER WORK:		
Pilot of Helicopter	17.72	5.75
Copilot of Helicopter	17.55	5.75
Airborne Hoist Operator for Helicopter	17.41	5.75
DIVER (Aqua Lung)	18.86	5.75
ASPHALT PAVING GROUP:		
Asphalt Raker	14.10	c+4.15
Asphalt Spreader Operator	15.38	c+4.15
Roller Operator:		
over 5 tons	15.06	c+4.15
5 tons and under	13.83	c+4.15
Screed Man	14.41	c+4.15
Hand Roller	13.60	c+4.15

FOOTNOTES:
a. Employer contributes 8% of basic hourly rate for 5 years'

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	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Group 1	$11.41	$4.08
Group 1-A	11.46	4.08
Group 1-B	11.81	4.08
Group 1-C	12.01	4.08
Group 1-D	11.86	4.08
Group 1-E	12.11	4.08
Group 1-F	12.16	4.08
Group 1-G	12.36	4.08
Group 2	11.76	4.08
Group 3	11.96	4.08
LANDSCAPE and IRRIGATION LABORERS:		
Group 1	8.52	2.47
Group 2	7.86	2.47
Group 3	6.03	2.47
POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):		
Group 1	13.55	5.75
Group 2	13.66	5.75
Group 3	13.83	5.75
Group 4	14.10	5.75
Group 5	14.41	5.75
Group 6	15.06	5.75
Group 7	15.38	5.75
Group 8	15.49	5.75
Group 9	15.60	5.75
Group 9-A	15.83	5.75
Group 10	15.89	5.75
Group 10-A	16.04	5.75
Group 11	16.19	5.75
Group 12	16.55	5.75

	Basic Hourly Rates	Fringe Benefits
DREDGING: Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick:		
Group 1	$16.55	$5.75
Group 2	16.04	5.75
Group 3	15.49	5.75
Group 4	13.83	5.75
Group 5	13.83	5.75
Group 6	13.83	5.75
Group 7	16.30	5.75
Group 8	15.38	5.75
Group 9	16.00	5.75
Group 10	13.83	5.75
TRUCK DRIVERS:		
Group 1	13.83	5.75
Group 2	14.10	5.75
Group 3	14.41	5.75
Group 4	15.06	5.75
Group 5	15.38	5.75
Group 6	15.49	5.75
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental		

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day

b. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; plus Kamehaha Day. In order to be eligible for a Paid Holiday, employees must work the last working day before the Holiday and the first working day following the Holiday. If the employee did not work either of these two days due to illness or layoff, he shall be entitled to Holiday Pay. In case of illness, the Company may require proof of illness.

c. ASPHALT PAVING GROUP Only: Employee who has completed two to five years' service shall receive a vacation of one week with pay; each additional year an additional one day vacation with pay; ten or more years, a vacation for two weeks each year; for each year of completed service thereafter to and including fifteen or more years of service, a vacation of three weeks each year with pay.

LABORERS

Group 1: All Clean-up work of debris, grounds, buildings; Bridge Laborers; Construction Laborers; Dumpman; General Laborers; Limbers, Brush Loaders and Filers

Group 1-A: Plaster Laborers

Group 1-B: Plaster Hod Carrier

Group 1-C: Plaster Mortar Mixer

Group 1-D: Mason Tender

Group 1-E: High Scaler

Group 1-F: Gunnite Operator

Group 1-G: Powderman

Group 2: Asphalt Shovelers; Cement Dumpers; Choke-setter and Rigger (clearing work); Concrete Chipping; Driller's Tender, Chuck Tender, Outside Nipper; Guinea Chaser (Stakeman); High Pressure Nozzleman-hydraulic Monitor (over 100# pressure) excluding levee work; Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Sloper; All pneumatic, gas and electric tools not listed in Group 1

LABORERS (Cont'd)

Group 3: Asphalt Ironers, Rakers and Hand Rollers; Barko and similar type Tampers; Buggymobile; Chainsaw, Faller, Loqloader and Bucker; Concrete and Magnesite Mixer under 1/2 yard; Concrete Grinder; Concrete Pan Work; Concrete Saw (walking or hand type); Cribbers; Cut Granite Curb Setters; Form Raisers; Header Board; Mortar Mixers (block-brick-masonry); Jackhammer Operator Jackson and similar type Compactors; Lagging, Sheeting, Whaling, Bracing, Trench-jacking, Hand-guided Lagging Hammer; Magnesite and Mastic Workers (wet or dry); Mechanical Drillers not covered elsewhere; Pavement Breakers; Pipelayers, Caulkers, Bander; Pipewrappers, Kettlemen, Potmen and men applying asphalt, Lay-Kold, Creosote and similar type materials; Post Hole Diggers (hand held-gas, air and electric); Riprap, Stone-paver and Rockslinger, including placing of sacked concrete (wet or dry); Rotary Scarifier; Roto-tiller; Sandblasters; Tank Cleaners; Tree Climbers; Vibra-screed (Bull Float in connection with Laborers' work); Vibrator; Burning, welding, signaling and rigging in connection with Laborers' work; Concrete Pump Machine; Joy Drill Model TWM-2A, Gardner Denver DH-143 and similar type drills; Track Drillers, Diamond, Core and Wagon Drillers; Davis Trencher T-66 or similar types; Concrete Laborers (wet or dry), including Bucket Tender for concrete

LANDSCAPE and IRRIGATION LABORERS

Group 1: Layout and/or installation of all valves, valve boxes, vacuum breakers, low voltage electrical lines, hydraulic or electrical controllers, drinking fountains and other potable water systems, and metallic pipe (copper, brass, galvanized, or similar), and tie-in to main lines including soldering (torch, soldering iron, etc.); Making of pressure test; Operation of hand-held gas, air, or self-powered construction tools and equipment such as Jackhammers, Busters, Mud Guns, Jumping Jacks, Post Hole Diggers, Rototillers, Scarifiers, Jackson and similar type Compactors, Barko and similar type Tampers, Hansets, etc.; Tree Climbers and Chain Saw Tree Trimmers; Shooting of grade elevations; Checking of all trees, shrubs, and other plantings for proper size, caliber, and condition; Concrete work (wet or dry), including Concrete Bucket Tending, Concrete Shipping, Concrete Grinding and operation of Concrete Vibrator, Concrete Pump Machine, Concrete Saw Cutter (hand held or walking type), and Concrete Mixer, includes setting of rock, stone, or riprap; Choke Setting, Signaling, and Rigging for equipment Operators on job site; Operation of Forklifts, Flat Bed Trucks up to and including 2½ tons, Drillers, Hydro-mulching Machines (Sprayman and Driver), Trenchers (Riding type, Davis T-66 and similar); Operation of Cranes (Bantom, Grove, and similar), Hoptos, Backhoes, Light Loaders, Rollers, and Dozers, (Case, John Deere, and similar), Trucks requiring Hawaii Public Utilities Commission type 7 Licensw, and other self-propelled, sit-down operated machines not listed in Group 2

LANDSCAPE and IRRIGATION LABORERS (Cont'd)

Group 2: Grubbing, excavation (pick and shovel), and hand rolling or tamping; Installation of heads, Risers, and PVC or other plastic pipe; Sprigging, handseeding, and planting of trees, shrubs, ground covers, and other planting (including use of electrically-powered mud guns) and the performance of all other work relating to said planting that is not specifically listed in Group 1 above

Group 3: Landscape and Irrigation Maintenance work performed during the construction phase of work (Preparation/Installation/Planting), also includes the re-planting of trees, shrubs, ground covers, and other plantings that did not "take" or which are damaged (if re-planting requires two or more persons to perform, Group 2 wages shall be paid)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Partsman (heavy duty repair shop parts room when needed); Repairman Tender

Group 2: Compressor, electrically, diesel or gas powered etc.; Hydraulic Monitor; Material Loader and/or Conveyor Operator (handling building material); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Oiler; Fireman; Switchman; Brakeman; Deckhand; Tar Pot Fireman; Box Operator (bunker); Locomotive (up to and including 30 tons); Roller (5 tons and under); Screedman (except asphalt concrete paving); Self-propelled, automatically applied concrete Curing Machine (on streets, highways, airports and canals); Tugger Hoist, single drum

Group 4: Boom Truck or Dual Purpose "A" Frame Truck; Dinky Operator; Fork Lift or Lumber Stacker (construction job site); Material Hoist (1 drum); Straddle Truck; Ross Carrier and similar (job site)

Group 5: Agri-Cat (mini-cat); Concrete Mixer (up to 2 yards); Concrete Pumps or Pumpcrete Guns; Generators, gasoline or diesel driven (100 K.W.); Lubrication and Service Engineer (mobile and grease rack); Towermobile; Welding Machine (gasoline diesel)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 6: Combination Loader and Backhoe including Hupto (up to and including 1/2 yard); Concrete Batch Plants (wet or dry); Concrete Saws and/or Grinder (self-propelled unit on streets, highways, airports, and canals); Drilling Machinery not to apply to Waterliners, Wagon Drills or Jackhammers); Highline Cableway Signalman; Loader (up to and including 2½ cu. yds.); Lull High Lift; Maginnis Internal Full Slab Vibrator (on airports, highways, canals, and warehouses); Mechanical Finishers (concrete) (large Clary, Johnson Bidwell Bridge Deck or similar types); Mobile Crane Driver; Pavement Breakers; Portable Crushers; Power Jumbo Operator (setting slip forms, etc. in tunnels); Rollers (over 5 tons); Self-propelled Compactor (single engine); Slip Form Pumps (power driven hydraulic, electric, air, gas, etc. lifting device for concrete forms); Small Rubber-tired Tractors; Trenchers (up to and including 6 feet)

Group 7: Crusher Plant; Dual Drum Mixer; Gradesetter (mechanical or otherwise); Hoist (2 drums); Loader (over 2½ cu. yds. up to and including 5 cu. yds.); Mechanical Finishers or Spreader Machine, Asphalt (Barber Greene and similar); Mine or Shaft Hoist; Mixermobile (over 5 tons); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker with compressor combination (operates 1 or 2); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Pipe Bending Machine (pipe lines only); Self-propelled Elevating Grade Plane; Slusher Operator; Small Tractor (with boom D-6 or similar); Trencher (over 6 ft.); Water Tanker (pulled by Euclids, T-Pulls, DW-10, 20, 21 or similar)

Group 8: Boring Machine; Cast-in-place Pipe Laying Machine; Concrete Batch Plant (multiple units); Combination Loader and Hydraulic Backhoe (over 1/2 yd. up to and including 3/4 yd.); Conveyor (tunnel); Engineer, Locomotive (over 30 tons up to and including 100 tons); Finishing Machine Operator (airports and highways); Hydraulic Backhoe (over 1/2 yd. to and including 3/4 yard); Kolman Loader; Mechanic Trench Shield; Mucking Machine; No-joint Pipe Laying Machine; Portable Crushing and Screening Plants; Saurman type Dragline (under 5 yards); Self-propelled Boom type Lifting Device; Stationary Pipe Wrapping, Cleaning and Bending Machine; Surface Heater and Planer; Tunnel Badger; Tri-batch Paver

Group 9: Boom type Backfilling Machine; Combination Mixer and Compressor (gunite); Do-more Loader and Adams Elegrader; Lull Hi-lift (40' or over); Rubber-tired Earthmoving Equipment (up to 12 cu. yds.); Wheel Trencher (over 6")

Group 9-A: Dozers; Heavy Duty Repairman or Welder; Push Cats; Scrapers; Self-propelled Compactor with Dozer; Sheep Foot; Tractors; Tractors (with boom, larger than D-6 and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)

Group 10: Chicago Boom; Hoist (3 drums); Koehring Skooper; Loader (over 5 yards up to and including 12 yards); Locomotive (over 100 tons)(single or multiple units); Power Blade Operator; Rubber-tired Earthmoving Equipment (up to and including 35 cu. yds., Euclid, T-Pulls, DW-10, 20, 21 and similar); Saurman type Dragline (5 yards or over); Soil Stabilizer (P & H equal); Sub-grader (Gurries or other automatic type); Track-laying type earthmoving Machine (single engine with Tandem Scraper); Tractor, Compressor, Drill Combination; Tractor (tandem Scraper); Tractors (D-9 or equivalent)

Group 10A: Cranes (not over 25 tons); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (up to and including 1 cu. yd.)

Group 11: Automatic Slip Form Paver (concrete or asphalt); Cranes (over 25 tons); DW-10, 20, etc. (Tandem); Earthmoving Machine (multiple propulsion power units and two or more scrapers)(up to and including 35 cu. yds. struck MRC); Highline Cableway; Lift Slab Machine; Loader (over 12 yds.); Power Shovels, Clamshells, Draglines, Backhoes, Gradealls (over 1 yd. and up to 7 yds.); Power Blade Operator (16 or over); Prestress Wire Wrapping Machine; Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth Moving Machine (with tandem scraper); Tandem Cats; Tower Cranes, mobile; Trencher (pulling attached shield); Universal, Liebher, Linden and similar types of tower cranes; Wheel Excavator (up to and including 750 cu. yds. per hour)

Group 12: Band Wagon (in conjunction with wheel excavator); Derricks; Drill Rigs; Multi-propulsion Earth Moving Machines (2 or more scrapers) (over 35 cu. yds. "struck" MRC); Power Shovels and Draglines (7 cu. yds. M.R.C. and over); Rubber-tired Earthmoving Equipment (over 35 cu. yds., Euclids, T-Pulls, DW-10, 20, 21 and similar); Wheel Excavator (over 750 cu. yds.)

DREDGING

Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick

Group 1: Clamshell or Dipper Operator; Operators (Derricks, Piledrivers and Cranes)

Group 2: Mechanic or Welder; Assistant Engineer; Assistant Engineer (steam or electric)

Group 3: Deckmate; Barge Mate (Seagoing)

Group 4: Fireman

Group 5: Oiler; Deckhand (can operate Anchor Scow under direction of Deck Mate)

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DREDGING (Cont'd)
Hydraulic Suction Dredges; Clamshell Dredges; Boat Operators; Derrick (Cont'd)

Group 6: Bargeman; Leveeman

Group 7: Leverman; Master Boat Operator

Group 8: Winchman (Stern Winch on Dredge)

Group 9: Boat Operator

Group 10: Boat Deckhand

TRUCK DRIVERS

Group 1: Flatbed

Group 2: Dump, 8 yards and under; Water Truck (up to and including 2,000 gallons)

Group 3: Water Truck (over 2,000 gallons)

Group 4: Semi-trailer or Semi-dump

Group 5: Slip-in or Pup

Group 6: End Dumps, unlicensed (Euclid, Mack, Caterpillar or similar); Tractor Trailer (hauling equipment); Trucks (hooked up to trailer hauling equipment)

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: MICHIGAN COUNTY: IONIA
DECISION NUMBER: MI83-2022 DATE: DATE OF PUBLICATIO
Supersedes Decision Number MI77-2106, dated July 8, 1977, in 42 FR 35510.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 8.50	
CARPENTERS	5.55	
CEMENT MASONS	5.00	
DRYWALL HANGERS	8.00	
DRYWALL TAPERS	6.00	
ELECTRICIANS	5.00	
LABORERS:		
Unskilled	4.00	
Mason tenders	4.50	
PAINTERS	5.22	
PLUMBERS & PIPEFITTERS	7.75	
POWER EQUIPMENT OPERATORS:		
Bulldozer	5.50	
ROOFERS	4.81	
SHEET METAL WORKERS	$ 6.28	
SOFT FLOOR LAYERS	7.08	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a)

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: BERRIEN, BRANCH, CASS, KALAMAZOO, ST. JOSEPH, & VAN BUREN
DECISION NUMBER: MI83-2023 DATE: DATE OF PUBLICATION
Supersedes Decision Number MI80-2047, dated June 13, 1980, in 45 FR 40455.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$11.85	
CARPENTERS	8.97	
CEMENT MASONS	11.61	
DRYWALL FINISHERS/TAPERS	10.56	
DRYWALL HANGERS	9.64	
ELECTRICIANS	9.82	
GLAZIERS	10.84	
INSULATION INSTALLERS	8.25	
LABORERS:		
Laborers - Unskilled	6.93	
Landscape laborers	5.42	
Mason tenders	8.00	
PAINTERS - BRUSH	8.56	
PLUMBERS & PIPEFITTERS	10.04	
ROOFERS	9.73	
SHEET METAL WORKERS	8.19	
SOFT FLOOR LAYERS	9.89	
TILE SETTERS	9.95	
TRUCK DRIVERS	7.65	

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits
Backhoe	$ 8.50	
Bulldozer	9.00	
Crane	12.08	3.70
Front end loader	8.82	
Grader	11.89	3.70
Paver	11.89	3.70
Roller	11.89	3.70

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN COUNTIES: ALLEGAN & OTTAWA

SUPERSEDEAS DECISION

STATE: MICHIGAN

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: ALLEGAN & OTTAWA
DECISION NUMBER: MI83-2024
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI78-2053, dated April 14, 1978, in 43 FR 16064.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 9.40	
CARPENTERS	8.00	.34
CEMENT MASONS	12.87	1.00
DRYWALL FINISHERS/TAPERS	8.24	
DRYWALL HANGERS	9.00	
ELECTRICIANS	8.17	1.20
LABORERS	7.21	
PLUMBERS & PIPEFITTERS	9.00	
POWER EQUIPMENT OPERATORS:		
Backhoe	8.90	.98
Bulldozer	10.10	
Front end loader	8.90	.98
ROOFERS	8.50	
SHEET METAL WORKERS	7.50	3.4%
TRUCK DRIVERS	8.90	.93

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: CALHOUN
DECISION NUMBER: MI83-2025
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI80-2050, dated June 27, 1980, in 45 FR 43581.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$12.25	1.20
CARPENTERS	7.59	
CEMENT MASONS	10.40	1.12
DRYWALL FINISHERS/TAPERS	12.00	
DRYWALL HANGERS	10.36	
ELECTRICIANS	8.94	1.01+9%
LABORERS - UNSKILLED	5.75	
LANDSCAPE LABORERS	4.85	
PAINTERS	7.50	
PLUMBERS & PIPEFITTERS	9.20	
POWER EQUIPMENT OPERATORS:		
Backhoe	9.70	
Bulldozer	9.02	
Grader	10.44	3.65
Paver	11.59	3.77
Roller	10.44	3.65
ROOFERS	7.16	
SHEET METAL WORKERS	9.03	3.65
SOFT FLOOR LAYERS	$12.00	
TILE SETTERS	9.72	

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: GENESEE, HURON, LAPEER, SAGINAW, ST. CLAIR, SANILAC, & SHIAWASSEE.
DECISION NUMBER: MI83-2020
DATE: DATE OF PUBLICATION
Supersedes Decision Number MI81-2002, dated March 6, 1981, in 46 FR 15655.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consists of single family homes and apartments up to and including four (4) stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
St. Clair County	$16.32	5.02
Remainder of Counties	15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS & STONE MASONS:		
Genesee, Lapeer, & Shiawassee Counties	14.37	3.26
Huron & Saginaw Counties	13.99	2.51
St. Clair & Sanilac Counties	11.76	3.25
CARPENTERS & SOFT FLOOR LAYERS:		
Genesee, Lapeer, & Shiawassee Counties:		
Carpenters	14.60	2.12
Soft floor layers	10.42	2.11
St. Clair & Sanilac (West 5 mile portion of Co.) Counties		
Carpenters	15.50	5.11
Soft floor layers	15.07	1.80+8%
Huron, Saginaw, & Sanilac (Remainder of Co.) Counties:		
Carpenters	10.41	1.90
Soft floor layers	10.42	2.11
CEMENT MASONS & PLASTERERS:		
Genesee & Shiawassee Counties	12.80	1.17
Huron & Saginaw Counties:		
Cement masons	13.32	2.20
Plasterers	13.90	1.45
Lapeer County:		
Cement masons	13.05	3.20
Plasterers	13.30	3.20
St. Clair & Sanilac Counties:		
Cement masons	11.10	3.25
Plasterers	11.31	3.25
ELECTRICIANS:		
Huron, St. Clair, & Sanilac Counties	14.40	2.90+3%
Saginaw County	10.23	1.40+3½%
Shiawassee (Perry & Woodhull Twps. only) County	11.68	.85+8½%
Remainder of Counties	11.44	1.75+3%
ELEVATOR CONSTRUCTORS:		
St. Clair County:		
Mechanics	17.15	2.465+a
Helpers	12.005	2.465+a
Probationary helpers	8.575	
Remainder of Counties:		
Mechanics	16.37	2.69+a
Helpers	11.46	2.69+a
Probationary helpers	8.186	
GLAZIERS:		
Genesee, Lapeer, & Shiawassee Counties	$13.14	2.31
Huron & Saginaw Counties	9.15	.76
St. Clair & Sanilac Counties	9.00	2.70+b
IRONWORKERS:		
Structural & Ornamental	15.26	4%+.09
Reinforcing	13.53	7.52+.64%
Fence erectors	14.26	4%+.09
LABORERS	6.95	1.69
LATHERS:		
St. Clair (South East portion including Memphis, Marysville, & Sparlingville) County	16.32	3.84
Remainder of Counties	15.02	2.57
MARBLE, TERRAZZO, & TILE FINISHERS:		
Genesee & Shiawassee Counties	10.30	1.55
Saginaw County	9.83	1.55
Remainder of Counties:		
Marble finishers	12.40	2.80
Terrazzo finishers	14.48	2.30
Tile setters	12.40	2.30
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS:		
Genesee, Lapeer, & Shiawassee Counties	14.00	3.20
Huron & Saginaw Counties	14.36	.40
St. Clair & Sanilac Counties:		
Marble setters	15.93	3.45
Terrazzo workers	14.77	3.45
Tile setters	15.32	3.47
PAINTERS:		
Huron (East ½), St. Clair, & Sanilac Counties:		
New Construction:		
Brush & Roller	13.71	1.92
Spray & Sandblast	16.21	1.92
Repaint Work:		
Brush & Roller	14.14	1.92
Spray & Sandblast	14.59	1.92
Huron (Remainder of County) County:		
Brush, roller, & taper	9.45	1.65
Spray & Sandblast	10.30	1.65
Saginaw County:		
Brush & Roller	12.60	1.72
Spray & Sandblast	13.35	1.72
Paperhangers	13.20	1.72

SUPERSEDEAS DECISION

STATE: MICHIGAN
COUNTIES: BAY, GENESEE, HURON, IOSCO, LAPEER, SAGINAW, ST. CLAIR, SANILAC, SHIAWASSEE, TUSCOLA.
DECISION NUMBER: MI83-2021 DATE: DATE OF PUBLICATION
Supersedes Decision Number MI82-2007, dated February 26, 1982, in 47 FR 8501.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not included single family homes and apartments up to and including four stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airports, & Sewer & Water Lines Projects).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
St. Clair County	$16.32	5.02
Remainder of Counties	15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS & STONE MASONS:		
Genesee, Lapeer, & Shiawassee Counties	14.37	3.26
St. Clair & Sanilac Counties	15.68	3.25
Remainder of Counties	13.99	2.51
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Sanilac (Except West 5 mile portion of Co.) & St. Clair Counties:		
Carpenters & Piledrivermen	15.50	5.11
Soft floor layers	15.07	1.80+8%
Remainder of Counties:		
Carpenters & Piledrivermen	14.60	2.12
Soft floor layers	13.69	2.11
CEMENT MASONS & PLASTERERS:		
Genesee & Shiawassee Counties	12.80	2.17
Lapeer County:		
Cement masons	13.05	3.20
Plasterers	13.30	3.20
St. Clair & Sanilac Counties:		
Cement masons	14.80	3.25
Plasterers	15.08	3.25
Remainder of Counties:		
Cement masons	13.32	2.20
Plasterers	15.90	1.45
ELECTRICIANS:		
Iosco (Northern ½) County	14.98	2.54+3½%
Bay & Iosco (Southern ½) Counties	17.09	"
Genesee, Lapeer, & Shiawassee Counties	16.24	1.08+14%
Saginaw & Tuscola Counties	15.55	3.05+3½%
Remainder of Counties	17.80	3.71+3%
ELEVATOR CONSTRUCTORS:		
St. Clair County:		
Mechanics	17.15	2.465+a
Helpers	12.00	"
Probationary helpers	8.575	
Remainder of Counties:		
Mechanics	16.37	2.69+a
Helpers	11.46	"
Probationary helpers	8.185	
GLAZIERS:		
Genesee, Lapeer, & Shiawassee Counties	13.41	2.31
St. Clair & Sanilac Counties	14.69	2.70+b
IRONWORKERS:		
Structural	$15.26	47%+.09
Reinforcing	13.53	.64%+7.52
Fence Erectors	14.26	47%+.09
LATHERS:		
St. Clair (South East portion including Memphis, Marysville & Sparlingville) County	16.32	3.84
Remainder of Counties	15.02	2.57
MARBLE, TERRAZZO, & TILE FINISHERS:		
Genesee & Shiawassee Counties	10.30	1.55
Bay & Saginaw Counties	9.83	1.55
Remainder of Counties:		
Marble finishers	12.40	2.80
Terrazzo finishers	14.48	2.30
Tile finishers	15.32	2.30
MARBLE SETTERS, TERRAZZO WORKERS, & TILE SETTERS:		
Genesee, Lapeer, & Shiawassee Counties	14.88	3.20
St. Clair & Sanilac Counties:		
Marble setters	15.93	3.45
Terrazzo workers	14.77	3.45
Tile setters	15.32	3.47
Remainder of Counties	14.36	.40
MILLWRIGHTS	15.19	37%+1.7
PAINTERS:		
Bay, Huron (West of M-53), Iosco, & Tuscola (Twps. of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta, & Wisner) Counties:		
New Construction:		
Brush, roller, & taper	12.55	1.65
Spray & Sandblast	13.40	1.65
Repaint Work:		
Brush, roller, taper	11.95	1.65
Spray & Sandblast	12.80	1.65
Industrial Construction:		
Brush, roller, & taper	13.35	1.65
Spray & Sandblast	14.20	1.65
Saginaw & Tuscola (Remainder of Co.) Counties:		
Brush & Roller	12.60	1.72
Wall covering, open structural steel, swing stage, & boatswain chair	13.20	1.72
Sandblast & Spray	13.35	1.72

DECISION NO. MI83-2020

	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd.):		
Shiawassee (West ½) County:		
Brush, roller, & drywall-hand	$12.34	1.7525
Paperhangers	12.69	1.7525
Drywall-machine	13.09	1.7525
Remainder of Counties:		
Brush & Roller	12.65	2.25
Spray, paperhangers, & vinyl hangers	12.95	2.25
Sandblast	13.15	2.25
Pressure roller	13.45	2.25
PLUMBERS & PIPEFITTERS:		
Genesee, Lapeer, & Shiawassee Counties	18.34	4.21
Saginaw County	13.49	3.19
Huron (West ½) County	16.16	2.87
Remainder of Counties:		
Plumbers	14.34	6.92
Pipefitters	15.00	6.12
Refrigeration mechanics:		
All types over 7½H.P.	15.00	6.12
All types 7½H.P. & under	14.00	6.12
POWER EQUIPMENT OPERATORS:		
St. Clair County:		
Crane operator	15.08	3.35+13%
Regular engineer	14.71	"
Compressor & welding machine operators	12.46	"
Fireman & oiler	11.64	"
Remainder of Counties:		
Crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, & mechanic	15.45	3.35
Air tugger (single drum), material hoist, boiler, sweeping machine, winch truck, Bob-cat & similar type equipment, & fork truck (over 20' lift)	13.85	3.35
Pump 6" & over, well points, freeze systems, boom truck (non-swinging)	13.55	3.35
Air compressor, welder, generator, pump under 6", grease man, conveyor, fork truck (20' lift & under)	12.15	3.35
Oiler, fireman, & heater operator	11.30	3.35
ROOFERS:		
Genesee, Lapeer, & Shiawassee Counties:		
Composition	$14.50	2.77
Slate & Tile	14.85	2.77
Huron & Saginaw Counties	13.00	3.95
St. Clair & Sanilac Counties	11.45	
SHEET METAL WORKERS:		
Huron & Saginaw Counties	15.33	2.26
St. Clair & Sanilac Counties	10.11	1.89
Remainder of Counties	15.60	3.24
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Saginaw County:		
Trucks under 8 cu. yds.	10.30	*80.50
Trucks 8 cu.yds. & over	10.40	*80.50
Semi, double bottom, low boy, Pittman operator & related equipment	10.50	*80.50
Euclid type trucks	10.60	*80.50
Huron, St. Clair, & Sanilac Counties:		
Pole trailer, low boy, straddle carrier, double bottom, special permit load driver, fuel truck	13.55	*90.50
Semi, tractor trailer	13.45	*90.50
All other trucks	13.30	*90.50
Remainder of Counties:		
Truck drivers	11.39	*94.30+c

*Per Week Per Employee.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate of employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day, Decoration Day, Christmas Day.

c. Holiday Pay: New Year's Day, Good Friday afternoon, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day provided employee has 30 days of continuous employment with any contractor and works the scheduled workday preceeding & following the day observed.

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DECISION NO. MI83-2021

	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd.):		
Shiawassee (West ½) County:		
Brush, roller, drywall - hand	$14.20	1.7525
Structural steel, towers	14.60	1.7525
Spray, sandblast, drywall (machine)	14.95	1.7525
Paperhangers	14.55	1.7525
Genesee, Lapeer, & Shiawassee (Remainder of Co.) Counties:		
Brush & Roller	12.65	2.25
Spray, paper & vinyl hangers, swing stage, boatswain chair, & window jacks	12.95	2.25
Sandblast & steamclean	13.15	2.25
Huron (Remainder of Co.), St. Clair, & Sanilac Counties:		
New Construction:		
Brush & Roller	15.71	1.92
Spray & Sandblast	16.21	1.92
Repaint Work:		
Brush & Roller	14.14	1.92
Spray & Sandblast	14.59	1.92
PLUMBERS & PIPEFITTERS:		
Bay, Huron (West ½), Iosco, & Tuscola (North ½) Counties	16.16	2.87
Huron (East ½), St. Clair, & Sanilac Counties:		
Plumbers	14.54	6.92
Pipefitters	15.00	6.12
Refrigeration mechanics (All types over 7½ H.P.)	15.00	6.12
Refrigeration mechanics (All types 7½ H.P. & under)	14.00	6.12
Genesee, Lapeer, & Shiawassee Counties	18.34	4.21
Saginaw & Tuscola (East ½) Counties	15.84	3.19
ROOFERS:		
St. Clair & Sanilac Counties	11.45	
Genesee, Lapeer, & Shiawassee Counties:		
Composition	14.50	2.77
Slate & Tile	14.85	2.77
Remainder of Counties	13.00	3.95
SHEET METAL WORKERS:		
St. Clair & Sanilac Counties:		
Jobs consisting of 10 tons of air conditioning and/or 200,000 B.T.U. of heating, and architectural sheet metal work on such projects	10.11	1.89
All other Work	14.85	7.16
Genesee, Lapeer, & Shiawassee Counties	$15.60	3.24
Remainder of Counties	15.53	2.26
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Bay, Iosco, Saginaw, & Tuscola Counties:		
Trucks under 8 cubic yards	18.30	80.50*
Trucks 8 cubic yards & over	18.40	80.50*
Semi, double bottom, low boy, Pitman ops. or related equipment	10.50	80.50*
Euclid type equipment	10.60	80.50*
Huron, St. Clair, & Sanilac Counties:		
Pole trailer, low boy, straddle carrier, double bottom, & special load permit driver	13.55	90.50*
Semi driver	13.45	90.50*
All other trucks	13.30	90.50*
Remainder of Counties:		
All truck drivers	11.39	94.50*+c

*Per Week Per Employee.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day, Decoration Day, Christmas Day.

c. Holiday Pay: New Year's Day, Good Friday afternoon, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day provided employee has 30 days of continuous employment with any contractor and works the scheduled workday preceeding & following the day observed.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR 5.5 (a) (1) (ii)).

DECISION NO. MI83-2021

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
St. Clair & Sanilac Counties:		
Class A - General laborers	$13.40	1.69
Class B - Mortar mixers	13.52	1.69
Class C - Air/electric/gas tool operators, pump operator	13.63	1.69
Class D - Concrete gas buggy, concrete saw operator, plasterer tender	13.57	1.69
Class E - Crock or pipe layers, caisson workers in buildings	13.75	1.69
Iosco County:		
Class A - General Laborers	9.50	1.69
Class B - Concrete breaker (90 LB. hammer or less), cement nozzlemen	10.10	1.69
Genesee, Lapeer, & Shiawassee Counties:		
Class A - General laborers	11.16	2.14
Class B - Mortar mixer, concrete mixer ½ cubic yard or smaller, signal man & top man on caisson work, air/electric/gas tool operators	11.31	2.14
Class C - Jackhammer, air spade, tunnel men, windless operators on caisson work, burner	11.41	2.14
Class D - Crock & pipe layers, caisson worker & tunnel mucker	11.51	2.14
Class E - Tunnel miner	11.76	2.14
Remainder of Counties:		
Class A - General laborers	11.24	1.44
Class B - Mechanized mortar mixer, air/electric/gas driven tool operators, vibrators	11.36	1.44
Class C - Air or electric pavement breaker, plasterer tender, plaster mixer, crock & pipe layers, signal man & top men, windlass & tugger operators, caisson worker	11.44	1.44
Class D - Driller, blaster, burner	12.01	1.44
LABORERS: OPEN CUT CONSTRUCTION:		
Iosco County:		
Class 1	9.45	2.29
Class 2	9.55	2.29
Class 3	9.65	2.29
Class 4	9.70	2.29
Class 5	9.80	2.29

	Basic Hourly Rates	Fringe Benefits
LABORERS: OPEN CUT CONSTRUCTION (Cont'd.):		
Genesee, Lapeer, & Shiawassee Counties:		
Class 1	$11.44	2.74
Class 2	11.54	2.74
Class 3	11.64	2.74
Class 4	11.69	2.74
Class 5	11.79	2.74
St. Clair & Sanilac Counties:		
Class 1	11.89	2.29
Class 2	11.99	2.29
Class 3	12.09	2.29
Class 4	12.14	2.29
Class 5	12.24	2.29
Remainder of Counties:		
Class 1	11.81	2.29
Class 2	11.99	2.29
Class 3	12.01	2.29
Class 4	12.06	2.29
Class 5	12.16	2.29

CLASSIFICATIONS ON PAGE #5

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:		
Genesee, Lapeer, & Shiawassee Counties:		
Class 1	12.36	2.29
Class 2	12.44	2.29
Class 3	12.49	2.29
Class 4	12.64	2.29
Class 5	12.84	2.29
Class 6	13.09	2.29
Remainder of Counties:		
Class 1	12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29

CLASSIFICATIONS ON PAGE #5

LANDSCAPE LABORERS:		
Landscape Specialist including air/gas/electric tools & equipment:		
Genesee, Lapeer, St. Clair, & Shiawassee Counties	8.60	
Remainder of Counties	8.18	
Landscape Laborers, truck drivers, material haulers, & small power equipment:		
Genesee, Lapeer, St. Clair, & Shiawassee Counties	6.56	
Remainder of Counties	6.14	

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Huron, Lapeer, St. Clair, Sanilac, & Tuscola Counties:		
Lineman, technicians	$17.38	1.70+11½%
Cable splicers	18.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck drivers & groundmen	13.12	"
Groundmen	12.09	"
Remainder of Counties:		
Lineman & technicians	15.00	.65+8½%+d
Cable splicers	15.61	"
Combination digger operators, tractor operators & groundmen	11.68	"
Light equipment operators & groundmen; distribution line truck driver operators & groundmen	10.25	"
Combination winch truck drivers & groundmen	9.77	"
Combination truck drivers & groundmen	8.27	"
FOOTNOTE: d. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day provided the employee works the scheduled work day preceeding & following the day observed.		
POWER EQUIPMENT OPERATORS:		
St. Clair County:		
Class A - Engineer when operating boom & jib or leads 220' or longer	16.34	3.35+13%
Class B - Crane with boom & jib or leads 140' or longer	16.12	"
Class C - Crane with boom & jib or leads 120' or longer	15.56	"
Class D - Crane operator	15.08	"
Class E - Regular engineer	14.71	"
Class F - Compressor or welding machine operator	12.46	"
Class G Fireman or oiler	11.64	"

POWER EQUIPMENT OPERATORS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
Remainder of Counties:		
Class A - Crane with main boom & jib 220' or longer	$16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	15.95	3.35
Class C - Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, Bob-Cat & similar type equipment, fork truck(over20'lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non-swinging) & fork truck (20' lift or under)	13.55	3.35
Class F - Air compressor, welder, generator, pumps under 6", grease man, conveyor	12.15	3.35
Class G - Oiler, fireman, & heater operator	11.90	3.35
POWER EQUIPMENT OPERATORS: STEEL ERECTION:		
Class A - Cranes with Boom & jib 220' or longer	18.52	3.35+13%
Class B - Cranes with boom & jib 140' or longer	18.24	"
Class C - Crane, mechanic	17.25	"
Class D - Hoisting operator	17.02	"
Class E - Compressor, welder	13.95	"
Class F - Oiler, fireman	12.65	"
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:		
Iosco County:		
Class A	13.28	3.65+13%
Class B	12.76	"
Class C	12.32	"
Class D	12.07	"
Remainder of Counties:		
Class A	14.80	3.65+13%
Class B	14.42	"
Class C	13.77	"
Class D	13.27	"

CLASSIFICATIONS DEFINITIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, bracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crock, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, bracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (Euclid type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trencher (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (pneu-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumperete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NUMBER: MO83-4021

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Boone, Callaway, Cole, Cooper, Howard, Moniteau, Morgan, & Osage Counties:		
Lineman, technicians	$17.38	1.70+11½%
Cable splicers	18.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck drivers & groundmen	13.12	"
Groundmen	12.09	"
Remainder of Counties:		
Lineman & technicians	15.00	.65+8½%+d
Cable splicers	15.61	"
Combination digger operators, tractor operators & groundmen	11.68	"
Light equipment operators & groundmen; distribution line truck driver operators & groundmen	10.25	"
Combination winch truck drivers & groundmen	9.77	"
Combination truck drivers & groundmen	8.27	"
FOOTNOTE: d. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day provided the employee works the scheduled work day preceeding & following the day observed.		
POWER EQUIPMENT OPERATORS:		
Boone, Callaway, Cole, Cooper, Howard, Moniteau, Morgan, & Osage Counties:		
Class A - Engineer when operating boom & jib or leads 220' or longer	16.34	3.35+13%
Class B - Crane with boom & jib or leads 140' or longer	16.12	"
Class C - Crane with boom & jib or leads 120' or longer	15.56	"
Class D - Crane operator	15.08	"
Class E - Regular engineer	14.71	"
Class F - Compressor or welding machine operator	12.46	"
Class G Fireman or oiler	11.64	"

POWER EQUIPMENT OPERATORS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
Remainder of Counties:		
Class A - Crane with main boom & jib 220' or longer	$16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	15.95	3.35
Class C - Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, Bob-Cat & similar type equipment, fork truck(over20'lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non-swinging) & fork truck (20' lift or under)	13.55	3.35
Class F - Air compressor, welder, generator, pumps under 6", grease man, conveyor	12.15	3.35
Class G - Oiler, fireman, & heater operator	11.90	3.35
POWER EQUIPMENT OPERATORS: STEEL ERECTION:		
Class A - Cranes with Boom & jib 220' or longer	18.52	3.35+13%
Class B - Cranes with boom & jib 140' or longer	18.24	"
Class C - Crane, mechanic	17.25	"
Class D - Hoisting operator	17.02	"
Class E - Compressor, welder	13.95	"
Class F - Oiler, fireman	12.65	"
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:		
Iosco County:		
Class A	13.28	3.65+13%
Class B	12.76	"
Class C	12.32	"
Class D	12.07	"
Remainder of Counties:		
Class A	14.80	3.65+13%
Class B	14.42	"
Class C	13.77	"
Class D	13.27	"

SUPERSEDEAS DECISION

STATE: Missouri COUNTIES: Statewide
DECISION NUMBER: MO83-4021 DATE: Date of Publication
Supersedes Decision No. MO82-4041 dated August 13, 1982 in 47 FR 35423
DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
Zone 1	$15.16	$2.28
Zone 1A	14.76	2.28
Zone 2	14.61	2.28
Zone 3	15.40	1.73
Zone 4	14.80	1.73
Zone 6	13.75	2.28
Zone 7	15.82	.71
Zone 7A	15.97	.56
Zone 8	14.90	.86
Zone 9	16.05	2.67
Zone 10	15.26	2.46
CEMENT MASONS:		
Zone 1	15.07	1.95
Zone 2	14.38	2.70
Zone 3	14.97	1.95
Zone 4	12.75	
Zone 5	13.98	
Zone 6	14.60	
Zone 7	14.60	
Zone 8:		
(a) Heavy Construction	14.30	1.95
(b) Highway Construction	14.97	1.95
Zone 9	15.35	2.60
Zone 10	14.65	2.60
Zone 11:		
Projects under $700,000	14.55	2.70
Projects $700,00 & over	15.25	2.70
ELECTRICIANS:		
Zone 1:		
Electrical contracts over $30,000	14.54	.94+ 14.75%
Electrical contracts $30,000 and under	12.40	.94+ 14.75%
Zone 2	16.18	2.51+ 10%
Zone 3:		
Electrical contracts not to exceed 2000 man hours	15.18	2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%
ELECTRICIANS: (Cont'd)		
Zone 4:		
Electrical contracts not to exceed 2000 man hours	$15.18	$2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%
Zone 5:		
Electrical contracts not to exceed 2000 man hours	14.88	2.51+ 10%
Electrical contracts 2000 man hours & over	16.18	2.51+ 10%
Zone 6	15.80	1.39+ 28½%
Zone 7:		
Electrical contracts over $15,000	15.80	1.39+ 28½%
Zone 8:		
Electrical contracts $15,000 and unders	14.78	1.39+ 28½%
Zone 9:		
Electrical contracts $15,000 and under	11.43	1.39+ 28½%
Zone 10:		
Electrical contracts $15,000 and under	8.07	1.39+ 28½%
Zone 11	14.55	1.89+ 9%
Zone 12	15.04	1.89+ 9%
Zone 13	14.47	1.77+ 10%
Zone 14:		
Electricians	13.09	1.67+ 8%
Cable Splicers	13.44	1.67+ 8%
ELECTRICIANS: (Cont'd)		
Zone 15:		
Electricians	$14.84	$2.41+ 10%
Cable Splicers	18.19	2.41+ 10%
IRONWORKERS:		
Zone 1	15.325	2.74
Zone 2	15.15	3.75
Zone 3	15.025	3.75
Zone 4	14.60	2.37
Zone 5	16.55	1.91
Zone 6	12.80	1.91
Zone 7	12.45	1.55
LABORERS:		
Group 1:		
Zone 1	12.13	2.80
Zone 2	11.08	2.85
Zone 3:		
(a)	14.08	1.20
(b)	13.58	1.70
Zone 4:		
(a)	13.58	1.20
(b)	13.08	1.70
Group 2:		
Zone 1	12.38	2.98
Zone 2	11.33	2.68
Zone 3:		
(a)	14.58	1.20
(b)	14.08	1.70
Zone 4:		
(a)	14.00	1.20
(b)	13.50	1.70
Group 3:		
Zone 1	12.53	2.98
Zone 2	11.38	2.68
Zone 3:		
(a)	14.75	1.20
(b)	14.25	1.70
Zone 4:		
(a)	14.25	1.20
(b)	13.75	1.70
Group 4:		
Zone 1	12.73	2.98
Zone 2	11.58	2.68
Group 5:		
Zone 1	12.98	2.90
Zone 2	11.83	2.65
LABORERS: (Cont'd)		
Zone 5: (Clay, Jackson, Platte and Ray Counties):		
Group 1	$12.09	$3.10
Group 2	12.17	3.10
Group 3	12.32	3.10
Group 4	12.52	3.10
Group 5	12.82	3.10
Zone 6: (St. Louis City and County):		
General Laborer	14.425	1.75
Dynamiter or Powderman	14.925	1.75
LINE CONSTRUCTION:		
Zone 1:		
Linemen	18.28	1.06+ 3½%
Lineman Operator	17.02	1.06+ 3½%
Groundman Powderman	12.68	1.06+ 3½%
Groundman	12.05	1.06+ 3½%
Zone 2:		
Lineman	17.47	1.06+ 3½%
Lineman Operator	16.64	1.06+ 3½%
Groundman Powderman	12.10	1.06+ 3½%
Groundman	11.17	1.06+ 3½%
Zone 3:		
Linemen & Cable Splicer	14.79	4.92
Groundman - Winch Driver	10.87	2.99
Groundman - Driver	10.48	2.89
Equipment Operator	13.23	3.54
Groundman	10.48	2.89
Zone 4:		
Lineman	14.10	2.01
Groundman Equipment Operator	12.51	1.83
Groundman - Class A	8.87	1.16

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 5: Railroad and Cross County Transmission Lines:		
Lineman	$15.63	$1.06+ 3%
Lineman Operator	14.48	1.06+ 3%
Groundman Powderman	10.75	1.06+ 3%
Groundman	10.03	1.06+ 3%
Pole Treating Specialist	16.38	1.06+ 3%
Pole Treating Truck Driver	10.78	1.06+ 3%
Pole Treating Groundman	10.03	1.06+ 3%
Zone 6: - Telephone and Telegraph Railroad Communications and C.A.T.V. Work:		
Cable Splicer, Air Pressure Technician, Central Office Equipment Man and Key System Installer	10.18	1.33
Telephone Lineman, Installer, CATV Terminator and Equipment Operator (D-4 or larger Crawler, Wheel Trencher Quarter Yard Backhoe or larger)	9.73	1.29
Equipment Operator (all other small equipment)	8.50	1.19
Groundman-Winch Driver	7.61	1.17
Groundman	6.67	1.04

LINE CONSTRUCTION: (Cont'd):	Basic Hourly Rates	Fringe Benefits
Zone 7 - Telephone and Telegraph and CATV Work:		
Cable Splicers; Air Pressure Technician, Central Office Equipment Man	$ 9.96	$ .76
Telephone Lineman and Installer, Repairman, CATV Terminator, Equipment Operator (¼ yard Backhoe and larger and D-4 Crawler and larger)	9.45	.73
Groundman-Winch Driver	8.28	.70
Groundman	6.78	.62
PAINTERS:		
Zone 1:		
Brush and Roller	15.04	1.48
Spray	16.04	1.48
Bridge	15.79	1.48
Zone 2:		
Brush	11.30	1.07
Spray	12.30	1.07
Sandblasting and Waterblasting	13.10	1.07
Tower, Stacks, Walkway, Cables, Tanks, and Bridges	12.90	1.07
Bridges over 500 ft. in lenght	16.52	1.07
Zone 3:		
Brush and Roller	11.75	2.20
Spray, Structural Steel and Sandblasting	13.00	2.20
Zone 4:		
Brush	13.25	
Bridge	14.00	
Spray, Sandblasting Operator; Work performed on bridges 75 ft. in hmight	14.25	
All Structural Steel over 50 ft. in height	15.00	

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 5:		
Brush	$11.85	$1.20
Spray	12.85	1.20
Steel, storage bin and tank	12.25	1.20
Bridge, stage; Belt; Bazooka	12.35	1.20
Zone 6:		
Brush, Roller	12.72	.60
Spray	13.22	.60
Zone 7:		
Brush	13.20	.20
Spray and Steel	13.70	.20
Zone 8:		
Brush	16.11	1.30
Spray	18.11	1.30
Zone 9:		
Brush	9.90	.50
Spray, Bridgeman, Steelmen	10.40	.50
Zone 10:		
Brush	13.00	
Spray	15.00	
POWER EQUIPMENT OPERATORS:		
Zone 1:		
Group I	14.00	3.77
Group II	13.75	3.77
Group III	13.05	3.77
Group IV:		
(a)	9.03	3.77
(b)	12.05	3.77
Group V	14.25	3.77
Group VI	14.00	3.77
Zone 2:		
Group I	15.17	3.00
Group II	15.17	3.00
Group III	13.87	3.00
Group IV:		
(a)	13.42	3.00
(b)	15.87	2.50
(c)	16.32	2.50
(d)	17.07	2.50
(e)	14.82	2.50
Zone 3:		
Group I	16.30	1.97
Group II	16.00	1.97
Group III	15.80	1.97
Group IV	15.20	1.97
Group V	14.20	1.97
Group VI	16.70	1.97

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 4:		
Group I	$15.35	$1.97
Group II	15.00	1.97
Group III	14.80	1.97
Group V	14.10	1.97
Group VI	15.85	1.97
Zone 5:		
Group I	14.00	3.75
Group II	13.75	3.75
Group III	13.05	3.75
Group IV:		
(a)	9.03	3.75
(b)	11.15	3.75
Zone 6:		
Group I	13.95	3.50
Group II	13.60	3.50
Group III	13.40	3.50
Group IV	11.60	3.50
Group V	14.20	3.50
Group VI	14.45	3.50
Group VII	14.70	3.50
Zone 7:		
Group I	14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
Zone 8:		
Group I	14.31	2.56
Group II	13.96	2.56
Group III	13.76	2.56
Group IV	11.71	2.56
Group V	14.56	2.56
Group VI	14.81	2.56
Group VII	15.06	2.56
Zone 9:		
Group I	15.65	1.97
Group II	15.45	1.97
Group III	15.25	1.97
Group IV	14.65	1.97
Group V	15.90	1.97
Group VI	16.15	1.97
*Group V	14.25	3.75
Group VI	13.10	3.75

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	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Zone 1:		
Group 1	$12.66	$3.50
Group 2	12.86	3.50
Group 3	13.17	3.50
Group 4	13.32	3.50
Group 5	12.44	3.50
Zone 2:		
Group 1	17.10	
Group 2	17.25	
Group 3	17.32	
Group 4	17.21	
Group 5	17.00	
Zone 3:		
Group 1	16.05	
Group 2	16.20	
Group 3	16.27	
Group 4	16.16	
Group 5	15.95	
Zone 4:		
Group 1	14.64	2.50
Group 2	14.79	2.50
Group 3	14.86	2.50
Group 4	14.75	2.50
Group 5	14.54	2.50
Zone 5:		
Group 1	13.43	2.50
Group 2	13.58	2.50
Group 3	13.70	2.50
Group 4	13.59	2.50
Group 5	13.33	2.50
Zone 6:		
Group 1	12.70	2.50
Group 2	12.85	2.50
Group 3	12.97	2.50
Group 4	12.86	2.50
Group 5	12.60	2.50

	Basic Hourly Rates	Fringe Benefit
TRUCK DRIVERS: (Cont'd)		
Zone 7:		
Group 1: Trucks or Trailers of a water level capacity of 11.99 cu. yds. or less; Forklift Trucks; Job Site Ambulance and Pickup Trucks and Flat Bed Trucks except as modified below	13.52	76.50+a
Group 2: Truck or Trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including Euclids, Speedace and similar equipment of same capacity and Compressors	13.72	76.50+a
Group 3: Trucks or Trailers of a water level capacity of 22.0 cu. yds. and over including Euclids, Speedace and all Floats, Flat Bed Trailers, Boom Trucks, Winch Trucks including small trailers, Farm Wagons, Tilt-top Trailers, Field Offices Tool Trailers, Concrete Pumps, Concrete Conveyors and Gasoline Tank Trailers	13.82	76.50+a

FOOTNOTE:
a. 7 Paid Holidays also, paid vacation of 3 days of 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any contract year; 5 days paid vacation for 1,000 hours of service in any one contract year.

AREAS COVERED BY CARPENTERS AND PILEDRIVERMEN ZONES

Zone 1 - Franklin, Jefferson, St. Charles Counties
Zone 1A - Lincoln, Warren Counties
Zone 2 - Pike, St. Francois, Washington Counties
Zone 3 - Cass, Lafayette Counties
Zone 4 - Atchison, Andrew, Berry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Leclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
Zone 5 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon & Texas Counties
Zone 6 - Boone, Cooper, Howard Counties
Zone 7 - Adair, Audrain, Benton, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby & Sullivan Counties
Zone 7A - Callaway, Cole, Miller, Monitmau and Osage Counties
Zone 8 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
Zone 9 - Clay, Jackson, Platte and Ray Counties
Zone 10 - St. Louis County and City

AREAS COVERED BY CEMENT MASONS ZONES

Zone 1 - Bates, Carroll, Cass & Lafayette Counties
Zone 2 - Dent, Phelps, Pike, Pulaski, Texas, Marion & Ralls Counties
Zone 3 - Clay, Jackson, Platte & Ray Counties
Zone 4 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Leclede, Ozark, Polk, Stone, Taney, Webster & Wright Counties
Zone 5 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline & St. Clair Cos.
Zone 6 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Linn, Macon, Moniteau, Monroe, Randolph, Shelby, Schuyler, Sullivan & Putnam Counties
Zone 7 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery & Osage Counties
Zone 8 (ARE)- Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalk, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway & Worth Counties
Zone 9 - St. Louis City & County, Jefferson & St. Charles Counties
Zone 10 - Franklin, Lincoln, Warren, Iron, St. Francois, Ste. Genevieve, Washington, Reynolds & Madison Counties
Zone 11 - Crawford and Shannon Counties

AREAS COVERED BY ELECTRICIAN ZONES

Zone 1 - Adair, Audrain (that part of east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties
Zone 2 - Area bounded on the North by State Highway 92 in Platte & Clay Counties; east by a straight line from Intersection of State Highway 92 & 33 in Clay County Intersection of U. S. Highway 24 & State Highway 7 in Jackson County; south on Highway 7 to Pleasant Hill; South from Pleasant Hill due West to the Missouri-Kansas State Line; West by the Missouri-Kansas State Line. Towns of Pleasant Hill & Blue Springs are excluded
Zone 3 - Portion of Cass, Clay, Jackson and Platte Counties not included in Zone 2

AREAS COVERED BY ELECTRICIAN ZONES (Cont'd)

Zone 4 - Bates, Benton, Henry, Johnson, Lafayette & Pettis Counties
Zone 5 - Carroll, Cooper, Morgan, Ray and Saline Counites
Zone 6 - St.Charles County, St. Louis County and City
Zone 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Lincoln, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Warren, Washington and Wayne Counties
Zone 8 - Franklin, Jefferson, Lincoln & Warren Counties
Zone 9 - Bollinger, Cape Girardeau, Perry, Scott, St. Francois and Ste. Genevieve Counties
Zone 10- Butler, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Ripley, Reynolds, Stoddard, Washington and Wayne Counties
Zone 11- Christian, Dallas, Douglas,Greene, Hickory, Howell, Leclede, Oregon,Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties
Zone 12- Pulaski County
Zone 13 - Andrew, Buchanan, Clinton, DeKalb, Atchison, Holt, Mercer, Gentry, Harrison, Daviess, Grundy, Worth, Livingston, Nodaway, Caldwell Counties
Zone 14 - Barry, Barton, Cedar, Dade, Jasper, McDonald, Newton, St. Clair, Vernon and Lawrence Counties
Zone 15 - Audrain (except Cuivre Township), Boone Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties

AREAS COVERED BY IRONWORKERS ZONES

Zone 1 - Audrain, Boone, Bollinger, Callaway, Camden, Carter, Cole, Crawford, Dent, Douglas, Franklin, Gasconade, Howell, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Monroe, Montgomery, Oregon, Osage, Perry, Phelps,Pike, Pulaski, Ralls, Reynolds, St. Charles, St. Francois, St. Genevieve, St. Louis, St. Louis City, Shannon, Texas, Warren, Washington, Wayne and Wright Counties
Zone 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Lafayette, Leclede, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties
Zone 3 - Christian, Dade, Greene and Webster Counties
Zone 4 - Barry, Jasper, Lawrence, McDonald, Newton and Stone Counties
Zone 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Schuyler, Scotland, Ralls, Monroe, and Shelby Counties
Zone 6 - Ozark and Taney Counties
Zone 7 - Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott and Stoddard Counties

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2

GROUP 1 - General Laborers - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; loading trucks under bins, hoppers, and conveyors; track men and all other general laborers
GROUP 2 - First Semi-skill - Air tool operator; cement handler, bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines, power tool operator, all work in connection with hydraulic or general dredging operations; puddlers (paving only); straw blower nozzleman
GROUP 3 - Second Semi-skill - Asphalt plant platform man; chuck tender; crusher feeder; man handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river
GROUP 4 - Third Semi-skill - Laser beam man; asphalt raker; barco tamper; jackson or any other similar tamp; wagon driller; churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, hot mastic kettleman, hot tar applicator, hand blade operators, and mortar men on brick or

LABORERS CLASSIFICATIONS DEFINITIONS ZONES 1 AND 2 (Cont'd)

GROUP 4 - Third Semi-Skill (Cont'd)

block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills string line man for electronic grade control; pressure groutmen
GROUP 5 - Fourth Semi-skill - Manhole builders, - brick or block dynamite and powder men; welder

AREA COVERED BY LABORERS (Cont'd)

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LABORERS CLASSIFICATIONS DEFINITIONS ZONES 3 AND 4

GROUP 1 - General Labor-Carpenter tenders; salamander tenders; dump man; ticket takers; loading trucks under bins, hoppers, and conveyors; track men; cement handler; dump man on earth fill; georgie buggie man; material batch hopper man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setters, puddlers (paving only); straw blower nozzleman; asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material; topper of standing trees; feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working six (6) ft. or more below ground; men working in coffer dams for bridge piers and footings in the river; barco tamper; jackson or any other similar tamp; cutting torch man; liners, curb, gutters, ditch liners; hot mastic kettleman; hot tar applicator; hand blade operator; mortar men on brick or block manholes; rubbing concrete, air tool operator under 65 lbs.; caulker and lead man; chain or concrete saw under 15 h.p.

GROUP 2 - First Semi-Skill-Vibrator man; asphalt raker; head pipe layer on sewer work; batterboard man on pipe and ditch work; cliff scalers working from bosun's chairs; scaffolds or platforms on dams or power plants over 10 ft. high; air tool operator over 65 lbs.; stringline man on concrete paving; sand blast man

GROUP 3 - Second Semi-Skill-Laser beam man; wagon drill; churn drill; air track drill and all other similar type drills, gunite nozzle man; pressure grout man; screed man on asphalt; concrete saw 15 h.p. and over; grade checker; stringline man on electronic grade control; manhole builder; dynamite man; powder man; welder; tunnel man

AREA COVERED BY LABORERS

Zone 1 - Buchanan, Cass and Lafayette Counties
Zone 2 - Andrew, Atchison, Barry, Barton, Bates, Benton, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Greene, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jasper, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Morgan, Newton, Nodaway, Ozark, Pettis, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Wright and Worth Counties.
Zone 3:
a - Franklin and Jefferson Counties
b - St. Charles County

AREA COVERED BY LABORERS (Cont'd)

Zone 4:
a - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Dunklin, Gasconade, Howard, Howell, Iron, Knox, Lewis, Linn, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Sullivan, Texas, Washington and Wayne Counties
b - Lincoln, Montgomery and Warren Counties

LABORER CLASSIFICATION DEFINITIONS - ZONE 5 - CLAY, JACKSON, PLATTE AND RAY COUNTIES

Group 1 - General laborer - Carpenter tenders, salamander tenders; dump man, and ticket takers on stock piles; loading trucks under bins, hopper and conveyors; track men and all other general laborers

Group 2 - First Semi-skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; puddlers (paving only)

Group 3 - Second Semi-skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials where special protection is required; head pipe layer on sewer work; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

Group 4 - Third Semi-skill - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving; curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; and mortar men on brick or block manholes; sand blasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Fourth Semi-skill - Manhole builder (brick or block); dynamite and powder men

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties
ZONE 2 - Andrew, Atchinson, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Jasper, Laclede, Lawrence, Livingston, McConald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties
ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties
ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard and Wayne Counties
ZONE 5 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Vernon, Benton, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark and Gentry Counties
ZONE 6 - Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, St. Louis and City, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas, Warren and Washington Counties
ZONE 7 - Atchison, Nodaway, Worth, Harrison, Mercer, Holt, Andrew, DeKalb, Daviess, Grundy, Buchanan, Clinton, Caldwell, Livingston, Platte, Clay, Ray, Carroll, Jackson, Lafayette, Saline, Cass, Johnson, Pettis, Bates, Henry, Benton, Vernon, St. Clair, Hickory, Barton, Cedar, Polk, Dallas, Laclede, Jasper, Dade, Lawrence, Greene, Webster, Wright, Newton, McDonald, Barry, Stone, Christian, Douglas, Taney, Ozark, Gentry Counties

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Clinton, Cass, Clay, Daviess, Grundy, Henry, Harrison, Jackson, Johnson, Lafayette, Livingston, Mercer, Platte and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, Reynolds, Iron, Butler, Carter, Shannon, Wayne, Oregon, Ripley, Ste Genevieve, St. Francois, Perry, Washington, & Madison Cos.
ZONE 3 - Camden, Crawford, Dent Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties
ZONE 4 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 5 - Andrew, Atchinson, Buchanan, DeKalb, Gentry, Holt, Nodaway & Worth Counties
ZONE 6 - Barry, Barton, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 7 - Adair, Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Linn, Osage and Randolph Counties
ZONE 8 - Jefferson, St. Charles, St. Louis & City, Warren, Lincoln, Pike and Franklin Counties

AREA COVERED BY PAINTERS (Cont'd)

ZONE 9 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 10- Clark, Lewis, Marion and Ralls Counties

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONES 1 & 9

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift, and welders, field or shop; maintenance operator; mucking machine; piledriver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; pushcat operator; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Air Trac); shovel operator; side discharge spreader; side boom cats; skimmer scoop operator; slip form paver (CMI, REX, or Equal); throttle man; truck crane; welding machine maintenance operator-2
Group II - "A" frame truck; asphalt hot mix silo; asphalt plant fireman; drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra- hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.
Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; roller operator, other than dredge; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets; subgrading machine operator; tank car heater operator-combination boiler and booster; tractor 50 hp or less, without attachments; vibrating machine operatog, not hand; welding machine maintenance operator - 1
Group IV:
(a) Oiler
(b) Oiler drivers, all types
Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (incl. jib); shovels and backhoes, 3 yds. capacity or over
Group VI - Hoists (each additional drum over 1 drum)

POWER EQUIPMENT OPERATORS - ZONE 2

POWER EQUIPMENT OPERATORS - ZONE 2 (Cont'd)

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POWER EQUIPMENT OPERATORS - ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley; air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job-site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bull-float; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination; compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination ; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; high-lift; hoist; concrete and b ck (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through e"; pumps, electric submersible, one through three, over 4"; quad-track; roiler, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP II - Conveyer, large (not self-propelled); conveyer, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacity or less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one

POWER EQUIPMENT OPERATORS - ZONE 2 (Cont'd)

GROUP II (Cont'd)

over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

GROUP III - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP IV - (a) Air pressure, oiler engineer, operating under ten pounds (b) Air pressure, oiler engineer operating over ten pounds (c) Air pressure engineer operating under ten pounds (d) Air pressure engineer operating over ten pounds (e) Crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .500 above base rate

POWER EQUIPMENT OPERATORS ZONES 3, 4, and 9

GROUP I - Asphalt finishing machine & trench widening spreader, asphalt plant console operator; autograder; automatic slipform paver; back hoe; blade operator - all types; boat operator - tow; boiler - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline opr.; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch-hammer wheel; locomotive operator - standard guage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane, shuvel operator

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader;

POWER EQUIPMENT OPERATORS ZONES 3, 4 and 9 CONT'D

GROUP II CONT'D
boat operator (bridge & dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; dredge oiler; elevating grader operator; fork lift; grease fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self propelled; power shield; rooter; slip-form finishing machine; stumpcutter machine; side discharge concrete spreader; throttleman; tractor operator (over 50 hp); winch truck; asphalt roller operator; crusher operator
GROUP III - Spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); boilers - 1; chip spreader (front man); Churn drill operator; compresor over 105 CFM 2 - 3 pumps 4" & over; 2 - 3 light plant 7.5 KWA or any combination thereof; clef plane opr.; compressor maintenance operator 2 or 3; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant opeator; siphons & jets; subgrading machine operator; tank car heater (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; hydrobroom
GROUP IV - Oiler; grout machine; oiler-driver; compressor over 105 CFM-1; conveyor operator-1; maintenance operator; pump-4" & over-1
GROUP V - Crane with 3 yds. & over buckets; dragline operator - 3 yds & over; shovel - 3 yds. & over; piledrivers - all types; clamshell - 3 yds. & over; hoists - each additional active drum over 2 drums
GROUP VI - Tandem scoop operator

Crane, rigs over 100 feet (incl. jib)-10 per foot

POWER EQUIPMENT OPERATORS ZONES 6, 7 and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launch hammer wheel; locomotive operator; - standard guage; mechanics and welder; mucking machine; piledriver operator; sideboom cats; skimmer scoop operators; trenching machine operator; truck crane; scoop operators - all types
GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridges and dams); chip spreader; concrete mixer operator - skip loader; concrete plant operator; concrete

POWER EQUIPMENT OPERATORS - ZONES 6, 7 AND 8 (Cont'd)

GROUP II (Cont'd):
pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow guage; multiple compactor, pavement breaker; power - broom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); winch truck
GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; concrete saw operator (self-propelled); curb finishing machine; distributor operator; finishing machine operator; flex plane operator; float operator; form grader operator; pugmill operator; roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric, or similar spreader; vibrating machine operator, not hands; tractor operator (50 hp or less)
GROUP IV - Oiler; oiler driver, fireman - rig; maintenance operators
GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' of boom or over (incl. jib), hoists - each additional active drum over 2 drums
GROUP VI - Tandem scoop operator; crane, rigs or piledrivers 150' to 200' of boom (inc. jib)
GROUP VII - Crane rigs, or piledrivers 200 ft. of boom or over (incl. jib)

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties
ZONE 2 - St. Louis City and County
ZONE 3 - Franklin, Jefferson, St. Charles Counties
ZONE 4 - Adair, Audrain, Boillinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Steddard, Texas, Washington, and Wayne Counties
ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties
ZONE 6 - Andrew, Atchinson, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties
ZONE 7 - Christian, Greene, Jasper, Lawrence and Taney Counties
ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties
ZONE 9 - Lincoln and Warren Counties

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TRUCK DRIVER CLASSIFICATION DEFINITIONS

ZONE 1

SUPERSEDEAS DECISION

STATE: NEBRASKA

COUNTIES: Cass, Douglas, Sarpy, Washington, & that portion of Saunders County East of Highway #109

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TRUCK DRIVER CLASSIFICATION DEFINITIONS

ZONE 1

Group 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
Group 2 - Two teams, material tandem, semi-trailers; winch, fork distributor drivers and operators, agitator and transit mix, tank wagon, tandem or semi-trailers, insley wagons, dump excavating, 5 cu. yds. & over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment
Group 3 - A-frame, low boy, boom
Group 4 - Mechanics and welders
Group 5 - Oilers and greasers

ZONES 2, 3, 4, 5 & 6

Group 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
Group 2 - Flat bed trucks - tandem axle; material trucks, tandem axle; tank wagon - tandem axle
Group 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, a-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
Group 4 - Agitator and transit mix trucks
Group 5 - Warehouseman

AREA COVERED BY TRUCK DRIVER ZONES

ZONE 1 - Clay, Jackson, Platte & Ray Counties
ZONE 2 - Franklin, Jefferson and St. Charles Counties
ZONE 3 - Lincoln and Warren Counties
ZONE 4 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 5 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Jasper, Leclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties
ZONE 6 - Adair, Atchison, Berry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Tanny and Worth Counties
ZONE 7 - St. Louis City and County

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))."

SUPERSEDEAS DECISION

STATE: NEBRASKA

COUNTIES: Cass, Douglas, Sarpy, Washington, & that portion of Saunders County East of Highway #109

DECISION NO. NE83-4023
DATE: Date of Publication
Supersedes Decision No. NE81-4080 dated October 16, 1981 in 46 FR 51181
DESCRIPTION OF WORK: Heavy in all, but Washington County & Highway Construction (exluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits
Carpenters:		
Carpenters	$14.33	2.18
Carpenters (crosscuts)	14.58	2.18
Sawmen and piledriver	14.455	2.18
Cement Masons	13.62	1.85
Ironworkers: Reinforcing & Structural	13.68	1.40
Laborers:		
General Laborers	10.38	1.85
Towboats & Dredge Deckhands	10.51	1.65
Rakers & Screedmen on Asphalt; Mortar Mixers; Chain Saw Operators	10.74	1.85
Pipelayers; Concrete Saw Operator	10.88	1.88
Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters	11.12	1.85
Line Construction:		
Linemen	15.37	.65+ 3-1/2%
Cable Splicers	16.51	.65+ 3-1/2%
Truck Driver	11.10	.65+ 3-1/2%
Equipment Operator	13.83	.65+ 3-1/2%
Groundmen	10.03	.65+ 3-1/2%
Power Equipment Operators:		
Group 1	8.31	2.20
Group 2	8.40	2.20
Group 3	10.69	2.20
Group 4	11.13	2.20
Group 5	12.17	2.20
Group 6	12.42	2.20
Group 7	12.82	2.20
Group 8	13.01	2.20

	Basic Hourly Rates	Fringe Benefit
Truck Drivers:		
Group 1 - Single Axle, Jack & Spreader	$7.73	1.00
Group 2 - Tandem Axle Euclid Trucks, Power Lift Form Trucks & Jack & Spreader Trucks	7.79	1.00
Group 3 - Lowboys-Tractor Trailer, Water Pulls	7.92	1.00
Group 4 - Tandem Dump with Auxiliary End Dump Trailer	7.97	1.00
Group 5 - Lumber Carrier	8.09	1.00

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

POWER EQUIPMENT OPERATORS

CLASSIFICATION DEFINITIONS

Group 1 - Oilers; Greasers
Group 2 - Oiler Driver
Group 3 - Tractor under 35 h.p.; Air Compressors; Pumps-welding machine; Spray machine; Form Trenchers; Belt machine
Group 4 - Concrete Mixer; Concrete Pumps; Hydro-Hammer.
Group 5 - Spreader Oiler
Group 6 - Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Traxcavator; Forklift; One Drum Hoist; Oiler Distributor; Asphalt Roller; ONe drum winch truck
Group 7 - Blade (patrol); Scraper
Group 8 - Hoist, 2 drums; Trenching Machine; Paving Mixer; Pile-driver; Heavy duty Mechanic and Welder; Shovel; Dragline; Clamshell; Orange Peel; backhoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland type BackFiller; Self-propelled Spreader Vibrator; Slip Form Paver.

SUPERSEDEAS DECISION

STATE: NEBRASKA
DECISION NO.: NE83-4024
COUNTIES: Douglas, Cass, & Sarpy
DATE: Date of Publication
Supersedeas Decision No. NE81-4868 dated August 28, 1981 in 46 FR 43632
DESCRIPTION OF WORK: Building projects, including single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$15.58	3.06
Boilermakers	14.97	2.575
Bricklayers, Stonemasons	14.63	2.30
Carpenters:		
Carpenters	14.57	3.10
Piledrivermen, sawmen & welders	14.705	3.10
Millwrights	14.85	3.10
Cement Masons	13.85	1.85
Electricians:		
Electricians	15.74	3.05+ 3-1/2%
Residential (not to exceed 3 stories)	11.31	3-1/2% +.45
Elevator Constructors	15.30	a+2.5%
Elevator Constructors Helpers	70%JR	a+2.69
Elevator Constructors Helpers (Prob.)	50%JR	
Glaziers	14.73	1.74
Ironworkers	12.60	1.40
Laborers:		
Common laborers	11.21	3.35
Buggymobile oprs., Mortar Mixers, Mason Tenders	11.375	2.35
Plasterers tenders	11.585	2.35
Lathers	9.95	2.07
Marble Setters, Tile & Terrazzo Workers	15.37	.85
Marble, Tile & Terrazzo Workers Finishers	13.80	
Painters:		
Brush	$13.42	1.05
Structural Steel	13.77	1.05
Paperhangers	13.82	1.05
Spray Swing Stage, hazardous & sandblasting	14.02	1.05
Plasterers	15.42	1.43
Plumbers	14.59	3.00
Roofers:		
Composition	11.95	1.45
Slate & Tile	12.25	1.45
Roofers:		
Roofers helpers (handling roofing materials, erecting & dismantling scaffold for roofers,& removing & cleaning up old roof (Douglas,Cass and Sarpy Cos.)	50%JR	1.45
Sheet Metal Workers	17.45	1.28
Sheet Metal Workers Residential	13.04	1.28
Sprinkler Fitters	15.31	2.35
Steamfitters	15.64	2.20
Line Construction:		
Lineman	15.37	3-1/2% +.65
Cable Splicers	16.51	3-1/2% +.65
Truck Driver	11.10	3-1/2% +.65
Equipment Operators	13.83	3-1/2% +.65
Groundman	10.03	3-1/2% +.65
Power Equipment Operators:		
Group 1	11.67	2.45
Group 2	11.78	2.45
Group 3	12.12	2.45
Group 4	13.86	2.45
Group 5	13.97	2.45
Group 6	14.27	2.45
Truck Drivers:		
Single axle	8.645	1.05
Tandom axle	8.72	1.05
Lowboy, trailer	8.845	1.05
Lumber carriers	9.02	1.05

FOOTNOTE:
a - Employer contributes 8% of basic hourly rate for over 5 years service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit, also 7 Paid Holidays.

STATE: Nevada

SUPERSEDEAS DECISION

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range,

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WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group 1 - Oiler
Group 2 - Oiler drivers (mobil truck crane)
Group 3 - Conveyors;Heaters;tractors, 35 Hp or under; air compressors; pump and welding machine operator
Group 4 - Bulldozers; forklifts;concrete pumps;tractors over 35 hp; one drum hoist;straddle trucks;spread miler
Group 5 - Blades; end loaders; self-propelled scrapers
Group 6 - Two drum hoist;trenching machines;pile drivers;dredges; heavy duty mechanics;draglines;clamshells;orange peels;cranes; derricks;backhoes;winch trucks and side booms or cat booms; locomotives;firemen used on high pressure boilers in construction work;economobile;electric hammers and extractors

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

DECISION NUMBER: NV83-5103
Supersedes Decision No. NV82-5116 dated August 6, 1982, in 47 FR 34303
DATE: Date of Publication
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 1	$20.26	$2.80
Area 2	17.76	2.39
Area 3	24.86	2.81
BOILERMAKERS	21.39	3.86
BRICKLAYERS; STONEMASONS:		
Area 1	16.59	1.86
Area 2	16.65	1.96
BRICK HOD CARRIERS:		
Area 1	13.56	2.60
CARPENTERS:		
Area 1:		
Carpenters; Drywall; Floor Layer; Lather; Patent Scaffold Erector; Power Saw Operator	16.91	4.05
Millwrights	16.91	5.05
Piledrivermen	17.11	4.05
Area 2:		
Carpenters	15.80	5.27
Drywall Installer	16.05	5.27
Floor Layers; Patent Scaffold Erectors; Power Saw Operators; Shingler	15.95	5.27
Millwrights	16.40	5.27
Piledrivermen	16.05	5.27
CEMENT MASONS:		
Area 1:		
Cement Masons	16.08	3.70
Cement Floor Finishing Machine and Color Work	16.43	3.70
Area 2:		
Cement Masons	13.80	4.70
Mastic, Magnesite and all composition Masons	14.05	4.70
Troweling Machine; Grinder Operator and Kelly Float	14.30	4.70
CEMENT MASONS: (Cont'd)		
Area 3:		
Cement Masons	$15.55	$4.70
Mastic, Magnesite and all Composition Masons	15.80	4.70
Troweling Machine; Grinder Operator and Kelly Float	15.85	4.70
ELECTRICIANS:		
Area 1:		
Electricians; Technicians	20.85	4.75+ 3%
Cable Splicers	21.21	4.75+ 3%
Area 2:		
Electricians; Technicians	21.25	3.32+ 3%
Cable Splicers	23.41	3.32+ 3%
Area 3:		
Electricians; Technicians	22.75	3.32+ 3%
Cable Splicers	24.91	3.32+ 3%
ELEVATOR CONSTRUCTORS:		
Area 1:		
Mechanics	21.24	2.69+a
Helpers	15.57	2.69+a
Probationary Helpers	11.12	
Area 2:		
Mechanics	17.295	2.69+a
Helpers	19.11	2.69+a
Probationary Helpers	13.65	
GLAZIERS:		
Area 1	20.43	2.35
Area 2	15.88	6.45

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Area 1:		
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Rigger; Structural	$14.85	$3.15
Area 2:		
Fence Erector	18.91	5.53
Ornamental; Reinforcing; Structural	19.80	5.53
LATHERS:		
Area 1	18.07	.01
LINE CONSTRUCTION WORKERS:		
Area 1:		
Groundman	14.67	2.06+ 3-3/4%
Line Equipment Operator	17.60	2.06+ 3-3/4%
Linemen	19.56	2.06+ 3-3/4%
Cable Splicers	20.54	2.06+ 3-3/4%
Area 2:		
Groundman	15.96	3%+3.1%
Line Equipment Operators	19.15	3%+3.1%
Lineman; Technician	21.28	3%+3.1%
Cable Splicers	23.41	3%+3.1%
Area 3:		
Groundman	17.46	3%+3.1%
Line Equipment Operators	20.65	3%+3.1%
Linemen; Technician	22.7%	3%+3.1%
Cable Splicers	24.91	3%+3.1%
MARBLE SETTERS:		
Area 1	14.59	1.86
Area 2	15.84	2.18
MARBLE, TERRAZZO, and TILE FINISHERS:		
Area 1	12.98	1.80
Area 2	8.81	2.18
MASON TENDERS:		
Area 1	13.87	2.58
PAINTERS:		
Area 1:		
Brush; Roller	18.38	1.86
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Structural Steel; Taper	18.68	1.86

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Area 1: (Cont'd)		
Buffing Steel; Sandblaster, Structural Steel	$19.00	$1.86
Steeplejack	20.05	1.86
Area 2:		
Brush and Roller	17.79	1.95
Spray; Taper; Paperhangers; Sandblaster	18.29	1.95
Spray, Swing Stage up to 40 ft.; Spray, steel	18.54	1.95
Brush, Swing Stage up to 40 ft.; Brush, steel	18.84	1.95
PLASTER HOD CARRIERS:		
Area 1:		
Plaster Hod Carrier serving Plasterers	15.20	2.58
Plaster Hod Carrier working on any type of gun except TM-30	15.80	2.58
Plaster Hod Carrier mixing on TM-30 machine	16.05	2.58
PLASTER TENDERS:		
Area 1	15.42	2.75
PLASTERERS:		
Area 1	18.95	3.70
Area 2	19.47	3.21
PLUMBERS; Steamfitters:		
Area 1	21.25	3.83
Area 2	17.04	5.98
PLUMBERS (Utility):		
Area 1	17.04	5.98
ROOFERS:		
Area 1	22.48	1.00
Area 2	20.58	2.32
SHEET METAL WORKERS:		
Area 1	20.02	5.61
Area 2	16.48	5.87
SOFT FLOOR LAYERS:		
Area 1	17.12	1.90
Area 2	15.94	1.74
SPRINKLER FITTERS	21.32	2.83
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	18.59	1.86
Area 2	18.04	2.18

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway 6):		
Group 1	$13.60	$3.19
Group 2	13.81	3.19
Group 3	13.91	3.19
Group 4	14.00	3.19
Group 5	14.10	3.19
Remaining Counties:		
Group 1	12.41	2.60
Group 2	12.51	2.60
Group 3	12.66	2.60
Group 4	12.91	2.60
Group 5	13.21	2.60
Group 6-A	13.21	2.60
Group 6-B	12.91	2.60
Group 6-C	12.56	2.60
POWER EQUIPMENT OPERATORS: Clark, Esmeralda, Lincoln, and Nye Counties		
Group 1	16.15	6.51
Group 2	16.43	6.51
Group 3	16.72	6.51
Group 4	16.86	6.51
Group 5	17.08	6.51
Group 6	17.19	6.51
Group 7	17.31	6.51
Group 8	17.48	6.51
Group 9	17.61	6.51
(Except Piledriving and Steel Erection):		
Remaining Counties: (Area 1):		
Group 1-A	13.64	9.14
Group 2	14.17	9.14
Group 3	14.44	9.14
Group 4	15.18	9.14
Group 5	15.48	9.14
Group 6	15.65	9.14
Group 7	15.90	9.14
Group 8	16.49	9.14
Group 9	16.81	9.14
Group 10	17.16	9.14
Group 10-A	17.35	9.14
Group 11	17.59	9.14
Group 11-A	19.23	9.14

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: Remaining Counties: - (Cont'd):		
Area 2:		
Group 1-A	$15.14	$9.14
Group 2	15.67	9.14
Group 3	15.94	9.14
Group 4	16.68	9.14
Group 5	16.98	9.14
Group 6	17.15	9.14
Group 7	17.40	9.14
Group 8	17.99	9.14
Group 9	18.31	9.14
Group 10	18.66	9.14
Group 10-A	18.85	9.14
Group 11	19.09	9.14
Group 11-A	20.73	9.14
Area 3:		
Group 1-A	15.64	9.14
Group 2	16.17	9.14
Group 3	16.44	9.14
Group 4	17.18	9.14
Group 5	17.48	9.14
Group 6	17.65	9.14
Group 7	17.90	9.14
Group 8	18.49	9.14
Group 9	18.81	9.14
Group 10	19.16	9.14
Group 10-A	19.35	9.14
Group 11	19.59	9.14
Group 11-A	21.23	9.14
Area 4:		
Group 1-A	16.64	9.14
Group 2	17.17	9.14
Group 3	17.44	9.14
Group 4	18.18	9.14
Group 5	18.48	9.14
Group 6	18.65	9.14
Group 7	18.90	9.14
Group 8	19.49	9.14
Group 9	19.81	9.14
Group 10	20.16	9.14
Group 10-A	20.35	9.14
Group 11	20.59	9.14
Group 11-A	22.23	9.14

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Area 1:		
Group 1	$13.60	$3.19
Group 2	13.81	3.19
Group 3	13.91	3.19
Group 4	14.00	3.19
Group 5	14.10	3.19
Area 2:		
Group 1	12.41	2.60
Group 2	12.51	2.60
Group 3	12.66	2.60
Group 4	12.91	2.60
Group 5	13.21	2.60
Group 6-A	13.21	2.60
Group 6-B	12.91	2.60
Group 6-C	12.56	2.60
Area 3:		
Group 1	13.64	9.14
Group 2	14.17	9.14
Group 3	14.44	9.14
Group 4	15.18	9.14
Group 5	15.48	9.14
Group 6	15.65	9.14
Group 7	15.90	9.14
Group 8	16.49	9.14
Group 9	16.81	9.14
Group 10	17.16	9.14
Group 10-A	17.35	9.14
Group 11	17.59	9.14
Group 11-A	19.23	9.14
Area 4:		
Group 1	13.64	9.14
Group 2	14.17	9.14
Group 3	14.44	9.14
Group 4	15.18	9.14
Group 5	15.48	9.14
Group 6	15.65	9.14
Group 7	15.90	9.14
Group 8	16.49	9.14
Group 9	16.81	9.14
Group 10	17.16	9.14
Group 10-A	17.35	9.14
Group 11	17.59	9.14
Group 11-A	19.23	9.14

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Piledriving:		
Remaining Counties:		
Group 1	$13.62	$9.14
Group 1-A	14.11	9.14
Group 1-B	14.41	9.14
Group 2-A	14.41	9.14
Group 2-B	15.24	9.14
Group 2-C	15.49	9.14
Group 2-D	15.70	9.14
Group 3	15.92	9.14
Group 3-A	16.54	9.14
Group 4	17.34	9.14
Group 5	17.58	9.14
Group 6	19.23	9.14
Steel Erection:		
Remaining Counties:		
Group 1	14.31	9.14
Group 2	14.84	9.14
Group 3	16.31	9.14
Group 4	16.52	9.14
Group 4-A	16.96	9.14
Group 5	17.68	9.14
Group 6	18.30	9.14
Group 7	18.73	9.14
Group 8	19.15	9.14
Group 9	20.65	9.14

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6):		
Group 1	$14.18	$2.54
Group 2	14.29	2.54
Group 3	14.34	2.54
Group 4	14.50	2.54
Group 5	14.68	2.54
Group 6	15.18	2.54
Remaining Counties; and Nye County (north of and including Highway #6):		
Group 1	12.97	5.28
Group 2	13.02	5.28
Group 3	13.13	5.28
Group 4	13.19	5.28
Group 5	13.24	5.28
Group 6	13.29	5.28
Group 7	13.40	5.28
Group 8	13.46	5.28
Group 9	13.51	5.28
Group 10	13.54	5.28
Group 11	13.57	5.28
Group 12	13.68	5.28
Group 13	13.73	5.28
Group 14	13.99	5.28
Group 15	14.01	5.28
Group 16	14.17	5.28
Group 17	14.34	5.28

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays A thru G.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day E-Thanksgiving Day; F-Friday after Thanksgiving Day; G-Christmas Day

AREA DESCRIPTIONS

ASBESTOS WORKERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Elko, Eureka, and White Pine Counties
Area 3: Remaining Counties

BRICKLAYERS; STONEMASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

BRICK HOD CARRIERS:
Area 1: Statewide (excluding Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6))

CARPENTERS:
Area 1: Clark County; Esmeralda County (south of Highway #6); Lincoln County; Nye County (south of Highway #6)
Area 2: Remaining Counties; Esmeralda and Nye Counties (north of Highway #6)

CEMENT MASONS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

ELECTRICIANS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties; Nye County (north of Mt. Diablo Base Line, excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

AREA DESCRIPTIONS (Cont'd)

ELEVATOR CONSTRUCTORS:
Area 1: Nevada east of 118° longitude and south of 39° north latitude
Area 2: Nevada west of 118° longitude

GLAZIERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties

IRONWORKERS:
Area 1: Elko, Eureka, White Pine Counties
Area 2: Remaining Counties

LINE CONSTRUCTION WORKERS:
Area 1: Clark and Lincoln Counties; Nye County (south of Mt. Diablo Base Line)
Area 2: Remaining Counties and Nye County (north of Mt. Diablo Base Line) (excluding Lake Tahoe Area)
Area 3: Lake Tahoe Area

MARBLE MASONS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MARBLE, TERRAZZO, and TILE FINISHERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

MASON TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

AREA DESCRIPTIONS (Cont'd)

PAINTERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

PLASTER HOD CARRIERS:
Area 1: Statewide excluding Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)

PLASTER TENDERS:
Area 1: Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6)

PLASTERERS:
Area 1: Clark, Lincoln, and Nye Counties
Area 2: Remaining Counties

PLUMBERS; Steamfitters:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6, excluding City of Tonopah)
Area 2: Remaining Counties and Nye county (north of Highway #6, including City of Tonopah)

PLUMBERS (Utility):
Area 1: Statewide (except Clark, Esmeralda, and Lincoln Counties, Nye County (south of Highway #6, excluding the City of Tonopah))

ROOFERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of Highway #6)
Area 2: Remaining Counties and Nye County (north of Highway #6)

SHEET METAL WORKERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of the First Standard Parallel Line north of the 38th Parallel); White Pine County
Area 2: Remaining Counties and Nye County (north of the First Standard Parallel Line north of the 38th Parallel)

SOFT FLOOR LAYERS:
Area 1: Clark, Esmeralda, Lincoln, and Nye Counties
Area 2: Remaining Counties including Lake Tahoe Area

TERRAZZO WORKERS; TILE SETTERS:
Area 1: Clark, Esmeralda, and Lincoln Counties; Nye County (south of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)
Area 2: Remaining Counties and Nye County (north of a line commencing at the northwest lower corner of Lincoln County and running due west to a point 10 miles south of the Town of Tonopah, near the 38th Parallel)

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LABORERS
Clark, Esmeralda, and Lincoln Counties; Nye County (south half,

LABORERS (Cont'd)
Remaining Counties

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LABORERS
Clark, Esmeralda, and Lincoln Counties; Nye County (south half, including Highway #6)

Group 1: Cutting Torch Operator (demolition); Dry Packing of Concrete and Filling of Form-bolt Holes; Fine Grader, highway and street paving, airport runways and similar type heavy construction; Spotter, Debris Handler and Dumpman; Gas and Oil Pipeline Laborer; Guinea Chaser; Laborer, demolition (cleaning of bricks, lumber, etc.); Laborer, general or construction; Laborer, packing rod steel and pans; Laborers, temporary water lines (portable type); Landscape Gardener and Nurseryman; Tarman and Mortarman, Kettleman, Potman and man applying asphalt, lay-kold creosote, lime and similar type materials ("applying" means applying, dipping, brushing or handling of such materials for pipe wrapping and waterproofing); Underground Laborer, including Caisson Bellowers; Window Cleaner

Group 2: Asphalt Raker, Ironer, Spreader, Luteman, Buggymobile Man; Cement Dumper (on 1 yard or larger mixers and handling bulk cement); Cesspool Digger and Installer; Chucktender (except tunnel); Concrete Core Cutter; Concrete Curer, Impervious Membrane and Oiler of all materials; Concrete Saw Man, excluding tractor type, cutting, scoring old or new concrete; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Making and caulking of all non-metallic pipe joints; Operators and Tenders of pneumatic and electric tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench, multiplate and similar mechanical tools not separately classified herein; Operator of Cement Grinding Machine; Riprap Stonepaver; Roto-scraper; Sandblaster (Pot Tender); Scaler; Septic Tank Digger and Installer (Leadman); Tank Scaler and Cleaner; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type Brush Shredders

Group 3: Gas and Oil Pipeline Wrapper, 6 inch pipe and over; Jackhammer and/or Pavement Breaker; Laying of all non-metallic pipe, including sewer pipe, drain pipe, and underground tile; Oversize Concrete Vibrator, 70 lbs. and over; Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or power tools)

Group 4: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Head Rock Slinger; Powderman - Blaster, all work of loading holes, placing and blasting of all powder and explosives of whatever type, regardless of method used for such loading and placing; Sandblaster (Nozzleman); Steel Headerboard Man

Group 5: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DH 143 and similar type drills

LABORERS (Cont'd)
Remaining Counties

Group 1: All cleanup work of debris, grounds and building including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzle Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for reinforcing concrete; Railroad Trackmen (builders); Sloper; Semi-skilled Wrecker (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, Faller, Logloader and Bucker; Compactor (all types); Concrete Mixer, under 1/2 yd.; Concrete Pan Work (breadpan type) (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, Hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Driller's Tender, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jackhammer, Pavement Breaker, Air Spade; Mastic Worker (wet or dry); Pipe Wrapper, Kettleman, Potman, and men applying asphalt, Creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete, wet or dry; Roto Tiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DH 143 and similar type Drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, conduit; Asphalt Rakers

Group 5: Blaster and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS
Clark, Esmeralda, Lincoln, and Nye Counties

Group 1: Brakeman; Compressor Operator; Ditch Witch, with seat or similar type equipment; Elevator Operator - inside; Engineer Oiler; Forklift Operator (under 5 tons capacity); Generator Operator; Generator, Pump or Compressor Plant Operator; Heavy duty Repairman Tender; Pump Operator; Switchman

Group 2: Concrete Mixer Operator - skip type; Conveyor Operator; Fireman; Hydrostatic Pump Operator; Oiler Crusher (asphalt or concrete plant); Rotary Drill Tender (Oilfield); Skiploader (wheel type up to 3/4 yard without attachment); Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

Group 3: A-Frame or Winch Truck Operator; Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine Operator; Power Concrete Saw Operator; Power-driven Jumbo Form Setter Operator; Ross Carrier Operator (jobsite); Stationary pipe wrapping and cleaning Machine Operator

Group 4: Asphalt Plant Fireman; Boring Machine Operator; Boxman or Mixerman (asphalt or concrete); Bridge-type Unloader and Turnable Operator; Chip Spreading Machine Operator; Concrete Pump Operator (small portable); Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (grease truck); Helicopter Hoist Operator; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper Operator; Roller Operator (compacting); Screed Operator (asphalt or concrete); Trenching Machine Operator (up to 6 feet)

Group 5: Asphalt Plant Engineer; Batch Plant Operator; Bit Sharpener; Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Deck Engine Operator; Derrickman (Oilfield type); Drilling Machine Operator (including water wells); Hydrographic Seeder Machine Operator (straw, pulp or seed); Jackson Track Maintainer, or similar type; Kalamazoo Switch Tamper, or similar type; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Operator (concrete, Clary - Johnson - Bidwell or similar); Pavement Breaker Operator; Road Oil Mixing Machine Operator; Roller Operator (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine Operator; Skiploader Operator (Crawler and wheel type, over 3/4 yard and up to and including 1¼ yards); Slip Form Pump Operator (power-driven hydraulic lifting device for concrete forms); Stinger Crane (Austin-Western or similar type); Tractor Operator - Bulldozer, Tamper, Scraper (single engine, up to 100 H.P., flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Operator (Barber-Greene or similar type); Backhoe Operator (up to and including 3/4 yd.); Bridge Crane Operator; Cast-in-place Pipelaying Machine Operator; Combination Mixer and Compressor Operator (gunite work); Compactor Operator - self-propelled; Concrete Mixer Operator - paving; Concrete Pump Operator - truck mounted; Crane Operator (up to and including 25 tons capacity); Cretor Crane Operator; Crushing Plant Operator; Drill Doctor; Elevating Grader Operator; Forklift Operator (over 5 tons); Grade Checker; Gradall Operator; Grouting Machine Operator; Guard Rail Post Driver Operator; Heading Shield Operator; Heavy duty Repairman; Hoist Operator (Chicago Boom and similar type); Kalamazoo Balliste Regulator or similar type; Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Mobile Operator; Lift Slab Machine Operator (Vagtborg and similar types); Loader Operator (Athey, Euclid, Sierra and similar types); Material Hoist Operator; Mucking Machine Operator (1/4 yard)(rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Operator (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Polar Gantry Crane Operator; Pumperete Gun Operator; Rotary Drill Operator (excluding Caisson type); Rubber-tired earth moving equipment Operator (single engine, Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yards and up to and including 50 cu. yards struck); Rubber-tired earth moving equipment Operator (multiple engine - up to and including 25 yards struck); Rubber-tired Scraper Operator (self-loading - paddle wheel - John Deere, 1040 and similar single unit); Self-propelled Curb and Gutter Machine Operator; Skiploader Operator (Crawler and wheel type - over 1¼ yards up to and including 6¼ yards); Surface Heater and Planer Operator; Tower Crane Operator; Tractor Compressor Drill Combination Operator; Tractor Operator (any type larger than D-5 - 100 flywheel H.P. and over, or similar - Bulldozer, Tamper, Scraper, and Push Tractor, single engine); Tractor Operator (boom attachments); Traveling Pipe wrapping, cleaning and bending Machine Operator; Trenching Machine Operator (over 6 ft. depth capacity, manufacturer's rating); Tunnel Locomotive Operator (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Operator (over 3/4 yard and up to 5 cu. yards M.R.C.)

POWER EQUIPMENT OPERATORS: (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

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POWER EQUIPMENT OPERATORS: (Cont'd)
Clark, Esmeralda, Lincoln, and Nye Counties

Group 7: Crane Operator (over 25 tons up to and including 100 tons M.R.C.); Derrick Barge Operator; Dual Drum Mixer; Heavy-duty Repairman-Welder Combination; Hoist Operator; Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons); Monorail Locomotive Operator (diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type - except Quad 9 Cat); Pedestal Crane Operator; Rubber-tired earth moving equipment Operator (single engine, over 50 yards struck); Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar - over 25 yards and up to 50 yards struck); Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yards M.R.C.); Tower Crane Repairman; Tractor Loader Operator (Crawler and wheel-type, over 6½ yards); Woods Mixer Operator (and similar Pugmill equipment)

Group 8: Auto Grader Operator; Automatic Slip Form Operator; Crane Operator - over 100 tons; Crawler Transporter Operator; Hoe Ram or similar with Compressor; Hoist Operator (Stiff Legs, Guy Derrick, or similar type - capable of hoisting 100 tons or more); Mass Excavator Operator - less than 750 cu. yds.; Mechanical Finishing Machine Operator; Mobile Form Traveler Operator; Mobile Tower Crane Operator; Motor Patrol Operator (multi-engine); Pipe Mobile Machine Operator; Rubber-tired earth moving equipment Operator (multiple engine, Euclid, Caterpillar and similar type - over 50 cu. yds. struck); Rubber-tired Scraper Operator (pushing one another without Push Cat, Push-pull); Rubber-tired self-loading Scraper Operator (paddle wheel - Auger type self-loading - two or more units); Tandem equipment Operator (two units only); Tandem Tractor Operator (Quad 9 or similar type); Tunnel Mole Boring Machine Operator

Group 9: Canal Linear Operator; Canal Trimmer Operator; Helicopter Pilot; Highline Cableway Operator; Polar Crane Operator; Remote Controlled earth moving equipment Operator ($1.00 per hour additional to base rate); Wheel Excavator Operator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)
Remaining Counties

AREA DEFINITIONS
AREA 1: Area within 50 road miles of either the Carson City Courthouse or the Washoe County Courthouse
AREA 2: Area between 50 and 150 road miles of the Washoe County Courthouse
AREA 3: Area between 150 and 300 road miles of the Washoe County Courthouse
AREA 4: Area over 300 road miles of the Washoe County Courthouse

Group 1-A: Brakeman; Deckhand; Fireman; Oiler; Switchman; Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pumps; Tar Pot Fireman (power-agitated)

Group 3: Box Operator (bunker); Concrete Curing Machine (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman Hot Plant; Hydraulic Monitor; Mixer Box Operator (concrete plant); Motorman; Oiler (truck crane); Rotomist; Screedman (except asphaltic or concrete paving); Bobcat or similar loader, 1/4 cu. yd. or less

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper, multi-purpose; Boxman (asphalt plant); Concrete Mixer, skip type; Dinky; Fork Lift (construction jobsite); Line Master; Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pump or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Shuttle Car; Signalman; Screedman (Barber-Greene and similar)(asphalt or concrete paving)

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Factor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Lubrication and Service Engineer (mobile and grease rack); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb and Gutter Machine (concrete or asphalt); Pavement Breaker, truck mounted, with compressor combination; Pavement Breaker or Tamper (with or without compressor combination); Power Jumbo (setting slip-forms, etc., in tunnels); Roller (except asphalt); Self-propelled Tape Machine; Self-propelled Compactor (single engine); Slip Form Pump (power-driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Small Rubber-tired Tractors; Snooper Crane, Paxton-Mitchell or similar; Stationary Pipe Wrapping, Cleaning and Bending Machine; Auger-type drilling equipment up to and including 30 feet depth drilling capacity M.R.C.

POWER EQUIPMENT OPERATORS (Cont'd)
Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties

Group 7: Bit Sharpener; Compressor (over 2); Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Crusher Plant Engineer; Generators; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plants; Roller Operator (asphalt); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 feet depth); Vent Driller and/or Driver; Auger-type drilling equipment over 30 ft. depth digging capacity M.R.C.

Group 8: Asphalt Milling Machine; Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Concrete Batch Plant (multiple units); Dozer; Drill Doctor; Elevating Grader; Gradesetter, Grade Checker; Grooving and Grinding Machine (highway); Heavy-duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine (Wood-mixer and other similar Pugmill equipment); Rubber-tired earth-moving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclid, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Hyster 450 or Cat 825 or similar; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber-tired or similar equipment); Tractor-drawn Scraper; Tractor; Tractor-mounted Compressor Drill combination; Trenching Machine (over 3 feet depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine; Vermeer T-600B Rock Cutter

Group 9: Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yards); Combination Mixer and Compressor (gunite); Lull Hi-lift (20 feet or over); Mucking Machine; Sub-grader (Gurries or other types); Tractor (with boom) (D6 or larger); Track-laying-type earthmoving Machine (single engine with Tandem Scrapers)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection) (Cont'd)
Remaining Counties (Cont'd)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy-duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons)(single or multiple units); Multiple-engine Earth-moving Machines (Euclid, Dozers, etc.); Pre-stress Wire-wrapping Machine; Rubber-tired Scraper, self-loading; Single-engine Scraper (over 35 cu. yds.); Self-propelled Reservoir-debris equipment Floating (200 HP and over); Shuttle Car (reclaim station); Train Loading Station; Trenching Machine multi-engine with sloping attachment (Jefco or similar); Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(Hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin-engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual-lane Auto-grader SP30 or similar

Group 11: Automatic Asphalt or Concrete Slip-form Paver; Automatic Railroad Car Dumper; Canal Trimmer; Cary Lift, Campbell or similar; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 cu. yds. up to and including 12 cu. yds.); Multiple-engine Scraper (when used to Push Pull); Multi-engine Earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Boom-type lifting device (over 25 tons M.R.C.); Single-engine Rubber-tired Earthmoving Machine (with Tandem Scraper); Slip-form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile (including rail-mounted); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons); Euclid Loader when controlled from the Pullcat

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loaders (over 12 cu. yds.); Multi-engine earthmoving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels, Clamshells, Draglines, Backhoes and Gradalls (over 7 cu. yds. M.R.C.); Remote-controlled earthmoving equipment; Wheel Excavator (over 750 cu. yds. per hour)

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection - Remaining Counties (Cont'd)

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POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving
Remaining Counties

Group 1: Fireman; Oilman; Deckhand

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: A-Frames

Group 2-D: Compressor Operator (over 2); Generator Operator; Pump Operator (over 2); Welding Machine Operator (powered other than by electricity)

Group 3: Deck Engineer; Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3-A: Heavy-duty Repairman/Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending Boiler or Compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons - hoisting material only)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam-powered Crawler, or Universal-type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work); Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 6: Cranes (over 125 tons)

STEEL ERECTION

Group 1: Oiler

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 K.W. or over)(structural steel or tank erection only); Truck Crane Oiler

POWER EQUIPMENT OPERATORS (Cont'd)
Steel Erection - Remaining Counties (Cont'd)

Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6) (structural steel or tank erection only); Deck Engineer; Signalman (using mechanical equipment); Forklift

Group 4: Heavy-duty Repairman; Tractor Operator

Group 4-A: Combination Heavy-duty Repairman/Welder

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 ton M.R.C. or less); Self-propelled boom-type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Derricks; Gantry Rider (or similar equipment); Highline Cableway; Self-propelled boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); Tower Cranes Mobile; Universal Liebher and Tower Cranes (and similar types); Two or more drum Hoist

Group 7: Self-propelled boom-type lifting device (center mount) (over 25 tons); Truck-mounted Hydraulic Crane when remote-control equipped (over 10 tons up to and including 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

TRUCK DRIVERS
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway #6)

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Repairman Tender; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster equipment (highest rate for dual craft operation)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Water and Fuel Trucks (2500 to 4000 gallons); Trunk Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yards); Transit-Mix (less than 3 yards)

TRUCK DRIVERS (Cont'd)
Clark, Esmeralda, and Lincoln Counties; and Nye County (south of and excluding Highway 6) (Con'td)

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 ton but less than 30 tons); Water and Fuel Trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yards and over); Transit-mix (3 yards but less than 6 yards); Euclid-type Spreader Trucks; Dumpster; Fork Lift; Ross Carrier - highway; Road Oil Spreading Truck, time spent spreading oil

Group 5: Dump Trucks (over 22 yards); Trucks (legal payload capacity 20 tons and over); Water and Fuel Trucks (6000 gallons and over); Transit-mix (6 yards and over); Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar-type Trucks when performing work within Teamsters' jurisdiction, regardless of types of attachment including power unit pulling off highway Belly Dumps in Tandem

Remaining Counties; and Nye County (north of and including Highway 6)

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, up to 18,000 lbs.

Group 3: Bus and Manhaul Drivers, single unit, 18,000 lbs. and over; Winch Trucks, A-Frame, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Truck Driver; Fuel Man and Fuel Island Man

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Trucks and Jetting Trucks, up to 2,500 gallons; Flatrack, Industrial Lift with Mechanical Tailgate, single unit 2-axle

Group 5: Lift Jitneys and Fork Lift

Group 6: Flatrack, Industrial Lift with Mechanical Tailgate, single unit 3-axle

TRUCK DRIVERS: (Cont'd)
Remaining Counties; and Nye County (north of and including Highway 6)

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yds. and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Winch Trucks, A-Frame, 18,000 lbs. and over

Group 11: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 25 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 12: DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers, and Fuel and/or Grease Tank Trailers, or other miscellaneous trailers (except as defined under Dump Trucks)

Group 13: Transit Mix, over 12 yards; Truck Repairman

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 25 yards and under 60 yards

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 17: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yards and over

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Lane, Linn, and Marion
DECISION NUMBER: OR83-5106 DATE: Date of Publication
Supersedeas Decision No. OR82-5102 dated February 5, 1982, in 47 FR 5645

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SUPERSEDEAS DECISION

STATE: Oregon COUNTIES: Lane, Linn, and Marion
DECISION NUMBER: OR83-5106 DATE: Date of Publication
Supersedes Decision No. OR82-5102 dated February 5, 1982, in 47 FR 5645
DESCRIPTION OF WORK: Residential Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ [illegible]	
ELECTRICIANS	[illegible].00	$2.42+ 3%
INSULATION INSTALLERS	[illegible]	
LABORERS	[illegible]	
PAINTERS:		
Painters	10.[illegible]	1.3[illegible]
Tapers	11.[illegible]	1.3[illegible]
PLUMBERS:		
Line (northern half), and Marion Counties	12.18	1.72
Lane County (except the City of Florence) and the southern half of Linn County	13.[illegible]	1.75
ROOFERS	9.00	
SHEET METAL WORKERS:		
Lane County	13.71[illegible]	1.355
Linn and Marion Counties	14.24	4.34+ 3%
SOFT FLOOR LAYERS	12.[illegible]	1.18*

*FOOTNOTE:
SOFT FLOOR LAYERS:
4% of all gross wages to be paid to the credit of employees with less than one year of service; 6% of all gross wages to be placed to the credit of employees with more than one year of service

Unlisted classifications listed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5(a)(1)(ii))

[FR Doc. 83-6845 Filed 3-17-83; 8:45 am]
BILLING CODE 4510-27-C

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Friday
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Part IV

Department of the Interior

Office of the Secretary

Fish and Wildlife Policy; State-Federal Relationships

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 24

Department of the Interior Fish and Wildlife Policy; State-Federal Relationships

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior has developed a final Department of the Interior Fish and Wildlife Policy which addresses State-Federal relationships. The purpose of the policy is to clarify State and Federal responsibilities, enhance cooperative relationships, and identify areas for potential cooperative agreements respecting fish and wildlife management.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Edwin Verburg, Acting Assistant Director, Office of Planning and Budget, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, D.C. 20240, telephone (202) 343–4328.

SUPPLEMENTARY INFORMATION: The Department of the Interior Fish and Wildlife Policy on State-Federal relationships concerns the wildlife management policies of four bureaus in the Department of the Interior, i.e., Fish and Wildlife Service, Bureau of Reclamation, Bureau of Land Management, and National Park Service.

Although not subject to the informal rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553, a draft of the Departmental Fish and Wildlife Policy on State-Federal relationships was made available for public comment in the **Federal Register** (47 FR 46147) on October 15, 1982, in keeping with the Department's general policy of maximizing the opportunity for public input into the decision-making process. Provided here is the final policy statement which reflects careful cosideration of all comments on the draft policy that were received during the public comment period.

This document does not constitute the formulation of new policy but, rather, the articulation of principles already expressed in a number of existing statutes, regulations, and Departmental guidelines. The provisions replace those found in 36 FR 21034, November 3, 1971, later codified at 43 CFR Part 24, which are not outdated. This earlier policy was originally codified only as a matter of convenience to the public by providing ready access to its provisions. The updated version of the Department's Fish and Wildlife Policy will now replace the outdated version at 43 CFR Part 24.

List of Subjects in 43 CFR Part 24

Fish, Intergovernmental regulations, Wildlife.

For the reasons above, Part 24 of Title 43 of the Code of Federal Regulations is revised in its entirety to read as follows:

PART 24—DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE POLICY: STATE-FEDERAL RELATIONSHIPS

Sec.

24.1 Introduction.
24.2 Purpose.
24.3 General jurisdictional principles.
24.4 Resource management and public activities on Federal lands.
24.5 International agreements.
24.6 Cooperative agreements.
24.7 Exemptions.

Authority: 43 U.S.C. 1201.

§ 24.1 Introduction.

(a) In 1970, the Secretary of the Interior developed a policy statement on intergovernmental cooperation in the preservation, use and management of fish and wildlife resources. The purpose of the policy (36 FR 21034, November 3, 1971) was to strengthen and support the missions of the several States and the Department of the Interior respecting fish and wildlife. Since development of the policy, a number of Congressional enactments and court decisions have addressed State and Federal responsibilities for fish and wildlife with the general effect of expanding Federal jurisdiction over certain species and uses of fish and wildlife traditionally managed by the States. In some cases, this expansion of jurisdiction has established overlapping authorities, clouded agency jurisdictions and, due to differing agency interpretations and accountabilities, has contributed to confusion and delays in the implementation of management programs. Nevertheless, Federal authority exists for specified purposes while State authority regarding fish and resident wildlife remains the comprehensive backdrop applicable in the absence of specific, overriding Federal law.

(b) The Secretary of the Interior reaffirms that fish and wildlife must be maintained for their ecological, cultural, educational, historical, aesthetic, scientific, recreational, economic, and social values to the people of the United States, and that these resources are held in public trust by the Federal and State governments for the benefit of present and future generations of Americans. Because fish and wildlife are fundamentally dependent upon habitats on private and public lands managed or subject to administration by many Federal and State agencies, and because provisions for the protection, maintenance and enhancement of fish and wildlife and the regulation for their use are established in many laws and regulations involving a multitude of Federal and State administrative structures, the effective stewardship of fish and wildlife requires the cooperation of the several States and the Federal Government.

(c) It is the intent of the Secretary to strengthen and support, to the maximum legal extent possible, the missions of the States [1] and the Department of the Interior to conserve and manage effectively the nation's fish and wildlife. It is, therefore, important that a Department of the Interior Fish and Wildlife Policy be implemented to coordinate and facilitate the efforts of Federal and State agencies in the attainment of this objective.

§ 24.2 Purpose.

(a) The purpose of the Department of the Interior Fish and Wildlife Policy is to clarify and support the broad authorities and responsibilities of Federal [2] and State agencies responsible for the management of the nation's fish and wildlife and to identify and promote cooperative agency management relationships which advance scientifically-based resource management programs. This policy is intended to reaffirm the basic role of the States in fish and resident wildlife management, especially where States have primary authority and responsibility, and to foster improved conservation of fish and wildlife.

(b) In developing and implementing this policy, this Department will be furthering the manifest Congressional policy of Federal-State cooperation that pervades statutory enactments in the area of fish and wildlife conservation. Moreover, in recognition of the scope of its activities in managing hundreds of

[1] "States" refers to all of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, the Commonwealth of Northern Mariana Islands and other territorial possessions, and the constituent units of government upon which these entities may have conferred authorities related to fish and wildlife matters.

[2] Hereinafter, the Bureau of Reclamation, Bureau of Land Management, Fish and Wildlife Service, and National Park Service will be referred to collectively as "Federal agencies."

millions of acres of land within the several States, the Department of the Interior will continue to seek new opportunities to foster a "good neighbor" policy with the States.

§ 24.3 General jurisdictional principles.

(a) In general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State. Under the Property Clause of the Constitution, Congress is given the power to "make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." In the exercise of power under the Property Clause, Congress may choose to preempt State management of fish and wildlife on Federal lands and, in circumstances where the exercise of power under the Commerce Clause is available, Congress may choose to establish restrictions on the taking of fish and wildlife whether or not the activity occurs on Federal lands, as well as to establish restrictions on possessing, transporting, importing, or exporting fish and wildlife. Finally, a third source of Federal constitutional authority for the management of fish and wildlife is the treaty making power. This authority was first recognized in the negotiation of a migratory bird treaty with Great Britain on behalf of Canada in 1916.

(b) The exercise of Congressional power through the enactment of Federal fish and wildlife conservation statutes has generally been associated with the establishment of regulations more restrictive than those of State law. The power of Congress respecting the taking of fish and wildlife has been exercised as a restrictive regulatory power, except in those situations where the taking of these resources is necessary to protect Federal property. With these exceptions, and despite the existence of constitutional power respecting fish and wildlife on Federally owned lands, Congress has, in fact, reaffirmed the basic responsibility and authority of the States to manage fish and resident wildlife on Federal lands.

(c) Congress has charged the Secretary of the Interior with responsibilities for the management of certain fish and wildlife resources, e.g., endangered and threatened species, migratory birds, certain marine mammals, and certain aspects of the management of some anadromous fish. However, even in these specific instances, with the limited exception of marine mammals, State jurisdiction remains concurrent with Federal authority.

§ 24.4 Resource management and public activities on federal lands.

(a) The four major systems of Federal lands administered by the Department of the Interior are lands administered by the Bureau of Reclamation, Bureau of Land Management, units of the National Wildlife Refuge System and national fish hatcheries, and units of the National Park System.

(b) The Bureau of Reclamation withdraws public lands and acquires non-Federal lands for construction and operation of water resource development projects within the 17 Western States. Recreation and conservation or enhancement of fish and wildlife resources are often designated project purposes. General authority for Reclamation to modify project structures, develop facilities, and acquire lands to accommodate fish and wildlife resources is given to the Fish and Wildlife Coordination Act of 1946, as amended (16 U.S.C. 661–667e). That act further provides that the lands, waters and facilities designated for fish and wildlife management purposes, in most instances, should be made available by cooperative agreement to the agency exercising the administration of these resources of the particular State involved. The Federal Water Project Recreation Act of 1965, as amended, also directs Reclamation to encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement. Reclamation withdrawal, however, does not enlarge the power of the United States with respect to management of fish and resident wildlife and, except for activities specified in Section III.3 above, basic authority and responsibility for management of fish and resident wildlife on such lands remains with the State.

(c) BLM-administered lands comprise in excess of 300 million acres that support significant and diverse populations of fish and wildlife. Congress in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) directed that non-wilderness BLM lands be managed by the Secretary under principles of multiple use and sustained yield, and for both wilderness and non-wilderness lands explicitly recognized and reaffirmed the primary authority and responsibility of the States for management of fish and resident wildlife on such lands. Concomitantly, the Secretary of the Interior is charged with the responsibility to manage non-wilderness BLM lands for multiple uses, including fish and wildlife conservation. However, this authority to manage lands for fish and wildlife values is not a preemption of State jurisdiction over fish and wildlife. In exercising this responsibility the Secretary is empowered to close areas to hunting, fishing or trapping for specified reasons viz., public safety, administration, or compliance with provisions of applicable law. The closure authority of the Secretary is thus a power to close areas to particular activities for particular reasons and does not in and of itself constitute a grant of authority to the Secretary to manage wildlife or require or authorize the issuance of hunting and/or fishing permits or licenses.

(d) While the several States therefore possess primary authority and responsibility for management of fish and resident wildlife on Bureau of Land Management lands, the Secretary, through the Bureau of Land Management, has custody of the land itself and the habitat upon which fish and resident wildlife are dependent. Management of the habitat is a responsibility of the Federal Government. Nevertheless, Congress in the Sikes Act has directed the Secretary of the Interior to cooperate with the States in developing programs on certain public lands, including those administered by BLM and the Department of Defense, for the conservation and rehabilitation of fish and wildlife including specific habitat improvement projects.

(e) Units of the National Wildlife Refuge System occur in nearly every State and constitute Federally owned or controlled areas set aside primarily as conservation areas for migratory waterfowl and other species of fish or wildlife. Units of the system also provide outdoor enjoyment for millions of visitors annually for the purpose of hunting, fishing and wildlife-associated recreation. In 1962 and 1966, Congress authorized the use of National Wildlife Refuges for outdoor recreation provided that it is compatible with the primary purposes for which the particular refuge was established. In contrast to multiple use public lands, the conservation, enhancement and perpetuation of fish and wildlife is almost invariably the principal reason for the establishment of a unit of the National Wildlife Refuge System. In consequence, Federal activity respecting management of migratory waterfowl and other wildlife residing on units of the National Wildlife Refuge System involves a Federal function specifically authorized by Congress. It is therefore for the Secretary to determine whether units of the System shall be open to public uses, such as hunting and

fishing, and on what terms such access shall be granted. However, in recognition of the existing jurisdictional relationship between the States and the Federal Government, Congress, in the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), has explicitly stated that nothing therein shall be construed as affecting the authority of the several States to manage fish and resident wildlife found on units of the system. Thus, Congress has directed that, to the maximum extent practicable, such public uses shall be consistent with State laws and regulations. Units of the National Wildlife Refuge System, therefore, shall be managed, to the extent practicable and compatible with the purposes for which they were established, in accordance with State laws and regulations, comprehensive plans for fish and wildlife developed by the States, and Regional Resource Plans developed by the Fish and Wildlife Service in cooperation with the States.

(f) Units of the National Park System contain natural, recreation, historic, and cultural values of national significance as designated by Executive and Congressional action. Specific enabling legislation has authorized limited hunting, trapping or fishing activity within certain areas of the system. As a general rule, consumptive resource utilization is prohibited. Those areas which do legislatively allow hunting, trapping, or fishing, do so in conformance with applicable Federal and State laws. The Superintendent may, in consultation with the appropriate State agency, fix times and locations where such activities will be prohibited. Areas of the National Park System which permit fishing generally will do so in accordance with applicable State and Federal Laws.

(g) In areas of exclusive Federal jurisdiction, State laws are not applicable. However, every attempt shall be made to consult with the appropriate States to minimize conflicting and confusing regulations which may cause undue hardship.

(h) The management of habitat for species of wildlife, populations of wildlife, or individual members of a population shall be in accordance with a Park Service approved Resource Management Plan. The appropriate States shall be consulted prior to the approval of management actions, and memoranda of understanding shall be executed as appropriate to ensure the conduct of programs which meet mutual objectives.

(i) Federal agencies of the Department of the Interior shall:

(1) Prepare fish and wildlife management plans in cooperation with State fish and wildlife agencies and other Federal (non-Interior) agencies where appropriate. Where such plans are prepared for Federal lands adjoining State or private lands, the agencies shall consult with the State or private landowners to coordinate management objectives;

(2) Within their statutory authority and subject to the management priorities and strategies of such agencies, institute fish and wildlife habitat management practices in cooperation with the States to assist the States in accomplishing their fish and wildlife resource plans;

(3) Provide for public use of Federal lands in accordance with State and Federal laws, and permit public hunting, fishing and trapping within statutory and budgetary limitations and in a manner compatible with the primary objectives for which the lands are administered. The hunting, fishing, and trapping, and the possession and disposition of fish, game, and fur animals, shall be conducted in all other respects within the framework of applicable State and Federal laws, including requirements for the possession of appropriate State licenses or permits.

(4) For those Federal lands that are already open for hunting, fishing, or trapping, closure authority shall not be exercised without prior consultation with the affected States, except in emergency situations. The Bureau of Land Management may, after consultation with the States, close all or any portion of public land under its jurisdiction to public hunting, fishing, or trapping for reasons of public safety, administration, or compliance with provisions of applicable law. The National Park Service and Fish and Wildlife Service may, after consultation with the States, close all or any portion of Federal land under their jurisdictions, or impose such other restrictions as are deemed necessary, for reasons required by the Federal laws governing the management of their areas; and

(5) Consult with the States and comply with State permit requirements in connection with the activities listed below, except in instances where the Secretary of the Interior determines that such compliance would prevent him from carrying out his statutory responsibilities:

(i) In carrying out research programs involving the taking or possession of fish and wildlife or programs involving reintroduction of fish and wildlife;

(ii) For the planned and orderly removal of surplus or harmful populations of fish and wildlife except where emergency situations requiring immediate action make such consultation and compliance with State regulatory requirements infeasible; and

(iii) In the disposition of fish and wildlife taken under paragraph (i) (5)(i) or (i) (5)(ii) of this section.

§ 24.5 International agreements.

(a) International conventions have increasingly been utilized to address fish and wildlife issues having dimensions beyond national boundaries. The authority to enter into such agreements is reserved to the President by and with the advice and consent of the Senate. However, while such agreements may be valuable in the case of other nations, in a Federal system such as ours sophisticated fish and wildlife programs already established at the State level may be weakened or not enhanced.

(b) To ensure that effective fish and wildlife programs already established at the State level are not weakened, the policy of the Department of the Interior shall be to recommend that the United States negotiate and accede to only those international agreements that give strong consideration to established State programs designed to ensure the conservation of fish and wildlife populations.

(c) It shall be the policy of the Department to actively solicit the advice of affected State agencies and to recommend to the U.S. Department of State that representatives of such agencies be involved before and during negotiation of any new international conventions concerning fish and wildlife.

§ 24.6 Cooperative agreements.

(a) By reason of the Congressional policy (e.g., Fish and Wildlife Coordination Act of 1956) of State-Federal cooperation and coordination in the area of fish and wildlife conservation, State and Federal agencies have implemented cooperative agreements for a variety of fish and wildlife programs on Federal lands. This practice shall be continued and encouraged. Appropriate topics for such cooperative agreements include but are not limited to:

(1) Protection, maintenance, and development of fish and wildlife habitat;

(2) Fish and wildlife reintroduction and propagation;

(3) Research and other field study programs including those involving the taking or possession of fish and wildlife;

(4) Fish and wildlife resource inventories and data collection;

(5) Law enforcement;

(6) Educational programs;

(7) Toxicity/mortality investigations and monitoring;

(8) Animal damage management;

(9) Endangered and threatened species;

(10) Habitat preservation;

(11) Joint processing of State and Federal permit applications for activities involving fish, wildlife and plants;

(12) Road management activities affecting fish and wildlife and their habitat;

(13) Management activities involving fish and wildlife; and,

(14) Disposition of fish and wildlife taken in conjunction with the activities listed in this paragraph.

(b) The cooperating parties shall periodically review such cooperative agreements and adjust them to reflect changed circumstances.

§ 24.7 Exemptions.

(a) Exempted from this policy are the following:

(1) The control and regulation by the United States, in the area in which an international convention or treaty applies, of the taking of those species and families of fish and wildlife expressly named or otherwise covered under any international treaty or convention to which the United States is a party;

(2) Any species of fish and wildlife, control over which has been ceded or granted to the United States by any State; and

(3) Areas over which the States have ceded exclusive jurisdiction to the United States.

(b) Nothing in this policy shall be construed as affecting in any way the existing authorities of the States to establish annual harvest regulations for fish and resident wildlife on Federal lands where public hunting, fishing or trapping is permitted.

Dated: March 11, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-6868 Filed 3-17-83; 8:45 am]

BILLING CODE 4310-55-M

VOL
48
ISS
54
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18
1983
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federal register

Friday
March 18, 1983

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants for Indian Tribes and Alaskan Native Villages; Interim Rule and Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-83-1030]

Community Development Block Grants for Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule revises the regulations governing the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes are made as follows: (1) The two-step preapplication/full application is reduced to a modified one-step process; (2) the number of rating criteria used to select grantees is reduced from 9 to 4; (3) Indian preference requirements are revised to be consistent with Indian housing preference requirements, and (4) comprehensive grants are eliminated.

DATES: Effective Date: March 18, 1983. Comments due: May 17, 1983.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Each comment should include the commenter's name and address and must refer to the docket number and title indicated in the heading of this document. A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Marcia A.B. Brown, Room 7134, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: This interim rule was published as a proposed rule in the **Federal Register** on December 13, 1982 (47 FR 55868). The proposed rule invited comments for a twenty-day period ending on January 3, 1983. The publication as a proposed rule was in response to a request from the Senate Committee on Banking, Housing and Urban Affairs. The Committee suggested publication as a proposed rule to ensure that there was an opportunity for comment from affected parties before the rule's becoming effective. Nine public comments were received, and are discussed herein. The rule is now being published as interim to allow a more lengthy public comment period, and comments on the interim rule will be taken into account when the rule is republished as final.

In rewriting the Indian Community Development Block Grant (CDBG) Program regulations, an effort has been made to reduce and simplify the existing regulations as much as possible. For example, portions of these regulations which duplicated material in Part 570 were deleted and replaced by references to that part. The changes are in keeping with recently enacted legislation that provides greater flexibility in decision-making at the local level. The following paragraphs discuss the revisions made in the Indian CDBG regulations.

Subpart A—General Provisions

This subpart is reduced in length by eliminating language which is repetitious of the statute and of other sections of the rule. The definitions which more appropriately appear in the body of the regulations are removed from this section.

Section 571.5 Eligible applicants.

The language concerning eligible applicants is clarified. To be eligible, a Tribe or Alaskan Village must be an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act or under General Revenue Sharing. An applicant now has to be eligible by the application submission date rather than by ninety days prior to the beginning of the Fiscal Year.

Section 571.6 Consultations.

The role of the applicants in the consultation process is redefined. Consultations will be required on an annual basis, but can be oral or written. The purpose of the consultation is twofold: to provide eligible applicants with information concerning that year's Indian CDBG Program and to solicit the applicants' views on field office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors. Applicants' views are considered advisory only.

Subpart B—Allocation of Funds

Section 571.100(a) Types of grants.

Basic Grants under the Indian CDBG Program are retitled Single Purpose Grants to be consistent with the terminology used in the Small Cities Program. Comprehensive Grants have been eliminated as a type of grant available under this program. The original comprehensive grant concept was considered a demonstration. As such, it was used in two of the six offices responsible for the program and then only to a limited degree. The Single Purpose Grant concept allows an applicant to be awarded a grant for more than one project, similar to a Comprehensive Grant. The only difference is that each of those projects will have to rate high enough for funding.

Section 571.100(b) Size of grants.

These regulations provide for the use of grant ceilings at the discretion of the field office to limit the size of grants and thus provide for a larger number of grants. Section 571.301(c) allows field offices to screen applications for compliance with the grant ceiling.

Subpart C—Eligible Activities

The eligible activities regulations of Part 570 are referenced instead of repeated. One modification to Part 570, Subpart C is that the definition of administrative costs (§ 571.203) is modified so that certain technical assistance activities are not included. The new rule provides that up to ten percent of the total grant award can be used for the purchase of technical assistance to undertake specific activities, excluding administrative and planning activities.

Subpart D—Single Purpose Grant Application and Selection Process

Section 571.300(f) Application components.

The two-step preapplication/full application process is reduced to a modified one-step process. Applicants will submit an application which will provide HUD the information necessary to rate the proposed project(s) and will assure HUD that the necessary citizen participation has taken place. The preapplication requirement is removed to ease the administrative burden on applicants.

Section 571.302 Selection process.

The separate threshold factors of eligible applicant and eligible activity are more appropriately included as screening factors (§ 571.301(a)). In order to emphasize that the Indian CDBG Program is intended to address community development needs, a new threshold factor requires that applicants certify that proposed activities impact

the applicant's community development needs. In cases where an applicant's proposed activities cannot be justified as meeting those needs, the application will not be rated and ranked. The threshold factors for capacity and performance are modified as well. Field offices will judge whether applicants have the capacity to carry out proposed projects by examining whether they have or will acquire the necessary managerial, technical, or administrative staff. Applicant performance will be examined in three areas: community development, housing assistance, and outstanding audit findings. With the first area, an applicant with negative monitoring findings must be on schedule in taking corrective action. With housing assistance, the applicant must have taken actions within its control to facilitate the provision of housing assistance. Finally, specific language is added requiring previous grantees to resolve outstanding audit findings in a timely manner and to repay or establish a schedule for repayment of Community Development Block Grant funds owed to HUD in order to pass the threshold factor.

The number of rating criteria (from which rating factors will be developed) is reduced from 9 to 4. The four impact criteria in the old regulations are merged into one criterion with five examples listed of the type of factors to be used to measure impact. Two other rating criteria measure the relative need of the applicant and the benefit to be derived from the project. A fourth rating criterion is new with these regulations and rates qualitative aspects of proposed projects as measured by per capita cost; cost effectiveness; use of existing resources, services, and facilities; or increased job opportunities. The factors listed for measuring impact and quality are only examples. Field offices may develop their own factors for impact and quality, but in so doing cannot require additional information beyond what is required in the application.

Section 571.303 Funding process.

Applicants notified that their projects rank high enough for funding will be asked to submit only an implementation schedule, certifications, and final cost information (if HUD revised the original amount requested), in order to receive the grant agreement. Such information is necessary for HUD's monitoring of grantee performance. It is incumbent upon the grantee to respond quickly in order for the grant to be awarded quickly.

The new process provides the leeway to select projects with excellent concepts, but which may lack conclusive information on scope and implementation or other funding sources. These types of applicants will be given at least 30 days to respond to preaward requirements.

Subpart E—Imminent Threat Grants

With the elimination of Comprehensive Grants, Subpart E is renamed Imminent Threat Grants. Language relating to these types of grants is clarified. Section 571.402, "Availability of funds", establishes that funds set aside for imminent threat grants are available only until the single purpose grants have been awarded. After that time, the imminent threat funds are awarded to the highest ranking unfunded single purpose projects.

Subpart F—Grant Administration

Subpart J of Part 570 is referenced as applicable to the Indian CDBG Program except for the modifications and additions which appear in Subpart F of Part 571.

Section 571.503 Indian preference requirements.

This section clarifies the applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act to the Indian CDBG Program. This section is now made consistent with the Indian preference requirements of the Indian housing program (24 CFR 805.204).

Specifically, this section requires that Indian preference be given to the greatest extent feasible in the award of contracts and subcontracts and in the administration of the program. In contracting, the grantee may advertise for bids strictly from Indian-owned firms, or determine the extent to which Indian-owned firms are available and qualified through a solicitation of intent, then advertise for bids strictly from Indian-owned firms. Other methods, developed by the grantee to provide Indian preference may also be used, but only with HUD approval before implementation. Should any of these methods fail to provide more than one bid, or an approvable bid, then the bidding can be opened to non-Indian-owned firms as well.

Additional Indian preferences can be used by the grantee with prior HUD approval. The additional preference shall not result in a higher cost, or greater risk of non-performance.

Subpart G—Other Program Requirements

The requirements of Subpart K of Part 570 are referenced as applicable to grants under Part 571, except for the specific sections modified herein.

Section 571.603 Labor standards.

One change in this subpart from the previous regulations is that the requirements of Section 110 of the Housing and Community Development Act of 1974 with respect to the Davis-Bacon Act are waived for all projects, rather than on a case-by-case basis, in accordance with the authority granted to the Secretary in Section 107(d)(2) of the Housing and Community Development Act of 1974. In providing the waiver, these regulations do not permit a grantee to set excessive wage rates beyond what is being charged for similar projects.

Section 571.604 Citizen participation.

The requirement for two meetings on the proposed application is reduced to one, in accordance with statutory changes. Additionally, the requirement that the application be published is clarified to require only that applicants publicize their proposal. This can be done by publishing or by posting a notice in a public place.

Section 571.606 Housing assistance.

A new provision in this Part adds as a performance consideration under the Indian CDBG Program a Tribe's compliance with the resolution it adopted at the time its IHA was established. This resolution promised the Tribe's aid and cooperation in the planning, undertaking, construction, and operation of housing projects.

Subpart H—Program Performance

The length of this subpart is reduced considerably by eliminating repetition of other subparts and by referencing the Administrative Procedure Act.

Public Comments

One commenter suggested that the rule mandate that the annual consultation be oral. The Department had previously considered that option in this rulemaking. However, the more flexible approach, "written and/or oral consultations," was chosen because the Department recognized that in some field office jurisdictions, travel conditions do not always permit a meeting.

Each of HUD's field offices recognizes the importance of annually meeting with eligible applicants for this program, and this regulation permits them to do so. The rule also permits the field offices to consult with applicants on a written basis when matters to be discussed are

not substantial enough to warrant an actual meeting.

A second rather extensive comment posed several technical questions. Under Subpart A, a question was raised as to what constituted the "area" for the purpose of determining median income, on which the definition of low and moderate income is based: does "area" refer to that within a Tribe's jurisdiction, or does it encompass more? The definition cited at § 571.4(h) is consistent with that used for other CDBG programs. The definition indicates that HUD makes the determination. If HUD has enough data to determine median income based on a Tribe's jurisdiction, these will be used. However, for the most part, data available limit HUD to an area larger than a Tribe's jurisdiction in making the median income determination.

The same commenter asked whether the Bureau of Indian Affairs maintains a current listing of eligible tribal organizations (see § 571.5(b)). The Bureau of Indian Affairs (BIA) does not maintain such a list, so HUD will be limited to a case-by-case determination from BIA.

The Department disagrees with the commenter on the usefulness of retaining the comprehensive grants programs. The comprehensive grant approach has not been widely used, nor has it proven of any greater benefit than Single Purpose Grants overall. It is cumbersome, and it limits the amount of funds open to competition. Alternatives to comprehensive grants are being explored, and if feasible, will be proposed for consideration.

This commenter suggested the establishment of a rating factor for "technical assistance" and the elimination of the ten percent provision under Subpart C—Eligible Activities. The Department rejects this suggestion because "technical assistance" is not an eligible activity category. Section 571.203 merely modifies the definition of "administrative costs" so as not to include certain technical assistance costs associated with the development of a capacity to undertake program activities. These costs are part of the activity to which they relate and cannot exceed ten percent of the total grant award. Moreover, section 107(b)(4) of the Act provides exclusively for technical assistance projects and Indian tribes are among the eligible recipients.

The commenter also inquired whether the Census is to be the only source of "demographic data" referred to in § 571.300(c). Section 571.4(c) defines "eligible Indian population" as "the most accurate and uniform population data available from reliable sources." By not making specific reference to Bureau of Census data, HUD does not confine itself to using data which may become outdated. As such, the term "demographic data" as defined in § 571.300(c) refers to reliable data and is not limited to data collected by the Bureau of the Census.

The commenter also suggested that § 571.300(d) is inconsistent with the provisions of § 570.200(h). Section 571.300(d) is contained in a separate Subpart (D), rather than in the subpart on eligible activities, and is patterned after the small Cities-HUD Administered program provision in § 570.433(a)(3). The Part 571 regulations clearly do not intend to incorporate the "policies" of the proposed Part 570 Subpart C regulations which are applicable only to the entitlement cities program. In fact, language to clarify this intent has been added at § 571.200.

The Department believes that the mandatory "shall" is proper in § 571.301(a)(4) to impress upon applicants the importance of this step in HUD's acceptance of their application. For a similar reason, the Department declines to substitute "may" for "shall" or "will" in §§ 571.302(a)(1) and 571.302(a)(2)(ii)(A), respectively. The desired flexibility sought by the commenter currently exists in this subpart in § 571.302(b). However, in response to this same comment, the word "substantially" has been inserted in § 571.301(a)(4) to allay fears that applications may be disqualified for trivial omissions.

Another question raised by this commenter was whether under § 571.301(c), applications which exceed established grant ceilings may be rejected. It is the Department's position that grant ceilings to be established by field offices may be used in several ways: as guidelines; as mandatory requirements where failure to comply will result in rejection; or as requirements where failure to comply will mean consideration of the project at the grant ceiling amount only. By not specificially stating how they will be used, field offices are provided the flexibility to decide how these ceilings will be applied, in consultation with their Tribes and Villages.

The Department disagrees with the comment that a funding decision under the CDBG program should not be related to an applicant's performance in helping its Tribe provide housing assistance. There are only two tests in the threshold criterion on "Housing Assistance" and both of these are fully within the control of the tribal government. These are: (1) "actions have been taken *by the applicant within its control* to facilitate the provision of housing assistance* * *" (emphasis added); and (2) no action has been taken to prevent such assistance. These two tests do not make the applicant responsible for the performance of an Indian Housing Authority.

The same commenter states, in reference to § 571.400, that there is no justifiable reason why imminent threat grants would be made only if the threat impacts an entire service area. This restriction strikes a balance with the recommendation that the threat should impact a community-wide area which was considered to require such a large area as to be too restrictive. The service area test is intended to preclude from eligibility threats which affect only a small number of households.

The commenter also suggested that unused Imminent Threat Funds be made available for use in the next-following funding cycle. The Department rejects this suggestion because the demand for funds far exceeds the amount available. Thus, there is no valid reason why funds should be carried over into the next fiscal year.

This commenter inquired whether it could be assumed that net income from economic development activity funded under subpart F is not to be considered program income, thus not restricting its use. It should be pointed out that program income originates on the receipt by the grantee or subgrantee, making the economic assistance available, of such funds as are agreed to be repaid to it.

To avoid ambiguity, the word "may" in the last sentence of § 571.503(d)(1) has been replaced by the word "shall". Thus, a grantee must use one of the methods described in this section.

Since the Certification that grantees must sign includes a certificate of compliance with OMB Circular A–102, there is no need to add a separate section for "Attachment N" compliance, as recommended by the commenter.

The National Society of Public Accountants objected to the Department's incorporating, in § 570.610, the GAO's Standards for Audit of a Federally assisted program. The Standards effectively bar the use of public accountants licensed after December 31, 1970 to audit such a program. Since HUD is bound to comply with these standards, the Department is unable to entertain the Society's objection.

Another comment protested that § 571.603(a) is unlawful in that it allows for a blanket waiver of the applicable provisions of the Davis-Bacon Act for projects funded under the Indian CDBG

Program. It is the Department's position that the Secretary is statutorily empowered to implement the waiver provision of section 107(d)(2) of the Housing and Community Development Amendments of 1974 (HDCA), 42 U.S.C. 307(d)(2), so as to effect a blanket waiver for projects funded under the Indian CDBG Program from the relevant provisions of the Davis-Bacon Act.

One commenter suggested that the term "significantly" in § 571.304 be more clearly defined by including language in existing §§ 571.307(c)(1) (i), (ii), and (iii). The Department believes that the new language in § 571.304, while not continuing the ten percent provision of the existing regulations, makes for less rigidity in application to a variety of situations where mathematical precision is not an appropriate criterion.

The concern was expressed by one commenter that the new § 571.6, unlike the existing § 571.5, does not provide for prior consultation with eligible applicants. Section 571.6 was termed an "eviseration" of the consultation requirements. A close reading of § 571.6 would show, in the Department's view, that the consultative process remains viable. The changes that this rule promotes are intended to streamline and improve the efficiency of the process, not to deprive Indians of participation in the policy-formulation process, as the comment asserts. In this regard, HUD acknowledges that the number of areas in which it may solicit the views of applicants before implementing a decision has been reduced. Nonetheless, the Department will continue to consult with applicants in areas of major concern to them and to the Department, as provided for in this interim rule. HUD believes that this will result in more efficient decision-making and in an improvement in the cost-effectiveness of services to the program's beneficiaries.

The second part of this comment recommended that language be inserted to allow for distribution of Indian CDBG funds on a noncompetitive basis to all eligible applicants. The Department rejects the recommendation because demand for the funds in this program far exceeds the amount available and a competitive program is the best way to ensure an equitable allocation of funds to the most deserving applicants.

The last part of this comment suggested that § 571.703 be modified to provide for a hearing before a recipient's grant could be adversely affected. This, the comment continued, would make it consistent with § 571.704, which provides for a hearing before the Secretary may terminate or reduce a grant. In addition, the comment opposed what was termed the elimination of the specific procedural protections present in the existing regulations, stating that the reference to the Administrative Procedure Act in § 571.704 was an unacceptable substitute.

Section 571.703 does provide for certain procedural safeguards, including informal consultation. It is patterned after a similar regulatory provision for the Small Cities program, which is authorized by statute for that program under section 104(d) of the Act. "Indian Tribes" were among the eligible recipients under that program until the 1977 amendments to the Act, when Congress established separate funding for Tribes because of their unique situation.

Section 571.703 replaces the more peremptory authority for "Recapture of Funds" in the former regulations at § 571.103, so as to administratively provide Indian Tribes the same procedural safeguards under paragraph (a) of the new section as is afforded Small Cities by § 570.911 (a) and (c). In furtherance of this objective, the Small Cities provision excepting funds already expended on otherwise eligible activities from recapture has now also been added to § 571.703.

One comment asked a series of questions, the first of which was whether the provision for an annual consultation (in § 571.6) would mean the abolition of the Council on Indian Programs and Policies (CIPP) meetings. The CIPP meetings, which do not involve all the Indian Tribes, are not affected by this provision.

The language "to be consistent with the terminology used in the Small Cities Program" under § 571.100(a) of the preamble to the proposed rule gave rise to the second question. The commenter interpreted this language as indicating a move toward funding the Indian CDBG Program through the states. The Department found it convenient to use the cited language because of the similarity between the two programs—the Small Cities and the Indian CDBG.

The commenter's following question asked whether the technical assistance costs referred to in § 571.203 include those incurred in the environmental review process, right-of-way acquisition, and archaeological field surveys. All such costs when expended in relation to a specific funded program activity are a part of the cost of that activity; they are not counted as part of the overall administrative costs under § 571.203.

The commenter also objected to the compliance provision in § 571.606, on the ground that the Indian CDBG Program should not be held to account for the performance of the IHA. The Department does not intend that the Indian CDBG Program be made responsible for the performance and administrative capabilities of the IHA program. The rule makes a Tribe's compliance with its own resolution, under the provisions of 24 CFR Part 805, Subpart A, Appendix I, Article VII, a performance consideration under the Indian CDBG Program in order to encourage the Tribe as a whole to cooperate to the greatest extent possible with the IHA. It is not, as the commenter mistakenly assumes, the intention of the rule that the applicant's IHA's poor performance should reflect adversely on its CDBG program; rather, it is the failure of the tribal government to cooperate with the IHA that will be taken into consideration in reviewing the applicant's CDBG program requests.

One comment suggested that the thirty-day response time with respect to a preaward requirement under § 571.303(b) may be insufficient if extensive research is required. The rule provides for *at least* thirty days. In an appropriate case, the time can be extended.

This commenter also asked what effect the allocation of funds by needs rather than by population size would have on each Tribe's allocation. The Department is in the very early and preliminary stages of examining this question, using 1980 Census data for the study. However, at this time, the Department is unable to answer the question since the study is incomplete.

This commenter also recommended that HUD allocate funds on the basis of a Tribe's needs, regardless of cost to the program. As a practical measure, whatever the merit of this suggestion, the program does not have sufficient funds to satisfy each Tribe's needs.

This commenter was of the view that, because small Tribes do not have permanent staffs and must rely on local organizations and consultants, § 571.302 may effectively eliminate small Tribes from the CDGB program. A reading of § 571.302 would show that it is this Department, through its field offices, which is assigned the bulk of the responsibilities identified in the "Selection Process." Except for the fact that § 571.302(b) allows an applicant to provide "Supporting Information" in special cases, the applicant's responsibilities under § 571.302 specifically are clerical. However, to the extent technical and administrative skills are useful in completing the application referenced in § 571.302, the Department does not consider it beyond the capacity of, or a burden to, small Tribes to apply such skills. Generally, the level of technical and administrative

skills demanded for the type of projects which a small Tribe will undertake is not so sophisticated as to require a permanent staff.

The comment also asked for a definition of "the point of operation of the § 571.606 'performance consideration'." As is apparent from this section, for Tribes which have established an IHA and have obtained assistance from the Department, their compliance with the IHA resolution will be considered in the evaluation of their applications, provided such Tribes have satisfied § 571.302—"Threshold requirements." Thus, the point of operation of the § 571.606 "performance consideration" is at the "threshold."

It was suggested by this commenter that where a Tribe wishes to impose additional Indian preference requirements which are in accord with an ordinance approved by the Bureau of Indian Affairs, that HUD's prior approval not be required.

The Department does not have sufficient time before issuance of this interim rule to examine a sample of these ordinances or to examine the approval process employed by the BIA. However, because of the importance of this issue, the suggestion will be examined more throughly during the interim period before publication of the final rule.

Revisions to the Regulations

Minor changes were made to these regulations for purposes of clarity and to correct omissions.

Subpart C—Eligible Activities

Section 571.200 references 24 CFR Part 570, Subpart C—Eligible Activities as applying to grants made under Part 571. This reference has been reworded to make clear that specific provisions stated in Part 570, Subpart C, as applying to the Entitlement Cities and Small Cities—HUD Administered Programs do not apply to the Indian CDBG Program. Section 571.201(b) omitted reference to solid waste disposal and parking facilities. Those two types of facilities have been added and, like fire protection facilities, are required to be located in or serve identified service areas.

Section 571.203(a) has been clarified by adding the word "funded." The intent of this provision is to allow grantees to obtain technical assistance for undertaking an activity which is currently funded under this part, but not for an activity which may never be funded.

Subpart D—Single Purpose Grant Applications and Selection Process

Section 571.301(a)(4) has been clarified to show that it was not HUD's intent to reject an application because of a clerical error. Thus, the wording has been changed to include "substantially".

In § 571.300(f)(3), the words "if appropriate" have been added after "location".

In § 571.303(c)(3)(i) the citation "24 CFR 570.607" has been deleted and replaced by "Part 570, Subpart C of this title."

Subpart F—Grant Administration

In Section 571.503(d)(1), the word "may" has been changed to "shall" in order to reflect HUD's intention that grantees provide preference in contracting to Indian firms chosen from methods (i), (ii), or (iii). Only if the method chosen fails to produce approval bids or proposals from more than one qualified Indian firm should grantees then use method (iv).

Subpart G—Other Program Requirements

Section 571.601 Nondiscrimination—Subsection (a) has been revised to reflect a partial waiver of the Section 109 requirements, rather than a total waiver as was contained in the proposed rule. Accordingly, after "Section 109" the following language has been added: "except with respect to the prohibition of discrimination based on age or against an otherwise qualified handicapped individual."

Subpart H—Program Performance

In § 571.703(b), after the word "grant" has been added "except that funds already expended on eligible approved activities shall not be recaptured or deducted from future grants."

Other Information

The Secretary has determined that it is in the public interest to have this amendment take effect immediately since the delay that would result from affording an opportunity for additional public comment before the rules becoming effective would impose a hardship on Tribes, which have extensive community development needs. Issuance of an interim rule ensures that funds will be allocated in a timely manner. However, interested persons are invited to submit comments, and such comments will be considered in the development of the final rule.

Pursuant to the provision of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule will simplify and reduce the requirements for applicants and grantees. Additionally, in making grants the program provides ample funds to cover those expenditures related to the administrative costs of the program.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street SW., Washington, D.C. 20410.

This rule is listed at 47 FR 48429 as item (D) 26 (CPD–18–79) in the Department's Semiannual Agenda of Regulations published on October 28, 1982 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance number is 14.223.

Information collection requirements contained in this regulation (§§ 571.300, 571.303, 571.502, and 571.700) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB control number 2506–0043.

List of Subjects in 24 CFR Part 571

Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians.

Accordingly, 24 CFR Part 571 is revised to read as follows:

PART 571—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKAN NATIVE VILLAGES

Subpart A—General Provisions

Sec.
571.1 Applicability and scope.
571.2 Program objectives.
571.3 Nature of program.
571.4 Definitions.
571.5 Eligible applicants.
571.6 Consultations.
571.7 Waivers.

Subpart B—Allocation of Funds

571.100 General.
571.101 Regional allocation of funds.

Subpart C—Eligible Activities

571.200 General.
571.201 Facilities.
571.202 Non-profit organizations.
571.203 Administrative costs.

Subpart D—Single Purpose Grant Application and Selection Process

571.300 Application requirements.
571.301 Screening and review of applications.
571.302 Selection process.
571.303 Funding process.
571.304 Program amendments.

Subpart E—Imminent Threat Grants

571.400 Criteria for funding.
571.401 Application process.
571.402 Environmental review.
571.403 Availability of funds.

Subpart F—Grant Administration

571.500 General.
571.501 Designation of public agency.
571.502 Force account construction.
571.503 Indian preference requirements.

Subpart G—Other Program Requirements

571.600 General.
571.601 Nondiscrimination.
571.602 Relocation and acquisition.
571.603 Labor standards.
571.604 Citizen participation.
571.605 Environment.
571.606 Housing assistance.

Subpart H—Program Performance

571.700 Reports to be submitted by grantee.
571.701 Review of recipient's performance.
571.702 Corrective and remedial actions.
571.703 Reduction or withdrawal of grant.
571.704 Other remedies for noncompliance.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 571.1 Applicability and scope.

The policies and procedures described in this Part apply only to grants to eligible Indian Tribes and Alaskan Native Villages under the Community Development Block Grant (CDBG) Program for Indian Tribes and Alaskan Natives Villages.

§ 571.2 Program objectives.

The primary objective of the Indian CDBG Program is the development of viable Indian and Alaskan Native communities, including decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income. The Federal assistance provided in this Part is for the support of community development activities which further this objective. This assistance is not to be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of this assistance.

§ 571.3 Nature of program.

The Indian CDBG Program is competitive in nature. The demand for funds far exceeds the amount of funds available. Therefore, selection of eligible applicants for funding will reflect consideration of relative need among applicants, and relative adequacy of applications in addressing locally-determined need. Applicants for funding must have the administrative capacity to undertake the community development activities proposed.

§ 571.4 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.).

(b) "Chief executive officer" means the elected official or legally-designated official who has the prime responsibility for the conduct of the affairs of an Indian Tribe or Alaskan Native Village.

(c) "Eligible Indian populations" means the most accurate and uniform population data available from reliable sources for Indian Tribes and Alaskan Native Villages eligible under this Part.

(d) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census referable to the same point or period in time and the latest reports from the Office of Management and Budget.

(e) "Field offices" means the HUD Offices of Indian Programs or Area Office having responsibility for the Indian CDBG Program.

(f) "HUD" means the Department of Housing and Urban Development.

(g) "Identified service area" means (1) a geographic location within the jurisdiction of a Tribe (but not the entire jurisdiction) designated in comprehensive plans, ordinances, or other local documents as a service area; (2) the BIA service area, including residents of areas outside the geographical jurisdiction of the Tribe; or (3) the entire area under the jurisdiction of a Tribe which has a population of members under 10,000.

(h) "Low and moderate-income families/persons" means families/persons whose incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area based on HUD's findings that such variations are necessary because of unusually high or low family incomes.

(i) "Secretary" means the Secretary of HUD.

(j) "Tribal Government," "Tribal governing body" or "Tribal Council" means the recognized governing body of an Indian Tribe or Alaskan Native Village.

(k) "Tribal resolution" means the formal manner in which the Tribal government expresses its legislative will in accordance with its organic documents. In the absence of such organic documents, a written expression adopted pursuant to Tribal practices will be acceptable.

(l) "Unemployment" means the number of persons out of work, who are willing and able to work.

§ 571.5 Eligible applicants.

(a) Eligible applicants are any Indian Tribe, band, group, or nation, including Alaskan Indians, Aleuts, and Eskimos, and any Alaskan Native Village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible recipients under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 will be determined by the Department of Treasury, Office of Revenue Sharing.

(b) Tribal organizations which are eligible under Title I of the Indian Self-Determination and Education Assistance Act may apply on behalf of any Indian Tribe, band, group, nation, or Alaskan Native Village eligible under that Act for funds under this Part when one or more of these entities have authorized the tribal organization to do so through concurring resolutions. Such

resolutions must accompany the application for funding. Eligible tribal organizations under Title I of the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs.

(c) Only eligible applicants shall receive grants. However, eligible applicants may contract or otherwise agree with non-eligible entities such as States, cities, counties, or organizations to assist in the preparation of applications and to help implement assisted activities.

(d) To apply for funding in a given fiscal year an applicant must be eligible by the application submission date.

§ 571.6 Consultations.

On an annual basis, written and/or oral consultations will be held with eligible applicants by each Field Office, for these purposes:

(a) To allow eligible applicants an opportunity to comment on Field Office proposals for grant ceilings, impact and quality rating factors, and relative weights of rating factors;

(b) To provide eligible applicants with information on how to apply for funds and how grants will be selected and awarded; and

(c) To inform eligible applicants of changes in the program.

§ 571.7 Waivers.

The Secretary may waive any requirement of this Part not required by law whenever it is determined that undue hardship will result from applying the requirement, or where application of the requirement would adversely affect the purposes of the Act.

Subpart B—Allocation of Funds

§ 571.100 General.

(a) Types of grants. Two types of grants are available under the Indian CDBG Program.

(1) *Single Purpose grants* provide funds for one or more single purpose projects each consisting of an activity or set of activities designed to meet a specific community development need. This type of grant is awarded through competition with other single purpose projects.

(2) *Imminent Threat grants* alleviate an imminent threat to public health or safety that requires immediate resolution. This type of grant is awarded only after a Field Office determines that such conditions exist and if funds are available for such grants.

(b) Size of Grants.

(1) *Ceilings.* Each Field Office may establish grant ceiling for Single Purpose Grant applications.

(2) *Individual grant amounts.* In determining appropriate grant amounts to be awarded, HUD may take into account the size of the applicant, the level of demand, the scale of the activity proposed relative to need and operational capacity, the number of persons to be served, and the administrative capacity of the applicant to complete the activities in a timely manner.

§ 571.101 Regional allocation of funds.

Funds will be allocated to the Field Offices responsible for the program totally on the basis of population. Population data used for the allocation of funds will be based upon the eligible Indian population of those Tribes and Villages which are determined to be eligible ninety (90) days prior to the beginning of each fiscal year.

Subpart C—Eligible Activities

§ 571.200 General.

The eligibility requirements of 24 CFR Part 570, Subpart C—Eligible Activities apply to grants under this part except for those provisions which are specifically stated as applying to the Entitlement Cities and Small Cities-HUD administered programs, and with the modifications herein stated.

§ 571.201 Facilities.

(a) Neighborhood facilities are synonomous with tribal or village facilities.

(b) Fire protection facilities, solid waste disposal facilities and parking facilities defined in 24 CFR 570, Subpart C must be located in or serve identified service areas.

§ 571.202 Non-profit organizations.

Tribal-based non-profit organizations replace neighborhood-based non-profit organizations under 24 CFR Part 570, Subpart C. A Tribal-based Non-profit Organization is an association or corporation duly organized to promote and undertake community development activities on a not-for-profit basis within an identified service area.

§ 571.203 Administrative costs.

(a) For purposes of this Part, technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are not considered administrative costs. Therefore, these costs are not included in the twenty percent limitation on planning and administration stated in Part 570, Subpart C.

(b) Technical assistance costs cannot exceed ten percent of the total grant award.

Subpart D—Single Purpose Grant Application and Selection Process

§ 571.300 Application requirements.

(a) *General.* Applications are required for assistance under this Part. Applications may include any number of eligible projects. Single Purpose grant applications will have each project rated separately. Applications shall include projects which can be completed within a reasonable period of time, generally not more than two years.

(b) *Submission dates.* Each Field Office will establish deadline for the submission of applications. Submission dates will be published by HUD as a notice in the Federal Register.

(c) *Demographic data.* Applicants may submit data that are unpublished and not generally available in order to meet the requirements of this section. The applicant must certify that:

(1) Generally available, published data are substantially inaccurate or incomplete;

(2) Data provided have been collected systematically;

(3) Data are, to the greatest extent feasible, independently verifiable; and

(4) Data differentiate between reservation and BIA service area populations.

(d) *Costs incurred by applicant.* (1) HUD will not reimburse or recognize any costs incurred before submission of the application to HUD.

(2) Also, HUD will not normally reimburse or recognize costs incurred before HUD approval of the application for funding. However, under unusual circumstances the Field Office may consider and approve written requests to recognize and reimburse costs incurred after submission of the application where failure to do so would impose undue or unreasonable hardship on the applicant. Such authorization will be made only where the requirements for reimbursement have been met pursuant to 24 CFR 58.22 and with the understanding that HUD has no obligation whatsoever to approve the application or to reimburse the applicant should the application be disapproved.

(e) *Publication of community development statement.* Applicants for Single Purpose grants shall prepare and publish or post the community development statement portion of their application according to the citizen participation requirements of § 571.604.

(f) *Application components.* Applicants for Single Purpose grants shall submit an application to the appropriate Field Office in a form prescribed by HUD. Components of the application shall include the following:

(1) Standard form 424;
(2) Community development statement, which includes:
(i) Brief description of community development needs;
(ii) Brief description of proposed projects to address needs, including scope, magnitude, and method of implementing project; and
(iii) Cost information by project, including specific activity costs, administration, planning, and technical assistance, total HUD share, and amount of other funds by source.
(3) Map showing project location, if appropriate; and
(4) Certification in the form of a tribal resolution that citizen participation requirements of § 571.604 have been met.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

§ 571.301 Screening and review of applications.

(a) *Criteria for acceptance.* Applications for Single Purpose grants will be initially screened by each Field Office and accepted if:
(1) They have been received or postmarked on or before the submission date;
(2) The applicant is eligible;
(3) The proposed activities are eligible; and
(4) They contain substantially all the components specified in § 571.300(f). Applications failing this initial screening shall be returned to the applicants.
(b) *Demographic data.* HUD will review and accept demographic data provided by an applicant if in HUD's determination the data are of the quality described in § 571.300(c). Where demographic data provided by an applicant are unacceptable, HUD will use the best available data at HUD's disposal.
(c) *Grant ceiling.* Where Field Offices have established grant ceilings, applications will be reviewed for compliance.

§ 571.302 Selection process.

(a) *Threshold requirements.* In order for applications that have passed the initial screening tests of § 571.301 to be rated and ranked, Field Offices must determine that the following threshold requirements have been met:
(1) *Community development need and appropriateness:*
(i) Applicant's project(s) directly impacts on its community development needs;
(ii) The costs are reasonable;
(iii) It is appropriate for the intended use; and
(iv) It is usable or achievable generally within a two year period.
If available data, in the judgment of the Field Office, indicate that the proposed project is inconsistent with the applicant's community development needs, its costs are unreasonable, it is inappropriate for the intended use, or not usable generally within two years, the Field Office shall determine that the applicant has not met this threshold requirement, and reject the application from further consideration.
(2) *Capacity and performance.* Applicant has the capacity to undertake the proposed program. Additionally, applicants that have previously participated in the Indian CDBG Program must have performed adequately and/or in cases of previously documented deficient performance the applicant has taken appropriate corrective action to improve its performance.
(i) *Capacity.* Applicant possesses, or will acquire the managerial, technical, or administrative staff necessary to carry out the proposed projects. If the Field Office determines that the applicant does not have or cannot obtain the capacity to undertake the grant, the application will be rejected from further consideration.
(ii) *Performance.*
(A) *Community development.* Performance determinations are made through the Field Office's normal monitoring process. Applicants that have been advised in writing of negative findings on previous grants, for which a schedule of corrective actions has been established, will not be considered for funding if they are behind schedule as of the deadline date for filing applications.
(B) *Housing assistance.* Actions have been taken by the applicant within its control to facilitate the provision of housing assistance for low- and moderate-income members of the Tribe or Alaskan Vilage. Any action to prevent the provision or operation of assisted housing for low- and moderate-income persons shall also be evaluated in terms of whether it constitutes inadequate performance by the applicant. If inadequate performance is found, the applicant shall be rejected from further consideration. Subsequent applications will also be similarly disqualified in subsequent competitions unless the applicant has taken corrective actions within its control.
(C) *Previous audit finding and outstanding monetary obligations.* An applicant that has an outstanding Community Development Block Grant obligation to HUD that is in arrears, or for which a repayment schedule has not been agreed to, will be disqualified from the current and subsequent competitions until the obligations are current. An applicant that has an outstanding audit finding against it will be disqualified from the current and subsequent competitions until the audit finding is resolved. The Field Office Director may provide waivers of this disqualification in those cases where the applicant has made a good faith effort to clear the audit. In no instance, however, shall a waiver be provided when funds are due HUD, unless a satisfactory arrangement for repayment of the debt has been made, and payments are current.
(b) *Supporting information.* Field Offices shall provide applicants an opportunity to submit supporting information or modification for those applications which upon review are found to be apparently inconsistent with known facts or data; or inadequate in substance to make a threshold or rating determination, or a determination of compliance with the requirements of this part. Applicants shall only submit supporting information or modification in response to inquiries made by HUD. Applicants failing to meet the supporting information or modification request shall be disqualified from the competition if the Field Office determines that the applicant fails to meet the threshold requirements; or that information is lacking to make rating determinations, or to show compliance with requirements of this part.
(c) *Rating factors and criteria.* Applications which meet the threshold requirements established in paragraph (a) of this section will be rated competitively. Each project proposed in the application will be rated separately against others addressing the same impact factor.
(1) All projects will be rated against these specific factors:
(i) Relative needs of the applicant as measured by the extent of poverty and/or unemployment as represented by both numbers and percentages of families and/or individuals living in this condition; and
(ii) Degree of benefit of the proposed projects as measured by the number and percentage of low- and moderate-income families and persons to be served by the project.
(2) Additional rating factors will be developed by each Field Office to address these rating criteria:
(i) The impact of the proposed project on the applicant's community development need as measured by factors which may include, but are not limited to the following:

(A) The degree of impact of the proposed project on the provision of basic community facilities and services;

(B) The importance of the project to the provision of more or better housing for low- and moderate-income families and individuals;

(C) The direct impact of the project on the economic development of the applicant's community; or

(D) The degree to which the project will alleviate or remove a serious threat to health or safety; and/or

(E) The degree to which the project develops renewable energy resource systems and/or promotes energy efficiency.

(ii) The quality of the proposed project as measured by factors which may include, but are not limited to the following:

(A) Per capita cost when compared to other similar projects by similar size applicants;

(B) Cost effectiveness through joint tribal or Tribal/community facilities;

(C) Maximum use of existing services, facilities, and resources; or

(D) Retention, expansion, or creation of job opportunities; and/or

(E) Use of national or comparable tribal standards appropriate for the locale.

(3) Rating factors developed in accordance with paragraph (c)(2) of this section shall not result in additional information beyond what is required in the application.

(d) *Final ranking.* The points received for each rating factor by a project are totaled and the projects ranked according to the point totals. Projects are selected for funding based on this final ranking to the extent that funds are available. HUD may select additional projects for funding should one of the higher ranking projects not be funded, or if additional funds become available.

(e) *Procedural error.* If a Field Office makes a procedural error in the competition that, when corrected, will result in awarding sufficient points to warrant funding of an otherwise eligible applicant, HUD may fund that applicant in the next fiscal year without further competition.

§ 571.303 Funding process.

(a) *Notification.* Field Offices will notify applicants of the actions taken regarding their applications. Grant amounts offered may reflect adjustments made by the Field Offices in accordance with § 571.100(b).

(b) *Pre-award requirements.*

(1) Upon notification by HUD of sucessfully competing for a grant, the applicant shall submit on forms prescribed by HUD the following:

(i) Implementation schedule;

(ii) Certification; and

(iii) Cost information, if changes have occurred or if the Field Office has adjusted the original grant request.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

(2) Successful applicants may also be required to provide supporting documentation concerning the management, maintenance, operation or financing of proposed projects before a grant agreement can be executed. Applicants will be given at least thirty (30) days to respond to such requirements. In the event that no response or an insufficient response is made within the prescribed time period, the Field Office shall determine that the applicant has not met the requirements and the grant offer will be withdrawn. The Field Offices shall require supporting documentation in those instances where:

(i) Specific questions remain concerning the scope, magnitude, timing, or method of implementing the project; and/or

(ii) The applicant has not provided information verfying the commitment of other resources required to complete, operate or maintain the proposed project.

(Approved by the Office of Management and Budget under OMB control number 2506-0043.)

(3) Grant amounts allocated for applicants unable to meet preaward requirements will be offered to the next highest ranking unfunded project.

(4) New projects may not be substituted for those originally proposed in the application.

(c) *Grant award.*

(1) As soon as HUD determines that the applicant has complied with the preaward requirements and nothing has come to the attention of the Field Office which would alter the threshold determinations under § 571.302, the grant will be awarded. These regulations, 24 CFR Part 571, become part of the grant agreement.

(2) All grants shall be conditioned upon the completion of all environmental obligations and approval of release of funds by HUD in accordance with the requirements of Part 58 of this title and, in particular, Subpart J; except as otherwise provided in:

(i) § 58.33 Emergencies;

(ii) § 58.34 Exempt activities; or

(iii) § 58.22 Activities excepted from limitations on the commitment of funds and which are reimbursable under Subpart C of Part 570.

(3) HUD may place other conditions on a grant in which case the grant agreement will be approved, but the obligation and utilization of funds may be restricted in whole or in part. The reasons for the conditional approval and the actions necessary to remove the conditions shall be specified in the grant agreement. Failure to satisfy the conditions may result in a termination of the grant. Conditional approval may be made:

(i) Where the requirements of Part 570, Subpart C, of this title regarding the provision of public services and flood or drainage facilities have not yet been satisfied;

(ii) Pending site and neighborhood standards approval for a proposed housing project, if applicable;

(iii) Pending HUD's approval of the use of Tribal work forces for construction or renovation activities in accordance with § 571.502; or

(iv) Pending resolution of problems with specific projects or of the capability of the grantee to obtain resources needed to carry out, operate or maintain the project.

§ 571.304 Program amendments.

(a) Grantees shall request prior HUD approval for all program amendments involving the alteration of existing activities that will significantly change the scope, location, objective, or class of beneficiaries of the approved activities, as originally described in the application. Approval is subject to the following:

(1) A rating equal to or greater than the lowest rating received by a funded project during the last rating cycle;

(2) Capability to promptly complete the modified or new activities;

(3) Compliance with the requirements of § 571.604 of this title for citizen participation; and

(4) The preparation of an amended or new environmental review in accordance with Part 58 of this title, if there is a significant change in the scope or location of approved activities.

Subpart E—Imminent Threat Grants

§ 571.400 Criteria for funding.

The following criteria apply to requests for assistance under this Subpart:

(a) In response to requests for assistance, the Field Office may make funds available under this Subpart to applicants to alleviate or remove imminent threats to health or safety that require an immediate solution. The urgency and immediacy of the threat shall be independently verified prior to

the acceptance of an application. Funds to alleviate imminent threats to health and safety may only be used to deal with threats that are not of a recurring nature, which represent a unique and unusual circumstance, and impact on an entire service area.

(b) Funds to alleviate imminent threats may be granted only if the applicant can demonstrate to the satisfaction of HUD that other local or federal funding sources cannot be made available to alleviate the threat.

§ 571.401 Application process.

(a) *Letter to proceed.* The Field Office may only issue the applicant a letter to proceed to incur costs to alleviate imminent threats to health and safety if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. Reimbursement of such costs is dependent upon HUD approval of the application.

(b) *Applications.* Applications shall be submitted in accordance with § 571.300(f) and § 571.303(b). Applications which meet the requirements of these sections may be approved by the Field Office without competition.

§ 571.402 Environmental review.

Pursuant to § 58.34(a)(8) of this title, grants for imminent threats to health or safety are exempt from some or all of the environmental review requirements of Part 58 to the extent provided therein.

§ 571.403 Availability of funds.

Field Offices may set aside up to 15 percent of their allocation of funds under this Part for imminent threat grants. The only funds reserved for imminent threat are those set aside by the Field Office each year. Imminent threat funds which are not awarded prior to the award of the last Single Purpose grant shall be used for the next highest ranking Single Purpose project. After these funds are depleted, HUD shall not consider further request for imminent threat grants during that fiscal year.

Subpart F—Grant Administration

§ 571.500 General.

The requirements of Part 570, Subpart J of this title—Grant Administration—apply to grants under this Part with the modifications herein stated.

§ 571.501 Designation of public agency.

One or more Tribal departments or authorities may be designated by the chief executive officer of an Indian Tribe or Alaskan Native Village as the operating agency to undertake activities assisted under this Part. The Indian Tribe or Alaskan Native Village itself, however, shall be the applicant. Designation of an operating agency does not relieve the Indian Tribe or Alaskan Native Village of its responsibility in assuring that the program will be administered in accordance with all HUD requirements, including these regulations.

§ 571.502 Force account construction.

(a) The utilization of Tribal work forces for construction or renovation activities performed as part of the activities funded under this Part shall be approved by HUD prior to the start of project implementation. In reviewing requests for an approval of force account construction or renovation, HUD may require that the grantee provide the following:

(1) Documentation to indicate that it has carried out or can carry out successfully a project of the size and scope of the proposal;

(2) Documentation to indicate that it has obtained or can obtain adequate supervision for the workers to be utilized;

(3) Information showing that the workers to be utilized are, or will be, listed on the Tribal payroll and are employed directly by an arm, department or other governmental instrumentality of the Tribe or Alaskan Native Village. (Approved by the Office of Management and Budget under OMB control number 2506–0043).

(b) Any and all excess funds derived from the force account construction or renovation activities shall accrue to the grantee and shall be reprogrammed for other activities eligible under this Part in accordance with § 571.304 or returned to HUD promptly.

(c) Insurance coverage for force account workers and activities shall, where applicable, include workman's compensation, public liability, property damage, builder's risk, and vehicular liability.

(d) The grantee shall specify and apply reasonable labor performance, construction or renovation standards to work performed under the force account.

(e) The contracting and procurement standards set forth in OMB Circular A–102 apply to material, equipment, and supply procurements from outside vendors under this section, but not to other activities undertaken by force account.

§ 571.503 Indian preference requirements.

(a) *Applicability.* HUD has determined that grants under this Part are subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), which requires that to the greatest extent feasible: (1) Preference and opportunities for training and employment shall be given to Indians, and (2) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(b) *Definitions.* Indian organizations and Indian-owned economic enterprises include both:

(1) Any "economic enterprise" as defined in Section 3(e) of the Indian Financing Act of 1974 (Pub. L. 93–262); that is, "any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit provided that such Indian ownership and control shall constitute not less than 51 percent of the enterprise"; and

(2) Any "tribal organizations" as defined in Section 4(c) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638); that is, "the recognized governing body of any Indian Tribe; any legally established organization of Indians which is controlled, sanctioned or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organizations and which include the maximum participation of Indians in all phases of its activities."

(c) *Preference in administration of grant.* To the greatest extent feasible, preference and opportunities for training and employment in connection with the administration of grants awarded under this Part shall be given to Indians and Alaskan Natives.

(d) *Preference in contracting.* (1) To the greatest extent feasible, grantees shall give preference in the award of contracts and subcontracts for projects funded under this Part to Indian organizations and Indian-owned economic enterprises. One of the following methods of providing preference shall be used:

(i) Advertise for bids or proposals limited to qualified Indian organizations and Indian-owned enterprises. Bids must be received from more than one prospective contractor in order for the contract to be awarded.

(ii) Use a two-stage preference procedure.

(A) *Stage 1:* Invite or otherwise solicit Indian-owned economic enterprises to submit a statement of intent to respond

to a bid announcement limited to Indian-owned firms.

(B) *Stage 2:* If responses are received from more than one Indian enterprise which is found to be qualified, advertise for bids or proposal limited to Indian organizations and Indian-owned economic enterprises.

(iii) Develop the grantee's own method of providing preference with Field Office approval of the method prior to implementation.

(iv) If a grantee has used the method in paragraph (d)(1)(i), (ii) or (iii) of this section and failed to receive statements of intent or approvable bids or proposals from more than one qualified Indian enterprise, the grantee may advertise for bids or proposals without limiting the advertisement to Indian organizations and Indian-owned economic enterprises and, as in all cases, shall accept the lowest responsible bid or the best proposal.

(2) All preferences shall be publicly announced in the bid announcements.

(3) A grantee, at its discretion, may require information of prospective contractors seeking to qualify as Indian organizations or Indian-owned economic enterprises; however, this information need not be submitted to HUD. Thus, prospective contractors may be required by grantees to submit with or prior to submission of a bid or proposal:

(i) Evidence showing fully the extent of Indian ownership, control, and interest;

(ii) Evidence of structure, management and financing affecting the Indian character of the enterprise, including major subcontracts and purchase agreements; materials or equipment supply arrangements; and management salary or profit-sharing arrangements; and evidence showing the effect of these on the extent of Indian ownership and interest; and

(iii) Evidence sufficient to demonstrate to the satisfaction of the grantee that the prospective contractor has the technical, administrative, and financial capability to perform contract work of the size and type involved.

(4) The grantee shall incorporate the following clause (referred to as a section 7(b) clause) in each contract awarded in connection with a project funded under this part:

(i) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) (Indian Act). Section 7(b) requires that to the greatest extent feasible (A) preferences and opportunities for training and employment shall be given to Indians and (B) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(ii) The parties to this contract shall comply with the provisions of section 7(b) of the Indian Act.

(iii) In connection with this contract, the contractor shall, to the greatest extent feasible, give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises, and preferences and opportunities for training and employment to Indians and Alaskan Natives.

(iv) The contractor shall include this section 7(b) clause in every subcontract in connection with the project, and shall, at the direction of the grantee, take appropriate action pursuant to the subcontract upon a finding by the grantee or HUD that the subcontractor has violated the section 7(b) clause of the Indian Act.

(e) Additional Indian preference requirements. A grantee may, with prior HUD approval, provide for additional Indian preference requirements as conditions for the award of, or in the terms of, any contract in connection with a project funded under this Part. The additional Indian preference requirements shall be consistent with the objectives of the section 7(b) clause of the Indian Act and shall not result in a higher cost or greater risk of non-performance or longer period of performance.

Subpart G—Other Program Requirements

§ 571.600 General.

The requirements of 24 CFR Part 570, Subpart K—Other Program Requirements—apply to grants under this Part with the modification herein stated.

§ 571.601 Nondiscrimination.

(a) Under the authority of section 107(a)(2) of the Act, the Secretary waives the requirement that recipients comply with Section 109 except with respect to the prohibition of discrimination based on age or against an otherwise qualified handicapped individual.

(b) A recipient shall comply with the provisions of Title II of Pub. L. 90-284 (24 U.S.C. 1301—the Indian Civil Rights Act) in the administration of a program or activity funded in whole or in part with funds made available under this Part. For purposes of this section, "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient. "Funded in whole or in part with funds made available under this Part" means that community development funds in any amount have been transferred by the recipient to an identifiable administrative unit and disbursed in a program or activity.

§ 571.602 Relocation and acquisition.

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), hereinafter referred to as the Uniform Act, and HUD implementing regulations at Part 42 of this title apply to any acquisition of real property by a State agency (defined at 24 CFR 42.85) that is carried out for an activity assisted under this Part and to the displacement of any family, individual, business, non-profit organization, or farm that results from such acquisition.

(b)(1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be an activity assisted under the Community Development Block Grant program and be subject to the regulations at Part 42 of this title if the acquisition occurs on or after the date of the submission of the application requesting federal financial assistance which is granted. However, if the grantee determines that an acquisition or displacement was not carried out for an assisted activity, and the Field Office concurs in the determination, such acquisition or displacement shall not be subject to these regulations. The grantee's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity along with appropriate documentation to establish that fact.

(2) With respect to acquisitions for projects assisted under this Part that are not within the purview of the Uniform Act, the grantee shall:

(i) Provide each property owner a written offer of the amount determined to be just compensation for the property. Just compensation shall be based upon one or more appraisals of the fair market value of the property as prepared by a qualified appraiser. However, this provision shall not prevent a person from donating real property if, prior to the donation, he/she has been fully informed of his/her right to receive just compensation;

(ii) Provide HUD the opportunity to review any acquisition price established pursuant to Paragraph (b)(2)(i) of this section prior to compensation being paid to the seller;

(iii) Include in the applicable case file a justification for the acquisition payment in any case in which such payment exceeds the fair market value of the property.

(c)(1) The cost of relocation payments and assistance under Title II of the Uniform Act shall be paid from funds provided by this Part and/or such other funds as may be available to the grantee from any other source.

(2) With respect to other displacement-causing activities that are assisted under this Part but are not within the purview of the Uniform Act, the grantee shall adopt a uniform written policy for providing relocation payments and other assistance to ensure that displaced families and individuals obtain a safe and habitable replacement dwelling and that all persons, including families, individuals, business, nonprofit organizations and farm operations, are reimbursed for all moving and related expenses, including utility hook-up and storage costs. That policy shall also provide that:

(i) No occupant of a dwelling shall be required to move permanently from the dwelling, unless first given reasonable opportunity to relocate to a safe and habitable replacement dwelling at a monthly housing cost, including utilities, that does not exceed 30 percent of his/her gross income;

(ii) All families, individuals, business, nonprofit organizations, and farm operations to be displaced shall be provided advance information sufficient to enable them to fully understand the reason for their displacement and the relocation payments and other assistance to which they are entitled under these regulations;

(iii) In any case in which the occupant of a dwelling is required to relocate for a temporary period in order to permit rehabilitation or demolition, the temporary relocation shall not exceed 12 months in duration, a safe and habitable dwelling shall be available to the person for the period of the temporary relocation, and the grantee shall pay actual reasonable out-of-pocket expenses, including any moving costs or increase in monthly housing costs, incurred by the person in connection with the temporary relocation.

§ 571.603 Labor standards.

(a) The Secretary waives the requirement of Section 110 of the Housing and Community Development Act of 1974, as amended, with respect to the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.) that laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed in whole or in part with assistance received under this Part be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor.

(b) This waiver does not extend to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333). Contractors and Subcontractors shall comply with all regulations issued pursuant to that act and with other applicable federal laws and regulations pertaining to labor standards.

(c) This waiver does not permit the grantee to set wage rates for projects funded under this part which would be considered excessive for other similar projects funded by the Tribe or another federal entity. HUD will periodically review wage rates and take appropriate corrective action should wage rates be found to be excessive.

§ 571.604 Citizen participation.

(a) In order to permit members of Indian Tribes and Alaskan Native Villages to examine and appraise the applicant's application for funds under this Part, the applicant shall follow traditional means of citizen involvement which, at the least, include the following:

(1) Furnishing members information concerning amounts of funds available for proposed community development and housing activities and the range of activities that may be undertaken;

(2) Holding one or more meetings to obtain the views of members on community development and housing needs. Meetings shall be scheduled in ways and at times that will allow participation by members.

(3) Developing and publishing or posting the community development statement in such a manner as to afford affected members an opportunity to examine its contents and to submit comments;

(4) Affording members an opportunity to review and comment on the applicant's performance under any active community development block grant.

(b) Prior to submission of the application to HUD, the applicant shall certify that it has met the requirements of paragraph (a) of this section, and

(1) Considered any comments and views expressed by members and, if it deems appropriate, modified the application accordingly.

(2) Made the modified application available to members.

(c) No part of this requirement shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of the grant. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group in making final determinations on the contents of the application.

§ 571.605 Environment.

In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of Federal law which further the purposes of such Act (as specified in 24 CFR 58.4 and 58.5) are most effectively implemented in connection with the expenditure of block grant funds, the recipient shall comply with the Environment Review Procedures for the Community Development Block Grant Program (24 CFR Part 58). Upon completion of the environmental review, the recipient shall submit a certification and request for release of funds for particular projects in accordance with 24 CFR Part 58.

§ 571.606 Housing assistance.

In those instances where a Tribe has established an Indian Housing Authority and has obtained housing assistance from HUD, its compliance with the resolution set out in 24 CFR 805, Subpart A, Appendix I, Article VIII will be a performance consideration under the Indian CDBG program.

Subpart H—Program Performance

§ 571.700 Reports to be submitted by grantee.

Grant recipients shall submit an annual status report of progress made on previously funded grants at a time determined by the Field Office. The status report shall be in narrative form addressing three areas:

(a) *Progress.* The progress in completing activities, the work remaining, changes in the implementation schedule and a breakdown of funds expended on each approved project;

(b) *Grantee assessment.* Description of the effectiveness of funded activities in meeting the recipient's community development need; and

(c) *Environment.* Status of the following:

(1) The environmental assessments and environmental impact statements prepared by the recipient;

(2) Action taken for compliance with other environment obligations;

(3) Compliance with the conditions under § 58.34 of this title for exempt projects; and

(4) If appropriate, environmental reviews of emergency projects under § 58.33 of this title.

[Approved by the Office of Management and Budget under OMB control number 2506–0043]

§ 571.701 Review of recipient's performance.

(a) *Objective.* HUD will review each recipient's performance to determine whether the recipient has achieved the following:

(1) Complied with the requirements of the Act, this Part, and other applicable laws and regulations;

(2) Carried out its activities substantially as described in its application;

(3) Made substantial progress in carrying out its approved program;

(4) A continuing capacity to carry out the approved activities in a timely manner; and

(5) The capacity to undertake additional activities funded under this Part.

(b) *Basis for review.* In reviewing each recipient's performance, HUD will consider all available evidence which may include, but not be limited to, the following:

(1) The approved application and any amendments thereto;

(2) Reports prepared by the recipient;

(3) Records maintained by the recipient;

(4) Results of HUD's monitoring of the recipient's performance, including field evaluation of the quality of the work performed;

(5) Audit reports;

(6) Records of drawdowns on the Letter of Credit; and

(7) Records of comments and complaints by citizens and organizations or litigation.

§ 571.702 Corrective and remedial actions.

(a) *General.* One or more corrective or remedial actions will be taken by HUD when, one the basis of the performance review, HUD determines that the recipient has not achieved the following:

(1) Complied with the requirements of the Act, this Part, and other applicable laws and regulations, including the environmental responsibilities assumed under Section 104(f) of Title I of the Act;

(2) Carried out its activities substantially as described in its applications;

(3) Made substantial progress in carrying out its approved program; or

(4) Shown the continuing capacity to carry out its approved activities in a timely manner.

(b) *Action.* The action taken by HUD will be designed, first, to prevent the continuance of the deficiency; second, to mitigate any adverse effects or consequences of the deficiency; and third, to prevent a recurrence of the same or similar deficiencies. The following actions may be taken singly or in combination, as appropriate for the circumstances:

(1) Request the recipient to submit progress schedules for completing approved activities;

(2) Issue a letter of warning advising the recipient of the deficiency (including environmental review deficiencies), establishing a date for corrective actions, and putting the recipient on notice that more serious actions will be taken if the deficiency is not corrected or is repeated;

(3) Advise the recipient that a certification of compliance will no longer be acceptable and that additional information or assurances will be required;

(4) Advise the recipient to suspend, discontinue, or not incur costs for the affected activity;

(5) Advise the recipient to reprogram funds from affected activities to other eligible activities, provided that such action shall not be taken in connection with any substantial violation of Part 58 and provided that such reprogramming is subjected to the environmental review procedures of Part 58 of this title;

(6) Advise the recipient to reimburse the recipient's program account or Letter of Credit in any amounts improperly expended;

(7) Change the method of payment from a Letter of Credit basis to a reimbursement basis; and/or

(8) Suspend the Letter of Credit until corrective actions are taken.

§ 571.703 Reduction or withdrawal of grant.

(a) *General.* A reduction or withdrawal of grant pursuant to pargarph (b) of this section will not be made until at least one of the corrective or remedial actions specified in § 571.702(b) have been taken and only then if the recipient has not made an appropriate and timely response. Prior to making such grant reduction or withdrawal, the recipient shall also be notified and given an opportunity within a prescribed time for an informal consultation regarding the proposed action.

(b) *Reduction or withdrawal.* When the Field Office determines, on the basis of a review of the grant recipient's performance that the objectives set forth in § 571.701(a) have not been met, the Field Office may reduce or withdraw the grant, except that funds already expended on eligible approved activities shall not be recaptured or deducted from future grants.

§ 571.704 Other remedies for noncompliance.

(a) *Secretarial actions.* If the Secretary finds a recipient has failed to comply substantially with any provision of this Part even after corrective actions authorized under § 571.702 have been applied, the following actions may be taken provided that reasonable notice and opportunity for hearing is made to the recipient. (The Administrative Procedure Act (5 U.S.C. § 551. et seq.), where applicable, shall be a guide in any situation involving adjudications where the Secretary desires to take actions requiring reasonable notice and opportunity for hearing.)

(1) Terminate the grant to the recipient;

(2) Reduce the grant to the recipient by an amount equal to the amount which was not expended in accordance with this Part; or

(3) Limit the availability of funds to projects or activities not affected by such failure to comply; provided, however, that the Secretary may on due notice revoke the recipient's Letter of Credit in whole or in part at any time if the Secretary determines that such action is necessary to preclude the further expenditure of funds for activities affected by such failure to comply.

(b) *Secretarial referral to the Attorney General.* If there is reason to believe that a recipient has failed to comply substantially with any provision of the Act, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.); Section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: March 15, 1983.

Stephen J. Bollinger,

Assistant Secretary, Community Planning and Development.

[FR Doc. 83–7074 Filed 3–17–83; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary For Community Planning and Development

[Docket No. N-83-1217]

Community Development Block Grant Program For Indian Tribes and Alaskan Native Villages

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice sets the deadline for filing applications for funds from the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1983. Applications are required in order to provide HUD with the information necessary to rate the proposed project(s) and to assure HUD that the necessary citizen participation has taken place.

EFFECTIVE DATE: March 18, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Marcia A.B. Brown, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6092. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: This notice sets the deadline for submitting applications for the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. These dates apply only to applications submitted by Indian Tribes and Alaskan Native Villages for Fiscal Year 1983.

The Field responsibility for the administration of the program is divided among the following offices: Region V Office of Indian Program (OIP) in Chicago responsible for all HUD Indian program activities within Regions I-V plus the State of Iowa; Oklahoma City Area Office, division of Indian Program (DIP) are responsible for all HUD Indian program activities in the States of Arkansas, Texas, Oklahoma, Kansas, and Missouri; Region VIII OIP in Denver responsible for all HUD Indian Program activities in Region VIII, as well as the State of Nebraska; Region IX OIP in San Francisco responsible for all HUD Indian program activities in Region IX plus the State of New Mexico; Region X OIP in Seattle responsible for all HUD Indian program activities in Region X with the exception of the State of Alaska; and the Anchorage Area Office, Community Planning and Development Division (CPDD) responsible for all HUD Indian program activities in the State of Alaska. Thus, application submission dates for these offices are the only ones to appear below.

As of the effective date of this notice (March 18, 1983) applications will be accepted by HUD.

FINAL DATES FOR SUBMISSION

Offices	No Later Than[1]
Region V, OIP	Apr. 1, 1983.
Oklahoma City Area Office, DIP	Apr. 22, 1983.
Region VIII, OIP	Mar. 21, 1983.
Region IX, OIP	Apr. 11, 1983.
Region X, OIP	Mar. 18, 1983.
Anchorage Area Office, CPDD	May 2, 1983.

[1] Applications must be received or postmarked no later than the date specified. Applications received or postmarked after the deadline will not be considered for funding.

Tribes and Villages submitting applications for this program must do so on HUD forms approved by the Office of Management and Budget (Approved by the Office of Management and Budget under OMB Control Number 2506-0043). These forms request information which is necessary to rate the proposed project (s) and which assures HUD that the necessary citizen participation has taken place. Forms will be provided by the appropriate HUD Field Offices.

(Catalog of Federal Domestic Assistance number is 14.223.)

(Section 107, of the Housing and Community Development Act of 1974, as amended (42 USC 5301 et seq.); Section 7 (d), of the Department of Housing and Urban Development Act (42 USC 3535(d)).)

Dated: March 14, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 83-7075 Filed 3-17-83; 8:45 am]

BILLING CODE 4210-29-M

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Part VI

Department of Labor

Mine Safety and Health Administration

Alternate Product Approval Procedure; Proposed rule

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 37

Alternate Product Approval Procedure

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of public meeting.

SUMMARY: The Mine Safety and Health Administration (MSHA) will hold two public meetings to present its preproposal draft of a new Part 37, Alternate Product Approval Procedure. The draft proposal would provide an expedited application procedure for manufacturers of mining equipment which have certain design characteristics and features.

DATES: The meetings will be held at 9: 00 a.m. on April 5, 1983 in Pittsburgh, Pennsylvania and on April 12, 1983 in San Francisco, California.

ADDRESSES: The meetings will be held at the following locations: Pittsburgh, Pennsylvania—Bureau of Mines Auditorium, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213, April 5. San Francisco, California—Federal Office Building, Room 15022, 450 Golden Gate Avenue, San Francisco, California 94102, April 12.

Comments on the preproposal draft should be sent to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 4, 1983, MSHA announced in the **Federal Register** (48 FR 9475) the availability of a preproposal draft of an expedited product approval procedure. This procedure would provide manufacturers an alternative to the existing procedure for MSHA approval of certain products for use underground. Copies of the preproposal draft of the new Part and of a draft appendix for approval of portable, battery-powered, intrinsically safe methane-indicating detectors have been mailed to persons and organizations who have expressed an interest in this rulemaking. Comments must be received by May 3, 1983.

MSHA has scheduled two public meetings to present detailed procedures regarding the Agency's approval program and to clarify any issues on which participants may wish to file written comments. The meetings will be conducted in an informal manner by a panel of MSHA officials who will explain the Agency's existing procedure for product approval and the proposed alternate procedure. Persons in attendance may ask questions of the panel members regarding either the existing procedure or the draft proposal. A verbatim transcript will not be made. Interested persons and organizations are urged to submit comments in writing prior to May 3, 1983.

Persons planning to attend the meetings are requested to notify the Agency. However, no time will be allotted for presentations since formal statements are not solicited.

Dated: March 15, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83–7142 Filed 3–17–83; 8:45 am]

BILLING CODE 4510–43–M

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Part VII

Department of Labor

Mine Safety and Health Administration

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 48

Training and Retraining of Miners; Advance Notice of Proposed Rulemaking

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Mine Safety and Health Administration (MSHA) invites public participation in the early stages of the Agency's review of the training regulations in 30 CFR Part 48. These regulations were promulgated pursuant to Section 115 of the Federal Mine Safety and Health Act of 1977 and became effective on October 13, 1978 (43 FR 47454). These regulations set forth the requirements for approval of training programs and specify the types of training which must be provided to miners under these programs.

DATE: Comments must be received on or before March 17, 1983.

ADDRESS: Send comments to the Office of Standards, Regulations, and Variances; MSHA; Room 631, Ballston Towers #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA (703) 235–1910.

SUPPLEMENTARY INFORMATION: MSHA is initiating a review of the Agency's regulations in order to consolidate all of the training requirements in a single regulation. As a part of this review, MSHA will be evaluating training requirements in the Agency's existing coal, and metal and nonmetal regulations, to determine if they duplicate, in whole or in part, the training regulations. In addition, the Agency seeks comments concerning changes to the training regulations which might improve their clarity, applicability and effectiveness.

Consistent with the executive and legislative initiatives related to regulatory improvement, MSHA is particularly soliciting comments related to paperwork and recordkeeping requirements and more flexible training alternatives.

List of Subjects in 30 CFR Part 48

Education, Mine safety and health.

Dated: March 15, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-7141 Filed 3-17-83; 8:45 am]

BILLING CODE 4510-43-M

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Part VIII

Office of Personnel Management

Proposed Demonstration Project; Airway Science Curriculum

OFFICE OF PERSONNEL MANAGEMENT

Proposed Demonstration Project; Airway Science Curriculum

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed demonstration project.

SUMMARY: Title VI of the Civil Service Reform Act of 1978 authorizes the Office of Personnel Management to conduct demonstration projects which experiment with new and different personnel management concepts under controlled conditions. Before conducting or entering into any agreement or contract to conduct a demonstration project, the Office of Personnel Management is required to publish the project plan in the **Federal Register**. This notice meets that legal requirement.

DATES:

Comment Date: Written comments will be considered if received no later than May 17, 1983.

Hearing Date: A public hearing will be held on the proposed project plan in Washington, D.C. on April 22, 1983, beginning at 9 a.m.

ADDRESSES:

Comment Address: Send written comments to Mr. Terry W. Culler, Assistant Director for Planning and Evaluation, U.S. Office of Personnel Management, Room 7R40, 1900 E Street, N.W., Washington, D.C. 20415.

Public Hearing Address: Auditorium, third floor, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT:

(1) On proposed demonstration project and to schedule time for the public hearing: At FAA, Judy Branting, (202) 426–8844.

(2) On proposed demonstration project: At OPM, Donald Hill, (202) 254–6486.

SUPPLEMENTARY INFORMATION:

On Proposed Demonstration Project

The Federal Aviation Administration (FAA) has submitted a proposal for consideration as a demonstration project under Title VI of the Civil Service Reform Act of 1978 (92 Stat. 1185) entitled "Airway Science Curriculum Demonstration Project." The purpose of the project is to compare the performance, job attitudes, and perceived potential for supervisory positions of individuals recruited for several of FAA's technical occupations who have an aviation-related college-level education, or its equivalent, with individuals recruited for the same occupations through traditional methods. In order to accomplish this purpose, FAA, with assistance from the University Aviation Association, developed a model Airway Science Curriculum which emphasizes college-level courses in aviation, science and technology, mathematics, management, and general studies. Applicants for FAA positions as air traffic controller, electronics technician, aviation safety inspector, and computer specialist who enter through the demonstration Airway Science Announcement will be rated on their possession of the knowledges, skills, abilities, and other characteristics contained in the model Airway Science Curriculum and ranked and selected from a separate register parallel to those currently in use. Additionally, applicants for air traffic controller positions must pass the air traffic control examination.

On Public Hearings

A public hearing will be held by the U.S. Office of Personnel Management in Washington, D.C., during which interested persons or organizations may present their written or oral views concerning the proposed demonstration project. The hearing will be informal in nature. However, in order to regulate the course of the hearing and to provide ample opportunity for all persons and organizations desiring to testify at the public hearing, each speaker's presentation will be limited to 10 minutes, and parties are requested to arrange for a specific scheduled time. Priority will be given to scheduled parties; others will be heard in the remaining available time. The hearing record shall be left open until May 6, 1983, to receive additional written data, views, and arguments from the parties participating in the hearings.

Office of Personnel Management.

Donald J. Devine,

Director.

The proposed demonstration project plan reads as follows:

Federal Aviation Administration; Airway Science Curriculum Demonstration Project; Project Plan

Background

The 1980's and beyond present the Federal Aviation Administration (FAA) with great sociotechnological challenge. The decade began with a strike by a major segment of the FAA work force as almost 12,000 air traffic controllers failed to report to duty and were subsequently terminated from the agency. A major reconstitution of that work force is now underway. Shortly thereafter, the FAA also embarked upon a program to modernize the National Airspace System (NAS) by reconfiguration and consolidation of facilities and equipment and by introduction of more sophisticated automation. This program will be implemented over the next 20 years. The combination of disrupted work force and technological change calls for a reexamination of the requirements and capabilities of the human systems upon which the NAS depends.

The Problem

The FAA is composed of a work force in which technical professions such as air traffic control and electronics technology predominate (Figure 1). Individuals in these occupations may possess limited educational backgrounds in that, for many, formal academic training concluded with high school (Figure 2). As a consequence, some FAA employees are narrowly focused in their occupational area.

The breadth of knowledge or commitment to aviation may not extend beyond the task at hand. These limitations can have serious implications for employees' ability to perceive their role within the total system and to progress to supervisory and managerial positions with the necessary leadership and human relations skills.

Air Traffic Controller	19,514
Electronics Technician	8,182
Engineering	2,239
Aviation Safety Inspector	1,875
Clerical/Secretarial	2,667
Other	9,204
Wage Grade	2,182
Total	45,873

Figure 1. FAA Employment by Occupations

(As of June 30, 1982)

Of equal concern is the adaptability of such employees to an increasingly technical and automated environment such as is envisioned within the NAS Plan. Over the next 20 years, FAA jobs will evolve from a preponderance of direct interface with operational equipment to an interface characterized by sophisticated automated controls and diagnostic devices. Thus, the skills and aptitudes of today's work force will need to be enhanced since an advanced skill level and skill mix for which there is no direct or immediate preparation will be required. Employees will have to possess the broad-knowledge base, perspective, and flexibility to accept and cope with this transition in the workplace.

Education level	Agency (percent)	Air traffic control specialist (percent)	Electronics technician (percent)	Aviation safety inspector (percent)
Non-high school grad	2.0	0.7	1.2	0.0
High school grad	71.8	75.9	82.8	47.3
Associate degree	8.3	8.5	10.8	17.4
Bachelor degree	15.4	14.2	4.8	30.3
Masters degree	2.2	0.7	0.3	4.8
Doctorate	0.2	0.0	0.0	0.5

Figure 2. Educational Level of FAA Employees by Occupation

(Based on information provided by employee upon entrance on duty.)

Proposed Solutions

The FAA is aware that the upgrading of a work force of 45,000 to 50,000 individuals, even over a period of time, is a tremendous undertaking. Corrective actions must be multifaceted and address current employees as well as those who will be hired in the future.

The FAA is already making plans to adjust its extensive technical training program to accommodate technological advances in equipment, systems, and configurations. The agency is also well along with its implementation of computer-based instruction which will facilitate this process.

Attention has also been focused on the FAA's supervisory and management training program. The mandatory aspects of initial training for individuals newly selected for such positions have been reinforced and the content reoriented to a greater emphasis on human relations, leadership, and accountability rather than on procedural requirements. More funds have been allocated to the training function in general, and more managers and supervisors have been urged to enroll in supplemental management training. For other employees, the agency is recommending preparatory training courses to enhance potential for first-line supervisory positions.

Lastly, but perhaps of most promise, all FAA employees will be encouraged to continue their higher education on their own initiative and, for the most part, after hours. Credit in the selection process for FAA positions will be awarded for such efforts.

Working with the academic community, the FAA has developed a specific recommended college level curriculum. The model curriculum was developed by the University Aviation Association and the FAA to respond to the needs generated by the revision of the National Airspace System. The curriculum was designed to meet normal university academic and accreditation requirements, to be easily adapted to existing aviation-related programs, to have the flexibility to allow individual educational institutions the option of offering any number of the five areas of concentration according to their individual resources, and to be attractive to students seeking careers in both Government and the aviation industry. Contacts are being made with colleges and universities to ascertain how current employees can enhance their knowledge and skills by pursuing this Airway Science curriculum through residency, correspondence, and credit for equivalent FAA training.

All the above efforts to improve the quality of the FAA work force can be accomplished within authority currently available to the FAA. Still required, however, is the means to assure that some portion of the individuals joining the agency in the coming years possess the same knowledges, skills, abilities and other characteristics (KSAO's) such as those attained by graduates of an Airway Science curriculum. It is anticipated that some, though not all, FAA or target occupation vacancies would be filled by such individuals and that this intake would contribute to overall performance within the agency. Included in this category are individuals who meet the qualification standards approved by the Office of Personnel Management (OPM) and FAA for the demonstration through substitution of other training and experience which is equivalent to all or part of the model curriculum. Examples of equivalency substitution might include associate degrees in electronics, flight certificates, and aviation-related military training. The recruitment of Airway Science trained individuals [1] is the subject of the demonstration project described below.

Demonstration Project

Objectives

The demonstration project is focused on developing alternative qualifications and recruitment sources primarily for agency technical occupations. The project is designed to compare performance of selected individuals who have an aviation-related college education or its equivalent with individuals employed through traditional recuiting methods. The specific objectives of the project are as follows:

1. Recruitment/hiring of individuals who have completed or have the equivalent of a model college-level curriculum of general studies, mathematics, science and technology, management, and aviation courses.

2. Evaluation of the concept that individuals with this background recruited for FAA occupations are better able to perform the functions of the job than individuals recruited through existing methods. If this is the case, then that background can be substituted for general and specialized experience in hiring at the GS–7 level for specific FAA occupations.

3. Assessment of the performance, job attitudes, and potential of Airway Science trained individuals versus those of individuals employed by current procedures.

4. Determination of the impact of this program on the employment and career progression of women and minority candidates.

Methodology

The project goal of development of alternative qualifications and recruitment sources for agency occupations will emphasize a coordinated effort to recruit individuals with nontraditional backgrounds, screening of individuals based on training, and selections for employment from registers existing parallel to those currently in use. The salient features of each specific change are as follows:

1. *Announcement.* The intake method for this project will be called the Airway Science Announcement for FAA positions. It would be a semiannual announcement for Airway Science occupations. Opening of the announcement would be timed to coincide with the academic year so that offers of employment could be made at the completion of school terms.

The announcement would provide for entry at the GS–7 level in all covered occupational areas. There will be four areas: air traffic control (GS–2152), airway facilities (GS–0856), aviation safety inspector—general aviation operations and maintenance (GS–1825), and computer sciences (GS–334).

The examination process would be on an unassembled basis. For each occupational area, a separate evaluation process will be jointly developed by FAA and the OPM. The rating schedule developed will be structured so that applicants who present the equivalent KSAO's provided by the courses or course equivalents specified in the model Airway Science curriculum will be placed at the top of the group. For the air traffic area, candidates must also pass the current air traffic control examination. For the aviation safety

[1] For the purpose of this plan, "Airway Science trained individuals" include graduates of educational institutions offering recognized Airway Science programs and other individuals who have acquired the reqiisite KSAO's through experience,training and/or formal education.

inspector occupation, candidates must hold listed certificates and ratings. Successful candidates would be eligible for employment consideration for one-year period with an extension of one additional year granted upon written request.

The OPM will provide consulting assistance during the term of the project and will coordinate the evaluation function to ensure compliance with laws, regulations, and policies not waived by the project. The Special Examining Division (SED) of the Mike Monroney Aeronautical Center, located in Oklahoma City, Oklahoma, will accomplish the examination process and maintain registers of candidates for FAA use.

2. *Qualifications.* The Appendix contains the generic Airway Science curriculum outline, subject area parameters, and areas of concentration. Each area of concentration will qualify individuals for certain occupational categories in FAA. The Airway Science curriculum will be the basis for the rating guides used in the qualifications review process. Experience and training may be substituted for education to the extent that such experience and/or training is equivalent to the KSAO's provided by the curriculum. Figure 3 shows the relationship between the areas of concentration and FAA positions.

The entry at GS–7 is established as an incentive to pursue a stringent degree program and to enhance the agency's ability to recruit well-qualified individuals. The College Placement Council reported in July 1982 that liberal arts graduates received employment offers with the average salary level at approximately $17,000 per year and that engineering technology graduates received offers of $23,496 per annum. In comparison, a beginning GS–5 salary is $13,369, and a GS–7 earns $16,559.

Completion of degree requirements or presentation of a combination of education, training and experience that are judged to be substantially equivalent to the KSAO's provided by the curriculum will satisfy all general and specialized experience qualification requirements for appointment at the GS–7. Physical qualifications as well as requisite background/security investigations would be required as for current eligibles.

FAA occupation	Curriculum concentration area
Air Traffic Control Specialist	Airway Science Management; Airway Computer Science.
Electronics Technician	Airway Electronic Systems.

FAA occupation	Curriculum concentration area
Aviation Safety Inspector (General Aviation Operations).	Aircraft Systems Management.
Aviation Safety Inspector (General Aviation Maintenance).	Aviation Maintenance Management.
Computer Systems Programmer/Analyst.	Airway Computer Science.

Figure 3. FAA Occupations and Curriculum Concentrations

3. *Employment.* All FAA employing jurisdictions anticipate selecting eligibles under this program. The Special Examining Division will provide certificates of eligibles to FAA personnel offices upon request. Each employment office will be responsible for arranging necessary preemployment interviews, medical examinations, and security investigations. Selection for a position in this program would result in career or career-conditional appointment. Eligibles employed would have to serve a probationary period and would be subject to the same requirements as other Federal employees. An overview of the demonstration intake process is included as Figure 4.

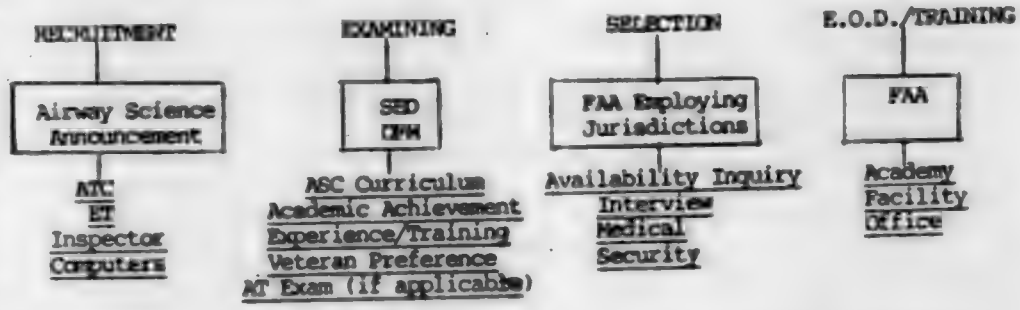

FIGURE 4. INTAKE PROCESS FOR AIRWAY SCIENCE DEMONSTRATION PROJECT

Waivers of Law or Regulation Required

In order to accomplish the demonstration project, provisions of law and regulations require waiver or modification. Included are those pertaining to establishment of minimum education requirements and to entry-level qualifications for certain occupations. The specific citations are as follows:

(a) 5 U.S.C. 3308 Competitive service; examinations; educational requirements prohibited; exceptions.

5 CFR 300.103 Basic Requirements (a) and (b).

The law and implementing regulations require that employment practices of the Federal Government be based on a job analysis to identify: basic duties and responsibilities, knowledges, skills, and abilities required to perform the duties and responsibilities, and factors important in evaluating candidates.

In order to test the premise that the KSAO's provided in Airway Science curriculum can be substituted for general and specialized experience now required by published qualifications standards in specific occupations, the FAA must require that applicants demonstrate completion of degree requirements or have a background of training and experience substantially equivalent to the curriculum as a prerequisite for consideration under the Airway Science Announcement.

(b) 5 CFR 511.101 (b)(3) Definitions.

5 CFR 511.203 Exercise of Authority.

These sections define qualifications and limit agency authority in determining qualifications to that granted by OPM. The demonstration project is designed to employ Airway Science trained individuals in GS–7 entry level positions in the FAA. Published qualification standards exist for all of these positions. Waiver of these published qualification standards is required to permit entry at the GS–7 level to the extent that the project conflicts with pertinent provisions. These standards are promulgated under the above authorities. The following qualification standards and examining guides would be affected:

[Qualifications established under 5 U.S.C. Chapt. 51]

Air Traffic Control Specialist (GS–2152)
Feb 76 (TS 150)
Dec 80 (TS 183)
and ATCS Examining Guide, Oct 66 (TS 66)

Airway Safety Inspector Series (GS–1825)
January 75 (TS 114)

Computer Specialist Series (GS 334)
March 1981 (TS 186)

Electronics Technician Series (GS–0856)
March 66 (TS 97)
December 75 (TS 156)
and ET Examining Guide, Mar 66 (TS 65)

Handbook x–118, Part II
Section III—Crediting Education

That portion of the qualification standards for each occupation listed above relating to general and specialized experience and substitution of education for experience would be modified so that a candidate for employment with a bachelor's degree conforming to the Airway Science curriculum or one who can demonstrate substantially equivalent KSAO's would meet the general and specialized experience requirement to qualify for the GS–7 level. For the purposes of the demonstration project, those individuals without any related background would rate as not qualified. Existing guides would not be used, but alternative rating guides would be developed.

Positions/Employees Affected

The subjects of the demonstration project are potential employees who can demonstrate possession of the Airway Science KSAO's. Those hired concurrently through existing intake methods and other FAA employees will not be affected.

Upon approval of the demonstration project, the FAA goal is to hire up to 500 airway science trained individuals a year (10–15% of total FAA hires and 20–30% in target occupations) as soon as they are available, primarily into major technical occupations. As more and more individuals obtain Airway Science related qualifications, the number accessible for recruitment will also increase. At this early stage, an estimate of the number of individuals to be hired by occupation may be illustrated as follows:

	1983	1984	1985	1986	1987	1988
Air traffic controller	70	215	365	365	365	365
Electronics technician	25	72	122	122	122	122
Aviation safety inspector	4	10	10	10	10	10
Computer science	1	3	5	5	5	5
Total	100	300	500	500	500	500

Duration

It is proposed that the project begin in the fall of 1983 with the first Airway Science Announcement. The initial recruits would enter the FAA during late 1983 and early 1984. Hiring would continue at intervals over a 5-year period through 1988. Evaluation efforts would begin with tracking of the first Airway Science employees as they enter on duty in 1983. Since the subjects critical to the evaluation would accumulate over the life of the project and full-performance level would not be achieved for several years after entry, the evaluation phase of the demonstration will extend through 1990.

Training

No additional training is expected as an outcome of the demonstration project. Airway Science selectees will adhere to the same FAA training requirements as those established for any new entrant into the particular occupational specialty. Airway Science selectees entering into the air traffic program, as an example, will complete all phases of Academy training before proceeding to field facilities and on-the-job training. Similarly, only the timing of the training, not the specific courses, may differ for those Airway Science candidates hired as aviation safety inspectors. Since these inspectors will lack the specialized experience of usual candidates at the GS 9/11/12 levels, their courses may be administered earlier in their careers, on a group basis (with other Airway Science candidates), and within a tighter time frame.

Anticipated Benefits

The result of the demonstration project is expected to be a cadre of well-qualified individuals well-suited to the occupations necessary to support the National Airspace System of the future. The criticality of these jobs and the capability of the people that fill them to the safety of the aviation public cannot be overstated. Indeed, the beneficiaries of a highly qualified FAA work force are all those whose lives are impacted by air transportation—the public at large.

The demonstration project will also allow the FAA to resolve the question of whether a specific knowledge base or educational/experiential background lends itself to success in certain occupations an ultimately to perceived potential for supervisory positions. It will also provide data on whether extended exposure through a specified academic program, for those who enter with this background, will promote among women and minorities a greater interest in and aptitude for technical professions, such as those which are aviation-related.

Both the Airway Science group and control groups will be the objects of intensive investigations as to ability to accomplish job tasks, job satisfaction, relationships with peers and supervisors, perception of organizational role, etc. Information should also be available on the job needs and demands of employees with substantially different academic backgrounds. It is expected that the data obtained from these research efforts are equally valuable to numerous governmental and private organizations as to the efficacy and essentiality of this preparation to similar occupations.

Cost

The costs of the demonstration project to the Government are detailed below. Certain expenditures are associated with the curriculum itself. The cost of recruitment pertains to the screening, rating, and ranking process. Other resources are required for the travel, computer processes, and survey instruments associated with the evaluation phase.

Curriculum Development and Coordination	$36,000
Recruitment, Hiring, Employment	110,400
Evaluation	106,000
Total [1]	250,400

[1] Compensation for FAA personnel working on the project as a portion of their regular duties is not included.

Evaluation

Introduction

For assistance in the design and conduct of an evaluation of the Airway Science Curriculum Demonstration Project, the FAA will rely heavily on research psychologists at its Civil Aeromedical Institute (CAMI) in Oklahoma City, Oklahoma. The CAMI staff has extensive experience in assessing, most particularly, the effectiveness of technical and managerial training programs and subsequent job performance and have an existing data bank, computer processes, and models which can be readily adapted to the demonstration project. The following sections describe the general form of the project evaluation model and the specific application of the model to the evaluation of the Airway Science Demonstration Project. The OPM will be involved in the planning and conduct of the evaluation as necessary to meet its responsibilities under title 5, United States Code.

The General Model

The following sections describe the project evaluation model. The four components of the model are (1) design evaluation, (2) implementation evaluation, (3) formative evaluation, and (4) summative evaluation. Program design and implementation evaluations, as the terms imply, occur at the beginning of the project. Formative and summative evaluations occur simultaneously and serve to evaluate the process and course of the project as well as its products. Each of these evaluation components uses the techniques of statistical analysis and various reporting systems.

Design Evaluation

The project design evaluation involves ensuring the proper development of several tasks that make up the project implementation plan. The overall objectives of the project will be clearly defined and each expected outcome of the project will be listed. The outcomes will be organized by broad categories and related to the objectives of the project. The Airway Science curriculum will be reviewed so that determination can be made as to whether curriculum content is designed in a manner as to produce the qualified employees envisioned in the design of the project. Careful documentation of every step will be made during this evaluation phase by the evaluation staff with regular reports on the progress of the design.

Implementation Evaluation

The implementation evaluation phase monitors project implementation and ensures and documents that the project is implemented strictly according to the design. Any changes made to the design during implementation will be carefully documented and the design revised. The implementation evaluation stage will ensure that the stated process is operational, intact, and stable. This evaluation will be accomplished by means of frequent status studies during the implementation stage. Data will be collected on each aspect of the process and a determination made about the state of implementation. Direct observations will also be made on a periodic schedule. The status studies will generally be made into a report for project officials with suggestions to improve or expedite implementation. Shortcomings in implementation will be noted in each report. It is at this juncture that it is assured that candidates hired under the Airway Science Announcement meet the selection criteria anticipated in the design of the project. Figure 5 is a flow chart depicting the process of implementation evaluation.

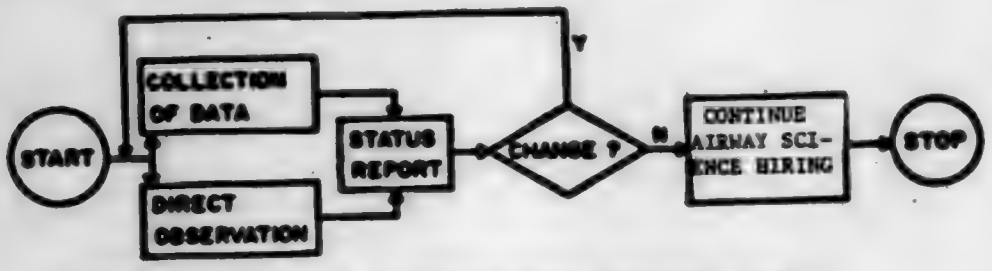

FIGURE 5. FLOW CHART OF IMPLEMENTATION EVALUATION PHASE

Formative Evaluation

When the project is determined to be operational, intact, and sufficiently stable, formative and summative evaluations will begin. The formative evaluation will be an ongoing process to ensure that the project maintains on target. It will consist of a cyclic process of collecting data and statistics related to the project criteria. This monitoring process gauges the operational stability of the project and the quality of Airway Science candidates being employed by the FAA. It is also a method for monitoring compliance with the Uniform Guidelines for Employee Selection.

The data base for formative evaluation will be extensive. It will contain information on each Airway Science employee and each member of the control groups as to OPM minority status code, all pertinent attitude information such as expectation and the set/information given to them prior to coming in to the FAA, individual and composite scores for selection tests, if any, other information used for points in selection, such as education, experience, and veterans' preference, FAA training, and pass/fail information and training scores, if applicable to the occupational group under study. Similarly, item reponses for all tests during any FAA training phases will also be maintained.

Statistics and reports will be summarized for research purposes and for transmittal to FAA project officers. Statistics on all FAA training and job performance measures will include sample sizes, means, standard deviations, intercorrelations, and pass/fail rates. Reliabilities and tests for parallelism will be calculated for all tests and performance ratings. These statistics will be maintained on record in both computer backup files and hard copy. Administrative formative evaluation reports will include sample sizes, means and intercorrelation on all relevant measures; and pass/fail rates and performance ratings will be stratified by minority status, sex, any prior experience, predevelopmental/noncompetitive entry, veterans' preference, educational level, option, and region. These reports will be prepared semiannually.

When, based on the formative summary data, there appears to be a problem in how the project is running, the evaluators will have the responsibility to alert the appropriate FAA project officials and prepare a concise report identifying the problem areas. Isolating the exact area of concern may require some special statistical analyses. The attitude information, where appropriate, will be employed as a covariate in the analyses. If it becomes apparent that, in any stage of employment prior to journeyman/full performance level, Airway Science employees are not meeting performance expectations, the report will recommend review of the project design phase for possible curriculum or selection adjustment.

Summative Evaluation

The summative evaluation will consist of a continual assessment of the quality of the products of the project. While formative evaluation is summarized semiannually and serves as an immediate feedback loop for ongoing project revisions, if needed, summative evaluation will occur on a larger scale across a longer time span (e.g., on a yearly basis). Formative evaluation will be concerned with internal project accuracy and stability and project reliability. Summative evaluation, however, will be a check on the quality of the output from the stabilized project by comparison of the job performance of Airway Science employees and that of control group members hired into the same occupations through existing intake methods.

The summative data base will consist of several components. It will contain a comprehensive tracking of the career progression of every Airway Science and control group entrant into the FAA. It will contain data for every individual on types of facilities/offices where the person has been employed, measures of job performance at each of these sites (criterion measures), types of attrition and why, whether a person changed job classification and why, and attitude and demographic information.

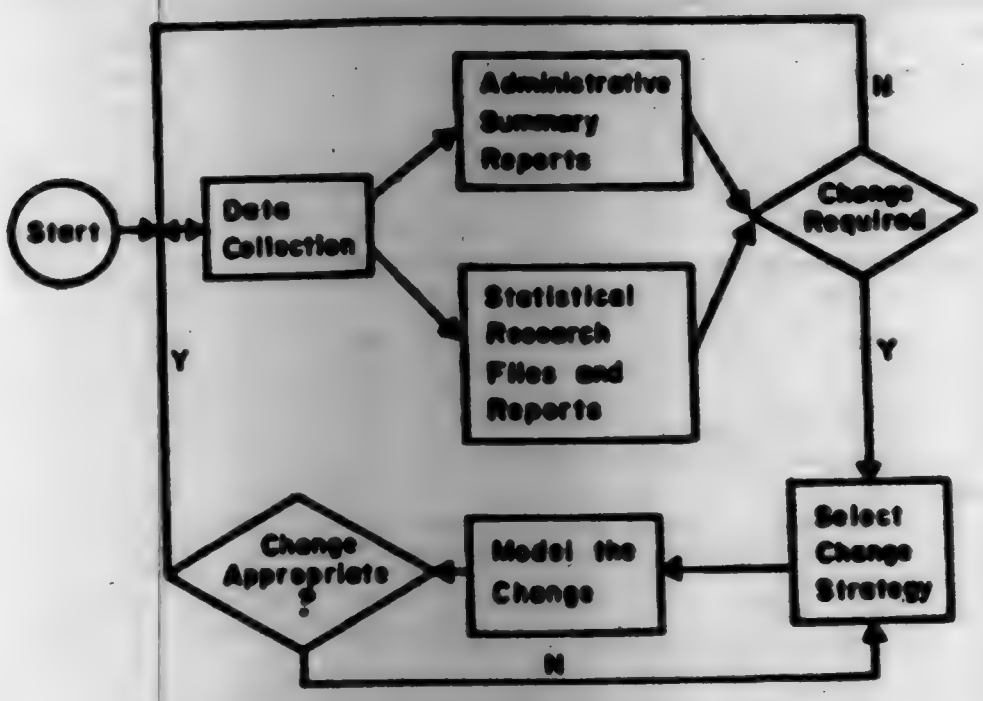

FIGURE 6 FLOW CHART OF THE GENERAL PROCESS FOR BOTH FORMATIVE AND SUMMATIVE EVALUATION

Statistics and reports will be summarized from the summative data base on a regular schedule for research and as information for decisionmaking. Statistics will include sample sizes, means, standard deviations, intercorrelations, attrition rate and analyses of variances (ANOVA) comparing the Airway Science employees with control groups. Administrative summative reports will include sample size, means, intercorrelations, and results of the ANOVA; and attrition data will be stratified by minority status, sex, prior experience, veterans' preference, training, educational level, reasons for attrition, and region.

If the summative data base demonstrates a problem in the project, a need for a major project revision may be indicated. The data will be reviewed very carefully, employing statistical analyses to isolate the source of the problem. As in the formative evaluation, the FAA management will be alerted to the problem but, in addition, in the case of summative data, OPM officials will be notified. Major project revisions require careful planning and more detailed attention than revisions based on formative data. Figure 6 flow charts the general procass for both formative and summative evaluation.

Design evaluation	Implementation evaluation	Formulative evaluation	Summative evaluation
Objective: To state goals; develop, define, document project objectives.	To ensure that the design was fully and correctly implemented and is intact and stable.	To ensure that the project stays on target and to add and evaluate refinements (changes to the project in a systematic manner. More concerned with project reliability.	To measure the quality of the final project product. What is the project payoff? More concerned with project validity.
Method: Careful documentation and description of major systems and subsystems of the project; use of flowcharts, PERT, tables, graphs, and general systems analysis technology.	Frequent status studies with data indicating the extent of implementation for each area of the process. Regular status reports are issued.	Maintenance of an ongoing data base that measures project stability and collection of data that would be sensitive to any change introduced. Regular reports to management.	Collection and analysis of data on career progress of Airway Science employees. Periodic reports on the data analysis.
Relation to decisionmaking: Determining the best plan of action to accomplish the project objectives.	Status reports offer suggestions for improvement and indicate where implementation is falling short.	Offers information on project stability through regular reports and information on the effects of any program change. Also offers information on EEO impact.	Offers information on the quality of the project product that is especially useful for long-term planning and needed change.

Figure 7. Summary of the Four Components of the Project Evaluation Model.

Application of the Model for Assessment of Products of the Airway Science Demonstration Project

The following design will be employed to determine project effects for the air traffic control specialists, electronics techniciana, and aviation safety inspectors (computer science personnel are discussed later).

Applicants and selectees from the Airway Science program will be compared with a concurrent control group selected via the usual process. A series of ANOVAs will be performed on the (1) initial selection battery scores, (2) FAA training scores, (3) on-the-job performance measures, and (4) a job attitude measure, stratified by race, sex, and experimental and control group.

The ANOVA Design is illustrated in Figure 8.

	Experimental		Control	
	Men	Women	Men	Women
Minority				
Non-Minority				

Figure 8. ANOVA Design for determining project effects by occupational group.

Comparisons on the frequencies within various demographic categories for the experimental and control groups, as well as between all persons who are Airway Science curriculum majors versus those Airway Science majors who apply for FAA positions, will be tested via Chi-Squares statistical tests. Further demographic comparisons will not be made because of the lack of available data.

Measures Employed

Measures used for initial selection, training scores, and on-the-job performance measures are described in detail in the previously cited studies. However, a brief generic description of each will be offered here for the FAA training scores, on-the-job performance measures, and the attitude survey.

The FAA conducts training for selectees in each of the three job categories, spanning approximately 4 to 5 years to the journeyman level. The training phases cover (1) academic material with multiple choice tests for proficiency and (2) simulated and on-the-job performance of the job tasks with standardized performance assessment. Academic and performance data are maintained and will be used in the analyses on a structured interval basis.

Once journeyman level is achieved, periodic (annual) performance assessment is made comparing each person to others at that level of experience on several critical performance elements. Current performance criteria have already been developed and applied in the air traffic occupation. Similar criteria will be developed for electronics technicians and aviation safety inspectors employing an abbreviated form of the critical incident method. Data from the performance assessments are also maintained and will be employed in the analyses. The employee attitude survey (to be administered annually with the performance appraisal) is a combination of the items contained in the OPM's Federal Employee Attitude Survey and several items specific to the FAA organization.

Airway Science candidates hired by the FAA into computer science positions will likely constitute a very small sample size (perhaps 5 or less annually). Such small samples preclude proper statistical comparisons with a control group. While the same data maintained for the three previously described groups will also be maintained for these personnel, a different strategy will be employed to determine project effects. On an annual basis, concurrent with their performance appraisal, an in-depth case study will be performed via a structured interview with the employee and the employee's supervisor. The elements of the interview will cover in-depth the same factors involved in the attitude survey and an in-depth comparison by the supervisor between the employee and other non-Airway Science trained employees at that level on the critical job elements. Data from these interviews will be utilized in a more clinical fashion to determine project effects.

Final Report

The entire findings of the project evaluation will be summarized in a final report written in American Psychological Association scientific report form.

Appendix—Airway Science Curriculum

Generic Curriculum Outline

Subject Areas

General Studies

To include written and oral communication, social and behavioral sciences, humanities and the arts.

Mathematics

Basic math courses to serve as foundations for computer science, science, and areas of concentration.

Science and Technology

To include physics, geography, chemistry and appropriate technology, and/or engineering courses.

Computer Science

To include basic applied computer science courses.

Management

To include general management courses.

Aviation

To include aviation safety, law, navigation, communication, flight, meteorology, history, and operations.

Areas of Concentration:
(1) Airway Science Management
(2) Airway Computer Science
(3) Aircraft Systems Management
(4) Airway Electronic Systems
(5) Aviation Maintenance Management

Subject Area Parameters

General Studies (27 Semester Hours)

Purpose: To provide the opportunity for the extension of basic learning and communication skills, development of intellectual curiosity, and assessment of a social and historical perspective necessary for a broadly based, "well-rounded" individual.

Course Content: Courses will be designed to teach the skills that have been called "the foundations" of education. Critical thinking, cognitive and analytical skills, artistic skills, and communication skills are typical areas to be offered to satisfy this section of the curriculum.

Sample Courses: Composition, Speech, Economics, Languages, Logic, Government, and Technical Writing.

Mathematics (25 Semester Hours Math, Science, and Technology Combined)

Purpose: To offer a mathematical background specifically directed toward managerial personnel functioning in a high technology environment, including the preparation necessary for an Area of Concentration in Airway Computer Science and in Airway Electronic Systems.

Course Content: Specific topics should include college level algebra, analytical geometry, trigonometric functions, exponential and logarithmic functions, vectors and vector notation, matrix theory and applications, functional notation, basic integration and differentiation, linear equations and inequalities, elementary probability and descriptive statistics, and linear programming.

Sample Courses: Algebra, Calculus, Geometry, Trigonometry, Analytic Geometry, Statistics, and Math Methods.

Science and Technology (See Above)

Purpose: To expose the student to those scientific disciplines which foster and develop logical and in-depth thought processes particularly pertinent for managers in such a fast developing and electronically evolving working environment.

Course Content: Specific topics should include areas in the physical sciences as well as general technology that would have application to the aviation industry.

Sample Courses: Physics, Chemistry, Physical Science, Geography, Meterology, Introduction to Engineering, and Technology and Society.

Computer Science (9 Semester Hours)

Purpose: To provide the fundamental foundations required for a manager to understand, appreciate, and effectively work with high technology personnel in a complex and dynamic computer oriented industry.

Course Content: Specific topics should include data processing, computer languages (their use and applications), data base management, micro and mini computers, computer security, office automation, societal impacts, graphic usage, and simulation.

Sample Courses: Information Systems, Introduction to Computers, Micro Computers, Systems Analysis, Data Processing, Computer Science, Computer Programming, Computer and Society, and Computer Architecture.

Management (9 Semester Hours)

Purpose: To provide an educational background in management related areas expressly directed toward understanding and interacting with the human and interpersonal relationships necessarily developed in such a diverse field as aviation.

Course Content: The student will be required to have a general understanding of basic management concerns including those topics dealing with organization, motivation, and interpersonal relations. Curriculum is to include basic supervision concepts.

Sample Courses: Business Communications, Personnel Management, Principles of Management, Techniques of Supervision, Organizational Behavior, and Administrative Problems.

Aviation (15 Semester Hours)

Purpose: This section of the curriculum will provide the student with a broad knowledge of aviation operations, the aviation industry, the problems of flight and aircraft systems, and the need to integrate these facets into a comprehensive understanding of the aviation community as a whole.

Course Content: Courses in this area are designed to create an awareness of the operational environment of flight and aircraft systems, as well as the problems of aviation as a dynamic and growth oriented industry.

Sample Courses: Aviation History, Navigation and Communication, Introduction to Aeronautics, Aviation Meteorology, Aviation Safety, and Aerospace Legislation.

Areas of Concentration

I. Airway Science Management

Coursework in this area will prepare students specifically for a variety of administrative and management positions in the aviation community. It will be oriented to the technology of aviation through the core requirements of the curriculum.

Numerous career options exist both in industry and the Government in management areas related to aviation activities to include such positions as airport manager, general aviation operation manager, air carrier management and air traffic control.

II. Airway Computer Science

This program will consist of a series of computer science courses that will perpare the individual to function in diverse areas of computer operation, design, maintenance, troubleshooting, and programming within the field of aviation.

Career options will continue to expand as flight, navigation, communication, and information processing systems increasingly become computerized and automated. It is assumed that these graduates will be capable of assuming management and supervisory positions in time.

III. Aircraft Systems Management

This area of concentration focuses on aircraft flight operations and has as its major goal the preparation of persons with qualifications as professional pilots but who have a science/technology orientation.

The Program would include courses leading to at least commercial certification and instrument and multiengine ratings. In addition, students would take advanced work in Aerodynamics, Propulsion Systems, Aircraft Structures and Systems, and Aircraft Performance. The graduates will hold a current flight instructor certificate with both airplane and instrument ratings.

Graduates can expect to enter fields with the Government as aviation safety officers or Operations Pilots or in industry as professional pilots and/or flight operations managers.

IV. Airway Electronic Systems

This area of concentration will include a comprehensive study of the theories of electronics as well as practical experiences which would prepare the graduate to assume duties for a career in Government and general aviation electronics. They will be qualified to work not only in maintenance and troubleshooting, but also in supervision, management, testing, and developmental work.

V. Aviation Maintenance Management

The area of concentration will include an in-depth coverage of the theoretical and practical aspects of airframe and powerplant maintenance. In addition to possessing the bachelor's degree, the graduates will hold a mechanics certificate with A and P ratings. They will be qualified to work not only in maintenance and troubleshooting, but also in supervision and management.

GUIDELINES FOR A CURRICULUM IN AIRWAY SCIENCE

[Sample Curriculum]

Subject areas		
General Studies:		
English Composition	(3)	
Technical Writing	(3)	
Economics	(6)	
Government	(3)	
Psychology	(3)	
Humanities	(3)	
History	(3)	
Speech	(3)	
		27
Math/Science/Technology:		
Algebra/Trigonometry	(3)	
Calculus	(3)	
Physics	(8)	
Geography	(4)	
Statistics	(3)	
Chemistry	(4)	
		25
Computer Science:		
Introduction to the computer	(3)	
Computer Programming I	(3)	
Microcomputers	(3)	
		9
Management:		
Principles of Management	(3)	
Organizational Behavior	(3)	
Techniques of Supervision	(3)	
		9
Aviation:		
Introduction to Aeronautics	(3)	
Aviation Legislation	(3)	
Flight Safety	(3)	
Air Traffic Control	(3)	
The National Airspace System	(3)	
		15
Areas of Concentration:		
Students will choose one area (see following table for Areas of Concentration sample curriculums)	(40)	40
Total		125

UNIVERSITY AVIATION ASSOCIATION AIRWAY SCIENCE CURRICULUM TASK FORCE

[Areas of Concentration/Sample Curriculums]

I. Airway Science Management:		
Introduction to Sociology	(3)	
Theories of Personality		
Psychology of Communication	(3)	
Intro to Interpersonal Communication	(3)	
Communication Theory and Models	(3)	
Introduction to Administrative Problems	(3)	
Air Transportation	(3)	
Airport Management	(3)	
Theories of Personnel Management	(3)	
Concepts of Air Transport Utilization	(3)	
Labor/Management Relations	(3)	
Operations Management	(3)	
Management Decisionmaking	(3)	
Approved Electives	(9)	
		40
II. Airway Computer Science:	(3)	
Computer Programming II		
Advanced Computer Programming	(3)	
Computer Operating Systems	(3)	
Assembler Language Programming	(3)	
Data Structures	(3)	
Computer Methods and Applications I	(3)	
Computer Methods and Applications II	(3)	
Introduction to Microcomputers	(3)	
Introduction to Office Automation	(3)	
Theory of Programming Languages and Complex Construction	(3)	
Mathematical Modeling and Computer Simulation	(4)	
Computer Architecture	(3)	
Approved Electives	(3)	
		40
III. Aircraft Systems Management:		
Private Pilot Certification	(6)	
Commercial Pilot Certification	(5)	
Instrument Rating	(5)	
Multiengine Rating	(1)	
Advanced Aerodynamics and Aircraft Performance	(3)	
Advanced Aircraft Systems	(3)	
Meteorology	(3)	
Weather Reporting and Analysis	(3)	
Aviation Management	(3)	
Air Transportation	(3)	
Approved Electives	(6)	
		40

These graduates must hold a Flight Instructor Certificate with Airplane and Instrument ratings.

IV. Airway Electronics Systems:		
Theory of Electronics	(3)	
Calculus II	(3)	
Math Analysis	(3)	
Microprocessor Theory and Application	(3)	
Advanced Computer Programming	(3)	
Solid State Devices	(3)	
Integrated Circuits	(3)	
Engineering Drawing	(2)	
Electrical Circuits	(3)	
Digital Logic Application	(3)	
Advanced Logic Analysis	(3)	
Reliability and Maintainability Theory and Systems Engineering	(3)	
Electrical and Power Principles	(2)	
Approved Electives	(3)	
		40
V. Aviation Maintenance Management:		
Engineering Drawing	(2)	
Aircraft Materials	(2)	
Propulsion	(6)	
Propulsion Laboratory	(6)	
Structures	(6)	
Structures Laboratory	(6)	
Aircraft Systems	(3)	
Avionics Systems	(3)	
Reliability and Maintainability Theory and Systems Engineering	(3)	
Approved Electives	(3)	
		40

These graduates must hold the Airframe and Powerplant Technicians Ratings (Mechanics).

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BILLING CODE 6525-01-M

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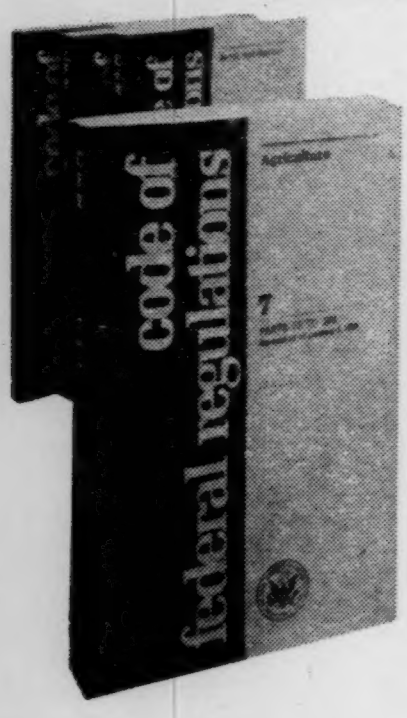

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